

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
6 Judge Raul Pangalangan
7 Trial Hearing - Courtroom 3
8 Wednesday, 21 February 2018
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:34] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:53] Good morning, everyone.
13 A special good morning, of course, to Mr Witness.
14 WITNESS: UGA-OTP-P-0406 (On former oath)
15 (The witness speaks Acholi)
16 THE WITNESS: [9:32:08] (Interpretation) Good morning.
17 PRESIDING JUDGE SCHMITT: [9:32:10] Could the court officer please call the case.
18 THE COURT OFFICER: [9:32:13] Thank you, Mr President.
19 The situation in Uganda, the case the Prosecutor versus Dominic Ongwen, case
20 reference ICC-02/04-01/15.
21 And we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:32:22] Thank you.
23 I first ask the Prosecution for the appearances. Mr Gumpert, please.
24 MR GUMPERT: [9:32:26] Ben Gumpert. With me this morning Paul Bradfield,
25 Yulia Nuzban, Julian Elderfield, Pubudu Sachithanandan and Ramu Fatima Bittaye.

- 1 PRESIDING JUDGE SCHMITT: [9:32:39] Thank you.
- 2 And Mrs Massidda.
- 3 MS MASSIDDA: [9:32:42] Good morning, Mr President, your Honours. Paolina
- 4 Massidda. With me in courtroom today Orchlon Narantsetseg, Caroline Walter and
- 5 Laura Mahecha.
- 6 PRESIDING JUDGE SCHMITT: [9:32:54] So you're in the right line today, in the
- 7 front line, together with Mr Narantsetseg.
- 8 MS MASSIDDA: [9:33:00] We are already ready for the next witness, yes.
- 9 PRESIDING JUDGE SCHMITT: [9:33:03] I assumed that, yes.
- 10 Mr Cox, please.
- 11 MR COX: [9:33:05] Good morning, Mr President, your Honours. With me
- 12 Mr James Mawira, and myself Francisco Cox.
- 13 PRESIDING JUDGE SCHMITT: [9:33:11] Thank you.
- 14 And Mrs Bridgman for the Defence.
- 15 MS BRIDGMAN: [9:33:13] Good morning, Mr President, your Honours. Today we
- 16 have Krispus Ayena Odongo, Tibor Bajnovic, Roy Titus Ayena, Thomas Obhof,
- 17 myself Abigail Bridgman. And our client Mr Ongwen is in Court.
- 18 PRESIDING JUDGE SCHMITT: [9:33:29] And just for the record we also note that
- 19 Mr Waldman, Rule 74 counsel for the witness, is also present.
- 20 MR WALDMAN: [9:33:35] Yes. Good morning, Mr President, your Honours.
- 21 Amos Waldman, legal adviser to the witness.
- 22 PRESIDING JUDGE SCHMITT: [9:33:40] Thank you.
- 23 And, Mrs Bridgman, you still have the floor for the Defence.
- 24 QUESTIONED BY MS BRIDGMAN: (Continuing)
- 25 Q. [9:34:15] Good morning, Mr Witness.

1 A. [9:34:17] Good morning.

2 Q. [9:34:18] Now before we closed off yesterday we were discussing the different
3 attacks that you said you went to. Now, regarding the death of Robert Mugabe that
4 you said happened in Lukodi, what would you say if I told you that Robert Mugabe
5 did not die at Lukodi and was killed in an ambush in Lango in 2005?

6 A. [9:34:44] Well, in 2005 I was no longer in the bush. But we attacked Lukodi
7 and my commander informed me that Robert Mugabe had been killed and that they'd
8 seen his body. Perhaps if he rose from the dead, then that's something else; or
9 maybe he had only sustained an injury, then that's something else. But, to my
10 knowledge, he died.

11 Q. [9:35:22] Did you see Robert Mugabe again after Lukodi?

12 A. [9:35:54] No, I did not see him after that. We went to Sudan, and then when I
13 came back I left the bush. I never saw him again after that.

14 Q. [9:36:27] Regarding your testimony about Abok, I asked you yesterday about
15 the person called Komakech. And I asked you whether he went to the attacks in
16 Odek, Lukodi and Abok. And you said yes, he went. Now, what would you say if
17 I said that Komakech and person number 2 did not go to Abok and were in Atiak?

18 A. [9:37:08] I stated that we went, we went there with my commander. If he was
19 in Atiak, then perhaps. I do not know where Atiak is.

20 Q. [09:37:23] So you --

21 PRESIDING JUDGE SCHMITT: [9:37:30] Perhaps, yes, I think I have to explain to
22 the witness like to other witnesses what the purpose of this manner of questioning is.
23 Mr Witness, when Mrs Bridgman asks you such questions, "what would you say",
24 this is a manner of questioning in a courtroom where it's tried by one party, in this
25 regard here the Defence, to test what you have said. So this does not mean that the

1 proposition that is entailed in such a question is correct or something like that. It's
2 simply a hypothesis, like perhaps what you also said.

3 So you can simply say "When I hear that, okay, I have to reconsider, yes, perhaps
4 you're right." You can say "No, I know what I have said, this is correct." Or you
5 can say, for example, "Now that I hear that, I'm not so sure anymore."

6 This is, I think there will be such questions coming also in the near future. So I
7 wanted to inform you that you can put this into perspective. This is as I said it and I
8 summarise it this way. This is, if you will, a manner of questioning in a courtroom
9 which is quite specific which would, perhaps, in the outside world not be done this
10 way.

11 So excuse me for the long speech, but, Mrs Bridgman ...

12 THE WITNESS: [9:38:55] (Interpretation) Thank you for explaining that to me.

13 MS BRIDGMAN: [9:39:00]

14 Q. [9:39:01] Now, from the Presiding Judge's explanation and from what you have
15 just said in response to my proposition, you said that "If he was in Atiak, then
16 perhaps. I do not know where Atiak is."

17 Now, considering that yesterday you said that you did not know Abok until you
18 went, could it be that the attack that you were describing, thinking it was Abok, was
19 as a matter of fact in Atiak?

20 A. [9:39:44] I do not know. But the place that I know was Abok. I do not know
21 where Atiak is.

22 Q. [9:40:00] We'll move on.

23 You testified about two people who were abducted from Odek. First of all, can you
24 clarify for me if I pronounce both of them right, is it Acen and Lalam or Acan and
25 Lalam?

1 A. [9:40:34] Lalam and Acan.

2 Q. [9:40:37] Thank you for that. Now can you also please clarify for me which one
3 of them was killed for allegedly being a witch?

4 A. [9:40:48] Lalam was the one who was killed.

5 Q. [9:40:53] How soon after her abduction was Lalam killed?

6 A. [9:41:13] Perhaps approximately about a week, because people had already been
7 distributed. And she was in my commander's household, commander number 2.
8 And we were crossing the Aswa river coming back to I think Pader or Kitgum, I am
9 not very sure. And that's when somebody, a boy was swept away by the river, he
10 was a light complexion and they used to refer to him as the Wod Lango. And he
11 said that that girl dreamt, always dreams at night and maybe it was because of her
12 dreams that that boy was swept away by the river. And perhaps the person should
13 be killed.

14 So my commander said that Lalam should be killed and they said Odoki should be
15 killed, Odoki should kill her, and Lalam was killed. We had not yet crossed the river
16 on the other side. We were still in that area, the Gulu area.

17 Q. [9:43:24] How many other girls in the bush did you meet called Lalam?

18 A. [9:43:31] There was a girl who was abducted from Kalabong, she was also
19 known as Lalam. And then one from Odek also known as Lalam. I don't know if
20 there is any other.

21 Q. [9:43:55] Mr Witness, I'm sorry, can you please repeat the name of the place
22 where the other Lalam was abducted from?

23 A. [9:44:20] The girl, that Lalam was abducted from a place known as Kalabong,
24 which is in Kitgum district near Namukora.

25 Q. [9:44:33] The Lalam from Kalabong, do you know what happened to her?

1 A. [9:44:42] That Lalam was given to Denis. She was Denis's wife. I saw her
2 being given to Denis.

3 Q. [9:44:57] What happened to Acan from Odek?

4 A. [9:45:08] Acan stayed with my commander, the commander whose chair I used
5 to hold, commander number 2.

6 Q. [9:45:28] Can you please explain what you mean when you say she stayed with
7 commander number 2?

8 A. [9:45:36] I saw her sleeping on the same bed. She would also sleep in the same
9 house with the commander. So I do not know whether she was his wife or not, but
10 they used to sleep in the same tent.

11 Q. [9:45:56] Apart from Acan was there any other woman that used to sleep in
12 commander number 2's tent?

13 A. [9:46:13] I saw some lady as well. They used to refer to her as someone's
14 mother. But I cannot remember the name of the child. I cannot remember the
15 name. But there were also other girls. There was somebody who was about 11 who
16 was known as a ting ting. She was also there.

17 Q. [9:46:50] You talk about a child whose name you don't remember. How old
18 was this child?

19 A. [9:47:00] Perhaps a year old, or a few months, because it was still a suckling
20 baby. But the child was already crawling.

21 Q. [9:47:17] Did Acan have any children?

22 A. [9:47:26] By the time I left she had not yet had children.

23 Q. [9:47:39] Were there any other children, toddlers, let me say, in the group where
24 you were stationed?

25 A. [9:47:52] I saw some children at Dominic's homestead, but I do not know their

1 names. There were also children in other homesteads. But it's difficult to know the
2 names of the children and the mothers.

3 Q. [9:48:18] That's okay. While you were discussing with the Prosecution, you
4 talked about distribution of girls to commanders as their wives and you gave an
5 example of Obol. Apart from Obol's example, do you remember other instances
6 where girls refused to be, refused to go to the men they had been distributed to?

7 A. [9:49:00] We were in an area close to some river. I think the place is known as
8 Labworomor. I'm not sure. But they abducted some girls from that area. And one
9 of the girls was given to Obol and the girl was resistant and the girl was beaten until
10 she accepted.

11 Q. Isn't it true, Mr Witness, that even when you were still under the command of
12 Buk Abudema in Lango or in Teso, you saw girls being distributed to men without
13 their consent?

14 A. [9:49:54] At the time girls were distributed, but I did not actually go and witness
15 the girls being distributed. But the occasions that I've mentioned are occasions that I
16 actually saw.

17 PRESIDING JUDGE SCHMITT: [9:50:17] And that's correct, Mr Witness, you were
18 asked what you saw. And that's correct that you only tell us what you really
19 witnessed yourself.

20 MS BRIDGMAN: [9:50:43]

21 Q. [9:50:47] At tab 15, UGA-OTP-0270-1154 at page 1159, starting from lines 163 to
22 about 177, you said, Mr Witness, you were asked if you recall "which commander or
23 which girl it was that refused what commander?" And you said, "I saw this
24 happening in Teso ... when we were with Buk Abudema. One of the girls was told
25 to go to Robert Mugabe and she refused because the friend they had abducted her

1 with was given to" -- person number 2. "Then, they beat her and they asked her,

2 "What do you want exactly?"

3 And then you were asked, "Did you see it happen any other time?"

4 You said, "It was happening if I remember in Lango ... I saw this happening when we

5 were with Lapwony Lapaico and those of --" commander number 2. "The girl was

6 told to go to Lapaico and she refused, and they beat her ... This was in 2003."

7 Does this refresh your memory about other times you saw this happening?

8 A. [9:52:54] Well, that's -- I'm not very sure about that.

9 PRESIDING JUDGE SCHMITT: [9:53:07] But on page 1160, then comes the incident,
10 so to speak, with the person Obol. So you were asked about other incidents. Just to
11 make it clear?

12 MS BRIDGMAN: [9:53:22] Yes.

13 Q. [9:53:26] Do you remember if Robert Mugabe had a wife or wives?

14 A. [9:53:51] Yes, Robert Mugabe had a wife.

15 Q. [9:53:54] Were you present when he was given that wife?

16 A. [9:54:03] When he was given the wife, I was not present. But then I saw him
17 with the wife. The wife was also a soldier and she was armed.

18 Q. [9:54:18] Going back to Dennis and Lalam, were you present when Dennis was
19 given Lalam?

20 A. [9:54:32] Yes, I was present.

21 Q. [9:54:36] Did Dennis ask for Lalam?

22 A. [9:54:43] I do not know whether he asked for her, but they say that when you
23 are in the bush for a long time, seven years onwards, they make the decision and they
24 will take a girl and give her to you. But not everybody gets a girl.

25 Q. [9:55:06] Please correct me if I am wrong, but from what you have just said, the

1 decision to get a girl is not from the person receiving the girl. It is decided on your
2 behalf. Is that what you are saying?

3 A. [9:55:24] Yes. I said if you've come of age. I hear them say that if you've been
4 in the bush for seven years or more, then they'll take a girl and give you the girl if
5 you've been there for a long time and you've come of age.

6 Q. [9:55:51] Mr Witness, you briefly talked about being smeared with shea oil. Do
7 you remember how soon after your abduction this happened?

8 A. [9:56:30] I was abducted in the night. The next morning at around 11 to
9 midday, while they were cooking, that's when I was smeared with shea butter.

10 Q. [9:56:51] And do you remember what they told you when they were smearing
11 the shea butter on you?

12 A. [9:56:58] Yes, I do recall.

13 Q. [9:57:04] Please tell us.

14 A. [9:57:08] I was told that because I've been smeared with the shea butter, then it's
15 connected to the spirit. But I did not know what they meant about it being
16 connected to the spirit. But they say that if you try to escape, then the shea butter is
17 going to confuse you. You'll go round and round and round and then you'll come
18 back to that spot and they'll catch you again.

19 Q. [9:57:40] Did you believe this?

20 A. [9:57:45] At the time, yes, I did believe because I did not know anything about
21 that.

22 Q. [9:57:58] I'm sorry to take you back briefly to commander number 1's household.
23 You said that there was a woman with a girl. Was that child the child of commander
24 number 1?

25 A. [9:58:30] I do not know if that was his child.

1 Q. [9:58:47] Thank you. Now, you testified about the time in Gang Aculu when a
2 village was attacked because someone escaped.

3 A. [9:59:13] Yes, I did.

4 Q. [9:59:15] Was there any other incident that you remember that was similar to
5 this one?

6 A. [9:59:24] I do not know of any other incidents, but it happened when -- I heard
7 about the incident at Aculu Gang where people were killed, cooked, and people were
8 asked to eat them, but then the soldiers came and managed to stop it. But I do not
9 know if this happened anywhere else.

10 Q. [10:00:07] Were you ever warned either by Joseph Kony or any of the
11 commanders that you were with that if you escaped they would come to your village
12 and kill every one?

13 A. [10:00:20] Yes.

14 Q. [10:00:32] Yesterday you testified that you thought that by the time you came
15 home your parents would be dead, that they would have been killed already. Who
16 are you thinking would have killed your parents by the time you came back home?

17 A. [10:01:04] I thought it would have been the LRA.

18 Q. [10:01:13] Why would they have killed your parents? Is that what they told
19 you?

20 A. [10:01:28] Because there was some gentleman who was abducted, he was called
21 Awak Denis. He got me in the bush. He was the one who told me our home was
22 burnt and also the villages around our home were also destroyed. And in our
23 sub-county, people were killed because there was someone who escaped from the
24 Holy and went to the sub-county. Then the GISO of that area picked that person and
25 sent to Kalalang. So the Holy people came to that area and killed people.

1 So I asked him, "Is my mother alive?" He told me he did not see her. That's what
2 he told me.

3 Q. [10:02:21] Do you know if this threat, to come to your village and kill everyone if
4 you dared to escape, applied even to commanders?

5 A. [10:03:02] As long as you escaped and they caught you, whether you're a
6 commander or not, if they find you they will kill you.

7 Q. [10:03:12] Apart from being recaptured by the LRA if you dared escape, were
8 you also afraid of other risks?

9 A. [10:03:23] If they consider you, they have some pity, then they will just beat you,
10 they will beat you seriously. In addition, they will give you heavy luggage to carry.
11 But if they think otherwise, most times the punishment would be death.

12 Q. [10:04:00] Did the LRA ever warn you that if you escaped and went back home
13 the UPDF would kill you or torture you?

14 A. [10:04:20] From the bush, these people say if you escape -- because there was a
15 certain radio in Gulu called Mega, if you escape, people would go and speak on that
16 radio. So they would tell us that those voices were just recorded. So what happens,
17 when they record your voice, then now they will kill you. So that voice which is
18 played on radio is just a recorded voice. Those people have been killed.
19 So if they also get your voice, they will kill you. That's what usually what people are
20 told from the Holy.

21 Q. [10:05:10] Now of course you came out and you're here today. So would you
22 agree with me that all these were tactics employed to keep people from escaping?

23 A. [10:05:19] Yes, that, I agree.

24 Q. [10:05:36] You also testified that you had -- you could not share your fears with
25 anybody in the LRA, but did you ever contemplate escaping?

1 A. [10:05:54] Yeah, sometimes I get the idea to escape because it is not easy to stay
2 there.

3 Q. [10:06:13] Now, going back to your own escape story, would I be correct to say
4 that you had not planned to escape that particular day; it was a mixture of
5 circumstances that enabled your escape?

6 A. [10:06:48] Yes.

7 Q. [10:07:09] You also briefly talked about the time you were beaten when you
8 were making fun of how the commanders spoke on the radio. Was it common to
9 find people in the bush laughing and joking, perhaps as a coping mechanism?

10 A. [10:07:32] Some people who have spent a long time there, the ones who are
11 referred to as the lupwonye, yeah, they chat, they laugh. But those of us, the
12 abductees, the new recruits, if they find you laughing or chatting, they will say now
13 you are planning to escape. So it's very difficult for you to chat. But the lupwonyes,
14 yeah, for them, they can.

15 Q. [10:08:25] You talked about how you felt when you were being forced to witness
16 and do certain things in the bush under duress and how hard and scary it was for you.
17 Do you know if other people also shared the same feelings like you?

18 A. [10:08:45] Well, I don't know from within their minds because it's not easy to
19 understand individually what each one is thinking.

20 Q. [10:09:12] Now, these lupwonyes that you would see sometimes laughing and
21 joking, did you ever find out if they were also abducted like yourself?

22 A. [10:09:22] There is one gentleman there in the bush, I do not recall his name.
23 He used to stay with one of the fighter who was also just abducted, his name was
24 Jogo. He is the one who said they were also abducted from their home, because one
25 of my elder brother, which I mentioned his name earlier, was the one who had gone

1 to Raska and had said -- requested that at least two people of five of us who were
2 abducted should be released or at least one person should be released to go back
3 home because there is no one at home.

4 So Raska, Raska said that let's wait, when we return from Lango, then he will release
5 one person.

6 Then after a short time, my brother went back again and said at least let two people
7 be released. If they find that it is difficult to release the young ones, then they should
8 release him who is now a little older.

9 So Raska said if this boy is disturbing us, then he's going to call Kony and report this
10 incidence to him.

11 Q. [10:11:03] Mr Witness, what you have just described to us, was this at the time
12 you had just been abducted?

13 A. [10:11:20] Yes.

14 Q. [10:11:25] Am I understanding you well to say that your brother negotiated for
15 the release of some of your siblings that you were abducted with, or they simply
16 escaped like you testified?

17 A. [10:11:41] For him, he had gone to request that at least of the five of us, let two
18 people be released to go back home. That's what he did.

19 Q. [10:12:05] Do you know someone called Opio Leonard?

20 A. [10:12:31] There was a certain person called Opio. He was in Raska's
21 homestead. I do not know if that is the person you are referring to.

22 Q. [10:12:41] Back home where you come from, do you know someone who was
23 not part of the LRA called Opio Leonard?

24 A. [10:13:06] From our home area?

25 Q. [10:13:22] Yes, Mr Witness, someone from your home area.

1 A. [10:13:31] I -- I do not know anyone by the names Opio Leonard.

2 Q. [10:13:38] Do you know anyone called Okidi Atanasio?

3 A. [10:13:50] I do not know Okidi. Maybe, well, could be one of those in the
4 villages there. But if he had a nickname, I could know him by a nickname, but not
5 with this name that you've mentioned.

6 Q. [10:14:09] What would you say, Mr Witness, if I told you that there are
7 allegations that there are two women called Acan and Lalam who were abducted
8 from Pajule and became Dominic Ongwen's wives?

9 A. [10:15:03] You know, I said I was not in Pajule. These people I'm talking about
10 were people who were abducted from Odek.

11 Q. [10:15:22] Mr Witness, when were you born?

12 A. [10:16:09] According to my parents, I was born I think in August 1986.

13 Q. [10:16:28] And you were born in a hospital; isn't that correct?

14 A. [10:16:34] Yes.

15 Q. [10:16:38] Do you know which hospital you were born?

16 A. [10:16:43] Kalongo hospital.

17 PRESIDING JUDGE SCHMITT: [10:16:52] You know we had these issues before
18 with a birth date and we have also documents here. If you want to put it on the
19 table, I think do it, but without reproach or anything to the witness. The witnesses
20 do not have -- as one witness has worded it so nicely, "I was not present" -- "I was not
21 aware of", he said, "I was not aware of when I was born".

22 So simply if you have -- and I see that you have documents, simply put it on the table
23 and that's it. I would appreciate that.

24 MS BRIDGMAN: [10:17:23] I will, your Honour.

25 PRESIDING JUDGE SCHMITT: [10:17:25] Thank you.

1 MS BRIDGMAN: [10:17:26]

2 Q. [10:17:29] Now, Mr Witness, I'm going to show you a document, this is not to be
3 displayed to the public, at tab 23, UGA-OTP-0265-0031. Do you see that document
4 on your screen, Mr Witness?

5 A. [10:18:31] I do not see anything.

6 Q. [10:18:40] Do you see it now?

7 A. [10:19:02] Yes.

8 PRESIDING JUDGE SCHMITT: [10:19:03] Please simply ask directly if he knows
9 why there is a certain year mentioned which does not accord with what he said, and
10 that's it.

11 MS BRIDGMAN: [10:19:13] Well, your Honour, there is another document that I
12 would like to cross-reference because he actually acknowledged that there was a
13 mistake.

14 PRESIDING JUDGE SCHMITT: [10:19:19] Yes, please do. Okay, yes. Good, do it.

15 MS BRIDGMAN: [10:19:24]

16 Q. [10:19:25] So, Mr Witness, can you confirm that this national ID represents
17 information that belongs to you? It's your national ID, correct?

18 A. [10:19:36] Yes, this is my national ID.

19 Q. [10:19:44] Do you remember when you received this national ID?

20 A. [10:19:49] I got this ID in 2016 at the time of -- I got it in 2015. And then in 2016,
21 that's when we had the elections.

22 MS BRIDGMAN: [10:20:15] And your Honours, at tab 25, UGA-OTP-0266-0015.

23 Q. [10:20:26] Now, Mr Witness, this is an investigation report from the Prosecution
24 where you informed them that your name and date of birth as reflected on the
25 national ID is not accurate. Now, when did you realise, when did you learn that the

1 information on your national ID was not accurate?

2 A. [10:21:01] My parents are still living to date. My father told me I was born in
3 1986 at a time when President Museveni took over power. That's when I came to
4 know.

5 Then at the time when they were taking my photo for the ID, I think the person who
6 was recording did not get the right information, did not hear well. So when I was
7 being investigated, I told them that there is a mistake in my ID, if they can work on it
8 so that it is changed, it would be okay.

9 It is not only my case. Other, so many other people have similar problems. Some
10 people have different names. Some people have different dates. So I think the
11 person who was managing the computer and entering the data in the computer for
12 the national ID did not get correctly what I said.

13 Q. [10:22:10] Would I be correct to assume that as soon as you received that
14 national ID you realised it had errors on it?

15 A. [10:22:26] Yes, you would be correct.

16 Q. [10:22:35] Have you received a new national ID with the correct information?
17 Did you go back?

18 A. [10:22:45] Currently they are not undertaking the process. I don't know if they
19 are waiting for the next election date to update. I still wait.

20 Q. [10:23:07] At tab 1 of your transcripts, UGA-OTP-0270-0933, at page 0936, line 71
21 to 75, you confirmed that there should be some record in the hospital of your birth.

22 PRESIDING JUDGE SCHMITT: [10:24:17] Mrs Bridgman, I don't want to cut you,
23 but is really the question of birthdate with this witness so important?

24 MS BRIDGMAN: [10:24:27] I believe so, your Honour.

25 PRESIDING JUDGE SCHMITT: [10:24:29] Okay, then please continue. But I would

1 like to see it soon why it is so important.

2 MS BRIDGMAN: [10:24:33] Thank you. I'll try to do my best to bring it out as best
3 as I can.

4 Q. [10:24:39] Did you bring this information to the Prosecution, for instance your
5 hospital date birth certificate?

6 A. [10:24:54] I told them.

7 Q. [10:25:03] Did you get this information from the hospital?

8 A. [10:25:09] I went to the hospital the first time. I was told that it has taken a long
9 time now and it requires some person who should come and check. And I was told
10 that person is not, was not present. So I did not go back to collect another birth
11 certificate from Kalongo Hospital.

12 Q. [10:25:43] I would like to take you back to your abduction, Mr Witness. Do you
13 remember if you had beards at the time you were abducted?

14 A. [10:26:09] I was still young. I did not have beards.

15 Q. [10:26:15] Had your voice started to change?

16 A. [10:26:33] My voice was not very -- it had developed, it was developing now.

17 Q. [10:26:50] Do you remember when you started growing beards?

18 PRESIDING JUDGE SCHMITT: [10:26:57] Mrs Bridgman, not long anymore, I tell
19 you.

20 THE WITNESS: [10:27:06] (Interpretation) You know, people develop beards
21 differently. Sometimes when you are young you already have beards. Mine took
22 long. Mine just came out recently in 2011-12. That's when I saw some beards.
23 Even now when you see, it is not like for others you would see too much. But mine,
24 as you can see, scanty.

25 PRESIDING JUDGE SCHMITT: [10:27:35] But in any case, wasn't the witness at least

1 not under 15 when he was abducted?

2 MS BRIDGMAN: [10:27:45] From my calculation he would have been about 16, if he
3 was born in '86.

4 PRESIDING JUDGE SCHMITT: [10:27:50] Yes. And when he was born in '84?

5 MS BRIDGMAN: [10:27:53] He would have been 18.

6 PRESIDING JUDGE SCHMITT: [10:27:55] Yes, and?

7 MS BRIDGMAN: [10:27:56] Well, then my next question to the witness will be this,
8 if you permit me, Mr President --

9 PRESIDING JUDGE SCHMITT: [10:28:02] Yes, please. But please come to an end
10 with this issue.

11 MS BRIDGMAN: [10:28:05] Actually, this is my last question.

12 PRESIDING JUDGE SCHMITT: [10:28:07] Okay. Good, good.

13 MS BRIDGMAN: [10:28:09]

14 Q. [10:28:10] Yesterday -- no, actually, not yesterday. The other day you were
15 asked by the Prosecution how you estimated ages of those you saw in the bush, and
16 you said for the females it would be the size of their breasts and for the males it
17 would be the beards. Now, from what you have just told us about the different ages
18 when people grow beards, would you know with certainty if someone was 13, 14, 15
19 or 16, just by looking at their beards?

20 A. [10:28:49] I said, you know, they look at your features, they look at your beards,
21 or you look at the facial appearance and then you can estimate that this person is this
22 age or this person is that age.

23 Even now when you see somebody who is adult or who is elderly, you even see the
24 wrinkles on the face. Even however much you put on, you know, smearing oil, you
25 will really see that this person is aged.

1 PRESIDING JUDGE SCHMITT: [10:29:25] It would have been no problem to
2 indicate that to us, what you were up to. But please continue.

3 MS BRIDGMAN: [10:29:31] I have no further questions, unless lead question has
4 questions.

5 PRESIDING JUDGE SCHMITT: [10:29:35] Mr Ayena, do you have questions?

6 MS BRIDGMAN: [10:29:37] I have to apologise, your Honour, for not indicating
7 where I was going with this.

8 PRESIDING JUDGE SCHMITT: [10:29:42] You know, sometimes importance in a
9 courtroom of certain facts might pertain to different legal problems, so. And not
10 everybody has everything on the monitor, so to speak, always.
11 Mr Ayena, please.

12 QUESTIONED BY MR AYENA ODONGO:

13 Q. [10:30:08] Mr Witness, I'll run through with you a few, you know, questions,
14 follow-up questions to what counsel went through with you.

15 Now, Mr Witness, when you were asked about whether you had heard about the
16 Holy, your answer was that you did not even know that they were humans.

17 Now, my question, Mr Witness, is what had you heard about them? Were they,
18 what you heard about them, frightening things or were they nice things about them?

19 A. [10:31:24] I had heard that the Holies were ferocious, was something ferocious,
20 so I do not know. You know, sometimes when they say ferocious people, it
21 could -- ferocious things, it could be spirits. It could be, you know, tigers, leopards,
22 all those things are ferocious. So when they say these people, these things are
23 coming, then you take care.

24 Q. [10:31:49] Mr Witness, let us pursue the line of spirits. Had you heard about
25 the spirit attributes of the Holy Spirit among the things that you describe as

1 ferocious?

2 A. [10:32:27] I heard about spirits. There was one old guy who was talking about,
3 he said that they killed a very ferocious animal, and they performed certain rituals on
4 that old man. I do not know whether -- what kind of spirit had possessed him.

5 Q. [10:32:54] And, Mr Witness, you told Court that when you finally were
6 abducted they performed certain rituals on you, including smearing you with the
7 shea nut butter. When this was done, did you come to realise that maybe this is the
8 beginning of the ferocious nature of the Holy?

9 A. [10:33:43] I saw them perform the ritual. They smeared me with shea butter.
10 And after that they told me that that, the smearing ritual, was my recruitment into the
11 army. And then I was beaten. And then they also signed the cross on me on my
12 back and on my chest, and they said that the sign of the cross was something to
13 prevent you from escaping, and if you attempted to escape while you're there, that
14 would confuse you.

15 Q. [10:34:27] Thank you, Mr Witness.

16 Now, can you help Court to understand your feelings when you were smeared when
17 the initiation ceremony took place. Did it have any impact in you, I mean on you, in
18 line with the promise that it would help to confuse you? What effect did it have?

19 A. [10:35:09] There was no specific change. But I was afraid. I contemplated
20 escape, but the location where I was was, it was difficult for me to escape because
21 we're somewhere in the midst of nowhere.

22 Q. [10:35:31] Did the fact that you were smeared with the shea nut butter have an
23 impact on your decision not to attempt to escape?

24 A. [10:35:51] I thought about it, and I thought if you're smeared with shea butter
25 and you are told that you'd be confounded if you tried to escape. Because I saw

1 there was, on an occasion in an area known as Adilang, there was a boy who said that
2 he attempted to escape. He had gone to fetch water from the spring and when he
3 went to get water, when he went to the spring, he attempted to escape.
4 It was the women who had actually sent him and the women got him, brought him
5 back, and the boy was killed. That place, that thing happened in an area known as
6 Adilang. So at the time I had been smeared and I thought the same, the same fate
7 would become of me.

8 Q. [10:36:45] Thank you very much, Mr Witness.

9 Now let's talk about the immediate aftermath of your abduction. You told Court
10 that when you were abducted you were tied together with two of your brothers using
11 a shirt. You were bound together using a shirt. Can you please help Court to
12 understand how a shirt was used to tie three of you.

13 A. [10:37:29] It was a uniform, a shirt. It was a white shirt. They took a razor
14 blade and they cut it. They cut it into six pieces. They tied it together. They tie it
15 together. They make knots and then they made a very long knot, a very long rope.
16 They tied my brother, the brother from my same mother. And then my stepbrother.
17 And they tied the three of us together. And we ran and went to where the goats
18 were. They took the rope that they used to tie with the goats and then they used
19 that.

20 Q. [10:38:09] Thank you. Now, Mr Witness, will you assist court to understand
21 the mood of your abductors towards the immediate population. Did they beat
22 people around? Did they pursue them? Did they persecute them? Or did they
23 just restrict themselves to abducting you and taking you to the bushes?

24 A. [10:38:50] This, they did that at the centre. While they were at the centre they
25 abducted people who they said were capable of working between 11, 18, 19, the oldest

1 perhaps 20. Those were the type of people that they were abducting. Anybody
2 older than that would be left. They also went, they pillaged shop, they took cooking
3 oil, they took knick-knacks, sodas, Royco, and those are the kind of things that they
4 took.

5 They did not do anything else bad. They told me to show them the owner of a shop.
6 But the owner of the shop was not there. And I told them that I do not know where
7 the person is, and they hit my back with a machete and we continued moving. They
8 did not kill anybody on that occasion, and we just continued moving.

9 Q. [10:39:59] Thank you very much, Mr Witness.

10 Now, as a follow-up to that question, there came a point when they now wanted to
11 determine those who were above 18, although at a certain point you said they asked
12 those who are above 20 to raise their hands. Those who raised their hands and were
13 released, were they given any form of punishment before they were released?

14 A. [10:40:43] From the location where we were, we ate. They gathered everybody
15 together, all the people that had been abducted and Raska said "If you are 20 and
16 older, lift up your hands, raise your hands."

17 People raised their hands, people who were aged from that age. I know their names
18 as well, because there were people from our area. If people from -- if there were
19 people from our area, then I knew their names. If there are people from other areas,
20 I do not know. And then they let those people go.

21 But if you are 20 and older and you did not raise your hand, then that's your problem,
22 you kept on going with the rest of the group.

23 Q. [10:41:31] Now, Mr Witness, would I be right, therefore, to assume that their
24 interest was just in the young people they would use to become soldiers and not in
25 the rest of the members of the society?

1 A. [10:42:00] That's correct.

2 Q. [10:42:04] Now, Mr Witness, you told Court that when you were abducted there
3 were five of you in the house. Was this a room or a big house with many rooms?

4 A. [10:42:31] I said that we were abducted from home. There were five of us.
5 One of my brothers, the older brother, I mentioned his name earlier, he had a wife
6 and he was in a separate house. But the four of us were in one house. It's a round
7 house. It's not separated into different rooms. It's a round house and we were all
8 in that one house.

9 Q. [10:43:06] Thank you, Mr Witness. But can you tell Court what could have
10 happened to your elder brother, the eldest brother's wife. Did they find her there?
11 And if they did, what did they do to her?

12 A. [10:43:31] When they found my brother's wife, because at the time she was
13 pregnant, they left her. They took my older brother, but they left her behind.

14 Q. [10:43:49] Thank you very much, Mr Witness, for coming and assisting Court in
15 this task before us.

16 And Mr President and your Honours, this is the end of my follow-up questions.

17 PRESIDING JUDGE SCHMITT: [10:44:02] Thank you, Mr Ayena.

18 And, Mr Witness, I would like to address you on behalf of the Chamber. On behalf
19 of the Chamber I would like to thank you that you have come all this long way from
20 your home country to this far away country, that you have come to this courtroom
21 and to help to assist the Court in establishing the truth.

22 We wish you a safe trip back.

23 THE WITNESS: [10:44:29] (Interpretation) Thank you.

24 (The witness is excused)

25 PRESIDING JUDGE SCHMITT: [10:44:31] The next Witness is P-448, and we will

1 start with this witness in the afternoon session. Of course also judges need some
2 preparation.

3 THE COURT USHER: [10:44:45] All rise.

4 PRESIDING JUDGE SCHMITT: [10:44:46] Mr Gumpert rises solely first.

5 MR GUMPERT: [10:44:50] Forgive me. Yes, rather slowly.

6 PRESIDING JUDGE SCHMITT: [10:44:51] Before "all rise" Mr Gumpert rises.

7 MR GUMPERT: [10:44:53] Yes. I'm sure the Court has it in mind, but we have five
8 witnesses for this session and eight days. We're going to need to move relatively
9 quickly with the remaining four. Indeed two of them must take no longer
10 than a day.

11 PRESIDING JUDGE SCHMITT: [10:45:15] I appreciate it that you address it. Of
12 course we have it in mind, but I think it's a good opportunity to talk about this. I
13 think the bottom line of the Chamber is that we are not in a hurry, so we have these
14 five witnesses. But, for example, it was clear that Defence had to have the
15 opportunity to question this witness also today for this one session, that was clear, so
16 we don't put participants here under undue pressure.
17 So what we can discuss now is if there is a realistic prospect to finish indeed the five
18 witnesses in these eight days. Yes, perhaps you can help us a little bit and then we
19 can discuss it also with Defence.

20 MR GUMPERT: [10:46:00] We are a little behind, about a session behind the
21 schedule, which it's all guesswork of course, but the schedule which I had had
22 in mind.

23 My submission would be that, as from tomorrow, the Court should consider whether
24 it would be appropriate to think about sitting the extra half hour, which might be
25 available, to extend the hours a little, rather than leaving it towards the end of the

1 session when it would all be a little compressed and rushed.

2 PRESIDING JUDGE SCHMITT: [10:46:38] That sounds reasonable. And it was also
3 in my mind that we have to think about perhaps partially extending hours. And
4 then it should be possible, yes. And everybody has heard it. Also of course
5 Defence, it's also very important for you.

6 And perhaps you also can think about if it might be realistic. The next point, for
7 example, would be the lengths of the questioning of the next witness. But I already
8 asked Mrs Bridgman. Perhaps it would be enough to finish with this witness
9 tomorrow after the second session, but we will see.

10 As I said, I won't put you under pressure. You have to have your time as a defence.
11 And we can -- but we should not give up on the prospect or on the possibility to have
12 indeed these five witnesses in the block too early. But we have to -- I think we have
13 it constantly in mind. And whenever we see clearer, so to speak, feel free,
14 everybody here, to address it with the Court.

15 MR GUMPERT: [10:47:40] There is one other unique or unusual circumstance.
16 When we're done with these five, we have only the three expert witnesses remaining.
17 Unlike all, almost all of the previous witnesses, they are busy professional people
18 who have aside specific dates. There won't be with them, or at least there will be
19 much greater difficulty with them than with other witnesses, the elasticity of starting
20 a little earlier or pushing it a little later.

21 PRESIDING JUDGE SCHMITT: [10:48:12] You know, as a judge who has been in
22 domestic criminal courts, I know about experts. And this seems to be a global
23 problem, so to speak, that they are very busy and that they are difficult to get into a
24 courtroom, and that you have to accommodate as far as possible. And we will do
25 that here, too. I understand that, of course, and the Chamber understands that.

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1 Yes, as I said, two things, we really try hard to have these five witnesses this block,
2 that we only have the three experts left, and we will -- if not, we will find a way with
3 the last witness, apart from the expert witnesses, we will cope with this problem, too,
4 as the Chamber always does.

5 We see each other again at 2.30.

6 MR GUMPERT: [10:48:59] Thank you, your Honour.

7 THE COURT USHER: [10:49:00] All rise.

8 (Recess taken at 10.49 a.m.)

9 (Upon resuming in open session at 2.32 p.m.)

10 THE COURT USHER: [14:32:15] All rise.

11 PRESIDING JUDGE SCHMITT: [14:32:38] Good afternoon everyone. Especially
12 good afternoon to Madam Witness.

13 WITNESS: UGA-OTP-P-0448

14 (The witness speaks Ateso)

15 (The witness gives evidence via video link)

16 THE WITNESS: [14:32:44] (No interpretation)

17 PRESIDING JUDGE SCHMITT: [14:32:55] We had already the appearances this
18 morning, but there have been some changes so I would ask Mrs Hohler for the sake of
19 veracity and completeness to tell us who is present now.

20 MS HOHLER: [14:33:08] Indeed, your Honour. There have been two additions
21 to the composition of the Prosecution bench from this morning and that's
22 Mr Shkelzen Zeneli and myself, Beti Hohler.

23 PRESIDING JUDGE SCHMITT: [14:33:21] And I see more persons here, I think --

24 MS HOHLER: [14:33:23] (Overlapping speakers) repeat everybody, fine. It's

25 Mr Ben Gumpert, Yulia Nuzban, Julian Elderfield, Pubudu Sachithanandan,

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- 1 Paul Bradfield and Ramu Fatima Bittaye.
- 2 PRESIDING JUDGE SCHMITT: [14:33:34] Yes. And the nice guy in the back?
- 3 Okay.
- 4 MS MASSIDDA: [14:33:45] I think he is on our side, your Honour.
- 5 PRESIDING JUDGE SCHMITT: [14:33:49] But that --
- 6 MS MASSIDDA: [14:33:51] For once.
- 7 PRESIDING JUDGE SCHMITT: [14:33:52] -- doesn't change the primary approach
- 8 to the whole thing, that for completeness we would like to know. So please,
- 9 Ms Massidda.
- 10 MS MASSIDDA: [14:33:59] Thank you very much, your Honour. Ms Jane Adong
- 11 is following the proceeding from the location where the witness will testify. In
- 12 courtroom today, myself Paolina Massidda, Orchlon Narantsetseg, Caroline Walter
- 13 and at the end, Mr Innocent Mpoko, who has just joined the team.
- 14 PRESIDING JUDGE SCHMITT: [14:34:20] Mr Mpoko, I welcome you also to the
- 15 courtroom. I have attributed you to the Prosecution, so my regrets.
- 16 THE INTERPRETER: Your Honour, if you would like the teams to be introduced to
- 17 the witness, we'll have to leave a break between each team in consecutive
- 18 interpretation.
- 19 PRESIDING JUDGE SCHMITT: [14:34:38] I don't think that it is so important, but I
- 20 come back to the matter of translation, interpretation later on.
- 21 And then we have the second team, Mr Cox, I think you remain -- no. Also, an
- 22 addition.
- 23 MR COX: [14:34:51] Your Honour, Ms Anushka Sehmi, Mr James Mawira and
- 24 myself, Francisco Cox.
- 25 PRESIDING JUDGE SCHMITT: [14:34:58] Thank you, but I think finally,

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1 Mrs Bridgman, the team of the Defence is unchanged.

2 MS BRIDGMAN: [14:35:02] Yes, indeed, your Honour, we only lost

3 Mr Roy Titus Ayena.

4 PRESIDING JUDGE SCHMITT: [14:35:08] So it is not unchanged, but you lost a
5 person.

6 The Prosecution is now calling P-448 as its next witness and before commencing with
7 the testimony of this witness, we note briefly that protective measures are granted to
8 the witness by virtue of decision 612 and that the VWU recommends voice distortion
9 as an additional protective measure. In this particular instance, the Chamber is
10 persuaded that voice distortion is warranted as a further measure to safeguard the
11 identity of P-448.

12 As counsel have already been informed, the VWU has also determined that certain
13 special measures are necessary to assist the witness in her testimony.

14 And again, Madam Witness, I welcome you in the courtroom on behalf of the
15 Chamber. You're going to testify before the International Criminal Court. I will
16 now read to you the solemn undertaking to tell the truth that every witness who
17 testifies before this Court must agree to.

18 So, Madam Witness, please listen carefully: I solemnly declare that I will speak the
19 truth, the whole truth and nothing but the truth.

20 Madam Witness, do you understand and agree to what I have said?

21 THE WITNESS: [14:36:56] (Interpretation) Yes.

22 PRESIDING JUDGE SCHMITT: [14:36:59] Then we will continue. I will now
23 explain to you the protective measures that the Chamber has put in place for your
24 testimony. These are the following: Face and voice distortion that I have already
25 mentioned have been put this place. That means that no one outside the courtroom

1 can see your face or hear your real voice during your testimony.

2 We all will also use a pseudonym. In accordance with that we will refer to you only
3 as "Madam Witness". This is to make sure that the public does not know your name.
4 When you answer questions that will not give away who you are, we will do this in
5 what we call open session. Open session means that the public can hear what is
6 being said in the courtroom.

7 THE INTERPRETER: Your Honour, I'm sorry, could you speak in shorter breaks for
8 the interpreter. Thank you.

9 PRESIDING JUDGE SCHMITT: [14:38:01] Okay. When you answer questions
10 that don't give away who you are, we will do this in open session. Open session
11 means the public cannot hear -- can hear what is being said in the courtroom.

12 On the other hand, when things are said in the courtroom that could reveal your
13 identity, we do this in private session and as I have already explained, private session
14 means that no one outside the courtroom can hear your answer.

15 Before we start with your testimony, a few practical matters: I think everybody has
16 already noticed that we have a special situation today with regard to the
17 interpretation. Interpreters will be conducting consecutive interpretation today.

18 This means that the interpreter will only interpret after the speaker has stopped
19 talking. The interpreter will not interpret at the same time. Therefore, and this is
20 addressed to everybody in the courtroom and you see how difficult it is for me,
21 I think you can recognise that it is important -- perhaps not important -- not difficult
22 for me to speak clearly, but at a slow pace and in short segments, which I have been
23 reminded of.

24 We have already or I have already allowed that the interpreters might in this instance
25 request you, Madam Witness, to slow down or stop if need be. That is not a

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1 reproach, that will be not a reproach for you. It is simply that it is difficult -- that
2 there is a difficulty with the interpretation.

3 Finally, Madam Witness, if you have a question yourself, please raise your hand. If
4 you do so, we know that you want to say something and we will give you the floor.
5 Have you understood all that, Madam Witness?

6 I didn't get the interpretation or is it -- or am I the only one? So even if a yes, it's
7 short but --

8 THE INTERPRETER: We have to allow a pause for the consecutive interpreter to
9 say everything you've just said, your Honour; otherwise, it doesn't work.

10 PRESIDING JUDGE SCHMITT: [14:41:01] So for everyone, we can expect -- we
11 cannot expect as normally that relatively quickly the answer or the interpretation
12 comes. We have simply to wait and I think we will soon -- it's a little bit of an
13 awkward situation of course, but I think we are all able to learn and to adapt to the
14 situation; so we all know. I assume that the answer was yes by the witness?

15 THE INTERPRETER: Yes, your Honour, the answer was yes.

16 PRESIDING JUDGE SCHMITT: [14:41:37] Then we start with your testimony,
17 Madam Witness.

18 And I give Mrs Hohler the floor.

19 QUESTIONED BY MS HOHLER:

20 Q. [14:41:50] Good afternoon, Madam Witness. We've met before and as you
21 know I will be asking you questions today on behalf of the Prosecution.
22 There is just --

23 A. [14:42:11] (Overlapping speakers)

24 Q. [14:42:12] There is just one thing that I would like to add to what the Judge has
25 already explained. And that is that if at any point you don't understand the question

1 that I'm asking or any of the other lawyers or the Judges is asking, that you please say
2 so and we will make sure to ask it in a different way.

3 A. [14:42:59] Yes, I understand.

4 MS HOHLER: [14:43:01] Now, your Honour, I would request a short private
5 session for a few identifying questions.

6 PRESIDING JUDGE SCHMITT: [14:43:10] Yes, of course. Private session.

7 (Private session at 2.43 p.m.)

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 (Redacted)

22 (Open session at 2.45 p.m.)

23 THE COURT OFFICER: [14:45:24] We are back in open session, Mr President.

24 MS HOHLER: [14:45:28]

25 Q. [14:45:29] Madam Witness, I understand that before coming to testify today

1 you were able to read through or it was read to you the statement that you gave to the
2 ICC investigators before; is that correct?

3 A. [14:46:04] Yes.

4 Q. [14:46:04] I would like you to turn to the binder that should be there close to
5 you, and this will be tab 1 of the binder. The ERN is UGA-OTP-0236-0557 and we're
6 going to look at the first page on that document.

7 A. [14:46:52] Yes.

8 Q. [14:46:55] Do you see, Madam Witness, the document there that at the top
9 reads "Witness Statement" and on the left side we see your name?

10 A. [14:47:22] Seen.

11 Q. [14:47:22] And now if you look towards the bottom of that first page there is a
12 signature.

13 And I would ask the court officer to perhaps scroll down so we see it as well on the
14 screens.

15 Do you see that signature, Madam Witness?

16 A. [14:47:46] Yes, I've seen.

17 Q. [14:47:49] Whose signature is that?

18 A. [14:47:58] It's mine.

19 Q. [14:48:02] Now if you can please turn to the last page of that same document.

20 A. [14:48:22] I have seen.

21 Q. [14:48:24] We see there a box saying "Witness Acknowledgment" and we see a
22 date, 22 June 2015. And above it we again see a signature. Is that also your
23 signature, Madam Witness?

24 A. [14:49:11] Yes.

25 Q. [14:49:15] Is this document then the witness statement that you gave to the

1 ICC investigators in June 2015?

2 A. [14:49:54] Yes.

3 Q. [14:49:55] When you gave your statement were you telling the truth?

4 A. [14:50:06] Yes.

5 Q. [14:50:09] Did you make your statement to the best of your knowledge and
6 recollection?

7 A. [14:50:26] Yes.

8 Q. [14:50:29] Now, Madam Witness, the Judges can use this statement when they
9 decide about the case. Do you have any objection against the Judges using your
10 statement when they decide the case?

11 A. [14:51:03] I accept.

12 PRESIDING JUDGE SCHMITT: [14:51:07] Yes, I think that that's enough to fulfil
13 the requirements of 68(3).

14 MS HOHLER: [14:51:12] Thank you, your Honour. You anticipated my question.

15 Q. [14:51:21] Madam Witness, the statement is now in evidence so I will only
16 have very few questions for you today.

17 A. [14:51:46] Yes.

18 Q. [14:51:48] What I will normally do is read out a part of your statement and
19 then ask you one or two follow-up questions. Just so you understand what will be
20 happening.

21 Now, Madam Witness, my first question will be about the abductees that you saw at
22 Ojobai.

23 A. [14:52:53] Yes.

24 Q. [14:52:55] You said in paragraph 21 of your statement the following:

25 "When we left my village we walked around for two hours. Then we arrived to a

1 village called Ojobai, where we met with other people. There were more than one
2 hundred Kony's soldiers and abductees."

3 Now, Madam Witness, I would like you to focus on those abductees that you saw at
4 Ojobai. How old were the youngest abductees that you saw?

5 A. [14:54:26] About 14 or 15 years.

6 Q. [14:54:36] How did you estimate their ages? What makes you say they were
7 14 or 15?

8 A. [14:54:58] Because some of them were studying with me in one class and we
9 were from the same village.

10 Q. [14:55:11] Do I understand correctly that you actually knew these abductees
11 and that is how you knew they were 14 or 15? Is that correct?

12 A. [14:55:35] Yes.

13 PRESIDING JUDGE SCHMITT: [14:55:38] Mrs Hohler, but this would -- I think
14 I can also do it -- suggest another question, because the witness has said in the
15 statement that she was 12 at the time and she says now that it have been perhaps
16 classmates of her. So this would suggest perhaps to elaborate on that, otherwise
17 Mrs Bridgman would have taken note of it already.

18 MS HOHLER: [14:56:01] Will you allow me, your Honour, to ask the question --

19 PRESIDING JUDGE SCHMITT: [14:56:03] Of course.

20 MS HOHLER: [14:56:05] -- or would you like to take over?

21 PRESIDING JUDGE SCHMITT: [14:56:08] No, no, no. No, no. Please. Because
22 I think you have the right pace. And I mean this really without any irony. I think
23 it's -- it's not an easy situation with the interpretation. Yes, please continue.

24 MS HOHLER: [14:56:19] Thank you, your Honour.

25 Q. [14:56:36] Madam Witness, in your statement you said that you were about

1 11 or 12 when you were abducted, and now you are telling us that some of the
2 abductees you saw at Ojobai were 14 or 15 and were in the same class as you in
3 school.

4 A. [14:57:29] I do not know exactly which year I was born, but the time that I was
5 abducted my mother -- before I was abducted my mother told me I was about that
6 age. And so even when I came back after the abduction that is what my mother
7 told me.

8 MS HOHLER: [14:58:05] I think I will stop there with this question, your Honour.

9 PRESIDING JUDGE SCHMITT: [14:58:08] Yes, indeed. Of course, it might be
10 picked up again later on, but I think for now that it's your turn, you can move on.

11 MS HOHLER: [14:58:18]

12 Q. [14:58:19] Madam Witness, I now want to ask you about an attack you
13 described in your statement and that's the attack on Lira-Pajule.

14 A. [14:58:44] Yes.

15 Q. [14:58:46] These are paragraphs 30 to 42 in the statement. And at paragraph
16 31 you said this, Madam Witness:

17 "... I remember it was the same year as I was abducted, 2003, towards the end."

18 Now I'm trying to understand a little bit better exactly when towards the end of 2003
19 this attack occurred. Do you remember perhaps the month in which the attack on
20 Lira-Pajule happened, or anything else about that period?

21 A. [15:00:06] I don't remember the month.

22 Q. [15:00:10] Was it close to any holiday?

23 A. [15:00:33] I don't remember whether it was Easter or any other important date
24 that was near.

25 Q. [15:00:42] That's fine, Madam Witness. Do you remember what time of day

1 this attack took place? Was it morning? Was it day? Was it towards the evening?

2 A. [15:01:11] It was in the evening.

3 MS HOHLER: [15:01:15] Now, your Honours, my next set of questions deals with
4 the sequence of the roles that this witness had and I would propose that, because that
5 would be identifying and for the clarity of evidence, that I don't go into pseudonyms
6 explaining to the witness, that we would do this in private session. It will not be
7 long, about 10 minutes I suspect.

8 PRESIDING JUDGE SCHMITT: [15:01:43] Yes, okay.

9 Then private session.

10 (Private session at 3.01 p.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Open session at 3.12 p.m.)

21 THE COURT OFFICER: [15:12:47] We are back to open session, Mr President.

22 MS HOHLER: [15:12:50] And that is, your Honour, also all for my questions.

23 Thank you.

24 PRESIDING JUDGE SCHMITT: [15:12:55] Thank you very much, Mrs Hohler.

25 And then I give the LRVs, Mrs Massidda, but I assume that your colleague will do the

1 questioning.

2 MS MASSIDDA: [15:13:05] Yes, your Honour, you are correct as usual.

3 Ms Adong will question the witness.

4 PRESIDING JUDGE SCHMITT: [15:13:13] So this Ms Adong is welcomed at the
5 video-link location, and you are given the floor and you may ask your questions.

6 MS ADONG: [15:13:22] (Via video link) Thank you, Mr President, your Honours.

7 QUESTIONED BY MS ADONG:

8 Q. [15:13:25] Good afternoon, Madam Witness.

9 A. [15:13:31] Hello.

10 Q. [15:13:34] Madam Witness, I'm going to ask you questions about the -- your
11 abduction.

12 A. [15:13:52] Okay.

13 Q. [15:13:54] Could you please briefly describe your life before your abduction.

14 A. [15:14:21] I'm asked to clarify my life, but I do not know how to. To clarify in
15 what way?

16 Q. [15:14:31] Let me be a bit clearer.

17 PRESIDING JUDGE SCHMITT: [15:14:33] I think, Mrs Adong, that is fair, because
18 it's a very open question how was life, so please be a little bit more specific, perhaps.

19 MS ADONG: [15:14:48] (Via video link)

20 Q. [15:14:49] Given the date at which you were abducted, were you freely
21 socialising with other children, behaving like any normal child? Was life at home,
22 were you eating on time and eating well? What about if you are thirsty, would you
23 have access to drinking water? Things of that nature.

24 A. [15:15:40] Is it when I was abducted?

25 Q. [15:15:46] We are talking about before you were abducted?

1 A. [15:16:05] I behaved like any other child. I would play, I would eat well.
2 I had no problems.

3 Q. [15:16:14] And how did you feel at the time of your abduction?

4 A. [15:16:36] My heart, my heart, my heart was broken. My heart was broken
5 because when I was abducted I was no longer enjoying the life that I was enjoying
6 before, I was not sleeping well, I was not playing with other kids. I was really
7 having a difficult time, so my heart was really broken.

8 Q. [15:17:13] Now, Witness, following your abduction you were forced to walk
9 barefoot and your foot got swollen and you also got blisters. Do you still feel the
10 pain from these injuries?

11 A. [15:17:50] I still feel pain from the beatings that I received while I was in the
12 bush. Even when I get flu, I feel so much pain in my body as if I have been beaten.

13 Q. [15:18:07] Now, you were given a load to carry at the time of your abduction.
14 How heavy was this load for you?

15 A. [15:18:36] I was given to carry about two basins of beans on my head, then
16 I had probably a basin of simsim on my back, then I had to carry saucepans, then I
17 had to carry a jerrycan, then at the same time I had to carry a container for drinking
18 water.

19 Q. [15:19:10] How heavy were these for you?

20 A. [15:19:30] They were too heavy. They were too heavy that even when I was
21 walking I would lose my balance. And I used to be pushed. I would just be
22 pushed. But I cannot tell how many kilos this load weighed.

23 Q. [15:19:54] Witness, you mentioned that you were beaten because you were not
24 carrying the load well. Did you sustain injuries from these beatings?

25 A. [15:20:26] I have injuries, but they are not injuries that are visibly seen on my

1 skin. They are, rather, internal injuries.

2 Q. [15:20:38] Did you get treatment for these injuries?

3 A. [15:20:50] No.

4 Q. [15:20:55] I will now ask you questions about your life in the bush.

5 A. [15:21:10] Yes.

6 Q. [15:21:11] You mentioned that you were raped by the first husband you were
7 given to and that it was very painful and that you could not walk the next day. For
8 how long did you feel this pain?

9 A. [15:21:34] I took three days without being able to walk properly. I would
10 walk with my legs apart.

11 Q. [15:22:09] What impact has this injury had on your life now?

12 A. [15:22:38] I feel a lot -- I feel a lot of pain, even up to now as an older person.
13 It has given me difficulty in my life that even giving birth is a problem, and so it has
14 made me get contraceptives so that I don't give birth again.

15 Q. [15:23:21] Now, Witness, in your statement you mentioned that you were
16 among the people taken to Pajule and you were made to carry a heavy load. How
17 heavy were these things for you?

18 A. [15:23:54] They gave me to carry chicken that were tied in a lasso. Then I also
19 had the beans, two basins of beans. The chicken were too many, I do not know, I did
20 not count them, but they were very many. Then we fell into an ambush and then
21 I was told to throw away the beans. Then I continued carrying the chicken. The
22 load was too heavy.

23 PRESIDING JUDGE SCHMITT: [15:25:00] Mrs Adong, please allow me a question.

24 MS ADONG: [15:25:05] (Via video link) Yes, your Honour.

25 PRESIDING JUDGE SCHMITT: [15:25:07] Madam Witness, you mentioned that

1 you after all these years still feel the pain of the rape. I understood that you talked
2 about the physical pain and I want to ask you today do you still mentally feel what
3 has happened?

4 THE WITNESS: [15:25:35] (Interpretation) I do get impactful feelings of the pain
5 that I first felt, but it keeps going away. It does not stay for a long time.

6 PRESIDING JUDGE SCHMITT: [15:26:19] Thank you.

7 Mrs Adong, please continue.

8 MS ADONG: [15:26:24] (Via video link) I'm grateful, your Honour.

9 Q. [15:26:27] Witness, during your time in the bush you witnessed many killings
10 and you saw the remains of the dead. How did this affect you mentally?

11 A. [15:26:42] That feeling did affect me because the killings and the skulls that we
12 saw were so many I did not even -- I was not able to count them. And it made me
13 think that perhaps even my parents had already been killed because there were many
14 people who were killed.

15 Q. [15:27:44] Do you have nightmares as a result of what you saw?

16 A. [15:28:13] Earlier on I used to get the nightmares and -- but as time went on
17 there were some people that used to take me for prayers and they would pray with
18 me. So since then I am calmer, I have not been getting those traumas again.

19 Q. [15:28:35] Now, you have described your living condition before you were
20 abducted. Can you describe the living condition of the abductees like yourself at the
21 bush?

22 A. [15:29:09] The life was very difficult and very painful. When it would rain
23 there would be no shelter for us. It was only the bosses who had tents, and they
24 would put their tents out and sit under them. The rest of us would sit under the tree.
25 And we would just eat seeds and beans to survive.

1 Q. [15:30:03] Now, while staying at Ongwen's household, you were caned by his
2 escorts. Did you sustain any injuries from these beatings?

3 MS BRIDGMAN: [15:30:28] Your Honours.

4 PRESIDING JUDGE SCHMITT: [15:30:29] Mrs Bridgman.

5 MS BRIDGMAN: [15:30:31] May I request counsel to at least give reference to
6 where she's getting some of these propositions that she's putting to the witness.

7 PRESIDING JUDGE SCHMITT: [15:30:40] That's correct, Mrs Bridgman, I agree.
8 So, Mrs Adong, perhaps you could tell us where in the witness statement you are
9 referring to.

10 MS ADONG: [15:30:48] (Via video link) Paragraph 86, my Lord.

11 PRESIDING JUDGE SCHMITT: [15:30:55] That was not a reproach, Mrs Adong,
12 simply so that we can follow. But thank you, that seems to be correct. So please
13 move on.

14 MS ADONG: [15:31:08] (Via video link)

15 Q. [15:31:08] Now, Witness, regarding personal hygiene, did you have access to
16 sanitary pads during that time in the bush?

17 A. [15:31:31] They were not there. They were not there. You just had to stay
18 with your dress, and when the blood would come, it would flow down your legs.
19 And for some people they didn't even have knickers.

20 Q. [15:31:54] Now you stated that you were caned so many times by your first
21 husband. Were you injured as a result?

22 A. [15:32:21] There are injuries, but they are not visible injuries. But yes, the
23 injuries are there.

24 Q. [15:32:37] Now, you were shot in your leg by the UPDF. Has this healed or
25 are you getting medical attention?

1 A. [15:33:09] When I came back, I was taken to Lacor hospital, where I get my
2 first treatment. But later on the wound did not heal, so it kept on being there. And
3 so I got angry one time and put salt and bicarbonate of soda, then at least the healing
4 process began. But now the scar remains as though it looks like a burn.

5 Q. [15:33:56] Thank you. Let us talk about your life after you were rescued from
6 the bush. How were you received by your family?

7 A. [15:34:30] Yeah, my parents were very excited to see me when I returned. In
8 fact, my mother knew that I had already died. I even showed her a letter that I had
9 written to her to let her know that I was still alive. Unfortunately, the letter was not
10 written in Ateso because now I couldn't write in Ateso. I was now writing in Acholi.

11 Q. [15:35:17] And how were you received by the community?

12 A. [15:35:35] Some people received me well, but others did not receive me well.
13 In fact, they would even refuse me to walk around with their children, saying that
14 perhaps I would, I would lie to their children and also take them to the bush where
15 I had been. They didn't trust me.

16 Q. [15:36:12] Now, were you able to continue your education? If not, why?

17 A. [15:36:36] I wanted so much to go to school and indeed I even went to school.
18 However, the children would laugh at me and they would call me (Redacted)
19 So that thing really hurt me so much that I just decided to leave school and I went
20 back home.

21 Q. [15:37:06] Currently are you receiving any medical treatment or counselling?

22 A. [15:37:29] There were people that used to come, there were counsellors that
23 used to come and counsel me so that I would get back to normal life. So even the
24 ones of FIDA also talked to me and they gave me opportunity to learn how to tailor
25 clothes, and even right now I have a machine that tailors clothes, so I do tailoring at

1 home.

2 Q. [15:38:14] Without going into detail, do you have dependents?

3 A. [15:38:32] Yes, I have dependents.

4 Q. [15:38:36] How many?

5 A. [15:38:47] In my family I have four dependents plus myself and my mother, so
6 we are five.

7 Q. [15:38:57] Do you have a steady source of income to enable you to support
8 your dependents?

9 A. [15:39:25] I don't have any other employment, however I cultivate, and in the
10 morning I do cultivation. And after cultivation, I get back to sit on my machine and
11 do tailoring.

12 Q. [15:39:38] Is this sufficient to sustain the family?

13 A. [15:40:01] It is not sufficient. However, it is difficult to just sit there without
14 anything to do or any source of survival.

15 Q. [15:40:13] How do you think you can improve on this status?

16 A. [15:40:46] Earlier I used to -- I had gotten some little money, so I got some
17 clothes, and I would spread them near my place and people would come and buy
18 them. But now I don't even have any more money to continue that trade, so I
19 stopped.

20 Q. [15:41:19] Madam Witness, the machine that you are using, is it good to
21 provide for you?

22 A. [15:41:36] No, it is not enough, because there are people that want designs, but
23 this particular machine does not actually make any designs.

24 Q. [15:41:56] What are your expectations from these proceedings?

25 A. [15:42:17] I think it will result in peace.

- 1 Q. [15:42:26] Thank you, Madam Witness, for your time.
- 2 MS ADONG: (Via video link) My Lord, I have no further questions of the witness.
- 3 PRESIDING JUDGE SCHMITT: [15:42:34] Thank you, Mrs Adong, at the
- 4 video-link location. Thank you for the moment to Madam Witness also.
- 5 We interrupt for today and we reconvene tomorrow morning at 9.30.
- 6 THE COURT USHER: [15:42:49] All rise.
- 7 (The hearing ends in open session at 3.42 p.m.)