

Trial Hearing
WITNESS: UGA-D26-P-0088

(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 Thursday, 4 July 2019
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:46] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:04] Good morning.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:32:16] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
17 Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in public session.
19 PRESIDING JUDGE SCHMITT: [9:32:34] Thank you.
20 And for the appearance of the parties, Mr Gumpert in the lead.
21 MR GUMPERT: [9:32:38] Thank you, your Honour.
22 Ben Gumpert. With me this morning Hai Do Duc, Pubudu Sachithanandan, Beti
23 Hohler, Sanyu Ndagire and Grace Goh.
24 PRESIDING JUDGE SCHMITT: [9:32:48] Thank you.
25 And for the representatives of the victims, Ms Massidda first.

1 MS MASSIDDA: [9:32:53] Good morning, your Honours.
2 For the common legal representative team, Orchlon Narantsetseg, Caroline Walter
3 and myself, Paolina Massidda.
4 PRESIDING JUDGE SCHMITT: [9:33:00] Thank you, Mr Manoba.
5 MR MANOBA: [9:33:02] Good morning, Mr President, your Honours.
6 Joseph Manoba and James Mawira.
7 PRESIDING JUDGE SCHMITT: [9:33:07] Thank you.
8 And for the Defence, Mr Kifudde.
9 MR KIFUDDE: [9:33:12] Good morning, Mr President and your Honours.
10 For the Defence today, myself Gordon Kifudde, Thomas Obhof, Chief Charles
11 Achaleke Taku, and our client Dominic Ongwen is in Court.
12 PRESIDING JUDGE SCHMITT: [09:33:20] Thank you.
13 And a warm welcome goes to the far away video location, to Mr Ocirowijok.
14 Good morning, Mr Ocirowijok.
15 WITNESS: UGA-D26-P-0088
16 (The witness speaks English)
17 (The witness gives evidence via video link)
18 THE WITNESS: [9:33:34] Good morning.
19 PRESIDING JUDGE SCHMITT: [9:33:39] First of all, I would like to ask you if I spell
20 your name correctly. I said "Ocirowijok", I'm not sure if I spell this correctly.
21 THE WITNESS: [9:33:52] My name is Ocirowijok Nicholas.
22 PRESIDING JUDGE SCHMITT: [9:33:56] Ocirowijok. Okay. So I will keep that in
23 the future, so to speak.
24 As I said, we welcome you to this extended courtroom at the video-link location.
25 Mr Ocirowijok, there should be a card in front of you with a solemn undertaking and

1 every witness who appears before this Court has to make this undertaking. Could
2 you do this by reading it out loud, please.

3 THE WITNESS: [9:34:21] I solemnly declare that I will speak the truth, the whole
4 truth and nothing but the truth.

5 PRESIDING JUDGE SCHMITT: [9:34:46] Thank you very much. You are now
6 sworn in.

7 A small practical matter before we start with the examination. Everything we say
8 here in the courtroom is written down and interpreted and to allow for the
9 interpretation, we have to speak at a relatively slow pace, the reason being that the
10 interpreters can follow everyone. Thank you.

11 And I think we can already start with Mr Kifudde.

12 QUESTIONED BY MR KIFUDDE:

13 Q. [9:35:25] Good morning, Nicholas.

14 A. [9:35:38] Good morning, sir.

15 Q. [9:35:40] Like I told you on Wednesday during the courtesy meeting, I will be
16 leading you in your testimony on behalf of the Defence.

17 A. [9:35:52] Thank you.

18 Q. [9:35:53] Can you please tell Court your full names.

19 A. [9:36:00] My name is Nicholas Ocirowijok.

20 Q. [9:36:10] Have you ever been known by any other names?

21 A. [9:36:17] When I was young I was called Okello, but from 1975 to date I am
22 known as Nicholas Ocirowijok.

23 Q. [9:36:46] Thank you so much, Nicholas.

24 Mr President, as has always been the norm --

25 A. [9:36:54] Thank you.

1 MR KIFUDDE: -- we would like to go to private session to elicit some of his private
2 information.

3 PRESIDING JUDGE SCHMITT: [9:36:59] Is it really necessary with this witness?

4 MR KIFUDDE: [9:37:03] His private information, private life.

5 PRESIDING JUDGE SCHMITT: [9:37:05] Yes. But, you know, his age, is it such
6 a mystery, so to speak, that has to be kept in -- Mr Ocirowijok was always -- has acted
7 in public and I don't think --

8 MR KIFUDDE: All right (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: If he is married, and if he's -- and we don't need to
10 know any details about children, and so on and so forth. It's absolutely enough if we
11 know where he resides now and his age and then we can simply continue.

12 MR KIFUDDE: [9:37:38] Most obliged.

13 Q. [9:37:42] Nicholas, when and where were you born?

14 A. [9:37:53] I was born on 4 February 1955 in Gulu district. My village is Kidere
15 Bar Ram (phon) village in Unyama parish, Unyama sub-county, in Gulu district --

16 PRESIDING JUDGE SCHMITT: [9:38:33] I think that that's fine, so --

17 THE WITNESS: [9:38:36] -- in northern Uganda.

18 PRESIDING JUDGE SCHMITT: [9:38:37] And with this witness I think -- how
19 many children; so it is not important for his testimony at all. So I think we simply
20 can continue and ask him perhaps first a little bit of his history, involvement with the
21 World Vision project.

22 MR KIFUDDE: [9:38:56] Maybe just a quick one.

23 Q. [9:38:58] Mr Witness, what do you do for a living now?

24 A. [9:39:07] At the moment, I do peasantry work. At the same time, I do
25 consultancy work and I'm a church pastor.

1 PRESIDING JUDGE SCHMITT: [9:39:34] Mr Witness, consultancy work, could you
2 elaborate a little bit. For whom? For which institutions, if any?

3 THE WITNESS: [9:39:45] I write project proposals to community-based
4 organisations or nongovernmental organisations that seek funding from development
5 partners.

6 PRESIDING JUDGE SCHMITT: [9:40:18] Thank you.

7 THE WITNESS: [9:40:19] And they give me some small money.

8 MR KIFUDDE: [9:40:23]

9 Q. [9:40:23] Mr Witness, can you briefly tell Court the different education
10 qualifications you hold?

11 A. [9:40:31] After completing primary 7 in 1970, from Aga Khan Primary School in
12 Mbale I joined Mbale Senior Secondary School. That was for ordinary level. I also
13 did my ordinary level at Awich Tutorial College in Gulu, after which I went to Canon
14 Lawrence Teacher Training College in Boroboro in Lira, where I attained a grade III
15 teacher certificate.

16 After teaching for seven years I went for my advanced level certificate at -- in Gulu
17 High School in Gulu. That was from 1985 to 1987. Then I joined Nsamizi Institute
18 of Social Development from 1988 to 1990. Then I joined World Vision.
19 But during my work at World Vision, I did not stop studying. I did some
20 correspondence studies, personal management and industrial relations, diploma level.
21 I also did management training, that was '84, '85. In 1990 -- in 1999 I joined the
22 Institute of Teacher Education in Kyambogo --

23 PRESIDING JUDGE SCHMITT: [9:43:29] And I think we can be a little bit --

24 THE WITNESS: [9:43:32] -- where I did my diploma --

25 PRESIDING JUDGE SCHMITT: [9:43:33] I think we can be -- Mr Kifudde, you allow

1 me --

2 THE WITNESS: [9:43:38] -- in guidance and counselling.

3 PRESIDING JUDGE SCHMITT: [9:43:41] Yes.

4 I think we can be a little -- be more direct, Mr Gumpert.

5 I have your statement before me, Mr Witness. You also have a bachelor and a
6 master's degree, I understand; is that correct?

7 THE WITNESS: [9:43:55] I have not completed the masters.

8 PRESIDING JUDGE SCHMITT: [9:44:03] Exactly. It says here in paragraph 1 that
9 you began studying. Then please tell us the bachelor's degree and the master's
10 degree that you are aspiring to.

11 THE WITNESS: [9:44:19] I did my bachelor's degree in development studies from
12 Gulu University. That was from 2003, 2006. After that, I enrolled for two master's
13 degrees, again at Gulu University, peace and conflict management. And at the same
14 time I also enrolled for a master degree at Westminster Theological Seminary for
15 a master in theology and advanced spiritual counselling. I dropped --

16 MR GUMPERT: [9:45:28] Your Honours --

17 THE WITNESS: [09:45:28] I dropped the Gulu University one.

18 MR GUMPERT: I don't mean any discourtesy. The Prosecution will raise
19 absolutely no objections or suggest in any way that this gentleman is unqualified to
20 say what he is going to say.

21 PRESIDING JUDGE SCHMITT: [9:45:42] Absolutely. But it's also interesting to see
22 what a -- which educational life the witness went through. So I think we have
23 also -- we have now all the information that is also in the statement, and that will do, I
24 think, in that aspect. And as Prosecution has said, they will not challenge and
25 obviously there is nothing to challenge here.

1 Perhaps we can now go to the area, World Vision and the concepts and you can - I
2 think nobody will complain - you can a little bit lead him also through the -- through
3 the different areas and his experience.

4 Perhaps first of all, shortly, his involvement with World Vision; how it developed,
5 something like that.

6 Mr Kifudde, please proceed.

7 MR KIFUDDE: [9:46:29]

8 Q. [9:46:29] Mr Witness, you mentioned that you joined World Vision. Which
9 year did you join World Vision and what was your portfolio in World Vision?

10 A. [9:46:45] I joined World Vision in 1990, when World Vision had just got funding
11 from World Bank to handle orphans in Gulu district. So I joined World Vision as
12 a development counselling worker, in charge of Omoro county then. Gulu had been
13 divided into four zones and Omoro was one of them.

14 My work included the following: We identified orphans, registered and then paid
15 their tuition fees. Quite a number were paid. I do not have the figure with me
16 now.

17 Apart from helping the children with tuition, we gave them scholastic materials. We
18 provided counselling for the orphans. That was already the beginning of helping
19 children of war. Apart from the education sector, we also handled agricultural
20 sector. We identified farmers and trained them.

21 Q. [9:49:23] Mr Witness, during your tenure with World Vision did you ever attend
22 any training --

23 A. [9:49:31] Yes, please.

24 Q. [9:49:32] -- or conference regarding child soldiers anywhere in the world?

25 A. [9:49:40] Yes, please.

1 Q. [9:49:48] Can you tell Court which training was this and what it was all about?

2 A. [9:49:57] It was a training and a workshop for stopping child soldiers and how
3 to help them cope with the situations. That was in Melbourne city in Australia in
4 1999.

5 Q. [9:50:41] Now, Mr Witness, were --

6 PRESIDING JUDGE SCHMITT: [9:50:44] It's okay. But I would have liked to ask
7 Mr Witness: How have returnees been handled, a child soldier that came out of the
8 bush, before World Vision?

9 THE WITNESS: [9:51:08] I would like to thank you for that question.
10 If I remember very well, in Gulu, the captives began to report around 1993-94, and the
11 Ugandan People's Defence Forces would receive them at the barracks, Gulu 4th
12 division.

13 Announcements would be sent to the public to come and view these children at
14 a market square, and those that came -- those that had their children abducted
15 last -- the public would gather. That was for the purpose of identifying who was
16 who, whose son, and from where.

17 PRESIDING JUDGE SCHMITT: [9:52:48] And if a child was not picked, so to speak,
18 what happened?

19 THE WITNESS: [9:52:53] That was '93, '94.

20 PRESIDING JUDGE SCHMITT: [9:53:00] I think I was too quick, yes.

21 THE WITNESS: [9:53:02] That was before -- that was before World Vision came in in
22 '95.

23 PRESIDING JUDGE SCHMITT: [9:53:05] Yes. I think I was a little bit too quick, Mr
24 Witness. I repeat my question:

25 What happened? I understood that they gathered in the marketplace and -- people

1 from the town or from the rural places, it was announced. They came there and they
2 picked their children, so to speak.

3 What would happen to the children that were not picked?

4 THE WITNESS: [9:53:25] They would be take -- they would be taken back to the
5 barracks and more information would be sent to the public and relatives or parents or
6 guardians.

7 PRESIDING JUDGE SCHMITT: [9:53:50] How did you regard this practice? What
8 is your opinion about this former practice at the time?

9 THE WITNESS: [9:54:00] It was not professional to me.

10 PRESIDING JUDGE SCHMITT: [9:54:09] Thank you.

11 MR KIFUDDE: [9:54:11] Thank you so much, Mr President.

12 Q. [9:54:16] Mr Witness, what kind of assistance would the UPDF offer to some of
13 these children?

14 A. [9:54:22] UPDF provided these children safety, in the first place. And if there
15 was need for health, they would treat -- they would treat them medically, feed them
16 and dress them until they were ready to be taken by their relatives.

17 Q. [9:55:08] Mr Witness, did the UPDF provide any form of psychosocial support
18 to these children before sending them back to their communities?

19 A. [9:55:19] I do not know.

20 Q. [9:55:32] Mr Witness, let's move on to the establishment of the reception centre,
21 World Vision. When and how was the World Vision reception centre established?

22 A. [9:55:50] Thank you again for that question.

23 Before that centre was established, World Vision, during the course of their work in
24 the community, majorly paying fees for the children. World Vision staff visited one
25 school in Alero and got information from the teachers that there was a girl whose

1 behaviour was very strange. She would get angry very fast and it was difficult for
2 the teachers to handle her. And when World Vision received that report - a report
3 was sent to Kampala head office - more information was gathered about the girl and
4 it was found that she had escaped from the bush.

5 Immediately, World Vision hired a child psychologist by name Gifty Qacoo,
6 a Ghanaian, Ugandan-based psychologist, who carried out a survey. I was part of
7 that survey around the month of January '95. During the survey, it was discovered
8 that there were a number of reported -- either reportees -- or the reporters, rather,
9 from the bush and she gave a recommendation to World Vision that, to help these
10 children, a multi-purpose centre should be established in Gulu.

11 It would be a reception centre. They would be received, they would be provided
12 with food, supplementary feeding, they would be given medical treatment, they
13 would be helped with some resettlement package. That would be after they report
14 at the UPDF centre, then World Vision would receive them from there and provide
15 these services.

16 Meanwhile, their relatives and homes would be traced until their time would mature
17 to be resettled.

18 So that centre was opened in 1995, May.

19 PRESIDING JUDGE SCHMITT: [10:00:33] Mr Witness, what was the physical --

20 THE WITNESS: [10:00:36] And --

21 PRESIDING JUDGE SCHMITT: [10:00:38] -- what was the physical state --

22 THE WITNESS: I was the first --

23 PRESIDING JUDGE SCHMITT: [10:00:40] Excuse me.

24 THE WITNESS: [10:00:41] I was the first coordinator.

25 PRESIDING JUDGE SCHMITT: [10:00:44] Thank you, Mr Witness.

1 What was the physical state of the returnees, especially of the children that came to
2 the World Vision centre?

3 THE WITNESS: [10:00:53] When the children reported from the bush, they were
4 looking terrible. Some had bullet wounds, sore feet, looking very malnourished,
5 stunted growth, very miserable and looking at them, you would feel like extending
6 humanitarian -- a humanitarian hand to help them, especially the first 1 -- 125 who
7 came in that year -- 128, from Palutaka. They were brought straight to the centre,
8 which was located at the -- an allocated store in Gulu, *Ministry of Works. The
9 UPDF provided security, and even the police provided security.

10 The news about these suffering children spread throughout the world. One of the
11 biggest visitors, one of the biggest guests who came in '95 was the US Secretary
12 Madeleine Albright from the US, she visited it, plus many more.

13 PRESIDING JUDGE SCHMITT: [10:03:26] Mr Witness, you have told us how the
14 physical state of the returnees, especially the children was. What about the
15 psychological state of these children especially?

16 THE WITNESS: [10:03:44] Realising that these children were abducted against their
17 choices, and others even left school and they were forcefully conscripted into the rebel
18 ranks, the child psychologist recommended for a counselling based on the African
19 context.

20 MR KIFUDDE: [10:04:43]

21 Q. [10:04:43] Mr Witness, maybe I can help out.

22 A. [10:04:45] And the counselling was designed, psychotherapy. I'm proud to say
23 it worked very well because I coordinated the programme for some years before I was
24 promoted to handle other things. They were -- they were -- they were supposed to
25 adjust through the counselling sessions and according to the child psychologist, full

1 recovery will not take place from the centre, and World Vision train -- train
2 community volunteers who would sustain the counselling, plus other institutions like
3 the church, the school and community would provide -- would provide sustainability
4 to the counselling that would have begun from the centre.

5 Maybe let me say this, among the children, there were the captors living with the
6 captives and we handled those successfully.

7 PRESIDING JUDGE SCHMITT: [10:06:57] Mr Kifudde, please.

8 MR KIFUDDE: [10:06:59] Mr Witness --

9 Mr President, I want to refresh his memory regarding the question you asked about --

10 PRESIDING JUDGE SCHMITT: [10:07:08] I think -- you are referring to paragraph 7,
11 I would assume?

12 MR KIFUDDE: [10:07:13] Yes, paragraph 7.

13 PRESIDING JUDGE SCHMITT: [10:07:14] I think we don't need to refresh, we can
14 simply ask.

15 Mr Witness, you spoke about psychotherapy and I had asked you about the
16 psychological state of the children. What symptoms of psychological problems did
17 you observe in these children?

18 THE WITNESS: [10:07:36] Among the signs of trauma was confusion of the mind,
19 terrifying dreams, anger, withdrawal, and wanting to act very fast, sleeplessness, only
20 to mention but a few.

21 MR KIFUDDE: [10:08:48]

22 Q. [10:08:49] Mr Witness, this kind of psychological trauma that you have alluded
23 to, was it uniform across all children or ...?

24 A. [10:09:01] No. When an individual undergoes a traumatic event, they don't
25 behave equally. One would have this sign, while the other would have a different

1 one. So we had individual cases, we handled them individually and also in groups.

2 Q. [10:10:17] Now, Mr Witness, from your interaction with these children, what did
3 they tell you about disobeying the orders in the LRA?

4 A. [10:10:31] Thank you very much for the question.

5 Within the LRA, according to what we gathered from the children, they were very
6 orderly and they were very strict. Failure to obey would amount to punishment,
7 severe, severe punishment. For example, if you were already captured and you are
8 a captive, according to the children, trying to escape would be a serious crime there.
9 And according to them, those who tried, they were given heavy punishment.

10 Q. [10:12:06] Mr Witness, and how would you describe those who survived to
11 return home?

12 A. [10:12:15] Thank you for that question, again.

13 First of all, we are grateful that out of the many -- out of the many who were abducted
14 some survived. And what I will say is this, they need our sympathy. They need
15 our support. Because they were abducted from amongst us, we would accept them
16 amidst us and integrate them into the community and extend all the help that
17 a human being need to fit in society.

18 Q. [10:13:52] Mr Witness, can you please help the Court understand from your
19 observation of these children, the kind of life they were exposed while in the bush?

20 A. [10:14:09] Thank you once again. World Vision has a lot of records of the kind
21 of life that the children experienced. At abduction, you are made to walk long
22 distances. If one asks to rest, to the rebels they were meaning, wanted to die. If you
23 are unable to walk because of sore feet, either you are left to die or you are beaten or
24 you are beaten to death. Long movements was not uncommon, carrying loots,
25 carrying guns or loots. Sleeping was anywhere the night would find you.

1 Escaping from the UPDF, they would move to escape from the UPDF pursuing them.
2 And whenever the rebels would meet -- would confront with the UPDF, some of the
3 captives would get into the crossfire, some would die, others would go with wounds.
4 There were some rules to follow. No drinking. You would be initiated using the
5 shea butter, the oil. You were divided into battalions, I could -- I could say so. The
6 girls would be rewards to commanders and others, many of them were forced into
7 marriage, forced marriage, forced marriages. And the little boys were active in
8 killing.

9 That were some of the stories we recorded from them. Until when you have luck,
10 you can escape. Many escaped. Many to us are still unaccounted for.

11 Q. [10:19:04] Mr Witness, you mentioned about being initiated into the LRA by
12 performing on to them various rituals. Did you ever come to learn the purpose why
13 they were initiated by performing such rituals on them?

14 A. [10:19:27] It was a belief that the Lord's Resistance Army commander had some
15 spirits in him and he would be directed what to be done and how to move. And
16 according to them, these ceremonies that were done were to make you part of the
17 rebellion and be courageous to live with them and serve in the army. That was what
18 we gathered.

19 If there were other reasons, I do not know.

20 Q. [10:20:51] Mr Witness, approximately how many children passed through the
21 World Vision reception centre at the time you worked with?

22 A. [10:21:06] I remember close to 7,000 and these 7,000 would include the
23 Congolese child soldiers, which UNICEF asked World Vision to manage the transit
24 centre for them, these child soldiers were on transit to Bunia in eastern DRC, eastern
25 side, eastern.

1 PRESIDING JUDGE SCHMITT: [10:22:11] Mr Kifudde --

2 THE WITNESS: [10:22:13] That we handled in 2001.

3 PRESIDING JUDGE SCHMITT: -- I think just to --

4 THE WITNESS: [10:22:15] So this figure of 7,000 was when I was working still. The
5 number could be more than that because my project -- my contract phased out in
6 2001 --

7 PRESIDING JUDGE SCHMITT: [10:22:39] That would been have my question --

8 THE WITNESS: [10:22:40] -- with the Congolese --

9 PRESIDING JUDGE SCHMITT: [10:22:40] Mr Witness, if I may step in, that would
10 be my question, if you have information about the figure also when you had left
11 World Vision, but only if you have followed it and if you have information that you
12 could share with us.

13 So a figure, you said approximately 7,000 until 2001 when you left there, but my
14 question would be if you have any information about the figures, if we include the
15 time afterwards?

16 THE WITNESS: [10:23:15] No. I do not know.

17 PRESIDING JUDGE SCHMITT: [10:23:25] Mr Kifudde, I think the Congolese child
18 soldiers we can leave out in our questioning, further questioning.

19 MR KIFUDDE: [10:23:34]

20 Q. [10:23:35] Mr Witness, how long did these children spend in the reception
21 centre?

22 A. [10:23:41] The design of the centre was to provide services for a child for 45 days,
23 that is, one and a half months. But if a child, a child needed, for example, medical
24 help -- medical help, medical treatment and if the tracing of the family -- not complete,
25 days would be extended. Otherwise, 45 days was the recommended days by the

1 child psychologist.

2 Q. [10:24:56] And how were these children received back in society?

3 A. [10:25:04] Thank you once again. As I said earlier on, we trained, we trained
4 community volunteers and also -- I also went ahead to sensitise the communities
5 about how to receive these children. And before taking them back home, our staff in
6 the field would visit the home and also invite the relatives to come to the centre first.
7 Then, at the right time, resettlement packages would be provided.

8 What I don't want to forget to mention is we co-ordinated so much with the local
9 leaders and UPDF in handling these children, so many of them received good
10 welcome by their guardians or relatives.

11 But let me say this also, during escape from the bush some of them did not pass
12 through the centres. When I say "centres," I'm meaning two centres in Gulu now.
13 We had the World Vision centre and GUSCO, Gulu Support the Children
14 Organisation, GUSCO.

15 There were those who did not pass through centres, they were not counselled and
16 their welcome, you know, they were not good. Because, first of all, their behaviours
17 were not adjusted; they were not helped to adjust in the community. Such
18 complaints we received. It was a general complaint that the children from the bush
19 were not cooperative.

20 So when we followed up, we found that they were neither from GUSCO nor from
21 World Vision, but we had to help them through the community base. So those who
22 came and went to the -- or who went to the community got two types of reception in
23 Gulu, both good and bad, depending how you came.

24 Thank you.

25 Q [10:29:37] Nicholas, did the different communities ever perform any rituals

1 upon these children once they returned to the communities?

2 A [10:29:58] Thank you very much. That question is very key, even before I go to
3 the community initiating ceremonies, the idea first started at the centres. World
4 Vision being a Christian organisation, prayers were key, but we did not dictate
5 because when we reunited these children, the family members organised some
6 ceremonies even before entering the compound.

7 At the road, at the pathway entering the home, there is some -- some tree species
8 called pobo, I'm not very sure in English what the name is. Pobo is a slippery -- if
9 you, if you open it, it is slippery. It'll be placed along the path, across the path. The
10 child has to go over, to jump over as he goes to the compound. An egg also would
11 be provided for him to step on.

12 Those are -- those are the -- those are the Acholi traditional healing rituals.

13 The last stage, as I also witnessed, was the child is made to enter a house, a hut,
14 but before he or she enters the hut, some cold -- some water, some cold water is
15 poured on the roof, yes, and this water is to flow and -- to flow on him as he
16 enters.

17 You can -- you can imagine rain falling and you are in the rain and you are
18 entering a house during the rain.

19 PRESIDING JUDGE SCHMITT: [10:34:09] Mr Witness, may I shortly?

20 THE WITNESS: [10:34:10] That was one ceremony --

21 PRESIDING JUDGE SCHMITT: [10:34:11] Yes --

22 THE WITNESS: [10:34:12] That was one ceremony.

23 PRESIDING JUDGE SCHMITT: [10:34:13] Yes. Let me shortly step in here. Did
24 these rituals, according to your observations, cure or soothe the psychological
25 problems of the children?

- 1 THE WITNESS: [10:34:39] That is a belief. He who believes in that, it works.
- 2 PRESIDING JUDGE SCHMITT: [10:34:48] I understand very well. And did these
- 3 rituals - how to put it - avoid stigma in the communities for the returnees?
- 4 THE WITNESS: [10:35:00] Yes. Because it is already, it is already a sign that you
- 5 have received somebody. But, but the attitudes of the neighbours could be different.
- 6 PRESIDING JUDGE SCHMITT: [10:35:37] I just want to read something --
- 7 THE WITNESS: [10:35:38] So much as the --
- 8 PRESIDING JUDGE SCHMITT: [10:35:38] Yes.
- 9 THE WITNESS: [10:35:30] -- guardians and the family members have received him
- 10 or her, stigma can come from, which has always, which has always come.
- 11 PRESIDING JUDGE SCHMITT: [10:35:56] Because I have here your witness
- 12 statement before me, that is UGA-D26-0021-0280 at 0291, paragraph 22. You say
- 13 here, I'm alluding to that passage, you say here:
- 14 "The biggest problem in the community was also stigma."
- 15 And that was why I asked that you question. Yes. So is this correct? And I
- 16 understood you the stigma came not then from the families, but the rest of the
- 17 community sometimes behaved in that way?
- 18 THE WITNESS: [10:36:37] Yes.
- 19 PRESIDING JUDGE SCHMITT: [10:36:40] Thank you.
- 20 Mr Kifudde.
- 21 MR KIFUDDE: [10:36:46]
- 22 Q [10:36:47] Now, Mr Witness, how did these, you know, children who were
- 23 formerly with the LRA and upon being reunited with the community, how did they
- 24 behave differently from those in the community?
- 25 A [10:37:10] We in World Vision, we wanted to create a change. We did not only

1 provide counselling to these children, but we had vocational training like carpentry,
2 bicycle repair, and many others. And so when they were reunited -- I mentioned the
3 bicycle repair and the carpentry -- and masonry, building, those were majorly for the
4 boys, but the girls had hairdressing and tailoring.

5 So we followed up these children. As I -- as I talk now, many of them are now
6 experienced carpenters, bicycle repairs, hair salon dressers. Others, others went back
7 to school. Some are drivers, some are drivers now, some are pastors.

8 So we tried to help them with the resources that World Vision had so that the
9 community would add more.

10 Thank you.

11 PRESIDING JUDGE SCHMITT: [10:39:58] According, Mr Witness, according to your
12 observations and experience was World Vision able to reintegrate every one of the
13 returnees that went through your centre?

14 THE WITNESS: [10:40:22] At the time I was there, I don't remember any child who
15 was not, who was not reunited.

16 PRESIDING JUDGE SCHMITT: [10:40:35] Again, I'm referring to a paragraph here,
17 it's 23, at page 0292 of the already-mentioned UGA number. You said here, like you
18 said today:

19 "Some of the returnees who passed through our centre have become responsible
20 adults ..."

21 And then you mention the different professions:

22 "Some went on to pursue formal education and got degrees but not all turned out
23 well. Some are causing mayhem in the villages and town centres. Adjusting to
24 normal life is not easy."

25 I was alluding to that passage of your statement that you gave to the Defence. What

1 would you -- do you want to add something to that?

2 THE WITNESS: [10:41:18] What I can -- what I can add is this, that some of the girls
3 who came back from the bush came back with children whose fathers were left in the
4 bush. Either they are alive or they are dead, I don't know. So we have this
5 generation of children who do not know their fathers and, in the bush, names are
6 changed and the location from -- your location also you don't disclose.

7 So this girl who comes back, comes back with an information that the father of this
8 child is from a particular village, but when she goes to trace that village or trace the
9 husband, the husband's family, nobody knows.

10 So now we have a generation, as I said, of children who do not know their roots,
11 and where they will go, I can't even tell.

12 MR KIFUDDE:

13 Q. [10:43:43] Now, Mr Witness, for those returnees who did not know their roots,
14 as you have stated, and those perhaps who maybe lost their parents, how did they
15 cope upon return?

16 A. [10:44:09] This mainly affects the girl child.

17 If you pass through World Vision's centre, you would be fairly lucky to have received
18 a training in hairdressing and tailoring, and you -- and you take care of yourself and
19 the children, but also you can add on some petty, petty, petty trades.

20 Q. [10:45:10] Mr Witness --

21 A. [10:45:11] Some other CBOs and NGOs have tried to come in, but I always hear
22 complaints not enough is being -- not enough is being done for them. And their cries,
23 and their cries all the time heard.

24 Q. [10:45:52] Mr Witness, did the reception centre at any one time begin admitting
25 adults?

1 A. [10:46:06] Thank you very much. Much as World Vision is a child-focused
2 organisation, I must say after '96 -- '96 also, around there, World Vision had to begin
3 to extend a hand to the adults, because they would be received at the UPDF centre
4 with the same, with the same, with the same or similar problems.
5 Above all, those ones, some of those who came when they were adults, they were
6 abducted when they were children. And we realised also that a victim who was
7 abused when he or she is a child, the effects would even continue when he is an adult.
8 So by, by treating an adult you are, you are trying to say the root of the problem was
9 when he was a child. So you cannot say let me leave the adult when actually his
10 problem started when he was a child.

11 And even if we, we left him uncounselled, if we left him uncounselled, he will not
12 have been helped, so we felt, we felt solving the problem from the roots would be
13 better.

14 So World Vision solved -- so World Vision began to receive the adults, but there was
15 an adult centre. They were not in the same centre where the children were received.

16 Q. [10:50:01] Mr Witness, were there instances when some of these children were
17 re-conscripted into the UPDF to pursue the LRA?

18 A. [10:50:22] Thank you. In the best of my knowledge, some of these children
19 were recruited into the UPDF, but they were not recruited as children. Let me say,
20 some of the reporters, and there was other forceful recruitment, and some of them
21 were there, so the answer to your question is yes.

22 MR KIFUDDE: [10:51:42] Mr President, if it may please you we can take an early
23 break. I will definitely be done within the first hour of the next session.

24 PRESIDING JUDGE SCHMITT: [10:51:51] If you hadn't addressed it, I would have
25 done it. We appreciate that.

- 1 We have now a break. Why not a little bit longer than normally. A coffee break
2 until 11.30.
- 3 Thank you, Mr Kifudde.
- 4 THE COURT USHER: [10:52:11] All rise.
5 (Recess taken at 10.52 a.m.)
6 (Upon resuming in open session at 11.32 a.m.)
- 7 THE COURT USHER: [11:32:34] All rise.
8 Please be seated.
- 9 PRESIDING JUDGE SCHMITT: [11:32:52] Mr Kifudde, you still have the floor.
- 10 MR KIFUDDE: [11:32:58] Thank you, Mr President.
- 11 Q. [11:33:01] Good afternoon, Mr Witness.
- 12 A. [11:33:04] Thank you.
- 13 Q. [11:33:05] I hope you had a refreshing break.
14 We are going to talk about those children who were born and grew up in captivity.
15 First of all, did the reception centre have such cases?
- 16 A. [11:33:29] Yes.
- 17 Q. [11:33:34] From your observation, how did those children look at life, at the life
18 they lived in the bush like when they came back?
- 19 A. [11:33:56] (Speaks Luo) Oh, beg your pardon.
20 Life in the bush, there's some difference.
21 But before even I continue, I apologise for having --
- 22 PRESIDING JUDGE SCHMITT: [11:34:13] You don't have to apologise.
- 23 THE WITNESS: [11:34:16] -- speaking Luo.
- 24 PRESIDING JUDGE SCHMITT: [11:34:19] No, you don't have to apologise at all.
- 25 THE WITNESS: [11:34:21] It was not, it was not the language I thought I would --

1 PRESIDING JUDGE SCHMITT: [11:34:24] No, there is no problem. This is your
2 mother tongue, and of course -- and your English is really perfect. So we, of course,
3 prefer it, frankly speaking, the Bench, if you continue in English, but everything is
4 okay.

5 So please, Mr Kifudde.

6 THE WITNESS: [11:34:43] Thank you.

7 You know, these children, they were raised up, they were raised up in the bush where
8 they had their own rules and kinds of behaviours which is not the normal one we had
9 in our societies. And they were being brought up to understand that what was
10 being done in the bush was correct. What you and I would call abnormal, for them,
11 it is normal.

12 For example, going to forcefully loot either food or get some items by force to you and
13 me are not normal. Another example may be, a young girl being handed over for
14 forced marriages or force marriage to a man in the normal society is not acceptable.
15 And these children have grown up thinking and believing a kind of life in the bush
16 was the normal one. The kind of thoughts they think is that bush kind of life.

17 Until when they come back and they are brought to counselling sessions, that is when
18 they are brought to terms with what happened in the bush, and they open up, they
19 open up. So what I'm trying to say is that the culture they got themselves
20 in, -- cannot call it culture, a subculture, because it's not normal. To us, to us, it's
21 not normal. But because their world is thrown into confusion, they are made to
22 believe it is the right thing.

23 MR KIFUDDE:

24 Q. [11:38:46] Mr Witness, how easy was it for these children born in captivity to be
25 accepted by their familiars upon resettlement?

1 A. [11:39:11] It's not very easy to receive the ones born in the bush, for reasons
2 being their fathers cannot be traced, some of them, and the community would ... that
3 is why most times their homes cannot be traced and they are left with their mothers
4 who came with them. They struggle with them, because, as I said earlier, the
5 identities of these children who are changed, their names are changed, their names
6 are changed, locations are changed.

7 Q. [11:40:45] Mr Witness, how did these perceive their former leader, Joseph Kony?

8 A. [11:41:05] Thank you very much for the question. They looked at him as the
9 leader of the -- the leader of the rebel group and somebody who had some spirits in
10 him. And to them, he was a person with his own kind of rules to live, which
11 according to them he is commanded by some kind of angels, so to speak. So, to
12 them, to them he is an extraordinary person and a great fighter. Thank you.

13 Q. [11:42:34] And what kind of tales did they tell you about this extraordinary
14 leader?

15 A. [11:42:53] One thing I remember is that he would tell in advance when the
16 UPDF will attack. One instance I remember very well is, one time he told his, his
17 people that the following day at 10 o'clock in the morning some warplane will come
18 to bomb the area where they were. So he alerted them to, to find their hiding place
19 and they took cover to different places, leaving the very place where he had said the
20 plane would come and bomb. And the following day at exactly 10 o'clock some
21 warplane -- some helicopter came and bombed that whole, that whole area, but killed
22 nobody because there was nobody there.

23 So a man without any spirit would be difficult to understand things of that nature.
24 That is one example that I have never forgotten that made me think these people
25 think of him in a particular way.

1 Maybe to add one more example, there are routes which he advises men not to follow
2 because they will meet the UPDF.

3 Maybe third and last about that, he passed through, according to them, he passed
4 through ambushes that were difficult to pass. He was fired, shots, directly at him,
5 but even they would wonder, he ran through smartly, such a man, is such a man
6 normal to us? He could be having something which we don't understand. And the
7 only thing that we don't understand is the spiritual things. Let me first end there.

8 Q. [11:47:04] Now, Mr Witness, what did these returnees say would be the
9 consequences for following -- for not following Joseph Kony's orders while in battle?

10 A. [11:47:27] Thank you very much. Before even the fight would take place,
11 you are given instructions when to fire and how to fire, and you were expected to
12 follow suit. For example, before facing the UPDF, which to them was the enemy, he
13 would advise the male fighters not to, not to share a bed with their wives. If you did
14 so, the bullets will find you. That was one of the instructions he would give.
15 Failure to fire or failure to execute what you were instructed, majorly you would be
16 killed. You are supposed to obey the orders from above. Thank you.

17 Q. [11:49:34] Mr Witness, upon resettlement of these returnees, especially those
18 who were born and grew up in captivity, were these children safe?

19 A. [11:49:59] No. For example, when they ask their mothers where their fathers
20 are, the answers that they get are not satisfactory enough. If they ask their mothers
21 where their homes are, there is completely no answer now. So any human being
22 who does not know his roots would be a misfit in society and he would be a subject of
23 scorn in society. Thank you.

24 Q. [11:51:17] Nicholas, do you remember any examples of these children being
25 re-abducted by the LRA?

1 A. [11:51:46] No.

2 Q. [11:52:03] Mr Witness, from your experience working with these children, who
3 in your view is to blame for this scourge of child soldiers in northern Uganda?

4 PRESIDING JUDGE SCHMITT: [11:52:17] I would not want this, such an opinion.
5 You would have to try to elicit facts and the conclusions are, like always, drawn by
6 the Chamber. Who is to blame, I think, is too -- you can try to encircle it what you
7 want, but not like this, please.

8 MR KIFUDDE: [11:52:49]

9 Q. [11:52:50] Mr Witness, who did these children blame for their, you know,
10 predicament?

11 PRESIDING JUDGE SCHMITT: [11:52:56] That is a different thing and that is okay,
12 by the way. A very small change, but with some effect.

13 THE WITNESS: [11:53:12] Thank you for that question.

14 There was no person who would solely take the blame for these children being in the
15 bush because the role for the protection of a child or a human being in a country is
16 everybody's role, from the parents to the community, to the state. So you cannot say
17 it was so-and-so.

18 MR GUMPERT: [11:54:23] If my learned friend wants to remind the witness of
19 what's at the beginning of paragraph 11, I've got no objection.

20 PRESIDING JUDGE SCHMITT: [11:54:32] Yes, but I think the -- I would have picked
21 it up myself now, paragraph 11. But he was in the midst to answer this question.

22 I understand it this way, Mr Witness: Like in most aspects of life, you already told
23 us, personalities are different, reactions of people to certain incidents that fell upon
24 them are different, and I understood it in the way that this is here the same thing, like
25 we find it in, as I said, in many aspects of life.

1 What I would like to ask you, if sometimes even the children would blame themselves
2 for what has happened?

3 THE WITNESS: [11:55:31] No.

4 PRESIDING JUDGE SCHMITT: [11:55:32] I'm referring to --

5 THE WITNESS: [11:55:35] Because --

6 PRESIDING JUDGE SCHMITT: [11:55:36] -- paragraph 12 because you said "Others
7 blamed themselves and felt guilt", this is at 0288. So I was only, I will not say I
8 stumbled over it, but it came to my attention when I read it that sometimes, which is
9 known from victimology also, that sometimes people simply blame themselves for
10 what has happened. But I don't want to put the answer in your mouth, but you have
11 said it at the time and I would like to ask you if you could elaborate on that a little bit.

12 THE WITNESS: [11:56:19] Fine.

13 Complaints would rise in the sense that when a child is abducted he could still be
14 used in the abduction of other children. That is what I meant.

15 PRESIDING JUDGE SCHMITT: [11:56:50] That's a clarification. Thank you very
16 much.

17 Mr Kifudde.

18 MR KIFUDDE: [11:56:56]

19 Q. [11:56:57] Mr Witness, during the execution of your work - I am talking about
20 caregivers in general - during the execution of their work did they experience any
21 impact resulting from the harrowing information they received from these returnees?

22 A. [11:57:31] Thank you very much for that question.

23 The answer is yes.

24 PRESIDING JUDGE SCHMITT: [11:57:44] May I shortly.

25 Mr Witness, may I ask you, how did it affect you personally, and does it affect you

1 still?

2 THE WITNESS: [11:58:07] The effects of the war affected, affected me in certain
3 ways. Apart from being displaced from my village, town, I was concerned directly
4 with the counselling department, not only in training and supervising the counselling,
5 but I also participated in *counselling.

6 PRESIDING JUDGE SCHMITT: [11:58:58] May I shortly step in. I was not clear
7 enough when I asked my question.

8 If you feel comfortable to speak about it, but these stories, these many stories that you
9 heard from returnees, especially from children, did they affect you personally, and do
10 they still -- if so, do they still do?

11 THE WITNESS: [11:59:28] I had understood the question very well, but I was taking
12 a little time to arrive at that.

13 PRESIDING JUDGE SCHMITT: [11:59:40] Fine. It's okay. Please proceed.

14 THE WITNESS: [11:59:43] Let me now, let me now arrive there immediately.
15 The answer is yes -- by listening to very many traumatic stories, a counsellor gets
16 secondary traumatisation. And to cope with this we had debriefings several times
17 and face to face with our counsellor. Your answer is yes -- the answer is yes.
18 Thank you.

19 PRESIDING JUDGE SCHMITT: [12:00:28] Thank you, Mr Witness.
20 Mr Kifudde.

21 MR KIFUDDE: [12:00:31] Let me confer a bit, Mr President.

22 (Counsel confers)

23 MR KIFUDDE: [12:00:42] Mr President, that ends our examination-in-chief.

24 PRESIDING JUDGE SCHMITT: [12:00:45] Thank you very much, Mr Kifudde.
25 Mr Gumpert, for the Prosecution.

- 1 MR GUMPERT: [12:00:50] No questions for this witness, your Honours.
- 2 PRESIDING JUDGE SCHMITT: [12:00:52] Ms Massidda.
- 3 MS MASSIDDA: [12:00:55] No questions, your Honour. Thank you very much.
- 4 PRESIDING JUDGE SCHMITT: [12:00:58] Mr Manoba.
- 5 MR MANOBA: [12:00:59] No questions, your Honour.
- 6 PRESIDING JUDGE SCHMITT: [12:01:02] Thank you very much.
- 7 Mr Ocirowijok, this concludes your testimony. On behalf of the Chamber I would
- 8 like to thank you very much that you came to the video-link location, that you told us
- 9 about this work that you have done together with World Vision in the institution, and
- 10 we appreciate a lot that you helped us establish the truth here today, and we wish
- 11 you, as a Chamber, a safe trip back home.
- 12 THE WITNESS: [12:01:34] Thank you.
- 13 (The witness is excused)
- 14 PRESIDING JUDGE SCHMITT: [12:01:38] This concludes also the hearing for today.
- 15 We resume tomorrow at 9.30 and I think it's D-110.
- 16 THE COURT USHER: [12:01:46] All rise.
- 17 (The hearing ends in open session at 12.01 p.m.)
- 18 CORRECTIONS REPORT
- 19 The corrections (not related to interpretation) marked with an asterisk (*) in the
- 20 transcript are implemented as follows:
- 21 Page 11 line 8:
- 22 "Minister"
- 23 is corrected to page 11 line 8:
- 24 "Ministry"
- 25 Page 28 line 5:

Trial Hearing
WITNESS: UGA-D26-P-0088

(Open Session)

ICC-02/04-01/15

- 1 "counsel"
- 2 is corrected to page 28 line 5:
- 3 "counselling"