

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 28 August 2006

PRE-TRIAL CHAMBER II

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

Registrar: Mr Bruno Cathala

SITUATION UGANDA

[PUBLIC REDACTED VERSION]

**Notification That Government of Uganda Has Requested The Office of The
Prosecutor To Provide Assistance In Conducting DNA Tests On The Alleged Body
of Raska LUKWIYA**

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

The OTP respectfully submits this notification that the Government of Uganda has notified the Registry of its request that the OTP provide assistance in conducting DNA tests on samples from the body believed to be that of Raska LUKWIYA. See Letter dated 21 August 2006 from the Solicitor General of Uganda, Mr. L. Tibaruha, to the Registrar of the Court, annexed hereto as Annex A.¹

Request for Sealing

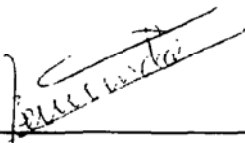
1. The Government of Uganda has requested that the information contained in this submission remain confidential until further notice because of the ongoing process of the DNA testing and particularly the current efforts to identify and solicit the cooperation [REDACTED]
[REDACTED] of DNA.

Background

2. On 14 August 2006, the OTP notified the Pre-Trial Chamber of the news of LUKWIYA's probable death and that the Government of Uganda was in the process of confirming the identity of the body believed to be that of Raska LUKWIYA. The OTP also notified the PTC that, if requested, the OTP would assist the Ugandan authorities in this effort.
3. On 15 August 2006, the Government of Uganda made such a request for assistance in conducting DNA tests on samples from the body believed to be that of LUKWIYA. The process is underway and the OTP will notify the Chamber of any additional information that may bear on court proceedings.

¹ The Registry kindly provided the OTP with a copy of the GoU letter and the Registry consents to the OTP's filing of the letter.

4. The Government of Uganda also intends to notify the Court, in accordance with its obligation under the statute, of the death of LUKWIYA once the identification has been certified.



Luis Moreno Ocampo
Prosecutor

Dated this 28th day of August 2006

At The Hague, Netherlands

ANNEX

A

23 Aug 2006 7:36PM

SOLICITOR GENERAL (U)

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TELEGRAMS: "ADMINISTER"
DIRECT LINE: 041-343401
MINISTER'S OFFICE: 041-343841
ATTORNEY GENERAL'S OFFICE: 041-343941
SOLICITOR GENERAL'S OFFICE: 041-343941
UNDER SECRETARY'S OFFICE: 041-342261
GENERAL LINES: 041-230538/9
FAX: 041-230802/254829



THE REPUBLIC OF UGANDA

MINISTRY OF JUSTICE AND
CONSTITUTIONAL AFFAIRS,
P.O. Box 7183,
Kampala, Uganda

In any correspondence of **MJ/AG/39A**
this subject please quote No.

PRIVILEGED AND CONFIDENTIAL21st August 2006

Honourable Bruno Cathala
Registrar of the
International Criminal Court
Maanweg 174 2516 AB
The Hague, The Netherlands

Sir

RE: DEATH OF RASKA LUKWIYA

As you are aware the Government of Uganda received requests for arrest and surrender as well as the relevant arrest warrants from the International Criminal Court on 30 September 2005.

On 12 August 2006, our military force, the UPDF engaged an LRA group in Kitgum District, approximately 21 km north of Kitgum Town. During the engagement, which occurred around 11am, it was reported that Maj. Gen. Raska was killed.

The alleged body of Lukwiya was initially identified by senior members of the LRA as well as by members of [REDACTED]. The LRA itself also appear to have confirmed the death of Raska Lukwiya. However, due to the condition of the body, the Government of Uganda believes that DNA testing would be the most conclusive means of certifying the identity of the body. On 15 August 2006, the Government made a request to the Office of the Prosecutor (OTP) to provide specialised forensic assistance in performing this task.

The process is already underway and will be carried out in compliance with any relevant domestic laws and procedures, and the Government will remain responsible throughout the process for ensuring such compliance.

2006 7:36PM SOLICITOR GENERAL (U)

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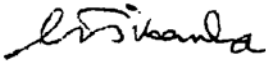
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Mindful of its obligations under Part 9 of the Rome Statute and the need to keep the Court informed of developments regarding arrest and surrender, the Government of Uganda intends ~~to~~ to notify the Court of the death of Lukwiya, once identification has been certified.

Due to the ongoing process of DNA testing, particularly the current efforts to identify and solicit the cooperation [REDACTED]
[REDACTED], the Government of Uganda requests this document and others related to the DNA testing to remain sealed until further notice.

Should you have any question in relation to this request, please do not hesitate to contact me.

Please accept, Sir, the assurances of my highest consideration.



L. Tibaruha
SOLICITOR GENERAL