

Resolution on the indictment and bringing to trial of Joseph Kony at the International Criminal Court

2008/2637(RSP) - 21/10/2008 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 12 February 2007, the European Parliament adopted a resolution tabled by the Committee on Development on the indictment and bringing to trial of Joseph Kony at the International Criminal Court. It recalled that in July 2005 the ICC issued a warrant of arrest for Joseph Kony, the Chairman and Commander-in-Chief of the Lords Resistance Army (LRA), which is ostensibly fighting against the Ugandan government, under 33 counts of alleged crimes against humanity and war crimes. These include murder, rape, enslavement, sexual enslavement, and inhumane acts of inflicting serious bodily injuries and suffering, and forced enlistment of children. Warrants of arrest have also been issued for the other top LRA commanders, including Vincent Otti, Okot Odhiambo and Domic Ongwen. Kony has until now refused to sign the Final Peace Agreement until the ICC warrants of arrest and some other issues within the Agreement are resolved. Members note that he used the respite during the peace process to regroup and reorganise his LRA forces in the DRC, and, owing to the inability of the States Parties to arrest Kony and the other LRA commanders, the LRA is currently expanding its forces through abductions.

Parliament calls on the Government of Uganda and the governments of the neighbouring countries, in particular the Democratic Republic of Congo (DRC), to cooperate fully with the ICC in its investigations and prosecutions, and cooperate particularly in arresting and surrendering Joseph Kony and other persons charged by the ICC. It **deeply deplores the halting of efforts to promote the arrest of Joseph Kony** and other persons charged by the ICC. It reminds the Government of Uganda that as a party to the Rome Statute of the ICC it is under a duty to cooperate fully with the ICC. The Ugandan Government is urged to refrain from concluding any agreements with the LRA that would circumvent international law.

The resolution demands the **unconditional and immediate release of all persons abducted** by the LRA, particularly children, who risk ending up as sex slaves or being forced to fight for the LRA. The international community is asked to carry out investigations into recent alleged LRA abuses in the Central African Republic (CAR), the DRC and Southern Sudan, and reported unpublicised UN inquiries into abuses in the CAR.

Parliament calls on the governments in the region, the UN Mission in the Democratic Republic of Congo (MONUC) and other international observer governments to the peace talks to track and **make public the LRA's movements** through intensified monitoring of regional borders and to monitor and interdict the flow of weapons and other supplies to the LRA. There must be effective plans to execute the ICC warrants of arrest while minimising the risk to civilian life and without the use of excessive force, including by using MONUC. The **Government of Sudan must stop providing financial and military support to the LRA.**

The EU Member States, especially those which have been involved in Uganda and the Juba peace process, are called upon to coordinate with regional governments and the UN secretariat and peacekeeping forces with a view to the execution of the ICC warrants of arrest for LRA leaders. Parliament is worried about the absence of clear efforts to avoid diversion of international aid to the LRA, thus allowing Joseph Kony to rearm. It urges the cutting of LRA supply networks. EU and international donors must support the

disarmament, demobilisation and reintegration of former LRA combatants, the return of IDPs and reparation for victims.

Parliament welcomes the close and regular contacts between ICC senior officials and the EU, noting the strong EU support for participation in and implementation of the Rome Statute. It stresses that EU leadership is essential for the enforcement of the ICC mandate. Parliament strongly believes that, in the long term, the ICC contributes to the prevention of new atrocities. It points out that the failure to arrest Joseph Kony has resulted in the continuation of atrocities and human rights abuses. It stresses that peace and reconciliation cannot be achieved without justice for victims.

Lastly, Members recommend that the ACP-EU Joint Parliamentary Assembly follow closely the situation in northern Uganda and human rights violations by the LRA.