

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-02/04-01/05
Date: **10 September 2015**

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Chang-ho Chung

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

Public

Decision terminating proceedings against Okot Odhiambo

To be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda
James Stewart
Benjamin Gumpert

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda
Sarah Pellet

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Pre-Trial Chamber II issues the present decision terminating proceedings against Okot Odhiambo.

1. On 8 July 2005, the Chamber issued a warrant of arrest for Okot Odhiambo (ICC-02/04-01/05-8-US-Exp, public redacted version at ICC-02/04-01/05-56). Request for arrest and surrender of were sent to several States.

2. On 27 July 2015, the Prosecutor filed the “Prosecution’s request to withdraw the warrant of arrest issued against Okot Odhiambo on 8 July 2015” (ICC-02/04-01/15-430-US-Exp), submitting that she had collected conclusive evidence that Okot Odhiambo was dead, and that therefore proceedings against him should be terminated.

3. The Chamber notes the information and material provided by the Prosecutor, which establishes that a corpse exhumed by the Ugandan authorities in March 2015 following information provided by a defector from the Lord’s Resistance Army was identified, through DNA testing, as that of Okot Odhiambo, and that subsequently the Ugandan authorities issued a death certificate, certifying that Okot Odhiambo died on 27 October 2013, 50 kilometres northeast of Djemah, Central African Republic.

4. Considering that the person for whom an arrest warrant has been issued has died, it is appropriate to terminate the proceedings. The warrant of arrest is no longer in effect (cf. article 58(4) of the Rome Statute), and the outstanding requests for arrest and surrender must be withdrawn.

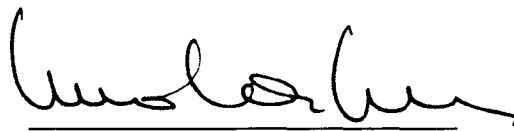
FOR THESE REASONS, THE CHAMBER

TERMINATES proceedings against Okot Odhiambo;

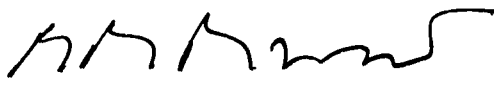
ORDERS the Registrar to inform all States which were notified of the warrant of arrest against Okot Odhiambo that the warrant of arrest is no longer in effect and to withdraw the requests for arrest and surrender; and

DECIDES that the present case shall henceforth be referred to as "*The Prosecutor v. Joseph Kony and Vincent Otti*".

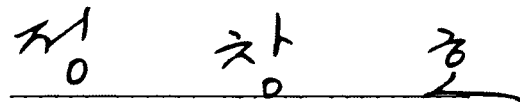
Done in both English and French, the English version being authoritative.



Judge Cuno Tarfusser
Presiding Judge



Judge Marc Perrin de Brichambaut



Judge Chang-ho Chung

Dated this 7 September 2015

At The Hague, The Netherlands