

Summary of debate

Dominic Ongwen was born in 1975 in the village of Coorom, Kilak County, Amuru district, Northern Uganda. Ongwen was reportedly abducted and indoctrinated at the age of 10, where from then on, he rose quickly through the ranks and by his late 20s fulfilled the position of commander of the Sinia Brigade of the Lord's Resistance Army, a guerrilla group that formerly operated in northern Uganda.

The prosecution has argued that there are reasonable grounds to believe that Dominic Ongwen, due to his high ranking, has played an essential role in “coordinating the design and implementation of the common plan” and could therefore be prosecuted for 70 different counts of crimes against humanity and war crimes, (under Articles 7 and 8 of the Rome Statute) consisting of:

For war crimes:

- Attacks against the civilian population
- Murder and attempted murder
- Rape
- Sexual slavery
- Torture cruel treatment
- Outrages upon personal dignity
- Destruction of property
- Pillaging
- The conscription and use of children under the age of 15 to participate actively in hostilities,

For crimes against humanity:

- Murder and attempted murder
- Torture
- Sexual slavery
- Rape
- Enslavement
- Forced marriage as an inhumane act
- Persecution
- Other inhumane acts.

However, the defense has brought article 31 of the Rome Statute forward: the article of duress, excluding criminal responsibility. More specifically, they provided substantial evidence to demonstrate the application of the fourth sub-clause to this case:

- d. The conduct which is alleged to constitute a crime within the jurisdiction of the Court has been caused by duress resulting from a threat of imminent death or of continuing or imminent serious bodily harm against that person or another person, and the person acts necessarily and reasonably to avoid this threat, provided that the person does not intend to cause a greater harm than the one sought to be avoided. Such a threat may either be:
 - i. Made by other persons; or
 - ii. Constituted by other circumstances beyond that person's control.

Verdict:

With 4 votes in favour and 3 votes against, the panel of judges has decided that duress applies to this case, and therefore absolves Dominic Ongwen of all charges.

Deliberation on each piece of evidence

Prosecution evidence

P1

For: 0

Against: 7

Judgement: Fail

P2

For: 1

Against: 6

Judgement: Fail

P4

For: 6

Against: 1

Judgement: Pass

P3

For: 7

Against: 0

Judgement: Pass

P5

P3

For: 4

Against: 3

Judgement: Pass

P6

For: 7

Against: 0

Judgement: Fail

P7

For: 6

Against: 1

Judgement: Pass

P8

For: 5

Against: 2
Judgement: Pass

P9
For: 7
Against: 0
Judgement: Pass

P10
For: 4
Against: 3
Judgement: Pass

DEFENCE evidence

D1
For: 4
Against: 3
Judgement: Pass

D2
For: 4
Against: 2
Judgement: Pass

D3
For: 1
Against: 5
Judgement: Fail

D4
For: 2
Against: 5
Judgement: Fail

D5
For: 5
Against: 2
Judgement: Pass

D6
For: 0
Against: 7
Judgement: Fail

D7

For: 1

Against: 5

Judgement: Fail

D8

For: 0

Against: 6

Judgement: Fail

D9

For: 7

Against: 0

Judgement: Pass

D10

For: 6

Against: 1

Judgement: Pass

D11

For: 0

Against: 6

Absent: 1

Judgement: Fail

D12

For: 7

Against: 0

Judgement: Pass