

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**

No.: ICC-02/04

Date: 17 June 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**

**Under Seal  
Ex Parte, Prosecutor only**

**DECISION TO HOLD A HEARING ON THE PROTECTION OF VICTIMS AND  
WITNESSES IN CONNECTION WITH THE PROSECUTOR'S APPLICATION  
FOR WARRANTS OF ARREST AND THE PROSECUTOR'S APPLICATION  
DATED 13 JUNE 2005**

**The Office of the Prosecutor**

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

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

**NOTING** the “Prosecutor’s application for Warrants of Arrest under Article 58” dated the 6<sup>th</sup> day of May 2005, as amended and supplemented by the Prosecutor on the 13<sup>th</sup> day of May 2005 and on the 18<sup>th</sup> day of May 2005 (the “Prosecutor’s application”), and the request made that all the proceedings relating thereto be treated as and kept under seal, with a view to ensuring that vulnerable groups in Uganda, including victims and persons living in areas mentioned in the application, are not put at risk as a result of the Prosecutor’s application;

**SITTING** as the full Chamber, pursuant to the Chamber’s decision on the 18<sup>th</sup> day of May 2005;

**NOTING** the “Prosecutor’s Application To Disclose to Internal Auditor Certain Information Relating to the Amended Application for Warrants” dated the 13<sup>th</sup> day of June 2005 (the “Application dated the 13<sup>th</sup> day of June 2005”);

**NOTING** that the Application dated the 13<sup>th</sup> day of June 2005 is made as a result of an article published in the French newspaper *Le Monde* on the 11<sup>th</sup> day of June 2005, which reported that the Prosecutor has sought warrants of arrest against members of the Lord’s Resistance Army, as well as other similar press reports, including reports in the Ugandan press;

**NOTING** the references in the Application dated the 13<sup>th</sup> day of June 2005 to the “extremely damaging case-related consequences” of the dissemination of information about the Prosecutor’s application, including the “increased danger” for “victims, witnesses” and persons “investigated by the OTP” or “believed to have provided information to OTP”, and the concern that persons who have cooperated in the investigation will “be at risk of retaliation ... because the implementation of increased security measures has not yet been completed”;

**NOTING** also the specific request made in the Prosecutor’s application that the transmission of requests for arrest and surrender be accompanied by protective measures under 87, paragraph 4, of the Statute of the Court (the “Statute”);

**NOTING** that under article 68, paragraph 1, of the Statute, “the Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses”, and that under the same provision “[t]he Prosecutor shall take such measures particularly during the investigation”;

**NOTING** the role of the Chamber to provide for the protection and privacy of victims and witnesses under article 57, paragraph 3 (c), of the Statute;

**NOTING** regulations 28 and 46, sub-regulation 2, of the Regulations of the Court (the “Regulations”), pursuant to which a Chamber may respond to any request relating to an assigned situation and order a participant to clarify or provide additional details on any document; as well as regulation 48, sub-regulation 1, of the Regulations, pursuant to which the Chamber may request the Prosecutor to provide additional information in order to exercise the functions and responsibilities set forth in, *inter alia*, article 57, paragraph 3 (c), of the Statute;

**CONSIDERING** it necessary to hear the Prosecutor on matters concerning the protection of victims and witnesses raised by the Prosecutor's application and the Application dated the 13<sup>th</sup> day of June 2005;

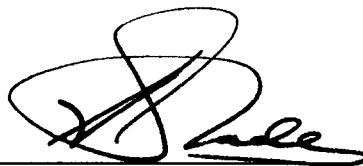
**FOR THESE REASONS;**

**DECIDES** to hold a hearing on the 21<sup>st</sup> day of June 2005 regarding the protection of victims and witnesses in connection with the Prosecutor's application and the Application dated the 13<sup>th</sup> day of June 2005;

**DECIDES** that this hearing be held in closed session to be attended only by the Prosecutor and his representatives;

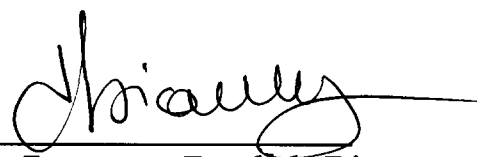
**ORDERS** that this decision be kept under seal, until further order by the Chamber.

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 17<sup>th</sup> day of June 2005

At The Hague, The Netherlands

**Seal of the Court**