

**Cour
Pénale
Internationale**
**International
Criminal
Court**



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

Date: 6 May 2008

PRE-TRIAL CHAMBER II

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

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

**Under Seal
Ex parte only available to Registry and the Office of the Prosecutor**

**Update on Measures Taken by the Office of the Prosecutor to Inform Relevant
Parties of the Transmission of the Warrants of Arrest and Requests for Arrest and
Surrender Transmitted to the Central African Republic**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

On 12 March 2008, the Pre-Trial Chamber II ("Chamber") issued the Decision on the Prosecutor's Urgent Application Dated 10 March 2008 ("Decision") authorising the Office of the Prosecutor ("OTP"), in cooperation with the Registry, on a confidential basis, to inform representatives of those States, intergovernmental organisations and regional forces essential for the execution of the arrest of the persons sought that both the Warrants of Arrest and the corresponding Requests for Arrest and Surrender have been transmitted to the Central African Republic ("CAR").¹

The Chamber also requested the Prosecutor to subsequently inform the Chamber of the authorities informed pursuant to the Decision. The Prosecutor respectfully provides the following information.

Authorities Informed by the Office of the Prosecutor

On 12 March, the OTP travelled to Uganda to gather information on the death of Vincent Otti and to inform the Government of Uganda of the transmission of the Warrants of Arrest to CAR.

Between 31 March and 3 April, the OTP travelled to the Central African Republic to liaise with the CAR national authorities and inform the relevant international organisations, diplomatic missions and regional forces.

During the OTP mission, the diplomatic missions of France, the United States and the European Union were informed of the transmission of the Warrants of Arrests to the CAR. The United Nations Peace Building Support Office for the Central African Republic ("BONUCA") and United Nations Development Programme (UNDP) were also informed. The OTP mission also informed the Chief of Staff of the Multinational Force in the Central African Republic ("FOMUC") as well as the Economic and

¹ ICC-02/04-01/05-Conf-Exp.

Monetary Community of Central Africa ("CEMAC"), the political body under which the FOMUC force of 500 soldiers was established.

In addition, the OTP met with several members of the CAR national government including the Chef d'État-Major des Armées and the Deputy Minister of Defence to get an update on the situation. Both confirmed to the OTP, that the LRA had been and may continue to remain in the territory of the CAR and that the LRA committed several attacks on localities within the Haut Mbomou, District of the CAR in the south-east abducting many CAR civilians. They stated that this area of the CAR is extremely remote and difficult to access. Despite the difficulties, they informed the OTP that they had sent a small force to the area to assess the situation and if the LRA and those named in the Warrants of Arrest are still on the CAR territory, that appropriate action would be taken including making requests to the relevant authorities for assistance.

Information Regarding the Recent Movements and Activities of the LRA

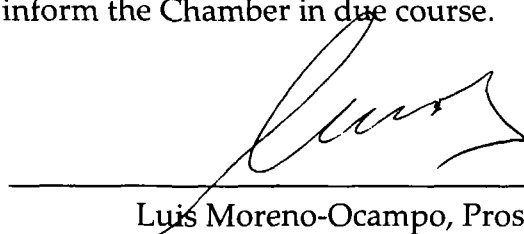
The movement of the LRA to the CAR during the month of February has been confirmed to the OTP by CAR authorities as well as Ugandan, Sudanese and UN sources. However, information now indicates that the majority of the LRA returned to their bases in Garamba National Park, Democratic Republic of the Congo ("DRC"), during the last half of March.² It has been reported from sources, including recently abducted persons who escaped from the LRA, that the LRA has abducted over 300 civilians from the Sudan, CAR and DRC since February and that these civilians are being subjected to military training.³

² "Uganda: LRA Escapees Speak Out - ICC Express Concern", *The Monitor*, 22 April 2008 (available at <http://allafrica.com/stories/200804212000.html> (last accessed 5 May 2008)).

³ "Uganda rebels kidnap 350 people - Amnesty", *Reuters*, 22 April 2008 (available at <http://africa.reuters.com/top/news/usnBAN223617.html> (last accessed 5 May 2008)); "Ugandan rebels abduct more than 250 people in bush hideouts", *the Earth Times*, 17 April 2008 (available at <http://www.earthtimes.org/articles/show/199602,ugandan-rebels-abduct-more-than-250-people-in-bush-hideouts.html> (last accessed 5 May 2008)); "Uganda rebels abducted 55 children in south Sudan in recent weeks-chief mediator", *Reuters*, 16 April 2008 (available at <http://www.somalinet.com/news/world/World/15170> (last accessed 5 May 2008)); "Uganda: LRA Escapees Speak Out - ICC Express Concern", *The Monitor*, 22 April

According to information currently available to the OTP, international support for the Juba Peace Talks continues to hinder efforts to galvanise support for arrest. This is particularly the case when there are reports that those facilitating the talks, such as the UN Special Envoy for Areas Affected by the LRA, state explicitly that the ICC is making peace talks more difficult.⁴

Beyond the recent reports of abductions and military training, on 10 April, the LRA leader Joseph Kony failed to attend the meeting in Ri-Kwangba, Sudan, where he was scheduled to sign the final peace agreement.⁵ There have also been reports of further internal LRA fighting. On 14 April, reports emerged that the now deputy of the LRA, Okot Odhiambo, had been killed in an internal LRA feud.⁶ Although the OTP cannot confirm these reports at this time, information has been received which indicates that Odhiambo is still alive. The OTP will continue to gather additional information on this as well as the status of the other persons wanted for arrest and will continue to inform the Chamber in due course.



Luis Moreno-Ocampo, Prosecutor

Dated this 6th day of May 2008

At The Hague, The Netherlands

2008 (available at <http://allafrica.com/stories/200804212000.html> (last accessed 5 May 2008)); "LRA Prepares for War, not Peace", *IWPR*, 24 April 2008 (available at http://www.iwpr.net/?p=acr&s-f&o:344252&apc_state=henh (last accessed 5 May 2008)).

⁴ "Forgiveness comes from the heart", *Radio Netherlands*, 21 April 2008 (available at <http://intranet/sites/pressreview/Shared%20Documents/Forgiveness%20comes%20from%20the%20heart.mht> (last accessed 5 May 2008)).

⁵ "Uganda rebel leader delays peace deal signing: top mediator", *AFP*, 10 April 2008 (available at <http://afp.google.com/article/Al.eqMSi2HcvXoesx4fPPH11m3pVTTLp6fw> (last accessed 5 May 2008)); "Ugandan rebels suspend peace talks, appoint new team", *Sudan Tribune*, 11 April 2008 (available at <http://www.sudantribune.com/spip.php?article26715> (last accessed 5 May 2008)); "Uganda's LRA Chief Negotiator Quits", *VOA News*, 11 April 2008 (available at <http://www.voanews.com/english/Africa/2008-04-11-voa3.cfm> (last accessed 5 May 2008)).

⁶ "Uganda rebel infighting kills ICC target-sources", *Reuters*, 13 April 2008 (available at <http://www.alertnet.org/thenews/newsdesk/L13124978.htm> (last accessed 5 May 2008)); "Kony Kills His Deputy", *The Monitor*, 14 April 2008 (available at <http://allafrica.com/stories/200804140008.html> (last accessed 5 May 2008)).