

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

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

Date: 5 December
2005

Original: English

PRE-TRIAL CHAMBER II

Before: Judge Tuiloma Neroni Slade, Presiding Judge
Judge Mauro Politi
Judge Fatoumata Dembele Diarra

Registrar: Mr Bruno Cathala

SITUATION IN UGANDA
Case 01/05

PUBLIC REDACTED VERSION

SUBMISSION FILED BY THE REGISTRAR ON 5 DECEMBER 2005

The Office of the Prosecutor

Mr Moreno Ocampo, Prosecutor
Ms Bensouda, Deputy Prosecutor
Ms Chung, Senior Trial Lawyer
Mr MacDonald, Trial Lawyer

The Registry

Mr Dubuisson, Head, DCS
Mr Vaatainen, Chief, VWU
Mr O'Brien, Protection Officer, VWU

The Registrar of the International Criminal Court (the "Court"),

NOTING that in accordance with article 68.4 of the Rome Statute, the Victims and Witnesses Unit may advise the Prosecutor and the Court on appropriate protective measures, security arrangements, counselling and assistance as referred to in article 43, paragraph 6;

NOTING that pursuant to rule 121, sub-rule 10 of the Rules of Procedure and Evidence, the Registrar is responsible for creating and maintaining a full and accurate record of all proceedings before the Pre-Trial Chamber;

NOTING the Chamber's request, set forth in its decisions of 8 July¹ and 13 October² regarding the Prosecutor's application for unsealing of the warrants, that it be informed "on a periodic and regular basis as to developments concerning the implementation of protective and security measures in the field"³;

NOTING the Presiding Judge's statements, at the 6 October status conference, that "the Chamber is particularly concerned about security"⁴, that the Chamber "seek[s] information and clarification on the general security situation in Uganda"⁵ and that security related issues should be brought to the attention of the Chamber⁶;

CONSIDERING that on 16 November 2005, the Registrar received confirmation by the Office of the Prosecutor of the existence of a letter [REDACTED] allegedly from the Lord's Resistance Army threatening "to kill any white person

¹ ICC-02/04-01/05-1-US-Exp, 8 July 2005

² ICC-02/04-01/05-52, 13 October 2005

³ ICC-02/04-01/05-1-US-Exp, 8 July 2005, page 10

⁴ T-02/04-01/05-2-Conf-EN, page 2, lines 21-22

⁵ T-02/04-01/05-2-Conf-EN, page 3, lines 6-8

⁶ T-02/04-01/05-2-Conf-EN, page 4, lines 10-14

moving any how in this region” but was not given the document itself or a copy thereof;

CONSIDERING that the Office of the Prosecutor acknowledged that the above mentioned letter was in their possession since 25 October 2005;

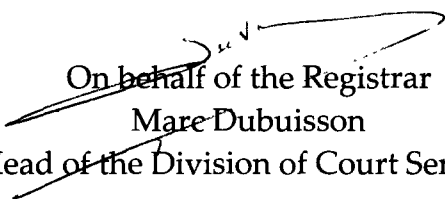
CONSIDERING that it is only on 17 November 2005 that the Registrar obtained from the Office of the Prosecutor during a meeting that he would be formally communicated the abovementioned letter, which he received together with the hereto attached letter dated 17 November 2005 (Ref: OTP/OSU/05/029);

CONSIDERING that, taking into consideration the potential imminent risk to ICC staff in the field, and in the absence of further communication from the Office of the Prosecutor, the Registrar decided on 16 November 2005, to inform the relevant Chamber of the situation and to cancel all missions in Uganda, pending further assessment of the security in the field;

CONSIDERING that the letter appeared to have an impact on the capability of ICC staff, including the VWU, to operate in northern Uganda;

CONSIDERING that the [REDACTED] letter was transmitted to the Registrar and the President of the Court without specification as to its level of confidentiality;

SUBMITS the letter dated 17 November 2005 by the Operations Security Officer of the Office of the Prosecutor (ref: OPT/OSU/05/029) and the letter [REDACTED] allegedly from the Lord's Resistance Army, [REDACTED]


On behalf of the Registrar
Mare Dubuisson
Head of the Division of Court Services

Dated this fifth day of December 2005

At The Hague, The Netherlands

**Cour
Pénale
Internationale**



Le Bureau du Procureur

The Office of the Prosecutor

**International
Criminal
Court**

Ref: OTP/OSU/05/029

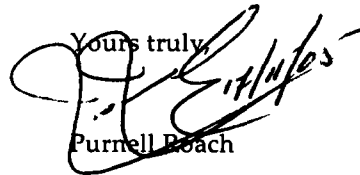
The Hague, 17 November 2005

In reference to the letter 051117/LMO-sv of 17 November 2005, please see the attached copy of the requested letter allegedly from the Lords Resistance Army Movement and OTP Analysis of LRA letter [REDACTED], for your information and perusal.

As indicated in the recently concluded discussions on this matter, the writer, OTP's Operations' Security Officer, restricted OTP missions to Northern Uganda in direct relation to an elevated level of LRA activity, which resulted in the deaths of several individuals. In this regard, information as to this restriction was communicated to OTR/SS Security via email.

Additionally, the writer acted on the assumption that existence of the letter was known to the Kampala base field Security Officers and as such did not take further action. This assumption has now proved to have been ill-conceived, which regrettably has led to this perceived non-sharing of information.

We hope that such a situation will in the future not repeat itself as we move towards realizing the creation of a joint Situation Centre where such information will be disseminated to all parties in a timely manner.

Yours truly,

Purnell Roach

Operations Security Officer

Cc: President Philippe Kirsch

Prosecutor Moreno-Ocampo

Serge Brammertz, Deputy Prosecutor Investigations

[REDACTED]

[REDACTED]