

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 21 March 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
REQUEST TO THE CENTRAL AFRICAN REPUBLIC FOR ARREST AND
SURRENDER OF DOMINIC ONGWEN**

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 "Prosecutor's application for Warrants of Arrest under Article 58" dated 6 May 2005¹, as amended and supplemented on 13 May 2005² and on 18 May 2005³;

NOTING the warrant of arrest issued for **DOMINIC ONGWEN** under article 58 of the Statute of the Court (the "Statute") on 8 July 2005 (the "Warrant")⁴;

NOTING the Chamber's "Decision to issue Requests for arrest and surrender to the Central African Republic" dated 21 March 2007⁵, in which the Chamber decided that a request for arrest and surrender of **DOMINIC ONGWEN** related to the Warrant ("this Request") be issued and transmitted by the Registrar to the Central African Republic;

NOTING the relevant provisions of the Statute, including, in particular, articles 59, 60, 68, 87, 89, 90 and 91;

NOTING also the relevant provisions of the Rules of Procedure and Evidence (the "Rules"), including, in particular, rules 117, 176, 184 and 187;

CONSIDERING that the information submitted to the Chamber thus far by the Registrar and the Prosecutor, as well as the media reports referring to the Central African Republic as the presumed location of persons whose arrest is sought by the Court, constitutes a reasonable basis for believing that the Central African Republic is

¹ ICC-02/04-4-US-Exp.

² ICC-02/04-5-US-Exp.

³ ICC-02/04-9-US-Exp.

⁴ ICC-02/04-01/05-10-US-Exp.

⁵ ICC-02/04-01/05-224-Conf-Exp.

a territory on which **DOMINIC ONGWEN** "may be found" within the meaning of article 89, paragraph 1 of the Statute;

FOR THESE REASONS,

PRE-TRIAL CHAMBER II HEREBY:

REQUESTS the Central African Republic (the "Requested State") to **SEARCH FOR, ARREST, DETAIN AND SURRENDER** to the Court **DOMINIC ONGWEN**, a male who was last known to be serving in the Lord's Resistance Army as Brigade Commander of the Sinia Brigade; who is believed to be a national of Uganda; and who is alleged in the Prosecutor's application to have committed crimes within the jurisdiction of the Court, namely crimes against humanity and war crimes under articles 5, 7 and 8 of the Statute, as specified in the Warrant;

REQUESTS the Registrar, in consultation with the Prosecutor, to transmit this Request, and the enclosed documentation thereto, to the Requested State, with a view to its execution;

ORDERS the Registrar to attach to this Request, as required by article 91, paragraph 2, of the Statute and rule 187 of the Rules, the following documents:

- a copy of the Warrant and its annexes, in particular the relevant provisions of the Statute and the Rules concerning the rights of a person whose arrest is sought, as well as their translation in a language that **DOMINIC ONGWEN** fully understands and speaks;
- such documents, statements or information as may be necessary to meet the requirements of the surrender process in the Requested State, pursuant to article 91, paragraph 2(c), of the Statute;

REQUESTS further the Registrar to consult the Prosecutor with regard to the documents, statements or information as referred to above;

REQUESTS the Registrar to ensure that **DOMINIC ONGWEN** receives a copy of the Warrant in a language that he fully understands and speaks, pursuant to rules 117, sub-rule 1, and 187 of the Rules;

REQUESTS furthermore the Registrar to ensure that **DOMINIC ONGWEN** be informed, at the time of his arrest and in a language he fully understands and speaks, of his rights in accordance with the provisions of the Statute and the Rules, as specified in the Warrant;

REQUESTS the Registrar to draw the attention of **DOMINIC ONGWEN** to his right to apply to the competent authority in the custodial State for interim release pending surrender pursuant to article 59, paragraph 3, of the Statute, as well as to his right to apply for interim release upon his surrender to the Court and pending trial pursuant to article 60, paragraph 2, of the Statute;

REQUESTS the Registrar to promptly refer to the Chamber for further direction with regard to any difficulty that may arise in transmitting this Request and in executing the Warrant and to ensure that, once ordered to be surrendered by the custodial State, **DOMINIC ONGWEN** is delivered to the Court as soon as possible, pursuant to article 59, paragraph 7, of the Statute;

REQUESTS the Registrar to provide and handle any information relating to these proceedings in a manner that protects the safety or physical or psychological well-being of any victims, potential witnesses and their families and, in consultation and cooperation with the Prosecutor, to take any measures as may be necessary or appropriate in accordance with articles 68 and 87, paragraph 4, of the Statute;

REQUESTS the Requested State to immediately inform the Registrar when **DOMINIC ONGWEN** is available for surrender to the Court pursuant to rule 184 of the Rules;

REQUESTS the Requested State to promptly notify the Chamber of any request for interim release pursuant to article 59, paragraph 3, of the Statute;

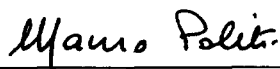
REQUESTS further the Requested State to inform the Registrar of any difficulty that may delay the execution of the Warrant, in particular pursuant to articles 89, paragraph 2, 90, 91, paragraph 2 (c), and 97 of the Statute;

REQUESTS the Requested State to treat this Request and the enclosed documentation confidentially, and to handle any information pertaining thereto in a manner that protects the safety or physical or psychological well-being of any victims, potential witnesses and their families;

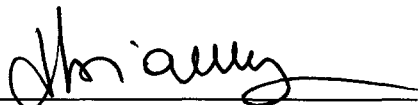
AUTHORISES this Request to be made available and disclosed to persons or entities designated by the authorities of the Requested State and only for the purposes of the assistance requested;

ORDERS that this Request, in all other respects, be treated as confidential until further order by the Chamber.

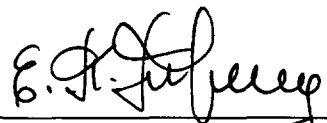
Done in English and French, the English version being authoritative.



Judge Mauro Politi
Presiding Judge



Judge Fatoumata Dembele Diarra



Judge Ekaterina Trendafilova

Dated this 21st day of March 2007

At The Hague, The Netherlands