

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/04-01/15**
Date: **27 November 2015**

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN UGANDA

**IN THE CASE OF
*THE PROSECUTOR V. DOMINIC ONGWEN***

**Confidential
With two Confidential Annexes**

Registry's submission on the "Order to the Registrar to transmit a request for cooperation under article 101 of the Rome Statute to the Central African Republic" (ICC-02/04-01/15-319-Conf)

Source: The Registry

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Benjamin Gumpert

Counsel for the Defence

Kripus Ayena Odongo

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (“the Court”);

NOTING the “Request to the Central African Republic for Arrest and Surrender of Dominic Ongwen” issued by the Pre-Trial Chamber II on 21 March 2007¹;

NOTING the “Report of the Registry on the voluntary surrender of Dominic Ongwen and his transfer to the Court” submitted on 22 January 2015, indicating that the central African authorities handed the custody of Mr Ongwen over to the Court on 16 January 2015²;

NOTING the “Notice of intended charges against Dominic Ongwen” submitted by the Prosecution on 18 September 2015³;

NOTING the “Request for permission to supplement the “Notice of intended charges against Dominic Ongwen” filed on 18 September 2015” submitted by the Prosecution on 5 October 2015⁴;

NOTING the “Order to the Registrar to transmit a request for cooperation under article 101 of the Rome Statute to the Central African Republic” (the “Order”) issued by Pre-Trial Chamber II on 15 October 2015⁵;

¹ ICC-02/04-01/15-98

² ICC-02/04-01/15-189

³ ICC-02/04-01/15-305-Conf

⁴ ICC-02/04-01/15-311-Conf

⁵ ICC-02/04-01/15-319-Conf

NOTING articles 87 and 101(1) and (2) of the Rome Statute and regulation 23*bis* of the Regulations of the Court;

CONSIDERING that the Order instructs the Registrar to inform the Central African Republic of the charges that the Prosecutor intends to bring against the accused and to request the Central African Republic to provide a waiver of the requirements of the rule of speciality, under article 101(2) of the Statute, as soon as possible and, in any case, within 30 days from the transmission of the request;

INFORMS the Chamber as follows:

1. On 28 October 2015, the Registry transmitted the French version of the Order dated 15 October 2015 to the Ministry of Justice of the Central African Republic by way of a *note verbale* dated 26 October 2015 and requested the authorities to submit a waiver of the requirements of article 101(1) of the Rome Statute as provided for in the said Order.
2. On 27 November 2015⁶, the Registry received a *note verbale* from the Ministry of Justice of the Central African Republic providing a waiver of the requirement of the rule of specialty, under article 101(1) in accordance with article 101(2).

⁶ In accordance with Regulation 33, the *note verbale* was submitted within the time limit set by the Chamber.

TRANSMITS in annexes:

- The *note verbale* to the Ministry of Justice of the Central African Republic dated 26 October 2015 and the memorandum of notification (Confidential – Annex I);
- The *note verbale* sent by the Ministry of Justice of the Central African Republic dated 26 November 2015 (Confidential – Annex II).

SUBMITS the present submission and its annexes as confidential, as *per* regulation 23*bis* of the Regulations of the Court, in line with the level of confidentiality under which the Order was issued and as the annexes contain the names of staff members of the Court and of representatives of the consulted State.



Marc Dubuisson, Director of the Division of Judicial Services
On behalf of
Herman von Hebel, Registrar

Dated this 27 November 2015

At The Hague, The Netherlands