

Trial Hearing
WITNESS: UGA-OTP-P-0045

(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 Wednesday, 13 September 2017
9 (The hearing starts in open session at 9.40 a.m.)
10 THE COURT USHER: [9:40:49] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:41:14] Good morning, everyone.
13 And especially good morning Madam Witness.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:41:24] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
17 Ongwen, case reference ICC-02/04-01/15. And for the record we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:41:37] Thank you very much.
19 I ask for the appearances of the parties, Mr Choudhry, please.
20 MR CHOUDHRY: [9:41:42] Thank you, your Honour. Kamran Choudhry, today
21 accompanied by Mr Benjamin Gumpert, Mr Shkelzen Zeneli, Ms Beti Hohler,
22 Mr Julian Elderfield, Ms Sanyu Ndagire, Mr Hai Do Duc and Ms Ramu Fatima
23 Bittaye.
24 PRESIDING JUDGE SCHMITT: [9:41:58] I thought there was a new face on
25 the Prosecution, but it was Mr Elderfield, as I have had a closer look I could recognise

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- 1 him.
- 2 MR CHOUDHRY: [9:42:06] He does have a new face, your Honour.
- 3 PRESIDING JUDGE SCHMITT: [9:42:09] This is prone to interpretation.
- 4 Mrs Hirst, please, for the Legal Representative of the Victims.
- 5 MS HIRST: [9:42:19] Good morning, your Honours. Megan Hirst with James
- 6 Mawira.
- 7 PRESIDING JUDGE SCHMITT: [9:42:20] Mr Narantsetseg.
- 8 MR NARANTSETSEG: [9:42:22] Good morning, Mr President, your Honours.
- 9 Ms Hyuree Kim, Ms Caroline Walter and myself Orchlon Narantsetseg. Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:42:26] Thank you.
- 11 And for the Defence, Mrs Bridgman.
- 12 MS BRIDGMAN: [9:42:30] Good morning, Mr President, your Honours. Abigail
- 13 Bridgman together with lead counsel Krispus Ayena Odongo and Tibor Bajnovic and
- 14 our client Mr Ongwen is in court.
- 15 PRESIDING JUDGE SCHMITT: [9:42:44] Thank you. And we of course have all
- 16 seen that Rule 74 counsel is not there. We have waited the academic 15 minutes, so
- 17 to speak, out of courtesy but we don't know what has happened and we know that
- 18 there is -- that it is not indispensable to have Rule 74 counsel in here. It never
- 19 happened. We will see if at some point in time the counsel will appear.
- 20 Mr Choudhry, you have the floor.
- 21 MR CHOUDHRY: [9:43:13] Your Honour, I believe we were in private session
- 22 yesterday, so I think if we could go back into private session.
- 23 PRESIDING JUDGE SCHMITT: [9:43:19] Yes, we go back to private session, yes.
- 24 (Private session at 9.43 a.m.) *(Reclassified partially in public)
- 25 THE COURT OFFICER: [9:43:30] We are in private session, Mr President.

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1 PRESIDING JUDGE SCHMITT: [9:43:36] Thank you.

2 WITNESS: UGA-OTP-P-0045 (On former oath)

3 (The witness speaks Acholi)

4 QUESTIONED BY MR CHOUDHRY: (Continuing)

5 Q. [9:43:44] Good morning, Madam Witness. How are you today?

6 A. [9:43:49] Good morning. I'm okay.

7 Q. [9:43:51] Did you manage to rest well yesterday?

8 A. [9:44:03] Yes, I rested well.

9 (Redacted)

10 (Redacted)

11 (Redacted)

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17 THE INTERPRETER: [9:47:14] Your Honour, could the witness be requested to
18 speak a little louder.

19 PRESIDING JUDGE SCHMITT: [9:47:24] Madam Witness, there is the small issue
20 that we had yesterday, the interpreters ask me to ask you to be a little bit louder when
21 you answer, so please speak a little bit up, if you can.

22 Mr Choudhry.

23 (Redacted)

24 (Redacted)

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22 Q. [9:54:25] You have mentioned a helicopter gunship, who did that gunship
23 belong to?

24 A. [9:54:32] That was a military, government soldier gunship.

25 Q. [9:54:42] How successful was the attack at the barracks at Pajule?

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1 A. [9:54:55] It was not very successful, because we had gone to overrun the
2 barracks, but we failed to do that and we actually ran and abandoned our gun. So
3 we instead lost the fight.

4 (Redacted)

5 (Redacted)

6 (Redacted)

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23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [9:57:41] Mr Choudhry, just as a suggestion and
25 also to pick a little bit up what Mrs Bridgman yesterday said, there might be now that

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1 we are reaching a point where we can go back to open session, or don't you think so?

2 Because then we would not have the whole Pajule issue, so to speak, in private

3 session. I think that would make sense. I can't imagine what you are going to ask

4 now, of course you know much better. But there might be really an area now that

5 can be addressed in open session.

6 MR CHOUDHRY: [9:58:18] Certainly, your Honour, I think a lot of this probably

7 could have been (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [9:58:23] We said already we talked about yesterday

9 the reasons why we did that in private session in light of the witness we have here, in

10 light of the difficulty to go back and forth, and in light also of the possibility to

11 reclassify later. But I think now there might be really we reached a point that we can

12 go back to open session.

13 Open session then.

14 (Open session at 9.58 a.m.)

15 THE COURT OFFICER: [9:58:55] We are back in open session, Mr President.

16 MR CHOUDHRY: [9:59:18]

17 Q. [9:59:18] Madam Witness, did you see any civilians when you returned to the

18 place where Otti addressed you?

19 A. [9:59:31] Well, I did not see any other civilians, except those who had been

20 assigned to carry Lukwiya because he was injured. They assigned about six people

21 who were supposed to carry Lukwiya in turns.

22 Q. [9:59:52] Who assigned these six people to carry Lukwiya?

23 A. [10:00:02] That was Otti himself. (Redacted)

24 (Redacted)

25 (Redacted) and we moved directly to the sickbay. We left the convoy. We

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1 moved together with him.

2 Q. [10:00:23] Were these people who were assigned to carry Lukwiya able to refuse
3 Otti's order?

4 A. [10:00:34] They could not refuse Otti's order because Otti was superior to them.
5 There is no way you can defy orders from a superior person.

6 Q. [10:00:48] What would have happened, in your opinion, if these civilians
7 wanted to return home?

8 A. [10:01:01] If they really wanted to go home, well, I, I didn't know what he had in
9 mind because you could not be able to know what somebody is thinking or plans to
10 do about them.

11 Q. [10:01:19] Did you ever learn any of the names of any civilians that had been
12 abducted from Pajule?

13 A. [10:01:38] Civilians who were abducted from Pajule, there was only one person I
14 got to know. There was a person I asked and got to know about.

15 Q. [10:01:54] What was that person's name?

16 A. [10:02:00] Oywak.

17 Q. [10:02:04] Who is Oywak, please?

18 A. [10:02:10] He was -- was in charge of the camp. He was in charge of Pajule
19 camp and he was a famous person. When I found him I asked him and he told me
20 that our people had already set off. And there was no problem with them. I just
21 decided to head forward because there was no one who was (Redacted)
22 (Redacted).

23 Q. [10:02:40] And, Madam Witness, you told us that there was a group going to the
24 mission. Did you ever learn what happened at the mission at Pajule?

25 A. [10:02:56] Nothing happened at the mission because they went, they met

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1 soldiers and they all ran back. That's what I heard.

2 Q. [10:03:10] Did you ever learn what happened at the trading centre at Pajule?

3 A. [10:03:17] I saw them come with food but I did not see anything else. I found
4 people leaving so I could not start asking them about what happened. I was also
5 rushing to go to the bay and we were also being pursued by soldiers.

6 Q. [10:03:41] What do you mean by "the bay"?

7 A. [10:03:50] Sickbay. The place where people who have sustained injuries are
8 kept. If you sustain any injuries you are sent to the sickbay, a place that is located
9 near to a water source. Once the person is okay, or is able to start, is mobile, then the
10 person will be sent back to the convoy.

11 Q. [10:04:17] Madam Witness, after the attack at Pajule, how long did you stay in
12 the LRA?

13 A. [10:04:28] I stayed in the LRA for 12 years.

14 Q. [10:04:35] But after the attack at Pajule, approximately how much more did you
15 stay in the LRA?

16 A. [10:04:49] After the attack in Pajule we went to Ogur and then shortly after that I
17 escaped, because we were constantly listening to announcements over the radio
18 concerning amnesties, we were told that people were being welcomed back home and
19 that you would be provided for. So when we heard that information I escaped, I did
20 not go back to the convoy.

21 Q. [10:05:19] Can you remember the year that you escaped, Madam Witness?

22 A. [10:05:29] I believe I escaped in 2004.

23 MR CHOUDHRY: [10:05:47] Your Honour, with that answer that concludes
24 the Prosecution's questioning of this witness.

25 PRESIDING JUDGE SCHMITT: [10:05:52] Thank you very much. I ask now the

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1 Legal Representatives of the Victims if they have any questions. First I ask
2 Mrs -- yes, I don't know whom I ask first. Perhaps Mr Narantsetseg, because there
3 seems to be some commotion there in the second line. Okay. Although this
4 contradicts what I said last time, Mrs Hirst. Please, Mr Narantsetseg.

5 MR NARANTSETSEG: [10:06:24] Thank you very much, Mr President.

6 With your leave I would like to ask a couple dozen of questions which may require
7 maximum 20 to 25 minutes. With Chamber's leave.

8 QUESTIONED BY MR NARANTSETSEG:

9 Q. [10:06:44] Madam Witness, we have met before, as I have explained to you
10 during the courtesy meetings that we represent about 1,500 victims and many of them
11 are from Pajule and also a number of them are also victims of sexual and gender
12 based violence. Therefore I would ask you four set of questions but before doing,
13 that Madam Witness I would like to also apologise to you for having to ask these
14 questions because these questions might be very difficult for you to answer but please
15 understand that I am only doing this in order to assist the Chamber to establish the
16 truth, which is very important to the victims that we represent.

17 My first set of questions will relate to female fighters, but for this, your Honour, we
18 request private session.

19 PRESIDING JUDGE SCHMITT: [10:07:45] Private session.

20 (Private session at 10.07 a.m.) *(Reclassified partially in public)

21 THE COURT OFFICER: [10:07:48] We're in private session, Mr President.

22 MR NARANTSETSEG: [10:07:59] Thank you.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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24 PRESIDING JUDGE SCHMITT: [10:10:23] May I shortly, Mr Narantsetseg, just one
25 question.

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1 Madam Witness, a question from the Presiding Judge: When it comes to,

2 Madam Witness, when it comes to training, was there a difference between male and
3 female fighters or did they receive the same training?

4 THE WITNESS: [10:10:47] (Interpretation) We all received the same training. There
5 was no distinction between the training given to males or female, we all received the
6 same kind of training.

7 (Redacted)

8 (Redacted)

9 (Redacted)

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17 PRESIDING JUDGE SCHMITT: [10:11:53] Madam Witness, may I just interrupt you.

18 Mrs Bridgman wants to have the floor.

19 MS BRIDGMAN: [10:12:00] Thank you, your Honour. It is just an observation that
20 we are not very sure if these questions are within the purview of the victim's
21 representatives, especially considering that she mentioned that they were mostly in
22 Sudan. So if we could establish the relevance for some of these questions performer
23 we proceed. Thank you.

24 PRESIDING JUDGE SCHMITT: [10:12:21] I think there is some truth in it,

25 Mr Narantsetseg, we should perhaps relatively quickly move to your second area that

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1 you want to address which specifically relates to the victims that you represent. I
2 have perhaps one, one question that might arise from what you have already
3 addressed.
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24 Q. [10:14:14] Right. Madam Witness, I am going to move on to my next area of
25 questioning. For this I would request public session, your Honour?

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1 PRESIDING JUDGE SCHMITT: [10:14:27] Yes. Public session then.

2 Thank you very much, Mrs Bridgman.

3 (Open session at 10.14 a.m.)

4 THE COURT OFFICER: [10:14:35] We are back in open session, Mr President.

5 MR NARANTSETSEG: [10:14:45]

6 Q. [10:14:46] Madam Witness, could you please describe briefly your daily life and
7 also those of young women and ting tings in the LRA?

8 A. [10:15:03] The ting tings, the young girls who are abducted are brought and
9 distributed to people to -- so that they can help you with the duties that you have.

10 For example, if you have children, then the ting ting would carry your baby, the ting
11 ting would also carry the child, the baby's bag and clothings. The ting ting should
12 also take good care of the baby and not mistreat the children or baby.

13 Q. [10:15:35] Madam Witness, what were the living condition of those LRA women
14 and ting ting in the bush?

15 A. [10:15:50] There you cannot go to every single household and find out and
16 determine what's happening to every ting ting that is in the bush. But obviously
17 there are certain households where the ting tings are mistreated. But if they find out
18 that a ting ting is being mistreated in a particular household, chances are that they
19 would go, remove that ting ting from that household and you would be left to your
20 own devices, you have to carry your own baby, you have to carry your baby's bag
21 and suffer with everything.

22 Q. [10:16:26] Madam, you just said that some of them were mistreated. How were
23 they mistreated, could you elaborate on that?

24 A. [10:16:35] There are several forms of mistreatment, if, for example, the ting ting
25 is being beaten, or punished. If your child is being taken care -- if your child is being

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1 taken care of and your child is hurt, then it's painful that your child is being hurt, but
2 there are some people who have no regard for that and they hurt other people so that
3 they would hurt the ting tings in that way.

4 Q. [10:17:05] Thank you very much. Were these young women or the ting tings,
5 were they properly fed and protected and cared for?

6 A. [10:17:20] Yes, they were given food appropriately and they would grow up to
7 be healthy, healthy people. Because when we were in the bush there are certain
8 times when we were settled, we were stationed in places, we were not constantly
9 mobile, sometimes we were stationed in a particular place for a while.

10 Q. [10:17:42] Where did they normally sleep?

11 A. [10:17:47] They would also sleep in the houses because there are houses that had
12 been structured, we would also cultivate fields. We had everything that we needed
13 to sustain ourselves. We had food, we had everything we needed.

14 Q. [10:18:04] Right. Were these, if you will, LRA wives or ting tings, were they
15 able to take steps to prevent them, prevent themselves becoming pregnant?

16 A. [10:18:34] No, you cannot refuse or you cannot determine pregnancy because
17 there was no contraception, there was no family planning, so we did not -- you could
18 not prevent pregnancies. In Uganda now people are able to get contraceptive, but in
19 the bush when you become pregnant, you become pregnant and you have your child.
20 That's how it happened.

21 Q. [10:19:02] Right. So when they gave birth, how did they give birth? Were
22 there any, if you will, casualties at childbirth?

23 A. [10:19:21] There were no infant, infant deaths, because people would always
24 give birth to the babies, to healthy babies.

25 Q. [10:19:37] So how were these infants cared for in the bush, in the

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1 conditions that you describe?

2 A. [10:19:55] There are houses, there are houses, we would live in houses as if
3 you are back home. You would have somewhere to lay your baby when you want to
4 put your baby to sleep. You would have a place where you would wash your baby,
5 you would also have a place or be able to feed your baby.

6 Q. [10:20:12] Madam Witness, whilst these children grow up, did they receive any
7 form of education?

8 A. [10:20:23] There was no form of education because we did not have schools
9 there.

10 Q. [10:20:31] Then when they grow up how, how did they live, did they also join
11 the LRA ranks?

12 A. [10:20:44] Let me give you an example of Ali and Salim, these people are now
13 grown up, they are big boys, and now they are soldiers, they have been armed, they
14 are fighters. So anybody who grows up in the LRA, once they are grown up they are
15 also armed, same as Ali and Salim, Kony's children.

16 Q. [10:21:16] Thank you very much. My next question is this, Madam Witness:
17 You also testified that you were beaten why and how were you beaten?

18 A. [10:21:37] On the day that I was beaten, that was the day that Anna and Ongwee
19 were killed. We were beaten to, to demonstrate that they do not want unruly
20 behaviour. We were beaten extremely badly. If you refuse anything or if you
21 refuse any instructions you could be arrested or you could be beaten to near death.

22 Q. [10:22:07] Were other young women or ting tings were also beaten and
23 punished and what for were they punished?

24 A. [10:22:22] There are some women who were not punished. The people -- there
25 are some people who were killed on allegations that they are witches. I do not know

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1 the number of people that were killed on that ground.

2 Q. [10:22:39] Were you injured because of those beatings?

3 A. [10:22:49] Yes, I did -- I did sustain injuries, but I healed afterwards.

4 Q. [10:23:02] Do you know any other ting tings who were beaten and who were
5 also injured?

6 A. [10:23:08] No, there were -- no ting ting was beaten on that day.

7 Q. [10:23:14] You said you were injured, did you receive any medical treatment
8 afterwards?

9 A. [10:23:25] No. There is no medication in the bush. All you have to do is clean
10 your sores with warm water.

11 Q. [10:23:35] Thank you very much, Madam Witness.

12 Your Honour, my next set of questions will relate to the specific role that she had in
13 the bush so I would request therefore a private session.

14 PRESIDING JUDGE SCHMITT: [10:23:46] Yes, private session.

15 (Private session at 10.23 a.m.) *(Reclassified partially in public)

16 THE COURT OFFICER: [10:23:52] We're in private session, Mr President.

17 MR NARANTSETSEG: [10:23:59] Thank you very much.

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1 MR NARANTSETSEG: [10:27:42] Your Honours, thank you very much. This ends
2 my second section of my questioning. For my next section I would require public
3 session, your Honour.

4 PRESIDING JUDGE SCHMITT: [10:27:52] Public session then.

5 (Open session at 10.27 a.m.)

6 THE COURT OFFICER: [10:27:57] We are back in open session, Mr President.

7 MR NARANTSETSEG: [10:28:02] Thank you very much.

8 Q. [10:28:04] Madam Witness, how old were you when you married your first
9 husband?

10 A. [10:28:15] I do not know my age.

11 Q. [10:28:20] Do you know approximately at what age?

12 A. [10:28:33] No. It's difficult for me to, to even guess.

13 Q. [10:28:38] I understand. So when you were married, if you will, when you
14 were distributed to this man, so were you forced to have sexual relationship?

15 A. [10:28:59] When they gave me to him they told me that this is my husband for
16 life. I stayed with him till he died.

17 Q. [10:29:14] I understand. But could you be more specific, were you forced to
18 have sex with this man?

19 A. [10:29:31] When I was given to him, he told me that from that day forward I am
20 his wife. Whatever he tells me I have to comply with. I have to obey any orders
21 that he -- any instructions that he gives. I was far, so I could not refuse any orders
22 that he issued.

23 Q. [10:29:51] Thank you. My next question is: Were you punished by any way
24 by your first husband, were you abused in any way?

25 A. [10:30:10] (Redacted) could -- if you did not listen or if you did not follow his

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1 instructions he could threaten you with his gun, he actually threatened me on
2 a number of occasions. But subsequently I -- he also realised that I was able to use
3 a gun, so if he threatened me with his gun, I would also threaten him with my gun so
4 he stopped that kind of behaviour.

5 Q. [10:30:36] All right. Madam Witness, my next question is this: You have
6 witnessed killings and various forms of intense violent activity, how did this affect
7 your life emotionally and psychologically?

8 A. [10:31:13] I, right from the time that I was in the bush to, to now, I have -- I
9 know that I have problems. I did not give birth to children while I was in the bush.
10 I did not have any children. I do not have any children. When I came home I
11 started taking care of my siblings because my parents were deceased.

12 Q. [10:31:35] So do you have any mental or emotional problems because of your
13 abduction and because of your stay in the LRA?

14 A. [10:31:56] Within this period?

15 Q. [10:31:58] Since you have left the bush.

16 A. [10:32:07] Well, as a living human being, so many things will be pressing you.
17 Life in itself is difficult, you have to struggle to survive. But when we came back
18 and then the government received us, we joined the army for about a year before we
19 were returned home. There was no way I could start life afresh, I went back home
20 and stayed for a whole year, there was nothing I could do.

21 Q. [10:32:39] How is your health today? Are you receiving any medical
22 treatment?

23 A. [10:32:47] Well, in terms of my health, what I know is, even when I am speaking
24 now, when I came back from the bush I was healthy, but right now I am sick. This is
25 because of the difficulties I had in life. There was no way you could get someone to

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1 live with who could counsel you, who could help you here and there. What I know
2 right now is that I am sick.

3 Q. [10:33:14] So are you receiving any medical attention?

4 A. [10:33:23] Yes, I am receiving drugs.

5 Q. [10:33:27] All right. Thank you, Madam Witness. Your Honour, I would like
6 to end my questioning in public.

7 PRESIDING JUDGE SCHMITT: [10:33:35] I think we are in public.

8 MR NARANTSETSEG: [10:33:38] Actually, are we?

9 PRESIDING JUDGE SCHMITT: [10:33:40] I think so, yes. Sometimes of course --

10 MR NARANTSETSEG: [11:06:57] (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [11:07:07] Sometimes we lose track, but I think we
12 are in public session.

13 MR NARANTSETSEG: [10:33:48] Yes.

14 Q. [10:33:50] Madam Witness, how were you received by your community once
15 you came back from the bush?

16 A. [10:34:05] When I returned I found people were living in the camps, but I could
17 not live there. I went to live in the town.

18 Q. [10:34:15] Why is that?

19 A. [10:34:23] At that time people were not at home, people were in the camps, but
20 I didn't know why they were living in the camps. Though for us who returned, we
21 went to stay directly in town.

22 Q. [10:34:43] Do you feel any stigmatisation from the members of your
23 community?

24 A. [10:34:54] Well, as of now there is nothing like stigmatisation because every
25 single person was affected by this problem. So even if you wanted to stigmatise

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1 somebody you would remember that there was another person, somebody close to
2 you who went through the same so there is no way and no need you should
3 stigmatise against someone.

4 Q. [10:35:19] Right, which leads me to my next question: How did these events,
5 especially your abduction and your stay in the bush and the death of your brothers,
6 how did this affect your whole family?

7 A. [10:35:37] Well, my abduction created a very big loss to my family, we lost two
8 of our people. As of now, we were fewer than we should have been, but we are also
9 aware of the fact that those who have gone have gone for good. We shall not recover
10 them.

11 Q. [10:35:59] Right. Madam Witness, what were your dreams and ambitions
12 before you were abducted?

13 A. [10:36:19] Well, before we were abducted, life was very okay, there were -- there
14 were no bad dreams. We were just free.

15 Q. [10:36:32] Right. My last two questions. Madam Witness, what are your
16 wishes for the future and in particular what do you expect from this Court?

17 MR WAGEMAKERS: [10:37:12] Your Honour, I think the witness wishes to consult
18 counsel.

19 PRESIDING JUDGE SCHMITT: [10:37:16] Yes, then perhaps we can do that. We
20 make a short break, I would say. It might be, might make sense. We don't -- or
21 perhaps you can, you can clarify it with that -- please go to the witness and perhaps it
22 can be --

23 MR WAGEMAKERS: [10:37:35] Yes. But I don't speak Acholi nor Swahili.

24 PRESIDING JUDGE SCHMITT: [10:37:39] Of course, of course. But we are -- no,
25 what we are doing then is we are doing the following. We are not so far away from

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1 a break. So we are having a break and we put this question, answer this question
2 after the break. And then I think we will soon start with the examination by
3 Mrs Bridgman, as I understand.

4 Mrs Bridgman, do you have already an idea at least how long it will take. That's not,
5 as always, and you know that it is true when I say that, that is not to push you but
6 simply for planning purposes?

7 MS BRIDGMAN: [10:38:17] I had anticipated to use about four sessions. But
8 usually in these things when we start things sometimes happen very quickly. So at
9 the minimum I am looking at three sessions but it could be going into the fourth
10 session.

11 PRESIDING JUDGE SCHMITT: [10:38:33] It depends because the question would be
12 if we could start the next witness tomorrow afternoon. Which should be possible at
13 least, I would say. When I hear that. Okay. So we have now then a break, yeah,
14 until 11.30 normally, and then we have the normal session 11.30-1 o'clock,
15 2.30-4 o'clock. And of course Rule 74 counsel can only talk with the interpreter of
16 course, so.

17 MR WAGEMAKERS: [10:39:07] Thank you very much.

18 THE COURT USHER: [10:39:08] All rise.

19 (Recess taken at 10.39 a.m.)

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

21 THE COURT USHER: [11:30:13] All rise.

22 PRESIDING JUDGE SCHMITT: [11:30:30] I think it would be good, Mr Narantsetseg,
23 when you repeat your last question and then -- so that we are on the same page,
24 everybody, we have now had 45 minutes of a break and I think it might have been
25 forgotten what you have asked the witness and then the witness might answer.

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1 MR NARANTSETSEG: [11:30:51] I am guided, your Honour. Thank you very
2 much.

3 Q. [11:30:55] Madam Witness, I wonder if you remember, I asked you last what are
4 your wishes for the future, and in particular what do you expect from this Court in
5 this case?

6 A. [11:31:13] Well, I don't know what the Court can offer for me. I am not going
7 to ask the Court to help me do this or that, but I -- this all depended on the Court to
8 decide what they can do for me.

9 PRESIDING JUDGE SCHMITT: [11:31:32] I think we leave it at that,
10 Mr Narantsetseg.

11 MR NARANTSETSEG: [11:31:36] Thank you very much. This ends my
12 questioning. Thank you.

13 PRESIDING JUDGE SCHMITT: [11:31:41] Mrs Hirst, any questions?

14 MS HIRST: [11:31:43] Mr President, thank you for the opportunity, but Mr
15 Narantsetseg has very thoroughly covered all the areas of interest to us.

16 PRESIDING JUDGE SCHMITT: [11:31:50] Okay. Thank you very much. And
17 then I give Mrs Bridgman the floor for the examination by the Defence.

18 Take your time, because we already suspected that it would be quick after the break,
19 but that it would be so quick, perhaps not.

20 MS BRIDGMAN: [11:32:31] Thank you, Mr President.

21 QUESTIONED BY MS BRIDGMAN:

22 Q. [11:32:39] Good morning, Madam Witness.

23 A. [11:32:42] Good morning. Thank you for being here and, as I mentioned to you
24 during the courtesy meeting, I represent Mr Ongwen in this case and I'm going to ask
25 you a few questions from what you have testified to in this court, but also I will ask

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1 you about some of the things that you told the Prosecution investigators when they
2 did the interviews back in 2004 and 2006.

3 And, your Honours, I will try to stay in open session as much as I can, perhaps mostly
4 for the most part of this session and we will see how that goes.

5 PRESIDING JUDGE SCHMITT: [11:33:29] Thank you.

6 MS BRIDGMAN: [11:33:29]

7 Q. [11:33:31] Madam Witness, you talked about soon after your abduction how
8 your brother was killed for trying to escape. And you mentioned the leader of the
9 group which abducted you, who you said is now long dead. Do you recall that?

10 A. [11:33:53] Yes, I do recall.

11 Q. [11:33:58] Now I know you also said that you belonged to Control Altar, but I
12 just want to confirm with you, the group that originally abducted you, did you soon
13 learn that it was Control Altar or you were abducted by another group within the
14 LRA?

15 A. [11:34:26] Well, I don't know, but Ojok Caesar was under control.

16 PRESIDING JUDGE SCHMITT: [11:34:36] May I shortly, I have at least in my
17 earphones when Mrs Bridgman is questioning I have the translation also very, but
18 low voice, so to speak on my earphones. Perhaps we can shut this out. It is a little
19 bit disturbing, it is not that we would not be able to continue, but I think it would be
20 better if we, because we didn't have this before, if possible. So, sorry for the
21 interruption, Mrs Bridgman. But you can continue, it is not so bad that we cannot
22 follow, but it is a little bit disturbing.

23 I am not sure if has to do with the microphone of the witness. I would suspect that
24 no, but okay. Just continue and when it becomes worse you will hear again from
25 me.

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1 MS BRIDGMAN: [11:35:40] Thank you, Mr President.

2 Q. [11:35:45] Now, Madam Witness, you testified that you spent 12 years within
3 the LRA. I would like to confirm, during the entirety of that period, were you in
4 Control Altar the entire time?

5 A. [11:36:06] I started with Terwanga before I came to Control Altar. The people
6 who abducted me were in Terwanga, they were not in Control Altar.

7 Q. [11:36:25] Was Terwanga a brigade or a battalion, do you know?

8 A. [11:36:38] It was a brigade.

9 Q. [11:36:44] Can you tell this Court how many brigades were in the LRA and if
10 you can mention their names?

11 A. [11:36:55] There was Sinia brigade, Stockree, Terwanga and, and Trinkle
12 brigade.

13 Q. [11:37:21] What about Gilva, was it a brigade?

14 A. [11:37:25] Gilva was also a brigade?

15 Q. [11:37:32] What about division, what was it?

16 A. [11:37:38] Control Altar.

17 Q. [11:37:45] Before you were abducted, had you heard about the Holy at all?

18 A. [11:37:58] Before I was abducted, I had heard about them and we would every
19 now and then take refuge or run away because we were told that the Holy would
20 always abduct young people and go with them. So every now and then we would
21 try to run away from them.

22 Q. [11:38:23] From these stories had you also heard about how the Holy treated the
23 young people that they abducted?

24 A. [11:38:38] When I was back home I had not heard of that, but they used to say
25 that they abduct people, they would take you to carry their luggage, you carry very

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1 heavy luggage and for that reason every now and then would be running because we
2 feared they would subject us to such.

3 Q. [11:39:01] Had you heard the reasons why the Holy were fighting before your
4 abduction?

5 A. [11:39:12] At that time we were still very young. We did not know why they
6 were in loggerheads.

7 Q. [11:39:25] Did you know anyone, whether from your family or from your village,
8 who was with the Holy before your abduction?

9 A. [11:39:43] Before I was in the Holy I remember my Auntie's husband was
10 abducted, he was with Lakwena Alice, however his life -- he also died eventually. I
11 did not see him from the time he was abducted until he died.

12 Q. [11:40:13] Now you do not need to mention your name, but you told the Court
13 that you gave a false name when you were abducted. Partly because you did not
14 want to, you did not want them, the Holy to find you. Can you explain to court
15 what that process meant, so when you were abducted, apart from your name, did
16 they ask any other information about you?

17 A. [11:40:50] They did not ask me about anything else, they only asked me what
18 I was and I told them a different name from my actual names.

19 Q. [11:41:02] Did they ask you about your place of origin?

20 A. [11:41:13] For these people they will always know where they have abducted
21 you from, for that reason they will not ask you where you are from.

22 Q. [11:41:23] Do you remember if this information was recorded, your name, where
23 you were abducted from and such details?

24 A. [11:41:37] I don't remember whether it was written down or not. It could have
25 been written but I am not sure whether it was or not.

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1 Q. [11:41:55] Now I understand you said you were very young and you did not get
2 so much information about the Holy, but how soon after your abduction were you
3 asked about your name?

4 A. [11:42:13] These people, the moment they abduct you they would ask you there
5 and then what name you have. I told them exactly my name at that time. It was
6 difficult for me to tell them a different name at another time because I knew that was
7 going to make them kill me, so I carried on with the name that I had given them
8 initially and that was what I used.

9 Q. [11:42:42] So how did you know that giving a false name might protect you
10 from being found?

11 A. [11:42:58] I just felt that if I had given a different name and eventually if I
12 escaped they would not be able to trace me because they would come and ask for me,
13 people would not know who I am, so they would not be able to trace me.

14 MS BRIDGMAN: [11:43:24] Your Honours, I have one question that I would like to
15 ask in private session.

16 PRESIDING JUDGE SCHMITT: [11:43:28] Private session.

17 (Private session at 11.43 a.m.) *(Reclassified partially in public)

18 THE COURT OFFICER: [11:43:36] We're in private session, Mr President.

19 MS BRIDGMAN: [11:43:49]

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [11:44:39] No, I think you don't have to refer now
2 because you drew the information out of this statement and she confirmed, so I think
3 we would not need it. Thank you.

4 MS BRIDGMAN: [11:45:04] We can go back to open session.

5 PRESIDING JUDGE SCHMITT: [11:45:07] Yes, back to open session.

6 (Open session at 11.45 a.m.)

7 THE COURT OFFICER: [11:45:12] We are back in open session, Mr President.

8 MS BRIDGMAN: [11:45:20]

9 Q. [11:45:22] Madam Witness, apart from your brother, do you recall other
10 instances where you witnessed people being killed for trying to escape?

11 A. [11:45:33] Yes, I did.

12 Q. [11:45:38] How often did this happen?

13 A. [11:45:44] That person escaped, but I -- he was apprehended and they told
14 people to stop and then they first killed him before people resumed their movements.
15 They kept on saying that if anyone else tried to escape they would be killed in the
16 same manner that person was killed.

17 Q. [11:46:18] Madam Witness, are we still talking about your brother?

18 A. [11:46:26] That is not about my brother. That is about another person I
19 witnessed who was killed. He was taken ahead, killed and some of us who were
20 behind moved and went and saw the dead body.

21 Q. [11:46:50] Do you know where the order came from that people who tried to
22 escape should be killed?

23 A. [11:47:02] Where the orders were coming from depended on, well, that comes
24 from the commander with whom we are moving, the instruction would come from
25 them, and I think at that time it was Oneko Mia who was moving with the people as

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1 the commander.

2 Q. [11:47:23] Do you know if this order was based on a rule within the entire LRA?

3 A. [11:47:39] At that time I was not sure where it was coming from, but they kept
4 on saying whoever tried to escape would be killed. I think that was already an order
5 that was within, it was a rule within the LRA stating that whoever tried to escape
6 would have to be killed. That therefore meant everybody who was within the LRA
7 was really scared to try and escape because if they are found they would be killed.

8 Q. [11:48:14] For the duration that you spent within the LRA, were such orders to
9 kill those who tried to escape still existing?

10 A. [11:48:31] That order was constant. Because Otti Lagony was also killed
11 because it was alleged that he wanted to escape with a large batch of soldiers. It is
12 for that reason that Otti and Ocan Odongo were killed.

13 Q. [11:48:54] Is Ocan Odongo also called Ocan Okello director?

14 A. [11:49:03] Okello director.

15 Q. [11:49:19] And was this rule, do you know if this rule applied not only within
16 your group but also with other groups in the LRA?

17 A. [11:49:35] That rule, well if it was already established within the LRA, then it
18 applied to everybody who was within the LRA. Everybody who wanted to escape
19 needed to be very smart because whoever was discovered to have plans of escaping,
20 whether you are three or four, all of you will have to be killed, because, look, if they
21 could kill even their officers, how about the ordinary soldiers, what would happen?

22 Q. [11:50:17] And when you talk about officers you are referring to Otti Lagony,
23 correct, as an example?

24 A. [11:50:26] Yes.

25 Q. [11:50:29] Can you tell the Court the role and rank of Otti Lagony at the time he

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1 was killed for trying to escape?

2 A. [11:50:43] Otti Lagony was Kony's deputy. Ocan, Ocan Odongo was the BC of
3 Stockree.

4 Q. [11:50:59] And who ordered their killing, Madam Witness?

5 A. [11:51:07] They were arrested from Nsitu and we did not notice that they were
6 going to be killed. We only realised later that they were eventually killed. And you
7 were not supposed to mind about that. If you showed any remorse or any bad
8 feelings about that, you would also have to be killed. All of us were scared. Each
9 of us was waiting for our own days.

10 Q. [11:51:43] Would I be correct to then say that even though you did not witness
11 this killing, everyone was aware about the fact that they had been killed for trying to
12 escape?

13 A. [11:52:01] Well, it's possible that some people did not know, because for us
14 sometimes we would ask from the others and they would tell us that this,
15 such-and-such a person had such-and-such a plan. That's how we came to know of
16 it.

17 Q. [11:52:30] Yesterday you testified that you stayed -- you were abducted around
18 1990. Do you remember when you moved to Sudan, approximately the year?

19 A. [11:52:55] I think we entered Sudan in 1993 after the peace talk.

20 Q. [11:53:04] Are you talking about the peace talks that had Betty Bigombe Atuku?

21 A. [11:53:13] Yes.

22 Q. [11:53:16] At that -- before moving to Sudan, where were you located?

23 A. [11:53:27] We were not stationed within one place, we were ever mobile.

24 Today you would sleep in this place, the next day you would sleep in the other place
25 and you -- we were very mobile.

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1 Q. [11:53:44] So it is correct for me to assume that you did not have any base in
2 Uganda, correct?

3 A. [11:53:54] Yes.

4 Q. [11:53:59] Were you told why you had to move to Sudan?

5 A. [11:54:08] We were not told. We just moved like luggage.

6 Q. [11:54:17] At that time were you aware that peace talks had been going on?

7 A. [11:54:28] The peace talks had collapsed.

8 Q. [11:54:37] Did you know at the time the reasons why the peace talks collapsed?

9 A. [11:54:46] Well, I could not have known from the superiors.

10 Q. [11:54:57] Now, going on to the journey to Sudan, how long did it take you to
11 move from Uganda to Sudan?

12 A. [11:55:12] The movement to Sudan took us about -- we walked for about four
13 days intensively and then on the fifth day we reached somewhere and took a rest.
14 We rested for about two days. On the third day we set off again and we went to
15 Gong where we were told to station. On arriving there we reached a place called
16 Luwudu.

17 Q. [11:55:52] Is Gong and Luwudu in Uganda or had you already crossed into
18 Sudan?

19 A. [11:56:03] We were already in Sudan.

20 Q. [11:56:09] Do you remember which route you took to go to Sudan?

21 A. [11:56:19] Well, I cannot recall that, but I know we passed through Kitgum.

22 Q. [11:56:30] Madam Witness, do you know the Imatong hills?

23 A. [11:56:37] Yes, I know Imatong hills.

24 Q. [11:56:42] Did you go through the Imatong hills to Sudan?

25 A. [11:56:53] We, we moved around, around some hill and we arrived at Luwudu,

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1 after Luwudu we went to Gong and we, we stayed there for a while, but we just
2 moved around Imatong, it was on our left-hand side.

3 Q. [11:57:19] Now, you mentioned that you walked intensively for four days, but in
4 your recollection what kind of challenges did you face during this journey?

5 A. [11:57:32] We walked, we -- all our feet were swollen, sometimes would have to
6 crawl because you had no capacity to continue walking, we did not have shoes, you
7 were walking on rocks and all that. They said if anybody got defeated they would
8 have to be killed and because you don't want to be killed you would struggle to
9 continue.

10 Q. [11:58:00] Were some people killed during this journey.

11 A. [11:58:11] During that journey I did not witness anybody being killed along the
12 way, but they would threaten you, they would tell you to get up and continue
13 walking. If you fail you will have to be killed. They will tell you if we don't kill
14 you we will leave you in the bush and you will be eaten up by wild animals, because
15 we don't want you to be eaten by wild animals please get up and continue walking.
16 That's what they would say.

17 Q. [11:58:44] Do you recall if some people just were unable to keep moving, that
18 they died just from exhaustion?

19 A. [11:58:59] If you got defeated and you are left behind, well, I could not have
20 known that because we were in different lines. We had about three different lines
21 and you would not be able to know whether some people could have remained
22 behind or not, because there were other people who were at the back who were trying
23 to follow us. Those are the people who could have known whether some people
24 remained behind or not.

25 PRESIDING JUDGE SCHMITT: [11:59:31] May I shortly? Just because it just

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1 interests me also with other witnesses. Madam Witness I have a question, you said
2 how difficult it was to walk to Sudan and to move in the bush. But there must have
3 been people who knew the way. You understand what I mean? So I imagine that
4 there must be people because there are, I don't imagine, paved ways, I don't imagine,
5 a good path where to go and you said sometimes had to crawl even. But have there
6 been people who were really able to find their way through the bush.

7 THE WITNESS: [12:00:15] (Interpretation) There was no clear road, you would have
8 to -- sometimes you would have to use a machete to break through the thickets, some
9 of the places were so thick, for instance, at the base of the Imatong hills you still have
10 to cross through the thickets, there are no roads through.

11 PRESIDING JUDGE SCHMITT: [12:00:35] Thank you, I was just interested.

12 Mrs Bridgman, please continue.

13 MS BRIDGMAN: [12:00:42]

14 Q. [12:00:43] You briefly mentioned that you were moving in three lines, but do
15 you recall how large your group is, just an estimate, the entire group?

16 A. [12:01:01] No, I cannot recall the number of people, I know that there were three
17 lines and this was to enable people to walk, to move faster and to make sure that we
18 did not separate.

19 Q. [12:01:19] Now, when you arrived in Luwudu did you stay there or did you
20 move to other parts in Sudan?

21 A. [12:01:38] When we went to Luwudu we stayed there for one week, and then we
22 moved and went to Ogong.

23 Q. [12:01:49] Can you describe to us -- let me ask, did you stay in Ogong or did you
24 move to another place.

25 A. [12:02:11] We stayed at Ogong, went back to Uganda and then went back again

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1 and started staying

2 at Palutaka.

3 Q. [12:02:29] When you went to Sudan, to Gong, no sorry, to Luwudu, to Ogong
4 and to Gong, do you recall if you found over LRA members who were already there?

5 A. [12:02:47] No, I do not recall.

6 Q. [12:02:54] Did you find people at Palutaka?

7 A. [12:03:03] No, there was no one at Palutaka.

8 Q. [12:03:08] Did you settle in Palutaka?

9 A. [12:03:14] Yes, we did.

10 Q. [12:03:21] Did you build homes there?

11 A. [12:03:30] No, there were no permanent structures built in Palutaka, but we
12 were living in the houses that we found there.

13 Q. [12:03:53] Can you recall some of the challenges that were there in Palutaka?

14 A. [12:04:06] I cannot recall everything.

15 Q. [12:04:16] Do you recall how long you settled in Palutaka before you had to
16 move again?

17 A. [12:04:30] I believe we stayed there for about a year and then the government
18 came and we fled and went to Aruu.

19 Q. [12:04:45] So would I be correct to say that it was at Palutaka that you received
20 your training that you testified about?

21 A. [12:05:03] We were trained on the Ogong hills or mountain.

22 Q. [12:05:15] How far were the Ogong hills from Palutaka?

23 A. [12:05:30] I cannot estimate the distance.

24 Q. [12:05:35] While you were in Palutaka could you see the hills?

25 A. [12:05:51] When we were at Palutaka the Ogong hills were visible.

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1 Q. [12:06:04] Do you recall a time when people were dying of cholera?

2 A. [12:06:19] Yes, the cholera epidemic broke out when we were in Aruu.

3 Q. [12:06:27] Do you recall how bad it was? How many people died?

4 A. [12:06:39] No, I do not know, because you would, you would hear news that
5 people died from this adaki or that adaki, but you could not actually go and look and
6 determine whether the person died from diarrhoea or something else, so I cannot
7 recall.

8 Q. [12:07:06] Do you have an estimate of how many people were in the LRA during
9 that period?

10 A. [12:07:24] No, I cannot estimate the number because there were people from
11 Control Altar, Stockree, Gilva, Sinia, so I cannot give an estimate.

12 Q. [12:07:45] If I said about 20,000 people, is that too much or too little?

13 A. [12:08:00] No, I do not know. It's those of Otti who knew because they are the
14 ones who were keeping track of the numbers of people that were being sent to them,
15 so the ones who knew the number of people.

16 Q. [12:08:21] Now let's talk about your training that you received at the Ogong hills.
17 Do you recall who conducted the training?

18 A. [12:08:38] It was the late Ofoke (phon).

19 Q. [12:08:50] You also mentioned the guns that you were trained in. But do you
20 know where those guns came from?

21 A. [12:09:07] No, I do not know. But we realised that guns were available.

22 MS BRIDGMAN: [12:09:23] Your Honours, may I ask these follow-up questioning in
23 private session, please.

24 PRESIDING JUDGE SCHMITT: [12:09:28] Private session.

25 (Private session at 12.09 p.m.)

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- 1 THE COURT OFFICER: [12:09:35] We are now in private session, Mr President.
- 2 PRESIDING JUDGE SCHMITT: [12:09:57] Thank you. And we appreciate how you
- 3 circumvent these difficulties and have large portions in open session. Thank you.
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 MS BRIDGMAN: [12:12:46] Your Honours, we can go back to open session.
- 24 PRESIDING JUDGE SCHMITT: [12:12:49] Yes, we go back to open session. And
- 25 the background noise is lower now. So whatever measures have been taken they

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1 were fruitful.

2 (Open session at 12.13 p.m.)

3 THE COURT OFFICER: [12:13:07] We are back in open session, Mr President.

4 MS BRIDGMAN: [12:13:15]

5 Q. [12:13:19] Madam Witness, during your training did you ever interact with the
6 Arabs?

7 A. [12:13:37] The superior commanders would go and meet with the Arabs, but the
8 rank and file would not go and meet with the Arabs.

9 Q. [12:13:51] You mentioned earlier that you were fighting the Dinkas. But did
10 you know why you were fighting them?

11 A. [12:14:11] I do not know why we were fighting with them. The commanders
12 were more knowledgeable about this because they would meet with the Arabs and
13 maybe during their meetings with the Arabs they would discuss this. We, we did
14 not have any idea, but you know when there is a train, once the train is connected to
15 the carriages then they all have to move together.

16 Q. [12:14:39] Now, just a few -- earlier you said that you moved into the houses
17 that you found at Palutaka. Do you know who was residing in those houses before
18 you moved in?

19 A. [12:15:09] It was the Dinka.

20 Q. [12:15:14] Did you fight them and defeat them before you moved into their
21 homes?

22 A. [12:15:23] Yes, we did.

23 Q. [12:15:47] After your training did you then receive individual guns?

24 A. [12:16:02] Yes, each and every person was handed a gun.

25 Q. [12:16:14] And you also testified that you learnt how to assemble and

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1 disassemble a gun. Did you also -- is it fair for me to say that you were very familiar
2 with your personal gun that you received?

3 A. [12:16:45] Yes.

4 Q. [12:16:49] Did you see anything written on the gun? Or any part of the gun?

5 A. [12:17:07] Yes, there was something written on the gun, but I did not pay
6 attention to it.

7 Q. [12:17:19] And I'm sorry to push on this, but do you recall if it was numbers or
8 letters?

9 A. [12:17:36] There were guns, the guns had numbers, they were registered and, for
10 example, the gun that I came with, the gun that I handed over to the government had
11 some numbers. And if anybody wants to look at the gun they need to go through
12 the records and then they will be able to find the gun.

13 Q. [12:18:04] Do you recall when you handed over the gun after your return, if the
14 UPDF wrote down the number of that gun somewhere?

15 A. [12:18:27] I handed it over to them. I don't know what happened afterwards,
16 but if they did write it then they did, because once you hand something over you do
17 not get the number back from them.

18 Q. [12:18:39] Thank you, Madam Witness. Now, apart from the military training
19 that you received, did you also learn about the rules of the LRA?

20 A. [12:19:01] What kind of rules?

21 Q. [12:19:07] Did you learn how to behave within the LRA?

22 A. [12:19:23] When you are in the bush you are told they do not want people who
23 escape. You listen to instructions, you listen to orders, if your superior says let's go
24 to this place, let's go get food, let's go attack such-and-such a place, as long as you
25 know how to use your gun you have to make sure that you keep that gun safe

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1 because that gun is your lifeline.

2 Q. [12:19:58] Do you recall if there were different departments within the LRA
3 responsible for different operations?

4 A. [12:20:22] There were departments, there was also a yard. If you're a recent
5 abductee you are taken to the yard. They perform certain rituals, for example
6 sprinkling holy water on you, and then after the ritual they will tell you that you are
7 now cleansed, you are a holy person and nothing is going to happen to you. The
8 people who do this, who perform this ritual are known as the yard people.

9 Q. [12:21:04] Do you recall who was the head of the yard department?

10 A. [12:21:09] The person in charge of the yard, well, right now I do not actually
11 recall the name.

12 Q. [12:21:24] Was it in the yard that you had people called controllers?

13 A. [12:21:36] Yes, controllers, yes.

14 Q. [12:21:40] What about technicians?

15 A. [12:21:47] Technicians are people who are experts in arms. They know
16 everything about guns. Those are the technicians.

17 Q. [12:22:04] So going back to the controllers who were in the yard, how were they
18 chosen, do you know?

19 A. [12:22:18] They were responsible for praying, so they choose people who are
20 always praying and people who are sprinkling, who sprinkle water. I do not know
21 the reason why they do that, why they constantly sprinkle water. I do not know
22 what kind of powers they have but you need to ask somebody from the yard to be
23 able to explain the rituals and why they perform those rituals.

24 Q. [12:23:15] What was the role of Kony in the context of the yard, if you know?

25 A. [12:23:31] Kony claimed to have had spiritual powers that help people. But

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1 afterwards when I examined it I formed the opinion that Kony's spirits are killer
2 spirits.

3 Q. [12:23:56] Did you do this examination after your escape?

4 A. [12:24:10] No. It was, it was while I was still there I formed that opinion, while
5 I was still there. But I could not escape at the time because I thought if I escape
6 where he is or close to Kony then I would be killed and that was the reason why I
7 escaped when I was away from him. We were told that if somebody escapes,
8 the -- their voices are recorded and then played over the radio to deceive other people
9 that they are still alive. Which means that if anybody attempts to escape their voices
10 would be recorded, they would be killed and then their voices played over the radio,
11 but I made the decision that in any event if that's what happens so be it.

12 Q. [12:25:14] Now talking about these spirits, Kony's spirits, do you recall ever
13 watching him being possessed by any of them?

14 A. [12:25:36] When he is speaking he claims to be speaking through the spirits, he
15 puts on a white robe, a white flowing robe and he claims to be speaking, that the
16 spirits are speaking through him. We do not know whether he himself Joseph Kony
17 is speaking and claiming that the spirits are speaking through him or whether the
18 spirits are actually really speaking through him. You sit there, listen, and respect
19 whatever it is he is saying but you do not see anything.

20 Q. [12:26:13] Were there any physical changes to him when he was -- when these
21 spirits were speaking through him?

22 A. [12:26:31] What kind of changes are you asking about? On his face, his eyes?

23 Q. [12:26:40] Yes. Did his face change? Did his voice change? Did his eyes
24 change?

25 A. [12:27:02] If -- normally if somebody is possessed there is a change, there is

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1 a physical change in that person, but sometimes the change is there irrespective of
2 whether or not that it works, the spirit works. We see some changes, he looks
3 around, he is looking at people and he continues talking, but he, whatever he is
4 speaking about he himself knows best.

5 Q. [12:27:34] Do you remember the names of some of these spirits?

6 A. [12:27:48] I do recall some of them, but not all of them.

7 Q. [12:27:54] Would you please tell us the ones you remember?

8 A. [12:28:07] The ones I recall, for example, he said one was known as Who Are
9 You, there was one known as Selindi Mackay, but he claimed to have several spirits
10 and I cannot remember all their names.

11 Q. [12:28:38] Do you recall what Selindi Mackay used to talk about?

12 A. [12:28:53] When -- he would claim that Selindi Mackay represents women, if
13 there is anything bad that is going to happen to women, Selindi Mackay claimed to be
14 female.

15 Q. [12:29:11] Did he say where Selindi came from?

16 A. [12:29:25] No, I do not know where it came from?

17 Q. [12:29:40] Do you remember if Kony had a spirit in charge of medicine?

18 A. [12:29:58] He claimed to have one.

19 Q. [12:30:05] If I say Doctor Salan, would that be the name of that spirit, if you
20 know?

21 A. [12:30:16] Yes, I can -- that reminds me.

22 Q. [12:30:34] Madam Witness, is it true that Kony used to say that he could read
23 people's minds, especially those who tried to escape or to kill him?

24 A. [12:30:53] Yes, that's what he used to claim. He would say that if anybody tries
25 to kill him or if anybody tries to encroach on to his household in order to kill him, he

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1 would already be knowledgeable of that, he would have foreknowledge of that, and
2 before you kill him he would kill you.

3 Q. [12:31:19] Did you believe Mr Kony then?

4 A. [12:31:33] Well, I didn't try to go to his household to try to kill him or with any
5 other plans. Whenever he invited people to go for prayers I would go together with
6 the rest of the people. I would go to listen to what he would say and on days when
7 I don't feel like I would not even go.

8 Q. [12:31:56] Now talking about prayers, were they organised like the prayers that
9 we do back home in everyday life?

10 A. [12:32:17] Prayers were arranged spontaneously. Sometimes when we stayed
11 for a while at a certain point they would organise prayers but then every Sunday as
12 well we would have to go for prayers.

13 Q. [12:32:31] What kind of things did the LRA pray for?

14 A. [12:32:41] He used to say they would pray so that God would help the people.
15 The spirits that were there were not spirits that could really overthrow the
16 government but the spirits were only there to try and help the problems that were
17 facing the Acholi. If he had not stood with his legs to support the Acholi, the Acholi
18 would have been the slaves in Uganda.

19 Q. [12:33:17] Did he explain why the Acholi needed to be protected from being
20 made slaves?

21 A. [12:33:28] He never explained that.

22 Q. [12:33:37] Did Kony also make predictions?

23 A. [12:33:47] He would try to make predictions, he would say such-and-such
24 would happen, there will come a time when this will happen. We were not sure
25 whether he would think about that on his own or these predictions were revealed to

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1 him by the spirits.

2 Q. [12:34:06] Do you recall some of the predictions that came to happen?

3 A. [12:34:21] I remember about the Ebola epidemic, he said that there will be an
4 epidemic that will kill so many people in Uganda, but it will not attack his people in
5 the bush. He said people -- very many people are going to die of Ebola and
6 eventually it will go away on its own.

7 Q. [12:34:51] Did he also make predictions on some of the attacks from government
8 soldiers?

9 A. [12:35:06] Whenever you are stationed somewhere he could also tell you that
10 you are going to have to abandon this place along the way and it will be taken over
11 by other people. Though he would not tell us directly that there are -- government
12 soldiers would be the ones to take over the place and that kind of replacement would
13 have to be a violent one and that would be through attacks that would make you flee.

14 Q. [12:35:44] Did he also predict Operation Iron Fist?

15 A. [12:35:53] About the Operation Iron Fist he said when it comes people will have
16 to hide their items in the bushes and those who can run with some food items would
17 have to, because if people did not do that they would die of hunger along the way.

18 Q. [12:36:25] During military operations did Kony also tell you about spirits
19 intervening on behalf of the LRA?

20 A. [12:36:45] The spirits that would fight with the soldiers were there, according to
21 him, but I do not recall its name.

22 Q. [12:37:09] If I say King Bruce, does this help in your recollection?

23 A. [12:37:22] King Bruce? Well, I think I can recall that.

24 Q. [12:37:47] Do you recall, if at all, any time when the spirits intervened, for
25 instance, by sending bees to attack government soldiers?

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1 A. [12:38:12] No. During those days, no, I don't recall.

2 Q. [12:38:24] Do you recall any instance in which the spirits intervened on behalf of
3 the LRA during an operation? Or King Bruce intervened?

4 A. [12:38:48] What I can clearly recall is that sometimes when a helicopter gunship
5 comes to attack it would come and shoot at us. But I think -- I am not sure whether
6 it is by God's plan that some of us survive. Because if it were not for God's plan the
7 military aircraft would be able to clear and finish all of us without surviving.

8 Q. [12:39:26] Do you recall a time when the LRA was using stun bombs, during
9 operations.

10 A. [12:39:50] I only heard of that period. I did not see anything of that nature.

11 Q. [12:39:56] Did you also hear about times when the spirits would make the LRA
12 appear as if they were fighting from the sky?

13 A. [12:40:20] Well, during a battle, you will go for a battle, you can see bullets
14 directed and coming towards you, but eventually it does not catch you. You
15 continue advancing while being able to dodge the bullets. That is the only scenario
16 where I know the spirits were helping the people. I don't remember of any other
17 scenario.

18 Q. [12:40:51] Earlier this morning you talked about witchcraft and how people
19 were being killed for being witches. Do you know why that was a rule within the
20 LRA?

21 A. [12:41:19] No, witches were not killed. I only said that if, for instance, you have
22 gone to a witch doctor, they will deceive you that this and that is happening and yet
23 the truth is that it is not really that, they might say it is the spirit of your mother that is
24 making this and that happen and yet your mother is still alive. I only gave that as an
25 example.

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1 Q. [12:41:50] Thank you for the clarification, Madam Witness. Was witchcraft
2 allowed in the LRA?

3 A. [12:42:08] There were no witches within the LRA.

4 MS BRIDGMAN: [12:42:25] Your Honours, I would like to refer to a statement from
5 the witness.

6 PRESIDING JUDGE SCHMITT: [12:42:31] You can do that.

7 MS BRIDGMAN: [12:42:37] Thank you.

8 And, your Honours, as in our list of materials we submitted that we were going to use
9 the Prosecution binder as well and I'm referring to that, tab 13 of the Prosecution
10 binder, the ERN number is UGA-OTP-0220-1113, starting from page 1114, around
11 line 35.

12 Q. [12:43:43] Madam Witness, you told the Prosecution investigators that there
13 were people who were involved in witchcraft, witchcraft tendencies and you
14 remembered about 40 people that were killed for being witches.

15 Does this refresh your memory at all about whether there were witches in the LRA?

16 A. [12:44:11] Yes. That refreshes my memory. There were people who were
17 sorcerers, there are those who can make an item that you have in your hand go back
18 and I remember some of those people, most of those people were eventually killed.

19 Q. [12:44:45] Did you observe these sorcerers in action before they were killed?

20 A. [12:44:57] Where I was living, in our position no such happened, but some
21 people were brought from other areas claiming that they had done certain things.
22 One thing is you cannot move from one household to the other trying to find out
23 what is happening. I reached a point when I got tired about issues of women.
24 I was fearing that I could also be hurt by their practices, so I steered clear of that.

25 Q. [12:46:01] Madam Witness, do you recall a time when Kony's wife and child

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1 were killed in a fire?

2 A. [12:46:17] Kony's wife and his child?

3 Q. [12:46:22] Yes.

4 A. [12:46:28] What I remember was that Fatuma got burned together with Kony's

5 children. It was not during a battle. There was just a fire outbreak that came and

6 burned her at the position where people had stationed. I was not present there, but I

7 heard of that.

8 Q. [12:46:54] Was this fire was accident or did Kony order them to be burnt?

9 A. [12:47:08] Well if I was there in person I would have known that. But I was

10 some distance away. I only heard of that, that Fatuma and other children got burned.

11 She was Kony's eldest wife, she was in charge of all the other women.

12 Q. [12:47:33] Isn't it true, Madam Witness, that it was because of

13 Operation Iron Fist that you left Sudan and returned to Uganda?

14 A. [12:47:52] At that time, at that time we were already in Uganda.

15 Q. [12:48:07] Do you remember someone called Kazini?

16 A. [12:48:16] Yes, I recall about Kazini.

17 Q. [12:48:22] What do you recall about him?

18 A. [12:48:31] We were at someplace and they came and attacked us. That was

19 when people eventually dispersed.

20 Q. [12:48:45] So Kazini was a UPDF soldier or a Dinka?

21 A. [12:48:55] He was a government soldier.

22 Q. [12:49:05] Is it after Kazini's attack that you moved back to Uganda?

23 A. [12:49:11] Yes, after the attack people fled and they were no longer stationed at

24 any one point.

25 Q. [12:49:39] Madam Witness, you told the Prosecution investigators, and I'm

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1 referring to tab 1 of the Prosecution binder at UGA-OTP-0218-0113, at pages 0124 to
2 about 127?

3 PRESIDING JUDGE SCHMITT: [12:50:19] I think since this is a longer portion just
4 do it like you have done it before, that you draw out what you, as a proposition or
5 whatever, what you want to ask the witness and perhaps she confirms. And that
6 would shorten the whole procedure.

7 MS BRIDGMAN: [12:50:34] Your Honours, I am drawing this out from lines 468 to
8 about 480. But of course because it's the way it's presented on paper I am just going
9 to draw it out as, in a summarised version.

10 PRESIDING JUDGE SCHMITT: [12:50:50] Again we have this, I think there will be
11 no objections by the Prosecution to go forward like this.

12 MR GUMPERT: [12:50:57] On the contrary, we would heartedly endorse this as
13 opposed to any other procedure.

14 PRESIDING JUDGE SCHMITT: [12:51:02] Okay.

15 MS BRIDGMAN: [12:51:05]

16 Q. [12:51:06] Regarding Kony you said:

17 "He would order people to go into Uganda to kill, so if you do not follow this order to
18 go and kill, then you would also be killed."

19 A. [12:51:26] Well, if you do not follow his instruction, regardless of which rank
20 you hold you will be killed. That would be done without mercy.

21 Q. [12:51:43] And because of this, the commanders faithfully followed Kony's
22 orders; is that correct?

23 A. [12:51:58] They would strictly follow the instructions he issued. If you did not
24 follow any you would be killed. Therefore they had to protect their lives by
25 following.

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1 Q. [12:52:17] Now, when the troops were returning to Uganda did Kony come with
2 them or did he remain in Sudan?

3 A. [12:52:31] Kony could move together with the people, but eventually stop
4 without even any preparation. If he chooses to stop he would then break off from
5 the rest of the group and you don't realise he is no longer with the group.

6 Q. [12:52:51] While in Sudan, or even when you returned to Uganda, do you
7 remember instances where Kony personally participated in any of the operations?

8 A. [12:53:09] Well, for Kony, if he participated in any of the attacks that should
9 have been an impromptu attack where they were caught unawares, but I think I never
10 saw him holding a gun or firing a gun at any one point.

11 Q. [12:53:36] And just to clarify, even though he did not participate in the planned
12 attacks, his orders were carried out by commanders, correct?

13 A. [12:53:51] The commanders to whom he issued orders will have to implement
14 the orders, because short of that you will be in trouble.

15 MS BRIDGMAN: [12:54:22] Your Honours, I would like to also draw a question out
16 of tab 11, UGA-OTP-0220-1064 at page 1081.

17 PRESIDING JUDGE SCHMITT: [12:54:50] Okay, continue.

18 MS BRIDGMAN: [12:54:52]

19 Q. [12:54:53] Madam Witness, you told the Prosecution investigators that after you
20 returned to Uganda Kony ordered your groups to go to Teso, abduct people and said
21 that each of you was in charge of training your own abductees. What kind of
22 training were you supposed to give these new abductees?

23 A. [12:55:23] You are supposed to know how to use the gun, you should know how
24 to dodge your enemies who are the government soldiers.

25 Q. [12:55:45] And you were supposed to do this in Uganda where you did not have

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1 any bases, correct?

2 A. [12:55:59] You are supposed to do that, you are supposed to be aware that every
3 time you are moving your enemy is nearby. You should be aware that at any time
4 your enemy will attack you and can kill you. You have to be very careful and you
5 should know how you can move about and survive.

6 Q. [12:56:21] Now, Madam Witness, when you were being trained in Ogong hills,
7 were you under pressure to be constantly moving or you were more settled even in
8 your training?

9 A. [12:56:45] During that time we had settled there, we had settlements there, you
10 would leave your house and go for the training and then go back to your house after
11 the training.

12 Q. [12:56:59] So, Madam Witness, you would agree with me that the training that
13 people received in Sudan was fundamentally different than the training that people
14 received in Uganda after the move from Sudan back to Uganda.

15 A. [12:57:28] You have said that correctly.

16 Q. [12:57:33] Isn't it true, Madam Witness, that there is a difference in perception by
17 those who were abducted in the early '90s and trained in Sudan and those who were
18 abducted after Operation Iron Fist when the LRA returned to Uganda. Even now
19 that people have returned home, isn't there a difference in how they view each other?

20 A. [12:58:11] Those who have returned home, I must say, if we met we would all be
21 happy and excited to meet each other. We don't do anything against each other.
22 We would greet each other very freely and happily because it's has been long before
23 you met again so you would be happy for having met again. You will never find
24 any grievances between any two such persons.

25 Q. [12:58:36] Perhaps I was not clear. My question is, isn't it true that people who

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1 were trained in Sudan have a closer affinity with each other than people who were
2 abducted and trained in Uganda?

3 A. [12:59:03] Not really. With the gun, if you are trained it's the same. If you are
4 trained in Sudan or you are trained in Uganda, it is all the same as happened like you
5 will act or if you are firing it will sound differently because you are trained either in
6 Sudan or in Uganda. It is the same thing all through. The people are all the same
7 regardless of where we are trained from.

8 Q. [12:59:31] Thank you, Madam Witness.

9 Your Honours, I am mindful of the time and this would be a good place to stop.

10 PRESIDING JUDGE SCHMITT: [12:59:39] I follow that.

11 We have now the lunch break until 2.30.

12 THE COURT USHER: [12:59:44] All rise.

13 (Recess taken at 12.59 p.m.)

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

15 THE COURT USHER: [14:31:37] All rise.

16 PRESIDING JUDGE SCHMITT: [14:32:00] When I say, "Please be seated", there
17 would, of course, be one person who could understand it as that she might -- she in
18 that case might remain standing, because I -- Mrs Bridgman, of course, you have still
19 the floor.

20 MS BRIDGMAN: [14:32:16] Thank you, Mr President.

21 PRESIDING JUDGE SCHMITT: [14:32:20] And your team is enriched, as I see now.
22 Perhaps you can just introduce the new people. At least two I think I know already,
23 but perhaps for the record.

24 MS BRIDGMAN: [14:32:32] For the record, there is a change in the Defence team.

25 I am joined by Eniko Sandor, Salma Khamala, and Augusta Barnabée Hakamineza.

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1 PRESIDING JUDGE SCHMITT: [14:32:47] Thank you. I don't know if anything
2 Prosecution-wise has changed. You know, the overview with your team is a little bit
3 more difficult.

4 MR CHOUDHRY: [14:32:55] We do have some additions, your Honour. We have
5 Mr Yeasin Khan, Ms Yya Aragon and Mr Colin Black.

6 PRESIDING JUDGE SCHMITT: [14:33:05] Mr Colin Black was a little bit hidden in
7 the back. I saw him a little bit lately.

8 So, Mrs Bridgman, please continue.

9 MS BRIDGMAN: [14:33:12] Thank you, Mr President.

10 Q. [14:33:13] Madam Witness, welcome back from the lunch break. I would like
11 to move on to the time you -- the LRA moved from Sudan to Uganda. You told
12 the Prosecution -- and, your Honours, this is from tab 1. I believe I have already
13 read out the ERN number, but this one is an extraction from page 0124 to 0132, and
14 again this a large portion. But, Madam Witness, you told the Prosecution that you
15 moved toward Odwogo, where Kony came and organised you and ordered you to
16 move back to Uganda; is this correct?

17 A. [14:34:21] Are you asking about Odwogo? Could you please repeat the
18 question?

19 Q. [14:34:28] Is it true, Madam Witness, that you were assembled at a place called
20 Wat Odwogo, where Joseph Kony came and asked you to move back to Uganda?

21 A. [14:34:54] Yes, that's correct. But you had mispronounced it. That's why
22 I didn't understand. It's Wat Odwogo.

23 Q. [14:35:05] I'm sorry, and I apologise for that confusion.

24 Now, how big was your group? Do you have a recollection of the numbers? Was
25 it -- was it this, a collection of all the brigades that you mentioned to us earlier?

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1 A. [14:35:34] Yes, it was -- we had all converged together so it is difficult to
2 estimate the exact number.

3 Q. [14:35:43] And Kony addressed all of you together?

4 A. [14:35:54] Yes, he told people, he instructed people where people should go.
5 We were all converged together, but he did not directly address everybody. He
6 spoke to his superior officers.

7 Q. [14:36:12] Did you get to learn the specific instructions he gave to the group?

8 A. [14:36:27] We, we were not informed of any orders, but we were told that we
9 should -- we were heading back to Uganda.

10 Q. [14:36:42] Did he move with you back to Uganda?

11 A. [14:36:52] Usually he starts -- he may start walking, he would go ahead, but at
12 some point he splits up from the group and nobody knows which direction he has
13 taken. You just realise that he is no longer there.

14 Q. [14:37:12] Are you aware of any attacks that happened after that meeting in
15 Uganda by the LRA?

16 A. [14:37:30] Give me an example. Perhaps I have forgotten. But there were
17 a number of attacks. Sometimes we are being pursued by soldiers so there
18 were -- we had a number of battles. So I do not know which specific one you are
19 talking about.

20 Q. [14:38:14] I will move on to another question. At tab 1 of the Prosecution
21 binder at page 0141, from lines 965 to 968, you told the Prosecution that there was an
22 order that anybody who was afraid to go out and fight in battle should be in prison or
23 made to carry heavy guns. Do you recall saying that?

24 A. [14:39:11] Yes, that would happen.

25 Q. [14:39:16] Do you know where that order came from?

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1 A. [14:39:24] I believe the orders would have come from Kony.

2 Q. [14:39:31] While you were still in Sudan, was this order in place?

3 A. [14:39:40] No. At the time we had -- we had freedom. There was nothing
4 wrong.

5 Q. [14:39:53] So, for instance, you testified that there were fights against the Dinkas.
6 Could one refuse to go for those battles?

7 A. [14:40:09] No, you had no authority to refuse once it's been planned. If you
8 refuse, then you would be beaten. Sometimes you would be beaten really badly,
9 sometimes you would be arrested and put in prison under arrest, under severe
10 conditions.

11 Q. [14:40:34] Would you please tell us some of these severe conditions in prison.

12 A. [14:40:51] If you are in prison, you have been placed in a ditch or in a hole, and
13 you are constantly being beaten as well, and those are severe conditions.

14 Q. [14:41:11] Thank you, Madam Witness. That sounds indeed severe.
15 Now, could one go to a battle and refuse to fire their gun?

16 A. [14:41:47] Once there is gunfire, once you hear gunshots, you cannot refuse to
17 fire back. You have to. It's a must. You have to fire back.

18 Q. [14:42:01] Madam Witness, would I be correct to say that when an order to
19 participate in a battle was given, Kony would not necessarily be there all the time?

20 A. [14:42:33] Yes, that's correct.

21 Q. [14:42:48] Do you know why commanders still followed the orders, even though
22 Kony was not present with them at all times?

23 A. [14:43:05] No, I do not know. But perhaps they are also afraid for their own
24 security and safety, that if they go back they would be beaten or they would be
25 punished. So regardless of your rank, regardless of how high ranking you are in the

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1 organisation, you are still subject to punishment and you are also subject to demotion.

2 Q. [14:43:43] When you came, when the LRA came back to Uganda, do you know
3 why the commanders did not just escape at that point and come back home, all of
4 them, the same way they had come from Sudan?

5 A. [14:44:08] At the time the commanders were unable to escape because the
6 commanders were -- had soldiers under them, under their command, so you could
7 not make a decision to escape. You did not know whether or not the soldiers who
8 were under your command would go and report, so you are always fearful for your
9 life. All the children were taught about how to stay in the bush, so you do not know
10 exactly what everybody's thinking.

11 Q. [14:44:47] From what you have said, Madam Witness, would it be fair for me to
12 say that sometimes the commanders were, if I may say, afraid of some of the junior
13 soldiers with them, about how they would react if they escaped?

14 MR CHOUDHRY: [14:45:02] Your Honour.

15 PRESIDING JUDGE SCHMITT: [14:45:03] Wait a moment. Yes, Mr Choudhry.

16 MR CHOUDHRY: [14:45:06] Your Honour, I rise because the witness can't be
17 possibly asked that question, and in fact her last answer reveals why. She states,
18 "You do not know exactly what everybody is thinking." She simply can't be placed
19 in that position, your Honour.

20 PRESIDING JUDGE SCHMITT: [14:45:22] No, but I -- no, I over -- no, I overrule that.
21 I think she can at least have an opinion on that. So she can answer the question.
22 Because we have often the situation that of course the witness was perhaps not in the
23 same position. But she has observed things, she was 12 years in the bush, and she
24 might have formed an opinion on that, and she might have made observations that
25 could support her answer. So she might answer the question.

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1 I suspect that you would perhaps have to repeat it.

2 MS BRIDGMAN: [14:46:01]

3 Q. [14:46:03] Madam Witness, would you like me to repeat my question?

4 A. [14:46:11] Could you please repeat it?

5 Q. [14:46:14] I will. My question was from what you just mentioned, and I will
6 read it to you:

7 "At the time the commanders were unable to escape because" -- they -- "had soldiers
8 under them, under their command, so you could not make a decision to escape. You
9 did not know whether or not the soldiers who were under your command would go
10 and report, so you are always fearful for your life. All the children were taught ...
11 how to stay in the bush, so you do not know exactly what everybody's thinking."

12 And my question is: Would it be then fair for me to conclude from what you have
13 said that even the commanders were apprehensive of the junior soldiers under them,
14 if they tried to escape, that the junior soldiers would report or do something to stop
15 you from escaping?

16 A. [14:47:42] Yes, it's -- the way you've -- for example, if the commander escapes
17 and a junior soldier sees that commander trying to escape, that junior soldier might
18 pick up his gun, shoot that commander, and that's the end of it. Because everybody
19 in the bush knows how to shoot a gun. Young ones, old ones, everybody has been
20 taught how to shoot a gun.

21 Q. [14:48:16] Did you ever witness this happen or ever hear stories of something
22 like this happening, where a junior soldier stopped a commander from escaping?

23 A. [14:48:40] They will instruct them that if you witness or if you see your
24 commander behaving suspiciously, if your commander is taking you to a place where
25 you have not been authorised to go, then you have to stop it, you have to stop the

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1 commander from taking you there, you should not be afraid that you're a junior
2 soldier.

3 PRESIDING JUDGE SCHMITT: [14:49:05] Who says that? Who instructs? Who
4 gives this instruction? Do you have an example who gave such an instruction?

5 THE WITNESS: [14:49:20] (Interpretation) The orders would come directly from
6 Kony and then go down through the Ottis.

7 MS BRIDGMAN: [14:49:37] Your Honours, I request to go into private session for
8 the next set of question.

9 PRESIDING JUDGE SCHMITT: [14:49:56] Private session.

10 (Private session at 2.50 p.m.) *(Reclassified partially in public)

11 THE COURT OFFICER: [14:50:00] We're in private session, Mr President.

12 MS BRIDGMAN: [14:50:20]

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24 A. [14:55:46] The -- Bogi was the overall commander that went to the barracks.
25 The group that went to the centre was headed by Raska.

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1 Q. [14:56:06] For the group that went to the barracks, who was the
2 second-in-command?

3 A. [14:56:16] The second-in-command was Lukwiya.

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7 (Redacted)

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3 MS BRIDGMAN: [15:00:11]

4 Q. [15:00:13] Was it common, Madam Witness, that being sent to a battle, to a front
5 line, was a form to absolve one from punishment?

6 A. [15:00:32] That depended on what the commanders decided. If they saw that
7 somebody was a coward, they would then choose either to do that or to beat you.

8 And, you know, the kind of punishment that was meted out there was not very
9 simple. Sometimes you are beaten using the machete, using logs and all these, but
10 this was better because you'd just be allowed to go and participate in a fight.

11 Q. [15:01:09] Would it be fair for me to say that if you wanted to prove that you
12 were not a coward, you would then put up a good fight wherever you had been sent?

13 A. [15:01:28] Yes.

14 Q. [15:01:39] Was this kind of punishment in existence the entire 12 years that you
15 were in the LRA?

16 A. [15:01:54] It was constant. I don't think that would ever stop. And if it ever
17 stopped, then it could have happened only during the time when I had already left.
18 Any slight problem or any slight mistake would result in you being beaten severely.
19 Sometimes you would even be beaten to death or you can even become lame out of
20 that.

21 Q. [15:02:24] And this kind of severe punishment was not only applied to normal
22 soldiers, but the commanders were also on the line, correct?

23 A. [15:02:38] Correct. All of them would be within the line.

24 Q. [15:02:46] Now, along the same lines, Madam Witness, you mentioned a little bit
25 earlier about junior soldiers stopping commanders from escaping. But do you also

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1 know if there was a spy network within the LRA?

2 A. [15:03:17] For instance, myself, when I returned home, I told one of the children
3 who was living in my household, I told the child that, "Let us go away", but I saw the
4 child was not interested in that. And, you know, when you see a person responding
5 in that manner, you do not have to repeat such statements to them. You just have to
6 stay calm so that they do not realise what you intend to do.

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5 PRESIDING JUDGE SCHMITT: [15:07:04] A short question, if there are not there
6 perhaps a row of questions that could be answered in open session. Perhaps we go
7 to open session and we repeat the question and the answer.

8 (Open session at 3.07 p.m.)

9 THE COURT OFFICER: [15:07:28] We are back in open session, Mr President.

10 PRESIDING JUDGE SCHMITT: [15:07:36] It might be that the witness has already
11 answered the question, but because I stepped in, I could not hear it at least.

12 The position of Bogi Bosco, I think was the question.

13 MS BRIDGMAN: [15:07:57] It is not on the transcript.

14 PRESIDING JUDGE SCHMITT: [15:08:01] Okay.

15 Madam Witness, as you have heard, I have interrupted. So could you please repeat
16 your last answer? The question was what the, I think, the role of Bogi Bosco was.

17 THE WITNESS: [15:08:16] (Interpretation) He was the CO of Trinkle brigade.

18 MS BRIDGMAN: [15:08:31]

19 Q. [15:08:31] I just would like to clarify with you, Madam Witness. I believe
20 earlier you said he was in Control Altar and you have previously --

21 A. [15:08:41] Control Altar was part of the same. That was where Kony was
22 stationed. But there were also battalions that were within.

23 Q. [15:08:57] Okay, we shall move on. Was Opuk Bugada present?

24 A. [15:09:10] Opuk Bugada was not present.

25 Q. [15:09:18] Was Otto Sam present?

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1 A. [15:09:21] Otto Sam in Pajule?

2 Q. [15:09:27] Yes.

3 A. [15:09:29] No, he was not there.

4 MS BRIDGMAN: [15:09:41] Your Honours, just give me a second to clarify
5 something.

6 Thank you.

7 Q. [15:11:01] Madam Witness, is Otto Sam also called Sam Kolo?

8 A. [15:11:10] Otto Sam is also known as Sam Kolo.

9 MS BRIDGMAN: [15:11:55] Your Honours, I am looking at tab 3 of the Prosecution
10 binder. And that's UGA-OTP-0218-0171, starting from page 0175, where the
11 Prosecution investigators are discussing a several number of people and --

12 PRESIDING JUDGE SCHMITT: [15:12:40] Yes.

13 MS BRIDGMAN: [15:12:41] -- I feel that it probably would be safer to ask this in
14 private session, for clarity.

15 PRESIDING JUDGE SCHMITT: [15:12:52] Frankly, I do not know why, when it is
16 not about the role of Madam Witness that she played, when it is simply about what
17 she knows and she does not mention what her role was or where she was, if she's
18 simply asked if she knows the people and their role in the LRA.

19 MS BRIDGMAN: [15:13:16] This one appears to be at the RV point, and this is her
20 statement about what she saw at the RV point. And because of the caution that was
21 applied yesterday -- but I am under your guidance (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [15:13:31] I am not -- I am not sure if -- what
23 we -- what did we do yesterday at the RV point? Not we do, but how did we handle
24 it?

25 Mr Gumpert, is our memory in that respect --

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1 MR GUMPERT: [15:13:43] My recollection - I can't give references for this - is that
2 everything that happened once she had left and until she came back to the RV point
3 was done in private session, but thereafter your Honour intervened and
4 Mr Choudhry agreed that from there on, back in the camp, if I can put it that way, not
5 Pajule camp, we decided that we could deal with matters in open session.

6 PRESIDING JUDGE SCHMITT: [15:14:05] This was also my recollection, frankly
7 speaking, and I wanted a little bit of confirmation, so to speak, that my recollection is
8 correct. And this would also be consistent with what we have done with other
9 witnesses. I think we can -- we can give it a try and simply continue. And we are
10 not moving back to certain actions by Madam Witness.

11 MS BRIDGMAN: [15:14:30] Thank you, Mr Gumpert, and thank you, your Honour.

12 Q. [15:14:34] Now, Madam Witness, while you were discussing the RV point before
13 the Pajule attack, the Prosecution asked you about several people and you stated that
14 apart from Tolbert Nyeko -- and, your Honours, I'm referring to -- from lines
15 about 150 to 153 -- you mentioned Opuk Bugada as being present, Otto Sam and
16 Kenneth Banya. Does this refresh your memory about which commanders were
17 present at the RV point?

18 A. [15:16:02] At the RV there were so many people, but eventually people
19 dispersed. That helps to remind me.

20 Q. [15:16:25] Now, if we keep at that RV point, before people dispersed, do you
21 recall if Caesar Acellam was present?

22 A. [15:16:48] I do not recall whether he was there or not.

23 Q. [15:16:51] Do you recall if Anywar Signaller was present?

24 A. [15:17:04] Anywar Signaller most times was moving where Kony would be
25 moving.

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1 Q. [15:17:12] Do you recall if Smart Acellam was present?

2 A. [15:17:26] I think they were there.

3 Q. [15:17:29] Madam Witness, bear with me because I have a few more names to
4 ask. Was Onen Angola Unita present?

5 A. [15:17:42] Onen Angola Unita was there. He was part of the controllers who
6 would be in charge of prayers.

7 Q. [15:17:56] Was Opoko Supply present?

8 A. [15:18:05] Opoko Supply could have been there, but that was not his role. His
9 task was only in distribution of food items whenever they were brought.

10 Q. [15:18:17] Was Kapere present?

11 A. [15:18:26] Most of the people were there, especially if that meeting took place
12 when most of the people converged together. There would be so many people, but
13 they would only spend a night before they are dispersed. It's a bit difficult to know
14 whether this person was available or not unless you stumbled upon them along the
15 way.

16 Q. [15:18:51] And one last name, Acel Chalo Apar (phon), was he present?

17 A. [15:19:06] Acel Chalo Apar was there.

18 Q. [15:19:17] Now, the names that I have asked, the ones you remember being
19 present, were they senior to Dominic Ongwen at the time?

20 A. [15:19:37] They were still senior to Dominic Ongwen at the time. They were
21 the ones who started that army before Dominic Ongwen.

22 Q. [15:19:55] And isn't it true, Madam Witness, that at the time Dominic Ongwen
23 was moving with Control Altar?

24 A. [15:20:11] Well, sometimes we would be a bit far off. We were part of the
25 Control Altar, but sometimes we would be moving differently because people would

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1 be split into smaller groups.

2 Q. [15:20:30] Was Dominic Ongwen always part of Control Altar?

3 A. [15:20:42] He was not a part of Control Altar for long. But at that time, when
4 we came there, he was part of Control Altar. He was most times at Sinia.

5 Q. [15:21:04] Do you know why Dominic was at Control Altar?

6 A. [15:21:15] Sometimes when somebody is removed from a brigade, that would be
7 as part of imprisonment. But it would be difficult for you to try to enquire about
8 that because if you ever try to do so, you would be landing yourself into trouble.

9 Q. [15:21:36] While Dominic was part of Control Altar, was he a commander?

10 A. [15:21:51] He would still be moving together with the other commanders.
11 Even if you are stripped of your rank, you would still move together with the
12 commanders, but you would not be having a voice.

13 Q. [15:22:19] So you were not aware that Dominic Ongwen was, as a matter of fact,
14 in prison around that time; is that correct?

15 A. [15:22:32] Well, that I didn't know. I saw he kept on moving together with the
16 commanders. What we knew was if that somebody is removed from a brigade, you
17 just know automatically he is under incarceration, but you will not be able to go and
18 enquire about that.

19 MS BRIDGMAN: [15:23:31] Mr President, I am looking at my questions and
20 I believe this would be appropriate for private session, partly because I am worried
21 that the answers might go into the --

22 PRESIDING JUDGE SCHMITT: [15:23:40] We trust you in that respect. We go to
23 private session.

24 MS BRIDGMAN: [15:23:44] And may I also say that perhaps it will take a while, for
25 the benefit of the gallery.

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1 (Private session at 3.23 p.m.) *(Reclassified partially in public)

2 THE COURT OFFICER: [15:23:57] We're in private session, Mr President.

3 PRESIDING JUDGE SCHMITT: [15:24:06] Much appreciated. So not to arise false
4 expectations from the gallery. Thank you.

5 MS BRIDGMAN: [15:24:17]

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21 (Redacted)

22 (Redacted)

23 MS BRIDGMAN: [15:33:38] Your Honours, I believe we can go back to open session.

24 PRESIDING JUDGE SCHMITT: [15:33:42] Back to open session.

25 (Open session at 3.33 p.m.)

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1 THE COURT OFFICER: [15:33:48] We are back in open session, Mr President.

2 MS BRIDGMAN: [15:34:19] Your Honours, my next question is drawn from tab 2 of
3 the Prosecution binder, UGA-OTP-0218-0143 at page 0165.

4 Q. [15:34:50] Madam Witness, you told the Prosecution that there were some
5 guns -- the big guns came from the Arabs, and in particular you mentioned Al Bashir,
6 who had distributed them to you, to the LRA, not to you as an individual. And you
7 also told the -- isn't it true that the support group that was in charge of the guns was
8 also in charge of punishment in case anyone lost a gun?

9 A. [15:35:47] No. There was no punishment for the support that was lost because
10 it was lost under certain circumstances.

11 Q. [15:36:06] Now, was it okay in the LRA for anyone to lose their gun, generally
12 speaking, if it wasn't for special circumstances?

13 A. [15:36:28] If you lose your gun, if you are not injured or if you are not under any
14 duress or any special circumstances, you will be killed.

15 Q. [15:36:42] And this was an order from Kony, correct?

16 A. [15:36:49] Yes, it was.

17 Q. [15:36:53] Was there a similar punishment for someone who escaped with
18 a gun?

19 A. [15:37:11] If you escape -- well, I haven't seen anybody who has escaped with
20 a gun and gone back, so I haven't seen any such kind of -- any punishment meted out
21 to such person. If you escape with a gun, then you escape forever, because if you do
22 come back, then you are seeking your own death.

23 Q. [15:37:41] Had you heard of circumstances where the LRA would follow
24 someone who had escaped with a gun and killed their whole families?

25 A. [15:38:04] They said that that would happen, but we came to find out that it

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1 was -- they were only lying, they were only threatening us, because it's very difficult
2 to find guns. They always fight before they get guns. If somebody runs away with
3 a gun, they would -- they would say that they would go, they would attack the
4 homestead, they would kill everybody, not even a single ant would be left in that
5 home.

6 Q. [15:38:42] Thank you, Madam Witness. I am going to move away from this
7 into another subject altogether.

8 Can you please tell us the different ways in the LRA about how one would get
9 married?

10 A. [15:39:12] With respect to marriages, if your husband dies while you're in the
11 bush, if he dies at the battlefield, then you have an opportunity to court somebody
12 that you are interested in. If there is a courtship and the person -- you're interested
13 in the person, the person is also interested in you, then word will be sent to the
14 superiors and they will make the decision. But if you're not a widow or if you have
15 not yet lost your partner, there is no way that you can freely enter into any courtship.

16 Q. [15:39:59] Without mentioning names, do you know of widows who chose their
17 own -- who went through the courtship process to get husbands?

18 A. [15:40:30] That happened to me. It happened to me as well.

19 Q. [15:40:40] Was there a rule, for instance, about the mourning period and how
20 soon you could pick a husband after one got killed?

21 A. [15:41:13] If your husband dies, you are given time. One month, five months,
22 six months. You would be instructed for that period to stay without a husband. If
23 you are in breach of those rules, then you will be killed.

24 Q. [15:41:41] When the Victims' Representative was asking you questions earlier,
25 you talked about your own experience with the first husband. Who made these

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1 rules that you could not refuse a husband assigned to you?

2 A. [15:42:31] According to them, those rules are the rules of the movement, of their
3 movement.

4 Q. [15:42:47] Do you know if your husband asked for you or he was also just
5 given ...

6 PRESIDING JUDGE SCHMITT: [15:43:00] I know what you want to ask, but I think
7 you would have to rephrase it a little bit on -- come close to what you want or to
8 perhaps break it down in two parts.

9 MS BRIDGMAN: [15:43:12] Yes, I realised I was confusing myself with my own
10 question.

11 Q. [15:43:18] When you got your first husband, did he ask for you?

12 A. [15:43:32] I do not know what happened. I do not know what discussions were
13 held.

14 Q. [15:43:44] Now, you mentioned the rules of the movement just a second earlier.
15 But who set these rules, do you know?

16 A. [15:43:59] It's Kony who set the rules for the movement, but once the rules are
17 set, then the rules apply to everybody. He speaks to -- the decisions are made with
18 the senior officers and they send out word that if you are in breach of any of those
19 rules, you are going to die. According to them, rebels do not have a prison.

20 Q. [15:44:49] For your second husband, to whom did you tell that you were
21 interested in him?

22 A. [15:45:07] If you are interested in each other, if there is a courtship and you want
23 to proceed, then he sends word to the superiors. Then they would call you, they
24 would talk to you, advise you, and then you continue in your life as husband and
25 wife. They would advise you not to have any conflict between you because the

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1 relationship is through courtship.

2 Q. [15:45:42] During this courtship period, before passing on word to your
3 superiors and getting their blessings, were you allowed to have sex?

4 A. [15:46:06] No, that was not permissible. Once the two of you are interested in
5 each other, word has to go up to the commanders first before you can proceed as
6 husband and wife.

7 Q. [15:46:45] Can you please tell us what the importance of bearing children was in
8 the LRA? You mentioned earlier that there was no family planning, but was it very
9 important that people bore children?

10 A. [15:47:12] It was important because if you have a child, for example, it occupies
11 you. When the father goes out on mission and comes back and he looks at his
12 children, he smiles with his children, it also makes him happy. So we had to find
13 other ways to be happy.

14 Q. [15:47:42] Were you aware, Madam Witness, that the rules on marriage, apart
15 from the treatment of women that you mentioned earlier, were all coming from the
16 spirit Selindi Mackay?

17 A. [15:48:15] No, I wasn't aware of that, but Mackay claimed to be a spirit of
18 women; wherever women were, he or she would protect them.

19 Q. [15:48:34] Was she also supposed to protect them within their households?

20 A. Wherever women were. So it's the same. If women are in the bay, she would
21 also be with them. So the spirit was always present where women were present.

22 Q. [15:49:03] Did you also know that Selindi Mackay and the other spirits had
23 asked that the LRA procreate and bear soldiers for the cause?

24 A. [15:49:35] They stated that they were going to bring a number of females. The
25 females would produce or bear numerous children and it would be difficult to take

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1 care of the women. So if anybody tells him that they are in need of women, then he
2 would bring the women. The women would bear many children. And if anybody
3 is unable to take care of those children and the women, that's their problem. And
4 eventually I did see the number of women increase and so did the number of
5 children.

6 Q. [15:50:16] You already told this Court about Salim and Amin, who grew up and
7 became soldiers. But whose children were those?

8 A. [15:50:40] Salim and Al Bashir were Kony's children.

9 Q. [15:50:52] And by the time you left, Madam Witness, there were several other
10 children who had been born in the bush and had grown up in the bush, correct?

11 A. [15:51:07] By the time that I left the bush, the oldest ones, the older children
12 were Salim and Ali. All the other children were younger.

13 Q. [15:51:24] I know you mentioned earlier how hard it is to estimate their ages, but
14 do you recall how old Ali and Salim were by the time you left the bush?

15 A. [15:51:53] Ali and Salim were born a different year so I cannot estimate their
16 ages. I wasn't there when they were born. When they came, sometimes when they
17 came, bring children, those children are already walking. So it is very difficult, if
18 you are not there during birth, to know how old the child is.

19 Q. [15:52:41] You also told this Court about the conduct of Raska Lukwiya, who
20 was sleeping with ting tings. What was the punishment for anyone who was
21 sleeping with someone underage?

22 A. [15:53:17] The child was taken away from him. I did not see any punishment
23 meted out to him.

24 Q. [15:53:33] You mentioned the killing of Anna and Ongwee as part of the
25 punishment for people who did not follow the rules on marriage and sex. My

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1 question is: Were all these rules in existence when you were abducted into the LRA?

2 A. [15:54:10] At the time of my abduction, the rules already existed because when
3 I was taken, I was instructed and I was told that if you -- if you have sex outside
4 marriage, then something will happen to you, you will be killed. Because I know
5 that this lady was Ocan Bunia's wife.

6 Q. [15:54:40] And just to confirm, by the time you left 12 years later, these rules
7 were still in existence, correct?

8 A. [15:55:01] Perhaps the rules are still in existence up to today because the people
9 in the bush do not change their rules. According to them, they do not have any
10 prisons.

11 MS BRIDGMAN: [15:55:19] Your Honours, my next line of questioning will be in
12 private session. But looking at the time, perhaps this is a good place to stop.

13 PRESIDING JUDGE SCHMITT: [15:55:26] I agree, and I pick this up. So we
14 conclude the hearing for today, abate the proceedings until tomorrow, 9.30.

15 THE COURT USHER: [15:55:38] All rise.

16 (The hearing ends in open session at 3.55 p.m.)

17 RECLASSIFICATION REPORT

18 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
19 2016, the public reclassified and redacted version of this transcript is filed in the case.