

Previous developments summarized by the CICC on the Ugandan situation: May 2005 - May 2006 (most recent additions)**

Last Update: 20 July 2007

6 May 2005, the Prosecutor applied for arrest warrants to be issued by PTC II under Article 58 of the Rome Statute. The Prosecutor also requested permission to submit the warrants and the requests for arrest to the relevant States. The Prosecutor requested that his application and the proceedings related thereto be treated as under seal and be kept under seal. (This application is referred to in various decisions, but the content of it is not available to the public).

13 May 2005, the Prosecutor amended and supplemented his application for arrest warrants (This is referred to in the 8 July decision, but the documents are not available to the public).

18 May 2005, the Prosecutor amended and supplemented his application for arrest warrants (This is referred to in the 8 July decision, but the documents are not available to the public).

19 May 2005, PTC II decided to extend the page limit for the Prosecutor's request for arrest warrants. See the ICC's website:

http://www.icc-cpi.int/library/cases/ICC-02-04-7-US-Exp_English.pdf

9 June, PTC decided to hold a hearing on 16 June regarding the Prosecutor's request for the transmission of arrest warrants and of requests for cooperation. (This Decision was sealed until unsealed by the Decision of 2 November) See the ICC's website: http://www.icccpi.int/library/cases/ICC-02-04-10-US-Exp_English.pdf

13 June 2005, the Prosecutor applied to disclose to Internal Auditor certain information relating to the Amended Application for arrest warrants for the purpose of enabling the Internal Auditor to investigate if any Court staff had disclosed the arrest warrant request to Le Monde.. (This Application is referred to in, among other, the 9 March 2006 Decision, but its content is not available to the public).

16 June, closed and ex parte hearing during which reasons and concerns were submitted by the Prosecutor in support of his request to transfer the warrants to the relevant states. The Prosecutor also stated at this hearing that it was not his intention at that stage to make the arrests warrant public or to seek their immediate transmission. The Prosecutor also requested protective measures and stated that the implementation of the overall plan for the security of witnesses and victims in the field is was not yet complete. (This hearing is referred to in the 8 July decision, but the hearing was closed and not reported on publicly).

17 June 2005, Prosecutor submits information about the authorities to which the request for arrest should be submitted (This submission is referred to in the 8 July decision, but its content is not available to the public).

On 17 June 2005, PTC II rejected the Prosecutor's request to disclose certain information regarding the Prosecutor's application (for arrest warrants) of 6 May to the Court's Internal Auditor

http://www.icc-cpi.int/library/cases/ICC-02-04-12_English.pdf

17 June 2005, PTC II decided to hold a closed hearing, with the Prosecution only, on the protection of victims and witnesses in connection with the Prosecutor's application dated 13 June.

http://www.icc-cpi.int/library/cases/ICC-02-04-13_English.pdf

21 June, closed and ex parte hearing where protective measures were discussed. (This hearing is referred to in the 8 July decision, but the hearing was closed and not reported publicly).

On 27 June 2005, the Registrar registered in the record materials (ICTY jurisprudence regarding confirmation of indictment) presented during the 16 June hearing.
http://www.icc-cpi.int/library/cases/ICC-02-04-15_English.pdf

8 July, PTC II decides to issue five sealed arrest warrants as it was convinced, based on information submitted by the Prosecutor, that there were reasonable grounds to believe that the five persons had committed crimes under the jurisdiction of the Court as stated in the Rome Statute and that their arrests appeared to be necessary. The PTC rejected the Prosecutor's request to allow the OTP to transmit the requests to the relevant states and authorized the Registrar to transmit the request, receive subsequent responses and documents and inform the Chambers of any such responses. At this stage, PTC II authorized disclosure to the Registrar of the Prosecutor's application for arrest warrants and the arrest warrants. PTC II also noted that the overall plan for ensuring the security of witnesses and victims in the field was not yet completed and that there is a need for the Chamber to be informed about security measures in the field in order to exercise its responsibilities in relation to protection of victims and witnesses. See the ICC's website:

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-1-US-Exp_English.pdf

In each of the five arrest warrants issued by the PTC on 8 July (initially sealed, but since 13 October, 2005, available to the public in redacted version), PTC II orders that the sealed arrest warrants remain in effect until further orders are given by PTC II; and authorizes that the warrants be made available and disclosed only to the persons designated by the State and only for the purposes of the execution of the warrant.

Please visit the ICC's website for further details:

J. Kony: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-53_English.pdf

V. Otti: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-54_English.pdf

R. Lukwiya

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-55_English.pdf

O. Odhiambo:

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-56_English.pdf

D. Ongwen:

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-57_English.pdf

8 July 2005, PTC issued requests for arrest and surrender of the five LRA leaders addressed to Uganda [the request for J. Koni was subsequently amended on 27 September]. (This existence of these requests was unsealed by the Decision of 2 November, but the documents are not available to the public).

14 July, Prosecutor submits a motion for clarification regarding issues of the Decision of 8 July

relating to security and the role of the Registry. (This motion is referred to in the 18 July decision, but is not available to the public).

18 July, PTC II issued a decision, which remained sealed until 20 October 2005, in response to the Prosecutor's motion of 14 July. In its decision, the PTC II rejected the Prosecutor's motion for clarification but confirmed some of the issues formerly determined in its 8 July Decision. Regarding the variation of the time limit for leave to appeal, established under Rule 155, PTC II rejected this request on the basis that the possibility of time-limit variations did not apply to this particular time-limit, as it was fixed by the Rules of Procedure and Evidence. See the ICC's website:

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-18-US-Exp_English.pdf

18 July, The Prosecutor filed an application to the Chamber for permission to submit an interlocutory appeal of the part of the decision of 8 July that denied the Prosecutor's request to be the organ that transmits the arrest request to the relevant states. The Prosecutor based this request on Article 82, para. 1(d) providing that a party may ask for an immediate resolution by the Appeals Chamber where a Decision 'involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial' and where such intervention by the Appeals Chamber 'may materially advance the proceedings'.

19 August 2005, PTC II decides not to allow the Prosecutor to appeal the decision of 8 July which established that the Registry is the organ that should transmit the Requests for Arrest to the relevant states. See the ICC's website:

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-20-US-Exp_English.pdf

****Application for unsealing of warrants of arrest issued on 8 July 2005, and other related relief**

On 9 September 2005, the Prosecution requested PTC II to unseal the arrest warrants in a redacted and amended form on September 28 2005, followed by the transmission of the sealed request of arrest and surrender to the Ugandan government. Furthermore, the Prosecution requested a hearing on victims and witnesses protection measures by the Prosecution and the Victims and Witnesses Unit (VWU). As a consequence to the unsealing, the Prosecution also requested that other documents and transcripts remained sealed as a protective measure for victims and witnesses.

(This application was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-136_English.pdf

On 21 September, the PTC II issued the "Order for the provision of additional information relating to the Prosecutor's application for unsealing warrants of arrest issued on 8 July 2005, and other related relief". (This Order were referred to in the Decision of 25 November, but the document is not available to the public).

****Order for the Provision of additional information relating to the Prosecutor's application for unsealing of warrants of arrest issued on 8 July 2005 and other related relief**

On 21 September 2005, PTC II requested the Prosecution and the VWU to provide additional information in relation to the Prosecution's request of 9 September 2005 to unseal the arrest

warrants. Specifically, the Prosecution and VWU were requested to submit a report on the current status of victims and witnesses protection measures. The Prosecution was also requested to provide additional information and answers to questions relating to the urgency, implications and the nature of the warrants' unsealing. Finally, the VWU was requested to answer questions concerning the impact of the unsealing of the warrants and other documents.

(This application was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-137_English.pdf

****Provision of additional information relating to the Prosecutor's application for unsealing of warrants of arrest issued on 8 July 2005 and other related relief**

On 22 September 2005, in response to PTC II request of 21 September 2005, the Prosecution stated that measures for overall victims and witnesses protection were expected to be implemented by 28 September 2005. To the specific questions of the PTC II, the Prosecution responded that the security situation had since improved, thus allowing for the warrants' unsealing; that the unsealing would garner attention, and therefore securing arrests would be more effective. The Prosecution also stated that if the warrants were not unsealed by 28 September 2005, planned measures would be disrupted; and the unique opportunity to arrest the LRA due to their presence in the DRC, might be lost.

(This Order were referred to in the Decision of 25 November and sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-138_English.pdf

****Registrar's response to the Order for the Provision of additional information relating to the Prosecutor's application for unsealing of warrants of arrest issued on 8 July 2005 and other related relief**

On 22 September 2005, in response to PTC II request of 21 September 2005, the VWU stated that unsealing the arrest warrants would have no significant impact on the overall plan for protective measures for victims and witnesses; that accurate evaluation of the impact on the population at risk from LRA attacks was impossible due to the absence of insight into the LRA; and that the ability of the VWU to take protective measures for the purpose of forfeiture, in particular for the ultimate benefit of victims, fell outside the scope of its mandate.

(This submission was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-139_English.pdf

On 26 September, The Prosecutor applied for authorization to disclose information relating to the warrants of arrest and requested the Registry to transmit requests for arrest and surrender. The Prosecutor also requested the modification of the date of unsealing. The PTC I decided to hold a closed status conference on the status of protective measures for victims and witnesses. (These requests and application were referred to in the Decision of 2 November, but the documents are not available to the public).

27 September, PTC II decided on the Prosecutor's urgent application of 26 September and authorized the Prosecutor to notify the appropriate authorities, for purposes of execution of arrest warrants, of the existence of (and names in) the arrest warrants. PTC II denied the Prosecutor's request to redact the arrest warrants. PTC II issued requests for arrest and surrender to be submitted to the DRC and Sudan by the Registrar and decided to hold a status conference on 3 October with the OTP and the VWU to discuss protective measures for

victims and witnesses, transmission of requests for arrest and surrender and to seek additional information and clarification about the Prosecutor's application for unsealing and redacting. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-27_English.pdf

27 September 2005, an amended version of the arrest warrant for Joseph Kony was issued by PTC

II. Requests to Uganda, DRC and Sudan for the arrest and surrender of the five senior LRA leaders were issued by PTC II. (These requests were referred to in the Decision of 2 November, but the documents are not available to the public).

30 September 2005, PTC ordered the Registrar to attend the status conference scheduled for 3 October 2005 as his presence would "be necessary for the Chamber to be properly informed on matters relating to the transmission of the Requests for arrest and surrender" as the "Registrar is the organ of the Court to transmit the Requests for arrest and surrender and the Warrants". (This Order was sealed until unsealed by the Decision of 2 November.) See the ICC's website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-40-US-Exp_English.pdf

3 and 6 October 2005, status conferences were held at which the Prosecutor requested that the warrants be unsealed as a matter of priority. The Prosecutor presented additional information on measures implemented regarding protection of victims and witnesses and assured that in light of these measures, the unsealing of the warrants would not affect their security. PTC II noted the VWU's assessments that the unsealing would have no significant impact on the overall plan for protective measures. On 3 October, the Prosecutor stated that the OTP was not planning to continue investigating past crimes (but that it intends to investigate future crimes of the LRA, including allegations of harbouring and supporting the LRA) and that the investigations and assessments of allegations made against the government forces are ongoing. (These status conferences are referred to in the 13 October and 2 December decision, but were closed and not reported publicly).

4 October 2005, PTC II issued notification of additional matter relating to witness security. (This notification is referred to in the 9 March 2006 Decision, but its content is not available to the public).

4 October 2005, PTC III issues notification of errata in the OTP filing of 4 October. (This notification is referred to in the 9 March 2006 Decision, but its content is not available to the public).

On 5 October 2005, information was submitted by the Prosecutor, informing the Chamber that the OTP had been informed that Dominic Ongwen had been killed in combat.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-43_English.pdf

****Decision to convene a Status Conference**

On 5 October 2005, PTC II convened a status conference to be held on 6 October 2005 with the Prosecution and the VWU to provide information and clarification on the status of the reassessment of the security measures implemented and the general security situation in Uganda. (This decision was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-140_English.pdf

7 October 2005, a memorandum of service regarding transmission to the DRC of the request for arrest and surrender was registered in the record in accordance with the Decision on the Prosecutor's application of 26 September 2005. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-47_French.pdf

7 October 2005, a memorandum of service regarding transmission to Uganda of the request for arrest and surrender was registered in the record in accordance with the Decision on the Prosecutor's application of 26 September 2005. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-48_English.pdf

7 October 2005, a memorandum of service regarding transmission to the Sudan of the request for arrest and surrender was registered in the record in accordance with the Decision on the Prosecutor's application of 26 September 2005.
http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-49_English.pdf

****Sealed supplement to Prosecutor's position on the decision of Pre-Trial Chamber II to redact factual descriptions of crimes from warrants of arrest, motion for reconsideration and motion for clarification**

On 18 October 2005, the Prosecution filed a sealed supplement to its simultaneous public application. The Prosecution requested PTC I to reconsider its determination to redact from the warrants of arrest the dates, locations, and characteristics of the attacks ordered by the persons against whom the warrants were issued. The Prosecution submitted that there is no information to support the Chamber's factual determination that the redactions were a necessity to ensure safety and protection of victims and witnesses. Finally, the Prosecution requested PTC II clarification on whether the OTP may publicize that the Court has transmitted the warrants of arrest to the Governments of Uganda, Sudan and the DRC.

(This submission was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-141_English.pdf

11 October 2005, the Prosecutor submitted a BBC news article as referred to during the 6 October hearing. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-51_English.pdf

13 October 2005, the "Initial Unsealing Decision", PTC II decides to allow the unsealing of the arrest warrants and other relevant documents (with redactions), upon the request of the Prosecutor (PTC II reserved its decision regarding unsealing of certain other documents). PTC II notes that the OTP and the Victims and Witnesses Unit had nearly completed the implementation of the overall plan for the security of witnesses and victims in the field and that the Prosecutor was of the opinion that the unsealing of the warrants would support arrest efforts and thereby lead to improved protection for victims and witnesses. PTC II recalled the Prosecutor's obligation to establish the truth and to investigate incriminating and exonerating circumstances equally.

See the ICC's website:

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-52_English.pdf

On 14 October, the ICC issued a Press Release entitled "Warrant of Arrest unsealed against five LRA Commanders". The Press Release announced that on 13 October 2005, the ICC "Pre-Trial Chamber II unsealed the warrants of arrest for five senior leaders of the Lord's Resistance Army

(LRA) for Crimes Against Humanity and War Crimes committed in Uganda since July 2002". (ICC Press Release of 14 October, on the Court's website at <http://www.icccpi.int/press/pressreleases/114.html> together with a document on the facts and procedures regarding the Uganda situation http://www.icc-cpi.int/library/cases/ICC_20051410-056-1_English.pdf.)

The five senior leaders of the LRA named in the arrest warrants are: Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen (reportedly killed on 2 October 2005), and Raska Lukwiya. A total of 33 criminal counts are listed against Joseph Kony. These include 12 counts of crimes against humanity, including murder, enslavement, sexual enslavement, and inhumane acts of inflicting serious bodily injury and suffering; and 21 counts of war crimes including murder, cruel treatment of civilians, intentionally directing an attack against a civilian population, pillaging, inducing rape, rape and forced enlistment of children. Vincent Otti is accused of 11 counts of crimes against humanity and 21 counts of war crimes; Okot Odhiambo of 2 counts of crimes against humanity and 8 counts of war crimes; Dominic Ongwen of 3 counts of crimes against humanity and 4 counts of war crimes; and Raska Lukwiya of 1 count of crimes against humanity and 3 counts of war crimes.

On 14 October 2005, the Chief Prosecutor Luis Moreno-Ocampo held a press conference at the ICC headquarters, in which he informed the media about the reasoning behind his application for arrest warrants, the investigations and the Crimes. (See Prosecutor's statement and presentation on ICC website:

http://www.icc-cpi.int/library/organs/otp/Uganda-LMO_Speech_14102005.pdf and <http://www.icc-cpi.int/library/organs/otp/Uganda-PPpresentation.pdf>)

18 October 2005, the Court made public the 'Prosecutor's Position on the Decision of PTC II to Redact Factual Descriptions of Crimes from the Warrants of Arrest, Motion for Reconsideration, and Motion for Clarification'. In this submission, the Prosecutor states that neither the OTP, nor the VWU, had requested these redactions (dates, places and characteristics of the attacks) and that the OTP should have been heard on the issue of redactions. It also states that if the OTP had been heard, it could have put forward facts known to it and the VWU that would have had an impact on the decision of PTC II to redact the documents. Here, the Prosecutor requested that PTC II reconsider this decision. The Prosecutor also requested some clarification on whether information identified in a supplemental submission (not made available to the public) should remain sealed, considering that the inability to disclose the information has impeded cooperation efforts. See the ICC's website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-58_English.pdf

On 18 October 2005, PTC II registered a sealed supplement to the above mentioned Prosecutor's position of 18 October 2005. (This supplement is referred to in the 9 March 2006 Decision, but its content is not available to the public).

On 24 October, the Prosecutor informed Legal Advisors of Ministries of Foreign Affairs that the investigation in the situation in Uganda is nearing completion and that "the interpretation of Article 53... involves the OTP and ultimately the judges". See website of the ICC: http://www.icc-cpi.int/library/cases/ICC-02-04-01-0567_English.pdf

On 28 October, PTC II informed that it would not consider the Prosecutor's submissions of 18 October. PTC II held that the 'position' or 'motion for reconsideration' did not fall within

existing ICC procedures for review and appeal of decisions and that the Prosecutor's reference to procedures of the ICTY and ICTR was not sufficient basis for the judges to entertain the issues raised by the Prosecutor on 18 October. PTC II also stated that the ICC procedures do not provide for a 'motion for clarification', but informed that it would keep this submission in mind when making future decision regarding any unsealing of documents. See website of the ICC:

<http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-60.pdf>

On 28 October 2005, PTC II registered material presented during the 6 October 2006 status conference.

On 2 November, the "Second Unsealing Decision", Pre-Trial Chamber II (PTC II) decided to unseal and make public two documents relevant to the arrest warrants unsealed on 13 October for the Uganda situation: 1) the Decision of 9 June regarding cooperation request to the authorities of Sudan, DRC and Uganda; and 2) the Order of 30 September to the Registrar to attend the 3 October Status Conference. PTC II referred to its decision on 13 October to leave certain documents, relevant to the arrest warrants, sealed. The Chamber stated that at this stage, the unsealing of these documents does not create any threat to victims and witnesses.

With regards to the requests for arrest and surrender of the five senior LRA leaders addressed to Uganda, DRC and Sudan, the Decision unseals and contains certain information from these requests, while refraining from making these documents, as such, public. Further, PTC II decided to convene a closed status conference on 17 November on the issue of unsealing of further (content of) documents and invited the Prosecutor to submit an update of proposed treatment of all relevant documents of the record of the Uganda situation. See the ICC's website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-0562_English.pdf

On 14 November 2005, the Prosecutor submitted an update on how he proposed certain documents on the Uganda situation should be treated, upon the Pre Trial Chamber II's invitation to do so (2 November). The Prosecutor also requested the Chamber to provide some more clarity regarding documents and issues to be dealt with at the hearing on 17 November. Further, the Prosecutor submitted an annexed overview of all relevant documents with proposals regarding how to treat them and why (for example due protection measures, jeopardizing ongoing investigations, etc) – this annex was not made public. However, a document consisting of case law and drafting history referred to in this update was made public on 1 February 2006.

Further, the Prosecutor requested PTC II to make public the reasons for sealing documents. In this context, the Prosecutor submitted that documents and information relating to cases should be public, subject to the exception of non-disclosure, and that now that the arrest warrants have been unsealed, the Chamber need to reconsider whether to continuing keeping certain documents sealed, and if so, support this with new public justifications. The Prosecutor also referred to Regulation 20 (of the Regulations of the Court) providing that hearings are to be public unless provided otherwise and that the Chamber should make public reasons for keeping hearing closed. See ICC Website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-63_English.pdf

****Annex A and B to "Update of proposed treatment of all relevant documents of the record and application for entry of reasons for sealing public record"**

On 14 November 2005, the Prosecution submitted sealed annexes A and B to its simultaneous public application. Annex A is a chart detailing the proposed treatment of any document that has either not yet been treated by the Pre-Trial Chamber in its unsealing decisions, or that were filed after 14 September 2005 and are currently sealed. Annex B is a chart which identifies each of the rationales advanced by the Prosecution for any continued sealing or redactions it has requested from PTC II, with respect to all submissions, transcripts, or decisions.

(This submission was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-142_English.pdf

17 November 2005, a status conference was held dealing in particular with the implications for safety and security of victims and witnesses as a result of the Prosecutor's proposed treatment of document of 14 November. (This is referred to in the Decision of 9 March 2006, but the records are not available to the public).

25 November 2005, PTC II noted, in a Decision, recent reports of attacks against civilians in northern Uganda and southern Sudan, expressed concerns about security of victims, witnesses and Court staff and decided to hold a status conference on 7 December (with the Prosecutor, the Registrar and the VWU) to assess the safety and security situation in Uganda and its impact on both the security of the aforementioned groups and on future decisions of the Court to unseal documents.. See ICC Website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-64_English.pdf

On 28 November 2005, the Prosecutor stated (at the meeting of the ASP) that the OTP may investigate other LRA commanders if new crimes are committed by them and that the OTP will continue evaluating information on all other groups. See ICC Website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-67_English.pdf

****Registration in the record of material presented during the Status Conference held in close session on 17 November 2005**

(Document of 28 November 2005. The file as it appears on the ICC Website cannot be accessed.)

(This filing was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-143_English.pdf

On 30 November 2005, the Prosecutor filed a request to be informed about any new information relating to security that was neither mentioned in the 25 November decision, nor reflected in the records, in order to prepare for the status conference on 7 December. See ICC Website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-66_English.pdf

On 2 December 2005, PTC II decided to convene a closed status conference on 14 December with the Prosecutor to "consider the status of the investigation in the situation in Uganda in relation to the application of Article 53". In the decision, PTC II refers to the statements of the Prosecutor on 24 October and 28 November respectively, and to the obligation of the Prosecutor to inform the Chamber about: any decision concluding that there is insufficient basis for prosecution under Article 53, para. 2, of the Statute; and the reasons for this conclusion.

See ICC Website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-68_English.pdf

On 5 December, the OTP requested PTC II to add to the record a description of recent informal communication between the Registry and the Chamber regarding security and any instructions from the Chamber to the Registry in this regard (or to any other matter under adjudication). The factual background to this request was submitted by the Prosecutor under seal (without any objection to making it public). The Prosecutor submitted that the communication from Registry to Chambers were of a judicial matter as it related to the merits of a matter before the Court and therefore constituted “particulars of the case”. The Prosecutor referred to the vision of transparency and the need to create an accurate record for future counsels.

See ICC Website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-69_English.pdf.

****Submission filed by the Registrar on 5 December 2005**

On 5 December 2005, the Registrar submitted to PTC II a letter dated 17 November 2005 by the Operations Security Officer of the Office of the Prosecutor and a letter allegedly from the Lord’s Resistance Army.

(This filing was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-144_English.pdf

On 6 December 2005, the OTP requested a postponement of the 14 December Status Conference (see decision of 2 December) due to the absence of the Prosecutor (to report to the UN Security Council on the Darfur situation). See ICC Website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-71_English.pdf

On 9 December 2005, PTC II decided to postpone the Status Conference as requested by the Prosecutor on 6 December. The Status Conference will be held on 13 January 2006. See ICC Website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-72_English.pdf

****Prosecutor’s Application that the Pre-trial Chamber disregard as irrelevant the submissions files on 5 December 2005**

On 12 December 2005, the Prosecution submitted objections to PTC II on the manner in which the Registry filed *ex parte* communications between the Registry and the Chamber on 5 December 2005 and requested PTC II to disregard and find irrelevant to matters within the Chamber’s jurisdiction the *ex parte* communications; and to reclassify the filing from “Confidential” to “Confidential, Ex Parte”. The Prosecution argued that the filed documents pertained to staff security, and not to a judicial matter over which the Pre-Trial Chamber could have competence or jurisdiction. Furthermore, the Prosecution stated that there is no provision in the Statute or the Rules that authorizes the Registrar to file a document of the Office of the Prosecutor with the Chamber. Finally, the Prosecution submitted that the Registry cannot enter freely into *ex parte* discussions with the Chamber about case-related matters.

(This submission was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-145_English.pdf

****Registration in the record of material presented during the Status Conference held in closed session on 7 December 2005**

(Document of 12 December 2005. The file as it appears on the ICC Website cannot be accessed.)

(This filing was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-146_English.pdf

9 January 2006, the Prosecutor filed a memorandum to the Presidency seeking “administrative relief” to prevent any future challenges by any party to the “appearance of impartiality of the judges of the Pre-Trial Division” (referring to Article 41(2), which addresses issues of impartiality and disqualification of judges). The memorandum itself was not made public, but the OTP stated in the document that it would be appropriate for the judges to request a copy thereof from the Presidency to be informed about the content of the request and the relief sought. (This is referred to in the 10 January Notice, but the memorandum is not available to the public).

10 January 2006, PTC II issued a notice of the OTP request of 9 January 2006 to the Presidency. An identical notice was issued for the situation of the Uganda by PTC II. See the ICC’s website:

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-75_En.pdf

11 January 2006, The OTP submitted information regarding the Uganda investigations to clarify certain matters for the 13 January Status Conference. In response to the Chamber’s Decisions of 13 October and 2 December 2005, the Prosecutor submitted that the OTP had not made any decision not to prosecute individuals due to lack of “sufficient basis for a prosecution” (Article 53(2), Rome Statute). The OTP further stated that while the investigation is not fully completed, it does not currently intend to seek further arrest warrants naming other LRA members. Regarding alleged UPDF crimes, the Prosecution stated that analysis of information is ongoing and will continue in the coming months. See the ICC’s website:

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-76_En.pdf

On 1 February 2006, a document consisting of case law and drafting history referred to in the Prosecutor’s update of 14 November 2005 was made public. (Though currently withdrawn from the ICC website).

On 9 March 2006, PTC II decided to unseal and make public the content of a number of documents, and to unseal the existence of certain other documents. The unsealing was upon request by the Prosecutor on 14 November 2005.

See the ICC’s website: http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-78_English.pdf

****Decision on the Prosecutor’s application that the Pre-Trial Chamber disregard as irrelevant the submission filed by the Registry on 5 December 2005**

On 9 March 2006, PTC II admitted the submission of the Registrar of 5 December 2005, ordered the filing to be changed from “Confidential” to “Confidential, *ex parte*” and decided that additional security measures were not necessary, but however requested to be kept informed on relevant security issues. Furthermore, PTC II rejected the Prosecution’s request to supplement the record of the proceedings with the description of the communication between the Chamber and Registry. Finally, PTC II authorized the decision to be made available and disclosed to the Registrar, VWU and Presidency, but ordered that in all other respects, it remained under seal, *ex parte* Prosecutor only.

(This decision was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-147_English.pdf

On 14 March 2006, the Presidency issued a Decision regarding the constitution of the Pre-Trial Chambers noting the election of six judges of 26 January 2006 and deciding that Pre-Trial Chamber II consist of Judge Mauro Politi, Judge Fatoumata Dembele Diarra and Judge Ekatarina Trendafilova (PTC I: Judge Claude Jorda, Judge Akua Kuenyehia and Judge Sylvia Steiner; PTC III: Judge Hans Peter Kaul, Judge Sylvia Steiner and Judge Ekatarina Trendafilova). See the ICC's website: <http://www.icc-cpi.int/library/organs/presidency/ICC-CPI-0106.pdf>

Prosecutor's submission of BBC News Article dates 4 October 2005 as referred to during hearing held on 6 October 2005

On 23 March 2006, PTC II reclassified as public a BBC news article submitted Ex Parte on 11 October 2005 by the Prosecutor and referred to during the 6 October 2005 hearing. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-51_English.pdf

Registration in the record of memorandum of service regarding the transmission of the requests for arrest and surrender

On 23 March 2006, PTC II reclassified as public the 7 October 2005 registration of the memorandum of service regarding the transmission of the requests for arrest and surrender to the Republic of Sudan, to the Republic of Uganda and to the DRC, in accordance with the decision dated 26 September 2005. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-49_English.pdf
http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-48_English.pdf
http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-47_French.pdf

Submission of information regarding Dominic Ongwen

On 23 March 2006, PTC II reclassified as public the Prosecution's ex parte submission dated 5 October 2006 which contained information regarding the death of Dominic Ongwen. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-43_English.pdf

Decision on the Prosecutor's urgent application dated 26 September 2005

On 23 March 2006, PTC II reclassified as public the decision of 27 September 2005 which authorized the Prosecutor to disclose information regarding the warrants of arrest of 8 July 2005 when necessary; amended some details in the arrest warrant of Joseph Kony and ordered the Registrar to transmit requests for arrest and surrender of the five subjects to the Democratic Republic of Congo and the Republic of Sudan http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-27_English.pdf

On 28 March 2006, PTC II elected Judge Mauro Politi to be Presiding Judge over Pre-Trial Chamber II. (See ICC website: http://www.icc-cpi.int/library/cases/ICC-02-04-21_English.pdf)

On 18 April 2006, PTC II ordered the Prosecutor to provide, by 2 May 2006 and under seal, an updated proposal on how to treat documents in the situation and case record. (http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-82_English.pdf)

On 2 May 2006, the Prosecutor responded to the Chamber's Order of 18 April 2006, with an update of proposed treatment of all documents on the record and requested an in camera meeting in the case that the Chamber would not grant the OTP's requests relating to the proposed treatment. The Prosecutor submitted a number of sealed annexes outlining the proposed treatment and referred to the determinations on disclosure in the Lubanga case. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-83_English.pdf

****Annexes to the Prosecutor's submission of information on further unsealing of documents of the record**

On 2 May 2006, the Prosecution submitted an annex to its response filed on the same day to the PTC II's order of 18 April 2006. The annex consists of a chart outlining the proposed treatment of documents.

(This submission was sealed until made public by PTC II decision of 2 February 2007)

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-148_English.pdf

****Victims' application for participation in the proceedings of the situation in Uganda**

On 19 June 2006, the Registrar filed in the record the application of victim a/0010/06 to participate in the proceedings of the situation in Uganda.

(Application not public, but referred to as ICC-02/04-22-Conf-Exp in http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-134_English.pdf)

Versement au dossier par le greffier du procès verbal des rectificatifs aux mandats d'arrêts et à leurs annexes en Acholi

On 27 June 2006, the Registrar of the ICC transmitted the corrigenda to the warrants of arrest in Acholi to: the Ambassador of the Republic of Sudan in the Netherlands, the Ambassador of the Republic of Uganda in Belgium; and to the Counselor Minister of the Embassy of the DRC in the Netherlands. The corrigenda replace the previous warrants in Acholi.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-96_French.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-95_French.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-94_French.pdf

Submission of information regarding Raska Lukwiya

On 14 August 2006, the OTP notified PTC II of the reported death of Raska Lukwiya and informed the Chamber that the Ugandan Government is in the process of confirming the identity of the body believed to be that of Lukwiya.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-97_English.pdf

****Victims' application for participation in the proceedings of the situation in Uganda**

On 17 August 2006, the Registrar filed in the record the application of victims a/0064/06 to a/0070/06 to participate in the proceedings of the situation in Uganda.

(Applications not public, but referred to in http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-134_English.pdf)

****Victims' application for participation in the proceedings of the case against J. Kony, V. Otti, R. Lukwiya, O. Odhiambo and D. Orgwen**

On 21 August 2006, the Registrar filed in the record of the case against Kony, Otti, Lukwiya, Odhiambo and Orgwen the applications for participation of victims a/0010/06, a/0064/06 to a/0070/06.

(Filing not public, but referred to in http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-134_English.pdf)

Prosecutor's application to separate the Senior Legal Adviser to the Pre-Trial Division from rendering legal advice regarding the case

On 31 August 2006, the Prosecution requested to separate the sole Senior Legal Adviser to the Pre-Trial Division from rendering legal advice to the judges of the PTC II regarding the case Prosecutor vs. Kony et al. because of previous involvement in the same case while employed as Legal Advisor to the OTP in 2004 and 2005. The Prosecution based its request on the standards relating to the appearance of judicial impartiality and the impartiality of judicial staff as well as on the requirement that a judge disqualifies himself from any case in which he was previously involved as prosecutor or investigator. The prosecution further requested that ad hoc defence counsel be appointed for the purpose of giving views on behalf of future accused persons in this case.

The prosecution also requested that in the event the Senior Legal Adviser was currently rendering legal advice relating to this case, he be separated from the case while this application is pending before the chamber. The prosecution argued it had exhausted other remedies by submitting internal memoranda to the Presidency and the Pre-Trial Division requesting to isolate the Senior Legal Adviser from the case. Both the Presidency and the Pre-Trial Division declined to consider the matter on the merits.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-108_English.pdf

****Report to PTCII on applications a/0010/06 in accordance with Rule 89 Paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, Paragraph 5 of the Regulations of the Court**

On 4 September 2006, the Registrar filed *ex parte* reports regarding the applications for participations of victim a/0010/06 in the proceedings in the case against Kony, Otti, Lukwiya, Odhiambo and Orgwen.

(Filing not public, but referred to as ICC-02/04-109-Conf-Exp in http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-134_English.pdf)

Order to the Registrar and Prosecutor for information on the status of the execution of arrest warrants

On 15 September 2006, PTC II requested that the Registrar submit on or before 6 October 2006 a written report with information and comments on the status of the execution of the arrest warrants and requests for arrest and surrender, in particular with regards to cooperation with relevant States and between the Registry and the Office of the Prosecutor. The Chamber also requested that the Prosecutor submit on or before 6 October 2006 information and comments in writing on the status of cooperation with relevant States and the Registry with regards to the execution of the warrants.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-111_English.pdf

Submission of Information on the status of the warrants of arrest in Uganda

On 6 October 2006, the Prosecution submitted information on the status of the execution of the Ugandan arrest warrants in response to an order from the PTC from 15 September. The Prosecution submits there has been no request to "withdraw" the arrest warrants, and that peace and justice should be viewed as mutually reinforcing objectives. The Prosecution also submits that lasting peace requires that there be no impunity for crimes of concern to the international community. The Ugandan government submitted a correspondence in response to an inquiry from the Registry which reaffirms its obligations under the Rome Statute, its continuing commitment to cooperate with the ICC, and details on its efforts at a negotiated settlement with the Lord's Resistance Army. The Prosecution believes that there has not been any refusal to execute the arrest warrants on the part of any State to whom the warrants were transmitted. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-116_English.pdf

Rapport du Greffier sur l'état d'exécution des mandats d'arrêt dans la situation en Ouganda

On 6 October 2006, the registrar submitted a report responding to the order to the Registrar and the Prosecutor for the submission of information on the status of the execution of the warrants of arrest in the situation in Uganda of 15 September 2006. The report includes a copy of a letter sent by the Republic of Uganda's Solicitor General, Mr. Tibaruha, to the Registrar on 4 October 2006, detailing the situation with respect to the execution of the arrest warrants. In light of the fact that the Governments of the Democratic Republic of the Congo and Sudan had not yet submitted their contributions to the report, the Registrar requested PTC II to extend the deadline for their submission of information relating to the execution of the arrest warrants.

Read decision http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-118_French.pdf

Annex 1 http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-118-Anx1_English.pdf

Annex 2 http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-118-Anx2_English.pdf

Order granting a new deadline to the Registrar for the submission of additional information and comments on the status of cooperation in the situation in Uganda

On 13 October 2006, PTC II requested the Registrar to submit to the Chamber, on or before 20 October 2006, a supplementary report with information and comments on the status of the execution of the arrest warrants and of the requests for arrest and surrender. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-119_English.pdf

****Report to PTCII on applications a/0010/06, a/0064/06 to a/0070/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, Paragraph 5 of the Regulations of the Court**

On 16 October 2006, the Registrar filed *ex parte* reports regarding the applications for participations of victims a/0010/06, a/0064/06 to a/0070/06 in the proceedings in the Situation in Uganda.

(Filing not public, but referred to as ICC-02/04-30-Conf-Exp in http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-134_English.pdf)

****Report to PTCII on applications a/0064/06 to a/0070/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, Paragraph 5 of the Regulations of the Court**

On 16 October 2006, the Registrar filed *ex parte* reports regarding the applications for participations of victims a/0064/06 to a/0070/06 in the proceedings in the case against Kony, Otti, Lukwiya, Odhiambo and Orgwen.

(Filing not public, but referred to as ICC-02/04-120-Conf-Exp in http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-134_English.pdf)

Rapport complémentaire du Greffier sur l'état d'exécution des mandats d'arrêt dans la situation en Ouganda

On 20 October 2006, the Registry, after reporting on the steps taken towards the executions of the arrest warrants, requested PTC I to clarify its order of 13 October 2006 in which it prompted the Registry to be more active in its approach towards de competent authorities. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-122_French.pdf

Submission of information on the status of the execution of the warrants of arrest in the situation in Uganda [Corrigendum]

On 23 October 2006, a corrigendum of document ICC-02/04-01/05-116 submitted by the Prosecution on 6 October 2006 was published. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-116-Corr_English.pdf

****Report to PTCII on applications a/0081/06 to a/0104/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure an Evidence, and Regulation 86, Paragraph 5 of the Regulations of the Court**

On 23 October 2006, the Registrar filed *ex parte* reports regarding the applications for participations of victims a/0081/06 to a/0104/06 in the proceedings in the Situation in Uganda. (Filing not public, but referred to as ICC-02/04-32-Conf-Exp in http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-134_English.pdf)

****Report to PTCII on applications a/0081/06 to a/0104/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure an Evidence, and Regulation 86, Paragraph 5 of the Regulations of the Court**

On 26 October 2006, the Registrar filed *ex parte* reports regarding the applications for participations of victims a/0081/06 to a/0104/06 in the proceedings in the case against Kony, Otti, Lukwiya, Odhiambo and Orgwen. (Filing not public, but referred to as ICC-02/04-123-Conf-Exp in http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-134_English.pdf)

Decision on the Prosecutor's request to separate the Senior Legal Adviser to the pre-trial division from rendering legal advice regarding the case

On 31 October 2006, PTC II, noting that the Prosecutor's Application may be construed as amounting to a request for disqualification of the judges and that the issue of separation of the Senior Legal Adviser was addressed by the President of the Pre-Trial Division in its decision of 20 October 2006, dismissed the Prosecutor's application. http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-124_English.pdf

Annex 1 http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-124-Anx1_English.pdf

Annex 2 http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-124-Anx2_English.pdf

Annex 3 http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-124-Anx3_English.pdf

Annex 4 http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-124-Anx4_English.pdf

OTP's application regarding decision on the Prosecutor's request to separate the Senior Legal Adviser to the pre-trial division from rendering legal advice regarding the case
On 2 November 2006, the Prosecutor requested further clarification regarding the PTC I decision of 31 October 2006 to dismiss the Prosecution's application regarding separation of the Senior Legal Adviser from rendering legal advice. The Prosecution stated that the reasoning behind the decision to dismiss was unexplained and could become relevant in future proceedings.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-125_English.pdf

Decision to register document in the Record

On 8 November 2006, PTC II decided to register in the record of the case Prosecutor versus Kony, etc. the decision of the ICC President dated 7 November 2006. In that decision the President declined to convene a plenary of judges. The plenary was requested on behalf of the judges of PTC I and II in order to determine whether the Prosecutor's applications of 31 August 2006, to separate the Senior Legal Adviser from rendering legal advice in the cases before PTC I and II and the response of the Defence of 4 October 2006, amounted to a request for the disqualification of the judges of those Chambers or to a question as to the disqualification of a judge and if so, to decide on the matter. In the 7 November 2006 decision, it is argued that, absent any proper request for disqualification, there were no grounds to call a meeting of judges to address the issue.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-127_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-127-Anx1_English.pdf

Submission of information on the status of the execution of the warrants of arrest in the situation in Uganda [Corrigendum 2]

On 15 November 2006, a second corrigendum of document ICC-02/04-01/05-116 submitted by the Prosecution on 6 October 2006 was published.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-116-Corr2_English.pdf

****Report to PTCII on applications a/0111/06 to a/0127/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, Paragraph 5 of the Regulations of the Court**

On 16 November 2006, the Registrar filed *ex parte* reports regarding the applications for participations of victims a/0111/06 to a/0127/06 in the proceedings in the Situation in Uganda. (Filing not public, but referred to as ICC-02/04-33-Conf-Exp in http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-134_English.pdf)

****Report to PTCII on applications a/0111/06 to a/0127/06 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86, Paragraph 5 of the Regulations of the Court**

On 16 November 2006, the Registrar filed *ex parte* reports regarding the applications for participations of victims a/0111/06 to a/0127/06 in the proceedings in the case against Kony, Otti, Lukwiya, Odhiambo and Orgwen.

(Filing not public, but referred to as ICC-02/04-128-Conf-Exp in http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-134_English.pdf)

Decision on Prosecutor's application dated 2 November 2006

On 17 November 2006, PTC II dismissed the Prosecutor's "Application Regarding Decision on

the Prosecutor's Request to Separate the Senior Legal Adviser to the Pre-Trial Division from Rendering Legal Advice Regarding the Case" of 2 November 2006, noting that it was not based on any procedural remedy provided for in the statutory instruments of the Court.
http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-129_en.pdf

Decision designating a Single Judge on victims' issues

On 22 November 2006, PTC II decided to designate Judge Mauro Politi a single judge responsible for all issues arising in connection with victims' applications for participation in the proceedings in the situation in Uganda and in the case against Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen.
http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-130_English.pdf

Order to the Prosecutor for the submission of additional information on the status of the execution of the warrants of arrest in the situation in Uganda

On 30 November 2006, in light of recent events in Uganda, PTC II requested that the Prosecution submit information, on or before 8 December 2006, on the status of cooperation with relevant States and with the United Nations in respect of the execution of outstanding arrest warrants.
http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-131_English.pdf

Submission of additional information on the status of the execution of the warrants of arrest in the situation in Uganda

On 8 December 2006, in response to the order of PTC II dated 30 November 2006, the OTP submitted (as an update of its prior submission dated 6 October 2006) additional information on the status of the execution of the arrest warrants in the situation in Uganda.
http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-132_English.pdf
http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-132-AnxA_English.pdf

Decision on Legal Representation, appointment of Counsel for the Defence, protective measures and time-limit for submission of observation on applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06

On 1 February 2006, with regards to the 49 confidential victims' applications for participation in the situation in Uganda and the Case against Kony, Otti, Odhiambo, Lukwiya and Ongwen, PTC II concluded that applicant victims do not have an absolute and unconditional right of assistance of legal representation, but nevertheless decided to allow the Office for Public Counsel of Victim to assist them. Furthermore, M. Michelyne C. St-Laurent was appointed ad hoc counsel for the Defence in all matters related to the victims' applications. With regards to victims' protection, PTC II decided that measures other than redactions would exceed the limited scope of the present phase of the proceedings. Finally, PTC II ordered the Prosecutor and the ad hoc counsel for the Defence to submit observations to the applications until February 26 2007.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-134_English.pdf

Décision relative à la levée des scellés et à la re-classification de certains documents dans les dossiers de la situation et de l'affaire et annexes

On 2 February 2007, PTC II decided on the status of certain documents; as a result, a number of documents related to the unsealing of the arrest warrants were made public without

redactions. Furthermore, the Chamber rejected the Prosecution's request of 18 October 2006 to convene a status conference or to communicate any preliminary ruling ahead of a Chamber's decision.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-135_French.pdf

Application to lift redactions from applications for victims' participation to be provided to the OTP

On 6 February 2007, the Prosecution requested PTC II to lift the redactions in the 49 applications for victim participation, following PTC II's decision of 1 February 2007 to provide redacted versions of the applications to the Prosecution and the ad hoc Counsel for the Defence.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-150_English.pdf

Decision on "Request to access documents and material", and to hold a hearing *in camera ad ex parte*

On 7 February 2007, PTC II decided to provide the Office for Public Counsel for Victims (OPCV) unredacted versions of the warrants; but rejected OPCV's request for access to, and authorization to consult, the index of the record of the situation and case. PTC II also decided to hold an *in camera* and *ex parte* hearing with the OPCV on 12 February 2007 to consider how access to such records would be instrumental to carrying out its tasks at this stage.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-152_English.pdf

Prosecution's Application to attend hearing on 12 February 2007

On 8 February 2007, the Prosecution requested to be permitted to attend an *ex parte* and *in camera* hearing scheduled for 12 February 2007. The Single Judge of Pre-Trial Chamber II in his decision of 7 February had ordered that the hearing be only open for the Office of the Public Counsel for Victims (OPCV) and the Victims Participation and Reparations Section. OTP argued that by being excluded from the hearing its rights would be affected insofar as the information sought by OPCV included information which OTP has sought to protect for security reasons or reasons of victims and witnesses protection or in order ensure that ongoing investigations were not impaired.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-153_English.pdf

OPCV observations on the "Prosecution's Application to attend 12 February 2007 Hearing"

On 9 February 2007, the Office of the Public Counsel for Victims (OPCV) requested the Pre-Trial Chamber II to reject the Prosecution's Application of 8 February seeking permission to attend the hearing of 12 February. OPCV submitted that the sensitiveness of the details it would provide to the Chamber during this hearing justified the *ex parte* OPCV-only nature of the hearing. OPCV further pointed out jurisprudence of the Appeals Chamber ruling that Chambers had a discretion in determining whether proceedings are held on an *ex parte* basis or not.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-154_English.pdf

Decision on "Prosecutor's Application to attend 12 February hearing"

On 9 February 2007, the Single Judge of Pre-Trial Chamber II rejected the Prosecution's request to attend the *in camera* and *ex parte* hearing of 12 February 2007. The decision stated that the Prosecution was not, at this stage, a "party in interest" to any of the issues to be

discussed at the hearing, since none of his statutory duties or powers have been or are going to be affected by the holding of the hearing. The two purposes of the hearing were only to receive additional information and clarification on the reasons substantiating OPCV's request for access to documents and/ or materials other than public ones and second, to receive additional information on issues exclusively pertaining to the tasks entrusted to OPCV pursuant to the decision of 1 February 2007 and the Regulations of the Court.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-155_English.pdf

Prosecutor's motion for clarification and request for variation of time-limit enshrined in rule

On 14 July 2005, the Prosecution requested PTC II to clarify certain aspects of its decision of 8 July 2005 on the Prosecution's application for warrants of arrest, specifically, in relation to the timing for transmission of the arrest warrants and the request for arrest and surrender; the intended division of victims and witnesses protection responsibilities between the Registrar and the OTP; and the extent to which the Registrar and the OTP can determine measures to prevent the disclosure of information related to victims and witnesses. Furthermore, the Prosecution requested an extension of the time-limit allowing the possibility to appeal, upon clarification, those issues in which clarification was sought

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-156_English.pdf

Request [s] for arrest and surrender

On 14 February 2007, the previously sealed warrants for Otti, Lukwiya, Odhiambo and Ongwen respectively issued on 8 July 2005 and reclassified as public on 2 February 2007, became available.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-13_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-14_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-15_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-16_English.pdf

Request for arrest and surrender of Joseph Kony issued on 8 July 2005 as amended on 27 September 2005

On 14 February 2007, the formerly sealed warrant for Joseph Kony, issued on 8 July 2005, amended on 27 September 2005 and reclassified as public on 2 February 2007, became available.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-29_English.pdf

Request [s] to the Democratic Republic of Congo for arrest and surrender

On 14 February 2007, the formerly sealed request to the DRC for the arrest and surrender of Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen and Raska Lukwiya respectively issued on 27 September 2005 and reclassified as public on 2 February 2007, became available.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-30_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-31_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-32_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-33_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-34_English.pdf

Request[s] to the Republic of Sudan for arrest and surrender

On 14 February 2007, the formerly sealed request to Sudan for the arrest and surrender of Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen and Raska Lukwiya respectively issued on 27 September 2005 and reclassified as public on 2 February 2007, became available.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-35_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-36_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-37_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-38_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-39_English.pdf

Registration to the record of material presented during the Status Conference held in closed session on 3 October 2005

On 14 February 2007, a document filed by the Registrar registering a letter dated 10 October 2005 from Betty Bigombe to the Prosecutor which was reclassified as public on 2 February 2007, became available. The letter expressed concern at the lack of transparency of the arrest warrants to the Ugandan people and the LRA.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-50_English.pdf

Sealed annex to Prosecutor's application to supplement the Record

On 14 February 2007, the previously sealed Annex to the Prosecutor's Application to Supplement the Record filed on 5 December 2005, which was reclassified as public on 2 February 2007, became available. The Annex contains information concerning informal communications between the Registry and the OTP.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-69-Anx_English.pdf

Decision on Prosecutor's application for leave to appeal dated the 15th day of March 2006 and to suspend or stay consideration of leave to appeal dated the 11th day of May 2006

On 14 February 2007, the PTC II's decision of 10 July 2006 on the Prosecutor's Applications for Leave to Appeal and to Suspend or Stay Consideration of Leave to Appeal, which was reclassified as public on 2 February 2007, became available. The decision rejected both of the Prosecutor's applications and authorized disclosure of the applications and the decision to the Registrar and the VWU.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-90_English.pdf

Request to unseal PTC's decision dated the 10TH day of July 2006 and renewal of request to unseal all previous filings, decisions and Court proceedings related to the subject matter of that decision

On 14 February 2007, the OTP request of 21 July 2006 that the 10 July 2006 PTC II decision and other relevant documents relating to that decision be unsealed, which was reclassified as public on 2 February 2007, became available.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-93_English.pdf

Ordonnance sollicitant de la division d'aide aux victimes et aux témoins des observations relatives à la levée des scellés concernant certains documents dans les dossiers de la situation et de l'affaire

On 14 February 2007, the existence and title of this document, unsealed on 2 February 2007, became available.

Observations of the Reservations of the Registrar on the Prosecutor's request for the disclosure of certain sealed documents on record in the situation in Uganda

On 14 February 2007, the existence and title of this document, unsealed on 2 February 2007, became available.

Submission by the Registrar on clarifications and Corrigendum related to the Filling of 13 September 2006 on the Prosecutor's request for the disclosure of certain sealed documents on record in the situation in Uganda

On 14 February 2007, the existence and title of this document, unsealed on 2 February 2007, became available.

Prosecutor's application for guidance from the Single Judge regarding the OTP and VWU proposals to unseal

On 14 February 2007, the existence and title of this document, unsealed on 2 February 2007, became available.

Demande d'une autorisation d'enregistrer de nouvelles observations relatives à la levée des scellés concernant certains documents dans les dossiers de la situation et de l'affaire au regard des propositions faites par le Bureau du Procureur

On 14 February 2007, the existence and title of this document, unsealed on 2 February 2007, became available.

Ordonnance accordant à la division d'aide aux victimes et aux témoins l'autorisation de présenter de nouvelles observations et un délai supplémentaire à cet effet

On 14 February 2007, the existence and title of this document, unsealed on 2 February 2007, became available.

Submission by the Registrar of new observations and recommended redactions pursuant to the order from the Single Judge in Pre-Trial Chamber II on 25 September 2005

On 14 February 2007, the existence and title of this document, unsealed on 2 February 2007, became available.

Prosecution's observations on the VWU proposals to unseal and redact documents of the record and Prosecution's request for Status Conference or other notice

On 14 February 2007, the existence and title of this document, unsealed on 2 February 2007, became available.

Prosecution's further submissions supplementing its "Application to lift redactions from applications for victims' participation to be provided to the OTP" dated 6 February 2007, and request for extension of time

On 15 February 2007, the OTP presented further submissions supplementing its previous application to lift redactions from victims' applications for participation based on redacted applications provided to the OTP on 13 February 2007. In addition, due to the OTP's inability to identify whether applicants qualify as victims without the redactions being lifted, the OTP requested an extension to reply to the victims' applications under Rule 89(1).

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-208_English.pdf

Decision on Prosecution's Application to lift redactions from applications for victims' participation and on the Prosecution's further submissions supplementing such application, AND on request for extension of time

On 20 February 2007, PTC II dismissed the requests contained in the Prosecutor's Application of 6 February 2007 and the Prosecution's further submissions of 6 and 15 February. PTC II stated that the Prosecution's Application was deprived of any procedural basis and that, accordingly, the merits of the submissions made in the Prosecution's application and its further submissions were not considered. Consequently, PTC II also denied the request for an extension of the time-limit to reply to the applications for participation.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-209_English.pdf

Defence Application for an extension of the time limit to respond to the "Applications for Participation in the proceedings a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06"

On 21 February 2007, the Ad Hoc Counsel for the Defence requested to be granted an extension of time-limit until 6 March 2007 to submit observations to the Applications for Participation in the proceedings a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06. The Counsel further requested to be granted the right to reply to the Prosecutor's "Application of 6 February. In addition, the Counsel requested PTC II to order the Registrar to translate into French all documents filed in English relating to the Applications for Participation.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-210_tEnglish.pdf

Decision on "Requête de la Défense en extension de délai afin de répondre aux Observations de la défense sur les demandes de participation à la procédure a/0010/06, a/0064/06 à a/0070/06, a/0081/06 à a/0104/06 et a/0111/06 à a/0127/06"

On 23 February 2007, PTC II decided to grant the Ad Hoc Counsel for the Defence an extension of time limit to reply to the Applications for Participation until 6 March 2007. PTC II granted this extension of time because of the absence of a secure electronic system for the transmission of documents. In order to ensure that the Prosecution and the Defence have equal opportunity to submit their submissions, PTC II granted also the Prosecution an extension of time limit. Furthermore, PTC II dismissed the Defence's request to respond to the Prosecution's Application of 6 February upon receipt of the French version of documents. PTC II also dismissed the Defence's request to be provided with the translation into French of all documents related to victims' participation. PTC II pointed out that the Ad Hoc Counsel for the Defence in her application to be included in the List of Counsel had stated that her knowledge of English was excellent.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-211_English.pdf

Prosecution's request for leave to appeal the decision denying the "Application to lift redactions from applications for victims' participation to be provided to the OTP"

On 26 February 2007, the Prosecutor requested leave to appeal PTC II decision of 20 February 2007 denying the Prosecutor access to the unredacted version of the Applications for Victims' Participation. The Prosecutor first addressed whether a party may file a motion or application to vary protective measures before the original chamber; or whether, arising from the decision, application for leave to appeal is the only means where participants can voice concerns on a chamber's decision. According to the Prosecutor, the blanket denial of procedural rights to all

participations throughout the proceedings is a “consequential” error, thus, the Prosecutor argued it affects the fairness and the expeditious conduct of the proceedings,.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-212_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-212-Anx_English.pdf

Prosecution’s reply under Rule 89(1) to applications for participation of applicants a/0010/06 and a/0064/06 to a/0070/06 and a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06 in the case of the Prosecutor vs. J. Kony, V. Otti, R. Lukwiya, O. Odhiambo and D. Orgwen

On 28 February 2007, the Prosecution replied to the Victims’ application for participation. On the matter of the factual evaluation of the applications and implication for the Prosecution’s rights and obligations, the Prosecution requested that the application of 12 of the victims be rejected on grounds that there was no information that they had suffered from crimes specified in the arrest warrants or crimes relevant to any of the incidents. As for the 37 other applicants, the Prosecution submitted that they could not make any proper assessment or meaningful reply without access to the unredacted applications.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-214_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-214-Anx1_English.pdf

Solemn undertaking of Ms. Michelyne C. St-Laurent

On 1 March 2007, the Registry submitted Ms Michelyne C. St-Laurent’s solemn undertaking.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-215_English.pdf

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-215-Anx1_French.pdf

Prosecutor’s Objects to “OPCV’s Observations on the Victims’ Applications a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06 to Participate in the Uganda Situation and in the Case *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya and Dominic Ongwen*”

On 3 April 2007, the Prosecution submitted objections to OPCV’s observations on the victims’ applications for participation. The Prosecution argued that in submitting the observations, the OPCV had exceeded its authority and that the scope and nature of the observations wrongly elevated the OPCV to the status of an independent adviser. Finally, the Prosecution submitted that the OPCV does not have the right to reply to a submission made by the Prosecution or the Defence with regards to an application for participation of victims in the proceedings. The Prosecutor therefore requested the Single Judge to reject the observations, and that the supplementary information submitted by the OPCV is re-filed, with parties granted access.

http://www.icc-cpi.int/library/cases/ICC-02-04-91_En.pdf

Decision on the Prosecution’s applications dated 22 March 2007 and on the OPCV’s requests dated 29 March 2007

On 4 April 2007, the Single Judge of PTC II dismissed the Prosecution’s Applications of 22 March 2007, and the OPCV’s request of 29 March 2007. The decision stated that the Prosecution did not provide evidence in the application to vary protective measures, of changes in the factual circumstances or relevant level of risk since the 1 February 2007 decision, and therefore the arguments provided was not valid. Furthermore, in view of the Chamber, the concerns of the Prosecution should have been raised through submitting a request for leave to appeal of the 1 February 2007 decision. Consequently, the OPCV’s request to be heard on and/or to file a response has become irrelevant.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-239_English.pdf

Réponse de la Défense sur les Observations des Conseils Public des Victimes "OPCV" sur les demandes des demandeurs a/0010/06, a/0064/06 à a/0070/06, a/0081/06 à a/0104/06 et a/0111/06 à a/127/06 dans la situation en Ouganda et dans l'Affaire : le Procureur c/ Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya, Dominic Ongwen

On 13 April 2007, the Defence response of 10 April 2007 to the observations of the Office of Public Counsel for Victims in relation to 49 applications to participate in the proceedings was made public. The Defence requested that PTC II reject the observations of the OPCV, submitting that they are without any legal basis and exceed the mandate of the PTC II decision of 1 February 2007.

http://www.icc-cpi.int/library/cases/ICC-02-04-93_French.pdf

Decision on the OPCV's observations on victims' applications and on the Prosecution's objections thereto

On 16 April 2007, the Single Judge of PTC II dismissed the observations OPCV filed on 26 March 2007. The Single Judge stated that OPCV's spontaneous submission of legal observations as to the admissibility and the merits of the 49 victims' applications lacked legal basis.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-243_English.pdf

Versement au dossier du certificate de décès de Raska Lukwiya

On 25 June 2007, the Registrar submitted the death certificate of Raska Lukwiya to the records. The death certificate stated that the accused had died as a result of gunshot wounds.

Original:

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-247_French.pdf

Attached certificate:

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-247-Anx1_English.pdf

Decision to terminate the proceedings against Raska Lukwiya

On 11 July 2007, the Pre-Trial Chamber II terminated the proceedings against Raska Lukwiya and ordered the Registrar to notify the Democratic Republic of the Congo, the Republic of Sudan and the Republic of Uganda thereof.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-248_English.pdf

Ordonnance sollicitant du Procureur et de la division d'aide aux victimes et aux témoins des observations relatives à la levée des scellés concernant certains documents dans les dossiers de la situation et de l'affaire

On 12 July 2007, the PTC II single judge in charge of unsealing documents, ordered the Prosecutor and the Division of Victims and Counsel to submit observations regarding the treatment of sealed documents contained in the record of the situation and the case that have not yet been subject to a Chamber's decision. The observations shall provide reasons justifying a sealed or unsealed treatment.

http://www.icc-cpi.int/library/cases/ICC-02-04-01-05-249_French.pdf

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