

1 International Criminal Court
2 Pre-Trial Chamber III
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Joseph Kony - ICC-02/04-01/05
5 Presiding Judge Althea Violet Alexis-Windsor, Judge Iulia Antoanella Motoc
6 and Judge Haykel Ben Mahfoudh
7 Confirmation of Charges Hearing - Courtroom 1
8 Tuesday, 9 September 2025
9 (The hearing starts in open session at 9.40 a.m.)
10 THE COURT USHER: [9:40:38] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 THE COURT OFFICER: [9:41:55] Good morning, Madam President, your Honours.
14 The situation in Uganda, in the case The Prosecutor versus Joseph Kony, case
15 reference ICC-02/04-01/05.
16 And we are in open session.
17 PRESIDING JUDGE ALEXIS-WINDSOR: [9:42:14] Good morning again, everyone.
18 Let me welcome all of you here, those who are physically present, as well as those
19 who are joining us remotely.
20 Today, the Chamber is comprised of, to my left, Judge Haykel Ben Mahfoudh, and to
21 my right, Judge Iulia Antoanella Motoc, and myself, presiding, Judge Althea
22 Alexis-Windsor.
23 We have already on record the appearances. We see we have the Prosecution
24 represented. We also have the CLRV represented.
25 Would the Defence wish to put on record their representation.

1 MR HAYNES: [9:43:23] Good morning, your Honour. And thank you for that kind
2 invitation. Indeed, we would. You know that my name is Peter Haynes and I'm
3 counsel assigned to represent the interests of Joseph Kony. I'm flanked today by two
4 members of the Ugandan Bar, two Defence team members. To my right, Geoffrey
5 Borris Anyuru, and to my left, Atim Lilian Beatrice. Behind me is my associate
6 counsel, Kate Gibson, and one of my case managers, Anouk Julien.

7 PRESIDING JUDGE ALEXIS-WINDSOR: [9:44:03] Thank you, counsel.

8 All right, very well then.

9 The hearing for the confirmation of charges in this case is now open.

10 The subject of today's hearing is the Prosecution's request to confirm the charges
11 against Joseph Kony. At this stage of the pretrial proceedings, the Prosecution
12 alleges that Mr Kony is responsible for the crimes as listed. This Pre-Trial Chamber
13 will not decide on the guilt or innocence of Mr Kony at this hearing.

14 Pursuant to Article 61(7) of the Statute, this Chamber's duty is to determine whether
15 there exists sufficient evidence to establish substantial grounds to believe that
16 Mr Kony has committed the crimes for which he has been charged. If some or all of
17 the charges are confirmed, a Trial Chamber will subsequently decide on the guilt or
18 innocence of Mr Kony.

19 This case is the first at the International Criminal Court where the confirmation
20 proceedings and hearings are held *in absentia*, in the absence of the suspect, pursuant
21 to Article 61(2)(b) of the Rome Statute, which sets out the requirement for holding
22 such proceedings.

23 On 29 October 2004 this Chamber decided that all the requirements set forth under
24 Article 61(2)(b) were met, and this still holds true today.

25 In this regard, it is important to note that trials, unlike confirmation hearings, may not

1 take place *in absentia*. That is to say, if the charges are confirmed, a trial will not take
2 place in the absence of Mr Kony, who has the right to be present at his trial pursuant
3 to Article 67(1)(d).

4 In several decisions leading to this hearing, the Chamber has clarified that
5 the *in absentia* nature of these proceedings requires few procedural adaptations
6 vis-à-vis confirmation proceedings held in the absence of the suspect. Those
7 adaptations mainly pertain to the early stages of the proceedings and do not generally
8 apply to the framework governing the confirmation hearing.

9 Accordingly, the following general principles apply to the present hearing:

10 First, in accordance with Article 66 of the Statute, the suspect shall be presumed
11 innocent until and unless proven guilty before the Court.

12 Second, the burden of proof rests squarely with the Prosecution, which, as a result,
13 will have to provide sufficient evidence in order to prove the charges brought against
14 Mr Kony to the relevant standard provided in Article 61(7) of the Statute.

15 Third, the Defence will enjoy all the rights enshrined in Articles 61(6) and 67
16 of the Statute. Although Mr Kony is not before the Court, his rights are ensured here
17 by his counsel appointed on 21 June 2024.

18 It is also recalled that while the general rule is that this hearing is public and therefore
19 should be held in open session, it may occur with a view to protecting private or
20 confidential information, particularly regarding victims and witnesses, that parts of
21 the hearings may be held in private session.

22 The confirmation hearing will take place in accordance with the schedule set forth in
23 the order setting the schedule and directions for the confirmation of charges hearing
24 with one clarification with respect to the lunch break on Wednesday, 10 September,
25 which you will be informed of accordingly.

1 In any event, the schedule provides as follows:

2 30 minutes are set aside for discussions in relation to observations under Rule 122(3)

3 of the Rules of Procedure and Evidence, if necessary.

4 The parties and participants have 30 minutes each for opening statements.

5 The Prosecution has three hours to present its arguments on the merits.

6 The CLRV have one hour to present their views and concerns on the merits.

7 The Defence has one hour to present its arguments on the merits.

8 The Prosecution has 30 minutes to present its final observations.

9 The CLRV have one hour to present its final observations.

10 And the Defence has one hour to present its final observations.

11 I wish to remind the parties and participants that oral submissions must be concise

12 and ought not to repeat any argument previously set out.

13 Final statements may not be used to raise new arguments, but only to respond to

14 arguments and questions raised during the hearing.

15 I further draw the attention of the parties and participants to a few technical matters:

16 The parties and participants must ensure that their microphone is turned on when

17 speaking. And I add, turned off when not speaking. This is to facilitate

18 interpretation and transcription of the hearing.

19 Speak slowly and pause for approximately five seconds before answering any

20 question or after each sentence.

21 And please try not to interrupt each other.

22 The parties and participants shall clearly indicate whether their submissions can be

23 presented in public session or whether it is necessary to move to private session.

24 Similarly, whenever parties and participants refer to evidence, they must indicate its

25 level of confidentiality and specify whether it can be referred to in public session or

1 private session.

2 When in public session, parties and participants shall refrain from mentioning
3 the names of victims and witnesses and instead refer to them by their respective
4 codes.

5 At the conclusion of the confirmation of charges hearing, the parties and participants
6 shall provide a list with the items of evidence referred to during their submissions to
7 the Chamber by way of email.

8 So having dealt with these technical issues, I next turn to Rule 122(1) of the Rules of
9 Procedure and Evidence. This provides that the court officer shall read out
10 the charges as presented by the Prosecution in an abridged version of the Document
11 Containing the Charges. The full version of the DCC is publicly available. I recall
12 that the DCC contains the allegations of the Prosecution.

13 The Chamber will assess and consider the evidence presented by the Prosecution to
14 see whether it suffices to confirm the charges.

15 Court officer, you now have the floor.

16 THE COURT OFFICER: [9:53:39] Thank you, Madam President.

17 The Prosecution brings 39 charges of crimes against humanity and war crimes
18 committed by Mr Kony between 1 July 2002 and 31 December 2005 in northern
19 Uganda.

20 Charges 1 to 14 concern crimes committed by Mr Kony as an indirect co-perpetrator
21 jointly with and through LRA fighters pursuant to Article 25(3)(a) in relation to
22 the attacks on Lwala Girls Senior Secondary School and the seven IDP camps of
23 Pajule, Abia, Barlonyo, Odek, Pagak, Lukodi, and Abok between about
24 10 October 2003 and about 8 June 2004.

25 THE INTERPRETER: [9:54:29] Could the speaker slow down, please. Thank you.

1 THE COURT OFFICER: [9:54:34] In the alternative, Mr Kony is charged with
2 ordering and inducing these crimes pursuant to Article 25(3)(b).
3 Charges 15 to 29 concern crimes committed by Mr Kony as an indirect co-perpetrator
4 jointly with and through LRA fighters pursuant to Article 25(3)(a) against women and
5 children throughout the charged period. In the alternative, Mr Kony is charged with
6 ordering and inducing these crimes pursuant to Article 25(3)(b).
7 Charges 30 to 39 concern crimes committed directly by Mr Kony pursuant to
8 Article 25(3)(a) against two females - identified as "Victim One" and "Victim
9 Two" - during the charged period.
10 The crimes charged in relation to the attacks on the Lwala school and the seven
11 IDP camps between about 10 October 2003 and 8 June 2004 are the following:
12 Count 1 - Intentionally directing attacks against the civilian population as such as
13 a war, punishable under Article 8(2)(e)(i), insofar as during the attacks on the Lwala
14 Girls School and the seven IDP camps, the LRA intentionally directed acts of violence
15 against the resident civilian population not taking active part in hostilities.
16 Count 2 - Murder as a crime against humanity, punishable under Article 7(1)(a), and
17 Count 3 - Murder as a war crime, punishable under Article 8(2)(c)(i), insofar as
18 the LRA killed at least 618 civilians at the seven IDP camps, who were taking no
19 active part in the hostilities.
20 Count 4 - Attempted murder as a crime against humanity, punishable under Articles
21 7(1)(a) and 25(3)(f), and
22 Count 5 - Attempted murder as a war crime, punishable under Articles 8(2)(c)(i) and
23 25(3)(f), insofar as the LRA targeted for killing at least 194 civilians, at six of
24 the IDP camps, namely Abia, Barlonyo, Odek, Pagak, Lukodi, and Abok, who did not
25 die due to independent circumstances, and who were taking no active part in

1 the hostilities.

2 Count 6 - Torture as a crime against humanity, punishable under Article 7(1)(f),
3 insofar as the LRA inflicted severe physical and mental pain and suffering upon at
4 least several hundred civilians abducted during and in the aftermath of the attacks on
5 the Lwala Girls School, and on six of the IDP camps, namely Pajule, Abia, Odek,
6 Pagak, Lukodi, and Abok.

7 Count 7 - In the alternative to torture: other inhumane acts, severe abuse and
8 mistreatment as a crime against humanity, punishable under Article 7(1)(k), insofar as
9 the LRA inflicted great suffering and serious injury to body and to mental and
10 physical health of at least several hundred civilians as described under count 6.

11 Count 8 - Torture as a war crime, punishable under Article 8(2)(c)(i), insofar as
12 the LRA inflicted severe physical and mental pain and suffering upon at least several
13 hundred civilians as described under count 6, who were taking no active part in
14 the hostilities, and for the purposes of intimidation, coercion and discrimination.

15 Count 9 - In the alternative to torture: cruel treatment as a war crime, punishable
16 under Article 8(2)(c)(i), insofar as the LRA inflicted severe physical and mental pain
17 and suffering upon at least several hundred civilians who were taking no active part
18 in the hostilities, as described under count 6.

19 Count 10 - Enslavement as a crime against humanity, punishable under Article 7(1)(c),
20 insofar as the LRA exercised powers attaching to the right of ownership over at least
21 hundreds of civilians abducted during and in the aftermath of the attacks on
22 the Lwala Girls School and six of the IDP camps, namely Pajule, Abia, Odek, Pagak,
23 Lukodi, and Abok.

24 Count 11 - Pillaging as a war crime, punishable under Article 8(2)(e)(v), insofar as
25 the LRA fighters intentionally deprived and appropriated for private or personal use,

1 food supplies, livestock, and other property from the homes, shops, and other
2 facilities of civilians living at the Lwala Girls School and the seven IDP camps,
3 without the consent of the owners.

4 Count 12 - Destroying the enemy's property as a war crime, punishable under
5 Article 8(2)(e)(xii), insofar as the LRA destroyed homes, shops and other facilities
6 used by and belonging to civilians living at five of the IDP camps, namely Abia,
7 Barlonyo, Pagak, Lukodi, and Abok, which was not required by military necessity.

8 Count 13 - Persecution as a crime against humanity, punishable under Article 7(1)(h),
9 on political grounds of civilians of the seven IDP camps perceived by the LRA as
10 being affiliated with, or supporting the Ugandan government, based on the facts
11 underlying counts 1 to 12.

12 Count 14 - Persecution as a crime against humanity, punishable under Article 7(1)(h)
13 on age and gender grounds of at least 70 schoolgirls from Lwala Girls School, based
14 on the facts underlying counts 1, 6, 7, 8, 9, 10 and 11.

15 The crimes committed against women and children in northern Uganda throughout
16 the charged period are the following:

17 Count 15 - Enslavement, as a crime against humanity, punishable under Article 7(1)(c),
18 insofar as the LRA exercised powers attaching to the right of ownership over at least
19 thousands of children and women in the LRA.

20 Count 16 - Forced marriage, as an inhumane act as a crime against humanity,
21 punishable under Article 7(1)(k), insofar as the LRA inflicted great suffering and *
22 serious injury to body and mental and physical health by imposing a forced conjugal
23 union on at least hundreds of girls and women in the LRA.

24 Count 17 - Rape as a crime against humanity, punishable under Article 7(1)(g), and

25 Count 18 - Rape as a war crime punishable under Article 8(2)(e)(vi), insofar as

1 the LRA raped at least hundreds of girls and women in the LRA.

2 Count 19 - Torture as a crime against humanity, punishable under Article 7(1)(f),
3 insofar as the LRA inflicted severe physical and mental pain and suffering upon at
4 least thousands of children and women in the LRA.

5 Count 20 - In the alternative to torture: other inhumane acts, severe abuse and
6 mistreatment as a crime against humanity, punishable under Article 7(1)(k), insofar as
7 the LRA inflicted great suffering and serious injury to body and to mental and
8 physical health of at least thousands of children and women in the LRA.

9 Count 21 - Torture as a war crime, punishable under Article 8(2)(c)(i), insofar as
10 the LRA inflicted severe physical and mental pain and suffering upon at least
11 thousands of children and women in the LRA, who were taking no active part in
12 the hostilities, and for the purposes of intimidation, coercion, and discrimination.

13 Count 22 - in the alternative to torture: cruel treatment as a war crime, punishable
14 under Article 8(2)(c)(i), insofar as the LRA inflicted severe physical and mental pain
15 and suffering upon at least thousands of children and women in the LRA, who were
16 taking no active part in the hostilities.

17 Count 23 - Persecution as a crime against humanity, punishable under Article 7(1)(h),
18 on the grounds of gender and age, based on the facts underlying Counts 15 to 22, 25
19 to 29 of at least thousands of children in the LRA.

20 Count 24 - Persecution as a crime against humanity, punishable under Article 7(1)(h),
21 on the grounds of gender, based on the facts underlying counts 15 to 22, 27 to 29, of at
22 least thousands of women in the LRA.

23 Count 25 - Conscripting children as a war crime, punishable under Article 8(2)(e)(vii),
24 insofar as the LRA conscripted at least thousands of children under the age of 15.

25 Count 26 - Using children to participate actively in hostilities as a war crime,

1 punishable under Article 8(2)(e)(vii), insofar as the LRA used at least thousands of
2 children under the age of 15 to participate actively in hostilities.

3 Count 27 - Sexual slavery as a war crime, punishable under Article 8(2)(e)(vi), insofar
4 as the LRA exercised powers attaching to the right of ownership over at least
5 thousands of girls and women in the LRA, and causing them to engage in one or
6 more acts of a sexual nature.

7 Count 28 - Forced pregnancy as a crime against humanity, punishable under
8 Article 7(1)(g), and

9 Count 29 - Forced pregnancy, as a war crime, punishable under Article 8(2)(e)(vi),
10 insofar as the LRA perpetrators confined and made forcibly pregnant at least
11 hundreds of girls and women.

12 Mr Kony is criminally responsible for the charged crimes contained in counts 1 to 29
13 by committing such crimes, jointly with his co-perpetrators and through the LRA
14 fighters, pursuant to Article 25(3)(a).

15 At least between 1 July 2002 and 31 December 2005, Kony shared a common plan or
16 agreement pursuant to Article 25(3)(a) with Vincent Otti, members of Control Altar,
17 and the LRA brigade commanders to attack civilians in northern Uganda whom
18 the LRA perceived to be supporting the Ugandan government, and to sustain
19 the LRA, by committing the charged crimes, including systemic crimes against
20 children and women abducted and integrated into the LRA.

21 Mr Kony and his co-perpetrators implemented this common plan through
22 the hierarchically organised structure of the LRA. Kony made the following
23 essential contributions to the charged crimes:

24 (i) Regularly ordering LRA units to attack, kill and mistreat civilians perceived to be
25 supporting the Ugandan government and to destroy or steal civilian property;

1 (ii) Making strategic decisions regarding the manner, intensity and focus of attacks
2 against civilians in northern Uganda;

3 (iii) Maintaining the system of abductions during the charged period and issuing
4 orders to all LRA to abduct civilians;

5 (iv) Devising and enforcing the LRA rules for the mistreatment of women and girls;

6 (v) Personally using children as escorts and abducted women and girls to act as
7 domestic servants and as forced conjugal partners;

8 (vi) Devising and maintaining the LRA disciplinary system as such and motivating
9 LRA commanders through rewards and threats to conduct LRA operations;

10 (vii) Deciding the command structure and promotions/demotions of LRA
11 commanders and the transfer of fighters between units; and (viii) Deciding on
12 the allocation of supplies, including weapons and ammunition within the LRA.

13 At the time of his contributions, Mr Kony meant to engage in the charged conduct
14 and intended, or was aware, that the charged crimes would occur in the ordinary
15 course of events. Kony was aware of the criminality of the common plan and that
16 the crimes would be committed in the ordinary course of events as a result of its
17 implementation. Kony was also aware of the features of the LRA, including its
18 organised and hierarchical structure, that allowed him and the other co-perpetrators
19 to have joint control over the crimes.

20 In the alternative, Mr Kony is criminally responsible for ordering and inducing
21 the commission of such crimes by the LRA perpetrators, pursuant to Article 25(3)(b).
22 Kony meant to engage in this conduct and was aware of his position of authority and
23 influence over the physical perpetrators of the crimes. He intended the crimes or
24 was aware that the crimes would be committed in the ordinary course of events as a
25 result of the implementation of the orders or as a result of his acts or omissions.

1 At all material times, Mr Kony and the LRA perpetrators carried out all physical
2 elements of the specific crimes charged, and possessed all attendant mental elements.
3 Mr Kony is further criminally responsible for the charged crimes contained in counts
4 30 to 39 by individually committing the following crimes against two females,
5 pursuant to Article 25(3)(a), during the charged period:

6 Count 30 - Enslavement, as a crime against humanity, punishable under Article 7(1)(c),
7 insofar as Mr Kony exercised powers attaching to the right of ownership over Victims
8 1 and 2.

9 Count 31 - Forced marriage, an inhumane act, as a crime against humanity,
10 punishable under Article 7(1)(k), insofar as Mr Kony inflicted great suffering and
11 serious injury to body and mental and physical health by imposing a forced conjugal
12 union on Victims 1 and 2.

13 Count 32 - Rape as a crime against humanity, punishable under Article 7(1)(g), and

14 Count 33 - Rape as a war crime, punishable under Article 8(2)(e)(vi), insofar as
15 Mr Kony raped Victims 1 and 2.

16 Count 34 - Torture as a crime against humanity, punishable under Article 7(1)(f), and

17 Count 35 - Torture as a war crime, punishable under Article 8(2)(c)(i), insofar as

18 Mr Kony inflicted severe physical and mental pain and suffering upon Victims 1 and
19 2, who were taking no active part in the hostilities, for the purposes of intimidation,
20 coercion and discrimination.

21 Count 36 - Sexual slavery, as a war crime, punishable under Article 8(2)(e)(vi), insofar
22 as Mr Kony exercised powers attaching to the right of ownership over Victims 1 and 2
23 causing them to engage of acts of a sexual nature.

24 Count 37 - Forced pregnancy as a crime against humanity, punishable under
25 Article 7(1)(g), and

Count 38 - Forced pregnancy as a war crime, punishable under Article 8(2)(e)(vi),
insofar as Mr Kony confined and made forcibly pregnant Victim 1.

Count 39 - Persecution as a crime against humanity, punishable under Article 7(1)(h),
on age and gender grounds, based on the facts underlying counts 30 to 38 of Victims 1
and 2.

Kony committed these crimes with the requisite intent and knowledge. At all
material times, Mr Kony carried out all physical elements of the specific crimes
charged, and possessed all attendant mental elements.

PRESIDING JUDGE ALEXIS-WINDSOR: [10:15:18] Thank you very much,
court officer.

All right, I turn now to the parties on the issue of Rule 122(3).

The Prosecution and Defence both had the opportunity to submit written
observations pursuant to this rule on matters that could not have been brought to
the attention of the Chamber at an earlier stage of the proceedings. The Chamber
gave a date for the receipt of such observations and it was 22 August 2025.

The Prosecution and Defence did not provide any such observations, which of course
was their right.

Can the parties confirm that they do not wish to bring any such matters and that we
can proceed with the opening statements.

Defence?

MR HAYNES: [10:16:26] Your Honour, we can so confirm.

PRESIDING JUDGE ALEXIS-WINDSOR: [10:16:28] Very well. Thank you.
Prosecution.

MR NIANG: [10:16:31](Microphone not activated)

PRESIDING JUDGE ALEXIS-WINDSOR: [10:16:38] Microphone was not on.

1 MR NIANG: [10:16:42](Interpretation) We have no observation to make from
2 the side of the Prosecution.

3 PRESIDING JUDGE ALEXIS-WINDSOR: [10:16:45] Thank you.

4 In that case, then, we proceed to the Prosecution's opening statement.

5 Prosecution, keep in mind you have 30 minutes.

6 MR NIANG: [10:17:12](Interpretation) Your Honours, you have agreed to hold this
7 confirmation of charges hearing against Joseph Kony.

8 The dock is empty of any potential accused. Joseph Kony is not present here today.

9 Twenty years ago, other judges of this Court issued a warrant of arrest against him.

10 He has been at large for the last 20 years and for the last 20 years he has managed to
11 evade justice, this international justice that the government of Uganda and the many
12 victims, particularly in northern Uganda, have sought, as they were unable to render
13 justice in their own country.

14 We have done everything we can, we have done everything we can to live up to
15 the important responsibility that, on the one hand, the founding members of
16 the Rome Statute and, on the other, the beneficiaries of the justice that this statute
17 postulates have placed in us. Unfortunately, the tentacles of international criminal
18 justice, even though lengthy, with the cooperation of States, whether they be
19 signatory to the Rome Statute or not, have not been sufficient to ensure the swift
20 arrest of fugitives.

21 Many victims who had the strength to survive the horrors of a devastating civil war
22 have, unfortunately, not survived this lengthy wait. Others have lost patience. But
23 there are still those who, against all odds, have waited for this very moment. And it
24 is for all these victims that it is important for this hearing to be held today, tomorrow
25 and the day after that.

1 This hearing, Madam President, as you reminded us at an earlier stage, is not a trial
2 *in absentia*. The right of a person to be present at their trial and to challenge
3 the charges against them is a sacred right, as we know. However, without in any
4 way altering this right, our Statute, as you also reminded us, in certain circumstances
5 allows that the suspect does not frustrate, by their own will, the confirmation of
6 charges against them, in particular, by choosing not to respond to the summons of
7 the Court.

8 So it is by virtue of this mechanism Article 61(2), which as you reminded us has never
9 been used before, you will be using this, ladies and gentleman of the Bench, to
10 examine the 39 charges brought against the ICC's longest standing fugitive, these
11 charges that you have just heard read out before the Court.

12 These crimes, whose victims include men, women, children and young girls, will
13 forever remain part of the dark pages of Uganda's history. These crimes include
14 murder, different forms of slavery, rape, inhuman and degrading treatment, and
15 many other acts that the Prosecution intends to present at this hearing on the merits.
16 The crimes were committed by an armed group, the Lord's Resistance Army, to which
17 I shall refer to using its initials, the LRA, and in English it is known as the Lord's
18 Resistance Army. So these crimes were committed by the LRA under the orders of
19 Joseph Kony.

20 Your Honours, Joseph Kony, whom we see here in this photograph, has always been
21 the leader of the LRA, upon which he imposed his cruel vision. He also moulded
22 the group to his own image. It was a true army, a new society that he set up to
23 exploit the young men and women from northern Uganda, young people who were
24 brutally abducted in order to swell its ranks.

25 Girls and young women have been enslaved and subjected to forced pregnancies,

1 whilst the boys were forcibly recruited to fight the Ugandan army. The vicious circle
2 of this criminality meant that the victim became the executioner, or the perpetrator, as
3 this Court has witnessed in a previous such case.

4 Joseph Kony never wavered in his role. He remained the main perpetrator until
5 the very end, a role that he assumed and exercised with full knowledge of the fact.
6 He is over 60 years of age today, but still on the run, despite all efforts to bring him to
7 justice. And it is in this particular context that the Prosecution considered that
8 a confirmation hearing in his absence was justified. This hearing, in our opinion,
9 will advance the proceedings in a tangible way, and this hearing, if, your Honours,
10 the charges are confirmed, it will allow the proceedings to move rapidly to the next
11 stage, as soon as Joseph Kony is arrested and surrendered to the Court. And we are
12 not despairing.

13 Your Honours, the events that led to this hearing are unprecedented. The charges
14 against Joseph Kony relate to serious events that took place in northern Uganda
15 between 1 July 2002 and 31 December 2005. The LRA has been carrying out its
16 criminal activities in this part of the country since the 1980s. This armed group was
17 first known under the name of the Holy Spirit Movement before being renamed as
18 the LRA and it was within this movement that Joseph Kony effectively rose to power.
19 From 1988, he organised and led this armed group. Kony's forces then waged
20 a guerrilla-type insurgency against the government in power. The armed conflict
21 lasted throughout the 1990s, despite a number of peace initiatives.

22 An extract from the testimony of P-0422 has been provided to the Chamber and this
23 excerpt gives a detailed account of the historical context and background of the LRA.

24 And may I refer you to ERN UGA-OTP-00000966 and 967.

25 I will now review some of the elements of the chronology of this case.

1 The UPDF, that is to say the Ugandan government army, retaliated against
2 the LRA by setting up the Iron Fist operation, Operation Iron Fist, which started
3 officially in the year 2002.

4 * The LRA bases were then destroyed and hundreds of individuals were killed.
5 Joseph Kony escaped capture. After this operation, most of the LRA units and their
6 elements returned to Uganda and it was in this context that on 14 June 2002 Uganda
7 ratified the Rome Statute.

8 In January 2004, Uganda, that is to say a member of the ICC at this point, referred
9 the situation to the ICC.

10 When the investigation began in July 2004, the war and the crimes attributed to
11 the LRA were ongoing and the Office was operating in difficult terrain. At the time
12 many sites were inaccessible. But despite all these challenges, the Office was able to
13 gather enough evidence to request the issuance of an arrest warrant, which was
14 initially under seal, against Joseph Kony, issued on 8 July 2005.

15 Arrest warrants were issued against over senior LRA leaders, such as Vincent Otti, who
16 died in 2007. There is also Raska Lukwiya, who died in 2006. As well as Okot Odhiambo,
17 who died in October 2013. And Dominic Ongwen, who was tried by this Court.

18 These are the first arrest warrants to be issued by the ICC, that were subsequently
19 made public on 13 October 2005.

20 * In these arrest warrants, Joseph Kony is charged with 33 counts of war crimes and
21 crimes against humanity.

22 Your Honours, the tireless efforts of the Office, in conjunction with the Registry and
23 its partners, to secure the arrest and surrender of the fugitive have, to date, proven
24 unsuccessful.

25 From 1 June 2006, an Interpol Red Notice was issued and it remains active today.

1 Other initiatives have followed, many other initiatives.

2 Requests for the arrest of Joseph Kony were sent to several states.

3 In October 2008, the European Parliament requested for a plan to be put in place for
4 the arrest of Joseph Kony.

5 In 2012, African Union troops were tasked with searching for Joseph Kony. It was
6 Europe, and it was also Africa. And even American troops, American troops joined
7 the search.

8 For years, the Ugandan government army made concerted efforts to apprehend
9 Joseph Kony.

10 Civil society organisations launched public campaigns to facilitate his arrest.

11 These same efforts are ongoing today and are not expected to cease until Joseph Kony
12 has been arrested.

13 I will now review some important elements of the proceedings in this case.

14 In January 2015, Dominic Ongwen, commander of the Sinia brigade, surrendered.

15 The judges separated his case from that of Joseph Kony and his trial was held
16 between 2016 and 2019.

17 Dominic Ongwen was found guilty on 4 February 2021 and he was sentenced to
18 25 years' imprisonment on 6 May 2021. His sentence was upheld on appeal on
19 15 December 2022.

20 After 20 years of searching in vain, we now ask you, your Honours, to confirm
21 the charges in the absence of the suspect. Through the 39 counts of crimes against
22 humanity and war crimes brought against Joseph Kony, we have sought to cover
23 the systemic criminal activity of the LRA during the referenced period. But that
24 doesn't mean that we have been able to exhaustively list all of the crimes, that just
25 isn't possible, but at least those that were the most emblematic, those are the ones that

1 we have submitted.

2 Now, your Honours, the case against Joseph Kony concerns systemic violence
3 inflicted on Ugandan citizens in northern Uganda. This violence was perpetrated by
4 the LRA under the command of Joseph Kony. The citizens of northern Uganda had
5 no choice but to abandon their homes and possessions. They lived in constant fear
6 of attacks and abductions.

7 The impact of LRA attacks on children in northern Uganda has been particularly
8 severe. Fearing attacks and abductions, thousands of children every night had to
9 flee their villages to seek refuge in towns such as Gulu. They travelled at night
10 without their parents just to stay safe.

11 The video appearing on your screens is an excerpt from a documentary released in
12 July 2006 by Journeyman Pictures. This excerpt illustrates the LRA's violent
13 campaign against children.

14 And it is recorded under ERN UGA-OTP-00001369, 11:32 to 12:08.

15 The faces of the children you see on screen have been blurred.

16 (Viewing of the video excerpt)

17 MR NIANG: [10:38:09](Interpretation) The repercussions of this unprecedented
18 violence continue to be felt today. Scarred in their body and spirit, survivors still
19 struggle to recover from the ordeal they endured. The social and cultural fabric of
20 northern Uganda has been torn apart and it is still struggling to rebuild itself.

21 In addition to the abduction of children, there have been attacks on civilians in camps
22 for displaced persons. Civilians were effectively placed in camps for displaced
23 persons within the framework of the counterinsurgency strategies adopted by
24 the Ugandan government, which consisted of removing civilians from rural areas and
25 resettling them in towns and later in camps for displaced persons.

1 At the height of the crisis in 2004, almost the entire population of northern Uganda, or
2 one and a half million inhabitants, were living in camps for displaced persons, as is
3 attested to in the report at ERN UGA-OTP-0044-0044 and page 51 thereof.

4 In the meantime, the LRA grew into an army of several thousand fighters receiving
5 significant support of Sudan. It has established base camps in southern Sudan and
6 receives weapons and military training from the Khartoum government.

7 And here I refer you to ERN UGA-OTP-00000966, at page 52 thereof.

8 Even after Operation Iron Fist in 2003 and 2004, LRA violence continued to focus on
9 refugees in camps for displaced persons in northern Uganda.

10 Now my colleague Melissa Simms will tell you later about the LRA's attacks on
11 several camps for displaced persons. She'll tell you about the pillaging, murder,
12 torture, serious exactions, abuses and abduction of civilians by this armed group.

13 More than 600 civilians were killed in the attacks, purely covered by the charges alone.

14 But the number of unidentified victims is much higher.

15 The Ugandan authorities recorded the moments following one of these attacks. This
16 is an excerpt from the Barlonyo attack, which we will hear an excerpt from. You will
17 see Ugandan police officers conducting forensic examination. And we have chosen
18 an excerpt that does not allow for the identification of the people filmed. It is at
19 UGA-OTP-0021-0012 and in particular minutes 04:03:23 to 04:36:18.

20 (Viewing of the video excerpt)

21 MR NIANG: [10:42:28](Interpretation) You will see graphic depictions of human
22 remains in this excerpt.

23 Our office's scientific and technical analysis unit analyse these recordings along with
24 other evidence in order to identify the victims. The results of the analysis are set out
25 in the annex to our pre-confirmation brief.

1 The Prosecution contends that the LRA consider refugees in the displacement camps
2 to be enemies. Joseph Kony accused them of supporting the government of
3 President Museveni. His motto was clear: "If you are not with us, you are against
4 us".

5 And my colleague, the team leader, Leonie von Braun, will explain to you in greater
6 detail the key role that Joseph Kony played in the attacks on these camps.

7 Your Honours, Joseph Kony established a system of abducting men, women and
8 children in northern Uganda. The LRA forcibly abducted thousands of people and
9 enslaved them during the period covered by the charges. The abducted women
10 were subjected to multiple forms of enslavement. They were forbidden to leave
11 the LRA. Partners were imposed on them. They were subjected to rape and other
12 forms of sexual violence. They were subjected to reproductive control, including
13 forced pregnancies, which forced them to give birth in the bush without prenatal or
14 postnatal care. And they were subjected to exploitation, aggravated by labour in
15 conditions of domestic servitude.

16 Within the LRA, these women were referred to as wives, a euphemism for forced
17 conjugal partners and domestic slaves.

18 Children were not spared either. Kony abused their innocence, as well as their
19 inexperience, to swell the ranks of his army. He set up a veritable army of child
20 soldiers. And perhaps I will show the last video.

21 Boys and girls, sometimes under the age of 18, were abducted and enlisted into
22 the LRA. Some were abducted on their way to school or from the fields. They were
23 forced to become soldiers or reduced to being child minders or sex slaves. And this
24 is the picture that I'm going to present to you. It concerns a protected witness and,
25 for that reason, this part cannot be shown to the public.

1 So you can see on your screens a photo of Witness P-0275, who was abducted at the
2 age of nine in 2004 during one of the attacks covered by the charges. And this
3 witness, P-275, stated, and here I quote: "During the period when I was held captive
4 by the LRA, I saw children younger than me being trained to shoot with weapons. I
5 knew they were so young because the muzzles of their AK-47 rifles dragged on the
6 ground when they carried them on their shoulders."

7 And here I refer you to ERN UGA-OTP-0044-0044 and page 3407 thereof.

8 P-0275 is just one example among thousands of children who suffered the same fate.

9 The children suffered abuse, hunger and thirst. Many of them died in captivity.

10 In a radio interview in 2002 with the Ugandan radio station Mega FM, Joseph Kony
11 and his deputy Vincent Otti admitted to implementing a policy of abducting civilians
12 and young girls. And here is what Kony said: "As rebels we do not kidnap children,
13 but that is how we recruit."

14 Otti followed the same line of reasoning. He said:

15 "I want to assure you that the girls we take in and send to the bush are our mothers.

16 We always take young girls who are not infected with HIV so that those who are
17 infected with HIV remain among you."

18 And here I refer you to the last ERN, namely UGA-OTP-0023-0011, and namely
19 pages 3 and 10 thereof.

20 And now I'm going to finish, your Honours, by stating that children have been
21 deprived of their fundamental rights, their right to health, education, and freedom.
22 Their childhood has been stolen from them.

23 * Joseph Kony remains a person who cannot be found within the meaning of the
24 Statute. Today's hearing is a very important step in the administration of justice.

25 The Prosecution has only been able to bring the case to this stage of the proceedings

1 thanks to the courage of the victims and affected communities. It is also thanks to
2 the excellent cooperation of the Ugandan authorities, traditional leaders, states,
3 organisations and all partners.

4 Continued cooperation is crucial to bringing Joseph Kony's flight to an end for once
5 and for all.

6 Kony's arrest and surrender should allow the next phase of this case to begin, and if
7 the charges are confirmed by the Chamber at the end of this hearing, as we request.
8 Your Honours, I would like to thank you for your patience and for your attention.

9 PRESIDING JUDGE ALEXIS-WINDSOR: [10:49:32] Thank you very much.

10 CLRV representatives, we have 10 minutes. Would you propose to start?

11 MS PELLET: [10:49:43] Thank you, Madam President. I think it is best to do
12 the whole presentation at once and I would suggest that we take the break and I start
13 after the break.

14 PRESIDING JUDGE ALEXIS-WINDSOR: [10:50:02] We find that acceptable, so that
15 we will take the break now. It's a bit early. So we compute 30 minutes from now,
16 which would be 20 after 11. And we will return to hear the CLRV.

17 All right then, shall we?

18 THE COURT USHER: [10:50:26] All rise.

19 (Recess taken at 10.50 a.m.)

20 (Upon resuming in open session at 11.29 a.m.)

21 THE COURT USHER: [11:29:51] All rise.

22 Please be seated.

23 PRESIDING JUDGE ALEXIS-WINDSOR: [11:30:13] Thank you very much, all. We
24 are back and we apologise for being a wee bit tardy.

25 All right, so the CLRV, you have the floor. May we hear you, please.

1 MS PELLET: [11:30:55] Thank you, Madam President.

2 Madam President, your Honours, together with Paolina Massidda, Francisco Cox,
3 Joseph Manoba and Paul Bradfield, we appear before you today to speak on behalf of
4 the 5,795 victims authorised to participate in the present proceedings as of 12 August.

5 It is an honour to represent these women, men and children whose lives were
6 destroyed by the acts of Joseph Kony and his Lord's Resistance Army, or LRA.

7 The victims have waited for more than two decades for this moment. They have
8 waited for more than two decades for their pain to be acknowledged, for their loss to
9 be recognised, for justice to be done in their name.

10 All these victims have waited long enough, your Honours. Some have been waiting
11 since July 2002, when the LRA's first attacks hit their villages. Some will not live to
12 see the conclusion of these proceedings, but they all deserve to know that their
13 suffering has not gone unnoticed, that the world has heard them, and that those
14 responsible will be held accountable. And amongst them, the suspect, Mr Kony.

15 Make no mistake, however, the number of victims represented in the present case is
16 only a small proportion of those affected by the crimes charged against Mr Kony.

17 Madam President, your Honours, the victims are waiting for explanations, and this
18 wait has gone on for far too long. Without an explanation, victims will not be able to
19 overcome the tragic events that victimised them. Yet, forgetting is necessary for
20 their recovery. But this forgetting is impossible as long as they do not understand
21 why they, or their brother or sister, their son or daughter, their husband or wife, were
22 abducted, forcibly recruited into the ranks of the LRA, raped, tortured, murdered;
23 why their properties were loosed, burnt; why they were forced to live in the bush or
24 in IDP camps.

25 The sadness, the void left by those who have disappeared, the anger and fear of dying

1 is so deeply ingrained in them that it still affects their life every day, preventing them
2 from sleeping, working, participating in the lives of their community -- in short, your
3 Honours, from rebuilding their lives and moving forward.

4 These emotional and psychological wounds are not just consequences of the crimes;
5 they are the very markers of the trauma these victims experienced and continue to
6 experience to this day.

7 The families of the missing victims, for their part, are unable to mourn until they
8 receive an explanation about the fate of their loved ones and the reasons for their
9 suffering.

10 Our clients' healing process requires recognition of the crimes they have suffered,
11 judicial determination of the reason why they were victimised, and the punishment of
12 those responsible for these abuses, including Mr Kony.

13 Madam President, your Honours, some of the facts we will deal with over the coming
14 days are not unknown to this Court, as Mr Ongwen, brigade commander of the LRA
15 Sinia brigade, was convicted by this court for a total of 61 crimes, comprising crimes
16 against humanity and war crimes committed in northern Uganda between 1 July 2002
17 and 31 December 2005.

18 Indeed, a number of crimes and events described in the amended document
19 containing the charges against Mr Kony are the same as those charged against
20 Mr Kony -- sorry, are the same as those for which Mr Ongwen was convicted and
21 share an important number of similarities, including the temporal and geographical
22 parameters.

23 This is, in particular, the case for the charges in relation to the four attacks on IDP
24 camps, namely in Pajule, Odek, Lukodi and Abok. The same holds true in relation
25 to the sexual and gender-based crimes and the war crimes of conscripting and

1 enlisting children under 15 and their use to participate actively in hostilities.
2 This being said, Madam President, your Honours, it is important to recall that the
3 charges brought against Joseph Kony go further than those for which Dominic
4 Ongwen was found guilty. In addition to the charges common to both cases, the
5 Prosecution now charges Kony with "inducing rape", as a distinct offence, and it
6 characterises several gender-based crimes - namely, rape, sexual slavery, forced
7 marriage and forced pregnancy - as acts of direct perpetration by Kony himself.
8 Furthermore, the charges extend to new incidents, including the attacks on Lwala
9 Girls School and on the Abia and Barlonyo IDP camps, which were not part of the
10 Ongwen proceedings.

11 As a result, some of the victims we represent participated in the Ongwen case, which
12 was predominantly focusing on the Acholi community, mostly leaving aside the Teso
13 and the Lango communities. But the confirmation hearing in the present case is a
14 unique opportunity to finally acknowledge the full extent of the victimisation in
15 northern Uganda, taking into account not only the Acholi region, but the four regions
16 affected by the crimes committed by the LRA under Kony's command; namely, the
17 Lango, Acholi, Teso and West Nile regions.

18 Madam President, your Honours, although the victims deplore the absence of
19 Mr Kony and are fully aware that their fate is intrinsically linked to his arrest, they
20 consider the present proceedings to be of crucial importance. Indeed, although they
21 understand the painful reality that, without the arrest of Mr Kony, their efforts may
22 ultimately be in vain, they nevertheless regard this hearing as a meaningful step in
23 the right direction and are eager to contribute genuinely to the pursuit of justice.
24 They also believe that the confirmation of charges hearing will renew the
25 commitment of states to locating Mr Kony and ensuring his surrender to this Court.

1 Your Honours, the role of victims in the proceedings is not to bring charges against
2 the suspect. This responsibility rests with the Prosecution. Rather, victims
3 participate because they can play a vital role in establishing the truth. They, indeed,
4 shed light on facts in a distinct yet essential manner, contributing to the pursuit of
5 judicial truth, which lies at the very heart of these proceedings.

6 Through their accounts, the victims confirm that the crimes set forth in the "Amended
7 Document Containing the Charges" were not isolated incidents of war or random acts
8 of violence. Rather, they were the result of a deliberate campaign orchestrated at the
9 highest level of the LRA, a campaign designed to terrorise civilians, to sustain the
10 LRA's operations by force, and to shatter communities so completely that resistance
11 would become unthinkable.

12 Madam President, your Honours, by sharing the harms they endured and the trauma
13 they continue to suffer, victims do more than sharing their pain; they offer powerful,
14 significant evidence that these crimes happened and that they left deep, lasting scars.
15 The charges laid before you speak of murder, enslavement, abduction, sexual slavery,
16 rape, cruel treatment, pillaging, and forced recruitment of children into the ranks of
17 the LRA.

18 Before my colleagues Paolina Massidda and Paul Bradfield provide a more in-depth
19 analysis of the charges and their impact on the victims, tomorrow, let me,
20 Madam President, your Honours, briefly attempt to give these charges a human
21 dimension.

22 It often began in the dead of night. The silence broken by gunfire, the screams of
23 neighbours, the sudden terror that the LRA rebels had come.

24 Victim a/4000/11 was only 12 when they came for her. I quote: "I was 12 years
25 when I was abducted [...] Two of my brothers were killed in my presence".

1 That is how a childhood ends, with the loss of family and the forced march in the
2 bush.

3 Other victims were taken from places meant to protect them -- schools, homes,
4 churches.

5 Victim a/20068/24 recalled, I quote: "I was taken from school. I was forced to cook,
6 to carry loads, and later to live as the wife of a soldier. I had no choice".

7 "No choice", Madam President, your Honours. Those words appear again and again
8 in the accounts of the victims. They had no choice when they were forced to watch
9 killings; they had no choice when they were made to kill; they had no choice when
10 their bodies were turned into tools of war; and they had no choice when they were
11 given as wives of LRA commanders.

12 The abductions served a purpose. They were not spontaneous acts of banditry; they
13 were part of a system designed to feed the LRA's ranks with new fighters and to
14 provide its commanders with labour and sexual slaves. The Prosecution's evidence
15 will show this. The victims' accounts confirm it.

16 Victim a/4001/11, taken at just 11, told us, I quote: "I was abducted at [...] about
17 11 years old [...] I had to become a 'wife' to one of the commanders".

18 But, your Honours, she and countless other abducted girls were not wives of Kony
19 and LRA commanders; they were children enslaved, subjected to sexual violence day
20 after day, their humanity reduced to the whims of men who treated them as property.
21 The violence reached far beyond those who were abducted. Entire villages were
22 wiped out. Survivors speak of homes torched, of livelihoods erased, of loved ones
23 killed before their eyes.

24 Victim a/20013/24 summed it up in stark simplicity, I quote: "All our huts were
25 burned".

1 Another victim, a/20014/24, carries a loss that words can scarcely hold. I quote:

2 "The rebels shot at me forcing me to throw [my baby] down to run for my life. I still
3 do not know where my child is".

4 As for the daughter of victim a/20012/24, she was shot dead by the LRA rebels while
5 still on her mother's back.

6 This is what the charge of attacks against civilians means when stripped of legal
7 terminology -- a mother forced to abandon her baby to survive, a baby killed while
8 still on her mother's back.

9 Madam President, your Honours, the cruelty was unrelenting. It sought not just to

10 kill, but to break the spirit. And, indeed, the crimes committed by the LRA under

11 Kony's command were committed deliberately to spread fear and enforce obedience.

12 And, your Honours, one might ask when the fighting ended. For many of these

13 victims, it never did. They still live with the physical injuries, with the nightmares,

14 with the stigma that followed them home -- the girl who returned with a child

15 conceived in captivity, the boy treated as a perpetrator rather than a victim, the man

16 who lost everyone he loved.

17 Victim a/45006/25 put it blankly. I quote: "My mother was caught and killed by the

18 rebels. I have no family left. I live only with the memories".

19 That is what remains, your Honours, memories and pain.

20 Victim a/45845/25 summarised the ordeal of the civilian population as follows, I quote:

21 "There were so many people killed, many children as well and pregnant

22 women. [...] The LRA killed [my mother] [...], cutting her on the back and then on the

23 neck [...]. I saw our house burning. My father was also killed during the

24 attack. [...] My elder brother and sister were burned in the house [...]. I had to carry

25 on my head the beans and posho. It was very heavy and I slowed down. I was

1 beaten on my head by the [LRA] rebels with the butt of a gun for this and I started
2 bleeding. [...] I was walking barefoot. [...] children had to receive training. I was
3 beaten 50 strokes on my lower back as a way of induction into the LRA. Other
4 children were as well given the same treatment. It was very painful ... I cried. [...] I
5 was forced to beat an adult on the head using a stick and he died. [...] I suffered a lot
6 during my abduction. I did not eat and sleep properly; I had to do heavy tasks; I
7 witnessed very bad things and I was obliged to do bad things to other people [...].
8 When I was abducted I was going to school and I had a future. Now ... my dreams
9 are gone [...]."

10 And still, your Honours, after everything they have endured, victims are here. Their
11 presence speaks of resilience, of courage, of hope. They have found the strength to
12 raise their voices -- not to seek revenge, but to reclaim their dignity. To be seen. To
13 be heard. They ask this Court to name what happened to them for what it truly was:
14 Crimes of the highest gravity, crimes committed with intent, crimes designed to
15 terrorise and destroy.

16 But they were not destroyed, your Honours.

17 Today, they ask that Joseph Kony be named - clearly and without hesitation - as the
18 one responsible for their suffering.

19 They ask you, Madam President, your Honours, to confirm all charges against him
20 and, in doing so, to affirm that their suffering was not vain, that the truth will
21 eventually be acknowledged, and that accountability will prevail.

22 Your Honours, the participation of victims in the hearing that opens today, and in
23 proceedings before this Court more generally, is essential. It serves as a powerful
24 reminder that justice is pursued on their behalf, to protect future generations from
25 atrocities that defy imagination and deeply shock the conscience of humanity, and to

1 ensure that the most serious crimes of concern to the international community as a
2 whole do not go unpunished.

3 The confirmation hearing in the present says, and your subsequent decision, will not
4 undo the past. It will not bring back the brothers killed before the eyes of a
5 12-year-old, or the child torn from her mother's arms, nor erase the suffering inflicted
6 on the victim by the LRA under Kony's command, but it will tell these victims that
7 what they endured mattered, that justice can reach even the most powerful
8 perpetrators, that impunity ends here. And, as has already been stated, it may also
9 reinvigorate States' commitment to locating Joseph Kony and ensuring his surrender
10 to this Court.

11 That is why victims are participating in these proceedings. That is what they ask of
12 you.

13 I thank you, Madam President, your Honours.

14 PRESIDING JUDGE ALEXIS-WINDSOR: [11:55:51] Thank you very much.

15 The Defence, you now have the floor to give your opening statements.

16 MR HAYNES: [11:56:14] Your Honours, on 21 June 2024, I was assigned to represent
17 the interests of Mr Joseph Kony in a confirmation of charges hearing to be conducted
18 in his absence.

19 To assist me in that task, I assembled a team which was comprised of Ugandan
20 lawyers and professionals, and lawyers with expertise in international criminal law.

21 It has been the greatest privilege of my career to act in this role, but, simultaneously,
22 the most difficult mandate I have ever accepted.

23 It is important that the public knows and understands the stance we have taken in
24 these proceedings and what steps we have taken to fulfil that mandate.

25 We have argued publicly, including before the Appeals Chamber of the International

1 Criminal Court, that we consider these proceedings not to be consistent with the
2 ICC's statutory framework. We have also collated and presented voluminous
3 testimonial evidence from the leaders and people of northern Uganda, who believe
4 them to be misguided, harmful to ongoing repatriation and reconciliation efforts, and
5 divisive.

6 The Court's decision, both in terms of legality and whether this is all a good idea, was
7 to proceed, and today we are here on what is undoubtedly a milestone for the Court,
8 the first confirmation hearing of a suspect who has never appeared, with the chair at
9 the back of the courtroom sitting empty.

10 It is also important to understand how that empty chair has impacted the Defence
11 preparations, and how it informs and limits the position that we will be taking in
12 these proceedings.

13 I will briefly top and tail these opening remarks. The body of them will be delivered
14 to you by Ugandan voices.

15 And if I may be permitted one digression, it is no less than my responsibility to
16 convey my thanks to the Registry and, in particular, the travel unit, who, when all
17 appeared lost last Thursday, obtained visas for my two colleagues to be here today.
18 We have privately emailed them to that effect, but sometimes public thanks are
19 merited and, in these circumstances, they are.

20 In due course, you'll hear from counsel Lilian Beatrice Atim, who will briefly place
21 these proceedings within their current and proper Ugandan context.

22 Firstly, however, you'll hear from my colleague, counsel Geoffrey Boris Anyuru, who
23 lived through the events of the civil war in northern Uganda, and still lives there.

24 We requested exceptionally that he be permitted to address you in Acholi and have to
25 confess that we were both surprised and disappointed to find that that met with

1 opposition from the Common Legal Representative of Victims. Nonetheless, the
2 Chamber kindly permitted him to speak on this occasion in a language which is
3 primary to most of the affected community in northern Uganda. And, without more,
4 I will give him the floor.

5 PRESIDING JUDGE ALEXIS-WINDSOR: [12:00:41] Thank you, counsel.

6 MR ANYURU: [12:00:58] (Interpretation) Thank you.

7 My name is Geoffrey Boris Anyuru. I'm a lawyer in Uganda. I would like to thank
8 the Court for accepting me to stand in front of it and say a few words.

9 In this opening statement, I would like to state thus far to the judges: As far as the
10 population of Uganda is concerned, those in northern Uganda, in particular in Acholi,
11 in Lango and in Teso, and also those -- and also Joseph Kony, if he is actually
12 following these proceedings at the moment, the proceedings that are currently
13 ongoing are not trial proceedings. In the end, nobody is going to be sentenced,
14 nobody will be sent to prison, and I state this with sadness, that nobody is going to
15 get reparations for any of the suffering they went through. * Even though they do
16 confirm the charges, Joseph Kony is not going to be tried for them. If at some point
17 he is arrested and brought to this Court - and I doubt that will ever happen, because
18 at the moment, Uganda itself wants to initiate proceedings against him - but, if ever
19 he is brought to this Court, then he has the right to request for a trial again so that the
20 Court can actually come up with the ruling.

21 For all the people who have suffered, reparations or any -- any other form of payment
22 is not going to happen immediately. It's going to take time. It's going to take a long
23 time.

24 Even though the Court confirms the proceedings, and Joseph Kony is arrested, if he is
25 tried, if he is sentenced and reparation orders are issued, the victims of these -- the

1 victims in the current case will not receive the reparations immediately.
2 Indeed, in 2025, the reparations proceedings are still ongoing, even after
3 orders -- reparation orders were made in the cases of Lubanga, Al Mahdi, Ntaganda,
4 and Ongwen. Moreover, the Trust Fund does not have the money to pay for the
5 reparations, where reparations orders have been made. We, the people of Uganda,
6 know that we are still waiting for the reparations proceedings from the Dominic
7 Ongwen case. We have to remember that the confirmation charges will only -- is
8 only a small part of these proceedings. * Joseph Kony, they are still looking for him,
9 he is still out at large, even if the charges are confirmed. There is a warrant of arrest
10 against him, but he has not been arrested.
11 But, if the person is not here, if the person is not present, then these proceedings are
12 just going to end without any -- will just end without going any further.
13 * Most of the people in Uganda and other places are listening to how the proceedings
14 are going. They are waiting for witnesses to come forward. This is not going to
15 happen.
16 * Confirmation of charges in other countries is the responsibility person who is
17 leading the proceedings, the Prosecutor. But, in this case, the Court has to hear from
18 the Prosecutor and from the Defence, but without any witness statements or other
19 proceedings.
20 With respect to these proceedings, in the absence of the accused person the Defence
21 does not have any information to challenge these proceedings.
22 The Prosecutor has shown everything that has -- that happened. They showed
23 everything that happened in this Court about 20 years ago. These things show
24 people, show our brothers and sisters in northern Uganda who are suffering, who had
25 emotional and psychological problems, and we have a feeling that this showing of

1 these pictures, showing these photos that the Prosecutor has shown, will cause more
2 harm. It will retraumatise them, because they are seeing their relatives, * they are
3 seeing their neighbors or themselves reminding them of events that happened 20-25
4 years ago. This will cause them post-traumatic stress disorder. This is going to be
5 shown to people, and anybody who wants to watch these -- watch these photos or the
6 pictures that were shown by the Prosecutor will be able to see them again.

7 Anybody who wants to see those -- the photos will be able to go to the computer,
8 switch it on and watch those photos, * and without receiving any information from
9 the accused person we will not know whether these things actually happened.

10 As the Prosecutor decided to show these pictures, these pictures are going to have
11 terrible repercussions on the people who are seeing these photos. We should be
12 aware that these proceedings concern a very short time for things that happened in
13 only 8 places. The people who suffered, the people that -- the people that the
14 lawyers in this Court are alleging suffered from harm are only 5,795. The harm that
15 they suffered has to be looked into, and they have to be paid, but we have to be aware
16 that the number of these people is minute if we take into consideration the conflict in
17 Uganda that started in 1986 and ended in 2005.

18 We should also be aware that most of the people who -- most of the victims are not
19 going to get justice from these proceedings from the Court, because the Court, in
20 effect, looks at -- has a temporal limitation, looking at things -- crimes that happened
21 from July 2002 only; whereas, some of the things happened prior to that.

22 * This Court is not more important than national jurisdictions but is only
23 complementary if a national court is unwilling or unable to prosecute. In the letter
24 that Uganda sent to this Court, Uganda did not say that it does not have any interest
25 or that it is not able to try Joseph Kony, but Uganda asked the Court to help it to

1 arrest Joseph Kony. Even with the help of the Americans and other African countries,
2 it has taken over 20 years, and Joseph Kony has not yet been arrested to date.
3 Right now, the Prosecutor would like to show that the current proceedings are going
4 to enable him to arrest -- does the current Prosecutor think the current proceedings
5 are going to enable him to arrest Joseph Kony? If it took 20 years before
6 Joseph Kony was arrested, does he think that he is in a position to arrest Joseph Kony
7 right now? This is a really important question, as somebody who comes from
8 northern Uganda and someone who grew up during the conflict, * and somebody
9 who is also part of the traditional justice proceedings that are going on in Acholi, to
10 ensure that those people who are coming back home are welcomed. And
11 throughout the duration of the conflict that happened in northern Uganda, but not
12 only from 2002 to 2003, to date, we have not yet received any information as to why
13 the Court is continuing with these proceedings, why has the Court decided to open
14 and restart these proceedings, and only part of the proceedings, when this actually
15 relates to a minority of the people who -- * a minority of people, leaving out a number
16 of people.
17 This creates discrimination. In northern Uganda, we do not want anything that
18 discriminates. We want peace.
19 In northern Uganda, we have people who came back from the bush and they are
20 living together in the community with other people. They have forgiven or have
21 forgotten, trying to forget, about the conflict so that there is peace.
22 In the last 23 years, Uganda has come up with means to stop the discrimination that
23 happened among people, and we are very proud of what has happened, what has
24 happened today and the peace that we have right now.
25 I'm very happy for the time that I've been given to speak to the Court, so I'm going to

1 give time to my friend, Lilian Atim, a lawyer from Uganda, to continue from there.

2 Thank you.

3 MS ATIM: [12:13:00] Your Honours, it is a great privilege and honour to appear
4 before you today to address questions of such importance to my country, particularly
5 to the communities of northern Uganda.

6 You have heard from my colleague, Borris, from the north. I am from the Teso
7 region, but I will address this Court in English.

8 In my brief remarks, your Honours, I wish to highlight the broader context of these
9 confirmation proceedings and how their outcome could impact on the overreaching
10 process of transitional justice that we have painstakingly built in Uganda for Uganda.

11 Under the Rome Statute and international law, the primary responsibility for
12 investigating crimes committed in Uganda rests entirely with the national authorities.
13 This responsibility aligns with the broader needs of transitional justice, which can
14 only be accomplished by Ugandans themselves.

15 Over the last 20 years, Ugandans have done both -- they have investigated the alleged
16 LRA crimes and have also implemented broader reconciliation strategies. Ugandans
17 have done this by passing the International Criminal Court Act of 2010, which
18 incorporates all the Rome Statute crimes into the domestic law. This followed the
19 establishment of the international crimes division of the High Court of Uganda in
20 2008, specifically mandated to hear international crimes and terrorism crimes.

21 The ICD recently completed the trial of an LRA commander Thomas Kwoyelo, for
22 crimes expanding the LRA's entire period of activity. Victims participated and a
23 substantial reparations order was issued in their favour. In parallel, Ugandans
24 implemented the Amnesty Act of 2000 to facilitate the return and reintegration of
25 lower-level commanders - rather, fighters - who surrendered voluntarily, and these

1 include members of Joseph Kony's family.

2 The community, including victim communities, largely support this reintegration, of

3 course, without diminishing the importance of justice and * reparations.

4 The national Transitional Justice Bill, now before the Ugandan parliament, aims to

5 establish a war crimes reparation fund for all victims of the civil war, not just those

6 from specific cases or time frames.

7 Meanwhile, the reparations awarded in the case of Dominic Ongwen has created

8 bitterness and disappointment among those who did not qualify as victims, and very

9 high expectations and growing impatience amongst those who did. And this is the

10 context in which these confirmation proceedings are taking place after 20 years of

11 dormancy. This context is highly regiment to the argument the Defence will make in

12 its submissions. But, ultimately, this Court can only be a small part of a larger

13 project of transitional justice needed to ensure everlasting peace and reconciliation.

14 Of course, the Defence's request not to hold this hearing has since been rejected and,

15 so, the proceeding is taking place.

16 These expressions remain relevant so that the people of Uganda can fully understand

17 the context in which these current proceedings are taking place and the position the

18 assigned counsel has taken.

19 Over the past year the Defence team has had the privilege of months of exchange with

20 the people of Uganda, especially those from the afflicted communities. As a team,

21 we have seen how the country is trying to heal and pull together after the upheaval of

22 20 years ago, thriving in some ways and still hurting in others.

23 From our filings, we have met political leaders, culture and religious leaders, victim

24 groups, NGOs, judges, lawyers, returnees, and many ordinary people.

25 We have collected their views on the state of the nation, how best to expedite these

1 historical events, their opinions on the ICC and this process. Unfortunately, your
2 Honours, the words "self-interested" and "experiment" were repeatedly used to
3 describe these proceedings.

4 Ugandans find it hard to understand how these particular *in absentia* confirmation
5 proceedings serve the interests of their country. A small fraction of these views
6 have -- totalling to nearly 100 pages of statements were presented as testimonials to
7 the Pre-Trial Chamber for consideration.

8 The public can access the same on the Court's website under filing number 583.

9 Thank you, your Honours, for your attention. I now take it over to lead counsel.

10 MR HAYNES: [12:20:11] Prior to my appointment, these hearings had been
11 scheduled for October of 2024. For a number of reasons, those hearing dates had to
12 be vacated and in December 2024 this Chamber, unilaterally, set the present date. I
13 would like to dispel the myth that the hearings were delayed by 11 months because I
14 asked for that. In fact, when invited to do so, the Defence made no arguments at all
15 as to when these hearings should take place and would have participated whenever
16 the Court scheduled them.

17 Nonetheless, the Defence makes no complaint about the amount of time it has in fact
18 had to consider the material. Between us, we, the Defence team, have read and
19 assimilated the 11,000-odd documents disclosed over the course of the last year, and,
20 where relevant, sent inquiries, requests and challenges to the Prosecution throughout.
21 Similarly, we have scrutinised the Document Containing the Charges and the
22 Pre-Confirmation Brief. The highly experienced and, dare I say, extremely clever
23 team of lawyers I have assembled is bursting to tell you that the charges, or at least
24 some of them, are formally impermissible or legally incorrect, and, having reviewed
25 the evidence, they are just as anxious that the lacunae in some of the foundational

1 evidence is also highlighted.

2 However, running alongside what might be termed normal case preparation has been
3 the nagging uncertainty of what our professional responsibilities are in this
4 unprecedented situation for counsel and the Defence legal team. This is a very
5 experienced team which can draw upon practical backgrounds in five separate
6 national jurisdictions and every single one of the international tribunals. But still, for
7 all of us, this is a novel situation. The same soul-searching questions dogged our
8 every decision along the way, namely, what exactly can a defence lawyer argue
9 without instructions? And, what is in Joseph Kony's best interests? Can we
10 assume that he would even wish to contest the confirmation of charges against him?
11 Might he not prefer to waive any challenge and keep his powder dry for trial, or even
12 to plead guilty?

13 How would we be serving his interests by advancing even the most obviously
14 meritorious arguments as to the form of the charges, when, one, indeed probably the
15 most likely outcome of any such challenge would be an adjournment to permit the
16 Prosecution to amend accordingly, thereby tightening and strengthening the case
17 against him.

18 How would it be in his interest to point to fundamental flaws in the Prosecution's
19 linkage evidence, if that would only serve as a tutorial for its investigators, again
20 prejudicing his position for any possible re-run of this confirmation of charges, or at
21 trial?

22 How can we challenge evidence without instructions as to his likely plea or his
23 comments as to whether he accepted or challenged the evidence in the first place?
24 And, then again, there is the ancillary point of how such an approach would be
25 strategically consistent with the stance we have previously taken as to these

1 proceedings, and our concurrent reluctance to appear to provide a template or
2 precedent for how such proceedings might be conducted in the future.

3 Thus, in due course, you may find our submissions will be limited to issues of process
4 and remedy, which we are comfortable fall within our professional and ethical
5 mandate and cause no prejudice, real or potential, to the absent Joseph Kony. On
6 this, we will expand in due course in our submissions.

7 Thank you very much.

8 PRESIDING JUDGE ALEXIS-WINDSOR: [12:25:26] Thank you very much, counsels.

9 Right. Very well, then, we do have some time, so, with that, the Prosecution can
10 begin their submissions on the merits until 1 p.m., and then we will continue after
11 lunch.

12 All right, then, Prosecution, you have the floor.

13 MS VON BRAUN: [12:26:08] Madam President, your Honours, my name is Leonie
14 von Braun and I will begin the Prosecution's merit presentations now.

15 Our submissions by the Prosecution team will follow mainly in the order of our
16 Document Containing the Charges, with a few exceptions, as you will see.

17 I, for my part, in the following half hour will deal with the question why we have
18 charged Mr Kony pursuant to Article 25(3)(a) as an indirect co-perpetrator relevant to
19 Counts 1 to 29, and in the alternative for ordering and inducing these crimes.

20 One moment, please, I am not sure whether our presentation is on the screen.

21 THE COURT OFFICER: [12:27:33] Evidence channel 2.

22 MS VON BRAUN: [12:27:38] Apologies, yes.

23 So, just to recap, very briefly, Counts 1 to 14 relate to seven attacks on IDP camps and
24 the attack on the Lwala Girls School.

25 Counts 15 to 29 relate to the systemic crimes against women and children.

1 In turn, today and tomorrow, my colleagues will address the evidence underpinning
2 these charged crimes as executed by LRA fighters.

3 Finally, our merits presentation will conclude by trial lawyer Henderson with the
4 charges on individual perpetration of crimes.

5 Now, your Honours, let's look at the LRA.

6 Mr Kony and LRA commanders could rely for the obedience in the execution of their
7 orders to commit the charged crimes on a reliable pool of persons: the LRA fighters
8 under their control.

9 Kony used the LRA to subjugate the will of its fighters who executed the crimes.

10 The LRA fighters functioned as tools.

11 And, accordingly, your Honours, their conduct is attributable to Mr Kony.

12 The evidence shows that he was the uncontested leader of the LRA.

13 Witnesses with knowledge of the internal structure refer to him variously as the
14 "overall leader", "chairman", "president", "chief commander".

15 I refer your Honours to the references cited at footnote 7 of our brief, for instance,
16 UGA-OTP-0150-0063 at paragraph 12.

17 Further, Mr Kony shared a common plan with his second in command, Vincent Otti,
18 and other LRA commanders.

19 And what is it these men wanted to achieve?

20 As demonstrated by the sequence of events charged in this case, the LRA
21 co-perpetrators wanted to attack civilians in northern Uganda, whom they perceived
22 as their enemies, because they believed them to support the government, a
23 government the LRA was at war with.

24 But, they also wanted to sustain the LRA, including by abducting thousands of
25 women and children.

1 The charged crimes were all executed through the organised and hierarchical
2 apparatus of power that was the LRA.
3 Control Altar was a governing body and a type of LRA headquarters. It included
4 posts like army commander, deputy army commander, chief of staff.
5 Those who operated LRA radio communications were also stationed there.
6 There were four brigades, Sinia, Stockree, Gilva and Trinkle, each led by a
7 commander.
8 The brigades were further divided into battalions, each equally led by a commander.
9 And then further into companies, known as coys.
10 From September 2003 onwards, Mr Kony created a division called Jogo.
11 In the charged period, the LRA numbers fluctuated, but the system of abduction
12 ensured that there were always sufficient numbers of fungible individuals to support
13 a core fighting group of at least hundreds of fighters.
14 And I refer you to the evidence provided by P-455 at * UGA-OTP-0000-0865, pages 7
15 to 10.
16 Now let's look at the men within this hierarchy more specifically, those who
17 commanded this hierarchy.
18 Throughout the charged period Kony remained the uncontested leader. Vincent Otti
19 was his deputy and vice chairman. He died November 2007.
20 The command of the brigades changed over time by reason of promotion, demotion,
21 opportunity or death.
22 Let us have a look at the individual brigade commanders now in turn.
23 Until his death in late 2003, Charles Tabuley was first in charge of Stockree brigade
24 and then became division commander.
25 The Prosecution alleges that Kony coordinated with Tabuley on the abduction of the

1 schoolgirls from Lwala Girls School in June 2003.

2 Buk Abudema was brigade commander of Gilva brigade, then Sinia, then Stockree
3 brigade, then division commander.

4 The Prosecution alleges in particular his involvement in the attack on the Abok IDP
5 camp.

6 Dominic Ongwen, the convicted co-perpetrator, succeeded Abudema as brigade
7 commander of Sinia brigade. He was promoted by Mr Kony on 4 March 2004.

8 And I refer you to UGA-OTP-0061-0002 at 0122.

9 Ocan Bunia was brigade commander of Gilva.

10 Charles Kapere was in charge of Stockree brigade, Sinia, and then Trinkle brigade.

11 The Prosecution also alleges his involvement in the Lwala attack.

12 Okot Odhiambo was the commander of Trinkle brigade, then Stockree brigade, Gilva,
13 and then he rose to deputy army commander and army commander.

14 Lakati was a major general in Sinia brigade. He then served as deputy chief of staff

15 and then chief of staff, and the Prosecution alleges his involvement, for instance, in

16 the attack on Pajule IDP camp, but he was also involved in weapons distribution for

17 Mr Kony, UGA-OTP-00000865, pages 1 to 5. Jimmy Ocitti was a colonel and chief of

18 personnel in Control Altar. Nyeko Yadin was a chief of staff and army commander

19 until his death in early 2004. And, finally, your Honours, Raska Lukwiya is counted

20 by the Prosecution among the LRA's top commanders. He consistently held

21 high-ranking positions as deputy army commander and army commander within the

22 LRA.

23 For the duration of the period charged, it was at least this group of men who

24 collaborated with Mr Kony, acting under his command to use the organised and

25 hierarchical apparatus of power as a means to control those fighters who executed the

1 charged crimes, subjugating LRA fighters to their will. For the evidence on each
2 commander and his role, I refer you to footnotes 9 to 19 of our pre-confirmation brief
3 more specifically.

4 Your Honours, up to four times daily these commanders would connect with
5 Mr Kony via LRA radio and report to him. And we have collected these
6 communications and they are evidence in these proceedings.

7 They also met Mr Kony either in Uganda or the Sudan. Insider witnesses, whose
8 statements are before you, explain that Mr Kony issued orders through Vincent Otti,
9 who would pass them down to the brigade commanders. They, in turn, would
10 implement through their fighters assigned to the brigades. Their descriptions
11 overlap consistently, each describing similar behaviours over the charged period.
12 Their descriptions are corroborated by intercepted radio communications, as
13 summarised in paragraphs 12 to 13 of our brief.

14 Now, your Honours, Mr Kony also exercised control over the charged crimes in
15 counts 1 to 29 by virtue of his essential contributions. All his essential contributions
16 are directly linked to the attacks on the IDP camps, the abduction and enslavement of
17 people, and the use of children in hostilities. The evidence is clear on this link.

18 Throughout the charged period, Mr Kony regularly issued orders to LRA
19 commanders to attack, kill and mistreat civilians. And these orders they translated
20 into actual attacks. By virtue of the grasp Mr Kony and his commanders held on the
21 LRA, these orders were implemented.

22 Kony felt unsupported by civilians in northern Uganda.

23 One such example demonstrating his internal thinking is an example from a logbook
24 of the early charging period in October 2002, of which there are many in the collection.

25 Kony calls Acholi "stupid". He wishes all of them are killed. He mentions that the

1 LRA will produce a new Acholi tribe, which will be much better than the present one.
2 He orders the LRA to start waging havoc and that only LRA remain in Acholiland.
3 UGA-OTP-0068-0002 at 0058. Witness P-138 describes attacks on civilians in Iteso, as
4 a response to the establishment of local defence units and Kony's resentment against
5 civilians who had moved to IDP camps. UGA-OTP-00000607, page 22 and 25.
6 I will now set out a few examples of such orders to kill civilians. The underlying
7 evidence of these orders is summarised at paragraph 18 of our confirmation brief.
8 The first examples are from early to late 2002. Among them is an order to start
9 serious killing of the people across northern Uganda.
10 This conduct continues in 2003. For instance, Mr Kony instructs Otti to instruct Gulu,
11 Kitgum, Lira and Pader. Still, in 2003, Kony begins to target also the Lango and Iteso
12 regions more specifically. He instructs schools and universities to be attacked and
13 students killed. Commanders are to hit Lango areas mercilessly and then proceed to
14 Teso. On account of such orders to Tabuley and Otti, the Lwala Girls School is
15 attacked on 24 June 2003. You will hear more of this later on today. Pajule IDP
16 camp is attacked on 10 October 2003. My colleague will address that later on today.
17 The orders continue and so do the LRA's attacks throughout 2003 and 2004. I wish
18 to concentrate a moment on Mr Kony's actions in relation to the Abia attack on
19 24 February 2004, which is emblematic of his criminal behaviour. Prior to the attack,
20 Mr Kony reiterated his orders to attack and kill civilians. On 23 January 2004, he is
21 recorded to have said, and I quote from the logbook, "Let Odhiambo go and kill Langi
22 tribes from the old to [the] kids". UGA-OTP-0254-4143 at 4208-4209.
23 Okot Odhiambo, Stockree brigade commander, then instructed his subordinates to
24 proceed to Abia IDP camp and to kill everyone there, both soldiers and civilians, to
25 burn the houses, including with people inside. And that is what they did.

1 Kony was so pleased with Odhiambo that he ordered him to conduct an even larger
2 attack. I refer you to several logbook entries. For example, UGA-OTP-0061-0002 at
3 0047, or UGA-OTP-0242-7309 at 7364, as well as the testimony and statements of
4 several LRA insiders, which we have summarised at footnotes 252 to 254 of our brief.
5 Three weeks later, your Honours, the LRA attack Barlonyo IDP camp and kill over
6 300 people there. After this attack, Odhiambo reports back to Kony, like he's done
7 previously, like he's used to doing. Around 23 February 2004, he says to Kony, "The
8 deaths were overly many", "No living thing could be seen there".
9 UGA-OTP-0132-0026 at 0040-0044. On 13 March 2004, Mr Kony promotes
10 Odhiambo from colonel to brigadier.
11 The LRA attacks continue, pursuant to Mr Kony's orders, and result in killing,
12 pillaging, enslavement at the charged attacks of Odek, Pagak, Lukodi and Abok.
13 But Mr Kony's essential contributions do not stop there. The evidence demonstrates
14 that the LRA, under his authority and under his directions, abducted thousands of
15 civilians. P-0071 explains that the order issued by Kony was to recruit civilians to
16 join the army and that this was a standing order. UGA-OTP-0228-3708, pages 3730
17 to 3733.
18 A demographic analysis of data of returnees resulted in a count of almost 11,000
19 abducted persons.
20 On your screens, you find an excerpt of the results of the otherwise confidential
21 report. The data is sourced from UGA-OTP-00001133, page 3. Among the
22 registered abductions, 22.6 per cent were women and girls and 77.4 were men and
23 boys. This data supports the allegation on how one of the main aims of Kony was to
24 abduct to recruit fighters. Even more importantly, the data shows that 56.5 per cent
25 of the abductees were below 18 years old. This supports the assertion that

1 Mr Kony's aim was to sustain the LRA as a fighting force by creating an army of
2 children.

3 However, please note, your Honours, that these figures are conservative. Only
4 about 43 per cent of all abducted children were actually registered. The actual
5 numbers are most likely much higher. UGA-OTP-00000942, page 3.

6 And Mr Kony also issued orders to abduct women. Insider witness P-0233 testified
7 that abductions of girls occurred habitually, based on Mr Kony's orders.
8 UGA-OTP-00000603, page 46.

9 P-0205 testified that in 2002, prior to an operation, Kony issued an order to abduct
10 "beautiful girls", stating that, and I quote, "whoever did not have a wife was going to
11 get a wife". UGA-OTP-00000657, pages 20 to 21.

12 In this entry of 12 May 2003, Kony instructed his commanders that "now they should
13 seriously embark on abduction. That what he wants now is that many schoolgirls
14 should be abducted and brought in the bush because they will help them as wives".
15 For the record, UGA-OTP-0068-0146 at 0161.

16 Children, both girls and boys, under the age of 18 were also systematically abducted.
17 In a police report of intercepted radio communications from 6 May 2004, Mr Kony
18 ordered Vincent Otti and Raska Lukwiya to abduct many children to replace escapees
19 and defectors. And Lukwiya answered that he will. UGA-OTP-0017-0187 at 0189.

20 Insider witness P-0070 testified that the standing orders concerned children who
21 could walk, who could help you carry luggage, who could be trained to be fighters,
22 aged 10 and above. UGA-OTP-00000598, page 28.

23 Insider witnesses describe how Mr Kony devised and enforced the rules governing
24 the mistreatment of abducted women and girls. For instance, young girls were first
25 made baby-sitters - called *ting tings* - and matured girls were forced to become wives.

1 My colleague Ms Sanyu Ndagire will today present the details on this and how this
2 was implemented in practice.

3 Kony also decided on the distribution of abducted women within the LRA.

4 In a logbook entry of June 2003, from UGA-OTP-0068-0146 at 0229, which appears on
5 your screen, Mr Kony gives precise instructions to an LRA fighter named Angola.

6 "Angola should give one lady to Otti, keep one for himself", and then he instructs

7 Angola to attack seriously in abducting more schoolgirls to replace their old women.

8 P-0138, a former LRA member, and I quote from his transcript here now at

9 UGA-OTP-00000607, page 28 to 29: "If you refuse to go to a particular husband, that

10 means that you do not want to live, that means that you will be killed and you will be

11 killed immediately. So you make the decision: Do I want to live or do I want to

12 die?"

13 Your Honours, Mr Kony led by example. The evidence shows that he abducted -- he

14 made abducted children into his own escorts. I refer you to P-0023 at

15 UGA-OTP-0150-0063 at 0066 and 0070. Witnesses describe that he forced many

16 women to become his wives. We have summarised this evidence at paragraph 56 of

17 our brief, but you will hear more about the extent of this practice later on today.

18 Mr Kony and LRA commanders exercised control through a violent disciplinary

19 system, implemented especially against low-ranking LRA members. Punishments

20 for breaking LRA rules were immediate and brutal. They included beating,

21 whipping, stabbing. And, again, low-ranking LRA members were, in general,

22 abducted children.

23 The punishment for trying to escape was often death.

24 P-0172 testified that Kony himself would tell them, "If you try to escape, I will kill

25 you". The witness states that Kony would have his informants everywhere in the

1 LRA and that's why everyone was scared. UGA-OTP-00000962, pages 12 to 13.
2 The punishments extended to the abducted children. They were subjected to
3 excruciating beatings, sometimes for little else than dropping food.
4 Kony issued orders on military attacks and operations. For instance, he ordered the
5 Teso campaigns and put Otti in charge. UGA-OTP-0208-0146 at 0152.
6 Accordingly to insider witnesses, he made orders on where to move on the front line
7 via the radio and then details were left to Otti to communicate. UGA-OTP-0220-0068
8 at 0074.
9 Kony was promoting and demoting commanders. I gave the example of Odhiambo
10 today, but there are other examples throughout our evidence.
11 Logbook entries across the charged period show how the LRA commanders reported
12 their loot from operations, including weapons, to each other and to Mr Kony via radio
13 regularly, and that Mr Kony then weighed in on the distributions. An example is
14 UGA-OTP-0232-0234 at 244.
15 Your Honours, when looking holistically at the evidence, there can't be any doubt
16 Mr Kony commanded the LRA, he and his co-perpetrators used the apparatus of
17 power that was the LRA to control their fighters, subjugating them to their will, and
18 he exercised control by virtue of his own essential contributions, not only to the
19 common plan, its implementation, but to the crimes. Kony acted with intent and
20 knowledge, which you can see from his own statement, some of which we have
21 presented here today. But overall his conduct is also of such a nature that it could
22 only have been undertaken intentionally.
23 This concludes my presentation, the first part of the Prosecution's presentation on the
24 merits, and I thank you very kindly for your attention and we shall move into the
25 break then now.

1 PRESIDING JUDGE ALEXIS-WINDSOR: [12:58:10] Thank you, counsel.

2 All right, so, it is a minute or two before 1. We deem it to be 1 o'clock and we shall
3 be back at 2.30. Someone correct me if I am wrong. It's okay? Yes, all right. So,
4 2.30, right, when we shall continue hearing the Prosecution case on its merits. All
5 right, then.

6 THE COURT USHER: [12:58:37] All rise.

7 (Recess taken at 12.58 p.m.)

8 (Upon resuming in open session at 2.35 p.m.)

9 THE COURT USHER: [14:35:12] All rise.

10 Please be seated.

11 PRESIDING JUDGE ALEXIS-WINDSOR: [14:35:32] Good day, everyone.

12 Before we go on, a bit of housekeeping about tomorrow. After some thinking on the
13 matter, we've decided that tomorrow, unless someone changed their entire schedule
14 because of what we had planned earlier - and if you have, please say so - but we've
15 decided that, barring that, we would start at 9.30 tomorrow, we would have a regular
16 day, and, if we need to, we will also go on on Thursday. All right?

17 So we've already given the time periods and we're not trying to cut anyone's time.

18 What you've been given, you've been given. Yes? All right.

19 Okay, then. So I believe we were continuing with the Prosecution. All right.

20 THE COURT OFFICER: [14:36:33] The Prosecution has the floor, evidence channel 2.

21 MS SIMMS: [14:36:39] For the record, I am Melissa Simms, and as indicated earlier
22 by Deputy Prosecutor Niang, I will address the Chamber as it relates to the LRA's
23 attack on the seven IDP camps.

24 Madam President, your Honours, between October 2003 and June 2004, the LRA
25 fighters carried out a calculated and brutal series of attacks on seven IDP camps

1 across northern Uganda. These attacks were carried out pursuant to Mr Kony's
2 standing order to attack civilians in northern Uganda.

3 As your Honours heard earlier today from my colleague, Leonie von Braun, Mr Kony
4 regularly issued these orders to attack, kill and mistreat civilians living in the IDP
5 camps.

6 The Prosecution's evidence, your Honours, establishes that Mr Kony perceived the
7 civilians living in IDP camps as supportive of the Ugandan government. Therefore,
8 he saw them as the enemies of the LRA.

9 Secondly, Mr Kony's orders were also motivated by his aim to sustain the LRA. So
10 these orders included the orders to obtain food, livestock and people.

11 These attacks varied only in the commanders who led them and the intensity of the
12 attacks. However, the pattern of violence remained unchanged throughout the
13 charged attacks which targeted the Lango, Teso and Acholi regions.

14 The Prosecution alleges, as set out in the Document Containing the Charges, that as it
15 concerns the attack on the seven IDP camps, that Mr Kony is criminally responsible
16 for Counts 1 to 13, and that's attacks on the civilian population; murder; attempted
17 murder; torture; in the alternative, other inhumane acts, such as severe abuse and
18 mistreatment; cruel treatment; enslavement; pillaging; destruction of property; and
19 persecution.

20 Your Honours, on your screen is a dynamic 2025 Google Earth map which was taken
21 from open source, and we're being taken into the region of northern Uganda with
22 a focus on the seven IDP camps which were attacked.

23 While these attacks on the seven IDP camps are the only charges before the Court
24 concerning these IDP camps, the Prosecution wishes to highlight to the Chamber that
25 there were other attacks taking place falling within a wider pattern of violence in the

1 region, as detailed in the Prosecution's Pre-Confirmation Brief.

2 Your Honours, the charges against the IDP camps, as stated earlier, occurred between
3 10 October 2003 and 8 June 2004 under the authority of Mr Kony.

4 The Prosecution will now provide a chronological overview of each attack, starting
5 with Pajule IDP camp. This was located in Aruu county in Pader district and it was
6 attacked on 10 October 2003.

7 At the time, between 15,000 and 30,000 civilians lived in the camp. This attack was
8 carried out by the late Vincent Otti as the overall commander together with Lukwiya
9 and Ongwen. These commanders were supported by fighters from Control Altar,

10 Trinkle and the Sinia brigades. On 10 October, the same day of the attack,

11 Vincent Otti reported the attack to Mr Joseph Kony, the Prosecution refers, your

12 Honours, to ISO logbook UGA-OTP-0254-0725, at page 1070, where this is detailed.

13 Four months later, Abia camp was -- located in Moroto county in Lira district, and the

14 LRA attacked this camp, as stated earlier, four months later on or about 4 February

15 2004. At the time, between 12,000 and 15,000 civilians lived at that IDP camp.

16 Okot Odhiambo was the commander in charge. He led the attack against Abia as

17 part of the LRA's campaign against the Lango region where this camp was situated.

18 The Prosecution's evidence establishes that Mr Kony was well aware of this attack.

19 On 12 February 2004, again, the Prosecution is relying on a logbook, we have

20 Mr Kony reiterating that the --

21 PRESIDING JUDGE ALEXIS-WINDSOR: [14:43:48] The 12th, counsel?

22 MS SIMMS: [14:43:50] Your Honours, 12 February is in relation to the date on which

23 Mr Kony makes a communication in relation to the attack on Abia.

24 PRESIDING JUDGE ALEXIS-WINDSOR: [14:43:56](Inaudible)

25 MS SIMMS: [14:43:59] Therefore, establishing that he was aware of this attack which

1 took place on 4 February.

2 In this communication, your Honours, Mr Kony reiterated to all of the LRA fighters
3 that the tactics that were used in the Abia camp, where many persons were killed,
4 should be adopted by all LRA units. And the Prosecution refers, your Honours, to
5 ISO logbook UGA-OTP-0061-0002, at page 0069.

6 Seventeen days after the attack on Abia camp, on or about 21 February 2004, Barlonyo
7 IDP camp was attacked. This camp was located in Erute north county, in the Lira
8 district. At the time, between 1,000 to 4,800 civilians lived in that camp. And, again,
9 Odhiambo was the leader of this attack. He was supported by around 63 fighters,
10 and, as you have heard earlier from my colleague, Ms von Braun, on 13 March 2004,
11 Mr Kony promoted Odhiambo to brigadier general, which is shortly after this attack
12 on Barlonyo. The Prosecution refers your Honours to UPDF logbook,
13 UGA-OTP-0254-2284 at page 2582.

14 About two months later, on or about 29 April 2004, Odek IDP camp was attacked, and
15 this camp was located in Omoro county, and this was in Gulu district. At the time,
16 between 2,000 and 3,000 civilians lived at the camp, and this attack was carried out
17 under Dominic Ongwen's command, supported by fighters from the Sinia and Gilva
18 brigades.

19 On 30 April 2004, a day after the attack on Odek IDP camp, the Prosecution evidence
20 establishes that Mr Ongwen reported to Mr Kony that he had attacked Odek IDP
21 camp. The Prosecution refers your Honours to UGA-OTP-0259-0065, at page 0066,
22 where this report is detailed.

23 Eighteen days later, on or about 16 May 2004, Pagak IDP camp was attacked. This
24 camp was located in Kilak county also in the Gulu district. At the time, around
25 14,000 civilians lived at the camp. Otti, joined by Thomas Kwoyelo, and supported

1 by fighters from Control Altar and the Gilva brigades, carried out the attack.

2 Your Honours, earlier, counsel Atim from the Defence brought to the Chamber's
3 attention the proceedings against Mr Kwoyelo in Uganda and the Prosecution will
4 expound on this very briefly to indicate that Mr Kwoyelo was charged for his role in
5 the attack on Pagak IDP camp. The matter proceeded before the Ugandan High
6 Court in the International Crimes Division and the honourable judges found him
7 guilty of the charges and he has since been sentenced to 40 years' imprisonment.
8 The Prosecution refers your Honours to the judgment at UGA-OTP-00001132.

9 On 17 May 2004, a day after the attack on Pagak IDP camp, Otti reported the attack on
10 the Pagak IDP camp to Mr Kony. The Prosecution refers your Honours to UPDF
11 logbook, UGA-OTP-0255-0228 at page 0249.

12 Three days later, on or about 19 May 2004, Lukodi IDP camp was attacked. This
13 camp was located in Aswa county, also in Gulu district. At the time, around 7,000
14 civilians lived at the camp. Vincent Otti and Dominic Ongwen, together with
15 fighters from Sinia and Gilva brigades, carried out the attack. The Prosecution, your
16 Honours, refers the Chamber to UPDF logbook UGA-OTP-0254-2982 at page 3050.
17 Here again, your Honours, the evidence establishes that the now convicted Dominic
18 Ongwen reported the attack to Mr Kony. He says that he caused havoc in Lukodi
19 camp and that he decided to kill all living things in that camp.

20 About three weeks later, on or about 8 June 2004, Abok IDP camp was attacked.
21 This camp was located in Ngai sub-county in Apac district. At the time between
22 7,000 and 13,000 civilians lived at the camp. Ongwen, with support from the Sinia
23 brigade, carried out the attack.

24 A day later, on 9 June 2004, Mr Ongwen reported the attack to Mr Kony. The
25 Prosecution refers your Honours to UPDF logbook, UGA-OTP-0254-2982, at

1 page 3078 where this information is detailed.

2 For four of the attacks - namely Pajule, Odek, Lukodi and Abok - Trial Chamber IX of
3 the ICC has tried, convicted and sentenced Dominic Ongwen to 25 years'
4 imprisonment.

5 Your Honours, ultimately, it is the Prosecution's case that Mr Kony is criminally
6 responsible for the attack on all seven IDP camps.

7 Your Honours, before turning to the evidence on these attacks, the Prosecution takes
8 a moment to address the contextual elements of the charges, and, earlier, the
9 Chamber heard from counsel for the LRV who flagged the substantial overlap in the
10 evidence between the Ongwen case and the Kony case.

11 Your Honours, the Prosecution immediately highlights that it is this Chamber who
12 will make final determination on the evidence and whether it meets the sufficiency
13 test in relation to the contextual elements. However, your Honours, in relation to
14 Trial Chamber IX, they held that at the relevant time of the charges, there was
15 a non-international armed conflict in the region of northern Uganda between the LRA
16 and the UPDF and that all contextual elements of war crimes are met on the evidence
17 presented to them.

18 The Prosecution refers your Honours to paragraphs 2809 to 2812 of the Ongwen trial
19 judgment.

20 Second, Trial Chamber IX held that all contextual elements of crimes against
21 humanity are met based on the evidence before that Chamber, and they found that
22 the LRA engaged in a course of conduct involving the multiple commission of acts
23 referred to in Article 7(1) of the Statute directed against the civilians of northern
24 Uganda.

25 That Chamber also held that the LRA was an organisation and that the LRA engaged

1 in a widespread and systematic attack pursuant to a policy to attack the civilian
2 population.

3 The Prosecution refers your Honours to paragraphs 123 to 143 and 2798 to 2803 of the
4 Ongwen trial judgment.

5 Your Honours, the Prosecution has submitted its Pre-Confirmation Brief and its list of
6 evidence and the Prosecution will now focus on describing the common aspects of all
7 seven attacks.

8 Firstly, your Honours, the IDP camps were created by the government of Uganda to
9 provide a safe haven for the population in the Acholi, Lango and Teso regions to
10 protect them from the violence being perpetuated by the LRA.

11 In the attacks, the LRA applied similar tactics, including surrounding the camps, then
12 sending in fighters armed with firearms and machetes.

13 Witnesses described the LRA attackers as moving in groups of two, three or four as
14 they targeted the camps in sections.

15 Some would target the barracks, others would target the trading centres and,
16 ultimately, they also targeted areas that were clearly occupied by the civilian -- the
17 civilian residents living in the IDP camps.

18 Your Honours, the Prosecution pauses to look very briefly at the LRA's use of
19 children as child soldiers in those attacks, and the evidence establishes that in all of
20 the attacks, children, including those under the age of 15 years, were used to
21 participate in the hostilities.

22 The Prosecution will highlight one example here and that relates to the attack on the
23 Pajule IDP camp, and there is Witness P-6 at UGA-OTP-0144-0072, at paragraph 11.

24 Your Honours, this witness describes seeing several LRA attackers, and, from this
25 witness's vantage point, they all appeared to be no more than 14 years old. This

1 witness recalls these attackers threatening them to open the door or they would kill
2 them.

3 This narrative of children being involved in the hostilities is echoed by the other
4 witnesses who survived the attacks on the Abia, Barlonyo, Odek, Pagak, Lukodi, and
5 Abok IDP camp. In just nine months, the LRA attacked these seven IDP camps,
6 terrorising thousands of civilians across four districts, Pader, Lira, Gulu and Apac,
7 and these districts were all located in northern Uganda.

8 Your Honours, the Prosecution's evidence is extensive, and so the Prosecution will
9 focus on highlighting a snapshot of the evidence that demonstrates the extreme
10 violence of the crimes, which is best appreciated by hearing the voices of those who
11 witnessed the crimes and also survived them.

12 During the attack on Abia, Witness P-51 at UGA-OTP-0069-0592, at paragraph 56,
13 recalls hearing a commander ordering his fighters to get clubs and to beat the civilians.
14 This witness was severely beaten to a state of unconsciousness and was left with
15 a permanent scar to her face.

16 Witness P-57, at UGA-OTP-0069-0515 at paragraphs 48 and 51, he participated in the
17 attack on Barlonyo, and this witness recalls that Odhiambo ordered them to kill
18 everybody in the camp, even the insects. In this witness's words, they went inside
19 the camp and killed men, women and children.

20 Witness P-205 at UGA-OTP-00000656, at pages 43 to 44, also an LRA insider, testified
21 in the Ongwen trial and he recounts that Dominic Ongwen ordered LRA fighters to
22 go and attack the Odek IDP camp, and that they were not to leave anything behind.
23 Ongwen further told them to abduct boys, those fit to be in the army. Those above
24 18 years should be killed and good girls should be abducted.

25 Witness P-11, at UGA-OTP-0069-0202 at paragraph 29, survived the attack on Pagak

1 IDP camp, and this witness recalls hearing the LRA fighters during the attack

2 shouting, "whatever you see that breathes should be killed."

3 Witness P-410, at UGA-OTP-00000627 at page 60, recalls the LRA commanders telling
4 them to kill whoever they saw walking or alive in the camps or barracks.

5 Witness P-187, at UGA-OTP-00000637 at page 31, survived the attack on Lukodi, and
6 this witness observed, and I quote: "[They] came prepared and ready to kill. They
7 needed -- they wanted to kill people."

8 Madam President, your Honours, during and in the aftermath of the attacks, the LRA
9 killed hundreds of civilians. These persons were civilians taking no active part in
10 the hostilities. The Prosecution has identified over 600 victims who are listed in the
11 annexes E.2.i to E.8.i, which was submitted with the Prosecution's Pre-Confirmation
12 Brief.

13 Across the attacks, your Honours, the LRA adopted a common pattern. They killed
14 their victims by stabbing, hacking them to death with machetes, beating them to
15 death, shooting at them, and bombing their houses and structures, resulting in
16 fatalities.

17 For Pajule, Witness P-67, at UGA-OTP-00000611 at page 27, recounts that an LRA
18 escort of about 9 or 10 years old was ordered to kill a person by the name of
19 Pangarasio, and this young child fired three bullets at the head of Pangarasio, killing
20 him. After this victim was killed, the LRA robbed his corpse, searching and taking
21 money from his pocket.

22 For Abia, Witness P-20, at UGA-OTP-0069-0574 at paragraphs 64 to 65, at the time this
23 witness was a mother with young children, and she recounts that as she was walking,
24 she was scolded by one of the LRA fighters as she was struggling with her child
25 strapped to her back, and also struggling with carrying looted items. She recounts

1 that the LRA fighter untied the child from her back and threw the child into a river
2 and this baby girl was carried away and she drowned. She died. Your Honours,
3 this witness was also left seriously injured.

4 During the attack on Barlonyo, this was the most intense of all the attacks - and it has
5 the greatest number of fatalities, numbering of, at least, 313 civilians - the
6 Prosecution's evidence shows that at least 33 of the victims were children.

7 With your permission, the Prosecution will show a video of some of the survivors of
8 the attack on Barlonyo IDP camp.

9 As a caution, the images may be disturbing. To protect the privacy and dignity of
10 the persons who were filmed, the Prosecution has blurred their faces. And this
11 video was recorded in the Lira hospital where many of the victims were being treated.
12 And this video is taken from UGA-OTP-0021-0006, and the video will play without
13 sound for about 45 seconds, and it captures a series of selected images, scenes which
14 show the injuries that were sustained.

15 (Viewing of the video excerpt)

16 MS SIMMS: [15:10:01] Your Honours, the images speak for themselves and, as
17 shown in the video, survivors included both adults and children, men, women, boys
18 and girls.

19 Moving on to Odek, we have Witness P-325, and this is at UGA-OTP-0264-0242 at
20 paragraph 24, and this witness recalls finding the bodies of a grandmother and her
21 grandson, and this child was still strapped to the back of his deceased grandmother.

22 This witness also saw, during the attack, LRA fighters shooting at a heavily pregnant
23 woman who was known to them as Aciro Monia and she was fatally -- she was fatally
24 injured, your Honours. Both mother and unborn baby died.

25 For Pagak, the LRA forced the victims -- many of the victims out of the camp and took

1 them to a nearby area where they were killed.

2 Witness P-12, at UGA-OTP-0069-0002 at paragraphs 42 to 44, provides a complete

3 narrative of how many of the victims of Pagak were killed. And Witness 12

4 describes LRA fighters as holding torches at their feet and their heads as they -- they

5 were forced to lay face down on the ground and these LRA fighters had wooden

6 branches.

7 I'll read it directly from her statement, your Honours, starting at paragraph 43. And

8 this witness states:

9 "Several rebels started beating us, one after the other. They beat 9 people in the line

10 to death; the 10th person was my husband. The person in line next to my husband

11 was a lady, and then it was me.

12 "I lifted my head to see what was happening and saw that my husband was beaten to

13 death. The rebels told me: 'What are you looking at: if you continue looking, we'll

14 shoot you'."

15 Your Honours, several residents, including this witness, was left severely injured

16 while many others died as a result of the severe beating that the LRA rebels delivered

17 that night.

18 For Lukodi, children were not spared during the attack as Witness P-187, at

19 UGA-OTP-0000636 at page 21, testified in the Ongwen trial that he saw LRA fighters

20 putting children in bags and beating them to death and throwing some of these

21 children who were placed in the bags away into the bush.

22 He also saw the LRA fighters throw two babies, around two months to three months

23 old, and he -- this witness knows them by the name of Caana and Lamunu, and they

24 were thrown into the fire.

25 For Abok, the Prosecution highlights the experience of one survivor and this is

1 Witness 293, at UGA-OTP-00000619 at page 40. And this witness testified in the
2 Ongwen trial, and he states that after the attack, he went and he discovered his father,
3 and his father had been beaten so severely that the -- his brain spilled from his skull.
4 Your Honours, as the witnesses -- the witnesses' account demonstrate, the LRA
5 fighters killed many civilians and they killed them indiscriminately: men, women,
6 girls, boys and babies.

7 Your Honours, I will now turn to highlight the evidence in relation to those who
8 survived, and the Prosecution's case is that at least 194 civilians were -- the LRA
9 attempted to kill them, however, they survived due to independent circumstances.
10 And again the pattern of violence was similar. They were shot at, they were beaten,
11 they were stabbed and they were locked into buildings and these buildings were set
12 on fire.

13 And for Abia, the Prosecution is highlighting the case of a female child. She was
14 around 10 years old at the time and her hospital records note a penetrating injury to
15 the abdomen through the chest, including injury to her kidney and liver.

16 From the attack on Barlonyo IDP camp, a female, 48 years old, and the hospital record
17 notes a shrapnel hit to the lumbar region, which is to the survivor's lower back, and
18 a gunshot wound to the right thigh and a cut to the left breast.

19 For the attack on Odek IDP camp, a female sustained a gunshot injury to the back of
20 her neck.

21 From the attack on Pagak IDP camp, on your screen, your Honours, is perhaps
22 a photograph of one of the youngest survivors, and this is taken at
23 UGA-OTP-0023-0410. And this was an eight and a half month old baby, and, during
24 the attack, the LRA rebels beat this baby to a state of unconsciousness using a stick
25 and this baby had to undergo a skull X-ray and was so severely injured that the

1 hospital record notes that the baby could not breastfeed due to their injuries.

2 For the attack on Lukodi, again, we have a seven-year-old child and the LRA fighters
3 beat the seven-year-old to a state of unconsciousness and she sustained a life-long
4 injury to her eye.

5 And then we have Abok, where, for Witness 279, she recounts the LRA fighters
6 beating and strangling her to a state of unconsciousness. And when she recovered
7 consciousness, she noticed that she was bleeding from the mouth and the nose.

8 Your Honours, these representative cases are taken from annexes E.3.ii to E.8.ii, which
9 were filed with the Prosecution's Pre-Confirmation Brief.

10 The Prosecution will now go to those who were abducted and enslaved.

11 And earlier my colleague, Leonie von Braun, addressed the Chamber on Mr Kony's
12 standing orders to abduct and integrate people into the LRA, especially women and
13 children.

14 And in the aftermath of the attacks in Pajule, Abia, Odek, Pagak, Lukodi and Abok,
15 the LRA abducted and enslaved hundreds of civilians as part of the plan to sustain
16 the LRA. Some were released, some were killed, others managed to escape early on,
17 but many were integrated into the LRA as part of Mr Kony's aim to create a new tribe.

18 For clarity, your Honours, those who were detained for less than a week are counted
19 for count 10 and those who were enslaved for longer periods of time are counted
20 under count 15. And my colleagues will later today and tomorrow address the
21 Chamber on those charges.

22 Your Honours, the survivors share a similar narrative. They recall that some were
23 tied up and forced out of the attacked IDP camps, while being guarded by the LRA
24 fighters. Others recall that the LRA fighters beat them as they struggled to carry the
25 luggage. And "luggage", your Honours, stands for the items that they looted from

1 the camps, such as food.

2 Some abductees watched as their relatives were killed. And some abductees were

3 severely beaten or shot, suffering severe injuries. For instance, Odek survivor,

4 Witness P-218, at UGA-OTP-03 -- 0238-0720, at paragraph 33, states that many men,

5 women, and children were abducted from the camp during the attack. And to his

6 knowledge, most of the women were returned to the camp by the LRA, however, they

7 kept many of the children in the bush with them.

8 Pagak survivor, Witness P-13, at UGA-OTP-0069-0176 at paragraphs 38 to 40,

9 describes her brief time in captivity as being forced to carry looted items on her head

10 and being subjected to severe beatings. And this witness lost sight in her eye.

11 Your Honours, the evidence of the LRA's widespread and systematic brutal violence

12 was not only limited to camp residents, it was also directed at the -- it was also

13 directed at the property of the camp residents. And this was across the seven IDP

14 camps where the LRA fighters looted household goods, livestock, food, and they

15 forced the camp residents to carry these items out of the camp.

16 Your Honours, for the Pajule attack, there's Witness P-67 at UGA-OTP-00000611 at

17 page 36, and this witness states that one of the primary roles of some of the LRA

18 fighters as they attacked in groups was to go into the camps and to take away the

19 items that they looted during the attack.

20 Your Honours, even the reports of the LRA commanders who led the attack also

21 establishes the Prosecution's evidence concerning the aim of the LRA as it relates to

22 looting and destruction. For example, Otti, when he reported the attack to Mr Kony

23 on the Pagak IDP camp - and this, your Honours, is found at UPDF logbook,

24 UGA-OTP-0255-0228 at page 0249 - detailed that he had burned 500 huts.

25 For Lukodi, Dominic Ongwen also made similar reports to Mr Kony.

1 Your Honours, earlier today Deputy Prosecutor Niang had shown a Barlonyo video,
2 and from that video one could see signs of destroyed buildings. On your screens,
3 your Honours, are photographs of the aftermath of the attack on the camps of Abia,
4 Barlonyo, Pagak and Lukodi. As shown here, your Honours, the structures appear
5 to have been destroyed by fire.

6 Your Honours, turning to the issue of persecution. The Prosecution has throughout
7 today highlighted the persecutory behaviour of the LRA under the orders of Mr Kony
8 and the acts and experiences of the survivors, which I have highlighted today,
9 demonstrates this persecutory intent.

10 Your Honours, the Prosecution could only provide a snapshot of the extensive body
11 of evidence coming from its over 180 witnesses. The Prosecution submits that there
12 are substantial grounds to believe that Mr Kony is criminally responsible for the
13 attacks detailed at counts 1 through to 13.

14 Your Honours, I thank the Court for its time and attention and I now turn over to my
15 colleague, Sanyu Ndagire, who will address the Chamber on the systemic crimes.

16 And Ms Ndagire is a national of Uganda. I thank you.

17 MS NDAGIRE: [15:26:07] May it please the Court.

18 My name is Sanyu Ndagire and, as my colleague just mentioned, I will be addressing
19 the systemic crimes committed by Joseph Kony and his co-perpetrators against girls
20 and women.

21 And just to inform the Chamber, my presentation or my submissions will be about
22 40 minutes' long or a bit longer; so I request the indulgence of the Chamber if we
23 could conclude a little after 4 p.m., if it's all right.

24 PRESIDING JUDGE ALEXIS-WINDSOR: [15:26:42] We will see how it goes. Go on.
25 Begin.

1 MS NDAGIRE: [15:26:47] Thank you.

2 Your Honours, from at least 1 July 2002 to 31 December 2005, at least thousands of
3 girls and women were abducted by the LRA from villages, schools, IDP camps and
4 locations across northern Uganda pursuant to Joseph Kony's standing orders.

5 There were forcibly integrated into the LRA. The girls became *ting tings*, a term that
6 the LRA used for young girls who performed domestic chores and looked after the
7 LRA commanders' children. The women became the forced wives of these
8 commanders and were forced to have sexual intercourse with the commanders, bear
9 their children and perform domestic duties.

10 To support the figure of at least thousands of women and girls as charged in the
11 Document Containing the Charges, we rely on the demographic analysis of returnees
12 that my colleague, Ms von Braun, referred to earlier this morning.

13 The Prosecution submits that there are substantial grounds to believe that Mr Kony is
14 criminally responsible as an indirect co-perpetrator for the crimes charged in counts
15 15 to 22, 24, and 27 to 29 of the Document Containing the Charges with respect to
16 women and girls that were forcibly integrated into the LRA at least from 1 July 2002,
17 until 31 December 2005 in northern Uganda.

18 Mr Kony is charged with the following crimes listed in these counts: enslavement; the
19 inhumane act of forced marriage; rape; torture; other inhumane acts of severe abuse
20 and mistreatment; cruel treatment; gender persecution, as well as sexual slavery; and
21 forced pregnancy.

22 Mr Kony is also criminally responsible as an indirect co-perpetrator for the crimes
23 charged in counts 1, 6 to 11, and 14 with respect to the LRA's attack on Lwala Girls
24 School on or about 24 June 2003, that resulted in pillaging as well as enslavement,
25 torture, other inhumane acts of severe abuse and mistreatment, cruel treatment and

1 persecution of at least 70 schoolgirls.

2 I will first address the first two counts of the crime of enslavement with which

3 Mr Kony is charged.

4 To avoid double counting of the victims, the Prosecution distinguishes between the
5 crime of enslavement in counts 10 and 15 as follows:

6 Count 10 relates to abducted civilians who were released, who escaped or were killed
7 by the LRA in the immediate aftermath of the attacks. These include at least 12
8 schoolgirls abducted by the LRA from the Lwala Girls School and who managed to
9 escape shortly after their abduction or were released in the days after the attack on the
10 school.

11 Count 15 relates to women and girls that were abducted and forcibly integrated into
12 the LRA for protracted periods of time as *ting tings* and forced wives. They include
13 at least thousands of women and girls abducted from across northern Uganda during
14 the charged period, including the schoolgirls from Lwala Girls School who were not
15 released or who were unable to escape.

16 The evidence shows with regard to the crimes of enslavement, forced marriage and
17 sexual slavery, that the abducted girls and women who were not released or were
18 unable to escape were subsequently distributed without their consent to LRA
19 commanders and fighters as forced wives and *ting tings* to engage in acts of a sexual
20 nature, including sexual intercourse, and to perform domestic duties.

21 Witness P-214 who was herself abducted at the age of 17, states and I quote:

22 "Kony decided to distribute us girls to different commanders as wives. Kony was
23 seated under a tree and called us. He looked at us and told his security guards to
24 pick four girls for him to stay in his home. Kony then told the top commanders [...]
25 to also pick girls.

1 "The commanders pointed at the girls they wanted and then their security guards
2 would take the selected girls to their homes. After that, Kony allocated the rest of
3 the girls to lower ranking commanders. Each commander received one girl. The
4 girls did not have a choice but to go with the commanders.

5 "We were told on where to go and if one resisted, she was beaten. I saw that some of
6 the girls resisted, and they started crying when they were forcefully taken away."

7 End quote.

8 I refer your Honours to UGA-OTP-0234-0026, at page 0034.

9 The evidence shows that the practice of abducting women and girls was rampant
10 across the LRA during the charged period. An example of this practice was the
11 LRA's abduction of about 70 schoolgirls from the Lwala Girls School on or about
12 24 June 2003, which I now turn to.

13 The 2025 dynamic Google Earth map, which appears on your screens, depicts where
14 Lwala Girls School is in Uganda. The map and its annotations are premised on the
15 public annex D of the Prosecution's Pre-Confirmation Brief and paragraph 154 of the
16 Pre-Confirmation Brief, which also cites the underlying evidence of the route that the
17 abducted schoolgirls were forced to take and their subsequent distribution within the
18 LRA.

19 Lwala Girls School is situated in the Lwala village of Kaberamaido district in Teso in
20 north-eastern Uganda, and in June 2003 about 230 girls were resident at this boarding
21 school. By 2003, the LRA were conducting operations in the Teso region in
22 compliance with Mr Kony's standing orders to abduct women and girls and his
23 persecutory campaign for the LRA to target schoolgirls collectively on the basis of
24 their age and gender.

25 By 23 June 2003, Stockree brigade's Mendu battalion commander, Charles Kapere,

1 and Wake-Up battalion commander, Okello Lagulu, were together in the Amuria area,
2 which is about 50 kilometres east of Lwala Girls School. And I refer your Honours
3 to logbook UGA-OTP-0068-0146, page 0270 and 0272.

4 Lagulu and Kapere complied with the instructions that their commander, Charles
5 Tabuley, had given them, which was to abduct -- to identify schools in order to attack
6 and abduct schoolgirls.

7 Lagulu and Kapere selected 30 fighters from their battalions to attack Lwala Girls
8 School and, Opio Aceya, who was Lagulu's second-in-command, led the attack on the
9 school on the early hours -- or in the early hours of 24 June 2003.

10 Witnesses P-68, P-2, and P-15 recall that the fighters that attacked the school were
11 armed with machetes, knives, AK-47s, rocket-propelled grenades and PK machine
12 guns and that the LRA fighters also included children under the age of 15.

13 The features that we will be identifying on this 2025 Google Earth image of Lwala
14 Girls School is also used as a visual aid and premised on a sketch, which is at
15 UGA-OTP-0139-0077 and was drawn by Witness P-75.

16 This image depicts what the school premises looked like in 2003. The direction north
17 is to your left on the image. You can also see the main gate, the classrooms, the
18 dormitories, and the staff quarters.

19 A week prior to the attack, the schoolteachers and students at Lwala Girls School
20 heard from civilians in the area that the LRA were in Amuria and Katakwi and that
21 they were coming to abduct the students. This is from statement
22 UGA-OTP-0043-0131, page 0134, and statement UGA-OTP-0139-0047, at
23 paragraph 57.

24 Upon learning of this impending attack, some students were lucky enough to be
25 taken home by their parents before the LRA fighters got to the school. Other

1 students managed to run away when the fighters attacked the school in the early
2 hours of 24 June 2003. However, Witnesses P-2, P-1079, P-1084, P-15, P-21, P-129,
3 P-79 and P-4 were not so fortunate. They were amongst the 70 schoolgirls ranging
4 between the ages of 13 to 19 that were abducted by the LRA fighters.

5 * At about 2:30 a.m., on 24 June 2003, P-68 was patrolling the school grounds when he
6 suddenly heard screams from the dormitories. As he approached the generator
7 room, which was across the dormitories on the campus, P-68 saw through the
8 pouring rain, LRA fighters carrying flashing torchlights while moving in and out of
9 the dormitories. He recalls that the fighters were wearing military uniforms and
10 carrying guns. This is at UGA-OTP-0139-0007, paragraphs 48 and 54.

11 P-2 was asleep in Saskia dormitory when she was suddenly woken up by a short LRA
12 fighter who, she estimates, was about 13 years old and carried a rocket-propelled
13 grenade. With him were four other LRA fighters who were boys, and they carried
14 ammunition magazines on their waists as well as knives, guns, and machetes in their
15 hands. This is at UGA-OTP-0070-0002 at page 5.

16 P-15 was a 13-year-old student and attempted to run away when the LRA fighters
17 came into her dormitory room. An LRA fighter caught her and brought her back to
18 the group of the abducted girls assembled outside in the rain by the LRA fighters.
19 Statement UGA-OTP-0043-0131, pages 0133 and 0135.

20 Some of the schoolgirls, like P-4, P-21, P-79 were barefoot, and others, like P-2, P-15,
21 P-1079 and P-1084, were still in their nightclothes and school uniforms.

22 The LRA fighters then bound the schoolgirls together with rope or bedsheets from
23 their dormitories, which they secured around the girls' waists. They then beat and
24 forced the girls to carry looted food, medicine, clothes and mattresses while marching
25 them out of the school gate.

1 The first pit stop that the fighters made was Otuboi. It was here that the LRA
2 fighters broke into shops at Otuboi's trading centre and looted food and other items,
3 like cooking oil and soap, which they then forced the enslaved schoolgirls to carry.
4 A number of the schoolgirls managed to escape while the LRA fighters were pillaging
5 Otuboi's trading centre, but P-4 and P-15 were not successful. LRA fighters beat
6 them severely with sticks and machetes and then beat the rest of the enslaved girls
7 across their backs and their buttocks.
8 P-4 saw one girl beaten so badly that she was bleeding, and P-21 was beaten with
9 a wire lock. Statement UGA-OTP-0139-0097, page 0102, and statement
10 UGA-D26-0025-0097 at page 0100.
11 P-41 recounts that when the enslaved girls arrived at Charles Kapere's location,
12 Kapere warned them not to try and escape because they were going to be taken to
13 someone of a higher rank.
14 Kapere then released about 12 of the schoolgirls who could not walk well and those
15 who were considered too old. This is at * UGA-OTP-0021-0073 at page 0089.
16 On 25 June 2003, Charles Kapere relayed the success of the attack on the girls' school
17 to his commander, Charles Tabuley, over the radio. He confirmed having attacked
18 Otuboi mission in Kaberamaido district and that 56 girls were abducted from
19 a secondary school there, but that most of them were ugly. Logbook
20 UGA-OTP-0068-0146 at page 0277.
21 Charles Tabuley instructed Kapere not to release the girls until his arrival and said
22 that even if the girls are ugly, the LRA will not mind, so long as they're fit to be
23 trained as soldiers. Logbook UGA-OTP-0241-2490, page 2680, and logbook
24 UGA-OTP-0242-6018 at page 6047.
25 By 26 June 2003, the remaining enslaved schoolgirls from Lwala Girls School had

1 arrived in Orungo. The girls were then split between Lagulu and Kapere and taken
2 to Charles Tabuley's brigade in Orungo, where all four Stockree battalions were
3 gathered. Witnesses P-1079 and P-21 recall that to get to Tabuley's location, the girls
4 had to cross swamps filled with water that was chest-high and that, all the while, the
5 girls were still tied together at the waist.

6 The LRA radio communication at 1100 hours on 27 June 2003 confirms that Tabuley
7 was now with Lagulu.

8 Witnesses P-41, P-0136 and P-10 confirm that the schoolgirls remained with Tabuley
9 for about two nights and then were split into smaller groups within his brigade of
10 about five girls each. These smaller groups were then distributed to LRA
11 commanders Tabuley, Kapere, Okuti and Labongo.

12 On 28 June 2003, Otti reported over the radio that he was in Obalanga.

13 On or about 30 June 2003, the remaining girls were taken by Kapere and Tabuley to
14 Vincent Otti in Olyelo-Wi-Dyel in Pader district, and on 1 July 2003, they were then
15 taken onwards to Lokole and Kalongo.

16 On 5 July 2003, Kony, over the radio, asked Tabuley whether the abducted girls from
17 Teso and Lango are beautiful, to which Tabuley responded, "Some are ugly and only
18 four are beautiful". Tabuley further inquired whether Kony wanted any of them for
19 a wife. I refer your Honours to logbook UGA-OTP-0060-0149 at pages 0175 to 0176.

20 The following day, which was 6 July 2003, Kony instructed for the recruits from Teso
21 to be kept well. This is in logbook UGA-OTP-0068-0146 at page 0298.

22 Four enslaved girls were ultimately taken to Tim Pa Lukok on 7 July 2003 by
23 Vincent Otti, Tabuley and Kapere to meet Mr Kony in person.

24 Tim Pa Lukok was a hideout where Kony stayed when he was in Uganda and it was
25 located in Kitgum district, Orom sub-county, close to the borders of Kidepo Game

1 Reserve and the border of South Sudan.

2 And Tim Pa Lukok, for your Honours, is a distance of about 200 kilometres from
3 Lwala Girls School where these girls had been taken from.

4 Kony selected two of the girls, including victim 2, whose victimisation we refer to at
5 paragraphs 167 to 169 of the Pre-Confirmation Brief, and these girls were to stay in his
6 household permanently as his wives, and then Vincent Otti kept some of the enslaved
7 girls for himself.

8 The LRA radio communication of 22 July 2003, which is recorded in logbook
9 UGA-OTP-0068-0146 at page 0324, reveals that Tabuley was ordered by Kony to
10 distribute the rest of the enslaved Lwala schoolgirls, who were about 23 in number by
11 this time, to LRA commanders Ocan Bunia, Okot Odhiambo and Buk Abudema.

12 The memorial plaque that you now see on your screens, your Honours, was installed
13 and officially unveiled on the Lwala Girls School grounds by Ugandan President
14 Yoweri Museveni in 2015, in honour of the 70 schoolgirls who were abducted by the
15 LRA on or about 24 June 2003, and this is UGA-OTP-00000017.

16 I will now focus on the evidence regarding the systemic crimes against abducted
17 women and girls integrated into the LRA, which we have charged at counts 15 to 22,
18 24 and 27 to 29.

19 The Prosecution alleges that at least thousands of women and girls were targeted as
20 part of the LRA's persecutory campaign for abduction and integration into the LRA
21 on the premise of their gender.

22 The abducted women and girls were treated by the LRA like chattels or spoils of war
23 to be awarded to commanders as their wives and *ting ting*.

24 The Prosecution provides in annex E.10 to the Pre-Confirmation Brief a list of 204
25 individually identifiable women and girls who were abducted and forcefully

1 integrated into the LRA as forced wives and *ting ting* during the charged period.

2 These women and girls were abducted by the LRA from the following locations:

3 Omoro on 18 June 2003; Ogolai in Katakwi district in June 2003; from Lwala Girls

4 School on or about 24 June 2003; from Pajule IDP camp on or about 10 October 2003;

5 and from Omiya Pacwa around December 2004.

6 Of these 204 women and girls, 117 were forced wives during their captivity by the

7 LRA and were subjected to the crimes of enslavement, the inhumane act of forced

8 marriage, rape, torture, other inhumane acts of severe abuse and mistreatment, cruel

9 treatment, gender persecution, as well as sexual slavery and forced pregnancy.

10 Kony devised the rule that the girls who had begun menstruating were considered

11 mature enough to become wives.

12 Witness P-142 estimated that there were more than 100 wives in Sinia brigade alone

13 from the year 2003 to 2004.

14 In the Dominic Ongwen trial, Witness P-70 testified that most of the LRA

15 commanders in the bush had wives and that some fighters had 10 wives, some had 20

16 wives, and that Kony himself had approximately 90, 9-0, wives. This is transcript

17 UGA-OTP-00000599, at page 39.

18 On your screen, your Honours, is photographic evidence of Mr Kony's role and the

19 LRA practice regarding forced marriage. These photographs, which were provided

20 by Witness P-70, depict various commanders with their wives and children while in

21 the bush. We have blurred their faces, the faces of the women and children, for their

22 privacy.

23 The enlarged photo that you now see depicts LRA commander Raska Lukwiya with

24 his then women, who are wives and children.

25 One witness lists over a dozen of Kony's wives by name. This is in statement

1 UGA-OTP-00001146 at page 13. Witnesses P-23, P-48, P-99, P-0226 and P-15, also
2 corroborate the large number of wives that Mr Kony had. Mr Kony would select his
3 wives from the young girls and women brought to him by the brigade commanders,
4 as was the case with victim 1 and victim 2.

5 Forced wives had to maintain an exclusive sexual relationship with the LRA
6 commander to whom they were distributed, which meant that they were forced to
7 have sexual intercourse with him on demand. They also had to bear children,
8 perform domestic chores, carry out labour, and do what their husband instructed
9 them to.

10 According to Witness P-351, girls used to do a lot of work, including carrying food
11 and cooking, and, in case of an attack, carry everything. This is statement
12 UGA-OTP-0263-0002, at page 13.

13 As a result of the forced sexual intercourse that the abducted women and girls
14 endured, within the coercive environment of the LRA, at least hundreds of women
15 and girls became pregnant, having no choice as to whether, when or with whom to
16 have a child.

17 The expectation of women to produce children was central to Kony's motive, which
18 was to create a new Acholi tribe, and this was implemented through the abduction,
19 enslavement and forced marriage of women. Further evidence of this comes from
20 the victims themselves.

21 P-227 stated that her forced husband, Dominic Ongwen, told her that she must have
22 a child. She also heard from other forced wives that Kony said each woman must
23 have 15 children. Statement UGA-OTP-0235-0125, at page 0138: P-23 states, and I
24 quote:

25 "Girls and women were abducted for two main reasons. First, because they helped

1 to cook. Second, because they produced children.

2 "[...]

3 "Mature girls were given to the commanders as their wives. Girls were considered
4 [...] mature once they had their first menstrual period. This was a rule made by
5 Kony. Before that, they were not allowed to be touched; this was another rule by
6 Kony."

7 PRESIDING JUDGE ALEXIS-WINDSOR: [15:59:00] Counsel, if I may interrupt you,
8 you'd asked for a few minutes. May I inquire what exactly is your request? We are
9 minded to grant up to 15 minutes today, but we will not be able to grant more. Is it
10 possible for you then to wrap up in the 15-minute period.

11 MS NDAGIRE: [15:59:22] Yes. Yes, I will be able to.

12 PRESIDING JUDGE ALEXIS-WINDSOR: [15:59:25] Very well then. You may
13 continue.

14 MS NDAGIRE: [15:59:27] And just for the record, your Honours, the quote that I
15 read out was statement UGA-OTP-0150-0063, at page 0071.

16 Pregnant women and girls were not free to leave the LRA. The LRA subjected them
17 to the same coercive and violent environment, including forced exclusive sexual
18 relationships and sexual abuse. The LRA unlawfully confined these women and
19 girls during their pregnancies with the intent to carry out grave violations of
20 international law, including continued enslavement, rape, torture, and the inhumane
21 act of forced marriage. This included at least one of the victim's children, fathered
22 by Kony, who was born in Uganda during the charged period.

23 While other children of Kony were conceived and born outside of the charged period
24 and outside of Uganda, these witnesses confirm the existence of a pattern of forced
25 pregnancy with which Mr Kony is charged.

1 The LRA specifically targeted young girls, who they referred to as *ting ting*, for
2 abduction and enslavement. Because of their young age, the LRA considered them
3 less likely to have sexually transmitted diseases. These *ting ting* included at least 11
4 Prosecution witnesses, although the evidence suggests that the number of girls
5 subjected to this status or role was much higher. And we refer you to report
6 UGA-OTP-00001133, at pages 3 to 4.

7 Annex E.10 of the Pre-Confirmation Brief indicates that from the 204 individually
8 identifiable women and girls, about 48 of the girls were *ting ting* in the LRA during
9 the charged period. One witness recalls that there were 10 *ting ting* in Vincent Otti's
10 household in 2003. Statement UGA-OTP-0043-0131, at page 0141. P-140, a former
11 *ting-ting* of an LRA commander, was tasked with carrying goods, collecting water,
12 cooking, and taking care of children and babies. P-467, a former child soldier, stated
13 that the girls' role was to cook and carry luggage and that when they were old enough,
14 they could become wives. Statement UGA-OTP-00000510, at page 16.

15 The young age of these girls did not guarantee protection from sexual violence,
16 however. P-264 recalls that the LRA commanders had sex with their *ting ting* who
17 were too young to be married. Statement UGA-OTP-0256-0139, at page 0163.

18 I now turn to the evidence of the torture or cruel treatment, other inhumane acts of
19 severe abuse and mistreatment that the girls and women in the LRA were subjected to
20 during the charged period.

21 Abducted women and girls were subjected to a coercive and violent environment,
22 including various forms of physical and psychological violence, often for a protracted
23 period of time. Many were severely beaten and threatened with violence for
24 resisting sexual intercourse, other sexual violence or for merely breaking LRA rules.

25 In the words of Witness P-236:

1 "[i]f there is anything wrong, you are beaten. If you do anything wrong, you are
2 beaten."

3 Statement UGA-OTP-00000784, at page 13.

4 In some cases, women and girls were beaten or killed for attempting to escape. For
5 instance, P-227 saw a girl beaten so badly that she could not eat. P-374 describes
6 how two girls were killed by LRA fighters. This is statement UGA-OTP-0263-0023,
7 at page 0041.

8 The LRA radio communication of 18 December 2002 reveals that Kony ordered the
9 beating of a woman with 50 strokes for refusing to hand over a young child as
10 a babysitter or *ting ting*. This is logbook UGA-OTP-0065-0002, at page 0115.

11 Some abducted women and girls were also forced to beat or participate in the killing
12 of other abductees who tried to escape. P-139 was made to beat a female abductee
13 with a stick, a big stick, until she was about to die. P-15 recalls how two boys that
14 attempted to escape were beaten until they were nearly dead and that, afterwards, the
15 two boys were stabbed to death by LRA fighters. In one instance, an abducted girl
16 was made to carry the severed head of an abductee who had been killed for trying to
17 escape. This is statement UGA-OTP-00000622, pages 25 to 26.

18 Witness P-1079 recalls the punishment that one abducted girl received for attempting
19 to escape. The girl was forced to remove her blouse and, with a burning hot machete,
20 the sign of the cross was carved into her bare back. The girl was then forced to carry
21 a bag on her back. Statement UGA-OTP-00001403, at paragraph 83.

22 Abducted women and girls suffered severe physical and mental pain and suffering as
23 a result of the systematic physical and psychological abuse in the coercive
24 environment and poor living conditions they endured. This included constant
25 hunger and dehydration; injuries sustained during sexual intercourse, or while

1 performing domestic chores; poor hygiene; intake of substances triggering
2 menstruation, pregnancy, childbirth and postnatal complications, all in an
3 environment in which they were deprived access to medical care.

4 One witness describes that neither she nor the babies she bore had access to medical
5 care in the time relevant to the charges. Shortly after giving birth, the witness had to
6 cut her baby's umbilical cord herself, using grass in the bush, and then sealed the
7 umbilical cord with a thread from the wrapper she was wearing. Statement
8 UGA-OTP-00001146, at pages 20 to 21.

9 Witness P-1079 states that pregnant women within the LRA who went into labour
10 had to give birth to their babies while on the move in the bush. P-1079 once saw the
11 wife of a LRA commander give birth to a baby as she walked together with the group
12 through the bush. Statement UGA-OTP-00001403, at paragraph 76.

13 This continued deprivation of liberty, sexual and reproductive autonomy and the
14 subjugation to forced marriage and sexual intercourse against their will caused great
15 suffering and serious injury to the women's bodies and their mental and physical
16 health.

17 What you have heard today, your Honours, is a snapshot of the totality of the
18 evidence regarding Mr Kony's role and responsibility for the gender-based crimes
19 committed against the girls abducted from Lwala Girls School as well as many other
20 women and girls abducted from across northern Uganda and that were forcibly
21 integrated into the LRA.

22 We submit that the charges against him should be confirmed in relation to counts 1, 6
23 to 11, and 14, regarding the attack on Lwala Girls School, and counts 15 to 22, 24, and
24 counts 27 to 29 with respect to the women and girls that were forcibly integrated into
25 the LRA from at least 1 July 2002 until 31 December 2005 in northern Uganda.

1 And this concludes my submissions. Tomorrow, my colleague, Ms Henderson, will
2 address the crimes committed against children. I thank you.

3 PRESIDING JUDGE ALEXIS-WINDSOR: [16:10:26] Thank you very much, counsel.

4 All right, this will be then the end of our day. We will continue tomorrow, I'm
5 reminding you at 9.30.

6 All right.

7 THE COURT USHER: [16:11:00] All rise.

8 PRESIDING JUDGE ALEXIS-WINDSOR: [16:11:06] Have a good day to all.

9 (The hearing ends in open session at 4.11 p.m.)

10 CORRECTIONS REPORT

11 The following transcribing corrections, marked with an asterisk *, are brought into the
12 transcript

13 Page 8 line 22

14 "serious jury to body"

15 Is corrected to

16 "serious injury to body"

17 Page 38 line 3:

18 "reputations"

19 is corrected to:

20 "reparations"

21 The following interpretation corrections, marked with an asterisk *, are brought into
22 the transcript.

23 Page 17 line 4:

24 "The LRA bases in Sudan were then destroyed and hundreds of individuals were
25 killed. "

1 is corrected to:

2 "The LRA bases were then destroyed and hundreds of individuals were killed."

3 Page 17 line 21:

4 "Kony is charged with 33 counts of war crimes and crimes against humanity."

5 is corrected to:

6 "In these arrest warrants, Joseph Kony is charged with 33 counts of war crimes and
7 crimes against humanity."

8 Page 22 line 23:

9 "Joseph Kony remains untraceable within the meaning of the Statute"

10 is corrected to:

11 "Joseph Kony remains a person who cannot be found within the meaning of the
12 Statute"

13 Page 33 lines 15-17

14 "Even though they do confirm the charges, it is not going to be -- they are not going to
15 -- Joseph Kony is not going to be tried for them."

16 Is corrected to

17 "Even though they do confirm the charges, Joseph Kony is not going to be tried for
18 them."

19 Page 34 lines 8-9

20 "Joseph Kony, they are still looking for him, he is still out at large"

21 Is corrected to

22 "Joseph Kony, they are still looking for him, he is still out at large, even if the charges
23 are confirmed."

24 Page 34 line 13

25 "Most of the people in Uganda are listening to how the proceedings are going"

1 Is corrected to

2 "Most of the people in Uganda and other places are listening to how the proceedings
3 are going"

4 Page 34 lines 16-21

5 "Confirmation charges in other cases are for somebody who is leading the
6 proceedings, from the Prosecutor. But, in this case, the Court has to hear from the
7 Prosecutor and from the Defence, but without any other proceedings, nothing will
8 take -- will go further.

9 With respect to these proceedings, the Prosecution has not found any information to
10 continue with these proceedings."

11 Is corrected to

12 "Confirmation of charges in other countries is the responsibility person who is
13 leading the proceedings, the Prosecutor. But, in this case, the Court has to hear from
14 the Prosecutor and from the Defence, but without any witness statements or other
15 proceedings.

16 With respect to these proceedings, in the absence of the accused person the Defence
17 does not have any information to challenge these proceedings."

18 Page 35 lines 2-4

19 "they are seeing their brothers, they are seeing their sisters. This will cause them
20 post-traumatic disorder."

21 Is corrected to

22 "they are seeing their neighbours or themselves reminding them of events that
23 happened 20-25 years ago. This will cause them post-traumatic stress disorder."

24 Page 35 lines 8-14

25 "and without receiving any information from the people who were aware of it, we

1 will not know whether these things actually happened. We do not know whether we
2 will be able to hear from these people.

3 As the Prosecutor decided to show these pictures, these pictures are going to have
4 terrible repercussions on the people in northern Uganda who are seeing these photos.
5 We should be aware that these proceedings are going to take a very short time for
6 things that happened for a very long time”

7 Is corrected to

8 “and without receiving any information from the accused person we will not know
9 whether these things actually happened.

10 As the Prosecutor decided to show these pictures, these pictures are going to have
11 terrible repercussions on the people who are seeing these photos. We should be
12 aware that these proceedings concern a very short time for things that happened in
13 only 8 places. “

14 Page 35 line 22 to page 36 line 1

15 “This Court is -- in the letter that Uganda sent to this Court, the Court did not --
16 Uganda did not say that it does not have any interest or that it is not able to try Joseph
17 Kony, but Uganda asked the Court to help it to arrest Joseph Kony with the help of
18 the Americans and other African countries. It took 20 years, and Joseph Kony has not
19 yet been arrested to date.”

20 Is corrected to

21 “This Court is not more important than national jurisdictions but is only
22 complementary if a national court is unwilling or unable to prosecute. In the letter
23 that Uganda sent to this Court, Uganda did not say that it does not have any interest
24 or that it is not able to try Joseph Kony, but Uganda asked the Court to help it to
25 arrest Joseph Kony. Even with the help of the Americans and other African countries,

1 it has taken over 20 years, and Joseph Kony has not yet been arrested to date.”

2 Page 36 lines 8-10

3 “and somebody who is also part of the proceedings, the traditional proceedings that

4 are going on in Acholi”

5 Is corrected to

6 “and somebody who is also part of the traditional justice proceedings that are going

7 on in Acholi”

8 Page 36 lines 15-16

9 “a minority of the perpetrators, leaving out a number of perpetrators.”

10 Is corrected to

11 “a minority of people, leaving out a number of people.”

12 Page 43 line 14:

13 "UGA-OTP-0000865"

14 is corrected to:

15 "UGA-OTP-0000-0865 "

16 Page 70 line 5:

17 "At about 12:30 a.m., on 24 June 2003' "

18 is corrected to:

19 "At about 2:30 a.m., on 24 June 2003."

20 Page 71 line 15:

21 "UGA-OTP-0221-0077 at page 89"

22 is corrected to:

23 "UGA-OTP-0021-0073 at page 0089"