

Annex 2

TELEGRAMS
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THE REPUBLIC OF UGANDA

MINISTRY OF JUSTICE AND
 CONSTITUTIONAL AFFAIRS,
 P.O. Box 7183,
 Kampala, Uganda

In any correspondence on **ADM/70/269/02**
 this subject please quote No.

9 July 2008

The Registrar
 International Criminal Court
 Maanweg 174, 2516 AB
 The Hague
 The Netherlands

Fax: +31 (0)70 515 85 55

Dear Madam,

**REQUEST FOR FURTHER INFORMATION FROM THE
 REPUBLIC OF UGANDA ON THE STATUS OF EXECUTION OF
 THE WARRANTS OF ARREST**

This is in reference to the request by the Pre-Trial Chamber II (the Chamber) dated 18th June 2008 regarding the above subject matter.

The request is made in the context of "several developments" that have taken place since March 2008, in particular the failure by the Lord's Resistance Army to sign the peace agreement. The Chamber wishes to be provided with information on:

- a) The impact of the latest developments on the cooperation provided by the Republic of Uganda in order to execute the Warrants of Arrest against Joseph KONY, Vincent OTTI, Okot ODHIAMBO and Dominic ONGWEN;
- b) The steps currently undertaken by the Republic of Uganda with the view to executing the Warrants.

Here below I convey the response of the Government of Uganda to the above issues for your onward transmission to the Chamber.

A. The impact of the latest developments on the cooperation provided by the Republic of Uganda in order to execute the Warrants of Arrest against Joseph KONY, Vincent OTTI, Okot ODHIAMBO and Dominic ONGWEN

It is true that Joseph KONY, the leader of the LRA was on 10th April 2008 expected to sign the comprehensive peace agreement between his organization and the Government of Uganda at Ri-Kwangba. He did not turn up for the purpose and therefore, the agreement was indeed never signed.

As has been stated in various correspondences and interfaces between the Government of Uganda and the International Criminal Court representatives (the Court), Uganda unwaveringly remains committed to the objectives and mission of the Court. This commitment was never vitiated by the involvement in the peace talks. Uganda's position remains that there must not be impunity for the perpetrators of the crimes in Northern Uganda. It is in this spirit that the 29 June 2007 *Agreement on Reconciliation and Accountability between the Government of Uganda and the Lord's Resistance Movement/Army* and the Annexure thereto made provision for a special division of the High Court of Uganda to try individuals responsible for the most serious crimes. This, however, was without prejudice to Uganda's commitments under the *Rome Statute of the International Criminal Court* and the *Cooperation Agreement between the Government of Uganda and the Office of the Prosecutor*.

Uganda remains committed to executing the Warrants of Arrest if the opportunity should arise, and is ready to be part of any coordinated efforts that may be undertaken by the Court and the international community to achieve this goal.

Therefore, with or without the peace agreement, Uganda will continue to provide the Court with all the cooperation it requires.

B. The steps currently undertaken by the Republic of Uganda with the view to executing the Warrants of Arrest

As you are aware, the LRA has for more than three years been based in Garamba National Park in the Democratic Republic of Congo (the DRC), beyond Uganda's territorial jurisdiction. If Uganda were to attack the LRA in Garamba National Park without the consent of the Government of the DRC, it would be a breach of international law. Therefore, for Uganda to take any actual steps towards the execution of the Warrants of Arrest, the authorization and cooperation of the Government of the DRC are a prerequisite.

The Government of Uganda continues to spare no effort in its attempts to secure the cooperation of the Government of the DRC and the United Nations Mission in the DRC (MONUC) in this endeavor. The Government of Uganda takes this opportunity to urge the Court to, in accordance with Article 87 of the Rome Statute, request the Government of the DRC to earnestly cooperate in this regard.

Kindly accept assurances of our highest esteem.



Kiggundu Jane F B (Mrs)
AG. SOLICITOR GENERAL

c.c. Hon. Attorney General/Minister of Justice & Constitutional Affairs, Ministry of Justice & Constitutional Affairs

Minister in Charge of Security, Office of the President