

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 18 April 2006

PRE-TRIAL CHAMBER II

Before: Judge Mauro Politi, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Ekaterina Trendafilova

Registrar: Mr Bruno Cathala

**SITUATION IN UGANDA
CASE 01-05**

Public Document

**ORDER TO THE PROSECUTOR TO PROVIDE INFORMATION ON FURTHER
UNSEALING OF 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 Mac Donald, Trial Lawyer

PRE-TRIAL CHAMBER II of the International Criminal Court (the “Court”);

NOTING article 67, paragraph 1 of the Statute of the Court (the “Statute”), pursuant to which the accused shall be entitled to a public hearing;

NOTING regulation 8 (c) of the Regulations of the Court (the “Regulations”), pursuant to which “decisions and orders of the Court and other particulars of each case” shall be published on the website of the Court; as well as regulations 20 and 21 of the Regulations, reiterating the principle of publicity of hearings;

RECALLING that the sealing of documents in the record was ordered mainly in the interests of the safety and security of victims and witnesses;

RECALLING the Chamber’s decisions on unsealing of documents of the record dated the 13th day of October 2005¹, the 2nd day of November 2005² and the 9th day of March 2006³ (respectively, the “First Unsealing Decision”, the “Second Unsealing Decision” and the “Third Unsealing Decision”);

CONSIDERING it necessary that the process of unsealing be continued, bearing in mind the need that all documents of the record be given the correct and appropriate treatment, with specific regard to the safety and security of victims and witnesses;

¹ Decision on the Prosecutor’s application for unsealing of the warrants of arrest, 13 October 2005 (ICC-02/04-01/05-52).

² Decision to unseal further documents of the records, 2 November 2005 (ICC-02/04-01/05-62).

³ Decision to unseal further documents of the record, 9 March 2006 (ICC-02/04-01/05-78).

NOTING the "Update of proposed treatment of all relevant documents of the record and application for entry of reasons for sealing into public record"⁴ and the sealed "Annex A and B to 'Update of Proposed Treatment of All Relevant Documents of the Record and Application for Entry of Reasons for Sealing into Public Record'"⁵ submitted by the Prosecutor on the 14th day of November 2005 at the request of the Chamber;

NOTING the corrected version of Annex B submitted by the Prosecutor during the status conference held on the 17th day of November 2005⁶;

CONSIDERING that the respective contents of and the relationship between Annex A and Annex B were the subject matter of a request for clarification by the Chamber during the status conference held on the 17th day of November 2005;

NOTING the additional documents filed in the record between the 17th day of November 2005 and the present day;

CONSIDERING it appropriate, in the present context, to seek the Prosecutor's views as to the status and treatment to be given to all of the documents filed in the record until the present day, prior to continuing with the unsealing process;

NOTING regulation 28, sub-paragraph 1 and sub-paragraph 2 of the Regulations;

HAVING REGARD THERETO AND FOR THESE REASONS

⁴ ICC -02/04-01/05-63.

⁵ ICC -02/04-01/05-63-US-Exp-Anx A-B.

⁶ Document HNE7-02/04-01/05-US-Exp, attached to ICC-02/04-01/05-65-US-Exp, "Registration in the record of material presented during the status conference held in closed session on 17 November 2005", submitted by the Registrar on the 28th day of November 2005.

THE CHAMBER HEREBY

ORDERS the Prosecutor to submit, at the latest by Tuesday, the 2nd day of May 2006, an updated proposal detailing the suggested treatment of any document filed in the record both of the situation and of the case until the present day, including the supporting reasons for each suggestion;

INVITES the Prosecutor, for the purpose of clarity and in the interest of the expeditiousness of the proceedings, to follow the official numbering of the record both of the situation and of the case and to include all of his proposals in one single document, with a view to replacing the charts contained in the submission dated the 14th day of November 2005 as amended;

REQUESTS that such updated proposal be submitted under seal.

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

Mauro Politi

Judge Mauro Politi
Presiding Judge

Fatoumata Dembele Diarra

Judge Fatoumata Dembele Diarra

Ekaterina Trendafilova

Judge Ekaterina Trendafilova

Dated this 18th day of April, 2006

At The Hague, The Netherlands

Seal of the Court