

Trial Hearing
WITNESS: UGA-D26-P-0117

(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, 20 May 2019
9 (The hearing starts in open session at 9.45 a.m.)
10 THE COURT USHER: [9:45:30] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:45:52] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:45:58] Good morning, Mr President, your Honours.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:46:14] And we are not only in open session, I also
19 recognise that obviously all the technical problems have been solved. Also we have
20 to accustom ourselves to have the interpreters on the left side, at least part of them.
21 Good morning.
22 Could then the parties provide us with the appearances.
23 MS HOHLER: [9:46:33] Good morning, your Honours.
24 For the Prosecution today, Ben Gumpert, Colin Black, Hai Do Duc, Sanyu Ndagire,
25 Pubudu Sachithanandan, Grace Goh, Natasha Barigye and Suhong Yang, and

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- 1 Adesola Adeboyejo and myself, Beti Hohler.
- 2 PRESIDING JUDGE SCHMITT: [9:46:56] Thank you very much.
- 3 And for the Legal Representatives of the Victims, Mr Narantsetseg first.
- 4 MR NARANTSETSEG: [9:47:01] Good morning, Mr President, your Honours.
- 5 My name is Orchlon Narantsetseg and I am accompanied by Ms Caroline Walter.
- 6 Thank you.
- 7 PRESIDING JUDGE SCHMITT: [9:47:07] Mr Cox.
- 8 MR COX: [9:47:09] Good morning, your Honours.
- 9 With me Ms Anushka Sehmi, James Mawira; myself, Francisco Cox.
- 10 PRESIDING JUDGE SCHMITT: [9:47:19] Thank you.
- 11 And the Defence now, please.
- 12 MR KIFUDDE: [9:47:22] Good morning, Mr President and your Honours. For
- 13 the Defence today myself, Gordon Kifudde, assistant to counsel; Thomas Obhof,
- 14 assistant to counsel; we have our lead counsel, Krispus Charles Ayena Odongo; we
- 15 have co-counsel Beth Lyons; and co-counsel Charles Chief Taku Achaleke; as well as
- 16 our client, Dominic Ongwen, is in court.
- 17 PRESIDING JUDGE SCHMITT: [9:47:41] Thank you very much, Mr Kifudde.
- 18 And most importantly, of course, we have in the extended courtroom at the
- 19 video-link location, Ms Florence Acan.
- 20 Good morning, Ms Acan.
- 21 WITNESS: UGA-D26-P-0117
- 22 (The witness speaks Acholi)
- 23 (The witness gives evidence via video link)
- 24 THE WITNESS: [9:48:00](Interpretation) Good morning.
- 25 PRESIDING JUDGE SCHMITT: [9:48:01] On behalf of the Chamber I would like to

1 welcome you in this, as I said, extended courtroom thousands of kilometres away.
2 And I see that the connection is very, very good, we hear you and see you very well.
3 Madam Witness, I will now read to you the solemn undertaking which every witness
4 appearing before this Court has to take. So please listen carefully.
5 I solemnly declare that I will speak the truth, the whole truth and nothing but the
6 truth.
7 Madam Witness, do you understand the undertaking?
8 THE WITNESS: [9:48:40](Interpretation) Yes, I do.
9 PRESIDING JUDGE SCHMITT: [9:48:41] Do you agree with it?
10 THE WITNESS: [9:48:47](Interpretation) I agree.
11 PRESIDING JUDGE SCHMITT: [9:48:48] Thank you. You are now sworn in.
12 Before we start with your testimony a few practical matters. Everything we say here
13 in the courtroom is written down and interpreted, and to allow for the interpretation
14 it is important that we all here in the courtroom, and you at the video-link location,
15 speak at a relatively slow pace so that the interpreters can follow.
16 If you personally want to address the Chamber, please raise your hand, then we will
17 recognise that and I will give you the floor.
18 We can now start with the testimony and I give the Defence the floor. I assume
19 Mr Kifudde.
20 MR KIFUDDE: [9:49:49] Thank you, Mr President.
21 QUESTIONED BY MR KIFUDDE:
22 Q. [9:49:50] Good morning, Madam Witness.
23 A. [9:49:55] Good morning.
24 Q. [9:49:57] I believe we have met before and we know each other. I will be
25 leading you in your deposition. I urge you to remain calm and confident, and as the

1 President has advised, speak at a relatively low speed to allow the interpreters do
2 their work.

3 Madam Witness, can you please tell Court your current legal name.

4 A. [9:50:39] I am currently using the name Acan Florence.

5 Q. [9:50:53] Have you ever been known by any other names?

6 A. [9:51:11] Previously I was only referred by my short name, as Flo.

7 Q. [9:51:17] Now while in the bush, were you known by any other names, apart
8 from Acan Florence and Flo?

9 A. [9:51:33] No.

10 Q. [9:51:34] Now, in the course of your testimony, how do you want to be referred
11 to, Acan Florence, or Flo?

12 A. [9:51:55] Either, either names, I am comfortable with it.

13 PRESIDING JUDGE SCHMITT: [9:51:59] May I suggest, Mr Kifudde, that you refer
14 to her as "Ms Acan". Yes.

15 MR KIFUDDE: [9:52:06] Thank you, Mr President.

16 Q. [9:52:08] Now, Ms Acan, how old are you?

17 A. [9:52:19] I am 33 years old.

18 Q. [9:52:25] Now, the date reflected on your national identification card, as well as
19 your passport, does it indicate that you are 33 years?

20 A. [9:52:45] The age that is indicated in the ID was written by the Local Council 1,
21 but I do not exactly know my date of birth.

22 PRESIDING JUDGE SCHMITT: [9:53:05] And may I say, and may I add for you,
23 Ms Acan, that we have had a lot of witnesses where we have had the same. So in the
24 course of a lifetime things can happen which makes this simply difficult to tell the
25 exact age and the exact date of birth. This is nothing that you have to be

1 uncomfortable with. This is -- I would even say it's sort of normal here in this
2 courtroom during this case and there is no one to blame for.

3 Please, Mr Kifudde.

4 MR KIFUDDE: [9:53:41] Thank you, Mr President.

5 Q. [9:53:43] Ms Acan, what is your nationality, as well as your ethnic origin?

6 A. [9:53:51] I am Acholi by tribe.

7 Q. [9:53:58] How about your nationality?

8 A. [9:54:08] I am aborn of Labora village.

9 PRESIDING JUDGE SCHMITT: [9:54:15] I think, Mr Kifudde, you can move on.

10 We can tell from where she was born and the ethnicity, also the nationality. And I
11 think it is not a point here that is so important. You can move on. Yes.

12 MR KIFUDDE: [9:54:30] Much obliged.

13 Mr President, for that reason I would like to request for a private session for three to
14 five minutes to delve more into her private life.

15 PRESIDING JUDGE SCHMITT: [9:54:40] So for the audience here, we go now for
16 three to five minutes into private session. So soon we will be back in open session,
17 but Defence announces, so to speak, that private matters will be discussed that should
18 be private. So we go to private session.

19 (Private session at 9.55 a.m.)

20 THE COURT OFFICER: [9:55:06] We are in private session, Mr President.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
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- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Open session at 9.57 a.m.)
- 15 THE COURT OFFICER: [9:57:03] We are back in open session, Mr President.
- 16 MR KIFUDDE: [9:57:17]
- 17 Q. [9:57:18] Ms Acan, can you tell Court when you were abducted?
- 18 A. [9:57:25] Yes. I was abducted in 1996.
- 19 Q. [9:57:36] Do you remember the month you were abducted in 1996?
- 20 A. [9:57:47] It was in February.
- 21 Q. [9:57:55] How are you able to precisely remember that you were abducted in the
- 22 month of February, 1996?
- 23 A. [9:58:13] During that time, my mother went and collected me from their home,
- 24 she had asked me to come and help with harvesting groundnuts.
- 25 Q. [9:58:34] Now, Ms Acan, by the time of your abduction, had people moved into

1 camps?

2 A. [9:58:50] At that time the camps were not yet in existence.

3 Q. [9:59:01] Which class were you and how old were you at the time of your
4 abduction?

5 A. [9:59:22] At the time of my abduction I was in primary 2. But I do not recall my
6 age at that time.

7 PRESIDING JUDGE SCHMITT: [9:59:36] But, Mr Kifudde, you do your best to circle
8 around it a little bit and to try to really pinpoint it. So I think we have an idea how
9 old she must have been at the time.

10 MR KIFUDDE: [9:59:50] Much obliged.

11 Q. [9:59:53] Ms Acan, can you please narrate to Court the story of your abduction.

12 A. [10:00:10] I was abducted in 1996, it was in the night. When I was abducted,
13 our home was burnt down and all the other villages in the neighbourhood were also
14 burnt down.

15 Then we started moving that night to go to Pader. When we reached Pader we kept
16 on moving within that area for some time.

17 We spent some time in Uganda and then later on we were sent to Sudan. When we
18 reached Sudan we spent some time and later on returned back to Uganda. But
19 before we went to Sudan I tried to escape, but I was punished severely because of
20 trying to escape.

21 Q. [10:01:25] Now, Ms Acan, let's go back -- backward a bit. Who were you
22 abducted with?

23 A. [10:01:40] In our household two of us were abducted. One of the girls was
24 daughter to my auntie who was living with my mother. The two of us were
25 abducted together.

- 1 Q. [10:01:57] Now, Madam Witness, when the LRA came to your home, did you
2 think you would be abducted?
- 3 A. [10:02:16] Well, they came in the night. We had no idea that they would reach
4 our home.
- 5 Q. [10:02:30] Ms Acan, who was the leader? Or do you remember the leader of
6 the group that abducted you?
- 7 A. [10:02:46] Yes, I do recall.
- 8 Q. [10:02:48] And who was that leader, his name?
- 9 A. [10:03:00] He was called Nono.
- 10 Q. [10:03:07] Do you remember Nono's other name?
- 11 A. [10:03:17] No, I do not know his other name. I only know the name Nono.
- 12 Q. [10:03:26] Now, this Nono, which group was he part of? Was he part of, you
13 know, any rebel outfit, or?
- 14 A. [10:03:47] He was in a group that was led by Commander Beba Beba, but I also
15 don't know his other name. I only know the name Beba Beba, as he was referred to.
- 16 Q. [10:04:10] And these commanders, were they part of the government soldiers or
17 they were part of, you know, a rebel outfit known as LRA?
- 18 A. [10:04:36] They were in Kony's army.
- 19 Q. [10:04:43] And you said you were abducted from your home. Is that the home
20 you earlier mentioned, Labora?
- 21 A. [10:04:57] Yes.
- 22 Q. [10:05:00] And you also earlier stated after abduction you moved to Pader.
23 How long did you spend in Pader?
- 24 A. [10:05:20] We spent two months in Pader.
- 25 Q. [10:05:26] And in these two months, what were you basically doing?

1 A. [10:05:39] We just kept on moving about in the area.

2 Q. [10:05:52] Now, you said upon abduction you moved away from home to Pader.
3 Would I be right to say you were taken in an area you were not familiar with?

4 A. [10:06:22] Yes.

5 Q. [10:06:22] And could you be knowing the reason why LRA did this? Why they
6 would take you to an area you were not familiar with?

7 A. [10:06:44] No. I didn't have that reason.

8 Q. [10:06:53] Now, upon abduction at a tender age, how did you cope at the time,
9 your feelings at the time, how did you cope up with the new life you had been
10 exposed to?

11 A. [10:07:22] When I was abducted and taken to the bush, it took me some time to
12 try to start adapting to the situation. Because I tried to escape on one or two occasions,
13 I was near, nearing death, I was almost killed in those two -- in those occasions when
14 I tried to escape. Then I made up my mind to stay and to cope up with the life that
15 they were leading in the bush.

16 PRESIDING JUDGE SCHMITT: [10:08:01] Mr Kifudde, may I shortly, please.

17 Ms Acan, you mentioned this before that you tried to escape and that you were
18 punished severely. Could you tell us what happened in more detail.

19 THE WITNESS: [10:08:28](Interpretation) In the first instance, we tried to escape
20 together with that cousin/sister of mine. But the group that went to search for us
21 found us, but they did not kill us because they were instructed that if they find us
22 they should not kill us.

23 So when they re-apprehended us, they brought us back to the group and they wanted
24 to kill us in the compound where everybody was gathered. But Nono, being the
25 overall commander, refused to that idea that we should not be killed there. So,

1 instead, he ordered that we should be taken and be killed from the forest. We were
2 taken, we were all undressed, we remained bare-chested, and there was a discussion
3 on who should be killed first. Then they said my other cousin should be killed first
4 because she was older than me and she was the one who could have come up with
5 the idea of escaping.

6 So when we were taken to that point they started questioning us that, "If we kill you,
7 then who are you going to blame?" Then we accepted and told them, "It's us, we are
8 the one to blame." Then they said, "Okay, we are going to beat you. If you are
9 going to die, then you will die out of the beating."

10 Then they went and collected sticks, two heaps, one heap was to beat my cousin/sister,
11 and one heap was to beat me. We were beaten to unconscious level. All the sticks
12 that were brought finished and then they again brought machetes and they started
13 beating us with them. And they left us there and went back to where the group was.

14 PRESIDING JUDGE SCHMITT: [10:10:30] And you survived. How did that
15 happen? Do you recall what happened then?

16 THE WITNESS: [10:10:44](Interpretation) The next day, in the morning, people
17 started moving to another location, but we couldn't move. It was difficult. But we
18 managed to move along with them, slowly, until the next destination where the
19 group was going.

20 PRESIDING JUDGE SCHMITT: [10:11:11] And you also said that this happened
21 twice, if I have understood you correctly. What happened the second time?

22 THE WITNESS: [10:11:28](Interpretation) In the second occasion I escaped from an
23 area close to our home after we had returned to Uganda. I escaped in the night.

24 I was coming to cross the road from Gulu going to Opit, because we were close to our
25 home area, so that's when I tried to escape then.

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1 The next day, again, I was re-abducted. So when I was abducted they were asking
2 that two of us escaped, where is the other person? So they kept on beating us with
3 the bicycle chain and chain lock, and we started moving again to cross the road and
4 go back to join the main group.

5 PRESIDING JUDGE SCHMITT: [10:12:28] You said this happened when you came
6 back to Uganda. Do you know when, when this happened, which year? Although
7 it might be difficult, but it must have been much later than when you were -- the year
8 you were abducted.

9 THE WITNESS: [10:12:58](Interpretation) That happened in 1997.

10 PRESIDING JUDGE SCHMITT: [10:13:01] So not so much later. One year later,
11 probably.

12 Please continue, Mr Kifudde. Thank you for your indulgence.

13 MR KIFUDDE: [10:13:12] Thank you so much, Mr President. Now that you talk
14 about escape, let me just exhaust it before I go back.

15 Q. [10:13:19] Now, Madam Witness, you stated from your narration that the
16 punishment for escape was either death or you would be severely beaten.

17 Now -- and you further stated that it was also public. Did you ever witness, you
18 know, this punishment being meted out to other people, to other abductees?

19 A. [10:13:51] Yes, I would see this kind of punishment meted out to other people.
20 If you are unlucky, you would die. There was nothing apart from death. You
21 would also be beaten, just like we were beaten.

22 Q. [10:14:05] Having witnessed these killings by the LRA on the people who
23 attempted to escape and were caught, did it have an impact on you?

24 A. [10:14:27] Well, following that severe punishment brought a lot of fear upon me,
25 so I just told myself that however much it's so difficult to stay here, I just have to stay,

1 because then I would be killed.

2 Q. [10:14:52] And did you feel that the world had changed, how the world at home
3 was different from this new world you had been exposed to?

4 A. [10:15:13] Yes, there were certainly differences in my life. The difference
5 between staying in the bush and life at home, you would clearly experience it.

6 Q. [10:15:32] Ms Acan, when the LRA abducted you, did they tell you the reason
7 why you had been abducted?

8 A. [10:15:48] When I was newly abducted they told me that the reason why I had
9 been abducted -- well, they did not tell me the reason why I had been abducted
10 initially, but then later on they, they told us.

11 Q. [10:16:12] Now, did you receive any kind of training upon abduction?

12 A. [10:16:24] When I was initially abducted, when we were taken to Sudan we
13 received some training. We were trained how to use the gun.

14 Q. [10:16:46] Now, Ms Acan, when you are talking about the rule against escape,
15 who instituted this rule against escape?

16 A. [10:17:08] The rules about escape were instituted by Kony.

17 Q. [10:17:16] And was it the same in all other units, or it was different, you know,
18 in the other units?

19 A. [10:17:34] The rule was -- that rule was all over, it was throughout, all the
20 commanders instituted that rule.

21 Q. [10:17:48] You earlier stated that you were abducted by a group which was
22 commanded by Ladit Kony -- Ladit Nono, sorry. Did you know the brigade or the
23 battalion Nono belonged to?

24 A. [10:18:10] Yes, I do. He was in charge of Gilva. He was the commander of
25 Gilva.

1 Q. [10:18:29] Upon abduction, what were your main tasks, the kind of work you
2 would do?

3 A. [10:18:45] When I was initially abducted, I did not have any particular role other
4 than that of carrying luggage.

5 Q. [10:19:00] And you also stated you were abducted alongside your cousin. Did
6 you stay in the same group while in the bush?

7 A. [10:19:20] Yes, we did stay together, but she was in a different homestead and
8 I was in a different homestead.

9 Q. [10:19:32] And in whose homestead or household did you stay in upon
10 abduction, Ms Acan?

11 A. [10:19:46] When I was initially abducted I was in Nono's household.

12 Q. [10:19:59] Now, immediately upon abduction, were you initiated into the LRA?
13 Did they perform any kind of initiation ceremonies on to you?

14 A. [10:20:19] Yes, ceremonies were performed.

15 Q. [10:20:27] And what kind of ceremonies were performed on to you?

16 A. [10:20:37] When you have just been newly abducted, when you get there, they
17 mix shea butter with ashes, then they put the sign of the cross on your chest and they
18 also put it on your forehead.

19 Q. [10:20:55] And do you know why the LRA performed that kind of ceremony on
20 to you?

21 A. [10:21:09] Well, according to them, they say that the reason why they perform
22 such ceremonies is to make you stronger and braver so that you do not think about
23 home. And secondly, if you do attempt to escape, you keep on walking round and
24 round in circles until you come back to the defence where they are based, so you get
25 confused.

1 Q. [10:21:35] And upon such, you know, ceremony being performed on to you, and
2 of course I believe the consequences or the reason why they had performed such
3 functions were explained to you like you have stated, did you believe?

4 A. [10:22:05] Well, I did see this happen to other people, people who attempted to
5 escape, they would become confused. They would walk and walk and walk around
6 until they would come back to the point where they escaped from.

7 Q. [10:22:27] Now, Ms Acan, did you ever encounter Dominic Ongwen while in the
8 bush?

9 A. [10:22:42] Yes, I did.

10 Q. [10:22:55] And when did you encounter? Do you remember the year you
11 encountered with him?

12 A. [10:23:05] Yes, I do.

13 Q. [10:23:10] When was that?

14 A. [10:23:21] When I was abducted in 1996, he was also in that group that I was in.

15 Q. [10:23:35] At -- sorry. Now, at that time you met him, can you approximate his
16 age in comparison with yours?

17 A. [10:23:56] At the time that I was abducted, I believe, based on my observation,
18 he was still a young person and he was in the army.

19 Q. [10:24:13] Was he much older than you or?

20 A. [10:24:24] At the time, yes, he was older than me.

21 Q. [10:24:29] And if you could remember, how old was he? Like, you know, how
22 older was he than you?

23 PRESIDING JUDGE SCHMITT: [10:24:39] If you have any idea, Madam Witness.

24 THE WITNESS: [10:24:58](Interpretation) At the time I had only been newly
25 abducted and I really wasn't that keen on observing and making certain estimations.

- 1 PRESIDING JUDGE SCHMITT: [10:25:14] I think, I think we have to move on. But
2 it would -- perhaps I may ask Ms Acan.
3 Ms Acan, you said you met Mr Ongwen at the time. Did you have a possibility to
4 communicate with him, did you ever talk with him?
5 THE WITNESS: [10:25:45](Interpretation) At the time he was still a junior soldier so,
6 yes, we were able to talk with him, we were able to have discussions with him.
7 PRESIDING JUDGE SCHMITT: [10:25:56] Do you want to continue from there,
8 Mr Kifudde, or shall I continue?
9 MR KIFUDDE: [10:26:02] Continue.
10 PRESIDING JUDGE SCHMITT: [10:26:02] Yes.
11 Ms Acan, so you talked with Mr Ongwen. Simply put, what did you talk about,
12 what impression did he make on you?
13 THE WITNESS: [10:26:32](Interpretation) When I talked to him, he was teaching me.
14 Because at the time I had escaped and I'd been beaten severely and he told me that, "If
15 you escape a second time, you're going to be killed." He told me that people here are
16 not permitted to escape. Those are the kind of things that he was telling me. He
17 told me, "Do not attempt to escape again."
18 PRESIDING JUDGE SCHMITT: [10:26:58] And, as I said, what impression did he
19 make on you? How did you -- how did you see him at the time?
20 THE WITNESS: [10:27:21](Interpretation) At that time, when he was still a junior
21 soldier, he was a nice person.
22 PRESIDING JUDGE SCHMITT: [10:27:28] Mr Kifudde, please continue. I did not
23 want to be too suggestive with my question. So please.
24 MR KIFUDDE: [10:27:35] Thank you, thank you.
25 Q. [10:27:36] Now, when you met with Dominic Ongwen and he started telling you,

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1 you know, giving you wise counsel not to escape, was he being nice to you or he was
2 trying to save your life since you had, you know --

3 PRESIDING JUDGE SCHMITT: [10:27:52] Mr Kifudde, these are conclusions we can
4 draw ourselves, or not. You see what I mean? She said he gave the advice, she said
5 how -- what impression he made on her at the time, and I think everything else is
6 a little bit, we come into the realm of speculation a little bit.

7 MR KIFUDDE: [10:28:22]

8 Q. [10:28:22] Now, you stated that when you met Dominic Ongwen he was a junior
9 commander at the time. Was he married by then or do you have any idea --

10 MR GUMPERT: Sorry --

11 PRESIDING JUDGE SCHMITT: [10:28:34] Mr Kifudde -- you don't have to, I -- yes, I
12 also recognise it. I think she said he was a soldier, a simple soldier. He was not
13 a junior commander at the time.

14 And this was the -- and I also understood it this way, Ms Acan, you listen to me, if
15 I am correct. You can correct me if I am wrong, if I misunderstood you. The reason
16 why there was at all possible a conversation with Mr Ongwen was that at the time he
17 was still a soldier and not a junior commander. But that was how I understood it, at
18 least.

19 Is that correct?

20 THE WITNESS: [10:29:17](Interpretation) Yes, that's correct.

21 MR KIFUDDE:

22 Q. [10:29:21] And what was he doing?

23 A. [10:29:33] At the time he did not have any particular role because soldiers, junior
24 soldiers go around on patrol and perform the regular tasks of foot soldiers. That's
25 the kind of stuff that he used to do.

1 Q. [10:29:46] Now, Ms Acan, earlier you stated that upon, you know, being
2 abducted you were smeared with shea nut oil and the purpose was to confuse you,
3 and you witnessed people who attempted to escape and they were confused and they
4 got back to their original place where the LRA was.

5 Can you give examples; do you remember any examples of such people?

6 A. [10:30:19] Most of them are no longer here. The people who attempted to
7 escape are no longer here. They are all deceased now. The people that I saw, they
8 no longer exist.

9 Q. [10:30:43] Now, apart from your encounter with Dominic Ongwen immediately
10 after abduction, did you ever meet him again while in the bush?

11 A. [10:30:59] When I was in the bush, yes, I did meet him.

12 Q. [10:31:07] And could you remember when you encountered with him again?

13 A. [10:31:17] When I met him, people were already in Sudan at the time. We were
14 at a place known as Aruu, and that's where we had encamped. And then in the
15 Congo as well.

16 Q. [10:31:42] Ms Acan, you stated after two months in Pader you moved to Sudan
17 and you have, you know, stated the area, Aruu. While at Aruu, in whose household
18 were you living in?

19 A. [10:32:03] I was at Nono's household.

20 Q. [10:32:06] And for how long did you stay in Nono's household?

21 A. [10:32:19] I stayed in Nono's household for a long time, until he passed away.

22 Q. [10:32:26] Could you be having an idea when he passed on?

23 A. [10:32:40] He, he died in 1996, that's when he died.

24 Q. [10:32:57] What were some of your tasks while in Nono's household, in Sudan,
25 for that matter?

1 A. [10:33:12] The tasks at the time were mostly fetching water and cooking.

2 Q. [10:33:23] Was there a special name given to such people who would perform
3 such tasks in, you know, while in households of such commanders, big commanders?

4 A. [10:33:49] There was no other name that they were referred to, no different
5 name.

6 PRESIDING JUDGE SCHMITT: [10:33:56] I think the witness must not be pushed
7 a little bit to say, to say this name. I think we know what we are talking about, we
8 had some -- it does not depend on names or labels, so to speak, it depends on really
9 what is the content behind it.

10 MR KIFUDDE: [10:34:13] Much obliged. I am guided.

11 Q. [10:34:15] And, Ms Acan, what role did Nono play in the circumstances when
12 you were in his household? What was his role over you?

13 A. [10:34:38] At the time that I was in Nono's household, I was just staying there.
14 He was taking care of me, because when I was initially abducted and given to
15 a certain man, the man went and told Nono that I was very young and I could not
16 become a wife. So Nono took me back and I was staying at his household.

17 Q. [10:35:06] And, Ms Acan, if you could, can you tell Court the character of this
18 Nono?

19 A. [10:35:24] Nono was a nice person. But, he had one of, one of his wives, one of
20 his wives was a very bad person.

21 Q. [10:35:42] Now, you said you stayed in Nono's household until he passed on.
22 After Nono passed on, what happened to you? Were you transferred to another
23 household?

24 A. [10:36:06] When Nono died, the older wife went to the senior commanders and
25 asked them to keep me in her household to take care of her things, to perform chores,

1 to do the cooking and do everything. But I refused. I told them that I did not want
2 to stay with that woman because she was a mean woman. So I was taken away from
3 the woman and I was taken to Makas's household.

4 Q. [10:36:46] Can you say that name again, "Ma"?

5 A. [10:36:52] I was taken to Opio Makas's household.

6 Q. [10:37:00] And what was your role in -- when you were taken to Opio Makas's
7 household? What was your role in the new household?

8 A. [10:37:15] When I was taken to Makas's household I did not have any particular
9 role, I just stayed around. I was there from 1997. That's when I went -- I was
10 moved to his household. I stayed in his household until I was moved to the man
11 that I eventually stayed with, the man that became my husband.

12 Q. [10:37:45] Now before we come to that man who eventually became your
13 husband, I want to exhaust a few more questions: Who was this Opio Makas?

14 A. [10:38:02] Opio Makas was also a senior commander. He was -- he had his
15 own battalion, he was in charge of a battalion, and it was in Gilva.

16 Q. [10:38:18] Okay. Now, in the process of shifting households, and you also
17 mentioned you later on became a wife to someone, who was making these orders?

18 A. [10:38:46] At the time there was a commander who was superior to Opio Makas
19 and he is the one who moved me to the household of my husband. He is called
20 Okello Rector (phon) and he is now deceased.

21 THE INTERPRETER: [10:39:10] Interpreter corrects: Okello Director.

22 MR KIFUDDE: [10:39:19]

23 Q. [10:39:19] Now, was this Okello Director making unilateral orders or he would
24 also receive orders from someone?

25 A. [10:39:36] He is the one who made the decision because he was in charge of the

1 brigade; and he is the one who made that decision.

2 Q. [10:39:48] Ms Acan, let me put it this way: Was there a rule --

3 PRESIDING JUDGE SCHMITT: [10:39:54] I think she has answered that. And
4 there might be a difference between decision making in who is transferred from one
5 household to another, for these household chores and the decision who is given
6 a wife and who is given a husband. So there might be a difference. I think she has
7 answered that it was the commander at the time --

8 MR KIFUDDE: [10:40:20] Yes.

9 PRESIDING JUDGE SCHMITT: [10:40:21] -- just to transfer her to this other
10 household. So there might -- but there are two things. And after that she
11 was -- there was made another decision, which inferred largely with her life.

12 MR KIFUDDE: [10:40:38] I was just building on it. If I could --

13 PRESIDING JUDGE SCHMITT: [10:40:41] Give it a try. Give it a try, yes.

14 MR KIFUDDE: [10:40:44]

15 Q. [10:40:45] Ms Acan, who would make the orders in respect of who to stay with?

16 A. [10:40:59] It was Kony who used to issue these orders, and then -- but Okello
17 Director would also implement certain orders from his own brigade. I do not know
18 whether he would have received those instructions from Kony and then effected them
19 or whether he made those orders himself.

20 PRESIDING JUDGE SCHMITT: [10:41:24] I think that was a very differentiated
21 answer and you can move on. Thank you, Mr Kifudde.

22 MR KIFUDDE: [10:41:33] Thank you.

23 Q. [10:41:34] Now you mentioned, you know, Okello Director. Who was this
24 Okello Director, who was he, do you remember?

25 A. [10:41:47] Okello Director was the overall commander of Gilva.

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1 Q. [10:41:58] And you said the orders would come from Kony. And do you know
2 the consequences if someone breached or did not follow that order and maybe took it
3 upon himself to stay with someone without the directive of Kony?

4 A. [10:42:26] Yes, I do. I know the consequences.

5 Q. [10:42:29] And can you go ahead and tell us the consequences?

6 A. [10:42:41] When I was abducted there were rules that existed that if somebody
7 has been newly abducted, if a group of people or a number of people have been
8 abducted, then Kony had issued orders that they should get the people and let them
9 stay in the LRA, observe them, ensure that everybody is healthy, and then once we
10 have been there for a while and these observations have been made, then orders are
11 made to take one girl, give them to a certain household or one girl, take them to
12 a particular household. And if anybody breaches these orders, other than being
13 beaten, if the person is unlucky they would be killed. But if they are lucky they
14 would only be beaten.

15 Q. [10:43:34] Now you said if they were unlucky they would be killed. Do you
16 know of any people who were killed for staying with partners without Kony's
17 authority?

18 A. [10:43:57] You know, these things happened and I did witness it. Because
19 when someone is being killed they gather everybody so that everybody is present to
20 witness the person being killed. And this is kind of a message to everybody, telling
21 everybody that if you also do the same thing next time, these are the consequences
22 that you are going to face.

23 PRESIDING JUDGE SCHMITT: [10:44:31] Ms Acan, and when you -- you said you
24 witnessed this. And how were the people killed?

25 THE WITNESS: [10:44:49](Interpretation) The people would be tied, their hands

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1 would be bound behind and then they would be shot.

2 MR KIFUDDE: [10:45:01]

3 Q. I ask this question again: Do you know of such people who were killed in such
4 a way, a brutal manner?

5 A. [10:45:18] I do recall some of these people, but, you know, these are events that
6 took place a really long time ago, and, yes, I do -- I can envision their faces, but I don't
7 recall the names.

8 PRESIDING JUDGE SCHMITT: [10:45:36] I think that's okay, Ms Acan.

9 MR KIFUDDE: [10:45:40]

10 Q. [10:45:40] Now, Ms Acan, to the best of your knowledge, could anyone else
11 order that a woman be distributed as a wife, apart from Kony?

12 A. [10:45:59] Yes.

13 Q. [10:46:04] Let me repeat it again. Could anyone else order that a woman be
14 distributed to someone as a wife, apart from Kony, or without being cleared by Kony?

15 MS HOHLER: [10:46:23] Your Honour -- sorry, I'm entangled. Saved.

16 Your Honour, the witness has answered the question. Because the counsel is
17 perhaps unhappy with the answer, he shouldn't be allowed to just ask the question
18 again.

19 PRESIDING JUDGE SCHMITT: [10:46:37] But I would perhaps -- Mr Obhof, let me
20 simply take over shortly and we will see where we get.

21 You answered this question that you have heard now for the second time with "yes".

22 If that was so, who would be another person who would be authorised to distribute
23 a woman to a certain person, to a certain commander, for example?

24 THE WITNESS: [10:47:14](Interpretation) When I was abducted, most of the orders
25 would come from Kony. But after a while, when I had been in the bush for a while, I

1 saw other commanders also issuing orders and they were also breaching those rules.
2 So when a girl is abducted or when girls are abducted, they would separate them
3 before sending word to Kony, because at the time when I was abducted the girls
4 would be kept separate, would be segregated for a while, would be observed to make
5 sure that nobody had any illnesses. But then it changed, at some point they no
6 longer observed those rules.

7 PRESIDING JUDGE SCHMITT: [10:48:02] Yes, please continue.

8 MR KIFUDDE: [10:48:05]

9 Q. [10:48:05] Now, at the time it changed, did it happen that those commanders
10 would act out of their own volition or they would get clearance from Kony?

11 MR GUMPERT: [10:48:14] Your Honour, she can't know this. She's already said
12 specifically in respect of one commander that she doesn't know. With respect, my
13 learned friend is pressing the witness because he doesn't like her answers, and that's
14 not proper.

15 PRESIDING JUDGE SCHMITT: [10:48:24] I think I would have to sustain this
16 objection, Mr Kifudde. But what could be asked, for example, is if she came to know
17 of an instance where this breach of the order would come to the knowledge of
18 Mr Kony, and what would happen then. If you think this would be interesting,
19 Mr Kifudde.

20 Or perhaps, why not?

21 Ms Acan, you said that sometimes, at a later time, commanders breached this general
22 order of clearance by Kony. Do you know of an instance where such a breach of
23 orders by Kony would come to his knowledge?

24 THE WITNESS: [10:49:38](Interpretation) Well, it happened in many instances,
25 because at some point there were many commanders who were involved in the

1 distribution of women and I think it reached a certain point Kony himself now also
2 gave up on following up. So even some groups now, when they abduct girls, they
3 wouldn't follow the rules which were required that you first put the girls separate to
4 observe their health status. So at some point when a group abducts the girls, they
5 would just distribute the girls amongst themselves, they would only select a few that
6 should be sent to Kony and those are the ones that are now taken to Kony.

7 PRESIDING JUDGE SCHMITT: [10:50:19] Yes. Please move on, Mr Kifudde.

8 MR KIFUDDE: [10:50:24]

9 Q. [10:50:24] Ms Acan, to the best of your knowledge, did a woman have a choice
10 when she was assigned to a particular husband or to a particular man?

11 A. [10:50:43] No. Once you have been distributed, whether the man is old or not,
12 there is no way you can refuse.

13 Q. [10:50:51] And conversely, did a man get to choose which woman would be
14 assigned to him?

15 A. [10:51:08] That only applies to the senior commanders. The commanders are
16 the ones that have the liberty to choose the girls. But the other junior officers,
17 you are only given and there is nothing else that you can do to make a choice.

18 Q. [10:51:26] Now, Ms Acan, we are going to move on to another topic, your life in
19 Sudan. You earlier stated you went to Sudan. After your training, as you stated, in
20 Sudan, how long did you spend in Sudan?

21 A. [10:51:56] I did not take long in Sudan. That same year, in 1996, I returned
22 back to Uganda. And when I returned to Uganda we also didn't stay for a long time
23 and again we went back to Sudan.

24 Q. (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [10:52:15] This was not audible now. Perhaps you

1 can repeat it. I don't know for what reason.

2 MR KIFUDDE: [10:52:24] Sorry.

3 Q. [10:52:24] What was your purpose, what was the purpose of you coming back to
4 Uganda and for how long did you spend in Uganda, approximately how many
5 months?

6 A. [10:52:40] When we came back to Uganda we spent only about one month and
7 went back to Sudan.

8 Q. [10:52:48] And what was your purpose for coming back to Uganda?

9 A. [10:53:03] When you are brought back to Uganda, it's just to test you, to see
10 whether you will escape or not. So that is basically the reason.

11 Q. [10:53:12] Now, after, you know, that little time in Uganda, you said you went
12 back to Sudan. Did you return to Aruu, the place you were before?

13 A. [10:53:31] Yes, we went back to Aruu.

14 Q. [10:53:38] While in Sudan, did you ever shift from this place, Aruu?

15 A. [10:53:55] When we were at Aruu, the government soldiers came and attacked
16 our base and we left and went to Jebellen.

17 Q. [10:54:16] Now, Ms Acan, what sort of activities did you undertake in Jebellen?

18 A. [10:54:32] While we were at Jebellen, we were basically -- I was basically
19 involved in cooking, collecting grass for erecting our shelters, and collecting water.

20 Q. [10:54:50] Apart from the house chores you have stated, did the LRA as a group
21 undertake any activities in Jebellen, any kind of activities in Jebellen?

22 A. [10:55:11] Well, sometimes there were selections of soldiers to go on patrol,
23 some of them were sent on security missions.

24 Q. [10:55:34] Now you earlier stated that you stayed in Opio Makas's household.
25 When were you transferred to Opio Makas's household? Was it the time when you

1 were still in Aruu, or when you had travelled to Jebellen?

2 A. [10:56:01] I started staying at Opio's household in 1997, when we were already
3 at Jebellen.

4 Q. [10:56:11] And for how long did you stay in Opio Makas's household?

5 A. [10:56:23] I spent quite a while at Makas's home. Then from there, we returned
6 back to Uganda in 2003.

7 Q. [10:56:40] Now you earlier mentioned that you -- after staying in Opio Makas's
8 household, you became a wife to someone.

9 PRESIDING JUDGE SCHMITT: [10:56:54] This is a new topic, perhaps we will -- it
10 might make sense to have now the break. I just suggest it.

11 MR KIFUDDE: [10:57:04] Most obliged, my Lord.

12 PRESIDING JUDGE SCHMITT: [10:57:06] Yes. So then I think we will have
13 a break until 11.30, and then you can start with this new topic. Thank you.

14 THE COURT USHER: [10:57:15] All rise.

15 (Recess taken at 10.57 a.m.)

16 (Upon resumption in open session at 11.31 a.m.)

17 THE COURT USHER: [11:31:23] All rise.

18 PRESIDING JUDGE SCHMITT: [11:31:39] Mr Kifudde, you still have the floor, of
19 course.

20 MR KIFUDDE: [11:31:44] Good afternoon, Ms Acan. I know it's afternoon in
21 Uganda.

22 PRESIDING JUDGE SCHMITT: [11:31:50] I dared say it, but now that you say it, yes,
23 for next time I know.

24 MR KIFUDDE: [11:31:57] I hope you had a refreshing break.

25 So now we are picking it from where we stopped.

1 Ms Acan, was there a standing rule against sexual relations in the LRA?

2 A. [11:32:13] There was no rule. There was a rule prohibiting courting somebody
3 else's wife.

4 PRESIDING JUDGE SCHMITT: [11:32:34] I think she has not -- you aimed at
5 something different, so the question was very generic, so to speak, that you put to her.
6 But what you might have wanted to know is, if outside of an existing attributed
7 relationship, if there was a rule. So if you are interested you would perhaps phrase
8 it a little bit differently.

9 MR KIFUDDE: [11:33:01]

10 Q. [11:33:02] Now, if you were not married to someone in the LRA, would you just
11 have any sexual relations with anyone?

12 A. [11:33:12] No, that was prohibited.

13 Q. [11:33:18] And what would happen if someone did it?

14 A. [11:33:26] If someone had sexual relations without having received such an
15 order, then the person would be punished severely.

16 Q. [11:33:47] Do you know of any people who were severely punished for having
17 sexual relations without, you know, the proper channel in the LRA?

18 A. [11:33:58] Yes, I do know some people. But these events took place a long time
19 ago and I -- it's difficult for me to remember the name and also the people, because
20 perhaps they no longer exist at this present time.

21 PRESIDING JUDGE SCHMITT: [11:34:25] But I think we can take this as an answer.

22 MR KIFUDDE: [11:34:28] Yes. One quick one.

23 Q. [11:34:29] Was this rule against having sexual relations widely known
24 throughout the LRA?

25 A. [11:34:40] Yes, the rules were widely known, and sometimes Kony would

1 summon people and reissue these instructions to people.

2 Q. [11:35:01] And who would order the punishment to be meted out in respect of
3 those who broke this rule?

4 A. [11:35:11] Kony would issue those instructions. If Kony is not present, then
5 Odhiambo would issue those orders.

6 Q. [11:35:28] And who is this "Odhiambo"?

7 A. [11:35:34] When Otti was no longer there Odhiambo took over Otti's role, he is
8 Otti's successor.

9 Q. [11:35:52] And could you tell us who this Otti was? What was his position in
10 the LRA?

11 A. [11:36:01] Otti was Kony's deputy.

12 Q. [11:36:13] Do you know what eventually happened to him?

13 A. [11:36:17] Yes, I do.

14 Q. [11:36:24] What happened to him?

15 A. [11:36:28] I learnt later on that Otti died, but I knew about this much later. But
16 at the time when arrangements were being made to kill him, I did not have any
17 knowledge to that effect. But afterwards, when he was killed, then I found out.
18 That's when I heard that he was killed.

19 Q. [11:37:02] And did you ever come to know why he was killed?

20 A. [11:37:10] I heard that Kony issued orders for Otti to be killed on grounds that
21 Otti was planning to kill him.

22 PRESIDING JUDGE SCHMITT: [11:37:26] I think we can move on. We had other
23 witnesses who had really more immediate, so to speak, knowledge of what might
24 have happened at the time.

25 MR KIFUDDE: [11:37:38]

1 Q. [11:37:38] Now, Ms Acan, you stated that when someone broke this rule against
2 having sexual relations, either Kony or Otti would punish. Now, is it your
3 testimony that this rule therefore originated from Kony?

4 A. [11:37:56] The rules originated from Kony.

5 Q. [11:38:11] And therefore people in the LRA knew about it?

6 A. [11:38:23] Yes.

7 Q. [11:38:27] Now we are going to move on to another topic. You earlier stated in
8 session 1 that you became a wife to someone. Can you tell us your story, how you
9 became a wife to that person.

10 A. [11:38:45] I -- Okello Director was the one who issued the orders for me to be
11 given to this person as wife. And that was in 1999. That's when I became that
12 person's wife.

13 Q. [11:39:15] Did Okello Director act on his volition or there was a directive from
14 someone?

15 MR GUMPERT: [11:39:27] Your Honour, I make the same objection as I did before.
16 The witness's answer is really clear. And, with respect, I suppose the question could
17 be asked more neutrally about the ultimate, but this isn't right.

18 PRESIDING JUDGE SCHMITT: [11:39:39] Yes. Yes.

19 Mr Kifudde, I would not prohibit or inhibit any question in that direction, but

20 Mr Gumpert is right when he says the question should be phrased in a more neutral
21 manner. Then I would allow it. At the moment I would sustain the objection.

22 MR KIFUDDE: [11:39:59]

23 Q. [11:40:03] Now, while Okello Director was, you know, assigning you to become
24 a wife of someone, did he act -- did he act out of his own volition?

25 PRESIDING JUDGE SCHMITT: [11:40:16] That's nearly the same, I would say. I

1 think there is not much difference in the wording. Perhaps, simply, Ms Acan, describe
2 the circumstances how you were - this terrible word - distributed to this man and
3 how you perceived it.

4 And then we draw our conclusions from it. I think that that would be a fair way to
5 go forward.

6 How you perceived it at the time, with all the detail that you remember after such
7 a long time.

8 THE WITNESS: [11:40:58](Interpretation) At the time, based on my observation,
9 Okello Director initially wanted me to be -- to become his wife, but I refused. He
10 wanted to move with me and move to another brigade, but I refused.

11 And then he issued orders that I should go to the other person. He called the
12 commanders from the other battalions, we sat down, and then he told that person that
13 as, of this date, I am that person's wife.

14 And then he was moved, he was moved to command another brigade, he was moved
15 to Stockree brigade, and then I stayed behind in Gilva brigade. I stayed behind with
16 that person.

17 And, based on my observation, it was his own orders, because he also wanted me to
18 become his wife but I turned down his proposition, I did not want to become his wife.

19 And he was a mean person, he had so many wives. And at the time there were
20 rumours that he was ill, so I refused.

21 PRESIDING JUDGE SCHMITT: [11:42:44] Do you recall how old you were at the
22 time?

23 THE WITNESS: [11:42:49](Interpretation) I was -- he was -- he was an old person.
24 He was around 50 years or so.

25 PRESIDING JUDGE SCHMITT: [11:43:04] Yes. And you, can you at least try to

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- 1 recall if you were 14, 15, 16, you know what I mean? It might not be -- it might be
2 very difficult for you to say exactly your age at the time, but so that we have an idea.
- 3 THE WITNESS: [11:43:24](Interpretation) In 1999, based on my observation, and on
4 my size, I believe that I was around about 16 years old at the time.
- 5 PRESIDING JUDGE SCHMITT: [11:43:45] And when you say you were about 16
6 and you believe -- it is perfectly clear that we cannot take this as a one on one and 100
7 per cent sure age, you said you refused to be with this Okello Director. That
8 was -- and allow me now a direct -- an indirect question, a suggestive question; that
9 was quite brave of you, wasn't it?
- 10 THE WITNESS: [11:44:25](Interpretation) You know, when -- when you are in the
11 bush, when you have stayed there for quite some time and you kind of become used
12 to things in the bush, there are certain things that you can get away with. If
13 you -- you can refuse certain things and get away with it, because if you accept
14 anything then anything will happen to you, they can do anything to you.
- 15 PRESIDING JUDGE SCHMITT: [11:44:56] Did you have fears for being punished or,
16 even worse, being killed before you refused to go with Okello Director?
- 17 THE WITNESS: [11:45:10](Interpretation) Yes, I did think about all those things. I
18 thought about them and then I made up my mind, well, whatever happens, will
19 happen, if they are going to do anything to me, they will do it. But you know, when
20 you have been there in the bush for a long time, even Kony actually does not condone
21 you being forced to do certain things.
- 22 PRESIDING JUDGE SCHMITT: [11:45:39] Please continue, Mr Kifudde.
- 23 MR KIFUDDE: [11:45:42]
- 24 Q. [11:45:42] Now, Ms Acan, we are moving on to a slightly different topic. You
25 said you went to Sudan. While in Sudan, did you ever get to meet Kony?

1 A. [11:45:57] When I was in Sudan, yes, I did meet him. He would also call us
2 sometimes, he would summon people and teach us.

3 Q. [11:46:16] And from what you saw, what was your impressions about Joseph
4 Kony?

5 A. [11:46:28] Sometimes he's a nice person, sometimes he's a horrible person. And
6 the reason why I say sometimes is he is a nice person. If it wasn't for him, I believe I
7 may have not survived, I may not have been here today, I may not have come back to
8 Uganda, that's based on the, on the -- on his other officers, what the other officers
9 wanted. I may have been dead by now.

10 Q. [11:47:15] Now you also stated earlier on that while in Jebellen some people
11 would go to battle. Were there specific instructions when such people would go for
12 battle?

13 A. [11:47:39] Yes, sometimes they would give them instructions and tell them what
14 they should do and what they should not do.

15 Q. [11:47:51] And who would give the instructions?

16 A. [11:47:58] It was Kony who used to issue these instructions.

17 Q. [11:48:04] And what would -- what would be the consequence of not following
18 Kony's instructions?

19 A. [11:48:13] If you do not follow these orders, if you come back and the person is
20 reported, then the person is beaten severely.

21 Q. [11:48:31] Now, these instructions you're talking about from Joseph Kony, what
22 kind of instructions were they?

23 A. [11:48:47] Sometimes he would say, tell people that if they go for battle, or if he
24 sent people on mission to go and look for food, then Kony would issue orders that the
25 civilians should not be disturbed and people should ask for food from the civilians.

1 And if you breach those rules, that person who breaches those rules would be
2 reported to Kony and that person would be beaten severely. Sometimes he would
3 issue orders and say even if your enemies start shooting at you, do not exchange fire,
4 just dodge the bullets or hide.

5 Q. [11:49:44] Now, Ms Acan, these rules you have elucidated, where did they come
6 from?

7 A. [11:49:58] The rules would come from Kony.

8 Q. [11:50:04] And did Kony ever tell you where he received these rules from?

9 A. [11:50:10] I heard, I heard. But I did not see anything that he has spirits, he is
10 possessed by spirits, that he is possessed by the Holy Spirit. And if instructions are
11 given by the Holy Spirit, these instructions have to be followed. If people do not
12 follow these instructions, then there will be serious repercussions.

13 Q. [11:50:44] And can you think of instances where the instructions from the spirits
14 were not followed and people were punished severely?

15 A. [11:50:55] I -- I did not actually see any severe punishments given to anyone for
16 breaching those rules, but if they instruct you when you go to battle and you are told
17 not to fight, not to exchange gunfire, then in those instances people did get hurt
18 seriously.

19 Q. [11:51:34] Did Kony himself follow the instructions from the spirits?

20 A. [11:51:46] Yeah, he said he did follow them, and he said that if he himself did
21 not follow those instructions, then he would also face some, some consequences.

22 Q. [11:51:59] Can you think of any instances when Kony was punished by the
23 spirits?

24 PRESIDING JUDGE SCHMITT: [11:52:11] It might be hard to tell for the witness,
25 but let's give it a try.

1 THE WITNESS: [11:52:18](Interpretation) I do not recall of any such incident
2 because whenever we would meet with Kony we would only meet him when he
3 summons people, and after the meeting, after the gathering, we would all go our own
4 ways.

5 MR KIFUDDE: [11:52:48]

6 Q. [11:52:50] Now, you also stated earlier that had it not been for Kony you would
7 not be here. What did you exactly mean?

8 A. [11:53:10] You know, when -- when some of the junior officers go and report
9 you for anything, their intentions or their desires are that you should be killed, but
10 sometimes Kony does not agree with what they're proposing.

11 Q. [11:53:39] And for your case, did they ever report you?

12 A. [11:53:48] Yes, they did inform him about my attempted escapes and they
13 advised him or they were telling him that I should be killed; I should not just be
14 punished and left.

15 Q. [11:54:09] And what could have been the basis? Because earlier you stated the
16 punishment for escape was you would either be severely beaten or you would be
17 killed. So what did Kony base on to let you off the hook?

18 A. [11:54:30] There are certain things when -- when Kony is informed about certain
19 things and there are certain desires or there are certain intentions that people want,
20 sometimes he turns them down.

21 PRESIDING JUDGE SCHMITT: [11:54:55] I think that's fair enough, I would say, she
22 might not know exactly what might have been the intentions in her particular case,
23 but it's interesting to see how he acted. I think we have to take this as an answer.

24 MR KIFUDDE: [11:55:12]

25 Q. [11:55:13] Now, Ms Acan, you said from upon abduction you were taken from

1 Uganda, you travelled to Sudan. Apart from Uganda to Sudan, did you ever travel
2 anywhere else?

3 A. [11:55:30] Yes, I went to the Congo.

4 Q. [11:55:39] Can you remember the year you went to Congo?

5 A. [11:55:45] We went to Congo in 2004.

6 Q. [11:56:00] And who did you go with to Congo?

7 A. [11:56:06] When we were going to Congo, we travelled with some officers to go
8 to Congo.

9 Q. [11:56:25] Can you remember some of the commanders you travelled with to
10 Congo?

11 A. [11:56:34] The -- I do recall some of the commanders that we went with to
12 Congo. The overall commander in charge of the group that I was in was Okot
13 Odhiambo and there were some junior officers in that group as well.

14 Q. [11:57:03] And what was the main mission for you going to Congo, if you could
15 remember?

16 A. [11:57:11] We left Uganda, went to Sudan, and when we got to Sudan, we found
17 people were already going to Congo. The first people who went to Congo, the first
18 group, was Otti's group, so based on what I heard, we were going to Congo to farm,
19 we were going there to farm and to look for a place to stay.

20 Q. [11:57:52] Mr Acan, let me take you behind a bit. Do you know someone by
21 the name of Otti Lagony?

22 A. [11:58:07] Yes, I do know Otti Lagony.

23 Q. [11:58:11] What happened to him, if you know?

24 A. [11:58:17] I heard -- I heard that Otti Lagony was killed.

25 PRESIDING JUDGE SCHMITT: [11:58:27] Mr Kifudde, again, and we had so many

1 witnesses who were, so to speak, direct witnesses, I think another witness who has
2 heard about it is of very minor relevance, I would say, in that respect of course.

3 MR KIFUDDE: [11:58:46] I'm guided.

4 Q. [11:58:47] Ms Acan, can you narrate to Court how you managed to escape?

5 A. [11:58:56] When we -- at the time that I escaped I had two children, one of the
6 children was very little and I did not have anyone to help me carry that child. So we
7 left. I left with someone else, she had two children. I also had two children. We
8 came and we went and handed ourselves to some civilians at a centre, a particular
9 centre in Congo and then the civilians welcomed us.

10 Q. [11:59:43] Do you remember the year you escaped?

11 A. [11:59:50] Yes, I do. I escaped in 2014.

12 Q. [12:00:01] And after you met civilians, what happened?

13 A. [12:00:08] We were taken to some house, we were given water to bathe. And
14 we had clothes, we changed our clothes, the old clothes that we had, we took off and
15 threw away. And soldiers came and collected us.

16 Q. [12:00:34] Which soldiers came and collected you?

17 A. [12:00:38] It was the Congolese army.

18 Q. [12:00:45] And after the Congolese army collected you, who did they hand you
19 over to?

20 A. [12:00:54] They took us to their barracks.

21 Q. [12:01:10] How long did you spend in the barracks and where was it?

22 A. [12:01:18] The centre was called Ango, it is in the Congo.

23 Q. [12:01:36] And how long did you (inaudible) in these barracks?

24 A. [12:01:45] We spent about two weeks in that barracks.

25 Q. [12:01:54] What were you doing in these two weeks?

1 A. [12:01:59] There was nothing in particular that we were doing. We were only
2 told that the plane that should come and pick us hasn't been dispatched yet, so we
3 were there only staying and waiting.

4 Q. [12:02:25] And after the two weeks, where did you go?

5 A. [12:02:30] A certain vehicle came and collected us, and took us to another centre
6 which was much bigger than the previous one.

7 Q. [12:02:47] You earlier talked about a plane, that you were waiting for that plane.
8 Did it finally come?

9 A. [12:02:57] No, no plane came. But as I said, it was another vehicle which came
10 and picked us from that smaller centre and took us to a much bigger centre.

11 Q. [12:03:17] So when you were taken to that much bigger centre, how long did
12 you spend in that much bigger centre? And after, where did you go?

13 A. [12:03:30] From the big centre, a plane came and collected us and took us to
14 the town in Congo. I do not recall the name of that town at the moment.

15 Q. [12:04:03] When did you finally return to Uganda?

16 A. [12:04:16] From that town, we were picked and we landed in Entebbe.

17 Q. [12:04:28] And from Entebbe where did you go and who took you where?

18 A. [12:04:36] From Entebbe, there was a woman who was sent from Kampala to go
19 and pick us from Entebbe using a taxi.

20 Q. [12:05:00] And where did that woman take you?

21 A. [12:05:05] She took us at a certain place. I do not know if that was her home or
22 it was -- or if it was a reception centre for people like us who return. We stayed at
23 that place for some time and then later on we were transferred to Gulu.

24 Q. [12:05:31] Where exactly were you transferred to in Gulu?

25 A. [12:05:38] From Gulu, they wanted to take us direct to our homes before

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1 reaching the reception centre at Gusco. My colleague was taken straight, my friend
2 with whom I escaped was taken straight to their home. But for me, I refused because
3 I told them that I could get lost because I am not sure whether my parents are still
4 there or other family members. So they took me to the CPU, where I stayed for
5 about five days, and then later on I was taken back to GUSCO reception centre.

6 Q. [12:06:26] Now, while at the CPU, what were you doing?

7 A. [12:06:34] We just stayed, nothing else I was doing.

8 Q. [12:06:41] Were you ever debriefed by the UPDF?

9 A. [12:06:48] Yes, they were questioning me about how I travelled and how I was
10 moving.

11 Q. [12:07:03] And for how long did this process take, the questioning?

12 A. [12:07:09] It was just that one day only.

13 MR KIFUDDE: [12:07:20] Thank you so much, Mr President. Lead counsel has
14 a few more questions for the witness.

15 PRESIDING JUDGE SCHMITT: [12:07:27] And Presiding Judge has also one or two
16 questions, if I may, before, before you start.

17 MR AYENA ODONGO: [12:07:33] Thank you, Mr President.

18 PRESIDING JUDGE SCHMITT: [12:07:37] Ms Acan, before the break you mentioned
19 that you met Dominic Ongwen also whilst you were in the Congo. Did I understand
20 this correctly?

21 THE WITNESS: [12:07:49](Interpretation) Yes.

22 PRESIDING JUDGE SCHMITT: [12:07:56] When you say you met him again, did
23 you have a chance to talk with him or to observe him?

24 THE WITNESS: [12:08:06](Interpretation) Yes, I had opportunity to speak to him.

25 PRESIDING JUDGE SCHMITT: [12:08:20] And if you recall it, what did you talk

1 with him about?

2 THE WITNESS: [12:08:28](Interpretation) At that time, he already had a household
3 in the Congo, so if we meet for instance along the way or sometimes when I pass by
4 his household, I would ask him just courtesy -- a courtesy call at his household.

5 PRESIDING JUDGE SCHMITT: [12:08:56] And also before the break you mentioned
6 when you met Mr Ongwen for the first time, you said in 1996, and how you perceived
7 him, what person he was in your opinion at the time. When you met him much later
8 in Congo, in your -- again in your observation, had he changed?

9 THE WITNESS: [12:09:20](Interpretation) He was the same person that I had seen
10 before.

11 PRESIDING JUDGE SCHMITT: [12:09:42] Thank you.

12 Mr Ayena, this was what I was wanting to ask.

13 MR AYENA ODONGO: [12:09:51] Thank you very much, Mr President and
14 your Honours.

15 QUESTIONED BY MR AYENA ODONGO:

16 Q. [12:09:59] Good afternoon, Ms Acan.

17 A. [12:10:08] Good afternoon.

18 Q. [12:10:09] We may have met in Garamba. Do you remember me, by any
19 chance?

20 A. [12:10:17] I -- I do recall, but although most of the guests who went, I did not see
21 them.

22 Q. [12:10:35] Now I shall put a few questions to you, particularly about relations
23 between men and women in the bush: First of all, you said you met
24 Dominic Ongwen in 1996. Can you tell Court whether at this time Dominic Ongwen
25 was already married. Did you see him with wives or a wife at that time?

1 A. [12:11:19] At that time, when I saw him he was not yet married.

2 Q. [12:11:32] Now I want you to make certain positions clear to Court.

3 From your abduction, to the time when you were given to the man as your husband,
4 had you seen other women in LRA being given to husbands?

5 A. [12:12:10] At that time, yes, I had seen. Because some of the people with whom
6 I was abducted who were much older than me, I saw they were separated and
7 distributed to men. Even this was from Uganda before we went to Sudan.

8 Q. [12:12:36] Now, in your experience, you were given to -- what was the name of
9 the man you were given to as husband?

10 A. [12:12:56] I do not recall the name of the man to whom I was given because at
11 that time I had just been abducted and I was given to him. I only stayed with him
12 for one day and the next day he reported to the senior commanders that I was still
13 very young and I could not be his wife. So Nono took me away from his household
14 and I went to stay with him.

15 PRESIDING JUDGE SCHMITT: [12:13:34] I think you refer to a later stage.

16 Perhaps you might ask again.

17 MR AYENA ODONGO: [12:13:38] Yes.

18 Q. [12:13:39] Actually, I mean the person who ultimately fathered your children,
19 the person who became your husband.

20 A. [12:14:07] The person who eventually became my husband, I did not have
21 children with him. I had children with another man. But that person who
22 eventually became my husband also died. I didn't have any children with him but I
23 got children with another man.

24 Q. [12:14:39] Let us talk about the two marriages. And you told Court this
25 morning that you were distributed to this man or given to this man on the directive of

1 somebody called Okello Director; is that right?

2 A. [12:15:07] Correct.

3 Q. [12:15:10] When you finally went to live with this man, did you discuss with
4 him whether before you were given to him he was consulted about whether or not he
5 wanted you as a wife?

6 A. [12:15:35] I did not speak to him so I also do not know whether he was
7 interested in me.

8 Q. [12:16:00] I want to repeat the question again because what I want to find out is
9 whether when you came together, during the time you lived together, you talked
10 about how you came together, and maybe among the questions you may have asked
11 ourselves or you may have asked him, was whether before you were taken to him he
12 had been consulted by Okello Director whether he wants you or not to be his wife?

13 A. [12:16:53] I asked him and he told me that he was called and asked and he
14 accepted.

15 Q. [12:17:06] And Madam Acan, in your case, were you asked -- were you
16 consulted whether you wanted the man to be your husband or not?

17 A. [12:17:37] I was asked because Okello Director wanted me to become his wife,
18 but when I refused, I couldn't refuse that person, so I accepted.

19 Q. [12:17:50] Did you like him to be your husband?

20 A. [12:18:04] Yeah, I had already developed a liking for him, but unfortunately,
21 death took him away.

22 Q. [12:18:17] Did you eventually see Dominic as a married man?

23 PRESIDING JUDGE SCHMITT: [12:18:35] I think she has answered that.

24 MR AYENA ODONGO: No, she --

25 PRESIDING JUDGE SCHMITT: [12:18:37] No, no, she has said, on my questions

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1 a few minutes ago, that when she met him in the Congo, he had a household then,
2 and I understood "household" meaning -- but of course, you can continue, but I think
3 everybody understood that there was a certain basis for discussions and for talks
4 between them, but if you want, you might continue there, but I understood that she
5 saw him as a married man, but I might be wrong.

6 MR AYENA ODONGO: [12:19:14] Assuming that the answer is yes, I shall now
7 proceed to the next question.

8 PRESIDING JUDGE SCHMITT: [12:19:17] Yes.

9 And I think, Ms Acan, you have heard what I have said. If I am wrong, don't hesitate
10 to say that I am wrong, but I understood it when you met him in the Congo, that at
11 the time he had a household and I assumed "household" means that he also had at
12 least one wife?

13 MR AYENA ODONGO:

14 Q. [12:19:39] Yes, having heard that clarification, Ms Acan, did you relate with
15 some of the wives of Dominic Ongwen? Did you meet them?

16 A. [12:19:57] Yes, I met with them.

17 Q. [12:20:09] Of course, the question I'm now going to put to you is a generic
18 question that would cover maybe general women talk in the LRA. Did you have the
19 usual women talk between you and Dominic's wives?

20 PRESIDING JUDGE SCHMITT: [12:20:42] What does "usual women talk" mean? I
21 think you can be more direct. When the witness said she talked with some of the
22 women of Mr Ongwen --

23 MR AYENA ODONGO: [12:20:49] Yes.

24 PRESIDING JUDGE SCHMITT: [12:20:50] What did you talk about?

25 MR AYENA ODONGO: [12:20:52]

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1 Q. [12:20:53] Yes, what did you talk about?

2 Well put. I am guided, your Honour.

3 A. [12:21:09] From the bush, most times when we met with the wives of the senior
4 commanders, we just greet because also it was not allowed for you to stay and talk or
5 chat for a long time, because they will say that you are planning to escape. So before
6 such a statement comes out, they will have punished you, they will have given you
7 severe punishment. So we would just greet and then separate because we wouldn't
8 take long to have a chat.

9 Q. [12:21:50] From your observation, Ms Acan, if a woman -- were there, I mean,
10 first of all, were there rules regarding discipline in individual houses, households,
11 how men should treat wives in the LRA?

12 A. [12:22:26] Yes, there were rules. The rule was that when you are given a wife,
13 you should not mistreat her because you have not paid any money or dowry to marry
14 her, you were given the woman free so you should not mistreat her. So yes, there
15 was that rule.

16 Q. [12:23:00] And if a woman found that she had gone into an abusive relationship,
17 the man was beating her, mistreating her, what would happen?

18 A. [12:23:31] If the abuse is severe, then the woman will be taken away from the
19 man so that you stay alone, or in some situation actually you will be taken away and
20 you are put in another commander's household and you would stay there as a man.

21 MR AYENA ODONGO: [12:23:59] I think this is the end of my questions. Thank
22 you.

23 PRESIDING JUDGE SCHMITT: [12:24:02] Thank you very much, Mr Ayena.

24 MR AYENA ODONGO: [12:24:02] Thank you.

25 PRESIDING JUDGE SCHMITT: [12:24:03] And I give now the floor to the

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- 1 Prosecution.
- 2 Ms Hohler.
- 3 MS HOHLER: [12:24:09] Your Honours, the Prosecution has no questions for this
4 witness.
- 5 PRESIDING JUDGE SCHMITT: [12:24:13] Thank you.
- 6 And for the LRVs, Mr Narantsetseg first.
- 7 MR NARANTSETSEG: [12:24:18] No further question, your Honour. Thank you.
- 8 PRESIDING JUDGE SCHMITT: [12:24:20] Mr Cox?
- 9 MR COX: [12:24:22] No questions, your Honour.
- 10 PRESIDING JUDGE SCHMITT: [12:24:24] Ms Acan, you have heard there are no
11 further questions that the parties and participants want to put to you. On behalf of
12 the Chamber, I would like to thank you for coming to the video-link location, having
13 yourself made available as a witness in this case and helping the Chamber to establish
14 the truth. We wish you a safe trip back to your home.
- 15 (The witness is excused)
- 16 PRESIDING JUDGE SCHMITT: [12:24:51] This concludes not only the testimony of
17 this witness, but also the hearing for today.
- 18 We continue tomorrow at 9.30 with D-118. Thank you.
- 19 THE COURT USHER: [12:25:03] All rise.
- 20 (The hearing ends in open session at 12.25 p.m.)