

Trial Hearing
WITNESS: UGA-OTP-P-0006

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 3
7 Thursday, 30 November 2017
8 (The hearing starts in open session at 9.33 a.m.)
9 PRESIDING JUDGE SCHMITT: [9:33:34] Good morning, everyone.
10 Could the court officer please call the case.
11 THE COURT OFFICER: [9:33:40] Good morning, your Honours.
12 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
13 Ongwen, case reference ICC-02/04-01/15.
14 And for the record, we're in open session.
15 PRESIDING JUDGE SCHMITT: [9:34:00] (Overlapping speakers) during you were
16 speaking it improved a little bit the sound quality, but it would be good if we could
17 avoid these extra noise. We simply give it a try and continue as if nothing had
18 happened. I call for the appearances of the parties.
19 Mrs Hohler first.
20 MS HOHLER: [9:34:19] Good morning, your Honour.
21 For the Prosecution today Ben Gumpert, Kamran Choudhry, Julian Elderfield, Yulia
22 Nuzban, Pubudu Sachithanandan, Adesola Adeboyejo, and myself Beti Hohler.
23 PRESIDING JUDGE SCHMITT: [9:34:34] And it's improving from second to
24 second, so to speak.
25 For Legal Representatives, please, Mrs Massidda.

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- 1 MS MASSIDDA: [9:34:40] Good morning, Mr President, your Honours.
2 Ms Jane Adong at the location where the witness will testify is attending today.
3 And in courtroom today Mr Orchlon Narantsetseg and myself Paolina Massidda.
4 PRESIDING JUDGE SCHMITT: [9:34:55] And for the second team, so to speak, of
5 the Legal Representatives.
6 MS SEHMI: [9:35:01] Good morning, Mr President, your Honours.
7 Anushka Sehmi with Mr James Mawira.
8 PRESIDING JUDGE SCHMITT: [9:35:09] Thank you.
9 And for the Defence, Mr Obhof.
10 MR OBHOF: [9:35:10] Good morning, your Honour.
11 Today we have our co-counsels Ms Beth Lyons and Chief Charles Achaleke Taku.
12 To my left we have a consultant, Ms Eniko Sandor, Ms Abigail Bridgman, our
13 assistant to counsel, and Mr Tibor Bajnovic, one of our case managers, and of course
14 Dominic Ongwen, our client, and myself, Thomas Obhof.
15 PRESIDING JUDGE SCHMITT: [9:35:29] Thank you, Mr Obhof.
16 The Prosecution is now calling the next witness, P-6. Before commencing, the
17 Chamber notes briefly that protective measures are granted to this witness by virtue
18 of decision 612 and that the VWU recommends no further protective measures.
19 As counsel have already been informed and noting paragraphs 48 to 55 of the
20 mentioned decision 612, the VWU has also determined that certain special measures
21 are necessary to assist the witness in her testimony.
22 And now we turn to Madam Witness.
23 Madam Witness, welcome to the courtroom. Do you understand me?
24 WITNESS: UGA-OTP-P-0006
25 (The witness speaks Acholi)

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1 (The witness gives evidence via video link)

2 THE WITNESS: [9:36:12] (Interpretation) Yes, I do.

3 PRESIDING JUDGE SCHMITT: [9:36:14] Madam Witness, there should be a card
4 in front of you with a solemn undertaking to tell the truth. Could you please be so
5 kind to take this undertaking by reading the card aloud?

6 THE WITNESS: [9:36:31] (Interpretation) Yes, I can.

7 PRESIDING JUDGE SCHMITT: [9:36:33] Continue.

8 THE WITNESS: [9:36:43] (Interpretation) I solemnly swear to tell the whole
9 truth -- the truth, the whole truth and nothing but the truth.

10 PRESIDING JUDGE SCHMITT: [9:36:51] Thank you. You have now been sworn
11 in. Let me explain to you how the protective measures that have already mentioned
12 function.

13 We have put the following protective measures in place for you: Face and voice
14 distortion, which means that no one outside the courtroom can see your face or hear
15 your real voice during the testimony. We also will use a pseudonym. In
16 accordance with that, we all refer to you during your testimony as "Madam Witness",
17 as I am doing at the moment and in the past few minutes have done already. This is
18 to make sure that the public does not know your name.

19 And when you answer questions that do not give away your identity, your name, we
20 will do this in open session. That means that the public can hear what is said in the
21 courtroom. When on the other side facts are said, are mentioned, are discussed that
22 could reveal your identity, we will do so in private session, and that means that no
23 broadcast is there and no one outside the courtroom can hear you.

24 Before we start with your testimony, a few practical matters: You are aware that
25 everything that is said here in the courtroom and what is said by you at the video-link

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1 location is written down and interpreted, and to allow for the interpretation, we will
2 have all, including you, of course, to speak clearly and at a relatively slow pace so that
3 the interpreters can follow.

4 If you have any questions yourself, raise your hand. Then we know that you want to
5 address the Chamber and we can give you the floor.

6 We will then start your testimony and of course if it could improve a little bit the
7 sound quality, it would be nice, but I would simply suggest that we continue. It is,
8 let me put it this way, still bearable.

9 Mrs Hohler, please.

10 MS HOHLER: [9:38:58] Thank you, your Honour.

11 QUESTIONED BY MS HOHLER:

12 Q. [9:39:02] Good morning, Madam Witness. We've met before and, as you
13 know, I will be asking you questions today on behalf of the Prosecution.

14 Before I start, Madam Witness, I just want to add one thing to what the Judge has
15 already explained, and that is that if at any point you do not understand a question
16 that I'm asking, don't hesitate to say so and I will rephrase it. It's really important
17 that you understand all of our questions.

18 Your Honour, if we could go into private session for no more than three, four minutes
19 for a few identifying questions.

20 PRESIDING JUDGE SCHMITT: [9:39:45] Yes, private session.

21 (Private session at 9.39 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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17 (Redacted)

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22 (Redacted)

23 (Redacted)

24 (Open session at 9.42 a.m.)

25 THE COURT OFFICER: [9:42:26] We're in open session.

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1 MS HOHLER: [9:42:35]

2 Q. [9:42:36] Madam Witness, I understand that before coming to testify today,
3 you were able to read through the witness statement that you gave to the ICC
4 investigators; is that correct?

5 A. [9:42:52] Yes, that's correct.

6 Q. [9:42:58] There should be a binder with you and the court officer present there.
7 If I could ask you to turn to tab 1 of that binder. It's the Prosecution binder, tab 1.
8 I think the court officer next to you will assist you.

9 THE COURT OFFICER: [9:43:18] (Via video link) The document is in front of the
10 witness.

11 MS HOHLER: [9:43:21]

12 Q. [9:43:22] This is the document UGA-OTP-0144-0072.

13 You see the document in front of you, Madam Witness, which at the top it says
14 "Witness Statement".

15 PRESIDING JUDGE SCHMITT: [9:43:42] I think we have --

16 MS HOHLER: [9:43:43] We have lost you for a moment.

17 PRESIDING JUDGE SCHMITT: [9:43:46] Yes, there is obviously a disconnection.
18 Let's wait a second or some seconds if we can fix it quickly. Otherwise we would
19 have to interrupt.

20 MS HOHLER: [9:43:58] I can notice that we can see the witness on the screen.

21 PRESIDING JUDGE SCHMITT: [9:44:02] So, please continue.

22 MS HOHLER: [9:44:04] I can continue.

23 PRESIDING JUDGE SCHMITT: [9:44:05] Yes, yes. Since everybody in the
24 courtroom has a screen, I think we simply can continue.

25 MS HOHLER: [9:44:11]

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1 Q. [9:44:11] Madam Witness, you see the document in front of you and at the top
2 it says "Witness Statement". Do you see that?

3 A. [9:44:21] Yes, I'm looking at it.

4 Q. [9:44:24] And do you see on the left is your name and on the right the names
5 of your parents that you just told us?

6 If you could turn the page to the second page, the document to the second page, and
7 you see in the middle there there are a number of signatures. There is one signature
8 on the left and two signatures on the right. Do you see that?

9 A. [9:45:04] Yes, I do.

10 Q. [9:45:06] If you can focus on the signature on your left, the one signature on
11 the left above the date 16 April 2005, whose signature is that?

12 A. [9:45:22] That's my signature.

13 Q. [9:45:25] If you could now please turn to the page before last of that document.
14 It's page 12. And you see there a box titled "Witness Acknowledgment" and there is
15 again a signature. Is that also your signature, Madam Witness?

16 A. [9:46:02] Yes, it is.

17 Q. [9:46:10] Madam Witness, is this then the witness statement that you gave to
18 the ICC investigators in April 2005?

19 A. [9:46:25] Yes, it is.

20 Q. [9:46:27] When you gave your statement, were you telling the truth?

21 A. [9:46:37] Yes, I was. I was telling the truth.

22 Q. [9:46:40] Did you make this statement to the best of your knowledge and
23 recollection?

24 A. [9:46:49] Yes.

25 Q. [9:46:56] Now, Madam Witness, the Judges can use this statement when they

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1 make up their mind about the case. Do you have any objection to the Judges using
2 this statement when they decide the case?

3 A. [9:47:15] No, I have no objection.

4 Q. [9:47:19] Thank you, Madam Witness.

5 MS HOHLER: [9:47:21] And, your Honours, I believe this satisfies the procedural
6 requirements under Rule 68(3).

7 PRESIDING JUDGE SCHMITT: [9:47:27] You believe correctly, so please continue.

8 MS HOHLER: [9:47:31]

9 Q. [9:47:32] Madam Witness, your statement is now in evidence, but I still have a
10 few more questions to ask you.

11 What I will do typically is read out a part of your statement and then ask you a few
12 clarifying questions about the portion that I have read out. Do you understand that?

13 A. [9:47:59] Yes, I do.

14 Q. [9:48:00] My first question is about the LRA kadogos that entered the house
15 where you were on the day of the attack on Pajule and Lapul camps. And this is
16 paragraph 11 of the witness statement. This is what you said, Madam Witness:

17 "Small children called kadogos entered the house. There were maybe about seven
18 kadogos who entered the house and they were about fourteen years old."

19 Now, my question is: What about the kadogos made you conclude that they were
20 about 14 years old?

21 A. [9:49:07] I concluded that they were about 14 years old was because of the
22 appearance, their facial appearance and their size, and I estimated that there wasn't a
23 big age difference between those children and myself.

24 Q. [9:49:29] And you were about 16 years old at the time; is that correct?

25 A. [9:49:37] That's correct.

1 Q. [9:49:41] In paragraph 14, Madam Witness, you stated the following:
2 "I was also beaten by a small boy, approximately about fourteen years old. He was
3 carrying a lagoc type gun, and he beat me with a stick two times."

4 What part of your body did he beat you on?

5 A. [9:50:18] He beat me on my back. He was beating my back. He was mostly
6 beating my back.

7 Q. [9:50:26] How many blows did you receive? How many blows did he beat
8 you?

9 A. [9:50:34] Twice.

10 Q. [9:50:37] How were you feeling at the time?

11 A. [9:50:48] It was painful.

12 Q. [9:50:55] I now want to ask you, Madam Witness, about the beatings and other
13 things that you saw within the camp that day. In paragraph 14 you stated:

14 "After I took the luggage the rebels told us to run towards the barracks. The
15 commanders of the rebels began to beat people who were refusing to run."

16 What did the commanders use to beat the people with? What were they using?

17 A. [9:51:40] They were using sticks.

18 Q. [9:51:45] Could you describe to us a little bit more how they were beating, how
19 the commanders were beating the people?

20 A. [9:51:56] The commanders were beating people because they instructed people
21 to run towards the barracks, but there were some people who were scared to run
22 towards the barracks. The people who were running slowly were being beaten, they
23 were being beaten so that they could run faster towards the barracks.

24 PRESIDING JUDGE SCHMITT: [9:52:20] May I shortly.

25 Did you understand at the time or did you have an idea why you were told to run

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1 towards the barracks?

2 THE WITNESS: [9:52:38] (Interpretation) No. I do not understand and I never
3 came to understand why we were being instructed to run towards the barracks. I do
4 not know what the intention was.

5 PRESIDING JUDGE SCHMITT: [9:52:51] And could you perhaps describe a little
6 bit more the sticks with whom the commanders and the others beat the people.
7 How long were they, how thick were they, if you recall it, so that we have an idea
8 what kind of sticks have been used?

9 THE WITNESS: [9:53:18] (Interpretation) The sticks that were being used to beat
10 people were big pieces of wood that they took from civilians' houses. Some of them
11 were very big. It's usually the size of the walking stick used by the elderly.

12 PRESIDING JUDGE SCHMITT: [9:53:35] Thank you.
13 Please, Ms Hohler.

14 MS HOHLER: [9:53:39]

15 Q. [9:53:39] And just to follow up on the Judge's question, Madam Witness, with
16 these sticks, what part of the body were the commanders beating the people on?

17 A. [9:53:55] They were just beating people on their backs, on their necks, and also
18 on their buttocks.

19 Q. [9:54:04] In paragraph 18, Madam Witness, you stated the following: "I also
20 saw the rebels had made a mess in some shops instead of taking the foodstuffs ..."
21 What did you mean when you said they had made a mess? What did you see the
22 rebels doing at those shops?

23 A. [9:54:34] Could you please repeat your question.

24 Q. [9:54:44] Yes. In your statement you said the following: "I also saw the
25 rebels had made a mess in some shops instead of taking the foodstuffs ..."

1 I would like to know what did you mean when you said that the rebels had made a
2 mess in the shops. What did you see the rebels doing at the shops in the camp?

3 A. [9:55:19] I saw the rebels scattering things in the shop. There were clothes,
4 there were red clothes, there were white clothes as well. They would remove the
5 clothes from the hangers and throw the clothes on the ground, and other things, other
6 merchandise were scattered all over the shops. Those are the things that I saw
7 scattered on the shop floors.

8 Q. [9:55:47] In the same paragraph, paragraph 18, you also said: "... and I saw
9 the smoke from burnt grass-thatched houses at the trading centre of both Lapul and
10 Pajule camps."

11 Do you know who set the houses on fire?

12 A. [9:56:16] I -- at that particular time I did not know who had set the houses on
13 fire, but I did guess that it was the rebels who had attacked the camp, because at that
14 time I could not -- I did not know whether it was the government soldiers because
15 government soldiers had never set houses on fire before.

16 Q. [9:56:40] I now want to ask you, Madam Witness, about the luggage you
17 carried and how you moved into the bush from the camp. In paragraph 13 you
18 described that the rebels made you carry luggage from Pajule. You stated that you
19 carried maize stolen from the house and cooking oil which was taken from a shop.
20 My question is: How heavy was the luggage that you were made to carry?

21 A. [9:57:20] The luggage that I carried was quite heavy, maybe two and a half
22 basins full of stuff.

23 Q. [9:57:32] Did you find it easy or difficult to carry these basins?

24 A. [9:57:47] It was extremely heavy.

25 Q. [9:57:52] Were other abductees carrying luggage as well?

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1 A. [9:58:04] Yes, they were. The abductees were carrying, were carrying luggage
2 as well.

3 Q. [9:58:12] What were they carrying?

4 A. [9:58:18] The luggage that the abductees were carrying was mostly maize,
5 beans and other things that had been taken from the shops such as cooking oil.

6 PRESIDING JUDGE SCHMITT: [9:58:29] Perhaps we can interrupt for a minute.
7 I'm informed that the Registry would need a minute or so to fix the video connection.
8 So we simply stop here for a minute and I trust that it will only last 60 seconds.

9 MS HOHLER: [9:58:44] Very well, your Honour.

10 (Pause in proceedings)

11 PRESIDING JUDGE SCHMITT: [10:00:14] And I also trust that I'm informed if we
12 are ready again, of course.

13 I think the next minute that we were going to take to fix things we will have during a
14 break, I would suggest. I thought the connection was good enough to continue.

15 (Pause in proceedings)

16 PRESIDING JUDGE SCHMITT: [10:01:54] Madam Witness, do you still hear me?

17 THE WITNESS: [10:01:59] (Interpretation) Yes, I can hear you clearly.

18 PRESIDING JUDGE SCHMITT: [10:02:02] Simply, Mrs Hohler, you continue.

19 MS HOHLER: [10:02:05]

20 Q. [10:02:05] We apologise, Madam Witness, for that interruption, we tried to fix
21 some technical difficulties. But as long as you hear us and we hear you everything is
22 okay.

23 We were talking, Madam Witness, and you were telling us that your luggage was
24 extremely heavy and that other abductees were carrying luggage as well. Did you
25 see any of the other abductees struggling to carry luggage?

1 A. [10:02:42] I saw those who were abducted at that time, like myself, were
2 struggling to carry their luggage. It appears the luggage was also heavy for them the
3 way I would see.

4 Q. [10:02:58] What did the rebels do if an abducted person could not carry the
5 luggage because it was too heavy, for example?

6 A. [10:03:10] Most of the people I saw came under pressure of heavy luggage
7 were beaten by the rebels that they should run faster. But even despite the fact that
8 they are being beaten to run faster, they will still walk slowly because of the heavy
9 load.

10 Q. [10:03:40] And what did the rebels do if someone could not move, walk more
11 fast, could not walk faster?

12 A. [10:03:59] They are beaten, they are beaten so that it would increase the speed.

13 Q. [10:04:05] Was any abducted person killed during this time?

14 A. [10:04:17] From within the centre I did not see a civilian killed.

15 Q. [10:04:23] What about when you and the other abductees were moving away
16 from the camps and you were walking in the bush that first day, did you see anyone
17 killed at that time?

18 A. [10:04:42] I saw people, I saw people were killed.

19 Q. [10:04:48] Can you describe that for us? Can you describe who you saw
20 killed?

21 A. [10:04:56] The person that I saw who was killed was a soldier who was
22 wearing -- putting on a green army uniform, had a gumboot, and the person was
23 actually shot.

24 Q. [10:05:22] Two questions about that. The soldier, was that a government
25 soldier or an LRA soldier?

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1 A. [10:05:35] The soldier that I saw who was killed was a government soldier.

2 Q. [10:05:43] And who killed him?

3 A. [10:05:50] I saw an LRA rebel who killed, that killed him.

4 Q. [10:05:58] Did you see any abducted person killed during your movement into
5 the bush with the rebels?

6 A. [10:06:17] When we had just left the centre or after I had spent some time in
7 the bush?

8 Q. [10:06:24] I'm interested in that first day when you left the centre and you were
9 walking into the bush, but not later, the first day. Did you see any abducted person
10 killed then by the rebels?

11 A. [10:06:46] No, I did not see.

12 MS HOHLER: [10:06:49] Your Honour, could we go into private session for a few
13 questions.

14 PRESIDING JUDGE SCHMITT: [10:06:56] Private session.

15 MS HOHLER: [10:07:05]

16 Q. [10:07:07] Madam Witness, in paragraph 61 --

17 (Private session at 10.07 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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12 (Open session at 10.14 a.m.)

13 THE COURT OFFICER: [10:14:17] We are in open session.

14 MS HOHLER: [10:14:19]

15 Q. [10:14:21] And the last thing I want to do, Madam Witness, is show you some
16 documents, and I would ask the court officer if he gives you the court binder again.

17 In paragraph 61 of your statement, Madam Witness, you said you gave a statement to
18 the police in Pader about your abduction and stay in the bush; is that correct?

19 A. [10:14:51] Correct.

20 Q. [10:14:53] If you can please turn to tab 2 of your binder. The document at the
21 top says "A Victim Statement" and we can see a date on the left which is
22 28 October 2004. And do you see your name right at the top of the page?

23 A. [10:15:24] Yes, I have seen.

24 Q. [10:15:28] If you could please turn the document to the very last page now.

25 And on that page, if you look at the penultimate line where there is a signature, is that

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1 your signature?

2 A. [10:16:00] This is not my signature.

3 Q. [10:16:06] It is not your signature?

4 PRESIDING JUDGE SCHMITT: [10:16:11] If you compare it with the ones on the
5 Prosecution statement, I would also say it's not her signature.

6 MS HOHLER: [10:16:20] That's true, but this was 10, 12 years earlier than the ones
7 we have seen. Not the statement, your Honour is correct, not the statement.

8 PRESIDING JUDGE SCHMITT: [10:16:28] The statement is from 2005 and this one
9 is from 2004 so -- but you can continue, but there seems to be a discrepancy.

10 MR OBHOF: [10:16:39] Your Honour, it might be the way she's asking, because it's
11 not a signature, it's a printed name.

12 PRESIDING JUDGE SCHMITT: [10:16:45] I also think so. So it's -- but what I
13 understand is, first of all, we can verify, Madam Witness, this is not your handwriting,
14 you know, these several pages that have been shown to you.

15 THE WITNESS: [10:16:59] (Interpretation) This is not my handwriting.

16 PRESIDING JUDGE SCHMITT: [10:17:01] So somebody -- so somebody took this
17 information and, Mrs Hohler, you would have to simply elaborate if this information
18 has been given by the witness or not.

19 MS HOHLER: [10:17:13] Yes.

20 Q. [10:17:15] Madam Witness, when you were giving this statement to the police
21 station, were they writing things down? Do you remember?

22 A. [10:17:30] Yes, they were writing.

23 Q. [10:17:32] When they were finished writing, did they read back to you what
24 they have written?

25 A. [10:17:41] They did not read to me.

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1 Q. [10:17:49] Thank you, Madam Witness. I think that is all we can establish --

2 PRESIDING JUDGE SCHMITT: [10:17:54] Yes.

3 MS HOHLER: [10:17:55] -- with regard to that document.

4 PRESIDING JUDGE SCHMITT: [10:17:57] I also -- I also would say we stop it here
5 and continue to the next point.

6 MS HOHLER: [10:18:01] Yes.

7 Q. [10:18:02] If you can turn to tab 3, Madam Witness, and this is
8 UGA-OTP-0270-1376.

9 PRESIDING JUDGE SCHMITT: [10:18:18] I think it's clear, but also not to be
10 shown to the public.

11 MS HOHLER: [10:18:22] Yes, not to be shown to the public. The documents are
12 confidential.

13 Q. [10:18:27] Do you see the document, Madam Witness?

14 A. [10:18:34] Yes.

15 Q. [10:18:34] Do you see your name at the top?

16 A. [10:18:40] Yes, I have seen.

17 Q. [10:18:42] And on the left-hand side there we see the date 15 March 2013.

18 A. [10:19:01] Correct.

19 PRESIDING JUDGE SCHMITT: [10:19:02] And we see on the last page a signature,
20 and the signature is at least similar to the one we have already seen on the
21 Prosecution statement. But you can ask her, of course.

22 MS HOHLER: [10:19:12]

23 Q. [10:19:12] If you can turn to the last page now, Madam Witness, and there is a
24 signature there. Is this your signature, Madam Witness?

25 A. [10:19:38] Yes, this is my signature.

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1 Q. [10:19:41] Thank you, Madam Witness. And I realise, your Honour, I forgot
2 to give the ERN of the first document that I showed to the witness.

3 PRESIDING JUDGE SCHMITT: [10:19:49] Yes, please do.

4 MS HOHLER: [10:19:50] So just for the record, that's UGA-OTP-0137-0236. And
5 that concludes my questions for this witness.

6 Thank you, Madam Witness.

7 PRESIDING JUDGE SCHMITT: [10:20:02] Thank you, Mrs Hohler.

8 And I think Mrs Massidda will want to question the witness.

9 MS MASSIDDA: [10:20:09] Thank you very much, your Honour.

10 Ms Adong will question the witness. I have been reassured that the issue of the
11 microphone that we had last time is now fixed and Ms Adong will speak loudly.
12 Thank you.

13 PRESIDING JUDGE SCHMITT: [10:20:24] And as I see, Ms Adong is now also in
14 the video frame so we can see her, which is of course very good. So we have both
15 Mrs Adong and the witness on video-link location visible.

16 Please, Mrs Adong.

17 QUESTIONED BY MS ADONG:

18 Q. [10:20:46] Madam Witness, I think we have met several times, and you have
19 also had a chance to wave to my colleagues who are in Court. And our question to
20 you will be to assist the Court to know more about yourself as a victim.

21 Madam Witness, could you please explain briefly what your life was like before you
22 were abducted?

23 A. [10:21:33] Before my abduction my life was easy. The reason why I say my
24 life was easy and was okay because I would eat well, I had a good sleep, and I was
25 also in school.

1 Q. [10:21:50] Now, when you were abducted what did you feel?

2 A. [10:21:58] When I was abducted I felt my life changed, because what I would
3 do from home, how I was living at home changed, my way of life changed.

4 Q. [10:22:15] How did it change?

5 A. [10:22:23] My life changed in ways that I stopped going to school, I no longer
6 ate good food, I no longer had good beddings, I would walk a lot without rest and
7 sometimes I am beaten, and yet while I was home I was not beaten. These are the
8 things that make me to say my life changed.

9 Q. [10:22:50] Madam Witness, at paragraph 13 of your statement you mentioned
10 that you had to walk a long distance without shoes. What injuries did you suffer as
11 a result?

12 A. [10:23:18] The injuries I got, I got injuries on -- in my foot when I got hit, I hit
13 my feet against the tree stumps, and some of these, sometimes I step on sharp tree
14 stumps and the splinters entered in my foot and up to now some of them have not yet
15 been removed.

16 Q. [10:23:45] Thank you. I'm looking at paragraph 22 and paragraph 43 of your
17 statement where you talk about an attack by the UPDF soldiers, and also the
18 helicopter attack. And then you talk later about a helicopter attack when you were
19 leaving the meeting point. How did you survive these attacks, madam?

20 A. [10:24:40] This is how I survived from this attack: The LRA soldiers told us to
21 all lie down and that we should cover our heads ourselves with leaves, with tree leaves
22 so that we would not be identified by the helicopter gunship.

23 Q. [10:25:05] Looking at paragraph 62 of your statement and following up on
24 your question by Prosecution on your injuries, were you shot at any time?

25 A. [10:25:27] I was shot. I was shot in my left arm.

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1 Q. [10:25:39] Were you shot at any other part of your body?

2 THE INTERPRETER: Your Honour, interpreter's correction: The witness says she
3 was shot on the right arm, not on the left arm.

4 THE WITNESS: [10:25:53] (Interpretation) Other, other injuries that I got were on
5 my left side of the body also in the same day.

6 MS ADONG: [10:26:04] I think the witness, your Honour, said on the ribs. Thank
7 you.

8 MR OBHOF: [10:26:16] Your Honour, I would ask that the witness repeat that
9 because, no offence to counsel, just like with Krispus (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [10:26:25] Yes, I know. I think we should repeat
11 the answer.

12 Madam Witness, there was a problem with the interpretation, so please pardon us.
13 Could you again tell us which part of your body was shot at the time.

14 THE WITNESS: [10:26:44] (Interpretation) I was shot in my right arm and also in
15 my ribs.

16 PRESIDING JUDGE SCHMITT: [10:26:53] Do you still feel the pain of what
17 happened at the time?

18 THE WITNESS: [10:27:02] (Interpretation) I still feel, but the pain is a bit different.
19 I feel numb, I feel numb in my arm. Sometimes even when I pinch I don't feel the
20 pain.

21 PRESIDING JUDGE SCHMITT: [10:27:18] Thank you.

22 MS ADONG: [10:27:21]

23 Q. [10:27:22] Following up on the Judge's question, have you received, have you
24 received medical treatment?

25 A. [10:27:39] I received.

1 Q. [10:27:43] Do you feel that you had adequate treatment?

2 A. [10:27:54] I feel the treatment is not adequate because my -- when I try to
3 scratch my arm, the affected arm, I feel as if I'm scratching somebody else. So I think
4 the medication was not adequate.

5 Q. [10:28:14] Where are you getting this treatment?

6 A. [10:28:23] I received the treatment from World Vision. While I was still at
7 World Vision I was taken to Lacor hospital, but currently I'm not getting any
8 treatment.

9 Q. [10:28:36] Why are you not getting any treatment?

10 A. [10:28:40] The reason why I'm not getting treatment, I had gone to a nearby
11 government health centre, which was health centre 2. I was told that it requires me
12 to go to a higher level facility, but up to now I haven't gone.

13 Q. [10:29:04] Why haven't you gone to the higher facility?

14 A. [10:29:15] I thought about it of myself. Maybe -- I thought that maybe my
15 muscles probably are having some problems and maybe it's trying to grow, but I also
16 see that the wound has healed but still I feel that part is numb.

17 Q. [10:29:39] Would further treatment require payment?

18 A. [10:29:45] Yes, it would require money.

19 Q. [10:29:54] Do you have the funds for it?

20 A. [10:30:01] No, I do not have money.

21 Q. [10:30:07] Now I would like to ask you questions about your life in the bush.
22 Could you please explain briefly to the Court your daily life in the bush?

23 A. [10:30:26] What would happen in my life while I was still in the bush was that
24 we would walk a lot. And we are not given time to listen to radio so that we would
25 get some information of what is going on at home. Also, we are not allowed to eat

1 any good food, good food were usually reserved for commanders only. Also, you
2 are given -- we are given very heavy training that you undergo and we are not
3 allowed to chat or talk about what is going on home or whatever we were going
4 through at home, the kind of life at home. You must only talk about what is
5 happening in the bush.

6 And also, when you are now in location where you are supposed to cook you are
7 supposed to be guarded. Even when you are going to collect water, when we going
8 to collect firewood, the escorts would be following you. And even when you're
9 cooking, the escort will be standing around to see how you are cooking.

10 So these are the things that I can say I experienced while I was in the bush.

11 Q. [10:31:58] You mentioned training, can you elaborate more on the type of
12 training?

13 A. [10:32:12] We were trained, or the training that I personally received included
14 unloading and loading a gun, how to shoot a gun, and how to aim at target. So we
15 were also taught target training. So that was some of the training that I received.
16 The training was conducted in Acholi, not as government soldiers trained in Swahili.
17 We were always trained in Acholi.

18 Q. [10:32:47] You were at school before your abduction. Did you continue with
19 your education?

20 A. [10:32:57] Yes, I did. When I came back home my parents sent me back to
21 school.

22 Q. [10:33:10] Madam Witness, as a woman had you started your menstruation?

23 A. [10:33:27] Yes, at the time that I was abducted I was already going -- I had
24 already started my menstrual cycle.

25 Q. [10:33:36] Did you have the facilities to assist you during this time?

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1 A. [10:33:51] Yes, when I was home, yes I did, I did have the facilities to ensure
2 my hygiene. But when I was in the bush we did not have those facilities. And I did
3 not actually get my periods for a while while I was in the bush. Then I became
4 pregnant.

5 Q. [10:34:16] I will just provide a bit -- when Prosecution asked you about your
6 interview with (Redacted) --

7 MS MASSIDDA: [10:34:28] Sorry, your Honour, closed session please. The issue
8 was --

9 PRESIDING JUDGE SCHMITT: [10:34:33] Indeed, indeed.

10 MS MASSIDDA: [10:34:35] Thank you very much.

11 PRESIDING JUDGE SCHMITT: [10:34:36] Indeed, yes.

12 MS MASSIDDA: [10:34:36] Sorry for the interruption in an abrupt way.

13 PRESIDING JUDGE SCHMITT: But perhaps -- no, I think perhaps we can word it in
14 a way that we do not mention this. So I think Mrs Adong understands us. Simply
15 draw the question out of what you have in front of you and don't mention the
16 circumstances.

17 MS ADONG: [10:34:56] I'm grateful for the guidance.

18 Q. [10:35:04] You did mention having to carry heavy loads, but did this heavy
19 load at any time cause -- or was it made up of human parts?

20 A. [10:35:33] Yes, I was made to carry human parts on one occasion.

21 Q. [10:35:38] Could you please elaborate more for the benefit of the Court?

22 A. [10:35:46] Yes. The reason why I said that among the luggage that I was
23 made to carry I carried body parts was because on one occasion - I hadn't yet been in
24 the bush for a long time - some man was abducted. He was trying to escape. When
25 he was re-apprehended, we were told -- the newly abductees were instructed to kill

1 this man, but they instructed the men, the newly abducted men, to kill this guy, but
2 the girls were not. And they told us that when the man was killed, he was chopped
3 into bits and they told us that we should carry this man's body parts to frighten us, so
4 that if we attempt to escape, we would also undergo the same fate.

5 Q. [10:36:42] Which part of the body did you have to carry?

6 A. [10:36:53] I was made to carry the head.

7 Q. [10:36:55] Were you the only person who carried this head?

8 A. [10:37:04] No, I wasn't the only one. There were also other newly abducted
9 people who were made to carry the head.

10 Q. [10:37:13] Concentrating on your time in the bush, did you have any sickness?

11 A. [10:37:32] I had problems when I was -- I had stomach problems and that was
12 the result of eating things that I was not used to, so I had stomach ache.

13 Q. [10:37:45] Had you ever had such a stomach ache before your abduction?

14 A. [10:37:58] No, I had not experienced such stomach aches before.

15 Q. [10:38:03] You also mentioned at paragraph 38 of your statement that you
16 were distributed to the household of a commander. How did you feel?

17 A. [10:38:27] I was frightened. I was extremely frightened when I was
18 distributed to this household.

19 Q. [10:38:35] Was your situation better or did it become worse? Or what was
20 your condition after that?

21 A. [10:38:53] My situation changed to the worse because at the time that I was
22 distributed to this household, the wives of the commander also started mistreating
23 me. And that made my life really hard. And I also heard that I was going to
24 become this person's wife and that really disturbed me a lot.

25 Q. [10:39:23] Looking at paragraph 56 of your statement, how did you feel when

1 you were forced to have sex with him?

2 A. [10:39:36] It was a very painful experience for me because I had never had
3 sexual intercourse with a man. I had never had sexual intercourse before. So when
4 he told me that I was going to become his wife, he had sexual intercourse with me
5 and it caused me a lot of pain as well in the way that I used to walk.

6 Q. [10:40:06] What kind of injuries did -- where were the injuries you sustained?

7 A. [10:40:15] I was injured in my private parts and I was also -- I also bled
8 heavily.

9 Q. [10:40:26] Did you get any treatment for your injuries?

10 A. [10:40:38] No, I did not receive any kind of treatment.

11 Q. [10:40:42] Madam Witness, you became pregnant as a result of this sexual
12 encounter and you have a child out of this encounter. How has this experience
13 impacted on your life?

14 A. [10:41:18] All these things, all the things that happened to me, have had a very
15 negative impact on my life. It's caused me a lot of problems. I'm a young person,
16 but I now have a child. And that causes me a lot of worry and a lot of stress as to
17 how I'm going to be able to take care of my child. And up to now, I still worry. I'm
18 now grown up, but I still worry about how I'm going to take care of my child.

19 Q. [10:41:49] Did you -- were you able to, you know, make friends during your
20 time in the bush, somebody you could confide in?

21 A. [10:42:00] I did, I did make friends, but the person I became friendly with
22 was -- I had to be very sly because I could not discuss every single thing with the
23 person. I would hold back some things, because if I -- I thought that if I would tell
24 her everything that was going on in my life, if I disclosed a lot of personal information,
25 she might take the information back. So we only discussed general matters, things

1 that were happening generally in the bush.

2 Q. [10:42:41] Madam Witness, who did you miss the most during your time in the
3 bush?

4 A. [10:42:53] When I was in the bush, the person that I missed the most were my
5 father and my mother, and especially my mother, because I thought that because of
6 the gunfire, the heavy gunfire at the centre, perhaps she would have lost her life.
7 Because when I was in the bush, I did not have the time or the resources to ask
8 anybody, "Have you seen my mother? Have you seen my father?" So I was
9 extremely worried that my parents had probably died in the gunfire.

10 Q. [10:43:30] You escaped when you were pregnant. Were you beaten when you
11 were pregnant?

12 A. [10:43:45] When I was pregnant, I was not beaten.

13 Q. [10:43:49] Was it difficult for you to run in that state?

14 A. [10:44:03] At the time it was difficult to run because I was also afraid of death.
15 So I would run slowly, but I would run -- I did try to run as well, as fast as I could.

16 Q. [10:44:17] Thank you, madam. I'll now ask you questions about your life
17 after you escaped. Could you briefly describe to the Court your life after you had
18 escaped?

19 A. [10:44:48] When I escaped, when I went back home and I went to the World
20 Vision and my parents had collected me, my parents showed me a lot of love. They
21 sent me back to school. They counselled me. They advised me and told me that,
22 "Well, even if you have a child now and you're still young, go ahead and have your
23 child. We'll help you take care of your child." They sent me back to school. When
24 I go to school, I would leave my child home and my parents would take care of my
25 child.

1 So I went back to school, went to secondary school, went to secondary 3, and I did not
2 pass very well, because most times I was tired. After my secondary 4 examinations,
3 my parents told me that since I did not perform very well at school, they have to pay
4 my fees again so that I could repeat the secondary school. But they did not have the
5 financial means to do that. So they decided to help me find any other course that I
6 could do in order to earn money.

7 They then sent me to -- they sent me for a course to become (Redacted)

8 I went and did that course. I finished the course and when I finished it, (Redacted)

9 (Redacted)

10 (Redacted)

11 And as of now, as I speak, (Redacted)

12 (Redacted) But that's my life. That's been my life since I

13 came back home from the bush.

14 Q. [10:47:05] Madam Witness, looking at paragraph 18 of you statement, you
15 witnessed killings and various forms of violence while in captivity. How has this
16 experience affected you emotionally or mentally?

17 A. [10:47:45] Based on the things that I saw in the bush, I personally feel that at
18 times I'm tired. I feel tired. I'm confused. There are certain times when I'm
19 confused. I mostly stay by myself. I isolate myself because those are some of the
20 things that happen to me at the moment.

21 Q. [10:48:12] Have you received any psychological treatment once you had
22 returned?

23 A. [10:48:27] Yes, I did receive that.

24 Q. [10:48:30] Has it helped you?

25 A. [10:48:35] Yes, it did, it has helped me. It has helped me a lot.

1 Q. [10:48:42] Do you feel that you do not need any further treatment, that you are
2 now fully recovered?

3 A. [10:48:57] I feel recovered, but I do not think I'm fully recovered, because even
4 now, even as I speak, when I'm on my own, I keep on thinking. I think about a lot of
5 things and that really upsets me and it makes me -- it gives me a bad headache. And
6 even though I say I'm healed, I've been praying a lot, and as a result of all the things
7 that I've gone through in my life, all the experiences, the prayers have actually helped,
8 but I'm not fully recovered.

9 Q. [10:49:34] You have informed Court how you were received by your family.
10 How were you received by your community?

11 A. [10:49:53] The community also welcomed me back because they said - when
12 we were abducted I was among the abductees - they heard that some of the people
13 came back, they heard reports about some people who came back, and when people
14 were escaping they asked people "Have you seen her? Have you seen her?"
15 But most people told them they had not seen me, so they thought perhaps I had died
16 in the bush. So when I came back they were extremely happy about the fact that
17 I was still alive.

18 Q. [10:50:34] You were distributed as a wife to the commander and he fathered a
19 child with you. Did he ever marry you?

20 A. [10:50:50] No, he did not marry me.

21 Q. [10:50:54] According to page 1 of your statement where you indicate your tribe,
22 according to your culture what is the fate of a child born of an unmarried mother?

23 A. [10:51:25] In my culture, a child that is born out of wedlock is known as the
24 mother's child. You as the mother have to take care of your child, the child is your
25 responsibility. The child does not have a home. So the child belongs to the mother.

1 It's the mother's sole responsibility.

2 Q. [10:51:53] Is this responsibility greater if the child is a boy as opposed to the
3 child being a girl?

4 A. [10:52:08] Yes, it is. Because, if it's a boy, it's more difficult to take care of a
5 boy than to take care of a girl, because as a girl, when a girl grows up, she goes, she
6 gets married and she leaves. But a boy will always stay with you, so it's more
7 difficult to take care of a boy than it is take care of a girl.

8 Q. [10:52:34] Is it easy for your family to provide land for your son?

9 A. [10:52:46] No, it's not. Because my parents do not have the means to do that,
10 to enable me to get land so that they can give it to that child. It's not easy.

11 Q. [10:53:04] You have moved on in your life and you are in a relationship.
12 What impact has it had on you and the children?

13 A. [10:53:31] My new relationship, this is it, let me explain it: The man that I'm
14 with right now from time to time complains, he complains about my other child. He
15 says that when I -- he sees that child that child is more or less the same age as me, so
16 when he looks at that child and he looks at me, then he says I'm an older person than I
17 claim to be. But that's not true, because I had the child when I was young. He does
18 not want that child, so the child stay with my parents. I'm with that man and the
19 children that I've had with him. So it's extremely painful for me that I'm separated
20 from my child. It's very painful for me.

21 Q. [10:54:24] Are you able to provide for this child?

22 A. [10:54:32] Not really, I do not have the means. But when I get anything,
23 when I harvest something or when I get some money I send the money to my parents
24 so that it can help them take care of my child. But I do not have substantial means
25 and I'm not able to provide enough assistance. The little assistance that I'm able to

1 get and send to my parents I send, so that they can use it to help my child.

2 Q. [10:55:04] Can you openly support this child?

3 A. [10:55:10] No. That's not how I do it. I do not do it openly. I give it
4 secretly. I send the money secretly so that my partner or husband does not know
5 that I'm sending money to my parents to help my other child.

6 Q. [10:55:33] Madam Witness, what were your dreams and ambitions before you
7 were abducted?

8 A. [10:55:49] Before I was abducted I wanted to grow up and become a teacher.

9 Q. [10:55:59] What do you expect from this Court?

10 A. [10:56:04] What I expect from the Court is justice.

11 And, secondly, I would like to ask the Court, if it's possible, so that the Court can
12 assist the children, the children who are fatherless, children who do not have homes,
13 and also the children who are still being born in the bush at the moment. If those
14 children at some point are able to come back home, then my prayer to the Court is
15 that the Court should ensure justice and also should try as much as possible that for
16 the children, the fatherless children who come back home, if there is any way of
17 helping those children perhaps get land so that they can help those children, and
18 when they come home the children would have a future.

19 Q. [10:57:02] Madam Witness, I wish you all the best.

20 MS ADONG: [10:57:08] Mr President, your Honours, I have no further questions
21 of this witness.

22 PRESIDING JUDGE SCHMITT: [10:57:13] Thank you, Mrs Adong. Thank you,
23 Madam Witness, for the moment. We will have a break until 11.30 and then start
24 with the Defence examination.

25 THE COURT USHER: [10:57:22] All rise.

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1 (Recess taken at 10.57 a.m.)

2 (Upon resuming in open session at 11.33 a.m.)

3 THE COURT USHER: [11:34:00] All rise.

4 PRESIDING JUDGE SCHMITT: [11:34:16] And I give Mr Obhof the floor.

5 Yeah, there are new -- okay, of course, we always took our time to introduce new
6 faces into the courtroom, so there has at least a little bit of a supplement on the
7 Prosecution side.

8 MS HOHLER: [11:34:36] I had to look myself, your Honour. It's Shkelzen Zeneli
9 also for the Prosecution.

10 PRESIDING JUDGE SCHMITT: [11:34:42] I think there is more to it.

11 MS HOHLER: [11:34:44] Yes, I see. And Agnese Valenti. Is that it? I think so.
12 Thank you.

13 PRESIDING JUDGE SCHMITT: [11:34:52] Thank you very much. I think now
14 I can give Mr Obhof the floor, and I'm absolutely sure that we will finish today.

15 MR OBHOF: [11:34:59] We will have to go extended sessions --

16 PRESIDING JUDGE SCHMITT: [11:35:03] Let's wait, Mr Obhof.

17 And perhaps just as a remark by me, when it comes to the witness statement which is
18 introduced via Rule 68(3), meaning this is what the witness has said legally,
19 procedurally here in the courtroom, that is the meaning of Rule 68(3).

20 You are aware of paragraph 54, what she said about your client.

21 MR OBHOF: [11:35:27] Yes.

22 PRESIDING JUDGE SCHMITT: [11:35:28] So this is her evidence on your client.
23 So please continue.

24 MR OBHOF: [11:35:34] And I think -- I don't think Sanyu Ndagire was announced
25 earlier today. I know she walked in 20 or 30 minutes.

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1 PRESIDING JUDGE SCHMITT: [11:35:44] Indeed, yes, Mrs Hohler. A small,
2 small reproach is I think absolutely justified.

3 MS HOHLER: [11:35:47] Yes, let me do all three names now. Sanyu Ndagire, yes,
4 as well.

5 PRESIDING JUDGE SCHMITT: [11:35:53] So thank you very much. Mr Obhof,
6 please start.

7 MR OBHOF: [11:36:04] If we could please start off with tab 2 at the very end at
8 page 0239.

9 QUESTIONED BY MR OBHOF:

10 Q. [11:36:14] Did you have it in front of you, Madam Witness?

11 A. [11:36:20] Yes.

12 Q. [11:36:23] Now, Madam Witness, did you write your name next to the word
13 "sign"?

14 A. [11:36:38] Yes, I wrote my name.

15 Q. [11:36:43] Thank you. Now, Madam Witness, were you born at home or in a
16 hospital?

17 A. [11:37:02] I was born in a hospital.

18 MR OBHOF: [11:37:08] Your Honour, could we go into private session for two
19 quick questions.

20 PRESIDING JUDGE SCHMITT: [11:37:13] Private session.

21 (Private session at 11.37 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 11.37 a.m.)

4 THE COURT OFFICER: [11:37:54] We are back in open session, Mr President.

5 MR OBHOF: [11:38:05]

6 Q. [11:38:06] Ms Witness, you testified in private session today about your
7 birthdate. Now can you explain to the Court why at tab 5, UGA-OTP-0163-0443,
8 page -- first page, 0443, you told World Vision that you were born in the year 1986?

9 A. [11:38:36] I had not yet clearly established the exact date, date of my birth.
10 That is why I had stated 1986, because by then I hadn't clearly established the exact
11 date. But when I returned home now, that's when my parents told me they went to
12 the mission where I was baptised and they traced the baptism card, and they used
13 that card to establish the correct date.

14 Q. [11:39:26] About how long after you coming home did they trace your
15 birthdate, Madam Witness?

16 A. [11:39:43] It wasn't a long time, because the discharge card that I was given by
17 World Vision had this incorrect date, so my parents went to the mission and retrieved
18 the other card and they said this date which was indicated in the World Vision card
19 was not correct so they now used the one that was retrieved from the mission. It
20 wasn't a long -- it was not after a long time.

21 Q. [11:40:19] Would you say a few months or one year?

22 PRESIDING JUDGE SCHMITT: [11:40:24] Is it so important if the witness was
23 born 1986 or 1987?

24 MR OBHOF: [11:40:30] Your Honour, the Defence does -- it's problem is that she is
25 giving age estimates for soldiers and fighters and if she does not know her own age,

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1 especially -- thank you.

2 PRESIDING JUDGE SCHMITT: [11:40:41] But perhaps you can directly steer to the
3 documents that you have. I think that would made things shorter.

4 MR OBHOF: [11:40:48] Well, we don't have these other -- we are asking her when
5 she determined her age.

6 PRESIDING JUDGE SCHMITT: [11:40:54] Okay. Please continue.

7 MR OBHOF: [11:40:55] Thank you. Sorry, your Honour.

8 Q. [11:40:56] So was it about one month, two months or a year or so, Madam
9 Witness?

10 A. [11:41:07] It was about two months.

11 Q. [11:41:12] Can you state why on your ICC victim application written in 2010
12 that you once again state your birth year as 1986? And that's tab UGA-D26-0012 --

13 PRESIDING JUDGE SCHMITT: [11:41:41] This I was referring to, of course, Mr
14 Obhof.

15 MR OBHOF: [11:41:43] Yes. 00 -- or sorry, 0386, first page.

16 A. [11:41:54] Could you say the question again.

17 Q. [11:41:56] Why is it, Madam Witness, that in 2010 when you filled out -- when
18 you were filling out your ICC victim application you once again placed the birth year
19 of 1986?

20 A. [11:42:21] I stated that because even previously I knew I was born in '86,
21 because my mom says I was born in '86 but my father says I was born in '87. So my
22 baptism card which was in the mission was brought to me. That's when I was able
23 to have the correct date. But all along before I got this card I was stating, I would
24 write my date of birth inconsistently, '86, '87. So I had that inconsistency before.

25 PRESIDING JUDGE SCHMITT: [11:43:05] So we have the documents submitted,

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1 I would assume. So you can continue.

2 MR OBHOF: [11:43:11]

3 Q. [11:43:11] Now, Madam Witness, how were you able to estimate the ages of
4 these kadogos that entered your house if you could not even estimate your own age?

5 A. [11:43:38] I was able to estimate the age of these kadogos because I would see
6 them in the same age and size of my brother with whom I was abducted, and I would
7 take myself, I would look at myself as older than them, and that's why I was able to
8 estimate their ages.

9 MR OBHOF: [11:44:05] Your Honour, I would like to go into a private session for
10 one, maybe two questions. I'm sorry, just it's a flow.

11 PRESIDING JUDGE SCHMITT: [11:44:12] No problem. Private session.

12 (Private session at 11.44 a.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 11.45 a.m.)

24 THE COURT OFFICER: [11:45:36] We are back in open session, Mr President.

25 MR OBHOF: [11:45:47]

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1 Q. [11:45:47] You mentioned in your testimony, Madam Witness, that you saw
2 three different groups of LRA fighters during the attack?

3 PRESIDING JUDGE SCHMITT: [11:45:56] Could you tell us the paragraph, like
4 always.

5 MR OBHOF: [11:46:01] Paragraph 19.

6 PRESIDING JUDGE SCHMITT: Thank you, Mr Obhof.

7 MR OBHOF:

8 Q. [11:46:03] How were you able to tell the difference between these three
9 different groups?

10 A. [11:46:17] I stated that I saw the three different groups, because at the time
11 when we were now in the bush some of the commanders that I was seeing in Pajule at
12 that time, I saw those commanders now, each one of them was moving with their
13 own groups. That is why I was able to conclude that these people were in three
14 different groups.

15 Q. [11:46:49] So you made this determination after the attack, not during the
16 attack; is that correct, Ms Witness?

17 A. [11:47:02] Yes, after the attack.

18 Q. [11:47:07] At tab 7 on page 46 there's a discussion how you said that in Sudan
19 the LRA had schools with sleeping quarters for wives, commanders and children who
20 were born at that camp. Is that true, Ms Witness?

21 A. [11:47:45] Not true.

22 Q. [11:47:50] Whilst you were in Sudan did you recognise the face of any of your
23 captors other than your bush husband?

24 A. [11:48:16] Yes, I tried to understand.

25 MR OBHOF: [11:48:25] Now, I should have done this in the last private session.

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- 1 Could I have one private session to --
- 2 PRESIDING JUDGE SCHMITT: [11:48:36] Yes, no problem. Private session.
- 3 (Private session at 11.48 a.m.)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Open session at 11.50 a.m.)
- 23 THE COURT OFFICER: [11:50:18] We are back in open session, Mr President.
- 24 PRESIDING JUDGE SCHMITT: [11:50:26] Thank you, Wilfred.
- 25 MR OBHOF: [11:50:29]

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1 Q. [11:50:30] Madam Witness, are you still in contact with World Vision?

2 A. [11:50:41] No, I no longer have any contact with them.

3 Q. [11:50:46] Do you remember which year you had your last contacts with
4 World Vision?

5 A. [11:50:54] Yes, I do recall.

6 Q. [11:51:09] Which year was it?

7 A. [11:51:19] In 2004, when World Vision returned me home, that was also the
8 last time I ever had contact with them.

9 Q. [11:51:36] And, Madam Witness, in the luggages that the abductees were
10 forced to carry, did they contain foodstuffs such as maize, beans, salt and sugar?

11 A. [11:52:04] Yes, they had those foodstuffs.

12 Q. [11:52:11] Now, Madam Witness, whilst you were in the bush, was there an
13 overabundance of food for people to eat?

14 A. [11:52:28] Food was inadequate.

15 Q. [11:52:39] So it's fair to say that hunger was a problem for all whilst in the
16 bush?

17 A. [11:52:54] Yes, there was hunger. But of course the commanders, the ones on
18 top, did not have that problem, but those of us who had just been abducted were the
19 ones who suffered more of hunger.

20 Q. [11:53:16] What about the fighters, the people who hadn't just been abducted,
21 the people who were not commanders?

22 A. [11:53:33] Could you say the question again?

23 Q. [11:53:38] No problem. What about the people who were not commanders
24 that were not recently abducted, did they have hunger problems?

25 A. [11:54:03] They were not very much affected because they had some bit of

1 freedom.

2 Q. [11:54:15] You were -- once you were initiated though, they started giving you
3 food; is that right, Madam Witness?

4 A. [11:54:34] Yes. Yes, they started giving us food.

5 Q. [11:54:40] Now, you also mentioned that after you left the IDP camp, you were
6 not allowed to drink water from a stream. Did the people in the LRA ever tell you
7 why you were not allowed to drink water from the stream?

8 A. [11:55:07] They did not tell us, but they just did not allow us to take water.
9 They did not tell us why they did not -- they did not allow us to take water.

10 PRESIDING JUDGE SCHMITT: [11:55:22] This is from 25, paragraph 25?

11 MR OBHOF: [11:55:25] Yes.

12 Q. [11:55:26] Do you remember which stream this was, Madam Witness?

13 A. [11:55:36] I do not recall the name of that stream. I do not know the name of
14 the stream.

15 Q. [11:55:44] Was the stream close to Pajule or was it several days after the attack?

16 A. [11:55:58] The stream was still close to Pajule, that same day.

17 Q. [11:56:07] Did other people -- did you see any other person drink water from
18 that stream, Madam Witness?

19 A. [11:56:25] I saw the soldiers who had tied jackets around their waist, who had
20 uniforms, were the ones who were taking water.

21 Q. [11:56:42] And it's correct to state that at this time you were not initiated?

22 A. [11:57:01] Correct, we had not yet been initiated.

23 Q. [11:57:07] Now, Madam Witness, during your entire life, were you ever told
24 not to drink water from a stream?

25 A. [11:57:22] No. In all my life I have not been told that you should not drink

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1 water from the stream.

2 Q. [11:57:33] When you collect water from a stream, do you drink it straight or do
3 you boil it first?

4 A. [11:57:49] We drink it without boiling.

5 Q. [11:57:55] And you've never had any problems with drinking water directly
6 from streams, Madam Witness?

7 A. [11:58:09] No, I've never had any problem.

8 Q. [11:58:14] During your time in the bush, did you ever learn that the LRA
9 believed that the water was being poisoned by the UPDF?

10 A. [11:58:38] No. When I was still in the bush, I never came to know that the
11 LRA suspects that some of the streams were poisoned by government soldiers.

12 Q. [11:58:57] Did you also -- did you ever come to learn whilst you were in the
13 bush that the LRA believed that once you were initiated, dangerous materials in the
14 water would not hurt you?

15 A. [11:59:18] No, I did not know. I do not know what they believed in. But
16 from what I know or how I was following it, is that the initiation that is performed to
17 the newly abducted I think was done so that you forget your family life; you only
18 should concentrate and know what's happening in the bush. I think that was my
19 own understanding.

20 PRESIDING JUDGE SCHMITT: [11:59:59] Perhaps shortly for our understanding,
21 Madam Witness, how was this initiation that you are speaking of done?

22 THE WITNESS: [12:00:13] (Interpretation) The initiation, you are told to take off
23 your top. Once you take off your top, they would take shea butter from a bottle.
24 They would draw the sign of the cross on your forehead and on your chest.

25 PRESIDING JUDGE SCHMITT: [12:00:30] Thank you.

1 Mr Obhof.

2 MR OBHOF: [12:00:33]

3 Q. [12:00:35] Now, this stream, Madam Witness, was this -- did you come upon
4 this stream before or after the meeting point?

5 A. [12:00:54] The stream was before the meeting point.

6 Q. [12:01:01] Did one of the helicopter gunships arrive whilst you were around
7 the stream?

8 A. [12:01:15] At the time the helicopter gunship had left.

9 Q. [12:01:23] But a helicopter gunship was following and kept arriving every so
10 often on your trip from Pajule to the meeting point; is that correct, Madam Witness?

11 A. [12:01:49] That's correct.

12 Q. [12:01:58] Did you hear anybody tell you to hurry up whilst you were moving
13 around that stream, Ms Witness?

14 A. [12:02:11] Yes. At the time that we got to the stream, there were some people
15 who were drinking water. We were told to hurry up, the rest of us were being told
16 to hurry along.

17 Q. [12:02:30] Now, Madam Witness, you lived in the IDP camp for quite some
18 years before it was attacked. Now, was the military barracks always located on the
19 Lapul side of the IDP camp?

20 A. [12:02:56] No, it wasn't always in that direction. Initially it was on the Pajule
21 side and then the barracks was moved to the Lapul side.

22 Q. [12:03:09] After the barracks was moved to the Lapul side, did soldiers still go
23 to the barracks on the Pajule side?

24 A. [12:03:26] When the barracks was moved to the Lapul side, soldiers would
25 sleep in the centre. They would surround the centre. They would be deployed.

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- 1 Some of them would be deployed towards Pajule, some of them would be deployed
2 towards Lapul. They would be deployed all over the place.
- 3 MR OBHOF: [12:03:56] What was the last thing she said?
- 4 THE INTERPRETER: [12:03:58] I did not get that.
- 5 PRESIDING JUDGE SCHMITT: [12:04:02] Madam Witness, you wanted to address
6 us. Please speak. Please speak.
- 7 THE INTERPRETER: [12:04:10] She would like a bathroom break. One minute.
- 8 PRESIDING JUDGE SCHMITT: [12:04:14] Of course. It can also be a little bit
9 more than one minute. So we leave the courtroom for let's say -- let's say 5 to
10 10 minutes, let's say. And you inform us from the video-link location when we can
11 continue.
- 12 THE COURT USHER: [12:04:29] All rise.
- 13 (Recess taken at 12.04 p.m.)
- 14 (Upon resuming in open session at 12.08 p.m.)
- 15 THE COURT USHER: [12:08:33] All rise.
- 16 Please be seated.
- 17 PRESIDING JUDGE SCHMITT: [12:08:47] So Mr Obhof, please continue.
- 18 MR OBHOF: [12:08:52] Thank you, your Honour.
- 19 Q. [12:08:53] Good afternoon again, Ms Witness.
- 20 A. [12:08:59] Good afternoon too.
- 21 Q. [12:09:02] Now, Ms Witness, before we took our short break we were quickly
22 discussing the location of the military barracks on the Lapul side. What was the
23 distance between the military barracks and the civilian housing?
- 24 A. [12:09:33] It wasn't that far. Perhaps 500 metres.
- 25 Q. [12:09:41] And was your house close to the military barracks or was it

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1 further away?

2 A. [12:09:53] It wasn't that far. It was kind of in the middle.

3 Q. [12:10:01] For an estimate, about how long would you guess it would take you
4 to walk from your house to the barracks, Madam Witness?

5 A. [12:10:19] From our home to the barracks, approximately 7 to 10 minutes
6 depending on the pace, if I'm walking slowly.

7 Q. [12:10:32] Madam Witness, at paragraph 10 of your testimony you noted that
8 soldiers from the barracks would usually surround the houses during the night.
9 Could you expand upon this, what do you mean by "surround the houses"?

10 A. [12:11:00] The reason why I stated that government soldiers would surround
11 the houses at night was because they would be sent there and deployed to protect
12 people's security, the security of people in the camp. So they would sleep between
13 the houses.

14 Q. [12:11:24] Now I hate to ask you to explain this, but when you mean sleep
15 between the houses, do you mean that they would walk within the IDP camp
16 in-between the houses?

17 A. [12:11:41] No. Not within the houses. Not only within the houses in the
18 camp, but also the houses at the centre. The soldiers would be distributed and they
19 would sleep all around those places.

20 Q. [12:12:00] So did the soldiers actually conduct patrols withinside the camp?
21 So would they go to, say, block 9, block 10, block 8 and conduct patrols withinside the
22 camp, Madam Witness?

23 A. [12:12:28] Yes, they would patrol the camp and others would go and patrol
24 along the road, the road going to the centre.

25 Q. [12:12:43] Now, Madam Witness, what time was the curfew at

1 Pajule IDP camp?

2 A. [12:12:58] At the time, at the height of the insecurity the curfew was at 10. At
3 that time you would not find anybody walking about or moving about.

4 Q. [12:13:19] Now, was there a time earlier in the day when you had to be at least
5 within the camp and not just within your house?

6 A. [12:13:45] There was no curfew or there were no rules in that regard. There
7 was a security meeting and we were told that even if you, if you stay in the camp or
8 whether you stay in the centre, at 10, at 10 you must ensure that you are inside your
9 house and the door is locked.

10 Q. [12:14:08] What would happen if somebody would have to use the loo, say at 3
11 or 4 o'clock in the morning, would they be allowed to step outside of their house?

12 A. [12:14:24] No. You are not allowed. People would use basins at night. If
13 you wanted to go out in the morning for a long call, then you would have to go out,
14 but for a short call you would use a basin.

15 Q. [12:14:48] Madam Witness, would the UPDF and the LDUs, would the soldiers
16 patrol inside of the camp during the day?

17 A. [12:15:01] No, there were no patrols within the camp during the day. During
18 the day they would conduct their patrols outside in the villages.

19 Q. [12:15:20] Would these soldiers mingle or talk and be friends with the civilians
20 who lived at the IDP camp?

21 A. [12:15:46] No, they would not mingle. They would go on their patrol and
22 when they would come back, when they come back they come back in a formation
23 and enter into the barracks. They would not mingle with civilians.

24 Q. [12:16:03] So to the best of your knowledge, the soldiers at the military
25 barracks did not have any girlfriends or boyfriends, if they had female soldiers, that

1 lived withinside the camp?

2 A. [12:16:27] The soldiers would have their wives in the barracks. The wives
3 would stay with them in the barracks.

4 Q. [12:16:37] Now, Madam Witness, would the soldiers ever go to establishments
5 where one could have a beer or have some fried pork?

6 A. [12:17:10] I would see some of the soldiers. For example, on their days off
7 they would have their civilian clothings, they would go to the bars and have a drink
8 and then go home. Some of them would get drunk and stay there. Others would
9 come and collect him and take them back to the adakis, but in their civilian clothings.

10 Q. [12:17:42] Now, Madam Witness, specifically about the military barracks could
11 you see weapons being stored outside of the UPDF, LDU military barracks?

12 A. [12:18:06] I did not see any heavy artillery because that was not kept out in the
13 open. If you see any heavy weapons, if you hear that there are rebels in the
14 surrounding areas or there are rebels around, that's when we would see the heavy
15 weapons and tankers, that's when they would bring these along with them.

16 Q. [12:18:32] Now, within a week of the attack, Madam Witness, were you or
17 anyone you knew notified about LRA being within the area of the IDP camp?

18 A. [12:19:06] Could you please repeat your question?

19 Q. [12:19:11] In the week leading up to the attack did you ever hear about an LRA
20 presence around the IDP camp?

21 A. [12:19:31] No, I did not hear anything to that effect. I did not hear any
22 rumours to that effect.

23 Q. [12:19:41] Were there any military trucks stationed around or near the IDP
24 camp?

25 A. [12:19:58] At the time prior to our abduction, sometimes the armoured cars

1 would come to the barracks and park in the barracks. But after our abduction, for
2 example, the tanks and other armoured cars were not there.

3 Q. [12:20:20] Now, at paragraph 17 of your testimony, Madam Witness, you
4 stated that you did not see any dead civilians within the camp but that you saw two
5 dead UPDF soldiers. Where did you see these two soldiers, these two dead soldiers?

6 A. [12:20:55] I saw the soldiers on the Pajule side after we had left the centre and
7 we were walking going out, that's when I saw the two dead bodies.

8 Q. [12:21:12] Were the two dead bodies still within the camp?

9 A. [12:21:28] Yes, they were still within the camp. At the time that we were
10 running, moving along, they were left there, but the uniforms, they were undressed,
11 the uniforms were taken and the dead bodies were left naked.

12 Q. [12:21:48] For clarity, Madam Witness, how do you know they were UPDF
13 soldiers?

14 A. [12:22:02] The reason why I said that they were UPDF soldiers was because I
15 saw one of them being shot at the time that the person was being shot because he was
16 shooting at the LRA soldiers, he still had his uniform on. And the reason why I
17 confirmed that that was a government soldier was because they were fully dressed in
18 their uniform, they did not take off their shirts, they had no clothes tied around their
19 waist, they had no sign of the cross on them, so they had nothing to indicate
20 otherwise.

21 Q. [12:22:44] Madam Witness, were there outposts or lookout posts or military
22 positions along the perimeter of the IDP camp?

23 A. [12:23:12] Around the camp there were outposts, because once the soldiers
24 who are supposed to be stationed in the centre are deployed, they are sent and each
25 person goes to a particular place. They do not all converge in one place, they do not

1 all stay in one place, they are distributed or deployed around the place.

2 Q. [12:23:41] Was there a physical structure where the UPDF or LDU soldiers
3 could stay at whilst they were surrounding and protecting the perimeter?

4 A. [12:24:08] It's the barracks, they were stationed in the barracks. They would
5 have tents and they stayed in the barracks. But within the centre they did not have
6 any structure where they stayed. Perhaps if there is somebody who slept there
7 illegally maybe then he had a woman there, but no, otherwise no.

8 Q. [12:24:37] Were there checkpoints before entering either Lapul or Pajule IDP
9 camp, or checkpoints even on the Kitgum-Lira road?

10 A. [12:25:00] No, there were no checkpoints.

11 Q. [12:25:06] Where is the police station located in Pajule, Madam Witness?

12 A. [12:25:15] The Pajule police station is on the other side of Pajule road, because
13 the -- Pajule and Lapul is separated by a road, so the police station is on the road, on
14 the road, but towards the Pajule side.

15 Q. [12:25:43] And where was the Lapul police station?

16 A. [12:25:54] Lapul did not have a police station. It was the one police station in
17 Pajule that represented the whole area. That's the only one police station that people
18 went to.

19 Q. [12:26:11] Did civilian houses, were they -- did they surround the police
20 station, Madam Witness?

21 A. [12:26:47] Yes, there were houses around it.

22 Q. [12:26:52] So is it correct that the police station was withinside the IDP camp?

23 A. [12:27:01] No, not in the camp itself, but there were houses around close to the
24 police station. There's a place where people -- there was a piece of land where
25 people were allowed to build their houses. It was close to the police station, but it

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1 did not surround the police station.

2 Q. [12:27:32] Is the police station today in the same location as it was in 2003?

3 A. [12:27:48] Yes, it is. It's in the same location even as I speak.

4 Q. [12:27:57] Would the military ever go to the police station?

5 A. [12:28:07] The soldiers who were on patrol, those who are deployed would go
6 to the police station, but they would not go inside the police station.

7 Q. [12:28:23] Would the soldiers ever leave military vehicles around the police
8 station?

9 A. [12:28:38] No, they would not do that. Most of their vehicles would be taken
10 into the barracks in Lapul barracks.

11 Q. [12:28:50] Would the police patrol inside of the IDP camp during the day?

12 A. [12:29:04] No. The police were not responsible for patrols.

13 Q. [12:29:13] So it's correct then that the police would not patrol in the IDP camp
14 at night?

15 A. [12:29:22] No. That's correct, they would not.

16 Q. [12:29:30] Could you loosely describe the uniform of a police officer in Pajule
17 in 2003.

18 PRESIDING JUDGE SCHMITT: [12:29:43] But at some point in time I think we
19 would really like to see a little bit the relevance of this line of questioning.

20 MR OBHOF: [12:29:52] Part of it, your Honour, would be part of the Defence's case,
21 which is why we're asking it.

22 PRESIDING JUDGE SCHMITT: [12:29:57] But you know we have here a witness
23 who has been a schoolgirl at the time. We can give it a try with describing the
24 uniforms of military or of police, but I think we should really move on relatively fast
25 in that respect now.

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1 MR OBHOF: [12:30:14] I understand, your Honour.

2 PRESIDING JUDGE SCHMITT: [12:30:15] It might not be for -- let me -- for a
3 young person going to school. It might not be the primary focus, so to speak, these
4 kinds of matters.

5 MR OBHOF: [12:30:27] I truly can understand, your Honour. But at the age of 16
6 I could describe a police uniform.

7 PRESIDING JUDGE SCHMITT: [12:30:34] Then let's give it a try, but we won't
8 dwell into that all too deep, so to speak.

9 MR OBHOF: [12:30:42]

10 Q. [12:30:43] Then, Witness, could you please describe the uniform that the police
11 would wear?

12 A. [12:30:53] At the time the police had two types of uniforms. There was the
13 traffic police who had khaki clothes, whites, but the police station -- who were
14 actually stationed in the police station had two types of uniform, one was brownish,
15 and there was another one that was khaki in colour. So I do not know which
16 uniform is which. But they had different, different types of uniforms. I noticed at
17 least three types of uniforms.

18 PRESIDING JUDGE SCHMITT: [12:31:33] I have to admit that this was
19 surprisingly specific.

20 MR OBHOF: [12:31:40]

21 Q. [12:31:45] Now, Madam Witness, the LRA people that came to your door and
22 brought you out told you to run towards the military barracks, paragraph 22. Did
23 they tell you why they wanted you to run to the barracks?

24 A. [12:32:14] They did not tell me why.

25 Q. [12:32:19] Did it appear that they were in a hurry to go to the military

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1 barracks?

2 A. [12:32:31] Yes.

3 Q. [12:32:34] At tab 2 at page 0327, in the police report, you told them that the
4 LRA soldiers arrived at your house and requested you to show them the location of
5 the army barracks. Is that correct in the 2004 police report, Madam Witness?

6 A. [12:33:06] Not correct. They asked one of the lady with whom I was abducted,
7 she's call (Redacted), she was the one who was asked to show them the direction
8 of the camp. But for me, they just told me to run towards the barracks where
9 everyone was heading to.

10 Q. [12:33:30] I will correct my question, it does say "us" and not "me".

11 PRESIDING JUDGE SCHMITT: [12:33:36] That's okay. The witness obviously is
12 not following any suggestive things that are put to her. She differentiates. If she
13 thinks it's not correct, she correctly says it's not correct, so to speak.

14 MR OBHOF: [12:33:55]

15 Q. [12:33:55] But the gist, Madam Witness, the LRA fighters had to ask a civilian
16 during the attack where the army barracks was located; that's correct, Madam
17 Witness?

18 A. [12:34:15] The LRA, they usually ask such questions, they ask you so that you
19 can -- if you fail to respond or to give them some useful information so that they beat
20 you. But I think they knew where the barracks was.

21 Q. [12:34:37] So it's your testimony that they ask questions to which they know
22 the answer for the sole purpose of beating somebody during the middle of a firefight
23 whilst in a hurry, Madam Witness?

24 A. [12:35:07] That was not my previous statement, but just now I added that these
25 people who were asking for the direction of the barracks, they were -- they knew

1 where the barracks was. I think they were only asking to confirm whether the
2 civilian was telling the truth or not.

3 Q. [12:35:31] But with that answer, they still had to ask other civilians where the
4 military barracks was located, correct, Madam Witness?

5 A. [12:35:49] Correct.

6 Q. [12:35:52] Now, you've discussed after you were removed from your house
7 and were running towards the barracks that a gunship - at paragraphs 22 and 23 of
8 her testimony - that a gunship started to hover above and fire weapons with small
9 bullets. Now, when the gunship was firing, was it able to differentiate between
10 civilians and LRA?

11 A. [12:36:36] The firing was indiscriminate. I do not know whether it was being
12 fired to separate, to, like, differentiate and distinguish, but everyone was actually
13 under fire.

14 Q. [12:36:56] Now, do you know why the LRA told you to lie down to avoid the
15 helicopter from shooting the civilians such as yourself? Did they ever tell you why
16 they wanted to protect you?

17 A. [12:37:21] They did not tell us.

18 Q. [12:37:27] Now, later on when you were heading towards the meeting point
19 after you had left the camp, you've discussed about how the helicopter was still
20 following and it still continued to shoot at you. At this point after you left the camp,
21 was the helicopter gunship able to distinguish between a civilian and an LRA?

22 A. [12:38:04] The helicopter would be able to differentiate because the way the
23 civilians were dressed was different from the way the LRA had -- were dressed at that
24 time.

25 Q. [12:38:25] So just to get it straight, after leaving the camp, the LRA fighters

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1 placed their shirts back on or were they still without shirts, Madam Witness?

2 A. [12:38:48] When we left the camp, the LRA fighters still had their shirts over
3 their waist. They were still bare-chested.

4 Q. [12:39:04] Now, in your testimony at paragraph 14 you mentioned that LRA
5 commanders hit LRA soldiers because those fighters were scared to run towards the
6 barracks. Now, in your opinion and from what you saw that day, did the LRA
7 fighters appear happy to go to the barracks?

8 A. [12:39:37] In my own thinking, since they were actually even beating their own
9 fellow people who were refusing to go to the barracks, I thought some of them who
10 were scared and fearing that they would be shot, maybe they also had a plan to
11 escape at that time. I do not know.

12 Q. [12:40:16] All things considered from what you witnessed, do you think it
13 would have been possible for an LRA soldier to escape during this attack?

14 A. [12:40:35] Could you say the question again, please?

15 PRESIDING JUDGE SCHMITT: [12:40:44] Of course, it -- we know I allow the
16 question, but it's clear that it's caused a little bit of speculation.

17 MR OBHOF: [12:40:52] Yes.

18 PRESIDING JUDGE SCHMITT: [12:40:52] But nevertheless the witness was there
19 and you can ask her in her estimation but --

20 MR OBHOF: [12:40:58] I think she answered it well enough --

21 PRESIDING JUDGE SCHMITT: Yes, I think --

22 MR OBHOF: -- with the other way she was (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [12:41:02] -- I think you can -- I think you can
24 continue, I would suggest.

25 MR OBHOF: [12:41:05] Yes.

1 Q. [12:41:07] Now, we've discussed about how the LRA fighters removed their
2 shirts and wore them around their waist. Did you see any LRA fighters fighting
3 completely naked, Madam Witness?

4 A. [12:41:26] I did not see.

5 Q. [12:41:42] Now, Madam Witness, when we were in private session, and
6 without saying his name, do you remember who we said person 1 was?

7 A. [12:41:54] Yes, I recall.

8 Q. [12:41:58] Do you remember the first time you met person 1?

9 A. [12:42:13] To meet with him as husband and wife or ...?

10 Q. [12:42:21] No. The first time you actually physically saw him.

11 A. [12:42:34] I remember the first time that I saw him was when we reached the
12 meeting point. That's when I saw him. But at the time when we were just abducted
13 from Pajule, I did not see him. I did not now pay attention to know which
14 commander is who because I was also still fearful.

15 Q. [12:43:04] Was he the commander of the people who abducted you from your
16 house -- sorry, abducted you from the place where you slept that night?

17 A. [12:43:20] No, he's not the one.

18 Q. [12:43:26] I'm going to read from tab 2, page 0237:

19 "The commander of those ... who came and pick us from the centre/house was --"
20 person 1.

21 Now, Madam Witness, this is from your first police report. Is this incorrect?

22 A. [12:44:00] That's not correct.

23 Q. [12:44:13] Whilst you were in the bush, did you ever come to find out whether
24 person 1 joined the LRA or was abducted into the LRA?

25 A. [12:44:35] Yes, I tried to understand that he voluntarily joined the LRA.

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1 Q. [12:44:58] One follow-up question from the attack, Madam Witness. Earlier
2 today and in your statement you discuss the mess that these persons were making
3 inside of the shop. During this time when you saw them in the shop, was -- had the
4 helicopter gunship already arrived?

5 A. [12:45:26] That time the helicopter had not yet arrived.

6 Q. [12:45:49] Now, Madam Witness, in your testimony at paragraph 25 you first
7 discuss this meeting point. Do you remember or do you know the name of the place
8 where they had this meeting point after the attack?

9 A. [12:46:15] Yes, I recall.

10 Q. [12:46:19] Could you tell Court the name of this place?

11 A. [12:46:30] That place is called Palenga. It's close to Pader town.

12 Q. [12:46:42] Now, is Palenga the place where Otti Vincent and Rwot Oywak
13 addressed everyone?

14 A. [12:46:58] Yes, that's it.

15 Q. [12:47:04] Now, you mentioned that Raska Lukwiya was there as well. Did
16 he address the group?

17 A. [12:47:17] Raska Lukwiya did not address the group.

18 Q. [12:47:25] Did he talk to the smaller group, maybe the collection of people you
19 were with?

20 A. [12:47:39] He was a bit arrogant. He was talking, and for me, I was scared so
21 I did not pay attention to it.

22 MR OBHOF: [12:47:53] Your Honours, if we could go into private session for
23 about one to two minutes. It's only for one question.

24 PRESIDING JUDGE SCHMITT: [12:48:05] Private session.

25 (Private session at 12.48 p.m.)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Open session at 12.49 p.m.)
- 14 THE COURT OFFICER: [12:49:38] We're back in open session, Mr President.
- 15 MR OBHOF: [12:49:49]
- 16 Q. [12:49:50] Now, without saying her name, she was abducted before you,
- 17 correct, Ms Witness?
- 18 A. [12:50:01] Yes, she was abducted before.
- 19 Q. [12:50:06] Now, at this time, at the meeting point, did Raska still have his
- 20 stick?
- 21 A. [12:50:25] Yes, he had his stick.
- 22 Q. [12:50:30] And he also had one whilst he was at Pajule centre, correct?
- 23 A. [12:50:43] Correct.
- 24 Q. [12:50:47] And with this stick that he had, was he ordering people around and
- 25 commanding people with this stick, Madam Witness?

1 A. [12:51:03] Yes, he was using the stick to do that.

2 Q. [12:51:09] During this time did you -- sorry, when you were in -- when you
3 saw him in Pajule centre, did Raska Lukwiya have a radio?

4 A. [12:51:30] Yes, but I do not know that that was a radio because it doesn't look
5 like a radio. He had it on his waist, hanging on his waist, and I think with a belt.

6 Q. [12:51:47] Was it small, like a walk and talk, or was it more big, like a military
7 communication radio?

8 A. [12:52:01] No, it was small, not very big. Just like, like a walkie-talkie.

9 Q. [12:52:17] When you arrived at the meeting point, did you see any other LRA
10 people carrying the same type of walkie-talkie?

11 A. [12:52:38] No. I did not see because at that time I was really fearful. You
12 would not look at a particular commander for a long time because I would think he
13 would beat me.

14 Q. [12:53:04] Now, we've already talked about Otti Vincent, Rwot Oywak and
15 Raska Lukwiya. But did you see anyone else -- and you said Raska did not, but did
16 you see anyone else other than Otti and Oywak address the group at Palenga?

17 A. [12:53:39] Apart from Rwot Oywak and Otti, the ones that I saw talking to the
18 people, there was no any other person.

19 Q. [12:53:53] Now, you also mentioned seeing a person called Kapere. Did you
20 ever see Kapere or Raska after the attack on Pajule? I should say it's after, say,
21 October 11 or October 12, one or two days afterwards.

22 A. [12:54:32] After the attack when we were still together, we moved together for
23 some time. All the commanders and the group moved together for, I think, up to
24 about two days. Then after two days then the group split, each one would go with
25 his own -- his group.

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1 Q. [12:54:59] Thank you very much for that. It helps my question better. After
2 those two days did you see Raska or Kapere again?

3 A. [12:55:17] I did not see.

4 Q. [12:55:30] Now, Madam Witness, you also talked about the uniform
5 Otti Vincent was wearing. How did you come to determine that Otti Vincent was
6 wearing an SPLA uniform?

7 A. [12:55:54] I knew because when we had just reached the meeting point, I
8 recognised Otti with his appearance. Because when we were still in the camp, there
9 were videos that would be shown showing Kony and Otti while they were still in
10 Sudan. So from that video and when I was abducted, I was able to recognise the face.
11 But the uniform, I was able to know about the uniform was when I was in Sudan, and
12 when I returned and I was in World Vision, that's when I now confirmed that that
13 was actually an SPLA uniform.

14 Q. [12:56:44] On that same topic of being in Sudan, whilst you were there did the
15 LRA and the SPLA fight against each other?

16 A. [12:56:59] Yes, they did.

17 MR OBHOF: [12:57:14] Your Honour, considering the time, and I do agree,
18 I think -- I would ask that we start at 2 o'clock, just to make sure, but we should be
19 able to finish in one hour and a half.

20 PRESIDING JUDGE SCHMITT: [12:57:26] I think I would prefer to extend, if need
21 be, in the afternoon.

22 MR OBHOF: [12:57:32] Okay.

23 PRESIDING JUDGE SCHMITT: [12:57:32] So we have the normal one and a half
24 hour break, and I think we will -- I think you are relatively quick. We will keep up.
25 I think you won't need it until half past 4. So lunch break --

1 MR TAKU: [12:57:48] May it please the Court, your Honour.

2 PRESIDING JUDGE SCHMITT: Yes.

3 MR TAKU: Your Honours, I wish to seek permission to be absent in the afternoon,
4 and I wish to take the opportunity to wish everyone a happy holiday. Our meeting
5 with the Mexicans was deferred to today from 2 o'clock.

6 But I wish to seek your indulgence to mention one issue, which is not a complaint but
7 just to draw your attention, your Honours, to the fact that -- and I'm not rebuking my
8 colleagues or blaming anyone whatsoever, but it's an issue that has arisen in other
9 international tribunals and also obviously here. And it is a matter of cultural
10 sensitivity in reciting some evidence. We know, we recognise the cultural context in
11 which the case -- this case is being heard, but when adducing evidence obviously
12 from a woman, a lady, that could be potentially very, very invasive and likely to
13 offend certain cultural sensitivity or the perception outside in the -- where they are
14 following these proceedings. your Honours, I think there should be a way of
15 preserving the evidence, protecting the invasive nature of the witness and also the
16 self-esteem, and also the possibility of the trial proceedings creating secondary forms
17 of victimisation which may be unintended.

18 The evidence this morning, while it is for the Court to determine the relevance or the
19 context or the manner in which the evidence will be adduced, maybe it could have
20 been protected by private session as it is extremely invasive.

21 And secondly, perhaps also from the background I come and because I've dealt with
22 the issue many times and I know the debate on this issue that's out there, about
23 cultural sensitivity, especially it's very, very, very personal and potentially very, very
24 invasive, and also involving a lady in this context.

25 Maybe also I'm very, very sensitive because I'm one of those individuals that was

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1 raised by their mother and I'm very, very, very sensitive, extremely very, very
2 sensitive on issues like this. But I'm only saying that we should devise a way
3 of -- perhaps if it is relevant to adduce the evidence, but also to bear in mind that it
4 may offend certain cultural sensitivity and lead to secondary forms of victimisation.
5 It may be protected by private session somehow. I do not know. But my colleague
6 is a specialist -- a special -- a specialist counsel in this regard, and I think she will take
7 my observations. Maybe my observations are correct, maybe they are not, but as an
8 individual, that's how I felt.

9 PRESIDING JUDGE SCHMITT: [13:00:46] Thank you very much, Mr Taku.

10 First of all, thank you for your good wishes. Secondly, I think the problem was very
11 much -- that you rightly addressed was very much mitigated, otherwise we would
12 have interfered by the fact we have these protective measures here in the courtroom
13 with this witness. So it's not that the witness testifies here in a manner that would
14 expose her.

15 Would you like to add something, Mrs Massidda?

16 MS MASSIDDA: [13:01:21] Thank you very much, Mr President. Only a brief
17 comment, because I understand that the comments of my learned colleague were
18 mainly related to the questions posed by Ms Adong during the questioning this
19 morning.

20 I wanted simply to put on the record that of course when, as lawyer, we pose
21 question to someone who is also one of our clients, as a participating victims, we take
22 into account this concern in relation to the eventually retraumatisation. And it was
23 also for this reason that Ms Adong, a Ugandan lawyer, was questioning the witness,
24 fully aware of the cultural background and of the type of question that could be
25 posed to the witness in the specific case.

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1 Thank you very much, your Honour.

2 PRESIDING JUDGE SCHMITT: [13:02:07] Thank you very much. And we leave
3 it at that at the moment. And I wish you a nice afternoon also, Mr Taku, and a nice
4 very, very long break that we now have.

5 Lunch break until 2.30.

6 THE COURT USHER: [13:02:25] All rise.

7 (Recess taken at 1.02 p.m.)

8 (Upon resuming in open session at 2.32 p.m.)

9 THE COURT USHER: [14:32:21] All rise.

10 MS HOHLER: [14:32:41] And, your Honour, to avoid being called by the Defence,
11 we have a new face this afternoon and it is Ms Colleen Gilg.

12 PRESIDING JUDGE SCHMITT: [14:32:49] Thank you very much. But you really
13 have to admit that is confusing a little bit.

14 Mr Obhof, you have the floor.

15 MR OBHOF: [14:32:56] Thank you very much, your Honour.

16 Q. [14:33:00] Good afternoon, Madam Witness.

17 A. [14:33:06] Good afternoon.

18 Q. [14:33:07] I hope you had a good lunch. And we'll be getting you out the door
19 around 6 p.m. your time.

20 Now, Madam Witness, after the two days when the groups all split up, where did you
21 head next?

22 A. [14:33:39] After the two days, when the groups split up, we walked and then
23 we -- we walked in one direction and then we went towards Kitgum. You know,
24 when you are walking in the bush, you are walking in a roundabout manner, you
25 don't know exactly where you are or where you are going.

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1 Q. [14:34:06] This is a reference to tab 3, page 1376 and 1377. Madam Witness, did
2 you ever go to Teso immediately after being abducted?

3 A. [14:34:25] We went in that direction but we did not get to Teso.

4 Q. [14:34:33] Did you ever meet with Charles Tabuley and his group?

5 A. [14:34:44] We met with Charles Tabuley.

6 Q. [14:34:52] How long was it from your abduction to when you met
7 Charles Tabuley, Madam Witness?

8 A. [14:35:09] I do not recall the exact, the exact duration, but it wasn't -- it wasn't
9 more than a week.

10 Q. [14:35:23] And you stayed with Charles Tabuley for about two weeks; is that
11 correct?

12 A. [14:35:34] No, that's not correct.

13 Q. [14:35:45] So it's incorrect in your 2013 police statement that you were with
14 Charles Tabuley for two weeks? That's incorrect?

15 A. [14:36:01] That is incorrect. Because we did not stay, we did not stay with them.
16 We just met them, but we did not stay together with them.

17 Q. [14:36:12] Now, Madam Witness, without mentioning any names, how was it
18 that you were given to person number 1?

19 A. [14:36:31] Well, on the day that we were abducted, when we got to the meeting
20 point where we met the other commanders waiting for us, and that was the time
21 when that commander number 1, after talking to people, that commander number 1
22 sent his escorts and asked me -- asked them to take me to his home, and then they
23 took me to his home as a babysitter. When they took me to his home as a babysitter,
24 I stayed there for -- I stayed in his home until eventually I escaped.

25 Q. [14:37:20] So it's incorrect in your 2013 police report that you selected a shirt that

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1 belonged to person number 1 and then Charles Tabuley gave you to him as his wife,
2 gave you to person number 1 as his wife?

3 A. [14:37:46] That is incorrect. They did not write it correctly.

4 Q. [14:38:01] Now, Madam Witness, how many other wives did person number 1
5 have?

6 A. [14:38:15] Person number 1 had 11 wives.

7 Q. [14:38:25] So in this instance the police report and not the testimony you gave by
8 Rule 68 is correct? The police report stated that he had more than 10, if I remember.
9 The police report states 12.

10 PRESIDING JUDGE SCHMITT: [14:38:47] Perhaps you can -- perhaps it would be
11 advisable here to refer exactly to paragraph 58. It is paragraph 58 of the statement.

12 MR OBHOF: [14:38:59] Yes.

13 Q. [14:38:59] Madam Witness, in your testimony today by Rule 68(3) you discuss
14 about how we -- and this is a quote:

15 "We were altogether three girls in (Redacted) -- person number 1's -- "household, myself,
16 another girl abducted from Pajule who was about sixteen" -- with a certain
17 name -- "and a nineteen year old girl" -- by a different name -- "We would alternate ...
18 the three of us to sleep with" -- person number 1 -- "When" -- person
19 number 1 -- "died" -- and I won't mention the month -- "I was not given to any other
20 commander as a wife, but instead stayed with" -- another former commander.

21 Do you remember having that read over to you by the Office of the Prosecutor and
22 having reading -- read over that before you came here today, Madam Witness?

23 A. [14:40:16] Yes, I do recall.

24 Q. [14:40:22] So can you explain the difference of why it seems that person
25 number 1 only had three wives here but yet you state today he had 11, plus yourself,

1 and then 12 in your 2013 police report? Can you explain the large difference in the
2 number from 3 to 12, Madam Witness?

3 A. [14:40:57] The reason why I stated that person number 1 had 11 wives was
4 because they asked me how -- to give the number of wives that person number 1 had,
5 the number of wives he had minus myself. That is why I said 11. I was the 12th.
6 And the reason why I stated that there were three of us and he would alternate
7 between us was that was the time when we were in Sudan, because in Sudan we were
8 three and he would alternate between us. But the other wives had been left behind
9 with other commanders. He had left them in charge of -- he'd left them in the charge
10 of other commanders. And that's why it's like that.

11 Q. [14:41:44] When you were interviewed in 2005 by the Office of the Prosecutor,
12 did you tell them this information?

13 A. [14:41:58] I did tell him. I told him the number of wives that person number 1
14 had. They asked me the question and I responded. But I did not give them that
15 explanation. I did not explain why it was only the three of us at a particular time.
16 But they asked me the number of wives that person number 1 had and I told them 11,
17 plus myself, 12.

18 Q. [14:42:27] Thank you, Madam Witness. When you went to Sudan, where did
19 you go to first?

20 A. [14:42:43] When we went to Sudan on the first occasion, we went through Pajok
21 road and the first place that we arrived at was called Katire.

22 Q. [14:43:01] Now, Madam Witness, Katire is on the eastern side of the mountain,
23 is it not?

24 A. [14:43:13] Yes, it is.

25 Q. [14:43:16] How long did you stay in Katire?

1 A. [14:43:25] We stayed in Katire for approximately one month.

2 Q. [14:43:38] And if you can estimate, about how long from your abduction was it
3 from when you first entered Sudan?

4 A. [14:43:57] If I'm to estimate, starting from the day I was abducted till the day we
5 entered Sudan, I estimate that it took about one and a half months.

6 Q. [14:44:15] Now, Madam Witness, whilst you were in Katire you were injured,
7 were you not?

8 A. [14:44:31] Yes, I was.

9 Q. [14:44:34] And I believe you spoke of the Lutugu tribe; is that right?

10 A. [14:44:45] That's correct.

11 Q. [14:44:49] Now, Madam Witness, the Lutugu were not friendly with the LRA,
12 were they?

13 A. [14:45:00] No, they were not friendly.

14 Q. [14:45:05] Now, were there other tribes in Sudan that were not friendly to the
15 LRA?

16 A. [14:45:20] Yes, there were other tribes that were not friendly with the LRA.

17 Q. [14:45:29] Did that make it hard, Madam Witness, for you to try to escape?

18 A. [14:45:42] Yes, it did. It made it very difficult to escape. Especially from
19 Sudan, because first of all I did not know the language. If I knew the language,
20 perhaps it would have been a little bit easier to escape, because the, the -- those
21 people do not interrelate well with the LRA. If you escape and meet or run into
22 them, they will talk to you in their language and if you cannot explain yourself to
23 them in their language, then they will kill you because they will automatically
24 associate you with the LRA.

25 Q. [14:46:30] Now, Madam Witness, after Katire, where did you head next?

1 A. [14:46:42] After Katire, we went to a place known as Nsitu.

2 Q. [14:46:52] And how long did you stay in Nsitu, Madam Witness?

3 A. [14:47:04] We were in Nsitu for approximately two months.

4 Q. [14:47:13] How long did it take you to travel from Katire to Nsitu?

5 A. [14:47:28] I do not recall the exact number of days that it took us to walk from
6 one place to -- from Katire to Nsitu, because we would walk, stop, we would walk
7 and find somewhere and stop. Perhaps sometimes we would stop for two or three
8 days and then continue with the journey, so I do not know the exact number of days
9 that it took us to walk from one place to the other.

10 Q. [14:47:57] How would you travel -- how did you travel from Katire to Nsitu?

11 A. [14:48:13] From Katire to Nsitu we walked on foot. When we walked on foot
12 there was a footpath, a footpath that was being followed. I do not know whether
13 those tracks had already been created or whether somebody else had created those
14 tracks, but we were following those foot tracks because the LRA were already kind of
15 based in that area.

16 Q. [14:48:51] Did you go through deserts, jungles, swamps? How did you get to
17 Nsitu? What was the landscape like, Madam Witness?

18 A. [14:49:14] The path that we followed was mostly rocky, there were jungles with
19 big trees. We would climb up mountains or hills, then we go down the slope and
20 keep on connecting to other footpaths until we got to our location.

21 Q. [14:49:41] Now, after Nsitu, Madam Witness, where did you head next?

22 A. [14:49:53] After Nsitu we went to a place close to a lake or river, but I do not
23 recall the name of that place.

24 Q. [14:50:08] Now, Madam Witness, did you tell the Office of the Prosecutor that
25 you spent two months in Nsitu when they interviewed you in 2005?

1 A. [14:50:34] If they have written 2005 in the statement, then that's what I said,
2 because there were a number of people who interviewed me so I do not recall every
3 single detail of what I said.

4 Q. [14:50:49] No, that's okay, Madam Witness. I just -- with the exception of
5 where person 1 died, I don't see a mention of Nsitu at all in your statement and from
6 your testimony today.

7 PRESIDING JUDGE SCHMITT: [14:51:07] But you have asked her today.

8 MR OBHOF: [14:51:09] Yes.

9 PRESIDING JUDGE SCHMITT: [14:51:10] And perhaps she was simply not asked in
10 such detail about the whereabouts.

11 MR OBHOF: [14:51:15]

12 Q. [14:51:16] Madam Witness, when you were talking to the police in 2013 you
13 didn't mention this either, but you did tell them that you went to Lubanga Tek.

14 A. [14:51:40] Perhaps I got confused. I must have forgotten the names of the
15 places. I believe I meant Nsitu at the time because I did not go to Lubanga Tek. At
16 the time that we got to Sudan the LRA had already been chased away from
17 Lubanga Tek and Kony was no longer there.

18 Q. [14:52:01] And how do you know that, Madam Witness, that Kony was chased
19 from Lubanga Tek tech?

20 A. [14:52:16] They were talking about it. They were talking about it while we
21 were in the bush, while we were in Sudan, some of the other people that we were
22 living with, because they said, "Oh, when we used to live in Lubanga Tek at the time
23 things, life was really good, we had granaries, we had food, it was like a proper
24 homestead so life was very good, but as soon as Lubanga Tek was attacked and we
25 moved, then life became more difficult" because at the time when they were in

1 Lubanga Tek they had a permanent homestead and they had everything, life was
2 easier.

3 Q. [14:52:50] So, Madam Witness, was Nsitu like?

4 A. [14:53:03] Nsitu was like northern Uganda. It's a nice place. It's a good place.
5 It's a bit -- it's not as rocky as the Lutugu side of the Sudan. There are trees as well,
6 but it wasn't -- the grasslands are a bit -- not as bushy. It was very hot. There were
7 also a number of animals, so a number of animals that people could hunt and eat.

8 Q. [14:53:40] Was it a nice settlement or was it just someplace where people would
9 stop and leave and stop and leave? Was it a regular place for the LRA?

10 A. [14:54:06] Are you asking from while we were in the Sudan?

11 Q. [14:54:09] Yes, but specifically Nsitu.

12 A. [14:54:17] Yes, it was. Nsitu was not a home, a particular homestead where
13 houses were built. You know, you didn't have a house where you could walk in and
14 go into a house. But we had -- it was bushy, so whenever they would -- we would
15 get to place, we would encamp there, people would construct their homes. We used
16 to refer to them as home, but there were no properly constructed houses but we
17 would still refer to it as home because people had their own little corners where they
18 settled.

19 Q. [14:54:59] Does it surprise you to know, to hear, Madam Witness, that the LRA
20 was at Nsitu and arrived there the same time they arrived -- sorry, before they arrived
21 in Lubanga Tek?

22 A. [14:55:22] Well, if you say that, then it's not -- it's not correct because when I was
23 abducted we went to Nsitu, I was taken to Nsitu. But prior to my abduction I heard
24 that they used to go to Sudan and they used to live in Lubanga Tek, they would
25 bypass Nsitu and go to Lubanga Tek.

1 Q. [14:55:51] Just out of pure curiosity, Madam Witness, do you know where
2 Lubanga Tek was specifically in Sudan?

3 A. [14:56:07] No, I do not know where it was because I did not go there.

4 Q. [14:56:19] Now, Madam Witness, we talked a little bit about the picture of Otti
5 and the adverts that you saw that showed his face. And did they also have similar
6 pictures and adverts about Joseph Kony?

7 A. [14:56:44] Yes, Joseph Kony's was also there.

8 Q. [14:56:54] Now, were these photographs distributed throughout the camp or
9 were they merely hanging on people's houses or hanging on posts?

10 A. [14:57:13] The photos were not distributed to everybody in the camp. The
11 photos were not stuck on the walls or not hung up on the walls of people's houses
12 either. But we saw the photos when some musicians, musicians who were singing
13 about peace, they had a screenplay and they had Kony's photo, Kony speaking, they
14 also had Otti's photo when Otti was talking as well and that's how I came to see Kony
15 and Otti's photos.

16 Q. [14:57:53] Speaking a little bit about your rehabilitation. Was part of your
17 rehabilitation programme talking with other former abductees in a group about your
18 experiences?

19 A. [14:58:27] No. The things that we were discussing while we were at the
20 World Vision, to settle us they would come, they would teach us at the World Vision,
21 they would advise us on how to live and we would also look at some of the things
22 and would -- sometimes we would actually replay or retalk about the things that we
23 went through our or experiences. Sometimes we would actually discuss or talk
24 about experiences, how we met and what happened. We would talk about things.
25 We would talk about our experiences as well.

1 Q. [14:59:21] In reference to your 2013 police statement, Madam Witness, why did
2 you make the additional statement?

3 A. [14:59:38] They called me and they told me that there was an organisation that
4 had come from Kampala and the organisation wanted to talk to me. The
5 organisation was at the police station, so I went. You know, when you are in the
6 village there were a number of organisations that came asking for people who came
7 back from the bush. They were asking for returnees, saying that they have some
8 help, they would like to give them some help. And we would all go to get some help.
9 And once you get to these groups, they interview you, they ask you what happened,
10 you would tell them what happened. And then on another occasion another group
11 would also come or another organisation would come, invite returnees and we would
12 all go again and then relay our stories again.

13 Q. [15:00:35] Do you remember which group called you in 2013 to go to the police
14 station, Madam Witness?

15 A. [15:00:50] I do not recall the name of the group, but it is the police who came
16 and they asked for my whereabouts, they went, they collected me, brought me to the
17 police station and then they started recording the interview. It's the police who came
18 and collected me.

19 Q. [15:01:15] So, I'm sorry, I just want to be clear, did you receive a call from the
20 organisation or did the police come, tell you about it, collect you and then have you
21 write a statement? So were you contacted first by the organisation before the police
22 came?

23 A. [15:01:39] The organisation went to the police and then the police came to me
24 and told me that they needed me at the police station. There is an organisation that
25 is at the police station that wants to speak to me. So they picked me up, they took

1 me to the police station, and I met the organisation. They organised -- the members
2 of that organisation also told me that they were police, that they were part of the
3 police.

4 Q. [15:02:20] Now, Madam Witness, did you get any paperwork from these
5 persons?

6 A. [15:02:35] I did not receive any paperwork.

7 Q. [15:02:55] Now, Madam Witness, was -- and maybe this might recall something
8 or maybe it's something different. Was this in connection with either the court case
9 of Thomas Kwoyelo or the recent return of -- or the somewhat recent return of Caesar
10 Acellam?

11 A. [15:03:30] Well, I did not get to understand that from the police. The kind of
12 investigation which they came for, I do not know why they wanted for me to get the
13 statement or my statement to be used for what purpose. I did not know.

14 Q. [15:03:55] Now not counting this one incident in 2013, how many times -- how
15 many other times did you do something like this?

16 A. [15:04:17] To go and give my statement?

17 Q. [15:04:21] Yes, Madam Witness. How many times did you give a signed
18 statement, something like you gave the police in 2013?

19 A. [15:04:38] The one that I signed like the one similar to the one I gave to the
20 police, there is none. There is no any other. But for the groups that came that
21 sometimes say they want to provide support for returnees are the ones that
22 sometimes I signed documents which they gave me to.

23 Q. [15:05:07] Now when you went in 2013 to the police station were there other
24 people just like you who were returnees, were they doing the same thing or was it just
25 you at the station that day?

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1 A. [15:05:29] I was alone.

2 Q. [15:05:40] Now, Madam Witness, when you were in the bush did you ever meet
3 a person by the name of Buk Abudema?

4 A. [15:06:00] I met him.

5 Q. [15:06:05] Could you tell the Court where you met him, Madam Witness?

6 A. [15:06:16] I met Buk Abudema from the Sudan because while in the Sudan the
7 LRA was in one group, they were not separated in different groups. Everyone
8 would move in one group. Even the commanders would move together with
9 the rest of the people. But when position was given for -- at the time of cooking,
10 then people would be in groups just for the purpose of cooking, but would not split in
11 different groups. So I met him from there.

12 Q. [15:06:54] Did you meet him in Nsitu or in Katire?

13 A. [15:07:04] I met him at Katire.

14 Q. [15:07:10] So at this time what would be approximately the end of October and
15 beginning of November, or maybe all the way through November of 2003,
16 Buk Abudema was in Sudan and not in Teso; is that correct?

17 A. [15:07:33] Yes.

18 PRESIDING JUDGE SCHMITT: [15:07:36] Do you know exactly when you -- do you
19 recall exactly when you met him?

20 THE WITNESS: [15:07:49] (Interpretation) I do not recall the exact time, but we had
21 just reached Sudan. We had just arrived in Sudan. We hadn't taken long.

22 PRESIDING JUDGE SCHMITT: [15:08:01] Thank you.

23 MR OBHOF: [15:08:22]

24 Q. [15:08:23] Madam Witness, you met Mzee Kenneth Banya, correct?

25 A. [15:08:34] Yes, I met him.

1 Q. [15:08:38] Now, when you left Nsitu do you remember where you went to after
2 that?

3 A. [15:08:55] I do not recall where exactly we went to, but we were just moving
4 about. I do not know exactly which place we went to.

5 Q. [15:09:07] And do you remember around how long, for how long you moved
6 about?

7 A. [15:09:19] It was about a month.

8 Q. [15:09:40] And I'm really sorry, I should have asked this earlier, Madam Witness,
9 but were you ever given a reason or did you ever find out about why your group
10 went from being with Tabuley and went up to Sudan?

11 A. [15:10:06] I did not -- I did not find out. But Tabuley did not move with us up
12 to Sudan. When we met him he separated and went back to Teso.

13 Q. [15:10:41] Madam Witness, did you ever meet Thomas Kwoyelo?

14 A. [15:10:52] I met him.

15 Q. [15:10:53] Do you remember where you met him? Was it in Uganda, Katire,
16 Nsitu, do you remember where?

17 A. [15:11:08] We met Kwoyelo at Katire. It was at Katire, that's where we met
18 several other commanders.

19 Q. [15:11:25] Now are you sure at this time when you entered in Katire Kwoyelo
20 was in Sudan instead of just north of Alero?

21 A. [15:11:47] Kwoyelo was in Uganda and then moved to Sudan. Because when
22 we reached Sudan other groups also came and found us there. It was at Katire
23 where people met and we all moved in one big group to Nsitu.

24 Q. [15:12:16] How long did -- sorry, was Thomas Kwoyelo with you this entire time
25 whilst you were in Nsitu?

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1 A. [15:12:30] Kwoyelo was with us right from the time we were in Katire up to the
2 time we went to Nsitu and we stayed there until we left Sudan to come back to
3 Uganda. We were still together with Kwoyelo. It was a long time. It was a long
4 time. I do not recall. When we returned to Uganda we were still together with him
5 and he was the one who would lead the group.

6 Q. [15:13:01] During this time in Nsitu were you with Joseph Kony?

7 A. [15:13:12] Yes, we were together.

8 Q. [15:13:16] Now, Madam Witness, when you were in Nsitu with Joseph Kony
9 was -- did you ever hear Joseph Kony on the radio around the time of Christmas 2003
10 demanding that Thomas Kwoyelo be brought up from Uganda to him to be arrested
11 and punished?

12 A. [15:13:46] I did not hear that.

13 Q. [15:14:03] Now, Madam Witness, in your statement, in your testimony today in
14 paragraph 54, you stated that you think you may have been met Dominic Ongwen
15 but you didn't really get to see his face, and this was about two months after you were
16 in the LRA, after you had been abducted. Am I to assume that you saw Mr Ongwen
17 whilst you were in Katire or did you actually remain in Uganda for about two months
18 or so before going to Sudan?

19 A. [15:14:49] I saw Dominic while in the Sudan in the area of Katire.

20 Q. [15:15:01] How long were you with Mr Ongwen in Katire?

21 A. [15:15:18] We spent about one month in Katire. And then we moved together
22 with them to Nsitu.

23 Q. [15:15:27] Was Mr Ongwen with you the entire time while you were in Katire
24 and Nsitu?

25 A. [15:15:39] Yes.

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1 PRESIDING JUDGE SCHMITT: [15:15:47] Mr Obhof, may I.

2 Madam Witness, I have here your statement in front of me, and we are at

3 page 008 -- no, 0081. And there I read paragraph 54 -- 55, I start with 55: "I have

4 not heard of Odhiambo, Dominic Ongwen or Ocan Bunia."

5 That was your statement to the Prosecution. You have not heard at all of Odhiambo,

6 Dominic Ongwen or Ocan Bunia, and today you have said that you stayed with

7 Odomi at least a month, I have understood.

8 MR OBHOF: [15:16:39] If you go by our time schedule, at least three months. One

9 month in Katire --

10 PRESIDING JUDGE SCHMITT: [15:16:42] Two months --

11 MR OBHOF: [15:16:44] -- two months in Nsitu.

12 PRESIDING JUDGE SCHMITT: [15:16:47] Yes. Can you explain this to the Court?

13 THE WITNESS: [15:16:59] (Interpretation) The reason why I say I was with Odomi,

14 because when we were in Katire and we were moving in one group, that's when the

15 senior commanders, as they were passing by, one of my colleague was trying to tell

16 me the different commanders, that this is Odomi, this is Buk. So he was trying to

17 introduce me, telling me about those commanders. So that's why I say I met Odomi

18 at that place.

19 PRESIDING JUDGE SCHMITT: [15:17:31] Again, paragraph 54 on the same page,

20 there it is written down as your statement: "I believe I met Odomi once in Uganda",

21 and not Sudan.

22 So again it would be good if you could explain this to us.

23 THE WITNESS: [15:18:09] (Interpretation) Then I could have -- I could have

24 mistaken. I could have forgotten. But I do not exactly recall now whether I met

25 him in Uganda or in Sudan. But I now recall I met him in Sudan. But if my

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1 statement is saying I met him in Uganda, then maybe that is it.

2 PRESIDING JUDGE SCHMITT: [15:18:33] And you also said: "I never saw -- I
3 never saw his face, and I cannot say anything else about him." That is also in the
4 same paragraph that I have already cited. Is this correct?

5 THE WITNESS: [15:18:50] (Interpretation) Correct.

6 PRESIDING JUDGE SCHMITT: [15:18:53] Please, Mr Obhof.

7 MR OBHOF: [15:18:56] Thank you, your Honour.

8 Q. [15:18:58] So, Madam Witness, it is not true that you spent the entire time at
9 Nsitu with Mr Ongwen? So that is not true, correct?

10 A. [15:19:16] Correct.

11 Q. [15:19:27] I am going to be referring to tab 9. Now, Madam Witness, this is
12 a report made by the Office of the Prosecutor after a few of their attorneys and
13 investigators met with you in July 2015. When the Office of the Prosecutor asked,
14 "Are you known to the Accused (and/or associates)?" you replied yes: "She knew
15 Ongwen from her time in the bush. She thinks he knows her, as Ongwen knew her
16 bush husband" -- person number 1 -- "very well."

17 That ERN is UGA-OTP-0263-2701.

18 Now, Madam Witness, this is what these past five, seven to five, five to seven minutes
19 have been about. So when you talked to the Office of the Prosecutor in July of 2015
20 you said Mr Ongwen knew you well and you knew him -- or, sorry -- sorry, I am
21 going --

22 PRESIDING JUDGE SCHMITT: [15:20:51] Not "well". We have to be correct.

23 MR OBHOF: [15:20:52] Yes, yes. That's what I said.

24 PRESIDING JUDGE SCHMITT: [15:20:53] Not "well". Simply we do it -- it is cited
25 as a -- it is written down here as a citation by the witness. So perhaps I give it a try.

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1 Madam Witness, it is written down here as a sort of a citation of you, after you have
2 met two people from the Prosecution, that you knew Ongwen from your time in the
3 bush and you think he knows you because Mr Ongwen knew your bush husband,
4 person number 1, very well.

5 So this is the "very well", where the "very well" comes from. So is this correct or
6 would you word it today a little bit differently?

7 THE WITNESS: [15:21:41] (Interpretation) That is correct.

8 MR OBHOF: [15:21:45]

9 Q. [15:21:45] So, Madam Witness, if you only saw Mr Ongwen once during your
10 time in the bush, how did you know Mr Ongwen from your time in the bush?

11 A. [15:22:14] He was shown to me that, "That one is Lapwony Odomi." They
12 referred to him as "Lapwony Odomi". That is how I came to know him. Otherwise,
13 if he himself is also listening, I am sure he will know that this person who is talking
14 was the wife to lapwony number 1.

15 PRESIDING JUDGE SCHMITT: [15:22:37] But it's interesting that you explore this,
16 because this shows when you only read to know somebody that might have -- might
17 have been -- might be a completely different concept in the minds of different
18 witnesses, obviously. So it was good to clarify that.

19 MR OBHOF: [15:22:58]

20 Q. [15:22:58] Now, Madam Witness, also if -- you were with person number 1 the
21 entire time, from your abduction, or at least from within one day of your abduction,
22 until person number 1 died; is that right, Madam Witness?

23 A. [15:23:19] Yes, I was together with him.

24 Q. [15:23:24] If person number 1 and Mr Ongwen were only in the same area just in
25 passing, maybe for a day, how was it that you think that Mr Ongwen would know

1 you?

2 A. [15:23:58] He would be able to know me, because, you know, the soldiers have
3 a very sharp eye to see, can easily see and recall, and will say, "So-and-so or this
4 commander has a person like this, like this, who was abducted from this such
5 a place." So that's why I say he would be able to know me.

6 Q. [15:24:35] Madam Witness, how would Mr Ongwen and person number 1 be
7 chatty and talking about this if they only ran into each other one time near Katire or in
8 Uganda, wherever it was that they met, if they only ran into each other once?

9 A. [15:25:14] These people communicate. They just set up the antenna and they
10 talk. But the style in which they communicate, for us we would not know. For
11 them, they use signal communication which they understand best.

12 PRESIDING JUDGE SCHMITT: [15:25:31] Perhaps just I give it a try.

13 Madam Witness, what made you think that person number 1 and Mr Ongwen knew
14 each other well?

15 THE WITNESS: [15:25:50] (Interpretation) The reason why I say person number 1
16 and Mr Ongwen know each other was that one day person number 1, one of his wife
17 who -- whom I said she was about 19 years old, was the one telling me that person
18 number 1 has a wife, another wife who is with Dominic Ongwen. That is why I
19 knew that they know each other.

20 MR OBHOF: [15:26:29] Can we go into private session, very briefly, please.

21 PRESIDING JUDGE SCHMITT: [15:26:32] A short private session.

22 (Private session at 3.26 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Open session at 3.27 p.m.)

7 THE COURT OFFICER: [15:27:35] We are back in open session, Mr President.

8 MR OBHOF:

9 Q. [15:27:45] Now, Madam Witness, the things we have talked about these past
10 now about 15 to 20 minutes, why was it that you didn't inform the Office of the
11 Prosecutor of this in 2005 but then this was informed to them after he surrendered
12 in 2015?

13 A. [15:28:23] Could you say the question again, please?

14 PRESIDING JUDGE SCHMITT: [15:28:25] That was a little bit complicated.

15 MR OBHOF: [15:28:29] Yes.

16 PRESIDING JUDGE SCHMITT: [15:28:29] I think simply the first half, so to speak, of
17 the question and then you can decide how you continue.

18 MR OBHOF: [15:28:37]

19 Q. [15:28:38] Madam, why did you not tell the Office of the Prosecutor about this
20 alleged close relationship between person number 1 and Mr Ongwen in 2005?

21 A. [15:29:01] I did not tell them.

22 Q. [15:29:06] Why did you wait until 2015, considering you did meet with
23 representatives in 2010?

24 A. [15:29:23] The reason why I did not tell them was even -- even if I had told them
25 everything, the kind of life I went through in the bush, we would not even finish. So

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1 there were certain areas that I was not able to tell them. But if I was to tell them
2 everything step by step consistently, it was a lot because there were so many things
3 that I went through.

4 Q. [15:29:55] Then why did you tell them, paragraph 55 of your testimony today,
5 which the Judge has read, "I have not heard of Odhiambo, Dominic Ongwen or
6 Ocan Bunia."?

7 A. [15:30:19] The reason why I stated that I did not know these people was perhaps
8 at the time when I was being questioned I was tired. I don't know.

9 Q. [15:30:35] How come you didn't inform the Court this morning whilst the Office
10 of the Prosecutor was asking you if you read through your statement and your
11 statement was true when they were doing their Rule 68(3) procedures?

12 A. [15:31:03] That was a mistake. It's a mistake that has happened.

13 PRESIDING JUDGE SCHMITT: [15:31:17] So I think what we can say is that --

14 MR OBHOF: [15:31:20] I am moving on to --

15 PRESIDING JUDGE SCHMITT: [15:31:22] Okay.

16 MR OBHOF: [15:31:23] Yeah.

17 Q. [15:31:27] Now, Madam Witness, you talked today and said that you received
18 military training. Now, why is it that in your World Vision application in
19 tab 4 -- sorry, which is tab 5, UGA-OTP-00 -- sorry, 0163-0443, on the first
20 page -- sorry, second page, on page 0444, regarding your bush experience and it said
21 "received military training" and "no" is checked. Madam Witness, did you or did
22 you not receive military training?

23 A. [15:32:25] I did receive military training.

24 Q. [15:32:29] And where did you receive this training, Madam Witness?

25 A. [15:32:37] I received military training while we were in Nsitu.

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1 Q. [15:32:47] And the LRA had no problem training you how to use military
2 weapons in the medical/parental wing of the LRA where they house the wives, the
3 children and the sick? They taught you how to use weapons at Nsitu; is that correct,
4 Madam Witness?

5 A. [15:33:15] No, there was no fear in training us.

6 MR OBHOF: [15:33:27] Unless your Honours have any further questions, happy
7 30th of Movember.

8 PRESIDING JUDGE SCHMITT: [15:33:36] Thank you. I think I will address that
9 too. Thank you very much, Mr Obhof.

10 Madam Witness, I would like to address you on behalf of the Chamber. This
11 concludes your testimony. On behalf of the Chamber I would like to thank you that
12 you have made yourself available for these proceedings, that you have come to the
13 video-link location and that you helped the Court establish the truth. We wish you
14 a safe trip back.

15 (The witness is excused)

16 PRESIDING JUDGE SCHMITT: [15:34:07] This concludes not only the testimony of
17 this witness, this concludes the hearing of today. And not only that, this concludes
18 also the hearings of this year.

19 And I would like to take the opportunity to thank everybody in the courtroom on
20 behalf of the Chamber. I would like first to thank parties and participants for the
21 highly professional way in which they exercise their work. And also, which we
22 appreciate very much, all Judges here, the respectful and decent manner in which
23 they dealt with each other, parties and participants, and with the Chamber.

24 A special thank you goes to the Registry, which is personated here in the courtroom
25 by the court officer and the court usher. Registry, who did an excellent job to help

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- 1 the proceedings run smoothly.
- 2 And another special thank you goes to the interpreters, who can only be admired for
- 3 the skill and velocity by which they translate to and from these languages whose
- 4 structures differ so much from each other.
- 5 Thank you very much to everyone. I wish everyone a good and restful holiday.
- 6 And although it may sound strange, but we adjourn the hearing and we resume,
- 7 presumably on -- not presumably, surely, on 15 January 2018, 9.30, and presumably
- 8 with P-145.
- 9 THE COURT USHER: [15:35:44] All rise.
- 10 (The hearing ends in open session at 3.35 p.m.)