

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/04-01/05  
Date: 15 February 2008

**PRE-TRIAL CHAMBER II**

**Before: Judge Mauro Politi, Single Judge**

**Registrar: Mr Bruno Cathala**

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

**Public**

**Decision on legal representation of Victims a/0090/06, a/0098/06, a/0101/06  
a/0112/06, a/0118/06, a/0119/06 and a/0122/06**

**The Office of the Prosecutor**  
Mr Luis Moreno Ocampo, Prosecutor  
Ms Fatou Bensouda, Deputy  
Prosecutor  
Mr Eric MacDonald, Trial Lawyer

**Ad hoc Counsel for the Defense**  
Ms Michelyne C. Saint-Laurent  
**The Office of Public Counsel for  
Victims**  
Ms Paolina Massidda  
Ms Adesola Adeboyejo

**I, Judge Mauro Politi**, judge at the International Criminal Court (“the Court”);

**NOTING** the “*Decision designating a Single Judge on victims’ issues*”, dated 22 November 2006,<sup>1</sup> whereby Pre-Trial Chamber II (“the Chamber”) designated Judge Mauro Politi as Single Judge responsible for all issues arising in connection with victims’ applications for participation in the proceedings in respect of the situation in Uganda (“the Situation”) and in the case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* (“the Case”);

**NOTING** the victims’ applications for participation in the proceedings, filed by the Registrar in the record of the Situation on 19 June 2006<sup>2</sup> and 17 August 2006,<sup>3</sup> and in the record of the Case on 21 August 2006;<sup>4</sup>

**NOTING** the *ex parte* reports filed by the Registrar in accordance with rule 89(1) of the Rules of Procedure and Evidence (“the Rules”) and regulation 86(5) of the Regulations of the Court (“the Regulations”) in the Situation on 16 October 2006,<sup>5</sup> 23

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<sup>1</sup> ICC-02/04-01/05-130.

<sup>2</sup> *Application to participate a/0010/06* (ICC-02/04-22-Conf-Exp).

<sup>3</sup> *Application for participation a/0064/06* (ICC-02/04-23-Conf-Exp); *Application for participation a/0065/06* (ICC-02/04-24-Conf-Exp); *Application for participation a/0066/06* (ICC-02/04-25-Conf-Exp); *Application for participation a/0067/06* (ICC-02/04-26-Conf-Exp); *Application for participation a/0068/06* (ICC-02/04-27-Conf-Exp); *Application for participation a/0069/06* (ICC-02/04-28-Conf-Exp); *Application for participation a/0070/06* (ICC-02/04-29-Conf-Exp).

<sup>4</sup> *Application for participation a/0010/06* (ICC-02/04-01/05-98-Conf-Exp); *Application for participation a/0064/06* (ICC-02/04-01/05-99-Conf-Exp); *Application for participation a/0065/06* (ICC-02/04-01/05-100-Conf-Exp); *Application for participation a/0066/06* (ICC-02/04-01/05-101-Conf-Exp); *Application for participation a/0067/06* (ICC-02/04-01/05-102-Conf-Exp); *Application for participation a/0068/06* (ICC-02/04-01/05-103-Conf-Exp); *Application for participation a/0069/06* (ICC-02/04-01/05-104-Conf-Exp); *Application for participation a/0070/06* (ICC-02/04-01/05-105-Conf-Exp).

<sup>5</sup> *Report to Pre-Trial Chamber II 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* (ICC-02/04-30-Conf-Exp).

October 2006<sup>6</sup> and 16 November 2006,<sup>7</sup> and in the Case on 4 September 2006,<sup>8</sup> 16 October 2006,<sup>9</sup> 26 October 2006<sup>10</sup> and 16 November 2006,<sup>11</sup> as well as the victims' applications for participation annexed thereto;

**NOTING** the "*Decision on victims' 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*" ("the Decision on victims' participation"), dated 10 August 2007 and filed on 13 August 2007 in the record of the Situation<sup>12</sup> and in the record of the Case;<sup>13</sup>

**NOTING** the "*Report of the Registry on legal representation in accordance with the Decision of Pre-Trial Chamber II dated 10 August 2007 in accordance with Regulation 86 paragraph 5 of the Regulations of the Court*" and its annex, filed *ex parte* on 11 January 2008 in the record of the Situation<sup>14</sup> and in the record of the Case<sup>15</sup> ("the Report");

**NOTING** that in the Decision on victims' participation, the Single Judge *inter alia* (i) granted Applicants a/0090/06, a/0098/06, a/0112/06, a/0118/06, a/0119/06 and

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<sup>6</sup> Report to Pre-Trial Chamber II on applications a/0081/06 to a/0104/06 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 (ICC-02/04-32-Conf-Exp).

<sup>7</sup> Report to Pre-Trial Chamber II 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 (ICC-02/04-33-Conf-Exp).

<sup>8</sup> Report to Pre-Trial Chamber II on application 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 Regulations of the Court (ICC-02/04-01/05-109-Conf-Exp).

<sup>9</sup> Report to Pre-Trial Chamber II on applications a/0064/06 to a/0070/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Regulations of the Court (ICC-02/04-01/05-120-Conf-Exp).

<sup>10</sup> Report to Pre-Trial Chamber II on applications a/0081/06 to a/0104/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Regulations of the Court (ICC-02/04-01/05-123-Conf-Exp).

<sup>11</sup> Report to Pre-Trial Chamber II on applications a/0111/06 to a/0127/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Regulations of the Court (ICC-02/04-01/05-128-Conf-Exp).

<sup>12</sup> ICC-02/04-100-Conf-Exp; ICC-02/04-101.

<sup>13</sup> ICC-02/04-01/05-251-Conf-Exp; ICC-02/04-01/05-252.

<sup>14</sup> ICC-02/04-113-Conf-Exp.

<sup>15</sup> ICC-02/04-01/05-265-Conf-Exp.

a/0122/06 the status of victim in the Case and requested the Registrar to assist them in the appointment of a common legal representative; (ii) granted Applicants a/0101/06 and a/0119/06 the status of victim in the context of the Situation and requested the Registrar to assist them in the appointment of a common legal representative; (iii) requested the Registrar to seek the views of Applicant a/0119/06 as regards by which legal representative he should be represented, given that he was granted both the status of victim in the Case and in the context of the Situation;

**NOTING** rule 90(4) of the Rules which provides that the Chamber and the Registry shall take all reasonable steps to ensure that in the selection of common legal representatives, the distinct interests of the victims are represented and that any conflict of interest is avoided;

**NOTING** that in light of the choice expressed by the victims, the limitations of the legal aid budget for 2008, and the current status of the proceedings, the Registrar recommended the appointment of members of the Office of Public Counsel for Victims ("the OPCV") until such time as either the victims or the Court decide to appoint an external common legal representative;<sup>16</sup>

**NOTING** regulation 80(1) of the Regulations, which provides that the Chamber, following consultation with the Registrar, may appoint a legal representative of victims where the interests of justice so require;

**NOTING** regulation 80(2) of the Regulations, which vests the Chamber with the power to appoint counsel from the OPCV;

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<sup>16</sup> The Report, para. 12.

**CONSIDERING** that the Principal Counsel of the OPCV confirmed that no conflict of interest would prevent her Office from representing the victims and suggested the appointment of herself and Ms Adesola Adeboyejo as legal representatives of the victims concerned;<sup>17</sup>

**CONSIDERING** that, as stated in the Decision on victims' participation,<sup>18</sup> appointing a common legal representative for the victims in the Case and a common legal representative for the victims in the context of the Situation is deemed necessary at this stage to ensure the effectiveness of the proceedings;

**CONSIDERING** that, where an applicant is granted the status of victim both in the context of the Situation and in the Case, the appointment of a legal representative entrusted with the task of representing and protecting the victim's interests both in the Situation and in the Case appears appropriate, in order to provide the victim with one interlocutor only and secure his or her uniform representation;<sup>19</sup>

**CONSIDERING** therefore that Victim a/0119/06 should be provided with a legal representative entrusted with representing and protecting his interests both in the Situation and in the Case;

**CONSIDERING** that these appointments are made without prejudice to any future determination by the Chamber regarding the common legal representatives of victims in light of the requirements of rule 90(4) of the Rules;<sup>20</sup>

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<sup>17</sup> The Report, paras. 9, 10.

<sup>18</sup> Decision on victims' applications for participation, paras. 80, 162.

<sup>19</sup> Decision on victims' applications for participation, para. 162.

<sup>20</sup> See also ICC-01/04-01/06-1119, "*Decision on victims' participation*", para. 124.

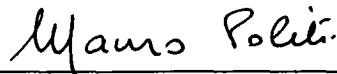
**FOR THESE REASONS:**

**APPOINT** Ms Adesola Adebeyejo, Counsel in the OPCV, as legal representative of Victims a/0090/06, a/0098/06, a/0112/06, a/0118/06, a/0122/06;

**APPOINT** the Principal Counsel of the OPCV, Ms Paolina Massidda, as legal representative of Victim a/0101/06;

**APPOINT** the Principal Counsel of the OPCV, Ms Paolina Massidda, as legal representative of Victim a/0119/06.

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



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**Judge Mauro Politi**  
**Single Judge**

Dated this 15 February 2008

At The Hague, The Netherlands.