

**Cour  
Pénale  
Internationale**  
**International  
Criminal  
Court**

No.: ICC-02/04-01/05

Date: 2 November 2005

Original: English

**PRE-TRIAL CHAMBER II**

**Before:** Judge Tuiloma Neroni Slade  
Judge Mauro Politi  
Judge Fatoumata Dembele Diarra

**Registrar:** Mr Bruno Cathala

**SITUATION IN UGANDA**  
*Case 01/05*

**Public Document**

**DECISION TO UNSEAL FURTHER DOCUMENTS OF THE RECORD**

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo, Prosecutor  
Ms Fatou Bensouda, Deputy Prosecutor  
Ms Christine Chung, Senior Trial Lawyer  
Mr Eric MacDonald, Trial Lawyer

1. **PRE-TRIAL CHAMBER II** (the “Chamber”) of the International Criminal Court (the “Court”);
2. **SITTING** as the full Chamber, pursuant to the Chamber’s decision on the 18<sup>th</sup> day of May 2005;
3. **RECALLING** the warrants of arrest of **Vincent OTTI, Okot ODHIAMBO, Raska LUKWIYA** and **Dominic ONGWEN** issued by the Chamber on the 8<sup>th</sup> day of July 2005 and the amended warrant of arrest of **Joseph KONY** issued on the 27<sup>th</sup> day of September 2005 (collectively, the “Warrants”);
4. **NOTING** its “Decision to hold a hearing on the request under rule 176 made in the Prosecutor’s application for warrants of arrest under article 58”, dated the 9<sup>th</sup> day of June 2005;
5. **NOTING** the requests for arrest and surrender for **Vincent OTTI, Okot ODHIAMBO, Raska LUKWIYA** and **Dominic ONGWEN** issued on the 8<sup>th</sup> day of July 2005 addressed and transmitted to the Republic of Uganda;
6. **NOTING** further its “Decision on the Prosecutor’s urgent application dated 26 September 2005” dated the 27<sup>th</sup> day of September 2005 (the “Decision on the Prosecutor’s urgent application”); the amended request for arrest and surrender for **Joseph KONY** issued on the 27<sup>th</sup> day of September 2005 addressed and transmitted to the Republic of Uganda; the requests for arrest and surrender for **Joseph KONY, Vincent OTTI, Okot ODHIAMBO, Raska LUKWIYA** and **Dominic ONGWEN** issued on the 27<sup>th</sup> day of September 2005

addressed and transmitted to the Democratic Republic of the Congo and the requests for arrest and surrender for **Joseph KONY, Vincent OTTI, Okot ODHIAMBO, Raska LUKWIYA** and **Dominic ONGWEN** issued on the same day addressed and transmitted to the Republic of Sudan;

7. **NOTING** the “Order to the Registrar to attend the status conference scheduled for 3 October 2005”, dated the 30<sup>th</sup> day of September 2005;
8. **NOTING** its “Decision on the Prosecutor's application for unsealing of the warrants of arrest” dated the 13<sup>th</sup> day of October 2005 (the “First decision on unsealing”), whereby the Chamber unsealed a number of its decisions in the proceedings, as well as the existence of some other documents, while keeping the latter sealed as to their contents;
9. **RECALLING** the decision of the Chamber, in the same First decision on unsealing, to reserve its decision on the unsealing of other documents of the proceedings, with a view to ensuring that they be given the correct and appropriate treatment following the unsealing of the Warrants and other related documents;
10. **CONSIDERING** that the sealing of the decision and of the order mentioned in paragraphs 4 and 7 hereabove, as well as the sealing of the existence of the aforementioned requests for arrest and surrender, are no longer necessary and that their unsealing does not create any threat to the safety and security of victims and witnesses;

11. **CONSIDERING** also in particular that, according to the Prosecutor's submissions, the unsealing of the existence of the requests might facilitate the effort of garnering international support for the execution of the Warrants;

12. **NOTING** article 87, paragraph 3, of the Statute;

**HAVING REGARD THERETO AND FOR THESE REASONS;**

**THE CHAMBER HEREBY:**

13. **DECIDES** to unseal the following decision and order issued by the Chamber and orders that the same be made public:

- (i) Decision to hold a hearing on the request under rule 176 made in the Prosecutor's application for warrants of arrest under article 58, dated the 9<sup>th</sup> day of June 2005;
- (ii) Order to the Registrar to attend the status conference scheduled for 3 October 2005, dated the 30<sup>th</sup> day of September 2005;

14. **DECIDES** to unseal, as to their existence and their content, but only to the extent that such content is mentioned in this decision, or in the documents unsealed pursuant to paragraph 13, the following documents:

- (i) Request for arrest and surrender for **Joseph KONY** originally issued on the 8<sup>th</sup> day of July 2005 as amended on the 27<sup>th</sup> day of September 2005 addressed to the Republic of Uganda;
- (ii) Request for arrest and surrender for **Vincent OTTI** issued on the 8<sup>th</sup> day of July 2005 addressed to the Republic of Uganda;

- (iii) Request for arrest and surrender for **Okot ODHIAMBO** issued on the 8<sup>th</sup> day of July 2005 addressed to the Republic of Uganda;
- (iv) Request for arrest and surrender for **Raska LUKWIYA** issued on the 8<sup>th</sup> day of July 2005 addressed to the Republic of Uganda;
- (v) Request for arrest and surrender for **Dominic ONGWEN** issued on the 8<sup>th</sup> day of July 2005 addressed to the Republic of Uganda;
- (vi) Prosecutor's urgent application for authorization to disclose information relating to the warrants of arrest, to request the Registry to transmit requests for arrest and surrender, and to modify requested date of unsealing, dated the 26<sup>th</sup> day of September 2005;
- (vii) Decision on the Prosecutor's urgent application dated 26 September 2005, dated the 27<sup>th</sup> day of September 2005;
- (viii) Request for arrest and surrender for **Joseph KONY** issued on the 27<sup>th</sup> day of September 2005 addressed to the Democratic Republic of the Congo,
- (ix) Request for arrest and surrender for **Vincent OTTI** issued on the 27<sup>th</sup> day of September 2005 addressed to the Democratic Republic of the Congo;
- (x) Request for arrest and surrender for **Okot ODHIAMBO** issued on the 27<sup>th</sup> day of September 2005 addressed to the Democratic Republic of the Congo;
- (xi) Request for arrest and surrender for **Raska LUKWIYA** issued on the 27<sup>th</sup> day of September 2005 addressed to the Democratic Republic of the Congo;

- (xii) Request for arrest and surrender for **Dominic ONGWEN** issued on the 27<sup>th</sup> day of September 2005 addressed to the Democratic Republic of the Congo;
- (xiii) Request for arrest and surrender for **Joseph KONY** issued on the 27<sup>th</sup> day of September 2005 addressed to the Republic of Sudan;
- (xiv) Request for arrest and surrender for **Vincent OTTI** issued on the 27<sup>th</sup> day of September 2005 addressed to the Republic of Sudan;
- (xv) Request for arrest and surrender for **Okot ODHIAMBO** issued on the 27<sup>th</sup> day of September 2005 addressed to the Republic of Sudan;
- (xvi) Request for arrest and surrender for **Raska LUKWIYA** issued on the 27<sup>th</sup> day of September 2005 addressed to the Republic of Sudan;
- (xvii) Request for arrest and surrender for **Dominic ONGWEN** issued on the 27<sup>th</sup> day of September 2005 addressed to the Republic of Sudan;

15. **DECIDES** to reserve any other decision on the unsealing of documents of the record of the situation and of the case until further order by the Chamber;

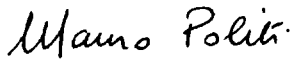
16. **DECIDES** to convene a status conference by way of a hearing in closed session to be held on the 17<sup>th</sup> day of November 2005 at 2:00 pm, with a view to considering matters related to the treatment of those documents of the record of the situation and of the case which remain under seal, whether as to their existence or to their content;

17. **REQUESTS** the Prosecutor to submit, prior to the hearing, an update of proposed treatment of all relevant documents of the record of the situation and of the case.

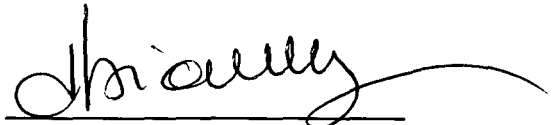
Done in both English and French, the English version being authoritative.



**Judge Tuiloma Neroni Slade**  
**Presiding Judge**



**Judge Mauro Politi**



**Judge Fatoumata Dembele Diarra**

Dated this 2<sup>nd</sup> day of November 2005

At The Hague, The Netherlands

**Seal of the Court**