

Trial Hearing
WITNESS: UGA-V40-V-0001

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Pangalangan
7 Trial Hearing - Courtroom 3
8 Friday, 4 May 2018
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:57] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:33:03] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:33:26] Thank you, Mr President.
15 The situation in Uganda case, Prosecutor versus Dominic Ongwen, case reference
16 ICC-02/04-01/15.
17 We are in open session.
18 PRESIDING JUDGE SCHMITT: [9:33:37] Thank you very much. I ask for the
19 appearances of the parties. For the Prosecution, Mrs Hohler.
20 MS HOHLER: [9:33:41] Good morning, your Honours. For the Prosecution today
21 Ben Gumpert, Shkelzen Zeneli, Sanyu Ndagire, Maya Talakhadze, Ramu Fatima
22 Bittaye and myself, Beti Hohler.
23 PRESIDING JUDGE SCHMITT: [9:33:55] Thank you very much. And for the Legal
24 Representatives, Mr Cox.
25 MR COX: [9:33:58] Good morning, your Honours. With me Mr James Mawira,

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1 Mr Joseph Manoba, Ms Maria Radziejowska and Priscilla Aling and Megan Hirst and
2 myself, Francisco Cox.

3 PRESIDING JUDGE SCHMITT: [9:34:12] It will become easier, Mr Cox, in time.

4 MR COX: [9:34:15] One more witness and I would have gotten it right.

5 PRESIDING JUDGE SCHMITT: [9:34:18] I'm absolutely sure, yes. And then
6 Mr Narantsetseg, please.

7 MR NARANTSETSEG: [9:34:22] Good morning, Mr President, your Honours. I'm
8 Orchlou Narantsetseg. With me, Ms Caroline Walter and Ms Laura Mahecha.
9 Thank you.

10 PRESIDING JUDGE SCHMITT: [9:34:32] Thank you.

11 And for the Defence, Mrs Bridgman.

12 MS BRIDGMAN: [9:34:35] Good morning, Mr President, your Honours. I'm
13 Abigail Bridgman, together with Chief Charles Achaleke Taku, Thomas Obhof. We
14 can incorporate Thomas Ketchin into our team, he's assisting us this morning. And
15 our client, Mr Ongwen, is in court.

16 PRESIDING JUDGE SCHMITT: [9:34:52] At least he helps Mr Obhof to be in a, so to
17 speak, workable state.

18 And we turn now to the next witness and this is Mrs Teddy Atim. Mrs Atim, good
19 morning. I would like to welcome you in this courtroom on behalf of the Chamber.

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21 (The witness speaks English)

22 THE WITNESS: [9:35:12] Thank you.

23 PRESIDING JUDGE SCHMITT: [9:35:12] You have a card in front of you with the
24 solemn undertaking. Please read this card out aloud.

25 THE WITNESS: [9:35:18] I solemnly declare that I will speak the truth, the whole

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1 truth and nothing but the truth.

2 PRESIDING JUDGE SCHMITT: [9:35:23] Thank you very much, Mrs Atim. I have
3 a few practical matters to discuss with you before we can start with your testimony.
4 You are aware that everything we say here in the courtroom is written down and
5 interpreted, and to allow for the interpretation, we need to speak at a relatively slow
6 pace and speak into the microphone, of course. And there should be no overlap in
7 speaking. So everybody should only speak when the person who has spoken before
8 has finished.

9 If you want to say something yourself, you want to address the Chamber, please raise
10 your hand and I will give you then the word.

11 We can then start with the testimony, Mr Cox. And this is a Rule 68(3) witness or
12 expert.

13 MR COX: [9:36:08] Yes, your Honour.

14 PRESIDING JUDGE SCHMITT: [9:36:09] Okay.

15 QUESTIONED BY MR COX:

16 Q. [9:36:12] Good morning, Ms Atim. Could you tell the Court where did you
17 study?

18 A. [9:36:18] I studied my primary education in northern Uganda Humble Hill
19 Primary School. Then I continued through to secondary school again still in the
20 north of Uganda. And then I went on to university at Makerere University in
21 Kampala. And after university I went to -- after my bachelor's I continued to my
22 master's at Tufts University, the Fletcher School of Law and Diplomacy and The
23 Friedman School of Nutrition Science and Policy in Boston. And at the moment I'm
24 a student still, a PhD candidate completing my PhD at Wageningen here in The
25 Netherlands. Yes.

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1 Q. [9:37:08] So what is your current occupation?

2 A. [9:37:10] Currently, I'm working as a researcher with the Feinstein International
3 Centre that is based at Tufts University again in Boston in the US. But I do my
4 research in northern Uganda primarily.

5 Q. [9:37:28] Could you be a little specific on what your area of research is?

6 A. [9:37:33] My area of research looks at the context of armed conflict and what
7 happened to people during the violence that happened in northern Uganda. And for
8 now we're looking at how have they been -- how are they recovering, how are people
9 rebuilding their lives. So we look at aspects of reparations. We look at of course all
10 processes that has to do with the transitional justice mechanisms, like enforced
11 disappearance or missing persons, victims of sexual violence. So we've worked on,
12 you know, people's livelihoods, what does experiencing conflict or surviving conflict
13 means for people's ability to rebuild their lives in the post-conflict period.

14 Q. [9:38:11] You just mentioned that you are a PhD candidate. Could you tell the
15 Chamber what area or what subject is your PhD on?

16 A. [9:38:23] My PhD is looking at the recovery of young people from conflict.

17 PRESIDING JUDGE SCHMITT: [9:38:27] I think at the moment I don't hear anything,
18 at least on my earphones. So there must be a small problem.

19 So there is a minor problem that I've been told can be solved in two minutes, which is
20 a short period of time, and we can fill this, you know, I like to fill these gaps, I don't
21 like the silence in the courtroom.

22 Mr Cox, when I said it's a Rule 68(3) witness, I'm sure you will ask the requirements
23 and therefore would like to fulfil them. But then when it comes to the questioning,
24 you also observe the fact that it is a Rule 68(3) witness. So this applies to everyone.

25 MR COX: [9:39:34] Yes, your Honour. I would seek your guidance. We had

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1 foreseen to do at the end the requirements of Rule 68, but if you tell us to do it
2 differently --

3 PRESIDING JUDGE SCHMITT: [9:39:48] No, no. Upfront, please, upfront.

4 MR COX: [9:39:51] Okay.

5 PRESIDING JUDGE SCHMITT: [9:40:06] So we have to keep silent for a moment to
6 allow for fixing this.

7 (Pause in proceedings)

8 PRESIDING JUDGE SCHMITT: [9:42:02] So I'm informed that we can try to
9 continue and hopefully it works, meaning, Mr Cox, do you hear me?

10 MR COX: [9:42:14] Yes.

11 PRESIDING JUDGE SCHMITT: [9:42:14] Yes, good. So then perhaps we can
12 simply continue and give it a try, but this can happen, of course. And if silence fixes
13 it, be it so.

14 Please continue, Mr Cox.

15 MR COX: [9:42:31] Thank you, your Honour.

16 Q. [9:42:32] Ms Atim, we were on the subject of your PhD research. And when
17 will you defend that dissertation?

18 A. [9:42:42] I'm looking at September this year.

19 Q. [9:42:47] Have you published previously on the northern Uganda conflict?

20 A. [9:42:54] Yes, I have.

21 Q. [9:42:56] Briefly, could you give some examples of those publications?

22 A. [9:43:00] One of my latest publications that came out at the end of last year in
23 December --

24 THE INTERPRETER: [9:43:02] Request from interpretation, your Honour.

25 Interpretation requests for a little pause between question and answer.

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- 1 PRESIDING JUDGE SCHMITT: [9:43:09] Ms Atim, I'm reproached that you are too
2 quick in your answers. So please observe, perhaps when Mr Cox has finished with
3 his question, observe 2 or 3 seconds, I would say.
- 4 THE WITNESS: [9:43:25] Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:43:25] For the interpretation. Thank you.
- 6 THE WITNESS: [9:43:27] Thank you.
- 7 PRESIDING JUDGE SCHMITT: [9:43:27] Could you please start your answer again.
- 8 MR COX: [9:43:34]
- 9 Q. [9:43:34] Ms Atim, could you give some examples of the publications you've
10 done on northern Uganda, the conflict of northern Uganda.
- 11 A. [9:43:47] Well, one of the last ones that came out was last year in December,
12 which is looking at women survivors of sexual violence and their children born of
13 war due to the context of the conflict in northern Uganda.
- 14 Q. [9:44:02] How long have you been working on the issue of the northern conflict
15 of Uganda?
- 16 A. [9:44:10] I started my work on this issue right after completing my undergrad
17 education. That was in 2001. That's how long I've been working on the subject,
18 until this day.
- 19 Q. [9:44:21] You said you did your primary education in northern Uganda. I
20 assume you're from the Acholi region or the northern Uganda region; is that right?
- 21 A. [9:44:38] Yes. I come from Lango sub-region, which is still part of northern
22 Uganda.
- 23 Q. [9:44:50] Sorry for that assumption.
- 24 Did your family suffer any from crimes during the conflict?
- 25 A. [9:45:01] Yes, that is correct. My family comes from, like I said, part of

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1 northern Uganda. So we have also suffered or my family was also displaced. We
2 have lost property. So yes, we suffered during the conflict.

3 Q. [9:45:17] Do you believe that this fact affects your impartiality to give a report
4 today?

5 A. [9:45:25] I do not think so, because what I'm here to present is based on a very
6 defined work that I did which is looking at the context of what happened in the three
7 attacks in Abok, Lukodi and Odek. So it has got nothing to do with my own place.
8 It's about what I heard what the victims said happened to them on that day, and that
9 is what I will talk about here today.

10 Q. [9:45:59] Thank you, Ms Atim.

11 You heard us discuss -- well, more I was ordered by -- guided by the Presiding Judge
12 that there is a rule, Rule 68, that allows us to introduce your report if you consent to it.
13 Could you please skim through -- it's tab 7, your Honour, UGA-V40-0001-0010, up
14 to -- I don't know if she has a hard copy though. Does she?

15 THE WITNESS: [9:46:40] I do have my own printed copy, but I don't know what it --

16 PRESIDING JUDGE SCHMITT: [9:46:45] I really assume that we don't talk about
17 different documents because I simply assume that we have only one report here and
18 you might use your copy that you have with you.

19 THE WITNESS: [9:46:57] Okay.

20 MR COX: [9:46:57] Thank you, your Honour.

21 Q. [9:46:59] And, Ms Atim, could you just skim through it to see if it's your report.

22 A. [9:47:09] Excuse me.

23 Q. [9:47:24] So you have in evidence 1 a photograph or PDF I think it's called. Is
24 that your report?

25 A. [9:47:32] Yes. At least I see the first page in front. It's our, it's the report we

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- 1 produced, yes.
- 2 Q. [9:47:40] Do you agree with the content and findings of that report?
- 3 A. [9:47:44] Absolutely I agree with it.
- 4 Q. [9:47:47] Do you adopt the findings of this report as your own?
- 5 A. [9:47:50] Yes, I do.
- 6 Q. [9:47:53] Would you allow us to incorporate this report as evidence?
- 7 A. [9:47:57] Yes, I would.
- 8 PRESIDING JUDGE SCHMITT: [9:48:00] So this means you would not object if the
9 Chamber, the Court would use it?
- 10 THE WITNESS: [9:48:07] No, we will not.
- 11 PRESIDING JUDGE SCHMITT: [9:48:09] Thank you.
- 12 Please continue.
- 13 MR COX: [9:48:10] Your Honour, I think that's --
- 14 PRESIDING JUDGE SCHMITT: [9:48:12] Yes, that's okay.
- 15 MR COX: [9:48:14] Okay.
- 16 PRESIDING JUDGE SCHMITT: [9:48:17] Frankly speaking, if we're talking about an
17 expert, it would be surprising if the outcome were different, frankly speaking.
- 18 And again for everyone in the courtroom, but especially for Mr Cox, this means that
19 this report, 120 something pages is in evidence.
- 20 MR COX: [9:48:43] I'm guided, your Honour. I'll just go through certain issues and
21 so --
- 22 PRESIDING JUDGE SCHMITT: [9:48:49] Absolutely, but I just wanted to flag it.
- 23 MR COX: [9:48:52] Sure.
- 24 Q. [9:48:54] Ms Atim --
- 25 PRESIDING JUDGE SCHMITT: [9:48:59] This is not a technical problem now, but

- 1 it's the microphone.
- 2 MR COX: [9:49:03] Yes.
- 3 PRESIDING JUDGE SCHMITT: [9:49:04] Yes. Thank you.
- 4 MR COX: [9:49:05]
- 5 Q. [9:49:05] What were the objectives of this report?
- 6 A. [9:49:08] The objective was to assess the impact, psychosocial impact of what
7 happened on the day of the attack on the victims population, but also to see what
8 services have been made available to them so far since the incident happened and
9 who provided those services, was it by the government, by the NGO? So those are
10 primarily.
- 11 Q. [9:49:35] Ms Atim, I'll ask you, I know it's a bit strange, but when you answer
12 that you look to the Judges.
- 13 A. [9:49:42] Okay.
- 14 Q. [9:49:42] It's them that adjudicates, so I would ask that you look at them, sorry.
15 It's just a formality.
- 16 Could you tell the Court who worked on this report?
- 17 A. [9:49:54] I worked on the report together with my colleagues Anastasia Marshak,
18 who is a statistician because we had to render statistical analysis of some of the
19 findings so she helped do that with another colleague, Dyan Mazurana and Jordan
20 Farrar, who is psychologist because it was also looking at the psychosocial impact of
21 especially the psychological impacts. So we needed different specialties brought in
22 together to help us come with a solid -- but I primarily ran all the field work,
23 conducting all the studies and all the analysis, including all the primary interviews
24 that were done.
- 25 Q. [9:50:44] Can you explain briefly what the --

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1 PRESIDING JUDGE SCHMITT: [9:50:50] Microphone, please.

2 MR COX: [9:50:56]

3 Q. [9:50:57] Can you describe briefly what the Secure Livelihood Research
4 Consortium survey is?

5 A. [9:51:03] The secure livelihood research consortium is a large multi-country,
6 multi-year study that is funded by the British government and also I think partly
7 funded by the European government and the Irish government. It's a study that
8 looks at, you know, recovery from conflict, not just in the context of northern Uganda.
9 Like I said, multi-countries. So it looks at different countries. But my work has
10 primarily been on the Uganda component of the, of the study.

11 Q. [9:51:37] Do you recall how many people were interviewed for this Secure
12 Livelihood Research Consortium and Uganda survey?

13 A. [9:51:51] We have three different panels, meaning that we have gone to the same
14 households in three different phases. The first one started in 2013. And in that
15 phase we interviewed about 1,800, if I recall well, 1,877 respondents or households.
16 And then in the second panel, that meant we were still going back to the same
17 households and speaking to the same respondent. And of course, you lose out
18 because you're going back to those -- we went back to those households after two
19 years, three years. So we lost out on some of the members. I think we came back to
20 1,600. I can't quite remember offhand. But we lost some of the respondents.
21 But then in the last one which we just concluded early this year, January, February
22 into March, I think we have up to 1,000 again, 600 or 1,700, you know, respondents
23 that we found.

24 Q. [9:52:53] Where is this survey hosted?

25 A. [9:52:58] It's hosted by the Overseas Development Institute based in London,

1 because they oversee for all the six -- eight countries that are part of the Secure
2 Livelihood Research Consortium.

3 Q. [9:53:10] If the public would like to consult the results of this, of this survey,
4 where do they find it?

5 A. [9:53:20] First, there are two things. For the first phase of the Secure Livelihood
6 Consortium for Uganda it's now hosted by the World Bank because it's publicly
7 accepted to host it. So it is available. You can go on their website and access it.
8 But for the second panel, it's currently being hosted by ODI or Overseas Development
9 Institute in London. And if anybody is interested, they can write to them, request
10 and access to the information.

11 But for the third panel, we've just completed it, but it's also accessible with ODI. If
12 you need, you need to write and request and maybe they can make it available to you.
13 But it's not yet been completed.

14 Q. [9:54:02] Why did you use this Secure Livelihood Research Consortium for the
15 report that you are presenting today in court?

16 A. [9:54:17] We use the Secure Livelihood Research Consortium for three things.
17 One, we only compare using the 2018 panel. We do not compare using the previous
18 panels of 2013 and 2015. We only compare with 2018 panel, because we did, first of
19 all, we did all the two studies, meaning the victims' assessment survey about the same
20 time as the Secure Livelihood Research Consortium study third panel for Uganda.
21 We also asked similar questions for the two, for both studies. They were very
22 similar, like questions around access to services were very, very similar. So that
23 makes it likely that you can compare because for us also, if you do not compare, I
24 mean, if we just took information, if I just took information from the victims
25 population without a comparison, it would be hard to see what the impact of the

1 attacks have been on the victims.

2 We might simply probably make, you know, conclusions or assumptions on what we
3 are seeing without knowing what those mean. So it is important that you do
4 compare so that we're able to at least ascertain the extent or the magnitude of the
5 impact of the attacks on the victims' population by comparing them.

6 And when we compared, we did not compare with the entire SLRC population that
7 we studied. We only picked on households that did not report any experience of
8 serious crimes during, you know, the conflict in northern Uganda. That means we
9 are comparing totally two different populations, populations that were affected and
10 those ones who reported they were not affected.

11 So out of the 1,600 or 1,700 in the SLRC population we only picked about 829 I think
12 who had reported no experience of serious crimes during the conflict in northern
13 Uganda to compare with this study.

14 Q. [9:56:24] Thank you. What is the victim assessment survey?

15 A. [9:56:32] The victims assessment survey was a survey that was conducted in the
16 three former camps or camps where the attacks had happened, meaning we went to
17 those former camps and spoke to people who had registered or who had reported
18 that they were attacked or they were present during the attacks.

19 Q. [9:56:55] Are those people our clients?

20 A. [9:57:03] Yes. All those people are registered in the case that is part of this
21 Court proceeding.

22 Q. [9:57:18] How many people did you interview for the victim assessment,
23 victimization assessment survey?

24 A. [9:57:28] We interviewed 396 people in total in the three different camps
25 combined.

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1 Q. [9:57:34] How were these people selected?

2 A. [9:57:41] We did a selection based on what we call population proportional to
3 size sampling, meaning we -- because we wanted our findings to be representative of
4 the victims population, so meaning we selected more respondents from areas that had
5 more clients or more victims population and fewer people also from areas that had
6 fewer victims population that can enable us say something about the entire victims
7 population.

8 Q. [9:58:15] What is qualitative research?

9 A. [9:58:28] Qualitative research is simply when you want to, say, quantify your
10 results. So that means whatever you are doing, you can have some numbers to it.
11 You are not just going to have narrations. You're able to come up with descriptive
12 statistics of what your findings mean.

13 Q. [9:58:52] The results of your survey are comprehensive and are in the report and
14 you are a Rule 68(3) expert, but I would like to focus on certain issues that you have
15 concluded. These are --

16 PRESIDING JUDGE SCHMITT: [9:59:12] That is of course always possible, Mr Cox.
17 I did not want to prevent you from that, but simply because --

18 MR COX: [9:59:17] To focus.

19 PRESIDING JUDGE SCHMITT: [9:59:18] -- experience in this courtroom shows that
20 every once in a while it makes sense to flag this.

21 MR COX: [9:59:24] Your Honour, I'm guided.

22 Q. [9:59:26] I would like to focus on certain aspects of your research, which are the
23 crimes suffered, the psychosocial well-being of our clients, the physical effect on our
24 clients, the asset wealth of our clients, the education access of our clients, and social
25 protection. We'll go through this, and if we can use tab 8, this is first actually

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1 UGA-V40-0001-0038.

2 PRESIDING JUDGE SCHMITT: [10:00:28] That would be tab 7, I would say.

3 MR COX: [10:00:34] Your Honour, it's like a PowerPoint that we have.

4 PRESIDING JUDGE SCHMITT: [10:00:39] Yes, yes, I understand, but then it is not
5 0038, but 0138.

6 MR COX: [10:00:48] I'm sorry, your Honour.

7 PRESIDING JUDGE SCHMITT: [10:00:55] It's only for the record.

8 MR COX: Yes.

9 PRESIDING JUDGE SCHMITT: It's not really decisive so to speak. But
10 nevertheless, for the correctness --

11 MR COX: You're right.

12 PRESIDING JUDGE SCHMITT: -- of the record, I think it would make sense, I think
13 it would start with 0138 at the end.

14 MR COX: [10:01:05] You're right. That's it. It's the next, yes, thank you.

15 Q. [10:01:19] Ms Atim, on your screen you have a graph and some information.

16 Who produced that?

17 A. [10:01:28] Of course, I did produce that together with my colleagues, especially
18 the statistician.

19 Q. [10:01:37] Can you explain what is the distribution among the population of
20 alleged war crimes and crimes against humanity experienced by our clients?

21 A. [10:01:46] Of course, when you look at this figure before all of us, you'll note
22 that the figure on the left, when you look at the distribution, you see on the horizontal
23 axis, it's the number of war crimes and crimes against humanity that were
24 experienced or reported by respondents or some -- okay.

25 And then when you look at the vertical access, you see the percentage of the

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1 population that report those experience of war crimes and crimes against humanity.

2 Overall from our data set we see that about 99 per cent of the victims' population

3 suffered more than one war crime or crime against humanity.

4 THE INTERPRETER: [10:02:20] Could the witness please be asked to slow down a
5 little bit.

6 THE WITNESS: But then when you look inside this figure --

7 PRESIDING JUDGE SCHMITT: [10:02:26] Ms Atim, I'm again asked by the
8 interpreters that you slow down a little bit. That would be very kind.

9 THE WITNESS: [10:02:36] Okay.

10 PRESIDING JUDGE SCHMITT: [10:02:36] This happens to everyone in the
11 courtroom and also to Judges and so. But simply you will get accustomed to it in the
12 course of the day, I think.

13 THE WITNESS: [10:02:44] Thank you.

14 PRESIDING JUDGE SCHMITT: [10:02:44] Please speak a little bit slower. Thank
15 you.

16 THE WITNESS: [10:02:47] Okay. Thank you.

17 All right. So maybe I will start again.

18 PRESIDING JUDGE SCHMITT: [10:02:53] Yes.

19 THE WITNESS: [10:02:54] Yes. So this figure simply shows us the number of
20 violations that were experienced. And when you look on the figure you'll see that
21 on the horizontal axis, it represents the number of war crimes and crimes against
22 humanity that people reported that they experienced on the day of the attack.

23 And then when you look on the vertical axis, it's the percentage of the population that
24 experienced a number of war crimes and crimes against humanity.

25 And from our data set we found that 99 per cent of the victims' population suffered

1 more than one war crime or crime against humanity on the day of the attack.

2 And when you look inside this figure, when you look at the black-dotted line, it
3 shows us that the 50 per cent of the victims' population experienced 6 or more war
4 crimes and crimes against humanity.

5 But then when you move further, on the left, I mean to the red-dotted lines, it shows
6 you that 25 per cent of the victims' population experienced 9 or more war crimes and
7 crimes against humanity during the attack. That is what we find and that is what
8 we -- that is what this figure represents.

9 And what this really tell us, that is the fact that during the attack, experiences of war
10 crimes and crimes against humanity were very highly clustered, meaning people
11 experienced multiple violations or multiple experiences of crimes on that day.

12 So, and when we talked to people, for example, because we also did a qualitative
13 survey, you could hear people explain the different ways that they suffered that day,
14 you know, their houses being burned, a child being -- you know, like a woman told
15 me her child's neck was twisted and thrown and he died instantly. Another child
16 was, you know, burned inside a hut. And up to date she has, you know -- she lives
17 with the scars of those burns on her head while for her she ran off with her other child
18 strapped on her back.

19 So people experience multiple and multiple crimes, not just to an individual, but the
20 entire household was affected.

21 Q. [10:05:27] Were you able to compare the number of war crimes and crimes
22 against humanity that our client suffered vis-à-vis the general population?

23 A. [10:05:41] Yes, we did. It's in the next slide.

24 Q. [10:05:45] Can we move to UGA-V40-0001-0139.

25 What was the result of that comparison, Ms Atim?

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1 A. [10:06:05] Yes, the result of that comparison is what we have before us. While
2 the previous slide or the previous figure only showed us what the victims' population
3 did experience, on this slide we compare it between the two populations, the general
4 population and the victims' population.

5 So what we see here is that, on average, when you look at the experience of war
6 crimes, individuals in the victims' population experienced about 6.9 war crimes and
7 crimes against humanity in comparison to only an average of .34, you know,
8 experience of war crimes and crimes against humanity experienced by individual in
9 the general population, and that is what the graph or the figure on our right shows us.

10 PRESIDING JUDGE SCHMITT: [10:07:00] I think I will address what you want to
11 address, Mr Taku.

12 MR TAKU: [10:07:04] Yes.

13 PRESIDING JUDGE SCHMITT: [10:07:05] We take this part of the examination and
14 this part, of course, of the survey and of the expert report as descriptive. It is
15 perfectly clear that what is a war crime and what is a crime against humanity is a
16 legal concept, and this conclusion has to be drawn or not by this Chamber. But just
17 to assure everyone that this is of course clear and this is the bottom line that of course
18 the Chamber is aware of.

19 So, Mr Taku, you can --

20 MR TAKU: [10:07:40] Your Honours, listening, and my colleague perfectly knows,
21 even the Prosecutor, that looking at the way the charges are laid out and listening to
22 this description and the explanation given, your Honours, it is completely irrelevant,
23 what she says is completely irrelevant. It has absolutely no focus on the way the
24 crimes are laid out and the multiple modes of liability on which they are founded;
25 and, therefore, she could talk about effects, what to her -- what they suffered, the

1 effects, but not necessarily to dabble into the law for which their claim now qualifies.

2 PRESIDING JUDGE SCHMITT: [10:08:18] As I already said, this was just clarifying.

3 You could say it is self-evident, yes. But simply because when the concept is used or
4 when legal terms are used, sometimes Judges get a little bit uncomfortable when they
5 are not used by themselves, of course.

6 So, Mr Cox, I think if I were you, I would focus then on really on the psychosocial
7 effects more than on crimes that have been committed or not committed. So I
8 think --

9 MR COX: [10:08:53] Yes, I'll move to them. Don't worry.

10 Q. [10:08:56] Ms Atim, what is psychosocial well-being?

11 A. [10:09:04] Well, when we talk about psychosocial well-being, we use what we
12 call the African Youth Psychosocial Assessment Tool, because there are different
13 psychosocial tools that are used or measures that are used. But specifically for this
14 study we used what we call the African Psychosocial Assessment Tool that was
15 developed by the Department for Global Health and Population at Harvard
16 University and also the Francois-Xavier Bagnoud Centre for Health and Human
17 Rights.

18 That tool was specifically designed for youth, for use among the Luo population in
19 northern Uganda, because it uses locally defined syndromes to look at the presence of
20 distress and resilience in the population and has been successfully used in past
21 studies.

22 So when we look at psychosocial well-being, we are looking at the combined
23 influence of psychological and then the social environment on somebody's mental
24 and physical well-being and how it impacts that.

25 And for this study, when we look at psychosocial well-being, of course, the measures

1 ranges between something, it ranges between zero to 96. And so when we're looking
2 at psychosocial well-being, as you will see later, the higher the score, it tells us that
3 the worse or the poorer the person's psychosocial well-being.

4 Q. [10:10:46] What were your conclusions regarding the psychosocial well-being of
5 our clients?

6 A. [10:10:51] Of course, what we found, which I think we also have as part of on
7 the slide, we found that, first of all, the more war crimes and crimes against humanity
8 somebody experienced, the poorer or the worse their psychosocial well-being.
9 And we also found that women tended to report a much higher experience or much
10 poor -- or report poorer psychosocial well-being overall, because they were likely to
11 show greater depression and anxiety and more report, of course, a more lower poor
12 social skills and report more like somatic complaints overall, that is what we found.
13 And, of course, we also found that there were some specific serious crimes that were
14 very related to psychosocial experience and things like extensive destruction of one's
15 property, having a child injured or abducted or killed were very related to much
16 higher or poorer psychosocial well-being in the population.

17 Q. [10:12:15] Could we pull up the slide, which is UGA-V40-0141.

18 Your Honour, I'm sorry for the wording, but of course we assume it is alleged. But
19 it's difficult for us to --

20 PRESIDING JUDGE SCHMITT: [10:12:40] Well, I think we can -- you don't have to
21 say this always. It is also self-evident that we're talking about alleged.

22 MR COX: [10:12:48] Okay, thank you.

23 MR TAKU: [10:12:48] Your Honour, why not just generally talk about attacks as the
24 language has been used. It is for you to characterise whether this constituted crimes
25 or not. That determination has not been made. On the day of the attack to some

1 day, I mean, thereafter your Honours will look at the evidence and see, than to
2 characterise them as war crimes, crimes against humanity and things like that for
3 which she's clearly not qualified, your Honours. That's not the purpose of the
4 expertise here.

5 PRESIDING JUDGE SCHMITT: [10:13:13] I would, I would not prescribe any
6 wording to the expert or to Mr Cox, I have already said that the decisive point here is
7 that the Chamber understands the whole concept and everything what is behind it.
8 But of course you can also use another wording which does not alter the content of
9 your questions and also not alter the content of course of the answers in the end.

10 MR COX: [10:13:41] Your Honour, we'll try.

11 Q. [10:13:44] I think, Ms Atim, if you just describe the facts that were told to you
12 without the category of war crime or crimes against humanity that could use.
13 Because the problem with "attack" is that it's too general and this is a very specific
14 case and study that explains which issues have more effect on the psychosocial
15 well-being, your Honour. So if I could do that.

16 PRESIDING JUDGE SCHMITT: [10:14:07] Why not simply use the word "crimes."

17 THE WITNESS: [10:14:12] Okay.

18 PRESIDING JUDGE SCHMITT: [10:14:13] Yes? "Crimes."

19 MR COX: [10:14:16] We're both --

20 PRESIDING JUDGE SCHMITT: [10:14:18] That is a very broad concept and you
21 might use it. You don't want to now, also not want to make it too complicated.
22 Please move on.

23 MR COX: [10:14:24] Okay. Thank you.

24 Q. [10:14:26] Ms Atim, you have in front of you slide number 5 of your PowerPoint.
25 Is this what you were talking about?

1 A. [10:14:35] Yes.

2 Q. [10:14:36] And could you briefly, you have mainly gone through the whole
3 issues, but could you mainly explain maybe the graphics and if that reflects your
4 conclusions?

5 A. [10:14:50] Yes. When you look at the figure, again you'll note on the horizontal
6 axis explains the number of war crimes and -- I mean the number of crimes
7 experienced. And this is in relations to the different -- just by male and female as
8 you'll notice in the graph.

9 Then when you look at the vertical axis is the psychosocial score, on average
10 psychosocial scores that individuals experienced for, I mean, or related to the
11 different crimes that individuals experienced.

12 So when you look inside the figure, of course, it's represented, there are two plottings
13 inside. There is the blue dotted one and then the black straight plotting.

14 Below -- there are two things to note here. You will quickly note that the higher, the
15 more war crimes -- I mean the more crimes somebody suffered, the higher the
16 psychosocial, you know, or the hyper-score, the psychosocial, the poorer their
17 psychosocial well-being.

18 But then you also notice that women who are represented by the black straight line
19 also have a higher score overall compared to men, and that is what I was explaining.
20 And that is what the figure talks about.

21 Q. [10:16:15] Is there a specific subgroup among our clients who are significantly
22 more affected within the victim participation population in terms of psychosocial
23 well-being?

24 A. [10:16:31] Yes, especially women who returned with children, like I already
25 mentioned, women who had children as a result of sexual relations with a member of

1 the LRA reported much higher -- or poorer psychosocial well-being. Women who
2 reported that their child was abducted, like I already mentioned earlier, specific war
3 crimes, when a child was abducted, they also reported a much higher psychosocial
4 score. Or if they reported that, you know, there was deliberate injury of their child,
5 they also reported a much higher psychosocial -- or much poorer psychosocial
6 well-being.

7 Q. [10:17:11] Did you capture any information regarding stigmatization of
8 returnees or women that had children in the bush?

9 A. [10:17:22] Yes, we did. We saw that these women tended to report, you know,
10 they experienced more shame, more stigma, more social isolation in their return
11 communities. They also faced issues regarding access to land for them on return
12 with their children, you know, problems with forming marital relationships on return,
13 yes, we did capture those.

14 Q. [10:17:55] I would like now to move to the physical effect and access to
15 healthcare that you were able to survey. If you could tell the Chamber in your study,
16 how do you understand people with disabilities?

17 A. [10:18:10] When we look at disability, we used the Uganda Persons with
18 Disability Act to understand what we were seeing in the field or to understand what
19 our data was showing, which defines "disability" as a substantial functional
20 impairment or disability that, you know, when somebody is unable to do their
21 day-to-day activities, either caused by mental, physical or emotional impairments or
22 even environmental barriers that limits their day-to-day, you know, functionality, that
23 is what the Uganda act, Disability Act of 2006, how it defines disability. That is the
24 basis with which we use or we look at disability in this study.

25 Q. [10:19:01] If we could move, pull up with the PowerPoint, ERN number 0142.

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1 Among our clients did you see a difference when you compared it to the general
2 population regarding disability?

3 A. [10:19:25] Yes. We do see substantial differences between the victims'
4 population or your clients, as you said, and the general population. We see that, we
5 found that individuals who experienced a disability in the victims' population were
6 about 67 per cent who reported at least some level of disability related to the
7 experience of the attack or the crimes, compared to 21 per cent in the general
8 population.

9 But also what is important to note with this figure or with this finding on physical
10 well-being is that those individual experiences does not only impact the particular
11 person, but it also does impact the entire household.

12 So that means when you are looking at the level of disability, we are not only looking
13 at the individual, but the entire household, and that is what the graph or the figure on
14 the left shows us or demonstrate. The horizontal axis is the number of disabled
15 household member, while the vertical axis is the percentage of, of household
16 of -- percentage of the population that report the number of disabled household
17 members.

18 And we compare them by the general population and the victims' population. The
19 green represents the victims' population, while the red bar represents the general
20 population.

21 And of course, as you will see from our findings, this is at household level. You will
22 note that when you look at the two populations, on average a victims' household has
23 about two members who are disabled, compared to point, it's supposed to be .5,
24 not .005. So I want to correct that. It is 0.5, not .005 household member in the
25 general population.

1 That means for every victim household you will find at least two household members
2 who were reporting some level of disability, while in the general population you
3 might find in one or in the other household, you might not find any, you know,
4 incident over a member who is disabled.

5 And what is also, again this level has -- of disability within the household also does
6 impact overall dependency level within that household. And when we look at
7 dependency, we are looking at those proportion of household members who are
8 dependent, and that means, you know, dependents are children under 13, adults over
9 65 or other household members who record or who report that they are disabled.

10 And, of course, we find that in the victims' population, up to 70 per cent of household
11 members are disabled compared to 47 per cent in the general population who report,
12 you know, that they're, I mean they're dependents.

13 Q. [10:22:42] With this level of, sorry, with this level of physical problems and
14 disability, how was the access to healthcare of our clients? What did you -- what
15 were you able to report?

16 A. [10:23:02] I think even before that, just like I've already mentioned, the
17 dependency does impact several households, you know, well-being, including access
18 to health but even their livelihoods, their food security. So it's a range of things that
19 disability does impact.

20 What we found on health was that even with this level of disability or poor, you
21 know, physical health, they don't have access to the kind of services that they require
22 in order to regain their functionality.

23 MR COX: [10:23:38] Could we pull up ERN number 0143.

24 How did you determine the access to healthcare in your report?

25 A. [10:24:00] When we look at access to healthcare, of course you're looking at

1 distance somebody needs to take to reach the nearest health centre within their
2 community. We're also looking at not just access to -- of course, we're looking at
3 access overall, but access in terms for routine, you know, minor injuries or health
4 problems and then also access to very severe complications or serious problems.
5 Again, if they got access, it also means when you reach the health centre, are you able
6 to get the medication that you require. So access in two ways: Both in terms of
7 going there, but also the services that you're able to access when you go to the facility.

8 Q. [10:24:50] And what were your conclusions on that?

9 A. [10:24:56] Overall when you look at, you know, victims' population, we found
10 that in terms of our conclusions there was -- in terms of their access to health access,
11 you know, they travel more time to reach the nearest, you know, health centre. They
12 have also less success, like it is here on the slide, to -- for even for routine cases, less
13 success even for serious problems and they don't have access to the medications and
14 services that they need. Primarily, the services are not available.

15 PRESIDING JUDGE SCHMITT: [10:25:35] Mr Cox, please. Do you have an
16 explanation for that? Or did, in the course of your survey, you come to an idea why
17 this is so?

18 THE WITNESS: [10:25:47] Yes. Because when you look at the kind -- we just talked
19 before, I talked about disability or the level of physical injuries sustained. Some of
20 these need specialized therapeutic care that are largely not available.

21 So when victims would explain the kind of injuries they sustained, then when they go
22 to the health, you know, facilities within their communities, those services that they
23 require are non-existent in those facilities. That is why.

24 Like, one man who had amputated leg told me, that I spoke to in person, because I
25 did qualitative interviews, for him, and every time his artificial limbs, you know, gets

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1 damaged, he needs a replacement, but the nearest health facility does not provide that.
2 He has to travel every time to Gulu town where he gets the replacement done.
3 Or another woman whose husband suffers severe mental, you know, challenge, he
4 has to go to Gulu town again in order to receive, you know, medication for his health
5 condition. So that is the kind of, for those ones, those are the ones -- but for most
6 people they will tell you, "We simply pain medicate because the services are not here.
7 We just buy some, you know, painkillers and use them."

8 PRESIDING JUDGE SCHMITT: [10:27:14] Thank you.

9 Mr Cox.

10 MR COX: [10:27:17]

11 Q. [10:27:18] Ms Atim, we'll move now to the asset wealth. Could you explain to
12 the Court, what is the Morris score index?

13 A. [10:27:36] The Morris score index is how we ascertain, you know, the level of
14 wealth that people have, which simply means you're looking at asset ownership in
15 the population or you weigh the different assets that people own and so some assets
16 are given more weight while some are given less weight.

17 So the more -- the assets that are more owned or more available, owned by nearly
18 everybody, they're given less weight, while assets that are not owned by many people,
19 they have a much higher weight attached to them.

20 Q. [10:28:17] Could we pull up ERN number 0144. What are your findings on
21 asset wealth of our clients?

22 A. [10:28:44] Yes, our findings, we do, we do find that compared to overall, you
23 know, the general population, they have much lower asset wealth and that is what
24 the graph or the figure on the right shows or represent. The vertical axis shows, you
25 know, the wealth or the assets, I mean the assets that are owned by individuals.

1 And then when you look at the horizontal axis or the horizontal line is the percentage
2 of the population that report ownership of those assets.

3 So when you look, look at this figure, you can see that, you know, they significantly
4 score lowest when you, when, in terms of ownership of productive assets, and these
5 productive assets you can look at like aspects, like medium-sized, you know,
6 livestock. When you look at large livestock, things like plough or even
7 transportation or things like solar panel, they score very, very lowly in terms of their
8 ownership of those assets.

9 Q. [10:29:55] Did you find that there was a specific subgroup among our clients
10 who are significantly more affected within the victim participating population in
11 terms of asset wealth?

12 A. [10:30:08] Yes. When you look at, when you compare asset ownership and
13 people's psychosocial well-being, these population that report much poorer
14 psychosocial well-being were likely to have a much lower asset wealth.

15 In the same way also when you look at people who experience more crimes, they also
16 report a much lower, you know, level of asset ownership. And in this category
17 when you go further again, you find that more women victims, of course, we already
18 saw that women were likely to report very higher psychosocial well -- or poorer
19 psychosocial well-being. They also reported much lower asset level or asset wealth.

20 PRESIDING JUDGE SCHMITT: [10:30:57] A similar question to the one I put, is
21 there an explanation for that? It might be sort of self-explanatory, but nevertheless,
22 there are short-term effects and there might be a perpetuation of these short-term
23 effects which result in lasting effects.

24 Did you come across explanations for this, as we could perhaps understand it?

25 Long-term effects?

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1 THE WITNESS: [10:31:30] Yes. In terms of asset wealth, of course, it links very
2 closely to experience of disability or sustaining injuries, because, and like I already
3 mentioned, psychosocial well-being, if you are not able to function to your full
4 capacity and you don't have access to the services for your recovery, that means
5 you're not able to really, you know, contribute significantly within the household and,
6 you know, bring forward. But also it has to do with the loss of key assets of
7 production that people mentioned they lost during the conflict, particularly livestock
8 that they lost. Many people relate their inability to rebuild their asset base because
9 of those losses, but also because of their physical health.

10 PRESIDING JUDGE SCHMITT: [10:32:19] Thank you.

11 Mr Cox.

12 MR COX: [10:32:21] Thank you, your Honour.

13 Q. [10:32:22] You mentioned women. Did you have any findings regarding
14 AYPAs?

15 A. [10:32:32] AYPAs score.

16 Q. [10:32:34] AYPAs score regarding abductees?

17 A. [10:32:39] Yes, I took -- yes, we did find that women, abducted people -- in terms
18 of their asset wealth?

19 Q. [10:32:46] Yes?

20 A. [10:32:47] Yes, they score much more lowly in terms of their asset wealth, partly
21 because of the continued stigma and discrimination. I already mentioned before
22 how many of them are struggling in terms isolated, don't have access to family land
23 in many cases and yet they're also unable to maintain or form marital relationships
24 which in a way enables, you know, land access in a predominantly agricultural
25 society or community.

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- 1 Q. [10:33:24] Ms Atim, to go back a little bit on psychosocial well-being, how did,
2 not the women that had children that came back, but the actual abductees, how did
3 they score in AYPAs?
- 4 A. [10:33:43] In AYPAs score, I would have to look at that. Can I?
- 5 PRESIDING JUDGE SCHMITT: [10:33:47] Of course you can. Of course.
- 6 THE WITNESS: [10:33:49] Because I don't have --
- 7 PRESIDING JUDGE SCHMITT: [10:33:50] You will not know every word of your
8 report by heart and every figure by heart.
- 9 THE WITNESS: [10:33:55] Yes.
- 10 PRESIDING JUDGE SCHMITT: [10:33:56] So of course we give you the time to
11 look at it.
- 12 THE WITNESS: [10:33:58] Okay. Yes, it's here, I've found it. It says individuals
13 who were abducted have a total AYPAs score of 31, yes.
- 14 MR COX: [10:34:53]
- 15 Q. [10:34:54] Okay. And is that high or low in your experience?
- 16 A. [10:34:58] Compared to the others, it's very -- it's high.
- 17 Q. [10:35:06] Sorry for making you go back.
- 18 A. [10:35:11] That's fine.
- 19 MR COX: [10:35:15] Just for the record, that was page ERN number 43 -- no, sorry.
20 ERN number, page number 0052. Sorry about that.
- 21 Q. [10:35:55] Ms Atim, so I would like you to focus now in education access. The
22 impact of the crimes that our clients reported have an impact on their education
23 today?
- 24 A. [10:36:16] Yes. What we found was that it does have an impact on the
25 education today, not just on those ones who were actually present on the day of the

1 attack, but even those ones who were born after the attack. It seems we see a pattern
2 that shows continued effects on education of those children even born afterwards.

3 PRESIDING JUDGE SCHMITT: [10:36:43] And again, especially for the last group
4 you mentioned, do you have an explanation for that?

5 THE WITNESS: [10:36:50] For those ones born --

6 PRESIDING JUDGE SCHMITT: [10:36:52] For those ones who were not present
7 during the alleged attacks and the ones that were born afterwards even, do you have
8 an explanation for that?

9 THE WITNESS: [10:37:02] Yes. This has to do with the entire destruction of the
10 household's livelihoods and wealth. When people are not able to rebuild their asset
11 base or in some cases we found, I found households who report complete disabilities
12 by the parents, and so the parents are not able to work, sometimes they pull the
13 children out of school to help with daily household running, even farming activities,
14 and that means children are dropping out of school and they can't continue in order
15 to sustain their households.

16 PRESIDING JUDGE SCHMITT: [10:37:38] Thank you.

17 MR COX: [10:37:39] Thank you.

18 Q. [10:37:42] What was the criteria you used and your colleagues used to
19 determine the access of our clients to education?

20 A. [10:37:50] We looked at time travel to go to school, we looked at enrolment and
21 then also we looked at school attendance in terms of how often are they going to
22 school.

23 Q. [10:38:11] Can we pull up ERN page number 0146. Can you explain, sorry, can
24 you explain the graphs?

25 A. [10:38:48] Okay. When you look, the graph, I'll start with the graph on the

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- 1 right on school enrolment by age and population. The horizontal axis shows the
2 different age groups that were going to school during, you know, at the time of the
3 assessment, that is in 2018, early this year, and they're broken out by male and female,
4 while the vertical axis shows us the percentage of those number of the different age
5 groups that were going, enrolled in school by the time of the assessment.
6 And as you will note, what I was referring to is the first two bars on the graph, on the
7 figure which is the 5 to 10 years old. You know that the attack happened in 2004, so
8 clearly this population were born after the attack, because they are 5 and 10 years old.
9 They were not present at that time. But as you can note, their level of education is
10 still -- I mean their level of school enrolment is still significantly lower compared to
11 those in the general population.
12 And so for us we conclude that it's clearly an aspect of the intergenerational effects
13 even on those children who were not there during the attack, that they continue not to,
14 you know, enjoy their opportunity to go through school.
15 Q. [10:40:26] And regarding access to education, is there a subgroup of our clients
16 who are significantly more affected --
17 A. [10:40:38] Yes.
18 Q. [10:40:38] -- or worse off on access to education?
19 A. [10:40:41] Yes. We did find some sub-groups that were much more worse off,
20 especially I think we have a figure inside, inside the report, if I could turn to it, that
21 shows that.
22 PRESIDING JUDGE SCHMITT: [10:40:59] Yes, of course.
23 THE WITNESS: [10:41:06] Just one moment.
24 MR COX: [10:41:07]
25 Q. [10:41:07] It might be page 71.

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1 A. [10:41:09] I think so, yes.

2 So on that we find children who were especially abducted had -- or if somebody is
3 coming from a household where there is a child born in the bush or born of war or
4 where there was experience of sexual assault, those were the sub-groups.

5 MR COX: [10:41:41] For the record, your Honour, ERN page number 0080.

6 Q. [10:42:02] I would like now to go to the access of our clients with regard to social
7 protection. Do you remember if our clients were better off than the general
8 population in general terms?

9 A. [10:42:21] Yes, that's correct. That is I think the one finding that was standing
10 out that when you look, compare the two populations, the client population and the
11 general population, there seems to have a fairer access to social protection and
12 livelihood services overall.

13 Q. [10:42:47] Is that allocation of social protection based on a rational-need basis?

14 A. [10:42:57] Well, that is where the question comes in. We do not see or there is
15 no link in terms of how the targeting seems not to be informed by experiences of what
16 happened during the attacks, because we did not see a link with the fact that the most
17 affected people are the ones receiving these services. It's not that.

18 Q. [10:43:26] How you and your team compare our clients or the communities of
19 our clients with other victims community that you have done studies upon, if you
20 compare among victims now, victim communities in the northern region, how did
21 you consider that our clients were off?

22 A. [10:43:53] In terms of social protection?

23 Q. [10:43:55] In terms of general, I mean, like an overall conclusion.

24 A. [10:43:58] Okay. Yes, having said all that I've said, looking at access to services,
25 education, to health, looking at the household well-being in terms of level of wealth,

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1 looking at experiences of crimes during the attacks, our conclusion is that overall
2 they're worse off compared to the general population. They're still struggling a lot.
3 The impact seems to have a long, longer term -- the attack seems to have a longer
4 term impacts on this population from what we can see that it continues for a longer,
5 longer time.

6 Q. [10:44:47] Finally - and with this I finish, your Honour - what was the
7 perception of justice that our clients had and that you were able to report?

8 A. [10:44:58] When you go to the, perception of justice, speaking to people that I
9 actually primarily did on my own, because that comes mainly from the qualitative
10 interviews, people had a feeling that because of what happened to them and the
11 long-term impacts on their health, on their mental well-being, on their household
12 livelihoods, on their entire general, you know, well-being that, you know, they feel
13 because of what happened to them, then there has to be some kind of, you know,
14 corresponding measures of support to enable them recover from these, you know,
15 experiences that have set them back.

16 PRESIDING JUDGE SCHMITT: [10:45:45] Do the victims want to forget about
17 having been victimized or do they want to, on the other side, be recognised as victims?
18 Is there a general perception? Can you say anything about this?

19 THE WITNESS: [10:46:04] When I spoke to people, a lot of what I heard was about
20 "We need what happened to us to be recognised. We need the people responsible
21 held accountable."

22 PRESIDING JUDGE SCHMITT: [10:46:17] And another question that has to do with
23 the experience of crimes and being a victim, but now about crimes afterwards that
24 had nothing to do with the alleged attacks, your report seems to suggest that the
25 victim population experiences significantly more crimes nowadays even. Why is

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1 that so, if it is so?

2 THE WITNESS: [10:46:45] Yes, that is so, that is what we found, and that has to do
3 with what I had explained earlier, the continued, you know, victimization,
4 stigmatization, isolation that these people continue to experience that happens.
5 Particularly for women it has to do with the pervasive gender discrimination that is
6 extensive in most of northern Uganda and, you know, having a child, you know, out
7 of sexual violence, what does that mean for you, everyday interaction with others in
8 the community.

9 So we do see a continued pattern of victimization, but also what that means, it seems
10 to mean that this harm seems to multiply over, you know, into other violations or into
11 other experiences of crimes in today's community.

12 PRESIDING JUDGE SCHMITT: [10:47:36] Thank you.

13 Mr Cox. I think you were nearly at the end.

14 MR COX: [10:47:43][10:47:48] Yes, your Honour. I think I'm done.

15 PRESIDING JUDGE SCHMITT: [10:47:51] Thank you very much.

16 MR COX: [10:47:52] Thank you, Ms Atim.

17 PRESIDING JUDGE SCHMITT: [10:47:54] Mr Narantsetseg, any questions?

18 MR NARANTSETSEG: [10:47:57] No further questions. Thank you, your Honour.

19 PRESIDING JUDGE SCHMITT: [10:47:59] Prosecution, Mrs Hohler.

20 MS HOHLER: [10:48:01] No questions from us, your Honour.

21 PRESIDING JUDGE SCHMITT: [10:48:02] Then I would suggest we allow ourselves
22 a little bit longer break. We will have it until 11.30, which means that we have some
23 40 minutes.

24 THE COURT USHER: [10:48:15] All rise.

25 (Recess taken at 10.48 a.m.)

1 (Upon resuming in open session at 11.32 a.m.)

2 THE COURT USHER: [11:32:31] All rise.

3 PRESIDING JUDGE SCHMITT: [11:32:42] Mrs Bridgman, you have the floor.

4 QUESTIONED BY MS BRIDGMAN:

5 Q. [11:33:07] Good morning, Ms Atim.

6 A. [11:33:10] Good morning.

7 Q. [11:33:11] You told the Court this morning that you are the person who went to
8 the field and interviewed the people that are reflected in your report. Did you apply
9 any quality control mechanisms in your research to minimize fraud or
10 misrepresentation?

11 A. [11:33:35] Yes, we do, we did or I did.

12 Q. [11:33:38] Can you tell us about that?

13 A. [11:33:39] I said on my research, at the beginning, how -- so we are bound by
14 our ethical standards as a part of the university. So first we apply to the Institutional
15 Review Board of Tufts University that does review all studies that are to be conducted
16 by members of its team. But in our case, it was reviewed and then they said it
17 wasn't -- it shouldn't be subjected to the ethical review board because of the work
18 that -- I mean, the purpose for the report. So then the board didn't give us the ethical
19 clearance for that reason.

20 But then in the entire study process, we still applied all the ethical requirements that
21 we are supposed to follow as researchers, meaning we ensured confidentiality of all
22 our data that were collected. We ensured equal, you know, opportunities were
23 availed to all the participants to be, you know, included in the study, meaning the
24 way we sample our research ensure that everybody had an equal chance of
25 participating, because it was random. It wasn't selective in any way.

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1 Q. [11:35:00] What is the purpose of ethical standards or at least getting the
2 approval from a review board like from your -- from Tufts University for purposes of
3 a report that is generated?

4 A. [11:35:22] It's -- review boards ensure that you minimise risk to participants in
5 any study. That is mainly the key reason, to ensure that we minimise any risk to
6 human subjects that we work with as part of our study.

7 Q. [11:35:38] When you spoke to the respondents that you did, did you take their
8 statements at face value, the accuracy of their statements?

9 A. [11:35:56] I wish you could just elaborate on what you mean, then I will reply to
10 you.

11 Q. [11:36:04] I will use an example. If someone said, "My hut was burnt in Abok",
12 did you take that to be the truth for purposes of your report?

13 A. [11:36:19] We recorded as we were told by participants what they experience on
14 the day of the attack.

15 PRESIDING JUDGE SCHMITT: [11:36:27] I think this is an answer.

16 MS BRIDGMAN: [11:36:29] I was going to ask if that one meant yes, but ...

17 PRESIDING JUDGE SCHMITT: [11:36:34] Please, please, you can continue, of
18 course.

19 MS BRIDGMAN: [11:36:36]

20 Q. [11:36:36] Is your answer a yes?

21 A. [11:36:38] Yes.

22 Q. [11:36:42] Were you made aware that some of the applications that have been
23 made in this case have been disputed or appear to have inaccuracies in the form or
24 extent of loss suffered?

25 A. [11:37:06] I'm not privy to that information.

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- 1 PRESIDING JUDGE SCHMITT: [11:37:10] Yes, okay.
- 2 MS BRIDGMAN: [11:37:24]
- 3 Q. [11:37:25] At page 5 of your report, the ERN number is already on the record,
4 but the page is 0014. On the objectives, you said that the first objective, "... to:
5 Document the physical, material and psychosocial effect of harm suffered by victims
6 as a result of the crimes committed during attacks and abductions allegedly
7 orchestrated by Dominic Ongwen."
8 Were the people whom you interviewed also asked about any crimes, if at all,
9 committed by the government of Uganda forces?
- 10 A. [11:38:07] What we did, we didn't -- while this is stated as Dominic Ongwen
11 because this is the -- the objective came from the need for this study. But when we're
12 conducting the study, we didn't use any of this in, you know, we didn't reflect in of
13 who committed what crime. We didn't ask.
14 All we did is, "What did you suffer during the attacks?" But the most important
15 thing that we identified when we're talking about experience of crimes was if it was
16 committed by a member of the LRA, without specifically referring to the person of
17 Dominic Ongwen.
- 18 Q. [11:38:53] When you asked that regarding acts committed by a member of the
19 LRA, did you also ask about acts committed by any member of the government forces,
20 whether it be UPDF or the LDUs?
- 21 A. [11:39:14] We did not. It was specific to a member of the LRA.
- 22 Q. [11:39:24] On page 11 of your report, and that is ERN number 0020, there is a
23 map representing the victimization assessment location in the SLRC survey locations.
- 24 A. [11:39:45] It's here.
- 25 Q. [11:39:51] Looking at it and also considering what is stated in point 1 of

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1 the same page at the very bottom, it appears to me that you focused only on the
2 Acholi and Lango subregions. Would I be correct?

3 A. [11:40:10] Yes, that's correct.

4 Q. [11:40:11] Isn't it true though that Teso region was also affected by the LRA
5 conflict?

6 A. [11:40:16] That's correct.

7 Q. [11:40:17] Can you tell the Chamber why you --

8 THE INTERPRETER: [11:40:20] Your Honour, message from interpretation: Just a
9 small pause between question and answer.

10 PRESIDING JUDGE SCHMITT: [11:40:27] Yes. Now it's your turn, Mrs Bridgman.

11 MS BRIDGMAN: [11:40:31] My apologies.

12 PRESIDING JUDGE SCHMITT: [11:40:34] Yes. Simply observe the two or three
13 second rule, please. Thank you.

14 MS BRIDGMAN: [11:40:39]

15 Q. [11:40:39] Ms Atim, can you tell the Court why you did not include Teso region
16 in the survey?

17 A. [11:40:47] You know, as a researcher, or if you have intention for any work,
18 usually you define your parameters both in terms of the scope, and so that for us, in
19 our case, if we only were able to work in the two subregions both for financial, but
20 also, I mean, human logistically, it was harder for us to cover the two. But we do
21 recognise the Teso subregion was affected by the conflict.

22 Q. [11:41:15] Now, in the general population survey, did you particularly target
23 people who lived in other IDP camps, for instance, Coo Pee, Pabo, Barlonyo, Acet and
24 the like?

25 A. [11:41:38] The way the SLRC survey, when we talk about the SLRC survey, it's

1 the population base of the two subregions. What that means is anybody who lives in
2 those two subregions had equal chances of participating. So we sampled the
3 sub-counties from these two subregions regardless of -- we didn't -- for us it was not
4 saying, "We're only sampling here because there was an attack." No. It was a very
5 systematic process that we used based on the Uganda 2000, I think, '02 population
6 census records. That is what we used.

7 So that meant anybody who lived or who lives in northern Uganda had a chance, and
8 all we did was to extrapolate our statistical, the population to account for the yearly
9 increment so that we can account for the increase in the population at the time of the
10 survey.

11 Q. [11:42:34] When you spoke to the general population, did you inquire from
12 them if they had been living in any of the IDP camps, not the focus of your research?

13 A. [11:42:57] One of the questions in the SLRC has to do with if you moved and the
14 reason you moved. And a lot of that had to do with displacement during the
15 conflict.

16 Q. [11:43:12] From your answers, would I be correct to assume that for the general
17 population, when they answered yes to movement due to displacement, you did not
18 pursue the questions further to see if they had been present during an attack on any
19 of the IDP camps they lived in?

20 A. [11:43:35] That's correct.

21 Q. [11:43:36] At page 13 of your report, ERN number 0022, the last paragraph, just
22 below the table 1, did I understand your statement that household members chosen
23 for the survey were not necessarily the head of that household?

24 A. [11:44:16] For the SLRC?

25 Q. [11:44:18] Yes.

1 A. [11:44:19] Yes. We made sure that we wanted it to -- it's supposed to be
2 household head, but also we wanted to account for the gender. You know,
3 composition of our respondents, I mean, in northern Uganda, of course, when you say
4 "household head" it would automatically mean you are only speaking to male
5 respondents and then we'd miss out on the gender dynamics.

6 So in some cases we spoke to women. In some cases we spoke to male. But also it
7 depended on who was present at the time. Remember, we didn't know these
8 households ahead of time. So whoever would be there who is within the age that is
9 acceptable to speak to and has information on the household is who we'd speak to.
10 But it's supposed to -- we first asked for the head of the household.

11 Q. [11:45:17] Regarding the age, in your report, it notes 15 years. Did you take
12 this -- if someone said they were 15 years old, did you verify their age by, for instance,
13 looking at a birth certificate or you took it at face value?

14 A. [11:45:36] Usually when I speak, when you speak to people like that there are
15 markers you can, like, you know, in most of Uganda very few people own birth
16 certificates, so to even ask that I think would be insensitive to the local reality.
17 So what we did is you verify, of course, usually they have household members and
18 they would know that this person is old enough or was born at this time. And even
19 when they talk, you can verify that, "Oh, so and so is talking about this" or "Does he
20 know this information?" That meant they were not yet born by this time.
21 So there are ways that when you're interviewing, you kind of cross-check and
22 triangulate, you know, the information that you're hearing.

23 Q. [11:46:21] Did you keep information on how many of the people you
24 interviewed were below 18 years?

25 A. [11:46:35] Well, I think that would be, for the SLRC, the statistician would best

1 answer that because -- would know that better right off head because this is a huge
2 population. I cannot tell you here if I have that, if that is -- but we can certainly, you
3 know, break it down.

4 Q. [11:46:52] Do you know if the consent of the parents or guardians of these
5 minors was obtained before receiving any information about the households?

6 A. [11:47:10] Yes. In some cases, if -- it's the parents who'd say, "My child can do"
7 or "My", you know, "My boy can speak, but I will provide additional information."
8 Sometimes the parents, if they don't remember dates, we allow the child to consult
9 the parent to give us, because sometimes parents are not willing to talk, but they rely
10 on their children to -- or the young person in the household to speak on their behalf.
11 So yes.

12 Q. [11:47:42] At page 14, ERN number 0023, you talked about offering a list and
13 contact information of organisations that might have specialized services.

14 A. [11:48:12] Where is that?

15 Q. [11:48:13] It's in the second paragraph. Well, it's really the first paragraph. So
16 just before the footnote. It says: "All participants were offered a list and contact
17 information of organisations in their subregion that specialized in services for victims
18 of violence and referrals were made upon request."

19 Did you provide this list to the LRVs?

20 A. [11:48:47] Now this is for the SLRC. This is not -- this does not refer to the
21 victims' assessment.

22 Q. [11:49:00] In your own research, did you provide a similar resource for the
23 people you interviewed?

24 A. [11:49:06] I did not. But what I did is every time I came across people who had
25 expressed need for, especially medical assistance, I took note of their, like,

1 information and I, with the intention to at least access the organisations that do
2 provide those services so that I can tell them, "Look, in these communities I found
3 cases like this. Are you capable of providing?" because I didn't know what services
4 they could offer these people and so I could not like tell the victims, "If you go here,
5 you can provide -- you can access these services."

6 So, but at least I had them in mind and I took responsibility on my own, I took
7 responsibility to take note of all those details.

8 Q. [11:49:52] At page 19 of your report, ERN number 0028, you describe the
9 random and anonymous nature of your approach and you mentioned that a member
10 of the LRV was there to confirm certain information.

11 Even in that form of assistance, did the LRVs give you any other information, for
12 instance, on whether some of the participants were related to each other?

13 A. [11:50:40] No, because we only had numbers, and so we didn't know who they
14 were, so we could not tell who they were, and they did not tell us.

15 Q. [11:50:55] Did they mention to you whether these participants were
16 participating in the proceedings as witnesses?

17 A. [11:51:05] No.

18 Q. [11:51:09] Do you think this information might have been helpful to you in your
19 research?

20 A. [11:51:18] I don't think so, because our interest was on victims, not on the
21 status or -- on if you were there, if you were part of the client population. That was
22 all. As long as you're on the record.

23 Q. [11:51:34] So then would I be correct to assume that you did not put into
24 consideration either the positive consequences or the negative consequences of some
25 of these victims coming to testify before this Chamber?

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1 A. [11:51:58] Because that was not our intention if they're coming to testify. Our
2 intention was to only learn about the impact of those experiences on their lives.

3 Q. [11:52:10] Now, when you interviewed these participants, did the member of the
4 LRV team continue to stay with you during the interview process or they left?

5 A. [11:52:30] The role of the member of the LRV was only because, like I said before,
6 we only had numbers. They had identifying numbers. We didn't know them by
7 names. So the role, their role was only to go into their own database and ascertain
8 that this number corresponds to this name, and that is the person we are seeing.
9 And that was it. They had no role whatsoever in any of the interviewing, only to
10 verify that this number corresponds with this name.

11 Q. [11:52:56] Did you use services of any community leaders, whether they be
12 religious leaders, cultural leaders or local political leaders?

13 A. [11:53:16] Could you clarify on what service you mean?

14 Q. [11:53:21] Did they help you to move to the households to identify people or any
15 of that stuff?

16 A. [11:53:28] No. We already had -- we only had the list, like I said, the numbers,
17 and then we only needed the LRV contact in the field to tell us this number
18 corresponds to this name. And the victims, because of the sensitivity of the work we
19 do and having worked with victims over a long period of time, we didn't move to
20 people's home, because that in itself would jeopardize the circumstance of victims.
21 So instead they agreed, in every area we had a central location where they usually I
22 think they know -- they meet, so people came there and met the team there. We
23 didn't go to people's homes.

24 Q. [11:54:21] In cases where people gave you answers that seemed counter to
25 obvious facts, did you challenge them on this? And I'll give you an example. At

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1 page 35 of your report, ERN number ending 0044, at the very bottom, one of the
2 quotes is someone who was 10 years old at the time of the attack and this says "It was
3 August 6, 2004". And this is an interviewee from Abok.

4 So for something like this where the date appears to be wrong of the attack, did you
5 challenge them on this information?

6 A. [11:55:15] I think what is important is the fact and knowing he is a 10-year-old,
7 we took what he told us his experience was because our role, like I said, was to -- not
8 about the timing, but to understand what does the impact means for this young
9 person.

10 Q. [11:55:32] Again I note for me what appears to be an inconsistency on page 37 to
11 38 of your report, ERN numbers ending 0046 and 0047, another excerpt from someone
12 who appears to me to have been an adult and my reading might be different from
13 others, but it appears to me that he seemed to be living in two different camps, or at
14 least had households in two different camps.

15 Did you ask them to clarify any of this information?

16 A. [11:56:48] Which one? Number 140?

17 Q. [11:56:53] Page 37 you were discussing how victimization sometimes affects
18 different people in the same household and you talk about someone from Abok who
19 appears to also suggest that his wife and children also were harmed during the Odek
20 attack.

21 A. [11:57:26] No. I think it's a confusion on your part. They're two different
22 people. Unless there is a problem with the numbering. There was no such incident
23 of a respondent living in Odek or in Abok at the same time. It's not there. At least
24 from having done the field work myself, I can confirm that all these individuals were
25 in different camps.

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1 PRESIDING JUDGE SCHMITT: [11:57:48] But what Mrs Bridgman refers to is this
2 quote seems to be one consistent quote and that is the reason why she asks.

3 THE WITNESS: [11:57:58] Well, because I can't see the bottom of the last quote, I
4 don't know whether she's referring to the first one or the last one, because there are
5 two quotes here. That's why I'm asking the household ID. Is it number 140 or --

6 PRESIDING JUDGE SCHMITT: [11:58:15] It might be not an issue at all, but it was
7 absolutely justified that it was asked because it looks like it's one consecutive
8 interview. And then it would appear that there might be an inconsistency simply.

9 THE WITNESS: [11:58:32] Yes, I think it could be a typing mistake if that is the case,
10 but they're all different. There was no such incident.

11 MS BRIDGMAN: [11:58:48] Thank you, Mr President.

12 Q. [11:58:50] Regarding people who suffered sexual gender based harm, did you
13 distinguish between harm by those -- suffered by those who were actually abducted
14 and those who may have suffered harm during the attacks?

15 A. [11:59:04] There were two questions regarding abduction on its own and
16 experience in sexual violence itself, whether it happened due to abduction or there in
17 the camps. But at least you could tell that this person was abducted and then they
18 were sexually violated. So they were asked differently, yes.

19 Q. [11:59:33] Do you recall the results or at least the percentages of those who
20 suffered the harm during the attacks or those after the abduction?

21 A. [11:59:51] No, I don't.

22 Q. [11:59:55] On loss, generally speaking, of life and property, considering the
23 mayhem during the attacks, were your respondents able to distinguish between the
24 cause and source of the death and destruction, or they simply attributed it to the
25 LRA?

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1 A. [12:00:24] I wish you could -- I don't understand what you mean when you --

2 PRESIDING JUDGE SCHMITT: [12:00:29] I think I would allow you simply to put

3 an alternative to her that there might be other people involved. I know what you are

4 heading at, so you can be more specific, I think.

5 MS BRIDGMAN: [12:00:43] Thank you, Mr President.

6 Q. [12:00:46] In your interviews, did you explore with the respondents the

7 possibility that the death and destruction of their lives and property was from the

8 government forces and not from the LRA?

9 A. [12:01:00] When we asked that question it was simply: "Did you lose property
10 during the attack?" Without specifically saying who caused it.

11 Q. [12:01:09] So then again in your findings you did not make an independent
12 assessment, maybe not from your interviewees, but from your own research and
13 who -- the cause of the loss?

14 A. [12:01:32] But remember, I said for a lot of the crimes and violations or a lot of
15 the crimes that people were reporting, it was linked to if it was committed by a
16 member of the LRA. But destruction of property, then it was saying: What
17 properties did you lose during the attack? So there was always a link, because
18 they're all asked together. It was a set of questions. So I cannot only say -- like,
19 when people talk it's a narration of what happened. It's not like talking about one
20 aspect and then, you know, jumping or ignoring the other aspect. They described
21 the entire event, yes.

22 Q. [12:02:13] This morning you mentioned some of your colleagues that you
23 worked with. And you mentioned that Ms Jordan Farrar is a psychologist. Did she
24 come with you to the field during the interviews?

25 A. [12:02:38] No, she didn't.

1 Q. [12:02:40] I see at page 8 of your testimony -- sorry, of your -- really it's your
2 testimony, your report, ending 0017, where it says that she led on the
3 psychological -- psychosocial analysis and write up within the findings from the
4 victimization assessment survey.

5 Now, would I be correct to assume that she used your findings, what you collected
6 from the field, to make her own assessment of the information?

7 A. [12:03:22] You know, it is a survey, a big survey of 396 people. And I only did
8 about 16 qualitative interviews to compliment the qualitative work, piece of it. So
9 when we reach the part of analysing the psychological well-being is where her input
10 came in because then she could help interpret what we're seeing in the statistical data
11 as a psychologist.

12 Q. [12:03:56] So then would I be correct to conclude that your findings on mental
13 health issues, for instance depression, are not medical diagnoses?

14 A. [12:04:19] No. They're based -- they're like the standard psychological
15 assessment, because we do not have or we are not -- like, we cannot say we have the
16 medical expertise to do that.

17 Q. [12:04:30] You discussed cen in your report.

18 A. [12:04:44] Yes.

19 Q. [12:04:44] And how that manifests in the respondents. Isn't it true that in
20 Acholi and Lango there is a very high prevalence of the belief in spirits?

21 A. [12:04:59] Well, yes, there is a belief, and that is what grants it in itself, because
22 it's from the local belief that people interpret their experiences of what happened to
23 them and what is manifesting in their lives.

24 Q. [12:05:23] Did you find anyone who didn't believe in the spirits within the
25 people you interviewed?

1 A. [12:05:29] Absolutely. There were people who were religious, who are now
2 born again, the so-called Pentecostal, they were there, while the people who believed
3 in, you know, like, you know, the spirits afflicting them and because of what
4 happened to them, and they could tell you how, because of the people maybe they
5 were forced to kill or their loved one who they lost that continues to haunt them.

6 Q. [12:05:57] Can you give us the percentage of people who do not believe in
7 spirits?

8 A. [12:06:14] Unfortunately I cannot do that because we did not go into those
9 details of breaking it out by percentages.

10 Q. [12:06:19] You document numerous examples of dreams and nightmares in your
11 report. Are dreams of specific significance in the Acholi and Lango people?

12 A. [12:06:38] It's like I mentioned earlier. It's about how people interpret and
13 make sense of their everyday life and their life while they lived realities. So for them,
14 those dreams are significant to them. It gives meaning to what they're experiencing.
15 It's how they experience what happened to them or express, expression of what
16 happened to them.

17 Q. [12:07:03] And I see indeed in your report you mentioned that mental health
18 practitioners have used cen as an indicator of mental health well-being within the
19 communities. Did your research also inquire into how many of the people
20 struggling went through rehabilitation and those that did not?

21 A. [12:07:44] What sort of rehabilitation, if you could just ...

22 Q. [12:07:54] For instance, if someone had -- was being haunted by the spirits of
23 people they killed, did you look into how many of those had gone through
24 rehabilitation centres before returning home and those who did not?

25 A. [12:08:11] I think that would only be then be limited to cases of those returning

1 from abduction. But in our case we're looking at the entire victims population who
2 were there during the attack. So it wasn't like specific to a group, no. But of course,
3 when you look at access to health services, that is what I would take it to mean, which
4 we've already talked about in the -- earlier in the morning, about who has access to
5 services.

6 Q. [12:08:48] At page 96 of your report, ERN number ending 0105, you recommend
7 specialized therapeutic health services in addition to western treatment for mental
8 illness.

9 Did your research find that this is effective and that cultural considerations should be
10 given priority?

11 A. [12:09:26] I think we give two recommendations here. This one, it says affected
12 individual who suffer physical and mental injuries. You know, the fact that they're
13 not able to access the services, require therapeutic treatment, and that means
14 specialized care. For example, when we talk about injuries, we're saying can we
15 have -- that would translate to, for example, if they go to the facilities in my
16 understanding, that they have orthopaedic surgeon that can manage those
17 complications they have, that they can get --

18 THE INTERPRETER: [12:09:57] Your Honour, message from interpretation: Could
19 the witness also pause a bit as she's giving a response as the subject is a bit
20 complicated.

21 THE WITNESS: -- that they can get the healing that they require --

22 PRESIDING JUDGE SCHMITT: [12:10:06] May I shortly interrupt you, because I'm
23 also interrupted. It is very complicated matter and your expertise is, if you look
24 word by word, it's not the easiest one to interpret and I'm reminded by the
25 interpreters that you slow down a little bit.

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1 THE WITNESS: [12:10:25] Sorry.

2 PRESIDING JUDGE SCHMITT: [12:10:26] So perhaps you can simply start again
3 with the last answer.

4 THE WITNESS: [12:10:29] Okay.

5 PRESIDING JUDGE SCHMITT: [12:10:30] If you may, please.

6 THE WITNESS: [12:10:32] Thank you. I'll take note.

7 There are two things here. I think we give two recommendations in this section,
8 both western and also taking care of the fact that there are people who will opt for
9 traditional ways of healing, because that is how they believe and feel their healing
10 will come forth.

11 MS BRIDGMAN: [12:10:55]

12 Q. [12:10:56] At page 51 of your report, ERN number ending 0060, you state that
13 your data demonstrates a significant relationship between the LRA attacks on the
14 three IDP camps and impaired psychosocial functioning in the participating victims.
15 And this is the last paragraph just before the B2 section.

16 My question is this: Did you also consider trauma or harm that may have been
17 suffered by the respondents previous to the attacks?

18 A. [12:12:15] Absolutely. That is the reason we do a comparison with the SLRC or
19 the general population. Remember I said that when we pick on the SLRC
20 population for comparison, these were people who did not report experience of any
21 crimes in the conflict. So that can enable us to say with certainty what we are seeing
22 in our data.

23 Q. [12:12:47] Were you then able to de-link the effects of the previous harm from
24 the harm suffered during the charged attacks?

25 A. [12:13:01] That is the intention why we make the comparison, because if you

1 compare somebody who has suffered and somebody who have not, then you can see,
2 it's the only way you can tell, you know, what you are seeing, whether it is because of
3 the attacks, because their population would live in the same area, the same
4 community. So that that enables us to make that comparison.

5 Q. [12:13:26] So the de-linking happened from comparing results from the general
6 population from the ones of the participating victims; is that correct?

7 A. [12:13:52] That was the only way we could see the -- we could tell what we're
8 seeing in the victims population and relate them to the experience of the crime, of the
9 crimes they suffered or to the attacks, because then this population had not lived
10 through a similar experience while this other population had experienced the attacks,
11 but they live in the same, they're all from northern Uganda or from Acholi and Lango
12 sub-regions, yes.

13 Q. [12:14:23] While discussing disability in your report at page 52, ERN number
14 ending 0061, you gave two broad categories of disability, those whose ability to work
15 a lot was hindered and those that cannot work at all.

16 Can you give us percentages of the people who fall in either category?

17 A. [12:15:06] I think here in the report it reads here what you are mentioning. I
18 don't know what you mean, those who are able to work a little bit and those ones
19 who have completely unable to work.

20 Yes, it says 38 per cent of those affected by the LRA attacks, their disability affects
21 their ability to work a lot or they cannot work at all, because we had both statements,
22 so it's either any of those, any of the two.

23 Q. [12:15:54] My question is did you then go further to quantify the number of
24 people falling in either of these two categories?

25 A. [12:16:05] Well, at least here it is not broken down by saying how many are now

1 not able to work completely, but from the SLRC data, at least we did that breakdown
2 by the different categories, unless I'm not able to see it here now, it could be that it's, I
3 mean, I can't have everything off head.

4 Q. [12:16:31] That's okay. Ms Atim, just as a housekeeping issues, because we are
5 both communicating in English, we tend to -- we are listening to each other directly,
6 and it affects the interpretation. So much as I'm trying to make a pause before I ask
7 the next question, try to also pause before you answer my question.

8 A. [12:17:06] Okay.

9 Q. [12:17:09] At page 52 you give an example of the man whose legs were shattered.
10 When you are doing your research, did you distinguish between people who suffered
11 the physical injuries during the attack and those who suffered the injuries while in
12 abduction?

13 A. [12:17:38] On these were clients that registered to participate, so they were all
14 related to the attacks. So for this particular example of the man who had the leg
15 shattered, it had to do with during the time of the attack. So this comes from the
16 qualitative work. Again, remember, there are two methods. So from the qualitative
17 work, yes, I knew who was abducted. I could tell who spoke to me as who was
18 abducted and who spoke to me who was not abducted but still got wounded.

19 Q. [12:18:15] Did you find any differences in the effect of the physical injury on the
20 psychological well-being of people who were injured while in the bush?

21 A. [12:18:59] The relations between injuries, I think what we do see as very
22 strong -- has a stronger correlation to suffering an injury was on the household food
23 security. That was significant, you know, having a disability, because it has to do
24 with your inability to work and provide. That stood out.

25 So remember when you are doing those statistical analyses, certain things you don't

1 necessarily pick up, not because they're not important, but you're looking for what
2 comes out as most significant. So it could be, it could be there, but because it's very
3 small, then analytical process then doesn't, because you need to ask those questions
4 into the statistical -- I mean to question the data to give you that information.
5 Sometimes it's impossible to question everything in the data.

6 Q. [12:19:53] So then would it be fair for me to conclude that you did not explore
7 the correlation between physical injury and psychological well-being, especially for
8 depression and suicidal tendencies?

9 A. [12:20:20] Well, I could look at the data if that helps, I mean at the report just
10 briefly to see if it's there. But I don't think the physical effects -- no, I don't, I don't
11 see the link between -- unless I go to again psychological effects and see whether there
12 was a connection.

13 Q. [12:21:39] That's okay. I'll move on.

14 A. [12:21:44] Okay.

15 Q. [12:21:48] You have told us about the comparison you made between the
16 general population and the participating victims as a basis for most of your findings,
17 if I understood you well. But for the locations which you focused on, talking about
18 access to healthcare, for instance, did you evaluate the existing medical services
19 available before the charged attacks?

20 A. [12:22:29] No.

21 Q. [12:22:34] We have heard evidence of the life conditions in the camps, even
22 before the attacks, the sanitation conditions, the congestion. Did you factor any of
23 this into your findings?

24 A. [12:23:05] That is precisely why I still say we did a comparison, because it's not
25 that it was only the communities in Abok or in Odek or Lukodi that were in camps.

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1 The entire northern Uganda at some point were living in IDP camps.

2 So just comparing only means the differences in them experiencing the attacks, but
3 they lived through almost similar conditions during displacement, because most of
4 Acholi sub-region, as you probably know, was displaced, about 90 per cent. The
5 same in Lango sub-region over 50 per cent or 48 or 43 or so per cent was displaced.
6 So it's a community who had experienced similar things.

7 Q. [12:23:50] My question focuses on Abok, Odek and Lukodi. Did you evaluate
8 the conditions that were prevailing in those camps before the charged attacks and
9 how that might have affected the livelihoods of the participating victims?

10 A. [12:24:18] We only focused on the impact of those attacks on people now.

11 Q. [12:24:27] With your experience, I would like to assume that you know about
12 the nodding disease in northern Uganda; is that correct?

13 A. [12:24:53] I do know about it.

14 Q. [12:24:56] Do you know if this was assessed for the general population?

15 A. [12:25:05] No.

16 Q. [12:25:08] Did you assess it in your own research?

17 A. [12:25:14] No.

18 Q. [12:25:17] Regarding asset wealth, starting from page 58 of your report, ERN
19 number 0067, you acknowledge the marginalised nature of northern Uganda and the
20 law of human development indicators, and in your words you say, "This is in part
21 due to the 20 years of the armed conflict."

22 I'm more interested in the other part. Can you tell the Chamber the other reasons for
23 this state of affairs in northern Uganda?

24 A. [12:26:36] For this statement?

25 Q. [12:26:40] Yes.

1 A. [12:26:41] Well, I think this statement basically sets the foundation for what we
2 were to say, which simply mean because of this, it basically exacerbates people's
3 experience. The attacks makes it worse for them because of these conditions that
4 already exist.

5 Q. [12:26:57] But can you give us examples of the reasons for why the conditions
6 existed if it wasn't for the armed conflict?

7 A. [12:27:15] The reasons why?

8 Q. [12:27:16] Why it was marginalised and with low human development
9 indicators.

10 A. [12:27:21] Of course, a lot, some of these are historical. I'm sure you've read
11 extensively, it's not just beginning, and it partly explains to the conflict. But I don't
12 think that is why I am here. My intention is only to talk about the impact of the
13 attacks on the victims' population. So I will stick with that.

14 Q. [12:27:44] Regarding your findings on food security, for Abok, Lukodi and Odek,
15 without looking at the general population, did you also factor in the circumstances
16 before the attack where camp residents were unable to farm their lands because of the
17 general insecurity and they were living under curfew?

18 A. [12:29:01] I think I have explained just before this that for us, our intention was
19 only to say what is the impact of the attack on people as they see it, as it was
20 expressed. So we are not looking at those, but what do these attacks do -- what did
21 the attacks do to people? How did it alter their lives?

22 Q. [12:30:10] Ms Atim, some of my questions might seem repetitive considering
23 what you've just answered, but permit me to ask you anyway.

24 Is it then true from what you've just told us that, for instance, regarding your findings
25 on access to education, you still did not consider the circumstances of the

1 participating victims before the attack? I'll give you an example. When you talk
2 about access to schools in Lukodi, we've heard evidence that Lukodi school was
3 closed even before the attack. So in your analysis of the effect of the attack on access
4 to education, did you consider this fact?

5 A. [12:31:11] When we talk about the impacts, what we're linking is to link
6 experiences that people went through on the day of the attack and what we're seeing
7 on their lives today.

8 So, for example, on asset wealth that we just passed just to go back to it, we link, for
9 example, experience of physical injury, I mean, clearly our finding shows that if a
10 person suffered a disability or disability is a clear, clearly correlated with household
11 food security, so that is the kind of evidence you bring, and the same thing with
12 education, when you go to, like I said in earlier proceedings, you see that households
13 where there was an abduction or households where somebody suffered sexual
14 violence or came back with a child from captivity is where you see that they are more
15 affected in terms of their education.

16 Again, you know, highlighting the fact that it is the experience of the attack or the
17 crime that has a significant impact on households -- you know, the children's
18 education, that has a significant impact on household food security. It's the
19 psychosocial well-being. That explains, you know, also it's the psychosocial
20 well-being that is also related to lower wealth or, yeah, lower asset wealth. So you
21 see this pattern, and that is the basis for which we say it is the attack that explains
22 what we're seeing, because we draw these linkages. We just do not make
23 conclusions on education on its own.

24 Q. [12:32:50] I think I have -- I think I understand the linkage between, let's say,
25 physical disability or mental disability from the attack and, for instance, its effect on

1 asset wealth or even education in some instances.

2 But what I'm having trouble with from your answer is when you look at page 68 of
3 your report, and this is at 0077, my trouble comes in when you say, "In order to assess
4 how having experienced the LRA attacks against the IDP camps in Abok, Lukodi and
5 Odek affects the victim participants' education we look at several variables."

6 Then you mention things like time travelled to reach school, girls frequently
7 attending school, boys frequently attending school, current enrollment. And you
8 mention something like "It takes significantly longer time to reach a school as
9 compared to the average household."

10 I'm having trouble making that connection. That's what I would like you to
11 elaborate on more.

12 A. [12:34:40] We did discuss that based on the data we're seeing, and it has to do
13 with, first of all, if, for example, the child was there and has a disability, they will take
14 longer to walk because of their physical condition. They will walk, they will take
15 longer to do, to reach school.

16 Sometimes it also depends on where they live. Or because this child will have to
17 work more at home, and that means they take longer to get to school because their
18 family is already disabled, they are the one who is doing most of the household
19 chores.

20 So there is lots of explanations or ways you can look at this experiences, you know, in
21 the household, unless you're there or unless -- that's why we did the qualitative piece
22 to understand. How are these evident in the everyday life of these households, in
23 some of the households, for example, yes.

24 Q. [12:35:45] Thank you for that clarification.

25 Now, can you tell this Court why this linkage is not documented or demonstrated in

1 your report?

2 A. [12:36:02] I think partly also it's why I'm here, to be able to, if there are areas
3 where -- because sometimes we have explained what we think is important, but there
4 are smaller details that you cannot capture everything.

5 Remember, this is a report of over a hundred pages or something. So if we had to
6 put every small detail here in it, it would be like 500 pages or so. But clearly there
7 are those small linkages you see. If you go further, sometimes we cannot put every
8 small, little detail, but we wanted all the big pictures to be captured.

9 Q. [12:36:43] You annexed several documents onto the report. Do you still have
10 the raw data that one can glean from about, for instance, the number of people who
11 are disabled in households that were reviewed?

12 A. [12:37:16] Because we did a qualitative data and we did them using tablets,
13 meaning they were like already programmed in the system for the qualitative, for the
14 quantitative or for the survey which generates the quantitative data, so yes, you can
15 have access I think if you -- they were also I think made available to Court, those, the
16 links to those data; and if you want, you can, you know, query the data and generate
17 for yourself or see what you want to see in the data based on your interest.

18 Q. [12:37:53] Again, still focusing on education, isn't it true that in Uganda, primary
19 and secondary education is free or should be free to all?

20 A. [12:38:44] That's true.

21 Q. [12:38:47] Looking at the PowerPoint that you discussed with Counsel Cox
22 earlier today, and in particular page 0146 and looking at the different age ranges,
23 would I be correct to assume that for instance the last group of people above 20 years
24 old, maybe starting from 11 to 20 years old are going through secondary and tertiary
25 education?

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1 A. [12:39:50] This is on school enrolment, and we basically focused in on primary
2 school enrolment. But yes, they could be like from 16 but not -- 15, very few. But at
3 least from 16 could be in secondary school.

4 Q. [12:40:05] Generally speaking for most of the services that you discuss in your
5 report, were they to be medical, health, access to potable -- medical, education or
6 access to potable water, who is responsible for providing these in a society?

7 A. [12:40:58] Those are basic services that, yes, the government should be
8 responsible.

9 Q. [12:41:02] In your findings, did you find or did you explore what the
10 government is doing in providing these services to the affected population?

11 A. [12:41:14] No, we did not because we're only looking at the link between
12 suffering particular crime or experience during the attacks and their access to service,
13 to those services.

14 Q. [12:41:29] At page 75 of your report, ERN number ending 0084, while talking
15 about victim participants having greater access to livelihood and social protection
16 services, you also mentioned that in the general population, the majority did not
17 receive any of these services, but even when they did, most have said that they did
18 not make any difference in their households.

19 Did you explore the reasons for why this is so?

20 A. [12:42:42] Yes.

21 Q. [12:42:43] Please, can you tell us.

22 A. [12:42:46] The reason it is so is that the services people are receiving is very little
23 or small that cannot make any impact.

24 Secondly, a lot of what they are receiving are one time off. But based on the needs
25 on the ground, a lot of the people need ongoing or some prolonged access to services

1 that, that is when it can make a difference on their lives.

2 MS BRIDGMAN: [12:43:46] Your Honours, may I ask for a moment to confer with
3 counsel?

4 PRESIDING JUDGE SCHMITT: [12:43:50] Of course.

5 (Defence counsel confer)

6 MS BRIDGMAN: [12:44:25]

7 Q. [12:44:26] You briefly talked about experiences of other crimes by the
8 participating pool of people you interviewed. And I just would like to clarify from
9 page 81 of your report, ERN number ending 0090, the paragraph starting with
10 hypothesize and then -- I just wanted to make sure I understood what you said
11 correctly. My understanding of what you said in that paragraph is that the problem
12 is with success when a crime has been committed on a participating victim, the
13 possibility for them to succeed when they seek for redress.

14 Am I correct in that, do they actually report and seek for redress?

15 A. [12:45:38] I think the statement here is very clear. We talk about, one, that their
16 physical, their mental, their economical status keeps them in a weaker status because
17 of the experience of those crimes, and thus, they're unable to protect themselves. I
18 think that is what the statement says here.

19 And two, that they're more marginalised, like I already explained earlier.

20 And also that because they're unable to work, because of the loss they suffered both
21 physically or having a lost a member of their own, you know, family, maybe
22 household head or having lost their assets, their weakened position, that means
23 because it's about social status, it's about reciprocity in our society. You know, it's
24 about the reciprocal nature of interaction and exchanges that brings the social -- you
25 know, that gives you both the status but also which social network you are embedded

1 in.

2 Q. [12:46:45] Speaking of social network and reciprocity, from reading your report
3 at page 77, ERN number ending 0086, in the second quotation, it appears to me that
4 part of the problem might be a dysfunctional system from the providers, perhaps
5 riddled with corruption in the provision of the services to the victims. Would I be
6 correct about that?

7 A. [12:48:04] I think it's partly correct, but also I think it's partly because the
8 services that come are not informed by the needs of victims. They're generalised.
9 It's nothing specific that says this is coming from victims. So the targeting in itself
10 then misses out on how to get to which victims who are where, yes.

11 Q. [12:48:31] And looking at the section on your recommendations in the report, I
12 didn't see anything regarding the provision, regarding the streamlining of the
13 providers in that regard; is that correct?

14 A. [12:48:59] I think you missed -- you could have missed it. I think, unless it is
15 missed somewhere, but I think our number one recommendation has to do with how
16 targeting should recognize that some victims have got more needs than others and
17 they have got to be prioritised.

18 Q. [12:49:20] Indeed, that is true. At page 94. I'm focusing more on that innate
19 concept of reciprocity and who knows who. I think that's what I am trying to get at.

20 A. [12:49:40] I still -- maybe I'm missing what you're getting at.

21 Q. [12:49:52] In your recommendations part, either I'm missing it or I did not see
22 anything towards the service providers, not necessarily targeting, but even when they
23 target, because reading what some of the people say in your report, it doesn't appear
24 that the question is not -- is just about targeted assistance. It is the misuse of those
25 resources to the people who have already been targeted.

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1 A. [12:50:30] I think what we present or as our recommendation, we build them
2 from what our findings say or what we see as our main findings. So our main
3 recommendation has to do with the key areas that we looked at in terms of the impact.
4 So what we simply saying is giving pointers to the service providers to say, look, if
5 you are going to work with victims, this is how you should target. If you are going
6 to work with victims, this is how disability -- we recommend, you know, to address
7 disability, this is how you must do it. So it's up to the providers to then break it
8 down in their approach how they will do that. But what we give is pointers to what
9 are the key steps or key things that needs to be kept in mind when targeting or when
10 working with survivors based on what we've found.

11 Q. [12:51:26] Thank you, Ms Atim.

12 MS BRIDGMAN: Mr President, I see the time. I should be able to finish in the next
13 session, and I'm wondering if that's okay with you to take the break now.

14 PRESIDING JUDGE SCHMITT: [12:51:38] Yes. I think why not. So we can have
15 the break now until 2.30. And you said you will finish in the afternoon until 4
16 o'clock.

17 MS BRIDGMAN: [12:51:47] Yes, your Honour.

18 PRESIDING JUDGE SCHMITT: [12:51:49] Then we do it this way.

19 THE COURT USHER: [12:51:51] All rise.

20 (Recess taken at 12.51 p.m.)

21 (Upon resuming in open session at 2.30 p.m.)

22 THE COURT USHER: [14:30:42] All rise.

23 PRESIDING JUDGE SCHMITT: [14:30:43] Good afternoon.

24 Mrs Bridgman, you still have the floor.

25 MS BRIDGMAN: [14:31:34]

1 Q. [14:31:35] Good afternoon, Ms Atim.

2 A. [14:31:38] Good afternoon.

3 Q. [14:31:41] From the answers you have given me in the previous session, would I
4 be correct to conclude that your findings on asset wealth did not also consider
5 circumstances that prevailed before the charged attacks?

6 A. [14:32:08] Like I previously mentioned, our study or the study that we looked at
7 basically compared the two population, the victims' population and the general
8 population. So we only looked at, based on that comparison is where we draw our
9 conclusions from.

10 Q. [14:32:36] Were you aware of a fire that occurred in Odek camp approximately
11 three weeks before the attack that destroyed several huts in the camp?

12 A. [14:32:49] No.

13 Q. [14:32:52] Regarding the perception of justice for the participating victims, did
14 you ever inquire -- did you raise the issue of Mr Ongwen also having been abducted
15 as a child?

16 A. [14:33:37] The question on perception of justice, basically originated from the
17 qualitative interviews that I did conduct. It had nothing in terms of naming any
18 specific person. It was just about victims, what they think about justice, what they
19 think should be done. So we did not name anybody. It was more about them, what
20 they have experienced.

21 So, but sometimes in the discussion, they would come up with narrations of what
22 they experienced and would mention the name of the person, of your client, but it
23 was not our intention in the way that we administered the questions or that the
24 questions, the guide were designed.

25 Q. [14:34:23] During these narratives, did they also raise their thoughts and feelings

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1 about the adequacy of the protection the government of Uganda afforded them before
2 the attacks? For instance, the number of soldiers that were present in the camps?

3 A. [14:34:48] We did not look at that. Like I mentioned, again we were very
4 specific, "Based on the impact, what's your view of justice? What kind of justice
5 must be ...", you know, "should you get because of what happened to you?"

6 Q. [14:35:23] I'm going to ask you a few questions focusing more on your CV that
7 can be found on tab 1, UGA-V40-0001-0001. From page 2 to page 3 of your CV, it
8 says that you worked closely with national and international bodies, and I'm going to
9 ask you about some of these one by one.

10 A. [14:36:23] Okay.

11 Q. [14:36:23] I see you worked for the Justice and Reconciliation Project in Gulu.
12 Would I assume that you're familiar with their publications and findings regarding
13 the attacks on Lukodi, Abok and Odek?

14 A. [14:36:38] As part of my work as a researcher, certainly, yes, I do collaborate
15 with them. I know they've produced these publications. Those that I've read, yes, I
16 know they've done investigations in all those locations, but I cannot say in detail what
17 those reports state. But I do know they did, yes.

18 Q. [14:37:02] I don't mean to put you on the spot about this, but do you have any
19 comment on their findings generally speaking, not necessarily regarding this case, but
20 regarding what happened in these locations?

21 A. [14:37:37] I cannot comment on that because I did not do the study.

22 Q. [14:37:43] But would you agree with me that their findings tend to suggest that
23 the government of Uganda also had a tremendous contribution to the suffering, to the
24 harm suffered by the participating victims?

25 A. [14:38:01] Well, it's not my place to say that. I think the Prosecution did its

1 own investigation. Maybe they're better placed to say whether that is the case.

2 Q. [14:38:16] I see that you also worked with the Uganda Human Rights
3 Commission?

4 A. [14:38:47] That's correct.

5 Q. [14:38:49] Are you then familiar with their findings regarding some of the events
6 that happened generally in northern Uganda during 2002 to 2005?

7 A. [14:39:03] When I worked with the Uganda Human Rights Commission, based
8 on that statement, it was on specific statements, yes, that we did for -- work for them
9 on with the Office of the High Commissioner for Human Rights.

10 Q. [14:39:23] I have several documents from the Uganda Human Rights
11 Commission, and with the Court's permission, I would like to briefly sample a few of
12 them?

13 PRESIDING JUDGE SCHMITT: [14:39:45] Of course, yes.

14 MS BRIDGMAN: [14:39:48]

15 Q. [14:39:57] Ms Atim, these are complaints filed before the Uganda Human Rights
16 Commission by civilians from different places in northern Uganda against the
17 government. And a quick perusal to me appears, for instance, tab 11, there should
18 be a blue binder, but I'm not going to require you to read every single detail, maybe
19 just for you to follow what I'm saying.

20 Your Honours, this is UGA-OTP-0191-0127.

21 PRESIDING JUDGE SCHMITT: [14:40:44] Ms Atim might not know the documents
22 and might not know what it is about. So you can perhaps just choose one or two
23 exemplary, so to speak, and I assume that you submit the material so this will do.
24 We won't go through all of these singular complaints, so to speak. I think that
25 would be a waste of time.

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1 Let's see what comes out of the first, but I just want to flag it, that we do not exercise
2 here in documents that the witness, the expert might not be able to comment on.
3 MS BRIDGMAN: [14:41:26] I'm guided, your Honour.
4 MR COX: [14:41:27] Your Honour.
5 PRESIDING JUDGE SCHMITT: [14:41:29] Yes.
6 MR COX: [14:41:29] I'm sorry. It is my view that the expert is here to give
7 testimony about her report and putting her documents that are not in the report and
8 not subject to her report I think is outside her scope of expertise and, therefore, is
9 unfair for her to be responding about things that are not part of the report. There is a
10 scope why she's here in my view.
11 PRESIDING JUDGE SCHMITT: [14:41:57] No. I respectfully disagree. I think
12 since there is a sort of relation in her being active also for certain human rights
13 organisations or institutions, I think, and as I have already said, we put one of these,
14 so to speak, complaints, you have flagged it, to her and she might comment on it and
15 she is, I think, stable enough, so to speak, to answer meaningfully. And if she
16 doesn't know anything about it, she will tell us.
17 Please continue.
18 MS BRIDGMAN: [14:42:35] Thank you, Mr President.
19 Q. [14:42:38] Ms Atim, this is a report that appears to be from 24 September 2004.
20 And the second and third paragraphs talk about loss from a civilian incurred by the
21 activities of soldiers who were located at one of the locations within the region, the
22 area. And I just wanted to highlight the third paragraph. "Those things they did
23 were burnt three huts, uprooting cassava of one plot, cutting sugar cane of one plot,
24 misuse of banana, pawpaw, mangos and matunda."
25 Like I said in the beginning, this is just an example. In your work generally speaking

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1 while you were researching on different topics that you have worked on along the
2 years, were stories like this very common about loss and harm suffered at the hands
3 of government representatives?

4 A. [14:44:11] Thank you. I think what I can comment and based on your question,
5 from our SLRC work, for example, what comes, what pops out clearly is the fact of
6 destruction of property that was almost experienced by all the population in northern
7 Uganda, without necessarily saying it was committed by which party, because in the
8 SLRC we just said: What did you experience during the conflict?

9 So destruction of property is almost experienced and reported by everybody.

10 MS BRIDGMAN: [14:44:57] Your Honours, I would like to ask one more example
11 because it brings in another element that I would like to --

12 PRESIDING JUDGE SCHMITT: [14:45:04] If you say it like that, we will follow that.

13 MS BRIDGMAN: [14:45:07] Thank you.

14 PRESIDING JUDGE SCHMITT: [14:45:08] And I will intervene if it is not the case
15 like you flagged it.

16 MS BRIDGMAN: [14:45:12]

17 Q. At tab 7, UGA-OTP-0191-0132, it is another complaint where here it was
18 reported that the soldiers of the UPDF destroyed this complainant's property as listed
19 below. I will not mention the properties that were.

20 But then at point number 4, it also says, "The soldier again threatened to kill me with
21 a gun and they asked me whether I can still remember what I did last time when I
22 was in the village."

23 Do you know if these threats that accompanied loss were also documented in any
24 surveys or any research projects?

25 A. [14:46:17] No, I don't know that.

1 Q. [14:46:20] Again in your CV I see that you worked with the justice law and order
2 sector. Can you briefly describe the role of this body and how it was created?

3 A. [14:46:50] Well, like I said, as a researcher, you conduct research not for yourself,
4 but to share out with the different actors and relevant people. So the justice law and
5 order sector is one of the bodies that our work or my work does target in a way,
6 because part of the work I've done has to do with aspects of transitional justice that
7 we've constantly had interaction with them and informing and shaping some of their
8 ongoing processes in the country.

9 What I know, it's a government body that is mandated to oversee the entire justice
10 processes in the country, and in it it includes all the three -- I mean all the key main
11 organs of government, including the judiciary, the police, the prisons, the military.
12 Basically all the key, key organs of government that are responsible for justice related
13 matters are part of the justice law and order sector. And on them they have boards
14 of -- I think they have groupings inside the justice law and order sector that are tasked
15 with specific responsibility around transitional justice. There is like a reparations
16 group. There are those who are working on drafting the transitional justice policy
17 and several others that I cannot mention of it. But that is what I know and I've had
18 specific -- and they have a secretariat that are run by technical people, and those are
19 basically the people I interact with, including the Uganda Human Rights Commission
20 is part of the justice law and order sector.

21 Q. [14:48:48] Isn't it true that it was also tasked -- the working group on transitional
22 justice, isn't it true that it was tasked to deal with some of the historical factors
23 regarding the northern Uganda conflict that you declined to delve into earlier?

24 A. [14:49:14] Well, since I'm not part of the group, I cannot say exactly what they
25 were tasked with, but yes, they have several responsibilities. The only one that I

1 know is that Uganda Human Rights Commission has been tasked to do the
2 documentation of the different conflicts that happen in Uganda, because I've been
3 assisting in training some of their own researchers, so that I know. But what I'm not
4 privy to I cannot comment on it.

5 Q. [14:49:46] And that's fair enough.

6 You talked about the transitional justice policy. Isn't it true that it still has not been
7 passed into law even though it was passed in 2008?

8 A. [14:50:03] It's still a draft, yes, that's correct.

9 Q. [14:50:07] You have also worked with the International Centre for Transitional
10 Justice. Now, again, I'm not trying to put you on the spot, but I'm going to make a
11 proposition to you and see if you agree with what this centre said about the
12 transitional justice policy.

13 They say in one of their publications that there is a limited political incentive for the
14 government to hold state actors accountable for violations committed and that
15 individuals who are alleged to have committed heinous crimes continue to hold
16 positions of authority and influence.

17 What do you have to say about that proposition?

18 A. Well, I can only say --

19 MR COX: [14:51:02] Your Honour --

20 PRESIDING JUDGE SCHMITT: [14:51:05] Sorry, it's overruled, so to speak. You
21 simply might continue. The witness, Ms Atim can say she -- I don't want to tell her
22 what she has to say, but she simply answers the question.

23 This is, Ms Atim, this is, so to speak, a typical manner to put questions to a witness or
24 an expert. It's a proposition. What do you say to that? And you feel free to say,
25 so to speak, what you want. You can comment on it, you cannot comment, you can

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1 say yes, you can say no, whatever.

2 THE WITNESS: [14:51:47] Okay. Well, my opinion is that that is their opinion. If
3 I am required to give or based on my own work, then I would give my own opinion
4 when it's, when it's required. But I cannot comment on what they have found,
5 because it's based on their own findings.

6 PRESIDING JUDGE SCHMITT: [14:52:21] Mr Cox, I know this was a relatively, this
7 was a relatively quick oral decision, so to speak. Yes. Perhaps next time I wait a
8 little bit longer.

9 MS BRIDGMAN: [14:52:44]

10 Q. [14:52:45] At page 4 of your CV, you mention your role in the peace process
11 before it collapsed. This is the second bullet point from the May 2005 to April 2007
12 profile. Did you ever know why the peace process collapsed during your work at
13 this period of time?

14 A. [14:53:24] I think that bullet point is very specific to the fact that I was seconded
15 to work at the assembly points, but I was not part of the peace process, which was
16 more programmatic to offer services if it is to, if it had gone through, which didn't
17 happen. So it is not that I took part in the peace process, but that I was seconded,
18 because there were organisations that were already preparing in case it happens.
19 There have staff in place to be deployed and they were already prepared for that
20 purpose. So that was my role, part of the team that would be deployed in the field to
21 receive, work in the assembly points, especially with young women who were
22 returning with children.

23 So I wasn't really part of the peace process per se.

24 Q. [14:54:14] I'm sorry, I did not mean to insinuate that you were part of the peace
25 process, but considering that you've mentioned due to the failure of the peace process,

1 I wanted to know if you knew why it failed.

2 A. [14:54:29] Well, there are different reasons, but I cannot say I know exactly why
3 it failed. I don't know it.

4 Q. [14:54:38] You also just mentioned that you were deployed -- the secondment
5 was to receive young women who were returning from the assembly points. As part
6 of that group of people, were you given, let's say, guidelines and training of
7 understanding what was happening during the negotiation process for you to
8 adequately do your job when you received these people?

9 A. [14:55:24] Our job was technical in the way that it was to do with the services
10 that -- do a training, yes, but it was more to who are these people we'd be meeting
11 and interacting with? What kind of services would they need? How would we
12 interact with them? What sort of things should we be thinking about to be put in
13 place? In what locations would we be based? So those were the kind of things. It
14 had nothing to do with the other political process.

15 Q. [14:55:56] In the training portion of your CV at page 6, you highlight the land
16 mine awareness training you had in 2002. Where was this training conducted, if you
17 remember?

18 A. [14:56:23] Where? In Gulu.

19 Q. [14:56:32] Do you have any idea how prevalent land mines were in the northern
20 region at that time?

21 A. [14:56:43] I do not, I cannot say with specificity how prevalent it was, but
22 certainly this was based on the recognition that it's a risk. I mean, the training was
23 based on the recognition that, yes, there are some land mines and people need to be
24 aware of its -- of that fact.

25 Q. [14:57:06] During this training, was it also explored on where these land mines

1 were coming from or who was laying the land mines?

2 A. [14:57:18] No.

3 Q. [14:57:22] At page 7 of your CV, regarding presentations you've given, there is
4 one from February 2011 where you presented on survivors of forced marriages in
5 Uganda. Would I be correct that you conducted some research before making this
6 presentation?

7 A. [14:58:07] Yes. Of course, I even have a paper, that part of the paper that came
8 out in December has to do with that, survivors of a forced marriage.

9 Q. [14:58:25] Did you interview people who had suffered this particular harm?

10 A. [14:58:29] That's correct.

11 Q. [14:58:32] Did they include both men and women or just women?

12 A. [14:58:36] My work, I've mainly spoken to women, but I've also talked to a few
13 men in last -- because from my research I wouldn't just tie it to one specific aspect.
14 Over the course of the years I've spoken to, yes, men too who have been not
15 necessarily part of forced marriage, but who have been part of the LRA, you know,
16 fighters, whether they had wives or not, both.

17 Q. [14:59:06] During your research, did the people that you interviewed share their
18 own experiences regarding the powers of Kony and the rules regarding sexual
19 relationships in the LRA?

20 A. [14:59:30] Yes. People do express some of those idea around what was
21 acceptable and what was not acceptable.

22 Q. [14:59:42] Did any of the participants ever tell you that they had a choice in the
23 matter?

24 A. [14:59:54] If you would -- because you mentioned both men and women, if you
25 would clarify which particular participant are you referring to in this case?

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1 Q. [15:00:05] Let's start with the women.

2 A. [15:00:08] No, they didn't have a choice. Almost all of them did not have any
3 choice.

4 Q. [15:00:13] Did the men have a choice?

5 A. [15:00:16] I've spoken to very few men. And these were, of course, just I would
6 say, like only maybe two or three who had forced wives inside. They were mainly
7 junior people, so they told me it was on the orders of their senior commanders who
8 gave them, who just called them and told them "You can take this person". But I
9 cannot verify that fact whether that was it or not, I don't know. But that is what they
10 told me at least.

11 Q. [15:00:52] At page 4 of your CV, you talk about the training and support you
12 gave to the 4th and 5th Division of the UPDF in northern Uganda. During your
13 period doing this, were you aware of reports that the UPDF was recruiting children
14 coming from the LRA into the UPDF?

15 A. [15:01:41] Our training was specific, because at that time we recognised the fact
16 that the first point of contact for children returning would be the military or the UPDF.
17 So it was to offer, to enable them, get a better understanding of how they handled its
18 children once they were in contact with them. So investigations into whether they
19 were doing recruitment or not was not part of my mandate to work with the UPDF,
20 so I cannot comment on that.

21 MS BRIDGMAN: [15:02:14] And for the record, your Honour, my question was
22 based on information in tab 4, UGA-D26-0018-0975. It is a Hansard of the
23 Parliament of Uganda at page 0985, the second paragraph.

24 Q. [15:03:31] Now, again, focusing on this work with the UPDF, do you know what
25 drove the need to train the UPDF on how to handle children returning from the LRA?

1 A. [15:03:44] Yes. I was at that time working for an organisation that did work or
2 provide what we call work-around child protection. And my role was to promote
3 the protection of children affected by armed conflict, and that included children
4 returning.

5 Yes, we had incidences where the idea was that once a child returns, they should be
6 handed over to a rehabilitation centre within some, you know, time. So part of it
7 was also to ensure that that is happening, so that when they come into contact with
8 children, they know where these rehabilitation centres are, or they have contacts of
9 those centres and can notify them that during the course of our operations we met
10 this, you know, person or children who returned, and they can hand them over to the
11 centres for rehabilitation.

12 Q. [15:04:47] Isn't it true that there were reports of the UPDF holding onto these
13 returnees for days or even weeks, sending them back into the theatre of operations
14 before handing them to the rehabilitation centres?

15 A. [15:05:12] What I can competently comment on is what you mentioned first, that,
16 yes, sometimes they'd hold children within -- I mean beyond acceptable limits, that
17 was true. But whatever they used them for, I don't -- I do not know, or why they
18 held them for longer, I don't know. But yes, it was true that sometimes children
19 were held longer than what we had agreed was what we called the 48-hours rule.

20 Q. [15:05:51] Speaking about rehabilitation, did you work closely with any of the
21 rehabilitation centres that were welcoming children back from the LRA?

22 A. [15:06:03] I personally received children as part of my work at the very
23 beginning, so I would refer some of the children either to the centres or at one point
24 there was sending in the organisation where I worked.

25 Q. [15:06:17] What approach did you use if -- let me start from this point. Among

1 the people you received, were they all children or some of them already adults?

2 A. [15:06:45] At that time the majority of people coming out, depending on how
3 long they had been abducted, they were mainly young people. I would grade it,
4 because there are some could have been like below 18 while some were slightly over
5 18, but also a few incidences of those taken for a very short time, and they just come
6 back, you could also come across them, but the majority were basically young people.

7 Q. [15:07:19] Now, did you have any particular approaches to people who had
8 been abducted at a young age and stayed in the LRA for a long time and by the time
9 they came out they were adults or perhaps on the verge of being adults?

10 A. [15:07:41] A lot of -- personally my role was to oversee. I didn't under the
11 actual centre work myself. But I do know like, for example, World Vision -- I mean,
12 sorry. One of the centres did have separate facilities for younger people, and they
13 called it Children of War, and then also where the adults were kept. That, for me, I
14 think is an approach that recognizes the difference in those returning as older people
15 and those returning as younger people.

16 Q. [15:08:19] I'm going to take you back to your report at page 6, ERN number
17 ending 0015, and this is in the section of Background. At the very top before you
18 begin on the profile of the research team, it says, "The LRV hired the services of a
19 team of experts to conduct an independent, in-depth assessment of the victims'
20 experiences before, during and after the attacks in issue."

21 Reading this, am I correct to conclude from what I understand from this sentence that
22 you were to look at the interrelated and cumulative nature of the harm suffered by
23 the participating victims?

24 A. [15:09:57] I think it was specific to the attack, just saying what does it mean.
25 The before is why we do the comparison. That is precisely why we wanted -- we

1 compared with the other population who were not part of, because we could not
2 ascertain what the state was before the conflict or what the state is if these attacks had
3 not happened.

4 So again, it still comes back to the methodology that we employed to enable us, you
5 know, generate that kind of information, because we were not there. There was no
6 study done. The only way would be to compare with a similar population in a
7 similar location or a similar context but who did not experience the attack.

8 Q. [15:10:44] So indeed the comparison or at least the in-depth assessment of the
9 victims' own experiences did not consider their own circumstances before, during and
10 after the attacks in issue in this case?

11 A. [15:11:06] I think it did by comparing, because the other population were part of
12 what we want to see or what we wanted to see was, if you look at the attacks or if you
13 look at this population who experienced the attack. But their neighbours who did
14 not experience these attacks, what difference do we see? Because we cannot tell
15 what, you know, the impacts of the attacks are on the population, because we were
16 not there then, unless we compare, because we -- everybody know -- their neighbours
17 live in similar settings. So by making those comparisons, then we can pull out what
18 we see as resulting from those, you know, from their experience of the attacks, which
19 their neighbours did not experience, because you cannot compare oranges to apples,
20 you can only compare apples to apples.

21 Q. [15:12:06] Ms Atim, I thank you for your indulgence.

22 MS BRIDGMAN: Your Honours, this concludes the questioning from the Defence.
23 Thank you.

24 PRESIDING JUDGE SCHMITT: [15:12:17] Thank you very much.

25 Mr Cox.

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1 MR COX: [15:12:19] I know it's not common practice, but could I just ask one

2 question that it seems that her answer contradicts her report and I --

3 PRESIDING JUDGE SCHMITT: [15:12:29] If it serves clarifying a point, yes, go

4 ahead.

5 MR COX: [15:12:33] Thank you, your Honour.

6 QUESTIONED BY MR COX:

7 Q. [15:12:36] Ms Atim, to a question by my distinguished contradictor, it

8 says -- sorry, that's a Spanish translation. My learned friend you say.

9 PRESIDING JUDGE SCHMITT: [15:12:47] Yes, yes, yes. I was a little bit surprised.

10 MR COX: [15:12:54] Sorry. My learned friend. Sorry, sorry.

11 PRESIDING JUDGE SCHMITT: [15:12:56] You know, materially, you never know.

12 It might be correct.

13 MR COX: [15:13:02] Sorry. I was translating.

14 Q. She asked you, again, still focusing on education - I'm reading, your Honours,

15 page 72, line 7 - "... focusing on education, isn't it true that in Uganda primary and

16 secondary education is free or should be free to all?"

17 Your answer to that was: "That's true."

18 How do you explain what you say in your report in page 70, and the ERN page

19 number is 0079, that when you did the qualitative report, for example, household ID

20 110 says "we have to pay from 20,000 Uganda shillings and above per child"? Could

21 you explain what that amount refers to?

22 A. [15:13:59] Yes, I actually thought about that during the break, that I didn't -- I

23 just answered yes without explaining.

24 Yes, in principle, it's supposed to be free. But there are what we call hidden cost to

25 this education. Still there are other requirements on parents to meet when their

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1 children go to these free education schools or free -- schools that should be providing
2 free education.

3 So some of these costs, sometimes they have to do with, you know, what they call
4 development fund for the schools. Some parents have to pay for feeding their own
5 children when they go to school. So there are lots of other small costs that parents
6 still have to meet, even with the free education. The only thing that I think is
7 technically removed is what is called tuition, they don't pay, but still the other smaller
8 costs that parents have to meet on a daily, for their children to go to school.

9 PRESIDING JUDGE SCHMITT: [15:14:59] Thank you. I think that was really
10 helpful.

11 Ms Atim, this concludes your testimony. On behalf of the Chamber, I would like to
12 thank you that you came to The Hague to testify here and to help us establish the
13 truth.

14 We wish you a safe trip back. But I think you stay in The Netherlands, as I've
15 understood it, so the trip back is not so extensive in your case probably.

16 (The witness is excused)

17 PRESIDING JUDGE SCHMITT: This concludes the hearing for today. The next
18 hearing will be on Monday, as I understand it, the 14th of May, and we continue with
19 PCV-1 I think at 9.30.

20 THE COURT USHER: [15:15:39] All rise.

21 (The hearing ends in open session at 3.15 p.m.)