

### Key facts on the *Ongwen* case: Views from the victims



On 23 March 2016, the International Criminal Court (ICC) confirmed 70 charges against former Lord's Resistance Army's warlord, Dominic Ongwen (see photo © ICC). He is accused of war crimes and crimes against humanity.

This is the first case concerning Uganda committed to trial before the ICC.

With the Ugandan NGO Justice and Reconciliation Project, ASF met victims and affected communities in Gulu (Northern of Uganda) during the hearings on the confirmation of charges last January.

During a two-day meeting, victims shared their views about D. Ongwen's prosecution and, more largely, about their strong wish to see justice delivered and truth about past events uncovered, including concerning the role of the government authorities ([watch their webstory](#) on ASF website).

#### 1. Who is Dominic Ongwen?

D. Ongwen, also known as "Odomi" and as "Wai Wai", was abducted into the Lord's Resistance Army (LRA) at the age of twelve. During his years with the LRA, he apparently rose through the rebel ranks to become, in 2004, the commander of the Sinia Brigade.

According to the ICC Decision confirming the charges, D. Ongwen's rise in rank was associated with his operational performance, including the direction of attacks against the civilian population. He allegedly took sustained action to assert his commanding position, including by the abduction of children to replenish his forces and the distribution of female abductees to his subordinates as so-called "wives".

#### 2. What is the context of the crimes committed in Uganda?

Violence and conflicts have plagued Uganda since the last 50 years. Of these, the most protracted opposed the government of Uganda and the LRA, mainly in the north and east of the country, with the most intense fighting occurring between the 1990s and 2006. During this period, a wide range of violations were committed against civilians, including murder, mutilation, rape, sexual slavery, destruction of property, abductions. The conflict was also particularly marked by the recruitment and use of young children during the hostilities as well as sexual and gender based crimes. The casualties of the conflict with the LRA include an estimated 100,000 civilian deaths and 20,000 abducted children.

#### 3. What are the charges D. Ongwen will face at trial?

D. Ongwen is tried for 70 charges of crimes against humanity and war crimes committed between 1<sup>st</sup> July 2002 and 31<sup>st</sup> December 2005 in Northern Uganda, particularly during four attacks against camps where thousands of civilians internally displaced were residing.

The charges include: 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; enslavement; forced marriage as an inhumane act; persecution; and other inhumane acts.

#### **4. Why charges for forced marriages and forced pregnancy before the ICC are remarkable in this case?**

For the first time, an individual will be prosecuted before the ICC for forced marriages and forced pregnancy as such.

In the ICC Decision confirming the charges, the Judges stressed that forced marriages differ from sexual slavery because, while often forced marriage include sexual abuses, its core element is the imposition of "marriage" on the victim. The Judges took into consideration the social consequence for the victim of such a crime (such as rejection from her own family or community) as well as the violation of the victim's basic right to consensually marry and establish a family.

The Judges further considered that D. Ongwen is directly but also indirectly responsible for sexual and gender based crimes, forced marriages and forced pregnancy. In the Judges' view, there is evidence of a common plan between J. Kony, the LRA's leader, and the senior leadership of Sinia Brigade, including D. Ongwen, to abduct women and girls and use them as forced "wives", domestic servants and sex slaves to male LRA fighters.

#### **5. What was the D. Ongwen's defence so far?**

While challenging the Prosecutor's evidence, the Defence also alleged that D. Ongwen was himself a victim of the LRA as he had been abducted at a very young age. It claimed that he acted under duress.

The Judges however rejected that argument because, instead of seeking to escape from the LRA, D. Ongwen chose to rise in hierarchy and higher responsibility with the LRA. They considered that D. Ongwen shared the LRA's ideology, including its brutal and perverted policy with respect to civilians.

#### **6. What are the views of victims and affected communities from Gulu?**

During a two-day live screening of the hearings on the confirmation of charges, victims and affected communities were able to express their views on the D. Ongwen's prosecution and on the role of justice and the fight against impunity more generally.

While victims were satisfied to see the ICC Prosecutor presenting fairly the crimes they have suffered, they also queried the government's failure to protect them. They expressed strong support to a transparent and fair process of justice.

To learn more about their views [click here](#).

ASF is an international NGO based in Brussels, and operates in the field of access to justice, including in Uganda.

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