

Situation in Uganda

ICC-PIDS-CIS-UGA-001-010/24\_Eng

***The Prosecutor v. Joseph Kony***

Updated: June 2024

ICC-02/04-01/05

**Suspected of crimes against humanity and war crimes committed in Uganda since July 2002. Suspect not in ICC custody. Confirmation of charges hearing scheduled in the suspect's absence on 15 October 2024**

## Joseph Kony

**Place of birth:** Omoro County, Gulu district, Uganda

**Nationality:** Ugandan

**Current status:** Alleged Commander-in-Chief of the Lord's Resistance Army (LRA)

**Warrant of arrest:** Issued under seal on 8 July 2005, amended on 27 September 2005 | Unsealed on 13 October 2005

**Status of proceedings:** Execution of the arrest warrant is pending

**Confirmation of charges hearing:** scheduled for 15 October 2024

### Charges

- According to the Prosecution's submission of the [Document containing the charges](#), Joseph Kony is suspected of 36 counts of war crimes and crimes against humanity, allegedly committed between at least 1 July 2002 until 31 December 2005 in northern Uganda.

## Alleged crimes

From at least 1 July 2002 until 31 December 2005, the LRA carried out a widespread and systematic attack directed against the civilian population of northern Uganda, engaging in a course of conduct that involved the multiple commission of acts amounting to crimes under the Rome Statute, the Court's founding treaty.

According to the Prosecution's submission of the [Document containing the charges](#), Joseph Kony is suspected of 36 counts of war crimes and crimes against humanity, allegedly committed between at least 1 July 2002 until 31 December 2005 in northern Uganda.

The allegations against Mr Kony concern having a common plan together with other Lord Resistance Army's members to commit jointly and through others the following conduct, as well as ordering and inducing LRA fighters to:

Intentionally directing attacks against the civilian population as such; murdering civilians and attempting to do so; torturing, and/or severely abusing and mistreating civilians and treating them cruelly; enslaving abducted civilians; pillaging and destroying property; and persecuting civilians on political grounds as well as based on their age and gender (counts 1-14). These alleged crimes were committed in the context of the LRA attacks on the Lwala Girls School on or about 24 June 2003 and the following attacks on internally displaced persons' ('IDP') camps: (i) Pajule IDP camp on or about 10 October 2003; (ii) Abia IDP camp on or about 4 February 2004; (iii) Barlonyo IDP camp on or about 21 February 2004; (iv) Odek IDP camp on or about 29 April 2004; (v) Pagak IDP camp on or about 16 May 2004; (vi) Lukondi IDP camp on or about 19 May 2004; and (vii) Abok IDP camp on or about 8 June 2004.

The Prosecution also charges Mr Kony with having perpetrated in the same manner crimes against hundreds of women and against hundreds of children allegedly integrated into the LRA, in the period of 1 July 2002 until 31 December 2005 in northern Uganda: enslaving the women and children; sexual slavery of and forcing women and girls into marriage; raping women and girls; forced pregnancy, torturing and/or severely abusing and mistreating and cruelly treating women and children. This conduct is also charged as together amounting to persecution on the grounds of gender and/or age.

In addition, the Prosecution charges the conscription of children into the LRA, and using them to participate actively in hostilities (counts 15-29).

Finally, the Prosecution charges Mr Kony with directly, that is himself, perpetrating the crimes of enslavement, forced marriage, torture, and sexual slavery in relation to a young woman in the period from July 2003 until September 2004 in northern Uganda and/or Sudan (counts 30-36).

## Key judicial developments

### REFERRAL AND OPENING OF THE INVESTIGATION

Uganda signed the Rome Statute on 17 March 1999 and ratified on 14 June 2002 becoming a State Party to the International Criminal Court.

On 16 December 2003, the Government of Uganda referred the situation concerning northern Uganda to the Office of the Prosecutor.

On 29 July 2004, the Prosecutor determined a reasonable basis to open an investigation into the situation concerning northern Uganda.

### WARRANT OF ARREST

On 6 May 2005, amended and supplemented on 13 May 2005 and additionally on 18 May 2005, the Prosecutor submitted the request for the warrants of arrest for Joseph Kony, Vincent Otti, Raska Lukwiya, Okot Odhiambo and Dominic Ongwen.

The [Warrant of Arrest for Joseph Kony](#) was issued under seal on 8 July 2005 and amended on 27 September 2005. On 9 September 2005, the Prosecutor submitted an "Application for Unsealing of Warrants of Arrest Issued on 8 July 2005" to Pre-Trial Chamber II.

On 13 October 2005, Pre-Trial Chamber II decided to unseal the warrants of arrest. .

Joseph Kony remains at large.

### PASSING OF 3 SUSPECTS

On 11 July 2007, the proceedings against Raska Lukwiya, for whom a warrant of arrest was issued on 8 July 2008, were terminated following his death.

On 10 September 2015, Pre-trial Chamber II terminated proceedings against Okot Odhiambo following the forensic confirmation of his passing.

On 17 November 2023, Pre-Trial Chamber II terminated proceedings against Vincent Otti following his passing.

According to these decisions, the warrants of arrest are rendered without effect.

### SEPARATION OF THE DOMINIC ONGWEN CASE

On 16 January 2015, Dominic Ongwen was surrendered to the ICC's custody. On 6 February 2015, Pre-Trial Chamber II severed the proceedings against Dominic Ongwen from the case of *The Prosecutor v. Joseph Kony et al.* As the other suspects in the case have not appeared or have not been apprehended yet, the Chamber deemed it necessary to separate the case so as not to delay the pre-trial proceedings against Mr Ongwen. After having consulted the Prosecutor, the Chamber decided not to proceed against the other three suspects *in absentia*.

### REQUESTED INFORMATION REGARDING DEVELOPMENTS IN UGANDA

On 29 February 2008, Pre-Trial Chamber II requested the Government of the Republic of Uganda to provide information on the implications of the following two documents on the execution of the warrants of arrest, namely (a) the "Agreement on Accountability and Reconciliation Between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement," signed on 29 June 2007, which envisaged, *inter alia*, the establishment of national legal arrangements for ensuring justice, reconciliation and the accountability of individuals alleged to have committed serious crimes or human rights violations in the course of the northern and north-eastern Uganda conflict; and the (b) the "Annexure to the Agreement on Accountability and Reconciliation signed between the Government of the Republic of Uganda and the Lord's Resistance Army" on 19 February 2008, providing for the establishment of a special division of the High Court of the Republic of Uganda, entrusted with the task of "try[ing] individuals who are alleged to have committed serious crimes during the conflict" in Uganda.

On 27 March 2008, the Government of Uganda sent its response in which explained that "[t]he establishment of the special division of the High Court and the enactment of the relevant legislation shall take place after the signing of the final peace agreement with the Lord's Resistance Army/Movement. With respect to the impact of these developments on the execution of the arrest warrants, the Government of Uganda stated that the special division of the High Court is not meant to supplant the work of the International Criminal Court."

On 18 June, Pre-Trial Chamber II requested further information from the Republic of Uganda, after the reported failure to sign the final peace agreement by the respective parties. In particular, the Chamber requested information as to the steps undertaken by the Republic of Uganda with a view to executing the warrants of arrest.

On 9 July 2008, the Republic of Uganda responded that the comprehensive peace agreement was indeed not signed; that the Republic of Uganda remained committed to executing the warrants of arrest; and that the Government of Uganda continues to spare no effort in its attempt to secure the cooperation of the DRC in order to trace the LRA in the Garamba National Park, which is on the DRC territory.

#### PROCEEDINGS REGARDING THE ADMISSIBILITY OF THE CASE

On 21 October 2008, Pre-Trial Chamber II decided to initiate proceedings under article 19(1) of the Rome Statute with a view to determine whether the Court could still investigate and prosecute the case against Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen. In the same decision, Pre-Trial Chamber II appointed a Counsel for the Defence for the purpose of these proceedings and also invited the Prosecutor, the Counsel for the Defence, the Government of Uganda and victims, to submit their observations on the admissibility of the case.

Based on the submissions of the Prosecution, the Counsel for the Defence, the Government of Uganda and the Office of Public Counsel for Victims, submitted on 18 November 2008, Pre-Trial Chamber II determined on 10 March 2009, that “at this stage the case is admissible under article 17 of the Statute”.

On 16 March 2009, the Counsel for the Defence lodged an appeal against Pre-Trial Chamber II’s “Decision on the admissibility of the case under article 19(1) of the Statute of 10 March 2009.”

On 16 September 2009, the Appeals Chamber rendered its decision confirming the decision previously taken by Pre-Trial Chamber II.

#### PARTICIPATION OF VICTIMS

Pre-Trial Chamber II has granted 41 persons the status of victim authorised to participate in the case.

#### CONFIRMATION OF CHARGES HEARING

On 23 November 2023, Pre-Trial Chamber II issued [a preliminary decision](#) on holding confirmation of charges hearing in Mr Kony’s absence. The ICC Prosecutor was ordered to file a public Document containing the charges within eight weeks. [The Prosecutor filed the Document Containing the Charges on 19 January 2024.](#)

On 26 January 2024, Pre-Trial Chamber II [ordered the Registry](#) to initiate notification efforts with the aim to inform Mr Kony of the charges against him and to start related outreach activities.

On 4 March 2024, Pre-Trial Chamber II issued a [decision](#) on the Prosecutor’s request to hold a confirmation of charges hearing in the case against Joseph Kony in the suspect’s absence, should he not appear, and set the date for this hearing, to commence on 15 October 2024.

#### APPOINTMENT OF DEFENCE COUNSEL

On 19 June 2024, Pre-Trial Chamber III [ordered the Registry](#) to immediately appoint Mr Peter Haynes as Counsel for Mr Kony to represent the rights and interests of Joseph Kony during the confirmation of charges proceedings before the Court. On 21 June 2024, Mr Haynes was formally [appointed](#) as Counsel for Mr Kony. This appointment follows an open [call for expression of interest](#), an assessment of Counsels applications by a panel and the final [recommendation](#) submitted by the ICC Registry in a [Report](#) to ICC judges.

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#### Composition of Pre-Trial Chamber III

[Judge Althea Violet Alexis-Windsor](#) (Presiding)

[Judge Iulia Motoc](#)

[Judge Haykel Ben Mahfoudh](#)

#### Representation of the Office of the Prosecutor

Karim A. A. Khan KC, Prosecutor

Mame Mandiaye Niang, Deputy Prosecutor

Leonie von Braun

#### Defence Counsel for Joseph Kony

Peter Haynes KC

#### Legal Representatives of the Victims

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