

**Summary of the delivery of the sentence on 6 May 2021**

1. On 6 May 2021, the Chamber pronounced the sentence on Dominic Ongwen for the crimes of which he was convicted on 4 February 2021. The written decision was issued the same morning and notified shortly after the conclusion of this hearing. It remains the only authoritative document.

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2. At the outset, it is recalled that the system at this Court envisages a sentencing in two steps. First, the Chamber shall pronounce an individual sentence for each of the crimes of which the convicted person has been found guilty: therefore, in this case, 61 individual sentences for the 61 crimes of which Dominic Ongwen was convicted. Second, the Chamber shall specify a total period of imprisonment as a joint sentence for all crimes. The law mandates that this joint sentence be no less than the highest individual sentence and no more than 30 years of imprisonment or exceptionally, in case of extreme gravity, life imprisonment.
3. The Chamber has followed these two consecutive steps in its written decision. Individual sentences for each crime are duly pronounced in the written decision, following specific assessment of each such crime. This summary, however, concentrates mostly on the joint sentence, that is the *actual* penalty imposed on Dominic Ongwen.

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4. This is a very special case, as exemplified by the sheer range of submissions of the participants in these proceedings. The Prosecution recommended a total sentence of *at least* 20 years of imprisonment; the legal representatives of the victims, life imprisonment; the Defence, a sentence of ‘time served’ or, at most, a total period of 10 years of imprisonment. According to the Defence, Dominic Ongwen should rather undergo mechanisms of Acholi traditional justice.

5. In the decision, the Chamber addressed, first, these arguments by the Defence concerning traditional justice mechanisms. It was unpersuaded by them. The judicial system of this Court, including its penalty and sentencing regime, is founded upon the principle of legality. The applicable penalties are exhaustively identified in the Statute of the Court. There exists no possibility for the Chamber to replace a term of imprisonment with traditional justice mechanisms, or to incorporate traditional justice mechanisms into the sentence in any other way.
6. The Chamber, however, noted that the arguments presented by the Defence, if taken at face value, may create the impression that the Chamber is insensitive to established cultural norms and processes. Thus, the Chamber found it appropriate to express some further considerations in this regard.
7. The Chamber noted that while pleadings advocating for Acholi traditional justice mechanisms (especially in the form of the so-called ‘Mato oput’) have been made in strong terms, the discussion has been largely abstract. In fact, it is quite clear to the Chamber that Acholi traditional justice mechanisms are not in widespread use, to the extent that they would replace of formal justice. This has also been expressed by the High Court of Uganda, which found “that in its current form mato oput has no effective system of regulation and review in place” and that traditional justice should “not serve to displace, undermine or delay” the formal justice system.
8. The Chamber also noted that the Acholi traditional rituals are reserved to the members of the Acholi community. This means that the use of Acholi traditional justice would mean that some victims belonging to other ethnic groups would be excluded due to not being Acholi.
9. But most importantly, the Chamber recognised that reconciliation, whatever its form, is a process in which victim participation is essential. For this reason, the Chamber paid due regard to the views and concerns of the victims, expressed through their legal representatives. It is clear that many of the victims of the crimes committed by Dominic Ongwen do not support the idea of traditional justice in the present case. On the contrary: They have also criticised the fact that submissions in this regard were made to the Chamber without consulting them.

10. The Chamber acknowledged the views and concerns of the participating victims, as expressed through their legal representatives as follows: “Victim’s emphasize in the strongest terms that the position put forward by the Defence with regard to alleged culturally appropriated rituals and proceedings that should take place for the purpose of reintegration and reconciliation of the affected communities in Northern Uganda in lieu of punishment in the form of imprisonment does not correspond to their views.”
11. In addition, there was a widespread view amongst the victims that community organisations and leaders should not intervene in this issue and – again as expressed by the legal representatives of victims – “in no way represent their wishes and needs.”
12. Thus, independently of the principle of legality under Article 23 of the Statute, the Chamber was in any case unpersuaded by the Defence’s claim that following the Court’s formal process and rules on sentencing would in any way run counter to the culture of the people of Northern Uganda.
13. To the contrary, the Chamber was convinced, on the basis of the evidence and the views and concerns of the victims participating in the proceedings, that, even though there may be a wide range of individual opinions, the victims relate to and, in a certain way, own the Court’s process of justice under the Statute.

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14. Turning to the determination of the sentence, the Chamber addressed the gravity of each of the 61 crimes. It considered, first, the several mitigating and aggravating circumstances alleged by the participants as applicable to all such crimes.
15. The Chamber decided to give certain weight in mitigation to the circumstances of Dominic Ongwen’s childhood, his abduction by the LRA at a very young age and his early stay with the LRA. All individual sentences have been determined taking this mitigating circumstance into due account.
16. Instead, the Chamber did not follow the Defence argument that two mitigating circumstances in the form of circumstances falling short of constituting grounds for

exclusion of criminal responsibility were applicable: substantially diminished mental capacity and duress. The Chamber has rejected both as entirely unconvincing.

17. In this context, the Chamber referred back to its analysis of evidence in the Judgment issued on 4 February 2021. At that time, the Chamber found that Dominic Ongwen did not suffer from a mental disease or defect at the time of the conduct relevant under the charges. Instead the evidence clearly shows that he was in full possession of his mental faculties and exercised his role as commander effectively. The Chamber based this assessment on reliable expert evidence and on the overwhelming evidence of many witnesses who spent time with Dominic Ongwen in the LRA.
18. The Defence also argued that Dominic Ongwen's current mental health should be considered a mitigating circumstance. The management of the convicted person's health is primarily a matter for the enforcement of the imposed sentence. In line with international criminal tribunal jurisprudence, poor health can be considered a mitigating circumstance only in exceptional cases. The present case is not such a case, as explained in the detail in the written decision.
19. As concerns duress, the Chamber previously found in the Judgment that Dominic Ongwen was not subjected to a threat of imminent death or imminent or continuing serious bodily harm to himself or another person at the time of the crimes. He was not in a situation of complete subordination vis-à-vis Joseph Kony, but frequently acted independently and even contested orders received from Joseph Kony. He also had a realistic possibility of leaving the LRA, which he did not pursue. Rather, he rose in rank and position. He also committed some of the crimes in private, in circumstances where any threats otherwise made to him could have no effect.
20. Basing itself on the same analysis, while also addressing the new evidence submitted by the Defence, the Chamber found that neither substantially diminished mental capacity nor duress as a mitigating circumstance are applicable in the present case.
21. The Chamber also declined to consider in mitigation Dominic Ongwen's 'family circumstances' and 'good character' that had been alleged by the Defence. The reasons for this are provided in detail in the written decision.

22. Likewise, for the reasons explained in the decision, the Chamber did not find the aggravating circumstance of the abuse of power or official capacity in the commission of the crimes as alleged by the legal representatives of the victims.

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23. Following these more general conclusions, the Chamber analysed one-by-one the gravity of each of the 61 crimes for which Dominic Ongwen was convicted. It found several aggravating circumstances applicable to some or even most crimes.

24. For example, the Chamber found the aggravating circumstance of commission for a motive involving discrimination on political grounds for most crimes relating to the attacks on IDP camps. Indeed, civilians in Northern Uganda, in particular those who lived in government-established IDP camps, were targeted because they were perceived as being associated with the Government of Uganda, and thus as the enemy. For the sexual and gender based crimes, the Chamber found the aggravating circumstance of commission for a motive involving discrimination against women, and as such on the grounds of gender.

25. Further, for most crimes the Chamber took into account as an aggravating circumstance the fact that there were multiple victims. In some cases, where the victims were abducted and held in abusive conditions, or where the victims were particularly young, the Chamber held that the victims were also particularly defenceless, and took this into account.

26. Also for several crimes, the Chamber identified and took into account as an aggravating circumstance particular cruelty in the commission the crime, for example in instances where murder was committed by burning people alive inside houses, and in relation to the extremely harsh treatment of children integrated as soldiers into Sinia brigade.

27. The relevant crime-by-crime assessment of their gravity and aggravating circumstances applicable to each of the 61 crimes can be found in the written decision, together with the individual sentences pronounced for each of them.

28. Most notably, upon individual assessment, the Chamber found certain crimes to be of the utmost gravity. This is the case for:
- The crimes of murder and persecution in the context of the attacks on Pajule, Odek, Lukodi and Abok IDP camps;
  - The crimes of sexual slavery, rape, forced marriage and forced pregnancy;
  - The crimes of enslavement and torture as sexual and gender-based crimes; and
  - The crime of conscription of children under the age of 15 and their use to participate actively in the hostilities.
29. For each of these crimes, the Chamber pronounced an individual sentence of 20 years of imprisonment. This also constitutes the highest individual sentence pronounced.
30. The Chamber also pronounced an individual sentence of 14 years of imprisonment for a number of other crimes. They are:
- The crimes of attacks against the civilian population as such, attempted murder, enslavement and torture in the context of the attacks on Pajule, Odek, Lukodi and Abok IDP camps; and
  - The crimes of outrages upon personal dignity.
31. Finally, individual sentences of 8 years of imprisonment have been pronounced for the crimes of pillaging and destruction of property committed during the attacks on the four IDP camps.
32. As recalled, each individual sentence for each of the 61 crimes is specified in the written decision.
33. As said, all these individual sentences are determined taking into account (also) the mitigation as a result of the circumstances of Dominic Ongwen's childhood and early stay in the LRA.

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34. Following the determination of the individual sentence for each of the 61 crimes, the Chamber has determined the most adequate joint sentence – that is, the total time of *actual* imprisonment to be imposed as punishment for all the crimes committed.
35. On the one end of the spectrum, the Chamber could have imposed a joint sentence of 20 years of imprisonment. This was the minimum possible according to the law, as it corresponds to the highest individual sentence, which was pronounced for several crimes. The Chamber however considered such a sentence to be incapable of reflecting Dominic Ongwen’s total culpability.
36. The Chamber is aware that there is some degree of overlap in the factual basis of certain crimes of which Dominic Ongwen was convicted. This, however, does not have a significant bearing in the determination of the joint sentence in the present case. This is because of the strikingly large number of distinct convictions, holding entirely different factual basis, which have been pronounced by the Chamber.
37. In fact, there are entirely separate crimes independent from each other, each carrying its own blameworthiness. For example, the crimes of murder committed in the context of the four attacks on IDP camps are completely different from the crimes of sexual slavery committed by Dominic Ongwen against his forced so-called ‘wives’ and other women and girls within the Sinia brigade. The crime of conscription of children under the age of 15 and their use to participate actively in the hostilities has an entirely different factual basis from the crimes of destruction of property and pillaging. These are just some examples to illustrate the point that, in this case, there is a large amount of distinct criminal conducts underlying different crimes.
38. This, in brief, is why, contrary to what has been proposed by the Prosecution, a joint sentence corresponding to the highest individual sentence pronounced for one crime only (that is 20 years of imprisonment) could not capture the culpability for all the numerous crimes committed.

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39. On the other end of the spectrum, the Chamber has considered the possibility of imposing life imprisonment. This was the recommendation by the legal representatives of the participating victims.
40. The Chamber recalled the extreme gravity of the numerous crimes committed by Dominic Ongwen, both in themselves and when considered jointly, and the presence for each such crime of at least one aggravating circumstance, often times even two or more. On these grounds, life imprisonment would surely be in order.
41. The extreme gravity of the crimes, especially when considered cumulatively, is in fact quite evident. As is quite evident the very high degree of Dominic Ongwen's culpability. More than 130 people were killed during the attacks on IDP camps, and at least 25 others managed to survive only for reasons independent of the will of Dominic Ongwen – or the fighters under his control. Civilians have been killed in many different and terrible ways. The stories of the victims are recounted in detail in the Trial Judgment. Furthermore, hundreds of civilians were abducted, tortured and enslaved during those same attacks.
42. A large number of children were abducted, integrated into the Sinia brigade and used actively to participate in the hostilities. Seven women and girls were forced to be Dominic Ongwen's own so-called 'wives' and servants. In addition, there were over one hundred abducted women and girls in the Sinia brigade at the relevant time.
43. Many of the victims – who were targeted for motives involving discrimination – were particularly defenceless. Particularly young boys and young girls were abducted and forced to be child soldiers or domestic servants. During the attacks, individuals who had been abducted, including children, elderly people, pregnant women, were then killed and tortured.
44. Dominic Ongwen fully intended all of these crimes. He played a key role in their commission. He participated in the planning of the attack on Pajule IDP camp and personally took part in it. At the other attacks, at Odek, Lukodi and Abok IDP camps, it was he who decided to launch the attacks: he selected the fighters and the ground commanders and issued specific instructions ahead of each attack. He reported the result



up the chain of command over the LRA radio after each attack was concluded and took credit for it.

45. Also for the sexual and gender-based crimes and the abduction and integration of children under the age of 15, Dominic Ongwen's involvement in the crimes was striking. He personally abducted children and distributed boys, girls and women within his units. Some abducted young boys became Dominic Ongwen's own escorts, living with him, following him, guarding him, and fighting on his orders. He also kept women and girls for his own household, forcing the youngest to be his domestic servants, while those that he deemed old enough were forced to be his so-called 'wives', obliged to have sex with him and bear his children.
46. And beyond that, in his role of commander, he exercised an essential role in sustaining the methodical abduction and abuse of women and girls. This is reflected in the convictions for sexual and gender-based crimes. He furthermore played an essential role in the conscription of children under the age of 15 years. They were brutally integrated into the LRA in large numbers and used to participate actively in hostilities.
47. As said, the extreme gravity of the crimes committed by Dominic Ongwen, including the degree of his culpable conduct, would strongly militate for a joint sentence of life imprisonment.
48. The Chamber has, however, decided not to impose life imprisonment.
49. Importantly, this shall not be understood as lessening in any way the gravity of the crimes that were committed, including the tremendous impact they have had on the numerous victims. This is entirely appreciated by the Chamber. It wishes to stress this again in the strongest possible terms.
50. Nonetheless, in accordance with the Statute of this Court, life imprisonment is an exceptional sentence. Amongst all the considerations that are part of this assessment, the Statute also refers to the 'individual circumstances of the convicted person'. Therefore the Chamber had to look at and take into consideration these individual circumstances of Dominic Ongwen to determine if life imprisonment was in fact justified. The Chamber also took note in this regard of Dominic Ongwen's own personal statement in

court during the sentencing hearing, when he spoke lucidly for about one hour and 45 minutes, sustaining a structured and coherent declaration, while speaking largely freely – as opposed to reading out a prepared speech.

51. The Chamber is confronted in the present case with a unique situation. It is confronted with a perpetrator who willfully and lucidly brought tremendous suffering upon his victims. However, it is also confronted with a perpetrator who himself had previously endured extreme suffering himself at the hands of the group of which he later became a prominent member and leader.
52. The Chamber was greatly impressed by the account given by Dominic Ongwen at the hearing on sentence about the events to which he was subjected upon his abduction when he was only 9 years old. This account finds support in the evidence heard during the trial.
53. Dominic Ongwen was abducted by the LRA when he was 9 years old – this has indeed been established. His abduction at such a young age meant that he was torn away from a caring and protective environment in his family and community. His abduction at such young age also meant that he had to interrupt his education. According to credible descriptions on the record he was a gifted child with an intellect far above the average. He had all possibilities to become a valuable member of his community and of society in the normal course of events. All these possibilities, all his positive potential, all his hopes for a bright future came to a brutal halt when he was abducted. Instead of a promising development of his personality in his community his socialisation took place in an environment as violent as the LRA. In the LRA he undoubtedly experienced acute suffering while growing up. He was forced to become a child soldier at a young age in the harshest conditions. He had to witness many terrible crimes as a young child, including violent deaths. He was forced to participate in such violent incidents. Soon after his abduction, he came to know that his parents had been killed, further contributing to the feeling of loneliness and despair. In sum, the Chamber heard specific evidence indicating that Dominic Ongwen suffered greatly, physically and emotionally, in the first years following his abduction.

54. The circumstances of Dominic Ongwen’s childhood are compelling. The Chamber cannot disregard them in the determination of whether life imprisonment represents the just sentence in the present case.
55. The fact that Dominic Ongwen did not, at first, choose to be part of the LRA, but was abducted and integrated into it when he was still a child, in no way justifies or rationalises the heinous crimes he willfully chose to commit as a fully responsible adult. However, these circumstances, in the view of the Chamber, make the prospective of committing him to spend the rest of his life in prison excessive.
56. The Chamber fully understands, and is wholeheartedly sympathetic to the legitimate desire of the victims to receive justice. It comprehends that justice indeed demands that an adequate punishment be imposed on Dominic Ongwen. The Chamber is, however, called to determine a sentence which does not constitute a means for revenge as such.
57. By no means does Dominic Ongwen’s personal background overshadow his culpable conduct and the suffering of the victims – it is worth repeating this again. Nevertheless, the specificity of this case and of his situation cannot be put aside in deciding whether he must be sentenced to life imprisonment for his crimes.
58. Envisaging a concrete prospect for Dominic Ongwen to eventually re-build his life – while being adequately punished for the crimes committed – in a new, more healthy environment than the extremely violent one of the LRA in which he grew up and operated at length, is one of the conflicting driving forces for the Chamber’s ultimate consideration on the appropriate joint sentence in the present case. The Chamber believes that such a concrete opportunity shall not be denied to Dominic Ongwen, given his peculiar personal background.
59. This is why the Chamber has decided not to sentence Dominic Ongwen to the – exceptional – penalty of life imprisonment.

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60. The Chamber has thus excluded a joint sentence corresponding to the minimum possible (that is, 20 years of imprisonment) and to the maximum possible (that is, life

imprisonment). It had therefore to situate the joint sentence at some point between these two extremes, meaning between 20 and 30 years of imprisonment.

61. The final joint sentence must be just and adequate. It must reflect the totality of Dominic Ongwen's culpable conduct for the several crimes of which he was found guilty.
62. Thus, in light of the gravity of the crimes that Dominic Ongwen committed, the applicable mitigating and aggravating circumstance, and his specific individual circumstances, **the Chamber sentenced Dominic Ongwen to a total period of imprisonment of 25 years, as a joint sentence for the 61 crimes of which he was found guilty.**
63. Dominic Ongwen will receive credit for the period between 4 January 2015 and 6 May 2021, during which he has been detained in accordance with an order of this Court, or in connection with conduct underlying his crimes. This period will be deducted from the total time of imprisonment imposed on him.
64. Thus, the Chamber considers the appropriate joint sentence to be 25 years of imprisonment. This decision, however, has not been unanimous. Judge Pangalangan would have sentenced Dominic Ongwen to a total period of imprisonment of 30 years. He appended a partly dissenting opinion in this regard.
65. The Majority of the Chamber is of the view that a total term of 25 years of imprisonment is proportionate to the gravity of the crimes Dominic Ongwen committed and congruous with his specific individual circumstances arising from his abduction as a child; it thus conforms to the fundamental purposes of retribution and deterrence underlying sentencing in the system of the Court.
66. Indeed, the Majority is confident that this joint sentence adequately reflects the strongest condemnation by the international community of the crimes committed by Dominic Ongwen and acknowledges the great harm and suffering caused to the victims. It is also adequate with a view to deterring others from committing similar crimes in the future and discouraging Dominic Ongwen's own recidivism. In the Chamber's view, no imprisonment for a period shorter than 25 years could constitute an adequate,

proportionate and just joint sentence in light of all relevant circumstances of the present case.

67. At the same time, such a joint sentence acknowledges Dominic Ongwen's unique personal history and safeguards the prospect of his successful social rehabilitation and, consequently, the concrete possibility of future re-integration into society. This is also a relevant consideration in a peculiar case like the present one.
68. The Chamber also notes that under the Statute, after Dominic Ongwen has served two thirds of his sentence, the Court shall review the sentence to determine, in light of certain criteria, whether it should be reduced.

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69. The Presiding Judge concluded the hearing for the delivery of the sentence expressing the following final remarks on behalf of the Chamber.
70. The decision on Dominic Ongwen's sentence has been particularly difficult and has weighed significantly on the Judges. The Judges felt at all times the highest responsibility to determine the most appropriate sentence in light of all relevant, often conflicting, circumstances. Some of these circumstances are in irreconcilable tension with each other. Some which have made the Judges interrogate themselves on the very essence and meaning of punishment.
71. Not everyone will be satisfied with the decision on Dominic Ongwen's sentence. This is in the nature of a process as personal as the one of establishing an appropriate punishment for the wrongdoing of others. In essence, it conforms to the individual sense of justice of any given person.
72. The difference of opinions among the Judges on the joint sentence in this case reflects precisely this: their own individual sense of justice as judges entrusted with the responsibility to decide in accordance with the discretion that the law provides them with. This is not expression of a fundamental disagreement between the Judges. The Judges concur, in full, both on the law and the facts of the case. The Judges also concur entirely on all individual sentences, on the exclusion of life imprisonment, on imposing

a joint sentence higher than the statutory minimum. Simply, in determining the final joint sentence, the majority of the Chamber gave some more weight to Dominic Ongwen's individual circumstances than Judge Pangalangan would have.

73. The Chamber has exercised its discretion to the best of each Judge's conscience and in strict accordance with the law. It has endeavoured to explain how it arrived to the decision it took, such that it can be understood and accepted as legitimate, even if not universally concurred with.
74. Some victims may not agree with the decision not to impose life imprisonment. Dominic Ongwen and the defence may not agree with the decision to sentence him for a period of imprisonment longer than what he hoped for or thinks to deserve. Contrasting views on the adequate sentence may also be held by others that have been interested in this case, but that not always may know in full all relevant facts and all relevant evidence contained in the record of the case.
75. This is understandable. The Judges, however, must only respond to the rules of the law and to our conscience. The Judges are confident that the sentence pronounced conforms to both.

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76. This has been a long and complex trial. In the view of the Chamber, the trial has been successful in the sense that it brought to light all the evidence that was considered necessary for the establishment of the truth. The result of this is the long and detailed judgment issued three months ago on 4 February. Another result is today's sentence.
77. All in all, the Judges hope that the work of the Court in this case, including the voluminous record of testimonies and other evidence that was created, has been and will continue to be useful to victims, Northern Ugandans and others, shedding some light on a complex and painful chapter of history. The Judges also hope that these entire proceedings up to this point may contribute to bring some justice to the victims of the crimes committed and affirm that the international community in general, and this Court in particular, are on their side.

78. A further step in this direction will commence immediately with the opening of the proceedings concerning reparations in favour of the victims of the crimes committed by Dominic Ongwen. Today the Chamber has issued an order for submissions on reparation. The right of victims to reparations is also an essential part of the system of justice at this Court. It is a further acknowledgment of the suffering and harm that the victims experienced, and it aims at redressing it. The Chamber will push forward the reparation stage of the proceedings with vigour and the utmost care.

## **Appendix – Summary of Partly Dissenting Opinion of Judge Raul C. Pangalangan**

1. I had earlier joined the unanimous verdict of 4 February 2021 finding the accused guilty beyond reasonable doubt of 61 crimes against humanity and war crimes. Today I likewise join the Majority as regards the *individual* sentences. However, I consider that a higher *joint* sentence would be more appropriate, and it is solely in this regard that I differ with the Majority.
2. The Chamber declares in today's decision, and with this I fully concur, that imposing a joint sentence which corresponds to the highest individual sentence pronounced [...] 'is manifestly incapable of reflecting Dominic Ongwen's total culpability for all the numerous crimes that he committed'. The Chamber also finds that '[a]ll things considered, from the perspective of the extreme gravity of the crimes committed by Dominic Ongwen, including the degree of his culpable conduct, a joint sentence of life imprisonment would surely be in order in the present case'.
3. The Majority thus finds that the 'extreme gravity' threshold has been met. That is most significant especially considering that the Court's jurisdiction covers not ordinary crimes tried in national jurisdictions, but – in the words of the Statute -- 'the most serious crimes of concern to the international community as a whole' (Preamble and Article 5) and recognises the suffering of 'victims of unimaginable atrocities that deeply shock the conscience of humanity' (Preamble). That means that, even within the grim calculus of the most egregious wrongdoing, the crimes for which Dominic Ongwen has been found guilty are considered to be of 'extreme gravity'.
4. For that reason, in my opinion, since a life sentence is the most severe penalty that can be imposed under the Statute, the mere fact of not imposing a life sentence already takes into account the truly unfortunate personal situation of Dominic Ongwen.
5. In my view, setting the joint sentence even lower at 25 years, rather than at the statutory maximum of 30, would fail to give due weight to the victims' suffering, which, in the context of mass atrocity crimes, is certainly no less than if crimes such as murder, rape, or torture are committed as 'ordinary' crimes. The scale and cruelty with which these crimes were committed in this case are not outweighed by the sad twist of fate of Dominic Ongwen's abduction on that fateful morning and his conscription as a child



soldier. Indeed, as adequately observed by the Majority, '[b]y no means does Dominic Ongwen's personal background overshadow his culpable conduct and the suffering of the victims'.

6. The rules require the Court to 'balance all the relevant factors', among them, the 'harm caused to the victims and their families'. The Appeals Chamber has recognised that this 'involves an exercise of discretion with the aim to impose a proportionate sentence that reflects the culpability of the convicted person'.
7. I am of the view that imposing a joint sentence of 30 years would guard against the Court giving such weight to the individual circumstances of the convicted person that the heinous character of the crimes pales in comparison.
8. It is exactly because of the extreme gravity of the crimes and, in particular, the deep and permanent physical and psychological harm caused to the victims and their families, that I find that in order to reflect – in the words of the Majority -- 'the strongest condemnation by the international community ... and acknowledge[] the great harm and suffering caused to the victims', a total term of 25 years is not adequate, and that the crimes for which Dominic Ongwen has been convicted, warrant a sentence of 30 years of imprisonment.