

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Cano
6 Pangalangan
7 Trial Hearing - Courtroom 3
8 Thursday, 26 September 2019
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:51] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:35:13] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:35:18] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
17 Dominic Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:35:32] Thank you.
20 I ask for the appearances of the parties, the Prosecution, Mr Gumpert first.
21 MR GUMPERT: [9:35:37] May it please your Honours, Ben Gumpert for the
22 Prosecution. With me today Beti Hohler, Colin Black, Shkelzen Zeneli and
23 Milena Bruns.
24 PRESIDING JUDGE SCHMITT: [9:35:48] Thank you.
25 And for the representatives of the victims, Ms Massidda first.

1 MS MASSIDDA: [9:35:51] Good morning, Mr President, your Honours. For the
2 Common Legal Representative team appearing today Orchlon Narantsetseg,
3 Caroline Walter and myself, Paolina Massidda.

4 PRESIDING JUDGE SCHMITT: [9:36:02] Thank you.

5 And Ms Sehmi.

6 MS SEHMI: [9:36:03] Good morning, Mr President, your Honours. For the
7 Legal Representative for Victims I'm Anushka Sehmi, with James Mawira and
8 Maria Radziejowska.

9 PRESIDING JUDGE SCHMITT: [9:36:13] Thank you.

10 And the Defence, Mr Obhof.

11 MR OBHOF: [9:36:15] Thank you very much, your Honour. My name is
12 Thomas Obhof. Today with us is Gordon Kifudde, Chief Charles Achaleke Taku,
13 Veronica Stachurski and our client, Mr Dominic Ongwen.

14 PRESIDING JUDGE SCHMITT: [9:36:27] Thank you.

15 The Defence is calling D-13 as its next witness. Before we begin with her testimony,
16 the Chamber will issue an oral decision on the request for protective and special
17 measures of this witness, and for this we have to go to private session shortly.

18 (Private session at 9.36 a.m.)

19 THE COURT OFFICER: [9:36:57] We're in private session, Mr President.

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(Private Session)

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11 (Open session at 9.44 a.m.)

12 THE COURT OFFICER: [9:44:59] We are back in open session.

13 PRESIDING JUDGE SCHMITT: [9:45:05] Thank you. And as I have already said in
14 private session, the witness can now be brought to the video-link location.

15 MR OBHOF: [9:45:13] Your Honour, really I think the VWU's job would be to
16 inform the witness of the decision. Maybe it would be best if we took a short break.

17 PRESIDING JUDGE SCHMITT: [9:45:24] Obviously I'm informed that this has
18 already been done.

19 A pre-information, so to speak. You can be sure that we do not let a witness go into
20 such a situation without advanced notice. This is a part of the protection of a
21 witness.

22 And while we are waiting on the witness, you have heard, everyone here, also
23 Mr Gumpert and representatives of the victims, when it comes to these sensitive
24 matters regarding the whereabouts -- we go to private session.

25 MR TAKU: [9:46:09] May it please your Honours, I very rarely get up these days

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(Open Session)

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WITNESS: UGA-D26-P-0013

1 because once any of my colleagues is dealing with a witness, I prefer to sit and wait
2 and observe. But I just wanted, in light of the pleadings of the Prosecutor in this case,
3 that at some point in time your Honours will be in a position to critically look at the
4 pleadings with regard to the Article 56 wives. Some of them who have largely, even
5 at the time of the Article 56 proceedings, have made statements in public and
6 continue and the chain of events that occurs like today and to say that it cannot be
7 said or be seen as treating this witness any less. We know in a case like this that
8 most of -- every participant in this case, almost all, have different levels of being
9 victims, including our client, as they themselves considered, therefore I think you
10 should be able to, in light of your, within the limits of your ruling, to treat her with
11 much more respect and candour in her (Overlapping speakers).

12 PRESIDING JUDGE SCHMITT: [9:47:21] You can be absolutely sure that we are
13 going to do that. And I think the Chamber can be self-confident enough to say we
14 throughout these proceedings have conducted the proceedings in a way that really
15 respected every witness and victim and, by the way, also all participants I would like
16 to add.

17 So now, Madam Witness, good morning. Can you hear me?

18 WITNESS: UGA-D26-P-0013

19 (The witness speaks Acholi)

20 (The witness gives evidence via video link)

21 THE WITNESS: [9:47:55] (Interpretation) Good morning.

22 PRESIDING JUDGE SCHMITT: [9:47:57] Madam Witness, this is what sometimes
23 happens in a courtroom, some discussions between lawyers which are of interest for
24 us here in the courtroom but did not concern your immediate upcoming testimony.
25 Madam Witness, you are going to testify before the International Criminal Court.

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1 On behalf of the Chamber I would like to welcome you to the video-link location
2 which is an extended courtroom, so to speak.

3 THE WITNESS: [9:48:31] (Interpretation) Thank you very much.

4 PRESIDING JUDGE SCHMITT: [9:48:33] Madam Witness, I will now read out the
5 oath to you that every witness has to take when testifying before this Court. So
6 please listen carefully:

7 I solemnly declare that I will speak the truth, the whole truth, and nothing but the
8 truth.

9 Madam Witness, do you understand the undertaking?

10 THE WITNESS: [9:49:05] (Interpretation) Yes, I do understand.

11 PRESIDING JUDGE SCHMITT: [9:49:08] Do you agree with it?

12 THE WITNESS: [9:49:16] (Interpretation) Yes, I agree.

13 PRESIDING JUDGE SCHMITT: [9:49:17] Thank you, Madam Witness, you have
14 now been sworn in.

15 A few practical matters before we start with your testimony. Everything we say here
16 in the courtroom is written down and interpreted. To allow for the interpretation,
17 we have to speak at a relatively slow pace so that the interpreters can follow what we
18 say and everybody understands.

19 If you need a break, if you feel you should address the Chamber, please raise your
20 hand, I will give then the word and you can address us.

21 Thank you for the moment. That's for me. I now give the Defence the floor for the
22 Defence's examination.

23 Please, Mr Obhof.

24 QUESTIONED BY MR OBHOF:

25 Q. [9:50:26] Good morning, Ms Witness.

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WITNESS: UGA-D26-P-0013

1 A. [9:50:32] Good morning.

2 Q. [9:50:35] Can you please state your name to the Court.

3 A. [9:50:49] My name is Ayot Florence.

4 Q. [9:50:58] Have you ever been known by any other name?

5 A. [9:51:22] My names are the ones I have stated.

6 PRESIDING JUDGE SCHMITT: [9:51:32] If you need time to arrange something,

7 Mr Obhof.

8 MR GUMPERT: [9:51:36] I'd be perfectly happy for Mr Obhof to lead the witness on

9 this material. There's no argument here.

10 PRESIDING JUDGE SCHMITT: [9:51:43] Thank you for helping out here,

11 Mr Gumpert.

12 MR OBHOF: [9:51:47] Thank you, Mr Gumpert.

13 Q. [9:51:50] Have you ever been called Min Bak?

14 A. [9:52:05] Yes, from the bush, I was called that.

15 Q. [9:52:12] And how does a woman in Acholi get the name Min, M-I-N?

16 A. [9:52:31] That name is an honour to you for giving birth to a child and you

17 become the mother of that child and that's how you get the name.

18 MR GUMPERT: [9:53:07] I'm sorry I'm on my feet again. I am getting a pixilated

19 version of the witness's image, which seems to me not to correspond -- I see it's fixed.

20 I'll sit down and shut up.

21 PRESIDING JUDGE SCHMITT: [9:53:25] Now I know what's going on here. There

22 was some, obviously some commotion here that we did not or that I did not react,

23 simply due to the fact that we have the perfect image of the witness here. But it's

24 going to be fixed as I have been told. And I think it has even been said that it has

25 been fixed. Okay, good.

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1 Please continue, Mr Obhof.

2 MR OBHOF: [9:53:55] Your Honour, if I could, I'd like to go into private session for
3 about three to five minutes for these next session of questions.

4 PRESIDING JUDGE SCHMITT: [9:54:11] Thank you, Mr Obhof, also for indicating
5 how long it will last.

6 Private session.

7 (Private session at 9.54 a.m.)

8 THE COURT OFFICER: [9:54:21] We're in private session, Mr President.

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(Private Session)

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1 (Open session at 9.58 a.m.)

2 THE COURT OFFICER: [9:59:03] We are back in open session, Mr President.

3 MR OBHOF: [9:59:27]

4 Q. [9:59:28] Now, Ms Witness, what happened to your mother after you were
5 born?

6 A. [9:59:46] About my mother, as soon as I was born she passed on. My aunt,
7 sister of my mother, was the one who took care of me until my abduction. I did not
8 know my father. And because my mother was a student at the time she gave birth to
9 me, she never indicated to my aunt who my father was. And up to now I use my
10 aunt as my mother.

11 Q. [10:00:27] When you were living with your aunt before your abduction, what
12 was your life like?

13 A. [10:00:41] When I was living with my aunt my life was good. My cousin had
14 taken me and I was living in Masaka with my cousin and life was really good.
15 Unfortunately, when I was returning home we reached Opaka and Kony's people
16 shot at the vehicle and unfortunately my cousin died and I survived. Then Kony's
17 soldiers abducted me. When they abducted me, I was with other children. In a
18 public transport you cannot know who is who. Others died, others survived.
19 For us who survived, the young ones, me and some boys were abducted and taken to
20 the eastern side of the road. We crossed the road again towards the sunset, towards
21 the sunset and moved towards Koch and found a large number of people. That is
22 when life became really difficult until I returned.

23 I have evidence on things I can talk about. I was with different commanders.

24 When I was abducted it was called *kilega*. I asked what have we come to do here?

25 And they told me that all the young people have come to pray. I asked that: What

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WITNESS: UGA-D26-P-0013

1 kind of prayer do you guys hold here? And they told me just wait and see.
2 We spent the night and then I was given to a Commander Mugoli (phon) and then
3 Okwera Dul Mony, Opiro, and then later Opiro was going to Kenya and they left me
4 with Kijura. When Opiro returned, that is when I found difficulty in life. Opiro
5 wanted me to go back to his household, while Kijura wanted me stay in his
6 household. Then they said I should be shot.
7 Life became difficult. We continued moving. There was lack of food, there was
8 lack of water. You have to carry ammunition. You have to carry saucepans and
9 foodstuff. And then we came under attack by government soldiers.
10 If you are lucky, you just jump over a dead body and go. If you are unlucky, you
11 also die. We suffered until we moved towards Kitgum. We went to collect
12 firewood. We were four when we went to collect firewood. The older people said
13 let us escape. Even me, I thought it was good.
14 PRESIDING JUDGE SCHMITT: [10:03:46] Madam Witness, allow me shortly to
15 interrupt you. You have a narrative, that's absolutely okay. But I think Mr Obhof
16 wants to go through some of the questions and some of your history step by step,
17 I would assume. So I stepped in in favour, so to speak, of Mr Obhof. And I think
18 you want to go to the beginning again and then from there slowly, more slowly
19 proceed during and going through your history in the bush, Madam Witness.

20 Mr Obhof.

21 MR OBHOF: [10:04:21] Thank you, your Honour.

22 Q. [10:04:25] So Ms Witness, do you remember the name of the group within the
23 LRA which abducted you?

24 A. [10:04:41] Well, it's quite a while ago. I do not recall the name right now. But
25 if I'm reminded, then I think I can confirm.

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WITNESS: UGA-D26-P-0013

1 Q. [10:05:01] Now, you mentioned earlier that you headed east after your
2 abduction. After those first few days, how familiar were you with the area you were
3 taken to?

4 A. [10:05:31] Well, I did not know. It was just in the wild. And, you know, well,
5 what you would do is you would ask your colleagues where we were and they told
6 me we were in Koch.

7 Q. [10:05:45] At that time when you were abducted, how well did you know Koch?

8 A. [10:05:57] Well, I didn't know anything about there. It was in the wild.

9 Q. [10:06:05] Now, those first few days or weeks after your abduction, did the LRA
10 make you carry anything?

11 A. [10:06:23] Yes, I was given a jerrycan and a sauce pan. They feared that
12 I would throw them away, so they didn't give me much.

13 Q. [10:06:36] You said they feared that you would throw it away. Did they give
14 you any instructions about this?

15 A. [10:06:50] Yes, they would instruct you not to drop anything. They would tell
16 you that they don't have things, a lot of things, so nobody should drop anything. If
17 you did so, you would be killed.

18 Q. [10:07:10] Now, other than carrying items in those first few months, what other
19 duties did your abductors give to you?

20 A. [10:07:43] After some few months they started training us. They were training
21 us on the mode of life in the bush, what you need to do at different times. If it's time
22 for prayers you would have to go for prayers. We were also given some military
23 training on how to disassemble a gun.

24 Q. [10:08:06] A few minutes ago, this is from the end of real-time transcript page 14
25 going on to 15, lines 24 to line 1 -- or 25 -- you stated that: I asked what I have come

1 to do here and they told me that all the young people have to come to pray.

2 What did you mean by that? What did your captors explain to you by the young
3 people coming to pray?

4 A. [10:08:50] Yes, they told us because sometimes at about 5 a.m. they would take
5 you for prayers. And there were people referred to as the controllers. You would
6 go and fetch water and come and pour in a drum while others are praying. Some
7 people would be sprinkling water in the yard. They said that was meant to control
8 or to ward off negative things or bad things coming. That's what they told us.
9 Sometimes when people are going for a battle, they will instruct the young people to
10 go and be praying.

11 Q. [10:09:38] After your abduction, within the first month or so, did the LRA
12 perform any rituals upon you and those who were recently abducted?

13 A. [10:10:01] Yes, they did. They will draw the image of the heart on your back
14 and it was called -- well, I do not recall what it was referred to, but it was used for
15 smearing you. I think it was called camoplast.

16 PRESIDING JUDGE SCHMITT: [10:10:24] Did this have an effect on you,
17 Madam Witness?

18 THE WITNESS: [10:10:38] Yes, it had some effects. You know, it's something you
19 had never witnessed before and you would be scared, you would be wondering why
20 am I going through such a thing. And then it would anger you.

21 PRESIDING JUDGE SCHMITT: [10:10:53] Mr Obhof.

22 MR OBHOF: [10:10:55]

23 Q. [10:10:58] Did they tell you the purpose of these rituals?

24 A. [10:11:14] Yes, they told us many things, but I think I cannot recall all because
25 it's been a while ago.

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1 PRESIDING JUDGE SCHMITT: [10:11:20] I think you can move on. There are
2 I think other issues where we do not have so much evidence and there might be here
3 some evidence that might be of more interest than about the rituals.

4 MR OBHOF: [10:11:40]

5 Q. [10:11:47] Now, you mentioned this thing called a *kilega*. What were the duties
6 of a *kilega*?

7 A. [10:12:05] The duties of a *kilega* was if people were going for a battle or people
8 were camped somewhere, you will be praying constantly. Some people will be
9 praying, others would be fetching water and putting it in a drum. And if the water
10 is put in that container, the controller would be managing, they would be making
11 some incantations. They will say this world is in the hands of God. And so many
12 other things. This was the kind of task the *kilega* would be doing. Every day at
13 5 a.m. they would wake you up to do such things and many other things that I cannot
14 clearly recall now. But, yeah, it's been a while.

15 Q. [10:12:56] Which sexes or which sex were *kilegas*?

16 A. [10:13:13] The female ones were the *kilega*. The elder ones were called Mary
17 coy. The boys were sometimes tasked with constructing the yard, putting the
18 demarcation of the yard. And during prayer services the young ones would be
19 praying together, those are people from 11 downwards.

20 Q. [10:13:41] Did this *kilega* group carry guns?

21 A. [10:13:49] At the beginning they were not, but later on when they were turned
22 into ting tings, when they were turned into ting tings, yeah, they would be given
23 some guns to carry.

24 MR OBHOF: [10:14:11] Your Honour, I'm realising I forgot to ask one important
25 question about 10 minutes ago, in public of course.

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1 PRESIDING JUDGE SCHMITT: [10:14:19] No problem. So we are still in the
2 courtroom and you have the floor so you can -- so you are free to ask.

3 MR OBHOF: [10:14:27]

4 Q. [10:14:28] Madam Witness, do you remember when you were abducted?

5 A. [10:14:44] Yes, I remember, but right now I cannot clearly recall, but I think I put
6 it down in my statement. You know, when I am settled I begin thinking about it and
7 then I can remember.

8 PRESIDING JUDGE SCHMITT: [10:14:58] I think that's no problem at all. We had
9 this many times and we are talking about events, Madam Witness, that are perhaps 20,
10 30 years ago. So to shorten this a little bit, you have given a statement, as you
11 already have said, and I'm reading just to you two phrases out of this statement and
12 perhaps this reminds you. UGA-D26-0017-0173 at page 0179.

13 You said: "I was coming back to Lacor in 1987 when I was abducted. It was
14 October 1987". So if you hear that, does that refresh your memory?

15 THE WITNESS: [10:15:54] (Interpretation) Yes, it does.

16 PRESIDING JUDGE SCHMITT: [10:15:57] So this is correct?

17 THE WITNESS: [10:16:08] (Interpretation) It's not right.

18 PRESIDING JUDGE SCHMITT: [10:16:09] It's not correct? Okay, then what would
19 be the right date, if you recall it?

20 THE WITNESS: [10:16:25] (Interpretation) I don't recall the date that I was abducted.
21 I was abducted on my way around Opaka and it was not along Lacor road, but
22 Opaka.

23 PRESIDING JUDGE SCHMITT: [10:16:43] It is not extremely important, so to speak,
24 but let me just give one little try.

25 Do you perhaps recall how old you were? Perhaps if you look at the time you spent

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1 in school, what you have reached at school.

2 THE WITNESS: [10:17:12] (Interpretation) I was 9 going to 10. I was about nine
3 and a half going to 10.

4 PRESIDING JUDGE SCHMITT: [10:17:21] I think that that's enough. We don't
5 need more.

6 Mr Obhof, please proceed.

7 MR OBHOF: [10:17:26]

8 Q. [10:17:26] Now, you mentioned also that you were trained. Could you
9 elaborate -- because I know we held you off. During your time in Uganda, could
10 you elaborate on what type of training you received?

11 A. [10:17:53] While we were in Uganda, they would train you on how to dismantle
12 a gun, how to march, and when you are coming under attack, how you should take
13 cover. And if you saw people running towards the right, you also run in the same
14 direction. And yes, they trained us on how to dismantle a gun, how to take cover,
15 how to parade and how you should call your commanders, how you can talk to them.
16 And, yeah, so many other things I cannot all recall now.

17 Q. [10:18:41] After your training, what type of weapon, if any, did you receive?

18 A. [10:18:56] After the training, I was given an SMG gun and you know it was not
19 easy. Sometimes you come under attack and to protect yourself you can fire back at
20 the soldiers because that's the only way you can survive such an attack.

21 Q. [10:19:23] This time while you were still in Uganda, were you expected to go
22 and fight instead of just defend yourself? Were you expected to go and fight?

23 A. [10:19:49] Yes, they would send us, but they would not send many people.
24 Those days they would send very few women, mostly the older one, but I also went.
25 Because they would just come and identify you to go and you cannot object to that.

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WITNESS: UGA-D26-P-0013

1 There was also another lady who was called Helen, but she is now deceased.

2 Q. [10:20:17] Now, who is this Helen?

3 A. [10:20:26] We stayed together in the bush with her.

4 Q. [10:20:36] Now you mentioned that you stayed in the households of
5 Muguni (phon), Okwera Dul Mony, Opiro and Kijura. For how long did you
6 stay in the household of Opiro?

7 A. [10:20:56] I did not stay for long in Opiro's home because there were constant
8 transfers. You stay in one place for a short while and then you will be transferred.
9 I do not recall how many months and days exactly.

10 Q. [10:21:19] You mentioned that he went to Kenya. Do you know why he went
11 to Kenya?

12 A. [10:21:32] At that time they were going to meet Alice Lakwena.

13 PRESIDING JUDGE SCHMITT: [10:21:42] So we are all aware here in the courtroom
14 that we are speaking of the early days, and I assume, Mr Obhof, that you will soon
15 proceed in time, so to speak.

16 MR OBHOF: [10:21:56] Closely. I mean I am going to move forward now because
17 that's where I'm looking for the next person that she was with.

18 PRESIDING JUDGE SCHMITT: [10:22:07] Yes, but of course the persons -- Madam
19 Witness has correctly pointed out that she was transferred several times --

20 MR OBHOF: [10:22:14] It's the fourth person I'm looking for that I --

21 PRESIDING JUDGE SCHMITT: [10:22:16] Exactly. Okay, please.

22 MR OBHOF: [10:22:18]

23 Q. [10:22:19] Now, Madam Witness, when Opiro left for Kenya, you said you went
24 to Kijura's household. How was Kijura's household different from Muguni, Okwera,
25 and Opiro?

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1 A. [10:22:44] The difference that was there from the other three places because
2 I was there in the other ones as a ting ting, but when I went to Kijura's place he
3 started disturbing me, he started -- he wanted me to become his wife and it made my
4 life very difficult. And the women who were in his household were very harsh and
5 aggressive. They were bigger people, they were women who really mistreated me.
6 I found my life very difficult there. But he would also tell me that I should not go
7 anywhere else, I should stay in his household. I tried to report this case to the high
8 authorities, but never worked for me.

9 Q. [10:23:34] And what eventually happened when you reached sexual maturity?

10 A. [10:23:58] Well, it was not yet right because I had not really reached sexual
11 maturity, but Kijura forced me and I did not feel right about that.

12 PRESIDING JUDGE SCHMITT: [10:24:14] Madam Witness, again this very difficult
13 question, I know, but perhaps you might have some reference point in time. How
14 old were you when this happened?

15 THE WITNESS: [10:24:30] (Interpretation) I was 13.

16 PRESIDING JUDGE SCHMITT: [10:24:38] Mr Obhof.

17 MR OBHOF: [10:24:41]

18 Q. [10:24:43] Now, Ms Witness, were you ever given to Kijura as a wife?

19 A. [10:24:58] I was not yet given to him, but he already had interest. He would
20 tell me that the orders came from above, that I should stay in his household and I
21 should become his wife. That's what he used to tell me.

22 Q. [10:25:19] Do you remember in which location you were when you eventually
23 were -- when he said that you were given to him as your wife -- as a wife?

24 A. [10:25:40] No, I do not recall. You know, you would move day and night and
25 you were stationed here or there, I cannot recall.

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1 PRESIDING JUDGE SCHMITT: [10:25:51] Madam Witness, how long after Kijura
2 had forced himself upon you became you his wife?

3 THE WITNESS: [10:26:14] (Interpretation) It did not take long. I want to say from
4 the bush when the orders came from above, from Kony, you cannot object to those
5 orders because first of all he was also getting young girls and as a girl you cannot also
6 object because they would kill you. As a man if you say I cannot handle this lady
7 because she is still young, they would either arrest you or even kill you. So our lives
8 were very difficult.

9 PRESIDING JUDGE SCHMITT: [10:26:47] Mr Obhof.

10 MR OBHOF: [10:26:50] Your Honour, just to maybe refresh her memory I'd like to
11 read from paragraph 17 of tab 1 at page 0180.

12 PRESIDING JUDGE SCHMITT: [10:27:02] I'm not sure if this is really something -- it
13 is only a little bit different, or let me put it it's in addition to what she has said in 17.
14 It's not -- I would prefer it at that moment if you would draw out of 17 perhaps
15 simply a question and not read it to her. You know, it does not contradict itself.
16 What the witness said today is simply an addendum, so to speak, and which would
17 show perhaps that she recalls even a little bit better than at the time.

18 MR OBHOF: [10:27:39]

19 Q. [10:27:41] Do you remember in which country you were eventually given to
20 Kijura?

21 A. [10:27:57] We were still in Uganda.

22 Q. [10:28:02] Now, when Kijura told you that Kony had given orders for you to
23 become his wife, do you remember in which country you were?

24 A. [10:28:26] Yes, I said right now I do not recall where exactly I became his wife
25 because if I am to read out the names of places we went to they would be in millions,

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1 and I cannot recall all of them.

2 PRESIDING JUDGE SCHMITT: [10:28:41] I think that's okay. But of course now
3 would be the situation, if you think it is very important, you can put it to her,
4 paragraph 17, in that regard.

5 MR OBHOF: [10:28:50] I'll ask her one --

6 PRESIDING JUDGE SCHMITT: [10:28:51] Yes.

7 MR OBHOF: [10:28:52] One different way.

8 Q. [10:28:54] Do you remember in which country or maybe even in which location
9 you were at when you became pregnant with Bak?

10 A. [10:29:10] Yes, I do recall. We left Gong, went to Luudo, but between the two
11 places I can't -- I don't know where exactly I got pregnant from. We left Uganda,
12 went to Luudo and from Luudo to Gong, and when we were -- from Gong, when
13 I was about three or four months pregnant, we went to Palutaka.

14 PRESIDING JUDGE SCHMITT: [10:29:43] I think that will do it.

15 And a remark by me, Madam Witness, again it's absolutely understandable that after
16 such a long time and given what you said that you were in, as you formulated I think,
17 in millions of places, it's perfectly clear that you can't remember all of them. But
18 sometimes in the courtroom for us we at least try to refresh your memory, this is the
19 only reason. There is no reproach in that.

20 Mr Obhof.

21 MR OBHOF: [10:30:10] Your Honour, this next section may seem out of place, it was
22 when I did everything last night in preparation for a different style. So I do
23 apologise, but it will still make some sense.

24 PRESIDING JUDGE SCHMITT: [10:30:24] Let me say we are looking forward to it,
25 and of course we are only looking forward if it makes sense.

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1 MR OBHOF: [10:30:32]

2 Q. [10:30:34] Now, Ms Witness, earlier when you were telling the Court about your
3 travels you mentioned something about an escape. What was the punishment for
4 persons who tried to escape?

5 A. [10:31:07] Punishment given to people who attempt to escape and you're caught
6 you would be beaten or sometimes you can be killed. I am an example. When we
7 went to collect firewood, we tried to escape, four of us. There were people who were
8 watching us, they were called OP, they saw us trying to escape, we were caught and
9 brought to Buk and we were beaten. We were tied, they tied our hands on our backs.
10 But the three elderly people I just realised they had disappeared. When you escape
11 successfully and reach home, Kony would order that they would kill people within a
12 square mile of your home because if they kill people within a square mile you would
13 have killed the whole clan and then you realise that it's better you stay instead of
14 putting the lives of people at home at risk. When they get you, they will also kill you
15 when you are home.

16 PRESIDING JUDGE SCHMITT: [10:32:14] You see, Mr Obhof, it was not out of
17 place.

18 MR OBHOF: [10:32:19]

19 Q. [10:32:32] Now, did anybody -- while you were being beaten for attempting to
20 escape, did anybody approach you, other than Buk, of course?

21 A. [10:32:50] No. It's Kony himself who came and said "Do not disturb Flo. She
22 is still young. I think she was deceived." And that was in Uganda.
23 And then the one for Sudan, if you ask me, I will also tell you.

24 Q. [10:33:10] I'll get to that in about a minute.

25 What happened to the older persons who tried to escape?

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1 A. [10:33:32] Those people were removed and they went at the back of the defence.
2 They never returned. I never saw them ever since I was -- when I was in the bush I
3 never saw them. But I cannot ask where are these people, you would be putting
4 your life at risk. So I think they were killed.

5 Q. [10:34:06] You said that you didn't see what happened to them but that you
6 never saw them again. Now without discussing any possible roles, have you or did
7 you ever see someone executed or killed for attempting to escape?

8 A. [10:34:43] I saw from a place called Akworo. This person escaped and Matata
9 was ordered. There were two. He was the BIO. And the person was killed. I
10 witnessed it myself and he was killed in Akworo. And then they said they should
11 kill anything alive, and they killed other people also.

12 Q. [10:35:21] Was this before or after you went to Sudan?

13 A. [10:35:41] I do not recollect now. When I went to Sudan, I did not -- I did not
14 stay long and became pregnant. But I saw.

15 Q. [10:35:55] How did, how did seeing this in this village, these people being -- this
16 man being killed and hearing the order to destroy everything, how did this affect
17 your willingness to escape?

18 A. [10:36:31] I decided not to escape because if I escaped, they would kill me, they
19 would kill the people in my household, they would kill people around our homestead
20 and that would be too many deaths. Even if I escape and go somewhere else, many
21 people would be killed. I decided to persevere and stay for fear that you don't cause
22 more problems and bring enmity within the community.

23 Q. [10:37:19] Now you mentioned about a later escape in Sudan. Could you
24 briefly explain what happened there.

25 A. [10:37:47] The escape in Sudan, there was a lady called Aciro Alice escaped for

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1 the second time and left forever. But the day she escaped, that night was a bad night
2 for me. I would hear some noise outside the house. They thought I was going to
3 escape. I did not know Aciro Alice had escaped, but in the morning I was fetched
4 and they told me that "Min Bak, they are summoning you". I went to home of Raska.
5 When we reached his home, I was taken to Kony's household.
6 I was heartbroken when I reached there because they said I wanted to escape. He
7 asked me whether I wanted to escape and I said no. They took me to the house
8 where he eats from and then there were soldiers guarding me, four lines of soldiers
9 guarding me. I was told to sit still, not to move any bit. I started crying.
10 I survived because it was time for radio call and Otti Vincent was called. They took
11 the radio to Otti Vincent and they told him that they want to go kill Min Bak because
12 Alice had escaped. What helped me was that Otti Vincent interceded for me and
13 said that Alice was already old when she was abducted and I was young. That is
14 what helped me.
15 But while I was in that house they told me I was a demon, I shouldn't touch even a
16 child, I shouldn't touch anything because I was going to die. It was very painful.
17 Later Otti Lagony said -- when Otti Lagony wanted to escape, they said anybody
18 from Koch should be affected. They collected all the children -- or people who come
19 from Koch. When they killed Otti, they came and collected Opio Mata (phon),
20 Ocen Adam and all of us, and yet for me I come from a different end of Koch. But
21 for me they said that no one would take care of the child. That is how I survived
22 again. But every time you think that you will be next. Ocen was killed, Opio Mata
23 was killed. Okello Director was killed. Otti Lagony was killed.
24 Life was not easy. And you feel that you live in fear all the time. That was the
25 order that came from Kony.

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1 Q. [10:40:58] Ms Witness, while in the LRA what would be said about what the
2 government of Uganda would do to persons who escaped and returned home?

3 A. [10:41:30] While in the bush they always said that you would be killed and they
4 would say that they would play the recording of that person when the person has
5 already been killed. They don't allow people to listen to radios and you would
6 actually think that such a person is already dead.

7 Q. [10:41:56] Ms Witness, where did these rules, these punishments for escape,
8 from where did they come?

9 A. [10:42:22] All orders in the bush come from Kony and would send people in the
10 operation room to execute. There is no one who can come with his or her own
11 orders. All orders come from Kony.

12 Q. [10:42:41] What other type of actions would receive severe beatings or execution?
13 What other types of actions in the LRA would receive those?

14 A. [10:43:00] Sometimes you would be put in some kind of prison, sometimes you
15 would be demoted. There are many punishments that are always given.

16 Q. [10:43:37] Let's talk about this prison, just briefly, just quickly. What would
17 happen to a person if they would be put into one of these LRA prisons?

18 A. [10:43:54] When you are in prison, they remove your gun, take away the escorts
19 and you remain only with the wives. Sometimes you are given a huge load to carry
20 or a big weapon to carry. That is the punishment which means prison.

21 Q. [10:44:30] Now, these rules like the punishments for escape or arrests, how did
22 people learn about these after they were abducted into the LRA?

23 A. [10:45:05] When you are new, they gather everybody together and they start
24 explaining the rules, the rule 1, rule 2, rule 3. It would be disseminated to you.

25 Q. [10:45:28] Now, back a little bit on to escape, because you had briefly mentioned

1 places like Luudo and Gong. What were some of the difficulties, other than the LRA
2 coming after you, that a person would face if he or she escaped the LRA while in
3 Sudan?

4 A. [10:46:11] First a lack of food, then there was -- there were Dinka soldiers and
5 then wild animals which would come, and then you will die of thirst. Sometimes
6 you walk for two days without coming across any source of water. If you survive
7 the LRA, you would still go through those challenges. Sometimes they would find
8 just your clothes and they would just say -- they would find the clothes and say, well,
9 this is the clothes so-and-so wore and then they would find only the skeleton. Those
10 are the challenges you would face.

11 Q. [10:46:56] You mentioned walking for two days without finding water. What
12 would the general terrain be, the lay of the land?

13 A. [10:47:24] It is not easy. It's dry, it's hilly and then you find valleys and alleys
14 which are dry. Sometimes you come across flat land, but you can walk for two days
15 without finding any source of water. If you are unlucky, you can walk for three
16 days. If you, if you escape and attempt to carry water, they would find out and they
17 would kill you.

18 Q. [10:48:21] And also with Luudo and Gong, do you remember just the names of
19 some of the other locations in which you stayed in South Sudan?

20 A. [10:48:50] Yes, but I don't remember all of them. I can only mention a few of
21 them. There were many places.

22 Q. [10:49:00] Now we all understand. Could you tell us the ones that you do
23 remember.

24 A. [10:49:15] We left Luudo, went to Gong. From Gong we went to Palutaka.
25 And then I have forgotten the names of some defence. We went to Nsitu. We left

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1 Nsitu and went to Lubanga Tek and then went to Chete (phon) Bin Rwot. I don't
2 remember all of them.

3 PRESIDING JUDGE SCHMITT: [10:49:42] That's enough, Mr Obhof. Please can we
4 move on.

5 MR OBHOF: [10:49:45] Your Honour, I must because part of this will deal with our
6 next section, which I know you do want to hear about Mr Ongwen. So that's why
7 the names of the locations might help.

8 PRESIDING JUDGE SCHMITT: [10:49:57] Yes, please. I think there were only two
9 that she has not mentioned. Simply put it to her.

10 MR OBHOF: [10:50:04] Yes, yes.

11 Q. [10:50:06] Madam Witness, do you remember two different places called Aruu
12 and Jebellen?

13 A. [10:50:16] Yes, I remember them. Those are the ones I had forgotten.

14 Q. [10:50:23] With all these different locations, why did the LRA keep moving from
15 place to place to place?

16 A. [10:50:51] I do not know from the commanders. For us we were like luggage,
17 we just move when we were told to.

18 Q. [10:51:07] Now, how is it that a bunch of -- actually I should say it differently.
19 What type of arrangement did the LRA have with Sudan?

20 A. [10:51:35] At that time it was not allowed for women to speak to the Arabs, so I
21 wouldn't know.

22 PRESIDING JUDGE SCHMITT: [10:51:44] Madam Witness, do you know where you
23 got -- where the LRA got the food from at that time?

24 THE WITNESS: [10:52:03] (Interpretation) While we were in Sudan, the Arabs
25 would give food and they would also give weapons.

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1 PRESIDING JUDGE SCHMITT: [10:52:13] Mr Obhof, you might reach now soon

2 I think another topic so we could then -- if it were so, we could have the coffee break.

3 MR OBHOF: [10:52:26] I'm close. I have about three more questions, then we can

4 take the coffee break.

5 PRESIDING JUDGE SCHMITT: [10:52:33] Yes, please.

6 MR OBHOF: [10:52:35]

7 Q. [10:52:35] Now, how were these weapons and foods, how were they brought to
8 the LRA?

9 A. [10:52:51] They would bring in trucks.

10 Q. [10:53:00] Now, during this time in Sudan, did the LRA attempt to grow its own
11 food?

12 A. [10:53:12] Yes, they did. They grew a lot of food. There were many things
13 grown.

14 Q. [10:53:24] Now, when the, when the LRA left say Aruu and went to Jebellen, did
15 they take the food that they had grown with them?

16 A. [10:53:43] I was in Nsitu, so I have no idea. Maybe they carried a little, but
17 I don't know whether they carried everything.

18 MR OBHOF: [10:53:55] And as you alluded to, your Honour, I think right now
19 would be the perfect stopping time.

20 PRESIDING JUDGE SCHMITT: [10:54:03] Coffee break until 11.30.

21 THE COURT USHER: [10:54:07] All rise.

22 (Recess taken at 10.54 a.m.)

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

24 THE COURT USHER: [11:32:50] All rise.

25 Please be seated.

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1 PRESIDING JUDGE SCHMITT: [11:33:14] Mr Obhof, you have the floor.

2 MR OBHOF: [11:33:28] Thank you, your Honour.

3 Q. [11:33:31] Good afternoon, Ms Witness.

4 A. [11:33:38] Good afternoon.

5 Q. [11:33:41] Now, Ms Witness, you mentioned earlier about your original duties to
6 come and pray when you were first abducted. Were there spiritual elements of the
7 LRA?

8 A. [11:34:12] Well, yes, they had faith in that. Because the examples, before I had
9 taken long in the bush I witnessed a battle. They made some prayers and then they
10 threw some stones that blasted and disorganised the railway in Alero.

11 PRESIDING JUDGE SCHMITT: [11:34:45] Perhaps for the record, Ms Lyons has
12 joined the Defence team.

13 MR OBHOF: [11:34:51] Yes. I forgot. Thank you, your Honour. Ms Beth Lyons
14 arrived today.

15 Q. [11:34:59] Ms Witness, how did these spiritual elements come about in everyday
16 life of the LRA?

17 A. [11:35:13] There were many spirits with different names because sometimes
18 when he's possessed, Kony would gather the people around and he would tell us that
19 it's the spirit speaking, the spirit will be speaking and telling us what was going to
20 happen. It would tell us that the soldiers are approaching and you have to follow
21 this direction. Or it would tell us there is no impending attack, so settle.

22 At the beginning also the spirit would also direct how people should be selected for
23 work. There was Silindi, Who Are You, Jim Brickey, Sinaska and many others that
24 I cannot recall now. But they would all speak through Kony, telling him the things
25 that would happen. And sometimes if they wanted the LRA to fight using stones, it

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1 would instruct them to pick the stones and pray over them before using them. If
2 there were government soldiers approaching, it would give instructions on what to
3 do.

4 PRESIDING JUDGE SCHMITT: [11:36:27] I think you can move to another point.

5 MR OBHOF: [11:36:30] She answered six of my questions in the short narrative.

6 PRESIDING JUDGE SCHMITT: [11:36:35] That is very good to hear.

7 MR OBHOF: [11:36:37]

8 Q. [11:36:37] What would happen if somebody didn't follow the instructions from
9 the spirits?

10 A. [11:36:53] You know, before you go for a battle, you will have to be blessed
11 using -- they would smear you with water, they would sprinkle water on you. And I
12 remember an example people went to Karanga and it was an instruction that nobody
13 should sit down. Those who defied and sat down, I would say most of them -- not
14 actually most of them, all of them were killed along the way. Those who stayed
15 standing while they were going uphill all survived and returned.

16 If you were told not to abduct someone, you don't have to do it. If you are told not
17 to eat meat, you don't have to. If you are told not to take anything from anyone, you
18 don't have to. If you did so, you will be in problem. You will actually be shot.

19 So there were so many things that happened, I cannot recall all of them right now.

20 Q. [11:37:53] That's okay, Ms Witness. As the judge has said, it has been a long
21 time and we do appreciate sharing the stories that you remember.

22 PRESIDING JUDGE SCHMITT: [11:38:02] Plus for you, Mr Obhof, we have of
23 course a lot of evidence on the record in that regard.

24 MR OBHOF: [11:38:08]

25 Q. [11:38:11] Other than impending battles, would Joseph Kony be able to predict

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1 the future about anything else?

2 A. [11:38:32] Yes, because sometimes if you had any plans of escaping, he would
3 select you to stand up and then you would be shown before people. He would
4 predict a lot of things. But ever since I came back, it's been a while, I have forgotten
5 most of them. But there were quite a number.

6 Q. [11:39:01] You discussed very briefly about Kony getting in front of people and
7 talking about the messages. Can you tell the Court about how long these speeches
8 or services would last when he was being possessed by the spirits?

9 A. [11:39:32] When he is possessed by the spirits, sometimes he would start
10 speaking in the morning while he is standing until about 6 o'clock in the evening.
11 He would be talking constantly, he does not sit down, he doesn't get tired, he doesn't
12 repeat any single thing he has been talking about.

13 For example, I think it was in Aruu -- no, it wasn't Aruu. It was in Bin Rwot, he told
14 the people that people are going to stay there but eventually leave. Others said that
15 as people are leaving there, people would be leaving one by one. Mothers are going
16 to be wailing about their children. And that actually came to pass. He said many
17 people are going to lose their lives, some of them are going to escape and go back
18 home, just a handful will stay back with him. Some of them will eventually defect
19 and come back to fight him.

20 All these things happened. Many people defected and joined the government
21 soldiers. Mothers wailed for their children because they lost their children. A lot of
22 injuries were sustained. A number of them got killed. Some of them got injured in
23 different places, in their arms, in their legs. And most of the things that he talked
24 about came to pass.

25 He also said that if we crossed on the other side of the river into another, another

1 country, because we left Uganda and went to the Sudan, it won't take long before we
2 crossed the river, that means we all have to stay together, we love each other and
3 didn't take long, it didn't take more than six months before we crossed and went to
4 the Congo. All the things he would say would eventually come to pass. But there
5 were really so many things he talked about.

6 PRESIDING JUDGE SCHMITT: [11:41:29] Mr Obhof, please move to another topic.

7 MR OBHOF: [11:41:33] Well, I want to ask the two final questions about -- your
8 Honour, it does build a pattern to show of people do constantly -- I don't want to say
9 it because --

10 PRESIDING JUDGE SCHMITT: [11:41:46] Yes, but please shortly.

11 MR OBHOF: [11:41:47] Yes.

12 Q. [11:41:48] When you were in the bush did you believe that the spirits were
13 talking through Joseph Kony?

14 A. [11:42:00] While I was in the bush, yes, I believed that because the things would
15 come to pass.

16 PRESIDING JUDGE SCHMITT: That's of course okay.

17 MR OBHOF:

18 Q. [11:42:09] And now that you're back home and you've been back home for
19 15 years, do you still believe that Joseph Kony was speaking with spirits while you
20 were in the bush?

21 A. [11:42:34] Well, that's a bit difficult to confirm because, well, some of the things
22 affected me personally, but I cannot confirm them now.

23 Q. [11:42:48] Ms Witness, you mentioned that one of the things he would do is
24 have predictions about people trying to escape. To your knowledge, was there any
25 other way in which Joseph Kony came about information on people who were

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1 planning to escape?

2 A. [11:43:15] Well, I was not staying close to him, so I don't know that. I have to
3 stick to the truth.

4 Q. [11:43:33] Ms Witness, you mentioned earlier about this Kijura person. How
5 many children did you have with Kijura?

6 THE INTERPRETER: Your Honour, could the witness be requested to repeat the
7 response.

8 PRESIDING JUDGE SCHMITT: [11:44:08] Madam Witness, the interpreters tell me
9 that they did not get your response. Would you please be so kind to repeat it.

10 THE WITNESS: [11:44:22] (Interpretation) I had one child.

11 MR OBHOF: [11:44:26]

12 Q. [11:44:28] And as you said a few seconds ago, his name was Bak, right?

13 A. [11:44:39] Yes.

14 Q. [11:44:44] Now, Ms Witness, did Kijura ever see Bak? Did he ever get to meet
15 Bak?

16 A. [11:44:57] No.

17 Q. [11:45:03] Do you remember which of the locations you were at when you gave
18 birth to Bak?

19 A. [11:45:19] Yes, I do.

20 Q. [11:45:24] Could you please tell the Court where you were located?

21 A. [11:45:30] I delivered from Palutaka, but eventually -- immediately we had to
22 leave there because we came under attack.

23 Q. [11:45:48] And when you left, to where did you go?

24 A. [11:45:57] The mothers were taken to Nsitu.

25 Q. [11:46:11] Do you remember -- or what eventually happened to Kijura?

1 A. [11:46:24] I was in the Sudan.

2 Q. [11:46:36] And where was Kijura?

3 A. [11:46:43] He had come to Uganda.

4 Q. [11:46:46] And what happened to Kijura in Uganda?

5 A. [11:46:56] While we were there, I was told that Kijura together with many others
6 were shot.

7 Q. [11:47:08] When you say "shot", who was -- by whom or by what group?

8 A. [11:47:23] They were in a battle against the government soldiers.

9 Q. [11:47:31] If you remember, can you tell Court at which location in Sudan you
10 were at when Kijura died, or when you heard that Kijura had died?

11 A. [11:47:51] We were called from Nsitu, together with my colleague and other
12 women whose husbands had been killed, we were called together and then we were
13 told the sad news before we were taken to Aruu. When we were taken to Aruu, we
14 were taken for a ritual.

15 Q. [11:48:24] Could you describe this ritual that you personally went through,
16 Ms Witness.

17 A. [11:48:40] When we went to Aruu, they got many of us together. They shaved
18 our hair clean and then they prayed for us and then they were taken to a place called
19 the Yard. They cleared our hair and then we were smeared with the camoplast.
20 They put it on your chest and your stomach and then on your back. And we stayed
21 for four days before we were taken back to where we were originally staying.

22 Q. [11:49:19] When you were taken back to where you were originally staying, did
23 you stay by yourself?

24 A. [11:49:34] Yes, I stayed by myself for about a month or so.

25 Q. [11:49:46] After this time, did you eventually get sent to live, just live with

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1 somebody?

2 A. [11:49:58] Yes, I was taken. I went to live in the household of Otti Vincent and
3 after Otti Vincent's household, I got into a relationship with Dominic Ongwen and
4 eventually went to his household.

5 PRESIDING JUDGE SCHMITT: [11:50:28] How did this relationship with
6 Dominic Ongwen happen? How did it come to pass?

7 THE WITNESS: [11:50:44] (Interpretation) He approached me and told me that the
8 kind of life I was leading as a lone person was not good. I should go to him so that
9 together we can take care of the child. And we had to report that above. When we
10 took the information above, it was consented that I should go to his household and
11 live with him. There was a note that was written and it was mentioned that if you
12 become widowed, you are allowed to get into a relationship with someone else and
13 then you begin living with them. That is how we established our relationship with
14 him.

15 PRESIDING JUDGE SCHMITT: [11:51:36] Did you know Mr Ongwen before?

16 THE WITNESS: [11:51:45] (Interpretation) Yes, I did.

17 PRESIDING JUDGE SCHMITT: [11:51:48] And whom did you report to or whom
18 was this reported to?

19 THE WITNESS: [11:52:00] (Interpretation) They started reporting to the adjutant, he
20 was called Jimmy, and he forwarded the information to the higher authorities because
21 it was a requirement that you relay that information above.

22 PRESIDING JUDGE SCHMITT: [11:52:18] Mr Obhof.

23 MR OBHOF: [11:52:21]

24 Q. [11:52:25] Had you -- did you have a choice to live with Mr Ongwen?

25 A. [11:52:41] I was free. It was my choice to live with him.

1 Q. [11:52:51] Were you free -- did you have the choice to live alone and never live
2 with a man in the LRA?

3 A. [11:53:09] That was not allowed. That was not acceptable. Kony was saying
4 that a person who tried to stay alone would promote promiscuity.

5 Q. [11:53:31] How long after Mr Ongwen approached you did you go to the
6 adjutant?

7 A. [11:53:54] It took some time, but I cannot recall how long exactly, but it took
8 some bit of time.

9 Q. [11:54:04] When you mean some bit of time, a few weeks, a few months?

10 A. [11:54:16] Well, I don't recall that. I do not remember now, but ...

11 Q. [11:54:25] Do you remember at which location you were staying when
12 Mr Ongwen approached you?

13 A. [11:54:39] I don't remember.

14 Q. [11:54:45] Do you remember approximately how long it was in between the time
15 you found out about Kijura dying and Mr Ongwen approached you?

16 A. [11:55:05] I would like to say that when you are in the bush you would not
17 really be cognizant of how long you've taken. You don't recall if you've stayed for a
18 week or two. You just live by the day and that's a bit difficult, you have forgotten
19 some of the things.

20 Q. [11:55:30] You mentioned Mr Ongwen said he would take care of Bak. What
21 other qualities did you like or dislike in Mr Ongwen during this courtship?

22 A. [11:55:57] I loved him because of the way he would live with people, he lived so
23 freely with people. He was not quarrelsome, and I felt it was good for me to go to
24 him. There was nothing I dislike about him because I had not seen anything wrong
25 he had done before.

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1 Q. [11:56:23] Do you remember if at the time you decided to live with Mr Ongwen,
2 do you remember what his rank was or if he was even an officer?

3 A. [11:56:46] It's been a while. I don't recall, it's been quite a while. I don't
4 remember which rank he had then.

5 Q. [11:56:54] I'm going to read a very small sentence and I'll see maybe if this helps
6 you.

7 Your Honour, it's from paragraph 26, tab 1.

8 PRESIDING JUDGE SCHMITT: [11:57:07] Yes.

9 MR OBHOF: [11:57:08] Page 0182.

10 Q. [11:57:09] You state here that, this is from your statement, you said, "I think he
11 was a second lieutenant". Does that sound about correct, Madam Witness, that you
12 weren't sure, but he might have been a second lieutenant?

13 A. [11:57:43] That is it.

14 Q. [11:57:49] Now, again you mentioned that he said to bring your child. How
15 did Mr Ongwen treat Bak?

16 A. [11:58:19] Well, the way he was treating not just Bak but also his other children,
17 if you were not told, you would not have known that Bak was not his child. He
18 would take good care of Bak. Bak didn't like me so much. Most of the times he
19 would be staying where Ongwen was. Secondly, in his life until eventually he died,
20 he did not get to know that Ongwen was not his father. He didn't know that he had
21 a different dad than Ongwen.

22 Q. [11:58:58] At the time you chose to live with Mr Ongwen, how many wives did
23 he have?

24 A. [11:59:20] I found he had three.

25 Q. [11:59:37] And when you came there, how did he treat, from what you saw, how

1 did he treat those other women?

2 A. [11:59:58] What I saw was that he treated them well because we would live
3 together with these women. If you were not told that we were co-wives, you would
4 not even know that we were. Most times he would not stay with us, but for us as his
5 wives, we would stay together and stay very well.

6 MR OBHOF: [12:00:22] Your Honour, if I may, I would like to go to short private
7 session, please.

8 PRESIDING JUDGE SCHMITT: [12:00:27] I understand.

9 Private session.

10 (Private session at 12.00 p.m.)

11 THE COURT OFFICER: [12:00:40] We are in private session, Mr President.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 12.01 p.m.)

5 THE COURT OFFICER: [12:01:57] We are back in open session, Mr President.

6 MR OBHOF: [12:02:17]

7 Q. [12:02:20] Madam Witness, Ms Witness, what was the -- what were the names of
8 the three co-wives?

9 A. [12:02:38] I do not know their full names. There was Jennifer, there was Santa,
10 and Margaret.

11 PRESIDING JUDGE SCHMITT: [12:02:55] I think if she does not give the full names,
12 it's not a problem here. But you might want to ask further, perhaps.

13 MR OBHOF: [12:03:04] Your Honour, if you would like to.

14 PRESIDING JUDGE SCHMITT: [12:03:09] Yes, we have here this statement in front
15 of us, again UGA-D26-0010-0173 at page 0186.

16 Here you speak of others too, of an Agnes, does this refresh your memory?

17 THE WITNESS: [12:03:41] (Interpretation) When I was going there, Agnes wasn't
18 there yet. Because they asked me how many wives were there when I went to
19 Dominic. When I was just going there, Agnes wasn't there yet.

20 PRESIDING JUDGE SCHMITT: [12:03:54] Absolutely right what you are saying.

21 But then we are talking now about all the wives perhaps you know of. So we word
22 it this way. Jennifer.

23 THE WITNESS: [12:04:15] (Interpretation) Jennifer was also referred to as Min Ayari,
24 and then Margaret, and then Santa was Min Tata. And then the ones who came
25 afterwards, some of them were first ting ting, there was Ayari. There was Fatuma.

1 There was Abwot Nancy, but she did not have a child. She got injured and returned
2 home. And then the others, I don't recall their names. Afterwards when I left,
3 some could have come.

4 PRESIDING JUDGE SCHMITT: [12:05:00] Just I give it a try another name, a
5 Gladys?

6 THE WITNESS: [12:05:10] (Interpretation) Gladys also came after me.

7 PRESIDING JUDGE SCHMITT: [12:05:13] Okay, thank you.

8 THE WITNESS: [12:05:16] (Interpretation) Yeah, Gladys came after me, but she came
9 up to me at home.

10 PRESIDING JUDGE SCHMITT: [12:05:23] Thank you.

11 Mr Obhof, please. I think we nearly have them all now.

12 MR OBHOF: [12:05:30]

13 Q. [12:05:33] Now, Ms Witness, during your time in the bush, how many times do
14 you remember Mr Ongwen beating you?

15 A. [12:06:01] He never touched me with a stick.

16 PRESIDING JUDGE SCHMITT: [12:06:13] But to make it clear, Madam Witness,
17 when you say he never touched you with a stick, did he beat you with his hands or
18 with his fist?

19 THE WITNESS: [12:06:35] (Interpretation) No. He never beat me in any way.

20 PRESIDING JUDGE SCHMITT: (Overlapping speakers) have this complete.

21 MR OBHOF: [12:06:43] You were just trying to make it clear, yes.

22 Q. [12:06:51] Did you ever see Mr Ongwen strike Bak, beat Bak with either a stick
23 or with his hands?

24 A. [12:07:14] No. He never -- I never saw him beating. They loved staying
25 together. He loved being with him when he's at home.

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1 Q. [12:07:36] Had Mr Ongwen treated you badly or treated Bak badly, was there a
2 way for you to report this to higher persons in the LRA?

3 A. [12:08:18] I could report because he committed to taking care of me and the
4 child. If he was also beating my co-wives, there was a procedure to follow. You
5 would report him because from there they used to say that this is God's creation, that
6 is, that a human being is for the movement and you should not beat any such a
7 person.

8 Q. [12:09:02] As your husband, what were Mr Ongwen's responsibilities towards
9 you and your co-wives?

10 A. [12:09:29] His duties, he would take care of us. Whenever we are on the move,
11 he would ensure that we moved together and we were like each other's guardian in
12 case something happens. Even the escorts, we would live together with them. We
13 stayed freely with the escorts and he was also free with the escorts. He always gave
14 us guidance on how to live.

15 Q. [12:10:09] Now, in your opinion, as someone who had two husbands in the bush,
16 how well did Mr Ongwen fulfil his duties to you and the co-wives?

17 A. [12:10:55] He fulfilled his duties well because there was no tension.

18 Q. [12:11:04] From what you saw of others, from other households, were there
19 problems in other households in which you did not see -- sorry, in which your
20 household did not experience?

21 A. [12:11:38] We did not experience any problem. We lived happily together.
22 There were little challenges here and there, but not really major. And some people
23 would go and report issues to the authorities, but in our household, we never
24 reported anything anywhere.

25 Q. [12:12:07] Ms Witness, how many, to the best of your knowledge, how many of

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1 Mr Ongwen's wives were killed in the bush?

2 A. [12:12:33] I did not see. Maybe when I left it could have happened. But when
3 I was there, I did not see anyone being killed.

4 Q. [12:13:00] Ms Witness, were you the only wife of Dominic whose husband died
5 in battle?

6 A. [12:13:29] Yes, I was the only one. The others, he was taking care of them.

7 MR OBHOF: [12:13:57] Your Honour, I know this next topic has been canvassed so
8 I'd like to forewarn you there's only four questions on this next topic that I'm moving
9 to, so if you have anything else about --

10 PRESIDING JUDGE SCHMITT: [12:14:10] No. I think this was covered squarely.
11 Please proceed.

12 MR OBHOF: [12:14:14]

13 Q. [12:14:15] Now, Ms Witness, do you remember persons by the name of Otti
14 Lagony and Okello Can Odonga?

15 A. [12:14:33] Yes, I knew them.

16 Q. [12:14:40] What happened to those two persons?

17 A. [12:14:55] This is what happened to these two people: We were in Nsitu,
18 Lagony was also in Nsitu together with Kony. In the morning we heard that Lagony
19 had been arrested. We asked why. And they told us that Lagony was violating the
20 plan to come home. He was taken to Jebellen and we remained in Nsitu and then
21 later they told us that he had been killed. And it was prohibited to talk about his
22 death, but we were told that he was killed. Opio Mata, whom I talked about, was
23 also in Nsitu. Even Ocen Adam was in Nsitu. Then they started looking for people
24 who come from Koch. But Okello Director, who used to come from Kitgum,
25 Okello Director used to come from Kitgum and he died together with Lagony. And

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1 that is how he died. I knew him.

2 MR OBHOF: [12:16:10] She answered three questions in one.

3 Q. [12:16:13] Ms Witness, do you remember something called Operation Iron Fist?

4 A. [12:16:29] I heard about it, but I was in Nsitu.

5 Q. [12:16:44] What happened to the LRA after Operation Iron Fist?

6 A. [12:17:08] Those things happened when they were in Jebellen and soldiers
7 started moving from there. I wasn't there. I did not see exactly what happened.

8 PRESIDING JUDGE SCHMITT: [12:17:20] Mr Obhof, this is obviously an area where
9 the witness does not have a lot of immediate own knowledge. I think you can steer
10 directly to, perhaps to incidents that might have concerned the accused.

11 MR OBHOF: [12:17:35] Well, part of this is to try to set a timeline.

12 PRESIDING JUDGE SCHMITT: [12:17:38] Yes.

13 MR OBHOF: [12:17:40] I understand. I understand.

14 Q. [12:17:43] But I would like to ask about, Madam Witness, Ms Witness, you've
15 mentioned Nsitu. What is the -- what was the purpose of Nsitu?

16 A. [12:18:06] Nsitu was a place for pregnant women, mothers and weak people.
17 The caretakers of these people also lived in Nsitu.

18 Q. [12:18:22] During your last year or so at Nsitu, do you remember who was in
19 charge of Nsitu?

20 A. [12:18:33] Many people were in charge. They kept on changing the people. I
21 cannot recall everything now. It's been long. And I've stayed for long without
22 talking about it. I have forgotten some of them.

23 PRESIDING JUDGE SCHMITT: [12:19:04] As I said, Mr Obhof, believe me, perhaps.
24 I think you can really continue because this is obviously the witness has knowledge
25 about other things and detailed knowledge, possibly.

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1 MR OBHOF: [12:19:22]

2 Q. [12:19:23] Now, Madam Witness, did you eventually go back to Uganda?

3 A. [12:19:38] We came back together with all the group members.

4 Q. [12:19:46] And to where did you, you go?

5 A. [12:20:01] We were on the move while we were in Uganda. And when I was
6 pregnant I went and stayed in Apar, but we had moved in many locations. Many
7 people had left. They only left the injured and their wives and their caretakers.

8 Q. [12:20:32] And you said you were pregnant. For how long did you remain in
9 Apar before giving birth?

10 A. [12:20:53] I do not recall.

11 Q. [12:21:11] Were there any other of Mr Ongwen's co-wives with you in Apar?

12 A. [12:21:28] There were three wives and there were some people taking care of us.

13 Q. [12:21:39] Do you remember which three?

14 A. [12:21:53] Myself, Jennifer, and Santa.

15 Q. [12:22:27] Did Dominic stay at Apar while you were there pregnant?

16 A. [12:22:53] No. The person who was taking care of us was Matata.

17 Q. [12:23:04] And if you happen to know, what was happening to Matata around
18 that same time?

19 A. [12:23:28] I do not know. At that time he was always sickly. I am not sure
20 what was happening to him.

21 Q. [12:23:41] Do you remember in which month you finally gave birth?

22 A. [12:23:59] It was in December.

23 Q. [12:24:04] Was this your first child with Mr Ongwen?

24 A. [12:24:24] Yes.

25 Q. [12:24:30] Now, Ms Witness, around this same time, do you remember hearing

1 about any injuries to Mr Ongwen?

2 A. [12:25:09] I remember.

3 Q. [12:25:16] Could you please tell the Court what you heard while you were at
4 Apar?

5 A. [12:25:33] This is what I heard: They were moving and then they came across
6 an ambush while they were crossing the road and he was shot. They shot his leg,
7 and the rest of the rebels ran away and left him there. He was in the middle and two
8 armoured vehicles came, but the soldiers missed him, they didn't see him. And then
9 some officers realised that Ongwen Dominic was not there, they went and found the
10 soldiers had left and he was there. I did not see myself because I was not physically
11 present. That is what I was told.

12 Q. [12:26:29] Did you ever hear who were the persons from the LRA that
13 saved -- found Dominic and saved him?

14 A. [12:26:51] It was Obol Support who told me that they went. I do not know.

15 Q. [12:27:02] By the time you had heard this news, had your second child been
16 born?

17 A. [12:27:19] Yes, but was still young. Was one or two weeks old.

18 Q. [12:27:37] Now, after you heard of these injuries, where did you go?

19 A. [12:27:53] When we heard about the injury, it had coincided with a message
20 from Kony that we should leave and only Matata should remain there. So we left
21 and came to the sickbay where he was. We found him in an area called Loyo
22 Ajonga.

23 PRESIDING JUDGE SCHMITT: [12:28:23] Did you stay with him in the sickbay?

24 THE WITNESS: [12:28:32] (Interpretation) Yes, all the wives were there.

25 PRESIDING JUDGE SCHMITT: [12:28:39] Mr Obhof, the next question suggests

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1 itself.

2 MR OBHOF: [12:28:44] I'm going to show the photograph.

3 Could the Registry please show the witness UGA-D26-0015-0080 and that is tab 3 of
4 the Defence binder.

5 Q. [12:29:20] Madam Witness, do you recognise that injury?

6 A. [12:29:45] I recall the injury which he had.

7 Q. [12:29:51] Is that the injury Mr Ongwen had?

8 A. [12:30:05] I do not recall. He had quite a number of injuries. I don't know
9 whether this was the one, but it was in his leg.

10 Q. [12:30:21] Now you stated that you stayed with Mr Ongwen in sickbay. Do
11 you remember for how long you stayed in sickbay with Mr Ongwen?

12 A. [12:30:38] We stayed for long because his injury was quite big and I do not recall
13 exactly how many months.

14 Q. [12:30:56] By the time Mr Ongwen left sickbay, was there anything, any type of
15 milestone that your second child had reached?

16 A. [12:31:38] Well, I do not recall. I'm not sure. Maybe it was already sitting
17 or -- I don't remember, but I think because it's been a while.

18 MR OBHOF: [12:31:52] Your Honour, I'm going to --

19 PRESIDING JUDGE SCHMITT: [12:31:55] Paragraph 30.

20 MR OBHOF: [12:31:56] Yes. But I'm going to not use the name.

21 PRESIDING JUDGE SCHMITT: [12:32:01] Yes, please.

22 MR OBHOF: [12:32:01] Yes.

23 Q. [12:32:03] This is from your statement, Ms Witness. Maybe this might help you
24 remember. From paragraph 30 it says: I remember by that time -- sorry, "I

25 remember that by the time Dominic was completely out of sickbay" your second child

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1 "was walking". Does that refresh your memory, Ms Witness?

2 A. [12:32:33] Yes. But you know, these things have been a while ago, so
3 sometimes you get to forget them.

4 PRESIDING JUDGE SCHMITT: [12:32:46] And perhaps we just continue with the
5 one sentence afterwards.

6 The next sentence in this former statement, Madam Witness, is: "She" the child "had
7 just started to try to sit when Dominic was shot." Again the question, does this
8 refresh your memory?

9 THE WITNESS: [12:33:17] (Interpretation) Well, I don't quite recall. It's been quite
10 a while ago.

11 PRESIDING JUDGE SCHMITT: [12:33:22] That's absolutely okay. I said this
12 several times. That's absolutely understandable.

13 Mr Obhof.

14 MR OBHOF: [12:33:31]

15 Q. [12:33:31] Now, when you moved to the sickbay with Dominic, what was that
16 sickbay like?

17 A. [12:33:48] It was in the bush. You would be in one place for some time and
18 then you would relocate to the next one.

19 Q. [12:33:58] Do you remember who was in charge of the sickbay when you
20 arrived?

21 A. [12:34:18] I found people who was taking care of him was Obol, Opio Daniel
22 and many other boys. But I don't recall exactly who was in charge of the place. If I
23 mentioned it in my statement, yes, then I could have done so, but now it's a while.
24 I don't recall.

25 Q. [12:34:42] Now, this sickbay, do you remember, do you remember how many

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1 people there were in sickbay?

2 A. [12:35:14] I don't recall. You know, there were many people there, but you
3 couldn't count them one by one.

4 Q. [12:35:27] Was it only wounded soldiers?

5 A. [12:35:40] There were those who were injured and others who were taking care
6 of them, but there were not many. Plus some women who were pregnant or had
7 young children, but there weren't many as well.

8 Q. [12:36:02] If you can remember, since it's been such a long time, do you
9 remember the names of any of the ladies who were pregnant when you were in
10 sickbay?

11 A. [12:36:25] I remember one who was called Ajok Beatrice, but the rest I don't
12 quite recall. But there was also a woman who was with Onen Kamdulu, but I don't
13 recall the name. I think Adong, but I do not recall the rest other than the co-wives.

14 Q. [12:36:53] Now, at that time, did you see -- or what type of control, from what
15 you saw, did Dominic have over the battalion? Over Oka battalion? Sorry.

16 A. [12:37:28] Oka battalion was no longer there. But I don't recall the kind of
17 authority he had.

18 Q. [12:37:47] Now, how did you get food while in sickbay?

19 A. [12:38:04] Sometimes they would send people to a coordinator. Sometimes you
20 go and ask for the food from the owners, and if you don't find the owners so you can
21 request from them, then you just pick the food.

22 Q. [12:38:31] Who was responsible for collecting this food?

23 A. [12:38:43] I remember Obol Support and others were the ones who would go for
24 that. But I don't know who else had the authority to do that.

25 Q. [12:39:01] You mentioned earlier too that the sickbay was moving, moved every

1 so often. Why did the sickbay move?

2 A. [12:39:20] It was not just that sickbay. Because you know, if you don't relocate
3 from one place, you have stayed in a place and your marks are all clear within that
4 place, and you know the government is looking for you every now and then, that's
5 why you have to be on the go most of the time. It was not only that sickbay that was
6 moving up and down, but all the other sickbays were doing the same.

7 Q. [12:39:49] While you were in that sickbay, do you remember if it was ever
8 attacked by the UPDF?

9 A. [12:40:09] I don't recall.

10 Q. [12:40:20] Now, in that sickbay, were there more injured persons or were there
11 more wives and children?

12 A. [12:40:43] The injured ones were not so many because they had split them in
13 different groups. There was one group with Tulu, in that group there was Obol
14 Support and many others. But, you know, they didn't want many people to be in
15 one group. So those who were injured were not many.

16 Q. [12:41:09] What was Mr Ongwen's physical state when he finally left sickbay?

17 A. [12:41:31] When he was leaving the sickbay, he was walking with a limp still.
18 He wasn't walking well. He could not walk well.

19 PRESIDING JUDGE SCHMITT: [12:41:46] Madam Witness, where did you go from
20 the sickbay when you left the sickbay?

21 THE WITNESS: [12:42:00] (Interpretation) When we left the sickbay, we crossed the
22 river and went to the direction of Pader, but I don't know where exactly we went
23 because we were moving in various places. We would just go and all of a sudden
24 we are stopping in this location. If you are not told you would not know, or if you
25 don't look at your previous trails, you would not have -- you would not know that we

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1 were here before or you don't know the place.

2 PRESIDING JUDGE SCHMITT: [12:42:30] Were you together with Mr Ongwen?

3 THE WITNESS: [12:42:39] (Interpretation) We were together.

4 PRESIDING JUDGE SCHMITT: [12:42:40] Were the other wives also with you and
5 Mr Ongwen?

6 THE WITNESS: [12:42:53] (Interpretation) Yes, the other wives were also together
7 with us and eventually we moved and then they got their other groups.

8 PRESIDING JUDGE SCHMITT: [12:43:01] Mr Obhof.

9 MR OBHOF: [12:43:08]

10 Q. [12:43:10] Now you said when you left sickbay Mr Ongwen was not -- wasn't
11 walking well, he could not walk well. Over the next year or so or even the next few
12 weeks, did Mr Ongwen's limp seem to get less?

13 A. [12:43:44] When we had just left the sickbay he could only move for a short
14 distance and we would station there. But slowly but surely he kept on recovering
15 and, yeah.

16 MR OBHOF: [12:44:02] Your Honour, I think this will be a logical place. I can
17 guarantee you, unless some force majeure, that I will finish within time in the
18 afternoon. I may take about an hour and 15 minutes but --

19 PRESIDING JUDGE SCHMITT: [12:44:16] It's fine. Okay.

20 Mr Gumpert, it might be a little bit early, but still for planning purposes, the usual
21 question.

22 MR GUMPERT: [12:44:24] Yes, I believe I may take three sessions.

23 PRESIDING JUDGE SCHMITT: [12:44:30] So the whole day tomorrow.

24 MR GUMPERT: [12:44:32] If I were to start tomorrow morning, I think I could
25 guarantee that I would finish by the end of the day, yes.

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1 PRESIDING JUDGE SCHMITT: [12:44:41] Thank you. Why not then restart at
2 2 o'clock, I think. We don't need nearly two hours of lunch break. So we have now
3 the lunch break until 2 o'clock and resume then.

4 THE COURT USHER: [12:44:54] All rise.

5 (Recess taken at 12.44 p.m.)

6 (Upon resuming in open session at 2.01 p.m.)

7 THE COURT USHER: [14:01:49] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [14:02:08] Good afternoon, everyone.

10 Good afternoon, Madam Witness.

11 Mr Obhof, you still have the floor.

12 MR OBHOF: [14:02:17] Thank you, your Honour.

13 Q. [14:02:19] Good afternoon, Ms Witness. I hope you had a good lunch.

14 Now, Ms Witness, I forgot a very rather obvious question early this morning, so I
15 would like to ask you: Do you remember the first time you ever saw

16 Dominic Ongwen?

17 A. [14:02:59] It's been long, so I don't recall.

18 Q. [14:03:06] Aside from the date, do you remember how old he looked when you
19 first met him?

20 A. [14:03:31] He was young.

21 Q. [14:03:39] When compared to your own age, did he look older, younger, or the
22 same age?

23 A. [14:03:59] I was a little -- looked older.

24 Q. [14:04:13] Ms Witness, was there ever a time when you were with Dominic that
25 you planned to escape with Mr Ongwen?

1 A. [14:04:39] Yes, I tried.

2 Q. [14:04:47] Did anyone help you and Dominic with this escape plan?

3 A. [14:05:06] It was Nyeko Yadin Tolbert who was planning with him. I was just
4 informed.

5 Q. [14:05:25] Do you know of any reason why Nyeko Yadin would have
6 approached Mr Ongwen with an escape plan?

7 A. [14:05:51] He used to say that there was no benefit of staying there.

8 Q. [14:06:06] Do you remember from where Nyeko Yadin hailed?

9 A. [14:06:22] He was from Amuru district. I forget the exact village, but he was
10 from Amuru.

11 Q. [14:06:37] Which district does Mr Ongwen come from?

12 A. [14:06:48] Amuru district.

13 Q. [14:06:55] Do you remember Nyeko Yadin's position in the LRA around the time
14 of the -- this escape plan?

15 A. [14:07:22] I have forgotten. But -- yeah, I have forgotten it now.

16 Q. [14:07:42] In terms of at least stature, would you say Yadin was a low person,
17 a middle person, or a high person in the LRA around that time?

18 A. [14:08:12] He was in a higher position, among the top, higher position.

19 Q. [14:08:24] From what you were eventually told, can you tell the Court how this
20 plan came to be?

21 A. [14:08:44] This is what happened: When Nyeko Yadin came, he told me
22 himself and said that there was no future in the stay -- in their stay in the LRA. He
23 said he was abducted when he was planning to study and become a doctor and now
24 he is wasting time in the bush, therefore there was need to go back home.

25 They sat down and had a conversation and Nyeko Yadin said they had sent

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1 Opio Akula to go and meet the coordinator at home so that they can go home. But
2 they feared that if other people knew, they would be arrested. Unfortunately, Akula
3 did not come back. When Akula failed to return, Nyeko Yadin separated from us
4 and it didn't take long, he was -- Dominic was arrested. Otti sent a message that
5 Dominic was wanted and summoned him. We all left and we moved to go to Otti.
6 That evening, Otti said that Dominic had plans to escape. He removed his weapon,
7 took away the escorts and left him only with us, the wives only.

8 After about two weeks, he asked me and said: Min Atong, what have you done? I
9 told him I did not know, I did not know anything, I didn't do anything. And then
10 they said we should first stay there. I did not know how Kony knew and sent Otti to
11 summon Dominic. That is what happened. I did not know how he was removed
12 from his imprisonment. He was in the imprisonment for more than two weeks.

13 PRESIDING JUDGE SCHMITT: [14:11:02] Madam Witness, do you recall when this
14 happened?

15 THE WITNESS: [14:11:16](Interpretation) I don't recall the exact day, but it was in
16 2003. I don't recall the month and the day.

17 PRESIDING JUDGE SCHMITT: [14:11:24] I think we repeated that several times,
18 and I do it again, this is absolutely understandable. 2003, was this long after you
19 had left the sickbay with Dominic Ongwen?

20 THE WITNESS: [14:11:52](Interpretation) It had taken some time.

21 PRESIDING JUDGE SCHMITT: [14:11:57] Can you be a little bit more specific, but
22 only if you really have a recollection, what you mean by "some time"?

23 THE WITNESS: [14:12:18](Interpretation) Are you talking about the time he spent in
24 the imprisonment? He stayed about two weeks.

25 PRESIDING JUDGE SCHMITT: [14:12:26] No, I have to apologise, my question was

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1 unclear.

2 I think you said it was some time after -- let me have a look at it, what exactly you did
3 say. You said "it had taken some time" after you left the sickbay when this attempt
4 to escape happened.

5 And I wanted to ask you if you can be a little bit more specific what "some time"
6 means, but only if you really have a recollection.

7 THE WITNESS: [14:13:16](Interpretation) We had left the sickbay, and it could be
8 more than three months. He was able to walk, although he was still limping.

9 PRESIDING JUDGE SCHMITT: [14:13:29] Thank you. That at least gives a little bit
10 more detail to the whole thing.

11 Mr Obhof.

12 MR OBHOF: [14:13:36]

13 Q. [14:13:37] Now, other than to meet the coordinator, are there any other reasons
14 that you know about of why Opio Akula was sent in advance?

15 A. [14:14:07] Some things were purchased, like gumboots. They would send
16 money to the coordinator and they would go and buy. Sometimes they even buy
17 clothes.

18 Q. [14:14:25] Now, around that time, what had you heard about amnesty?

19 A. [14:14:48] Those who returned home used to say that when you come back
20 home you will not be disturbed. But while in the bush they would say that the
21 people who were talking are just recorded messages, they are no more. So it was
22 a bit difficult.

23 MR OBHOF: [14:15:12] Your Honour, if I may read from paragraph 38
24 at -- (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [14:15:16] Indeed, I would have suggested that.

1 Yes.

2 MR OBHOF: Yes.

3 Q. [14:15:19] This is about amnesty, Ms Witness, we are just -- in the statement it
4 states that a scout was sent forward to see if the announcement - referring to
5 amnesty - that they heard were true or lies and to survey the route that they were
6 going to take.

7 Do you remember that, Ms Witness?

8 A. [14:15:56] Yes, I remember.

9 Q. [14:15:57] And is that one of the other reasons why they sent Opio Akula to
10 scout first?

11 A. [14:16:18] That was the reason that Opio never returned.

12 Q. [14:16:32] You stated that you had heard these stories about amnesty and the
13 rumours and the lies which were spread by -- within the LRA about people who came
14 back. From what he may have told you, did Mr Ongwen believe amnesty was real?

15 A. [14:17:15] He wouldn't know, because he went -- when -- he went in the bush
16 when he was young and he stayed long there. He would also hear the way we used
17 to hear.

18 Q. [14:17:36] Do you remember who took, who came and collected Mr Ongwen
19 and brought him to Otti?

20 A. [14:17:54] They did not collect him, he was just summoned.

21 Q. [14:18:09] Did Otti Vincent make any threats towards Mr Ongwen?

22 A. [14:18:27] As officers, I do not know whether he was threatened, but he was
23 called and he went there.

24 MR OBHOF: [14:18:45] Your Honour, if I could I would like to read from
25 paragraph 40 of the same page, page 0184.

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1 PRESIDING JUDGE SCHMITT: [14:18:51] Yes.

2 MR OBHOF:

3 Q. [14:18:54] And this is from your statement again, Ms Witness, and it reads -- and
4 this is referring to escape:

5 "If we tried, he told us that we would be an example to the rest of the Holy. And if
6 we tried to escape and succeeded, he said he would kill everyone in our villages for
7 our disobedience." Ms Witness, do you remember -- do you remember that,
8 Ms Witness?

9 A. [14:19:41] I recall very well.

10 Q. [14:19:46] And is that true how it's written?

11 A. [14:19:55] Yes, it is true.

12 Q. [14:20:10] Ms Witness, you said Nyeko Yadin left. Do you know or did you
13 ever hear of why Yadin was not arrested?

14 A. [14:20:37] I do not know.

15 Q. [14:20:45] Other than Yadin, yourself, Mr Ongwen, and Opio Akula, did anyone
16 else know about the escape plan?

17 A. [14:21:06] No.

18 Q. [14:21:16] I know this might be redundant. Do you know if Mr Ongwen told
19 any of your co-wives about the escape plan?

20 Or, sorry, let me rephrase that: Did Mr Ongwen, to the best of your knowledge, tell
21 any of his co-wives about the escape plan?

22 A. [14:21:43] I do not know.

23 Q. [14:21:59] You stated that he was with Otti for a few weeks after this. When
24 Mr Ongwen arrived, did they remove his weapons, as you had stated before, which
25 happens when somebody is arrested?

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1 A. [14:22:35] His weapons were removed. When we were living in Otti's
2 household he had no weapons. And the day that we were leaving Otti's home, that
3 is when he was given back his weapons.

4 PRESIDING JUDGE SCHMITT: [14:22:50] How much later did that happen?

5 THE WITNESS: [14:23:01](Interpretation) I mentioned earlier that we stayed for
6 more than two weeks. That is at the home of Otti.

7 PRESIDING JUDGE SCHMITT: [14:23:08] Mr Obhof.

8 MR OBHOF: [14:23:15]

9 Q. [14:23:18] Now, Ms Witness, after you left the house of Otti, did you ever talk to
10 Mr Ongwen about you going back home?

11 A. [14:23:43] Yes, I did.

12 Q. [14:23:49] And what did you ask Mr Ongwen?

13 A. [14:24:03] I asked him that I was interested in going back home because I was
14 finding it extremely difficult to stay in the bush. He told me that he was unable to
15 release me because I needed to seek permission -- or, he needed to seek permission
16 from Kony himself. He feared that if he released me he would be arrested himself.

17 Q. [14:24:49] Did Mr Ongwen ever seek Joseph Kony's permission?

18 A. [14:25:24] Is it to release me? Ask whether he got permission to release
19 me -- asked permission to release me?

20 Q. [14:25:40] I'll re-ask that question: Do you know if Mr Ongwen ever sought
21 permission from Joseph Kony to release you?

22 A. [14:25:58] He never told me.

23 Q. [14:26:04] Did you personally seek permission from Joseph Kony to be released
24 and go back home?

25 A. [14:26:22] I did not, because my child died and I couldn't stay.

1 Q. [14:26:42] How long after your child died was it from when you asked to
2 escape -- sorry, asked to be sent back home?

3 A. [14:27:11] It took about two weeks.

4 Q. [14:27:20] Now before you finally escaped, had Mr Ongwen, was he able to
5 release any of his other wives?

6 A. [14:27:44] He released Jennifer.

7 Q. [14:27:57] Before he released Jennifer, did you know about it?

8 A. [14:28:09] The reason why they released Jennifer was because she was shot in
9 the neck and she throw away the child, and the soldiers got the child, who was still
10 breastfeeding, and heard that the child was already home in Uganda.

11 Q. [14:28:37] Now, how is it that you ended up escaping? Could you please
12 narrate to the Chamber about your escape.

13 A. [14:29:05] Concerning my escape, I moved at night. When it was almost dawn,
14 I, together with some girls who were from Kitgum - I can't recall their names - and
15 then another boy, I told them that we should leave because I was no longer able to
16 stay. We left together.

17 PRESIDING JUDGE SCHMITT: [14:29:39] I think all the detail will not be -- because
18 if the witness does not want to say much more, I think we would not need all the
19 detail in that respect.

20 MR OBHOF: [14:29:52] Actually, I don't have a detail question.

21 PRESIDING JUDGE SCHMITT: [14:29:53] That was just a comment, that was
22 nothing, nothing more.

23 MR OBHOF: [14:29:57] Yes. Yes.

24 Q. [14:29:57] When you finally decided this, what was going through your mind?

25 A. [14:30:14] I told you that my child had died. I therefore decided to come back

1 home. It was no longer possible to stay there.

2 Q. [14:30:35] Now, when you arrived home, what did you tell the UPDF?

3 A. [14:30:50] I told them I had escaped from the bush. But before I went to the
4 UPDF I went to the LC, and then the LC took me to the soldiers. He told me, when
5 they ask me, I should tell them which group I was coming from, and I told them I
6 came from Dominic's group. The soldiers took me up to Lira. That was how I came
7 back.

8 MR OBHOF: [14:31:37] One second, your Honour, please.

9 Q. [14:32:15] Now, Ms Witness, I do want to -- want one follow up: How is it that
10 you were able to get away from the group when you were escaping?

11 A. [14:32:42] I said, while people were sleeping -- you know, earlier in the day we
12 had walked around and we -- when we stationed somewhere people were put in their
13 different positions and I kept on moving about trying to survey the area to see the
14 placement of people. That gave me a very clear indication of where the guards were
15 put and I knew how I could dodge and move away, because if you do not get your
16 way through they will arrest you and take you back.

17 MR OBHOF: [14:33:32] Your Honour, I believe these next, about next about six
18 questions, will have to be discussed in private. Maybe five to seven minutes.

19 PRESIDING JUDGE SCHMITT: [14:33:41] Then we go to private session for five to
20 seven minutes.

21 (Private session at 2.33 p.m.) * Reclassified entirely in public

22 THE COURT OFFICER: [14:34:00] We are in private session, Mr President.

23 MR OBHOF: [14:34:05] And I'm doing this -- if the Prosecution thinks it's okay to go
24 into public I am more than happy, I just want to do this for sure, so.

25 Q. [14:34:17] Ms Witness, do you remember a meeting with the Justice and

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1 Reconciliation Project during the summer of 2015?

2 MR GUMPERT: I --

3 PRESIDING JUDGE SCHMITT: [14:34:29] Already, already on your feet.

4 MR GUMPERT: [14:34:31] Well, I respond to Mr Obhof's very polite and courteous
5 invitation. I do think this should be and could be in open session.

6 PRESIDING JUDGE SCHMITT: [14:34:40] I also think so, Mr Obhof.

7 MR OBHOF: [14:34:42] I just wanted to be careful.

8 PRESIDING JUDGE SCHMITT: [14:34:43] There is no problem with that, so we go
9 back to open session.

10 (Open session at 2.34 p.m.)

11 THE COURT OFFICER: [14:35:07] We are back in open session.

12 PRESIDING JUDGE SCHMITT: [14:35:09] Thank you.

13 I think the audience will have recognised that this has not been five to seven minutes.

14 This also sometimes happens in a courtroom.

15 Mr Obhof, please.

16 MR OBHOF: [14:35:18] Thank you.

17 Q. [14:35:20] I shall repeat the question, Ms Witness.

18 Do you remember a meeting with the Justice and Reconciliation Project during the
19 summer of 2015?

20 A. [14:35:41] Yes, I -- I do. What confused me was as if you had mentioned 2002,
21 and I felt I was not at home at that time.

22 Q. [14:35:52] I could see why you were confused.

23 Who decided to have that meeting?

24 A. [14:36:11] We had a meeting and Amony Evelyn was the one in charge of the
25 mothers who returned.

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1 Q. [14:36:24] And what did JRP ask you to do?

2 A. [14:36:37] JRP, what they ask us to do that I remember was that they said we
3 should keep on meeting between ourselves and then our children should know each
4 other. And, well, I have forgotten the rest of the pieces of advice, but I might
5 remember along the way.

6 Q. [14:37:06] Did JRP ask you to contact people before the meeting?

7 A. [14:37:27] First of all, we had a meeting with the returnees. And then later on,
8 as Dominic's wives, we also had our own meetings.

9 Q. [14:37:42] Now you mention this, this first meeting. How many meetings did
10 JRP have, that you knew of, that involved returnees?

11 A. [14:38:07] Several times. I cannot say there was only one or two days, but there
12 were many days. They were advising us on our livelihoods, how we should come
13 together, how we can live in a group. And the meetings took place several times and
14 we were also moving in villages to try and talk to our colleagues, teaching them how
15 they should relate with other people in the villages. When you are in the community
16 you should live like you were living before you were taken to the bush. You have to
17 try to live like any other person who has not gone to the bush because this is now
18 your home and you have to live well with the other people.

19 Q. [14:39:02] For this meeting that involved the wives, did anybody help you
20 contact people for this meeting?

21 A. [14:39:24] Yes, there were people from JRP who were helping us to contact our
22 other colleagues, they were the ones who liaised with us. But for the other -- for the
23 rest of the returnees there was a group called Women's Advocacy Network.

24 MR OBHOF: [14:39:56] Maybe I am not merely asking it right. May I put a name to
25 the witness, your Honour?

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1 PRESIDING JUDGE SCHMITT: [14:40:01] Yes.

2 MR OBHOF: [14:40:02] Yes.

3 Q. [14:40:03] When you were -- Ms Witness, when you were trying to get ahold of
4 your co-wives, did a person by the name of Aber Agnes, did she help you?

5 A. [14:40:22] Aber Agnes is my co-wife and she helped me -- she helped us to
6 locate the rest of us.

7 Q. [14:40:46] Now this, the meeting with the co-wives at JRP, what was the purpose
8 of that meeting?

9 A. [14:41:05] When we had a meeting with my co-wives, they said because we were
10 in different groups, three different groups, and of the three groups there were very
11 many people as members, and each -- after every three months we would be brought
12 together, all the members of the three different groups would come together to meet.
13 And each group would have to report on what is happening in the -- in the groups
14 and the progress, the challenges, and that would take place after every three months.
15 We came and met in -- during that time and those who were not in any of these
16 groups were supposed to join at least a group.

17 Q. [14:42:04] Now, the information collected from these meetings, to whom did
18 you think it would go? The JRP meetings specifically related to all of the co-wives.

19 A. [14:42:35] I thought if -- when they had said as an office they are going to
20 support us and put all our children together so they can work together. We thought
21 that meeting was meant to reunite us and put us together. We did not think that the
22 outcome of the meeting, the report, would be taken anywhere else.

23 PRESIDING JUDGE SCHMITT: [14:43:01] Mr Obhof, I don't know if you want to
24 put paragraph 56 to the witness. Or I can do it also.

25 MR OBHOF: [14:43:07] I'll let your Honour do it.

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1 PRESIDING JUDGE SCHMITT: [14:43:09] Yes. So we have again this, for the
2 record, UGA-D26-0010-0173 at page 0187, paragraph 56. It is here in your statement
3 to the Defence, and I read it to you:

4 "My understanding was that the information discussed at the meeting would be
5 going to the ICC. I am not sure if it was meant for the Prosecution, Defence, Judges,
6 or for whom."

7 So, do you recall that having been said by you?

8 THE WITNESS: [14:43:53](Interpretation) Yes, I do recall.

9 PRESIDING JUDGE SCHMITT: [14:43:57] Now that you are hearing it again today,
10 do you think this is correct what you said at the time?

11 THE WITNESS: [14:44:13](Interpretation) That was it, because I thought, you know,
12 back at home it is difficult to segregate, you will just say it's the ICC. You don't
13 know whether it's the Defence or Prosecution or anything like that. They just refer
14 to it as the ICC and they cannot segregate that. So when you mention ICC, then you
15 feel it covers all that.

16 PRESIDING JUDGE SCHMITT: [14:44:39] Again a remark, absolutely
17 understandable from the perspective of the witness.

18 Mr Obhof.

19 MR OBHOF: [14:44:51] Your Honour, I am almost finished. I actually noted that I
20 moved two things in the back. It's rather strange questions, that I had one on each
21 page, but hopefully we will be done with the Defence here in the next five minutes.

22 Q. [14:45:09] Madam Witness, when you were back in Uganda -- after you came
23 back in Uganda, what would happen if somebody started talking on the radio call?

24 A. [14:45:43] Could you please repeat the question.

25 PRESIDING JUDGE SCHMITT: [14:45:46] Mr Obhof, indeed it's a little bit unclear,

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1 the question.

2 MR OBHOF: [14:45:49] Yes.

3 Q. [14:45:50] Madam Witness, do you know -- do you remember if you saw
4 persons who would speak on radios to talk to each other, while you were in the LRA?

5 A. [14:46:10] Yes, I did.

6 Q. [14:46:14] After you came back into Uganda - so in the last two or so years of
7 you being in the LRA - what would happen if persons started speaking on the radio
8 call for a long time?

9 A. [14:46:45] I am not understanding your question.

10 PRESIDING JUDGE SCHMITT: [14:46:50] I think simply move on. It's --

11 MR OBHOF: [14:46:53] I'm just worried if you heard what I said, so.

12 PRESIDING JUDGE SCHMITT: [14:46:56] I think she -- yeah.

13 MR OBHOF: [14:47:01]

14 Q. [14:47:01] Finally, Ms Witness, and thank you for your time today so far, what
15 would be the meaning behind Joseph Kony praising people on the radio call?

16 A. [14:47:33] Yes, that was they had two ways of doing this, but one thing was,
17 when he was aware that you wanted to return or escape he would say I really love
18 this person, this person works so hard. That was meant for the purpose that, if you
19 return home, you will go home and then you will be in trouble.

20 I would give an example: Those days he used to talk about Dominic and later on he
21 started talking about Lamola, and he used to say Lamola was very good. He was
22 really just wise, he would tell -- he would be mentioning such a thing just for
23 purposes of making you get into trouble when you go back home, because people will
24 think you have been doing a lot of bad things. That's what Kony used to do. If he
25 begins speaking like that you can be very sure that you are at risk, he might actually

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1 pick you up and kill you.

2 I remember those days he was talking about Otti and Otti was killed. He was

3 talking about Dominic, but Dominic survived somehow. He also talked about

4 Sam Kolo, but Sam Kolo had to escape and go home. That is just meant to blackmail

5 you, kind of.

6 Q. [14:48:57] Thank you for your time today, Madam Witness.

7 Your Honour, for the Defence I would like to make a quick request if we could start

8 with the Prosecution tomorrow, as we just received the list earlier this morning and

9 there is a new disclosure that we just popped up.

10 PRESIDING JUDGE SCHMITT: [15:04:40] I think we have already heard that also

11 you, Mr Gumpert, would prefer to start tomorrow.

12 MR GUMPERT: [14:49:24] Your Honour, yes. I am at the Court's disposal, but that

13 would be my preference. And if that can be done, I can guarantee that we will finish

14 tomorrow.

15 PRESIDING JUDGE SCHMITT: [14:49:33] That can be done, yet we have

16 a little -- small scheduling matter.

17 Due to internal reasons, so to speak, the Chamber will have to slightly amend the

18 sitting schedule tomorrow: So we would have tomorrow two blocks of two hours,

19 9.30 until 11.30 and 1 o'clock until 3 o'clock. This leaves the option that after

20 3 o'clock and after another short break we could use this half hour, or perhaps if you

21 wanted to ask further questions. So nobody will be cut, of course, in that respect.

22 This is absolutely inevitable and, of course, when we have two hours blocks -- two

23 hours blocks, I can already say keep this in mind for tomorrow that if anybody thinks

24 we should make a short break in-between, five or 10 minutes, please tell us.

25 So this concludes then --

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0013

1 MR OBHOF: [14:50:24] I also note too, your Honour, because we don't have

2 anybody coming Monday, so if Mr Gumpert does end up needing more time --

3 PRESIDING JUDGE SCHMITT: [14:50:32] Of course this -- of course the Chamber

4 has this also in mind, but the Chamber would prefer it if we could finish the witness

5 tomorrow.

6 (Trial Chamber confers)

7 PRESIDING JUDGE SCHMITT: [14:50:45] And of course the victims' representatives

8 are also not precluded to ask. That is perfectly clear.

9 So we then conclude the hearing for today and we meet again tomorrow, 9.30.

10 THE COURT USHER: [14:50:57] All rise.

11 (The hearing ends in open session at 2.50 p.m.)

12 RECLASSIFICATION REPORT

13 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July

14 2016, the public reclassified and lesser redacted version of this transcript is filed in the

15 case.