

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-02/04-01/05
Date: 15 September 2006

PRE-TRIAL CHAMBER II

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

Registrar: Mr Bruno Cathala

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

Public Document

**ORDER TO THE REGISTRAR AND THE PROSECUTOR FOR THE
SUBMISSION OF INFORMATION ON THE STATUS OF THE EXECUTION OF
THE WARRANTS OF ARREST IN THE SITUATION IN UGANDA**

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Ms Christine Chung, Senior Trial Lawyer
Mr Eric MacDonald, Trial Lawyer

PRE-TRIAL CHAMBER II (“the Chamber”) of the International Criminal Court (“the Court”);

RECALLING the warrants of arrests for Joseph KONY, issued on 8 July 2005 (as amended on 27 September 2005)¹, and for Vincent OTTI², Raska LUKWIYA³, Okot ODHIAMBO⁴, and Dominic ONGWEN⁵ issued on 8 July 2005 (“the Warrants”);

RECALLING the requests for arrest and surrender addressed to the Republic of Uganda issued on that same day⁶ and on 27 September 2005⁷, as well as the requests for arrest and surrender addressed to the Democratic Republic of the Congo⁸ and the Republic of Sudan⁹ issued on 27 September 2005 (“the Requests for Arrest and Surrender”);

RECALLING the Chamber’s “Decision on the Prosecutor’s application for warrants of arrest under article 58” dated 8 July 2005¹⁰, as well as the Chamber’s “Decision on the Prosecutor’s urgent application dated 26 September 2005” dated 27 September

¹ ICC-02/04-01/05-28-US-Exp.

² ICC-02/04-01/05-4-US-Exp.

³ ICC-02/04-01/05-6-US-Exp.

⁴ ICC-02/04-01/05-8-US-Exp.

⁵ ICC-02/04-01/05-10-US-Exp.

⁶ Request for arrest and surrender of Joseph Kony (ICC-02/04-01/05-12-US-Exp); Request for arrest and surrender of Vincent Otti (ICC-02/04-01/05-13-US-Exp); Request for arrest and surrender of Raska Lukwiya (ICC-02/04-01/05-14-US-Exp); Request for arrest and surrender of Okot Odhiambo (ICC-02/04-01/05-15-Exp), Request for arrest and surrender of Dominic Ongwen (ICC-02/04-01/05-16-US-Exp).

⁷ Request for arrest and surrender of Joseph Kony issued on 8 July 2005 as amended on 27 September 2005 (ICC-02/04-01/05-29-US-Exp).

⁸ Request to the Democratic Republic of the Congo for arrest and surrender of Joseph Kony (ICC-02/04-01/05-30-US-Exp); Request to the Democratic Republic of the Congo for arrest and surrender of Vincent Otti (ICC-02/04-01/05-31-US-Exp); Request to the Democratic Republic of the Congo for arrest and surrender of Okot Odhiambo (ICC-02/04-01/05-32-US-Exp); Request to the Democratic Republic of the Congo for arrest and surrender of Dominic Ongwen (ICC-02/04-01/05-33-US-Exp); Request to the Democratic Republic of the Congo for arrest and surrender of Raska Lukwiya (ICC-02/04-01/05-34-US-Exp).

⁹ Request to the Republic of Sudan for arrest and surrender of Joseph Kony (ICC-02/04-01/05-35-US-Exp); Request to the Republic of Sudan for arrest and surrender of Vincent Otti (ICC-02/04-01/05-36-US-Exp); Request to the Republic of Sudan for arrest and surrender of Okot Odhiambo (ICC-02/04-01/05-37-US-Exp); Request to the Republic of Sudan for arrest and surrender of Dominic Ongwen (ICC-02/04-01/05-38-US-Exp); Request to the Republic of Sudan for arrest and surrender of Raska Lukwiya (ICC-02/04-01/05-39-US-Exp).

¹⁰ ICC-02/04-01/05-1-US-Exp.

2005¹¹, deciding that the Warrants and the Requests for Arrest and Surrender shall be transmitted by the Registrar to the relevant States;

RECALLING the Chamber's request to the Registrar, in the Requests for Arrest and Surrender, to act in consultation with the Prosecutor in transmitting the Requests for Arrest and Surrender, and to refer to the Chamber promptly any difficulty which may arise in their execution for further direction;

RECALLING further the Chamber's invitation to the Prosecutor, in the Requests for Arrest and Surrender, to cooperate fully with the Registrar, with a view to facilitating the transmission and execution of the Requests ;

RECALLING the determination of the Chamber in its Decision of 8 July 2005 that the issuance of the Warrants was necessary to ensure that the persons sought would not obstruct or endanger the investigation or the court proceedings, to ensure their appearance at trial and to prevent the continuation of the crimes or the commission of related crimes within the jurisdiction of the Court;

NOTING the recent media reports on the situation in Uganda, referring, *inter alia*, to contacts between representatives of the Government of Uganda and of Sudan and some of the persons whose arrest is sought by the Court and referring also to their presumed current location;

NOTING article 89 (1) of the Statute of the Court ("the Statute"), setting forth the obligation of States Parties to comply with the Court's requests for arrest and surrender;

¹¹ ICC -02/04-01/05-27-US-Exp.

NOTING article 87 (7) of the Statute, according to which, when a State Party fails to comply with a request to cooperate, the Court may make a finding to that effect and refer the matter to the Assembly of States Parties;

NOTING article 87 (5) (b), of the Statute, according to which, when a State not party to the Statute which has entered into an ad hoc arrangement or agreement with the Court fails to cooperate with requests pursuant to any such arrangement or agreement, the Court may so inform the Assembly of States Parties;

NOTING regulation 46 (2) of the Regulations of the Court (“the Regulations”), according to which the Pre-Trial Chamber “shall be responsible for any matter, request or information arising out of the situation assigned to it”;

NOTING rule 176 (2) of the Rules of Procedure and Evidence of the Court (“the Rules”), according to which the Registrar “shall transmit the requests for cooperation made by the Chambers and shall receive the responses, information and documents from requested States”;

NOTING rule 184 of the Rules, providing that the surrender of the person(s) sought by the Court shall be a matter of arrangements between the requested State and the Registrar;

NOTING regulation 76 (c) of the Regulations of the Registry, pursuant to which the Registrar shall request national authorities to inform him without delay “of any problem that may impede or prevent the execution of the request for arrest and surrender”;

NOTING articles 42 (1) and 54 (1) (b) of the Statute, respectively setting forth the general mandate of the Prosecutor and mandating him to take appropriate measures to ensure the effective investigation and prosecution of crimes within the jurisdiction of the Court;

NOTING further article 54 (3) (c) of the Statute, which vests the Prosecutor with the power to seek cooperation from States;

CONSIDERING the importance of the execution of the Warrants for the effective investigation and prosecution as well as for the prevention of the commission of further crimes;

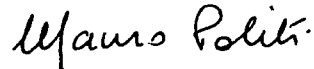
CONSIDERING that there is a need for the Chamber to receive a complete update on the status of the execution of the Warrants and of the Requests and of the ongoing cooperation with the relevant States, with a view to exercising its powers and fulfilling its duties, in particular under part 9 of the Statute;

**HAVING REGARD THERETO AND FOR THESE REASONS, THE CHAMBER
HEREBY**

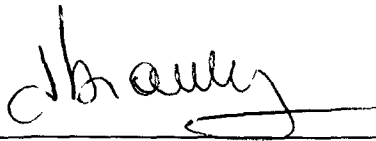
REQUESTS the Registrar to submit to the Chamber, on or before Friday 6 October 2006, a written report with information and comments on the status of the execution of the Warrants and of the Requests for Arrest and Surrender, in particular as regards the cooperation with the relevant States and between the Registry and the Office of the Prosecutor;

REQUESTS the Prosecutor to submit to the Chamber, on or before Friday 6 October 2006, without prejudice to his powers and functions under the Statute, information and comments in writing on the status of cooperation with the relevant States and with the Registry as regards the execution of the Warrants.

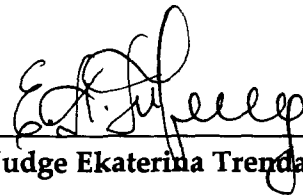
Done in English and French, the English version being authoritative.



**Judge Mauro Politi
Presiding Judge**



Judge Fatoumata Dembele Diarra



Judge Ekaterina Trendafilova

Dated this 15th day of September 2006

At The Hague, The Netherlands