

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 Monday, 22 January 2018
8 (The hearing starts in open session at 9.32 a.m.)
9 THE COURT USHER: [9:32:52] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:33:11] Good morning, everyone.
12 Could the court officer please call the case.
13 THE COURT OFFICER: [9:33:22] Thank you, Mr President.
14 The situation in the Republic of Uganda, in the case of The Prosecutor versus
15 Dominic Ongwen, case reference ICC-02/04-01/15.
16 We are in open session.
17 PRESIDING JUDGE SCHMITT: [9:33:37] Thank you.
18 I ask for the appearances of the parties. Mrs Hohler first.
19 MS HOHLER: [9:33:41] Good morning, your Honours. For the Prosecution today,
20 Ben Gumpert, Hai Do Duc, Pubudu Sachithanandan, Paul Bradfield,
21 Ramu Fatima Bittaye, Jasmina Suljanovic, Milena Bruns, Agnese Valenti,
22 Sanyu Ndagire, Colin Black and myself, Beti Hohler.
23 PRESIDING JUDGE SCHMITT: [9:34:03] You have to assure yourself a little bit by
24 looking back who is really present.
25 And now for the Legal Representatives. Mr Narantsetseg first.

1 MR NARANTSETSEG: [9:34:08] Good morning, Mr President, your Honours.

2 For the Common Legal Representatives, Orchlon Narantsetseg and with me,

3 Ms Caroline Walter.

4 Thank you.

5 PRESIDING JUDGE SCHMITT: [9:34:16] And Mr Manoba.

6 MR MANOBA: [9:34:17] Good morning, Mr President, your Honours.

7 Joseph Manoba and James Mawira.

8 PRESIDING JUDGE SCHMITT: [9:34:21] Thank you.

9 And for the Defence, Mrs Bridgman.

10 MS BRIDGMAN: [9:34:25] Good morning, Mr President and your Honours. For

11 the Defence, we have Chief Charles Achaleke Taku; Thomas Obhof; our client

12 Mr Ongwen is in Court; and myself, Abigail Bridgman.

13 PRESIDING JUDGE SCHMITT: [9:34:38] And also known to the Court but sitting

14 on the right side this time, Mr Wagemakers.

15 MR WAGEMAKERS: [9:34:46] Good morning, Mr President, your Honours,

16 learned colleagues. Marcus Wagemakers, counsel for Witness 200, and I'm a

17 member of the Dutch Supreme Court Bar.

18 PRESIDING JUDGE SCHMITT: [9:34:57] Thank you very much.

19 The Prosecution is now calling P-200 as its next witness. Before commencing, the

20 Chamber notes briefly that protective measures are granted to this witness by virtue

21 of Decision 612 and that the VWU recommends no further protective measures but

22 the special measures that we see here.

23 We will now discuss the Rule 74 assurances. And to discuss this, we go into private

24 session.

25 (Private session at 9.35 a.m.)

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11 (Open session at 9.36 a.m.)
12 THE COURT OFFICER: [9:36:15] We are back in open session.
13 PRESIDING JUDGE SCHMITT: [9:36:17] Thank you. The Chamber will now
14 render its decision on the requested assurances. Mindful of the factors specified in
15 Rule 74(5) of the Rules, the Chamber has decided to provide assurances pursuant to
16 Rule 74 of the Rules in order to enable the witness to testify without fear of the
17 consequence of self-incrimination.
18 This concludes the ruling of the Chamber and we can now bring the witness into the
19 courtroom.
20 (The witness enters the courtroom)
21 PRESIDING JUDGE SCHMITT: [9:37:20] We are not in a hurry. Take your time.
22 No problem.
23 Shortly, for the record, Mr Ayena is appearing for the Defence as lead counsel.
24 Thank you.
25 Mr Witness, good morning. Do you hear me?

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2 (The witness speaks English)

3 THE WITNESS: [9:38:46] Good morning. I hear you.

4 PRESIDING JUDGE SCHMITT: [9:38:48] On behalf of the Chamber, I would like
5 to welcome you to the courtroom.

6 THE WITNESS: [9:38:52] Thank you.

7 PRESIDING JUDGE SCHMITT: [9:38:53] Thank you. You know, you are well
8 aware of the fact that you are going to testify before the International Criminal Court.
9 And there should be a card in front of you with the solemn undertaking to tell the
10 truth. Would you please be so kind to make this undertaking by reading the card
11 aloud.

12 THE WITNESS: [9:39:15] I solemnly declare that I'll speak the truth, the whole
13 truth and nothing but the truth.

14 PRESIDING JUDGE SCHMITT: [9:39:22] Thank you, Mr Witness. You are now
15 sworn in.

16 Let me now explain the protective measures that the Chamber has put in place for
17 your testimony. First of all, we have face distortion. That means that no one
18 outside the courtroom can see your face during your testimony.

19 THE WITNESS: [9:39:41] Thank you.

20 PRESIDING JUDGE SCHMITT: [9:39:42] Secondly, we use what we call a
21 pseudonym. In accordance with that, we all will refer to you as "Mr Witness", like
22 I am doing at the moment, and not with your real name. That is to make sure that
23 the public does not know your name, of course. And when you answer questions
24 that do not give away your identity, we do this in open session and otherwise we go
25 to private session. Private session means that there is no broadcast and no one

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1 outside the courtroom can hear your answer. This is simply to inform you, of course;
2 you understand this.

3 Then we have another protective measure. That is what we call a Rule 74 assurance.
4 That means you have been assigned a lawyer, Mr Wagemakers here to the right, to
5 provide you with legal advice about possible self-incrimination. The Chamber gives
6 you the assurance that your testimony will not be used against you in any subsequent
7 proceedings before this Court.

8 THE WITNESS: [9:40:43] Thank you.

9 PRESIDING JUDGE SCHMITT: [9:40:45] This, of course, only applies if you tell us
10 the truth. If any question is asked that could lead to your self-incrimination, we will
11 hear your answer in private session again and keep this answer confidential.

12 I assume you understand this, Mr Witness.

13 THE WITNESS: [9:41:01] Yes.

14 PRESIDING JUDGE SCHMITT: [9:41:03] Thank you. And before we start with
15 your testimony, we have a few practical matters that everybody has to follow here in
16 the courtroom, and most of the people in the courtroom from time to time have
17 difficulties.

18 First of all, we have to speak slowly. This is because everything what we say here in
19 the courtroom is interpreted and written down, and to allow for the interpretation,
20 we have to speak at a relatively slow pace. Especially the Presiding Judge often does
21 not follow this rule and has to be reprimanded a little bit by some of the parties and
22 participants or the interpreters.

23 To allow for the interpretation, we need to also wait until the person who has asked
24 the question has finished and then only afterwards start. But that is obvious.

25 Last thing, if you have any questions yourself, if you don't feel comfortable, if you

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1 think you need a pause, a break, then raise your hand and let us know that.

2 Thank you, Mr Witness, for the moment. We will then start your testimony.

3 Mrs Hohler for the Prosecution starts.

4 MS HOHLER: [9:42:17] Thank you, your Honour.

5 QUESTIONED BY MS HOHLER:

6 Q. [9:42:19] Mr Witness, good morning.

7 A. [9:42:20] Good morning.

8 Q. [9:42:20] We've met before and, as you know, I will be asking you questions
9 today on behalf of the Prosecution.

10 The one thing that I would like to add to what the Presiding Judge has already
11 explained is that if at any point you do not understand my question, that you please
12 say so and I will rephrase it. It's very important that when me and my colleagues or
13 the Judges are asking questions that you understand them.

14 MS HOHLER: [9:42:49] Your Honour, if we could go into private session for a line
15 of a few identifying questions, please.

16 PRESIDING JUDGE SCHMITT: [9:42:59] Of course. Private session.

17 (Private session at 9.43 a.m.)

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12 (Open session at 9.52 a.m.)

13 THE COURT OFFICER: [9:52:08] We're in open session.

14 MS HOHLER: [9:52:20]

15 Q. [9:52:22] Mr Witness, you told us you spent time with the LRA. How did you
16 come into the hands of the LRA? How did you come to spend time with them?

17 A. [9:52:36] On 24 June 2003 I was abducted by Dominic Ongwen. And that's
18 how I came to be in the LRA.

19 Q. [9:53:26] Can you explain to us in your own words in a little bit more detail
20 what happened that day when you were abducted?

21 A. [9:53:41] That day it was during morning hours when somebody passed in my
22 compound. That you are still there, the rebels are passing on the road. Then I
23 moved with my family trying to escape. Then we met with the five people, Dominic
24 Ongwen with other boys, small boys. Banged me with the butt of a gun and my
25 family members were beaten. I was brought back home to my home, got some

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1 money, 5 million, which I counted on the 23rd to 24th night, made me to carry a full
2 box of drugs. We moved with the drugs until they distributed to other group
3 members. We went up to Abia --

4 Q. [9:56:04] Let me stop you there, Mr Witness. I want to ask you just a few
5 clarifying questions about what you have told us up to now.

6 You said you moved from your compound trying to escape. Where did you move
7 with your family? Where did you go?

8 A. [9:56:39] We were crossing a swamp.

9 Q. [9:56:49] That's okay, Mr Witness. We can take some time.

10 PRESIDING JUDGE SCHMITT: [9:56:55] Yes.

11 Mr Witness, as I said, we have, I think -- yes, I think we have a break and we stop, yes.

12 So we stop this here and we talk with the witness and we have a psychological,

13 I think, assessment and I think we should really try to stabilise the witness and if this
14 is possible, we continue and if not, we cannot.

15 So please we have a break now.

16 MS HOHLER: [9:57:24] Thank you, your Honour.

17 THE COURT USHER: [9:57:27] All rise.

18 (Recess taken at 9.57 a.m.)

19 (Upon resuming in open session at 10.15 a.m.)

20 THE COURT USHER: [10:15:45] All rise.

21 PRESIDING JUDGE SCHMITT: [10:16:05] Mr Witness, we hope you feel better.

22 THE WITNESS: [10:16:14] Yes.

23 PRESIDING JUDGE SCHMITT: [10:16:15] Yes. On behalf of the Chamber

24 I would like to address you shortly before we continue. Mr Witness, you have taken
25 upon you the enormous burden of leaving your family and your country to come to

1 this far away country to come to this courtroom to help us to establish the truth; and
2 that you have taken this upon yourself must be for a reason. And the Chamber, on
3 behalf of the Chamber, I would simply like to ask you that you tell us what you have
4 at the moment in your mind what happened, simply narrate it, and perhaps later on
5 there might be additional questions, but simply what you recall here at this moment
6 in this courtroom.

7 Please tell us, nobody here was present, we have to picture this ourselves in our
8 minds, and we would very much appreciate if you try it. And whenever you need a
9 break, you will have a break. So perhaps you have already told us that you have
10 been abducted on 24 June 2003. And as I said, if you can, please simply continue
11 and tell us everything that you want to tell this Court.

12 And, Mrs Hohler, afterwards if there would be questions, there would be questions.
13 So please continue, Mr Witness.

14 THE WITNESS: [10:18:02] Make it a bit clearer. I have not understood the
15 question.

16 PRESIDING JUDGE SCHMITT: [10:18:06] That was my fault. You started telling
17 before the break what happened to you. So simply if you feel able to do that, simply
18 tell us everything what happened to you, what you want to tell this Court after you
19 have been abducted, like so that the people here in the courtroom, parties,
20 participants and the Judges can picture in their heads what really happened at that
21 time.

22 THE WITNESS: [10:18:39] Okay.

23 PRESIDING JUDGE SCHMITT: [10:18:40] Thank you.

24 THE WITNESS: [10:18:42] It was on 24 June 2003 when someone passed in my
25 compound that you are still in. Then I moved with the family, my family members, I

1 carried two kids and we moved towards the swamp. There we met Dominic
2 Ongwen plus other young boys. And they brought me back, they brought me back.
3 He banged me with a butt of a gun and beat my family members and he left them.
4 So when we reached home, they got the 5 million in the house, which I counted on the
5 23rd. And they made me to carry full box of drugs, which I carried until I
6 distributed to other group members. So we met up to Abia in Amuria district,
7 where we found Vincent Otti, Banya and Raska Lukwiya.
8 So from there, Raska Lukwiya ordered the killing of the three boys. And Dominic
9 Ongwen ordered for the killing of the police officer, that Wek Nyeri. These are the
10 people who eat government money.
11 From there, from Abia, we moved to Lwala. In between Lwala, Abia and Lwala, we
12 met one man who was trying to escape, so Dominic Ongwen (Redacted)
13 (Redacted)
14 (Redacted), and the face got flat that day.
15 So we went to Lwala. He made us to squat down, and he moved with his soldiers to
16 Lwala Girls. Shortly I heard alarm, people shouting from school. After a short time,
17 we saw Dominic Ongwen coming with his soldiers with the girls, and we continued.
18 He whistled, he whistled and we moved to Abalang, Abalang, where he killed
19 15 people, more especially men.
20 From Abalang, we moved to Idam-Akan. Idam-Akan, they looted, burnt houses,
21 raped so many people. So from Idam-Akan, one girl made an alarm, one girl made
22 an alarm, and Ongwen ordered his soldier to pierce her with a bayonet and she died
23 from -- in Idam-Akan.
24 So we continued up to Morungatuny, where they met with the government troops
25 and they fought, they looted, killed. And they moved up to Obalanga, Obalanga,

1 they killed, raped. And they killed one headteacher of Agonga primary school.
2 So from there we moved to Amoroto river. When we went to Amoroto, the children
3 who didn't know how to swim all drowned in the water because we were, we were
4 chased to cross the water. So we crossed. The ones who were unable to cross the
5 water, for me, I used the seat for crossing the water to the other side.
6 So we moved. After moving, we went and met Kony in Adilang, in Adilang. So in
7 Adilang we met Kony. Then after meeting Kony, of course he distributed the girls to
8 the commanders. When he distributed the girls to the commanders, we went to
9 attack Barlonyo camp in four lines. So I was in the line of my commander Dominic
10 Ongwen, who ordered me to carry enough food for him, and I carried enough food.
11 And again we came back, we met in Adilang and we escorted Kony to Sudan. In the
12 way to Sudan we became very hungry and (Redacted)
13 (Redacted)
14 (Redacted)
15 PRESIDING JUDGE SCHMITT: [10:25:39] Perhaps, Mr Witness, perhaps you
16 drink a little bit something, and if you feel free, then you can continue.
17 And after the witness has finished his narrative we make a break.
18 Thank you, madam, for your assistance. Thank you very much.
19 So please continue, Mr Witness.
20 THE WITNESS: [10:26:15] Thank you.
21 So after we escorted Kony to Sudan, we came back to Uganda. We roamed up and
22 down. We moved to Lwala, Kitgum Atidi, Pader, those points of northern Uganda,
23 because some other groups remain in Lango, some in Teso, some in Acholi sub-region.
24 So we roamed up and down from there.
25 And problems arised when we were gathering. When we are gathering, trying to

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1 see, we were seated in a group. When they see you quiet, they ask you why you
2 want to be quiet, because some people did not know the language of Acholi. You
3 say yes, they close your mouth with the padlock and sometimes they can even cut
4 your mouth.

5 So we moved, we moved until such a time the attempts again to kill us started, the
6 attempts to kill us started. First they picked six of us, they picked six of us and they
7 killed three and ordered to stop. That was for the first time. The second time
8 picked four of us and killed three and ordered to stop. Then again we moved, we
9 moved, we roamed up and down.

10 Again when I tried to escape, again I met with Dominic Ongwen. He said, "Why are
11 you here?"

12 I said, "Aeroplane, helicopter gunship".

13 Then he said, he said, "Ateso laming, Ateso laming".

14 Then he made me to lie, see direct to the sun. He made me lie direct to the sun.

15 Then he started piercing me here, on the forehead here, and even in my side he
16 pierced me with a bayonet.

17 PRESIDING JUDGE SCHMITT: [10:29:52] Mr Witness, simply try to calm down.

18 Perhaps take another -- we take another short break but we stay here in the courtroom.

19 I think you will be able to continue. And once you have finished the narrative, we
20 have a longer break then. So if you feel able to do, please continue.

21 THE WITNESS: [10:30:14] Yeah, then after piercing the side, he pierced me on the
22 back. Then he ordered the abductees to carry me up the river Pece. I can even
23 show you these wounds. Can I show?

24 PRESIDING JUDGE SCHMITT: [10:30:49] I think it's not necessary. I don't know
25 if we have some photographs, perhaps. I'm not sure. Mrs Hohler.

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1 MS HOHLER: [10:30:56] We do not have photographs, your Honour, and I was
2 not intending for the witness -- the need to show their wounds. But it's up to you, of
3 course.

4 PRESIDING JUDGE SCHMITT: [10:31:05] No, no, we would not look at them here
5 in the courtroom.

6 Thank you, Mr Witness. Please continue.

7 THE WITNESS: [10:31:12] Then he ordered the abductees to carry me up the river
8 Pece. We went to the waters to cross the water of river Pece. As we were crossing,
9 I sank down into the water and I moved three steps aside. When I moved, when I
10 moved, I let my nose a little out for breathing in the water, then I turned my ears, my
11 ear, to hear whether they have all crossed the water.

12 So I waited for some time. When again I checked, the water was quiet. I waited
13 because for them, they don't cross at once, there are some guards who remain behind.
14 So I waited until they crossed, then I came off shores to hid myself. So after they
15 crossed the other side, again they came back looking for me. They moved to the way
16 we were coming from. They checked the shores of the river, but they could not see
17 me. They tried to step some grass around the river, but they couldn't see me.

18 I stayed there until I moved, because I heard some voices of the people from the
19 camp.

20 So I moved. I met one local with an axe who wanted to finish to me. Then I moved.
21 I got the eldest one, who put me on their bicycle and he took me to Palenga barracks,
22 Palenga. From Palenga, I was given porridge. I went up -- I was taken to Bobi
23 brigade, Bobi brigade. From Bobi, I was taken to World Vision. World Vision,
24 I was taken to Lacor hospital. From Lacor, Soroti. From Soroti, I was brought to
25 Mulago and later united with my family members.

1 PRESIDING JUDGE SCHMITT: [10:34:06] Thank you very much, Mr Witness.

2 The question would be, if we have -- if we would start questioning, I think it's now
3 possible, I would say.

4 MS HOHLER: [10:34:14] Your Honour, if I could ask you perhaps for a half an
5 hour or 45 minutes' break. And my intention would be to go carefully through the
6 narrative and I will then ask really only necessary questions.

7 PRESIDING JUDGE SCHMITT: [10:34:27] This was exactly the idea that we had in
8 mind here. So I think we have now --

9 MR TAKU: [10:34:32] May it please the Court, your Honours. At this point we
10 wish to assert -- to refer the Court to our standing objections and to assert
11 Mr Ongwen's fair trial rights of notice. We have the confirmation of charges
12 decision, which, as you know, is operative; it charges Mr Ongwen before this Court.
13 He's being tried on the charges as confirmed by the pre-trial Judges.
14 Obviously, most of the evidence by this witness were not -- are not contained in that
15 instrument by which Mr Ongwen was committed for trial.

16 Furthermore, your Honours, I know that at various times you've taken a decision on
17 this, this ongoing trial, and ultimately at the end of the case, you are the guarantors of
18 fair trial in this case, and I know that you will be guided very strictly by that charging
19 instrument that is before the Court.

20 Secondly, your Honours, and I say this, I really commend the effort to get the
21 evidence, to give everybody the opportunity to let his story be heard. Then we can
22 test that witness. But I just want that this witness will cooperate and bear with the
23 Court that this is a process. If you look at his profile, which I don't want to say here,
24 he must have had many avenues to tell his story publicly in northern Uganda,
25 probably to the international press, in many ways. And therefore in those instances,

1 people who were there, he didn't display these emotions. He can ask somebody, in
2 the status that we now know he has, please cooperate with us; you know that the
3 Prosecutor will ask questions, probably the Victims and also the Defence. We do not
4 want that these proceedings should be marred by this display of emotion. If he can
5 control himself, it would be good for everyone because we are here for the truth and
6 nothing but the truth.

7 So we appeal to him to try as much as possible to be patient and to let the evidence
8 come out so your Honours will make a determination. It is not about -- for us here,
9 it's about the search for the truth. Mr Ongwen, as a victim himself, wants to search
10 for the truth. He's not here being tried for the crimes of the LRA. He wants to
11 search for the truth, and we too are committed to that.

12 At the beginning of this trial, I made the statement that we would respect all
13 witnesses and their dignity, everybody coming here. And your Honours have just
14 made that -- showed that display by letting him tell the story. But let him make an
15 effort to keep the emotions apart so that the story can come out, knowing that at some
16 point in time whatever he say will be tested.

17 Thank you, your Honour.

18 PRESIDING JUDGE SCHMITT: [10:37:26] Any comment by the Prosecution to
19 that?

20 MS HOHLER: [10:37:28] Your Honour, with regard to the first argument by the
21 Defence, alleging that this is again an expansion of charges, this is not the case, and
22 your Honours have ruled on this, to my account, at least seven or eight times.

23 This witness's evidence - I will just repeat very briefly - is relevant for at least three
24 topics. One is the contextual element of crimes against humanity and war crimes.

25 The second one is the position of authority of the accused during the relevant period,

1 and this witness's evidence goes to that. And of course, the charges against
2 Dominic Ongwen in 2003 when the witness is there. Those are the sexual and
3 gender-based crimes and the child soldiering crimes.
4 With regard to the Defence's second point about the cooperation of the witness,
5 I think the witness is trying to cooperate as best as he can. And if the Defence will
6 have any issues with cooperation during that -- during their time, then that is the time
7 to make that objection, not at the moment.

8 PRESIDING JUDGE SCHMITT: [10:38:35] Thank you.

9 (Trial Chamber confers)

10 PRESIDING JUDGE SCHMITT: [10:38:54] So there is a short ruling by the
11 Chamber. The standing objection - we have done this before, but I think it is
12 necessary to do it again - is rejected. We have four attacks, that is correct, that form
13 part of the charges confirmed. However, this does not mean that other than these
14 four attacks cannot be evidence of other facts and circumstances described in the
15 charges. Examples could include contextual elements, modes of liability, and
16 perhaps also conscription and use of child soldiers. And as we have said many
17 times before, we reiterate that with all evidence received in this case, the Chamber
18 will consider the appropriate use of this evidence when deliberating its judgment.
19 So this concludes the hearing.

20 When it comes to the cooperation of the witness, it is clear -- and, Mr Witness, I tell
21 you that Prosecution will ask you, will put questions to you, and later on also Defence.
22 This is the process in a courtroom and you are well aware of that and we have no
23 indication that you are intending not to answer questions by the Defence, for example.
24 So we are not at that process.

25 And to all the parties and participants, what we do here in this courtroom today and

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1 after the witness had -- really this, could simply not continue with his testimony, is
2 following our obligation, the Chamber's obligation out of Article 68(1) of the Statute,
3 to protect the well-being of -- the physical and psychological well-being of the witness
4 and the dignity and privacy of the witness, and that is an obligation that we have, and
5 we do that.

6 The Chamber always has also in mind the rights of the accused, but at the moment we
7 are in the process of the questioning of the Prosecution and there is no indication that
8 there is anything that would impair the rights of the accused.

9 We will have at some point in time the Defence questioning and we look further then,
10 and I think you -- and I don't know who is going to question, but experience also
11 shows that also the Defence always had in mind what kind of witness we had here
12 and what problems it caused. There would -- we had no complaint whatever to
13 make in that regard by the Chamber.

14 So we'll have a break then until half past 11. I think you said 30 -- yes, why not, half
15 past 11, nearly 45 -- a little bit more, 45 minutes. Then you can rearrange yourself a
16 little bit.

17 Thank you, Mr Witness, for the moment.

18 THE WITNESS: [10:41:55] Thank you.

19 PRESIDING JUDGE SCHMITT: [10:42:00] And I think it's also good that you
20 heard what was said in the courtroom, that it's also for you, I think, quite interesting.
21 And you can perhaps during the break simply try to picture yourself what will come
22 in the future here in this courtroom. This is not going to be easy, but, as I said when
23 we came back out of the break, you came here to this Court to help establish this
24 Court the truth, and this is the reason why you came here, and this, of course, means
25 that we follow some procedure here. First Prosecution, then Defence.

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1 THE WITNESS: [10:42:40] Yeah.

2 PRESIDING JUDGE SCHMITT: [10:42:41] So we have now a break until
3 half past 11.

4 THE COURT USHER: [10:42:45] All rise.

5 (Recess taken at 10.42 a.m.)

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

7 THE COURT USHER: [11:30:31] All rise.

8 PRESIDING JUDGE SCHMITT: [11:30:53] So, Mrs Hohler, please continue.

9 MS HOHLER: [11:30:59] Thank you, your Honour.

10 Q. [11:31:01] Mr Witness, I will have just very few questions about what you've
11 told us this morning, so I won't be very long. But I want to talk about some other
12 things in the beginning.

13 Now, in the morning you told us that the first day when you were abducted, on
14 24 June 2003, in the swamp you encountered Dominic Ongwen and small boys, you
15 said. How old were these small boys? If you can give us an estimate.

16 A. [11:31:43] I know you ask my opinion, but the way I saw them, it was like
17 from 12 to 13 years.

18 Q. [11:32:02] And what makes you say that they were about 12 or 13?

19 A. [11:32:11] Because that's what I saw.

20 PRESIDING JUDGE SCHMITT: [11:32:16] May I, shortly.

21 You know, when we are asked to estimate ages it's, of course, always difficult to
22 explain why we personally think a person is of such age or such age. But perhaps if
23 you try, there are sometimes reference points that you use. Perhaps if you have,
24 yourself, children, perhaps if you had a profession where you had to do with children
25 whatsoever. So there might be all sorts of reference points in your personal history

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1 or your personal experience which could explain why you come to such an
2 assessment. Of course, you would never be able to say exactly the age, but it's
3 simply about an assessment. So perhaps when I tell you that, perhaps you have an
4 idea that could explain it a little bit more to us how you come to the conclusion of
5 these ages.

6 THE WITNESS: [11:33:14] You try to explain more.

7 PRESIDING JUDGE SCHMITT: [11:33:26] If you can, only. If you say it's simply
8 an assessment by you looking back at the time, it's also fine. But simply try, if you
9 perhaps have any idea in your mind, yourself, why you come to a conclusion a
10 certain person is, let's say, 16 or 12 or 10 or so.

11 THE WITNESS: [11:33:49] Yeah, because the reason why I say they were around, say,
12 12 or 13 years, because when I saw their ages and even the heights, they were young
13 children. It was only Dominic Ongwen who was big, but these ones were young,
14 young children.

15 PRESIDING JUDGE SCHMITT: [11:34:10] Okay.

16 Ms Hohler, please continue.

17 MS HOHLER: [11:34:14]

18 Q. [11:34:14] Can you explain, these children that you saw in the swamp with
19 Dominic Ongwen, how were they dressed?

20 A. [11:34:37] Yes, they were in civilian clothes.

21 Q. [11:34:43] Were they carrying anything?

22 A. [11:34:48] Of course I saw them carry guns.

23 Q. [11:35:00] Do you know what kind of guns?

24 A. [11:35:11] I forgot.

25 Q. [11:35:13] That's no problem, Mr Witness.

1 Now, in the group that you stayed with when you were in the LRA, were there
2 children present in that group?

3 A. [11:35:33] Yes.

4 Q. [11:35:37] How old were the youngest children that you saw within that group
5 while you were with them?

6 A. [11:35:53] I know you ask for my opinion.

7 PRESIDING JUDGE SCHMITT: [11:35:59] We cannot expect more, of course.

8 You would not have seen a birth certificate or sorts of. That is perfectly clear. It's
9 simply expressing an opinion, indeed.

10 THE WITNESS: [11:36:11] Okay. The youngest was like 12 years, yes.

11 MS HOHLER: [11:36:19]

12 Q. [11:36:21] And did these 12-year-olds, were they armed? Did they carry
13 weapons?

14 A. [11:36:33] Yes.

15 Q. [11:36:39] What else did they do? What were the tasks of these children in
16 your group? Could you just explain to us, what were their tasks. What did you see
17 them doing?

18 A. [11:37:03] They attack.

19 Q. [11:37:15] Let's go slowly, Mr Witness. When you say "they attack", what
20 tasks during an attack would they have, did they have?

21 A. [11:37:29] Attack, like abduction, burning houses, looting.

22 Q. [11:37:38] Who gave them the instructions to do those things during the
23 attacks?

24 A. [11:37:49] It was our commander, Dominic Ongwen.

25 Q. [11:37:54] So that's what they do during attacks. What about when a group is

1 moving, when your group is moving from one position, from one location to another
2 location, what would they do then? What did they do then?

3 A. [11:38:14] They guard, they guard the abducted, guarding.

4 Q. [11:38:37] Did you see these children trained in your group? Were they ever
5 trained?

6 A. [11:38:49] Yes, they trained them in the bushes.

7 Q. [11:39:00] And did you see this with your own eyes, them being trained?

8 A. [11:39:10] Yes.

9 Q. [11:39:12] If you can think of one such training that you saw and describe that
10 to us, what were they training in? What were they being taught?

11 A. [11:39:28] Parade, and how to dismantle and put back the gun.

12 Q. [11:39:52] And where was Dominic Ongwen when these children were being
13 trained?

14 A. [11:40:10] He was with us because he was our commander.

15 Q. [11:40:21] So you said parading, how to dismantle a gun. Anything else that
16 you saw the children being trained in?

17 A. [11:40:34] That's what I remember at the moment.

18 Q. [11:40:39] Now, Mr Witness, you were abducted, you told us. How did these
19 children, the 12-, 13-year-olds that you mentioned, how did they end up in your
20 group?

21 A. [11:41:00] Repeat the question.

22 PRESIDING JUDGE SCHMITT: [11:41:02] I think that was not clear. You said
23 there were children in the group and you assessed certain ages and also that you have
24 been abducted by young people. Did you later on come to know how these young
25 people ended up in the LRA? Why they were in the LRA, did you come to know

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1 that later on?

2 THE WITNESS: [11:41:27] I didn't know the end because I escaped.

3 PRESIDING JUDGE SCHMITT: [11:41:42] But it might be that during the time you
4 were with the LRA you came to know how, perhaps if not all of these children but at
5 least some of them, why they were in the bush, so to speak. Perhaps you have talked
6 with them or you have heard rumours or whatsoever. This would be the question.
7 And if you don't know, then we move simply on to another point.

8 THE WITNESS: [11:42:13] I know you ask for my opinion. They ended fighting,
9 that's what I would know.

10 PRESIDING JUDGE SCHMITT: [11:42:22] I think --

11 MS HOHLER: [11:42:23] Let me, if I can, I will just try one more.

12 PRESIDING JUDGE SCHMITT: [11:42:27] One more try but then we leave the
13 point.

14 MS HOHLER: [11:42:29]

15 Q. [11:42:30] Mr Witness, these children that you saw in your group, were they
16 also abducted or did they join voluntarily?

17 A. [11:42:47] They were abducted.

18 Q. [11:42:56] And when you were in the bush in your group did you see
19 newly-abducted people joining?

20 A. [11:43:14] That was a continuous happening.

21 Q. [11:43:20] If you think, if you think back, could you give us an example, a
22 specific example, of when you saw people abducted? From what location and what
23 ages were those people, for example?

24 A. [11:43:43] The one I very well know, it was that one from Teso sub-region in
25 Lwala Girls.

1 Q. [11:43:56] And what was the gender of the people abducted? Were they male
2 or female? Boys or girls?

3 A. [11:44:07] They abduct both boys and girls, but for Lwala Girls, were
4 especially girls.

5 Q. [11:44:31] And how old were they, in your estimate, again?

6 A. [11:44:44] Almost all of them were below the age of 18 years.

7 Q. [11:44:51] And you say, Mr Witness, that boys and girls
8 were abducted. Did the LRA target specific ages for abduction?

9 A. [11:45:13] Repeat the question.

10 Q. [11:45:14] Yes, I will rephrase it. How old were the boys and girls that the
11 LRA usually wanted to abduct and abducted?

12 A. [11:45:29] If I could remember, it was from 12, 13 years, mostly below 18 years.

13 Q. [11:45:41] And why did they target 12, 13-year-olds and those under 18?
14 Why these ages?

15 A. [11:45:53] Repeat the question.

16 Q. [11:45:55] Why do you think, or you've come to know, that the LRA wanted to
17 abduct the young children, the 12, 13-year-olds?

18 A. [11:46:07] I know you ask for my opinion. What I suggest is that younger
19 people easily cope with the environment and they forget home. The bigger people
20 like us, some of us maybe have children, we think about our homes.

21 Q. [11:46:40] Now, Mr Witness, you mentioned that girls were also abducted.
22 Were there women present in your group? Were there women there, women and
23 girls?

24 A. [11:47:00] Yes.

25 Q. [11:47:05] What was the role of women in your group?

- 1 A. [11:47:15] Women were -- their role was to cook and be the wives of the
2 commanders.
- 3 Q. [11:47:38] How did the women become wives of the commanders?
- 4 A. [11:48:00] Put it clearly.
- 5 Q. [11:48:02] Who decided that they should be the wives of specific commanders?
- 6 A. [11:48:16] It was Joseph Kony, because when we went with girls and we met in
7 Adilang, Kony distributed girls to the commanders.
- 8 Q. [11:48:30] Was it always Joseph Kony that distributed the girls?
- 9 A. [11:48:47] That's what I know and I saw.
- 10 Q. [11:48:55] Did you see any other commander distribute girls within your
11 group?
- 12 A. [11:49:03] No.
- 13 Q. [11:49:11] And who had wives in your group, Mr Witness? Did all soldiers
14 have wives or no?
- 15 A. [11:49:31] Dominic Ongwen had.
- 16 Q. [11:49:36] Anyone else?
- 17 A. [11:49:38] I do not remember.
- 18 Q. [11:49:43] You say Dominic Ongwen had wives. How many wives did he
19 have?
- 20 A. [11:49:57] I remember he was given five.
- 21 Q. [11:49:59] Do you remember any of their names?
- 22 A. [11:50:04] One was Akello Sarah.
- 23 Q. [11:50:22] Any other?
- 24 A. [11:50:25] I don't remember.
- 25 Q. [11:50:29] Could girls or women, Mr Witness, refuse to become wives?

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1 A. [11:50:44] Put it clearly.

2 Q. [11:50:48] Could a girl say, "No, I don't want to be the wife of a commander"?

3 A. [11:50:55] That is impossible because there is a lot of human rights violation
4 there.

5 Q. [11:51:04] What would happen if a girl refused?

6 A. [11:51:13] You die.

7 Q. [11:51:17] Did you ever see a girl who refused to be a wife die or was
8 otherwise punished?

9 A. [11:51:30] I do not remember now.

10 Q. [11:51:40] Just one last question on Dominic Ongwen's wives, Mr Witness.
11 Were they guarded in the bush or could they leave if they wanted to?

12 A. [11:51:55] What?

13 Q. [11:51:57] The wives with the LRA and specifically Dominic Ongwen's wives,
14 could they leave if they wanted to or were they guarded, kept there?

15 A. [11:52:18] Put more clearly.

16 Q. [11:52:23] Was a wife able to leave the LRA or no?

17 A. [11:52:29] No.

18 PRESIDING JUDGE SCHMITT: [11:52:33] Mrs Hohler, I think, referring to the
19 answer to your question, recent question about what happened if a girl refused to
20 sleep with a commander, you could also refer to the former statement. Because he
21 said he doesn't remember, and this would be at least an incident -- I would not do it
22 on behalf of the Chamber, but you can think about referring to the former statement
23 and asking the witness if he remembers now his answers, at least one of the two
24 instances where we in principle would allow that. I just want to mention it, but you
25 can also continue if you want.

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1 MS HOHLER: [11:53:16] I'll continue with another topic for the time being --

2 PRESIDING JUDGE SCHMITT: [11:53:22] Yes.

3 MS HOHLER: [11:53:22] -- your Honour.

4 Q. [11:53:38] Mr Witness, I now want to ask you about your specific tasks with
5 the group that you were in. So what were your tasks in the group? What did you
6 have to do?

7 A. [11:53:58] One was to carry luggage. Two was to carry logs, to make fire for
8 Dominic Ongwen. Three, to dig what we call adaki, digging adaki.

9 PRESIDING JUDGE SCHMITT: [11:54:48] Can you explain this to us a little bit
10 what this means?

11 THE WITNESS: [11:54:53] Adaki is that hole where a soldier sleeps. And then
12 my role was again to dig a pit for the commander to defecate. And, yeah, this one
13 was just you eat while you are sitting, say, on a dead body.

14 PRESIDING JUDGE SCHMITT: [11:55:33] So did this happen several times or only
15 once that you sat on dead bodies and had to eat?

16 THE WITNESS: [11:55:45] It was a normal happening, but I remember once.

17 PRESIDING JUDGE SCHMITT: [11:55:49] Thank you.

18 Mrs Hohler.

19 MS HOHLER: [11:55:51]

20 Q. [11:55:53] And who gave you instructions to do these tasks in your group,
21 Mr Witness?

22 A. [11:55:58] Dominic Ongwen.

23 Q. [11:56:07] Were you yourself, Mr Witness, ever trained?

24 A. [11:56:17] I don't remember.

25 Q. [11:56:22] Mr Witness, you told us in the morning that you were twice lined

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1 up to be killed and then the killing was stopped before your turn came. So I want to
2 ask you: Who stopped the killing?

3 A. [11:57:17] Dominic Ongwen.

4 Q. [11:57:21] Did he say why he stopped the killing?

5 A. [11:57:30] I don't remember, but I suggest because I was big enough to carry
6 for him his food.

7 Q. [11:57:56] Is that the only reason why he would stop, prevent you being killed?

8 A. [11:58:07] And maybe I suggest because when we met with Kony in Adilang,
9 Kony instructed Dominic Ongwen to keep me well. Maybe that could be the reason
10 again.

11 Q. [11:58:22] Did you hear Kony say that to Dominic Ongwen?

12 A. [11:58:29] Yes.

13 Q. [11:58:43] And why do you think Kony said that to Dominic Ongwen, that he
14 should keep you well?

15 A. [11:58:53] Because I had knowledge of the medicine.

16 Q. [11:59:08] You also told us this morning, Mr Witness, that Dominic Ongwen
17 ordered the killing of a police officer. You remember that? Do you know where
18 was this police officer abducted from?

19 A. [11:59:29] He was abducted from Tubur.

20 Q. [11:59:50] Thank you, Mr Witness.

21 Now, Mr Witness, you told us that you were abducted
22 on 24 June 2003. Do you remember what date you escaped?

23 A. [12:00:14] Yes.

24 Q. [12:00:17] Please tell us.

25 A. [12:00:23] It was on 24 March 2004.

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1 Q. [12:00:34] And now, Mr Witness, I want to show you two documents. And
2 the first one will be at tab 19. There is, Mr Witness, a binder on your left side on
3 your desk. If you could get that binder, or perhaps the lady can help you, and turn
4 to tab 19.

5 THE COURT OFFICER: [12:01:08] Could we please have an ERN number for the
6 record. As well as the level of confidentiality.

7 MS HOHLER: [12:01:15] Yes. It's a confidential document, not to be displayed to
8 the public. And the ERN is UGA-OTP-0236-0551.

9 Q. [12:01:50] Do you see that document in the binder, Mr Witness?

10 PRESIDING JUDGE SCHMITT: [12:02:03] It is also on the screen, Mr Witness, if
11 you prefer that. It should be the same document, but what -- thank you,
12 Mr Wagemakers.

13 So we are talking about this document, Mr Witness.

14 MS HOHLER: [12:02:28]

15 Q. [12:02:29] What is this document, Mr Witness?

16 A. [12:02:32] Come again?

17 Q. [12:02:33] What is this document?

18 A. [12:02:39] This is a reunion letter given to me to unite with my family
19 members.

20 Q. [12:02:54] And the photograph in the top-right corner, who is that on the
21 photograph?

22 A. [12:03:02] Down a little bit, yes. That's my photograph.

23 Q. [12:03:21] Thank you, Mr Witness.

24 A. [12:03:22] Thank you.

25 Q. [12:03:23] Now, if you turn to the next tab in the binder, it's tab 20, and this is

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1 again a confidential document, and the ERN is UGA-OTP-0263-2295. What is this
2 document, Mr Witness?

3 A. [12:04:07] These are Amnesty Commission document.

4 Q. [12:04:11] Who does it belong to?

5 A. [12:04:14] It's mine.

6 Q. [12:04:16] And again the picture here in the top-left corner, whose picture is
7 that?

8 A. [12:04:25] It's mine.

9 Q. [12:04:33] Thank you, Mr Witness.

10 Your Honour, if you just give me one minute to consult my co-counsel.

11 PRESIDING JUDGE SCHMITT: [12:04:41] Of course.

12 MS HOHLER: [12:04:58] And that, your Honours, concludes our questioning.

13 PRESIDING JUDGE SCHMITT: [12:05:02] Thank you, Mrs Hohler. And it would
14 be now the turn of the Legal Representatives of the victims, Mr Narantsetseg.

15 MR NARANTSETSEG: [12:05:08] Mr President, thank you for the opportunity.

16 We also thank the witness for the efforts he made in the course of justice.

17 Your Honour, we were prepared to ask some questions exploring his victimisation,
18 and in particular, the physical and mental harm he has suffered in the hands of the
19 accused person and the LRA. But, your Honour, given the emotional situation that
20 he finds himself today, we believe that our intervention at the moment will make him
21 relive those extremely painful experiences and traumatise him even further, your
22 Honour. Therefore, we decided not to question. Thank you.

23 PRESIDING JUDGE SCHMITT: [12:05:48] Thank you, Mr Narantsetseg.

24 It would, of course, be now the turn of the Defence, but we would also leave it a little
25 bit up to you, if you would want to -- we would not, certainly not, start before a lunch

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1 break, but we would also allow you, if you want to prepare yourself, to continue
2 tomorrow morning if you want. We would simply leave it up to you. Because it's
3 also not -- it's for everybody who is in this courtroom who is questioning. It is not an
4 easy task, and you can be assured that the Chamber understands the role of
5 everybody and also the problems of everybody in the courtroom, you can be assured
6 of that.

7 MS BRIDGMAN: [12:06:56] Your Honour, we are pleased to hear that we can have
8 the afternoon off, if that is what is best, because I think regarding the display of
9 emotions this morning, it might be best that way. But we would also like to know if
10 the witness is willing and able to continue this afternoon. That way, I think we have
11 about two and a half hours to reformulate our questions in our way forward.

12 PRESIDING JUDGE SCHMITT: [12:07:25] Mr Witness, you have heard the
13 exchange between me and Defence counsel. Do you feel able to continue in the
14 afternoon with the questioning by the Defence? If so, we would simply start and
15 then finish tomorrow. Otherwise, we would simply start only tomorrow. But I saw
16 you nodding already; I think you are prepared to continue in the afternoon.

17 THE WITNESS: [12:07:50] Yes.

18 PRESIDING JUDGE SCHMITT: [12:07:51] Then I would say, normally, I would
19 say until 2 o'clock would be enough, but you want to prepare yourself, 2.30 then.
20 See you then.

21 THE COURT USHER: [12:08:03] All rise.

22 (Recess taken at 12.08 p.m.)

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

24 THE COURT USHER: [14:31:08] All rise.

25 PRESIDING JUDGE SCHMITT: [14:31:35] Good afternoon, everyone.

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1 THE WITNESS: Good afternoon.

2 PRESIDING JUDGE SCHMITT: I give Mrs Bridgman the floor for the questions by
3 the Defence.

4 MS BRIDGMAN: [14:31:48] Thank you, your Honour.

5 QUESTIONED BY MS BRIDGMAN:

6 Q. [14:31:54] Good afternoon, Mr Witness.

7 A. [14:31:56] Afternoon.

8 Q. [14:32:07] Since your return from the bush, you have been an involved member
9 in your community; isn't that correct?

10 A. [14:32:15] Come again?

11 Q. [14:32:16] Since you returned back home, you have been involved in your
12 community; isn't that correct?

13 A. [14:32:23] Correct.

14 Q. [14:32:26] And apart from leadership positions, you have also attended several
15 trainings; isn't that correct?

16 A. [14:32:42] I don't understand. Clarify.

17 Q. [14:32:46] You have been a leader in your community; is that true?

18 A. [14:33:07] At the moment, yes.

19 Q. [14:33:18] You have received training in human rights previously; isn't that true?

20 A. [14:33:36] I forgot.

21 Q. [14:33:51] Do you recall receiving training in human rights in 2006 from the
22 Uganda Human Rights Commission?

23 A. [14:34:09] I forgot because it has taken a couple of years.

24 Q. [14:34:15] Actually, my apologies. It's from 2008.

25 A. [14:34:29] I respond, I respond what I remember now.

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1 Q. [14:34:34] That's okay.

2 Earlier you were looking at the binder right on your table for the Prosecution. On
3 top of the Prosecution binder there is another black binder, a smaller one, and that has
4 documents in it for the Defence. Every now and then I'm going to request you to
5 take a look, if that's okay with you, and see if you can identify some of the documents.
6 So in that small binder, if you open to tab 31, it is UGA-OTP-0236-0555. Of course,
7 we are mindful about protecting your identity so you don't need to mention your
8 names or where that -- if you recognise the document, where it was.

9 PRESIDING JUDGE SCHMITT: [14:36:04] Perhaps again the UGA number, please.
10 And it is understood that it is not to be shown to the public.

11 MS BRIDGMAN: [14:36:13] Yes, your Honour.

12 And the ERN number again is UGA-OTP-0236-0555.

13 Q. [14:36:24] Mr Witness, do you recognise that document?

14 A. [14:36:28] Yes.

15 Q. [14:36:30] Does it refresh your memory about whether you attended a training
16 or not?

17 A. [14:36:47] I attended.

18 PRESIDING JUDGE SCHMITT: [14:36:51] And also when a witness says, not only in
19 this instance but also in other instances, "I recognise this document", I think that's
20 enough answer then for it. And we all know that in the course of years we forget
21 things, and then simply this refreshing exercise can be done relatively quickly, and
22 the witness has acknowledged that he knows this document.

23 So please continue.

24 MS BRIDGMAN: [14:37:28]

25 Q. [14:37:28] Now, Mr Witness, if you turn to tab 29 of the same binder, and it is

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1 UGA-OTP-0236-0553. Do you recognise that document?

2 PRESIDING JUDGE SCHMITT: [14:38:16] It is also parallelly shown on the screen
3 on evidence one, if you look at it. So you have both. Hopefully they are the same.

4 THE WITNESS: [14:38:27] Yes.

5 PRESIDING JUDGE SCHMITT: [14:38:28] Answer is "yes".

6 MS BRIDGMAN: [14:38:33]

7 Q. [14:38:33] Do you recall attending that training where you got this certificate?

8 A. [14:38:49] I don't remember well, but I recognised it. Because it has taken a lot
9 of years.

10 Q. [14:39:04] So you don't remember what you learned in that training?

11 A. [14:39:08] I don't remember.

12 Q. [14:39:19] By any chance do you remember anyone you might have attended
13 that meeting with?

14 A. [14:39:44] What I would say in this is that it was a district leadership, district
15 leaders, because by then I was a local council 3, yes.

16 Q. [14:40:07] So you attended this training in your official capacity as a leader?

17 A. [14:40:12] At that level, that's what I would recall now.

18 Q. [14:40:17] During that training do you remember being told about the people
19 who were indicted by the ICC?

20 A. [14:40:34] You clarify the question.

21 Q. [14:40:37] Do you remember if you were told about the people who were to be
22 prosecuted by the ICC?

23 A. [14:40:53] In fact, I have forgotten.

24 Q. [14:41:12] Do you remember if you shared your thoughts or opinions regarding
25 the ICC during that training?

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1 A. [14:41:23] Come again?

2 Q. [14:41:24] During that training do you remember if you were asked your
3 opinion as a local leader, to share your opinion of the Court?

4 A. [14:41:41] I do not remember now.

5 PRESIDING JUDGE SCHMITT: [14:41:49] Mr Witness, do you recall how long this
6 workshop, as it is worded here, how long it took? Was it a day or several days or
7 half a day, do you recall that?

8 THE WITNESS: [14:42:02] I remember attending once.

9 PRESIDING JUDGE SCHMITT: [14:42:13] Yes, but the question would be if you
10 have an idea in your mind, looking back in time, how long this workshop, this event
11 lasted? This can be several days or one day or half a day, one hour, two hours,
12 whatsoever.

13 THE WITNESS: [14:42:34] Within that same date, within the same date of the
14 workshop. Excuse me, I don't remember.

15 PRESIDING JUDGE SCHMITT: [14:42:50] Simply we ask and if you don't know,
16 you tell us you don't recall.

17 Mrs Bridgman.

18 MS BRIDGMAN: [14:43:18]

19 Q. [14:43:18] Do you remember if it was during this training that you were
20 introduced to the work of the ICC for you to understand what the Court was all
21 about?

22 A. [14:43:35] Simplify the question, please.

23 Q. [14:43:40] And I appreciate you doing that because I need -- it would be really
24 nice to understand each other. When you attended that training, was that the first
25 time you had heard of the ICC?

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1 A. [14:43:55] Yes.

2 Q. [14:43:58] Since that training, have you participated in any other workshop or
3 outreach programme regarding the ICC?

4 A. [14:44:16] It is when I met the investigators in Kampala.

5 Q. [14:44:38] Now, I am going to also be referring to the Prosecution binder, the big
6 binder that you saw earlier today. It has statements that you gave during that
7 meeting with the investigators.

8 A. [14:44:54] Okay.

9 Q. [14:44:56] And one of the things that you mentioned to them while they were
10 asking you about the ICC -- and, your Honours, this is at tab 1.

11 PRESIDING JUDGE SCHMITT: [14:45:11] We would indeed have asked you to give
12 the reference. Thank you.

13 MS BRIDGMAN: [14:45:16] UGA-OTP-0243-0028 at page 0030. In particular, it is
14 line 67 and 68.

15 Q. [14:45:45] Mr Witness, they asked you -- okay, to go back just a little bit to
16 line 52, the investigators asked you: "... what is your awareness of the International
17 Criminal Court?" And you said that you had attended that training that we
18 discussed just a few minutes ago. But you also said:

19 "And that's why I'm open to give my view to ICC. If it was another organ, I would
20 not."

21 Can you explain why you would not be willing to share your information with any
22 other person, apart from the ICC?

23 A. [14:47:01] I didn't get the question well.

24 PRESIDING JUDGE SCHMITT: [14:47:05] May I, Mrs Bridgman, if you allow me.

25 There was a quotation from one of your 2015 interviews with the Prosecution. And

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1 there you said, "... I'm open to give my view to ICC. If" -- and this is important
2 now -- "if it was another organ, I would not."

3 And Mrs Bridgman wants to know why you said that, why you said that you would
4 give information to the ICC, but not to another organ, if you can tell us.

5 MS HOHLER: [14:47:41] Your Honour, if I may, just one point. This witness has
6 been very clear about distinguishing about his opinions and his views as opposed to
7 his evidence. So I am just a little bit disturbed by the use of the word "information",
8 because in the transcript he very clearly says, "my views, opinions".

9 PRESIDING JUDGE SCHMITT: [14:48:01] I don't think that this is really the
10 paramount problem here. I think we have -- we have a witness. We have to take
11 our time and it is absolutely clear the witness always wants to know exactly what
12 people want to know from him, be it views or information.

13 But it is clear that you said you wanted to share your views. Now, I say - to be
14 absolutely exact, you said you wanted to share your views with the ICC but you
15 would not do with another organ. So the question would be why you said that.
16 And there is nothing strange in it or nothing that -- no trap in it. It is simply that we
17 understand, and this is what the question of Mrs Bridgman was about.

18 THE WITNESS: [14:48:48] Okay. One, I do not have trust in our courts in our
19 country.

20 Secondly, for the security of myself, that is the reason. Because what happened to
21 myself was enough, so I never wanted more exposure of myself.

22 PRESIDING JUDGE SCHMITT: [14:49:20] I think that is an answer and you can
23 continue, Mrs Bridgman. Thank you.

24 MS BRIDGMAN: [14:49:27]

25 Q. [14:49:28] Now, just briefly regarding your trust in the courts in Uganda, have

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1 you had any experience yourself with the court system in Uganda?

2 A. [14:49:48] I know you want my opinion, but not actual experience, but when I
3 hear in radios, in papers, there is a bit of corrupting in courts of our country and
4 justice does not prevail properly, yeah. Because in terms of fair hearing and the rest.

5 Q. [14:50:28] Thank you. You have also received -- do you remember also
6 receiving training at the National Leadership Institute in Kyankwanzi?

7 A. [14:50:49] I remember but I forgot the year.

8 PRESIDING JUDGE SCHMITT: [14:50:56] You might put it to the witness simply
9 and perhaps he recalls. The year might not be so important, but the fact that he has
10 received this training I think is clear.

11 MS BRIDGMAN: [14:51:05] Yeah. No, it's okay about the year.

12 PRESIDING JUDGE SCHMITT: [14:51:07] Might be enough, I think.

13 MS BRIDGMAN: [14:51:10] Yes.

14 Q. [14:51:10] I just, I'm wondering if you remember if the ICC was ever part of your
15 training during that period at Kyankwanzi?

16 A. [14:51:31] Not actually, because in Kyankwanzi we were taken as political
17 leaders for a trainings I think for one month, then we were sent back to our
18 sub-counties.

19 Q. [14:51:51] Do you remember if the conflict in northern Uganda, the LRA conflict
20 was ever discussed during your classes at Kyankwanzi?

21 A. [14:52:09] I do not remember.

22 Q. [14:52:31] This morning you talked about your escape and you said when you
23 came you were taken to the different hospitals until Mulago, where you stayed until
24 you were discharged and reunited with your family. Do you remember how long
25 you spent in Mulago?

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1 A. [14:53:10] I do not remember the period I spent in Mulago because I was still
2 traumatised. But I know I was in Mulago hospital. I do remember it.

3 Q. [14:53:30] Would you say it would be an estimate of a month or several weeks or
4 days from the time of your escape to the time you finally reunited with your family?

5 A. [14:54:04] I do not remember, because I was a bit disturbed because I had
6 injuries. I don't remember.

7 Q. [14:54:24] After your discharge from the hospital, did you ever attend
8 a rehabilitation programme at all?

9 A. [14:54:45] Can you help me, put it simpler.

10 PRESIDING JUDGE SCHMITT: [14:54:52] Perhaps describe what you mean with
11 "rehabilitation programme". Perhaps this would help. Because it's a -- of course we
12 have a concept here in the courtroom what it means, but perhaps you could specify it
13 a little bit.

14 MS BRIDGMAN: [14:55:05] I will do my best.

15 Q. [14:55:08] You mentioned going to World Vision.

16 A. [14:55:11] Yeah.

17 Q. [14:55:13] Do you understand what the World Vision organisation was doing
18 with people who were abducted?

19 A. [14:55:28] Yes.

20 Q. [14:55:29] So I'm talking about that kind of programme. Were you ever
21 involved in any programme to help you recover from the trauma that you
22 experienced while you were in the bush?

23 A. [14:55:49] Yes.

24 Q. [14:55:53] Was that at World Vision or at another place?

25 A. [14:56:04] Because before I went to Mulago we were in World Vision, but after I

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1 came back from Mulago, FIDA international did that part.

2 Q. [14:56:21] Were you then with your family at home or were you at FIDA, like, let
3 me say, some form of boarding school?

4 A. [14:56:32] No. It was at home. Not in a boarding school, because I was old.

5 Q. [14:56:42] How long did you stay in that programme with FIDA?

6 A. [14:56:54] In fact, to be sent here to this august house is that they just call you,
7 say for one day, sometimes one or two days, you operate from home. They organise
8 a particular place.

9 Q. [14:57:17] And can you share with us the kind of assistance that FIDA gave you
10 whenever you went?

11 A. [14:57:36] First they helped us with counselling, ways of uniting with the
12 communities. Because by the time we came back, other village mates used to call us
13 rebels of Kony, rebels of LRA, like that. So when they came in with their counsellors
14 they tried to teach us ethics on how to move along with communities and even
15 inducting communities to welcome us. And the other one was that sometimes after
16 they train you say, for example, if they choose a topic like agriculture, after training,
17 they can give you say some seeds like that, ox-ploughs, like that.

18 Q. [14:58:51] Now if you could turn to tab 30 of the small binder.

19 And, your Honours, this is UGA-OTP-0236-0554.

20 Do you recognise this document, Mr Witness?

21 A. [14:59:22] Yes.

22 Q. [14:59:24] Where did you receive this document from?

23 A. [14:59:29] From Soroti, when they train us issues of trauma.

24 Q. [14:59:44] Was this part of the FIDA programme or another programme
25 altogether?

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1 A. [14:59:50] This was under Pilgrim.

2 Q. [15:00:09] So this was another programme altogether that you attended
3 regarding trauma counselling?

4 A. [15:00:16] Yeah.

5 Q. [15:00:26] Is it true that you have also been involved in welcoming former
6 abductees back into the community?

7 A. [15:00:40] Yeah, it's true because most of these young ones knew me so they got
8 it easier to go back with me.

9 Q. [15:01:08] Now going back briefly to what you said was trust in the Ugandan
10 courts, isn't it true that you have also had some criminal legal troubles recently, in the
11 last four years?

12 A. [15:01:31] Explain it. I did not understand the question.

13 MS BRIDGMAN: [15:02:05] Your Honours, I am, I am trying to decide if my next
14 question or so should be in private session, because I might have difficulty
15 formulating it without --

16 PRESIDING JUDGE SCHMITT: [15:02:16] Yeah, and I think we should go to private
17 session, indeed.

18 (Private session at 3.02 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 3.06 p.m.)

4 THE COURT OFFICER: [15:06:25] We are back in open session, Mr President.

5 MS BRIDGMAN: [15:06:47]

6 Q. [15:06:48] Mr Witness, I would like to direct you to tab 32, and this is

7 UGA-OTP-0263-2297.

8 And I just want to clarify from you if that is your identifying document.

9 A. [15:07:24] Tab what?

10 PRESIDING JUDGE SCHMITT: [15:07:29] Speaking of 32.

11 THE WITNESS: [15:07:32] Thirty-two.

12 MS BRIDGMAN: [15:07:35] I see it is already displayed on the screen as well.

13 PRESIDING JUDGE SCHMITT: [15:07:40] Yes. And it should be with

14 a photograph. Yes, that's the one on the screen now, it's correct.

15 THE WITNESS: [15:08:22] We don't have this kind of identity cards in Amuria.

16 There is no logo even of the district.

17 PRESIDING JUDGE SCHMITT: [15:08:35] Is this your photograph? Is this your

18 photograph displayed here?

19 THE WITNESS: [15:08:40] The photo is mine, but these identity cards we don't have

20 in the district.

21 PRESIDING JUDGE SCHMITT: [15:08:42] Okay.

22 THE WITNESS: [15:09:25] Because you can see even the year of issuing is not there.

23 PRESIDING JUDGE SCHMITT: [15:09:28] Well, no, it's clear. You answered. You

24 said it's your photograph, but you don't know the document. You see it for the first

25 time.

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1 MS BRIDGMAN: [15:09:48]

2 Q. [15:09:49] We shall move on, Mr Witness, to another topic. If you don't
3 remember, you don't remember.

4 Now, before your abduction do you recall ever getting -- apart from that morning
5 when people were running near your house, do you recall ever getting any warnings
6 regarding LRA attacks in your area?

7 A. [15:10:27] Yes. Some people said that they were in Aoya Etoi (phon),
8 those ends.

9 Q. [15:10:42] How far was that from where you were in terms of kilometres or how
10 long it would take?

11 A. [15:10:58] I can't estimate, but it was a bit far.

12 Q. [15:11:06] Did you ever hear rumours warning of LRA attacks or warnings from
13 LRA to the people?

14 A. [15:11:23] I don't remember that.

15 Q. [15:11:28] Did you ever hear about a letter from someone called Tabuley telling
16 civilians that he was going to come and attack?

17 A. [15:11:43] I don't remember. It has taken a couple of years.

18 MS BRIDGMAN: [15:11:59] Your Honours, the reference to the letter can be found at
19 tab 22 of the Defence binder, UGA-D26-0018-2128 at page --

20 THE WITNESS: [15:12:20] Twenty-two.

21 PRESIDING JUDGE SCHMITT: [15:12:21] It is just the reference that --

22 MS BRIDGMAN: [15:12:24] 2157.

23 PRESIDING JUDGE SCHMITT: [15:12:26] -- that Ms Bridgman tells of.

24 MS BRIDGMAN: [15:12:32]

25 Q. [15:12:33] Without mentioning the region or the area where you come from, do

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1 you remember if the LRA had previously conducted attacks in that region around
2 your neighbourhood or close, apart from that other place you mentioned that was far
3 away?

4 A. [15:13:00] I don't remember.

5 Q. [15:13:13] When you were abducted, would you say you were among the first
6 people to be abducted from your region?

7 A. [15:13:30] Explain that, you put it clear.

8 MS BRIDGMAN: [15:13:39] Your Honours, I request that we go into private session
9 so I can clarify something and then we move back.

10 PRESIDING JUDGE SCHMITT: [15:13:45] Shortly to private session.

11 (Private session at 3.13 p.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Open session at 3.14 p.m.)

3 THE COURT OFFICER: [15:14:52] We are back in open session, Mr President.

4 MS BRIDGMAN: [15:15:05]

5 Q. [15:15:06] So, Mr Witness, my question is: Would you say that you were
6 among the first people to be abducted from your region by the LRA?

7 A. [15:15:27] Yes, I suggest so, because that was the first time I was abducted by
8 LRA.

9 Q. [15:15:39] When you joined the group that abducted you, do you remember on
10 average an estimate of how many other abductees you found already in the LRA?

11 A. [15:16:02] Average in terms of what, percentage?

12 Q. [15:16:06] Let's do numbers. You said you were abducted by five LRA.

13 A. [15:16:12] Yes.

14 Q. [15:16:13] I believe in your interviews with the investigators you said your
15 group was about a thousand people, although it was hard for you to confirm the
16 number.

17 A. [15:16:25] Hmm.

18 Q. [15:16:29] I would like to know from you how many abductees did you find
19 already?

20 A. [15:16:49] Estimating the number is a bit difficult, because there were a number
21 of commanders who were there. So estimating the number of the abductees, I can't
22 estimate.

23 PRESIDING JUDGE SCHMITT: [15:17:12] But perhaps you can near yourself. You
24 see, you have experienced today I think several times that in a courtroom you are
25 quite often asked to estimate, to assess, to give an opinion. And everybody

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1 understands that these are not exact figures, that these are subjective from your point
2 of view, subjective concepts. But would you say the number of the abductees was
3 the majority, for example, if could you say that? Of course you would not have
4 counted it and you cannot say an exact percentage, but just to help you, that you
5 perhaps can near yourself to an answer that could help us understand better.

6 THE WITNESS: [15:17:56] Yes. Of course, following that view, almost all the
7 movements were abductees, because there were so many young children.

8 PRESIDING JUDGE SCHMITT: [15:18:12] Okay, thank you.
9 Mrs Bridgman.

10 MS BRIDGMAN: [15:18:23]

11 Q. [15:18:23] During your interview with the Prosecution you were asked names of
12 people that you remember who were abducted with you. And in reference to the
13 tab 4, UGA-OTP-0243-0066, at page 0086, you said that you had data of all those who
14 were abducted, but you had not prepared it. Do you remember saying that?

15 A. [15:19:16] Come again.

16 Q. [15:19:20] Let me ask it this way: Do you remember people who were
17 abducted with you or approximately around the time that you were also abducted,
18 from your area?

19 A. [15:19:46] No.

20 Q. [15:19:47] Do you remember telling the investigators that you had data of those
21 people who were abducted?

22 A. [15:19:58] I don't remember, because it has taken years.

23 PRESIDING JUDGE SCHMITT: [15:20:12] About which lines are we talking here? I
24 have the page, but not --

25 MS BRIDGMAN: [15:20:24] The reference to the data is at 672, but the question

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1 starts from of 660, line 660 to 672.

2 Q. [15:20:43] Did you ever collect information on people who were abducted from
3 your village?

4 A. [15:21:07] I don't remember.

5 Q. [15:21:18] While you were in the bush do you remember seeing people you
6 recognised from your village?

7 A. [15:22:04] My real village? I have not understood the question properly.

8 PRESIDING JUDGE SCHMITT: [15:22:12] I think indeed Mrs Bridgman means your
9 village where you come from, where you originate from. And also from your former
10 statements you could read out that it is not such a big village, so to speak. So this is
11 meant. This small village, as you word it "real village" is meant.

12 THE WITNESS: [15:22:41] No.

13 MS BRIDGMAN: [15:22:52]

14 Q.[15:22:52] If I mention the name (Redacted) does that refresh your memory at all?

15 PRESIDING JUDGE SCHMITT: [15:23:05] Mr Wagemakers.

16 MR WAGEMAKERS: [15:23:08] Can I have a brief moment with my client, please?

17 PRESIDING JUDGE SCHMITT: [15:23:12] And why so?

18 MR WAGEMAKERS: [15:23:13] Because if we are going into the mentioning of
19 names, it might lead to identification of the witness.

20 PRESIDING JUDGE SCHMITT: [15:23:19] This depends. We first wait for the
21 answer of the witness. We can also go to private session. For us, at the moment, it
22 is not -- we cannot follow why this should be an issue that should be discussed in
23 private session.

24 Does the Prosecution have any opinion on that?

25 MS HOHLER: Yes, but maybe to answer we should go to the private session. Or,

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1 actually, no, your Honour, I can direct your Honour to, I think you still have the
2 transcript open, if you look at that transcript line 660 and just read the question and
3 the answer, I think your Honours will then be able to see --

4 PRESIDING JUDGE SCHMITT: Then we go to the --

5 MS HOHLER: -- where the counsel is heading.

6 PRESIDING JUDGE SCHMITT: [15:24:02] Now I have grasped it and we go to
7 private session.

8 Mr Wagemakers, thank you.

9 (Private session at 3.24 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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21 (Redacted)

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25 (Redacted)

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1 (Redacted)

2 (Redacted)

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6 (Redacted)

7 (Open session at 3.25 p.m.)

8 THE COURT OFFICER: [15:25:47] We are in open session.

9 MS BRIDGMAN: [15:26:05]

10 Q. [15:26:06] You told the Court this morning that Dominic Ongwen abducted you
11 with five boys. Can you please describe Dominic Ongwen as you remember him on
12 the day of your abduction?

13 A. [15:26:38] Dominic Ongwen is not very -- he is medium height, he has a short
14 left-hand leg, a bit oval head. Those are the features.

15 PRESIDING JUDGE SCHMITT: [15:27:06] What do you mean by a short left-hand
16 leg? Could you explain a little bit?

17 THE WITNESS: [15:27:14] He's -- short means he had a fracture, limp, fracture.

18 PRESIDING JUDGE SCHMITT: [15:27:21] Thank you.

19 THE WITNESS: [15:27:22] Yeah.

20 MS BRIDGMAN: [15:27:27]

21 Q. [15:27:28] Do you remember telling the Prosecution investigators that he was
22 also a bit bald and fat?

23 A. [15:27:41] Because it has taken a long time.

24 Q. [15:27:49] Now today as you testify in this court, do you remember
25 Dominic Ongwen being a bit fat and a bit bald when he abducted you?

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1 A. [15:28:11] Can you put more light?

2 PRESIDING JUDGE SCHMITT: [15:28:14] It's simply if now today in the courtroom,
3 we know and we all understand that this had been a long time. If you try to make
4 a picture of Mr Ongwen for yourself at the time, although it was a long time ago,
5 would you describe him as, in your remembrance today, in your recollection today as
6 a bit fat and a bit bald?

7 MS BRIDGMAN: [15:28:43] Bald.

8 PRESIDING JUDGE SCHMITT: [15:28:45] Yes.

9 THE WITNESS: [15:28:48] I think I would.

10 MS BRIDGMAN: [15:29:11]

11 Q. [15:29:12] Now when you say "a bit bald", I assume you mean he did not have
12 some hair on his head, correct?

13 A. [15:29:26] The hair, when -- if when I refer that his head was a bit -- yeah, he
14 didn't have much hair on the head. He had these sort of lines here and he was
15 medium size and a bit energetic.

16 PRESIDING JUDGE SCHMITT: [15:29:57] Again, Mr Witness, what do you mean by
17 these lines that you showed, that you showed so clearly? What do you mean by that?
18 Lines of hair, or what do you mean by that?

19 THE WITNESS: [15:30:13] You see, when somebody is healthy, there is a way you
20 see the head, some flesh like this, yeah.

21 MS BRIDGMAN: [15:30:35] Your Honours, with Court permission I request that we
22 stop here today. I foresee to be done perhaps in the two sessions tomorrow, if
23 everything goes well.

24 PRESIDING JUDGE SCHMITT: [15:30:49] I pick up this suggestion and I think I can
25 agree on behalf of the Chamber.

Trial Hearing
WITNESS: UGA-OTP-P-0200

(Open Session)

ICC-02/04-01/15

- 1 And thank you for the moment, thank you, Mr Witness, for having made yourself
- 2 available today and we conclude the hearing for today, continue tomorrow at 9.30.
- 3 THE COURT USHER: [15:31:09] All rise.
- 4 (The hearing ends in open session at 3.31 p.m.)