

Ongwen case: summary of the verdict, 4 February 2021

1. This case concerns crimes against humanity and war crimes which took place in Northern Uganda between 1 July 2002 and 31 December 2005. During the course of this trial, the Chamber has heard, from a large number of witnesses, terrible accounts of these events and of the extreme suffering that the civilian population of Northern Uganda experienced during this time. However, the Lord's Resistance Army (LRA) has been active since the 1980s and the conflict in Northern Uganda has spanned four decades. This case has therefore also shed light on the history of Northern Uganda in the past decades, and on the suffering of its people during the conflict.
2. The LRA pursued an armed rebellion against the government of Uganda. The LRA, including Dominic Ongwen, perceived as associated with the government of Uganda, and thus as the enemy, the civilians living in Northern Uganda. This concerned in particular those who lived in government-established Internally Displaced Persons camps (so-called IDP camps). LRA commanders routinely declared that civilians were failing to support the LRA in its effort against the government and should be killed by the LRA.
3. Throughout the period of the charges, the LRA killed and injured a large number of civilians in numerous attacks on individual civilians, IDP camps and other civilian locations in Northern Uganda. In response to the question whether shooting a civilian during the course of an attack would constitute an offence, Witness P-0142, an LRA fighter, stated that *'nobody would see it as a crime if a civilian is injured or if a civilian is shot at'*.
4. The LRA also abducted and conscripted a large number of children under the age of 15 into the armed group and used them to participate actively in hostilities. Witness P-0307, from his experience of an ordinary Sinia soldier, observed:

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

5. The LRA abducted and also enslaved a large number of female civilians. They were then used as sexual slaves and so-called 'wives', and as domestic servants.
6. Dominic Ongwen himself was abducted in 1987 at the age of around 9 by the LRA. The Chamber is aware that he experienced much suffering in his childhood and youth. The Chamber might have to evaluate this in a later context. However, this case is about crimes committed by Dominic Ongwen as a fully responsible adult and as a commander of the LRA in his mid to late twenties. During the period relevant to the charges, from 1 July 2002 until 31 December 2005, Dominic Ongwen made a steep rise in the hierarchy of the LRA, from battalion commander to commander of the Sinia Brigade in the rank of brigadier. Altogether, at the time relevant to the charges, Sinia brigade included several hundred soldiers who were under the command of Dominic Ongwen.
7. The LRA hostility towards people living in IDP camps is at the core of the present case; a significant number of crimes committed by the accused relate to attacks carried out against some of these camps. The IDP camps were the result of an anti-insurgency strategy adopted by the Ugandan government to remove the population from rural areas where it might assist the rebels, either out of choice or due to fear of what would happen to them if they did not. In some instances, such removals are claimed to have been violently enforced. The camps were supposed to be protected by small units of the Ugandan national army (known as the Ugandan People's Defence Force or UPDF) and 'local defence units' made up of local men and youth under UPDF command. However, this protection proved to be insufficient and illusory in many cases.
8. Cultivation for the civilian population was very difficult and movement outside the camps strictly limited. Food and other commodities had to be provided by aid agencies, such as the World Food Programme. At the peak, around 2004, there were hundreds of IDP camps. While there were still some people living around the towns, almost the entire population of the region was in such camps, amounting to 1.5 million

people. The living conditions in these camps were in many cases degrading. The government of Uganda did not provide the population with enough food, the hygienic conditions were deplorable, medical assistance often non-existent.

9. The Chamber's main findings on the crimes committed by Dominic Ongwen are summarised below, starting with the attacks on 4 of these IDP camps.
10. It was difficult for the Chamber to ascertain the names of every victim of the several crimes of which Dominic Ongwen has been convicted. Yet, in many cases the Chamber was able to do so. These victims have a right not to be forgotten. They have the right to be mentioned explicitly.

11. In the early morning of 10 October 2003 several hundreds of LRA fighters, including Dominic Ongwen, attacked **Pajule IDP camp**. Pajule IDP-camp was situated in Aruu County, Pader district. Amongst the LRA-fighters were also some under the age of 15. The LRA forces were heavily armed with weapons including an anti-tank weapon, an anti-aircraft gun, machine guns, assault rifles as well as pangas, machetes and knives. People in the camp had been celebrating Uhuru day – the Ugandan Independence Day – the night before.
12. The attack had been planned several days before at a meeting by a number of LRA commanders including Dominic Ongwen. The meeting was led by Vincent Otti, then Number Two of the LRA. The attackers had been briefed to attack the UPDF at the barracks as well as civilian areas of the camp. The goal was to loot equipment, food and other items. The attackers were also told to abduct civilians.
13. The LRA fighters attacking the camp were organised in several units. The overall commander of the attack was Raska Lukwiya. Dominic Ongwen led a group of attackers to fight at the barracks, before directing them to attack the trading centre within the camp.
14. Government soldiers who were within the camp amongst the civilians fled in the face of the attacking force, while government soldiers in the barracks managed to hold the barracks under heavy fire from the LRA. In the course of the fight with the

government soldiers also several LRA fighters were killed. At the trading centre, Dominic Ongwen directed his fighters to attack. He ordered his fighters to pillage food items and supplies from shops and homes within the camp. There was widespread looting throughout the camp. The LRA raided the trading centre, broke into shops and looted food and livestock, medicine, household goods and all sorts of valuables from the civilians.

15. During the course of the attack, LRA fighters killed at least 4 civilians who tried to escape or refused to carry looted goods. They were: *Kinyera Benson Lacung* and *Pangarasio Onek*, as well as *two unnamed persons* (a woman killed by machete, and an abductee killed by the RV location).
16. LRA fighters also abducted hundreds of civilians from the camp.
17. Among these abductees were:

Witness P-0006, her neighbour, her three relatives; Witness P-0081; Witness P-0249 and his wife; Benson Ojok; Dick Okot and his family members; Rwot Joseph Oywak; Charles Bongomin, Oryema Kadogo, Sunday Abalo, Charles Ayela, Concy Ayet; Ogen; Opira; Okumu; Richard Otim; Santo Oweka; David Okwera; Francis Kitara; George; Ronald Labeja; Christopher; Celestino; Vincent Okot; Ocana; Charles Abonga; David Otti Moyo; Christine; Paska; Oluge; Opira Bosco and Oryema.

18. The LRA fighters forced the abductees to carry looted items from the camp for long distances. The loads were extremely heavy. Most of the civilians could barely carry them. Some civilians were forced to carry injured LRA fighters. The abductees were under armed guard to prevent their escape. LRA fighters constantly beat and kicked abductees with their guns, sticks and their hands to make them walk faster. Some were tied to each other to make escape impossible. Many of the abductees were forced to walk barefoot or not fully clothed through the bush for a long distance. The abductees were under constant threat of beatings or death. Witnesses have told us that they were helpless and shaking with fear that they would be killed if they were not able to carry their loads any more.

19. The LRA indeed killed abducted people who were unable to walk or dropped luggage. As recalled, one of them was Pangarasio Onek, a trader between 30 and 40 years of age. He had to carry three or four basins full of beans. When he told his abductors that he could not manage any more to carry the load, he was unbound, made to sit down and was then shot three times in the head. Witness P-0249 told the Chamber that when he could not walk further after two weeks of being with Dominic Ongwen's group, LRA fighters beat him until he was unconscious and left him. The witness managed to drag himself for nine days to get home.
20. After leaving Pajule, Vincent Otti addressed the abductees at the LRA meeting point. He reproached them for settling in IDP camps set up by the government and told them that they were being punished for staying in the camp. Dominic Ongwen also spoke to a group of abductees, telling them that anyone who escaped or dropped goods would be killed and that abductees would be trained as soldiers. The day after the attack, older abductees were released, younger abductees, among them boys and girls under the age of 15, were retained and continued in the LRA. The younger abductees were so-called 'distributed' amongst the LRA commanders. Some of them, including four girls and three men, among Dominic Ongwen's group. The younger girls were taken to the commanders as so-called 'ting-tings' (that is to say, domestic servants) to carry out household work, the older girls were given as so-called 'wives' to the commanders. The younger male abductees were taken in as newly recruited members of the LRA.
21. This happened on the 10th October 2003 during the attack on Pajule IDP camp and its aftermath.

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

23. The attack started as the residents and several government soldiers were dispersing from a gathering. At least 30 LRA attackers executed Dominic Ongwen's orders. Amongst them were children under the age of 15. The LRA fighters were heavily armed with assault rifles, a mortar, an anti-tank weapon and a so-called 'B-10' gun. Following Dominic Ongwen's orders, the LRA attacked Odek IDP camp from the northern side of the camp. One group of fighters attacked the military barracks, situated about a few hundred meters from the camp. They killed some soldiers there, overwhelmed the soldiers and burned the barracks down. The other group of fighters spread into the civilian area. In particular, they went to the trading centre where they attacked the civilian residents. They looted shops and civilian homes. They also shot, beat and abducted civilians and forced them to carry the looted goods.
24. During the attack, a female LRA attacker raped a civilian resident of the camp, with a comb and a stick used for cooking, while the victim's husband was forced to watch. The rape was committed with such force that the victim started to bleed.
25. The LRA fighters also fired their weapons at civilians. They did so under orders to shoot civilians in the chest and head to ensure that they died. At least 52 civilians died as a result of the injuries sustained in the camp or in the course of the retreat. Many civilians were shot as they ran away from the LRA. LRA fighter P-0264 was ordered to spray bullets inside civilian houses. Other LRA fighters set at least one hut on fire with civilians inside. Among the victims were elderly civilians, children, a pregnant woman as well as women carrying babies tied to their back. The bodies of the dead were scattered everywhere across the camp.
26. Witness Helen Opoka Acan summarized it succinctly when she testified: *'They came to kill.'*
27. The evidence shows that the LRA killed, at least, the following persons in the course of the attack:

Adoni Okullu, Agudu's wife and her grandson, Betty Adong and her daughter Ajok, Catherine Amono (she was shot whilst she had a child to her back; however the child survived), Okeny, Aldo Okello, Ayita Labanya, Charles Obur, Doris Apiyo, Jenaro Ongwen, Jimmy Ojok, Catherine Laker, Kevin Apiyo, Kerobina Acayo, Kejikiya Okec, Veronica Auma, Mary Acayo, Monica Aciro, Wilson

Okoya, Okoya, Obangomoko, Pedwang Opio, Thomas Opiyo, Thomas Ojok, Valentino Okot, Walter Ojok, Atikcon, an unnamed camp resident, Mary Agudu, Doreen Ojok, DP, Acayo, Aboni, Witness P-0269's mother-in-law and her grandson, a girl found in the river.

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

Santa Akello, Betty Atenyo, Christopher Moro, David Bua, Witness P-0252, Kengali and his wife, a man by a borassus palm tree, Okot LC's mother and a woman shot in the mouth.

29. The killing of civilians was not confined to Odek IDP camp site. Some civilians abducted from the camp were killed when they struggled or tried to escape. LRA fighters killed a young abductee because his feet were too swollen and he was unable to walk any further. Amongst the persons killed in the course of the LRA retreat from Odek IDP camp, there were: *Aroja, Atir, Hilary Kilama, Lalam and Rose Aweko.*
30. Furthermore nine adult men, who had been abducted from the camp and forced to carry an LRA fighter who had been wounded during the attack, were also later killed by LRA fighters when the LRA commander died from his injury. These nine men were: *David Ojok, James Ayella, James Titus Latigo, Kidega, Lagii, Patrick Opap Odong, P'Mala Okot, Ojok and Fabio Otto.*
31. Abductees, including children as young as 11 or 12 years old, were forced to carry looted items away from the camp. Abductees suffered instances of grave physical abuse at the hands of the LRA fighters, such as beatings with sticks and guns. Abductees were forced to carry heavy loads for long distances under constant threat of harm; some of them walked these long distances barefoot. One abductee was forced to kill another abductee with a club, spraying the brains of the victim all over his face, after which he was also forced to inspect corpses. Another abductee was forced to watch people being killed. If the abductees walked too slowly, they were beaten or killed.

32. Witness P-0275 describes how a woman who could no longer walk because pus was coming out of her swollen wounds was struck on her head so that her head split with the rear of the skull falling forward.
33. LRA fighters beat women whose babies were crying with the butt of their guns. Some mothers were forced to abandon their children in the bush so that they could carry the luggage; witnesses described how these abandoned babies lay naked in the cold and wet crying. A very young baby of about two months was thrown into a rubbish pit.
34. In the course of the attack, LRA fighters also abducted at least 40 civilian residents from the camp: men, women and children.
35. Amongst many others who were abducted and forced to work for the LRA were:

Atir, Hilary Kilama, Lalam, Rose Aweko, David Ojok, James Titus Latigo, James Ayella, Kidega, Lagii, Patrick Opap Odong, P'Mala Okot, Ojok, Fabio Otto, Onek, Witnesses P-0275, P-0269 and P-0252, Brian Odokonyero, Hellen Adong, Alice Kidega, Acan, Adaa/Ada, Agnes Adoch, Ajok, Akanyo, Apio, Atenyo, Carolina Lagulu, Dennis Otema, Doreen Aluku, Kadoge, Kala Adong, Joyce Aneno, Ocaka, Paul Ojara, Richard Okello, Santa Oling, Ventorina Akello, and the wife of Olet Okello.

36. Helen Opoka Acan, during her testimony before the Court, described her experience when armed fighters entered her home and dragged her children out:

'You cannot stop them ... they took all my children out of the house ...'

37. Some abductees were released after a few days in the bush; others were killed in the bush or integrated into the LRA, including into Dominic Ongwen's household.
38. One civilian, named Ajok, who was abducted by the LRA from the camp, was later made a forced so-called 'wife'.
39. During the attack, LRA attackers broke into homes and shops and looted food and other items from the camp, both from shops in the trading centre and from civilian homes. Shops had been broken into and emptied of their contents. The food aid which had been recently distributed to the camp was looted by the attackers. The LRA distributed the items looted from Odek IDP camp to the households of different commanders, including Dominic Ongwen.

40. After the attack, the attackers joined the rest of the group commanded by Dominic Ongwen. Dominic Ongwen thanked the fighters for the execution of the attack.
41. Afterwards he communicated the results of the attack on military radio to other LRA commanders and to Joseph Kony. He reported that his fighters successfully carried out an attack on Odek IDP camp, killing people, abducting civilians and looting in the camp. After Dominic Ongwen had left the radio call, Kony stated:

‘Excellent. This guy has pleased me very much. I wish he threw them to the ground for me.’

42. This happened on the 29th April 2004 during the attack on Odek IDP camp and its aftermath.

43. Barely three weeks later, on or about 19 May 2004, LRA fighters attacked **Lukodi IDP camp**. They were sent by Dominic Ongwen. Lukodi IDP camp was situated in Bungatira Sub-County, Aswa County, Gulu District. A large contingent of civilians resided in the camp at the time of the attack.
44. At a gathering the morning of the day before the attack, Dominic Ongwen had instructed LRA fighters to attack Lukodi IDP camp and everyone present at that location, including civilians, and to take food from the camp.
45. After receiving the orders given by Dominic Ongwen, the attackers left for the attack. Dominic Ongwen stayed behind at the location of the pre-attack gathering.
46. In the evening on the day of the attack, at least 80 LRA fighters executed Dominic Ongwen’s orders and attacked Lukodi camp. Amongst them were fighters under the age of 15. The LRA-fighters were again heavily armed with an assortment of weapons.
47. Following the usual pattern of attacks against IDP camps part of the LRA fighters went into the civilian areas of the camp while some others went to the barracks to fight the government soldiers. Government soldiers engaged the LRA fighters. However, after a short fight the government soldiers quickly fled. The remaining civilian population in

the camp were left defenceless. We see here again the sad pattern that the government forces were not able to protect the civilian population in the camps.

48. The LRA fighters then targeted the civilians within the camp. Witness P-0187 testified:

'They came prepared and ready to kill ... they wanted to kill people.'

49. LRA fighters killed civilians in Lukodi IDP camp: men, women and children. At least 48 civilians died as a result of injuries sustained during the attack. LRA fighters attempted to kill many others. Civilians were shot, burnt and beaten to death. Civilians, including children, were thrown into burning houses. Witness P-0187 testified:

'Some children were put in a polythene bag and beaten to death. Some were locked inside and burnt inside. Others were put in a bag and thrown in the bush.'

50. Witness P-0301 testified that he saw *'bodies hacked in a barbaric way.'*

51. The evidence shows that the following people were among those killed by the LRA within the camp:

Keneri Okot, Jeneth Lakot, Kilama Aloyo, Kilama Kidega, Jackline Anee, Milly Anek, Akello Acii, Innocent Okello, Ojoko (Akello Acii tried to run and the LRA cut her and carried her and threw her back into the fire along with two other children, Innocent and Ojoko), an unnamed man shouting at the LRA, Christine Ajok, Odong Apiyo, David Otim who was stabbed together with another man who remains unnamed, Agwesa Odok, Beatrice's son (his body was found in a sack; the LRA and other abductees had been stepping on his body in the sack as they moved), Charles Odong, Jasinta Aol, Jojina Angom, Lalobo's son (he had been crying for his mother and the LRA attackers shot him in the mouth), Tezira Oroma, Ojara, Okwera, Olwedo, Ocaka's wife and one unnamed teenage girl, Onencan, Witness P-0024's mother, Min Ojoko, Ocii, Atim, Charles Anywar, Danger Joseph Oryem, James Opiro, Jeneth Lalur Akello, Joseph Ojara, Obedi, Rose Kiter, Tabicha Alum, Vincent Ocaya, Santa Oroma, and a further person whose identity is kept confidential from the general public.

52. LRA fighters attempted to kill at least 11 other civilians who managed to survive. The fighters shot at civilians and in some cases wounded them. Civilians were beaten and left for dead. Civilians, including children, were thrown into burning houses. The following persons were among the persons who survived these LRA acts of violence:

Pyerina Ayaa, Florence Adong, Adong Paska, Piloya, Joel Opiyo, Ojoko, an unnamed elderly woman, Nyeko, two unnamed girls who had been shot and an unnamed girl with a burnt leg.

53. The killing of civilians was not confined to the area of Lukodi IDP camp. After they left Lukodi, LRA fighters killed persons they had abducted from the camp. Among the civilians killed in the retreat were:

Nancy Akello, an unnamed man stabbed with a bayonet, another unnamed abductee, Justin Omony, Aleka and Charles Obwoya.

54. Indeed, the LRA fighters abducted at least 29 civilians, men, women and children to carry looted goods from the camp. Among the abductees were:

Witness P-0024, Olanya, Aleka, Onek, four unnamed male abductees, Witness P-0187, two unnamed female abductees, Joel Opiyo, Lilly Apiyo, Christine Alanyo, Milly Ayaa, Beatrice, Mary Aol, Min Lagum, Min Ojak, Min Ochora, Alora, Okumu, Nancy Akello, an unnamed man stabbed with a bayonet, an unnamed abductee, Justin Omony, Lakwec, Aleka, and Charles Obwoya.

55. Abductees were forced to carry heavy loads, some for long distances while tied in a line together and under armed guard to prevent their escape. They were under constant threat of beating or death. Some abductees had their children strapped to their back when they were abducted. Mothers were forced to abandon their children in the bush. LRA fighters also threw small children, including babies, into the bush because the children were crying and making it difficult for their mothers to carry looted goods. Witness P-0024 testified that her two week old son was naked when he was thrown into the bush. Witness P-0024 was beaten throughout her abduction as were other civilians. LRA fighters kept slapping and threatening her. Witness P-0187 was wounded by an LRA fighter as well. She was also raped by an LRA fighter.

56. Some of the abductees were tied together. The abducted civilians were under armed guard to prevent their escape and were under constant threat of beatings or death.

Many of the women abductees were subsequently released. Some abductees, particularly men were killed in the bush. Some of the abducted children remained in servitude with the LRA.

57. LRA fighters entered civilian homes and shops and looted food and other property from them in Lukodi IDP camp.
58. During their attack on the camp, LRA fighters set huts of the civilians on fire. Approximately 210 civilian huts in the camp were burnt. Civilians' household goods, including food stocks, were destroyed in these fires. Domestic animals such as goats were also burnt by the LRA. In this way, the affected civilians, already displaced from their homes because of instability in the region suffered another catastrophic loss.
59. LRA fighters returned from the attack and reported to Dominic Ongwen about the success of their mission. Dominic Ongwen also reported his soldiers' attack on Lukodi IDP camp to other LRA commanders, including Joseph Kony and Vincent Otti. Dominic Ongwen in his own words took responsibility for the attack on Lukodi IDP camp including specifically for harm done to civilians. Other high ranking members of the LRA-leadership commended him for his what they called 'work'. Shortly after the Lukodi-attack, Dominic Ongwen was promoted by Joseph Kony to the rank of colonel.
60. This happened on or about 19th May 2004 during the attack on Lukodi IDP camp and its aftermath.

61. Again only a few weeks later, on 8 June 2004, LRA fighters subordinate to Dominic Ongwen attacked **Abok IDP camp**. The camp was situated in Ngai sub-county, Apac district. It contained thousands of civilians displaced by frequent LRA attacks in the region.
62. Prior to the attack, Dominic Ongwen ordered LRA fighters subordinate to him to attack this camp. At a gathering in the foothills of Atoo, Dominic Ongwen addressed the troops and gave instructions to go and collect food, abduct people, attack the barracks and burn down the camp and the barracks. Dominic Ongwen did not go to Abok as part of the fighting force.

63. In the evening of that day, at least 20 LRA fighters executed Dominic Ongwen's orders and attacked Abok IDP camp. Amongst them were fighters under the age of 15. The LRA fighters were armed with an assortment of weapons. They went past the old barracks in the south of the camp and entered the camp, firing their guns. LRA fighters went to the civilian area in the camp and a contingent of the fighters eventually ended up near the new barracks in the north east of the camp. While government soldiers were able to defend the new barracks, the soldiers in the area where the civilians lived again were not able to stop the LRA's attack on the camp. These soldiers fled the camp.
64. In the course of the attack, LRA fighters killed at least 28 civilian residents of the camp, by shooting, burning and/or beating them.
65. The following persons were amongst those killed by the LRA in the course of the attack:

Fabio Ogweng, Hatari Anyima, two of Hatari Anyima's children (Daniel Okite and Monica Ayugi), D.P. Okello, Alex Ogweng, Barikia Adonya, Albino Okal, Justina Okal and Evelyn Akello.

66. Survivors returning the next morning found bodies strewn throughout the camp, including those of children. Some bodies were burnt or had the backs of their heads smashed, others had been shot. Dead bodies were found inside houses, at doorsteps and among the remains of burnt huts. These civilians were killed by LRA fighters. One of Dominic Ongwen's subordinate commanders intruded into a house with over 10 civilian inhabitants, forced several to carry looted goods and then closed the door and set fire to the house with the remaining inhabitants inside.
67. LRA fighters also attempted to kill civilians, both during the attack and in its aftermath. The evidence shows that the following persons were amongst those the LRA attempted to kill within the camp:

Jacob Opio, Cyprian Ogola and Robson Oper.

68. In the aftermath of the attack, the LRA also attempted to kill *Gwentorina Akite*, an elderly woman. LRA fighters had ordered her to carry heavy loads, including at one

point two goats. When she could no longer bear the weight, an LRA fighter beat and strangled her and cut her with a machete. LRA fighters passing her on the road hit her. She was left for dead but managed to crawl back home to the camp.

69. LRA fighters abducted many civilians and forced them to carry heavy looted goods, and an injured fighter, for long distances oftentimes under the threat of beatings or death. Some of the abductees were tied to each other. The abducted civilians were under armed guard to prevent their escape and were under constant threat of beatings or death. LRA fighters beat abductees. They did so as a means of punishment for not being able to continue walking and to intimidate other abductees to continue without stopping or resisting.
70. LRA fighters forced an abductee to kill another abductee, as a lesson to others who were thinking of escaping. The abductee used a club like a stick to beat the victim on the head until he died.
71. Among the civilians abducted and forced to work for the LRA were:

Charles Amodo, Gwentorina Akite, Evelyn Akello, Robson Oper, Witness P-0280, Thomas Okitte's daughter, Ogweng, Ameny, Lucy Akello, Molly Ayugi, Monica Adur, Nighty Atim, Dilis Awor and Witness V-0002.
72. Some persons abducted by the LRA during the attack were rescued by a UPDF contingent that pursued the LRA fighters as they left Abok IDP camp. Some abductees were killed in captivity, at times for failing to keep up with their captures, others eventually escaped and returned home, some remained with the LRA, including in Dominic Ongwen's household.
73. During the attack on the camp, the LRA fighters looted civilian houses and shops at the trading centre, taking away all sorts of food items as well as a radio, money, clothing, cooking utensils and medicine.
74. Furthermore, LRA fighters set huts on fire. Several hundred civilian homes were burnt during the attack. Civilians' food stocks were also destroyed.
75. Dominic Ongwen communicated the results of the attack on the LRA military radio to other LRA commanders and to Joseph Kony. He reported that his fighters carried out

an attack on Abok IDP camp, directing fire and burning everything that was there including huts in the camp.

76. This happened on 8th June 2004 during the attack on Abok-IDP camp and its aftermath.
77. In relation to Dominic Ongwen's actions in connection with these four attacks, the Chamber has found that he committed a number of war crimes and crimes against humanity. However, the Chamber has not upheld the charges of the war crime of cruel treatment and of the crime against humanity of other inhumane acts. This is due to impermissible concurrence of these two crimes with the crimes of torture, as a war crime and as a crime against humanity, respectively.

78. In addition to the crimes committed within the context of the four attacks against the four IDP camps, Dominic Ongwen is further responsible for **sexual and gender based crimes committed directly by him** against seven women. The seven women were abducted and so-called 'distributed' to Dominic Ongwen and assigned into his household. They were not allowed to leave. Dominic Ongwen placed them under heavy guard. They were told or came to understand that if they tried to escape they would be killed.
79. During the period relevant to the charges, between 1 July 2002 and 31 December 2005, five of these women were forced to be Dominic Ongwen's so-called 'wives': Witnesses P-0099, P-0101, P-0214, P-0226 and P-0227. The other two, Witnesses P-0235 and P-0236, were so-called '*ting tings*' in his household – they would also later be forced to become Dominic Ongwen's so-called 'wives': that however occurred after the period relevant to the charges brought by the Prosecutor against Dominic Ongwen.
80. During the period relevant to the charges, Dominic Ongwen had sex by force with four of his so-called 'wives', Witnesses P-0101, P-0214, P-0226 and P-0227. This happened on a repeated basis whenever Dominic Ongwen wanted. During this period, P-0101 became pregnant twice and gave birth to a girl and a boy fathered by Dominic

Ongwen. Also P-0214 became pregnant and gave birth to a girl fathered by Dominic Ongwen.

81. All seven women were subject to beatings at Dominic Ongwen's command at any time. They were hit with canes and sticks. Some beatings knocked them unconscious, left them unable to walk and left permanent scars.
82. The seven women had to perform different domestic duties, including cooking, working in the garden, doing laundry, fetching and chopping wood, carrying Dominic Ongwen's dishes, fetching water, washing, nursing him when he was injured and taking things to him. Failing to perform these tasks led to punishment by beating.
83. On 1 July 2002, Dominic Ongwen forced Witness P-0226 to beat to death a captured UPDF soldier near Patongo, northern Uganda. She hit him once, as did other girls. She had blood splattered on her clothes. She had never killed anyone before, and this was part of the reason given by Dominic Ongwen on why he selected her to do this. This experience caused her severe anguish.
84. In late 2002 or early 2003 in northern Uganda, soon after Witness P-0235's abduction, Dominic Ongwen ordered her, along with other abductees, to beat people to death until their blood splashed on the abductees. Although she eventually did not have to carry out the killings, this experience caused her severe anguish.
85. With regard to these acts the Chamber has *inter alia* entered a conviction of Dominic Ongwen for forced marriage as an other inhumane act, pursuant to Article 7(1)(k) of the Statute a crime against humanity. It has found that, at the time relevant to the charges, Dominic Ongwen executed the specific legal elements of the crime forced marriage against Witnesses P-0099, P-0101, P-0214, P-0226 and P-0227.
86. The Chamber wishes to outline shortly the main legal considerations for this conviction since they are not self-explanatory. The reasons are explained in a more detailed manner in the judgment.
87. The Chamber considers forced marriage to be an 'other inhumane act' falling the Rome Statute as a crime against humanity. Every person enjoys the fundamental right to enter a marriage with the free and full consent of another person. Marriage creates a

status based on a consensual and contractual relationship – it is an institution and also an act or rite. The central element of forced marriage is the imposition of this status on the victim. This means the imposition, regardless of the will of the victim, of duties that are associated with marriage and with the consequent social stigma. Such a state, beyond its illegality, has social, ethical and even religious effects which have a serious impact on the victim’s physical and psychological well-being. The victims may see themselves as being bonded or united to another person despite the lack of consent. Additionally, a given social group may see the victim as being a ‘legitimate’ spouse. To the extent forced marriage results in the birth of children, this creates even more complex emotional and psychological effects on the victims and their children beyond the obvious physical effects of pregnancy and child-bearing.

88. Accordingly, the harm suffered from forced marriage can consist of being ostracised from the community, mental trauma, the serious attack on the victim’s dignity, and the deprivation of the victim’s fundamental rights to choose his or her spouse.
89. As is explained in detail in the judgment, the conduct underlying forced marriage is not fully captured by other crimes against humanity, such as sexual slavery or rape – crimes of which Dominic Ongwen has been found responsible as well.
90. Also, the Chamber has found that, during the time relevant to the charges, Dominic Ongwen committed the crime of forced pregnancy, as both a crime against humanity and a war crime, of Witnesses P-0101 and P-0214. This is the first time that the crime of forced pregnancy is considered by a trial chamber of this Court. The Chamber’s interpretation of the legal elements of this crime and the related findings on the basis of the available evidence are set out in detail in the judgment.

91. Beyond these sexual and gender based crimes directly perpetrated by Dominic Ongwen against the seven women so-called ‘distributed’ to him, Dominic Ongwen together with Joseph Kony and the Sinia brigade leadership engaged in a coordinated and methodical effort to commit **sexual and gender based crimes against women and girls in the Sinia brigade**. In the process they relied on the LRA soldiers under their control. LRA-fighters abducted women and girls in Northern Uganda and forced

them to serve in Sinia brigade as so-called ‘wives’ of members of Sinia brigade, and as domestic servants. The evidence received by the Chamber overwhelmingly demonstrates that the abuse of women and girls in the LRA were truly systemic and institutional. This included forced marriage, sexual violence and forced pregnancy as well.

92. As Witness P-0142, a Sinia officer during the relevant period, stated:

‘There is no single woman who voluntarily joined. All were abducted.’

93. At some point in 2002, Joseph Kony convened everybody together and, as one witness put it:

‘then told us that whoever did not have a wife was going to get a wife’ and that ‘[t]here were going to be abductions, beautiful girls should be abducted’.

94. Witness P-0205 stated that Dominic Ongwen instructed that

‘two of the girls, the two beautiful girls should be taken good care of and they should be taken to him ...’,

95. Another witness, P-0264, testified that Dominic Ongwen ‘gave’ women to soldiers ‘as a reward’.

96. Witness P-0054 stated that he saw Dominic Ongwen making such decisions several times, and described the process as follows:

‘When the girls are brought, when he sees that a particular officer is ready to have wives, then he would say, “You go with this girl, let her stay at your home. She is now your wife.”’

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

98. Witness P-0396, testified that on one occasion, a girl was brought to the commanders after she was caught trying to escape. Everybody was called to see what was happening ‘so that we know what will happen to us if we try to escape’. The witness stated that an LRA soldier beat the girl with a stick until she died. P-0396 specified that Dominic Ongwen was present when the girl was killed.

99. As generally with all LRA abductees, the evidence indicates specifically that also abducted women and girls were forced to beat or kill other abductees for attempting escape or breaking rules.
100. Witness P-0352 described being forced, on Dominic Ongwen's orders, to take part in the killing of another girl who had been accused of witchcraft.
101. Witness P-0351 similarly stated that she was forced to step on a boy who had tried to escape but was caught, until he died. She stated that the '*boys with guns*' who forced her to perform this act said that they wanted the new abductees who had not killed people to come and kill someone.
102. The girls would be forced to live with male members of the LRA as husband and so-called 'wives'. This happened regularly at a very young age. Witness P-0101 – one of the so-called 'wives' of Dominic Ongwen – described the horrors of being a young girl in the LRA:

'To my understanding and from my observation on what happened to me, when young girls are abducted, you are raped while you're still young. If you're 11 years old or 12 years old, if there is a high-ranking commander who is kind, then they will let you actually mature a little bit, but with the rest of them they will just abduct you and make you a wife at a very young age. This is – this is something extremely bad and culturally – in Acholi culture raping young girls is extremely bad.'

103. Frequently, abducted women and girls were considered so-called 'wives' from the time they were first forced to have sex with the man they had been assigned to. The abducted women and girls were not able to refuse. Witness P-0138 testified:

'If you refuse to go to a particular husband, that means that you do not want to live, that means that you will be killed and you will be killed immediately. So you make the decision: Do I want to live or do I want to die? So you make that decision. If they give you to a particular man, if you decide to live, then you go to that man. That's how it is.'

104. Sinia brigade members regularly forced abducted women and girls who had been 'distributed' to them into sexual intercourse. Sexual intercourse was specifically considered to be part of the role of the so-called 'wives'. The first sexual intercourse was regularly enforced upon women and girls at a very young age. Often times the

girls would be seen by their male captors as sexually mature after their first menstruation. The women and girls were unable to resist. This was due to the physical force used by the Sinia brigade members and due to the threat of punishment for disobedience and their dependence on the Sinia brigade members for survival in the bush. The abducted women and girls were treated as the exclusive property of the man they were distributed to.

105. An abducted girl, Witness P-0352, told the Chamber that about a month after she joined Dominic Ongwen's group, a certain commander called her to his tent. P-0352 stated:

'When I arrived he asked if I really knew what had brought me here. I said I did not know and he told me to make his bed and that now I was his wife.

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

106. Witness P-0374's story is very similar. She testified that one day a commander called her and told her:

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

107. P-0374's statement continues as follows:

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

108. Dominic Ongwen personally assigned women and girls as so-called 'wives' and used his authority as LRA commander to enforce the so-called 'marriage' in Sinia brigade. Witness P-0351 testified that the first night that she was in the household of a commander after being told by Dominic Ongwen that she was now that commander's

so-called 'wife', another of the commander's so-called 'wives' told her that he was calling her and that she

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

109. The witness continued:

'I was only crying. I did not say anything nor refuse to sleep with him because I was fearful because he was a commander and if I said anything or refused I would be killed.'

110. Witness P-0351 stated that after that first night, the commander would sleep with her and his other 'wives' alternately. That regularly happened when commanders had several so-called 'wives', which often was the case. As seen earlier, Dominic Ongwen himself had several so-called 'wives'.

111. Witness P-0351 testified about how painful this experience was for the women, and continued:

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

112. Disobedience was brutally enforced.

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

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

115. Lastly, Sinia soldiers, in execution of orders of Joseph Kony, Dominic Ongwen and the Sinia brigade leadership, abducted between 1 July 2002 and 31 December 2005 innumerable **children under 15 years of age** in Northern Uganda and forced them to serve as Sinia fighters. As Witness P-0231 worded it illustratively: *‘the abduction means an initiation into the army, starting from 10’*. As already described, children under the age of 15 were also abducted during the four charged attacks. Dominic Ongwen abducted children himself. He saw them not as children but as his soldiers as he clearly stated to witness Irumba Tingira:

‘You call those kids children, but I call them my soldiers. So we are talking about my soldiers.’

116. After the abduction those children underwent a cruel initiation into the LRA. They were regularly severely beaten shortly after their abduction – with the purpose, as several witnesses stated, *‘to beat out the civilian’*.

117. Furthermore with some regularity, recruits were forced to brutally kill, or were forced to witness brutal killings, shortly after their abduction.

118. Following their abduction, children under the age of 15 years were then integrated into Sinia brigade with the aim of using them in hostilities. Upon abduction into Sinia brigade, the children were given training in fighting skills, including the use of firearms. Recruits were not taught, as part of their training, to distinguish between civilians and combatants, or between civilian objects and military objectives.

119. Finally children under 15 years of age serving as soldiers in Sinia brigade took part in fighting. Many of them were killed during fighting. During all four charged attacks, children under the age of 15 participated in the hostilities.

120. Dominic Ongwen is fully responsible for all the crimes found by the Chamber. The Chamber did not find evidence that supported the claim by the Defense that Dominic Ongwen suffered from any mental disease or disorder during the period relevant to the charges or that he committed these crimes under duress.

121. First of all, a huge number of witnesses who described Dominic Ongwen's actions and interactions with others did not provide any testimony which could corroborate a historical diagnosis of mental disease or defect during the period relevant to the charges. On the contrary: The overwhelming evidence paints a picture of Dominic Ongwen as a person in full possession of his mental abilities. He is described by his subordinates as an extremely capable fighter and commander whom they loved to follow. He planned his attacks carefully and assessed the risks together with his officers. He was repeatedly lauded by other commanders, including Joseph Kony, for his 'good work'.
122. The Chamber in this context finds furthermore particularly important the evidence of witnesses who were held as his so-called 'wives' or were otherwise captive in Dominic Ongwen's immediate proximity at various times over the course of many years. None of them observed any behaviour by Dominic Ongwen suggestive of mental disease or defect. The assessment by the Chamber is in line with the expert evidence of Professor Mezey, Dr Abbo and Professor Weierstall-Pust, who in a convincing way – based on their expert opinion and an analysis of the evidence – did not identify any mental disease or disorder in Dominic Ongwen during the period of the charges.
123. Secondly, Dominic Ongwen did not commit the crimes found by the Chamber under duress. There is no basis at all in the evidence to hold that he was subjected to a threat of imminent death or imminent or continuing serious bodily harm to himself or another person at the time of his conduct underlying the charged crimes. The evidence also shows that Dominic Ongwen was not in a situation of complete subordination vis-à-vis Joseph Kony, but frequently acted independently and even contested orders received from Joseph Kony. He was not a puppet on a string, as is evidenced amongst others by the testimony of one LRA fighter:

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

124. The evidence furthermore indicates that in the period of the charges, Dominic Ongwen did not face any prospective punishment by death or serious bodily harm when he

disobeyed Joseph Kony. Dominic Ongwen also had a realistic possibility of leaving the LRA, like many other commanders of the LRA successfully did, which he did not pursue. Rather, he rose in rank and position, including during the period of the charges, because, as Kony worded, '*he is performing very well.*' Finally, he committed some of the crimes in private, sometimes sexual crimes in the complete privacy of his sleeping place. In view of these circumstances, it is impossible to think that he could have committed his acts under any threats.

125. Thus, there exists no ground excluding Dominic Ongwen's criminal responsibility. His guilt has been established beyond any reasonable doubt.

126. On the basis of its analysis of evidence submitted and discussed at trial, as set out in the judgment, the Chamber has therefore convicted Dominic Ongwen of a total of 61 crimes, comprising both crimes against humanity and war crimes. As specified in detail in the verdict rendered by the Chamber, Dominic Ongwen has been found guilty of:

- (i) A number of crimes he committed in the context of the four specified attacks on the IDP camps of Pajule, Odek, Lukodi and Abok – attacks against the civilian population as such, murder, attempted murder, torture, enslavement, outrages upon personal dignity, pillaging, destruction of property and persecution;
- (ii) A number of sexual and gender based crimes he committed against seven women (whose names and individual stories are specified in the judgment) who were abducted and placed into his household – forced marriage, torture, rape, sexual slavery, enslavement, forced pregnancy and outrages upon personal dignity.
- (iii) A number of further sexual and gender based crimes he committed against girls and women within the Sinia brigade – forced marriage, torture, rape, sexual slavery and enslavement.
- (iv) The crime of conscripting children under the age of 15 into the Sinia brigade and using them to participate actively in hostilities.