

Trial Hearing

(Open Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Trial Chamber IX  
3 Situation: Republic of Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan  
6 Trial Hearing - Courtroom 3  
7 Monday, 1 May 2017  
8 (The hearing starts in open session at 9.40 a.m.)  
9 THE COURT OFFICER: [9:40:42] All rise.  
10 The International Criminal Court is now in session.  
11 PRESIDING JUDGE SCHMITT: [9:40:54] Good morning, everyone.  
12 Could the court officer please call the case.  
13 THE COURT OFFICER: [9:41:02] Good morning. Yes, Mr President.  
14 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic  
15 Ongwen, case reference ICC-02/04-01/15.  
16 And for the record, we are in open session. Thank you.  
17 PRESIDING JUDGE SCHMITT: [9:41:18] Thank you very much.  
18 I ask for the appearances of the parties.  
19 MR ZENELI: [9:41:21] Mr President, I am Shkelzen Zeneli and with me today in  
20 Court is Ben Gumpert, Yya Aragon, Pubudu Sachithanandan, Beti Hohler, Kamran  
21 Choudhry, Colin Black, Yulia Nuzban, Ramu Bittaye. We have two new faces, and I  
22 apologise for my pronunciation, Yeasin Shahriar Khan, and then we have Benjamin  
23 Paul and Sanyu Ndagire. We have a full house.  
24 PRESIDING JUDGE SCHMITT: [9:42:05] Indeed that would have been my next  
25 remark, frankly speaking.

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1 And now for the Legal Representatives of the Victims, please.

2 MR MANOBA: [9:42:08] Good morning, Mr President.

3 Joseph Manoba is my name for the victims.

4 MR NARANTSETSEG: [9:42:19] (Microphone not activated)

5 PRESIDING JUDGE SCHMITT: [9:42:28] Thank you very much.

6 The microphone was not activated, but since you have a relatively strong voice I  
7 understood you, and because of that I did not interrupt you. Perhaps you can just  
8 repeat it shortly.

9 MR NARANTSETSEG: [9:42:47] My apologies, your Honour. Today the  
10 common legal representatives team is composed of myself, Orchlou Narantsetseg,  
11 and our field counsel Ms Jane Adong, who is at the moment at the remote location.  
12 Thank you.

13 PRESIDING JUDGE SCHMITT: [9:42:56] Thank you very much.

14 And now for the Defence, please.

15 MR OBHOF: [9:43:05] Good morning, your Honours. For the Defence today we  
16 have our associate counsel Chief Charles Achaleke Taku; our assistant counsel,  
17 Ms Abigail Bridgman; our client in the back, Mr Dominic Ongwen; and myself,  
18 Mr Thomas Obhof.

19 PRESIDING JUDGE SCHMITT: [9:43:22] Thank you very much.

20 And I see that we have a video link established. We will come shortly to that.

21 The Prosecution is now calling P-352 as its next witness. Before bringing the witness  
22 into the video link location the Chamber wishes to address a preliminary matter.

23 Last week the Prosecution disclosed an investigation report which reveals that the  
24 Prosecution met with P-352 on 20 April 2017.

25 The report, whose ERN is UGA-OTP-0275-4612, indicates that the aim of this meeting

1 was, and I quote, "To meet with the witness in order to introduce her to counsel, to  
2 allow the witness to have read to her the relevance contents of her witness statement,  
3 and to thereby remind the witness of what she has said -- had said to the Prosecution  
4 before." Unquote.

5 The Chamber recalls that in decision 504 this Chamber explicitly rejected any form of  
6 witness preparation in this case and instead adopted a familiarisation protocol  
7 whereby the VWU and not the calling party facilitates witnesses reviewing their prior  
8 statements and arranging for courtesy meetings with examining counsel.

9 There is no evidence that the Prosecution's meeting breaches the terms of this  
10 protocol -- and I see nodding on the Prosecution Bench, so to speak -- as the meeting  
11 occurred before the familiarisation process commenced.

12 However, the Chamber cannot help but note that the Prosecution convened a meeting  
13 with a witness less than one week before the start of the familiarisation process to  
14 discuss matters which overlap with what the VWU was already tasked to do.

15 As the Chamber indicated in paragraph 24 of decision 504, and I quote:

16 "The participants must apply the terms of the protocol in good faith and while  
17 mindful of the reasons why the Chamber prohibits witness preparation in this case."  
18 Unquote.

19 The Prosecution is reminded that it must respect both the letter and the spirit of the  
20 familiarisation protocol, and the Chamber expects that meetings with witnesses just  
21 before the start of the familiarisation period should only be convened when strictly  
22 necessary.

23 This concludes the Chamber's remarks on this matter. And you have heard that I  
24 label these remarks and not a ruling, that is -- does mean that I don't want and the  
25 Chamber does not want today a litigation about that, it's just a kind reminder what on

1 the Chamber thinks on that matter.

2 Also before commencing, the Chamber notes briefly that the VWU does not  
3 recommend any protective measures beyond those granted in decision 612. As  
4 counsel have already been informed, and noting paragraphs 48 to 55 of decision 612,  
5 the VWU has also determined that certain special measures are necessary to assist the  
6 witness in her testimony.

7 And now the Chamber will turn to P-352's testimony. Please bring the witness to the  
8 video link location.

9 MR GUMPERT: [9:47:24] Your Honour, before that happens will your Honour  
10 hear the Prosecution? I heard your Honour say that you don't want litigation and  
11 that these are remarks rather than a ruling, but the purpose of making remarks is for  
12 them to be heard by the parties and by the public and it seems desirable, I would  
13 respectfully submit, that where remarks are made by one party or by the Chamber  
14 that those to whom they are addressed should be able to reply.

15 PRESIDING JUDGE SCHMITT: [09:47:54] That is correct. When I said I don't  
16 want a litigation that means that I don't want now in the courtroom a back and forth  
17 on that because, as I said, it was not a ruling. But if you perhaps shortly can address  
18 this, if you want to, but as I said we don't want to hear extensive submissions on that  
19 matter.

20 MR GUMPERT: [9:48:14] I hope I can be brief.

21 The document to which your Honour has referred is one of a series of such  
22 documents, each of which reveals that it has been the Prosecution's practice since the  
23 beginning of this in-court litigation for every witness who has appeared in Court to  
24 conduct a mission with the intention of introducing counsel who will be examining  
25 the witness and refreshing the witness's memory. Sometimes that has occurred quite

1 a number of weeks before the testimony itself and sometimes, as with this witness,  
2 relatively shortly.

3 We did indeed have the provisions of the decision to which your Honour has referred  
4 firmly in mind. And I don't wish to be disrespectful but we had both the letter and  
5 the spirit of the Chamber's decision equally firmly in mind. If the Chamber is of the  
6 view that the spirit has been compromised or the spirit of that ruling has not been  
7 complied with, then the Prosecution would benefit from clear instructions as to the  
8 period of time which ought to elapse between these meetings and the testimony.

9 PRESIDING JUDGE SCHMITT: [9:49:51] Thank you.

10 Of course Mr Taku must also have the possibility to address this matter shortly.

11 MR TAKU: [9:49:58] May it please the Court, I'm -- I'm aware that the Prosecutor  
12 has a continuing responsibility to investigate. If the Prosecutor met the witnesses for  
13 further investigation on issues that might arise since they last met the witness that, to  
14 me, would seem appropriate. But for the Prosecutor to say that they met to refresh  
15 the memory, in other words to prepare the witness for testimony, that contravenes the  
16 spirit of the protocol. In other words, what the Prosecutor did was not just  
17 introducing the Prosecutor, but it was indeed preparing the witness for testimony,  
18 refreshing the memory of the witness, and that is exactly why the protocol was in the  
19 first place established to avoid.

20 But in terms of investigation, the Prosecutor can always make an assessment whether  
21 to meet the witness to investigate certain issues that arose from the statements in  
22 order to make a determination whether to put the witness on the stand or not to put  
23 the witness or to even get exculpatory material that everybody will benefit from.  
24 But what I heard my learned colleague say, that it was refreshing the memory, and  
25 the question of refreshing of memory has been a contentious issue in this case all

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1 along, your Honours. Now it's moved out of the courtroom, and moving out of the  
2 courtroom, your Honours, is directly aimed at circumventing the letter and the spirit  
3 of the protocol.

4 So the purpose, whether it is just a week before or at some other time, in as far as  
5 intention was to prepare the witness for the testimony that the witness will bring  
6 before your Honours. It affects the standard, targets the quality of evidence and  
7 possibly the integrity of the proceedings.

8 That was my humble reply, your Honour.

9 PRESIDING JUDGE SCHMITT: [9:52:17] Thank you very much, Mr Taku. And  
10 we have taken note of both oral submissions and we will now turn to the testimony of  
11 Witness P-352, and please bring now the witness to the video location.

12 (The witness enters the video-link room)

13 PRESIDING JUDGE SCHMITT: [9:53:10] Madam Witness, good morning.

14 WITNESS: UGA-OTP-P-0352

15 (The witness speaks Acholi)

16 (The witness gives evidence via video link)

17 THE WITNESS: [9:53:13](Via video link) (Interpretation) Good morning.

18 PRESIDING JUDGE SCHMITT: [9:53:15] You are going to testify before the  
19 International Criminal Court and on behalf of the Chamber, I would like to welcome  
20 you to the courtroom. To the courtroom is a little -- sounds a little bit strange  
21 perhaps because you are at the video link location but you are perfectly seen and  
22 heard by us in this courtroom far away from where you are now.

23 THE WITNESS: [9:53:46](Via video link) (Interpretation) Thank you.

24 PRESIDING JUDGE SCHMITT: [9:53:48] Madam Witness, I will now read the oath  
25 to you to tell the truth to you that every witness who testifies must agree to, who

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1 testifies before this Court. So please listen what I am saying: I solemnly declare  
2 that I will speak the truth, the whole truth and nothing but the truth.

3 Madam Witness, do you understand what I have read to you?

4 THE WITNESS: [9:54:21](Via video link) (Interpretation) Yes, I have understood.

5 PRESIDING JUDGE SCHMITT: [9:54:23] Do you agree, Madam Witness?

6 THE WITNESS: [9:54:29](Via video link) (Interpretation) I agree.

7 PRESIDING JUDGE SCHMITT: [9:54:30] Thank you. We continue then. Let me

8 now explain to you, Madam Witness, the protective measures that the Chamber has

9 put in place for your testimony. We have put the following measures to protect you:

10 First, face distortion has been put in place, which means that nobody outside the  
11 courtroom can see your face during the testimony on the screen. There will also be  
12 the use of a pseudonym. In accordance with that, we will all refer to you only as  
13 Madam Witness, as I have done in the past minutes. This is to make sure that the  
14 public does not know your name.

15 When you answer questions that will not give away who you are, we will do so in  
16 open session, and open session means that the public can hear what is being said in  
17 the courtroom.

18 When you are asked to describe anything that relates specifically to you or if you are  
19 asked to mention facts that might reveal your identity, we will do this in a private  
20 session.

21 What does private session mean? It means that there is no broadcast and no one  
22 outside the courtroom can hear your answer. If ever anything gets said during open  
23 session which should have been said in private session, we will do our best to protect  
24 this information. How can we do that? Your testimony will be broadcast on a  
25 delay and we can remove any such remarks from the broadcast so it will then not be

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1 heard by the public and it can also be removed from the public transcript of the  
2 proceedings.

3 I think you have understood now that there are a lot of preliminary remarks. I don't  
4 want to overwhelm you but still there are some practical matters to address.

5 Everything we say here in the courtroom is written down and interpreted. It is  
6 therefore important to speak clearly and at a slow pace. So please speak into the  
7 microphone and only start speaking when the person asking you the question has  
8 finished. It often even happens with experienced people in the courtroom, with the  
9 parties and participants, that they do not obey to this rule, but please have it in mind;  
10 only start speaking when the other person has finished speaking.

11 If you have any questions yourself, please raise your hand so we know that you wish  
12 to say something. And you have also at your side a counsel that can help you with  
13 these decisions.

14 Madam Witness, have you understood all that?

15 THE WITNESS: [9:57:39](Via video link) (Interpretation) Yes, I have understood.

16 PRESIDING JUDGE SCHMITT: [9:57:40] Thank you very much. We will then  
17 start your testimony and I give the Prosecution the floor.

18 Perhaps in the meantime while you're arranging yourself, we keep in mind that we  
19 have here a Rule 68(3) witness so to speak, to flash it a little bit, and we keep also in  
20 mind what that means, so that the direct examination can be reduced significantly.

21 MR ZENELI: [9:58:16] Absolutely, your Honour.

22 PRESIDING JUDGE SCHMITT: [9:58:19] And of course the preconditions of  
23 Rule 68(3) have to be established.

24 MR ZENELI: [9:58:26] It's all factored in, your Honour.

25 QUESTIONED BY MR ZENELI: [9:58:34]



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1 Q. [9:58:36] Madam Witness, good morning.

2 A. [9:58:41] Good morning.

3 Q. [9:58:42] We have met before. My name is Shkelzen Zeneli and I will be  
4 asking you questions on behalf of the Prosecution today.

5 Now, before I start, I want to remind you that if any of my questions is unclear, you  
6 simply ask me to repeat it and I'll do so. Do you understand?

7 A. [9:59:12] Yes.

8 MR ZENELI: [9:59:13] Mr President, I propose that first I ask a couple of questions  
9 in private session. It should last about two minutes, and then we go back into the  
10 public session.

11 PRESIDING JUDGE SCHMITT: [9:59:28] Yes. Private session, please.

12 (Private session at 9.59 a.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 10.03 a.m.)

4 THE COURT OFFICER: [10:03:24] We are in open session, Mr President.

5 PRESIDING JUDGE SCHMITT: [10:03:36] Thank you.

6 MR ZENELI: [10:03:37]

7 Q. [10:03:41] Madam Witness, do you remember meeting the investigators of the  
8 Office of the Prosecutor from 21 to 25 April 2016 and speaking with them about your  
9 time in the bush?

10 I will repeat the question.

11 PRESIDING JUDGE SCHMITT: [10:04:23] I'm sure that she has heard the question  
12 and she has answered, but I haven't heard the interpretation.

13 THE INTERPRETER: [10:04:28] She did not answer the question, no.

14 PRESIDING JUDGE SCHMITT: [10:04:35] She did not answer? Then excuse me.  
15 Then please repeat the question.

16 MR ZENELI: [10:04:38]

17 Q. [10:04:39] Madam Witness, do you remember meeting with the Office of the  
18 Prosecutor, the investigators from that office, and giving them your statement in  
19 April 2016?

20 A. [10:04:57] Yes, I do.

21 Q. [10:05:00] Could I ask the court officer to provide the first item on our witness  
22 binder, which is tab 1, and that's ERN UGA-OTP-0260-0315. It is confidential so it  
23 should not be displayed to the public.

24 THE COURT OFFICER: [10:05:37] (Via video link) The witness statement requested  
25 is presented to the witness.

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1 MR ZENELI: [10:05:43] Much obliged.

2 Q. [10:05:46] Madam Witness, do you see your name and signature on the first  
3 page of that document in front of you?

4 A. [10:05:56] Yes, I do.

5 Q. [10:06:00] Could you please turn to the second page of the same document,  
6 that's ERN 0316.

7 THE COURT OFFICER: [10:06:11] (Via video link) The page requested is presented  
8 to the witness.

9 MR ZENELI: [10:06:15] Thank you, Carine.

10 Q. [10:06:19] Madam Witness, do you see the initials, those two letters at the  
11 bottom? Don't tell me what they are, just simply tell me whether they are your  
12 initials or not.

13 A. [10:06:34] Those are my initials.

14 Q. [10:06:38] Please turn to the next page of the same document, and that's ERN  
15 0317.

16 THE COURT OFFICER: [10:06:47] (Via video link) The page is presented to the  
17 witness.

18 MR ZENELI: [10:06:54]

19 Q. [10:06:55] Do you, Madam Witness, see those two letters again at the bottom of  
20 the page?

21 A. [10:07:01] Yes, I can see them.

22 Q. [10:07:04] Are those your initials?

23 A. [10:07:13] Yes, they are.

24 MR ZENELI: [10:07:14] Your Honours, if there is no objections from the Defence I  
25 would like to skip the rest of the pages --

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1 PRESIDING JUDGE SCHMITT: Yes, yes.

2 MR ZENELI: -- go straight --

3 PRESIDING JUDGE SCHMITT: [10:07:25] Yes, I would have suggested it proprio  
4 motu, so to speak, to do it this way.

5 MR ZENELI: [10:07:30] I thought that it's prudent to actually have only two, three  
6 pages and then move on to page 24 of the same --

7 PRESIDING JUDGE SCHMITT: [10:07:34] Exactly. I wanted to suggest to move  
8 to 24 (overlapping speakers).

9 MR ZENELI: Thank you, your Honour.

10 PRESIDING JUDGE SCHMITT: I think nobody will ostensibly object to that.

11 MR ZENELI: [10:07:41] Gladly obliged to you.

12 Okay. Can we please turn to page 24 of this same document, and that's at 0338.

13 THE COURT OFFICER: [10:07:53] (Via video link) Page 0338 is presented to the  
14 witness.

15 MR ZENELI: [10:07:59]

16 Q. [10:08:01] Madam Witness, can you focus on the middle of that page and tell  
17 me whether you see your signature in it.

18 A. [10:08:15] Yes, I do. I signed it.

19 Q. [10:08:20] Now I'm going to read to you what shows just above that signature,  
20 and it states:

21 "This statement has been read over to me in the English and Acholi language and (it)  
22 is true to the best of my knowledge and recollection. I have given this statement  
23 voluntarily and I am aware that it may be used in legal proceedings before the  
24 International Criminal Court and that I may be called to give evidence in public  
25 before the International Criminal Court." End of quote.

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1 Madam Witness, when you met with the investigators did you tell the truth?

2 A. [10:09:15] Yes, I did, I told the truth.

3 Q. [10:09:19] Did you provide them with accurate information to the best of your  
4 knowledge and recollection?

5 A. [10:09:30] Yes, I did.

6 Q. [10:09:34] Do you confirm that the statement is true to the best of your  
7 knowledge and recollection?

8 A. [10:09:56] It is true.

9 Q. [10:09:58] Now, a few days ago you had a chance to review your statement.  
10 Do you remember doing that?

11 A. [10:10:04] Yes, I do recall that.

12 Q. [10:10:07] Madam Witness, the Judges of this Chamber have decided on  
13 5 December 2016 that your written statement is suitable for introduction into evidence  
14 under Rule 68(3).

15 Now, what does that mean? What this means is that instead of you having to give  
16 again the entirety of your evidence orally here today the Judges could accept as  
17 evidence your written statement, if you agree to that. So do you understand,  
18 Madam Witness?

19 A. [10:10:54] Yes, I do understand.

20 Q. [10:10:55] And do you agree?

21 A. [10:10:59] Yes, I agree.

22 Q. [10:11:02] Now, you would still be asked a few questions by me on behalf of  
23 the Prosecution, and the Legal Representatives, and you would still have to be  
24 examined by the Defence and the Judges. Is that okay?

25 A. [10:11:23] It's okay.

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1 MR ZENELI: [10:11:26] Your Honours, this concludes my questions in as far as  
2 prerequisites of Rule 68(3) is concerned.

3 PRESIDING JUDGE SCHMITT: [10:11:34] And let me put it this way, they are  
4 established, the prerequisites, so please continue.

5 MR ZENELI: [10:11:41] Thank you very much. I'll move on.

6 Now, just to give a heads up, my plan is to actually ask a few limited questions on  
7 very discrete issues, three of them. I plan to do that in public session, with only one  
8 exception for one time in private for about 15 minutes, this if all things go well.

9 Q. [10:12:09] Madam Witness, in your statement you talk about spending about  
10 five or six months with Buk's group and then from that moving to Odomi's group.

11 A. [10:12:30] Yes.

12 Q. [10:12:32] Now, you told us that after being with Buk the group of person 1  
13 moved to Odomi's group. Who is Odomi?

14 A. [10:12:57] Odomi was a leader. I do not know exactly who he was, but he  
15 was a leader.

16 Q. [10:13:04] Does Odomi have another name?

17 A. [10:13:11] No, I do not know him by any other name.

18 Q. [10:13:14] Now, when you say Odomi was a leader, what do you mean, a  
19 leader of what?

20 A. [10:13:30] He was a leader of a group, he was in charge of a particular group.

21 Q. [10:13:39] Do you know the name of that group?

22 A. [10:13:42] It's a group that was split from Sinia, but I do not know the name of  
23 that group.

24 Q. [10:13:53] And under what structure of the Holy, as you say in the statement,  
25 was Odomi's group part of?

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1 A. [10:14:13] When I was in the bush, when I was moved, I became aware of the  
2 group that he was in. I left Sinia from under the leadership of Buk and went to  
3 Odomi, but I do not know whether he was a leader of a battalion. I'm not sure.  
4 I cannot ascertain that at this -- at this moment.

5 Q. [10:14:38] Odomi's group, if you focus on that, what group of the Holy was it  
6 part of?

7 A. [10:14:52] It was in Sinia.

8 Q. [10:14:54] Now, you said that Odomi was a leader. How do you know that?

9 A. [10:15:04] Because people would congregate at his home. All the other  
10 leaders would congregate at his home and he would be in the middle, other people  
11 would be surrounding him.

12 Q. [10:15:21] And who would these people surrounding him be, who would they  
13 be?

14 A. [10:15:33] I do not know how to refer to them, but the people who are  
15 congregating at his home may also be commanders, but there are some people who  
16 stayed at the dog adaki and there were other people who stayed in the middle.

17 Q. [10:15:56] What would they congregate at his home for? What would they go  
18 to Odomi's for?

19 A. [10:16:07] Sometimes they would go to eat because food was taken there.  
20 Sometimes perhaps there was a meeting. I do not know.

21 Q. [10:16:18] Who took the food to Odomi's place?

22 A. [10:16:29] It was us, the girls, we are the ones who took food to Odomi's place.

23 Q. [10:16:35] Who prepared it?

24 A. [10:16:40] We are the ones who prepared the food.

25 Q. [10:16:44] Could you refuse to prepare that food?



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1 A. [10:16:51] No. If you refuse, you are killed. You cannot refuse to do  
2 anything.

3 Q. [10:16:58] Who would kill you if you refused to do it?

4 A. [10:17:07] If you are given instructions and asked to do something, you cannot  
5 refuse to do it. You do not have any right to refuse.

6 Q. [10:17:18] Do you remember who Odomi lived with in his household?

7 A. [10:17:34] He would stay with person number 1 and there were also other  
8 people.

9 Q. [10:17:40] Who were these other people?

10 A. [10:17:51] Opige, Otto Olebe was also part of the group, there was also Ojok.

11 Q. [10:18:02] Now focus on Odomi's household. What was it composed of?

12 A. [10:18:15] I do not recall the names of all of people that were there. There  
13 were quite a number of people there.

14 Q. [10:18:23] Can you tell us whether they were women, men, children? Can  
15 you tell us in that sense?

16 A. [10:18:36] A mixture of men, women and children.

17 Q. [10:18:41] Now, focus on the women and the children. How many of them  
18 would you say were in Odomi's household?

19 A. [10:18:57] There were approximately 10 women, older women, but I only saw  
20 two children.

21 Q. [10:19:07] Do you remember any names? Here you can give us the names.

22 A. [10:19:15] I recall the name of one girl, Fatuma.

23 Q. [10:19:21] Who was Fatuma?

24 A. [10:19:27] Fatuma was Odomi's wife.

25 Q. [10:19:33] And how do you know that? How do you know that Fatuma was

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1 his wife?

2 A. [10:19:44] I knew that because there was a time when Fatuma escaped, Odomi  
3 came to us and told the commander that I was staying under that one girl has escaped,  
4 Fatuma  
5 has escaped. So they sent soldiers after her, they found her, they brought her back.  
6 And later on they -- I asked, "Who was that girl, the girl who escaped?" And I was  
7 told that it was Odomi's wife.

8 Q. [10:20:16] When Odomi said Fatuma had escaped, do you know why she  
9 escaped?

10 A. [10:20:33] No, I do not know why.

11 Q. [10:20:34] And you said the soldiers captured her. Who sent the soldiers to  
12 capture her?

13 A. [10:20:45] Well, I think that he's the one who -- he's the one who called the  
14 soldiers, so I think he's the one who sent the soldiers to look for her.

15 Q. [10:20:56] And when you say "he", who do you mean?

16 A. [10:21:03] I'm talking about Odomi because he's the one who came to our  
17 home and said Fatuma had escaped. At the time they whistled, they called the  
18 soldiers and the soldiers went looking for her.

19 Q. [10:21:18] How old was Fatuma?

20 A. [10:21:27] Fatuma was approximately 15, 16 years old.

21 Q. [10:21:32] How do you know that?

22 A. [10:21:37] Because she was still young and her breasts were still developing.

23 Q. [10:21:49] Madam Witness, I would now like to move to a slightly different set  
24 of questions, and for that I want you to focus your mind at the moment when person  
25 1 took you to the headquarters. This was right after joining Odomi's group. Can

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1 you do that?

2 A. [10:22:24] I did not understand the question very well. Can you please repeat  
3 the question?

4 Q. [10:22:30] Thank you for that, Madam Witness. I will repeat the question. I  
5 want you to focus on the moment where you were taken by person 1 to the  
6 headquarters after joining Odomi's group. Do you remember that instance?

7 A. [10:22:56] Yes, I do remember.

8 Q. [10:22:58] Now, who was there at the headquarters with Odomi?

9 A. [10:23:07] There were numerous people. There was Opige, there was Otto,  
10 there was Ojok. I do not recall the names of all the other people. At the time that  
11 I was taken there, they asked the person that I was staying with, person number 1,  
12 they asked, "Does this person just stay at your home?" and he responded yes. And  
13 they told me to go and look after a child. The woman was a widow, her husband  
14 had died. I came, saw the child. The child did not stay there for a long time. The  
15 child was released and I continued staying there.

16 Afterwards --

17 THE INTERPRETER: [10:24:07] Nothing coming through.

18 PRESIDING JUDGE SCHMITT: [10:24:13] Madam Witness, you can continue.

19 Your answer was not too long. So if you want to tell us something, please take your  
20 time.

21 THE WITNESS: [10:24:25](Via video link) (Interpretation) After that I came, I  
22 stayed -- continued staying there. The person, person number 1, the person number  
23 1 told me -- came back and told me to make his bed. I went, made his bed.

24 MR ZENELI: [10:24:47] I will stop you there, Madam Witness.

25 PRESIDING JUDGE SCHMITT: [10:24:49] No. No, you don't stop her there.

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1 She continues please.

2 MR ZENELI: [10:24:52] Your Honours, with all due respect, I want to keep a very  
3 limited examination.

4 PRESIDING JUDGE SCHMITT: [10:24:59] But, you know, I would not -- I would  
5 not -- at this point in time, I would not interrupt the witness. You see what I mean.  
6 You know that this Chamber is really into expediting and streamlining proceedings,  
7 but when the witness is now in the flow of a narrative, I think it's -- and especially  
8 that we also know what is going to come perhaps. No, I think we should not  
9 interrupt her here. She should have the chance to tell this.

10 MR ZENELI: [10:25:27] Very well, your Honours.

11 PRESIDING JUDGE SCHMITT: [10:25:28] This is --

12 MR ZENELI: [10:25:30] It's all with the intention to keep it very limited.

13 PRESIDING JUDGE SCHMITT: [10:25:33] So let me put it this way. You are  
14 correct, but nevertheless sometimes we should not be too strict with any rules we  
15 establish here in the courtroom.

16 MR TAKU: [10:25:43] Particularly, your Honours, when the evidence comes  
17 spontaneously from the witness, I think we will want to know.

18 PRESIDING JUDGE SCHMITT: [10:25:52] Exactly, Mr Taku.

19 So, Madam Witness, excuse the Court for interrupting you with these discussions.  
20 Please continue with what you were saying, and we really take our time to hear that.  
21 Please continue.

22 THE WITNESS: [10:26:13](Via video link) (Interpretation) When he called me and  
23 asked me to make the bed, I went, I made the bed. When I was leaving, he told me,  
24 "Come back, sit down". I went back, sat down, and he told me to lie down. And I  
25 thought to myself, "Why is he asking me to lie down when I am not supposed to

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1 be there?" He asked me, "Do you want to leave?" I said, "Yes, I do". He told me,  
2 "If you do, then lie down".  
3 I continued refusing. He asked me, "What do you choose? Life or death?" I kept  
4 quiet. I lay down. And he continued doing what he was doing. He took off his  
5 clothes, he took off my under clothes, he took out his penis and put it in my vagina.  
6 He lay down and I also lay down.

7 PRESIDING JUDGE SCHMITT: [10:27:06] Thank you, Madam Witness.

8 Please continue, Mr Prosecutor.

9 MR ZENELI: [10:27:11]

10 Q. [10:27:13] Madam Witness, thank you for that account. I would like to take  
11 you back to the moment when we were talking about the instructions that you were  
12 given to serve to a child. My question is: Who told you that?

13 A. [10:27:44] It was Odomi who told me to go and take care of the child.

14 Q. [10:27:51] Could you have refused him?

15 A. [10:28:00] I did not have any right to refuse.

16 Q. [10:28:03] What did taking care of the child meant? What were you supposed  
17 to do?

18 A. [10:28:16] If people are walking, you carry the child on your back. If we are  
19 being attacked, I should carry the child on my back and run with the group.

20 Q. [10:28:27] What were you known as? What was your name when you were  
21 doing those duties? What were you called? Don't give me the name, just give me  
22 the phrase, the title that you were called by.

23 A. [10:28:46] I was called a ting ting.

24 Q. [10:28:50] And were there other ting tings at the time you were one?

25 A. [10:29:01] Yes, there were other ting tings as well.

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1 Q. [10:29:03] And did Odomi know about these other ting tings at that time?

2 A. [10:29:10] Yes, because there were ting tings in his own household.

3 Q. [10:29:16] Were there ting tings in other commanders' households?

4 A. [10:29:29] Yes, there were.

5 Q. [10:29:30] And did Odomi know about those other ting tings in the other  
6 commanders' homes?

7 A. [10:29:38] Yes, he did.

8 Q. [10:29:40] Now, in your statement, Madam Witness, you also talk about the  
9 abduction of boys and girls and their distribution. So I want you to focus on that at  
10 this moment. After their abductions, where were the new abductees brought at?

11 A. [10:30:15] The new abductees were sent to Odomi's household.

12 Q. [10:30:21] Why were they sent at Odomi's household?

13 A. [10:30:30] I do not know the reason why they were sent there, but in my  
14 opinion or to my knowledge perhaps they were being divided up. Because he was  
15 the commander.

16 Q. [10:30:45] When you say they were being divided up, what do you mean by  
17 that? How were they being divided and to whom?

18 MR TAKU: [10:30:56] Your Honours.

19 PRESIDING JUDGE SCHMITT: [10:30:57] Just a moment, Madam Witness.

20 Madam Witness, just wait a moment.

21 THE WITNESS: [10:31:03](Via video link) (Interpretation) They were -- they are  
22 divided into the different households.

23 MR TAKU: [10:31:10] The premise of this question is grossly unfair and  
24 unwarranted. She said, "I do not know, but in my opinion or estimation, there could  
25 be this." But the question now is more -- and in the statement, the statement she

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1 recorded with investigators, she says the same thing. But to make it so specific as if  
2 she said that she knew that this division was going on, your Honours, is grossly  
3 unfair.

4 If my colleague wants to refer to the statement, since it's already admitted, it's  
5 submitted, he should. If he wants to adduce some other evidence or to divert from it,  
6 he should point out that I'm diverting, I'm to cite some evidence different from what  
7 is here. But to ask in this very specific form when she clearly says, "I do not know",  
8 there is clearly no basis for that.

9 PRESIDING JUDGE SCHMITT: [10:31:55] Mr Zeneli.

10 MR ZENELI: [10:31:58] May I, your Honours?

11 PRESIDING JUDGE SCHMITT: [10:31:59] Of course.

12 MR ZENELI: [10:32:00] I listened very carefully to my learned colleague.

13 Actually, the witness very specifically said, and I will read from the realtime  
14 transcript:

15 "I do not know the reason why they were sent there, but in my opinion or to my  
16 knowledge perhaps they were being divided up. Because he was the commander."

17 So the premise for my next question was about the division, what she meant by that.

18 And it is purely based on that previous question, and since my learned counsel also

19 mentioned the previous statement, I will also go to that statement. And if we look at  
20 paragraph 81, we have in that statement:

21 "The new abductees would be brought to Odomi's household while the other leaders  
22 were there. Then Odomi would say where the abductees would go. ... the leaders  
23 would decide amongst themselves, but after the leaders were together they would  
24 distribute the people and would walk to their household with whoever they have  
25 been given 'to'."

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1 The question is within the parameters of both of these references that I just made, and  
2 it's purely in that sense that I'm asking the witness to provide few supplementary  
3 information.

4 PRESIDING JUDGE SCHMITT: [10:33:18] The objection is overruled. I think it's  
5 correct what counsel for the Prosecution is saying.

6 But let me put it this way: We have also the information in the Rule 68(3) material,  
7 so you can really shorten this procedure. So I allow just this one additional question  
8 to that and then answer by the witness and then we continue to another topic.

9 So, Madam Witness, this sometimes happens in a courtroom, that there is -- there are  
10 discussions that interrupt a witness. So what I would ask you to do is just to  
11 repeat -- or perhaps you repeat the question again, Mr Prosecutor, and please, Madam  
12 Witness, answer this question again.

13 MR ZENELI: [10:34:02] I actually do not think I need to repeat the question  
14 because we already have an answer, but let me double check.

15 PRESIDING JUDGE SCHMITT: [10:34:10] But I have not heard the answer, so the  
16 Bench would also be happy to have an answer heard.

17 MR ZENELI: [10:34:28] Your Honour, if I can direct your attention to page 26, lines  
18 7 to 8. The witness replied: "They were divided into the different households."

19 PRESIDING JUDGE SCHMITT: [10:34:44] If you are fine with this answer, then we  
20 could have shortened the whole procedure significantly, but then move to another  
21 point please.

22 MR ZENELI: [10:34:55] Gladly so.

23 Q. [10:34:57] One more question on this topic, Madam Witness. And thank you  
24 for your patience. Could people take any of the -- any of the abductee without  
25 Odomi's permission?



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1 A. [10:35:20] You would not take without permission because if you would take  
2 without permission, then they would just bring the abductee and you pick and go  
3 with the abductee, but you have to get permission.

4 Q. [10:35:40] Now, let's move on to a different topic, that of the escorts, and here  
5 you can again give us the names. Do you remember any escorts at the time you  
6 were in the bush?

7 A. [10:36:05] Whose escort? I have not understood clearly.

8 Q. [10:36:08] Very well. Let me make it more focussed. Since we were talking  
9 about Odomi, did he have any escorts?

10 A. [10:36:22] He had escorts.

11 Q. [10:36:24] Do you remember any of them? Do you remember the names?

12 A. [10:36:29] I remember one whose name is Michael.

13 Q. [10:36:35] How old was Michael?

14 A. [10:36:45] He is approximately 15 years old.

15 Q. [10:36:50] Do you know what his role was as an escort? What was Michael  
16 supposed to do as an escort?

17 A. [10:37:00] His roles I see him carrying guns and also cleaning -- and he would  
18 clean guns.

19 Q. [10:37:10] Do you remember any other roles?

20 A. [10:37:24] He would also wash the gumboots.

21 Q. [10:37:28] Did anything happen with Michael?

22 A. [10:37:31] Something happened, there was a time when Michael was cleaning  
23 the gun, it seems there was a bullet in the -- inside and there was a child next to him  
24 and this gun fired and the child was shot and killed.

25 Q. [10:37:52] I'm moving to a different topic, you were telling us about it just a bit

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1 earlier. It relates to person 1 and you were telling us how he forced himself onto you.

2 I will use a term that you use in the statement and ask you this: Why did person 1

3 make you his wife?

4 A. [10:38:32] I don't know because I was powerless. I do not have the authority  
5 to speak on that.

6 Q. [10:38:40] Did he have to take anyone's permission for that?

7 A. [10:38:49] He came from Odomi's household and came and did that act on me.

8 Q. [10:38:59] I asked you about whether he took someone's permission for that  
9 and you answered "He came from Odomi's household." Can you help us  
10 understand if that answer was meant to say that indeed he did take the permission?

11 MR TAKU: [10:39:27] Your Honour --

12 PRESIDING JUDGE SCHMITT: [10:39:31] Sustained. Sustained. That's  
13 sustained, Mr Taku.

14 That is quite suggestive I would say and I think she has given an answer and it's open  
15 to interpretation by the Court and we have also the written statement and I think we  
16 should not entertain this further.

17 MR ZENELI: [10:39:50] Very well. I move on to another subject.

18 Q. [10:39:57] Now, Witness, let's go back to the moment when you were at the  
19 headquarters. On that day that Odomi told you to babysit, to become a ting ting, on  
20 that day in which you had no choice but to accept, I want you to now think of -- let  
21 me go back and ask a question before I ask the second one that I was just thinking of.  
22 Were there other girls at that moment at the HQ, were there present other girls and  
23 women there?

24 A. [10:40:45] The ones that are distributed or -- I have not understood that clearly.

25 Q. [10:40:53] On the day that Odomi told you to babysit, were there other girls

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1 present at that place, at the headquarters?

2 A. [10:41:10] There were girls at his household and they were the new ones who  
3 were brought that were meant to be distributed.

4 Q. [10:41:19] These new ones that were brought, what do you mean by that?  
5 Where were they brought from, the new girls?

6 A. [10:41:32] They were -- they were brought from other households.

7 Q. [10:41:39] Do you remember any of the girls by their names? Here again you  
8 can give us the name if you do remember.

9 A. [10:41:53] I recall one person. The rest I can't recall their names.

10 Q. [10:42:01] Who was that person?

11 A. [10:42:05] I recall Sunday who was brought from Ojok's household and she  
12 was given to Odoki.

13 Q. [10:42:18] When you say "she was given", what do you mean by that?

14 A. [10:42:28] It means that he has been allowed to take her.

15 Q. [10:42:34] Take her where or as what?

16 A. [10:42:41] To take her to his home and stay with her as his wife.

17 Q. [10:42:52] Who told him that he could do that -- or, rather, who told Sunday to  
18 do that?

19 A. [10:43:01] I have -- I am not aware who told Sunday, but Odoki was told,  
20 people were at Odomi's household because there were many people and Odomi told  
21 Odoki to take her because he would not have any authority to say over that.

22 Q. [10:43:22] And before she was given as a wife, what was Sunday doing again?

23 A. [10:43:30] Sunday was a ting ting.

24 Q. [10:43:42] How old was Sunday?

25 A. [10:43:45] About 16, 17 years old.

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1 Q. [10:43:51] You talked about you yourself before given as a ting ting. You told  
2 about Sunday being given as a wife. Do you remember any other girls that were  
3 treated the same on that day?

4 A. [10:44:12] I don't recall their names.

5 Q. [10:44:14] It's okay if you don't recall any other names. Do you recall an  
6 instance of another girl that was given just like you were?

7 A. [10:44:28] I remember, there was a time one girl was given to a certain man  
8 who was hit on the head by a bullet, so we would hear this girl crying, so we went  
9 and asked the escort and he told us that this girl is crying because why is she given to  
10 a man who has -- who has a problem with the head? So that is how we came to  
11 know.

12 Q. [10:45:01] Why was the girl crying?

13 A. [10:45:09] She cried because she was complaining why is she given to a man  
14 who has a mental problem because the head is not okay?

15 Q. [10:45:22] Now, in your statement you also tell us that Odomi spoke to her.  
16 Do you remember what he said to her?

17 A. [10:45:34] He said, "Why does this girl -- why is the girl refusing to go? Does  
18 she want to live or not?" So the girl continued living with him.

19 Q. [10:45:51] Madam Witness, to correct a possible error in the transcript - and  
20 I'm grateful for that error being pointed out at me - when you say she was told -- or  
21 he said -- let me look at it. What we have down is that Odomi says does she want to  
22 leave or not? What do you mean by that? What did Odomi exactly say?

23 A. [10:46:41] He said "Do you want to stay alive or you want to die?"

24 Q. [10:46:50] I'm very grateful for that clarification. Thank you for helping us  
25 with that, Madam Witness.

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1 Could she have refused Odomi?

2 A. [10:47:06] She could not refuse.

3 Q. [10:47:10] I would like to move to very separate incident and that's what

4 happened in Soroti, one of them, where you told us in your statement about a woman  
5 and a girl being burned in a hut?

6 MR TAKU: [10:47:27] Your Honour, your Honour, we clearly -- I rise to object. If  
7 my colleague wants to refer the Court for the purposes of clarity of evidence or  
8 particular provisions of the transcript, he should do so, not for him to -- I mean from  
9 his to say memory "you told us". She hasn't told us anything. He should be in the  
10 position to say, "Look, in the transcript at paragraph this", then put the question. If  
11 you allowed it, then she can answer. But for him to give evidence clearly, your  
12 Honour, is not appropriate.

13 PRESIDING JUDGE SCHMITT: [10:48:00] I think the question as such is not  
14 objectionable, but we should always keep in mind what we have on the table, so to  
15 speak, having the Rule 68(3) statement on the table. So perhaps you can word your  
16 questions in a way that tries to elicit additional information or if you want to  
17 emphasise something. But I'm a little bit in -- have brought myself into the situation  
18 that I have to be more indulgent with that because last time I allowed it but for  
19 different reasons. So perhaps just if you want to emphasise something, just go  
20 directly to it and do not refer to the -- the statement is there, it is a given, the  
21 statement is on the table. You see what I mean? And if you want to really elicit  
22 information that goes beyond that, you can do that but steer it to directly so to speak.  
23 MR ZENELI: Well, for the benefit of my learned colleague and everyone's present in  
24 the courtroom, paragraph 106 is the one I was referring to in the statement that we  
25 have just accepted under Rule 68(3).

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1 Q. [10:49:26] Madam Witness, do you remember telling us about an incident in  
2 Soroti where a woman and a girl were killed?

3 A. [10:49:36] Yes.

4 Q. [10:49:40] Can you tell us about it?

5 MR TAKU: [10:49:42] Your Honour, I rise for a different reason, but at this point in  
6 time I want just to place again on record our standing objections of alleged killings, I  
7 mean extension of alleged crime bases and these sort of killings. It is about  
8 abductions and other crimes that you allow during your ruling, during the status  
9 conference, is okay. But to start multiplying crime bases, cases of murder and other  
10 things throughout the whole of northern Uganda, your Honours, I think we will  
11 again rise to emphasise our standing objections.

12 But in your ruling during the status conference you were very, very, very clear about  
13 the scope of evidence that would be lead.

14 Also the question, your Honours, about notice and the specificity of the evidence we  
15 look at the decisions of the -- at the confirmation decision and we also look at the  
16 pretrial brief, we are guided by that, and we also look at your decision consistently.

17 So maybe this question, I do not know how you will decide, but we just want to put  
18 the standing objection. Your Honours could well allow him lead it or not lead it, but  
19 we want that (inaudible) should know that we have raised a standing objection on  
20 this.

21 PRESIDING JUDGE SCHMITT: [10:51:14] This is noted we have decided this  
22 matter before. When I say we have decided that, this does of course not mean that  
23 we have definitely decided which kind of information and evidence is going to be  
24 used later on, but in these cases, Article 5 cases so to speak, it's always quite difficult  
25 to draw exact lines, we all know, we all know that, between the charged incidents and

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1 then we cause widespread, systematic, all these legal terms that come other -- might  
2 come other incidents into place. But as I said before, the Chamber is able to put this  
3 into perspective and has allowed that at least these incidents are addressed but only  
4 insofar as they do not establish additional charges, so to speak. So this is, so to speak,  
5 an assurance by the Chamber.

6 The witness has in her statement already addressed this, so I would also ask you to be  
7 short in that respect and just if she wants to add something what she has in her mind  
8 in that respect because we have read the formal statement.

9 MR ZENELI: [10:52:36] If I'm getting the hints right, I will leave it at that, your  
10 Honour, and move to a different subject.

11 PRESIDING JUDGE SCHMITT: [10:52:46] That is even interpreted exactly what  
12 I had in mind but what I did not directly speak out.

13 MR ZENELI: [10:52:54] In that case, your Honour, can we move briefly into  
14 private session. This should be the one instance I mentioned earlier, but I'm afraid it  
15 can go to 15 approximately.

16 PRESIDING JUDGE SCHMITT: [10:53:09] Perhaps --

17 MR ZENELI: Actually, we have -- yeah, I was looking at this --

18 PRESIDING JUDGE SCHMITT: I think we are going to have the break then. I  
19 would --

20 MR ZENELI: [10:53:12] That's correct (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [10:53:13] I would suggest because I have one or  
22 two questions to Madam Witness and perhaps we can have in open session and then  
23 we have a break.

24 MR ZENELI: [10:53:20] By all means, your Honour.

25 PRESIDING JUDGE SCHMITT: [10:53:23] Yeah, okay.

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1 Madam Witness, I as the presiding Judge have two or three questions to you, if you  
2 would be so kind to answer them for me.

3 You said that person 1 forced himself upon you. How old were you at the time, if  
4 you recall?

5 THE WITNESS: [10:53:49] (Via video link) (Interpretation) At that time I was  
6 13 years old.

7 PRESIDING JUDGE SCHMITT: [10:53:53] And did this happen afterwards too?

8 THE WITNESS: [10:54:03](Via video link) (Interpretation) Yes, it continued  
9 because I was his wife and up to the time when I escaped.

10 PRESIDING JUDGE SCHMITT: [10:54:10] Okay. Thank you very much, Madam  
11 Witness.

12 Since you have indicated that we would have to go then into private session, I would  
13 suggest myself that we have a coffee break until 11.30 and then start with private  
14 session.

15 MR ZENELI: [10:54:27] I agree, your Honour.

16 THE COURT OFFICER: [10:54:31] All rise.

17 (Recess taken at 10.54 a.m.)

18 (Upon resuming in open session at 11.33 a.m.)

19 THE COURT OFFICER: [11:33:49] All rise.

20 PRESIDING JUDGE SCHMITT: [11:34:08] I understand that we go to private session.

21 And then we do that.

22 (Private session at 11.34 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)



Trial Hearing  
WITNESS: UGA-OTP-P-0352

(Private Session)

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Page redacted – Private session.

Trial Hearing  
WITNESS: UGA-OTP-P-0352

(Private Session)

ICC-02/04-01/15

- 1 (Redacted)
- 2 (Redacted)
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8 (Open session at 11.38 a.m.)

9 THE COURT OFFICER: [11:38:46] We are in open session, Mr President.

10 PRESIDING JUDGE SCHMITT: [11:38:49] Thank you.

11 MR ZENELI: [11:38:55] Madam Witness, do you remember a place called Mucwini?

12 A. [11:39:03] Yes, I do recall Mucwini.

13 Q. [11:39:09] Can you tell us what happened in Mucwini?

14 A. [11:39:15] When we were in the bush, there was a boy who escaped from  
15 Odomi's group. He escaped with a gun. We were told about this. We were told  
16 that a boy had escaped in the night. Odomi came to our household and said all the  
17 boys should be connected, all the boys should go to Mucwini and kill anything.  
18 Nothing should be left alive. So people went to Mucwini and that's what they did.

19 MR ZENELI: [11:39:55] Your Honour, just for the sake of giving a heads-up briefly, I  
20 will be finished in about 10 minutes, so if the Legal Representatives would want to  
21 prepare for their set of questions. I only have two documents to show to the witness.

22 PRESIDING JUDGE SCHMITT: [11:40:10] Yes. Thank you for the information so  
23 that the other participants can prepare.

24 MR ZENELI: [11:40:17] Madam Witness, I will ask you very few questions on two  
25 different documents, and for that I'll ask the assistance of the court officer to please

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WITNESS: UGA-OTP-P-0352

1 display document with ERN UGA-OTP-0265-0074. That's tab 2 in our witness  
2 binder.

3 THE COURT OFFICER: (Via video link) [11:40:51] The document requested is  
4 presented to the witness.

5 MR ZENELI: [11:41:03]

6 Q. [11:41:03] Madam Witness, do you see the document in front of you?

7 A. [11:41:11] Yes, I do.

8 Q. [11:41:13] Do you recognise it?

9 A. [11:41:15] Yes, I do.

10 Q. [11:41:19] What is it?

11 A. [11:41:27] If they do not read the document to me, then I do not understand the  
12 document.

13 Q. [11:41:42] Can you read and write, Madam Witness?

14 A. [11:41:49] No, I cannot.

15 Q. [11:41:56] When I asked you whether you recognise it, you said that you do.

16 Can you explain what you mean by that?

17 A. [11:42:11] If it's my name, then I do recognise my name.

18 MR ZENELI: [11:42:20] Your Honour, I think it is safer if we move into private  
19 session for only one question.

20 PRESIDING JUDGE SCHMITT: [11:42:28] Yes, we do that.

21 (Private session at 11.42 a.m.)

22 THE COURT OFFICER: [11:42:37] We are in private session, Mr President

23 PRESIDING JUDGE SCHMITT: [11:42:40] Thank you.

24 MR ZENELI: [11:42:47] Can the court officer please point the witness to the name on  
25 the left bottom side of the document in front of her.

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WITNESS: UGA-OTP-P-0352

1 THE COURT OFFICER: (Via video link) [11:43:03] I am pointing the name of the  
2 witness document. Just here.

3 ME ZENELI: [11:43:14]

4 Q. [11:43:14] Madam Witness, can you tell us whether you recognise what the  
5 court officer is pointing at?

6 A. [11:43:27] Yes, that's my name, (Redacted)

7 Q. [11:43:36] I will read the title of this same document for you. It says,  
8 "Certificate of Amnesty". Does that say anything to you?

9 A. [11:44:02] Yes, it does.

10 Q. [11:44:03] What does it say?

11 A. [11:44:12] I do not understand anything other than my name.

12 Q. [11:44:18] Did you have a certificate of amnesty, you yourself?

13 A. [11:44:27] Yes, I did.

14 Q. [11:44:30] Is this it?

15 A. [11:44:35] Yes, it is.

16 Q. [11:44:38] Let's move on to another document, and if the court officer can please  
17 show item 3.

18 PRESIDING JUDGE SCHMITT: [11:44:45] Are there still issues with private and  
19 open session with the other document? What do you think?

20 MR ZENELI: [11:44:51] Very good question, your Honour. I would say we can try  
21 it in open session. But since the witness cannot read and write, I might have to do  
22 probably the same questioning as in the first document.

23 PRESIDING JUDGE SCHMITT: [11:45:03] Then we stay in private session.

24 MR ZENELI: [11:45:04] Very well.

25 PRESIDING JUDGE SCHMITT: [11:45:05] I think that might be more advisable.

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(Private Session)

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WITNESS: UGA-OTP-P-0352

1 MR ZENELI: [11:45:09] Court officer, could you please show the witness item

2 UGA-OTP-0249-0293, which is part of tab 3 of the witness binder.

3 THE COURT OFFICER: (Via video link) [11:45:27] The document requested is

4 presented to the witness.

5 MR ZENELI: [11:45:34]

6 Q. [11:45:34] Madam Witness, I have the same question for you. Do you recognise

7 this document?

8 A. [11:45:46] I do because it has my photo.

9 Q. [11:45:51] Do you remember when that photo was taken?

10 A. [11:45:59] I do not recall the year it was taken, but I had just come out of the

11 Bush.

12 Q. [11:46:10] Do you know what language the document is in?

13 A. [[11:46:21] I only understand my name on that document.

14 Q. [11:46:29] You don't have to, but I'm just going to ask it, do you speak or write

15 English, Madam Witness?

16 A. [11:46:43] I do not write it, neither do I speak it.

17 Q. [11:46:47] One last question. Can you move down to the bottom of the

18 document, and may the court officer please follow the same procedure and point her

19 to – well, it's next to the word "signed".

20 THE COURT OFFICER: (Via video link) [11:47:06] I am currently pointing at the

21 words beside "signed" on the form as requested by the Prosecution.

22 MR ZENELI: [11:47:16] Thank you, Carine.

23 Q. [11:47:19] Madam Witness, what does it say next to that word, where the legal

24 officer is pointing at?

25 A. [11:47:33] I can see my name.

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(Private Session)

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WITNESS: UGA-OTP-P-0352

1 Q. [11:47:34] Madam Witness, I am done with my questioning to you. I thank you  
2 very much for your patience. And, your Honour, this is the end of my questions for  
3 the witness.

4 PRESIDING JUDGE SCHMITT: [11:47:44] Thank you very much, Mr Zeneli. We  
5 go back to open session.

6 (Open session at 11.47 a.m.)

7 THE COURT OFFICER: [11:47:59] We are in open session, Mr President.

8 PRESIDING JUDGE SCHMITT: [11:48:02] Thank you very much. So it's now the  
9 time for the examination by the Legal Representatives. Have you decided amongst  
10 yourselves who will start?

11 MR NARANTSETSEG: Thank you, your Honour. Yes, we did. For the common  
12 Legal Representative, our field counsel, Ms Jane Adong, will question this witness.  
13 Thank you very much.

14 PRESIDING JUDGE SCHMITT: [11:48:21] And she will start?

15 MR NARANTSETSEG: [11:48:24] Yes.

16 PRESIDING JUDGE SCHMITT: [11:48:25] So I give Mrs Jane Adong the floor, who  
17 is sitting at the video link location.

18 MS ADONG: [11:48:39] Thank you, your Honour. I ask the Court to forgive me.  
19 I cannot address the Court when standing.

20 PRESIDING JUDGE SCHMITT: [11:48:45] That is not a problem, Mrs Adong,  
21 because if you would stand, we would not see you anymore. So we prefer really  
22 seeing you when you are asking your questions, but this would perhaps require that  
23 we move a little bit to the left so that we see a little bit more of you and still see the  
24 witness. That's okay, that's wonderful. Thank you very much, and then you can  
25 start your questioning now.

Trial Hearing

(Open Session)

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WITNESS: UGA-OTP-P-0352

- 1 MS ADONG: [11:49:13] Thank you, your Honour.
- 2 QUESTIONED BY MS ADONG:
- 3 Q. [11:49:17] Witness, how are you today?
- 4 A. [11:49:21] I'm fine, thank you.
- 5 Q. [11:49:25] According to your statement, during your time in captivity you
- 6 sustained a number of injuries. You suffered from a swollen leg, and you also got
- 7 wounds from the grass cutting your legs. Do you suffer any pains or discomfort as a
- 8 result of these injuries?
- 9 A. [11:50:03] I no longer suffer any pain at the moment.
- 10 Q. [11:50:08] You were also raped.
- 11 A. [11:50:11] Yes, I was.
- 12 Q. [11:50:14] Apart from the threats which were uttered to you, was there any other
- 13 thing that forced you?
- 14 A. [11:50:29] No. Nothing else.
- 15 Q. [11:50:33] Did the person who raped you have any weapon?
- 16 A. [11:50:41] He had a gun.
- 17 Q. [11:50:46] Were you a virgin at this time?
- 18 A. [11:50:55] I was a virgin.
- 19 Q. [11:50:57] Had you started having your menstrual period by then?
- 20 A. [11:51:06] Not yet.
- 21 Q. [11:51:09] Did you sustain any injuries as a result of the rape?
- 22 A. [11:51:18] Yes, I did.
- 23 Q. [11:51:22] Can you describe briefly what injuries you sustained?
- 24 A. [11:51:31] Yes, I can. Because if a grown man has sexual intercourse with you,
- 25 you definitely will have problems subsequently.

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WITNESS: UGA-OTP-P-0352

- 1 Q. [11:51:48] Could you be more specific than that?
- 2 A. [11:51:58] And you might -- he might tear you, you might sustain a tear.
- 3 Q. [11:52:08] I understand that the tear you sustained was on your vagina?
- 4 A. [11:52:18] Yes.
- 5 Q. [11:52:21] I understand you have moved on with your life and you are now in
- 6 a new relationship. Have these injuries had any impact on this relationship?
- 7 A. [11:52:49] The injuries were bad. Because having had sexual intercourse by
- 8 force, forcibly with a man, while I was in the bush did cause problems.
- 9 Q. [11:53:07] Are you still with your new partner?
- 10 A. [11:53:15] Yes, I had a man, he was the father of my children, but at the moment
- 11 the relationship ended and I am at home right now.
- 12 Q. [11:53:27] Did the injuries sustained contribute to the end of this relationship?
- 13 A. [11:53:41] Yes, they did.
- 14 Q. [11:53:47] Do you suffer from bad dreams or stigmatisation?
- 15 A. [11:53:55] No nightmares, but yes, I -- stigmatisation, yes.
- 16 Q. [11:54:02] Is the stigmatisation from the community, from the family, your
- 17 in-laws?
- 18 A. [11:54:19] The stigmatisation is from my family, from my husband's family, and
- 19 also from members of the community.
- 20 Q. [11:54:28] Have you sought medical assistance since your escape from ...
- 21 A. [11:54:38] No, I haven't.
- 22 Q. [11:54:41] Why?
- 23 A. [11:54:47] I did not go to hospital because I do not have the resources to pay for
- 24 treatment.
- 25 Q. [11:54:55] What do you do for a living?



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WITNESS: UGA-OTP-P-0352

1 A. [11:55:05] I am a farmer.

2 Q. [11:55:07] Is this enough to sustain you?

3 A. [11:55:14] Not really.

4 Q. [11:55:18] You were schooling at the time of your abduction. Have you tried  
5 returning to school?

6 A. [11:55:30] I tried, but I was only there for two terms. My parents died and I  
7 took over guardianship of my siblings.

8 Q. [11:55:44] What would you want the Court to do for you?

9 A. [11:55:53] I would like the Court to help me so that I can continue sustaining  
10 myself, my life, and the children that I have.

11 Q. [11:56:05] Thank you, Witness.

12 Your Honour, I have no further question of this witness.

13 Thank you.

14 PRESIDING JUDGE SCHMITT: [11:56:11] Thank you very much, Mrs Adong for the  
15 questions. We heard everything perfectly, and we saw you and the witness, so  
16 everything is in the right place for the moment.

17 And we give now the floor to Mr Manoba, I would assume.

18 MR MANOBA: [11:56:28] Mr President, your Honours, we do not wish to put any  
19 questions to this witness.

20 PRESIDING JUDGE SCHMITT: [11:56:32] Okay, thank you very much. Then of  
21 course the question arises when the Defence will be -- oh, you are preparing, that  
22 means you are prepared.

23 MR TAKU: [11:56:45] (Microphone not activated)

24 PRESIDING JUDGE SCHMITT: [11:56:53] Okay.

25 I also would have -- would doubt how to -- ah, yes, this seems to be correct, Mr Taku.

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(Open Session)

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WITNESS: UGA-OTP-P-0352

1 This way around.

2 QUESTIONED BY MR TAKU:

3 Q. [11:57:16] It is almost -- good morning, Witness. And I think it should be -- I do  
4 not know whether it is afternoon in the location where you are. But good morning  
5 from The Hague, from this courtroom.

6 A. [11:57:36] Thank you. Good morning too.

7 Q. [11:57:40] You surely heard from my colleague that if we ask any question that  
8 might disclose your identity, try to stop me. And of course I can see my colleague  
9 sitting there by you, or the learned Prosecutor, or their lordships, the Court  
10 themselves will alert me so we can go to closed session.

11 Coming from where I am, I also know that some questions may be -- I am very  
12 conscious of cultural sensitivity. This might not disclose your identity, but some of  
13 the questions or the evidence I intend to recite may be culturally sensitive. And you  
14 and me will know that that's not a (inaudible) issue among us. So if any of such  
15 issue arises also let me know. I will try to rephrase the question in a manner that  
16 would not hurt, or would not hurt, either you, or generally hurt our cultures and  
17 traditions. And of course religious sensitivities also I do not know, from here, I  
18 wouldn't know. So if anything would disturb you let me know and let the Court  
19 know. Okay?

20 A. [11:59:22] Okay.

21 Q. [11:59:27] There was a very laudable programme that was instituted by the  
22 government of Uganda, the amnesty programme. And I can see from your  
23 statement all the material that was communicated to us that in tab 5, I think, there  
24 was an affidavit that you signed. You provided information to the amnesty  
25 commission. The question I asked, Witness, is did you provide -- the information

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WITNESS: UGA-OTP-P-0352

1 provided to the amnesty commission, was it accurate to the best of your knowledge  
2 and recollection? Indeed it is -- let me -- yes, UGA-OTP-0270-0166, your Honour.

3 THE COURT OFFICER: (Via video link) [12:00:58] The document requested is  
4 being presented to the witness.

5 MR TAKU: [12:01:09]

6 Q. [12:01:10] For your information, at UGA-OTP-0270-0171 I can see a thumbprint.  
7 Also there is a fingerprint, and you will confirm to the Court. And I can see at  
8 paragraph 56 where it is stated:

9 "I the undersigned hereby certify to the best of my knowledge that the information in  
10 this form is exact, true and sincere. I understand that any false or unverified  
11 information that I provide may lead to disqualification for amnesty commission  
12 support."

13 Hearing these details can you say that you provided, the information you provided  
14 was accurate, was correct to the best of your knowledge and information?

15 A. [12:02:18] The information provided is the truth.

16 Q. [12:02:23] Now, Witness, I will come back to this affidavit later on in the course  
17 of my cross-examination. But let us start from where the matter started. In your  
18 statement you describe that two men abducted you; is that correct?

19 A. [12:03:07] Correct.

20 PRESIDING JUDGE SCHMITT: [12:03:07] And, Mr Taku, perhaps for us to follow, if  
21 you shortly indicate which paragraph of the statement. You would not have to tell  
22 us exactly the page and always with UGA and the whole ERN number, but so that we  
23 can follow better. It would be nice if you could do that. But it is okay for this  
24 question but for future.

25 MR TAKU: [12:03:26] It is paragraph 13, your Honour.

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WITNESS: UGA-OTP-P-0352

1 It is paragraph 13 -- 13.

2 PRESIDING JUDGE SCHMITT: [12:04:01] You can continue then, Mr Taku.

3 MR TAKU: [12:04:07] Yes.

4 Q. [12:04:08] Now, when you were abducted by this individual can you describe to  
5 the Court how they were dressed. And possibly, because it is a short question,  
6 which language they spoke.

7 A. [12:04:31] They were speaking Acholi and they were putting on military attire.

8 Q. [12:04:44] At paragraph 55, your Honours, of the statement you stated, and I  
9 quote:

10 "At the time I did not know other names for Odomi. Now I know he is ...  
11 Dominic Ongwen. I learnt this after I left the bush."

12 Who provided this information to you that Odomi was Dominic Ongwen? And if  
13 you may, under what circumstances, what were you discussing that this -- that this  
14 name was given to you?

15 A. [12:05:41] I learnt about it, I heard from, from radio.

16 Q. [12:05:48] Thank you, Witness.

17 Now may we move to tab 6, that's tab 6 of the Prosecution evidence. The ERN --

18 PRESIDING JUDGE SCHMITT: [12:06:11] It's not a problem, but it's yours, because  
19 I think Prosecution has restrained itself to three. Yeah.

20 MR TAKU: [12:06:20] Yes, your Honour.

21 PRESIDING JUDGE SCHMITT: [12:06:20] It's simply yours --

22 MR TAKU: [12:06:22] We will rely -- we will --

23 PRESIDING JUDGE SCHMITT: [12:06:23] It's simply because it is consecutively  
24 enumerated, it's no problem, it is simply 6, tab 6.

25 MR TAKU: [12:06:30] Okay, yes. Let's move to tab 6, please.

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WITNESS: UGA-OTP-P-0352

1 UGA-OTP-0257-1615 at page 1617.

2 Q. It is stated, Witness, that you were abducted by the LRA in March 2002 when  
3 you were 12 years old. You were abducted by a soldier, number 1, who we now  
4 know as number 1, who worked under Dominic Ongwen. Do you remember  
5 providing that information to the Prosecution?

6 A. [12:07:46] I gave that information because I had forgotten about Buk. I could  
7 not recall. But after recalling my initial stay I began staying with Buk, then later on  
8 moved to stay with Ongwen.

9 Q. [12:08:11] And therefore the -- your statement, your statement will now be -- or,  
10 you adopt the version recorded in tab 1, UGA-OTP-0260-0315, that's at paragraph 11,  
11 when you said that you were abducted in March 2003. And you know this date  
12 because you asked your brother and your uncle the date when the investigators came  
13 and requested the information among the other information regarding your  
14 abduction and time in the bush. In respect of the date -- we will come to Buk  
15 thereafter -- in respect of the date, is that the date that you were abducted, that you  
16 told the Prosecutor in the paragraph I've just read?

17 A. [12:09:28] I was abducted in March in 2003.

18 Q. [12:09:46] Now, Witness, we would like you to help us because we have another  
19 date in -- that should be in tab, tab 5, tab 6, I don't know. The affidavit,  
20 your Honour.

21 PRESIDING JUDGE SCHMITT: [12:10:09] I think it's 5.

22 MR TAKU: [12:10:10] Tab 5, yes.

23 Q. [12:10:15] Witness, in tab 5, at paragraph 22, the information you provided was  
24 this: You were asked when did you join or were abducted by the rebellion, and the  
25 date there is 9/5/2003. So this obviously is not the date you gave to the Prosecutor.

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WITNESS: UGA-OTP-P-0352

1 Can you explain the divergence about the date?

2 A. [12:10:53] Because my first time appearing before the investigators I didn't know  
3 why they were calling me. So when I came they started asking me, and when they  
4 ask you suddenly you may not be able to explain certain things which have since  
5 passed. So when I appeared for the second time I asked my brother, who confirmed  
6 to me that I was abducted in March 2003. So I came back and told them that the  
7 information I provided, I could not recall everything because the time had passed  
8 a long time ago.

9 Q. [12:11:38] But obviously the information you provided in your affidavit to the  
10 amnesty commission, you provided the information when the events, when you just  
11 fled from the bush and the information was very fresh in your memory, probably.  
12 Isn't it, Witness?

13 A. [12:12:04] It's not that -- like that.

14 Q. [12:12:10] Yes, explain to the Court how it was.

15 A. [12:12:20] Could you say the question again.

16 Q. [12:12:25] When you provided this information, in the affidavit which you  
17 provided to the amnesty commission, the date you provided as the date of your  
18 abduction is 9/5/2003. And my question is that when you provided this information  
19 you had just fled from captivity from the LRA. And would I be right to say you  
20 provided information when the facts were fresh in your memory and you were more  
21 likely to provide the correct information to the commission than the information you  
22 got from your brother and others many years after?

23 A. [12:13:31] At the time I was responding to the amnesty I had just returned from  
24 the bush. So I think the date that I provided to amnesty could be different from the  
25 one that I provided to the investigators.

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1 Q. [12:13:52] Well, I wouldn't press the matter further, that that's your answer.

2 Let me move to another point.

3 PRESIDING JUDGE SCHMITT: [12:13:59] Indeed.

4 MR TAKU: [12:14:00] Your Honour.

5 Q. [12:14:03] Now, the individuals who abducted you, Witness, you didn't know  
6 them. Indeed, you only knew them as Olum-Olum, also called Holy; is that correct?

7 A. [12:14:23] Yes, that's correct.

8 Q. [12:14:33] Now, in tab 1, that is the statement you gave to the Prosecutor, at  
9 paragraph 15 you stated that prior to your abduction people were saying that Kony's  
10 rebels were around and were abducting and killing people; is that correct?

11 A. [12:15:05] Yes.

12 Q. [12:15:10] Now, who were these people who were saying that Kony's rebels  
13 were around and they abducted and killing people?

14 A. [12:15:27] These were elderly people. At that time people were already  
15 running and they would escape to go and sleep in the bush.

16 Q. [12:15:43] Did these elderly people say who this Kony was? Did you hear them  
17 say who this Kony was and why his people were abducting and killing people?

18 A. [12:16:00] I cannot adequately understand because I was still young so I couldn't  
19 ask questions as an adult would ask.

20 Q. [12:16:13] Now let me put it differently. Would these elderly people or people  
21 in your locations, did they say that Kony was a military leader, a rebel leader, what  
22 sort of man did they say was Kony?

23 A. [12:16:37] They said that some leader who was living in the bush.

24 Q. [12:17:05] Now some -- somewhere in your statement to the Prosecutor, and that  
25 is at paragraph 150, you corrected your earlier statement that throughout the period,

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WITNESS: UGA-OTP-P-0352

1 the entire period in the bush, that you were with Ongwen's group. Corrected. And  
2 indeed earlier in your answers to one of the questions you were asked you said that  
3 you had forgotten, you forgot to give information about the period you were with  
4 Buk. We will come to that. But you did correct this statement that throughout the  
5 period of your abduction you were with Odomi; is that correct?

6 A. [12:18:23] I left Buk's group after about four or five months, then I transferred to  
7 another group until the time when I escaped.

8 Q. [12:18:40] Thank you, Witness. Now, at paragraph 19 you stated that when  
9 you are abducted you were brought to a specific location where you recognise some  
10 people from your village. My question is: Did you recognise some people from  
11 your village, Witness?

12 A. [12:19:19] Yes, I did recognise.

13 Q. [12:19:24] We will come to that later in this cross-examination. But also,  
14 Witness, when you left that location, in particular you left a location called Kalabong  
15 Hill.

16 That is tab 1, paragraph 23 to 24, your Honours, which relate to these paragraphs.

17 You saw Mr -- number 1, number 1, the individual only referred to as "number 1".

18 You also saw Otto Olebe. Olebe is O-L-E-B-E. You saw Opige, you saw Ojok, and  
19 you saw Buk; is that correct?

20 A. [12:20:29] Yes.

21 Q. [12:20:30] Witness, as you stated in paragraphs 25, 32, 54 to 55 of your statement  
22 you told the Prosecutor that Buk was overall in charge of Sinia group that abducted  
23 you?

24 A. [12:20:52] Yes.

25 Q. [12:21:00] But would I be correct to say, Witness, that Buk was not among the



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1 two people who physically came to your, your residence, to your household and  
2 abducted you? Some other person abducted you and brought you to this location  
3 where you saw Buk and these other individuals whose names I have mentioned;  
4 would I be correct?

5 A. [12:21:33] It was not Buk who picked me. But it was his soldiers who came and  
6 picked me.

7 Q. [12:21:42] Was Odomi one of the two people who abducted you?

8 A. [12:21:53] At that time I didn't know who was who there.

9 Q. [12:22:02] But in this location where you saw Buk and this individual  
10 that -- whose names I've read, and this includes number 1, did you see Odomi there at  
11 that point in time?

12 A. [12:22:20] I did not know Odomi. I even knew Buk after some time when I had  
13 already stayed there. Because at that time when I was abducted, Kony's soldiers  
14 were very big in number and there were very many people and people would move  
15 into lines so I didn't know who was who exactly.

16 Q. [12:22:45] Nevertheless you came to know that Buk was overall commander of  
17 that group and there -- that you were brought to his location, you were brought to  
18 Buk, where you found these other commanders, these other individuals whose names  
19 are provided, correct?

20 A. [12:23:06] Yes, correct.

21 Q. [12:23:15] Now, you came to identify the names of specific individuals whom  
22 you met with Buk. I do not know whether it was when you were there or you knew  
23 subsequently, but obviously among those individuals you did not see the man you  
24 later on identify as Odomi at that time when they brought you to Buk, did you?

25 A. [12:23:45] I came to understand about Odomi when I was now in his group, but

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1 earlier on I had not understood about him because these were actually adults and  
2 some of them with grey hair, so that's what I can say.

3 Q. [12:24:06] Now, in tab 1, paragraph 28, Witness, listen carefully. You said that  
4 when you were with Buk, it was then that a soldier approached your group and  
5 asked to see persons who had been newly abducted. Do you remember saying this?

6 A. [12:24:43] Yes, yes.

7 Q. [12:24:48] And it was one of the soldiers who brought you there who identified  
8 you to this soldier who was requesting to know the abductees; is that correct?

9 A. [12:25:10] I have not understood the question. Could you say it again?

10 Q. [12:25:14] Now, when this soldier came and requested and asked that he wanted  
11 to know -- that he approached the group and asked to see persons who had been  
12 newly abducted, I asked the question, you said that's what happened. Now, maybe  
13 to make the question simpler, did you know this soldier who approached this group  
14 and asked to see the abductees?

15 A. [12:25:49] That person who came, I had just been abducted at that time and so  
16 I don't know that person. I didn't know him.

17 Q. [12:26:01] Is it -- would I be correct to say, Witness, that it is the soldier who  
18 brought you who identified you as one of the abductees in that location to that  
19 individual?

20 A. [12:26:25] I don't understand.

21 Q. [12:26:27] Okay, let me put it differently. Did Buk personally come and  
22 ask -- or to ask to see the abductees? Did Buk come personally to ask or some other  
23 person did that?

24 A. [12:26:54] The person who asked was an adult, so I don't know whether it was  
25 him or somebody else.

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1 Q. [12:27:03] My question is: Who identified you as one of the abductees?

2 A. [12:27:14] When people were gathered for inspection, I was not alone, there  
3 were so many other people.

4 Q. [12:27:37] Now, when those individuals were, were assembled, were you and  
5 the others assigned to a specific household at that point in time?

6 A. [12:28:01] Yes.

7 Q. [12:28:08] Did you know, Witness, who made the determination about the  
8 assignment of abductees to specific households? Did you know?

9 A. [12:28:30] At that time I did not know.

10 Q. [12:28:35] As a matter of fact, Witness -- and, your Honour, this relates to  
11 paragraph 29 -- while you were sitting there, you were sitting there and a soldier  
12 whom you only knew as number 1 came and grabbed you by hand and you followed  
13 him to his household. That's paragraph 29. Is that the information you gave to  
14 the Prosecutor?

15 A. [12:29:11] Yes.

16 Q. [12:29:18] And when you got to his household, you found three other girls aged  
17 15, 16 and 18; is that correct?

18 A. [12:29:33] Yes.

19 Q. [12:29:34] And the next questions relate to paragraph 32, your Honours.

20 According to your statement, in this group where the leader was Buk, you found out  
21 that number 1 was the next in command to Buk; is that correct?

22 A. [12:30:02] I didn't know whether he was the one second after Buk because there  
23 were very many people.

24 Q. [12:30:18] Now, I refer to paragraph 32. This is the statement that I will be  
25 submitting into evidence, and I don't think I will belabour, the Court will look at it.

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- 1 PRESIDING JUDGE SCHMITT: [12:30:33] Yes. I think this is relatively clear,  
2 what is said in paragraph 32. You can move on.
- 3 MR TAKU: [12:30:38] Yes. Thank you, your Honour.
- 4 PRESIDING JUDGE SCHMITT: [12:30:39] So she concluded from other information  
5 that was not formally distributed to her.
- 6 MR TAKU: [12:30:45] Yes.
- 7 PRESIDING JUDGE SCHMITT: [12:30:45] And I think that's really enough.
- 8 MR TAKU: [12:30:47] Yes.
- 9 PRESIDING JUDGE SCHMITT: [12:30:48] You can continue.
- 10 MR TAKU: [12:30:49] And I would very much also appreciate, your Honours, if  
11 other areas where you deem that -- from her answers, instead of wasting time, you  
12 find that it's clear enough --
- 13 PRESIDING JUDGE SCHMITT: [12:30:56] Okay.
- 14 MR TAKU: [12:30:58] You can always -- you can always --
- 15 PRESIDING JUDGE SCHMITT: [12:30:59] Yes, we can follow this procedure, so to  
16 speak, yes.
- 17 MR TAKU: [12:31:09] Yes, your Honour.
- 18 Q. [12.31.09] Now, Witness, under Buk, at that point you were with Buk, you also  
19 saw many -- a number of subordinate junior and senior commanders were under Buk,  
20 correct?
- 21 A. [12:31:28] Yes.
- 22 Q. [12:31:42] Now, Witness, I don't know whether it is necessary to raise the issue  
23 again because you've clarified that the abduction, the commander was Buk, you've  
24 clarified.
- 25 PRESIDING JUDGE SCHMITT: [12:31:57] I think (Overlapping speakers)

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1 MR TAKU: My intention had been --

2 PRESIDING JUDGE SCHMITT: [12:32:00] Yes, but this is -- I think it's --

3 MR TAKU: Your Honour.

4 PRESIDING JUDGE SCHMITT: [12:32:03] Of course I don't want to assess the  
5 evidence now, but I think this information has been given, to speak more neutrally.

6 MR TAKU: [12:32:12] Yes, because my intention was to refer to tab 4, at paragraph 1,  
7 the statement she gave to the victims relating to -- yes.

8 Q. [12:32:28] Now, when you got to the household of number 1, he told you that  
9 you could not eat with him and members of his household until you were smeared  
10 with shea butter. That's tab 1 at paragraph 35; is that correct?

11 A. [12:32:57] That's correct.

12 Q. [12:33:00] Did you know then or you come to know why this ritual was  
13 performed on you prior to being allowed to eat with members of the household of  
14 number 1?

15 A. [12:33:19] I did not understand the meaning of the ritual.

16 Q. [12:33:49] Now, you, you stated that people were punished for planning to  
17 escape.

18 This is paragraph 48, your Honours.

19 A. [12:34:07] Yes, people were punished.

20 Q. [12:34:14] Did you know -- can you cite one example or some example of some  
21 persons that were punished for trying to escape and were punished?

22 A. [12:34:34] I can give an example of something that personally happened to me:  
23 There is one time when I was with -- talking to a boy whose household was close to  
24 mine. He came and asked me, "Do you know that hill?" and I said, "Yes". And he  
25 told me that that hill is close to our home; if you walk here, that's near home.

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1 There was nobody around us. There were some soldiers that were close by but not  
2 so, not so close. There was one guy called Labeja, he called us. So we were  
3 wondering why he was calling us. He asked us, "What are you doing?" We said,  
4 "We're not doing anything". He said, "Aren't you planning to escape?" We said,  
5 "No, nobody is planning to escape". He said, "Is that the truth?" The boy  
6 responded that, yes, that's the truth, and I said, "The boy asked me about that hill that  
7 is near our home", and the guy said, "So you are intending to escape". He said,  
8 "Okay, you're going to be punished". He told us to lie down, and we lay down and  
9 were beaten with 50 strokes. I went. I had a -- I bathed and, yes, I continued with  
10 my life.

11 Q. [12:35:54] So it is Labeja who administered this punishment to you and the boy,  
12 is that your evidence?

13 A. [12:36:04] He is the one who called us, he is the one who called us. He called  
14 us and took us inside.

15 Q. [12:36:13] Who was Labeja? And if it would disclose your identity --

16 A. [12:36:21] Labeja was some guy.

17 Q. [12:36:28] Was he a commander?

18 A. [12:36:29] No, he was not a commander.

19 Q. [12:36:33] But he administered that punishment to you in that circumstance and  
20 on -- immediately when he found the two of you, correct?

21 MR ZENELI: [12:36:46] There is no --

22 THE WITNESS: [12:36:49] (Via video link) (Interpretation) Yes, he administered the  
23 punishment when he was instructed to beat us.

24 MR TAKU: [12:36:56]

25 Q. [12:36:57] He was instructed by who?

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1 A. [12:37:02] At the time we were still in Buk's household.

2 PRESIDING JUDGE SCHMITT: [12:37:08] Do you -- is this objection still valid that  
3 you wanted to give us, or?

4 MR ZENELI: [12:37:14] I believe it is, your Honour. Because I, in my assessment,  
5 I believe that the way the question was phrased with no basis on the information that  
6 Labeja was one who administered the beating confused the witness with the answer.  
7 I just wanted to make that point for the record.

8 PRESIDING JUDGE SCHMITT: [12:37:37] Yes, but -- yes. We have listened to what  
9 the witness said here in the courtroom, and courtroom means by -- in the video link  
10 location -- and that this gave rise to your question and I don't see anything  
11 objectionable in that. And also there is no problem, the witness has now given the  
12 answer and I think we can move on.

13 MR TAKU: [12:38:05]

14 Q. [12:38:06] Witness, you said that was when you were still in the Buk group.  
15 Where was number 1 when this punishment was administered?

16 A. [12:38:22] He was watching.

17 Q. [12:38:33] Now, when you were in Buk's group and you say you were assigned  
18 to the household of number 1, would I be correct to say, Witness, that you were  
19 assigned to the household of -- already at that time as a ting ting when you were still  
20 under Buk?

21 A. [12:39:14] Yes, it is correct.

22 Q. [12:39:20] Now let me ask a few questions about number 1. And I say you  
23 should listen carefully, if I ask any question that may lead to your identity being  
24 known you will raise your hand. The honourable president will let you speak and  
25 you will indicate and maybe I will be directed to put the question in a more neutral

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1 way so that your identity is not revealed. You understand?

2 A. [12:40:02] Yes, I do.

3 MR TAKU: [12:40:08] Now, my next question, your Honours, relate to tab 1,  
4 paragraph 34.

5 Q. [12:40:16] Witness, you observed while you were with number 1, you observed  
6 that he had three soldiers who were close to him and acted as his guards; is that  
7 correct?

8 A. [12:40:33] Yes, it is.

9 Q. [12:40:36] And these guards were -- and this question relates to when he was  
10 with Buk -- and these guards (Redacted)  
11 (Redacted) is that correct?

12 A. [12:41:06] Yes, it is.

13 Q. [12:41:13] And the next question relates to paragraph 41, your Honours.  
14 And when you arrive at number 1's household you discovered, or you found out  
15 (Redacted) was his escort. And my question is: Did he remain an escort for the entire  
16 time you were in the household of number 1 under the command of Buk and thereafter  
17 until he left, until he fled and sought liberty?

18 A. [12:42:00] Yes, (Redacted) -- stayed there. I did not see him.

19 Q. [12:42:15] Now, there is -- you provided some other information in your  
20 statement. Tab 1 at paragraph 43, your Honour. And this relates to a boy called  
21 Abonga. Do you remember that name?

22 A. [12:42:41] Yes, I do.

23 Q. [12:42:45] And the question I will ask relate to the time when number 1 was  
24 a deputy commander and Buk was a commander. And you said Abonga attempted  
25 to escape and was caught and later found dead. Do you remember that?



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1 A. [12:43:26] Yes, I do.

2 Q. [12:43:35] Now, when you were with number 1, his household, and Buk was  
3 overall commander, did number 1 or anyone tell you about the rules in the bush  
4 about attempts to escape?

5 A. [12:44:04] Yes, they did.

6 PRESIDING JUDGE SCHMITT: [12:44:09] Mr Taku, just a short -- could you please  
7 move your microphone a little bit towards you -- no, towards yourself. Yes.  
8 Because there is -- it would be sufficient but there is a discrepancy in the loudness, so  
9 to speak, with the witness and with you, so we would have, I think this would be  
10 better. So please continue.

11 MR TAKU: [12:44:27] Thank you so much, your Honours.

12 Q. [12:44:33] So what were the rules, what did the Holy do to prevent escape from  
13 the LRA that you know of?

14 And, your Honours, it refers to paragraph 44 and 45 of tab 1.

15 A. [12:45:05] The -- when I was with Buk, when I initially arrived I was smeared  
16 with shea butter and I was told that the shea butter was to prevent people escaping.  
17 We were told that if you attempted to escape the shea butter would confuse you and  
18 bring you back and you would be killed.

19 Q. [12:45:41] Did number 1 ever tell you that if someone attempted to escape that  
20 person can be beaten?

21 They refer to paragraph 49.

22 A. [12:46:03] Yes, the person would be beaten.

23 Q. [12:46:08] And in number 1's -- number 1's household who gave the orders for  
24 someone to be beaten?

25 A. [12:46:33] Number 1 was the one who gave those instructions. If you are in his

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1 household, if you do -- if you do something minor then he issues instructions. If you  
2 do something major or more serious then you are sent inside. If you try to escape  
3 you are sent inside, but if you don't do your laundry well, if you are not a neat person,  
4 then they will beat you in his homestead, he will issue instructions.

5 Q. [12:47:12] Now in paragraph 52, 55, Witness, of tab 1 you said, quote:

6 "We were in Kitgum for one month and then we went to Gulu and stayed there for  
7 five months."

8 And in paragraph 54 you also said, quote:

9 "I stayed with Buk's battalion for five or six months. After that time, we met with  
10 a big group." And the leaders were Vincent Otti, Raska Lukwiya, Odhiambo and  
11 Buk.

12 Do you remember these were Sinia battalion, Stockree and Katakwi battalion.

13 Katakwi is spelled K-A-T-A-K-W-I battalion. And you know Sinia battalion was led  
14 by Buk, you did not know who led the others.

15 Witness, do you remember giving this statement to the Prosecutor?

16 A. [12:48:38] Yes, I do.

17 Q. [12:48:39] Now let me pause here to ask who is Vincent Otti, did you know him?

18 A. [12:48:51] I saw Vincent Otti at the time, but I was told that he died.

19 Q. [12:49:01] Okay. Who told you that he died?

20 A. [12:49:17] I heard about it when I was at home. I heard the information over  
21 the radio. I had already gone back home from the bush.

22 Q. [12:49:28] But whom in this big group that you saw all these commanders,  
23 whom did you know at that point to be the overall commander, the most senior  
24 commander of that group, that big group?

25 A. [12:49:58] Hazarding a guess, I do not know who was the overall commander

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1 because most time when you are in the bush girls do not know about these things.

2 But at the time it was Vincent Otti who was addressing people.

3 Q. [12:50:24] Did you at that, at that point in time in that group, did you see

4 Odomi?

5 A. [12:50:37] There were people but I did not know, I could not identify all the

6 people. It was when we were divided up, when we were divided up eventually,

7 then I did not see Buk anymore and then it was Odomi, I saw Odomi. At the time

8 we were constantly being attacked, there were gunships, so there was a lot of fighting

9 going on.

10 Q. [12:51:12] So it was not, if I understand, please correct me if I am wrong, so it

11 was not immediately during that meeting that you saw all -- Vincent Otti talking, it

12 was not then that you saw Odomi, you saw him later when you moved to his group?

13 A. [12:51:34] Yes.

14 Q. [12:51:37] Now, who made the decision to send you to Odomi's group?

15 A. [12:51:47] I do not know. But I found myself in his household. But I do not

16 know.

17 Q. [12:51:58] Can you tell the Court the location where you first met Odomi?

18 Possibly the date, if you can remember.

19 A. [12:52:19] I do not recall the exact date that I met Odomi. But I met him when

20 we were in Gulu. I do not recall the month either. But it was in 2004.

21 Q. [12:52:39] So -- and that 2004. And which location in Gulu? Do you

22 remember the location?

23 A. [12:52:51] I do not recall. Because people were in the bushes, people were not

24 near any homesteads or habitants.

25 Q. [12:53:08] And you said that the battle was raging. In fact, do I understand to

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1 mean that Odomi's group was under pressure, the UPDF was attacking and Odomi's  
2 group was on the move? Or it was Odomi's group attacking the UPDF? Tell us  
3 what, what happened.

4 A. [12:53:46] War was raging at the time. Odomi's group would kill civilians,  
5 government soldiers would fight against rebel groups, but most -- during that time  
6 the civilians were killed to a great extent.

7 Q. [12:54:05] Well, we will come to that when we are dealing with specific issues  
8 that you talk about. The alleged killing of civilians, we will come to that. I am  
9 talking about the time that you first met, that the battle was raging. When you first  
10 met Odomi, did you meet Odomi before the battle commenced or you met him at the  
11 time that the battle was ongoing when you joined his group?

12 A. [12:54:46] When people were distributed battle, battle was already raging.  
13 When people were divided and sent to Odomi's place it continued. Because we were  
14 supposed to go and collect food we would go to the camps, kill people and take food.  
15 People had already left the camps.

16 Q. [12:55:13] Well, we will come to that very soon because you discussed what's the  
17 three events where you say you participated. We will come to that. You say you  
18 joined Odomi's group in 2004, correct?

19 A. [12:55:32] Yes, it is.

20 Q. [12:55:34] Okay. We will deal with that. Now when you met Odomi you said  
21 you didn't know his rank. You just knew that he was a leader in one of the groups  
22 under Sinia brigade; is that correct?

23 A. [12:56:00] The reason why I said that was that at the time most of the people  
24 who were in Sinia were under his leadership.

25 Q. [12:56:14] Okay. Again we will come to that. Can you tell the Court at what

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1 time in 2004 that you were deployed to Odomi's group. If you cannot know the  
2 month can you identify by some other method, rainy season, planting season? We  
3 will make it out.

4 A. [12:56:45] I do not recall the time.

5 Q. [12:56:57] Now, the next question relates to paragraph 58, tab 1. Did you know  
6 who lived in Odomi's household?

7 A. [12:57:15] I knew Michael and Fatuma, one of the girls that was there. The only  
8 two people I knew were Michael and Fatuma, but there were quite a number of  
9 people there.

10 Q. [12:57:28] Now, the next question relate to paragraph 58, your Honour.

11 Let's talk about Fatuma. You earlier testified Fatuma escaped, was pursued,  
12 captured and brought back to Odomi's house. Witness, I understand that Fatuma  
13 was neither punished nor killed? Nothing happened to her when she was brought  
14 back, would I be correct to say so?

15 A. [12:58:05] Yes.

16 Q. [12:58:15] Now, paragraph 152, your Honour.

17 Witness, you said that you were given your -- donated or given as a wife to number 1  
18 as a reward for being promoted to lieutenant. But Witness, in tab 1, paragraph 152,  
19 indeed you didn't specifically say this. You didn't say that, that you were given to  
20 him because -- a reward for being promoted as lieutenant; is that correct, Witness?

21 PRESIDING JUDGE SCHMITT: [12:59:06] Mr Taku, I think why not -- in this  
22 instance I would really suggest just quote paragraph 152 because it's -- to say there is  
23 a contradiction is also a little bit audacious. Just read this 152 to her and ask her  
24 what she says, because it is quite short, it is only four lines.

25 MR TAKU: [12:59:38]

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1 Q. [12:59:40] "I have been told that the note states that I said that I was given to  
2 number 1 as a reward for being promoted to lieutenant. I was not specifically told  
3 this, but in the bush soldiers were sometimes given wives as a reward. When I  
4 became number 1's wife I thought he had been promoted and that is why I had been  
5 given to him."

6 Is that what you said, Witness, you thought?

7 A. [13:00:14] That's what I said.

8 PRESIDING JUDGE SCHMITT: [13:00:20] I think we have 1 o'clock. If there is --

9 MR TAKU: [13:00:25] Yes, let me just ask this -- (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [13:00:29] Yes, please do that.

11 MR TAKU: [13:00:30]

12 Q. [13:00:31] Indeed, in paragraph 59 of your statement you stated that when you  
13 joined Odomi's group number 1 took you to the headquarter and Odomi asked  
14 number 1 if the girls in his household were his wives and number 1 answered that  
15 you were staying with him but you were not his wife. Is that your statement,  
16 Witness?

17 A. [13:01:04] Yes, that's my statement.

18 Q. [13:01:09] And it is then and only then that Odomi assigned you as (Redacted)  
19 (Redacted)  
20 is that correct?

21 A. [13:01:32] Yes, it is.

22 Q. [13:01:35] And in paragraph 62, shortly after that, (Redacted)  
23 were released by Odomi to go back home; is that correct?

24 A. [13:01:49] Yes, it is.

25 MR TAKU: [13:01:51] Your Honour, we will continue.

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1 PRESIDING JUDGE SCHMITT: [13:01:54] Okay. So we have the lunch break until

2 2.30.

3 (Recess taken at 1.02 p.m.)

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

5 THE COURT OFFICER: [14:32:56] All rise.

6 PRESIDING JUDGE SCHMITT: [14:33:16] Good afternoon, Madam Witness, I

7 hope you had a nice break.

8 And we are continuing with the examination and Mr Taku, counsel for the Defence,

9 has still the floor.

10 MR TAKU: [14:33:50]

11 Q. [14:33:51] Good afternoon, Witness.

12 PRESIDING JUDGE SCHMITT: [14:34:04] I'm not sure if Madam Witness has

13 answered something or has said something, but just continue with the questioning

14 and we will find out if everything is okay technically.

15 MR TAKU: [14:34:16] Yes.

16 Q. [14:34:17] Witness, before I proceed, did you ever attend primary school?

17 A. [14:34:30] Yes, I did, before I was abducted.

18 Q. [14:34:41] You did primary school up to what class?

19 A. [14:34:48] Up to primary 4.

20 Q. [14:34:55] Now, in tab 1, your Honours, the question I will ask relate to tab 1,

21 UGA-OTP-0260-0315 at 324, paragraph 65.

22 Witness, I do not know whether the -- well, let me just put the question. Witness, you

23 said that (Redacted) did not say anything about becoming the wives of

24 number 1, they didn't say anything about how they became the wives of number 1 to

25 you; is that correct?

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1 A. [14:36:04] They did not say anything.

2 Q. [14:36:16] Earlier today you testified how number 1 invited you to his room  
3 and raped you.

4 Now, in tab 1, that's at page 0325, paragraph 66 --

5 PRESIDING JUDGE SCHMITT: [14:36:35] I think, Mr Taku, you can shorten it.

6 Just tell us to which paragraph you are referring. Because we have now again  
7 established exactly the ERN number; I think this would shorten the proceeding.

8 MR TAKU: [14:36:46] Thank you, your Honour.

9 PRESIDING JUDGE SCHMITT: [14:36:47] Okay.

10 MR TAKU: [14:36:48]

11 Q. [14:36:50] Paragraph 66, you said that one day a month after joining Odomi's  
12 group, that's when number 1 invited you to his room and told you that you were now  
13 his wife; is that correct?

14 A. [14:37:18] Yes.

15 Q. [14:37:20] Now, shortly, Odomi was not present at the time he invited you to  
16 his room and told you that you were now his wife; is that correct?

17 A. [14:37:39] I said that he came from inside where they were. I don't know  
18 what exactly they communicated.

19 Q. [14:37:50] Yeah, but the question is: Odomi wasn't present when he said this  
20 to you, correct?

21 A. [14:38:01] Yes.

22 Q. [14:38:05] And obviously the other girls and women were not present when  
23 number 1 said this to you; is that correct?

24 A. [14:38:24] Yes.

25 Q. [14:38:27] Earlier today before we went on break you told the Chamber that



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1 when you were taken to Odomi's house, along with other girls, women, Odomi asked  
2 number 1 whether those women, including you, were his wives. He said you were  
3 not his wife; is that correct?

4 A. [14:39:25] Yes.

5 Q. Now, Witness, these other women, (Redacted), whom you  
6 alleged were number 1's wives, didn't have any children with number 1; is that  
7 correct?

8 A. [14:40:05] There was -- there were no children.

9 Q. [14:40:07] And you didn't have any child with number 1; is that correct?

10 A. [14:40:14] Yes.

11 Q. [14:40:19] Now, Witness, may I -- will you be surprised if I put to you that  
12 number 1 indeed was impotent, had erectile dysfunction? Was impotent. What do  
13 you say to that?

14 A. [14:40:55] When you say it like that, then I can know that he is not able to  
15 produce a child. And also I think that most of the girls that with him were young  
16 girls. They were not big girls.

17 Q. [14:41:09] Yes. But I also said that he suffers from erectile dysfunction, he  
18 could not have effective sexual relations with a woman. What would you say to  
19 that?

20 A. [14:41:31] I understand. I don't know because I was young.

21 Q. [14:41:41] Well, in -- I think this is tab 5 or 6 -- tab 6 at paragraph 20.

22 And that is, your Honours, is at -- tab 5, your Honours, tab 5, paragraph 20. That is  
23 UGA-OTP-0270-0169. There was asked a specific question on that affidavit by the  
24 commission, the amnesty commission, and the questions were: "Did you use a  
25 condom the last time you had sex?" Answer: "A, yes; B, no; C, never had sex." You

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1 tick you never had sex.

2 PRESIDING JUDGE SCHMITT: [14:42:55] Paragraph please.

3 MR TAKU: [14:42:57] Twenty, your Honour.

4 Q. [14:42:58] That is what you said in the affidavit to the amnesty commission,  
5 you tick that.

6 MR ZENELI: [14:43:15] Your Honours, may I?

7 PRESIDING JUDGE SCHMITT: [14:43:17] Yes, please.

8 MR ZENELI: [14:43:19] I would just like to point out that the manner in which the  
9 question is posed might be unfair because the counsel has not yet established whether  
10 the ticking of the boxes was done or not by the witness. We know the witness can't  
11 even read English and the counsel is putting the question as, and I read from the  
12 realtime transcript, "You tick that."

13 We don't know whether it's the witness who does the ticking of those boxes so it  
14 should be a different sequence of questioning.

15 PRESIDING JUDGE SCHMITT: [14:43:58] Yes.

16 That's correct, Mr Taku. So please one after the other.

17 MR TAKU: [14:44:01] Well, your Honours, I asked the witness the very first  
18 question, whether the information she provided here was correct. I read out the  
19 penalty clause and the witness said yes. And, your Honours, we look at in the  
20 context of the other answers she has given.

21 PRESIDING JUDGE SCHMITT: [14:44:21] Yes.

22 MR TAKU: [14:44:21] We know very well that just as the answer she gave to the  
23 Prosecutor, she didn't write them herself and therefore there's actually no reason for  
24 the witness to say that she's illiterate, to say this, but she completed. And I read out  
25 from the very first question that she said that this was read over to her, these answers,

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1 she provided them and they were correct.

2 I do not know what answer she will provide to this, whether she ticked them or not.

3 I presume -- and I would presume that she says that she's illiterate -- I asked her

4 whether she went to school, she said she went up to class or form -- level 4, level 4.

5 We had people who were in level 4 here and, well, people do not have the same

6 capacity. And I do not want to say that the witness has lied or not, I don't say that

7 normally, it is for your Honours to know, but that is the answer that was given in this

8 particular context.

9 PRESIDING JUDGE SCHMITT: [14:45:18] And we see that and we also see that

10 the questions here, obviously if we can trust this affidavit, have been asked under the

11 two premises: "Can you name three ways of preventing the transmission of HIV?"

12 And then: "Do not list, only tick if spontaneously mentioned by individual."

13 I think this addresses the person who is the interviewer, and not the interviewee, so

14 we would have to put this into perspective. I just wanted to -- (Overlapping

15 speakers)

16 MR TAKU: [14:45:55] Your Honour will look at that.

17 PRESIDING JUDGE SCHMITT: [14:45:58] Yes, of course.

18 MR TAKU: [14:45:59] I am perfectly aware and from the cultural background that

19 she comes, actually relate to her about cultural sensitivity, about the issues. It is not

20 that we are not sensitive to that. And that's why I just want to obtain the answer,

21 your Honours will evaluate the evidence.

22 I don't want -- I'm aware that other questions were asked, but they were asked by a

23 different -- by a colleague, by a colleague who happens to be on another agenda and

24 probably she knows how to deal with those culturally sensitive issues. If I wanted to

25 pursue this matter, there are other follow-up questions I will ask. And clearly I

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1 alerted the Court, or I alerted her that I'm culturally sensitive about it. And one of  
2 the reasons is because a simple question not about the witness, but the population  
3 hearing out there, there could be an outcry if some of the issues are pursued in a  
4 manner which -- and I know they may excuse another person from another cultural  
5 background, but with me, they will look at it from a different perspective. That's  
6 why I made this clear. You will look at this. I asked a simple question: Is that the  
7 answer there? Yes.

8 Maybe in the course of the case other evidence will be -- I'm laying my own theory of  
9 the case through this witness. Obviously this is not the end of the matter. We will  
10 call other witnesses who will put more of this witness in context.

11 PRESIDING JUDGE SCHMITT: [14:47:28] I would assume that.

12 MR TAKU: [14:47:30] Yes. You heard -- you heard names who had been called,  
13 and some of them said, were at the particular context, a particular time with  
14 Mr Ongwen. But when I hear this witness being put in another context, within the  
15 same context with some other person, we are not yet addressing the Court on that,  
16 and I asked a specific question and got a specific answer.

17 I don't, as we would take this witness now, because it is noted that she didn't tick it.  
18 Somebody did it. And then when the person said that they read it over to her, they  
19 explained and she thumb printed. That is it.

20 PRESIDING JUDGE SCHMITT: [14:47:59] No, we have noted that, and  
21 furthermore I would like to say that it's of course always more difficult to reconstruct,  
22 so to speak, a situation, how a certain statement came into place if you have a person  
23 in between who has to tick, saying, you know, this -- our witness here has not  
24 personally of course done it, so there is -- there was a conversation between her and  
25 another person, and that's always a little bit difficult to establish that.

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1 MR TAKU: [14:48:34] Exactly.

2 PRESIDING JUDGE SCHMITT: [14:48:35] So please continue with your questioning.

3 MR TAKU: [14:48:37] Agree. Just let me read the statement in tab 1. She didn't  
4 take it. Somebody took it and they came back and she corrected a number of things.  
5 So let me proceed, your Honour.

6 Q. [14:48:55] Now, Witness, let's talk to -- about this girl, this girl that you said  
7 you remember was given to an injured -- the soldier was injured. Let's talk about  
8 her. Can you remind the Court, if you know, the circumstances under which this  
9 soldier was injured and the time, if you know?

10 And I'm talking about paragraph 74, your Honour.

11 A. [14:50:15] That soldier was shot during a fight, during a battle.

12 Q. [14:50:24] Could that battle be the battle at Odek?

13 A. [14:50:35] It was not the battle at Odek, but it was in another attack  
14 where -- when the government soldiers had attacked the base where we were.

15 Q. [14:50:49] May I suggest to you or put it to you, Witness, that that particular  
16 individual was shot on the head at Odek and transported to the sickbay; what do you  
17 say to that?

18 A. [14:51:09] Well, now there I am not able to know because I saw when he was  
19 injured, yes, he could have stayed in the bay because when somebody is injured, he's  
20 taken to the bay.

21 Q. [14:51:29] May I understand, Witness, that this other battle that you say the  
22 government soldiers attacked and he was shot in the head, did you take part in that  
23 particular battle or you heard about it?

24 A. [14:51:50] For us, we just keep on running because we didn't have guns, so we  
25 would move ahead, we would go in front, and that's what we would do when

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1 fighting begins.

2 Q. [14:52:05] Can you tell the Court, if you know, about what period that soldier  
3 sustained injury, in what -- and the location, if you know?

4 A. [14:52:24] I don't know the area. I don't know the area, but, yes, I could  
5 remember about him.

6 Q. [14:52:35] Now, from when he was injured to when you left for Sudan with  
7 Odomi, how long did it take? Weeks or months? Can you tell the Court?

8 A. [14:52:56] I -- there I can't recall.

9 Q. [14:53:02] Now, let me bring incidents backwards, and then we'll get to the  
10 subject matter thereafter. How long did it take before you moved to Sudan with  
11 Odomi after the attack on Odek?

12 A. [14:53:37] If I can remember, going to Sudan did not take long from the time I  
13 escaped, because we went to Sudan around -- between October to November and it  
14 was around that month, that's when I escaped.

15 Q. [14:53:58] Were you present at the time Odomi assigned this girl to that  
16 combatant, to that soldier, or somebody told you, an escort or someone told you that  
17 she had been assigned?

18 A. [14:54:40] I was told. We heard when she was crying. Then we went to find  
19 out what was happening with her, and that's when we were told that information.

20 Q. [14:54:57] So when you went to find out the information about why she was  
21 crying, was Odomi present at that location where you went to find out the  
22 information or he was somewhere else?

23 A. [14:55:15] He was there because it was at his home.

24 Q. [14:55:22] Was the injured soldier in the home of Odomi?

25 A. [14:55:31] He did not stay with Odomi. He was not at his home.

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1 Q. [14:55:40] Now, this specific case, Odomi was present. Was number 1 present  
2 in the home of Odomi?

3 A. [14:56:00] He was also there. There were many -- there were many other  
4 commanders who were there. They were together.

5 Q. [14:56:09] Now, Witness, may I put to you that given the security arrangement  
6 that was in place in the LRA with senior commanders, it wasn't possible for you to get  
7 into the house of Odomi without being invited and to follow a discussion or  
8 instruction given by Odomi. What do you say to that?

9 A. [14:56:56] Well, that happens. Any other ordinary person is not allowed to go  
10 there. If you go there maybe when you're taking food or when you're being invited  
11 to go. Like for these girls, we stood from a distance; we did not go right to where  
12 they were.

13 Q. [14:57:16] Can you show the Court the distance? Can you try to ascertain the  
14 distance in this courtroom? Now, let me put it different.

15 PRESIDING JUDGE SCHMITT: [14:57:30] She's not in the courtroom so this would  
16 be difficult for her to exercise.

17 MR TAKU: [14:57:37] Yes, yes. At the --

18 PRESIDING JUDGE SCHMITT: [14:57:40] You know, I always like to have as a  
19 reference point a football or soccer field, you know that. But of course it might  
20 be -- Madam Witness, perhaps you can have an estimate how far away you have been  
21 when this was discussed, just for yourself, if you recall it.

22 THE WITNESS: [14:58:03](Via video link) (Interpretation) We were at the place  
23 where we stayed, but when you stand up and stand aside a bit, you are able to see the  
24 people who were in that home.

25 MR TAKU: [14:58:20]

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1 Q. [14:58:20] So when you were attracted by the cries, you remained in your  
2 household where you stay and you were able to see the house where Odomi lives  
3 when this -- where this occurred, correct?

4 A. [14:58:42] I said that I stood up and moved aside a bit.

5 Q. [14:58:51] Was there a dog adaki from where you stayed, between where you  
6 stayed and the house of Odomi?

7 A. [14:59:14] Dog adaki is usually behind us. For us, we stay a little in front, and  
8 Dominic usually positions within, within the circle.

9 Q. [14:59:33] And where were his security? He had his security around where  
10 he stayed, correct?

11 A. [14:59:47] His escorts, the people at his household are there, but not in front of  
12 us. Maybe at the sides or maybe in front of the other people's households, but not on  
13 our side.

14 Q. [15:00:05] Where were these other two ladies whom you said were the wives  
15 of number 1? Did they move to that location with you or you moved alone?

16 A. [15:00:24] We left. Those of us who were at that home, we left and we were  
17 together.

18 Q. [15:00:32] Was Odomi in his house or he was out of his house when he  
19 addressed this girl?

20 A. [15:00:55] People had gathered under the tree. There were a lot of people  
21 under the tree. People were not inside the house.

22 Q. [15:01:07] Where was the sickbay?

23 A. [15:01:17] I was not in the sickbay. There was nobody who was injured in  
24 our household, so I was not sent to the bay. I did not sustain any injury to be sent to  
25 the bay.



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1 Q. [15:01:32] Throughout this period until you left and went to Sudan, did you go  
2 to the sickbay to see this soldier that was injured?

3 A. [15:01:53] No, I did not.

4 Q. [15:01:56] So therefore you are not in the position to say whether this girl,  
5 actually that this girl was in the sickbay or not. You knew that she cried and what  
6 you said was said, but you didn't go to the sickbay in order to see her with this  
7 injured soldier, you did not; would I be right to say that?

8 A. [15:02:25] The -- the man that had been injured had already -- was already  
9 healed. He was no longer in the sickbay. He was now among the population.

10 Q. [15:02:40] And you say he had injury to his head, the injury was in his head, a  
11 gunshot on his head, just to be clear, correct?

12 A. [15:02:52] Yes, it was. Yes.

13 Q. [15:02:55] So how long was he in the sickbay?

14 A. [15:03:06] I do not know how long he was in the sickbay, I do not know what  
15 month he was in the sickbay so I do not know. When you are in the bush you cannot  
16 distinguish between days and months, so it's very difficult for me to say the duration  
17 of time that he was in the sickbay.

18 Q. [15:03:25] But obviously the sickbay was not the same location where you  
19 were located, it was in some other location, correct?

20 A. [15:03:47] Yes, it was.

21 Q. [15:03:48] Did you know who was -- what was the name of that sickbay?

22 A. [15:03:56] We did not refer to it as the sickbay. We only referred to it as the  
23 bay. Today is the first day I hear it being called the sickbay.

24 Q. [15:04:11] Oh, I'm sorry. The bay. Now, what was the name of that bay?

25 A. [15:04:15] I do not know. It was only referred to as the bay. I do not know if

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1 it had any other name.

2 Q. [15:04:26] At this point in time that this occurred do you know or you did not  
3 know who was the commander of Sinia?

4 A. [15:04:43] I did not understand your question. Could you please repeat it?

5 Q. [15:04:48] Who was the -- did you know at this point in time who was the  
6 commander of Sinia?

7 A. [15:05:01] I said at the time that I joined the -- at the time that I was in the LRA  
8 Buk was the commander, but I do not know who was the commander, whether  
9 somebody else was the commander of that particular group.

10 Q. [15:05:23] And can you tell us what was the position, the position for number 1,  
11 what position he occupied at this point in time?

12 A. [15:05:43] I do not know. I cannot guess. But I recall that if something  
13 happened, he was also one of the people that was summoned. So I suppose maybe  
14 he was second to Odomi.

15 Q. [15:06:09] Now, can you tell the Court, and if you can please or you have any  
16 difficulties in answering the question, let the Court know, if there were any particular  
17 rules regarding toward the cooking of food.

18 Paragraph 46, your Honour.

19 If you feel comfortable answering the question about cooking of food.

20 A. [15:06:50] The rules regarding cooking, you were told that if you did not cook  
21 nice food and you took that food in front of the commanders, you would have to eat  
22 all that food and then drink a jug of water to wash it down.

23 Q. [15:07:11] But were there any restrictions on the women or people who were  
24 cooking the food, were there any particular restrictions on them, any particular rules?

25 A. [15:07:28] If you're a girl who -- during your periods you're not supposed to

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1 be -- when you're menstruating, you're not supposed to be cook. So girls during  
2 their menstrual periods were not allowed to cook.

3 Q. [15:07:49] Can you tell the Chamber why?

4 A. [15:07:54] I do not know. I do not know why the rules were -- those rules  
5 were established. I do not have any power to understand why they were  
6 established.

7 Q. [15:08:07] Do you know who established that rule?

8 A. [15:08:14] Yes, I might because if you do something bad, you're sent to that  
9 person, so the person to whose household you're sent is probably the person who  
10 established the rules.

11 PRESIDING JUDGE SCHMITT: [15:08:28] May I just a second.

12 Madam Witness, perhaps you do not know why the rule was established, but have  
13 you been told by somebody, by another person why this rule was in place, why you  
14 should not cook when you had your menstruation?

15 THE WITNESS: [15:08:53](Via video link) (Interpretation) The person in whose  
16 household you're staying is the one who tells you about those rules.

17 PRESIDING JUDGE SCHMITT: [15:09:02] And was this the same in your case with  
18 number 1?

19 THE WITNESS: [15:09:13](Via video link) (Interpretation) Yes, it was.

20 MR TAKU: [15:09:16] Your Honour, this question pertains to paragraph 83.

21 Q. [15:09:25] Witness, you stated that while in the LRA the girls did not have any  
22 option to choose and men did not have any option to choose wives either. Wives did  
23 not have options to choose husbands and men did not have the option to choose  
24 wives either. Is that correct?

25 A. [15:10:00] The commanding officers like Odomi had the authority to select

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1 women to stay in their houses or in their households, but the lower ranking

2 commanders were given wives, they did not have the right to select.

3 Q. [15:10:17] When did you learn about this rule? Did anybody tell you that that

4 was the rule within the LRA while still in the LRA? How did you know that while

5 in the LRA that was the rule?

6 A. [15:10:44] Because if you do not follow those rules, you're beaten.

7 Q. [15:10:50] Yes, but the question is how did you know, did anybody tell you

8 that there was a rule existing to that effect within the LRA?

9 A. [15:11:09] I said earlier that the person in whose household you're staying is

10 the one who explains and tells you the rules that exist.

11 Q. [15:11:20] And did number 1 tell you about this rule?

12 A. [15:11:30] One of the rules that he told me was the rule relating to cooking.

13 Q. [15:11:49] Now, with regard to paragraph 84, your Honour.

14 Witness, you told the investigators that "I do not know how they will decide that a

15 ting ting was ready to become a wife", correct? You told this to the Prosecutor?

16 A. [15:12:26] That's correct.

17 Q. [15:12:29] And right to the last paragraph it says, "So I think when girls were

18 taken from the initial household it was to be given to boys who did not have any

19 wives, although I cannot say this for sure." Was that your evidence, the statement

20 you made?

21 A. [15:12:52] Yes. I witnessed this because it happened to somebody.

22 Q. [15:13:00] Now, Witness, can you tell the Chamber where your group was

23 located when you became the wife of number 1? Were you in Acholi land? Were

24 you in Lango, Teso, Gulu or Kitgum? Where were you?

25 A. [15:13:38] We were in Lango.

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1 Q. [15:13:51] Now, can you tell the Court whether at the time number 1 told you  
2 that if a woman -- now, about the cooking when you said number 1 told you about  
3 the rule regarding to cooking, why do you think he told you about this rule? Under  
4 what circumstance did he tell you?

5 A. [15:14:48] I do not know why.

6 Q. [15:14:53] But did you apply that rule?

7 A. [15:15:03] Yes, I did.

8 Q. [15:15:06] So when you were in that state you did not cook? You obeyed the  
9 rule, correct?

10 A. [15:15:19] Yes, that would happen to people. I was still prepubescent so that  
11 did not happen to me.

12 Q. [15:15:38] So at what point in time did it happen to you?

13 A. [15:16:00] I did not understand the question.

14 Q. [15:16:03] At what point in time did that rule apply to you?

15 A. [15:16:23] I do not understand the question so it's difficult for me to answer it.

16 Q. [15:16:28] Okay. Let me put it differently. When you were still with  
17 number 1 and Buk, is it the time he told you about this rule?

18 A. [15:16:44] Yes.

19 Q. [15:16:46] Now, Witness, you said you were in Lango. Witness, will you be  
20 surprised, Witness, about that the -- Odomi -- may I suggest to you, Witness, put it to  
21 you that Odomi didn't operate in Lango because the UPDF was very active, very, very  
22 active in Lango, in fact, that was their territory. What would you say to that?

23 A. [15:17:27] We -- the areas that I stayed in when I was in the bush was Kitgum,  
24 Gulu, Lango. We did not stay in Lango for a very long time, if -- if my recollection is  
25 correct.

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1 Q. [15:17:42] So how long did you stay in Lango?

2 A. [15:17:48] We did not stay in Lango for a long time, but I do not know how  
3 long we stayed there.

4 Q. [15:17:57] Well, just could it be, Witness, that when you say you went to Lango,  
5 Soroti and Pader, could it be that you were in these locations with Buk and not  
6 Odomi?

7 A. [15:18:27] I did not -- I did not get -- I did not go to Pader. I went to Gulu.

8 Q. [15:18:34] But did you go to Soroti and Lango with Buk and number 1 and  
9 others?

10 A. [15:18:49] Yes.

11 Q. [15:18:52] We're coming to that when we will be dealing with specific, very  
12 precise with evidence you gave, we're coming to that.

13 Now, now, Witness -- your Honours, paragraph 78 of tab 1.

14 Witness, you told the investigators that you did not hear orders for people to be  
15 abducted except when you went to Odek; is that correct?

16 A. [15:19:52] When we are going to -- usually when people are going to fight we  
17 are not present. That means you do not get to hear what is being talked about.

18 Q. [15:20:05] Well, you probably answered at least about four or five questions in  
19 that one answer, but -- paragraph 80, your Honours.

20 You also told the investigators that you observed that the boys who were abducted  
21 would be between 17 and 20 years, correct?

22 A. [15:20:45] Yes.

23 Q. [15:20:48] And that the girls were between 12 and 16 years. That's what you  
24 told the investigators, correct?

25 A. [15:21:01] Yes.

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(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0352

1 Q. [15:21:08] Now, paragraph 81, your Honour.

2 You stated, Witness, that you knew that Odomi decided the distribution of abductees  
3 because he was the main leader and no one could take anyone without his permission,  
4 that is the premise on which he said he did the distribution, correct?

5 A. [15:21:35] Yes.

6 Q. [15:21:38] Now, Witness, take your mind back to when number 1 came and  
7 held your hand and took you to his house and the question I asked, whether it was  
8 Buk who personally came and distributed to him, you said he held your hand and  
9 took you to his house. Do you remember that?

10 A. [15:22:13] Yes, I recall. When they took me, they had already sat down and  
11 had a discussion about this and then they went and started selecting people.

12 Q. [15:22:28] But surely, and if you want I will read that out, surely you were not  
13 there when they had that discussion, you only know that he came and grabbed you  
14 and took you away to his house, correct?

15 A. [15:22:44] Yes.

16 Q. [15:22:49] Witness, did you know or not that sex crimes -- that the LRA was  
17 very intolerant, zero tolerance of sex crimes? If any soldier raped a woman or had  
18 sex with a woman and it were known to the commanders, that person would be  
19 executed, did you know? Were you told about this rule that that soldier or  
20 commander whosoever would be immediately executed and that that rule was put in  
21 place by Joseph Kony himself? Did anyone ever tell you this?

22 A. [15:23:44] Yes, I did. I heard about the rule that even if you go to war or to  
23 the battlefield, if you find a girl, do not have sexual intercourse with a girl. If you go  
24 and abduct somebody and bring them, then it's the same thing, you're not allowed to  
25 have sexual intercourse with them.

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(Open Session)

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WITNESS: UGA-OTP-P-0352

1 Q. [15:24:17] Now, paragraph 88, your Honour, tab 1.

2 Witness, in that paragraph you stated that boys were given weapons after they have  
3 stayed in the bush for about a year. Witness, was that of your -- your observation?  
4 When you were in the bush that boys who were there were given weapons after they  
5 stayed in the bush for about a year? Was that your experience and observation?

6 A. [15:25:01] From my observation when somebody is initially abducted or newly  
7 abducted you're used to carry luggage, people are sent to fetch water, you're sent to  
8 watch out and sit on trees and act as an observer. And that's what people would do  
9 at the beginning.

10 Q. [15:25:25] But, Witness, you specifically said that the boys would be given  
11 weapons after they have stayed in the bush for about a year. Did you tell -- is that  
12 what you told the investigators?

13 A. [15:25:45] Yes, it is.

14 Q. [15:25:48] In paragraph 90, your Honours.

15 Witness, you also said that those who were deployed to combat were about 20 years  
16 and that you did not see younger boys with guns, you've just said that, and that  
17 young boys of around 14 and 15 did not go to fight but were escorts. Is that your  
18 statement, Witness?

19 A. [15:26:23] Yes, it is.

20 Q. [15:26:28] Indeed you mentioned in particular -- your Honour, tab 1,  
21 paragraph 91 -- the case of one Michael who by mistake discharged a gun and that  
22 child you say was killed, you say was Dominic's -- Odomi's child, was age 5 years.  
23 Do you remember saying that, telling this to the investigators?

24 A. [15:27:05] Yes, I do. I said that.

25 Q. [15:27:07] And you said you were not sure what happened to this escort



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WITNESS: UGA-OTP-P-0352

1 Michael after that act, you are not sure. Was that your evidence, I mean your  
2 statement?

3 A. [15:27:21] Yes, it is.

4 Q. [15:27:25] You also said, Witness, that Michael was the youngest among  
5 Odomi's escorts and was 15 and the rest seemed older than Michael. Is that what  
6 you told investigators?

7 A. [15:27:43] Yes.

8 Q. [15:27:45] Now, you also observed that there were other young persons in the  
9 bush who were not abductees, they were born in the bush, "I saw them, there were  
10 many of them". Do you remember saying this to the investigators?

11 A. [15:28:07] Yes, I said that because I did see young children.

12 Q. [15:28:14] Now, let's talk a bit about attacks and pre-war, pre-attack rituals that  
13 were conducted under Buk.

14 Your Honours, paragraph 93.

15 Witness, you stated that it was the leaders of the groups of the different -- where  
16 different soldiers were deployed who gave orders for attacks. You remember saying  
17 this to the investigators?

18 A. [15:29:03] I did not understand your question. Could you please repeat it?

19 Q. [15:29:13] That it was the leaders of the groups to which defence soldiers  
20 belong who gave orders for attacks, did you say this, did you tell this to the  
21 investigators?

22 A. [15:29:30] Yes, I did.

23 Q. [15:29:33] But that you, Witness, you said you did not hear these orders being  
24 given, correct?

25 A. [15:29:46] That's correct.

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WITNESS: UGA-OTP-P-0352

1 Q. [15:29:50] Indeed, Witness, you knew the attacks were imminent when leaders  
2 assembled at the HQ or the headquarters and then go to the trenches to pick soldiers  
3 for the attacks; is that what -- was that your statement?

4 A. [15:30:11] Yes.

5 Q. [15:30:15] Indeed, as far as you are concerned, your specific case, you never  
6 learnt the specific details of the attacks after the attacks and that certain soldiers from  
7 the trenches would mention attacks only on passing; is that the case? Was that the  
8 case?

9 A. [15:30:47] I did not understand.

10 Q. [15:30:49] In other words, in your specific case you didn't know the specific  
11 details of the attacks, you only learnt in passing from soldiers who were in the  
12 trenches when you passed by, you learnt that the attacks had taken place, but you  
13 didn't know the specific details of the attacks; is that correct?

14 A. [15:31:21] If I did not go to that battle, then I would not know what happened  
15 at that battle. I would only hear about people talking about it, so when people  
16 would come back, I would hear what they were talking about or I would ask them  
17 and they would tell me.

18 PRESIDING JUDGE SCHMITT: [15:31:39] Mr Taku, like always, she has said in  
19 the beginning that this was her statement --

20 MR TAKU: Yeah.

21 PRESIDING JUDGE SCHMITT: -- and that was to the best of her knowledge.

22 MR TAKU: [15:31:48] Yeah.

23 PRESIDING JUDGE SCHMITT: [15:31:49] And we have it here on 93, paragraph  
24 93, what she has said.

25 MR TAKU: [15:31:56] Okay, your Honour.

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WITNESS: UGA-OTP-P-0352

1 PRESIDING JUDGE SCHMITT: [15:31:57] And that's it.

2 MR TAKU: [15:31:59] Thank you, your Honours. I really appreciate, your

3 Honours, that from time to time you remind me so I can move on. Thank you, your

4 Honour.

5 Q. [15:32:09] Now, Witness, with regard to Buk you stated that Buk performed

6 certain rituals like taking leaves, and that's paragraph 94, your Honours, like taking

7 leaves from olwedo trees to sprinkle soldiers and say prayers, and then the soldiers

8 would march and call on God. And it was in that circumstance that you knew that

9 there was going to be a deployment for combat, but that Dominic did not perform this

10 ritual and this made this more difficult for you to know or even second guess that an

11 attack was imminent, paragraph 94; is that correct, Witness?

12 A. [15:32:58] Yes.

13 Q. [15:33:04] Now, the question of 94 -- or I will come back to that.

14 PRESIDING JUDGE SCHMITT: [15:33:35] And, Mr Taku, perhaps another while

15 you are looking for what you want to entertain now, I think since we have established,

16 the Prosecution has established that via Rule 68(3) this former statement is part of her

17 statement in the courtroom, so to speak, you can take it as a given that she has said

18 that and you can put it into doubt if you want. You see what I mean? So you

19 would not as a preparation, so to speak, of your question, you would not have to

20 quote every sentence and ask her if this was her statement because we have verified

21 that it was her statement.

22 MR TAKU: [15:34:20] Yes, your Honour.

23 PRESIDING JUDGE SCHMITT: [15:34:22] Yes. So this would also make, I think,

24 things easier for you, I would say, for questioning.

25 MR TAKU: [15:34:28] Thank you, your Honour.

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WITNESS: UGA-OTP-P-0352

1 Q. [15:34:36] Now, before I will ask you a question about the attack in the place  
2 called -- I mean evidence relating to Mucwini, but before I get there, did you ever  
3 know or hear about the death of a commander called Tabuley? If yes --

4 A. [15:35:01] No, I did not know.

5 Q. [15:35:05] Now, you stated that when you joined -- now, in the light of what  
6 the Court has said, you -- in paragraph 95 you said that "I do not know who ordered  
7 the attack," that is the attack on Mucwini. Did you say that?

8 A. [15:35:53] Yes.

9 MR ZENELI: [15:35:56] Your Honour, if I may, the answer given to Mucwini  
10 attack in the session earlier this morning was a clear attribution to Odomi. So if  
11 counsel would want to put questions on that specific incident, he should reflect both  
12 answers to his questions to the witness.

13 PRESIDING JUDGE SCHMITT: [15:36:22] What -- perhaps here if we look at this  
14 paragraph 95, and I know that I said that it is -- has been incorporated, so to speak, in  
15 her statement today. Perhaps here it would make sense to read out the parts of  
16 the -- especially the sentence "I do not know who ordered the attack but I thought it  
17 must be Odomi, as he was the leader." So what we have here is "I do not know" and  
18 we have a thinking, a guess or whatsoever. So perhaps you can follow this line, if  
19 you want. Although it is of course on the -- on paper too exactly what is said. "I do  
20 not know but I thought it was" and she makes a conclusion out of other facts.

21 MR TAKU: [15:37:13]

22 Q. [15:37:15] Witness, may I put it to you, Witness, that the alleged attack on  
23 Mucwini occurred before you were abducted?

24 May I put it to you that before you were abducted you heard over the radio that  
25 indeed Mr Ongwen never carried out any operation in Mucwini that occurred -- or, to

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1 be more specific, Witness, I put it to you that the intelligence reports from the

2 Ugandan security agencies did not place him --

3 MR ZENELI: [15:38:18] Objection, your Honour, and I would like to make a

4 submission on that, if I may.

5 PRESIDING JUDGE SCHMITT: [15:38:22] Yes.

6 MR ZENELI: [15:38:31] I'm grateful to one of my colleagues who actually did a bit

7 of research on that.

8 Your Honours, questions that make reference to other evidence in the case, especially

9 to the testimony of other witnesses or other evidence, as in this case the witness was

10 alleging to, are not helpful to the Trial Chamber with determining the truth. And

11 they unfairly attempt to pit one witness against the other or pose one item of the

12 evidence against this witness's word. The testimony of P-379, there is an example

13 given, illustrates why this kind of question is inappropriate. And there is a reference

14 to that, which is transcript 59 at page 60, lines 6 to 17. I just realised I may be

15 speaking a bit too fast. I apologise for that.

16 And not surprisingly, that when asked about this kind of question, the witness tended

17 to focus not on the contested fact or on his own perception, but to speculate on

18 possible reasons why other witnesses, or in this case other evidence, may have been

19 mistaken or different.

20 That is the first problem with this kind of questions, that it calls for speculation. This

21 witness can reasonably be expected to testify about things that she did, saw or heard,

22 or her understanding of things. There are no way -- there is no way that she can

23 know why the other witnesses or the other evidence may have perceived things

24 differently or portray things differently.

25 The second, even if the witness could offer an opinion, she doesn't have the necessary

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1 information, your Honours. She has not heard the other witness's evidence --

2 THE INTERPRETER: Your Honour, could the counsel slow down.

3 PRESIDING JUDGE SCHMITT: [15:40:26] You are still too quick, Mr Zeneli.

4 MR ZENELI: [15:40:33] She has not heard the other witness's evidence or been

5 given the other evidence that is being cited at on this moment in detail or in context.

6 So she doesn't know who the other witness or the basis of this other evidence is for

7 that testimony, and that makes it even more difficult for her to offer a helpful answer.

8 Third, there may be instances in which the statement or other item put to the witness

9 is, as I was saying, in a different context, and we're not saying that in this particular

10 case was inaccurate, or the witness in question has come to Court and explained

11 things differently. So in those instances there is an each greater risk of confusing the

12 record of the case, especially when the reference is made to a statement rather than

13 in-court testimony.

14 And finally, when determining whether or how or why the evidence of any other

15 witness may have been accurate or inaccurate is not the role of this witness; it is the

16 prerogative of the Trial Chamber.

17 In every instance the very same factual proposition can be put to the witness without

18 reference to the other evidence.

19 The only reason for -- we can see for adding the reference to other evidence is to

20 suggest to the witness, subtly or not so subtly, that she thought to confirm her

21 evidence to the alleged other evidence in this case. So I think that is improper.

22 To summarise, your Honours, when counsel would pose questions to the witness it

23 should not be done with reference to another witness's statement or to a particular

24 piece of evidence for which this particular witness has no knowledge of and has not

25 been provided with a detailed and context of, and for that reason she should simply

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WITNESS: UGA-OTP-P-0352

1 be put a proposition to that she may answer without making references to what the  
2 others have said or what the other evidence presents for this case.

3 PRESIDING JUDGE SCHMITT: [15:43:07] Mr Taku, do you want to answer?

4 MR TAKU: [15:43:09] May I respectfully submit, your Honours, my colleague has  
5 made a lengthy submission on an issue which was not arisen. And I think it's a pure  
6 waste of time, because other -- the question be reformulated in another way. We  
7 didn't refer to any specific evidence. We referred to a particular premise.  
8 And besides, your Honours, evidence has been admitted into the record through  
9 different modes. We are very conscious that we have evidence which has been  
10 admitted through the Bar tables, which was not necessary. I made it through a  
11 particular witness and the evidence on record. We are not just going to sit back and  
12 examine the witnesses as if some of other evidence has not been brought into the  
13 record for the purpose of this trial that we need to test in order to help the Court to  
14 appropriately appreciate the evidence.

15 Secondly, if the Prosecutor has laid out several theories of the case relating to  
16 particular attacks or particular events, some of them that are internally inconsistent,  
17 some are contradictory and some -- that that is the Prosecution's case and I think the  
18 Defence, when the witness comes, the reason of the cross-examination is to test the  
19 version of the witness, but also where necessary and where possible to lay out the  
20 Defence theory of the case, which if the witness is able to provide an answer that may  
21 support or explain the Defence theory he will do that. And I said that and said many  
22 times, your Honours, that when particular witnesses come and that have read  
23 judgment after judgment of different courts and the question your Honours will ask,  
24 and you are asked previously in other cases is this: This witness came and gave this  
25 evidence, you knew about, why didn't you challenge the witness for your own theory

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1 of the case? You did not. You waited until during the Defence case you called the  
2 witness, we will consider nevertheless because fact finders have that latitude to look,  
3 but nevertheless with regard to this particular witness you did not develop your own  
4 theory. If he has in the present proceedings reformulate. But to say that we cannot  
5 ask the questions is simply incorrect.

6 For example, we can ask the witness: May we suggest to you that these attacks  
7 occurred in July 2002 when you had not been abducted? And hear what the witness  
8 says. If the witness says yes or no we will know, we will know very well that we  
9 have other evidence on record, a lot of evidence on record, your Honours, both  
10 through the Bar table and other witnesses in this case.

11 PRESIDING JUDGE SCHMITT: [15:45:59] I think we can finish that now.

12 Let me say a couple of things to that this. First of all, the Defence is of course  
13 allowed to put propositions to the witness. Secondly, I would not say that Defence  
14 or Prosecution later on is not allowed at all to make reference to other evidence. This  
15 depends a little bit on how you do it. It's like always that we cannot have a rule, a  
16 catch-all rule, so to speak. What I -- indeed what is correct what you are saying is  
17 when you put in general matters together, combined with the proposition certain  
18 references to evidence that might be very suggestive to the witness and might have  
19 the effect that you described on the witness.

20 On the other hand, it cannot be excluded that, for example, if Defence or Prosecution  
21 when it is a Defence, for example, the Defence witness, want specifically refer to a  
22 certain other evidence, they can specifically of course put it to a witness, I would say.  
23 You see what I mean, the difference? If you do it in a general manner, for example,  
24 saying Madam or Mr Witness or Madam Witness or Mr Witness, you know we have,  
25 in general terms we have evidence that clearly points out that you are not telling the



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1 truth, that would be very suggestive, and would not be appropriate. But you can, it  
2 depends on a case -- on an assessment case-by-case basis, you can put to a witness, for  
3 example, "we have here" and you would word it exactly "we have here a statement by  
4 another witness who says" and you read out two or three lines and tell the Court and  
5 the parties and the participants what you are referring to "and what do you say to  
6 that if you hear that?" That might be an instance where we could allow it.

7 So in the -- in the exact case that we have here I did not see that you put too many of  
8 suggestive issues into your questioning. So perhaps just repeat the proposition, put  
9 it to the witness and then we continue with that.

10 MR TAKU: [15:48:31] Yes, your Honours. Let me try to break down the question.

11 Q. [15:48:36] Witness, is it your evidence, and if it's not, please correct me, that  
12 you were constantly on the move because the UPDF was attacking and the LRA unit  
13 to which you belonged were constantly on the move in the different locations in  
14 which you found yourself, correct?

15 A. [15:49:06] Yes.

16 Q. [15:49:08] And this would suggest, Witness, that the UPDF knew the locations  
17 in which the LRA were to be able to launch its attacks; would that be -- can I  
18 reasonably say this to the Chamber, Witness?

19 THE INTERPRETER: Your Honour, could the witness be asked to say the response  
20 again. It was not clear.

21 PRESIDING JUDGE SCHMITT: [15:49:41] Madam Witness, the interpreters have  
22 not heard your last response. Would you be so kind to repeat it.

23 THE WITNESS: [15:49:51] (Via video link) (Interpretation) I said it's correct, it's  
24 correct.

25 MR TAKU: [15:49:56]

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WITNESS: UGA-OTP-P-0352

1 Q. [15:49:56] Now, Mucwini is in which county? Is it in Lango, is it in Soroti, is  
2 it in Gulu, or in Pader?

3 A. [15:50:16] Mucwini is in Kitgum.

4 Q. [15:50:22] So, Witness, were you -- what do you say, Witness, when I suggest  
5 to you that the attack in Mucwini happened in 2002 when you were not yet abducted  
6 and that you might have heard about the attack from the radio, from other sources,  
7 but this attack did not occur when you were -- did not occur when you were newly  
8 abducted, what would you say to that?

9 A. [15:51:03] I learnt about the attack in Mucwini when I had returned, after I had  
10 returned from the bush because there were several attacks, not only in Mucwini.

11 Q. [15:51:19] Now, Witness, I ask this question because the question, some of it  
12 was asked by the Prosecutor, if not so I would not have bothered you with the  
13 questions. Some of it, that means some, not all. Did you know a commander by the  
14 name Lapaicho? Did you ever hear about an individual in the LRA?

15 A. [15:51:58] I heard about him, but I did not see him physically.

16 Q. [15:52:04] Can you tell the Court when you heard about him and the  
17 circumstances, if possible?

18 A. [15:52:15] I do not recall because now I don't -- I don't remember.

19 Q. [15:52:26] Now, your Honours, this paragraph 146.

20 The Prosecutor asked whether you knew about Oka or Control Altar and you said  
21 you did not know these terms. Now, that was your answer then to the Prosecutor.

22 As you sit, as you are here today testifying before this Court, do you know, Witness,  
23 about Oka and Control Altar?

24 A. [15:53:19] I don't know. From the bush it is called controller but I don't know  
25 what the control is.

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1 Q. [15:53:31] Okay. I'm sorry, you already told me it was control. No, you told  
2 me it was bay, not control. In the bush it is called control but you don't know what it  
3 is? Okay.

4 Now, let's talk about the injury of Odomi.

5 Paragraph 146, your Honours.

6 You were asked about Odomi being injured while you were in the bush. Of course  
7 your answer is clear, you said when you met him he was already moving with a limp  
8 so you didn't know when he was injured, and he was limping throughout when you  
9 were in his group. That's paragraph 146. Did you come to know, Witness, this is  
10 the answer you provided at the time to the investigators, have you since come to  
11 know the circumstances under which he sustained the injuries and where?

12 A. [15:54:53] That I am not -- I do not understand because there was nobody who  
13 could tell me and I also did not ask about it.

14 Q. [15:55:06] Paragraph 145, your Honours.

15 You were also asked if you knew whether or remembered whether at some point  
16 Odomi was promoted and of course you answered that you -- your answer was that  
17 you didn't know, he left the battalion in which you were with him and went  
18 somewhere else, so you do not know what that meant.

19 Now, have you, as you sit here, as you are here today testifying, have you since found  
20 out whether he was promoted or not?

21 PRESIDING JUDGE SCHMITT: [15:56:13] Mr Taku, please.

22 MR TAKU: [15:56:13] Okay, your Honours.

23 PRESIDING JUDGE SCHMITT: [15:56:14] Why don't, why don't take it from your  
24 perspective as it stands here in paragraph 1 -- because even if she found out later  
25 what -- what would --

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1 MR TAKU: [15:56:22] Okay, your Honours.

2 PRESIDING JUDGE SCHMITT: [15:56:23] What kind of --

3 MR TAKU: [15:56:26] Yes.

4 PRESIDING JUDGE SCHMITT: [15:56:28] -- evidence would that be?

5 MR TAKU: [15:56:30] Thank you, your Honours. Thank you so much.

6 Q. [15:56:32] Now, when he left, you say he left and went to have his own group,  
7 when he left, who took over from him as the commander of your group?

8 A. [15:56:50] I'm not sure how to respond to that question because, since I was  
9 with him, I do not recall one day when he moved, left that group and went to another  
10 place. I don't know.

11 Q. [15:57:13] Well, referring to paragraph 145, Witness, and you're entitled, surely  
12 entitled to revise your answer if you can. If you want, let me see -- with permission  
13 of the Court -- I could read, yes.

14 A. [15:57:36] Could you ask the question again in a way that I can be able to  
15 understand.

16 PRESIDING JUDGE SCHMITT: [15:57:42] Counsel is going to read to you a part of  
17 your statement we have talked about earlier and you just say what you would want  
18 to comment on that today.

19 MR TAKU: [15:57:54]

20 Q. [15:57:55] Paragraph 145:

21 "I did not know if Odomi was promoted when I was in his group. I remember that  
22 in the beginning we were in the same battalion with him and then he left that  
23 battalion and had his own group. I do not know if that means that Odomi was  
24 promoted."

25 You got the translation, Witness?

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WITNESS: UGA-OTP-P-0352

1 A. [15:58:32] My stay, I left Buk and went to Odomi's group. So I don't know  
2 whether by that time he left that group and went to another group. There now I am  
3 not certain.

4 PRESIDING JUDGE SCHMITT: [15:59:06] Mr Taku, perhaps a short question,  
5 because we are nearing 4 o'clock. Do you have an estimate how long your further  
6 examination will last?

7 MR TAKU: [15:59:15] Your Honours, let me ask my colleagues.

8 PRESIDING JUDGE SCHMITT: [15:59:22] Yes, please do that. Please confer with  
9 your colleagues. Why not.

10 (Counsel confers)

11 MR TAKU: [15:59:42] About two sessions tomorrow, your Honour.

12 PRESIDING JUDGE SCHMITT: [15:59:46] So I think it is the best now to stop here,  
13 I would say.

14 MR TAKU: [15:59:49] Yes, your Honour.

15 PRESIDING JUDGE SCHMITT: [15:59:50] And have the break until tomorrow.

16 And I think it, also in light of what we heard, I think it would be enough to have two  
17 sessions, let me comment on that this way, tomorrow.

18 So Madam Witness, thank you very much for today. We wish you a nice evening  
19 and we see each other, everybody in the courtroom, and you via video link tomorrow  
20 morning.

21 THE COURT OFFICER: [16:00:26] All rise.

22 (The hearing ends in open session at 4.00 p.m.)

23 RECLASSIFICATION REPORT

24 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July  
25 2016, the public reclassified and redacted version of this transcript is filed in the case.