

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0269

- 1 International Criminal Court
- 2 Trial Chamber IX
- 3 Situation: Republic of Uganda
- 4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
- 5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
- 6 Trial Hearing - Courtroom 3
- 7 Wednesday, 14 June 2017
- 8 (The hearing starts in open session at 9.31 a.m.)
- 9 THE COURT USHER: [9:31:16] All rise.
- 10 The International Criminal Court is now in session.
- 11 Please be seated.
- 12 PRESIDING JUDGE SCHMITT: [9:31:39] Good morning, everyone.
- 13 Good morning, Madam Witness.
- 14 WITNESS: UGA-OTP-P-0269 (On former oath)
- 15 (The witness speaks Acholi)
- 16 THE WITNESS: [9:31:47] (Interpretation) Good morning, your Honour.
- 17 PRESIDING JUDGE SCHMITT: [9:31:49] Could the court officer please call the
- 18 case.
- 19 THE COURT OFFICER: [9:31:52] Good morning, Mr President, your Honours.
- 20 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
- 21 reference ICC-02/04-01/15.
- 22 And for the record, we are in open session.
- 23 PRESIDING JUDGE SCHMITT: [9:32:05] Thank you.
- 24 I call for the appearances of the parties.
- 25 MR BRADFIELD: [9:32:10] Good morning, Mr President and your Honours.

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1 Appearing for the Prosecution today are Adesola Adeboyejo, Benjamin Gumpert,
2 Sanyu Ndagire, Yulia Nuzban, Pubudu Sachithanandan, Shahriar Yeasin Khan, Ramu
3 Fatima Bittaye, and myself Paul Bradfield.

4 PRESIDING JUDGE SCHMITT: [9:32:31] The Legal Representative of the Victims.
5 First Mr Cox.

6 MR COX: [9:32:34] Thank you, your Honour. Mr James Mawira and myself
7 Francisco Cox. Thank you.

8 PRESIDING JUDGE SCHMITT: [9:32:41] Thank you.

9 And Mrs Massidda.

10 MS MASSIDDA: [9:32:44] Good morning, Mr President.

11 Paolina Massidda. With me this morning Orchlon Narantsetseg and Caroline
12 Walter.

13 PRESIDING JUDGE SCHMITT: [9:32:50] Thank you.

14 And for the Defence, please, Mr Ayena.

15 MR AYENA ODONGO: [9:32:53] Good morning, Mr President and your Honours.

16 Mr President, today, and your Honours, today I'm accompanied by Chief Taku
17 Achaleke, co-counsel, Madam Bridgman Abigail. Our client Dominic Ongwen is in
18 Court. I'm Krispus Ayena Odongo.

19 PRESIDING JUDGE SCHMITT: [9:33:15] Thank you, Mr Ayena.

20 A short housekeeping matter before we start. The VWU has informed the Chamber
21 of some scheduling issues with the next witness. As a result, P-252 will commence
22 his testimony before the Court Friday morning. Based on our conversation in court
23 yesterday, the Chamber has every expectation that P-252's testimony will conclude by
24 the close of Wednesday's hearing.

25 And a short additional remark, so the discussion yesterday was a little bit futile, but it

1 doesn't matter. As I said, this also does not change the appreciation of the Chamber
2 of the efforts taken by everybody.

3 Now we commence with questioning by the Defence.

4 Mr Ayena, you have the floor.

5 QUESTIONED BY MR AYENA:

6 Q. [9:34:23] Good morning, Madam Witness.

7 A. [9:34:25] Good morning.

8 Q. [9:34:28] Madam Witness, my name is Krispus Ayena Odongo and I want to
9 reassure you that I share with you some of the sentiments expressed by you and your
10 own experiences. The last thing anybody would wish is to relive your experiences,
11 but unfortunately it is also the case that this part of our history must come to an end
12 and the best way of bringing this part of the history is to bring out the truth and let
13 the world know those who are responsible.

14 So I first of all thank you for being available and promising to tell Court the truth and
15 nothing but the truth.

16 I will run through with you a few questions, just to clarify some of the things you
17 made in your statement and also what you testified before Court.

18 The first one, Madam Witness, do you remember when you first went to P1 primary
19 school?

20 A. [9:36:20] Yes, I do remember.

21 Q. [9:36:22] When was that?

22 A. [9:36:29] It was in 1992. No, it was 1991 because I repeated primary 5.

23 Q. [9:36:45] So when were you in primary 7?

24 A. [9:37:01] In 1999.

25 Q. [9:37:02] And that was the year when this sad occurrence of your abduction

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1 took place; is that correct?

2 A. [9:37:13] Yes, that was the year that I was abducted.

3 Q. [9:37:19] Can you tell Court how old you were then? Can you repeat?

4 A. [9:37:37] At that time I was 24 years old.

5 Q. [9:37:44] And Madam Witness, can you tell Court why at the age of 24 when
6 you should have actually completed your university education you were still in P7?

7 A. [9:38:15] Yes, I can.

8 Q. [9:38:18] Yes, can you kindly tell Court.

9 A. [9:38:26] The reason why I was in primary at that age was because when there
10 was change of government education was disrupted from my area and I stayed home
11 without going to school. When school resumed I saw it as an opportunity to go back
12 to school despite my age. My mother was not supporting the idea because I was
13 already a big girl. I told her that it's not age that goes to school, let me go to school
14 and be informed so that I get knowledge. I started going to school. I was already a
15 big girl and I was known as the mother of P1. Despite the fact that I was named like
16 that I continued. I was already a big girl and children always saw me as mother of
17 P1. The girls who were my age did not go back to school. At least for me I went
18 and studied a bit. If I was not abducted I would have gone with studies ahead.

19 Q. [9:39:41] Madam Witness, your determination in life makes us feel very proud
20 about you, we must tell you this, because going to school is not about age, it's about
21 determination and what you want to achieve in life. You are personification of that
22 determination.

23 Now, Madam Witness, if I'm right to remember that you were born in 1976, would I
24 be right to say that by the age of 6 or 7, when people normally go to school, it would
25 have been around 1982, '83?

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1 A. [9:40:43] The age -- I know the age at which I started school. When we were
2 at home we didn't care about age or school. When school started, that is when I
3 started going to school. I realised it was important to study. I didn't care about the
4 age at which I start school.

5 Q. [9:41:23] Just a polite request, can you tell Court why you didn't go to school,
6 maybe at the age of eight or even 10, when there was no insecurity in Uganda?

7 A. [9:41:44] All I know is that when there was a change of government, there was
8 a disruption in the education system and we stayed at home for a long time. At that
9 time I do not know which years the school was disrupted, but when school resumed I
10 decided to go back to school. This, despite the protest from my mother, I continued
11 and went to school.

12 Q. [9:42:32] Anyway, Madam Witness, those were your personal circumstances,
13 which are not very important. What is important is that you had the determination
14 to go to school and by 1999 you were in P7. So Madam Witness, when you were
15 abducted the first time you said that on that day when you heard the gunshots you
16 went and hid in a pit that was dug by your husband in your house; is that correct?

17 A. [9:43:23] The first abduction I was not yet married. I was in our home. We
18 were from school. The second abduction is when I was in the ditch dug by my
19 husband in the house.

20 Q. [9:43:36] You are absolutely right. I'm sorry, Madam Witness.

21 Now, on this day when you were abducted, can you tell Court why in your statement
22 to the Prosecution, which is found at tab 2, UGA-OTP-0248-0026, paragraph 14, you
23 told the OTP that:

24 "Around the year 2000, I was in Primary 7 and we were living in (Redacted)
25 (Redacted) my sister saw soldiers entering our compound and she ran."

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1 Can you tell Court why you originally said you were abducted in 2000?

2 PRESIDING JUDGE SCHMITT: [9:45:02] To be exact, paragraph 14 says, "Around
3 the year 2000". So Madam Witness could be asked if she exactly knows the year or
4 not now. She did not say in the statement that it was 2000. She said, "Around the
5 year 2000", which gives several options.

6 So, Madam Witness, do you recall more exactly which year it was? But if not, it's no
7 problem. It's a long time ago.

8 THE WITNESS: [9:45:40] (Interpretation) The reason why I said that is because
9 between 1999 and 2000 is close. It's difficult to say the exact date. It's been long
10 and you cannot recollect all that happened in the past since you are bound to forget
11 some things. When you are not well educated, sometimes it's not easy to get the
12 years in your memory.

13 MR AYENA ODONGO: [9:46:13] Sorry about that. I'm much obliged, your
14 Honour. I think you made it much clearer. That's the way it should be.

15 Q. [9:46:24] Madam Witness, you told the Prosecution that older people were not
16 to be abducted. Can you tell Court the age bracket which would to the LRA be
17 termed older?

18 A. [9:46:58] The ages that were considered older started from -- it's my estimation,
19 I cannot be exact about it, but it's from the ages of 35 to 40 because this person is
20 considered really mature, the person knows the geographical area and can escape
21 when abducted.

22 Q. [9:47:37] Madam Witness, this Court has been told that the age of children, the
23 age bracket considered to be children in whom LRA was particularly interested was
24 the age of about 10, 12, 13, in which case if somebody was about 18, that was already
25 an old person. What do you say about that?

1 A. [9:48:14] For me, I can say that an 18-year-old is a big person. Like I said, it is
2 my estimation. I do not know what the LRA agreed the age bracket of the people to
3 be abducted, but usually they see that if someone is mature, they can escape from
4 captivity.

5 Q. [9:48:40] Now, Madam Witness, on the day when you were abducted, can you
6 tell Court your movement and how long it took you to arrive at Lakim?

7 A. [9:49:11] When we were abducted, we started moving and we reached the
8 home of a boy who was close by and he was also abducted. We continued moving
9 until we crossed the road, until we reached Lakim. It was not a full day's movement.
10 Lakim was not very far away, but I cannot say it was for this number of hours
11 because, one, I didn't have a watch and I could not tell how long we had walked.

12 Q. [9:49:53] And, Madam Witness, when you first met the OTP, you told them
13 that -- you did not talk about -- I mean, when you first met the OTP investigators, you
14 declined to tell them that you knew Dominic Ongwen; is that correct?

15 A. [9:50:25] I did not decline. The first time when I was asked, I was afraid. I
16 did not say much. I was asked many things and I did not say anything. I was
17 afraid that if I say something, it -- I can be a victim later. But the second time when
18 they talked to me, they assured me that there will be no consequence; if I have any
19 knowledge, any information, I should tell them. Then I told them.
20 The first time it was so abrupt and I was asked immediately what happened. I didn't
21 even know why they were asking me such questions. You see, when you are taken
22 by surprise, you have to be cautious. Even my husband, even my husband said that
23 if I've not understood, I shouldn't say anything.

24 Q. [9:51:31] Madam Witness, I want to refer you to your statement, which is in
25 UGA-OTP-0248, page 26, but you will find it at page 29. Paragraph 21 you said:

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1 "When I previously met the OTP investigators in August, I told them that I did not
2 know Ongwen. I was scared because Ongwen knows me and I was worried about
3 testifying in front of him."

4 Is that your statement?

5 A. [9:52:42] Yes, that is my statement, because at first I was afraid. Since I was
6 also an abductee, if I accept to come, to come and testify, I was afraid I would also be
7 arrested. I had a feeling that if he confirms that he knows me, I can also be taken as
8 someone who also committed crimes. I wouldn't go back home and I would be
9 detained. For that reason, I was afraid.

10 Q. [9:53:23] And, Madam Witness, is it your statement that when you met
11 Ongwen after the second abduction, he did not recognise you?

12 A. [9:53:46] No, he did not recognise me. Even his soldiers did not recognise me.
13 If they had recognised me, I wouldn't be talking here now. I would be one of those
14 killed because if you are -- if you escape and you are abducted the second time, they
15 would kill you, they would ask you why you escaped. I wouldn't be talking here
16 now. But the women who were in the group knew me, they recognised me, but
17 I was released before the soldiers recognised me.

18 Q. [9:54:24] That seems, Madam Witness, to suggest that when you met the OTP
19 investigators, you were aware that actually Dominic Ongwen did not know you
20 because he did not recognise you when you were abducted on the second day. Am I
21 wrong?

22 A. [9:54:59] The second abduction, he did not recognise me, but for me, I
23 recognised him.

24 Q. [9:55:10] So would I be right to say that as a matter of fact, because you are
25 aware that Ongwen had not recognised you on your second abduction, when you

1 made your statement to the OTP you were aware that Ongwen did not actually know
2 you because he did not recognise you?

3 PRESIDING JUDGE SCHMITT: [9:55:47] Pause, Madam Witness.

4 I think she has not understood it.

5 If you think that Mr Ongwen did know you at all? You know there is a difference
6 between recognising someone whom the person might have known in the past or not
7 recognising someone because you never knew him. I think -- I hope this is a little bit
8 clearer.

9 THE WITNESS: [9:56:22] (Interpretation) For me, I think Ongwen did not know
10 me because there were so many people who went for the attack. People were
11 divided into groups. And for me, if I had known -- if they had known that I was one
12 of those who were in the group but escaped, I wouldn't have been here now.

13 According to the LRA, you should not escape.

14 I can say that he did not know me. Maybe if he knew me, I did not know that he
15 know me. When I realised that the same group that I was in abducted me, I was so
16 afraid that I did not look them in the eyes because I knew that this was the same
17 group where I was in my first abduction. And if they recognise me, they would kill
18 me. I had lost hope.

19 PRESIDING JUDGE SCHMITT: [9:57:17] I think that makes it clear and that
20 answers your question.

21 MR AYENA ODONGO: [9:57:21] I think so.

22 PRESIDING JUDGE SCHMITT: [9:57:25] Yes.

23 MR AYENA ODONGO: [9:57:26] Very well.

24 Q. [9:57:27] Now, Madam Witness, since you have told Court that you recognised
25 Dominic Ongwen, particularly on the first day, let me start with this. When did you

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1 first see him? When you arrived at Lakim, when did you see him first?

2 A. [9:58:05] I saw him from Lakim when he was addressing his troops. That
3 was in the first abduction.

4 Q. [9:58:18] Did you see him that same night you were taken or some other -- I
5 mean, the first time when you saw him, was it on the first night you were taken or
6 maybe much later?

7 A. [9:58:38] It was that same evening. He had addressed his troops and they
8 were distributing us to men. He was addressing the junior commanders under him,
9 and one of the commanders came and started distributing us to men, to start cooking.

10 Q. [9:58:58] Madam Witness, can you describe to Court the person you finally got
11 to know as Dominic Ongwen. Tell Court about his physical appearances and some
12 of the distinctive features about him.

13 A. [9:59:29] The way I know him, he's not very tall. He is chocolate, he had
14 dreadlocks, he was wearing a green army uniform with something on the shoulder.
15 He likes to put something similar to a phone on his waist and a container for water.
16 He also had boots. According to what I saw, his head was roundish.

17 Q. [10:00:15] Was there any other distinctive feature, something you would
18 immediately notice? His style of walking, whether he would run, and that kind of
19 thing. Is there something you remember about him?

20 A. [10:00:46] He wasn't limping at the time, he wasn't lame at the time that I was
21 there. He walked without a limp. Perhaps if he started limping after I had left,
22 then I cannot comment on that.

23 Q. [10:01:03] May I suggest to you, Madam Witness, that by the year 1999
24 Dominic Ongwen had already sustained two bullet wounds on his left knee and he
25 was already limping. What do you say about that?

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1 A. [10:01:36] When I left Ongwen he was still able-bodied. If he sustained
2 injuries after I had left, then I do not know about that.

3 Q. [10:01:49] Madam Witness, let's talk about wife -- women distribution. Did
4 you say -- I mean, in your testimony you said that the commanders consulted among
5 themselves and sent somebody called Joe to superintend the distribution of women to
6 the soldiers. Is that correct?

7 A. [10:02:24] That's correct.

8 Q. [10:02:31] Did you get to know who issued the ultimate order for women to be
9 distributed?

10 A. [10:02:49] When I was abducted it was already a practice, women were already
11 being distributed to men. I saw Ongwen and other commanders sit down, discuss it,
12 and after the discussion women would be distributed. Once they sit down, hold
13 discussions, any suggestions that he makes or any instructions cannot be refused, so
14 they say that if girls are not distributed they would escape.

15 Q. [10:03:19] Madam Witness, can you tell Court how many abductees were
16 available for distribution on that day? Can you estimate?

17 A. [10:03:36] There were six girls, six girls were distributed, if I haven't forgotten
18 the correct number. Because when all this is happening you're not looking
19 at -- you're not observing what's happening, you're not counting other people. But
20 you're only thinking about your own survival.

21 Q. [10:04:04] That is understandable. And all the six of you were distributed,
22 Madam Witness?

23 A. [10:04:16] Yes, we were all distributed to men.

24 Q. [10:04:22] Madam Witness, I want to refer you to your statement -- same ERN
25 number on page 29 and 30, paragraph 23, your Honours -- where, and I quote:

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1 "The soldiers were only to choose from amongst the girls and leave the older women
2 alone."

3 Were there older women among you, Madam Witness?

4 A. [10:05:08] There were no older women amongst us. They only abducted girls.

5 Q. [10:05:20] And when you were finally distributed, can you tell Court whether
6 there was any ceremony that was performed to initiate you into wifehood?

7 A. [10:05:43] When we were abducted, no initiation was performed to turn us
8 into wives. We arrived there, we were distributed, after the distribution we cooked.
9 I thought my role was only to cook, but I later realised that that was part of becoming
10 a wife. There was no initiation that was -- that took place, because after that we just
11 continued moving. So there was no initiation or ceremony.

12 Q. [10:06:19] May I put it to you, Madam Witness, that that line of testimony is
13 drastically different from what appears to be the practice in the LRA --

14 MR GUMPERT: [10:06:39] Your Honour, the witness can't answer this.

15 PRESIDING JUDGE SCHMITT: [10:06:43] Yes.

16 Mr Ayena, you would have to reformulate that.

17 MR AYENA ODONGO: [10:06:46] Okay. Much obliged.

18 Q. [10:06:52] Madam Witness, expert witnesses and other witnesses --

19 PRESIDING JUDGE SCHMITT: [10:07:04] I think we have talked about this, but
20 this way occur also in the future, to refer to other evidence that the witness does not
21 know is always a little bit difficult. Why not simply say "Wasn't it the practice in the
22 LRA that", and then the witness can answer that. That would simply draw, so to
23 speak, the proposition out of what you want to -- out of the whole context of evidence
24 that perhaps could confuse the witness.

25 MR AYENA ODONGO: [10:07:41] What a great favour you have done to me, your

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1 Honour.

2 Q. [10:07:46] Madam, wasn't it the practice in the LRA that the so-called wives
3 were actually distributed by the commander and they were smeared with moo ya, so
4 to speak, shea butter, and initiated into wifehood? What do you say about that?

5 A. [10:08:23] When the commander -- the commander is the one who distributed
6 me, a commander known as Joe. Within that group we were not smeared with shea
7 butter but we were distributed to become wives. I have to state what happened to
8 me, but I cannot say anything that I do not know. I cannot guess or think about
9 things that did not happen personally to me.

10 Q. [10:09:00] Madam, that would be the right thing to do because you are
11 supposed to recount to Court your own personal experience.
12 Now, you stayed in the bush for two years. Did you see some young girls who had
13 been abducted but had not been distributed as wives?

14 A. [10:09:30] That's what happened. The young girls, extremely, very young
15 girls were given as maids. They are not given to men until they come of age and
16 then they are given to a man.

17 Q. [10:09:52] Madam Witness, when you were in the bush did you learn how
18 these maids were called?

19 A. [10:10:09] I do not recall. It's been a long time.

20 Q. [10:10:17] I will mention some three words and see whether it triggers, any of
21 them triggers your memory: Tinga tinga, ting ting, ting gi. Do these words trigger
22 any memory?

23 A. [10:10:52] I cannot -- even if I do recall, I cannot distinguish between the three
24 different titles that you've just given me. Because at the time a lot of things
25 happened and I cannot recall everything that happens -- happened at the time. I

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1 wasn't thinking about all that.

2 Q. [10:11:20] Thank you, Madam Witness. Madam Witness, when you were in
3 the bush for two years, did you have the opportunity to see Joseph Kony?

4 A. [10:11:48] When we were in the bush preparations were made to go and meet
5 him. We started walking because he was supposed to address us. We were
6 attacked by Ugandan forces because there were helicopters as well bombarding us.
7 So we did not go and meet Joseph Kony. At the time I was injured and I had a -- I
8 sustained injuries on my legs. I was crawling so that I could -- to dodge bullets.

9 Q. [10:12:25] Madam Witness, did you see any other commander of the LRA
10 during your stay in the bush?

11 A. [10:12:44] Yes, we did see other commanders, but other than the group in
12 which you were, you cannot guess that this is such-and-such a commander or that is
13 such-and-such a commander.

14 Q. [10:13:02] Did you notice whether some of them were senior to Dominic
15 Ongwen?

16 A. [10:13:17] It's very difficult when you're in the bush to ask is there any
17 commander that is superior to our commander? You did not ask such questions.
18 But within the group that I was in, he was the superior commander and then there
19 were junior commanders under him.

20 Q. [10:13:43] Madam Witness, I know that you've already said it, but can you
21 repeat to Court what group this was that Dominic Ongwen was the commander of?

22 A. [10:14:06] Yes, I can.

23 Q. [10:14:12] Go ahead and tell us.

24 A. [10:14:17] The group was referred to as Sinia brigade.

25 Q. [10:14:27] And, Madam Witness, is it your statement that by 1999, when you

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1 were abducted, Dominic Ongwen was the commander of Sinia brigade?

2 A. [10:14:49] Yes.

3 Q. [10:14:53] Madam Witness, did you get to know whether there were other
4 brigades?

5 A. [10:15:05] Yes, there were.

6 Q. [10:15:07] Can you tell Court which ones they were?

7 A. [10:15:16] I know that there were other brigades, but I did not take the time to
8 find out, but I heard about a brigade known as Trinkle.

9 Q. [10:15:31] And within the Sinia brigade where you were, did you get to know
10 whether there were -- I mean, the brigade was divided into units, different units?
11 Battalions?

12 A. [10:16:01] Yes, because the -- his subordinate officers were under him. He
13 was in charge of the whole brigade, he was the one who was addressing people. He
14 would also address his subordinate commanders who also had their own
15 responsibilities and they also addressed their own groups.

16 Q. [10:16:32] Madam, for two years did you learn the names of some of the
17 commanders of LRA?

18 A. [10:16:54] Are you talking about the different units, the other units, or are you
19 talking about the group that I was not part of?

20 Q. [10:17:03] I'm talking about -- sorry, I'm talking about LRA as a whole.

21 A. [10:17:14] Yes, I know that there were commanders, there were Holy
22 commanders. The superior commander was Kony and then there were junior
23 commanders under him.

24 Q. [10:17:35] Do you remember some of them, Madam Witness?

25 A. [10:17:43] I do not recall at this particular moment because it's been a while.

1 If you were not in a particular group, you cannot explain what happened in that
2 group. Even the group that you were in, you're bound to forget because it's taken,
3 it's taken some time.

4 Q. [10:18:09] Did you hear about Vincent Otti?

5 A. [10:18:17] Yes, I did.

6 Q. [10:18:19] Was he higher or lower in rank to Dominic Ongwen?

7 A. [10:18:30] It's very difficult when you're in the bush to distinguish who
8 has -- who is higher ranked than the other one. You know that it's Joseph Kony who
9 is the supreme commander, but the other groups with the other commanders, it's very
10 difficult to distinguish. You do not know whether Dominic Ongwen is higher
11 ranking than Vincent Otti or vice-versa. They do have ranks on their shoulders, but
12 it's extremely difficult for me to determine which rank is higher than the other.

13 Q. [10:19:03] Did you hear about Raska Lukwiya?

14 A. [10:19:08] Yes, I did.

15 Q. [10:19:13] Did he operate anywhere in Uganda near where you were?

16 A. [10:19:26] I do not recall.

17 Q. [10:19:33] Did you --

18 A. [10:19:34] I do not know him personally, so even if Raska Lukwiya came right
19 in front of me, I would not know who he was.

20 Q. [10:19:48] How about Buk Abudema?

21 A. [10:19:55] No, I did not hear that name. They do not tell us the commanders'
22 names. They do not tell us that in this group we have such and such commanders
23 named so-and-so. They did not take the time out to tell us the names of all the
24 commanders in that group. Perhaps when people are sitting when we are not being
25 attacked, they get time to talk about these things, but when you're being pursued

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1 constantly, you do not have time to sit down and discuss things. Sometimes
2 you're -- once you're in camp, you cook, they start shooting you, you run, you leave
3 everything. So there is no time to talk about things like that.

4 Q. [10:20:46] How about somebody called Michael Odongo Acellam?

5 A. [10:20:54] I heard of the name Acellam, but I do not know whether it's the
6 Acellam Odongo you're referring to.

7 Q. [10:21:10] Madam Witness, may I suggest to you that Michael Odongo
8 Acellam was the overall commander at that time in Uganda and operated pretty close
9 to the place you are talking about. What do you say about that?

10 A. [10:21:41] When I was in the bush, I was in the bush as a wife. As a wife, it's
11 difficult to know that this commander is the overall commander, this commander is
12 in charge. As wives, our responsibilities were to cook and to carry luggage.
13 Whatever happens within the Lakwena ranks is unknown to us. We, the women,
14 are not called to hold discussions with the soldiers.

15 Q. [10:22:14] Madam Witness, with what you have said about the hierarchy
16 of -- the hierarchy of the LRA, the structure, what happens in the LRA, the names
17 attributed to maids, you are very unlikely to have stayed in the bush, at least under
18 Dominic Ongwen.

19 PRESIDING JUDGE SCHMITT: [10:22:57] Is this a question or ...

20 MR AYENA ODONGO: [10:23:00] I'm suggesting.

21 PRESIDING JUDGE SCHMITT: [10:23:01] You're suggesting, okay.

22 MR AYENA ODONGO: [10:23:05] Yes.

23 Q. [10:23:06] What do you say about that, madam?

24 A. [10:23:12] I stated that I do not recall the names that the young children, the
25 young girls were referred to at the time. I've been out of the bush for a while and

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1 I've forgotten a number of things. I cannot keep on thinking about what happened
2 in the bush during the time that I was there. As a person, it's easy for me to forget.
3 But I would like to reiterate that I was abducted, whose future was destroyed. And
4 as you stated earlier that I should tell the truth, this is what I'm saying. I
5 cannot -- I cannot come in front of the Court and say that I was abducted when I
6 wasn't abducted. Then how come I know all this information?

7 Q. [10:24:11] Madam, may I also suggest to you that much as you may have been
8 abducted, the person that you described could not have been Dominic Ongwen.

9 MR GUMPERT: [10:24:25] Your Honour, I'm sorry to interrupt again. Questions
10 to the witness like, "Something could not have been", just aren't helpful. If he puts to
11 the witness that it wasn't, then she can say, "Yes, it was" or "No, I agree with you".
12 But could have been? It's not something the witness can deal with.

13 PRESIDING JUDGE SCHMITT: [10:24:43] But I think it's no problem. I think
14 there's no substantial difference here. But if you like, you can simply say, "I suggest
15 that the person you describe was not Dominic Ongwen".

16 MR AYENA ODONGO: [10:24:55] Yes. Sometimes I find it so difficult to split
17 hairs, but if we must begin, I shall now begin.

18 Q. [10:25:05] Madam, may I suggest to you that the person you described was not
19 Dominic Ongwen? What do you say about that?

20 A. [10:25:19] I know that the person I described was Dominic Ongwen.

21 Q. [10:25:25] Now, madam, can you tell Court whether you ever went to Sudan
22 during this period?

23 A. [10:25:46] No, I did not go to Sudan. We stayed within Uganda and I escaped
24 before going to Sudan.

25 Q. [10:26:05] Madam Witness, did you ever hear about Iron Fist? An operation

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1 against the LRA by UPDF?

2 A. [10:26:29] The -- there was -- government soldiers were constantly attacking
3 LRA soldiers. They did not -- the LRA soldiers did not have time to encamp in one
4 place. They were constantly being pursued.

5 Q. [10:26:49] So you didn't hear about this phrase "Iron Fist"?

6 A. [10:27:00] You know, it's -- it's difficult for me to explain it because they did
7 not call us, they did not put us down and explain to us that such and such a thing
8 known as Iron Fist is taking place. They discuss it among soldiers, not women.
9 They do not tell women. Perhaps if it's the women who have been in the bush for a
10 long time and they guess that those women would not be able to escape because they
11 already have children, then perhaps those women were privy to such information,
12 but I was not.

13 Q. [10:27:40] Madam Witness, may I suggest to you that for the period starting
14 1999 -- actually, about 1998, all LRA units were based in Sudan, leaving only Kwoyelo
15 with a small unit sickbay in Uganda. And as a matter of fact, they only returned to
16 Uganda following Operation Iron Fist.

17 What do you say about that?

18 A. [10:28:22] Could you please repeat the question? I did not understand it.

19 Q. [10:28:28] Madam Witness, I was suggesting to you that the period, say 1999
20 until the Operation Iron Fist, which was later part of 2000 -- actually, 2001, LRA was
21 not in Uganda; they only came back to Uganda when the Iron Fist operation was
22 launched against them?

23 A. [10:29:08] I know that I was abducted by the LRA. I do not know whether
24 they were being -- whether they were attacked and that was the reason that they came
25 back to Uganda and abducted me. I do not know that much.

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1 Q. [10:29:28] May I also suggest to you, Madam Witness, that during this period
2 as a matter of fact Dominic Ongwen was in Sudan, he was not in Uganda, and
3 therefore he couldn't have been the commander you saw in the bush. Do you have
4 anything to say about that, Madam Witness?

5 PRESIDING JUDGE SCHMITT: [10:30:18] Madam Witness, when such a
6 suggestion is made you have, like always, all options how you can answer that, you
7 can say "Yes, now that I hear this, that might be correct", you can say "No", you can
8 say "I don't know." There's everything -- you are free to answer the questions, but
9 they have to be true, of course, as you have said in the beginning. But there is no
10 such thing that somebody expects from you an answer in one or another direction. I
11 have to explain that to you. So you are free to answer it according to what you today
12 in this courtroom remember and according to the truth, of course.

13 MR AYENA ODONGO: [10:31:08]

14 Q. [10:31:09] And, Madam, maybe to re-emphasise the point his Lordship has
15 made, you know, you have your information, I have my information, some of the
16 information I have may not be true. If they are true, you say yes. If they are not
17 true you just say no. Or if you have nothing to say about it, you also say.

18 A. [10:31:43] The reason why I did not respond is that he was explaining to me.
19 That's why I did not realise there was need to respond to it.

20 PRESIDING JUDGE SCHMITT: [10:31:55] Madam Witness, and that is -- I also had
21 the impression that is a little bit the problem with propositions, suggestions. That is
22 not a critique, but it depends really on the witness we have in front of us. If such a
23 question, so to speak, reaches the witness in a manner that the witness understands
24 that it is a question, so I think here we had the problem. So it was a question,
25 Madam Witness.

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1 As Mr Ayena has already said, he puts to you that Mr Ongwen has not been in

2 Uganda at the time, to put it shortly. And what would you answer to that?

3 THE WITNESS: [10:32:50] (Interpretation) I respond to it that he was in Uganda

4 because I was abducted and I was in his group.

5 MR AYENA ODONGO: [10:33:12]

6 Q. [10:33:14] Madam Witness, I again suggest to you that at this time you are

7 talking about the brigade commander of Sinia brigade was Caesar Acellam. What

8 do you say about that?

9 A. [10:34:02] I can say that the commander who was leading was Ongwen,

10 because when I was abducted I found he was the overall commander there. I don't

11 know the period that Caesar was leading that group.

12 Q. [10:34:22] Madam Witness, I also put it to you that Dominic Ongwen became

13 the brigade commander of Sinia brigade only in 2004. What do you say about that?

14 A. [10:34:51] What I know is that when I was returning in the year 2002 it was

15 Dominic who was leading us right from the time that I was abducted.

16 Q. [10:35:05] Madam Witness, I think let's now move to Odek --

17 PRESIDING JUDGE SCHMITT: [10:35:19] May I shortly, because I think this is

18 another point Odek.

19 MR AYENA ODONGO: [10:35:24] Yes.

20 PRESIDING JUDGE SCHMITT: [10:35:25] Madam Witness, I have one or two

21 questions. In the time of your first abduction, during the time of your first abduction,

22 did you move a lot with this group?

23 THE WITNESS: [10:35:39] (Interpretation) Yes, we moved.

24 PRESIDING JUDGE SCHMITT: [10:35:44] Did you move, for example, towards the

25 Sudan border?

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1 THE WITNESS: [10:35:56] (Interpretation) From Lakim we moved towards the
2 border. Lakim is -- heads towards the border, but it was not -- it was not close to the
3 border.

4 PRESIDING JUDGE SCHMITT: [10:36:10] But I understand that you did not cross
5 the border to Sudan?

6 THE WITNESS: [10:36:16] (Interpretation) No, we did not go to Sudan.

7 PRESIDING JUDGE SCHMITT: [10:36:21] So you can -- so Mr Ayena, I apologise
8 for the interruption, but please continue.

9 MR AYENA ODONGO: [10:36:40] You know, the interruption was well meant,
10 your Honour. It helped to put certain questions in perspectives maybe I would not
11 have managed to.

12 Q. [10:36:52] Now, Madam Witness, maybe before I go to Odek, you said you
13 were variously attacked by the UPDF. When you were attacked, did Dominic
14 Ongwen remain with you all the time in Uganda?

15 A. [10:37:27] I used to see him, but I would sometimes not see him, some days I
16 don't see him.

17 Q. [10:37:38] And again may I ask you, Madam Witness, was it your testimony
18 that women were not allowed to accompany men on missions to attack, they
19 remained home to cook and only waited for reports from the men?

20 A. [10:38:25] While in the bush there is nothing you call home. You keep on
21 moving and there is no particular place gazetted as home. During an attack you
22 carry the luggage. The women -- there were few women who had guns.

23 Q. [10:38:49] Madam Witness, in this case I'm talking about missions, people
24 going on missions, would women also be detailed on standby to go on missions?

25 A. [10:39:17] Women do not have guns and that means they don't go for standby,

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1 but when a battle has taken place, an attack has taken place, their role is to carry the
2 luggage. You cannot go to battle with a weapon. Your role is to wait after the
3 battle, then you carry the luggage that has been looted.

4 Q. [10:39:45] Thank you, Madam Witness. Let's now move to Odek.

5 (Counsel confers)

6 MR AYENA ODONGO: [10:40:20]

7 Q. [10:40:23] Madam, sorry, there is two very important people we must discuss
8 before I move. There was this gentleman you were distributed to who we shall call
9 person one?

10 A. [10:40:47] Yes.

11 Q. [10:40:49] What was his rank in this group?

12 A. [10:40:55] He didn't have a rank. He was a soldier.

13 Q. [10:41:00] He was just a private?

14 A. [10:41:05] Yes.

15 Q. [10:41:09] Madam, is it therefore your testimony that even privates were
16 entitled to wives in the bush?

17 A. [10:41:27] Yes, even privates were entitled to wives, they had wives in the
18 bush. Not only commanders had wives because there are many women in the bush.

19 Q. [10:41:41] May I suggest to you, Madam Witness, that from the description of
20 events -- of the event of distribution of wives and the people who are entitled to
21 receive wives, there was no such a person as person one under Dominic Ongwen.

22 A. [10:42:22] According to what I know, there was -- the person one was in that
23 group. He was my husband in that group. He is a soldier, but he's a private.

24 Q. [10:42:38] And may I also suggest to you that there was no commander under
25 Dominic Ongwen ever called Joe.

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1 A. [10:43:01] I know that there was a commander who was called Joe because
2 I was in the bush. Maybe he was a very junior commander under him, but I know
3 him as that.

4 Q. [10:43:24] And, Madam Witness, since you stayed there for two years did you
5 have a chance to learn any other name of this man called Joe?

6 A. [10:43:51] No, I did not ask and I did not find out his other name.

7 Q. [10:43:59] Thank you. Madam Witness, can you describe the event that took
8 place on 29 April 2003 at the camp?

9 PRESIDING JUDGE SCHMITT: [10:44:27] I think she has described it, so it would
10 be preferable not to become repetitive, that you just put concrete questions to her.
11 I think that's better.

12 MR AYENA ODONGO: [10:44:40] Much obliged.

13 Q. [10:44:42] Madam, you said that on the day before the attack at about 5 o'clock
14 there was a meeting between the UPDF and the residents and during that meeting the
15 UPDF cautioned people that if they saw anybody, any stranger, they should report it;
16 is that correct?

17 A. [10:45:21] Yes, that is correct.

18 Q. [10:45:23] In your opinion do you think that that meeting was precipitated by
19 anticipation on the part of the UPDF of imminent attack only on the camp and the
20 barracks?

21 A. [10:45:52] There was suspicion -- there was no suspicion that the camp would
22 be attacked, but the rebels would move close to the camp and that is the reason why a
23 meeting was held and the members of the camp urged to report any visitor so that
24 they know this is a visitor to enable the people in the camp to know whether the
25 visitor was part of the rebel activity. Such a visitor would be arrested so that the

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1 camp is not attacked.

2 PRESIDING JUDGE SCHMITT: [10:46:43] Were such meetings where the
3 population was informed about these things something exceptional or did they
4 happen often?

5 THE WITNESS: [10:47:04] (Interpretation) It was often, it was often held.

6 Whenever the soldiers find out reason to talk to the members of the camp, they would
7 convene such a meeting. When every time they noticed that something was wrong
8 they would call a meeting.

9 MR AYENA ODONGO: [10:47:27]

10 Q. [10:47:33] Now, madam, can you again remind Court whether from the time of
11 the attack at about 5 o'clock to about 6 o'clock when you were abducted there was fire
12 exchange between the UPDF and the LRA?

13 A. [10:48:02] There was fire exchange and some soldiers, government soldiers
14 also died. The government soldiers were defeated and they went across the stream.

15 Q. [10:48:16] Would I be -- would I therefore be right to say that some civilians
16 died in the crossfire?

17 A. [10:48:33] Yes, that is correct because there was exchange of fire, the rebels did
18 not come quietly in the camp.

19 Q. [10:48:47] Now, you stated in your testimony yesterday that you -- when you
20 were moving you found dead persons lying -- dead bodies lying on the ground.
21 Could you tell who had killed them?

22 A. [10:49:20] I cannot say who exactly killed them because I was also inside.

23 Q. [10:49:31] Thank you, Madam Witness. Now, can you tell Court at that time when
24 you were abducted, how old was your daughter (Redacted) -- can you tell Court --

25 PRESIDING JUDGE SCHMITT: [10:49:57] Just continue.

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1 MR AYENA ODONGO: [10:49:58]

2 Q. [10:50:00] Can you tell Court how old your daughter was on 29 April 2003?

3 A. [10:50:22] My daughter was over 1 year, my daughter was over 1 year because

4 I delivered her in 2002.

5 Q. [10:50:40] Is it correct to say that if she was born maybe --

6 MR BRADFIELD: [10:50:46] Your Honour.

7 PRESIDING JUDGE SCHMITT: [10:50:47] Yes.

8 MR BRADFIELD: [10:50:48] I hesitate to rise and interrupt my learned friend, but

9 I think we're bordering on private session territory here and perhaps out of caution

10 we proceed as such.

11 PRESIDING JUDGE SCHMITT: [10:50:59] I think we can, we can continue and if

12 need be make redactions and not to point too much on the issue.

13 Just ask her what you want to ask. I think you wanted to ask about the age of the --

14 MR AYENA ODONGO: [10:51:17] Yes.

15 PRESIDING JUDGE SCHMITT: [10:51:19] -- of the child. Yes.

16 MR AYENA ODONGO: [10:51:21] Yes.

17 Q. [10:51:23] So she was about 1 and a half years, not more than 1 and a half years;

18 is that correct?

19 A. [10:51:36] Yes, it could be possible. I did not count the months.

20 Q. [10:51:41] How old was her friend with whom she followed you -- I mean with

21 whom you were staying?

22 A. [10:52:00] That child was an orphan and I was taking care of the child. I do

23 not know the age because the child was brought, he was my aunt's child. But the

24 child was bigger and much older, was not very young.

25 Q. [10:52:25] You said, Madam Witness, that this little girl of 1 and a half years

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1 followed you walking and kept pace for 1 mile.

2 A. [10:52:48] It was not up to a mile. It's -- I do not remember exactly the
3 distance. I cannot say the exact distance. I just mentioned that the child followed
4 me for a while. The child could not move up to a mile. They kept following me
5 and I hit the child and the child branched -- I hit the older child and branched off,
6 then the younger one also branched off after the older child.

7 Q. [10:53:26] Madam, may I refer you to your statement, UGA-OTP-0248 at page
8 32. It is paragraph 42. And I'll leave out the names.

9 "They followed us for about one mile."

10 That's what you stated. Is that still your statement today, madam?

11 A. [10:54:10] When I mentioned about -- when I mention in my statement I cannot
12 say it was a mile. I just estimated that they followed me up to some distance and
13 then I was told that I would be killed, then I hit the child to ensure they branch off.
14 But, you know, educated people use miles and metres. For me I do not know how
15 long a mile is.

16 PRESIDING JUDGE SCHMITT: [10:54:44] I think, however, we should move to
17 another point now.

18 MR AYENA ODONGO: [10:54:49] Yes, I will move to the next one.

19 PRESIDING JUDGE SCHMITT: Yes.

20 MR AYENA ODONGO:

21 Q. [10:54:51] Madam Witness, do you remember the time -- of course you left
22 Odek about past -- I mean past 6 o'clock. Do you remember the time you arrived at
23 the location, the rendezvous, the RV?

24 A. [10:55:20] I do not recall the exact time. I wouldn't even know time at that
25 moment. But if you are told to estimate, you can estimate, but you cannot know the

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1 exact time when you're moving in the bush, especially when you're being pursued by
2 the soldiers. So I don't know the time.

3 Q. [10:55:44] Madam, this Court and all of us are very conscious of the fact that,
4 you know, you are not an expert on time and you could not have had a watch, so
5 when we ask you about time, we want to tap into your knowledge as an Acholi lady
6 who is educated at least up to P7 and therefore can make an intelligent estimate.

7 You cannot -- we don't demand that you say the exact time.

8 A. [10:56:32] I cannot estimate the time now. I'm even getting tired now.

9 PRESIDING JUDGE SCHMITT: [10:56:43] I think it's also time where we can have
10 a break. And picking up your remark, Madam Witness, we will have now a break.

11 And as I already said yesterday, I hope very much that you can recover a little bit
12 during this break and we will try to continue at 11.30. We hope very much that we
13 can do that.

14 THE COURT USHER: [10:57:09] All rise.

15 (Recess taken at 10.57 a.m.)

16 (Upon resuming in open session at 11.30 a.m.)

17 THE COURT USHER: [11:30:49] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [11:31:11] Mr Ayena, you can continue if you want.

20 MR AYENA ODONGO: [11:31:14] (Microphone not activated) I thought it was my
21 duty to remain standing.

22 PRESIDING JUDGE SCHMITT: [11:31:20] Absolutely correct. In case you want to
23 continue.

24 MR AYENA ODONGO: [11:31:26] I do. I do.

25 Q. [11:31:29] Madam Witness, I hope you had a good break.

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1 A. [11:31:36] Yes.

2 Q. [11:31:37] Madam Witness, let's veer off the path of ordinary cross -- let me ask
3 you: Do you belong to some civil society organisations?

4 A. [11:32:04] I am a member of Child Mother, of abducted child mothers.

5 Q. [11:32:15] And some of these organisations talk about human rights and things?

6 A. [11:32:31] The -- we are part of a group. We meet up regularly, we counsel
7 each other, advise each other, but there is no other organisation that is part of, of our
8 group.

9 Q. [11:32:53] But, of course, Madam Witness, you do share your experiences and
10 talk about common things that could have happened to you in the past, and yet to
11 happen to you?

12 A. [11:33:13] Yes. We discuss previous events. We also discuss our children,
13 their futures. Well, the children are now our futures.

14 Q. [11:33:34] Some of these experiences, do you want to put them in book form one
15 time?

16 A. [11:33:50] Are you asking us as a group in general? No, as a group we do not
17 have any intention of writing a book, but there is an organisation that has
18 suggested -- that has suggested writing a book. They started the process, but at the
19 moment they have stopped it. I do not know whether the process is going to
20 continue or not. They want to talk about the events of Odek.

21 Q. [11:34:30] Madam Witness, I want to refer you to paragraph 33 of your
22 statement, where you said you talked to a certain lady from the Justice
23 and Reconciliation Project. Do you remember that?

24 A. [11:34:58] Yes. That's why I stated earlier on that they initiated the process but
25 the process has been halted. They are the ones who were -- who had the intention of

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1 writing the book.

2 Q. [11:35:13] Madam Witness, when you convene in your meetings do you
3 sometimes talk about the fathers of your children?

4 A. [11:35:33] Sometimes, yes, we do discuss the fathers of our children.

5 Q. [11:35:45] Madam Witness, do you know whether Dominic Ongwen's former
6 wives, any of them, is a member of this group?

7 A. [11:36:05] Within Odek, there is nobody among the women who has indicated
8 that she used to be Dominic's wife.

9 Q. [11:36:25] Now, Madam Witness, you seem to be having difficulty with names,
10 but the Prosecution talked to you about the people that were in Dominic's group; is
11 that correct?

12 A. [11:36:47] Could you please repeat your question?

13 Q. [11:36:50] During your interactions, during your interviews with
14 the Prosecution, did you ever talk about people who were in Dominic's group?

15 A. [11:37:13] At this particular instant I do not recall.

16 Q. [11:37:20] But, Madam Witness, when you were in the bush, did you talk to
17 people?

18 A. [11:37:42] I spoke with the other women.

19 Q. [11:37:48] How about to men? Members of the community in the bush who
20 were male, did you have opportunity to talk to some of them?

21 A. [11:38:09] Are you talking about the second abduction? I did not get that -- I
22 did not get your question.

23 PRESIDING JUDGE SCHMITT: [11:38:17] I think you would indeed have to clarify
24 what you mean, which time period you are referring to, because we have two that
25 might be correct in that respect.

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1 MR AYENA ODONGO: [11:38:31] You know, my Lord, that was a pass. In any
2 case I had relapsed into my bad manner of, you know, rushing into the microphone
3 before the five second rule. So it might well be that I should begin again.

4 PRESIDING JUDGE SCHMITT: [11:38:49] I think that would be a good idea.

5 MR AYENA ODONGO: [11:38:52] Yes.

6 PRESIDING JUDGE SCHMITT: [11:38:53] Please start again with this question.

7 MR AYENA ODONGO: [11:38:55]

8 Q. [11:38:56] Madam Witness, I am talking about the long time you were in the
9 bush, for two years, the first abduction. Is it the case that you talked to people, both
10 women and the male folks in the bush?

11 A. [11:39:26] Yeah, I would talk with both men and women. My husband was
12 also part of the men in the bush.

13 Q. [11:39:39] And for two years you talked to them and you did not learn their
14 names?

15 A. [11:39:54] They -- in the bush they have names that they are referred to. But it's
16 been a while since I came out of the bush. I cannot recall all the nicknames that they
17 were using.

18 Q. [11:40:14] Did you by any chance, Madam, learn where some of them were
19 coming from, those you lived with in the bush?

20 A. [11:40:33] The -- for example, my husband told me that he was from (Redacted).
21 There are also some women who told me that they were from Awere. But while we
22 were in the bush somebody can tell you that I am from such and such a place,
23 whereas in reality they are from a different place, and when they are back home, they
24 are referred to -- they are called by a different name.

25 Q. [11:41:09] And, Madam Witness, you also told Court that Dominic Ongwen had

1 a wife and some associated women, some of whom you were not sure whether they
2 were wives or not; is that correct?

3 A. [11:41:37] That's correct.

4 Q. [11:41:41] And, Madam Witness, how was this lady who was Ongwen's wife
5 identified in the bush? Was there -- did she have a name?

6 A. [11:41:58] I did not -- I did not personally go to Ongwen's household. As
7 women, regular women, we were not allowed to go to his household, so I do not
8 know the names that they were called. Perhaps I knew them from there, but now I
9 do not recall their names.

10 Q. [11:42:26] When you were in the bush, were children mixing among themselves?
11 Children of the soldiers, would they, during peace times play like all children do?

12 A. [11:42:51] When we were in the bush, we did not encamp in any particular place
13 for one month or a week or a month to enable the children to play amongst
14 themselves. We always stayed for one and two nights and continued moving. But,
15 yeah, of course, when you settle for one or two days the children do play, but we do
16 not station in any particular place for a long time to enable kids to, to play amongst
17 themselves for a long time either.

18 Q. [11:43:29] And, Madam, when you were asked by the Prosecution investigators,
19 you also could not really give a single incident where Mr Ongwen gave an order for
20 soldiers to go anywhere. And this is --

21 PRESIDING JUDGE SCHMITT: [11:43:54] Just a moment.

22 MR BRADFIELD: [11:43:55] Your Honours, I hesitate to rise again and interrupt my
23 learned friend, but if my learned friend wants to refer to (Overlapping speakers) --

24 PRESIDING JUDGE SCHMITT: [11:44:03] That's correct. I think it would be better
25 for us to understand if you refer simply to the respective paragraph of the statement.

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1 MR AYENA ODONGO: [11:44:13] I wish they would give me the latitude to, to
2 remember. I was going to. But thank you.

3 PRESIDING JUDGE SCHMITT: [11:44:23] What you can also do is just
4 draw -- simply ask the witness, "Did you hear or witness any order?" and then
5 continue, something like that. That is also -- so they would not have -- necessarily
6 have to refer her to her former statement. So that would perhaps serve the purpose
7 that you want to follow.

8 MR AYENA ODONGO: [11:44:46] And it would make it shorter.

9 PRESIDING JUDGE SCHMITT: [11:44:51] Indeed.

10 MR AYENA ODONGO: [11:44:52] The progression would be faster.

11 PRESIDING JUDGE SCHMITT: [11:44:55] Yes, indeed.

12 MR AYENA ODONGO: [11:44:56] I think I will adopt your -- the last proposition.

13 Q. [11:44:59] Madam Witness, when you were in the bush did you ever hear
14 Dominic Ongwen give an order for people to go on a mission anywhere?

15 A. [11:45:13] Yes, I did.

16 Q. [11:45:18] Why is it that when you were asked by the Prosecution under tab 6,
17 UGA-OTP-0271-2344-R2, pages 2360, 2361, lines 565 to 570, you said -- the question
18 was:

19 "Can you give us examples of those situations where he gave you an order to go
20 somewhere?"

21 And the answer is: "I cannot give like a particular incident."

22 Do you remember that, Madam Witness?

23 A. [11:46:19] I do recall that I stated that I did not go to the place where he issued
24 the order, but I did get the information that he issued an order.

25 Q. [11:46:50] Thank you, Madam Witness. Did you for once see or hear

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1 Dominic Ongwen ordering others?

2 A. [11:47:17] Yes, I saw him issuing orders.

3 Q. [11:47:27] Can you tell Court the incident, the particular incident where he gave
4 an order?

5 A. [11:47:44] To my recollection I remember that he said that if any civilians are
6 found in the bush, the civilians should be killed. I recall that we found one man who
7 had gone to burn charcoal in the bush, they waited for him, they wanted to kill the
8 man but he instructed that they should not kill the man but they should mutilate him,
9 they should cut off his ears, his mouth and his hands and then let him go.

10 Q. [11:48:22] This man that he ordered to be mutilated, can you tell Court how old
11 he was, approximately? Did you see him, to begin with?

12 A. [11:48:41] Yes, I did.

13 Q. [11:48:43] Can you give an estimate of how old he was?

14 A. [11:48:51] I do not know his exact age, but I guess that he is 20 years and older.
15 I do not know his exact age. He is not somebody that I knew personally.

16 Q. [11:49:10] Madam Witness, would you assist Court about the location, to name
17 the location where this incident happened?

18 A. [11:49:27] I do know, but at this particular instant I have forgotten.

19 Q. [11:49:43] Was it soon after your abduction or a lot later?

20 A. [11:49:53] A lot later.

21 Q. [11:49:58] Like how many months? Or was it after one year?

22 A. [11:50:08] It's very difficult for me to estimate the time period.

23 Q. [11:50:23] But did you hear him give the orders directly? Did you hear or you
24 heard somebody -- well, somebody told you that he gave the orders?

25 A. [11:50:44] When he issued the orders he had already issued the orders that if we

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1 found civilians, civilians should be killed. Because at the time civilians had already
2 left their homes and gone to the bushes -- sorry, to the camps. But at the time when
3 they found the man, the soldiers wanted to kill him, but they decided to stop and wait
4 for lapwony to come. And when he came he said, "No, do not kill him but teach him
5 a lesson so that civilians should know that they are no longer allowed to walk around
6 in the bushes. Cut his ears, his mouth and his hands."

7 Q. [11:51:32] So, Madam Witness, is it your statement that you actually heard this
8 directly from him, this order?

9 A. [11:51:41] Yes. I heard it, I heard him issue it directly.

10 MR AYENA ODONGO: [11:51:48] Your Honours, I want to refer this witness to tab
11 9, page 2405, lines 219 where -- where she said --

12 PRESIDING JUDGE SCHMITT: [11:52:35] Please read it word by word I would
13 suggest.

14 MR AYENA ODONGO: [11:52:39] Yes.

15 Q. [11:53:45] "Dominic would never come to speak with us. He would talk to his
16 other commanders and they are the ones who would come to tell us the instructions
17 that he has said ... He never comes to speak to us directly."

18 A. [11:53:02] He did not speak to us directly, but he spoke to the soldiers, he -- the
19 man who -- sorry, the soldiers who wanted to kill the men. But since we were
20 around there, within that vicinity, we did hear him issue these orders.

21 MR AYENA ODONGO: [11:53:24] Your Honours, the ERN number for what I have
22 just quoted is UGA-OTP-0271-2398.

23 Q. [11:53:59] Madam Witness, you stated that Mr Ongwen's escorts appeared either
24 older than him; is that correct?

25 A. [11:54:16] Yes, that's correct. There were escorts who were -- all the escorts

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1 were not the same, the same age, or same size.

2 Q. [11:54:32] To your recollection were all the escorts older than him?

3 A. [11:54:41] No, not all of them were older than him. Some of them were
4 younger, some of them appeared to be of the same age as him. Some of them
5 are -- were older than him. When I said "older", I do not mean -- I do not necessarily
6 mean elderly, but I mean people who are older than him in age.

7 Q. [11:55:06] Can you -- how many of them were older than him?

8 A. [11:55:17] I do not recall at this particular time, please.

9 Q. [11:55:22] But, Madam Witness, do you remember how many escorts were
10 there?

11 A. [11:55:37] The ones I saw, I saw four. I saw four that were usually close to him,
12 but I do not know if he had any other.

13 PRESIDING JUDGE SCHMITT: [11:55:55] What did these people do,
14 Madam Witness? May I ask you? These escorts that you described. What -- if
15 you can tell and if you recall, what task, tasks did they perform?

16 THE WITNESS: [11:56:13] (Interpretation) If the commander is talking, some of
17 them would face -- would face the other direction. They would surround him facing
18 different directions, they would surround him. He would be in the middle of the
19 escorts.

20 PRESIDING JUDGE SCHMITT: [11:56:35] Thank you.

21 MR AYENA ODONGO: [11:56:37]

22 Q. [11:56:38] Madam Witness, when you saw Dominic Ongwen or when you
23 interacted with him, did he ever communicate on radio?

24 A. [11:57:03] Are you talking about the first abduction? I saw him with the radio
25 on his waist, I also saw him speaking on the radio. But it wasn't particularly

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1 important to me to observe which radio he was using, but now I understand that it is
2 something that -- something important.

3 Q. [11:57:28] Can you estimate to Court how big the radio was and how he was
4 always holding, holding the radio?

5 A. [11:57:43] The radio, to my recollection, was bigger than a mobile phone. It
6 had an antenna. One is longer, one antenna is longer, one antenna is shorter.

7 Q. [11:58:04] Was it like this, or like this, or like this, or (Overlapping speakers)?

8 A. [11:58:11] It was small. It was as small as --

9 THE INTERPRETER: As the witness is indicating.

10 THE WITNESS: (Interpretation) But it was small. Maybe the size of my -- the size
11 of my hand, but it wasn't extremely big.

12 PRESIDING JUDGE SCHMITT: [11:58:27] I think the hand is indeed a reference
13 point that can be followed if we read the transcripts later.

14 MR AYENA ODONGO: [11:58:35] Yes.

15 Q. [11:58:37] And you said he was carrying it himself, the radio?

16 A. [11:58:45] Yes, he held it himself.

17 Q. [11:58:53] And, Madam Witness, you said that according to you Ongwen
18 appeared -- according to your statement, Ongwen appeared to be around 18 to 25 by
19 that time?

20 A. [11:59:13] I stated that he was 20 and above. I did not stay very close to
21 Ongwen, so I do not know exactly how old he was. But I guessed. They asked me
22 to estimate his age and to guess, so I guessed.

23 MR AYENA ODONGO: [11:59:32] I wish to refer her to tab 6,

24 UGA-OTP-0271-2344-R01, pages 2348 to 49. And I read it, your Honours. The
25 question put to her was by the Prosecution:

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1 "How old would that person be?" and the answer was: "He could be between ... he
2 would be described as a youth, because he would be about, between 18 and 25."

3 A. [12:00:29] I agree that I stated that. Because visually or appearance-wise,
4 Mr Ongwen was still a young person. He looked more -- he did not look extremely
5 old, but he looked more like -- his appearance was more of a youth between 18
6 upwards. He was not a child anymore, he was somebody who was an adult.

7 PRESIDING JUDGE SCHMITT: [12:01:01] Mr Ayena, page 2348, 139.

8 MR AYENA ODONGO: [12:01:12] Yes.

9 PRESIDING JUDGE SCHMITT: [12:01:13] Or perhaps I read it to you,
10 Madam Witness. This is the same quote, so to speak, just a few lines before. And
11 you were asked -- this is 137: "A young man, what would you mean?" and here we
12 have as the answer recorded: "As an Acholi, I would describe that he was not ... he
13 is not a child, but he is not a man, so he is a boy."
14 So when you hear that in hindsight and today in the courtroom, what would you say?

15 THE WITNESS: [12:02:00] (Interpretation) The way I responded, because Ongwen
16 was not a child anymore; he was already an adult. I just estimated his age. A boy,
17 according -- someone referred to as a boy in -- is 18 and above.

18 PRESIDING JUDGE SCHMITT: [12:02:20] Thank you for that clarification.

19 MR AYENA ODONGO: [12:02:22] Yes, thank you.

20 Q. [12:02:30] And in the bush, Madam Witness, if somebody was ordered to send
21 somebody to rest, what would that mean?

22 A. [12:02:53] When they say, "Send this so-and-so to rest", it means the person was
23 going to be killed. It's either you are weak and cannot move anymore, and when
24 they say you should rest, they would kill you.

25 Q. [12:03:12] Did you hear Dominic Ongwen give any of these orders?

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1 A. [12:03:23] Like I said, he addresses his commanders. When he talks to his
2 commanders, the commanders come, they come and tell us that it's supposed to be
3 done like this, and it would be done.

4 Q. [12:03:58] Madam Witness, I want to refer you to tab 10 at page 2415, line 31.

5 The ERN number is UGA-OTP-0271-2414, where you said:

6 "I would think it's Dominic because when somebody would say I am tired or I am in
7 pain I cannot walk, they would go and consult him. Then the person who was sent
8 to Dominic would come back and say that the commander said that you let that
9 person to rest."

10 A. [12:05:14] Yes.

11 PRESIDING JUDGE SCHMITT: [12:05:16] I think you would -- yes, you would
12 continue perhaps just to read the last sentence so that we have the complete
13 paragraph.

14 MR AYENA ODONGO: [12:05:21] "Then two or three soldiers would" -- should
15 be -- would be -- "picked, and you would never see that person again."

16 A. [12:05:38] Yes. Like I said, he addresses his -- the commanders under him.
17 When youths complained that your feet is hurting or you have a heavy -- a load is too
18 heavy, they would go and consult him, and when they come back, they would say,
19 "The commander said this is what we should do." Then they would pick some
20 soldiers and they would take the person to rest. You wouldn't see that person
21 anymore. You probably come, come back that -- to that place and find his dead
22 body.

23 Q. [12:06:21] Madam Witness, can you tell Court how many of these incidents
24 happened?

25 A. [12:06:37] I saw a man who tried to escape and was killed. But that incident

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1 used to take place and people did not escape. I do not recall now.

2 Q. [12:06:52] Madam Witness, you cannot recall a single incident?

3 A. [12:07:08] No, I do not -- I do not recall. I could have made in my statement,
4 but I don't recall. Because there are so many things and you have to think about so
5 many things for me to be able to recollect everything and respond to it.

6 Q. [12:07:30] But you -- in your experience, Madam, how many of such incidents
7 could have happened?

8 A. [12:07:47] It was happening. When they say, "Let so-and-so go and rest", you
9 wouldn't see that person anymore. And at least I saw it was happening. But I do
10 not recall how many incidences happened or to count how many people were taken
11 to rest, those who complained that their feet were hurting or their load was too heavy.
12 I don't recall now.

13 Q. [12:08:28] Is it still your testimony, Madam Witness, today that new recruits
14 were trained within a week or two and were given guns right after that?

15 A. [12:08:45] For me, I was not trained so I cannot confirm that. But I just guessed.
16 Now, when you just guess something, it's difficult to respond to. But I know that
17 when someone is abducted, the men are trained and they are given weapons
18 thereafter.

19 Q. [12:09:14] Madam Witness, I want to refer you to tab 9, UGA-OTP-0271-2398, at
20 page 2410, lines 419 to 421, where you said:

21 "And, those boys who were abducted, when were they given guns?" and your answer
22 was: "It takes about a week or two, but the women would not see them being
23 trained."

24 A. [12:10:24] Yes, I, I said earlier that I just guessed. Even my statement shows
25 that I estimated between one or -- and two weeks before they are given a gun, but

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1 thereafter they are given guns. Because as a woman, you cannot see that so-and-so
2 is being trained.

3 Q. [12:10:50] But, Madam Witness, earlier on in your statement, in your testimony,
4 you said that there were women who had guns. At what stage were they trained?

5 A. [12:11:11] The women who had weapons were the ones I found them there.
6 When I went -- when I was abducted, I found they already had weapons. I do not
7 know the time they were trained or the time they were given weapons. I suppose
8 that even us, if we had stayed there for long, we would be given guns. But the
9 women I found there who had guns, were -- I found them there.

10 Q. [12:11:45] Is it still your statement, Madam Witness, that for two years -- I mean,
11 would it be your statement, or your testimony for that matter, that for two years you
12 were in the bush, you never saw any woman, or lady for that matter, recruited who
13 was trained?

14 A. [12:12:21] It's in my statement, if I have not forgotten. There are so many
15 things that I, I said. But I said that there was no woman who was abducted and
16 given a gun. But maybe I, I wrote my statement, because there were so many things
17 that I was saying, it could have been in my statement.

18 Q. [12:12:48] Madam, it may interest you to know that you still have the power to
19 even correct things which may -- you may have inadvertently said during your
20 statement. What is important is what you actually saw, and you convince the Court
21 that, you know, the disparity between what you are saying now and what you wrote
22 in your statement are justified.

23 PRESIDING JUDGE SCHMITT: [12:13:18] But we would have first to establish that
24 there is indeed a difference so --

25 MR AYENA ODONGO: [12:13:24] Yes.

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1 PRESIDING JUDGE SCHMITT: [12:13:25] Otherwise I would not like to follow this
2 path. So perhaps first you tell us which paragraph you are referring to which might
3 be different. And perhaps this refreshes the memory of the witness, because the
4 witness has already said that she does not remember everything. And this is
5 a typical situation that we quite often have in the courtroom, that we then try to
6 refresh the memory of the witness and look and listen to what comes out of it.

7 MR AYENA ODONGO: [12:13:57] Your Honours, I was just referring to the two
8 years she stayed in the bush and the statement that there were just a few women she
9 saw with guns. And the question -- the proposition I was making to her was that:
10 Is it her statement or her testimony that for the two years she stayed in the bush, she
11 never saw any female being trained? That was the question.

12 PRESIDING JUDGE SCHMITT: [12:14:33] And since we have really -- as we -- if we
13 look at the binders, we have a lot of interviews here, and Madam Witness said that it
14 might be in her statements. And, frankly speaking, I don't know. And if there is
15 nothing in the statement, then we can simply continue and we ask the witness if she
16 recalls today, like you did. But I understood that probably or possibly perhaps
17 better worded something might be in the statement to that effect. But if not, then
18 absolutely continue simply with what you said.

19 MR AYENA ODONGO: [12:15:10] Your Honour, it would be too spurious to say
20 that it is not there in the statement, but like lawyers would say, I have not addressed
21 my mind to the statement.

22 PRESIDING JUDGE SCHMITT: [12:15:24] But if there is nothing to that effect in the
23 statement and from the Prosecution bench, so to speak, we get no objection, then I
24 would like to listen to the answer to the question.

25 MR AYENA ODONGO: [12:15:36] Yes.

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1 PRESIDING JUDGE SCHMITT: [12:15:37] Mr Bradfield.

2 MR BRADFIELD: [12:15:38] Your Honour, I think it would be better to put the
3 question directly to the witness and hear what she says and they can come back with
4 further reference to the interviews if needed.

5 PRESIDING JUDGE SCHMITT: [12:15:47] Yes, okay. Then we -- I think after this
6 exchange you would have to put the question again to the witness and then we listen
7 to the answer and if there are any follow-ups we will entertain them.

8 MR AYENA ODONGO: [12:16:04] Yes.

9 Q. [12:16:06] Madam Witness, my question was: Is it still your statement that for
10 the two years you stayed in the bush you never witnessed women being trained?

11 A. [12:16:29] On my side I said that I did not see women being trained, but I saw
12 women who were armed, who had weapons. I even did not see men being trained
13 but they had weapons. Besides, my statement was taken long ago and there are
14 things I could have forgotten. And the events that occurred long ago, I could have
15 forgotten some of them. It's not easy to recollect all of them.

16 Q. [12:17:05] Fair enough. Madam, you just told Court in your statement, and I
17 refer to tab 9 again at line 414, that "you are not supposed to drop the gun that you
18 have. You can only drop the gun when you are dead, but if you are alive, you
19 should never leave your gun irrespective of the situation."

20 A. [12:18:15] Yes. That is correct.

21 Q. [12:18:21] Madam Witness, can you tell Court at what stage you got to know
22 about this regulation about the strictness of holding guns?

23 A. [12:18:43] When I had stayed for some time in the bush. Because when you are
24 newly abducted you do not understand what's going on, but when you stay for some
25 time you try to figure out what's going on and understand what is there.

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1 Q. [12:19:08] Thank you. Madam, for how long did you stay in Lakim?

2 A. [12:19:52] We stayed in Lakim for -- we slept there for one night and we left the
3 next day at dawn.

4 Q. [12:20:03] Madam -- sorry, I am a bit too fast.

5 Can you, madam, remember what time you arrived at Lakim, roughly?

6 A. [12:20:57] I do not recall. When you are newly abducted you cannot be
7 conscious of the time because you are even confused. If I'm supposed to estimate
8 I can estimate, but it would not be exact. When you are under pressure, when you
9 have just been abducted, you do not know whether you will be alive the next day.
10 So thinking about the time would be the least in your list of things to think about.

11 Q. [12:21:35] I think we should agree, Madam Witness, as a general procedure here
12 that your statement about time, your statement about distances, and so on and so
13 forth are just mere estimates because you are not an expert in that area, so you are just
14 talking about an estimated time when you arrived at Lakim.

15 PRESIDING JUDGE SCHMITT: [12:22:07] Mr Bradfield.

16 MR BRADFIELD: [12:22:10] Your Honours, it seems more like a comment to me
17 than a question, so I think if he could put a proposition or a more defined question, it
18 would be helpful to the witness.

19 PRESIDING JUDGE SCHMITT: [12:22:20] Yes, but I think we should not make
20 a problem out of this here.

21 Madam Witness, I only reiterate what counsel has told you. When you are asked to
22 talk about distances, to talk about geography, to talk about time, everybody in the
23 courtroom is clear about that you cannot be only near to -- near to be exact. That is
24 perfectly clear. So we are really talking about guessing. For example, when
25 you are asked now about time, perhaps it would help you if I asked you do you have

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1 an idea if it was in the morning, if it was midday, if it was in the evening or in the
2 night, for example? And if you don't know and it's not your recollection, that is
3 absolutely understandable after all these years. So perhaps just when these
4 questions are asked, if have you any idea about it, then try to near it, try to narrow it
5 a little bit, and if not, simply tell us.

6 MR AYENA ODONGO: [12:23:26] Your Honour, your commentary was longer than
7 mine. He was about to rise up to object. But I think it is well put. Yes.

8 PRESIDING JUDGE SCHMITT: [12:23:38] And what would you have to object?

9 MR AYENA ODONGO: [12:23:41] No. My colleague was about to object. He was
10 about to rise to object.

11 PRESIDING JUDGE SCHMITT: [12:23:47] No, no. It was also a guidance. It was
12 not just for the witness, because this is -- I also understand that witnesses think they
13 have to be exact, but they cannot and they have to understand that and this I wanted
14 to explain only to her.

15 So, Madam Witness, you recall the question that has been put to you by counsel. Do
16 you have any idea now that you are sitting here in this courtroom if it was, as I said,
17 in the morning, if it was in the evening, during the night, or whatsoever?

18 THE WITNESS: [12:24:25] (Interpretation) Yes, I remember that when I was
19 abducted it was evening when I had returned from school. We moved and reached
20 there in the evening. It was not morning. When we reached Lakim it was not
21 evening -- it was not daylight, but it was evening. It could probably be 7 p.m. or
22 8 p.m.

23 PRESIDING JUDGE SCHMITT: [12:24:50] Thank you.

24 MR AYENA ODONGO: [12:25:19]

25 Q. [12:25:20] Now, Madam Witness, on the second abduction do you remember the

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1 place where you were taken?

2 A. [12:25:37] I remember that -- the place where we were released from, but I do
3 not know the area where we slept. It was in the bush.

4 Q. [12:25:55] But maybe before I come to that, where you were taken on the first
5 abduction, and the places that you went to, can you recall the furthest distance from
6 Odek where you were taken?

7 A. [12:26:32] During my first abduction there were no bullets like the first -- like the
8 second one. And in the first abduction there were people in the communities, in the
9 villages, but in the second abduction there were no people in the villages, everybody
10 was in the IDP camps. If you see someone in the community, it is probably LRA. If
11 you do not see the -- the valley or the hill, you wouldn't know where the place was.

12 Q. [12:27:21] And, Madam Witness, apart from Lakim and Awere did you know
13 the names of any other location that you went to?

14 A. [12:27:48] Yes, I know.

15 Q. [12:27:49] Can you tell Court?

16 A. [12:27:54] We moved to a place called Wii Raa.

17 Q. [12:28:06] Where is this place called Wii Raa? Is it still in Acholi?

18 A. [12:28:12] Yes, it is in Acholi.

19 Q. [12:28:20] Do you remember the district?

20 A. [12:28:26] It is in Pader.

21 Q. [12:28:54] Can you tell Court, Madam Witness, where these locations are in
22 relation to Sudan? In terms of direction, in terms of distance to the border and so on
23 and so forth.

24 A. [12:29:29] That area heads towards Sudan, but the distance between that
25 location and the border I did not reach the border. Even if I reached the border area

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1 I wouldn't know because I was just moving. When you reach an area that you know,
2 you would remember and you would know the name, but when you are moving in
3 an unfamiliar area you wouldn't know the names of the places.

4 Q. [12:30:02] Now on the night of the second abduction, in your testimony
5 yesterday you told Court that one of the rebel women asked you if you were the
6 person she thought you were who was with them during the first abduction; is that
7 correct?

8 A. [12:30:32] Yes, when I was abducted for the second time I was asked that
9 question.

10 Q. [12:30:41] Do you remember the name of this rebel lady?

11 A. [12:30:49] No, I do not recall because I was also afraid. I was afraid that I had
12 been recognised and, since I asked and accepted I was the one, I was afraid they
13 would kill me. I didn't ask their name since I was already fearing.

14 Q. [12:31:08] Did that lady have a gun in her hand?

15 A. [12:31:14] No, she did not have a gun. That is why I was able to respond to her.
16 Because if she was a soldier with a gun it would be difficult. My life would be at
17 stake.

18 Q. [12:31:40] Madam Witness, do I take it that it is still your testimony that Wii Raa
19 is in Pader district?

20 A. [12:32:03] Yes, Wii Raa is in Pader. And the area is still known as Wii Raa,
21 which is in Pader.

22 Q. [12:32:20] Is it a village, a parish, or a sub-county?

23 A. [12:32:31] The reason why I knew that area was because I was born in that area
24 and we used to frequent that area. But I do not know whether it's a village, whether
25 it's a parish, but I do know that it is in Pader district because if you cross from Pader

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1 you cross the river and then you get to Wii Raa. So when I got to that area I
2 remembered that that area was known as Wii Raa. But it's difficult for me to
3 ascertain whether the area is known as a sub-county or a district or a parish. At this
4 particular instance I do not know because it's in the bush.

5 Q. [12:33:24] How far away is Wii Raa from Odek? Estimate.

6 A. [12:33:40] In terms of distance, it's approximately 10 miles.

7 Q. [12:33:54] Okay. At paragraph 49 of your statement, Madam Witness, you
8 stated that after Ongwen addressed you "the rebels cooked food and we ate and
9 slept." Was this on the night that you were abducted?

10 A. [12:34:33] Yes, that was on the night of my abduction. I was abducted in the
11 evening and I had just come back home from school and I was having dinner. We
12 went and we stayed there. But we did not go to Wii Raa, we went to
13 Lagem -- Lakim.

14 Q. [12:35:02] Was it Lagem or Lakim? Where did you go?

15 A. [12:35:14] Lakim.

16 Q. [12:35:16] Madam, on that night when you moved away, did you see Ongwen
17 again?

18 A. [12:35:33] Are you asking after we left Lakim? Could you please repeat that
19 question?

20 Q. [12:35:38] Yes. I mean, after Lakim -- or, rather, at Lakim, at Lakim, did you
21 see Ongwen again at Lakim?

22 A. [12:35:52] That was my first time to see him and that was in Lakim. I had just
23 been newly abducted at approximately 4 or 5 p.m. When we got to Lakim, that was
24 the first time.

25 PRESIDING JUDGE SCHMITT: [12:36:10] Could it be that there is a little bit --

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1 MR AYENA ODONGO: I think there is a mix-up.

2 PRESIDING JUDGE SCHMITT: Yeah, that there is a mix-up between the two
3 abductions.

4 MR AYENA ODONGO: [12:36:17] Yes.

5 PRESIDING JUDGE SCHMITT: [12:36:18] Because otherwise we would have to
6 clarify if --

7 MR AYENA ODONGO: Yes.

8 PRESIDING JUDGE SCHMITT: -- the second time again they moved to Lakim. So
9 I would suppose that Madam Witness is speaking about her first abduction and you
10 wanted to refer her, as I have understood it, to the second, so we would have to make
11 clear.

12 MR AYENA ODONGO: [12:36:38]

13 Q. [12:36:39] Madam, this time I am referring to the second abduction, the
14 abduction of 2004.

15 A. [12:36:49] I did not understand that you were referring to the 2004 abduction.

16 The -- when I was abducted in 2004 we did not go to Lakim. I stated that we went
17 and spent the night in the wilderness, I do not know the name of that area. And I'm
18 telling the truth. We then moved. We spent the night again and then we walked
19 and then we spent the night and the next day we got to the place where we were
20 released. I do not know whether there has been some kind of indication that I went
21 to Lakim as well.

22 Q. [12:37:37] Madam Witness, I think we shall pardon ourselves, I think there was
23 just a mix-up. There is no suggestion and we are not suggesting that you said you
24 went to Lakim, no. So you said that at a certain point -- first of all, is it your
25 statement that you stayed two nights in the bush on the second abduction?

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1 A. [12:38:15] Not two nights. We were abducted, we took the luggage, we spent
2 one night. We did not cook on that night but they are the ones who cooked, they
3 cooked and they ate. In the morning we started walking again. I spent one night
4 and I was released on the next morning.

5 Q. [12:38:41] Madam Witness, after that one night do you remember what time of
6 the day and where, if -- I mean after -- what distance Dominic Ongwen talked to
7 Joseph Kony? Do you remember the location?

8 A. [12:39:16] I do not recall the name of the place, but it was on the dawn of the day
9 that we were supposed to set off. It was in the bushes so I do not know the name of
10 the place.

11 Q. [12:39:32] Did you say it was at dawn?

12 A. [12:39:39] Yes. At dawn. Very early in the morning. And we refer to that as
13 dawn.

14 PRESIDING JUDGE SCHMITT: [12:39:51] Did you see the two speak together?

15 MR AYENA ODONGO: [12:39:57]

16 Q. [12:39:58] Did you hear --

17 PRESIDING JUDGE SCHMITT: [12:39:59] Please let her answer perhaps first this
18 question.

19 MR AYENA ODONGO: [12:40:04] Pardon me.

20 PRESIDING JUDGE SCHMITT: [12:40:10] I repeat it, Madam Witness.

21 Did you see Mr Ongwen talk with Mr Kony at that time? Or did you hear him, for
22 that matter?

23 THE WITNESS: [12:40:25] (Interpretation) Yes, I heard him talking. We heard him
24 talking. The, the phone or the radio, the gadget that he was using was being held in
25 front of him. I did not see them speaking face to face, but it was over the radio or

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1 telephone that he was using.

2 PRESIDING JUDGE SCHMITT: [12:40:49] Thank you.

3 Please, Mr Ayena, continue.

4 MR AYENA ODONGO: [12:40:54]

5 Q. [12:40:55] So on this day when you met Dominic Ongwen can you describe how
6 he was?

7 A. [12:41:15] Well, he had a cap on, he had dreadlocks, he had shoes on his feet. I
8 did not pay attention, pay close attention because I was frightened of him.

9 Q. [12:41:41] And you talked about the radio. Who held that radio?

10 A. [12:41:53] At the time that he was talking, he is the one who held it. He was
11 holding it.

12 Q. [12:42:03] Was it again the same type of radio you had seen him with during the
13 first abduction?

14 A. [12:42:17] Yes, it looked similar. I did not pay close attention to the radio,
15 but -- I did not pay close attention to the radio that he was holding.

16 Q. [12:42:32] At that time did anybody, including Ongwen, inform you about
17 where Joseph Kony was?

18 A. [12:43:01] No. As abductees, as prisoners we were not told. But as -- when
19 somebody is talking, sometimes you can hear what they are saying. He was talking
20 to somebody, but we heard it. He wasn't talking to us directly.

21 Q. [12:43:25] But, Madam Witness, you will be reminded that you have consistently
22 said that you were not allowed to come close to Dominic Ongwen. Can you tell
23 Court at this point in time how close you were to him?

24 A. [12:43:52] In terms of distance between Dominic and myself, I guess that
25 perhaps he was -- the courtroom is actually smaller. We were on one side and he

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1 was on the other side while he was talking.

2 PRESIDING JUDGE SCHMITT: [12:44:21] Perhaps, Madam Witness, when you take
3 as a reference point the bench of the Judges here, can you estimate how far away you
4 were? Is that about the distance or was it less or was it more?

5 THE WITNESS: [12:44:43] (Interpretation) To my estimation we were on the other
6 side of the wall where the Defence is and he was on the other side of the wall where
7 the Prosecution is.

8 PRESIDING JUDGE SCHMITT: [12:44:54] This is quite a guess I would say.

9 Thank you.

10 MR AYENA ODONGO: [12:44:59] Yes.

11 Q. [12:45:00] And where, Madam Witness, were the wives and the children?

12 Were they also there?

13 A. [12:45:11] The women and children that were abducted? Could you please
14 repeat that? I did not quite understand it.

15 Q. [12:45:19] I am talking about the mothers, meaning the wives of the rebels
16 inclusive.

17 A. [12:45:36] At that particular time the newly abductees were mixed up. The
18 women were also there. Their wives were also there, we were also there. They had
19 not yet separated the people who were carrying the luggage from the wives. We
20 were still all in small groups that they had come with from the camp.

21 Q. [12:46:05] On that day was Dominic Ongwen very excited, happy and excited?

22 A. [12:46:18] It's very difficult for me to determine whether he was not -- whether
23 he was happy. I did not pay attention to determine whether or not he was happy.
24 He was also talking, so it's very difficult to determine. I had just been abducted. I
25 could not pay close attention to his mood.

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1 Q. [12:46:41] Was he moving up and down among his soldiers?

2 A. [12:46:50] No. He wasn't walking around. He was standing, talking.

3 Q. [12:46:59] Did you see Dominic Ongwen at any point walk?

4 A. [12:47:09] I did not see him when he was -- when he was coming away from his
5 soldiers, because, as I stated earlier, I was still afraid and I could not watch, I could
6 not see whether he was leaving or whether he was still there.

7 Q. [12:47:30] Can you describe to Court, Madam Witness, his style of walking, if
8 you ever saw it?

9 A. [12:47:43] I did not see him when he finished speaking and when he was
10 walking, because at the time I had turned my back to him. I did not want him to see
11 me or identify me. When he finished -- while he was talking, I was stealing glances
12 at him. But when he started walking, I turned away -- I turned my face away so that
13 he would not recognise me. So I did not see in what manner he was walking.

14 Q. [12:48:14] Madam, this will -- Madam, I am sorry, I have to go back to the first
15 incidence of meeting. When you met him, you said he addressed you -- when you
16 first met at the rendezvous, where you slept, you said he addressed you and moved
17 away. Did you see him move away?

18 A. [12:48:41] Yes. I said that when -- on the first abduction, he addressed his
19 commanders and then he brought his commanders to -- he brought his commanders
20 to us and then he left.

21 Q. [12:49:07] I wish --

22 PRESIDING JUDGE SCHMITT: [12:49:09] I think you -- I understood you - but you
23 can correct me - that you wanted to refer the first address, so to speak, during or after
24 the second abduction.

25 MR AYENA ODONGO: [12:49:22] Yes.

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1 PRESIDING JUDGE SCHMITT: [12:49:23] And she answered to the first abduction.

2 So there was again, I think, a sort of a --

3 MR AYENA ODONGO: [12:49:28] Yes. We are not --

4 PRESIDING JUDGE SCHMITT: [12:49:29] -- mix-up but --

5 MR AYENA ODONGO: [12:49:31] -- consensus ad idem --

6 PRESIDING JUDGE SCHMITT: Yeah, yeah.

7 MR AYENA ODONGO: -- again.

8 Q. [12:49:38] Madam, let's talk about the second abduction. And I want to refer
9 you -- just to refresh your memory, let's go to paragraph 47.

10 PRESIDING JUDGE SCHMITT: [12:49:47] I think that's the best, indeed.

11 MR AYENA ODONGO: [12:49:50] Paragraph 47.

12 PRESIDING JUDGE SCHMITT: [12:49:51] 0033, to make it shorter, the page.

13 MR AYENA ODONGO: [12:49:53] Yes.

14 Q. 0033, where you said:

15 "I saw Ongwen at this location. The man I saw was the same man who had led the
16 group when I had been previously abducted. I also recognised" -- well, I mean, let
17 me just stop there.

18 You said:

19 "I saw Ongwen at this location. The man I saw was the same man who had led the
20 group when I had been previously abducted."

21 Was that your statement, Madam?

22 A. [12:50:41] Yes, that was my statement. But when you asked me earlier, the
23 reason why I asked that he had walked away was because you had indicated that you
24 were taking me back. So my understanding was that you were talking about the
25 first abduction.

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1 But on the second occasion, when I was abducted on the second occasion, I saw him
2 addressing his people or talking to his people, but I did not observe him walk away
3 from them. I did not see him going away. But on the first abduction, we were
4 separated, we were divided, and we continued walking. On occasions he would talk
5 to his people, but I did not see him.

6 MR AYENA ODONGO: [12:51:33] Your Honours, I want to refer the witness to
7 paragraph 49.

8 PRESIDING JUDGE SCHMITT: [12:51:39] Yes, please do that.

9 MR AYENA ODONGO: [12:51:44]

10 Q. [12:51:45] Madam Witness you said, paragraph 49, same page, "After Ongwen
11 spoke he moved away."

12 Do you remember that statement, Madam?

13 A. [12:52:05] That -- on the second abduction, yes. After, after addressing us, after
14 talking to his people, he did not stay there on that occasion. He addressed us and
15 then he left. But I did not pay close attention to the time when he was moving away.
16 He did not stay there, but I did not pay attention to him moving away. When we
17 started organising ourselves and the luggage in order to start moving, he had already
18 moved from that place.

19 Q. [12:52:42] So you did not notice any distinctive feature about Dominic Ongwen?

20 A. [12:52:55] No. I did not pay -- I did not pay close attention. I did not examine
21 him personally.

22 Q. [12:53:08] Madam Witness, in paragraph 48 of your statement, same page, you
23 stated:

24 "Ongwen said he had spoken with Kony and informed him that they had attacked his
25 home and killed many people. Kony laughed and said if they still continue staying

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1 in the camp they should be killed."

2 You remember that statement?

3 A. [12:53:50] Yes, I do. I do recall that statement.

4 Q. [12:53:56] So did you, Madam Witness, hear Kony laugh on the radio?

5 A. [12:54:07] You know, when he was talking, he informed us, he repeated the
6 discussion that he had with Kony. When he was talking to Kony, I was within
7 earshot. I heard him talking. But I did not hear Kony's response. When he was
8 informing his soldiers what Kony said, that's when I heard him say Kony laughed.

9 Q. [12:54:40] So in your opinion was Dominic Ongwen informing you that Kony
10 was in total approval of the attack on Odek?

11 A. [12:54:59] I -- what I heard, I heard him say Kony laughed. We -- or I
12 personally know, for example, that if -- that he, when he heard this information, he
13 was happy. But it's difficult for me to determine that.

14 PRESIDING JUDGE SCHMITT: [12:55:25] But I think if we have this information,
15 the conclusion is not to be drawn by the witness, but by -- by the Bench then in the
16 end.

17 MR AYENA ODONGO: [12:55:36] Well put, your Honour.

18 PRESIDING JUDGE SCHMITT: [12:55:37] If any.

19 MR AYENA ODONGO: [12:55:37] If any, yeah.

20 Q. [12:55:47] And in your statement, paragraph 50, this next paragraph, you said:
21 "The women who were with the rebels told us that the initial plan had been to attack
22 Achol-Pii because Kony did not want his home area to be attacked."
23 Is that -- do you remember that statement?

24 A. [12:56:10] I do recall that statement. Because when we were walking within the
25 group of women, that's what the women were talking about and that's why I said

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1 that -- that's why I stated that in my statement; it's something that I heard.

2 Q. [12:56:39] Madam Witness, can you give a rough estimate of the distance
3 between Achol-Pii and Odek? First of all, do you know where Achol-Pii is?

4 A. [12:56:58] Yes, I do.

5 Q. [12:56:59] Where is it?

6 A. [12:57:03] Achol-Pii is also in Pader. It was -- it used to be in Kitgum but I,
7 I believe now it's in Pader, because the districts have been subdivided. But I know
8 Achol-Pii and I have been to Achol-Pii as well.

9 Q. [12:57:25] So can you give an estimate of the distance between Achol-Pii and
10 Odek?

11 A. [12:57:36] The distance between Achol-Pii and Odek is far. I estimate that it's
12 maybe 25 to 27 miles. It's far. If you are walking on foot, you won't get there fast
13 enough. It's a centre, it's a big centre.

14 Q. [12:58:07] Thank you very much. Now, before we break for lunch, I hope that
15 will be granted to us --

16 PRESIDING JUDGE SCHMITT: [12:58:21] The lunch or the question? Excuse me.

17 MR AYENA ODONGO: [12:58:25] The break. The lunch break.

18 PRESIDING JUDGE SCHMITT: [12:58:27] The lunch break will of course be granted.

19 MR AYENA ODONGO: [12:58:30] Of course if we are granted lunch as well, why
20 not?

21 PRESIDING JUDGE SCHMITT: [12:58:33] So please put your question.

22 MR AYENA ODONGO: [12:58:36]

23 Q. [12:58:39] Two statements were made. One by the women who told you that
24 Kony did not want his home village to be attacked, Odek, and the other one, that
25 Kony laughed when Dominic Ongwen told him that his village had been attacked.

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1 In your opinion, what would this say about the character of Kony?

2 A. [12:59:30] In my opinion, I know that Kony -- if he actually said that, then he
3 knows that when people attack other areas, they commit atrocities or crimes there.
4 So if they attack Odek, then the same thing will happen. Because Kony -- as Kony
5 does not care that he is from this area or he does not care that the people being
6 attacked are his relations.

7 Q. [13:00:04] And the last question this afternoon, for now, is: In your experience
8 in the bush was it possible for anybody to defy an order given by Kony?

9 A. [13:00:27] No. For example, we abductees had no authority or right to refuse it.

10 Q. [13:00:39] How about his other commanders? Was a commander under Kony
11 or in the LRA free to act otherwise than ordered by Kony?

12 A. [13:01:01] I -- well, from what I saw or what I observed in our group, the
13 commanders are called, they hold discussions. So I believe that when he calls his
14 commanders they engage in discussions and decide what to do. But I do not know
15 whether this -- the same thing applies, whether the orders apply to his senior
16 commanders.

17 MR AYENA ODONGO: [13:01:34] I think that's all for now.

18 PRESIDING JUDGE SCHMITT: [13:01:36] Thank you. Before we go into the lunch
19 break I would like to ask you, Mr Ayena, if you can tell us about how long your
20 examination is planned?

21 MR AYENA ODONGO: [13:01:49] I think within, within one hour.

22 PRESIDING JUDGE SCHMITT: [13:01:54] Thank you very much. Then we have
23 the lunch break until 2.30.

24 THE COURT USHER: [13:01:59] All rise.

25 (Recess taken at 1.02 p.m.)

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1 (Upon resuming in open session at 2.31 p.m.)

2 THE COURT USHER: [14:31:48] All rise.

3 Please be seated.

4 PRESIDING JUDGE SCHMITT: [14:32:09] Good afternoon, everyone.

5 Mr Ayena, you still have the floor.

6 MR AYENA ODONGO: [14:32:15] I am much obliged, your Honours.

7 Q. [14:32:29] Good afternoon, Witness. We are back at it again but this time for
8 a short time.

9 A. [14:32:39] Good afternoon.

10 Q. [14:32:42] Madam, there are some few areas that I wanted us to wrap up on for
11 clarity. At tab 2, page 31, paragraph 34 of your statement, you stated, and I quote
12 briefly:

13 "I returned home and I gave birth to my daughter ... around August/September 2002."

14 But, Madam Witness, later on in your statement you change your mind and you
15 stated that you gave birth in April 2002. That is in tab 10, 2421, lines 215 to 219.

16 Madam, which is the date?

17 A. [14:34:31] When I made my statement I told the investigators that I would go
18 and check on the birth documents. I did not find the documents. When I asked my
19 mother, my mother told me that I gave birth in August, because I did not know the
20 exact month. I was told to, to just estimate, to guess. But the date my mother told
21 me is August. That's what I can confirm. At that time I was confused.

22 Q. [14:35:10] Madam, do you agree with me that the difference between April and
23 August/September is a long time? About four to five months.

24 A. [14:35:40] Yes, it is. When I returned home and when I delivered my baby, I
25 wasn't -- I was confused and I couldn't know the time. And I was told to just

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1 estimate. I estimated it wrongly, but my mother, who was calm and who was stable
2 and was at home, told me the date and I confirmed that what my mother told me is
3 the correct one.

4 PRESIDING JUDGE SCHMITT: [14:36:08] I think this answers the question
5 whatsoever.

6 MR AYENA ODONGO: [14:36:11] Yes.

7 Q. [14:36:12] But, Madam Witness, you remember that you also made estimates
8 about ages of children you -- or people generally -- you met in the bush? Would I be
9 right to assume that the effect on your mind of the events that you went through
10 could have affected your memory about many events, many things that happened to
11 you?

12 A. [14:36:59] Yes, I, I got confused. When you go through difficult times, you do
13 not memorise many things.

14 MR AYENA ODONGO: [14:37:14] I am being reminded, your Honours, the ERN
15 number of tab 10 I was talking about is UGA-OTP-0271-2414, for the record.

16 Q. [14:37:39] Now, Madam, again we talked about wife distribution -- or, rather,
17 wife attribution in the bush and you had said under tab 9 that -- I mean, first of all
18 you said that every soldier regardless of rank was entitled to a wife-- or, rather, was
19 given a wife.

20 A. [14:38:20] I said that the armed soldiers, whether private or with rank, is given
21 a wife.

22 Q. [14:38:30] And you said, Madam Witness, in tab 9, ERN number
23 UGA-OTP-0271-2398-R0, pages 2401 to 2402, lines 103 to 120, you said: "He was just
24 a rank and file soldier just like" -- person one.

25 You are talking about a person who had three wives, one of whom was punished by

1 death for being suspected of being a witch. Is that your statement?

2 A. [14:39:42] Yes, that's my statement.

3 Q. [14:39:45] So not only were they entitled to a wife, but they were entitled -- I

4 mean, the rank and file soldiers of the LRA were entitled to multiple wives.

5 A. [14:40:07] Yes, they could have many wives. Some of them had many wives.

6 Like I said, that, that woman had a co-wife and the co-wife said she was a witch.

7 Q. [14:40:40] Madam, since you lived in the bush for two years, can you inform

8 Court about the regime of sexual relations in the bush, the kind of punishment that,

9 for instance, having sex outside, in quotes, "matrimonial arrangement" would attract,

10 if you were found sleeping with a person that you were not married to?

11 A. [14:41:29] According to what I know, in the bush I never heard that a man or

12 another woman are sleeping with another person. I stayed there in the bush, but I, I

13 never learnt of a woman having multiple partners.

14 Q. [14:42:01] And, Madam Witness, you stated that when you were given to person

15 one, you were only told to cook for him; is that correct?

16 A. [14:42:19] What I said is when I was given to person one, I thought I would only

17 go there as a cook, but not as a wife, as my husband. I was not told that I would be

18 a cook, but me, I thought I would be a cook. I was given to him and he gave me

19 cooking utensils.

20 Q. [14:42:45] And in that same ERN number, Madam Witness, it is said that:

21 "The men were ... standing in a line then he would just point at you and point at

22 a man and he would tell you to go to him ... he will tell you to go and cook."

23 So is this how it happened? But, of course, let me --

24 PRESIDING JUDGE SCHMITT: [14:43:16] Perhaps could you help us with the lines

25 you are citing from?

1 MR AYENA ODONGO: [14:43:33] The line is -- sorry. It is tab 6,

2 UGA-OTP-0271-2344-R01, page 2352, lines 258 to 269.

3 Q. [14:44:10] Madam, you remember making that statement?

4 A. [14:44:13] Yes, I remember.

5 Q. [14:44:14] And then you change your mind and said later that Joe did not say

6 anything because you remember that the person you are referring to who pointed

7 at -- who told people to point at -- go and pick was Joe. But then later on you

8 changed your mind and said Joe did not say anything and that it was person A that

9 told you to cook.

10 PRESIDING JUDGE SCHMITT: [14:44:55] Again, please, Mr Ayena, this is now the

11 quote so that we can see it for ourselves.

12 MR AYENA ODONGO: [14:45:01] This is now same tab, same page -- no, no, I mean

13 lines 372 to 381.

14 Q. [14:45:26] And the question was: Did Joe say anything apart from you to go to

15 person one?

16 A. [14:45:44] What happened was that I was pointed, I was given to that man. It's

17 the man who told me "go and cook". I went and cooked. It is not the commander

18 who pointed me who told me "go and cook". But when he had pointed I am given to

19 the man. That's what I said. Perhaps at that time I could have heard something

20 and I don't remember. There were many things being taken down from me.

21 Q. [14:46:20] Thank you, Madam Witness.

22 Now, madam, let's talk about this -- before we broke off for lunch we were discussing

23 the distance between Odek and Achol-Pii. And you said it was about 25 to 27 miles.

24 But you also said one time you went towards to Kotido, but you did not know

25 whether you had reached Kotido. Do you remember that, madam?

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1 A. [14:47:48] Yes, I remember.

2 MR BRADFIELD: [14:47:51] Your Honour.

3 PRESIDING JUDGE SCHMITT: [14:47:52] Mr Bradfield, yes.

4 MR BRADFIELD: [14:47:53] Just a reference for that statement would be -- would be
5 helpful for the Prosecution.

6 MR AYENA ODONGO: [14:48:05] (Microphone not activated)

7 PRESIDING JUDGE SCHMITT: [14:48:08] I think simply put the question to
8 Madam Witness --

9 MR AYENA ODONGO: Yes, she had --

10 PRESIDING JUDGE SCHMITT: And she has answered.

11 MR AYENA ODONGO: [14:48:16] Yes.

12 Q. [14:48:17] Madam Witness, can you also by the same token of estimation tell
13 Court the distance between Kotido and Odek?

14 A. [14:48:35] It's far, the distance between Odek and Kotido is far.

15 Q. [14:48:46] Yes, I think by now Court has an idea that it is far, but can you again
16 help Court to estimate how far it is?

17 A. From Odek to Kotido is probably over a hundred miles. But when I say that
18 we walked to Kotido, it doesn't mean that you walked one day to Kotido.

19 Q. [14:49:23] So is it your testimony, Madam Witness, that the furthest point -- you
20 remember that this morning I was asking you that the furthest point you think you
21 travelled from Odek. Is it your testimony therefore that the furthest point could
22 have been as far away from Odek as, say, a hundred miles. Of course over a period
23 of time, not on one day. I do understand that.

24 A. [14:50:08] The movements in the bush are made in circles, you do not sit in one
25 place and you don't move directly. It's difficult to say you have moved up to this

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1 location. There is no single day that you sit for four days to one week without
2 anything going on. You keep on moving and you do not know -- they don't tell you
3 where you are going to. It's therefore difficult to know the miles that I moved. It's
4 not easy to say the miles I moved.

5 Q. [14:50:51] That is understandable, Madam Witness.

6 Madam Witness, we were talking about Dominic Ongwen and his whereabouts.

7 Did you get to know that around about September 2002 Dominic Ongwen got a major
8 injury on his knee?

9 A. [14:51:31] When I was returning he was healthy. I did not ask -- when I came
10 back I did not ask those who escaped and returned whether he had been injured or
11 not. I didn't ask and I didn't find out.

12 Q. [14:51:53] Fair enough. Now, Madam Witness, have you heard of a place
13 called -- first of all, the areas where you went and you found Dominic Ongwen, was
14 there a school around it?

15 A. [14:52:22] Is it the second abduction? Can you repeat it?

16 Q. [14:52:25] The first abduction.

17 A. [14:52:30] I do not recall if there was a school nearby. For me, I had left school
18 and returned home.

19 Q. [14:52:40] How about on the second occasion of abduction?

20 A. [14:52:50] In the second abduction we went to a bush, because people were
21 already in the centre, other people were in the camp and the school was close by to
22 the camp. But the schools that were deserted were also there in the bush.

23 Q. [14:53:15] Madam, in relation to the attack on Odek, did you hear the name of
24 somebody called Lapaicho?

25 A. [14:53:36] No, I did not hear.

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1 Q. [14:53:53] How about somebody called Ocan Labongo?

2 A. [14:54:00] I did not stay long in the bush when I was abducted in the second
3 time. I was there for only two days so I couldn't know names of people, apart from
4 some people I knew earlier. I stayed for one day because I slept only one day, and
5 then I came back.

6 Q. [14:54:25] So that we may be reading from the same page, madam, I am talking
7 about the general comments in the environment -- in the environ when you returned.
8 Did you hear anybody talk about a commander called Ocan Labongo already
9 participating in the attack on Odek?

10 A. [14:55:02] When I returned from the bush in my second abduction, I did not stay
11 at home, I went to town. I survived and I decided that I could not stay there
12 anymore. I didn't think I would leave. For that reason I chose to move to town.
13 I didn't ask people who their names were and who the commanders were. Even in
14 my statements I did not mention the names of those commanders.

15 Q. [14:55:46] Thank you, Madam Witness. Being somebody from Acholi have you
16 heard about a name called Loyo-Ajonga?

17 A. [14:56:06] Yes, I know that place. I heard about the place.

18 Q. [14:56:15] Can you help Court again to describe the distance. If you cannot
19 describe the distance, can you describe the route that can take you to Loyo-Ajonga
20 from Odek?

21 A. [14:56:41] For me I heard about Loyo-Ajonga, but I -- the route leading to
22 Loyo-Ajonga, I am not able to state it now.

23 Q. [14:56:57] Madam Witness, if I were to tell you that when you are going to
24 Loyo-Ajonga from Odek you go to Lalogi, from Lalogi you go to Minja, and then from
25 Kono (phon) Minja you go northeastwards towards Cwero, and that is quite

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1 a distance away from Odek. Would you --

2 PRESIDING JUDGE SCHMITT: She has already said she doesn't know the way,
3 where it is and where to go. And at the moment it's also important for her to know
4 why you ask her. Perhaps you --

5 MR AYENA ODONGO: [14:57:48] Your Honour, you remember that when I asked
6 her she knows about Ajonga, so I am trying to see whether this could trigger her
7 understanding, because --

8 PRESIDING JUDGE SCHMITT: [14:58:01] Yes, please continue.

9 MR AYENA ODONGO: [14:58:02] Yes.

10 Q. [14:58:03] Does that help you to appreciate, you know, first of all, the direction
11 and then perhaps the estimate of the distance?

12 A. [14:58:24] The way you have explained I, I know the places you have
13 mentioned.

14 PRESIDING JUDGE SCHMITT: [14:58:32] And when it comes -- frankly speaking,
15 when it comes to distances in the end and the distances and the exact geographic
16 location there must be sources of common knowledge that could be of help for us in
17 the end. Of course, it might be important to ask a witness what -- in his mind, how
18 far away it was, to test what has been said, that is clear, but when it comes really to
19 establish exactly how the geographic situation is I think we can take recourse to, as I
20 have worded, as to sources of common knowledge.

21 MR AYENA ODONGO: [14:59:09] (Microphone not activated)

22 Q. [14:59:12] Madam Witness, there are two propositions I want to make to you:
23 Number one, that it is -- I mean, that the person you described does not answer the
24 description of Dominic Ongwen because at the time in question Dominic Ongwen
25 was seriously injured and was distinctively limping and that limp has not changed up

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1 to now. What do you say about that?

2 A. [15:00:05] For me, what I can say is that when I was abducted, Dominic Ongwen
3 was not injured. When I was abducted for the second time, I did not concentrate on
4 looking at how he was walking.

5 Q. [15:00:28] The second proposition, Madam Witness, is that at the time in
6 question Dominic Ongwen was domiciled in a place called Loyo-Ajonga and
7 therefore he could not have been at Odek at that time. What do you say about that?

8 A. [15:01:04] I said I saw him, I saw him on the second day. On the second day I
9 saw him speaking, addressing people. I do not -- I do know Dominic. I was in the
10 bush, I know Dominic.

11 MR AYENA ODONGO: [15:01:29] Short private session.

12 PRESIDING JUDGE SCHMITT: [15:01:30] We go to private session.

13 (Private session at 3.01 p.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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24 (Open session at 3.08 p.m.)

25 THE COURT OFFICER: [15:08:55] We are back in open session, Mr President.

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1 MR AYENA ODONGO: [15:09:07]

2 Q. [15:09:08] Madam, while you were being treated at the UPDF Awere barracks,
3 did you give a statement to the government?

4 A. [15:09:26] No. The government did not ask me to give them any statement, but
5 they kept me there. Because the soldier was my -- my uncle was a soldier and he
6 went and picked me up from the barracks. I do not know whether he made
7 a statement on my behalf at the barracks.

8 Q. [15:09:53] Thank you, Madam Witness.

9 Madam Witness, just to wrap up now, did you ever state to the Prosecution that you
10 moved to Odek IDP camp around 2003?

11 A. [15:10:22] Yes, I did.

12 Q. [15:10:28] Do you remember the time frame in 2003 when you moved into Odek
13 IDP camp?

14 A. [15:10:42] I do not recall the exact month or the day, the exact day. There are so
15 many things that I have to think about, so I've -- I cannot remember everything.

16 Q. [15:11:03] Could you tell Court whether it was during rainy season or during
17 the dry season?

18 A. [15:11:20] I do not recall. I do not recall whether it was in the rainy season or in
19 the dry season, but I do recall that we were told to go to the camp, and I did not
20 bother to memorise the month. There were so many questions and I cannot recall
21 every single thing, especially some of the things that I mentioned previously.

22 Q. [15:11:54] Madam Witness, this particular time when you were abducted in 2004,
23 was it during rainy season or during dry season?

24 A. [15:12:13] In 2004 was during the rainy season. It was in April and it was still
25 raining. And that was the beginning of the rainy season.

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1 Q. [15:12:36] Madam, I want to refer you to tab 12, UGA-OTP-0271-2426, page 2433,
2 lines 208 to 209, where you said: "Since our home was near the road, we stayed there
3 until towards the end of 2002", when we moved.

4 A. [15:13:32] Could you please repeat your question?

5 Q. [15:13:35] You said:

6 "Since our home was near the road, we stayed there until towards the end of 2002
7 then we moved ..."

8 PRESIDING JUDGE SCHMITT: [15:13:53] So could it also have been by the end
9 of 2002? That would be the question.

10 MR AYENA ODONGO: [15:14:03] Yes.

11 A. [15:14:06] Yes, because the -- when we moved, it wasn't like as an abduction.

12 When you have to move, you move, you collect your things, you move and then go to
13 the camp. When I said we were moving to the camp, that was the -- that was a guess.

14 I do not know whether it was in -- during the rainy season or during the dry season,

15 but I do recall that it was in 2003. So if it was at the end of 2002, then that's the

16 correct -- that's the correct date. Because 2002, the end of 2002 is close to 2003. We

17 were told that we need to move to the camp. The soldiers ordered us to move to the

18 camp, so we gathered our things and moved to the camp.

19 PRESIDING JUDGE SCHMITT: [15:14:59] Just a remark by me. We had this

20 already this wording around with, around 1999 and 2000 at an earlier stage today, so

21 this seems to be a recurring theme that around can mean shortly before or at the time

22 that is mentioned. So I think we have to take it like that that it might also have been

23 by the end of 2002.

24 MR AYENA ODONGO: [15:15:28] (Microphone not activated) my lord, the reading

25 here seems to be different. She is saying --

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1 PRESIDING JUDGE SCHMITT: [15:15:35] No, she has confirmed it that it could
2 have been by the end of 2002. It's okay.

3 MR AYENA ODONGO: [15:15:41] Okay, okay.

4 Q. [15:15:41] Madam Witness, can you also help Court -- or, rather, let me put it
5 this way: Did you ever know about a fire outbreak that burnt, destroyed properties
6 in Odek camp?

7 A. [15:16:07] Yes, there was a fire, but it did not happen on one occasion so it's
8 impossible to remember that it happened in this month, it happened during that
9 season or it happened that time. Odek was affected twice, very badly. The first
10 time we had a fire it was in the middle, the fire started from the middle of the camp.
11 The second time the camp was affected it was from the outskirts of the camp and it
12 started from the rubbish pit that had been set alight. And that's -- those are the two
13 occasions.

14 Q. [15:16:45] Madam Witness, was your house one of the approximately 500 houses
15 that were burned down during the Odek IDP camp fire which took place on or
16 around 26 March 2004?

17 PRESIDING JUDGE SCHMITT: [15:17:06] Mr Gumpert.

18 MR GUMPERT: [15:17:08] About four or five propositions there. Perhaps they
19 could be put to the witness one by one, whether there was such a fire, whether it was
20 on such and such a date, whether her house was one of those which was burnt.
21 Otherwise she might just say yes.

22 PRESIDING JUDGE SCHMITT: [15:17:23] But she has already answered that there
23 had been fires. Perhaps we simply -- perhaps she might not know the date.
24 Madam Witness, you simply can tell us if one of these fires destroyed property where
25 you lived or the house where you lived.

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1 THE WITNESS: [15:17:51] (Interpretation) Not the first -- not on the first occasion,
2 but it was on the second occasion that my house burnt down.

3 PRESIDING JUDGE SCHMITT: [15:17:56] No problem there. And do you -- can
4 you estimate at what point in time this was? You might not, as you have heard me
5 already, you might not know the exact date, but could you narrow it today when this
6 happened to your property, to your house?

7 THE WITNESS: [15:18:28] (Interpretation) It's very difficult to estimate the exact
8 date. It's difficult to estimate the exact date.

9 PRESIDING JUDGE SCHMITT: [15:18:37] But you recall and you have told the
10 Court yesterday and today about it, about April 2004 where there was this attack on
11 Odek, and when you look back from this point in time and try to recall when this was,
12 does this help a little bit to assess the time when it happened? For example, was it
13 shortly before that? Was it a longer period before that?

14 THE WITNESS: [15:19:21] (Interpretation) To my recollection, when they attacked
15 Odek it had already happened. Some, some of the houses had already been rebuilt.

16 PRESIDING JUDGE SCHMITT: [15:19:38] I think you can continue. So I think
17 there was -- it's no problem and we don't have to make a big discussion out of this.
18 There has been an incident where fire broke out and the house of the witness was
19 destroyed and this had been at a time before the charged incident at least where we
20 are talking about.

21 MR AYENA ODONGO: [15:20:18]

22 Q. [15:20:20] Madam Witness, can I assume that your house was one of those
23 which had been rebuilt by the time of the attack?

24 A. [15:20:34] At the time when Odek was attacked, yes, my house had been rebuilt
25 and I had moved back into my house.

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1 Q. [15:20:45] But some other houses had not yet been rebuilt; is that correct?

2 A. [15:20:56] Yes, because not all the houses were rebuilt. Not all the burnt houses
3 were rebuilt.

4 Q. [15:21:07] Madam, before I take leave of the incidents of (Redacted), you earlier
5 on told -- short private session.

6 PRESIDING JUDGE SCHMITT: [15:21:21] Private session.

7 (Private session at 3.21 p.m.) *(Reclassified entirely in public)

8 THE COURT OFFICER: [15:21:34] We are in private session, Mr President.

9 MR AYENA ODONGO: [15:21:39]

10 Q. [15:21:39] You told Court yesterday and you made it in your statement that
11 when you were in the camp government soldiers could come to your door, knock or
12 break, I mean get into the house, pick somebody's wife go and sleep with him until
13 dawn, and bring her back, and there would be no complaints; is that correct?

14 A. [15:22:14] Yes, I stated that.

15 Q. [15:22:20] Was there any action taken --

16 PRESIDING JUDGE SCHMITT: [15:22:24] I think we can have this in open session
17 because we had it last time it was also discussed in open session.

18 MR AYENA ODONGO: [15:22:31] Can I --

19 PRESIDING JUDGE SCHMITT: [15:22:32] I think it's also in your -- or do you refer
20 specifically -- perhaps you know better what your line of questioning will be --

21 MR AYENA ODONGO: [15:22:38] Yes.

22 PRESIDING JUDGE SCHMITT: [15:22:39] -- but if we stay with that, I don't see
23 a reason why this should not be in public.

24 MR AYENA ODONGO: [15:22:46] Let me ask just one question which concerns her.

25 PRESIDING JUDGE SCHMITT: [15:22:50] Okay, yes, please.

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1 MR AYENA ODONGO: [15:22:51]

2 Q. Can you tell Court -- I think I will abandon that line. Let's go back to --

3 PRESIDING JUDGE SCHMITT: [15:22:58] But, as I said, no, we had this yesterday

4 and the witness has already confirmed it and she has, again today confirmed this.

5 So we go to open session.

6 MR AYENA ODONGO: [15:23:15]

7 Q. And, Madam Witness, you --

8 PRESIDING JUDGE SCHMITT: Wait a second.

9 MR AYENA ODONGO: Oh, the five seconds, sorry.

10 (Open session at 3.23 p.m.)

11 THE COURT OFFICER: [15:23:26] We are back in open session, Mr President.

12 PRESIDING JUDGE SCHMITT: [15:23:28] It has been a long day. There is no

13 problem, that always happens.

14 MR AYENA ODONGO: [15:23:31] You know the person who is normally afflicted

15 by this is not in the courtroom today. So it has come to me.

16 PRESIDING JUDGE SCHMITT: [15:23:38] So it originated out of itself, so to speak.

17 But we don't want to continue that.

18 MR AYENA ODONGO: Much obliged, your Honour.

19 PRESIDING JUDGE SCHMITT: Please continue, Mr Ayena.

20 MR AYENA ODONGO: [15:23:46] Yes.

21 Q. [15:23:48] Now, Madam Witness, is it still your statement that government

22 soldiers, the UPDF, lived and mixed up with soldier -- I mean with the civilians in

23 the barracks?

24 A. [15:24:17] I stated that soldiers would mix with civilians, but the barracks was

25 not within the civilian population, it was different from the camp. The barracks and

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1 the camp were separate. But the soldiers would come and live or would come and
2 mix among civilians.

3 Q. [15:24:45] Can you tell Court whether -- I mean, first of all, there were these
4 popular people called the Home Guards, or LDU, for that matter. Did they live
5 among the civilian population or in the barracks?

6 A. [15:25:12] The LDUs were also referred to as soldiers because they were the ones
7 who protected the people, the civilians within the camp, so the soldiers referred to as
8 Home Guards. The mobile soldiers would only -- were only mobile. They would
9 come and leave. They would not stay in the barracks at all time. The Home Guards
10 would also come and mix up with the civilian, same as the soldiers, but they would
11 live in the barracks.

12 Q. [15:25:48] And is it still true to state that the Home Guards or LDUs, Local
13 Defence Units, for that matter were actually recruited from the civilian population
14 and, in particular, those who lived in the IDP camps?

15 A. [15:26:14] The Home Guards were recruited from the civilians within the camp.
16 They were taken, they were trained, and then they were brought back to the camp to
17 protect the camp. We used to refer to them as soldiers, but the authorities used to
18 refer to them as Home Guards. But we, as civilians, would refer to them as soldiers
19 because they all had guns.

20 Q. [15:26:57] Madam Witness, under tab 13, UGA-OTP-0271-2444-R01, page 2446,
21 lines 54 to 58 you said, and I quote:

22 "... so the shooting was coming as if it was a curve ... I would hear it as if it was, they
23 curved around the camp and they were moving towards the soldiers and the civilians.
24 The curve was following the Odek river."

25 Do you remember making this statement, Madam Witness?

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1 A. [15:28:05] I recall that I stated that the bullets started -- they started firing the
2 bullets next to my house in the middle and then at the side and then all of a sudden
3 there was gunfire everywhere. And that's what I stated.

4 Q. [15:28:29] And in which direction is the Odek river? Is it to the east or west,
5 south or north?

6 A. [15:28:40] Odek river is in the west. And it's also over the bridge. But you
7 walk around it. The Odek river is, is -- is not a straight river.

8 Q. [15:29:03] How wide is Odek river at the camp?

9 A. [15:29:14] Odek river at the camp, towards the centre, you pass the centre and
10 then you get to the camp, but on the side, the side where it curves, on the one side, it's
11 closer to the camp from the side on the centre. From the Payira side it's closer.
12 From the other side it's further. You first bypass the centre and then you come to the
13 camp.

14 Q. [15:29:55] Madam Witness, you will remember that you stated that the fighting
15 that lasted for about an hour. Your actual statement was that after about an hour, so
16 after some time, then the shooting stopped. And when you came out of your home
17 after the -- that hour, you stated that the soldiers had fled east of the Odek river.

18 This is found at tab 13, UGA-OTP-0271-2444-R01, page 2447, lines 90 to 93.

19 A. [15:31:10] Yes, I did.

20 Q. [15:31:12] Now, Madam Witness, if you were in your house this entire time,
21 how did you get to know that the government soldiers headed east past the Odek
22 river?

23 A. [15:31:31] The reason why I stated that government soldiers crossed Odek was
24 because somebody informed me. But the barracks was on the other side and the
25 soldiers, the Lakwena soldiers walked around, went around towards the barracks and

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1 all the people were running away from that side coming towards Odek. Odek
2 is -- encircles -- is a semicircle around the centre so people were running around
3 coming towards the centre. The soldiers were also running and when soldiers are
4 running from the barracks going to that direction they would also pass through Odek.
5 There were also children who were running and some of the children fell into the
6 river and they died.

7 Q. [15:32:30] Now, Madam Witness, when you were led out of the camp did you
8 immediately cross the Odek river or did you go in a different direction? Did you go
9 over the bridge or you crossed the river where it was flowing?

10 A. [15:32:59] When I was abducted for the second time I did not cross Odek. We
11 did not go to Odek, we went straight. Even the children who died in the Odek
12 stream, I heard about their death when I returned from the bush.

13 Q. [15:33:30] Now, madam, earlier on you stated that when you saw Dominic
14 where you were taken, you realised that this is the person who had led the attack
15 during which you had previously been abducted; is that correct?

16 A. [15:34:12] For me I saw when I was abducted for the second time, I saw that the
17 person who was talking was the same person who was leading the group that
18 abducted me for the first time. I recognise that it was the same person.

19 Q. [15:34:32] So, Madam Witness, is it your testimony that indeed it was also
20 Dominic Ongwen who led the attack during which you were abducted in 2000?

21 PRESIDING JUDGE SCHMITT: [15:34:53] Mr Ayena, I don't think that -- I don't
22 think that the witness has said that, neither during her testimony here in the
23 courtroom nor in the statement. If we look at UGA-OTP-0248-0026 at pages 0028
24 and 29, and these are a lot of paragraphs, 14 following. So I am not sure if she has
25 ever stated that Dominic Ongwen led the group in 2000. So this -- frankly speaking,

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1 I would not read it like that.

2 MR AYENA ODONGO: [15:35:41] My lord, for some reason I seem to be convinced
3 that she said it and I lead you to where she said it in her statement.

4 PRESIDING JUDGE SCHMITT: [15:35:49] Then please tell us. Please tell us.

5 MR AYENA ODONGO: [15:35:51] Yes. If you go to tab -- my lord, if you go to tab
6 1, at page 33. The UGA is -- I mean the ERN number is UGA --

7 PRESIDING JUDGE SCHMITT: [15:36:12] That's the one that I cited from so you
8 can simply go to the paragraph.

9 MR AYENA ODONGO: [15:36:18] Yes. Paragraph 47, your Honour: "The man I
10 saw was the same man who had let the group when I had been previously abducted."

11 PRESIDING JUDGE SCHMITT: [15:36:34] I have to admit that is correct, what you
12 are saying.

13 MR AYENA ODONGO: [15:36:38] Much obliged.

14 PRESIDING JUDGE SCHMITT: [15:36:39] Yes, it's correct. So you have to -- yes,
15 please continue.

16 Mr Bradfield.

17 MR AYENA ODONGO: [15:36:45] Only if he sits down, maybe then --

18 PRESIDING JUDGE SCHMITT: [15:36:46] No, you don't have to stand both.

19 Mr Bradfield.

20 MR BRADFIELD: [15:36:50] Your Honours, I don't think you can make that
21 inference from the quote he has just read. It says she led the group that abducted her,

22 not that led the attack, the initial attack, so there is a distinction there I would submit.

23 PRESIDING JUDGE SCHMITT: [15:37:04] Let me put it this way: I was also not
24 wrong, Mr Ayena. I think I also would, frankly speaking, would read it like I have

25 already said it, that when -- here in this context 47 group seems to mean the larger

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1 group, but not necessarily seems to mean the group that specifically led, conducted
2 this attack in 2000. But why not ask her simply so that we confirm it finally.

3 MR AYENA ODONGO: [15:37:41] I'm obliged, your Honour.

4 PRESIDING JUDGE SCHMITT: [15:37:43] It's correct. Why not try to clarify it.

5 MR AYENA ODONGO: [15:37:46] As a matter of fact, she has already answered it.

6 She seems to confirm.

7 Q. [15:37:51] Madam, what did you mean when you said, and I quote: "The man I
8 saw was the same man who had led the group when I had been previously
9 abducted." Can you tell Court exactly what you mean?

10 A. [15:38:23] What I was saying was that he was the same man, the same
11 commander of the group that abducted me earlier. It's not that it was the same -- not
12 the group that conducted the attack. When the attack on Odek was conducted, it
13 was different from the abduction, because we met other people who were on the way.
14 That is what I said. I hope it is clear now.

15 Q. [15:38:58] If it is clear to Court --

16 PRESIDING JUDGE SCHMITT: [15:39:00] No, I -- just one perhaps -- perhaps let me
17 give it a try.

18 Madam Witness, your first abduction in 2000, or around the year 2000, there was
19 a group coming to your home place at the time and specifically this group of I think
20 you said it were 90 or 100 people, was this group led by Mr Ongwen?

21 THE WITNESS: [15:39:34] (Interpretation) I said that it was around, between 1999
22 and 2000 when I was abducted. That was my first abduction. I came back and then
23 I was abducted again in 2004. When the questions are -- the way the investigators
24 were also asking me, the dates were confused. They asked me at the same time, so I
25 think I forgot some things and I said years that were not correct. I could have

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1 forgotten. For me, I know that I was abducted at that time and then I was abducted
2 again.

3 MR AYENA ODONGO: [15:40:31] Mr President and your Honours, I don't know
4 whether I can say that I have not got the answer I wanted, because --

5 PRESIDING JUDGE SCHMITT: [15:40:38] You can say that, because it's -- I
6 understand what -- I understand that. Perhaps you can give it another try.

7 MR AYENA ODONGO: [15:40:49]

8 Q. [15:40:50] Madam, let's forget about the dates when you were first abducted.
9 Whether it was in 2000 or 1999, let's forget it. Let us now talk about the group that
10 abducted you and the person who led that group. Who led that group in 1999 or
11 2000, whichever year it was?

12 A. [15:41:26] What I know is that the group that abducted me was Sinia brigade
13 and the commander who was leading them was Dominic Ongwen, also known as
14 Odomi.

15 Q. [15:41:41] You have made my day, Madam Witness. That's what I wanted to
16 clarify.

17 MR GUMPERT: [15:41:47] Your Honours, where the greatest of respect, I disagree
18 with my learned friend. The matter isn't any clearer than it was. The issue is not
19 who was leading the group. On that she has given evidence aplenty. The issue is
20 was he present or not at the time of her first abduction? That is the matter that my
21 learned friend is trying to get at and he still hasn't asked that question clearly and the
22 witness still hasn't answered it.

23 PRESIDING JUDGE SCHMITT: [15:42:20] But I think we know the answer, but we
24 can perhaps -- perhaps I can try it again.

25 Madam Witness, you see, there is a little bit irritation that was not caused by you, but

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1 by the different examiners here who try to elicit the information. Again, back to
2 your first abduction, there was a group of 90, as you said, until 100 persons on the
3 ground, so to speak, when you were abducted. At that point in time was the leader
4 of this group of 90 or 100 people on the ground, was this Mr Ongwen? Did you see
5 him there?

6 THE WITNESS: [15:43:11] (Interpretation) Yes, I saw him when he was addressing
7 the troops to distribute us. I didn't even know he was the commander. I was still
8 a student when I was abducted for the first time. When he talked to his junior
9 commanders and we were being distributed to men.

10 PRESIDING JUDGE SCHMITT: [15:43:33] And you correctly, what you have said
11 yesterday and also today, this was at the time when you had been taken already to
12 Lakim.

13 THE WITNESS: [15:43:45] (Interpretation) Yes.

14 PRESIDING JUDGE SCHMITT: [15:43:47] So I think it's now clear and we don't
15 have to, to clarify this further.

16 MR AYENA ODONGO: [15:43:52]

17 Q. [15:44:15] Madam, we are coming to the end. The night at the place you rested,
18 you said Mr Ongwen was there and he addressed you; is that correct?

19 A. [15:44:38] Yes, he talked to his junior commanders and then his commander
20 came and talked to us.

21 Q. [15:44:46] So it is your statement that he did not address you directly, but
22 through his commanders?

23 A. [15:45:03] He talked to his commanders and then his commanders came and
24 talked to us. That is what I wrote in my statement and I have been saying it since
25 yesterday.

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1 Q. [15:45:19] Let us go back to estimation again. Where he met his commanders
2 and where you the abductees were, can you tell Court the distance?

3 A. [15:45:49] It was not so close. It's like the room where I first stayed before
4 coming to this room. That is my estimation.

5 PRESIDING JUDGE SCHMITT: [15:46:02] Madam Witness, we don't know in which
6 room you have stayed before, so perhaps you can help us with -- yeah, but I don't
7 know how big the room is.

8 MR AYENA ODONGO: [15:46:13] (Microphone not activated) saying the distance
9 from there to here.

10 PRESIDING JUDGE SCHMITT: [15:46:16] Okay. Good. So then we have it.
11 Okay.

12 THE WITNESS: [15:46:19] (Interpretation) It's close by here. It's not very far away.

13 PRESIDING JUDGE SCHMITT: [15:46:28] And when you have again as a reference
14 this room here and the bench, what would you say, the distance from you to the
15 bench, or half of it, or more?

16 THE WITNESS: [15:46:44] (Interpretation) The distance between me and the bench is
17 too close.

18 PRESIDING JUDGE SCHMITT: [15:46:52] Okay. Thank you.

19 MR AYENA ODONGO: [15:46:53]

20 Q. [15:46:53] And it was at night, madam.

21 A. [15:46:58] It was in the evening.

22 Q. [15:47:04] About what time?

23 A. [15:47:08] It's not easy to estimate. I estimated earlier and I can estimate
24 something different, could be 8 p.m. or 9 p.m.

25 Q. [15:47:24] It was after sunset?

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1 A. [15:47:31] Yes, the sun had set already.

2 Q. [15:47:34] And it was dark?

3 A. [15:47:38] Yes, it was dark. It was hazy, but you could still see someone
4 speaking, but it was not so clear.

5 Q. [15:47:56] And you said you identified Dominic Ongwen.

6 A. [15:48:02] I saw that he was the one who was talking because I did not even ask
7 him who he was, but the, the women who were there are the ones who told me that
8 that is the commander, when he is passing you should bow in respect.

9 Q. [15:48:29] And when he was talking to the commanders did you hear what he
10 was saying?

11 A. [15:48:39] I did not hear what he said exactly, but Joe is the one who came and
12 talked to us.

13 MR AYENA ODONGO: [15:48:51] Your Honours, I think this will conclude my
14 cross-examination of the witness.

15 PRESIDING JUDGE SCHMITT: [15:48:58] Thank you very much, Mr Ayena.

16 Madam Witness, this concludes your testimony in this courtroom. On behalf of the
17 Chamber I would like to thank you that you have taken it upon you to come to
18 The Hague, to this courtroom, to help the Court establish the truth. Thank you very
19 much and we wish you a safe trip back home.

20 (The witness is excused)

21 PRESIDING JUDGE SCHMITT: This concludes also the hearing for today and we
22 resume, for the reasons that I have cryptically announced in the morning, on Friday,
23 and not tomorrow, at 9.30 with P-252.

24 THE COURT USHER: [15:49:46] All rise.

25 (The hearing ends in open session at 3.50 p.m.)

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1 RECLASSIFICATION REPORT

2 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
3 2016, the public reclassified and lesser redacted version of this transcript is filed in the
4 case.