

ANNEX II

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/04-01/05**
Date: **11 November 2008**

THE PRESIDENCY

Before: Judge Philippe Kirsch, President
Judge Akua Kuenyehia, First Vice-President
Judge René Blattmann, Second Vice-President

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

Public

URGENT

**Decision on the Application of Mr Jens Dieckmann of 28 October 2008
for judicial review of his appointment by the Registrar as defence counsel, in
accordance with the decision of Pre-Trial Chamber II of 21 October 2008**

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor
Mr Luis Moreno Ocampo
Ms Fatou Bensouda

Counsel for the Defence
Mr Jens Dieckmann

**The Office of Public Counsel for
Victims**
Ms Paolina Massidda

States Representatives
The Government of the Republic of
Uganda

REGISTRY

Registrar
Ms Silvana Arbia

Defence Support Section
Mr Esteban Peralta Losilla

Deputy Registrar
Mr Didier Preira

The Presidency of the International Criminal Court;

In the application of Mr Jens Dieckmann ("applicant") of 28 October 2008 for judicial review entitled: "Request for review of Counsel's appointment by the Registrar in accordance with Pre-Trial Chamber's Decision of 21 October 2008 and request for conditional stay/suspension of the proceedings" ("Application");¹

Noting the decision of Pre-Trial Chamber II of 21 October 2008 entitled: "Decision initiating proceedings under article 19, requesting observations and appointing counsel for the Defence"; whereby Pre-Trial Chamber II initiated proceedings, on its own motion, to determine the admissibility of the case of *the Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*, pursuant to article 19(1) of the Rome Statute and invited the applicant, the Republic of Uganda, the Prosecutor and the victims² or their legal representatives, to submit written observations on the admissibility of the case;³

Noting the decision of Pre-Trial Chamber II of 31 October 2008 entitled: "Decision on Defence Counsel's 'Request for conditional stay of proceedings'", granting the participants until Tuesday, 18 November 2008 to submit their observations;⁴

Considering that the decision on the Application should be communicated forthwith to the applicant, with reasons to follow, in view of that time limit;


Renders the following

DECISION

The Application is dismissed.

The reasons for the decision will be given shortly.

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



Judge Philippe Kirsch
President

Dated this 11 November 2008
At The Hague, The Netherlands

¹ ICC-02/04-01/05-326.

² As defined on page 7 of ICC-02/04-01/05-320.

³ ICC-02/04-01/05-320.

⁴ ICC-02/04-01/05-328.