

Article 56 Proceedings

(Closed Session)

ICC-02/04-01/15

1 International Criminal Court

2 Pre-Trial Chamber II - Courtroom 2

3 Situation: Uganda

4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15

5 Single Judge Cuno Tarfusser

6 Article 56 Proceedings

7 Tuesday, 15 September 2015

8 *(The proceedings start in closed session at 10.06 a.m.) Reclassified into open session

9 SINGLE JUDGE TARFUSSER: So good morning to everyone. We are ready, with
10 the half an hour of delay, to start our hearing under Article 56 of the Statute.

11 Before connecting with the field, I just want to summarise some things.

12 I would first ask the court officer to call the case.

13 THE COURT OFFICER: Thank you, your Honour. The Court is sitting in the case
14 of the Prosecutor versus Dominic Ongwen.

15 SINGLE JUDGE TARFUSSER: And then for the record I would ask the parties to
16 identify the teams.

17 The Prosecutor first.

18 MR GUMPERT: May I do so from a sitting position? Thank you.

19 My name is Ben Gumpert and I will be conducting the examination-in-chief of the
20 first witness, Witness P-0226. With me today: Adesola Adebeyejo, Shkelzen Zeneli,
21 Michaela Wagner and Ramu Fatima Bittaye.

22 SINGLE JUDGE TARFUSSER: Thank you very much.

23 Now the Defence, please.

24 MR ODONGO: Your Honour, my names are Krispus Ayena Odongo. Today, I
25 mean, I am the lead counsel, Defence counsel for Dominic Ongwen. And in court

1 I'm being assisted by Mr Thomas Obhof and Abigail and Philip Adonga. The
2 accused brother Dominic Ongwen is in court.

3 SINGLE JUDGE TARFUSSER: Okay. Thank you very much.

4 As this is a hearing, closed session, for which protective measures apply, it must be
5 put on record also the presence of Mr Silvestro Stazzone and Mr Simon Grabovec,
6 legal staff of the Pre-Trial Division, on my right and my left. So is Uros Mijuskovic
7 and Edin Kofrc, court officers.

8 We are here today pursuant to decision number 227 confidential of 27 July 2015, by
9 which I as Single Judge granted the Prosecutor's request to take measures to preserve
10 evidence under Article 56 of the Statute. The Prosecutor's requesting filing is
11 number 256 confidential of 26 June 2015.

12 In short, in that decision I considered, as submitted by the Prosecutor, that the
13 environment of pressure to which Witness 226 and Witness 227 have been subjected,
14 as demonstrated in particular by a specific episode which took place in early
15 June 2015, could result in the witness being no longer able and willing to testify freely
16 before the Court or in the genuineness of their testimony being tainted.

17 I therefore agreed with the Prosecutor that there existed a risk that the testimony from
18 Witnesses 226 and 227 may not be available subsequently for the purpose of the trial
19 within the meaning of Article 56 of the Statute.

20 I also considered in line with Article 68(1) in conjunction with Article 69(2) that the
21 two witnesses would require specific protective measures as a result of the nature of
22 their alleged victimisation and that there was benefit in completing the witnesses'
23 involvement with the Court as soon as possible so as not to force them to keep
24 reliving their victimisation for a long period of time.

25 I set the day of today for the commencement of the taking of the testimony of the two

1 witnesses in order to provide the Defence with sufficient time to prepare while
2 bearing in mind the identified risk to the availability of genuineness of the evidence.
3 In this respect, I recall that the written statements of the two witnesses collected by
4 the Prosecutor were made available to the Defence and to the Chamber at the latest on
5 26 June 2015.

6 And just for the record, the statements bear the identification number
7 UGA-OTP-235-251 and UGA-OTP-236-583 to 589 for Witness 226, and
8 UGA-OTP-235-125 to 146 for Witness 227.

9 I recall, once again, as stated in the decision 277 confidential and repeated in decision
10 287 confidential, that the taking of the testimony of the two witnesses is done only for
11 the purpose of preserving their evidence without prejudice to the eventual use of that
12 evidence in the proceedings, whether the present or separate ones.

13 As I observed in these previous decisions this is a unique investigative opportunity
14 under Article 56 of the Statute which is applicable at any stage of the investigation, so
15 it could occur, as it is the case today, independently from the formulation of the
16 charges of the Prosecutor.

17 The transcripts and video recording of the testimonies of the two witnesses will be
18 registered in the course -- in the record of the case.

19 If the charges are confirmed and the evidence obtained at this hearing were to be
20 relevant to those charges, it will then be the Trial Chamber, in accordance with Article
21 69(2), to decide whether to permit at trial the use of the recorded testimony of the two
22 witnesses. And in any case, if the Trial Chamber admits this evidence, it will be that
23 Chamber also to determine its weight.

24 Of course either party may rely on this evidence also for the purpose of Confirmation
25 of Charges hearing if they wish so. If neither party includes this evidence in its list

1 under Rule 121(3) and (6) of the Rules, the Chamber, if it considers this evidence
2 relevant to the charges that will be presented by the Prosecutor, may in any case take
3 it into account after giving the parties the opportunity to make any relevant
4 submission.

5 As all relevant procedural matters were either already addressed in these decisions, in
6 decisions number 277, 287 and 293 confidential, or are for the determination of Trial
7 Chamber in the course of any trial, I expect no preliminary procedural issues as to the
8 nature, scope and purpose of this hearing.

9 As far as the procedure for the taking of the testimony is concerned of the two
10 witnesses, already in decision 293 confidential of 18 August 2015, I have indicated
11 some basic general principles for the conduct of this hearing; namely, the witness will
12 be first questioned by the Prosecutor and after by the Defence. I will ensure the
13 efficiency, focus and relevance of examination by both parties. I would ask the
14 parties for this purpose to ask clear, non-leading questions. Upon request I may
15 authorise that the witness's memory be refreshed. I may also authorise the
16 re-examination of the witness. The parties may show pertinent documents to the
17 witness with a view to elicit comments.

18 Let me add that this particular -- and this is particularly important given the nature of
19 the victimisation of the two witnesses that I will not allow questions or, more
20 generally, a conduct of the examination which may prejudice in any way the
21 psychological well-being and the dignity of the witnesses. If possible, I will request
22 that any such question be reformulated in a more appropriate way; otherwise, I will
23 simply not allow the question and ask you to continue the question in other matters.
24 Also bear in mind that in accordance with Rule 70 and 71 of the Rules, evidence of the
25 prior or subsequent sexual conduct of a victim or witness is not admissible.

1 I recall also that pursuant to Rule 74 of the Rules, the witnesses may object to making
2 any statement that might tend to incriminate them unless required by the Chamber in
3 particular circumstances and after providing an assurance under Rule 74(3)(c). Be
4 aware that I'm minded not to require the witness to answer questions the answer to
5 which might tend to incriminate them.

6 As you know we will be conducting this testimony with the assistance of an Acholi
7 interpreter, so it is important that we speak slowly, clearly and allow the time for
8 interpretation. In particular, we should all, me included, observe the five-second
9 rule to give the time to the interpreter.

10 Let me say one more thing before starting the video link. It's just a statement of
11 mine and I don't intend to have any discussion or litigation on that. I was informed
12 by the VWU that during the courtesy meeting with Witness 226, facilitated by the
13 VWU, you, Mr Odongo, addressed the witness in Acholi and made certain statements
14 which according to the VWU caused some distress on part of the witness. I refer in
15 particular to repeated statement that Dominic Ongwen was the witness's brother. It
16 seems that this sort of upset the witness. Obviously, this was not the purpose of this
17 courtesy meeting, which I was very reluctant to allow, as you know, organised by the
18 VWU. I want to make it clear that we take this matter very seriously and that I will
19 not tolerate any kind of pressure on the witness even if done subtly.

20 Having said this, I now request the Registry to start the video link. I think there
21 shouldn't be any discussion. We go straight to the video link.

22 (Pause in proceedings)

23 SINGLE JUDGE TARFUSSER:

24 Good morning to Kampala. Can you hear me?

25 (Redacted): (Via video link) Yes, we can hear you.

- 1 SINGLE JUDGE TARFUSSER: Hello.
- 2 (Redacted): (Via video link) Hello, good morning.
- 3 SINGLE JUDGE TARFUSSER: Good morning, hello. So good morning to Kampala.
- 4 I would like to start by identifying the persons assisting us today in the room in
- 5 Kampala. The VWU representative, the interpreter, can you please proceed to
- 6 identify yourself.
- 7 (Redacted): (Via video link) Yes. My name is (Redacted).
- 8 SINGLE JUDGE TARFUSSER: And you are --
- 9 (Redacted): (Via video link) I'm from VWU.
- 10 SINGLE JUDGE TARFUSSER: So a staff member of the ICC?
- 11 (Redacted): (Via video link) Yes.
- 12 SINGLE JUDGE TARFUSSER: Okay.
- 13 (Redacted): (Via video link) A staff member of the ICC and I will be the
- 14 (inaudible).
- 15 SINGLE JUDGE TARFUSSER: The interpreter?
- 16 THE INTERPRETER: (Via video link) I'm (Redacted), the interpreter.
- 17 SINGLE JUDGE TARFUSSER: Okay. Thank you very much.
- 18 I would like now to welcome the witness in this proceeding, (Redacted), which is
- 19 called to testify in the context of the Prosecutor's investigation into crimes allegedly
- 20 committed in Uganda.
- 21 Good morning, (Redacted).
- 22 WITNESS: UGA-OTP-P-0226
- 23 (The witness speaks Acholi)
- 24 (The witness gives evidence via video link)
- 25 THE WITNESS: (No interpretation)

1 SINGLE JUDGE TARFUSSER: I am the Judge in these proceedings and it is my duty
2 to make sure that they run well, these proceedings run well. If at any point you have
3 concerns, you would like a break, you are tired, you are not at ease, just tell me, okay?

4 THE WITNESS: (Interpretation) I understand.

5 SINGLE JUDGE TARFUSSER: Okay. Obviously as a witness in these proceedings
6 it is your duty to tell the truth, so before we start with the testifying, with the
7 questions, you are required by law to make a solemn undertaking to this effect.
8 So I would ask you to repeat the following words: I, (Redacted), solemnly
9 declare.

10 THE WITNESS: (Interpretation) I, (Redacted).

11 SINGLE JUDGE TARFUSSER: Solemnly declare.

12 THE WITNESS: (Interpretation) I swear, I solemnly swear.

13 SINGLE JUDGE TARFUSSER: That I will speak the truth.

14 THE WITNESS: (Interpretation) That I shall speak the truth.

15 SINGLE JUDGE TARFUSSER: The whole truth.

16 THE WITNESS: (Interpretation) The whole truth.

17 SINGLE JUDGE TARFUSSER: And nothing but the truth.

18 THE WITNESS: (Interpretation) And nothing but the truth.

19 SINGLE JUDGE TARFUSSER: I have also to inform you that giving false testimony
20 is an offence before the Court and therefore punishable as such. Do you understand
21 that?

22 THE WITNESS: (Interpretation) I understand.

23 SINGLE JUDGE TARFUSSER: You must also understand that you can object to
24 answer a question if this question might tend to incriminate you. Do you
25 understand?

1 THE WITNESS: (Interpretation) I understand.

2 SINGLE JUDGE TARFUSSER: So if you object, I will decide whether you should
3 nevertheless answer, and if necessary, you will be given a counsel to give you legal
4 advice. Do you understand?

5 THE WITNESS: (Interpretation) I understand.

6 SINGLE JUDGE TARFUSSER: So now for identification, I will ask you some short
7 questions and then give the floor first to the Prosecutor and then to the Defence and
8 they will ask you questions. So first of all I would like that you state your name.

9 THE WITNESS: (Interpretation) My name is (Redacted).

10 SINGLE JUDGE TARFUSSER: And where were you born and when?

11 THE WITNESS: (Interpretation) I was -- I was born in Patiko in Lukome in 1991.

12 SINGLE JUDGE TARFUSSER: And where do you live now?

13 THE ACHOLI INTERPRETER: The witness is not audible.

14 SINGLE JUDGE TARFUSSER: She didn't hear?

15 THE ACHOLI INTERPRETER: It's not clear.

16 SINGLE JUDGE TARFUSSER: No, I -- it doesn't come. I --

17 THE ACHOLI INTERPRETER: Right now -- it's come through.

18 THE WITNESS: (Interpretation) Right now I live in Gulu town.

19 SINGLE JUDGE TARFUSSER: Okay. Thank you. Now, I have finished with my
20 questions for the time being. Now, if you feel comfortable to proceed, we can start
21 with the questioning of the Office of the Prosecutor. Are you okay with this?

22 THE WITNESS: (Interpretation) That's fine with me.

23 SINGLE JUDGE TARFUSSER: Then I give the floor to the Office of the Prosecutor.

24 QUESTIONED BY MR GUMPERT:

25 Q. Can you hear me, Madam Witness?

1 A. Yes, I can hear you.

2 Q. You've just told His Honour the Judge the location where you were born, but it
3 hasn't come out very well in the transcription. Could you repeat the name of the
4 place, please?

5 A. I was born in Patiko Cetk—ana which is in Lukome.

6 Q. How long did you live in Patiko Cetkana as a child?

7 A. For seven years. I lived there for seven years.

8 Q. Did you start school during that time?

9 A. Yes, I'd started school at the time. I had -- I started my education in Lukome
10 and then subsequently sent to (Redacted).

11 Q. I want to ask you about the last day that you spent at your home at the end of
12 that seven-year period you've spoken of. Can you remember that day?

13 A. I do not remember.

14 Q. I'm not asking you to give us the date, I'm asking you whether you can
15 remember the events which happened on that day.

16 A. That day I woke up early in the morning and I sat outside. I saw soldiers
17 coming to our home and I was abducted.

18 Q. Thank you. Who else was living in your home on this day?

19 A. My mother and my sisters. My mother was also around.

20 Q. There may have been some confusion there. Could you just repeat the family
21 members who were also living in the same house as you on that day.

22 A. My mother, my sisters, my mother and my sisters, my brothers and my father.

23 Q. How many sisters?

24 A. Five sisters.

25 Q. Does that include you?

- 1 A. Yes. Yes, I was.
- 2 Q. How many brothers?
- 3 A. Two brothers.
- 4 Q. You've told us that you saw soldiers coming to your house on that day. Can
5 you tell us roughly how many soldiers you saw?
- 6 A. There were about 50 soldiers.
- 7 Q. What were they wearing?
- 8 A. Army uniform, camouflage. It was green camouflage.
- 9 Q. Had you ever seen these kind of uniforms before?
- 10 A. The government soldiers also wear a similar kind of uniform.
- 11 Q. Did you think these were government soldiers?
- 12 A. I did not think they were government soldiers because they had goats, they
13 were carrying goats and they also had other things that seemed to have been looted.
- 14 Q. You've told us that you were abducted by these soldiers. How many people
15 approximately were abducted?
- 16 A. My sister, myself and my uncle's son, uncle's child.
- 17 Q. What's the name of the sister who was abducted with you?
- 18 A. Her name is (Redacted).
- 19 Q. And your uncle's child, your uncle's son, what's his name?
- 20 A. (Redacted), but I do not know the other name.
- 21 Q. Where were you when you were abducted?
- 22 A. I was at home. We were sitting around a fireplace outside.
- 23 Q. And where were your mother and father?
- 24 A. My father was inside, but my mother was outside peeling cassava.
- 25 Q. The soldiers who came to your home, did you hear them speaking at any time?

1 A. Yes, I did. I heard them.

2 Q. What language were they speaking in? Did you recognize it?

3 A. They were speaking Acholi.

4 Q. Apart from the goats and the goods which looked as though they had been
5 looted, did the soldiers have anything else with them, any other objects?

6 A. They had jerrycans. There were other things that I did not actually take that
7 much notice of.

8 Q. Apart from their uniforms, did they have anything with them which made you
9 think they were soldiers?

10 A. They had guns as well.

11 Q. You've told us that you were sitting around a fireplace outside your home.

12 What was the first contact you had with the soldiers who had arrived?

13 A. They came to our home. I did not actually meet them, but they came to our
14 home and abducted me from there.

15 Q. I want you to spell out for us in detail how you were actually abducted. Was it
16 by words, by gestures, in some other way?

17 A. They arrived and they asked me -- they told me, "Little girl, stand up." And I
18 refused. They took out a gun and told me that I should get up.

19 Q. Can I ask you to be precise. I apologise, but when you say "they", was this one
20 person or more than one person who said these words and who took out a gun?

21 A. One person told me to get up and that's when I got up and started walking.

22 Q. And as you were walking, in accordance with the instructions you had been
23 given, where were your parents? Could you see or hear them?

24 A. When I was told to get up and start walking, my mother tried to stop them and
25 told them that they should not take me, how could they take both of us. They

1 told my mother to keep quiet. And as we were moving away I heard my mother
2 crying.

3 Q. When the soldiers -- I beg your pardon. When your mother spoke of them
4 taking both of you, who did you understand her to be referring to?

5 A. Well, I'm not sure.

6 Q. Apart from you, your sister and your uncle's son, were any other people
7 abducted that day?

8 A. They arrived with other people who had been abducted from elsewhere, but I'm
9 not sure where they came from.

10 Q. Approximately how many other people who had been abducted?

11 A. Well, I cannot approximate.

12 Q. Can you tell us whether it was closer to 10 or closer to a hundred?

13 A. Less than a hundred, not more than a hundred, but less -- approximately 20 or
14 under.

15 Q. What happened to your sister, (Redacted)?

16 A. As we were walking, when I came back I was informed that (Redacted) had been put
17 in a -- in a house and given a chicken and she was told to stay there with the chicken.

18 Q. Madam Witness, I want to make a clear difference between things that you saw
19 and things that you may have been told.

20 On the day that you were abducted, let's start with that, you've told us that you and
21 your sister were taken at first. Did your sister continue to be abducted with you that
22 day or not?

23 A. My sister was abducted on that day, but I was in front and she was behind.
24 She did not actually go that far.

25 Q. And as I understand it, you were later told what happened to her; is that

1 correct?

2 A. Yes, that's -- that's correct.

3 Q. By whom?

4 A. When I -- when I came back, my sister actually told me about it because she's
5 still -- she's still around, she's still alive.

6 Q. So approximately how long after the day of your abduction did your sister tell
7 you what she told you?

8 A. It was in 2003 when I was injured and came back.

9 Q. Did your sister tell you anything about why the soldiers had not abducted her
10 any further?

11 A. My sister told me that they told her that she was ugly and that's it.

12 Q. Tell us a little bit more about the other people in the group which you became
13 part of, the group of abducted people. Can you tell us the age range of those other
14 people?

15 A. The people in the group were aged approximately 15 and under. They were
16 young people.

17 Q. You've told us that you were 7 on that day. Were there members of the group
18 who were younger than you?

19 A. I believe I was the youngest.

20 Q. How old approximately do you think the next oldest after you was?

21 A. You mean the next older person?

22 Q. Yes. Yes, the second youngest.

23 THE ACHOLI INTERPRETER: I did not get the response. Can you repeat?

24 THE WITNESS: (Interpretation) From 10 years onwards.

25 MR GUMPERT:

1 Q. At the time of your abduction did it seem to you that any person was in charge
2 of the soldiers who had come to your village?

3 A. No, I did not think of that because I was not aware. I did not know.

4 Q. You knew that the soldiers weren't government soldiers because of the objects
5 they had with them, the goats and the things that looked as though they had been
6 looted. Who did you think the soldiers --

7 A. Yes.

8 Q. Sorry. Who did you think the soldiers were?

9 A. As I witnessed my mother's fear, I believe that they were bad people.

10 Q. Did you have a name or an organisation in your head, in your thoughts at this
11 time as you were being abducted?

12 A. Yes, I did.

13 Q. Tell us that name.

14 A. They were called Lakwena.

15 Q. Did they have any other name?

16 A. It was only when I got there, when I arrived where we went, that I found that
17 they were also referred to as Holy.

18 Q. I want to ask you some questions about your journey now. How did you
19 travel on that journey once you had been abducted by the soldiers?

20 A. We -- we walked through the bushes heading towards Pawel.

21 Q. What did you have with you, if anything?

22 A. I was carrying luggage. I had salt.

23 Q. Where did the -- come from?

24 A. When we were told -- when I was told to start moving one of the ladies gave me
25 the luggage to carry, but I do not know who the lady is.

- 1 Q. Was it a small amount of salt, medium sized, a lot of salt?
- 2 A. It was -- it was a big plastic bag of salt. They took a little bit of it out of the bag.
- 3 Q. Do you know why they did that?
- 4 A. I believe it had already been used.
- 5 Q. What about the other people who had been abducted, did they have things with
- 6 them, luggage?
- 7 A. Yes, they also had luggage, but I do not know what they were carrying.
- 8 Q. Can you remember roughly how long it took you to walk to Pawel?
- 9 A. No, I cannot -- I cannot recall that.
- 10 Q. What could you see when you arrived in Pawel?
- 11 A. We found soldiers drinking. When the soldiers saw us they fired some
- 12 gunshots and then they ran off.
- 13 Q. Can you help us. What kind of soldiers these who were drinking?
- 14 A. They were government soldiers.
- 15 Q. When you left Pawel, where did you go next?
- 16 A. Well, we walked, continued towards the bush. We -- I do not know where the
- 17 place is, but once we arrived there we settled and started cooking.
- 18 Q. I'll come back to the cooking. I want to concentrate on the walking first.
- 19 What was the weather like?
- 20 A. It was the rainy season, but it wasn't raining at that time.
- 21 Q. Was there any result of you carrying the salt with you?
- 22 A. Yes, there were -- there was some results.
- 23 Q. Tell us what they were.
- 24 A. When we left the place that we had settled, it started raining. When the -- with
- 25 the rain, I had sores on my head.

1 Q. I want to make sure we've understood. What was it that was causing the sores?

2 Was it just the rain?

3 A. It was the salt, the salt was leaking onto my head.

4 Q. I want to ask you now about things that other people in the group were carrying.

5 Not luggage. Were people carrying anything apart from luggage that you

6 remember?

7 A. Yes, they were.

8 Q. What things?

9 A. They had long guns that people were carrying in pairs.

10 Q. What did the reason seem to be to you that people were carrying guns in pairs?

11 A. The guns were quite -- the guns were big and heavy. One person could not

12 carry the gun on his or her own.

13 Q. Now, you've told us that you stopped at a location and I think you said that

14 people started cooking; is that right?

15 A. Yes, that's correct.

16 MR ODONGO: Could the Prosecution rephrase the question about what he said,

17 what the witness thought -- the reason the witness thought for two people carrying

18 the guns. I think it was speculative for him to say: Why do you think they needed

19 two people to carry the gun?

20 SINGLE JUDGE TARFUSSER: (Microphone not activated)

21 THE ENGLISH INTERPRETER: President's microphone.

22 SINGLE JUDGE TARFUSSER: Sorry. Well, I don't think it's very speculative, but if

23 you rephrase it, I mean, the question would be better. Thank you.

24 MR GUMPERT: I confess, I'm slightly at a loss as to rephrasing on this matter. If

25 the question was thought improper, then it can be stricken from the record. I

1 wanted to establish how big the people carrying these things were and how big the
2 things being carried were. If the Court thinks the witness's reason -- well, suspected
3 reason is improper, I withdraw that question.

4 SINGLE JUDGE TARFUSSER: Well, I think this could be the question: How big
5 the people carrying these things were and how big these things suspect -- these things
6 were they carried. So this could be the rephrased question.

7 MR GUMPERT: Very well.

8 Q. Madam Witness, the guns which you've talked about, how big were they?

9 A. The guns were big. The guns were big. If they had to be fired, you had to
10 place them on the ground before they are fired.

11 Q. And what about the size of the people carrying them, were they big or small?

12 A. They were not that old, maybe around about 16.

13 Q. Thank you. I'll move on.

14 The place where you stopped and where people were cooking, do you know where
15 this was?

16 A. It was after Pawel, but I'm not sure because it was after Pawel. There's only
17 Pawel that I knew.

18 Q. That's fine, but perhaps you can help us in this way: In which direction were
19 you travelling?

20 A. We walked westwards, but then we turned.

21 Q. And once you had turned, in which direction were you walking?

22 A. Well, I'm not really sure where we were headed after that.

23 Q. Very well. At the place where you stopped where people were cooking, did
24 you have any conversation with anyone?

25 A. Yes, I did.

1 Q. Did you know the name of the person at that time to whom you spoke?

2 A. No, I did not know their names.

3 Q. Had you seen that person, the person to whom you spoke, at any time before
4 this conversation?

5 A. No, I had never met this person before.

6 Q. There may be a misunderstanding there. I'm not asking if you had met that
7 person but whether you had seen them at any time previously.

8 A. No, I had never seen the person and I had never met the person.

9 Q. Did you come to know the name of the person with whom you had a
10 conversation?

11 A. Yes, I did.

12 Q. How did you come to know that person's name?

13 A. I asked somebody who had been abducted, they had been there longer than
14 myself, and then the person told me.

15 Q. And what was the name?

16 A. I was informed that he was Dominic Ongwen.

17 Q. Did people use any other name or expression to refer to Dominic Ongwen?

18 A. Yes, there were other names.

19 Q. Can you tell us what those names were?

20 A. He was called Lapwony.

21 Q. I take it that's an Acholi word. Does it have a meaning in English?

22 MR GUMPERT: Perhaps the interpreter can help us.

23 THE ACHOLI INTERPRETER: Lapwony means teacher.

24 MR GUMPERT: Just for clarity, and it's probably my ignorance, are we talking
25 about the name which is at number 6 on the list which I have prepared which is spelt

1 L-A-P-W-O-N-Y?

2 THE ACHOLI INTERPRETER: Yes, we are.

3 MR OBHOF: Objection, your Honour. A question please. Is Mr Gumpert asking
4 the interpreter to tell us the meaning or the witness to tell us the meaning of this
5 word?

6 MR GUMPERT: The interpreter.

7 MR OBHOF: The interpreter is not a witness, your Honour. We're not --

8 SINGLE JUDGE TARFUSSER: Yes, but I think this is something which it's not in
9 discussion, it's a meaning of a word. I mean, I think it's quite clear that the witness
10 referred to this word. Now it's just the way it is spelled also because in the transcript
11 it was spelled in a different way. So I don't think we should question this too much.

12 MR OBHOF: Okay.

13 SINGLE JUDGE TARFUSSER: Thank you.

14 MR GUMPERT:

15 Q. Tell us about the conversation between you and Dominic Ongwen.

16 A. He asked for my name, my father's name, my mother's name and where I'm
17 from.

18 Q. Did you answer his questions?

19 A. Yes, I did.

20 Q. Truthfully?

21 A. Yes, I told the truth.

22 Q. Before I move on, I want to go back to the time when you were actually
23 abducted from your home village. Tell me about the trees near or in your village.
24 Are there any particularly prominent trees?

25 A. Yes, there are.

1 Q. What kind of trees?

2 A. Mango trees.

3 Q. I want you to think back very carefully to the day and the time when you were
4 abducted. What was happening around the mango tree at that time?

5 A. I saw Odomi standing under the mango tree with other people, but at that time
6 I did not know he was Odomi.

7 Q. Just one or two questions to make things clear. I think that the word you've
8 just used a moment ago was "Odomi." Did I hear it correctly?

9 A. Yes. I did not write his name in the written statement, but then later on when I
10 learnt his name, yes.

11 Q. And this name Odomi, who was this person? Do you know other names for
12 Odomi?

13 A. Yes, Ongwen.

14 Q. Another clarification: You say that Ongwen was standing under the mango
15 tree when you were abducted and you said "with other people." Tell us about the
16 other people. Who were they?

17 A. I think some of them were his colleagues and some of them were escorts.

18 Q. Tell us about the escorts. How old were the escorts as far as you could judge?

19 A. The oldest was 15 and younger.

20 Q. And the youngest, how old do you think?

21 A. Ten years old.

22 Q. Boys or girls or both?

23 A. Boys.

24 Q. What were they wearing?

25 A. Some of them had uniforms on and other civilian clothing, but they had guns.

1 Q. Thank you. So you've told us about the conversation between you and
2 Dominic Ongwen. Was anything else said apart from his questions and your
3 answers?

4 A. No, nothing else was discussed.

5 Q. After this halt where people cooked some food and you had this conversation,
6 where did you go next?

7 A. Well, I'm not sure where we went to because they were walking through the
8 bushes, so I do not have a clue where we went.

9 Q. Where did you end up; do you know that?

10 A. I think we went towards Kitgum, but it was all in the bushes, all through the
11 bushes.

12 Q. How long were you walking for do you think?

13 A. Well, what I heard from people that we spent one month in Uganda and then
14 we went to Sudan.

15 Q. And help us, which people did you hear this from and when did you hear it?

16 A. Well, with respect to Sudan, I heard Odomi speaking via radio call to Joseph
17 Kony. He'd asked me to take him drinking water and I asked him -- I heard him
18 speaking to Joseph Kony and telling him that they should come to Sudan after one
19 month.

20 Q. You've told us that you knew Dominic Ongwen's name by this time. How did
21 you know the name of the person he was talking to over the radio?

22 A. I asked and I was informed.

23 Q. During this period of walking, which you were told was a month or so, how
24 were you feeling?

25 A. I was exhausted because I had -- my stomach was -- I had wounds, sores in my

1 stomach, I had -- my feet were aching, and my head, my head was also aching. I was
2 exhausted.

3 Q. Did you ever say anything about feeling exhausted?

4 A. Yes, I did. I told them that I was tired and I wanted to rest.

5 Q. Who did you tell this to?

6 A. I -- I told the boys who were at Odomi's home because that's where I was, I was
7 at Odomi's home.

8 Q. Can you just make that clear for us. When you say at his home -- as I
9 understand it, this conversation with the boys is taking place on the journey; is that
10 correct?

11 A. There were boys who were -- who were guarding us so that we could not escape
12 while walking, and I informed one of the boys that I was tired.

13 Q. What was his answer?

14 A. He told me that if I wanted to take a rest, I should go sit under the tree and
15 that's it, that's where I would be left.

16 Q. What did you understand would happen to you if you went and sat under the
17 tree and went no further?

18 A. When I heard that, I thought that they would kill me because other people told
19 me and I also saw other people being killed when they said they were tired.

20 Q. Can you tell us how many people you saw being killed who were tired?

21 A. I saw one girl who had swollen legs and she said she was tired so they killed
22 her.

23 Q. Who killed her?

24 A. The boys that were guarding us.

25 Q. How did they kill her?

1 A. The girl was hit behind the head.

2 Q. Who was the commander of the boys who carried out this killing?

3 A. I -- I do not know his name, but he's -- he died.

4 Q. And who was the commander of the group, the whole group, that you had been
5 abducted by?

6 A. It was Odomi.

7 Q. Where was he at the time of this killing?

8 A. I did not see him then. I do not know whether he was at the back. I did not
9 see him. I don't know where he was.

10 Q. So far as you are aware, did he leave the group that you were travelling with at
11 any time during the journey?

12 A. No, he was constantly present.

13 Q. You've told us that he was the commander of the group. How was it that you
14 knew that he was the commander?

15 A. He was the one who was giving orders and he was the one who was following
16 people whenever people were walking. But he was the one giving orders.

17 Q. Tell us about the clothing that Dominic Ongwen was wearing.

18 A. He always had a uniform on and he had dreadlocks as well.

19 Q. Was there anything special about the uniform?

20 A. Yes, he had ranks on his shoulders.

21 Q. I think I understand what you mean by "ranks," but could you just explain a
22 little more what you mean when you say "he had ranks on his shoulders"?

23 A. I did not understand that question very well.

24 Q. Let me ask it another way. Can you describe shapes, colours, that sort of thing,
25 what you could see on Dominic Ongwen's shoulders?

1 A. Well, what I saw, he had -- there were -- there was a rope and then he had some
2 stones on his shoulder.

3 Q. Thank you. I'll move on.

4 I want to ask you about what happened when you arrived in Sudan. What was the
5 first thing that you can remember once the group were in Sudan?

6 A. Well, when we arrived in Sudan, an old man arrived with shea butter and
7 smeared it on our hands and on our legs.

8 Q. Can you help us with what shea butter is?

9 A. My understanding of shea butter is that it's used for cleansing, it's used for -- as
10 a cleansing remedy. And once you -- they smear shea butter on your body, then
11 you're cleansed.

12 Q. So that's what it's used for, but I want to understand what it actually is. Where
13 does it come from? What sort of a substance is it?

14 A. Shea butter is from -- it's from a tree and they take the oils out of the seeds.

15 Q. Thank you. Now, who was it that this substance --

16 SINGLE JUDGE TARFUSSER: Excuse me, just a moment. Because it's now one
17 hour and a half, I think, are you tired? Would you go for a rest for a half an hour?
18 Is that okay?

19 THE WITNESS: (Interpretation) I'm not yet tired.

20 SINGLE JUDGE TARFUSSER: So if it is okay also for the interpreters to go for the
21 two hours, would that be possible? And then we take the break, so -- also because
22 we have to change the registration.

23 THE ENGLISH INTERPRETER: From the interpreters, your Honour, there are only
24 two Acholi interpreters and it would be difficult for them to go beyond one and a half
25 hours. Thank you.

1 SINGLE JUDGE TARFUSSER: Okay. So, Madam Witness, we have to take care
2 also for the interpreters. They are tired. You are not, lucky you. So I have to stop
3 in any case to give to the interpreters and to you a half an hour in order to rest and
4 then we— resume in half an hour time. Is that okay?

5 THE WITNESS: (Interpretation) Yes, that's fine.

6 SINGLE JUDGE TARFUSSER: Okay. So the hearing is suspended and we will
7 resume at 12 o'clock. Thank you very much.

8 THE COURT USHER: All rise.

9 (Recess taken at 11.30 a.m.)

10 *(Upon resuming in closed session at 12.03 p.m.) Reclassified into open session

11 SINGLE JUDGE TARFUSSER: So here we are again.

12 (Redacted), you're okay?

13 THE WITNESS: (Interpretation) I'm okay. I'm fine.

14 SINGLE JUDGE TARFUSSER: Okay. Then we continue with the Prosecutor's
15 question, okay?

16 MR GUMPERT:

17 Q. Madam Witness, you told us about the arrival of an elderly man, an old man
18 who came and smeared shea butter on your hands and legs. Who were the people
19 who were being smeared with this substance?

20 A. These were girls who were kidnapped who were smeared with shea butter oil.

21 Q. How many girls approximately?

22 A. They were not -- there were not very many. Unable to estimate.

23 Q. What was the age range of this group of girls?

24 A. The oldest was 15, and there was 10 year old and then I was the youngest.

25 Q. And it was just girls as I understand it, no boys?

1 A. It was just girls, not boys. Boys were not smeared.

2 Q. And how had this event been organised? Who had made it known that it
3 should be just girls?

4 A. I did not see anybody giving these instructions, but they just started smearing
5 us with this oil.

6 Q. Apart from the old man who was doing the smearing, who else was present?

7 A. When the man finished, then I saw Joseph Kony come to select girls.

8 Q. How did you know this person was Joseph Kony?

9 A. I learnt about this later, much later.

10 Q. Was there anyone else present when Joseph Kony came to select the girls?

11 A. Odomi was also there and there were other commanders as well. I learnt
12 about the identities later.

13 Q. Which other commanders whose identities you learnt later were present?

14 THE ACHOLI INTERPRETER: There is no sound coming through.

15 MR GUMPERT: I'm going to ask my question again.

16 Q. Which other commanders whose identities you learnt later were present?

17 A. Ottilagony, deceased.

18 THE ACHOLI INTERPRETER: I did not get the name of one of the people
19 mentioned. Could the -- could she please repeat this.

20 MR GUMPERT:

21 Q. I'm asked if you could say those names very slowly again, please.

22 A. Ottilagony was one of them. There was Okello director.

23 Q. Any other names you can give us?

24 A. No, I do not know any other names.

25 Q. What were you wearing at this time during this selection process?

1 A. When I was abducted I was in my school uniform. As we were walking along,
2 I was given a black dress to put on top of my -- to wear on top of my school uniform.

3 Q. As I understand it, you had been walking through the bush for a month. What
4 kind of condition were you in?

5 A. We were walking through burnt -- burnt shrubbery and my clothes hadn't had a
6 bath and my clothes were very dirty.

7 Q. You mentioned earlier that you had various sores and injuries partly as a result
8 of the salt you were carrying. Were those still present at this time?

9 A. They had healed, but they were not properly healed.

10 Q. And who was it who gave you the black dress to put over your school uniform?

11 A. There was a lady who used to live at Odomi's residence.

12 Q. Concentrate on Joseph Kony. You said that he was the first person to make a
13 selection. Did you hear him say anything at this time?

14 A. Yes, I did, when he was next to me or close to me.

15 Q. What did he say?

16 A. He asked Odomi that, "Why did you bring an old person here?"

17 Q. Just remind us how old were you at this time?

18 A. I was -- I was still very -- I was still 7 years old, but I was very dirty and I was
19 badly dressed, shabbily dressed.

20 Q. Did Odomi give an answer to Joseph Kony's question?

21 A. Yes, he did.

22 Q. What did he say?

23 A. He said --

24 THE ACHOLI INTERPRETER: Can the witness please -- can you please ask the
25 witness to repeat. The interpreter did not get what the witness said. Can you

1 please repeat?

2 THE WITNESS: (Interpretation) He told -- he told Joseph Kony that he should
3 perform a cultural -- cultural -- cultural matters.

4 MR GUMPERT:

5 Q. Who would be performing cultural matters?

6 A. I do not know. He -- he referred to -- he was referring to me.

7 MR GUMPERT: Your Honour, I have a question for the interpreter rather than for
8 the witness, so I'm not asking for this to be interpreted.

9 The transcript in front of us reads "He told Joseph Kony that he should perform a
10 cultural -- cultural matters." I'm concerned the possibility that the pronoun used
11 there may be a translation of a generic pronoun, which doesn't indicate gender, and
12 I would ask the interpreter to clarify what the position is.

13 THE ACHOLI INTERPRETER: The interpreter would like to change the word for
14 "rituals." Instead of "cultural matters," cultural rituals.

15 MR GUMPERT: That's helpful, but the question concentrates on the pronoun "he"
16 which appears in our transcript. I'm conscious that in some languages pronouns do
17 and in other languages pronouns do not have a gender indication. And in the light
18 of the witness's subsequent answer, I want to clarify whether the translation "he"
19 should perform cultural -- or rituals is correct.

20 THE ACHOLI INTERPRETER: That's what the witness said. The witness said in
21 Acholi "en" which means "he," but it's not clear who the "he" is being referred to.

22 MR GUMPERT: All right. I'll leave it there. Thank you.

23 Q. Did Dominic Ongwen make any answer to the part of Joseph Kony's question
24 about you being an old woman?

25 A. Yes, he responded.

1 Q. Did Ongwen know how old you were?

2 A. Yes, he did because he asked me and I told him.

3 Q. So Kony is making a selection. He's asked Ongwen why he brought this old
4 women, meaning you. Did he actually select anybody, Joseph Kony?

5 A. Yes, he did. He selected some girls, but I was left standing there.

6 Q. Can you remember how many girls or approximately how many?

7 A. The ones he selected?

8 Q. Yes.

9 A. No, I cannot give an estimation.

10 Q. After Joseph Kony had made his selection, were any other selections made by
11 other people?

12 A. Odomi got up and he sent some escorts to come and get me and they came and
13 got me.

14 Q. Do you know the name of any of these escorts who came and got you?

15 A. There was one person named (Redacted).

16 Q. Did (Redacted) say anything when he came to get you?

17 A. He told me to get up and he told me that Odomi had asked him to come and
18 take me to his home.

19 Q. What was the name of this place where this selection was taking place?

20 THE ACHOLI INTERPRETER: The interpreter did not get the name.

21 MR GUMPERT:

22 Q. Madam Witness, could you help us by saying the name of the place again very
23 slowly and clearly.

24 A. Jebellin.

25 Q. Tell us a bit more about Jebellin. What kind of a place was it and who was

1 living there?

2 A. It was -- it was an army camp. There were houses and the wives were also
3 there. There were also women. And there were many other soldiers.

4 Q. How were the soldiers organised? Did you come to know that?

5 THE ACHOLI INTERPRETER: Could the witness please repeat that.

6 MR GUMPERT:

7 Q. Witness, can you tell us again. My question was: How were the soldiers
8 organised? Did you come to know how they were organised?

9 A. I do not understand the arrangements because I did not see it.

10 Q. You've told us that Dominic Ongwen, or Odomi, was a commander. Did you
11 know the name or the identity of the troops that he commanded?

12 A. When I was initially abducted he was the highest ranking commander, but
13 when we got to the place where we eventually settled there was another higher
14 ranking person than him.

15 Q. Can you help us with the way that the soldiers at Jebellin were organised with
16 the units of the soldiers who were there.

17 A. Well, I'm not really sure about that because I was really young, so I cannot
18 explain that.

19 MR ODONGO: When -- the witness has not told Court about units, about
20 organisation, so when Mr Gumpert begins to talk about units, he's leading the
21 witness.

22 SINGLE JUDGE TARFUSSER: Well, I would not see any leading thing in this. It's
23 just another way to say -- I would have asked, and I ask: Do the names Sinia,
24 Stockree and Gilva mean something to you?

25 MR ODONGO: Exactly. But that's not what -- the way he put it.

1 SINGLE JUDGE TARFUSSER: Yes, but, I mean, now I changed it and I think this
2 could be a question.

3 MR GUMPERT: I'd be delighted to ask that question. Myself, I would have
4 thought it was a bit more leading than the question I did ask, but --

5 SINGLE JUDGE TARFUSSER: No. I mean, the leading question is the one who at
6 the end the witness says "Yes" or "No", not when the witness at the end has to give
7 her own explanation. This is what I consider a leading question, where you lead
8 somebody to say "Yes" or "No".

9 MR GUMPERT: Very well. I will ask the question which your Honour suggested I
10 should ask.

11 Q. Do the names Sinia, Stockree and Gilva mean anything to you, Witness?

12 A. I did not understand that question very well.

13 Q. I'm going to mention three names to you. I'll do it slowly and clearly and I'll
14 do it one by one. Does the name Sinia, Sinia, does that name mean anything to you?

15 A. Yes, I do.

16 Q. What does it mean to you?

17 A. Sinia was how each battalion was divided and that was the name of the place.

18 Q. The next name I'm going to ask you about is Stockree?

19 A. Stockree is -- Stockree is also a battalion and it is divided in the same manner
20 that Sinia is divided.

21 Q. And lastly, Gilva or Gilva.

22 A. Gilva is also the same, it's a battalion that has been subdivided, it's divided in --

23 Q. Did Ongwen belong to any of these battalions that you've spoken about?

24 A. Yes, he was.

25 Q. Which one?

1 A. He was in Sinia. He was in Sinia.

2 Q. Do you know who was the commander of Sinia at this time?

3 A. Yes, I did, but I've forgotten the name.

4 Q. Just to be clear, therefore, it was not Dominic Ongwen, but another person
5 whose name you do not now recall?

6 A. Yes.

7 Q. Thank you. You've talked about the selection procedure and the fact that you
8 were selected by Dominic Ongwen. I want to ask you about selection procedures in
9 general. Apart from the one where you were selected, did you ever witness
10 procedures where other women were selected?

11 A. Yes, I did.

12 Q. My first question is: Did the girls who were being selected have any choice in
13 the matter?

14 A. No, they do not have a voice. If you are told go there, then you must go.

15 Q. And what would happen to girls or women who refused to go where they were
16 told to go?

17 A. If you refuse, you were either beaten or killed.

18 Q. Next question: What were the girls and women being selected to do?

19 A. Some of them were used as babysitters, others as wives. And sometimes when
20 you're selected as a babysitter you would subsequently become a wife.

21 Q. Was there a particular word, an Acholi word, which was used for the
22 babysitters?

23 A. Yes, there was.

24 Q. Tell us the word.

25 A. The babysitters were called ting ting.

1 Q. Coming back to the selection procedure in which you took part, you've told us
2 that (Redacted) came to take you to Dominic Ongwen's home; do I understand
3 correctly?

4 A. Yes, that's correct.

5 Q. What would have happened to you if you had refused to go to his home?

6 A. I would have either been killed or beaten.

7 Q. Once you arrived at his home, was there anybody else there?

8 A. Yes, there were.

9 Q. Can you tell us the name or names of these people?

10 A. There was Odomi's pregnant wife, (Redacted).

11 Q. Anyone else?

12 A. Two other girls -- well, two women.

13 Q. What were their names?

14 A. One was (Redacted), and the other I do not recall the name.

15 Q. Do you know where (Redacted) came from?

16 A. Both of them were from Kitgum.

17 Q. Concentrating on (Redacted), what did she do when you arrived at Dominic
18 Ongwen's home?

19 A. Well, (Redacted) took water, she washed me and then dressed me up in clean
20 clothes.

21 Q. And the other two ladies, (Redacted) first, what was her relationship to Dominic
22 Ongwen?

23 A. Well, I do not understand the nature of the relationship, but she was his wife.

24 Q. Fair answer, bad question. I apologise. And the lady whose name you don't
25 remember?

1 A. That was his wife.

2 Q. Now, we understand that Kony didn't select you and Dominic Ongwen did.

3 Did you come to learn anything else about Kony's feelings towards you?

4 A. Yes. There were feelings.

5 Q. Explain to us what you came to learn.

6 A. Once I'd been washed, other people saw me. They went and told him that

7 I was a young girl, that the girl he had not selected was a young girl, a beautiful girl.

8 Q. What effect did that have on Kony?

9 A. He sent -- he sent his escorts to come -- to come and collect me.

10 Q. How did Dominic Ongwen react to that?

11 A. Thereafterwards, he started hiding me and I was sleeping under his bed. But

12 they still kept on sending the escorts. Then he told them --

13 THE ACHOLI INTERPRETER: No sound coming through.

14 MR GUMPERT:

15 Q. Madam Witness, what was it that Dominic Ongwen told them?

16 A. Dominic Ongwen told them that he was the one who abducted me and he told

17 them that they should either divide me in two or he would kill me.

18 Q. You told us a moment ago that - and these were your words - "they still kept on

19 sending the escorts." Who were "they"?

20 A. From -- the escorts came from Otti and they also came from Kony.

21 Q. Any other commander?

22 A. Well, I can't say.

23 Q. Fair enough. You told us that Dominic Ongwen started hiding you and you

24 were sleeping under his bed. Can you explain how that happened? What did

25 Dominic Ongwen say or do which led to you sleeping under his bed?

1 A. Well, he told me -- he told me that other people wanted to take me away from
2 him. In that case, I would have to sleep under his bed so that nobody would take me
3 away from him.

4 Q. How long were you sleeping under his bed?

5 A. Well, I was -- I was -- I was there for about, I think, probably about a month.
6 I'm not sure. But then after that I was taken to a place where he keeps his women, a
7 place called Nsitu.

8 Q. Going back to the time, however long it was, when you were sleeping under his
9 bed, what was happening in the bed while you were under it?

10 A. Well, I was very young and I didn't know what was going on, but usually in the
11 morning I would see women leaving, so -- but I didn't know what was going on.

12 Q. You've told us you were 7 years when you were abducted and this is a few
13 months later as I understand it. What was your understanding of sexual matters at
14 this time?

15 A. Well, I had no -- I had not seen, hadn't been privy to any -- any such kind of
16 action.

17 Q. Now, Nsitu, who else was there? You've told us it was a place where he kept
18 his women. How many other women of Dominic Ongwen's were there in Nsitu,
19 approximately?

20 A. There was -- there was a pregnant woman and there were also other -- that was
21 the place where they kept a lot of women. I think other commanders also had their
22 women there.

23 Q. We'll come back to other commanders. You've told us about two -- sorry, three
24 wives of Dominic Ongwen. Where were they when you were sent to Nsitu?

25 A. The two of them stayed behind in Jebellin. The pregnant woman had a baby

1 and we -- we went to Nsitu. They sent us both to Nsitu.

2 Q. And just remind us of the name of the pregnant lady who then later had a baby?

3 A. She was (Redacted).

4 Q. Thank you. I said I'd come back to the other commanders you mentioned.

5 How many wives so far as you knew did Joseph Kony have at this time?

6 A. In my estimation, more than 80.

7 Q. And how many wives or women were there altogether at this place in Jebellin?

8 SINGLE JUDGE TARFUSSER: (Microphone not activated)

9 MR GUMPERT: I apologise, I'm rightly corrected. I'm sorry for interrupting. I
10 got the name wrong, the place -- the name of the place I'm asking about is Nsitu, not
11 Jebellin. I'm grateful, your Honour.

12 THE WITNESS: (Interpretation) No, I cannot -- I cannot give an estimate.

13 MR GUMPERT:

14 Q. What were your tasks, what were your duties while you were at Nsitu?

15 A. I was a babysitter. Sometimes -- sometimes I would be sent to fetch water and
16 other times to collect vegetables to be cooked.

17 Q. And who would give you these tasks?

18 A. (Redacted) was the one who used to give me the tasks.

19 Q. Among the wives, was there any seniority or were they all equal?

20 A. No, there was no hierarchy, but (Redacted) was -- seemed to be the superior one.

21 Q. How long do you think you stayed in Nsitu?

22 A. Well, I cannot -- I cannot recall, but I was there for a while.

23 Q. Try and help us get an idea. Days? Weeks? Months? Years?

24 A. Years.

25 Q. Were you free to come and go from Nsitu as you liked?

1 A. No, because I was young and I had no clue about my surroundings. Well,
2 under -- there were so many Dinkas in that area.

3 Q. Can you briefly explain to us what you mean by "Dinkas"? What kind of
4 people were they?

5 A. I do not understand -- I do not quite know what the Dinkas are, but I know
6 it's -- it's a tribal group of people called the Dinkas and then there were also the
7 Arabs.

8 Q. Apart from the women and the children, were there any men at Nsitu? And
9 what was their task if there were?

10 A. Yes, but they were there to guard and protect the women that had given birth so
11 that nothing could happen to them.

12 Q. To guard and protect. I understand what you mean by "protect." When you
13 say that part of their job was to "guard" the women, what do you mean by that?

14 A. My -- my understanding -- my understanding of that is that if we -- if there is
15 any invasion then these men are there to protect the women.

16 Q. Was Dominic Ongwen there while you were at Nsitu?

17 A. When they took me to Nsitu, he came, he came to Nsitu, he went back to
18 Jebellin and then returned to Uganda.

19 Q. How easy was it to keep track of time while you were in Nsitu and while
20 Dominic Ongwen was away in Uganda?

21 A. No, I did not -- I did not understand. I did not understand the question.

22 Q. I'll rephrase it. Did you have any way of keeping a record of the days, the
23 weeks, the months, the years while you were at Nsitu and Dominic Ongwen was
24 away in Uganda?

25 A. No, there wasn't any record.

1 Q. How old do you think you were when you next saw Dominic Ongwen?

2 A. I believe I was 10 years old.

3 Q. I'm sorry to ask a personal question, but were you sexually mature by this time,
4 the age of 10?

5 A. I was not sexually mature.

6 Q. I want to concentrate on the time when Dominic Ongwen came back. You
7 understood that he had been away in Uganda; do I have it correct?

8 A. Yes.

9 Q. And when he came back, was there an occasion when he spoke to you?

10 A. Yes, there was.

11 Q. What time of day was it? Can you remember?

12 A. It -- it was in the evening when people had gone to bed.

13 Q. What did he say to you?

14 A. He asked me to bring him water.

15 Q. Did you do that?

16 A. Yes, I did.

17 Q. What happened when you brought him the water?

18 A. When I took the water, he held on to my arm. He refused to take the water
19 from me.

20 Q. What did he say to you?

21 A. He told me that he wanted to have sex with me. I dropped the water, it fell on
22 the bed, and I ran out. He called his escorts to beat me.

23 Q. Can I stop you there. How were you feeling when he told you that he wanted
24 to have sex with you?

25 A. Well, I was disgusted.

1 Q. Can you explain what it was that made you feel disgusted?

2 A. Because I was -- every time I saw the ladies or girls coming out of his house,
3 they were always crying. So I was frightened and I was -- I was scared.

4 Q. You've told us that he called his escorts, if I understand correctly. What
5 instructions did he give to the escorts?

6 A. Well, he instructed his escorts to get sticks and start beating me.

7 Q. Did they follow his instructions?

8 A. Yes, they followed his instructions.

9 Q. What did they beat you with?

10 A. They used bamboo sticks.

11 Q. Where were you when they were beating you with bamboo sticks?

12 A. Well, I was at his residence and I was on the ground. I was being beaten.

13 Q. Where was Ongwen when this was happening?

14 A. He was watching. He was sitting there watching.

15 Q. How long did the beating go on for?

16 A. Well, they beat me and when he thought it was enough, he asked them to stop
17 and then they stopped.

18 Q. Was it just on that day that you were beaten?

19 A. No, I was beaten for about a week.

20 THE ACHOLI INTERPRETER: Can the witness please repeat the last sentence or
21 last word?

22 MR GUMPERT:

23 Q. Madam Witness, I don't think the interpreter got all of your answer. You told
24 her that you were beaten for about a week and then you said something more that she
25 couldn't quite hear. Could you say it again.

1 A. Well, I was beaten for about a week because every time he asked me and I
2 refused I was beaten.

3 Q. And just to be clear, what was it that Dominic Ongwen was asking you to do
4 and you were refusing to do?

5 A. Well, he was asking me to have sex with him as his wife.

6 Q. What was the result of the beatings on your body?

7 A. My hands and my buttocks were all swollen and I could not sit properly.

8 Q. You've told us that you had duties to perform while you were at Nsitu. What
9 was the effect of the injuries you've described on your ability to work?

10 A. Well, as a result of the injuries, (Redacted) wanted me to continue performing
11 my -- my duties with -- despite the injuries.

12 Q. And did you have to do that?

13 A. Yes, I did. Well, if I didn't do that, then I would -- she would beat me again.

14 Q. What is the effect, if anything, on your health today of those beatings?

15 A. Well, I still feel pain and I also have chest pains because of the number of
16 strokes I was -- I was beaten.

17 Q. What happened at the end of that period you think it was about a week when
18 you were being beaten for refusing to have sex with Dominic Ongwen?

19 A. Well, I could not take the beatings anymore, so I -- I let him have sex with me.
20 I yielded and let him have sex with me.

21 Q. How did you feel about yielding to him because you couldn't stand the
22 beatings?

23 A. Yeah, it was very painful.

24 Q. I'm going to ask you to describe to us in as much detail as you can what
25 happened when you yielded to him. I'll try not to interrupt you. If you can tell us

1 the story of that occasion when you yielded.

2 A. Well, when I allowed or agreed to have sex with him, he told me to go to his
3 house. He told me to undress. I refused. Then he tore off my clothes. His bed is
4 high and I could not climb onto the bed. He lifted me onto the bed. He spread
5 open my legs and he put his penis in my vagina and he started having sex with me.
6 And then he told me to get up, go back to the house where I was sleeping. I could
7 not get up. But then when I went back, one of the women asked me, "Why are you
8 crying?" I did not want to respond to what she was saying. I went and I had a bath
9 because I was bleeding. I was bleeding a lot.

10 Q. Did he say anything just before or while he was having sex with you, while he
11 was putting his penis in your vagina?

12 A. He told me that if I cried he would kill me. That's what he said.

13 Q. Did you cry?

14 A. I did not cry because I was afraid that he was going to kill me, so I held my
15 hands over my mouth.

16 Q. Where were you bleeding from?

17 A. It was -- I was bleeding from my vagina because it was torn.

18 Q. What was the effect of the injuries you received on your ability to get around
19 and to perform your duties?

20 A. I wasn't given any duties and I -- they let me sleep, so I was constantly sleeping
21 in the house.

22 Q. How long was that for that you were just sleeping?

23 A. For about a week.

24 Q. Was Ongwen the only commander at Nsitu at this time or were there others
25 there?

1 A. There were other commanders as well.

2 Q. What were the arrangements for the commanders eating?

3 A. Well, they would bring food from every commanders' home, take all the food to
4 Dominic's house and then everybody would gather at Dominic's house and that's
5 where they would all eat.

6 Q. And how far away was that from where you were when they were eating?

7 A. No, it was -- it wasn't very far. There were trees within the -- within the
8 compound and then the place where they used to eat was in the middle.

9 Q. Could you hear the conversation when they were eating?

10 A. Yes, I could hear them.

11 Q. Do you remember any conversation about you?

12 A. Yes, I do recall. Yes. He said, "Today I tore a polythene bag."

13 Q. How long after that -- sorry. How long after him having sex with you did he
14 make that remark?

15 A. The next day in the morning.

16 Q. Did you understand then what he meant when he said, "Today I tore a
17 polythene bag"?

18 A. No, at the time I did not understand, but I did come to understand later.

19 Q. And what is that understanding?

20 A. Well, my understanding was that he had had sex with a virgin.

21 Q. This took place, as I understand it, at Nsitu, which is in Sudan; is that correct?

22 A. Yes, it is.

23 Q. Was there any other occasion when he had sex with you in Sudan that you can
24 remember?

25 THE ACHOLI INTERPRETER: Can the witness please repeat. I did not get the

1 response.

2 MR GUMPERT:

3 Q. Madam Witness, could you give the answer you've just given again. The
4 interpreter had difficulty understanding.

5 A. No, he did not do it again.

6 Q. I just want to go back to the remark which you've told us about, I apologise for
7 doing so, the remark about the polythene bag. After he had made that remark, did
8 you hear him do or say anything else?

9 A. No, I did not hear anything.

10 Q. How did you come to leave Sudan? Can you explain that to us.

11 A. Well, we left Sudan in 2002. At the time the Ugandan government had sent
12 soldiers to Sudan.

13 Q. And how old were you approximately when this happened?

14 A. I -- I think I was 12 years old.

15 Q. Tell us what the effect of the Ugandan government sending soldiers to Sudan
16 was.

17 A. When the government sent soldiers to Sudan, we left the area where we were
18 located and we started climbing Imatong Mountain. Well, there wasn't any -- we did
19 not have any food. There was nothing to eat. I survived on soil and water.

20 People died of cholera. Well, if you're not careful climbing up that mountain you
21 would slip, fall and die. We climbed up the mountain. When we came down, we
22 found a civilian compound. We found a cassava -- a cassava garden, but the cassava
23 was really bitter. We started eating that cassava, but it was extremely bitter and not
24 edible.

25 Well, we kept on walking. We got to a place where we ran into government soldiers.

1 We were attacked. We were -- we lost quite a number of people from the group.

2 Q. Can I just clarify soldiers of which government?

3 A. Well, I do not understand which government -- which government soldiers.

4 I cannot say whether it was Ugandan or Sudanese government soldiers.

5 Q. Very well. Did there come a time when you re-entered Uganda?

6 A. Yes, there was.

7 Q. And do you know where or about where you re-entered Uganda?

8 A. Well, when we came down the mountains, we crossed the Sudanese border.

9 We arrived at a place but I do not recall the name right now. It's in -- within the
10 Kitgum area.

11 Q. Thank you. Where was Dominic Ongwen at the time when you crossed back
12 into Uganda?

13 A. Well, he was among us. He was with us.

14 Q. Once you were back in Uganda, how did Dominic Ongwen behave towards
15 you?

16 A. When we came back to Uganda, he wanted to start having sex with me again.
17 He went and informed his wife that "As of today, (Redacted) is going to become one
18 of my wives and she's going to be sleeping in the same house with you."

19 Q. Was there any particular responsibility which you had once he had made this
20 announcement that you were going to be one of his wives?

21 A. Yes, there were other duties. Well, he wanted me to carry the saucepans used
22 for cooking his food and all the cutlery and dishes that he used to eat with.

23 Q. Did you have any choice about becoming his wife, about your duties as his
24 wife?

25 A. No, I did not have a right to refuse -- to refuse. And I was personally afraid.

1 Q. Can you just spell out to us what is it that you were personally afraid of?

2 A. Well, I was afraid because he was always beating me.

3 Q. Were you sexually mature by this time?

4 A. No, I wasn't sexually mature.

5 Q. Once he had announced that you were going to be one of his wives, what did he
6 do about it?

7 A. Well, he called me once again, but I was scared, but I went all the same.

8 Q. Can you remember how long it was --

9 A. He told me that he was going to have sex with me, but it wasn't going to be the
10 same as it was last time.

11 Q. Just going back for a moment, how long between his announcement that you
12 were going to become one of his wives and him calling you again?

13 A. Well, it didn't -- it didn't take so long because he had -- he used to take turns
14 with his wife. When it was your turn, then he would call you and you would go and
15 sleep in his house. And that's how we kept on -- how he kept on rotating his wives.

16 Q. How many wives at this stage?

17 A. About 20. Twenty wives.

18 Q. You told us, and I interrupted you, I apologise for that, that when the time came
19 he said that he was going to have sex with you but it wasn't going to be the same as
20 the last time. Did I understand correctly?

21 A. Yes, you understood correctly.

22 Q. So did you have a choice this time?

23 A. I did not have any right or choice.

24 Q. And what did you understand him to mean then? What was the difference
25 going to be?

1 A. Well, my understanding was that it would not be as painful as it was the
2 previous -- on the previous occasion that he had had sex with me.

3 Q. And from that time onwards you've told us that he would rotate his wives and
4 having sex with them. So approximately how often would he call you to have sex
5 with him?

6 A. Well, I cannot recall that properly.

7 Q. And how would the wives know whose turn it was to have sex with him?

8 A. Sometimes he would send the escorts to collect you or call you, or the person
9 that had slept with him would go and tell the next person that, "Tomorrow is your
10 turn. Tomorrow you should go and sleep in Dominic's house."

11 Q. Once you became his wife, as he called you, and he was having sex with you,
12 how did the other wives react towards you?

13 A. Well, the women mistreated me because Dominic had told them, had instructed
14 nobody to touch any of the crockery or cutlery that he used to eat with. So I was
15 being mistreated because of that.

16 Q. Just so we're clear, none of the other wives to touch the crockery and cutlery.
17 What about you?

18 A. I was the only one who was allowed to touch it and I was the only one who was
19 allowed to use it to serve him.

20 Q. What would happen if you let somebody else touch the crockery and the cutlery
21 or let somebody else carry it?

22 A. Well, I do not know. I do not know what would have happened, but he
23 instructed -- he specifically instructed me to carry his -- the crockery and the cutlery.

24 Q. And what would the result be if somebody disobeyed an instruction like that?

25 A. I did not understand.

1 Q. You've told us that Dominic Ongwen gave you certain instructions and that you
2 obeyed them. I'm asking you what would happen if somebody in your position,
3 somebody he regarded as his wife, would disobey those kind of instructions?

4 A. I would either -- either be beaten badly or killed. And those were the
5 consequences.

6 Q. One last question before we break because I think we've reached lunchtime.
7 You've told us that Dominic Ongwen described you as his wife or one of his wives.
8 Did you regard him as your husband?

9 A. No, I did not consider him my husband.

10 MR GUMPERT: Is that an appropriate place to break, your Honour?

11 SINGLE JUDGE TARFUSSER: Yes, it is.

12 MR GUMPERT: Thank you.

13 SINGLE JUDGE TARFUSSER: Madam Witness, I think we have reached the
14 lunchtime break. I hope you are fine, you're at ease still. Now it's time to go for
15 lunch and we resume in, I would say, one hour and a half, two? What do you wish?
16 One hour and a half, is that enough?

17 MR GUMPERT: I'd be happy with a shorter --

18 THE WITNESS: (No interpretation)

19 MR GUMPERT: -- sorry, a shorter period of an hour myself but -- I'm conscious that
20 we lost a bit of time this morning, but I know there are other constraints.

21 SINGLE JUDGE TARFUSSER: No, I think 3 o'clock. Would it be fine also for the
22 interpreters?

23 THE ENGLISH INTERPRETER: It would indeed.

24 SINGLE JUDGE TARFUSSER: Okay. So we can disconnect. Thank you very
25 much. And we resume at 3 o'clock.

1 I just want to say one thing more: We had a discussion in writing about the one day
2 and the two days and the three days or whatever. I always thought this was a bit of
3 a weird discussion because we take exact the time we need and full stop. I think it's
4 going a little bit slower than I thought, so we can consider to take also the Friday, the
5 full Friday, or whatever is needed. Okay? So just to be relaxed for everybody.
6 Thank you very much. We see you at 3 o'clock.

7 THE COURT USHER: All rise.

8 (Recess taken at 1.31 p.m.)

9 *(Upon resuming in closed session at 3.01 p.m.) Reclassified into open session

10 SINGLE JUDGE TARFUSSER: Good afternoon.

11 Good afternoon to Kampala, Mrs Witness.

12 It's now just a few minutes over 3 o'clock here in The Hague and we continue the
13 questioning of Witness 226 by the Prosecutor in his third session of one hour and a
14 half.

15 Are you -- and I ask the witness are you okay? Are you at ease? Are you prepared
16 to continue?

17 THE WITNESS: (Interpretation) Yes, I'm ready. —

18 SINGLE JUDGE TARFUSSER: Okay. Thank you very much to you.

19 And the floor is to the Prosecutor.

20 MR GUMPERT:

21 Q. Madam Witness, you've spoken about Dominic Ongwen's escorts and you've
22 told us how they would beat you at his command when you didn't do what he said.
23 Apart from that, what tasks did Dominic Ongwen's escorts carry out while you were
24 with him?

25 A. I did not understand the question properly.

1 Q. You've spoken about Dominic Ongwen's escorts and you named one of them as
2 (Redacted); do you remember?

3 A. Yes, I remember.

4 Q. I want to ask you to describe to the Court, apart from beating you when you
5 were disobedient, what was the job of Dominic Ongwen's escorts, what were their
6 responsibilities?

7 A. I did not understand.

8 Q. Do you understand what I mean when I ask you questions about Dominic
9 Ongwen's escorts? Does that word mean something to you?

10 A. Yes, I understand what "escort" means.

11 Q. How old were these escorts?

12 A. There were many escorts. There wasn't just one.

13 Q. Can you describe their age range from the youngest to the oldest while you
14 were with Dominic Ongwen?

15 A. Well, some of the escorts were already 16, the ages varied, some were 16, some
16 were 15.

17 Q. What was the youngest age of an escort while you were there?

18 A. The youngest was 13.

19 Q. And what was their work?

20 A. To protect Dominic, carry out tasks that they were asked to perform, carrying
21 his belongings such as his clothes.

22 Q. What else did they carry apart from his clothes?

23 A. They also used to carry Odomi's guns or gun.

24 Q. Apart from carrying his things, what else would they do?

25 A. They were also soldiers.

1 Q. And during the time that you were there, what did the soldiers, including these
2 escorts, do?

3 A. I did not understand that question very well.

4 Q. Did they receive any training of any kind?

5 A. Yes, they were trained in Sudan.

6 Q. And what were they trained to do?

7 A. They were showed how to fire weapons and to kill.

8 Q. When you were all back in Uganda, did they put that training to any use?

9 A. Yes, they did.

10 Q. Can you describe how they put it to use to us?

11 A. If an order was made, if the -- they gave an order for somebody to be killed,
12 then the person would immediately be killed.

13 Q. And who would give the order?

14 A. The commanders.

15 Q. I'm specifically asking you about the people you described as Dominic
16 Ongwen's escorts. Who would give them orders?

17 A. Among the escorts?

18 Q. Yes. The question is: Who would give Dominic Ongwen's escorts the orders
19 that you have just described, the orders to kill?

20 A. It's Odomi who would give these orders.

21 Q. Can you recall a specific example of such orders being given and carried out?

22 A. I cannot recall all the orders, but I do recall that if he did give an order for me to
23 be beaten, then I would get beaten.

24 Q. Can you remember any specific orders that he gave to kill to the escorts?

25 A. I cannot recall.

1 Q. Can you remember the names of any of Dominic Ongwen's escorts?

2 A. Yes, I do recall.

3 Q. Tell us the names you remember.

4 THE ACHOLI INTERPRETER: The Acholi booth did not get the name given by the
5 witness.

6 MR GUMPERT:

7 Q. Could you repeat your answer, Madam Witness. I'm asking you to give any
8 names that you can remember of Dominic Ongwen's escorts.

9 A. The name was (Redacted).

10 MR GUMPERT: Can I just check that that's on the list. Name number 20. Sorry,
11 that's a question for the interpreter.

12 THE ACHOLI INTERPRETER: There are two lists here. Yes. On the other list,
13 yes.

14 MR GUMPERT: Thank you.

15 Q. And apart from (Redacted), can you remember any other names?

16 A. I cannot recall the names. I have forgotten their names.

17 Q. Earlier today you told the Court about a person called (Redacted). Can you
18 remember that?

19 A. Yes, I do remember.

20 Q. Who or what was (Redacted)

21 A. He was an escort who was frequently instructed to carry out tasks by Odomi.

22 Q. Do you remember a time when you were together with those two people you've
23 just named, (Redacted) and (Redacted) Do you remember any particular incident
24 involving those two people?

25 A. Yes, I do recall.

1 Q. Tell us about that incident, please.

2 A. On one occasion I had gone to collect a bag from where it was. They started
3 throwing the bags between themselves. They were playing with the bag. Odomi
4 was watching us. As I was passing going back, he told me, "Wait for your canes.
5 Wait for your beatings." He called one of his escorts and asked that escort to start
6 beating me. I grappled with that escort and he fell to the ground. Then he got up
7 and he started beating the escort. Then the escort got up and started beating me
8 really badly.

9 Q. Perhaps you could just clarify for the Court who is it who got up and started
10 beating the escort?

11 A. It was Odomi who got up and beat the escort on grounds that I had thrown him
12 to the ground, thrown the escort to the ground.

13 Q. And what was it about this incident involving you and (Redacted) and (Redacted)
14 which you understood meant that you should receive a beating? What was the
15 reason?

16 A. (Redacted) had a love interest in me and my -- someone else, another friend of
17 mine, so whenever they went out to work they would bring us little things, mementos.
18 And they were in love with us or they liked us.

19 Q. I just want to be clear. Who are the people who were bringing mementos?
20 What are their names?

21 A. (Redacted) and (Redacted) whenever they went out to work.

22 Q. We'll come back to "work". Which one had a love interest in you?

23 A. It's (Redacted).

24 Q. And you spoke about a friend of yours, but you didn't give that person's name.
25 Who was that?

1 A. Her name was (Redacted).

2 Q. Do you know her other name?

3 A. I do not know her other name. I only know her name (Redacted).

4 Q. And who had it -- who was it who had the love interest in her? Who was
5 bringing her mementos?

6 A. It was (Redacted).

7 Q. I'm probably being rather slow, but I still don't quite understand why it is that
8 these boys having a love interest in you and your friend was connected with you
9 getting a beating. What was the connection? How did that work?

10 A. I do not understand the question very well.

11 Q. I'm still trying to understand how it is that Dominic Ongwen thought you
12 deserved a beating after these two boys are throwing around the bag which you're
13 meant to be collecting. When I asked you that question a moment ago, you said,
14 well, there was a love interest, and you've explained who had a love interest for who.
15 But how did that love interest translate into Dominic Ongwen thinking that you
16 deserved a beating?

17 A. Because he thought that I was his wife and therefore I should not have an
18 interest in his escort.

19 Q. What would happen if commanders' wives were believed to be showing an
20 interest in some other man who wasn't their husband?

21 A. They would kill the both of us.

22 Q. I want to turn to (Redacted) now, your friend. Where did you first meet her, in
23 which country?

24 A. I do not recall the exact date, but I do recall that she was abducted from Kitgum.

25 Q. I understand you may not know the exact date. She was abducted from

1 Kitgum. That's in Uganda, as I understand it. Where did you first meet her, in
2 which country?

3 A. I first met her in Kitgum on the day that she was abducted.

4 Q. And who was it that had abducted her?

5 A. I do not know who had abducted her, but they brought her and she was staying
6 at our home.

7 Q. That is to say Dominic Ongwen's home, as I understand it?

8 A. Yes.

9 Q. Tell us how Dominic Ongwen behaved towards (Redacted) when she arrived at
10 his home.

11 A. He brought (Redacted) and told her that -- that we were going to collect things
12 from the house, things that had been bought. We got up, started walking with other
13 soldiers, including Odomi, to go and collect these things. Once we arrived there we
14 settled and started cooking. It was in the evening.

15 After we'd finished cooking, we took the food and he was sitting with his other mates
16 or friends. We went and cut some grass and they used that to make a bed where
17 the -- the men were eating. He had not come back from eating, he had not finished
18 eating. He instructed the escort to tell (Redacted) and I that he should come back
19 and find us sleeping in that house.

20 When he came back after eating, he came where we were sleeping and then he came
21 and had sex with the both of us in that house. He told (Redacted) that if she cried he
22 would kill her.

23 Q. How old were you at the time of this incident that you've just described?

24 A. I was 12 years old.

25 Q. How old was (Redacted)

1 A. I believe we were of the same age.

2 Q. Did either of you have any choice about what he did to you that evening?

3 A. We did not have any choice.

4 Q. By this time, as I understand it, you were -- or Dominic Ongwen had decided
5 and had declared that you were his wife; is that right?

6 A. Yes, he had declared that already.

7 Q. What about (Redacted)

8 A. He did not say anything about (Redacted).

9 Q. Was she regarded as his wife by other people?

10 A. Yes.

11 Q. You've told us about a ritual ceremony where people, where women are
12 smeared with shea butter. Do you remember?

13 A. Yes, I do remember.

14 Q. Did you see that ritual performed with (Redacted)

15 A. Yes, they performed the ritual.

16 Q. Were there any rules that you were aware of among Lakwena, or the Holy,
17 about when men were allowed or not allowed to have sex with women?

18 A. I do not recall.

19 Q. I want to move away from your personal experiences with Dominic Ongwen
20 now and to ask you what he and the soldiers who were with him were doing once
21 they arrived back in Uganda in 2002.

22 THE ACHOLI INTERPRETER: Message from the Acholi booth: Nothing has come
23 through.

24 MR GUMPERT:

25 Q. Madam Witness, I don't know if you heard my question. We didn't hear your

1 answer in any event, so let me ask again.

2 I want to change the subject now. I don't want to ask you about your personal
3 experiences any more, I want to ask you what Dominic Ongwen and the soldiers who
4 were with him were doing, what their activities were once they arrived back in
5 Uganda in 2002.

6 A. Dominic Ongwen and his soldiers started attacking camps, IDP camps. They
7 attacked Pajule.

8 Q. Can you remember the names of any other camps that they attacked apart from
9 Pajule?

10 A. They attacked Patongo.

11 Q. I want to ask you particularly about that attack on Patongo.

12 MR GUMPERT: Just before I do I have another question of clarification for the
13 interpreter. Can you look please at place number 12 on the sheet relating to this
14 witness.

15 THE ACHOLI INTERPRETER: Yes. Yeah, that's the place, Patongo.

16 MR GUMPERT: I'm very grateful. So it seems sometimes the last syllable doesn't
17 get a full pronunciation; is that correct?

18 THE ACHOLI INTERPRETER: It usually does. Patongo.

19 MR GUMPERT: Very well. Just so there's no confusion.

20 Now a question for the witness.

21 Q. Can you remember the date or the time of year of the attack on Patongo?

22 A. It was in 2002, but I do not know the actual date.

23 Q. Were you present for that attack?

24 A. Yes, I was present.

25 Q. Who was the leader of that attack?

1 A. It was Odomi and some other commander.

2 Q. And what was the name of the unit that carried out the attack?

3 A. I do not recall the exact name because the units had now been amalgamated,
4 they had been combined, it was no longer just Sinia.

5 Q. So do we understand it was Sinia, but also people from other units who had
6 been combined with Sinia?

7 A. Yes, it is.

8 Q. You've told us that it was Odomi and another commander who led the attack.
9 Who was the more senior at this time?

10 A. It was the other commander other than Odomi.

11 Q. What time of day did the attack start?

12 A. It was at -- between 4 to 5 p.m.

13 Q. I want to ask you to think very hard about the time of day. You've -- the
14 answer has just been given 4 to 5 p.m., p.m. meaning post meridiem, that is to say
15 afternoon; is that correct?

16 A. It was at 5 a.m.

17 Q. Five in the morning?

18 A. Yes, five in the morning.

19 Q. How did the attack begin?

20 A. When we entered the camp the soldiers were asleep. They started firing their
21 guns and the soldiers ran away. They caught one of the soldiers.

22 Q. When you say "the soldiers ran away," which soldiers were these?

23 A. It was the government soldiers. I'm referring to the government soldiers.

24 Q. Thank you. That's clear. Once the government soldiers had run away, what
25 did the attackers do next?

1 A. They found the commander, the government -- the soldier asleep in his room.

2 Q. We'll come back to the soldier who didn't manage to run away. But apart from
3 attacking the soldiers, after the soldiers had run away, what did the other attackers do
4 in the camp?

5 A. They were looting food, looting food, biscuits and a lot of things.

6 Q. Were there any people in the camp apart from the soldiers who had run away?

7 A. There were also civilians. Some of them were abducted and made to carry the
8 luggage.

9 Q. And the luggage, apart from food items, what other kinds of luggage was being
10 carried away by abducted people?

11 A. Nothing else other than foodstuff.

12 Q. And where was this foodstuff being taken from?

13 A. Some of the foodstuff was taken from shops and other -- others from civilian
14 homes.

15 Q. Can we come back now to the soldier who didn't manage to run away. You
16 remember talking about him?

17 A. This soldier was found in his house. They started questioning him. He did
18 not answer. And they started hitting him with the butt of the gun. I did not hear
19 what responses he gave, but then I was also instructed to go and carry luggage.

20 Q. And did you see this soldier again after you were leaving Patongo?

21 A. Yes, I did. I saw him.

22 Q. Tell us about that time when you saw him after you were leaving.

23 A. When we left Patongo, the soldier was with us. He had been -- his hands had
24 been tied. When we arrived at a spot, we settled and started cooking.

25 Q. What time of day was it now?

1 A. I heard them say it was 2 in the afternoon. I went to collect firewood.

2 These -- they sent one of the escorts to come and call me and tell me that I needed to
3 go back quickly.

4 Q. Forgive me for interrupting. Who -- who was it? Who sent the escorts, did
5 you understand, to collect you?

6 A. It was Odomi.

7 Q. And why were you being called back from collecting firewood?

8 A. We were -- we were called to come and kill the soldier that had been abducted.

9 Q. Thank you, Witness. Would you pause there. I have a matter which I need to
10 raise with the Bench.

11 MR GUMPERT: It may be that it isn't necessary for the next few exchanges to be
12 translated into Acholi. Sorry, of course it is for Mr Ongwen. Perhaps we can
13 temporary disconnect from Kampala.

14 SINGLE JUDGE TARFUSSER: Of course. Please disconnect from Kampala just for
15 a few minutes.

16 Now it seems disconnected. Please proceed, Prosecutor. —

17 MR GUMPERT: I can be very brief. The last words which the witness has spoken
18 about what she was called to do and of course the provisions of the relevant
19 paragraphs of the statement with which your Honour will be familiar, clearly indicate
20 that, in a person of appropriate age, the witness might be about to, or it seems likely
21 to be about to incriminate herself.

22 We know from her that she was around 12 years of age at the time of this and, of
23 course, we know that the law of this Court is that no criminal responsibility can be
24 attached to any person under the age of 18.

25 In the circumstances, I would submit that no warning is necessary because no

1 criminal liability can possibly attach to this witness for the incident she may be about
2 to describe, but I thought before I rushed headlong I would express those submissions
3 to your Honour in case either Mr Odongo or you feel differently.

4 SINGLE JUDGE TARFUSSER: Mr Odongo?

5 MR ODONGO: Your Honour, I think the law is very clear that there is no criminal
6 responsibility attached to a person below the age of 18. So that's okay.

7 SINGLE JUDGE TARFUSSER: I think exactly the same way and I would have never
8 stopped you anyhow if you would have proceeded instead of being so kind to put
9 this question to the Bench because I think the law is clear and we all know it. So
10 I think we just proceed without any problem.

11 MR GUMPERT: I'm very grateful both to Mr Odongo and to the Bench.

12 If we can reconnect and tell me when we are reconnected.

13 MR ODONGO: I was only concerned that this would only be applicable provided
14 he will eventually prove that she was below the age of 18.

15 SINGLE JUDGE TARFUSSER: (Microphone not activated)

16 MR ODONGO: Well, if it remains where it is now, that's fine.

17 MR GUMPERT: Your Honour, I see that the transcribers didn't get your remark.

18 SINGLE JUDGE TARFUSSER: (Microphone not activated)... of the microphone
19 unactivated.

20 MR GUMPERT: I don't want to ascribe blame.

21 SINGLE JUDGE TARFUSSER: Yes.

22 MR GUMPERT: I would simply be grateful if --

23 SINGLE JUDGE TARFUSSER: No, no, I forgot to activate the microphone. But
24 I think I said that it's quite evident that she was under -- far under 18 years old at that
25 time. Thank you. And thank you for the remark.

1 So I think we are reconnected? No, not yet.

2 (Pause in proceedings)

3 MR GUMPERT: Lucky the microphone isn't activated.

4 (Pause in proceedings)

5 SINGLE JUDGE TARFUSSER: So, Madam Witness, we are back again. Sorry for
6 this short interruption. The floor is again to the Prosecutor. Thank you.

7 MR GUMPERT:

8 Q. I just want to clarify one thing which has been brought to my attention. You've
9 described to us an incident involving Dominic Ongwen, you and (Redacted). In which
10 country did that incident --

11 MS (Redacted): It says microphone off and on (indiscernible). We don't hear you.

12 No.

13 MR GUMPERT: Can you hear me now? Hello? Hello, can you hear me?

14 MS (Redacted): Yes.

15 MR GUMPERT: Excellent. Apologies for that.

16 Q. I want to clarify one thing which has been brought to my attention. You've
17 described an incident involving Dominic Ongwen, you and (Redacted). In which
18 country did that incident occur?

19 A. It was in Kitgum.

20 Q. And I think it's uncontroversial that Kitgum is in Uganda.

21 THE ACHOLI INTERPRETER: The Acholi booth did not get a response.

22 MR GUMPERT: Perhaps because I didn't ask a question which was my fault. I'm
23 not going to pursue that.

24 Q. Now, you were telling us --

25 MS (Redacted): (Via video link) Yes, I'm cut off again.

- 1 MR GUMPERT: I'm sorry, did I understand that we're cut off again?
- 2 THE WITNESS: (No interpretation)
- 3 MS (Redacted): (Via video link) No, because the English channel is cut off.
- 4 MR GUMPERT: Can you hear me Kampala?
- 5 THE WITNESS: (No interpretation)
- 6 MS (Redacted): (Via video link) (Indiscernible) ... they hear you better.
- 7 THE WITNESS: (Interpretation) I can hear you.
- 8 MR GUMPERT:
- 9 Q. Excellent. Now, you told us a moment ago that you were summoned back by
- 10 the escorts from cutting wood and that the reason you were summoned - forgive
- 11 me - was to kill the soldier that had been abducted; is that right?
- 12 A. Yes, that's correct.
- 13 Q. When you arrived back to where the soldier was, what happened then?
- 14 A. They selected a number of girls, each girl was given a stick, you're asked to beat
- 15 the soldier and once you're done you move on and the next person does the same.
- 16 Q. How big was the stick which you were given. How easy was it to lift it up?
- 17 Did you hear my question, Madam Witness? The question was: How big was the
- 18 stick which you were given? How easy was it to lift it up?
- 19 A. It was a heavy stick. I had to use both my hands.
- 20 Q. And the other girls who were given sticks, how old were they would you say?
- 21 A. Some of them were older and others were younger. Some of them had been
- 22 newly abducted, but I was one of the few that had been there longer.
- 23 Q. Can you give us an age range from youngest to oldest as it seemed to you at the
- 24 time?
- 25 A. 12, 13, upwards to 16.

1 Q. You've told us about the instructions that you were given. Did you and the
2 other girls carry those instructions out?

3 A. Yes, we carried out those instructions.

4 Q. How often did you hit the man, the soldier?

5 A. I -- I only hit him once. Others had already hit him previously and then I came
6 and hit him as well.

7 Q. And what was the end of this? When did it stop?

8 A. After I beat the soldier, I left, so I do not recall when it stopped, when the
9 beating stopped.

10 Q. What condition was the soldier in by the end of this event?

11 A. He was beaten to death. And after we finished with our cooking we left and I
12 never saw him again. We left him there.

13 Q. What condition were your clothes in after this event?

14 A. When I hit him, I got blood splattered on my clothes. And I had blood
15 splatters on my clothes.

16 Q. And where was Dominic Ongwen while this was taking place?

17 A. Him, Dominic, and the other commander were sitting on a chair.

18 Q. Near? Far?

19 A. It was near.

20 Q. Did either of them say anything while this was taking place?

21 A. He said that if anyone refused to beat the soldier, then the person will be killed
22 like the soldier.

23 THE ACHOLI INTERPRETER: Message from the Acholi booth: The sound
24 connection is very bad.

25 MR GUMPERT: Shall I pause while we try and improve things or shall I carry on?

1 SINGLE JUDGE TARFUSSER: (Microphone not activated)... just pause a minute,
2 just for the record, in order to find out the reason, okay.

3 MS (Redacted): (Via video link) Yes. Yes, now I've just switched it off. Yeah.

4 SINGLE JUDGE TARFUSSER: You can continue, Mr Prosecutor. Thank you.

5 MR GUMPERT:

6 Q. Madam Witness, did you personally ever take part in any other killings?

7 A. I wasn't at any other killings other than this one.

8 Q. Did you ever witness any similar events to this?

9 A. Yes, I did witness.

10 Q. Let us suppose that the victim of such an event was a boy. Would there be a
11 pattern to who would be selected to take part in the killing?

12 A. Yes, there was a pattern.

13 Q. So tell us what the pattern would be if the victim was a boy.

14 A. If the person who tried to escape was a boy, then they would call the other boys,
15 his peers, to come and kill him.

16 Q. And what about if it was a girl who tried to escape?

17 A. Then it would be the girls who would be called to beat the person to death.

18 Q. Were you ever given a reason why you didn't have to join in except on this one
19 occasion?

20 A. Odomi told me that I had not -- never killed anybody before so I should come
21 and kill this soldier.

22 Q. It was probably a badly asked question and I apologise, but the question was:
23 When other killings took place and you weren't required to take part, were you ever
24 given a reason for being excused?

25 A. No, no explanation was given.

1 Q. I want to turn briefly to an attack at a place which you mentioned called Pajule.

2 Do you remember that attack?

3 A. Yes, I recall the attack.

4 Q. How many attacks were there on Pajule that you were aware of?

5 A. I recall two. One was during the daytime and one was at night.

6 Q. I want to concentrate on the attack at night. Were you personally present?

7 A. Yes, I was present.

8 Q. And what was your role? What were your instructions?

9 A. I was there to carry luggage, foodstuff.

10 Q. Leaving aside any soldiers there may or may not have been, were there any
11 civilians at the camp at Pajule when the attack took place at night?

12 A. Yes, there were civilians.

13 Q. What happened to those civilians?

14 A. The civilians were abducted and made to carry luggage. There were children
15 and men among the civilians.

16 Q. Concentrating on the children, were there both boys and girls?

17 A. They abducted little children, including mothers who had babies strapped to
18 their backs.

19 Q. Did you come to know the name of any of the children who were abducted?

20 A. I did not understand. Can you please repeat the question?

21 Q. Yes. I'm asking you to concentrate your attention on the girls who were
22 abducted. Did you ever come to know the name of any of those girls?

23 A. I know one person.

24 Q. What's her name?

25 A. Only one person's name.

- 1 Q. What is the name?
- 2 A. She's called (Redacted), but I do not know the other name.
- 3 Q. What happened to (Redacted)?
- 4 THE ACHOLI INTERPRETER: No response coming through to the Acholi booth.
- 5 MR GUMPERT: Let me ask that question again.
- 6 Q. What happened to (Redacted)?
- 7 A. I have forgotten what happened to (Redacted).
- 8 Q. Well, when did you last see her? Where was she when you last saw her?
- 9 A. I last saw (Redacted) when we were in Koch and had -- and I had been shot.
- 10 Q. And before that, where would you see (Redacted)? How was it that you came to
- 11 know her and to know her name?
- 12 A. When (Redacted) was initially abducted, she came and was staying at our home.
- 13 She was one of Odomi's wives.
- 14 Q. Did she have any choice about becoming Dominic Ongwen's wife?
- 15 A. She had no choice.
- 16 Q. You told us a moment ago about you getting shot in a place called Koch. Do
- 17 you remember?
- 18 A. Yes, I do recall that.
- 19 Q. I think the last place that you mentioned where you were based was Kitgum; is
- 20 that correct?
- 21 A. Yes, it is.
- 22 Q. How did you come to move from Kitgum to Koch? Tell us about the
- 23 circumstances in which that took place?
- 24 A. We left Kitgum, we walked through Lau (phon), then through Minakulu and
- 25 then into Koch.

1 Q. And what was happening to cause you to make this trip from Kitgum to Koch?

2 A. We were being followed by soldiers, a lot of soldiers with helicopters. When
3 we arrived at Koch, then they started firing at us.

4 Q. What happened to you when they started firing?

5 A. When they started firing, I did not actually notice what happened. I fell to the
6 ground.

7 Q. And what was the next thing you knew after falling to the ground?

8 A. When I fell to the ground, I got up, I started running towards the forest. I went
9 and fell in the forest. I was unconscious for a while.

10 Q. What did you do then?

11 A. When I regained consciousness, I got up. There was an unexploded bomb and
12 a big snake next to me. I had not yet noticed, or I wasn't aware that I had been
13 (Redacted). When I came out of the forest, I started walking. I found a lot of
14 corpses on the floor. They had been put out in a line. They had been lined up.
15 And I was thinking to myself, you're lucky you're dead, I still have to -- I still have to
16 continue with my own struggles.

17 Q. I just want to interrupt you there for a moment. You said when you regained
18 consciousness, there was something next to you and I'm not sure that the transcript
19 has it correct at the moment. Can you tell us again very quickly. Not the snake, the
20 other thing.

21 A. An unexploded bomb and a snake.

22 MR GUMPERT: No I think the transcription is just wrong there, with the greatest of
23 respect. There's a syllable missing at the beginning of the word --

24 SINGLE JUDGE TARFUSSER: (Microphone not activated)

25 MR GUMPERT: It's an unexploded bomb.

1 Q. So you've seen the dead bodies and you're regretting that you're still alive.

2 What did you do next?

3 MS (Redacted): (Via video link) There was no translation, huh?

4 THE ACHOLI INTERPRETER: There is no response coming through.

5 MS (Redacted): (Via video link) Sorry, there was no translation in Acholi. We
6 didn't receive it.

7 MR GUMPERT: Okay. I'll ask again.

8 Q. I'm asking you to continue the story. I interrupted you. The last thing you
9 told us was that you had seen a line of dead bodies and you were thinking, well, you
10 dead ones are lucky because I've still got to struggle on. What happened after that?

11 A. After that I started walking following the beaten path. I found bombs, people
12 who had been shot by bombs, the corpses -- there were corpses all over the place and
13 body parts all over the place. Some of the body parts were in trees, in the trees. I
14 kept on walking. I found a jerrycan. It had a hole in it. I saw water, I went and
15 fetched some water. I started drinking the water, but I could not actually drink it.
16 That's when I realised that I had been injured on (Redacted), on my arms, on both
17 arms and on my thigh, on one side of my thigh.

18 Q. Who were the next people that you encountered, that you came across?

19 A. I walked, after a few -- a few steps I met with the government soldiers. The
20 government soldiers were saying, "If I find anyone alive among them, I will rape
21 them until they die."

22 When I heard what the government soldiers were saying, I regained a little bit of
23 strength, I ran and hid in a banana plantation. Some of the bananas were ripe. One
24 of the soldiers came to collect some bananas and fortunately he did not see me.
25 I was extremely scared and I was breathing very heavily, but he did not see me.

1 Then he walked off and left.

2 I started following the soldiers and I found a road. I came across a road. And I
3 recalled that while we were in the bush we had been instructed that if government
4 soldiers found you, you would be raped to death.

5 Q. What did you decide to do at this time having come out of the banana
6 plantation?

7 A. When I left the banana plantation, I came across the road and I started following
8 the direction that I believe that the Lakwena had walked to and I started following
9 that direction. I did not find -- I could not find the direction that they had gone to.
10 I started following the road. I came across a tank, an army tank, and I ran and hid
11 again.

12 Q. Go on.

13 A. Thereafterwards I went into a forest. I started praying. When
14 I was -- when -- as I was praying, I felt myself being lifted from the ground. When I
15 opened my eyes, it was dark. Everywhere was dark. I started walking towards the
16 road. I came across government soldiers. They started asking me questions. They
17 questioned me, but I could not answer their (Redacted) and my
18 head were very swollen.

19 Q. Where did the army soldiers take you?

20 A. They started helping me and they started -- they put a drip on me. When
21 I -- when the government soldiers found me, they put me on a drip and they took me
22 to the division.

23 Q. Which division?

24 A. The barracks in Gulu, the big barracks in Gulu.

25 Q. Madam Witness, I don't know whether it's important, but do you know the

1 number of the division?

2 A. No, I do not know.

3 MR GUMPERT: Unless Mr Odongo feels it necessary, I propose to lead the witness
4 through the last matters because I suspect they are non-controversial and may take
5 longer than necessary.

6 MR ODONGO: No objection, your Honour.

7 SINGLE JUDGE TARFUSSER: Okay.

8 MR GUMPERT: I'm grateful.

9 Q. It's right, isn't it, that you were in the hospital for about eight months and you
10 feared you were going to die quite often during that time?

11 A. Yes, those were my thoughts.

12 Q. And after about eight months you were taken to an organisation called GUSCO,
13 G-U-S-C-O; is that correct?

14 A. Yes, that's correct.

15 Q. And GUSCO made contact with your parents and you were reunited with
16 them?

17 A. Yes, we met.

18 Q. You were still badly injured in (Redacted); is that correct?

19 A. Yes, that's correct.

20 Q. And you went for treatment for this injury, this wound, (Redacted)?

21 A. Yes, that's correct.

22 Q. And after surgery you returned (Redacted)?

23 A. Yes, that's correct.

24 MR GUMPERT: Your Honour, I've -- forgive me, I'm just being passed a note.

25 I think I've very nearly finished.

1 SINGLE JUDGE TARFUSSER: Okay. Let me just say we have five, six, seven
2 minutes. I would say that you think about it, I will give you tomorrow morning
3 maybe for one or two questions more you might have forgotten and then I pass over
4 to the Defence, which anticipated somehow to me that they will probably need about
5 two sessions. So just for organisational matters, okay?

6 MR GUMPERT: I'm very content with that. Thank you.

7 SINGLE JUDGE TARFUSSER: Go ahead.

8 MR GUMPERT:

9 Q. I want to ask you about (Redacted). How many people with the name (Redacted)
10 did you know whilst you were in Dominic Ongwen's household?

11 A. Only one person.

12 Q. And the last question which occurs to me tonight: You've described or you've
13 given the name -- two names to the people who abducted you. You called them
14 Lakwena and the Holy. Since you have returned from your abduction, do you know
15 the organisation by any other name or set of initials?

16 A. No, there is no other name.

17 MR GUMPERT: Thank you. Those are all the questions which occur to me now,
18 your Honour. I'm grateful for the opportunity to think overnight, but if I do have
19 any, they will be very few.

20 SINGLE JUDGE TARFUSSER: Thank you very much. We have only five minutes
21 left, that's why I think we should just stop it here and adjourn until tomorrow
22 morning 9.30.

23 I want to thank the witness for her patience and for her being at our disposal the
24 whole day. I think that also tomorrow you will have a bit of your time to dedicate to
25 the Defence and then by tomorrow afternoon, early afternoon probably, you are freed

- 1 and hopefully never again confronted with what you -- with your experience
2 anyhow.
- 3 I'm proud to be Italian, to have helped somehow you, so this is from my part. Thank
4 you very much and see you tomorrow.
- 5 The hearing is adjourned until tomorrow 9.30.
- 6 THE COURT USHER: All rise.
- 7 *(The hearing ends in closed session at 4.27 p.m.) Reclassified into open session
- 8 RECLASSIFICATION REPORT
- 9 Pursuant to Trial Chamber IX 's Order, ICC-02/04-01/15-584-Conf, dated 4 November
10 2016, the version of the transcript with its redactions becomes Public.