



Original: **English**

No.: ICC-02/04-01/05
Date: 15 December 2008

PRE-TRIAL CHAMBER II

Before: Judge Mauro Politi, Presiding Judge
Judge Hans-Peter Kaul
Judge Ekaterina Trendafilova

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

**URGENT
Public Document**

Prosecutor's Response to Observations submitted under Rule 103

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Counsel for the Defence

Mr Jens Dieckmann

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massida

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

States Representatives

The Government of the Republic of
Uganda

Amicus Curiae

The Uganda Victims' Foundation
Redress Trust

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

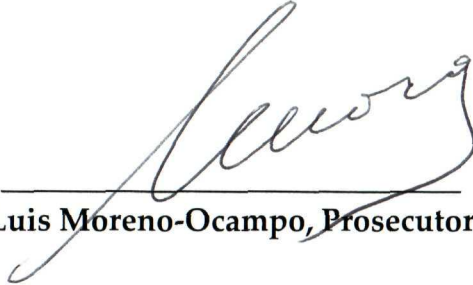
1. On 21 October 2008, in the "Decision initiating proceedings under article 19, requesting observations and appointing counsel for the Defence"¹, the Chamber decided to initiate proceedings under Article 19 (1) of the ICC Statute, and invited participants to submit their observations on the admissibility of the case.
2. The Prosecution submitted its observations on 18 November 2008.²
3. On 21 November 2008, Pre-Trial Chamber II rendered its "Decision on responses to observations submitted under Rule 103"³ ("Decision") whereby it invited the Participants to comment on the observations of The Uganda Victims' Foundation and Redress Trust ("Amici Curiae") filed within the context of the admissibility proceedings initiated under Article 19(1) of the Rome Statute. The Prosecution hereby provides its comments.
4. The Prosecution submits that its case against Joseph Kony, Okot Odhiambo and Dominic Ongwen is admissible. As confirmed by the Ugandan government and the Amici Curiae, there are no national proceedings against them. This is the only relevant factor to consider. The Prosecution recalls in this regard that the admissibility assessment is not a judgment on the national justice system of Uganda, therefore additional information on the High Court of Uganda is not required. In light of the aforementioned, the Prosecution reiterates and adopts its previous submissions made regarding the admissibility of the case on 18 November 2008.⁴

¹ ICC-02/04-01/05-320.

² ICC-02/04-01/05-352.

³ ICC-02/04-01/05-357.

⁴ ICC-02/04-01-05; "Prosecutor's Observations Regarding the Admissibility of the Case against Joseph Kony, Vincent Otti, Okot Odhiambo & Dominic Ongwen".



Luis Moreno-Ocampo, Prosecutor

Dated this 15th day of December 2008

At The Hague, The Netherlands