

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 3
7 Tuesday, 14 November 2017
8 (The hearing starts in open session at 9.36 a.m.)
9 THE COURT USHER: [9:36:55] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:37:13] Good morning, everyone.
12 Could the court officer please call the case.
13 THE COURT OFFICER: [9:37:26] Good morning, Mr President, your Honours.
14 The situation in the Republic of Uganda, in the case of The Prosecutor versus
15 Dominic Ongwen, case reference ICC-02/04-01/15.
16 And for the record, we're in open session.
17 PRESIDING JUDGE SCHMITT: [9:37:39] Thank you very much.
18 I ask for the appearance of the parties. Mr Zeneli.
19 MR ZENELI: [9:37:44] Good morning, your Honour. For the Prosecution this
20 morning, myself, Shkelzen Zeneli, Ramu Fatima Bittaye, Benjamin Gumpert,
21 Beti Hohler, Sanyu Ndagire and Pubudu Sachithanandan.
22 PRESIDING JUDGE SCHMITT: [9:38:02] Thank you very much.
23 So the sequence has altered a little bit today.
24 For the Legal Representatives, Mr Cox first.
25 MR COX: [9:38:12] Your Honours, good day. Ms Anushka Sehmi,

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- 1 Mr James Mawira and myself, Francisco Cox.
- 2 PRESIDING JUDGE SCHMITT: [9:38:21] Mr Narantsetseg.
- 3 MR NARANTSETSEG: [9:38:22] Good morning, Mr President, your Honours.
- 4 Orchlon Narantsetseg and Ms Caroline Walter. Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:38:28] Thank you.
- 6 And Mr Obhof or Mr Ayena for the Defence.
- 7 MR AYENA ODONGO: [9:38:33] Good morning, Mr President and your Honours.
- 8 Today I'm assisted by Roy Titus Ayena, Thomas Obhof, Chief Charles Achaleke Taku
- 9 and Madam Bridgman Abigail, and our client Mr Dominic Ongwen is in Court.
- 10 PRESIDING JUDGE SCHMITT: [9:38:57] Thank you, Mr Ayena.
- 11 And we are turning now to the next witness of the Prosecution, which is P-351.
- 12 First of all, good morning, Madam Witness. Do you hear me?
- 13 WITNESS: UGA-OTP-P-0351
- 14 (The witness speaks Acholi)
- 15 (The witness gives evidence via video link)
- 16 THE WITNESS: [9:39:16] (Interpretation) Good morning.
- 17 PRESIDING JUDGE SCHMITT: [9:39:18] Madam Witness, we would like to
- 18 welcome you in the courtroom on behalf of the Chamber, in the courtroom meaning
- 19 at the video location, which is an extension of this courtroom.
- 20 I will now read the oath to you to tell the truth that every witness who testifies before
- 21 this Court must agree to. So please listen, Madam Witness:
- 22 I solemnly declare that I will speak the truth, the whole truth and nothing but the
- 23 truth.
- 24 Madam Witness, do you understand what I have read to you?
- 25 THE WITNESS: [9:39:56] (Interpretation) Yes.

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- 1 PRESIDING JUDGE SCHMITT: [9:39:59] Do you agree?
- 2 THE WITNESS: [9:40:02] (Interpretation) Yes.
- 3 PRESIDING JUDGE SCHMITT: [9:40:09] Thank you very much. We will continue
4 now then with the protective measures that we have put in place to you. First of all,
5 face distortion. That means that no one outside this courtroom can see your face
6 during your testimony. We will also use a pseudonym in accordance with that. We
7 will all refer to you as "Madam Witness" or "Mrs Witness", not with your real name,
8 to make sure that the public does not know your name.
- 9 And when you answer questions that will not give away your identity, we will do so
10 in open session. Open session means that the public can hear what you and the
11 others say in the courtroom. When you are asked to say something that specifically
12 relates to you that could reveal your identity, we do this in private session, and
13 private session means that there is no broadcast and no one outside the courtroom
14 can hear your answer.
- 15 I want also to address with you some practical matters before we start. I think you
16 are aware that everything we say here in the courtroom is written down and
17 interpreted. It is therefore important to speak clearly and at a slow pace so that the
18 interpreters can follow, and please speak into the microphone and start only speaking
19 when the person that asks you a question has finished.
- 20 If you have any questions yourself, please raise your hand so we know that you want
21 to say something. Thank you very much.
- 22 We will now start with your testimony and we start with the Prosecution. Mr Zeneli,
23 you have the floor.
- 24 MR ZENELI: [9:41:54] Thank you, your Honour.
- 25 Well, for the benefit of people sitting in the public gallery, your Honours, I would like

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1 to ask for a short private session, only a few minutes.

2 PRESIDING JUDGE SCHMITT: [9:42:13] Yes, private session.

3 (Private session at 9.42 a.m.) *(Reclassified partially in public)

4 THE COURT OFFICER: [9:42:18] We're in private session, Mr President.

5 QUESTIONED BY MR ZENELI:

6 Q. [9:42:29] Good morning, Madam Witness.

7 A. [9:42:33] Good morning.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 MR ZENELI: [9:44:16] Your Honour, we may move back to the open session at this

22 stage.

23 PRESIDING JUDGE SCHMITT: [9:44:22] Open session.

24 (Open session at 9.44 a.m.)

25 THE COURT OFFICER: [9:44:26] We're back in open session, Mr President.

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1 MR ZENELI: [9:44:38] Can the witness be shown document UGA-OTP-0266-0016.

2 It's found at tab 2 of the Prosecution's binder. And it is confidential so please do not
3 display it to the public.

4 THE COURT OFFICER: [9:45:00] (Via video link) The document is in front of the
5 witness.

6 MR ZENELI: [9:45:03]

7 Q. [9:45:04] Madam Witness, do you see a document in front of you?

8 A. [9:45:09] Yes.

9 Q. [9:45:12] What is it?

10 A. [9:45:21] That is my ID.

11 Q. [9:45:24] Do you see a signature at the bottom of the page?

12 A. [9:45:34] Yes.

13 Q. [9:45:38] Whose signature is that?

14 A. [9:45:45] That is my signature.

15 Q. [9:45:50] Thank you. The document can be removed from the screen.

16 Madam Witness, I understand that before coming to testify today, you were able to
17 review your witness statement because someone read it back to you in Acholi; is that
18 correct?

19 A. [9:46:25] Yes.

20 Q. [9:46:26] Can I ask the court officer to open the document with ERN

21 UGA-OTP-0263-0002, which is found at tab 1 of the Prosecution's binder. And this
22 document too is confidential so it should not be displayed to the public.

23 THE COURT OFFICER: [9:46:47] (Via video link) The document has been
24 presented in front of the witness as well.

25 MR ZENELI: [9:46:52]

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1 Q. [9:46:55] Madam Witness, there should be a document in front of you titled
2 "Witness Statement" and that has both of your names recorded on the first page of it.
3 Do you see that document?

4 A. [9:47:15] Yes.

5 Q. [9:47:18] Now, at the bottom of this page, that is page 0002, next to where it
6 says "Signatures", there is a signature.

7 Can the court officer scroll down at the bottom of the first page and zoom in on the
8 signature there, the visible one.

9 Thank you.

10 Madam Witness, do you see the signature at that portion?

11 A. [9:48:01] Yes.

12 Q. [9:48:02] Is that your signature?

13 A. [9:48:05] Yes.

14 Q. [9:48:08] May I ask the court officer to move to the second page before
15 last -- well, actually that's the page with ERN 0017 of the same document. And can
16 you kindly scroll down to the bottom of this page and zoom on the word "Signed".

17 Madam Witness, do you see that portion of the page in front of you?

18 A. [9:48:49] Yes.

19 Q. [9:48:51] Now, just above the handwritten date on that page, which is
20 22 May 2016, there is a signature. Do you see it?

21 A. [9:49:08] Yes.

22 Q. [9:49:09] Is that your signature?

23 A. [9:49:15] Yes.

24 Q. [9:49:16] Is this your statement, Madam Witness?

25 A. [9:49:24] Yes.

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1 Q. [9:49:26] When you gave your statement were you telling the truth?

2 A. [9:49:33] Yes.

3 Q. [9:49:39] And when you gave your statement, was the information you
4 provided to the best of your knowledge and recollection?

5 A. [9:49:47] Yes.

6 Q. [9:49:56] Madam Witness, the Judges can use your statement and your national
7 ID card when they decide on this case, but they can only do so if you do not object.
8 So do you object to that, Madam Witness?

9 A. [9:50:26] I have no objection.

10 MR ZENELI: [9:50:28] Mr President --

11 PRESIDING JUDGE SCHMITT: [9:50:32] Thank you, Mr Zeneli. This fulfils the
12 requirements.

13 MR ZENELI: [9:50:36] Thank you, sir. With your leave may I ask a couple of
14 supplementary questions.

15 PRESIDING JUDGE SCHMITT: [9:50:42] Of course, of course.

16 MR ZENELI: [9:50:43] Thank you.

17 Q. [9:50:45] Madam Witness, I have a couple of questions for you and I'd like you
18 to think about the moment when Odomi gave you as a wife to one of his
19 commanders. Now, I do not want you to mention the commander's name because
20 we are in open session.

21 And, your Honours, I'll be referring to paragraph 71 of the statement at page 0012.

22 Madam Witness, you told us that one of Odomi's escorts came to tell you that the
23 commanders were asking for you. When you went there Odomi was sitting with
24 other commanders that he liked and Odomi told you that you were now the wife of
25 one of these commanders. Could you have said no to Odomi when he told you that?

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1 A. [9:52:06] I couldn't say no.

2 Q. [9:52:09] Why not?

3 A. [9:52:22] Because in the bush, the life we led in the bush was such that you did
4 not have authority, you could not object to what you were told.

5 Q. [9:52:40] What happened if you had objected to Odomi?

6 A. [9:52:57] I feared they would kill me.

7 Q. [9:53:05] Now I'd like to ask you about a different topic, and for that I'd like to
8 ask you to focus your mind on the accounts that you provided for the time you were
9 in the bay.

10 Your Honours, I make reference to paragraph 47 of the statement.

11 PRESIDING JUDGE SCHMITT: [9:53:28] Thank you.

12 MR ZENELI: [9:53:30]

13 Q. [9:53:32] Madam Witness, did you use your real name when you were in the
14 bush?

15 A. [9:53:45] No, I did not use my real name.

16 Q. [9:53:52] Do you remember how the wives in the bay used to refer to each
17 other?

18 A. [9:54:12] No, I do not remember.

19 Q. [9:54:15] Have you told people in your town that you were a forced wife in the
20 Holy?

21 A. [9:54:42] Yes.

22 Q. [9:54:46] What has your experience as a forced wife or how has that experience
23 impacted your life?

24 A. [9:55:16] The changes in my life were that I was still young and I was not yet
25 ready to become a wife. For that reason I went through a lot of pain, especially

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1 whenever I was having intercourse with him.

2 MR ZENELI: [9:55:38] Your Honour, I have no further questions for the witness.

3 Thank you.

4 PRESIDING JUDGE SCHMITT: [9:55:41] Thank you very much, Mr Zeneli. That
5 was very a quick and straightforward exercise, so to speak. Thank you.

6 I give now the floor, I would assume at least, to one of the two or to both of the Legal
7 Representatives. Mr Narantsetseg is rising, so you want to question the witness.

8 MR NARANTSETSEG: [9:56:01] Yes, your Honour with your leave. Thank you
9 very much.

10 PRESIDING JUDGE SCHMITT: [9:56:04] Yes, so please start.

11 QUESTIONED BY MR NARANTSETSEG:

12 Q. [9:56:09] Good morning, madam.

13 A. [9:56:14] Good morning.

14 Q. [9:56:16] How are you today?

15 A. [9:56:20] I'm okay.

16 Q. [9:56:23] Today, on behalf of victims I would like to put some questions to you.

17 Madam Witness, could you please describe to us your life before your abduction.

18 A. [9:56:52] Before I was abducted I used to stay at home. My parents had
19 acquired for me school uniforms, I was going to school.

20 Q. [9:57:05] Madam, at which class were you before your abduction?

21 A. [9:57:20] I started going from P1 and at that time I was already in P5.

22 Q. [9:57:25] All right. Thank you very much, madam.

23 Madam, could you please also tell us your dreams and ambitions when you were a
24 kid. In other words, who did you want to become as a child?

25 A. [9:57:57] When I was still young I felt after going to school I wanted to become

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1 a nurse.

2 Q. [9:58:11] Right. Madam, at the moment you were abducted were you scared
3 and shocked? Could you please tell us what you felt at that moment?

4 A. [9:58:30] Yes, at the time I was abducted I was very scared because it made me
5 see things I had not seen before. I was able to see guns, I saw dreadlocks, I saw
6 combats that I had not seen before, military uniforms I had not seen before, and at
7 that time I was very frightened.

8 Q. [9:58:55] Right. Madam, you don't have to mention a specific names, but
9 I would like to ask you this: Did anything else happen to your family at that
10 moment? I mean when you were abducted.

11 A. [9:59:22] At that time nothing happened to my parents because my mother had
12 gone to fetch water and other members had run away, they had fled. So they didn't
13 do anything on the people, they only looted chicken and a few other things from
14 home.

15 Q. [9:59:47] All right. Thank you for answering my question, madam. I'm going
16 to move on to your life in the bush. Madam, you said in your statement that you
17 walked for long distances and your feet were swollen and you couldn't walk
18 properly.

19 This appears at paragraph 33 and 45 of the statement.

20 Madam Witness, could you tell us how bad were your injuries?

21 A. [10:00:19] The injuries I sustained was that there was no physical injury, but
22 my feet were all swollen and it was very difficult for me to continue walking.

23 PRESIDING JUDGE SCHMITT: [10:00:37] And this is I think elaborated relatively
24 broadly in the statement that we have. If I recall it, she had to be carried by other
25 civilians and these things. We have all read that I think. Perhaps what you could

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1 ask is if this still has an impact on her physical health today, for example.

2 MR NARANTSETSEG: [10:00:59] Yes, your Honour, I'm guided.

3 Q. [10:01:02] Madam Witness, could you tell us, these injuries you received, do
4 they still impact you today on your health and on your ability to carry on normally?

5 A. [10:01:20] Yes, I still feel -- I do not feel any impact of the injury that I had in
6 my feet now that I am home.

7 Q. [10:01:35] Right. Madam Witness, you also told in your statement that you
8 were beaten many times. Were you injured as a result of those beatings?

9 A. [10:01:53] Yes. When I was in the bush I was beaten several times. When I
10 came back home the World Vision people took me to their shelter and I had some
11 injuries in my chest. I was treated. I do not feel the injury anymore.

12 Q. [10:02:16] Right. Madam Witness, you also said in your statement that you
13 witnessed various kinds of violence, and my question is this: How did those
14 experience make you feel and did those experiences affect you emotionally and
15 mentally?

16 A. [10:02:55] Yes, it affected me psychologically and I would be scared. And
17 when I came back home I was not very free and I was not able to live comfortably
18 with my peers who had not been abducted from the village. They probably thought
19 I'd seen many things and that is what made me scared.

20 Q. [10:03:27] All right. Madam Witness, you were given as a wife to one of LRA
21 officers. How did that experience make you feel?

22 A. [10:03:50] It was not a very nice feeling. First of all, it was not in my interest, I
23 did not choose to be with a man when I was in the bush.

24 Q. [10:04:05] Madam, furthermore, while you were staying in the bush, were you
25 always fearful for your life considering the situation that you had to live with?

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1 A. [10:04:25] Yes, I was.

2 Q. [10:04:30] Madam, let's talk about your life after your escape. Were you able
3 to reunite with your family?

4 A. [10:04:47] Yes, I reunited with my family.

5 Q. [10:04:51] Were you able to continue your education?

6 A. [10:04:58] When I returned I had lost both parents and no one was able to
7 sponsor me and take me to school.

8 Q. [10:05:16] Madam Witness, I'm sorry for your loss. So could you please tell us
9 what educational and professional opportunities did you lose as a result of your
10 abduction?

11 A. [10:05:43] In regards to the way I lived, I lost so many opportunities because of
12 that abduction. When I was studying I was top of my class, either number 1 or
13 number 2. I had hoped that I would do something worthwhile with my life when
14 I was in school. But the abduction made my future bleak and I could not continue
15 with studies when I returned.

16 Q. [10:06:20] I'm sorry to hear that, Madam Witness. I'm almost at the end of my
17 questioning, Madam Witness. Could you also please tell us: So did you manage to
18 go back to your normal life, if you will, since you have returned to civilian society?
19 And if you did, how long did it take for you to live normally?

20 A. [10:07:02] It took me three to four years for me to start living normally amongst
21 the communities, because World Vision took me for a training to do tailoring and it
22 helped to change my life. I did the training for one year and it gave me confidence
23 not to be stigmatised, and right now I'm feeling okay.

24 Q. [10:07:34] Right. Madam Witness, what are your wishes for the future?

25 A. [10:07:46] For my life I want to be able to take care of my children. I should

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1 find a piece of land and also build my house on it to enable me look after my children

2 and take my children to school since I lost the opportunity to go to school.

3 Q. [10:08:11] Madam Witness, thank you very much for answering my questions.

4 MR NARANTSETSEG: [10:08:15] Your Honour, this ends my questioning.

5 Thank you.

6 PRESIDING JUDGE SCHMITT: [10:08:17] Thank you, Mr Narantsetseg.

7 Who is the examiner, so to speak, for the Defence? Mr Ayena or Mr Obhof?

8 Mr Ayena. So I give you the floor. Or do you want -- should we have the coffee

9 break now and have an extended session? That could also be a possibility.

10 MR AYENA ODONGO: [10:08:39] That would be best for me.

11 PRESIDING JUDGE SCHMITT: [10:08:42] Okay. Why not? So I think we -- or

12 can you already, have you already an idea how long your questioning will take?

13 MR AYENA ODONGO: [10:08:49] I think we should end by end of the day.

14 PRESIDING JUDGE SCHMITT: [10:08:54] Yeah.

15 MR AYENA ODONGO: [10:08:55] Yes.

16 PRESIDING JUDGE SCHMITT: [10:08:57] Thank you very much, Mr Ayena. So

17 I think we can allow ourselves, if you do not disagree because you made a sort of a

18 promise now, coffee break until 11 o'clock, yes?

19 MR AYENA ODONGO: [10:09:11] Much obliged.

20 PRESIDING JUDGE SCHMITT: [10:09:19] Yes. Then coffee break until 11 o'clock

21 and then we have a two-hour session.

22 THE COURT USHER: [10:09:30] All rise.

23 (Recess taken at 10.09 a.m.)

24 (Upon resuming in open session at 11.02 a.m.)

25 THE COURT USHER: [11:02:09] All rise.

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1 PRESIDING JUDGE SCHMITT: [11:02:31] Please, Mr Ayena, you have the floor.

2 QUESTIONED BY MR AYENA ODONGO:

3 Q. [11:03:04] Good morning again, Madam Witness.

4 A. [11:03:11] Good morning.

5 Q. [11:03:14] I hope (Overlapping speakers) coffee break.

6 A. [11:03:18] Yes, I did.

7 Q. [11:03:21] We perhaps have not met before, but I have a few questions I want to
8 put to you in line with the reasons you have been asked to come and testify, and they
9 will be based on your testimony of this morning and also on documents that we find
10 relevant to the case before Court.

11 Firstly, I want you to confirm to Court that you stated that you do not remember the
12 date of your birth. Do you remember the date when you were born?

13 A. [11:04:43] I do not recall the date of my birth.

14 Q. [11:04:51] Now, Madam Witness, when you went to fill forms for obtaining
15 the -- I mean your ID, national ID, did they ask you about the date of your birth?

16 A. [11:05:23] Yes, they did.

17 Q. [11:05:26] At that time did you remember the date? Do you recall whether
18 you remembered the date of your birth that day?

19 A. [11:05:53] I remembered because I had asked at that time from someone.

20 Q. [11:06:06] Madam Witness, can you tell Court which person you had asked that
21 date from?

22 A. [11:06:21] From my brother. That's who I asked the date from.

23 PRESIDING JUDGE SCHMITT: [11:06:27] Just shortly, Mr Ayena. There is
24 nothing to object to the line of questioning, but I want simply to tell Madam Witness
25 that nobody really knows when he or she was born because you were not -- nobody

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1 was aware of this, and of course the records are differently.

2 There is nothing embarrassing in it and there is nothing that should in any way make
3 you feel uneasy. It's simply important that the Judges know at least a range what
4 your age would have been, for example when you had been abducted and so on.

5 There is nothing -- so don't feel uneasy when these questions are put to you.

6 Please, Mr Ayena.

7 MR AYENA ODONGO: [11:07:19] Yes.

8 Q. [11:07:21] So, Madam Witness, if you were reminded about the date you gave
9 in your ID, would you agree that it is the correct date?

10 A. [11:07:43] Yes.

11 Q. [11:07:47] In that case, Madam Witness, do we go by the date of -- is it the date
12 of (Redacted) Is that when you were born, somewhere in (Redacted)

13 A. [11:08:37] (No interpretation)

14 Q. [11:08:54] Were you born in (Redacted), Madam Witness?

15 A. [11:09:00] Yes.

16 Q. [11:09:04] Now, you said you were abducted in 2002 in December. Is that
17 correct?

18 A. [11:09:24] Yes.

19 Q. [11:09:28] Do you remember what you were doing at the time when you were
20 abducted?

21 A. [11:09:44] I was at home. I was just staying at home.

22 Q. [11:09:51] Was it a school day?

23 A. [11:09:57] On that day there was no school day because it was already holiday.

24 Q. [11:10:12] And do you remember when you first went to school,

25 Madam Witness, the year when you went to primary 1?

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1 A. [11:10:34] I do not recall it.

2 Q. [11:10:37] And you said when you were abducted, you were in primary 5.

3 When you came back from the bush, did you go back to school again?

4 A. [11:11:05] Yes.

5 Q. [11:11:09] So what is your current level of education then?

6 A. [11:11:24] I went back to school to do a tailoring course.

7 Q. [11:11:37] Okay. Now, Madam Witness, do you remember for how long you
8 stayed in the bush?

9 A. [11:12:02] I stayed for four years and I returned on the fifth year.

10 Q. [11:12:12] Now, Madam Witness, when you were a child before you were
11 abducted, had you ever heard about this group called the LRA? Had you heard
12 about them?

13 A. [11:12:44] Yes.

14 Q. [11:12:49] And what exactly did -- had you -- I mean, did you hear about them
15 before they finally abducted you?

16 A. [11:13:06] I had heard about them because it was around the same time that
17 people started fleeing. They would say that the LRA rebels were around, but I had
18 not seen them in person.

19 Q. [11:13:36] Madam, in your witness statement, paragraph 12, you mentioned
20 specifically that you were abducted from your village. I will not mention the name,
21 but it is in paragraph 12 of your statement. Maybe you could refer to it.

22 Paragraph 12 of your statement, you mentioned the village and also the sub-county.
23 And since it is confidential, I'm not going to mention them, but can you see in your
24 paragraph 12?

25 PRESIDING JUDGE SCHMITT: [11:14:21] I think I prefer just to shortly go into

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1 private session, shortly just for this question and put it to the witness.

2 Private session.

3 MR AYENA ODONGO: [11:14:34] Yes.

4 (Private session at 11.14 a.m.) *(Reclassified partially in public)

5 THE COURT OFFICER: [11:14:38] We're in private session, Mr President.

6 PRESIDING JUDGE SCHMITT: [11:14:43] Mr Zeneli.

7 MR ZENELI: [11:14:44] Your Honour, perhaps it's best that the witness is not asked
8 to read anything.

9 PRESIDING JUDGE SCHMITT: [11:14:50] That is the reason why I thought -- we
10 should not ask the witness to read something and that's the reason why I thought it
11 would be better - thank you, Mr Zeneli - to go to private session. Just put the
12 sub-county and the village to her and then we go back to open session.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [11:15:33] Back to open session, I would say.

20 MR AYENA ODONGO: [11:15:37] Yes.

21 PRESIDING JUDGE SCHMITT: [11:15:37] Back to open session.

22 (Open session at 11.15 a.m.)

23 THE COURT OFFICER: [11:15:42] We're back in open session, Mr President.

24 MR AYENA ODONGO: [11:15:51]

25 Q. [11:15:53] Madam Witness, is that where you were abducted from?

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1 A. [11:16:01] Yes.

2 Q. [11:16:11] And in your statement you remembered it, but, madam, in your CPU
3 report -- this is at tab 5, UGA-OTP-0233-0159, at pages 159 to 166 -- 260 -- to 160.

4 PRESIDING JUDGE SCHMITT: [11:16:52] I think it's only two pages indeed.

5 MR AYENA ODONGO: [11:16:54] Yes, two pages.

6 PRESIDING JUDGE SCHMITT: [11:16:56] Mr Titus Ayena is correct, yes.

7 MR AYENA ODONGO: [11:17:00]

8 Q. [11:17:01] You stated you don't remember where you were captured from.

9 Which is which? Do you remember where you were abducted from or you don't?

10 MR ZENELI: [11:17:13] Your Honour.

11 PRESIDING JUDGE SCHMITT: [11:17:15] Mr Zeneli.

12 MR ZENELI: [11:17:16] With your leave, very briefly, counsel has referred to a
13 document and he has called it when talking to the witness "your CPU statement".

14 PRESIDING JUDGE SCHMITT: [11:17:30] That's incorrect indeed. But, you know,
15 I see it also for the first time. It's not her statement. It's -- yeah, so I think we would
16 have to rephrase it, Mr Ayena. I sustain this objection.

17 MR ZENELI: [11:17:44] I just wanted to briefly make the point that the witness
18 might have never seen the document, she has not signed it. These are notes from
19 someone else, not from the witness.

20 PRESIDING JUDGE SCHMITT: [11:17:53] So you can draw a proposition out of it.

21 And I would really also be interested how this came into place. If the witness
22 remembers that she has talked to some people, perhaps we have to near ourselves, so
23 to speak, by this document by a little bit step by step.

24 MR AYENA ODONGO: [11:18:16] Yes.

25 Q. [11:18:17] Madam Witness, I'm sorry, I was imposing upon you a statement

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1 that you did not make, but maybe I will rephrase it. Did you ever, Madam Witness,
2 go for an interview with the CPU? Were you ever interviewed by this group called
3 CPU? Which is Child Protection Unit.

4 A. [11:19:09] Yes.

5 Q. [11:19:14] Did they ask you about where you were abducted from; do you
6 remember whether they asked you?

7 A. [11:19:33] Yes.

8 Q. [11:19:35] Did you tell them where you were abducted from?

9 A. [11:19:50] Yes, I told them that I was abducted from my village.

10 PRESIDING JUDGE SCHMITT: [11:19:55] Exactly like that.

11 Thank you, Mr Ayena. And we have seen of course this 160.

12 MR AYENA ODONGO: [11:20:05] Yes.

13 Q. [11:20:06] Now, Madam Witness, it is very important to let Court know who
14 abducted you, how you stayed in the bush, and finally -- I mean your experiences in
15 the bush, and finally how and when you escaped. So I'll begin from the beginning
16 and put the following question to you:

17 Do you remember how and who abducted you?

18 A. [11:20:49] Yes, I do.

19 Q. [11:20:55] And when you were abducted, can you tell Court which group you
20 finally found yourself in? To which group were you taken?

21 A. [11:21:27] The group that abducted me was Raska's group.

22 Q. [11:21:44] Now, when you were taken to Raska's group did you get to know
23 what kind of person Raska - I suppose you mean Raska Lukwiya - do you remember,
24 did you get to learn what kind of person Raska Lukwiya was, his rank and role in the
25 LRA?

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1 A. [11:22:21] I do not recall those details anymore.

2 Q. [11:22:26] You do not remember what kind of person Lukwiya Raska was?

3 A. [11:22:44] I do not recall, but I know that he was a senior commander. I don't
4 know the details.

5 Q. [11:22:57] Do you remember for how long you stayed with or around him or in
6 his group?

7 A. [11:23:22] I recall because I stayed for a short time, then I was relocated to
8 another group.

9 Q. [11:23:32] Do you remember the group that you were relocated to?

10 A. [11:23:49] I recall that when I left the group of Raska I was in the group of
11 Odomi.

12 Q. [11:24:12] And, Madam Witness, after how long was this after your abduction?

13 A. [11:24:34] I don't recall the exact period and the time lapse that I was moved to
14 another group.

15 Q. [11:24:52] Madam, can you tell Court whether you had moved to many places
16 already by the time you were relocated to Odomi's group.

17 A. [11:25:07] Yes.

18 Q. [11:25:20] Can you give to Court an outline of places that you had moved to.

19 A. [11:25:40] When I had just been abducted I was not very familiar with where
20 we were moving to.

21 Q. [11:25:53] Madam Witness, I know that you were just about 12 years then, but
22 from your statement this morning you are a very intelligent girl, either number 1 or
23 number 2 when you were in school. I would suppose, therefore, that you would
24 make a good guess of time. In that case, madam, can you tell Court whether by the
25 time you were moved to this new group under Odomi you had already been in the

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1 bush for one week, one month, two months, six months, one year, or what length of
2 time was it? Would you have completed P6 already?

3 A. [11:26:56] I could have stayed for about three months.

4 PRESIDING JUDGE SCHMITT: [11:27:14] Perhaps shortly, Mr Ayena. It's correct
5 like you worded it.

6 But, Madam Witness, when you are asked about time and locations and distances and
7 so on, nobody expects from you that you know any details or that you know exactly
8 how much time had gone by or how far distances were. If you can say something
9 about, if you have recollection, simply tell us like you did now as an estimate that you
10 have. Nobody really would expect from you to be exact. You would not have
11 calendars there, you don't know exactly the distances of course. But when you are
12 asked, simply try to figure out if you can give realistically an estimate.

13 Mr Ayena, please.

14 MR AYENA ODONGO: [11:28:08]

15 Q. [11:28:09] So with the guidance of Court, you know that we don't expect you to
16 know the timelines, we do not expect you to know the exact distances and even
17 places, but of course in a few cases you can generally know. Your role here is just to
18 assist Court by this line of questions, where we ask if you can try your best to
19 estimate, okay?

20 A. [11:28:46] It's okay.

21 Q. [11:28:47] Now, Madam Witness, can you tell Court whether when you found
22 yourself in this new group you were in Uganda or you were in Sudan?

23 A. [11:29:18] We were in Uganda at that time.

24 Q. [11:29:22] Thank you very much. Madam, do you remember how long you
25 spent with Odomi's group while in Uganda?

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1 A. [11:29:56] I recall that it could be about three years.

2 Q. [11:30:06] You remember that you remained in that group for about three
3 years. And can you help Court to understand which group this one was, what is the
4 name of the group and what was the category? Was it a brigade, a battalion, a coy?
5 What was it?

6 A. [11:30:42] Yes.

7 PRESIDING JUDGE SCHMITT: [11:30:48] Do you recall, Madam Witness, what the
8 name of the group was?

9 THE WITNESS: [11:30:57] (Interpretation) Yes.

10 PRESIDING JUDGE SCHMITT: [11:30:59] Could you please tell us.

11 THE WITNESS: [11:31:09] (Interpretation) The group was called Sinia.

12 PRESIDING JUDGE SCHMITT: [11:31:17] Mr Ayena.

13 And do you know what this group was, this entity called? Was it as Mr Ayena has
14 said it, was it a brigade or was it a battalion, or don't you know it?

15 THE WITNESS: [11:31:48] (Interpretation) Well, I didn't know how it was called.

16 PRESIDING JUDGE SCHMITT: [11:31:53] I think we have to take it
17 because we have said this several times, it depends on the role a certain witness had
18 in the bush, if he or she knows more about the structures and the entities and how
19 they were named. So the witness had another role in the bush obviously and was
20 not very informed about that. So please, Mr Ayena.

21 MR AYENA ODONGO: [11:32:22]

22 Q. [11:32:23] Now, Madam Witness, you were referred to a statement that you
23 signed with the investigators. Do you remember whether you were asked about the
24 name of the group in which you were?

25 A. [11:32:53] Yes.

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1 Q. [11:32:53] And what did you tell them? Do you remember what you told
2 them?

3 A. [11:33:29] Yes.

4 Q. [11:33:33] What did you tell them was the name of the group?

5 A. [11:33:51] I said that I don't know the name of the group.

6 Q. [11:33:57] Thank you very much, because that reflects very well on what you
7 said in your paragraph 41 of the statement where you said "The investigators have
8 asked me if I have ever heard the name Sinia", and you said "I have not". But now,
9 Madam Witness, you've just told Court that, you know, you were in Sinia brigade,
10 you knew you were in Sinia brigade. When did you get to know about the name
11 Sinia brigade?

12 A. [11:34:43] At the time they were asking me I had a lot of things in mind and it
13 was very difficult for me to remember everything, so at that time I could not
14 remember.

15 PRESIDING JUDGE SCHMITT: [11:35:47] Microphone, please.

16 MR AYENA ODONGO: [11:35:49] Sorry.

17 Q. [11:35:50] I want to remind you that the statement you signed was only about
18 one and a half years ago and you had been out of the bush for a sizeable amount of
19 time already. Does it help you to recollect why you said you could not remember
20 Sinia, the name Sinia on that day?

21 A. [11:36:36] Yes.

22 Q. [11:36:40] Why couldn't you remember?

23 A. [11:36:54] Because the questions were so many and I could have gotten mixed
24 up here and there; therefore, I could not recall.

25 Q. [11:37:09] Now, Madam Witness, were there other commanders of about the

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1 same rank with Dominic Ongwen within Sinia brigade at that time? Do you
2 remember some names of commanders?

3 A. [11:37:44] At the time I was in the bush I didn't know ranks, I didn't know
4 positions like brigade commander and all these. The only thing I knew was Raska,
5 Dominic, Lapaicho, those were the commanders I knew.

6 Q. [11:38:06] Were all these people in the same group or they were in different
7 sections but within the same group?

8 A. [11:38:33] Well, in their movements they would move differently, but they
9 would all converge at one RV.

10 Q. [11:38:46] Now, Madam Witness, can you tell Court, between Dominic
11 Ongwen, Lapaicho and Raska Lukwiya who was senior to who? Were they of the
12 same rank or there was somebody who was in charge of the others?

13 A. [11:39:27] I could not have known those ranks and the hierarchy at that time.

14 Q. [11:39:40] Now, did you get to know that Sinia was divided into different
15 sections called battalions?

16 A. [11:40:01] When I was in the bush I didn't come to know that there were
17 battalions and that Sinia was divided. I didn't know of that.

18 Q. [11:40:25] Madam Witness, does the name Oka battalion ring a bell in your
19 mind? Does it refresh your memory?

20 A. [11:40:52] Yes, it reminds me. I have heard of it, but I didn't get to know who
21 was the commander of that group.

22 Q. [11:41:03] How about Terwanga, Terwanga battalion?

23 A. [11:41:19] That too I've heard of.

24 Q. [11:41:23] And Siba battalion?

25 A. [11:41:38] Even that one I have heard.

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1 Q. [11:41:42] Did you get to know that each of these groups was headed by
2 different persons?

3 A. [11:42:11] Yes. While I was in the bush I could hear the names of various
4 groups, but it was difficult for me to know who the commanders of the different
5 groups were.

6 Q. [11:42:29] Would it surprise you -- or, not really surprise you, would it help
7 you to remember if I told you that Dominic Ongwen at this time was the battalion
8 commander of Oka?

9 A. [11:43:03] No, doesn't remind me.

10 Q. [11:43:15] But would it remind you that at least Lapaicho was not in the same
11 group with Dominic Ongwen?

12 A. [11:43:40] Yes.

13 PRESIDING JUDGE SCHMITT: [11:43:43] And I think the witness has already said
14 that, if you look at paragraph 46. So Lapaicho seemed to have a different role in her
15 opinion. And also paragraph 53, she didn't know at all what Odomi's role was, if we
16 look at paragraph 53. So this was a little bit what I earlier on with my short
17 intervention wanted to indicate, that we don't have a witness here where I think we
18 should go too much into detail or insist upon what roles people had. And especially
19 I think for your purposes, so to speak, paragraph 53 I cite "I do not know what
20 Odomi's role was." Not at all. So it doesn't -- I think we don't get further here.
21 So we could shorten perhaps this a little bit, this procedure.

22 MR AYENA ODONGO: [11:44:40]

23 Q. [11:44:42] Madam, I can see that your role is limited in terms of helping Court
24 around the different sections or hierarchies of the LRA, so we shall now move to your
25 stay in the household of Dominic Ongwen. When you stayed with Dominic Ongwen

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1 did you study him as a person? Or as a child at least?

2 A. [11:45:37] Yes. When I was in Dominic's household, you know, we would not
3 stay near him. Most times we would be doing domestic chores, and knowing what
4 he would be doing and then what he would be thinking of was difficult for us to do.

5 Q. [11:45:59] According to your assessment, Madam Witness, was he a kind man?

6 A. [11:46:17] Yes.

7 Q. [11:46:33] Did he treat his household, members of his household, the so-called
8 wives well or was he violent to them? Did you witness any beatings?

9 A. [11:46:51] Yes. Many times he would tell the people in his household that
10 whenever they come under an attack they should not carry very heavy luggage and
11 they should also be able to flee in the direction the enemies are not coming from.

12 Q. [11:47:27] Now, Madam Witness, can you tell Court whether during your stay
13 in the household of Dominic Ongwen you witnessed a time when he was injured?

14 A. [11:47:55] Yes. He got injured at the time I was in bush.

15 Q. [11:48:02] Was it a serious injury?

16 A. [11:48:19] Yes. He was shot on one of the legs and it had broken.

17 Q. [11:48:32] Do you remember which side of the leg and what effect it had on
18 his leg?

19 A. [11:48:56] Well, I don't remember which particular side exactly, but what I
20 remember was that he was shot in the leg and the leg had broken. And the result of
21 the injury was a limp, he never recovered to be able to walk well again. He was
22 limping afterwards.

23 Q. [11:49:31] Now, Madam Witness, you talked about Lukwiya, Raska Lukwiya.
24 Do you remember whether at any one point Raska Lukwiya was replaced in his
25 position by another person?

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1 A. [11:50:06] No, I don't recall that. Because at the time I left the bush and I came
2 home, that was when I heard that Raska Lukwiya was shot. But I didn't get to know
3 whether he was replaced or not.

4 Q. [11:50:24] Did you hear the name Abudema, Buk Abudema in the bush?

5 A. [11:50:41] Yes, I did.

6 Q. [11:50:48] Was he also part of Sinia brigade one time?

7 A. [11:51:06] It was difficult for me to know whether he was in Sinia, but I would
8 hear his name, and sometimes when we go to an RV I would also see him.

9 Q. [11:51:25] And when you met him at the RV, between him and Dominic
10 Ongwen who appeared to be -- appeared to you to be higher in rank?

11 A. [11:51:50] I saw as if Odomi was higher in rank to him.

12 Q. [11:52:06] So at that time, according to your experience, Dominic Ongwen was
13 higher than Buk Abudema, am I correct?

14 A. [11:52:33] Well, the way I saw, yes, that was it, but there is no way I could have
15 known if that was correct or not.

16 Q. [11:52:48] Now, Madam Witness, you talk about meeting or seeing Raska
17 Lukwiya, Dominic Ongwen and Vincent Otti together, and you said that Raska
18 addressed you but you did not know his name at that time until later. Can you tell
19 Court, do you remember where this was? Do you remember the location where this
20 meeting took place?

21 A. [11:53:49] I cannot recall the area where the meeting took place because at that
22 time I had just been abducted.

23 Q. [11:54:04] Did this meeting take place within months or years after your
24 abduction, madam?

25 A. [11:54:24] The meeting took place I think after about six months when I was in

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1 the bush.

2 Q. [11:54:35] Was it in Gulu, Pader or in Lango?

3 A. [11:54:58] The meeting was in Gulu.

4 Q. [11:55:04] The meeting took place in Gulu. Can you tell Court roughly which
5 place in Gulu?

6 A. [11:55:17] I don't know the exact place because it was just somewhere in the
7 wild.

8 Q. [11:55:41] And, Madam Witness, you said that when you met Dominic he was
9 already walking with a limp; is that correct? When you were abducted in 2002 was
10 he already limping?

11 A. [11:56:16] No, he was not yet limping.

12 Q. [11:56:23] Now, Madam Witness, at the end you were given to a commander
13 by Dominic Ongwen. Do you remember when this happened and where it
14 happened? Was it in Uganda or in Sudan?

15 A. [11:57:17] It happened in the Sudan.

16 Q. [11:57:27] And, Madam, by the time Dominic Ongwen allocated you to this
17 man, was he the overall commander of Sinia brigade or he was still with Oka
18 battalion?

19 A. [11:58:39] I don't know that.

20 PRESIDING JUDGE SCHMITT: [11:58:43] Mr Ayena, we had this before. I think
21 we don't get any -- we don't get any further in this direction, so to speak.

22 MR AYENA ODONGO: [11:58:56] I appreciate.

23 PRESIDING JUDGE SCHMITT: [11:58:58] So it's simply a matter of what, as I said,
24 what role a certain witness had during her time in the bush, if she can give
25 information about these matters or not

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1 MR AYENA ODONGO: [11:59:25] Now, can we go to a short private session.

2 PRESIDING JUDGE SCHMITT: [11:59:29] Private session. Short meaning?

3 Because we have people in the gallery listening.

4 MR AYENA ODONGO: [11:59:37] Yes. Very short. Just about three minutes.

5 PRESIDING JUDGE SCHMITT: [11:59:42] Yes, then a short private session.

6 Without having a stopwatch.

7 (Private session at 11.59 a.m.) *(Reclassified partially in public)

8 THE COURT OFFICER: [11:59:50] We are in private session, Mr President.

9 MR AYENA ODONGO: [11:59:58]

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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16 PRESIDING JUDGE SCHMITT: [12:06:35] Could we -- just I'm not 100 percent
17 sure, but I would like to hear from you can we discuss this in open session?

18 MR AYENA ODONGO: [12:06:44] Yes. I think so.

19 PRESIDING JUDGE SCHMITT: [12:06:47] I would think so. And just remind the
20 witness that she should not mention (Redacted) So perhaps we go to
21 open session and then give it a try.

22 (Open session at 12.07 p.m.)

23 THE COURT OFFICER: [12:07:05] We are back in open session, Mr President.

24 MR AYENA ODONGO: [12:07:24]

25 Q. [12:07:24] Now, Madam Witness, there is this grey area about who you were

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1 given to. Is it the case that at one time you were selected to become Kony's wife?

2 PRESIDING JUDGE SCHMITT: [12:08:20] Madam Witness, the question was that
3 what did you think -- perhaps I try to rephrase it a little bit if you allow it.

4 MR AYENA ODONGO: [12:08:30] Yes. Yes.

5 PRESIDING JUDGE SCHMITT: [12:08:31] When you were sent to Kony, what did
6 you think why they did that? Why were you sent to Kony? What did you have in
7 your mind at the time?

8 THE INTERPRETER: Could the witness repeat her response.

9 PRESIDING JUDGE SCHMITT: [12:08:52] Madam Witness, again please, the
10 interpreter did not get your response. Could you repeat it, and perhaps I repeat my
11 question too, that might be better: You said you were at one point in time sent to
12 Kony. When you were sent there did you have an idea why you got -- why you
13 went there, why you were sent to Kony?

14 THE WITNESS: [12:09:23] (Interpretation) No, I did not know anything.

15 PRESIDING JUDGE SCHMITT: [12:09:27] Did anybody afterwards tell you why
16 you had been sent to Kony?

17 THE WITNESS: [12:09:38] (Interpretation) Yes.

18 PRESIDING JUDGE SCHMITT: [12:09:40] Could you please tell us what -- who
19 told you and what they told you.

20 THE WITNESS: [12:09:57] (Interpretation) No, I cannot say it.

21 PRESIDING JUDGE SCHMITT: [12:10:01] And why -- you said you know, why
22 can't you tell us?

23 THE WITNESS: [12:10:12] (Interpretation) Because I can't remember everything
24 now.

25 PRESIDING JUDGE SCHMITT: [12:10:16] Then perhaps we put -- I put to the

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1 witness paragraph 102 of her statement, that might shorten it.

2 This is a portion of your statement we earlier talked about, Madam Witness, and that
3 is what you said to the Prosecution in 2016, and I read a couple of phrases to you and
4 you please tell me if you then remember:

5 "Some of the girls that were there when we went to Kony later became his wives.

6 Kony did not tell me he did not want me and that I would be brought to him when

7 I was 18. What happened is that because Kony chose some of the other girls to

8 become his wives I assumed that later on I would also become his wife. Where the

9 note says that I was sent to Kony after this but escaped on the way, this refers to the

10 time that we travelled to the Nile to meet with him in the Congo, but I escaped when

11 they were attacked by UPDF soldiers."

12 So when I read this part of your former statement to you, does this refresh your
13 memory?

14 THE WITNESS: [12:11:41] (Interpretation) Yes.

15 PRESIDING JUDGE SCHMITT: [12:11:43] And when you listen to it today, is that
16 correct?

17 THE WITNESS: [12:12:08] (Interpretation) No, it is not correct.

18 PRESIDING JUDGE SCHMITT: [12:12:10] Then perhaps when you say it refreshes
19 your memory, so it, obviously you have now an idea what has happened. Could you
20 please tell us what you remember today.

21 THE WITNESS: [12:12:40] (Interpretation) I said like that because I thought that the
22 reason why they were taking me was because Kony wanted to make me his wife.

23 PRESIDING JUDGE SCHMITT: [12:12:53] And do you think today differently?

24 Have you understood my question, Madam Witness?

25 I repeat it. And don't feel under any pressure or tension. It's simply that we want

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1 to understand. There is nothing to be embarrassed about, really. So could you
2 please answer my question, my last question: Do you think today differently about
3 why you were sent to Kony?

4 THE WITNESS: [12:14:02] (Interpretation) The reason I thought that way was when
5 we were in the bush, whenever you are moving you do not know where you are with
6 the location of your base. And every time they are giving you to a man, they
7 wouldn't tell you, you just realise that you are with a man. That is why I thought
8 that way.

9 PRESIDING JUDGE SCHMITT: [12:14:29] And today you don't think so anymore,
10 or am I incorrect to say that?

11 THE WITNESS: [12:14:52] (Interpretation) I think differently today.

12 PRESIDING JUDGE SCHMITT: [12:14:57] And could you tell us what you think
13 today? I think we leave it at that, I would say.

14 And thank you very much, Mr Ayena, for your patience, because I interfered a little
15 bit with your questioning.

16 MR AYENA ODONGO: [12:15:41] When you take over, my spirit jumps with
17 revolutionary joy, because you're doing a better job than I can do. But, Mr President
18 and your Honours, maybe I will ask her one simple question again in the line.

19 PRESIDING JUDGE SCHMITT: [12:16:04] Of course, of course.

20 MR AYENA ODONGO: [12:16:08]

21 Q. [12:16:09] Under the paragraph that I read from your advance screening report
22 it is stated that "... and Otti sent her to be with Kony. Kony said he did not want
23 her ..." But the important part I want is, to draw your attention to is "Otti sent her to
24 be with Kony". Madam, is it your statement that at one point Vincent Otti actually
25 sent you to be with Kony?

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1 A. [12:17:22] No.

2 Q. [12:17:36] Do you remember whether this was around the time you were
3 moving towards the Nile crossing into Sudan or slightly earlier in time?

4 A. [12:18:18] It happened when we were going to cross the River Nile.

5 (Technical difficulty with the sound system)

6 (Recess taken at 12.18 p.m.)

7 (Upon resuming in open session at 2.00 p.m.)

8 THE COURT USHER: [14:00:35] All rise.

9 PRESIDING JUDGE SCHMITT: [14:00:58] Good afternoon, Madam Witness. We
10 welcome you back at the video-link location. We had a relatively long lunch break.

11 One of the reason was that we had to fix some technical problems. I hope you feel
12 well, and we continue now with the examination by Mr Ayena.

13 Mr Ayena, you have the floor.

14 MR AYENA ODONGO: [14:01:22]

15 Q. [14:01:39] Madam Witness, we were talking about how you ended in the hands
16 of the person who became your husband. Although we had an extensive discussion
17 about it, with questions put to you by the Judge, I still want to clarify certain areas.
18 Madam, did you get to know where the order for you to be given to this particular
19 commander came from?

20 THE INTERPRETER: [14:02:47] Your Honour, the sound is not coming through.

21 PRESIDING JUDGE SCHMITT: [14:02:52] But I am not sure, has the witness
22 answered or did only the sound not come through? Do you have an idea?

23 THE INTERPRETER: [14:03:02] I saw the mouth moving and I thought she was
24 talking, but I couldn't hear.

25 PRESIDING JUDGE SCHMITT: [14:03:07] Madam Witness, I have to apologise. It's

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1 not your fault obviously. Your answer did not come through. So would you please
2 be so kind to answer again so that we can interpret. Obviously there are some
3 technical problems so we have to try to cope with them.

4 MR AYENA ODONGO: [14:03:28] Maybe I repeat the question, your Honour.

5 PRESIDING JUDGE SCHMITT: [14:03:31] Perhaps you repeat the question.

6 MR AYENA ODONGO: [14:03:32]

7 Q. [14:03:33] Madam Witness, I was asking you to tell Court whether you are aware
8 of where the order for you to become this particular commander's wife came from.
9 Who gave the order?

10 A. [14:04:10] It's difficult for me to know where the order came from.

11 PRESIDING JUDGE SCHMITT: [14:04:14] I think that is an answer.

12 MR AYENA ODONGO: [14:04:17] Yes.

13 Q. [14:04:19] According to your experience in the bush, while you were still in the
14 bush, who had the ultimate authority to decide who became -- I mean, which girl
15 became whose wife?

16 A. [14:04:49] It's difficult to know who had the ultimate authority. For you, you
17 would only come to realise that you have already been given to become somebody's
18 wife.

19 MR AYENA ODONGO: [14:05:07] I heard it in Acholi, but not in English.

20 PRESIDING JUDGE SCHMITT: [14:05:13] Perhaps --

21 MR AYENA ODONGO: [14:05:14] Is it assumed that I can proceed without the
22 English translation?

23 PRESIDING JUDGE SCHMITT: [14:05:19] No, I think the English translation,
24 perhaps if you can check it, so to speak, because your language knowledge on the
25 transcript. Perhaps you can be helped with that. And it came through in English

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1 here, at least I have heard it.

2 MR AYENA ODONGO: [14:05:58]

3 Q. [14:05:59] Sorry, Madam Witness, we are struggling with some technical
4 problems. But that's not for you.

5 So, Madam Witness, I was asking whether you got to know when you were in the
6 bush where the ultimate decision to distribute wives came from.

7 PRESIDING JUDGE SCHMITT: [14:06:21] I think the witness has answered that. I
8 read, I read the answer as I have it here:

9 "It is difficult to know who had the ultimate authority. For you, you would only
10 come to realise that you have already been given to become somebody's wife."

11 I think that that is --

12 MR AYENA ODONGO: [14:06:41] Thank you, your Honour.

13 PRESIDING JUDGE SCHMITT: [14:06:43] We have to take that.

14 MR AYENA ODONGO: [14:06:44] Thank you.

15 Q. [14:06:45] Now, Madam Witness, was it possible for a battalion commander in
16 one battalion to attribute a wife to an officer in a different battalion?

17 A. [14:07:19] It's difficult for me to know that.

18 PRESIDING JUDGE SCHMITT: [14:07:25] I think ultimately the witness simply does
19 not know exactly how these attribution in the end came into place for her. So we
20 simply have to accept that. So she doesn't know who was the one behind it who
21 gave the direct order, everything like that. I think in this line of questioning, you
22 would always receive the, nearly the same answers, I would assume.

23 MR AYENA ODONGO: [14:07:55] I am guided, your Honour.

24 Q. [14:07:58] Madam Witness, I want to make a few propositions to you: Would it
25 surprise you to know that at the time of your abduction the person you allege was

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1 given -- you were given to as your husband was actually not in Oka battalion, he was
2 in the Control Altar and not in any way related to Dominic Ongwen at that time, and
3 therefore it was not possible for Dominic Ongwen to attribute you to him as his wife?
4 What do you say about that?

5 A. [14:09:14] There is nothing much I can say about that.

6 PRESIDING JUDGE SCHMITT: [14:09:24] Microphone, please.

7 MR AYENA ODONGO: [14:09:25]

8 Q. [14:09:27] Madam Witness, since you were abducted in December, would it
9 surprise you if you were told that as a matter of fact Dominic Ongwen had been
10 injured in September of that year, and by the time you were abducted he was already
11 in the sickbay? Would that surprise you?

12 A. [14:10:19] It's difficult for me to know that.

13 Q. [14:10:37] And, Madam Witness, if you got to know that as a matter of fact
14 Dominic Ongwen was in Control Altar from December 2002 to February 2004, would
15 that help you to change your mind about the positions that you attributed to him?

16 THE INTERPRETER: [14:11:38] Your Honour, could the witness be requested to
17 repeat the answer.

18 PRESIDING JUDGE SCHMITT: [14:11:43] Madam Witness, could you please repeat
19 the answer. And when -- perhaps I have to clarify a little bit what it means when
20 propositions like Mr Ayena does at the moment are put to you. This is simply that,
21 let me phrase it a little bit easily, that some -- a certain view is put on the table to you
22 and you are simply asked if you would agree with that, if you disagree or if you don't
23 know. It's not that these facts are proven or disproven, it's simply something that is
24 put on the table by the Defence as a proposition as something that you should, if you
25 can, give your testimony. So you can agree, you can say, "Oh, yeah, if I hear that,

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1 okay, that reminds me." Or you can say, "No, I do not agree." Or you can say, "I
2 simply don't know."

3 So the last question was -- the last proposition was that Dominic Ongwen was from
4 2002 December, if I recall it correctly --

5 MR AYENA ODONGO: [14:13:00] Yes.

6 PRESIDING JUDGE SCHMITT: [14:13:01] -- until 2004 in Control Altar. What
7 would you say about that?

8 THE WITNESS: [14:13:21] (Interpretation) I could say that's correct.

9 MR AYENA ODONGO: [14:13:30]

10 Q. [14:13:30] So, Madam Witness --

11 PRESIDING JUDGE SCHMITT: [14:13:32] Wait, I think we have -- do you know
12 what Control Altar is, Madam Witness?

13 THE WITNESS: [14:13:44] (Interpretation) Yes. According to what I know, that was
14 a particular group.

15 PRESIDING JUDGE SCHMITT: [14:13:59] Okay, then good.

16 Then continue, Mr Ayena.

17 MR AYENA ODONGO: [14:14:07]

18 Q. [14:14:09] Now, Madam Witness, there are two situations here. I put it to you
19 that Dominic Ongwen, first of all, was in the sickbay up to September 2013.

20 PRESIDING JUDGE SCHMITT: [14:14:31] I think that would be too long. I would
21 say. You said 2013. That would be --

22 MR AYENA ODONGO: [14:14:38] Did I say 2013?

23 PRESIDING JUDGE SCHMITT: [14:14:41] -- really that would be too long. So you
24 mean 2003.

25 MR AYENA ODONGO: [14:14:45] I mean 2003.

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1 PRESIDING JUDGE SCHMITT: Yes, of course.

2 MR AYENA ODONGO: I mean 2003. I'm sorry.

3 PRESIDING JUDGE SCHMITT: [14:14:46] But we have -- for the interpretation, for
4 the witness --

5 MR AYENA ODONGO: Yes.

6 PRESIDING JUDGE SCHMITT: -- it should be clear, yeah.

7 MR AYENA ODONGO: [14:14:50]

8 Q. [14:14:52] Madam, I want to put it to you that Dominic Ongwen, because of the
9 gravity of the injury he sustained, was in the sickbay up to September 2003. What do
10 you say about that? The injury that you referred to on page 32 of the real-time
11 transcript this morning.

12 A. [14:15:52] That is then correct.

13 Q. [14:15:59] Madam Witness, in that case would still -- would that still support
14 your testimony that when you were abducted you met Dominic Ongwen within
15 a short time after the abduction? Alternatively put, can you estimate to Court what
16 length of time it took between your abduction and the time you first met
17 Dominic Ongwen?

18 PRESIDING JUDGE SCHMITT: [14:16:47] I think the witness has not said that this
19 was short after. I have something in mind, a couple of months.

20 MR AYENA ODONGO: [14:16:53] That's why I rephrase it.

21 PRESIDING JUDGE SCHMITT: [14:16:55] Okay, good. But she did not say it
22 was -- although we of course know what is a short or a long period is very subjective.

23 MR AYENA ODONGO: Yes.

24 PRESIDING JUDGE SCHMITT: But she has not said a short time. So simply the
25 question would be, Madam Witness, if you can, we talked about that in the morning,

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1 estimate how long after your abduction you met Mr Ongwen.

2 THE WITNESS: [14:17:34] (Interpretation) They took approximately three months.

3 PRESIDING JUDGE SCHMITT: [14:17:40] This would make it sometime March, or
4 March/April 2003.

5 MR AYENA ODONGO: [14:17:48] Yes.

6 Q. [14:17:48] So did you meet him at the sickbay or outside the sickbay,
7 Madam Witness?

8 A. [14:18:09] We met outside the sickbay. We moved for a while before he
9 sustained the injury.

10 Q. [14:18:24] Madam Witness, since you were moving closely with him at this time,
11 can you estimate again to Court how long after your abduction you remember
12 Dominic Ongwen sustained the injury?

13 A. [14:19:00] I could say it took about eight months.

14 Q. [14:19:30] Okay. And, Madam Witness, when you first met Dominic Ongwen
15 was he limping or he was not limping?

16 A. [14:19:49] He was not yet limping.

17 Q. [14:19:58] Now, Madam Witness, I want us to talk about this gentleman that you
18 were given to as his wife. If you see his photograph would you recognise him?

19 A. [14:20:29] Yes.

20 Q. [14:20:34] I want to show you a number of photographs.

21 MR AYENA ODONGO: Your Honours, I want to start with photograph at
22 UGA-OTP-0260-0211. That is tab 7.

23 PRESIDING JUDGE SCHMITT: [14:21:14] And those pictures are not to be displayed
24 I would say.

25 MR AYENA ODONGO: [14:21:19] They are confidential. They are not to be

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1 displayed to the public.

2 THE COURT OFFICER: [14:21:25] (Via video link) The document is displayed in
3 front of the witness.

4 MR AYENA ODONGO: [14:21:31]

5 Q. [14:21:32] Madam Witness, is that the gentleman who was your husband?

6 A. [14:21:43] No. No.

7 Q. [14:21:53] Let us go to the next one, the next page at UGA-OTP at page 212.

8 PRESIDING JUDGE SCHMITT: [14:22:25] Is that the person?

9 MR AYENA ODONGO: [14:22:28]

10 Q. [14:22:30] Is that the person, Madam Witness?

11 A. [14:22:35] No, he is not the one.

12 PRESIDING JUDGE SCHMITT: [14:22:38] May I shortly.

13 Do you know the person? Do you know the person on this photograph?

14 THE WITNESS: [14:22:57] (Interpretation) Yes -- no, I don't know this one.

15 PRESIDING JUDGE SCHMITT: [14:23:01] Okay, you don't know.

16 Then please continue, Mr Ayena. Next one.

17 MR AYENA ODONGO: [14:23:10]

18 Q. [14:23:10] The first one I showed you, do you recognise that one?

19 A. [14:23:29] No, I don't recognise.

20 Q. [14:23:39] Let us go to page 215. It is UGA-OTP-0260-0215.

21 Do you recognise that person?

22 A. [14:24:26] Yes.

23 Q. [14:24:26] Is that the man who was your husband?

24 A. [14:24:33] No, he is not the one.

25 Q. [14:24:35] Who is this one?

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1 THE INTERPRETER: [14:25:07] Your Honour, could the witness be requested to
2 repeat the answer.

3 PRESIDING JUDGE SCHMITT: [14:25:11] Madam Witness, the answer did not come
4 through to the interpreters. Do you know who this person is? Only if you happen
5 to know the name, for example.

6 THE WITNESS: [14:25:29] (Interpretation) I don't know him.

7 MR AYENA ODONGO: [14:25:33] (Overlapping speakers) mentioned his name
8 earlier.

9 PRESIDING JUDGE SCHMITT: [14:25:37] No.

10 MR AYENA ODONGO: [14:25:38] Don't fear, madam.

11 PRESIDING JUDGE SCHMITT: [14:25:40] No, no. She didn't mention the name.

12 She said -- first she said she recognised the person --

13 MR AYENA ODONGO: [14:25:43] Yes.

14 PRESIDING JUDGE SCHMITT: [14:25:44] -- but now she --

15 MR AYENA ODONGO: [14:25:46] She said it.

16 PRESIDING JUDGE SCHMITT: [14:25:48] -- said, "I don't know", so -- you heard it?

17 MR AYENA ODONGO: [14:25:49] Yes, I heard it.

18 PRESIDING JUDGE SCHMITT: [14:25:50] Okay. I didn't hear.

19 MR AYENA ODONGO: [14:25:53] Madam, don't fear.

20 PRESIDING JUDGE SCHMITT: [14:25:56] We are --

21 MR AYENA ODONGO: [14:25:57]

22 Q. Tell Court. You don't have to fear. Just tell Court. You said you recognised
23 the person earlier. Can you kindly tell Court who he is.

24 A. [14:26:20] No, I don't know the person.

25 PRESIDING JUDGE SCHMITT: [14:26:28] The last one, I would say.

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1 MR AYENA ODONGO: [14:26:30]

2 Q. [14:26:35] The last one, madam, is UGA-OTP-0260-0217.

3 PRESIDING JUDGE SCHMITT: [14:26:46] I think it would be 0214.

4 MR AYENA ODONGO: [14:26:49] 0214, yes, 214.

5 PRESIDING JUDGE SCHMITT: [14:26:54] We had all the others, so it's the last that
6 is left.

7 MR AYENA ODONGO: [14:26:58] Tab 10, of course.

8 Q. [14:27:01] Do you recognise that person?

9 A. [14:27:07] Yes.

10 Q. [14:27:08] Who is that person?

11 A. [14:27:15] This is the man who was my husband.

12 Q. [14:27:23] Thank you very much. You may put away the file.

13 Now, Madam Witness, we are very interested in this particular person. We want
14 you to really make it very clear to Court the situation between you and this
15 gentleman. Do you remember how long after your abduction you were attributed to
16 this gentleman for his wife?

17 I mean, like we have already agreed, we do not expect you to be very exact about
18 time. But this is about something that was -- that happened to you which had never
19 happened to you before. So let's begin from when you were abducted. Do you
20 know for how long you stayed before you were introduced to the world of becoming
21 a wife? Did it take one month, two months, six months?

22 A. [14:29:15] It took something like a year. Approximately one year.

23 Q. [14:29:29] That would now bring us to December 2003; is that correct?

24 PRESIDING JUDGE SCHMITT: [14:29:43] Of course, it -- when -- and she said
25 "approximately". So we can count in our heads ourselves, and approximately, so

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1 it -- you know, it's --

2 MR AYENA ODONGO: [14:29:58] Yes.

3 Q. [14:29:59] Now, Madam Witness, between the time of your abduction and the
4 time you became the wife of this gentleman, can you give an account of where you
5 stayed, in whose household you stayed?

6 A. [14:30:59] It is difficult to understand that.

7 Q. [14:31:08] Maybe I will make it easier for you. You were abducted, you stayed
8 in the bush, free from this man who finally became your husband. Where were you
9 living before you became his wife and you moved in to live with him?

10 A. [14:31:54] I was within the group of Odomi, but I was living with that man.

11 Q. [14:32:08] Madam Witness, when you were in the bush did you witness
12 a situation where a senior commander took over the wife of a junior commander?

13 A. [14:32:40] No, I did not see.

14 Q. [14:32:57] Madam Witness, you said that when Otti told you to move to Kony,
15 supposedly to become his wife, it was before this gentleman who became your
16 husband took you on as his wife. Can you tell Court what time within the one year
17 you estimated this happened?

18 A. [14:33:52] I cannot say the exact period or time.

19 Q. [14:34:03] But, Madam Witness, in your statement and also the information you
20 gave to the advance screening, you said that you were moving towards the Nile bank,
21 crossing into the DRC. That is when it became known to you that you were being
22 led to become Kony's wife.

23 Can you tell Court approximately which year this occurred?

24 A. [14:35:02] I cannot recall the date now.

25 Q. [14:35:13] Madam Witness, did you come to know about the peace talks which

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1 were taking place in Juba at that time?

2 A. [14:35:42] No. I heard, but it was in 2005.

3 Q. [14:35:58] Was it around this time that you started to move towards the Congo?

4 Or had you moved towards the Congo earlier?

5 A. [14:36:23] It was -- the peace talks had already passed.

6 Q. [14:36:33] If the peace talks had already passed, Madam Witness, could it still be
7 true that you had not been the wife of the other gentleman you identified in the
8 picture?

9 A. [14:37:13] I was already his wife.

10 Q. [14:37:27] Madam Witness, I put it to you that it was not probable that the
11 proposition, if at all it was made, that you become Kony's wife was ever made before
12 you had become the wife of the person you identified. It was not probable, because
13 you said the person you identified became your husband after only one year, that was
14 in 2003, and the movement to the DRC that you are talking about was somewhere
15 between 2005 and actually 2006, what do you say about that?

16 A. [14:38:32] There is a difference in what you have said.

17 Q. [14:38:45] What does that difference -- how can you make that difference help
18 Court to establish the truth, Madam Witness, about when you became that
19 gentleman's wife?

20 A. [14:39:22] I said that I was his wife after one -- I became his wife after one year of
21 staying in the bush.

22 PRESIDING JUDGE SCHMITT: [14:39:33] And, Madam Witness, when that
23 happened and you tried to go back in time, did you go to Kony before that time or
24 afterwards?

25 THE WITNESS: [14:39:52] (Interpretation) I went when I was already this man's

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1 wife.

2 PRESIDING JUDGE SCHMITT: [14:40:08] Please continue.

3 MR AYENA ODONGO: [14:40:09]

4 Q. [14:40:13] Now, Madam --

5 PRESIDING JUDGE SCHMITT: [14:40:15] And we keep in mind I think that before
6 the break the witness has testified that she today does not think anymore that it was
7 about becoming Kony's wife when I recall it correctly. That was I think what she
8 said. Contrary to what was an issue earlier on in the earlier statement.

9 Please, Mr Ayena.

10 MR AYENA ODONGO: [14:40:43] Your Honours, I want you to appreciate that even
11 now as the questions are being put to her, she seems to be falling back to the position
12 that she was still going back, I mean going there as Kony's wife.

13 PRESIDING JUDGE SCHMITT: [14:41:01] It depends a little bit, because this is -- we
14 have here a witness where we have to be, I think, a little bit careful when we assess
15 the answers.

16 When this proposition is entailed in a question it would mean that the witness would
17 have always to contradict that and I think -- I'm not sure if she would do that from
18 her personality, so to speak. So I think we have clarified this before, before the break
19 and we should not, we should not bring up the same matters several times. But
20 I think we have to be cautious here.

21 MR AYENA ODONGO: [14:41:49]

22 Q. [14:41:50] Madam Witness, when you were -- when you first met
23 Dominic Ongwen did you know his rank or were you told his rank?

24 A. [14:42:09] No, I did not know his rank.

25 Q. [14:42:25] But you said earlier on that he was putting on some things on his

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1 shoulders; is that correct?

2 A. [14:42:38] Yes.

3 Q. [14:42:39] Can you describe to Court how those things looked like, in numbers
4 and shape and that kind of thing. Were they like stars? Were they like -- was it like
5 a, in a circle, round, something round? Were they long? What were they like?

6 A. [14:43:26] Most times they would be a rope -- a rope-like thing and then the
7 shoulder would have something yellow on it.

8 Q. [14:43:51] Thank you, Madam Witness.

9 Now let's talk about your experiences in the bush. Did they teach you how to live in
10 the bush to change you from being a civilian to a rebel soldier?

11 A. [14:44:27] Yes.

12 Q. [14:44:31] What rituals did you go through? Can you tell Court the kind of
13 rituals, if any, you may have gone through immediately after your abduction to
14 be -- so that you get integrated into the LRA.

15 A. [14:44:59] The ritual that I went through was putting the sign of the cross with
16 the shea oil on your chest and on your forehead and on your back.

17 Q. [14:45:17] In the morning, Madam Witness, I had asked you whether you had
18 heard about LRA before your abduction and you said you had. Can you tell Court
19 whether you had known that the LRA is controlled by belief in spirits?

20 A. [14:45:51] I do not know of that. Before I was abducted, though, I, I together
21 with others would run and hide in the mountains whenever they came. I heard then
22 that the LRA would abduct people. I did not know about any rituals that they used
23 to carry out.

24 Q. [14:46:20] Before the LRA had you heard about the Holy Spirit of Lakwena?

25 A. [14:46:39] Yes, I heard. But it was only the elderly people who would talk

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1 about it.

2 Q. [14:46:48] And what would they say about it, Madam Witness, can you tell

3 Court?

4 A. [14:46:59] I would hear them saying that Lakwena Alice was there. And they
5 would smear people with, smear people with the shea butter oil and they would want
6 people to pray all the time. That's what I heard about them, but I didn't know what
7 Alice Lakwena was.

8 Q. [14:47:24] And when they smeared people with shea butter oil, what were you
9 told would be the effect on the subject person?

10 A. [14:47:50] I did not understand what would happen if they are smeared with
11 that shea butter oil because it would be the elders who talk about it at that time.

12 Q. [14:48:07] Now, when you were abducted and taken to the LRA you told Court
13 that you were also smeared with the shea butter oil. When they were doing this,
14 what did they tell you was the reason for performing this ritual on you?

15 A. [14:48:52] They told us that the shea butter oil that they were smearing me with
16 would prevent me from escaping and if I attempt to escape to go back home I would
17 lose my way and I would be re-abducted by the rebels.

18 Q. [14:49:19] Did you believe it?

19 A. [14:49:30] Yes, I believed it.

20 Q. [14:49:36] And when you believed it, did it occur to you that the shea nut -- the
21 shea butter oil had some spiritual aspect to it, effect?

22 A. [14:50:06] Yes, because when, when they got me they told me I should first be
23 initiated before I could eat amongst them and that made me believe that it did work
24 for real.

25 Q. [14:50:27] And, madam, when you first met the Prosecution, did you have

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1 problems with swelling in your face?

2 A. [14:50:46] Yes.

3 Q. [14:50:52] And did you at that time believe that modern medication, western
4 medicine would not work and that the swelling came from a curse?

5 A. [14:51:20] I don't know if somebody had cursed me, but I was given modern
6 medicine.

7 Q. [14:51:47] Madam Witness, I want to refer you -- I'd like to, madam, refer you to
8 the investigation report, which is ERN UGA-OTP-0257-1435 at page 410.

9 PRESIDING JUDGE SCHMITT: [14:52:37] Which tab is it?

10 MR AYENA ODONGO: [14:52:48] Your Honours, this, this is on the list.

11 Unfortunately it is not --

12 PRESIDING JUDGE SCHMITT: [14:52:58] This was a rhetorical question by me
13 because I did not find it. So I thought it is --

14 MR AYENA ODONGO: [14:53:03] It is on the list and I would like to seek the leave
15 of Court to show this to the witness.

16 PRESIDING JUDGE SCHMITT: [14:53:09] I don't have a problem, but since we don't
17 have it here, it would be good if you read the respective portion that you want to put
18 to the witness.

19 MR AYENA ODONGO: [14:53:18] Yes.

20 PRESIDING JUDGE SCHMITT: [14:53:19] And it was produced, this document, by
21 OTP?

22 MR AYENA ODONGO: [14:53:22] Yes, please.

23 PRESIDING JUDGE SCHMITT: [14:53:23] Yes, by OTP.

24 MR AYENA ODONGO: [14:53:24] Yes.

25 PRESIDING JUDGE SCHMITT: [14:53:24] After conversation with the witness?

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- 1 MR AYENA ODONGO: [14:53:25] Yes, your Honour.
- 2 PRESIDING JUDGE SCHMITT: [14:53:26] So please, please read it out.
- 3 MR AYENA ODONGO: [14:53:40] UGA-OTP-P-0351, this is at page -- first of all, it is
- 4 UGA-OTP-0266-0410. And this was said --
- 5 PRESIDING JUDGE SCHMITT: [14:54:06] It would of course also be nice if we could
- 6 have it displayed on one of the evidence channels, if this is possible.
- 7 THE COURT OFFICER: [14:54:15] May we please have the tab numbers.
- 8 Thank you.
- 9 MR AYENA ODONGO: [14:54:18] For the record it is ERN number
- 10 UGA-OTP-0257-1435.
- 11 PRESIDING JUDGE SCHMITT: [14:54:40] Now, in the meantime, I know the ERN
- 12 number by heart. But does the Prosecution know what we are talking about?
- 13 MR ZENELI: [14:54:53] Your Honour, what I have in my screen here, it is an
- 14 investigation report dated - yes, you have that - 07/07/2016. So if we go by the ERN
- 15 just provided, I think that's the right hit. We do not have it in the Defence list. It's
- 16 not there and that therefore cannot be in the binder either.
- 17 PRESIDING JUDGE SCHMITT: [14:55:20] Yes, but --
- 18 MR ZENELI: [14:55:20] I think the best would be to -- for counsel to provide
- 19 explanations as to what he wants to use it for, without the witness listening to it, so
- 20 that we don't contaminate her, and then we can make our submissions, whether it is
- 21 proper or not. We don't have notice of it as of the moment.
- 22 PRESIDING JUDGE SCHMITT: [14:55:38] So this is new obviously. Perhaps we can
- 23 simply, only for -- here for the participants and not for the witness, display the
- 24 respective portion? Or is this not possible?
- 25 Obviously there are problems to find it here, so I am a little bit -- and of course we

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1 have to follow here, we have to know what we are talking about, so -- and if

2 the Prosecution has it, perhaps you can help us and -- yes, and send, yes.

3 MR ZENELI: [14:56:28] (Microphone not activated)

4 PRESIDING JUDGE SCHMITT: [14:56:30] Yes, yes.

5 I have now on my screen -- no, this is the screening note. We had that already. This

6 is one of the tabs. So it must be something different. Let's look at that.

7 Mr Zeneli.

8 MR ZENELI: [14:57:14] Your Honour, just briefly, having viewed it, we have no

9 concerns about the Defence using it. We would be -- (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: I would have been --

11 MR ZENELI: (Overlapping speakers) -- and allow it.

12 PRESIDING JUDGE SCHMITT: [14:57:22] I would have been surprised when it is

13 a -- I don't say a work product, but a product by the Prosecution.

14 MR ZENELI: [14:57:30] No, the reference was in spite of the lack of notice from

15 the Defence, we would have no problem with them using it now.

16 PRESIDING JUDGE SCHMITT: [14:57:36] Absolutely. So I think, to make it short,

17 and you control -- you please control when Mr Ayena reads it out, if it is quoted

18 correct, and that's it, and so to shorten the whole procedure a little bit. So we trust

19 Mr Ayena will quote it correctly, and so please draw your -- yes, and obviously we

20 have it now also on the screen.

21 Please continue, Mr Ayena.

22 MR AYENA ODONGO: [14:58:00] I'm much obliged.

23 PRESIDING JUDGE SCHMITT: [14:58:01] And, Madam Witness, this is -- there's

24 a little bit of a disturbance here in the courtroom, but that has nothing to do with you.

25 That is simply that we had to arrange things in a way that we all understand what's

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1 going on. So it is not your fault or something like that.

2 So please, Mr Ayena.

3 MR AYENA ODONGO: [14:58:19] It reads:

4 "UGA-OTP-P-0351 states that her knee hurts because of shot injury in her left leg close
5 to her knee, on the side of the calf under the knee. Face swelling because (she
6 explains is from a curse) - over the counter medication is effective. UGA-OTP-P-0351
7 also states that she has a scar from the shot injury."

8 That's all.

9 PRESIDING JUDGE SCHMITT: [14:59:09] And this is referring to you,
10 Madam Witness, and it is produced by the OTP. And there it is said that you stated
11 to them that your knee hurts because of a shot injury in your left leg and that you had
12 face swelling - we have talked about that before - and also that you had a scar from
13 the shot injury. And I think it would be interesting if this is correct.

14 MR AYENA ODONGO: [14:59:46]

15 Q. [14:59:47] Do you remember telling the investigators this, Madam Witness?

16 A. [15:00:03] Yes.

17 Q. [15:00:03] Now, following from that, Madam Witness, do you know what is
18 called cen? Cen in Acholi?

19 A. [15:00:27] Yes, I do know about cen. I hear about it.

20 Q. [15:00:38] Can you help Court to understand what cen is, from your perspective?

21 A. [15:00:54] According to what I know, cen is mainly evil spirits. And it would
22 just come upon someone.

23 Q. [15:01:22] Madam Witness, is the case that cen would attack -- is a spirit that
24 would attack you, a spirit of a dead person that would attack you because of a wrong
25 you may have done to the deceased?

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1 A. [15:01:51] Yes, sometimes it would happen in that manner.

2 Q. [15:02:01] Now, Madam Witness, at that time did you believe that the swelling
3 could have been associated with your -- what you may have done while you were in
4 the bush?

5 A. [15:02:42] Well, it is difficult to establish that. My face started swelling just on
6 its own. It started like a cold. I developed headache and then eventually the
7 swellings came. It was really difficult to decipher whether it was a result of a cen
8 attack or something like that. It was difficult for me to know.

9 PRESIDING JUDGE SCHMITT: [15:03:10] I think we leave it at that, I would say.

10 MR AYENA ODONGO: [15:03:13]

11 Q. [15:03:13] Now, Madam Witness, when you were in the bush, did you learn
12 about rules and regulations in the bush, things that you may do and things you must
13 not do if you are an LRA member? Did you come to learn about it? About some of
14 them?

15 A. [15:03:53] Well, while we were in the LRA, most times they say whenever there
16 was an attack, you would have to run very fast, you make sure you do not drop your
17 luggage. And that was basically what we were doing while we were there.

18 Q. [15:04:18] Did you learn about orders, that an order has been given for people to
19 do this or that and that and that? Did you learn about that, orders?

20 A. [15:04:57] Yes, that would sometimes happen.

21 Q. [15:05:00] And if, for instance, an order came from a superior officer, was it
22 possible for a lower person to defy that order?

23 Did I make myself clear, Madam Witness? Was it possible for people to defy
24 superior orders? You are told to kill somebody and then you say no, was it possible?

25 A. [15:06:26] It was impossible.

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1 Q. [15:06:32] How about if you were told to become somebody's wife, would you
2 refuse? Could you refuse?

3 MR GUMPERT: [15:06:49] She already answered that question, your Honour.

4 PRESIDING JUDGE SCHMITT: [15:06:51] She can answer it again. Why not? It is
5 shorter than to rule about it. Quicker, not shorter.

6 THE WITNESS: [15:07:09] (Interpretation) You could not reject.

7 MR AYENA ODONGO: [15:07:13]

8 Q. [15:07:14] Would a man refuse a wife given to him by his superior?

9 A. [15:07:34] No, he could not.

10 Q. [15:07:43] And, Madam Witness, did you experience any situation where men
11 shared or swapped wives in the bush?

12 A. [15:08:19] I never witnessed that.

13 Q. [15:08:26] And in your experience, Madam Witness, was it possible for a couple
14 of whatever description to have sexual intercourse in the open, in the full glare of
15 people?

16 A. [15:08:59] I did not witness that.

17 Q. [15:09:05] Did you ever hear about it?

18 A. [15:09:13] I did not.

19 Q. [15:09:22] Now, Madam Witness, you told Court that when you were given to
20 the gentleman who became your husband, you could not refuse to have sexual
21 intercourse with him because he could have killed you. Did you ever see or hear
22 about a girl being killed because she refused to sleep with a person she is attributed to
23 as a wife?

24 A. [15:10:26] I did not see that.

25 Q. [15:10:41] What did you experience as the seeming rule about morality, sexual

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1 morality in the LRA? Was it a very strict rule or were people free sometimes to move
2 about with each other?

3 A. [15:11:36] There were rules there.

4 PRESIDING JUDGE SCHMITT: [15:11:41] I think we can imagine them. We don't
5 have to go into that. We have heard about that. I think I -- it's clear that "move
6 about" was not one of those rules, to move about.

7 MR AYENA ODONGO: [15:11:54] You know, Mr President, I thought it was the
8 case that we want some of these witnesses to corroborate lines of evidence --

9 PRESIDING JUDGE SCHMITT: [15:12:06] So if you want, so just put this to her, if
10 she -- if we can understand her answer, there were rules in that way, perhaps.

11 MR AYENA ODONGO: [15:12:16] Yes.

12 PRESIDING JUDGE SCHMITT: [15:12:17] And then that should do it, really --

13 MR AYENA ODONGO: Yeah.

14 PRESIDING JUDGE SCHMITT: -- as a corroborative effect.

15 MR AYENA ODONGO: [15:12:24] Yes.

16 Q. [15:12:24] So, Madam Witness, is it the case -- do I understand from what you
17 have said that it was a strict rule of morality in the LRA that you wouldn't go with
18 another man's wife and you wouldn't go with another person's husband?

19 A. [15:12:52] Yes.

20 Q. [15:13:02] Thank you very much, Madam Witness. I'm almost coming to the
21 end of my interaction with you. But before that let's go to the area of your escape
22 from the bush.

23 I take it, madam, that your escape was in the year 2006; is that correct?

24 A. [15:13:48] Yes.

25 Q. [15:13:52] Now, why did it take you so long to escape from the bush? It was

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1 nearly four years. Three at least. Can you tell Court the conditions that made it
2 impossible for you to escape earlier?

3 A. [15:14:41] Well, the reason it was very difficult for me to escape was that
4 movements were very difficult, you were moving in places I was not aware of. I
5 thought if I were to escape from a place that I didn't know, I could be found and
6 killed. It made it difficult for me to escape. I took a while before escape. I escaped
7 in the Sudan, but in the Sudan the Lutugu and the Dinkas are all having guns, even
8 the LRA had guns. It was very difficult for me to escape, to walk on my own in the
9 bush to come back home. It was therefore very difficult for me to escape early
10 enough to return home.

11 Q. [15:15:55] Now, Madam Witness, when on your way towards the DRC, did you
12 pass through a place called Owiny Kibul?

13 A. [15:16:31] Yes, I heard of a place called Owiny Kibul.

14 Q. [15:16:40] And by that time, Madam Witness, were you still with your husband,
15 your so-called husband?

16 A. [15:17:04] At the time I was returning I was together with that man.

17 Q. [15:17:22] And before you went to that place you came to know was called
18 Owiny Kibul, did you pass through a place called Lacekocot?

19 A. [15:17:52] It's difficult for me to know that.

20 Q. [15:18:00] I put it to you, Madam Witness, that that question is difficult for you
21 to answer because the person who was your husband was in a totally different group
22 from the group of Dominic Ongwen and therefore you could not have passed
23 through Lacekocot where Dominic Ongwen went and settled for a while before
24 moving to Owiny Kibul. What do you say about that?

25 A. [15:18:57] There's nothing I can comment about that.

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1 Q. [15:19:06] And, Madam Witness, while you were in the bush were you told what
2 would happen, what the UPDF would do to you if you escaped and they found you?

3 A. [15:19:33] Yes.

4 Q. [15:19:34] What did they tell you they would do to you?

5 A. [15:19:47] They used to say if you escaped and went to the UPDF they would
6 sleep with you, they would abuse you until eventually you will die.

7 Q. [15:20:11] So that -- was that a serious disincentive for you to escape?

8 A. [15:20:31] Yes.

9 Q. [15:20:52] Now, when you finally escaped, can you describe to Court whether
10 you were at that time still with Dominic Ongwen, in the same group with
11 Dominic Ongwen?

12 A. [15:21:17] I was no longer with Dominic Ongwen.

13 Q. [15:21:26] You were in a different group?

14 A. [15:21:44] I was moving in the group where my husband was.

15 Q. [15:21:57] Madam Witness, I want to point out to you again that this further
16 confirms that at no time was your husband ever under Dominic Ongwen and that
17 therefore it was not even possible that Ongwen attributed you to him as a wife, it was
18 not possible because they were in different groups.

19 PRESIDING JUDGE SCHMITT: [15:22:37] I think she has answered that.

20 MR AYENA ODONGO: [15:22:54]

21 Q. And when you escaped, Madam Witness, can you describe to Court how you
22 finally ended up -- I mean ended up in the barracks, the progression of your
23 movement, how long it took you when you left the LRA up to the time you ended in
24 the barracks, can you describe to Court again.

25 A. [15:23:31] Well, when we came under attack then I started following the soldiers

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1 until the soldiers crossed the road and I followed them until I joined them.

2 PRESIDING JUDGE SCHMITT: [15:23:59] Microphone, please. Microphone.

3 Although I would understand you, but that's not enough.

4 MR AYENA ODONGO: [15:24:08] It's not, because my effort would be fruitless
5 without putting it on.

6 PRESIDING JUDGE SCHMITT: [15:24:15] If the Presiding Judge understands you, it
7 would not be fruitless, I would say, but not 100 percent fruitful.

8 MR AYENA ODONGO: [15:24:31]

9 Q. [15:24:32] Madam, I want to read to you a statement that you gave to the
10 investigators.

11 That is -- your Honours, it's tab 1, it's her statement. This is

12 UGA-OTP-0283- -- 0263-0015. Well, it is -- I mean that is the page at which it is.

13 PRESIDING JUDGE SCHMITT: [15:25:16] And the paragraph?

14 MR AYENA ODONGO: [15:25:18] The paragraph is 96.

15 PRESIDING JUDGE SCHMITT: [15:25:19] Thank you.

16 MR AYENA ODONGO: [15:25:23]

17 Q. [15:25:24] Madam, this is what you said:

18 "I followed the UPDF at a close distance but they could not see me. I followed them
19 for one week until they got to their barracks and then I went to the commanders.
20 The commanders sent me to Juba barracks and in Juba I was put in an aircraft and
21 sent to Gulu."

22 Do you remember giving this statement to the investigators?

23 A. [15:26:14] Yes.

24 Q. [15:26:17] Now, Madam Witness, when you were following them at close range,
25 were they every end of the day sleeping in the bushes?

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1 A. [15:26:47] Yes.

2 Q. [15:26:51] Were they also eating on the way as they moved to Juba?

3 A. [15:27:10] Yes.

4 Q. [15:27:13] And since, Madam Witness, you were moving at a safe distance, did
5 you have something to eat for the seven days, for the one week you followed them at
6 close distance?

7 A. [15:27:46] Yes. I had a saucepan and I also had some beans.

8 Q. [15:27:59] Is it your statement therefore, Madam Witness, that every time the
9 UPDF settled to cook or to have a meal you would also make a fire and cook and have
10 a meal of your own?

11 A. [15:28:33] Well, some days I would not cook.

12 Q. [15:28:43] And where you passed, Madam Witness, were you passing through
13 civilian communities?

14 A. [15:29:02] It was in the wild.

15 Q. [15:29:11] And it was the wild until you came to Juba, without passing through
16 any community?

17 A. [15:29:29] We didn't walk up to Juba. We walked until we reached a certain
18 centre and there was a barracks there. It was that barracks where I ended to and
19 from that barracks the soldiers got me and put me into a vehicle and I was taken to
20 Juba.

21 Q. [15:29:53] Madam Witness, you have just described to Court that the
22 communities in South Sudan, particularly Lutugu, and others, were all the time
23 armed. Was it not a frightful experience for you to walk behind UPDF lines for
24 one week?

25 A. [15:30:29] Well, I was frightened, but even while I was following them I would

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1 keep a close distance. I would be able to see them in some distance, hold back a bit.

2 And I was scared that if I met them along the way they would possibly abuse me
3 sexually or something like that. So I kept some distance and kept on following them.

4 Q. [15:31:03] In your mind at what point did you think it would be safe to now
5 come out and tell them "Here I am, you gentlemen of the UPDF"?

6 A. [15:31:30] That is the reason why I waited until they crossed the road and they
7 were following the road. Then I, I showed up myself when they were already on the
8 main road and I surrendered to them.

9 Q. [15:31:57] When you defected from the LRA group, had you been walking all the
10 time, or you had settled somewhere first?

11 A. [15:32:24] That movement, we would move up to about 1 o'clock and they
12 would sit and they would even sometimes stay there and rest for a long time. I
13 would also stay there and maybe sleep there.

14 Q. [15:32:46] For one week, Madam, when you walked behind the UPDF lines, did
15 your feet get swollen again or this time it did not get swollen, they did not get
16 swollen?

17 A. [15:33:11] No, I did not have any swollen feet.

18 MR AYENA ODONGO: [15:33:33] Mr President, your Honours, I think that's all
19 from me.

20 PRESIDING JUDGE SCHMITT: [15:33:37] Yes. Thank you, Mr Ayena.

21 Madam Witness, this concludes your testimony. I would like to address you on
22 behalf of the Chamber. On behalf of the Chamber I would like to thank you that you
23 have come to this video location and helped and assisted the Court in establishing the
24 truth. We wish you a safe trip back to your home with your child. Thank you very
25 much.

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1 (The witness is excused)

2 PRESIDING JUDGE SCHMITT: [15:34:08] And the next witness tomorrow is P-306;
3 is this correct? Yes, P-306. And it is a Rule 68(3) witness again. And perhaps we
4 can strive to finish the witness also tomorrow. I don't know yet what the testimony
5 is about, but I will be informed soon. So let's see.

6 So we adjourn the hearing and reconvene tomorrow at 9.30.

7 THE COURT USHER: [15:34:35] All rise.

8 (The hearing ends in open session at 3.34 p.m.)

9 RECLASSIFICATION REPORT

10 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
11 2016, the public reclassified and lesser redacted version of this transcript is filed in the
12 case.