

12:34:50 1 International Criminal Court  
12:34:50 2 Appeals Chamber  
12:34:50 3 Situation in Uganda  
12:34:50 4 Case number ICC-02/04-01/05-  
12:34:50 5 Thursday, 13 July 2006 - EX PARTE only available to OTP in closed  
session.  
12:52:39 6 [12:52 p.m.]  
12:52:39 7 THE USHER: All rise. The International Criminal Court is  
12:52:45 8 now in session.  
12:52:45 9 JUDGE PIKIS: [Microphone not activated]  
12:52:59 10 THE REGISTRY: Yes, your Honour. This is the situation in  
12:53:01 11 Uganda, No. ICC-02/04-01/05.  
12:53:18 12 JUDGE PIKIS: You may also register your presence.  
12:53:24 13 MS BENSOUDA: Mr President, your Honours, Fatou Bensouda,  
12:53:25 14 Deputy Prosecutor; Senior Appeals Counsel, Fabricio  
12:53:31 15 Guariglia; Senior Trial Lawyer, Christine Chung;  
12:53:34 16 Associate Appeals Counsel, Ben Batros appearing for the  
12:53:52 17 Office of the Prosecutor.  
12:53:52 18 JUDGE PIKIS: This is an application seeking an order from  
12:53:56 19 the Appeals Chamber to give suspensive effect to the  
12:54:09 20 Prosecutor's application for extraordinary review; in  
12:54:11 21 other words, the Court is asked to suspend proceedings  
12:54:15 22 pending before the Pre-Trial Chamber in exercise of  
12:54:20 23 powers akin to Article 82(3) of the Statute empowering  
12:54:32 24 the Court to give suspensive effect not to proceedings  
12:54:37 25 but to the judgment under appeal for the purposes

12:54:46 1 identified in Article 82(3). This is not the object of  
12:54:52 2 the application before us. The object of the application  
12:54:57 3 of the Prosecutor has some affinity or resembles  
12:55:07 4 applications that for the -- not applications -- stay of  
12:55:13 5 proceedings ordered in common law jurisdictions because  
12:55:20 6 of the abuse of process, but even in that case stay is  
12:55:25 7 granted by the trial court and not the appeal court.  
12:55:29 8 Also, prohibition is another subject to which we may  
12:55:37 9 refer for illuminating the purposes of this application.  
12:55:43 10 Neither power nor jurisdiction is vested in the Court to  
12:55:50 11 make an order in the nature of the orders sought by the  
12:55:56 12 Prosecutor.  
12:55:57 13 The outcome of the application can be nothing other than  
12:56:01 14 its dismissal, and we so order for the reasons explained  
12:56:07 15 in somewhat greater detail in the short in extent  
12:56:14 16 judgment of the Court.

12:56:22 17 THE USHER: All rise.

12:56:34 18 MS BENSOUDA: As the Court pleases.

12:56:34 19 [12:56 p.m.]

12:56:34 20 [The Chamber adjourned accordingly]

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