

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-02/04-01/05
Date: 29 February 2008

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 *v.* JOSEPH KONY, VINCENT OTTI, OKOT ODHIAMBO,
DOMINIC ONGWEN**

Public Document

**Request for Information from the Republic of Uganda on the Status of Execution
of the Warrants of Arrest**

The Office of the Prosecutor
Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Eric MacDonald, Trial Lawyer

**The Government of the Republic of
Uganda**

PRE-TRIAL CHAMBER II (the "Chamber") of the International Criminal Court (the "Court");

RECALLING the warrant of arrest for Joseph KONY, issued by the Chamber on 8 July 2005, as amended on 27 September 2005,¹ and the warrants of arrest issued for Vincent OTTI,² Okot ODHIAMBO,³ and Dominic ONGWEN⁴ on 8 July 2005 (the "Warrants");

RECALLING the request for arrest and surrender of Joseph KONY, dated 8 July 2005, as amended on 27 September 2005,⁵ and the requests for arrest and surrender of Vincent OTTI,⁶ Okot ODHIAMBO,⁷ Dominic ONGWEN⁸ to the Republic of Uganda, dated 8 July 2005;

NOTING the "Agreement on Accountability and Reconciliation Between the Government of the Republic of Uganda and the Lord Resistance Army/Movement Juba, Sudan" signed on 29 June 2007 (the "Principal Agreement");

NOTING the "Annexure to the Agreement on Accountability and Reconciliation signed between the Government of the Republic of Uganda and the Lord Resistance Army" on 19 February 2008 (the "Annexure");

NOTING articles 86, 87 and 93 of the Rome Statute of the Court (the "Statute"), setting forth the obligation of States Parties to cooperate fully with the Court in any matter related to the investigation and prosecution of crimes within its jurisdiction and the modalities for such cooperation;

¹ ICC-02/04-01/05-53.

² ICC-02/04-01/05-54.

³ ICC-02/04-01/05-56.

⁴ ICC-02/04-01/05-57.

⁵ ICC-02/04-01/05-29-US-Exp, reclassified as public pursuant to Decision ICC-02/04-01/05-135.

⁶ ICC-02/04-01/05-13-US-Exp, reclassified as public pursuant to Decision ICC-02/04-01/05-135.

⁷ ICC-02/04-01/05-15-US-Exp, reclassified as public pursuant to Decision ICC-02/04-01/05-135.

⁸ ICC-02/04-01/05-16-US-Exp, reclassified as public pursuant to Decision ICC-02/04-01/05-135.

NOTING, in particular, article 87(7) of the Statute, according to which, where a State Party fails to comply with a request to cooperate, the Court may make a finding to that effect and refer the matter to the Assembly of States Parties;

NOTING rule 176(2) of the Rules of Procedure and Evidence of the Court and regulation 46(2) of the Regulations of the Court which respectively deal with, *inter alia*, communication with requesting States concerning requests for cooperation and the responsibility of the Pre-Trial Chamber for any matter, request or information arising out of a situation;

NOTING that, under the Annexure,⁹ “... the government shall expeditiously prepare and develop the necessary legislation and modalities for implementing the principle agreement and this annexure”;

NOTING also that, pursuant to the Annexure, the Republic of Uganda “shall establish a unit” to carry out investigations and prosecutions especially against individuals who are alleged to have planned or committed widespread, systematic, or serious attacks directed against civilians, or who have allegedly committed grave breaches of the Geneva Conventions;

NOTING further that the Annexure foresees the establishment of a “special division of the High Court (...) to try individuals who are alleged to have committed serious crimes during the conflict”;

NOTING lastly that, under the Annexure, the “...Government [of Uganda] shall ensure that serious crimes committed during the conflict are addressed by the special Division of the High Court; traditional justice mechanisms; and any other alternative justice mechanism established under the principal agreement...”;

⁹ http://monitor.co.ug/artman/publish/news/Details_of_Government_LRA_agreement.shtml.

CONSIDERING that, in light of these developments, and in order to ensure the efficient conduct of the proceedings before the Court, it is necessary for the Chamber to receive information from the Republic of Uganda on the impact of the Annexure on Uganda's cooperation with respect to the execution of the Warrants;

FOR THESE REASONS,

REQUESTS the Republic of Uganda to provide the Chamber, at the earliest convenience, preferably no later than 28 March 2008, with detailed information on the implications of the Annexure on the execution of the Warrants and, in particular, on the following issues:

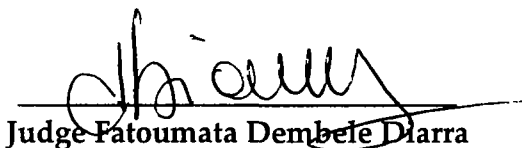
- a) The steps that the Republic of Uganda has undertaken or intends to undertake with a view to implementing the Principal Agreement and the Annexure;
- b) The exact competence attributed to the special division of the High Court of Uganda and specifically, the competence *ratione materiae* and *ratione personae*;
- c) The categories of offences and alleged perpetrators addressed by the traditional justice mechanisms and other alternative justice mechanisms referred to in the Annexure;
- d) The impact of the establishment of the special division of the High Court of Uganda and of recourse to traditional justice mechanisms or other alternative justice mechanisms on the execution of the Warrants and on the cooperation provided by the Republic of Uganda to the Court for their execution.

ORDERS the Registrar to transmit promptly this request to the Government of the Republic of Uganda.

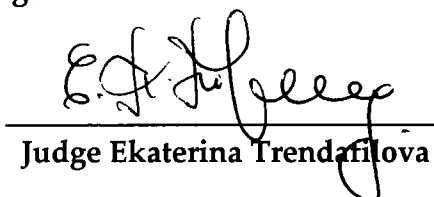
Done in English and French, the English version being authoritative.



Judge Mauro Politi
Presiding Judge



Judge Fatoumata Dembele Diarra



Judge Ekaterina Trendafilova

Dated this Friday, 29 February 2008

At The Hague, The Netherlands