

Trial Hearing
WITNESS: UGA-D26-P-0118

(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 Tuesday, 21 May 2019
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:25] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:34:42] Good morning, everyone.
13 I understand that we had again this little technical problem with the interpreter's
14 booth, same procedure not as every day, I hope. But as we see, the delay today is
15 only four minutes, so we are getting quicker and quicker. And tomorrow, we -- if
16 we -- or, on Thursday if we have to switch, perhaps we even can start on time.
17 Could the court officer please call the case.
18 THE COURT OFFICER: [9:35:16] Good morning, Mr President, your Honours.
19 Situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
20 Ongwen, case reference ICC-02/04-01/15.
21 And for the record, we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:35:33] Thank you.
23 I call for the appearances of the parties.
24 Mr Zeneli for the Prosecution, please.
25 MR ZENELI: [9:35:40] Good morning, your Honours.

1 I'm Shkelzen Zeneli, with me in court is Ben Gumpert, Natasha Barigye, Colin Black,
2 Beti Hohler, Pubudu Sachithanandan, Milena Bruns, Jasmina Suljanovic, Grace Goh,
3 Kamran Choudhry, Suhong Yang. Full house, your Honour.
4 PRESIDING JUDGE SCHMITT: [9:35:57] Indeed, but not too full, there are still some
5 seats left on the right side. Mr Narantsetseg, please, for the LRVs.
6 MR NARANTSETSEG: [9:36:10] Good morning, Mr President, your Honours. My
7 name is Orchlón Narantsetseg, I am joined by Ms Caroline Walter. Thank you.
8 PRESIDING JUDGE SCHMITT: [9:36:20] And Mr Cox.
9 MR COX: [9:36:21] Good morning, your Honours. With me, Mr James Mawira,
10 and myself, Francisco Cox.
11 PRESIDING JUDGE SCHMITT: Thank you.
12 And for the Defence, Mr Obhof, please.
13 MR OBHOF: Good morning, your Honours. Today, we have counsel Krispus
14 Ayena Odongo; our assistant to counsel, Gordon Kifudde; myself, Thomas Obhof;
15 co-counsel, Beth Lyons; our other co-counsel, Chief Charles Achaleke Taku. And, of
16 course, Dominic Ongwen is in court today.
17 PRESIDING JUDGE SCHMITT: [9:36:37] Thank you very much.
18 And the Defence is calling D-118 as its next witness, and we all have recognised that
19 there is a small issue about protective measures.
20 The Chamber notes that the VWU has indicated by email on 20 May 2019 that voice
21 distortion should be granted beyond the measures already authorised in decision
22 1367.
23 Do the parties want to make any observations on this?
24 Mr Obhof, because it's your witness?
25 MR OBHOF: [9:37:15] The Defence leaves its observations to the VWU, who

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1 interviewed the witness about this recently.

2 PRESIDING JUDGE SCHMITT: [9:37:22] Mr Zeneli?

3 MR ZENELI: [9:37:24] Likewise, your Honour.

4 PRESIDING JUDGE SCHMITT: [9:37:25] Then we have a short oral ruling by the
5 Chamber.

6 In light of the new information provided by the VWU, the Chamber considers it
7 necessary to grant the protective measure of voice distortion for this witness.

8 Accordingly, the granted protective measures for D-118 include now face and voice
9 distortion, use of a pseudonym, and limited recourse to private sessions when dealing
10 with information identifying the witness. This concludes already the oral hearing.

11 And to refer to the last said, limited private sessions, we simply trust in your

12 capability, so to speak, Mr Obhof, like in the past, that we really can limit this to the
13 absolutely necessary and not more. And we can also -- we can, like always, decide
14 this on the spot like we did before.

15 We now proceed with the testimony of D-118.

16 Could the court officer at the video-link location please bring in the witness.

17 (The witness enters the video-link room)

18 PRESIDING JUDGE SCHMITT: [9:39:16] Good morning, Madam Witness, do you
19 hear me?

20 PRESIDING JUDGE SCHMITT: Good morning, Madam Witness. Do you hear me?

21 WITNESS: UGA-D26-P-0118

22 (The witness speaks Acholi)

23 (The witness gives evidence via video link)

24 THE WITNESS: [9:39:22](Interpretation) Good morning. I can hear you.

25 PRESIDING JUDGE SCHMITT: [9:39:24] And I can say that we hear you also very

1 well, and we see you very well. And I'm always happy when this functions so well
2 and always surprised every time it functions so well because we are thousands
3 of kilometres away and it is like if the witness was in the courtroom, so to speak.
4 Madam Witness, on behalf of the Chamber I would like to welcome you at the
5 video-link location. You are going to testify before the International Criminal Court
6 and, first of all, I would like to read to you the solemn undertaking that every witness
7 who appears before this Court has to take. So please, Madam Witness, listen
8 carefully to what I say.

9 I solemnly declare that I will speak the truth, the whole truth and nothing but the
10 truth.

11 Madam Witness, do you understand the undertaking?

12 THE WITNESS: [9:40:26](Interpretation) Yes, I have understood it.

13 PRESIDING JUDGE SCHMITT: [9:40:31] Do you agree with it?

14 THE WITNESS: [9:40:33](Interpretation) I agree.

15 PRESIDING JUDGE SCHMITT: [9:40:35] Thank you, Madam Witness, you are now
16 sworn in.

17 Before we start with your testimony, I explain a few matters to you.

18 First of all, we have put some protective measures in place to protect you. Voice and
19 face distortion have been put in place, which means that no one outside the
20 courtroom can see your face or recognise your voice during your testimony.

21 Secondly, we will use a pseudonym. In accordance with that, we will all refer to you
22 only as "Madam Witness". This is to make sure that the public does not know your
23 name.

24 When you answer questions that will not give away who you are and where you
25 reside, for example, we will do so in open session. Open session means that the

1 public can hear what is being said in the courtroom and is being said by you.
2 However, when things are discussed which might reveal your identity, we will do
3 this in private session, that means that the public cannot hear what is being said.
4 A short practical matter, everything we say here and everything you say at the
5 video-link location is written down and, what is more important, is interpreted, and
6 to allow for the interpretation we have to speak at a relatively slow pace.
7 If you have any questions yourself, please raise your hand. If you need a break, if
8 you feel like you would -- it would be good for you psychologically to have a break,
9 please raise your hand, let us know and we will help you in that respect.
10 We can now start with your testimony and we start with the Defence questioning.
11 Mr Obhof has the floor.
12 MR OBHOF: [9:42:43] Thank you, your Honour.
13 For everyone inside the gallery and watching on TV, your Honour --
14 PRESIDING JUDGE SCHMITT: [9:43:08] This is regarding the gallery, this is a wide
15 everyone expression, so to speak.
16 MR OBHOF: [9:43:18] I'd like to take a short private session for about five to eight
17 minutes. I have tried to group a lot of things up front in which I can.
18 PRESIDING JUDGE SCHMITT: [9:43:29] We appreciate that a lot. Thank you very
19 much, Mr Obhof.
20 We go to private session.
21 (Private session at 9.43 a.m.)
22 THE COURT OFFICER: [9:43:39] We are in private session, Mr President.
23 (Redacted)
24 (Redacted)
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- 15 (Open session at 9.48 a.m.)
- 16 THE COURT OFFICER: [9:48:40] We are back in open session, Mr President.
- 17 MR OBHOF: [9:48:51]
- 18 Q. [9:48:52] Now, Madam Witness, without saying the name of your village or
- 19 your family members' names, what was your life like before you were abducted?
- 20 A. [9:49:06] Before my abduction, my life was good.
- 21 Q. [9:49:21] When were you abducted?
- 22 A. [9:49:29] On 7 January 1994.
- 23 MR OBHOF: [9:49:39] And, your Honour, I'm realising I missed one very important
- 24 question in private session, and unfortunately, I will have to go back for about 40
- 25 seconds.

- 1 PRESIDING JUDGE SCHMITT: [9:49:57] That can happen. No problem with that.
2 We go to private session for this one question, so the public knows soon there will be
3 a switch again to open session.
4 (Private session at 9.50 a.m.)
5 THE COURT OFFICER: [9:50:09] We are back in private session, Mr President.
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Open session at 9.50 a.m.)
13 THE COURT OFFICER: [9:50:42] We are back in open session, Mr President.
14 MR OBHOF: [9:51:03]
15 Q. [9:51:05] Now, Madam Witness, without saying the name you gave to your
16 abductors, can you tell the Court why you told your abductors a different name from
17 your own?
18 A. [9:51:26] The reason that made me give a different name is if I escaped in the
19 future, they will not know where I am and they could not look for me if I was to
20 escape. That was the reason why I used a different name.
21 Q. [9:51:59] Now again without saying any names, how many -- around how many
22 people were abducted with you?
23 A. [9:52:15] We were over 20 who were abducted.
24 Q. [9:52:29] What happened to the other people with which you were abducted?
25 A. [9:52:38] When we were abducted and after one night, some people were

1 released the next day and only two of us remained, two girls, me and another girl
2 remained.

3 PRESIDING JUDGE SCHMITT: [9:52:58] We have at the moment I think a problem
4 with the video link. So Mr Obhof, please wait a second, perhaps it can be fixed
5 quickly. Indeed.

6 Madam Witness, you vanished shortly from the screen, but now you are there, we see
7 you again very well.

8 Please continue, Mr Obhof.

9 MR OBHOF: [9:53:19] I was actually wondering too what was going on.
10 Thank you, your Honour.

11 MR OBHOF: [9:53:27]

12 Q. [9:53:28] Now you stated that after -- that they were released after a long day of
13 walking. After that long time of walking, how familiar were you with the area
14 where these people were released?

15 A. [9:53:48] They were released from Te Kilak.

16 Q. [9:54:08] Were you familiar with that area?

17 A. [9:54:19] No, I was not. When I stayed in the bush for some time and we came
18 back to that same location, I recognised it; that was the place where those people were
19 released from.

20 Q. [9:54:36] After your abduction, were there any ceremonies or rituals performed?

21 A. [9:54:54] Yes, they were there.

22 Q. [9:55:03] How long after your abduction were these rituals performed?

23 A. [9:55:10] On the -- we spent two days and then on the third day the ceremonies
24 were performed.

25 Q. [9:55:30] What type of ceremonies were performed upon you?

1 A. [9:55:37] When we were abducted, we were not eating with the bigger group.
2 We were eating separately as the people were abducted. And then they put -- they
3 smeared shea butter, the sign of the cross on our forehead, on our chest and our backs,
4 on our hands and our feet. And then they put some white soil paste on our chest
5 and on our backs, and also on the forehead, they put the sign of the cross in those
6 parts.

7 Q. [9:56:28] Does that white soil paste, does it have a name within the LRA,
8 Madam Witness?

9 A. [9:56:35] Yes, it has a name.

10 Q. [9:56:43] Could you please tell the Court what -- the name of this white soil
11 paste, please.

12 A. [9:56:55] Yes, it is called camoplast.

13 Q. [9:57:11] Now these ceremonies performed upon you, do you know what the
14 reason for these ceremonies were? Let's first go with the smearing of the shea nut oil,
15 do you know what the reason behind that?

16 A. [9:57:33] I had no idea why they were doing it.

17 Q. [9:57:43] How about the camoplast, do you know why they put the camoplast
18 upon you?

19 A. [9:57:53] No, I do not know.

20 Q. [9:58:01] Now as you spent more time in the LRA, did you ever come to learn
21 why these rituals were performed?

22 A. [9:58:11] Yes, I did.

23 Q. [9:58:21] Could you please tell the Court what you came to learn about why
24 these rituals were performed?

25 A. [9:58:32] Yes, I can. The rituals were performed -- let me start with the shea nut

1 oil. The shea nut oil which they put on your chest and your feet, on your forehead is
2 to prevent you from escape.

3 Secondly, they say that shea nut oil is put to cleanse you from sins you committed
4 while you were back home so that you are clean and holy like them.

5 The camoplast, which is put, is to help them recognise any infections like sexually
6 transmitted diseases, HIV. If you have such infections and they put the camoplast
7 on you, it would make you vomit. If they put -- sometimes when they put, instead
8 of drying and leaving a white mark, it would just disappear without leaving that
9 mark.

10 PRESIDING JUDGE SCHMITT: [10:00:10] May I shortly, please, Mr Obhof.

11 Madam Witness, at the time when these rituals were performed on you, you said you
12 did not understand why it was done. But nevertheless, did it have any effect on you
13 at the time, did it impress you?

14 THE WITNESS: [10:00:35](Interpretation) It did not have any effects on me. All
15 these things I have stated, none of them -- I didn't go through any of them.

16 PRESIDING JUDGE SCHMITT: [10:00:50] Please, Mr Obhof.

17 MR OBHOF: [10:00:52]

18 Q. [10:00:54] Madam Witness, did you ever come to learn who ordered that these
19 rituals be performed on new abductees?

20 A. [10:01:29] That was coming from Kony.

21 Q. [10:01:42] Madam Witness, did you ever come to learn why Kony instituted
22 these rules about new abductees having the ceremonies performed upon them?

23 A. [10:02:09] Well, I came to understand that these were the things that I mentioned
24 earlier, for instance, if you had an infection and it was not visibly clear on you, they
25 would be able to know.

1 PRESIDING JUDGE SCHMITT: [10:02:37] I think you can proceed now, Mr Obhof.
2 We had also other witnesses who had more, let me put it this way, inside information
3 about these matters.

4 MR OBHOF: [10:02:49]

5 Q. [10:02:52] Now, you mentioned earlier that, "When we were abducted, we were
6 not eating with the bigger group." Do you know why you were not allowed to eat
7 with the bigger group and, if you do, could you please tell Court?

8 A. [10:03:36] The reason why we were not eating together with the other people
9 was because they were saying we were not clean, we belonged to Satan and we could
10 have committed lots of sins before. But after the ritual, you will then have been
11 cleansed and then you will be able to eat together with them.

12 Q. [10:04:21] Madam Witness, after your abduction for how long did you stay in
13 Uganda?

14 A. [10:04:37] When I was abducted in 1994, I moved to Sudan in the year 1995.
15 They went to Sudan, and I remained in Uganda because they said I was still young
16 and I would possibly not be able to make it to Sudan.

17 Q. [10:05:13] Do you remember the approximate month in 1995 when you entered
18 Sudan? Or if not the month, at least the season.

19 A. [10:05:36] We went in June.

20 Q. [10:05:48] During your travels for a little over a year before you went to Sudan,
21 were you familiar with the locations to which the LRA took you?

22 A. [10:06:14] No, I was not.

23 Q. [10:06:32] Were you ever told why you were taken to areas which you did not
24 know?

25 A. [10:06:45] I was not told that.

- 1 Q. [10:07:03] During this time in Uganda, were you trained?
- 2 A. [10:07:14] No, I was not.
- 3 Q. [10:07:29] When were you first trained?
- 4 A. [10:07:37] It was in June, but I don't recall the very date. We were already in
5 Sudan.
- 6 Q. [10:08:02] To where did you go in Sudan? And we'll, for an exact date, we'll
7 say in June 1995 when you (Overlapping speakers)
- 8 A. [10:08:24] Palutaka.
- 9 Q. [10:08:29] For how long did you stay in Palutaka?
- 10 A. [10:08:37] I stayed there for four months and we left in the fifth month, because
11 we went there and found people were already living there.
- 12 Q. [10:08:59] To where did you go after leaving Palutaka?
- 13 A. [10:09:06] We went to Aruu.
- 14 Q. [10:09:21] Now, why did the LRA leave Palutaka?
- 15 A. [10:09:31] The government soldiers had combined with the Sudanese soldiers,
16 the Dinkas, and they came and attacked us.
- 17 Q. [10:09:55] And when you say the government soldiers, which government do
18 you mean?
- 19 A. [10:10:01] The government of Uganda.
- 20 Q. [10:10:14] Now this training you received when you first got to Palutaka, what
21 type of training did you receive?
- 22 A. [10:10:31] We were trained on how to operate a gun.
- 23 Q. [10:10:46] Were you ever issued a firearm?
- 24 A. [10:11:02] Yes.
- 25 Q. [10:11:13] Were you personally expected to fight?

1 A. [10:11:35] Yes, that would happen.

2 Q. [10:11:52] Now, you mentioned that you went to Aruu, starting in the fifth
3 month of your arrival in Sudan. For how long did you stay at Aruu?

4 A. [10:12:22] Well, I cannot clearly recall, but I think we spent approximately two
5 years there. I cannot clearly recall.

6 Q. [10:12:48] It's been over 20 years, we can understand. Sometimes memory does
7 fade. Now, why did the LRA leave Aruu?

8 A. [10:13:06] That was also because the soldiers who had come from Uganda came
9 and attacked and we fled that place.

10 Q. [10:13:25] Where did you go after being driven out of Aruu Junction?

11 A. [10:13:40] We went to Jebellen.

12 Q. [10:13:56] Madam Witness, for how long did you stay in Jebellen?

13 A. [10:14:04] We stayed in Jebellen for approximately three years, but I am not very
14 accurate on that.

15 Q. [10:14:36] Now without saying any -- any months or years, do you remember
16 about how long -- or maybe this way: Were you pregnant when you left Jebellen?

17 A. [10:14:56] While we were leaving Jebellen I was already pregnant.

18 Q. [10:15:10] Now can you describe for Court the manner in which the LRA lived
19 while at Jebellen?

20 A. [10:15:19] While we were in Jebellen we were able to cultivate; we were able to
21 raise foodstuff from our gardens. Because we were not liking the food items the
22 government of Sudan was giving us, so we were cultivating our own crops and
23 surviving on them.

24 Q. [10:16:03] Now you said that the people didn't like the food items the
25 government of Sudan was giving the LRA. Now was -- did anyone say anything

1 specific about relying upon the government of Sudan, specifically on the topic of
2 food?

3 A. [10:16:40] Our leader was the one who told us that we should stop using the
4 food items from those people because it looks like the opinion of the leader of that
5 country was not positive, they could actually poison us.

6 Q. [10:17:16] Now just for the record, because we haven't mentioned this yet,
7 and I --

8 PRESIDING JUDGE SCHMITT: [10:17:23] Yes, just for the record, you know, I think
9 we know what --

10 MR OBHOF: [10:17:25] Okay.

11 PRESIDING JUDGE SCHMITT: [10:17:26] -- the witness -- about whom the witness
12 is talking, yes.

13 MR OBHOF: [10:17:32] Okay. I'll keep moving then.

14 PRESIDING JUDGE SCHMITT: [10:17:36] Yes, yes, please. This is really, this is so
15 many times on the record.

16 MR OBHOF: [10:17:41]

17 Q. [10:17:43] Now why did the LRA leave Jebellen?

18 A. [10:18:01] The reason LRA left Jebellen was because the relationship between the
19 LRA and the Sudan government was not very good at that time, so people had to
20 leave Jebellen and go to Rubanga Tek because Jebellen was near the road.

21 Q. [10:18:28] Now when the LRA left Jebellen, was there a food surplus?

22 A. [10:18:48] Yes, we had a lot from our harvest.

23 Q. [10:19:01] Now when you fled Jebellen, where did that food surplus go? What
24 happened to that food surplus?

25 A. [10:19:12] We were able to carry some of the food items but we abandoned some

1 because we could not carry everything.

2 Q. [10:19:35] Now taking a step back to Aruu, now in relation to how you lived in
3 Jebellen, how did the LRA live at Aruu?

4 A. [10:20:09] Well, that's a bit difficult for me to explain because I didn't take long
5 in Aruu. While people were living in Aruu I was in Uganda. I only returned and
6 stayed in Aruu for two weeks; therefore, it's difficult for me to relate the kind of life in
7 Aruu to the other one of Jebellen.

8 Q. [10:20:55] Now all the names that we have mentioned, Palutaka, Aruu, Jebellen,
9 and finally Rubanga Tek, where did these names come from?

10 A. [10:21:11] These are places in Sudan.

11 Q. [10:21:22] I'm sorry, I didn't explain myself well enough. I'm sorry, Madam
12 Witness. Were these the names of the locations when you entered?

13 A. [10:21:44] Yes, these were the locations we were staying in.

14 Q. [10:21:54] We are going to move on to a slightly different topic, Madam Witness.
15 And we discussed briefly about the, about the ceremonies performed upon new
16 abductees. Now did the LRA have any other rules governing the people?

17 A. [10:22:41] Yes, they were there.

18 Q. [10:23:01] Were there punishments associated with for violations of these rules?

19 A. [10:23:18] I have not understood the question.

20 Q. [10:23:36] I will do it a little easier way. Could you name one of the rules that
21 were in the LRA, Ms Witness?

22 A. [10:23:48] Yes, I can mention.

23 Q. [10:24:05] Please give us an example of one of the rules.

24 A. [10:24:11] What I know from the LRA was that if a girl is abducted, it was
25 prohibited for anyone to share a house with that girl unless the girl is given to you.

1 Q. [10:24:44] Now what would happen if a member of the LRA shared the house
2 with the young girl before she was given to him?

3 A. [10:25:00] They can give you one of two punishments, either they kill you or you
4 are beaten severely.

5 PRESIDING JUDGE SCHMITT: [10:25:31] Madam Witness, have you ever been
6 punished whilst you were in the LRA?

7 THE WITNESS: [10:25:39](Interpretation) Yes, I was punished for attempting to
8 escape.

9 PRESIDING JUDGE SCHMITT: [10:25:54] Do you feel able to tell us what happened?
10 And if so, please do.

11 THE WITNESS: [10:26:05](Interpretation) While we were, we were abducted, I -- we
12 had stayed for two weeks, I went and met a girl who was already there, she was
13 a wife to one of the soldiers, she escaped. Then they said since the girl had escaped,
14 to try and prohibit the others from doing the same, they needed to identify some
15 people and punish them and I was one of the people who were selected to go for -- to
16 get the punishment.

17 PRESIDING JUDGE SCHMITT: [10:27:04] Did I understand it correctly, you
18 yourself had not attempted to escape, it was simply to make a point to all the others;
19 is this correct?

20 THE WITNESS: [10:27:19](Interpretation) Yes.

21 PRESIDING JUDGE SCHMITT: [10:27:30] And what kind of punishment did they
22 do to you?

23 THE WITNESS: [10:27:39](Interpretation) We were caned.

24 PRESIDING JUDGE SCHMITT: [10:27:47] Do you still recall after all this time how it
25 felt at the time?

1 THE WITNESS: [10:28:01](Interpretation) Well, I felt I had just inherited the
2 problem, it was not my own mistake, I was being beaten for something I had not
3 done.

4 PRESIDING JUDGE SCHMITT: [10:28:32] Yes, Mr Obhof.

5 MR OBHOF: [10:28:33]

6 Q. [10:28:35] Now you just mentioned about escape, Madam Witness. What
7 would be the punishment for -- punishment or punishments for someone who
8 attempted to escape but was caught?

9 A. [10:29:00] It would take either the form of caning or you would be killed, it
10 would be one of the two.

11 Q. [10:29:27] You mentioned that to punish the others to stop them from escaping,
12 they were beating when one other woman escaped. Now are there any other type of
13 punishments if someone successfully escapes and goes back home to their village?

14 A. [10:30:03] Most times, if you are apprehended, they will kill you.

15 PRESIDING JUDGE SCHMITT: [10:30:26] I think you can move on, Mr Obhof. We
16 had other evidence here -- I know of course what you are heading at, but it does not
17 seem that this witness has a lot of information about that.

18 MR OBHOF: [10:30:41] There is one area I would like to explore briefly.

19 PRESIDING JUDGE SCHMITT: [10:30:46] Of course, of course

20 MR OBHOF: [10:30:47]

21 Q. [10:30:50] Now, Madam Witness, could you tell the Court what happened at
22 Nyac Odet. I might be mispronouncing it, so -- yes.

23 A. [10:31:17] Yes, I can explain. What happened at Nyac Odet, it was in the year
24 1993, in the month of August, there was a man who escaped with a weapon and came
25 back home. When he, he came back home, they followed him. He was -- the group

1 that followed him was led by a man called Olaa. When they found him -- when they
2 reached his place they did not find him, and even his household members were not
3 there. So people in that area were killed and they say that they want their gun back.

4 PRESIDING JUDGE SCHMITT: [10:32:21] Mr Obhof, you were of course correct
5 then, in that respect.

6 MR ZENELI: [10:32:29] May I just for the record, your Honour, mention that there is
7 no information in the witness summary statement for that incident, and from the
8 phrasing of the question it seems that counsel, my friend over there, knew that the
9 witness was able to talk about it.

10 PRESIDING JUDGE SCHMITT: [10:32:47] Yes. We had this, we had this problem
11 or phenomenon before, and we said before that we would appreciate it if the
12 summary would entail at least the most relevant information that the Defence wants
13 to elicit from a witness. Yes. It's not an admonition, but it's also correct that
14 Mr Zeneli simply flags it. Yes.

15 MR OBHOF: [10:33:16] And I do personally apologise. This was the one area that
16 was not in the summary that was -- and I personally forgot to send the email to
17 update.

18 PRESIDING JUDGE SCHMITT: [10:33:26] As I said, no admonition. It's simply to
19 recall what we already discussed. And I have the impression at least, when we had
20 it the last time, since we had it the last time that things have improved a lot.
21 So please continue, Mr Obhof.

22 MR OBHOF: [10:33:45]

23 Q. [10:33:48] Now, Madam Witness, was this type of punishment widely known in
24 the LRA?

25 A. [10:34:00] Yes, it was widely known.

1 Q. [10:34:17] Now, the knowledge of this even before you were abducted, what
2 impact did this have upon you?

3 A. [10:34:29] I have not understood your question.

4 PRESIDING JUDGE SCHMITT: [10:34:48] Madam Witness, did you personally
5 contemplate to escape?

6 THE WITNESS: [10:34:59](Interpretation) Yes, I contemplated a lot.

7 PRESIDING JUDGE SCHMITT: [10:35:09] And, bluntly said, why didn't you do it?

8 THE WITNESS: [10:35:17](Interpretation) I was afraid of the punishment meted on
9 people who attempt to escape and they are caught.

10 PRESIDING JUDGE SCHMITT: [10:35:30] Please continue, Mr Obhof.

11 MR OBHOF: [10:35:32]

12 Q. [10:35:35] Madam Witness, was there a courtship system within the LRA when
13 you were first abducted?

14 A. [10:36:05] No, there was no courtship. You would only be courted if your
15 husband dies during, in the course of the battle or something.

16 PRESIDING JUDGE SCHMITT: [10:36:32] I think, Mr Obhof, you can ask the
17 witness now more directly what happened to -- simply what happened to her then in
18 that regard. So I think we don't need to spend the time to circle around this. We
19 know what might be interesting from the testimony of this witness, you can -- I would
20 say nobody would object if you steer directly to that point.

21 MR OBHOF: [10:36:55]

22 Q. [10:36:57] Now, how did people become husband and wife in the LRA? Well,
23 you mentioned just now briefly if somebody dies, but say if nobody had died. If you
24 had a new abductee woman and a man, how did they become husband and wife?

25 A. [10:37:16] Women are distributed to the men.

1 Q. [10:37:34] Who gives the order for the women to be distributed to men?

2 A. [10:37:46] The orders are given by Kony.

3 Q. [10:37:51] Now, you also just mentioned something different about people who
4 have lost a husband. How does that happen? What goes -- what's the process there
5 for a widow?

6 A. [10:38:14] Men are not wooed; it is the women who are wooed, are courted by
7 the men. When your husband dies you are given six months to mourn your
8 husband, six months or more. After six or seven months you are initiated, a ceremony
9 is performed on you. They shave you, your hair, and you remain clean shaven.
10 They take you to the Yard and they smear you with the camoplast. They would
11 shave off your hair in the evening and smear your head with the camoplast, also with
12 shea nut oil. The next morning, at dawn, you are taken to a stream and you are
13 washed. After the washing, you would be taken back home where you were staying.
14 As soon as the hair on your head starts growing and it's fully grown, it is time for you
15 to be courted. Whoever is interested in you can come and court you, and you choose
16 from whoever comes. After about a month you can choose a man with whom you
17 want to stay as husband. That is what happens to the widowed.

18 PRESIDING JUDGE SCHMITT: [10:40:07] And now, Madam Witness, back to the
19 women who are not widowed. Do you recall what happened at the time when you
20 were distributed?

21 THE WITNESS: [10:40:22](Interpretation) Yes, I do recall.

22 PRESIDING JUDGE SCHMITT: [10:40:30] Could you please tell us what happened.

23 THE WITNESS: [10:40:34](Interpretation) Upon my abduction --

24 PRESIDING JUDGE SCHMITT: [10:40:42] And please, please don't mention names.

25 THE WITNESS: (Interpretation) No, I will not mention any name.

1 Upon my abduction, we met at the RV, and everybody was there at the RV. And we
2 were told that those newly abducted, people who abducted girls should submit them
3 to the central point. We were only two submitted to the overall commander in that
4 group. For us we were abducted to the group belonging to sickbay. We were taken
5 to Kony's home and he was told -- he told people to distribute us and then we were
6 distributed. For me I was taken to a different household and then my other friend
7 was taken to another household.

8 PRESIDING JUDGE SCHMITT: [10:41:47] Whom did Kony tell to distribute you? If
9 it is not the person you have been distributed to, it's a little bit difficult.

10 THE WITNESS: [10:42:05](Interpretation) When we were taken there, they just sent
11 an escort of the person to whom I was distributed to come and pick me. He was also
12 sitting there. I don't know who Kony told to distribute me.

13 PRESIDING JUDGE SCHMITT: [10:42:31] Thank you. But the decision was made
14 by Kony?

15 THE WITNESS: [10:42:37](Interpretation) Yes.

16 PRESIDING JUDGE SCHMITT: [10:42:40] How old are you at the time?

17 THE WITNESS: [10:42:45](Interpretation) I was 13 years and a half.

18 PRESIDING JUDGE SCHMITT: [10:42:56] A similar question to one that I have
19 already put to you. Although it's a long time ago, could you describe your feelings
20 at the time when you have been distributed to a man at the age of 13?

21 THE WITNESS: [10:43:15](Interpretation) I was not happy; I was not free.

22 PRESIDING JUDGE SCHMITT: [10:43:31] How did the person that you had been
23 distributed to, how did he treat you?

24 THE WITNESS: [10:43:44](Interpretation) I cannot answer that question.

25 PRESIDING JUDGE SCHMITT: [10:43:53] We understand.

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1 Please, Mr Obhof, continue.

2 MR OBHOF: [10:43:58]

3 Q. [10:44:01] Now, Madam Witness, the discussion you and the Presiding Judge
4 have just had, is that about you being distributed as a wife or as something else?

5 A. [10:44:21] I was given and distributed as a wife.

6 PRESIDING JUDGE SCHMITT: [10:44:37] What we could do perhaps, Madam
7 Witness, would you feel able to talk about this in private session?

8 THE WITNESS: [10:44:49](Interpretation) If I feel I can respond to, then I will
9 answer that. If I feel I am unable to, then I may not respond to it.

10 PRESIDING JUDGE SCHMITT: [10:45:11] The question was how the person, the
11 man you have been given to, as you phrase it, has treated you. If you feel free to
12 answer this now at this moment, it's okay, but we can also go to private session if you
13 feel more comfortable, then the public would not hear it.

14 MR AYENA ODONGO: [10:45:40] If I may assist.

15 PRESIDING JUDGE SCHMITT: [10:45:42] Yes, please.

16 THE WITNESS: [10:45:44](Interpretation) I cannot respond to it.

17 PRESIDING JUDGE SCHMITT: [10:45:48] Then if she cannot respond to it, then we
18 won't insist. We could go to private session shortly and give it another try or it
19 might not be for this witness because we have other things in mind here, it might not
20 be of the utmost importance, but I wanted -- since we have such a witness here in the
21 courtroom, I think we should at least give her the chance to talk about it. And if
22 she -- and I know also from the assessment of VWU that this is -- was very incisive for
23 her and still might have caused a trauma, so I think we have to accept that and we
24 won't insist further.

25 I think you have followed, Madam Witness, we won't insist further on that.

1 Please, Mr Obhof, continue.

2 MR OBHOF: [10:46:46] In fact, based upon the recommendation, I removed a couple
3 of questions about that.

4 Q. [10:46:55] Now, Madam Witness, how did the co-wives treat you?

5 A. [10:47:02] Among the co-wives, one person was brought -- we were brought
6 together with her, she was much older, she did not like me. But the rest of the
7 co-wives had no problem with me and I stayed with them well.

8 Q. [10:47:32] Now was there a reason why Kony distributed women to men?

9 A. [10:47:54] Yes, there was a reason.

10 Q. [10:48:01] Could you please explain that reason to the Court.

11 A. [10:48:07] Yes, I can. The reason why women are distributed to men, I found
12 out that in the 1980s, women were courted, but the older people and people who were
13 wounded and others who were not as good looking to the women, the women did
14 not accept them, they were always rejected. For that matter, he came up with
15 a policy that women should just be distributed so that everyone gets a wife.

16 Q. [10:49:11] Madam Witness, from where did Kony get this new policy?

17 A. [10:49:30] I have no idea because I found it was already being practiced.

18 MR OBHOF: [10:49:40] The next few questions are rather -- are a little direct, written
19 this way because of the --

20 PRESIDING JUDGE SCHMITT: [10:50:03] Let me put it this way: Give it a try and
21 Mr Zeneli or Mr Gumpert or anybody else on the Prosecution side will jump up if
22 they think it's not appropriate and then I will decide on it. Please continue.

23 MR OBHOF: [10:50:17] Okay.

24 Q. [10:50:19] How were pregnancies received in the LRA?

25 A. [10:50:29] When someone is pregnant, she is loved a lot. It's welcomed with joy

1 because they will say she would give birth to a human being and Kony loved that the
2 person would give birth to a new breed of Acholi.

3 Q. [10:51:09] In the opposite direction, how were miscarriages received within
4 the LRA?

5 A. [10:51:27] They will investigate what caused the miscarriage, because sometimes
6 they might suspect that you committed an abortion for reason that you fear being
7 pregnant since it will make it difficult to escape. If they find that you committed
8 abortion, they can be -- they can give you punishment.

9 Q. [10:52:09] Now you mentioned -- we discussed earlier that you had a child and
10 that you had also been trained to fight. How did your fighting status change, if at all,
11 after you had your first child?

12 A. [10:52:25] It had changed when I was already pregnant and I did not have
13 a weapon anymore.

14 Q. [10:52:48] Now, Madam Witness, after having a child, was there any policy
15 within the LRA to help that woman raise her child, or any practice?

16 A. [10:53:24] The crops that are harvested are the ones which are used for feeding
17 the children. That is before we left the camp where we were growing crops.

18 Q. [10:53:53] Maybe to be a little more direct, Madam Witness, have you ever heard
19 of the phrase "ting ting"?

20 A. [10:54:08] Yes, I also know it.

21 Q. [10:54:13] Briefly, could you tell the Court what a ting ting is?

22 A. [10:54:20] Yes. A ting ting are young -- younger girls who were abducted.
23 When there is a prayer session, Kony would put those girls to say the prayers because
24 he says that these are still innocent people, they are holy, they know no crimes yet.
25 They should be the one to pray.

1 PRESIDING JUDGE SCHMITT: [10:55:03] I think, Mr Obhof, we move to another
2 issue.

3 MR OBHOF: [10:55:08] Actually I was going to request we move to a 35-minute
4 coffee break because I'm going on to another section.

5 PRESIDING JUDGE SCHMITT: [10:55:15] That is another concept of another issue,
6 but I pick it up, then we have a break until 11.30.

7 THE COURT USHER: [10:55:22] All rise.

8 (Recess taken at 10.55 a.m.)

9 (Upon resuming in open session at 11.30 a.m.)

10 THE COURT USHER: [11:30:49] All rise.

11 PRESIDING JUDGE SCHMITT: [11:31:08] Mr Obhof, you still have the floor.

12 MR OBHOF: [11:31:21]

13 Q. [11:31:21] Good afternoon, Madam Witness.

14 A. [11:31:29] Good afternoon.

15 Q. [11:31:32] Now, as we alluded to last session, I am going to move on to
16 a different topic. Now, Madam Witness, during your time in Sudan, would there be
17 religious services held in the LRA?

18 A. [11:32:07] Yes. Every Sunday there would be religious services, but there are
19 also some special prayers that were conducted; sometimes it is only attended by the
20 commanders, and other moments they're only the ting tings who attend the prayers;
21 sometimes only the mothers would be praying.

22 Q. [11:32:39] Now, in terms of the weekly Sunday prayers, how did persons know
23 when to go to the religious service?

24 A. [11:33:04] Every Sunday there would be really religious services; there would be
25 prayers. And in an event of a prayer session that would require people to be talked

1 to, then they will send some people to go and summon the members of the
2 community to come and attend the mass.

3 Q. [11:33:35] Who would be this person that would be sent to summon the
4 community to mass?

5 A. [11:34:02] There is a person who is identified to carry out that work and the
6 person is supposed to rally the people, inform them about what is supposed to
7 happen. For instance, if Kony intends to address the people on a Sunday, then they
8 will send that person to go and gather the people to come together. Alternatively, if
9 there is a complaint somewhere, that is, if somebody is crying or if there is a gunshot
10 somewhere and it is not known, they will send the Odele to go and establish what is
11 happening. That is the work of the person. The persons referred to as "Odele" is
12 not a name, but a title.

13 Q. [11:34:59] And this "Odele", was it always the same person?

14 A. [11:35:22] Not really the same person. They would keep on changing the
15 person, the people, after almost every three days and they will keep on changing,
16 rotating the roles. These are the people who would be running errands.

17 Q. [11:35:43] Now, during these normal weekly Sunday prayers, how would Kony
18 act during the service?

19 A. [11:36:09] He would remain as Kony himself, but most times whatever he talks
20 about will be like a prophesy that will eventually come to pass. He doesn't change in
21 appearance.

22 Q. [11:36:37] Now during these special prayers, the ones where you said maybe
23 only ting tings or commanders go to, would they be different than the normal Sunday
24 prayers?

25 A. [11:37:07] That kind of prayer is fairly different from the normal Sunday service

1 because they can select the ting tings to lead the service. For instance, if there is an
2 upcoming operation, then they will say, "Before this operation, the ting tings should
3 lead the prayers" and then the people will eventually go for the mission.

4 Q. [11:37:44] Now you mentioned about these -- now you mentioned about these
5 prophecies. How did Kony get these prophecies?

6 A. [11:38:23] He would tell us that this information is only relayed to him. He is
7 a messenger and is only being sent to deliver the message. But I didn't get to know
8 where he would receive the messages from.

9 Q. [11:39:15] Now, did Kony ever discuss whether these messages came from
10 a natural person?

11 A. [11:39:46] He would tell us that it comes from God. It was God who would tell
12 him to relay the messages to the people. He would talk about what is going to
13 happen in the nearby future.

14 Q. [11:40:11] Now, you said that these prophecies would sometimes come true.
15 Could you give an estimate about how often his prophecies would be fulfilled?

16 A. [11:40:35] Yes, I can do that. At one point he told us, while we were at
17 Palutaka, he said, "All of you will eventually go back home. Some of them will
18 arrive while others will not arrive at home."
19 Again, he also told us, while we were in Aruu, yes, in Aruu, he told us about the
20 Ebola disease. He said there was a sickness that is going to attack Uganda and it will
21 kill so many people, he even mentioned the name of the disease, but he said that none
22 of the LRA members will suffer from that. And that also came to pass.

23 The third one was when he said, "All of you are complaining about poverty, you are
24 complaining about why you were abducted and why you are suffering in the bush.

25 There will come a time when all of you will go home. Some of them will go home at

1 their own volition while others won't be at their own volition. There are so many
2 people who are going to make fortunes out of you people returning home. And I
3 think, yes, that is actually happening right now.

4 Fourthly, he said, "You, the officers, you will eventually turn against me. Some of
5 you will go back home alive and return to fight against me, while others will try to go
6 back home but eventually will be imprisoned and they will not arrive home." And I
7 think that is also happening.

8 The fifth time was when he said all the girls who were here in the bush, there will be
9 a time when you return home, no men will be able to live with you, will accept to live
10 with you as his spouse. And I think that is also happening right now.

11 PRESIDING JUDGE SCHMITT: [11:43:17] Thank you. I think that was quite an
12 exhaustive answer.

13 Mr Obhof.

14 MR OBHOF: [11:43:25]

15 Q. [11:43:25] Now, Madam Witness, when you were in the LRA did you believe
16 that Kony was talking to God and receiving these messages?

17 A. [11:43:52] Yes, I believed in him, because everything he would say would
18 eventually come to pass. So I believe that he was communicating with God.

19 Q. [11:44:05] And from what you witnessed and what you heard from others, did it
20 appear that others also believed that Joseph Kony was speaking to God?

21 A. [11:44:37] Most of the people in the LRA had belief in him.

22 Q. [11:44:51] And now that you are back home and you have been out for a long
23 time, do you still believe that Joseph Kony talked to God?

24 A. [11:45:22] Yes, I still believe in him because all the things he told us about
25 ourselves are still happening to us.

1 Q. [11:45:50] Now, Madam Witness, we are going to change gears just a little bit.

2 Do you remember something called Iron Fist?

3 A. [11:46:15] Yes, I remember the Iron Fist.

4 Q. [11:46:23] What happened to you when Iron Fist started?

5 A. [11:46:48] I don't clearly recall what happened to me, because when the
6 operation started I had delivered and I had a baby and I was not able to move or walk
7 any distances, I was just staying in one point. So I have forgotten what exactly
8 happened.

9 Q. [11:47:26] Now, was there ever a time after Iron Fist started that you returned to
10 Uganda?

11 A. [11:47:44] No, because I remember Operation Iron Fist started while we were in
12 Jebellen and I never returned to Uganda.

13 Q. [11:48:15] Now, was there ever a time before you returned from the bush in
14 which you went back to Uganda?

15 A. [11:48:36] Yes, I did return.

16 Q. [11:48:48] Do you remember an approximate year or month or season in which
17 you returned to Uganda?

18 A. [11:49:15] While we were in Palutaka, I came to Uganda. When we were in
19 Aruu I also came back to Uganda for two years. Then I returned and we were
20 driven out to Jebellen. Then I came back to Uganda and returned in 1997. And
21 after that I never returned to Uganda. The last time I returned to Uganda I never
22 went back Sudan again.

23 Q. [11:49:56] Okay, so the last time you returned to Uganda you never went back to
24 Sudan. In which year did you return to Uganda, then?

25 A. [11:50:26] I have not understood your question.

1 PRESIDING JUDGE SCHMITT: [11:50:29] Mr Obhof, having the summary in front
2 of me, I have at least a clue what you are heading at. You could try this from
3 a different angle, not a time frame angle, but a personality angle, perhaps. I think
4 you understand what I mean. She might have knowledge about a person and this
5 might trigger some recollection also about a time, a certain point in time.

6 MR OBHOF: [11:51:06] And I'm going try to do this without Mr Zeneli standing up.

7 PRESIDING JUDGE SCHMITT: [11:51:11] No, no, no. Nobody will. Nobody. I
8 think nobody will stand up. If you simply, for example -- perhaps I trigger it and
9 let's see how it unfolds.

10 Madam Witness, do you know Mr Ongwen?

11 THE WITNESS: [11:51:33](Interpretation) Yes, I do.

12 PRESIDING JUDGE SCHMITT: [11:51:36] When did you meet him first?

13 THE WITNESS: [11:51:52](Interpretation) I got to know him while I was in Sinia; we
14 were together in Sinia.

15 PRESIDING JUDGE SCHMITT: [11:52:00] I know it has been a long -- it's a long
16 time ago. But can you say, at least roughly, when this happened?

17 THE WITNESS: [11:52:21](Interpretation) I got to know him in 1997.

18 PRESIDING JUDGE SCHMITT: [11:52:27] And at the time, did you talk to him?

19 THE WITNESS: [11:52:42](Interpretation) He's one person who talks freely. He's
20 very conversational.

21 PRESIDING JUDGE SCHMITT: [11:52:49] So I take this as a yes.

22 What did you talk about?

23 THE WITNESS: [11:53:11](Interpretation) Each time we would meet, we would
24 exchange pleasantries and just greeting ourselves. Nothing much.

25 PRESIDING JUDGE SCHMITT: [11:53:21] How did you see him as a person at the

1 time? How did you perceive him? Do you see what I mean? Did you think
2 it's -- I don't want to tell you what you should tell us, but how did you see him as
3 a person? View him as a person?

4 THE WITNESS: [11:53:56](Interpretation) In my observation, he was a kind person;
5 he was a loving person. He used to talk to everyone very freely. That's why I said
6 he was a loving person.

7 PRESIDING JUDGE SCHMITT: [11:54:11] I think, Mr Ongwen, you can -- "Mr
8 Ongwen", excuse me, Mr Obhof, but it is the "O", the "O".
9 Mr Obhof, you can continue please, and perhaps from there, I think you understand
10 that you could go further in time and give it a try, without leading the witness.

11 MR OBHOF: [11:54:34]

12 Q. [11:54:34] Now, when you would have the -- exchange the short pleasantries
13 back in 1997, do you remember if Mr Ongwen had a wife?

14 A. [11:54:59] I didn't see any woman belonging to him.

15 Q. [11:55:09] Do you know if Mr Ongwen eventually received a wife?

16 A. [11:55:26] Yes, I'm aware.

17 Q. [11:55:41] Do you know how Mr Ongwen received his first wife?

18 A. [11:56:00] Well, I didn't get to know that well, but when I came to understand
19 that he had a wife, he had sustained some injuries. When he was injured, he was
20 taken to sick -- to a sickbay in Uganda and when he returned to the convoy, he came
21 with his wife, called Jennifer.

22 Q. [11:56:27] Now when he came back to Convoy, did you ever speak to Jennifer?

23 A. [11:56:49] Each time we would meet, we would greet each other. But we
24 would not ask anything much. I did not have the authority to ask her how she
25 became his wife or anything like that. I couldn't ask.

1 Q. [11:57:11] Now you mention that you were with Sinia around that time. Did
2 there ever come another time where you stayed in the same group with Mr Ongwen?

3 A. [11:57:44] We stayed together while we were in Uganda. He was in the sickbay
4 and we were also in the sickbay. He was injured and we stayed together again.

5 MR OBHOF: [11:58:00] Your Honour, I have about maybe eight minutes' worth of
6 questions which will have to be asked in private session, and I can explain why in
7 private session.

8 PRESIDING JUDGE SCHMITT: [11:58:12] Then we go to private session.

9 (Private session at 11.58 a.m.)

10 THE COURT OFFICER: [11:58:25] We are in private session, Mr President.

11 (Redacted)

12 (Redacted)

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17 (Open session at 12.05 p.m.)

18 THE COURT OFFICER: [12:05:21] We are back in open session, Mr President.

19 MR OBHOF: [12:05:36]

20 Q. [12:05:37] Madam Witness, how is being in sickbay different than being in
21 Convoy?

22 A. [12:05:58] The difference between being in the sickbay and in the Convoy is that
23 in the sickbay there are people who are sick and injured. They are always few so
24 that the soldiers cannot find them.

25 Secondly, in the sickbay, they insist that the number is few so that the government

1 soldiers, the enemy soldiers do not get them.

2 Q. [12:06:46] How often would sickbay receive visitors?

3 A. [12:07:13] I have not understood that question. What kind of visitors? Is it
4 visitors who come from the Convoy or newly brought in civilians?

5 Q. [12:07:31] Well, let's go with visitors from Convoy. How often would visitors
6 from Convoy visit sickbay?

7 A. [12:07:56] At interval, interval of one month and above. If they agree on an RV
8 which we, we should meet after a month and that RV does not go successfully,
9 sometimes it may take up to three or six months before anybody from convoy visits
10 the sickbay.

11 Q. [12:08:35] Do you remember Ocaka having a radio call?

12 A. [12:08:47] No, there was no radio call.

13 PRESIDING JUDGE SCHMITT: [12:08:54] Do you remember having Mr Ongwen
14 a radio call?

15 THE WITNESS: [12:09:03](Interpretation) No, he did not have.

16 MR OBHOF: [12:09:09] I secretly think you have a camera on my questions.

17 PRESIDING JUDGE SCHMITT: [12:09:15] That would be of course something
18 difficult.

19 MR OBHOF: [12:09:20] Well, it's actually true, there's a camera right there.

20 Q. [12:09:27] Do you know why these sickbays did not have a radio call?

21 A. [12:09:39] Yes. The sickbays do not have radio calls for the reason that they are
22 always few in number, and in case of any attack, the enemy soldiers can confiscate the
23 radio call because in the sickbay there are also very few guns.

24 Secondly, there are also few radio calls in the whole group.

25 MR OBHOF: [12:10:42] Your Honour, I believe this might have to be the private

1 session again.

2 PRESIDING JUDGE SCHMITT: [12:10:48] If you say so.

3 Private session.

4 (Private session at 12.11 p.m.)

5 THE COURT OFFICER: [12:11:00] We are in private session, Mr President.

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9 (Open session at 12.14 p.m.)

10 THE COURT OFFICER: [12:14:53] We are back in open session, Mr President.

11 MR OBHOF: [12:15:03]

12 Q. [12:15:04] Now, Madam Witness, when the bays separated, where was

13 Mr Ongwen?

14 A. [12:15:25] When we separated he was still in the sickbay. But with the continued
15 attacks I returned home, I never saw him.

16 Q. [12:15:47] Now before you returned home, did you hear any rumours about
17 Mr Ongwen?

18 A. [12:16:11] Yes, I did. And I heard that he wanted to escape.

19 Q. [12:16:23] If you can remember more, can you tell us about what you heard
20 about Mr Ongwen wanting to escape, and from who you heard this, if you remember.

21 A. [12:16:57] I heard this from some of the boys who had remained in the sickbay
22 and they were taking care of us in our position. But, you know, in the rebel system,
23 rebels do not just want to talk anyhow. What I heard is that Odomi was being
24 sought after because there are orders that he should be captured and killed. When I
25 heard them talking about it, and when they realised I was listening, they kept quiet.

1 I did not ask for more clarification, because if I was to ask and somebody else hears it,
2 we would all be in trouble.

3 Q. [12:18:01] For clarity, Madam Witness, who wanted to capture and kill
4 Dominic?

5 A. [12:18:19] It was Commander Kony who had given the order.

6 Q. [12:18:56] Now, Madam Witness, when the LRA went to Teso, did any convoys
7 encounter the bay in which you were?

8 A. [12:19:26] The convoy that came to the bay were those who brought pregnant
9 women to the sickbay. And they had come all, all the way from Teso. They came
10 and met us at the sickbay. I don't remember everything, but it must have been
11 around Paicho.

12 Q. [12:20:00] Now, if you remember if you saw when these convoys would come,
13 maybe once a month for an RV, would these, the convoys, would they bring their
14 radio call?

15 A. [12:20:27] When a big group comes from the convoy they would come with the
16 radio call. But if they only send a few selected members of the convoy, sometimes
17 they send like three or five people, and they come without radio call.

18 Q. [12:20:56] Now, Madam Witness, I am going to move on to a slightly different
19 topic about amnesty. Now, while you were in the LRA, had you heard of the
20 amnesty programme?

21 A. [12:21:19] Yes, I did.

22 Q. [12:21:26] What did you hear about amnesty and how did you hear about it?

23 A. [12:21:43] I heard it on radio from those who escaped and came back home.
24 They were saying that people shouldn't fear going back home because there is
25 amnesty. Amnesty for those who had been forcefully abducted and taken to the

1 bush.

2 Q. [12:22:06] Now while you were still in the bush, did you believe these messages
3 that you heard?

4 A. [12:22:25] No, I did not believe it.

5 Q. [12:22:31] Please tell the Court why you did not believe these messages.

6 A. [12:22:46] I did not believe these messages because of what I was seeing from
7 the bush. Soldiers would come and find you and they would start shooting at you.
8 Even if you are captured, injured or alive without any injury, they would shoot you
9 and kill you.

10 If you are a woman, if they catch you, a woman, they would rape you and abuse you
11 sexually until you die. That's why I did not believe in that message and many
12 people did not believe in that message.

13 Q. [12:23:31] Did you tell others about what you saw? Other persons in the bush.

14 A. [12:23:57] I did not understand your question well. Could you please repeat.

15 Q. [12:24:07] Earlier you said that you did not believe the amnesty messages
16 because of what you were seeing from the bush. And then you described some
17 actions. Did you tell others in the bush about this?

18 A. [12:24:38] Many of us saw that happening and we discussed it. And we
19 know -- we knew that if you come back, they would kill you.

20 MR OBHOF: [12:25:03] Now, your Honour, I would propose for her escape, for her
21 to give a short two to three minute monologue in private session though, because the
22 mention of some of the names might be able to lead ... And then, we can go on to
23 public and ask follow-up questions.

24 PRESIDING JUDGE SCHMITT: [12:25:22] Yes, private session.

25 MR OBHOF: [12:25:24] Thank you.

- 1 (Private session at 12.25 p.m.)
- 2 THE COURT OFFICER: [12:25:28] We are in private session, Mr President.
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23 (Open session at 12.41 p.m.)

24 THE COURT OFFICER: [12:41:39] We are back in open session, Mr President.

25 MR OBHOF: [12:41:48]

1 Q. [12:41:48] Madam Witness, you stated that you went on Mega FM, on the radio
2 programme. Without saying any names, of course, what did you say when you
3 were on this radio programme?

4 A. [12:42:11] While I was on Mega FM I told the people out there to return home,
5 "I am right now at Mega FM and there is no problem. Amnesty is real and the issue
6 around -- that was going about that people, people's voices would be recorded and
7 then relayed on Mega was a lie." I pleaded with people, I requested them to return
8 home because home is safe.

9 Q. [12:42:46] Now, had you heard these programmes before while you were in the
10 bush?

11 A. [12:42:58] Yes, I heard.

12 Q. [12:43:04] Now when you were in the bush did you believe these radio
13 programmes?

14 PRESIDING JUDGE SCHMITT: [12:43:15] Hasn't she answered that already?

15 MR OBHOF: [12:43:17] I mean I asked her about Amnesty instead of the actual
16 Dwog Paco.

17 PRESIDING JUDGE SCHMITT: [12:43:20] Yes, okay. Yes, yes, yes. That is
18 a different -- a slightly different thing. Okay.

19 MR OBHOF: [12:43:32]

20 Q. [12:43:32] Let me repeat for you, Madam Witness: When you were in the bush
21 did you believe the stories which people told on these radio programmes?

22 A. [12:43:53] I had verily to believe in it.

23 Q. [12:44:01] Madam Witness, thank you for answering my questions today.

24 MR OBHOF: And for the Defence's questions, we are completed.

25 PRESIDING JUDGE SCHMITT: [12:44:14] Thank you, Mr Obhof. Thank you.

1 Mr Zeneli, I would like to enquire how long the examination by the Prosecution
2 would last.

3 MR ZENELI: [12:44:20] Not very long, Mr President.

4 I am thinking to cut out a big chunk of it, probably 20, 30 minutes. And if we break,
5 to pre-empt any disappointment, I might even come back and say no questions, but I
6 need a moment to think about it.

7 PRESIDING JUDGE SCHMITT: [12:44:36] Then perhaps we have a break then.
8 I think it would be at this point in time enough to say until 2 o'clock, is this okay?
9 Until 2 o'clock would be enough time, I think, and then we meet again and wait what
10 happens.

11 Thank you for the moment. Thank you, Madam Witness, for the moment. We
12 meet in one hour and 15 minutes again.

13 THE COURT USHER: [12:45:06] All rise.

14 (Recess taken at 12.45 p.m.)

15 (Upon resuming in open session at 2.01 p.m.)

16 THE COURT USHER: [14:01:02] All rise.

17 PRESIDING JUDGE SCHMITT: [14:01:22] Good afternoon, everyone.
18 Good afternoon, Madam Witness.

19 Mr Zeneli, you have the floor.

20 MR ZENELI: [14:01:29] No questions, Mr President.

21 PRESIDING JUDGE SCHMITT: [14:01:31] No questions, okay.
22 Then Mr Narantsetseg, Mr Cox, summarily.

23 MR NARANTSETSEG: [14:01:38] No questions, your Honour. Thank you.

24 PRESIDING JUDGE SCHMITT: [14:01:40] Mr Cox.

25 MR COX: [14:01:41] No questions, your Honour.

Trial Hearing
WITNESS: UGA-D26-P-0118

(Public Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [14:01:42] Then, Madam Witness, this concludes
2 your testimony. On behalf of the Chamber I would like to thank you that you have
3 been coming to this video-link location and help us establish the truth. On behalf of
4 the Chamber we wish you a safe trip back home.

5 (The witness is excused)

6 PRESIDING JUDGE SCHMITT: [14:02:00] This concludes the hearing for today.

7 We continue on Thursday, 9.30, with D-83, this is correct? D-83. Thank you.

8 THE COURT USHER: [14:02:13] All rise.

9 (The hearing ends in open session at 2.02 p.m.)