

1 International Criminal Court  
2 Trial Chamber IX - Courtroom 1  
3 Situation: Republic of Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Cano  
6 Pangalangan  
7 Trial Hearing  
8 Wednesday, 7 December 2016  
9 (The hearing starts in open session at 9.42 a.m.)

10 THE COURT USHER: All rise. The International Criminal Court is  
11 now in session.

12 PRESIDING JUDGE SCHMITT: I would like to welcome everybody in  
13 the courtroom. And I see Mr Gumpert standing. Do you have already  
14 something to say? No. I would not assume.

15 MR GUMPERT: Only to save a few seconds to be ready to respond,  
16 which I'm not managing to do. I'll sit down.

17 PRESIDING JUDGE SCHMITT: Then would the Court Officer please  
18 call the case.

19 THE COURT OFFICER: Thank you, Mr President. The situation in  
20 Uganda, in the case of The Prosecutor versus Dominic Ongwen, case  
21 reference ICC-02/04-01/15. We are in open session.

22 PRESIDING JUDGE SCHMITT: Thank you.

23 Then I would ask counsel, as always, to introduce themselves for  
24 the record.

25 MR GUMPERT: Your Honour, my name is Ben Gumpert. I'm the senior

1 trial lawyer prosecuting this case. With me in court this morning is  
2 Ms Adesola Adeboyejo, Ms Ramu Bittaye, Ms Yulia Nuzban, Mr Shkelzen  
3 Zeneli, Julian Elderfield, Ms Jasmina Suljanovic, and Mr Kamran Choudhry.

4 PRESIDING JUDGE SCHMITT: Thank you very much.

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

6 MR ODONGO: Thank you, Mr President and your Honours. I am being  
7 assisted by Chief Charles Achaleke Taku, co-counsel; Mr Tharcisse  
8 Gatarama, legal assistant; Laurel Karam, who is evidence reviewer;  
9 Roy Titus Ayena, case manager. Thank you, Mr President.

10 PRESIDING JUDGE SCHMITT: Thank you.

11 And for the LRV. Perhaps first Ms Massidda.

12 MS MASSIDDA: Good morning, Mr President, your Honours. I am  
13 Paolina Massidda, principal counsel. With me appearing today, Ms Jane  
14 Adong, field counsel; Ms Tamara Margetic, case manager; behind us,  
15 Mr Orchlon Narantsetseg, legal officer; and Ms Jacqueline Atim, legal  
16 professional.

17 PRESIDING JUDGE SCHMITT: Thank you very much.

18 Mr Manoba?

19 MR MANOBA: Thank you, Mr President. My name is Joseph Akwenyu  
20 Manoba, appearing jointly with Mr Francisco Cox, assisted by Ms Megan  
21 Hirst and Mr James Mawira, and our case manager, Ms Sepideh.

22 PRESIDING JUDGE SCHMITT: Thank you very much.

23 Mr Gumpert, you still have the floor.

24 MR GUMPERT: Thank you, your Honours. I should apologise for the  
25 absence of Madam Prosecutor this morning. She has other duties today but

1 would be available in the building should anything arise.

2 PRESIDING JUDGE SCHMITT: Wait a moment.

3 Mr Taku?

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

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

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

10 MR GUMPERT: I want to turn now to the fourth and last of the  
11 camp attacks on which this trial focuses, and that is the attack on Abok  
12 IDP camp that was located in Ngai Sub-County, in Apac District. There  
13 was a UPDF force of about 15 soldiers resident at the camp in June of  
14 2004 to protect the inhabitants.

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

19 I'm sorry, I'm corrected. Apparently it's the Evidence 1 channel.

20 (Viewing of the video excerpt)

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

1 ordered that people should be abducted and that those who ran away should  
2 be shot.

3 Dominic Ongwen himself retained overall command but he appointed  
4 Okello Franco Kalalang, one of his subordinate officers, to be the leader  
5 of the attack on the ground. Kalalang's orders were that ammunition  
6 should be conserved by the means of beating people to death rather than  
7 shooting them. Dominic Ongwen wasn't present during the attack, but  
8 afterwards his fighters reported to him at the Atoo Hills and he was  
9 present during a head count.

10 This was a deliberate attack on the civilian population of Abok  
11 IDP camp. That's represented by Count 37.

12 Dominic Ongwen ordered and planned that attack. He intended  
13 civilians to be the object of the attack. He knew that in the ordinary  
14 course of events, crimes such as those that I'm about to describe would  
15 be committed. In many cases he specifically ordered that they should be  
16 committed.

17 Civilians were murdered. LRA fighters shot, burnt, and beat them  
18 to death. Two camp residents will confirm that the attackers shot  
19 unarmed people as they ran through the camp. Another Prosecution witness  
20 was found hiding with his family in a latrine. The attackers shot dead  
21 his father, brother, and neighbour before his eyes.

22 The Chamber will hear evidence from a young escort to one of  
23 Ongwen's subordinate commanders. He recalls a house at the camp where  
24 about ten people, a mixture of adults and children, were sleeping. The  
25 young escort was ordered to assault one of the men in the house with the

1 butt of a gun because he was refusing to carry goods. When this had no  
2 effect, having forced some of the other occupants out, carrying looted  
3 items, the commander closed the door and set the house on fire with the  
4 remaining occupants still inside. And another LRA fighter who  
5 participated in this attack confirmed that the LRA burnt people alive if  
6 they wouldn't come out of their houses.

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

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

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

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

5           They inflicted severe physical and mental pain and suffering on  
6           their victims through these beatings and the infliction of injury. They  
7           forced the abducted civilians to carry heavy loads under threat of death  
8           and other intimidation. And the pain inflicted by these various methods  
9           amounted to torture, to cruel treatment, and inhumane acts.

10          The boy who was discovered in the latrine and witnessed family  
11          members being killed and abducted was forced to kill another abductee as  
12          a lesson to those who were thinking of escaping.

13          Another witness saw an LRA fighter severely beat her father with  
14          the butt of a gun while demanding money. One older lady was seen by her  
15          daughter being beaten over the head with a thick stick because she hadn't  
16          voluntarily surrendered the money that was demanded from her.

17          One of the residents abducted was moving slowly. The reason was  
18          because he had an injury to his foot. One of the LRA fighters stamped on  
19          his injured foot and forced him to lead the LRA to the shops. When the  
20          first shop was empty, he was beaten with the butt of a gun and warned  
21          that if the next shop was empty too, they would kill him. He was forced  
22          to march on his injured foot for the next two days and he knew that  
23          stopping or asking for help would result in being killed. On the way he  
24          saw an elderly female abductee being beaten because she couldn't walk.  
25          He recalled that LRA fighters passed her on the road in single file, each

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

2 Another abductee will tell the Court how he was hit continuously  
3 with a bayonet for walking too slowly and for dropping the load that he  
4 was carrying. Two others were required to carry away a wounded LRA  
5 fighter. When they fell because he was heavy, they were beaten with the  
6 butt of a gun or a panga, a machete.

7 One witness, a child at the time, was taken from his mother as  
8 she attempted to escape the attack. He was given to another abducted  
9 person and then witnessed the LRA attackers beating his mother.

10 The attackers under Ongwen's command deprived civilians of their  
11 liberty by abducting them and placing them under military guard to  
12 prevent their escape. Men, women and children were abducted and forced  
13 to perform manual labour. They were treated as slaves. For some, the  
14 enslavement was temporary. For young boys and girls, it was intended to  
15 be permanent.

16 You've heard about abductees being forced to carry heavy  
17 foodstuffs and livestock, two of them forced to carry a wounded fighter.  
18 Another witness was taken from his home by the rebels and forced to carry  
19 a heavy load. He recalled a number of people who were abducted with him  
20 and that some of them were killed during their captivity, while others  
21 eventually returned. One of the attackers will give evidence that they  
22 saw seven people abducted during the attack. Three of them were aged  
23 around 12 years old.

24 LRA fighters under Ongwen's command took food and other property  
25 belonging to the camp residents. They pillaged the camp. A group of

1 about 50 women and children who had been abducted during previous attacks  
2 were selected to accompany the LRA fighters to Abok and their job was  
3 specifically to carry away the pillaged goods. Witnesses saw LRA  
4 fighters taking food items, clothing, cooking utensils, soap, and  
5 first-aid provisions from homes and shops. The LRA fighters blew  
6 whistles to signal to the carriers to meet the fighters and receive the  
7 looted goods. Two of the participants in the attack will give evidence  
8 that they personally pillaged food from civilian homes. The child whose  
9 mother was beaten before his eyes saw the attackers take the money that  
10 was found on her.

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

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

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

24 This is a UPDF logbook of intercepted LRA communications.

25 I see that we have the same problem as yesterday in that the



1 highlighting is not working. I must continue. I apologise for that.

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

5 There is another radio report dated the next day, 10 June, and  
6 the name Abok is not used by either Ongwen or Raska Lukwiya, the LRA army  
7 commander, but the timing of this sound recording leaves no doubt that  
8 this is a report by Ongwen concerning the attack on Abok IDP camp. You  
9 can hear three portions of that sound recording now.

10 (Playing of the audio excerpt)

11 MR GUMPERT: Well, that may have been enlightening for our Acholi  
12 speaking listeners so not completely without value, I hope. But I am  
13 disappointed that the technology is letting us down so that for those of  
14 us who don't speak Acholi we are none the wiser. But I must continue  
15 because I'm conscious that my time is limited.

16 In the same sound recording, Joseph Kony can be heard giving  
17 Dominic Ongwen tactical advice, as I mentioned earlier. Kony spoke of a  
18 previous ambush at Alero, and he suggested to Ongwen that on future  
19 occasions, he should plan to do it the same way as the attackers at  
20 Alero. "Try doing it that way," said Kony. Ongwen had reservations in  
21 his response to Kony, as the transcript of the sound recording shows. He  
22 said, "Well, that runs the risk that the civilian population will sound  
23 the alarm, if I do it that way."

24 The reason I emphasise this is because the exchange makes it  
25 clear that far from Ongwen being under Kony's thumb, simply having to

1 follow precisely the orders given, they each had preferred tactics to  
2 optimise the effectiveness of attacks. They were able to converse, to  
3 discuss, to exchange ideas, as one commander to another. Dominic Ongwen  
4 had a full measure of discretion about how to carry out the attacks that  
5 his troops conducted.

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

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

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

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

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

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

24 Joseph Kony and his senior commanders regarded abducted women and  
25 girls as their possessions. Sometimes they were valued but ultimately

1 they were disposable, replaceable.

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

4 In October 2003, Joseph Kony was speaking to another LRA  
5 commander by the name of Bogi, B-o-g-i. Bogi was complaining that his  
6 forced wife had escaped. Kony consoled Bogi. He said the LRA changes  
7 women like clothes, and he said, "Don't be upset. You can get another  
8 lady from Teso."

9 Female abductees were given no choice in the matter of their  
10 allocation. There was no question of their consent being obtained to any  
11 of the subsequent sexual activity. Women and girls were punished if they  
12 refused sex, punished if they failed in their domestic duties, and  
13 punished or killed if they tried to escape.

14 All units of the LRA were involved in the abduction of girls and  
15 women. Their subsequent subjugation into a forced conjugal relationship  
16 was a hallmark of the LRA's behaviour. As a battalion commander at first  
17 and later a brigade commander, Dominic Ongwen enthusiastically carried  
18 out this brutal policy towards girls and women.

19 Dominic Ongwen himself perpetrated sexual and gender-based crimes  
20 against all his own forced wives. Seven of these have given their  
21 testimony and been examined by the Defence under a procedure set out in  
22 Article 56 of the Rome Statute. This Chamber has recognised that  
23 testimony as having been formally submitted in these trial proceedings  
24 with the result that these witnesses will not have to endure the ordeal  
25 of repeating that evidence.

1           But given that they will not appear at this trial, that their  
2 evidence will not be heard in the courtroom, I intend to summarise that  
3 evidence fully. Before I do so, I want to say something about two of the  
4 crimes which the Prosecution allege Dominic Ongwen committed through his  
5 conduct to these victims.

6           Firstly, forced marriage. The term "forced marriage" doesn't  
7 appear in the Rome Statute itself. The Prosecution submits nonetheless  
8 that forced marriage is an inhumane act. It's an act of a character, the  
9 Prosecution submits, similar to other inhumane acts set out in the  
10 statute, such as deportation, unjustified imprisonment, persecution.  
11 Forced marriage causes great suffering. It can cause serious injury to  
12 mental health. As such, the Prosecution suggest that it is a crime under  
13 Article 7(1)(k). The Pre-Trial Chamber has approved the inclusion of  
14 forced marriage in the document containing the charges, and that Chamber  
15 ruled that the central element of forced marriage is the imposition of  
16 duties that are associated with marriage as well as of the social status  
17 of being the perpetrator's wife regardless of the will of the victim.

18           Forced marriage irrevocably changes the status of its victims.  
19 That's both in the way they perceive themselves and how they are  
20 perceived by others. Women and girls whom LRA fighters forcibly married,  
21 without any reference to their wishes in the matter, frequently continue  
22 to regard themselves as their wives to this day.

23           The Pre-Trial Chamber held that, and I quote, "what matters is  
24 that the so-called marriage is factually imposed on the victim with the  
25 consequent social stigma." And it further held that distinct from sexual

1 harm, the crime of forced marriage violates the independently recognised  
2 right to consensually marry and establish a family.

3 The Prosecution case is that the whole concept of marriage - its  
4 social status, property rights, inheritance rights, its importance as the  
5 foundation of the family unit, its potential source of comfort and  
6 companionship for marital partners - is perversely reconstructed for the  
7 victims of forced marriage. They get all the burdens and none of the  
8 benefits.

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

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

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

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

3 (Technical difficulty)

4 PRESIDING JUDGE SCHMITT: We also got some Acholi, but now I hear  
5 you again so I understand that you can continue.

6 MR GUMPERT: Thank you.

7 The value protected by the criminalisation of forced pregnancy,  
8 which is a crime specifically delineated in the Statute, is primarily  
9 reproductive autonomy. In the Confirmation Decision in this case, the  
10 Pre-Trial Chamber held that "this crime does not depend on the  
11 perpetrator's involvement in the woman's conception. It's only required  
12 that the perpetrator knows that the woman is pregnant and that she has  
13 been made pregnant forcibly ... the essence of the crime of forced  
14 pregnancy is in unlawfully placing the woman in a position in which she  
15 cannot choose whether to continue the pregnancy." That's what the  
16 Prosecution allege was Dominic Ongwen's criminal conduct in this case.  
17 The allegation is that he acted in that way with the intent of carrying  
18 out other grave violations of international law; in other words, that he  
19 intended to continue committing the crimes such as rape, torture and  
20 enslavement, which these victims were subject to.

21 Rather than proceeding on a crime-by-crime basis, as I have done  
22 for the camp attacks, I intend for the victims of sexual and gender-based  
23 crimes to proceed on a victim-by-victim basis. It enables us better to  
24 see them as human beings and to understand the full horror of what was  
25 done to them.

1           The Prosecution has adopted the position that only crimes which  
2           were committed within the timeframe of the other charges, July 2002 to  
3           December 2005, will be charged. Some of the atrocious conduct about  
4           which witnesses give evidence falls outside that period and that conduct  
5           is not itself the factual foundation for any of the crimes about which  
6           this Chamber will ultimately have to decide. But it is, the Prosecution  
7           say, obviously relevant to the Chamber's assessment of the likely truth  
8           and accuracy of the witnesses' accounts, and of the gravity of crimes  
9           which may be found to have been committed within the timeframe.

10           The Prosecution notes, in addition, that many of the crimes, for  
11           example, forced marriage, enslavement, sexual slavery, are continuing  
12           crimes. They are not constituted by a single occurrence but by a  
13           condition of being which may have started before the relevant timeframe  
14           and concluded after it. And, equally, where the allegation is that  
15           sexual intercourse took place regularly over a period of years, the  
16           victims' lack of consent may have been obvious when it first occurred  
17           outside the timeframe. The fact that by July 2002 the victim had been  
18           bludgeoned into silent submission doesn't mean that sexual intercourse  
19           was by then consensual. The Prosecution case is that these continued to  
20           be acts of rape throughout their duration.

21           I turn firstly to Witness P-0101. She was abducted in August  
22           1996 by Dominic Ongwen and other LRA fighters. She was 15.

23           That same day, Dominic Ongwen took her as his forced wife. He  
24           removed her blouse, smeared her with oil made from ground-up shea nuts, a  
25           ritual that LRA fighters sometimes performed on abducted girls before

1 they became forced wives. That evening, Dominic Ongwen sent his escorts  
2 to bring her to his tent. She was afraid and refused. Ongwen sent his  
3 escorts a second time and they forced her to go to his tent. There, she  
4 pleaded with Ongwen not to rape her. Ongwen said to her, "Have you seen  
5 this gun? If you refuse to sleep here, then you're going to face the  
6 consequences." And with the help of his escorts, he pinned her down and  
7 raped her. She was weeping. Her clothes were covered in blood. It was  
8 the first time she had had sex.

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

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

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

22 As a result of the repeated rapes, the witness became pregnant.  
23 She gave birth to three children of whom he is the father. Two of them  
24 were with her when she escaped in July 2004. The third was born after  
25 her escape. As he had been doing from the first, Dominic Ongwen confined



1 her freedom while she was pregnant. He did so with the intention of  
2 continuing to use her as his forced wife, raping, sexually enslaving, and  
3 torturing her. This is the crime of forced pregnancy.

4 I turn to Witness 0226. She was abducted in about 1998 by armed  
5 LRA fighters under Dominic Ongwen's command. She was taken from her home  
6 village. She was about seven years old.

7 Her abductors forced her to walk through the bush for about a  
8 month. She witnessed them kill another abductee because she was tired  
9 and couldn't walk anymore. She was taken to Sudan where she and other  
10 girls were selected by various LRA commanders to become their wives. She  
11 was taken to Dominic Ongwen's home. At first she was a  
12 "ting-ting," a word used by the LRA to denote babysitters and housemaids,  
13 children who were not yet wives. They had the duties of fetching water,  
14 collecting vegetables, and the like.

15 But when she was about ten years old, Ongwen summoned her to have  
16 sex with him. She was disgusted and frightened. She refused. Ongwen  
17 ordered the child soldiers who acted as his escorts to beat her. He  
18 watched them do it. They beat her with bamboo sticks so severely that  
19 her hands and body were swollen and she couldn't sit properly. She was  
20 beaten continually for a week before she finally submitted to Ongwen's  
21 demands. And when she did, he tore her clothes off. He had to lift her  
22 onto his bed because she was so small. And he threatened to kill her if  
23 she cried. He penetrated her vagina with his penis, causing her injury  
24 and bleeding. And later she heard him bragging and laughing with other  
25 commanders about having raped her.

1           When they moved back to Uganda, Ongwen announced that this  
2           witness was now his wife. He had many wives but she, of course, was not  
3           allowed to have any sexual interest in anyone apart from her one husband.  
4           If she had, she would have been beaten or killed. Each time that  
5           Dominic Ongwen had sex with her after this first rape, it was forced.  
6           She had no choice. She gave no consent.

7           She was forced to do domestic chores, including cutting grass for  
8           bedding, cooking, carrying the sauce pans and the cutlery and the dishes  
9           that Dominic Ongwen used. She knew that if she disobeyed his  
10          instructions as his forced wife, she would be either beaten or killed.  
11          She felt that she had no chance of escape. She knew she would be beaten  
12          to death if caught.

13          Her belief was that Dominic Ongwen liked beating people, that he  
14          liked punishing people, and he beat her frequently. By the time she gave  
15          evidence, she told the Court, she could still feel pain from all the  
16          beatings that she had received. Once she was beaten until she was  
17          unconscious. Her crime? Allegedly urinating in a river. And on that  
18          occasion, Ongwen had watched as his escorts beat her. On another  
19          occasion, she was beaten again until she was unconscious because she had  
20          given leftover food to another woman. On yet another occasion, she was  
21          beaten because Ongwen believed that she had a love interest in one of his  
22          young escorts.

23          She herself was once forced to beat to death a UPDF soldier that  
24          Dominic Ongwen's fighters had captured during an attack on Patongo in  
25          northern Uganda. This was sometime in late 2002 or early 2003. Sitting

1 on a chair, Ongwen told her and other captives that anyone who refused to  
2 beat the soldier would themselves be killed. She witnessed many other  
3 similar events.

4 By forcing her to participate in the killing of another human  
5 being, the Prosecution case is that Dominic Ongwen humiliated, degraded,  
6 violated her dignity, and the severity of that degradation was such that  
7 any reasonable person would be outraged. That's the statutory criteria.  
8 And Ongwen must have been aware of that because of this unusually cruel  
9 act which he was requiring of her.

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

20 P-0099's status was unusual. She was the niece of a high-level  
21 LRA commander, a man who was particularly close to Joseph Kony, and so  
22 when Kony wanted this witness to be his wife, she was permitted to  
23 decline.

24 In fact, she declined three other commanders before finally she  
25 accepted Dominic Ongwen. It was a choice but it was a choice made under

1 wholly coercive circumstances. She knew that Joseph Kony had decreed  
2 that it wasn't acceptable for women to remain single. If she hadn't  
3 chosen a husband, she would have been allocated one without her consent.  
4 LRA radio communications corroborate her account on this matter.  
5 Logbooks for 15 and 28 May 2003 record Kony stating that LRA rules did  
6 not allow women to stay without men.

7 The day that P-0099 joined Dominic Ongwen's household, that very  
8 day, she was forced to have sex with him. She was taken to his house by  
9 his escorts where she took a bath. She went to Ongwen's bed and he told  
10 her to remove her clothes and lie down. And then he put himself on top  
11 of her and had sex with her. She told him, "You've hurt me," but he made  
12 no answer.

13 She purported to consent to sex with Ongwen but it was not  
14 genuine consent and it was given in coercive circumstances. She  
15 explained in her evidence to the Pre-Trial Chamber, "It was time for me  
16 to become a wife. If I had refused and if he ordered that I be killed,  
17 what would happen? That's why I accepted. Because he might say that I'm  
18 promoting prostitution among his soldiers."

19 Although this rape predates the Court's temporal jurisdiction, it  
20 constitutes, the Prosecution submits, vital context for the Chamber to  
21 achieve proper understanding of the coercive environment that existed in  
22 Dominic Ongwen's household and during the commission of the crimes of  
23 forced marriage and enslavement against this victim.

24 From the time she was first raped, this witness was  
25 Dominic Ongwen's forced wife, with no right to choose any other partner.

1 And one of her main tasks was to have sex with him on demand. As a  
2 result of that forced sex, this witness had a son in June 2002.

3 She recalled an occasion when she and another forced wife were  
4 beaten by two of Dominic Ongwen's escorts, boys called Ocan and Owor,  
5 because they had refused to cook the food.

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

15 I turn to Witness P-0214. She was abducted in June 2000 by LRA  
16 fighters from the Sinia brigade. She was abducted with about 50 others  
17 and made to walk all the way to the LRA base at Abatulanga in Sudan.

18 Joseph Kony distributed her to Dominic Ongwen. This was in about  
19 September 2002. And when she arrived, she met another of the Prosecution  
20 witnesses. They were part of Dominic Ongwen's household, carrying out  
21 domestic duties, cooking, washing clothes. And these were the  
22 instructions that she received: Her duties included nursing Ongwen when  
23 he was wounded.

24 When Dominic Ongwen first told P-0214 that he wanted her to  
25 become his wife, she refused. Ongwen told his security guards, his

1 escorts, to get sticks to beat her. And he told her that when a husband  
2 calls on a girl, she should not refuse. And in these circumstances, she  
3 submitted to him against her will.

4 She described her ordeal to the Court in simple terms. She lay  
5 down in his room. There were guards outside and a gun inside.  
6 Dominic Ongwen told her to remove her clothes. She had never slept with  
7 a man before. He raped her. It was painful. She tried to push him  
8 away, but he was too heavy.

9 On that occasion, and on every occasion after that, this witness  
10 had no choice whether to have sex with Dominic Ongwen or not. His  
11 security guards were present whenever she went to his sleeping quarters.  
12 They guarded her all the time. She was unable to escape. In her time in  
13 the LRA, she had sex only with Ongwen. She was his sex slave.

14 One of Dominic Ongwen's other wives recalls an occasion when this  
15 witness, P-0214, was punished by Ongwen. Her offence was being too slow  
16 to bring him his bathing water. And that witness recalled that P-0214  
17 was already pregnant at the point when she was punished. Ongwen had her  
18 beaten with a machete.

19 As a result of the repeated rapes, this witness became pregnant  
20 four times. She miscarried once and had three children all fathered by  
21 Ongwen. Other witnesses, other forced wives of Dominic Ongwen, confirm  
22 her frequent pregnancy while in captivity. And while she was a pregnant  
23 captive, Ongwen continued to carry out grave violations of international  
24 law. He continued to use her as his forced wife, to rape her, torture  
25 her, sexually enslave her, and enslave her for domestic purposes. This

1 is the crime of forced pregnancy. This witness was not able to escape  
2 until 2011.

3 I turn to Witness P-0227. She was abducted by LRA fighters under  
4 Dominic Ongwen's command in about April 2005.

5 She and the other abductees were forced to carry looted goods.  
6 Along the way she was beaten with a log by a "kadogo", a child soldier,  
7 and this was because she had failed to respond to her abductor's  
8 questions satisfactorily. She was also beaten for not walking stealthily  
9 enough.

10 She was taken to live in Dominic Ongwen's household. She  
11 remembers one of the other Prosecution witnesses, another forced wife,  
12 assigning her domestic duties, fetching water, cutting grass, collecting  
13 firewood. She remained closely guarded, unable to escape.

14 The ordeal which this witness underwent at Dominic Ongwen's hands  
15 has already been described by the Prosecutor in her address to the Court  
16 yesterday and I shall not repeat it.

17 So I turn to Witness P-0235. She was abducted in September of a  
18 year about which she was unsure. It was either 2001 or 2002.

19 She was forced to carry pillaged items away from her home and  
20 that was the same with the other abductees taken from that place. They  
21 were made to walk the long distance to Pader, during the course of which  
22 her feet became badly swollen. Her abductors had guns and she knew that  
23 if she tried to escape she would be killed. She came to learn that her  
24 abductors were from the Sinia brigade at that time commanded by Buk  
25 Abudema.

1           When she arrived in Pader, she saw Dominic Ongwen together with  
2           his commander Buk Abudema. Ongwen was a battalion commander at this  
3           time. The LRA divided up the abductees and distributed them, and she was  
4           assigned to Ongwen's household where she stayed until her escape.

5           In his household, she was initially a "ting-ting". She cooked,  
6           she fetched water, she washed the clothes, and she collected wood. She  
7           took things to Ongwen when he called for them. One of the more senior  
8           women in the house, also a Prosecution witness, beat her when she was too  
9           slow in these duties. When out collecting firewood or fetching water,  
10          she was watched so that she couldn't escape. And when she tried to do so  
11          she was caught and told that she would be killed, but she was let off by  
12          Dominic Ongwen with just a beating.

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

21          When the LRA moved out of Uganda and into the Congo in 2006, the  
22          witness recalled Dominic Ongwen sending another of his forced wives to  
23          call her to spend the night with him. When she told him that she didn't  
24          want to, he insisted. He told her, "Don't you know the rules we apply in  
25          the bush?" And he was referring, she knew, to the rule that once a girl



1 is mature, she should have a husband. She knew that if she refused sex,  
2 she would be beaten. Ongwen raped her three times and these were her  
3 first sexual experiences. And within a week he called her again for sex.  
4 As a result of these repeated rapes, she became pregnant. She gave birth  
5 to three children in 2007, 2010, and 2014.

6 At one point, Dominic Ongwen thought that another one of the  
7 witnesses who gave evidence to the Court after enduring years as his  
8 forced wife had tried to escape, and he blamed this witness so that she  
9 and other women were beaten severely. On another occasion she was beaten  
10 for not having prepared his bed properly and she has scars on her breasts  
11 from that beating.

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

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

22 She was beaten often during her captivity. The first beating was  
23 simply part of an initiation, but on another occasion she was beaten by  
24 one of the child soldiers who escorted Dominic Ongwen because she was  
25 said to be dirty. On another occasion she was beaten because she didn't

1 listen or had forgotten commands or if the laundry that she had been made  
2 to wash was judged not to be clean.

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

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

14 After that, Dominic Ongwen had sex with her regularly, each time  
15 by force. She was not allowed to say no. And as a result of her rape,  
16 she gave birth to two children. She was confined during her pregnancy.  
17 She begged Ongwen to release her during this time, but he did not.

18 She escaped in April 2015. She had been in the bush for nearly  
19 13 years. When she gave evidence, she was acutely aware of how her  
20 enslavement had blighted her life. She compared herself to her school  
21 mates who had not been abducted. They were, she said, and I quote from  
22 her evidence, "much better off than I am. I have injuries. I'm weak.  
23 Maybe if I'd not been abducted I wouldn't have been shot at, I wouldn't  
24 have been injured, I wouldn't have any suffering." She said that her  
25 children now found it difficult to adapt to a normal life outside the

1 bush.

2 Dominic Ongwen isn't charged with the crimes of forced marriage,  
3 rape, torture, sexual slavery, enslavement, or forced pregnancy of this  
4 witness, and that is because those offences post-date the upper limit of  
5 the charged period. But as I said before, I urge upon the Court the  
6 importance of this evidence as contextual evidence so that the Chamber  
7 understands the experience of the victims of sexual and gender-based  
8 crimes which do appear in the document containing the charges.

9 And I should emphasise that the evidence of these seven witnesses  
10 on which I have dwelt in some detail doesn't stand alone. Apart from the  
11 numerous occasions when they corroborate each other, there is a number of  
12 other witnesses who confirm the experiences about which Dominic Ongwen's  
13 forced wives have given evidence. These witnesses all lived and worked  
14 under Dominic Ongwen in the bush. These witnesses knew the forced wives  
15 by name. They give accounts which are consonant with the testimony of  
16 these seven witnesses.

17 In addition, the Prosecution has requested scientific proof by  
18 DNA testing of the kinship between Dominic Ongwen and the children that  
19 these women have said that he fathered. The Court will hear evidence  
20 from an expert in biological tracing and forensic science who analysed  
21 DNA samples collected from these seven witnesses. The result of the DNA  
22 kinship analysis supports the charge of rape against Dominic Ongwen. The  
23 results indicate that it is overwhelmingly likely - the probability of  
24 paternity is greater than 99.99 per cent - that Dominic Ongwen is the  
25 father of the children born by these witnesses. None of these witnesses

1 consented to the sexual intercourse which is the inevitable precursor of  
2 their giving birth to his children. They were raped.

3 The crimes perpetrated by Dominic Ongwen didn't stop at his own  
4 forced wives or the seven witnesses whose evidence has just been  
5 summarised. Within the Sinia brigade, he was at the head of a structure  
6 through which these crimes were committed on an institutional scale.  
7 Where he led, his fighters followed.

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

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

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

1           But what these witnesses do is to provide proof that these crimes  
2           were committed as a matter of routine and that they are attributable to  
3           Dominic Ongwen. Their evidence establishes that women and girls were  
4           routinely abducted by fighters first in the Oka battalion when  
5           Dominic Ongwen was the commander of that unit, and then the Sinia brigade  
6           when he was the commander of that unit. They give evidence which  
7           establishes that these units had strict rules on sexual conduct, rules  
8           which dictated that these abducted women and girls should be forced to  
9           "marry" - I put the word in inverted commas - the Sinia fighters with all  
10          of the other crimes which flowed from that forced marriage.

11          Abductions were carried out on Dominic Ongwen's specific orders.  
12          He personally distributed the women. He was at the head of a  
13          disciplinary structure which punished attempts to escape.

14          He was diligent in ensuring that abduction missions were  
15          undertaken regularly. He frequently inquired of his subordinates as to  
16          the number of abductions carried out. He disciplined officers who lagged  
17          behind on this front. To quote from a logbook recording a radio  
18          communication with Joseph Kony, "Dominic Ongwen could not survive in the  
19          bush without women."

20          Witness P-0351 was abducted by the LRA in December 2002. She was  
21          12. She was told that if she tried to escape, she would be killed. She  
22          was forced to carry looted goods. There were many other people abducted,  
23          girls between 10 and 20, in the same situation.

24          On one occasion, she was forced to take part in the killing of a  
25          civilian who tried to escape. Threatened with her life at gunpoint, she

1 complied.

2 Speaking of the LRA's attitude to attempts to escape by those it  
3 had abducted, she recalled, "If you ran towards government soldiers  
4 during an attack the Holy" - it was a word which LRA members used about  
5 themselves - "the Holy would shoot you and kill you. They'd say you're  
6 running towards the soldiers in order to escape. I saw this happen."

7 Shortly after her abduction, this witness was transferred to  
8 Dominic Ongwen's group. She was taken to a sick-bay. Her tasks involved  
9 looking after babies and fetching water.

10 But after a time, Dominic Ongwen distributed this witness as a  
11 forced wife to Kalalang, Okello Franco Kalalang, subordinate commander of  
12 Terwanga battalion in Dominic Ongwen's Sinia brigade. Kalalang already  
13 had two other wives.

14 That same night of the distribution, Kalalang told the witness  
15 that she was now his wife and he raped her. She didn't refuse because  
16 she feared that he would kill her if she did. She had seen that happen  
17 to other girls.

18 After that night, Kalalang slept with the witness and his other  
19 wives alternately. None of them had any choice in the matter. As  
20 Kalalang's forced wife, the witness had to cook with him and sleep with  
21 him. She was just one of many who had been distributed in the way that  
22 she had. They would be beaten if they lost the loads that they were  
23 meant to carry as they travelled from place to place, and this happened  
24 many times to her. Kalalang would order her to be beaten with canes by  
25 two or three soldiers at one time. She finally managed to escape in

1 2006. By this time she was just 16. She had been in slavery for four  
2 years.

3 I turn to Witness P-0352. She was abducted by fighters from the  
4 Sinia brigade and distributed to a fighter called Okwer. There were  
5 other girls in Okwer's household. They had to cook, fetch water, wash  
6 the clothes, and observe the rules. If they didn't, they were punished.  
7 One girl was caned 50 times because she wasn't cooking well. Others were  
8 beaten for the same reason, for dropping their loads, and it was Okwer  
9 who gave the orders in his household for someone to be beaten.

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

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

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

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

25 This happened when he raped her. She didn't refuse because she

1 knew or she feared that he would kill her if he did. And she knew that  
2 Okwer would have had to ask Ongwen's permission. In the unit of which is  
3 he was a part, it was Ongwen who issued all the orders.

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

7 Witness P-0366 -- I pause.

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

10 PRESIDING JUDGE SCHMITT: I think we can have a break now until  
11 11.30.

12 MR GUMPERT: Very well.

13 THE COURT USHER: All rise.

14 (Recess taken at 10.59 a.m.)

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

16 THE COURT USHER: All rise.

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

18 MR GUMPERT: Thank you, Your Honour.

19 I resume with Witness P-0366. She was abducted in December of  
20 2000 by a unit headed by Dominic Ongwen. The abductees from that raid  
21 were distributed to different households. She was taken to Ongwen's own  
22 household. He told her if she tried to escape, she would be killed.

23 Her tasks included babysitting, cooking, cleaning clothes,  
24 fetching water and wood, and there were soldiers present to prevent any  
25 escape. People who did something wrong were brought to Ongwen. She



1 herself saw Ongwen beating two girls who had tried to escape. He then  
2 ordered that they should be finished by other LRA members and the girls  
3 were beaten to death. The witness herself, together with others, was  
4 forced by one of Ongwen's escorts to beat a woman to death.

5 About a year after her abduction, she was moved from Ongwen's own  
6 household. On this occasion Ongwen distributed five girls altogether as  
7 wives to his fighters. He oversaw the marriage ritual. He told them to  
8 stay with and obey the person he gave them to or else be beaten. This  
9 witness was given to one of his escorts.

10 That night, the man to whom she had been distributed wanted to  
11 sleep with her, but she refused. Told about her refusal, Dominic Ongwen  
12 ordered that the witness should receive 60 strokes of the cane. He  
13 watched her being beaten.

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

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

22 She also recalls that girls and women in the bush were  
23 transferred from one home to another, sometimes to homes in different  
24 military groups. They would be given babysitting work or they would be  
25 given to another man in the house, and they could not refuse the orders

1 of the leaders. They had to obey, as she put it, or be killed. And the  
2 only option for female abductees was work as a "ting-ting" and later to  
3 become a forced wife. She saw girls being killed for having a  
4 relationship without authorisation. She saw girls being killed when they  
5 were accused of being witches.

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

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

12 And so she submitted. Indeed, she said that she does not know of  
13 any girl or woman who willingly accepted to become a forced wife.

14 She recalled the punishment of girls and women for breaking the  
15 rules. They were beaten. Officers' wives were beaten if they did  
16 something wrong. She remembered one occasion that one wife was beaten  
17 simply because she could not stop her baby from crying.

18 When she herself was beaten, she was ordered not to cry out on  
19 pain of being killed if she did. She was informed of the reason for her  
20 beating that night. Her husband said he'd been informed that she planned  
21 to escape. He told her there is no escape, and if she tried she would be  
22 killed.

23 After her husband's death, she was taken to be one of the girls  
24 in Kalalang's house, one of Ongwen's subordinate commanders. She cooked,  
25 fetched water, collected grass, made beds, and washed clothes, until

1 Kalalang demonstrated the power and the discretion which Dominic Ongwen  
2 and other LRA commanders possessed and sometimes exercised. He released  
3 her from her enslavement around Easter 2005.

4 Witness P-0396 was abducted in December of 2004. She was 13  
5 years old. The group that abducted her was again headed by Kalalang.

6 They were forced to carry heavy loads of pillaged goods and to  
7 walk for days until they reached a place called Wii Polo. Dominic Ongwen  
8 was there and she realised that he was the commander of Kalalang.

9 On arrival, they went to report to Ongwen and to deliver the  
10 items which had been pillaged. The abductees were paraded before Ongwen  
11 who ordered that they should be beaten in order, as he put it, "to remove  
12 the civilian" from them. He told them that whoever tried to escape would  
13 be chased and killed. And both Ongwen and Kalalang stated that "if you  
14 are given a husband but refuse to be his wife, you will be killed."

15 After a few weeks, Ongwen distributed this witness and several  
16 other girls to his commanders. The commander to whom she was given  
17 repeated the earlier threat and told her that if she refused to sleep  
18 with him, she would be killed.

19 That same evening, he raped her. He had sex with her by force  
20 many times after that, threatening her at gunpoint if she resisted. He  
21 gave her orders on a daily basis to cook, wash, collect water, to wash  
22 his feet. He forced her to beat a girl near Odek camp and also to  
23 participate in a killing.

24 That concludes my summary of the evidence on sexual and  
25 gender-based crimes, and I turn to a new topic and that topic is the

1        conscription and use of child soldiers.

2                The LRA has been notorious for the widespread conscription and  
3        use of child soldiers for almost three decades. Tens of thousands of  
4        children and young adults were abducted in northern Uganda during the  
5        insurgency and forcibly integrated into the LRA.

6                Photographs of LRA groups commonly depict armed children  
7        alongside LRA commanders. Let me show you some.  
8        (Viewing of photographs)

9                MR GUMPERT: Male children were abducted exclusively for the  
10       purpose of becoming LRA fighters. Abducted girls were generally not  
11       given military roles but used as domestic servants or forced, exclusive,  
12       conjugal partners. Girls were also frequently used as porters but only a  
13       few received military training.

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

18               The LRA targeted young children because they were considered  
19       easier to control. They adapted more quickly. They were less likely to  
20       escape. This was a systematic practice, a policy of the LRA, and  
21       Dominic Ongwen's Sinia brigade was no exception.

22               Whilst the presence of child soldiers was widespread across the  
23       LRA, the charges in this case are limited to conscription and use of  
24       child soldiers in the Sinia brigade, the brigade in which the accused  
25       played a key role, first battalion commander and then brigade commander.

1 The co-perpetrators whose participation in the plan was essential  
2 included Joseph Kony, Dominic Ongwen, and other senior officers in the  
3 brigade. It was a common plan to abduct children to ensure a constant  
4 supply of fighters for the brigade.

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

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

12 For example, a UPDF logbook for 21 October 2002, "Kony said that  
13 no LRA should abduct people from 15 years old and above because they are  
14 problems." One Prosecution witness explains the nature of this problem.  
15 The LRA didn't want to arm people older than 15 because they feared that  
16 they would use the weapons on LRA commanders.

17 Kony instructed his commanders to concentrate on abducting only  
18 young children because they are easy to control. He envisaged that  
19 children, and this is the quotation before you, "will grow as their  
20 soldiers." He explained that it's easier to work with children and train  
21 them. On one occasion, his instructions were to abduct boys of ten years  
22 and below.

23 On 9 May of 2003, he spoke of abducting people of the right size,  
24 in other words small ones. He told his commanders to keep new abductees  
25 well because they are now their fresh fighters or their future fighters.

1 And they were the pillars of the LRA, these child soldiers.

2 He emphasised the importance of abducting and training recruits  
3 because "without recruits, they will not operate effectively." And more  
4 specifically, without children, "the LRA will be no where."

5 Other records of intercepted radio communications demonstrate  
6 that Dominic Ongwen and other Sinia commanders shared this objective and  
7 carried it out. There are reports in July 2002 of abductions of school  
8 children by a Sinia commander.

9 In August, another recruit saying that those who had been  
10 abducted were "very active and healthy bodied young people" who were  
11 easily picking up LRA way of life. And in September 2002, there is a  
12 report that Dominic Ongwen abducted 86 recruits after a single ambush.

13 On one occasion, when receiving a report on newly abducted  
14 recruits from a subordinate, Dominic Ongwen ordered that abduction  
15 "should be at its peak because it is the LRA's future."

16 One Prosecution witness, a professional soldier in the Ugandan  
17 army, provides a telling description of Dominic Ongwen's knowledge and  
18 intent with regard to child soldiers. He described meeting the accused  
19 as part of peace talks in 2006.

20 Ongwen was accompanied by 13- or 14-year-old children. They were  
21 overloaded, obviously carrying too much weight for their size. And the  
22 witness asked Dominic Ongwen even if he himself was not prepared to  
23 surrender, then at least to release the children.

24 Ongwen refused, stating, "I will not release children. You call  
25 them children. I call them my soldiers."

1           The witness didn't give up. He made a specific plea to release a  
2 boy who looked particularly miserable. The boy was known as Ongwen's  
3 slave boy, but Ongwen rejected that plea too.

4           Another Prosecution witness, also serving in the LRA, saw  
5 Dominic Ongwen in September of 2006. He was accompanied by children  
6 between the ages of 12 and 15. They had AK47 rifles. And like his  
7 fellow officer, this witness also asked Ongwen to release the young  
8 children in his group, but Ongwen refused.

9           These events occurred a few months outside the temporal scope of  
10 the charges. The Prosecution suggests, however, they are powerful  
11 examples of Ongwen's knowledge and intent with regard to child soldiers.

12           The Trial Chamber will hear from over 40 witnesses who observed  
13 child soldiers in Dominic Ongwen's Sinia brigade; nine witnesses who will  
14 give evidence to the Court were themselves child soldiers.

15           I want to turn to the two offences which are charged, the two  
16 crimes which are charged.

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

24           Children were abducted from their homes, from their schools,  
25 sometimes just from the side of the road. They were abducted as long as

1 they were healthy and looked able to fight, even if they were only ten or  
2 12 years old. Abducting children was standard practice.

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

10 During the briefing prior to the Odek attack, as you've heard,  
11 Dominic Ongwen ordered his fighters to abduct good boys or girls. The  
12 witness explained that these instructions referred to those capable of  
13 being soldiers; 12 was the preferred starting age. Boys under 15 were  
14 abducted in the Odek attack and were conscripted into the Sinia brigade.  
15 One witness took part in that attack himself as a child soldier. He  
16 remembers at Odek the attackers deliberately waiting for the children to  
17 return from school before attacking. Two of the Prosecution witnesses  
18 were boys who were abducted during that attack. They were respectively  
19 11 and nine years old.

20 So what happened to children in the Sinia brigade once they were  
21 abducted? Well, they were generally beaten as a form of initiation.  
22 Once again, the suggestion is that this was explicitly to beat the  
23 civilian out of them. The children would then be assigned to individual  
24 fighters, often the very fighters who had abducted them. They underwent  
25 military training. They were taught about the LRA's rules and about



1 discipline. Witnesses described child soldiers being trained on the  
2 front line. And they were taught to parade, to march, to handle weapons,  
3 and to shoot.

4 New abductees were known as recruits within the LRA. Smaller  
5 children would sometimes also be called "kadogos," a Swahili word meaning  
6 small.

7 The abducted children were threatened with death if they tried to  
8 run away. And if they were caught trying to escape, they would be beaten  
9 for certain and often killed, sometimes by other children. The purpose  
10 was to instill fear in them, to dissuade them from escaping. One witness  
11 in Ongwen's brigade states that almost all the children in his group were  
12 forced to participate in such killings, and it was the commanders who  
13 gave the orders for those killings.

14 Children under 15 were present in all three battalions - Oka,  
15 Terwanga, Siba - and in the Sinia brigade's headquarters. One witness  
16 describes children as young as ten joining the Oka battalion within the  
17 charged period.

18 There are nine witnesses on whom the Prosecution will rely,  
19 examples of the many hundreds who suffered this fate.

20 I start with Witness P-0097. He was 12 when he was abducted from  
21 his home village. It was February 2005. He tried hiding under a tree  
22 but he was found and forced to go with the attackers. He was abducted  
23 with two other boys, one older and one younger. Within days he was taken  
24 to Dominic Ongwen's group. He stayed with Dominic Ongwen. He saw him  
25 almost every day thereafter. There were other children he noticed in the

1 group. He thought they were about 13 or 14. And young boys, mostly  
2 younger than he was. He escaped in November 2005.

3 Witness P-0252, abducted during the attack on Odek when he was  
4 11, tried to hide but was caught, kicked, and tied up. He was dragged  
5 through the camp and into the bush. He found out that he had been  
6 abducted by Dominic Ongwen's group and thereafter he saw Ongwen almost  
7 daily. He was assigned to serve under an individual who belonged to the  
8 group of Ongwen's escorts. He remembered other children in that group,  
9 some as young as five. He received his first military training after  
10 about a week. He was taught to use a gun about two months later. He  
11 participated in military operations and attacks on civilians before  
12 eventually escaping.

13 P-0264 was abducted by the Terwanga battalion of the Sinia  
14 brigade. He was between 11 and 13. The LRA surrounded his home, and  
15 while his father and brother managed to get away, he was caught. His  
16 mother pleaded with the attackers not to take him, but they tied him with  
17 a rope around his waist and attached it to a sack of ground nuts which he  
18 had to carry on his head. He tried to escape but he was caught. And an  
19 order was given that he should be beaten to death with a machete, but the  
20 beating was interrupted by the arrival of a government helicopter and  
21 this spared his life. He became an escort to various commanders in the  
22 Sinia brigade, well before he was 15, and spent most of his time in the  
23 LRA, in the Sinia brigade. He was trained and he participated in  
24 attacks, before eventually escaping in 2014.

25 Witness P-0275 was just nine when he was abducted during the Odek

1 attack. He described other boys abducted with him. The three of them  
2 were tied and marched to the camp. They were given loot to carry. Later  
3 he was told that he had to carry a gun. He was taught how to assemble  
4 it, oil it, and disassemble it. He knows it was an AK47 rifle. There  
5 were other children even younger than he in the group. And just nine  
6 years old himself at the time, he describes children as young as six  
7 being trained. Memorably perhaps, he said that he could tell that they  
8 were so young because the muzzles of their AK47 rifles were dragging on  
9 the ground as they carried the guns over their shoulders.

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

14 This witness recalls an incident shortly after his abduction. He  
15 failed to salute Ongwen, as military discipline demanded. Ongwen put a  
16 knife to his chest and made it clear what would happen if he ever did it  
17 again. And this witness was still under 15 when he escaped in early  
18 2004.

19 Witness P-0309 was abducted in September 2002 when he was 13 or  
20 14. He recalled that his school had stopped functioning because of LRA  
21 activity. The commander of the group that abducted him was  
22 Dominic Ongwen, and he was brought to Ongwen the next day. There was a  
23 group of abductees and Ongwen asked them how old they were. This witness  
24 answered that he was 14. He was assigned to Ongwen's escorts, and from  
25 his earlier days in the bush, his duty was to carry Dominic Ongwen's gun.

1 But he was also armed himself and trained, took part in attacks, before  
2 he escaped in about September 2004.

3 Witness P-0314, abducted in September 2002, he was 14. His  
4 abductors were LRA fighters from the Terwanga battalion, Sinia brigade.  
5 And he became an escort to a senior Sinia fighter who had for sometime  
6 served directly under Dominic Ongwen. He described other children also  
7 under 15 conscripted into the Sinia brigade. He, too, was trained in  
8 weaponry and served for about six months, before escaping in September  
9 2004.

10 Witness P-0330, 13 when abducted in late 2004 or early 2003. His  
11 initial abduction was by two individuals not associated with the LRA.  
12 But he was recaptured, if that's the word, but LRA fighters just a day  
13 later and taken to Ongwen immediately after his abduction. He remained  
14 in the Sinia brigade until his escape. His training took place with  
15 other children, some as young as eight. He received a gun and a uniform.  
16 He himself became one of Dominic Ongwen's escorts until he escaped in  
17 about November of 2004.

18 Witness P-0410 was part of a group of children abducted in June  
19 or July 2002. He was 13. He was still wearing his school uniform. They  
20 were tied with rope around their waists, their hands left free so they  
21 could carry looted goods. Some of his abductors, he judged, were  
22 themselves under 15. He was trained in a group with other young boys.  
23 He carried a gun. He was an escort to a fighter in the Sinia brigade  
24 throughout his time in the bush until he escaped in June 2004.

25 One former Sinia officer recalls that the escorts of Oka

1       battalion's intelligence officer were aged 12 to 14 when they  
2       participated in operations. There was a boy whom he could name who was  
3       under 15 serving in Terwanga battalion. The boy participated, to that  
4       witness's knowledge, in several operations, including the Odek attack.  
5       And he died in combat in 2004, aged 14.

6               The young age of some of Dominic Ongwen's own personal escorts is  
7       vividly described by one of his forced wives who noted in testimony  
8       already given to the Pre-Trial Chamber that as well as instructing and  
9       training the children, Dominic Ongwen would sometimes go and play with  
10      them.

11             I turn to Count 70, the use of children to participate actively  
12      in hostilities.

13             Children under 15 in the Sinia brigade were used regularly in  
14      combat. They fought in battles and ambushes, both against the UPDF and  
15      attacks on civilians. Children who weren't armed with guns were used in  
16      different ways, sometimes tasked with raising the alarm or making a noise  
17      to exaggerate the perception of LRA strength. They burnt and pillaged  
18      civilian houses, they carried the looted goods, and they were used as  
19      scouts to keep watch or to alert the LRA about enemy movements.

20             They were forced to abduct and kill civilians.

21             One of the most common roles for children in the Sinia brigade  
22      was that of escort or guard. Dominic Ongwen himself used escorts under  
23      15. Their job was to accompany their commander closely. They provided  
24      physical security, ensured that anything he requested was done. In the  
25      heat of battle, they had to stay at the side of the commander. If the

1 commander was wounded, they had to take care of him.

2 The Chamber will hear evidence from seasoned fighters in the  
3 Sinia brigade who describe in detail the activities of these child  
4 soldier escorts in combat. Children under 15 participated actively in  
5 all four of the charged attacks as well as in many other locations across  
6 northern Uganda. They were often wounded and killed.

7 The Prosecution case is that there can be no doubt that  
8 Dominic Ongwen knew that children were being conscripted into the Sinia  
9 brigade at the age of far younger than 15. He was surrounded by these  
10 children. He interacted with them daily. Their appearance made it  
11 manifestly plain that many of them were under 15. Sometimes he directly  
12 asked them, as I have already informed the Court, of their age. He knew  
13 from their own mouths that they were under 15.

14 Your Honours, that concludes the remarks that I seek to make  
15 about the charges and the evidence supporting those charges.

16 The last portion of this address is where I would seek to address  
17 the grounds for excluding criminal responsibility, of which the Defence  
18 have given notice prior to the commencement of the trial.

19 So far as the attack on the camp at Pajule is concerned,  
20 Dominic Ongwen has given notice that he intends to rely on the defence of  
21 alibi. He asserts that he was not there. As your Honours have heard,  
22 the Prosecution will present copious evidence to prove that he was.

23 In addition, the Defence has given notice that it intends to  
24 argue that at the time he is alleged to have committed the crimes in the  
25 document containing the charges, he was suffering from a mental disease

1 or defect which means that he should be found not guilty of any of them.  
2 And in addition to that, notice has been given that he was acting under  
3 duress which would have the same effect.

4 In respect of each of these proposed grounds, the Prosecution  
5 makes some preliminary observations. And I shall deal firstly with the  
6 issue of duress, if I may.

7 Under Article 31(1)(d) of the Rome Statute, criminal  
8 responsibility may be excluded if "the conduct which is alleged to  
9 constitute a crime within the jurisdiction of the Court has been caused  
10 by duress resulting from a threat of imminent death or of continuing or  
11 imminent serious bodily harm against that person or another person, and  
12 the person acts necessarily and reasonably to avoid this threat, provided  
13 that the person does not intend to cause a greater harm than the one  
14 sought to be avoided. Such a threat may either be (i) made by other  
15 persons; or (ii) constituted by other circumstances beyond that person's  
16 control."

17 The Prosecution makes six observations in respect of this  
18 provision.

19 First, duress, as the Pre-Trial Chamber held in the Confirmation  
20 Decision, is not a blanket covering all wrong-doing alleged against the  
21 accused. The Prosecution submit that it will be for Dominic Ongwen to  
22 identify which specific crimes, which conduct, took place as a result of  
23 a threat of imminent death or serious bodily harm. It will be for him to  
24 identify what the particular threat at that moment was. To take an  
25 example, if the Chamber finds that the uncontested evidence of Witness

1 P-0101 does amount to proof beyond reasonable doubt of the crime of rape,  
2 it will be for Ongwen to demonstrate that at the moment when he committed  
3 the act of penetration, in the privacy of his tent, that he or another  
4 person was under threat of death or serious bodily harm if he didn't do  
5 so.

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

9 Third, when it comes to a threat of bodily harm rather than  
10 death, an alternative requirement of the Statute is that the harm is  
11 continuing rather than imminent. It's important to note that it is the  
12 harm rather than the threat which is a continuing one. In other words,  
13 the Prosecution submits, the bodily harm was already being inflicted  
14 before the threat was issued, and the threat was that the harm would  
15 continue. The Prosecution suggests that this is designed to cater for  
16 cases of ongoing physical torture, unlikely to be relevant in this case.

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

20 Fifth, it will have to be shown that what Dominic Ongwen did was  
21 reasonable, in other words, that committing the crime was a proportionate  
22 response to the threat. And the Prosecution suggests that that may be  
23 judged by asking what would a reasonable person in his position have  
24 done.

25 And lastly, evidence will have to be advanced about



1 Dominic Ongwen's own intentions in respect of each crime where he relies  
2 upon duress. To take another example of those crimes, if he would, but  
3 for the question of duress, be held criminally responsible for planning  
4 and ordering the deaths of the 61 inhabitants of Odek IDP camp, he must  
5 establish that he intended that the harm that he was going to cause  
6 thereby was no greater harm than his own death.

7 I turn to mental disease or defect. Criminal responsibility may  
8 be excluded if the person suffers from a mental disease or defect that  
9 destroys that person's capacity to appreciate the unlawfulness or nature  
10 of his or her conduct, or capacity to control his or her conduct to  
11 conform to the requirements of law.

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

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

21 And secondly, capacity. This article focuses on a person's  
22 capacity, their ability to understand things or to control their actions.

23 One way in which Dominic Ongwen could escape criminal  
24 responsibility for his wrong-doing will be to demonstrate that although  
25 he knew what he was doing was wrong, mental illness had rendered him a

1 complete spectator in his own life, unable to control what his body was  
2 doing because his ability to make choices had been destroyed. The  
3 evidence I have summarised will demonstrate that, in fact, he was quite  
4 capable of making such choices and he did so regularly.

5 Realistically, it may be that the issue in this case will focus  
6 on his capacity, his ability, to understand either what he was doing or  
7 that what he was doing was unlawful.

8 He plainly knew what he was doing. He reported on what he was  
9 doing in detail to Joseph Kony and other senior commanders on the radio.

10 So what about knowledge of unlawfulness? The Prosecution case is  
11 that it will not be enough for a Defence psychiatrist to say, for  
12 example, that the effects of some mental illness meant that  
13 Dominic Ongwen thought killing people was lawful when Kony ordered him to  
14 do it.

15 To avoid a finding of guilt, the evidence will have to persuade  
16 the Chamber that the effect of this mental illness meant that  
17 Dominic Ongwen was incapable of understanding that these killings were  
18 unlawful, even if this had been explained to him at the time in very  
19 clear terms.

20 Essentially, the Prosecution submit, the law requires a  
21 demonstration not that mental illness made him think that killing  
22 civilians and raping young girls was right, but that it had destroyed his  
23 ability to distinguish between unlawfulness and lawfulness, to tell right  
24 from wrong.

25 But Dominic Ongwen did have the capacity to tell the difference

1 between right and wrong. His own words, shortly after his surrender,  
2 broadcast on Ugandan television demonstrate that fact.

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

9 (Viewing of the video excerpt)

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

13 Those are the submissions that the Prosecution makes in the  
14 opening of this case.

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

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

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

22 PRESIDING JUDGE SCHMITT: We don't object now to the opening  
23 statements. I said that yesterday. And I will not allow that and it is  
24 also not allowed when it is the turn of the Defence. There was nothing  
25 that made a -- something -- the need to act proprio motu by the Chamber,

1 and I don't see that we now go into a discussion about the opening  
2 statement of the Prosecution. I would ask you to sit down and let now  
3 the Legal Representatives for Victims make their opening statements.

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

6 PRESIDING JUDGE SCHMITT: Of your statement, then.

7 MR ODONGO: Yes.

8 PRESIDING JUDGE SCHMITT: Yes, of course.

9 MR ODONGO: Much obliged.

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

13 MR MANOBA: Yes.

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

15 MR MANOBA: Thank you, Mr President.

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

22 The views presented in this statement were gathered from  
23 consultations with the majority of our clients. Our clients wish this  
24 Court to know that there are many people who didn't have a chance to  
25 apply to participate in these proceedings because of the time

1 constraints. However, be that as it may, they share similar experiences  
2 of the views and concerns that we speak about today.

3 Our clients recall that on 23 March 2016, Pre-Trial Chamber II of  
4 this Court issued a decision confirming 70 charges against the accused  
5 Dominic Ongwen and moved the case to trial for the alleged crimes against  
6 humanity and war crimes perpetrated in the IDP camps of Odek on 29 April  
7 2004, in Lukodi on 19 May 2004, and Abok on 8 June 2004.

8 The Prosecution, of course, has already spoken to the specific  
9 crimes that have been perpetrated in these IDP camps. And of course for  
10 the thematic crimes of sexual violence and gender -- sexual and  
11 gender-based violence, persecution, and conscripting, and using children  
12 to engage in hostilities.

13 It is on the premise of the confirmed charges, your Honours, that  
14 our clients present the following views at the commencement of the  
15 opening of the trial of Mr. Dominic Ongwen.

16 Before the coming of guns, as our client puts it, one of our  
17 clients puts it, it was common to find elderly men and women in the  
18 communities and in most homes. These were the fountains and custodians  
19 of culture and ways of life. In this setting our clients recall that  
20 life was very community based. Extended families and clans played a  
21 fundamental role in shaping the community lives. Cultural norms and  
22 traditions were passed on through elders, and young people respected  
23 their elders and the traditions of the community.

24 Core cultural principles were respected. These were things such  
25 as prohibitions on killings, stealing, and domestic violence, and of

1 course the principle that orphans should be cared for.

2 Mr President, your Honours, children in the African setting are  
3 very important aspects. They do lots of things to support their  
4 families. Elders - cultural, religious, and political leaders - were  
5 equally fountains of honour and discipline. Through these institutions,  
6 the community was properly governed and people managed their differences  
7 through the appropriate structures because they gave directions and  
8 resolved disputes. They assisted the communities to plan long term, such  
9 as averting potential famine.

10 The community at large, to a large extent, was united by common  
11 bonds of humanity, hence the ability to work together through planning  
12 and adopting strategies to address common threats and challenges.

13 The people of the Greater North of Uganda and more particularly  
14 residents of what came to be Odek, Lukodi, and Abok IDP camps, took pride  
15 in their livelihoods wherein they farmed, reared animals, indulged in  
16 commercial activity, celebrated the Acholi and Lango cultures, educated  
17 their children, and travelled peacefully to various parts of the country,  
18 among other things.

19 The communities were economically sustainable through the  
20 utilisation of land resource -- of the land resource which, to a great  
21 extent, was owned in common among the clans and families. Through  
22 farming, families were able to yield enough support to sustain  
23 themselves.

24 Majority of the families and households owned and maintained  
25 livestock; some on large scale and others on small scale, depending on

1 their means. This is because livestock provided the basis for the local  
2 economy. It was a medium -- livestock was a medium for transactions on  
3 the one hand and a means for ploughing fields, for cultivation.

4 There was a concept of brotherhood among the communities, because  
5 it provided a means for various categories of the private persons in  
6 communities to share and access food and hence enjoy a livelihood.

7 The victims also acknowledge that, like in any society, there  
8 were occasions of violence and criminal activity in the communities which  
9 were addressed by the existing formal justice mechanisms obtaining in the  
10 country, and others of course were settled by the existing customs in  
11 resolving conflicts in life and other aspects of daily living which went  
12 on fairly.

13 Now, it is significant to note that communities lived peacefully  
14 and were not fearful. People went about their activities freely and were  
15 not scared to move about their communities, even at night. That was what  
16 it was before the coming of the guns.

17 Then there was a question of the camps and the attacks on the  
18 camps. We have heard from the Prosecution about the attacks on the  
19 civilians in the camps, the subject of this case against Dominic Ongwen.  
20 Our clients want your Honours to know that living in the IDP camps is  
21 incomparable to living in their real homes. The IDP camps were places of  
22 refuge that did not offer the tranquility of a family home setting. The  
23 camps came because the guns came to the communities, which communities  
24 did not invite the guns. The Government of Uganda created the camps as  
25 protected villages and communities in large numbers were displaced into

1 these IDP camps.

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

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

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

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



1 communities.

2 Movement into the camps was the beginning of the destruction of  
3 the existing social and cultural structures that contributed to moral  
4 upbringing and discipline in society. The establishment of the camps  
5 came with the deployment of government soldiers to offer protection to  
6 the camps. However, oftentimes the deployments were insignificant  
7 compared to the populations in the camps, hence the LRA's ability to  
8 launch successful attacks on the civilian populations.

9 The establishment of protected villages is also blamed for the  
10 loss of livestock as both government soldiers and the LRA took advantage  
11 of the situation to deprive owners of their herds.

12 These developments, your Honours, had impacts on the victims and  
13 the communities. Our clients inform this Court that the LRA armed and  
14 violent attacks at Lukodi, at Odek, at Abok, forever changed life and the  
15 way of life of all camp residents, their relatives. And the events  
16 shocked humanity at large in a way that has hitherto unknown in the said  
17 local communities.

18 The attacks were swift and exceedingly brutal. In the span of  
19 two to three hours, victims in the protected camps were further  
20 displaced, rendered homeless, and deprived of food rations and  
21 livelihoods, dignity, and were bereaved as well. Family members were  
22 abducted. In short, the devastation was absolute.

23 Like the Office of the Prosecutor has shown, the attacks were  
24 indiscriminately perpetrated and had no regard for human life, as a  
25 number of people were killed by the LRA fighters either by being shot at

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

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

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

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

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

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

1       unsustainable.

2               For many people, the physical injuries they continue to suffer  
3       from are not only a source of pain but a hindrance to their livelihoods  
4       and their abilities to care for their families because they cannot go out  
5       to the fields and prepare the gardens and work for their families.

6               Trauma and traumatic experiences cannot be left out of the  
7       equation. The severity and the savagery of the violence has left deep  
8       scars within the psyche of many members of the community. Victims are  
9       haunted by the memories of death and destruction that included the sight  
10      of numerous dead bodies, often with relatives and friends among them.

11              Some victims watched helplessly as their family members were  
12      indiscriminately murdered. Others who fled for their lives only returned  
13      to the sight of their dead relatives, shot or bludgeoned or burned in  
14      their houses. Many cannot forget the disturbing scenes of domestic  
15      animals eating human flesh. Others relive the horrific incidents from  
16      the day of the violent attacks, especially outrages and the inhumane  
17      treatment subjected to many of the camp residents. The failure, Your  
18      Honours, to conduct decent burials for some deceased persons has  
19      triggered psychological and psychosocial trauma, including people hearing  
20      voices of persons who were killed.

21              Sustained effects of sexual violence, these are among victims of  
22      SGBV, or sexual and gender-based crimes, because many of them have not  
23      received appropriate medical and psychological attention to assist in the  
24      treatment of these effects.

25              Social stigma. This affects both child mothers and their

1 children fathered by the LRA commanders during the bush. The additional  
2 harm to parents and other family members of those who were abducted and  
3 who have not returned, to this day they don't know the fate of their  
4 family members and only await for news that may arrive about their being  
5 alive or not.

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

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

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

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

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

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

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

11          Your Honours, children were abducted into the LRA -- children  
12          that were abducted into the LRA have returned to social stigma in their  
13          communities as a result of their involvement in the conflict against  
14          their will. Those who lived through the conflict, whether as abductees  
15          or those who survived the attacks, witnessed horrific scenes. Many have  
16          been forced to commit horrific acts, and because of their young age, they  
17          suffer disproportionately as a result of these experiences from trauma  
18          and ongoing psychological harm.

19          There are those children abductees who escaped from their  
20          abductors and have been subjected to the amnesty process by the  
21          Government of Uganda. The issuance of amnesty certificates to these  
22          children have caused further problems. The children are now treated or  
23          have tags of proof of having been within the LRA and therefore this has  
24          consequences that they can be prevented from gaining -- from accessing  
25          gainful employment or even travelling.

1           Your Honours, the conflict had impacts on the economic structures  
2 of the communities. Our clients inform this Court that there was loss or  
3 they suffered loss of household and other family properties, including  
4 livestock, which impacts on community livelihoods and the local economy.  
5 As I have indicated before, the livestock offered avenues for  
6 transactions and of course sustaining agriculture in the communities.

7           The attacks rendered people destitute. Many people were left  
8 with only the clothes they were wearing, thus forced to endure the  
9 indignity of wearing the same clothing day in and day out. The pillage  
10 of food resources exposed many to the risk of hunger. The loss of family  
11 heads and providers has led to an increased number of needy and  
12 unsupported children. The attacks also forced some people to abandon  
13 their villages and go to towns or trading centres, where they move from  
14 one place to another in order -- in an attempt to find ways of living.

15           Community structures were not spared, your Honours, by this  
16 conflict. The loss of family heads meant that families lost unifying  
17 factors for individual clans and households. The respect for traditional  
18 leaderships, elders and governance structures has been lost. Elders in  
19 the community that once took the responsibility to provide and guide the  
20 youth these days focus on themselves and their immediate families. A  
21 whole new generation born and raised in the camps has lost principles for  
22 culture and tradition and the way of life of the communities in these  
23 areas.

24           Our clients note this general loss of desire to gainfully work  
25 amongst the youth which is a very serious concern among the elderly.

1 Alcoholism is widespread and it leads to further economic problems. Many  
2 men spend all their money and even sell their customary land without  
3 consulting their spouses, to the detriment of the little children. There  
4 are cases of increased domestic violence in the communities.

5 Many people no longer think and plan for the future. They only  
6 live for today and not tomorrow because they have no knowledge whether  
7 they will be able to continue much longer. And people only think about  
8 borrowing from their immediate -- borrowing for their immediate needs as  
9 opposed to producing sustainably.

10 There are, of course, increasing numbers of orphans who today are  
11 not cared for and, in fact, have rendered many to be street children.  
12 The social structures which existed previously for their care no longer  
13 exist and there is nobody to look after many of these children.

14 Land conflicts have arisen because of the destruction of the  
15 traditional landmarks, on the one hand, and the related stigma -- the  
16 destruction of traditional landmarks because of moving into the IDP camps  
17 that were created by the government.

18 Mr President, your Honours, I will now invite my colleague Mr Cox  
19 to conclude our statement with a few remarks. Thank you.

20 MR COX: Mr. President, your Honours, the people we represent  
21 believe Dominic Ongwen to be responsible for the crimes that he is  
22 accused. It is interesting to convey to the Court the process by which  
23 this conviction or this sense was brought up in the community. As in  
24 here and probably in the mind of all of us, in the communities, the  
25 questions were raised when we were making consultation. Is

1 Dominic Ongwen a victim or a criminal? And it's interesting how among  
2 themselves, among the community, they answered this question. As one  
3 client of ours said, "He was abducted as a child but when he became an  
4 adult he had the option to leave. He did not because he found the work  
5 so nice."

6 Victims note that Mr. Dominic Ongwen was himself an abductee, but  
7 they also mention that many of them, when they had the opportunity given  
8 to them, they flee. We would like to show some examples and what they  
9 went through to leave the grip of the LRA.

10 Some women escaped together with their young children. Others  
11 escaped despite the fact that they had suffered serious injuries during  
12 their ordeal. One woman described how she had suffered a prolapsed  
13 uterus from repeated rapes and that she was extremely weak. Nonetheless,  
14 she managed to escape. I'm talking about our client A/06797/15.

15 Abductees managed to escape in many ways. Some took the  
16 opportunity to escape when they were sent to gather food; others took the  
17 advantage of the confusion during the battle with the UPDF. One victim  
18 who was only 12 years old at the time of his abduction, and describes how  
19 he escaped after two years by simply allowing himself to fall behind as  
20 his rebel group approached an attack. This is our client A/07089/15.

21 Among the participant victims are children who managed to escape  
22 the LRA captors when they were as young as nine years old. The  
23 challenges that children overcame in order to escape from the LRA are  
24 exemplified by one victim who told his story of having been abducted  
25 during the attack of Lukodi when he was only ten years old. He described



1 in detail the journey he was forced to go through. He had stolen goods,  
2 had seen other children killed, and how himself was severely and  
3 violently beaten and starved. He heard the LRA planning to use the  
4 abductees in an attack. He was hungry, in pain, and no doubt terrified.  
5 However, at the first opportunity he had, when he was sent to gather  
6 water with another abductee, he escaped. His feet were injured, swollen,  
7 and he could not walk and he had no shirt. Despite this, he crawled  
8 bare-chested, therefore covered in sores, to his freedom.

9 Your Honour, we would like to convey to you the significance that  
10 this trial has for our representatives. Victims note here as they noted  
11 at the Confirmation of Charges hearing that the trial of  
12 Mr. Dominic Ongwen is extremely significant because it offers them the  
13 only tangible opportunity for justice to be done for any crimes committed  
14 by the LRA and its top commanders against civilians in the timeframe of  
15 29 years.

16 The individual suffering that has been experienced from day --  
17 from the days of the attack but that endured until now, as my colleague  
18 has mentioned, have touched all aspects of the lives of victims. And we  
19 must be honest, some victims have expressed their desire for retribution.  
20 However, once again, talking among themselves, they are more interested  
21 in justice, as we will see.

22 It is in this context of request for retribution that some voices  
23 have risen to ask for forgiveness for the acts committed. But this  
24 request for forgiveness or these voices that request forgiveness come  
25 from people that still have children as abductees and they believe that

1 the only way they might come home is if they forgive. It was also  
2 uttered in the context in which Dominic Ongwen, as they have said, had  
3 the guns, his bodyguards, and his troops, thus the fear for even uttering  
4 the word "justice". Other people speak of forgiveness for religious  
5 reasons. It's usually the people that do not suffer the consequences of  
6 crimes that request for forgiveness.

7 This, Your Honour, does not mean that victims are not seeking  
8 justice. Quite the contrary. To ask for forgiveness or to give  
9 forgiveness, you must request it. As we all saw yesterday,  
10 Mr. Dominic Ongwen has never asked for forgiveness. He just wants to  
11 separate himself from the charges. How can you forgive if you have not  
12 requested forgiveness?

13 And forgiving and forgetting are not the same thing. As one of  
14 our clients says, "Many people are talking about forgiveness and  
15 reconciliation and other things. People may say forgive but we never  
16 forget. This forgiveness where there is forgetting, it is like a  
17 time-bomb."

18 But now, your Honours, that Dominic Ongwen does not have the  
19 guns, does not have his bodyguards, and does not have his troops, victims  
20 are talking about justice, are seeking justice, and are applying for  
21 justice in this Court, justice in the sense of criminal justice and  
22 also -- criminal punishment and also in compensation and reparation.

23 It was the culture among the Acholi culture that for the  
24 commission of a grievous crime, justice would be done publicly. The  
25 community leaders would seek to establish the truth and some reparation

1 to be issued by the offending party and his or her community. As one  
2 victim has noted, "In Acholi custom, compensation would be a question  
3 between the clan of the victim and the clan of Dominic Ongwen." They  
4 have to sit around the table and agree on compensation. But first, this  
5 Court must decide whether he is guilty and what punishment and  
6 compensation should be set.

7 The victims are confident and put a lot of trust in these  
8 proceedings. They have spoken about the transparency, the rights of the  
9 accused, and how you can see how justice is being done. Victims note  
10 that if Mr. Dominic Ongwen is not punished for the crimes he perpetrated  
11 as a senior commander in the LRA ranks and personally, this will leave  
12 them even in a higher sense of hopelessness as no other perpetrator,  
13 whether state or non-state actor, has been tried and held responsible for  
14 the crimes perpetrated in Lukodi, Odek, or Abok, and, indeed, all other  
15 parts of the country where the armed conflict between UPDF and the LRA  
16 happened. This effectively leaves the impunity gap and no precedent  
17 holding such individuals responsible, and that is a threat for peace. As  
18 Victim A/06546/15 says, "If the accused Dominic Ongwen is not punished,  
19 impunity will prevail."

20 The victims, therefore, ask for justice. In the words of another  
21 client of ours, "If we kill Dominic Ongwen, is that going to pay for our  
22 people who died? I think not. Is it going to stop others from killing?  
23 I think the answer is also no. It is only when it's put on legal process  
24 and everybody is aware of what happened to him that he becomes an  
25 example. That is what we want." In other words, they want the

1 International Criminal Court, the international community, shocked by the  
2 crimes that have been committed, to deliver justice and to reaffirm the  
3 values common to all humankind.

4 Your Honours, there is a paradox in these type of crimes which is  
5 due to the large number of victims, the individual victims are erased.  
6 We talk about large numbers - and for protective measures, we have to  
7 refer to people as numbers - but it's important to remember that behind  
8 each number there is an individual, a person, that has suffered the  
9 consequences; that there's a community that has also suffered the  
10 consequences of these crimes.

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

19 Thank you, Your Honour.

20 PRESIDING JUDGE SCHMITT: Thank you very much.

21 It is close to 1.00. We will have now the lunch break until  
22 2.30.

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

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

25 THE COURT USHER: All rise.

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

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

4           Mr President, your Honours, the armed conflict between the  
5 Government of Uganda and the LRA, described as the worst forgotten  
6 humanitarian crisis in the world, was exceptionally protracted and brutal  
7 in its impact on the civilian population.

8           Prior to the LRA insurgency, people in northern Uganda lived a  
9 peaceful life. When community members are asked about their lives before  
10 the conflict broke out in 1986, they describe it as very pleasant. Life  
11 was peaceful and they were free to go about their daily business. People  
12 in northern Uganda lived their lives with the comfortable assurance that  
13 they knew what tomorrow would look like.

14           After the LRA insurgency began, nearly 2 million northern  
15 Ugandans were forced to abandon their often self-sufficient homesteads  
16 for a life confined in internment camps, dependent on food assistance.

17           A survey report released in July 2003 revealed that at least  
18 1,000 people, mainly children, were dying in the camps every week.

19           The high concentration of people in the IDP camps made the  
20 population more vulnerable and harder to protect from the LRA incursions.  
21 The protection of the camps remained precarious, and life became a daily  
22 struggle for survival.

23           The LRA frequently attacked the camps, partly because Kony  
24 perceived the victims as loyal to or supporting the government by reason  
25 of the fact that they were confined in areas under the protection of UPDF

1 and partly because Kony needed to recruit soldiers and wives for his  
2 army.

3 The attacks were well-planned and well-executed, following a  
4 standard modus operandi which aimed at targeting on one side the UPDF  
5 forces and the civilians on the other side.

6 Victims of the attack generally recall their experience as  
7 follows, and I quote, your Honours, from one of our clients:

8 "All around, there were killings going on and so much fire  
9 burning that the entire place become so bright as it was broad daylight.  
10 By the time they left, the whole camp was littered with dead bodies as if  
11 they had been on a hunting spree. They killed people as if they were  
12 hunting animals."

13 The broad geographical spread of victimisation and the large  
14 number of victims participating in this case, 4,106 individuals, confirm  
15 the wide scope of the attack. Families and communities of all ages and  
16 gender suffered from crimes in northern Uganda.

17 The victims of the attacks' account of events revealed that the  
18 crimes they suffered from were not spontaneous, nor isolated acts of  
19 violence but, rather, part of a planned, directed and organised attack  
20 against them because they are Acholi and perceived as supporting  
21 Museveni's government. The attack was perpetrated over a long period of  
22 time.

23 The victims recall a particular pattern of the LRA in attacking  
24 IDP camps and put emphasis on the crime of pillaging, explaining that the  
25 LRA took everything they owned, including all goods necessary to sustain

1 life in the difficult conditions in northern Uganda - pans, cups,  
2 clothes, as well as livestock, representing the key source of income of  
3 the affected people. Often, victims had compiled detailed lists of the  
4 items looted.

5 According to the victims' account of events, some murders were  
6 motivated by the desire to oppress the resistance or by the desire to  
7 appropriate cattle belonging to the inhabitants of the camps.

8 After completing their operations, usually the rebels departed,  
9 taking with them an unspecified number of men, women, children,  
10 foodstuffs, and other valuables. An estimated 30,000 children, mainly  
11 from the Acholi subregion, have been abducted and conscripted as child  
12 soldiers and rebel wives. During the decades of armed conflict in  
13 northern Uganda, the LRA systematically abducted girls for the purpose of  
14 forcibly marrying them to commanders and fighters.

15 Abductions were normally perpetrated during the attacks. The  
16 majority of abducted girls were forced into marriage and given to LRA  
17 commanders and higher ranking fighters. Top commanders would even  
18 describe the type of girl they wanted, including age, physical  
19 appearance, and intelligence. If recent abductees matched these desired  
20 characteristics, then they were collected and distributed to the  
21 commanders. It was then an order to go with those men and become their  
22 wives. And resistance was punishable by rape, severe beating, torture or  
23 even death.

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

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

6           Victims themselves indicate that their condition of "wife" had  
7 and still have serious repercussions on their possibility of restoring,  
8 as they put it, "normal relationships with men"; and that even if they  
9 are reintegrated in the community, they feel that said reintegration is  
10 not, to use again their words, "full" and sometimes only dictated by  
11 social conventions more than by a genuine will to help them in rebuilding  
12 their lives.

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

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

22           Adults were abducted to help carry looted goods but usually  
23 released after a short period of time. Not the same fate for children.  
24 The LRA favoured the abduction of very young children because more  
25 malleable. Once abducted, children were conscripted as soldiers,



1 porters, and sexual slaves. Children were often forced to commit  
2 atrocities as soon as they were abducted, in order to make a clean break.  
3 Children were considered an asset to the LRA because they can work  
4 quickly and not tire easily. If they slowed down or were unable to keep  
5 up, they were killed or first mutilated and then killed.

6 The LRA also favoured the abduction of preadolescent girls  
7 because they were believed to be free of sexually transmitted diseases.  
8 The younger girls were subject to long hours of exhausting domestic work,  
9 walking long distances to fetch water and firewood, cooking, cleaning,  
10 and working in the fields. They were systematically raped. The horrific  
11 and prolonged consequences of the war had an impact not only on the  
12 individuals but eroded the solid and rich culture of the Acholi society.

13 Mr President, your Honours, the extent of the prejudice suffered  
14 from by the civilians in northern Uganda is tremendous. Experience of  
15 forced conscription into the LRA varies in scope and in intensity but is  
16 considered to be extremely traumatic.

17 Children, some as young as six years old, have been forced to  
18 mutilate and kill civilians, including members of their own families and  
19 communities.

20 LRA abductees have had severe violence inflicted upon them -  
21 beatings, imprisonment, forced labour, and menacing killings. Several  
22 studies indicate that former abductees who have committed or experienced  
23 a high level of violence show substantial increases in emotional distress  
24 as well as poor family relations. Symptoms of post-traumatic stress  
25 disorder and depression were found to be significantly higher among those

1 who experienced abduction compared to the ones who only witnessed  
2 violence or had little exposure to the conflict.

3 Reports also show that women experienced a long average stay in  
4 captivity than men. Women aged 19 to 30 years old averaged 4.5 years in  
5 abduction, more than the average of any other age/gender group. This  
6 finding reflects the LRA practice of abducting girls and women to serve  
7 as sexual partners and servants to LRA commanders. Recent studies also  
8 find that a quarter of all females abducted for any length of time were  
9 forcibly married to members of the LRA, and that half of them gave birth  
10 to children conceived following these forced relationships.

11 As the people from the IDP camps returned from displacement and  
12 tried to rebuild their lives, they had to struggle with daunting  
13 resettlement challenges, in addition to complex questions on how to  
14 approach issues of reconciliation between victims and alleged  
15 perpetrators within the community.

16 Many war-affected communities in northern Uganda are faced with a  
17 similar scenario as they struggle to pick up the pieces of their lives in  
18 the wake of a conflict, characterised by difficulty to cope with their  
19 trauma and challenges in pursuit of their justice and reconciliation  
20 needs, specifically the need for accountability and reparations.

21 Mr President, your Honours, why victims wish to participate at  
22 trial? Which are their expectations at the start of the trial? In a  
23 short ten-minute video, we would like to play now, victims explain with  
24 their own words the reasons for their participation and their hopes  
25 concerning the proceedings.

1           Before we play the video, your Honours, for the benefit of the  
2 public, I would like simply to make clear that the video has no  
3 evidential nature; it's simply a way to convey the expectation of the  
4 victims in the way in which these expectations have been conveyed to us  
5 in the field through the meetings that we held with our clients.

6           The video will be played completely in English. We simply want  
7 to thank, before playing the video, the Registry Language Service Section  
8 who provided assistance in reviewing the translation from the Acholi.

9           The video will be shown on Evidence 2.

10 (Viewing of the video excerpt)

11           MS MASSIDDA: Justice shall prevail. Three simple words, your  
12 Honour, which rightly convey the expectations of victims at the start of  
13 the trial.

14           This concludes our opening on their behalf. Thank you for  
15 listening to their voices today.

16           PRESIDING JUDGE SCHMITT: Thank you very much.

17           We have reached the end of today's hearing. We will now adjourn  
18 and resume on Monday, 16 January 2017, with the beginning of the  
19 presentation of the evidence by the Prosecution. The Chamber will then  
20 sit from this date until 3 February 2017, after which there will be a  
21 three weeks' break. The hearing will then resume on 27 February 2017 for  
22 five weeks consecutively until 31 March 2017, after which there will be  
23 again a three-week break. Further scheduling announcements will be made  
24 at a later time.

25           I would like to thank the Court Officer, the interpreters, the

1 transcribers, and others in and around the courtroom for their  
2 assistance. The opening is always a special moment of a trial, which  
3 also poses special challenges.

4 The court is now adjourned.

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

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