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No. ICC-02/04-01/05

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PRE-TRIAL CHAMBER III

Before:

**Judge Althea Violet Alexis-Windsor, Presiding Judge
Judge Iulia Antoanella Motoc
Judge Haykel Ben Mahfoudh**

SITUATION IN THE REPUBLIC OF UGANDA

IN THE CASE OF

THE PROSECUTOR v. JOSEPH KONY

Public

Decision on the confirmation of charges *in absentia* against Joseph Kony pursuant to articles 61(2)(b) and 61(7) of the Rome Statute

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☒ Legal Representatives of the Victims

☐ Legal Representatives
of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel
for Victims

☐ The Office of Public Counsel
for the Defence

☐ States' Representatives

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Registrar
Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

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PRE-TRIAL CHAMBER III of the International Criminal Court (the ‘ICC’ or ‘Court’) issues, pursuant to articles 61(2)(b) and 61(7) of the Rome Statute (the ‘Statute’), this Decision on the confirmation of charges *in absentia* against Joseph Kony (‘Mr Kony’), a national of the Republic of Uganda (‘Uganda’). The confirmation of charges hearing was held on 9 and 10 September 2025¹ in the absence of the suspect, pursuant to article 61(2)(b) of the Statute.

1. The full text of the charges on which the Prosecution seeks that Mr Kony be committed for trial is available in the ‘Amended Document Containing the Charges’ (the ‘Amended DCC’) filed by the Prosecution on 17 April 2025,² to be read in conjunction with the ‘Pre-Confirmation Brief’ (the ‘PCB’), also filed on 17 April 2025.³

2. In accordance with article 19 of the Statute, the Court shall satisfy itself that it has jurisdiction in any case brought before it. In this respect, the Chamber notes that the Prosecution charges Mr Kony with crimes against humanity under article 7 and war crimes under article 8 of the Statute (jurisdiction *ratione materiae*) committed on the territory of Uganda (jurisdiction *ratione loci*) between 1 July 2002 and 31 December 2005 (jurisdiction *ratione temporis*), which fall within the parameters of the situation referred by Uganda to the Prosecution.⁴ Therefore, the Chamber is satisfied that the Court has jurisdiction over the present case.

I. PROCEDURAL HISTORY

3. On 16 December 2003, the government of Uganda referred the ‘situation concerning the Lord’s Resistance Army’ to the Prosecution. The Prosecution proceeded with an investigation, specifying that it would extend it to the entire situation in northern Uganda, regardless of who committed the crimes under investigation.⁵

¹ [Transcript of hearing](#), 9 September 2025, ICC-02/04-01/05-T-015-ENG (‘Transcript of 9 September 2025 Hearing’); [Transcript of hearing](#), 10 September 2025, ICC-02/04-01/05-T-016-Red-ENG (‘Transcript of 10 September 2025 Hearing’).

² [ICC-02/04-01/05-591](#), public with annex, public (‘Amended DCC’).

³ ICC-02/04-01/05-593-Conf, confidential (a public redacted version was provided on 24 April 2025, [ICC-02/04-01/05-593-Red](#)) with annexes A, B, C and D, public and annex E (composed of sub-annexes), confidential (‘PCB’).

⁴ Presidency, [Decision assigning the Situation in Uganda to Pre-Trial Chamber II](#), 5 July 2004, ICC-02/04-1, public (‘Decision Assigning the Situation’).

⁵ [Decision Assigning the Situation](#), p. 4.

4. On 8 July 2005, Pre-Trial Chamber II issued a warrant of arrest against Mr Kony, which was amended on 27 September 2005.⁶
5. On 24 November 2022, the Prosecution submitted a request to hold a hearing on the confirmation of charges against Mr Kony in his absence.⁷
6. On 23 November 2023, Pre-Trial Chamber II issued its ‘Decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence’, thereby *inter alia*: (i) finding that Mr Kony qualifies as a person who ‘cannot be found’ within the meaning of article 61(2)(b) of the Statute, all reasonable steps to secure his appearance had been taken, and, under the prevailing circumstances, there would be cause to hold a confirmation of charges hearing against him, in his absence; (ii) ordering the Prosecution to submit a concise document containing the charges to be notified to the suspect, should it wish to proceed with the Request; (iii) instructing the Registry to submit a plan indicating the outreach activities and notification efforts it would pursue to inform Mr Kony of the charges against him; and (iv) deferring the final decision on whether to proceed with a confirmation of charges hearing in the absence of Mr Kony.⁸
7. On 19 January 2024, the Prosecution submitted the concise document containing the charges for the purposes of notifying the charges to the suspect (the ‘First DCC’).⁹
8. On 26 January 2024, Pre-Trial Chamber II issued the ‘Order to initiate notification efforts and related outreach activities’, instructing the Registry to take all reasonable steps to inform Mr Kony of the charges as described in the First DCC.¹⁰
9. On 27 February 2024, the Office of Public Counsel for Victims (the ‘OPCV’) submitted the ‘Victims’ Concerns on the Document Containing the Charges’ (the ‘OPCV Concerns’).¹¹

⁶ Warrant of Arrest for Joseph Kony Issued on 8 July 2005 as Amended on 27 September 2005, 27 September 2005 ICC-02/04-01/05-28-US-Exp, under seal and *ex parte*, only available to the Prosecution (public lesser redacted version issued on 10 March 2023, [ICC-02/04-01/05-456-Anx](#)).

⁷ Prosecution Request to Hold a Hearing on the Confirmation of Charges against Joseph Kony in his Absence, ICC-02/04-01/05-446-Conf, confidential (a public redacted version was provided on the same day, [ICC-02/04-01/05-446-Red](#)).

⁸ [ICC-02/04-01/05-466](#), public (‘23 November 2023 Decision’).

⁹ [ICC-02/04-01/05-474](#), public.

¹⁰ [ICC-02/04-01/05-475](#), public.

¹¹ [ICC-02/04-01/05-480](#), public.

10. On 4 March 2024, Pre-Trial Chamber II issued the ‘Second Decision on the Prosecution’s request to hold a confirmation of charges hearing in the *Kony* case in the suspect’s absence’, *inter alia*: (i) finding ‘that all reasonable steps to inform Mr Kony of the charges against him as set out in the First DCC ha[d] been taken, within the meaning of article 61(2)(b) of the Statute’; (ii) deciding ‘that the confirmation of charges hearing, to be held in Kony’s absence should he not appear, [would] commence on 15 October 2024’; (iii) instructing the Registry to initiate notification efforts and outreach activities in respect of the date for the commencement of the confirmation of charges hearing, proceeding ‘in the same manner as it recently ha[d] for the notification of the charges’.¹²

11. On 28 March 2024, the Prosecution submitted the ‘Prosecution’s Observations on the conduct of the confirmation proceedings *in absentia* and Requests for the adoption of certain protocols and an *in situ* hearing in Uganda’.¹³

12. On 21 June 2024, following a competitive selection procedure,¹⁴ Mr Peter Haynes was appointed as counsel to Mr Kony.¹⁵

13. On 23 July 2024, pursuant to the Single Judge ‘Decision on the “Defence Request for Variation of Deadlines and for a Status Conference”’ dated 5 July 2024,¹⁶ a status conference was held.¹⁷

14. On 11 September 2024, the Defence submitted the ‘Kony Defence Response to Prosecution’s Observations and Victims’ response on the conduct of the confirmation proceedings *in absentia* and Requests for the adoption of certain protocols and an *in situ* hearing in Uganda’.¹⁸

15. On 12 September 2024, the Chamber issued the ‘Decision Postponing the Confirmation of Charges Hearing’, vacating the 15 October 2024 date and postponing

¹² [ICC-02/04-01/05-481](#), public.

¹³ [ICC-02/04-01/05-490](#), public, with [annex A](#), public, and annex B, confidential and *ex parte*, only available to the Prosecution.

¹⁴ [Decision on the Procedure for Appointing Counsel](#), 2 May 2024, ICC-02/04-01/05-499, public.

¹⁵ Registry, [Notification of the Appointment of Mr Peter Haynes KC as Counsel for Mr Joseph Kony](#), ICC-02/04-01/05-503, public, with annexes I, III and IV, public, and annex II, confidential (‘Defence Counsel Appointment Notification’).

¹⁶ [ICC-02/04-01/05-508](#), public.

¹⁷ [Transcript of hearing](#), 23 July 2024, ICC-02/04-01/05-T-012-Red-ENG.

¹⁸ [ICC-02/04-01/05-525](#), public.

the confirmation of charges hearing until further notice pursuant to rule 121(7) of the Rules.¹⁹

16. On 29 October 2024, the Chamber issued the ‘Decision on the criteria for holding confirmation of charges proceedings *in absentia*’ (the ‘29 October 2024 Decision’),²⁰ determining *inter alia* that all requirements set forth in article 61(2)(b) of the Statute to hold a confirmation of charges hearing in the absence of the suspect were met.

17. On 12 December 2024, the Chamber issued (i) the ‘Decision Setting the Disclosure Regime’, instructing, *inter alia*, the Prosecution to complete its disclosure by 28 March 2025;²¹ (ii) the “Decision on the Document Containing the Charges and the ‘Victims’ Concerns on the Document Containing the Charges” (‘Decision on the DCC and the Victims’ Concerns’), instructing the Prosecution to submit a revised Document Containing the Charges, a list of evidence and a Pre-Confirmation Brief by 17 April 2025;²² and (iii) the ‘Decision Setting the Date of the Confirmation of Charges Hearing and Related Time Limits’,²³ setting 9 September 2025 as the date for the confirmation hearing and instructing the Registry to, *inter alia*, complete its outreach and notification activities regarding the new date by no later than 7 February 2025.

18. On 13 March 2025, the Chamber issued its ‘Decision on the notification of the date of the confirmation hearing’, determining that the requirement that all reasonable steps are taken to inform Mr Kony of the new date of the confirmation hearing was met.²⁴

19. Between 28 March 2025 and 27 May 2025, pursuant to the Chamber’s decisions and orders on the disclosure regime, the Prosecution submitted its Witness Table,²⁵

¹⁹ [Decision Postponing the Confirmation of Charges Hearing](#), ICC-02/04-01/05-526, public.

²⁰ [ICC-02/04-01/05-532](#), public (‘29 October 2024 Decision’).

²¹ [ICC-02/04-01/05-537](#), public.

²² [ICC-02/04-01/05-538](#), public.

²³ [ICC-02/04-01/05-539](#), public.

²⁴ [ICC-02/04-01/05-573](#), public.

²⁵ [ICC-02/04-01/05-580](#), public with annex, confidential.

revised on 30 April 2025²⁶; the Amended DCC²⁷ and the ‘Notification of Amendment of Charges’;²⁸ the PCB;²⁹ its ‘List of Evidence’³⁰ and the ‘Updated List of Evidence’.³¹

20. On 3 June 2025, following the Chamber’s partial granting, by majority, of the Defence request for leave to appeal,³² the Appeals Chamber upheld the 29 October 2024 Decision, finding that article 61(2)(b) of the Statute does not require the suspect’s initial appearance prior to proceeding with the confirmation of charges *in absentia*.³³

21. On 18 June 2025, the Prosecution and Defence submitted their ‘Joint Prosecution and Defence report on agreed facts’, indicating that they had not reached an agreement on any alleged facts, in light of the Defence’s view that any such agreement would conflict with its professional obligations *vis-à-vis* their client.³⁴

22. On 12 August 2025, the Chamber issued the ‘Decision on victim applications for participation in the proceedings’,³⁵ authorising the participation of 5,795 victims and giving effect to the mandate of Mr Manoba, Mr Cox, Mr Bradfield, Ms Massidda and Ms Pellet of the OPCV to act as a single team of common legal representatives.

23. Between the 29 October 2024 Decision and until the Confirmation Hearing, the Chamber issued several decisions and orders, including:

²⁶ [Prosecution’s submission of its revised Witness Table](#), ICC-02/04-01/05-597, public, with annex A, confidential.

²⁷ [Amended DCC](#).

²⁸ [ICC-02/04-01/05-592](#), public.

²⁹ [PCB](#).

³⁰ [ICC-02/04-01/05-594](#), public, with annex, confidential.

³¹ [ICC-02/04-01/05-605](#), public, with annex, confidential. Following the detection of a mistaken item during the confirmation hearing, a further updated list of evidence was submitted by the Prosecution on 16 September 2025: [ICC-02/04-02/05-631](#), public, with confidential annex.

³² [Decision on the ‘Kony Defence request for leave to appeal \[the\] “Decision on the criteria for holding confirmation of charges proceedings in absentia”’](#), 28 January 2025, ICC-02/04-01/05-551, public, with [Opinion partiellement dissidente du Judge Haykel Ben Mahfoudh](#), ICC-02/04-01/05-551-OPI, public.

³³ Appeals Chamber, [Judgment on the appeal of Mr Joseph Kony against the decision of Pre-Trial Chamber III of 29 October 2024 entitled “Decision on the criteria for holding confirmation of charges proceedings in absentia”](#), ICC-02/04-01/05-610, public (‘Appeal Judgement on 29 October 2024 Decision’).

³⁴ [ICC-02/04-01/05-615](#), public.

³⁵ [ICC-02/04-01/05-624](#), public, adjudicating the applications referred to in the Registry’s reports on Group A and Group B applications (no group C applications were identified in this case). This decision implemented the Chamber’s previous ‘Decision on victim participation, legal representation, and on the OPCV’s Application for recognition of the status of victims in the Kony case to the victims participating in the Ongwen case’ issued on 13 December 2024 ([ICC-02/04-01/05-540](#), public).

- a. On 20 February 2025, the ‘Decision on the Prosecution Request for an *In Situ* Hearing’;³⁶
 - b. On 28 May 2025, the ‘Decision on the Defence request for reconsideration of the “Decision on the criteria for holding confirmation of charges proceedings *in absentia*” (ICC-02/04-01/05-532)’³⁷ and the ‘Decision on the Prosecution’s request to hear *viva voce* witnesses at the confirmation of charges hearing’;³⁸
 - c. On 26 June 2025, the ‘Decision on the Defence Request for Disclosure of Materials relating to P-0445’;³⁹
 - d. On 4 July 2025, the ‘Decision on the Defence Request concerning the publicity of proceedings (ICC-02/04-01/05-607)’;⁴⁰
 - e. A large number of email decisions and orders related to reclassification and other procedural matters, as detailed in the Single Judge quarterly reports dated 25 October 2024,⁴¹ 14 January 2025,⁴² 8 April 2025⁴³ and 25 July 2025⁴⁴.
24. The confirmation hearing took place on 9 and 10 September 2025.⁴⁵

II. PRELIMINARY AND PROCEDURAL MATTERS

A. Pending motions

1. *Defence request for a stay of proceedings before the issuance of the confirmation decision*

25. At the confirmation hearing, the Defence requested that the Chamber conditionally stay the proceedings, without issuing a confirmation decision (the

³⁶ ICC-02/04-01/05-564, confidential (a public redacted version was issued on 28 February 2025, [ICC-02/04-01/05-564-Red](#)).

³⁷ [ICC-02/04-01/05-608](#), public.

³⁸ [ICC-02/04-01/05-609](#), public.

³⁹ [ICC-02/04-01/05-616](#), public.

⁴⁰ [ICC-02/04-01/05-618](#), public.

⁴¹ [ICC-02/04-01/05-530](#), public, with 22 public, 3 confidential and 3 confidential *ex parte* annexes.

⁴² [ICC-02/04-01/05-546](#), public, with 5 public annexes.

⁴³ [ICC-02/04-01/05-586](#), public, with 6 public and four confidential *ex parte* annexes.

⁴⁴ [ICC-02/04-01/05-623](#), public, with 13 public and 2 confidential annexes.

⁴⁵ [Transcript of 9 September 2025 Hearing](#); [Transcript of 10 September 2025 Hearing](#). The hearing took place in accordance with the ‘Order setting the schedule and directions for the confirmation of charges hearing’ issued on 17 July 2025, [ICC-02/04-01/05-619](#), public.

‘Defence Request for a Stay’ or ‘Defence Request’). In the view of the Defence, the justifications relied upon by the Chamber in determining the existence of good cause to hold confirmation proceedings *in absentia* – airing the evidence; giving victims a chance to speak, and increasing public awareness – had been met ‘through the hearing itself and the publicity and preparations leading up to it’.⁴⁶ The Defence submitted that a stay prior to the confirmation decision would be the only way to preserve Mr Kony’s rights, as well as the fairness of any subsequent trial proceedings:⁴⁷ since the confirmation decision ‘sets the parameters of the case for trial, and ensures that the charges are clear and not deficient in form’, such decision should not be issued in a situation where, in the absence of the suspect’s instructions, Counsel’s duty to fully preserve Mr Kony’s interests and prerogatives in a future trial (which might include his desire to plead guilty to the charges, or to refrain from contesting the evidence) had severely limited his options to challenge the Prosecution case. Furthermore, the procedural steps triggered by the issuance of the confirmation decision – in particular, the assignment of the case to a Trial Chamber pursuant to article 61(11) of the Statute and the ensuing need to ensure Mr Kony’s legal representation following the expiry of Mr Haynes’ mandate in respect of developments which may materialise before Mr Kony’s appearance – would potentially have significant operational and financial implications, whilst Mr Kony’s surrender to the Court remains uncertain and his rights in case of surrender unclear, including as regards his right to challenge the confirmation decision. The Defence also noted that rule 126(3) of the Rules only refers to a person charged *in absentia* ‘who cannot be found’, as opposed to one who ‘has fled’, when establishing that person’s right to request the Trial Chamber to refer issues back to the Pre-Trial Chamber; this creates additional uncertainty on the scope of Mr Kony’s rights in the context of a future trial.⁴⁸

26. The Prosecution responded that the Defence submission amounted to an impermissible request for reconsideration and that a stay would be unnecessary. Recalling the safeguards put in place by the Chamber to preserve the interests of the Defence, the Prosecution noted that not only was a stay of proceedings a drastic remedy, but also it ‘would do nothing additionally’ to safeguard Mr Kony’s rights, namely in

⁴⁶ [Transcript of 10 September 2025 Hearing](#), p. 40.

⁴⁷ [Transcript of 10 September 2025 Hearing](#), p. 41.

⁴⁸ [Transcript of 10 September 2025 Hearing](#), pp. 52-53.

light of the statutory requirement that a trial can only take place in the presence of the accused. Both the issuance of the confirmation decision, and the constitution of a Trial Chamber in case of confirmation of some or all of the charges, are required by the statutory framework, including as regards proceedings held in the absence of the suspect. As regards the Defence submissions on the likelihood that Mr Kony be surrendered, including in light of the stance of the Ugandan authorities, the Prosecution observed that, in the absence of national proceedings against Mr Kony in Uganda, his case remains admissible before the Court.⁴⁹

27. The Chamber is not persuaded by the Defence arguments. The confirmation decision is an integral and essential part of confirmation proceedings. According to article 61(7) of the Statute, depending on the Chamber's assessment of the evidence, the content of this decision may consist in confirming or declining to confirm the charges, whether fully or partially, or in adjourning the hearing by requesting that the Prosecution amend its case or supplement the evidence. As clarified by the Chamber in several decisions, and reiterated at the hearing, the *in absentia* nature of these proceedings requires some procedural adaptations to the general framework of the confirmation stage (as applicable to proceedings held in the presence of the suspect), but it does not justify altering them to the point of affecting, and virtually nullifying, their core purpose. Some of these adaptations are enshrined in the Statute and the Rules, and mainly pertain to the early stages of the proceedings; others were implemented by the Chamber on the basis of its concern and determination to make sure that all 'robust safeguards' critical to the protection of the absent suspect's right to a fair trial were in place throughout these proceedings.

28. As submitted by the Defence,⁵⁰ even though the remedy is not explicitly mentioned in the statutory framework, it is well-established in the case law that a Chamber of the Court has the power and duty to adopt a conditional stay of proceedings where circumstances at the time of the stay do not allow a fair trial, but where a fair trial might become possible at a later stage because of a change in those

⁴⁹ [Transcript of 10 September 2025 Hearing](#), pp. 56-58.

⁵⁰ [Transcript of 10 September 2025 Hearing](#), p. 48.

circumstances.⁵¹ It is also well-established that a stay of proceedings is a drastic and exceptional remedy,⁵² and that the threshold triggering its application is therefore high.⁵³

29. The scenarios advanced by the Defence are speculative. This applies, in particular, to the purported position of the Ugandan authorities in case Mr Kony is arrested and his surrender is requested by the Court, and to the financial implications which would be triggered if charges were to be confirmed and the case transferred to a Trial Chamber, pending Mr Kony's persisting absence. These scenarios do not currently exist, and do not rely on concrete and valid arguments to justify the Chamber's exercise of its power and duty to stay the proceedings.

30. As regards the Defence's reference to rule 126(3) of the Rules, the Chamber recalls the recent decision of the Appeals Chamber, upholding the 29 October 2024 Decision, and its finding to the effect that the distinction between a person who 'has fled' and one who 'cannot be found' is not critical to the interpretation of article 61(2)(b), since the conjunction 'or' in that provision is to be read as an 'inclusive disjunction'.⁵⁴ In light of this, the Chamber finds that rule 126(3) of the Rules cannot be read in such a way that would make it impossible for a Pre-Trial Chamber to conduct confirmation proceedings in an orderly manner for a suspect who 'cannot be found' and to bring these proceedings to a conclusion.

⁵¹ Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, [Judgment on the Appeal of Mr. Thomas Lubanga Dyilo against the Decision on the Defence Challenge to the Jurisdiction of the Court pursuant to article 19\(2\)\(a\) of the Statute of 3 October 2006](#), 14 December 2006, ICC-01/04-01/06-772 (OA4), public, para. 39; Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, [Judgment on the appeal of the Prosecutor against the decision of Trial Chamber I entitled "Decision on the consequences of non-disclosure of exculpatory materials covered by Article 54\(3\)\(e\) agreements and the application to stay the prosecution of the accused, together with certain other issues raised at the Status Conference on 10 June 2008"](#), 21 October 2008, ICC-01/04-01/06-1486, public, paras 77-78. See also Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Decision on Defence request for stay of proceedings and further disclosure](#), 7 March 2016, ICC-01/05-01/08-3335, public, para. 17.

⁵² Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, [Judgment on the appeal of the Prosecutor against the decision of Trial Chamber I of 8 July 2010 entitled "Decision on the Prosecution's Urgent Request for Variation of the Time-Limit to Disclose the Identity of Intermediary 143 or Alternatively to Stay Proceedings Pending Further Consultations with the VWU"](#), 8 October 2010, ICC-01/04-01/06-2582, public, para. 55. See also Pre-Trial Chamber I, *The Prosecutor v. Callixte Mbarushimana*, [Decision on the "Defence request for a permanent stay of proceedings"](#), 1 July 2011, ICC-01/04-01/10-264, public, pp. 4-5.

⁵³ Trial Chamber III, *The Prosecutor v. Paul Gicheru*, [Decision on Defence Request for a Temporary Stay of Proceedings](#), 21 September 2021, ICC-01/09-01/20-176, public, para. 13.

⁵⁴ [Appeal Judgement on 29 October 2024 Decision](#), para. 41.

31. Accordingly, the Chamber rejects the Defence Request for a conditional stay of proceedings.

2. *CLRVs request relating to the charges*

32. At the hearing, the CLRVs reiterated ‘their regret’ that the charges did not include the crime of sexual slavery as a crime against humanity, for reasons including the fact that this was ‘the signature crime of the LRA’ and that the war crime of sexual slavery and the crime against humanity of enslavement had different contextual elements and hence protected distinct interests.⁵⁵ For the CLRVs, the Chamber should use its ‘inherent powers’ to recharacterise the facts and ‘counts charging sexual slavery under Article 8 - namely, counts 27 and 36 - should be confirmed to include sexual slavery under Article 7 as well’;⁵⁶ since the underlying factual conduct remains the same, it would not be necessary either to add counts or to adjourn the hearing.

33. The Prosecution responded that the decision to charge enslavement as an overarching crime and not to include sexual slavery in Counts 27 and 36 had been taken in the exercise of its statutory charging discretion. This decision was based on several considerations, including the fact that, unlike sexual slavery, enslavement allows for a greater number of victims to be considered, encompasses all acts relevant to sexualised forms of enslavement and the control of sexual and reproductive autonomy, and avoids arbitrary fragmentation of harm.⁵⁷

34. As recalled by the CLRVs themselves, the Chamber notes that this matter has been the subject of ‘previous litigation’, following the submission of the OPCV Concerns on the First DCC. In its Decision on the DCC and the Victims’ Concerns, the Chamber considered that ‘the exact legal qualification of any alleged criminal conduct can only be assessed following the disclosure of the Prosecution’s evidence and the subsequent presentation of the evidence’,⁵⁸ and rejected the request. The matter of the recharacterisation of charges, either in the context of the confirmation hearing or at trial, is governed by specific procedures. As regards confirmation proceedings, article 61(7) of the Statute establishes that, following its analysis of the evidence, the Pre-Trial Chamber has three possible courses of action before it: (a) to confirm those charges in

⁵⁵ [Transcript of 10 September 2025 Hearing](#), page 34.

⁵⁶ [Transcript of 10 September 2025 Hearing](#), page 36.

⁵⁷ [Transcript of 10 September 2025 Hearing](#), page 60.

⁵⁸ [Decision on the DCC and the Victims’ Concerns](#), para. 30.

relation to which it has determined that there is sufficient evidence; (b) to decline to confirm those charges in relation to which it has determined that there is insufficient evidence; or (c) to adjourn the hearing and request the Prosecutor to consider either (i) providing further evidence or conducting further investigation with respect to a particular charge; or (ii) amending a charge because the evidence submitted appears to establish a different crime. The recharacterisation of a charge is only possible following an adjournment of the hearing. As clarified by Pre-Trial Chambers in the past, this provision applies when the Chamber ‘is not in a position to take a decision on the merits of the case’, allowing it ‘to overcome deficiencies concerning the evidence [...] or the legal characterisation of the facts’, as long as ‘the evidence is not irrelevant and insufficient to a degree that merits declining to confirm the charges’.⁵⁹ Past cases have shown that the adjournment of the hearing is not a path to be taken lightly, especially since it may result in significant delays. Having now assessed the evidence relied upon by the Prosecution, the Chamber finds that, in light of that evidence and of the broad scope of the charges brought in this case, the considerations and concerns raised by the CLRVs represent a mere disagreement with the way in which prosecutorial discretion has been exercised in this case; accordingly, the Chamber finds that the request does not meet the requirements for an adjournment of the hearing pursuant to article 61(7) of the Statute. The Chamber rejects the CLRVs Request.

III. APPLICABLE LAW AND STANDARD OF REVIEW

A. The nature, purpose and content of the present decision

35. In the present decision, the Chamber must determine under article 61(7) of the Statute whether there is sufficient evidence to establish substantial grounds to believe that Mr Kony committed the crimes with which he is charged.

36. The primary purpose of the confirmation proceedings is to decide whether the case as presented by the Prosecution is sufficiently established to warrant a trial. The Statute mandates that this be decided by answering the question of whether there are substantial grounds to believe that the person committed the crimes charged. The

⁵⁹ Pre-Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Decision Adjourning the Hearing pursuant to Article 61\(7\)\(c\)\(ii\) of the Rome Statute](#), 3 March 2009, ICC-01/05-01/08-388, public, paras. 14, 16; Pre-Trial Chamber I, *The Prosecutor v. Laurent Gbagbo*, [Decision adjourning the hearing on the confirmation of charges pursuant to article 61\(7\)\(c\)\(i\) of the Rome Statute](#), 3 June 2013, ICC-02/11-01/11-432, public, para. 13.

confirmation of charges procedure thus protects the suspect from wrongful and unfounded accusations, by ensuring that only those persons against whom sufficiently compelling charges that go beyond mere theory or suspicion are brought are committed for trial. Accordingly, the Chamber will only confirm those charges which are adequately supported by the available evidence to the relevant standard.⁶⁰

37. The evidentiary standard applicable at this stage of proceedings is lower than that required at trial and is met if the Prosecution offers concrete and tangible proof demonstrating a clear line of reasoning underpinning the charges. The Appeals Chamber held that:

[i]n determining whether to confirm charges under article 61 of the Statute, the Pre-Trial Chamber may evaluate ambiguities, inconsistencies and contradictions in the evidence or doubts as to the credibility of witnesses. Any other interpretation would carry the risk of cases proceeding to trial although the evidence is so riddled with ambiguities, inconsistencies, contradictions or doubts as to credibility that it is insufficient to establish substantial grounds to believe the person committed the crimes charged.⁶¹

38. At the same time, the Pre-Trial Chamber, by the very design of the pre-trial proceedings, is not in a position to conclusively determine issues relating to the probative value of evidence, including with respect to the credibility of witnesses, whose declarations are, as a rule, brought before it only in written form. Indeed, as also indicated by the Appeals Chamber, ‘the Pre-Trial Chamber’s determinations will necessarily be presumptive’, and the Pre-Trial Chamber ‘should take great care in finding that a witness is or is not credible’,⁶² as the credibility of witnesses can only be properly addressed at trial.

39. The confirmation of charges proceedings also ensure that the parameters of the case are set for trial and that the charges are clear and properly formulated, both factually and legally, in compliance with article 74(2) of the Statute and regulation 52

⁶⁰ See Pre-Trial Chamber II, *The Prosecutor v. Mahamat Said Abdel Kani*, [Decision on the confirmation of charges against Mahamat Said Abdel Kani](#), 9 December 2021, ICC-01/14-01/21-218-Red, public, paras 35-37 (‘*Said Confirmation Decision*’); Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’)*, [Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman \(‘Ali Kushayb’\)](#), 9 July 2021, ICC-02/05-01/20-433, public, para. 34; Pre-Trial Chamber A (Article 70), *The Prosecutor v. Paul Gicheru*, [Decision on the confirmation of charges against Paul Gicheru](#), 15 July 2021, ICC-01/09-01/20-153-Red, public, para. 23.

⁶¹ *The Prosecutor v. Callixte Mbarushimana*, [Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber I of 16 December 2011 entitled ‘Decision on the confirmation of charges’](#), 30 May 2012, ICC-01/04-01/10-514, para. 46 (‘*Mbarushimana Judgment*’).

⁶² [Mbarushimana Judgment](#), para. 48.

of the Regulations of the Court. It may as well resolve procedural issues (such as those raised pursuant to rule 122(3) of the Rules) and thus, if charges are confirmed, contribute to the orderly and expeditious conduct of the proceedings before the Trial Chamber.⁶³

40. The requirement that confirmed charges be clear, properly formulated and specific is an essential component of the right of the defence to be informed ‘in detail of the nature, cause and content’ of any charge brought against it, pursuant to article 67(1)(a) of the Statute. By the same token, it is critical that the charges do not contain unnecessary details that could be too specific and limiting at trial. The rationale for this is that, even when the evidence presented at the confirmation stage adequately supports these details, such matters can only be properly determined on the basis of the full evidentiary record as established at trial, once the parties have presented their cases and had the opportunity to challenge the evidence. Because of the limitations inherent in its statutory role, and the Prosecution’s prerogative to expand and vary the evidentiary basis relied upon following confirmation and until the deadline to be set by the Trial Chamber, the Pre-Trial Chamber is not in a position to conclusively determine all such details.

41. This foremost applies to many of the figures included in the confirmed charges relating to matters such as the number of victims, attackers in a group, or individuals living in a certain area. Unless it is clear that the Prosecution seeks confirmation of charges in relation to a precise number of victims, figures included in the confirmed charges mirror the Chamber’s assessment of the relevant supporting evidence before it. Accordingly, they are not definitive and generally do not constitute an obstacle for the Trial Chamber to come to a different count, based on its comprehensive assessment of the totality of the evidence, without this amounting to an amendment of the charges.

42. As highlighted by Pre-Trial Chamber II,⁶⁴ specific figures included in recent confirmation decisions as to the victims of the confirmed crimes should not be read

⁶³ Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘*Ali Kushayb*’), [Decision on the ‘Prosecution’s application to amend the charges’](#), 14 March 2022, ICC-02/05-01/20-626, public (‘*Abd-Al-Rahman* article 61(9) Decision’), para. 16; Pre-Trial Chamber II, *The Prosecutor v. Mahamat Said Abdel Kani*, [Decision on the ‘Prosecution’s application to amend the charges’](#), 8 July 2022, ICC-01/14-01/21-396, public (‘*Said* article 61(9) Decision’), para. 13.

⁶⁴ [Abd-Al-Rahman article 61\(9\) Decision](#), para. 19.

restrictively.⁶⁵ language and qualifiers such as ‘several’; ‘a number of’, ‘some of’ and the like, included in the reasoning supporting those figures, demonstrate that the Pre-Trial Chamber ‘recognised that the extent of victimisation [...] was broader than the individual instances it specifically mentioned’.⁶⁶

43. The crimes falling within the competence of the Court are often of such magnitude that the extent of the victimisation entailed by the charges is broad and that their exact contours, beyond the individual instances specifically alleged, may be difficult to identify. As also clarified by Pre-Trial Chamber II,⁶⁷ the precise number of victims may not be known at the time of confirmation or may – due to the type of crime or other relevant circumstances – never become known. If the Prosecution were required to come back to the Pre-Trial Chamber each time it identifies one or more further victims to a confirmed charge, this could potentially trigger a very large number of parallel litigation, particularly in cases where indirect co-perpetration is alleged. Not only would such a requirement be practically unworkable;⁶⁸ it could also result in significantly disrupting the orderly conduct of trial proceedings, ultimately adversely affecting the right of the accused to be tried expeditiously.

44. A variation of a charge that is limited to the number of victims neither impacts the temporal or geographical scope of the confirmed charges nor does it alter any other material facts other than the number of persons victimised. In such a situation, the number of victims mentioned in the charges, whilst providing an indication of the scope of the charged crime, sets neither the upper nor the lower limit. The Trial Chamber hearing the case can eventually find that a larger or smaller number of persons fell victim to the relevant crime than the figure arrived at by the Pre-Trial Chamber at the confirmation stage.⁶⁹ As long as the temporal and geographical parameters, as well as the charged contribution of the accused, remain the same, those findings and variations will remain within the boundary of the charge as originally confirmed. Any such variation must, however, not come as a surprise: as soon as information allowing further

⁶⁵ See *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘*Ali Kushayb*’), [Prosecution’s application to amend the charges](#), 25 January 2022, ICC-02/05-01/20-563-Red2, public.

⁶⁶ [Abd-Al-Rahman article 61\(9\) Decision](#), para. 18.

⁶⁷ [Said article 61\(9\) Decision](#), para. 14.

⁶⁸ [Abd-Al-Rahman article 61\(9\) Decision](#), para. 25; [Said article 61\(9\) Decision](#), para. 25.

⁶⁹ [Abd-Al-Rahman article 61\(9\) Decision](#), para. 24; [Said article 61\(9\) Decision](#), para. 24.

specification of the charges becomes available, the Defence must be adequately put on notice by appropriate means, such as a trial brief.⁷⁰

45. Particularly in a case such as this one, where - for most of the counts - the suspect is mainly charged as a senior leader of an organisation, and is alleged to have committed the charged crimes through others rather than as a direct perpetrator, the essential component of the charges as framed by the Prosecution and confirmed by the Pre-Trial Chamber relates to the suspect's alleged conduct and contribution to the crimes, rather than to the exact number of victims or less relevant details of the criminal conduct. If there is sufficient evidence to establish substantial grounds to believe that one or more persons were victims of the crimes, as alleged, and the relevant elements of the crimes (including those relating to individual criminal responsibility) are otherwise fulfilled, the charged crime may be confirmed.⁷¹

46. Similarly, the Chamber considers it appropriate to also adopt a flexible approach in respect of other details of the charges, such as the timing of some of the charged incidents and the nature and quantity of looted items, as listed in the Amended DCC. Whenever the relevant evidentiary basis allowed the Chamber to conclude that the Prosecution's allegations that the attacks took place at or around the alleged time and day, or that looting did occur, were proven to the relevant threshold, the Chamber has confirmed the charges as formulated. This includes those instances where inconsistencies as regards a minor factual detail were detected, or no reference to a particular looted item was included in the evidence specifically referred to as supporting the relevant allegation. These details are to be considered as indicative; additional elements may become available to the Trial Chamber at a subsequent stage, allowing a more precise determination without exceeding the facts and circumstances of the charges.

47. This approach is consistent both with the framework governing the role of the Pre-Trial Chamber in confirmation proceedings and with the findings of the Appeals

⁷⁰ [Abd-Al-Rahman article 61\(9\) Decision](#), para. 25; [Said article 61\(9\) Decision](#), para. 25.

⁷¹ The Chamber notes that lists of alleged victims are annexed to the Pre-Confirmation Brief. In line with its general approach, whilst having reviewed those lists and their supporting evidence, the Chamber considers the number of victims as an approximate, indicative number, including because the possibility of duplicative counting could not be ruled out.

Chamber relating to the requirement that charges must be specific.⁷² In the *Ntaganda* case, the Appeals Chamber clarified that a Pre-Trial Chamber may consider ‘evidence of some aspects of the crimes charged’, and based on that evidence, it may confirm ‘the crimes charged in their entirety’. For example, a charge relating to the crime of murder or rape of several individuals may be confirmed on the basis of sufficient evidence to establish substantial grounds that some persons were murdered or raped, as alleged, and all the relevant elements of the crimes are fulfilled, with the determination of the specific number of persons falling victim to that crime being left to the Trial Chamber. The Appeals Chamber further clarified that, ‘[f]or the purposes of article 74(2) of the Statute, the charges must be described in such a way that the Trial Chamber as well as the parties and participants are able “to determine with certainty which sets of historical events, in the course of which crimes under the jurisdiction of the Court are alleged to have been committed form part of the charges, and which do not”’. Indeed, ‘[i]t is not necessarily the case that such determination is possible only where the charging documents list all criminal acts underlying each charge exhaustively’; ‘[d]epending on the circumstances of the case, the charges may be described in a less specific manner, for instance, by specifying a period of time during which and an area where criminal acts were allegedly committed by an identifiable group of perpetrators against an identifiable group of victims’. Importantly, while the document containing the charges ‘may also list or make reference to specific criminal acts, the scope of the case is not necessarily limited to them – “other criminal acts not mentioned in the document containing the charges may still fall within the – broadly described – facts and circumstances of the charges”’. Also, and critically, ‘[w]hether such description of the charges is sufficient for purposes of article 74(2) of the Statute will depend, *inter alia*, on the scale of criminality and the mode of individual criminal responsibility alleged’; what matters is that the Trial Chamber and the parties and participants are able ‘to identify the historical events involving commission of crimes which formed part of the charges’. Trial Chamber VI⁷³ recently recalled the Appeals Chamber’s jurisprudence

⁷² Appeals Chamber, *The Prosecutor v. Bosco Ntaganda*, [Judgement on the appeals of Mr Bosco Ntaganda and the Prosecutor against the decision of Trial Chamber VI of 8 July 2019 entitled “Judgment”](#), 30 March 2021, ICC-01/04-02-06-2666-Red (‘*Ntaganda* Appeal Judgement’), public, paras 5, 326, 331.

⁷³ Trial Chamber VI, *The Prosecution v Mahamat Said Abdel Kani*, [Decision on Prosecution Notification regarding the Charges \(ICC-01/14-01/21-262-Red\)](#), 20 April 2022, ICC-01/14-01/21-282, public, para. 15.

and identified the scale of criminality and the alleged mode of individual criminal responsibility as ‘the guiding criteria’ in determining whether it is permissible for the charges to be described with respect to confirmed temporal and geographical parameters and for individual criminal acts and victims to be listed in a non-exhaustive manner; accordingly, ‘a broader description of the charges may be acceptable for the purpose of article 74(2) of the Statute in cases where the extent of the criminality is of a larger scale and the accused is further removed from the scene of crimes’.

48. In this case, in addition to the charges relating to eight incidents, the Prosecution has charged Mr Kony with a set of ‘systemic crimes’ (Counts 15 to 29), covering a particularly large temporal and territorial scope. The Chamber has analysed the specific issues arising in connection to that set of charges in the section devoted to the analysis of the evidence relied upon by the Prosecution in support of those counts.⁷⁴

49. As regards individual criminal responsibility, the Chamber notes that, in Counts 1 to 14, as well as Counts 15 to 29, the Prosecution requests the Chamber to confirm alternative modes of liability, pursuant to articles 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and/or inducing) of the Statute.⁷⁵

50. As an additional corollary of the Pre-Trial Chamber’s inherently limited role, the Chamber finds that, when the Prosecution presents alternative modes of liability for the same conduct, and ‘the evidence is sufficient to sustain each of th[os]e alternative forms of responsibility’, it is appropriate that the charges be confirmed with the various alternatives;⁷⁶ it will be for the Trial Chamber to determine which of those alternatives, if any, is established to the applicable standard of proof at trial. It is not the function of the confirmation decision to provide a conclusive determination on the charged crimes,

⁷⁴ See *infra*, Section F. Systemic crimes.

⁷⁵ The section on Mr. Kony’s individual criminal responsibility indicates that Counts 1-29 are charged under article 25(3)(a) (indirect co-perpetration), with article 25(3)(b) (ordering and inducing) charged in the alternative. Accordingly, Counts 1-14 and 16-29 use ‘or’ to connect these modes of liability. However, Count 15 (Enslavement as a crime against humanity) uses ‘and’ between the two modes. Based on the allegations in the individual criminal responsibility section and the charges as presented in the abridged DCC read at the confirmation hearing ([Transcript of 9 September 2025 Hearing](#), p. 11, lines 20-21), the Chamber considers the use of ‘and’ in Count 15 to be an inadvertent error and treats the modes of liability in Count 15 as also charged in the alternative, confirming the charge accordingly.

⁷⁶ Pre-Trial Chamber II, *The Prosecutor v Dominic Ongwen*, [Decision on the confirmation of charges against Dominic Ongwen](#), 23 March 2016, ICC-02/04-01/15-422-Red, public, para. 35.

and this also applies to the specific determination on the mode of the suspect's responsibility.⁷⁷

51. Furthermore, confirming 'the different applicable alternative legal characterisations on the basis of the same facts may also reduce future delays at trial and provides early notice to the defence of the different legal characterisations that may be considered by the trial judges',⁷⁸ thus contributing to judicial economy.⁷⁹ Accordingly, the Chamber will address each of the modes of liability as alleged by the Prosecution, assess the supporting evidence in light of the elements relevant to each of them pursuant to article 25 of the Statute, and confirm all those modes of liability which it will find adequately supported by the evidence before it. When more than one mode of liability is mentioned in the charges as confirmed, linked by the conjunction 'or', this is the result of the Chamber having considered and being satisfied that each of those modes is supported by a specific, distinct factual allegation relating to the conduct underlying that particular charge and that the standard applicable at confirmation is met for each of those modes. This is of course without prejudice to the power of the Trial Chamber to come to a different determination, in light of its own assessment and analysis of the evidentiary basis of the case.

52. This is consistent with the Appeals Chamber's jurisprudence to the effect that, for the requirement of sufficient notice to be met as regards individual criminal responsibility, it suffices that the charges 'set out the exact sub-provision applicable in article 25 of the Statute and the specific form of participation within that sub-provision', and 'give notice to the accused of the material facts associated with his or her particular form of participation'.⁸⁰

53. Furthermore, as noted above, the fundamental finding that the Pre-Trial Chamber must make in the decision confirming the charges pursuant to article 61(7) of the Statute concerns, and is limited to, the existence of substantial grounds to believe that the

⁷⁷ [Abd-Al-Rahman article 61\(9\) Decision](#), para. 17; [Said article 61\(9\) Decision](#), para. 14.

⁷⁸ [Ongwen Confirmation Decision](#), para. 35.

⁷⁹ See also Pre-Trial Chamber I, *The Prosecutor v. Laurent Gbagbo*, [Decision on the confirmation of charges against Laurent Gbagbo](#), 12 June 2014, ICC-02/11-01/11-656-Red, public, para. 227 and earlier precedents included in the footnote thereto.

⁸⁰ Appeals Chamber, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Judgment on the appeal of Mr Alfred Yekatom against the decision of Trial Chamber V of 29 October 2020 entitled 'Decision on motions on the Scope of the Charges and the Scope of Evidence at Trial'](#), 5 February 2021, ICC-01/14-01/18-874, public, paras 1, 43.

person committed the crimes charged. Accordingly, there is no reason for the Chamber to enter separate findings of fact or of law in the confirmation decision, and in the present case the Chamber has therefore refrained from doing so.

54. Finally, the specific function of the confirmation proceedings also calls for a style and structure of the decision under article 61(7) of the Statute which is as concise, simple and straightforward as possible, especially in light of the principle that the confirmation hearing is not, and should not be seen as, or become, a ‘mini-trial’ or ‘a trial before the trial’.⁸¹ The adequacy of the reasoning, including for the purpose of possible challenges, is not to be measured by the number of pages or of the items specifically referred to, or by the presence of footnotes; rather, it is to be assessed against the clarity and precision of the illustration of the principles guiding the Chamber’s assessment of the evidence, as well as the existence of specific references to individual, relevant items of evidence where necessary and appropriate. By providing, throughout its reasoning, appropriately specific references to the nature and content of the evidence retained as instrumental to its assessment, as well as to the relevant factual and legal elements if necessary, the Chamber meets its duty to provide adequate reasoning for its determination of the extent to which the charges brought by the Prosecution should be confirmed.

IV. THE CHAMBER’S ASSESSMENT OF THE EVIDENCE

A. General principles

55. The Chamber has analysed the evidentiary material relied upon by the Prosecution and referenced in the PCB⁸² (particularly, the statements and transcripts of interview of the witnesses), following the structure of the DCC. However, in light of the specific scope and purpose of this stage of the proceedings, and also to avoid any pre-determination of issues or pre-adjudication regarding the probative value of evidence, this decision only addresses what the Chamber considers necessary and

⁸¹ Pre-Trial Chamber I, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, [Decision on the confirmation of charges](#), 30 September 2008, ICC-01/04-01/07-717, public, para. 64; Pre-Trial Chamber I, *The Prosecutor v. Bahr Idriss Abu Garda*, [Decision on the Confirmation of Charges](#), 8 February 2010, ICC-02/05-02/09-243-Red, public, para. 39

⁸² The Prosecution submitted, as Annex B to the PCB, an ‘overview of the evidence relied upon’ per section of the PCB ([ICC-02/04-01/05-593-AnxB](#)). However, the Chamber identified discrepancies between this list and the evidence cited in the PCB, particularly regarding the witnesses referenced. The list was not deemed authoritative; the Chamber’s assessment was based on the evidence cited in the relevant sections of the PCB.

sufficient for its determination on the charges – namely, whether there is sufficient evidence to establish substantial grounds to believe that Mr Kony committed the crimes charged and therefore the case brought by the Prosecution warrants a trial.

56. More specifically, the Chamber will only refer to those items of evidence which it considers necessary to show the line of reasoning underpinning its conclusions. While the Chamber has engaged in an overall assessment of the entire evidentiary basis relied upon by the Prosecution, including with a view to detecting inconsistencies, ambiguities, contradictions or other weaknesses which would result in the allegations not being supported to the relevant standard,⁸³ an assessment as to each and every item of evidence, or their admissibility and/or probative value, is not warranted and would only create the risk of inappropriate pre-determination of evidentiary matters, without contributing or adding to the specific task vested in the Pre-Trial Chamber at this stage.

B. Specific categories of evidence

57. The Chamber considers it appropriate to clarify its approach *vis-à-vis* certain categories of evidence and certain evidentiary issues which arise in respect of many of the charges.

1. Logbooks of intercepted LRA radio communications

58. The Prosecution extensively relies on the records of Lord's Resistance Army (the organisation led by Mr Kony: 'LRA') radio communications intercepted by three Ugandan government security forces: the Internal Security Organisation ('ISO'), the Uganda People's Defence Force ('UPDF'), and the police. LRA members (including Witnesses P-0023, P-0070, P-0085, P-0138 and P-0040) and individuals from these agencies involved in the interception process (including Witnesses P-0003, P-0027, P-0032, P-0059, P-0038, P-0126, P-0291, P-0301, P-0303, P-0384, P-0385, P-0386, P-0029, P-0337, P-0339 and P-0404) explain the regular use and the functioning of radio communication in the LRA. The Prosecution also relies on the assessment of the logbooks by Trial Chamber IX in the case of *The Prosecutor v. Dominic Ongwen* (the 'Ongwen Case').⁸⁴ At the confirmation hearing, the Defence challenged the reliability

⁸³ Pre-Trial Chamber I, *The Prosecutor v. Callixte Mbarushimana*, [Decision on the confirmation of charges](#), 16 December 2011, ICC-01/04-01/10-465-Red, public, paras 45-47; [Mbarushimana Judgment](#), paras 1, 37-49.

⁸⁴ Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, [Trial Judgment](#), 4 February 2021, ICC-02/04-01/15-1762-Red, public, paras 555-589, 614-846.

of the logbooks, asserting that they are merely ‘purported English summaries of rough notes’ from conversations in Acholi conducted in coded language, and that the logbooks passed through multiple ‘links in the chain of command’ before reaching the Prosecution.⁸⁵

59. Despite the Defence’s challenges, the Chamber finds the logbooks and supporting witness testimonies to be credible. LRA insiders consistently confirm that radio communication, using coded language (documented in books known as ‘*tonfas*’), was widely used in the LRA. Members of the UPDF, ISO and the police provide detailed, consistent accounts of how these communications were intercepted, recorded, decoded and transcribed into English logbook summaries. Witness P-0003 describes how his UPDF team in Gulu tape-recorded conversations, took shorthand notes, broke codes and produced dated, chronological logbook entries, which were then reviewed by commanders and securely stored before being transferred to the headquarters in Kampala. Witness P-0027 explains how the UPDF validated intercepted reports by cross-referencing different sources, while Witnesses P-0032 and P-0126 confirm that the interception operations of the ISO, UPDF, and the police were conducted independently. Regarding chain of custody, Witness P-0038 details the secure collection and handover of intercepts to the ICC. After assessing this evidence, the Chamber considers the information recorded in the logbooks to be credible and probative.

2. Photos, audio/video material and other items with unknown or uncertain source

60. The List of Evidence includes a large number of photographs, audio/video material and other items whose source, authenticity, date or location are unknown or uncertain. They were, however, not used by the Prosecution as the only evidentiary item that supports an allegation but rather offered, where suitable, as corroborating evidence. The Chamber has considered these items in the context of its overall assessment of the evidence, mainly as corroborating material.

⁸⁵ [Transcript of 10 September 2025 Hearing](#), p. 43, lines 2-6.

3. *Evidence of conduct outside the temporal and geographical scope of the charges*

61. The charges in this case concern conduct that allegedly occurred between 1 July 2002 and 31 December 2005, in northern Uganda. The evidence submitted by the Prosecution contains several accounts of conduct occurring outside the temporal and geographical scope of the charges (i.e. conduct occurring before 1 July 2002 or in the LRA base in Sudan). This is found, in particular, in the evidence supporting the Prosecution's allegations of systemic crimes against girls and women and in relation to crimes committed directly by Mr Kony.

62. The Chamber recalls that it can only confirm charges relating to criminal conduct that occurred within the defined temporal and geographical scope of the charges. Evidence relating to facts outside these parameters may nonetheless be considered to establish facts and circumstances described in the charges or to provide contextual background for events falling within their temporal and geographical scope. This approach has been followed in proceedings both at the Court and at other international tribunals,⁸⁶ to establish, *inter alia*, the contextual elements of the crimes, patterns of criminality and the existence of a common plan before and throughout the timeframe of the charges.

63. Accordingly, the Chamber has assessed evidence of conduct outside the scope of the charges for the purpose of contextualising events that form part of the underlying allegations. This is particularly relevant with respect to allegations of an LRA policy of abducting and integrating children and women into its ranks. As detailed in the relevant section, evidence concerning the treatment of LRA abductees beyond the temporal and geographical parameters of the charges has enabled the Chamber to identify a pattern of conduct that, based on evidence of facts within the charges, has continued or materialised during the charged timeframe and location. However, it is emphasised that

⁸⁶ Appeals Chamber, *The Prosecutor v. Dominic Ongwen*, [Judgment on the appeal of Mr Ongwen against the decision of Trial Chamber IX of 4 February 2021 entitled "Trial Judgment"](#), 15 December 2022, ICC-02/04-01/15-2022-Red, public, paras 301-305; Pre-Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, [Decision on Admissibility of Evidence and Other Procedural Matters](#), ICC-01/04-02/06-308, para. 30; Trial Chamber I, *The Prosecutor v. Thomas Lubanga Dyilo*, [Judgment pursuant to Article 74 of the Statute](#), ICC-01/04-01/06-2842, public, para. 1022; International Criminal Tribunal for Rwanda, Appeals Chamber, *The Prosecutor v. Ferdinand Nahimana et al.*, [Judgement \(Appeal\)](#), 28 November 2007, Case No. ICTR-99-52-A, para. 315.

such evidence was not decisive for the Chamber's findings that the relevant charges are supported to the relevant standard.

C. Joseph Kony's individual criminal responsibility

64. The Prosecution charges Mr Kony with crimes committed with and/or through other persons (Counts 1-29) and with crimes committed directly by him (Counts 20-39). The Chamber will address these two sets of charges separately, in accordance with the structure of the Amended DCC.⁸⁷

65. As regards Counts 1-29, the Prosecution charges Mr Kony as an indirect co-perpetrator and, in the alternative, for ordering and/or inducing the commission of the crimes, pursuant to articles 25(3)(a) and (b) of the Statute. The Prosecution relies on extensive evidence, including intercepted LRA radio communications recorded in UPDF logbooks, ISO logbooks and police reports; statements, transcripts of interviews and in-court testimony of former LRA members (Witnesses P-0010, P-0016, P-0028, P-0040, P-0041, P-0045, P-0048, P-0054, P-0057, P-0069, P-0070, P-0071, P-0083, P-0085, P-0133, P-0136, P-0138, P-0141, P-0142, P-0144, P-0145, P-0172, P-0205, P-0209, P-0231, P-0233, P-0240, P-0264, P-0309, P-0314, P-0406, P-0410, P-0440, P-0455, P-1017 and P-0379); crime-based witnesses (Witnesses P-0023, P-1034, P-0006, P-0246, P-0021, P-0017, P-0063 and P-0099); one expert witness (Witness P-0422); as well as audio/video material and other documentary evidence.

66. The Prosecution alleges that Mr Kony is responsible for the crimes charged in Counts 1-29 as an indirect co-perpetrator, on the basis that he and other senior LRA members used LRA fighters under their control to carry them out. This was in furtherance of their agreement (also referred to as 'Common Plan') 'to attack civilians in northern Uganda whom the LRA perceived to be supporting the Ugandan government, and to sustain the LRA, by committing the charged crimes, including systemic crimes against children and women abducted and integrated into the LRA'. According to the Prosecution, Mr Kony's co-perpetrators included, for at least part of the charged period, Vincent Otti, Tolbert Nyeko Yadin, Raska Lukwiya, Okot

⁸⁷ The evidence on Mr Kony's criminal responsibility in regard to the charges in Counts 30-39 is analysed in Section F below.

Odhiambo, Charles Tabuley, Ocan Bunia, Buk Abudema, Dominic Ongwen, Charles Kapere, Lakati and Jimmy Ocitti.

67. As an alternative to indirect co-perpetration, the Prosecution alleges that Mr Kony is responsible for ordering his subordinates in the LRA to commit the crimes charged in Counts 1-29, or for directing and/or inducing them to do so, by *inter alia* making statements encouraging crimes against civilians, praising and rewarding the direct perpetrators of the crimes, and enforcing rules and a disciplinary system that instigated the commission of the crimes.

68. The evidence shows that, during the time of the charges, the LRA was an organised armed group, composed of a considerable number of individuals under an effective command structure. Former LRA members provide detailed accounts on the LRA structure, with Mr Kony as its overall leader, a central organ known as ‘Control Altar’ and LRA’s four brigades: Sinia, Stockree, Gilva and Trinkle. As of 2003, there are references to a separate division named ‘Jogo’. Brigades were divided into battalions and further into companies known as ‘coys’. Logbooks of intercepted LRA radio communications contain numerous examples of Mr Kony promoting LRA members and changing the LRA command structure.

69. As regards the LRA internal discipline, several former LRA members (including Witnesses P-0142, P-0138, P-0016, P-0028 and P-0085) indicate that punishments to enforce compliance with superiors’ orders and LRA rules included death, beatings (also by means of a method referred to as ‘cane’), carrying heavy loads, walking barefooted and demotions. In addition, Witnesses P-0028 and P-0279 state that the LRA threatened to kill their families and attack their communities if they tried to escape the LRA. Witnesses P-0314 and P-0455 indicate that new abductees were forced to kill those who had tried to escape.

70. In relation to Mr Kony’s role in the LRA, testimonies from both former LRA members and crime-based witnesses consistently identify him as the LRA leader, chairman and person in charge. As to the role of those individuals identified as co-perpetrators by the Prosecution, the logbooks of intercepted radio communications show that they formed part of the LRA leadership during the relevant period: their names appear regularly in Mr Kony’s appointments to the LRA command structure, and many of them took part in intercepted conversations where strategic and operational

decisions were discussed and made. Although the evidence does not always provide conclusive information as to the starting and ending points of the ranks and positions held by each of the relevant individuals, it does show that each of them did hold at least one senior military role within the LRA structure during the charged period, with some occupying different senior positions during this time. Their membership in the LRA leadership is further corroborated by the testimony of LRA members, who describe them as holding positions of authority, such as Army Commander, Chief of Staff, Division Commander or Brigade Commanders, or members of Control Altar. Logbooks of intercepted radio communications and the statements of former LRA members cited (both in specific support of the allegations on Mr Kony's individual responsibility and throughout the PCB) reflect the involvement of these senior members in planning and conducting LRA activities, including in respect of some of the operations underlying the charges in Counts 1-29.

71. The Chamber underscores that these proceedings concern Mr Kony's individual criminal responsibility for the charged crimes. The evidence relating to other senior LRA members has been analysed solely for the purpose of assessing the Prosecution's allegation that Mr Kony committed the crimes in Counts 1-29 jointly and through others. The Chamber's assessment of other individuals' roles in relation to the charged conduct shall not be interpreted as a determination of their criminal responsibility.

72. As regards Mr Kony's power to command and direct the LRA forces, former members (Witnesses P-0016 and P-0041) indicate that he was the person issuing all major decisions concerning the LRA. Mr Kony usually communicated his directives through his deputy, Vincent Otti, who in turn passed them on to the Brigade Commanders. Mr Kony also issued orders and received reports on operations and events on the ground via radio. Logbooks of intercepted radio communications show that Mr Kony and senior LRA members communicated via radio multiple times a day. Regular contact with Brigade Commanders and other senior LRA members on the ground allowed Mr Kony to oversee LRA activities in northern Uganda, particularly when he was in Sudan and thus geographically detached from them. As Witness P-0138 explains, LRA members would inform Mr Kony before engaging in an attack and only carry out the attack if he agreed.

73. Former LRA members and victims who interacted with Mr Kony corroborate each other in that Mr Kony's orders were complied with and implemented throughout

the LRA. Several witnesses (including P-0070, P-0231 and P-0138) indicate that in the LRA there were rules which were supposed to be followed by everyone; that each LRA member was expected to comply with Mr Kony's orders and that nobody dared to disobey him for fear of repercussions. Witnesses P-0023 and P-0070 indicate that Mr Kony had the authority to order the killing of an LRA member as punishment. Logbooks of intercepted LRA radio communications show Mr Kony threatening and ordering the killing of LRA members (including commanders) who disobeyed him or tried to escape.

74. As regards Mr Kony's conduct relevant to the charges, records of intercepted radio communications during the charged period contain numerous examples of him directing LRA forces to target civilians and civilian property in northern Uganda. This included attacking towns and camps, burning houses, looting items, abducting people and killing large numbers of them, including women, children and the elderly. An entry dating from January 2003 shows that Mr Kony directed the start of the 'usual system of killing Acholi people' and instructed Vincent Otti to kill civilians 'seriously'. Another entry of November 2003 shows Mr Kony ordering that killings should be 'at their peak and without mercy', in northern and eastern Uganda. Similarly, a February 2004 entry shows him saying that people in Lira should be killed and the Acholi 'finished'. Numerous former LRA members (including Witnesses P-0010, P-0028, P-0040, P-0041, P-0048, P-0069, P-0070, P-0023 and P-0455) confirm that orders to kill and harm civilians emanated from Mr Kony directly.

75. Former LRA members (including Witnesses P-0070, P-0138 and P-0406) also stated that Mr Kony expressly targeted civilians as retaliation for their perceived collaboration with the Ugandan government as well as lack of support for the LRA. This is corroborated by numerous entries in the logbooks of intercepted LRA radio communications, which show Mr Kony issuing orders to attack civilians in retaliation for giving information to the UPDF and being on the side of the Ugandan government.

76. As detailed in the relevant sections below, witness testimonies and intercepted LRA radio communications support the conclusion that the attacks on the Lwala school and the IDP camps, which are the subject of the charges in Counts 1-15, were carried out pursuant to Mr Kony's general directives to target civilians, even when not specifically ordered by him. An intercepted communication from February 2004 records Mr Kony instructing his commanders to adopt the tactics used by Okot

Odhiambo in the attack on Abia camp, where many civilians were killed. As regards the attack on Odek IDP camp, Witness P-0410, who participated in the attack, testified that his LRA unit targeted the camp following a direct order from Kony, which he personally heard.

77. Concerning the crimes against persons abducted and integrated into the LRA, which are the object of the charges in Counts 15-29, logbooks of intercepted LRA radio communications show that Mr Kony regularly issued orders to abduct children and young women to reinforce the LRA, received reports on the number of new abductees, congratulated LRA commanders for it, and decided on their allocation to LRA members.

78. Furthermore, as regards the abduction of children, several insider witnesses (including Witnesses P-0071, P-0070, P-0455, P-0233 and P-0142) confirm that Mr Kony regularly issued orders to abduct children to reinforce the number of troops and to carry looted goods. They also indicate that Mr Kony targeted children (between 10 and 17 years old) because he considered it was ‘easy to indoctrinate them so that they cannot escape’.

79. As to female abductees, several witnesses (including Witnesses P-0205, P-0070 and P-0040) corroborate that Mr Kony regularly ordered the abduction of ‘beautiful girls’ to join the LRA. In addition, many witnesses (including Witnesses P-0071, P-0085, P-0138, P-0205, P-0231, P-0455, P-1034, P-0028 and P-0048) consistently report that Mr Kony decided on the allocation of female abductees as forced wives of LRA fighters. Witnesses P-0455 and P-0205 indicate that Mr Kony targeted girls and young women (typically between 12 and 20 years old) as they were less likely to carry sexually transmittable diseases. Witness P-0041 and records of LRA radio communications intercepted during the relevant time indicate that Mr Kony specifically ordered the LRA to abduct ‘schoolgirls’ and that, for this reason, the LRA targeted the Lwala School.

80. Based on the above, the Chamber finds that the Prosecution’s allegation that Mr Kony issued standing orders to attack civilian settlements, kill and mistreat civilians, loot and destroy their property and abduct children and women to be integrated into the LRA is established to the relevant standard. While some entries show that Mr Kony instructed LRA forces to discontinue ambushes on civilian settlements and stop killing

civilians at times when the LRA was engaging in negotiations with the Ugandan government, instructions of this nature remain limited, isolated and temporary; they are not sufficient to affect the Chamber's conclusion, based on the abundance of evidence supporting the allegation that Mr Kony issued general directives to attack civilians in northern Uganda.

81. As to Mr Kony's knowledge and intention to commit the charged crimes, the Chamber infers from the assessed evidence that Mr Kony: (a) was aware of the features of the LRA and of his power to control the actions of its members; and (b) 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 as a result of his actions.

82. In light of the foregoing, and as explained in further detail below, the Chamber is satisfied that there are substantial grounds to believe that Mr Kony is criminally responsible for the crimes charged in Counts 1-29 as an indirect co-perpetrator or, alternatively, for ordering and/or inducing his subordinates in the LRA to commit the charged crimes, pursuant to articles 25(3)(a) and (b) of the Statute.

D. Contextual elements

1. Contextual elements of war crimes

83. The Prosecution submits that 'from at least 1 July 2002 until 31 December 2005, a protracted armed conflict not of an international character was ongoing in northern Uganda' between the LRA on one side and the UPDF and associated local armed units on the other. It also submits that the LRA was an organised armed group, and that the alleged armed conflict exceeded, in intensity, internal disturbances and tensions.

84. The Prosecution relies on the following evidence: the testimony of a crime-based witness (Witness P-0218), former LRA members (Witnesses P-0205, P-0070, P-0138, P-0309, P-406, P-0045, P-0145, P-0144, P-0209, P-0231, P-0085, P-0172, P-0252, P-0314, P-0412, P-0264, P-0410, P-0056 and P-0098), UPDF officers (Witnesses P-0047, P-0059 and P-0359) and an expert witness (Witness P-0422); intercepted LRA radio communications and related material; police reports; United Nations Department of Safety and Security updates; technical reports of the Prosecution; recordings of a radio programme and documentaries; audio/video material, and internal documents of the LRA, such as its so-called 'constitution' and 'Manifesto'; and other documentary evidence. In addition, the Prosecution refers the Chamber to the conclusions drawn by

Trial Chamber IX in the *Ongwen* Case) and the 2010 judgment of the High Court of Uganda at Gulu in *the Prosecutor v. Thomas Kwoyelo* case, of which relevant parts summarise the historical background of the armed conflict and analyse the non-international character of the armed conflict.

85. These evidentiary items, most notably the relevant intercepted LRA radio communications and witness statements, provide abundant details (and corroborate each other) as to the existence, protracted nature and intensity of the non-international armed conflict between the LRA and the UPDF and associated local armed units within the meaning of article 8 of the Statute. The organisational structure and policy of the LRA, as well as Mr Kony's relevant orders and instructions, are established by, *inter alia*, the testimony of a large number of former LRA members and intercepted LRA radio communications.

86. The existence of some minor inconsistencies regarding the names of local armed units associated with the UPDF does not affect the Chamber's conclusion, in particular given that the list of armed groups in the charges is non-exhaustive.

87. The Prosecution's allegations regarding the nexus between the relevant conduct and the conflict, and Mr Kony's and other LRA members' (collectively, 'the LRA Perpetrators') awareness of the factual circumstances that established the existence of an armed conflict, are also sufficiently supported by the evidence relied upon for each of the charged incidents, as described below.

88. In light of the evidence, the Chamber is satisfied that the contextual elements of the war crimes with which Mr Kony is charged under Counts 1, 3, 5, 8, 9, 11, 12, 18, 21, 22, 25, 26, 27, 29, 33, 35, 36 and 38 are established.

2. Contextual elements of crimes against humanity

89. The Prosecution submits that the LRA carried out a widespread and systematic attack during the relevant time period 'directed against the civilian population of northern Uganda, engaging in a course of conduct that involved the multiple commission of acts amounting to crimes [against humanity]'. It further avers that the LRA carried out the relevant conduct 'pursuant to, and in furtherance of, an organisational policy to commit such an attack' with the 'overall objective [...] to destabilise and ultimately overthrow the Ugandan government through armed rebellion and a protracted armed conflict.'

90. The Prosecution relies on the following evidence: the testimonies of a crime-based witness (Witness P-0218), former LRA members (Witnesses P-0097, P-0138, P-406, P-0045, P-0231 and P-0264) and an expert witness (Witness P-0422); photographs and video material; intercepted LRA radio communications and related material; a report from the Uganda Human Rights Commission; NGO reports; news articles; internal documents of the LRA, such as its so-called ‘constitution’, a set of documents entitled ‘Manifesto’ and ‘Our Rules’. In addition, the Prosecution refers the Chamber to the conclusions drawn by Trial Chamber IX in the *Ongwen* Case.

91. The evidence relied upon by the Prosecution, including contemporaneous documentation by humanitarian organisations on the ground and international NGOs, describes, in great detail, the existence of a pattern of deliberate attacks by the LRA against civilians, in particular those residing in IDP camps established by the Ugandan Government, perceived as supporting the Ugandan Government. This evidence, together with the evidentiary items relied upon to support of the allegations concerning the incident-based crimes and systemic crimes, as well as Mr Kony’s individual criminal responsibility, sufficiently support the existence of a widespread and systematic attack against the civilian population within the meaning of article 7 of the Statute. The individual acts charged in the incident-based crimes section were committed as part of this attack, satisfying the nexus requirement. The existence of an organisational policy and the overall aim of the LRA are satisfactorily established by the LRA’s internal documents, a large number of intercepted LRA radio communications, and the testimony of former LRA members.

92. As concerns the LRA Perpetrators’ knowledge and intention that their conduct was part of the widespread and systematic attack against the civilian population, the Prosecution refers to the evidence relied upon to establish Mr Kony’s individual criminal responsibility, the crimes committed in the eight charged incidents, and the systemic crimes against children and women outlined below. The Chamber considers that this evidence supports the allegation that Mr Kony knew and intended his conduct to be part of a widespread or systematic attack directed against the civilian population of northern Uganda, when he directed his subordinates in the LRA to attack civilian settlements, kill and mistreat civilians, loot and destroy their property and abduct children and women to be integrated into the LRA. The Chamber refers to the sections

specifically addressing each of those sets of crimes for a more detailed description of the relevant evidence.

93. Most of the evidentiary items relied upon for the purposes of the contextual elements corroborate each other. Only a limited number of those items do not appear reliable. This applies, specifically, to: (i) certain photographs, for which the metadata do not include sufficient information as to their source, what they depict and what, in the Prosecution's view, would render them reliable; (ii) video material appearing to originate from a political campaign to arrest Mr Kony; (iii) documentary video material, the source of which is unknown and its sound and picture quality insufficient; (iv) one illegible part of a hand-written ISO logbook; and (v) documents titled 'Our Rules', potentially relevant to the existence of organisational policy but incomplete and of uncertain nature and origin.

94. The Chamber notes that these issues only affect a limited number of evidentiary items. Accordingly, the Chamber is satisfied that the contextual elements of the crimes against humanity with which Mr Kony is charged under Counts 2, 4, 6, 7, 10, 13, 14, 15, 16, 17, 19, 20, 23, 24, 28, 30, 31, 32, 34, 37, 39 are established to the relevant standard.

E. Incident-based crimes

1. Attack on Lwala Girls School

95. The Prosecution alleges that, on or about 24 June 2003, LRA members of the Stockree brigade attacked Lwala Girls School, 'directing acts of violence against the approximately 230 schoolgirls present on the school's premises' and abducting 'at least 70' of them. According to the Prosecution, the attack was carried out pursuant to Mr Kony and Vincent Otti's orders to 'abduct schoolgirls for subsequent distribution to LRA commanders and fighters as "wives"' and *ting tings*. The Prosecution charges Mr Kony with the following crimes, allegedly committed during the course of the attack: intentionally directing attacks against the civilian population as such, as a war crime (Count 1); torture as a crime against humanity, of at least 70 civilians (Count 6) or, in alternative, 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 (Count 7); torture as a war crime, of at least 70 civilians (Count 8) or, in alternative, cruel treatment as a war crime (Count 9); enslavement as a crime against humanity, of at least 12

civilians (Count 10); pillaging as a war crime (Count 11); and persecution as a crime against humanity, on age and gender grounds, of at least 70 schoolgirls (Count 14).

96. The Prosecution relies on the following evidence: the testimony of 10 former LRA members (Witnesses P-0005, P-0010, P-0028, P-0041, P-0048, P-0069, P-0070, P-0136, P-0138 and P-1017), 10 crime-based witnesses, alleged to have been victims of the attack (Witnesses P-0002, P-0004, P-0015, P-0021, P-0079, P-0129, P-0456, P-1070, P-1079 and P-1084), four other witnesses (Witnesses P-0117, P-0068, P-0075 and P-0132) and one Ugandan government intercept witnesses (Witness P-0038); logbooks of intercepted LRA radio communications; and other documentary evidence.

97. Former LRA members (Witnesses P-0041, P-1017 and P-0070) provide information about the planning, preparation and execution of the attack. They indicate that Charles Tabuley, from Stockree Brigade, and two of his battalion commanders, Benson Okello Lagulu and Charles Kapere, led the attack on Lwala School.

98. The allegations concerning the time and manner of the attack, including the looting as well as the ensuing abduction of girls are substantiated by, *inter alia*, the testimony of former LRA members who participated in the attack, as well as crime-based witnesses. Former schoolgirls (including Witnesses P-0002, P-0004 and P-0015) and two staff members at the school (Witnesses P-0068 and P-0075) confirm that the LRA attack took place on or about 24 June 2003.

99. Former Lwala School girls (Witnesses P-0002, P-0004, P-0015, P-0456, P-1079 and P-1084) corroborate one another in describing how LRA members entered their dormitories at night, threatened them with guns, tied them up and forced them to leave the school premises with them. Witness P-0002 describes being awakened by a young ‘rebel’ (about 13 years of age) with an RPG who forced her out of her dormitory bed. She estimates that around 80 girls were taken from the school. Similarly, Witness P-0004 recounts that the ‘rebels’ entered her dormitory and tied the girls up with ropes. She estimates that around 70 girls were abducted. Witnesses P-0015, P-0021, P-0004 and P-0456 also report being forced to walk long distances carrying looted items and that the LRA members threatened to beat or kill them if they tried to escape.

100. Witness’ accounts are also consistent in that the LRA took with them items that belonged to the school and the pupils. Witnesses P-0068 and P-0075, who worked at

the school, describe how the LRA took all the food from the canteen, ‘leaving the shelves empty’.

101. Former LRA members who participated in the attack (including Witnesses P-0041 and P-0069) report that Charles Tabuley and other LRA members targeted Lwala School pursuant to Mr Kony’s general order to find and abduct ‘schoolgirls’. Witness P-0070 heard Mr Kony on the radio, stating that each LRA Brigade should go to Teso and that ‘[s]mall children should be abducted and young girls, young beautiful girls, should also be abducted to join the LRA’. Moreover, the logbooks of intercepted LRA radio communications corroborate the allegation concerning Mr Kony’s orders to abduct young girls from all possible places, including schools, to forcibly marry them with LRA members ‘so that in the future the LRA will produce some mix[ed] blood’. The fact that some of the cited parts of logbooks are not clearly legible does not affect the Chamber’s conclusion, as other evidentiary items sufficiently support the specific allegations.

102. In light of the evidence, the Chamber is satisfied that the objective elements of the crimes in Counts 1, 6-11 and 14 are sufficiently established..

103. As regards the individual criminal responsibility of Mr Kony, the Chamber is satisfied that there are substantial grounds to believe that Mr Kony’s contribution to all the abovementioned crimes may be legally qualified under article 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing) of the Statute.

104. The Chamber is further satisfied that Mr Kony’s conduct establishes that he (i) fulfilled the specific *mens rea* elements pertaining to the aforementioned crimes; and (ii) had intent and knowledge in relation to these crimes under article 30 of the Statute.

2. Attack on Pajule IDP camp

105. The Prosecution alleges that, on or about 10 October 2003, the LRA attacked Pajule and Lapul IDP camps (collectively, ‘Pajule IDP camp’), where between 15,000 and 30,000 civilians lived, directing acts of violence against them. According to the Prosecution, the attack was carried out pursuant to Mr Kony’s general orders to attack civilians. The Prosecution charges Mr Kony with the following crimes, allegedly committed during the course of the attack: intentionally directing attacks against the civilian population as such, as a war crime (Count 1); murder as a crime against humanity and as a war crime, of at least four civilians (Counts 2 and 3); torture as a

crime against humanity, of at least several hundred civilians (Count 6) or, in the alternative, 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 (Count 7); torture as a war crime, of at least several hundred civilians (Count 8) or, in alternative, cruel treatment as a war crime (Count 9); enslavement as a crime against humanity, of at least hundreds of civilians (Count 10); pillaging as a war crime (Count 11); and persecution as a crime against humanity, on political grounds, of civilians perceived by the LRA as being affiliated with, or supporting the Ugandan government (Count 13).

106. The Prosecution relies on the following evidence: the testimonies of 12 former LRA members (Witnesses P-0015, P-0016, P-0045, P-0048, P-0070, P-0101, P-0138, P-0144, P-0209, P-0309, P-0330 and P-0372), 13 crime-based witnesses, alleged to have been victims of the attack (Witnesses P-0001, P-0006, P-0007, P-0008, P-0009, P-0061, P-0067, P-0081, P-0249, P-0379, D26-P-0076, D26-P-0077 and D26-P-0081), and five UPDF officers (Witnesses P-0003, P-0047, P-0052, P-0084 and P-0359); logbooks of intercepted LRA radio communications; other documentary evidence, and additional sources cited in sub-annexes E.2. of the PCB, consisting in two documents compiled by the Prosecution respectively listing: (i) four individuals allegedly murdered (annex E.2.i); (ii) 42 individuals allegedly enslaved by the LRA (annex E.2.ii).

107. The allegations concerning the time, place and the manner of the attack, including the looting, killing of civilians and the ensuing abduction of residents of the camp are substantiated by, *inter alia*, the testimony of former LRA members, some of whom participated in the attack, crime-based witnesses, alleged to have been victims of certain crimes charged, and UPDF officers.

108. Crime-based witnesses, who resided at the camp (including Witnesses P-0007, P-0008 and P-0009), and two UPDF officers confirm that the LRA attack took place on or about 10 October 2003. This is corroborated by some entries in logbooks of intercepted LRA radio communications.

109. Former LRA members involved in the attack (Witnesses P-0138, P-0144, P-0209 and P-0330) provide details on how the attack was planned, ordered and executed. Witness P-0144 indicates that Vincent Otti led the operation together with other senior LRA members, including Raska Lukwiya, Bogi Bosco and Dominic Ongwen. He

describes that the LRA broke into groups, that one attacked the UPDF barracks and that ‘the biggest group was sent to go and collect food items and abduct civilians’. Witness P-0330 describes how his group looted items from the market (such as flour, money and beans), abducted civilians, tied them up around the waist and gave them looted items to carry, all according to the orders they have received.

110. Witness P-0061 was captured by the LRA and saw them abducting people, including children, and shooting at civilians. Witness P-0084, a UPDF officer, reports seeing, on the day of the attack, burnt huts, injured people and about five dead civilians who had been shot. Camp residents (including Witnesses P-0001, P-0007, P-0008 and P-0009) estimate that hundreds of residents had been abducted from Pajule.

111. As regards Mr Kony’s involvement in the attack, the logbooks of intercepted LRA radio communications and the testimony of radio operatives support that he issued general orders to attack civilians, including those in Pajule IDP camp. In particular, entries from 10 October 2003 show that Vincent Otti informed Mr Kony of an attack with a ‘big force’ in Pajule. According to one of these entries, Mr Kony responded that the main target should be civilians because they were responsible for the UPDF continuing to follow the LRA. Witness P-0138, a former LRA radio operative, heard Vincent Otti reporting to Mr Kony that approximately 200-300 people had been abducted in the Pajule attack.

112. In light of the evidence, the Chamber is satisfied that the objective elements of the crimes in Counts 1-3, 6-11 and 13 are sufficiently established.

113. As regards the individual criminal responsibility of Mr Kony, the Chamber is satisfied that there are substantial grounds to believe that Mr Kony’s contribution to all the abovementioned crimes may be legally qualified under article 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing) of the Statute.

114. The Chamber is further satisfied that Mr Kony’s conduct establishes that he (i) fulfilled the specific *mens rea* elements pertaining to the aforementioned crimes; and (ii) had intent and knowledge in relation to these crimes under article 30 of the Statute.

3. *Attack on Abia IDP camp*

115. The Prosecution alleges that, on or about 4 February 2004, the LRA attacked Abia IDP camp, where between 12,000 and 15,000 civilians lived, directing acts of violence against them. According to the Prosecution, the attack was carried out pursuant to

Mr Kony's general orders to attack civilians. The Prosecution charges Mr Kony with the following crimes, allegedly committed during the course of the attack: intentionally directing attacks against the civilian population as such, as a war crime (Count 1); murder as a crime against humanity and as a war crime, of at least 116 civilians (Counts 2-3); attempted murder as a crime against humanity and as a war crime, of at least 68 civilians (Counts 4-5); torture as a crime against humanity, of at least 20 civilians (Count 6) or, in the alternative, 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 (Count 7); torture as a war crime, of at least 20 civilians (Count 8) or, in the alternative, cruel treatment as a war crime (Count 9); enslavement as a crime against humanity, of at least five civilians (Count 10); pillaging as a war crime (Count 11); destroying the enemy's property as a war crime (Count 12) and persecution as a crime against humanity, on political grounds, of civilians perceived by the LRA as being affiliated with, or supporting, the Ugandan government (Count 13).

116. The Prosecution relies on the following evidence: the testimony of 19 former LRA members (Witnesses P-0005, P-0010, P-0016, P-0040, P-0041, P-0069, P-0070, P-0085, P-0096, P-0098, P-0136, P-0137, P-0138, P-0148, P-0150, P-0152, P-0233, P-0440 and P-0455), five crime-based witnesses, alleged to have been victims of the attack (Witnesses P-0020, P-0051, P-0056, P-0066 and P-0077), one UPDF officer (Witness P-0049), a Ugandan government member (Witness P-0034) and one other witness (Witness P-0050); logbooks of intercepted LRA radio communications; documentary evidence and additional sources cited in sub-annexes E.3. of the PCB, consisting in three documents compiled by the Prosecution respectively listing: (i) 116 individuals allegedly murdered (annex E.3.i); (ii) 68 individuals allegedly victim of attempted murder (annex E.3.ii); and (iii) 20 individuals allegedly enslaved by the LRA (annex E.3.iii).

117. Statements of crime-based Witnesses P-0066, P-0051, P-0020, P-0077, P-0056 and P-0050 residing in Abia IDP Camp confirm that the LRA attack took place on or around 4 February 2004, in the afternoon. This is corroborated by the statement of a UPDF officer, Witness P-0049.

118. Former LRA members, Witnesses P-0098, P-0233, P-0010, P-0150, P-0070, P-0085, P-0096 and P-0136, provide information about the planning, preparation and execution of the attack. They indicate that Okot Odhiambo, from Stockree Brigade,

ordered the attack on Abia IDP camp, instructing LRA members to kill both civilians and UPDF soldiers and to burn houses. Witness P-0233 states that the instruction was that ‘in Abia there should be nothing left alive, be it a human being or a goat or a chicken, they should all be killed, and that there [should] be no mercy’. Witness P-0096 reports that, among the LRA members who participated in the attack, there were ‘many children’; according to Witness P-0098, there were ‘young boys and men aged between 12 and 17’.

119. The evidentiary material establishes that LRA fighters killed civilians by various means, including shooting, bombing houses where civilians were sheltering, beating or stabbing them to death, and burning them alive in their homes. Witness P-0096, a former LRA member who took part in the attack, states that his group deliberately targeted civilian homes, killing men, women and children alike using sticks, guns, and fire. Similarly, Witness P-0150 indicates that civilians were shot, burnt, and had their heads ‘smashed’. These accounts are corroborated by Witness P-0049, who reports finding bodies bearing gunshot wounds and signs of being burnt.

120. The killing and injuring of civilians, as well as the destruction of homes, is corroborated by multiple crime-based witnesses residing in the camp at the time. Witness P-0050 states that houses burned for three consecutive days, with some people dying inside and many sustaining injuries. Witness P-0077 suffered injuries when his house was bombed and observed numerous injured individuals at the hospital. Moreover, the evidence contained in the relevant annex to the PCB corroborates that some of the civilians targeted by the LRA survived despite having, in some instances, suffered serious injuries.

121. Evidence of looting is provided by both former LRA members and residents of the camp. Witness P-0005 states that his group looted food, clothes and goats from the trading centre within the camp. This account is consistent with the testimonies of Witnesses P-0056 and P-0020, who report that the LRA fighters stole beans, chickens and goats.

122. Former LRA members also confirm that civilians were abducted from the camp and forced to carry looted goods. Witness P-0096 states that his group abducted six individuals, including a 13-year-old girl. Witness P-0098 recalls that most abductees were young, with the oldest being approximately 18 years old. Witness P-0056, who

was abducted along with 10 others, describes being tied at the waist and given only beans to eat and dirty water to drink. Witness P-0020 recounts that an LRA member requested permission to kill her, but was denied on the basis that she was needed to carry looted items. She states that an LRA fighter threw her baby into the river, and she never saw the child again. She was subsequently cut with a machete and stabbed with a knife affixed to the end of a gun.

123. Records of intercepted LRA radio communications from February 2004 support the allegation that, following the attack, Okot Odhiambo reported the execution of the Abia attack to Mr Kony, who expressed satisfaction and praised him. Records from ISO and UPDF logbooks, dated 12 February 2004, corroborate each other, indicating that Mr Kony was pleased with Okot Odhiambo's actions and specifically referenced the tactics employed in Abia, including the killing of civilians, as an exemplary mode of operation, to be adopted by all LRA units.

124. In light of the evidence, the Chamber is satisfied that the objective elements of the crimes in Counts 1-14 are sufficiently established.

125. As regards the individual criminal responsibility of Mr Kony, the Chamber is satisfied that there are substantial grounds to believe that Mr Kony's contribution to all the abovementioned crimes may be legally qualified under article 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing) of the Statute.

126. The Chamber is further satisfied that Mr Kony's conduct establishes that he (i) fulfilled the specific *mens rea* elements pertaining to the aforementioned crimes; and (ii) had intent and knowledge in relation to these crimes under article 30 of the Statute.

4. *Attack on Barlonyo IDP camp*

127. The Prosecution alleges that, on or about 21 February 2004, the LRA attacked Barlonyo IDP camp, where between 1,000 and 4,800 civilians lived, directing acts of violence against them. According to the Prosecution, the attack was carried out pursuant to Mr Kony's general orders to attack civilians. The Prosecution charges Mr Kony with the following crimes, allegedly committed during the course of the attack: intentionally directing attacks against the civilian population as such, as a war crime (Count 1); murder as a crime against humanity and as a war crime, of at least 313 civilians (Counts 2-3); attempted murder as a crime against humanity and as a war crime, of at least 85 civilians (Counts 4-5); pillaging as a war crime (Count 11) and destroying the

enemy's property as a war crime (Count 12) persecution as a crime against humanity, on political grounds, of civilians perceived by the LRA as being affiliated with, or supporting the Ugandan government (Count 13).

128. The Prosecution relies on the following evidence: the testimonies of 13 former LRA members (Witnesses P-0016, P-0054, P-0056, P-0057, P-0069, P-0070, P-0071, P-0096, P-0098, P-0136, P-0150, P-0152 and P-0455), five crime-based witnesses, alleged to have been victims of the attack (Witnesses P-0025, P-0062, P-0076, P-0082 and P-0467), one Ugandan police member (Witness P-0017), one Ugandan government member (Witness P-0034), one forensic pathologist (Witness P-0036) and two other witnesses (Witnesses P-0065 and P-0072); logbooks of intercepted LRA radio communications; police reports and briefs; other documentary evidence, and additional sources cited in sub-annexes E.4. of the PCB, consisting in two documents compiled by the Prosecution respectively listing: (i) 313 individuals allegedly murdered (annex E.4.i); and (ii) 85 individuals allegedly victim of attempted murder (annex E.4.ii).

129. Statements of crime-based Witnesses P-0062 and P-0082 as well as police reports and a police operation order confirm that the attack on Barlonyo IDP Camp took place on 21 February 2004. Former LRA members Witnesses P-0070, P-0016, P-0057 and P-0152 indicate that Okot Odhiambo organised the attack on Barlonyo IDP camp and was the overall commander. Former LRA members support the allegation that members of the Stockree Brigade, Sinia Brigade and Division Headquarters (with Witness P-0070 also referring to the latter as 'Control Altar') were involved in the attack. Witness P-0057 also mentions that members of the Bay Twinkle Brigade participated.

130. The evidence indicates how the attack unfolded. Witnesses P-0096, P-0098, P-0152 and a police report mention that the LRA first attacked the local militia (Amuka) barracks, and that, once it overpowered the militia, the LRA shot, burnt alive, beat or stabbed to death the civilians present in the camp. While Witness P-0150 states that LRA fighters did not shoot at civilians and that the civilians killed were collateral casualties of fighting with the militia, the remaining evidentiary material overwhelmingly shows that the civilians were targeted as such. The statements of former LRA fighters (including Witnesses P-0152, P-0098 and P-0057) also show that, prior to the attack, LRA members were instructed that they 'should kill everyone there and not leave anything alive'. Witness P-0057 indicates that, during the attack, his group killed men, women and children, including civilians. This is supported by crime-

based Witnesses P-0062, P-0082, P-0076, P-0467 and P-0062, who state that the LRA entered the camp and started burning houses with people inside, shooting at people and beating them, as well as by a police report describing the LRA fighters opening fire in the camp.

131. The estimated number of civilians killed which was provided by former LRA members and crime-based witnesses present during the attack is consistent with the number alleged by the Prosecution. Although some police or medical forensic reports indicate smaller numbers of individuals killed, the Chamber finds that they do not affect the overall estimate provided by the witnesses.

132. Furthermore, as shown by the evidence contained in the relevant annex to the PCB, some of the civilians targeted by the LRA survived despite having, in some instances, suffered serious injuries.

133. The evidentiary material also shows that the LRA looted the camp. Former LRA members Witnesses P-0057 and P-0098 indicate that they took food and livestock from civilians, and that they burned houses and beans in the camp. Witness P-0152 mentions that his group took goods from shops, and that the camp was left all burnt out, while Witness P-0467 saw LRA men carrying looted goods that belonged to civilians. This is supported by two police reports, which indicate that the camp had 480 huts and that all the grass thatched huts in the camp, i.e., 391 huts, were completely burnt down and the properties therein either looted, destroyed or burnt, as well as by a video and by photographs of burnt-down huts. Witnesses P-0056, P-0057 and P-0152 describe how they saw LRA abductees coming from Barlonyo carrying looted foods and livestock.

134. Records of intercepted LRA radio communications show exchanges between Mr Kony and Okot Odhiambo after the attack. On 23 February 2004, Okot Odhiambo reported to Mr Kony about the attack, indicating that the LRA had killed many people, including soldiers and civilians. Mr Kony responded that Okot Odhiambo had done well and ‘strongly congratulate[d]’ him.

135. In light of the evidence, the Chamber is satisfied that the objective elements of the crimes in Counts 1-5 and 11-13 are sufficiently established.

136. As regards the individual criminal responsibility of Mr Kony, the Chamber is satisfied that Mr Kony’s contribution to all the abovementioned crimes may be legally

qualified under article 25(3)(a) of the Statute (indirect co-perpetration), or 25(3)(b) (ordering and inducing) of the Statute.

137. The Chamber is further satisfied that Mr Kony's conduct establishes that he (i) fulfilled the specific *mens rea* elements pertaining to the aforementioned crimes; and (ii) had intent and knowledge in relation to these crimes under article 30 of the Statute.

5. *Attack on Odek IDP camp*

138. The Prosecution alleges that, on or about 29 April 2004, the LRA attacked Odek IDP camp, where between 2,000 and 3,000 civilians lived, directing acts of violence against them. According to the Prosecution, the attack was carried out pursuant to Mr Kony's general orders to attack civilians. The Prosecution charges Mr Kony with the following crimes, allegedly committed during the course of the attack: intentionally directing attacks against the civilian population as such as a war crime (Count 1); murder as a crime against humanity and as a war crime, of at least 51 civilians (Counts 2 and 3); attempted murder as a crime against humanity and as a war crime, of at least 10 civilians (Counts 4 and 5); torture as a crime against humanity, of at least 41 civilians (Count 6) or, in the alternative, 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 (Count 7); torture as a war crime, of at least 41 civilians (Count 8) or, in alternative, cruel treatment as a war crime (Count 9); enslavement as a crime against humanity, of at least 19 civilians (Count 10); pillaging as a war crime (Count 11); and persecution as a crime against humanity, on political grounds, of civilians perceived by the LRA as being affiliated with, or supporting the Ugandan government (Count 13).

139. The Prosecution relies on the following sources of evidence: 13 former LRA members (Witnesses P-0054, P-0142, P-0205, P-0264, P-0309, P-0314, P-0330, P-0340, P-0352, P-0372, P-0406, P-0410 and P-0455); six crime-based witnesses, alleged to have been victims of the attack (Witnesses P-0218, P-0252, P-0268, P-0269 and P-0270, P-0275); two Ugandan officers involved in the interception of LRA radio communications (Witnesses P-0003, P-0016, P-0059 and P-0440); one UPDF officer (Witness P-0359); two camp leaders (Witnesses P-0274 and P-0325); audios and logbooks of intercepted LRA radio communications; other documentary evidence, and additional sources cited in sub-annexes E.5. of the PCB, consisting in three documents compiled by the Prosecution respectively listing: (i) 51 individuals allegedly murdered

(annex E.5.i), (ii) 10 individuals allegedly victim of attempted murder (annex E.5.ii), and (iii) 40 individuals allegedly enslaved (annex E.5.iii).

140. Four crime-based witnesses residing in Odek IDP Camp, including two camp leaders (Witnesses P-0218, P-0268, P-0274 and P-0325), confirm that the LRA attack took place on or around 29 April 2004.

141. Former LRA members (Witnesses P-0410, P-0205, P-0264, P-0142 and P-0309) provide information about the planning, preparation and execution of the attack. They consistently indicate that Dominic Ongwen ordered the attack on Odek, instructing LRA members to target everyone, including civilians, to loot and to abduct civilians. According to Witness P-0410, a former LRA member who participated in the attack, Dominic Ongwen indicated that the mission was ‘to exterminate everything’ in Odek. Witness P-0309 corroborates this account and indicates that between 30-40 LRA members, including himself, took part in the operation. Witness P-0410 further describes a gathering in Sudan shortly before the attack, in which Mr Kony instructed the LRA to attack Odek because people there ‘did not like the rebels’ and saying that the attack should be ‘used as an example for the people in Uganda’.

142. The accounts of former LRA members and crime-based witnesses (including P-0410, P-0264, P-0330 and P-0325) offer consistent and mutually corroborative evidence of LRA shooting, beating and killing many civilians residents of the camp. Witness P-0264 testified that the LRA fighters, including himself, were shooting at every house they came across. While some LRA members stated that there were UPDF soldiers among the civilians in the camp, the evidence shows that civilians were directly targeted regardless of the presence of UPDF personnel. Witness P-0325 was in the camp during the attack and saw the rebels shooting at the UPDF soldiers and then ‘shooting at civilians. Anyone the rebels saw, they shot at them. They even opened the doors of huts and shot people inside’. Witness P-0325 further recounts seeing a pregnant lady shot in the leg while running and shouting for help. She was taken to the hospital but both she and her baby died. Witness P-0218 also describes seeing many civilians killed by gunshot after the attack, including children. On some occasions, targeted civilians survived because of independent circumstances. Witness P-0274 describes helping a lady who survived a ‘shot on the lower part of the cheek’; she was weak and suffered injuries as a result of ‘the bullet [coming] out on the back of her neck’. The Prosecution submits copies of Witness P-0274’s diary listing residents killed

and injured during the attack. Moreover, the evidence contained in the relevant annex to the PCB corroborates that some of the civilians targeted by the LRA survived despite having, in some instances, suffered serious injuries.

143. Former LRA members who participated in the attack (including Witnesses P-0142, P-0264, P-0309, P-0330, P-0340 and P-0372) recount looting items, such as clothes and food. P-0264 describes that his LRA group carried looted goods from the camp back to the bush. Witness P-0142 observed ‘children’ coming back from Odek with looted food, including ground nuts or peanuts, biscuits, and beans. These accounts are corroborated by camp resident Witness P-0268. Witnesses P-0330 and P-0406 describe seeing civilians homes set on fire.

144. Crime-based witnesses (including P-0268, P-0274 and P-0275) describe the LRA abducting civilians from Odek IDP camp. Witness P-0268 describes being forced to follow the LRA as they withdrew from the camp, carrying a heavy bag of maize with her baby strapped to her back. An LRA member told her to abandon her baby, but she refused. She observed approximately 20 other abductees, two of them between 14-16 years old, most of them women. Witness P-0275, a schoolgirl, was also abducted and identifies in her testimony several other abductees, many of whom were her fellow students. Witness P-0274 similarly names multiple male and female abductees. The abduction of civilians, including children, is corroborated by former LRA members, Witnesses P-0309 and P-0406.

145. Crime-based witnesses abducted in Odek (including P-0268, P-0275 and P-0252), report being forced to walk with the LRA, carrying looted items, suffering physical and verbal abuse and, in some instances, being forced to inflict violence on other abductees. Witness P-0268 states that, on the night of her abduction, LRA members beat women whose babies cried, to silence them. Witness P-0275 recounts attempting to escape, for which an LRA member gave her ‘many strokes with sticks and also hit [her] with an RPG’. Witness P-0252 states that the LRA ordered the killing of ‘all the adults’ abducted in Odek, including his father, and that he was forced to beat another abductee to death.

146. Audio recordings of intercepted LRA radio communications explained by radio operatives who took part in the interception process (Witnesses P-0003, P-0016, P-0059 and P-0440) support the allegation that Dominic Ongwen reported the execution of the

Odek attack to Joseph Kony, including the killing of people, and that the latter expressed satisfaction with the outcome.

147. In light of the evidence, the Chamber is satisfied that the objective elements of the crimes in Counts 1-11 and 13 are sufficiently established.

148. As regards the individual criminal responsibility of Mr Kony, the Chamber is satisfied that there are substantial grounds to believe that Mr Kony's contribution to all the abovementioned crimes may be legally qualified under article 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing) of the Statute.

149. The Chamber is further satisfied that Mr Kony's conduct establishes that he (i) fulfilled the specific *mens rea* elements pertaining to the aforementioned crimes; and (ii) had intent and knowledge in relation to these crimes under article 30 of the Statute.

6. *Attack on Pagak IDP camp*

150. The Prosecution alleges that, on or about 16 May 2004, the LRA attacked Pagak IDP camp (also known as Wianono or Wiya Nono), where around 14,000 civilians lived, directing acts of violence against them. According to the Prosecution, the attack was carried out pursuant to Mr Kony's general orders to attack civilians. The Prosecution charges Mr Kony with the following crimes, committed during the course of the attack: intentionally directing attacks against the civilian population as such, as a war crime (Count 1); murder as a crime against humanity and as a war crime, of at least 58 civilians (Counts 2-3); attempted murder as a crime against humanity and as a war crime, of at least 16 civilians (Counts 4-5); torture as a crime against humanity, of at least 51 civilians (Count 6) or, in the alternative, 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 (Count 7); torture as a war crime of at least 51 civilians (Count 8), or in the alternative, cruel treatment as a war crime (Count 9); enslavement as a crime against humanity of at least 35 civilians (Count 10); pillaging as a war crime (Count 11); destroying the enemy's property as a war crime (Count 12) and persecution as a crime against humanity, on political grounds, of civilians perceived by the LRA as being affiliated with, or supporting the Ugandan government (Count 13).

151. The Prosecution relies on the following sources of evidence: six former LRA members (Witnesses P-0010, P-0030, P-0121, P-0129, P-0133 and P-0141); six crime-based witnesses, alleged to have been victims of the attack (Witnesses P-0011, P-0012,

P-0013, P-0014, P-0139 and P-0140); three UPDF officers (Witnesses P-0053, P-0058 and P-0064); one Ugandan police member (Witness P-0017); one forensic pathologist (Witness P-0036); one other witness (Witness P-0044); logbooks of intercepted LRA radio communications; other documentary evidence, and additional sources cited in sub-annexes E.6. of the PCB, consisting in three documents compiled by the Prosecution respectively listing: (i) 58 individuals allegedly murdered (annex E.6.i); (ii) 16 individuals allegedly victim of attempted murder (annex E.6.ii); and (iii) 51 individuals allegedly enslaved by the LRA (annex E.6.iii).

152. Crime-based witnesses P-0011 and P-0012 residing in Pagak IDP camp confirm that the LRA attacked the camp on or about 16 May 2004. This is corroborated by two UPDF officers, Witnesses P-0053 and P-0058, as well as logbooks of intercepted LRA radio communications showing Vincent Otti reporting about the attack to Mr Kony.

153. Former LRA members Witnesses P-0010, P-0030, P-0121, P-0133 and P-0141 provide information about the planning, preparation and execution of the attack. They indicate that Mr Kony ordered the attack on Pagak IDP camp, while Mr Otti selected fighters from the Control Altar and Gilva Brigades and gave them instructions to attack Pagak. Former UPDF officers describe how the attack unfolded, explaining how some of the LRA members focused on the military barracks close to the camp while other attacked the civilian area. This is corroborated by crime-based Witnesses P-0013 and P-0014.

154. Evidentiary material establishes that, during and in the aftermath of the attack, LRA members abducted and/or killed civilians, burning them in huts or beating or stabbing individuals to death, including some of the abductees. Witness P-0053 described seeing a man burnt in a hut and an execution site outside the camp where he found bodies of people who had been beaten or cut with pangas. He also saw abductees who had survived the beatings. Witness P-0044 recorded that 31 people had been killed, including 27 in the bush outside the camp, as well as that people were injured. These descriptions are consistent with the accounts of crime-based Witnesses P-0011, P-0012 and P-0013. Moreover, the evidence contained in the relevant annex to the PCB corroborates that some of the civilians targeted by the LRA survived despite having, in some instances, suffered serious injuries.

155. The evidence also shows that LRA members destroyed civilian houses and property during the attack. Crime-based Witness P-0014 saw LRA members set houses ablaze on either side of the house she was hiding in and observed that of most the houses of the camp were burning as she was fleeing. Witness P-0064 indicates that, as the UPDF chased the LRA attackers away, LRA members ‘started torching the huts in the camp, using the cooking fires in the camp’, while ‘the goats tied near the huts were burnt’. Witness P-0044, consistently with the figure advanced in a police report, states that the camp leaders counted 544 huts burnt.

156. Crime-based witnesses P-0011, P-0012, P-0013, P-0014, P-0139 and P-0140 also describe that, during the attack, LRA members entered houses and looted clothing items and food. This is corroborated by Witnesses P-0053 and P-0058. These Witnesses also indicate that LRA members forced the abductees to carry the looted items and wounded or dead LRA fighters, under death threats and while being beaten or forced to watch other abductees being beaten or killed.

157. Records of intercepted LRA radio communications during the days following the attack show that there were multiple exchanges between Mr Kony and Vincent Otti discussing the attack. Mr Otti reported that the LRA ‘left 500 houses burnt and many civilians were killed and other[s] [...] were left seriously wounded’. On his part, Mr Kony ordered Vincent Otti and other commanders to ‘uplift the standard of massacre in the [IDP camps]’.

158. In light of the evidence, the Chamber is satisfied that the objective elements of the crimes in Counts 1-13 are sufficiently established.

159. As regards the individual criminal responsibility of Mr Kony, the Chamber is satisfied that Mr Kony’s contribution to all the abovementioned crimes may be legally qualified under article 25(3)(a) of the Statute (indirect co-perpetration), or 25(3)(b) (ordering and inducing) of the Statute.

7. Attack on Lukodi IDP camp

160. The Prosecution alleges that, on or about 19 May 2004, the LRA attacked Lukodi IDP camp, where around 7,000 civilians lived, directing acts of violence against them. According to the Prosecution, the attack was carried out pursuant to Mr Kony’s general orders to attack civilians. The Prosecution charges Mr Kony with the following crimes, committed during the course of the attack: intentionally directing attacks against the

civilian population as such, as a war crime (Count 1); murder as a crime against humanity and as a war crime, of at least 48 civilians (Counts 2-3); attempted murder as a crime against humanity and as a war crime, of at least 11 civilians (Counts 4-5); torture as a crime against humanity, of at least 30 civilians (Count 6) or, in the alternative, 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 (Count 7); torture as a war crime of at least 30 civilians (Count 8), or in the alternative, cruel treatment as a war crime (Count 9); enslavement as a crime against humanity of at least 10 civilians (Count 10); pillaging as a war crime (Count 11); destroying the enemy's property as a war crime (Count 12) and persecution as a crime against humanity, on political grounds, of civilians perceived by the LRA as being affiliated with, or supporting the Ugandan government (Count 13).

161. The Prosecution relies on the following sources of evidence: 10 former LRA members (Witnesses P-0016, P-0018, P-0054, P-0101, P-0142, P-0145, P-0205, P-0406, P-0410 and P-0440); four crime-based witnesses, alleged to have been victims of the attack (Witnesses P-0024, P-0026, P-0185 and P-0187); two Ugandan officers involved in the interception of LRA radio communications (Witnesses P-0003 and P-0059); one UPDF officer (Witness P-0035); one Ugandan police officer (Witness P-0017); one forensic pathologist (Witness P-0036); two other Witnesses (Witnesses P-0042 and P-0060); logbooks of intercepted LRA radio communications; other documentary evidence, and additional sources cited in sub-annexes E.7 of the PCB, consisting in three documents compiled by the Prosecution respectively listing: (i) 48 individuals allegedly murdered (annex E.7.i); (ii) 11 individuals allegedly victim of attempted murder (annex E.7.ii); and (iii) 30 individuals allegedly enslaved by the LRA (annex E.7.iii).

162. The evidence confirms that the attack took place on or about 19 May 2004. Witnesses P-0024, P-0185, P-0187 and P-0205 indicate that the attack occurred in the evening of 19 May 2004, while Witnesses P-0026 and P-0060 and a police report place the attack on the evening of 20 May 2004.

163. Evidentiary material contains details as to the organisation and execution of the attack. Former LRA members indicate that Dominic Ongwen ordered fighters from the Gilva and Sinia Brigades to launch the attack, in furtherance of Mr Kony's general orders to attack civilians. They also describe how the attack unfolded. Witnesses P-

0205 and P-0410 describe that one group of fighters attacked the civilian camp while another attacked and quickly overran the UPDF barracks situated close to the camp. Witnesses P-0142, P-0018 and P-0410 also state that, once in the camp, LRA members started burning down civilian houses, before shooting at the population. In this regard, Witness P-0410 says that that LRA members ‘were told that whatever you find walking or alive within the camp and within the barracks should be killed’. Former LRA members Witnesses P-0406 and P-0410 and crime-based Witnesses P-0024 and P-0187 are consistent in indicating that the LRA members killed civilians by gunshot, beating, cutting, or burning them to death. These accounts are corroborated by Witness P-0017, a Ugandan police officer, who indicates that he was informed that 42 civilians were killed while 16 were admitted to hospital, as well as two police reports. Moreover, as shown by the evidence contained in the relevant annex to the PCB, some of the civilians targeted by the LRA survived despite having, in some instances, suffered serious injuries.

164. The evidence shows that the LRA members destroyed the property of the camp’s population during the attack. Crime-based Witness P-0185 indicates that when she came back to the camp after the attack ‘several huts had been burned, including [her] home with all of [her] property inside [...], cloths and food items’. Witness P-0017 states that the ‘[t]he camp leader and the police team agreed that the number of destroyed huts in the civilian part was 210’ and that ‘[m]ost houses were destroyed in the area next to the school’.

165. According to former LRA members, a separate group without weapons, moving together with another group carrying arms, was also designated to loot items in the camp. Notably, Witness P-0018 states that ‘when [she] went to the camp [she] went to people’s houses, empty houses, took food’. Crime-based Witnesses P-0024, P-0026 and P-0185, as well as Witness P-0042, describe how LRA fighters entered into shops and houses to steal food, clothes and soap.

166. Former LRA members also confirm that civilians were abducted during the attack and that LRA members forced them to walk tied up, while carrying items. Witness P-0406 saw LRA members killing a man who could not move fast enough. This is corroborated by crime-based witnesses who state that not only were they forced to walk and carry heavy items, but that they were also beaten, with mothers being forced to abandon their crying babies. Witness P-0024 describes that, as she was tied up, LRA

members hit her chest to force her to walk, did not allow her to carry her child and eventually ‘threw [her] child away’.

167. Records of intercepted LRA radio communications show exchanges between Mr Kony and Dominic Ongwen after the attack. On 24 May 2004, Dominic Ongwen reported to Mr Kony having ‘caused havoc’ in Lukodi and that he decided ‘to kill all living things’ in that camp. Upon this report, Mr Kony instructed Dominic Ongwen to continue killing civilians in IDP camps and that ‘if one LRA soldier die[s] in the contact [with the UPDF] at least over 50 civilians must lose their lives’.

168. In light of the evidence, the Chamber is satisfied that the objective elements of the crimes in Counts 1-13 are sufficiently established.

169. As regards the individual criminal responsibility of Mr Kony, the Chamber is satisfied that Mr Kony’s contribution to all the abovementioned crimes may be legally qualified under article 25(3)(a) of the Statute (indirect co-perpetration), or 25(3)(b) (ordering and inducing) of the Statute.

170. The Chamber is further satisfied that Mr Kony’s conduct establishes that he (i) fulfilled the specific *mens rea* elements pertaining to the aforementioned crimes; and (ii) had intent and knowledge in relation to these crimes under article 30 of the Statute.

8. *Attack on Abok IDP camp*

171. The Prosecution alleges that, on or about 8 June 2004, the LRA attacked Abok IDP camp, where between 7,000 and 13,000 civilians lived, directing acts of violence against them. According to the Prosecution, the attack was carried out pursuant to Mr Kony’s general orders to attack civilians. The Prosecution charges Mr Kony with the following crimes, committed during the course of the attack: intentionally directing attacks against the civilian population as such, as war crime (Count 1); murder as a crime against humanity and as a war crime, of at least 28 civilians (Counts 2-3); attempted murder as crime against humanity and as a war crime, of at least four civilians (Counts 4-5); torture as a crime against humanity, of at least 13 civilians (Count 6) or, in the alternative, 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 (Count 7); torture as a war crime, of at least 13 civilians (Count 8), or in the alternative, cruel treatment as a war crime (Count 9); enslavement as a crime against humanity, of at least 6 civilians (Count 10); pillaging as a war crime (Count 11); destroying the enemy’s

property as a war crime (Count 12) and persecution as a crime against humanity, on political grounds, of civilians perceived by the LRA as being affiliated with, or supporting the Ugandan government (Count 13).

172. The Prosecution relies on the following sources of evidence: nine former LRA members (Witnesses P-0016, P-0054, P-0069; P-0205, P-0252, P-0330, P-0340, P-0406 and P-0440); six crime-based Witnesses, alleged to have been victims of the attack (Witnesses P-0279, P-0280, P-0281, P-0282, P-0286 and P-0304); two Ugandan government intercept witnesses (Witnesses P-0003 and P-0059); one UPDF officer (Witness P-0359); ; three other witnesses (Witnesses P-0284, P-0293 and P-0306); logbooks of intercepted LRA radio communications other documentary evidence, and additional sources cited in sub-annexes E.8. of the PCB, consisting in three documents compiled by the Prosecution respectively listing: (i) 11 individuals allegedly murdered (annex E.8.i); (ii) four individuals allegedly victim of attempted murder (annex E.8.ii), and (iii) 13 individuals allegedly enslaved by the LRA (annex E.8.iii).

173. The attack on Abok IDP Camp took place on 8 June 2004, as confirmed by crime-based Witnesses P-0280 and P-0304. There is consistent evidence from former LRA members that Dominic Ongwen ordered the LRA Sinia Brigade to launch the attack, in furtherance of Mr Kony's general orders to attack the civilians as recorded in numerous LRA intercepted radio communications.

174. Former LRA members Witnesses P-0330 and P-0054 indicate that a group of assailants, including children under the age of 15, entered the camp shooting their guns, targeting army barracks before returning to the camp to attack civilians. Witness P-0406 states that 'maybe 30 or 40 people [...] went to Abok' and that recruits from '13, 14, 15, 16' of age participated in the attack, while crime-based Witness P-0293 states that he saw 10-15 year olds taking part in the attack and that 'they were the ones who were actually burning the houses'. Crime-based Witnesses P-0284, P-0293 and P-0306 confirm that that 28 bodies were collected after the attack, which showed signs of having been beaten, shot, chopped or burnt. This is consistent with the account of crime-based Witness P-0281, who saw dead bodies with 'the back of their heads [...] smashed'. As shown by the evidence contained in the relevant annex to the PCB, some of the civilians targeted by the LRA survived despite having, in some instances, suffered serious injuries.

175. Former LRA members state that they were instructed to loot food and other items from the camp. During the attack, Witness P-0330 saw LRA fighters break into shops to loot, steal money and set civilian houses on fire. Witness P-0406 recalls some soldiers firing guns while others were looting food items and the camp burnt as fire spread from house to house. The looting is corroborated by crime-based Witnesses P-0284, P-0286, P-0306 and P-0304, the latter describing that his clothes were stolen by the ‘rebels’. The destruction is corroborated by Witness P-0306, who describes that all the houses on the southern camp, and goats tied to them, were burnt, as well as by a police report referring to 656 huts set ablaze.

176. During the attack, the LRA abducted people, as recounted by former LRA members Witnesses P-0406 and P-0330. Witness P-0406 mentions that he ‘saw some people who were abducted’ and that ‘[t]he youngest would range from 11 years old’. There were also other older ones for 20 years and above, both men and women. I even saw adult men’. This is corroborated by Witnesses P-0286, P-0284 and P-0306, as well as by two police reports. Crime-based Witnesses P-0304, P-0279 and P-0280 report that abductees were forced to walk under armed guard for long distance carrying heavy items, at times under death threats and tied together. When Witness P-0279 could no longer carry the load, LRA members beat, cut, and strangled her until she lost consciousness. Witness P-0286 was told that whoever failed to carry the allocated ‘luggage’ would be killed. Witness P-0280 states that he was forced to kill two other abductees to intimidate others who might be considering trying to escape.

177. Records of intercepted LRA radio communications and Witness P-0003’s statement show that Dominic Ongwen reported about the outcome of the attack on Abok IDP camp to Vincent Otti, saying that the LRA ‘killed whatever it is that was moving’ and ‘burnt so many houses’, and to Mr Kony saying that ‘civilians were burnt to death in their houses’.

178. In light of the evidence, the Chamber is satisfied that the objective elements of the crimes in Counts 1-13 are sufficiently established.

179. As regards the individual criminal responsibility of Mr Kony, the Chamber is satisfied that Mr Kony’s contribution to all the abovementioned crimes may be legally qualified under article 25(3)(a) of the Statute (indirect co-perpetration), or 25(3)(b) (ordering and inducing) of the Statute.

180. The Chamber is further satisfied that Mr Kony's conduct establishes that he (i) fulfilled the specific *mens rea* elements pertaining to the aforementioned crimes; and (ii) had intent and knowledge in relation to these crimes under article 30 of the Statute.

F. Systemic crimes

1. General remarks

181. Under the heading 'Systemic Crimes', the Prosecution charges Mr Kony with several crimes against children as well as against girls and women, who were allegedly abducted and integrated into the LRA (Counts 15-29). According to the Prosecution, these crimes were committed systematically on the basis of Mr Kony's standing orders and specific instructions. Unlike the charges under the heading 'Incident-based Crimes' (Counts 1-14), Counts 15-29 do not identify specific locations and dates of the alleged commission of the crimes. Instead, the charges state that the alleged crimes were committed 'from at least 1 July 2002 until 31 December 2005 in northern Uganda', and, depending on the count, that there were 'at least hundreds' or 'at least thousands' of victims.⁸⁸

182. While the statement of facts in the Amended DCC⁸⁹ contains references to a relatively small number of individual victims, locations and dates where the relevant conduct took place, the Prosecution envisages Counts 15-29 as broad charges, covering hundreds, and for some crimes thousands, of victims over a period of three and a half years and in a region of several ten thousands of square kilometres. From the PCB, including its annexes, and the Prosecution's submissions at the confirmation hearing, it is clear that, for the purpose of confirmation of charges, the Prosecution does not seek to allege and prove hundreds or thousands of individual cases of enslavement, forced marriage, rape, etc. in order to establish the counts. Instead, the Prosecution relies on a relatively small number of individual cases, together with reports and studies and other material that, in the Prosecution's submission, establish the large extent of victimisation.

183. The formulation of Counts 15-29 raises two questions, which will be addressed in turn: (1) Does the Court's legal framework allow for the charging of crimes in such

⁸⁸ [Amended DCC](#), pp. 28-30.

⁸⁹ See [Amended DCC](#), paras 109, 116, 123 and 124.

a manner? (2) Is there sufficient evidence to support each of the counts for the purpose of confirmation of charges?

2. *Permissibility of bringing broadly formulated charges*

184. As stated earlier in this decision, the confirmation of charges procedure serves to ensure that the parameters of the case are set for trial and that the charges are clear and properly formulated, both factually and legally.⁹⁰ This is to comply with the article 74(2) of the Statute, as well as with the accused person's right to be informed, 'in detail of the nature, cause and content' of the charges, in accordance with article 67(2)(a) of the Statute.

a) Do Counts 15-29 conform with the requirements of article 74(2) of the Statute?

185. As regards the confirmation of charges procedure's function of defining the parameters of the eventual trial, the second sentence of article 74(2) of the Statute provides that the decision at the end of the trial 'shall not exceed the facts and circumstances described in the charges'. The question of how broadly charges may be formulated for the purposes of article 74(2) of the Statute has been the subject of the Appeals Chamber's jurisprudence, notably in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*⁹¹ (decided in 2018) and in the case of *The Prosecutor v. Bosco Ntaganda*⁹² (decided in 2021).

186. In the *Bemba* Case, faced with the argument that Mr Bemba's conviction exceeded the charges against him, the Appeals Chamber recalled that, in relation to rape as a crime against humanity, the charges were formulated as follows:

From on or about 26 October 2002 to 15 March 2003, Jean-Pierre BEMBA committed, jointly with another, Ange-Félix Patassé, crimes against humanity through acts of rape upon civilian men, woman [sic] and children in the Central African Republic, in violation of Articles 7(1)(g) and 25(3)(a) or 28(a) or 28(b) of the Rome Statute.

Civilian men, women and children in the Central African Republic include, but are not limited to REDACTED, 26 or 27 October 2002, Fou; REDACTED, 26 or 27 October 2002, Fou; REDACTED, 26 October 2002, PK 12; REDACTED,

⁹⁰ See Section III. A above.

⁹¹ Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against Trial Chamber III's "Judgment pursuant to Article 74 of the Statute"](#), 8 June 2018, ICC-01/05-01/08-3636-Red, public ('*Bemba* Appeal Judgement').

⁹² [Ntaganda Appeal Judgement](#).

30 October 2002, Boy-Rabé; REDACTED, 8 November 2002, PK 12; REDACTED, 8 November 2002, PK 12; REDACTED, 8 November 2002, PK 12; REDACTED, 8 November 2002, PK 12; REDACTED, on or about 8 November 2002, PK 12; REDACTED, 8 November 2002, PK 12; REDACTED, on or about 5 March 2003, Mongoumba; Unidentified Victims 1 to 8, 26 October and 31 December 2002, Bangui; Unidentified Victims 9 to 30, October 2002 and 31 December 2002, Bangui; Unidentified Victims 31 to 35, October 2002 to 31 December 2002, Bangui.⁹³

187. The Appeals Chamber noted that all charges against Mr Bemba followed the same pattern, namely that ‘the first paragraph outlined in very general terms the temporal and geographical frame during which crimes were allegedly committed, while the second paragraph listed individual criminal acts of murder, rape or pillage. The use of the words ‘include, but are not limited to’ indicated that, according to the Prosecutor, these lists of criminal acts were not exhaustive.’⁹⁴

188. The Appeals Chamber found by majority, with two judges dissenting:

that the formulation in the operative part of the Confirmation Decision as well as that in the first paragraphs of the passages in relation to each category of crimes in the Amended Document Containing the Charges are too broad to amount to a meaningful “description” of the charges against Mr Bemba in terms of article 74 (2) of the Statute. The Appeals Chamber recalls that regulation 52 (b) of the Regulations of the Court stipulates that documents containing the charges must set out a “[a] statement of the facts, including the time and place of the alleged crimes, which provides a sufficient legal and factual basis to bring the person or persons to trial”. Simply listing the categories of crimes with which a person is to be charged or stating, in broad general terms, the temporal and geographical parameters of the charge is not sufficient to comply with the requirements of regulation 52 (b) of the Regulations of the Court and does not allow for a meaningful application of article 74 (2) of the Statute.⁹⁵

189. In the *Ntaganda* case, the Appeals Chamber also ruled on article 74(2) of the Statute. Notably, the Appeals Chamber found that

the charges must be described in such a way that the Trial Chamber as well as the parties and participants are able “to determine with certainty which sets of historical events, in the course of which crimes under the jurisdiction of the Court are alleged to have been committed form part of the charges, and which do not”.⁹⁶

⁹³ [Bemba Appeal Judgement](#), para. 108.

⁹⁴ [Bemba Appeal Judgement](#), para. 109 (footnote omitted).

⁹⁵ [Bemba Appeal Judgement](#), para. 110.

⁹⁶ [Ntaganda Appeal Judgement](#), para. 326 (footnote omitted).

190. The Appeals Chamber explained:

It is not necessarily the case that such determination is possible only where the charging documents list all criminal acts underlying each charge exhaustively. Depending on the circumstances of the case, the charges may be described in a less specific manner, for instance, by specifying a period of time during which and an area where criminal acts were allegedly committed by an identifiable group of perpetrators against an identifiable group of victims. While in such a case the document containing the charges may also list or make reference to specific criminal acts, the scope of the case is not necessarily limited to them – ‘other criminal acts not mentioned in the document containing the charges may still fall within the – broadly described – facts and circumstances of the charges’. Whether such description of the charges is sufficient for purposes of article 74(2) of the Statute will depend, *inter alia*, on the scale of criminality and the mode of individual criminal responsibility alleged.⁹⁷

191. On the basis of this finding on article 74(2) of the Statute, the Appeals Chamber accepted that the charges brought against Mr Ntaganda were sufficiently made out. This included the charges relating to the rape of children under the age of 15, sexual slavery, and enlistment and conscription of children under the age of 15 and their use to participate actively in hostilities; for these charges, ‘the relevant period [was] 6 August 2002 to 31 December 2003 and the geographical scope cover[ed] the territory of Ituri, DRC’.⁹⁸ In reaching this conclusion, the Appeals Chamber noted that:

Mr Ntaganda was charged with the commission of crimes, *inter alia*, pursuant to a common plan, involving himself and other military leaders of the UPC/FPLC, including Thomas Lubanga and Floribert Kisembo. The crimes with which he was charged were committed at numerous locations and included many individual criminal acts, such as the killing of ‘many civilians’ or rapes committed ‘routinely’. Having regard to the mode of responsibility and the scale of criminality charged, the Appeals Chamber finds that the charges were formulated with sufficient detail for the purposes of article 74(2) of the Statute, enabling the Trial Chamber and the parties and participants to identify the historical events involving commission of crimes which formed part of the charges.⁹⁹

192. The Chamber notes that the findings in the *Ntaganda* case are the most recent rulings of the Appeals Chamber on the interpretation of article 74(2) of the Statute, as relevant to the present case. The Chamber will therefore base its analysis of the question

⁹⁷ [Ntaganda Appeal Judgement](#), para. 326 (footnotes omitted).

⁹⁸ [Ntaganda Appeal Judgement](#), para. 329.

⁹⁹ [Ntaganda Appeal Judgement](#), para. 331.

at hand on the Appeals Chamber's interpretation of the provision as set out in the *Ntaganda* case.

193. From the Appeals Chamber's judgment in the *Ntaganda* case, it may be gleaned that broadly formulated charges are not necessarily incompatible with article 74(2) of the Statute. Depending, among other things, on the scale of the criminality and alleged modes of liability, charges may cover a large time period and territory, as long as it will be possible for the Trial Chamber as well as the parties and participants to identify which historical events are covered by the charges and which are not. Indeed, given the type of criminality this Court has jurisdiction over, which typically affects large numbers of victims, it may be necessary to allow for broadly formulated charges in circumstances where it would otherwise be impossible or difficult to adequately capture the extent of the victimisation as well as the suspect's alleged responsibility therefor.

194. In this case, Mr Kony is alleged to have been the LRA's political and military leader. According to the charges, Mr 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 Ugandan government, and to sustain the LRA, by committing the charged crimes, including systemic crimes against children and women abducted and integrated into the LRA'.¹⁰⁰ Mr Kony's essential contributions in relation to Counts 1-29 are described as, among other things, giving orders to attack, kill and mistreat civilians, making strategic decisions regarding the attacks against civilians, maintaining a system of abductions during the charged period, maintaining the disciplinary system within the LRA, and deciding on the command structure of the LRA.¹⁰¹ According to the Prosecution, the role of Mr Kony in the LRA was therefore that of a leader at the top of a hierarchically structured organisation, which committed numerous crimes over an extended period of time and in a large territory. The Chamber considers that, in these circumstances, a broad formulation of the charges may indeed be necessary to cover the extent of his alleged criminality. If the Prosecution were required to list all individual victims of the 'systemic crimes', the charges would either become unmanageably long, potentially

¹⁰⁰ [Amended DCC](#), para. 4.

¹⁰¹ [Amended DCC](#), para. 7.

conflicting with the requirement that proceedings before the Court be expeditious, or capture only a small part of the alleged criminal conduct and victimisation.

195. The Chamber finds that, despite the broad formulation of Counts 15-29, the Trial Chamber as well as the parties and participants of an eventual trial of Mr Kony will be able to identify which historical events are covered by these charges. Notably, the time period is defined (1 July 2002 until 31 December 2005), as are the place where the crimes were allegedly committed (northern Uganda), the direct perpetrators (members of the LRA), and the categories of victims (children and women abducted and integrated into the LRA).

196. In sum, the Chamber finds that the formulation of Counts 15-29 is not impermissible under article 74(2) of the Statute.

b) Do Counts 15-29 conform with the requirements of article 67(2)(a) of the Statute?

197. The Chamber recalls that, in accordance with article 67(2)(a) of the Statute, accused persons have the right to be ‘informed promptly and in detail of the nature, cause and content of the charge’. While this right overlaps with, and is closely related to, the requirements under article 74(2) of the Statute discussed above, it is directed towards ensuring that accused persons are enabled to properly prepare their defence against the charges, as opposed to defining the parameters of the eventual trial.

198. The Appeals Chamber clarified the statutory requirements in respect of article 67(2)(a) of the Statute in the case of *The Prosecutor v. Thomas Lubanga Dyilo*. Based on an analysis of the jurisprudence of the European Court of Human Rights and of the International Criminal Tribunal for the former Yugoslavia, the Appeals Chamber found that

in order to be able to prepare an effective defence, where an accused is not alleged to have directly carried out the incriminated conduct and is charged for crimes committed on the basis of a common plan, the accused must be provided with detailed information regarding: (i) his or her alleged conduct that gives rise to criminal responsibility, including the contours of the common plan and its implementation as well as the accused’s contribution (ii) the related mental element; and (iii) the identities of any alleged co-perpetrators. With respect to the underlying criminal acts and the victims thereof, the Appeals Chamber considers that the Prosecutor must provide details as to the date and location of the underlying acts and identify the alleged victims to the greatest degree of specificity possible in the circumstances. In the view of the Appeals Chamber,

the underlying criminal acts form an integral part of the charges against the accused, and sufficiently detailed information must be provided in order for the accused person to effectively defend him or herself against them.¹⁰²

199. The Chamber notes in particular the Appeals Chamber's findings concerning 'underlying criminal acts and the victims thereof' when charges are formulated broadly. In the present case, the charges framed as 'systemic crimes' do not specify the 'underlying acts', and the Amended DCC contains only some references to individual victims.¹⁰³ The PCB contains factual allegations concerning individual victims¹⁰⁴ substantiated with references to witness statements and other evidence. In addition, the PCB refers to a study of data concerning abductees, reports and other documentary evidence, including lists of victims, to establish the charges in this regard. Accordingly, the charges in this case contain only relatively limited references to 'underlying acts'. Nevertheless, and for the reasons that follow, the Chamber considers that this does not violate Mr Kony's right under article 67(2)(a) of the Statute.

200. The Appeals Chamber in the *Lubanga* case did not find that, when broadly formulated charges are brought, 'underlying acts' – or a certain number thereof – need to be included in the charges. In the *Lubanga* case, the Prosecution had decided to include 'underlying acts' in respect of broadly formulated charges – and was therefore required to provide details about them. In the present case, however, the Prosecution has chosen to rely on a limited number of individual cases, and to rely otherwise – and indeed primarily – on a study, on reports and on other evidence to establish that thousands or hundreds of children and women were victims of the crimes charged under Counts 15- 29. This approach to proving Counts 15 -29 is clear from the PCB.¹⁰⁵ Mr Kony is therefore provided with sufficient information about Counts 15-29 to allow him to properly prepare his defence.

201. In light of the above, Chamber finds that the requirements of article 67(2)(a) of the Statute are complied with for the purposes of the present proceedings. It will now turn to the question of whether Counts 15-29 are sufficiently supported by evidence, to meet the threshold of 'substantial grounds to believe'.

¹⁰² Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dylio*, [Judgment on the appeal of Mr Thomas Lubanga Dylio against his conviction](#), 1 December 2014, ICC-01/04-01/06-3121-Red, para. 123.

¹⁰³ [Amended DCC](#), paras 109, 116, 123 and 124.

¹⁰⁴ [PCB](#), paras 146, 147, 148, 151.

¹⁰⁵ See in particular, [PCB](#), paras 140-143, 153.

3. *Crimes against children abducted and integrated into the LRA*

202. The Prosecution argues that, from at least 1 July 2002 until 31 December 2005, the LRA Perpetrators engaged in a coordinated campaign to abduct children (persons under 18 years) in northern Uganda, including children under the age of 15, and to integrate them into the LRA. The charges brought by the Prosecution indicate that ‘at least thousands of children’ (persons under 18) were victims of enslavement as a crime against humanity (Count 15); torture as a crime against humanity and a war crime (Counts 19 and 20), or in the alternative severe abuse and mistreatment as an inhumane, as a crime against humanity (Count 21) and cruel treatment as a war crime (Count 22); persecution on the grounds of gender and age as a crime against humanity (Count 23); conscripting children under the age of 15 as a war crime (Count 25); and using children under the age of 15 to participate actively in hostilities as a war crime (Count 26).

203. The Prosecution relies on a broad range of evidence, including in particular intercepted LRA radio communications recorded in several UPDF logbooks; ISO logbooks and police reports; statements, transcripts of interviews and in-court testimony of 55 former LRA members, including former victims integrated into the LRA (Witnesses P-0005, P-0006, P-0015, P-0018, P-0023, P-0030, P-0034, P-0045, P-0056, P-0057, P-0063, P-0070, P-0097, P-0098, P-0099, P-0101, P-0116, P-0117, P-0129, P-0138, P-0139, P-0140, P-0148, P-0205, P-0226, P-0227, P-0233, P-0235, P-0236, P-0252, P-0264, P-0269, P-0275, P-0307, P-0309, P-0314, P-0330, P-0340, P-0351, P-0352, P-0372, P-0374, P-0379, P-0396, P-0406, P-0410, P-0455, P-0456, P-0463, P-0465, P-0467, P-1030, P-1034 and D26-P-0110) and of one expert witness (Witness P-1052); as well as audio material and other documentary evidence. Sub-annex E.9 of the PCB consists of a list compiled by the Prosecution of 15 male witnesses (out of the 45 former LRA members) who were under 15 years of age at the time of their abduction and integration into the LRA.

204. The statements of former LRA members provide robust, consistent evidence about the ongoing practice of abductions of children into the LRA. Witness P-0045 testified in the *Ongwen* Case that Mr Kony ordered the abduction of children aged ten and above because they were able to walk, could help to carry ‘luggage’ and be trained as fighters. Witnesses P-0070 and P-0233 corroborate this and indicate that Mr Kony’s instructions were to abduct young children because they were ‘easy to indoctrinate’ and would not escape. In 2003, Witness P-0070 heard Mr Kony on the radio ordering his

commanders to go to anywhere in Teso, including schools and camps, to abduct small children (between the age of 14 to 18 or 19) so as to increase the number of soldiers in the LRA.

205. Logbooks of intercepted LRA radio communications corroborate the statements of former LRA members by showing numerous examples of Mr Kony issuing similar orders to abduct young children in northern Uganda, for them to be trained and become LRA fighters. They also show Mr Kony setting targets for his commanders on the number of desired abductees and congratulating and praising those who abducted large numbers of children. An entry of September 2002 shows that Mr Kony expressed satisfaction after Charles Tabuley reported on the abduction of 200 children and promised him a promotion if the children were to be brought to him safely.

206. While there is some indication that Mr Kony may have ordered a halt to abductions around 2003 or 2004, credible evidence indicates that the practice continued during this period with Mr Kony's knowledge and approval. Among others, an entry of November 2003 shows Mr Kony ordering the LRA to attack schools to abduct more recruits. In light of this evidence, the Chamber finds that any purported order to cease abductions was either isolated or limited in scope, and is outweighed by the consistent and compelling evidence of child abductions throughout the charged period.

207. Former LRA members, abducted and forcefully integrated into the LRA as children, give evidence about the existence of a structured and organised system of integration and control. They recount that following their abduction they were assigned to a LRA unit or brigade and forced to follow it. They were not free to leave, and were told that if they tried to escape they or their families would be killed.

208. Numerous witnesses' accounts (including those of Witnesses P-0057, P-0097, P-0139, P-0456, P-0467, P-0275, P-0465 and P-0005) show that children in the LRA were used as labour. They recount being forced to carry 'luggage', (e.g. stolen goods, guns and ammunition, cooking utensils, food, carpets), cook, fetch water, gather firewood and to escort LRA commanders, carrying their belongings and setting up their tents.

209. In addition, children were given certain tasks according to their gender. Girls were typically forced to assist in domestic chores (e.g. cooking, peeling, taking care of infants), and often subjected to sexual violence. Boys were trained to become LRA fighters. Witness P-0070, a former LRA member, explains that abducted boys under the

age of 15 would immediately be subjected to training on how to operate a gun, how to march, and how to participate in fighting. Witness P-0138 indicates that there was a standing order from Mr Kony to abduct young people from 10 to 17 and that abductees were also trained and used to carry luggage. After a few months, if the LRA assessed there was no risk of escape, they would be given weapons or tasks in the military. In other cases, they were sent to train in Sudan for one or two years before being sent back to Uganda to fight.

210. Male witnesses, who are former abductees, confirm that, after their initiation as LRA fighters, they were assigned tasks including conducting surveillance, looting property during raids, acting as escorts of LRA commanders, participating in attacks on civilian towns and UPDF units. In addition, some of them report having been forced to beat or kill civilians.

211. As regards the treatment and living conditions in the LRA, former abductees (including Witnesses P-0056, P-0057, P-0097, P-0098, P-0129 and P-0026) describe that children were forced to walk long distances, carrying heavy loads, even when injured or exhausted; that they suffered physical injuries as a result of being close to fighting. They were constantly threatened, beaten and forced to inflict severe physical pain or kill other abductees and civilians. Witnesses P-0098, P-0455 and P-0139 indicate that the LRA used new abductees to punish and kill abductees who tried to escape. Children born to girls and women in the LRA were also integrated into the LRA, under similar conditions as abductees.

212. Having considered the foregoing, the Chamber finds that the evidence shows the existence of an organised LRA policy of abducting children and integrating them into their ranks. In addition, the testimonies of former abductees demonstrate a consistent pattern of victimisation supporting the charges of enslavement, persecution, torture, conscription, and use of children under the age of 15 in hostilities.

213. The Chamber now turns to the assessment of the number of victims of these crimes. To substantiate that ‘at least thousands of children’ were victims of the charged crimes, the Prosecution primarily relies on a study analysing data from eight local reception centres in northern Uganda, which documented individuals returning from LRA captivity (the ‘Study’). This Study was published in June 2007 under the name ‘Abducted: The Lord’s Resistance Army and Forced Conscription in Northern Uganda’

and it was conducted as part of *The Database Project*, launched in December 2005 by the Berkeley-Tulane Initiative on Vulnerable Populations. In a letter to the Prosecution dated August 2024, the authors of the Study explain that the project retrieved and digitalised paper intake records from eight out of the nine functioning reception centres created to register and support individuals abducted by the LRA. The digitalised data was then ‘systematically processed for accuracy and duplication and then merged into an integrated database’. They indicate that ‘the final database contains records on 22,759 persons, 21,862 of whom were registered as abductees while 897 others were registered as born in captivity.’

214. In the same letter, the authors of the Study detailed figures covering the period between 1 July 2002 and 31 December 2005, based on data drawn from the original database. According to those figures, approximately 10,993 individuals were registered as having been abducted during the relevant timeframe. Of these, a medium estimate of 6,209 individuals were under 18 years old at the time of abduction, with approximately 3,653 reportedly under the age of 15. In addition, 171 births in captivity were recorded during the period.

215. At the confirmation hearing, the Prosecution clarified that these specific figures constitute a conservative baseline estimate of children abducted and integrated into the LRA, which, in the Prosecution’s submission, supports the allegation that ‘at least thousands’ of persons under the age of 18 (an estimation of 6,209) were forcefully integrated into the LRA. As regards the charges of enlisting and using children under 15 to actively participate in the hostilities, the breakdown in the demographic Study shows that an estimated 2,397 of these children under 15 were boys. Given that abducted boys were overwhelmingly used in combat roles, the Prosecution argues that, even under conservative assumptions, ‘at least thousands’ of children under the age of 15 were conscripted and used in hostilities.¹⁰⁶

216. The Chamber notes that, while the evidence demonstrates that large numbers of children were abducted and integrated into the LRA during the charged period, the exact number of victims during the charged period cannot be determined. This is due to the LRA’s ongoing and far-reaching policy of child abduction, which extended well beyond the charged period, and the fact that the Study also covered a broader period

¹⁰⁶ [Transcript of 10 September 2025 Hearing](#), pp 12-13.

than the period of the charges. In this context, the Chamber considers that the figures in the demographic Study are sufficiently reliable for this stage of the proceedings to provide an indicative estimate of the scale of victimisation. Furthermore, the Chamber notes that other documentary and testimonial evidence also indicate that the forced integration of children into the LRA was both systematised and extensive.

217. Accordingly, while the figures from the Study cannot be considered as conclusive, it is appropriate to rely on them as a reasonable baseline for estimating the scale of victimisation, particularly when assessed alongside the broader body of evidence. In light of the documented LRA policy of forcibly recruiting children and the consistent accounts from witnesses, it is reasonable to infer that most, if not all of the children abducted and integrated into the LRA suffered a similar treatment. The estimate that ‘at least thousands’ of children suffered the crimes charged is justified for the purposes of framing the charges. As noted, determining a more precise number of victims of so-called systemic crimes is more appropriately addressed at trial, where the full body of evidence will be presented and contested.

218. In light of the foregoing, the Chamber is satisfied that the objective elements of the crimes in Counts 15, 19-23, and 25-26 are sufficiently established.

219. As regards the individual criminal responsibility of Mr Kony, the Chamber is satisfied that there are substantial grounds to believe that Mr Kony’s contribution to all the abovementioned crimes may be legally qualified under article 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing) of the Statute.

220. The Chamber is further satisfied that Mr Kony’s conduct establishes that he (i) fulfilled the specific *mens rea* elements pertaining to the aforementioned crimes; and (ii) had intent and knowledge in relation to these crimes under article 30 of the Statute.

4. *Crimes against girls and women*

221. The Prosecution alleges that ‘[f]rom at least 1 July 2002 until 31 December 2005, the LRA Perpetrators engaged in a coordinated campaign to abduct girls and women, to integrate them into the LRA.’ According to the Prosecution, during this period, the LRA abducted ‘at least thousands’ of girls and women from villages, schools, IDP

camps and other locations in northern Uganda to serve as domestic servants and forced wives to LRA commanders and fighters.¹⁰⁷

222. The charges brought by the Prosecution indicate that ‘at least thousands of women’ were victims of enslavement as a crime against humanity (Count 15); torture as a crime against humanity and a war crime (Counts 19 and 21), or, in the alternative, severe abuse and mistreatment as an inhumane act, as a crime against humanity (Count 20); cruel treatment as a war crime (Count 21), and persecution on the grounds of gender as a crime against humanity (Count 24). Furthermore, they indicate that ‘at least thousands of girls and women’ were victims of sexual slavery as a crime against humanity (Count 27) and ‘at least hundreds’ of them were victims of forced marriage as an inhumane act, as a crime against humanity (Count 16), rape as a crime against humanity and as a war crime (Counts 17 and 18), and forced pregnancy as a crime against humanity and as a war crime (Counts 28 and 29).

223. In support of these charges, the Prosecution relies on a broad range of evidence, including intercepted LRA radio communications recorded in UPDF logbooks, ISO logbooks and police reports; statements, transcripts of interviews and in-court testimony of 26 former LRA members (Witnesses P-0005, P-0010, P-0028, P-0037, P-0040, P-0041, P-0048, P-0061, P-0070, P-0083, P-0136, P-0138, P-0142, P-0144, P-0205, P-0233, P-0264, P-0307, P-0309, P-0314, P-0372, P-0455, P-0456, P-0463, P-0465 and P-0467), 32 crime-based witnesses (Witnesses P-0002, P-0004, P-0006, P-0015, P-0021, P-0023, P-0045, P-0063, P-0079, P-0087, P-0099, P-0101, P-0116, P-0117, P-0129, P-0139, P-0140, P-0214, P-0221, P-0226, P-0227, P-0235, P-0236, P-0269, P-0351, P-0352, P-0366, P-0374, P-0396, P-1030, P-1034 and P-1070) and one expert witness (Witness P-1052); audio/video and other documentary evidence. The Prosecution also relies on the findings of the Trial Chamber in the *Ongwen* Case. A list of 204 girls and women allegedly abducted and integrated into the LRA compiled by the Prosecution and including references to the supporting evidence, is provided in sub-annex E.10 of the PCB.

224. The testimonies of former LRA members consistently describe a far-reaching practice of abducting girls and women and integrating them into their ranks. Witness P-0205 testified that in 2002 Mr Kony issued orders to abduct ‘beautiful girls’, and that,

¹⁰⁷ [Amended DCC](#), para. 116.

as a result, the LRA abducted girls from 12 to 20 years old. Similarly, Witness P-0070 recounted hearing Mr Kony in 2003 ordering commanders to abduct ‘young, beautiful girls’ from schools and IDP camps, for them ‘to join the LRA’. Witness P-0041 participated in the attack on Lwala School and indicated that the abduction of schoolgirls was carried out following a directive from Mr Kony. Former LRA members (including Witnesses P-0085 and P-0406) state that Mr Kony ordered the abduction of young girls because they were less likely to carry sexually-transmitted diseases.

225. Logbooks of intercepted LRA radio communications show numerous examples of Mr Kony issuing orders to abduct ‘young girls’ and to ‘marry’ them to LRA members. Records also show that Mr Kony would promise ‘wives’ to commanders who performed well and often ‘distribute’ them as a reward for having successfully conducted operations for the LRA. He received reports from other senior LRA members on the number of female abductees and instructed his commanders to ensure they did not carry sexually transmitted diseases.

226. As with the abduction of children, the Chamber finds that any purported order to cease female abductions in 2003 or 2004 was isolated or limited in scope and it is outweighed by the consistent and compelling evidence of female abductions throughout the charged period, such as the statements of Witness P-0070 and entries of LRA intercepted radio communications.

227. Many former LRA members (including Witnesses P-0028, P-0040, P-0048, P-0085, P-0231, P-0455, P-1034 and P-0070) describe that female abductees were ‘distributed’ to LRA fighters and treated according to strict and specific rules and that disregarding these rules was met with corporal punishment or demotion, even for senior commanders. The witnesses’ accounts overlap to a large extent in that younger girls would be used as baby sitters and to perform domestic work, while more mature girls would be assigned to men as wives. They further corroborate each other in that Mr Kony directly oversaw and often decided on the ‘distribution’ of girls and women to LRA fighters.

228. Crime-based witnesses describe that girls and women were not free to leave the LRA. Female abductees consistently report having been forcibly held within the LRA for extended periods, being under constant surveillance and being threatened with death if they attempted to escape. Their accounts provide compelling evidence of a coercive

environment in which they were forced to perform domestic labour and to assume the role of wives to LRA fighters. As ‘wives’, they were forced into sexual intercourse with their assigned husband, having to remain in his household and perform domestic chores. They corroborate each other in that forced wives were expected to bear children by their assigned husband and were not free to engage in sexual acts with other men. Testimonies also confirm that young girls, also known as *ting tings*, were assigned domestic roles until they were deemed old enough to be ‘distributed’ as wives. For instance, Witness P-0140 describes carrying supplies, cooking, fetching water, and caring for children. In addition, female abductees (including Witnesses P-0236, P-0531, P-1030, P-0021, P-0079 and P-0264) report being beaten and threatened with violence for resisting sexual advances or violating LRA rules.

229. Having considered the foregoing, the Chamber finds that the evidence presented supports the existence of an organised LRA policy of abducting girls and women for the purpose of integrating them into its ranks as domestic servants and forced wives. The numerous, consistent and mutually corroborative testimonies establish a pattern of victimisation, including acts of servitude, physical abuse, sexual and reproductive violence, which supports the charges of enslavement, sexual slavery, rape, forced pregnancy, forced marriage as a form of other inhumane acts, persecution and torture or, in the alternative, severe abuse and mistreatment, and cruel treatment.

230. The Chamber now turns to the assessment of the number of victims of the alleged crimes. The charges of enslavement, sexual slavery, persecution, torture or, in the alternative, severe abuse and mistreatment, and cruel treatment are framed against ‘at least thousands’ of girls and women; while the charges of rape, forced pregnancy and forced marriage as other inhumane acts are alleged against ‘at least hundreds’ of them.

231. While the Prosecution alleges that ‘at least thousands’ and ‘at least hundreds’ of girls and women were victims of the crimes charged, it presents a limited set of alleged victims and illustrative examples, arguing that all girls and women in the LRA underwent a similar process of integration, either as *ting tings* or as forced wives, and were ‘distributed’ to LRA fighters.

232. The individual cases identified by the Prosecution are included in the list of 204 girls and women allegedly abducted and integrated into the LRA as *ting tings* and

forced wives, supported by crime-based witness statements.¹⁰⁸ For certain crimes, the Prosecution relies on what appears to be a representative sample of individualised victims, including 22 alleged victims of rape and four alleged victims of forced pregnancy. In addition, it identifies the dates and locations of five instances in which the LRA abducted girls.

233. Regarding the scale of victimisation, the Prosecution relies on the same Study on registered LRA abductions - and the letter from its authors - as used to substantiate the number of child victims. These documents provide an estimate of female LRA abductees based on data collected from eight local reception centres in northern Uganda. More specifically, the letter states that among 10,993 individuals whose abductions were registered between 1 July 2002 and 31 December 2005, 2,485 were girls and women. Of these, around 1,256 were girls under 15; around 624 were girls aged 15 to 17; and approximately 573 were women above the age of 18. Additionally, 155 abductees were registered as child mothers during this period and 171 records had a date of birth between 1 July 2002 and 31 December 2005.

234. While there is compelling evidence indicating that a large number of girls and women were forcefully integrated into the LRA, and subjected to abuse, sexual and reproductive violence, the precise number of victims of these crimes cannot be ascertained. This is partly due to the LRA's far-reaching and continuous practice of abducting girls and women, which extends beyond the temporal scope of the charges, and the fact that some of the evidence provided to establish this practice also covers a broader period. Nevertheless, the Chamber considers that the aforementioned Study offers a credible indication of the scale of LRA abductions during the charged period. The figure of approximately 2,485 registered female abductees can be regarded as a baseline for estimating the number of potential girls and women victims of the charged crimes, for the purposes of this stage of the proceedings. The Chamber further underscores that the Study covers only 'registered abductions' between 1 July 2002 and 31 December 2005. However, the evidence shows that the practice of abducting girls and women to integrate them into the LRA started several years before this period, with credible accounts tracing such conduct back to the 1990s. Therefore, it is reasonable to assume that there were many other female abductees in the LRA during the charged

¹⁰⁸ See sub-annex E.10 to the PCB.

period who were not accounted for in the figures derived from the Study because their abduction and integration into the LRA took place before 1 July 2002.

235. Given the compelling evidence of an organised LRA policy to integrate abducted girls and women into its ranks as domestic servants and forced wives, it is reasonable to infer that the vast majority, if not all, of the girls and women integrated into the LRA were subjected to a similar treatment. The Chamber will now assess the estimate of the number of victims on this basis.

236. With regard to the crimes that do not involve sexual violence, the evidence shows that most abductions of girls and women occurred in Uganda. From the moment of their capture, they were threatened, beaten, forced to carry heavy loads and to perform domestic labour. The evidence further indicates that they were targeted specifically because of their gender, in order to fulfil roles assigned along gender lines within the LRA. Based on the estimate of female abductees captured during the charged period and the consistent pattern of victimisation shown in the evidence, the allegation that ‘at least thousands’ were subjected to enslavement, persecution, and torture appears based on a legitimate inference and hence justified for the purposes of framing the charges.

237. As regards crimes of sexual violence, the Prosecution alleges that ‘at least hundreds’ of girls and women were victims of rape, forced pregnancy and forced marriage and that ‘at least thousands’ were victims of sexually slavery. There is compelling evidence indicating that girls and women were abducted predominantly to serve as conjugal partners of LRA fighters, with the expectation that they engage in regular sexual intercourse and bear children. However, the evidence also shows that many of the abductees were taken to Sudan for extended periods. Given that the charges in this case are geographically limited to conduct occurring within northern Uganda, the Chamber must exercise caution in drawing conclusions from incidents that may have occurred outside this territorial scope.

238. It is of note, however, that the charges of rape, forced pregnancy, and forced marriage as other inhumane acts indicate that ‘at least hundreds’ of girls and women were victimised. As indicated, the Chamber finds that the systematised commission of these crimes is supported by the evidence. Victim testimonies consistently describe being subjected to rape and reproductive control, including forced pregnancy and forced conjugal partnerships. The high number of alleged female abductees, when

viewed alongside consistent and credible victim accounts and corroborating insider testimony, provides substantial grounds to believe that at least hundreds of girls and women were subjected to rape, forced pregnancy, and forced marriage within the relevant temporal and geographic scope. The Chamber therefore finds that these charges are sufficiently substantiated at this stage.

239. Turning to the charge of sexual slavery, which it is alleged was committed against ‘at least thousands’ of girls and women, the Chamber notes that many victim accounts state that the victims spent extended periods with the LRA in Sudan. The evidence was assessed with caution as acts mentioned in the evidence that occurred outside northern Uganda fall beyond the geographical scope of the charges in this case. Nonetheless, the high estimation of female abductees and the consistent pattern of victimisation support a reasonable inference that a very large number of girls and women (potentially in the realm of thousands) were subjected to sexual slavery within the territory of northern Uganda. The Chamber recalls that the estimation of victim numbers at this stage is preliminary, and a definitive determination is best reserved for trial. On that basis, the Chamber finds sufficient support to confirm the charge of sexual slavery as framed.

240. In light of the foregoing, Chamber is satisfied that the objective elements of the crimes in Counts 15-22, 24, and 27-29 are sufficiently established.

241. As regards the individual criminal responsibility of Mr Kony, the Chamber is satisfied that there are substantial grounds to believe that Mr Kony’s contribution to all the abovementioned crimes may be legally qualified under article 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing) of the Statute.

242. The Chamber is further satisfied that Mr Kony’s conduct establishes that he (i) fulfilled the specific *mens rea* elements pertaining to the aforementioned crimes; and (ii) had intent and knowledge in relation to these crimes under article 30 of the Statute.

G. Crimes of direct perpetration against two victims

243. The Prosecution alleges that Mr Kony committed, as a direct perpetrator, pursuant to articles 25(3)(a) of the Statute, the following crimes against two female victims allegedly abducted and integrated into the LRA, and forced to become Mr Kony’s wives: enslavement as a crime against humanity (Count 30); forced marriage as a crime against humanity (Count 31); rape as a war crime and a crime against humanity (Counts 32 and 33); torture as a war crime and a crime against humanity (Counts 34 and 35);

sexual slavery as a war crime (Count 36); forced pregnancy as a war crime and a crime against humanity (Counts 37 and 38); and persecution as a crime against humanity on age and gender grounds (Count 39).

1. *Victim 1*

244. As regards Victim 1, the Prosecution primarily relies on her own statements, as well as her testimony during the *Ongwen* Case and that of several other witnesses (Witnesses P-0445; P-0016; P-0172; P-0023; P-0101; P-0130; P-0134 and P-0004), some of whom were LRA members, and on documentary evidence, consisting of documents released from a rehabilitation centre, and two magazine articles featuring her story, focussing on the events of her life relevant to the charges.

245. The evidence relied upon provides abundant, mutually corroborating details as to the circumstances of time and place of Victim 1's abduction in the early nineties, when she was between age 10 and 12 (Witness P-0455), integration into the LRA and selection by Mr Kony as one of his wives at about age 13 (Witnesses P-0004, P-0172 and P-0023). Several witnesses, including Witness P-1034, extensively describe the threats, violence and sexual violence she repeatedly experienced throughout her captivity, including at the time relevant to the charges. The evidence shows that she remained under armed escort and was beaten, including upon Mr Kony's orders. As attested to by several other witnesses' accounts, documentary evidence and herself, one of Victim 1's children, fathered by Mr Kony, was born in 2005, when she was back in Uganda for one week having left Sudan because of UPDF operations in Sudan. Whilst some elements of the evidence (including her own testimony and Witness P-0130's) describe her life in the bush as 'good', the circumstances surrounding Victim 1's encounter and association with Mr Kony are such as to show that she was never in a position to decide whether to consent to becoming his wife.

246. The discrepancies arising from the evidence relied upon for the charges relating to Victim 1 are few. Some concern minor aspects, such as the specific nature of her kinship to one high-level LRA commander (characterised differently by some of the witnesses, including P-0101, P-0455 and P-0016), or her specific age at the time of abduction (with indications provided by Witnesses including P-0455 varying slightly but remaining around age 10); others relate to the specific timeline of her subsequent pregnancies, as detailed in her various statements and testimonies, spanning over

twenty years and provided under different circumstances and for different purposes. Nevertheless, those testimonies and statements overlap to a large extent and are also mirrored in most of the documentary evidence.

247. As acknowledged by the Prosecution, Victim 1 was abducted and enslaved outside the timeframe relevant to the charges and most of her life as Mr Kony's 'wife' took place in Sudan. In line with its general approach, the Chamber has considered evidence relating to facts outside the temporal and/or geographical scope of the charges solely for the purposes of illustrating and providing context to the allegations falling within the parameters of the charges.

248. Only part of the conduct relevant to the charges for Victim 1 took place in Uganda within the timeframe of the charges. Nevertheless, the Chamber considers that, as a whole, the available evidence allows it to conclude that the conduct relevant to the charges is proven; it will be for the Trial Chamber to more precisely determine the circumstances of place and time of such conduct.

249. As regards the crime of persecution on the basis of age, however, the evidence (including her testimony in the *Ongwen* Case) points to Victim 1 having been born in 1981 and being approximately nine to 10 years old at the time of her abduction in the early nineties. This means that her abduction on the basis of age took place outside the temporal scope of the charges.

250. In light of the above, the Chamber is satisfied that the objective elements of the crimes charged in Counts 30-39 referring to Victim 1 are sufficiently established, with the exception of persecution on the basis of age in Count 39.

2. *Victim 2*

251. As regards Victim 2, the Prosecution relies on her own interview, as well as on the testimony of other girls also abducted from the Lwala school (Witnesses P-0002, P-0004, P-0015, P-0129 and; P-0021); the testimony of six LRA members (Witnesses P-0070, P-0041, P-0048, P-0136, P-0028 and P-0023); and logbooks of intercepted LRA radio communications.

252. Victim 2 was abducted from the Lwala Girls' School in June 2003, selected and handed over to Mr Kony for his household on or about 8 July 2003.

253. The testimonies of Witnesses P-0002, P-0004, P-0015, P-0129 and P-0021 are consistent with Victim 2's evidence indicating that she was among the group of girls abducted from the Lwala School and taken to meet Mr Kony at Palabek, near the Uganda-Sudan border, about two months after the abduction, and that she later went to Sudan as one of Mr Kony's wives. Her own account is very specific and detailed as regards all aspects included in the allegations, namely: her initial meeting with Mr Kony following the abduction; the beatings received from bodyguards, including upon Mr Kony's orders for having been 'disrespectful'; the wounds she suffered as a result of such beatings, which remained untreated; the circumstances of the first time that Mr Kony forced sexual intercourse upon her, before crossing over to Sudan; how she continued to be subjected to forced sexual intercourse as Mr Kony's 'wife'; her fear that she would be beaten if she were to refuse; and the pain she has suffered ever since. She also details how girls were divided and tasks assigned within Mr Kony's household, with herself having to wash his clothes and cook for him. She recounts how girls who tried to escape were beaten with a 'wire lock' and states that, a girl who tried to escape was caught and 'beaten very badly'. She describes Mr Kony's threatening statements to the effect that, if someone did not follow his and other senior people's orders, it meant that one intended to escape and would be beaten.

254. The Chamber notes that some of the evidence relied upon (in particular, the testimonies from most LRA insiders, including Witnesses P-0070, P-0041, P-0048 and P-0136) relates to the broader context of the incident of the Lwala school and is therefore not directly supportive of the allegations specifically relating to Victim 2. However, the testimony of Victim 2 is extensive and detailed enough as to sufficiently substantiate the various aspects of the allegations and is also corroborated by the testimonies of the other girls abducted with her and Witness P-0028. Witness P-0021 specifically mentions Victim 2 by name as one of the two girls chosen by Mr Kony. The evidence also establishes that Victim 2's abduction and assignment to Mr Kony took place in Uganda, where she spent the first few weeks of her captivity and where Mr Kony forced her to become his 'wife', thus falling within the geographical scope of the charges, notwithstanding that some of the conduct underlying the allegations relating to Victim 2 took place in Sudan.

255. In light of the evidence, the Chamber is satisfied that the objective elements of the crimes charged in Counts 30-39 referring to Victim 2 are sufficiently established.

256. As regards the individual criminal responsibility of Mr Kony, the Chamber is satisfied that there are substantial grounds to believe that Mr Kony's contribution to all the abovementioned crimes may be legally qualified under article 25(3)(a) of the Statute; and that his contribution to the crime of persecution of Victims 1 and 2 as a crime against humanity on gender grounds and of the crime of persecution of Victim 2 on the basis of age may be legally qualified under article 25(3)(a) of the Statute or for ordering and inducing under article 25(3)(b) of the Statute.

257. The Chamber is further satisfied that Mr Kony's conduct establishes that he (i) fulfilled the specific *mens rea* elements pertaining to the aforementioned crimes; and (ii) had intent and knowledge in relation to these crimes under article 30 of the Statute.

V. END OF THE CONFIRMATION PROCEEDINGS AND LEAVE TO APPEAL

258. The issuance of this decision concludes the hearing on the confirmation of charges against Mr Kony in his absence. As clarified at the outset of the proceedings, the possibility to conduct confirmation proceedings in the absence of the suspect is exceptional; the Statute does not allow proceedings *in absentia* to be held beyond the confirmation of charges hearing.¹⁰⁹ Therefore, the applicable requirements should be interpreted strictly and proceedings should not be extended beyond what is expressly and specifically permissible. Whilst it is well established that it is possible for the parties to request leave to appeal the confirmation decision pursuant to article 82(1)(d) of the Statute, it is also well-established that it is important to ensure that both parties are in a position to properly assess the advisability and feasibility of lodging a request pursuant to this provision, and that counsel must be able to rely on their client's contribution for such assessment.¹¹⁰ Pre-Trial Chambers in recent confirmation proceedings have decided *motu proprio* that the five-day time limit for submitting a request for leave to appeal the confirmation decision would only start running from the time when the confirmation decision would be available in the language of the accused.¹¹¹ With a view to fully preserving Mr Kony's rights should he appear before

¹⁰⁹ 23 November 2023 [Decision](#), paras 64, 67 and 70.

¹¹⁰ Pre-Trial Chamber II, *The Prosecutor v. Yekatom & Ngaïssona*, [Corrected version of 'Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona'](#), 11 December 2019 (corrected version dated 14 May 2020, public redacted version dated 28 June 2021), ICC-01/14-01/18-403-Corr-Red, para. 240.

¹¹¹ [Said Confirmation Decision](#), paras 154-155.

the Court, the Chamber decides therefore to suspend the five-day time limit under rule 155 of the Rules until the time this decision is notified to him upon his surrender. This suspension applies equally to any request for leave to appeal that the Prosecution may wish to submit.

259. Finally, the Chamber recalls that Mr Peter Haynes was appointed until the end of the confirmation proceedings.¹¹² Having decided to suspend the time limit for a request for leave to appeal until Mr Kony's surrender, the Chamber considers that the issuance of this decision and the committal of Mr Kony to a Trial Chamber for trial on the charges as confirmed, upon his surrender to the Court, mark the end of the confirmation proceedings.

VI. THE CHARGES AS CONFIRMED

260. The Chamber finds it appropriate to include the charges as confirmed in the operative part of the decision. Apart from the Chamber's correction to Count 15 and its conclusions as regards Count 39, the text of the charges is the one contained in the Amended DCC.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the Defence Request for a stay of the proceedings;

REJECTS the LRVs request to instruct the Prosecution to include sexual slavery as a separate charge;

CONFIRMS the charges against Mr Kony in his absence pursuant to article 61(2)(b) of the Statute, as follows:

I. THE SUSPECT

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").
2. KONY was the LRA's military and political leader throughout the charged period, with overall authority and control over all LRA members, including LRA fighters who perpetrated the charged crimes.

¹¹² [Defence Counsel Appointment Notification](#).

II. THE CHARGES

A. KONY'S CRIMINAL RESPONSIBILITY

1. Indirect Co-Perpetration (Article 25(3)(a))

3. KONY is individually criminally responsible pursuant to article 25(3)(a) of the crimes charged in **Counts 1-29** as he committed them as an indirect co-perpetrator.

4. At least between 1 July 2002 and 31 December 2005, KONY shared a common plan or agreement pursuant to article 25(3)(a) 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 Ugandan government, and to sustain the LRA, by committing the charged crimes, including systemic crimes against children and women abducted and integrated into the LRA ("Common Plan"). The members of the Common Plan, each for at least part of the charged period, included 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 they jointly controlled.

5. 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.

6. LRA commanders and fighters complied with KONY's instructions to carry out the charged crimes. Most LRA fighters had been abducted as children, conscripted into the LRA, and subjected to conditioning and threats of physical violence and death. KONY had the power, *inter alia*, to give orders; to ensure almost automatic 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; to send forces to the site of hostilities and to withdraw them at any time.

7. KONY and his co-perpetrators implemented the Common Plan through the hierarchically organised structure of the LRA. From at least 1 July 2002 until 31 December 2005, KONY made essential contributions to the crimes charged in **Counts 1-29** within the framework of the Common Plan in the following ways:

- (i) KONY regularly ordered LRA units to attack, kill and mistreat civilians perceived to be supporting the Ugandan government and to destroy or steal civilian property;
- (ii) KONY made strategic decisions regarding the manner, intensity and focus of attacks against civilians in northern Uganda;
- (iii) KONY maintained the system of abductions during the charged period and issued orders to all LRA to abduct civilians;
- (iv) KONY devised and enforced the LRA rules for the mistreatment of women and girls;
- (v) KONY personally used children as escorts and abducted women and girls to act as domestic servants and as forced conjugal partners;
- (vi) KONY devised and maintained the LRA disciplinary system

as such and motivated LRA commanders through rewards and threats to conduct LRA operations;

(vii) KONY decided the command structure and promotions/demotions of LRA commanders and the transfer of fighters between units;

(viii) KONY decided on the allocation of supplies, including weapons and ammunition within the LRA.

8. 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.

2. Ordering and/or Inducing pursuant to Article 25(3)(b)

9. In the alternative, KONY is individually criminally responsible for ordering members of the LRA, over whom he had authority, to commit the charged crimes. Also in the alternative, KONY is individually criminally responsible for directing and/or prompting his subordinates to commit the charged crimes, by making statements encouraging crimes against civilians; blaming civilians for the ongoing conflict; demonising and dehumanising civilians; praising the direct perpetrators of crimes and rewarding them through promotions and the distribution of forced wives and other enslaved persons; and by devising and enforcing rules and a disciplinary system that instigated the commission of crimes.

10. KONY meant to engage in this conduct and was aware of his position of authority and 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.

3. Direct Perpetration pursuant to article 25(3)(a)

11. KONY is individually criminally responsible pursuant to article 25(3)(a) of the charged crimes in **Counts 30-39** as he committed these directly with intent and knowledge.

B. CONTEXTUAL ELEMENTS

1. Contextual Elements of War Crimes (Article 8)

12. 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.

13. 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.

14. The conduct that forms the basis for the charges took place in the context of, and was associated with, this non-international armed conflict. KONY, his co-perpetrators and the physical perpetrators (henceforth collectively referred to as “LRA perpetrators”) were aware of the factual circumstances that established the existence of this armed conflict.

2. Contextual Elements of Crimes Against Humanity (Article 7)

15. From at least 1 July 2002 until 31 December 2005, the LRA 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 including those charged.

16. 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 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 *modi operandi*: the LRA repeatedly targeted civilians living in IDP camps, villages, schools and homesteads and during ambushes. They specifically targeted civilians, including children (persons under 18 years), for abduction and integration into the LRA as enslaved persons, such as fighters, domestic servants and forced wives.

17. 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.

18. The conduct that forms the basis of these charges 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. CRIMES OF INDIRECT CO-PERPETRATION, ALTERNATIVELY ORDERING AND INDUCING

1. INCIDENT-BASED CRIMES

i) Attack on Lwala Girls School

19. 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 Charles Tabuley

tasked his subordinate commanders to identify schools in execution of this order. Stockree battalion commanders Benson Okello Lagulu and Charles 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.

20. On or about 24 June 2003, the Stockree brigade attacked Lwala Girls School. During the attack, the LRA fighters directed acts of violence against the approximately 230 schoolgirls present on the school’s premises not taking direct part in hostilities. KONY and the LRA perpetrators intended them to be the object of the attack. They further were aware of the factual circumstances that established the victims’ civilian status.

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

22. During the attack on the Lwala Girls School, LRA fighters 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 the nearby Lwala stage bus stop and Otuboi centre, where they broke into shops and took food and other items, such as cooking oil and soap. The items looted by the LRA were taken without the owners’ consent, and with the intent to appropriate them for private or personal use.

23. 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.

24. At least 12 abducted schoolgirls who were released or escaped in the days following the attack are grouped under **Count 10**. Of the rest, a large group was distributed to other LRA commanders to serve in the households of LRA fighters, and KONY chose two to become his “wives”. The conduct against one of these “wives” is covered by **Count 30**. The other victims who remained enslaved in the LRA and were subjected to the systemic crimes as applicable (see section II.C.2) are grouped under **Count 15**.

25. LRA fighters inflicted on the schoolgirls severe physical and mental pain and suffering, and great suffering and serious injury to body and to mental or physical health during and in the aftermath of the attack, while they were under the LRA’s custody and control. The pain and suffering did not arise from and was not inherent in or incidental to lawful sanctions. The LRA perpetrators inflicted this treatment on the schoolgirls, including those abducted from the Lwala Girls School, for the purposes of punishment, intimidation, and coercion, and for reasons of discrimination. KONY and the LRA perpetrators were 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).

26. Where the LRA fighters abducted schoolgirls from the Lwala Girls School, they 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.

27. Through and in connection with the acts described above, the LRA

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, to education, not to be subjected to torture or to cruel, inhuman or degrading treatment, and the right not to be held in slavery or servitude. KONY and the LRA perpetrators acted with the intent to discriminate against the schoolgirls, targeting them collectively on the basis of their gender and age.

ii) **Attack on Pajule IDP Camp**

28. On or about 10 October 2003, at approximately 05h00-06h00, the LRA attacked Pajule and Lapul IDP camps (together, “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 civilians lived in the camp. During the attack, the LRA fighters directed acts of violence against the civilian IDP camp residents, who were not taking direct part in hostilities. KONY and the LRA perpetrators intended them to be the object of the attack. They further were aware of the factual circumstances that established the victims’ civilian status.

29. 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, and Bogi Bosco.

30. Overall, more than 100 LRA fighters, including children under the age of 15, armed with various 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 attacked the Catholic mission; and one was tasked with ambushing UPDF reinforcements.

31. 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.

32. 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. The items looted by the LRA were taken without the owners’ consent, and with the intent to appropriate them for private or personal use.

33. 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.

34. Approximately hundreds of abductees who were released, escaped or killed by the LRA during or shortly following the attack are grouped under **Count 10**. Also included under **Count 10** – to the extent of any overlap – are the at least 170 individually identifiable adult males abducted. The remaining females and/or children who remained enslaved in the LRA and were subjected to the systemic crimes as applicable (see section II.C.2) are grouped under **Count**

15.

35. LRA fighters inflicted on the abductees severe physical and mental pain and suffering, and great suffering and serious injury to body and to mental or physical health during and in the aftermath of the attack, while they were under the LRA's custody and control. The pain and suffering did not arise from and was not inherent in or incidental to lawful sanctions. The LRA perpetrators inflicted this treatment on their victims, including those abducted from the Pajule IDP camp, for the purposes of punishment, intimidation, and coercion, and for reasons of discrimination. KONY and the LRA perpetrators were 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).

36. Where the LRA abducted civilians from the Pajule IDP camp, they 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.

37. Through and in connection with the acts described above, the LRA severely deprived the residents of the Pajule IDP camp 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. KONY and the LRA perpetrators acted with the intent to discriminate against the civilian residents of the camp, targeting them collectively on political grounds, *i.e.* on the basis of their perceived affiliation with and/or support for the Ugandan government.

38. 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.

iii) Attack on Abia IDP Camp

39. 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. During the attack, the LRA perpetrators directed acts of violence against the civilian population of the IDP camp, who were not taking direct part in hostilities. KONY and the LRA perpetrators intended them to be the object of the attack. They further were aware of the factual circumstances that established the victims' civilian status.

40. 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.

41. 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.

42. During the attack on Abia IDP camp, and in the immediate aftermath of the attack, the LRA killed at least 116 civilians. LRA fighters killed civilians 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.

43. At least 68 civilians survived due to independent circumstances despite life-threatening injuries. 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.

44. LRA fighters set fire to civilian homes in Abia IDP camp. Around 182 civilian homes together with their contents were burnt and destroyed. The property belonged to the residents of the Abia IDP camp who were perceived as associated with the Ugandan government and thus as the adversary. The destruction was not required by military necessity. KONY and the LRA perpetrators were aware of the factual circumstances establishing the protected status of the property under the international law of armed conflict.

45. 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. The items looted by the LRA were taken without the owners' consent, and with the intent to appropriate them for private or personal use.

46. The LRA abducted at least 20 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 a female abductee's baby girl. They threw the baby into the river, where she drowned, and then cut the mother with a machete.

47. At least five abductees, including three adult males, who were killed by the LRA shortly following the attack are grouped under **Count 10**. The remaining females and/or children who remained enslaved in the LRA and were subjected to the systemic crimes as applicable (see section II.C.2) are grouped under **Count 15**.

48. LRA fighters inflicted on the abductees severe physical and mental pain and suffering, and great suffering and serious injury to body and to mental or physical health during and in the aftermath of the attack, while they were under the LRA's custody and control. The pain and suffering did not arise from and was not inherent in or incidental to lawful sanctions. The LRA perpetrators inflicted this treatment on their victims, including those abducted from the Abia IDP camp, for the purposes of punishment, intimidation, and coercion, and for reasons of discrimination. KONY and the LRA perpetrators were 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).

49. Where the LRA abducted civilians from the Abia IDP camp, they 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.

50. Through and in connection with the acts described above, the LRA severely deprived the residents of the Abia IDP camp 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. KONY and the LRA perpetrators acted with the intent to discriminate against the civilian residents of the camp,

targeting them collectively on political grounds, *i.e.* on the basis of their perceived affiliation with and/or support for the Ugandan government.

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

iv) Attack on Barlonyo IDP Camp

52. 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. During the attack, the LRA fighters directed acts of violence against the civilians in the IDP camp, who were not taking direct part in hostilities. KONY and the LRA perpetrators intended them to be the object of the attack. They further were aware of the factual circumstances that established the victims' civilian status.

53. 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 Okot Odhiambo as the overall commander.

54. 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.

55. During the attack on Barlonyo IDP camp, LRA fighters killed at least 313 civilian residents of the camp by shooting, burning and/or beating them to death. At least 85 civilians survived due to independent circumstances despite life-threatening injuries.

56. 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. The items looted by the LRA were taken without the owners' consent, and with the intent to appropriate them for private or personal use.

57. 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. The property belonged to the residents of the Barlonyo IDP camp who were perceived as associated with the Ugandan government and thus as the adversary. The destruction was not required by military necessity. KONY and the LRA perpetrators were aware of the factual circumstances establishing the protected status of the property under the international law of armed conflict.

58. Through and in connection with the acts described above, the LRA severely deprived the residents of the Barlonyo IDP camp of their fundamental rights, contrary to international law, including the rights to life, and to private property. KONY and the LRA perpetrators acted with the intent to discriminate against the civilian residents of the camp, targeting them collectively on political grounds, *i.e.* on the basis of their perceived affiliation with and/or support for the Ugandan government.

59. After the attack, Okot 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.

v) Attack on Odek IDP Camp

60. 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. During the attack, the LRA perpetrators directed acts of violence against the civilians of the IDP camp, who were not taking direct part in hostilities. KONY and the LRA perpetrators intended them to be the object of the attack. They further were aware of the factual circumstances that established the victims' civilian status.

61. 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.

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

63. 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. The items looted by the LRA were taken without the owners' consent, and with the intent to appropriate them for private or personal use.

64. During the attack and in their retreat, the LRA killed at least 51 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 ten 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 her husband was forced to watch. The rape was committed with such force that the victim started to bleed.

65. 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, 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.

66. 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.

67. At least 19 abductees, including adult males, who were released, rescued or killed by the LRA, during or shortly following the attack are grouped under **Count 10**. The remaining females and/or children who remained enslaved in the LRA and were subject to the systemic crimes as applicable (see section II.C.2) are grouped under **Count 15**.

68. LRA fighters inflicted on the abductees severe physical and mental pain and suffering, and great suffering and serious injury to body and to mental or physical health during and in the aftermath of the attack, while they were under the LRA's custody and control. The pain and suffering did not arise from and was not inherent in or incidental to lawful sanctions. The LRA perpetrators inflicted this treatment on their victims, including those abducted from the Odek IDP camp, for the purposes of punishment, intimidation, and coercion, and for reasons of discrimination. KONY and the LRA perpetrators were 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).

69. Where the LRA abducted civilians from the Odek IDP camp, they 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.

70. Through and in connection with the acts described above, the LRA severely deprived the residents of the Odek IDP camp of their fundamental rights, contrary to international law, including the rights to life, to bodily integrity, 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. KONY and the LRA perpetrators acted with the intent to discriminate against the civilian residents of the camp, targeting them collectively on political grounds, *i.e.* on the basis of their perceived affiliation with and/or support for the Ugandan government.

71. 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.

vi) Attack on Pagak IDP Camp

72. 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. During the attack, the LRA fighters directed acts of violence against the civilian population of the IDP camp, who were not taking direct part in hostilities. KONY and the LRA perpetrators intended them to be the object of the attack. They further were aware of the factual circumstances that established the victims' civilian status.

73. 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, including in Pagak. LRA fighters from Control Altar and Gilva

Brigade participated in the attack. The overall commander of the attack was Vincent Otti; another senior commander was Thomas Kwoyelo.

74. At least 40 LRA fighters, armed with various weapons, including a B-10 gun, RPG, and PK guns, attacked the camp in two groups. Some focused on the military barracks and others focused on the civilian areas.

75. During the attack on Pagak IDP camp and its aftermath, the LRA fighters killed at least 58 civilians. 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 16 instances, the civilians targeted for killings did not die, due to independent circumstances. The victims survived, sustaining serious injuries.

76. During the attack, LRA fighters broke into civilian homes and shops and took food, including oil, flour, maize and beans. The items looted by the LRA were taken without the owners' consent, and with the intent to appropriate them for private or personal use.

77. They also set fire to homes belonging to civilian residents of the camp. At least 500 homes were destroyed. The property belonged to the residents of the Pagak IDP camp who were perceived as associated with the Ugandan government and thus as the adversary. The destruction was not required by military necessity. KONY and the LRA perpetrators were aware of the factual circumstances establishing the protected status of the property under the international law of armed conflict.

78. The LRA abducted at least 51 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.

79. Most abductees - at least 35 – who escaped or were killed by the LRA in the days following the attack are grouped under **Count 10**. The remaining females and/or children who remained enslaved in the LRA and were subject to the systemic crimes as applicable (*see* section II.C.2) are grouped under **Count 15**.

80. The LRA fighters inflicted on the abductees severe physical and mental pain and suffering, and great suffering and serious injury to body and to mental or physical health during and in the aftermath of the attack, while they were under the LRA's custody and control. The pain and suffering did not arise from and was not inherent in or incidental to lawful sanctions. The LRA perpetrators inflicted this treatment on their victims, including those abducted from the Pagak IDP camp, for the purposes of punishment, intimidation, and coercion, and for reasons of discrimination. KONY and the LRA perpetrators were 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).

81. Where the LRA abducted civilians from the Pagak IDP camp, they 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.

82. Through and in connection with the acts described above, the LRA severely deprived the residents of the Pagak IDP camp 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. KONY and the LRA acted with the intent to discriminate against the civilian residents of the camp, targeting them collectively on political grounds, *i.e.* on the basis of their perceived affiliation with and/or support for the Ugandan government.

83. 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.

vii) Attack on Lukodi IDP Camp

84. On or about 19 May 2004, around 18h00, the LRA attacked 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. During the attack, the LRA directed acts of violence against the civilian population of the IDP camp, who were not taking direct part in hostilities. KONY and the LRA perpetrators intended them to be the object of the attack. They further were aware of the factual circumstances that established the victims' civilian status.

85. 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 Dominic Ongwen. At least 80 LRA fighters, including children under 15, from Sinia and Gilva brigades participated in the attack.

86. 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.

87. LRA killed at least 48 civilians: 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.

88. 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. The items looted by the LRA were taken without the owners' consent, and with the intent to appropriate them for private or personal use.

89. 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. The property belonged to the residents of the Lukodi IDP camp who were perceived as associated with the Ugandan government and thus as the adversary. The destruction was not required by military necessity. KONY and the LRA perpetrators were aware of the factual circumstances establishing the protected status of the property under the international law of armed conflict.

90. The LRA abducted at least 30 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.

91. Many abductees - at least 10 – who were released, escaped or were killed by the LRA in the days following the attack are grouped under **Count 10**. The remaining females and/or children who remained enslaved in the LRA and were subject to the systemic crimes as applicable (see section II.C.2) are grouped under **Count 15**.

92. LRA fighters inflicted on the abductees severe physical and mental pain and suffering, and great suffering and serious injury to body and to mental or physical health during and in the aftermath of the attack, while they were under the LRA's custody and control. The pain and suffering did not arise from and was not inherent in or incidental to lawful sanctions. The LRA perpetrators inflicted this treatment on their victims, including those abducted from the Lukodi IDP camp, for the purposes of punishment, intimidation, and coercion, and for reasons of discrimination. KONY and the LRA perpetrators were 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).

93. Where the LRA abducted civilians from the Lukodi IDP camp, they 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.

94. Through and in connection with the acts described above, the LRA severely deprived the residents of the Lukodi IDP camp of their fundamental rights, contrary to international law, including the rights to life, to bodily integrity, 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. KONY and the LRA acted with the intent to discriminate against the civilian residents of the camp, targeting them collectively on political grounds, *i.e.* on the basis of their perceived affiliation with and/or support for the Ugandan government.

95. 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.

viii) Attack on Abok IDP Camp

96. 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. During the attack, the LRA directed acts of violence against the civilian population of the IDP camp, who were not taking direct part in hostilities. KONY and the LRA perpetrators intended them to be the object of the attack. They further were aware of the factual circumstances that established the victims' civilian status.

97. 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.

98. 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.

99. During the attack on Abok IDP camp and their retreat, LRA fighters killed at least 28 civilian residents of the camp, by shooting, burning and beating them to death. In at least four 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.

100. 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 item of basic needs, such as 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. The items looted by the LRA were taken without the owners' consent, and with the intent to appropriate them for private or personal use.

101. 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. The property belonged to the residents of the Abok IDP camp who were perceived as associated with the Ugandan government and thus as the adversary. The destruction was not required by military necessity. KONY and the LRA perpetrators were aware of the factual circumstances establishing the protected status of the property under the international law of armed conflict.

102. The LRA abducted at least 13 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.

103. At least four abductees who were released, escaped or were killed by the LRA during or shortly following the attack, as well as two additional individually identifiable adult males, are grouped under **Count 10**. The remaining females and/or children who remained enslaved in the LRA and were subjected to the systemic crimes as applicable (*see* section II.C.2) are grouped under **Count 15**.

104. The LRA fighters inflicted on the abductees severe physical and mental pain and suffering, and great suffering and serious injury to body and to mental or physical health during and in the aftermath of the attack, while they were under the LRA's custody and control. The pain and suffering did not arise from and was not inherent in or incidental to lawful sanctions. The LRA perpetrators inflicted this treatment on their victims, including those abducted from the Abok IDP camp, for the purposes of punishment, intimidation, and coercion, and for reasons of discrimination. KONY and the LRA perpetrators were 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).

105. Where the LRA abducted civilians from the Abok IDP camp, they 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.

106. Through and in connection with the acts described above, the LRA severely deprived the residents of the Abok IDP camp 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. KONY and the LRA perpetrators acted with the intent to discriminate against the civilian residents of the camp, targeting them collectively on political grounds, *i.e.* on the basis of their perceived affiliation with and/or support for the Ugandan government.

107. 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.

Counts 1-14: For these reasons, Joseph KONY is criminally responsible for-

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) or 25(3)(b) (ordering and inducing), on or about 24 June 2003 at **Lwala Girls School (paras. 19-27)**, on or about 10 October 2003 at **Pajule IDP camp (paras. 28-38)**, on or about 4 February 2004 at **Abia IDP camp (paras. 39-51)**, on or about 21 February 2004 at **Barlonyo IDP camp (paras. 52-59)**, on or about 29 April 2004 at **Odek IDP camp (paras. 60-71)**, on or about 16 May 2004 at **Pagak IDP camp (paras. 72-83)**, on or about 19 May 2004 at **Lukodi IDP camp (paras. 84-95)**, and on or about 8 June 2004 at **Abok IDP camp (paras. 96-107)**.

Count 2: Murder as a crime against humanity, pursuant to articles 7(1)(a) and 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing) of at least 618 civilians, namely on or about 10 October 2003 of at least 4 civilians at or around **Pajule IDP camp (para. 31)**, on or about 4 February 2004 of at least 116 civilians at or around **Abia IDP camp (paras. 42, 46)**, on or about 21 February 2004 of at least 313 civilians at and around **Barlonyo IDP camp (para. 55)**, on or about 29 April 2004 of at least 51 civilians at or around **Odek IDP camp (paras. 64, 66)**, on or about 16 May 2004 of at least 58 civilians at or around **Pagak IDP camp (para. 75)**, on or about 19 May 2004 of at least 48 civilians at or around **Lukodi IDP camp (para. 87)**, and on or about 8 June 2004 of at least 28 civilians at or around **Abok IDP camp (paras. 99, 102)**.

Count 3: Murder as a war crime, pursuant to articles 8(2)(c)(i) and 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing) of at least 618 civilians, namely on or about 10 October 2003 of at least 4 civilians at or around **Pajule IDP camp (para. 31)**, on or about 4 February 2004 of at least 116 civilians at or around **Abia IDP camp (paras. 42, 46)**, on or about 21 February 2004 of at least 313 civilians at or around **Barlonyo IDP camp (para. 55)**, on or about 29 April 2004 of at least 51 civilians at or around **Odek IDP camp (paras. 64, 66)**, on or about 16 May 2004 of at least 58 civilians at or around **Pagak IDP camp (para. 75)**, on or about 19 May 2004 of at least 48 civilians at or around **Lukodi IDP camp (para. 87)**, and on or about 8 June 2004 of at least 28 civilians at or around **Abok IDP camp (paras. 99, 102)**.

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) or 25(3)(b) (ordering and inducing) of at least 194 civilians, namely on or about 4 February 2004 of at least 68 civilians at and around **Abia IDP camp (para. 43)**, on or about 21 February 2004 of at least 85 civilians at and around **Barlonyo IDP camp (para. 55)**, on or about 29 April 2004 of at least 10 civilians at and around **Odek IDP camp (para. 64)**, on or about 16 May 2004 of at least 16 civilians at and around **Pagak IDP camp (para. 75)**, on or about 19 May 2004 of at least 11 civilians at and around **Lukodi IDP camp (para. 87)**, and on or about 8 June 2004 of at least 4 civilians at and around **Abok IDP camp (para. 99)**.

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) or 25(3)(b) (ordering and inducing) of at least 194 civilians, namely on or about 4 February 2004 of at least 68 civilians at and around **Abia IDP camp (para. 43)**, on or about 21 February 2004 of at least 85 civilians at and around **Barlonyo IDP camp (para. 55)**, on or about 29 April 2004 of at least 10 civilians at and around **Odek IDP camp (para. 64)**, on or about 16 May 2004 of at least 16 civilians at and around **Pagak IDP camp (para. 75)**, on or about 19 May 2004 of at least 11 civilians at and around **Lukodi IDP camp (para. 87)**, and on or about 8 June 2004 of at least 4 civilians at and around **Abok IDP camp (para. 99)**.

Count 6: Torture as a crime against humanity, pursuant to articles 7(1)(f) and 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing) of the at least several hundred civilians abducted during and in the aftermath of the attacks, namely on or about 24 June 2003 of at least 70 civilians at and around **Lwala Girls School (para. 23)**, on or about 10 October 2003 of at least several hundred civilians at and around **Pajule IDP camp (para. 33)**, on or about 4 February 2004 of at least 20 civilians at and around **Abia IDP camp (paras. 43, 46)**, on or about 29 April 2004 of at least 41 civilians at and around **Odek IDP camp (paras. 64-66)**, on or about 16 May 2004 of at least 51 civilians at and around **Pagak IDP camp (para. 78)**, on or about 19 May 2004 of at least 30 civilians at and around **Lukodi IDP camp (para. 90)**, and on or about 8 June 2004 of at least 13 civilians at and around **Abok IDP camp (para. 102)**.

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) or 25(3)(b) (ordering and inducing), of the at least several hundred civilians abducted during and in the aftermath of the attacks, namely on or about 24 June 2003 of at least 70 civilians at and around **Lwala Girls School (para. 23)**, on or about 10 October 2003 of at least several hundred civilians at and around **Pajule IDP camp (para. 33)**, on or about 4 February 2004 of at least 20 civilians at and around **Abia IDP camp (paras. 43, 46)**, on or about 29 April 2004 of at least 41 civilians at and around **Odek IDP camp (paras. 64-66)**, on or about 16 May 2004 of at least 51 civilians at and around **Pagak IDP camp (para. 78)**, on or about 19 May 2004 of at least 30 civilians at and around **Lukodi IDP camp (para. 90)**, and on or about 8 June 2004 of at least 13 civilians at and around **Abok IDP camp (para. 102)**.

Count 8: Torture as a war crime, pursuant to articles 8(2)(c)(i) and 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing) of the Rome Statute, of the at least several hundred civilians abducted during and in the aftermath of the attacks, namely on or about 24 June 2003 of at least 70 civilians at and around **Lwala Girls School (para. 23)**, on or about 10 October 2003 of at least several hundred civilians at and around **Pajule IDP camp (para. 33)**, on or about 4 February 2004 of at least 20 civilians at and around **Abia IDP**

camp (paras. 43, 46), on or about 29 April 2004 of at least 41 civilians at and around **Odek IDP camp (paras. 64-66)**, on or about 16 May 2004 of at least 51 civilians at and around **Pagak IDP camp (para. 78)**, on or about 19 May 2004 of at least 30 civilians at and around **Lukodi IDP camp (para. 90)**, and on or about 8 June 2004 of at least 13 civilians at and around **Abok IDP camp (para. 102)**.

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) or 25(3)(b) (ordering and inducing), of the at least several hundred civilians abducted during and in the aftermath of the attacks, namely on or about 24 June 2003 of at least 70 civilians at and around **Lwala Girls School (para. 23)**, on or about 10 October 2003 of at least several hundred civilians at and around **Pajule IDP camp (para. 33)**, on or about 4 February 2004 of at least 20 civilians at and around **Abia IDP camp (paras. 43, 46)**, on or about 29 April 2004 of at least 41 civilians at and around **Odek IDP camp (paras. 64-66)**, on or about 16 May 2004 of at least 51 civilians at and around **Pagak IDP camp (para. 78)**, on or about 19 May 2004 of at least 30 civilians at and around **Lukodi IDP camp (para. 90)**, and on or about 8 June 2004 of at least 13 civilians at and around **Abok IDP camp (para. 102)**.

Count 10: Enslavement as a crime against humanity, pursuant to articles 7(1)(c) and 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing), of the at least hundreds of civilians abducted during and in the aftermath of the attacks, namely on or about 24 June 2003 of at least 12 civilians at and around **Lwala Girls School (paras. 21, 23-24)**, on or about 10 October 2003 at least hundreds of civilians at and around **Pajule IDP camp (paras. 33-34)**, on or about 4 February 2004 at least 5 civilians at and around **Abia IDP camp (paras. 46-47)**, on or about 29 April 2004 at least 19 civilians at and around **Odek IDP camp (paras. 65-67)**, on or about 16 May 2004 at least 35 civilians at and around **Pagak IDP camp (paras. 78-79)**, on or about 19 May 2004 at least 10 civilians at and around **Lukodi IDP camp (paras. 90-91)**, and on or about 8 June 2004 at least 6 civilians at and around **Abok IDP camp (paras. 102- 103)**.

Count 11: Pillaging as a war crime, pursuant to articles 8(2)(e)(v) and 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing) on or about 24 June 2003 at and around **Lwala Girls School (para. 22)**, on or about 10 October 2003 at **Pajule IDP camp (para. 32)**, on or about 4 February 2004 at **Abia IDP camp (para. 45)**, on or about 21 February 2004 at **Barlonyo IDP camp (para. 56)**, on or about 29 April 2004 at **Odek IDP camp (para. 63)**, on or about 16 May 2004 at **Pagak IDP camp (para. 76)**, on or about 19 May 2004 at **Lukodi IDP camp (para. 88)**, and on or about 8 June 2004 at **Abok IDP camp (para. 100)**.

Count 12: Destroying the enemy's property as a war crime, pursuant to articles 8(2)(e)(xii) and 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing), on or about 4 February 2004 at **Abia IDP camp (para. 44)**, on or about 21 February 2004 at **Barlonyo IDP camp (para. 57)**, on or about 16 May 2004 at **Pagak IDP camp (para. 77)**, on or about 19 May 2004 at **Lukodi IDP camp (para. 89)**, and on or about 8 June 2004 at **Abok IDP camp (para. 101)**.

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 means of the applicable conduct underlying **Counts 1-12**, pursuant to articles 7(1)(h) and 25(3)(a) (indirect co-perpetration) or

25(3)(b) (ordering and inducing) namely on or about 10 October 2003 at and around **Pajule IDP camp (paras. 28-38)**, on or about 4 February 2004 at and around **Abia IDP camp (paras. 39-51)**, on or about 21 February 2004 at and around **Barlonyo IDP camp (paras. 52-59)**, on or about 29 April 2004 at and around **Odek IDP camp (paras. 60-71)**, on or about 16 May 2004 at and around **Pagak IDP camp (paras. 72-83)**, on or about 19 May 2004 at and around **Lukodi IDP camp (paras. 84-95)**, and on or about 8 June 2004 at and around **Abok IDP camp (paras. 96-107)**.

Count 14: Persecution as a crime against humanity, on age and gender grounds, of at least 70 schoolgirls on or about 24 June 2003 at and around **Lwala Girls School (paras. 19-27)** by means of the applicable conduct underlying **Counts 1, 6-12**, pursuant to article 7(1)(h) and 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing).

2. SYSTEMIC CRIMES

i) Crimes against Children Abducted and Integrated into the LRA

108. From at least 1 July 2002 until 31 December 2005, KONY and the LRA perpetrators engaged in a coordinated campaign to abduct children (persons under 18 years) 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.

109. During the charged period, the LRA abducted at least thousands of children, of which thousands 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 imposed on them. 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 transmittable diseases.

110. After having been 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, enslaved 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 rape and sexual, reproductive, and other gender- based violence. Some girls, however, also took part in attacks and underwent military training.

111. 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 that could, and often were, moved around from one commander or fighter to another and between different LRA units.

112. The LRA perpetrators subjected the abducted children 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. The LRA perpetrators inflicted this pain and suffering for the purposes of intimidation, coercion, and punishment. These children were in the custody and in the control of the LRA perpetrators.

113. 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 or beaten for attempting to escape. Children born to enslaved women and girls were enslaved themselves and forced to remain in the LRA.

114. The LRA perpetrators abducted children younger than 15 years, who were subsequently used to actively participate in hostilities. The abducted children were trained, in some cases received guns, and were assigned to service in the LRA units. Children under 15, mostly boys, 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.

115. Through and in connection with the acts described above, The LRA perpetrators severely deprived the victims of their fundamental rights, contrary to international law, including the rights to life, to bodily integrity, to liberty and security of person, to freedom of movement, not to be subjected to torture or to cruel, inhuman or degrading treatment, the right to education, and the right not to be held in slavery or servitude. KONY and the LRA perpetrators acted with the intent to discriminate against the children, targeting them collectively on the grounds of gender and age.

ii) Crimes against Girls and Women Abducted and Integrated into the LRA

116. From at least 1 July 2002 until 31 December 2005, KONY and the LRA perpetrators engaged in a coordinated campaign to abduct women and girls, to integrate them into the LRA. In this period, at least thousands of girls and women were abducted from villages, schools, IDP camps and other locations in northern Uganda by the LRA. LRA members abducted these women and girls to serve in socially construed gender roles imposed on them within the LRA as domestic servants and forced wives to LRA commanders and fighters. This included at least four girls abducted from Omoro on 18 June 2003, the group of girls abducted from Ogolai, Katakwi district in June 2003, girls abducted from 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 December 2004.

117. Abducted girls and women were deprived of their liberty, enslaved 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 a “reward” to LRA fighters. They were forced to stay

within the assigned unit, typically moving around northern Uganda.

118. 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. LRA members subjected the abducted women and girls to a coercive and violent environment. They severely beat many and threatened them with violence for resisting rape or other sexual and reproductive violence, or for breaking LRA rules. Many abducted women and girls were forced to beat or kill other abductees for breaking LRA rules.

119. 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. The LRA perpetrators exercised powers attaching to the right of ownership over girls and women of all ages distributed to LRA fighters, enslaving them.

120. Abducted girls whom the LRA did not consider mature enough to have sexual intercourse and become “wives” (*ting tings*), included at least 48 girls during the charged period. These girls were forced to perform household chores while being groomed to eventually become forced wives.

121. Mature girls and women were coerced into exclusive conjugal unions with LRA fighters as their so-called “wives”. 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.

122. 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.

123. LRA fighters regularly forced abducted women and girls who had been distributed to them to have sexual intercourse with them, since sexual intercourse was specifically considered part of the role of forced wives. The women and girls were unable to resist the sexual violence 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 at least 22 known victims, including at least seven women assigned to Dominic Ongwen, one girl assigned to Vincent Otti, one girl assigned to Ocan Bunia, one girl assigned to Aboro and one girl assigned to Raska Lukwiya in the charged period.

124. 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 Jimmy Ocitti.

125. 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, as well as their continuous deprivation of liberty and sexual and reproductive autonomy, and their subjection to “marriage” and pregnancy against their will. The LRA perpetrators inflicted this pain and suffering for the purposes of intimidation, coercion, and punishment; it 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 and the LRA perpetrators were aware of the factual circumstances that established the character of the inhumane act.

126. KONY and the LRA perpetrators 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.

127. Through and in connection with the acts described above, the LRA perpetrators severely deprived the victims of their fundamental rights, contrary to international law, including the rights to life, to bodily integrity, 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. KONY and the LRA perpetrators acted with the intent to discriminate against the women and girls, targeting them collectively on the grounds of gender.

Counts 15-29: For these reasons, Joseph KONY is criminally responsible for-

Count 15: Enslavement as a crime against humanity, of at least thousands of children (persons under 18) (**paras. 108-115**) and at least thousands of women (**paras. 116-127**) 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) or 25(3)(b) (ordering and inducing).

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. 121-124**) 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) or 25(3)(b) (ordering and inducing).

Count 17: Rape as a crime against humanity, of at least hundreds of girls and women (**paras. 123-124**) 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) or 25(3)(b) (ordering and inducing).

Count 18: Rape as a war crime, of at least hundreds of girls and women (**paras. 123-124**) 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) or 25(3)(b) (ordering and inducing).

Count 19: Torture as a crime against humanity, of at least thousands of children (persons under 18) (**paras. 112-113**) and at least thousands of women (**paras. 118, 122-123**) 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) or 25(3)(b) (ordering and inducing).

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 thousands of children (**paras. 112-113**) and at least thousands of women (**paras. 118, 122-123**) 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) or 25(3)(b) (ordering and inducing).

Count 21: Torture as a war crime, of at least thousands of children (**paras. 112-113**) and at least thousands of women (**paras. 118, 122-123**) 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) or 25(3)(b) (ordering and inducing).

Count 22: In the alternative to Count 21, cruel treatment as a war crime, of at least thousands of children (**paras. 112-113**) and at least thousands of women (**paras. 118, 122-123**) 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) or 25(3)(b) (ordering and inducing).

Count 23: Persecution as a crime against humanity, on the grounds of gender and age, of at least thousands of children (persons under 18 years old) (**paras. 108-115**) in the LRA from at least 1 July 2002 and 31 December 2005 in northern Uganda by means of the conduct underlying **Counts 15-22, 25-29**, pursuant to articles 7(1)(h) and 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing).

Count 24: Persecution as a crime against humanity, on the grounds of gender of at least thousands of women (**paras. 116-127**) in the LRA from at least 1 July 2002 until 31 December 2005 in northern Uganda by means of the conduct underlying **Counts 15-22, 27-29**, pursuant to articles 7(1)(h) and 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and inducing).

Count 25: Conscripting children as a war crime, of at least thousands of children under the age of 15 (**para. 114**) 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) or 25(3)(b) (ordering and inducing).

Count 26: Using children to participate actively in hostilities as a war crime, of at least thousands of children under the age of 15 (**para. 114**) 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) or 25(3)(b) (ordering and inducing).

Count 27: Sexual slavery as a war crime, of at least thousands of girls and women (**paras. 116-127**) 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) or 25(3)(b) (ordering and inducing).

Count 28: Forced pregnancy as a crime against humanity, of at least hundreds of girls and women (**para. 124**) 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) or 25(3)(b) (ordering and inducing).

Count 29: Forced pregnancy, as a war crime, of at least hundreds of girls and women (**para. 124**) 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) or 25(3)(b) (ordering and inducing).

D. CRIMES OF DIRECT PERPETRATION AGAINST TWO VICTIMS

128. In 1993, KONY selected a 10 year old girl ("Victim 1"), who had been abducted and integrated by the LRA at the age of 10 on 2 October 1991, and forced her to be his wife while residing in Te-Kilak Uganda. KONY then forced Victim 1 into sexual intercourse and to perform daily manual chores. This union continued throughout the charged period, including on the territory of Uganda in 2003 and 2005. In 2003, KONY forced Victim 1 into sexual intercourse on at least two occasions within the coercive environment of the LRA. KONY exercised the powers attached to the rights of ownership over Victim 1. 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. KONY beat Victim 1 on at least one occasion, while in Uganda. As a result of the forced intercourse, KONY made Victim 1 pregnant several times, including in 2005. KONY continued to place Victim 1 under armed guard and enforced the rules of punishment for trying to escape, so she was unable to leave the LRA while she was pregnant. Victim 1 delivered her third child in Uganda in October 2005.

129. On or about 8 July 2003, KONY selected a young woman (“Victim 2”) for his household amongst other girls presented to him, who had been abducted on or about 24 June 2003 from the Lwala Girls School. During July/August 2003, while in northern Uganda, KONY forced her to become his exclusive conjugal partner – his forced wife. She also had to 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.

130. KONY first forced Victim 2 into sexual intercourse in northern Uganda, about four weeks after her abduction, and after instructing his bodyguard to beat her. KONY threw Victim 2 onto his bed, tore her underwear, and penetrated her vagina with his penis. During the entire time, Victim 2 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 her in (then) Sudan until she was rescued on or about 30 September 2004.

131. KONY exercised powers attaching to the right of ownership over Victim 2. 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.

132. KONY inflicted on both victims 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 victims. They were at all times civilian, and KONY was aware of the factual circumstances that established this status.

133. Through and in connection with the acts described above, KONY severely deprived the two victims of their fundamental rights, contrary to international law, including the rights to bodily integrity, 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. KONY and the LRA perpetrators acted with the intent to discriminate against the schoolgirls, targeting them collectively on the basis of their gender and age.

134. KONY is responsible as a direct perpetrator for the charged crimes committed against both victims. 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.

Counts 30-39: For these reasons, Joseph KONY is criminally responsible for -

Count 30: Enslavement as a crime against humanity of Victims 1 and 2 (**paras. 128-131**) in the charged period in northern Uganda, pursuant to articles 7(1)(c) and 25(3)(a) (direct perpetration).

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 Victims 1 and 2 (**paras. 128-131**) in the charged period in northern Uganda, pursuant to articles 7(1)(k) and 25(3)(a) (direct perpetration).

Count 32: Rape as a crime against humanity, of Victims 1 and 2 (**paras. 128, 130**) in the charged period in northern Uganda, pursuant to articles 7(1)(g) and 25(3)(a) (direct perpetration).

Count 33: Rape as a war crime, of Victims 1 and 2 (**paras. 128, 130**) in the charged period in northern Uganda, pursuant to articles 8(2)(e)(vi) and 25(3)(a) (direct perpetration).

Count 34: Torture as a crime against humanity, of Victims 1 and 2 (**paras. 128, 130**) in the charged period in northern Uganda, pursuant to articles 7(1)(f) and 25(3)(a) (direct perpetration).

Count 35: Torture as a war crime, of Victims 1 and 2 (**paras. 128, 130**) in the charged period in northern Uganda, pursuant to articles 8(2)(c)(i) and 25(3)(a) (direct perpetration).

Count 36: Sexual slavery, as a war crime, of Victims 1 and 2 (**paras. 128-131**) in the charged period in northern Uganda, pursuant to articles 8(2)(e)(vi) and 25(3)(a) (direct perpetration).

Count 37: Forced pregnancy as a crime against humanity, of Victim 1 (**para. 128**) in 2005 in northern Uganda, pursuant to articles 7(1)(g) and 25(3)(a) (direct perpetration).

Count 38: Forced pregnancy as a war crime, of Victim 1 (**para. 128**) in 2005 in northern Uganda, pursuant to articles 8(2)(e)(vi) and 25(3)(a) (direct perpetration).

Count 39: Persecution as a crime against humanity, on age grounds, of Victim 2; and persecution as a crime against humanity, on gender grounds, of Victims 1 and 2 (**paras. 128-131**) in the charged period in northern Uganda by means of the conduct underlying **Counts 30-38** pursuant to article 7(1)(h) and 25(3)(a) (indirect co-perpetration) or 25(3)(b) (ordering and/or inducing).

ORDERS the Registry to make appropriate arrangements so as to ensure that this decision is translated into Acholi without delay;

DECIDES that the time limit for filing an application for leave to appeal this decision shall be suspended until Mr Kony is notified of this decision upon his surrender to the Court;

COMMITTS Mr Kony to a Trial Chamber for trial on the charges as confirmed upon his surrender to and appearance before the Court, pursuant to article 61(11) of the Statute and rule 126(3) of the Rules;

ORDERS the Registrar to transmit this decision and the record of these proceedings to the Presidency, for it to take all necessary subsequent steps pursuant to article 61(11) of the Statute and rule 126(3) of the Rules.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Althea Violet Alexis-Windsor

Presiding Judge



Judge Iulia Antoanella Motoc



Judge Haykel Ben Mahfoudh

Dated this Thursday, 6 November 2025.

At The Hague, The Netherlands