

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-02/04-01/05
Date: 4 February 2015

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

SITUATION IN UGANDA

**IN THE CASE OF
*THE PROSECUTOR v. JOSEPH KONY,
VINCENT OTTI, OKOT ODHIAMBO, DOMINIC ONGWEN***

**Public
With Confidential Annex A**

Prosecution's submission of a security assessment of the situation in Uganda

Source: The Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

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Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Section

Detention Section

Victims Participation and Reparations Section

Other

I. Introduction

1. The Office of the Prosecutor ("Prosecution") submits a security assessment of the situation in Uganda, pursuant to an informal request¹ made by Pre-Trial Chamber II ("Chamber").

II. Request for confidentiality

2. Pursuant to regulation 23*bis* of the Regulations of the Court, the Prosecution requests that this Application and its annex be received by the Single Judge as "confidential". The security assessment, attached as Annex A, is the result of internal Prosecution work processes, which would not normally be made available to those outside the Prosecution. It would be protected from disclosure to the Defence as internal work product under rule 81(1) and (2) of the Rules of Procedure and Evidence. In seeking to assist the Chamber the Prosecution is happy to take the unusual course of sharing the security assessment with the Chamber and, so as to avoid any concern involving the principle of *audi alteram partem*, with the Defence. Public distribution of such material would be contrary to the interests of justice, since it would inhibit the frank expression of views necessary to the proper drafting of such an assessment.

III. Observations

3. The Prosecution makes the following observations.
4. The primary purpose for which the security assessment was compiled was to enable the Prosecution to make assessments of the likely danger, if any, to its own staff should they travel to Uganda. The Prosecution respectfully suggests to the Chamber that a more comprehensive assessment of the

¹ Telephone conversation between the Prosecution and the Chamber on 30 January 2015.

situation in Uganda might be obtained from the Safety and Security Section of the Registry.

5. Nothing in the security assessment should be taken as being an assessment of the present and future security of Prosecution witnesses or other persons whose identities may become known to the Chamber and the parties in the course of this litigation. The Prosecution is in the course of conducting such an assessment. It will not be completed until April 2015. Until that assessment has been completed the Prosecution submits that it is imperative that the identity of all such witnesses and other persons remains secret.
6. The Prosecution has removed from the security assessment the names of those who compiled it, since the allocation of work within the Prosecution is sensitive.

IV. Conclusion

7. In light of the foregoing, the Prosecution submits the security assessment of the situation in Uganda in the form of the accompanying Annex A.



Fatou Bensouda,
Prosecutor

Dated this 4th day of February 2015
At The Hague, The Netherlands