

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-02/04-01/05
Date: 28 February 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
v. JOSEPH KONY, VINCENT OTTI, OKOT ODHIAMBO, RASKA LUKWIYA,
DOMINIC ONGWEN**

**Confidential
Ex Parte, Prosecutor only
ORDER TO THE REGISTRAR AND THE PROSECUTOR FOR THE
SUBMISSION OF INFORMATION ON THE REPORTED MOVEMENT OF
PERSONS WHOSE ARREST IS SOUGHT**

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Ms Christine Chung, Senior Trial Lawyer
Mr Eric MacDonald, Trial Lawyer

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

NOTING the "Prosecutors' Application for Warrants of Arrest under Article 58" dated 6 May 2005¹, in which the Prosecutor stated that the "OTP is in contact with relevant national authorities in Uganda and Sudan" and that the OTP has "developed [...] relationship and cooperation agreements with the relevant national authorities";

NOTING the Chamber's "Decision on the Prosecutors' Application for Warrants of Arrest under Article 58" dated 8 July 2005², as well as the Chamber's "Decision on the Prosecutor's urgent application dated 26 September 2005" dated 27 September 2005³;

NOTING that pursuant to articles 58, paragraph 5, 87 and 89 of the Rome Statute ("the Statute") a request for cooperation consisting in the arrest and surrender of a person may be made and transmitted by the Court to any State on the territory of which that person may be found;

NOTING the requests for arrest and surrender addressed by the Chamber to the Republic of Uganda⁴ dated 8 July 2005 and 27 September 2005, as well as the requests

¹ ICC-02/04-4-US-Exp, paras. 593 and 594.

² ICC-02/04-01/05-1-US-Exp.

³ ICC-02/04-01/05-27-US-Exp.

⁴ Request for arrest and surrender of Joseph KONY (ICC-02/04-01/05-29-US-Exp), Vincent OTTI (ICC-02/04-01/05-13-US-Exp), Okot ODHIAMBO (ICC-02/04-01/05-15-US-Exp), Raska LUKWIYA (ICC-02/04-01/05-14-US-Exp), Dominic ONGWEN (ICC-02/04-01/05-16-US-Exp).

for arrest and surrender addressed to the Democratic Republic of the Congo⁵ and the Republic of Sudan⁶, dated 27 September 2005 ("the Requests");

RECALLING that, pursuant to Rule 176, sub-rule 2 of the Rules of Procedure and Evidence, the Chamber vested the Registrar with the transmission of the warrants of arrest issued on 8 July 2005 (as amended on 27 September 2005) ("the Warrants"), and the Requests to the relevant States, in accordance with the terms set out in the Requests⁷;

NOTING the Chamber's "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 2006⁸ and the "Order to the Prosecutor for the submission of additional information on the status of the execution of the warrants of arrest in the situation in Uganda" dated 30 November 2006⁹, whereby the Chamber requested the Registrar and the Prosecutor to provide information and comments on the status of the execution of the Warrants;

NOTING the "*Rapport du Greffier sur l'état d'exécution des mandats d'arrêt dans la situation en Ouganda*" submitted on 6 October 2006¹⁰, the "*Rapport complémentaire du Greffier sur l'état d'exécution des mandats d'arrêt dans la situation en Ouganda*" dated 20 October 2006¹¹ as well as the "*Rapport complémentaire du Greffier sur l'état d'exécution*

⁵ Request for arrest and surrender of Joseph KONY (ICC-02/04-01/05-30-US-Exp), Vincent OTTI (ICC-02/04-01/05-31-US-Exp), Okot ODHIAMBO (ICC-02/04-01/05-32-US-Exp), Raska LUKWIYA (ICC-02/04-01/05-34-US-Exp), Dominic ONGWEN (ICC-02/04-01/05-33-US-Exp).

⁶ Request for arrest and surrender of Joseph KONY (ICC-02/04-01/05-35-US-Exp), Vincent OTTI (ICC-02/04-01/05-36-US-Exp), Okot ODHIAMBO (ICC-02/04-01/05-37-US-Exp), Raska LUKWIYA (ICC-02/04-01/05-39-US-Exp), Dominic ONGWEN (ICC-02/04-01/05-38-US-Exp).

⁷ ICC-02/04-01/05-1-US-Exp, p. 9

⁸ ICC-02/04-01/05-111.

⁹ ICC-02/04-01/05-131.

¹⁰ ICC-02/04-1/05-118.

¹¹ ICC-02-04/05-122.

des mandats d'arrêt dans la situation en Ouganda" dated 13 December 2006¹² (the "Registrar's Submissions").

NOTING the Prosecutor's "Submission of information on the status of the execution of the warrants of arrest in the situation in Uganda" dated 6 October 2006¹³ and his "Submission of additional information on the status of the execution of the warrants of arrest in the situation in Uganda" dated 8 December 2006¹⁴ ("the Prosecutor's Submissions");

NOTING that since the Registrar's and the Prosecutor's Submissions, there have been media reports referring to the Central African Republic (CAR) as the presumed current location of persons whose arrest is sought by the Court;

CONSIDERING the need for the Chamber to receive additional information on the location of persons whose arrest is sought in order to exercise its powers and fulfill its duties, in particular under Part 9 of the Statute, and to assess the need to take further steps for the execution of the Warrants;

NOTING article 87, paragraph 3 of the Statute;

CONSIDERING the need to preserve confidentiality in submissions concerning reported movements of persons whose arrest is sought, in order to support arrest efforts;

¹² ICC-02/04-01/05-133-Conf.

¹³ ICC-02/04-01/05-116.

¹⁴ ICC-02/04-01/05-132.

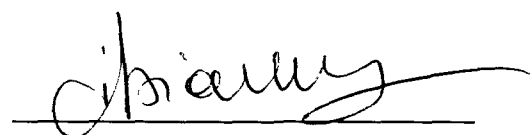
**HAVING REGARD THERETO AND FOR THESE REASONS, THE CHAMBER
HEREBY**

REQUESTS the Registrar and the Prosecutor to provide, on or before Wednesday 7 March 2007, further information in their possession concerning the execution of the Warrants, in particular on the reported movement of persons whose arrest is sought and their alleged location in the CAR, in order to allow the Chamber to assess the need to take further steps regarding the execution of the Warrants.

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



**Judge Mauro Politi
Presiding Judge**



Judge Fatoumata Dembele Diarra



Judge Ekaterina Trendafilova

Dated this 28th day of February 2007

At The Hague, The Netherlands