



# Case Information Sheet

## Situation in Uganda

*The Prosecutor*

*v.*

*Joseph Kony, Vincent Otti,  
Okot Odhiambo and Dominic  
Ongwen*

Case n° ICC-02/04-01/05



Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen © ICC-CPI

### Joseph Kony



Date of birth	Unknown, approximately 40 years old
Place of birth	Omor County, Gulu district, Uganda
Nationality	Ugandan
Current status	Alleged Commander-in-Chief of the Lord's Resistance Army
Warrant of arrest	Issued under seal on 8 July, 2005, amended on 27 September, 2005 Unsealed on 13 October, 2005
Status of proceedings	Execution of the arrest warrant is pending
Charges	The warrant of arrest for Joseph Kony lists thirty-three counts on the basis of his individual criminal responsibility (articles 25(3)(a) and 25(3)(b) of the Statute) including:

- Twelve counts of crimes against humanity (murder - article 7(1)(a); enslavement - article 7(1)(c); sexual enslavement – article 7(1)(g); rape - article 7(1)(g); inhumane acts of inflicting serious bodily injury and suffering - article 7(1)(k)); and,
- Twenty-one counts of war crimes (murder - article 8(2)(c)(i); cruel treatment of civilians – article 8(2)(c)(i); intentionally directing an attack against a civilian population – article 8(2)(e)(i); pillaging - article 8(2)(e)(v); inducing rape – article 8(2)(e)(vi); forced enlistment of children - 8(2)(e)(vii)).

### Vincent Otti



Date of birth	Unknown, approximately 60 years old
Place of birth	Atiak Sub-County, Gulu district, Uganda
Nationality	Ugandan
Current status	Alleged Vice-Chairman and Second-in-Command of the Lord's Resistance Army
Warrant of arrest	Issued under seal on 8 July, 2005 Unsealed on 13 October, 2005
Status of proceedings	Execution of the arrest warrant is pending

Charges	<p>The warrant of arrest for Vincent Otti lists thirty-two counts on the basis of his individual criminal responsibility (article 25(3)(b) of the Statute) including:</p> <ul style="list-style-type: none"> <li>• Eleven counts of crimes against humanity (murder - article 7(1)(a); sexual enslavement – article 7(1)(g); inhumane acts of inflicting serious bodily injury and suffering - article 7(1)(k)); and,</li> <li>• Twenty-one counts of war crimes (inducing rape – article 8(2)(e)(vi); intentionally directing an attack against a civilian population – article 8(2)(e)(i); forced enlistment of children - 8(2)(e)(vii); cruel treatment of civilians – article 8(2)(c)(i); pillaging - article 8(2)(e)(v); murder - article 8(2)(c)(i)).</li> </ul>
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## Okot Odhiambo



Date of birth	Unknown
Place of birth	Unknown
Nationality	Ugandan
Current status	Alleged Deputy Army Commander of the Lord's Resistance Army (LRA). Alleged Brigade Commander of the Trinkle and Stockree Brigades of the LRA
Warrant of arrest	Issued under seal on 8 July, 2005 Unsealed on 13 October, 2005
Status of proceedings	Execution of the arrest warrant is pending
Charges	<p>The warrant of arrest for Okot Odhiambo lists ten counts on the basis of his individual criminal responsibility (article 25(3)(b) of the Statute) including:</p> <ul style="list-style-type: none"> <li>• Two counts of crimes against humanity (murder - article 7(1)(a); enslavement - article 7(1)(c)); and,</li> <li>• Eight counts of war crimes (murder - article 8(2)(c)(i); intentionally directing an attack against a civilian population – article 8(2)(e)(i); pillaging - article 8(2)(e)(v); forced enlisting of children - 8(2)(e)(vii)).</li> </ul>

## Dominic Ongwen



Date of birth	Unknown
Place of birth	Unknown
Nationality	Ugandan
Current status	Alleged Brigade Commander of the Sinia Brigade of the Lord's Resistance Army
Warrant of arrest	Issued under seal on 8 July, 2005 Unsealed on 13 October, 2005
Status of proceedings	Execution of the arrest warrant is pending
Charges	<p>The warrant of arrest for Dominic Ongwen lists seven counts on the basis of his individual criminal responsibility (article 25(3)(b) of the Statute) including:</p> <ul style="list-style-type: none"> <li>• Three counts of crimes against humanity (murder - article 7(1)(a); enslavement - article 7(1)(c); inhumane acts of inflicting serious bodily injury and suffering - article 7(1)(k)); and,</li> <li>• Four counts of war crimes (murder - article 8(2)(c)(i)); cruel treatment of civilians – article 8(2)(c)(i); intentionally directing an attack against a civilian population – article 8(2)(e)(i); pillaging - article 8(2)(e)(v)).</li> </ul>



## Alleged crimes (non-exhaustive list)

- Pre-Trial Chamber II of the ICC is of the opinion that there are reasonable grounds to believe that since 1 July, 2002 to 2004, the Lord's Resistance Army (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).
- The LRA has been directing attacks against both the UPDF and LDUs and against the civilian population; that, in pursuing its goals, the LRA has engaged in a cycle of violence and established a pattern of "brutalization of civilians" by acts including murder, abduction, sexual enslavement, mutilation, as well as mass burnings of houses and looting of camp settlements and that abducted civilians, including children, are said to have been forcibly "recruited" as fighters, porters and sex slaves to serve the LRA and to contribute to attacks against the Ugandan army and civilian communities.

Pre-Trial Chamber II also found that there are reasonable grounds to believe that:

- The LRA was allegedly founded and is led by Joseph Kony, the Chairman and Commander-in-Chief, and that the LRA is organised in a military-type hierarchy and operates as an army.
- The LRA forces are allegedly divided into four brigades named Stockree, Sinia, Trinkle and Gilva, and that, since July 2002, the LRA's hierarchy of posts under Joseph Kony's overall leadership has included Vincent Otti, the Vice-Chairman and Second-in-Command; the Army Commander; three senior posts of Deputy Army Commander, Brigade General and Division Commander; and four Commanders of equal rank, each of whom leads one of the four LRA brigades.
- Joseph Kony, Vincent Otti and other senior LRA commanders are allegedly the key members of "Control Altar", the section representing the core LRA leadership responsible for devising and implementing LRA strategy, including standing orders to attack and brutalise civilian populations.
- In his capacity as overall leader and Commander-in-Chief of the LRA, individually or together with other persons whose arrests are sought by the Prosecutor, Joseph Kony allegedly committed, ordered or induced the commission of several crimes within the jurisdiction of the Court during the period from 1 July, 2002 to 2004.

## 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.

### Warrants of Arrest

- On 6 May, 2005, amended and supplemented on 13 May, 2005 and additionally on 18 May, 2005, the Prosecutor submitted requests for warrants of arrest against 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 27 September, 2005, Pre-Trial Chamber II requested the Democratic Republic of the Congo (DRC) and the Republic of Sudan to search for, arrest, detain and surrender to the Court, Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen.
- 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 11 July, 2007, the proceedings against Raska Lukwiya, for whom a warrant of arrest was issued on 8 July, 2008, were terminated following his death. According to the decision, the warrant of arrest is rendered without effect therefore the name of Raska Lukwiya has been removed from the case.

### **Pre-Trial Chamber II requests information regarding developments in Uganda**

- On 29 February, 2008, Pre-Trial Chamber II requested the Government of Uganda to provide information on the implications of the following two documents on the execution of the warrants of arrest, namely (a) the “Agreement on Accountability and Reconciliation Between the Government of the Republic of Uganda and the Lord’s Resistance Army/Movement,” signed on 29 June, 2007, which envisaged, *inter alia*, the establishment of national legal arrangements for ensuring justice, reconciliation and the accountability of individuals alleged to have committed serious crimes or human rights violations in the course of the northern and north-eastern Uganda conflict; and (b) the “Annexure to the Agreement on Accountability and Reconciliation signed between the Government of the Republic of Uganda and the Lord’s Resistance Army” on 19 February, 2008, providing for the establishment of a special division of the High Court of the Republic of Uganda, entrusted with the task of “try[ing] individuals who are alleged to have committed serious crimes during the conflict” in Uganda.
- On 27 March, 2008, the Government of Uganda sent its response in which it explained that “[t]he establishment of the special division of the High Court and the enactment of the relevant legislation shall take place after the signing of the final peace agreement with the Lord’s Resistance Army/Movement. With respect to the impact of these developments on the execution of the arrest warrants, the Government of Uganda stated that the special division of the High Court is not meant to supplant the work of the International Criminal Court and accordingly those individuals who were indicted by the International Criminal Court will [sic] have to be brought before the special division of the High Court for trial.”
- On 18 June, 2008, Pre-Trial Chamber II requested further information from the Republic of Uganda, after the reported failure to sign the final peace agreement by the respective parties. In particular, the Chamber requested information as to the steps undertaken by the Republic of Uganda with a view to executing the warrants of arrest.
- On 9 July, 2008, the Republic of Uganda responded that the comprehensive peace agreement was indeed not signed; that the Republic of Uganda remained committed to executing the warrants of arrest; and that the Government of Uganda continues to spare no effort in its attempt to secure the cooperation of the DRC in order to trace the LRA in the Garamba National Park, which is on the DRC territory.

### **Proceedings under article 19 of the Rome Statute regarding the admissibility of the case**

- On 21 October, 2008, Pre-Trial Chamber II decided to initiate proceedings under article 19(1) of the Rome Statute with a view to determine whether the Court could still investigate and prosecute the case against Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen. In the same decision, Pre-Trial Chamber II appointed a Counsel for the Defence for the purpose of these proceedings and also invited the Prosecutor, the Counsel for the Defence, the Government of Uganda and victims to submit their observations on the admissibility of the case.
- Based on the submissions of the Prosecutor, the Counsel for the Defence, the Government of Uganda and the Office of Public Counsel for Victims submitted on 18 November, 2008, Pre-Trial Chamber II determined on 10 March, 2009, that “at this stage the Case is admissible under article 17 of the Statute”.

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- On 16 March, 2009, the Counsel for the Defence lodged an appeal against Pre-Trial Chamber II's "Decision on the admissibility of the case under article 19 (1) of the Statute of 10 March, 2009."
  - On 16 December, 2009, the Appeals Chamber rendered its decision confirming the decision previously taken by Pre-Trial Chamber II.

### **Participation of victims**

Pre-Trial Chamber II has granted 41 persons the status of victim authorised to participate in the case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*.

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### **Composition of Pre-Trial Chamber II**

Judge Ekaterina Trendafilova, Presiding Judge  
Judge Hans-Peter Kaul  
Judge Cuno Tarfusser

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

Luis Moreno-Ocampo, Prosecutor  
Fatou Bensouda, Deputy Prosecutor

### **Defence Counsel for Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen**

N/A

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

Paolina Massidda, Principal Counsel for the Office of Public Counsel for Victims

