

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Cano
6 Pangalangan
7 Trial Hearing - Courtroom 1
8 Wednesday, 7 December 2016
9 (The hearing starts in open session at 9.42 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in
11 session.
12 PRESIDING JUDGE SCHMITT: I would like to welcome everybody in the
13 courtroom. And I see Mr Gumpert standing. Do you have already something
14 to say? No. I would not assume.
15 MR GUMPERT: Only to save a few seconds to be ready to respond, which I'm
16 not managing to do. I'll sit down.
17 PRESIDING JUDGE SCHMITT: Then would the Court Officer please call the
18 case.
19 THE COURT OFFICER: Thank you, Mr President. The situation in Uganda, in
20 the case of The Prosecutor versus Dominic Ongwen, case reference
21 ICC-02/04-01/15. We are in open session.
22 PRESIDING JUDGE SCHMITT: Thank you.
23 Then I would ask counsel, as always, to introduce themselves for the
24 record.
25 MR GUMPERT: Your Honour, my name is Ben Gumpert. I'm the senior trial

1 lawyer prosecuting this case. With me in court this morning is

2 Ms Adesola Adeboyejo, Ms Ramu Bittaye, Ms Yulia Nuzban, Mr Shkelzen

3 Zeneli, Julian Elderfield, Ms Jasmina Suljanovic, and Mr Kamran Choudhry.

4 PRESIDING JUDGE SCHMITT: Thank you very much.

5 And then Mr Odongo, please, for the Defence.

6 MR ODONGO: Thank you, Mr President and your Honours. I am being

7 assisted by Chief Charles Achaleke Taku, co-counsel; Mr Tharcisse

8 Gatarama, legal assistant; Laurel Karam, who is evidence reviewer;

9 Roy Titus Ayena, case manager. Thank you, Mr President.

10 PRESIDING JUDGE SCHMITT: Thank you.

11 And for the LRV. Perhaps first Ms Massidda.

12 MS MASSIDDA: Good morning, Mr President, your Honours. I am Paolina

13 Massidda, principal counsel. With me appearing today, Ms Jane Adong,

14 field counsel; Ms Tamara Margetic, case manager; behind us, Mr Orchlon

15 Narantsetseg, legal officer; and Ms Jacqueline Atim, legal professional.

16 PRESIDING JUDGE SCHMITT: Thank you very much.

17 Mr Manoba?

18 MR MANOBA: Thank you, Mr President. My name is Joseph Akwenyu Manoba,

19 appearing jointly with Mr Francisco Cox, assisted by Ms Megan Hirst and

20 Mr James Mawira, and our case manager, Ms Sepideh.

21 PRESIDING JUDGE SCHMITT: Thank you very much.

22 Mr Gumpert, you still have the floor.

23 MR GUMPERT: Thank you, your Honours. I should apologise for the absence

24 of Madam Prosecutor this morning. She has other duties today but would

25 be available in the building should anything arise.

1 PRESIDING JUDGE SCHMITT: Wait a moment.

2 Mr Taku?

3 MR TAKU: Actually, the channel is actually not activated for Mr Ongwen.

4 PRESIDING JUDGE SCHMITT: We have to fix this of course. Thank you very
5 much for this remark. I understand that it now functions. Thank you
6 very much.

7 Mr Gumpert, please, you have, again, the floor.

8 MR GUMPERT: I want to turn now to the fourth and last of the camp
9 attacks on which this trial focuses, and that is the attack on Abok IDP
10 camp that was located in Ngai Sub-County, in Apac District. There was a
11 UPDF force of about 15 soldiers resident at the camp in June of 2004 to
12 protect the inhabitants.

13 I'm going to ask now for the assistance of the Court Officer to show a
14 short video presentation, giving some visual guidance as to the various
15 locations that will be of significance during this trial. And I believe
16 that that presentation can be seen on the Evidence 2 channel. I'm sorry,
17 I'm corrected. Apparently it's the Evidence 1 channel.

18 (Viewing of the video excerpt)

19 MR GUMPERT: The Prosecution evidence will show that it was
20 Dominic Ongwen who coordinated the preparation of this attack. He was
21 present at a parade of Sinia brigade fighters where the attackers were
22 selected. He told them, "Kill everyone who is not one of you." And the
23 orders were to attack the barracks, collect food and burn houses. He
24 ordered that people should be abducted and that those who ran away should
25 be shot.

1 Dominic Ongwen himself retained overall command but he appointed Okello
2 Franco Kalalang, one of his subordinate officers, to be the leader of the
3 attack on the ground. Kalalang's orders were that ammunition should be
4 conserved by the means of beating people to death rather than shooting
5 them. Dominic Ongwen wasn't present during the attack, but afterwards
6 his fighters reported to him at the Atoo Hills and he was present during
7 a head count.
8 This was a deliberate attack on the civilian population of Abok IDP camp.
9 That's represented by Count 37.
10 Dominic Ongwen ordered and planned that attack. He intended civilians to
11 be the object of the attack. He knew that in the ordinary course of
12 events, crimes such as those that I'm about to describe would be
13 committed. In many cases he specifically ordered that they should be
14 committed.
15 Civilians were murdered. LRA fighters shot, burnt, and beat them to
16 death. Two camp residents will confirm that the attackers shot unarmed
17 people as they ran through the camp. Another Prosecution witness was
18 found hiding with his family in a latrine. The attackers shot dead his
19 father, brother, and neighbour before his eyes.
20 The Chamber will hear evidence from a young escort to one of Ongwen's
21 subordinate commanders. He recalls a house at the camp where about ten
22 people, a mixture of adults and children, were sleeping. The young
23 escort was ordered to assault one of the men in the house with the butt
24 of a gun because he was refusing to carry goods. When this had no
25 effect, having forced some of the other occupants out, carrying looted

1 items, the commander closed the door and set the house on fire with the
2 remaining occupants still inside. And another LRA fighter who
3 participated in this attack confirmed that the LRA burnt people alive if
4 they wouldn't come out of their houses.

5 A camp leader compiled a list of the dead. He documented the deaths of
6 28 civilians killed by gunshot, burning, and beating. Other witnesses
7 recall seeing the dead bodies of civilians all over the camp. Some of
8 them had the back of their heads smashed.

9 Following his abduction, the boy who had been discovered in the latrine
10 saw a female abductee killed in the bush. She couldn't stop crying and
11 eventually she was taken from view and beaten, as he put it, until she
12 wasn't crying anymore.

13 LRA fighters shot at fleeing civilians in order to kill them. They burnt
14 civilian homes intending to kill the civilians trapped inside, but
15 sometimes, despite their best efforts, those victims survived. That's
16 the crime of attempted murder. One camp resident will give evidence that
17 he was the last to escape from his home when the LRA arrived. They were
18 on him by the time he reached the door and he was trying to run. One of
19 the attackers shot at him three times but missed. A female abductee was
20 forced to carry beans, goats, and a heavy bag. Not surprisingly, after a
21 while she couldn't cope with the load. Her attackers beat her, strangled
22 her, cut her with a machete, and left her for dead.

23 The four crimes on the screen now have essentially the same underlying
24 acts, as I have submitted previously, despite their differing legal
25 ingredients. The Prosecution case is that the attackers committed all

1 four crimes.

2 They inflicted severe physical and mental pain and suffering on their

3 victims through these beatings and the infliction of injury. They forced

4 the abducted civilians to carry heavy loads under threat of death and

5 other intimidation. And the pain inflicted by these various methods

6 amounted to torture, to cruel treatment, and inhumane acts.

7 The boy who was discovered in the latrine and witnessed family members

8 being killed and abducted was forced to kill another abductee as a lesson

9 to those who were thinking of escaping.

10 Another witness saw an LRA fighter severely beat her father with the butt

11 of a gun while demanding money. One older lady was seen by her daughter

12 being beaten over the head with a thick stick because she hadn't

13 voluntarily surrendered the money that was demanded from her.

14 One of the residents abducted was moving slowly. The reason was because

15 he had an injury to his foot. One of the LRA fighters stamped on his

16 injured foot and forced him to lead the LRA to the shops. When the first

17 shop was empty, he was beaten with the butt of a gun and warned that if

18 the next shop was empty too, they would kill him. He was forced to march

19 on his injured foot for the next two days and he knew that stopping or

20 asking for help would result in being killed. On the way he saw an

21 elderly female abductee being beaten because she couldn't walk. He

22 recalled that LRA fighters passed her on the road in single file, each

23 one slapping or hitting her, until she defecated on herself.

24 Another abductee will tell the Court how he was hit continuously with a

25 bayonet for walking too slowly and for dropping the load that he was

1 carrying. Two others were required to carry away a wounded LRA fighter.
2 When they fell because he was heavy, they were beaten with the butt of a
3 gun or a panga, a machete.
4 One witness, a child at the time, was taken from his mother as she
5 attempted to escape the attack. He was given to another abducted person
6 and then witnessed the LRA attackers beating his mother.
7 The attackers under Ongwen's command deprived civilians of their liberty
8 by abducting them and placing them under military guard to prevent their
9 escape. Men, women and children were abducted and forced to perform
10 manual labour. They were treated as slaves. For some, the enslavement
11 was temporary. For young boys and girls, it was intended to be
12 permanent.
13 You've heard about abductees being forced to carry heavy foodstuffs and
14 livestock, two of them forced to carry a wounded fighter. Another
15 witness was taken from his home by the rebels and forced to carry a heavy
16 load. He recalled a number of people who were abducted with him and that
17 some of them were killed during their captivity, while others eventually
18 returned. One of the attackers will give evidence that they saw seven
19 people abducted during the attack. Three of them were aged around 12
20 years old.
21 LRA fighters under Ongwen's command took food and other property
22 belonging to the camp residents. They pillaged the camp. A group of
23 about 50 women and children who had been abducted during previous attacks
24 were selected to accompany the LRA fighters to Abok and their job was
25 specifically to carry away the pillaged goods. Witnesses saw LRA

1 fighters taking food items, clothing, cooking utensils, soap, and
2 first-aid provisions from homes and shops. The LRA fighters blew
3 whistles to signal to the carriers to meet the fighters and receive the
4 looted goods. Two of the participants in the attack will give evidence
5 that they personally pillaged food from civilian homes. The child whose
6 mother was beaten before his eyes saw the attackers take the money that
7 was found on her.

8 LRA fighters wantonly destroyed property belonging to civilians in Abok.
9 They viewed them, as I have said before, as their adversaries, their
10 enemies. So much of the camp was set on fire that later it was difficult
11 to discern the number of houses that had been burnt down or to assess the
12 damage accurately. One witness saw LRA fighters set fire to every other
13 house, knowing that they were built close enough for the fire to spread
14 to the adjacent structures.

15 In an intercepted communication after the attack, Dominic Ongwen
16 reported, and I quote, "... We burnt all the houses including the camp
17 and the barracks. All of them were burnt."

18 After the attack, Dominic Ongwen transmitted the results over the radio
19 to Joseph Kony and other LRA commanders, and he got praise but also a
20 critique of his tactical decisions.

21 This is a UPDF logbook of intercepted LRA communications.
22 I see that we have the same problem as yesterday in that the highlighting
23 is not working. I must continue. I apologise for that.

24 It's 9 June, which this logbook records. Ongwen is reporting to Otti
25 that the day before, he had attacked Abok Centre and burnt about 600

1 civilian houses.

2 There is another radio report dated the next day, 10 June, and the name

3 Abok is not used by either Ongwen or Raska Lukwiya, the LRA army

4 commander, but the timing of this sound recording leaves no doubt that

5 this is a report by Ongwen concerning the attack on Abok IDP camp. You

6 can hear three portions of that sound recording now.

7 (Playing of the audio excerpt)

8 MR GUMPERT: Well, that may have been enlightening for our Acholi

9 speaking listeners so not completely without value, I hope. But I am

10 disappointed that the technology is letting us down so that for those of

11 us who don't speak Acholi we are none the wiser. But I must continue

12 because I'm conscious that my time is limited.

13 In the same sound recording, Joseph Kony can be heard giving

14 Dominic Ongwen tactical advice, as I mentioned earlier. Kony spoke of a

15 previous ambush at Alero, and he suggested to Ongwen that on future

16 occasions, he should plan to do it the same way as the attackers at

17 Alero. "Try doing it that way," said Kony. Ongwen had reservations in

18 his response to Kony, as the transcript of the sound recording shows. He

19 said, "Well, that runs the risk that the civilian population will sound

20 the alarm, if I do it that way."

21 The reason I emphasise this is because the exchange makes it clear that

22 far from Ongwen being under Kony's thumb, simply having to follow

23 precisely the orders given, they each had preferred tactics to optimise

24 the effectiveness of attacks. They were able to converse, to discuss, to

25 exchange ideas, as one commander to another. Dominic Ongwen had a full

1 measure of discretion about how to carry out the attacks that his troops
2 conducted.

3 This is the ISO logbook entry for 10 June. It records Dominic Ongwen
4 recording -- I'm sorry, reporting that he had attacked Abok and that he
5 was coming from an attack where he had been killing many people and
6 burning many huts.

7 The entry for 10 June -- I'm sorry, I'm being slightly distracted.

8 Your Honours, that concludes my summary, somewhat unsatisfactorily, of
9 the evidence concerning the attack on the four IDP camps, and I turn now
10 to a completely separate topic.

11 The next 20 or so charges in the document containing the charges are
12 sexual and gender-based crimes or associated crimes.

13 The regime of sexual abuse of girls and women in the LRA is one of its
14 defining features. In recognition of this fact, something like a quarter
15 of the crimes charged against Dominic Ongwen, Counts 50 to 68, are of
16 this type.

17 The LRA's system of distributing women and girls to so-called husbands
18 was one way in which LRA fighters demonstrated their power over the
19 civilian population and the people they were abducting.

20 Joseph Kony and his senior commanders regarded abducted women and girls
21 as their possessions. Sometimes they were valued but ultimately they
22 were disposable, replaceable.

23 I'm sorry for broadcasting the stage directions. Things are not going
24 well on the technology front.

25 In October 2003, Joseph Kony was speaking to another LRA commander by the

1 name of Bogi, B-o-g-i. Bogi was complaining that his forced wife had
2 escaped. Kony consoled Bogi. He said the LRA changes women like
3 clothes, and he said, "Don't be upset. You can get another lady from
4 Teso."
5 Female abductees were given no choice in the matter of their allocation.
6 There was no question of their consent being obtained to any of the
7 subsequent sexual activity. Women and girls were punished if they
8 refused sex, punished if they failed in their domestic duties, and
9 punished or killed if they tried to escape.
10 All units of the LRA were involved in the abduction of girls and women.
11 Their subsequent subjugation into a forced conjugal relationship was a
12 hallmark of the LRA's behaviour. As a battalion commander at first and
13 later a brigade commander, Dominic Ongwen enthusiastically carried out
14 this brutal policy towards girls and women.
15 Dominic Ongwen himself perpetrated sexual and gender-based crimes against
16 all his own forced wives. Seven of these have given their testimony and
17 been examined by the Defence under a procedure set out in Article 56 of
18 the Rome Statute. This Chamber has recognised that testimony as having
19 been formally submitted in these trial proceedings with the result that
20 these witnesses will not have to endure the ordeal of repeating that
21 evidence.
22 But given that they will not appear at this trial, that their evidence
23 will not be heard in the courtroom, I intend to summarise that evidence
24 fully. Before I do so, I want to say something about two of the crimes
25 which the Prosecution allege Dominic Ongwen committed through his conduct

1 to these victims.

2 Firstly, forced marriage. The term "forced marriage" doesn't appear in

3 the Rome Statute itself. The Prosecution submits nonetheless that forced

4 marriage is an inhumane act. It's an act of a character, the Prosecution

5 submits, similar to other inhumane acts set out in the statute, such as

6 deportation, unjustified imprisonment, persecution. Forced marriage

7 causes great suffering. It can cause serious injury to mental health.

8 As such, the Prosecution suggest that it is a crime under Article

9 7(1)(k). The Pre-Trial Chamber has approved the inclusion of forced

10 marriage in the document containing the charges, and that Chamber ruled

11 that the central element of forced marriage is the imposition of duties

12 that are associated with marriage as well as of the social status of

13 being the perpetrator's wife regardless of the will of the victim.

14 Forced marriage irrevocably changes the status of its victims. That's

15 both in the way they perceive themselves and how they are perceived by

16 others. Women and girls whom LRA fighters forcibly married, without any

17 reference to their wishes in the matter, frequently continue to regard

18 themselves as their wives to this day.

19 The Pre-Trial Chamber held that, and I quote, "what matters is that the

20 so-called marriage is factually imposed on the victim with the consequent

21 social stigma." And it further held that distinct from sexual harm, the

22 crime of forced marriage violates the independently recognised right to

23 consensually marry and establish a family.

24 The Prosecution case is that the whole concept of marriage - its social

25 status, property rights, inheritance rights, its importance as the

1 foundation of the family unit, its potential source of comfort and
2 companionship for marital partners - is perversely reconstructed for the
3 victims of forced marriage. They get all the burdens and none of the
4 benefits.

5 Some of those victims are burdened with mixed emotions towards the man
6 who forcibly married them. Together with fear, anger, resentment, they
7 sometimes have a residual regard or even affection for the man who
8 subjected them to forced marriage, as well as raping them and holding
9 them in sexual slavery. And that's particularly the case when the man is
10 the father of their children.

11 Some people within the society to which the victims have returned
12 following their escape continue to refer to these victims as LRA wives.
13 They are sometimes regarded with suspicion or hostility. Some people
14 will regard the idea that referring to a woman who has matrimony forced
15 upon her as a wife at all is repugnant. And I want to emphasise that by
16 referring to a person as a "forced wife" by making reference to marriage
17 in this trial, the Prosecution does not seek to legitimise what occurred.
18 The intention, rather, is to describe a forced, exclusive, conjugal
19 partnership that has inflicted suffering, great suffering, on the victim.

20 The other crime about which I seek to say a few words is the crime of
21 forced pregnancy.

22 I don't know about others on the English channel, but I'm getting
23 some Acholi.

24 (Technical difficulty)

25 PRESIDING JUDGE SCHMITT: We also got some Acholi, but now I hear you

1 again so I understand that you can continue.

2 MR GUMPERT: Thank you.

3 The value protected by the criminalisation of forced pregnancy, which is

4 a crime specifically delineated in the Statute, is primarily reproductive

5 autonomy. In the Confirmation Decision in this case, the

6 Pre-Trial Chamber held that "this crime does not depend on the

7 perpetrator's involvement in the woman's conception. It's only required

8 that the perpetrator knows that the woman is pregnant and that she has

9 been made pregnant forcibly ... the essence of the crime of forced

10 pregnancy is in unlawfully placing the woman in a position in which she

11 cannot choose whether to continue the pregnancy." That's what the

12 Prosecution allege was Dominic Ongwen's criminal conduct in this case.

13 The allegation is that he acted in that way with the intent of carrying

14 out other grave violations of international law; in other words, that he

15 intended to continue committing the crimes such as rape, torture and

16 enslavement, which these victims were subject to.

17 Rather than proceeding on a crime-by-crime basis, as I have done for the

18 camp attacks, I intend for the victims of sexual and gender-based crimes

19 to proceed on a victim-by-victim basis. It enables us better to see them

20 as human beings and to understand the full horror of what was done to

21 them.

22 The Prosecution has adopted the position that only crimes which were

23 committed within the timeframe of the other charges, July 2002 to

24 December 2005, will be charged. Some of the atrocious conduct about

25 which witnesses give evidence falls outside that period and that conduct

1 is not itself the factual foundation for any of the crimes about which
2 this Chamber will ultimately have to decide. But it is, the Prosecution
3 say, obviously relevant to the Chamber's assessment of the likely truth
4 and accuracy of the witnesses' accounts, and of the gravity of crimes
5 which may be found to have been committed within the timeframe.
6 The Prosecution notes, in addition, that many of the crimes, for example,
7 forced marriage, enslavement, sexual slavery, are continuing crimes.
8 They are not constituted by a single occurrence but by a condition of
9 being which may have started before the relevant timeframe and concluded
10 after it. And, equally, where the allegation is that sexual intercourse
11 took place regularly over a period of years, the victims' lack of consent
12 may have been obvious when it first occurred outside the timeframe. The
13 fact that by July 2002 the victim had been bludgeoned into silent
14 submission doesn't mean that sexual intercourse was by then consensual.
15 The Prosecution case is that these continued to be acts of rape
16 throughout their duration.
17 I turn firstly to Witness P-0101. She was abducted in August 1996 by
18 Dominic Ongwen and other LRA fighters. She was 15.
19 That same day, Dominic Ongwen took her as his forced wife. He removed
20 her blouse, smeared her with oil made from ground-up shea nuts, a ritual
21 that LRA fighters sometimes performed on abducted girls before they
22 became forced wives. That evening, Dominic Ongwen sent his escorts to
23 bring her to his tent. She was afraid and refused. Ongwen sent his
24 escorts a second time and they forced her to go to his tent. There, she
25 pleaded with Ongwen not to rape her. Ongwen said to her, "Have you seen

1 this gun? If you refuse to sleep here, then you're going to face the
2 consequences." And with the help of his escorts, he pinned her down and
3 raped her. She was weeping. Her clothes were covered in blood. It was
4 the first time she had had sex.

5 Over the eight years that she was in captivity, Dominic Ongwen continued
6 to force this witness to have sex with him. He beat her when she
7 refused. She believed she would be killed if she tried to escape because
8 she had seen this happen to other people. The rapes themselves and the
9 other violence inflicted for the purpose of intimidation, coercion, or
10 punishment all amounted, the Prosecution say, to torture.

11 Being a forced wife to Dominic Ongwen meant that the witness had to
12 maintain an exclusive sexual relationship with him, bearing his children,
13 performing domestic chores, and otherwise doing whatever he instructed.
14 She was entirely under his control.

15 In this way Dominic Ongwen exercised powers attaching to the right of
16 ownership over the witness. He took away her liberty. He used her as a
17 slave.

18 As a result of the repeated rapes, the witness became pregnant. She gave
19 birth to three children of whom he is the father. Two of them were with
20 her when she escaped in July 2004. The third was born after her escape.

21 As he had been doing from the first, Dominic Ongwen confined her freedom
22 while she was pregnant. He did so with the intention of continuing to
23 use her as his forced wife, raping, sexually enslaving, and torturing
24 her. This is the crime of forced pregnancy.

25 I turn to Witness 0226. She was abducted in about 1998 by armed LRA

1 fighters under Dominic Ongwen's command. She was taken from her home
2 village. She was about seven years old.
3 Her abductors forced her to walk through the bush for about a month. She
4 witnessed them kill another abductee because she was tired and couldn't
5 walk anymore. She was taken to Sudan where she and other girls were
6 selected by various LRA commanders to become their wives. She was taken
7 to Dominic Ongwen's home. At first she was a
8 "ting-ting," a word used by the LRA to denote babysitters and housemaids,
9 children who were not yet wives. They had the duties of fetching water,
10 collecting vegetables, and the like.
11 But when she was about ten years old, Ongwen summoned her to have sex
12 with him. She was disgusted and frightened. She refused. Ongwen
13 ordered the child soldiers who acted as his escorts to beat her. He
14 watched them do it. They beat her with bamboo sticks so severely that
15 her hands and body were swollen and she couldn't sit properly. She was
16 beaten continually for a week before she finally submitted to Ongwen's
17 demands. And when she did, he tore her clothes off. He had to lift her
18 onto his bed because she was so small. And he threatened to kill her if
19 she cried. He penetrated her vagina with his penis, causing her injury
20 and bleeding. And later she heard him bragging and laughing with other
21 commanders about having raped her.
22 When they moved back to Uganda, Ongwen announced that this witness was
23 now his wife. He had many wives but she, of course, was not allowed to
24 have any sexual interest in anyone apart from her one husband. If she
25 had, she would have been beaten or killed. Each time that Dominic Ongwen

1 had sex with her after this first rape, it was forced. She had no
2 choice. She gave no consent.
3 She was forced to do domestic chores, including cutting grass for
4 bedding, cooking, carrying the sauce pans and the cutlery and the dishes
5 that Dominic Ongwen used. She knew that if she disobeyed his
6 instructions as his forced wife, she would be either beaten or killed.
7 She felt that she had no chance of escape. She knew she would be beaten
8 to death if caught.
9 Her belief was that Dominic Ongwen liked beating people, that he liked
10 punishing people, and he beat her frequently. By the time she gave
11 evidence, she told the Court, she could still feel pain from all the
12 beatings that she had received. Once she was beaten until she was
13 unconscious. Her crime? Allegedly urinating in a river. And on that
14 occasion, Ongwen had watched as his escorts beat her. On another
15 occasion, she was beaten again until she was unconscious because she had
16 given leftover food to another woman. On yet another occasion, she was
17 beaten because Ongwen believed that she had a love interest in one of his
18 young escorts.
19 She herself was once forced to beat to death a UPDF soldier that
20 Dominic Ongwen's fighters had captured during an attack on Patongo in
21 northern Uganda. This was sometime in late 2002 or early 2003. Sitting
22 on a chair, Ongwen told her and other captives that anyone who refused to
23 beat the soldier would themselves be killed. She witnessed many other
24 similar events.
25 By forcing her to participate in the killing of another human being, the

1 Prosecution case is that Dominic Ongwen humiliated, degraded, violated
2 her dignity, and the severity of that degradation was such that any
3 reasonable person would be outraged. That's the statutory criteria. And
4 Ongwen must have been aware of that because of this unusually cruel act
5 which he was requiring of her.

6 I turn to Witness P-0099. She was abducted in 1998 at the age of 15.
7 Dominic Ongwen participated personally in the attack during which she was
8 abducted. She wasn't distributed immediately as a forced wife, although
9 it was clear that she had been abducted for that purpose. She was
10 detained against her will in Joseph Kony's household in Jebellin, which
11 was in Sudan, and she was forced to work as a "ting-ting," a phrase
12 I described a moment ago, a house-girl. She had to carry out domestic
13 duties, like looking after children and washing clothes. During this
14 time, she saw her friend beaten to death when LRA fighters found out that
15 she planned to escape.

16 P-0099's status was unusual. She was the niece of a high-level LRA
17 commander, a man who was particularly close to Joseph Kony, and so when
18 Kony wanted this witness to be his wife, she was permitted to decline.
19 In fact, she declined three other commanders before finally she accepted
20 Dominic Ongwen. It was a choice but it was a choice made under wholly
21 coercive circumstances. She knew that Joseph Kony had decreed that it
22 wasn't acceptable for women to remain single. If she hadn't chosen a
23 husband, she would have been allocated one without her consent. LRA
24 radio communications corroborate her account on this matter. Logbooks
25 for 15 and 28 May 2003 record Kony stating that LRA rules did not allow

1 women to stay without men.

2 The day that P-0099 joined Dominic Ongwen's household, that very day, she

3 was forced to have sex with him. She was taken to his house by his

4 escorts where she took a bath. She went to Ongwen's bed and he told her

5 to remove her clothes and lie down. And then he put himself on top of

6 her and had sex with her. She told him, "You've hurt me," but he made no

7 answer.

8 She purported to consent to sex with Ongwen but it was not genuine

9 consent and it was given in coercive circumstances. She explained in her

10 evidence to the Pre-Trial Chamber, "It was time for me to become a wife.

11 If I had refused and if he ordered that I be killed, what would happen?

12 That's why I accepted. Because he might say that I'm promoting

13 prostitution among his soldiers."

14 Although this rape predates the Court's temporal jurisdiction, it

15 constitutes, the Prosecution submits, vital context for the Chamber to

16 achieve proper understanding of the coercive environment that existed in

17 Dominic Ongwen's household and during the commission of the crimes of

18 forced marriage and enslavement against this victim.

19 From the time she was first raped, this witness was Dominic Ongwen's

20 forced wife, with no right to choose any other partner. And one of her

21 main tasks was to have sex with him on demand. As a result of that

22 forced sex, this witness had a son in June 2002.

23 She recalled an occasion when she and another forced wife were beaten by

24 two of Dominic Ongwen's escorts, boys called Ocan and Owor, because they

25 had refused to cook the food.

1 She escaped in September 2002. It's the Prosecution case that from 1
2 July, when the jurisdiction of the Court begins, she was the victim of
3 the crimes of forced marriage and enslavement. She was physically
4 guarded in a sick-bay in northern Uganda during that time by LRA fighters
5 who included escorts to Dominic Ongwen. During those months, she was not
6 able to escape, and if she tried she would have been killed. Although
7 she was not physically in Dominic Ongwen's presence during that period,
8 she continued to be his forced wife and he continued to exercise total
9 control over her life.

10 I turn to Witness P-0214. She was abducted in June 2000 by LRA fighters
11 from the Sinia brigade. She was abducted with about 50 others and made
12 to walk all the way to the LRA base at Abatulanga in Sudan.
13 Joseph Kony distributed her to Dominic Ongwen. This was in about
14 September 2002. And when she arrived, she met another of the Prosecution
15 witnesses. They were part of Dominic Ongwen's household, carrying out
16 domestic duties, cooking, washing clothes. And these were the
17 instructions that she received: Her duties included nursing Ongwen when
18 he was wounded.

19 When Dominic Ongwen first told P-0214 that he wanted her to become his
20 wife, she refused. Ongwen told his security guards, his escorts, to get
21 sticks to beat her. And he told her that when a husband calls on a girl,
22 she should not refuse. And in these circumstances, she submitted to him
23 against her will.

24 She described her ordeal to the Court in simple terms. She lay down in
25 his room. There were guards outside and a gun inside. Dominic Ongwen

1 told her to remove her clothes. She had never slept with a man before.
2 He raped her. It was painful. She tried to push him away, but he was
3 too heavy.
4 On that occasion, and on every occasion after that, this witness had no
5 choice whether to have sex with Dominic Ongwen or not. His security
6 guards were present whenever she went to his sleeping quarters. They
7 guarded her all the time. She was unable to escape. In her time in the
8 LRA, she had sex only with Ongwen. She was his sex slave.
9 One of Dominic Ongwen's other wives recalls an occasion when this
10 witness, P-0214, was punished by Ongwen. Her offence was being too slow
11 to bring him his bathing water. And that witness recalled that P-0214
12 was already pregnant at the point when she was punished. Ongwen had her
13 beaten with a machete.
14 As a result of the repeated rapes, this witness became pregnant four
15 times. She miscarried once and had three children all fathered by
16 Ongwen. Other witnesses, other forced wives of Dominic Ongwen, confirm
17 her frequent pregnancy while in captivity. And while she was a pregnant
18 captive, Ongwen continued to carry out grave violations of international
19 law. He continued to use her as his forced wife, to rape her, torture
20 her, sexually enslave her, and enslave her for domestic purposes. This
21 is the crime of forced pregnancy. This witness was not able to escape
22 until 2011.
23 I turn to Witness P-0227. She was abducted by LRA fighters under
24 Dominic Ongwen's command in about April 2005.
25 She and the other abductees were forced to carry looted goods. Along the

1 way she was beaten with a log by a "kadogo", a child soldier, and this
2 was because she had failed to respond to her abductor's questions
3 satisfactorily. She was also beaten for not walking stealthily enough.
4 She was taken to live in Dominic Ongwen's household. She remembers one
5 of the other Prosecution witnesses, another forced wife, assigning her
6 domestic duties, fetching water, cutting grass, collecting firewood. She
7 remained closely guarded, unable to escape.
8 The ordeal which this witness underwent at Dominic Ongwen's hands has
9 already been described by the Prosecutor in her address to the Court
10 yesterday and I shall not repeat it.
11 So I turn to Witness P-0235. She was abducted in September of a year
12 about which she was unsure. It was either 2001 or 2002.
13 She was forced to carry pillaged items away from her home and that was
14 the same with the other abductees taken from that place. They were made
15 to walk the long distance to Pader, during the course of which her feet
16 became badly swollen. Her abductors had guns and she knew that if she
17 tried to escape she would be killed. She came to learn that her
18 abductors were from the Sinia brigade at that time commanded by Buk
19 Abudema.
20 When she arrived in Pader, she saw Dominic Ongwen together with his
21 commander Buk Abudema. Ongwen was a battalion commander at this time.
22 The LRA divided up the abductees and distributed them, and she was
23 assigned to Ongwen's household where she stayed until her escape.
24 In his household, she was initially a "ting-ting". She cooked, she
25 fetched water, she washed the clothes, and she collected wood. She took

1 things to Ongwen when he called for them. One of the more senior women
2 in the house, also a Prosecution witness, beat her when she was too slow
3 in these duties. When out collecting firewood or fetching water, she was
4 watched so that she couldn't escape. And when she tried to do so she was
5 caught and told that she would be killed, but she was let off by
6 Dominic Ongwen with just a beating.

7 Not long after her abduction, Dominic Ongwen ordered that two other
8 people who had tried to escape should be beaten to death, and he chose
9 the witness to kill them. In the end, because she was crying so hard, he
10 excused her and ordered other recent abductees to carry out the killing.
11 His willingness and his power to spare as well as to punish when the
12 fancy took him is demonstrated by this episode. Dominic Ongwen treated
13 this witness as his possession or his play-thing. His behaviour outraged
14 her personal decency.

15 When the LRA moved out of Uganda and into the Congo in 2006, the witness
16 recalled Dominic Ongwen sending another of his forced wives to call her
17 to spend the night with him. When she told him that she didn't want to,
18 he insisted. He told her, "Don't you know the rules we apply in the
19 bush?" And he was referring, she knew, to the rule that once a girl is
20 mature, she should have a husband. She knew that if she refused sex, she
21 would be beaten. Ongwen raped her three times and these were her first
22 sexual experiences. And within a week he called her again for sex. As a
23 result of these repeated rapes, she became pregnant. She gave birth to
24 three children in 2007, 2010, and 2014.

25 At one point, Dominic Ongwen thought that another one of the witnesses

1 who gave evidence to the Court after enduring years as his forced wife
2 had tried to escape, and he blamed this witness so that she and other
3 women were beaten severely. On another occasion she was beaten for not
4 having prepared his bed properly and she has scars on her breasts from
5 that beating.

6 I turn to Witness P-0236, the last of the witnesses who gave evidence
7 about their personal victimisation at the hands of Dominic Ongwen. She
8 was abducted in September 2002. She was 11 years old. She was
9 distributed to Dominic Ongwen's group, and within a short time, she and
10 other new abductees were gathered together to witness an LRA fighter stab
11 two people who tried to escape. They were told that the same thing would
12 happen to them if they tried.

13 Her duties as a "ting-ting" were to wash, to cook, and to do laundry, and
14 she had no choice about this. Dominic Ongwen was depriving her of her
15 liberty. He was treating her as his possession.

16 She was beaten often during her captivity. The first beating was simply
17 part of an initiation, but on another occasion she was beaten by one of
18 the child soldiers who escorted Dominic Ongwen because she was said to be
19 dirty. On another occasion she was beaten because she didn't listen or
20 had forgotten commands or if the laundry that she had been made to wash
21 was judged not to be clean.

22 She remembered being beaten in 2007 after she had crossed with
23 Dominic Ongwen into the Congo for repeatedly -- sorry, for purportedly
24 having a relationship with another man. The man was shot. The witness
25 was caned 100 times.

1 It was in 2007 that Dominic Ongwen made this witness, P-0236, his forced
2 wife. He called her and she went to him. He told her to lie down and to
3 undress. There was a gun in his bedroom and so she did so. He lay on
4 top of her and had sex with her. She was a virgin. She was clear that
5 she had no choice because she was under his authority. His security men
6 were sleeping just a few metres away and this reinforced the coercive
7 nature of the situation.

8 After that, Dominic Ongwen had sex with her regularly, each time
9 by force. She was not allowed to say no. And as a result of her rape,
10 she gave birth to two children. She was confined during her pregnancy.
11 She begged Ongwen to release her during this time, but he did not.
12 She escaped in April 2015. She had been in the bush for nearly 13 years.
13 When she gave evidence, she was acutely aware of how her enslavement had
14 blighted her life. She compared herself to her school mates who had not
15 been abducted. They were, she said, and I quote from her evidence, "much
16 better off than I am. I have injuries. I'm weak. Maybe if I'd not been
17 abducted I wouldn't have been shot at, I wouldn't have been injured,
18 I wouldn't have any suffering." She said that her children now found it
19 difficult to adapt to a normal life outside the bush.

20 Dominic Ongwen isn't charged with the crimes of forced marriage, rape,
21 torture, sexual slavery, enslavement, or forced pregnancy of this
22 witness, and that is because those offences post-date the upper limit of
23 the charged period. But as I said before, I urge upon the Court the
24 importance of this evidence as contextual evidence so that the Chamber
25 understands the experience of the victims of sexual and gender-based

1 crimes which do appear in the document containing the charges.

2 And I should emphasise that the evidence of these seven witnesses on

3 which I have dwelt in some detail doesn't stand alone. Apart from the

4 numerous occasions when they corroborate each other, there is a number of

5 other witnesses who confirm the experiences about which Dominic Ongwen's

6 forced wives have given evidence. These witnesses all lived and worked

7 under Dominic Ongwen in the bush. These witnesses knew the forced wives

8 by name. They give accounts which are consonant with the testimony of

9 these seven witnesses.

10 In addition, the Prosecution has requested scientific proof by DNA

11 testing of the kinship between Dominic Ongwen and the children that these

12 women have said that he fathered. The Court will hear evidence from an

13 expert in biological tracing and forensic science who analysed DNA

14 samples collected from these seven witnesses. The result of the DNA

15 kinship analysis supports the charge of rape against Dominic Ongwen. The

16 results indicate that it is overwhelmingly likely - the probability of

17 paternity is greater than 99.99 per cent - that Dominic Ongwen is the

18 father of the children born by these witnesses. None of these witnesses

19 consented to the sexual intercourse which is the inevitable precursor of

20 their giving birth to his children. They were raped.

21 The crimes perpetrated by Dominic Ongwen didn't stop at his own forced

22 wives or the seven witnesses whose evidence has just been summarised.

23 Within the Sinia brigade, he was at the head of a structure through which

24 these crimes were committed on an institutional scale. Where he led, his

25 fighters followed.

1 These are charges 61 to 68 in the Decision Confirming the Charges. And
2 the evidence shows that under Ongwen's leadership, the practices of the
3 LRA were vigorously enforced. The overwhelming majority of abducted
4 girls and women had very similar experiences to those about which the
5 Chamber has just heard.

6 Numerous witnesses, Sinia commanders and fighters, confirm the existence
7 of this practice of victimisation. They confirm the particularly brutal
8 and expansive scope that the policy had under Ongwen's command. The
9 seven witnesses whose testimony I've just described are not only victims,
10 they are witnesses who observed the victimisation of other girls and
11 women within the Sinia brigade.

12 The Prosecution will call five other women to give evidence. They, too,
13 experienced enslavement, forced marriage, rape, sexual slavery, and
14 torture. And they are representative of a very much larger group of
15 women in the Sinia brigade. These charges do not name these five
16 victims. Those charges are not directed against those five women alone.
17 Their evidence is put forward as an example of the crimes which were
18 committed on hundreds of other victims.

19 But what these witnesses do is to provide proof that these crimes were
20 committed as a matter of routine and that they are attributable to
21 Dominic Ongwen. Their evidence establishes that women and girls were
22 routinely abducted by fighters first in the Oka battalion when
23 Dominic Ongwen was the commander of that unit, and then the Sinia brigade
24 when he was the commander of that unit. They give evidence which
25 establishes that these units had strict rules on sexual conduct, rules

1 which dictated that these abducted women and girls should be forced to
2 "marry" - I put the word in inverted commas - the Sinia fighters with all
3 of the other crimes which flowed from that forced marriage.
4 Abductions were carried out on Dominic Ongwen's specific orders. He
5 personally distributed the women. He was at the head of a disciplinary
6 structure which punished attempts to escape.
7 He was diligent in ensuring that abduction missions were undertaken
8 regularly. He frequently inquired of his subordinates as to the number
9 of abductions carried out. He disciplined officers who lagged behind on
10 this front. To quote from a logbook recording a radio communication with
11 Joseph Kony, "Dominic Ongwen could not survive in the bush without
12 women."
13 Witness P-0351 was abducted by the LRA in December 2002. She was 12.
14 She was told that if she tried to escape, she would be killed. She was
15 forced to carry looted goods. There were many other people abducted,
16 girls between 10 and 20, in the same situation.
17 On one occasion, she was forced to take part in the killing of a civilian
18 who tried to escape. Threatened with her life at gunpoint, she complied.
19 Speaking of the LRA's attitude to attempts to escape by those it had
20 abducted, she recalled, "If you ran towards government soldiers during an
21 attack the Holy" - it was a word which LRA members used about
22 themselves - "the Holy would shoot you and kill you. They'd say you're
23 running towards the soldiers in order to escape. I saw this happen."
24 Shortly after her abduction, this witness was transferred to
25 Dominic Ongwen's group. She was taken to a sick-bay. Her tasks involved

1 looking after babies and fetching water.

2 But after a time, Dominic Ongwen distributed this witness as a forced

3 wife to Kalalang, Okello Franco Kalalang, subordinate commander of

4 Terwanga battalion in Dominic Ongwen's Sinia brigade. Kalalang already

5 had two other wives.

6 That same night of the distribution, Kalalang told the witness that she

7 was now his wife and he raped her. She didn't refuse because she feared

8 that he would kill her if she did. She had seen that happen to other

9 girls.

10 After that night, Kalalang slept with the witness and his other wives

11 alternately. None of them had any choice in the matter. As Kalalang's

12 forced wife, the witness had to cook with him and sleep with him. She

13 was just one of many who had been distributed in the way that she had.

14 They would be beaten if they lost the loads that they were meant to carry

15 as they travelled from place to place, and this happened many times to

16 her. Kalalang would order her to be beaten with canes by two or three

17 soldiers at one time. She finally managed to escape in 2006. By this

18 time she was just 16. She had been in slavery for four years.

19 I turn to Witness P-0352. She was abducted by fighters from the Sinia

20 brigade and distributed to a fighter called Okwer. There were other

21 girls in Okwer's household. They had to cook, fetch water, wash the

22 clothes, and observe the rules. If they didn't, they were punished. One

23 girl was caned 50 times because she wasn't cooking well. Others were

24 beaten for the same reason, for dropping their loads, and it was Okwer

25 who gave the orders in his household for someone to be beaten.

1 About a week after she arrived, she and a boy were accused that they were
2 thinking to escape. For that reason, she was beaten, and the boy on the
3 other hand was shot. Okwer told her that if she did try to escape, she
4 too would be killed.

5 She remembers an occasion when many of the other girls in the group were
6 ordered by Dominic Ongwen to kill a girl called Acayo. Acayo was accused
7 of witchcraft, and Ongwen said that she should be killed so as to stop
8 others who might practice witchcraft. It was an exemplary killing. And
9 so on his orders, P-0352 beat Acayo until she died.

10 After five or six months, Okwer became Dominic Ongwen's subordinate, and
11 from that time on it was Ongwen who decided where female abductees were
12 to be distributed as between his various fighters. Okwer had many wives
13 and he slept with them by turns.

14 About a month after joining Dominic Ongwen's group, this witness became
15 Okwer's wife.

16 This happened when he raped her. She didn't refuse because she knew or
17 she feared that he would kill her if he did. And she knew that Okwer
18 would have had to ask Ongwen's permission. In the unit of which is he
19 was a part, it was Ongwen who issued all the orders.

20 And as his wife, as Okwer's wife, she had to have sex with him whenever
21 he wanted, in addition to cooking, fetching water, carrying food, and all
22 the other items involved in her domestic slavery.

23 Witness P-0366 -- I pause.

24 Does Your Honour intend to break at 11, or because we started later to --

25 PRESIDING JUDGE SCHMITT: I think we can have a break now until 11.30.

1 MR GUMPERT: Very well.

2 THE COURT USHER: All rise.

3 (Recess taken at 10.59 a.m.)

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

5 THE COURT USHER: All rise.

6 PRESIDING JUDGE SCHMITT: Mr Gumpert, you still have the floor.

7 MR GUMPERT: Thank you, Your Honour.

8 I resume with Witness P-0366. She was abducted in December of 2000 by a

9 unit headed by Dominic Ongwen. The abductees from that raid were

10 distributed to different households. She was taken to Ongwen's own

11 household. He told her if she tried to escape, she would be killed.

12 Her tasks included babysitting, cooking, cleaning clothes, fetching water

13 and wood, and there were soldiers present to prevent any escape. People

14 who did something wrong were brought to Ongwen. She herself saw Ongwen

15 beating two girls who had tried to escape. He then ordered that they

16 should be finished by other LRA members and the girls were beaten to

17 death. The witness herself, together with others, was forced by one of

18 Ongwen's escorts to beat a woman to death.

19 About a year after her abduction, she was moved from Ongwen's own

20 household. On this occasion Ongwen distributed five girls altogether as

21 wives to his fighters. He oversaw the marriage ritual. He told them to

22 stay with and obey the person he gave them to or else be beaten. This

23 witness was given to one of his escorts.

24 That night, the man to whom she had been distributed wanted to sleep with

25 her, but she refused. Told about her refusal, Dominic Ongwen ordered

1 that the witness should receive 60 strokes of the cane. He watched her
2 being beaten.

3 Subsequently her husband did indeed rape her. That was the beginning of
4 a period of sexual slavery which she endured until her escape in early
5 2003.

6 Witness P-0374 was abducted in September 2003 by troops from the Sinia
7 brigade of the LRA. She stayed in the house of the officer commanding
8 those troops. She had to cook, fetch water, and wash clothes. She
9 recalled the punishment of girls and women for breaking the rules. They
10 were beaten.

11 She also recalls that girls and women in the bush were transferred from
12 one home to another, sometimes to homes in different military groups.
13 They would be given babysitting work or they would be given to another
14 man in the house, and they could not refuse the orders of the leaders.
15 They had to obey, as she put it, or be killed. And the only option for
16 female abductees was work as a "ting-ting" and later to become a forced
17 wife. She saw girls being killed for having a relationship without
18 authorisation. She saw girls being killed when they were accused of
19 being witches.

20 At some point she stayed in the sick-bay for about two months with other
21 women, but even there she was under guard until she was ordered to
22 return.

23 When she did, that same officer told her that she was going to be his
24 wife, sleep with him, and have his children. He beat and threatened to
25 kill her if she refused to do what he told her.

1 And so she submitted. Indeed, she said that she does not know of any
2 girl or woman who willingly accepted to become a forced wife.
3 She recalled the punishment of girls and women for breaking the rules.
4 They were beaten. Officers' wives were beaten if they did something
5 wrong. She remembered one occasion that one wife was beaten simply
6 because she could not stop her baby from crying.
7 When she herself was beaten, she was ordered not to cry out on pain of
8 being killed if she did. She was informed of the reason for her beating
9 that night. Her husband said he'd been informed that she planned to
10 escape. He told her there is no escape, and if she tried she would be
11 killed.
12 After her husband's death, she was taken to be one of the girls in
13 Kalalang's house, one of Ongwen's subordinate commanders. She cooked,
14 fetched water, collected grass, made beds, and washed clothes, until
15 Kalalang demonstrated the power and the discretion which Dominic Ongwen
16 and other LRA commanders possessed and sometimes exercised. He released
17 her from her enslavement around Easter 2005.
18 Witness P-0396 was abducted in December of 2004. She was 13 years old.
19 The group that abducted her was again headed by Kalalang.
20 They were forced to carry heavy loads of pillaged goods and to walk for
21 days until they reached a place called Wii Polo. Dominic Ongwen was
22 there and she realised that he was the commander of Kalalang.
23 On arrival, they went to report to Ongwen and to deliver the items which
24 had been pillaged. The abductees were paraded before Ongwen who ordered
25 that they should be beaten in order, as he put it, "to remove the

1 civilian" from them. He told them that whoever tried to escape would be
2 chased and killed. And both Ongwen and Kalalang stated that "if you are
3 given a husband but refuse to be his wife, you will be killed."
4 After a few weeks, Ongwen distributed this witness and several other
5 girls to his commanders. The commander to whom she was given repeated
6 the earlier threat and told her that if she refused to sleep with him,
7 she would be killed.
8 That same evening, he raped her. He had sex with her by force many times
9 after that, threatening her at gunpoint if she resisted. He gave her
10 orders on a daily basis to cook, wash, collect water, to wash his feet.
11 He forced her to beat a girl near Odek camp and also to participate in a
12 killing.
13 That concludes my summary of the evidence on sexual and gender-based
14 crimes, and I turn to a new topic and that topic is the conscription and
15 use of child soldiers.
16 The LRA has been notorious for the widespread conscription and use of
17 child soldiers for almost three decades. Tens of thousands of children
18 and young adults were abducted in northern Uganda during the insurgency
19 and forcibly integrated into the LRA.
20 Photographs of LRA groups commonly depict armed children alongside LRA
21 commanders. Let me show you some.
22 (Viewing of photographs)
23 MR GUMPERT: Male children were abducted exclusively for the purpose of
24 becoming LRA fighters. Abducted girls were generally not given military
25 roles but used as domestic servants or forced, exclusive, conjugal

1 partners. Girls were also frequently used as porters but only a few
2 received military training.

3 All the Prosecution trial witnesses who fought in the LRA will say that
4 they were abducted into the group. A number of these experienced
5 fighters in their 20s during the charged period were abducted, trained,
6 and first deployed when younger than 15.

7 The LRA targeted young children because they were considered easier to
8 control. They adapted more quickly. They were less likely to escape.

9 This was a systematic practice, a policy of the LRA, and Dominic Ongwen's
10 Sinia brigade was no exception.

11 Whilst the presence of child soldiers was widespread across the LRA, the
12 charges in this case are limited to conscription and use of child
13 soldiers in the Sinia brigade, the brigade in which the accused played a
14 key role, first battalion commander and then brigade commander. The
15 co-perpetrators whose participation in the plan was essential included
16 Joseph Kony, Dominic Ongwen, and other senior officers in the brigade.

17 It was a common plan to abduct children to ensure a constant supply of
18 fighters for the brigade.

19 Joseph Kony throughout this period issued orders to abduct and train
20 children to replenish LRA forces. It was Dominic Ongwen and the other
21 commanders who were entrusted with the execution of those orders.

22 The logbooks of intercepted communications are replete with such orders.
23 They demonstrate that the abduction of children was no accident. It was
24 a carefully considered policy. At times Joseph Kony explicitly
25 articulated the ideal age of the children to be abducted.

1 For example, a UPDF logbook for 21 October 2002, "Kony said that no LRA
2 should abduct people from 15 years old and above because they are
3 problems." One Prosecution witness explains the nature of this problem.
4 The LRA didn't want to arm people older than 15 because they feared that
5 they would use the weapons on LRA commanders.
6 Kony instructed his commanders to concentrate on abducting only young
7 children because they are easy to control. He envisaged that children,
8 and this is the quotation before you, "will grow as their soldiers." He
9 explained that it's easier to work with children and train them. On one
10 occasion, his instructions were to abduct boys of ten years and below.
11 On 9 May of 2003, he spoke of abducting people of the right size, in
12 other words small ones. He told his commanders to keep new abductees
13 well because they are now their fresh fighters or their future fighters.
14 And they were the pillars of the LRA, these child soldiers.
15 He emphasised the importance of abducting and training recruits because
16 "without recruits, they will not operate effectively." And more
17 specifically, without children, "the LRA will be no where."
18 Other records of intercepted radio communications demonstrate that
19 Dominic Ongwen and other Sinia commanders shared this objective and
20 carried it out. There are reports in July 2002 of abductions of school
21 children by a Sinia commander.
22 In August, another recruit saying that those who had been abducted were
23 "very active and healthy bodied young people" who were easily picking up
24 LRA way of life. And in September 2002, there is a report that
25 Dominic Ongwen abducted 86 recruits after a single ambush.

1 On one occasion, when receiving a report on newly abducted recruits from
2 a subordinate, Dominic Ongwen ordered that abduction "should be at its
3 peak because it is the LRA's future."
4 One Prosecution witness, a professional soldier in the Ugandan army,
5 provides a telling description of Dominic Ongwen's knowledge and intent
6 with regard to child soldiers. He described meeting the accused as part
7 of peace talks in 2006.
8 Ongwen was accompanied by 13- or 14-year-old children. They were
9 overloaded, obviously carrying too much weight for their size. And the
10 witness asked Dominic Ongwen even if he himself was not prepared to
11 surrender, then at least to release the children.
12 Ongwen refused, stating, "I will not release children. You call them
13 children. I call them my soldiers."
14 The witness didn't give up. He made a specific plea to release a boy who
15 looked particularly miserable. The boy was known as Ongwen's slave boy,
16 but Ongwen rejected that plea too.
17 Another Prosecution witness, also serving in the LRA, saw Dominic Ongwen
18 in September of 2006. He was accompanied by children between the ages of
19 12 and 15. They had AK47 rifles. And like his fellow officer, this
20 witness also asked Ongwen to release the young children in his group, but
21 Ongwen refused.
22 These events occurred a few months outside the temporal scope of the
23 charges. The Prosecution suggests, however, they are powerful examples
24 of Ongwen's knowledge and intent with regard to child soldiers.
25 The Trial Chamber will hear from over 40 witnesses who observed child

1 soldiers in Dominic Ongwen's Sinia brigade; nine witnesses who will give
2 evidence to the Court were themselves child soldiers.

3 I want to turn to the two offences which are charged, the two crimes
4 which are charged.

5 Conscription is a form of recruitment into an armed force or
6 group, and the Prosecution case is that conscription is a continuing
7 crime. It is committed the moment the child is forced to join the armed
8 group and it ends only when the child reaches 15 years of age or leaves
9 the group. The brigade and battalion commanders in the LRA were
10 entrusted with carrying out abductions as ordered by Joseph Kony. Their
11 purpose was to secure an influx of new fighters.

12 Children were abducted from their homes, from their schools, sometimes
13 just from the side of the road. They were abducted as long as they were
14 healthy and looked able to fight, even if they were only ten or 12 years
15 old. Abducting children was standard practice.

16 Dominic Ongwen regularly gave orders to his troops to abduct children.
17 One Prosecution witness, a commanding officer within Sinia, recalls
18 Dominic Ongwen ordering his units to abduct civilians aged ten years and
19 older. Yet another describes how Ongwen organised an abduction mission
20 in Acet and the witness took part in that mission. It had the specific
21 objective of abducting boys between 13 and 15, and that's what happened.

22 During the briefing prior to the Odek attack, as you've heard,
23 Dominic Ongwen ordered his fighters to abduct good boys or girls. The
24 witness explained that these instructions referred to those capable of
25 being soldiers; 12 was the preferred starting age. Boys under 15 were

1 abducted in the Odek attack and were conscripted into the Sinia brigade.
2 One witness took part in that attack himself as a child soldier. He
3 remembers at Odek the attackers deliberately waiting for the children to
4 return from school before attacking. Two of the Prosecution witnesses
5 were boys who were abducted during that attack. They were respectively
6 11 and nine years old.
7 So what happened to children in the Sinia brigade once they were
8 abducted? Well, they were generally beaten as a form of initiation.
9 Once again, the suggestion is that this was explicitly to beat the
10 civilian out of them. The children would then be assigned to individual
11 fighters, often the very fighters who had abducted them. They underwent
12 military training. They were taught about the LRA's rules and about
13 discipline. Witnesses described child soldiers being trained on the
14 front line. And they were taught to parade, to march, to handle weapons,
15 and to shoot.
16 New abductees were known as recruits within the LRA. Smaller children
17 would sometimes also be called "kalogos," a Swahili word meaning small.
18 The abducted children were threatened with death if they tried to run
19 away. And if they were caught trying to escape, they would be beaten for
20 certain and often killed, sometimes by other children. The purpose was
21 to instill fear in them, to dissuade them from escaping. One witness in
22 Ongwen's brigade states that almost all the children in his group were
23 forced to participate in such killings, and it was the commanders who
24 gave the orders for those killings.
25 Children under 15 were present in all three battalions - Oka, Terwanga,

1 Siba - and in the Sinia brigade's headquarters. One witness describes
2 children as young as ten joining the Oka battalion within the charged
3 period.
4 There are nine witnesses on whom the Prosecution will rely, examples of
5 the many hundreds who suffered this fate.
6 I start with Witness P-0097. He was 12 when he was abducted from his
7 home village. It was February 2005. He tried hiding under a tree but he
8 was found and forced to go with the attackers. He was abducted with two
9 other boys, one older and one younger. Within days he was taken to
10 Dominic Ongwen's group. He stayed with Dominic Ongwen. He saw him
11 almost every day thereafter. There were other children he noticed in the
12 group. He thought they were about 13 or 14. And young boys, mostly
13 younger than he was. He escaped in November 2005.
14 Witness P-0252, abducted during the attack on Odek when he was 11, tried
15 to hide but was caught, kicked, and tied up. He was dragged through the
16 camp and into the bush. He found out that he had been abducted by
17 Dominic Ongwen's group and thereafter he saw Ongwen almost daily. He was
18 assigned to serve under an individual who belonged to the group of
19 Ongwen's escorts. He remembered other children in that group, some as
20 young as five. He received his first military training after about a
21 week. He was taught to use a gun about two months later. He
22 participated in military operations and attacks on civilians before
23 eventually escaping.
24 P-0264 was abducted by the Terwanga battalion of the Sinia brigade. He
25 was between 11 and 13. The LRA surrounded his home, and while his father

1 and brother managed to get away, he was caught. His mother pleaded with
2 the attackers not to take him, but they tied him with a rope around his
3 waist and attached it to a sack of ground nuts which he had to carry on
4 his head. He tried to escape but he was caught. And an order was given
5 that he should be beaten to death with a machete, but the beating was
6 interrupted by the arrival of a government helicopter and this spared his
7 life. He became an escort to various commanders in the Sinia brigade,
8 well before he was 15, and spent most of his time in the LRA, in the
9 Sinia brigade. He was trained and he participated in attacks, before
10 eventually escaping in 2014.

11 Witness P-0275 was just nine when he was abducted during the Odek attack.
12 He described other boys abducted with him. The three of them were tied
13 and marched to the camp. They were given loot to carry. Later he was
14 told that he had to carry a gun. He was taught how to assemble it, oil
15 it, and disassemble it. He knows it was an AK47 rifle. There were other
16 children even younger than he in the group. And just nine years old
17 himself at the time, he describes children as young as six being trained.
18 Memorably perhaps, he said that he could tell that they were so young
19 because the muzzles of their AK47 rifles were dragging on the ground as
20 they carried the guns over their shoulders.

21 P-0307 was about 12 or 13 when he was abducted by Dominic Ongwen's group.
22 There were three other people older than him who were also abducted but
23 released. The first session of training for him took place just days
24 later. Ongwen himself was present.

25 This witness recalls an incident shortly after his abduction. He failed

1 to salute Ongwen, as military discipline demanded. Ongwen put a knife to
2 his chest and made it clear what would happen if he ever did it again.
3 And this witness was still under 15 when he escaped in early 2004.
4 Witness P-0309 was abducted in September 2002 when he was 13 or 14. He
5 recalled that his school had stopped functioning because of LRA activity.
6 The commander of the group that abducted him was Dominic Ongwen, and he
7 was brought to Ongwen the next day. There was a group of abductees and
8 Ongwen asked them how old they were. This witness answered that he was
9 14. He was assigned to Ongwen's escorts, and from his earlier days in
10 the bush, his duty was to carry Dominic Ongwen's gun. But he was also
11 armed himself and trained, took part in attacks, before he escaped in
12 about September 2004.
13 Witness P-0314, abducted in September 2002, he was 14. His abductors
14 were LRA fighters from the Terwanga battalion, Sinia brigade. And he
15 became an escort to a senior Sinia fighter who had for sometime served
16 directly under Dominic Ongwen. He described other children also under 15
17 conscripted into the Sinia brigade. He, too, was trained in weaponry and
18 served for about six months, before escaping in September 2004.
19 Witness P-0330, 13 when abducted in late 2004 or early 2003. His initial
20 abduction was by two individuals not associated with the LRA. But he was
21 recaptured, if that's the word, but LRA fighters just a day later and
22 taken to Ongwen immediately after his abduction. He remained in the
23 Sinia brigade until his escape. His training took place with other
24 children, some as young as eight. He received a gun and a uniform. He
25 himself became one of Dominic Ongwen's escorts until he escaped in about

1 November of 2004.

2 Witness P-0410 was part of a group of children abducted in June or July

3 2002. He was 13. He was still wearing his school uniform. They were

4 tied with rope around their waists, their hands left free so they could

5 carry looted goods. Some of his abductors, he judged, were themselves

6 under 15. He was trained in a group with other young boys. He carried a

7 gun. He was an escort to a fighter in the Sinia brigade throughout his

8 time in the bush until he escaped in June 2004.

9 One former Sinia officer recalls that the escorts of Oka battalion's

10 intelligence officer were aged 12 to 14 when they participated in

11 operations. There was a boy whom he could name who was under 15 serving

12 in Terwanga battalion. The boy participated, to that witness's

13 knowledge, in several operations, including the Odek attack. And he died

14 in combat in 2004, aged 14.

15 The young age of some of Dominic Ongwen's own personal escorts is vividly

16 described by one of his forced wives who noted in testimony already given

17 to the Pre-Trial Chamber that as well as instructing and training the

18 children, Dominic Ongwen would sometimes go and play with them.

19 I turn to Count 70, the use of children to participate actively in

20 hostilities.

21 Children under 15 in the Sinia brigade were used regularly in combat.

22 They fought in battles and ambushes, both against the UPDF and attacks on

23 civilians. Children who weren't armed with guns were used in different

24 ways, sometimes tasked with raising the alarm or making a noise to

25 exaggerate the perception of LRA strength. They burnt and pillaged

1 civilian houses, they carried the looted goods, and they were used as
2 scouts to keep watch or to alert the LRA about enemy movements.
3 They were forced to abduct and kill civilians.
4 One of the most common roles for children in the Sinia brigade was that
5 of escort or guard. Dominic Ongwen himself used escorts under 15. Their
6 job was to accompany their commander closely. They provided physical
7 security, ensured that anything he requested was done. In the heat of
8 battle, they had to stay at the side of the commander. If the commander
9 was wounded, they had to take care of him.
10 The Chamber will hear evidence from seasoned fighters in the Sinia
11 brigade who describe in detail the activities of these child soldier
12 escorts in combat. Children under 15 participated actively in all four
13 of the charged attacks as well as in many other locations across northern
14 Uganda. They were often wounded and killed.
15 The Prosecution case is that there can be no doubt that Dominic Ongwen
16 knew that children were being conscripted into the Sinia brigade at the
17 age of far younger than 15. He was surrounded by these children. He
18 interacted with them daily. Their appearance made it manifestly plain
19 that many of them were under 15. Sometimes he directly asked them, as I
20 have already informed the Court, of their age. He knew from their own
21 mouths that they were under 15.
22 Your Honours, that concludes the remarks that I seek to make about the
23 charges and the evidence supporting those charges.
24 The last portion of this address is where I would seek to address the
25 grounds for excluding criminal responsibility, of which the Defence have

1 given notice prior to the commencement of the trial.

2 So far as the attack on the camp at Pajule is concerned, Dominic Ongwen

3 has given notice that he intends to rely on the defence of alibi. He

4 asserts that he was not there. As your Honours have heard, the

5 Prosecution will present copious evidence to prove that he was.

6 In addition, the Defence has given notice that it intends to argue that

7 at the time he is alleged to have committed the crimes in the document

8 containing the charges, he was suffering from a mental disease or defect

9 which means that he should be found not guilty of any of them. And in

10 addition to that, notice has been given that he was acting under duress

11 which would have the same effect.

12 In respect of each of these proposed grounds, the Prosecution makes some

13 preliminary observations. And I shall deal firstly with the issue of

14 duress, if I may.

15 Under Article 31(1)(d) of the Rome Statute, criminal responsibility may

16 be excluded if "the conduct which is alleged to constitute a crime within

17 the jurisdiction of the Court has been caused by duress resulting from a

18 threat of imminent death or of continuing or imminent serious bodily harm

19 against that person or another person, and the person acts necessarily

20 and reasonably to avoid this threat, provided that the person does not

21 intend to cause a greater harm than the one sought to be avoided. Such a

22 threat may either be (i) made by other persons; or (ii) constituted by

23 other circumstances beyond that person's control."

24 The Prosecution makes six observations in respect of this provision.

25 First, duress, as the Pre-Trial Chamber held in the Confirmation

1 Decision, is not a blanket covering all wrong-doing alleged against the
2 accused. The Prosecution submit that it will be for Dominic Ongwen to
3 identify which specific crimes, which conduct, took place as a result of
4 a threat of imminent death or serious bodily harm. It will be for him to
5 identify what the particular threat at that moment was. To take an
6 example, if the Chamber finds that the uncontested evidence of Witness
7 P-0101 does amount to proof beyond reasonable doubt of the crime of rape,
8 it will be for Ongwen to demonstrate that at the moment when he committed
9 the act of penetration, in the privacy of his tent, that he or another
10 person was under threat of death or serious bodily harm if he didn't do
11 so.

12 Second, it will have to be shown that any such threat was imminent, not
13 something that might be going to happen the next day or the next week.

14 Third, when it comes to a threat of bodily harm rather than death, an
15 alternative requirement of the Statute is that the harm is continuing
16 rather than imminent. It's important to note that it is the harm rather
17 than the threat which is a continuing one. In other words, the
18 Prosecution submits, the bodily harm was already being inflicted before
19 the threat was issued, and the threat was that the harm would continue.

20 The Prosecution suggests that this is designed to cater for cases of
21 ongoing physical torture, unlikely to be relevant in this case.

22 Fourth, it will have to be demonstrated that what Dominic Ongwen did was
23 necessary. In other words, there was no other possible way of avoiding
24 the threat except to commit the crime.

25 Fifth, it will have to be shown that what Dominic Ongwen did was

1 reasonable, in other words, that committing the crime was a proportionate
2 response to the threat. And the Prosecution suggests that that may be
3 judged by asking what would a reasonable person in his position have
4 done.

5 And lastly, evidence will have to be advanced about Dominic Ongwen's own
6 intentions in respect of each crime where he relies upon duress. To take
7 another example of those crimes, if he would, but for the question of
8 duress, be held criminally responsible for planning and ordering the
9 deaths of the 61 inhabitants of Odek IDP camp, he must establish that he
10 intended that the harm that he was going to cause thereby was no greater
11 harm than his own death.

12 I turn to mental disease or defect. Criminal responsibility may be
13 excluded if the person suffers from a mental disease or defect that
14 destroys that person's capacity to appreciate the unlawfulness or nature
15 of his or her conduct, or capacity to control his or her conduct to
16 conform to the requirements of law.

17 I shall use the word or the words "mental illness" to cover both disease
18 and defect.

19 If the existence of some mental illness at the time of the crimes alleged
20 can be established by the Defence, the Prosecution's submission is that
21 the words "destroy" and "capacity" are of key importance. The law is
22 unequivocal that it will not be sufficient for any mental illness to have
23 impaired Dominic Ongwen's capacity to understand or to control his acts
24 or to have caused that capacity to be significantly less than any other
25 human being's. That capacity must have been destroyed.

1 And secondly, capacity. This article focuses on a person's capacity,
2 their ability to understand things or to control their actions.
3 One way in which Dominic Ongwen could escape criminal responsibility for
4 his wrong-doing will be to demonstrate that although he knew what he was
5 doing was wrong, mental illness had rendered him a complete spectator in
6 his own life, unable to control what his body was doing because his
7 ability to make choices had been destroyed. The evidence I have
8 summarised will demonstrate that, in fact, he was quite capable of making
9 such choices and he did so regularly.
10 Realistically, it may be that the issue in this case will focus on his
11 capacity, his ability, to understand either what he was doing or that
12 what he was doing was unlawful.
13 He plainly knew what he was doing. He reported on what he was doing in
14 detail to Joseph Kony and other senior commanders on the radio.
15 So what about knowledge of unlawfulness? The Prosecution case is that it
16 will not be enough for a Defence psychiatrist to say, for example, that
17 the effects of some mental illness meant that Dominic Ongwen thought
18 killing people was lawful when Kony ordered him to do it.
19 To avoid a finding of guilt, the evidence will have to persuade the
20 Chamber that the effect of this mental illness meant that Dominic Ongwen
21 was incapable of understanding that these killings were unlawful, even if
22 this had been explained to him at the time in very clear terms.
23 Essentially, the Prosecution submit, the law requires a demonstration not
24 that mental illness made him think that killing civilians and raping
25 young girls was right, but that it had destroyed his ability to

1 distinguish between unlawfulness and lawfulness, to tell right from
2 wrong.

3 But Dominic Ongwen did have the capacity to tell the difference between
4 right and wrong. His own words, shortly after his surrender, broadcast
5 on Ugandan television demonstrate that fact.

6 The clip which is about to be played is a clip of Dominic Ongwen
7 speaking. The translation below has been provided by the Prosecution
8 because the original translation provided by Ugandan television was
9 doubtful in some respects. It's a matter which I have discussed with
10 representatives of the Defence. You can now hear what Dominic Ongwen had
11 to say.

12 (Viewing of the video excerpt)

13 MR GUMPERT: Dominic Ongwen demonstrated his knowledge of the difference
14 between right and wrong. He spoke of people sinning in thought and word
15 and deed.

16 Those are the submissions that the Prosecution makes in the opening of
17 this case.

18 PRESIDING JUDGE SCHMITT: Thank you, Mr Gumpert. It's now the turn for
19 the --

20 MR ODONGO: Mr President and your Honours. (Microphone not activated).
21 We have some standing objections about what we have just heard from the
22 Prosecution.

23 Mr President, yesterday my colleague, Charles Taku, raised the objection
24 on the need for specificity, which --

25 PRESIDING JUDGE SCHMITT: We don't object now to the opening statements.

1 I said that yesterday. And I will not allow that and it is also not
2 allowed when it is the turn of the Defence. There was nothing that made
3 a -- something -- the need to act proprio motu by the Chamber, and
4 I don't see that we now go into a discussion about the opening statement
5 of the Prosecution. I would ask you to sit down and let now the Legal
6 Representatives for Victims make their opening statements.

7 MR ODONGO: Provided, Mr President, we reserve the right to raise this
8 objection at the opening of our statement.

9 PRESIDING JUDGE SCHMITT: Of your statement, then.

10 MR ODONGO: Yes.

11 PRESIDING JUDGE SCHMITT: Yes, of course.

12 MR ODONGO: Much obliged.

13 PRESIDING JUDGE SCHMITT: As I said, it's now the turn of the Legal
14 Representative of Victims. And have you decided amongst yourselves which
15 team is going to start?

16 MR MANOBA: Yes.

17 PRESIDING JUDGE SCHMITT: Then, Mr Manoba, you have the floor.

18 MR MANOBA: Thank you, Mr President.

19 Mr President, your Honours, the Legal Representative for Victims present
20 this opening statement on behalf of over 2,600 victims granted status to
21 participate in the proceedings against Mr Dominic Ongwen. These victims
22 are former residents of the IDP camps located in Odek, Lukodi and Abok in
23 the present day districts of Gulu and Oyam respectively.

24 The views presented in this statement were gathered from consultations
25 with the majority of our clients. Our clients wish this Court to know

1 that there are many people who didn't have a chance to apply to
2 participate in these proceedings because of the time constraints.
3 However, be that as it may, they share similar experiences of the views
4 and concerns that we speak about today.
5 Our clients recall that on 23 March 2016, Pre-Trial Chamber II of this
6 Court issued a decision confirming 70 charges against the accused
7 Dominic Ongwen and moved the case to trial for the alleged crimes against
8 humanity and war crimes perpetrated in the IDP camps of Odek on 29 April
9 2004, in Lukodi on 19 May 2004, and Abok on 8 June 2004.
10 The Prosecution, of course, has already spoken to the specific crimes
11 that have been perpetrated in these IDP camps. And of course for the
12 thematic crimes of sexual violence and gender -- sexual and gender-based
13 violence, persecution, and conscripting, and using children to engage in
14 hostilities.
15 It is on the premise of the confirmed charges, your Honours, that our
16 clients present the following views at the commencement of the opening of
17 the trial of Mr Dominic Ongwen.
18 Before the coming of guns, as our client puts it, one of our clients puts
19 it, it was common to find elderly men and women in the communities and in
20 most homes. These were the fountains and custodians of culture and ways
21 of life. In this setting our clients recall that life was very community
22 based. Extended families and clans played a fundamental role in shaping
23 the community lives. Cultural norms and traditions were passed on
24 through elders, and young people respected their elders and the
25 traditions of the community.

1 Core cultural principles were respected. These were things such as
2 prohibitions on killings, stealing, and domestic violence, and of course
3 the principle that orphans should be cared for.
4 Mr President, your Honours, children in the African setting are very
5 important aspects. They do lots of things to support their families.
6 Elders - cultural, religious, and political leaders - were equally
7 fountains of honour and discipline. Through these institutions, the
8 community was properly governed and people managed their differences
9 through the appropriate structures because they gave directions and
10 resolved disputes. They assisted the communities to plan long term, such
11 as averting potential famine.
12 The community at large, to a large extent, was united by common bonds of
13 humanity, hence the ability to work together through planning and
14 adopting strategies to address common threats and challenges.
15 The people of the Greater North of Uganda and more particularly residents
16 of what came to be Odek, Lukodi, and Abok IDP camps, took pride in their
17 livelihoods wherein they farmed, reared animals, indulged in commercial
18 activity, celebrated the Acholi and Lango cultures, educated their
19 children, and travelled peacefully to various parts of the country, among
20 other things.
21 The communities were economically sustainable through the utilisation of
22 land resource -- of the land resource which, to a great extent, was owned
23 in common among the clans and families. Through farming, families were
24 able to yield enough support to sustain themselves.
25 Majority of the families and households owned and maintained livestock;

1 some on large scale and others on small scale, depending on their means.

2 This is because livestock provided the basis for the local economy. It

3 was a medium -- livestock was a medium for transactions on the one hand

4 and a means for ploughing fields, for cultivation.

5 There was a concept of brotherhood among the communities, because it

6 provided a means for various categories of the private persons in

7 communities to share and access food and hence enjoy a livelihood.

8 The victims also acknowledge that, like in any society, there were

9 occasions of violence and criminal activity in the communities which were

10 addressed by the existing formal justice mechanisms obtaining in the

11 country, and others of course were settled by the existing customs in

12 resolving conflicts in life and other aspects of daily living which went

13 on fairly.

14 Now, it is significant to note that communities lived peacefully and were

15 not fearful. People went about their activities freely and were not

16 scared to move about their communities, even at night. That was what it

17 was before the coming of the guns.

18 Then there was a question of the camps and the attacks on the camps. We

19 have heard from the Prosecution about the attacks on the civilians in the

20 camps, the subject of this case against Dominic Ongwen. Our clients want

21 your Honours to know that living in the IDP camps is incomparable to

22 living in their real homes. The IDP camps were places of refuge that did

23 not offer the tranquility of a family home setting. The camps came

24 because the guns came to the communities, which communities did not

25 invite the guns. The Government of Uganda created the camps as protected

1 villages and communities in large numbers were displaced into these IDP
2 camps.

3 Our client, Victim A/0550/15 recalls that the Government of Uganda gave
4 people 48 hours to get out of their villages. People were forced to go
5 to trading centres which was a big challenge for many people. However,
6 in the year 2000, following increased violence by the LRA, people were
7 forced to go to these camps, especially after LRA fighters were killed in
8 the locality of this particular victim.

9 The camps, your Honours, were established in trading centres which could
10 be located very long distances from where people had previously been
11 living and carrying out livelihood activities.

12 The Prosecution has showed an aerial view of the former locations of the
13 IDP camps which is useful to have an appreciation of the movement of the
14 LRA at the time of the attacks on these camps. This aerial view of the
15 IDP camps does not tell the full story of life of many of the victims
16 before and after the attacks.

17 Life in the camps was difficult. The camps were themselves undignified,
18 overcrowded, and with very scant sanitary facilities for the large number
19 of people resident. People didn't have any place to farm. So if they
20 wanted food, they had to find it in their own gardens, and this meant
21 that they had to travel far and take a very risky journey to do so. They
22 could be killed or arrested by the government forces, the UPDF, or
23 accused by the same UPDF for being LRA collaborators on the one hand, and
24 they could be attacked and killed obviously by the notorious LRA. Many
25 children could not go to school anymore because of the distances which

1 were too great and the insecurity that prevailed in the communities.
2 Movement into the camps was the beginning of the destruction of the
3 existing social and cultural structures that contributed to moral
4 upbringing and discipline in society. The establishment of the camps
5 came with the deployment of government soldiers to offer protection to
6 the camps. However, oftentimes the deployments were insignificant
7 compared to the populations in the camps, hence the LRA's ability to
8 launch successful attacks on the civilian populations.
9 The establishment of protected villages is also blamed for the loss of
10 livestock as both government soldiers and the LRA took advantage of the
11 situation to deprive owners of their herds.
12 These developments, your Honours, had impacts on the victims and the
13 communities. Our clients inform this Court that the LRA armed and
14 violent attacks at Lukodi, at Odek, at Abok, forever changed life and the
15 way of life of all camp residents, their relatives. And the events
16 shocked humanity at large in a way that has hitherto unknown in the said
17 local communities.
18 The attacks were swift and exceedingly brutal. In the span of two to
19 three hours, victims in the protected camps were further displaced,
20 rendered homeless, and deprived of food rations and livelihoods, dignity,
21 and were bereaved as well. Family members were abducted. In short, the
22 devastation was absolute.
23 Like the Office of the Prosecutor has shown, the attacks were
24 indiscriminately perpetrated and had no regard for human life, as a
25 number of people were killed by the LRA fighters either by being shot at

1 or being burnt alive in their houses. These houses, of course, provided
2 shelter, comfort, and a sense of security as homes.

3 Adults and children alike, including infants, were subjected to cruel and
4 inhumane treatment. Others were subjected to torture. Young girl
5 children were especially targeted for abduction because whilst in the
6 bush, they were distributed amongst the LRA commanders.

7 Outrages upon personal dignity were committed without remorse to fellow
8 human beings. Domestic animals and sources of livelihoods were pillaged
9 with impunity, and other crimes, as included in the charges, in the 70
10 charges laid out by the Prosecutor.

11 The impacts of the attacks on the respective IDP camps of Odek Lukodi and
12 Abok have not merely impacted on the individual victims that we represent
13 but on entire communities. These impacts have had a devastating effect
14 to life, way of life, and livelihoods, as we demonstrate.

15 Physical harm. Many victims were grievously injured in the attacks
16 themselves. Those who were abducted were mostly forced to carry
17 extremely heavy loads of looted items over long distances. As we have
18 heard, many were beaten, and the result of this cruelty on fellow human
19 beings has caused them to suffer ongoing physical problems. Others were
20 injured as they fled for their lives.

21 The victims note that much of this physical harm continues to this day
22 because of inadequate healthcare. Indeed, many victims have never
23 received sufficient medical treatment they require. Some NGOs have
24 provided healthcare efforts on a temporary basis but this is
25 unsustainable.

1 For many people, the physical injuries they continue to suffer from are
2 not only a source of pain but a hindrance to their livelihoods and their
3 abilities to care for their families because they cannot go out to the
4 fields and prepare the gardens and work for their families.
5 Trauma and traumatic experiences cannot be left out of the equation. The
6 severity and the savagery of the violence has left deep scars within the
7 psyche of many members of the community. Victims are haunted by the
8 memories of death and destruction that included the sight of numerous
9 dead bodies, often with relatives and friends among them.
10 Some victims watched helplessly as their family members were
11 indiscriminately murdered. Others who fled for their lives only returned
12 to the sight of their dead relatives, shot or bludgeoned or burned in
13 their houses. Many cannot forget the disturbing scenes of domestic
14 animals eating human flesh. Others relive the horrific incidents from
15 the day of the violent attacks, especially outrages and the inhumane
16 treatment subjected to many of the camp residents. The failure, Your
17 Honours, to conduct decent burials for some deceased persons has
18 triggered psychological and psychosocial trauma, including people hearing
19 voices of persons who were killed.
20 Sustained effects of sexual violence, these are among victims of SGBV, or
21 sexual and gender-based crimes, because many of them have not received
22 appropriate medical and psychological attention to assist in the
23 treatment of these effects.
24 Social stigma. This affects both child mothers and their children
25 fathered by the LRA commanders during the bush. The additional harm to

1 parents and other family members of those who were abducted and who have
2 not returned, to this day they don't know the fate of their family
3 members and only await for news that may arrive about their being alive
4 or not.

5 The effects to women. Your Honours, the effects of gender-based violence
6 continue to be felt by the women who experienced it, including physical
7 effects and trauma.

8 Many women have been stigmatised in the community because of the sexual
9 violence and forced marriage they suffered. Women who had children in
10 the bush additionally suffer because with these children they have
11 nowhere to go. The mothers lack the resources and the means to care for
12 their children.

13 Women today shoulder the burden for providing for the family because some
14 of the men were killed, others were injured, and others have abandoned
15 their responsibilities to the women. Women now serve as sole providers,
16 the consequences -- as a result of the consequences of the physical harm
17 and illness that has been sustained.

18 Some women are vulnerable and at risk of losing access to land resources,
19 especially after the death of their spouses because of the cultural
20 prejudices against women that obtains in the country.

21 There was impact, your Honours, to children and youth that we wish to
22 highlight. An entire generation has grown from childhood to adulthood
23 knowing mostly conflict and extreme privations that followed the armed
24 clashes.

25 Loss of opportunities. These children have grown up, have not been able

1 to have the opportunity to grow up in proper family setups, to learn and
2 participate in their culture, to receive appropriate education. Many
3 children have not had, especially the girl children, to mature into
4 adults as opposed to being subjected to forced sexual relations with LRA
5 commanders.

6 Our client, Victim A/5721/15 states that because of the conflict there
7 are many orphans as a result of destroyed and looted properties, and as
8 victims they cannot afford to properly educate their children. This view
9 is similarly expressed by Victim A/5307/15.

10 Your Honours, children were abducted into the LRA -- children that were
11 abducted into the LRA have returned to social stigma in their communities
12 as a result of their involvement in the conflict against their will.

13 Those who lived through the conflict, whether as abductees or those who
14 survived the attacks, witnessed horrific scenes. Many have been forced
15 to commit horrific acts, and because of their young age, they suffer
16 disproportionately as a result of these experiences from trauma and
17 ongoing psychological harm.

18 There are those children abductees who escaped from their abductors and
19 have been subjected to the amnesty process by the Government of Uganda.

20 The issuance of amnesty certificates to these children have caused
21 further problems. The children are now treated or have tags of proof of
22 having been within the LRA and therefore this has consequences that they
23 can be prevented from gaining -- from accessing gainful employment or
24 even travelling.

25 Your Honours, the conflict had impacts on the economic structures of the

1 communities. Our clients inform this Court that there was loss or they
2 suffered loss of household and other family properties, including
3 livestock, which impacts on community livelihoods and the local economy.
4 As I have indicated before, the livestock offered avenues for
5 transactions and of course sustaining agriculture in the communities.
6 The attacks rendered people destitute. Many people were left with only
7 the clothes they were wearing, thus forced to endure the indignity of
8 wearing the same clothing day in and day out. The pillage of food
9 resources exposed many to the risk of hunger. The loss of family heads
10 and providers has led to an increased number of needy and unsupported
11 children. The attacks also forced some people to abandon their villages
12 and go to towns or trading centres, where they move from one place to
13 another in order -- in an attempt to find ways of living.
14 Community structures were not spared, your Honours, by this conflict.
15 The loss of family heads meant that families lost unifying factors for
16 individual clans and households. The respect for traditional
17 leaderships, elders and governance structures has been lost. Elders in
18 the community that once took the responsibility to provide and guide the
19 youth these days focus on themselves and their immediate families. A
20 whole new generation born and raised in the camps has lost principles for
21 culture and tradition and the way of life of the communities in these
22 areas.
23 Our clients note this general loss of desire to gainfully work amongst
24 the youth which is a very serious concern among the elderly. Alcoholism
25 is widespread and it leads to further economic problems. Many men spend

1 all their money and even sell their customary land without consulting
2 their spouses, to the detriment of the little children. There are cases
3 of increased domestic violence in the communities.
4 Many people no longer think and plan for the future. They only live for
5 today and not tomorrow because they have no knowledge whether they will
6 be able to continue much longer. And people only think about borrowing
7 from their immediate -- borrowing for their immediate needs as opposed to
8 producing sustainably.
9 There are, of course, increasing numbers of orphans who today are not
10 cared for and, in fact, have rendered many to be street children. The
11 social structures which existed previously for their care no longer exist
12 and there is nobody to look after many of these children.
13 Land conflicts have arisen because of the destruction of the traditional
14 landmarks, on the one hand, and the related stigma -- the destruction of
15 traditional landmarks because of moving into the IDP camps that were
16 created by the government.
17 Mr President, your Honours, I will now invite my colleague Mr Cox to
18 conclude our statement with a few remarks. Thank you.
19 MR COX: Mr President, your Honours, the people we represent believe
20 Dominic Ongwen to be responsible for the crimes that he is accused. It
21 is interesting to convey to the Court the process by which this
22 conviction or this sense was brought up in the community. As in here and
23 probably in the mind of all of us, in the communities, the questions were
24 raised when we were making consultation. Is Dominic Ongwen a victim or a
25 criminal? And it's interesting how among themselves, among the

1 community, they answered this question. As one client of ours said, "He
2 was abducted as a child but when he became an adult he had the option to
3 leave. He did not because he found the work so nice."
4 Victims note that Mr Dominic Ongwen was himself an abductee, but they
5 also mention that many of them, when they had the opportunity given to
6 them, they flee. We would like to show some examples and what they went
7 through to leave the grip of the LRA.
8 Some women escaped together with their young children. Others escaped
9 despite the fact that they had suffered serious injuries during their
10 ordeal. One woman described how she had suffered a prolapsed uterus from
11 repeated rapes and that she was extremely weak. Nonetheless, she managed
12 to escape. I'm talking about our client A/06797/15.
13 Abductees managed to escape in many ways. Some took the opportunity to
14 escape when they were sent to gather food; others took the advantage of
15 the confusion during the battle with the UPDF. One victim who was only
16 12 years old at the time of his abduction, and describes how he escaped
17 after two years by simply allowing himself to fall behind as his rebel
18 group approached an attack. This is our client A/07089/15.
19 Among the participant victims are children who managed to escape the LRA
20 captors when they were as young as nine years old. The challenges that
21 children overcame in order to escape from the LRA are exemplified by one
22 victim who told his story of having been abducted during the attack of
23 Lukodi when he was only ten years old. He described in detail the
24 journey he was forced to go through. He had stolen goods, had seen other
25 children killed, and how himself was severely and violently beaten and

1 starved. He heard the LRA planning to use the abductees in an attack.
2 He was hungry, in pain, and no doubt terrified. However, at the first
3 opportunity he had, when he was sent to gather water with another
4 abductee, he escaped. His feet were injured, swollen, and he could not
5 walk and he had no shirt. Despite this, he crawled bare-chested,
6 therefore covered in sores, to his freedom.
7 Your Honour, we would like to convey to you the significance that this
8 trial has for our representatives. Victims note here as they noted at
9 the Confirmation of Charges hearing that the trial of Mr Dominic Ongwen
10 is extremely significant because it offers them the only tangible
11 opportunity for justice to be done for any crimes committed by the LRA
12 and its top commanders against civilians in the timeframe of 29 years.
13 The individual suffering that has been experienced from day -- from the
14 days of the attack but that endured until now, as my colleague has
15 mentioned, have touched all aspects of the lives of victims. And we must
16 be honest, some victims have expressed their desire for retribution.
17 However, once again, talking among themselves, they are more interested
18 in justice, as we will see.
19 It is in this context of request for retribution that some voices have
20 risen to ask for forgiveness for the acts committed. But this request
21 for forgiveness or these voices that request forgiveness come from people
22 that still have children as abductees and they believe that the only way
23 they might come home is if they forgive. It was also uttered in the
24 context in which Dominic Ongwen, as they have said, had the guns, his
25 bodyguards, and his troops, thus the fear for even uttering the word

1 "justice". Other people speak of forgiveness for religious reasons.
2 It's usually the people that do not suffer the consequences of crimes
3 that request for forgiveness.
4 This, Your Honour, does not mean that victims are not seeking justice.
5 Quite the contrary. To ask for forgiveness or to give forgiveness, you
6 must request it. As we all saw yesterday, Mr Dominic Ongwen has never
7 asked for forgiveness. He just wants to separate himself from the
8 charges. How can you forgive if you have not requested forgiveness?
9 And forgiving and forgetting are not the same thing. As one of our
10 clients says, "Many people are talking about forgiveness and
11 reconciliation and other things. People may say forgive but we never
12 forget. This forgiveness where there is forgetting, it is like a
13 time-bomb."
14 But now, your Honours, that Dominic Ongwen does not have the guns, does
15 not have his bodyguards, and does not have his troops, victims are
16 talking about justice, are seeking justice, and are applying for justice
17 in this Court, justice in the sense of criminal justice and also --
18 criminal punishment and also in compensation and reparation.
19 It was the culture among the Acholi culture that for the commission of a
20 grievous crime, justice would be done publicly. The community leaders
21 would seek to establish the truth and some reparation to be issued by the
22 offending party and his or her community. As one victim has noted, "In
23 Acholi custom, compensation would be a question between the clan of the
24 victim and the clan of Dominic Ongwen." They have to sit around the
25 table and agree on compensation. But first, this Court must decide

1 whether he is guilty and what punishment and compensation should be set.
2 The victims are confident and put a lot of trust in these proceedings.
3 They have spoken about the transparency, the rights of the accused, and
4 how you can see how justice is being done. Victims note that if
5 Mr Dominic Ongwen is not punished for the crimes he perpetrated as a
6 senior commander in the LRA ranks and personally, this will leave them
7 even in a higher sense of hopelessness as no other perpetrator, whether
8 state or non-state actor, has been tried and held responsible for the
9 crimes perpetrated in Lukodi, Odek, or Abok, and, indeed, all other parts
10 of the country where the armed conflict between UPDF and the LRA
11 happened. This effectively leaves the impunity gap and no precedent
12 holding such individuals responsible, and that is a threat for peace. As
13 Victim A/06546/15 says, "If the accused Dominic Ongwen is not punished,
14 impunity will prevail."
15 The victims, therefore, ask for justice. In the words of another client
16 of ours, "If we kill Dominic Ongwen, is that going to pay for our people
17 who died? I think not. Is it going to stop others from killing?
18 I think the answer is also no. It is only when it's put on legal process
19 and everybody is aware of what happened to him that he becomes an
20 example. That is what we want." In other words, they want the
21 International Criminal Court, the international community, shocked by the
22 crimes that have been committed, to deliver justice and to reaffirm the
23 values common to all humankind.
24 Your Honours, there is a paradox in these type of crimes which is due to
25 the large number of victims, the individual victims are erased. We talk

1 about large numbers - and for protective measures, we have to refer to
2 people as numbers - but it's important to remember that behind each
3 number there is an individual, a person, that has suffered the
4 consequences; that there's a community that has also suffered the
5 consequences of these crimes.

6 It is moving to see how many thousands of people from Abok, from Lukodi,
7 have come to see the opening of this trial. This shows that
8 international justice, though it may seem a very abstract concept, a very
9 far-away concept, a trial that is being held at The Hague in this modern
10 facility, is done and must be done for those who suffered the
11 consequences of the crimes, obviously, the victims. It is why we created
12 this institution as humankind and it's why the victims kindly request you
13 deliver justice.

14 Thank you, Your Honour.

15 PRESIDING JUDGE SCHMITT: Thank you very much.

16 It is close to 1.00. We will have now the lunch break until 2.30.

17 (Lunch recess taken at 12.57 p.m.)

18 (Upon resuming in open session at 2.31 p.m.)

19 THE COURT USHER: All rise.

20 PRESIDING JUDGE SCHMITT: I think it's now the turn of Ms Massidda, if
21 I've understood it correctly.

22 MS MASSIDDA: Indeed, Your Honour. Thank you. Good afternoon.

23 Mr President, your Honours, the armed conflict between the Government of
24 Uganda and the LRA, described as the worst forgotten humanitarian crisis
25 in the world, was exceptionally protracted and brutal in its impact on

1 the civilian population.

2 Prior to the LRA insurgency, people in northern Uganda lived a peaceful

3 life. When community members are asked about their lives before the

4 conflict broke out in 1986, they describe it as very pleasant. Life was

5 peaceful and they were free to go about their daily business. People in

6 northern Uganda lived their lives with the comfortable assurance that

7 they knew what tomorrow would look like.

8 After the LRA insurgency began, nearly 2 million northern Ugandans were

9 forced to abandon their often self-sufficient homesteads for a life

10 confined in internment camps, dependent on food assistance.

11 A survey report released in July 2003 revealed that at least 1,000

12 people, mainly children, were dying in the camps every week.

13 The high concentration of people in the IDP camps made the population

14 more vulnerable and harder to protect from the LRA incursions. The

15 protection of the camps remained precarious, and life became a daily

16 struggle for survival.

17 The LRA frequently attacked the camps, partly because Kony perceived the

18 victims as loyal to or supporting the government by reason of the fact

19 that they were confined in areas under the protection of UPDF and partly

20 because Kony needed to recruit soldiers and wives for his army.

21 The attacks were well-planned and well-executed, following a standard

22 modus operandi which aimed at targeting on one side the UPDF forces and

23 the civilians on the other side.

24 Victims of the attack generally recall their experience as follows, and

25 I quote, your Honours, from one of our clients:

1 "All around, there were killings going on and so much fire burning that
2 the entire place become so bright as it was broad daylight. By the time
3 they left, the whole camp was littered with dead bodies as if they had
4 been on a hunting spree. They killed people as if they were hunting
5 animals."
6 The broad geographical spread of victimisation and the large number of
7 victims participating in this case, 4,106 individuals, confirm the wide
8 scope of the attack. Families and communities of all ages and gender
9 suffered from crimes in northern Uganda.
10 The victims of the attacks' account of events revealed that the crimes
11 they suffered from were not spontaneous, nor isolated acts of violence
12 but, rather, part of a planned, directed and organised attack against
13 them because they are Acholi and perceived as supporting Museveni's
14 government. The attack was perpetrated over a long period of time.
15 The victims recall a particular pattern of the LRA in attacking IDP camps
16 and put emphasis on the crime of pillaging, explaining that the LRA took
17 everything they owned, including all goods necessary to sustain life in
18 the difficult conditions in northern Uganda - pans, cups, clothes, as
19 well as livestock, representing the key source of income of the affected
20 people. Often, victims had compiled detailed lists of the items looted.
21 According to the victims' account of events, some murders were motivated
22 by the desire to oppress the resistance or by the desire to appropriate
23 cattle belonging to the inhabitants of the camps.
24 After completing their operations, usually the rebels departed, taking
25 with them an unspecified number of men, women, children, foodstuffs, and

1 other valuables. An estimated 30,000 children, mainly from the Acholi
2 subregion, have been abducted and conscripted as child soldiers and rebel
3 wives. During the decades of armed conflict in northern Uganda, the LRA
4 systematically abducted girls for the purpose of forcibly marrying them
5 to commanders and fighters.

6 Abductions were normally perpetrated during the attacks. The majority of
7 abducted girls were forced into marriage and given to LRA commanders and
8 higher ranking fighters. Top commanders would even describe the type of
9 girl they wanted, including age, physical appearance, and intelligence.

10 If recent abductees matched these desired characteristics, then they were
11 collected and distributed to the commanders. It was then an order to go
12 with those men and become their wives. And resistance was punishable by
13 rape, severe beating, torture or even death.

14 Once the senior commander selected the girls they wanted, then the lower
15 ranking fighters would be given a wife from the ones remaining.

16 The use of the label "wife," the forced imposition of the status of
17 marriage, causes a unique psychological suffering which often leads to
18 stigmatisation and rejection of the victims by their families and the
19 community. Forced marriage also inflicts grave physical injury and
20 results in long-term moral and psychological suffering of the victims.

21 Victims themselves indicate that their condition of "wife" had and still
22 have serious repercussions on their possibility of restoring, as they put
23 it, "normal relationships with men"; and that even if they are
24 reintegrated in the community, they feel that said reintegration is not,
25 to use again their words, "full" and sometimes only dictated by social

1 conventions more than by a genuine will to help them in rebuilding their
2 lives.

3 The LRA method of warfare has had a profound psychological impact on the
4 local population. LRA rebels used extreme violence to instill fear and
5 maintain control. The severity of attacks appeared to come in waves,
6 with major massacres interspersed across an ongoing campaign of
7 low-intensity, small-scale assaults.

8 LRA rebels mutilated, abducted children and adults, and committed rape
9 and other acts of sexual violence against girls and women. The LRA
10 routinely cut off lips, ears, and breasts, and amputated limbs. Many of
11 these mutilations were carried out to prevent betrayals.

12 Adults were abducted to help carry looted goods but usually released
13 after a short period of time. Not the same fate for children. The LRA
14 favoured the abduction of very young children because more malleable.

15 Once abducted, children were conscripted as soldiers, porters, and sexual
16 slaves. Children were often forced to commit atrocities as soon as they
17 were abducted, in order to make a clean break. Children were considered
18 an asset to the LRA because they can work quickly and not tire easily.

19 If they slowed down or were unable to keep up, they were killed or first
20 mutilated and then killed.

21 The LRA also favoured the abduction of preadolescent girls because they
22 were believed to be free of sexually transmitted diseases. The younger
23 girls were subject to long hours of exhausting domestic work, walking
24 long distances to fetch water and firewood, cooking, cleaning, and
25 working in the fields. They were systematically raped. The horrific and

1 prolonged consequences of the war had an impact not only on the
2 individuals but eroded the solid and rich culture of the Acholi society.
3 Mr President, your Honours, the extent of the prejudice suffered from by
4 the civilians in northern Uganda is tremendous. Experience of forced
5 conscription into the LRA varies in scope and in intensity but is
6 considered to be extremely traumatic.
7 Children, some as young as six years old, have been forced to mutilate
8 and kill civilians, including members of their own families and
9 communities.
10 LRA abductees have had severe violence inflicted upon them - beatings,
11 imprisonment, forced labour, and menacing killings. Several studies
12 indicate that former abductees who have committed or experienced a high
13 level of violence show substantial increases in emotional distress as
14 well as poor family relations. Symptoms of post-traumatic stress
15 disorder and depression were found to be significantly higher among those
16 who experienced abduction compared to the ones who only witnessed
17 violence or had little exposure to the conflict.
18 Reports also show that women experienced a long average stay in captivity
19 than men. Women aged 19 to 30 years old averaged 4.5 years in abduction,
20 more than the average of any other age/gender group. This finding
21 reflects the LRA practice of abducting girls and women to serve as sexual
22 partners and servants to LRA commanders. Recent studies also find that a
23 quarter of all females abducted for any length of time were forcibly
24 married to members of the LRA, and that half of them gave birth to
25 children conceived following these forced relationships.

1 As the people from the IDP camps returned from displacement and tried to
2 rebuild their lives, they had to struggle with daunting resettlement
3 challenges, in addition to complex questions on how to approach issues of
4 reconciliation between victims and alleged perpetrators within the
5 community.
6 Many war-affected communities in northern Uganda are faced with a similar
7 scenario as they struggle to pick up the pieces of their lives in the
8 wake of a conflict, characterised by difficulty to cope with their trauma
9 and challenges in pursuit of their justice and reconciliation needs,
10 specifically the need for accountability and reparations.
11 Mr President, your Honours, why victims wish to participate at trial?
12 Which are their expectations at the start of the trial? In a short
13 ten-minute video, we would like to play now, victims explain with their
14 own words the reasons for their participation and their hopes concerning
15 the proceedings.
16 Before we play the video, your Honours, for the benefit of the public,
17 I would like simply to make clear that the video has no evidential
18 nature; it's simply a way to convey the expectation of the victims in the
19 way in which these expectations have been conveyed to us in the field
20 through the meetings that we held with our clients.
21 The video will be played completely in English. We simply want to thank,
22 before playing the video, the Registry Language Service Section who
23 provided assistance in reviewing the translation from the Acholi.
24 The video will be shown on Evidence 2.
25 (Viewing of the video excerpt)

1 MS MASSIDDA: Justice shall prevail. Three simple words, your Honour,
2 which rightly convey the expectations of victims at the start of the
3 trial.

4 This concludes our opening on their behalf. Thank you for listening to
5 their voices today.

6 PRESIDING JUDGE SCHMITT: Thank you very much.

7 We have reached the end of today's hearing. We will now adjourn and
8 resume on Monday, 16 January 2017, with the beginning of the presentation
9 of the evidence by the Prosecution. The Chamber will then sit from this
10 date until 3 February 2017, after which there will be a three weeks'
11 break. The hearing will then resume on 27 February 2017 for five weeks
12 consecutively until 31 March 2017, after which there will be again a
13 three-week break. Further scheduling announcements will be made at a
14 later time.

15 I would like to thank the Court Officer, the interpreters, the
16 transcribers, and others in and around the courtroom for their
17 assistance. The opening is always a special moment of a trial, which
18 also poses special challenges.

19 The court is now adjourned.

20 (The hearing ends in open session at 3.01 p.m.)

21 CORRECTION REPORT

22 The format of the transcript has been restored to the in-house standard format.

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