

Trial Hearing
WITNESS: UGA-D26-P-0114

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Thursday, 31 October 2019
9 (The hearing starts in open session at 9.41 a.m.)
10 THE COURT USHER: [9:41:59] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:42:21] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:42:27] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
17 Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:42:42] Thank you.
20 I ask for the appearances of the parties. First the Prosecution, Mr Zeneli.
21 MR ZENELI: [9:42:48] Good morning, your Honours. I'm Shkelzen Zeneli. With
22 me in court today it's Ben Gumpert, Beti Hohler, Yulia Nuzban, Pubudu
23 Sachithanandan, Grace Goh, Jasmina Suljanovic. We have a new face, our visiting
24 professional, Nikila Kaushik.
25 PRESIDING JUDGE SCHMITT: [9:43:08] And the other names are not forgotten in

1 the meantime. Because we had a couple of weeks no hearings, I'm referring to that.

2 And now to the Legal Representatives of the Victims.

3 MS MASSIDDA: [9:43:19] Good morning, Mr President, your Honours. For the
4 Common Legal Representative team appearing today, myself Paolina Massidda and
5 Caroline Walter.

6 PRESIDING JUDGE SCHMITT: [9:43:27] Thank you.

7 Ms Sehmi.

8 MS SEHMI: [9:43:29] Good morning, Mr President and your Honours. On behalf
9 of the Legal Representatives for Victims my name is Anushka Sehmi and with me is
10 James Mawira.

11 PRESIDING JUDGE SCHMITT: [9:43:37] Thank you.

12 And for the Defence, Mr Obhof.

13 MR OBHOF: [9:43:40] Good morning, your Honours. Today here we have counsel
14 Krispus Ayena Odongo, co-counsel Chief Charles Achaleke Taku, Dominic Ongwen
15 is in court, and my name is Thomas Obhof.

16 PRESIDING JUDGE SCHMITT: [9:43:53] Thank you.

17 The Chamber is glad to see lead counsel back in the courtroom. Welcome.

18 We have an oral ruling before we turn to the testimony of this witness. It's about if
19 the witness is to be treated as an expert witness or not.

20 The Chamber now issues this decision on the Defence request to treat D-114 like an
21 expert witness.

22 The Defence sent an email with this request on last Tuesday, 29 October, at 17.56.

23 The Defence submits that the witness has an, and I quote, "overwhelming abundance
24 of knowledge and experience relevant to the jurisdictional time frame of the case".

25 The Defence asserts that, and I quote again, "it would be in the interests of justice and

1 greatly aid in the Chamber's determination of the truth if the witness were allowed to
2 give [...] his professional opinions on matters relating to his work, research and in the
3 general areas of social work as related to the case". Quote end.

4 The Prosecution responded also via email, yesterday, 30 October, at 11.13. It
5 opposes the request. The Prosecution submits that the Defence should have
6 identified D-114 as expert, together with his area of expertise, and that the witness
7 should have produced a report which could have been scrutinised in advance.
8 The Prosecution argues that no adequate notice of the witness's anticipated testimony
9 was given.

10 The Common Legal Representative of Victims indicated via email that she supports
11 the position of the Prosecution.

12 So far the procedural history.

13 The Chamber notes that already in decision 497 of July 2016, the parties were
14 informed that all expert witnesses must be clearly identified in their witness lists.
15 This also to give the non-calling party the opportunity to notify whether it would
16 challenge the qualifications of a proposed expert witness.

17 The Defence had D-114 on its list of witnesses since June 2018. The summary of
18 D-114's expected testimony of June 2018 includes, at least to a certain extent,
19 information similar to that provided in the request to justify why the witness should
20 be considered an expert. So it does not appear that the Defence would not have been
21 aware of the witness's qualifications earlier.

22 Yet the Defence requested that D-114 be treated like an expert witness only the day
23 before yesterday, two days before his scheduled testimony. This is manifestly
24 untimely.

25 Also, the reasons provided -- also, the reasons provided in the request do not

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1 convince the Chamber that, despite the late timing of the request, it should still be
2 granted on an exceptional basis.

3 Therefore, the request is rejected.

4 However, this does not mean that the Defence now has to rewrite its questions.

5 Rather, we will start with the questioning and the Chamber will follow a flexible

6 approach. It will of course allow any questions that form a factual basis for

7 conclusions to draw or not to draw by the Chamber. It will monitor how the

8 questioning unfolds and then decide on a case-by-case basis how to deal with

9 questions that might elicit opinions from the witness.

10 This concludes the ruling and we can now turn to the testimony of the witness and

11 the witness can be brought in.

12 (The witness enters the courtroom)

13 PRESIDING JUDGE SCHMITT: [9:49:03] Good morning, Mr Ochen.

14 WITNESS: UGA-D26-P-0114

15 (The witness speaks English)

16 THE WITNESS: [9:49:06] Good morning, your Honour.

17 PRESIDING JUDGE SCHMITT: [9:49:09] You are going to testify before the

18 International Criminal Court. On behalf of the Chamber I would like to welcome

19 you in the courtroom.

20 THE WITNESS: [9:49:16] Thank you very much.

21 PRESIDING JUDGE SCHMITT: [9:49:16] Mr Ochen, there should be a card in front

22 of you with a solemn undertaking.

23 Would you please be so kind to read the undertaking out aloud.

24 THE WITNESS: [9:49:33] I solemnly declare that I will speak the truth, the whole

25 truth and nothing but the truth.

- 1 PRESIDING JUDGE SCHMITT: [9:49:40] Thank you very much, Mr Witness.
- 2 You agree with it, of course, with this undertaking?
- 3 THE WITNESS: [9:49:47] Yes, sir, I do.
- 4 PRESIDING JUDGE SCHMITT: [9:49:48] Then you have been sworn in.
- 5 I have two small practical matters before we start with your testimony. Everything
- 6 we say here in the courtroom is written down and interpreted. To allow for the
- 7 interpretation we have to speak at a relatively slow pace, so please speak relatively
- 8 slowly, perhaps more slowly than you would normally do, so that the interpreters can
- 9 follow.
- 10 If you want to address the Chamber, for example, if you feel you need a break, please
- 11 raise your hand and I will give you the word then. Okay?
- 12 I will now give the Defence the floor.
- 13 Mr Obhof, please.
- 14 MR OBHOF: Thank you, your Honour.
- 15 QUESTIONED BY MR OBHOF:
- 16 Q. [9:50:51] Good morning, Dr Ochen.
- 17 A. [9:50:54] Good morning, sir.
- 18 Q. [9:50:55] During the questioning today you will see me looking up a lot and
- 19 that's just me making sure that the colleagues in the booth have been able to interpret
- 20 for Mr Ongwen and for everybody at home, back in Uganda, watching. So please
- 21 don't take any insult to looking away.
- 22 Can you please state your name and birthday for the record.
- 23 A. [9:51:27] My name is Eric Awich Ochen. I was born on 28 April 1975.
- 24 Q. [9:51:41] And what is your current occupation?
- 25 A. [9:51:44] Currently, I work in Makerere University as a senior lecturer in the

1 Department of Social Work and Social Administration.

2 Q. [9:52:02] And what does this type of occupation, this type of work entail?

3 A. [9:52:07] My work as a social worker involve preparing people who go to work
4 with individuals or communities who have challenges or problems of --

5 THE INTERPRETER: [9:52:24] Your Honour, could you please ask the witness to
6 slow down.

7 THE WITNESS: [9:52:40] Okay, yes. I was saying that my job entails preparing
8 students who later on go and work as social workers and their main task involves
9 supporting people who have challenges in life, and that challenge could be at
10 individual and personal level and it could also be at relational level and it could also
11 be at family and societal level.

12 Good example is providing psychosocial support or counselling to those in need of
13 that counselling, and also helping people to look at alternatives that they could use to
14 enhance their well-being. It also involves working with communities that are, let's
15 say, poor to help them to realise the resources within their environment that they can
16 use to improve their livelihoods.

17 PRESIDING JUDGE SCHMITT: [9:54:03] Thank you, Mr Ochen.

18 And this -- where would these people work? Would they work in all communities
19 all over Uganda?

20 THE WITNESS: [9:54:13] Yes. Our students that we prepare, I think what I forgot
21 to say is that Makerere University is the oldest university in Uganda, it is also the
22 biggest and, actually, every year we graduate about 120 social workers and they
23 actually go to work all over the country, including northern Uganda, which has been
24 the epicentre of conflict. And social workers have been very instrumental in
25 providing support to children formally abducted by the rebels and also to support the

1 resettlement and reintegration of young people affected by war and communities
2 affected by conflict, among others.

3 PRESIDING JUDGE SCHMITT: [9:55:10] Thank you.

4 Mr Obhof.

5 MR OBHOF: [9:55:15]

6 Q. [9:55:15] For how long have you been a lecturer at Makerere University?

7 A. [9:55:22] I have been a lecturer since the year 2003, yes.

8 Q. [9:55:31] And just briefly for the Court, what type of education did you have to
9 receive to become the position you are at today?

10 A. [9:55:43] Yeah, other than my first degree, of course you have to have a first
11 degree with a minimum of second class honours upper division and then a master's
12 degree, which I did at the University of Bradford in the year 2001-2002. And then I
13 went back to Uganda. I may have after said that I did some work further with Save
14 the Children before I joined the university in 2003. And then later I went on to do
15 a PhD in social work still at the University of Huddersfield in the UK.

16 And what I may have to note here is that, because most of my research interests has
17 been on children and communities affected by war, even my PhD look at the issues
18 around the problems faced by formally abducted children in captivity and how they
19 come back to the community and eventually the challenges on how they try to cope
20 with life in a changed environment which they find themselves in.

21 And what I can also note is that most of my publications over the years, which also
22 enabled me to rise to the position of senior lecturer, has been on the issues around the
23 conflict in northern Uganda. And, of course, what I can say is that the lenses that I
24 use in my research, in my publications are mainly from a child rights discourse point
25 of view. Yeah, thank you.

1 PRESIDING JUDGE SCHMITT: [9:57:41] I think the Defence will come back to that,
2 to the publications and the background of these publications of the witness.

3 MR OBHOF: [9:57:50] Yes.

4 Q. [9:57:55] And as the judge notes, we will come back a little bit later.

5 Right now I would like to discuss a little bit about when you were a child. Where
6 did you grow up as a child?

7 A. [9:58:11] I, I grew up as a child in Gulu district in northern Uganda, which has
8 been at the epicentre of this conflict. That's where I grew up. From the time when
9 I was born in 1975, up to the time when I left Gulu to go to the university in 1996 in
10 my, I would say, early twenties, I think I was 20, 21. I spent most of my time in Gulu.
11 I experienced the conflict at its hardest or worst. And I would say that I have also
12 been a victim of the conflict.

13 Q. [9:59:02] You say that you were a victim of this conflict, which I doubt anybody
14 disagrees with you. Could you explain some instances, some ways in which you
15 were victimised?

16 A. [9:59:16] Yes. What I would like the Court to also know is that there is no one
17 family in Acholi which has not been affected by the war. People have lost loved
18 ones, people have lost children. People's livelihoods have been disrupted, as you are
19 all aware, for the 20 years that the war was active. People were displaced.
20 Personally, our -- my home is about four and a half kilometres from the main town of
21 Gulu. It is near a very important landmark, which I think it was built with support
22 from the government of Belgium, called the school for war-affected children in
23 Highland, although eventually I think the objective for which the school was set up
24 didn't seem to have been realised. Now the school has been transformed into
25 a clinical officers college under the, I think, the Ministry of Education. Our home is

1 just about a kilometre from that school.

2 But despite the fact that our home was very near town, we had to leave home. We
3 had to be displaced around 1987 and go to town. We didn't go to an IDP camp or
4 internally displaced persons camp. We went to stay in the town, which was itself
5 challenging because my mother was just a housewife and my father had, by that time,
6 already retired.

7 Yes, so I think that's one way in which we were affected by the war.

8 The second way is that my father's brothers, we used to live in Pader district in
9 a place called Lacekocot and that's about 60/70 kilometres from Gulu. They actually
10 lost children, they actually lost children. His uncles -- I mean, his own brothers, my
11 uncles, they lost their livelihood, they lost several hundred heads of cattles to the war.
12 I lost cousin other side, I also lost friends, people I used to interact with. Some died
13 in ambushes and, of course, many people's education were affected as well.

14 Q. [10:01:51] When your family moved into town, to where did they move?

15 A. [10:01:57] To a -- initially to a place called Senior Quarters. Senior Quarters
16 is -- was the, you would say the posh part of the town. But we moved there because
17 one of my father's brother, cousin/brother, I think their fathers were brothers, well, we
18 use "brothers" a lot in Acholi because children whose fathers are brothers, they do not
19 call themselves cousins in our local language. We say we are brothers. Yeah, so his
20 other brother knew the person who was staying in that home, who owned that home,
21 so they were able to give us one room in the boys' quarters and that's where we lived,
22 yeah.

23 THE INTERPRETER: [10:02:51] Your Honour, once more, could the witness please
24 give a little pause before answering the question.

25 PRESIDING JUDGE SCHMITT: [10:02:58] Mr Witness, I think you hear it. But

1 there is another person in this room who often does not obey their own rule; that is
2 me. So it's sometimes, of course, it's an expression of also the personality that some
3 people speak a little, perhaps a little bit faster. Try to slow down and especially wait,
4 perhaps, two or three seconds after the question has been put to you. Thank you.

5 MR OBHOF: [10:03:32]

6 Q. [10:03:32] After moving to Gulu town, how did the -- how did the violence affect
7 you personally or the people around you where you lived?

8 A. [10:03:51] Yes, life in Gulu wasn't very easy, as I indicated. Livelihood was
9 difficult. We had to find ways of going back to pick food from our home in the
10 village. And of course at the, at some point we had to, like most Acholi families at
11 that time, rely on relief aid from government and other humanitarian organisations.
12 Several times the rebels would make incursions to, to town. That was especially
13 around '88, '89. And when the rebels make incursions to town, what used to happen
14 at that time was that the government soldiers, who were by then called NRA or the
15 National Resistance Army, would retreat to the barracks. They would retreat to the
16 barracks and virtually people in town would be left to the masses of the rebels.
17 But -- and, and I remember cases where on the main street of Gulu town, around that
18 time some people were picked from their homes and killed. But where we were
19 staying, because around -- what I forgot to say was around '88, '89, we moved to
20 another location near Kaunda Grounds, and there's a place called Bahai (phon) centre
21 and we, we went there and we stayed there for, for about two years, yeah, before we
22 moved to Paicho, which is where I stayed until I joined the university.
23 Yeah, so maybe what I can say is that the, most of the effects of the war at that time to
24 some of us was more fright and fear that you would be -- maybe they would abduct
25 you because, to be honest, we were not protected at that point. That's what I can say.

1 Q. [10:06:12] After starting your education at Makerere University, how often did
2 you make it back home to Gulu town?

3 A. [10:06:26] 1996. Yes, when I started my university, I think in September 1996,
4 that time we used to join the university in September, now it is August. My, my
5 travel back home was limited, fairly limited, because of the insecurity on the road.
6 Ambushes were a bit common on the Gulu-Kampala highway, so we tried as much as
7 possible to minimise going back home.

8 By the time I joined the university, the university was operating a semester system.

9 No, not a semester, a term system, where I would have three terms in a year. What
10 this means is that at the end of every term, students were required to go home for

11 a few weeks, but for me and most of the -- the students from northern Uganda,
12 mainly Acholi and Lango, we were referred to as students from disturbed areas and
13 the university, in its kindness, I think probably through a request from government as
14 well, allowed students from the disturbed areas, which included Acholi and Lango, as
15 I say, to stay on at the university. And what this mean is that during the short
16 vacation, including even the long vacation, we would be allowed to stay in our hall of
17 residence and we would be provided with food and accommodation, of course, yes,
18 mainly.

19 And so in this case, then probably I went home just a couple of time. I remember the
20 first time I went home, I recall very well was at the end of 1997, in June. That was
21 the end of my first year at the university. I had to go back home because I was -- as I
22 indicated earlier -- as a social work student, as part of the requirement for my course
23 I was expected to do what we call fieldwork practice, and I was expected to do about
24 300 hours of supervised fieldwork practice. And I chose to go and work with
25 World Vision, Uganda in 1997, in Gulu.

1 Yes, so, I would say that within the three years I was at the university, I might have
2 gone back home about four/five times. I remember one particular incident in 1997, if
3 I recall so well, I think it was 16 November. I wasn't supposed to be going home at
4 that time, but one of my lecturers told me that some work was available with the
5 international level organisation office in Uganda and he wanted me to go to Gulu and
6 carry out a few interviews on migrant population at that time.

7 So I went and when I was coming back, that date of 16 November is when we were
8 hit in an ambush. We entered an ambush at a place between, a place called Palenga
9 and Bobi about 19 kilometres from Gulu town.

10 And the, the left front wheel of the bus was actually hit with an RPG, a
11 rocket-propelled grenade, I think, but -- and then the bus was sprayed with small
12 arms fire, but the driver drove through the ambush. At that time we didn't even
13 know, there was no single shred of tyre left on the front wheel, but the driver drove
14 for about one and half kilometres on those three wheels, I would say.

15 And then we reach Bobi centre, which had a small army detach and when we got
16 there, the bus stopped. And on getting out, we realised that the front wheel wasn't
17 there any more, it was just an ordinary wheel there, but the tyres were not there.
18 Yeah, so that's another experience with the conflict which almost directly ended my
19 life at that time. Yes, so, I stop there.

20 Q. [10:11:34] Considering the insecurity of the Gulu-Kampala highway at that time,
21 why were there no military personnel with you?

22 A. [10:11:47] Okay, what I want to add is that around '97, '98, there was
23 deployment of soldiers along the Gulu-Kampala highway, I think up to Karuma,
24 which is 70 kilometres I think from Gulu town, 70/75. So what normally happened
25 with that was that in the morning hours, buses would leave the Gulu bus park at

1 around 6/7. Then they would drive about 2 kilometres to a place called Koro, which
2 had one of the very first detachments of the soldiers and a roadblock and they would be
3 kept there. And then the soldiers in that detachment would try to communicate with the
4 rest of the detachments on the highway to try and gauge the nature of the security
5 situation. And it was only when they thought it was safe that they would release the
6 buses. So people would go in fairly, bit of a convoy as I would say, but without
7 armed escort.

8 And normally when you're moving, you would see the soldiers moving on the road;
9 around that end they would've released the soldier from the barracks to start the patrol
10 on the road. You would see them, you would see them.

11 So that was the protection which was there, but at that time there was an escort by
12 soldiers who armed vehicle. But I know at some point there were escorts all the way
13 up to Karuma with mounted machine gun. But I think around that time when I
14 travel, it wasn't there at that time.

15 And -- but what I want to note also about the incident which we got hit in, is that, for
16 one reason or the other, unlike those other days when you would see soldiers on the
17 road as you move from Koro up to Karuma, on that particular day, all the way
18 between Koro and Bobi, about 19 kilometres from Gulu town, we never saw any
19 soldier.

20 And so I cannot also say that had I know the people that hit us. I can't say they were
21 rebels, I can't say they were other groups. But what I know is that we were hit.

22 Q. [10:14:27] We're going to jump about two years into the future.

23 Dr Ochen, after graduating with your bachelor's, at where did you accept
24 employment?

25 A. [10:14:42] Okay. After graduating from the university, I think I was around 24,

1 I actually completed in June 1999 and I, I remember around that time one of my
2 cousin, who used to -- who was working with an organisation called Gulu Support
3 the Children Organisation, which is an organisation which was initially formed with
4 support from Save the Children Denmark at that time to provide support to the
5 young children who were either being rescued or in one way or another had the
6 opportunity to escape from rebel captivity were being supported. They were
7 initially received, provided initial medical care and basic care and then provided with
8 psychosocial support and eventually processes of tracing their family would start.
9 So when my cousin told me that, well, there is a new project funded by USAID which
10 I think you could apply to be in. So I applied. I had not even yet even got my
11 transcript, I had just completed, that was in June. So I applied and I was shortlisted
12 and I went for the interview, Gulu Support the Children Organisation.
13 I recall so well some of the interviews were oral, others were written. And the
14 organisation wanted seven social workers and I actually emerged the best of those
15 seven social workers in the interview and I was given a job as a social worker. And I
16 reported for work at Gulu Support the Children Organisation, or GUSCO, on
17 1 August 1999. And I worked with them for two years directly at that time from
18 1999 up to 2002.
19 Although I left, I left them in 2001, September, to travel to the UK for my master's
20 degree, I remained their -- their staff on study leave until when I came back on
21 1 January 2003. And Save the Children gave me a job as a project officer for a project
22 called community resilience and dialogue. It is also funded by USAID at that time.
23 I was given a job as a project officer for the project based in Kampala and supporting
24 organisation working on the ground in Gulu, which included GUSCO as well, Save
25 the Children Gulu regional office, and several other sub-grants organisation. And

1 the work was still the same, providing psychosocial support and enhancing at that
2 time, the focus actually more on enhancing the opportunities and the environment for
3 reintegration, for resettlement and reintegration of these children in the community.

4 Q. [10:17:57] We have two -- or, one short question and one longer question before
5 we go into the GUSCO work.

6 First, who was the head of GUSCO at the time when you started?

7 A. [10:18:09] When you talk about the head, are you talking about the executive
8 director or are you talking about the chairperson of the board?

9 Q. [10:18:21] The executive director.

10 A. [10:18:24] The executive director at that time was a gentleman by the name of
11 George Omona, who actually recruited me and many other people. He was one of
12 the very first people to provide support, to create a centre to support, to support the
13 children being rescued or who were returning from rebel captivity.

14 Q. [10:18:51] Because you mentioned both these, could you explain the difference
15 between GUSCO and World Vision.

16 A. [10:19:00] Okay. I think that may take me back a little bit in that the first time
17 when I worked with World Vision was 1997 for three months. At that time I worked
18 on a project called Gulu development, development programme, which was the -- is
19 a typical World Vision approach, what you call area development which focuses on
20 holistic support to communities in terms of livelihoods, in terms of -- at that time
21 there was also relief work, there was health. So it combined both humanitarian and
22 development-orientated dimension to help community build capacity to withstand
23 shocks and challenges of living.

24 And then in 1998 I still came back to Gulu from my second year internship of
25 fieldwork practice and I worked with World Vision project again. This time I

1 worked with a project called Uganda Children of War rehabilitation programme,
2 which was based in a different, in a different location from the Gulu Area
3 Development Programme. And Uganda Children of War rehabilitation programme
4 was providing similar support to what GUSCO was doing. It was also receiving
5 children and older persons.

6 So the difference between Gulu and World Vision at that time was that in terms of
7 coverage, in terms of focus, GUSCO was receiving children below 18 years from Gulu
8 district. World Vision was given the responsibility of receiving children and also
9 older adults, because even they were -- we were also getting cases of adults returning
10 from rebel captivity or escaping. So World Vision was given the task to receive
11 children from all other districts in Acholi, in Lango, in Teso and West Nile, any other
12 part of Uganda. And also the older adults.

13 And World Vision had the facilities and the structures. I remember there were
14 sleeping quarters for girls different, for boy children different, and then also for the
15 older adults different. And World Vision also had staff who spoke different other
16 languages for the region who could support the other children from elsewhere. I
17 remember there was somebody who spoke Madi and Lango and a few other
18 languages, although Lango and Acholi are close, but still, sometimes there are a few
19 differences here and there.

20 In terms of the approach to rehabilitation, GUSCO was using more of a conventional
21 psychosocial support. I remember when I -- of course when I joined later that we
22 used to get psychologists come and train us how to approach children, how to help
23 children. And there was a prominent one from Norway called Elizabeth, I think
24 Gerard, or something like that. She used to come occasionally to support, to do
25 in-house training for staff. So it was more of something close to narrative exposure

1 therapy I would say. So it was more of conventional.
2 And then also, GUSCO also gave opportunity for children who wanted to be
3 supported traditionally, because the Acholi justice system also has its own way of
4 handling young people and children who have been away from home for a long time
5 or who find themselves trapped on things like maybe being involved in killings when
6 they were not, it wasn't in their interest, and other such things.
7 So the GUSCO management allowed the children in GUSCO for those who wanted
8 traditional cleansing system or ceremonies for that to be done. And I remember on
9 several occasions children would be escorted to their home villages, especially after
10 the family has already been traced. For areas which were near town it was possible
11 to take the children to their original home. For others whose parents were within the
12 internally displaced persons camps, those ceremonies would take place there.
13 For World Vision it was more a Christian approach. It was more of what I would
14 call a Christian approach to counselling and providing psychosocial support, which
15 involved prayers, prayers almost every day, and preaching the gospel through -- I
16 mean, preaching the Bible and encouraging the language of forgiveness and
17 repentance. And I think that was more of the approach that World Vision used at
18 that time.
19 Although children in both centres were given opportunities to interact, to play games,
20 to tell stories, among others.

21 Q. [10:24:40] Before you started on 1 August 1999, did GUSCO have social workers
22 supporting the children who came back home?

23 A. [10:24:53] Yes. GUSCO started in 1994. That's when the first staff were
24 recruited. Initially, the founders, the founders, initially the founders like the late
25 Mego - Mego means mother, it's a respectable title in Acholi - we call her Mego

1 Geraldine Omuti (phon). She is the one -- at that time she was working -- at the time
2 GUSCO was formed she was working in Gulu district as a counsellor, I think for
3 Awach sub-county, and it so happened that she attended a conference in Kampala,
4 and when she was there, that was when she met the country director of Save the
5 Children Denmark at that time, some lady called Brigitte someone. And she told
6 them, while are here talk about children and children rights, but we have a new
7 problem in Gulu, we have young children who are now trying to come back from
8 rebel captivity, but there is no support to them. They come back, they don't know
9 where to go, the army keeps them for some time and then after that, most people
10 don't know where the children should go, the relatives may not -- are not easily
11 traceable. I feel something should be done, we may need to support these children.
12 And that is how Save the Children started, by giving a small grant which was used to
13 open up the first GUSCO centre. So initially it was people like Mego Geraldine and
14 other volunteers who later on some became members of the board and that started
15 providing support, using more or less the Acholi mothering kind of approach.
16 But eventually when Save the Children Denmark expressed interest to provide more
17 support, they had to look for a professional coordinator and that's how George
18 Omona came into the picture. At that time was he was working with another
19 community development organisation called ACCORD, which has also worked for
20 quite some time in northern Uganda.

21 PRESIDING JUDGE SCHMITT: [10:27:27] I think, Mr Obhof, the witness really
22 foreshadows a lot of your questions, just a remark by me. So you have to sort
23 yourself out a little bit with your questions, I assume.

24 MR OBHOF: [10:27:41] Yes. He is speaking very well and he explains himself very
25 well.

1 Q. And just a reminder to, to speak slowly too, we have the transcript people are
2 having -- working very hard to keep up with your speech.

3 Now after you accepted employment with GUSCO in 1999, can you explain the basic
4 steps in which a child coming back from the bush underwent?

5 A. [10:28:17] Okay. What I can say is that, one, some of the children are brought
6 to GUSCO, were, were brought to GUSCO by members of the community, by LCs,
7 but the majority would come through the army. Because what would happen is that
8 when these children escape or they are released in one way or another, the
9 community would take them to the army and the army had of course created a unit
10 called the Child Protection Unit which was in Gulu barracks and they would receive
11 these children, they would keep them for a few days. We have been told they are
12 kept for questioning for intelligence-related matters. And then after some time they
13 will be brought to GUSCO, or sometime they will tell GUSCO to go and pick them,
14 then GUSCO would send a vehicle to go and pick the children.

15 Now, once the children arrive, the very first thing which happens is that they will be
16 taken for medical examination. Of course, for those who would come from the army
17 there will have already been some little basic support, so they wouldn't come when
18 they have not showered or something like that, yeah.

19 But there are cases, there are cases where children have been brought directly, a few
20 cases. And in that case, of course, a child has to be given any basic support, maybe
21 being allowed to even shower, and --

22 PRESIDING JUDGE SCHMITT: [10:29:49] Because I think it fits here, it would
23 interest me when you say -- so you have seen returning children who had not been
24 before at the military, so you have seen them as they came out of the bush. What
25 was their appearance? What can you tell us?

1 THE WITNESS: [10:30:06] Of course, a child who had just come out of the bush in
2 most cases would be unkempt, very unkempt. They, they look very fearful when
3 you look at them, it's like they don't trust anybody around them. It's like the child
4 has this fear that maybe he or she would be killed or something like that, or
5 maybe -- and, of course, for those who would come directly to the centre, many of,
6 many, many of the children didn't want to be taken to the barracks because they
7 wanted -- they had this fear for the, for the army, which we got to learn from them
8 was due to the indoctrination in the bush that when you go back you are going to be
9 killed.

10 So even for those children who had stayed in the bush for just a few weeks or a few
11 months, that fear was already instilled in them. Of course, many of them look very,
12 very weak. Of course, they were initiated in most cases, except maybe in a few cases,
13 yeah.

14 But then also what I want to say is that there were, there were actually not many that
15 came directly. What we also got to learn later is that there are other children who,
16 who escape but they never came to the GUSCO or to the World Vision centre, they
17 just went straight home. And one of the major reason why they didn't come to the
18 centre or they didn't want to be taken to the centre is because the thinking was that if
19 they are taken to the centre then the army would -- the centre people, GUSCO, would
20 take them back to the barracks.

21 And actually what happened is that, for cases where the community would bring the
22 children to GUSCO, the children would be counselled and then they would still be
23 taken to the army because the army had to clear them, they had to ask what
24 information they wanted to get from them, then they would be brought back.

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

1 MR OBHOF: [10:32:29] Thank you. Thank you.

2 Q. [10:32:33] Now you were explaining that the children would be -- for the basic
3 steps when a child would come back and you were explaining that sometimes they
4 would go to the barracks. Could you take it from there?

5 A. [10:32:46] Yeah. Only for those who, who had not been brought by the army
6 themselves, they would be, they would be -- they would first be counselled. And they
7 wouldn't be taken the, the same day, they needed to be given a few days to recuperate,
8 to first build trust, then they would be taken.

9 But for most of the children, they will come from the other direction instead, they will
10 come from the barracks. So when the children come and they arrived, they would of
11 course find many of their former colleagues already at the centre. So normally what
12 would happen is that when they are brought and they enter the centre from the gate,
13 the other children who are already at GUSCO would go to welcome them, to receive
14 them with a lot of joy and happiness. And that, in most cases, settle the children
15 down, especially if they meet those that they had been with in the bush and they see
16 that they are looking very good and they are doing well. Yeah, so that welcome
17 function played a critical role in allowing the children people to stay at the centre
18 with peace.

19 And then after that the nurse would, the nurse would take them and do basic medical
20 assessment, because for those who were in -- some children are brought from the
21 barracks when they are in bad medical condition, maybe they have injuries, although
22 the army would also give some basic treatment, but in many cases they needed to be
23 given more specialised treatment so the nurse would do the assessment and they
24 would take all the children after a day or two to -- Lacor Hospital used to be the
25 partner working with GUSCO -- for comprehensive medical assessment. Of course,

1 along the way what I forgot to say is that they will be given food, they will be shown
2 where to sleep. Girls were sleeping separate from boys.

3 And then they would also be given a welcome briefing, which would entail
4 expectation how they should live in the GUSCO community, let me put it that way.

5 And they will be given such a briefing so that they know how they can live with each
6 other.

7 Of course, one of the things which was emphasised at that time was that there was no
8 revenge, everybody welcome back. We were aware that they were, they were all
9 abducted, they were forcefully taken, so even if they come and find someone who had
10 done something bad to them when they were in the bush, that was not time for
11 revenge, yeah, that was made clear to the children (inaudible).

12 PRESIDING JUDGE SCHMITT: [10:35:38] Mr Ochen, it might be difficult after all
13 this time and you might not have taken a record, but could you perhaps give us an
14 idea how many children GUSCO and Save the Children received.

15 THE WITNESS: [10:35:55] Oh, you are talking about the total number that I
16 remember.

17 PRESIDING JUDGE SCHMITT: [10:35:57] Yes, yes. An estimation perhaps. Or
18 perhaps you have even a concrete knowledge, I don't know.

19 THE WITNESS: [10:36:03] Yeah, yeah. What I forgot to say, your Honour, is that
20 beyond 2003 when I worked with Save the Children I maintain direct contact with
21 Save the Children and GUSCO. Eventually, when I joined the university on
22 a full-time basis, I became a consultant to Save the Children and GUSCO and I helped
23 the organisation to develop several projects and programmes. Much as these
24 process were participatory, they needed somebody who could facilitate them and put
25 together their own document. One of the project that I, I developed for GUSCO was

1 a 750,000 European Union funded study -- I mean, not funded study, funded project.
2 And even after that I continued working with them, working with Save the Children,
3 doing evaluation of some of those interventions and carry out monitoring, other
4 monitoring processes, annual reviews, and also working with other organisation in
5 the regions, including World Vision itself, including Care International, and most of
6 those were working on one aspect or another of resettlement and reintegration and
7 supporting the families of these people.

8 So I actually kept in touch with the organisation, and what I want to say is the
9 number I remember for GUSCO -- I remember for GUSCO very well. For
10 World Vision I am not very sure. But GUSCO had reunited about 7,000 children as
11 of, let me see which year this is, as of around 2016, yeah, around that time, around
12 7,000 children.

13 PRESIDING JUDGE SCHMITT: [10:37:55] And starting from which year?

14 THE WITNESS: [10:37:57] 1994. World Vision possibly a little bit more because, as
15 I said, World Vision also had other districts that time, yeah ...

16 PRESIDING JUDGE SCHMITT: [10:38:08] Thank you. So it made sense to try to
17 elicit here a figure.

18 Please, Mr Obhof.

19 MR OBHOF: [10:38:16] You are foreshadowing what I was going to ask later, so yes.

20 Q. [10:38:22] Now you mentioned that the children would go to the barracks,
21 would go to the army for a little while and be essentially debriefed for information.
22 From what you, during your time at GUSCO, what variables would there be to
23 determine the length of how long a child would be there?

24 A. [10:38:47] At, at the GUSCO centre, right?

25 Q. [10:38:49] No, at the barracks.

1 A. [10:38:55] Okay, what we know, that was up to the army. GUSCO had no
2 control over that, over the amount of time that the children would stay at the barracks,
3 but what we know is that there were different categories of children. There were
4 children who were abducted and stayed in rebel captivity for less than a day, there
5 are those who stayed for less than two weeks and those who stayed for a month or
6 two. And there were children coming back who had stayed in rebel captivity for
7 eight, 10 or even more years.

8 So the major criteria that was used by the army was that those who had not spent
9 much time in the bush, and possibly had little information about the rebel movement
10 and other issues, the army wouldn't keep them for more than three, four days. But
11 for those who had spent more time in the rebel captivity, the army would keep them
12 some time, for a couple of weeks. And we were told that they were doing that to be
13 able to get intelligence information which was needed for their operation, yeah.

14 But eventually all the soldiers -- I mean, all the children would be brought to the
15 GUSCO centre, yes.

16 And maybe what I want to mention here is that the children were not kept as
17 prisoners. They were, they were, they were free where they were and eventually at
18 some point the CPU moved from the barracks to a place in Senior Quarters which
19 used to be called the presidential lodge at some point, yeah.

20 Q. [10:40:41] As you foreshadowed, the same question about the variables, what
21 variables would GUSCO use to determine how long a child would stay?

22 A. [10:40:55] At its centre? Yeah, they were, they were also similar, although it
23 wasn't only the length. For GUSCO, the major variable used was, yeah, the length of
24 time was there because the assumption was that somebody who had been with the
25 rebels for a longer time was possibly exposed to critical events, to critical events, of

1 course would have witnessed fighting, would have witnessed people dying and
2 would have seen dead bodies and experienced many such similar critical events of
3 crisis nature. So the thinking was that they would then have been - psychologically
4 affected, them all, but we were also aware that a child may spend one or two days in
5 the bush and see a lot within that time. So it wasn't just about the length of time, it
6 was about, the most important determinant in that case was the issues around
7 exposure to critical events, especially of a traumatic nature. And in this case then,
8 those who felt -- many, many, many children felt nothing much happened to them,
9 they were just shaken. So those would be kept for sometimes even only two weeks,
10 two, three weeks. Some -- ideally, the average time was six weeks. We have had
11 cases of children staying for three months or four months.

12 And then another criteria is that those who were medically unwell, the organisation
13 did not want to send children home who were medically unwell. They would first
14 be treated. We had children who came back with splinters which needed immediate
15 operations, surgeries, and these would -- and we had children who came -- GUSCO
16 took them but they had to be admitted to the hospital, and some spent several weeks
17 and others even months in the hospital, yeah. So the nature of injury, physical injury,
18 also determined how long, or the health condition, how long a child stays. They
19 always try to make sure the children were first treated well and they recovered before
20 they could be taken home.

21 The other issue that was important was that family tracing was very important
22 because the child wouldn't just be reunited anywhere. So for some of the children it
23 was easier to trace their families, or immediate relatives for those who didn't have
24 their parents alive when they came back. For others it took longer. So in this case
25 also the children took longer in the reception centre because their family wasn't traced

1 as yet.

2 Q. [10:43:59] A couple of minutes back you mentioned psychological issues.

3 During your work, what type of -- what different type of psychological issues did you
4 notice with the returnees?

5 A. [10:44:13] Yeah, there were, there were, there were several. Many children
6 isolated themselves. They would isolate themselves from their colleagues. They would
7 be in deep thought most of the time, even when you talk to them, you ask them what
8 their age are, they wouldn't say anything. Some would just look at you. Some
9 would say, "No, sir, I'm okay." And yet when you look at the person, you know that
10 this person is not okay.

11 So many isolated themselves. Many of the children told us they were experiencing
12 nightmares at night, bad dreams and nightmares, many dreaming that the rebels are
13 coming back to re-abduct them. And, and, yes, so issues around isolation. There
14 were issues around irritability, some children were irritable and they couldn't sleep at
15 night. It was also noticed by those who were staying with the -- of course we had
16 a matron who was handling the children, and then we also had the caretakers who
17 would check on them.

18 We have -- we have few cases of children who, who talk of thinking they should
19 commit suicide and, of course, it had to take time for the social worker to also tell
20 them and talk to them about those issues and to discourage them from taking such
21 a step.

22 And, but many of them of course when they came back, they were not at peace
23 because of what they saw, what they experienced and what happened to their life,
24 which, to be honest, I would call it, you know, it was a, for those who stayed longer, it
25 was a macabre socialisation in the bush.

1 Q. [10:46:10] Other than the length of one's stay in the bush, what other factors did
2 you notice that may have increased one's chance to have these psychological
3 problems?

4 A. [10:46:26] Other than the length of stay in the bush, right? Other than the
5 length of stay in the bush, what other factors? I think it varied for different people.
6 It wasn't just about the length, it was just, probably it was about the experience, the
7 individuated experience of the children in terms of how they were treated by the
8 different commanders or those in positions of power.

9 I remember one particular story of a girl who, who personally didn't take so long in
10 the bush. If I recall, I think it was about two years. She told us that when she was
11 first abducted in one of the nearby villages when they were still abductees, they'd not
12 even been trained as soldiers or as fighters. The rebels line up people, about eight of
13 them, and they tied them down and then they gave them heavy clubs made of wood,
14 of course, wooden clubs, and there were a couple of them and they told them to line
15 up and hit those people on the head. So you hit the first person, you move to the
16 next and another person is coming from behind also doing the same. Of course, not
17 something which a 12- or 13-year-old girl would do under normal circumstances.
18 It is not what happens in the normal society back home, but that is what the girls
19 were made to do. And she told me her and her friends did all that -- no, she told us
20 their story, did, did all that, and they killed the people of course after some time.
21 So, apparently that was done to initiate them in the rebel culture. That was the
22 rebels own way of socialising young children, young people so that they get hardened
23 as fighters, so that they can never think of going back home when they think about
24 what they have done as one way.

25 So in this case then, it may not be about the date, the length of a child staying in the

1 bush. It was also about, as I indicated earlier, the extent of exposure to such critical
2 events, yeah, which were quite harrowing, yeah.

3 Q. [10:49:03] Did this young girl, did she tell you how the person was chosen to be
4 killed?

5 A. [10:49:15] What do you mean? (Overlapping speakers)

6 Q. [10:49:18] Pardon. These -- you said a young girl told you the story and that
7 the eight of them clubbed the one person. Did she say how this person, the person
8 who was killed, how this person was chosen?

9 A. [10:49:33] No, it wasn't the eight of them. There were eight people, there were
10 several children. She didn't tell us the actual number, but there were many children
11 who all had clubs and they all took turn in hitting those people on the head until they
12 all died. So you can ask the question now.

13 Q. [10:49:52] Thank you. I'm sorry. Did she tell you how these people who were
14 killed, the people who were actually clubbed on the head, did she tell you how they
15 were chosen or why they were chosen?

16 A. [10:50:03] These were older adults who were taken from the community.
17 Because what, what happened is that -- what I recall is that, from the story we were
18 told, is that when the rebels come to a place and raid a community, they would -- they
19 would abduct the older and the younger, the younger people and, in many
20 cases -- not in many cases, in some cases, the older adults would be made to help
21 carry loads or luggages up to some point and in some, some cases they were released
22 to go back, but in others they are killed.
23 So in this case, these ones were killed. So they were part of those that were abducted
24 in neighbouring communities, yeah, in neighbouring communities.
25 We have had cases where some of the children told us that they were made to hit and

1 kill people in their own homes, in their own villages, people that are known to them,
2 yeah.

3 Q. [10:51:09] You mentioned earlier that GUSCO used cultural, different cultural
4 manners to help persons rehabilitate. Could you explain to the Court some of the
5 cultural practices that were used to help the children who escaped?

6 A. [10:51:30] Okay, I'll try to recall the ones that I can recall. I actually, one of the
7 papers I wrote was Acholi traditional methods of reintegrating children. And yeah,
8 so, there were several, it depends on --

9 Q. [10:51:48] One second, Mr Witness, if you notice that paper is number four in
10 your binder in the small little folder you have on your desk.

11 A. [10:51:58] Okay.

12 Q. [10:51:59] That paper is tab 4.

13 PRESIDING JUDGE SCHMITT: [10:52:01] I would be surprised if the witness would
14 need his paper to testify.

15 THE WITNESS: [10:52:11] Well, I'll talk about the ones I remember off head.

16 Yes, we -- one of them, which I think most of the young people had to undergo is the,
17 the procedure of stepping on an egg, what we call in Acholi, *nyono tongweno*. This
18 one was done in -- in the local context, it was done to welcome somebody who had
19 stayed for long outside home and perhaps the person was already been presumed
20 dead or lost. So when you come back, before you enter the home, you are made to
21 step on an egg. And my thinking is that the stepping on an egg symbolises the
22 return of somebody who maybe the community thought wasn't going to come back,
23 and the assumption probably was also that if maybe you had some spirit which got
24 into you when you were away, maybe the step on the egg would help to remove all
25 those, alleviate (inaudible) and bad luck, the bad luck will also remain out. They

1 won't come home. So it was something which psychologically helped some of the
2 children, and for those who knew that such processes were supposed to be done, it
3 gave them peace when that was done, yeah. So that was one.

4 We also, we did another -- there, there are other processes where animals would be
5 slaughtered and actually other cleansing would be done, you know, I mean, animals
6 would be, would be slaughtered to all kind of, you know, other similar functions are
7 performed all in the name of cleansing. Maybe a goat, maybe a sheep or cattle -- I
8 mean, not cattle, or chicken. Which one do I remember? The, the bigger one, which
9 I don't think has been applied in many cases is what we call the *mato oput*, which is
10 the way of a, the family of the -- the family that a child, let's say if a child from this
11 family who maybe let's say was forced to kill somebody from another family or
12 another clan, then the two clans would come together. And the ceremony of
13 drinking the oput would be performed, where the bitter roots of the oput tree would
14 be put in calabashes and the two families would drink and that would symbolise the
15 end of the enmity, which could have been brought because of the action of this person
16 killing a child from -- or killing a person from the other side. Although what I know
17 is that some other forms of compensation would still be negotiated, maybe in form of
18 cattle, to compensate for the loss of life the other side.

19 Traditionally, what used to happen, we are told by the elders that in some cases a girl
20 from one of -- from the family that has committed a crime would be given to a family
21 on the other side as a bride so that at some point, when she grows up and she
22 becomes a wife in the home, the expectation that she would give birth to a child who
23 would replace that one. Yeah, so there were all those issues around, around that.

24 Let me see, other, yes, of course other, other function that could be performed is like
25 the bending of the spear of the *gomo tong*, which was also used to symbolise the end of

1 enmity between the two communities. So they would bend the spear or, let's say,
2 break it to show that they are no longer going to fight each other. And I think in
3 cases where there was, where there was I would call it violence or enmity
4 or -- between these two clans or families, that was also a way of trying to bury the
5 hatchet, as the English would say.

6 Let me see if I remember any other off head. Others were more about cleansing the,
7 the hills, more for the family returns. This is where ceremony would be performed, I
8 think through the slaughtering goats and other things to cleanse the home before
9 people, people would go back and I think many of these were done after the camps
10 were disbanded for communities to, to go back home and be able to live in their
11 homes in spite of the many people who died. And of course some had not been
12 buried properly, some of the remains were still around, you know, the original
13 homestead and communities and a few others, yeah.

14 PRESIDING JUDGE SCHMITT: [10:57:21] Thank you, Mr Ochen. I think it is now
15 time to have the coffee break.

16 We meet again here in the courtroom at 11.30.

17 THE COURT USHER: [10:57:35] All rise.

18 (Recess taken at 10.57 a.m.)

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

20 THE COURT USHER: [11:30:35] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [11:31:04] Mr Ochen, perhaps for the remainder of
23 your testimony please keep in mind, before you start with your answer, wait a couple
24 of seconds, please. Thank you.

25 Mr Obhof, you have the floor.

1 MR OBHOF: [11:31:21]

2 Q. [11:31:22] Good morning again, Dr Ochen. I hope they supplied you with
3 some decent tea during your break.

4 You mentioned during the first session that some of the children still had fears as they
5 came back. What did the social workers, specifically at GUSCO, do to help try to
6 allay these fears of the children?

7 A. [11:31:59] Yeah, what happened is that we had to give the children assurance,
8 we had to give the children assurance that the GUSCO centre was safe. What I have
9 to indicate here is that we didn't have the army at the centre, we didn't have police,
10 we only had social workers and people whom we call caretakers who were actually
11 not armed, they didn't have guns. The thinking was that the centre should be made
12 as friendly as possible, you know, as friendly, as homely as much as possible so there
13 was no need to make the children see like, you know, the kind of thing they used to
14 see in the bush again.

15 It was in a secured place and, of course, by the time that GUSCO centre was opened
16 up to the time when the centres were closed, the rebels incursion to towns was not as
17 deep as it used to be, even though they would come close to the town suburbs, but
18 they were not able to reach centres like GUSCO, so it was, it was okay for us to tell the
19 children that we, we believed it was safe. We actually told them that the centre was
20 safe, they didn't need to worry anything, they didn't need to worry about
21 re-abduction, and so it was just giving them assurance. Yeah.

22 Q. [11:33:41] Now, this may be implicit from your answer, but were any children
23 abducted while at GUSCO?

24 A. [11:33:51] Not to the best of my knowledge, no.

25 Q. [11:34:01] What fears did these children have about re-abduction?

1 A. [11:34:16] Okay. The fears about re-abductions were real. One, escaping from
2 rebel captivity was almost a death sentence. From what the children told us and all
3 the people who went through rebel captivity, they were warned: If you escape,
4 that's going to be the end of you.

5 And actually, even for the children to muster courage to escape was a very difficult
6 thing, because the children were made to believe that Kony would actually know
7 their thinking, what were they actually thinking. So even mulling escape, trying to
8 think about escaping was for most of the children also inconceivable, because you
9 would imagine that Kony would know what is in your mind and then you would be
10 arraigned before the disciplinary committee, in quotes, and you would be subjected to
11 severe beatings or even certain death.

12 And, of course, the children told us they saw many people, many young people,
13 young children who tried to escape. Once they were captured in the process of
14 escape they were made, the other children were actually made to beat such a person,
15 to beat such a person to death. It was the, it was the fellow abductees who were
16 made to kill somebody who tried to escape, yeah, and especially if that escape
17 happened when maybe the abduction had just happened and the rebels were still on
18 their way to Sudan or where their major detachments were. So the fear for re-abduction
19 then, what the children told us was that if they came and found them and they are
20 re-abducted, they would not escape, they would certainly die, they would be killed.

21 And this was based on evidence they had seen many people who tried to escape
22 killed. That is why, for children who have been re-abducted, because we have cases
23 of re-abduction, we have cases of children who came and stayed in GUSCO, let's say
24 in the year '99, and then they are resettled back home. And then around 2001 the
25 same child comes back to GUSCO centre having been, you know, having been

1 re-abducted and he or she managed to escape again.

2 But what they will tell us, those who were, those who were re-abducted, was that
3 they would try to make sure that, come what may, they had to try and get any little
4 opportunity, whether it was there or not, to escape so that they don't meet the former
5 commanders they were with or the former battalion or brigade they were with,
6 because the moment they see you, "Oh, so you are so and so, you have escaped and
7 you are here," that would happen.

8 Now that I'm talking about escape I think I may also need to talk about this, the other
9 thing is that I remember many of the children were abducted from homes, or in the
10 vicinities of home. So their home was known, their home was known to the rebel
11 commander, the home was known to the rebels. And one of the, one of the -- I don't
12 know what word I can use, but one of the greatest instrument, let me say instrument
13 that the rebels used was to tell the children that, to threaten the children that: If you
14 escape, we know your home. We are going to go up to your home and kill
15 everybody there.

16 So in this case then for somebody to decide to escape, it was what you would call
17 choosing between a rock and a hard place. You have to choose either to save your
18 own skin or you have to choose to save the skin of your family. And for most of the
19 children who maybe escaped but later -- or they were rescued, let me say, mulling
20 escape was difficult because, you escape, they know your home, they will come and
21 kill everybody.

22 And we have had cases where the rebels infiltrated even the so-called internally
23 displaced persons camp, which was supposed to be a protected village, and they
24 pulled certain people from the camps. They went there specifically to pick some
25 people who were rumoured to be maybe collaborators trying to report them to the

1 army or other such cases. So the young people feared escape because they knew that
2 would be the decimation of the families. And, yeah, so as I said, mulling escape
3 itself was, was not a simple, was not a simple, a simple task.

4 And so in the case of re-abduction, that is even worse. They may actually tell,
5 maybe they would even tell such a person, "Can you lead us to your home so that we
6 can ..." in case they don't, well, you will have to lead them there, whether you like or
7 not, under duress. And of course, most of the thing was done under duress, and I
8 mark the word duress, because that was what the children -- there is, there is no child
9 who came back and told me that I enjoyed doing what I did. It was under duress.
10 You see, the children speak with pain and regret about what they did. And the fact
11 that they have to live with this for the rest of their life, they have to live with this guilt.
12 Yeah, so I'll stop there for time being.

13 Q. [11:40:22] Thank you, Dr Ochen, and I'll get back to a few more of those
14 questions a little bit later during this session.

15 Now you mentioned earlier that not everyone went to a reception centre like GUSCO
16 or World Vision. And you mentioned one of the reasons was that they were worried
17 about being reported to the army. Were there any other reasons why the children
18 would skip these reception centres and go back home?

19 A. [11:40:57] We, we -- cases of escape were really few. For the time that I was in
20 GUSCO and also at World Vision centre, I don't recall a child escaping the reception
21 centre. But that doesn't mean it may have not taken place. The thing is, for those
22 children who escaped rebel captivity, or in one way or another found them separate,
23 separated from the rebels, when they tried to trace their way home, and most of the
24 escape took place in Uganda, or they escape or they release in one way or another not
25 in the Sudan, some few in the Sudan, they would try to ask for their way home. As I

1 indicated, it was fear of the army because they were told when you go back, you've
2 done all the thing, the army is going to arrest you, the army is going to kill you.

3 And then of course there was also fear of them being known. The other thing, why
4 they didn't, wouldn't want to come to the centre is that definitely if they come to the
5 reception centre, then there would, it would be much more public knowledge that
6 somebody has been in the bush.

7 There are many children who did not want it to be known widely that they have been
8 in the bush. So it was more about protecting themselves, protecting their own
9 identity, protecting themselves from stigma, which was very, very strong and is still
10 strong up to now I think. Yeah.

11 Q. [11:42:35] What type of stigmas would come from the community if they found
12 out that a child had been in the bush?

13 A. [11:42:46] Okay, one of it was name-calling. You know, I don't know whether
14 it has been put forward in this Court in that there is a derogatory term which is used
15 to refer to young people, children and adults who have been in rebel captivity, as
16 *dwog cen paco*. *Dwog cen paco*, probably the interpreters will explain it, it
17 means -- well, it literally means somebody who has come back home. But it became
18 the, the -- its context of use became a little bit derogatory in that the term was used
19 derisionary, it was used in a -- it was more like a snide remark way, it was a way of
20 looking at these people as some kind of people who have some problems or they have
21 a particular thing associated with them. They are not looked at as normal people.
22 And it wasn't a simple concept.

23 I, what I may note at this time, that my PhD research was based on young women,
24 where I was able to talk to over 45 of them, and over the course of the last 10 years I
25 have talked to probably more than a hundred more in similar research, and one of the

1 biggest challenges that the young women who were formerly abducted face in the
2 community is their failure to find homes where they could be married, is their failure
3 to find stable relationships. It is as if every time they get a suitor -- of course these,
4 these are already older women, they are above 18 now, their family often always
5 don't accept them. They would refer to them with that, "Ah, so and so and so has
6 brought a *dwog cen paco*. We'll see whether he is going to manage."
7 These people who have something wrong with their head, they have *cen* in their
8 head - *cen* is an Acholi word for evil spirit - and normally, actually somebody who has
9 maybe also killed somebody or being forced to kill or has experienced such difficult
10 situation, so many of them have not been accepted.
11 And actually in my research with the mothers, some have told us that when I was
12 living in the bush it was better, I was accepted there and nobody called me all these
13 kind of name. And even the person I was with, although he was a soldier like me,
14 he was also abducted when he was young. Sometime we even thought of escaping,
15 so -- and some would say, "Maybe it's even better to go back to the bush where I am
16 more accepted than here where my own kin, my own people have failed to accept me
17 fully."
18 And actually, research shows that over 80 per cent, over 80 per cent of the formerly
19 abducted child mothers have failed relationships. And the interesting thing is that
20 the problems seem to come from the relatives, the male and the female relatives of the
21 man and not necessarily from the person who had gone into -- married them or to
22 accept them or to bring them home, although the marriages are not formalised. And
23 in very few of the cases have marriages with formerly abducted child mothers been
24 formalised.
25 And the other major problem that my research shows is that for those child mothers

1 who have male children born to former partners in the bush, I don't know whether
2 that's the right word I can use, or former husbands in the bush, their level of
3 acceptance in either the home they marry into or even in their own home in
4 their -- with their paternal relatives seem to be much, much more limited than those
5 who had female children.

6 The brothers of most of these formerly abducted child mothers, like they would start
7 to fight with them - in quote, fighting - or to kind of, what word do I -- do I use? To
8 look at them as people who have come, who have brought foreign children, the
9 children that they have, foreign children to come and grab the land or property of
10 their own children.

11 So many of the women would tell me they would only give you where to put a hut
12 and they would never allow you to farm in any of the land, although there is vast
13 land here.

14 For the female, the thinking is that the young female child of this formerly abducted
15 child mother will eventually grow, be married off, and the Acholi pay bride well with
16 sometimes significant amount of money, so that will bring money home. She
17 won't be able to get any land there.

18 But the younger children who the Acholi call *okayo* (phon), I think that's the right
19 word as well, they would, they would in a way fight with their own children so they,
20 they have to try and protect their children in advance by finding a way of pushing
21 these women away from home. And that also explain why in many of the cases
22 when people started going back home, the formerly abducted child mothers were
23 some of the last to go back to the community where they actually came from initially.
24 So stigma is real.

25 Q. [11:49:01] One final question or at least one final area about the children who

1 would have skipped the reception centres and went directly home instead of going to
2 GUSCO or World Vision, were there any problems reported on the way those
3 children acted vis-à-vis the ones who actually went through the reception centre?

4 A. [11:49:28] Okay. The general, the general train -- I don't know whether I
5 should call it train. The general knowledge is that based on our work with
6 communities, because maybe what I may also note is that many of the organisations
7 that were working with young people also had - with formerly abducted
8 children - also had community-based staff, some of them are called community-based
9 counsellors, community volunteer counsellors, psychosocial support practitioners,
10 community caregivers, different names were given. GUSCO, for example, had CVCs,
11 community volunteer counsellors. World Vision had community caregivers. So
12 these were more para-social workers at community level who are trained and given
13 basic skills to do immediate and, you know, a basic assessment of the psychosocial
14 needs of many of those children who went straight to the community, but also to
15 continue providing basic support for the reintegration of those children who went
16 through the reception centre.

17 And the information we got from most of these people directly, and of course through
18 research over the years, is that those who went through GUSCO and World Vision
19 tended to cope much better, they were more productive in one way or another. They
20 look at their life more positively with a lot more hope, compared to those who went
21 directly home, who never had the chance to get any kind of psychosocial support,
22 who never had the chance to get any kind of vocational training because for some of
23 the children who went through GUSCO centre as well, those who were abducted
24 when they were still younger or World Vision, and they'll come back when they were,
25 let's say 14, 16, 18, 19, they were given the opportunity either to go back to basic

1 formal education. And we've had cases of young children who studied up to the
2 university, Makerere University and Gulu University. There are cases of children,
3 boys and girls, young people now I would say, and some were given opportunity to
4 learn a basic skill, a vocational skill, carpentry, tailoring, mechanics, and some of
5 those other courses, with different levels of success. And so those ones had
6 something to start with and some of them were also given what we call seed money
7 or some little financial facilitation. Let's say a hundred dollars. I remember some
8 women, especially child mothers were given about a hundred dollars and some of
9 those used that to start off many businesses which became successful, others were not
10 as successful.

11 So the level of support then provided to those who went through the reception
12 centres was higher or was higher, and they were also known. And at some point the
13 Uganda government of course had already established the Amnesty Commission
14 based on the Amnesty Act, 2000, I think. And the Amnesty Commission also went
15 ahead to re-register all the children and the young people and all the other adults
16 who had been abducted and gone through the reception centres and they were
17 re-registered with a view to being given additional support, and I think they were
18 given other items like mattresses, blankets and some money. I can't remember the
19 exact amount of money now.

20 So what I'm trying to say is that the inability of those young people or children who
21 went straight to the community to be known, also deprive them of help and support
22 which could have helped them to cope better in the community.

23 Q. [11:53:54] Dr Ochen, you mentioned earlier about some of the initiation
24 processes that were explained to you by the children who escaped. Other than the
25 one you described about people being killed, were there any other initiation processes

1 which the children described to you after they were abducted?

2 A. [11:54:23] Initiation in the bush, right?

3 Q. [11:54:28] That is correct, yes.

4 A. [11:54:32] The -- from what I heard, the initiation involved a lot of things.

5 One, there are cases of children who on abduction, right from abduction, they actually
6 killed their family members. They killed their family members. We have heard
7 cases where the family members were killed by other people as part of the rebel
8 entourage. Or, in other cases, some children were made to actually participate in
9 killing their own people.

10 In a way, that was one way of ostracising the child, making the child realise that he is
11 already a hopeless person. What he has done is abominable. How is he going to
12 come back and live in the community where he has been made to put blood in his
13 hand by killing his own people?

14 And then for the others we have had of cases where they are made to, to kill other
15 abductees or other people who have tried to escape, as I indicated. We also had
16 cases where many of them -- of course, not all were made to kill at that particular
17 point, but of course they would be warned about the consequences, they would be
18 warned about the consequences of escape.

19 I think many of them were told that of course Kony was fighting to establish a new
20 Acholi and the Acholi with Kony were the clean one. The Acholi were out and not
21 clean and they may all die, so it is the Acholi with Kony who are going to get back
22 and establish the new Acholi generation. And for them, now they are soldiers of a
23 good cause, and remember these are, these are young children who had never
24 experienced that kind of different life, so they are now being told the things and, you
25 know, all this compounded the situation for these young people.

1 And then of course, one of the things that they were also told was that if they ever
2 escape, because they are now part of the rebel establishment, the UPDF will be
3 waiting for them and they will, they will actually kill them.

4 And I want at this point to also say that we had cases in the community, especially
5 initially in Lango sub-region. Lango, for those who may not be familiar with the
6 region, is a community that borders Acholi. Acholis where -- I mean, where Kony
7 and most of these people came from. Lango was the neighbouring community.

8 They were also directly affected by the war, a lot of abduction took place there. But
9 we had cases when, I think in the late '90s, early part of 2000 as well, where the
10 children who escaped, those one, those one who are going directly home.

11 We have had cases where, when the community get to know that so and so,
12 somebody has escaped and come back and he was with the rebels, whether that
13 person has even learned how to shoot a gun or not they would lynch them. So there
14 were cases, horrible cases of children, innocent, young, young children being lynched.
15 And actually, World Vision had to work hard to try and engage the community,
16 engage the local government, to make them, and the local community, to understand
17 that these are our children, they have only been unfortunate to have been abducted.
18 But it wasn't in their interest to go to join the rebels, so why do we kill them?

19 PRESIDING JUDGE SCHMITT: [11:58:28] Thank you, Mr Witness, for the moment.
20 I think, Mr Obhof, you don't have to follow further these initiation rites, these more
21 formal ones, because we had a huge amount of evidence on that. You can move on
22 with that.

23 And we have a huge amount of evidence in that regard by witnesses who directly
24 experienced these rites.

25 And my impression is, just to let me say that, that since the answers of this witness

1 are very thorough and thoughtful, he might have answered already a lot what you
2 wanted to know from him.

3 MR OBHOF: [11:59:27] Once again, you are reading my mind exactly. So I'm going
4 through my questions and marking off ones that he has.

5 PRESIDING JUDGE SCHMITT: [11:59:42] He seems to be a witness who
6 foreshadows your questions.

7 MR OBHOF: [11:59:50]

8 Q. [11:59:51] Mr Witness -- sorry, Dr Ochen, you mentioned about how the ladies
9 would say that they thought life was - many of them that you had talked to - thought
10 life was better in the bush than when they came home. I want to talk a little bit
11 about the same issue but with children.

12 How would the children talk to you about their households while they were in the
13 bush, about their bush households?

14 A. [12:00:24] The bush households. Well, I think that depended on whether they
15 were in Uganda or they were in the Sudan. I think the household approach was
16 used mainly in Sudan where the rebels had settled for some time. I think between
17 1997 to -- maybe they went earlier, I think they went around '95, '94, the first time they
18 went to Sudan. There was a bit of lull and then the army followed them in 1997.
19 They fought and then they came back, then they went back again. There was a bit of
20 peace between '99 and 2002 when the rebels again, when the government soldiers
21 then followed them to Sudan where they were staying in their defences. And they
22 came back I think around 2002, Operation Iron Fist, I think. I am not sure of the date,
23 whether 2002 or 2003.

24 For the young women are the one who talk at length about the household in the bush.
25 The household in the bush, especially for the young girls, involved a commander who

1 was, I would say, the head of the household but who may have several wives. And
2 for most of the young girls who were abducted from Uganda, when they are taken to
3 Sudan, from what we were told, they are given to, to stay with a senior wife, they are
4 given actually -- apparently, the girl, the children would be allocated to different
5 commanders, possibly as future wives, and there would be a senior wife who would
6 look after them and of course these young people would start by doing simple
7 household work, looking after babies, babysitting, and a lot other -- and then, of
8 course, when the time comes they will also start training as soldiers, fighting. Of
9 course, we are aware that some of the raids were not only in Uganda, the Kony rebels
10 fought several of the militias, including the SPLA themselves in southern Sudan. And I
11 think that's why Khartoum at one point wanted to use them and that's why Khartoum
12 supported them a lot, because they were fighting the war of Khartoum on the ground.
13 So these household, as I indicated, had a senior wife, had a man who was there, and
14 several other younger women who, younger girls, who apparently were being
15 prepared to be wives themselves.
16 Of course, many of these young people were abducted at the age of 7, 8, 9, 10, 11.
17 The youngest abductee I have ever seen was a 7-year-old boy, although he didn't take
18 so long in the bush, he came back after about a month or two.

19 Q. [12:03:22] In terms of these households, these kino (phon), how was the -- how
20 were the rules around these structured? How did the children tell you that they
21 were taught there?

22 A. [12:03:38] I may not have all the information now, but what -- from what I recall
23 is that one of course, there were, there were rules, there were dos and don'ts. As I
24 indicated, the senior wife had a lot of power, more, more power than any other young,
25 young lady in that home. And of course she reported to her husband, I would say.

1 And, from what we hear, the senior commanders were also not allowed to, let's say,
2 take sexual advantage of these young people until maybe they were officially given
3 by the -- allowed by their practices at that time.

4 And from what I gathered from the young people, I think around the age of 13, 14 is
5 when a girl would be given to a husband, in, in quote, either to the same person she
6 was staying with, or maybe to another person.

7 I remember one of the stories, I engaged with a young person who describe of course
8 a harrowing tale of her first, first sexual encounter with one of the commanders where
9 she was, she was staying. He forced her and she of course, she was not ready for
10 that, whatever happened, yeah.

11 So I wouldn't say everything was happy in the homes, yeah, that's all I can say. But I
12 may not remember all the rules now and how it was structured, yeah.

13 Q. [12:05:22] From what you were -- from what you were told and what you
14 learned from them, from these returnees, what -- sorry, what effect did the person
15 who was in charge of the household, the commander, what effect did he have on the
16 person's ability to come back and to escape and to reintegrate?

17 A. [12:05:57] Are you trying to ask me whether that person had powers to release
18 some of the abductees in his care?

19 Q. [12:06:05] Again, I think you can read my mind, so yes.

20 A. [12:06:08] Yeah, from what I, from what I understood, nobody in rebel
21 establishment had power to release anybody.

22 And I think there were -- what I forgot to tell you is that even in those homes in the
23 Sudan that these rebels were staying in, the rebel soldiers, the abductees, there were,
24 there were, there were escorts, there were escorts of the commanders, there were -- of
25 course many of them were child soldiers, they were there, they were all armed. So,

1 in other words, nobody had a chance of actually escaping even from the Sudan.

2 But I -- the young people also told us that escaping from the Sudan was hard because,
3 one, remember the rebels were already fighting with different local militias in Sudan
4 and they also fought with the SPLA, so anybody who would escape from there would
5 not be taken as a deserter, would -- or an escapee or an abductee, but would be taken
6 as part of the rebels. Because when the Kony rebels raid homes there, they would
7 definitely leave a track of destruction behind them.

8 So the children told us stories of many of their colleagues who tried to escape from
9 the Sudan and they were captured by the local communities and the local militias and
10 they were killed.

11 So escaping from there, even if somebody gets a chance, wasn't very, very easy. But,
12 as I also indicated, there were also soldiers who will guard the homes and the, and
13 the people. And from what we were told also, even those soldiers did not have the
14 freedom of escaping, much as they had guns. There were also other people who
15 were also watching them. So you can't just move anyhow because there are those
16 who are also watching you.

17 So no, no commander had power to release anybody, I think, except I remember
18 around, after Operation Iron Fist, around 2002 -- 2003, 2004, a group of about
19 140-something women and children, mothers of children, were released by Kony
20 directly. I think that that was maybe around 2004, 2005, just before the peace process
21 in the Sudan started, yeah. I can't recall the exact date, between 2004 and 2006.
22 I think that's the only situation that I remember that Kony released former abductees
23 en masse and they came back home.

24 Q. [12:08:48] You also mention that some of these children were trained in military,
25 military hardware. What would these children tell you about their orders when they

1 were fighting?

2 A. [12:09:02] Yes, most of these children of course were trained and, occasionally,
3 they would talk about being selected on a standby, if they were in the Sudan to come
4 back to Uganda and come and fight. And the selection did not know whether
5 somebody was a mother or not. Many of the young women were also asked
6 to -- were also put on standby to come and fight.

7 The orders of course was to follow their commanders. Whatever they were told to
8 do, they had to do it. There was no questioning any order. If you are to shoot
9 somebody, you have to shoot. Yeah, so everything was based on the military order
10 which was then in that structure of the rebel hierarchy.

11 And the children were also told that, they were told that -- they told us that they were
12 told that all the orders came from Kony, so whatever was relayed down to the senior
13 commanders came from Kony himself in terms of the standby, in terms of how they
14 should move, in terms of where they are going to move, who they are going to
15 out -- which area they are going to attack, and all that.

16 Q. [12:10:12] You discussed about the perils in terms of persons, reasons why
17 children found it hard to escape from Sudan because of SPLA or the local villagers
18 who would kill them. Were there any other perils that would stop children from
19 trying to escape from Sudan to come back to Uganda?

20 A. [12:10:44] Yeah, the distance from Sudan to Uganda was really, really big, was
21 very, very long, and many of these young people did not know the way, they didn't
22 know the direction, they would just move and follow whoever was there leading
23 them. So for you to escape and move on your own, chances were that you were not
24 actually going to reach, you may actually end up going in a different direction. So
25 that was one of the biggest deterrent to them escaping from Sudan, yeah, if the chance

1 present itself.

2 Q. [12:11:24] If the chance did present themselves, considering the long distance,
3 how would the children eat or where would they sleep when they are trying to come
4 back, if they were coming back from Sudan?

5 A. [12:11:47] I haven't -- I haven't -- I'm not sure whether I recall a case of a child
6 who escaped from South Sudan and came all the way to Uganda, except for those
7 who were around the border and they were aware that they were around the border
8 area, areas around Lamwo District in northern Uganda, I think Palabek is near Sudan
9 as well, areas of Lukong, areas of Nomoromo, yeah, except for those who knew some
10 geography a bit around that time, or maybe, some of the children maybe who were
11 conducted from those areas who knew the areas.

12 But for most of the children's stories that, for those who managed to escape one way
13 or another from Sudan, they ended up finding themselves being transported through
14 Juba and Khartoum and they came back flying. So we had cases of many who came
15 back through there and they were brought to GUSCO and many other centres, yeah.

16 Q. [12:12:53] From your time working with GUSCO and World Vision and Save the
17 Children, from which country did most of the returnees, most of these children escape
18 from?

19 A. [12:13:09] Uganda, most of them escaped from Uganda, yeah.

20 Q. [12:13:13] Now, from those lucky ones who were able to escape, did they talk to
21 you about whom they spoke about their escape plans to before trying to escape?

22 A. [12:13:27] Many of the children told us that they really wouldn't discuss any
23 escape plan and -- because one, as I told you, even the mere thinking that you are
24 going to escape was thought to have been, you know, noted by Kony himself and so
25 you would expect maybe in the next minute they have sent for you and they are

1 going to take you, so it was frightening talking about that.

2 I remember the case -- so, many of them actually took initiative on their own, but
3 there are a few cases of children who were abducted with their siblings being
4 comfortable enough, probably because of the blood relationship, to discuss some of
5 their plans with their siblings, yeah. And I remember also a girl told me, not when
6 I was with GUSCO but during my PhD research, that she was married to someone
7 who was closely her age-mate, he was also abducted as a young -- as a child, he grew
8 up in the bush. And when they had two, two children, she kind of developed trust
9 in him, he also developed trust in her, and several times they actually spoke about
10 planning to escape.

11 But for one reason or the other the girl found opportunity to escape and escaped, but
12 the young man did not, yeah. By the time I was talking to her, husband, in quote,
13 was still with the, with the rebels, yeah. That was 2009, 2010.

14 Q. [12:15:23] Again, what these children relayed to you during your work, what
15 were you told by these children -- or, what was the major way in which they were
16 able to escape?

17 A. [12:15:50] Okay. There were several ways through which the children were
18 able to escape. Some of the children would tell us that they would pretend that they
19 are going to have nature's call, long call, and then they, they try to determine the
20 position of the sentries because the rebels also had sentries. Everywhere, when they
21 would be moving and the army would -- the rebel army would settle down for the
22 night, they would post sentries across the areas where they were to deter people from
23 escaping, and those ones had strict orders to shoot anybody that tried to escape.
24 Yeah, so somebody had to be very careful to try and determine in which position the,
25 the sentry, and then you would find a way of sneaking. And that's one reason why

1 escape was not easy.

2 And, in any case, it took strong agency, it took strong confidence, it took strong

3 courage for somebody to escape. Remember I told you earlier that the price of

4 escape was heavy and many of them witnessed those who tried to escape being, you

5 know, brought back, beaten and killed. That use of deterred so many children.

6 And, you know, everybody have different level and amount of resources, the internal,

7 the agency resources that they can use to take action, to take, you know, initiative.

8 So that was one.

9 The second one was during battles. Of course, there was a lot of engagement

10 between the LRA rebels and the government, so in the heat of battle some, even in the

11 heat of battle, the abductees were, if they had just been abducted, they would be tied,

12 they would be tied, they wouldn't even remove the, you know, the ropes from them.

13 So it was equally difficult to escape during battles.

14 And in other cases, for those who were maybe not tied and maybe those who already

15 maybe were initiated as soldiers, they'd come back, have their, their guns. During

16 battle they would also find themselves separated from the rest of their soldiers, and

17 then some would now take that opportunity, just continue looking for a way of, a way

18 out, looking for help, especially if it was in Uganda. Then maybe they would of

19 course try to avoid the army, they would try and then move to maybe get any person

20 and then they ask for direction, in most cases to LCs, although actually some went

21 back directly home. But what normally happened is that the community would take

22 them to the LC, then the LC would take them to the army after assuring them.

23 Which other way that I remember other than that one? Yes, there are, there are cases

24 of those who were shot in battle, shot and injured, then the, the UPDF would come

25 and arrest them during the charging process, they would come and pick them. And

1 of course some of the young people were, were shocked. Many of them expected to
2 be killed but they were shocked at how they were treated when they were, when they
3 were -- so those are people that I recall were rescued in battles, yeah.

4 So probably those were the major ways, I think mainly through battles, yeah, and a
5 few escaping when they have pitched camp for the night, yeah.

6 Q. [12:19:50] Now, after conducting your review of GUSCO, did most of these
7 children who were abducted during the, during the conflict make it back home?

8 A. [12:20:22] Based on my knowledge of the, of the sector, the child protection
9 sector work, and support (inaudible) children affected by, by war. I try to keep
10 abreast of the literature. UNICEF estimates that about 65,000 children were
11 abducted by the rebels, between 1986, of course, when the war started, and 2006 when
12 the war ended. But still that is, that is an estimate. And, I mean, I was lucky
13 enough, I wasn't abducted, I wasn't able to see how heavy or strong Kony's
14 establishment was in terms of the number of soldiers he had. But what I know is
15 that many Acholi households had a child either abducted or killed or maimed, so you
16 are looking at, you are looking at a lot of households.

17 My own view is that even the 65,000 could be a conservative figure of the children
18 that have been abducted. Of course not only in Acholi, in Lango and in Teso
19 sub-region, but the majority was in Acholi.

20 GUSCO, as I told you, supported about 7,000. World Vision possibly about 12, 13,
21 I'm not sure whether they reached 15,000. And we know that there are also others
22 who came back on their own in the community, so those ones were not documented.
23 But we also know that there are many people that we will grow up with that
24 we -- that were abducted that went to the bush and have never come back. And we
25 have tried to ask about them from some of the people who were in the bush who

1 came back and nobody seemed to remember. They may have seen them but they
2 don't remember where they are.

3 So what I can say is that there are, there are possibly thousands of unaccounted for
4 children in Acholi sub-region. I am not sure whether government have the statistics,
5 I am not sure whether government had a comprehensive process to try and document
6 the household that still have children who were abducted who are not accounted for
7 up to now.

8 What I also know is that the government has also not documented to come with any
9 official statistics about the number of people that died from this war in Acholi and
10 Lango sub-region mainly.

11 Q. [12:23:16] From your work with all these organisations did you see any
12 correlation between the number of persons who were -- or, how close the person's
13 abduction date was to the ease of them escaping?

14 A. [12:23:36] Can you repeat the question.

15 Q. [12:23:38] Yes. I worded it very strangely, sorry.

16 With your work with the organisations did you notice any correlation between the
17 ability of one of the children to escape in relation to how long they had been in the
18 organisation in the LRA.

19 A. [12:24:04] In the LRA.

20 Q. [12:24:05] Yes.

21 A. [12:24:07] If I recall so well, the period when I was very active with the
22 organisation, most of the children that we had at the GUSCO centre, for example,
23 including the World Vision centre, are those who had not taken so much time in the
24 bush. There are people who had spent between a few days to a couple months.

25 And as I said, that tells you that most of the people who had escaped escaped from

1 within Uganda.

2 We didn't have many senior, how would you call them, those who had spent a longer
3 time in the bush, although they were still children, who already had guns, they were
4 already fighters, except those who were actually captured in battle, maybe they were
5 injured. There were those that were injured, those that were shot.

6 So what I'm trying to say is that much as there were some children who escaped with
7 their guns, they find a way of escaping and coming back, we seem to be handling
8 mainly those who had not spent a lot more time in the bush. So I would, I would
9 think the duration of time, the correlation was that it was perhaps easier, I don't know
10 what explained that, but perhaps easier for somebody who had not taken long in the
11 bush to escape than those who had taken a lot more time, been trained, been
12 integrated in the, in the rebel army. It appears to have been much more difficult.
13 The reason I don't know. Yeah. But based on the correlation, as you said, for me to
14 analyse it, that is what I said.

15 PRESIDING JUDGE SCHMITT: [12:26:08] I assume that was exactly what you
16 wanted to elicit.

17 MR OBHOF: [12:26:15] Thank you very much, your Honour and Dr Ochen. My
18 questioning is done. Our senior counsel will have a few follow-up questions.

19 PRESIDING JUDGE SCHMITT: [12:26:25] Yes. Mr Ayena, you have the floor.

20 QUESTIONED BY MR AYENA ODONGO:

21 Q. [12:26:35] Good afternoon, Dr Ochen.

22 A. [12:26:37] Good afternoon.

23 Q. [12:26:37] I'm sure we have met before.

24 A. [12:26:39] I have seen you, yes, in Uganda, yeah, sure.

25 Q. [12:26:45] Doctor, I just want to make a few follow-up questions. First of all,

1 about the children, from your interaction with them, did you talk to them about
2 whether in the bush there were price tags put on the fighters, especially, meaning
3 depending on the ability of performance?

4 A. [12:27:21] Price tags. That's a very difficult question for me. Price tags.

5 PRESIDING JUDGE SCHMITT: [12:27:29] Only if you have information, of course.

6 You can also say it was a little bit --

7 MR AYENA ODONGO: [12:27:34]

8 Q. [12:27:37] Can I put it another way?

9 A. [12:27:39] Okay. Maybe put another way, let's see whether I can answer.

10 Q. [12:27:41] In every community or in an organisation where you are put in charge
11 of people to perform tasks, for instance, when people are going to cultivate, there are
12 those who perform exceptionally well. My question is did you talk to them about
13 the possibility of some of them having been identified as being exceptionally good at
14 their work as fighters?

15 A. [12:28:12] That one I don't, I don't have any answer for it. I, I don't remember
16 having that kind of conversation generally. Yeah.

17 Q. [12:28:22] Okay. You talked about macabre socialisation. Can you clarify
18 what exactly this means?

19 A. [12:28:38] Yeah. We are talking about socialisation by blood. In the normal
20 Acholi society parents, uncles, aunties, relatives, all the children, all the siblings play a
21 very big role in the socialisation of the younger children. Young girls may go with
22 their fellow bigger sisters to the well to fetch water in the small jerrycans. Boys may
23 also go with their older brothers to go and tie goats and do other things or to go
24 hunting. And of course in the evening our elders used to talk to us at the *wangoo*, at
25 the fireplace, to help us understand our culture, understand our origin, understand

1 the values that we extolled in society and how to live those values.

2 And that was done in a peaceful environment where people would listen with
3 interest.

4 Now, when you look at the kind of socialisation in the bush, remember many of these
5 young people were abducted at the age of 9 to 12, as I indicated, between 9 and 12, a
6 few below 8, it was at an age that they were still amenable to changes, it was an age
7 when they are still learning their society, they are still learning what is good and what
8 is wrong for different ages. And for many of the young people at the time when
9 they were entering into puberty, which is another developmental stage which is quite
10 important, and all of a sudden these people are to be told that here you are being
11 hardened as you are being trained as soldiers and soldiers don't do things the normal
12 way. If do this, this is what is going to happen to you.

13 And this is, this is the socialisation by violence, socialisation by blood, socialisation by
14 exposing the children to the abnormal and making the abnormal appear as if it is
15 normal. And they wanted the children to normalise all the things.

16 The young people told us that when you are being involved in killing, when you are
17 being told to kill somebody, you are not supposed to show any emotion. If anything,
18 you are supposed to show elation that you are happy doing what you are doing.

19 You are not supposed to whinge, you are not supposed to show any - what word can
20 I explain - like to show as if you are not happy being told to do what you are actually
21 doing.

22 Now, just imagine somebody, a young child, 9, 10 years being socialised that way. I
23 believe most of you here have children. I have a son who is 11 years, he's in primary
24 5, I can't imagine how my son would react to such kind of thing.

25 So it was macabre. It was horrible, it was beyond normal, it was unacceptable, but

1 this is the new reality of these young people.

2 Q. [12:31:52] And you implicitly told Court that the children knew that the orders
3 came from Kony, whoever gave it to them --

4 PRESIDING JUDGE SCHMITT: [12:32:09] Please pose a question. I'm not sure if
5 this exactly reflects what the witness has said. We would have to go to the transcript.
6 Simply put the question to him and no -- yes.

7 MR AYENA ODONGO: [12:32:19] Okay.

8 Q. [12:32:22] Dr Awich, did these children talk to you about how they -- whether
9 they came to know about Kony?

10 A. [12:32:33] To meet him you mean?

11 Q. [12:32:36] Know about him.

12 A. [12:32:37] To know about him.

13 Q. [12:32:38] Yes.

14 A. [12:32:39] Yes. Many of the -- actually most of the children that spent at least a
15 year or two in the bush, most of them had met Kony. Most of them had met,
16 especially those who went to Sudan, they knew about Kony, they met him and they
17 saw him.

18 Q. [12:32:54] And did they say Kony was a normal person?

19 A. [12:33:00] Yeah, from what the children said, they actually said Kony was
20 normal. What they would say was that he would say whatever he tells them is from
21 the, from the spirit. So Kony claimed what he was telling them and the orders are
22 not even from Kony himself, but they are from the spirit that Kony believed were
23 speaking to him. But as a person, Kony was a normal person. That's what I was
24 told.

25 Q. [12:33:27] And, Doctor, according to your interaction with them, did they

1 believe what Kony told them or what they were told about Kony?

2 A. [12:33:38] Remember these are young children, remember these are young
3 children who have already been socialised in the most violent, in the most
4 complicated of ways into the life in captivity. Whatever they were told about Kony
5 the children seemed to believe. And as I indicated earlier, that also explained why
6 they seemed to think that even if they tried to mull the thought of escaping, Kony
7 would know.

8 Q. [12:34:13] You talked about child mothers who talked about their -- I mean who
9 expressed what I would call nostalgia for their stay in the bush, they said they
10 thought they were better off. Did you engage them on how they were made to
11 become so-called wives?

12 A. [12:34:44] Yes. I engaged them in terms of the way in which they were made to
13 become wives in the bush. As I indicated earlier, for most of the women, the stories
14 start with them being young mothers -- young girls who were called *ting ting*. These
15 were young girls who were first taken to be, let me use the word mentored by a
16 senior wife who is already in that home, and apparently the expectation was that with
17 time, when they grow up, they would also become wives.

18 And some would say: Yeah, we were in the home of so-and-so, commander
19 so-and-so, we were seven, then there were also three of us, we came when we were
20 young. Then of course later they became wives.

21 And one of the girls actually told me, as I indicated earlier, that what the commander
22 did was to send away everybody to do some work somewhere, because in the Sudan
23 they had gardens as well, and then he forced her into, into sex. And it was a lot of
24 struggle, she wasn't ready, and she tried to resist. She was beaten until she was
25 forced to succumb. And that is how he started being her husband, let me put it that

1 way. Yeah. So initially it is forced, especially for cases of senior commanders who
2 get these young girls.

3 But I was also -- I also got to learn about other girls who are given to other people
4 who were not exactly senior commanders. They are actually given by -- of course
5 maybe by the commander or by another person that you are going to be so-and-so's
6 wife.

7 But it looked like in such cases, there were cases where there was a little bit of
8 negotiated interest, let me put it that way, even though the first coming together
9 wasn't exactly mutual, but with time, these people grew to -- they grew to understand
10 each other. And this was more the case when the relationship was between, let's say,
11 ordinary soldiers, let me put it that way, of the rebels.

12 Q. [12:37:03] Now, once you were given to a commander or to a soldier as a wife,
13 did you talk to them about whether there were circumstances when somebody else
14 could remove that person and maybe reallocate, so to speak?

15 A. [12:37:22] Yeah. Reallocations happened in two cases. One that I remember,
16 I -- as I told you, my PhD was on this, so there are sections that I have written
17 extensively about that as well. If a commander or an officer comes to fight or is
18 involved in fighting and he or she is shot in battle and he dies, his wives are always,
19 at some point after they -- maybe their mourning period, reallocated to other people.
20 They are reallocated to other people. Well, they claim that somebody had to look
21 after them.

22 You would say that it mirrored a little bit the Acholi system of inheritance, wife
23 inheritance, which was cultural, but it's a little bit different in that in the Acholi
24 society the woman would actually choose who were to her husband among the men
25 in the home who were there after the death of her husband. And if she didn't want,

1 she would even say, "Well, I'm still mourning my husband" and she would not take
2 anybody. And in that case then the patriarch of the home would look after her
3 affairs, although he wouldn't become her husband.

4 But in the case of the rebel, it was an order so you are going to so-and-so's wife -- I
5 mean, going to be so-and-so's wife. And so the woman would go of course with all
6 her children, if she had children, and maybe then in that case she would get other
7 children with the person.

8 Reallocation also happened in cases where the commander was found to have
9 breached the rules of the rebels, and maybe he is executed or punished, then in that
10 case also his wives would be reallocated.

11 I think those are the two circumstances I remember.

12 Q. [12:39:09] Do I understand you to say there were cases where the commander
13 has -- could still be alive but he has breached some rules of the LRA, maybe situations
14 where there was violence in the house, were there times when you know such wife
15 would be removed from such a person?

16 A. [12:39:34] If there were violence between the husband -- between the man and
17 the woman, is that what you mean?

18 Q. [12:39:39] Yes. As a breach.

19 A. [12:39:41] I don't, I don't, I don't remember that. But what these people told us
20 was that beyond them accepting -- of course, as I said, the initial relationship were
21 violent, but after some time, the women got to accept -- the young girls got to accept
22 the situation. And in such cases, they would rarely question -- they would rarely
23 question or stand up to the man, let me put it that way. So I think situations of
24 violence within the homestead in the rebel element is not something which my
25 research investigated, so I cannot comment much on it.

1 Q. [12:40:22] Now, have you since met or interacted with people who had initially
2 been man -- I mean husband and wife in the bush and now they have come back to
3 the community and they are living together?

4 A. [12:40:43] I haven't, I haven't, I haven't -- yeah, there is -- there is one -- I know of
5 one. Some lady in Gulu, I won't mention her name of course, but she was abducted
6 when she was very young. When she came back, she stayed in GUSCO for several
7 months, and at some point also her commander husband came back and they actually
8 stayed together for a, for a while, but they had other problems and eventually they
9 separated. That is the -- that's the direct one that I know of. But I've also heard of
10 other cases where some of the women actually went back to stay with their former
11 bush husband in Gulu, especially around the time when many of the senior
12 commanders, those of Okwonga Alero, Brigadier Banya, Brigadier Kolo and a few
13 others came back.

14 Q. [12:41:40] Yes. Do you know any situation where those who had initially been
15 husband and wife finally came and formalised that relationship by formal marriage?

16 A. [12:41:55] I'm not aware about that. Yeah. I'm not aware about that.

17 Q. Okay.

18 PRESIDING JUDGE SCHMITT: [12:42:01] Thank you, Mr Ayena. Thank you very
19 much.

20 And I give now the floor to Mr Zeneli for the Prosecution.

21 MR ZENELI: [12:42:11] Thank you, your Honour.

22 PRESIDING JUDGE SCHMITT: [12:42:16] Mr Zeneli, do you have already an idea
23 how long it will take?

24 MR ZENELI: [12:42:21] I'm estimating about an hour. It very much depends on
25 how the witness goes along.

- 1 PRESIDING JUDGE SCHMITT: [12:42:30] Yes, yes, it's fine.
- 2 MR ZENELI: [12:42:31] But not very long.
- 3 PRESIDING JUDGE SCHMITT: [12:42:33] Okay.
- 4 QUESTIONED BY MR ZENELI:
- 5 Q. [12:42:51] Mr Witness, you did a study, you told us, where you spoke with
6 several, 45 you mentioned, of former abducted young mothers; is that correct?
- 7 A. [12:43:04] Yes, sir.
- 8 Q. [12:43:07] And these were all women who were abducted at a young age,
9 between you said 9 to 11, if I'm correct?
- 10 A. [12:43:20] Yeah.
- 11 Q. [12:43:21] Yes. All of them had given birth in the bush?
- 12 A. [12:43:27] All of them had given birth in the bush, and that was a criteria of
13 selection.
- 14 Q. [12:43:34] In addition to that, you carried out interviews with about 17 key
15 informants, and these were either local dignitaries or staff from NGOs; is that correct?
- 16 A. [12:43:47] Yes. Yeah, that's true.
- 17 Q. [12:43:48] And you know of Operation Iron Fist in 2002, one of the consequences
18 of which was an increase in the number of the abduction of children, right?
- 19 A. [12:43:59] Yes, I'm aware about that.
- 20 THE INTERPRETER: Request from interpreters: Could the witness halt a bit
21 before answering.
- 22 PRESIDING JUDGE SCHMITT: [12:44:11] Yes, we have again the, I would not say a
23 problem, but it's simply that I would like to ask you to wait a couple of seconds until
24 you answer, please.
- 25 MR ZENELI: [12:44:23]

1 Q. [12:44:25] The LRA had a strategy about the abduction of young children, right?

2 A. [12:44:32] I would think so.

3 Q. [12:44:35] In fact you mentioned the youngest you remember was about 7 years
4 old?

5 A. [12:44:41] Affirmative.

6 Q. [12:44:42] And the reason that they would target young children is because they
7 were more amenable to do what they were supposed to in the LRA, correct?

8 A. [12:44:51] That is what we have all come to believe over the years.

9 Q. [12:44:57] Now, the young girls were particularly targeted because they believed
10 that they were free from HIV/AIDS, sexual transmitted deceases, that was one of
11 reasons; is that correct?

12 A. [12:45:13] I think so, that may have been one of the reasons, but also possibly
13 because of the very first reason which you mentioned, their amenabilities.

14 Q. [12:45:22] And through these interviews that you had with them, you concluded
15 you observed that they were subjected to physically gruelling tasks, physical and
16 psychological torture and humiliation, coerced sex, forced motherhood, sexual
17 exploitation, demands for sex by their so-called husbands, which did these demands
18 without any consideration of their physical or biological development; is that correct?

19 A. [12:45:55] That's correct, sir.

20 Q. [12:45:58] Now, these were very deeply traumatising experiences for girls, were
21 they not?

22 A. [12:46:07] They were, they definitely were very deeply traumatising.

23 Q. [12:46:13] (Overlapping speakers) yet they maintained the agency, they
24 maintained the agency throughout the time they were in the bush, as well as when
25 they got out of the bush; is that correct?

1 A. [12:46:23] They maintained some degree of agency because a human being -- as
2 long as a human being is alive, that person still has some agency in all whatever
3 situation it is. That's my view.

4 Q. [12:46:37] And in this some degree of agency, as you put it, they showed control
5 of their lives in the bush, they took decisions to preserve their safety and the safety of
6 their own children; is that correct?

7 A. [12:46:52] Yeah, that was correct. The decisions were taken within a particular
8 context, within particular environments, but still those decisions, they did not have
9 total freedom, there were still some limitation to the control that they had.

10 Q. [12:47:08] And within these limitations they were still self-directing, you found
11 in your study, they were able to make decisions to escape and escape alive and not be
12 captured by the LRA again; is that correct?

13 A. [12:47:26] Yeah, many, many made those decisions, but it doesn't mean that
14 everybody that made a decision to escape eventually actualised it. Yeah, but what
15 I'm trying to say is that at some point of course the young women, and maybe also the
16 young other abductees, started looking for a way out to -- they knew there was a
17 better future somewhere. And of course for the women in the -- for the women in
18 the bush I think this became -- their, their desire to escape and their plan to try and
19 work that out became more pronounced in the post-2002 period, after the Operation
20 Iron Fist, especially those who were in the Sudan, because initially life was a bit
21 normal, they were in another country, but they were not under attack. Now here
22 they were under attack and life was becoming to be very hard. So actually, you
23 would see that many of them were thinking along that line based on some of those
24 circumstances.

25 Q. [12:48:33] I'll take you to a very brief paragraph from your study, Mr Witness.

1 It's at page 1562 of the thesis, your Honour. That's tab 4, I believe, in Prosecution's
2 binder.

3 This is what you said:

4 "It is inappropriate to depict [former abducted child mothers] as docile victims even
5 during the period of their captivity. In the current study, these young mothers were
6 self-directing, took responsibility (where possible) for their safety in the bush (and
7 that of their children) and in many cases, initiated the process of returning home."
8 "Rather" you say "it was the strong will, against all kinds of odds, that precipitated the
9 return of many of the child mothers alive."

10 You confirm this, this is your study, correct?

11 A. [12:49:30] Yeah, I confirm (Overlapping speakers).

12 PRESIDING JUDGE SCHMITT: [12:49:31] Wait a moment. Just simply, one, two,
13 three in your mind, and then answer.

14 Mr Obhof.

15 MR OBHOF: [12:49:38] Before the witness answers, this is why the Defence was
16 asking him what people told him when they came back from the bush, what were the
17 experiences. The question is one in which we requested that an expert would
18 answer, giving his opinion after collecting all the data and saying what one -- what
19 the people have said and then changing it around, saying, I think this though because
20 of this.

21 PRESIDING JUDGE SCHMITT: [12:50:04] Mr Zeneli.

22 MR ZENELI: [12:50:05] Yes, sir. The question is predicated, as I made clear in my
23 first question to the witness, on the study that he carried out with the 21 in this case
24 for the thesis of the formerly abducted child mothers. So it goes without saying that
25 what the witness is presenting to us today is his conclusions, his observations from

1 the interviews with the abducted mothers.

2 PRESIDING JUDGE SCHMITT: [12:50:27] I think with this clarification, I'm fine
3 with it. Otherwise I would have agreed with Mr Obhof. With this clarification it's
4 clear with this background.

5 You may answer the question, please, now, Mr Witness.

6 THE WITNESS: [12:50:41] So if you can repeat the question again because I think it
7 got confused in the explanation there.

8 MR ZENELI: [12:50:49]

9 Q. [12:50:52] Sure. Would you confirm that from the conversation you had with
10 the formerly abducted young mothers they showed agency, not only when they
11 escaped, after they escaped, but also when they were in the bush; is that correct?

12 A. [12:51:07] Yeah, that is the -- that's the line of argument which I use in the
13 research. But I also want to say that you mentioned, correctly said that I indicated 21
14 former abducted child mothers, what I want to say that the experiences of each and
15 every person is different. It's actually varied. So one young woman may have this
16 agency, may have this strong will, but it doesn't mean that the other two or three are
17 going to have the same. And the 21 don't speak for the entire women who were
18 abducted by the rebels, the entire women population, which estimated about
19 30 per cent of the abductions. So these are particular experiences.

20 Q. [12:51:56] And again I will take you to another short portion of the same study,
21 where you say this:

22 "Despite the difficult environment in which they found themselves", so "they" being
23 the formerly abducted young mothers, "the young girls and child mothers maintained
24 some choices and control over their lives and made decisions which ensured their
25 survival and that of their children from the dangers of bush life." That's correct?

1 A. [12:52:27] I think that is correct, yes.

2 Q. [12:52:31] And yet these are not the only ways in which they showed agency,
3 correct?

4 A. [12:52:37] Definitely there should be many other ways which people can show
5 agency, yeah.

6 Q. [12:52:42] We are focusing only on the ones you spoke (Overlapping speakers)

7 A. [12:52:44] Yes, yes. I have --

8 Q. Okay.

9 A. -- understood, yeah.

10 PRESIDING JUDGE SCHMITT: [12:52:46] Please not so quickly, both of you, please.

11 You know, I have to try at least to help the interpreters here. And it's good, I'm
12 also -- I always like fast people, but sometimes in the courtroom we really have to
13 slow down.

14 MR ZENELI: [12:53:09] Your Honour, I will absolutely make an extra effort and
15 make a note for myself.

16 PRESIDING JUDGE SCHMITT: [12:53:19] You can, in that regard, as the examiner,
17 we can take Mr Obhof as a role model, so to speak. But you have the disadvantage
18 that had you don't have the look to the interpreters, that I have to say. He's in a little
19 bit of an advantageous position.

20 MR ZENELI: [12:53:36]

21 Q. [12:53:42] One second, Mr Witness. I don't think I got an answer for my
22 question. Yes, so --

23 PRESIDING JUDGE SCHMITT: [12:53:49] I think you got.

24 MR ZENELI: [12:53:51] Thank you.

25 Q. [12:53:53] As you observed in your study, "Looked at another way" -- and, your

1 Honour, I'm looking at page 1562 of the thesis.

2 So I quote:

3 "Looked at another way, obedient acquiescence and strict compliance to the
4 expectations of the rebel commanders and a pretended show of 'trust' in the rebel
5 systems was also a form of agency demonstrated by the girls to enhance opportunities
6 for survival and later escape. In such situations attempts at escape would be
7 avoided to give the impression of a relationship of trust between captor and captive
8 or 'husband' and 'wife'. Because the rebels perceived that the girls could be trusted
9 they were given greater freedom which was then used later for actual escape."

10 That's correct, right?

11 A. [12:55:00] Yeah, that's a correct observation.

12 Q. [12:55:02] Now, forgive me, and at the fear of stating the obvious here, I just
13 want to touch very briefly on the interplay between the agency and structure, you
14 also talk about that.

15 Need to remind myself for the rule of five seconds.

16 This is what you observed, Mr Witness.

17 The quote, your Honour, comes from 1562.

18 "In most situations, whoever has a greater access to and control of power or resources
19 will set the rules and determine the structure which regulates the behaviour and
20 actions of those with less power and access to controlling resources."

21 You confirm this today, right?

22 A. [12:55:47] Yes, I do.

23 Q. [12:55:48] And it is correct, is it not, Mr Witness, that the LRA commanders had
24 a much greater access and control of power and resources than the abducted young
25 child mothers, correct?

1 A. [12:56:02] Yes, I would think so. There were also degree of power right, but
2 we -- yeah, I mean, everybody had some degree of power but not absolute power, of
3 course.

4 Q. [12:56:12] On the issue of the relay of wives, as you called them in the study, but
5 here you used another term today, right, reallocation?

6 A. [12:56:20] It came from the (Overlapping speakers).

7 Q. [12:56:22] Yes.

8 A. [12:56:23] (Overlapping speakers)

9 Q. [12:56:27] That's what you mean, basically --

10 A. [12:56:28] Yeah.

11 Q. [12:56:28] -- the handing over of the women --

12 A. [12:56:30] Yeah.

13 Q. [12:56:31] -- as wives from one commander to the other?

14 A. [12:56:35] Yeah.

15 PRESIDING JUDGE SCHMITT: [12:56:38] You know, there is some advantage. Of
16 course this keeps -- I don't want to reproach you too much, Mr Zeneli, but this keeps
17 the flow of the discussion a little bit, but --

18 MR ZENELI: [12:56:52] It's captivating, your Honour, as well.

19 PRESIDING JUDGE SCHMITT: [12:56:55] Yes, but you know what we are doing
20 now, we are having now the lunch break. We cool down, we cool down all a little
21 bit.

22 MR ZENELI: [12:57:01] Yes.

23 PRESIDING JUDGE SCHMITT: [12:57:02] We go, we reflect upon this and then we
24 restart again --

25 MR ZENELI: [12:57:06] Absolutely.

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1 PRESIDING JUDGE SCHMITT: [12:57:08] -- at 2.30.

2 And I am informed that the Legal Representatives of Victims also want to ask
3 questions.

4 MS SEHMI: [12:57:15] Yes, your Honour, but this depends on the questions posed
5 by the (Overlapping speakers).

6 PRESIDING JUDGE SCHMITT: [12:57:17] Okay, good. So we will definitely finish
7 in the afternoon session.

8 We have now the break until 2.30. See you then.

9 THE COURT USHER: [12:57:27] All rise.

10 (Recess taken at 12.57 p.m.)

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

12 THE COURT USHER: [14:30:36] All rise.

13 Please be seated.

14 PRESIDING JUDGE SCHMITT: [14:30:50] Mr Zeneli, you still have the floor.

15 MR ZENELI: [14:30:55] Thank you, sir.

16 Q. [14:31:01] Mr Witness, when we took the break we were talking about the relay
17 of the girls in the LRA, by which you meant the distribution, reallocation of the
18 so-called wives from one commander of the LRA who would have died or been killed
19 to another commander. Correct?

20 A. [14:31:41] Yes, sir.

21 Q. [14:31:47] In your study you found -- and your Honours, I'll quote from pages
22 1495 and 1496, the following:

23 "The subjugation and violation of the rights of the girls and child mothers was also
24 exhibited in how they were treated after the death or defection of their so-called
25 husbands. In such situations, the child mothers were redistributed to whomever the

1 rebel commander chose."

2 And then you go on at page 1496 to say:

3 "... the 'relay' of the girls as wives among rebel commanders and officers did not take
4 into account the feelings of the girls or those of their children. The latter were
5 expected to naturally develop affection for their new 'fathers'. The relay of wives
6 was therefore another humiliating experience for the girls and this had an overall
7 effect on their dignity. The girls were used as objects for the satisfaction of the
8 interests of the dominant male powers who were in physical and psychological
9 control of their lives, both sexually and physically."

10 That's correct, right?

11 A. [14:33:27] (Inaudible)

12 PRESIDING JUDGE SCHMITT: [14:33:31] We didn't hear the answer so it is not on
13 the transcript.

14 THE WITNESS: [14:33:35] Yes, it is correct.

15 PRESIDING JUDGE SCHMITT: [14:33:37] Thank you.

16 MR ZENELI: [14:33:39] Thank you, your Honour.

17 Q. [14:33:42] We were also talking about the interaction, the interplay of this
18 practice by the LRA with the Acholi culture, and you mentioned or referred to the
19 inheritance of wives. And a brief quote again from your study, Mr Witness. This is
20 at page 1643, sir. You say:

21 "It is also important to point out that while wife inheritance exists in the normal
22 Acholi society ... women's participation in such a decision was paramount. This
23 situation differs from what obtained in the bush, where the onus was on the senior
24 rebel commander to allocate and re-allocate women without being questioned."

25 You confirm this as well?

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1 A. [14:34:39] I confirm it is true.

2 Q. [14:34:44] And since we are talking about the interplay between the practices of
3 the LRA and the Acholi culture, Mr Witness, in your article, Traditional Acholi
4 mechanisms for reintegrating Ugandan child abductees, published online on 7
5 January 2015, and your Honours this is Defence tab 2, UGA-OTP-0286-2015 at
6 page 2023, you say this.

7 Are you there? Are you there, Mr Witness?

8 A. [14:35:49] Yes, I'm there.

9 Q. [14:35:50] Okay, you say this:

10 "During the conflict, girls were raped, physically abused and made to become
11 mothers and child-wives on an unprecedented scale."

12 And then you go on to say:

13 "... rebel action is an aberration of Acholi culture and does not represent normal
14 everyday practices in Acholi communities. Indeed, this is what Acholi elders
15 attested to." Correct?

16 A. [14:36:24] Yes, correct, sir.

17 Q. [14:36:28] At page 1563 of the thesis you also say this:

18 "... in Northern Uganda where the social norms/customs and rites which used to
19 regulate the Acholi cultural practices have been abrogated by the rebels. In
20 fact" - you say - "the rebels created their own sub-society with its own rules,
21 regulations, and practices (sub-culture which included systems for the violent
22 subjugation and oppression of the children they had abducted."

23 That's correct, right, Mr Witness?

24 A. [14:37:12] Yes, that's correct.

25 Q. [14:37:15] You also wrote that it should be noted that on abduction and

1 socialisation in the rebel culture, young girls would be given to rebel soldiers as wives
2 to meet their sexual needs and attend to other chores. This allocation of wives is,
3 however, against social cultural practices among the Acholi where marriage would be
4 accompanied with ceremonies and other cultural rituals. That's correct, right?

5 A. [14:37:53] Yes, I confirm that's correct.

6 Q. [14:37:57] Your Honour, I have no further questions.

7 PRESIDING JUDGE SCHMITT: [14:37:59] Thank you very much.

8 For the Legal Representatives of the Victims, any further questions?

9 MS MASSIDDA: [14:38:05] We have no further question, your Honour. Thank you
10 very much.

11 PRESIDING JUDGE SCHMITT: [14:38:10] Thank you.

12 And Ms Sehmi?

13 MS SEHMI: [14:38:11] Your Honour, I have some questions.

14 PRESIDING JUDGE SCHMITT: [14:38:13] Yes, please, go forward.

15 QUESTIONED BY MS SEHMI:

16 Q. [14:38:16] Good afternoon, Mr Ochen. My name is Anushka Sehmi and I'm
17 going to be asking you a few questions on behalf of the Legal Representatives for
18 Victims.

19 Your Honour, I'm referring to tab 2 of the Defence binder, pages 2023 to 2024.

20 Mr Ochen, you allude to the erosion of Acholi cultural values and practices as a result
21 of the conflict. Could you expand a little bit on what you mean by this?

22 A. [14:38:57] The war has significantly affected the Acholi culture, Acholi cultural
23 norms, Acholi cultural practices. As you heard from the Prosecution side, a lot of
24 things was happening within the rebel establishment which was different from what
25 was happening in the normal Acholi society. One that I want to say is that Acholi

1 culture does not sanction -- or by way of sanctioning, I mean does not accept the -- the
2 marriage of underage girls.

3 I've done extensive study on this as well, and the elders told me that there were
4 particular signs and symptoms which the Acholi would use to determine that a girl
5 was ready for marriage. And -- and the people who were trained to be able to
6 identify such, the elders, probably the aunties and others, knew how to do it. And
7 apparently there were physical signs. It wasn't just that somebody was big enough
8 for marriage, there must be other accompanying indicators, and they said that -- so
9 when I asked them, I said, "So what age would such a description then depict?" And
10 they told me that the age was between 19 and 24.

11 So according to most of the elders in the interviews, which I did in several parts of
12 Acholi, Gulu, Pader and, and Amuru, they, they indicated that -- I mean they all
13 seemed to agree that Acholi did not sanction the marriage of children.

14 So a girl in a traditional Acholi society who would be married would be between the
15 age of 19 and 24, which I expound on in my thesis as well, which he's been using.

16 And in my view then, I say that Acholi culture therefore, in one way or another,
17 promotes a realisation, United Nation Convention on the Rights of the Child.

18 Because of course the convention defines a child as anybody below the age of 18; that
19 means Acholi does not promote the marriage of under-age girls. The rebels went
20 ahead to sanction the sexual violation of girls who were quite young. Actually, from
21 the interviews with the escapees, that was the age of between 14 and 16 which, in
22 a normal Acholi society, it wasn't supposed to be that way.

23 Although, I want to put a footnote and add that over the last -- well, around the time
24 of the conflict and maybe a few years before, we already had cases of early marriage,
25 cases where girls would marry before they were 18, not necessarily under authority of

1 the rebels, but maybe because of other circumstances.

2 So what I'm trying to say therefore is that in this way, the rebels' action also reflected

3 to a certain degree some acts -- aspects of violation, which was also there in the

4 normal society.

5 So I'm not saying that the marriage of under-age girls wasn't happening in the normal

6 society, but it was more prominent in rebel captivity in that it was systematic and it

7 was almost the order of things, that most of the women who were -- the girls who

8 were given to men, they were below 18.

9 The other cultural things that probably the war affected is support to children.

10 Children were supported. Children were protected. The Acholi protect their

11 children very generously. There has been a bit of misrepresentation of the Acholi

12 community by some scholars, not just the Acholi community, not, not just children.

13 In some literature, you find people are saying that the Acholi are violent and they

14 beat their wives, beating women is accepted within the Acholi culture, but my -- my

15 own study and the study of a few other scholars from Acholi show that that is not the

16 case.

17 If anything, women in Acholi society enjoyed considerable power. They enjoyed

18 considerable agency. They enjoyed considerable power. A woman had control

19 over land, which sometimes we are made to think she is not. But in Acholi, in

20 a home when you go, because the Acholi community was polygamist in nature,

21 they'll tell you, "This is the garden of the mother of so-and-so. *Man poto pa Min Otim.*

22 *Man poto pa Min Okot.* This garden belongs -- is, this is the garden for the mother of

23 Okot. This is the garden for the mother of Otim."

24 In that way, no other person had the right of use over that land. Of course, what we

25 know is that land was not even owned by the people in that home, not even the man.

1 It was owned by the -- by the society, so by -- I mean, by -- by the clan. So the right
2 of use was there.

3 The Acholi woman had control over the food in the granaries and anybody will tell
4 you that the Acholi would put all the food in the granaries; a lot of food. All the
5 harvest, millet, the sim-sim, groundnuts and many others, and that in itself is a
6 symbol of power because somebody who controls food, control access to livelihood.
7 So a man was not expected to open the granary, but of course when the war came,
8 their homes were destroyed. Even the granaries were destroyed. So nowadays
9 we -- we hear cases of people going to steal things from granary. We hear cases of
10 men going to steal food in the granary and they sell it for drinking alcohol. Those
11 were abominations. This was abominable crime, which was seriously punished by
12 the clan. So those are some of the ways in which the war has actually affected the
13 culture.

14 Q. [14:45:33] Thank you, Mr Ochen. And just going back to your point about
15 Acholi culture, can you speak a little bit about the point you make about child-headed
16 families as a result of the conflict and the mass displacement?

17 A. [14:45:48] Okay. Child-headed families, what -- what I want to say is that the
18 phenomenon of child-headed families is a creation of the war. Before the war there
19 was nothing like child-headed families in Acholi. The Acholi culture and structure
20 and systems didn't allow that to arise, it only arose because, as I indicated earlier, the
21 culture had already been affected significantly by the war and some of the structures
22 and system which held the culture were destroyed. So a child-headed family is
23 a family where a child, someone who is below 18, is the biggest person in that
24 homestead, he fends for his or her own siblings. We have had cases where the eldest
25 child has been a girl, we have had cases where the eldest child has been a boy and

1 such a child is expected to fend for their family to ensure they have food, ensure they
2 have medication when they are unwell, and also to look for school fees. And in most
3 cases that we are aware of, many of those older children who act as the head of the
4 household would normally drop out of school because they needed to find a way of
5 supporting their other children -- I mean their other sibling, either through doing
6 petty work, petty jobs, farming, and doing all sorts of things.

7 And one of the reason why the child-headed family arose was because at the height of
8 the war, because the Acholi community became impoverished, there arose what I
9 could call artificial poverty in Acholi. The Acholi community was very rich, was one
10 of the richest in the country, with most households having several hundred heads of
11 cattle and one cattle is actually about 500 euros, one huge bull is about 500 euros, so
12 somebody who has 1,000 heads of cattle, 2,000, 300, the opportunity of making more
13 money from milk and other products.

14 So the Acholi community was not poor and all those resources -- and then the land,
15 you are aware, Acholi land is one of the most fertile in Uganda, so the land was able
16 to feed the people. But when the war came, the cattle were taken, the rebels ate
17 some. Not necessarily Kony, Kony rebels. I think they were initially eaten by the
18 very first rebel groups, the Alice Lakwena group and the Uganda People's Democratic
19 Army, which was the very first rebel, rebel groups. Many people signed agreement,
20 including my uncle, who also signed agreement with the group that when we take
21 over power we are going to give back your cattle, so he gave his 2 or 300 heads of
22 cattle.

23 Some were eaten by the NRA, the then soldier of the government soldiers, who
24 decided to -- I remember as a young child living in my home, you -- every evening we
25 would walk to the road and see soldiers herding hundreds of cattle coming from the

1 side of Awach, Onyama and all those other places on Kitgum road.

2 So all those resources were not there anymore, so many people -- and then of course
3 later on displacement also came, people -- everybody was made despondent. They
4 were made reliant on head. So nobody could take responsibility for the other
5 children within the wider community, maybe children of your dead brother, of your
6 late sister. So, we saw children being neglected, nobody seemed to care, and that's
7 how child-headed families actually came up, something which wasn't going to be
8 coming up if the system or the situation was the same as before the war.

9 Q. [14:50:09] And does this type of neglect continue till today?

10 A. [14:50:14] I don't know, I don't know. Yeah, you may call it any -- you may call
11 it a neglect, but I don't know whether the word we should use -- it is not wilful
12 neglect. I don't know. It is -- what word do I even say? I wouldn't want to say it
13 is inadvertent as well but what, what in social work you may call the concept of
14 professional helplessness. This is where, as a professional, you reach the end of your
15 tether, somebody has a problem and you don't seem to have any alternative that you
16 can provide for the person to explore. So probably that was the same case with our
17 communities. People may want to help inwardly, but they're empty-handed.
18 What is happening these days is that along the way many NGOs came up who started
19 supporting child-headed families, providing some kind of support, maybe paying
20 school fees, providing some help. And then of course in the IDP camps, the World
21 Food Programme of the United Nations singled out child-headed families for extra
22 support. And they were registered as, you know, households on their own, they
23 were among what they call, what World Food Programme call the EVIs, the extremely
24 vulnerable individuals, including the elderly, who were within the IDP camps as well.
25 Yeah, so that's what I would say.

1 Whether this is continuing up to today, most -- many of those children have, have
2 grown up with different, different fortunes and we -- these days maybe what is
3 emerging in northern Uganda, which is not directly related to the Kony war, may be
4 among the refugee community because of the war in South Sudan, there are still
5 child-headed families there, but within the community it's a little bit different now,
6 yeah.

7 Q. [14:52:30] Thank you. And, Mr Ochen, given your work with abducted
8 children, would you be able to tell the Court, if you are aware, of the impact of these
9 abductions on their education or schooling?

10 A. [14:52:49] On the education or schooling of children generally in the context or --

11 Q. [14:52:52] Children who were abducted by the LRA and returned?

12 A. [14:52:56] Oh, okay. I indicated earlier that of course many of these children
13 are abducted at a very young age, 9 to 10. For most of us in northern Uganda we
14 start school at 7, 6, 7 years. There are also children also who can start school at 8.
15 And so around that time -- well, I don't think the universal primary education
16 programme which made many children to go to school started around 1997. So
17 abduction started probably earlier. Yeah, so many of the children were abducted
18 when they had just studied for two years, P-1, P-2. Actually, most of them were
19 abducted in P-2. These are very elementary level, and for most of our communities
20 in the rural areas, there is no pre-primary education, so you go straight to P-1.
21 So, many of them were abducted at a time when they were barely able to read and
22 write, or understand English and other languages. So when they came back, they
23 came back of course when they had grown up, they were adults or they were early
24 teenagers and it was difficult taking them back to basic primary education.
25 So that explains why I said that some NGOs decided to then give them vocational

1 training, although in other cases some had to be given some basic functional and
2 literacy as well to be able to understand the concepts which were going to be taught
3 them in those vocational training courses.

4 Yeah, so the war significantly, the abduction significantly affected education of these
5 people, but many went ahead to learn the trades and a lot are actually deriving
6 livelihood from what they learned in vocational schools. We have had cases of
7 young women who train as tailoring, tailors, becoming good designers in their own
8 community, very, very good tailors with a very good clientele, getting contracts from
9 schools and, you know, getting several million Ugandan shillings from those
10 contracts.

11 And we have also had cases of -- there are also cases of abducted -- children who were
12 abducted in early secondary schools. I am aware of student were abducted from Sir
13 Samuel Baker school, which is one of the big schools in Gulu district. I think some
14 from St Mary's College Lacor as well some time back. If I'm not mistaken, Sacred
15 Heart, but of course St Mary's College Aboke. And many of these girls who were
16 abducted at secondary level, when they came back they went back to school,
17 including I think one of the most well known among the Aboke girls called Angela, I
18 think she's -- she's on the Internet. She's open about her background so mentioning
19 her name is not a problem. And now she's promoting the causes of children. She's
20 trying to support unaccompanied children or the children who were born in captivity
21 through a charity which she heads.

22 And we have had cases of girls who have gone to the university. I am not sure
23 whether Evelyn Amony went to the university, but there is a famous girl who wrote a
24 book, I am Evelyn Amony, and -- but we have had a few cases who are not
25 well known who have gone to universities in Uganda, Gulu, who have gone to do

1 diploma courses even in their adult, older age -- yeah, adult age really. Not older,
2 but adult, yeah.

3 Q. [14:56:35] And just a few final questions. You had mentioned the existence of
4 IDP camps in northern Uganda and I was wondering, during your time with GUSCO,
5 World Vision and Save the Children, if you happen to visit any of these IDP camps?

6 A. [14:56:53] That's another subject I have engaged with. I was probably one of
7 the, the very first people to do research on IDPs. When I was an undergraduate
8 student in Makerere University '96 to '99 my school undergraduate dissertation, a
9 piece of paper about 1,500 words was done on the subject of internal displacement,
10 so -- and the title was "Protected Yet Insecure", exploring the life of internally
11 displaced persons in Onyama IDP camp. Onyama IDP camp is on the road to
12 Kitgum, about 10, 12 kilometres. It used to be one of the closest internally displaced
13 peoples camp to Gulu town, but of course it had its own challenges as wells.
14 So, and also through my work with GUSCO, World Vision and also through my work
15 as a consultant over the years for the World Food Programme, the UN, UNDP, United
16 States Agency for International Development, War Child Holland, Save the Children
17 itself, and a few others, I was able to visit many of the IDP camps, including the
18 biggest, which was in Pabbo in present day Amuru district. I'm, and I'm aware of
19 the settings. I'm aware that, for the internally displaced persons camp, instead of the
20 army protecting people, it was the people protecting the army, which had a
21 detachment in the centre of the IDP camp and people were in the outlying areas, so
22 the rebels would come any time they want and they will get anybody they want.

23 Q. [14:58:35] And what were the living conditions like in these camps?

24 A. [14:58:40] It was horrible, it was horrible. If you visited northern Uganda, you
25 will realise that the Acholi community have some of the most elaborate homestead

1 layout. The Acholi community like a clean environment, they like to design their
2 compound, they -- and the arrangement in the compound was in a way that the main
3 house was of course far and different from the house -- houses or huts of boys. The
4 social context was that when a boy becomes older he has his own hut, which -- so he
5 had his own freedom from his parents.

6 Now this is a situation where everybody in the whole family, big, small alike, because
7 there is space. Like for Pabbo, it was about 1 and a half square kilometres where we
8 had a concentration of about 55,000 people. So people didn't have space to have
9 more than one small hut, so everybody, the whole family with their bigger children
10 would be put together in one house and -- and this was totally against culture and I
11 think that's one of the reasons which brought a lot of frustration in people and maybe
12 gave rise also to a lot of alcoholism and drunkenness in the IDP camp, which was the
13 case with most of the, the -- I will say the former providers, men. Men became
14 drunkards. At the end of the day it was the women, the mothers, who had to find
15 ways of making a living, of trying to complement the food supplement with the food
16 a head which was given which was not adequate.

17 The living condition affected a lot of people socially and in different ways. For the
18 first time in Acholi we had very high cases of incest, where fathers were caught
19 sexually abusing their own children, other relatives. Much as this used to happen, it
20 was very rare, an abominable thing, but the percentage in the IDP camp became big.
21 We have had studies where we were told over 1,000 people were dying per week in
22 the internally displaced persons camps, so a lot more people died as a result of the
23 internal displacement than from the bullets which were fired by the rebels. Yeah.

24 Q. [15:01:16] Thank you, Mr Ochen.

25 MS SEHMI: [15:01:17] Your Honour, I have no further questions.

1 PRESIDING JUDGE SCHMITT: [15:01:22] Thank you, Ms Sehmi.

2 Are there further questions by Defence? I don't assume it. Okay, thank you.

3 Mr Ochen, this concludes your testimony. On behalf of the Chamber, we would like
4 to thank you that you came to this court, to this courtroom - just wait a moment - and
5 helped us establish the truth.

6 You wanted to say something? Please.

7 THE WITNESS: [15:01:45] Yeah, I wanted to make one last statement, if I am
8 allowed?

9 PRESIDING JUDGE SCHMITT: [15:01:49] Of course, yes, do that.

10 THE WITNESS: [15:01:52] What I, what I want to say is that, as I indicated, I come
11 from northern Uganda. I'm an Acholi. I'm a victim of the conflict in ways that I've
12 tried to explain. I grew up in the conflict and I could be, possibly, the same age as
13 the accused. And there were many other people probably who were around my age
14 who also experienced war.

15 What I know, when you look at a child who is 9 to 12 at this point in time, such
16 a child is like an empty slate and that child can --

17 MR GUMPERT: [15:02:40] Your Honours, I'm sorry, but this unasked for comment
18 on the defendant himself is inappropriate and not evidence.

19 PRESIDING JUDGE SCHMITT: [15:02:51] No, I agree.

20 You can of course -- I gave you the floor because your whole testimony was very
21 elaborate and very insightful and interesting, not -- I'm not assessing it here,
22 but -- and you may, may speak on, but not, please don't comment on the trial as such
23 and on the accused, please.

24 THE WITNESS: [15:03:13] Okay, okay. Thank you.

25 PRESIDING JUDGE SCHMITT: We don't do that. Yes? Yes, okay?

1 THE WITNESS: Okay, thank you. I am not going to comment on the case and the
2 trial. Sorry, I apologise. I just want to talk about children generally because - if I
3 am allowed to do that - and talk about children at the point of abduction, is that
4 allowed?

5 PRESIDING JUDGE SCHMITT: [15:03:31] I think you have done that already. I
6 think we need not repeat that.

7 THE WITNESS: Okay. Okay.

8 PRESIDING JUDGE SCHMITT: You have done that on questioning by Mr Obhof.

9 THE WITNESS: [15:03:39] Okay. So maybe one last thing.

10 PRESIDING JUDGE SCHMITT: Yes.

11 THE WITNESS: What I want to say is that society is expected to protect children.
12 Many of the people who were abducted in northern Uganda, who found themselves at
13 the clutches of the rebels, were abducted against their will. They never wanted to
14 serve as child soldiers. The society which is normally expected to protect the
15 children failed them. The families failed them. The government failed them. We
16 all failed them.

17 And so in the same way now if we have to -- the same society now turn and says,
18 "Well, you would have escaped but you didn't escape", we are trying to blame -- what
19 I am trying to say is that it is a complex thing. Thank you.

20 PRESIDING JUDGE SCHMITT: [15:04:27] Okay. Thank you. I think that that's
21 okay, although it was relatively far reaching, but we are fine with that.

22 Again, Mr Ochen, we thank you that you have been coming to this courtroom to help
23 us establish the truth, and on behalf of the Chamber I would wish you a safe trip back
24 home.

25 THE WITNESS: [15:04:48] Thank you very much.

Trial Hearing
WITNESS: UGA-D26-P-0114

(Open Session)

ICC-02/04-01/15

- 1 (The witness is excused)
- 2 PRESIDING JUDGE SCHMITT: [15:04:49] This concludes the hearing for today.
- 3 We have been informed that the next witness is not available on Monday next week,
- 4 but perhaps on I think Thursday the week after, the 14th. So the hearing is
- 5 adjourned and we are expected to meet again on the 14th, 9.30, with D-86.
- 6 Thank you.
- 7 THE COURT USHER: [15:05:10] All rise.
- 8 (The hearing ends in open session at 3.05 p.m.)