



Original: **English**

No. ICC-02/04
Date: **24 December 2018**

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

SITUATION IN UGANDA

PUBLIC

Decision requesting observations

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Counsel for the Defence

Krispus Ayena Odongo

Legal Representatives of the Victims

Joseph Akwenyu Manoba
Francisco Cox

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda

**The Office of Public Counsel for the
Defence**

Xavier-Jean Keita

States Representatives

Trust Fund for Victims

Pieter W.I. de Baan

REGISTRY

Registrar & Deputy Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Other

PRE-TRIAL CHAMBER II (the “Chamber”) of the International Criminal Court (the “Court”), issues this decision requesting observations on the “Notification by the Board of Directors in accordance with Regulation 50(a) of the Regulations of the Trust Fund for Victims of its conclusion to undertake further activities in Uganda” (the “Notification”).¹

1. On 19 December 2018, the Board of Directors of the Trust Fund for Victims submitted the Notification.

2. The Chamber notes articles 68 and 79 of the Rome Statute, regulations 24, 34, 73 and 77 of the Regulations of the Court (the “Regulations”) and regulation 50(a) of the Regulations of the Trust Fund for Victims (the “Regulations of the Trust Fund”).

3. Pursuant to regulation 50(a)(ii) of the Regulations of the Trust Fund, the Chamber may decide on the Notification and assess whether the proposed activities would “pre-determine any issue to be determined by the Court, including the determination of jurisdiction [...], admissibility [...], or violate the presumption of innocence, or be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial” within 45 days of receiving said Notification. Prior to deciding on the matter at hand, the Chamber deems it appropriate to receive observations from those affected by the Notification.

4. Considering that the warrants of arrest against Joseph Kony and Vincent Otti have not been executed yet, the Chamber finds that the Office of Public Counsel for the defence (the “OPCD”) should be appointed pursuant to regulations 73(3) and 77(4)(e) of the Regulations to provide observations, if any, on the Notification. The Chamber also deems it appropriate to receive observations, if any, from the Defence for Dominic Ongwen who is currently being tried before Trial Chamber IX.

5. The Chamber also considers it appropriate to receive observations, if any, from the legal representative of victims participating in the case of the *Prosecutor v Dominic Ongwen* (the “Ongwen case”), as well as the Office of Public Counsel for victims (the “OPCV”): (i) representing victims in proceedings related to the situation in Uganda;² (ii) supporting and

¹ ICC-02/04-229 with one confidential annex.

² Pre-Trial Chamber II, Decision on Victim’s Participation in Proceedings Related to the Situation in Uganda, 9 March 2012, ICC-02/04-191.

assisting victims admitted to participate in the case of *The Prosecutor v Joseph Kony et al.*,³ and (iii) representing victims in the Ongwen case.⁴

6. Lastly, the Chamber deems it appropriate to receive observations, if any, from the Prosecutor.

FOR THESE REASONS, THE CHAMBER HEREBY

- a) **INVITES** the OPCD, the Defence for Dominic Ongwen, the OPCV, the legal representative of victims in the Ongwen case and the Prosecutor to submit observations on the Notification no later than Friday, 25 January 2019, if they so wish; and
- b) **ORDERS** the Registrar to provide access to the Notification and its annex to the aforementioned participants.


³ Pre-Trial Chamber II, Decision on legal representation, appointment of counsel for the defence, protective measures and time-limit for submission of observations on applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06, 1 February 2007, ICC-02/04-01/05-134 ; Decision on victims' applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06, 10 August 2007, ICC-02/04-01/05-252 ; Decision on legal representation of Victims a/0090/06, a/0098/06, a/0101/06, a/0112/06, a/0118/06, a/0119/06 and a/0122/06, 15 February 2008, ICC-02/04-01/05-267 ; Decision on victims' applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06, a/0082/06, a/0084/06 to a/0089/06, a/0091/06 to a/0097/06, a/0099/06, a/0100/06, a/0102/06 to a/0104/06, a/0111/06, a/0113/06 to a/0117/06, a/0120/06, a/0121/06 and a/0123/06 to a/0127/06, 14 March 2008, ICC-02/04-01/05-282 ; Decision on legal representation, appointment of counsel for the defence, criteria for redactions of applications for participation, and submission of observations on applications for participation a/0014/07 to a/0020/07 and a/0076/07 to a/0125/07, 17 September 2008, ICC-02/04-01/05-312 ; Decision on victims' applications for participation a/0014/07 to a/0020/07 and a/0076/07 to a/0125/07, 21 November 2008, ICC-02/04-01/05-356 ; Decision on legal representation of Victims a/0065/06, a/0066/06, a/0068/06, a/0088/06, a/0090/06 to a/0096/06, a/0098/06, a/0102/06, a/0103/06, a/0112/06, a/0115/06, a/0117/06, a/0118/06, a/0120/06 to a/0126/06, a/0076/07 to a/0078/07, a/0081/07, a/0082/07, a/0084/07, a/0085/07, a/0090/07 to a/0103/07, a/105/07 to a/0108/07, a/0112/07, a/0115/07, a/0117/07, a/0118/07 and a/0123/07, 9 February 2009, ICC-02/04-01/05-366.

⁴ Pre-Trial Chamber II, Decision on contested victims' applications for participation, legal representation of victims and their procedural rights, 27 November 2015, ICC-02/04-01/15-350; Decision on issues concerning victims' participation, 15 December 2015, ICC-02/04-01/15-369; Second decision on contested victims' applications for participation and legal representation of victims, 24 December 2015, ICC-02/04-01/15-384; Trial Chamber IX, Decision on Requests Concerning Organisation of Victim Representation, 17 June 2016, ICC-02/04-01/15-476; Decision concerning 300 Victim Applications and the Deadline for Submitting Further Applications, 26 September 2016, ICC-02/04-01/15-543; Decision Concerning 610 Victims Applications (Registry Report ICC-02/04-01/15-544) and 1183 Victim Applications (Registry Report ICC-02/04-01/15-556), 4 November 2016, ICC-02/04-01/15-586.

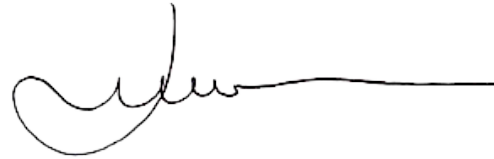
Done in both English and French, the English version being authoritative.



Judge Antoine Kesia-Mbe Mindua
Presiding Judge



Judge Tomoko Akane



Judge Rosario Salvatore Aitala

Dated this Monday, 24 December 2018

At The Hague, The Netherlands