

Statement by Chief Prosecutor Luis Moreno-Ocampo
14 October 2005

Welcome to the International Criminal Court.

I am Luis Moreno-Ocampo, Prosecutor of the International Criminal Court. This is Fatou Bensouda, Deputy Prosecutor for prosecutions and Martin Witteveen, investigation team leader.

Last evening, Pre-Trial Chamber II unsealed the five warrants of arrest in the Uganda situation. The judges of the Pre-Trial Chamber are satisfied that the evidence we have presented provide reasonable grounds to believe that the five persons for whom we have sought arrest warrants have committed crimes against humanity and war crimes.

I would like to inform you about how we have conducted the investigation and explain why we have requested the five arrest warrants.

Let me start with the conflict in Northern Uganda. The Lord's Resistance Army, the LRA, is an armed rebel group, claiming to fight for the freedom of the Acholi people in Northern Uganda. The LRA has mainly attacked the Acholis they claim to represent. For nineteen years the people of Northern Uganda have been killed, abducted, enslaved and raped.

Jan Egeland of the United Nations has called the situation in Northern Uganda "the biggest forgotten, neglected humanitarian emergency in

the world today.” Almost fifty percent of the civilian population of Northern Uganda have lost their freedom and now live in camps for internally displaced persons.

In this context our mandate is to investigate and prosecute those who bear the greatest responsibility. We found evidence of crimes against humanity and war crimes. The jurisdiction of the Court is limited to crimes committed on or after 1 July 2002.

Let me turn to the alleged crimes committed by the LRA in Northern Uganda since July 2002, when the ICC jurisdiction begins. Two of the most serious types of crimes alleged in the warrants are numerous acts of murder and enslavement, both constituting war crimes and crimes against humanity. This chart is based on data which is conservative and therefore almost certainly underestimates the number of killings and abductions in Northern Uganda. You can see that between July 2002 and July 2004, the period that was the focus of our investigation, the killings and abductions numbered in the thousands, often reaching into the hundreds within single months.

In December 2003 I received a referral from the Government of Uganda, the first state referral in the history of the Court. In the referral letter the government specifically mentioned the case of the Lord’s Resistance Army, the LRA. We notified Uganda that we would interpret the referral as concerning all crimes under the Statute committed in Northern Uganda and that our investigation would be impartial. In a July 2004 report to the Parliament the Government of Uganda confirmed their understanding of this interpretation.

On 28 July 2004, after careful analysis in accordance with the Statute, I took the decision to open an investigation.

The criteria for selection of the first case was gravity. We analyzed the gravity of all crimes in Northern Uganda committed by the LRA and Ugandan forces. Crimes committed by the LRA were much more numerous and of much higher gravity than alleged crimes committed by the UPDF. We therefore started with an investigation of the LRA.

At the same time, we also collected information on other groups from a variety of sources. We collected documents and conducted interviews. We will continue to collect information on allegations concerning all other groups, to determine whether the Statute thresholds are met and the policy of focusing on the persons most responsible is satisfied.

A multinational investigation team had been recruited to work on the case, supported by the entire Office. The team worked in a highly challenging environment, investigating massive crimes during an ongoing conflict.

Operating in small groups of two or three we made more than fifty missions to Uganda. The main part of the investigation was over in nine months. We took a number of measures to protect the security of potential witnesses, the victims and our own investigators.

On 6 May 2005 we filed an application to Pre-Trial Chamber II for warrants of arrest for five of the most senior commanders in the LRA, including its leader Joseph Kony. We requested the application and the warrants to be sealed, primarily because of security considerations.

The application, which remains under seal, relies on a wide variety of sources, as stated in the warrants of arrest issued by the Court.

On 8 July 2005 the Pre-Trial Chamber issued the five arrest warrants. Since that date we have been making preparations for executing the warrants. The Government of Uganda has the main responsibility for security on the ground. Working with the Victims and Witnesses Unit of the Registry we have been preparing and implementing protective measures for victims and potential witnesses. The Pre-Trial Chamber has now agreed that we have taken all necessary measures and has decided to unseal the warrants.

The six attacks which have been in the focus of our investigation are some of the gravest attacks on civilians which the LRA has carried out in Northern Uganda since July 2002. The attacks were carried out in several different regions of Uganda.

Let me turn to the five leaders for whom arrest warrants have been issued.

This is Joseph Kony, the leader, chairman and commander of the LRA. Kony is named in the warrant in 12 counts for crimes against humanity and in 21 counts for war crimes. The alleged crimes include rape, murder, enslavement, sexual enslavement and forced enlisting of children.

We have collected evidence showing how he personally manages criminal campaign of the LRA. From his bases in the Sudan, Kony directs all LRA operations. Joseph Kony is the absolute leader of the

LRA and controls life and death within the organization. Our investigation has shown that he orders the movements of his forces and dictates the types of military and civilian targets of the LRA attacks.

Let me give you some insight into how the LRA is organized.

The LRA has a hierarchy which imitates that of regular armies. The vast majority of the members are abductees, although Kony calls them "recruits". Kony and the top leaders control the abducted children with a combination of methods. They terrorize the children and simultaneously indoctrinate and reward them. Those who try to escape are killed or beaten, while those who perform well are given higher ranks. Commanders receive abducted girls as sex slaves. Kony also uses spiritual concepts to control and manipulate the LRA soldiers.

It is on orders from Kony that abducted children who try to escape are killed or beaten. Kony himself has had as many as 50 abducted girls in his household at one time – girls who were enslaved and raped. Kony routinely orders the distribution of abducted girls to high commanders.

The investigation shows not only how the LRA abducted girls for sexual enslavement and rape, but also how Kony controls all aspects of how girls are abducted, distributed to LRA commanders and enslaved.

Our investigation showed that Kony prefers abductions of young girls because he believes they are less likely to be infected with sexually transmitted diseases. Kony also ordered his commanders that no girls should be raped before he had ordered their distribution. The LRA even

corrupts language to cover their criminal acts by calling the girls “wives” or “sisters”, although they have been enslaved.

Our investigation also shows that Kony has encouraged his commanders to commit attacks against civilians to attract international media attention. He has ordered his chief political officer to make contact with the BBC and other media to draw attention to LRA attacks or to disseminate propaganda.

Kony’s second in command and most trusted adviser is Vincent Otti. Otti has personally led attacks on civilians in Northern Uganda.

Otti is named in 11 counts for crimes against humanity and in 21 counts for war crimes. The alleged crimes include inducing rape, murder, enslavement, sexual enslavement and forced enlisting of children.

Finally three other members of the LRA high command are also named in the arrest warrants; Raska Lukwiya, Okot Odhiambo, and Dominic Ongwen.

Raska Lukwiya has been Army Commander of the LRA and was responsible for some of the worst attacks committed by the LRA during the investigated period.

Okot Odhiambo commanded the most violent of the four brigades of the LRA.

Dominic Ongwen was an LRA Brigade Commander. In the last weeks it has been reported that Ongwen was killed in combat, following an attack on an IDP camp.

In all our work we are guided by the interests of the victims and we will always be respectful of local traditions. My team made over twenty missions to Uganda to listen to the concerns of local community leaders, including religious and traditional leaders, local government officials, Members of Parliament and local and international non-governmental organisations.

I also had meetings here in The Hague with leaders of the Lango, Acholi, Teso and Madi communities. We agreed we are working together as part of a common effort to achieve justice and reconciliation, the rebuilding of communities and an end to violence in Northern Uganda.

Witness protection is one of my absolute priorities. I have an obligation under the statute to protect victims and witnesses. In these efforts we are working closely with the Victims and Witnesses Unit of the Registry and we have reported on measures taken to the judges of the Pre-Trial Chamber.

The next step is arrest. Arrest warrants of the ICC will help galvanize international efforts to apprehend the suspects. The responsibility to execute the arrests is a responsibility of States Parties and the international community. Reports indicate that the fugitives are moving between three countries: Uganda, DRC and the Sudan. These

countries must work together, with the support of the international community, to carry out the arrests.

These are the first warrants of arrest in the history of the ICC. The judges of the Pre-Trial Chamber have evaluated the evidence and issued the arrest warrants. The issuing of the first arrest warrants is also an important element in the creation of a new international justice system. The International Criminal Court was established to demonstrate the determination of the international community to put an end to impunity for the perpetrators of the most serious crimes.

Civilians in Northern Uganda have been living in a nightmare of brutality and violence for more than nineteen years. I believe that, working together, we will help bring justice, peace and security for the people of Northern Uganda.

[Ends]