

Situation in Uganda

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

ICC-02/04-01/15

ICC-PIDS-CIS-UGA-02-022/22\_Eng

Updated: June 2022

## Dominic Ongwen



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

**Nationality:** Ugandan

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

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

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

**Initial appearance hearing:** 26 January 2015

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

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

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

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

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

**Verdict:** 4 February 2020

**Sentence:** 6 May 2021

## Alleged crimes

On 4 February 2021, Trial Chamber IX of the International Criminal Court (ICC) declared Dominic Ongwen guilty, beyond any reasonable doubt, of the following 61 crimes characterized as war crimes and crimes against humanity, committed in Uganda between 1 July 2002 and 31 December 2005:

- (i) attacks against the civilian population as such, murder, attempted murder, torture, enslavement, outrages upon personal dignity, pillaging, destruction of property and persecution; committed in the context of the four specified attacks on the Internally Displaced Persons camps ("IDP camps") Pajule (10 October 2003), Odek (29 April 2004), Lukodi (on or about 19 May 2004) and Abok (8 June 2004);
- (ii) sexual and gender based crimes, namely, forced marriage, torture, rape, sexual slavery, enslavement, forced pregnancy and outrages upon personal dignity he committed against seven women (whose names and individual stories are specified in the judgment) who were abducted and placed into his household;
- (iii) A number of further sexual and gender based crimes he committed against girls and women within the Sinia brigade, namely forced marriage, torture, rape, sexual slavery and enslavement; and
- (iv) The crime of conscripting children under the age of 15 into the Sinia brigade and using them to participate actively in hostilities.

The Chamber declared Mr Ongwen not guilty of other charges.

The Chamber found that these crimes were committed in the context of the armed rebellion of the Lord's Resistance Army (LRA) 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 IDP camps.

## Key judicial developments

### REFERRAL AND OPENING OF THE INVESTIGATION

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

### WARRANT OF ARREST

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

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

### SEPARATION OF THE ONGWEN CASE

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

### SURRENDER AND TRANSFER

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

### CONFIRMATION OF CHARGES

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

### TRIAL

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

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

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

Over the course of 234 hearings, the Office of the ICC Prosecutor, Fatou Bensouda, presented a total of 109 witnesses and experts, the Defence team lead by Krispus Ayena Odongo presented a total of 63 witnesses and experts and 7 witnesses and experts were called by the Legal Representatives of the Victims participating in the proceedings. The judges ensured the respect of the rights guaranteed by the Rome Statute to each of the parties, including the right to question the witnesses. The Trial Chamber issued 70 oral decisions, and 528 written decisions up until the issuance of the sentence. On 12 December 2019, the presiding judge declared the closure of the submission of evidence in the case. The total case record, consisting of the filings of the parties and participants and the Chamber's decision, currently includes more than 1810 filings.

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

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

## VERDICT

On 4 February 2021, Trial Chamber IX [found Dominic Ongwen guilty](#) for a total of 61 comprising crimes against humanity and war crimes, committed in Northern Uganda between 1 July 2002 and 31 December 2005.

## SENTENCE

On 4 February 2021, the Chamber decided to hold a hearing under Article 76(2) of the Statute, in the presence of Dominic Ongwen, his defence counsel, representatives of the Office of the Prosecutor and the legal participants of the victims participating in the proceedings, to hear further submissions and any additional evidence relevant to the appropriate sentence to be imposed on Dominic Ongwen. Additional evidence was submitted by the Defence, whereas the Prosecution and the legal representatives of the participating victims chose not to present any additional evidence. On 14 and 15 April 2021, the Chamber held a hearing on sentence under Article 76(2) of the Statute in the presence of the Prosecution, Dominic Ongwen and his Defence and both teams of the legal representatives of the participating victims.

On 6 May 2021, Trial Chamber IX [sentenced](#) Dominic Ongwen to 25 years of imprisonment. The period of his detention between 4 January 2015 and 6 May 2021 will be deducted from the total time of imprisonment imposed on him.

The sentence may also be appealed before the ICC Appeals Chamber by either party to the proceedings. The Appeals Chamber has extended the time limits for the filing of the Defence's notice of appeal and appeal brief against the sentence to 28 June 2021 and 26 August 2021, respectively.

If the sentencing judgment becomes final, the ICC Presidency shall designate a State of enforcement for the sentence. In the meantime, Mr Ongwen will remain in the ICC detention centre.

## APPEALS

On 21 July and 26 August 2021, the Defence filed its appeal briefs against the conviction and the sentence, respectively. The Appeals Chamber held a hearing on 14 - 18 February 2022 to hear submissions and observations by the parties and participants on these appeals. The Chamber will make a decision in due course.

## REPARATIONS

A phase dedicated to the reparations to victims will be opened. On 6 May 2021, the Chamber also issued an order for submissions on reparations.

## PARTICIPATION OF VICTIMS

4,095 victims have been granted the right to participate in the proceedings. They are represented by two teams of lawyers. A first group of 2,564 participating victims is represented by two lawyers, Joseph Akwenyu Manoba and Francisco Cox, who were chosen by these victims under Rule 90(1), which allows victims to choose a Legal Representative. Paolina Massidda from the Office of Public Counsel for Victims represents a second group of 1,501 victims who did not choose a lawyer.

### Composition of Trial Chamber IX

Judge Bertram Schmitt, Presiding Judge

Judge Peter Kovacs

Judge Raul C. Pangalangan

### Composition of the Appeals Chamber

Judge Luz del Carmen Ibáñez Carranza, Presiding

Judge Piotr Hofmański

Judge Solomy Balungi Bossa

Judge Reine Alapini-Gansou

Judge Gocha Lordkipanidze

### Representation of the Office of the Prosecutor

Karim A.A. Khan QC, Prosecutor

### Defence Counsel for Dominic Ongwen

Charles Achaleke Taku

### Legal Representatives of the Victims

Joseph Akwenyu Manoba

Francisco Cox

Paolina Massidda