

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Judgment - Courtroom 1
8 Thursday, 4 February 2021
9 (The hearing starts in open session at 10.00 a.m.)
10 THE COURT USHER: [10:00:50] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [10:01:17] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [10:01:26] Good morning, Mr President, your Honours.
16 Situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
17 reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [10:01:40] Thank you.
20 I ask for the appearances of parties, we start with the Prosecution.
21 Madam Prosecutor, please.
22 MS BENSOU DA: [10:01:49] Good morning, Mr President. Good morning, your
23 Honours. The Prosecution is represented today by myself, Fatou Bensouda, and my
24 team. Thank you.
25 PRESIDING JUDGE SCHMITT: [10:02:01] Thank you very much.

1 And for the Legal Representatives of Victims, first Ms Massidda, please.

2 MS MASSIDDA: [10:02:06] Good morning, Mr President, your Honours. The
3 Common Legal Representative of Victims is appearing today with Ms Caroline
4 Walter and myself, I am Paolina Massidda. Our field counsel, Mr Walter Komakech,
5 is able to follow this hearing from Uganda. Thank you very much.

6 PRESIDING JUDGE SCHMITT: [10:02:25] Thank you.

7 And I see Mr Mawira, please.

8 MR MAWIRA: [10:02:28] Good morning, Mr President, your Honours. The legal
9 representatives are represented by Mr Joseph Manoba, who is following the
10 proceedings from Kampala.

11 MR MANOBA: [10:02:42] Good morning, Mr President.

12 PRESIDING JUDGE SCHMITT: [09:02:42] Good morning.

13 MR MANOBA: [10:02:43] And your Honours.

14 MR MAWIRA: [10:02:45] Mr Francisco Cox is following the proceedings from
15 Mexico.

16 MR COX: [10:02:50] Good morning, your Honours, Mr President.

17 PRESIDING JUDGE SCHMITT: [10:02:54] Good morning, Mr Cox.

18 MR MAWIRA: [10:02:55] Our legal assistant, Ms Anushka Sehmi, is following the
19 proceedings from Nairobi.

20 MS SEHMI: [10:03:03] Good morning, Mr President and your Honours.

21 PRESIDING JUDGE SCHMITT: Good morning.

22 MR MAWIRA: [10:03:06] We also have Ms Maria Radziejowska following the
23 proceedings from Warsaw.

24 MS RADZIEJOWSKA: Good morning, Mr President. Good morning, your
25 Honours.

- 1 PRESIDING JUDGE SCHMITT: [10:03:16] Good morning.
- 2 MR MAWIRA: [10:03:17] And our field assistant, Ms Priscilla Aling, is following the
3 proceedings from Kampala.
- 4 MS ALING: [10:03:29] Good morning, your Honours.
- 5 PRESIDING JUDGE SCHMITT: [10:03:32] Good morning.
- 6 MR MAWIRA: [10:03:32] And one of our field assistants is also monitoring it from
7 Gulu, Ms Listowel Atto.
- 8 MS ATTO: [10:03:42] Good morning, your Honours.
- 9 PRESIDING JUDGE SCHMITT: [10:03:45] Good morning.
- 10 MR MAWIRA: [10:03:45] And myself, James Mawira, for the legal representatives.
11 Thank you.
- 12 PRESIDING JUDGE SCHMITT: [10:03:52] And you are following it from inside the
13 courtroom.
- 14 MR MAWIRA: [10:03:57] Yes, indeed, your Honour. Thank you.
- 15 PRESIDING JUDGE SCHMITT: [10:04:00] Then for the Defence, please, Mr Ayena,
16 you have the floor.
- 17 MR AYENA ODONGO: [10:04:03] Good morning, Mr President and your Honours.
18 I am Krispus Ayena Odongo, leading the Defence team. I'm accompanied by
19 Tom Obhof, Gordon Kifudde, Morganne Ashley, who are both in court. And in the
20 gallery we have Marie-Helene Proulx and Mr Michael Rowse. Thank you,
21 Mr President.
- 22 PRESIDING JUDGE SCHMITT: [10:04:29] And the accused is also present. Your
23 client is also present.
- 24 MR AYENA ODONGO: [10:04:35] Yes, My Lord. Our client, Mr Dominic Ongwen,
25 is in court.

1 PRESIDING JUDGE SCHMITT: [10:04:42] Thank you very much.

2 MR AYENA ODONGO: [10:04:44] Thank you for you reminder.

3 PRESIDING JUDGE SCHMITT: [10:04:47] Yes.

4 Today we are gathered in this courtroom for the Chamber to pronounce in open
5 session its decision under Article 74 of the Statute on Dominic Ongwen's criminal
6 responsibility for the charges brought against him.

7 As provided for by the law, this shall also include the delivery of a summary of the
8 Chamber's main findings and conclusions in that regard.

9 The Chamber will, first, provide such a summary.

10 After that, I will read out the verdict rendered by the Chamber on Dominic Ongwen.

11 The written judgment has been issued this morning and will be notified shortly after
12 the conclusion of today's hearing. It remains the only authoritative document.

13 As I said, the Chamber will start with a summary and, since this has been an
14 exceptionally extensive and complex case, to do justice to it this summary will
15 therefore also take some time.

16 This case concerns crimes against humanity and war crimes which took place in
17 northern Uganda between 1 July 2002 and 31 December 2005. During the course of
18 this trial, the Chamber has heard, from a large number of witnesses, terrible accounts
19 of these events and the extreme suffering that the civilian population of northern
20 Uganda experienced during this time. However, the Lord's Resistance Army, the
21 LRA, has been active since the 1980s and the conflict in northern Uganda has spanned
22 four decades. This case has therefore also shed light on the history of northern
23 Uganda in the past decades and on the suffering of its people during the conflict.

24 The LRA pursued an armed rebellion against the government of Uganda. The LRA,
25 including Dominic Ongwen, perceived as associated with the government of Uganda,

1 and thus as the enemy, the civilians living in northern Uganda. This concerned
2 particular those who lived in government-established internally displaced persons
3 camps, so-called IDP camps. LRA commanders routinely declared that civilians
4 were failing to support the LRA in its effort against the government and should be
5 killed by the LRA.

6 Throughout the period of the charges, the LRA killed and injured a large number of
7 civilians in numerous attacks on individual civilians, IDP camps and other civilians
8 locations in Uganda. In response to the question whether shooting a civilian during
9 the course of an attack would constitute an offence, Witness P-142, an LRA fighter,
10 stated that, quote, "nobody would see it as a crime if a civilian is injured or if a civilian
11 is shot at", unquote.

12 The LRA also abducted and conscripted a large number of children under the age of
13 15 into the armed group and used them to participate actively in hostilities. Witness
14 P-307, from his experience of an ordinary Sinia soldier, observed, quote:

15 "[A]s a standard practice, each time we came across ... people, we would abduct them
16 and take them to the bush. We had to do this as we had to increase our numbers in
17 the bush. So abducting new recruits was part of routine activities during attacks so
18 that there was no need for any commander to order you to abduct because this was
19 part of the job."

20 The LRA abducted and also enslaved a large number of female civilians. They were
21 then used as sexual slaves and so-called wives, and as domestic servants. The
22 Chamber will explain this in more detail later.

23 Dominic Ongwen himself was abducted in 1987 at the age of around 9 by the LRA.

24 The Chamber is aware that he experienced much suffering in his childhood and youth.

25 The Chamber might have to evaluate this in a later context. However, this case is

1 about crimes committed by Dominic Ongwen as a fully responsible adult and as a
2 commander of the LRA in his mid to late twenties. During the period relevant to the
3 charges, from 1 July 2002 to 31 December 2005, Dominic Ongwen made a steep rise in
4 the hierarchy of the LRA, from battalion commander to commander of the Sinia
5 brigade in the rank of brigadier. Altogether, at the time relevant to the charges, Sinia
6 brigade included several hundred soldiers who were under the command of Dominic
7 Ongwen.

8 The LRA hostility towards people living in IDP camps is at the core of the present
9 case; a significant number of crimes committed by the accused relate to attacks carried
10 out against some of these camps. The IDP camps were the result of an
11 anti-insurgency strategy adopted by the Ugandan government to remove the
12 population from rural areas where it might assist the rebels, either out of choice or
13 due to fear of what would happen to them if they did not. In such instances, such
14 removals are claimed to have been violently enforced. The camps were supposed to
15 be protected by small units of the Ugandan national army - known as the Uganda
16 People's Defence Force or UPDF - and local defence units made up of local men and
17 youth under UPDF command. However, this protection proved to be insufficient
18 and illusory in many cases.

19 Cultivation for the civilian population was very difficult and movement outside the
20 camps strictly limited. Food and other commodities had to be provided by aid
21 agencies, such as the World Food Programme. At the peak, around 2004, there were
22 hundreds of IDP camps. While there were still some people living around the towns,
23 almost the entire population of the region was in such camps, amounting to
24 1.5 million people. The living conditions in these camps were in many cases
25 degrading. The government of Uganda did not provide the population with enough

1 food, the hygienic conditions were deplorable, medical assistance often non-existent.
2 The Chamber will now summarise in more detail its main findings on the crimes
3 committed by Dominic Ongwen starting with the attacks on four of these IDP camps.
4 Prior to doing so, let me emphasise that it was difficult for the Chamber to ascertain
5 the names of every victim of the several crimes. Yet, in many cases the Chamber was
6 able to do so. These victims have a right not to be forgotten. They have the right to
7 be mentioned explicitly today, as they are in the judgment as well.

8 Please bear with me if I pronounce names incorrectly.

9 In the early morning of 10 October 2003 several hundreds of LRA fighters, including
10 Dominic Ongwen, attacked Pajule IDP camp. Pajule IDP camp was situated in Aruu
11 county, Pader district. Amongst the LRA fighters were also some under the age of
12 15. The LRA forces were heavily armed with weapons including an antitank
13 weapon, an anti-aircraft gun, machine guns, assault rifles, as well as pangas, machetes
14 and knives. People in the camp had been celebrating Uhuru day, the Ugandan
15 Independence Day, the night before.

16 The attack had been planned several days before at a meeting by a number of LRA
17 commanders including Dominic Ongwen. The meeting was led by Vincent Otti,
18 then number two of the LRA.

19 The attackers had been briefed to attack the UPDF at the barracks as well as civilian
20 areas of the camp. The goal was to loot equipment, food and other items. The
21 attackers were also told to abduct civilians.

22 The LRA fighters attacking the camp were organised in several units. The overall
23 commander of the attack was Raska Lukwiya. Dominic Ongwen led a group of
24 attackers to fight at the barracks, before directing them to attack the trading centre
25 within the camp.

1 Government soldiers who were within the camp amongst the civilians fled in the face
2 of the attacking force, while government soldiers in the barracks managed to hold the
3 barracks under heavy fire from the LRA. In the course of the fight with the
4 government soldiers also several LRA fighters were killed. At the trading centre,
5 Dominic Ongwen directed his fighters to attack. He ordered his fighters to pillage
6 food items and supplies from shops and homes within the camp. There was
7 widespread looting throughout the camp. The LRA raided the trading centre, broke
8 into shops and looted food and livestock, medicine, household goods and all sorts of
9 valuables from the civilians.

10 During the course of the attack, LRA fighters killed at least four civilians who tried to
11 escape or refused to carry looted goods. They were Kinyera Benson Lacung,
12 Pangarasio Onek; two unnamed persons, a woman killed by a machete and an
13 abductee killed by the meeting location.

14 LRA fighters also abducted hundreds of civilians from the camp. Among these
15 abductees were:

16 Witness P-6, her neighbour, her three relatives; Witness P-81; Witness P-249 and his
17 wife; Benson Ojok; Dick Okot and his family members; Rwot Joseph Oywak;
18 Charles Bongomin, Oryema Kadogo, Sunday Abalo, Charles Ayela, Concy Ayet;
19 Ogen; Opira; Okumu; Richard Otim; Santo Oweka; David Okwera, Francis Kitara;
20 George; Ronald Labeja; Christopher; Celestino; Vincent Okot; Ocana; Charles Abonga;
21 David Otti Moyo; Christine; Paska; Oluge; Opira Bosco and Oryema.

22 The LRA fighters forced the abductees to carry looted items from the camp for long
23 distances. The loads were extremely heavy. Most of the civilians could barely
24 carry them. Some civilians were forced to carry injured LRA fighters. The
25 abductees were under armed guard to prevent their escape. LRA fighters constantly

1 beat and kicked abductees with their guns, sticks and their hands to make them walk
2 faster. Some were tied to each other to make escape impossible. Many of the
3 abductees were forced to walk barefoot or not fully clothed through the bush for a
4 long distance. Witnesses have told us that they were helpless and shaking with fear
5 that they would be killed if they were not able to carry their loads anymore.
6 The LRA indeed killed abducted people who were unable to walk or dropped
7 luggage. As recalled, one of them was Pangarasio Onek, a trader between 30 and
8 40 years of age. He had to carry three or four basins full of beans. When he told his
9 abductors that he could not manage anymore to carry the load, he was unbound,
10 made to sit down and then shot three times in the head. Witness P-249 told the
11 Chamber that when he could not walk further after two weeks of being with Dominic
12 Ongwen's group, LRA fighters beat him until he was unconscious and left him. The
13 witness managed to drag himself for nine days to get home.
14 After leaving Pajule, Vincent Otti addressed the abductees at the LRA meeting point.
15 He approached them for settling in IDP camps set up by the government and told
16 them that they were being punished for staying in the camp. Dominic Ongwen also
17 spoke to a group of abductees, telling them that anyone who escaped or dropped
18 goods would be killed and that abductees would be trained as soldiers. The day
19 after the attack, older abductees were released, younger abductees, among them boys
20 and girls under the age of 15, were retained and continued in the LRA. The younger
21 abductees were so-called distributed amongst the LRA commanders. Some of them,
22 including four girls and three men, among Dominic Ongwen's group. The younger
23 girls were taken to the commanders as so-called ting tings, that is to say, domestic
24 servants, to carry out household work. The older girls were given as so-called wives
25 to the commanders. The younger male abductees were taken in as newly recruited

1 members of the LRA.

2 This happened on 10 October 2003 during the attack on Pajule IDP camp and its
3 aftermath.

4 On 29 April 2004, LRA fighters attacked Odek IDP camp. Odek IDP camp was
5 situated in Odek sub-county, Omoro county, Gulu district. While Dominic Ongwen
6 did not enter the camp, the LRA fighters who attacked the camp were subordinate to
7 him and acted on his orders. Dominic Ongwen had ordered them to attack the camp
8 in two groups. One should focus on the military barracks in the camp and the other
9 on the civilian areas. He specifically had ordered to target everyone they find at
10 Odek IDP camp. This included civilians. He also instructed his fighters to loot
11 food and abduct civilians.

12 The attack started as the residents and several government soldiers were dispersing
13 from a gathering. At least 30 LRA attackers executed Dominic Ongwen's orders.
14 Amongst them were children under the age of 15. The LRA fighters were heavily
15 armed with assault rifles, a mortar, an antitank weapon and a so-called B-10 gun.

16 Following Dominic Ongwen's orders, the LRA attacked Odek IDP camp from the
17 northern side of the camp. One group of attackers attacked the military barracks
18 situated about a few hundred metres from the camp. They killed some soldiers there,
19 overwhelmed the soldiers and burned the barracks down. The other group of
20 fighters spread into the civilian area. In particular, they went to the trading centre
21 where they attacked the civilian residents. They looted shops and civilian homes.
22 They also shot, beat and abducted civilians and forced them to carry looted goods.

23 During the attack, a female LRA attacker raped a civilian resident of the camp, with a
24 comb and a stick used for cooking, while the victim's husband was forced to watch.
25 The rape was committed with such force that the victim started to bleed.

1 The LRA fighters also fired their weapons at civilians. They did so under orders to
2 shoot civilians in the chest and head to ensure that they died. At least 52 civilians
3 died as a result of the injuries sustained in the camp or in the course of the retreat.
4 Many civilians were shot as they ran away from the LRA. LRA fighter P-264 was
5 ordered to spray bullets inside civilian houses. Other LRA fighters set at least one
6 hut on fire with civilians inside. Among the victims were elderly civilians, children,
7 a pregnant woman as well as women carrying babies tied to their back. The bodies
8 of the dead were scattered everywhere across the camp.

9 Witness Helen Opoka Acan summarised it when she testified, I quote, "They came to
10 kill."

11 The evidence shows that the LRA killed, at least, the following persons in the course
12 of the attack:

13 Adoni Okullu, Agudu's wife and her grandson, Betty Adong and her daughter Ajok,
14 Catherine Amono; she was shot whilst she had a child to her back, however, the child
15 survived. Okeny, Aldo Okello, Ayita Labanya, Charles Obur, Doris Apiyo,
16 Jenaro Ongwen, Jimmy Ojok, Catherine Laker, Kevin Apiyo, Kerobina Acayo,
17 Kejikiya Okec, Veronica Auma, Mary Acayo, Monica Aciro, Wilson Okoya, Okoya,
18 Obangomoko, Pedwang Opio, Thomas Opiyo, Thomas Ojok, Valentino Okot,
19 Walter Ojok, Atikcon, a further unnamed camp resident, Mary Agudu, Doreen Ojok,
20 DP, Acayo, Aboni, Witness P-269's mother-in-law and her grandson, and a unnamed
21 girl found in the river.

22 LRA fighters also attempted to kill civilians during the attack. At least 10 were the
23 victims of attempted killings. An LRA fighter fired shots through the door of a
24 locked hut, killing the male inhabitant and wounding the female inhabitant in the
25 neck. The evidence shows that the LRA attempted to kill at least the following

1 persons in the course of the attack:

2 Santa Akello, Betty Atenyo, Christopher Moro, David Bua, Witness P-252, Kengali

3 and his wife, a man by a borassus palm tree, Okot LC's mother and a woman shot in

4 the mouth.

5 The killing of civilians was not confined to Odek IDP campsite. Some civilians

6 abducted from the camp were killed when they struggled or tried to escape. LRA

7 fighters killed a young abductee because his feet were too swollen and he was unable

8 to walk any further. Amongst the persons killed in the course of the LRA retreat

9 from Odek IDP camp, there were:

10 Aroja, Atir, Hilary Kilama, Lalam and Rose Aweko.

11 Furthermore, nine adult men, who had been abducted from the camp and forced to

12 carry an LRA fighter who had been wounded during the attack, were also later killed

13 by LRA fighters when the commander died of his injuries. These nine men were:

14 David Ojok, James Ayello, James Titus Latigo, Kidega, Lagii, Patrick Opap Odong,

15 P'Mala Okot, Ojok and Fabio Otto.

16 Abductees, including children as young as 11 or 12 years old, were forced to carry

17 looted items away from the camp. Abductees suffered instances of grave physical

18 abuse at the hands of the LRA fighters, such as beatings with sticks and guns.

19 Abductees were forced to carry heavy loads for long distances under constant threat

20 of harm; some of them walked these long distances barefoot. One abductee was

21 forced to kill another abductee with a club, spraying the brains of the victim all over

22 his face, after which he was also forced to inspect corpses. Another abductee was

23 forced to watch people being killed. If the abductees walked too slowly, they were

24 beaten or killed.

25 Witness P-275 describes how a woman who could no longer walk because pus was

1 coming out of her swollen wounds was struck on her head so that her head split with
2 the rear of the skull falling forward.

3 LRA fighters beat women whose babies were crying with the butt of their guns.

4 Some mothers were forced to abandon their children in the bush so that they could

5 carry the luggage. Witnesses described how these abandoned babies lay naked in

6 the cold and wet crying. A very young baby of about two months was thrown into a

7 rubbish pit.

8 In the course of the attack, LRA fighters also abducted at least 40 civilian residents

9 from the camp: men, women and children.

10 Amongst many others who were abducted and forced to work for the LRA were:

11 Atir, Hilary Kilama, Lalam, Rose Aweko, David Ojok, James Titus Latigo,

12 James Ayella, Kidega, Lagii, Patrick Opap Odong, P'Mala Okot, Ojok, Fabio Otto,

13 Onek, Witness P-275, Witness P-269 and P-252, Brian Odokonyero, Hellen Adong,

14 Alice Kidega, Acan, Adaa/Ada, Agnes Adoch, Ajok, Akanyo, Apio, Atenyo,

15 Carolina Lagulu, Dennis Otema, Doreen Aluku, Kadoge, Kala Adong, Joyce Aneno,

16 Ocaka, Paul Ojara, Richard Okello, Santa Oling, Ventorina Akello, and the wife of

17 Olet Okello.

18 Helen Opoka Acan, during her testimony before the Court, described her experience

19 when armed fighters entered her home and dragged her children out, quote: "You

20 cannot stop them ... they took all my children out of the house ...", unquote.

21 Some abductees were released after a few days in the bush; others were killed or

22 integrated into the LRA, including into Dominic Ongwen's household.

23 One civilian, named Ajok, who was abducted by the LRA from the camp, was later

24 made a forced so-called wife.

25 During the attack, LRA attackers broke into homes and shops and looted food and

1 other items from the camp, both from shops in the trading centre and from civilian
2 homes. Shops had been broken into and literally emptied of their contents. The
3 food aid which had been recently distributed to the camp was looted by the attackers.
4 The LRA distributed the items looted from Odek IDP camp to the households of
5 different commanders, including Dominic Ongwen.
6 After the attack, the attackers joined the rest of the group commanded by Dominic
7 Ongwen. Dominic Ongwen thanked the fighters for the execution of the attack.
8 Afterwards he communicated the results of the attack on military radio to other LRA
9 commanders and to Joseph Kony. He reported that his fighters successfully carried
10 out an attack on Odek IDP camp, killing people, abducting civilians and looting in the
11 camp. After Dominic Ongwen had left the radio call, Joseph Kony stated, quote:
12 "Excellent. This guy has pleased me very much. I wish he threw them to the
13 ground for me." Unquote.
14 This happened on 29 April 2004 during the attack on Odek IDP camp and its
15 aftermath.
16 Barely three weeks later, on or about 19 May 2004, LRA fighters attacked Lukodi IDP
17 camp. They were sent by Dominic Ongwen. Lukodi IDP camp was situated in
18 Bungatira sub-county, Aswa county, Gulu district. A large contingent of civilians
19 resided in the camp at the time of the attack.
20 At a gathering the morning of the day before the attack, Dominic Ongwen had
21 instructed LRA fighters to attack Lukodi IDP camp and everyone present at that
22 location, including civilians, and to take food from the camp.
23 After receiving the orders given by Dominic Ongwen, the attackers left for the attack.
24 Dominic Ongwen stayed behind at the location of the pre-attack gathering.
25 In the evening on the day of the attack, at least 80 LRA fighters executed Dominic

1 Ongwen's orders and attacked Lukodi IDP camp. Amongst them were fighters
2 under the age of 15. The LRA fighters were again heavily armed with an assortment
3 of weapons.

4 Following the usual pattern of attacks against IDP camps part of the LRA fighters
5 went into the civilian areas of the camp while some others went to the barracks to
6 fight the government soldiers. Government soldiers engaged the LRA fighters.
7 However, after a short fight the government soldiers quickly fled. The remaining
8 civilian population in the camp were left defenceless. We see here again the sad
9 pattern that the government forces were not able to protect the civilian population in
10 the camps.

11 The LRA fighters then targeted civilians within the camp. Witness P-187 testified,
12 quote: "They came prepared and ready to kill ... they wanted to kill people."
13 Unquote.

14 LRA fighters killed civilians in Lukodi IDP camp: men, women and children. At
15 least 48 civilians died as a result of injuries sustained during the attack. LRA fighters
16 attempted to kill many others. Civilians were shot, burnt and beaten to death.
17 Civilians, including children, were thrown into burning houses. One witness
18 testified, quote:
19 "Some children were put in a polythene bag and beaten to death. Some were locked
20 inside and burnt inside. Others were put in a bag and thrown in the bush."
21 Unquote.

22 Witness P-301 testified that he saw, I quote, "bodies hacked in a barbaric way."
23 The evidence shows that the following people were among those killed by the LRA
24 within the camp:
25 Keneri Okot, Jeneth Lakot, Kilama Aloyo, Kilama Kidega, Jackline Anee, Milly Anek,

1 Akello Acii, Innocent Okello, Ojoko. With regard to the last three names, Akello Acii
2 tried to run and the LRA cut her and carried her and threw her back into the fire
3 along with two other children, Innocent and Ojoko. An unnamed man shouting at
4 the LRA, Christine Ajok, Odong Apiyo, David Otim who was stabbed together with
5 another man who remains unnamed, Agwesa Odok, Beatrice's son, his body was
6 found in a sack; the LRA and other abductees had been stepping on his body in the
7 sack as they moved. Charles Odong, Jasinta Aol, Jojina Angom, Lalobo's son, he had
8 been crying for his mother and the LRA fighters shot him in the mouth.
9 Tezira Oroma, Ojara, Okwera, Olwedo, Ocaka's wife, one unnamed teenage girl,
10 Onencan, Witness P-24's mother, Min Ojoko, Ocii, Atim, Charles Anywar, Danger
11 Joseph Oryem, James Opiro, Jeneth Lalur Akello, Joseph Ojara, Obedi, Rose Kiter,
12 Tabicha Alum, Vincent Ocaya, Santa Oroma, and a further person whose identity is
13 kept confidential from the general public.
14 LRA fighters attempted to kill at least 11 other civilians who managed to survive.
15 The fighters shot at civilians and in some cases wounded them. Civilians were
16 beaten and left for dead. Civilians, including children, were thrown into burning
17 houses. The following persons were among the persons who survived these LRA
18 acts of violence:
19 Pyerina Ayaa, Florence Adong, Adong Paska, Piloya, Joel Opiyo, Ojoko, an unnamed
20 elderly woman, Nyeko, two unnamed girls who had been shot and an unnamed girl
21 with a burnt leg.
22 The killing of civilians was not confined to the area of Lukodi IDP camp. After they
23 left Lukodi, LRA fighters killed persons they had abducted from the camp. Among
24 the civilians killed in the retreat were:
25 Nancy Akello, an unnamed man stabbed with a bayonet, another unnamed abductee,

1 Justin Omony, Aleka and Charles Obwoya.
2 Indeed, the LRA fighters abducted at least 29 civilians, men, women and children to
3 carry looted goods from the camp. Among the abductees were:
4 Witness P-24, Olanya, Aleka, Onek, Witness P-187, Joel Opiyo, Lilly Apiyo,
5 Christine Alanyo, Milly Ayaa, Beatrice, Mary Aol, Min Lagum, Min Ojak, Min Ochora,
6 Alora, Okumu, Nancy Akello, Justin Omony, Lakwec, Aleka, and Charles Obwoya.
7 Abductees were forced to carry heavy loads, some for long distances while tied in a
8 line together and under armed guard to prevent their escape. They were under
9 constant threat of beating or death. Some abductees had their children strapped to
10 their back when they were abducted. Mothers were forced to abandon their children
11 in the bush. LRA fighters also threw small children, including babies, into the bush
12 because the children were crying and making it difficult for their mothers to carry
13 looted goods.
14 Witness P-24 testified that her two-week-old son was naked when he was thrown into
15 the bush. She was beaten throughout her abduction as were other civilians. LRA
16 fighters kept slapping and threatening her. Witness P-187 was wounded by an LRA
17 fighter as well. She was also raped by an LRA fighter.
18 Some of the abductees were tied together. The abducted civilians were under guard
19 to prevent their escape and constant threat of beatings or death.
20 LRA fighters entered civilian homes and shops and looted food and other property
21 from them in Lukodi IDP camp.
22 During their attack on the camp, LRA fighters set huts of the civilians on fire.
23 Approximately 210 civilian huts in the camp were burnt. Civilians' household goods,
24 including food stocks, were destroyed in these fires. Domestic animals such as goats
25 were also burnt by the LRA. In this way, the affected civilians, already displaced

1 from their homes because of instability in the region suffered another catastrophic
2 loss. LRA fighters returned from the attack and reported to Dominic Ongwen about
3 the success of their mission. Dominic Ongwen also reported his soldiers' attack on
4 Lukodi IDP camp to other LRA commanders, including Joseph Kony and Vincent Otti.
5 Dominic Ongwen in his own words took responsibility for the attack on Lukodi IDP
6 camp, including specifically for the harm done to civilians. Other high-ranking
7 members of the LRA leadership commended him for his what they called work.
8 Shortly after the Lukodi attack, Dominic Ongwen was promoted by Joseph Kony to
9 the rank of colonel.
10 This happened on or about 19 May 2004 during the attack on Lukodi IDP camp and
11 its aftermath.
12 Again only a few weeks later, on 8 June 2004, LRA fighters subordinate to Dominic
13 Ongwen attacked Abok IDP camp. The camp was situated in Ngai sub-county,
14 Apac district. It contained thousands of civilians displaced by frequent LRA attacks
15 in the region.
16 Prior to the attack, Dominic Ongwen ordered LRA fighters subordinate to him to
17 attack this camp. At a gathering in the foothills of Atoo, Dominic Ongwen
18 addressed the troops and gave instructions to go and loot food, abduct people, attack
19 the barracks, burn down the camp and the barracks. Dominic Ongwen did not go to
20 Abok as part of the fighting force.
21 In the evening of that day, at least 20 LRA fighters executed Dominic Ongwen's
22 orders and attacked Abok IDP camp. Amongst them were fighters under the age of
23 15. The LRA fighters were armed with an assortment of weapons. They went past
24 the old barracks in the south of the camp and entered the camp, firing their guns.
25 LRA fighters went to the civilian area in the camp and a contingent of the fighters

1 eventually ended up near the new barracks in the northeast of the camp. While
2 government soldiers were able to defend the new barracks, the soldiers in the area
3 where the civilians lived again were not able to stop the LRA's attack on the camp.
4 These soldiers fled the camp.

5 In the course of the attack, LRA fighters killed at least 28 civilian residents of the
6 camp, by shooting, burning and/or beating them.

7 The following persons were amongst those killed by the LRA in the course of the
8 attack:

9 Fabio Ogweng, Hatari Anyima; two of Hatari Anyima's children, Daniel Okite and
10 Monica Ayugi; DP Okello, Alex Ogweng, Barikia Adonya, Albino Okal, Justina Okal
11 and Evelyn Akello.

12 Survivors returning the next morning found bodies strewn throughout the camp,
13 including those of children. Some bodies were burnt or had the backs of their heads
14 smashed, others had been shot. Dead bodies were found inside houses, at doorsteps
15 and among the remains of burnt huts. These civilians were killed by LRA fighters.

16 One of Dominic Ongwen's subordinate commanders intruded into a house with over
17 10 civilian inhabitants, forced several to carry looted goods and then closed the door
18 and set fire to the house with the remaining inhabitants inside.

19 LRA fighters also attempted to kill civilians, both during the attack and its aftermath.

20 The evidence shows that the following persons were amongst those the LRA
21 attempted to kill within the camp:

22 Jacob Opio, Cyprian Ogola and Robson Oper.

23 In the aftermath of the attack, the LRA also attempted to kill Gwentorina Akite, an
24 elderly woman. LRA fighters had ordered her to carry heavy loads, including at one
25 point two goats. When she could no longer bear the weight, an LRA fighter beat and

1 strangled her and cut her with a machete. LRA fighters passing her on the road hit
2 her. She was left for dead but managed to crawl back home to the camp.

3 LRA fighters abducted many civilians and forced them to carry heavy looted goods,
4 and an injured fighter, for long distances, oftentimes under the threat of beatings or
5 death.

6 LRA fighters forced an abductee to kill another abductee as a lesson to others who
7 were thinking of escaping. The abductee used a club like a stick to beat the victim on
8 the head until he died.

9 Among the civilians abducted and forced to work for the LRA were:

10 Charles Amodo, Gwentorina Akite, Evelyn Akello, Robson Oper, Witness P-280,

11 Thomas Okitte's daughter, Ogweng, Ameny, Lucy Akello, Molly Ayugi, Monica Adur,

12 Nighty Atim, Dilis Awor and Witness V-2.

13 Some persons abducted by the LRA during the attack were rescued by a UPDF
14 contingent that pursued the LRA fighters as they left Abok camp. Some of the
15 abductees were killed in captivity, others eventually escaped and returned home,
16 some remained with the LRA, including in Dominic Ongwen's household.

17 During the attack on the camp, the LRA fighters looted civilian houses and shops at
18 the trading centre, taking away all sorts of food items as well as a radio, money,
19 clothing, cooking utensils and medicine.

20 Furthermore, LRA fighters set huts on fire. Several hundred civilian homes were
21 burnt during the attack. Civilians' food stocks were also destroyed.

22 Dominic Ongwen communicated the results of the attack on the LRA military radio to
23 other LRA commanders and to Joseph Kony. He reported that his fighters carried
24 out an attack on Abok IDP camp, directing fire and burning everything that was there,
25 including huts in the camp.

1 This happened on 8 June 2004 during the attack on Abok IDP camp and its aftermath.
2 In relation to Dominic Ongwen's actions in connection with these four attacks, the
3 Chamber has found that he committed a number of war crimes and crimes against
4 humanity. However, the Chamber has not upheld the charges of the war crime of
5 cruel treatment and of the crime against humanity of other inhumane acts. This is
6 due to impermissible concurrence of these two crimes with the crimes of torture, as a
7 war crime and as a crime against humanity, respectively. We will see this in detail in
8 the verdict later on.

9 In addition to the crimes committed within the context of the four attacks against the
10 four IDP camps, Dominic Ongwen is further responsible for sexual and gender-based
11 crimes committed directly by him against seven women. The seven women were
12 abducted and so-called distributed to Dominic Ongwen and assigned to his
13 household. They were not allowed to leave. Dominic Ongwen placed them under
14 heavy guard. They were told or came to understand that if they tried to escape they
15 would be killed.

16 During the period relevant to the charges, between 1 July 2002 and 31 December 2005,
17 five of these women were forced to be Dominic Ongwen's so-called wives:

18 Witnesses P-99, 101, 214, 226 and 227. The other two, Witnesses P-235 and 236, were
19 so-called ting tings in his household. They would also later be forced to become
20 Dominic Ongwen's so-called wives. That, however, occurred after the period
21 relevant to the charges brought by the Prosecutor against Dominic Ongwen.

22 During the period relevant to the charges, Dominic Ongwen had sex by force with
23 four of his so-called wives: Witnesses P-101, 214, 226 and 227. This happened on a
24 repeated basis whenever Dominic Ongwen wanted. During this period, P-101
25 became pregnant twice and gave birth to a girl and a boy fathered by Dominic

1 Ongwen. Also P-214 became pregnant and gave birth to a girl fathered by Dominic
2 Ongwen.

3 All seven women were subject to beatings at Dominic Ongwen's command at any
4 time. They were hit with canes and sticks. Some beatings knocked them
5 unconscious, left them unable to walk and left permanent scars.

6 The seven women had to perform different domestic duties. Failing to perform
7 these tasks led to punishment by beating.

8 On 1 July 2002, Dominic Ongwen forced Witness P-226 to beat to death a captured
9 UPDF soldier near Patongo, northern Uganda. She hit him once, as did other girls.
10 She had blood splattered on her clothes. She had never killed anyone before, and
11 this was part of the reason given by Dominic Ongwen on why he selected her to do
12 this. This experience caused her severe anguish.

13 In late 2002 or early 2003 in northern Uganda, soon after Witness P-235's abduction,
14 Dominic Ongwen ordered her, along with other abductees, to beat people to death
15 until their blood splashed on the abductees. Although she eventually did not have
16 to carry out the killings, this experience caused her severe anguish.

17 With regard to the aforementioned acts, the Chamber has *inter alia* entered a
18 conviction of Dominic Ongwen for forced marriage as an other inhumane act,
19 pursuant to Article 7(1)(k) of the Rome Statute a crime against humanity. It has
20 found that, at the time relevant to the charges, Dominic Ongwen executed the specific
21 legal elements of the crime of forced marriage against witnesses P-99, 101, 214, 226
22 and 227.

23 The Chamber wishes to outline shortly the main legal consideration for this
24 conviction since they are not self-explanatory. The reasons are explained in a more
25 detailed manner in the judgment.

1 The Chamber considers forced marriage to be an other inhumane act falling under the
2 aforementioned provision of the Rome Statute as a crime against humanity. Every
3 person enjoys the fundamental right to enter a marriage with the free and full consent
4 of another person. Marriage creates a status based on a consensual and contractual
5 relationship. It is an institution and also an act or rite. The central element of
6 forced marriage is the imposition of this status on the victim. This means the
7 imposition, regardless of the will of the victim, of duties that are associated with
8 marriage and with the consequent social stigma. Such a state, beyond its illegality,
9 has social, ethical and even religious effects which have a serious impact on the
10 victim's physical and psychological well-being. The victims may see themselves as
11 being bonded or united to another person despite the lack of consent. Additionally,
12 a given social group may see the victim as being a so-called legitimate spouse. To
13 the extent forced marriage results in the birth of children, this creates even more
14 complex emotional and psychological effects on the victims and their children beyond
15 the obvious physical effects of pregnancy and childbearing.

16 Accordingly, the harm suffered from forced marriage can consist of being ostracised
17 from the community, mental trauma, the serious attack on the victim's dignity, and
18 the deprivation of the victim's fundamental rights to choose his or her spouse.

19 As is explained in detail in the judgment, the conduct underlying forced marriage is
20 not fully captured by other crimes against humanity, such as sexual slavery or rape,
21 crimes of which Dominic Ongwen has been found responsible as well.

22 Also, the Chamber has found that, during the time relevant to the charges, Dominic
23 Ongwen committed the crime of forced pregnancy, as both a crime against humanity
24 and a war crime, with regard to Witnesses P-101 and P-214. This is the first time that
25 the crime of forced pregnancy is considered by a Trial Chamber of this Court. The

1 Chamber's interpretation of the legal elements of this crime and the related findings
2 on the basis of the available evidence are set out in detail in the judgment.

3 Beyond these sexual and gender-based crimes directly perpetrated by Dominic
4 Ongwen against the seven women so-called distributed to him, Dominic Ongwen
5 together with Joseph Kony and the Sinia brigade leadership engaged in a coordinated
6 and methodical effort to commit sexual and gender-based crimes against women and
7 girls. In the process they relied on the LRA soldiers under their control. LRA
8 fighters abducted women and girls in northern Uganda and forced them to serve in
9 Sinia brigade as so-called wives of members of the Sinia brigade and as domestic
10 servants. The evidence received by the Chamber overwhelmingly demonstrates that
11 the abuse of women and girls in the LRA was truly systematic and institutional.
12 This included forced marriage, sexual violence and forced pregnancy as well.

13 As Witness P-142, a Sinia officer during the relevant period, stated, quote: "There is
14 no single woman who voluntarily joined. All were abducted." Unquote.

15 At some point in 2002, Joseph Kony convened everybody together and, as one witness
16 put it, quote: "then told us that whoever did not have a wife was to get a wife" and
17 that "[t]here were going to be abductions, beautiful girls should be abducted".

18 Witness P-205 stated that Dominic Ongwen instructed that, quote, "two of the girls,
19 the two beautiful girls should be taken good care of and [that] they should be taken to
20 him ...", unquote.

21 Another witness, P-264, testified that Dominic Ongwen "gave", as he worded it,
22 women to soldiers "as a reward".

23 Witness P-54 stated that he saw Dominic Ongwen making such decisions several
24 times, and described the process as follows, quote:

25 "When the girls are brought, when he sees that a particular officer is ready to have a

1 wife, then he would say, 'You go with this girl, let her stay at your home. She is now
2 your wife.'"

3 The abducted girls and women were threatened to be killed if they tried to escape.

4 Witness P-396 testified that, on one occasion, a girl was brought to the commanders
5 after she was caught trying to escape. Everybody was called to see what was

6 happening, quote, "so that we know what will happen to us if we try to escape",

7 unquote. The witness stated that an LRA soldier beat the girl with a stick until she

8 died. P-396 specified that Dominic Ongwen was present when the girl was killed.

9 As generally with all LRA abductees, the evidence indicates specifically that also

10 abducted women and girls were forced to beat or kill other abductees for attempting

11 escape or breaking the rules.

12 Witness P-352 described being forced, on Dominic Ongwen's orders, to take part in

13 the killing of another girl who had been accused of witchcraft.

14 Witness P-351 similarly stated that she was forced to step on a boy who had tried to

15 escape but was caught, until he died. She stated that the "boys with the guns", as she

16 worded it, who forced her to perform this act said that they wanted to new abductees

17 who had not killed people to come and kill someone.

18 The girls would be forced to live with male members of the LRA as husband and

19 so-called wives. This happened regularly at a very young age. Witness P-101, one

20 of the so-called wives of Dominic Ongwen, described the horrors of being a young

21 girl in the LRA, quote:

22 "To my understanding and from my observation on what happened to me, when

23 young girls are abducted, you are raped while you're still young. If you are 11 years

24 old or 12 years, if there is a high-ranking commander who is kind, then they will let

25 you actually mature a little bit, but with the rest of them they would just abduct you

1 and make you a wife at a very young age. This is ... something extremely bad and
2 culturally -- in Acholi culture raping young girls is extremely bad."
3 Frequently, abducted women and girls were considered so-called wives from the time
4 they were first forced to have sex with the man they had been assigned to. The
5 abducted women and girls were not able to refuse. Witness P-138 testified, quote:
6 "If you refuse to go to a particular husband, that means that you do not want to live,
7 that means that you will be killed and you will be killed immediately. So you make
8 the decision: Do I want to live or do I want to die? So you make that decision. If
9 they give you to a particular man, if you decide to live, then you go to that man.
10 That's how it is." Unquote.
11 Sinia brigade members regularly forced abducted women and girls who had been
12 so-called distributed to them into sexual intercourse. sexual intercourse was
13 specifically considered to be part of the role of the so-called wives. The first sexual
14 intercourse was regularly enforced upon women and girls at a very young age.
15 Oftentimes the girls would be seen by their male captors as sexually mature after their
16 first menstruation. The women and girls were unable to resist. This was due to the
17 physical force used by the Sinia brigade members and due to the threat of
18 punishment for disobedience and their dependence on the Sinia brigade members for
19 survival in the bush. The abducted women and girls were treated as the exclusive
20 property of the man they were distributed to.
21 And abducted girl, Witness P-352, told the Chamber that about a month after she
22 joined Dominic Ongwen's group, a certain commander called her to his tent. P-352
23 stated, quote:
24 "When I arrived he asked if I really knew what had brought me here. I said I did not
25 know and he told me to make his bed and that I now was his wife. I started crying

1 and thought how could I become his wife, he was an old man, he had grey hair, and I
2 did not want to be his wife. When I started crying he asked me 'between death and
3 life, what do you choose?' He asked me this twice and then I said I choose life."

4 Witness P-374's story is very similar. She testified that one day a commander called
5 her and told her, quote:

6 "You are going to be my wife. Like the women I released you are going to be with
7 me and have children. So you will stay with me here where I sleep."

8 Her statement continues as follows, quote:

9 "I became fearful and started shaking because I thought that he was going to start to
10 sleep with me and I was just a child. [He] was quite big, much older than me, maybe
11 between 20 and 30 years old. I did not respond because I feared that if I replied he
12 would beat me. I think he expected me to say that I accepted to be his wife. He
13 told me that from that day I had to make his bed, wash his clothes and go to sleep
14 with him. I did not want to be his wife because I was too young. I did not know
15 what it was to be with a man and it was not my wish to be with him."

16 Dominic Ongwen personally assigned women and girls as so-called wives and used
17 his authority as LRA commander to enforce the so-called marriage in Sinia brigade.

18 Witness P-351 testified that the first night that she was in the household of a
19 commander after being told by Dominic Ongwen that she was now that commander's
20 so-called wife, another of the commander's so-called wives told her that he was
21 calling her and that she, quote:

22 "should follow any instructions [she] was given because we have no relatives in the
23 bush and we have no support and if we do not follow the rules we would be killed."

24 The witness continued, quote:

25 "I was only crying. I did not say anything nor refuse to sleep with him because I was

1 fearful because he was commander and if I said anything or refused I would be
2 killed."

3 Witness P-351 stated that after that first night, the commander would sleep with her
4 and his other so-called wives alternately. That regularly happened when
5 commanders had several so-called wives, which often was the case.

6 Witness P-351 testified about how painful this experience was for the women, and
7 continued, quote:

8 "I would not share my pain with anyone in the bush. I thought that if I shared this I
9 may be killed, because all the time I saw that girls who made mistakes were being
10 killed. I was very scared because he was the man who raped me. I did not know
11 the people I stayed with and I did not trust anybody."

12 The abducted women and girls were also used as domestic servants, forced to
13 perform work, such as household work and carrying items. Also this rule was
14 strictly enforced by physical punishment.

15 As a result of the sexual and physical violence, and the living conditions to which
16 they were submitted, the abducted women and girls suffered severe, barely
17 imaginable physical and mental pain.

18 Lastly, Sinia soldiers, in execution of orders of Joseph Kony, Dominic Ongwen and
19 the Sinia brigade leadership, abducted between 1 July 2002 and 31 December 2005
20 innumerable children under 15 years of age in northern Uganda and forced them to
21 serve as Sinia fighters. As Witness P-231 worded it illustratively, quote, "the
22 abduction means an initiation into the army, starting from 10." As already described,
23 children under the age of 15 were also abducted during the four charged attacks.

24 Dominic Ongwen abducted children himself. He saw them not as children but as his
25 soldiers as he stated to witness Irumba Tingira, quote: "You call those kids children,

1 but I call them my soldiers. So we are talking about my soldiers." Unquote.
2 After the abduction those children underwent a cruel initiation in the LRA. They
3 were regularly severely beaten shortly after their abduction with the purpose, as
4 several witnesses stated, quote, "to beat out the civilian".
5 Furthermore, with some regularity, recruits were forced to brutally kill, or were
6 forced to witness brutal killings, shortly after their abduction.
7 Following their abduction, children under the age of 15 years were then integrated
8 into Sinia brigade with the aim of using them in hostilities. Upon abduction into
9 Sinia brigade the children were given training in fighting skills, including the use of
10 firearms. Recruits were not taught as part of their training to distinguish between
11 civilians and combatants, or between civilian objects and military objects.
12 Finally, children under 15 years of age serving as soldiers in Sinia brigade took part in
13 fighting. Many of them were killed during fighting. During all four charged
14 attacks, children under the age of 15 participated in the hostilities.
15 Dominic Ongwen is fully responsible for all the crimes found by the Chamber. The
16 Chamber did not find evidence that supported the claim by the Defence that Dominic
17 Ongwen suffered from any mental disease or disorder during the period relevant to
18 the charges or that he committed these crimes under duress.
19 First of all, a huge number of witnesses who described Dominic Ongwen's actions
20 and interactions with others did not provide any testimony which could corroborate a
21 historical diagnosis of mental disease or defect during the relevant period of the
22 charges. On the contrary, the overwhelming evidence paints a picture of Dominic
23 Ongwen as a person in full possession of his mental abilities. He's described by his
24 subordinates as an extremely capable fighter and commander whom they loved to
25 follow. He planned his attacks carefully and assessed the risks together with his

1 officers. He was repeatedly lauded by other commanders, including Joseph Kony,
2 for his so-called good work.

3 The Chamber in this context finds furthermore particularly important the evidence of
4 witnesses who were held as his so-called wives -- the Chamber in this context finds
5 furthermore particularly important the evidence of witnesses who were held as his
6 so-called wives or were otherwise captive in Dominic Ongwen's immediate proximity
7 at various times over the course of many years. None of them observed any
8 behaviour by Dominic Ongwen suggestive of mental disease or defect. The
9 assessment by the Chamber is in line with the expert evidence of Professor Mezey,
10 Dr Abbo and Professor Weierstall-Pust, who in a convincing way, based on their
11 expert opinion and an analysis of the evidence, did not identify any mental disease or
12 disorder in Dominic Ongwen during the period of the charges.

13 Secondly, Dominic Ongwen did not commit the crimes found by the Chamber under
14 duress. There is no basis at all in the evidence to hold that he was subjected to a
15 threat of imminent death or imminent or continuing serious bodily harm to himself or
16 other persons at the time of his conduct underlying the charged crimes. The
17 evidence also shows that Dominic Ongwen was not in a situation of complete
18 subordination vis-à-vis Joseph Kony, but frequently acted independently and even
19 contested orders received from Joseph Kony. He was not a puppet on a string, as is
20 evidenced amongst others by the testimony of one LRA fighter, quote:

21 "Well, Dominic would not just engage in something without being sure ... If there is
22 an order from his senior, he would sit down with his officers and they would assess.
23 If they think that is not practical or they feel it's not feasible, Dominic would object to
24 doing that. But if he knew he was able to accomplish that, he would do that."

25 Unquote.

1 The evidence furthermore indicates in the period of the charges, Dominic Ongwen
2 did not face any prospective punishment by death or serious bodily harm when he
3 disobeyed Joseph Kony. He had also a realistic possibility of leaving the LRA, like
4 many other commanders of the LRA successfully did, which he did not pursue.
5 Rather, he rose in rank and position, including during the period of the charges,
6 because, as Kony worded it, quote, "he's performing very well." Finally, he
7 committed some of the crimes in private, sometimes sexual crimes in the complete
8 privacy of his sleeping place. In view of these circumstances, it is impossible to
9 think that he could have committed his acts under any threats.
10 Thus, there exists no ground excluding Dominic Ongwen's criminal responsibility.
11 His guilt has been established beyond any reasonable doubt.
12 I have now come to the end of the oral summary of the Chamber's findings.
13 The Chamber will now proceed to pronounce the verdict, as detailed in the written
14 judgment. The verdict in this case is particularly exceptionally long and complex.
15 The accused may remain seated.
16 Trial Chamber IX of the International Criminal Court, for the reasons set out in detail
17 in the judgment, and on the basis of the evidence submitted and discussed before the
18 Chamber at trial and the entire proceedings, pursuant to Article 74(2) of the Statute,
19 finds Dominic Ongwen:
20 Under Count 1 of the charges, guilty of the war crime of attack against the civilian
21 population as such, pursuant to Articles 8(2)(e)(i) and 25(3)(a) of the Rome Statute,
22 committed on 10 October 2003, at or near Pajule IDP camp;
23 Under Count 2 of the charges, guilty of the crime against humanity of murder,
24 pursuant to Articles 7(1)(a) and 25(3)(a) of the Rome Statute, committed on
25 10 October 2003, at or near Pajule IDP camp;

1 Under Count 3 of the charges, guilty of the war crime of murder, pursuant to Articles
2 8(2)(c)(i) and 25(3)(a) of the Rome Statute, committed on 10 October 2003, at or near
3 Pajule IDP camp;

4 Under Count 4 of the charges, guilty of the crime against humanity of torture,
5 pursuant to Articles 7(1)(f) and 25(3)(a) of the Rome Statute, committed on
6 10 October 2003, at or near Pajule IDP camp;

7 Under Count 5 of the charges, guilty of the war crime of torture, pursuant to Articles
8 8(2)(c)(i) and 25(3)(a) of the Rome Statute, committed on 10 October 2003, at or near
9 Pajule IDP camp;

10 Under Count 6 of the charges, not guilty of the war crime of cruel treatment, pursuant
11 to Articles 8(2)(c)(i) and 25(3)(a) or (c), or (d)(i) and (ii), or 28(a) of the Rome Statute,
12 on 10 October 2003, at or near Pajule IDP camp;

13 Under Count 7 of the charges, not guilty of the crime against humanity of other
14 inhumane acts, pursuant to Articles 7(1)(k) and 25(3)(a) or (c) or, (d)(i) and (ii), or 28(a)
15 of the Rome Statute, on 10 October 2003, at or near Pajule IDP camp;

16 Under Count 8 of the charges, guilty of the crime against humanity of enslavement,
17 pursuant to Articles 7(1)(c) and 25(3)(a) of the Rome Statute, committed on
18 10 October 2003, at or near Pajule IDP camp;

19 Under Count 9 of the charges, guilty of the war crime of pillaging, pursuant to
20 Articles 8(2)(e)(v) and 25(3)(a) of the Rome Statute, committed on 10 October 2003, at
21 or near Pajule IDP camp;

22 Under Count 10 of the charges, guilty of the crime against humanity of persecution,
23 on political grounds, of civilians perceived by the LRA as being affiliated with, or
24 supporting the Ugandan government, by attack against the civilian population,
25 murder, torture, enslavement, and pillaging, committed on 10 October 2003, at or near

1 Pajule IDP camp, pursuant to Articles 7(1)(h) and 25(3)(a) of the Rome Statute;
2 Under Count 11 of the charges, guilty of the war crime of attack against the civilian
3 population as such, pursuant to Articles 8(2)(e)(i) and 25(3)(a) of the Rome Statute,
4 committed on 29 April 2004, at or near Odek IDP camp;
5 Under Count 12 of the charges, guilty of the crime against humanity of murder,
6 pursuant to Articles 7(1)(a) and 25(3)(a) of Rome Statute, committed on 29 April 2004,
7 at or near Odek IDP camp;
8 Under Count 13 of the charges, guilty of the war crime of murder, pursuant to
9 Articles 8(2)(c)(i) and 25(3)(a) of the Rome Statute, committed on 29 April 2004, at or
10 near Odek IDP camp;
11 Under Count 14 of the charges, guilty of the crime against humanity of attempted
12 murder, pursuant to Articles 7(1)(a) and 25(3)(f) and 25(3)(a) of the Rome Statute,
13 committed on 29 April 2004, at or near Odek IDP camp;
14 Under Count 15 of the charges, guilty of the war crime of attempted murder,
15 pursuant to Articles 8(2)(c)(i) and 25(3)(f) and 25(3)(a) of the Rome Statute, committed
16 on 19 April 2004, at or near Odek IDP camp;
17 under Count 16 of the charges, guilty of the crime against humanity of torture,
18 pursuant to Articles 7(1)(f) and 25(3)(a) of the Rome Statute, committed on
19 29 April 2004, at or near Odek IDP camp;
20 Under Count 17 of the charges, guilty of the war crime of torture, pursuant to Articles
21 8(2)(c)(i) and 25(3)(a) of the Rome Statute, committed on 29 April 2004, at or near
22 Odek IDP camp;
23 under Count 18 of the charges, not guilty of the crime against humanity of other
24 inhumane acts, pursuant to Articles 7(1)(k) and 25(3)(a), or (b), or (d)(i) and (ii), or
25 28(a) of the Rome Statute, on 29 April 2004, at or near Odek IDP camp;

1 under Count 19 of the charges, not guilty of the war crime of cruel treatment,
2 pursuant to Articles 8(2)(c)(i) and 25(3)(a), or (b), or (d)(i) and (ii), or 28(a), of the
3 Rome Statute, on 29 April 2004, at or near Odek IDP camp;

4 Under Count 20 of the charges, guilty of the crime against humanity of enslavement,
5 pursuant to Articles 7(1)(c) and 25(3)(a) of the Rome Statute, committed on
6 29 April 2004, at or near Odek IDP camp;

7 Under Count 21 of the charges, guilty of the war crime of pillaging, pursuant to
8 Articles 8(2)(e)(v) and 25(3)(a) of the Rome Statute, committed on 29 April 2004, at or
9 near Odek IDP camp;

10 Under Count 22 of the charges, guilty of the war crime of outrages upon personal
11 dignity, pursuant to Articles 8(2)(c)(ii) and 25(3)(a) of the Rome Statute, committed on
12 29 April 2004, at or near Odek IDP camp;

13 Under Count 23 of the charges, guilty of the crime against humanity of persecution,
14 on political grounds, of civilians perceived by the LRA as being affiliated with, or
15 supporting the Ugandan government, by attack against the civilian population as
16 such, murder, attempted murder, torture, enslavement, outrages upon personal
17 dignity and pillaging, committed on 29 April 2004, at or near Odek IDP camp,
18 pursuant to Articles 7(1)(h) and 25(3)(a) of the Rome Statute;

19 Under Count 24 of the charges, guilty of the war crime of attack against the civilian
20 population as such, pursuant to Articles 8(2)(e)(i) and 25(3)(a) of the Rome Statute,
21 committed on or about 19 May 2004, at or near Lukodi IDP camp;

22 Under Count 25 of the charges, guilty of the crime against humanity of murder,
23 pursuant to Articles 7(1)(a) and 25(3)(a) of the Rome Statute, committed on or about
24 19 May 2004, at or near Lukodi IDP camp;

25 Under Count 26 of the charges, guilty of the war crime of murder, pursuant to

1 Articles 8(2)(c)(i) and 25(3)(a) of the Rome Statute, committed on or about
2 19 May 2004, at or near Lukodi IDP camp;
3 Under Count 27 of the charges, guilty of the crime against humanity of attempted
4 murder, pursuant to Articles 7(1)(a) and 25(3)(f) and 25(3)(a) of the Rome Statute,
5 committed on or about 19 May 2004, at or near Lukodi IDP camp;
6 Under Count 28 of the charges, guilty of the war crime of attempted murder,
7 pursuant to Articles 8(2)(c)(i) and 25(3)(f) and 25(3)(a) of the Rome Statute, committed
8 on or about 19 May 2004, at or near Lukodi IDP camp;
9 Under Count 29 of the charges, guilty of the crime against humanity of torture,
10 pursuant to Articles 7(1)(f) and 25(3)(a) of the Rome Statute, committed on or about
11 19 May 2004, at or near Lukodi IDP camp;
12 Under Count 30 of the charges, guilty of the war crime of torture, pursuant to Articles
13 8(2)(c)(i) and 25(3)(a) of the Rome Statute, committed on or about 19 May 2004, at or
14 near Lukodi IDP camp;
15 Under Count 31 of charges, not guilty of the crime against humanity of other
16 inhumane acts, pursuant to Articles 7(1)(k) and 25(3)(a), or (b), or (d)(i) and (ii), or
17 28(a) of the Rome Statute, on or about 19 May 2004, at or near Lukodi IDP camp;
18 Under Count 32 of the charges, not guilty of the war crime of cruel treatment,
19 pursuant to Articles 8(2)(c)(i) and 25(3)(a), or (b), or (d)(i) and (ii), or 28(a) of the Rome
20 Statute, on or about 19 May 2004, at or near Lukodi IDP camp;
21 Under Count 33 of the charges, guilty of the crime against humanity of enslavement,
22 pursuant to Articles 7(1)(c) and 25(3)(a) of the Rome Statute, committed on or about
23 19 May 2004, at or near Lukodi IDP camp;
24 Under Count 34 the charges, guilty of the war crime of pillaging, pursuant to Articles
25 8(2)(e)(v) and 25(3)(a) of the Rome Statute, committed on or about 19 May 2004, at or

1 near Lukodi IDP camp;

2 Under Count 35 of the charges, guilty of the war crime of destruction of property,
3 pursuant to Articles 8(2)(e)(xii) and 25(3)(a) of the Rome Statute, committed on or
4 about 19 May 2004, at or near Lukodi IDP camp;

5 Under Count 36 of the charges, guilty of the crime against humanity of persecution on
6 political grounds of civilians perceived by the LRA as being affiliated with or
7 supporting the Ugandan government, by attack against the civilian population as
8 such, murder, attempted murder, torture, enslavement, pillaging and destruction of
9 property, committed on or about 19 May 2004, at or near Lukodi IDP camp, pursuant
10 to Articles 7(1)(h) and 25(3)(a) of the Rome Statute;

11 Under Count 37 of the charges, guilty of the war crime of attack against the civilian
12 population as such, pursuant to Articles 8(2)(e)(i) and 25(3)(a) of the Rome Statute,
13 committed on 8 June 2004, at or near Abok IDP camp;

14 Under Count 38 of the charges, guilty of the crime against humanity of murder,
15 pursuant to Articles 7(1)(a) and 25(3)(a) of the Rome Statute, committed on
16 8 June 2004, at or near Abok IDP camp;

17 Under Count 39 of the charges, guilty of the war crime of murder, pursuant to
18 Articles 8(2)(c)(i) and 25(3)(a) of the Rome Statute, committed on 8 June 2004, at or
19 near Abok IDP camp;

20 Under Count 40 of the charges, guilty of the crime against humanity of attempted
21 murder, pursuant to Articles 7(1)(a) and 25(3)(f) and 25(3)(a) of the Rome Statute,
22 committed on 8 June 2004, at or near Abok IDP camp;

23 Under Count 41 of the charges, guilty of the war crime of attempted murder,
24 pursuant to Articles 8(2)(c)(i) and 25(3)(f) and 25(3)(a) of the Rome Statute, committed
25 on 8 June 2004 at or near Abok IDP camp;

1 Under Count 42 of the charges, guilty of the crime against humanity of torture,
2 pursuant to Articles 7(1)(f) and 25(3)(a) of the Rome Statute, committed on
3 8 June 2004, at or near Abok IDP camp;

4 Under Count 43 of the charges, guilty of the war crime of torture, pursuant to Articles
5 8(2)(c)(i) and 25(3)(a) of the Rome Statute, committed on 8 June 2004, at or near Abok
6 IDP camp;

7 Under Count 44 of the charges, not guilty of the crime against humanity of other
8 inhumane acts, pursuant to Articles 7(1)(k) and 25(3)(a), or (b), or (d)(i) and (ii), or
9 28(a) of the Rome Statute, on 8 June 2004, at or near Abok IDP camp;

10 Under Count 45 of the charges, not guilty of the war crime of cruel treatment,
11 pursuant to Articles 8(2)(c)(i) and 25(3)(a), or (b), or (d)(i) and (ii), or 28(a) of the Rome
12 Statute, on 8 June 2004, at or near Abok IDP camp;

13 Under Count 46 of the charges, guilty of the crime against humanity of enslavement,
14 pursuant to Articles 7(1)(c) and 25(3)(a) of the Rome Statute, committed on
15 8 June 2004, at or near Abok IDP camp;

16 Under Count 47 of the charges, guilty of the war crime of pillaging, pursuant to
17 Articles 8(2)(e)(v) and 25(3)(a) of the Rome Statute, committed on 8 June 2004, at or
18 near Abok IDP camp;

19 Under Count 48 of the charges, guilty of the war crime of destruction of property,
20 pursuant to Articles 8(2)(e)(xii) and 25(3)(a) of the Rome Statute, committed on
21 8 June 2004, at or near Abok IDP camp;

22 Under Count 49 of the charges, guilty of the crime against humanity of persecution,
23 on political grounds of civilians perceived by the LRA as being affiliated with or
24 supporting the Ugandan government, by attack against a civilian population as such,
25 murder, attempted murder, torture, enslavement, pillaging and destruction of

1 property, committed on 8 June 2004, at or near Abok IDP camp, pursuant to Articles
2 7(1)(h) and 25(3)(a) of the Rome Statute;

3 Under Count 50 of the charges, guilty of the crime of forced major, an inhumane act
4 of a character similar to acts set out in Article 7(1)(a) to (j), as a crime against
5 humanity, pursuant to Articles 7(1)(k) and 25(3)(a) of the Rome Statute of Witness
6 P-99 between 1 July 2000 and September 2002, of Witness P-101 between 1 July 2002
7 and July 2004, of Witness P-214 between September 2002 and 31 December 2005, of
8 Witness P-226 between 1 July 2002 and sometime in 2003, of Witness P-227 between
9 approximately April 2005 and 31 December 2005;

10 Under Count 51 of the charges, guilty of the crime against humanity of torture
11 pursuant to Articles 7(1)(f) and 25(3)(a) of the Rome Statute of Witness P-101 between
12 1 July 2002 and July 2004, of Witness P-214 between September 2002 and
13 31 December 2005, of Witness P-226 between 1 July 2002 and sometime in 2003, of
14 Witness P-227 between approximately April 2005 and 31 December 2005;

15 Under Count 52 of the charges, guilty of the war crime of torture, pursuant to Articles
16 8(2)(c)(i) and 25(3)(a) of the Rome Statute of Witness P-101 between 1 July 2002 and
17 July 2004, of Witness P-214 between September 2002 and 31 December 2005, of
18 Witness P-226 between 1 July 2002 and sometime in 2003, of Witness P-227 between
19 approximately April 2005 and 31 December 2005;

20 Under Count 53 of the charges, guilty of the crime against humanity of rape, pursuant
21 to Articles 7(1)(g) and 25(3)(a) of the Rome Statute of Witness P-101 between
22 1 July 2002 and July 2004, of Witness P-214 between September 2002 and
23 31 December 2005, of Witness P-226 between 1 July 2002 and sometime in 2003, of
24 Witness P-227 between approximately April 2005 and 31 December 2005;

25 Under Count 54 of the charges, guilty of the war crime of rape, pursuant to Articles

1 8(2)(e)(vi) and 25(3)(a) of the Rome Statute of Witness P-101 between 1 July 2002 and
2 July 2004, of Witness P-214 between September 2002 and 31 December 2005, of
3 Witness P-226 between 1 July 2002 and sometime in 2003, of Witness P-227 between
4 approximately April 2005 and 31 December 2005;
5 Under Count 55 of the charges, guilty of the crime against humanity of sexual slavery,
6 pursuant to Articles 7(1)(g) and 25(3)(a) of the Rome Statute of Witness P-101 between
7 1 July 2002 and July 2004, of Witness P-214 between September 2002 and
8 31 December 2005, of Witness P-226 between 1 July 2002 and sometime in 2003, of
9 Witness P-227 between approximately April 2005 and 31 December 2005;
10 Under Count 56 of the charges, guilty of the war crime of sexual slavery, pursuant to
11 Articles 8(2)(e)(vi) and 25(3)(a) of the Rome Statute of Witness P-101 between
12 1 July 2002 and July 2004, of Witness P-214 between September 2002 and
13 31 December 2005, of Witness P-226 between 1 July 2002 and sometime in 2003, of
14 Witness P-227 between approximately April 2005 and 31 December 2005;
15 Under Count 57 of the charges, guilty of the crime against humanity of enslavement,
16 pursuant to Articles 7(1)(c) and 25(3)(a) of the Rome Statute of Witness P-99 between
17 1 July 2002 and September 2002, of Witness P-235 from September 2002 to
18 31 December 2005, of Witness P-236 between September 2002 and 31 December 2005;
19 Under Count 58 of the charges, guilty of the crime against humanity of forced
20 pregnancy, pursuant to Articles 7(1)(g) and 25(3)(a) of the Rome Statute of Witness
21 P-101 (two pregnancies) between 1 July 2002 and July 2004, and of Witness P-214
22 sometime in 2005;
23 Under Count 59 of the charges, guilty of the war crime of forced pregnancy, pursuant
24 to Articles 8(2)(e)(vi) and 25(3)(a) of the Rome Statute of Witness P-101 (two
25 pregnancies) between 1 July 2002 and July 2004, and of Witness P-214 sometime in

1 2005;

2 Under Count 60 of the charges, guilty of the war crime of outrages upon personal
3 dignity, pursuant to Articles 8(2)(c)(ii) and 25(3)(a) of Rome Statute of Witness P-226
4 sometime in 2002 or early 2003 close to Patongo, northern Uganda, of Witness P-235
5 sometime in late 2002 or early 2003 at an unspecified location in northern Uganda;

6 Under Count 61 of the charges, guilty of the crime of forced marriage, an inhumane
7 act of character similar to the acts set out in Articles 7(1)(a) to (j), as a crime against
8 humanity, pursuant to Articles 7(1)(k) and 25(3)(a) of the Rome Statute, from at least
9 1 July 2002 until 31 December 2005;

10 Under Count 62 of the charges, guilty of the crime against humanity of torture,
11 pursuant to Articles 7(1)(f) and 25(3)(a) of the Rome Statute, from at least 1 July 2002
12 until 31 December 2005;

13 Under Count 63 of the charges, guilty of the war crime of torture, pursuant to Articles
14 8(2)(c)(i) and 25(3)(a) of the Rome Statute, from at least 1 July 2002 until
15 31 December 2005;

16 Under Count 64 of the charges, guilty of the crime against humanity of rape, pursuant
17 to Articles 7(1)(g) and 25(3)(a) of the Rome Statute, from at least 1 July 2002 until
18 31 December 2005;

19 Under Count 65 of the charges, guilty of the war crime of rape, pursuant to Articles
20 8(2)(e)(vi) and 25(3)(a) of the Rome Statute, from at least 1 July 2002 until
21 31 December 2005;

22 Under Count 66 of the charges, guilty of the crime against humanity of sexual slavery,
23 pursuant to Articles 7(1)(g) and 25(3)(a) of the Rome Statute, from at least 1 July 2002
24 until 31 December 2005;

25 Under Count 67 of the charges, guilty of the war crime of sexual slavery, pursuant to

1 Articles 8(2)(e)(vi) and 25(3)(a) of the Rome Statute, from at least 1 July 2002 until
2 31 December 2005;

3 Under Count 68 of the charges, guilty of the crime against humanity of enslavement,
4 pursuant to Articles 7(1)(c) and 25(3)(a) of the Rome Statute, from at least 1 July 2002
5 until 31 December 2005;

6 Under Counts 69 and 70 of the charges, guilty of the war crime of conscripting
7 children under the age of 15 into an armed group and using them to participate
8 actively in hostilities, pursuant to Articles 8(2)(e)(vii) and 25(3)(a) of the Rome Statute,
9 between 1 July 2002 and 31 December 2005 in northern Uganda.

10 This concludes the verdict rendered by the Chamber on Dominic Ongwen.

11 The Chamber has therefore convicted Dominic Ongwen of a total of 61 crimes,
12 comprising both crimes against humanity and war crimes.

13 To try to sum up in a few words the lengthy and technical verdict rendered by the
14 Chamber, Dominic Ongwen has been found guilty beyond reasonable doubt of:

15 A number of crimes committed in the context of the four specified attacks on the IDP
16 camps of Pajule, Odek, Lukodi and Abok: attacks against the civilian population,
17 murder, attempted murder, torture, enslavement, outrages upon personal dignity,
18 pillaging, destruction of property and persecution;

19 Secondly, a number of sexual and gender-based crimes he committed against seven
20 women (whose names and individual stories are specified in the judgment) who were
21 abducted and placed into his household: forced marriage, torture, rape, sexual
22 slavery, enslavement, forced pregnancy and outrages upon personal dignity;

23 Thirdly, a number of further sexual and gender-based crimes he committed against
24 girls and women within the Sinia brigade: forced marriage, torture, rape, sexual
25 slavery and enslavement;

1 And lastly, the war crime of conscripting children under the age of 15 into the Sinia
2 brigade and using them to participate actively in hostilities.
3 As I said, the written judgment containing the full and reasoned statement of the
4 Chamber's findings and conclusions - and which I repeat remains the only
5 authoritative document in this regard - has been issued by the Chamber this morning
6 and will be notified shortly.
7 In due course, the Chamber will impose on Dominic Ongwen the sentence for the
8 crimes of which he has been convicted. For the purposes of determining the
9 appropriate sentence, the Chamber will also consider submissions by the Prosecutor,
10 the Defence for Mr Dominic Ongwen and the Legal Representatives of the
11 participating victims. A decision in this regard, including as concerns the strict
12 timelines of the proceedings leading to the imposition of the sentence, has also been
13 issued by the Chamber this morning. It will be notified shortly as well.
14 This concludes today's hearing for the delivery in open court of the judgment in the
15 case of the Prosecutor versus Dominic Ongwen.
16 The Court is adjourned.
17 THE COURT USHER: [11:48:41] All rise.
18 (The hearing ends in open session at 11.48 a.m.)