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**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original : English

**No.: ICC-02/04-01/05
Date: 7 March 2007**

PRE-TRIAL CHAMBER II

Before: Judge Mauro Politi, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Ekaterina Trendafilova

Registrar: Mr Bruno Cathala

**SITUATION IN UGANDA
IN THE CASE OF
THE PROSECUTOR
vs. JOSEPH KONY, VINCENT OTTI, RASKA LUKWIYA, OKOT
ODHIAMBO and DOMINIC ONGWEN**

Ex Parte, Prosecutor Only
**SUBMISSION OF INFORMATION ON THE REPORTED MOVEMENT
OF PERSONS WHOSE ARREST HAS BEEN SOUGHT**

The Office of the Prosecutor
Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Ms Christine Chung, Senior Trial Lawyer

Preliminary Statement

The Office of the Prosecutor ("OTP") respectfully submits information on the reported movement of persons whose arrest is sought. This submission responds to an order issued on 28 February 2007 by this Chamber.

Request for Confidential, *Ex parte* Treatment

The OTP respectfully requests that this submission be received as confidential and *ex parte* to the Prosecutor only. This is the same level of confidentiality under which the Chamber issued its 28 February 2007 Order.

Information on the Reported Movement of Persons Whose Arrest is Sought

1. After consulting with the numerous public and non-public sources from which the OTP regularly receives security-related information, including entities which have entered into cooperation agreements with the OTP, the OTP is unable to confirm that any of the persons whose arrest is sought is located in the Central African Republic. There were public reports in late February 2007 that Joseph KONY and Vincent OTTI were either headed with other LRA members toward the CAR or had crossed the border into the CAR. The presence of KONY and OTTI within the CAR was disputed at the time, however, and it is also known that on 1 March 2007, KONY and OTTI met to the west of Garamba Park, in the Democratic Republic of Congo, with Joaquim Chissano, Special Envoy of the United Nations Secretary General for the LRA-Affected Areas. Okot ODHIAMBO and Dominic ONGWEN are believed to have been in the

Democratic Republic of Congo as late as late January and early February 2007, but their current whereabouts cannot be confirmed.

2. The OTP respectfully submits that notwithstanding the difficulty of confirming the presence in the Central African Republic of any of the persons whose arrest has been sought, it would be appropriate for the Chamber to consider transmitting the requests for arrest and surrender to the Central African Republic. The best available information from public and non-public OTP sources, including security sources, is that some group of perhaps as many as 150 to 400 LRA members – the leadership of which is unknown – is now located within the Central African Republic, after having arrived there sometime in February 2007.¹ This factual circumstance, together with the demonstrated ability of LRA groups to re-locate themselves quickly, the proximity of Garamba Park to the Central African Republic, and the continued movement of LRA forces far from Ri-Kwangba, where the LRA were obligated to gather under the terms of the recently expired Cessation of Hostilities Agreement, all constitute, in the OTP's view, a reasonable basis for believing that the Central African Republic is a territory in which KONY, OTTI, ODHIAMBO, and/or ONGWEN "may be found," within the meaning of Article 89(1) of the Rome Statute.

3. The OTP also respectfully submits that, in the factual circumstances presented, it would avoid any potential ambiguity about cooperation


¹ For the Chamber's convenience, a map depicting the approximate locations in which the LRA has recently been sighted is annexed as Exhibit A.

obligations, and thus serve the letter and spirit of Article 89(1), were the Chamber to order the transmission of requests for cooperation to the Central African Republic before any person whose arrest is sought is confirmed to have located himself in the Central African Republic.

4. If and when the Chamber determines to order the transmission to the Central African Republic of the requests for arrest and surrender, it may be appropriate for the Chamber to consider re-classifying the submissions of the OTP and the Registry as public.

Conclusion

The OTP respectfully submits information on the reported movement of persons whose arrest is sought. It concurs, in addition, that it is appropriate for the Chamber to consider transmitting requests for arrest and surrender to the Central African Republic.



Luis Moreno-Ocampo
Chief Prosecutor

Dated this 7th day of March 2007
At The Hague, The Netherlands