

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : English

No.: ICC-02/04-01/05

Date: 10 December 2007

**PRE-TRIAL CHAMBER II**

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

**Registrar:** Mr. Bruno Cathala

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

**Urgent  
Confidential**

**Submission by the Registrar on the Progress Made for the Execution of the Warrants of  
Arrest in the Case of Uganda**

**The Office of the Prosecutor**

Mr. Luis Moreno Ocampo, Prosecutor

Ms. Fatou Bensouda, Deputy Prosecutor

Mr. Eric Macdonald, Trial Lawyer

**The Registrar of the International Criminal Court ("the Court");**

**NOTING** the Decisions of Pre-Trial Chamber II ("the Chamber") of 8 July and 27 September 2005, "Decision on the Prosecutor's Application for Warrants of Arrest under Article 58"<sup>1</sup> and "Decision on the Prosecutor's Urgent Application dated 26 September 2005"<sup>2</sup> respectively, in which the Chamber requested the Registrar to transmit the warrants of arrest and the requests for arrest and surrender to the appropriate States, in cooperation with the Prosecutor;

**NOTING** the warrants of arrest for Joseph KONY issued by the Chamber on 8 July 2005 as amended on 27 September 2005<sup>3</sup>, and the warrants of arrest issued for Vincent OTTI<sup>4</sup>, Okot ODHIAMBO<sup>5</sup>, and Dominic ONGWEN on 8 July 2005<sup>6</sup>;

**NOTING** the requests for arrest and surrender of 8 July and 27 September 2005 to the Republic of Uganda<sup>7</sup>, the Democratic Republic of the Congo<sup>8</sup> and the Republic of Sudan<sup>9</sup>;

**NOTING** the Orders issued by the Chamber, "Order to the Registrar and the Prosecutor for the Submission of Information on the Status of the Execution of the Warrants of Arrest in the Situation in Uganda" dated 15 September 2006<sup>10</sup> and "Order Granting a New Deadline to the Registrar for the Submission of Additional Information and Comments on the Status of Cooperation in the Situation in Uganda" dated 13 October 2006<sup>11</sup>;

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<sup>1</sup> ICC-02/04-01/05-1-US-Exp; unsealed as per decision ICC-02/04-01/05-52 of 13 October 2005.

<sup>2</sup> ICC-02/04-01/05-27-US-Exp, reclassified as public according to the decision ICC-02/04-01/05-78 of 23 March 2006.

<sup>3</sup> ICC-02/04-01/05-53

<sup>4</sup> ICC-02/04-01/05-54.

<sup>5</sup> ICC-02/04-01/05-56.

<sup>6</sup> ICC-02/04-01/05-57.

<sup>7</sup> ICC-02/04-01/05-29-US-Exp, ICC-02/04-01/05-13-US-Exp, FCC-02/04-01/05-15-US-Exp, ICC-02/04-01/05-16-US-Exp, all reclassified as public pursuant to Decision ICC-02/04-01/05-135.

<sup>8</sup> ICC-02/04-01/05-30, ICC-02/04-01/05-31, ICC-02/04-01/05-32, ICC-02/04-01/05-33, all reclassified as public pursuant to Decision ICC-02/04-01/05-135.

<sup>9</sup> ICC-02/04-01/05-35, ICC-02/04-01/05-36, ICC-02/04-01/05-37, ICC-02/04-01/05-38, all reclassified as public pursuant to Decision ICC-02/04-01/05-135.

<sup>10</sup> ICC-02/04-01/05-111.

<sup>11</sup> ICC-02/04-01/05-119.

**NOTING** the three reports by the Registrar, "Rapport du Greffier sur l'état d'exécution des mandats d'arrêt dans la Situation en Ouganda" (Registrar's Report on the Status of the Execution of the Warrants of Arrest in the Situation in Uganda) dated 6 October 2006<sup>12</sup>; "Rapport complémentaire du Greffier sur l'état d'exécution des mandats d'arrêt dans l'affaire Ouganda" (Additional Report by the Registrar on the Status of the Execution of the Warrants of Arrest in the Situation in Uganda), dated 20 October 2006<sup>13</sup> and "Rapport du Greffier sur l'état d'exécution des mandats d'arrêt dans la Situation en Ouganda" (Registrar's Report on the Status of the Execution of the Warrants of Arrest in the Situation in Uganda) dated 13 December 2006<sup>14</sup>;

**NOTING** the Order issued by the Chamber, "Order to the Registrar and the Prosecutor for the Submission of Information on the Reported Movement of Persons whose Arrest is Sought", dated 28 February 2007<sup>15</sup>;

**NOTING** the Registrar's Report on the Movement of Persons Whose Arrest is Sought" dated 6 March 2007<sup>16</sup>;

**NOTING** the Prosecutor's "Submission of Information on the Reported Movement of Persons whose Arrest has been Sought" dated 7 March 2007<sup>17</sup>;

**NOTING** the decision of 21 March 2007 to issue requests for arrest and surrender to the Central African Republic<sup>18</sup>;

**NOTING** further the "Notice confirming the death of Raska Lukwiya" of the Solicitor-General of the Republic of Uganda dated 30 October 2006<sup>19</sup> and the information provided in the Registrar's Report that the Registrar requested a death certificate from the Ugandan authorities on 5 March 2007<sup>20</sup>;

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<sup>12</sup> ICC-02/04-01/05-118.

<sup>13</sup> ICC-02/04-01/05-122

<sup>14</sup> ICC-02/04-01/05-133-Conf.

<sup>15</sup> ICC-02/04-01/05-213-Conf-Exp.

<sup>16</sup> ICC-02/04-01/05-217-Conf-Exp.

<sup>17</sup> ICC-02/04-01/05-218-US-Exp.

<sup>18</sup> ICC-02/04-01/05-224-Conf-Exp.

<sup>19</sup> ICC-02/04-01/05-126-US, Annex.

<sup>20</sup> ICC-02/04-01/05-217-US-Exp.

**NOTING** the "Decision to Terminate the Proceedings against Raska Lukwiya"<sup>21</sup> on 11 July 2007;

**NOTING** the decision of 8 November 2007 to convene a status conference on the status of cooperation for the execution of the warrants of arrest on 11 December 2007<sup>22</sup>;

**NOTING** articles 43(1), 89(1) of the Statute, rules 176(2) and 184 of the Rules of Procedure and Evidence, and Regulation 76(c) of the Regulations of the Registry;

**SUBMITS** the following information regarding the status of cooperation of the Republic of Uganda, the Democratic Republic of the Congo, the Republic of Sudan and the Central African Republic, (the "Requested States") with regards to the execution of the warrants of arrest and surrender against Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen;

1. The Registry sent Note Verbales to the Requested States, on 26 October 2007, asking for a report on the activities undertaken with regards to the execution of the warrants of arrest and any potential difficulty arising thereof;

#### **The Republic of Uganda**

2. On 22 November 2007, a telephone conversation took place between Her Excellency, Myriam Blaak, Ambassador of the Republic of Uganda to the Netherlands and the Director of Division of Court Services, where the Ambassador proposed that the Ministry of Justice or another representative of the Republic of Uganda attends to a Hearing before Pre-Trial Chamber II in order to present a report on the execution of the arrest warrants against Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen;

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<sup>21</sup> ICC-02/04-01/05-248

<sup>22</sup> ICC-02/04-01/05-259

3. Following the telephone conversation, the Director of Division of Court Services sent a letter to Mrs. Jane Kiggundu, Acting Solicitor General to the Ministry of Justice and Constitutional Affairs to the Republic of Uganda (Annex 1), on 26 November 2007 informing her about the discussion he had with the Ambassador and notifying her about the scheduled Pre-Trial Chamber hearing on 11 December 2007;
4. On 3 December 2007, the Registry received a report dated 30 November 2007, by the Solicitor General to the Ministry of Justice and Constitutional Affairs to the Republic of Uganda (Annex 2), on the Execution of Warrants against Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen;
5. Having received a report on the status of the execution of the warrants of arrest, the Registry decided not to request postponement of the hearing, as has been suggested in the letter to the Republic of Uganda (Annex 1); so as the following steps be determined by the Chamber, as appropriate;

**The Democratic Republic of the Congo, the Republic of Sudan and the Central African Republic**

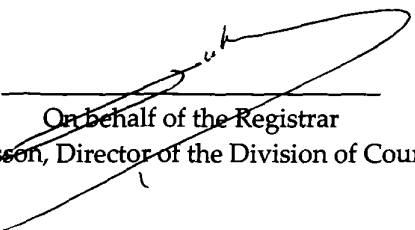
6. Having received no response then of the Democratic Republic of the Congo, the Republic of Sudan and the Central African Republic, the Registry sent additional Note Verbales, on 4 December 2007, to follow up on the initial Note Verbales sent on 26 October 2007, to inform them about the hearing scheduled on 11 December for the purpose of discussing the execution of the warrants of arrest; and to request them to provide their respective feedback accordingly, before the hearing;
7. On 7 December 2007, the Registry received a letter from the Democratic Republic of the Congo (Annex 3) dated 12 November 2007, stating that it is facing difficulties to trace their location;
8. The Registry did not yet receive feedback from the Republic of Sudan or from the Central African Republic;

In light of the information above:

**ANNEXES** the Letter to the Ministry of Justice of the Republic of Uganda in Annex 1;

**ANNEXES** the Report of the Republic of Uganda in Annex 2;

**ANNEXES** the letter from the Democratic Republic of the Congo in Annex 3.

  
On behalf of the Registrar  
Marc Dubuisson, Director of the Division of Court Services

Done on Monday 10 December 2007

At The Hague, The Netherlands