

1 International Criminal Court

2 Pre-Trial Chamber II

3 Situation Uganda - ICC-02/04-01/05

4 Status Conference - Closed Session

5 Tuesday, 11 December 2007

6 The hearing starts at 3.05 p.m.

7 COURT USHER: All rise. The International Criminal Court is now
8 in session. Please be seated.

9 PRESIDING JUDGE POLITI: May I ask the Registrar to kindly call
10 the matter for hearing, please.

11 THE REGISTRAR: Thank you, Mr. President. The situation in
12 Uganda, the case of the Prosecutor versus Joseph Kony, Vincent Otti,
13 Okot Odhiambo, and Dominic Ongwen, ICC-02/04/01/05.

14 PRESIDING JUDGE POLITI: Thank you.

15 Mr. Prosecutor, please announce yourself and your colleagues for
16 the record.

17 MR. OCAMPO: Mr. President, I am here with representing my office
18 with Eric Macdonald, Markus Eikel, Matthew Brubacher, Pubudu
19 Sachithanandan.

20 PRESIDING JUDGE POLITI: Mr. Registrar, may I invite you likewise
21 to introduce yourself and your colleagues.

22 MR. DUBUISSON (interpretation): Judges, your Honours, President,
23 I have with me Anne Aurore Bertrand, and myself, Marc Dubuisson, head
24 of the division of the court services to represent the Registrar Bruno
25 Cathala.

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1 PRESIDING JUDGE POLITI: Thank you. This is a closed session of
2 Pre-Trial Chamber II by way of a Status Conference. In accordance
3 with the Chamber's decision dated 8 November 2007, the purpose of the
4 Status Conference is to comprehensively assess the status of
5 cooperation with the court by the relevant states and United Nations
6 for the execution of the warrants of arrest and of the requests for
7 arrest and surrender in the case of the Prosecutor versus Joseph Kony,
8 Vincent Otti, Okot Odhiambo, and Dominic Ongwen.

9 We acknowledge the attendance of the Prosecutor and the Registrar
10 and members of their respective offices.

11 The warrants of arrest in the case before the Chamber were issued
12 more than two years ago. The importance of securing the arrest and
13 surrender of the persons sought in the warrants is self-evident:
14 Failure to execute the warrants would prevent the Chamber and the
15 court from exercising their powers and functions under the Rome
16 Statute. Needless to say, the international community and the world
17 civil society are also monitoring developments in the case and, more
18 widely, in the Uganda situation.

19 The Chamber has been following very closely the evolving of
20 events that have a bearing on the case. Requests for written
21 information were addressed in the past by the Chamber to the
22 Prosecutor and the Registrar, were provided valuable information. The
23 Chamber also takes note of the latest submission of the Prosecutor,
24 dated 10 December 2007, and of the submission by the Registrar also
25 filed on 10 December. The Chamber acknowledges all the efforts made

1 to obtain the execution of the warrants.

2 The update that the Chamber is seeking at this point in time is
3 intended to focus on the status of cooperation with the relevant
4 States and United Nations, and it relates to the following clusters:

5 First, the status of the peace talks, the whereabouts, strength,
6 and operational capacity of the LRA, and their impact on the execution
7 of the arrest warrants; and second, the status of cooperation on the
8 execution of the arrest warrants that would include the cooperation
9 with Uganda, with the republic democratic -- Democratic Republic of
10 the Congo, with the republic of Sudan, with the Central African
11 Republic, and then the cooperation with the United Nations and the
12 cooperation provided by other international organisations and by the
13 international community as a whole.

14 For each of these clusters, I will address questions to the OTP,
15 to the Prosecutor, and to the Registrar as appropriate.

16 If you allow me, I will start with the status of the peace talks
17 and the whereabouts, strength, and operational capacity of the LRA. I
18 would emphasise that the Chamber will be very grateful if in giving
19 the answer you would focus on the impact of these elements on the
20 execution of the arrest warrants.

21 Mr. Prosecutor, Mr. Registrar, starting with the general question
22 on the peace process. It is a well-known fact that the peace talks
23 between the LRA and the government of Uganda resumed on 26 April 2007,
24 and a number of agreements have been concluded before and after that
25 date, the cessation of hostilities agreement, the comprehensive

1 solutions, the agreement on reconciliation, and accountability.

2 Can the Prosecutor and then the Registrar give the Chamber an
3 assessment of the status of the peace process, their most recent
4 developments, and their impact on the arrest of the suspects? Where
5 are we now with this peace process? It appears that the peace process
6 is in a kind of deadlock, and what is your assessment on the reasons
7 for this deadlock?

8 I will ask the Prosecutor to answer first, and then I will be
9 grateful if the Registrar could provide his answer. Thank you.

10 MR. OCAMPO: Thank you, Mr. President. First I would like to
11 remark the Office of the Prosecutor is the not part of the Juba talks,
12 so we are attempting to collect information about the Juba talks but
13 we are not part of the Juba.

14 And if you'd like me to summarise what are the most relevant new
15 aspects, I will say one very important aspect is the Ngurdoto Tanzania
16 Agreement between the Democratic Republic of the Congo and the
17 Republic of Uganda by letter of cooperation, who include the idea of,
18 in words of the agreement to -- they agreed that the state should be
19 doing more to execute the arrest warrants. They put in this agreement
20 a deadline of 31st of January to the LRA.

21 In addition, it's something I can provide particular information.
22 MONUC is working in the rehabilitation of the place in Dungu that
23 could be important in term of facilitate any arrest operations in the
24 area. In addition, this work of MONUC provide opportunities to LRA
25 members to defect; that is happening.

1 I will say the other -- so this is the most important aspect in
2 term of -- of activities to arrest individuals, and it's important
3 development, and the other aspect is -- not that you would talk about,
4 but I would like to highlight, we are seeing more and more information
5 confirming the execution of Vincent Otti and this of course will have
6 impact in this, because they are like more individuals in the LRA
7 ready to defect. So I will highlight this too as the most relevant
8 aspect in terms of to execute the arrest warrant.

9 PRESIDING JUDGE POLITI: Thank you, Mr. Prosecutor. These are
10 valuable information, and in fact we obviously read about the
11 agreement that you mention, the fact that there is a deadline
12 apparently that has been set for the leaders of LRA to move from
13 Garamba Park where apparently they are, and the new and different and
14 stronger involvement of MONUC.

15 I just would like to ask you: What is your assessment of the
16 status of the peace talks now? As I said, apparently these talks have
17 not really resumed from June last year. Is it right to say that there
18 are -- there is no movement from that point of view?

19 MR. MORENO-OCAMPO: As I say, Mr. President, the Office of the
20 Prosecutor is not member -- is not part of the Juba talks. But in my
21 limited contact for instance with the UN, I know in the -- Chissano is
22 still insisting that there opportunity's there. At the same time I
23 know Mr. Chissano that in the past was against this deployment of
24 MONUC troops, of MONUC operations near Garamba Park now agreed with
25 Mr. Chissano. This is the information I can provide from Mr. Chissano

1 to you who is the special envoy.

2 PRESIDING JUDGE POLITI: Thank you Mr. Prosecutor. We will come
3 back to the role of the United Nations at a later stage.

4 JUDGE DIARRA (interpretation): Mr. Prosecutor, thank you for the
5 information, the useful information. You state that the rebels have
6 intended to abandon the movement. Based on the documents you provided
7 us with yesterday, we are informed that the LRA has funds available
8 which could enable them to recruit new elements. Are the chances of
9 those combatants that are discouraged of leaving reduced due to this
10 because of the money, the funds they will be benefiting of? Thank
11 you.

12 MR. MORENO-OCAMPO: I think in the information as you well
13 mention, we have is -- there is some information saying that they are
14 using the -- the money they receive for some of the Juba talks or even
15 the humanitarian help to regroup, and this is a big concern for the
16 Office of the Prosecutor. I raise particularly this point with some
17 states who are supporting the Juba talks, saying whatever you're doing
18 you are not -- you have to check how the money's uses can be possible
19 that your money will end to providing weapons for the LRA, and they
20 were ensuring me that they will take measures.

21 The same way I have this type of conversation with the UN to
22 reduce, and so we are requesting support of some State Parties to
23 investigate members of the diaspora who also were contributing. The
24 concept is - and I insist on this particularly in my last speech -
25 Assembly of States parties, and also the diplomatic briefing that the

1 arrest of Kony has to include a process of marginalisations and a
2 process of reduce any support they are receiving. So this is what we
3 are trying to achieve. But it's true that information we have is in
4 the last year they -- they gain. They gain -- they have the ability
5 to use or divert some of these funds for their own criminal goals and
6 that will be -- it's a factor to consider.

7 PRESIDING JUDGE POLITI: Mr. Registrar?

8 MR. DUBUISSON (interpretation): Thank you, President. In answer
9 to your first question concerning the peace negotiations, I would like
10 to start by saying that the Registry's mandate does not include
11 requesting information on the situation of the peace negotiations, and
12 we did not receive any initiatives to provide us with information from
13 the part of the States that are involved in the peace negotiations.

14 Secondly, I would like to confirm fully what the Prosecutor said.
15 There is a limit, the 31st of January, that has been set, which could
16 be a point of reference for us in regard to a change in the future.

17 I would like to add that in all its contact with staff from the
18 United Nations, the -- and the Registry, everyone repeated their wish
19 to support the court. However, it seems to be a fact that in the
20 current peace negotiations there will not be a possibility for any
21 concrete action before this deadline.

22 From a military point of view of military cooperation with the
23 MONUC in the field, this cooperation will be only possible upon the
24 initiative of the Congolese authorities, and the MONUC is currently
25 very busy dealing with problems in the Kivu. I do not, therefore,

1 believe that MONUC currently, even if it wished to do so, would have
2 the resources to open a new front, if I may express myself that way,
3 to deal with those members of the LRA.

4 That's what we can say today. So according to the contacts we
5 have had, the information is that minds are set on the results of the
6 peace negotiations. However, it has been repeated to us that there is
7 a willingness to cooperate with the court.

8 PRESIDING JUDGE POLITI: Thank you, Mr. Registrar. It was not
9 the intention of the Chamber to ask you a question that goes beyond
10 the mandate that was given to you, but the information that you could
11 have provided is certainly useful for the exercise of the functions
12 and powers of this Chamber. For instance, the information that you
13 gave us about MONUC, and we will come back to this.

14 If you allow me, I will continue with some other questions. The
15 first one seems to be a naive question, but where are the LRA leaders
16 now? Are they in Garamba Park? Is that confirmed? And I want to add
17 to this one remark that comes from the latest submission from the
18 Registrar. If I'm not mistaken, there was a response which is
19 reproduced in an annex from the Democratic Republic of the Congo that
20 says they cannot -- they cannot arrest or seek to arrest these people
21 because they don't know where they are, which sounds like odd to me,
22 frankly, and I just would like confirmation that they are in fact in
23 Garamba Park at this stage on the basis of what the Prosecutor and the
24 Registrar -- the information available to the Prosecutor and the
25 Registrar.

1 MR. MORENO-OCAMPO: Yes, Mr. President. We can brief you on the
2 map. We have a map to show you the situation.

3 PRESIDING JUDGE POLITI: Sure.

4 MR. MacDONALD: Mr. President, if you allow for the map to appear
5 on the monitors.

6 PRESIDING JUDGE POLITI: With the help of the Court Officers.

7 MR. MacDONALD: We unfortunately quite last minute provided an
8 electronic copy of this map. It's just a question of putting it up.
9 But what I can say in advance, your Honour, is that the four -- to the
10 best of the information available at this stage, the four remaining
11 LRA members are in Garamba National Park. Of course there's the
12 situation of Vincent Otti, but to answer your specific question, yes,
13 that is the case. They are all in Garamba National Park.

14 Of course you will see on this map, we have to remember that
15 Garamba National Park is quite a vast park in the north-east Congo on
16 the border with Sudan. It is not a small -- small area.

17 So I don't know if the map is -- you're able to --

18 PRESIDING JUDGE POLITI: It hasn't appeared, yes. We need to
19 wait one point if you don't mind.

20 MR. MacDONALD: If not, we have copies we can distribute.

21 PRESIDING JUDGE POLITI: I think it's quicker. Oh, there it
22 goes.

23 MR. MacDONALD: There's one for Mr. Dubuisson.

24 PRESIDING JUDGE POLITI: Please, we have it now before us. At
25 least in paper.

1 MR. MacDONALD: Thank you. As of the beginning of 2007, all
2 major LRA groups and all suspects are believed to have been located in
3 this area. The majority of the LRA appear to have moved briefly
4 toward CAR at the beginning of or in February 2007, and this shows
5 there's an arrow that you can follow leading to CAR, which is on the
6 right -- upper right -- left-hand side of the map where it's indicated
7 "CAR."

8 They stayed there but returned by March and have stayed in
9 Garamba since then. The LRA also have a small presence in Ri-kwangba,
10 the designated area under the 26th of August, 2006, cessation of
11 hostilities agreement, with the LRA - this is the first agreement back
12 2006 - where the LRA are supposed to assemble during the peace process
13 and where they would presumably demobilise at the conclusion of that
14 process; however, the location in Ri-Kwangba north of the main LRA
15 base, so you can see that Ri-Kwangba is identified by a triangle just
16 above the green zone on the map indicating Garamba National Park.

17 Now, the last known meeting with all four LRA suspect was held
18 had on the 26th of September in Ri-Kwangba with local leaders from
19 Uganda. That is the last time that Mr. Vincent Otti was seen alive by
20 other persons than LRA members.

21 PRESIDING JUDGE POLITI: Thank you. Does the Registrar have any
22 comment on the reply by the Democratic Republic of the Congo?

23 MR. DUBUISSON (interpretation): The Registrar supports what the
24 OTP has said. I think this is a mistake that slipped into the report
25 that was sent to us by the Congolese authorities, because it is common

1 knowledge that they are there. I think they confused the word
2 "location," and "arrest," which is quite different, and that is my
3 opinion.

4 PRESIDING JUDGE POLITI: Judge Trendafilova would like to ask a
5 question.

6 JUDGE TREDAFILOVA: Thank you, Mr. Prosecutor and representative
7 of the registry, Mr. Dubuisson, for the answers we have received until
8 now. I've been following very carefully your answers, but you didn't
9 give us any answer related to a possible deadlock about the peace
10 talks. Of course you and the representative of the Registry have all
11 the reasons to say that you're not participating in the peace talks
12 and no one is participating as a representative of this international
13 institution.

14 We are not curious to know what is the development of the peace
15 talks. If I may express myself like that. We are legally curious
16 whether the deadlock, if there is such at the peace talks, has
17 anything to do with the requirements of the Lords Resistance Army
18 leaders to drop the arrest warrants. All the questions that we are
19 asking you have the focus on the execution of the arrest warrants,
20 because as you used to say in many of your statements in different
21 meetings, the arrest warrants were issued in order to be executed and
22 that is why I am asking you if there is a deadlock what is the reason,
23 and what will be the impact on the execution of the arrest warrants?
24 Thank you.

25 MR. MORENO-OCAMPO: (No microphone)

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1 PRESIDING JUDGE POLITI: Microphone, Mr. Prosecutor.

2 MR. MORENO-OCAMPO: I'm sorry, your Honour.

3 Your Honour, answering your question, the deadline is established
4 in this Ngurdoto Tanzania Agreement between the Democratic Republic of
5 Congo and Uganda. In the chapter first, point B, they agree that the
6 government of DRC shall formulate an action plan to neutralise the
7 negative forces, particularly the LRA and ADF, which shall become
8 effective by January 2008. So here is the deadline, and that's the
9 commitment that DRC took.

10 And in parallel I have information that MONUC is now in agreement
11 to prepare this deployment in the -- in the south, in Dungu, as you
12 see on the map, who will be an area who will facilitate arrest
13 operation. So that's the legal situation. The agreement with them is
14 this: The reasons, I cannot provide the reasons.

15 PRESIDING JUDGE POLITI: Thank you. Thank you, Mr. Prosecutor.

16 Still focusing on the execution of the arrest warrants, I would
17 like briefly to go back to some contradictory, not because your fault
18 or the registry fault, but contradictory information that we have
19 received in the past month about, on the one hand, the possibility
20 that LRA commanders have regained credibility, strength, and financial
21 means, and the fear that the peace talks have given the LRA members
22 the opportunity to re-arm and regroup.

23 On the other hand, we learned that defections are on the rise,
24 that the LRA seems to be engulfed in internal strifes, and we noted
25 that news about defections come almost every day at this point. So in

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1 light of this information, how would you assess the LRA strength,
2 operation, and financial capacity today? And again, focusing on the
3 execution of the arrest warrants, what could be the consequence of the
4 current situations on the execution of the arrest warrants?

5 MR. MORENO-OCAMPO: Thank you, Mr. President. As you say some of
6 the information is contradictory, and there are contradiction between
7 them because apparently there is contradiction inside LRA and some
8 information suggest that Otti was the one promoting the idea of go to
9 the peace process, and Kony refused it, and that's why finally the
10 information provided that Kony kill Mr. Otti.

11 I would say also the information change in time. For the
12 Prosecutor office it was always a concern that this tactic to offer
13 peace talk was used in the past many time for LRA and normally they
14 use it, peace talk, to regain support, re-arm, and regroup and attack
15 again because in 2005 as a consequence of a series of factors,
16 including the agreement signed by the government of Sudan with the
17 office, they lost the place in the Sudan and had to move to a new
18 area. And in those days the information we had was they were very --
19 was not -- in very poor conditions I would say.

20 However, they remain operational and they are -- they have their
21 ability to -- to conduct major operation as the conflict with the
22 Guatemalan forces show those were in those days. From those days the
23 information we were receiving this, yes they were gaining a strength
24 and you can see in the pictures when they appear they are using new
25 uniforms, and we understand when Mr. Chissano met them in the booth

1 they were using suits to show they were just not a military
2 commanders, they were also political leaders.

3 So -- and information also -- we had information they -- they --
4 Kony mother had money in cash. So information we have is, yes, they
5 were able in this last year to -- to collect money from different
6 sources, and that why we're emphasising the need to -- this cannot
7 happen.

8 The -- the information also we have is they are internal crisis.
9 Normally -- I don't know how they will manage this. In the past Kony
10 also kill the second in command, and in fact in the -- in 2004 peace
11 talks Mr. Kole [phoen] escape, but so this also is something that in
12 the past LRA did and they survived. So we don't know what will be.
13 If this killing of Otti is confirmed, it will be really a crisis, a
14 big crisis, or they will just overcome the crisis.

15 So as you say this is information we are receiving. We do not be
16 [indiscernible] exactly, and it's very difficult to predict this
17 group.

18 Some of the person who left the place say Otti was the real
19 leader and Otti was the real -- who had the operational ability but
20 also maybe these persons were very close to Otti. So it is difficult
21 for us to assess exactly what will be the future.

22 Our assessment is these people were committing crime for 20
23 years, they will keep committing crime for more time if we don't
24 arrest them. So that is from us very obvious. The lack of --
25 basically the lack of arrest effort. I say that publically very many

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1 times. Arrest Kony and Otti tomorrow, you will have peace and justice
2 tomorrow. How to more realise the international community and
3 national committee list is complicated.

4 We are doing the best, and what I believe is now they are at
5 least discussing that this time Kony is not going to the peace
6 process. They had to be something because there are concerns the
7 conflict in southern Sudan, and they are concerned that Kony could
8 play a role in the southern Sudan conflict. So they -- in addition to
9 their warrant there are other interests who could converge to have an
10 operation.

11 To answer your specific question, the information we have is the
12 current number of -- of the LRA fighters are -- or people who will --
13 who are armed are 600, and the assessment we have is they remain 600.
14 The assessment we have is that they remain a threat to regional
15 security, not just Uganda. In addition they continue to hold over 200
16 persons in captivity, and this is an issue that UNICEF and especially
17 Emboyo [phoen] General raised many times, and also ourselves because
18 they are still committing crimes.

19 They are not committing new attacks. They are still committing
20 ongoing crimes holding these persons in captivity, and you can see
21 some of the BBC videos, you can see the children there in captivity.
22 So this is happening before the eyes of the international community.

23 So that is the assessment we can provide on -- with information
24 we have that is partial and also is difficult to predict the
25 situation.

1 PRESIDING JUDGE POLITI: Judge Diarra.

2 JUDGE DIARRA (interpretation): Mr. Prosecutor, do these captives
3 not fight? Do they not support the fighting, the war effort by
4 carrying loads, by carrying arms, going to steal, organising ambushes
5 against the civilians who are moving about in these regions, in this
6 region? Do you have any precise knowledge about the status of these
7 captives? Are they women, children, are they adolescents? And it
8 would seem that these -- of these captives, some of them are at least
9 as dangerous as the combatants.

10 MR. MORENO-OCAMPO: As you know, the person abducted are normally
11 used as sex slaves, as you know Kony himself this give a wife as a
12 reward to the commanders. They also used to do work, to carry things
13 and also to transform into soldiers. So these are three type of
14 normal activities they are forced to do.

15 One of the reasons that the NGOs are used to give them more food
16 that was needed was that the -- to prevent LRA to pillage in the
17 Garamba Park. So this was the rationale. They knew that upon the --
18 apparently they were providing food for 3.000 persons and they knew
19 what are exactly the number, but they were saying, "Okay. If we are
20 giving food in excess, this is in some way preventing LRA to commit
21 new crimes." And that is the rationale. The problem is he's using
22 this food to enlarge his group, to exchange for other things. So
23 that's part of the problem.

24 PRESIDING JUDGE POLITI: Thank you. Has the Registrar something
25 to add to what the Prosecutor has said?

1 Mr. Prosecutor, I don't want you to predict the future, but in
2 light of what you said about the agreement that you mentioned,
3 agreement of September the 8th, I think, if I'm not mistaken, which
4 was confirmed very recently, I think, by a tripartite plus agreement
5 that also sets a deadline of the 31st of January for the LRA to move
6 from Garamba Park, do you think that it may happen that they are moved
7 ought of that location and that the execution of the arrest warrant
8 could be easier to -- to effect? And what could be the main reason
9 for --

10 MR. MORENO-OCAMPO: I would say --

11 PRESIDING JUDGE POLITI: -- having this agreement implemented in
12 the parties of interest for us?

13 MR. MORENO-OCAMPO: As you say, I have no elements to provide to
14 you a definitive judgement. You asked my personal opinion based on my
15 meetings I had, information we collect. People agreed that there are
16 few chances that this peace talk to -- will follow, but Chissano's
17 insisting that he needs the chances. And that's why this idea to
18 organise some military operation is now gaining some space.

19 My personal opinion is that it will take time to execute the
20 arrest operation, because that has to be planned, and I remember
21 conversations in peacekeepers' operations that they never received the
22 special forces to do this, because the problem is normally the method
23 of Kony is to use the child soldiers as a front line and then when
24 they attack he escape. So you need really very well-planned operation
25 because if not you will end killing child soldiers and allowing Kony

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1 to escape. And that is the experience also as to why they are -- the
2 execution of warrant we're after very meticulously operation of
3 planning almost a year, and it's not yet started.

4 So my -- my feeling is these are still statements, not real
5 operations, and part of my work is to try to alert the international
6 community that it would be a shame if after all these fact the LRA
7 attack again and international community is not ready to -- to protect
8 the people under attack.

9 So my opinion is probably with the peace talks, and they will
10 start -- if they attack again, they will start planning but it will
11 late. No one is -- they are moving in the right direction but not
12 with the speed and efficiency required, and as part of our efforts we
13 are planning but it will be late. No one is still -- they are moving
14 in the right direction but not with the speed and efficiency required,
15 and as part of efforts, we are planning meetings in New York in
16 January to focus on this.

17 PRESIDING JUDGE POLITI: It may require more an effort from
18 MONUC, from the DRC, from Uganda, from all of them, from the
19 international community. This is one thing that we are interested
20 to -- to hear, because it's the focus also of your calls for
21 cooperation from every actor in the field, let's say, but this is just
22 a note on my side.

23 MR. MORENO-OCAMPO: No, I agree with you. Right now they're in
24 Garamba Park but they can move. They can move to Sudan or to they can
25 move Uganda, so that's why they will change. In my conversation with

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1 President Kabila, he was very clear to me that he can -- he will never
2 allow Uganda to move in Congo, but he told me three things important
3 in 2006, and he confirmed to me in the last meetings that the basic
4 concept is he cannot allow Uganda to move into the Congo with the past
5 of the two countries, that he has so many problem as rest are say, the
6 Kivu situation is very, very complicated today in terms of criminality
7 in Congo.

8 And -- but he say he was totally -- he will authorise and support
9 any international operation to arrest Kony. And so they -- they will
10 be -- the DRC also will be involved, but if they -- if these people
11 remain in Congo, the basic operation have to be carried by MONUC
12 operation with some support of DRC. If they move to other country is
13 different, different. And in any case, the planning as you mentioned
14 is required because if they are pressured in Congo they will move to
15 that southern Sudan and or move to Uganda. So it cannot be just one
16 piece.

17 As you say, coordination is critically important and we are
18 trying to -- we are trying to work, galvanise efforts to improve
19 coordination and this agreement is important step. It's still not
20 enough but it's a step in the right direction.

21 PRESIDING JUDGE POLITI: Thank you, Mr. Prosecutor.

22 You have touched briefly upon the fate of Vincent Otti. In
23 your -- one of your more recent submissions you talk about convergent
24 reports on the brutal execution of Vincent Otti. Has Vincent Otti
25 been executed you think? You have more information about this?

1 MR. MacDONALD: With your permission, your Honour, I will be
2 answering that question.

3 As you know and as we've indicated in our filing and also in the
4 references in our footnotes to yesterday's filing, defectors at the
5 moment are confirming that Vincent Otti would have been executed on
6 the 2nd of October, because of internal division between himself and
7 Kony on internal matters including the peace process itself, Mr. Otti
8 being more favourable than Mr. Kony.

9 The latest information, and we're obviously in the -- for
10 instance, obtaining information from these insiders or returnees that
11 are going back, and it is also our intention to go back and interview
12 them in January or next year when we can to gather additional
13 information on this to provide a report eventually on the execution or
14 not of Vincent Otti, because the difficulty that we'll have in
15 comparison to, let's say, Mr. Raska Lukwiya, is to establish by DNA
16 testing and so on the actual death. Because the information that we
17 have is Mr. Otti would have been -- his body would have been buried at
18 the moment in Garamba National Park. So there is convergent
19 information.

20 Also he has not been seen. No one has seen him outside the LRA.
21 So no one from the peace teams that have been, no Acholi community
22 leader and so on, no communication whatsoever with Mr. Vincent Otti;
23 whereas, in the past before October or in September, he was still
24 quite active calling different people in Uganda.

25 So all this -- this information, circumstantial information,

1 leads us to believe, let's say, on substantial grounds, that he is
2 dead at this time.

3 PRESIDING JUDGE POLITI: Thank you. [Interpretation]
4 Mr. Registrar.

5 MR. DUBUISSON (interpretation): Thank you, Mr. President. I
6 shall not return to the points that has been mentioned by the --
7 second point raised by the Prosecutor, I shall return to the first,
8 that is in reference to the time limit of the 31st of January.

9 First we have to place ourselves in the context of the Congo. It
10 is the Congo which has authority over that part of the territory. The
11 Congolese authorities and of course MONUC, if required, if required to
12 assist by the Congolese authorities. So what is the situation in the
13 east of the Congo today, the demobilise and demilitarisation has just
14 ended for some rebels in the east of Congo. There was a fixed time
15 limit for the 15th of September which was postponed to the end of
16 September and was postponed sine die, which means it is endless. So
17 there will be continuous monitoring. That is the first situation.

18 The second situation is what I mentioned before and this is
19 linked to the person of Laurent Nkunda [phoen] in Kivu, which means
20 that President Kabila has mentioned, in particular in the press, that
21 he will intends to settle this Laurent Nkunda problem by Christmas,
22 either by military or by diplomatic means.

23 There is a third problem which I might mention, which is the
24 question of the former Interahamwe who are also in Kivu.

25 So today that is a priority for the Congolese authorities. This

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1 is reflected through these three spheres of interest that might
2 involve President Kabila or that President Kabila might have.

3 For the first sphere of interest there was a time limit. Efforts
4 were made. People were transferred to Kinshasa, in fact. So there
5 was a success if one may call it that.

6 For the two other spheres of influence there is an ongoing
7 operation, and in regard to a broader problem of the former
8 Interahamwe, there are schedules that have been proposed to extend to
9 March 2008 and which raise the possibility of going right up to June
10 2008. So in time -- in terms of the mobilisation of Congolese forces,
11 they are mobilised mainly in regard to Kivu. At this time, in terms
12 of military cooperation, MONUC will work mainly with Congolese forces
13 for that purpose. This of course does not mean as the Prosecutor said
14 that they might not also be ad hoc spontaneous action to try to solve
15 another problem which could well be the LRA. So we have various
16 options here.

17 So I'm going round in circles. I don't want to presage anything
18 because we do not what the future holds for us, but we have parameters
19 that give us some indications.

20 Special units have been mentioned. There is no special unit
21 today that can work on Congolese territory. That is what we really
22 call special units. There are commandos there. There are certain
23 troops assisting MONUC, but there are no special units as such, no
24 other special units trained and coordinated to carry out an extraction
25 operation. Very concretely, there is no such thing for the time

1 being.

2 Of course there is, and MONUC is involved in this, the peace talk
3 solution, that is finding an agreement that could lead to some
4 solutions. Perhaps this might include a role, a small role for the
5 International Criminal Court or not. We do not know what the future
6 holds.

7 In my view the date of the 31st of January is not in itself a
8 time limit that could compel the Lord's Resistance Army to move. I
9 think they are comfortable where they are now. They are in peace
10 talks. And even if time limits are set, they are there for the
11 purpose of putting pressure for the discussions. I do not know
12 whether at the last minute there will be other avenues that can be
13 explored.

14 Now, concretely, we are in a country, in a specific country and
15 in a specific region. There is a great difficulty to carry out a
16 military operation in such an area -- in such an area. If we are
17 required -- if one is required to move with three times the number of
18 men to conduct a military movement, you would need to do that in order
19 to overcome the enemy. I do not think that at this point there is any
20 such movement considered involving 2 or 3.000 soldiers, in any case
21 for that region knowing what we do know now.

22 The humanitarian question has also been raised as being
23 connected. There is troop movement. If there's troop movement of 2
24 to 3.000 people to attack 600 people, it could cause damage. So I do
25 not know who will be able to take such a responsibility to endanger a

1 population which is already a victim in the situation as it is.

2 What has been said from the outset is that today the preferred
3 avenue is peace talks, and we will see what the 31st of January holds
4 for us. Perhaps there may be a ray of hope that might emanate from
5 the fact that there are divisions within the LRA at this time and that
6 in due course there may well be some people who would leave that place
7 to seek refuge. That is a possible ray of hope, and we should
8 consider what we might do if such a situation were to come to pass.

9 At the same time, we have, of course, notified the authorities of
10 the Democratic Republic of the Congo, and these authorities have
11 requested the assistance of MONUC, but for our part, unlike another
12 Chamber has done, we have not acted to try to contact the United
13 Nations directly, that is either the department of peacekeeping
14 operations or the department of legal affairs or the department of
15 humanitarian affairs.

16 These are also avenues that we might well explore so that we
17 might have a greater presence when a possible solution from 31st
18 January is being discussed. And perhaps the Prosecutor might give his
19 opinion on that issue.

20 It seems to me that these are avenues that could be explored
21 bearing in mind how very difficult it is to work in that part of the
22 world, and bearing in mind also the private aims that we know about.

23 Thank you.

24 PRESIDING JUDGE POLITI: Thank you, Mr. Registrar. This has been
25 quite helpful and comprehensive.

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1 If you allow me, I will come back to the relationship with the UN
2 at a later stage. I would like to concentrate now on cooperation with
3 Uganda, cooperation from Uganda.

4 We have had requests sent to the Prosecutor and to the Registrar
5 in the past, and there has been a report on 6 October 2006 in which
6 the Office of the Prosecutor stated that there has been -- there has
7 been any -- there has not been any refusal to execute the warrants of
8 arrest on the part of any of the States to whom the requests for
9 arrest and surrender were transmitted. And then to the contrary there
10 have been significant efforts made regionally and internationally to
11 garner the cooperation necessary to support arrest.

12 Moreover, in its submission of additional dated 8 December 2006,
13 the OTP described the government of Uganda is continuing to provide
14 the OTP with the required cooperation in relation to ongoing
15 investigations, and this commitment has been reiterated in a formal
16 way in a letter that was annexed to the latest submission by the
17 Registrar.

18 Again, the Registrar, on 6 March 2007, informed the Chamber that
19 the Ugandan authorities reiterated their commitment to arrest the
20 members of the LRA as soon as they were on Ugandan territory.

21 Now, the question that I want to ask is whether the Prosecutor
22 first or the Registrar then possess information that would cast doubt
23 as to the genuine nature of Uganda's willingness to cooperate in
24 executing the warrants of arrest. And in your opinion, what may be
25 the reasons for failure to execute the arrest warrant? So far you've

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1 mentioned obviously some of them, but is there any doubt in your view
2 the genuine nature of Uganda's willingness to cooperate in executing
3 the warrants of arrest?

4 Mr. Prosecutor.

5 MR. MORENO-OCAMPO: In 2006 there were a continuous effort to
6 coordinate activities regionally to execute the arrest warrant.
7 That's why we mentioned what we mentioned. I will say as soon as the
8 peace process took a more development, you can -- it's easy for you to
9 understand they are divide opinion in the Ugandan government, and you
10 see different voices and even contradictory voices. And that is a
11 problem, because of the lack of political decision not just in Uganda,
12 in Congo and in internationally in general, because the Juba talks
13 were supported by important State parties who also have a political
14 division on this.

15 I travel to many State Parties and I found in some departments
16 they were -- they're against the execution of arrest warrant. So I
17 say they were still -- I remind them, "Look. After issues they are --
18 the issuing of the warrant there are no more discussions, and the
19 State party cannot work to provide exit strategies. And it's still
20 something we have to emphasise. State Parties have to be more
21 consistent in the decision to execute the arrest warrant. Even those
22 who are not territorial states like those who are supporting Juba
23 talks have to be more consistent in the approach. And that is way my
24 lines about the law in OCHA for the criminals, the Prosecutor or the
25 judges, the law also for the diplomats, the negotiator, they have to

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1 understand the limit. So I think this is the first issue here, the
2 lack of political commitment, a clarity and I would say homogeneous
3 consensus on executing the arrest warrant is the only alternative.
4 The law is there.

5 That's why I think in political terms this agreement and this
6 deadline is important, because it's put emphasis on that, okay. But
7 my problem what I learn in this trying to execute this arrest warrant
8 that will be obtained as soon LRA concede something, as soon the
9 negotiation receive something from LRA, there will be many, including
10 State Parties, who support the -- okay. Postpone the arrest warrant,
11 give the chances for the negotiations. So that's the -- that is the
12 environment in which we have to work in.

13 They are -- for them, the idea that the law establishes and after
14 the Judges issue an arrest warrant have to execute and there is no
15 alternative is something new, and it's so basic but it's new.

16 And I think -- that why I think agreement and the deadline is a
17 positive development. It was interesting to listen to Marc Dubuisson
18 talking about the military operation. There are different views on
19 how to be the military operation. The problem I see even including
20 the five periods in which they are not using so many troops, but it's
21 true you need a special unit.

22 There are special units in MONUC. South Africa has a special
23 unit. And I had a conversation with south Africa on this, and they
24 say if the peace talks are not working, we'll -- we'll work.

25 So what I say is there's not just a strong commitment with the

1 arrest warrant. The political actors will have always contradictory
2 views, and -- and that is for me the first step. That's why I was
3 insisting in my briefing the need to have a consistent political
4 approach and then with the support, and then the arrest warrant have
5 to be executed. So it's continuing and it's not just a planned
6 military operation. It's the first to galvanise and get this
7 agreement on the duties to respect the law.

8 So that is what I explained to you about this.

9 PRESIDING JUDGE POLITI: Thank you, Mr. Prosecutor. Are you
10 telling us that -- that behind, let's say, the formal commitments of
11 the government of Uganda, there is a highly divided -- there are
12 highly divided opinion in the government, and this may have an effect
13 on the -- on the - how can I say? - commitment in pursuing all the
14 possible avenues to execute the arrest warrants because we read the
15 press review every day, and we see that there are statements that go
16 in different directions, especially in respect to peace talks and
17 execution of the arrest warrants. And some officials of the Ugandan
18 government often talk about the peace talks as something as an
19 alternative to the execution of the arrest warrants.

20 Now, I don't want to get into any philosophical argument, and I
21 will be more precise in future questions, but I want to know whether
22 this is your opinion and the opinion of the Registrar because we keep
23 receiving assurances of a formal commitment by Ugandan government and
24 then we read every day statements that may be contradictory with these
25 formal assertions.

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1 MR. MORENO-OCAMPO: Mr. President, I withdrew the contradictions,
2 not just in -- in the territorial governments, also in the state party
3 who are not there and are supporting this. I know the contradiction
4 because I was discussing in -- especially State Party was supporting
5 this. My point was providing legal exit strategies to the four
6 individuals sought by the court is undermining the court.

7 So I was very clear on this. But there are still, as you
8 mention, there are still contradictory positions because for some
9 department, especially those involved in the negotiations, the normal
10 thing is offer immunity and they don't understand now -- the Rome
11 Statute says legal limit for them. So I would say to those states and
12 the states supporting the Juba talks have a contradictory view on this
13 and as soon as -- they keep both.

14 That's why it's complicated, because they keep both. They say,
15 we don't want to respect it, but we have to prioritise the conflict
16 management process, and that is a priority. The priority is not
17 actually the arrest warrant. The priority is to keep the peace
18 conversations working. That's why the end of the -- that's -- that
19 situation. The end of the conversations on the peace talks will be
20 probably forcing them to -- to be more serious about planning arrest
21 warrant operations to execute the arrest warrants, but right now as
22 soon as there is still possibility with this process, they are
23 postponing a real planning of the arrest warrant execution.

24 PRESIDING JUDGE POLITI: Thank you.

25 Mr. Registrar, do you have anything to add on this point?

1 MR. DUBUISSON (interpretation): Thank you, President. To make
2 things simple, I think that if we don't regularly send a letter asking
3 to -- the Ugandan authorities what has been done, and if the President
4 of this institution or the Prosecutor himself doesn't regularly
5 request action to be taken, that wouldn't bother anyone, if I may
6 express myself that way.

7 I believe that there is intention to cooperate with the court for
8 the victims, but in the world in which we interact, there are
9 different interests, and sometimes the protection of the population
10 and victims can be done differently, and that's why we have to act
11 regularly. If the Registry doesn't send out requests, it would never
12 receive any information.

13 The Prosecutor, of course, has more contact with the Ugandan
14 authorities and is, therefore, in a better position to negotiate on
15 such a topic.

16 Thank you.

17 PRESIDING JUDGE POLITI: Thank you. Let me go for a moment back
18 to the agreement on accountability and reconciliation that was signed
19 on the 29 of June, 2007, between the government of Uganda and the LRA.

20 The first question is of a general nature. What is your
21 assessment, Mr. Prosecutor and Mr. Registrar, on the impact that this
22 agreement, if and when implemented, will have on the execution of the
23 arrest warrants? The reason is evident. The agreement is not totally
24 adamant and clear. There are references to special tribunals, to
25 systems of local justice like the Matoput [phoen], to court-martials

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1 for the army people who have committed crimes, but what is the impact
2 of this agreement if and when implemented on the relationship with the
3 ICC on questions like admissibility, complementarity, the application
4 of amnesty.

5 It could have an important impact, and every now and then you
6 read, once again I underline, reports saying that important members of
7 Ugandan government have underlined this possible impact of the
8 agreement on the execution of the arrest warrants.

9 If, Mr. Prosecutor, you have comments on that, it would be very
10 helpful for the Chamber.

11 MR. MORENO-OCAMPO: Thank you, Mr. President. As I mentioned
12 before, the OTP is not involved in any way in the negotiations to
13 establish any kind of agreement of national proceedings in Uganda, and
14 for OTP it is clear. We assess the admissibility of the case before
15 we present the request for an arrest warrant, and we continue to
16 assess and there is no doubts in our mind that the case is admissible,
17 and there are no national proceedings against this individual sought
18 by the court.

19 So our position is very clear. The case is admissible and we
20 don't see any reason to discuss in different way. So for us -- and
21 even I -- I express this clearly in my meeting with -- some people are
22 requesting my opinion for me, it is to clear, and I will fight to keep
23 this case working before the court because I see there is no legal
24 reason to consider that this case is not admissible.

25 PRESIDING JUDGE POLITI: Mr. Registrar.

1 Any contacts between the government of Uganda and the Office of
2 the Prosecutor or the Registrar following the signature of this
3 agreement on the matters covered by this agreement? And the second
4 question, which is only partially unrelated, but where are we standing
5 with amnesty situation in Uganda? Is the current law on amnesty does
6 it cover, does it still exclude the LRA leaders that are the object of
7 the arrest warrants because this agreement on accountability and
8 reconciliation has a general reference to the possibility of amnesty
9 that leaves the door open to future changes of the law.

10 So what is the legal situation now and the first question, sorry
11 if they are partially unrelated, but I'm trying to summarise things as
12 much as I can, the first is there have been contacts with the Office
13 of the Prosecutor and with the Registrar on this agreement and the
14 effects on the execution of the arrest warrants. Thank you.

15 MR. MORENO-OCAMPO: My office has a clear instruction: We are
16 not part of this agreement. We cannot provide advice. We cannot
17 provide opinion. And in my meeting, except I did it two times in my
18 meeting with Mr. Miten Babasi [phoen], I explained to him that any
19 chance of admissibility the position of the office is the case
20 admissible. So we -- you cannot come. We said that we would change
21 our position, position is clear. We pressing the case because the
22 case is admissible and there's nothing to change our mind on this, and
23 I say the same last week in a meeting with the legal advisor of the
24 UN, very clearly. We cannot make any opinion on whatever they are
25 planning but in our opinion the case clearly admissible and it's --

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1 we'll discuss anyone who challenges admissibility.

2 The issue of the amnesty did not also -- does not change. When
3 before we -- we present the case it was amnesty in Uganda and we
4 consider this is not affecting the case, and we still keep -- the law
5 does not change, and we are not changing our opinion.

6 PRESIDING JUDGE POLITI: Thank you. There have been facts and
7 statements, actually, that obviously raised, let's say, our interest.
8 For instance, the statement by the Ugandan Minister of Justice on 31st
9 October 2007, where he said that the government is about to draft the
10 law for the war crimes to be tried in Uganda rather than in The Hague.
11 You understand that this raised very much our -- our interest.

12 Mr. Registrar, do you have anything to add on this point?

13 MR. DUBUISSON (interpretation): No, President, I have nothing to
14 add.

15 PRESIDING JUDGE POLITI: Judge Trendafilova would like to ask a
16 question.

17 JUDGE TRENDAFILOVA: I would like to ask a question. In addition
18 to what you have explained, Mr. Prosecutor, to us, of course we
19 underline that you're not part of any agreement, but we take into
20 account statements made by the Ugandan minister of international
21 affairs, and the Ugandan minister of foreign affairs. The first one
22 declared in June 2007 that Uganda will engage the International
23 Criminal Court to seek a review of the indictments for war crimes
24 charges against the leaders of the Lords Resistance Army once a peace
25 deal is reached and Ugandan minister of foreign affairs referred to,

1 when claiming during the 62nd session of the United Nations general
2 assembly, that Uganda is working closely to ensure accountability
3 under the complementarity stipulations.

4 That is why we are asking you as far as the Chamber has not been
5 approached by any governmental official of Uganda with regard to
6 triggering the complementarity principle. That is why we ask you
7 whether the Office of the Prosecutor has been approached, because the
8 statement says that they are already working closely.

9 Of course this is a question without prejudice to your
10 independent powers, but still there should be a basis for such a
11 statement.

12 Thank you.

13 MR. MORENO-OCAMPO: We received no request to -- to -- in any
14 sense on this, no request at all. But we are use it to some
15 contradictory messages. If you remember in 2004 when we were in the
16 middle of investigations there were also very contradictory messages
17 on this issue.

18 Basically we believe, okay, we are not responsible for the
19 message they are giving, and for us the case is admissible, and we did
20 investigation and arrest warrant for us. We are focusing the judicial
21 activities, not what they are saying.

22 PRESIDING JUDGE POLITI: Thank you. May I ask the Registrar one
23 question concerning the notification to Uganda of the decision to
24 terminate the proceedings against Raska Lukwiya. Am I correct in
25 saying that the Registrar had difficulties in notifying this decision

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1 to the Ugandan Ministry of Justice or one of its representatives in
2 Kampala, and do you think that this difficulty came out of -- not
3 precise willingness to cooperate with the court or was just an
4 accident? Am I remembering correctly that this is something that
5 happened? Mr. Registrar.

6 MR. DUBUISSON (interpretation): Yes, President, indeed. It's
7 just a fact. It took three months to notify a document that actually
8 had served the same Ugandan authorities. This is also due to the fact
9 that the focus point had changed, though not completely, and therefore
10 we needed some time before being able to get in touch again. However,
11 to conclude that, that is non-cooperation might go too far. I
12 wouldn't say that. It only showed that we weren't a priority at that
13 particular point in time, but I will not draw any other conclusions
14 from it.

15 PRESIDING JUDGE POLITI: Thank you. I will now address briefly
16 the issues of cooperations with DRC, Sudan, and Central African
17 Republic before, I guess, adjourning for a little time -- suspending,
18 not adjourning, suspending this meeting in order to respect the limit
19 of one hour and a half.

20 On the question of cooperation with the Democratic Republic of
21 the Congo that we have touched upon already in many respect, I think
22 that we have to go back to 2006. The DRC reiterated on that occasion
23 several times its intentions to help the court execute the warrants,
24 but the Registrar noted in his report of 20 October 2006 that this
25 intention did not result in anything substantial.

1 Then we have the recent event of the Tripartite Plus Arrangements
2 in which the DRC authorities promise firm action against Joseph Kony
3 if the peace talk did not reach an end by 31st January 2008, and we
4 have on the other hand the element to which I alluded already, that
5 the official response of DRC, the most recent says that they are not
6 able to locate the LRA leaders.

7 Can you give us a further maybe more detailed assessment of the
8 level of cooperation of DRC? In other words, are they so concerned as
9 the Registrar has said, in particular, about the internal problems of
10 Congo and they're not so keen in pursuing the execution of the arrest
11 warrants? Are they cooperating to an extent that it can be considered
12 satisfactory or can be greatly improved?

13 Mr. Prosecutor.

14 MR. MORENO-OCAMPO: Are you asking me in the specific case of
15 Kony or in other cases?

16 PRESIDING JUDGE POLITI: Kony.

17 MR. MORENO-OCAMPO: On the specific case of Kony, I know they are
18 in -- they requested the MONUC to help them, then agreement to build
19 these bases in the south of Garamba Park.

20 This operation will be not just MONUC, will be some activities of
21 them. That's what they are doing. That's what they are doing.
22 That's what I can tell you.

23 PRESIDING JUDGE POLITI: Do they do more?

24 MR. MORENO-OCAMPO: Sorry?

25 PRESIDING JUDGE POLITI: Could they do more?

1 MR. MORENO-OCAMPO: I -- I suppose everyone can do more to arrest
2 these individuals. This is a -- yes, in many areas, in political
3 areas more commitment is required from territorial state but also from
4 State Parties. I like to highlight -- if you read the speech in the
5 Assembly of States Parties there were not many, there were not many
6 talking about the execution of arrest warrant in the Ugandan case. So
7 I believe it's a lack of -- the international community has not yet a
8 clear sense of the urgency to execute this arrest warrant.

9 PRESIDING JUDGE POLITI: From the latest submission that you
10 presented to the Chamber, apparently no one spoke about the execution
11 of the arrest warrants. I didn't go back and check, but not only a
12 few but no one apparently of the States Parties underlined the point
13 of the execution of the arrest warrants. This is what, if remember
14 correctly, is in your submission but I don't swear that it's right.

15 MR. MORENO-OCAMPO: Mr. President, but to be fair, Belgium, in
16 the Security Council, mentioned the arrest warrant and in the past
17 also the prime minister talked very loudly about this. So I'm not
18 sure if mentioning Belgium or don't mention. And Austria, you had to
19 have a very particular line on this topic.

20 PRESIDING JUDGE POLITI: Thank you, Mr. Prosecutor.

21 What are the most recent steps aside from the letter that has
22 been sent, the note that has been sent to DRC that was undertaken by
23 the Registrar to force the cooperation from the DRC, Mr. Registrar?

24 MR. DUBUISSON (interpretation): Thank you, President. During
25 our contacts with the Congolese authorities, we didn't deal with the

1 Kony case in isolation. We, during our contacts, talked about various
2 actions or interaction concerning the court.

3 The Congo is a de facto the state that to date has the most
4 cooperated with the court as we have within our institution two
5 persons that were handed over, surrendered by the Congolese
6 authorities, so we are working on maintaining good relations with the
7 Congolese authorities which are cooperating fully with the court.

8 As regards the MONUC, as I said earlier on there are differing
9 priorities in the field at present. I believe that if a window
10 suddenly appeared and that there was a correct momentum to be able to
11 work, I am not sure that there wouldn't be any action taken by the
12 Congo today or tomorrow, in the near future. Part of the troops
13 could, for instance, request to MONUC for partial of protection.
14 These are all possibilities, but personally I do not believe that we
15 should emphasise this letter today which emphasises that it is not
16 being considered sufficiently.

17 We sent a request on the 26th of October, and I believe it's only
18 later on we heard about the hearing and then we reiterated our
19 request. So the letter might have been written very hastily to give
20 an answer to the Chamber. That is factor that must be taken into
21 account.

22 As regards of the Congolese authorities, I don't believe any
23 conclusion should be inferred that there is a lack of cooperation as
24 regards Mr. Kony.

25 PRESIDING JUDGE POLITI: Thank you.

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1 On Sudan and Central African Republic, has the Prosecutor or the
2 Registrar have any new information regarding, for example, Sudan's
3 cooperation with the court, especially in light of the role played by
4 Sudan and the government of South Sudan in the peace process, and any
5 new information -- any new information regarding cooperation from the
6 Central African Republic?

7 If I well understood, both Sudan and Central African Republic did
8 not respond to your most recent note verbal. Is this a sign of not
9 consideration for the Court, or does anyone have any information here?
10 And then we will suspend the meeting after -- after this.

11 Mr. Registrar maybe is ready to -- Mr. Prosecutor, cooperation
12 with Sudan and -- from Sudan and from Central African Republic, do you
13 have any new information? Are there still rebels in Central African
14 Republic as far as you know?

15 MR. MacDONALD: If you're talking about LRA rebels, no, your
16 Honour.

17 PRESIDING JUDGE POLITI: Okay.

18 MR. MacDONALD: To the best of the information we have is they're
19 all located there in Garamba National Park. Maybe a small group in
20 Ri-kwangba, but they're not in Central African Republic.

21 PRESIDING JUDGE POLITI: At some point they were.

22 MR. MacDONALD: At some point they were, but in March 2007 they
23 came back to Garamba National Park.

24 PRESIDING JUDGE POLITI: Thank you.

25 Mr. Registrar.

1 MR. DUBUISSON (interpretation): We are aware that the Sudanese
2 authorities have received our request. Of course the time limit is
3 short and they have therefore not had the time to respond to us, but
4 they did confirm that they had received our request. As to the
5 Central African Republic authorities, we have no information in this
6 regard.

7 We understood from the past that there was a working group to
8 deal with such issues. We're also aware that there have been changes
9 at political level. We do not know whether this has caused the lack
10 of a direct response, but we bear in mind that the time limit was also
11 very brief.

12 PRESIDING JUDGE POLITI: Thank you. We will now suspend the
13 meeting for half an hour and we will resume the Status Conference at
14 5.05. Thank you.

15 COURT USHER: All rise.

16 Recess taken at 4.31 p.m.

17 On resuming at 5.03 p.m.

18 COURT USHER: All rise. Please be seated.

19 PRESIDING JUDGE POLITI: We now resume the Status Conference, and
20 I would like to address the point of the cooperation with the United
21 Nations.

22 Considering the relationship agreement between the ICC and the
23 United Nations aimed at facilitating cooperation and indicating their
24 respective responsibilities, can the Prosecutor and/or the Registrar
25 provide the Chamber with an assessment of the cooperation provided so

1 far by the United Nations for the execution of the warrants of arrest?
2 And a question to the Prosecutor: Has the OTP entered into
3 arrangements and or agreements with the United Nations pursuant to in
4 particular Article 18 of the agreement, and do these arrangements and
5 agreements relate specifically to the execution of the arrest
6 warrants? Please, Mr. Prosecutor.

7 MR. MORENO-OCAMPO: Mr. President, the Office of the Prosecutor
8 worked years ago to include in the MONUC's mandate, this possibility
9 to support arrest cooperations in the DRC. So with this clause which
10 is very unique, and in fact a few months ago I had a discussion with
11 Annife [phoen], the director of our African department of a western
12 country, and he was discussing with me that it's impossible. A
13 peacekeeper mission never can execute our arrest warrant. So it's
14 still very new for -- for these people.

15 So with this clause there are no legal impediments to execute the
16 arrest warrant through MONUC. The problem is political decision first
17 and then military planning and operations. So the sequence is
18 political decision and then planning and executing the operations.

19 I -- we are working on this. MONUC will change. The head of
20 MONUC will change in January, Embiso Swing [phoen], who will leave;
21 the number two Minkarius [phoen] also left. Minkarius is now number
22 two in the political affairs area. So I had a meeting with him, so he
23 knows very well Congo. And Alan Doss [phoen] will be appointed in
24 MONUC. However, I had this year three meeting with Jean-Marie Henou
25 [phoen], who is head of the peacekeepers, and he understands very well

1 the situation. In fact he was in my -- he was very interested in this
2 deployment in Garamba Park, and the last meeting he told me he
3 overcome some difficulties he's had, and now they are working on this.
4 So I think he is critically important to achieve this.

5 He mentioned to me the importance of State Parties have a
6 consistent approach in this and support his ideas in the UN. That's
7 why what I see is to have the execution of the operation, we need
8 first galvanise a clear line. In this sense, I think it was very
9 interesting what happened in Brussels two weeks ago. I was there
10 briefing the peace and security committee. And it was very clear, I
11 think, I put the lines in my briefing, but I was very clear about. I
12 said to them, Joseph Kony, the first individual charged by the
13 International Criminal Court, has received so much support that he was
14 on the verge of becoming a regional leader, and I highlight European
15 and other states have financed its food aid to the LRA, and the LRA
16 will divert any number of ways.

17 So interestingly in this meeting I also talk about the Darfur
18 situation, and we saw impact of this meeting in the Darfur case in
19 the -- in my meeting in Darfur and Security Council, so I think work
20 with the European Union is important to galvanise some agreements, to
21 have a consistent line on this, and we are working on this.

22 That's -- that is -- so the UN is not just the officials in UN,
23 also the State Parties working in UN are very important, and that's
24 why I think it's so important to be sure they have a consistent
25 approach respecting the law and ensuring the execution of the court

1 decisions.

2 PRESIDING JUDGE POLITI: Mr. Prosecutor, I was about to ask you a
3 broader question on your contacts with the Secretary-General of the
4 United Nations, with the president of the Security Council, your most
5 recent contacts of your report on Darfur. I don't know whether you
6 have touched upon also on the question of Uganda, but let me ask you
7 one specific point: When you talk about the -- the agreement with
8 MONUC, is it the memorandum of understanding of 8 November 2005 or --
9 that is mentioned at some point in the report or it's some other
10 agreement? Just to have things straight and clear.

11 MR. MORENO-OCAMPO: No. What I mention is in the MONUC mandate.
12 So we worked in 2004 to included in the MONUC mandate on the clause
13 who say that they can support DRC operation upon request of DRC
14 authorities, and that is that unique clause, and that's why legally --
15 so it's not committing with the court. The MONUC is committed with
16 the DRC.

17 PRESIDING JUDGE POLITI: Sure.

18 MR. MORENO-OCAMPO: But DRC requested. So that's why I say
19 legally MONUC is authorised it and have a mandate it do it. So then
20 it's the political and military steps. But the legal is covered. We
21 don't need an agreement with us because they will do it through DRC.

22 PRESIDING JUDGE POLITI: Mm-hmm.

23 MR. MORENO-OCAMPO: On the other issues you asked, would you like
24 me to answer your other question?

25 PRESIDING JUDGE POLITI: Yes, please also in light of the most

1 recent statement of the Secretary-General of the United Nations.

2 MR. MORENO-OCAMPO: That is encouraging.

3 PRESIDING JUDGE POLITI: Which is encouraging I found, and it is
4 probably the first time that he says so clearly that he supports the
5 execution of the arrest warrant. So I want you to comment also in
6 light of that statement.

7 MR. MORENO-OCAMPO: Yes. What I see is a -- in my opinion was
8 similar in the previous administration of the UN with the Kofi Annan
9 team. At the beginning it was difficult for us, then they were
10 understanding. For instance, the political affairs Kiefer Pendagas
11 [phoen], was in the beginning really against us and then he
12 understood.

13 In my first meeting when the Secretary-General came to visit the
14 court, in the first meeting we've had with President Kirsch present he
15 was very open, requesting to me to understand the peace process. I
16 said to him, Look it's very easy. They are four individuals sought by
17 the court, they have to be arrested. The rest you can manage with the
18 national authorities, whatever you want.

19 In those days he says nothing, so his position was much more in
20 favour of the political agreement. Now I think he's understanding,
21 especially because the Darfur situation. In Darfur we were very clear
22 -- or he went to Karhtoum so it was very clear. Now his office is
23 understanding more. I had a meeting with his -- one special assistant
24 he has on Thursday, and I found there an impressive learning this new
25 situation that they had to respect the law.

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1 However, UN is not a monolithic institution, so in the same week
2 I had a meeting with Lynne Pasko [phoen], who is head of the political
3 affairs, and his views are clearly more for negotiation than the law,
4 but then yesterday I had a meeting with number second in the political
5 affairs who is Hailie Minkarius [phoen] from Ethiopia. He was deeply
6 involved in the Uganda case and for him it's clear. So that's with
7 the UN many differ actors. But for us the key actor is the
8 Secretary-General, political affairs and peacekeeper because they
9 define the political interests and then the operations, and we are
10 moving they are progressing.

11 We are planning a meeting with Minkarius team in January, and one
12 of the issues is the need to have a consistent approach on the
13 execution of arrest warrant. This is the issue and then we discuss
14 both, the Ugandan case and the Darfur case.

15 Yes. But in the case of peacekeeper, I think the willingness of
16 the head of peacekeeping is clear. He's very clear on this. So what
17 we need is a little move to have a political consensus and then will
18 come the planning of the operations.

19 PRESIDING JUDGE POLITI: You talk rightly so about different
20 actors in the UN scenario, and I would like to touch upon one of these
21 actors. The special envoy.

22 MR. MORENO-OCAMPO: Mr. Chissano.

23 PRESIDING JUDGE POLITI: Mr. Chissano.

24 MR. MORENO-OCAMPO: Yeah.

25 PRESIDING JUDGE POLITI: On 8 December 2006, the -- your office

1 qualified the appointment of Mr. Chissano as special envoy of the
2 United Nations Secretary-General for the LRA affected areas as another
3 step towards improving the coordination of efforts concerning the LRA,
4 but we got later some kind of different or contradictory messages.
5 For instance, on 13 November 2007, the special envoy declared a press
6 conference at the UN headquarters that achieving an alternative form
7 of justice rather than submitting to the International Criminal Court
8 process was a delicate but not impossible prospect in the negotiations
9 to end 20 years of conflict between the LRA and the government of
10 Uganda. And apparently next weekend, Mr. Chissano, with Mr. Mashar,
11 vice-president of South Sudan, is set to visit Kony on the Otti
12 matter. I think I read it somewhere. I can be more precise, but
13 there are reports on a possible visit. Do you have any indication in
14 that regard?

15 MR. MORENO-OCAMPO: Okay. The -- we had I think in the past we
16 were thinking beginning involvement of the Secretary-General would be
17 good to solve the conflict because especially with the situation that
18 -- not just Uganda and Sudan were involved but also Congo now, and in
19 Congo is MONUC, we're thinking the idea we have, let's say, the
20 general more involved was a good idea. That's why we celebrate the
21 Chissano inclusion, and I had a meeting with him and he was very
22 clear.

23 He was appointed by Kofi Annan. He was pretty clear that the law
24 has to be respected and that Uganda had to execute it in those days.
25 And then we had a conversation with him by phone, and in those days he

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1 skipped this. The -- yes, the -- the statement he made in November
2 was disappointing us.

3 PRESIDING JUDGE POLITI: Yes.

4 Mr. Registrar, you have something to add on the point of the
5 cooperation with the United Nations.

6 MR. DUBUISSON (interpretation): I can only support what the
7 Prosecutor has said in this regard. As it has been emphasised by the
8 Prosecutor, it is not only the United Nations but all states that must
9 be brought round to our point of view. In the precise case of MONUC,
10 it is only a peacekeeping force which has a mandate to assist in
11 arrest and surrender in Congo, either to work elsewhere or support
12 government troops. However, as you have said, there are other
13 stakeholders or actors within the United Nations who can play a major
14 role. You have the department of legal affairs which is in fact the
15 focal point in respect of the court's business. That is through the
16 head of department, Nikola Michel. You have the peacekeeping
17 missions. You have humanitarian affairs as well.

18 This means that the various branches in the United Nations, and
19 we might perhaps consider doing something more in this regard, bearing
20 in mind that this is also coordinated to the Secretary-General. I
21 think we can work effectively and judiciously and involve these key
22 actors or stakeholders in the Ugandan question.

23 PRESIDING JUDGE POLITI: Do you have regular or some kind of
24 constant contacts with the department of humanitarian affairs, with
25 Mr. John Holmes? He succeeded Mr. -- Mr. Egerland [phoen], I think,

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1 and the department was quite active, let's say, in fostering the peace
2 process from the humanitarian side that there have been contacts,
3 reported contacts with Joseph Kony. Is Mr. Holmes following the same
4 attitude, the same approach, Mr. Prosecutor? Does he have a different
5 approach, and have there been reported meetings with the UN officials
6 and LRA leaders apart from the one that we know about conducted by
7 Mr. Egerland?

8 MR. MORENO-OCAMPO: Mr. President, Mr. Egerland had the view that
9 his humanitarian mandate included the possibility to meet with Kony,
10 and he told me he was going there to request Kony to release, to
11 release the abductees. I told him, By the way you can inform him to
12 have him to surrender to the court. He said, Okay I'll try, but I'm
13 sure if I can say that. I don't think Mr. Holmes is so personally
14 involved in this.

15 In my first meeting with him, his opinion was like the opinion of
16 the new team that -- what they call peace because in fact it's a
17 conflict management, it's not peace because there is no peace there.
18 It's a conflict management. They were thinking they had to prevail on
19 justice, and then I had this previous discussion and I explained to
20 him the importance of -- of the arrest warrant.

21 And in my second meeting with the deputy I -- I raised the issue
22 because we had information they were providing resources for these
23 consultations, and I raised issue of the need to control the spending
24 of the resources. So this is the situation with OCHA, yeah.

25 PRESIDING JUDGE POLITI: Thank you. I think that we have touched

1 upon the MONUC, relationship with MONUC. There have been extensive
2 discussion here at the Status Conference, unless the Prosecutor and
3 the Registrar want to add something to what has already been said.
4 The cooperation seems to be still forthcoming. I don't want to jump
5 to judgements absolutely, but I think that we have had a comprehensive
6 discussion of the role that MONUC can play, has played, or is planning
7 to play.

8 I would like now to conclude this Status Conference, go to the
9 question of the cooperation with the international community at large
10 that has been touched upon, the Prosecutor in particular already a
11 number of times.

12 There have been initiatives taken and carried out. Are there any
13 future steps be envisaged by the Prosecutor and the Registrar in order
14 to encourage cooperation from the international community at large for
15 the execution of the arrest warrants? I would like to recall the
16 important call on the international community made by the Prosecutor
17 on 24 June 2007 in Nuremberg, and in October at the ICC, 11th
18 diplomatic briefing, and in particular I would like to ask the
19 Prosecutor whether he has used or is planning to use his powers under
20 Article 54(3)(c), considering seeking cooperation of regional
21 organisation or arrangements such as for example the African Union.

22 Please, Mr. Prosecutor.

23 MR. MORENO-OCAMPO: Normally, I am briefing. I decided that I
24 had normally political briefing all the regional organisations
25 including European Union; African Union; Arab League, because Darfur

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1 case; plus UN, and the message is consistent and the message was, yes,
2 as I said in Nuremberg for instance. Nuremberg was important because
3 it was a conference about peace and justice. It was for me very
4 important for the beginning, I'd say clearly there is no
5 contradiction. The importance of lack of enforcement was affecting
6 peace, no justice. But this idea still -- in Nuremberg was
7 well-taken, and even those who I propose were -- okay, respectively,
8 assume you talk about this publicly they respect. The problem is
9 transform this in operation is more complicated.

10 Talking about international community, there are some States who
11 are particularly involved with in the Uganda situation for many years,
12 and some of them non-state parties, and we have regular communication
13 with them, and I think that is clearly important because these States
14 are those who are very influential in the process, and our plan is to
15 try to be sure this. I met with some of them in the capitals, because
16 I found that they're not just -- it's an official position sometimes,
17 that they are -- tend to promote alternatives, and I raise to them
18 that they promote alternative to provide exit for the indicted
19 individuals is against the court.

20 We are discussing this now and we are progressing on this. So
21 what I see is next year is for us is critically important to raise the
22 issue in this -- with these States, and in some way the reality on the
23 ground show that we were right that Kony was probably using this time
24 to regroup and will attack again. So this is something that people
25 are starting to understand. For the Office of the Prosecutor it's

1 difficult.

2 The message we convey to the negotiators are not taken seriously,
3 the information that the Prosecutor provide. In this case a sealed
4 indictment, so this not allowing us to talk about the facts, but even
5 in Darfur with open application they are -- they tend to ignore the
6 fact we unveil and take a lot of time to discuss with them. So
7 answering your question, I think the international community is
8 clearly important. State party could play a role, I think in the
9 latter Assembly State Party was important because the court is much
10 more mature now, so the court is showing activities and State parties
11 understand more the need to focus on the arrest. It was the consensus
12 on the idea to focus -- arrest is a big challenge, I think that is a
13 critical issue. In the Uganda situation, this group of states
14 particularly involved in Uganda are critically important because they
15 define the agenda. So not just in Uganda but also in UN, and so we
16 believe it's important to work with them and show them the need to
17 respect the law.

18 The African Union is complex. They are overstretched in Darfur.
19 However, I understand south Africa was committed to participate in
20 these conversations supporting Chissano, and they are also committed
21 that if it is failing, they would be sure that there is some kind of
22 military capacity to execute the arrest warrant. That's what they
23 say. Can they do it? South Africa can do it. African union is
24 overstretched. So this is one possibility, but they were insisting
25 that DIA [phoen] has to be African troops. But what I see, especially

1 in Darfur, is they are overstretched because they have many conflicts.

2 PRESIDING JUDGE POLITI: Thank you.

3 Mr. Registrar.

4 MR. DUBUISSON (interpretation): Thank you, Mr. President.

5 There is nothing that the Registry can really say. There is
6 nothing much the Registry can really say about this. There are
7 avenues for exploration. As was the case with the United Nations when
8 we discussed it a while ago. We can make progress.

9 I can make some suggestions, and please stop me immediately if
10 you feel that it is not within the Registry's mandate to make such
11 suggestions.

12 First we have a warrant of arrest which has been notified to four
13 States, including the Uganda, Sudan, Central African Republic, and
14 Congo, and it has been made public in respect of the other States.
15 The idea is to find out who are the key stakeholders in Uganda who
16 play a key role, especially in the negotiations, and perhaps carry out
17 a specific notification of this warrant of arrest to these countries
18 who may play a key role.

19 As Uganda has suggested, and if we are unable to send a written
20 note, we considered the presence or the appearance of the Minister of
21 Justice, we could invite him in one form or another as the Chamber
22 decides, and we could use this same approach for the representatives
23 of the countries who are key actors in Uganda in order to extend the
24 scope of -- for solving this problem. Then such a country or such
25 countries would come here, make an official statement, and you will

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1 have an official opinion, and we will consider this in the light of a
2 report from the Prosecutor and the Defence.

3 This is all I have to say and for the rest I support the
4 Prosecutor's position. Thank you.

5 PRESIDING JUDGE POLITI: Thank you, Mr. Registrar. Your comments
6 have been duly noted, and kind of in the same line, does the
7 Prosecutor or the Registrar think that we could facilitate the
8 execution of the arrest warrant if the Court, the Chamber, would
9 request international organisations, intergovernmental organisations
10 for information of documents or other forms of cooperation or
11 assistance pursuant to Article 87(6) of the Statute? Would that be
12 helpful in your opinion?

13 Mr. Prosecutor. If this would come directly from the Court or
14 the Chamber. This would not bind the Chamber, obviously, but I'm
15 asking your opinion to be considered by the Chamber.

16 MR. MORENO-OCAMPO: Mr. President, it's an idea that's very
17 interesting to explore, and I would be delighted to provide more
18 information in order that you can -- if you decide to do that, you can
19 send the right message with the right persons, but it could be very
20 important.

21 PRESIDING JUDGE POLITI: The Chamber has not decided,
22 Mr. Prosecutor. We were seeking comments and suggestions, and the
23 Chamber will decide in due course, but thanks for your comment.

24 Mr. Registrar?

25 MR. DUBUISSON (interpretation): I would say the same,

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1 Mr. President. These are avenues to be explored. We have not thought
2 about this in greater depth apart from the proposals we have made, but
3 of course we could consider this question and submit our observations
4 to you if you wish.

5 PRESIDING JUDGE POLITI: Thank you.

6 A general question now that was suggested by one point made in
7 the latest submission of the Prosecutor when he said that consistent
8 and explicit support of all States to the execution of the arrest
9 warrant is still lacking. During the last Assembly of States Parties,
10 and we commented on this, no State party referred directly to the need
11 for execution of arrest warrant against Joseph Kony and the other LRA
12 commanders. And the OTP mentioned also that there seems to be
13 pressure on territorial States and the UN not to appear to undermine
14 the talks concerning the peace process.

15 Would you like to say a conclusive word on this, Mr. Prosecutor?

16 MR. MORENO-OCAMPO: Mr. President, I think it's still -- it's a
17 growing -- it's a growing consensus. I think the activities of the
18 court are driving the State parties and then they are consistently
19 growing, and I felt the last Assembly of State Parties and this, you
20 know, the ambassadors were in the Security Council during my briefing
21 and there was a growing consensus that the court had to be supported
22 in the execution of its mandate. So I think it's moving the right
23 direction. But of course it's a very difficult way. So I think it's
24 moving the right direction, but probably slowly and not in the speed
25 we need.

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1 The -- on the -- I will say yes, the views of the State who are
2 supporting the effort the negotiation in Uganda are very important,
3 and they are really very influential in the agendas of the territorial
4 States and that's why I think it is very important to work with them
5 in addition to work with territorial States. Both are critically
6 important.

7 It's difficult because to be so -- this is my clear analysis, and
8 what we are doing is engaging with the States and the international
9 organisations to discuss deeply the cases and the need to execute the
10 arrest warrant and also the longer impact. So normally -- publicly we
11 just talk about the law but in internal meetings, it's obvious for me
12 that if Kony's arrested, all the [indiscernible] region would have a
13 different.

14 So it's -- it's not using in their area the importance of the
15 rule of law as a deterrence for the future. So all the decisions are
16 new for them. It's so obvious for a criminal lawyer, but for these
17 negotiators it's on their mind. So it's a process of location we have
18 to do.

19 PRESIDING JUDGE POLITI: I was about to say before you said it
20 that the pace of the Security Council is quite slow.

21 MR. MORENO-OCAMPO: Yeah.

22 PRESIDING JUDGE POLITI: We haven't gotten beyond the press
23 statement, which is the third level of the -- of the decision-making
24 process of the Security Council. We haven't reached the presidential
25 statement yet, which is a statement in which -- in which the Security

1 Council could have said that the responsible for atrocities in Uganda
2 had to be brought before the ICC and not to justice, which makes a
3 difference.

4 Thank you.

5 Mr. Registrar, you want to say something? I have one more
6 question that I had forgotten to ask the Registrar before.

7 Are there any developments regarding contacts with Interpol in
8 the execution of the warrants? We know, read notice and all of that,
9 and the regular contacts, other contacts, are there any developments
10 that you want to make the Chamber aware of?

11 MR. DUBUISSON (interpretation): No. In this regard, we work
12 together with the Office of the Prosecutor. A notice was given and
13 published, and we are now waiting to receive from regional offices
14 that would contact the centre to inform us of any possible news.
15 That's where we stand at present. There is nothing in particular with
16 Interpol today.

17 PRESIDING JUDGE POLITI: Thank you.

18 This brings to conclusion today's Status Conference.

19 Mr. Prosecutor.

20 MR. MORENO-OCAMPO: Yeah. In addition to this Interpol,
21 basically they disseminate their notices. When they move to Central
22 African Republic or to Congo, they are not using immigration systems.
23 So Interpol is a formal system too. So Interpol achieve what they can
24 achieve. I don't think we can expect something else from Interpol
25 now.

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1 And if I may comment on your comments on Security Council,
2 Mr. President, the importance of Security Council were two aspects.
3 Some State Parties evolve. From the Freider [phoen] speech in the
4 Assembly Parties, the Security Council speech, they evolve. So there
5 was no consensus yet but we'll say progress and in the right
6 direction, but they agree the -- the -- it's still a problem. The
7 court has not -- it's not yet automatic -- automatic obedience,
8 automatic compliance with the court so that's why it's a problem.

9 PRESIDING JUDGE POLITI: Thank you.

10 This brings to a conclusion today's Status Conference. The
11 Prosecutor and the Registrar have provided the Chamber with additional
12 information on Statues of cooperation for the execution of the arrest
13 warrants in the case against Joseph Kony, Vincent Otti, Okot Odhiambo,
14 and Dominic Ongwen.

15 The Chamber will continue to monitor developments in the case
16 with the view to gathering all the information that would allow it to
17 exercise as appropriate its functions and powers under the Rome
18 Statute.

19 Mr. Registrar, would you kindly adjourn the Status Conference,
20 please.

21 COURT USHER: All rise.

22 The hearing ends at 5 .38 p.m.

23

24

25