

Trial Hearing
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Thursday, 1 June 2017
9 (The hearing starts in open session at 10.00 a.m.)
10 THE COURT USHER: [10:01:29] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [10:01:47] Good morning, everyone. Good
13 morning, Mr Witness.
14 WITNESS: UGA-OTP-P-0314 (On former oath)
15 (The witness speaks Acholi)
16 THE WITNESS: [10:02:00] (Interpretation) Good morning.
17 PRESIDING JUDGE SCHMITT: [10:02:02] Could the court officer please call the
18 case.
19 THE COURT OFFICER: [10:02:05] Good morning, your Honours.
20 The situation in Uganda in the case of The Prosecutor versus Dominic Ongwen, case
21 reference ICC-02/04-01/15.
22 And for the record, we are in open session.
23 PRESIDING JUDGE SCHMITT: [10:02:19] Thank you.
24 The appearances of the parties. First the Prosecution, please.
25 MS ADEBOYEJO: [10:02:23] Good morning, Mr President, your Honours.

Trial Hearing
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 Adesola Adeboyejo for the Office of the Prosecutor, Benjamin Gumpert, Beti Hohler,
2 Hai Do Duc, Yulia Nuzban, Pubudu Sachithanandan, Ramu Fatima Bittaye, Jasmina
3 Suljanovic, Yya Aragon, Shariar Yeasin Khan, and Sanyu Ndagire.

4 PRESIDING JUDGE SCHMITT: Thank you.

5 Mrs Massidda first for the Legal Representatives of the Victims.

6 MS MASSIDDA: [10:02:51] Good morning, your Honour.

7 Paolina Massidda, accompanied by Caroline Walter and Orchlon Narantsetseg.

8 PRESIDING JUDGE SCHMITT: [10:02:58] And Mrs Hirst, please.

9 MS HIRST: [10:03:01] Good morning, Mr President, your Honours. For the other
10 victims team I am Megan Hirst, with me is James Mawira.

11 PRESIDING JUDGE SCHMITT: [10:03:08] Thank you.

12 And the Defence, Mr Obhof.

13 MR OBHOF: [10:03:10] Good morning, your Honours. Today we have
14 Chief Charles Achaleke Taku; Michael Clifford Driver Rowse; Abigail Bridgman; our
15 client, Mr Dominic Ongwen; and myself, Thomas Obhof.

16 PRESIDING JUDGE SCHMITT: [10:03:26] Thank you, Mr Obhof.

17 And Mr Taku can immediately start with the continuation of the examination.

18 You cannot immediately start because Mr Gumpert is standing.

19 So please, Mr Gumpert.

20 MR GUMPERT: [10:03:36] I apologise for that. I promise I won't take more than
21 a minute. I simply want to put on record my gratitude to the Chamber for reacting
22 swiftly to the issue I raised overnight. And perhaps more significantly my apologies
23 to the parties and participates, particularly the victims' representatives, who by virtue
24 of the short notice and the late hour didn't have as much time as I would otherwise
25 have wished to be able to consider what the Prosecution was proposing.

Trial Hearing
WINTER: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [10:04:08] Thank you very much, Mr Gumpert.

2 These remarks are very much appreciated. Thank you.

3 And, Mr Taku, you have the floor.

4 QUESTIONED BY MR TAKU: (Continuing)

5 MR TAKU: [10:04:17] Good morning, sir.

6 A. [10:04:23] Good morning.

7 Q. [10:04:25] Witness, paragraph 70 of the tab 1 in your statement to the
8 investigators, you said that, and let me read that out, "The LRA who had gone to the
9 camp were fired upon by UPDF soldiers in the school. So they could not loot much
10 food. Their group ran ahead of us. We met later. I do not know if any civilians
11 were killed or injured at the camp because I did not go there. From where I was at
12 the barracks I could see fire in the camp."

13 Witness, can you tell the Court how close the school was to the barracks, the location
14 from which you were operating?

15 A. [10:05:45] Well, I didn't measure the distance.

16 Q. [10:05:49] But you confirm this is your statement, this is what you observed?

17 A. [10:05:57] Yes.

18 Q. [10:06:00] Now, witness, after you made this statement, in tab 2.

19 Your Honours, and that is UGA-OTP-0258-0841 at 0843. No, no, I'm sorry,
20 your Honour, I'm sorry, that's not the -- yes. Yes, it is UGA-OTP-0266-0041 at 0043.

21 In that supplemental statement you made, Witness, when the Prosecutor came back to
22 see you, and I think that was on 7 -- on 5 July 2016, you provided information about
23 an event that happened in Pader where Otto Nywinya Aye Wata cooked people. In
24 paragraph 17 you said: "When I met the investigators last November I told them
25 about this incident, but they explained to me that due to an omission it was not

Trial Hearing
WINTER: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 included in my final statement."

2 Now, Witness, at paragraph 13, with permission of the Court, you said, "There was an
3 event when the group I was with cooked people in Pader. At this time I was still in
4 Lapaicho's group. I cannot remember the month this happened, but it was in 2003
5 and I had not yet gone to Sudan."

6 Paragraph 14, your Honours: "I was not among the people who were selected to go
7 to that event. I remained with the bigger group. I do not remember where in Pader
8 we were. Otto Nywinya Aye Wata was the person who was leading them. From
9 my group the people who went were called Ongom and Olanya. I heard about what
10 happened when Ongom and Olanya returned the next day. They said that they had
11 killed civilians and then they cooked them and forced the other civilians to eat the
12 meat. They did this because the civilians would not tell them where the government
13 forces were."

14 Paragraph 15 --

15 PRESIDING JUDGE SCHMITT: [10:09:37] I think I would not read too much. I
16 would just perhaps interrupt here and ask if this is his statement, if he recalls it, if this
17 is --

18 MR TAKU: Yes, yes.

19 PRESIDING JUDGE SCHMITT: And then you could perhaps continue.

20 MR TAKU:

21 Q. Do you recall --

22 PRESIDING JUDGE SCHMITT: [10:09:47] I would not put too much to him in one
23 sequence.

24 MR TAKU: [10:09:53] Thank you.

25 Q. [10:09:55] Do you recall making this statement when they came to you sometime

Trial Hearing
WINTER: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 last year, do you recall?

2 A. [10:10:02] Yes, I do recall.

3 Q. [10:10:05] And then you said, you explain at paragraph 15: "The next day we
4 were carrying solar panels and the radio. Lapaicho had a conversation with Kony
5 over the radio. Otto Signaller was signaller for this conversation. When there was
6 a radio conversation Otto Signaller would listen to the message in code. He would
7 then explain to Lapaicho what the coded message meant. Lapaicho would then tell
8 Otto Signaller what his response was and Otto Signaller would then send a coded
9 message over the radio. So what I would hear was a coded message over the radio
10 which I could not understand and then Otto Signaller's explanation and Lapaicho's
11 response."

12 Is it what happened, Witness, in your presence, this conversation?

13 A. [10:11:20] Yes, it did.

14 Q. [10:11:22] Now, let me ask a few more questions. You said it was
15 Otto Signaller who understood the codes, explained the code to Lapaicho, then
16 Lapaicho would give the response to him and you used the coded message to send
17 the reply; is that what happened, Witness?

18 A. [10:11:48] Exactly.

19 Q. [10:11:54] Now, paragraph 16: "It seems that Kony had received the
20 information about the people being cooked. Kony said that the people who did that
21 should be sent to him. Lapaicho told him that it was Otto Nywinya Aye Wata.
22 After this conversation we did not see Otto Nywinya Aye Wata, I do not know if he
23 went to Kony or not."

24 Witness, is that what transpired in that incident and that led to that conversation and
25 what happened?

Trial Hearing
WINTER: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 A. [10:12:46] That is what happened.

2 Q. [10:12:48] Who told you that Kony had asked that Otto Nywinya Aye Wata be
3 sent to him for committing this crime?

4 A. [10:13:09] When they had finished their conversation, what I heard from what
5 they were now discussing was that there was an order from Kony that Otto should be
6 sent. But personally I did not see Otto.

7 Q. [10:14:01] Now, Witness, in your statement, tab 1, your Honours, at
8 paragraph 114, at 0859, you said that: "Among the women in Ongwen's house was
9 Min Salim." Do you remember saying that?

10 A. [10:14:46] Yes, I said that.

11 Q. [10:14:50] Witness, may I put to you that Min Salim was Kony's wife and who
12 died in 2001. Min Salim was not Ongwen's wife and was never in Ongwen's
13 household. What do you say to this?

14 A. [10:15:26] That means that you know it better that she never stayed there. But
15 what I heard, because we were not living together with the wives of the commanders,
16 like I said earlier, we are not even allowed to talk to them. If I was told that this was
17 Min Salim, then that is what I knew.

18 Q. [10:15:49] I want also to inform you, I want to put it to you that Salim, Salim,
19 does it mean that mother of Salim -- there is only one Salim in the LRA, and
20 that Salim, he is the son of the Kony, he is the one leading Kony's -- the LRA today.
21 It is widely known he is leading the LRA today. What do you say to that? He is a
22 commander, the top commander with LRA forces today after Kony has eliminated
23 a number of his commanders and others surrendered.

24 A. [10:16:38] Well, that, I don't know because I am no longer there.

25 Q. [10:17:00] Now, tab 1 at paragraph 116, your Honours, 0859.

Trial Hearing
WINTER: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 Witness, you said that: "When I first met Mr Ongwen there were many people at the
2 camp because there were other LRA groups as well." And my emphasis is "there
3 were many other LRA groups as well." Did you know these other LRA groups as
4 well, did you know them and their commanders?

5 A. [10:17:45] Whenever we meet with another group, personally I would just
6 recognise that a new group has joined us. I wouldn't even ask which other group
7 has come, because that wasn't my responsibility. I would not ask.

8 Q. [10:18:08] But you are emphatic that when you met him, there were many other
9 LRA groups in the camp, correct?

10 A. [10:18:27] I said that.

11 Q. [10:18:34] Paragraph 122, your Honours, at 0860.

12 Witness, you said that: "At times Mr Ongwen released people to go home but you
13 do not know who told him to do this." Do you remember that?

14 A. [10:19:12] Yes, I do.

15 PRESIDING JUDGE SCHMITT: [10:19:33] I think you could perhaps continue with
16 the next sentence too and ask him because it was about his --

17 MR TAKU: [10:19:53]

18 Q. "When I was abducted all the girls and my sisters who were abducted with me
19 were released." Is that what happened, Witness?

20 A. [10:20:11] What happened was that all of us were released initially but shortly
21 afterwards I was withdrawn from the group that was going back home and I was
22 taken back to the bush.

23 Q. [10:20:21] Thank you, Witness. Witness, on Monday, on page 67, lines 21 to 24
24 of the realtime transcript T-74, you spoke about Back, Min Back's son. And you also
25 spoke about when Min Back and Back escape the LRA. Do you know when they

Trial Hearing
WINTER: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 escape from the LRA?

2 A. [10:22:14] I don't remember that.

3 Q. [10:22:17] Okay, I suggest, Witness, since you don't remember, I suggest that
4 they were released after the Teso campaign that you participated in. Does that
5 trigger your memory?

6 A. [10:22:52] When I said we were abducted, I mentioned her name and the name
7 of her son. I said -- I said -- I was told that they had escaped because they were no
8 longer with us.

9 Q. [10:23:12] Did you know the biological father of Back?

10 A. [10:23:32] I don't know the biological father.

11 Q. [10:23:38] Did you ever hear about an individual by the name Obong
12 Cesura (phon)?

13 A. [10:23:49] I did not hear.

14 Q. [10:23:55] Well, Witness, I put it to you that Obong Cesura was the biological
15 father of Back, and he died in July 2004. Did you ever hear that or not? Does that
16 trigger your memory?

17 A. [10:24:21] I didn't hear that. If I had heard I would have told the investigators.

18 Q. [10:24:28] Did you hear, Witness, or not that Back died in 2004?

19 A. [10:24:41] I didn't hear of that.

20 Q. [10:25:05] Now, Witness, the Prosecutor asked you a question about one Opoka.

21 Let's discuss a bit about that chap, Opoka. And the Prosecutor asked you the

22 following questions, your Honours, realtime transcript of 30 May 2017, and

23 the Prosecutor asked you, from lines 9 to 23, and it goes up to the next page, page 43,

24 to line 1 to 15. And the next page, page 44, lines 11 to 16. Now this Opoka, you

25 make a distinction between Opoka who was the overall senior commander to Buk,

Trial Hearing
WINTER: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 but you also talk about another Opoka, the Opoka who escaped with the
2 commanders' wives, and when he was caught he was killed. In paragraph -- in
3 page 43, before the break, the Prosecutor asked you if you remember whose
4 commander Opoka worked under and which commanders' wives were related. At
5 the time, you say you did not recall whether it was Buk or -- Buk or Oywak or
6 Dominic. But when you came back, Witness, page 44, paragraph 11 and 12, the
7 question was asked by the Prosecutor, "We are going to continue from where we
8 stopped before the lunch break, and we are still talking about the issue of punishment
9 and beatings. In particular, we are talking about a certain Opoka who you said was
10 killed, and we are trying to determine under whose command Opoka was. Do you
11 recall this, Witness?" The Prosecutor asked you this question. And you answered
12 "Yes." Answer, "Yes, if I can recall very well, was under Buk's command."

13 Do you remember that answer?

14 A. [10:27:47] Yes, I do.

15 Q. [10:27:48] And you knew this Opoka very well when you were with Buk. Was
16 he a sergeant or a foot soldier?

17 A. [10:28:07] As I told you, these commanders did not wear their pips. I didn't
18 know his rank but only heard his name as Opoka.

19 Q. [10:28:14] Opoka was senior to you?

20 A. [10:28:20] Opoka had already stayed there for a while.

21 Q. [10:28:26] Yes. Now, Witness, we -- a while ago we talked about Otto Signaller
22 interpreting the codes for Lapaicho. Again in paragraph 98, tab 1, at 0856, Witness,
23 you said -- and this was in respect of Mr Ongwen, said: "When they talk on the
24 radio Otto Signaller will look in the book and tell Ongwen what was being said." So
25 it was Otto Signaller who understood the codes and explained to Ongwen, and

Trial Hearing
WINTER: UGA-OTP-P-0314

(Private Session)

ICC-02/04-01/15

1 Ongwen got the reply and he put in the codes and communicated to whoever,
2 whichever commander he was communicating. Do I understand this correctly that
3 this was the case with Otto, looking in the book and explaining the coded message to
4 him?

5 A. [10:29:57] It's exactly that way.

6 Q. [10:30:11] Now let's talk about the question of the gumboots.

7 Sorry, your Honours, private session.

8 PRESIDING JUDGE SCHMITT: [10:30:17] Then we go into private session.

9 (Private session at 10.30 a.m.) *(Reclassified partially in public)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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16 (Redacted)

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Trial Hearing
WINTER: UGA-OTP-P-0314

(Private Session)

ICC-02/04-01/15

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12 (Redacted)

13 Q. [10:33:55] Very good. Witness, in the real -- your Honours, realtime transcript

14 T-74, page 68, line 1 of the realtime transcript, your Honours, you were asked a

15 question about a Santa Adong. And you said he was also -- his wife was also

16 Dominic's wife. Do you remember saying that?

17 A. [10:34:42] Yes, I do.

18 Q. [10:34:44] Did you see her?

19 A. [10:34:57] Well, I saw her, I was -- she was pointed to me that she was Adong,

20 the wife to a commander.

21 Q. [10:35:11] Witness, may I suggest to you that Adong had escaped

22 on 23 September 2002 and it was -- entered rehabilitation somewhere in Gulu, she

23 was no longer in the LRA, she was obviously not with Dominic at the time because

24 she had escaped in September, (Redacted). What do you

25 say to that?

Trial Hearing
WINTER: UGA-OTP-P-0314

(Private Session)

ICC-02/04-01/15

1 A. [10:36:04] I still confirm that I was shown that this is Adong, the wife to the
2 commander. This is what I can confirm.

3 Q. [10:36:31] Does this Adong have another name, the Adong you were shown,
4 Santa Adong? Was that Santa -- was there another name for this Adong?

5 A. [10:36:49] They did not tell me any other name.

6 Q. [10:38:02] Now, Witness, at paragraph 131, your Honours, 0862 -- with your
7 permission, your Honour, let me read to the witness.

8 And talking about when you were at the, the camp, well, that's really the barracks,
9 UPDF.

10 "In the barracks they took my statement about when I was abducted and my time in
11 the bush."

12 Do you remember making that statement, did they take your statement in the
13 barracks, the UPDF?

14 A. [10:38:54] Yes, they did.

15 Q. [10:38:58] When you told the Prosecutor that they took your statement, did
16 the Prosecutor ask you whether you were given a copy of the statement?

17 A. [10:39:17] No, they did not ask.

18 Q. [10:39:20] Since you made a statement, have you seen a copy of that statement?

19 A. [10:39:31] No, I have not seen it.

20 Q. [10:39:36] Do you know where that statement is, as you sit here today?

21 A. [10:39:49] No, I do not know.

22 MR TAKU: [10:39:51] Obviously the Defence doesn't know where the statement is
23 either. And if the Prosecutor has it, please disclose it to us.

24 That will be all for the Witness, your Honour.

25 PRESIDING JUDGE SCHMITT: [10:40:04] Thank you very much.

Trial Hearing
WINTER: UGA-OTP-P-0314

(Private Session)

ICC-02/04-01/15

1 Mr Witness, this concludes your testimony. The Chamber thanks you very much for
2 having made yourself available as a witness in this case and helped the Chamber and
3 the parties and participants to establish the truth. We wish you a safe trip back
4 home.

5 THE WITNESS: [10:40:30] (Interpretation) Thank you very much.
6 (The witness is excused)

7 PRESIDING JUDGE SCHMITT: [10:40:32] So I think the next witness is ready, so to
8 speak, but -- yeah. I think 11.30 is okay, so we have a little bit longer, a break now,
9 so we resume at 11.30.

10 Thank you, again, Mr Witness.

11 THE COURT USHER: [10:40:55] All rise.

12 (Recess taken at 10.40 a.m.)

13 (Upon resuming in open session at 11.30 p.m.)

14 THE COURT USHER: [11:30:52] All rise.

15 Please be seated.

16 PRESIDING JUDGE SCHMITT: [11:31:23] Does the witness have the earphones on?

17 I don't think so. Does she hear anything? So could you please help her.

18 Is it also the right channel so that she understands?

19 Do you understand me, Mrs Witness?

20 WITNESS: UGA-OTP-P-0024

21 (The witness speaks Acholi)

22 THE WITNESS: [11:32:06] (Interpretation) Yes, I am understanding you.

23 PRESIDING JUDGE SCHMITT: [11:32:10] So thank you very much.

24 Mrs Witness, good morning.

25 THE WITNESS: (Interpretation) Good morning, your Honour, and thank you.

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [11:32:25] You are going to testify before the
2 International Criminal Court. On behalf of the Chamber I would like to welcome
3 you in the courtroom.
4 Mrs Witness, I will now read the oath to tell the truth to you that every witness who
5 testifies before this Court must agree to. Please listen: I solemnly declare that I will
6 speak the truth, the whole truth and nothing but the truth. Mrs Witness, have you
7 understood what I have read to you?

8 THE WITNESS: [11:33:05] (Interpretation) Yes, I have understood what you have
9 read to me and I have heard it well.

10 PRESIDING JUDGE SCHMITT: [11:33:12] Do you agree?

11 THE WITNESS: [11:33:14] (Interpretation) Yes, I agree to tell the truth and I should
12 explain what happened to me.

13 PRESIDING JUDGE SCHMITT: [11:33:22] Thank you. I will explain now to you
14 protective measures that have been put in place for you. These are:
15 First, face distortion has been put in place, which means that no one outside the
16 courtroom can see your face during the testimony on the screen.

17 We will also use what we call a pseudonym. That means we do not mention your
18 name, we call you "Mrs Witness" like I do at the moment. This is to make sure that
19 the public does not know your name.

20 THE WITNESS: [11:34:05] (No interpretation)

21 PRESIDING JUDGE SCHMITT: [11:34:06] When you answer questions that do not
22 give away who you are, we do this in open session. I explain to you what that
23 means. Open session means that the public can hear what is said in the courtroom.
24 When you are asked anything that relates specifically to you, when you are asked
25 facts that might reveal your identity, we will do so in private session. It seems

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 a little bit complicated, but when you think about it it is not so complicated. In
2 private session there is no broadcast and no one outside the courtroom can hear your
3 answer.

4 Now, this is now, what is now going on, relates to the practical matters that I also
5 have to address before we can commence with your testimony.

6 You know everything here in the courtroom is written down and interpreted, because
7 there are few people in the courtroom I think understanding Acholi language. It is
8 therefore important to speak clearly and at a slow pace and to speak into the
9 microphone so that especially the interpreters can hear you and can interpret it for us.
10 We all have these earphones on and we hear then in a language, in English, that we
11 understand what you say.

12 If you have any questions, Mrs Witness, yourself, anything you are concerned about,
13 please raise your hand and we will then give you the floor and we give you then the
14 possibility to say something.

15 These were a lot of things, but my question would be have you understood all that?

16 THE WITNESS: [11:36:05] (Interpretation) Yes, I have understood.

17 PRESIDING JUDGE SCHMITT: [11:36:08] And there's a last point I want to address.

18 I have been informed about your pre-medical conditions, that you have concerns
19 regarding the length of our sessions and having to sit for a longer period of time.

20 The Chamber, the Judges assure you that your well-being is of great importance to us
21 and we will take any measure to protect it. So if you should wish and need a short
22 break at any point in time, please let the Chamber know. As I have told you, you
23 can raise your hand, then we know that you want to address us.

24 Have you understood all of this, too?

25 THE WITNESS: [11:36:56] (Interpretation) Yes, I have understood.

Trial Hearing
WINTER: UGA-OTP-P-0024

(Private Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [11:36:58] Thank you very much, Mrs Witness. We
2 will then start your testimony.

3 And I give the Prosecution the floor.

4 MS NUZBAN: [11:37:04] Good morning and thank you, your Honours.

5 Yulia Nuzban appearing for the Prosecution.

6 QUESTIONED BY MS NUZBAN:

7 Q. [11:37:11] Good morning, Madam Witness.

8 A. [11:37:14] Good morning.

9 Q. [11:37:15] We have met before. I will be asking you questions about the events
10 of 19 May 2004.

11 Your Honours, private session for two minutes, please, to introduce the witness.

12 PRESIDING JUDGE SCHMITT: [11:37:31] I understand this will only be a short
13 private session?

14 MS NUZBAN: [11:37:36] Yes, your Honour.

15 PRESIDING JUDGE SCHMITT: [11:37:37] Then we go into private session.

16 (Private session at 11.37 a.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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Trial Hearing
WINTER: UGA-OTP-P-0024

(Private Session)

ICC-02/04-01/15

- 1
- 2
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Page redacted – Private session

Trial Hearing
WINTER: UGA-OTP-P-0024

(Private Session)

ICC-02/04-01/15

- 1
- 2
- 3
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- 11
- 12
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- 23
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- 25

Page redacted – Private session

Trial Hearing
WINTER: UGA-OTP-P-0024

(Private Session)

ICC-02/04-01/15

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6 (Open session at 11.44 a.m.)

7 THE COURT OFFICER: [11:44:39] We are back in open session, Mr President.

8 MS NUZBAN: [11:45:01]

9 Q. [11:45:02] What is your ethnicity?

10 A. [11:45:09] I am an Acholi.

11 Q. [11:45:14] Where did you live in May 2004?

12 A. [11:45:26] I was in Lukodi.

13 Q. [11:45:28] Why did you live in Lukodi?

14 A. [11:45:36] That, that is our home. We came to Lukodi because there was
15 insecurity. It was difficult to stay in our village. We came and lived together in
16 Lukodi and lived together with the other people.

17 Q. [11:45:57] Was Lukodi protected in May 2004?

18 A. [11:46:09] There were some soldiers who were there who were protecting those
19 of us who were in the camp.

20 Q. [11:46:20] Were these government soldiers?

21 A. [11:46:26] Yes, they were government soldiers.

22 Q. [11:46:30] How many government soldiers were stationed in Lukodi in
23 May 2004?

24 A. [11:46:42] There were 30 soldiers.

25 Q. [11:46:49] Madam Witness, let's now turn to the event of 19 May 2004. Where

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 were you on that day in the evening around 5 o'clock?

2 A. [11:47:08] I was at home. I had just had my baby, my baby was two weeks old.
3 It was about evening time. We saw a group of soldiers coming and we thought they
4 were coming to reinforce and help the soldiers who were there, because at that time
5 we had no access to our farms. Caritas was distributing cooking oil and other things
6 and the LRA would get people from the farms.

7 At that time a child came. We couldn't even know the child. And we tried to
8 follow the child to see what was going on. All of a sudden we saw so many soldiers,
9 and there were bullets and their machetes and they were cutting people.
10 We got the children and entered into the houses. They started shooting into the
11 houses then. The things that were distributed by Caritas and other things which
12 were in the house were taken away. Then I was tied. They tied me together with
13 other seven people. They got the children who were in the house, (Redacted)
14 (Redacted)

15 Q. Madam Witness, may I interrupt you.

16 PRESIDING JUDGE SCHMITT: [11:48:45] Madam, it's no problem, Mrs Witness.
17 Just we would appreciate if you would not mention the names. But it's good that
18 you have -- that you narrate and that you talk and I think we should let her talk, but
19 please keep that in mind.

20 THE WITNESS: [11:49:10] (Interpretation) That is what happened. They, they
21 came, they started killing people and then they fled towards where the soldiers were.
22 For us, we were tied up, and we did not know what was going on. And there was
23 a lot of smoke. I had a child on my back. They didn't even allow me to hold my
24 child. They were beating us. They were hitting our chest so that you can walk.
25 When it was getting dark, they got my child and threw the child away. While

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 heading towards Awach and --

2 THE INTERPRETER: [11:49:50] Your Honour, could the witness speak a little
3 slowly.

4 PRESIDING JUDGE SCHMITT: [11:49:53] Mrs Witness, excuse me that I interrupt
5 you. I have to apologise for that. And it is not your fault. The Presiding Judge
6 very often is admonished also to speak too quick, but the interpreters have to follow.
7 And perhaps you can speak a little bit slower so that the interpreters can really tell us
8 what you said and that we can understand what you said. Again, I apologise for the
9 interruption. Please continue.

10 THE WITNESS: [11:50:26] (Interpretation) What happened at that time when it was
11 getting dark, about 8 p.m., a plane came and we lay down. I untied myself. I lay
12 there until morning, then when the soldiers came they took me, and then when I came
13 back I found the houses were gone and my children were gone. The soldiers put me
14 in a vehicle and they brought us to a hospital. What happened after me there, I -- my
15 mother was also killed when I was in the hospital. I didn't know about it. I was
16 already wounded. My, my teeth, my head was also hurt. My child was also
17 disturbing me. The child had not breast-fed for a long time. That is what happened
18 to me on 19 May in Lukodi. I'll stop here.

19 MS NUZBAN: [11:51:29]

20 Q. [11:51:30] Thank you, Madam Witness. I will now ask you some follow-up
21 questions.

22 The rebels that came to the camp on 19 May 2004, do you know what they were
23 called?

24 A. [11:52:00] We heard that these were Lakwena because they had come and killed
25 people in Laco-anga, they had killed seven people. We would run every time they

1 come. So we know that they were Lakwena. The only way to protect ourselves
2 with the children was to come together. We heard that they are called Lakwena.
3 For us, when we hear that they are coming we would stay in the bush, men would
4 climb up the trees and, for us, we would stay in the rain, stay hungry, stay without
5 covering with the children. That is what we went through in Lukodi.

6 Q. [11:52:47] Do you know how many soldiers approached Lukodi on that day?

7 A. [11:52:58] For me, I was abducted, I could not count those who came. There
8 was also smoke. There were -- there was bullets. They were cutting people. And
9 I could not count the number of people. I was later taken to hospital. I heard
10 everything when I was already admitted in the hospital bed. But my uncle's child,
11 who should have taken care of us, was shot. He was called (Redacted) and
12 unfortunately he died. We were helpless. And I am still weak up to now.

13 Q. [11:53:40] Thank you, Madam Witness. May I please remind you not to
14 mention the names of your children and the children of your relatives. When you
15 need to mention them, when you need to describe what happened to them, just
16 mention that it was a child, your child, or whether it was a child of your relative.
17 And you can mention their ages, if you need.

18 When Lakwena approached the Lukodi camp, what did the government soldiers do?

19 A. [11:54:28] They realised that the Lakwena soldiers were too many and they took
20 off. Two of -- only two of them were shot and they were taken with us to hospital.
21 They first took the soldiers, and then we were taken to hospital, in the main health
22 facility. They also took off because they realised that the rebels were too many and
23 they thought the soldiers could not handle them.

24 Q. [11:54:59] The two soldiers that were shot and taken to the hospital, did they
25 survive?

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 A. [11:55:08] Yes, they survived. They were shot in the chest but they did not die.

2 When we were -- I was in hospital, they came and checked on me. When I went
3 back to Kasubi, they also came and checked on me.

4 Q. [11:55:28] I want you to focus on the rebels. What were they wearing?

5 A. [11:55:39] They had the uniform. They had uniform dresses. Others had
6 clothes that were tattered. Others had skirts. Others were bare-chested. You
7 couldn't see everything clearly because there was smoke, and then the pain and
8 suffering that you are going through you are not able to see everything, at that time
9 you are only caring about your life.

10 Q. [11:56:18] What did you observe about the rebels' hair?

11 A. [11:56:28] They had dreadlocks. The two who entered in the house to abduct
12 me had dreadlocks.

13 Q. [11:56:41] The group that attacked Lukodi, did they include men, women, or
14 both?

15 A. [11:56:57] There were girls, there were women and also they were mixed. The
16 youth who were younger were many. They are the ones who were caning us badly.
17 They didn't allow you to even rest, to hold luggage on your head and to, to stop and
18 rest.

19 Q. [11:57:32] I want to take you back before you were taken by the rebels. And
20 ask you to focus on the time when the rebels were about to attack the camp. What
21 did you do when you realised the rebels were about to attack the camp?

22 A. [11:58:00] We entered the house because you couldn't run at that time.

23 Q. [11:58:09] Why couldn't you run?

24 A. [11:58:13] Because there were too many. It was very abrupt and there was
25 nowhere to flee. Those who fled were being shot. Many of them died. The ones

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 who were fast enough were able to escape, but for me who had a child it was difficult
2 to run. We were too close, they were already too close to us and we could not run.

3 Q. [11:58:56] In the house, when you were hiding, who was with you apart from
4 the child -- from your child?

5 A. [11:59:08] We were together with the neighbour's children whose mothers had
6 gone to do some farm work at the side of the camp. I was together with the children
7 of my neighbour. There were no other children other than those. There was
8 (Redacted) are the children with whom we were together in the house. Those were
9 the children of my neighbour.

10 Q. [11:59:52] Madam Witness, without mentioning names, how many children
11 altogether were with you in the house?

12 A. [12:00:06] The children, mine, including the one for the neighbours, three were
13 for the neighbour, plus five, which were my children, are the ones who were in the
14 house with me.

15 Q. [12:00:34] So in the house with you were three children of your neighbours, and
16 how many of your own kids were with you in the house?

17 A. [12:00:48] For us who were in the house, the fourth one was the newly born one,
18 but my other boy had gone to the field, (Redacted) had gone to check on his garden in
19 the house. The three were the ones who were already mature.

20 Q. [12:01:42] When you were hiding in the house, what part of your house were
21 you hiding in?

22 A. [12:01:51] We were sitting behind the curtain.

23 Q. [12:02:00] Could you and the children move inside the house?

24 A. [12:02:11] No, we could not move because there were too many. Outside there
25 were so many bullets that we could hear, there was a lot of smoke everywhere, and

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 all of a sudden they came to us, we lay down hoping that they wouldn't come to us
2 because we were not seeing what was taking place in the compound. All we could
3 hear were bullets. And you could hear them cutting people into pieces. And there
4 were a lot of noise being made. They were laughing while they were cutting people
5 into pieces. And they were saying that they shouldn't have wasted their bullets in
6 Lukodi, they should just hit people with the clubs and cut them with machetes until
7 they die. That is what happened. We were helpless and we were hoping that we
8 could be saved.

9 Q. [12:03:12] How did the rebels enter your house?

10 A. [12:03:22] They shot at the door.

11 Q. [12:03:26] And what happened next?

12 A. [12:03:34] They came in, picked me and removed me from the house. Some of
13 them remained inside to pick the items that -- they picked the children, they beat
14 (Redacted) thinking they had already killed her.

15 THE INTERPRETER: [12:03:50] Your Honour, could the witness be requested to
16 speak a little slowly again.

17 PRESIDING JUDGE SCHMITT: [12:03:54] Madam Witness, it's -- I have been told by
18 the interpreters that I should ask you to please slow down a little bit. It's perfectly
19 clear that what you are talking about are very emotional experiences of you, and you
20 have in your mind a flow of thoughts that you want to give to this Court. But as I
21 said, please try to speak a little bit slower.

22 But I have interrupted you so it is of course always difficult then to resume, but if you
23 know where you want to continue, please do that.

24 THE WITNESS: [12:04:50] (Interpretation) I don't have anything else to say. That is
25 all I can say because I am also weak, I am sick, I cannot talk much and this is all I

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 witnessed when I was in the house. If you can see, I look weak, I am in pain, even
2 my ears are paining and this is what happens to me every single day.

3 PRESIDING JUDGE SCHMITT: [12:05:10] Mrs Witness, would it be -- would it help
4 you if we have a short break that you can recover a little bit or do you want us to
5 continue?

6 THE WITNESS: [12:05:26] (Interpretation) Well let's continue for a short while.

7 PRESIDING JUDGE SCHMITT: [12:05:30] Okay, then please.

8 MS NUZBAN: [12:05:34]

9 Q. Thank you, Madam Witness. I will do my best to ask as little questions as
10 possible and only ask the necessary questions.

11 When the rebels entered your house, did they address you at any point?

12 A. [12:06:09] No, they didn't, they just immediately brought me out and bound me
13 with a rope. They were working and beating people, but they couldn't say anything.
14 They didn't say anything.

15 PRESIDING JUDGE SCHMITT: [12:06:24] Madam Witness, if you try to recall it, did
16 they ask for something? Did they demand something from you?

17 THE WITNESS: [12:06:35] (Interpretation) They asked me to give beans and cooking
18 oil because Caritas had given them to us.

19 PRESIDING JUDGE SCHMITT: [12:06:43] Please continue, Mrs Nuzban.

20 MS NUZBAN: [12:06:51]

21 Q. [12:06:51] Madam Witness, when the rebels asked you for beans and cooking oil,
22 what did you answer?

23 A. [12:07:09] They, they were in the house because we had just received them.

24 They just came and picked them. They were just there on the floor and they -- we

25 had received them two days earlier. They carried everything, including maize, they

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 carried everything else from my house and then they set the house on fire. Even my
2 goats that were in the verandah were all burned. Everything got wasted. I was
3 told all this when I was now in the hospital because I had lost it all.

4 Q. [12:07:49] When the rebels set fire to your house, where were you?

5 A. [12:08:00] I was just in the compound. They had not yet started moving with
6 us. We were just bound together and stationed.

7 Q. [12:08:08] When you say "they started moving with us", who is "us"?

8 A. [12:08:21] I am talking about the rebels. They had very many guns and they
9 bound us and put us in a line. We carried beans, each person carrying two basins of
10 beans, other were pulling goats and then we started moving. They had already
11 burnt my house. My children were burning in the house. And then we started
12 walking and they continued carrying out the operation as we move.

13 Q. [12:09:03] Who were the people that had to carry the luggage?

14 A. [12:09:10] The men that had been abducted, there were seven men, and the
15 eighth person was myself, together we carried the luggage.

16 Q. [12:09:35] The eight of you that were carrying the luggage, how were you
17 moving?

18 A. [12:09:51] We started walking. Of course you were supposed to move in one
19 line and you should not retire. If somebody moves aside from the line, they make
20 sure they beat all of you and for that reason my ears are still injured up to now. You
21 shouldn't let your luggage fall because you will be beaten. And for them I think they
22 wanted us to carry the luggage until some point where they could kill us. I think
23 they really wanted us to move with all this so that they could kill us later on because
24 all the other seven people with whom they went were killed and I think they gave us
25 the luggage so we could carry and then they take us and kill us, but I think God

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 protected me and that's the reason I am here, though I am weak.

2 Q. [12:10:40] When did you learn that the seven people in your line were killed?

3 A. [12:10:50] I was already bedridden in the hospital, that very day because the
4 people who came back came and told me that the other seven people we moved with
5 and then they were killed. They actually found only one person who -- one dead
6 body of one of the people. There was also a girl who was called Akello who was still
7 very young. They give her luggage and, well, that girl was not found. Six other
8 people, the bodies of the six other people were not found. Only one was recovered.
9 The rest are not there.

10 Q. [12:11:30] Did Akello have other names?

11 A. [12:11:36] Nancy.

12 Q. [12:11:49] Do you know the names of other people that were killed for failing to
13 carry the luggage?

14 A. [12:12:02] The people with whom we were moving, the ones with whom I was
15 bound?

16 PRESIDING JUDGE SCHMITT: [12:12:14] Yes. For example, Mrs Witness, if you
17 know names of those you were bound together with, yes, and also if you know other
18 names where you saw that they had been killed, you can also mention them.

19 THE WITNESS: [12:12:35] (Interpretation) The person with whom we were, well,
20 most of them had -- they had come with. The person I know was Akello Nancy,
21 there was Onok and Olanya. The rest of the people I didn't know because they came
22 there when they were already bound together and they were already carrying
23 luggage.

24 MS NUZBAN: [12:13:06]

25 Q. [12:13:07] Does the name Aleka mean anything to you? Please do not explain if

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 that person is related to you. Please tell if you know that person.

2 A. [12:13:20] Yes, that one was shot. And the body of that person was recovered,
3 but the other six people were not recovered. It was only Aleka's body that was
4 recovered.

5 Q. [12:13:41] How old was Aleka?

6 A. [12:13:46] Well, that was -- he was about -- was over 50, was an elderly person,
7 kind of. He was head of the household.

8 Q. [12:14:00] Why was he shot?

9 A. [12:14:05] Well, he was weak and he couldn't carry the, the luggage any further.

10 Q. [12:14:20] I want you to -- I want to ask you questions about you yourself.

11 When you were given luggage to carry, were you -- did you carry it with both of your
12 hands?

13 A. [12:14:46] No, not both hands. One of the hand was bound on my back. I had
14 only one hand to use. I had a kid strapped on my back. I had luggage on my head.
15 I was not supposed to touch my child. I was supposed to hold the luggage and the
16 other hand was bound. That was what happened at that time to me.

17 Q. [12:15:16] Can you give you more detail about how you were bound?

18 A. [12:15:30] We were bound in one line. They would get the rope and tie it
19 around your hand and then they take it to the next person and tie the person and they
20 make sure you are next to each other, you should move nearer and you should move
21 very fast, walking in one line and there shouldn't be any distance between you. We
22 were carrying beans. There was one boy who was called Olanya who was, well, not
23 very young, he was given beans and then a goat. He was over 50 years. He, he had
24 to move with the goat as well as carry beans and every time I would remain a bit
25 behind, that would cause a problem. I was the last person in the line and if I had

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 been strapped in the middle I think I would not be there.

2 Q. [12:16:30] The beans that you had to carry, where did they come from?

3 A. [12:16:38] Caritas had given them to us. We did not have anywhere else to
4 receive food items because the rebels were everywhere and Caritas thought of
5 helping the people of Lukodi and they had just distributed beans, maize and cooking
6 oil to us.

7 Q. [12:17:07] In the meantime, what did you see happening in the camp?

8 A. [12:17:21] It was not possible to see. Because you were supposed to
9 concentrate on what you were going through, you couldn't look around to see
10 anything else.

11 Q. [12:17:39] Concentrating on your house, you already told us that rebels set fire
12 to your house. I want to ask you details about what happened when the rebels set
13 fire to your house.

14 A. [12:18:06] Well, they set the fire -- the house on fire. I was taken to the hospital
15 and when I gave back, I just came back the way I was. I was -- when I was in the
16 hospital I was told to narrate what happened and that is exactly what I said.
17 Nothing else happened afterwards.

18 PRESIDING JUDGE SCHMITT: [12:18:29] May I just shortly, please.

19 Mrs Witness, may I ask you, please, when the rebels set the house on fire you said
20 you were outside. Where was your baby at the time?

21 THE WITNESS: [12:18:46] (Interpretation) Strapped on my back. I had strapped
22 the baby on my back.

23 PRESIDING JUDGE SCHMITT: [12:18:53] And you told us about other children that
24 had been in the house. Where have these children been when the house was set on
25 fire?

Trial Hearing
WINTER: UGA-OTP-P-0024

(Private Session)

ICC-02/04-01/15

1 THE WITNESS: [12:19:05] (Interpretation) They came out. One was them was
2 beaten to pulp. They thought that one had died. One of them tried to run, but they
3 cut the person and they carried and threw him back to the fire together with the
4 children of the neighbours, three children were all thrown in the fire.

5 PRESIDING JUDGE SCHMITT: [12:19:32] Please continue.

6 MS NUZBAN: [12:19:40]

7 Q. The three children that were thrown into the burning house, what were their
8 ages?

9 A. [12:19:51] Each of them was four years old.

10 Q. [12:19:55] Without mentioning names, were your biological children among
11 these three children?

12 A. [12:20:13] Yes, the three, one of them was my child out of the three. The third
13 person was my own. Two were for the neighbours.

14 (Counsel confers)

15 MS NUZBAN: [12:20:50] Your Honour, may we go into private session to --

16 PRESIDING JUDGE SCHMITT: [12:20:56] I have heard it. We can go into private
17 session, yes.

18 (Private session at 12.21 p.m.)

19 (Redacted)

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Trial Hearing
WINTER: UGA-OTP-P-0024

(Private Session)

ICC-02/04-01/15

- 1
- 2
- 3
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Page redacted – Private session

Trial Hearing
WINTER: UGA-OTP-P-0024

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

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10 (Open session at 12.24 p.m.)

11 THE COURT OFFICER: [12:24:40] We are back in open session, Mr President.

12 PRESIDING JUDGE SCHMITT: [12:24:52] Thank you.

13 MS NUZBAN: [12:24:58]

14 Q. [12:24:58] Madam Witness, you told us that two girls were beaten. Who beat
15 them?

16 A. [12:25:12] The people who wanted to set the house on fire were the ones, the
17 ones who bound us together were the ones. We were still in the compound. We
18 were just put together, and they were still carrying out the operation. They wanted
19 me to witness that I was not going to have anything else remaining. After that, then
20 we set off.

21 When I went with them, I knew I didn't have anybody left behind, until when I was in
22 the hospital, I asked and found out that my mother was killed, my uncle was also
23 called, he was called (Redacted), and I learnt of all this when I was in the hospital.
24 I didn't know anything else. That was the report I got later on about what happened.

25 Q. [12:26:12] When the girls were beaten, could you see well what was happening

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 to them?

2 A. [12:26:18] I was there. But even if I were to see, there was a lot of smoke. We
3 were already bound. I had luggage. We were supposed to be standing. You
4 couldn't sit down, because they were just continuing to loot items and setting houses
5 ablaze, killing people. They were walking, and you could not be able to see
6 anything clearly. You were just wondering whether you would be the next victim or
7 you would be shot and you couldn't ask. You were only hearing gunshots
8 everywhere. And you would feel hungry. You wouldn't be able to say anything.
9 You wouldn't even -- you'll only be waiting for death.

10 Q. [12:27:11] I wanted to ask the ages of the two girls that were beaten. How old
11 were they?

12 A. [12:27:21] (Redacted) was seven years old.

13 Q. [12:27:29] How about the other girl?

14 A. [12:27:33] I don't know her age, because she belonged to the neighbour. I don't
15 know the age.

16 Q. [12:27:48] Where on her body did the rebels beat your daughter?

17 A. [12:27:59] They hit her on the face, on the right eye. They slapped and then
18 they hit her. She fell down. But the major injury was on the eye.

19 Q. [12:28:14] After the attack, how long did it take for your daughter's eye to heal?

20 A. [12:28:30] I kept on taking her for treatment for quite a while, because even up
21 to now the eye is not fully recovered, because currently if she carries out heavy tasks,
22 the eyes would swell.

23 Q. [12:28:54] What were the rebels hitting your daughter with?

24 A. [12:29:03] These people beat you using pangas. They would hit you at the back
25 of your head with the sharp hand. And these people were only lucky because all of

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 them got cut. They would look at people like rubbish. For an older person, they
2 would just shoot you. For the children, they would cut into pieces and throw you
3 into fire. They would cut you and throw you into fire. That is what they were
4 doing. For the older people, they would shoot you. That was what was happening
5 that I witnessed.

6 Q. [12:29:47] I am sorry to ask it again, Madam Witness, could you tell what the
7 rebels were beating your daughter with?

8 PRESIDING JUDGE SCHMITT: [12:29:59] I think she said it was a panga. Perhaps,
9 Madam Witness, not everybody knows what a panga is. Could you explain to the
10 Court what you mean by "panga."

11 THE WITNESS: [12:30:18] (Interpretation) It's, it's a machete. It's a sharp knife
12 which is a machete, and it's very sharp. And if they use it, they will just cut you once
13 and you'll be finished. And they were using that to cut the children. And I think
14 they, they -- I think they just slapped her with the panga.

15 PRESIDING JUDGE SCHMITT: [12:30:48] Thank you, Mrs Witness.
16 Please continue.

17 MS NUZBAN: [12:30:52]

18 Q. [12:30:56] How many times did they hit your daughter, Madam Witness?

19 A. [12:31:09] It was difficult to say. There was smoke everywhere and at that
20 point you couldn't see the child. I couldn't be allowed to access the child. I had
21 beans on my head and a child strapped on my back. It was difficult to follow what
22 was going on. I couldn't see.

23 PRESIDING JUDGE SCHMITT: [12:31:32] Mrs Nuzban, if you look at paragraph 22
24 of the witness statement, you could perhaps put it to the witness, because there seems
25 to be a little bit of a difference. I assume because you continue the questioning in

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 that respect that you realise that, but I would allow if you would put it to the witness,
2 just reading it and asking if this triggers the memory. When it comes to the tool
3 that ...

4 MS NUZBAN: [12:32:10] I am guided, your Honour. Thank you.

5 Q. [12:32:15] Madam Witness, I want to read out to you a sentence from your
6 statement that you gave to the OTP investigators in 2005, in February 2005. And I
7 want to ask you if it reminds you what happened, if it triggers your memory about
8 what happened to your daughter.

9 And I am reading from, for the record, I am reading from the witness statement with
10 ERN 0069-0189, paragraph 22, second line. Madam Witness, this is what your
11 statement says: "They hit her with their hands and with short sticks."

12 Does that remind you of what happened to your daughter?

13 A. [12:33:23] Yes. It was difficult to see. There was smoke everywhere. I think
14 I explained because it had happened, but I couldn't see. We would see all the
15 machetes being used. It was not easy to differentiate whether it was a machete or
16 a stick.

17 PRESIDING JUDGE SCHMITT: [12:33:50] I think you can continue.

18 MS NUZBAN: [12:33:51]

19 Q. That's fine, Madam Witness. I would like to now ask you questions about
20 what happened to the other girl that was beaten. Can you please describe what you
21 saw?

22 A. [12:34:09] I was also badly off myself. Like I was saying, I was tied up, I had
23 this huge luggage on my head and sometimes I cannot explain what was going on.
24 I was not well myself.

25 PRESIDING JUDGE SCHMITT: [12:34:32] You can read 23 to her and just to refresh

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 her memory. She has clearly established that she at the moment has no recollection.

2 MS NUZBAN: [12:34:41] Thank you, your Honour.

3 Q. [12:34:48] Madam Witness, I am going to read to you another sentence from
4 your statement, and it says -- and I am not going to mention the name of the girl
5 because we are in open session. It says that the girl, and I quote, "came out the house
6 as it was burning and was beaten at the same time as" -- and I am not mentioning the
7 name, as your daughter. "She also fell down, also sustained an eye injury, such
8 as" -- again I am not mentions the name, as your daughter. "She was left for dead in
9 the open, but survived."

10 Does that remind you of what happened to the neighbours -- to the other girl?

11 A. [12:35:42] Yes.

12 Q. [12:35:52] Now I want to ask you about what happened to your other family
13 members. And specifically I want to now ask about your other children. Without
14 mentioning names, Madam Witness, because we are in open session, what happened
15 to your oldest son?

16 A. [12:36:17] My oldest son was abducted, he was from the farm. He did not
17 reach the compound and he -- they took him. When they -- those who were
18 abducted came back, they told me that he had been killed. I was already in hospital.

19 Q. [12:36:42] When you say "they took him", who do you mean?

20 A. [12:36:51] Those -- the rebels who abducted him are the ones who took him.

21 Q. [12:37:04] What did you learn about his death, how he died?

22 A. [12:37:14] They told me that he was shot because he was not able to carry
23 luggage. He was shot from a long -- a far away distance and the person who
24 returned came back after covering a lost distance and we did not find his dead body.
25 He took a long time to come back home. He was shot because he couldn't carry

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 luggage. Because wherever -- when they reached, they were able to escape because
2 there were gunshots. I think they were attacked by army soldiers. Some soldiers
3 ambushed them, that's why other people were able to come back.

4 Q. [12:38:03] Did you learn who shot him?

5 A. [12:38:09] I do not know who shot him from there.

6 Q. [12:38:17] Who told you about your son's death?

7 A. [12:38:26] Lakwec is the one who told me about the death of my son. He also
8 survived.

9 Q. [12:38:38] Who is Lakwec?

10 A. [12:38:43] He was living in the neighbourhood, we were living together in
11 Lukodi. And he was among those who had been abducted.

12 Q. [12:38:58] Did Lakwec see it himself?

13 A. [12:39:02] Yes, he saw it himself because he also just fled. When he returned he
14 explained that I should forget about my son because he had been killed, that he had
15 seen. I couldn't even cry. I couldn't do anything because they had even told me
16 that my uncle and my mother had also been killed. At that point I was supported by
17 other people who were there. I was helpless.

18 Q. [12:39:39] I would like to ask you a few questions about the deaths of your
19 mother and your uncle. You told us that your mother was killed and that you
20 learned about it in the hospital. What else did you learn about your mother's death?

21 A. [12:40:10] My mother was killed for nothing. Even my uncle was killed for
22 nothing. It was the same way that they were killed.

23 Q. [12:40:24] Do you know where they were killed?

24 A. [12:40:33] From the same location. They were all killed from Lukodi.

25 Q. [12:40:44] Where in Lukodi was your mother when she was killed?

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 A. [12:40:53] We were all -- we were all living together in the same camp. They
2 were in Lalweny and we were all living together near the school. Even in Lalweny it
3 was already insecure and no one was living there. Everybody was living together in
4 the camp. Even my uncle was there, together with his sister.

5 Q. [12:41:43] Madam Witness, you told us -- I want to come back to the time when
6 the rebels tied you and you told us that your child (Redacted), your child was on your
7 back. Was your child the only child in the group of people that were told to carry
8 the luggage?

9 A. [12:42:19] Those who had been collected and had luggage were many. They
10 threw away the children who were strapped to the back. There were so many
11 people, when they find the child, they find that you are carrying a child or strapping a
12 child on your back, they would throw the child away. So many children remained
13 behind. I also asked them, "But why do you tie me? Why don't you let me just
14 walk?" They said that I made noise when they shot the bullets, that is why I was tied.
15 I shouldn't have shouted when they shot the gun. They also beat me while I had
16 asked them. They beat me and I could not do anything. I was still weak and I had
17 just had a baby. That is what happened.

18 PRESIDING JUDGE SCHMITT: [12:43:23] Mrs Witness, what do you mean or could
19 you describe when you say they threw the children away? What did they do
20 exactly?

21 THE WITNESS: [12:43:39] (Interpretation) The child stayed there until morning
22 when the army soldiers came and tried to follow them. We were collected together
23 with those children and then the children were brought to their mothers. Other
24 mothers had escaped and survived because there was a helicopter gunship that came
25 and some mothers were able to leave. Others fell down when the helicopter gunship

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 came and did not move. Other people couldn't even recognise their children. The
2 mothers came back. There were so many people in the camp. So many people
3 were abducted and they went with them.

4 PRESIDING JUDGE SCHMITT: [12:44:22] So did the -- when we talk about children,
5 how old were they, these children that had been thrown away?

6 THE WITNESS: [12:44:36] (Interpretation) The ones who were still breast-feeding,
7 others were less than a year, others were four months, others were six months. They
8 were less than a year. I saw three newly born children who had just -- who were
9 also thrown away. One died and they couldn't even find the dead body. And one
10 was brought back to the mother, but one died and they couldn't even find where the
11 child was. They were still young, they -- the newly born babies were four in total,
12 including mine. One died but three survived and I know them up to now.

13 PRESIDING JUDGE SCHMITT: [12:45:17] Did your child survive?

14 THE WITNESS: [12:45:22] (Interpretation) Yes, my child survived. He is the one
15 who is (Redacted). He was only two weeks old when he was thrown away.

16 PRESIDING JUDGE SCHMITT: [12:45:35] When did you come to know that your
17 child had survived?

18 THE WITNESS: [12:45:43] (Interpretation) When the government soldiers gathered
19 us together, I was in the vehicle, and then the soldiers had also collected the children
20 who had been dumped and collected from those who had returned to the camp.
21 That is when the soldiers got the children and I was given my child when I was
22 already in the vehicle when we were being brought, I had no energy and I was not
23 able to move. When they were burying my other child I was no longer at home,
24 I was in the hospital.

25 PRESIDING JUDGE SCHMITT: [12:46:19] And when they brought you your child,

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 in the time between the child was thrown away, as you said, and the child was being
2 brought back to you, what did you think what happened to your child?

3 THE WITNESS: [12:46:36] (Interpretation) I thought he was no more. I didn't think
4 any of my children had survived because I was amongst soldiers now, there were so
5 many government soldiers and I was also helpless. They put me in the vehicle and
6 they said the mother who was in the vehicle should come and pick the child. Then
7 they picked the child and gave me. The child was so sick I could not even
8 breast-feed. One soldier helped me and carried the child because I was unable to
9 carry the child. The vehicle had dead bodies, five dead bodies and other injured
10 people in the same vehicle. I sat there and then afterwards those who were shot had
11 died and I was able to carry my child later. That is what happened.

12 PRESIDING JUDGE SCHMITT: [12:47:35] Do you think you can continue or
13 perhaps we could also make now a break, I would perhaps suggest, or if you want to
14 continue it's also possible. I think the witness is able to continue a further
15 10 minutes.

16 MS NUZBAN: [12:47:48] I just want to ask two clarifying questions.

17 PRESIDING JUDGE SCHMITT: [12:47:50] Of course, please do that.

18 MS NUZBAN: [12:47:56]

19 Q. [12:47:59] Madam Witness, what made the Lakwena throw the children away
20 into -- throw the children away?

21 A. [12:48:10] That the children are crying and would not make us carry the luggage
22 well. They thought the children would cry and our attention would be diverted to
23 the children and also would make the soldiers to follow us if the children are crying.

24 Q. [12:48:31] After the children were thrown away what did they do?

25 A. [12:48:43] We were rescued by the soldiers. There was nothing we could do,

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 the children remained behind. I -- and I moved together with other abductees. I
2 did not know what was taking place behind me. I was also badly off. I had no
3 access to information. I didn't know what had become of my child.

4 Q. [12:49:05] Just to clarify, the children that were thrown in -- thrown away, did
5 they try to come back to their mothers?

6 A. [12:49:20] They were later given to the mothers. They were still young. When
7 the mothers returned, they were all given to their mothers. The mothers were not
8 badly off, they were not so wounded, they moved. I don't know how they reached
9 Gulu, they moved on their own. For me, I was weak, I was taken by the army
10 vehicle. I don't know how the others moved. Other people remained in Coopee,
11 they kept finding refuge in other locations. The mother, the mothers of the three
12 children are all there. The child who died, they did not find the dead body, but the
13 three children are alive; two for the neighbour and one which is mine.

14 PRESIDING JUDGE SCHMITT: [12:50:09] Mrs Witness, I think Madam Prosecutor
15 wanted to know if the children did anything at the moment they were taken away
16 from their mothers while the mothers were carrying all these loads, if they did
17 something, the children, when they were -- at the moment when they were thrown
18 away, or did try to do something?

19 THE WITNESS: [12:50:37] (Interpretation) It was about 7 p.m., the children just
20 stayed there, they stayed in the bush. And they, they could not move, they were
21 helpless. The children were still young.

22 MS NUZBAN: [12:50:55] Your Honour, may I ask the permission to refresh the
23 witness on --

24 PRESIDING JUDGE SCHMITT: [12:51:00] Yes.

25 MS NUZBAN: [12:51:02]

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 Q. [12:51:03] Madam Witness, I am going to read out to you a sentence and ask you
2 if it refreshes your memory about what happened after the children were thrown
3 away.

4 Your Honours, for the record, it's -- I'm looking at paragraph 31, the third and the
5 fourth line, starting with the word "Some".

6 Madam Witness, you said in your statement:

7 "Some of the children tried to move back to their mothers, then the rebels kicked them
8 away with their gumboots."

9 Does that remind you of what happened?

10 A. [12:51:52] I was weak, I was tied up. I don't know. I found that they were all
11 collected and brought together. I cannot explain what was happening. They were
12 in the bush. You have luggage on your head and you have to move. And the
13 mothers who had luggage, you should also carry cooking oil and beans on your head.
14 You're carrying cooking oil and you are carrying beans, you probably have a goat or
15 so in your hand, that's those ones who were not tied. Because there were so many,
16 there were so many people, it's difficult to see. You should ensure that you
17 concentrate. I can't talk -- I can't say anything more. I can only explain what I saw.

18 Q. [12:52:41] Thank you, Madam Witness.

19 Your Honour, I think it's a good time to break.

20 PRESIDING JUDGE SCHMITT: [12:52:47] Then thank you for the moment,

21 Madam Witness, that you really -- it was nearly one and a half hour, we appreciate
22 that very much given your medical state that we know about. We have now a break
23 until 2.30 and we see you again then.

24 THE COURT USHER: [12:53:05] All rise.

25 (Recess taken at 12.53 p.m.)

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

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

2 THE COURT USHER: [14:32:20] All rise.

3 PRESIDING JUDGE SCHMITT: [14:32:42] Good afternoon, Madam Witness. I
4 hope you had a break where you could recover, where you could calm yourself a little
5 bit.

6 And we continue with the examination by Ms Nuzban.

7 MS NUZBAN: [14:33:02] Thank you, your Honour.

8 Q. [14:33:06] Madam Witness, I wish to clarify a few things with you. When I
9 asked you about the description of Lakwena that came to attack the camp, you said
10 there were girls, and the youths who were younger were many.

11 And, your Honours, I'm referring to today's transcript page 28, lines 7 and 8.

12 Madam Witness, my question is how old did you think were the young ones?

13 A. [14:33:54] All of them were from 17, others were about 18. Well, they were
14 not very young. They were just short people, but they were strong enough. All of
15 them were carrying two guns each and they were very rough. I think the older
16 people were sending the younger ones to go and carry out the operation.

17 Q. [14:34:16] Thank you. Now you also told that when you left the camp and
18 when the rebels threw away small children, you said that "The newly-born babies
19 were four in total, including mine, one died, but three survived and I know them up
20 to now." For the record it's page 49, I'm referring to page 49 of today's transcript,
21 lines 13 and 14.

22 Madam Witness, do not mention the name of your child. What were the names of
23 the other three children, the other three babies, the newly-born babies that were
24 thrown in the bush?

25 A. [14:35:23] The ones who survived up to now, one of them was given the

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 aunty's name. She was called Lamuno. That was the first one.

2 Q. [14:35:38] What is the name of the other baby that survived?

3 A. [14:35:49] For that same person, the other person was called Inno, was also
4 called Inno, that was called Innocent, because most of them liked those names.

5 Q. [14:36:12] Do you know the name of the baby that did not survive?

6 A. [14:36:26] The one who died? Well, that one was belonging to a neighbour,
7 but they were living on the other side of Unyama. They had just come nearby
8 because of the insurgency.

9 Q. [14:36:43] Do you know the name of that baby?

10 A. [14:36:50] I don't know. I don't know the name of the child who died. I
11 could not know it. I don't know. And even the corpse was not recovered.

12 Q. [14:37:03] That's fine, Madam Witness.

13 I also want to ask you to -- I will read you the words that you said today and ask you
14 to clarify what you meant. So when you said that the soldiers after, after the attack,
15 the soldiers put some dead bodies on the vehicle, loaded some --

16 Your Honours, for the record I'm referring to page 50 of today's transcript, lines 17
17 and 18.

18 Do you know if these dead bodies, if they were camp residents or if they were the
19 government soldiers that were at the camp to protect it?

20 A. [14:38:16] Well, the people who were brought to the hospital, those who had
21 got injured were the ones who went with to the hospital. None of them was a
22 soldier. They were camp residents. They were brought to the hospital, but they
23 died from the hospital. We are the only ones who survived.

24 These other people died and were taken back. They died that -- the next day, and
25 their bodies were taken back to Lukodi. They were not government soldiers but,

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 rather, civilians like us.

2 Q. [14:38:57] Those that died, how many, how many were they?

3 A. [14:39:07] The dead ones, there were five in number.

4 Q. [14:39:15] Madam Witness, I now want to ask you more questions about what
5 happened when the plane arrived. You told us that you untied yourself. What did
6 the rebels do when the plane arrived?

7 A. [14:39:43] All of them lied down. They were looking for tree branches to
8 cover the bags of beans. And when I moved away, they started asking "Where has
9 this lady gone?" They were doing that at the time when they were also looking for
10 tree branches to cover the beans, because they feared that the people in the airplane,
11 the aircraft would be able to identify where they were. And that was at around
12 8 p.m.

13 And they were very many. But they were also asking for where the lady had gone.
14 And they were saying, "If you found her, please shoot her." But I was able to survive
15 and they left.

16 THE INTERPRETER: Your Honour, could the witness be requested to speak a little
17 louder.

18 PRESIDING JUDGE SCHMITT: [14:40:41] Madam Witness, the interpreters asked
19 me to ask you to speak a little bit up, to speak a little bit louder so they understand
20 better and can interpret it quicker. Thank you very much.

21 MS NUZBAN: [14:40:56]

22 Q. [14:40:56] When you untied yourself, what did you do next?

23 A. [14:41:04] I didn't do anything, as I just hid myself in a ditch that was at the
24 roadside. There was nothing else I could do. I could not rise up. The government
25 soldiers also came, and when they arrived at the centre, then the next day they came

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 trying to follow the rebels, and they found us there on the roadside.

2 Q. [14:41:29] Just to be clear, how long did you stay hiding?

3 A. [14:41:43] The entire night. I was got the next day in the morning at
4 around 7.

5 Q. [14:41:55] One moment, please.

6 What happened in the morning?

7 A. [14:42:19] I was taken from there and taken to the hospital. Other soldiers
8 remained there as they were looking for the people -- other people who were injured.
9 The injured were put in a vehicle. Two government soldiers who had also sustained
10 injuries were also taken to the barracks and then together we were taken from there to
11 the hospital.

12 Q. [14:42:51] Who took you to the hospital?

13 A. [14:43:02] The government soldiers.

14 Q. [14:43:06] Did you go after the -- after the government soldiers rescued you,
15 did you go to the hospital directly?

16 A. [14:43:21] We first took the injured soldiers to the barracks. Thereafter we
17 were now driven to the main hospital. And they also went to record what had
18 happened to Lukodi. They were interrogating us, some of us who were able to talk.
19 But we couldn't talk because we were injured, and then we had to be taken for
20 treatment in the main hospital.

21 Q. [14:43:51] When was the next time that you saw your daughter, your oldest
22 daughter?

23 A. [14:44:17] (Redacted) She was brought, because there was nobody who had
24 remained behind, the good samaritans who had gone to see the injured helped to
25 bring her. Nobody could stay there any longer. The soldiers directed the people to

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 leave the place.

2 Q. [14:44:44] Without mentioning names, where did you see (Redacted) after you
3 were rescued?

4 A. [14:44:54] (Redacted) was also brought to me at the hospital because she had
5 sustained serious injuries on the eyes.

6 Q. [14:45:11] When did you see your baby, when was the first time that you saw
7 your baby after you were rescued?

8 A. [14:45:32] The baby was brought to me when I was in a vehicle. The people
9 who were there brought the baby to me. They brought the baby, but I was not able
10 to carry. The soldiers helped me to carry. And when we arrived in the hospital,
11 my sister who was in Gulu came to help me to carry the baby. I didn't have the
12 capacity to do that.

13 Q. [14:46:09] What did you see when you came back to the camp before being
14 taken to the hospital?

15 A. [14:46:25] I did not go back to the camp. I stayed in (Redacted). I did not go
16 back to the camp. I stayed in (Redacted) for eight years without going back there.
17 I was already sick. My mother was not there. I could not go back there. And
18 I was living with my sister.

19 Q. [14:46:50] Madam Witness, I want you to focus on the time immediately after
20 you were rescued. Did you come back to the camp?

21 A. [14:47:03] No, we did not go back. I was just put straight in the vehicle and
22 we were taken to the hospital. They just proceeded with me from there because my
23 condition was not good and people were all fleeing and we were taken to the vehicle
24 and hurried with to the hospital. I didn't have any clothings. My breasts had
25 swollen. My condition was really precarious, but I was eventually taken to the

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 hospital.

2 Q. [14:47:55] What were your -- where on your body were you injured when you
3 were taken to the hospital?

4 A. [14:48:05] I had injury on the head, my knees, my right-hand side, my chest,
5 my entire body was in pain. My teeth were all weakened. They had to remove
6 them from the hospital. They had hit my teeth.

7 Q. [14:48:30] Who else was taken with you to the hospital? Perhaps you can
8 remember the names.

9 A. [14:48:47] Ayaa. Ayaa was shot in the leg, together with her daughter Adong
10 was also shot on the toe, and her child was also shot. All of them were carried and
11 we were bundled together and taken to the hospital.

12 Q. [14:49:07] Apart from Ayaa and her daughter Adong, can you remember
13 anybody else in the hospital?

14 A. [14:49:23] Not really. These are the people I can remember. These are the
15 people who survived because the other five all eventually died and their bodies were
16 taken back home. We stayed at the hospital, people were visiting us, but we were
17 the ones who were brought by the soldiers. We were eight in number. Five of us
18 died and the three of us remain.

19 Q. [14:49:52] Does the name Okello Ocii mean anything to you?

20 A. [14:50:12] Okello, well, was there, but he also passed away. He also died.
21 That's why I said five people died.

22 Q. [14:50:21] What happened to the bodies of those who died?

23 A. [14:50:34] Those who died, when their bodies were taken back home, I don't
24 know what happened because I was in the hospital, but what I was told, they
25 exhumed some of the bodies. I was told even some of our relatives were exhumed.

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 There was a mzee called Alero and some of them, the bodies were being eaten by
2 dogs. They tried to bury some. That that's what happened to the people who died
3 in Lukodi. I cannot continue talking about that because it's really much.

4 Q. [14:51:15] I'm sorry, Madam Witness. I know my questions are difficult and I
5 know it's difficult to talk about it, but it's important that you say what happened to
6 the Judges. And I will move on from this topic as soon as possible.

7 Just one more question and I will move away from this topic.

8 Were all dead bodies found?

9 A. [14:51:54] The dead bodies, some of them were not recovered. Others got
10 burned in the houses. Some of them just remained in the bushes. In some of the
11 houses people were just burned there. There was a house where five people were
12 burned and, after the fire settling, they were able to recover some of the bodies from
13 the burnt houses, but I was not there, I was in the hospital. Even my relatives were
14 buried when I was not there, I was in the hospital.

15 Q. [14:52:34] Can you give us the names of those that were not found?

16 A. [14:52:46] The bodies that were not recovered, well, I really don't know. You
17 know, we, we were just standing there and I went and stayed for long in Gulu, but
18 one of the child whose mother was abducted went and was never recovered. The
19 child got burnt and was not -- the body was not recovered. The elder -- the older
20 ones were the ones who were recovered. I only heard about that of the girl. There
21 was also a child I said was thrown in the fire and the body -- the body was thrown
22 and the body was not recovered.

23 Q. [14:53:29] Do you know the name of the child that was not recovered?

24 A. [14:53:39] I don't know.

25 Q. [14:53:47] Madam Witness, how long did you stay in the hospital?

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 A. [14:53:59] My child was still young. I stayed in the hospital for one week and
2 three days. And my sister said I should be discharged and then my condition
3 managed from home. Because I didn't have enough energy I was given some
4 treatment. But because my child was very young, I could not stay in the hospital for
5 so long. I was just supposed to be going to the hospital for checkups and my sister
6 was doing exactly that. I was living near the hospital.

7 Q. [14:54:37] (Microphone not activated)

8 PRESIDING JUDGE SCHMITT: [14:54:42] Microphone, please.

9 MS NUZBAN: [14:54:45] Apologies, your Honours.

10 Q. [14:54:48] Madam Witness, I have come to the final part of my examination
11 and in this part I would like to show you three short video segments and two
12 photographs. And after you look at them, I will ask you if you recognize what these
13 images show.

14 You will see them on the screen in front of you, that screen in front of you in a few
15 moments. Can you see a screen in front of you?

16 A. [14:55:27] Yes.

17 Q. [14:55:28] Thank you.

18 Your Honours, for the record, all three video segments come from the same video
19 recording with ERN 0023-0008. The video recording itself is confidential, but the
20 first segment can be shown to the public. The timestamp of the first video segment
21 is 7.53 to 8.03. We will play the video from -- we will play the videos ourselves, but
22 we ask the court officers to please leave the images on the screen after they finish
23 playing for the witness to see.

24 PRESIDING JUDGE SCHMITT: [14:56:25] And for the witness everything is
25 prepared so that she knows which channel, for example, so that she really is -- sees

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 the pictures and sees the video?

2 Okay, then please start.

3 MS NUZBAN: [14:56:43]

4 Q. [14:56:44] Madam Witness, it will appear on your screen in a few moments.

5 Please pay attention. It's a short video.

6 (Viewing of the video excerpt)

7 MS NUZBAN: [14:57:11]

8 Q. [14:57:12] Have you seen it just now?

9 A. [14:57:17] Yes.

10 Q. [14:57:20] And have you seen this video before?

11 A. [14:57:27] I have not -- I have not moved anywhere. I don't know.

12 Q. [14:57:40] The building that was shown on the video, do you recognize it?

13 THE INTERPRETER: The interpreter did not get the response.

14 PRESIDING JUDGE SCHMITT: [14:57:58] Madam Witness, could you perhaps

15 repeat your answer. The interpreter did not get the response. Thank you very

16 much.

17 THE WITNESS: [14:58:06] (Interpretation) I was saying are you asking about that

18 house in Lukodi? Is it in Lukodi?

19 MS NUZBAN: [14:58:15]

20 Q. [14:58:15] I'm asking you if you know where it is, if you recognize it.

21 A. [14:58:29] I can see it, but I may not -- because I could have seen it, but I may

22 not recognize because I don't know. If it was my house, well, then that must have

23 been Lukodi. But if it's somewhere else, then I don't know. I was sick and I never

24 went anywhere.

25 PRESIDING JUDGE SCHMITT: [14:58:51] At least what I assume that the witness

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 has not seen other images than we have seen. At least on the screen of the Presiding
2 Judge the quality was poor, so to speak, so there was hardly to recognize anything on
3 the screen. So this would perhaps explain it. And if we don't have a better quality,
4 we simply move on to the next one.

5 So I'm informed that not the correct image was displayed, so we try this another time
6 and we pay attention, all in the courtroom, to what we are going to see.

7 MS NUZBAN: [14:59:43] Your Honour, may I perhaps ask the court officer to be
8 next to the witness and to make sure that the correct image is displayed. It's hard to
9 tell.

10 PRESIDING JUDGE SCHMITT: [14:59:54] I think perhaps the court usher could do
11 that, yes. That would be kind.

12 MS NUZBAN: [15:00:01] Thank you.

13 PRESIDING JUDGE SCHMITT: [15:00:05] I think you could assist her, please.

14 MS NUZBAN: [15:00:08] Your Honour, I take it we can play this --

15 PRESIDING JUDGE SCHMITT: [15:00:12] Play it again.

16 MS NUZBAN: [15:00:13] -- again.

17 PRESIDING JUDGE SCHMITT: [15:00:15] Yeah.

18 MS NUZBAN: [15:00:16] Thank you.

19 Q. [15:00:18] Madam Witness, I apologise. We will play that video to you again.
20 You will see it on the screen.

21 (Viewing of the video excerpt)

22 PRESIDING JUDGE SCHMITT: [15:00:48] Has it been displayed now? I think
23 this is the same of course that we have seen already and I still would say that the
24 quality is not -- or far from being perfect.

25 MS NUZBAN: [15:01:02]

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 Q. [15:01:03] Madam Witness, having seen it, does it remind you of anything you
2 have seen, the building in the video?

3 A. [15:01:17] Yes, it reminds me the houses were burning. It reminds me of the
4 houses that were burning in Lukodi. The images still come back to me.

5 Q. [15:01:37] And what is that building in the video?

6 A. [15:01:44] I do not recall. It's been long. I cannot remember now. It's been
7 13 years and it's really long. I cannot remember everything.

8 Q. [15:01:58] Thank you, Madam Witness. That is fine. I will move on.

9 PRESIDING JUDGE SCHMITT: [15:02:02] Do you think we would need the court
10 usher for further assistance or can she come back to her initial position?

11 MS NUZBAN: [15:02:11] It would be helpful if the court usher can stay for one
12 more moment.

13 PRESIDING JUDGE SCHMITT: [15:02:17] That would be very kind. Thank you
14 very much.

15 MS NUZBAN: [15:02:21] Thank you.

16 Q. [15:02:21] Madam Witness, I'm going to play to you now the second video
17 segment.

18 And for the record it's the same video with the same ERN, the timestamp this time is
19 1.21.45 to 1.21.55. It is confidential and it should not be played to the public.

20 We will play it now, Madam Witness.

21 (Viewing of the video excerpt)

22 MS NUZBAN: [15:03:09]

23 Q. [15:03:09] Madam Witness, please remember we're open session, so do not
24 mention any names. Do you recognize the person in this video?

25 Madam Witness, do you recognize the person in the video?

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 A. [15:04:02] I do not understand. I'm seeing, but I'm not understanding. If
2 you remind me, then I will know.

3 PRESIDING JUDGE SCHMITT: [15:04:14] I think if the third piece of video is
4 similarly, perhaps we stop it here.

5 MS NUZBAN: [15:04:25] Yes, your Honour. It's of comparable quality. I wish
6 to show --

7 PRESIDING JUDGE SCHMITT: [15:04:30] It's not only about quality.

8 MS NUZBAN: [15:04:36] I wish to show two more pictures to the witness, with
9 your leave.

10 PRESIDING JUDGE SCHMITT: [15:04:42] Yes, of course. But we will have a look
11 at it then.

12 MS NUZBAN: [15:04:50]

13 Q. [15:04:52] Madam Witness, I am now going to show you two photographs.
14 Your Honour --

15 PRESIDING JUDGE SCHMITT: [15:05:07] No, I trust you have -- Mr Gumpert, I
16 trust you that this might lead to something, if she can show it to the witness and we
17 see. No, I'm not the controller here. No, it was just that I thought the first two
18 videos were really not very informative, so to speak.

19 MS NUZBAN: [15:05:28]

20 Q. [15:05:30] Madam Witness, the photograph that I'm about to show you will
21 appear on your screen.

22 For the record, your Honours, the photo can be found at tab 3, ERN is 0023-0396. It
23 is confidential, not to be shown to the public. I ask the assistance of the court officers
24 to display the image on the screen.

25 PRESIDING JUDGE SCHMITT: [15:06:09] What did the witness say?

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

- 1 THE WITNESS: [15:06:12] (Interpretation) That is me. That is me there.
- 2 PRESIDING JUDGE SCHMITT: [15:06:14] Then you can continue. She has said
- 3 "That is me." Next one.
- 4 MS NUZBAN: [15:06:21]
- 5 Q. [15:06:22] Where were you?
- 6 A. [15:06:25] I was in the hospital.
- 7 Q. [15:06:28] When was it?
- 8 A. [15:06:33] When I was brought to the hospital after the attack and I was
- 9 brought to the main hospital. That was me.
- 10 Q. [15:06:48] Madam Witness, I have one more photo left. Again it will be
- 11 shown on your screen in a few moments.
- 12 The second photo is at tab 4, the ERN is 0023-0397. It is a confidential item not to be
- 13 shown to the public.
- 14 I ask the court officers to please put it up on the screen for the witness to see.
- 15 Madam Witness, who is it on the photo?
- 16 A. [15:07:35] That was my child, the child who was thrown away.
- 17 Q. [15:07:41] Where was it?
- 18 A. [15:07:44] It was from the main hospital, we were in the main hospital.
- 19 Q. [15:07:53] When was it?
- 20 A. [15:08:01] It was shortly after the incidents in Lukodi on the 21st -- on 20 May.
- 21 We were already in the hospital.
- 22 Q. [15:08:14] Thank you, Madam Witness, for answering my questions. I have
- 23 no more questions for you.
- 24 Your Honours, that concludes my examination.
- 25 PRESIDING JUDGE SCHMITT: [15:08:24] Thank you very much, Mrs Nuzban,

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 and thank you very much to the court usher -- you can come back to your
2 position -- for your assistance.

3 PRESIDING JUDGE SCHMITT: [15:08:37] And now I give Mrs Hirst the floor as
4 representative of the victims.

5 MS HIRST: [15:08:43] Thank you very much, your Honour.

6 If I could emulate Ms Massidda and request just a few moments to organise myself.

7 PRESIDING JUDGE SCHMITT: [15:09:01] Of course.

8 MS HIRST: [15:09:31] Thank you very much for your Honours' indulgence.

9 QUESTIONED BY MS HIRST:

10 Q. [15:09:35] Madam Witness, as you know, I represent you in these proceedings,
11 together with my colleagues, and I want to start by thanking you very much for the
12 time that you've taken to come here and tell your story to the Court. We know how
13 difficult it is at times, but your contribution is extremely helpful for the Court to hear
14 from somebody who was there when these events happened.

15 I want to ask you just a few more questions and these questions will be different from
16 what you were asked by the Prosecutor. I'm going to ask you some questions so that
17 you can help the Judges to understand what life was like in the Lukodi IDP camp and
18 also what impact these events have had on your life.

19 It's my intention to give you an opportunity to speak to the Court, but if this process
20 is too painful for you, please just say so at any time and we can stop or take a break.

21 So if you can turn your mind back first to what life was like in the Lukodi camp in
22 2004 before the attack. You said earlier today that you had no access to your farms.
23 And for the Bench and the parties the transcript reference realtime is page 24 line 2.
24 You had no access to your farms, does that mean, Madam Witness, that you weren't
25 able to grow crops while you were living in the camp?

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 A. [15:11:16] No, we could not grow crops because there were so many -- there
2 were so many within the villages, they had killed so many people. And even when
3 they killed people, they did not disperse at all, so the government decided to send
4 some soldiers to help us reach our farms. If you are not lucky, sometimes they
5 follow you up to the edge of the camp. For that reason, we were not able to access
6 our farms. All our crops, including cassava, was used -- was consumed by them.
7 We were staying like that in a manner that was not human. There were -- there was
8 no space for keeping animals such as goats and cattle. We thought we would stay
9 well in the camp, unfortunately it became a problem.

10 Q. [15:12:17] And if you weren't able to farm or keep livestock, how did you feed
11 your family?

12 A. [15:12:30] We would still go to the farms, stealthily, and sell one or two things.
13 The men would climb up the trees to watch and for us the women, we would be
14 farming until we were captured.

15 Q. [15:12:51] In this way did you have enough food for your family while you
16 were in the camp?

17 A. [15:13:05] There was food. We had cassava, we had maize in the farm. The
18 problem is you could not go to access the farm. When you go to the farm, you pick it
19 hurriedly and the men would be watching. You have to leave the farm by midday.
20 And when they come you have to run. Many times it's the men who would go to the
21 farm because the women were helpless, but because of hunger you have to go to the
22 farm. We suffered so much. To date we are still suffering. Luckily, we were able
23 to go back to our homes now.

24 Q. [15:13:48] And, Madam Witness, how about your children who were living
25 with you in the camp, were they able to go to school?

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 A. [15:13:58] One of my children was going to school, (Redacted) was in
2 class 5.

3 Q. [15:14:11] What about the other children?

4 A. [15:14:16] No. They were still young and, given the insecurity at the time,
5 they couldn't go to school. We think that when you send them to school they will
6 not be able to run and be safe.

7 Q. [15:14:34] What was the hygiene situation like in the camp? Did you have
8 toilet facilities there?

9 A. [15:14:46] At that time we were in the communities, the residents of Lukodi
10 had welcomed us and their homes were still -- the hygiene situation at their home
11 was fine, we had latrines. But in the villages children could ease themselves in any,
12 any part of the home. It was still a homestead. You will help your colleague and
13 they supported us to stay together. That is how we ended up with the problem.

14 Q. [15:15:24] Did you have any medical facilities in the camp, any clinics? If
15 people were sick, could they access help there?

16 A. [15:15:36] No. At that time there was nothing. There was completely
17 nothing. If you have to access medical care, you have to go to Aywee Lagwiny or
18 you have to go up to town. There were even no medical personal at Aywee Lagwiny
19 because it was also vulnerable to attacks, it was therefore useless to go up to the
20 medical unit. We would just stay like that.

21 It was Caritas that started to bring for us some handouts such as clothes so that we
22 could survive on them. The soldiers would come to protect us. At times we go
23 sleep in the bush.

24 Q. [15:16:27] You've told us that at the time of the attack your youngest son was
25 only two weeks old. So I apologise for the obvious question, but it means that you

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 had given birth just two weeks prior to the attack; is that correct?

2 A. [15:16:47] Yes, that is -- yes, I had just given birth two weeks prior to the attack
3 from the place where we were in Lukodi.

4 Q. [15:16:58] Did you have any medical assistance when you gave birth to your
5 son?

6 A. [15:17:11] When I just had my baby and we were at home, we would give birth
7 from home. There was no infection. There was no problem.

8 Q. [15:17:26] How was your physical condition at the time immediately before
9 the attack?

10 A. [15:17:40] I was not sick. I had no infection. I was even able to go to the
11 farm.

12 Q. [15:17:50] Thank you very much for these answers, Madam Witness. I now
13 want to turn to something else, which is to ask you some questions about how you
14 returned to your life after the attack.

15 You told us that you didn't go back to the camp. Why was that?

16 A. [15:18:14] It was impossible to stay, and I was weakly and I needed to stay
17 close to a medical facility. I was sickly. I had malaria all the time. So if I was not
18 near the hospital, it was difficult to move from Lukodi up to town, because I was also
19 epileptic. I stayed there for eight years. I had lots of malaria. It's now five years,
20 the child is now okay for five years but cannot go to school.

21 Q. [15:18:56] You've mentioned some medical problems that you started having
22 after the attack. Do these problems continue until today?

23 A. [15:19:17] Right now we live in Lukodi with the people, we are staying
24 together with the community because we have been told to go back to our homes.
25 We share our problems together with the community.

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 I do not experience anything extraordinary now. But things are difficult. The
2 children with whom you live -- used to live together with are no longer there. The
3 images keep coming to me. My mother is no longer there. And I cannot forget
4 easily. It's difficult to forget.

5 Q. [15:20:01] Thank you, Madam Witness, for explaining these different problems
6 that you faced. I want to take them one by one if I can.

7 First, in respect of physical injuries, you did mention earlier, and I have transcript
8 reference, your Honour, of page 33, line 19 to 21, that you still have a problem with
9 your ears until today from the attack; is that correct?

10 A. [15:20:34] Yes, that is correct, because even before coming here, I was from the
11 hospital, my ears still disturb me, I have pain in my ears all the time. I'm not able to
12 work, I cannot go to do my farm work, because I find my body is aching all the time.
13 I cannot walk for long distances. My ears keep aching also and I have to struggle
14 with it like that.

15 Q. [15:21:07] And when you say your body is aching, are there other parts of your
16 body other than your ears which are giving you problems?

17 A. [15:21:20] No, there's no any other body part. It's my ears, my head and my
18 legs. My thigh and my ears are the ones that give me difficulty. I don't have any
19 other sickness. It's that sickness that comes and disturbs me like malaria.

20 Q. [15:21:48] And you've told us that this interferes with your ability to work.
21 Are you able, for example, to dig?

22 A. [15:22:03] I am not able to dig with ease, but I have no option. I go and dig a
23 little. I cannot dig for long like my colleagues do. I just do what I can and stay
24 home.

25 Q. [15:22:21] Are you able to carry items on your head?

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 A. [15:22:28] I cannot carry. These days we don't have enough, a lot of crops
2 that you can harvest from the gardens. There's a lot of sunshine, and the weather is
3 not good for farming, so there is nothing, no luggage to carry from the farmland.

4 Q. [15:22:51] The problems that you have told us about with your ability to work
5 now, do they have an impact on your life, on your ability to look after your children?

6 A. [15:23:08] I struggle with all the efforts I have. I am weak, but there is no
7 way -- there is no one who can take care of my children. I have to dig. At home it's
8 easy, you can grow some crops close by in the compound, if the sunshine doesn't
9 destroy the crops. Then you harvest whatever the rain gets and then you use it for
10 feeding your family.

11 It is difficult now to take the children to school. It's difficult to pay their fees. The
12 others are traumatised by the death of their siblings. I have no money to pay the fees,
13 so the child has to help me in the farmland.

14 Q. [15:23:59] I will come back to these issues about your children, because I want
15 to hear some more about that. But first just a couple of questions which relate to the
16 immediate impact of the attack and the property that you lost.

17 You told us earlier today when your house was set on fire, all your belongings were
18 destroyed.

19 Transcript reference for that, your Honour, is page 32, beginning from line 14.

20 What were the possessions that you lost when your house was destroyed in the
21 attack?

22 A. [15:24:41] I had one cow which I had just bought and it was pregnant. I had
23 eight goats also. That is when the attack took place and we all fled. I was helpless
24 and my husband was supposed to take care of the children. They told me that the
25 cow vanished and the goats were the burned by the fire that was torched on the house.

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 All my clothes were burned and I had to be given new clothes from Gulu. I was the
2 way I fled.

3 Q. [15:25:20] What about money, had you had any savings in your house?

4 A. [15:25:28] I had some money in the house. I had sold some cotton. The
5 cotton had just been sold, and the money had been kept to help me during childcare.
6 All that money was taken away.

7 Q. [15:25:50] After the attack, were you able to reclaim any of your possessions
8 from the house?

9 A. [15:25:58] No. The way I was taken to the hospital, that was it. I was
10 bare-chested. There was no cloth. That is all I had. I had my life and that was it.
11 I do not have anything else. I was not able to recover anything.

12 Q. [15:26:21] And if I can ask you, Madam Witness, about the impact on the rest
13 of your community of this attack, how is the economic situation in Lukodi now? Are
14 people able to support their families in the way they did before?

15 A. [15:26:48] Before the attack, before the rebellion came, people had lots of
16 things in their households, but right now all these are gone. People are starting all
17 over again. People are starting afresh to accumulate some wealth and get some
18 ways of getting money.

19 The weather is also not friendly, and the crops that we put on the ground are not able
20 to yield as it used to yield. You cannot go to your neighbour and borrow something,
21 because there is no food everywhere. Everything is destroyed.

22 Q. [15:27:30] If I can turn back now to the issue you raised before about the
23 impact of the attack on your children. Your youngest child, and you don't need to
24 say his name, but your son who is now 13, how has the attack impacted on him?

25 A. [15:28:02] There's nothing. He is helpless. I'm struggling with him. He's at

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 home. He gets affected by some illness. I even left him sickly now. He's not able
2 to stay safely.

3 Q. [15:28:28] Are his problems physical or are his problems mental or is it both?

4 A. [15:28:40] It's the head that got affected. And sometimes he gets epilepsy and
5 that throws him down and he's not able to be stable. He suffered it for five years.

6 But I see a few changes now, because he's being treated by the doctors. I can see a
7 bit of changes, and he no longer gets attacks by the epileptic -- when he goes to school,
8 he comes back home, and the teachers suggested that he should stay at home because
9 he gets affected by the epilepsy whenever he is in school.

10 Although now I see there is a change, I feel that, if possible, he should be taken
11 somewhere far away from me so that he can try to go to school.

12 Q. [15:29:40] Why do you believe he suffers from these problems?

13 A. [15:29:50] I think he got a cold, he got a strong cold after staying in the bush.
14 The doctors say that he did not get any physical injury, but the cold he suffered when
15 he was in the bush affected him. It was fortunate that there was no rain, because
16 they left him naked to stay overnight in the bush when it was a little baby. The child
17 was not able to help itself. We would have all died in our home.

18 Q. [15:30:31] Is there anybody else to help you take care of him at the present
19 time?

20 A. [15:30:41] Back at home, at home?

21 Q. [15:30:46] Yes, at home.

22 A. [15:30:49] Well, back at home, yes, he has remained with his father.

23 Q. [15:30:56] When you're at home, when you're not here at the Court, do you
24 have any help in looking after him?

25 A. [15:31:08] Back from home I said he has remained with his father.

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

- 1 Q. [15:31:15] Let me turn to your daughter, your older daughter who survived
2 the attack. You've said that she had an injury on her eye in the attack and that until
3 today it's not fully recovered. That is realtime transcript page 42, line 12.
4 Madam Witness, if you can tell us, and without, again, without saying her name, how
5 does this injury to her eye affect her daily life?
- 6 A. [15:31:57] The eyes are still affected up to now, but she's living with it.
- 7 Q. [15:32:05] Does she go to school?
- 8 A. [15:32:09] No. She is no longer going to school. Nobody in my household is
9 going to school. All the children are at home.
- 10 Q. [15:32:20] Do you feel that the attack has had any psychological impact on her?
- 11 A. [15:32:31] I think because of the pain in the eye, well she keeps on helping me,
12 together with the others we try to go gardening and that is what helps me in the
13 livelihoods.
- 14 Q. [15:32:53] You said she is not attending school. Why does she not attend
15 school?
- 16 A. [15:33:01] I do not have any monies to support her in school. I have no other
17 means of sending her to school.
- 18 Q. [15:33:13] Your oldest son who was abducted and killed in the attack, you
19 mentioned that he died a long way away.
20 That's transcript reference page 46, line 10 to 13.
21 Madam Witness, were you able to recover the body of your son?
- 22 A. [15:33:45] They died somewhere in the bush and their bodies were never
23 recovered. There was no way we could recover. They had gone so far away.
24 There was no only one person who, I think there were two people who ran away and
25 escaped. They came back with all their feet swollen, there was nothing they could

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

1 do. When they went they had already gone very far and what they said life there
2 was not easy. So these were 13 years, but none of them came back. We have
3 actually forgotten about them.

4 Q. [15:34:28] I just have a few more questions for you, so it won't be much longer.
5 You said a few moments ago that the images keep coming back to you. Can you tell
6 us a bit more about that, about how you think about the attack now?

7 A. [15:34:52] Well, I can talk because when I sit I keep -- the image still coming
8 into my mind. When I think about anything, the images come in my mind. But
9 sometimes when I'm walking I get shocks and -- but at moments when I have
10 forgotten about them, I can live peacefully.

11 Q. [15:35:24] Have you ever had any psychological support or counselling to
12 assist you in dealing with what happened to you?

13 A. [15:35:46] Well, I -- there was only the -- when they took a statement from me
14 when I was in the hospital, and then this is the next time that I am talking about this,
15 now that I've come in Court, that is it. I have not had any other support. I am just
16 suffering like that. I keep on living together with the other survivors of this incident
17 and that's how I try to forget about it. It's only today that I am listening to you and
18 I'm getting some bit of report about these things.

19 Q. [15:36:30] Madam Witness, that's all the questions that I have for you. I want
20 to thank you very much for all your answers, for sharing your experience with the
21 Court.

22 PRESIDING JUDGE SCHMITT: [15:36:40] Thank you very much, Mrs Hirst.
23 From the other team of Legal Representatives any questions?

24 MR NARANTSETSEG: [15:36:47] Thank you, Mr President, for the opportunity.
25 For us we don't have any questions. Thank you.

Trial Hearing
WINTER: UGA-OTP-P-0024

(Open Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [15:36:54] Thank you, Mr Narantsetseg.
- 2 I think it would be better to resume tomorrow morning with the questioning by the
- 3 Defence. So we finish for today and resume tomorrow at 9.30.
- 4 Thank you, Madam Witness, for being available today and we see you tomorrow
- 5 morning.
- 6 THE COURT USHER: [15:37:18] All rise.
- 7 (The hearing ends in open session at 3.37 p.m.)
- 8 RECLASSIFICATION REPORT
- 9 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 10 2016, the public reclassified and redacted version of this transcript is filed in the case.