

First Ugandan suspect, LRA Commander Dominic Ongwen, appears before the ICC

26 January 2015

Today, Dominic Ongwen, a senior commander in the Lord's Resistance Army (LRA), made his first appearance before the International Criminal Court (ICC).¹ Ongwen is the first suspect in the Uganda Situation to appear before the Court. The ICC Prosecutor alleges that from 1 July 2002, during Uganda's violent internal conflict, Ongwen committed four counts of war crimes (murder, cruel treatment of civilians, intentionally directing an attack against a civilian population and pillaging) and three counts of crimes against humanity (murder, enslavement and inhumane acts of inflicting serious bodily injury and suffering). During today's initial court appearance, Judge Ekaterina Trendafilova verified Ongwen's identity and informed him of the charges against him. Ongwen was represented by Duty Counsel H  l  ne Cisse.

The Women's Initiatives for Gender Justice, its partners, members and associates in north and north eastern Uganda and the West Nile, as well as partners in the eastern Democratic Republic of the Congo (DRC) and the Central African Republic (CAR), all countries affected by the activities of the LRA, welcome the historic start of the ICC's first case in the Uganda Situation.

'Dominic Ongwen's initial appearance before the ICC represents a long awaited step towards accountability for the grave atrocities committed by the LRA in Uganda', said Judith Acana, Uganda Programme Officer, Women's Initiatives for Gender Justice.

'The victims of these crimes, including women and girls who were raped, are still suffering the consequences. It is our hope that through this case, justice will be served, and that Ongwen's transfer to the ICC will also lead to other LRA suspects being brought before the Court to face justice', said Ms Acana.

¹ 'Initial appearance of Dominic Ongwen scheduled for 26 January 2015', *ICC Press Release*, ICC-CPI-20150121-MA173, 21 January 2015, available at <http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/ma173.aspx>.

Women's Initiatives for Gender Justice



While welcoming this development, the Women's Initiatives is also concerned about some unusual features in Ongwen's eventual transfer to The Hague including:

- Ongwen's participation in several media activities including a radio broadcast, meetings with journalists and a video recording.² Such access and media engagement appears to be unprecedented in relation to suspects wanted by the ICTY, ICTR and SCSL who had been captured or surrendered and were awaiting the process of transfer to one of the international justice mechanisms. It is also unprecedented when compared to the transfer process of previous ICC suspects. It is unclear whether Ongwen had access to legal counsel at the time of the media statements;
- The nine-day detention of Ongwen by US forces before he was handed over to the African Union Regional Task Force (RTF).³ The rationale for the length of this detention is unclear and it is also uncertain whether Ongwen had access to legal counsel during this period; and
- The length of time it took for Ongwen to be transferred to The Hague once he was in ICC custody. The RTF reportedly handed Ongwen over to CAR authorities by 16 January and on the same day the CAR authorities handed him to ICC representatives in Bangui. As such, Ongwen should have been in The Hague by Saturday, 17 January given by that time the ICC had already had 12 days to prepare the arrangements for the transfer since the notification of Ongwen's handover to the US forces on 5 January.⁴ Ongwen was eventually transferred to The Hague on 21 January.⁵ The reasons for the

² 'Dominic Ongwen reveals why he left Joseph Kony', *NTV Uganda*, 12 January 2015, audio recording of interview available at <<https://www.youtube.com/watch?v=CDiCgf3xDWI>>; 'Ongwen urges LRA comrades to surrender', *New Vision*, 13 January 2015, available at <<http://www.newvision.co.ug/news/663641-ongwen-urges-lra-comrades-to-surrender.html>>; 'Surrendered LRA Commander Dominic Ongwen Says He Didn't Want to Die in Bush', *TIME*, 19 January 2015, available at <http://time.com/3673920/dominic-ongwen-lra-commander-surrender/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+time/world+%28TIME:+Top+World+Stories%29>.

³ 'Uganda/CAR: Impending transfer of suspected LRA commander to ICC offers opportunity for justice', *Amnesty International*, 18 January 2015, available at <<http://www.amnesty.org/en/news/ugandacar-impending-transfer-suspected-lra-commander-icc-offers-opportunity-justice-2015-01-18>>; 'Man claiming to be LRA commander surrenders in Central African Republic, U.S. says', *Reuters*, 6 January 2015, available at <<http://www.reuters.com/article/2015/01/06/us-africa-lra-usa-idUSKBN0KF1XL20150106>>.

'African Union troops take Uganda rebel for ICC transfer', *AFP*, 14 January 2015, available at <<http://news.yahoo.com/african-union-troops-uganda-rebel-icc-transfer-112932823.html>>.

⁴ 'Senior LRA commander off to ICC for trial', *Africa Review*, 19 January 2015, available at <<http://www.africareview.com/News/Senior-LRA-commander-off-to-ICC-for-trial/-/979180/2594550/-/f9rchrz/-/index.html?>>>.

⁵ On 21 January 2015, the ICC tweeted that 'Dominic Ongwen has arrived in the ICC detention centre at 01:55 a.m.' As compared to the 16 days between Ongwen's reported surrender and transfer to the ICC, the duration from the surrender of ICC accused Bosco Ntaganda to his transfer to the ICC was four days. On 18 March 2013, Ntaganda surrendered to the US Embassy in Kigali and on 22 March 2013 the US Embassy handed Ntaganda over to ICC officials with assistance from the Rwandan Government. 'Notorious warlord gives himself up to international criminal court', *The Guardian*, 19 March 2013, available at <<http://www.theguardian.com/world/2013/mar/19/africa-congo>>; 'Bosco Ntaganda in the ICC's custody', *ICC*



delay are not clear, and the ICC has to date not provided any information explaining why he was held in Bangui for a prolonged period of time.

Amongst other concerns, the Women's Initiatives and its partners in the CAR and eastern DRC were concerned by the delay because of the possible security issues it posed given the instability in the CAR, the presence of local militia groups, as well as the reported ongoing presence of LRA combatants in the area.

Ongwen is a co-accused in *The Prosecutor v. Kony et al* case with four other individuals: Joseph Kony, Vincent Otti, Raska Lukwiya and Okot Odhiambo. The suspects are alleged to be responsible for a total of 86 counts of war crimes and crimes against humanity committed from 1 July 2002, by means of ordering or inducing their commission, under Article 25(3)(b) of the Rome Statute. Kony is also alleged to be responsible as a direct perpetrator under Article 25(3)(a) of the Statute.⁶ Only two of the suspects, Kony and Otti, are suspected of gender-based crimes, namely sexual slavery as a war crime and crime against humanity and rape as a war crime. Additionally, Kony is alleged to be responsible for rape as a crime against humanity.⁷

The execution of the Arrest Warrant for Kony is pending, and he remains at large. On 11 July 2007, proceedings against Lukwiya were terminated following confirmation of his death.⁸ Later that year, the OTP also notified Pre-Trial Chamber II of information it had received suggesting Otti's death.⁹ Most recently, media and other sources have reported that Odhiambo may have succumbed to injuries and died in late 2013.¹⁰ However, the ICC has not confirmed this information. The ICC website continues to treat both Otti and Odhiambo as suspects at large.

The Women's Initiatives has worked in northern Uganda since 2004, was closely involved in advocacy efforts with the LRA, the Ugandan Government and the mediation team during the Juba Peace Talks and was present at the failed signing of the final peace agreement in Garamba National Park in April 2008.¹¹ Since then, the Women's Initiatives has dedicated its programmes and advocacy to the implementation

Press Release, ICC-CPI-20130322-PR888, 22 March 2013, available at <http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr888.aspx>.

⁶ ICC-02/04-01/05-53, para 10 ; ICC-PIDS-CIS-UGA-001-002/14_Eng.

⁷ ICC-02/04-01/05-53, p 12-13; ICC-02/04-01/05-54, p 12-13.

⁸ ICC-02/04-01/05-248, p 4.

⁹ ICC-02/04-01/05-258, para 1.

¹⁰ 'Ugandan military says senior LRA commander may have been killed', *Reuters*, 17 February 2014, available at <<http://www.trust.org/item/20140217174359-r2pxb/?source=search>>. See also 'Statement by the President of the Security Council', *UN*, 12 May 2014, S/PRST/2014/8, p 2.

¹¹ For an overview of the peace process in Northern Uganda, and the Women's Initiatives' work on the peace process, see *Women's Voices/Dwan Mon/Eporoto Lo Angor/Dwan Mon: A Call for Peace, Accountability and Reconciliation for the Greater North of Uganda*, Women's Initiatives for Gender Justice, June 2009 (2nd Ed).



of the Juba Peace Agreements including support for domestic justice mechanisms, and called for reconciliation initiatives, greater assistance to victims/survivors and the inclusion of women as beneficiaries and stakeholders in the peace, recovery and development programme being implemented by the Ugandan government in the conflict-affected areas in the north and north-east of the country.

Victims/survivors of the LRA have been calling for greater assistance and support, economic opportunities and initiatives which will help to rebuild their lives and heal their communities.

The Women's Initiatives for Gender Justice is an international women's human rights organisation that advocates for gender justice through the ICC and through domestic mechanisms, including peace negotiations and justice processes, and works with women most affected by the conflict situations under investigation by the ICC. The Women's Initiatives has extensive country-based programmes in selected conflict sites and legal monitoring initiatives in all situations under investigation by the ICC.

For further comments, please contact the Women's Initiatives for Gender Justice: +31(0)70 302 9911.

For more information on the surrender and transfer of Dominic Ongwen, read the Women's Initiatives for Gender Justice 'Statement on transfer of LRA commander to the ICC', available [here](#).

Women's Initiatives for Gender Justice

