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**International
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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 UGANDA

IN THE CASE OF THE PROSECUTOR v. JOSEPH KONY

PUBLIC
with public Annex (translation)

Amended Document Containing the Charges

Source: Office of the Prosecutor

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

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The Prosecutor of the International Criminal Court submits this amended Document Containing the Charges pursuant to the order of Pre-Trial Chamber III (ICC-02/04-01/05-538), and charges JOSEPH KONY with Crimes against Humanity and War Crimes as set forth below.

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.

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 civilian 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 civilian 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 Ogoi, 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) and 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 and 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).



Karim A.A. Khan KC, Prosecutor

Dated this 17th day of April, 2025

At The Hague, the Netherlands