



Basic Information

No.: ICC20051410.056.1-E

The Hague, 14 October 2005

**FACTS AND PROCEDURE REGARDING
THE SITUATION IN UGANDA**

- **17 March 1999** - Uganda signs the Rome Statute.
- **14 June 2002** - Uganda deposits its instrument of ratification of the Rome Statute.
- **16 December 2003** - The Government of Uganda refers the situation concerning Northern Uganda to the Prosecutor of the ICC.
- **27 February 2004** - The Government of Uganda lodges a declaration of acceptance of jurisdiction with the Registrar, extending temporal jurisdiction by the Court back to 1 July, 2002.
- **5 July 2004** - The Presidency of the Court decides that the situation in Uganda be assigned to Pre-Trial Chamber II (Judge Tuiloma Neroni Slade (Samoa); Judge Mauro Politi (Italy); Judge Fatoumata Dembele Diarra (Mali)), with immediate effect.
- **28 July 2004** - After thorough analysis of available information, the Chief Prosecutor, Luis Moreno-Ocampo, opens an investigation into the situation concerning Uganda.
- **9 July 2004** - The Judges of Pre-Trial Chamber II elect Judge Tuiloma Neroni Slade as Presiding Judge of Pre-Trial Chamber II.
- **6 May 2005**: The Prosecutor files an application for warrants of arrest for crimes against humanity and war crimes against five senior commander of the Lord's Resistance Army: Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen.
- **8 July 2005**: Pre-Trial Chamber II issues arrest warrants under seal.
- **9 September 2005**: The Prosecutor applies for unsealing of the warrants of arrest.
- **13 October 2005**: Pre-Trial Chamber II unseals arrest warrants.

COURSE OF ACTION AND PROCEDURE FOLLOWING A WARRANT OF ARREST BEING ISSUED

Cooperation of the States

- A State Party which receives a request for arrest and surrender shall immediately take steps to arrest the person in question.¹
- Once ordered to be surrendered, the person shall be delivered to the Court.²

First appearance

- Within a reasonable time after the person's surrender or voluntary appearance, the Pre-Trial Chamber will hold a hearing to confirm the charges.³ Exceptionally, the Pre-Trial Chamber may hold this hearing in the absence of the accused.⁴ At the close of the confirmation hearing the Pre-Trial Chamber may:
 - a) Confirm the charges and commit the person for trial.⁵ Upon confirmation, the Presidency of the Court will constitute a Trial Chamber responsible for subsequent proceedings.⁶
 - b) Decline to confirm the charges, a decision that does not prevent the Prosecutor from returning with a subsequent request on the basis of additional evidence.⁷
 - c) Adjourn the hearing and ask the Prosecutor to consider providing further evidence or to pursue further investigation or, alternatively, to amend the charges because the available evidence shows a different crime.⁸

Trial

- The trial will take place at the seat of the Court, in The Hague, unless otherwise decided.⁹ The accused must be present at the trial,¹⁰ and the trial shall be held in public¹¹ except when the Chambers, in order to protect safety of victims and witnesses or sensitive information to be given in evidence, determines to conduct certain proceedings in closed session.¹²

¹ Rome Statute, Article 59.

² Rome Statute, Article 59 (7).

³ Rome Statute, Article 61(1).

⁴ Rome Statute, Article 61(2).

⁵ Rome Statute, Article 61(7) (a).

⁶ Rome Statute, Article 61(11).

⁷ Rome Statute, Article 61 (7) (b), 61 (8).

⁸ Rome Statute, Article 61 (7) (c)

⁹ Rome Statute, Article 62, Rules of Procedure and Evidence, Rule 100.

¹⁰ Rome Statute, Article 63.

¹¹ Rome Statute, Article 64 (7).

¹² Rome Statute, Article 68 (2).

- The accused has the right to a lawyer assigned in any case where the interests of justice so require and, if the accused cannot afford it, to have free legal assistance assigned by the Court.¹³
- The accused will be asked to plead guilty or not guilty.¹⁴
 - When an accused makes an admission of guilt, the Trial Chamber will consider the admission of guilt, together with any additional evidence presented and may convict the accused of that crime.¹⁵
 - If the Trial Chamber is not satisfied that the accused understands the nature and consequences of the admission, that the admission is voluntarily made after sufficient consultation with defence counsel, or that the admission is supported by the facts of the case, it will consider the admission of guilt as not having been made, in which case the trial will be continued under the ordinary trial procedures.¹⁶
 - Alternatively, the Trial Chamber may consider that ‘a more complete presentation of the facts of the case is required in the interests of justice, in particular the interests of the victims’, and request additional evidence to be adduced or that the trial be continued under the ordinary trial procedures.¹⁷

Presentation of Evidence

- The parties may submit evidence relevant to the case.
- Everyone shall be presumed innocent until proved guilty in accordance with law¹⁸. The burden of proof is on the Prosecutor. The accused’s guilt must be proved beyond reasonable doubt.¹⁹
- The accused may examine the witnesses against him or her, and obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her.
- When their personal interests are affected, victims can participate in the proceedings, as determined to be appropriate by the Court and in a manner not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Their views and concerns may be presented by legal representatives.²⁰

¹³ Rome Statute, Article 67(1) (d)

¹⁴ Rome Statute, Article 64(8)(a).

¹⁵ Rome Statute, Article 65 (1), (2).

¹⁶ Rome Statute, Article 65(3).

¹⁷ Rome Statute, Article 65(4).

¹⁸ Rome Statute, Article 66(1)

¹⁹ Rome Statute, Article 66.

²⁰ Rome Statute, Article 68(3).

- Once the parties have presented their evidence, the prosecution and defence present their final arguments. The defence always has the opportunity to speak last.²¹
- The Court may order reparations to victims,²² including restitution, compensation and rehabilitation, and may make an order directly against a convicted person.²³
- The sentence will be pronounced in public, and whenever possible, in the presence of the accused, as well as, victims or their legal representatives if they have taken part in the proceedings.²⁴

Penalties

- The Court can not impose the death penalty. The Court can impose terms of imprisonment of up to 30 years or, in exceptional circumstances, life imprisonment. The Court may, in addition, order a fine, forfeiture of proceeds, property or assets derived from the committed crime.²⁵
- A sentence of imprisonment shall be served in a State designated by the Court from a list of States which have indicated their willingness to accept sentenced persons.²⁶

Appeal and Revision

- The judgement of the Trial Chamber is subject to appeal.²⁷
- The Appeals Chamber may reverse or amend the decision or sentence, or order a new trial before a different Trial Chamber. The Appeals Chamber can remand a factual issue back to the original Trial Chamber and also call evidence itself in order to determine the issue.²⁸
- It is also possible to seek revision of a conviction or sentence.²⁹
- Anyone who has been the victim of unlawful arrest or detention will have the right to compensation.³⁰

²¹ Rules of the Procedure and Evidence, Rule 141.

²² Rome Statute, Article 75(1).

²³ Rome Statute, Article 75 (2).

²⁴ Rome Statute, Article 76; Rules of the Procedure and Evidence, Rule 144.

²⁵ Rome Statute, Article 77.

²⁶ Rome Statute, Article 103 (a).

²⁷ Rome Statute, Article 81.

²⁸ Rome Statute, Article 83.

²⁹ Rome Statute, Article 84.

³⁰ Rome Statute, Article 85