

Article 56 Proceedings  
WITNESS: UGA-OTP-P-0101

(Closed Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Pre-Trial Chamber II - Courtroom 1  
3 Situation: Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Single Judge Cuno Tarfusser  
6 Article 56 Proceedings  
7 Tuesday, 10 November 2015  
8 \*(The proceedings start in closed session at 9.03 a.m.) Reclassified as open session  
9 SINGLE JUDGE TARFUSSER: Good morning to everybody in the courtroom.  
10 Just for the record, I see that we are in the same composition as we were yesterday  
11 more or less, but in the significant composition, significant persons. So I will  
12 immediately go to the witness, to the continuing of the questioning.  
13 I received yesterday an email by the Defence of Mr Ongwen saying that the Defence  
14 has no further question to put to this witness and therefore you confirm this,  
15 I believe?  
16 MR ODONGO: Yes, your Honour.  
17 SINGLE JUDGE TARFUSSER: Thank you very much.  
18 So I turn to the Prosecution asking if the Prosecution has some further questions?  
19 MR GUMPERT: Five.  
20 SINGLE JUDGE TARFUSSER: Five. Good.  
21 Madam Witness, good morning to you in Kampala. You can hear me, right?  
22 THE ACHOLI INTERPRETER: There was no response coming through.  
23 SINGLE JUDGE TARFUSSER: Because I can't hear you.  
24 WITNESS: UGA-OTP-P-0101 (On former oath)  
25 (The witness speaks Acholi)

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- 1 (The witness gives evidence via video link)
- 2 THE WITNESS: (Interpretation) Yes, I can hear you.
- 3 SINGLE JUDGE TARFUSSER: Okay. Now I can hear you.
- 4 Good morning also to the ICC staff, to Caroline, in Uganda.
- 5 And as you've heard, the Defence has no more questions, but there are five questions
- 6 from the Prosecution and then you can go back home, okay? Okay.
- 7 THE WITNESS: (Interpretation) Yes, okay.
- 8 SINGLE JUDGE TARFUSSER: The floor is yours.
- 9 QUESTIONED BY MR GUMPERT:
- 10 Q. You told us that when Dominic Ongwen was wounded in the sickbay the names
- 11 of two of the escorts were (Redacted) and (Redacted); do you remember that?
- 12 A. Yes, I do recall that.
- 13 Q. You were 15 when you were abducted. Were these two people older than that,
- 14 younger than that, or about the same age?
- 15 A. (Redacted) was older. I believe maybe approximately 25 years old,
- 16 but (Redacted) my estimation is about 18 years old. Well, men grow
- 17 different -- differently to women and sometimes they look younger when they're
- 18 older, so that's my estimation.
- 19 Q. The second question now: You spoke about recruits, you talked about the
- 20 drilling and training of recruits. Can you give us an example of a concrete time, a
- 21 particular occasion when you saw recruits drilling and training? Can you remember
- 22 such an occasion?
- 23 A. Yes, I do recall because it happened while we were in Sudan, but unfortunately
- 24 I do not recall the date.
- 25 Q. Did it happen at all while you were with the Sinia brigade with Dominic

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1 Ongwen, did you see the training and drilling of recruits then?

2 A. Yes, while I was in Sinia brigade.

3 Q. So my question is the same again: These recruits, were they -- taking your age  
4 when you were abducted, were they younger, same age or older?

5 A. Some of the recruits were abducted when they were much younger, for example,  
6 12 years old. Some were abducted at 15 years old. Some were abducted at 20 years  
7 old or 25 years old. And that's -- that's my knowledge.

8 Q. Third question: You said in answer to Defence counsel, "Ongwen was the  
9 worst when it came to young girls. He had sex with them at a very young age."

10 Can you tell us, can you estimate for us the age of the youngest girl who you know  
11 Dominic Ongwen had sex with?

12 A. Yes, I can.

13 Q. And what age is that?

14 A. (Redacted) at the time that Ongwen started having sex with her she was  
15 12 years old.

16 Q. Fourth question: You told us in answer to Defence counsel, "They didn't like  
17 civilians." What was it about civilians that the LRA didn't like?

18 A. The reason why the LRA didn't like civilians was they said that it was civilians  
19 who would inform government soldiers, as when the government soldiers are in the  
20 area civilians would inform them that there are Holy soldiers in the area and then the  
21 government soldiers would go and attack the Holy soldiers.

22 Q. My last question is about the injury which you spoke about yesterday, the  
23 injury to Dominic Ongwen. You told us that this had happened in September 2003,  
24 but you also told us that the attack on Pajule was in October 2003. Can you help us?  
25 Whenever he was injured, is there any doubt in your mind that he was fit enough to

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1 take part in the attack at Pajule in October 2003?

2 A. Can you please repeat the question? I did not quite understand it that well.

3 Q. Sorry, that's because it was too long, and it was entirely my fault and I'll try and  
4 make it shorter. I'll make it a series of short questions.

5 You told us that Dominic Ongwen, you saw him going to the attack in Pajule and you  
6 saw him coming back; is that right?

7 A. Yes, that's correct.

8 Q. And that attack took place on or around Independence Day, 9 October 2003; is  
9 that right?

10 A. Yeah, that's correct.

11 Q. But you also told us that in September 2003 Dominic Ongwen got shot, got  
12 injured, got wounded. Do you remember that?

13 A. I recall that, but there are certain things that -- there were so many things  
14 happening.

15 Q. When you say "there were so many things happening," do you mean you may  
16 not be sure about the date?

17 A. Yes, that's correct.

18 Q. Thank you.

19 MR GUMPERT: No further questions.

20 SINGLE JUDGE TARFUSSER: Well, I will just complete, I would just complete  
21 what -- the set of questions the Prosecutor said and refresh your memory on the  
22 statement you gave, paragraph 22.

23 And I read it: "Ongwen was injured after the battle at Pajule but I do not recall the  
24 exact date."

25 Is that correct?

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- 1 THE WITNESS: (Interpretation) Yeah, that's correct.
- 2 SINGLE JUDGE TARFUSSER: Thank you very much.
- 3 Has the Defence a question or two after this and related to these five questions the
- 4 Prosecutor posed?
- 5 MR ODONGO: Your Honour, I think we are fine.
- 6 SINGLE JUDGE TARFUSSER: Okay.
- 7 MR ODONGO: No questions.
- 8 SINGLE JUDGE TARFUSSER: Thank you. Thank you very much.
- 9 Madam Witness, I can give the good news that you can go home. As promised it
- 10 was not even half an hour, but only 15 minutes. So you are free and I hope you can
- 11 forget, continue to forget everything about what happened to you. Thank you very
- 12 much.
- 13 Thank you to Kampala. And I would ask now --
- 14 THE WITNESS: (Interpretation) Thank you.
- 15 (The witness is excused)
- 16 SINGLE JUDGE TARFUSSER: Okay. I would ask now the next witness, which is
- 17 99, P-99, to be introduced. Do you need a few minutes of -- and I ask Kampala: Do
- 18 you need a few minutes of pause in order to change, for this witness to be brought out
- 19 and the new witness to be brought in.
- 20 THE COURT OFFICER (via video link): It will be about 10 to 15 minutes.
- 21 SINGLE JUDGE TARFUSSER: Okay. I adjourn until 9.30.
- 22 THE COURT OFFICER (via video link): Perfect.
- 23 SINGLE JUDGE TARFUSSER: Thank you very much.
- 24 THE COURT OFFICER (via video link): Thank you very much.
- 25 MR GUMPERT: Your Honour, before we rise --

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- 1 SINGLE JUDGE TARFUSSER: Yes.
- 2 MR GUMPERT: -- can I raise something? I was a little disturbed during
- 3 Mr Odongo's questioning, not by his questioning --
- 4 SINGLE JUDGE TARFUSSER: Can we just close --
- 5 MR GUMPERT: Oh, yes, get rid of Uganda.
- 6 SINGLE JUDGE TARFUSSER: Not get rid of.
- 7 MR GUMPERT: Sorry.
- 8 SINGLE JUDGE TARFUSSER: I wouldn't say -- I wouldn't put it in that terms.
- 9 MR GUMPERT: That was badly chosen. I apologise.
- 10 SINGLE JUDGE TARFUSSER: Okay.
- 11 Thank you very much, Uganda. We disconnect for the next 10, 15 minutes.
- 12 Do you want to say something? Excuse me, Madam Witness, do you want to say
- 13 something?
- 14 (The video link is disconnected)
- 15 SINGLE JUDGE TARFUSSER: What did she want to say? I don't know. Now it's
- 16 disconnected.
- 17 Yes, please, Mr Prosecutor.
- 18 MR GUMPERT: One of the answers given to my learned friend yesterday was that
- 19 the witness hadn't had a -- well, had not read or discussed her statements at any time
- 20 up until the time when she electronically entered the witness box. That concerned
- 21 me a little because my understanding was that it was an absolutely standard part of
- 22 the pretrial preparation that she would be taken through her witness statements in
- 23 advance of the hearing.
- 24 And of course, incidentally, it may explain why her recollection of so much of what
- 25 she had said was, let's say, unrefreshed during the course of yesterday's proceedings.

1 Mr Choudhry, who takes the next witness, has written to the VWU overnight just  
2 asking them to ensure that that normal process is complied with, but I wonder if a  
3 word from your Honour on the subject might ensure that that does indeed take place.  
4 Because if it doesn't, we have the kind of delays in proceedings which we had  
5 yesterday, and that's an expensive, in my submission, waste really of court time if out  
6 of court witnesses could be refreshing their memories from statements taken  
7 sometimes 10 years ago.

8 SINGLE JUDGE TARFUSSER: Yes, you're perfectly right, but as the question posed  
9 yesterday by the Defence was if this was done -- has been done by the Prosecutor, I  
10 left it like this because I thought it was -- it has been done by the VWU. But the  
11 question was referred precisely to the Prosecutor and personnel of the Prosecution, of  
12 the OTP, and the answer was no, and I leave it like this.

13 Of course I -- as it is also written in the decision, the VWU and only the VWU, which  
14 is not a witness preparation as such, has obviously to submit to the witness the  
15 statement which she gave in the past -- in the past in order to be refreshed through  
16 the VWU and through reading her statement.

17 So I think everything was formally correct. Thank you very much.

18 (Pause in proceedings)

19 SINGLE JUDGE TARFUSSER: (Microphone not activated)

20 MR CHOUDHRY: As you wish, your Honour.

21 (The witness enters the video-link room)

22 SINGLE JUDGE TARFUSSER: Madam Witness.

23 THE COURT OFFICER (via video link): Good morning again, Mr President.

24 Witness P-0099 is present with me at the remote location.

25 SINGLE JUDGE TARFUSSER: Thank you, Caroline. I know that I have broken

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1 down the video link too early because I saw in the last moment the witness 101  
2 wanting to say something. And I was -- I was told by Felipe what she wanted say.  
3 Please tell her that I'm most grateful that she can go home now and I received her  
4 message through Felipe. Thank you very much.

5 THE COURT OFFICER (via video link): I will pass the message, Mr President.

6 SINGLE JUDGE TARFUSSER: Thank you very much.

7 Mrs (Redacted) Hello to Kampala.

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9 (The witness speaks Acholi)

10 (The witness gives evidence via video link)

11 THE WITNESS: (Interpretation) Thank you very much.

12 SINGLE JUDGE TARFUSSER: I do know that (Redacted)

13 (Redacted). I know that this can imply that you need some

14 moments of rest more, so just tell me if there is the need in that direction, right?

15 MR ODONGO: Your Honour.

16 SINGLE JUDGE TARFUSSER: Yes.

17 THE ACHOLI INTERPRETER: No answer.

18 MR ODONGO: Before commencement I would like to take this opportunity to  
19 introduce another member of my team who was not there yesterday.

20 SINGLE JUDGE TARFUSSER: Please do so.

21 MR ODONGO: Roy Titus Ayena is our case manager and he is with us this  
22 morning.

23 SINGLE JUDGE TARFUSSER: Okay. Thank you very much.

24 So, Madam Witness, could you hear what I said?

25 THE ACHOLI INTERPRETER: There is no response coming through.



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- 1 SINGLE JUDGE TARFUSSER: Can Kampala hear me?
- 2 THE COURT OFFICER (via video link): Yes, we can hear you, Mr President.
- 3 SINGLE JUDGE TARFUSSER: But there is no response coming through to the
- 4 interpreters.
- 5 THE COURT OFFICER (via video link): Can you hear us now?
- 6 SINGLE JUDGE TARFUSSER: I ask the interpreters if they can hear. I can hear
- 7 you.
- 8 THE ACHOLI INTERPRETER: So we can hear Kampala.
- 9 SINGLE JUDGE TARFUSSER: Madam Witness.
- 10 THE WITNESS: (Interpretation) Yes, I heard what you said.
- 11 SINGLE JUDGE TARFUSSER: Okay. Can we start now with your testimony?
- 12 Are you ready?
- 13 THE WITNESS: (Interpretation) Yes, I'm ready.
- 14 SINGLE JUDGE TARFUSSER: Okay. So let's start with the identification. Please
- 15 would you say us your name, your age, when you were born and all what is
- 16 necessary to identify you.
- 17 Could you hear me?
- 18 THE WITNESS: (Interpretation) Yes, I heard you. My name is (Redacted)
- 19 I was born in 199 -- in 1993. I'm 23 years old.
- 20 SINGLE JUDGE TARFUSSER: Okay. I'm the Judge in this proceedings and it's my
- 21 obligation to make sure that things run well, that your questioning runs well. If at
- 22 any point you have some problems, just tell me. Okay?
- 23 THE WITNESS: (Interpretation) Yes, it's okay.
- 24 SINGLE JUDGE TARFUSSER: As a witness, as a witness you are obliged to tell the
- 25 truth. You will be asked questions first by the Prosecutor and then by the Defence.

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1 And I might have at the end some questions.

2 Before I give the floor to the Prosecutor, according to the law, you have to make a  
3 solemn undertaking. And therefore I ask you to repeat with me the following words:

4 I solemnly declare that I will speak the truth.

5 THE WITNESS: (Interpretation) I declare that I will speak the truth.

6 SINGLE JUDGE TARFUSSER: The whole truth and nothing but the truth.

7 THE WITNESS: (Interpretation) The whole truth and nothing but the truth.

8 SINGLE JUDGE TARFUSSER: Okay. Thank you very much.

9 I have to, I must inform you also that giving false testimony, meaning not saying the  
10 truth, is an offence according to the law and can be punished. I must also inform  
11 you that you can object to answer questions which could tend to incriminate you. So  
12 you can refuse to respond to questions which you think could incriminate yourself,  
13 but I -- and tell me, but I could oblige you to do so, and in that case I would provide  
14 you with legal assistance.

15 Is this clear to you?

16 THE WITNESS: (Interpretation) Yes, it's clear.

17 SINGLE JUDGE TARFUSSER: Okay. So I will start now the questioning by giving  
18 the floor to the Prosecutor.

19 Please, Mr Prosecutor.

20 MR CHOUDHRY: Thank you, your Honour.

21 QUESTIONED BY MR CHOUDHRY:

22 Q. Madam Witness, before I start my questioning, I would just like to clarify your  
23 age. Now, as I understand it, you have told us that you were born in 1993. Is that  
24 correct, or were you born in 1983?

25 A. I was -- I was born in 1983.

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1 Q. Thank you.

2 A. Thank you too.

3 Q. Now, Madam Witness, I would just like to ask my first question to the staff in  
4 Kampala.

5 Can I just make sure that you have a binder together with 16 tabs relating to the  
6 witness, please.

7 THE COURT OFFICER (via video link): I have a binder of 16 electronic versions of  
8 the document.

9 MR CHOUDHRY: Thank you.

10 Q. In which case I shall begin then, Madam Witness.

11 Madam Witness, can I start by asking where you were living in February 1998?

12 A. Can you please repeat your question? Can you please repeat your question?

13 Q. Can I ask where were you living in February 1998?

14 A. I was living at Purongo (Redacted)

15 Q. And did you go to school in February 1998?

16 A. At that time I didn't have my father. My mother did not have the means to pay  
17 me, so I didn't -- I stayed at home for one year without going to school.

18 Q. When you were living in Purongo, did you ever go to school?

19 A. I went to school up to primary 4, and my mother told me she was no longer able  
20 to pay me in school because each time when we were beginning exams we would be  
21 sent away from school, so my mother said she was no longer able to pay me in school.  
22 And also she had problems feeding us.

23 Q. Can I ask, did you finish primary 4?

24 A. Yes, I did finish primary 4, but I didn't -- I could not continue to primary 4  
25 because my mother did not have any more money.

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1 MR CHOUDHRY: Your Honour, I have an application to make. I'm seeking to  
2 remind the witness in relation to one of the paragraphs of her statement that she  
3 provided. I would like to put that statement to her.

4 SINGLE JUDGE TARFUSSER: Mr Prosecutor, I allow this from now on always, so  
5 there is no need to ask all the time for authorisation, so to make this go a little bit  
6 quicker. Please do so also because I realise that the statement -- also the statement is  
7 from 2006, so I think it's -- no. 2006 here. The first, yes.  
8 Please go ahead.

9 MR CHOUDHRY:

10 Q. Madam Witness, I would like you to have a look at a statement at tab 11 and can  
11 I just ask you first of all on the first page of that statement there's the name next to the  
12 signature as (Redacted) and it's a signature. Is that your signature please?

13 THE COURT OFFICER (via video link): Could I please have the ERN number of the  
14 document, please?

15 MR CHOUDHRY: The ERN of the document is UGA-OTP-0234-0049.

16 THE COURT OFFICER (via video link): Just one moment, please.

17 Which page?

18 MR CHOUDHRY: I'd like you to look at the first page, first of all, please, and the  
19 signature at the bottom. And what I'd like is for the witness to just confirm that the  
20 name (Redacted) is her signature.

21 THE COURT OFFICER (via video link): Sorry about that. The document is now  
22 being shown to the witness.

23 MR CHOUDHRY:

24 Q. Madam Witness, can I just confirm that the name on the bottom which reads  
25 (Redacted) is your signature, please.

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1 A. Yes, that's my signature.

2 Q. I would now like to read to you paragraph 13 and it says this: "I was abducted  
3 in ... 1998. I was 15 years old at the time. It must be a mistake in my previous  
4 statement ... where it is stated that I was 14 years old. I remember that I was in  
5 primary 4 at (Redacted) and my older brother (Redacted) was in  
6 primary 6 when we were abducted."

7 Is that correct, Madam Witness?

8 A. You know, when you just come back, it's not easy for these things. To start to  
9 remember and recall these things is not easy.

10 Q. Well, in that paragraph, Madam Witness, you said that you were abducted. Is  
11 that correct?

12 A. Yes, I was abducted.

13 Q. Well, I'd now like to ask you a few questions just about your abduction. Can  
14 you please tell us who you were abducted by?

15 A. That group is group of (Redacted) In that brigade there were many people.  
16 There was (Redacted)

17 Q. You said a group. Did that group have a name?

18 A. They were mixed. There were many. It was a big brigade.

19 Q. Just to clarify, I'm not asking, Madam Witness, to name individual people just  
20 yet. I'm asking you whether the group as an organisation or whether you knew the  
21 group as an organisation had a name.

22 THE ACHOLI INTERPRETER: I request the witness to repeat that name, please.

23 The interpreter requests the witness to repeat the name.

24 MR CHOUDHRY:

25 Q. Madam Witness, I don't think the interpreter heard you here. Can you just

1 repeat as an organisation, do you know the name of the organisation that abducted  
2 you?

3 A. It was Control group.

4 Q. Can you please describe how you were abducted.

5 A. I was abducted at midnight. We were already in bed. I just all of a sudden  
6 saw that these people were in the house. We were already asleep. We just were  
7 woken up suddenly that we -- and we were told to get up. When we got up, the  
8 room was so bright, there was a bright light, and then we saw some people who had  
9 kind of -- we were told not to -- we were told not to shout and we were told to go out.  
10 We came out and found other people who were already outside. So we were told to  
11 start moving. We started moving and we found other colleagues of the group who  
12 were there. There were very many. We started walking with them. They gave us  
13 some --

14 Q. Can I -- sorry, can I just stop you there, Madam Witness, please. You say that  
15 you were woken up. How many people were there that were waking you up?

16 A. There were so many people. At night it was difficult for me to count them  
17 because we woke up and we found our uncle who was already there outside waiting  
18 for us to start moving.

19 Q. Now, you say your uncle was outside. Was your uncle with the people that  
20 were doing the abducting or was your uncle someone who was abducted?

21 A. One of my uncles was abducted because one of my uncles actually is in the  
22 group who came to abduct us. He's called (Redacted).

23 Q. And the group that your uncle (Redacted) was with, can you tell us how many  
24 people were in that group, please.

25 A. There were so many people. I cannot estimate because people were in three

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1 different groups, so it's difficult for me to estimate the number.

2 Q. Well, was it closer to 10, was it closer to 50, or was it closer to 100?

3 A. According to my estimate it would be about 100 because there were many  
4 people.

5 Q. Now, you've also told us that when you went outside there were others that  
6 were abducted. Can you again estimate how many others were abducted? And  
7 again if you use the same numbers, was it closer to 10, 50 or 100, please?

8 A. The people who we were abducted with?

9 Q. Yes, please.

10 A. They were almost 30 because they were many people, not only from that area,  
11 because when we went to some other place we found we were so many. When it  
12 was now daylight, when it was morning, I realised that we were very many.

13 Q. And were there any women in the group that were abducted with you?

14 A. Yes, there were women also in that group abducted.

15 Q. And roughly can you estimate again how many other women?

16 A. About 10 women who were released.

17 Q. Sorry, you said there were 10 other women that were released. What I want to  
18 know is how many other women were there that were abducted with you?

19 A. At the trading centre we were two, we were two girls. And also there were  
20 some boys.

21 Q. Now, you've mentioned that after you were abducted you went somewhere.  
22 Can I ask you, where was the first place that you went after you were abducted?

23 A. When we were regrouped and when others, the older people were released, we  
24 went on the other side of the river Acwa. There were just some boys and two of us,  
25 the girls. Acwa is a big river.

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1 Q. Now I'd just like to deal with the word "regroup." You say you regrouped.

2 Who regrouped?

3 A. (No interpretation)

4 MR CHOUDHRY: Sorry, I haven't caught that. Did the interpreter manage to  
5 catch that?

6 THE ACHOLI INTERPRETER: Yeah, the interpreter may not remember everything  
7 now, but she's repeating.

8 THE WITNESS: (Interpretation) I said when the older people, men and women,  
9 were released, we started moving to go to Sudan.

10 MR CHOUDHRY:

11 Q. Madam Witness, before I talk to you about people that were released, I just  
12 want to talk to you about your journey after you were first abducted. Now, you said  
13 that you regrouped; is that correct?

14 A. Yeah, we were regrouped for releasing the other people. Then the second time  
15 we were regrouped it was when they wanted now to smear us with the oil. That's  
16 after -- it's after that that we began moving to go to Sudan.

17 Q. Now, before anybody was released, can I ask how many people were there that  
18 had been abducted before you were released?

19 A. At around the centre there were about 30 people. That's what I had said.  
20 Because I didn't count them, but I just estimated.

21 Q. And just to clarify, am I right in thinking that you were not released?

22 A. Actually, I was not released. When people were being released, the younger  
23 officers said if (Redacted) releases us, they will again re-abduct us again or they may  
24 kill us. That's why I accepted that I should not be released because if I was released,  
25 I would have come back.



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1 Q. Madam Witness, I'd now like to read something from your statement, if possible.

2 That's paragraph 18 from again the same statement that I put to you earlier. The

3 ERN of that statement is UGA-OTP-0234-0049.

4 Now, in paragraph 18 you state four lines from the bottom -- or three lines from the

5 bottom: "... after we were abducted ... we went to an assembly point."

6 Is that correct?

7 A. The -- when we were assembled it was for releasing some people. The second

8 assembly, that's when we met Kony, that's when we met Kony on the other side of the

9 river Acwa because he was waiting for us there.

10 Q. Can I just talk to you about the first assembly. When you were at the first

11 assembly point did you learn the names of any rebels that were there and that had

12 abducted you?

13 A. Yes, I know some of the names. When the others had been released, that's

14 when I was sent to Dominic Ongwen's home. I spent the night and then I was taken

15 and I later on met Kony.

16 Q. If I can just explore that, you mentioned Dominic Ongwen. Was Dominic

17 Ongwen there when you were abducted?

18 A. There were many officers that were there.

19 Q. Was Dominic Ongwen one of the officers that was there?

20 A. Yes, he was there.

21 Q. And you've used the name Dominic Ongwen. Do you know whether Dominic

22 Ongwen has any other names?

23 A. The other name is Odomi.

24 Q. You've also mentioned that your uncle (Redacted) was there. Is that correct?

25 A. He was there.

1 Q. Now, you used the term "uncle". Can I just ask what do you mean "uncle"?

2 A. That is -- that means he is my mother's brother. There are two (Redacted).

3 There is (Redacted) with whom I was abducted and who was released. That one is  
4 actually my real mother's brother. The second one is (Redacted), who is actually my  
5 mother's uncle. He's my mother's brother, clan brother, but not from the same -- not  
6 biological brother.

7 Q. If I -- if I can just focus on the (Redacted) who is the clan uncle, did you know what  
8 position or role he had?

9 A. If you say (Redacted), that means it is the other uncle of mine who is release. But  
10 if you say (Redacted), that is the other uncle who abducted me. If you say (Redacted),  
11 that is (Redacted) who has now been released and who is now home. But if you say --

12 Q. Sorry, Madam Witness, you have to forgive --

13 THE ACHOLI INTERPRETER: The interpreter has to say that the witness is  
14 repeating the same names, so it's confusing us.

15 MR CHOUDHRY:

16 Q. Sorry, Madam Witness, you'll have to forgive my pronunciation of names. I'd  
17 like to focus on the (Redacted) that was the person who abducted you, not the  
18 (Redacted) that released you -- sorry, not released you, you'll have to forgive  
19 me -- that was released.

20 A. Who was not released is (Redacted), but the one who abducted me is (Redacted).

21 Q. I'd just like to read some -- I'd just like to refresh your memory from what you  
22 have said in paragraph 19 of your statement. Three lines from the bottom -- sorry,  
23 five lines from the bottom: "(Redacted) was a colonel and he is my uncle and he  
24 belongs to my mother's clan. I know that he was a colonel as he said his rank during  
25 rebel meetings. Colonel (Redacted) was in Control Altar and an escort to Kony. By

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1 escort I mean that he was a commander very close to Kony and they used to move  
2 together."

3 Is that correct?

4 A. Yes, that's correct. Exactly.

5 Q. I'd now like to move on, if possible, to the second -- the second stop that you  
6 said you made where you met Kony. And you mention that you crossed a river; is  
7 that correct?

8 A. Yes, it is correct. That's correct.

9 Q. And did you yourself meet Kony?

10 A. We moved with him together.

11 Q. When you say "we," who do you mean?

12 A. I met him.

13 Q. Can you please tell us as far as you know who Joseph Kony is, please.

14 A. I know that he is the leader of the rebels.

15 Q. And you say you moved with him, where did you move to?

16 A. Sudan.

17 Q. And when you first arrived in Sudan, can you remember the name of the place  
18 that you were at?

19 A. We were in Jebellin 1.

20 Q. And who did you stay with when you first went to Sudan.

21 A. When I initially arrived I was still in (Redacted) household.

22 Q. You say you were initially in (Redacted) household. What role were you in  
23 (Redacted) household?

24 A. No, I did not have any role. The only thing that we did was carry luggage on  
25 our way -- on our way.

1 Q. And did you stay in (Redacted) household or did you move to another  
2 household?

3 A. I was initially at (Redacted) house and then I was moved to Odomi's -- Odomi's  
4 household and then Kony asked them to transfer me back to (Redacted) household, so  
5 I stayed in (Redacted) household until we reached Sudan.

6 Q. But can you remember who you first stayed with when you reached Sudan?  
7 It's in Sudan that I'm interested in.

8 A. In Sudan initially I was at (Redacted) house. When -- while we were in  
9 Uganda, I was put -- I was transferred to Odomi's house and I only spent one night  
10 there, but after that I was moved back to (Redacted) household.

11 Q. If I could just first clarify, when you say you were in -- first of all in Odomi's  
12 household, what role did you have in Odomi's household?

13 A. I did not perform any tasks. During the morning, in the mornings we would  
14 just get up, carry the luggage and continue on with the journey.

15 Q. And when you say "Odomi," do you mean Dominic Ongwen?

16 A. Yes, that's correct.

17 Q. And were you in Uganda at that point?

18 A. I'd only spent one night. I had only been abducted for -- and that was my first  
19 night after abduction. On the second day it was when (Redacted) sent me to Odomi's  
20 house. On the third day we went with Kony and then I was transferred back to  
21 (Redacted) household.

22 Q. Now, Madam Witness, I'd like to just focus on your period in Sudan and I'd like  
23 again to read a portion of the same statement to you just to refresh your memory.  
24 This is paragraph 28: "In Sudan I was taken to Kony's household in Jebellin and  
25 stayed there for seven months."

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1 Is that correct?

2 A. Yeah, that was after (Redacted) house, after I had been moved from (Redacted)  
3 household.

4 Q. And when you were staying at Kony's household, was there anybody else that  
5 was a member of his household?

6 A. There were many people.

7 Q. And can you tell us who those people were, not in names, but in terms of their  
8 roles that they played?

9 A. Some were wives and others didn't perform any particular roles.

10 Q. You've said "some were wives." How many wives were there?

11 A. In my estimation, it was 40. He had 40 women.

12 Q. And were all the wives living in the same location?

13 A. Three different places.

14 Q. And what were those places, please?

15 A. One of the locations was where we were, the second was in Nisitu, the third one  
16 was in Juba.

17 Q. And what was your role when you were living at Kony's house?

18 A. No, I did not have any particular role.

19 Q. Did you have any duties?

20 A. No, I did not have any duties.

21 Q. Madam Witness, I would like to just refresh your memory in relation to your  
22 statement and that's -- I'll just read a portion of paragraph 29 to you.

23 "There were also young girls like me, we were called ting tings. I was not his wife.

24 The ting tings would mainly look after the children and do the washing of clothes."

25 Is that correct?

1 A. Yes, that's correct.

2 Q. So am I right in saying that you were a ting ting when you were living at Kony's  
3 household?

4 A. If you're not his wife, then you are a ting ting. Yes, I was a ting ting.

5 Q. Now, you mentioned to us that Kony has had wives. At that time was he the  
6 only commander to have had wives or did other commanders also have wives?

7 A. There were other commanders who also had wives.

8 Q. And when you first arrived in Sudan, how was it decided or who decided if a  
9 commander could have a wife?

10 A. It was Kony.

11 Q. What about the women, can you remember if the women had a choice in the  
12 matter?

13 A. No, I cannot -- I cannot answer that question on their behalf.

14 Q. Well, how did women become wives?

15 A. The reason why I said wives is because they would spend -- they would spend  
16 the night in his house. He only had one house and he would call them and they  
17 would spend the night there.

18 Q. Madam Witness, you've told us that Kony would decide whether commanders  
19 had wives. Would Kony also decide which woman would become a wife?

20 THE ACHOLI INTERPRETER: The interpreter did not get the answer clearly.  
21 Could you please repeat the question.

22 MR CHOUDHRY: Sorry, it's probably a bad question.

23 Q. Madam Witness, I'd like to refresh just your memory reading to you paragraph  
24 35 at page 7 of the statement: "Kony would first select girls that he wanted to have  
25 as his wives. If someone would refuse to be Kony's wife, she would be transferred to

1 another household. While I was in the bush I saw Kony had transferred girls who  
2 refused to be his wives."

3 Madam Witness, can I ask you, Kony -- sorry.

4 A. You may ask me.

5 Q. You say that here Kony transferred wives. What do you mean by the word  
6 "transferred"?

7 A. Well, if the person did not want to stay in Kony's household, then the person  
8 would be transferred to another household, and that's what I mean, another  
9 household among the household of his other officers.

10 Q. So did a woman have a choice as to whether she could be transferred? What  
11 would happen, for example, if the woman just wanted to leave and go back home to  
12 Uganda?

13 A. No, that was unacceptable.

14 Q. What do you mean by "unacceptable"?

15 A. No, he would not allow you to go.

16 Q. What would happen if you did want to go?

17 A. Well, you could not actually ask permission to go home, but he would always  
18 tell us that if you want to escape, wait until you get to Uganda before you attempt an  
19 escape, because if you try to escape from Sudan, Sudan is very far and you would be  
20 eaten by something along the way.

21 Q. Madam Witness, I'd like to read to you a portion of your statement and that's  
22 page 8, paragraph 46.

23 You say: "I remember one incident when I was already in Ongwen's household  
24 where a wife of an officer tried to escape to Uganda. She was an officer herself and  
25 had a friend whose name was Lucy and she was also an officer. She walked for one

1 week thinking she was going to Uganda, but actually she did not make it to the  
2 border between Sudan and Uganda. Although Kony issued an order not to kill or  
3 beat the woman, Lucy was killed by the LRA soldiers because they said she knew  
4 about the escape plan and the lady officer was captured and badly beaten."

5 My question to you is this: If you tried to escape, is it the case that you were killed  
6 or beaten?

7 A. Yes, that's what would happen. But Lucy -- Lucy did not -- Lucy stayed  
8 behind in Sudan, but it was the other lady that escaped and that's why they said that  
9 if you are found, then they would kill you. And that depends on an order from him.

10 Q. Madam Witness, I'd now like to ask you about your personal experience. First  
11 of all, can you -- you've told us that you stayed with Kony's household for seven  
12 months; is that correct?

13 A. Yes, that's correct.

14 Q. And can I ask, why did you leave?

15 A. I did not want to stay there because he had many wives. And I was still too  
16 young to have that many co-wives.

17 Q. You said "co-wives." Does that mean that Kony wanted you to be a co-wife in  
18 his household?

19 A. Yes, that's what he wanted.

20 MR ODONGO: Objection. Objection, your Honour. I think that's a leading  
21 question. Can he reformulate the question?

22 SINGLE JUDGE TARFUSSER: Go ahead with the question, please.

23 MR CHOUDHRY: Your Honour, to rephrase it or just to --

24 SINGLE JUDGE TARFUSSER: No, no. You can go ahead. I don't know if you  
25 need to -- if it needs to be rephrased, but I think the question is absolutely admissible,



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1 so please go ahead.

2 MR CHOUDHRY: Thank you, your Honour.

3 Q. What was your reaction to Kony wanting you to be a co-wife?

4 A. No, I didn't like it and that's why I sent a message to my uncle (Redacted)

5 Q. You say you sent a message, what message did you send to your uncle (Redacted)

6 A. I told him that "Kony wants me to stay in -- to stay in his household and I do not  
7 want to. I cannot stay in that household."

8 Q. And can you please remind us, what was the relationship between your uncle  
9 (Redacted) and Kony?

10 A. They were not related.

11 Q. Madam Witness, we've heard earlier that your uncle was an escort to Kony. Is  
12 that correct?

13 A. Yes, that's correct.

14 Q. What does an escort do, Madam Witness?

15 A. Well, they -- from my observation, an escort stays close to Kony and whenever  
16 they are moving or walking to another location, the escort would always be next to  
17 Kony. And I heard them calling them escorts, but I do not know exactly what it  
18 means.

19 Q. So how close was your uncle to Kony?

20 A. Can you please repeat your question?

21 Q. How close was your uncle to Kony?

22 A. I saw them. They were always together. They liked staying together. And  
23 whenever Kony was going to eat, Kony would actually send someone to call  
24 (Redacted) and they would eat together.

25 Q. So when you gave your message to your uncle (Redacted) that you did not want

1 to become a wife of Kony, what did -- what did your uncle do?

2 A. Yes, he went to him and he informed Kony.

3 Q. And do you know what Kony's reaction to that was?

4 A. No, I did not know his reaction, but (Redacted) told me that when he informed  
5 Kony that I did not want to stay in his household, Kony told him that I would be  
6 transferred. But I don't know his reaction.

7 Q. You say "transferred." Was that with or without your consent?

8 A. I would be transferred with my consent because I did not want to stay there.

9 Q. Now, can I ask you, when Kony said that you would be transferred, can you  
10 remember whether he said anything about other commanders that wanted to become  
11 your wife?

12 A. No, they would wait for information from Kony. He's the one who has to  
13 decide where to transfer me before anyone wants to make -- to say anything about  
14 whether I could become his wife or not.

15 Q. You've also told us that you could consent to be transferred. Can you  
16 remember whether other women could also consent or were you treated differently?

17 A. I do not know because I personally said no and then I was transferred, but  
18 I don't know with respect to other women.

19 Q. Madam Witness, I'd just like to refresh your memory and read paragraph 39 on  
20 page 7 to you.

21 In your statement you say this: "Kony gave the order that any commander who  
22 wanted to have me as a wife would first have to ask me and could only take me if I  
23 agreed. Kony said I could not be forced to be anyone's wife. If somebody wanted  
24 me as a wife, they first had to ask Colonel (Redacted). Then he would ask me and if I  
25 consented it was fine but if I did not consent, I would not be forced. I was treated

1 differently than other girls who were just given to soldiers as wives soon after your  
2 abduction."

3 Madam Witness, it's the last sentence that I want to focus on. What did you mean  
4 when you said "I was treated differently than other girls who were just given to  
5 soldiers as wives soon after their abduction"?

6 A. The reason why I said that was because I was there for a long time, but others  
7 don't take that long. After the orders, I had already left Kony's household and I was  
8 in (Redacted) household.

9 Q. So you say that you were free to be transferred. Can I just clarify. Were you  
10 free to remain single indefinitely?

11 A. No. According to Kony's rules, that wasn't acceptable because in his opinion  
12 you'd want to create prostitution amongst his soldiers.

13 Q. So if you were not free, what would you have to do?

14 A. No, I'm not going to answer that question.

15 Q. Madam Witness, perhaps I can rephrase. If you were not free to remain single  
16 indefinitely, does that mean you would have to become somebody's wife?

17 A. Yes, they would do that because it had already been -- that was accepted.

18 Q. And was that the case for all other women that Kony decided should become  
19 wives?

20 A. Yes, you would be transferred to -- to anybody because then you would have  
21 refused the person who had selected you, then anybody could have you.

22 Q. I'd now like to move on to other commanders. Did any other commanders ask  
23 you to be their wife?

24 A. Yes, there were other commanders.

25 Q. How many other commanders?

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1 A. Three -- the three commanders and Ongwen was the fourth.

2 Q. Well, can you tell us who the first commander was, please.

3 A. The first one was called Okwonga Alero, the second one was Okodi, the third  
4 one I've -- I've forgotten the name of the third commander, and the fourth commander  
5 was Odomi.

6 Q. And what were your -- what was your answer to when those commanders  
7 asked you to be their wife?

8 A. No, I told them I did not want to.

9 Q. Was that for all of them?

10 A. Three of them.

11 Q. And who was the fourth offer that you said otherwise to, that you agreed?

12 A. It was Odomi.

13 Q. Now, just to focus on Odomi, can you tell us exactly how Odomi came to  
14 request you to be his wife?

15 A. Well, he told me that he was interested in me and that I should go and stay in  
16 his household as his wife.

17 Q. And what was your reaction to that?

18 A. Well, I felt that I was obliged to go.

19 Q. You say you felt you were obliged. Why did you feel that?

20 A. I accepted to go and stay there. I accepted to go and stay at Odomi's place as  
21 his wife.

22 Q. What would have happened if you didn't accept?

23 THE COURT OFFICER (via video link): Mr President, could we have a few  
24 moments, please?

25 SINGLE JUDGE TARFUSSER: Yes, of course. A few moments you mean for the

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1 witness or is it a technical problem?

2 THE COURT OFFICER (via video link): Yeah, just two minutes.

3 SINGLE JUDGE TARFUSSER: Okay.

4 THE COURT OFFICER (via video link): For your information, the witness is very,  
5 very warm.

6 SINGLE JUDGE TARFUSSER: Okay. Okay. Thank you.

7 MR CHOUDHRY: Your Honour, it may well be this is a convenient point to take a  
8 small break.

9 SINGLE JUDGE TARFUSSER: Well, it's also convenient to me because it's now since  
10 about 10 minutes that I wanted to interrupt, but I don't want to interrupt because it  
11 seems a bit, you know -- maybe it's my fault, but I have not understood where you  
12 want to go, not really, and I don't know your strategy, of course, but I think we  
13 are -- now we are going closer, I understand, but still I think we are outside of the  
14 2002 at this point in time, so if we could go ahead to go into the period where we have  
15 jurisdiction, that would be very -- would be very helpful, I think also to advance with  
16 the hearing, and focus on the suspect because it's not Kony the suspect in these  
17 proceedings. So this is what I wanted to say, but I didn't want to interrupt.  
18 But if we -- I don't know if she said two minutes. I don't know if we could -- yes, just  
19 hear, otherwise we stop for the half an hour now and continue later and continue in  
20 half an hour.

21 MR CHOUDHRY: Your Honour, if it's of assistance in terms of just strategy moving  
22 forward, it's my intention to just establish how the witness became Dominic  
23 Ongwen's wife and then bring it into the jurisdictional period but also talk a bit about  
24 what happened while she was Dominic Ongwen's wife.

25 MR GUMPERT: May I interject on timing? I may misunderstand. I had thought

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- 1 that yesterday was a two times two-hour --
- 2 SINGLE JUDGE TARFUSSER: (Microphone not activated)
- 3 MR GUMPERT: Ah, then I have misunderstood. Sorry.
- 4 (The witness entered the video-link room)
- 5 THE COURT OFFICER (via video link): We are back, Mr President.
- 6 SINGLE JUDGE TARFUSSER: Thank you very much.
- 7 Madam Witness, do you feel okay?
- 8 THE WITNESS: (Interpretation) Yes, I'm feeling fine.
- 9 SINGLE JUDGE TARFUSSER: Okay. It's another 20 minutes and then in
- 10 20 minutes we make a break of half an hour, okay?
- 11 I give the floor back --
- 12 THE WITNESS: (Interpretation) No problem.
- 13 SINGLE JUDGE TARFUSSER: I give the floor back to the Prosecutor. Thank you.
- 14 MR CHOUDHRY:
- 15 Q. Madam Witness, you've told us that you agreed to be Dominic Ongwen's wife.
- 16 Can you tell us, did you go and stay with him?
- 17 A. When I accepted, so I was sent to Okwonga Alero's home where I stayed for
- 18 three days, after which I was sent to his home.
- 19 Q. You say you were sent. Can you remember exactly who sent you?
- 20 A. (Redacted) is the one who sent me there. (Redacted) is the one who sent me to
- 21 Okwonga Alero's home, where I stayed for three days.
- 22 Q. And after those three days, was there anybody that came to get you?
- 23 A. No one. Odomi started sending the young rebels to come and collect me. His
- 24 escorts, the young escorts, he sent them to come and collect me.
- 25 Q. And when he sent those escorts, where did you go?

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1 A. He took me at his home at the brigade called Sinia.

2 Q. You say he took you to his home. Was that the only home that he had?

3 A. He had two homes. The second home is in Nisitu where mother with children  
4 are kept and weak people are kept.

5 Q. And where was the first home?

6 A. The second home was in Jebellin 2.

7 Q. Now, just focusing on his home in Jebellin 2, how many homes -- do you know  
8 whether he had more than one home in Jebellin 2?

9 A. When I reached there, I found that it was the second home where one of his  
10 wives was who was a mother of his child.

11 Q. Madam Witness, I'd just like to read you paragraph 55 on page 10: "When  
12 I was living with Ongwen, he had three houses in the compound. One house was  
13 used for cooking, one was his house and the third was where the wives would sleep.  
14 The wives took turns to sleep in his house."

15 Is that correct?

16 A. Yes, that is correct.

17 Q. Did you ever sleep in his house?

18 A. When I reached there I began sleeping in his house as his wife.

19 Q. Excuse me, Madam Witness.

20 MR CHOUDHRY: Your Honour, I'm now going to move on to a portion of the  
21 witness's evidence in which she describes the first time that she slept with the  
22 witness (sic). I don't know whether your Honour wishes the witness to take a break  
23 or for me to just push through.

24 SINGLE JUDGE TARFUSSER: I think we should just go and finish in 20 minutes  
25 when we have the normal break time.

1 MR CHOUDHRY:

2 Q. Madam Witness, the next area that I would like to focus on is really the first  
3 time that you slept with Dominic Ongwen, and I'm going to ask you a question and  
4 ask you to be as descriptive as possible and I'll try not to interrupt you. Can you  
5 remember the first time that you slept with Dominic Ongwen?

6 A. Yes, I do remember.

7 Q. And how soon after being --

8 A. When these escorts came and picked me --

9 Q. Please go on.

10 A. When I reached there, when his escorts came and picked me, I was taken there.  
11 I found one person who was there called (Redacted). So I reached and I entered the  
12 house. When I entered the house, this other friend of mine (Redacted) told  
13 me -- proposed that we go and take a bath. We went and had a bath. Then she told  
14 me that I was going to sleep there. When she said that, she went and -- to go to bed  
15 somewhere else. When she went to bed Ongwen told me to close the door. So I  
16 closed the door.

17 When I was closing the door he was in shorts. It is -- was stripped -- stripped shorts.  
18 He told me to come and sit on the bed. I went and sat on the bed. Then he told me  
19 to remove my clothes. I removed my clothes and remained with a petticoat. When  
20 I remained with just my petticoat, she told me to -- he told me to lie down and I lied  
21 down. Then he asked me to turn towards him. Then I turned towards him. Then  
22 he asked me to lie on my back. I did so. He then came and put himself on top of  
23 me. When he was on top of me, he got out -- he got out of me when someone had  
24 come out to him. And then he -- I told him, "You have hurt me." He didn't answer  
25 anything.



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1 Because he had as a rule that each woman would spend three nights in his house, the  
2 second day we slept together, but he didn't do anything, and then he called my other  
3 friend to come there.

4 That's what happened. In case I have forgotten something, perhaps I might later on  
5 remember or you may remember me.

6 And in his house there were three guns. One of the guns was his, one was mine and  
7 the third one was for my other friend. And also there was a radio system and a bag.  
8 In case I have forgotten something, I might say in case I remember.

9 Q. Madam Witness, thank you. Just to confirm, when you say that he got on you,  
10 can I just confirm did you and Odomi have sexual intercourse?

11 A. Yes, that is true.

12 Q. Now, you've also told us that (Redacted) said that you would have to sleep with  
13 him and that Dominic called you and closed the door to his house. When that  
14 happened, did you want to sleep with Ongwen?

15 A. Because when I was selected as his wife, yes, that's why I slept with him.

16 Q. But did you want to sleep with Ongwen?

17 A. Yes, I was -- I had become of age.

18 Q. Madam Witness, I'd like to read to you paragraph 56 of your statement on page  
19 10.

20 You say: (Redacted) did not tell me what happened when she was called by Ongwen  
21 in his house and what I was expected to do. I did not want to sleep in his house but  
22 he told me to do so. I could not have refused. If I refused I would be killed."

23 Is that correct?

24 A. That is not correct.

25 MR CHOUDHRY: Your Honour, perhaps I could then make an application in

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1 relation to her statement and just perhaps speak to senior trial counsel in relation to  
2 this for a second.

3 SINGLE JUDGE TARFUSSER: Please do so.

4 (Counsel confer)

5 MR CHOUDHRY:

6 Q. Madam Witness, I'd just like to read you the portion of the statement again.

7 You said: "I did not want to sleep in his house but he told me to do so. I could not  
8 have refused. If I refused I would be killed."

9 Can I ask you what in your statement in the words that I've just read are you saying is  
10 now not correct?

11 A. I'm not going to answer that question.

12 Q. Why not?

13 A. I've said that is not correct. That is already a reply, no? An answer, no?

14 SINGLE JUDGE TARFUSSER: Mr Prosecutor, I wonder why you insist so much. I  
15 think it's to the wise Judges to interpret what the witness has said and what this  
16 contradiction is. Now the contradiction as such is on the record and I think it's a  
17 matter of interpretation in the wider context. I don't think that the witness has to be  
18 forced to say one thing as opposed to another. Today she says that it is not correct  
19 and I think we should leave it by that.

20 MR CHOUDHRY: Your Honour, I'm not seeking to, in essence, at this stage  
21 cross-examine the witness, but what on the face of it appears to be the case is that the  
22 witness has provided evidence which is directly -- today she has provided evidence  
23 which is directly contrary to what she has provided in her statement and has been  
24 consistent in her statement. The witness has also stated, your Honour, that she  
25 doesn't want to answer the question.

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1 From the Prosecution's point of view the reason why that question is put is to seek to  
2 answer whether there was any -- there is any reason why she does not wish to answer  
3 and whether there is any reason for the contradiction.

4 SINGLE JUDGE TARFUSSER: But there is no -- she didn't say that she does not  
5 want to answer. She answered the question and she answered it in a different way  
6 than she did in her statement. She didn't say she refuses to answer. She refused to  
7 answer the continuous questioning and pushing on the same issue.

8 I have a very clear picture on what -- on this I must say, but obviously I will not say  
9 which picture it is. But I have a very clear one. I think it's -- I think it is enough and  
10 we should leave it, just leave it here.

11 MR CHOUDHRY: Would your Honour permit me to ask the question why she told  
12 the investigators what she did in her statement?

13 SINGLE JUDGE TARFUSSER: As a last question on this matter. But I wonder if  
14 the witness has heard and was translated to the witness the dialogue between the  
15 Judge and the Prosecutor?

16 THE COURT OFFICER (via video link): Yes, she did, Mr President.

17 SINGLE JUDGE TARFUSSER: Okay. So now I give back the floor to the  
18 Prosecutor for continuing in his questioning on this point, but with the advice I gave  
19 before. Thank you.

20 MR CHOUDHRY:

21 Q. Madam Witness, thank you very much. Can I just ask you, Madam Witness,  
22 why is it that you told investigators, "I did not want to sleep in his house but he told  
23 me to do so. I could not have refused. If I refused I would be killed"? Thank you.

24 A. Is that different from the question I refused to answer?

25 SINGLE JUDGE TARFUSSER: Madam Witness, now it's the Judge speaking. The

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1 Prosecutor -- and I'm making the last question on this point to you: You said in the  
2 statement something somehow different as you said in your -- as you said here just  
3 10 minutes ago on the same point on the reason why and how it came that you slept  
4 with Dominic Ongwen or had to sleep.

5 Can you tell us which one is the truth or your truth?

6 THE WITNESS: (Interpretation) I said that it was time for me to become a wife.  
7 Now if I had refused and if he had ordered that I be killed, what would happen.  
8 That's why I accepted to be his husband because he may say that I'm promoting  
9 prostitution among his soldiers.

10 SINGLE JUDGE TARFUSSER: Okay. I think we leave it here and I invite the  
11 Prosecutor to continue on another topic. Thank you.

12 MR CHOUDHRY: Thank you, your Honour.

13 Q. Madam Witness, I'd now like to move on to other people that lived or may have  
14 lived at Dominic Ongwen's house when you arrived. When you -- when you went  
15 to Ongwen's house you've mentioned Margaret. Who was Margaret?

16 A. That was his wife. She was his wife.

17 Q. Were there any other wives other than Margaret?

18 A. There were three -- there were three women in all and I was the fourth wife.  
19 Then another wife was brought when I was already there.

20 Q. Could you please give us the names of the three wives and the other wife that  
21 was brought when you were there, please.

22 A. One of them was called (Redacted) the senior wife. The second one was called  
23 (Redacted) I don't remember the first name. And Margaret, I don't know her  
24 surname. The fourth one was me. The fifth wife, that wife had already a big child.  
25 The woman had a child who could have been already in primary 1. The child was

1 called (Redacted). By the time she was abducted she had already that child -- she  
2 had already pregnancy with that child. Those were the women who were with him.

3 Q. Can I start with the fifth wife who you say had a child called (Redacted). Did  
4 she have a name?

5 A. I didn't know her name, but they used to call her (Redacted).

6 Q. And was -- and was that the only name you knew for her?

7 A. That's how we used to call her.

8 Q. How about (Redacted) was there any other names for (Redacted) that you knew?

9 A. I don't know her other name. I just know (Redacted) because when I  
10 went -- reached there I used to hear her being called as (Redacted) mother of  
11 (Redacted) and then I also heard her being called as (Redacted)

12 Q. How about for Margaret, did you know any other names for her?

13 A. No, I don't know.

14 Q. And lastly, for (Redacted), any other names for her?

15 A. No, I don't know any other name for (Redacted)

16 Q. When you were in Dominic Ongwen's household, what name did you use for  
17 yourself?

18 A. When -- when I was abducted I was called (Redacted)

19 Q. Thank you. Now, other than -- other than wives, were there any other  
20 members of Dominic Ongwen's household?

21 A. There was a young girl called ting ting. She was the babysitter for Dominic  
22 Ongwen's child.

23 Q. And did she have a name?

24 A. I have forgotten the name.

25 Q. Perhaps I can refresh your memory. I'll read from paragraph 53 on page 10:

- 1 "Ongwen had one ting ting whilst I was in the household. We used to call her ting  
2 ting (Redacted). She was looking after Ongwen's child at the time."  
3 Is the ting ting that you've just told us about called (Redacted)  
4 A. Yes, her name was (Redacted)  
5 Q. Madam Witness, I'd now like to show you a photo, if possible.  
6 And I would ask the staff in Kampala to please use tab 5 and the photo in tab 5, and  
7 I'll provide you the ERN in a second. The ERN is UGA-00169.062.  
8 Your Honour, I'll just show the photo, then move on.  
9 Do you recognize -- do you have the picture in front of you, Madam Witness?  
10 A. Yes.  
11 Q. Do you recognize the people in the picture?  
12 A. Yes, I do. And I also have a copy.  
13 Q. Can you please tell us who the male figure is in the centre of the picture?  
14 A. That is Dominic Ongwen.  
15 Q. And the lady to the left of Dominic Ongwen as you look at the picture wearing  
16 the dark dress, who is that please?  
17 A. She's actually putting on a green dress. She's called (Redacted) or (Redacted)  
18 (Redacted).  
19 Q. Now, you are -- your name is Ms (Redacted) and Ms (Redacted) Is that  
20 you?  
21 A. Yes, in the bush I was called (Redacted), but at home I was called (Redacted).  
22 Q. But is the picture a picture of you?  
23 A. Yes, it is my picture. It was taken -- the photo was taken in Sudan.  
24 Q. And I'd finally like to ask you, the lady to the right of the gentleman, in the blue  
25 dress holding the child, can you tell us the name of that lady, please?

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- 1 A. That is the one called (Redacted) and the child she is holding is the first child of  
2 Dominic Ongwen.
- 3 SINGLE JUDGE TARFUSSER: I have to --
- 4 MR CHOUDHRY: Your Honour --
- 5 SINGLE JUDGE TARFUSSER: I have to interrupt you now because otherwise we  
6 cannot record any more.
- 7 Madam Witness, we have now the break for half an hour. You can refresh and we  
8 see you in half an hour again, okay?
- 9 In the meanwhile goodbye to Kampala.
- 10 The hearing is suspended. We will resume at 11.30. Thank you.
- 11 THE COURT USHER: All rise.
- 12 (Recess taken at 11.02 a.m.)
- 13 \*(Upon resuming in closed session at 11.32 a.m.) Reclassified as open session
- 14 SINGLE JUDGE TARFUSSER: So here we are again. Good morning. And I see  
15 the witness is ready.
- 16 Are you ready, Witness?
- 17 THE WITNESS: (Interpretation) Yes, I'm ready.
- 18 SINGLE JUDGE TARFUSSER: Thank you very much.
- 19 So I give the floor to the Prosecutor again. The floor is yours.
- 20 MR CHOUDHRY: Thank you, your Honour. Before I proceed, I just wanted to let  
21 your Honour know that in terms of court timing, I hope that I can probably wrap up  
22 in the next 45 minutes.
- 23 SINGLE JUDGE TARFUSSER: That is good news.
- 24 MR CHOUDHRY:
- 25 Q. Madam Witness, I've got one question just in relation to what you spoke about

1 last. You said that you slept with Ongwen. Whilst you were Ongwen's wife, were  
2 you free to sleep with any other man?

3 A. No. The rules did not accept that.

4 Q. Madam Witness, I would now like to talk to you about your other duties as a  
5 wife whilst you were with Ongwen. What were your tasks and duties as a wife?

6 A. We used to cook and do the laundry. If we were required to go gardening,  
7 then we would also go, we would also do that.

8 Q. And who would give you those tasks and duties?

9 A. If we are supposed to go gardening, it was Ongwen who used to give -- who  
10 would give us the instructions because we would have his things that would only be  
11 used by his household. Only the people in his household would have access to those  
12 things.

13 Q. And would Ongwen also order you to cook?

14 A. Yes, he would.

15 Q. What would happen if you refused to do any of those domestic duties?

16 A. Well, if you did not want to do anything, you would tell them, but on the  
17 occasion that we were there we were beaten because we told them -- we told him that  
18 we did not want to cook and we'd also refused to go to the garden.

19 Q. You said you told him. Who is "him"?

20 A. It was Margaret and I.

21 Q. Just to clarify, Madam Witness, you said that you told him if you did not want  
22 to cook. Who do you mean by "him"? Who did you tell that you did not want to  
23 cook?

24 A. On that occasion, Ongwen had asked us to cook and we had refused.

25 Q. You've also told us, Madam Witness, that you were beaten. Who were you



1 beaten by?

2 A. Ongwen called his escorts and instructed them to beat us.

3 Q. Madam Witness, I'd now like to ask you a few questions about those escorts.

4 Can you remember roughly how many escorts Ongwen had?

5 A. Approximately ten, if I haven't -- if I'm not mistaken, but it is the two that I  
6 recall the names.

7 Q. And what are the names of the two escorts that you recall?

8 A. There was Ocan Labworomor. The reason he was called as Ocan Labworomor  
9 was because his home -- he was from Labworomor. There was another one known  
10 as Owora. Well, at times they would call you by your name and at times they would  
11 call you by a given name. The reason why they would call this other guy Owora is  
12 because the guy was an Alur, so that's why they would call him Owora. It was a  
13 given name.

14 Q. And can I ask you, please, about the ages of these escorts. You've told us that  
15 you were 15 when you were abducted. Were any of these escorts younger than you?

16 A. Yes. Owora was older, but the others were younger. I suppose Owora was  
17 maybe perhaps slightly older than me, but the other was younger but not that young.

18 Q. And the youngest, can you remember how old you thought the youngest escort  
19 was?

20 A. Approximately 10, but I do not know the exact age.

21 Q. And can I ask, what was the function of Ongwen's escorts? What work did  
22 they do?

23 A. If they have to go to -- if we are going to the garden, they would also come  
24 along with us. And if he is going anywhere, they would go along with him. And if  
25 he wanted to -- on occasion he would ask them to do certain things around the

1 household and sometimes he would go and play with them.

2 Q. Do you know if the escorts received any training which would help them to do  
3 their work?

4 A. Once you're there, as soon as you arrive there you're given army training,  
5 military training, so I believe that they received military training.

6 Q. And what does military training involve?

7 A. You're instructed on how to use a weapon.

8 Q. Madam Witness, I'd now like to ask you briefly about any children that you  
9 may have. Do you have children, Madam Witness?

10 A. Yes, I do have children.

11 Q. And how many -- how many children do you have?

12 A. I have five children.

13 Q. Can you tell us their names, please?

14 A. Yes. There is (Redacted). The second one is (Redacted). The third  
15 one is (Redacted). The fourth one is (Redacted). The fifth one is (Redacted) (phon)  
16 (Redacted)

17 Q. Can I start with (Redacted), please. Who is the father of (Redacted)

18 A. His name is Dominic Ongwen.

19 Q. And is Dominic Ongwen the father of any other -- the remaining four children  
20 that you named?

21 A. No, he's not. He's (Redacted) father. The other four were conceived by a  
22 different man.

23 Q. So if we just focus on (Redacted) then, please, can you tell us when he was  
24 born?

25 A. Yes, I can. He was born in June, on 12 June 2002.

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1 Q. And can I ask where he was born, please.

2 A. Yes, you may. He was born in (Redacted). This is near (Redacted)

3 Q. And which country is (Redacted) in?

4 A. I'm not sure. I do not know. But it's close to the border of Sudan.

5 It's -- when you're in Fro (phon) it's much closer.

6 Q. Madam Witness, can I refresh your memory. I'd just like to read paragraph 69  
7 on page 12.

8 And I'll start with: "I only came back to Uganda when all the LRA forces left Sudan  
9 and went to Uganda, probably in May 2002. Kony had issued an order that  
10 everyone should come back to Uganda."

11 Now, you've told us that your -- well, your child (Redacted) was born in June of 2002  
12 on the 12th. Does that mean you were in Uganda when (Redacted) was born?

13 A. Yes, he was born in Uganda. On the -- on the 12th -- no. (Redacted) wasn't born  
14 on the 12th. I was already in Uganda.

15 Q. Sorry, Madam Witness. I just wanted to clarify. You said that (Redacted) wasn't  
16 born on the 12th. Can you just please repeat the day that he was born on?

17 A. I need to look up the date on the birth certificate.

18 Q. Madam Witness, I'll just refresh your memory again reading paragraph 69 on  
19 page 12.

20 You said: "I gave birth to my child on 21 June 2002."

21 Is that correct?

22 A. Well, I've forgotten the date. I had forgotten the date. If I -- if I tell a lie, then  
23 it's not good, so I need to actually verify that from the birth certificate.

24 Q. Okay, I'll move on. You've told us that (Redacted) was born in Uganda. Can you  
25 remember when you returned to Uganda, which month and which year, please?

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1 A. Returned where?

2 Q. Madam Witness --

3 A. When I gave birth to (Redacted) -- when I gave birth to (Redacted) I did not return  
4 anywhere. After that, after three months I escaped. I did not go anywhere else.

5 Q. Madam Witness, just to clarify the time period then, you told us that you were  
6 abducted and taken to Uganda; is that correct?

7 A. You mean Uganda or Sudan?

8 Q. My apologies, Madam Witness. You're quite correct. Sudan. Sorry.

9 A. Yes, I was abducted and taken to Sudan. It was upon my return to Uganda  
10 that I gave birth to (Redacted) and then in September I escaped. I stayed in Sudan  
11 most of the time.

12 Q. Can I just ask, when did you return to Uganda?

13 A. In May.

14 Q. And is that 2002?

15 A. We started -- we left Sudan in May 2002. That's when we started leaving  
16 Sudan.

17 Q. And when you left Sudan in May 2002, was Dominic Ongwen with you?

18 A. Yes, we were together. We separated for two days and it was within those two  
19 days that we were apart that I gave birth to (Redacted). He had gone to Kitgum.

20 Q. Can I ask, when you returned, you've told us that Dominic Ongwen was with  
21 you. Was Dominic Ongwen's escorts with you?

22 A. Yes, we were together. At the time everybody -- the whole of Kony's army left  
23 Sudan.

24 Q. Now, you've also told us that you escaped in September 2002. Can I just ask,  
25 up until the time you escaped, were you Dominic Ongwen's wife?

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1 A. Yes.

2 Q. And before you escaped, and I'll come to your escape in a second, were you able  
3 to just leave Dominic Ongwen and go back home?

4 A. No, I would have not been able to do that.

5 Q. And I would just like to be a bit more specific. Were you -- were you free to go  
6 back home let's say two months before you escaped?

7 A. I was free.

8 Q. Sorry, Madam Witness, just to clarify. You've told us earlier that you would  
9 not have been able to just leave and go back home. You've also told us that you had  
10 to escape. I want to ask a question which just helps the Judge in the court in relation  
11 to the timing. Prior to your escape, or a few months prior to escape, when you told  
12 us earlier that you would not have been able to just leave and go back home, was that  
13 the case?

14 A. Yes, that's correct. The reason why I said that was because at the time the place  
15 where we were at the time it was impossible to escape and go back home because on  
16 occasion you would run into the soldiers, on occasion you would run into wild  
17 animals that would probably eat you. There was no food and I did not know which  
18 route or which direction to take to come back home and I was close to my due date.

19 Q. Madam Witness, you've told us about soldiers. What would the soldiers have  
20 done to you if they would have caught you trying to go home?

21 A. While we were there we were told that if soldiers -- if you came across soldiers,  
22 you would be killed. And it is a fact that if you run into soldiers they would kill you.

23 Q. What about the LRA soldiers?

24 A. The same thing.

25 Q. And that includes Dominic Ongwen, does it?

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1 A. Can you please repeat your question?

2 Q. You've told us that it was the -- it would be the same thing if LRA soldiers  
3 caught you going home. So is it correct to say that that includes Dominic Ongwen as  
4 well?

5 THE ACHOLI INTERPRETER: There is no response coming through.

6 THE WITNESS: (Interpretation) I'm not going to answer that question right now.

7 MR CHOUDHRY:

8 Q. Madam Witness, I'd just like to clarify. You've told us that if you came across  
9 soldiers and LRA soldiers that you would be killed. Dominic Ongwen was a  
10 member of the LRA. Can I just ask you, if you had tried to just get up and go home,  
11 would Dominic Ongwen have taken similar action to all other LRA soldiers?

12 THE ACHOLI INTERPRETER: There is no response.

13 SINGLE JUDGE TARFUSSER: Madam Witness, did you hear the question?

14 THE WITNESS: (Interpretation) Yes, I heard the question, but you know all army  
15 worked based on orders and instructions, even if it's your mother's child. Let me  
16 take for example what -- (Redacted) my uncle, if (Redacted) caught me escaping and  
17 was given orders to kill me, then yes, he would kill me because those were the orders.

18 SINGLE JUDGE TARFUSSER: I would say this is response enough. And in any  
19 case it's an opinion, it's not a fact. So I think a witness should attach to facts more  
20 than to their opinion what could have happened, what could have happened if.  
21 I think it's not really a proper question to put to a witness. But, okay, I think she has  
22 responded to the question. Go ahead, please.

23 MR CHOUDHRY: Your Honour, just to sort of explain my reasoning. That  
24 question is put really so as to obtain the state of mind of the witness in terms of  
25 guiding her response. It's really her state of mind at the particular moment in time.

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1 So that's the reason why that question is put.

2 And what I seek to put to her, your Honour, is that she's mentioned that even if

3 Colonel (Redacted) was given an order to kill, he would do so. I seek to ask one

4 follow-up question, which is: Was that the same of Dominic Ongwen?

5 SINGLE JUDGE TARFUSSER: No. I do not allow this question because it is logical.

6 I mean, we know exactly -- I mean, we will want to force the witness to say something

7 which comes clearly out from what she has said until now to my understanding.

8 MR CHOUDHRY: Your Honour, in that case I will move on.

9 SINGLE JUDGE TARFUSSER: Okay. Thank you very much.

10 MR CHOUDHRY:

11 Q. Madam Witness, you've now told us -- you've also told us that you managed to

12 escape. Can you briefly -- and you've mentioned that that was in September of 2002.

13 Can you briefly describe how you escaped, please?

14 A. Yes, I can. When -- when they had sent us to John Matata's group, it was a

15 group where the sick would be taken. Matata was also ill himself. They sent us to

16 stay with Matata. At the time I was close to my due date. It was only after two

17 days following my -- following our separation with Dominic Ongwen that I had birth.

18 We stayed -- we stayed there. We did not have any food. Most of the boys who

19 were supposed to bring us food had gone with Dominic. He'd been instructed to go

20 to Kitgum. And the people that were left behind, it was mostly mothers. It was

21 mostly mothers that were left behind.

22 They started selecting people and asking them to go and collect food. I was among

23 the people that went to get food. (Redacted) was -- (Redacted) was three months old

24 at the time. When I reached (Redacted), people started carrying food. (Redacted) was

25 extremely weak. I was unable to produce breast milk. And it was while I was in

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1 (Redacted) that I decided to escape because we were already -- when we reached a  
2 civilian homestead I took the opportunity to escape.  
3 When I escaped, I was taken to the barracks. There is a barracks in (Redacted). I was  
4 there for a week.  
5 After that week I was taken to the barracks in the division. I stayed there for one  
6 week. I was then taken to GUSCO.  
7 While at GUSCO they bought some formula and that's what (Redacted) was taking.  
8 He was being fed formula. And shortly thereafter I started producing breast milk  
9 and then I was able to breastfeed (Redacted).  
10 And that's how I came back.

11 Q. Thank you, Madam Witness. I'd now like to show you another photo and it  
12 will be the final area of questioning. I'd like you to turn to tab 6 of the binder and  
13 that is ERN UGA-OTP-0169-0070. And I would like you to turn to page 6 of that  
14 document, please.

15 Do you have that document in front of you, Madam Witness?

16 THE ACHOLI INTERPRETER: There is no response.

17 THE COURT OFFICER (via video link): The document is being shown to the  
18 witness.

19 MR CHOUDHRY:

20 Q. Madam Witness, you can see six photos at the top of page 6. Can you see that?

21 A. Yes, I've seen them.

22 Q. Can I ask you, Madam Witness, about the picture on the bottom right with the  
23 name (Redacted). Can you tell us whether -- is that picture a picture of you?

24 A. Yes, it is my picture.

25 Q. And there's a picture to the left of that picture which has the name (Redacted)



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1 Is that a picture of your child (Redacted) who you've told us about?

2 A. Yes, it is true.

3 Q. You can also see in that picture a man wearing a mask with gloves. Can you  
4 remember what he was doing?

5 A. That person was removing slime from my mouth.

6 MR CHOUDHRY: Your Honour, in that case, I would just like to consult with my  
7 learned colleagues because I think I'm done with the area of questioning otherwise.  
8 (Counsel confer)

9 MR CHOUDHRY:

10 Q. Madam Witness, I have one final question for you. After the birth of your  
11 child (Redacted) and before you escaped, did you sleep with Dominic Ongwen?

12 A. After my delivery? After my delivery?

13 Q. Yes. Yes. At any point after the delivery of (Redacted) right up until you  
14 escaped, did you sleep with Dominic Ongwen?

15 A. No, I didn't. Actually, by the time I delivered he wasn't there and he never  
16 even saw the child.

17 MR CHOUDHRY: Your Honour, in that case, I have no further questions.

18 SINGLE JUDGE TARFUSSER: Thank you very much to the Prosecution.

19 I want to give to you, Madam Witness, the good news that the Prosecution has

20 finished the questioning and that now I give the floor for 50 minutes to the

21 Defence -- no, for one hour and 20 minutes. Sorry. For one hour and 20 minutes  
22 and then we'll see how far we are.

23 Mr Odongo, you have the floor.

24 MR ODONGO: Thank you, your Honour.

25 QUESTIONED BY MR ODONGO:

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1 Q. Madam Witness, I shall begin my question from the point of your abduction.

2 You said after the abduction you crossed river Acwa; is that correct?

3 A. Yes, river Acwa.

4 Q. And you said the purpose was to go to the leader Joseph Kony; is that correct?

5 A. That is true.

6 Q. And who is this gentleman called Joseph Kony?

7 SINGLE JUDGE TARFUSSER: May I ask why we ask again who is Joseph Kony?

8 I think in the meanwhile we do know and we have it from the other questioning and  
9 from this questioning already on the record.

10 MR ODONGO: Much obliged.

11 Q. Madam Witness, you told this Court that you were not made Dominic's wife on  
12 the first day; is that correct?

13 A. Yes, that is the truth.

14 Q. And you indicated that it was necessary for you first to be delivered to Kony  
15 before you were made Dominic's wife or any other person's wife; is that correct?

16 A. Yes, that is true.

17 Q. Can you tell this Court why it was important for you to reach Kony first before  
18 a decision on who became your husband?

19 A. Yes, I can explain to the best of my level. The reason why we first have to be  
20 sent to Kony, that is according to one of their roles which is that of smearing the new  
21 abductees. Whether a girl or a boy or a man, first of all, you should be smeared with  
22 shea butter. That's why those in the bush, the rebels, don't consume the shea butter.  
23 It's a kind of medicine for them. That's what I found when I reached there.  
24 First of all, they assemble everybody, that is the new abductees who have just been  
25 abducted, and there are those who are actually dedicated to this ritual of smearing

1 people with this shea butter. And they also have also their hymns, their prayer  
2 hymns, and they start singing the hymns as you are bare-chested and then they smear  
3 upon your chest the shea butter -- with shea butter.  
4 If the order is given, that's when the girls are given to the men. If you are a boy, then  
5 you are -- you may be given to the different officers who can take care of these young  
6 boys.  
7 For example, some people at home are abducted when they are already married,  
8 when they already have wives, and they go with their wives.  
9 Now, if you are a man you will be promoted and you will be an officer because they  
10 see that you are able to take care of your wife. If they consider that you are not able  
11 to take care of the wife, then -- then you are considered according to the age, they will  
12 send you to some other officer who will be able to take care of you, things like soap,  
13 food and so on.  
14 That's what I wanted to tell you about this issue.

15 Q. Thank you very much. Madam Witness, I want you to help this Honourable  
16 Court to understand what you called smearing. This ritual, was it performed by  
17 Kony only?

18 A. No. That ritual would be performed by any officer who would have been  
19 instructed to do so. And this thing -- actually, each month when the new moon  
20 appears, everybody is summoned and everybody is requested to enter in some stream,  
21 some big stream or in a river where they would pray at the same time.

22 Q. Madam Witness, I want us to concentrate on the matter of initiating women -- or,  
23 rather, the ritual immediately before giving a lady to a man to become a wife. Is that  
24 all right?

25 A. First of all, I have to say the truth what I saw with my own eyes because if I say

1 what is not true, that means I would not have sworn solemnly.

2 When I was abducted, after we had walked and reached -- and met Kony, I was near

3 him and I had not seen such a thing before. And when I reached in Sudan, I was not

4 allowed to come back to Uganda. I only came to Uganda when we all came back,

5 when we all left Sudan and came back to Uganda. That's why I really have to talk

6 the truth and just tell you what I saw with my own eyes.

7 So I am saying I did not see. If it happened, then it could have happened in a

8 different place which I didn't see.

9 Q. Thank you very much, Madam Witness. In particular I want you to tell Court

10 whether it was possible for somebody who had been sent to abduct girls to make his

11 pick, make that girl his wife before a senior officer performed the rituals you have just

12 described?

13 A. Again, I say I don't want to say what is not true. When I was there, the things

14 which I saw happening with my own eyes I did not see, but when officers abduct

15 these girls, they bring these girls and when they have been brought, some -- when we

16 reach Sudan, then we sit down and every Fridays we have prayers, and if there are no

17 prayers, then the leader Kony calls for an assembly.

18 Sometimes he calls this assembly on Sundays. Then these girls are paraded, then if

19 he decides to give an order that the girls be distributed, then that will be done so; but

20 if he decides that the girls be sent to someone's home, then they can do that. If he

21 decides that the girls should be taken to the hospital so that they go -- undergo a

22 medical test, they would do so.

23 And also in other cases for girls abducted in Uganda who already have diseases, at

24 the time when these people are abducted, those people are called gwok i guda, and

25 those people are normally released because they are suspected to be having diseases.

1 So that's -- those are the things which I saw during my time there in the bush.

2 Q. Thank you very much. Now, in your statement I want to refer to your  
3 statement on article -- I mean paragraph 23. Not that one.

4 You told this Court that, at least in your statement, you said that after you were  
5 abducted you were taken and you lived in Kony's household for seven months; is that  
6 correct?

7 A. Yes, that is true.

8 Q. And you talked about the altar and the ceremonies that were performed at the  
9 Control Altar.

10 THE ACHOLI INTERPRETER: No response.

11 MR ODONGO:

12 Q. Did you experience what actually happened at the Control Altar?

13 A. When I was there, that's when I used to see what they call Tipu spirit. That  
14 spirit would come upon Kony, and when it happened so, they say he himself isn't  
15 aware of that. So they call someone who will write whatever he utters. Then after  
16 that they call an assembly and they start explaining what was said to all the rest of the  
17 soldiers. That's what I saw myself when I was there.

18 Q. Thank you very much, Madam Witness. The next question along that line is:  
19 You mention, for example, Kony's abilities to speak about things which occurred later,  
20 his prophecy. He would prophesize things that would come to pass. Do you think  
21 you could give this Honourable Court an example?

22 A. Yes, I would say this: I don't remember the year, but I think at least I had  
23 stayed there for two years. Because that had happened two years afterwards, there  
24 was the Ebola outbreak which happened in Uganda. He said -- he had said two  
25 things. First of all he said there will be a time in future some disease will break out

1 in Uganda or in Acholi. That disease is called Ebola and that disease is going to kill  
2 a lot of people. And then while we were there we heard that that disease actually  
3 happened in Uganda.

4 I was still in Sudan and the way I used to hear that the soldiers actually abducted two  
5 people who had that disease, so he said that medicine be given to those two people  
6 and the medicine was given and those people got cured and then he instructed that  
7 the people be released so that they go back home.

8 Secondly, he said that at some time you will have great harvests and -- but you will  
9 not be able to eat those harvests and the whole world will be amazed with  
10 those -- with those great harvests. And you will not even eat them unfortunately.

11 Then to me it seems that also happened because when we came back in 2002, because  
12 in I think around 2001, in the dry season of 2001 we had just harvested, but we never  
13 ate that food. We left everything behind. Nobody actually ate the food. A lot of  
14 things, a lot of harvests remained behind and some of the harvests were put in  
15 jerrycans and then buried down and all these were left behind.

16 So those are the things that I witnessed with my own eyes.

17 Q. Thank you, Madam Witness. With all this happening, can you describe to this  
18 Honourable Court --

19 A. And let me also talk to you about another case, the third one. He has a vehicle,  
20 he has one vehicle and for his deputy and also another vehicle for transporting food.  
21 There were two of them. And one vehicle, the driver of that vehicle was abducted in  
22 Purongo, he was called (Redacted). And that driver was abducted before  
23 my -- before my abduction.

24 When he was in Nisitu, when he was at his home in Nisitu, at night he gets out of his  
25 house and enters -- and enters the vehicle because Kony himself also can drive a

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1 vehicle. So when he entered the vehicle, he started driving slowly and came to one  
2 of his places in Jebellin.

3 He came there. When he came there, in the morning he issued an order to his  
4 soldiers that Otti Lagony and Okello Director be arrested. So those two people were  
5 arrested because they were in Nisitu. They were arrested and brought to Kony.

6 And what I heard is that he was saying that those people wanted him to be killed so  
7 that all his -- so that the whole of his army comes back to Uganda.

8 So I saw that he managed to escape from that ambush where there was a plan to kill  
9 him. So that's one of the things I saw.

10 Q. You talked about -- especially the last incident, the suspected ambush that led to  
11 the killing of Otti Lagony and Okello Director. Since you were there, did you ever  
12 discover from those who were in the know as to whether this plan was actually there,  
13 the plan to kill Kony?

14 A. No, I did not hear that. At the time I was already at Odomi's home. When  
15 things happened, when everything happened, he gathered us all together, he  
16 gathered all the soldiers together, all the army. Nobody was left behind. And then  
17 he told us what happened and that's what I witnessed and heard.

18 Q. Did the LRA soldiers, including you, believe this supernatural power of Kony?

19 A. Well, that's why I just explained that his predictions -- that his predictions came  
20 to pass.

21 Q. Thank you, Madam Witness. I want to ask you -- thank you very much.

22 A. I can admit that it actually exists.

23 Q. I want to ask you what kind of influence or impact this belief in Kony's  
24 supernatural power had on the minds of the LRA soldiers who were abducted?

25 A. Well, it's frightening because if something is predicted and it happens, it's a bit

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1 frightening because then if you decide, if you think, "Okay, tomorrow I'm going to  
2 escape" and then it happens, then, yeah, he could kill you.

3 THE ACHOLI INTERPRETER: From the Acholi booth --

4 MR ODONGO:

5 Q. Let us --

6 THE ACHOLI INTERPRETER: -- could counsel please wait before --

7 MR ODONGO:

8 Q. -- talk about your escape.

9 THE ACHOLI INTERPRETER: There seems to be -- we are being cut out before we  
10 finish the explanation. Could we be given time to finish the explanation before the  
11 questioning begins.

12 SINGLE JUDGE TARFUSSER: Counsel, I ask you just to wait until the microphone  
13 is open between one and the other, otherwise we overlap continuously. This is the  
14 request from the Acholi booth, which I realized also before. So just wait these 5  
15 seconds to -- or 3 or 4 or how many there are to open -- until the microphone is open  
16 again. Thank you.

17 MR ODONGO: Much obliged, your Honour.

18 Q. Yeah, I was -- Madam Witness, I was now taking you through to your escape,  
19 the theme of your escape. You mentioned that you and others like (Redacted) did not  
20 escape because you feared hunger or losing your way or being eaten by wild animals;  
21 is that correct?

22 A. At the time that I escaped, (Redacted) had already escaped. (Redacted) was the  
23 one who was there. (Redacted) and (Redacted) were the first to escape.

24 Q. Thank you very much. Now that you talk about --

25 SINGLE JUDGE TARFUSSER: (Microphone not activated)



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1 MR ODONGO:

2 Q. Now that you talk about (Redacted), do you know when she became  
3 Dominic's wife whether she was forced or it was like in your case a negotiated  
4 arrangement?

5 SINGLE JUDGE TARFUSSER: May I just say that a "negotiated arrangement" is  
6 your interpretation. It's an interpretation.

7 MR ODONGO: Your Honour --

8 SINGLE JUDGE TARFUSSER: So as "forced" is an interpretation, a "negotiated  
9 arrangement" is an interpretation.

10 MR ODONGO: Your Honour, I do not know whether it is my interpretation because  
11 if you read from the text --

12 SINGLE JUDGE TARFUSSER: Yes.

13 MR ODONGO: -- about her consent to Dominic Ongwen --

14 SINGLE JUDGE TARFUSSER: I know.

15 MR ODONGO: -- yes, you remember, your Honour, that --

16 SINGLE JUDGE TARFUSSER: Yes, but it's not a neutral question put to the witness.

17 MR ODONGO: I'm obliged, your Honour.

18 Q. Madam Witness, let me rephrase the question. Do you know how (Redacted)  
19 (Redacted) came to be Dominic's wife? Was she --

20 A. At the time that she was -- at the time that I was there, (Redacted) was in  
21 Control Altar and I saw her coming -- I saw Dominic Ongwen going to Control Altar.  
22 At the time it had been -- a decision had been made because (Redacted) had just lost  
23 her husband, (Redacted), and Kony at the time had already accepted or given  
24 the go-ahead for anybody interested to talk to her. And that was at the time that  
25 Dominic Ongwen started going to Control Altar and then thereafter (Redacted) came

1 to Ongwen's household --

2 Q. Thank you --

3 A. -- and that's what happened.

4 Q. -- very much. Before I move to the next question, I want you to assist this  
5 Honourable Court to describe the kind of husband Dominic was, to you in particular  
6 and to his wives generally. Was he a good man? Was he aggressive? A  
7 wife-beater? And so on and so forth.

8 A. Since I was with Dominic Ongwen from my observation I was beaten once, the  
9 two of us were beaten once. Four years -- in the next four years I did not see -- I did  
10 not witness him doing anything bad. Well, if he had time, when he came from  
11 his -- when he came from staying with his other commanders, he would go and ask  
12 the soldiers whether they ate, were they full up, did they have any problems, do they  
13 have any problems.  
14 And that's why on a number of occasions it was difficult to actually assess that or  
15 determine that he was an officer because he was -- on occasion he would play among  
16 the children. In the evening while we were sitting around the fire camp, they would  
17 play with fire and at times he would go and sit among the young boys.  
18 If the young boys told him that they had not eaten enough, then he would issue an  
19 order for the women to cook some more food or they would ask the boys to cook  
20 some more food for themselves.

21 Additionally, there were a lot of people that he released at the time that they were  
22 abducting people in Uganda. He released quite a number of people.

23 And as long as I was there, the only -- the only -- I did not actually observe or witness  
24 him doing anything bad to the boys in his homestead because at the time that I was  
25 there during my pregnancy it wasn't easy. We were constantly being followed by

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1 the army, and if he was like the other officers, some of them would actually leave  
2 their wives behind. But he took care of all his wives. He took care of all his  
3 soldiers.

4 The -- nobody, no one in Dominic's household was ever arrested by Okot, by the  
5 Sudanese army. And we left Sudan and came to Uganda. I did not actually  
6 observe or witness anything bad happening.

7 I'm supposed to tell the truth. If I tell a lie, then that's -- it's the same as not having  
8 taken an oath. And I believe that -- well, that's as much as I can say at this point.

9 Q. Thank you very much, Madam Witness. I want now to refer to what you said  
10 in paragraph 78 where you said Dominic was a child soldier abducted at the age of 10.  
11 Can you tell the Court what Dominic talked --

12 A. Well, at the time that I was there --

13 Q. Yes, what I was -- sorry.

14 A. -- he told me that he was 10 years old. He told me that he was abducted while  
15 he was 10 years old and he was in primary 6. That's what he told me. He was on  
16 his way from school, but I don't know. That's what he told me.

17 Q. Back to the question of your escape, Madam Witness. When you finally  
18 decide -- decided to escape, were you escaping away from Dominic or from the  
19 general bush life? Did you escape because of Dominic or because of the conditions  
20 in the bush?

21 A. This is my response: The conditions that my child was under, the lack of  
22 breast milk and -- the lack of breast milk, if I had decided to stay in the bush at the  
23 time, I would have lost my child. I was unable to produce milk for my child and it  
24 was extremely difficult for me to live with that child in the bush under those  
25 conditions.

1 Q. Thank you very much. Now, during your stay with Dominic, did Dominic  
2 ever mention to you that he himself wanted to escape?

3 A. I would like to tell you that this secret, regardless of who you are, you do not  
4 tell anybody. Except for when I escaped and I was back home, that's when I  
5 found -- I met one officer, (Redacted). I met (Redacted) at the barracks on the  
6 hill. At the time I was in GUSCO. I had returned and we'd gone up to that hill.  
7 He told -- he asked me, he said, "Oh, (Redacted) you're here?" Because at the time that  
8 (Redacted) escaped we had -- we had been sent to uproot cassava.  
9 (Redacted) asked me, "Oh, (Redacted), you're here? You've left Odomi. The last  
10 time Odomi wanted to come and he said that without you guys he would -- without  
11 you, his wives, he would not be able to come back. Now I see you, you're here.  
12 And look, Odomi gave me his gumboots to put on and I put them on and came back  
13 with them." And it was at the time that I discovered that he also wanted to escape,  
14 but he did not tell him. I heard this information from (Redacted)  
15 Well, when you're in the bush as an officer it's extremely difficult for you to tell your  
16 wife because you know that this information might actually be leaked out and then  
17 you would be killed. So it's always very secretive.  
18 And -- well, that's -- that's all I can tell you about that information with -- in response  
19 to the question that you've given me, I should tell the truth. I should tell you the  
20 truth so that you can understand that at the moment we are here, I should tell the  
21 truth.

22 Q. Thank you very much, madam, for that statement.  
23 It is your evidence or your -- yeah, your evidence that when you returned you were  
24 hosted on a radio talk show; is that correct?

25 A. Yes, I can explain that. When I spoke on the radio broadcast I was already at

1 home. I was in Purongo. At the GUSCO centre in Purongo we were given food.  
2 I had actually gone to collect food. We were given food on a monthly basis.  
3 There's a distance between my home and Purongo, so I was always given a  
4 two-month supply because of the distance.  
5 So at the time that when I came to Gulu I met (Redacted) child. He had been arrested  
6 by soldiers. When he was arrested I informed the people at the centre and asked  
7 them to send me to MEGA so that I could speak to Odomi and ask him to send his  
8 wife to come back home and take care of his child because the child was still little. If  
9 the child had just been weaned, then -- it seems that it had only just been weaned.  
10 (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 (Redacted)  
16 (Redacted)  
17 (Redacted)  
18 (Redacted)  
19 freedom. And that's what one of the wives who came back from the bush told me,  
20 and it is this is -- this is the reason why I believe that this happened. He sent his wife  
21 back, the wife came back when I was -- when I had already returned to Purongo.  
22 Yeah, that's -- that's what I can explain in response to that question.  
23 Q. Madam Witness, I would like to appreciate your truthfulness in many areas  
24 because they are consistent with your statement. But having said that, I want you to  
25 reaffirm what you've just said that the coming out of (Redacted) what was at your

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1 (Redacted)

2 A. Yes, it was at my behest. Yes, I'm the one who went and (Redacted)  
3 (Redacted) and that was -- when I came back on the second occasion to collect my  
4 supply, I met (Redacted) in GUSCO and she was with her child, the child that had  
5 been arrested by the government soldiers.

6 Q. Thank you, madam, but after madam (Redacted) escape, when you found her at  
7 GUSCO, did you ever talk to her about her own escape and did you find out --

8 A. She told me that she was released and at the -- people were aware at the  
9 GUSCO centre that she was released.

10 Q. Who released her according to her?

11 A. She said it was Odomi who released her.

12 Q. Thank you very much, Madam Witness. But I want to refer you back again to  
13 your statement, paragraph 78 where you said that at the time Dominic  
14 wanted to -- you said that at the time she was already Dominic's wife -- I mean, you  
15 said at the time you were already Dominic's wife and that Dominic wanted to escape  
16 together with (Redacted) but he could not. Do you remember  
17 making this statement?

18 A. Yes, because when I came back I -- it's (Redacted) who informed me. I heard this  
19 from (Redacted) when I was at the barracks on top of the hill.

20 Q. Thank you very much. From your evidence, Madam Witness, you clearly told  
21 this Court that it is not possible for anybody in the bush to even confide in their own  
22 wives their intentions to escape, but as a mature person at that time, could you have  
23 read from Dominic's body language whether he had intentions to escape?

24 A. This is my response: I would like to inform the Court that you -- when  
25 a -- once a person takes their time to escape and come back home, you've got two

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1 things to consider. One, I might make it. Secondly, I might not make it. That's the  
2 difference between life and death. And those two things are not exactly easy. First  
3 of all, some government soldiers, when you're actually caught by government  
4 soldiers, they don't leave you. Kony's soldiers as well, if you run into them, they  
5 won't leave you. So those two things are not exactly easy.

6 The reason why I'm actually giving this explanation is my uncle's son, the one who  
7 died, two of my uncle's children actually died, one was a woman, one died  
8 during -- while they were -- while he was escaping and he was killed at the border.  
9 Soldiers killed him at the border.

10 So it's not really easy. If you are an Acholi they tell you that if you come back home,  
11 it's extremely difficult to go back to your mother, to your mother's home. I believe  
12 that the Acholi understand what I'm talking.

13 It's not easy. That's what -- that's my response.

14 Q. When you were in the bush with Dominic --

15 SINGLE JUDGE TARFUSSER: Excuse me. May I just say that I'm very glad that  
16 the witness didn't interpret the body language but responded on what's her  
17 knowledge and not on the body language. Sorry for interruption.

18 MR ODONGO: Your Honour, I was alive to that. I only hoped she would not fall  
19 in the trap.

20 SINGLE JUDGE TARFUSSER: No, she didn't.

21 MR ODONGO: Yeah, as, you know, divine providence would have it, she helped  
22 me out of it.

23 Q. Madam Witness, I want to thank you for your answers so far, but I want you to  
24 tell this Honourable Court when you were in the bush whether you noticed or you  
25 experienced Dominic being under -- put under detention or, you know, put under

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1 observation by Joseph Kony or commanders superior to him?

2 A. Can you repeat your question because there was some noise here. I didn't  
3 quite get you.

4 Q. What I was asking is: In your experience in the bush with Dominic Ongwen,  
5 did it ever occur to you at any point in time -- or, rather, did you experience Dominic  
6 Ongwen being put under some kind of house arrest or tightly guarded?

7 A. No, I did not.

8 Q. Put differently, did Dominic Ongwen -- was Dominic Ongwen ever disciplined  
9 by Joseph Kony or the other superior commanders?

10 A. When I was there I didn't see such a thing. And even I didn't hear of such a  
11 talk.

12 Q. Was it easy -- was it possible for a high-ranking officer fully surrounded by  
13 escorts and other junior officers to escape without attracting reaction from his escorts  
14 and the other officers under him?

15 A. Such things perhaps if they would happen, perhaps it would happen here in  
16 Uganda where you will not go back to Sudan where your superiors are. But if you  
17 want to escape and you are in charge of your soldiers, your subordinates, you can tell  
18 them, "Right now I want this thing to happen, so all of us shall go." That would be  
19 possible.

20 Because sometimes if you just come out without care, sometimes among those junior  
21 soldiers there could be some of them who wouldn't want to come back and they are  
22 the ones who may actually put you into problems.

23 Q. (Overlapping speakers)

24 SINGLE JUDGE TARFUSSER: (Microphone not activated)

25 MR ODONGO: Okay.



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1 Q. Let me start again. During your stay with Dominic, was Dominic subject to  
2 any superior orders for whatever operations he went on?

3 A. Yes, all orders come from above. For example, if Kony gives an order for some  
4 soldiers to be on standby if perhaps they want to come to Uganda, so he should go  
5 back to home and then select the soldiers with whom he may move as well as the  
6 wives with whom he would like to move with. That's how things used to happen.

7 Q. Thank you, Madam Witness. Was it possible for any commander, including  
8 Dominic, to initiate an order the men under him to go for attack without instructions  
9 from above?

10 A. Most times orders must come from someone who is superior to him. It is that  
11 person who would call an assembly and then say there is need for a standby. And  
12 then he -- that person who even say you -- this commander, "Please go and select your  
13 people to be on standby."

14 And after having selected his people, in that group -- there were also other groups  
15 who also would select their own people for standby and then they would all move  
16 together and someone would be designated as the overall commander.

17 Q. One very last question, Madam Witness. Was it possible for any commander,  
18 including Dominic Ongwen, to disobey an order issued by Joseph Kony or other  
19 superior officers like Vincent Otti?

20 A. No, that is not possible because you have to follow the orders.

21 Q. Madam, I want to thank you very much for your brilliant answers.

22 MR ODONGO: And, your Honour, I think I don't have any further question for the  
23 witness. Thank you.

24 SINGLE JUDGE TARFUSSER: Thank you very much. Sorry. Thank you very  
25 much, Mr Odongo.

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1 I would ask now -- we have a little bit less than 20 minutes. I would ask now the

2 Prosecution if you have some questions?

3 MR CHOUDHRY: Your Honour, if I could just be given two minutes just to confer

4 with my colleagues.

5 SINGLE JUDGE TARFUSSER: Okay.

6 MR CHOUDHRY: Your Honour, the Prosecution has no further questions. Thank

7 you.

8 SINGLE JUDGE TARFUSSER: So I would say that's it with this witness.

9 Madam Witness, I can give you the good news that your statement, your witness

10 statement, your testimony is finished, that you can go back home. And I thank you

11 very much for your time and good luck to you.

12 So thank you to the personnel in Kampala and I think we'll see each other tomorrow

13 morning at 9 o'clock The Hague time with the third witness, P-214. Is that correct,

14 Caroline?

15 Where is Caroline?

16 THE COURT OFFICER (via video link): That's correct, Mr President.

17 SINGLE JUDGE TARFUSSER: Oh, good. Caroline, you're still there. Okay. So

18 we can disconnect --

19 THE COURT OFFICER (via video link): I'm sorry, Mr President, I'm only hearing

20 the Acholi interpretation, so it's a bit difficult. But yes, we'll start tomorrow at

21 9 o'clock The Hague time with P-214.

22 SINGLE JUDGE TARFUSSER: Okay. Thank you very much, Caroline. Thank

23 you very much to the witness. And we can disconnect now from Kampala.

24 (The witness is excused)

25 SINGLE JUDGE TARFUSSER: I have one thing to say which I have -- since

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1 yesterday I have it here, but now we have 15 minutes so I can speak about this  
2 because I think the witness statements have had to have priority.  
3 I'm referring -- and it goes to the Defence. I'm referring to the email we received on  
4 5 November by Mr Obhof where he sent us the Defence submissions of Witness P-235  
5 and saying also that it will be put in Ringtail this afternoon, 5 November, and that the  
6 statement of Witness 236, P-236, will be completed tonight, saying between the 5th  
7 and the 6th.  
8 I do understand that Mr Obhof had this tragic event in the family, so it's not so much  
9 about the delay I would say, but looking at these statements which were attached to  
10 the email, I see that there are heavy redactions on the statements. So I would say  
11 that in my understanding the redactions are foreseen for witness protection, for  
12 protection purposes. I hardly can see that this protection is vis-à-vis the Judge and  
13 the Prosecution I would say. So I don't know why we received -- I don't know what  
14 you think about it, why we, the Prosecution and the Judge, received heavily redacted  
15 statements.  
16 I just would like to encourage -- well, this is obviously a euphemism  
17 used -- encourage the Defence to send us and to put in Ringtail for the Judge and for  
18 the Prosecution unredacted statements because I don't think there is a great risk for  
19 anybody coming from our side. Thank you very much.  
20 MR GUMPERT: Your Honour.  
21 SINGLE JUDGE TARFUSSER: Please, Mr Gumpert.  
22 MR GUMPERT: We gave some earnest consideration to precisely that matter  
23 ourselves.  
24 SINGLE JUDGE TARFUSSER: Me too.  
25 MR GUMPERT: And initially the view was very much in line with what your

1 Honour has just expressed. But a subsequent view emerged which was this: The  
2 purpose of disclosure by the Defence at the moment is not the same as the purpose of  
3 the ongoing Prosecution disclosure. The only purpose of Defence disclosure at the  
4 moment is to ensure that documents which may be introduced in cross-examination  
5 are identified to the Court and the other party. It seemed therefore that it must be a  
6 matter of choice for the Defence what documents it is that they are going to use in  
7 cross-examination.

8 And if they come to the conclusion that they are not going to use certain portions of  
9 the statement and that for the present they would not wish the Prosecution to know  
10 what they are, then it would be a legitimate course to redact them because the only  
11 duty they are under at the moment is to provide notice of the material on which they  
12 may cross-examine.

13 And on that basis, having initially thought that we would complain and say this isn't  
14 right, we came to the conclusion that what the Defence was doing was a proper  
15 course at the present time.

16 I speak here not to gain any advantage one way or the other, but seek to explain why  
17 it seemed to us that what initially looked wrong was in fact correct.

18 SINGLE JUDGE TARFUSSER: Well, I consider it still wrong and you might know  
19 that we have very often different visions on this. I still consider it wrong and I  
20 consider it nearly offensive vis-à-vis the Judge to redact -- to redact documents and  
21 witness statements at least vis-à-vis the Judge. If you don't want to know what's  
22 underneath, I do want to know. Therefore, I continue to insist in what I said just  
23 before.

24 If you want the floor, I give you the floor. Otherwise, we can adjourn.

25 MR ODONGO: My Lord, I was just making consultation with my technical team

1 about this matter.

2 I want to appreciate the views expressed by my opposite counsel, but at the same  
3 time I do wish to appreciate your concern and that you stand in a very -- you sit in a  
4 very special position in these matters, and for that reason we would wish to submit  
5 this document to you ex parte without much, if any, redaction, your Honour.

6 SINGLE JUDGE TARFUSSER: Okay. Thank you very much.

7 I think there is no other issue to be discussed today. So I adjourn the hearing to  
8 tomorrow at 9 o'clock.

9 Thank you very much.

10 MR ODONGO: My Lord.

11 SINGLE JUDGE TARFUSSER: Yes.

12 MR ODONGO: There is a matter which might appear to be purely administrative,  
13 but -- well, I'm still new in this system of the ICC, but I think there is a lot of  
14 discomfort in the manner in which the CSS is handling the welfare of the -- of the  
15 Defence team. We come from far away. We don't have gardens here. We don't  
16 have relatives to borrow food from. We are being constrained and asked to limit our  
17 expenses unreasonably. And we have often times expressed our displeasure at this  
18 to the CSS without much success.

19 I'm not too sure whether it may not be necessary for the Court to intervene in this  
20 because, for instance, it is suggested that each of my Defence team coming from  
21 Kampala shall be entitled to only €800 for these three weeks, and yet at the beginning  
22 I was made to understand that I am entitled to reasonable accommodation. And at  
23 the beginning of arrival here I was booked in Mövenpick Hotel at €123 per day.  
24 So I don't know whether it may not be necessary for the -- this Honourable Court to  
25 rein in and give some directives about our welfare to the CSS.

Article 56 Proceedings

(Closed Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0099

1 SINGLE JUDGE TARFUSSER: I would suggest this matter that you make a  
2 submission and then who is competent to decide will decide on the submission.  
3 Okay?

4 MR ODONGO: I'm much obliged, your Honour.

5 SINGLE JUDGE TARFUSSER: Thank you very much.

6 So I adjourn the hearing to tomorrow morning 9 o'clock. Thank you.

7 THE COURT USHER: All rise.

8 \*(The hearing ends in closed session at 1.22 p.m.) Reclassified as open session

9 RECLASSIFICATION REPORT

10 Pursuant to Trial Chamber IX 's Order, ICC-02/04-01/15-584-Conf, dated 4 November  
11 2016, the version of the transcript with its redactions becomes Public.