

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

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

Date: 25 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 CONVENE A STATUS CONFERENCE ON MATTERS RELATED
TO SAFETY AND SECURITY IN UGANDA**

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

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

25 November 2005

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 18th day of May 2005;
3. **RECALLING** 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” dated the 21st day of September 2005; the Prosecutor’s “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”, dated the 22nd day of September 2005; the Registrar’s “Response to 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” dated the 22nd day of September 2005;
4. **RECALLING** the “Decision on the Prosecutor’s urgent application dated 26 of September 2005”, whereby the Chamber decided to hold a status conference by way of a hearing in closed session on the status of protective measures for victims and witnesses;
5. **NOTING** the assurances provided by the Prosecutor and the Victims and Witnesses Unit (the “VWU”) during the status conferences held on the 3rd day and the 6th day of October 2005 that the implementation of the overall security plan for the protection of victims and witnesses was completed;

6. **RECALLING** the “Decision on the Prosecutor’s application for unsealing of the warrants of arrest” dated the 13th day of October 2005 (the “Decision on Unsealing”), whereby the Chamber (1) unsealed a number of documents on the basis that their disclosure would not jeopardize the safety and security of victims and witnesses; and (2) reserved its decision on the unsealing of other documents of the record;

7. **NOTING** recent reports in the Ugandan and international media on serious attacks and violence against civilians in northern Uganda and southern Sudan, allegedly by the Lord’s Resistance Army, resulting in the death of at least twenty-two civilians, including five humanitarian workers, as well as in a significant number of injuries and abductions;

8. **BEING** concerned about the impact that such serious attacks and violence may have (1) on the overall plan for safety and security of victims and witnesses and (2) on the security of staff of the Court in the field;

9. **NOTING** the power and duty of the Chamber to provide for the protection and privacy of victims and witnesses under articles 57, paragraph 3 (c), and 68, paragraph 1, of the Statute of the Court (the “Statute”);

10. **NOTING** the responsibility of the Prosecutor to provide for the protection of victims and witnesses, in particular during the investigation, under article 68, paragraph 1, of the Statute;

11. **NOTING** article 43, paragraph 6, and article 68, paragraph 4, of the Statute, according to which the VWU shall both provide and advise the Court on appropriate protective measures, security arrangements, counselling and other appropriate assistance for witnesses, victims and other persons who are at risk;

12. **RECALLING** the Chamber's request as contained in its decision dated the 8th of July 2005 and as reiterated in the Decision on Unsealing, for the Prosecutor, in consultation and cooperation with the VWU, to inform the Chamber on a periodic and regular basis as to developments concerning the implementation of protective and security measures in the field;

13. **NOTING** regulation 48 of the Regulations of the Court, pursuant to which the "Pre-Trial Chamber may request the Prosecutor to provide specific or additional information ... that the Pre-Trial Chamber considers necessary in order to exercise the functions and responsibilities set forth in ... article 57, paragraph 3 (c)";

14. **CONSIDERING** the need for the Chamber to be fully informed of the current security situation in Uganda with a view to exercising its functions and powers under articles 57 and 68 of the Statute;

15. **RECALLING** the importance of an update on the security situation in Uganda for the Chamber to continue with the process of unsealing further documents of the record;

16. **NOTING** regulation 30 and regulation 20, sub-regulation 2, of the Regulations of the Court;

17. **NOTING** that the provision of additional information on the current security situation in Uganda may entail the disclosure of sensitive information; and that in order to guarantee the safety and security of victims and witnesses such sensitive information should not be heard in public at this stage;

FOR THESE REASONS;

THE CHAMBER HEREBY:

18. **DECIDES**, pursuant to regulation 30 of the Regulations, to hold a status conference on the 7th day of December 2005 at 10 a.m. by way of a hearing in closed session, to be attended by the Prosecutor, the Registrar and the Victims and Witnesses Unit, to comprehensively assess the current safety and security situation in Uganda and determine its impact on the protection of victims and witnesses and other persons who might be at risk, including staff of the Court, and on any future decisions of the Chamber on the unsealing of documents of the record.

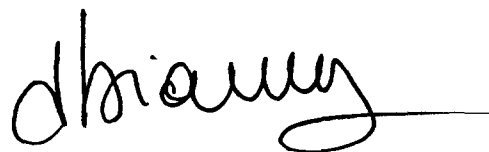
Done in both English and French, the English version being authoritative.



Judge Tuiloma Neroni Slade
Presiding Judge



Judge Mauro Politi



Judge Fatoumata Dembele Diarra

Dated this 25th day of November 2005

At The Hague, The Netherlands

Seal of the Court