

Situation in Uganda

ICC-PIDS-CIS-UGA-02-012/16_Eng

The Prosecutor v. Dominic Ongwen

Updated: January 2017

ICC-02/04-01/15

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

Charges

Dominic Ongwen is accused, pursuant to articles 25(3) (a) (direct perpetration, indirect perpetration and indirect co-perpetration), 25(3) (b) (ordering), 25(3) (d) (i) and (ii) and 28(a) (command responsibility) of the Rome Statute, for the following crimes against humanity and war crimes:

- **War crimes:** attack against the civilian population; murder and attempted murder; rape; sexual slavery; torture; cruel treatment; outrages upon personal dignity; destruction of property; pillaging; the conscription and use of children under the age of 15 to participate actively in hostilities;
- **Crimes against humanity:** murder and attempted murder; torture; sexual slavery; rape; enslavement; forced marriage as an inhumane act; persecution; and other inhumane acts.

Alleged crimes

During the period from 1 July 2002 to an unspecified date in 2004, the LRA, an armed group, allegedly carried out an insurgency against the Government of Uganda and the Ugandan Army (also known as the Uganda People's Defence Force - UPDF - and local defence units - LDUs). There are reasonable grounds to believe that the LRA had been directing attacks against both the UPDF and LDUs and against civilian populations, and that, in pursuing its goals, the LRA had engaged in a cycle of violence and established a pattern of "brutalization of civilians". This had been carried out by acts including murder, abduction, sexual enslavement, mutilation, and mass burnings of houses and looting of camp settlements. Civilians, including children, are believed to have been abducted and forcibly "recruited" as fighters, porters and sex slaves to serve the LRA and to contribute to attacks against the Ugandan army and civilian communities.

In the context of this insurgency, it is alleged that the Pajule IDP (October 2003), the Odek IDP (April 2004), the Lukodi IDP (May 2004) and Abok IDP camps (June 2004), were attacked and that in his capacity as Brigade Commander of the Sinia Brigade of the LRA, Dominic Ongwen would have ordered the commission of crimes within the jurisdiction of the Court in the context of these attacks. Mr Ongwen is charged with the following crimes against humanity and war crimes:

- **War crimes:** attack against the civilian population; murder and attempted murder; rape; sexual slavery; torture; cruel treatment; outrages upon personal dignity; destruction of property; pillaging; the conscription and use of children under the age of 15 to participate actively in hostilities;
- **Crimes against humanity:** murder and attempted murder; torture; sexual slavery; rape; enslavement; forced marriage as an inhumane act; persecution; and other inhumane acts.

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 DOMINIC 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 pre-trial 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 OF DOMINIC ONGWEN TO ICC

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, Judge Ekaterina Trendafilova, took place on 26 January 2015.

CONFIRMATION OF CHARGES HEARING

The confirmation of charges hearing in respect of Dominic Ongwen was held from 21 – 27 January 2016 at the seat of the Court at The Hague (Netherlands). On 23 March 2016, Pre-Trial Chamber II confirmed the charges brought by the Prosecutor against Dominic Ongwen and committed him to trial before a Trial Chamber. On 2 May 2016, the Presidency of the Court constituted Trial Chamber IX which will be in charge of the case of *The Prosecutor v. Dominic Ongwen*. Mr Ongwen is in ICC custody.

OPENING OF THE 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. At its request, the Defence team will make its opening statements at the beginning of the presentation of its evidence, once the Prosecution has concluded the presentation of its case. [PARTICIPATION OF VICTIMS](#)

4,107 victims have been granted the right to participate in the proceedings. They are represented by two teams of lawyers. A first group of 2,601 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 (OPCV) and Jane Adong (Ugandan Field Counsel) represent a second group of 1,502 victims who did not choose a lawyer. The legal representation of 4 participating victims will be further clarified in due course.



Composition of Trial Chamber IX

Judge Bertram Schmitt, Presiding Judge
Judge Peter Kovacs
Judge Raul C. Pangalangan

Representation of the Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor
Benjamin Gumpert, Senior Trial Lawyer

Defence Counsel for Dominic Ongwen

Krispus Ayena Odongo

Legal Representatives of the Victims

Joseph Akwenyu Manoba
Francisco Cox
Paolina Massidda