

1 International Criminal Court

2 Pre-Trial Chamber II - Courtroom 2

3 Situation: Uganda

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

5 Single Judge Cuno Tarfusser

6 Article 56 Proceedings

7 Wednesday, 16 September 2015

8 \*(The proceedings started in closed session at 9.57 a.m.) Reclassified into open session

9 SINGLE JUDGE TARFUSSER: So good morning. I see that lead counsel has been  
10 rescued somewhere. So now with half an hour delay we restart the hearing, we  
11 resume the hearing we adjourned yesterday in the later afternoon.

12 And as agreed, I give the floor again -- well, first of all, I would say we are in the same  
13 composition as I see as we were yesterday for the record. So we have not to present  
14 each other again. And as agreed yesterday, I will give again the floor to the  
15 Prosecutor, not before having said hello to Witness, to Madam Witness, which is  
16 sitting patiently in Kampala.

17 Good morning. Good morning. And sorry for the delay.

18 MR ODONGO: My Lord, it may be important for me to give my profuse apologies  
19 for the delay. It's just that I am not very used to the system here, the transport  
20 system. So I got out earlier than I should, and then I had to look for the next  
21 transport. I'm sorry.

22 SINGLE JUDGE TARFUSSER: No problem at all. I mean, it can happen. We are  
23 all human. Things like this can happen.

24 MR ODONGO: Thank you.

25 SINGLE JUDGE TARFUSSER: So we accept obviously your apologies. So now are

1 you ready, Madam Witness? Are you ready?

2 WITNESS: UGA-OTP-P-0226 (On former oath)

3 (The witness speaks Acholi)

4 (The witness gives evidence via video link)

5 THE WITNESS: (Interpretation) I'm ready.

6 SINGLE JUDGE TARFUSSER: Okay. So I give now the floor to the Prosecutor.

7 And when he is finished with his questions, I will give the floor to the Defence in

8 order for the Defence to put some questions, also some questions to you.

9 So the floor is for the Prosecutor. Thank you.

10 QUESTIONED BY MR GUMPERT: (Continuing)

11 Q. Madam Witness, there are three remaining areas where I have a few questions

12 for you. The first is this: You told us yesterday that whenever the two young

13 escorts, (Redacted) and (Redacted), went out to work, they would bring you and your

14 friend (Redacted) little mementos because they had a love interest in you. Can you

15 tell us, please, what you meant when you said "whenever they went out to work"?

16 A. That means they have been sent to bring things like food or they have been sent

17 to loot shops to bring for us soap or cream.

18 Q. How often would the escorts like these two young men be sent out to loot

19 shops?

20 A. They would be sent every week. It depends on whether things are still

21 available or finished.

22 Q. And where would these shops which they would be looting be situated?

23 A. These shops are in trading centres. I really don't know because I myself, I don't

24 go there.

25 Q. And to be clear, these trading centres would be in Uganda; is that correct?

1 A. Yes, in Uganda.

2 Q. The second area that I want to ask you questions about is about punishment.

3 What would happen to people who tried to escape?

4 A. If you are caught escaping, you are killed.

5 Q. Did you ever try to escape?

6 A. I tried.

7 Q. Tell us about the time when you tried to escape.

8 A. I was already asleep, so I thought I should come and escape and go home. I  
9 started walking, but I didn't go very far. But something big which I didn't see very  
10 well started chasing me, so I ran back to my hut where I was sleeping.

11 Q. Was there anybody else in the hut where you were sleeping?

12 A. I was sleeping in the hut with (Redacted).

13 Q. Did anybody ever find out about that attempt to escape?

14 A. Nobody learnt about my attempted escape. But when I reached back in the  
15 house, (Redacted) asked me, because I was actually trembling. So I told her that  
16 I had gone for -- to ease myself and something chased me.

17 Q. Did you ever see what happened to other people who tried to escape?

18 A. I saw.

19 Q. Did Dominic Ongwen have anything to do with what happened to people who  
20 tried to escape?

21 A. (No interpretation)

22 THE ACHOLI INTERPRETER: The Acholi booth would like the witness to repeat  
23 that answer.

24 MR GUMPERT:

25 Q. Madam Witness, could you repeat the answer you gave? The interpreters

1 didn't quite get it.

2 A. Yes. He did participate in some of these activities on the people who tried to  
3 escape.

4 Q. Can you give us just one example of him participating when somebody tried to  
5 escape?

6 A. One day we were walking and a certain boy tried to escape, then I remained  
7 behind, but I never saw this boy again.

8 Q. And what did Dominic Ongwen have to do with this boy's attempt to escape?

9 A. I think they killed him.

10 Q. Can you just explain to us why it is you believe that Dominic Ongwen was  
11 involved in this?

12 A. I saw him standing with this boy who attempted to escape.

13 Q. Was anything said by Dominic Ongwen or anyone else when you saw him  
14 standing with the boy?

15 A. I didn't hear anything.

16 Q. What about other commanders, do you remember any example of how other  
17 commanders dealt with escape attempts?

18 A. I do remember.

19 Q. Tell us what you remember.

20 A. One day when we were walking, this one girl who attempted to escape. Then  
21 she was killed and her head was cut off, and the person, the commander --

22 THE ACHOLI INTERPRETER: I'm sorry, I didn't get the name of the commander.

23 The Acholi booth would like the witness to repeat the name of the commander.

24 MR GUMPERT:

25 Q. Madam Witness, I'm sorry, could you tell us again the name of the commander

1 and what happened to the head which was cut off?

2 A. This commander is called Ojimo (phon). And he gave the head that in each  
3 homestead, that head should be carried each day in turn, because if you carry this  
4 head, that will give you -- that will prevent you from trying to think of escaping.

5 Q. I'm sorry, just one more time very slowly and clearly if you would, the name of  
6 the commander.

7 A. His name is Odhiambo.

8 Q. Were you ever punished for anything apart from trying to escape?

9 A. Yes, I have been punished.

10 Q. Can you give us an example, perhaps the worst example as it seems to you of  
11 when you were punished for something?

12 A. One day we went to fetch water at the well. After having fetched water, I  
13 crossed the river to the other side for a short call. When I came back home, one of  
14 the Dominic Ongwen's women called (Redacted) had come and told Odomi that I had  
15 eased myself in the water, a short call.

16 So in the morning when I went to have a bath, Odomi called me and told me to lie  
17 down. When I was lying down, I saw there was so many canes piled up on the  
18 ground. So they started beating me and I got up and started running away. Then I  
19 got struck with some grass and I was taken back and I was badly beaten to  
20 unconsciousness.

21 Q. Who was it who beat you until you were unconscious?

22 A. He sent his escort to beat me. Actually I was tied to a tree.

23 Q. Who was it who sent his escort?

24 A. It was Odomi.

25 Q. And where was he, Odomi, when you were being beaten?

1 A. When I was being beaten he was seated down watching me.

2 Q. You told us that one of your duties once Dominic Ongwen announced that you  
3 were his wife was to carry his sauce pans and to prepare his food. Did you ever get  
4 punished in relation to the food which you prepared for him?

5 A. Yes.

6 Q. Can you describe that occasion shortly?

7 A. The way I prepared some food, and the food which remained I gave to the  
8 women with whom he used to eat. When he realised that, he beat me so badly 'til  
9 I was unconscious.

10 Q. Thank you. The last area I want to deal with concerns the sexual intercourse  
11 which you have described between you and Dominic Ongwen. I think you told us  
12 yesterday that he would sleep with his wives in rotation; is that correct?

13 A. It is correct.

14 Q. I know things may not always have happened in the same way, but can you  
15 help the Court by saying roughly how often it would be your turn?

16 A. After a week or after a month, because there were many wives.

17 Q. And did that pattern continue until you escaped, or did it stop at some time  
18 before that?

19 A. It didn't stop. It continued. And I even got hurt, injured.

20 Q. You told us yesterday that you escaped finally sometime in 2003. Can you tell  
21 us with any more precision when it was in 2003 that you escaped and came into  
22 contact with the Ugandan army soldiers?

23 A. Actually, I didn't really escape, but I was shot.

24 Q. My apologies. I understand. You were injured and then you managed to -- in  
25 the end you made contact with the government soldiers.

1 But the question, if you know the answer, is: Can you help the Court with any more  
2 precision about when in 2003 it was? A month, or if not a month, early in the year,  
3 late in the year, in the middle of the year? Perhaps it might be helpful if you knew  
4 what season it was, what kind of fruits or plants were ripe at that time. Anything  
5 that might help the Court to understand where in the year you finally came out of the  
6 situation you had found yourself in.

7 A. Unfortunately I don't remember that very well.

8 Q. I won't press you further.

9 My very last question then: A moment ago you said that the sexual intercourse  
10 continued throughout the time you were with Dominic Ongwen and indeed that you  
11 even got hurt or injured. Can you just explain to us how it was that you got hurt or  
12 injured in this way?

13 A. I was injured because I was young and he was much older than me. That's the  
14 reason why I was injured.

15 Q. I'm sorry. Perhaps you can answer this then: On what part of the body?

16 A. I was injured in my vagina.

17 MR GUMPERT: I'm trying to say that I've concluded my questioning.

18 Yes, the microphone is on now. I've concluded my questioning. Thank you very  
19 much, your Honour.

20 SINGLE JUDGE TARFUSSER: Thank you, Mr Prosecutor.

21 Madam Witness, I am now going to give the floor to the Defence. Are you ready to  
22 answer the questions? Or you need to --

23 THE WITNESS: (Interpretation) I am ready.

24 SINGLE JUDGE TARFUSSER: Okay. Thank you very much then. I will give the  
25 floor to the Defence counsel.

1 MR ODONGO: Thank you very much, your Honour. I may not go all the way to  
2 the details given by the questions asked by Defence, but I'll concentrate on what  
3 I think is relevant.

4 QUESTIONED BY MR ODONGO:

5 Q. Madam Witness, you said you started your school at (Redacted). Do you  
6 remember exactly when you started your school?

7 A. I do not recall because I was very young at the time.

8 Q. At that time you said you were seven years old; is that correct?

9 A. Yes, that's correct.

10 Q. For how long did you study --

11 SINGLE JUDGE TARFUSSER: You must wait until the --

12 THE WITNESS: (Interpretation) Yes, that's correct.

13 MR ODONGO:

14 Q. Do you remember how long you studied at (Redacted)?

15 A. I did -- I did not complete a whole term because the -- there was a lot of -- there  
16 was heavy fighting so we ended school early.

17 Q. When you went to (Redacted), did you complete the year?

18 A. No, I did not complete my education because we were on a holiday during the  
19 second term.

20 Q. So you stopped in the second term?

21 A. Yes. Then I went home on holidays --

22 Q. So you were --

23 A. -- and that was when I was abducted.

24 Q. So you were abducted during the second term holidays?

25 A. Yes, indeed.



1 Q. Do you remember your statements that you made to the Prosecution?

2 A. Yes, I do recall.

3 Q. But when I asked you, you said you did not know for how long you were at  
4 Laliya because you were too young.

5 A. Well, you did not ask me how long I was in Laliya. You asked me when I  
6 started -- when my education started.

7 Q. Do you remember whether it was rainy season or dry season when you were  
8 abducted?

9 A. It was the rainy season.

10 Q. So on the day when you were abducted, was it raining?

11 A. No, it was not raining.

12 Q. Can you repeat that?

13 A. No, it was not raining.

14 Q. Now, you said when the soldiers came to your compound you were outside; is  
15 that correct?

16 A. Yes, that's correct.

17 Q. And it was so early in the morning and you were playing?

18 A. No. We were sitting outside around the fireplace.

19 Q. Now, when you saw the soldiers, were you shaken or terrified for that matter?

20 A. Yes, I was frightened.

21 Q. You state in your statement that you were so fearful you did not have time to  
22 see the number of soldiers who came to get you; is that correct?

23 A. Yes, that's correct.

24 Q. Now, I just want to refresh your memory or for the sake of clarity. By the time  
25 of your abduction, you were in the second term of primary 1. Had you learnt how to

1 read and write and count?

2 A. Yes, I did, and I also knew how to write my name.

3 Q. You knew how to write your name; is that correct?

4 A. Yes, that's correct.

5 Q. In P1 at --

6 SINGLE JUDGE TARFUSSER: Start again.

7 MR ODONGO: Sorry.

8 THE WITNESS: (Interpretation) Yes, in P1 up 'til now, I do know how to write my  
9 name.

10 MR ODONGO:

11 Q. Can you repeat that?

12 A. Yes, in primary 1 -- yes, in primary 1 I did know how to write my name and up  
13 to date I still do know how to write my name despite the fact that I'm not educated.

14 Q. At that time did you know how to count?

15 A. Yes, I did. I did know how to count.

16 Q. I mean at the time you were abducted, and you were in P1 second term, did you  
17 know how to count and up to what figure? 10? 20? 50? 100? Thousands?

18 A. I could count up to 30 in English, but in Acholi I could count further, but in  
19 English I could count up to 30.

20 Q. Can you tell this Court how you came to estimate that the total number of  
21 soldiers who raided your compound was 50?

22 A. Yes, that's how it was. That's the number that was there.

23 Q. My question is: Can you tell this Honourable Court how you came to estimate  
24 the number at 50, not a hundred, not 30, the figure up to where -- up to which you  
25 could count, but 50?

1 A. Well, I did say that in Acholi I could count further than 30.

2 Q. So in Acholi you could count up to how many in P1, second term?

3 A. Well, I could count up to 100.

4 Q. Is that normal in a primary school set up in a disturbed area like Lukome and  
5 (Redacted)

6 SINGLE JUDGE TARFUSSER: Excuse me, I do not admit this question, is it normal,  
7 because it's an assessment and not a fact. You're asking an assessment to the witness  
8 and not a fact. The witness is here to answer questions on facts and not to assess  
9 what's normal and not normal in an area.

10 MR ODONGO: Much obliged, your Honour. I move to the next one.

11 Q. You said that you were so terrified you could not tell how many people came to  
12 get you. How then was it possible for you to estimate that the total number of  
13 soldiers who came to the compound was 50?

14 A. Well, I guessed, because I kept on looking at them.

15 Q. Now, three months ago when you made your statement, in your paragraph 15  
16 of the statement you said, "I did not hear anything. I just saw a big group of people  
17 arrive in our compound." Why didn't you tell the Prosecution that the number was  
18 50?

19 A. Because they did not ask me that question.

20 SINGLE JUDGE TARFUSSER: Excuse me, may I intervene. If we look at the  
21 statement she says about 50, so it's a guess. She didn't say 50 because she counted  
22 up to 50, but it's about 50, she says. I think there were about 50 people. It's not a  
23 fixed number, but a more general number. It's an indication, a general indication.

24 MR ODONGO: Much obliged, your Honour.

25 Q. Did you or did you not hear the soldiers as they came to the compound?

1 A. No, I did not hear them, but I did see them in the compound.

2 Q. But in your statement you said -- sorry, I think I'll leave that.

3 But you said in your statement that you -- the people were speaking in Acholi. How  
4 did you come to know that they were speaking Acholi if you didn't hear them?

5 A. Well, when they arrived, when they arrived in our compound, I heard them  
6 speaking Acholi.

7 Q. Later on you said the total number of people who had been abducted was 20.  
8 Was this -- was the number 50 you referred to, about 50 you referred to in your  
9 statement, inclusive of the 20 abductees.

10 A. Yes, it was inclusive.

11 Q. So the 50, the number 50 was inclusive --

12 SINGLE JUDGE TARFUSSER: (Microphone not activated)

13 MR ODONGO:

14 Q. So the number 50 was inclusive of the abductees; is that correct?

15 A. I did not say 50 exactly, but I did say at least 50 or more.

16 Q. Yeah, that's what I'm saying. Of the number that you estimate, were the  
17 abductees inclusive, the 20 abductees inclusive?

18 A. Yes, it was inclusive.

19 Q. So what in your estimation was the total number of soldiers?

20 A. Well, I cannot estimate the number of soldiers.

21 Q. Now, you told Court that you were so terrified when the soldiers came to your  
22 compound. How then did you notice the man who was standing under the mango  
23 tree?

24 A. Well, because it was close to our compound. That's how come I came to see  
25 him, how come I noticed him.

1 Q. How close was the mango tree to the house?

2 A. Well, it is -- it is in the compound at the entrance of the compound. But I was  
3 in the compound myself.

4 Q. And you said that this gentleman under the tree had some people with him and  
5 these people were his escorts; is that correct?

6 A. Yes, that's correct.

7 Q. Can you give us an estimate or did you know, did you count the number of  
8 escorts? If you did not, can you give a rough estimate of the number of escorts he  
9 was with?

10 A. No, I cannot give an estimation.

11 Q. Were they more than 50?

12 A. No. There were less than 50.

13 Q. But you could estimate the number 50 very comfortably. Why is it that you  
14 would not estimate the number of escorts who were with the man under the mango  
15 tree?

16 A. Well, I cannot -- I cannot give an estimation, because when I was told to get up,  
17 I had to get up and start walking and they remained behind.

18 Q. Very well. Now, you said some soldiers were putting on uniform and others  
19 were putting on civilian clothes. How then was it possible for you to tell apart who  
20 of those were abductees and soldiers?

21 A. Well, the abductees had been -- their hands, their hands had been tied and they  
22 also had ropes tied around their waists.

23 Q. Now, you saw -- you identified multicoloured green and black fatigues, army  
24 uniforms. How did you distinguish these from those of government soldiers?

25 A. Well, the reason why I did make a distinction between the people and the

1 government soldiers is because government soldiers do not carry goats and

2 government soldiers --

3 Q. I'm sorry, I'm talking about identification.

4 SINGLE JUDGE TARFUSSER: That's what she said.

5 MR ODONGO: No, your Honor. I was talking about uniforms --

6 THE WITNESS: (Interpretation) Government soldiers do not carry goats and

7 government soldiers do not carry chickens.

8 MR ODONGO: -- and she is talking about the conduct of the soldiers.

9 SINGLE JUDGE TARFUSSER: No. I must contradict you. She responded to this

10 question, this same question yesterday as well and answering a question of the

11 Prosecutor, who asked: How could you distinguish if they have the same uniform?

12 And she said what she's saying now, because they had this goat and had goods which

13 soldiers don't have.

14 So I think it's absolutely a very -- this is the reason why she distinguished the soldiers,

15 not on the uniform, but on the behaviour, on what they had beyond the uniform.

16 MR ODONGO:

17 Q. Now, you said that you could easily tell those who were not in army

18 uniform -- I mean you easily tell the abductees who were not in army uniforms

19 because their hands were tied. If that is true, how was it possible for them to carry

20 luggage with their hands tied?

21 A. Well, they do have to carry luggage, because they are ordered to do that.

22 Q. Come again?

23 A. Well, the luggage is placed -- the luggage is placed on your head, but you walk

24 without holding onto the luggage. It is placed on your head.

25 Q. Asante. You said when you were abducted you were given a bag of salt to

1 carry on your head; is that correct?

2 A. Yes, that's correct.

3 Q. Can you help Court to assess how big this salt was in terms of kilograms?

4 How much was it?

5 A. I -- I cannot give an estimation of how many kilograms the bag of salt was, but it  
6 was a big bag of salt, and some of the salt had actually been taken off, had been  
7 scooped out.

8 Q. When you say "big salt," are you talking about a package of 10 kilograms,  
9 30 kilograms, 50 kilograms or 2 kilograms?

10 A. I cannot give an estimation.

11 Q. But you told Court that part of it had been used, had been removed. So can  
12 you tell Court, therefore, what was left that you found and you were carrying?

13 A. I did not weigh the salt, so I cannot actually tell you how many kilos were left,  
14 but it was heavy.

15 Q. Were your hands tied when you were abducted?

16 A. No, my hands were not tied.

17 Q. Your hands were not tied, so you were not put among the abductees, the other  
18 abductees?

19 A. No, I was not put among the other abductees.

20 Q. You repeatedly said in your statement that your sister was left behind because  
21 she was ugly. Is she actually ugly?

22 SINGLE JUDGE TARFUSSER: Also this is -- what does it mean if somebody is ugly  
23 or not? This is the term she was using. But I mean, I think we should not put this  
24 question to the witness. Thank you.

25 MR ODONGO: Much obliged, your Honour.

1 Q. Although you repeatedly said she was left behind because she was ugly, you  
2 did not specifically tell Court who said this. Can you tell Court who said this?

3 A. No, I do not know who told my sister that she was ugly, but it was on my return  
4 that I was told that somebody did tell her that she was ugly.

5 Q. Who told you?

6 A. My sister herself, because she was still alive.

7 Q. And you said that your mother was -- you knew that the people who had  
8 invaded your compound were soldiers because even your mother was -- they were  
9 rebels because even your mother was fearful. This -- let me put it this way: Were  
10 government soldiers very popular in your village at that time?

11 A. Yes, they were liked because they protected us.

12 Q. This was in 1998?

13 A. I suppose so. I'm not exactly sure.

14 Q. At that time what were they -- I mean were government soldiers, troops in your  
15 area being constantly provided with foodstuff and other provisions?

16 A. Well, I -- I do not know. I know that the government does, I suppose the  
17 government provided their troops with food. I'm a civilian.

18 Q. Was there -- do you remember an occasion when government soldiers were  
19 accused of picking items from the civilian population?

20 A. No, I did not hear that.

21 Q. You carried salt. Do you remember what other abductees carried?

22 A. No, I do not -- I do not recall what they carried. But I did see goats and other  
23 things, other -- but I do not know what they were.

24 Q. I want you to tell, to help Court to assess the burdens of the other abductees.  
25 You were part of the group that was now moving -- or rather, let me put it this way:



1 Were you moving together with the rest of the abductees or were you separated from  
2 them and you were moving alone?

3 A. We all moved in single line.

4 Q. And you told Court that you were the youngest, in your estimation, you're the  
5 youngest among the abductees. But you were given to carry salt, which was  
6 extremely heavy. Can you tell Court what the next youngest abductee carried?

7 A. Well, he carried heavy things, but I cannot tell whether it was sim sim or beans.  
8 I have no idea.

9 Q. How about your cousin brother Adong, what did he carry?

10 A. I didn't see what he carried, because he wasn't with me. Either he was in front  
11 or behind me, so I couldn't tell.

12 Q. I'll now move to the next question. Had you been to Pawel before?

13 A. Yes, I reached there, because that's where the home of my mother.

14 Q. So in your state of shock, how did you know that you were now in Pawel?

15 A. Because I have ever used that road and I knew that road to which leads to Pawel.  
16 That's how I knew it was we were in Pawel.

17 Q. So as you moved from your home to Pawel, was it or was it not raining?

18 A. It wasn't raining.

19 Q. Now, can you tell Court at what stage of your journey it started raining?

20 A. It started raining the following day.

21 Q. Was that after or before you left Pawel?

22 A. We had already gone beyond Pawel and we had started cooking and we spent  
23 the night somewhere, and then the next day it started raining.

24 Q. In your statement you said that you had not talked to Dominic Ongwen. You  
25 did not know he was Dominic Ongwen at this time. Who -- I mean at what stage did

1 you finally get to know that he was Dominic Ongwen?

2 A. When he called me and when he asked my father's name and my mother's name.  
3 When I also asked one of the abducted persons, the person told me that was Dominic  
4 Ongwen.

5 Q. Now I want to go back to the escorts of -- I mean the escorts who were with  
6 Dominic Ongwen under the mango tree, the person you identified as Dominic  
7 Ongwen. Did you see any of them during -- during the time you were in the bush  
8 before you escaped?

9 A. I did see them.

10 Q. Which one did you see?

11 A. Others died, but the ones who came back -- the one who came back is (Redacted)  
12 (Redacted).

13 Q. Do you want to tell this Court --

14 SINGLE JUDGE TARFUSSER: You must always wait, otherwise we --

15 MR ODONGO: Okay.

16 Q. Do you want to tell this Court the names of those you remembered both dead  
17 and alive, apart from (Redacted) and (Redacted)?

18 A. I have already forgotten.

19 Q. How soon after your abduction did these that you said died die?

20 A. There are some who died in Sudan, and others who came in Uganda told me  
21 that the others also were dead.

22 Q. How is it that you conveniently remember only two?

23 A. Because I spent a long time with them and also we liked each other.

24 SINGLE JUDGE TARFUSSER: Well, the word "conveniently" is not really a good  
25 term, because I don't think there is any convenience. Now, if you just say "Why do

1 you remember those and not the others" without the word "conveniently," it would be  
2 very much appreciated. Thank you.

3 MR ODONGO: Much obliged, your Honour.

4 Q. During the course of the journey after Dominic Ongwen talked to you, the  
5 person you identified as Dominic Ongwen, how often did he talk to you?

6 A. He talked with me the day he asked my name and I started staying at his home.  
7 After that he never talked with me, but I was staying in his home.

8 Q. I'm referring to the time, the one-month time you journeyed from your home  
9 where you were abducted to what you now call Dominic's home. In between, how  
10 often did he talk to you?

11 A. He used to talk with me because sometimes he would send me on errands.

12 Q. Were you the only person he asked to give him water or this was something  
13 that was --

14 A. Yes, because I was the youngest in that home and there were also elder women  
15 who also stayed there. So it was me who was always sent to do certain things.

16 Q. Please, I want you to understand that I am interested in knowing your  
17 relationship with Dominic Ongwen during the journey and not at the final  
18 destination.

19 A. The relationship between me and Dominic Ongwen, when you are actually a  
20 young person, you are called ting ting. As a result as a young person, you are  
21 always asked to do some tasks, you are sent to do certain things.

22 Q. During the journey --

23 SINGLE JUDGE TARFUSSER: You have to wait until it's open, otherwise it's always  
24 overlapping speakers. You must wait until you hear in the ear in the headphones  
25 that the microphone is open, otherwise they cut out the first two, three, four, five

1 words you were saying. Thank you.

2 MR ODONGO:

3 Q. I'm interested in knowing how you related with Ongwen or the person you  
4 identified as Ongwen during the journey, the one month before you reached what  
5 finally you called Jebellin. How often did he talk to you?

6 A. I think -- I think I cannot answer that question because I think I already  
7 answered it.

8 Q. Finally, when you arrived at Jebellin, can you describe to Court the situation  
9 you found there? Was it a home? Was it a barracks? Was it some kind of altar?  
10 Where did you first land?

11 A. The place we reached, it was actually an open ground, but there were also  
12 houses.

13 Q. And you say when you arrived the first person that received you was an old  
14 man who performed some rituals on you; is that correct?

15 A. Yes, that's right.

16 Q. Was this on the first day you arrived?

17 A. Yes.

18 Q. Can you tell Court in some detail what exactly happened upon arrival at the site  
19 of the ritual performance? Did you first go into Dominic Ongwen's house or did you  
20 go somewhere first? Where were you landed?

21 A. When we reached the open ground, we were lined up, we the girls. They  
22 started putting shea butter oil on your front, the front of our face and our hands.  
23 Then other commanders started to select the girls beginning with Kony, who first  
24 selected the girls, and then the commander who followed Kony did the same, he also  
25 selected -- he also selected some girls.

1 I didn't go to Odomi's house, neither was I taken elsewhere.

2 Q. But you told Court that when Kony came to do the inspection, you had been  
3 dressed in some bad clothes to disguise you from your beauty so that Kony would  
4 not identify you as a beautiful girl; is that correct?

5 A. Yes, it is true.

6 Q. But you also told Court that at that point you had not yet gone to Dominic  
7 Ongwen's house. How did you get the bad clothes that were superimposed on your  
8 uniform?

9 A. That dress was put on me before we reached our destination. It was on the  
10 way.

11 Q. But you told Court that one of Dominic Ongwen's wives dressed you. Was  
12 Dominic with one or some of his wives on this journey?

13 A. There was one wife who was staying at his home, but I wasn't sure whether this  
14 woman was his wife or his worker.

15 Q. But this old lady dressed you at the site of the inspection or was it before?

16 A. I was dressed before we reached the site.

17 Q. When Kony came to inspect you, did you -- were you still wearing the soot, the  
18 soot, the black stuff you gathered from the bushes?

19 A. Yes, it was still on me, I was still putting it on.

20 Q. Now, you said that the salt and the rain gave you sores on the head.

21 Was -- did this happen throughout the journey or only part of the journey?

22 A. While we were walking and when it rained, that's when I developed the sores  
23 on my head.

24 Q. When you reached Jebellin, was it still raining?

25 A. When we reached Jebellin, it was no longer raining.

1 Q. Now, you said you identified Dominic Ongwen's ranks, what you called stones.

2 How many were they?

3 A. I didn't pay attention to that to know how many stars, but I learnt that he was a  
4 captain.

5 Q. Now, when you arrived at Jebellin, did Dominic Ongwen or the person you  
6 describe as Dominic Ongwen hand you over to somebody else? The group, I'm  
7 talking about the group.

8 A. (No interpretation)

9 Q. No, I'm talking --

10 A. He didn't give me to anyone.

11 Q. I want us to be clear here. I'm talking, I'm saying when the group arrived at  
12 Jebellin, was the group handed over to somebody or did Ongwen maintain command  
13 of the group?

14 A. When we reached, there was someone who had -- who was -- had higher rank  
15 than Ongwen.

16 Q. Are you, therefore, telling this Court that you were handed over to a superior  
17 person to Ongwen?

18 A. I didn't understand that very well. Can you repeat, please?

19 Q. The question is: Did Ongwen upon arrival at Jebellin hand you over to  
20 somebody higher than him?

21 A. I wasn't given to any other person of higher rank. He sent me to stay in his  
22 home.

23 Q. When I talk about you, I want you to understand it in the context of the group,  
24 not you as a person.

25 A. We as a group when we reached this open ground, everybody, girls were

1 selected by commanders, but I remained and Dominic sent me to his home.

2 THE ACHOLI INTERPRETER: The Acholi booth would like to say that the sound  
3 quality is very bad.

4 MR ODONGO:

5 Q. When you lined up --

6 SINGLE JUDGE TARFUSSER: Just a moment. Just a moment please.

7 THE ACHOLI INTERPRETER: The Acholi booth would like to say the sound  
8 quality has been so bad.

9 SINGLE JUDGE TARFUSSER: The sound quality?

10 THE ACHOLI INTERPRETER: Interference, yes.

11 SINGLE JUDGE TARFUSSER: Okay. It should be better now as I hear. So if we  
12 try to continue, please, counsel, go ahead.

13 MR ODONGO:

14 Q. I'm saying when you were in the line, was Dominic still in charge of that line or  
15 by this time somebody else was in charge of the ceremony?

16 A. I'm not -- I don't know that one.

17 Q. Can you tell this Court how the ceremony was conducted? Who was asking  
18 who to stand where in the line?

19 A. When we were in -- on the line, it is Kony himself who came. He holds you on  
20 the shoulder and that means the escort should take you to him.

21 Q. Where did the person you later came to know as Joseph Kony emerge from?

22 A. He came from the -- where there were so many huts.

23 Q. Did you notice whether -- did you notice whether he came at the invitation of  
24 Dominic Ongwen or somebody else?

25 A. I didn't see anyone inviting him, but I just saw him coming.

1 SINGLE JUDGE TARFUSSER: Counsel, the last question and then we have to stop  
2 with the pause for half an hour, okay?

3 MR ODONGO: Okay.

4 Q. Now, after you said that you recognized this to be Kony because you asked  
5 Dominic Ongwen later on; is that correct?

6 A. I didn't ask Dominic, but I asked other children, other abductees.

7 Q. But somewhere in your statement you said when Dominic was talking to  
8 somebody on the radio call, you asked him and he said he was talking to Joseph  
9 Kony?

10 A. I didn't say that I asked him. I just said that I heard and I saw him.

11 MR ODONGO: I'll stop here for now.

12 SINGLE JUDGE TARFUSSER: Okay, Mrs Witness, Madam Witness, we have now to  
13 take the break for the interpreters. We will resume this session in half an hour time  
14 so you can have also a rest, and thank you for now and see you in half an hour.  
15 Thank you very much.

16 The session is closed and we will resume at 12, okay? Thank you.

17 THE COURT USHER: All rise.

18 (Recess taken at 11.30 a.m.)

19 \*(Upon resuming in closed session at 12.06 p.m.) Reclassified into open session

20 SINGLE JUDGE TARFUSSER: Sorry for the five minutes delay, but I still have  
21 forgotten some things to do, but it doesn't matter. We resume the session. And I  
22 don't see the witness. That's maybe a bit small problem. Yes, we'll wait. We  
23 waited for the counsel, now we wait for the witness, no problem. Maybe tomorrow  
24 somebody from the Prosecution is missing.

25 MR GUMPERT: We'll try and arrange it, your Honour.



1 SINGLE JUDGE TARFUSSER: And we will wait also for them.

2 So now I can see the witness again. Hello. We will continue now the questioning  
3 by the Defence.

4 And I give the floor to the counsel Odongo.

5 MR ODONGO: Thank you very much, your Honour.

6 Q. Madam Witness, we were at the point of selection, Kony or the person you  
7 identified finally as Kony, did not pick you because you were disguised. Can you  
8 tell -- can you repeat what Kony said about you when he came to you?

9 A. Kony -- Kony said, "Odomi, why did you bring this old lady here?" and Odomi  
10 answered that Kony should perform some cultural rituals.

11 Q. And at that time you were seven years old. How tall were you?

12 A. I'm not sure how tall -- how exactly tall I was, but I was seven years old.

13 Q. Would you be so kind as to tell this Court how far you reached the height of  
14 Dominic at that time? Was it at the waist, was it at the chest or was it at his knee?

15 A. Well, I cannot make that comparison.

16 Q. But at that point you had been close to Dominic for nearly one month. Had  
17 you not been near enough to him to see how far -- how high you measured on his  
18 height?

19 A. No, I did not make a comparison because I could not actually get used to him  
20 because he was -- he was a little bit stern.

21 Q. And what does she mean by "stern"?

22 A. Well, he was very stern because he liked beating people and he liked punishing  
23 people.

24 Q. The witness may want to remember that at a certain point when they were  
25 travelling, when they were journeying, Dominic was talking, according to her,

1 Dominic was talking to Kony on the phone and she brought water to him. When  
2 you brought water to him, was he always sitting or standing?

3 A. He was seated.

4 Q. And did you ever make a rough estimate, if you were -- let me put it another  
5 way. If you were asked to describe how tall Dominic Ongwen is, would you make  
6 some estimate?

7 A. No, I cannot make that estimation.

8 Q. You may want to remember that all along you have been remembering a lot of  
9 things. For instance, the number -- I mean the estimate of the number of soldiers  
10 who came, the estimate on the abductees and so on and so forth. Why is it that a  
11 person who finally became your husband you cannot estimate his height?

12 A. I cannot -- I cannot recall because I actually wasn't bothered to check out his  
13 height.

14 Q. When did you start to notice that Dominic was attracted to your beauty?

15 A. Well, on one day I noticed when he took me to his home and I was bathed, and  
16 he was extremely happy to see me because I had gone to his home.

17 Q. So that was the first time you noticed he was impressed by your beauty?

18 A. Well, I am -- I cannot say whether it was the first time from his perspective.

19 Q. But you told Court that he took all necessary precautions to make sure that his  
20 seniors did not notice your beauty. How then would you not -- how then would you  
21 have failed to notice that there was more to it than ordinary?

22 A. Well, I -- I cannot say, because I was young at the time, I was very young and I  
23 did not know anything.

24 Q. Very well. When Kony and the other senior commanders had made their pick,  
25 did any -- I mean, Kony noticed that you were an old woman and wondered why you

1 had been brought in. Did the other subsequent senior commanders make the same  
2 observation?

3 A. Well, when Kony made that observation, they laughed and nobody said  
4 anything after that.

5 Q. You mean to say that when the commanders were making their pick or picks for  
6 that matter, they went together or it was one at a time? Because it appears from your  
7 earlier statement it was one person at a time.

8 A. They were -- they were all present, but Kony first made his selection and then  
9 the others joined the queue and made their selections as well.

10 Q. Let me now take you -- well, first of all, you were left on the line, and were you  
11 the last on the line or somehow Dominic picked you before the other junior  
12 commanders?

13 A. No, I was in the middle of the queue, but after the selection, I was the only one  
14 left in that queue.

15 Q. Now after this selection ceremony, did you ever experience another selection  
16 ceremony of abducted girls after you?

17 A. No, I did not witness any other selection process.

18 Q. Is that to suggest that subsequent to your abduction there was no any other  
19 abduction of girls?

20 A. Yes, other girls were abducted.

21 Q. That is what I'm now talking about. Were they also distributed?

22 A. Well, each person would abduct his abductees, his or her abductees, and keep  
23 them at his or her residence.

24 Q. So in other words, there was no ritual performed on those anymore?

25 A. Yes, such rituals were still performed.

1 Q. Who performed the rituals?

2 A. Well, the abductions that happened in Uganda, every commander would  
3 perform the rituals at his or her own homestead.

4 Q. At Jebellin, was this the place where Kony was also living?

5 A. Yes, Kony also lived at Jebellin.

6 Q. And you said you lived in Jebellin for close to one month?

7 A. Yes, that's correct.

8 Q. Did you ever know where Kony was living, which part of the barracks Kony  
9 was living?

10 A. Yes, I was shown where Kony lives when we were on our way to the river.

11 Q. Did Kony ever see you or did you ever meet Kony on your -- I mean on any of  
12 those occasions when you were going to the river?

13 A. No, I did not, I did not meet him on the occasions I was going to the river. But  
14 after I had been there for a while, I did meet him.

15 Q. What did he say to you?

16 A. He did not -- he did not talk to me, but I saw him when he called people he  
17 gathered also around to pray.

18 Q. Now, do you remember the name of the lady who dressed you?

19 A. When we arrived to our destination?

20 Q. Yes. I mean the lady who after you had been bathed dressed you in bad  
21 clothes.

22 A. Well, after -- after I had been -- after I had been bathed, I wasn't dressed in  
23 shabby clothes. It was while we were on the way that I was dressed in shabby  
24 clothes.

25 Q. Then let me take you back to when you were dressed in shabby clothes. Do

1 you remember the name of the lady that dressed you in the shabby clothes?

2 A. No, I do not, I do not recall her name, because I did not ask her that question.

3 Q. Did you ever see her subsequent to that occasion of dressing you?

4 A. When -- after she dressed me in these shabby clothes, once we arrived in Sudan,  
5 I never saw her again after that.

6 Q. You remember that at a certain point you were so keen as to even ask Dominic  
7 Ongwen who he was talking to. At this point why didn't it interest you to know  
8 people who performed important functions on you, like the lady?

9 A. I did not ask Dominic anything. I never asked him any questions.

10 Q. Yesterday on page 24 you told Court that Dominic asked you to take him  
11 drinking water, and then you asked him and you heard him speaking to Joseph Kony  
12 and telling him that they should come to Sudan after one month. Do you remember  
13 that?

14 A. I do recall that I had taken water. But I did not put any question to him, but I  
15 did hear Kony giving Joseph -- Kony giving Dominic these instructions.

16 Q. So therefore the person who took this note was lying? Quoted you out of  
17 context?

18 SINGLE JUDGE TARFUSSER: I didn't understand this.

19 THE ACHOLI INTERPRETER: The witness is answering.

20 THE WITNESS: (Interpretation) It's my -- I do believe that that's not what has been  
21 written in my statement.

22 MR ODONGO: My Lord, yesterday at the bottom of page 24 of the transcript is  
23 written, "Well, with respect to Sudan, I heard Odomi speaking via radio call to Joseph  
24 Kony. He asked me to take him drinking water and I asked him. I heard him  
25 speaking to Joseph Kony and telling him that they should come to Sudan after one

1 month."

2 Q. So the question I was putting to the witness -- so the question I am putting to  
3 the witness is: How come it was possible for her to ask none other than the most  
4 senior person at that time that question and fail to ask questions about the identity of  
5 the lady who dressed her?

6 THE ACHOLI INTERPRETER: There is no response coming through. The Acholi  
7 booth is not getting any response from the witness.

8 MR GUMPERT: Your Honour.

9 SINGLE JUDGE TARFUSSER: Yes.

10 MR GUMPERT: Before there is any answer, I have an observation to make. I'm not  
11 sure if it's quite an objection, but I'd like to make it before there is an answer.

12 SINGLE JUDGE TARFUSSER: Yes, please.

13 MR GUMPERT: Looking at the passage to which my learned friend refers, I  
14 respectfully submit that he is in error in the interpretation which he is basing his  
15 question on and, therefore, the question is a false one.  
16 My learned friend appears to be suggesting to the witness that the transcript at the  
17 foot of page 24 records the witness saying that she asked Dominic Ongwen a question.  
18 I respectfully submit that it doesn't do that.

19 SINGLE JUDGE TARFUSSER: No.

20 MR GUMPERT: It's true to say that the words "I asked him" appear in print, and  
21 immediately thereafter the interpreter corrected him or herself and said "I heard him  
22 speaking to Joseph Kony." So at that stage it is not the case, I respectfully submit,  
23 that the record shows the witness saying that she asked Dominic Ongwen anything at  
24 all.

25 It's true to say that over the page at line 5 the witness is interpreted as saying in

1 response to a question "How did you know the name of the person he was talking  
2 to?"

3 "I asked and I was informed."

4 But equally clearly at that stage she does not say whom it was that she asked. So the  
5 apparent contradiction on which this question is based, I respectfully submit, is no  
6 contradiction.

7 SINGLE JUDGE TARFUSSER: Well, I must say that it's exactly the same comment I  
8 made with my learned friend on my right of the staff, because that is what I  
9 interpreted in reading the statement. Therefore, I would really ask the counsel to  
10 make a specific question and to have the answer, a specific answer on this point, but  
11 without trying to find in the transcript things what I believe are not written. Thank  
12 you.

13 MR ODONGO: Very well. I'll put it another way.

14 It is clear from that portion of the transcript that she made enquiries, she asked  
15 questions about the identity of the person who Dominic was talking to. If she had  
16 the presence of mind of asking such questions, why was it that she didn't ask about  
17 the identity of the old lady?

18 SINGLE JUDGE TARFUSSER: Sorry, what is the precise question just for the  
19 record?

20 MR ODONGO:

21 Q. The precise question is: You asked on several occasions and in particular  
22 about the identity of the person to whom Dominic Ongwen was talking on the radio  
23 call. Why did you not interest yourself in knowing the identity of the old lady?

24 A. I did not ask because I could not ask Dominic, I could not ask Dominic  
25 anything.

1 Q. You didn't have to ask Dominic, I suppose. Why didn't you ask some other  
2 persons, the way you asked other persons about who Dominic was talking to?

3 A. I didn't understand the question. Can you please repeat?

4 Q. When Dominic -- when you say Dominic Ongwen was talking to somebody on  
5 the radio call, you said you later on got to know that the person on the other end was  
6 Joseph Kony because you asked some people and you were told, you were informed.  
7 The question is: If you had the presence of mind to ask people about the identity of  
8 the person on the other end of the call, why didn't you ask such persons about the  
9 identity of the lady?

10 A. I didn't ask because I knew that lady is the one who makes food for -- prepares  
11 food for Odomi. That's why I didn't ask about her.

12 Q. Let's now get back to the rivalry -- or the disguise. Finally, when you were  
13 dressed up and your beauty was exposed, Kony sent his escort to come and pick  
14 you up; is that correct?

15 A. That's correct.

16 Q. So how did Dominic manage to ward off the revived interest of Dominic in  
17 you -- of Kony? Sorry.

18 A. Dominic Ongwen made me sleep under his bed, and he no longer sent me to  
19 sleep with the mother of his children.

20 Q. How long -- how long did this take when you were sleeping under Dominic's  
21 bed? Was this also --

22 A. I think I slept for about one month under his bed.

23 Q. Was this also the time you said once in a while you passed by Joseph Kony's  
24 home on your way to the well, to the river?

25 A. I went -- I went before. But at the time when I started hiding under his bed, I



1 did not go to the river.

2 Q. From what you've told Court, you were in Jebellin for one month, about one  
3 month before you were shifted to go to Nsitu; is that correct?

4 A. That is correct.

5 Q. And it is this same time, it is within this same time that you were also sent to the  
6 river to fetch water when you passed by Joseph Kony's home, and it is also the same  
7 time when you were kept under the bed for one month; is that correct?

8 A. That is correct.

9 Q. So how was it possible for you to be kept under the bed but at the same time go  
10 past Joseph Kony's home to fetch water, and the reason for keeping you under the  
11 bed was to keep you away from him?

12 A. He kept me under his bed when things were so hot and when the escorts used  
13 to come every day.

14 Q. But you've just told Court that you were kept under the bed for one month.  
15 Which is which?

16 SINGLE JUDGE TARFUSSER: No. Excuse me, but I must intervene. I'm sorry.  
17 But she told you she slept for one month under the bed.

18 MR ODONGO: Yes.

19 SINGLE JUDGE TARFUSSER: Yes. This is something different than to be kept  
20 under the bed for one month. They are two different things to my understanding at  
21 least.

22 MR ODONGO: Your Honour, if it helps to make an observation, the purpose for  
23 keeping her under the bed was to keep her away from being seen by Kony. But at  
24 the same time she says within the same month she was allowed to go and fetch water  
25 via the home of Joseph Kony. This is where I find some contradiction.

1 SINGLE JUDGE TARFUSSER: But to me, to me, my problem is the wording.  
2 When the witness is talking about she was sleeping under his bed for about one  
3 month, and not that she was kept meaning tied up under the bed for one month. So  
4 it's just the -- then everything you think to ask, just I criticise the use of the wording  
5 "kept" and "slept." These are two different things. You sleep for seven, eight, nine  
6 hours or six and you're kept for 24. This is the difference what I see.

7 MR ODONGO: Maybe I will rephrase that question.

8 Q. Did you say you were kept or were you sleeping under the bed for the one  
9 month?

10 A. I was kept under the bed. I was supposed to get out only for going to pee or  
11 for -- but I went to the river when things were not yet so bad. I hope I've answered  
12 you.

13 MR ODONGO: Yeah, your Honour, I leave it to Court to make out what exactly that  
14 means.

15 Q. In addition to Kony's interest in you, the other senior commanders above  
16 Dominic Ongwen also expressed interest and kept on sending their escorts to pick  
17 you. Can you tell Court how many of these and on how many occasions you noticed  
18 them coming for you?

19 A. There were two other commanders who used to send their escorts, but I don't  
20 recall for how many times they did that.

21 Q. But in your statement on page 18 -- on page 7, paragraph 42, you said the other  
22 commanders would keep coming, the other commanders, I mean other escorts of  
23 other commanders would keep coming constantly.

24 When you talk about constantly, for how long after the ceremony of selection did they  
25 come for you?

1 A. I don't know for how many times, but they did come.

2 Q. Remember, you were there for one month. Did this take one day, a few days,  
3 one week, two weeks, or many weeks within the month?

4 A. As I -- according to me, they came about five times. That's from what I heard.

5 Q. In paragraph 43 on page 7 of the transcript you said, "I was fearful the whole  
6 time when I was there as I did not feel protected." Do you remember this statement?

7 A. I don't recall that very well.

8 Q. Now, in the bush according to your experience when you were there, was it  
9 possible for a junior officer to disobey superior orders and remain safe?

10 A. I didn't understand very well the question.

11 Q. Let me put it more emphatically. Joseph Kony was the overall commander of  
12 the group that you were abducted and taken to. Now, was it possible for a captain  
13 like Dominic Ongwen then was to disobey his order without the risk of retribution?

14 A. I really don't know, but he just said that if they really want me, then either I be  
15 split into two, divided up, or I be killed.

16 Q. Now, by the same token, would a lieutenant or some junior officer under  
17 Dominic Ongwen disobey his orders without any retribution, including being shot?

18 A. I know nothing about that.

19 Q. So when you're in the bush, you did not realise that disobedience of lawful  
20 orders or whatever order was given by a superior would attract retribution or  
21 punishment?

22 A. I didn't understand that. I didn't know that.

23 Q. Simple, my question is: You've already told Court that if you disobeyed orders,  
24 for instance, the order of choice you were picked, and you refused and you were an  
25 abductee or somebody junior, you would be punished.

1 In this case, in the case of Ongwen, was it possible for him to give out orders to a  
2 lieutenant or somebody lower in rank and that person would refuse and he would not  
3 be punished?

4 A. Can you repeat, please? I didn't get it very well.

5 Q. Was there any time Dominic Ongwen issued orders and they were refused by a  
6 junior officer and that junior officer was not punished?

7 A. I have not seen any officer of a lower rank who was given orders and who  
8 disobeyed the orders.

9 Q. What actually happened if one disobeyed orders?

10 A. What I saw for the young soldiers, they are badly beaten or they kill them.

11 Q. Why was Ongwen not killed then?

12 A. I didn't see him being beaten nor being killed.

13 Q. Let us turn to another thing. There was a house or a hut where Ongwen was  
14 sleeping. Were there trees on the compound or near the compound of that house?

15 A. There was a tree in the compound.

16 Q. How far away was the tree from the house?

17 A. Not very far from the hut.

18 Q. I mean, when you say "not very far," can you estimate the distance? Can you  
19 think backwards and estimate the distance? Because this is where you lived for  
20 quite a bit of time.

21 A. I do not know how to estimate its distance. I cannot -- I cannot talk in terms of  
22 metres.

23 Q. You remember that you told Court that you made very intelligent estimates  
24 about numbers and you told Court you could count and you could read, especially in  
25 Acholi. How is it that you do not know or just hazard to estimate the distance

1 between the tree and the house?

2 A. I can't estimate because there are many huts near that tree, so I'm not able to  
3 estimate the distance.

4 Q. Did you ever go to that tree?

5 A. The tree is right in the compound, and sometimes also I sit under that tree.

6 Q. So how long would it take you, how many steps would it take you to walk from  
7 Dominic's house to that tree?

8 A. If they are big footsteps, then I think it's six steps. But we had small feet at that  
9 time so I could have made more steps.

10 Q. So is it therefore safe to suggest that it could have been about 10 metres?

11 A. I am unable to estimate.

12 Q. You told Court that while you were being kept or you were sleeping under  
13 Ongwen's bed, he would bring in his women in turns, but you did not know until the  
14 next morning when you saw the women walking out; is that correct?

15 A. That's correct.

16 Q. In the evenings, what time did you always go to bed?

17 A. I stayed there the whole day. I only go out at night to go and pee.

18 Q. What I am saying is after dinner or whatever and you were now tired and  
19 retiring to the house, apart from coming out to pee, what time would you always go  
20 to bed? Before or after Dominic was already in bed?

21 A. I don't go anywhere, only that when night falls I go to the toilet, and then I go to  
22 the room. Sometimes I slip off and I don't know when he comes.

23 Q. If you were given a choice between remaining with Dominic Ongwen and going  
24 to Joseph Kony or any of the commanders, what would have been your performance?

25 SINGLE JUDGE TARFUSSER: Well, this is speculation. I'm sorry, but I do not

1 admit this question. It's just very speculative.

2 MR ODONGO: I apologise.

3 SINGLE JUDGE TARFUSSER: Okay.

4 MR ODONGO:

5 Q. Did you feel like it would be better for you to go to Kony?

6 A. Not really, because I don't know him, and I've all along been staying with

7 Dominic.

8 Q. And when you were at Jebellin, you said Kony had about 80 wives. Did you  
9 see them? How did you get to know that he had 80 wives?

10 A. I said I saw them in Jebellin.

11 Q. Can you repeat? Can you repeat the answer, please?

12 A. I said I didn't say that I saw them in Jebellin.

13 Q. Okay. Where did you see them?

14 A. I saw them in Nsitu and I also saw them when we were returning to Uganda.

15 Q. Now, let us go to your first encounter, sexual encounter, alleged sexual  
16 encounter with Dominic Ongwen. In paragraph 51 of the transcript, you said that  
17 you were beaten for two weeks when you refused to have sex with Dominic. And  
18 then in your testimony at page 47, you said it was one week before you succumbed.  
19 Which one is correct?

20 A. I didn't get you very well.

21 SINGLE JUDGE TARFUSSER: You mean paragraph 51 of the statement?

22 MR ODONGO: Of the transcript.

23 SINGLE JUDGE TARFUSSER: Not the transcript.

24 MR ODONGO: No. Of the statement.

25 SINGLE JUDGE TARFUSSER: Of the statement?

1 MR ODONGO: Of the statement, yes.

2 SINGLE JUDGE TARFUSSER: Okay. I'll just --

3 MR ODONGO: Of the statement.

4 Q. In paragraph 51 of your statement you said, I read, "I was beaten for about two  
5 weeks. Ongwen did not say anything. He just started calling me."

6 And then in paragraph 47 of your testimony -- page 47, rather, of your testimony --

7 SINGLE JUDGE TARFUSSER: Of the transcript?

8 MR ODONGO: Of the transcript.

9 SINGLE JUDGE TARFUSSER: Okay.

10 MR ODONGO:

11 Q. You said you were beaten for one week before you succumbed.

12 SINGLE JUDGE TARFUSSER: Can you please quote the part?

13 MR GUMPERT: Can I help? Page 46, line 12.

14 MR ODONGO: Page 46, line 12.

15 Q. "Well I was beaten for about a week, because every time he asked me and I  
16 refused, I was beaten."

17 So which one is correct?

18 A. The one week.

19 SINGLE JUDGE TARFUSSER: Counsel, may I say that -- excuse me. So I just  
20 would like to say that when in both cases she says "about two weeks," "about one  
21 week," I think while you stay in the bush, I think it's quite equivalent the two  
22 statements. I mean, it's about one week or two weeks. So I don't see this big  
23 contradiction in this. Thank you.

24 MR ODONGO: But, your Honour, I want Court to appreciate that this is a witness  
25 who allegedly says she was -- she had the presence of mind to estimate the number of

1 wives Joseph Kony had, had the presence of mind to estimate the number of, you  
2 know, soldiers that attacked her home, and therefore it is not an innocent statement  
3 when she says "about two weeks" and then "about one week." Those are two  
4 different things, I dare say.

5 SINGLE JUDGE TARFUSSER: You may rest assured, counsel, that we do appreciate  
6 this. But I think all these statements have to be also seen as -- all these things have  
7 been lived by a small girl, seven, eight, nine years old. Now about 15 years have  
8 passed. I mean, they have been -- they must be read also a little bit we would say in  
9 Latin cum grano salis, with a little bit of salt. So this is the only thing I -- it's not  
10 literally one week or two week. It's about.

11 MR ODONGO: Excusable.

12 SINGLE JUDGE TARFUSSER: Okay. Now, I don't know if it's excusable, but  
13 I think one should also consider that "about one week" and "about two weeks" is not  
14 such a big difference in my understanding at this moment. But this is just a  
15 small -- now I give you back the floor to continue. Thank you.

16 MR ODONGO: Much obliged, your Honour.

17 Q. In paragraph 55 you said that you cried in front of Dominic Ongwen after you  
18 had sex -- or he had sex with you. And then again you said you did not cry after  
19 that. Which is which?

20 A. Well, I did not make any statement that I didn't cry.

21 Q. But in your statement you said you only cried after having had sex with  
22 Ongwen.

23 SINGLE JUDGE TARFUSSER: I would very much appreciate if you use a statement  
24 or if you are contesting something from the statement or from the transcript if you  
25 quote it, because just my recollection is a little bit different, but I would -- I'm happy



1 to hear that you are right, but my recollection is a little bit different. So if you quote  
2 it, I think we get it better. Thank you.

3 MR ODONGO: Paragraph 55, and I quote, "He told me that if I refused or cried,  
4 then he was going to kill me. Then he had intercourse with me. He put his penis in  
5 my vagina. It was so painful I felt as if I was going to die. He had said I should not  
6 shout, so I closed my mouth with my hands and he did it -- and he did this to me. I  
7 cried in front of him afterwards."

8 Your Honour, on page 48 of the transcript starting from 10:

9 "Did you cry?

10 I did not cry because I was afraid that he was going to kill me, so I held my hands  
11 over my mouth."

12 These are the statements I'm referring to, your Honour.

13 Q. Yes. Now, when you said Dominic sat under the tree, I suppose this is a tree in  
14 the compound, and was talking to his friends and saying he had now torn the  
15 polythene bag, where were you?

16 A. I was lying down in the house.

17 Q. Were you in pain then?

18 A. Yes, I was in pain.

19 Q. You told Court that -- I mean the tree could be estimated. I mean you took more  
20 steps than six, and we were suggesting that it could have been between 6 to 10 metres.

21 Was it possible for you to hear what the big boys were talking about when you were  
22 in pain and you were crying for nearly one week? That's what you said.

23 A. Yes, I heard them because they weren't exactly speaking in low tones. They  
24 were speaking loudly. I was able to hear them.

25 Q. How many people were there that he was talking to?

1 A. I did not see the number of people he was talking to because I was in the house.

2 Q. Did you hear -- sorry -- did you hear their voices?

3 A. I heard them laughing.

4 Q. Laughing without any exchange of words?

5 A. They laughed. Once Dominic made that comment, they started laughing, they  
6 burst out laughing.

7 Q. Did any of them comment about the big news?

8 A. No, I did not hear any other comment. I did not hear any other comment.

9 Q. When did you learn how to cook?

10 A. I learned how to cook before I was abducted, because my mother sent me to  
11 (Redacted) at the time, and it was only my sister and myself, there was no other adult  
12 present with us, so I had to learn how to cook.

13 Q. Now, when Ongwen knew you and declared you to be one of his wives, you  
14 said that he gave you the responsibility of cooking, preparing his food; is that correct?

15 A. Yes, that's correct.

16 Q. But unfortunately in your statement yesterday you avoided to talk about  
17 cooking. You were talking about taking care of the crockeries, not the cooking.

18 Was that deliberate?

19 A. Well, how can you carry things without cooking?

20 Q. That is for you to tell us, because what I know is that it's possible for one person  
21 to be responsible for washing plates, taking care of the crockery, the cutlery, while the  
22 others are in charge of cooking. Which one was which that you did? And why did  
23 you not mention the cooking part in your testimony?

24 A. I wasn't asked that question.

25 Q. You were asked about responsibilities generally, and one would have thought

1 that if you were to talk about crockery, the central or pivotal part in the preparation  
2 and service of food is in the cooking, why would you forget talking about cooking?

3 A. I did not -- I was not asked when -- I wasn't asked the question whether I was  
4 cooked, but I believe that at some point I did state that I gave food to some of the  
5 wives using Dominic's dishes and that I was beaten, I was punished for that. And  
6 that is an indication that I was -- that I cooked the food.

7 MR GUMPERT: Your Honour, I'm sorry to interrupt my learned friend. But may I  
8 reiterate the remark your Honour made a moment ago, it's very helpful when  
9 something is being put to the witness if a direct quotation can be made. I may not  
10 have the right place, but I think I do, and page 54 of the transcript yesterday I think  
11 casts a rather different light upon this line of questioning, and I respectfully submit  
12 reference should be made to it.

13 SINGLE JUDGE TARFUSSER: Could you please quote it, the part?

14 MR GUMPERT: Yes, I can. It was my questioning.

15 SINGLE JUDGE TARFUSSER: Can you, the page?

16 MR GUMPERT: Page 54.

17 SINGLE JUDGE TARFUSSER: Line?

18 MR GUMPERT: Line 6. My questioning: "Once you became his wife, as he called  
19 you, and he was having sex with you, how did the other wives react towards you?"  
20 Line 8, answer: "Well, the women mistreated me because Dominic had told them,  
21 had instructed nobody to touch any of the crockery or cutlery that he used to eat with,  
22 so I was being mistreated because of that."

23 I won't quote the following lines. Your Honour can see them and so can my learned  
24 friend. But it was in that context, rather than any question more generally about  
25 responsibilities as was suggested by my learned friend a moment ago, that the

1 witness spoke about the crockery and cutlery.

2 SINGLE JUDGE TARFUSSER: Thank you. Thank you very much. I hope this  
3 clears a bit up the whole area of responsibilities.

4 Does it, Counsel Odongo?

5 MR ODONGO: Not quite, your Honour. If you look at from question 5, "Was there  
6 any particular responsibility" --

7 MR OBHOF: Page 52, your Honour.

8 MR ODONGO: Page 52, page 52: "Was there any particular responsibility which  
9 you had once -- which you had once he had made this announcement that you were  
10 going to be one of his wives?" This was the general question I was referring to, and  
11 I would have thought cooking should have come out prominently since it was there  
12 in the statement.

13 SINGLE JUDGE TARFUSSER: So what was the question? With all these  
14 intervening, one then realizes that I've forgotten question.

15 MR ODONGO: Yes. The question was: Why did she not talk about cooking but  
16 chose to talk about crockery and keeping cutlery?

17 SINGLE JUDGE TARFUSSER: Mrs Witness, did you get the question of the Defence  
18 counsel asking you why you didn't mention among your responsibilities also the  
19 cooking, and you didn't mention it yesterday when you were asked by the Office of  
20 the Prosecutor?

21 THE ACHOLI INTERPRETER: No response is coming through to the Acholi booth.

22 SINGLE JUDGE TARFUSSER: Witness, can you hear me?

23 THE WITNESS: (Interpretation) Yes, I can hear you.

24 SINGLE JUDGE TARFUSSER: Okay. So I'll ask you the question the Defence  
25 counsel wants to put to you. And the question is as follows: Why did you not talk

1 among your responsibilities also about the cooking when you were questioned  
2 yesterday by the Office of the Prosecutor? Why did you not talk also about the  
3 cooking as your responsibilities?

4 THE WITNESS: (Interpretation) I did not talk about it. But at the end I did  
5 mention that when I gave food to the other women, I was beaten.

6 SINGLE JUDGE TARFUSSER: Can we leave it with this, counsel?

7 MR ODONGO: Yes.

8 SINGLE JUDGE TARFUSSER: Okay. So you can proceed, but maybe just one or  
9 two questions, because we are running out of time.

10 MR ODONGO: For lunch?

11 SINGLE JUDGE TARFUSSER: For lunch, yes.

12 MR ODONGO:

13 Q. Now, (Redacted), was it (Redacted), who was sent by Dominic to pick you from  
14 the line after you had been rejected by the other commanders, after you had been  
15 mistakenly -- I mean rejected by the other commanders, who mistakenly thinking you  
16 were old?

17 THE ACHOLI INTERPRETER: The witness has indicated that she would like to take  
18 a small bathroom break.

19 SINGLE JUDGE TARFUSSER: So we break for --

20 MR ODONGO: We may as well go for lunch, your Honour.

21 SINGLE JUDGE TARFUSSER: Yes, okay.

22 Witness, we stop here for lunch, and we resume at 3 o'clock so you can go not only to  
23 the bathroom, but also to eat something and to refresh yourself, okay?

24 We resume at 3 o'clock. Thank you, Witness.

25 So we stop here for questioning and we will resume later at 3 o'clock.

1 THE COURT USHER: All rise.

2 (Recess taken at 1.29 p.m.)

3 \*(Upon resuming in closed session at 3.03 p.m.) Reclassified into open session

4 SINGLE JUDGE TARFUSSER: So it's now just after 3. We are here again in the  
5 same composition as this morning except Simon Grabovec, who has -- who else?

6 MR GUMPERT: Yes, there's a change on the Prosecution benches as well. Shkelzen  
7 Zeneli has other duties this afternoon and Yulia Nuzban replaces him.

8 SINGLE JUDGE TARFUSSER: We are very pleased with that. So these changes on  
9 the record, I see that also the witness is at her post hopefully for the last turn.

10 I look at the counsel. Hopefully for the last turn. Yes or no?

11 MR ODONGO: Yes, sir.

12 SINGLE JUDGE TARFUSSER: Okay. Good. And I give the floor to the counsel.

13 And it's for you, Madam Witness, to answer the questions counsel of Defence will put  
14 to you.

15 The floor is yours.

16 MR ODONGO: Thank you.

17 Q. I will begin from your statement, paragraph 78, where you said, "During the  
18 time we were in the bush, there were two escorts. One was called (Redacted) and  
19 the other one was (Redacted). One wanted me and the other wanted (Redacted)."

20 Now you remember I put the question to you at the beginning as to how many escorts  
21 were with Dominic Ongwen under the mango tree. Would you say that these were  
22 the only escorts at that time with Dominic Ongwen under the mango tree?

23 A. Not like that.

24 Q. How many were they?

25 A. At that time I told you I could not estimate the number.

1 Q. But you confirm that there were more than two?

2 A. Yes, there were more than two.

3 Q. When you came to Jebellin, well, generally to Sudan, at what point did the  
4 number of escorts decrease?

5 A. The number didn't -- didn't come down because there were others who were in  
6 Sudan, but I could not have access there.

7 Q. Now, if there were more, can you tell Court some of their names? And if you  
8 cannot, why do you remember only two out of so many you allege to have seen?

9 A. I remember these two because they are most of the times near me and these are  
10 the escorts who are mostly sent on errands. That's how I happened to know them  
11 well.

12 Q. Were the other escorts always living with Ongwen or they were not?

13 A. They were most of the time actually at the entrance where the soldiers keep  
14 guard.

15 Q. And you were in the bush for nearly three years and you never got to know the  
16 names of any other apart from the two?

17 A. I knew the other names, but I forgot them. But these are the names I was still  
18 able to remember them even much after, long afterwards.

19 Q. Well, it seems you remember just about five names. You have mentioned the  
20 name of Otti as one, the name of Okello, and then the other one you remember are the  
21 other two escorts. Is it possible that you could live with people for more than three  
22 years and you don't get their names?

23 A. If people are dead, it's difficult to remember their names afterwards. Because  
24 others don't give their real names, they don't give the names of their homes.

25 Q. That seems to suggest that some people were using pseudonyms, and if so,

1 would you tell Court which of these pseudonyms were available or you got to know  
2 in the bush?

3 A. When I was in the bush, I didn't know, but when I came back home, (Redacted)  
4 actually at home, the name used was different.

5 Q. And what was the name of (Redacted) that was used in the bush?

6 A. She was called (Redacted) in the bush. But when we met back home, she gave  
7 me another name, but I cannot remember that name.

8 Q. Now, you said (Redacted) is the escort who was sent by Dominic to pick you  
9 from the line after you had been rejected by the other commanders for whatever  
10 reason. Did (Redacted) stay with the women in Nsitu or he went to Uganda with  
11 Dominic Ongwen for the period he was away?

12 A. Yes, they moved together with Dominic Ongwen.

13 Q. Where was (Redacted) at this time?

14 A. Both of them are -- went back with Dominic Ongwen.

15 Q. You told Court that (Redacted) and (Redacted) were making passes at you or developed  
16 interest at you and (Redacted) respectively. Do you remember when this started?

17 A. That started when we were in Uganda when (Redacted) had been abducted.  
18 (Redacted) didn't reach Sudan.

19 Q. When (Redacted) and (Redacted) started giving you gifts, did you accept the gifts?

20 A. Yes, we accepted the gifts because they were our age mates.

21 Q. And when you say they were your age mates and they were interested in you  
22 and, you know, you accepted gifts from them, does that mean you also accepted their  
23 love proposals?

24 A. Yes, we had accepted their love proposals.

25 MR GUMPERT: I'm sorry to interrupt again. I'm deeply concerned about the



1 possibility of misunderstanding of the words "love proposals," whether the witness  
2 understands -- sorry. This should -- we should cut off from the witness before I say  
3 this next passage, otherwise I may be making a suggestion. Can we do that?

4 SINGLE JUDGE TARFUSSER: Can we cut off from the witness?

5 MR GUMPERT: Are we cut off from Kampala?

6 MR ODONGO: Yes, we are cut off I think.

7 MR GUMPERT: Thank you. I submit that there is a distinct possibility that the  
8 love proposal which the witness has just accepted -- sorry, that's badly  
9 expressed -- that the witness has just stated that she accepted may in her mind be the  
10 gifts, whereas there is of course another interpretation to an acceptance of a love  
11 proposal.

12 SINGLE JUDGE TARFUSSER: Yes, you are right, and I know which one you are  
13 thinking about. So we should distinguish the gifts and love proposal, because "love  
14 proposal" could be interpreted as something much more than a gift.

15 MR ODONGO: My Lord, I thought this was really uncalled for interruption,  
16 because that is exactly where I was going, because when you talk about accepting  
17 gifts, and this man has been making passes at you, I'm leading to that to find out  
18 whether this was -- they were interested in having sex with her.

19 SINGLE JUDGE TARFUSSER: You might be correct. But, I mean, love proposals,  
20 you led her to -- there is a misunderstanding between the gifts and the love proposal.  
21 So it's just to distinguish the two concepts. So that's what I would ask you to and  
22 then you can lead her, but without trapping.

23 MR ODONGO: I'm sorry if --

24 SINGLE JUDGE TARFUSSER: That's why we also are disconnected in order to keep  
25 this possibility open, of course. I think it was good to interrupt with Uganda. Now

1 we resume, but just to clear this concept. Okay?

2 Now we should go back to the witness.

3 MR ODONGO:

4 Q. Madam Witness --

5 MR ODONGO: We're not there yet? Okay.

6 SINGLE JUDGE TARFUSSER: So now we are back.

7 We are back now. Can you hear me? Mrs Witness, can you hear me?

8 THE WITNESS: (Interpretation) I can hear you.

9 SINGLE JUDGE TARFUSSER: Okay. I give the floor back now to counsel for the  
10 question.

11 MR ODONGO:

12 Q. You said three things: One, you were age mates with (Redacted) and (Redacted).

13 Secondly, you said you accepted gifts from (Redacted) and (Redacted). Thirdly, you

14 said (Redacted) and (Redacted) had been making passes at you. Fourthly, you said

15 you had accepted, you know, you had appreciated the passes. Can you tell Court --

16 SINGLE JUDGE TARFUSSER: No, she never said that she accepted the passes.

17 MR GUMPERT: Your Honour, I'm really sorry about this but --

18 SINGLE JUDGE TARFUSSER: No, she never said that she accepted the passes. She

19 accepted the items. What are they called? The gifts she accepted, not the passes,

20 but the gifts.

21 MR ODONGO: Okay.

22 SINGLE JUDGE TARFUSSER: The items. In 78 we called it items, and in the

23 transcript it's called -- what was it called?

24 MR GUMPERT: Mementos.

25 SINGLE JUDGE TARFUSSER: Mementos, right, mementos.

1 MR ODONGO: Mementos, very well.

2 SINGLE JUDGE TARFUSSER: -- which to me are some physical things, I mean,  
3 whatever it is. Thank you.

4 MR ODONGO:

5 Q. When these two boys gave you the gifts and you accepted them, did they  
6 go -- did they ask you for any other thing?

7 A. They didn't ask anything.

8 Q. Did they at any one point make it obvious that they were interested in you?

9 A. Yes, they did so. That's why they were bringing for us pieces of soap and the  
10 things of the like.

11 Q. So when they told you that they were interested in you, in particular in your  
12 case, did you accept?

13 A. Yes, I did accept.

14 Q. What did you accept?

15 A. I accepted what he told me.

16 Q. And what was that?

17 A. He told me that he loved me and requested me to be his wife.

18 Q. Did you have sex with him?

19 A. No, I did not.

20 Q. Did anybody get to know that these people were making love proposals to you?

21 A. Nobody knew of it.

22 Q. How about Dominic?

23 A. He didn't know. But one day he called me.

24 THE ACHOLI INTERPRETER: The Acholi booth, can we have a repetition of the  
25 answer?

1 MR ODONGO: Is it the answer or the question?

2 THE ACHOLI INTERPRETER: The answer.

3 SINGLE JUDGE TARFUSSER: Witness, could you please repeat the answer. You  
4 said "He didn't know," Dominic didn't know. "But one day he called me." From  
5 then on.

6 MR ODONGO: Yes.

7 SINGLE JUDGE TARFUSSER: Thank you.

8 THE WITNESS: (Interpretation) He saw me one day when I went to get a bag from  
9 the boys. So he saw the boys playing with me with the bag.

10 MR ODONGO:

11 Q. So when he saw the boys playing with you with the bag, what did he do to you?

12 A. I met him when I was leaving the boys, so he told me "Wait for your canes."

13 But he continued moving towards the boys.

14 Q. What happened thereafter?

15 A. He came back. He called one of his escorts and asked him to bring canes for  
16 beating her. So the escort started beating me. I managed to wrestle him down. So  
17 he picked a cane and started beating the escort because he was not happy that the  
18 escort was put down by myself, by me.

19 Q. When he was administering the punishment, did he explain to you why he was  
20 punishing you?

21 A. He didn't say anything. He just told me, "Wait for your canes" so "Wait for  
22 your beatings."

23 Q. But yesterday in your -- in the transcript on page 62, line 7, in your answer you  
24 said, "Because he thought that I was his wife and therefore I should not have an  
25 interest in his escort." Do you remember that?

1 A. Yes, I do remember.

2 Q. So was it -- but you have just told Court that when he was beating you, he  
3 didn't tell you why. When he ordered his escort to beat you, he did not explain to  
4 you the reason why you were being punished. What do you say about that?

5 A. (No interpretation)

6 Q. Can you repeat that answer? When he was -- when the escorts were asked to  
7 beat you, did Dominic Ongwen tell you why you were being beaten?

8 A. He didn't say why I was being beaten.

9 Q. Then what do you say about the part of the script I've just read to you, the  
10 statement you made yesterday? What was he refer -- what were you refer to -- what  
11 were you referring to here when you said "Because he thought that I was his wife and  
12 therefore I should not have an interest in his escort"?

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

14 SINGLE JUDGE TARFUSSER: Counsel, may I ask you where you see the  
15 contradiction? In what do you see the contradiction?

16 MR ODONGO: My Lord, the contradiction is that if you go backwards and look at  
17 the question, "Ongwen thought you deserved a beating," go to the first paragraph,  
18 "Ongwen thought you deserved a beating after these two boys are throwing around  
19 the bag which you are meant to be collecting. When I asked you that question a  
20 moment ago, you said, 'Well, there was a love interest,' and you have explained who  
21 the love interest for you -- for who. But how that love interest translate into Dominic  
22 Ongwen thinking that you served -- you deserved" -- I think it should have been  
23 "deserved a beating."

24 And to that line of reminder she said, "Because he thought that I was his wife and  
25 therefore I should not have an interest in his escort."

1 So that is the context in which I am trying to jog her mind to find out whether it was  
2 not likely that she was told why she was being beaten after she said Ongwen thought  
3 she was having an interest in the boys, in his escort.

4 SINGLE JUDGE TARFUSSER: Yes, but as far as I am concerned one is what she  
5 thinks and one is what she said or he said, because you asked if he said why she had  
6 to be beaten.

7 MR ODONGO: You know, My Lord, it is not she who is thinking. She is saying  
8 "Because Ongwen thought." The thinking is not her. If she thought, that would  
9 have been different. But she said Ongwen was unhappy with her, because he  
10 thought she had an interest in his escort. I don't know whether it makes sense, My  
11 Lord.

12 SINGLE JUDGE TARFUSSER: You know, I don't want to go too far obviously, I  
13 retain myself as much as possible --

14 MR ODONGO: Yes.

15 SINGLE JUDGE TARFUSSER: -- in order to not to --

16 MR ODONGO: Descend into the rank --

17 SINGLE JUDGE TARFUSSER: No, not to go too far of course. But okay, I give you  
18 back this to the questions, but I think between thinking and saying there is a  
19 difference.

20 MR ODONGO: But it's a question of who is thinking and --

21 SINGLE JUDGE TARFUSSER: Of course, of course.

22 MR ODONGO: Yes, yes. In this case it was Ongwen who was thinking. But she  
23 said that the person who said it was Ongwen -- was the witness.

24 SINGLE JUDGE TARFUSSER: That's what we have to find out.

25 MR ODONGO: Yes.

1 MR GUMPERT: Can I ask whether all of this has been translated into Acholi?

2 THE ACHOLI INTERPRETER: Yes, it is.

3 MR GUMPERT: Well, no use crying over spilt milk.

4 MR ODONGO:

5 Q. Now, Madam Witness, what would happen if commanders' wives were  
6 believed to be showing an interest in some other man who wasn't their husband?

7 Do you remember how you answered this yesterday?

8 A. Yes, I do recall.

9 Q. What did you say?

10 A. I responded to the effect that you could be beaten or the both of you could be  
11 killed.

12 Q. So in this case when Dominic Ongwen thought that you were -- thought that  
13 you were his wife and therefore you should not have an interest in his escort, what  
14 did he do?

15 A. He -- I'm not sure that he knew that I was -- there was a love interest. I don't  
16 think he knew that there was a love interest, but what he did observe was the boys  
17 playing with the bag and tossing the bags among themselves.

18 Q. But, Madam Witness, you clearly say that because Ongwen thought that you  
19 should not have an interest in his escort, didn't you? Yes.

20 A. Yes, I did. I said -- what I said is that he thought, he thought that I had a love  
21 interest.

22 Q. If a commander thought there was a love interest, what would he do to the  
23 wife?

24 A. Well, from my observations, some of the wives were beaten.

25 Q. So in this case when Ongwen thought you had love interest in his escort, did he

1 beat you?

2 A. Yes, he did. He beat me.

3 Q. By the way, at this point in time were you already sexually mature to have  
4 interest in the escort at this time and not Ongwen?

5 A. Well, the reason why I thought I should accept them was because they were my  
6 age mates, and as age mates we had the same reasoning, we could play together, and  
7 that was the reason why I thought, you know, I would have a love interest with them.

8 Q. The question is simple. Were you then sexually mature?

9 A. No, I was not, in my opinion I was not yet sexually active and that's why I did  
10 not sleep with that boy, but then there was a liking, there was a mutual liking  
11 between us.

12 Q. Do you understand the difference between sexual maturity and getting  
13 involved in a sexual act?

14 A. I was still young, but Dominic was already sleeping with me.

15 Q. My question is: Do you understand the difference between sexual maturity  
16 and getting involved in sexual act?

17 A. Yes, I understand the difference. A girl of sexual maturity is from 15 -- is from  
18 ages 15 to 20, but I was not yet of that age.

19 Q. But you --

20 A. Well, I've already answered all those questions.

21 Q. I have not asked them yet. If you answered, you answered somebody else.

22 So you have just told Court that at this time Dominic Ongwen was already sleeping  
23 with you; is that correct?

24 A. Yes, that's correct.

25 Q. Did you understand that some other persons would also want to sleep with a



1 woman or you for that matter?

2 A. Yes, it's possible, but he did not have sexual intercourse with me.

3 Q. That is not my question. I'm saying were you aware that it was possible for  
4 men who make sex proposals to you may want to sleep with you?

5 A. Well, I really do not understand that question.

6 Q. Since you've elected not to answer that particular question, I think I'll leave it at  
7 that.

8 Now, when did you first meet (Redacted), and when and where did you first meet  
9 (Redacted)

10 A. The first time I met her was in Kitgum, but I do not recall the actual, the exact  
11 date.

12 Q. What was your relationship with (Redacted)

13 A. We -- we were not related, but we had been abducted and we were staying in  
14 the same home, we were both in the same home, so we developed a friendship.

15 Q. Now, I want you to turn your attention to when you were injured. Were you  
16 at that time still with Dominic Ongwen in the same area?

17 A. Yes, we were.

18 Q. In paragraph 104 and 108 you said, "When we came to Uganda, the LRA started  
19 attacking the barracks and the IDP camps. They would loot food items and goats.  
20 I don't know who ordered these attacks. At times all the groups would come  
21 together and other times Sinia would attack alone."

22 And then 108 you said, "I never participated in these attacks. Ongwen would not  
23 allow me to go, because he said if I went, I would escape. I thought I would escape  
24 because life there was not easy, and if someone was let loose, that person would  
25 escape if they found an opportunity."

1 Now, can you tell this Court how you got therefore to know that there were attacks  
2 on the IDP camps and the barracks when you were not allowed to participate? Did  
3 you see the attack or you were told there were attacks on IDP camps and the  
4 barracks?

5 A. I did not understand the question very well.

6 Q. Let me refresh your memory. You said in paragraph 104 that the LRA started  
7 attacking the barracks and the IDP camps. And then in 108 you said you never  
8 participated in the attacks because Ongwen would not allow you to go, because he  
9 said if you went, you would escape.

10 Two things. You said there were attacks on the barracks and the IDP camps. But  
11 you also said you had never participated in the attacks. The question is: How did  
12 you get to know that the LRA attacked the camps and the barracks?

13 A. During the selection for the soldiers to be taken, some of the -- some of the  
14 ladies, they would pick girls from each homestead to go and carry luggage. Yeah,  
15 and one can actually deduce from that.

16 Q. So the statement was -- the statement you made in that respect was therefore  
17 informed by what you were told and not what you saw?

18 A. Can I ask a question, please?

19 Q. I don't think you are there to ask me questions. You are supposed to answer  
20 my questions. And the question is simple: You said there were attacks on IDP  
21 camps and on the barracks. But you also said you were not allowed to participate in  
22 the attacks. How do you reconcile those two positions? You did not participate,  
23 but you -- well, you said there were attacks, but you did not participate. How did  
24 you get to know that they attacked barracks and IDP camps?

25 A. Well, the attack that I know and that I'm aware of, the attacks that I know and

1 I'm aware of are the attacks that took place one during the day and one during the  
2 night. Those are the two attacks that I recall properly.

3 Q. Madam Witness, you're not helping Court to answer my question. It is simple.  
4 Did you see the LRA attack the barracks and the IDP camps?

5 A. Yes, I did. I saw them do this.

6 Q. If you were not allowed to participate, how did you see?

7 A. The ones that I did not participate in I did not see. But the ones that I was  
8 allowed to go to, I did. For example, the attacks on Patongo and Pajule, I saw them  
9 because I was there.

10 Q. But in your statement you never said that Pajule or Patongo was a camp or a  
11 barracks. It was in the town.

12 MR GUMPERT: With respect, that's a misrepresentation of the statement.

13 Paragraph 106 is in direct conflict with the assertion just made.

14 SINGLE JUDGE TARFUSSER: That's right. In paragraph 106 it says, "The IDP  
15 camps that I remember the LRA went to were Patongo and Pajule, but I don't  
16 remember the others."

17 MR ODONGO: Your Honour, if you carefully read the statement in paragraph  
18 6 -- 106, she does not mention anywhere that she participated in the attack. She only  
19 says, "The IDP camps that I remember the LRA went to were Patongo and Pajule, but  
20 I don't remember the others."

21 Read together with paragraph 100 -- with the other paragraph that I quoted,  
22 paragraph 104 and 108, I mean paragraph 108, it is clear, therefore, it would appear  
23 clear to me therefore that yes, she makes a statement that the LRA went to Patongo  
24 and Pajule camp, but she did not participate.

25 SINGLE JUDGE TARFUSSER: But you forget paragraph 13 of the second statement

1 where this is cleared in a different way. I don't want to say it now, but I think you  
2 should read also this together with paragraph 13 of the second statement, the  
3 follow-up of the first.

4 MR ODONGO: Well, I would dare say, your Honour, that that was an afterthought  
5 statement, that was an afterthought statement.

6 SINGLE JUDGE TARFUSSER: You know, it's there. I mean, then we can always  
7 assess what is credible or not, but we'll not do it here, but still the statement is there.  
8 So we have to take it into account.

9 MR ODONGO: And in the Patongo attack, in the first statement she omitted to  
10 mention or forgot to mention about murdering someone. She did not mention that  
11 she killed someone. Why did she forget this detail?

12 SINGLE JUDGE TARFUSSER: Well, this is the question you put to the witness I  
13 hope, not to me, I would say.

14 MR ODONGO: No, no, no, your Honour.

15 SINGLE JUDGE TARFUSSER: I wasn't present.

16 MR ODONGO: Yes, yes. I was not putting it to you.

17 SINGLE JUDGE TARFUSSER: Okay.

18 MR ODONGO: Sorry.

19 Q. Madam (Redacted), you said later in your later statement that you got involved in  
20 killing this commander, the UPDF commander who was picked from the Patongo  
21 barracks. Why did you forget to tell the Office of the Prosecutor when you first  
22 made your statement about this single act of killing you seem to admit you  
23 participated in during the whole of your stay in the bush?

24 A. Well, I was forced. The reason why I did accept was because I was forced to  
25 kill. I had no choice. I had no interest in killing anyone.

1 Q. Why didn't you tell the Prosecutor on the first occasion?

2 A. Well, there were other things and I recalled this much later.

3 Q. Of all the things you did not remember, you failed to remember -- because you  
4 said you really did not intend to participate or kill any person, and of all the things  
5 that you forgot, was this one incident the only occasion you participated in killing  
6 somebody?

7 A. I forgot -- I forgot. I suppressed this memory because I was forced to kill.  
8 I was forced to kill, and I did not want to constantly think about the killing, so I  
9 suppressed the information.

10 Q. But you see, under 106, paragraph 106, you had said, "I know in Patongo they  
11 attacked the army barracks, looted food and abducted soldiers and civilians. The  
12 abducted civilians were beaten to death by the abducted girls."  
13 So you talked about the commanders ordered the girls to use logs to beat them with.  
14 So you actually talked about killing, but only in reference to other girls. Why did  
15 you forget about your own participation on this occasion?

16 A. I did not say the girls that had been abducted from Patongo, but I said the  
17 newly abducted girls. And among those girls I was the one who had been  
18 the -- abducted the longest, I was the one who had been in the bush the longest.  
19 Because at the time Odomi told me that I had not killed anybody and this was the  
20 occasion for me to kill.

21 Q. But, you see, if you look at your paragraph 23 in the subsequent statement you  
22 categorically state that "We were given logs to beat him with." And this is exactly  
23 the way you described the participation of the other girls.  
24 So how is it that you finally say you were given logs to beat him with; in the earlier  
25 statement you said the other girls were also given logs to beat him with, but for you

1 on the first occasion, you forget to tell the Office of the Prosecutor that you  
2 participated?

3 A. What I told the Office of the Prosecutor was that they sent an escort to come and  
4 collect me and to kill this person. The reason why I said "we," I could not say "I," I  
5 said "we," "we were," it wasn't just me, but we.

6 Q. Exactly, that's what I'm saying. You, in plural, why didn't you say so when  
7 you made your first statement? You're actually confirming my fears. I'm not  
8 saying that you said you killed the person alone. I'm saying you participated  
9 together with the other girls. But when you made your first statement you forgot to  
10 tell -- I mean you did not tell the Office of the Prosecutor. Why did you?

11 A. Because I had forgotten.

12 SINGLE JUDGE TARFUSSER: Excuse me, counsel. Can I guide you, without  
13 saying anything about it, can I guide you without saying anything to the following  
14 document, UGA-OTP-0237-0230 and there you'll find the answer.

15 MR ODONGO: Well, your Honour, if Court has the answer which I could find, then  
16 I could move on.

17 SINGLE JUDGE TARFUSSER: Did you find the document? Please move on. I  
18 didn't want to say anything in order not to influence.

19 MR ODONGO:

20 Q. Now, can you tell this Honourable Court by way of description the setup of the  
21 barracks and the IDP camps? Was the IDP camp -- maybe I'll begin from the  
22 beginning. Did you see the IDP camps in Patongo and Pajule?

23 A. Yes, I did see them.

24 Q. Did you also see the barracks?

25 A. I saw the barracks of -- I saw the barracks of Patongo. But in Pajule we entered

1 in the trading centre.

2 Q. Can you describe to this Honourable Court the positioning of the IDP camps  
3 vis-à-vis the barracks? Was it within or outside the barracks?

4 A. It was night. I could not understand very well the different positions of the  
5 camp and the barracks.

6 Q. But could you make out that there were -- could you make out that there were  
7 two different locations, one was barracks and the other an IDP camp?

8 A. It is in the same camp, but the barracks is just besides the camp.

9 Q. Now, I want you to remember clearly and assist Court to appreciate the  
10 juxtaposition of the two units, the barracks and the camps. Were they so near each  
11 other or were they so far apart?

12 A. Not so far apart from each other.

13 Q. Now, how many people were involved in the Patongo attack?

14 A. There were many foot soldiers and there was one commander and also there  
15 was Odomi.

16 Q. That was in the Patongo attack. What was your role in that attack?

17 A. My role was to carry goods.

18 Q. Did you say you actually went up to the camp and the barracks where the  
19 attack took place?

20 A. Yes, I reached there. (No interpretation)

21 MR ODONGO: There is something that she said that was not interpreted.

22 Q. Can you say that again?

23 A. I said when firing is taking place, everybody should run away. When soldiers  
24 have fled away, then people can start taking goods and carrying them away.

25 Q. Now, can you tell this Honourable Court this soldier that was found, was

1 she -- was he killed in the barracks or outside the barracks?

2 A. We walked with him up to eight -- 2 p.m., but he wasn't killed yet.

3 Q. Now, on paragraph 74, you talked about the practice of boys killing boys and  
4 men. But in this particular situation it was the girls that were made to kill this man.  
5 How do you reconcile this?

6 MR OBHOF: I'm sorry, page 74, your Honour.

7 MR ODONGO:

8 Q. Page 74, page 74 of the statement -- of the transcript, rather.

9 Now, on page 67 of the transcript you said there were both civilians and soldiers in  
10 Patongo. Page 67 of the transcript, you said that there were both civilian and  
11 soldiers in Patongo. Is it possible that, you know, the mix-up of soldiers and  
12 civilians was so inextricably interwoven that it would be difficult to tell a civilian  
13 apart from a soldier?

14 A. Would be difficult, because civilians stay in a different place and soldiers stay in  
15 their houses.

16 Q. But you said in paragraph 15 that there were also civilians, some of them were  
17 abducted and made to carry the luggage. And this followed the question: Were  
18 there any people in the camp apart from the soldiers who had run away?

19 And you said there were also civilians. Some of them were abducted and made to  
20 carry the luggage.

21 How would you tell who was a civilian and who was a soldier?

22 A. Because there was only one soldier. And the civilians who were abducted  
23 were made to carry luggage, but the soldier didn't carry any luggage.

24 Q. How did you actually determine that those -- the rest who carried the luggage  
25 were not soldiers but were civilians?



1 A. Yes, it was easy for me to know because the other soldier had -- was wearing a  
2 uniform, and the civilians were wearing civilian clothes and they were also carrying  
3 luggage.

4 Q. Supposing a soldier, because of the situation of the attack, had changed -- I  
5 mean let me put it this way: If a soldier had changed into civilian clothes, would  
6 you detect that he was a soldier?

7 A. I wouldn't know because the soldier would be dressed in civilian clothes.

8 Q. And you said the attack on Patongo was between 4 and 5 in the morning; is that  
9 correct?

10 A. That is correct.

11 Q. What normally -- at that time did you find the soldiers outside? They were  
12 sleeping.

13 A. The soldiers were sleeping.

14 Q. So when the gunshots were fired and they started running, were they putting  
15 on uniform, or what were they putting on?

16 A. It was dark, so I couldn't see and distinguish, but they were running.

17 Q. Then the Pajule attack, were you there? Did you participate in the Pajule  
18 attack?

19 A. I was there in the attack of Pajule.

20 Q. What was your role?

21 A. As usual my role was to carry luggage, to carry food.

22 Q. Can you tell this Honourable Court where the food and luggage carriers would  
23 be positioned at the onset of attacks?

24 A. You may remain behind or you may remain within those are firing, the soldiers  
25 who are firing.

1 Q. Who commanded the attack on Pajule?

2 A. (No interpretation)

3 Q. Can you be clear about it? You said, your first answer was that Odomi was  
4 present. But my question is: Who commanded the attack? Who was in charge of  
5 the unit that attacked Pajule?

6 A. I cannot now remember the commander who commanded the attack in Pajule.

7 Q. So it is true to say that you're not sure whether -- you're not sure that Odomi or  
8 Dominic Ongwen for that matter led the attack?

9 A. He was present.

10 Q. How about the person you said died, the person who was also there, the  
11 commander who was there and you say has since died. Sorry, was he higher in rank  
12 or lower in rank to Dominic Ongwen?

13 A. He had -- he was -- had higher rank than Odomi.

14 Q. Do you remember when this attack took place?

15 A. I no longer remember.

16 Q. Was it before or after you got -- I mean, you got injured in 2003; is that correct?

17 A. Yes, that is correct.

18 Q. Now, how long before your injury did this attack take place? Can you  
19 estimate?

20 A. I'm not able to estimate because we were told and then I was told that it  
21 was -- we were in the year 2003, because I was not able to count the months and the  
22 years because I wasn't aware of that.

23 Q. Madam, you remember in your second statement on page 5, paragraph 30, you  
24 said that you went twice there to attack Pajule and that most of these things happened  
25 in 2002. Do you remember that?

1 A. Yes, I do remember.

2 Q. Then why were you lying to Court that you couldn't remember?

3 SINGLE JUDGE TARFUSSER: (Microphone not activated)

4 MR ODONGO: Sorry.

5 Q. When you said -- when you in answer to my earlier question, when you said  
6 you could not estimate and you could not tell the time, is it safe to say that you were  
7 lying then to Court?

8 A. You had asked me -- you had asked me in a very lengthy way, and I didn't  
9 understand very well.

10 Q. Madam, it would appear you're very selective in the way you answer  
11 your questions.

12 MR GUMPERT: With respect, this is just a comment.

13 SINGLE JUDGE TARFUSSER: This is something for the trial and for the assessment  
14 of the credibility, whatever, but this is not --

15 MR ODONGO: I withdraw, I withdraw.

16 SINGLE JUDGE TARFUSSER: -- part of the question.

17 MR ODONGO: I withdraw that.

18 SINGLE JUDGE TARFUSSER: And by the way, I have to say that we have another  
19 two, three minutes, four, five, but that's it, and then we have to close. The one hour  
20 and a half session is over. Thank you.

21 MR ODONGO:

22 Q. Now, when you were with Dominic Ongwen, did you get to know that he got  
23 injured? Was he shot at?

24 A. Odomi was shot.

25 Q. Do you remember when?

1 A. I remember he was shot on the way to Patongo. He was shot in the knees.

2 Q. When was that? Can you estimate about the time, I mean the time he was shot?  
3 Was it before you were shot or after you were shot and injured?

4 A. He was -- we were crossing the Patongo road, and then he was shot there.  
5 After that I myself was shot and got injured, but him, he was already -- he got cured  
6 out of his injuries by that time.

7 Q. Was he shot before or after the attack on Patongo?

8 A. He was shot after the attack on Patongo. We were actually walking and  
9 crossing the road to Patongo.

10 Q. I mean, if you were crossing the road after Patongo, how is it that he would  
11 have been shot?

12 A. We had finished attacked Patongo. We were now walking away and we were  
13 crossing the road. Then we met soldiers on the road and that's when he was shot.

14 Q. Then how did he participate in the attack on Pajule after he had been shot?  
15 Had he already been cured?

16 A. That was after Pajule had already been attacked. After he got cured, we went  
17 back to -- we went to Gulu.

18 Q. I think you may have to assist this Court to understand clearly which of the two  
19 places was attacked first. Was it Pajule or Patongo?

20 A. I don't remember very well if it was Patongo which was attacked first or if it  
21 was Pajule which was attacked first.

22 Q. And you said for him he was cured and he continued with his activities of  
23 attack, while for you when you were shot, you were disabled. How did you get to  
24 know that Dominic got cured when you yourself had been shot and injured?

25 A. He first got cured and then we started moving towards Gulu, and we were

- 1 walking together on foot and that's when I was injured.
- 2 SINGLE JUDGE TARFUSSER: Counsel, we have already passed the one hour and a
- 3 half, so if you can tell me how much time you still need so I can talk to the
- 4 interpreters, but it should really not be too much.
- 5 Would you have questions?
- 6 MR GUMPERT: Four matters, four questions.
- 7 MR ODONGO: Your Honours, I think I would be done in less than 15 minutes.
- 8 SINGLE JUDGE TARFUSSER: Less than 15 minutes is about one week or about two
- 9 weeks. Less than 15 minutes is also one week, you know, one minute. So it's about
- 10 the same question, I mean the same thing.
- 11 Then Prosecutor has four questions, right?
- 12 Can we say 10 minutes you and five minutes Prosecutor, would that be okay?
- 13 Now I have to ask the interpreters, because otherwise our agreements, they are just
- 14 inexistent. Can I ask the interpreters if they can take another 15 minutes? They can
- 15 resist another 15 minutes.
- 16 THE ENGLISH INTERPRETER: From the interpreters, Mr President, I think the
- 17 Acholi booth may be in a position to answer that, because they are really the ones that
- 18 have been worked out.
- 19 SINGLE JUDGE TARFUSSER: Yes, yes, I do understand.
- 20 THE ENGLISH INTERPRETER: Could (Redacted) answer that, please?
- 21 SINGLE JUDGE TARFUSSER: (Redacted), please.
- 22 THE ACHOLI INTERPRETER: I didn't hear the question.
- 23 SINGLE JUDGE TARFUSSER: (Redacted) is (Redacted)I'm talking to?
- 24 THE ACHOLI INTERPRETER: (Redacted), the interpreter, yes.
- 25 SINGLE JUDGE TARFUSSER: Yes, yes. I'm the Judge. We are just asking in

1 order to finish today and not to have to resume tomorrow with the same witness --

2 THE ACHOLI INTERPRETER: Yes, your Honour.

3 SINGLE JUDGE TARFUSSER: -- if we can go on another 10 minutes, 15 minutes?

4 THE ACHOLI INTERPRETER: Yes, I think we could accommodate that, your  
5 Honour.

6 SINGLE JUDGE TARFUSSER: Okay, okay. Thank you very much.

7 THE ACHOLI INTERPRETER: You're welcome.

8 SINGLE JUDGE TARFUSSER: Thank you very much. Okay. So we continue, and  
9 I will stop in 15 minutes, okay?

10 THE ACHOLI INTERPRETER: Yes, your Honour.

11 SINGLE JUDGE TARFUSSER: Thank you very much.

12 THE ACHOLI INTERPRETER: You're welcome.

13 SINGLE JUDGE TARFUSSER: The time is running.

14 MR ODONGO: We were just consulting --

15 SINGLE JUDGE TARFUSSER: Yes, yes, of course.

16 MR ODONGO: -- to find out whether you could cut off Kampala for about two  
17 minutes, because there is a personal question I wanted to ask.

18 SINGLE JUDGE TARFUSSER: Well, if we can, we do, but -- so there's a moment of  
19 rest for the interpreters.

20 Now we are disconnected. We are disconnected.

21 MR ODONGO: My Lord, it is the case that the witness suffered serious injury near  
22 her head, and she was -- she laid -- she lay unconscious for a whole day and night,  
23 I think that's a fact. Would it be appropriate to examine her on whether she had any  
24 examination on her brain capabilities? Whether she can -- it does not hamper her  
25 thinking capacity.

1 SINGLE JUDGE TARFUSSER: What is the comment of the OTP?

2 MR GUMPERT: Well, that that's irrelevant to these proceedings. If the Defence  
3 wants to request that an expert of their instruction should conduct such an  
4 examination and subsequently present evidence along those lines, that's a matter for  
5 them and the Court, but it has no impact on today at all.

6 SINGLE JUDGE TARFUSSER: That's right on one side, but may I say that I,  
7 although not being a doctor in medicine, I do not really find any problem of this kind  
8 you raise in this witness. But this is only my impression as a person who is doing  
9 this job since 30 years. So this is -- I've seen other witnesses which had also very  
10 serious problems, but much more serious than this witness. But this is my  
11 assessment.

12 But the OTP is right, it's not for this and not for me to assess the health conditions and  
13 to think this, if it comes to a trial, we don't know yet, but if it comes to a trial, if the  
14 charges were confirmed, I think it's a matter of the trial to assess all these things. So  
15 I think we should just go ahead and close the hearing with this witness.

16 MR ODONGO: My Lord, our concern is predicated on the fact that if you look  
17 through the way she has been answering, there were so many lapses in her  
18 remembrance of names and things and so on and so forth, incidents, so that's why we  
19 thought it may be relevant.

20 SINGLE JUDGE TARFUSSER: Yes, it might be relevant. You can raise this, of  
21 course. It's something the Defence has to do, I'm perfectly aware. But I don't think  
22 it's now that we have to stop and do it. We have to continue. Then while reading  
23 the statements, you can obviously raise these issues in the course of the proceedings,  
24 but I think it's not here and now the place to discuss about this, now five minutes  
25 before we close. I think we should just continue and go to the end of this witness's

1 testimony, and then you can raise all the things you think are appropriate to be  
2 raised.

3 MR ODONGO: In that case, I think we shall respect the views of the Court and of  
4 course retain our right to pursue this matter if we cross the Rubicon of the real trial.

5 SINGLE JUDGE TARFUSSER: The Rubicon is in Italy.

6 So can we continue and/or would this be the end also of your --

7 MR ODONGO: This would be the end of our examination save for I don't know  
8 whether we are entitled to the last word.

9 SINGLE JUDGE TARFUSSER: Yes. The last question, you mean?

10 MR ODONGO: No, no, I mean after them.

11 SINGLE JUDGE TARFUSSER: Yes. So I give now the floor for these four questions,  
12 and then if there is something, remains something, you have the last question.

13 MR ODONGO: Yes.

14 SINGLE JUDGE TARFUSSER: Okay.

15 MR ODONGO: Perfect.

16 SINGLE JUDGE TARFUSSER: So can we connect again? But at 5 sharp I close, also  
17 in the middle of a sentence, okay?

18 Hello? Hello, hello, from The Hague, Witness. We are here again. The Defence  
19 has just told me that they for now have finished their questions. The Prosecutor has  
20 another four questions to put to you, and then the last possibly, if need be, the last  
21 question is for the Defence.

22 But in 15 minutes we are through. So in 15 minutes you are again free to go back to  
23 your home.

24 So I give now the floor to the Prosecutor who has another four questions to put to you.

25 Here is the floor.



1 QUESTIONED BY MR GUMPERT:

2 Q. First question: This afternoon -- your Honour will find it on page 65, line 20 of  
3 the transcript -- counsel for the Defence read to you a portion of your statement. He  
4 read these words: "When we came to Uganda the LRA started attacking the barracks  
5 and the IDP camps. They would loot food items and goats." End quote.

6 When he read that to you, who did you understand he was referring to when he used  
7 the word "LRA"?

8 A. Well, my understanding was that the reference was being made to Joseph  
9 Kony's men, to Lakwena.

10 Q. Question two: When did you first tell the Prosecution that you had in fact  
11 been involved in killing?

12 A. I had previously been asked other questions and I informed them that I had  
13 forgotten about that question, and it was on the next day that I informed them about  
14 this detail.

15 MR GUMPERT: Your Honour, I'm going to ask that the witness be permitted to  
16 refresh her memory from paragraph 12 of her second statement.

17 SINGLE JUDGE TARFUSSER: Go ahead.

18 MR GUMPERT: I'm grateful.

19 Q. In paragraph 12 of your second statement to the Prosecution you said this, I'll  
20 read it so it can be translated.

21 MR GUMPERT: Sorry, it's suggested I should give the ERN number, and since I  
22 haven't quite run out of minutes yet, I will. It's UGA-OTP-0236-0585. I'm going to  
23 read now slowly so it can be translated:

24 "On 3 and 4 June 2015, I gave a statement to OTP trial lawyer" -- and then a  
25 name -- "and associate investigator" -- and then a name. "At the point that the

1 statement was being finalized I advised" -- and then one of -- well, both previous  
2 names -- "that I had additional information that I believed was relevant to the  
3 investigation."

4 Two things arising: Is that correct, is that when you mentioned something extra?

5 A. Well, I do not understand the other issues.

6 Q. Was it at the conclusion of your first statement that you mentioned to the  
7 Prosecution that you had something more to tell them?

8 A. Yes, it was on this occasion.

9 Q. Thank you.

10 Third question: You've told us that the two boys, (Redacted) and (Redacted), were  
11 your age mates. How old then were these two escorts of Dominic Ongwen? Sorry,  
12 I should specify, at the time of the bag-throwing incident, let us say.

13 A. (Redacted) was 13 and (Redacted) was approximately 14 or 15.

14 Q. Thank you. Last question: You were asked a number of times by counsel for  
15 the Defence about the period of time when you were at Jebellin and sleeping under  
16 Dominic Ongwen's bed. Do you remember those questions?

17 A. Yes, I recall those questions.

18 MR GUMPERT: Your Honour, in the light of the answers, well, the propositions  
19 contained in the questions and the answers given, I seek to refresh the witness's  
20 memory from paragraph 43 of her first statement, UGA-OTP-0235-0241.

21 SINGLE JUDGE TARFUSSER: Yes. Yes, go ahead, please.

22 MR GUMPERT: Thank you.

23 Q. I'm going to read to you the first three sentences of that paragraph. I'll do it  
24 slowly so they can be translated to you and then I will ask if it refreshes your memory.

25 Quote:

1 "At this time Ongwen started guarding me and I used to sleep under his bed for  
2 protection. I was fearful the whole time when I was there as I did not feel protected.  
3 Ongwen stayed in this location for about three months. During these three months  
4 he did not try to have a sexual relationship with me."

5 In the light of that statement --

6 SINGLE JUDGE TARFUSSER: End of quote.

7 MR GUMPERT: I'm sorry, end quote.

8 Q. In the light of that statement, does that assist your memory as to how long the  
9 period of time was when you and Ongwen were together in Jebellin during which  
10 period of time you were sleeping under his bed?

11 A. I did not understand the question very well.

12 Q. I'm asking you to think hard about how long you and Ongwen were both in  
13 Jebellin. It was suggested to you and indeed you yourself said that it was about a  
14 month. I've just read to you a portion of your statement which may or may not help  
15 you to remember how long it was. Would you like me to read it again or can you  
16 remember what I have just read?

17 A. I do recall what I said. I recall that I stayed there for one month and then I was  
18 taken to another location where the mothers of children are kept.

19 Q. All right. I don't press it any further.

20 MR GUMPERT: Thank you. Those are all my questions.

21 SINGLE JUDGE TARFUSSER: Have the Defence one more question? Otherwise I  
22 go to close.

23 MR ODONGO: Short ones, My Lord.

24 QUESTIONED BY MR ODONGO:

25 Q. On the ages of the escort, how did you, (Redacted), get to know the ages of (Redacted)

1 (Redacted) and (Redacted)? Who told you -- who informed you about their ages?

2 A. I did not say the exact age, but I said one of them could be 13 and the other one  
3 could be 14 or 16 -- or 14 or 15 or over.

4 Q. At that time how old were you?

5 A. I can guess, I can hazard a guess, maybe 12, because I was 13 at the time, but  
6 I can hazard a guess that it was 12.

7 Q. Did you have any independent information on this or is it just your guess?

8 SINGLE JUDGE TARFUSSER: She said it's a guess.

9 THE WITNESS: (Interpretation) No, I was actually guessing. But when I  
10 eventually returned home, that's when I was able to determine my age, because that's  
11 when my mother told me exactly how old I was.

12 MR ODONGO:

13 Q. You -- I mean according to the paragraph that was read to you, sleeping under  
14 the bed was to guard you, and it was actually for three months. And for three  
15 months you did not know what was happening on the bed with the other women you  
16 discovered on the next morning. And at the same time Kony did not have the  
17 opportunity to meet you for the three months; is that correct?

18 A. The question is long winded and I did not really understand it.

19 SINGLE JUDGE TARFUSSER: We have to close. It's 20 minutes more. Because I  
20 have also to close. You must give also one minute to me.

21 MR ODONGO: Your Honour, can I? Since this question is already made and she  
22 just wants it rephrased, can I finish it?

23 SINGLE JUDGE TARFUSSER: Rephrase it. Rephrase it.

24 MR ODONGO: Yes.

25 SINGLE JUDGE TARFUSSER: But short.

1 MR ODONGO: Yes.

2 SINGLE JUDGE TARFUSSER: The shorter the questions are, the easier to  
3 understand for her they are.

4 MR ODONGO: Yes.

5 Q. For the three months you slept under the bed, you did not notice anything that  
6 was happening on the bed between Ongwen and the different women who you saw  
7 the next morning?

8 A. No, I did not observe anything because I was asleep. I saw them in the  
9 morning as they were leaving.

10 Q. The second question is, for all these three months you avoided meeting with  
11 Kony, Joseph Kony, and of course the other commanders?

12 A. No, I did not see him.

13 Q. How about the other commanders who were also -- who had expressed interest  
14 in you?

15 A. Well, with respect, the only time that I saw them was on the day that they were  
16 making the selection, but thereafter I did not see them.

17 Q. Not even their escorts?

18 A. I saw -- I saw the escorts initially when they were coming, but then I was  
19 subsequently being hidden and I did not see them after that.

20 MR ODONGO: That's all, your Honour. Thank you very much.

21 SINGLE JUDGE TARFUSSER: Okay. Thank you. Thank you to both the OTP and  
22 the Defence.

23 It's now two days that you, Witness, you are being questioned with all sort of  
24 questions. Now it is finished. You can go home. And thank you very much for  
25 having been here. And, well, all wish you obviously all the best, and I wish you also

1 not to have to relive again once again for another time what you have told us. Thank  
2 you very much.

3 We can close the line to Kampala and I will adjourn the hearing.

4 For tomorrow I thank obviously the interpreters (Redacted) and (Redacted) basically,  
5 also the others, but I think the most involved are (Redacted) and (Redacted). And I  
6 adjourn the hearing for tomorrow at 9.30 with a second witness. Thank you.

7 (The witness is excused)

8 THE COURT USHER: All rise.

9 \*(The hearing ends in closed session at 5.01 p.m.) Reclassified into open session

#### 10 RECLASSIFICATION REPORT

11 Pursuant to Trial Chamber IX 's Order, ICC-02/04-01/15-584-Conf, dated 4 November  
12 2016, the version of the transcript with its redactions becomes Public.