

Situation in Uganda

ICC-PIDS-CIS-UGA-02-018/20\_Eng

***The Prosecutor v. Dominic Ongwen***

Updated: March 2020

ICC-02/04-01/15

## Dominic Ongwen



**Place of birth:** Coorom, Kilak County, Amuru district, Northern Uganda

**Nationality:** Ugandan

**Position:** Alleged Former Brigade Commander of the Sinia Brigade of the LRA

**Warrant of arrest:** Issued under seal on 8 July 2005 | Unsealed on 13 October 2005

**Transfer to ICC Detention Centre:** 21 January 2015

**Initial appearance hearing:** 26 January 2015

**Confirmation of charges hearing:** 21 -27 January 2016

**Decision on the confirmation of charges:** 26 March 2016

**Opening of the trial:** 6 December 2016

**Closure of Submission of Evidence:** 12 December 2019

**Closing statements:** 10-12 March 2020

## Charges

Dominic Ongwen is accused, pursuant to articles 25(3) (a) (direct perpetration, indirect perpetration and indirect co-perpetration), 25(3) (b) (ordering), 25(3) (d) (i) and (ii) and 28(a) (command responsibility) of the Rome Statute, for the following crimes against humanity and war crimes:

- **War crimes:** attack against the civilian population; murder and attempted murder; rape; sexual slavery; torture; cruel treatment; outrages upon personal dignity; destruction of property; pillaging; the conscription and use of children under the age of 15 to participate actively in hostilities;
- **Crimes against humanity:** murder and attempted murder; torture; sexual slavery; rape; enslavement; forced marriage as an inhumane act; persecution; and other inhumane acts.

## Alleged crimes

During the period from 1 July 2002 to end 2005, the LRA, an armed group, allegedly carried out an insurgency against the Government of Uganda and the Ugandan Army (also known as the Uganda People's Defence Force - UPDF - and local defence units - LDUs). There are reasonable grounds to believe that the LRA had been directing attacks against both the UPDF and LDUs and against civilian populations, and that, in pursuing its goals, the LRA had engaged in a cycle of violence and established a pattern of "brutalization of civilians". This had been carried out by acts including murder, abduction, sexual enslavement, mutilation, and mass burnings of houses and looting of camp settlements. Civilians, including children, are believed to have been abducted and forcibly "recruited" as fighters, porters and sex slaves to serve the LRA and to contribute to attacks against the Ugandan army and civilian communities.

In the context of this insurgency, it is alleged that the Pajule IDP (October 2003), the Odek IDP (April 2004), the Lukodi IDP (May 2004) and Abok IDP camps (June 2004), were attacked and that in his capacity as Brigade Commander of the Sinia Brigade of the LRA, Dominic Ongwen would have ordered the commission of crimes within the jurisdiction of the Court in the context of these attacks. Mr Ongwen is charged with the following crimes against humanity and war crimes:

- **War crimes:** attack against the civilian population; murder and attempted murder; rape; sexual slavery; torture; cruel treatment; outrages upon personal dignity; destruction of property; pillaging; the conscription and use of children under the age of 15 to participate actively in hostilities;
- **Crimes against humanity:** murder and attempted murder; torture; sexual slavery; rape; enslavement; forced marriage as an inhumane act; persecution; and other inhumane acts.

## Key judicial developments

### REFERRAL AND OPENING OF THE INVESTIGATION

Uganda signed the Rome Statute on 17 March 1999 and ratified on 14 June 2002 becoming a State Party to the International Criminal Court. On 16 December 2003, the Government of Uganda referred the situation concerning northern Uganda to the Office of the Prosecutor. On 29 July 2004, the Prosecutor determined a reasonable basis to open an investigation into the situation concerning northern Uganda.

### WARRANT OF ARREST

On 6 May 2005, amended and supplemented on 13 May 2005 and additionally on 18 May 2005, the Prosecutor submitted the request for the warrants of arrest for Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen. On 8 July 2005, Pre-Trial Chamber II issued warrants of arrest under seal against the named individuals for the commission of crimes against humanity and war crimes and requested the Republic of Uganda to search for, arrest, detain and surrender to the Court, Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen.

On 9 September 2005, the Prosecutor submitted an "Application for Unsealing of Warrants of Arrest Issued on 8 July 2005" to Pre-Trial Chamber II. On 13 October 2005, Pre-Trial Chamber II decided to unseal the warrants of arrest for Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen. On 29 January 2015, the [non-redacted warrant of arrest for Dominic Ongwen](#) and its translations in [French](#) and [Acholi](#) were reclassified as public pursuant to an instruction of Pre-Trial Chamber II.

### SEPARATION OF THE ONGWEN CASE

On 6 February 2015, Pre-Trial Chamber II severed the proceedings against Dominic Ongwen from the case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*. As the three other suspects in the case have not appeared or have not been apprehended yet, the Chamber deemed it necessary to separate the case so as not to delay the proceedings against Mr Ongwen. After having consulted the Prosecutor, the Chamber decided not to proceed against the other three suspects *in absentia*.

### SURRENDER AND TRANSFER

On 21 January 2015, Dominic Ongwen was transferred to the ICC Detention Centre in The Hague (Netherlands). His initial appearance before the single Judge of Pre-Trial Chamber II took place on 26 January 2015.

### CONFIRMATION OF CHARGES

The confirmation of charges hearing in respect of Dominic Ongwen was held from 21 – 27 January 2016. On 23 March 2016, Pre-Trial Chamber II confirmed the charges brought by the Prosecutor against Mr Ongwen and committed him to trial. On 2 May 2016, the Presidency constituted Trial Chamber IX to be in charge of the case.

### TRIAL

On 6-7 December 2016, the trial opened before Trial Chamber IX at the seat of the Court. The charges against Mr Ongwen were read and the Chamber was satisfied that the accused understood the nature of the charges. The accused pleaded not guilty to the charges. Opening statements were then made by the Office of the Prosecutor and the Legal Representatives of victims.

The trial resumed on 16 January 2017 with the presentation of evidence of the Prosecution. The Prosecution has completed its presentation of evidence. The Legal Representatives of Victims also called witnesses to appear before the Chamber.

The trial resumed on 18 September 2018 with the opening statements of the Defence and the Defence started the presentation of its evidence on 1 October 2018. On 6 December 2019, the Defence closed its presentation of evidence.

Over the course of 231 hearings, the Chamber heard 69 witnesses and experts called by the Office of the ICC Prosecutor, Fatou Bensouda, 54 witnesses and experts called by the Defence team lead by Krispus Ayena Odongo and 7 witnesses and experts called by the Legal Representatives of the Victims participating in the proceedings. The Trial Chamber issued 70 oral decisions, and 190 written decisions during the trial phase of the proceedings.

On 12 December 2019, the presiding judge declared the closure of the submission of evidence in the case. The total case record, consisting of the filings of the parties and participants and the Chamber's decision, currently includes more than 1720 filings.

The closing briefs in this case were filed on 24 February 2020.

The closing statements took place from 10 to 12 March 2020. During the closing statement hearings, the Prosecution, the Legal Representatives of Victims and the Defence presented their final arguments.

Trial Chamber IX will now deliberate on the proceedings and, within a reasonable period, pronounce its decision on conviction or acquittal pursuant to article 74 of the Rome Statute. The Chamber bases its decision only on the applicable law and on evidence submitted and discussed before it at the trial.

## PARTICIPATION OF VICTIMS

4,065 victims have been granted the right to participate in the proceedings. They are represented by two teams of lawyers. A first group of 2,564 participating victims is represented by two lawyers, Joseph Akwenyu Manoba and Francisco Cox, who were chosen by these victims under Rule 90(1), which allows victims to choose a Legal Representative. Paolina Massidda from the Office of Public Counsel for Victims represents a second group of 1,501 victims who did not choose a lawyer.

### **Composition of Trial Chamber IX**

Judge Bertram Schmitt, Presiding Judge

Judge Peter Kovacs

Judge Raul C. Pangalangan

### **Representation of the Office of the Prosecutor**

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

Benjamin Gumpert, Senior Trial Lawyer

### **Defence Counsel for Dominic Ongwen**

Krispus Ayena Odongo

### **Legal Representatives of the Victims**

Joseph Akwenyu Manoba

Francisco Cox

Paolina Massidda