

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 Tuesday, 13 June 2017  
9 (The hearing starts in open session at 9.30 a.m.)  
10 THE COURT USHER: [9:30:16] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:30:41] Good morning, everyone.  
13 Could the court officer please call the case.  
14 THE COURT OFFICER: [9:30:48] Good morning, your Honours.  
15 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case  
16 reference ICC-02/04-01/15.  
17 And for the record, we are in open session.  
18 PRESIDING JUDGE SCHMITT: [9:30:59] Thank you very much.  
19 I ask for the appearances of the parties.  
20 MR BRADFIELD: [9:31:02] Good morning, Mr President, your Honours.  
21 Appearing for the Prosecution today are Adesola Adeboyejo, Benjamin Gumpert,  
22 Pubudu Sachithanandan, Hai Do Duc, Beti Hohler, Julian Elderfield, Ramu Fatima  
23 Bittaye, Colin Black and myself, Paul Bradfield.  
24 PRESIDING JUDGE SCHMITT: [9:31:24] Thank you, Mr Bradfield.  
25 And Mr Cox, please.

1 MR COX: [9:31:27] Good morning, your Honours. Appearing for the victims,  
2 Francisco Cox and James Mawira.

3 PRESIDING JUDGE SCHMITT: [9:31:33] Thank you.

4 And the Defence. Mr -- today I forgot Mr Narantsetseg. Excuse me, please.

5 MR NARANTSETSEG: [9:31:43] Good morning, Mr President, your Honours. For  
6 the common legal representative, Orchlon Narantsetseg and Caroline Walter. Thank  
7 you.

8 PRESIDING JUDGE SCHMITT: [9:31:51] And now it's the turn of the Defence. So  
9 rightly you did not raise before time, so to speak.

10 MR AYENA ODONGO: [9:31:56] Good morning, Mr President and your Honours.  
11 Today I am assisted by Chief Charles Achaleke Taku, Ms Bridgman, Abigail, and our  
12 client, Dominic Ongwen, is in court. I am Krispus Ayena Odongo.

13 PRESIDING JUDGE SCHMITT: [9:32:13] Thank you very much, Mr Ayena.

14 The Prosecution is now calling P-269 as its next witness. Before commencing, like  
15 always, I note briefly that the protective measures are granted to this witness by  
16 virtue of decision 612, including that this witness be referenced only by a pseudonym  
17 in public. By way of an email sent yesterday, the VWU recommends use of closed  
18 and/or private session when needed and redaction of any identifying information  
19 from the Court records before dissemination to the public.

20 This is nothing special, so to speak. These supplementary measures necessarily  
21 follow from the protective measures already granted and the Chamber therefore  
22 considers that no further ruling is necessary on this point.

23 As counsel have already been informed, and noting paragraphs 48 to 55 of the already  
24 mentioned decision 612, the VWU has also determined that certain special measures  
25 are necessary to assist the witness in her testimony.

1 We will now discuss the matter of assurances for the witness pursuant to Rule 74  
2 of the Rules of Procedure and Evidence. Mr Manoba and Mr Cox have requested  
3 Rule 74 assurances by way of a filing of today, I think, which will be -- yes, of today,  
4 which will be notified shortly, so to speak. And to discuss this, we go, like we do  
5 this always, to private session.

6 (Private session at 9.33 a.m.)

7 THE COURT OFFICER: [9:33:58] We are in private session, Mr President.

8 PRESIDING JUDGE SCHMITT: [9:34:01] Thank you very much.

9 And I would ask the Prosecution, like always, to provide any views on an inter partes  
10 basis.

11 MR BRADFIELD: [9:34:08] No views, your Honours, no objection.

12 PRESIDING JUDGE SCHMITT: [9:34:10] That is very short and appreciated, as it is.  
13 Any comments by the Defence?

14 MR AYENA ODONGO: [9:34:17] No comments, your Honour

15 PRESIDING JUDGE SCHMITT: [9:34:19] Thank you very much. We have already  
16 discussed it. Okay.

17 Then we go back to open session and for the pronouncement of the ruling.

18 (Open session at 9.34 a.m.)

19 THE COURT OFFICER: [9:34:32] We are back in open session, Mr President.

20 PRESIDING JUDGE SCHMITT: [9:34:38] Thank you.

21 The Chamber will now render its decision on the requested assurances, mindful of the  
22 fact, as specified in Rule 74, paragraph 5 of the Rules, the Chamber has decided to  
23 provide assurances pursuant to Rule 74 of the Rules in order to enable the witness to  
24 testify without fear of the consequence of self-incrimination.

25 This concludes the ruling of the Chamber. And we can now please bring in the

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1 witness.

2 MR AYENA ODONGO: [9:35:12] Mr President, maybe --

3 PRESIDING JUDGE SCHMITT: [9:35:16] Please wait a second. Mr Ayena wants to  
4 address something.

5 MR AYENA ODONGO: [9:35:20] Mr President, your Honours, before the witness is  
6 brought in, I have some preliminary points of law to raise.

7 PRESIDING JUDGE SCHMITT: [9:35:31] Please, you have the word, Mr Ayena.

8 MR AYENA ODONGO: [9:35:33] Mr President, you will remember that the  
9 temporal jurisdiction of this Court is post 1 July 2002. If you look at the -- under,  
10 under Article --

11 PRESIDING JUDGE SCHMITT: [9:36:05] No, if you look at the summary of  
12 the -- what the Prosecution wants to elicit, I understand what you mean.

13 MR AYENA ODONGO: [9:36:12] Yes.

14 PRESIDING JUDGE SCHMITT: [9:36:13] That this also covers a time period that lies  
15 before 1 July 2002. This is, I think, what you perhaps want to address.

16 MR AYENA ODONGO: [9:36:22] That's right. So what I want to address is the fact  
17 that if you look at the, the statement of the witness about to come to court, it precedes  
18 substantially the period 1 July 2002. In this case your Honours will appreciate that  
19 this Court will not have jurisdiction to entertain evidence that precedes the temporal  
20 jurisdiction of this honourable Court.

21 It is therefore my respectful request, your Honours, that the evidence on record that  
22 precedes -- on events that precedes July 2002 should be expunged from the Court  
23 record.

24 PRESIDING JUDGE SCHMITT: [9:37:20] Thank you very much, Mr Ayena.

25 MR BRADFIELD: [9:37:22] Your Honours, Mr Ayena raises a substantive issue and I

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1 wish to make a substantive reply, if you don't mind.

2 PRESIDING JUDGE SCHMITT: [9:37:32] Of course. I would have asked you to do  
3 so.

4 MR BRADFIELD: [9:37:34] Your Honours, the period of the witness's evidence  
5 before July 2002 is both admissible and highly probative. It amounts to what has  
6 been termed in the jurisprudence as evidence of a consistent pattern of conduct. In  
7 support of this, your Honours, I refer to paragraph 152 of the Lubanga confirmation  
8 decision, and with your leave, if I can briefly read it, it states:

9 "... nothing prevents the Prosecution from mentioning ... event which occurred ... or  
10 during ... the acts or omission with which the suspect is charged, especially if that  
11 would be helpful in ... understanding the context in which the conduct charged  
12 occurred."

13 Secondly, your Honours, this evidence is highly probative. Your Honours will have  
14 seen the evidence summary on the witness's statement. It provides an important  
15 foundation for later evidence in relation to the attack on Odek. And to accept  
16 the Defence's objection would be to deprive your Honours of that important  
17 foundation, which, in my submission, is necessary for making a full and  
18 comprehensive determination on the truth.

19 And lastly, your Honours, by way of example, many a witness that testifies in this  
20 case will have been abducted before July 2002. To artificially commence a witness's  
21 testimony from that date is not desirable, it's not helpful. By way of one example,  
22 P-101 was abducted into Dominic Ongwen's group as far back as 1996 but  
23 your Honours need that context in order to make a full determination on the relevant  
24 conduct that is charged.

25 So in my submission the Defence's objection should be rejected.

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- 1 PRESIDING JUDGE SCHMITT: [9:39:17] Thank you very much.
- 2 MR TAKU: [9:39:20] May it please the Court, your Honours.
- 3 PRESIDING JUDGE SCHMITT: [9:39:22] But please shortly, Mr Taku.
- 4 MR TAKU: [9:39:24] Yes, your Honour. I think these submissions are
- 5 misconceived. At the confirmation -- if you look at the confirmation decision, it is
- 6 very, very obvious that the confirmation Judge was very mindful of this problem.
- 7 And the Prosecutor himself withdrew allegations of sexual -- evidence of a sexual
- 8 nature relating to one of the wives because the alleged conduct happened before the
- 9 temporal jurisdiction of the charges that were brought. It is very, very clear there.
- 10 Secondly, it is not just about context in this particular case, about Odek or other things,
- 11 it's about other offences, expanding the scope way beyond the temporal jurisdiction
- 12 of the charges, about other alleged abductions and -- that occurred. It is not a
- 13 background issue, your Honours.
- 14 And secondly, this is not some form of crimes or inchoate crimes that they would say
- 15 that, "Oh, they've commenced within the jurisdiction, ended within the jurisdiction."
- 16 They said for two years, two years, 2000 -- 1999 or 2000. That way, it would end
- 17 sometime in 2000, in 2002. And the temporal jurisdiction commenced in 2002.
- 18 They can lead evidence about Odek on its own because it is right there in the charge,
- 19 and your Honours expressly allowed, during the status conference, that evidence will
- 20 be led in respect of these locations, and of course abductions that took place
- 21 elsewhere within the particular crime bases or other crime bases within the temporal
- 22 jurisdiction of the charges.
- 23 But to bring evidence about 2000, your Honours, the Prosecutor's own case predicates
- 24 even the presence of Mr Ongwen in the territory of Uganda from Iron Fist,
- 25 Operation Iron Fist. And they know very well, your Honours, that from their own

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1 proof of evidence before the court, from their own case theory, from the opening  
2 statement, everything they put in this case, before Iron Fist, Mr Ongwen was not in  
3 Uganda. So, your Honour, this is either a pure waste of time or to lead  
4 inflammatory evidence, your Honours, which is not relevant to the charges.  
5 In certain circumstances the Court can receive evidence that will explain the crimes,  
6 but then the Court cannot convict on that. This is not that particular case, your  
7 Honours. It is not evidence that explains or -- a consistent pattern of conduct. It is  
8 not pleaded. The confirmation decision does not allow that or did not specifically  
9 said that evidence of a persistent pattern of conduct should be brought into this case,  
10 nor is it an issue in this case. So they cannot introduce it, your Honours, through the  
11 back door. This evidence, simply, your Honours, 2000 or 1999, is simply of crimes  
12 committed at that point, is simply not admissible.

13 PRESIDING JUDGE SCHMITT: [9:42:14] Thank you very much.

14 (Trial Chamber confers)

15 PRESIDING JUDGE SCHMITT: [9:43:10] So we have the following ruling to make.

16 The Chamber is aware that the attacks and criminal conduct outside of the charged  
17 time period are not themselves, and I quote, "facts and circumstances described in the  
18 charges", end of quote, within the meaning of Article 74(2) of the Statute, so the Court  
19 cannot convict on incidents that have happened at that time. However, such attacks  
20 or criminal conduct can be put forward as evidence to support the facts and  
21 circumstances in the charged time period. Examples may include evidence to  
22 establish the contextual elements or the modes of liability charged.

23 The Chamber also refers to the Lubanga decision that the Prosecution has mentioned.

24 But, again, as with all evidence received in this case, the Chamber will consider the  
25 appropriate use of this evidence when deliberating its judgment. So it is a similar

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1 judicial problem that we have already addressed when it comes to incidents that have  
2 happened and are not one of the four charged incidents. It's a similar judicial  
3 problem and a similar assessment of the Chamber. This concludes the ruling.  
4 And what I want to say -- also want to say is that the Chamber appreciates it that  
5 the Defence has raised this issue before the testimony of the witness started. We  
6 appreciate that very much, so that there was no interruption. And that is really  
7 a good way forward, not to start with evidence of a witness and then when the first  
8 question comes to interrupt, and then this back and forth. This is also noted.  
9 Thank you very much. We can bring now the witness in.

10 MR GUMPERT: [9:45:50] Your Honour, it is no slight to the Court that I am going to  
11 retreat from the front row to the back. There is a problem with this computer. I'll  
12 hope to get it fixed in the break and to rejoin you.

13 PRESIDING JUDGE SCHMITT: [9:45:59] But since you are, really, your presence is  
14 still in the room somewhere, I think that everything is okay, I would say.

15 (The witness enters the courtroom)

16 PRESIDING JUDGE SCHMITT: [9:47:02] I think we would need the earphones for  
17 the witness.

18 [9:47:23] Good morning, Madam Witness, do you hear me?

19 WITNESS: UGA-OTP-P-0269

20 (The witness speaks Acholi)

21 THE WITNESS: [9:47:28] (Interpretation) Yes, I do.

22 PRESIDING JUDGE SCHMITT: [9:47:29] I would like to welcome you on behalf of  
23 the Chamber in this courtroom. You are going to testify before the International  
24 Criminal Court. And, first of all, Madam Witness, I will now read the oath, to tell  
25 the truth, to you. The oath, as every witness who testifies before this Court, to agree



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1 to.

2 So please listen, Madam Witness. I solemnly declare that I will speak the truth, the  
3 whole truth, and nothing but the truth.

4 Madam Witness, do you understand?

5 THE WITNESS: [9:48:11] (Interpretation) Yes, I do.

6 PRESIDING JUDGE SCHMITT: [9:48:15] Do you agree?

7 THE WITNESS: [9:48:17] (Interpretation) Yes, I agree. Thank you very much. We  
8 will now continue.

9 I have a rather long preface for you, many matters to address, before we can really  
10 start with your testimony. Please be indulgent with me. First of all, I would like to  
11 explain to you the protective measures that the Chamber has put in place for your  
12 testimony. We have put the following measures in place for you. Face and voice  
13 distortion. That means that no one outside the courtroom can see your face or hear  
14 your real voice during your testimony. We will also a pseudonym. In accordance  
15 with that, we will all refer to you only as "Madam Witness" not with your real name,  
16 like I am doing at the moment. This is to make sure that the public does not know  
17 your name. When you answer questions that will not give away who you are, we do  
18 that in open session. Open session means that the public can hear what is being said  
19 in this courtroom.

20 On the other side, when you are asked to describe anything that relates specifically to  
21 you, for example, you are asked to mention facts that might reveal your identity, we  
22 will do so in private session. Private session means that there is no broadcast and no  
23 one outside the courtroom can hear you.

24 Madam Witness, as you know, you are represented in these proceedings by Mr Cox  
25 and Mr Manoba. They have requested that you receive assurances protecting you

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1 against any possible self-incrimination issues that may arise during your testimony.  
2 And the Chamber gives you the assurance pursuant to Rule 74(3) of the Rules. That  
3 is a technical matter. I explain it to you. That means that your testimony will not  
4 be used either directly or indirectly against you in any subsequent proceedings by  
5 this Court. There would be one exception under what we call Article 70 and 71  
6 of the Statute. That means if you would commitment offences against the Court, if  
7 you, for example, would not tell us the truth, but you have already declared that you  
8 have taken the solemn undertaking that you will tell us the truth, the whole truth,  
9 and nothing but the truth.

10 If any question is asked that could lead to your self-incrimination, we will hear your  
11 answer in private session and keep this answer confidential. As always, I address  
12 the lawyers who are vigilant in that respect, and Defence has done it in the past,  
13 Prosecution, and the Chamber of course also.

14 Madam Witness, do you understand all that?

15 THE WITNESS: [9:51:44] (Interpretation) Yes, I have understood.

16 PRESIDING JUDGE SCHMITT: [9:51:47] Thank you very much, Madam Witness.

17 And I shortly come to the end of my long speech. I have really shortly to address  
18 two or three practical matters. Everything what is said here in the courtroom is  
19 being interpreted, and to allow the interpreters to follow and to really also tell  
20 everybody in the Court exactly what has been said by you, for example, you would  
21 have to speak slowly and into the microphone. What you are doing at the moment  
22 is absolutely okay. So just continue like that, speak slowly, only speak when the  
23 person who has asked you a question has finished with his question. I think you  
24 have also understood this, Madam Witness.

25 THE WITNESS: [9:52:34] (Interpretation) Yes, I have.

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1 PRESIDING JUDGE SCHMITT: [9:52:37] And now has finally, I would even say,  
2 come the moment where we can start and commence with your testimony.

3 And I give you the floor.

4 MR BRADFIELD: [9:52:47] Thank you, your Honours.

5 QUESTIONED BY MR BRADFIELD:

6 Q. [9:52:48] Madam Witness, good morning.

7 A. [9:52:53] Good morning.

8 Q. [9:52:57] As you know, my name is Paul Bradfield, and today I will be asking  
9 some questions on behalf of the Prosecution. If at any time you do not understand  
10 my question, or would like me to repeat, that's okay, please tell me. And if you feel  
11 you need a break, please also let the Judges know. My first set of questions relates to  
12 your background.

13 And for that, your Honours, I request a short private session.

14 PRESIDING JUDGE SCHMITT: [9:53:29] Yes, private session.

15 (Private session at 9.53 a.m.)

16 (Redacted)

17 MR BRADFIELD: [9:53:45]

18 Q. [9:53:45] Madam Witness, you can speak freely now when we are in private  
19 session. For the record, please tell us your full name?

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [9:54:12] Do you remember the year in which you were born?

24 A. [9:54:19] I was born in 1976.

25 Q. [9:54:24] And do you remember where you went to primary school?

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1 A. [9:54:33] Yes, I do.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Open session at 9.56 a.m.)

20 THE COURT OFFICER: [9:56:19] We are back in open session, Mr President.

21 MR BRADFIELD: [9:56:21]

22 Q. [9:56:22] Now, Madam Witness, you have told us that you were in primary  
23 school. When you were going to primary school were you the same age as your  
24 classmates, or a different age?

25 A. [9:56:44] I was a little old.

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1 Q. [9:56:46] And why were you older than your classmates?

2 A. [9:56:53] Because when there was change of government in Uganda, I had to  
3 stay home for a while, and when people started going back to school, I decided to go  
4 to school as well, even when I was already older. I wanted to get educated.

5 Q. [9:57:12] Now, Madam Witness, was there a point where you stopped going to  
6 primary school?

7 A. [9:57:24] Yes, there was.

8 Q. [9:57:27] Please tell me, why did that happen?

9 A. [9:57:37] Because while I was studying, one day I came back from school, and  
10 I was abducted while we were having a meal. That was the last time I went to  
11 school.

12 Q. [9:57:49] Now, Madam Witness, do you remember the year in which this  
13 happened?

14 A. [9:57:58] That was in -- that was in 1999.

15 Q. [9:58:13] So, Madam Witness, you said you were abducted. I would like to  
16 hear more about the details of what happened on that day. When you arrived home  
17 from school, what happened?

18 A. [9:58:34] When I came back from school, I was seated with my sister and we  
19 were having a meal. I heard some voices and we went out. My sister was an  
20 athlete and she took off. I tried running but I couldn't run fast. I was caught.

21 Q. [9:58:55] Madam Witness, who caught you?

22 A. [9:59:01] They were soldiers. One of the soldiers came to me.

23 Q. [9:59:12] Madam Witness, can you describe what the soldiers looked like?

24 A. [9:59:20] These soldiers were putting on gumboots, some of them were putting  
25 on military uniforms, others were not having that. Some had tattered clothes.

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1 Some of them had flip-flops and others were barefooted.

2 Q. [9:59:46] And could you estimate the number, the number, of these soldiers?

3 A. [9:59:52] They were ranging between 90 to a hundred. I could not count their  
4 number at that time.

5 Q. [10:00:02] Madam Witness, what language were these soldiers speaking?

6 A. [10:00:09] They were speaking Acholi and Lango languages.

7 Q. [10:00:18] And do you remember if they were carrying anything?

8 A. [10:00:23] Yes, we carried luggage. I carried flour.

9 Q. [10:00:38] Madam Witness, did you come to know the name of these soldiers,  
10 the group they came from?

11 A. [10:00:50] Could you please repeat that question?

12 Q. [10:00:54] This group of soldiers, did they call themselves anything?

13 A. [10:01:02] They called themselves Holy.

14 Q. [10:01:13] And this group of Holy soldiers, can you describe their gender and  
15 their ages, if you can remember?

16 A. [10:01:30] There were men, women, and children. There were children who  
17 were fairly young.

18 Q. [10:01:40] When you say "fairly young", Madam Witness, could you put an  
19 estimate on the youngest child in that group?

20 A. [10:01:55] Around 12 or 13.

21 Q. [10:02:01] And, Madam Witness, where was the rest of your family at this point?

22 A. [10:02:13] My family members, like my mother, my younger siblings, were there,  
23 but they were not abducted. The siblings were very young; they were still very  
24 young.

25 Q. [10:02:27] So you said earlier that you were given flour to carry. Please tell us,

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1 where did you take this flour to next?

2 A. [10:02:41] The flour that I carried, we took it for -- to feed us. We would carry  
3 and move along with it. When it was time for cooking, we would cook, and that is  
4 what we would feed on.

5 Q. [10:03:00] So the next place you went to, Madam Witness, the location where  
6 you were cooking, do you remember if it had a name?

7 A. [10:03:14] We cooked at a place called Lakim.

8 Q. [10:03:22] Can you describe what you saw when you arrived at Lakim?

9 A. [10:03:31] When we arrived at Lakim, we stayed for a while and the girls were  
10 given to men.

11 Q. [10:03:52] We will come to that experience in a moment, Madam Witness. But  
12 first, this group of Holy soldiers, did you come to know the name of the commander  
13 or the leader of this group?

14 A. [10:04:13] After I had spent some time, but not very long, I came to know that  
15 the leader of that group was called Dominic.

16 Q. [10:04:27] And do you know Dominic's full name?

17 A. [10:04:33] Yes, I know Dominic's full name.

18 Q. [10:04:37] Please tell us.

19 A. [10:04:43] He is called Dominic Ongwen, but while I was still in the bush, he  
20 was just referred by the name Odomi.

21 Q. [10:04:57] And how would the other soldiers in the group address  
22 Dominic Ongwen; what title would they use?

23 A. [10:05:16] I did not hear how his soldiers would refer to him, because as  
24 a woman, I wouldn't stay close by to him.

25 Q. [10:05:29] And, Madam Witness, who told you that his name was

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1 Dominic Ongwen or Odomi?

2 A. [10:05:40] My fellow women.

3 Q. [10:05:47] And this particular unit or group that you were in, do you know if it  
4 had a name?

5 A. [10:05:59] Yes. It had a name.

6 Q. [10:06:02] And what was that name?

7 A. [10:06:07] It was called Sinia brigade.

8 Q. [10:06:16] When you first saw Dominic Ongwen, Madam Witness, how old  
9 would you say he was at that time?

10 A. [10:06:27] When I first saw him for the first time I -- I think he was around, he  
11 was in his twenties.

12 Q. [10:06:41] And generally what would he wear on a day-to-day basis?

13 A. [10:06:51] He had a green army, camouflaged uniform.

14 Q. [10:07:01] And just to clarify, when was the first time that you saw him?

15 A. [10:07:12] When I was abducted and I was at Lakim.

16 Q. [10:07:22] And do you remember what you saw him doing at Lakim?

17 A. [10:07:31] I saw he was addressing his soldiers.

18 Q. [10:07:44] Now, Madam Witness, you have said that Ongwen was the leader of  
19 this group. Did you come to know the name of the second in command?

20 A. [10:08:02] I did not quite get to know, but the person that he would speak to,  
21 and then that person would come to speak to us, was called Joe.

22 Q. [10:08:20] And just to clarify again, who told you that his name was Joe?

23 A. [10:08:33] My fellow women were the ones who told me that he was called Joe,  
24 because I wouldn't ask any other person. Also, the man that I was given to by the  
25 name (Redacted) also told me that that gentleman was called Joe.



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1 Q. [10:08:58] Madam Witness, when was the first time that you saw Joe?

2 A. [10:09:06] I saw him from Lakim at the time he was distributing us to the men  
3 who were there.

4 Q. [10:09:19] I would like to get some more detail about this distribution,  
5 Madam Witness. Can you describe how it happened?

6 A. [10:09:32] What happens is that they go and sit down with other commanders.  
7 Then they would send Joe. Joe was sent to come to us, and he said if you are -- you  
8 have been appointed and assigned to a certain boy, then you would -- that boy will  
9 come and hold you by your hand, and that is how it will be done.

10 Q. [10:10:05] And when Joe came to do this, do you remember with who he was  
11 and where he came from immediately before that?

12 A. [10:10:24] They had sat down together with the overall commander, who was  
13 addressing them, so after they concluded their discussion, he then came to us. We  
14 were seated -- we were all seated down.

15 Q. [10:10:40] Just to get the name, Madam Witness, who is the overall commander  
16 you are referring to there?

17 A. [10:10:50] That was Dominic.

18 MR BRADFIELD: [10:10:58] Your Honours, if I might address you, in order to  
19 proceed with this particular line of questioning, I am requesting that we do so in  
20 private session.

21 PRESIDING JUDGE SCHMITT: [10:11:07] Agreed. We go to private session.

22 MR BRADFIELD: [10:11:09] Thank you.

23 (Private session at 10.11 a.m.)

24 (Redacted)

25 (Redacted)

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17 (Open session at 10.15 a.m.)

18 THE COURT OFFICER: [10:15:32] We are back in open session, Mr President.

19 MR BRADFIELD: [10:15:42]

20 Q. [10:15:42] So, Madam Witness, you have told us you had been given to a man.

21 Can you describe for us your daily routine, what you did on a daily basis?

22 A. [10:15:59] As his wife, I am to cook and carry all the luggage that I will use to  
23 cook wherever we would go. (Redacted)

24 (Redacted)

25 Q. [10:16:18] Madam Witness, how many women would you estimate were in the

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1 group at this time?

2 A. [10:16:32] They were close to 40 and over. They were close to 40 women and  
3 over. It was difficult to count.

4 Q. [10:16:43] That's okay, Madam Witness. And these women, what were they  
5 doing and what was their role, that you saw?

6 A. [10:16:55] They were to be a wife, their main role was to be a wife. Just a few of  
7 them were actually soldiers.

8 Q. [10:17:06] And of the few that were soldiers, do you remember any of the names  
9 of those female soldiers?

10 A. [10:17:20] I cannot recall that now.

11 Q. [10:17:24] It's okay. Madam Witness, do you know how many women were in  
12 Dominic Ongwen's household?

13 A. [10:17:51] There were women in Dominic's household. But I do not know  
14 whether all those were his wives.

15 Q. [10:17:55] Could you estimate the ages of these women?

16 A. [10:18:04] Some of the girls are about 12 years; others are 16, around 16. Others  
17 were around 18 years.

18 Q. [10:18:16] And these younger girls, did you see them? What were they doing?

19 A. [10:18:26] I see them collecting firewood, collecting water, and cooking food.

20 Q. [10:18:34] And these young girls, did they have a particular title that they were  
21 referred to, if you know?

22 A. [10:18:44] I do not recall their names now.

23 Q. [10:18:48] Not their individual names, but a generic name for these young  
24 women, do you know?

25 A. [10:19:02] Now I do not recall.

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1 Q. [10:19:04] That's okay, Madam Witness. So, Madam Witness, apart from this  
2 first day at Lakim where you were given to a man, was this the only occasion where  
3 you saw this happen, or were there others?

4 A. [10:19:28] It occurs frequently, because when girls were abducted and they are  
5 brought, those girls do not stay alone. They are given out to the men so that they  
6 would not escape.

7 Q. [10:19:44] And can you describe the process when this happens; so when a girl  
8 arrives into the group, who decides what should happen to that girl?

9 A. [10:20:01] When a girl is abducted and we arrived at the base where we were  
10 supposed to rest, then the overall commander, like Dominic, he would call his  
11 commanders and address them. And then the lower commanders now will come to  
12 us and then they say, "this girl should go to the other boy." They would not give  
13 a girl to a newly -- a new recruit. A new recruit was not taken long there. So they  
14 would give to somebody who has stayed there for some time and also has a gun,  
15 because they know that this lady, this girl, will not escape.

16 Q. [10:20:54] Now, in your estimation, what would be the youngest age that a girl  
17 would be distributed?

18 A. [10:21:06] Upwards of 13 years. When the girl has now developed breast, they  
19 wouldn't give girls whose breasts are not fully developed. So if they abduct a girl  
20 whose breast has not yet been developed, that girl would be put to work in the  
21 household or to babysit until the girl is old enough to be given to a man.

22 Q. [10:21:38] Thank you, Madam Witness. Can you estimate at this time how  
23 many children were in the group?

24 A. [10:21:54] There were many children in that group, but I wasn't able to count,  
25 because if you are also an abductee, you would be scared and you would not be able

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1 to count the number of people.

2 Q. [10:22:12] That's okay, Madam Witness. Can you tell me how it came that  
3 these children joined the group?

4 A. [10:22:26] They are abducted just like I have been abducted. If they are on the  
5 move and they come across your home, whether you run or not, so if you run and  
6 they follow you and capture you, then you will be captured, but if you run and they  
7 do not capture you, that is your luck. And you will have escaped in that way.

8 Q. [10:22:54] And again, in your estimation, what would be the youngest child that  
9 would be abducted; what age would they be?

10 A. [10:23:06] Would be 12 years old.

11 Q. [10:23:10] And, Madam Witness, what was the purpose in abducting these  
12 young children?

13 A. [10:23:21] When they are boys, they are abducted, and they would stay a while  
14 and then would be recruited into the army. But if you are a girl, you are first given  
15 in a household as a house helper, and then when you are old enough you are given to  
16 a man.

17 MR BRADFIELD: [10:23:51] Your Honours, for Rule 74 reasons, I'm requesting  
18 a private session.

19 PRESIDING JUDGE SCHMITT: [10:23:55] Yes, private session.

20 MR BRADFIELD: [10:23:59] Thank you.

21 (Private session at 10.24 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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4 (Open session at 10.29 a.m.)

5 THE COURT OFFICER: [10:29:41] We are back in open session, Mr President.

6 MR BRADFIELD: [10:29:56]

7 Q. [10:29:56] Now, Madam Witness, during your period in this group, how often  
8 would you see Dominic Ongwen?

9 A. [10:30:09] I would see him frequently because he would address his  
10 commanders, and then his commanders will come and speak to us.

11 Q. [10:30:21] And when he would walk by, for example, how would you react?

12 A. [10:30:35] Whenever he is passing, you would have to show respect. For the  
13 women, we would have to bow down as a show of respect for him.

14 Q. [10:30:47] And when he was moving, did he move alone?

15 A. [10:30:54] He didn't move alone; he had his escorts. I was told they were called  
16 "escorts".

17 Q. [10:31:06] And these escorts, were they the same age as him or younger?

18 A. [10:31:17] Some of them were almost like of the same age as himself, others were  
19 older than him, while some were younger than him.

20 Q. [10:31:31] Now, Madam Witness, in the bush where would your group source  
21 its food?

22 A. [10:31:46] Food would be looted from villages.

23 Q. [10:31:51] And who would give the order to loot these villages?

24 A. [10:32:03] Whenever we run out of food, Dominic would issue the instruction  
25 that we should go and collect food items, and then people would be selected to go

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1 and loot food in the trading centres.

2 Q. [10:32:23] Madam Witness, what would happen when these orders were not  
3 followed? What would happen then?

4 A. [10:32:34] Whenever an order is issued and people do not follow, for instance, if  
5 you are instructed to go and loot food but they went and did something different,  
6 they would be, when they come back, they would be put down and caned.

7 Q. [10:32:52] And did you ever see this caning happen? Can you give me an  
8 example?

9 A. [10:33:02] I witnessed it once when they were sent to go and loot food items,  
10 they did not go to do that; instead they went and attacked the trading centre. When  
11 they came back, they were all put down and caned. I witnessed that myself.

12 Q. [10:33:22] And did you hear or see who gave the order to cane these men?

13 A. [10:33:34] I heard and also saw.

14 Q. [10:33:37] And who gave the order, Madam Witness?

15 A. [10:33:43] It was Dominic who was the overall commander.

16 Q. [10:33:51] Now, Madam Witness, if your group came across civilians in the bush,  
17 what would happen to those civilians?

18 A. [10:34:08] When -- at that time when people had left their villages and gone to  
19 the camps, there was an order that any civilian who was found in the bush would  
20 have to be killed.

21 Q. [10:34:27] And who gave this order, Madam Witness?

22 A. [10:34:37] The overall commander, who was called Dominic.

23 Q. [10:34:40] Can you give me an example of a time where you came across  
24 a civilian in the bush; what happened?

25 A. [10:34:54] I remember there was a time we found a man in the bush who was

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1 trying to make charcoal. When he was caught, they said this man should be killed.

2 But they waited for the commander and asked him what should be done to that man.

3 The commander said that man should not be killed, instead what they should do was

4 to have his arms cut. They should also cut his mouth and ears, and then he should

5 be released to go.

6 Q. [10:35:31] And just to clarify, Madam Witness, who is the commander that

7 you are referring to there?

8 A. [10:35:40] Dominic Ongwen himself.

9 Q. [10:35:43] And this order, was it carried out on this man that you found?

10 A. [10:35:53] It was done exactly the way he had instructed. They cut his arms,

11 they mutilated the mouth, and he was left to go. He was crying and bleeding

12 profusely.

13 Q. [10:36:10] Madam Witness, what did they use to cut this man?

14 A. [10:36:20] They used a machete to -- to cut the arms. For the lips and ears they

15 used razor blades.

16 Q. [10:36:30] And just to clarify, did you witness this yourself?

17 A. [10:36:37] Yes, I did witness it.

18 Q. [10:36:40] Thank you, Madam Witness. Changing topics slightly again,

19 Madam Witness. If someone in the group was suspected of being a witch, what

20 would happen to that person?

21 A. [10:37:04] What would happen to a person believed to be a witch was that such

22 a person would be killed because they didn't want witches in the bush.

23 Q. [10:37:16] And did you ever see this happening? Can you give me an example?

24 A. [10:37:24] Yes, I can give an example because one day there was a girl who was

25 sharing a man with another girl. The co-wife reported that the other girl was a witch.

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1 The girl was picked and taken away and killed because she was believed to be a witch,  
2 and they did not want witches in the bush.

3 Q. [10:37:53] Do you remember how old this girl was?

4 A. [10:38:02] That girl was about 15 years, if I can hazard a guess.

5 Q. [10:38:10] And who is the one who would decide that this girl should be taken  
6 away? Who gave that order?

7 A. [10:38:22] The person who would give orders was Dominic, because he had  
8 earlier ordered that no witches should be allowed to stay in the bush.

9 Q. [10:38:38] Thank you, Madam Witness. Madam Witness, can you describe to  
10 us, then, how you eventually escaped from the bush?

11 A. [10:38:52] Yes, I can do that.

12 Q. [10:38:55] Please tell us, how did you do it?

13 A. [10:39:03] While we were moving, we reached a sugar cane field. I had already  
14 contemplated escaping for a while. When we reached there, people starting  
15 harvesting sugar cane. I also joined in harvesting, but I kept on kind of retreating  
16 when we were moving forward. When I saw people had already moved a little far, I  
17 went and squatted next to an ant hill. Having realised that everyone else had  
18 already gone, I started running. I was running in a different direction, because I  
19 knew if I had gone on the other side of the road where other people were going, I  
20 would possibly meet some of them again. When I ran, I came to a homestead, and I  
21 found a man who took care of me. He hid me in the bush where his children were.  
22 That man was an LC, and he told me the area I had gone to was called Achol-Pii. He  
23 later on went and reported to the soldiers, and then he picked me and took me to the  
24 soldiers. I was heavily wounded. (Redacted)

25 (Redacted)

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1 (Redacted)

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3 MR BRADFIELD: [10:40:56] Your Honours, I request a short private session.

4 PRESIDING JUDGE SCHMITT: [10:41:01] Of course.

5 Private session.

6 (Private session at 10.41 a.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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21 (Redacted)

22 (Redacted)

23 (Open session at 10.42 a.m.)

24 THE COURT OFFICER: [10:42:40] We are back in open session, Mr President.

25 MR BRADFIELD: [10:42:48]

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1 Q. [10:42:48] So, Madam Witness, how long then did you stay at Achol-Pii

2 barracks?

3 A. [10:42:59] I stayed for between two and three days.

4 Q. [10:43:08] And without mentioning any names that might reveal your identity,

5 how did you come to leave Achol-Pii barracks?

6 A. [10:43:25] The reason I left Achol-Pii was that there was somebody who was

7 selling within Achol-Pii barracks and he asked me why I was there. I told him that I

8 had escaped and was brought there and I did not know anyone who could connect

9 me to get out of there. I told him I had a problem there. So he told me that he was

10 going home to tell my parents, which he did. He went and told my, my mother, and

11 my mother told her brother, who was a soldier in Awere. And my uncle now went

12 to the soldier who was taking care of me and talked to him and then he was able to

13 get me and take me with him to Awere barracks.

14 Q. [10:44:19] And from Awere barracks, where did you go after that?

15 A. [10:44:30] Well, from Awere barracks, well, I didn't go anywhere, I stayed there.

16 I was treated from there of the wounds that I had. When I recovered, my uncle said

17 there was no reason for me to be taken anywhere else. I needed to just be taken

18 home. There was no need taking me to any rehabilitation centre for need of

19 property. My mother needed to let me stay home and recover from there.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [10:45:35] And what year is this, Madam Witness?

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1 A. [10:45:41] That was in 2002.

2 Q. [10:45:45] Thank you. So, Madam Witness, I would like to move forward in  
3 time now to April 2004. Are you feeling okay? Do you need a break?

4 A. [10:46:04] I'm okay. I feel as if I should have a little break.

5 Q. [10:46:09] All right.

6 PRESIDING JUDGE SCHMITT: [10:46:09] That is no problem at all, Madam Witness.

7 Then we will have a break, I think, the normal break. Why not have it a little bit  
8 extended. 11.30.

9 THE COURT USHER: [10:46:23] All rise.

10 (Recess taken at 10.46 a.m.)

11 (Upon resuming in open session at 11.32 a.m.)

12 THE COURT USHER: [11:32:34] All rise. Please be seated.

13 PRESIDING JUDGE SCHMITT: [11:33:00] I hope, Madam Witness, that you had the  
14 opportunity to recover a little bit during the break, and I assume we can continue  
15 now.

16 MR BRADFELD: [11:33:13]

17 Q. [11:33:14] Madam Witness, I just have one follow-up question from what we  
18 spoke about earlier this morning. Now, you have told us already that the  
19 commander was called Dominic Ongwen or Odomi. I'm interested to know how  
20 would the junior soldiers in the group address him. Did they use any particular  
21 title?

22 A. [11:33:46] They use the title "lapwony".

23 Q. [11:33:51] Thank you, Madam Witness.

24 So if we could move forward then in time, Madam Witness, to April 2004. Do you  
25 remember where you were living at this time?

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- 1 A. [11:34:11] Yes, I do remember.
- 2 Q. [11:34:13] And where was that?
- 3 A. [11:34:16] I was in Odek IDP camp.
- 4 Q. [11:34:24] And do you remember when you moved there?
- 5 A. [11:34:36] Could you say the question again?
- 6 Q. [11:34:38] Do you remember in what year that you moved to Odek IDP camp?
- 7 A. [11:34:43] I do remember.
- 8 Q. [11:34:48] And which year was that?
- 9 A. [11:34:56] It was in 2003.
- 10 Q. [11:34:58] And who did you move there with, Madam Witness?
- 11 A. [11:35:04] I moved there with my mother and I got my man from there.
- 12 Q. [11:35:21] I'm sorry, could you repeat that last line, Madam Witness?
- 13 A. [11:35:28] I said I moved to the camp with my mother and I got the man that I
- 14 finally stayed with from Odek camp.
- 15 Q. [11:35:42] Thank you, Madam Witness. What was the reason that you and
- 16 your family moved to Odek IDP camp?
- 17 A. [11:35:54] We came to Odek camp because the government soldiers were saying
- 18 if we stay back home, then it is the civilians who are actually sustaining the rebels.
- 19 Q. [11:36:15] Madam Witness, can you describe for us the types of conditions, the
- 20 living conditions in Odek IDP camp?
- 21 A. [11:36:28] When we just came to the camp, we did not have a house. There
- 22 were two big houses which were used as stores, so there was no house. People were
- 23 all sent to the camp at a go, so we all moved and stayed in the main store. Some
- 24 men went to sleep in the hospital.
- 25 So we would sleep very early, by 7 p.m., by 8 p.m. and the army would now seal off



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1 the camp and you would not come out of the camp because they say if you move out  
2 of the camp, it would be difficult to distinguish between the civilians and the rebels.  
3 So you would stay indoors, you would stay inside, and you would even ease in the  
4 basin that is provided, that you have in your house, and you don't come out.

5 Q. [11:37:30] The army that you speak of, Madam Witness, how were they treating  
6 the civilians in the camp?

7 A. [11:37:45] When we had just come to the camp, the relationship between the  
8 civilians and that particular group of the soldiers was not very good. Sometimes the  
9 soldiers would come and pick a wife from his husband and would go and abuse the  
10 woman and you have nothing to say about it. And if you come out, you actually  
11 would be beaten.

12 Q. [11:38:15] And just to clarify, Madam Witness, are these soldiers that you speak  
13 of, are these the ones that are protecting the camp?

14 A. [11:38:22] Yes, the soldiers who were protecting the camp.

15 Q. [11:38:32] Now, Madam Witness, apart from the soldiers, was there anybody  
16 else involved in protecting the camp?

17 A. [11:38:45] There was not any other group, apart from the Home Guard and the  
18 government soldiers, especially -- so it was only the government soldiers that were  
19 protecting the population.

20 Q. [11:39:04] And where did these soldiers station themselves?

21 A. [11:39:12] They were also at the camp, but they were not together with the  
22 civilian. They were a little apart in their own location. The civilians were in  
23 a different location, but they were very close by, all within Odek.

24 Q. [11:39:32] This building or location where they were putting themselves, did it  
25 have a name? How would you describe that building?

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1 A. [11:39:42] It's called a barracks.

2 Q. [11:39:47] And if you were to estimate, Madam Witness, from the edge of the  
3 camp to the barracks, how many minutes' walk would that take you?

4 A. [11:40:03] Could, could be 20 to 30 minutes. I am not very conversant with  
5 the -- estimating time.

6 Q. [11:40:14] If you were to put a distance on it, Madam Witness, would it be the  
7 length of a football field away? Or shorter than that?

8 A. [11:40:30] Slightly, slightly more than a football field, because it is not very close.

9 Q. [11:40:36] Thank you, Madam Witness. So at this time in 2004 where were the  
10 residents of the camp getting their food from?

11 A. [11:40:52] The people in the camps would receive food rations from the World  
12 Food Programme.

13 Q. [11:41:05] And what type of rations would you get, what types of food?

14 A. [11:41:11] We would get beans, maize and cooking oil.

15 Q. [11:41:17] And do you recall at what time of the month this would usually arrive  
16 and be distributed?

17 A. [11:41:30] There's no specific date. Sometimes it's provided at the end of the  
18 month, sometimes it's provided in the middle of the month.

19 Q. [11:41:45] Now, Madam Witness, if I could bring you now to the events  
20 of 29 April 2004. What happened on this day?

21 A. [11:42:02] What happened on the 29th, 2004, it was around 5 p.m., because we  
22 use the sun to estimate the time in Acholi. I had a little cold, then I actually was  
23 lying down. Then after a short while I heard gunshots slightly at the edge of our  
24 home and then in the direction towards the centre and then another gunshot coming  
25 from the extreme end of the camp. I could not run. I ran back inside, because in

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1 our house there was a trench which was dug by my husband, so that we could use it  
2 to protect ourself because we were told that if there is any fighting, you should not  
3 just run. Then I ran back inside the house and hid in that trench.

4 Q. [11:43:19] (Microphone not activated) Apologies, your Honours.

5 Madam Witness, was there any indication or warning that an attack would happen  
6 that day?

7 A. [11:43:36] There was no warning; there was no prior information. But on that  
8 day, people were gathered, and the government soldiers had gathered people and  
9 they were addressing the population. They said if you see a stranger, you should  
10 report that to the army. But to hear of any pending attack, that information was not  
11 available.

12 Q. [11:44:10] So, Madam Witness, you have told us that you had put yourself in  
13 a trench. Did you stay there?

14 A. [11:44:23] Yes, since the fighting, the shooting began, I was inside, I kept inside,  
15 until when I -- when the gunshots had gone down, had gone silent, I would hear  
16 things, some noise outside. I thought maybe since the guns, the shots had gone  
17 down, maybe people were running, so I thought I should come out so that I could run  
18 together with the people. So I tried to peep outside, but I could see and could see  
19 that this was still the Lakwena who was still around, so I went back.

20 Q. [11:45:06] Madam Witness, can you describe what you saw when you looked  
21 outside? How does a Lakwena look?

22 A. [11:45:16] The people that I said I saw had luggage. There were also some  
23 soldiers who were holding luggage and they also had guns. And there were people  
24 following them. These people were also carrying luggage.

25 Q. [11:45:36] The people following them, were they also part of the Lakwena, or

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1 not?

2 A. [11:45:43] Some of them were civilian who were carrying the items.

3 Q. [11:45:50] Can you describe how these Lakwena were dressed?

4 A. [11:46:00] Lakwena soldiers had -- were -- had green camouflaged. They also  
5 had dreadlocks. They had tattered clothes which were not -- most of the clothes they  
6 were putting on were not like the ones that the government soldiers would put on.

7 Q. [11:46:31] So, Madam Witness, you said you went back to your house. What  
8 happened when you went back?

9 A. [11:46:37] When I went back inside I -- I thought they had not seen me, but one  
10 soldier came and entered the house. That trench was covered with a curtain, with  
11 a wall, with a curtain wall. So the soldiers, when they entered the house, he came  
12 and, and told me to come out. So when I came out, he pulled a 50 kilogram luggage  
13 of bins, because the food items had just been distributed. So I pulled it out, and he  
14 tried to pull it out and he tried to run back outside, but the firing -- there was a lot of  
15 firing outside, so he could not come out so he retreated back inside. At some point,  
16 he tried to come out again and he gave me that bag to carry and told me to run after  
17 him. But when we came out, we were moving, gunfire was too much outside, so he  
18 told me to sit down. I sat down, and after a while, he shot. He was actually  
19 firing -- was firing his gun. And at that time, he managed to open the way because  
20 the government soldiers were right ahead of him. So when he fired, the government  
21 soldiers gave way, and he ordered me to carry my luggage to follow him, so I  
22 continued to follow him. He said bullets will only get you because when you have  
23 done something wrong. So we continued moving on, and the government soldiers  
24 were firing. At some point, he was hit by a bullet in the chest, but still we continued  
25 moving.

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1 Q. [11:48:39] This 50 kilogram bag that you described, were you able to carry that  
2 the first time that you were given?

3 A. [11:48:48] I was not able to carry, but I carried the flour after I had failed to carry  
4 that maize. So he went inside the house and then got that flour which he gave me to  
5 carry.

6 Q. [11:49:08] Madam Witness, without mentioning any names now, did you see  
7 what happened to your immediate neighbours during this attack?

8 A. [11:49:19] I saw.

9 Q. [11:49:22] Tell us what happened to them?

10 A. [11:49:26] What happened to my neighbour, they were actually drinking, and  
11 they were actually making noise inside. There were bullets. There were gunshots  
12 outside. So when the rebels came, they shot inside the house. Two of them were  
13 shot, and I could see there was blood flowing inside. One of the men was shot, and  
14 he tried to run outside, but he fell just along the doorway.

15 Q. [11:50:10] Madam Witness, when you say "two of them" were shot, who is  
16 "them"; who are you referring to?

17 A. [11:50:23] The two people who were shot were -- was (Redacted). They were  
18 shot while they were inside.

19 Q. [11:50:39] Do I understand correctly, these are your neighbours?

20 A. [11:50:45] Yes, those are my neighbours.

21 Q. [11:50:51] So, Madam Witness, where did you then go next with this bag that  
22 you were carrying?

23 A. [11:51:03] We continued; we moved for a long distance. We actually spent  
24 a night along the way, and then returned the following day.

25 Q. [11:51:18] Immediately after you were given this bag to carry, Madam Witness,

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1 describe what you saw as you left Odek camp; what did you see along the road?

2 A. [11:51:34] When we were leaving Odek camp, after I was told to carry the  
3 luggage, that you will only be shot when you have done something wrong, my  
4 neighbour was lying down in front of the door. I moved a little while. I saw a child  
5 that was thrown onto a rubbish pit. We continued moving. Then there were  
6 women who were being told to remove the babies that they had on their back. So  
7 you would remove the baby; you were supposed to carry luggage and not hold on to  
8 the child.

9 Q. [11:52:16] Who was telling the women to drop the babies, Madam Witness?

10 A. [11:52:24] It was the Holy soldiers, or Lakwena.

11 Q. [11:52:37] This child that you saw in the rubbish pit, Madam Witness, could you  
12 say how old this child was?

13 A. [11:52:44] The first child that I saw was still a very young baby. I think would  
14 be about two months old, but the second, the second group of children that I saw who  
15 were left abandoned in the bush were those like in the age of 6 months going to  
16 8 months.

17 Q. [11:53:11] And, Madam Witness, when you were leaving the camp, without  
18 mentioning the name now, where was your daughter?

19 A. [11:53:22] I had a child, and then there was another child that I was taking care  
20 of. They were all inside, so by the time I came out, they also came following me.  
21 When I started moving, they also started moving after me. When I sat down they  
22 came and sat next to me. When I started moving, they also came running, crying  
23 after me. Then one soldier said I should leave these children now to remain in my  
24 place because I will be killed. So at some point when I started to talking, I tried to  
25 talk to them because -- so that they would leave, but they wouldn't. What they did,

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1 they just slapped the children, and they remained behind and we continued moving.

2 Q. [11:54:14] So, at this point, Madam Witness, who else are you moving with?

3 A. [11:54:23] With my children? Please say the question again.

4 Q. [11:54:26] Madam Witness, you said your children remained behind, and I  
5 would like to know, as you moved away then, who else was with you?

6 A. [11:54:39] At that time, I was with a certain elderly lady called Alice.

7 Q. [11:54:48] And you mentioned earlier that you saw other civilians carrying  
8 luggage. What kind of luggage was this?

9 A. [11:55:00] They carried flour, maize, and beans, and cooking oil and some other  
10 items that were looted from the shops, like salt and soap.

11 Q. [11:55:16] And just to clarify, this untying of babies that you described, did you  
12 see this yourself?

13 A. [11:55:28] Yes. I saw it myself, which was -- it was actually one of the lady that  
14 I was moving with was asked to untie the baby.

15 Q. [11:55:39] And apart from the bag that you were given to carry, were you given  
16 anything else to carry?

17 A. [11:55:49] Yes, after I had moved for a while I -- I went and I got the wife of that  
18 soldier who captured me -- had some luggage, some salt, and she gave it to me. It  
19 was coming to rain and she instructed me not to make -- not to make that salt be  
20 spoilt by rain. So I asked her to give me something to cover, because if I had not  
21 done that, she said I would be killed. So I carried the salt and also together with the  
22 flour.

23 Q. [11:56:28] You said this was a wife that had given these things to you. Was this  
24 the only lady amongst the Lakwena or were there others?

25 A. [11:56:42] There were several women, but that man who abducted me brought

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1 me to that lady and told me that that was his wife and that luggage was his wife's  
2 luggage.

3 Q. [11:57:00] And did you see any other ladies in the group of the Lakwena?

4 A. [11:57:11] I saw women.

5 Q. [11:57:11] And what were the ages of these women, from the youngest?

6 A. [11:57:21] The youngest could be around 13 years old and the oldest could be  
7 about 18 years old, because some of them had children.

8 Q. [11:57:36] As you were leaving Odek now, Madam Witness, you said you were  
9 carrying things. Were there any men amongst you?

10 A. [11:57:49] Yes, there were men. We -- we also -- as we were moving we also  
11 got men who were abducted.

12 Q. [11:57:59] And these men from Odek, were they made to carry anything?

13 A. [11:58:07] Yes, the men who were abducted, there was one soldier who was  
14 injured. He was actually made to carry an injured person. So he was carrying, with  
15 the person over his shoulder.

16 Q. [11:58:38] And did this man continue carrying him on his shoulder on his own?

17 A. [11:58:49] He did not continue carrying the person alone because at some point  
18 the person became so heavy that he could no longer manage to carry. So they all fell  
19 down. So when this man who was carrying the injured person fell down, they came,  
20 the soldiers came to him and they told him not -- they told the soldiers not to beat him.  
21 They said the lapwony is now so heavy. So they went and brought two logs, and  
22 this log was put -- was covered with a polythene bag so that it would be used like  
23 a stretcher for carrying this injured person. So when this stretcher was made, two  
24 people were now brought to help carry the lapwony.

25 MR BRADFIELD: [11:59:47] Your Honour, out of caution, a brief private session for



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1 one question.

2 PRESIDING JUDGE SCHMITT: [11:59:52] Perhaps -- I have one short question in  
3 that respect before we move to private session.

4 Madam Witness, at the time when you were abducted and had to carry the flour,  
5 I think in the end it was, how was your physical condition?

6 THE WITNESS: [12:00:12] (Interpretation) I had malaria. I was also pregnant.

7 PRESIDING JUDGE SCHMITT: [12:00:17] And how far was your pregnancy, do you  
8 recall that?

9 THE WITNESS: [12:00:26] (Interpretation) I had a six-month pregnancy.

10 PRESIDING JUDGE SCHMITT: [12:00:30] Thank you, Madam Witness.

11 We go now to private session.

12 (Private session at 12.00 p.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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13 Page redacted – Private session

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Open session at 12.05 p.m.)

9 THE COURT OFFICER: [12:05:11] We are back in open session, Mr President.

10 MR BRADFIELD: [12:05:16]

11 Q. [12:05:16] So, Madam Witness, please continue. You said you saw this

12 man - and don't mention his name - being tortured. How were they torturing him?

13 A. [12:05:33] The man was being tortured, was being beaten. They undressed him

14 in the midst of everyone else. Everyone else was still dressed up, but for him, they

15 had already removed his shirt and he was bound.

16 Q. [12:05:49] Did you see this yourself, Madam Witness?

17 A. [12:05:54] Yes, I witnessed this with my own eyes.

18 Q. [12:06:00] And do you know what became of this man in the end?

19 A. [12:06:12] He never returned from the bush. I was told he was killed.

20 Q. [12:06:18] Without mentioning the name, who told you that, Madam Witness?

21 A. [12:06:28] One of the children who had been abducted and escaped earlier came

22 and reported about that, said all the men who were abducted were eventually killed.

23 Q. [12:06:43] So, Madam Witness, as you left Odek, where did you spend that

24 night?

25 A. [12:06:53] We spent the night in the bush, and at that time people were in the

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1 camps and it was very bushy; you could not establish where exactly you were.

2 There were no homes nearby. We were just somewhere in the wilderness.

3 Q. [12:07:12] And when you arrived at the location where you slept, what did you  
4 see?

5 A. [12:07:25] That very evening when we arrived there, I didn't see anything. We  
6 spent the night there. We prepared a meal. It was raining. We stayed there.

7 People prepared meals, and there was nothing I really witnessed at that time.

8 Q. [12:07:44] And this first night, did the rebels say anything to you or the group  
9 that you heard?

10 A. [12:07:59] What the rebels told me was that -- I had requested to move out to  
11 ease myself. They told me I should never try to escape because there were rebels  
12 who were providing security to the rest of the people and if I had tried to escape, I  
13 would get killed. I told them I would not escape. That was one of the ladies who  
14 escorted me. She was the one who was telling me that.

15 Q. [12:08:29] And just to clarify, Madam Witness, the injured commander that the  
16 other men were carrying, do you know what happened to that injured man?

17 A. [12:08:43] According to what one of the children who escaped said, he said that  
18 that commander died and because he died, the rest of the men were killed. And he  
19 said if that commander had died immediately when they were still there, all of us  
20 would have been killed, because they had told us that very evening that all of us were  
21 going to be killed because we made their commander be shot.

22 Q. [12:09:14] Sorry, who told you that, Madam Witness? Was this to you directly?

23 A. [12:09:23] They told us directly that we would be told. They are -- Lakwena  
24 soldiers really wanted to kill us that evening, as if we were not human beings.

25 Q. [12:09:40] So, Madam Witness, to the next day then, the following morning.

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1 How did it begin? Please describe it for us.

2 A. [12:09:54] We spent the night and at dawn they started whistling, because  
3 whenever the Holy are about to set off, they would whistle to indicate that they are  
4 about to take off, so that people would prepare themselves.

5 They whistled and people all rose up, they organised themselves. And after that,  
6 one of the commanders of the Holy, the overall commander, came and had -- talked  
7 to them, saying that he had called Kony and he told Kony that he had an attack in  
8 Kony's place. Kony was very happy. He laughed it off and he said if the civilians  
9 of Odek were still continuing to stay in the camp, they should continue being killed.

10 Q. [12:10:50] Madam Witness, who is the overall commander that you are referring  
11 to there?

12 A. [12:11:02] Personally at that time, it was fairly clear, I could see clearly that he  
13 was Commander Dominic because previously I had been abducted and I was in that  
14 very group.

15 Q. [12:11:18] And how close to you -- how close were you to him when you heard  
16 this?

17 A. [12:11:34] Estimating the actual distance was -- is actually easy, but I was not far  
18 from him. I did not directly intend to look at him, but I was nearby, I could hear  
19 what he was saying. I would only -- I wouldn't want to see him directly because I  
20 did not want him to identify me because I was previously in that group and they  
21 would kill me if I had been identified.

22 Q. [12:12:01] When you heard him say this, who was he addressing?

23 A. [12:12:11] He was addressing his fellow commanders. He does not address the  
24 entire group. He only calls the other commanders and he addresses them. Then  
25 the lower-ranking officers would now come down and inform the rest of the people.

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1 Q. [12:12:32] And just to be sure, did you hear these words yourself?

2 A. [12:12:38] Yes, I did hear these words myself. I was not just told.

3 Q. [12:12:45] Can you describe what Commander Dominic was wearing at this  
4 time?

5 A. [12:12:56] Yes, I can do that.

6 Q. [12:12:59] Please do.

7 A. [12:13:04] What I saw he was putting on was a green uniform. He had a cap,  
8 was put on a pair of shoes, and he had something around the waist and then a tin for  
9 keeping water. There was also another thing that looked like a phone with  
10 something that was attached to it. This was the gadget that he used to use whenever  
11 he is communicating.

12 Q. [12:13:46] Madam Witness, did anybody from the group of Lakwena speak to  
13 you?

14 A. [12:13:56] Yes, there was a woman who talked to me. She asked me that I  
15 looked like some lady who was together with her in that group. She was called  
16 (Redacted). I told her, yes, I am the one.

17 Q. [12:14:19] So at this time, Madam Witness, can you describe who is around you?  
18 Who are you with?

19 A. [12:14:34] At the time if I can recall, other soldiers were there, together with  
20 other women. I, I got frightened. I could not continue talking about that because I  
21 knew if I was clearly identified, I would be killed there and then.

22 Q. [12:14:53] But apart from the Lakwena, Madam Witness, who else was there  
23 with you?

24 A. [12:15:07] Right now I cannot have a clear recollection of that.

25 Q. [12:15:12] Madam Witness, you told us earlier that you were moving together

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1 with other civilians as you left Odek IDP camp who were carrying things. Did you  
2 see these abductees later?

3 A. [12:15:31] Yes, I saw them while we were moving. You know, some of these  
4 things, when you are now being questioned, you may not recollect all of them.

5 Q. [12:15:43] That's okay, Madam Witness, just answer as best you can. And these  
6 other abductees, can you estimate their age and tell us their gender?

7 A. [12:15:59] Yes, they abducted us women, men and also children.

8 Q. [12:16:10] And how old would you say would the youngest of these children be?

9 A. [12:16:22] The youngest child I would put at about eight years, because the child  
10 was later released together with the other women. We came back with that child.

11 MR BRADFIELD: [12:16:39] Your Honours, I seek your guidance. I wish to put  
12 some -- I wish to ask the witness if she knows any of the names of these children.

13 And I seek your guidance whether it is best to do this in open or private session.

14 PRESIDING JUDGE SCHMITT: [12:16:52] I frankly do not see any reason why we  
15 should not ask in open session.

16 MR BRADFIELD: [12:16:57] Very well.

17 Q. [12:17:00] Madam Witness, do you remember the names of any children who  
18 were taken from Odek?

19 A. [12:17:10] Yes, I do remember.

20 Q. [12:17:13] Please tell me their names.

21 A. [12:17:19] One of the girls with whom we came back was called Aneno Joyce.  
22 There was a boy called Kilama, he went for good, never returned. There was  
23 another called Adaa, he returned later on. Onek also returned but is now deceased.  
24 There's another one who is still alive.

25 Q. [12:17:46] And how old were these boys that you mention, Onek, Kilama and

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1 Adaa?

2 A. [12:18:01] The children ranged between 13 and 14 years of age.

3 Q. [12:18:07] And how do you make that assessment, Madam Witness? What  
4 makes you think they were that young?

5 A. [12:18:19] For us as Acholi, we would look at the size of the person and then you  
6 would estimate the age of the person. Even if you will not come out with a very  
7 correct estimate, but you can still come out with an estimate.

8 Q. [12:18:44] So, Madam Witness, where did you and the group move to next?

9 A. [12:18:57] We walked and moved. We were released from a place call  
10 Te-Aceng, next to a thicket.

11 Q. [12:19:15] And can you describe in what manner that you were moving?

12 A. [12:19:25] Could you please repeat the question? Are you talking about our  
13 movement as we were returning home?

14 Q. [12:19:31] Yes. How did you move back?

15 A. [12:19:37] When -- we were then told that -- because the group that abducted me  
16 was the last group that was fighting at the -- in the camp. I came and found  
17 everyone else was already lined up. I was the last person to arrive. I was  
18 instructed to put down my luggage and join the line. I did that. I joined the line. I  
19 found machetes, axes and hoes. They told me to stand there, and I did that. We  
20 were told that all of us were going to be killed.

21 We remained in the line and they went and discussed amongst themselves. Then  
22 one of them came back and said, "You won't be killed this time around because if we  
23 kill you, there won't be any other woman left in Odek camp. For that reason, we are  
24 going to release you to go back home." And then when we were told to go back  
25 home, we started walking, but we were told that we should walk in a zigzag such that



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1 we could not make the soldiers trace us.

2 But because we were so scared and we thought we were going to be killed but also so  
3 hoped that we were going to escape, we starting running while the rebels were  
4 looking on us. They called us back and we came back. They asked us whether we  
5 still want to survive. We told them, yes, we do. They said if, if they kill us -- the  
6 way we are moving and running, the soldiers are going to find us and kill us. So we  
7 came back to them and stood in a line again.

8 Should I continue?

9 Q. [12:21:18] Please do, yes.

10 A. [12:21:24] Yes. So when we came back to the line, they went back and  
11 discussed again amongst themselves. And we were still in the line and we didn't  
12 know. We were waiting for what would come, whether we're going to live or die.  
13 One of them came back, covering his face with his hat. He said, "Right now we are  
14 going to release you. And as we said earlier, all the women in Odek camp are dead,  
15 so we are going to give two soldiers to lead you on how you should walk." One of  
16 them went ahead and the other one stayed behind and instructed us on how we  
17 should walk, that you move straight and then you move -- you cross so that you  
18 move in a zigzag, and in that manner you will be -- you will be trying to be elusive  
19 and you will be dodging the government soldiers so that you can reach home without  
20 being killed. If you arrive or if you are found by other Holy soldiers, you will tell  
21 them that you were abducted the day before and you had carried luggage and  
22 released so they would not kill you.

23 Q. [12:22:39] Just to take you back a little bit, Madam Witness, you have told us  
24 about the ages of the civilians from Odek, the young boys. I want to know, what  
25 was the youngest age of the Lakwena soldiers?

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1 A. [12:23:03] Estimating the actual age of the youngest Lakwena soldier who was  
2 among us, those who came to fight, is difficult. Because as an abductee, I could not  
3 really look around, establish who could have been the youngest. Unless maybe I  
4 have forgotten that.

5 Q. [12:23:23] That's okay, Madam Witness. So you, you have told us the rebels  
6 were, were threatening you, to kill you. And was this order or this threat carried out,  
7 or what happened?

8 A. [12:23:44] Yes, there was a threat that we would be killed, but we were  
9 eventually not killed; we were released to go back home. They said that all the  
10 women in Odek camp were dead, they were -- we were the only women who were  
11 alive and that's why we had to go back.

12 Q. [12:24:05] So when you finally reached Odek IDP camp, Madam Witness, what  
13 did you see upon your arrival?

14 A. [12:24:18] When we were released and returned, we went and found so many  
15 dead bodies littering the camp. I found that my mother-in-law had been killed.  
16 She had been shot in the house, together with her grandson. The bodies were in the  
17 compound and they were preparing to go and bury. We also found other bodies  
18 along the way.  
19 When people saw us returning, the people again got scared because they thought  
20 these were the rebels coming back. But we shouted and told them to come back.  
21 We told them we were just returning. Then they came back and then continued with  
22 the burial arrangements.

23 Q. [12:25:09] These bodies that you saw along the way, Madam Witness, who were  
24 these people?

25 A. [12:25:22] There was Mzee Ongwen, or Mzee Ongwen's body that we found as it

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1 was being taken to be buried.

2 Q. [12:25:34] And is Mzee Ongwen a young or an old man?

3 A. [12:25:40] An elderly man, but not very elderly.

4 Q. [12:25:53] And were you able to see the types of injuries on these bodies as you  
5 passed by?

6 A. [12:26:02] We did not see that. We did not try to look around at that time,  
7 because that was a dead body, if I can recollect, because some of these scenarios are  
8 not easy to recall.

9 Q. [12:26:20] I understand, Madam Witness. We are nearly finished. I just want  
10 to find out about your relatives. You said your mother-in-law had died. Did you  
11 come to know or were you told how she died?

12 A. [12:26:42] What I was told was that she was shot in the house and she fell down  
13 supine.

14 Q. [12:26:51] And who told you this, Madam Witness?

15 A. [12:27:00] Right now I cannot recall, but I think it was my husband who told me  
16 that.

17 Q. [12:27:09] And you also mentioned that your mother's grandson had died.  
18 How old was he?

19 A. [12:27:28] I think -- well, I cannot clearly recall the age, but I estimate he should  
20 have been about 10.

21 Q. [12:27:41] And were you told how this boy died, in what way?

22 A. [12:27:55] What I was told was that they, they were trying to stop the child from  
23 going out, but the child jumped out of the house, trying to flee, but got caught in the  
24 crossfire.

25 Q. [12:28:10] And who told you about this, Madam Witness?

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1 A. [12:28:19] My husband.

2 Q. [12:28:27] And apart from your mother-in-law and grandson, did you lose any  
3 other relatives during the attack?

4 A. [12:28:43] Well, Odek was not a very big camp, that meant that most people who  
5 died there were relatives.

6 Q. [12:28:57] And do you remember any particular relation that died, or not?

7 A. [12:29:09] I cannot recall that now because some of these things you cannot  
8 remember.

9 MR BRADFIELD: [12:29:20] Your Honours, if we can refresh the witness's memory.

10 PRESIDING JUDGE SCHMITT: [12:29:24] Yes. And we have constantly exercised  
11 this without mentioning the names and I think that's fine in open session. So we can  
12 perhaps continue in that respect, in this way.

13 MR BRADFIELD: [12:29:39]

14 Q. [12:29:40] Madam Witness, did you lose an uncle during the attack?

15 A. [12:29:55] Well, it's difficult now. I cannot respond to that because, you know,  
16 when the questions are all about deaths, it becomes very painful and you fail to recall  
17 certain things.

18 Q. [12:30:16] That's okay, Madam Witness. So, Madam Witness, where were the  
19 dead of Odek buried?

20 A. [12:30:36] Some people were buried in the northern part, while others were  
21 buried the southern part of the area. They were actually buried together, like a mass  
22 grave.

23 Q. [12:31:02] And did you see this burying happening yourself?

24 A. [12:31:10] Yes, I saw, because I returned and found some people had not yet  
25 been buried, but some had already been buried.

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1 Q. [12:31:23] And what were the ages and gender of these people you saw being  
2 buried?

3 A. [12:31:35] The men, some of them were young, others were older people, elderly  
4 women and then others were actually young women. There were actually quite  
5 a number of people.

6 Q. [12:31:54] And where were your relatives buried?

7 A. [12:32:06] My relatives were buried from the upper part, the upper side of Odek  
8 camp, just at the side there.

9 Q. [12:32:18] Do you know, Madam Witness, if any of the civilians were injured in  
10 the attack?

11 A. [12:32:33] Yes, I know.

12 Q. [12:32:34] And what kind of injuries did they have.

13 A. [12:32:40] Mostly were gunshot injuries.

14 Q. [12:32:46] And where did the injured people receive treatment, if at all?

15 A. [12:32:57] Some of the injured were all taken to Odek hospital and some were  
16 transferred to Gulu hospital because some of them were very serious injuries.

17 Q. [12:33:14] And, Madam Witness, I am coming to the end now. Did you receive  
18 any or did you suffer any injuries yourself in the attack?

19 A. [12:33:27] I was not injured. I was only used to carry luggage, the bullets got  
20 the luggage that I carried, but I was unhurt. Excuse me, can I add something? I did  
21 not get gunshot injuries, but the luggage that I carried was so heavy and has affected  
22 my ribs because I had carried the luggage just on my side for a long time and the  
23 saucepan that I carried with the, with the salt in it was the one that pressed my ribs  
24 and that's the injury I got, but it was not related to gunshots.

25 Q. [12:34:27] Madam Witness, you said there were injured people with gunshot

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1 wounds. Did you speak to them? Did they tell you how they received those  
2 wounds?

3 A. [12:34:39] To, to speak with them, no, I did not. But I saw them, I saw some of  
4 the injuries with my own eyes.

5 Q. [12:34:52] Madam Witness, you will be glad to hear that concludes my  
6 questioning.

7 MR BRADFIELD: Your Honours, we have moved much more quicker than  
8 anticipated.

9 PRESIDING JUDGE SCHMITT: [12:35:02] Thank you very much, Mr Bradfield, we  
10 appreciate that.

11 And the question would like always be of course you are going to question, Mr Cox,  
12 the witness, do you have an estimate how long?

13 MR COX: [12:35:15] Your Honour, I think the Prosecutor has covered a lot of the  
14 issues that we were going to. We have a few questions, but I don't know if the  
15 witness would (Overlapping speakers) --

16 PRESIDING JUDGE SCHMITT: [12:35:27] I am going to ask her, but I just want an  
17 estimate from you.

18 MR COX: [12:35:32] I guess like 20 minutes. I don't think it will be very long  
19 because, as I said, I think the Prosecutor has gone through -- the OTP has gone  
20 through the whole --

21 PRESIDING JUDGE SCHMITT: Yeah, okay.

22 MR COX: -- questions, but we have few questions.

23 PRESIDING JUDGE SCHMITT: [12:35:41] And from the other teams of the Legal  
24 Representatives?

25 MR NARANTSETSEG: [12:38:12] Thank you, Mr President, for the opportunity.

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1 If you allow it, we might put maybe only one set of questions which will cover a very  
2 small area that haven't been covered so far. Thank you.

3 PRESIDING JUDGE SCHMITT: [12:36:02] Thank you very much.

4 So, Madam Witness, how do you feel at the moment? Do you feel like going on  
5 a little bit or do you prefer to have now a break to try to recover a little bit? We can  
6 do it either ways.

7 THE WITNESS: [12:36:21] (Interpretation) Yes, we can take a break because the  
8 issues related to death when you, you know, talk about it, it brings you back some  
9 painful memories.

10 PRESIDING JUDGE SCHMITT: [12:36:32] We fully understand that, everybody in  
11 the courtroom I am sure. So we will have now the lunch break and I think perhaps  
12 until 2 o'clock.

13 And we continue then and I would suggest that you start tomorrow morning. I  
14 think it's better to have it this way so that the witness has enough time to recover,  
15 yes?

16 So we have the lunch break until 2 o'clock.

17 THE COURT USHER: [12:36:58] All rise.

18 (Recess taken at 12.37 p.m.)

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

20 THE COURT USHER: [14:00:50] All rise.

21 PRESIDING JUDGE SCHMITT: [14:01:16] Good afternoon, everyone. I give the  
22 floor -- Ms Adeboyejo is standing.

23 MR GUMPERT: [14:01:24] I apologise for our depleted ranks. Ms Adeboyejo is in  
24 fact going to do something I have just asked her to do. I apologise for the seating  
25 discourtesy.

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1 PRESIDING JUDGE SCHMITT: But you have moved to the forefront again, I have  
2 realised.

3 MR GUMPERT: Yes.

4 PRESIDING JUDGE SCHMITT: Yes, so thank you. So I give now, Mr Cox the  
5 floor.

6 MR COX: [14:01:45] Thank you, your Honour.

7 QUESTIONED BY MR COX:

8 Q. [14:01:50] Good afternoon, Madam Witness. My name is Francisco Cox. We  
9 have met before, and, as we told you, we are going to ask you some questions. We  
10 are going to try to keep it brief so you can go and rest. And I'll ask you about your  
11 life before your first abduction, then a few questions about life during abduction, and  
12 then some few questions about when you returned, and finally some more personal  
13 and sensitive questions. But we'll try to go very fast through those.  
14 Madam Witness, could you tell the Court, before your first abduction where were you  
15 living?

16 A. [14:02:52] I was living in (Redacted).

17 Q. [14:03:04] With whom were you living there?

18 A. [14:03:08] I was living with my mother and my children.

19 Q. [14:03:12] At that time were you married, Madam Witness.

20 A. [14:03:18] I was still a girl who was still at home. It was my maiden life. I had  
21 not yet gotten married.

22 Q. [14:03:28] What was your life during that time?

23 A. [14:03:39] My life at that time was not difficult. I was going to school then.

24 Q. [14:03:47] Until what grade were you able to go to school?

25 A. [14:03:55] I stopped at primary 7.



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1 Q. [14:04:02] Madam Witness, I would like to move now to life during your  
2 abduction, and I have a few questions about that, just to clarify certain points.  
3 How long were you abducted the first time?

4 A. [14:04:31] I stayed in the bush for two years.

5 Q. [14:04:33] Were you able to make any friends during that time in the bush?

6 A. [14:04:37] I used to live together with other women.

7 MR COX: [14:04:46] Your Honour, I would ask to go to private session.

8 PRESIDING JUDGE SCHMITT: [14:04:48] Yes, please.

9 (Private session at 2.05 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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17 (Redacted)

18 (Open session at 2.08 p.m.)

19 THE COURT OFFICER: [14:08:56] We are back in open session, Mr President.

20 MR COX: [14:09:01] Madam Witness -- thank you.

21 Q. [14:09:02] With whom did you live when you returned from the bush?

22 A. [14:09:11] When I had recovered from my wounds, I left my uncle's place and  
23 went back home to live with my mother.

24 Q. [14:09:27] How long after you returned to your home did you go to the Odek  
25 IDP camp?

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1 A. [14:09:39] When I returned home, I did not take long before we moved to the  
2 camp.

3 Q. [14:09:48] Madam Witness, now I will ask you some few questions about life in  
4 the camp. Who did you move with to the camp?

5 A. [14:10:02] I moved with my mother and our siblings.

6 Q. [14:10:12] Were you able to move with any belongings to the camp?

7 A. [14:10:22] Yes, we ferried our items to the camp.

8 Q. [14:10:31] What kind of belongings were you able to move to the camp?

9 A. [14:10:39] These included saucepans, food items like corn, beans, which we  
10 moved with when we had just come to the camp.

11 Q. [14:10:58] You said earlier that you had received food aid while during in the  
12 camp. Was the food that you received enough, adequate for your needs?

13 A. [14:11:18] They would hand out, but the quantity would be inadequate to satisfy.  
14 They would only give just to help you carry on, but not adequate to meet all the needs,  
15 because sometimes before the end of the month your ration would be depleted and  
16 people would go hungry.

17 Q. [14:11:48] Did you have any other means to sustain yourself other from the food  
18 aid you have mentioned?

19 A. [14:11:57] There was no other way we could get food other than receiving  
20 the -- the handouts. People were gathered in the camp, some people would move  
21 out to try and cultivate, but you wouldn't produce enough.

22 Q. [14:12:17] You also said earlier, Madam Witness, that you were living in a big  
23 store when you moved -- when you initially moved into the camp. Were there other  
24 families living with you in that big store?

25 A. [14:12:36] So many people were living -- living -- all the people who were living

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1 in the three camps would come and stay in this store, until later on when some people  
2 were able to build their own houses. Those who had completed building their own  
3 houses would move to their houses, but those who did not have had to stay in the  
4 store.

5 Q. [14:13:10] You personally, for how long did you have to stay in the store before  
6 you were able to build your own house?

7 A. [14:13:18] If I recall, we stayed for approximately a fortnight before we could  
8 finish making our house. At that time, it was not important for us to count how long  
9 we had stayed in there because we never thought it would be important. We did not  
10 establish how many weeks we stayed there.

11 Q. [14:13:37] That's perfectly reasonable and alright that you don't remember.  
12 What was the house -- what were the houses made of; what was the material of the  
13 houses?

14 A. [14:13:56] These houses were cross thatched. We used poles. In other  
15 instances, we'd make bricks and use for making the walls.

16 Q. [14:14:10] Could you tell the Court what was the hygiene situation in the camp?

17 A. [14:14:23] When we had just gone to the camp, the hygiene situation was very  
18 precarious. There were no latrines, people would defecate anywhere, and you  
19 would have -- the place was very dirty. There was no proper sanitation facilities  
20 within.

21 Q. [14:14:51] Did you or your family suffer any consequences from this lack of  
22 hygiene or health conditions?

23 A. [14:15:07] Myself and my family members did not fall sick because of the  
24 hygiene situation. God was able to help us and we did not have to suffer any serious  
25 diseases. Where there were instances of diarrhea and some stomach problems, but

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1 they were not major.

2 Q. [14:15:43] Madam Witness, did you meet your husband, your current husband,  
3 in the camp or around what time did you meet and when did you marry?

4 A. [14:16:03] My current husband, I met him in 2003 when I was already in the  
5 camp. When I came back from the bush, I had delivered, and I had a baby. That  
6 was the time when we met.

7 Q. [14:16:27] Do you have any children from this marriage?

8 PRESIDING JUDGE SCHMITT: [14:16:34] I think the microphone has not  
9 functioned, so perhaps also the interpreters might not have heard the answer.

10 THE INTERPRETER: [14:16:40] We are not getting anything.

11 PRESIDING JUDGE SCHMITT: [14:16:42] So, Madam Witness, could you please  
12 repeat your answer. The microphone was not activated. Thank you.

13 THE WITNESS: [14:16:51] (Interpretation) I have children.

14 MR COX: [14:17:00]

15 Q. [14:17:00] Without mentioning their names, could you tell the ages of these  
16 children?

17 A. [14:17:12] The children that I have, the one I delivered -- the one I produced with  
18 the man with whom I am living now, the first one is 12 years old; the next one is nine.  
19 There is one who is seven.

20 Q. [14:17:42] Thank you, Madam Witness. Were your children able to go to  
21 school?

22 A. [14:17:51] Yes, they are going to school.

23 Q. [14:17:55] And during the time that you were living in the camp, were they able  
24 to go to school?

25 (Redacted)

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2 Q. [14:18:21] Previously, in the morning session, you had indicated that soldiers in  
3 the camp would take wives among the camp residents and abuse women. Did you  
4 see them conduct other kinds of abuses against civilians?

5 A. [14:18:44] Yes, I did.

6 Q. [14:18:48] Could you let the Court know what kind of abuses did you witness.

7 A. [14:18:58] What happens was that in the evening someone would come and  
8 knock at your door, you open your door, they will begin harassing people, and they  
9 would remove the woman while the man remains inside. The woman, they would  
10 go with the woman, sleep with her until dawn before she is brought back to the  
11 husband. The man would not have the capacity to complain. You would not even  
12 ask where your woman is coming from.

13 Q. [14:19:42] Madam Witness, we are getting to the end, but I have some questions  
14 left about life after your second abduction, when you returned. When you returned,  
15 did you return to the camp, the second time?

16 A. [14:20:03] I came back and stayed in the camp before I left and came to stay in  
17 town.

18 Q. [14:20:12] For how long were you in the camp before you moved to the town?

19 A. [14:20:21] When I came back I didn't stay for long. I was brought to the  
20 hospital to deliver and I never went back.

21 Q. [14:20:36] The second time when you returned to your house, how was your  
22 house, the property, your belongings?

23 A. [14:20:51] when I was being dragged out, they pulled out some of my property.  
24 When I came back I found, came and found my property all wasted. I had a small  
25 radio set hanging on the wall. They had taken it away. I had a flour, but that was

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1 taken away. I was the one who carried it while we were going in the bush. I came  
2 back and found my property all wasted, and the food items were all carried away.  
3 And I also had burial arrangements to make. People would be coming for burial,  
4 but I didn't have anything.

5 Q. [14:21:41] Madam Witness, you told us that your children were not abducted the  
6 second time. But how did you find them when you returned; how were they?

7 A. [14:21:55] Initially started running after me. I slapped them and they returned.  
8 I came back and found them, but their grandmother who was taking care of them lost  
9 her life.

10 Q. [14:22:14] Can you illustrate to the Court on what has been the impacts of these  
11 attacks on the community in Odek, from your point of view.

12 A. [14:22:37] Attack brought a lot of adverse effects on Odek. There were -- many  
13 children were orphaned. Both their parents would have been killed. There are  
14 those who have their fathers killed and their mothers alive, or vice versa. Some of  
15 them had all their property looted. And, well, like it's said in Acholi, life is led  
16 communally. These children were taken care of and most of them are now kind of  
17 matured. They are being supported by their relatives, those relatives who were not  
18 at that time in Odek. They would be bringing some food items for these people to  
19 live on.

20 And that attack left a lot of bitterness in the people of Odek. Even up to now, if you  
21 go for a meeting in Odek, you will find more women than men because most of the  
22 men died, some were abducted, and never returned up to now. People are not sure  
23 whether they are still alive or no longer. Some people are still missing their children.  
24 All the school-going children were abducted and their parents are still missing them.  
25 People are very embittered, but there is nothing else they can do so they are carrying

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1 on with life. There is nothing that can be done to rehabilitate the lives of these  
2 people.

3 MR COX: [14:24:29] Mr President, I think we should go to private session for the last  
4 questions.

5 PRESIDING JUDGE SCHMITT: [14:24:33] Yes, private session.

6 (Private session at 2.24 p.m.)

7 (Redacted)

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10 (Redacted)

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5 Q. [14:32:11] Thank you very much, Madam Witness. And we wish you a safe  
6 return after the Defence and the OPCV end questioning.

7 MR COX: Thank you, your Honour.

8 PRESIDING JUDGE SCHMITT: [14:32:22] Thank you very much, Mr Cox.

9 We go back to open session.

10 (Open session at 2.32 p.m.)

11 THE COURT OFFICER: [14:32:32] We are back in open session, Mr President.

12 PRESIDING JUDGE SCHMITT: [14:32:36] Thank you.

13 Mr Narantsetseg.

14 MR NARANTSETSEG: [14:32:38] Thank you, Mr President. In light of the  
15 evidence that Mr Cox was able to elicit from this witness, we propose no further  
16 questions. Thank you.

17 PRESIDING JUDGE SCHMITT: [14:32:46] I had envisioned that a little bit, frankly  
18 speaking, so thank you very much, Mr Narantsetseg and Mr Cox.

19 As we have already said before, we leave it for that for today and, Madam Witness,  
20 this concludes the hearing for today. Tomorrow we restart at 9.30 with the  
21 questioning by the Defence.

22 THE COURT USHER: [14:33:10] All rise.

23 MR GUMPERT: [14:33:13] Your Honours.

24 PRESIDING JUDGE SCHMITT: [14:33:16] So the all rise was not -- one person is  
25 rising and still -- I would not say still standing, but standing.

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1 MR GUMPERT: [14:33:29] May I talk about something completely different?

2 PRESIDING JUDGE SCHMITT: [14:33:33] Yes, of course.

3 MR GUMPERT: [14:33:34] Namely scheduling.

4 PRESIDING JUDGE SCHMITT: Yes, of course.

5 MR GUMPERT: I am anxious that we make the most of the time available, I am sure  
6 we all are, but I want to propose potential practical steps. Things are, and I think it's  
7 a good thing that they are, moving perhaps a little quicker than we have anticipated.  
8 It's Tuesday today and when this witness is finished, which I suppose may or may not  
9 be tomorrow, but won't be very long into Thursday, if it is at all, there is just one more  
10 witness scheduled for five whole days of sitting. That's P-252.

11 PRESIDING JUDGE SCHMITT: [14:34:19] I'm aware of that. Yes.

12 MR GUMPERT: Perhaps I don't need to go quite so slowly, but there may be others  
13 who are less aware of the scheduling than your Honour is. I'll take it a little more  
14 speedily.

15 The point is, on the face of it we've got five days or thereabouts for just one witness  
16 and we, the Prosecution, think that we could use the opportunity to move up the next  
17 witness, currently scheduled for the July block, relatively easily. Firstly, he is a short  
18 witness. I think his estimate for the Prosecution is something under an hour.

19 Mr Bradfield will be taking him and he's nodding.

20 Secondly, he's a video witness, so we aren't going to have to rush him onto a plane  
21 suddenly. It's true to say that he's not in Kampala, but it's relatively speaking a short  
22 and easily organised journey. And we believe that we could therefore move that  
23 witness into this session with every expectation that he will not only be begun but  
24 finished before Wednesday evening without even asking the Court to consider  
25 extended sittings or anything like that.

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1 PRESIDING JUDGE SCHMITT: [14:35:32] You know, Judges are not very good in  
2 math, but as I understand it, your next witness, the witness that is already scheduled,  
3 you estimate 10 hours for this witness?

4 MR GUMPERT: [14:35:43] I believe that's right, which is two and a half days.  
5 I don't want to be critical of those who make estimates and I have often got things  
6 wrong myself and doubtless shall do again in the future, but despite that estimate, I  
7 do not believe that that Witness 252 will take up five whole days, 22 and a half hours.

8 PRESIDING JUDGE SCHMITT: Okay, let me put it this way: It turned out nearly  
9 with all the witnesses that they tended to need lesser time than we had envisioned.  
10 So I'm, at first sight I'm not against the idea, but I would perhaps like to give Mr Taku  
11 the floor.

12 MR TAKU: [14:36:41] Your Honour, I have instructions to oppose this change,  
13 proposed change to the schedule. The schedule, your Honours, is something that  
14 should not be changed lightly and within very short notice. The witness is a very  
15 important witness, a Rule 68(3) witness, former colleague, for whatever purpose he  
16 thinks is --

17 PRESIDING JUDGE SCHMITT: [14:37:12] (Overlapping speakers) for  
18 understanding, the witness that Mr Gumpert proposes to include into this block is  
19 Rule 68(3) witness?

20 MR TAKU: [14:37:20] Yes, yes, your Honours. His evidence, your Honours, will  
21 impact on a whole body of evidence that has been received and evidence to be  
22 received. So he is a very important witness, your Honours, that we had indicated  
23 we needed considerable preparations. It's not just an ordinary fact witness for which  
24 your Honours could, or the parties could interfere to change the nature of the  
25 evidence he's going to give or assert. But besides, this matter of scheduling that you

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1 made an order for this scheduling, the Prosecutor was always aware of the witnesses  
2 that they will bring, the Prosecutor knew, to ask that they propose that the witness  
3 will testify. And at this specific date, your Honours, in making the schedule as it is,  
4 it is very late in the day, it's going to tell of a surprise, and we will suggest, your  
5 Honours, that this application should be denied.

6 PRESIDING JUDGE SCHMITT: [14:38:15] I think this is not really a contentious  
7 issue. This is simply an attempt by the Prosecution that we can move as quick as  
8 possible. And let me say something, we appreciate that and we also appreciate  
9 the Chamber how in the past since we started this really there was one witness after  
10 the other, there were no gaps, that is really -- that speaks in favour of a good case  
11 management and good, good planning of the case.

12 But I think since we are on schedule I would simply agree with the Defence here that  
13 we keep it with this one witness and if we have one spare day in the end, why not?  
14 And there is, there is also an argument in that it is a Rule 68(3) witness and there is of  
15 course always -- this facilitates the evidence of the calling party but not really  
16 facilitates the questioning by the non-calling party. So I would really want to -- that  
17 we leave this room that you do not think that it was -- we really appreciate that, that  
18 the Prosecution always follows the line that we gave in the Rule 104 direction that we  
19 can really move on and that there are no gaps, as I have worded it. But in that  
20 instance I think we are at the end of a very also strenuous block for everybody, we  
21 have all these witnesses here in the courtroom in the past three weeks and then nearly  
22 four weeks. I think we leave it at that.

23 MR GUMPERT: [14:39:55] I shan't quibble at all. In the light of your Honour's kind  
24 words, however, about good planning, I think it would be unfair if I simply smugly  
25 stood here and lapped that up. The VWU have cooperated so that we are indebted

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1 to them for this good trial management as much as to our own planning.

2 PRESIDING JUDGE SCHMITT: [14:40:20] So I appreciate that also that you did not  
3 forget them and included them and that's absolutely correct.

4 So we leave it at that. We have then -- I assume that we can finish tomorrow this  
5 witness, I would not think that the Defence -- but that's of course -- would not think  
6 that you needed more than three sessions. And then we have the 10-hour witness,  
7 theoretically 10-hour witness.

8 So thank you very much again, Madam Witness. This was a long discussion that did  
9 not concern your testimony. I apologise for that. We wish you a recovery until  
10 tomorrow. Thank you for the moment and we reconvene tomorrow at 9.30.

11 THE COURT USHER: [14:41:05] All rise.

12 (The hearing ends in open session at 2.41 p.m.)

13 RECLASSIFICATION REPORT

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