

**Cour
Pénale
Internationale**

**International
Criminal
Court**

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

Date: 27 September
2005

Original: English

PRE-TRIAL CHAMBER II

Before: Judge Tuiloma Neroni Slade

Judge Mauro Politi

Judge Fatoumata Dembele Diarra

Registrar: Mr Bruno Cathala

SITUATION IN UGANDA

Public redacted version

**WARRANT OF ARREST FOR JOSEPH KONY ISSUED ON 8 JULY 2005 AS
AMENDED ON 27 SEPTEMBER 2005**

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

1. **PRE-TRIAL CHAMBER II** (the “Chamber”) of the International Criminal Court (the “Court”), sitting as the full Chamber pursuant to its decision on the 18th day of May 2005, to which, on the 5th day of July 2004, the Presidency assigned the situation in Uganda pursuant to regulation 46 of the Regulations of the Court (the “Regulations”);
2. **HAVING RECEIVED** the “Prosecutor’s application for Warrants of Arrest under Article 58” dated the 6th day of May 2005, as amended and supplemented by the Prosecutor on the 13th day of May 2005 and on the 18th day of May 2005 (the “Prosecutor’s application”), and having considered it on the basis of the amended application of the 18th day of May 2005;
3. **NOTING** the Prosecutor’s request to be authorised to exceed the 50-page limit for his application for the issuance of warrants of arrest and the Chamber’s decision on the 18th day of May 2005 granting the request;
4. **NOTING** that the Prosecutor’s application seeks a warrant of arrest for **JOSEPH KONY** for the crimes listed under Counts 1 to 33, as set out in the Prosecutor’s application, as well as warrants of arrest for four other persons named in the Prosecutor’s application;

The Lord’s Resistance Army (the “LRA”)

5. **CONSIDERING** the general allegations presented in the Prosecutor’s application that the LRA is an armed group carrying out an insurgency against the Government of Uganda and the Ugandan Army (also known as

the Uganda People's Defence Force ("UPDF")) and local defence units ("LDUs") since at least 1987; that over this time, including the period from the 1st day of July 2002, the LRA has been directing attacks against both the UPDF and LDUs and against civilian populations; that, in pursuing its goals, the LRA has engaged in a cycle of violence and established a pattern of "brutalization of civilians" by acts including murder, abduction, sexual enslavement, mutilation, as well as mass burnings of houses and looting of camp settlements; that abducted civilians, including children, are said to have been forcibly "recruited" as fighters, porters and sex slaves to serve the LRA and to contribute to attacks against the Ugandan army and civilian communities;

6. **CONSIDERING** that the existence and acts of the LRA, as well as their impact on Uganda's armed forces and civilian communities, have been reported by the Government of Uganda and its agencies and by several independent sources, including the United Nations, foreign governmental agencies, non-governmental organisations and world media;
7. **CONSIDERING** the allegations that the LRA was founded and is led by **JOSEPH KONY**, the Chairman and Commander-in-Chief, and that the LRA is organised in a military-type hierarchy and operates as an army;
8. **CONSIDERING** the allegations that LRA forces are divided into four brigades named Stockree, Sinia, Trinkle and Gilva, and that, since July 2002, the LRA's hierarchy of posts under **JOSEPH KONY**'s overall leadership has included Vincent Otti, the Vice-Chairman and Second-in-Command; the Army Commander; three senior posts of Deputy Army Commander, Brigade

General and Division Commander; and four Commanders of equal rank, each of whom leads one of the four LRA brigades;

9. **CONSIDERING** the specific allegations that **JOSEPH KONY**, Vincent Otti and other senior LRA commanders are the key members of “Control Altar”, the section representing the core LRA leadership responsible for devising and implementing LRA strategy, including standing orders to attack and brutalise civilian populations;
10. **HAVING EXAMINED** the Prosecutor’s submission that, in his capacity as overall leader and Commander-in-Chief of the LRA, individually or together with other persons whose arrests are sought by the Prosecutor, **JOSEPH KONY** committed, ordered or induced the commission of several crimes within the jurisdiction of the Court during the period from 1 July 2002 to REDACTED 2004;
11. **CONSIDERING** that sources indicated by the Prosecutor as confirming **JOSEPH KONY**’s role within the LRA’s leadership include statements from former LRA commanders, victim or witness accounts, radio broadcast recordings and short-wave radio LRA communications as intercepted by Ugandan investigative authorities;
12. **CONSIDERING** the Prosecutor’s allegations that, in or around the middle of the year 2002, **JOSEPH KONY** ordered LRA forces to begin a campaign of attacks upon civilians in the regions of REDACTED and REDACTED; that, in REDACTED 2003, **JOSEPH KONY** ordered LRA fighters, known also as rebels, to move into the REDACTED region, attack the UPDF forces and

civilian settlements and abduct civilians for the purpose of recruitment to the ranks of the LRA (the “REDACTED campaign”); that, at some time REDACTED 2003, **JOSEPH KONY** issued broad orders to target and kill civilian populations, including those living in camps for internally displaced persons (“IDP”); that, in REDACTED 2003, **JOSEPH KONY** ordered all residents of the REDACTED and REDACTED regions to be killed; that, during the REDACTED campaign and other LRA operations, there existed standing orders, given by **JOSEPH KONY**, to loot and to abduct civilians; that **JOSEPH KONY**’s direct involvement with the objectives and strategies of the campaign as a whole is shown by recordings of intercepted radio communications, accounts from former members of the LRA and accounts from other victims or witnesses;

13. **NOTING** that the Prosecutor’s application charges **JOSEPH KONY** with criminal responsibility for six attacks mentioned hereafter forming part of the REDACTED campaign and having occurred from REDACTED 2003 until REDACTED 2004;

14. **NOTING** that the Prosecutor charges **JOSEPH KONY** with crimes against humanity and war crimes, as specified in Counts 1 to 33 of his application, in connection with the attacks on the REDACTED, the REDACTED IDP Camp REDACTED, the REDACTED IDP Camp, the REDACTED IDP Camp, the REDACTED IDP Camp and the REDACTED IDP Camp;

Attack on REDACTED

15. **NOTING** that the Prosecutor alleges that, on REDACTED 2003, REDACTED armed men REDACTED attacked the REDACTED in REDACTED District, Uganda, abducted REDACTED girls and looted REDACTED;

16. **NOTING** that the evidence submitted, including statements from REDACTED, suggests that **JOSEPH KONY** ordered that REDACTED; that in REDACTED 2003 **JOSEPH KONY** raped REDACTED and induced the commission of the crime of rape REDACTED;

Attack on REDACTED IDP Camp

17. **NOTING** that the Prosecutor alleges that, on REDACTED 2003 REDACTED fighters REDACTED attacked the REDACTED IDP Camp REDACTED in the REDACTED District, abducted civilians and forced them to carry looted items; that, according to Ugandan authorities, the attack resulted in the death of REDACTED civilians and in the abduction of REDACTED civilians, REDACTED;

18. **NOTING** that the evidence submitted, including accounts from REDACTED and intercepted radio communications, suggests that the REDACTED IDP Camp was attacked in a manner consistent with **JOSEPH KONY**'s orders to attack civilians living in IDP camps; that **JOSEPH KONY** and REDACTED had discussed the plan to attack the REDACTED IDP Camp REDACTED;

Attack on REDACTED IDP Camp

19. **NOTING** that the Prosecutor alleges that, on REDACTED 2004, the residents of the REDACTED IDP Camp in the REDACTED District were attacked by a group REDACTED, who REDACTED “spread through the camp ... hacking and shooting civilians, burning civilians’ homes and looting”, REDACTED; that, according to Ugandan authorities, the attack resulted in the death of REDACTED civilians, the wounding of REDACTED other civilians as well as in the abduction of REDACTED civilians; that it is reported that REDACTED were abducted and that weapons and other items REDACTED were taken from the camp by LRA fighters during the attack;
20. **NOTING** that the evidence submitted, including excerpts of intercepted radio communications, suggests that a REDACTED named in the Prosecutor’s application immediately reported the attack on the REDACTED IDP Camp to REDACTED **JOSEPH KONY**, who, it is said, responded with praise for the LRA forces responsible for the attack and asked that another target with even more people be found;

Attack on REDACTED IDP Camp

21. **NOTING** that the Prosecutor alleges that, on REDACTED 2004, an armed group attacked the REDACTED IDP Camp, REDACTED, in the REDACTED District, REDACTED and started shooting at and hacking civilians; that the attack resulted in REDACTED houses being burnt REDACTED; that sources, including Ugandan authorities and local hospital records, indicated that the attack resulted in the death of REDACTED civilians, including children and women, and the wounding of REDACTED civilians;

22. **NOTING** that the evidence submitted, including accounts from REDACTED and intercepted radio communications, suggests that the attack was carried out in fulfilment of **JOSEPH KONY**'s orders and that the outcome was reported to him, including the alleged types and numbers of guns, ammunition and uniforms taken during the attack, as well as the number of people killed;

Attack on REDACTED IDP Camp

23. **NOTING** that the Prosecutor alleges that, on REDACTED 2004, an armed group attacked the REDACTED IDP Camp in the REDACTED District, fired REDACTED, started retreating and burning houses, looting and abducting people;

24. **NOTING** that, according to the Prosecutor, REDACTED, UPDF soldiers found the bodies of REDACTED men, women and children who had been bludgeoned to death, as well as some survivors who were transported to the local hospital; REDACTED; that, according to Ugandan authorities, the attack resulted in the death of REDACTED civilians, the wounding of REDACTED residents of the camp and the killing of REDACTED;

25. **NOTING** the Prosecutor's allegations that REDACTED; that, REDACTED the abductees were marched out of the camp by the rebels and taken to meet REDACTED;

26. **NOTING** that the evidence submitted, including accounts from REDACTED and intercepted radio communications, suggests that the attack was carried

out in fulfilment of **JOSEPH KONY**'s general order to attack civilians and that the outcome of the attack, including the number of civilians killed and the number of houses burnt, was reported to **JOSEPH KONY** by Vincent Otti;

Attack on REDACTED IDP Camp

27. **NOTING** that the Prosecutor alleges that, on REDACTED 2004, the REDACTED IDP Camp in the REDACTED District was attacked by an armed group who REDACTED started "shooting and beating civilian residents, burning huts and looting"; that, according to the United Nations, the attack resulted in REDACTED people being killed and REDACTED being injured and abducted; that, according to Ugandan authorities and local hospital records, the attack resulted in the death of REDACTED civilians, the injury of REDACTED people, the abduction of REDACTED people, as well as in REDACTED civilian houses being burnt;

28. **NOTING** that the evidence submitted, including intercepted radio communications, suggests that the attack was carried out in fulfilment of **JOSEPH KONY**'s orders and that **JOSEPH KONY** endorsed the attack following a report of its completion by Vincent Otti;

29. **NOTING** article 58 and article 19 of the Statute of the Court (the "Statute");

30. **NOTING** the letter of referral dated the 16th day of December 2003 from the Attorney General of the Republic of Uganda, appended as Exhibit A to the Prosecutor's application, by which the "situation concerning the Lord's

Resistance Army” in northern and western Uganda was submitted to the Court;

31. **NOTING** the Prosecutor’s conclusion that “the scope of the referral encompassed all crimes committed in Northern Uganda in the context of the ongoing conflict involving the LRA” and that the Prosecutor notified the Government of Uganda of his conclusion as referred to in paragraph 1 of the Prosecutor’s application;
32. **NOTING** the “Declaration on Temporal Jurisdiction”, dated the 27th day of February 2004, appended as Exhibit B to the Prosecutor’s application, whereby the Republic of Uganda accepted the exercise of the Court’s jurisdiction for crimes committed following the entry into force of the Statute on the 1st day of July 2002;
33. **NOTING** the “Letter on Jurisdiction” dated the 28th day of May 2004 from the Solicitor-General of the Republic of Uganda to the Prosecutor, appended as Exhibit C to the Prosecutor’s application;
34. **NOTING** that all of the crimes alleged against **JOSEPH KONY** fall within the provisions of articles 5, 7 and 8 of the Statute, and that such crimes are alleged to have taken place after the 1st day of July 2002 and within the context of the situation in Uganda as referred to the Court;

35. **NOTING** the Prosecutor's determination that the requirements of article 53, paragraph 1, of the Statute were satisfied;
36. **NOTING** that the Prosecutor affirms in paragraph 3 of the application that letters of notification were distributed to "all States parties under article 18, paragraph 1, of the Statute, as well as to other States that would normally exercise jurisdiction"; and that the Prosecutor had not received from any State information pursuant to article 18, paragraph 2, of the Statute;
37. **NOTING** the statements in the "Letter of Jurisdiction" dated the 28th day of May 2004, that "the Government of Uganda has been unable to arrest ... persons who may bear the greatest responsibility" for the crimes within the referred situation; that "the ICC is the most appropriate and effective forum for the investigation and prosecution of those bearing the greatest responsibility" for those crimes; and that the Government of Uganda "has not conducted and does not intend to conduct national proceedings in relation to the persons most responsible";
38. **BEING SATISFIED** that, on the basis of the application, the evidence and other information submitted by the Prosecutor, and without prejudice to subsequent determination, the case against **JOSEPH KONY** falls within the jurisdiction of the Court and appears to be admissible;
39. **NOTING** articles 5, 7 and 8 of the Statute setting out crimes against humanity and war crimes; and noting also the Elements of Crimes;

40. **NOTING** the evidence submitted by the Prosecutor in support of the existence of the contextual elements of the alleged crimes;
41. **NOTING** that the Prosecutor relies on several categories of evidence to support the allegations made in his application;
42. **BEING SATISFIED**, on the basis of the application, the evidence and other information submitted by the Prosecutor, that there are reasonable grounds to believe that **JOSEPH KONY** committed and, together with other persons whose arrests are sought by the Prosecutor, ordered or induced the commission of crimes within the jurisdiction of the Court, namely, crimes against humanity and war crimes, particulars of which are set out in the following counts as numbered in the Prosecutor's application:

Count One

(Sexual Enslavement REDACTED Constituting Crimes Against Humanity)

On REDACTED 2003, ordering the commission of crimes against humanity which in fact occurred or were attempted, namely, the sexual enslavement and attempted sexual enslavement of REDACTED District, Uganda (articles 7(1)(g) and 25(3)(b) of the Statute);

Count Two

(Rape of REDACTED Constituting Crime Against Humanity)

In REDACTED 2003, REDACTED a crime against humanity which in fact occurred, namely, the rape of REDACTED District, Uganda (articles 7(1)(g) REDACTED of the Statute);

Count Three

(Inducing of Rape of REDACTED Constituting War Crimes)

On REDACTED 2003, inducing the commission of war crimes which in fact occurred or were attempted, namely, the rape of REDACTED District, Uganda (articles 8(2)(e)(vi) and 25(3)(b) of the Statute);

Count Four

(Attack Against the Civilian Population of REDACTED Constituting War Crime)

On REDACTED 2003, ordering the commission of a war crime which in fact occurred, namely, the intentional directing of an attack against the civilian population REDACTED District, Uganda, and against individual civilians not taking direct part in hostilities (articles 8(2)(e)(i) and 25(3)(b) of the Statute);

Count Five

(Enlisting of Children of REDACTED Constituting War Crimes)

On REDACTED 2003, ordering the commission of war crimes which in fact occurred, namely, the enlisting, through abduction, REDACTED District, Uganda (articles 8(2)(e)(vii) and 25(3)(b) of the Statute);

Count Six

(Enslavement at REDACTED IDP Camp Constituting Crimes Against Humanity)

On REDACTED 2003, ordering the commission of crimes against humanity which in fact occurred, namely, the enslavement of REDACTED civilian residents of REDACTED IDP Camp, in REDACTED District, Uganda (articles 7(1)(c) and 25(3)(b) of the Statute);

Count Seven

(Cruel Treatment at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2003, ordering the commission of war crimes which in fact occurred, namely, the cruel treatment of civilian residents of REDACTED IDP Camp, by abducting them, tying or otherwise restraining them, and forcing them, under threat of death, to carry plundered property, in REDACTED District, Uganda (articles 8(2)(c)(i) and 25(3)(b) of the Statute);

Count Eight

(Attack Against the Civilian Population at REDACTED IDP Camp
Constituting War Crime)

On REDACTED 2003, ordering the commission of a war crime which in fact occurred, namely, the intentional directing of attacks against the civilian population of REDACTED IDP Camp, in REDACTED District, Uganda, and against individual civilians not taking direct part in hostilities (articles 8(2)(e)(i) and 25(3)(b) of the Statute);

Count Nine

(Pillaging at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2003, ordering the commission of war crimes which in fact occurred, namely, the pillaging of REDACTED IDP Camp, in REDACTED District, Uganda (articles 8(2)(e)(v) and 25(3)(b) of the Statute);

Count Ten

(Murders at REDACTED IDP Camp Constituting Crimes Against Humanity)

On REDACTED 2004, ordering the commission of crimes against humanity which in fact occurred, namely, the unlawful killings of REDACTED civilian residents of REDACTED IDP Camp, in REDACTED District, Uganda (articles 7(1)(a) and 25(3)(b) of the Statute);

Count Eleven

(Enslavement at REDACTED IDP Camp Constituting Crimes Against
Humanity)

On REDACTED 2004, ordering the commission of crimes against humanity which in fact occurred, namely, the enslavement of REDACTED civilian residents of REDACTED IDP Camp, in REDACTED District, Uganda (articles 7(1)(c) and 25(3)(b) of the Statute);

Count Twelve

(Murder at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2004, ordering the commission of war crimes which in fact occurred, namely, the unlawful killings of REDACTED civilian residents of

REDACTED IDP Camp, in REDACTED District, Uganda (articles 8(2)(c)(i) and 25(3)(b) of the Statute);

Count Thirteen

(Enlisting of Children at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2004, ordering the commission of war crimes which in fact occurred, namely, the enlisting, through abduction, of residents of REDACTED IDP Camp REDACTED District, Uganda (articles 8(2)(e)(vii) and 25(3)(b) of the Statute);

Count Fourteen

(Attack Against the Civilian Population at REDACTED IDP Camp Constituting War Crime)

On REDACTED 2004, ordering the commission of a war crime which in fact occurred, namely, the intentional directing of attacks against the civilian population of REDACTED IDP Camp, in REDACTED District, Uganda, and against individual civilians not taking direct part in hostilities (articles 8(2)(e)(i) and 25(3)(b) of the Statute);

Count Fifteen

(Pillaging at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2004, ordering the commission of war crimes which in fact occurred, namely, the pillaging of REDACTED IDP Camp, in REDACTED District, Uganda (articles 8(2)(e)(v) and 25(3)(b) of the Statute);

Count Sixteen

(Murder at REDACTED IDP Camp Constituting Crimes Against Humanity)

On REDACTED 2004, ordering the commission of crimes against humanity which in fact occurred, namely, the unlawful killings of REDACTED civilian residents of REDACTED IDP Camp, in REDACTED District, Uganda (articles 7(1)(a) and 25(3)(b) of the Statute);

Count Seventeen

(Murder at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2004, ordering the commission of war crimes which in fact occurred, namely, the unlawful killings of REDACTED civilian residents of REDACTED IDP Camp, in REDACTED District, Uganda (articles 8(2)(c)(i) and 25(3)(b) of the Statute);

Count Eighteen

(Attack Against the Civilian Population at REDACTED IDP Camp
Constituting War Crime)

On REDACTED 2004, ordering the commission of a war crime which in fact occurred, namely, the intentional directing of attacks against the civilian population of REDACTED IDP Camp, in REDACTED District, Uganda, and against individual civilians not taking direct part in hostilities (articles 8(2)(e)(i) and 25(3)(b) of the Statute);

Count Nineteen

(Pillaging at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2004, ordering the commission of a war crime which in fact occurred, namely, the pillaging of REDACTED IDP Camp, in REDACTED District, Uganda (articles 8(2)(e)(v) and 25(3)(b) of the Statute);

Count Twenty

(Murder at REDACTED IDP Camp Constituting Crimes Against Humanity)

On REDACTED 2004, ordering the commission of crimes against humanity which in fact occurred, namely, the unlawful killings of REDACTED civilian residents of REDACTED IDP Camp, REDACTED District, Uganda (articles 7(1)(a) and 25(3)(b) of the Statute);

Count Twenty-One

(Enslavement at REDACTED IDP Camp Constituting Crimes Against
Humanity)

On REDACTED 2004, ordering the commission of crimes against humanity which in fact occurred, namely, the enslavement of REDACTED civilian residents of REDACTED IDP Camp, REDACTED District, Uganda (articles 7(1)(c) and 25(3)(b) of the Statute);

Count Twenty-Two

(Inhumane Acts at REDACTED IDP Camp Constituting Crimes Against Humanity)

On REDACTED 2004, ordering the commission of crimes against humanity which in fact occurred, namely, the inhumane acts of inflicting serious bodily injury and suffering upon REDACTED civilian residents of REDACTED IDP Camp, REDACTED District, Uganda (articles 7(1)(k) and 25(3)(b) of the Statute);

Count Twenty-Three

(Murder at REDACTED IDP Camp Constituting War Crimes)

On REDACTED, ordering the commission of war crimes which in fact occurred, namely, the unlawful killings of REDACTED civilian residents of REDACTED IDP Camp, REDACTED District, Uganda (articles 8(2)(c)(i) and 25(3)(b) of the Statute);

Count Twenty-Four

(Cruel Treatment at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2004, ordering the commission of war crimes which in fact occurred, namely, the cruel treatment of civilian residents of REDACTED IDP Camp, by abducting REDACTED residents, forcing them to march under armed guard and threat of death, and then beating them, REDACTED District, Uganda (articles 8(2)(c)(i) and 25(3)(b) of the Statute);

Count Twenty-Five

(Attack Against the Civilian Population at REDACTED IDP Camp Constituting War Crime)

On REDACTED 2004, ordering the commission of a war crime which in fact occurred, namely, the intentional directing of attacks against the civilian population of REDACTED IDP Camp, REDACTED District, Uganda, and against individual civilians not taking direct part in hostilities (articles 8(2)(e)(i) and 25(3)(b) of the Statute);

Count Twenty-Six

(Pillaging at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2004, ordering the commission of a war crime which in fact occurred, namely, the pillaging of REDACTED IDP Camp, REDACTED District, Uganda (articles 8(2)(e)(v) and 25(3)(b) of the Statute);

Count Twenty-Seven

(Murder at REDACTED IDP Camp Constituting Crimes Against Humanity)

On REDACTED 2004, ordering the commission of crimes against humanity which in fact occurred, namely, the unlawful killings of REDACTED civilian residents of REDACTED IDP Camp, REDACTED District, Uganda (articles 7(1)(a) and 25(3)(b) of the Statute);

Count Twenty-Eight

(Enslavement at REDACTED IDP Camp Constituting Crimes Against Humanity)

On REDACTED 2004, ordering the commission of crimes against humanity which in fact occurred, namely, the enslavement of REDACTED civilian residents of REDACTED IDP Camp, REDACTED District, Uganda (articles 7(1)(c) and 25(3)(b) of the Statute);

Count Twenty-Nine

(Inhumane Acts at REDACTED IDP Camp Constituting Crimes Against Humanity)

On REDACTED 2004, ordering the commission of crimes against humanity which in fact occurred, namely, the inhumane acts of inflicting serious bodily injury and suffering upon REDACTED civilian residents of REDACTED IDP Camp, REDACTED District, Uganda (articles 7(1)(k) and 25(3)(b) of the Statute);

Count Thirty

(Murder at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2004, ordering the commission of war crimes which in fact occurred, namely, the killings of REDACTED civilian residents of REDACTED IDP Camp, REDACTED District, Uganda (articles 8(2)(c)(i) and 25(3)(b) of the Statute);

Count Thirty-One

(Cruel Treatment at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2004, ordering the commission of war crimes which in fact occurred, namely, the cruel treatment of civilian residents of REDACTED IDP Camp, by abducting REDACTED residents, forcing them REDACTED District, Uganda (articles 8(2)(c)(i) and 25(3)(b) of the Statute);

Count Thirty-Two

(Attack Against the Civilian Population at REDACTED IDP Camp
Constituting War Crime)

On REDACTED 2004, ordering the commission of a war crime which in fact occurred, namely, the intentional directing of attacks against the civilian population of REDACTED IDP Camp, REDACTED District, Uganda, and against individual civilians not taking direct part in hostilities (articles 8(2)(e)(i) and 25(3)(b) of the Statute);

Count Thirty-Three

(Pillaging at REDACTED IDP Camp Constituting War Crimes)

On REDACTED 2004, ordering the commission of a war crime which in fact occurred, namely, the pillaging of REDACTED IDP Camp, REDACTED District, Uganda (articles 8(2)(e)(v) and 25(3)(b) of the Statute);

43. **NOTING** the reasons advanced by the Prosecutor as to the necessity for arrest, namely, to ensure **JOSEPH KONY**'s appearance at trial; to ensure that he does not obstruct or endanger the investigation, either individually or on a collective basis; and to prevent him from continuing to commit crimes within the jurisdiction of the Court;

44. **BEING SATISFIED** that the issuance of a warrant of arrest appears necessary based on the facts and circumstances referred to in the Prosecutor's application, namely, that the LRA has been in existence for the past 18 years; and that the LRA commanders are allegedly inclined to launch retaliatory

strikes, thus creating a risk for victims and witnesses who have spoken with or provided evidence to the Office of the Prosecutor;

45. **NOTING** the statements made by the Prosecutor at the hearings on the 16th day of June 2005 and the 21st day of June 2005 to the effect that attacks by the LRA are still occurring and that there is therefore a likelihood that failure to arrest **JOSEPH KONY** will result in the continuation of crimes of the kind described in the Prosecutor's application;

46. **NOTING** the Prosecutor's request that the application and all proceedings relating thereto be treated as under seal and be kept under seal;

FOR THESE REASONS,

47. **PRE-TRIAL CHAMBER II GRANTS** the Prosecutor's application for a warrant of arrest for **JOSEPH KONY** pursuant to article 58 of the Statute and **HEREBY ISSUES:**

48. **A WARRANT OF ARREST** (the "Warrant") for the **SEARCH, ARREST, DETENTION AND SURRENDER** to the Court of **JOSEPH KONY**, a male whose photographs are annexed; who is the alleged founder and leader of the LRA and known as "the Chairman", "the Commander-in-Chief" and the overall commander or head of the LRA; who is believed to be a national of

Uganda, born in Omoro County,¹ Gulu District, Uganda, and to be approximately 40 years of age; and who was last known to be living or encamped in southern Sudan;

49. **ORDERS** that the said **JOSEPH KONY** be advised at the time of his arrest, and in a language he fully understands and speaks, of his rights as set forth in the following provisions of the Statute and the Rules of Procedure and Evidence, the texts of which are annexed to the Warrant:

- article 19, paragraph 2 (challenges to the jurisdiction of the Court or the admissibility of a case);
- article 55, paragraph 2 (rights of persons during an investigation);
- article 57 (functions and powers of the Pre-Trial Chamber);
- article 59 (arrest proceedings in the custodial State);
- article 60 (initial proceedings before the Court);
- article 61 (confirmation of the charges before trial);
- article 67 (rights of the accused);
- rule 21 (assignment of legal assistance);
- rule 112 (recording of questioning in particular cases);
- rule 117 (detention in the custodial State);
- rule 118 (pre-trial detention at the seat of the Court);

¹ Paragraph 48 of the Warrant has been amended pursuant to the Chamber's "Decision on the Prosecutor's Urgent Application" dated the 27th day of September 2005, in which the Chamber decided to replace the words "Gulu Town" in the Warrant with the phrase "Omoro County".

- rule 119 (conditional release);
- rule 120 (instruments of restraint);
- rule 121 (proceedings before the confirmation hearing);
- rule 122 (proceedings at the confirmation hearing in the presence of the person charged);
- rule 123 (measures to ensure the presence of the person concerned at the confirmation hearing);
- rule 124 (waiver of the right to be present at the confirmation hearing);
- rule 187 (translation of documents accompanying request for surrender);

50. **ORDERS** that the Warrant shall remain in effect until further order by the Chamber;

51. **AUTHORISES** the Warrant to be made available and disclosed to persons or entities designated by the authorities of the State requested in the Request for Arrest and Surrender and only for the purposes of the execution of the Warrant;

52. **ORDERS** that the Warrant, in all other respects, be kept under seal until further order by the Chamber;

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

signed

Judge Tuiloma Neroni Slade
Presiding Judge

signed

Judge Mauro Politi

signed

Judge Fatoumata Dembele Diarra

Dated this 27th day of September 2005

At The Hague, The Netherlands

Seal of the Court