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**International
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PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Tomoko Akane
Judge Sergio Gerardo Ugalde Godinez

SITUATION IN UGANDA

IN THE CASE OF THE PROSECUTOR v. JOSEPH KONY

PUBLIC

Document Containing the Charges

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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I. THE SUSPECT: JOSEPH KONY

1. Joseph KONY was born in September 1961 in Uganda. He is of Acholi ethnicity and a national of Uganda. He is the founder and leader of the Lord's Resistance Army ("LRA").

II. THE CHARGES

A. Contextual Elements of War Crimes (Article 8)

2. From at least 1 July 2002 until 31 December 2005, a protracted armed conflict not of an international character was ongoing in northern Uganda, including in the Acholi, Lango, and Teso areas. At all material times, the parties to the armed conflict were the LRA on one side and the Uganda People's Defence Force ("UPDF") and associated local armed units, such as the Amuka, Local Defence Units and Arrow Boys, on the other side. The armed hostilities were protracted and exceeded, in intensity, internal disturbances and tensions, such as riots, and isolated and sporadic acts of violence. The LRA regularly fought the UPDF and associated units through the period of the charges.

3. The LRA was an organised armed group, comprising several hundred fighters, with a central command known as Control Altar and four brigades: Sinia, Stockree, Gilva, and Trinkle. The brigades were divided into battalions and further into companies known also as "coys", each led by a commander. From 2003, there was also a division called Jogo. The LRA maintained a training and disciplinary system that guaranteed LRA fighters' participation in hostilities and adherence to internal orders. The LRA had various types of weapons and ammunition, from machine guns and rocket-propelled grenades to pangas/machetes and knives.

4. The conduct that forms the basis for the charges in this Document Containing the Charges ("DCC") took place in the context of, and was associated with, this non-international armed conflict. KONY and the LRA perpetrators were aware of the factual circumstances that established the existence of this armed conflict.

B. Contextual Elements of Crimes against Humanity (Article 7)

5. From at least 1 July 2002 until 31 December 2005, the LRA – an organisation within the meaning of article 7(2)(a) of the Rome Statute – carried out a widespread and systematic attack directed against the civilian population of northern Uganda, engaging in a course of conduct that involved the multiple commission of acts amounting to crimes under article 7 of the Rome Statute, including those charged in this DCC.

6. The LRA carried out the attack pursuant to, and in furtherance of, an organisational policy to commit such an attack. The overall objective of the LRA was to destabilise and ultimately overthrow the Ugandan government through armed rebellion and a protracted armed conflict. To achieve this objective and to sustain its activities, the LRA under KONY's leadership targeted civilians, including but not limited to those living in internally displaced persons' camps ("IDP camps"). The LRA abducted large numbers of civilians, mostly children (persons under 18 years old), including children under 15 years of age. Boys and young men were predominantly abducted to be used as fighters in the LRA. Girls and young women were predominantly abducted to be distributed to LRA commanders and fighters as domestic servants and forced wives.

7. The LRA's attack against the civilian population was widespread, occurring across a large area in northern Uganda, lasting from at least 1 July 2002 until 31 December 2005, and resulting in thousands of victims. It was also systematic in that it was planned and organised. The acts comprising the attack were not committed at random but were executed by LRA units in a consistent pattern over an extended period, with similar victims and similar *modus operandi*, in which the LRA repeatedly targeted civilians living in IDP camps, villages, schools, homesteads and in ambushes.

8. The conduct that forms the basis for charges in this DCC was committed as part of this widespread and systematic attack against a civilian population. KONY and the LRA perpetrators of these acts knew and intended that their conduct was part of the attack.

C. KONY's Criminal Responsibility

1. KONY's Position of Authority and Influence

9. KONY founded the LRA and was its military and political leader throughout the charged period, with overall authority and control over all LRA members, including LRA fighters participating in the charged crimes.

10. LRA commanders and fighters complied with KONY's instructions to carry out the charged crimes. KONY had the power, *inter alia*, to give orders; to ensure compliance with the orders issued; to order forces and units under his command, whether under his immediate command or at a lower level, to engage in hostilities; to discipline any subordinate; and to send forces to the site of hostilities and to withdraw them at any time.

11. KONY had the ultimate power to decide the fate of all LRA members, including senior commanders. Many members of the LRA believed he had spiritual powers and was omniscient, beliefs which KONY perpetuated to exert control over the LRA.

2. The LRA as an Organised Structure of Power

12. Between at least 1 July 2002 and 31 December 2005, the LRA was an organised and hierarchical apparatus of power.

13. KONY generally issued orders directly or through his deputy, Vincent Otti, to brigade commanders, who communicated them to battalion commanders, who in turn passed them to their subordinates. The LRA relied on high-frequency radio as the principal mode of communication between units. During daily communications between KONY and LRA commanders, KONY gave orders and directions, received reports and communicated other decisions to the unit commanders. KONY's orders were complied with throughout the LRA.

14. When KONY was geographically removed from LRA units operating in northern Uganda, brigade commanders ensured compliance with KONY's orders and directions. They made operational and tactical decisions such as identifying locations for attacks against civilians and abductions, and distribution of abducted children and women, in accordance with the broader strategic orders given by KONY.

15. The LRA maintained a violent disciplinary system based on severe punishments which guaranteed adherence to LRA rules and KONY's orders. Most LRA fighters had been abducted as children, conscripted into the LRA and subjected to conditioning and threats of physical violence or death. LRA fighters followed the orders of their superiors, and ultimately KONY. Discipline within the LRA was further maintained by KONY through invoking spiritual beliefs.

16. During the charged period the LRA was composed of a sufficient number of fungible individuals capable of replacement to guarantee that the orders were carried out, if not by one subordinate, then by another. KONY and his co-perpetrators, named below, were all senior LRA commanders. They mobilised their authority and power in the LRA to ensure compliance with orders and directions, and caused their subordinates to carry out the charged conduct. This allowed them to exert control over the charged crimes.

3. Common Plan and Overview of KONY's Orders to his Subordinates

17. At least between 1 July 2002 until 31 December 2005, KONY shared a common plan or agreement with Vincent Otti, members of Control Altar, and the LRA brigade commanders

to attack civilians in northern Uganda whom the LRA perceived to be supporting the Government of Uganda, and to sustain the LRA, by committing the charged crimes (“Common Plan”). The members of the Common Plan, each for at least part of the charged period, included but were not limited to the following individuals: Vincent Otti, Tolbert Nyeko Yadin, Raska Lukwiya, Okot Odhiambo, Charles Tabuley, Ocan Bunia, Buk Abudema, Dominic Ongwen, Charles Kapere, Lakati and Jimmy Ocitti. KONY and the co-perpetrators acted in a coordinated manner to implement the Common Plan through the hierarchically organised structure of the LRA which was jointly controlled by KONY and the co-perpetrators.

18. KONY regularly planned operations including in relation to the charged crimes with his co-perpetrators, predominantly using LRA radio. Senior LRA commanders had to report on the radio at least three times per day. During these communications KONY issued his orders regarding military operations and attacks on civilians, decided operational matters and received reports, as set out in Section 5 below.

19. KONY and his co-perpetrators were aware of the fundamental features of the LRA as an organised and hierarchical apparatus of power, and that KONY held the highest authority in the LRA.

4. Charged Crimes in relation to Attacks on IDP Camps and the Lwala Girls School

4.1. Attack on Lwala Girls School

20. In May and June 2003, KONY and Vincent Otti ordered LRA units to target schools to abduct schoolgirls for subsequent distribution to LRA commanders and fighters as “wives” and *ting tings* (enslaved girls considered by the LRA too young for sex). Stockree brigade commander Tabuley tasked his subordinate commanders to identify schools in execution of this order. Stockree battalion commanders, Lagulu and Kapere, identified the Lwala Girls Secondary School (“Lwala Girls School”), a boarding school, situated in Lwala Village, Otuboi Sub-County, Kalaki County, Kaberamaido District, as a target and selected about 30 fighters to attack the school and abduct the schoolgirls.

21. On or about 24 June 2003, the Stockree brigade attacked Lwala Girls School. At the time of the attack, approximately 230 girls were on the school’s premises.

22. The LRA fighters, who were armed with an assortment of weapons including firearms, entered the dormitories where the schoolgirls were sleeping and forced them out of bed. At least 70 schoolgirls between the ages 13 and 19 were forced to leave with the LRA fighters.

23. During the attack on the Lwala Girls School, LRA fighters also broke into the school's canteen, medicine store and dormitories. They took food, medicine and other items, such as clothing and sponge mattresses. After the attack, LRA fighters went to nearby Lwala stage and Otuboi centre, where they broke into shops and took food and other items, such as cooking oil and soap.

24. Some of the abducted girls were tied together with ropes or bedsheets. The LRA placed the schoolgirls under armed guard to prevent their escape and threatened them with beatings and/or death. The girls were forced to carry heavy looted items, for long distances under constant threat of harm. Some of the girls were forced to walk these long distances barefoot. The LRA beat the abducted girls after some had tried to escape.

25. At least 12 abducted schoolgirls were released the day following the attack, and some others managed to escape. Some abducted girls were taken to KONY, who chose two to become his "wives" (see below at paras. 129-133), whilst others were distributed to other LRA commanders to serve in the households of LRA fighters (see below at paras. 94 – 105).

4.2. Attack on Pajule IDP camp

26. On or about 10 October 2003, at approximately 05h00-06h00, the LRA attacked Pajule and Lapul IDP camps ("Pajule IDP camp") that were situated in proximity to each other in Aruu county, Pader district, Uganda. At that time, between 15,000 and 30,000 people lived in the camp. The attack was aimed at the civilian residents of the camp.

27. The attack was carried out pursuant to KONY's general orders to attack civilians. Vincent Otti was the overall commander of the attack. LRA fighters from Control Altar, Trinkle brigade and Sinia brigade participated in the attack. Commanders involved included Dominic Ongwen, Raska Lukwiya, Bogi Bosco, and Onyee.

28. Overall, more than 100 LRA fighters, including children under the age of 15, armed with a variety of weapons, attacked the camp in groups. One group engaged with the UPDF at the military barracks in the camp; one focused on civilian areas including the trading centre; one group attacked the Catholic mission; and one group was tasked with ambushing UPDF reinforcements.

29. During the attack on Pajule IDP camp and in its immediate aftermath, the LRA killed at least four civilians, including by beating them to death and shooting them. One woman was cut with a machete.

30. During the attack on Pajule IDP camp, LRA fighters broke into many civilian homes and shops and took food, including beans, flour, salt, sugar, cooking oil, maize, sweets, biscuits, groundnuts, soda, household goods such as bedding, clothing, a radio set, saucepans, medicine, livestock and money. When the LRA fighters left the camp, they took the looted goods with them.

31. The LRA abducted several hundred civilian residents of Pajule IDP camp and forced them to carry looted items, including heavy loads, for long distances while retreating from the camp. Some abductees were forced to carry injured LRA fighters. The LRA placed the abductees under armed guard to prevent escape and threatened them with beatings or death. Some were tied to each other. The abductees were forced to walk barefoot or not fully clothed through the bush for a long distance. LRA fighters beat abductees to make them walk faster.

32. After the attack, Vincent Otti reported the results of the attack, including the killing of civilians, to KONY over LRA radio. KONY laughed in response.

4.3. Attack on Abia IDP camp

33. On or about 4 February 2004, between 16h30 and 17h30, the LRA attacked Abia IDP camp, situated in Teobio Village, Apalo Sub-County, Moroto County, Lira District, Uganda. Between 12,000 and 15,000 civilians resided in the camp. The attack was aimed at the civilian residents of Abia IDP camp.

34. The attack was carried out pursuant to KONY's general orders to attack civilians. In the weeks prior to the attack, KONY reiterated his orders to attack and kill civilians, including those living in the Lango and Teso areas, where the Abia IDP camp was located. Okot Odhiambo, Stockree Brigade Commander, instructed his subordinates George Labongo and Vincent Okema to proceed to Abia IDP camp, to kill everyone there, both soldiers and civilians, and to burn the houses, including with people inside.

35. The attack was carried out by 150 - 300 armed LRA fighters. The LRA fighters attacked the military barracks, the school area, and the trading centre, burning houses on their way.

36. During the attack on Abia IDP camp, and in the immediate aftermath of the attack, the LRA killed at least 40 civilians. LRA fighters killed civilians, predominantly women, children and elderly, by shooting them and/or using bombs against houses where civilians were hiding, by beating or stabbing them to death, and by burning civilians alive in their houses.

37. At least 25 civilians survived, despite life-threatening injuries, due to independent circumstances. They were left because they were presumed dead and/or managed to escape. During the attack on Abia IDP camp, some civilians witnessed the killing of their spouses or other family members by the LRA fighters.

38. LRA fighters set fire to civilian homes in Abia IDP camp. Around 182 civilian homes together with their contents were burnt and destroyed.

39. During the attack on Abia IDP camp, LRA fighters broke into civilian homes and shops and took items, such as beans, and salt. They also took livestock, such as cows and goats. When the LRA fighters left the camp, they took the looted goods with them.

40. The LRA abducted at least six civilians from Abia IDP camp, including children under 15 years. The abductees were made to walk under armed guard and were under constant threat of beatings or death. Some were tied with ropes. The abductees were beaten and deprived of fresh/clean water. The LRA fighters took away from a female abductee her baby girl. They threw the baby into the river, where she drowned, and then cut the female abductee with a machete.

41. After the attack, Odhiambo reported the attack to KONY, who was pleased and congratulated him. Subsequently, KONY pointed to this attack as an example to be followed by all LRA units and ordered Odhiambo to conduct an even larger attack.

4.4. Attack on Barlonyo IDP camp

42. On or about 21 February 2004, at approximately 17h45, the LRA attacked Barlonyo IDP camp, in the village of Barlonyo, Orit parish, Ogur sub-county, Erute North county, Lira district, Uganda. At the time, between 1,000 and 4,800 civilians lived in the camp. The attack was aimed at the civilian residents of the Barlonyo IDP camp.

43. The attack was carried out pursuant to KONY's general orders to attack civilians. In the weeks prior to the attack, KONY had ordered the LRA to attack camps in Lango and Teso areas, where Barlonyo camp was located. The attack on Barlonyo IDP camp involved at least 63 LRA fighters from three units: Stockree Brigade, Sinia Brigade and Division, with Odhiambo as the overall commander.

44. The LRA fighters commenced the attack by engaging with Amuka forces at the military barracks near the camp, and then spread into the civilian areas, attacking civilian inhabitants.

45. During the attack on Barlonyo IDP camp, LRA fighters killed at least 200 civilian residents of the camp by shooting, burning and/or beating them to death. At least one woman targeted for killing survived because the bullets aimed at her by an LRA fighter, missed her.

46. During the attack on the Barlonyo IDP camp, LRA fighters broke into civilian homes and shops and took food and other items, such as beans, salt and livestock. When they left the camp, the LRA took with them the looted goods.

47. During the course of the attack, the LRA fighters set fire to at least 300 civilian huts in Barlonyo IDP camp. Almost the entirety of the camp was burnt to the ground.

48. After the attack, Odhiambo communicated the results of the attack to KONY via LRA radio. KONY was pleased with the reported result and instructed other LRA fighters to follow Odhiambo's example and attack and kill civilians. On 13 March 2004, KONY promoted Odhiambo to the rank of Brigade General as a reward for his accomplishments, referring to the attacks on the Abia and Barlonyo IDP camps.

4.5. Attack on Odek IDP camp

49. On or about 29 April 2004, the LRA attacked Odek IDP camp, in Odek sub-county, Omoro County, Gulu District, Uganda. At the time, between 2,000 and 3,000 civilians lived in the camp. The attack was aimed at the civilian residents of Odek IDP camp.

50. The attack was carried out pursuant to KONY's general orders to attack civilians. In the weeks prior to the attack, KONY reiterated his orders to kill civilians, and specifically mentioned Odek as a location to be attacked. At least 30 LRA fighters, including children under the age of 15, from Sinia Brigade and two fighters from Gilva Brigade participated in the attack, under the overall command of Sinia brigade commander Dominic Ongwen.

51. The LRA attacked Odek IDP camp in two groups, one focused on the military barracks and the other focused on the civilian areas. The LRA fighters were ordered to target everyone they would find at Odek IDP camp, and to loot food and abduct civilians.

52. The LRA fighters broke into homes and shops and took food and other items from shops in the trading centre and from civilian homes, including beans, cooking oil, maize, flour, soda and other beverages, biscuits, sugar, salt, posho, soap, clothes, saucepans, bedding, and shoes. When the LRA fighters left the camp, they took the looted goods with them and distributed them to the households of LRA commanders.

53. During the attack and in their retreat, the LRA killed at least 52 civilians. The LRA fighters shot at civilians, sprayed bullets inside civilian houses, beat and stabbed them to death and set at least one hut on fire with civilians inside. Some civilians were shot as they ran away from the LRA. The victims included elderly persons, children, a pregnant woman, and women carrying babies tied to their backs. In at least 10 instances, the civilians targeted for killing did not die, due to independent circumstances. 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 assault was committed with such force that the victim started to bleed.

54. About an hour after the LRA had begun their attack on Odek IDP camp, the LRA fighters retreated from the camp in the face of the arrival of government reinforcements. When they left the camp, the LRA abducted at least 40 civilian men, women, and children. Abductees, including children as young as 11 or 12 years old, were forced to carry looted items away from the camp. Abductees were under armed guard to prevent their escape and were under constant threat of beatings or death. They were forced to carry heavy loads for long distances under constant threat of harm, sometimes barefoot.

55. Nine abducted civilian men were forced to carry a wounded LRA fighter and were killed when the LRA fighter died. Abductees were beaten with sticks and guns. Abductees were beaten for walking too slowly. One abductee was forced to kill another abductee with a club and forced to inspect corpses. Another abductee was forced to watch someone being killed. LRA fighters forced several mothers to abandon their children on the side of the road; one child was left on a rubbish pit.

56. After the attack, Dominic Ongwen communicated the results of the attack via LRA radio to other LRA commanders and to KONY, reporting that his fighters had successfully carried out an attack on Odek IDP camp, shooting people, abducting civilians, and looting the camp. KONY was pleased with the reported result.

4.6. Attack on Pagak IDP camp

57. On or about 16 May 2004, at approximately 18h00, the LRA attacked Pagak IDP camp, also known as Wianono or *Wiya Nono*, in Lamogi Sub-County, Kilak County, Gulu District, Uganda. At the time of the attack around 14,000 civilians lived in the camp. The attack was aimed at the civilian residents of Pagak IDP camp.

58. The attack was carried out pursuant to KONY's general orders to attack civilians. In the weeks prior to the attack, KONY reiterated his orders to kill civilians, and ordered LRA units

to launch attacks in Gulu area, where Pagak IDP camp was located. LRA fighters from Control Altar and Gilva Brigade participated in the attack. The overall commander of the attack was Vincent Otti. Other senior commanders involved included Thomas Kwoyelo and Raska Lukwiya.

59. At least 40 LRA fighters, armed with an assortment of weapons, including a B-10 gun, RPG, and PK guns, attacked the camp in two groups, one focused on the military barracks and the other focused on the civilian areas.

60. During the attack on Pagak IDP camp and its aftermath, the LRA fighters killed at least 33 civilians from Pagak IDP camp. The LRA fighters killed the majority of civilians, including children, by beating them to death with wooden sticks in the vicinity of Guruguru Hills, close to Pagak camp. The victims included mothers and babies, who were tied to their mother's backs. In at least seven instances, the civilians targeted for killings did not die, due to independent circumstances. The victims survived, sustaining serious injuries.

61. During the attack, LRA fighters broke into civilian homes and shops and took food, including oil, flour, maize and beans. They also set fire to homes belonging to civilian residents of the camp. At least 500 homes were destroyed.

62. The LRA abducted at least 39 civilian residents of Pagak IDP camp. The LRA fighters forced them to carry looted items, such as oil and beans, which were later distributed to LRA commanders and fighters. One abductee was ordered to carry the corpse of a fighter who had been killed during the attack. The abductees were beaten or forced to watch fellow abductees being beaten, some to death.

63. On 17 May, 1 June and 2 June 2004 Vincent Otti discussed the attack on the Pagak IDP camp with KONY, who reiterated his orders that civilians should be targeted in this manner and that such attacks should cause the UPDF to fear the LRA.

4.7. Attack on Lukodi IDP camp

64. On or about 19 May 2004, around 18h00, the LRA attacked the Lukodi IDP camp, situated in Bungatira Sub-County, Aswa County, Gulu District, Uganda. Around 7,000 civilians resided in the camp at the time of the attack. The attack was aimed at the civilian residents of Lukodi IDP camp.

65. The attack on Lukodi IDP camp was carried out in accordance with KONY's general orders to attack civilians. The overall commander of the attack was Sinia Brigade Commander

Dominic Ongwen. At least 80 LRA fighters, including children under 15, from Sinia brigade and the Gilva brigade sickbay participated in the attack. Other commanders involved in the attack included Ocaka.

66. The LRA fighters went into the civilian areas of the camp and some fighters went to the barracks to fight government soldiers, who briefly engaged the LRA fighters and then quickly fled, leaving the civilian population in the camp defenceless.

67. LRA killed at least 48 men, women and children. Civilians were shot, burnt and beaten to death within the camp and during the LRA's retreat. In at least 11 instances, the civilians targeted for killings did not die, due to independent circumstances. The LRA shot at civilians and in some cases wounded them. Civilians were beaten and left because they were believed to be dead, some were thrown into burning houses.

68. During the attack on Lukodi IDP camp, LRA fighters entered civilian homes and shops and took food and other property from them. The looted items included beans, maize, cooking oil, soap, household items, chickens, money and clothes. When the LRA fighters left the camp, they took with them the looted goods. During their attack on Lukodi IDP camp, LRA fighters set huts on fire. At least 200 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.

69. The LRA abducted at least 29 civilians, including men, women and children. The LRA fighters forced abductees to carry heavy loads, some for long distances, while tied together. The LRA placed the abductees under armed guard to prevent their escape and threatened them with beatings or death. The LRA forced abducted mothers to abandon their children in the bush. LRA fighters threw small children, including babies, into the bush because the children were crying and making it difficult for their mothers to carry looted goods. One female abductee was wounded and raped by an LRA fighter.

70. After the attack, Dominic Ongwen reported about the attack on the LRA radio to KONY and Vincent Otti. KONY encouraged Dominic Ongwen to continue with his activities. On 30 May 2004 KONY announced promotions for "hard workers", including Dominic Ongwen.

4.8. Attack on Abok IDP camp

71. On or about 8 June 2004, in the evening hours, the LRA attacked Abok IDP camp, situated in Ngai sub-county, Apac district, Uganda. At the time, between 7,000 and 13,000 civilians lived in the camp. The attack was aimed at the civilian residents of Abok IDP camp.

72. The attack was carried out pursuant to KONY's general orders to attack civilians. In the days and weeks preceding the attack, KONY, Vincent Otti and Buk Abudema instructed Dominic Ongwen to continue to attack civilians in IDP camps. LRA fighters from the Sinia brigade participated in the attack, under the command of Sinia Brigade Commander Dominic Ongwen. Other commanders involved in the attack included Okello Kalalang.

73. At least 20 armed LRA fighters, including children under the age of 15, attacked the camp. The LRA fighters entered the civilian area of the camp, firing their guns. A contingent of the fighters eventually ended up near the barracks in the north east of the camp, where UPDF soldiers were able to defend the barracks but could not stop the attack on the civilian area.

74. During the attack on Abok IDP camp, LRA fighters killed at least 28 civilian residents of the camp, by shooting, burning and beating them to death. In at least 11 instances, the civilians targeted for killings did not die, due to independent circumstances. The LRA fighters shot at or beat the victims, who sustained serious injuries.

75. During the course of the attack on Abok IDP camp, LRA fighters took food and other property from civilian houses and shops at the trading centre, including sugar, flour, beans, maize, goats, cooking oil, biscuits, salt, a radio, money, clothing, cooking utensils and medicine. When the LRA fighters left the camp, they took with them the looted goods and distributed them to the households of LRA commanders.

76. LRA fighters destroyed property belonging to civilian residents of Abok IDP camp by, *inter alia*, setting huts in the camp on fire during the course of the attack. Several hundred civilian homes were burnt and destroyed during the attack.

77. The LRA abducted at least 14 civilians, including men, women and children, from Abok IDP camp. The LRA forced them to carry heavy looted goods, and an injured LRA fighter, for long distances under the threat of beatings or death. The abductees were under armed guard to prevent their escape and some of them were tied to each other. LRA fighters beat the abductees as a means of punishment and to intimidate others to continue without stopping or resisting. LRA fighters forced an abductee to kill another abductee with a club, as a lesson to others who were thinking of escaping.

78. Dominic Ongwen communicated the results of the attack on the LRA radio to other LRA commanders and to KONY, reporting that his fighters carried out an attack on Abok IDP camp, directing fire and burning everything that was there, including huts in the camp.

4.9. Allegations Common to the Attacks on IDP Camps and the Attack on Lwala Girls School

79. KONY and the LRA perpetrators intentionally directed acts of violence against the civilian population as such and individual civilians not taking direct part in hostilities.

80. The persons whom the LRA perpetrators murdered, attempted to murder, enslaved, tortured, subjected to other inhumane acts and cruel treatment were civilians taking no active part in hostilities, and KONY and the LRA perpetrators were aware of the factual circumstances that established their civilian status.

81. Through the acts described above, the LRA perpetrators severely deprived the residents of the seven IDP camps referred to above of their fundamental rights, contrary to international law, including the rights to life, to liberty and security of person, to freedom of movement, to private property, not to be subjected to torture or to cruel, inhuman or degrading treatment, and the right not to be held in slavery or servitude. The civilian residents of the IDP camps were targeted collectively, based on political grounds, as the LRA perpetrators perceived them to be affiliated with and/or supporting the Ugandan government.

82. Through the acts described above, the LRA perpetrators severely deprived the schoolgirls of the Lwala Girls School of their fundamental rights, contrary to international law, including the rights to liberty and security of person, to freedom of movement, not to be subjected to torture or to cruel, inhuman or degrading treatment, and the right not to be held in slavery or servitude. The schoolgirls were targeted by the LRA collectively based on their age and gender.

83. Where the LRA abducted civilians from the IDP camps and the Lwala Girls School, the LRA perpetrators exercised powers attached to the right of ownership over the abductees, including by depriving them of their liberty, exacting forced labour, and reducing them to a servile status.

84. The LRA's treatment of the civilians during and in the aftermath of the attacks, while they were under the LRA's custody and control, inflicted on them severe physical and mental pain and suffering, and great suffering and serious injury to body and to mental or physical health. The pain and suffering did not arise from and was not inherent in or incidental to lawful sanctions. This treatment was carried out to intimidate, to punish and to coerce the civilians, including those abducted from the IDP camps and the Lwala Girls School.

85. The property destroyed by the LRA perpetrators belonged to the residents of the IDP camps who were perceived as associated with the government of Uganda and thus as the adversary. KONY and the LRA perpetrators were aware of the factual circumstances establishing the status of the property, and the destruction was not required by military necessity.

86. The items looted by the LRA perpetrators were taken without the consent of the owners, and with the intent to appropriate the items for private or personal use.

4.10. Crimes against Children Abducted and Integrated into the LRA

87. From at least 1 July 2002 until 31 December 2005, KONY and his co-perpetrators engaged in a coordinated campaign to abduct children (persons under 18 years old) in northern Uganda, including children under the age of 15, and to integrate them into the LRA. KONY and his co-perpetrators relied on the LRA fighters under their control to enforce the system of abductions across LRA units, followed by a carefully designed and coordinated regime of physical and psychological violence against the abducted children.

88. During the charged period, the LRA abducted at least several hundred children, of which hundreds were under the age of 15, from villages, schools, IDP camps, and other locations, and forcibly integrated them into the LRA to serve according to different socially constructed gender roles. This included, but was not limited to children abducted from the Lwala Girls School on or about 24 June 2003, Pajule IDP camp on or about 10 October 2003, Odek IDP camp on or about 29 April 2003, Lukodi IDP Camp on or about 19 May 2004, Abok IDP camp on or about 8 June 2004. KONY and the LRA perpetrators targeted children, on the basis of their age, because they were considered less likely to escape and easier to indoctrinate, or with respect to girls, to be free from sexually transmitted diseases.

89. After being abducted, children were distributed to the households of LRA commanders or assigned to specific commanders and fighters and, depending on their gender, given specific tasks. All children abducted by the LRA were deprived of their liberty and reduced to servile status. Abducted boys and girls were forced to do physical labour such as gathering firewood, preparing campsites, and carrying supplies and personal items of LRA fighters and commanders. Boys were predominantly forced to carry out military tasks, while girls were predominantly subjected to acts of sexual, reproductive, and other gender-based violence as described in section 4.11. Some girls, however, also took part in attacks and underwent military training.

90. KONY and the LRA perpetrators exercised powers attached to the right of ownership over the abducted children, enslaving them. They were treated as objects that could be disposed of and could, and often were, moved around from one commander or fighter to another and between different LRA units.

91. The abducted children were subjected to a coercive and violent environment including various forms of physical and psychological harm. They were often beaten and otherwise physically mistreated. They were forced to beat and/or kill other abductees, and to witness severe violence being inflicted on others. They were constantly threatened with physical violence or death if they broke LRA rules. The children were made to walk long distances and were often hungry. They were also deprived of any education. This treatment inflicted severe physical and mental pain and suffering on the children, which did not arise from and was not inherent or incidental to lawful sanctions. This pain and suffering was inflicted for the purposes of intimidation, coercion, and punishment. These children were in the custody and in the control of the LRA perpetrators.

92. Abducted children were not free to leave the LRA. They were threatened that, if they tried to escape, they and their family would be killed. Many children were in fact killed for trying to escape. Others were beaten for attempting to escape. Children born to enslaved women and girls were enslaved themselves and forced to remain in the LRA.

93. Amongst the abducted children, there were also children younger than 15 years of age. They were integrated into the LRA and used to participate actively in hostilities. The abducted children were trained, in some cases received guns, and were assigned to service in the LRA units. Children under 15 took part in fighting against the UPDF. They facilitated LRA attacks by raising alarms, burning and pillaging civilian houses, collecting and carrying pillaged goods from attack sites, and serving as scouts and escorts. During some attacks relevant to the charges, children under the age of 15 participated in the hostilities. KONY and the LRA perpetrators knew or should have known that the children were less than 15 years old.

4.11. Crimes against Girls and Women Abducted and Integrated into the LRA

94. From at least 1 July 2002 until 31 December 2005, KONY and his co-perpetrators engaged in a coordinated campaign to abduct women and girls, to integrate them into the LRA. In this period, at least hundreds of girls and women were abducted from villages, schools, IDP camps and other locations in northern Uganda by the LRA. The LRA abducted these women and girls to serve in socially construed gender roles within the LRA as domestic servants and forced wives to LRA commanders and fighters. This included but was not limited to the girls

and women abducted from the Lwala Girls School on or about 24 June 2003, at least four girls abducted from Pajule IDP Camp on or about 10 October 2003, and at least five girls abducted from Omiya Pacwa around July 2004.

95. Abducted girls and women were deprived of their liberty and reduced to a servile status. They were distributed to LRA commanders and fighters without having a say. This distribution was the prerogative of KONY or, in his absence, LRA brigade and battalion commanders. Girls and women were often distributed as reward to LRA fighters. They were forced to stay within the assigned unit, typically moving around northern Uganda.

96. The abducted women and girls were not free to leave the LRA. They were threatened with death if they attempted to escape. In some cases, women and girls were beaten or killed for attempting to escape.

97. Abducted women and girls were subjected to a coercive and violent environment, including various forms of physical and psychological violence by the LRA. Many were severely beaten and threatened with violence for resisting rape or other sexual violence, or for breaking LRA rules. Many abducted women and girls were also forced to beat or kill other abductees for breaking LRA rules.

98. Abducted women and girls were forced to accept their allocation to the LRA unit and the respective LRA commander or fighter and/or his household. Through the LRA commanders and fighters under their authority, KONY and his co-perpetrators exercised powers attaching to the right of ownership over girls and women of all ages distributed to LRA fighters, enslaving them.

99. Abducted girls whom the LRA did not consider mature enough to have sexual intercourse and become “wives” were referred to as *ting-tings*. This included at least five girls during the charged period. These girls were forced to perform household chores while being groomed to eventually become forced wives.

100. Mature girls and women were coerced to become exclusive conjugal partners – forced wives – of LRA fighters. KONY personally distributed women and girls as “wives” and used his authority as LRA leader to enforce this across the LRA. KONY himself had dozens of “wives” during the charged period, including two girls abducted from the Lwala Girls School.

101. Forced wives had to maintain an exclusive sexual relationship with the LRA fighter to whom they were distributed, have sexual intercourse with him on demand, bear children, perform domestic chores, and otherwise do what their “husband” instructed them to do.

102. LRA fighters 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 forced wives. The women and girls were unable to resist the sexual violence against them due to the coercive environment of the LRA, physical force used by the LRA fighters, the threat of punishment for disobedience or attempted escape, and their dependence on the LRA fighters for survival. This included but is not limited to at least seven women assigned to Dominic Ongwen, one girl assigned to Otti, one girl assigned to Bunia, one girl assigned to Aboro and one girl assigned to Lukwiya in the charged period.

103. A strict system of rules designed and endorsed by KONY governed the sexual relations between the female abductees and male members of the LRA, as well as the girls' and women's domestic duties. According to these rules, abducted women and girls were not allowed to have sexual relationships with men other than their so-called "husband".

104. As a result of the rapes they had to endure, hundreds of women and girls became pregnant. The LRA unlawfully confined these women and girls during their pregnancies with the intent to carry out grave violations of international law, including continued enslavement, rape, torture, and other inhumane acts (forced marriage). These women and girls included but are not limited to three "wives" of Dominic Ongwen and one "wife" of Ocitti.

105. Abducted women and girls suffered severe physical and mental pain and suffering as a result of the systematic physical, mental, and sexual abuse, coercive environment, and poor living conditions they endured, as well as their continuous deprivation of liberty and sexual and reproductive autonomy, and their subjection to "marriage" and pregnancy against their will. This pain and suffering was inflicted for the purposes of intimidation, coercion, and punishment, and did not arise from and was not inherent in or incidental to lawful sanctions. This inflicted great suffering and serious injury to the women's bodies and their mental and physical health of a character similar to other crimes against humanity. KONY was aware of the factual circumstances that established the character of the inhumane act.

5. KONY's Contribution as an Indirect Co-perpetrator pursuant to Article 25(3)(a) (Counts 1-29, sections 4.1. to 4.11)

106. KONY and his co-perpetrators implemented the Common Plan through the hierarchically organised structure of the LRA as set out above (paras. 9-19). KONY made essential contributions to the crimes charged in Counts 1-29 described above within the framework of the Common Plan in the following ways:

- **KONY regularly ordered LRA units to attack, kill and mistreat civilians perceived to be supporting Ugandan government and to destroy or steal civilian property**

107. KONY regularly issued orders, both general and specific, to LRA units to attack civilians, who were perceived as supporting the Ugandan government, in different areas of northern Uganda, namely, to kill and physically mistreat these civilians, and to destroy and take their property. These orders were typically communicated to commanders via LRA radio for further dissemination.

108. The orders included but were not limited to the following: On 7 August 2002, KONY and Vincent Otti instructed that the rate of killings should be doubled. In November 2002, KONY ordered all LRA commanders that people of Kamdini and Minakulu areas should be targeted. Vincent Otti then passed the order to Abudema and Odhiambo and instructed other commanders to target other areas in Acholi and parts of the Lango areas. Further, in April 2003, KONY ordered that people in the area of Lagile should be killed. Also in April 2003 KONY instructed that the Acholi people should be “finished”. Then, in September 2003, KONY ordered that the LRA should begin killing from Soroti to Acholi. Otti divided the commanders to assign them to these operations. In November 2003, KONY instructed that the Lango people should suffer, he also ordered Kapere to start killing without sparing anybody in Kitgum. On 11 November 2003, KONY ordered that LRA fighters should kill Lango, Acholi and Teso people. He explicitly instructed the killing of Lango women. Then on 23 January 2004, KONY instructed the killing of civilians from infants to the elderly stating that it was the civilians who were putting pressure on the government to fight the LRA. In late March 2004, KONY ordered no living creature should be left alive because all people in Uganda were fighting the LRA. In April 2004, he specifically mentioned Odek IDP camp as a target. Further, he ordered LRA to attack locations in Gulu before 16 May 2004, where the Pagak IDP camp was located.

- **KONY made strategic decisions regarding the manner, intensity and focus of attacks against civilians in northern Uganda**

109. In the charged period, KONY regularly issued general orders and strategic directions such as deciding what areas should be targeted by LRA fighters and what activities should be the focus of LRA operations, and how to prioritise and/or carry out attacks against civilians.

110. Such strategic decisions included but were not limited to the following: In July 2002, KONY instructed Otti to continue his operations in Uganda on KONY's behalf. On 31 March 2003 KONY ordered an attack on Oroko camp and to burn down all houses and kill the

civilians. He explicitly ordered LRA commander Bunia to kill up to 800 people in the camp. In April 2003, when Ongwen reported that he had attacked Lagile camp and killed 20 civilians and abducted people including a red cross worker, KONY instructed Ongwen to kill that person. Still in April 2003, KONY instructed all LRA units to seriously embark on ambushes and camp attacks, and to target the areas of Okinga, Acholi Bur, Lagile and Laguti. In May 2003, KONY instructed Otti to plan attacks on towns like Gulu, Kitgum, Lira and Pader. Otti also instructed Lukwiya, Angola and Ongwen to plan attacks together. In November 2003, KONY instructed Otti to expand LRA attacks across northern Uganda.

111. In June 2003, KONY instructed that schools and universities should be targeted. He later instructed Otti to hit Lango area mercilessly and to then proceed into Teso area to intensify abductions.

112. On 12 February 2004, KONY instructed his commanders to adopt the tactic shown by Odhiambo in the Abia camp attack.

113. In April 2004, KONY instructed specifically women to be targeted.

114. KONY also endorsed the looting of civilian property, received reports in relation to looted goods, and oversaw their distribution.

- **KONY maintained the system of abductions during the charged period and issued orders to all LRA to abduct civilians**

115. During the charged period, KONY continued to uphold and enforce the system of abductions that had been a defining feature of the LRA since its inception, and which he put in place as the LRA leader prior to the charged period. He did this by regularly issuing orders to abduct civilians to replenish the LRA, which were complied with. KONY at times also issued specific orders targeting specific populations of northern Uganda (Lango, Teso, Acholi), specific types of targets (for example schools or IDP camps) or geographical areas.

116. KONY also determined the intensity of abductions and designated times when the LRA should not engage in abductions. On 22 July 2002, KONY ordered Lakati, a senior LRA commander, to abduct more children, at least 25. When Tabuley reported he had abducted 200 children, KONY instructed these children be handed to him and for Tabuley to be promoted. In September 2002, KONY ordered that all young children found in villages should be taken to him as they would become LRA soldiers. On 16 November 2002, KONY instructed that each commander should abduct at least 50 boys under the age of 10. Also in November 2002, KONY stated that no LRA should abduct people over 15 years of age “because they are problems”. He

instructed Vincent Otti to only abduct young children who are easy to control. In May and June 2003, KONY ordered LRA units to target schools and abduct schoolgirls.

117. On 18 August 2003, KONY instructed that abductions should cease until he decided otherwise. Then on 11 November 2003, he again ordered attacks on schools to abduct more recruits. In May 2004, KONY instructed Otti and Lukwiya to abduct many children to replace the ones who escaped.

118. KONY also issued specific instructions with respect to the abduction of girls. Several times in 2003, he instructed his commanders to abduct girls, specifically young and beautiful ones and schoolgirls, to serve as “wives”, which they complied with.

- **KONY devised and enforced the LRA rules for the treatment of women and children**

119. KONY devised and enforced the LRA's rules regarding the role and treatment of women and children both before, during, and after the charged period. He oversaw and oftentimes decided the distribution of girls and women. He meted out punishments, devised rituals and supported the submission of children and women within the LRA to a servile status. This regular severe physical and psychological mistreatment of women and children created a coercive and violent environment. When girls had “matured” he commanded their handover to male fighters. When one woman refused to hand over her child to become a “ting ting” he ordered her beating. KONY issued orders in relation to the distribution of girls to commanders.

- **KONY personally used children as escorts and abducted women and girls to act as domestic servants and as forced conjugal partners**

120. KONY himself used children as escorts, and girls and women as forced conjugal partners, babysitters, and domestic servants. KONY himself held dozens of “wives” in the charged period acting as an example to his commanders.

- **KONY devised and maintained the LRA disciplinary system as such and motivated LRA commanders through rewards and threats to carry out LRA operations**

121. KONY ensured that a strict disciplinary system was implemented throughout the LRA. KONY was the source of the rules and had the power to alter the rules. He ensured that the rules were followed by all LRA. KONY ordered the killings or physical punishment of senior LRA members and, on the other hand, typically delegated such decisions when it came to low-level

LRA members and newly abducted persons. KONY used threats and promises as well as rewards to ensure that LRA commanders and fighters complied with his orders, including to carry out LRA operations against civilians in northern Uganda, which encompassed killings, abductions, and looting.

- **KONY decided the command structure and promotions/demotions of LRA commanders and transfer of fighters between units**

122. KONY took structural decisions and issued orders and instructions regarding the LRA, such as transfer of commanders between different units, decisions on the movements of different brigades or units, size of each unit depending on the situation on the ground, necessity for meetings between different commanders, and decisions on communication and security. KONY was the sole authority making decisions on promotions and demotions of commanders in the LRA.

- **KONY decided on the allocation of supplies, including weapons and ammunition within the LRA**

123. KONY planned and organised the supply of weapons and ammunitions to LRA units operating in northern Uganda. KONY controlled the arsenal of arms available to the LRA, by, for example, instructing his subordinates to excavate previously buried weapons and ammunition in (then) Sudan and Uganda. KONY also organised the transportation/distribution of weapons and ammunition to his forces in Uganda and gave instructions on how to divide the weapons and ammunitions between different units.

124. KONY meant to engage in the charged conduct, and intended, or was aware, that the charged crimes would be committed in the ordinary course of events. KONY was aware of the criminality of the Common Plan and that the crimes would be committed in the ordinary course of events as a result of the implementation of the Common Plan. KONY was also aware of the features of the LRA, including its organised and hierarchical structure, that allowed him and the other co-perpetrators to have joint control over the crimes.

125. KONY had the intent required for each charged crime, including specific intents. He inflicted pain and suffering on the victims through the LRA members for the purposes of punishment, intimidation, and coercion, and for reasons of discrimination. KONY also acted with the intent to discriminate against the victims on the bases of their perceived political views, their gender, and their age, as applicable. He was aware of the factual circumstances that made the mistreatment and abuse charged as other inhumane acts similar to other acts referred to in

article 7(1) of the Rome Statute. KONY intended that women and girls, who were forcibly made pregnant, continued to be deprived of their liberty and thus confined in order to carry out other grave violations of international law, including the charged crimes.

126. KONY and the LRA perpetrators further were aware of factual circumstances that established the victims' civilian status. They were also aware of the protected status of destroyed property. They intended the civilian population of northern Uganda as such, including school girls and civilians in IDP camps not taking direct part in hostilities, to be the objects of the attacks.

6. KONY's Individual Criminal Responsibility for Ordering and Inducing pursuant to Article 25(3)(b) (Counts 1-29)

127. In the alternative, KONY ordered members of the LRA, over whom he had a position of authority, to commit the charged crimes. Also in the alternative, KONY directed and/or prompted his subordinates to commit the charged crimes, including by his statements encouraging crimes against civilians, blaming civilians for the ongoing conflict, and demonising and dehumanising civilians; his praise of LRA perpetrators; and his rewarding of LRA perpetrators through promotions and the distribution of forced wives and other enslaved persons.

128. KONY meant to engage in this conduct and was aware of his position of authority and his influence over the physical perpetrators of the crimes. He intended the crimes or was aware that the crimes would be committed in the ordinary course of events as a result of the implementation of the orders or as a result of his acts or omissions, and he had the intent and knowledge specific to the relevant crimes, as set out in paragraphs 125-126.

7. Crimes Directly Perpetrated by KONY pursuant to Article 25(3)(a) (Counts 30-36)

129. A young woman abducted from Lwala Girls School on or about 24 June 2003 was taken to KONY in Tim Palukok in Kitgum district on or about 8 July 2003. KONY selected this young woman for his household amongst other girls presented to him. During July/August 2003, while in northern Uganda, KONY forced her to become his exclusive conjugal partner – his forced wife.

130. As KONY's forced wife, the young woman had to maintain an exclusive sexual relationship with him, perform domestic chores, and otherwise do what KONY instructed her to do. This treatment inflicted great suffering and serious injury to her body and to her mental and physical health of a character similar to other crimes against humanity. KONY was aware

of the factual circumstances that established the character of the inhumane act. The pain and suffering did not arise from and was not inherent to lawful sanctions.

131. KONY first forced this young woman into sexual intercourse in northern Uganda, about four weeks after her abduction. When KONY ordered her to his house, she refused three times. In response to her refusal, KONY instructed his bodyguard to beat her. After that, she felt that she had no other option but to submit to KONY's demands for sexual intercourse. KONY threw the girl onto his bed, tore her underwear, and penetrated her vagina with his penis. During the entire time, the young woman was not free to leave, as she was under KONY's custody and control. After raping her for the first time in northern Uganda, he repeatedly raped the young woman in (then) Sudan until she was rescued on or about 30 September 2004. On each occasion, KONY used force, threat of force, coercion, or made use of the existing coercive environment in the LRA to force the young woman into having sexual intercourse with him. KONY inflicted on the young woman severe physical and mental pain and suffering, and great suffering and serious injury to body and to mental or physical health. This treatment was carried out to intimidate, to punish and to coerce the young woman.

132. From July 2003 until her rescue on or about 30 September 2004, KONY exercised powers attaching to the right of ownership over this young woman. KONY deprived her of her liberty by placing her under military guard and controlling her movement and environment, controlling her sexual and reproductive autonomy, imposing conditions that made it impossible for her to escape, subjecting her to physical and psychological abuse and exacting forced labour, thus reducing her to a servile status.

133. KONY is responsible as a direct perpetrator for the charged crimes committed against the young woman described in paragraphs 129-132. KONY meant to engage in all the conduct described above and meant to cause the consequences or was aware they would occur in the ordinary course of events. He also had the intent and knowledge specific to the relevant conduct, as set above.

III. LEGAL CHARACTERISATION OF THE FACTS

134. Based on the facts set out above, KONY is criminally responsible for the following conduct:

(Crimes committed in the Attacks on IDP camps and Lwala Girls School)

Count 1: Intentionally directing attacks against the civilian population as such as a war crime, pursuant to articles 8(2)(e)(i) and 25(3)(a) (indirect co-perpetration) and 25(3)(b)

(ordering and inducing) of the Rome Statute on or about 24 June 2003 at **Lwala Girls School (paras. 20-25)**, on or about 10 October 2003 at **Pajule IDP camp (paras. 26-32)**, on or about 4 February 2004 at **Abia IDP camp (paras. 33-41)**, on or about 21 February 2004 at **Barlonyo IDP camp (paras. 42-48)**, on or about 29 April 2004 at **Odek IDP camp (paras. 49-56)**, on or about 16 May 2004 at **Pagak IDP camp (paras. 57-63)**, on or about 19 May 2004 at **Lukodi IDP camp (paras. 64-70)**, and on or about 8 June 2004 at **Abok IDP camp (paras. 71-78)**.

Count 2: Murder as a crime against humanity, pursuant to articles 7(1)(a) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, on or about 10 October 2003 of at least 4 civilians at or around **Pajule IDP camp (para. 29)**, on or about 4 February 2004 of at least 40 civilians at or around **Abia IDP camp (paras. 36, 40)**, on or about 21 February 2004 of at least 200 civilians at and around **Barlonyo IDP camp (para. 45)**, on or about 29 April 2004 of at least 52 civilians at or around **Odek IDP camp (paras. 53, 55)**, on or about 16 May 2004 of at least 33 civilians at or around **Pagak IDP camp (para. 60)**, on or about 19 May 2004 of at least 48 civilians at or around **Lukodi IDP camp (para. 67)**, and on or about 8 June 2004 of at least 28 civilians at or around **Abok IDP camp (paras. 74, 77)**.

Count 3: Murder as a war crime, pursuant to articles 8(2)(c)(i) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, on or about 10 October 2003 of at least 4 civilians at or around **Pajule IDP camp (para. 29)**, on or about 4 February 2004 of at least 40 civilians at or around **Abia IDP camp (paras. 36, 40)**, on or about 21 February 2004 of at least 200 civilians at or around **Barlonyo IDP camp (para. 45)**, on or about 29 April 2004 of at least 52 civilians at or around **Odek IDP camp (paras. 53, 55)**, on or about 16 May 2004 of at least 33 civilians at or around **Pagak IDP camp (para. 60)**, on or about 19 May 2004 of at least 48 civilians at or around **Lukodi IDP camp (para. 67)**, and on or about 8 June 2004 of at least 28 civilians at or around **Abok IDP camp (paras. 74, 77)**.

Count 4: Attempted murder as a crime against humanity, pursuant to articles 7(1)(a) and 25(3)(f) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, on or about 4 February 2004 of at least 25 civilians at and around **Abia IDP camp (para. 37)**, on or about 21 February 2004 of at least one civilian at and around **Barlonyo IDP camp (para. 45)**, on or about 29 April 2004 of at least 10 civilians at and around **Odek IDP camp (para. 53)**, on or about 16 May 2004 of at least 7 civilians at and around **Pagak IDP camp (para. 60)**, on or about 19 May 2004 of at least 11 civilians at and around **Lukodi IDP camp (para. 67)**, and on or about 8 June 2004 of at least 11 civilians at and around **Abok IDP camp (para. 74)**.

Count 5: **Attempted murder** as a war crime, pursuant to articles 8(2)(c)(i) and 25(3)(f) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, on or about 4 February 2004 of at least 25 civilians at and around **Abia IDP camp (para. 37)**, on or about 21 February 2004 of at least one civilian at and around **Barlonyo IDP camp (para. 45)**, on or about 29 April 2004 of at least 10 civilians at and around **Odek IDP camp (para. 53)**, on or about 16 May 2004 of at least 7 civilians at and around **Pagak IDP camp (para. 60)**, on or about 19 May 2004 of at least 11 civilians at and around **Lukodi IDP camp (para. 67)**, and on or about 8 June 2004 of at least 11 civilians at and around **Abok IDP camp (para. 74)**.

Count 6: **Torture** as a crime against humanity, pursuant to articles 7(1)(f) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, in relation to the civilians during and in the aftermath of the attacks on or about 24 June 2003 at and around **Lwala Girls School (para. 24)**, on or about 10 October 2003 at and around **Pajule IDP camp (para. 31)**, on or about 4 February 2004 at and around **Abia IDP camp (paras. 37, 40)**, on or about 29 April 2004 at and around **Odek IDP camp (paras. 53-55)**, on or about 16 May 2004 at and around **Pagak IDP camp (para. 62)**, on or about 19 May 2004 at and around **Lukodi IDP camp (para. 69)**, and on or about 8 June 2004 at and around **Abok IDP camp (para. 77)**.

Count 7: **In the alternative to Count 6, Severe abuse and mistreatment**, as an inhumane act of a character similar to the acts set out in articles 7(1)(a)-(j), as a crime against humanity, pursuant to articles 7(1)(k) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, of the civilians during and in the aftermath of the attacks on or about 24 June 2003 at and around **Lwala Girls School (para. 24)**, on or about 10 October 2003 at and around **Pajule IDP camp (para. 31)**, on or about 4 February 2004 at and around **Abia IDP camp (paras. 37, 40)**, on or about 29 April 2004 at and around **Odek IDP camp (paras. 54-55)**, on or about 16 May 2004 at and around **Pagak IDP camp (para. 62)**, on or about 19 May 2004 at and around **Lukodi IDP camp (para. 69)**, and on or about 8 June 2004 at and around **Abok IDP camp (para. 77)**.

Count 8: **Torture** as a war crime, pursuant to articles 8(2)(c)(i) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, of the civilians during and in the aftermath of the attacks on or about 24 June 2003 at and around **Lwala Girls School (para. 24)**, on or about 10 October 2003 at and around **Pajule IDP camp (para. 31)**, on or about 4 February 2004 at and around **Abia IDP camp (paras. 37, 40)**, on or about 29 April 2004 at and around **Odek IDP camp (paras. 54-55)**, on or about 16 May 2004 at and around

Pagak IDP camp (para. 62), on or about 19 May 2004 at and around **Lukodi IDP camp (para. 69)**, and on or about 8 June 2004 at and around **Abok IDP camp (para. 77)**.

Count 9: In the alternative to Count 8, Cruel treatment as a war crime, pursuant to articles 8(2)(c) (i) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, of the civilians during and in the aftermath of the attacks on or about 24 June 2003 at and around **Lwala Girls School (para. 24)**, on or about 10 October 2003 at and around **Pajule IDP camp (para. 31)**, on or about 4 February 2004 at and around **Abia IDP camp (paras. 37, 40)**, on or about 29 April 2004 at and around **Odek IDP camp (paras. 54-55)**, on or about 16 May 2004 at and around **Pagak IDP camp (para. 62)**, on or about 19 May 2004 at and around **Lukodi IDP camp (para. 69)**, and on or about 8 June 2004 at and around **Abok IDP camp (para. 77)**.

Count 10: Enslavement as a crime against humanity, pursuant to articles 7(1)(c) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, of the abducted civilians on or about 24 June 2003 at and around **Lwala Girls School (paras. 22, 24, 25)**, on or about 10 October 2003 at and around **Pajule IDP camp (para. 31)**, on or about 4 February 2004 at and around **Abia IDP camp (para. 40)**, on or about 29 April 2004 at and around **Odek IDP camp (paras. 54, 55)**, on or about 16 May 2004 at and around **Pagak IDP camp (para. 62)**, on or about 19 May 2004 at and around **Lukodi IDP camp (para. 69)**, and on or about 8 June 2004 at and around **Abok IDP camp (para. 77)**.

Count 11: Pillaging as a war crime, pursuant to articles 8(2)(e)(v) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, on or about 24 June 2003 at and around **Lwala Girls School (para. 23)**, on or about 10 October 2003 at **Pajule IDP camp (para. 30)**, on or about 4 February 2004 at **Abia IDP camp (para. 39)**, on or about 21 February 2004 at **Barlonyo IDP camp (para. 46)**, on or about 29 April 2004 at **Odek IDP camp (para. 52)**, on or about 16 May 2004 at **Pagak IDP camp (para. 61)**, on or about 19 May 2004 at **Lukodi IDP camp (para. 68)**, and on or about 8 June 2004 at **Abok IDP camp (para. 75)**.

Count 12: Destruction of property as a war crime, pursuant to articles 8(2)(e)(xii) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, on or about 4 February 2004 at **Abia IDP camp (para. 38)**, on or about 21 February 2004 at **Barlonyo IDP camp (para. 47)**, on or about 16 May 2004 at **Pagak IDP camp (para. 61)**, on or about 19 May 2004 at **Lukodi IDP camp (para. 68)**, and on or about 8 June 2004 at **Abok IDP camp (para. 76)**.

Count 13: **Persecution** as a crime against humanity, on political grounds, of civilians perceived by the LRA as being affiliated with, or supporting the Ugandan government, by attacks against the civilian population as such, murder, attempted murder, torture or cruel treatment or other inhumane acts, enslavement, pillaging and destruction of property pursuant to articles 7(1)(h) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, on or about 10 October 2003 at and around **Pajule IDP camp (paras. 26-32)**, on or about 4 February 2004 at and around **Abia IDP camp (paras. 33-41)**, on or about 21 February 2004 at and around **Barlonyo IDP camp (paras. 42-48)**, on or about 29 April 2004 at and around **Odek IDP camp (paras. 49-56)**, on or about 16 May 2004 at and around **Pagak IDP camp (paras. 57-63)**, on or about 19 May 2004 at and around **Lukodi IDP camp (paras. 64-70)**, and on or about 8 June 2004 at and around **Abok IDP camp (paras. 71-78)**.

Count 14: **Persecution** as a crime against humanity, on age and gender grounds, of schoolgirls attacked and abducted on or about 24 June 2003 at and around **Lwala Girls School (paras. 20-25)** by an attack against the civilian population as such, torture, cruel treatment, other inhumane acts, enslavement, and pillaging, pursuant to article 7(1)(h) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

(Crimes against children and women abducted and integrated into the LRA)

Count 15: **Enslavement** as a crime against humanity, of at least hundreds of children (persons under 18) (**paras. 87-93**) and at least hundreds of women (**paras. 94-105**) in the LRA from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 7(1)(c) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 16: **Forced marriage**, as an inhumane act of a character similar to the acts set out in articles 7(1)(a)-(j), as a crime against humanity, of at least hundreds of girls and women (**paras. 100-104**) in the LRA from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 7(1)(k), and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 17: **Rape** as a crime against humanity, of at least hundreds of girls and women (**paras. 102, 104**) in the LRA from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 7(1)(g) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 18: **Rape** as a war crime, of at least hundreds of girls and women (**paras. 102, 104**) in the LRA from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 8(2)(e)(vi) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 19: **Torture** as a crime against humanity, of at least hundreds of children (persons under 18) (**paras. 91-92**) and at least hundreds of women (**paras. 97, 101-102**) in the LRA from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 7(1)(f) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 20: **In the alternative to Count 19, Severe abuse and mistreatment**, as an inhumane act of a character similar to the acts set out in articles 7(1)(a)-(j), as a crime against humanity, of at least hundreds of children (**paras. 91-92**) and at least hundreds of women (**paras. 97, 101-102**) in the LRA from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 7(1)(k) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 21: **Torture** as a war crime, of at least hundreds of children (**paras. 91-92**) and at least hundreds of women (**paras. 97, 101-102**) in the LRA from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 8(2)(c)(i) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute, from at least 1 July 2002 until 31 December 2005.

Count 22: **In the alternative to Count 21, Cruel treatment** as a war crime, of at least hundreds of children (**paras. 91-92**) and at least hundreds of women (**paras. 97, 101-102**) in the LRA from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 8(2)(c) (i) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 23: **Persecution** as a crime against humanity, on the grounds of gender and age, of at least hundreds of children (persons under 18 years old) (**paras. 87-93**) in the LRA from at least 1 July 2002 and 31 December 2005 in northern Uganda by means of enslavement, rape, torture, forced pregnancy, other inhumane acts (forced marriage), conscription and use of children under 15 years of age, pursuant to articles 7(1)(h) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 24: Persecution as a crime against humanity, on the grounds of gender of at least hundreds of women (**paras. 94-105**) in the LRA from at least 1 July 2002 until 31 December 2005 in northern Uganda by means of enslavement, rape, torture, forced pregnancy, and other inhumane acts (forced marriage), pursuant to articles 7(1)(h) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 25: Conscripting children as a war crime, of at least hundreds of children under the age of 15 (**para. 93**) into the LRA, from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 8(2)(e)(vii) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 26: Using children to participate actively in hostilities as a war crime, of at least hundreds of children under the age of 15 (**para. 93**) by the LRA, from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 8(2)(e)(vii) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 27: Sexual slavery as a war crime, of at least hundreds of girls and women (**paras. 94-105**) in the LRA, from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 8(2)(e)(vi) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 28: Forced Pregnancy as a crime against humanity, of at least hundreds of girls and women (**para. 104**) from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 7(1)(g) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

Count 29: Forced Pregnancy, as a war crime, of at least hundreds of girls and women (**para. 104**) from at least 1 July 2002 until 31 December 2005 in northern Uganda, pursuant to articles 8(2)(e)(vi) and 25(3)(a) (indirect co-perpetration) and 25(3)(b) (ordering and inducing) of the Rome Statute.

(Crimes directly perpetrated by KONY)

Count 30: Enslavement as a crime against humanity, of a young woman (**paras. 129-133**) from July 2003 until September 2004 in northern Uganda and subsequently (then) Sudan, pursuant to articles 7(1)(c) and 25(3)(a) (direct perpetration) of the Rome Statute.

Count 31: Forced marriage, an inhumane act of a character similar to the acts set out in articles 7(1)(a)-(j), as a crime against humanity, of a young woman (**paras. 129-133**) from July

2003 until September 2004 in northern Uganda and subsequently (then) Sudan, pursuant to articles 7(1)(k) and 25(3)(a) (direct perpetration) of the Rome Statute.

Count 32: **Rape** as a crime against humanity, of a young woman (**para. 131**) in July/August 2003 in northern Uganda, pursuant to articles 7(1)(g) and 25(3)(a) (direct perpetration) of the Rome Statute.

Count 33: **Rape** as a war crime, of a young woman (**para. 131**) in July/August 2003 in northern Uganda, pursuant to articles 8(2)(e)(vi) and 25(3)(a) (direct perpetration) of the Rome Statute.

Count 34: **Torture** as a crime against humanity, of a young woman (**para. 131**) in July/August 2003 in northern Uganda, pursuant to articles 7(1)(f) and 25(3)(a) (direct perpetration) of the Rome Statute.

Count 35: **Torture** as a war crime, of a young woman (**para. 131**) in July/August 2003 in northern Uganda, pursuant to articles 8(2)(c)(i) and 25(3)(a) (direct perpetration) of the Rome Statute.

Count 36: **Sexual slavery**, as a war crime, of a young woman (**paras. 129-133**) from July/August 2003 until September 2004 in northern Uganda and subsequently (then) Sudan, pursuant to articles 8(2)(e)(vi) and 25(3)(a) (direct perpetration) of the Rome Statute.



Karim A.A. Khan KC, Prosecutor

Dated this 19th day of January, 2024
At The Hague, The Netherlands