

First Ugandan suspect, LRA Commander Dominic Ongwen, transferred to the ICC in The Hague

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The Women's Initiatives for Gender Justice, its partners, members and associates in north and north eastern Uganda and West Nile, as well as partners in eastern Democratic Republic of the Congo and the Central African Republic (CAR), all countries affected by the activities of the Lord's Resistance Army (LRA), warmly welcome today's arrival of Dominic Ongwen, a senior commander in the armed group, to the International Criminal Court (ICC) in The Hague.

We also welcome the support provided by the United States government in handing Dominic Ongwen over to other authorities who were then able to facilitate his transfer to the ICC. This is the second time the US government has provided assistance to the Court in relation to supporting the transfer of ICC suspects. On 18 March 2013, Bosco Ntaganda unexpectedly surrendered to the American Embassy in Kigali. Shortly afterwards the US Embassy handed Ntaganda over to the Rwandan government who in turn transferred him into ICC custody.

The Women's Initiatives and partners in LRA-affected countries strongly urge the US-African forces actively tracking the LRA to prioritise live captures of ICC suspects and ensure their safe and speedy transfer to the Court. The communities which have suffered from LRA-related violence and endured a lack of government protection from the violations committed by this militia group for more than two decades have said that they desire justice, accountability and truth-telling. These aspirations are only possible if suspects surrender or are captured and handed over to the appropriate Court, in this case, the ICC.

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

As we have in the past, the Women's Initiatives and partners implore the LRA to release women and children from amongst its group and to conclude its activities through disassembling the militia and allowing the return of all LRA members, with the assistance of the United Nations, the ICRC (Red Cross) and others. Many institutions and organisations are ready to assist a peaceful and immediate conclusion to the prolonged violence associated with the LRA. Those with reason to contemplate the ICC should do so confident of assistance from relevant organisations and bodies which can facilitate relocation to the Court, where safety and security can be guaranteed in The Hague.

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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 2008.¹ Since then, the Women's Initiatives has dedicated its programmes and advocacy to the implementation 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.

Ongwen is the first suspect in the Uganda Situation to appear before the ICC. 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).

Capture/Surrender

The circumstances surrounding Ongwen's capture are contested, with the Seleka militia group in CAR claiming that they captured him on 3 January 2015 and not knowing who he was, handed him over to the US military in CAR, on 5 January.² The US Army claims that Ongwen was not captured but surrendered to US-African forces directly on 5 January.³

On 14 January, Ongwen was reportedly handed over by US Special Forces to Ugandan soldiers working for the African Union Regional Task Force (RTF) in Obo in order to be transferred to the ICC.⁴ According

¹ 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).

² 'LRA's Dominic Ongwen "capture": Seleka rebels want \$5m reward', *BBC*, 9 January 2015, available at: <http://www.bbc.com/news/world-africa-30743647>; 'Profile: Dominic Ongwen of Uganda's LRA', *BBC*, 7 January 2005, available at: <http://www.bbc.com/news/world-africa-30709581>; 'Senior Lord's Resistance Army commander surrenders to US troops', *Guardian*, 7 January 2015, available at <<http://www.theguardian.com/world/2015/jan/06/lords-resistance-army-commander-surrenders-central-african-republic>>; US special forces hand over Ugandan rebel chief Ongwen, *Duetsche Welle*, 14 January 2015, available at <<http://www.dw.de/us-special-forces-hand-over-ugandan-rebel-chief-ongwen/a-18189414>>; 'Surrendered LRA Officer Says He Didn't Want to Die in Bush', *ABC News*, 19 January 2015, available at <<http://abcnews.go.com/International/wireStory/central-african-republic-rebels-seek-us-reward-ongwen-28320612>>.

³ 'Man claiming to be LRA commander surrenders in Central African Republic', *Reuters*, 7 January 2015, available at <<http://news.yahoo.com/man-claiming-lra-commander-surrenders-central-african-republic-065651274.html>>.

⁴ 'African Union troops take Uganda rebel for ICC transfer', *APF*, 14 January 2015, available at <http://news.yahoo.com/african-union-troops-uganda-rebel-icc-transfer-112932823.html>; US special forces hand



to media sources, the RTF handed Ongwen over to CAR authorities by 16 January and on the same day the CAR authorities handed him over to ICC representatives in Bangui.⁵ Ongwen was eventually transferred to The Hague on 21 January.⁶

Since 2004, the Women's Initiatives has been calling on the Office of the Prosecutor to investigate all parties to the conflict, especially those crimes alleged to have been committed by the Uganda People's Defence Force (UPDF) and other government personnel. Since 2009, the Women's Initiatives and its partners in CAR and eastern DRC have also advocated for the Office of the Prosecutor to broaden its investigation of the LRA's crimes beyond Ugandan borders to the CAR, the DRC, and South Sudan, specifically concerning the commission of murder, abduction, pillaging, torture, rape and enslavement, including of children and young women and men.⁷

Case Background

The Situation in Uganda was referred to the ICC by the Ugandan Government in December 2003, resulting in the first referral by a State Party to the Rome Statute to be received by the Court.⁸ A formal investigation was opened on 29 July 2004, which has focused primarily on the activities of the LRA.⁹

There is currently one case before the ICC within the Uganda Situation. In 2005, investigations by the Prosecution prompted the Court to issue arrest warrants against Ongwen and four other individuals: Joseph Kony, Vincent Otti, Raska Lukwiya, and Okot Odhiambo. The five suspects are Ugandan nationals, believed to hold or to have held senior leadership positions within the LRA. While LRA activity has decreased within Ugandan territory, until now attempts to locate and capture any of the five suspects had been unsuccessful.

over Ugandan rebel chief Ongwen, *Duetsche Welle*, 14 January 2015, available at < <http://www.dw.de/us-special-forces-hand-over-ugandan-rebel-chief-ongwen/a-18189414>>.

⁵ '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?>>>.

⁶ On 21 January 2015, the ICC tweeted that 'Dominic Ongwen has arrived in the ICC detention centre at 01:55 a.m.'

⁷ Women's Initiatives for Gender Justice, 'Statement from Women, Peace, Justice, Power Workshop', 6 November 2009, p 30, in *In Pursuit of Peace/À la poursuite de la paix*, available at <<http://www.iccwomen.org/documents/Pursuit-ENG-4-10-web.pdf>>.

⁸ 'ICC - President of Uganda refers situation concerning the Lord's Resistance Army (LRA) to the ICC', *ICC Press Release*, ICC-20040129-44, available at <http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/2004/Pages/president%20of%20uganda%20refers%20situation%20concerning%20the%20lord_s%20resistance%20army%20_lra_%20to%20the%20icc.aspx>.

⁹ 'Prosecutor of the International Criminal Court opens an investigation into Northern Uganda', *OTP Press Release*, ICC-OTP-20040729-65, available at <http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/2004/Pages/prosecutor%20of%20the%20international%20criminal%20court%20opens%20an%20investigation%20into%20nothern%20uganda.aspx>.

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According to Ongwen's Arrest Warrant, the LRA is an armed group which had been carrying out an insurgency against the Government of Uganda, the Ugandan Army and local defence units since at least 1987. The LRA is alleged to be responsible for a 'cycle of violence' with a pattern of the 'brutalization of civilians' through acts including murder, abduction, sexual enslavement, mutilation, as well as mass burnings of houses and looting of camp settlements. The Arrest Warrant states that LRA members abducted civilians, including children, who were forced to work as porters and sex slaves for the LRA and to contribute to attacks against the Ugandan army and civilian communities.¹⁰

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.¹¹ 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.¹²

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.¹³ Later that year, the OTP also notified Pre-Trial Chamber II of information it had received suggesting Otti's death.¹⁴ Most recently, media and other sources have reported that Odhiambo may have succumbed to injuries and died in late 2013.¹⁵ 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 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 more information about the Situation in Uganda and the case against Ongwen, see *Gender Report Card 2014*, p 79-81; *Gender Report Card 2013*, p 52; *Gender Report Card 2012*, p 98; *Gender Report Card*

¹⁰ ICC-02/04-01/05-57, para 5.

¹¹ ICC-02/04-01/05-53, para 10 ; ICC-PIDS-CIS-UGA-001-002/14_Eng.

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

¹³ ICC-02/04-01/05-248, p 4.

¹⁴ ICC-02/04-01/05-258, para 1.

¹⁵ '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.

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2011, p 139-145; *Gender Report Card 2010*, p 90-93118; *Gender Report Card 2009*, p 52-53; *Gender Report Card 2008*, p 44-45, available [here](#).

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