

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/05
Date: 3 February 2009

PRE-TRIAL CHAMBER II

Before: Judge Mauro Politi, Presiding Judge
Judge Hans-Peter Kaul
Judge Ekaterina Trendafilova

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

Public document

**Decision on the Corrigendum by the Office of Public Counsel for Victims dated
2 January 2009**

Decision to be notified, in accordance with regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda

Counsel for the Defence

Mr Jens Dieckmann

Legal Representatives of Victims

a/0119/06

Ms Paolina Massidda

Legal Representatives of Victims

a/0090/06, a/0098/06, a/0112/06, a/0118/06
and a/0112/06

Ms Adesola Adeboyejo

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda
Ms Sarah Pellet

**The Office of Public Counsel for the
Defence**

States Representatives

The Government of the Republic of
Uganda

Amici Curiae

The Uganda Victims' Foundation
Redress Trust

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

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

2/5

3 February 2009

The Judges of Pre-Trial Chamber II (the “Chamber”) of the International Criminal Court (the “Court”);

1. **NOTING** the “Decision assigning the situation in Uganda” to Pre-Trial Chamber II issued by the Presidency on 5 July 2004¹;
2. **NOTING** the “Decision initiating proceedings under article 19, requesting observations and appointing counsel for the Defence” dated 21 October 2008, whereby the Chamber decided to initiate proceedings under article 19(1) of the Statute (the “Proceedings”) and invited the Republic of Uganda, the Prosecutor, the counsel for the Defence (the “Defence”) and victims having already communicated with the Court with respect to the case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* (the “Case”), or their legal representatives, to submit their observations on the admissibility of the Case by 10 November 2008², later extended until 18 November 2008³;
3. **NOTING** the “Decision on request by the Office of Public Counsel for Victims for extension of time limit in proceedings under article 19(1)” dated 11 November 2008, whereby the Chamber rejected the application by the Office of Public Counsel for Victims (the “OPCV” or the “Office”) to extend the time limit for the submission of observations with regard to the Proceedings;
4. **NOTING** the “Observations on behalf of victims pursuant to article 19(1) of the Rome Statute with 55 Public Annexes and 45 Redacted Annexes” filed by the OPCV on 18 November 2008⁴ (the “Observations”), whereby the Office *inter alia* set forth the reasons warranting the provision to the Prosecutor, the Defence, the Government of Uganda, the *amici curiae* and the public of redacted versions

¹ ICC-02/04-1.

² ICC-02/04-01/05-320.

³ ICC-02/04-01/05-328.

⁴ ICC-02/04-01/05-349.

of some of the questionnaires filled out by the victims and appended as annexes to the Observations;

5. **NOTING** the "*Corrigendum* concerning two annexes appended to the 'Observations on behalf of victims pursuant to article 19(1) of the Rome Statute with 55 Public Annexes and 45 Redacted Annexes'" filed by the OPCV on 2 January 2009 (the "*Corrigendum by the OPCV*")⁵, whereby the Office submitted that "in one redacted annex, the redactions made were not complete, whereas another annex was filed public without any redactions where it should have been redacted beforehand";
6. **NOTING** that the incomplete redactions affected Annex 9 to the Observations, whereas the annex erroneously filed as public was Annex 40 to the Observations;
7. **NOTING** that, accordingly, the Office (i) filed a *corrigendum* to the redacted Annex 9 to the Observations, (ii) requested the Chamber to order the reclassification of Annex 40 to the Observations from public to confidential *ex parte* only available to the OPCV and (iii) filed a public redacted version of Annex 40 to the Observations;
8. **NOTING** article 68 of the Statute and regulation 23bis(3) of the Regulations of the Court;
9. **CONSIDERING** that the measures taken and the requests made by the OPCV appear necessary and appropriate with a view to adequately protecting the relevant victims;

⁵ ICC-02/04-01/05-349-Corr.

FOR THESE REASONS, HEREBY

ORDERS that Annex 40 to the Observations be reclassified as “confidential *ex parte* only available to the OPCV”;

ORDERS that the *corrigenda* to Annex 9 and to Annex 40 to the Observations filed as annexes to the Corrigendum by the OPCV be inserted in the record of the Case.

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

Mauro Politi

Judge Mauro Politi
Presiding Judge

Hans-Peter Kaul

Judge Hans-Peter Kaul

Ekaterina Trendafilova

Judge Ekaterina Trendafilova

Dated this Tuesday, 3 February 2009

At The Hague, The Netherlands.