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**Cour  
Pénale  
Internationale**

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

**International  
Criminal  
Court**

Date: 11 April 2006

Original: English

**PRE-TRIAL CHAMBER II**

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

Registrar: Mr Bruno Cathala

**SITUATION IN UGANDA***Case 01/05***Under Seal***Ex Parte, Prosecutor Only*

**Notification That Government of Uganda Will Continue Efforts to Execute  
Warrant of Arrest Naming Dominic Ongwen**

| <b>The Office of the Prosecutor</b>                                                                                                                          |  |
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| Mr. Luis Moreno Ocampo, Prosecutor<br>Mrs. Fatou Bensouda, Deputy Prosecutor<br>Ms. Christine Chung, Senior Trial Lawyer<br>Mr. Eric MacDonald, Trial Lawyer |  |

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

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The OTP respectfully submits this notification that the Government of Uganda, after having taken steps to determine if the body previously thought to be that of Dominic Ongwen is indeed that of Ongwen, has determined to continue efforts to execute the warrant of arrest naming Ongwen. The Government of Uganda recently learned that DNA testing of samples taken from the corpse REDACTED REDACTED have excluded the possibility of a REDACTED REDACTED between the corpse REDACTED. In addition, there is no other conclusive proof that Ongwen is deceased. As a result, the Government of Uganda has notified the Registry that it will continue efforts to execute the warrant of arrest naming Ongwen.

### **Request for Sealing**

1. The Government of Uganda has requested that the information contained in this submission remain confidential until further notice as mentioned in correspondence with the Registry. See Letter dated 7 April 2006 from the Solicitor General of Uganda, Mr. Tibaruha to the Registrar of the Court, Mr. Cathala, annexed hereto as Annex A. The OTP has been informed by the Government of Uganda that they are requesting confidentiality in an attempt to enhance their efforts to effectuate the arrest of Dominic Ongwen before it becomes known that the DNA samples did not match and that there is no other conclusive proof that Ongwen is deceased. For this reason, this submission is being filed under seal, pending a decision by the Chamber on the request of the Government of Uganda that this submission remain confidential. The OTP does not object to the request for sealing.

### **Procedural Background**

2. The OTP previously had notified this Chamber, by filing dated 5 October 2005, that the Government of Uganda had reported that Dominic Ongwen had died in combat with the Uganda People's Defence Force ("UPDF"). At about the same time, the media in Uganda was also reporting Ongwen's death.
3. The OTP noted in its 5 October 2005 filing that it would inform the Chamber of further developments that might bear on court proceedings and that it anticipated that the Government of Uganda would independently discharge its responsibility of notifying the Registrar of any difficulty in executing the warrant of arrest naming Ongwen.

### **Notification of Continued Attempts to Effectuate Warrant of Arrest Naming Ongwen**

4. In January 2006, the Government of Uganda ("GoU") informed the OTP that it intended to notify the Court of the death of Ongwen, as part of its obligations under Part 9 of the Rome Statute, only after attempting to confirm the identity of the body of the LRA combatant recovered from Iyalakwe IDP Camp in Soroti District and identified by former LRA commanders to be Dominic Ongwen. Specifically it requested that the OTP arrange the exporting of DNA samples from the corpse and DNA testing by a qualified laboratory.

5. In February 2006, pursuant to the GoU's request, representatives of the OTP joined CID officers and UPDF personnel in REDACTED REDACTED REDACT-ED . DNA samples were obtained REDACTED and exported to the Netherlands together with samples taken from the corpse previously identified as that of Ongwen. All of the samples were conveyed to the Netherlands Forensic Institute ("NFI") by an OTP representative in late February 2006. The NFI performed testing on samples from the corpse REDACT-ED REDACTED and also preserved one complete set of samples.
6. In the last week of March 2006, the OTP received notification of the result of the DNA testing and forwarded that result to the GoU. On 7 April 2006, the GoU notified the Registrar of the result of the NFI testing: that the DNA samples REDACTED failed to match the DNA samples from the corpse. The visual identification made by former LRA commanders had been hindered by the condition of the body, which had suffered a wound to the face and was already decaying when presented for identification. In addition, no other conclusive proof of Ongwen's death exists. The GoU notified the Registry that as a result, it would continue efforts to execute the warrant of arrest naming Ongwen.
7. A copy of the report issued by the NFI is annexed hereto as Annex B.<sup>1</sup>

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<sup>1</sup> The OTP notes that REDACTED have not been redacted from the NFI report because this submission is being made under seal in any event.

## CONCLUSION

For the foregoing reasons, the Prosecutor respectfully notifies the Pre-Trial Chamber that the GoU has determined to continue efforts to execute the warrant of arrest naming Dominic Ongwen.



**Luis Moreno Ocampo**  
Prosecutor

Dated this 11th day of April 2006

At The Hague, The Netherlands