

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 10 March 2008

PRE-TRIAL CHAMBER II

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

Registrar: Mr. Bruno Cathala

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

Under Seal, *Ex Parte*, Prosecutor and Registrar only

**Urgent Application for Authorization to Disclose Information Relating to the
Warrants of Arrest and Requests for Arrest and Surrender Transmitted to the
Central African Republic**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor

Mrs Fatou Bensouda, Deputy Prosecutor

Mr Éric MacDonald, Trial Lawyer

The Office of the Prosecutor ("Prosecution") has received information that a group of the Lord's Resistance Army ("LRA"), including possibly persons against whom Pre-Trial Chamber II issued warrants of arrest, have moved into the territory of the Central African Republic ("CAR") in February 2008.

Although Pre-Trial Chamber II ("Chamber") issued requests for the arrest and surrender directed to the CAR ("Requests for Arrest and Surrender"), and authorized their transmission along with the accompanying warrants of arrest ("Warrants of Arrest") to the CAR authorities on 21 March 2007 following similar reports of LRA movement to the CAR, such authorization was issued under seal.¹

The Prosecution now respectfully requests, on an urgent basis, that the Registry and/or the Prosecution be authorized to inform representatives of States and international bodies of the fact that the transmission occurred on 19 April 2007 in order to further cooperation efforts to arrest the individuals sought.

Request for Sealing

1. As this submission is related to current sealed requests for arrest and surrender transmitted to the CAR, and to contacts which may be made to effect arrest, the Prosecution requests that this submission be received under seal, and *ex parte*.

Information regarding the Recent Movements of Members of the LRA to CAR

2. As shown in Annex A, appended to this application, LRA movements in the proximity of the CAR border was reported in early February 2008. There were numerous sightings of the LRA travelling along the Democratic Republic of

¹ ICC-02/04-01/05-224-Conf-Exp.

the Congo-Sudan border. Attacks near the border of CAR, including in Ezo and Source Yuba south of Tambura along the western border of Southern Sudan, were attributed to the LRA.² Part of the LRA combatants reportedly arrived in the South-East corner of the CAR, around 18 February 2008. The size, composition and purpose for going into the CAR of this LRA group are unknown. Estimates place the group at around 200, including many women and children. There are unconfirmed reports that Okot ODHIAMBO is part of this group present on the CAR territory.³

3. The Prosecution has communicated information to the CAR authorities regarding the possible movements of LRA members who may have entered the CAR and among whom may be persons named in the Warrants of Arrest. The CAR authorities are taking the reports seriously but, to date, have not been able to confirm the presence of the LRA on their territory. The Prosecution has also provided and requested information regarding LRA movements from the Government of France. The Government of France has forces operating in the CAR territory pursuant to a bilateral arrangement and a UN mandate.

Request for Authority to Disclose Information Relating to Warrants of Arrest

4. The CAR authorities wish to benefit from the cooperation with the French Government, neighbouring States as well as the UN and regional forces such as the Multinational Force of the Central African Economic and Monetary Community (FOMUC). To support that effort, the Prosecution respectfully requests that the Registry and/or the Prosecution be authorized to directly

² "Uganda: Kony Fighters Enter Central African Republic", *The Monitor*, Frank Nyakairu, 25 February 2008 (available at <http://allafrica.com/stories/200802250005.html> (last accessed 10 March 2008)); "Uganda: LRA, UPDF Clash in Sudan", *New Vision*, 5 March 2008 (available at <http://allafrica.com/stories/200803060042.html> (last accessed 10 March 2008)).

³ *Ibid.*

inform actors, who can assist in arrest operations, of the transmission to the CAR of the Warrants of Arrest and Requests for Arrest and Surrender.

5. The Prosecution is of the view that to best preserve the opportunity to arrest the individuals sought, relevant States and organizations should first be informed that the Warrants of Arrest have been communicated to the CAR. The Prosecution contends that the transmission of the Warrants of Arrest and Requests for Arrest and Surrender to the CAR should not be made public at this time so as not to alert the LRA of the ongoing arrest efforts. Instead, the situation should be monitored while awaiting the appropriate time to make public the transmission of the Warrants of Arrest and Requests for Arrest and Surrender to the CAR authorities.

Conclusion

For the foregoing reasons, the Prosecution respectfully requests that the Registry and/or the Prosecution be granted authorization to inform representatives of States and international bodies of the transmission to the CAR of the Warrants of Arrest and Requests for Arrest and Surrender at the earliest possible opportunity.



Luis Moreno-Ocampo
Prosecutor

Dated this 10th day of March 2008

At The Hague, The Netherlands