



Original: French

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

Date: 30 May 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

IN THE CASE 01/05

THE PROSECUTOR v.

*JOSEPH KONY, VINCENT OTTI, RASKA LUKWIYA, OKOT ODHIAMBO and
DOMINIC ONGWEN*

Public Document

**DECISION APPOINTING A SINGLE JUDGE FOR UNSEALING OF
DOCUMENTS**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor

Ms 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 article 39(2)(b)(iii) of the *Rome Statute* (“the Statute”), pursuant to which the functions of the Pre-Trial Chamber shall be carried out either by three judges of the Pre-Trial Division or by a single judge of that division in accordance with the Statute and the *Rules of Procedure and Evidence* (“the Rules”);

NOTING article 57(2)(b) of the Statute, pursuant to which, in all cases other than those governed by article 57(2)(a), a single judge of the Pre-Trial Chamber may exercise the functions provided for in the Statute, unless otherwise provided for in the *Rules of Procedure and Evidence* or by a majority of the Pre-Trial Chamber;

NOTING rule 7(1) of the Rules, pursuant to which the Pre-Trial Chamber shall designate a judge as a single judge on the basis of objective pre-established criteria;

NOTING regulation 47(1) of the *Regulations of the Court*, pursuant to which the designation of a single judge shall be based on criteria agreed upon by the Pre-Trial Chamber, including seniority of age and criminal trial experience, the issues involved and the distribution of work within the Chamber as well as the proper management and efficiency in the handling of cases;

NOTING the Chamber’s previous decisions on the unsealing of documents in the records of the situation and of the case, dated 13 October 2005,¹ 2 November 2005² and 9 March 2006;³

NOTING the order dated 18 April 2006, by which the Chamber requested the Prosecutor to submit an updated proposal detailing the suggested treatment of all relevant documents in the record both of the situation and of the case;⁴

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 Record*, 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 “Prosecutor's Submission of Information on Further Unsealing of Documents of the Record” dated 2 May 2006,⁵ by which the Prosecutor filed an updated document detailing his proposed treatment of all documents of the record of the situation and of the case;

CONSIDERING that at this stage of the proceedings in the situation in Uganda and in the case of *The Prosecutor v. Joseph KONY, Vincent OTTI, Raska LUKWIYA, Okot ODHIAMBO and Dominic ONGWEN*, the designation of a single judge for unsealing of documents will enable the matter to be handled efficiently;

FOR THESE REASONS,

DECIDES to designate Judge Fatoumata Dembele Diarra as Single Judge, responsible for the unsealing of documents in the situation in Uganda and the case concerning **Joseph KONY, Vincent OTTI, Raska LUKWIYA, Okot ODHIAMBO and Dominic ONGWEN**.

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

[signed]
Judge Mauro Poli
Presiding Judge

[signed]
Judge Fatoumata Dembele Diarra

[signed]
Judge Ekaterina Trendafilova

Dated this Tuesday 30 May 2006
At The Hague, The Netherlands

⁴ Order to the Prosecutor to Provide Information on Further Unsealing of Documents of the Record, 18 April 2006 (ICC-02/04-01/05-82)

⁵ Prosecutor's Submission of Information on Further Unsealing of Documents of the Record, 2 May 2006 (ICC-02/04-01/05-83)