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Invisible Children Symposium

“How it ends: The arrest of Joseph Kony”

Keynote Address

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Good morning everybody.

I have the privilege to be the first Prosecutor of the new permanent international Criminal Court. The first arrest warrant ever issued by this Court, in July 2005, was against Joseph Kony.

I am glad to be here with you, today, to discuss how Joseph Kony can be arrested and brought to justice.

In my job, I collect evidence, I apply the law. The law represents the basic fabric of a community, a neighbourhood, a city. You are the most vibrant part of the global community I work for. You understand the meaning of the word community in our time.

Where are you from? Can you raise your hand those from ... You are from Pennsylvania, San Diego, Singapore or Australia, but you are also members of a global community. This is a lesson in citizenship, this is a lesson in solidarity.

KK is one of you. He drove me from the airport. He explained to me that he cannot stay in his comfortable house, doing nothing and knowing that people of his age are living under the threat of being abducted.

This is exactly what the victims need. Not only a Prosecutor and Judges but also a community demanding justice on their behalf.

One of my investigators interviewed for three days a 16 year old girl who was abducted when she was 12 and transformed into a sexual slave. She escaped with her baby. When my investigator told her that the interview was finished, the girl started to cry. She could not stop. My investigator was trying to apologize, explaining that she needs to know all the details. The girl said: don't worry, I am not sad. This is

the happiest day of my life. No one ever paid so much attention to what happened to me.

Let me address 2 questions today.

First question: Why do I think it is important to arrest Joseph Kony?

First: for the last 22 years, Joseph Kony has abducted children, 8, 9, 10 year old boys and girls. From their schools, from their churches, from their homes. In Northern Uganda and also in Southern Sudan. The children were brutally trained to kill, to rape and to pillage. Those who disobeyed were killed. Kony personally raped more than a hundred young girls and used them as sexual slaves, calling them his “wives”. Kony established terror in Northern Uganda. Half its population, 1,6 million people, have been displaced. More than 20 thousand have been killed and a similar number have been abducted.

Second: 4 years ago, the International Criminal Court issued arrest warrants against Joseph Kony and the LRA’s four top commanders. Kony is charged with 12 counts of crimes against humanity and 21 counts of war crimes. Joseph Kony committed the crimes of murder, enslavement, sexual enslavement and forcible enlisting of children. Following the issuance of the arrest warrant, the Sudan forced Joseph Kony to leave the country. Joseph Kony moved to Garamba Park in the North East of the Democratic Republic of Congo. The international community, instead of pursuing him, tried to appease him. It did not work.

Third, for the last 3 years, Joseph Kony geographically expanded his criminal activities. He attacked civilians in CAR and in the DRC. At the end of 2007, Joseph Kony was promising to sign a peace agreement and, at the same time, he was organizing a new abduction campaign. In 2008, Kony was abducting new children in Central

African Republic and in DRC. Last Christmas the LRA started a massive campaign of killings in DRC. In one instance, they surrounded a village, waited for the beginning of the Christmas celebration, then killed every body, stayed to eat the food prepared and slept among the dead bodies. They killed more than 1, 000 Congolese civilians since September 2008. Joseph Kony also started attacking civilians in Southern Sudan again, thus threatening the delicate balance between the North and the South secured through the CPA.

Fourth: there is no other way to stop Joseph Kony. He has used 6 different peace initiatives to regroup and attack again. He systematically targeted his own delegates to the peace process. He killed Vincent Otti, his second in command, in September 2007, because Otti was exploring the option of demobilization. How many times will we fall into the same trap? There is nothing to negotiate with Joseph Kony. He has what he wants. He wants to use girls as sex slaves. He wants to have an army of young boys following his orders. He used negotiations to buy time, he used international money to buy weapons, to regroup and re-arm; let us not repeat the errors of the past. There is indeed room for negotiations: between the Government and the Acholi communities, for the reintegration of former combatants; but not with Joseph Kony.

Second question:-Why do I agree with Invisible children, that it is feasible to arrest Joseph Kony today?

The Court has no police and relies as any other Court, on the States' forces. I have the mandate to galvanize efforts to arrest. And I can tell you the following.

First: his army is an army of abducted soldiers. Forced to fight. Receiving a limited daily ration of ammunition to ensure they will not use it to rebel. Joseph Kony has managed to impose his will on

the group through terror and violence. Most of the LRA soldiers are also victims; they can be demobilized and re-integrated, benefiting from the agreement reached in Juba. I remember that during the Juba talks, UN Envoy Chissano told me that what Joseph Kony objected to most were the radio programmes informing his troops that they were not sought by the Court and could safely defect. It is a unique case. If Joseph Kony is arrested, most of the LRA will collapse. There is no use in waging a war on the LRA. What is needed is an arrest operation. Joseph Kony needs to be tracked down.

Second: there are no legal or political obstacles to conduct an arrest operation. Last December, the UN Security Council affirmed the need for a joint effort to address the security threats posed by the LRA and recalled the importance of the arrest warrants. All the countries in the region have expressed support. Joseph Kony is in the DRC. The government of the DRC is committed to support efforts to arrest him and has requested the support of the UN to carry out the arrest. A coalition of States acting together to support such an arrest would be acting on the basis of an international arrest warrant, supported by the UN Security Council and with the agreement of the countries concerned.

What we need are sophisticated capabilities for an arrest operation; you don't arrest Kony with conventional forces; you need intelligence, planning and special forces. These are rare and expensive capabilities that countries of the region do not generally have at their disposal. Past operations have failed to achieve Kony's arrest: my conclusion is that the next operation requires more planning, more resources, and more international involvement, not less.

Let me finish by thanking you and warning you. You are taking the Court decisions seriously, you are taking the UN Security council statements seriously, and you are seriously demanding action to your

states. As members of the global community you are doing your part. But maybe you will not immediately get what you are asking. The world has an enormous ability to deny massive atrocities when there are insufficient economic or political interests involved. The world will not change in one day.

Let me talk about success and timing. Let me tell you the story of Luis Jimenez de Asua. During the 1930 he was a Senator in Spain. When Franco took power he went into exile. He kept fighting for his democratic ideals and became the most important criminal law professor in Ibero America. He was teaching at the University of Buenos Aires. But in 1966 a dictatorship took power in Argentina. They fired Prof. Jimenez de Asua from the University. No more teaching for him. Exiled from Spain, exiled from his university, Jimenez de Asua died two years later. With the feeling of failure.

A few years later, a new and even worse dictatorship took power in Argentina: they killed thousands of people. But this time there was a different ending. In 1985 the top commanders were prosecuted and convicted by a panel of 6 judges. 5 of them were Luis Jimenez de Asua's students. The Prosecutor was his student. I was the deputy prosecutor, a student of one of his students. 17 years later Jimenez de Asua won.

This is a long journey and you are doing your part. Maybe Joseph Kony will not be arrested immediately. But you have to be proud of these coming two days. You are providing foundations for international and national institutions. You are requesting to us, international or national public servants to fulfil our duties. You are here standing for Joseph Kony's victims, for those children abducted, for those girls raped. Thank you for this.