

Trial Hearing
WITNESS: UGA-D26-P-0006

(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
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Monday, 12 November 2018
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:55] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:34:24] Good morning, everyone.
13 A special good morning to Ms Witness.
14 WITNESS: UGA-D26-P-0006 (On former oath)
15 (The witness speaks Acholi)
16 PRESIDING JUDGE SCHMITT: Could the court officer please call the case.
17 THE COURT OFFICER: [9:34:32] Good morning, Mr President, your Honours.
18 Situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
19 Ongwen, case reference ICC-02/04-01/15.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:34:46] Thank you.
22 I ask for the appearance for the parties, Ms Hohler for the Prosecution.
23 MS HOHLER: [9:34:51] Good morning, your Honour. For the Prosecution today
24 Ben Gumpert, Pubudu Sachithanandan, Adesola Adebeyejo, Colin Black,
25 Colleen Gilg, Grace Goh, Milena Bruns, Jasmina Suljanovic, Julian Elderfield,

1 Laura de Leeuw, Hai Do Duc, and myself Beti Hohler.
2 Thank you.
3 PRESIDING JUDGE SCHMITT: [9:35:12] Not so easy, but quite an achievement.
4 Mr Cox.
5 MR COX: [9:35:17] Good morning, your Honour. With me Mr James Mawira,
6 Ms Maria Radziejowska, and myself Francisco Cox.
7 PRESIDING JUDGE SCHMITT: [9:35:23] Thank you.
8 And Mr Narantsetseg.
9 MR NARANTSETSEG: [9:35:24] Good morning, Mr President, your Honours. For
10 the common legal representative, Ms Caroline Walter and myself Orchlou
11 Narantsetseg.
12 Thank you.
13 PRESIDING JUDGE SCHMITT: [9:35:32] Thank you.
14 And Mr Obhof for the Defence, please.
15 MR OBHOF: [9:35:37] Good morning, your Honour.
16 Today we have Counsel Krispus Ayena Odongo, Ms Abigail Bridgman,
17 Ms Beth Lyons, Tibor Bajnovic, Chief Charles Achaleke Taku, myself Thomas Obhof.
18 And our client Dominic Ongwen has finally arrived in court.
19 PRESIDING JUDGE SCHMITT: [9:35:52] And without looking back you have all the
20 names.
21 You can remain standing because it's still your turn, Mr Obhof.
22 MR OBHOF: [9:36:00] In Ms Hohler's defence, I am only announcing six/seven
23 people instead of -- instead of 14.
24 PRESIDING JUDGE SCHMITT: [9:36:07] The merit has to stay where it is,
25 Mr Obhof.

1 MR OBHOF: [9:36:15] And Roy Titus Ayena came in as well.

2 And, your Honour, unfortunately, there are some issues I have to discuss in private
3 session. I am estimating about 30 to 45 minutes. They deal with documents 3
4 through 18 on our list.

5 PRESIDING JUDGE SCHMITT: [9:36:41] This is inevitable, then.

6 So we go to private session, which means that the public cannot hear what's going on
7 at the moment.

8 (Private session at 9.36 a.m.)

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(Private Session)

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13 (Open session at 10.25 a.m.)

14 THE COURT OFFICER: [10:25:46] We are back in open session, Mr President.

15 MR OBHOF: [10:25:58]

16 Q. [10:25:59] Now, Ms Witness, when you were in the LRA did persons in the LRA
17 receive news about people who had been captured or escaped?

18 A. [10:26:26] Yes, sometimes we get information about people who escaped or
19 those who were captured. We would hear information about them that they are still
20 alive.

21 Q. [10:26:41] How did you receive this information?

22 A. [10:26:51] This information usually come over the radio. But also, most times,
23 if you are not an officer you are not allowed to listen to the radio. Mostly it is the
24 commanders who listen.

25 Q. [10:27:15] Just to be -- make sure we're clear. When you say "radio", what type

1 of radio do you refer to?

2 A. [10:27:30] These are usually the small hand-held radios.

3 Q. [10:27:54] Do you know -- did you listen to these radio broadcasts?

4 A. [10:28:18] Sometimes in the evening, when you are seated close to where the
5 commanders are, yes, you can listen.

6 Q. [10:28:38] Did these radio broadcasts have a specific name?

7 A. [10:28:52] Mostly people listened to it from Mega.

8 Q. [10:29:12] What would Joseph Kony say about these radio broadcasts?

9 A. [10:29:25] He says all those are not true. Those are rumours. There is no one
10 who returns home and is alive. That could be just a recorded voice.

11 Q. [10:29:54] Before you escaped the LRA did you believe what Joseph Kony was
12 saying?

13 A. [10:30:14] Some of the things that Joseph Kony says, like, for instance, the
14 recording of voices, sometimes we thought it was true because we even didn't know
15 that people were living at home. So we would believe that what he was saying was
16 true.

17 Q. [10:30:53] Ms Witness, can you briefly describe the personality of Joseph Kony.

18 A. [10:31:13] Based on my, my personal knowledge of him, Kony is a human being,
19 a normal human being.

20 Q. [10:31:31] Now, we talked last Friday about prayers.

21 PRESIDING JUDGE SCHMITT: [10:31:35] No, perhaps let -- let me.

22 When you say he is a normal human being, could you perhaps, if you can, elaborate
23 a little bit on that. What do you mean by that?

24 THE WITNESS: [10:31:56] (Interpretation) There are some people who say that Kony
25 becomes other things, transforms into other things. (Redacted)

1 (Redacted) I have never seen Kony

2 convert into anything else other than a human being.

3 The only thing that happens is that sometimes he predicts events, and maybe that's

4 why people make the assumption that he has the capability of transforming into

5 something other than a natural human being. But when he predicts things, those

6 things do come to pass.

7 PRESIDING JUDGE SCHMITT: [10:32:40] Perhaps you can dwell into the

8 predictions more then, in light of this answer.

9 MR OBHOF: [10:32:48] It will take care of questions that I had in 15 minutes, so I can

10 do it now.

11 PRESIDING JUDGE SCHMITT: [10:32:52] Why not? You know, when it fits now,

12 because this is the benefit of hearings, there is always -- it's always nice if you have

13 a little bit of spontaneity in it.

14 MR OBHOF: [10:33:07]

15 Q. [10:33:07] Now, you're discussing these predictions, what type of predictions

16 would Joseph Kony make?

17 A. [10:33:26] The predictions that came to pass were actually quite a lot. Because,

18 when we were there, during battle he would tell us things. For example, when we

19 were going to Sudan, he told us -- he collected people together when we were in

20 Sudan and told us that there is going to be a battle. He said most of his commanders,

21 his high-ranking commanders would switch sides, and when they switch sides they

22 would come back and fight against him, they would capture people, and take them

23 back home. A lot of people denied. They said they were not going to do this, they

24 are not going to leave the LRA, they are not going to switch sides. And he told them,

25 he said, "You guys are actually denying for nothing, because I know that most of you

1 guys are going to switch over and go home. Some of you, the lucky ones, will
2 actually go back home and see where they are from, and some of you will not actually
3 see where you are from." And this actually happened.

4 Q. [10:34:59] Now from the passages, these are predictions related to escape.
5 Would Joseph Kony make predictions about anything else?

6 A. [10:35:25] Yes, there are other predictions.
7 For example, when we were there, if there is an illness, he would say, okay, let me go
8 and collect some -- a specific herb. He would go, dig up some herbs, mix them up
9 and give them to somebody to take. And these herbs would actually heal that
10 person. If somebody does not have that kind of power, they would not go
11 somewhere, dig up random herbs, give them to somebody and use them to heal that
12 person.

13 Q. [10:36:06] Do you know where Joseph Kony received the knowledge about these
14 herbs?

15 A. [10:36:26] It's very difficult for me to actually determine, or say exactly where he
16 gets this kind of information from, but, when I went there, I found that he already
17 had these powers, he was already able to get this information. But he told me that
18 this started when he was home. He said that when he was at home, this thing took
19 him to the Odek hills, and it was while he was at the Odek hills that this thing started
20 showing him all these different herbs and medications and other things. That's how
21 he explained it to me.

22 Q. [10:37:18] Is there anything significant about these Odek hills?

23 A. [10:37:32] Well, to him, perhaps, the Odek hills are significant, because he says
24 that when he goes to the Odek hills he is able to collect a lot of things. And even
25 though he is not able to get them at the Odek hills, if he goes and prays at the hills,

1 then he is directed from the Odek hills to where he can find these other specific
2 things.

3 Q. [10:38:07] Now one additional question about the predictions. When he would
4 predict these escapes, would he ever identify by name which person would escape?

5 A. [10:38:35] Most times he would not identify specific names, but he would
6 mention it or talk about it generally. There are some people who actually tell -- he
7 would actually tell some people that "you, I know you are not going to stay here."
8 But whoever he tells that the person is not going to stay, the person would deny it.
9 But then eventually they would escape.

10 Q. [10:39:06] Now these specific persons, do you happen to remember any of the
11 specific person's names?

12 A. [10:39:22] Yes. I do recall on a specific day they were sitting and just having
13 a discussion. And he said, "Well, I am going to, to talk about this." He was
14 referring to Kijura, some commander known as Kijura. He said, "Kijura is not going
15 to stay here. If Kijura does not escape, he is not going to live, because Kijura does
16 not intend to stay. He is not happy and he wants to leave. But, if he decides to
17 escape, then he is going to die along the way."

18 Q. [10:40:15] And what happened to this Kijura?

19 A. [10:40:27] We later heard that Kijura died in battle.

20 Q. [10:40:32] Do you know the other name of Kijura?

21 A. [10:40:41] No, I do not know.

22 Q. [10:40:46] Do you know if Kijura had any wives?

23 A. [10:40:55] Yes, he did have wives.

24 Q. [10:41:24] Now, you mentioned about Joseph not transforming into anything.
25 But during his prayers what was his demeanour, his temperament like?

1 A. [10:41:53] It's difficult to read somebody's mind. So sometimes someone will
2 sit next to you, the person would laugh with you, but it's very difficult to detect -- or,
3 to determine what is in their mind or what exactly they are thinking.

4 Q. [10:42:19] And when Joseph was talking -- when the spirits were talking to
5 Joseph, did his demeanour or his body language or his temperament change at all?

6 A. [10:42:45] Most times, when Kony speaks to people, addresses people, what I
7 observe is that when he starts preaching, even when people are tired, people are
8 seated and tired, he doesn't tire, he doesn't wear out, he can start addressing people in
9 the morning and keep on going the whole day until evening. He does not get tired.
10 But I did not see any specific changes or anything happening, except that he would
11 talk nonstop.

12 Q. [10:43:31] Now, you mentioned your beliefs about Kony last week, about
13 whether you believed he would be talking to spirits. From what you witnessed and
14 heard from others, did the people, other people in the LRA, did they believe?

15 A. [10:44:04] Based on my observation, yes, there are some people who did believe,
16 because whatever he said or whatever he predicted would come to pass. So even if
17 you did not want to believe it or you had your doubts, you would probably believe,
18 because when he predicts or says something, it actually happens.

19 Q. [10:44:30] Now from what you saw and heard, how did this spiritual, this
20 possession, this spiritual part of the LRA, how did it affect women?

21 A. [10:44:56] I didn't quite understand your question.

22 PRESIDING JUDGE SCHMITT: [10:45:00] It's very general. I think the witness
23 would not be able to talk for all the women in the LRA. Mainly she can talk, of
24 course, about her sentiments and her feelings and her experiences, and perhaps, if she
25 has talked to other women, which would have given her some information in that

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1 regard. But it's a little bit too general, the question, I would say, Mr Obhof.

2 MR OBHOF: [10:45:29] I can go back to the question in the last five minutes of this
3 session and use a private session to discuss that.

4 Q. [10:45:39] Now, without going into a lot of detail, do you remember any of the
5 names of the spirits which spoke to Joseph Kony?

6 A. [10:45:58] Yes, I do recall some of the spirits, the spirits that spoke to Kony.

7 MR OBHOF: [10:46:23] And, your Honour --

8 PRESIDING JUDGE SCHMITT: [10:46:25] I think, Ms Witness, please go on. Please
9 tell us the spirits that you recall.

10 THE WITNESS: [10:46:38] (Interpretation) The spirits that I recall; Who Are You,
11 Silindi, and Silva, and Juma.

12 MR OBHOF: [10:47:02]

13 Q. [10:47:03] Now specifically to Silindi, what was Silindi's job?

14 A. [10:47:16] Silindi would usually pray, and Silindi was the women's spirit.

15 Q. [10:47:29] And when you say "the women's spirit," what would Silindi do for the
16 women?

17 A. [10:47:43] Silindi would protect women. For example, if there is a pregnant
18 woman, Silindi would advise the person to pray. Silindi would ask them to put
19 a black stone or a black rock. And if there is a battle or if there is a war, then Silindi
20 would choose to be close to the women, praying with the women.

21 MR OBHOF: [10:48:29] Now, your Honour, I would like to go to page 0125 of her
22 statement and just ask one, one small area.

23 PRESIDING JUDGE SCHMITT: [10:48:39] That's okay. Yes.

24 MR OBHOF: [10:48:40]

25 Q. [10:48:40] Which spirit would tell Joseph to abduct and not to abduct women?

1 A. [10:48:57] Silindi would mostly instruct Joseph Kony on the abduction of
2 women.

3 Q. [10:49:15] Now, Ms Witness, you mentioned about shea oil last week, twice. Is
4 there any significance to shea oil in the LRA?

5 A. [10:49:34] Shea oil is extremely important. Shea oil, camouflage, water and
6 rocks were extremely important in the LRA and were used frequently.

7 Q. [10:49:54] And you mentioned water just now. Do you know -- do you
8 understand why water was important?

9 A. [10:50:11] Yes, I do. The reason why they would say water was important was
10 because water was one of the first creations of God. And water is used to dispel -- or,
11 is used to cleanse people of all evil or bad things.

12 Q. [10:50:38] Now finally, you mentioned rocks. What are the significance of
13 rocks to the LRA?

14 A. [10:50:54] Rocks were important to the LRA because, when they started at the
15 outset, the LRA started fighting with rocks. So whenever you came -- somebody
16 came to the LRA as an officer you are given a rock, and this rock is supposed to be
17 kept on your person.

18 Q. [10:51:39] How did people keep these rocks on their person?

19 A. [10:51:55] I do not know how each and every individual did that, but, for
20 example, myself -- if it's the officers, the officers would put it in a bag and you would
21 always keep that bag close to you. There were two types of stones. There was one
22 stone that you would tie around your wrist, or on your arm. But the officers had
23 bigger ones, and those they kept in bags.

24 Q. [10:52:36] Just for the certainty, is there a difference between rocks with the
25 word "got" and rocks with the word "kidi"?

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1 A. [10:52:58] Yes, there is a difference, because the rocks that we use is a white rock.

2 And in the LRA it's referred to as the stone bomb, it's a white rock. And the one that
3 people keep on their person is also a white rock, but it's a smaller version of that rock.

4 Q. [10:53:37] Now, Ms Witness, we have talked a lot about spiritualism and spirits,
5 are there any holidays in the LRA, or any sacred days?

6 A. [10:53:57] Yes, there were sacred days in the LRA, and that day is dedicated to
7 Who Are You.

8 It's also very difficult to keep that day sacred, because, for example, if you are
9 attacked on that day, then you have to fight. So that day is usually dedicated to
10 fighting.

11 Q. [10:54:27] And which day is that?

12 A. [10:54:41] That is the seventh of -- I have forgotten the month, but I know it is on
13 the seventh day.

14 MR OBHOF: [10:55:01] If I may put a date to her from her statement (Overlapping
15 speakers)

16 PRESIDING JUDGE SCHMITT: [10:55:05] No problem.

17 MR OBHOF: [10:55:07]

18 Q. [10:55:07] Does April 7th sound correct, Ms Witness?

19 A. [10:55:16] Yes, that's correct.

20 Q. [10:55:35] Now, we have talked about the predictions, the spirits speaking
21 through Joseph, some of the rituals, and the medicines. Was there anything else that
22 Joseph Kony did by virtue of the spirits possessing him?

23 A. [10:56:09] Other than prayers, on occasion, if there is going to be an intense
24 battle, they would fight and he would make a sacrifice, he would sacrifice a lamb or
25 a sheep and burn that. And he would also immerse people into water.

1 MR OBHOF: [10:56:41] Your Honours, it's hard to do this part in a very open
2 manner.

3 PRESIDING JUDGE SCHMITT: [10:56:44] Yes. I know. I think we can defer it
4 after the coffee break, because I don't know how long it will take. It will not take
5 long, but it might take longer at least than five minutes, I would assume.

6 MR OBHOF: [10:56:57] I do have a few follow-up questions for her that can only be
7 asked in a private session. It definitely will take only two minutes.

8 PRESIDING JUDGE SCHMITT: [10:57:05] Yes. Then we go to private session, and
9 you ask these questions. Then we go back to open and we have the break.

10 (Private session at 10.57 a.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 10.58 a.m.)

24 THE COURT OFFICER: [10:58:40] We are back in open session, Mr President.

25 PRESIDING JUDGE SCHMITT: [10:58:44] Thank you.

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1 And we have now the coffee break until 11.30.

2 THE COURT USHER: [10:58:48] All rise.

3 (Recess taken at 10.58 a.m.)

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

5 THE COURT USHER: [11:32:06] All rise.

6 PRESIDING JUDGE SCHMITT: [11:32:30] Mr Obhof, please proceed.

7 MR OBHOF: [11:32:35] Thank you, your Honour.

8 And one -- another clean-up issue during our private session, the long one we had, I
9 forgot to mention tab 9 from the Defence binder, when the witness spoke about it,
10 which is UGA-OTP-0208-0453.

11 Q. [11:33:03] Good morning still, Ms Witness. I hope you had a relaxed break.

12 Now, your Honour, I am going to start off what I asked earlier if I could do, when we
13 decided to take the break, which is at page -- tab 1, Defence tab 1, page 0124,
14 paragraphs 27 and 28. And I am going to try to keep it simple.

15 Madam Witness, did Joseph Kony interpret dreams?

16 A. [11:33:51] Yes.

17 Q. [11:33:56] Could you please explain, if any -- if these, interpreting these dreams,
18 was important in the LRA?

19 A. [11:34:15] The interpretation of dreams is important, because sometimes you
20 dream of something that is going to happen. So if you keep quiet about it, and it is
21 not interpreted, it may not be good for you. So you have to go and report it so that it
22 is interpreted for you to understand.

23 Q. [11:34:45] Who would report their dreams?

24 A. [11:35:00] Well, it is not that someone is chosen to go and report, but it depends
25 on an individual. For instance, sometimes an officer may dream, maybe he could

1 have been selected to go for a battle, or maybe it is not him going for that battle, but it
2 is a dream that you did and you have come out with it. Then once you have
3 explained, it is interpreted. Then you may be exempted from going for the battle,
4 because if you go then you might get injured in the process.

5 Q. [11:35:44] And to the best of your knowledge, did anyone else interpret dreams
6 other than Joseph Kony?

7 A. [11:36:05] Some people also do interpret, but mostly -- most times it is Kony
8 who does it. So the other people now would only make reference to it that the other
9 time someone had a dream like this, and this is what it was interpreted to be.

10 MR OBHOF: [11:36:36] And for people watching in the audience and on the internet,
11 I do apologise, the last 15 to 20 minutes has to be done in private session.

12 PRESIDING JUDGE SCHMITT: [11:36:45] It's not possible to avoid it, so we go to
13 private session.

14 (Private session at 11.37 a.m.)

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22 (Open session at 12.23 p.m.)

23 THE COURT OFFICER: [12:23:17] We are back in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [12:23:23] Ms Witness, this concludes your

25 testimony. On behalf of the Chamber I would like to thank you that you came to this

Trial Hearing
WITNESS: UGA-D26-P-0006

(Open Session)

ICC-02/04-01/15

1 court and made your testimony, answered to the questions and helped us to establish
2 the truth. And on behalf of the Chamber we wish you a safe trip back home to
3 Uganda.

4 (The witness is excused)

5 PRESIDING JUDGE SCHMITT: This also concludes the hearing for today, and we
6 continue tomorrow at 9.30 with D-119.

7 THE COURT USHER: [12:24:00] All rise.

8 (The hearing ends in open session at 12.24 p.m.)