

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 Friday, 18 September 2015

8 *(The proceedings start in closed session at 9.30 a.m.) Reclassified into open session

9 SINGLE JUDGE TARFUSSER: Good morning to everybody, to the Prosecution, the
10 Defence, to the Registry, the court reporters, interpreters who I realise they are behind
11 there so they are not in Uganda as I thought.

12 Good morning also to the witness in Kampala. Can you hear me, Witness? And
13 good morning.

14 THE WITNESS: (Interpretation) Good morning.

15 SINGLE JUDGE TARFUSSER: Just for the --

16 THE WITNESS: (Interpretation) Good morning.

17 SINGLE JUDGE TARFUSSER: Because we have the new witness, I would like the
18 parties to introduce themselves and their teams.

19 Please, the floor is to the Prosecutor, the Office of the Prosecutor.

20 MS ADEBOYEJO: Good morning, Judge. My name is Adesola Adeboyejo
21 representing the Office of the Prosecutor. On my left is Mr Benjamin Gumpert,
22 senior trial lawyer, and behind me is Ms Tatyana Bachyarova and Ms Yulia Nuzban.

23 SINGLE JUDGE TARFUSSER: Thank you very much.

24 Now the floor to the Defence.

25 MR OBHOF: Good morning, your Honour. To my right we have our lead counsel,

1 Mr Krispus Ayena Odongo. To my left, starting on my far left, we have one of our
2 case managers, Francesca Anzovino, and another one of our in-country case managers,
3 Mr Philip Adonga. And behind me we have our client, Mr Dominic Ongwen. And
4 my name is Thomas Obhof, assistant to counsel.

5 SINGLE JUDGE TARFUSSER: Thank you very much.

6 As this hearing is in closed session for which protective measures apply, I put on the
7 record also the presence of Silvestro Stazzone on my right and Simon Grabovec on
8 my left, legal staff of the Pre-Trial Division. Then Uros Mijuskovic and Edin Kofrc,
9 Court officers.

10 Now this done, I go to the witness.

11 I know that yesterday you were not well. Are you okay? Are you fine? Do you
12 feel to be able to testify?

13 WITNESS: UGA-OTP-P-0227

14 (The witness speaks Acholi)

15 (The witness gives evidence via video link)

16 THE WITNESS: (Interpretation) I am fine. I'm fine.

17 SINGLE JUDGE TARFUSSER: So I would now, Mrs Witness, start with your
18 identification. Could you tell us your name and your age, where you were born,
19 where and when you were born and your age. Thank you.

20 THE WITNESS: (Interpretation) My name is (Redacted). I was born in Pageya in
21 Gulu. I was born on (Redacted) in the year 1986, 1986. I am 29 years old.

22 SINGLE JUDGE TARFUSSER: Thank you. Thank you, Madam Witness. I'm the
23 Judge of this proceedings and it is my duty now to make sure that all things run
24 correctly. Obviously if you have some problems, some concerns, you just tell me if
25 you have some need, if you want a rest or things like this; do you understand this?

1 THE WITNESS: (Interpretation) I have understood.

2 SINGLE JUDGE TARFUSSER: Okay. Now, as a witness in a proceedings you have
3 to tell the truth and before starting with the questioning by the Prosecutor, by the
4 Office of the Prosecutor, I remind you that you have to tell the truth and to take an
5 oath. To this effect, I would like to -- I would ask you to say the following words: I
6 solemnly declare.

7 THE WITNESS: (No interpretation)

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

9 THE WITNESS: (Interpretation) I will speak the truth. That I will speak the truth.

10 SINGLE JUDGE TARFUSSER: The whole truth and nothing but the truth.

11 THE WITNESS: (Interpretation) The whole truth and nothing but the truth.

12 SINGLE JUDGE TARFUSSER: Thank you very much. Now I have to inform you
13 that according to the law giving false testimony, meaning lying, is a punishable
14 offence before the Court. Do you understand this?

15 THE WITNESS: (No interpretation)

16 SINGLE JUDGE TARFUSSER: Now you must also understand that you can object to
17 answer a question if this answer might tend to incriminate you. If you object, I will
18 then decide whether you should be required to answer anyway. If necessary, I will
19 provide you with a counsel in order to give you legal advice. Have you understood?

20 THE WITNESS: (Interpretation) I have understood very well.

21 SINGLE JUDGE TARFUSSER: Okay. Now, if you are ready, I will give the floor to
22 the Office of the Prosecutor which starts with the questioning. We will have always
23 one hour and a half of questions and answers, then half an hour of stop, of pause, and
24 then another one hour and a half. Okay?

25 THE WITNESS: (Interpretation) Yes, I have understood.

1 MR GUMPERT: Your Honour, just before my colleague begins, it's probably not
2 important, but there was no interpretation of the witness's confirmation that she
3 understands that telling lies is an offence. I wonder if the interpreter could just put it
4 on the record that she does understand that.

5 SINGLE JUDGE TARFUSSER: The Office of the Prosecutor says that we did not get
6 the answer when I asked you if you understood that not saying the truth is an offence
7 against the Court. Did you understand that? Do you understand this?

8 THE WITNESS: (Interpretation) I understood.

9 SINGLE JUDGE TARFUSSER: Okay. Now, I give the floor to the Office of the
10 Prosecutor for the office to start the questioning.

11 The floor is yours.

12 MS ADEBOYEJO: Thank you, your Honour.

13 QUESTIONED BY MS ADEBOYEJO:

14 Q. Good morning, Madam Witness.

15 A. Good morning. Thanks.

16 Q. Do you have any siblings, Madam Witness?

17 A. I don't have my siblings here. They are at home.

18 Q. The siblings that are at home, could you tell the Court how many are they?

19 A. They are two at home.

20 Q. What are their names?

21 A. One is called (Redacted) and the another one is called (Redacted) (phon).

22 Q. Madam Witness, I'm asking you for the number of brothers and sisters you have.
23 Perhaps the misunderstanding was the use of the word "siblings." I'm asking you
24 for your brothers and sisters.

25 A. (Redacted)

1 (Redacted)

2 Q. Thank you, Madam Witness. Could you tell the Court, would you be in a
3 position to tell the Court the names of these brothers and sisters?

4 A. I can give their names. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted).

9 Q. Madam Witness, did you say that there were (Redacted)? Was that my
10 understanding?

11 A. I have -- when I say (Redacted), I'm including myself.

12 Q. Yes, indeed, Madam Witness. So (Redacted) and who would
13 (Redacted)?

14 A. (Redacted).

15 Q. Thank you, Madam Witness. Madam Witness, what school did you attend?

16 A. I went to (Redacted).

17 Q. How long did you attend the school for?

18 A. I was in this school when I joined senior 1 of the secondary school, but I don't
19 remember the year I started going to this school.

20 Q. Madam Witness, did you graduate from the school?

21 A. No, I didn't graduate from this school.

22 Q. Do you want to tell this Court why you did not graduate from the school?

23 A. The reason why I didn't finish my school or the reason why I didn't graduate is
24 because I was abducted.

25 Q. Madam Witness, where were you abducted from?

1 A. I was abducted in Pageya in Gulu in a location called (Redacted).

2 Q. Madam Witness, do you recall how old you were when you were abducted?

3 A. When was I abducted, I really don't remember how old I was because I used to
4 say I'm 14 years old, but I didn't really recall in which year I was born.

5 Q. Just for the purpose of my understanding, you told this Court that you were
6 born in January 1986. Do you recall that?

7 A. I do remember.

8 Q. Madam Witness, do you know at least what year you were abducted?

9 A. Yes, I do. I was abducted in 2005, in April. The date it was on 5 April.

10 Q. Thank you, Madam Witness. Now, would you like to tell the Court what
11 exactly happened on the day you were abducted?

12 A. I was abducted in the night, very late in the night on Friday, just before we
13 reached Saturday morning. That was when I was abducted. When they came there
14 were two men who entered into the house. They were in uniforms. When they
15 entered the house they found there was a small paraffin lamp which was giving us
16 light.

17 I was reading, but then I ended up falling asleep while the paraffin lamp was still on.

18 When I heard the door pushed, because the door couldn't be locked, so I heard the
19 door being pushed and I woke up. Even my mother woke up.

20 So when I looked up, I saw some people putting on uniform -- uniforms, two men.

21 So when I got up -- when I got up, they told me -- they told me to get up, so I got up,

22 and then they told me to sit down, I sat down. Then they started looking around,
23 using that torch and they found some flour, millet flour, which my mother had

24 prepared, so they asked me to put this millet flour in a sack. And I was told to sit
25 down, I sat down. Then they told me, "Carry that millet flour and get out." I did

1 what they said.

2 My mother tried to cry -- my mother tried to cry, and then they said if my mother
3 continued crying that meant she wanted to see me die, so my mother has to keep
4 quiet.

5 Q. Madam Witness, can I just interrupt you a minute?

6 A. Yes, please.

7 Q. Thank you, Madam Witness, for your description. I'm going to now ask you
8 some questions. If you will just listen to my question and then you respond as I ask
9 you.

10 You just -- you just told the Court the circumstances in which these men came into
11 your house. You said they were in uniforms. Apart from the uniforms that you
12 saw, did these men have anything else on them?

13 A. Yes, I did see other things.

14 Q. What did you -- what did you see, Madam Witness?

15 A. I saw both of them were holding guns.

16 Q. Now, you told the Court that they asked you to put the millet flour in a sack
17 and to get out. Did you follow this instruction?

18 A. Yes, I followed the instruction.

19 Q. Madam Witness, did you know who these men were?

20 A. No, I didn't know them, but the location where we were living, actually this
21 area was prone to disturbances by the people called -- who were called Lakwena.
22 Those rebels actually they are normally called Lakwena. So when they opened door
23 I knew that these were Lakwena people.

24 Q. Thank you, Madam Witness. Now, you said also that your mother was crying.
25 Where was your mother when this incident happened?

1 A. I was sleeping under the net with my younger brothers, we were sleeping
2 together.

3 Q. Witness, were you the only one abducted from your home?

4 A. In our home two of my brothers were also abducted. Not only me alone.

5 Q. Madam Witness, can you tell this Court the names of those your brothers that
6 were abducted?

7 A. My brothers who were abducted were, the older one was called (Redacted)
8 and the younger one was called (Redacted).

9 Q. Madam Witness, these -- you have described them as rebels who came into your
10 room. Could you tell the Court if you knew how old they were? Were they old?
11 Were they young?

12 A. No, they were not so old. In my estimation they were about 20 years or
13 slightly above that.

14 Q. And, Madam Witness, you said that they were wearing uniforms. Can you tell
15 the Court what type of uniforms? Could you describe it?

16 A. The uniforms they were putting on were actually camouflage kind of uniform,
17 greenish and also with other colours, brownish.

18 Q. Now, once you and your brothers were abducted, where did you go?

19 A. When I was told to get out, I did so and as I was getting out in front of the door
20 I found my father had been asked to lie down and there were also other soldiers
21 which I saw outside. I also saw young soldiers, three of them, and also I saw -- I saw
22 one soldier plus those three other young -- young soldiers. These young soldiers
23 were actually keeping our brothers because our brothers were staying a bit far from
24 my home.

25 When I got out, I found my father was lying down on his stomach with some women

1 who were also next to him. One of the women had a child so I was told to carry the
2 millet flour and then I was told to start walking, which I did.

3 We walked --

4 Q. Okay, Witness, I have to interrupt you there. Madam Witness, just to be clear,
5 and thank you for your description so far, just to be clear, you said that you found
6 your father lying on his stomach when you came out. Did you know if he was alive
7 or dead?

8 A. I didn't know at that time whether he was alive because the soldiers had guns.

9 Q. Now, you also said that your brothers were under guard. How many soldiers
10 were guarding your brothers?

11 A. One -- one soldier in uniform was there plus three young soldiers. They were
12 the ones guarding him.

13 Q. Now, you've described them as "young soldiers." Could you tell the Court,
14 when you say they were young, about how old were these soldiers?

15 A. In my estimation I think they were aged about 14, 15 years or 10 years.

16 Q. And your brothers that you've just told us were taken, (Redacted) and (Redacted)
17 (Redacted), were these brothers older than you or younger than you?

18 A. My brothers were younger than me.

19 Q. Now, tell us about these two -- these women that you said you also saw lying
20 outside. Did you know their names?

21 A. No, the women were seated. One of them was -- one of them had a baby, was
22 carrying a baby. One of them was called (Redacted) and the one who was holding a
23 baby was called --

24 THE ACHOLI INTERPRETER: The Acholi booth did not get the name of the second
25 lady.

1 MS ADEBOYEJO:

2 Q. Madam Witness, the interpreters didn't get the name of the second lady you
3 described. Could you tell us the name again. You said the first one was called
4 (Redacted). What's the name of the second lady?

5 A. The second lady was (Redacted).

6 Q. Now, you said you had the millet flour and you were told to get out. Where
7 did you go when you were told to get out with the millet flour?

8 A. We -- we got out and stood at the -- at the doorway waiting to be instructed
9 because we did not know where to go, but as soon as they told us, we started moving.
10 We were just waiting for instructions.

11 Q. Can you tell the Court where you were instructed to go?

12 A. We went to the -- to the -- to a neighbour's house, but it's also -- the person is
13 also a relative. The house was further southwards and that's the direction that we
14 headed. When we got to that home, we also found a number of people that had
15 been gathered under a mango tree. Some of these people had children.

16 Q. Thank you, Madam Witness. And these people that you've described, were
17 they standing by themselves? Were there other people with them?

18 A. No, there were other people standing with them. The people were standing
19 further away. They were standing at a distance, but I did not see them, but yes,
20 there were other people standing there.

21 Q. Now, Madam Witness, you told us earlier that there were three young soldiers
22 who were with (Redacted) and (Redacted), your brother -- your brothers. Did these
23 soldiers go with you when you went to where these people were standing under the
24 mango tree?

25 A. The soldiers that took -- yeah, they did. We all went under the mango tree.

1 They took -- they took us all together.

2 Q. Can you tell the Court what happened when you were all gathered under the
3 mango tree?

4 A. When we were all under the tree, we didn't sit down, we were standing, but the
5 ladies that were sitting under the mango tree were the only ones seated. The ladies
6 were talking among themselves and asking questions. We found another girl,
7 (Redacted), who was also among this group.

8 Q. Can you tell the Court about how many people were gathered under this tree?

9 A. No, I cannot give an estimation because it was at night, but I did hear their
10 voices and I did hear the voices of children crying.

11 Q. Did you continue to stay under this mango tree, Madam Witness?

12 A. No, we did not continue staying there. The ladies who were sitting under the
13 tree were left there, but they went with us. We were taken with them. Only the
14 ladies stayed there.

15 Q. Madam Witness, when you say "we were taken," who specifically are the people
16 you're referring to?

17 A. I'm referring -- I'm talking about myself, (Redacted)
18 (Redacted).

19 Q. Do you know why you were the ones that were taken?

20 A. If I can hazard a guess, I thought with respect to (Redacted) they were
21 probably at that age where they could help them, they could also carry luggage and
22 also to perform other tasks. And with respect to the girls, I guess that they were
23 taking us to carry -- to carry luggage or to turn us into wives. That was my guess.

24 Q. These people you have told us were released, was there a conversation between
25 the soldiers and these persons?

1 A. Yes, they had a conversation with the ladies first before they left them there.

2 Q. What did they say to these ladies?

3 A. The ladies were instructed not to tell anybody that they came, that they were in
4 the area.

5 Q. What happened after the release of these people?

6 A. Well, we started walking. They led -- they went ahead and we walked after
7 them.

8 Q. What did you have with you?

9 A. When we were walking, I was carrying the millet flour and the rest of the group
10 were also carrying other things.

11 Q. When you refer to "the rest of the group," who specifically do you mean?

12 A. I'm talking about (Redacted).

13 Q. And how long did you walk for, Madam Witness?

14 A. We walked for a number of hours. I cannot tell exactly how many hours we
15 walked for, but we walked for a number of hours.

16 Q. Did you stop at any point?

17 A. We stopped after crossing a big road, the road towards Pader. We walked and
18 went towards another homestead. There were -- there was another group of people,
19 a lot of people, and that's where we stopped.

20 Q. Can you describe what happened to you when you stopped at this homestead?

21 A. When we got to this homestead, one of the soldiers asked me whether I was a
22 schoolgirl. I did not want to tell him that I was a schoolgirl. They asked me if I was
23 a schoolgirl, if I went to school, and I told them no. They asked me what class I was
24 in and I told them that I was in primary school. But one of the neighbour's children,
25 (Redacted), told the men that I was in secondary school, and the men told me that

1 I was making fun of them and they started beating me.

2 Q. Madam Witness, can you tell the Court what they used to beat you?

3 A. They used a small, like a tree trunk, a log. They used a log.

4 Q. How long did you stay at this homestead after this incident?

5 A. No, we did not spend -- we did not stay there for that long. We only rested
6 there a bit before heading towards some river.

7 Q. Now, I want you to think very hard about this beating. You said that the
8 soldiers said you were making fun of them and then they beat you. Do you recall
9 which of the soldiers beat you?

10 A. There was -- there was an older soldier who instructed one of the kadogos.
11 The kadogos was slightly older, but it was the man who gave instructions for me to be
12 beaten.

13 Q. When you use the term "kadogo," I know that's a Swahili term, what do you
14 mean, Witness?

15 A. It's -- what I mean is that it's -- it's a young person. The person is not yet a
16 youth, but they are still young, maybe in their teenage.

17 Q. Thank you, Madam Witness. Now, you referred to the fact that you were
18 beaten by one of these kadogos. Do you recall how many times he beat you?

19 A. He hit me on my back four times.

20 Q. Now, Madam Witness, did you at any time stop to eat whilst travelling?

21 A. We stopped to cook. As we were travelling, we stopped to cook.

22 Q. Who did the cooking?

23 A. It was the -- it was the kadogos who cooked.

24 Q. And what did you eat?

25 A. We ate the leftovers and we also had some millet bread that wasn't made

1 properly.

2 Q. You recall that you told us that a person called (Redacted) was kidnapped
3 with you. Can you tell this Court what happened to her?

4 A. When they called (Redacted), when the soldiers called (Redacted) and I and asked
5 us to go to them, when we went to these soldiers, they said (Redacted) should be
6 released and she should be sent back home because she had shaved her head.

7 Q. Madam Witness, what happened with the soldiers when they said this?

8 A. When they made this comment, they asked (Redacted) to get up and leave
9 immediately because they did not want to take a prostitute to the bush. They told
10 (Redacted) to get up immediately and that they would follow her. One of the soldiers
11 got up, he followed (Redacted), and shortly thereafter he came back, but they left me
12 sitting there.

13 Q. Did you have a conversation with any of the soldiers after the taking away of
14 (Redacted)?

15 A. No, I did not have -- I did not have a conversation with them, but they were
16 talking to me.

17 Q. Did you ever see (Redacted) again?

18 A. No, I did not, I never saw (Redacted) again.

19 Q. Where did you go from this place where you were --

20 A. When we --

21 THE ACHOLI INTERPRETER: The witness was trying to -- from the Acholi booth,
22 the witness --

23 THE WITNESS: (Interpretation) When we left this place, we were -- we were
24 divided among the soldiers. We started walking and headed in the direction where
25 the soldiers were going.

1 MS ADEBOYEJO:

2 Q. Into how many groups were you divided?

3 A. We were divided into three groups.

4 Q. How many of you were in your group?

5 A. Four of us were in that group.

6 Q. Can you tell the Court who these persons were in your group?

7 A. It was myself, (Redacted), another soldier called (Redacted) and another small
8 soldier, another young soldier.

9 Q. Where did you go, Witness?

10 A. We went to where their commander was. It was on Amalac riverbank.

11 Q. And how did you travel to get there?

12 A. We walked on foot, but we were meant to walk stealthily and not actually make
13 any sort of noise.

14 Q. Madam Witness, did you walk stealthily?

15 A. I tried, but on occasion I would forget because that's not the normal way I used
16 to walk. I was not used to walking like that.

17 Q. Tell the Court what would happen to you if you forgot.

18 A. If I forgot, then I would be hit on the back. Each time I forgot they would hit
19 me on the back, and that's the place that they liked hitting the most.

20 Q. Madam Witness, you have referred to "they". Can you tell the Court who
21 specifically are you referring to when you talk about "they" hitting you on the back?

22 A. Well, it was the child soldiers.

23 Q. Now, Madam Witness, let's turn to your -- what you've described as you going
24 to the commander's place. Who is this commander you're referring to?

25 A. Well, when I was there, I subsequently learned that his name was Ongwen

1 Dominic.

2 Q. When you arrived there, where was he?

3 A. When we arrived there, he was sitting -- he was sitting on the ground. He was
4 sunbathing. He was bare-chested.

5 Q. Was anyone with him when you arrived?

6 A. No. At that time he was on his own.

7 Q. What did your group do when you arrived where he was?

8 A. When we -- when we found him, we squatted from a distance and it was the
9 older soldiers that went to him. The rest of us remained squatted in a distance.

10 Q. How many older soldiers went to him?

11 A. There were two, the two older soldiers.

12 Q. When they went to him, can you tell the Court what happened?

13 A. When the two soldiers went to him, they started talking to this -- this
14 commander.

15 Q. Did you hear what they said to him?

16 A. Yeah, I heard some of the stuff, yeah.

17 Q. What did they say to him?

18 A. They told him that, "Commander, we have arrived." When they told him they
19 had arrived, the commander said, "Thank you." The two soldiers then informed him
20 that, "We performed our tasks properly. We managed to get some food and we also
21 managed to get some girls, but we had to release one of the girls and send her back
22 home, but then we've brought the rest."

23 Q. Did this Commander Ongwen give a response?

24 A. Yes, he responded.

25 Q. What was his response?

1 A. He said, "Thank you. You should have brought even the other girl. Why did
2 you let her go?" So he started laughing.

3 Q. Now, you told the Court that you subsequently learnt that the name of this
4 commander was Dominic Ongwen. Did you know what he was commanding?

5 A. No, I hadn't understood yet.

6 Q. Did you subsequently get to know what he was commanding?

7 A. Yes. Subsequently after some long time I began to understand.

8 Q. Now, Madam Witness, you said when you arrived at this location you found
9 him sitting alone. Did you see any other persons when you arrived?

10 A. When I reached that place, I think there were other people who were already
11 there. When they heard us arriving, then they all came out. And also we found
12 three other women who were with him.

13 Q. Did you know who these women were?

14 A. No, I didn't know them. It was the first time for me to see them.

15 Q. Now, you've told us earlier that there was a conversation between Ongwen and
16 these two older soldiers. Can you tell this Chamber, apart from speaking to the
17 soldiers, did Ongwen speak to anyone else when you arrived?

18 A. No, he didn't talk to any other person.

19 Q. What did the soldiers then proceed to do after you arrived?

20 A. When the two soldiers finished talking, I was called and I went to the -- to the
21 commander.

22 THE ACHOLI INTERPRETER: The Acholi booth would like to say the witness kind
23 of faded off. I didn't get the last part.

24 THE WITNESS: (Interpretation) So I went to the commander and he asked me if
25 I was going to school, if I was a schoolgirl. I said yes and he asked me if living in

1 Pageya is nice. I said yes. And afterwards he called two of my -- those two
2 brothers of mine and also my neighbour's child and we came together.

3 MS ADEBOYEJO:

4 Q. Madam Witness, there was a part of your answer that the interpreters did not
5 get, so my apologies, you would have to repeat your answer with regards to the
6 conversation between when the soldiers finished talking. You said, "I was called and
7 I went" and from there your answer faded off. Could you repeat your answer,
8 please.

9 A. So when the two soldiers left, I was called that -- I was called and I went to the
10 commander and he is the one who began asking me questions. He asked me how
11 I was. I said I was okay. And he asked me, "Is life good in Pageya?" And he first
12 also asked me, "Where were you abducted?" I said, "I was abducted in Pageya."
13 And afterwards my two other brothers were also called as well as my neighbour's
14 child and we all came together.

15 Q. Thank you, Madam Witness. Can you tell the Court, apart from these two
16 brothers that were abducted with you, had you ever suffered abduction in the family?

17 A. Yes. Before, someone had been abducted, my stepbrother.

18 Q. What happened to him when he was abducted?

19 A. When he was abducted he was taken into the bush and he remained there for
20 about one month or almost two months. Afterwards he managed to escape and
21 come back home.

22 Q. When he came back home, did he tell you about his experiences?

23 A. Yes, he used to talk to me about his experiences in the bush.

24 Q. Now, I want you to think about this, Madam Witness. Did he tell you
25 anything in particular about how to conduct yourself in the bush?

1 A. When he reached home, he didn't tell me that immediately because he was tired
2 and secondly he was so weak and so emaciated, but later on he talked to me about
3 that.

4 Q. I want you to focus your mind on what he then told you after he had recovered.
5 What did he say?

6 A. When we asked him questions, when we said, "You are so thin, why?" he said
7 he walked a lot and they used to run away from planes and also there was the
8 problem of hunger. Sometimes they wouldn't -- he wouldn't eat. And also there
9 was carrying the heavy luggage. And also if people attempted to escape, they would
10 be beaten and they would see them being beaten. And sometimes these people also
11 would be killed.

12 Q. Did you recall this conversation when you spoke with the commander?

13 THE ACHOLI INTERPRETER: There's no response.

14 THE WITNESS: (Interpretation) I would like you to repeat the question.

15 THE ACHOLI INTERPRETER: The witness is requesting you to repeat the question.

16 MS ADEBOYEJO:

17 Q. Yes, Madam Witness, I would gladly do so. I asked whether the description
18 that your stepbrother had given you with regards to those who want to return home
19 and how they were beaten badly, I'm asking you that in your conversation with
20 Commander Ongwen, did you recall what your stepbrother said?

21 A. Yes, I recalled.

22 Q. How did this recollection inform your response?

23 A. When I recalled what my brother was telling me, I thought to myself that if I
24 refuse what he requests me, I could be also beaten or even be killed.

25 Q. What is the specific request that you're referring to by the commander?

1 A. He had asked me if I was homesick and if I wanted to go back home, so I told
2 him that no, I wasn't homesick.

3 Q. Madam Witness, what did Commander Ongwen tell you after you had told him
4 you were not homesick?

5 A. After that he didn't say any other thing.

6 Q. Now, let me take your mind back to the three women that you told us about
7 earlier. Did you come to know their identities, who they were?

8 A. Yes, subsequently I knew their identities, but I didn't know where they came
9 from.

10 Q. I understand, Madam Witness. Now, could you tell the Court what were their
11 identities?

12 A. One of them was called (Redacted), but also she was also called as (Redacted) in
13 Acholi meaning (Redacted). The other one was (Redacted). And the third lady was
14 called (Redacted).

15 Q. Now, we will take this one after the other. Can you describe what this
16 (Redacted), what she looked like?

17 A. (Redacted) was an elderly person with some grey hair beginning to appear on her
18 hair and she was tall.

19 Q. The woman you have described or you have called (Redacted), can you
20 describe what she looked like when you first saw her?

21 A. (Redacted) was not so old, just middle-aged, but she was already a woman.
22 And she was a bit plump.

23 Q. Madam Witness, when you say she was about middle age, can you tell us what
24 kind of age are you talking about? Under 20? Over 20?

25 A. More than 20 years old.

1 Q. You gave us a -- you gave us a third name, (Redacted). What did she look like
2 when you first saw her?

3 A. (Redacted) was still a young girl because her breasts were still just coming up.

4 Q. Thank you, Madam Witness. You told us earlier that (Redacted)
5 (Redacted) were called to join you when you had your conversation with Ongwen.
6 Did he have a conversation with them?

7 A. When they arrived, Ongwen greeted them and they said they were okay, they
8 were fine. So he said, "Now you have been arrested from the same homestead.
9 Should we release one of you?" And then I said "Yes." And then he asked, "Who
10 should be released? I said, "We should release (Redacted) because he had just
11 undergone an operation, he had been sick and he wasn't yet well -- well cured." So
12 we thought if we were to release someone, it should be (Redacted). And then
13 (Redacted) was asked and (Redacted) said it's me who should be released. And also
14 (Redacted) said the same thing, that they would rather prefer I be released.

15 Q. What was the response of Ongwen to your brothers' request that you be
16 released?

17 A. Ongwen didn't answer anything. He only said that the -- my brothers -- that
18 my brothers should be taken where his guards stay and me I remained with the
19 women.

20 Q. What happened to your brothers when they went to where the guards were
21 staying?

22 A. When they went there, the guards were asked to bring canes so that they beat
23 my brothers so that they may forget about their homes. Then they started beating
24 my brothers. While they were beating them, they said they should be beaten so
25 badly so that they stop speaking in English because my brother (Redacted) was

1 shouting "Jesus, oh, God, help me."

2 Q. Can you tell the Court who gave the orders for your brothers to be beaten?

3 A. It was Commander Ongwen.

4 Q. Now, you told the Court that you went to sit with the women. What did you
5 do when you went to sit with them?

6 A. When I went to sit with them, I just sat beside them. I was not sitting amongst
7 them. I wanted to sit amongst them, but they told me to sit a little bit beside them.
8 Afterwards they asked me if I was homesick. I said yes and I said I was actually
9 thinking about my mother. And then they told me, "Just stay calm. Don't think
10 about any other thing. There's no going back. Just stay with us."

11 Q. Madam Witness, where did you sleep after this conversation?

12 A. After the conversation, I slept with (Redacted).

13 Q. You mentioned the names of --

14 MS (Redacted): (Via video link) Your Honour, the witness would like to interrupt.

15 SINGLE JUDGE TARFUSSER: Yes, Madam Witness, please.

16 THE WITNESS: (Interpretation) I would like -- I would like to go for a short call.

17 MS ADEBOYEJO: She wants to use the bathroom.

18 SINGLE JUDGE TARFUSSER: Yes.

19 Of course, please do so. Let me say that we are just five minutes, just five minutes
20 ahead of the pause, so I think we should take the break now and resume at 11.30.

21 Okay? So you take a rest, do what everything what you need to do and will see us
22 again at 11.30.

23 I think we can disconnect.

24 Now, I just wanted to say one thing for how we proceed further. I think we have the
25 other two sessions of one hour and a half today and then we proceed tomorrow,

1 Saturday, starting at 9 with the same pace, one hour and a half, half an hour, one hour
2 and a half, one hour, and if need be, I hope not, also in the afternoon, but so in order
3 to finish at say 3 o'clock latest. I will hope very much a little bit earlier. So if you
4 understand what I mean.

5 MR OBHOF: Right now, your Honour, I'm only expecting to be about two and a
6 half hours.

7 SINGLE JUDGE TARFUSSER: Good. It's already something. Thank you very
8 much. Thank you very much.

9 So we see you in half an hour, at 11.30. Thank you.

10 THE COURT USHER: All rise.

11 (Recess taken at 10.57 a.m.)

12 *(Upon resuming in closed session at 11.32 a.m.) Reclassified into open session

13 SINGLE JUDGE TARFUSSER: So, hello. It's now 11.30.

14 Madam Witness, you hear me?

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

16 SINGLE JUDGE TARFUSSER: Okay. So now we proceed with the questioning of
17 the Prosecutor after this rest and I give the floor to the Office of the Prosecutor.

18 MS ADEBOYEJO: Thank you, your Honour.

19 Q. Madam Witness, you recall that you described to us your group that came to
20 where Commander Ongwen was and you said one of the soldiers was called
21 (Redacted) and there was another young child soldier. Do you recall the name of
22 this child soldier?

23 A. No, I've forgotten the name.

24 Q. Do you know how old this child soldier was?

25 A. He was approximately 15 years old. He -- he was short, but then his face

1 looked mature, so I guess he was probably about 15 years old.

2 Q. Madam Witness, perhaps I could refresh your memory. If you look at
3 UGA-OTP-0235-0129. And I want you to look at in particular, I believe it will be
4 read to you, the last two lines of paragraph 26, paragraph 26. In fact, I beg your --

5 SINGLE JUDGE TARFUSSER: You should read it --

6 MS ADEBOYEJO: Okay.

7 SINGLE JUDGE TARFUSSER: -- if you're quoting.

8 MS ADEBOYEJO: Much obliged, your Honour.

9 Q. Now, I will read the -- Madam Witness, I will read the relevant portion to you to
10 refresh your memory.

11 Paragraph 26: "We got to a place that looked like a deserted settlement. We
12 stopped there. The LRA rebels who abducted me started asking me if I was a
13 schoolgirl and what level I was in at school. I told them that I was in primary school,
14 because I didn't want to tell them that I was in senior secondary school, but
15 (Redacted), the neighbour's child, told them that I was in senior secondary school.
16 The rebels said that I was messing with their heads. One of them who they called
17 (Redacted) started beating me with a panga. He hit me with the panga twice on my
18 back. I was bruised after he hit me."

19 Madam Witness, do you recall that these were your words?

20 A. Yes, I recall, but I did say a stick. I did not say a machete or panga. The stick
21 that he used to beat my -- to beat me on the back bruised my back, but it wasn't
22 injured. He didn't cause any wounds on my back, but it did hurt my back.

23 Q. Thank you, Madam Witness. Do you recall the name of this young soldier
24 who hit you with a stick?

25 A. No, I do not recall his name. I recall the older people, but I do not recall the

1 younger ones.

2 Q. Now, Madam Witness, does the name (Redacted) mean anything to you?

3 MR OBHOF: Objection, your Honour. This question has been asked and answered.

4 It was even read to the witness.

5 SINGLE JUDGE TARFUSSER: No, no. I would have made the same question. I

6 mean this is the right question to put in my opinion.

7 Go ahead, Prosecutor.

8 MS ADEBOYEJO:

9 Q. Madam Witness, I put a question to you: Does the name (Redacted) mean anything
10 to you?

11 A. The name (Redacted) does, yes, it does refresh my memory because he told
12 me -- what he told me was that his name is (Redacted), that was a nickname because
13 he pointed to the person that he wanted to kill, so "point" means (Redacted), so if you
14 pointed to that person, that person would be killed.

15 Q. Now, I want you to zero your mind specifically to this incident where you said
16 there was someone hitting you with a stick. In that context does the name (Redacted)
17 mean anything to you?

18 A. No, I actually do not recall this (Redacted) in this context.

19 Q. Now, Madam Witness, I asked you before we went for the break whether or not
20 there were any sleeping arrangements when you arrived where Commander Ongwen
21 was and you were about to answer. Could you tell the Court what the sleeping
22 arrangements were?

23 A. When we arrived where Commander Ongwen was, there was a big tent in
24 which myself, (Redacted) slept. Ongwen's house was next to it. It wasn't that far
25 away, but that's where he slept.

1 Q. Madam Witness, you had mentioned a person you called (Redacted). Did she
2 sleep with you when you arrived?

3 A. When I arrived, there was the three of us. (Redacted) had been called to spend the
4 night with Ongwen.

5 Q. Were you there when this happened?

6 A. Yes, I was there when it happened.

7 Q. Where did your brothers sleep?

8 A. My brothers were separated. One of -- one of them slept with the -- some of
9 the guards and the other brother slept with the other guards.

10 Q. Did you know how many people were sleeping in this place where you were,
11 the settlement where you were?

12 A. I can hazard a guess. There were approximately 40 people.

13 Q. Could you tell us the distinction between the persons that you have described
14 as 40 people, how many were girls, how many were boys?

15 A. Among the 40 people the young girls at (Redacted) -- at Ongwen's home, it was
16 only -- there was only (Redacted). With respect to the soldiers, I cannot guess, but
17 there were also women among the other soldiers, but I could -- maybe I can guess
18 four -- four people.

19 Q. Apart from your two brothers that you already told the Court about, did you
20 notice any other boys? You said there were younger brothers, did you notice anyone
21 else of their age group?

22 A. I saw the boys that had come to abduct us. Those were the youngest that I
23 saw.

24 Q. And can you tell the Court what happened to your brother (Redacted)?

25 A. (Redacted) approximately 4 a.m. he got up with the intention to go and

1 wake up (Redacted) so that they could escape. While on his way, he stepped on a
2 bottle. The bottle made a loud noise. As soon as he heard the noise he started
3 running. He ran because he knew that that bottle would have woken up everybody.

4 Q. Witness, how did you come to know about this?

5 A. I knew about this when (Redacted) stepped on the bottle and everybody was
6 shouting, "He's run, he's run, (Redacted) has escaped." This is when I came to learn
7 about it.

8 Q. Do you know what then happened -- what then happened to (Redacted)
9 when he ran?

10 A. When he ran, they sent two people after him. When the soldiers went, they
11 came back and they reported to the commander telling him that, "Commander, we
12 did not find (Redacted). He fell into the water."

13 Q. Just so we are clear, when you say "he fell into the water," what exactly do you
14 mean?

15 A. A big river, a big flowing river.

16 Q. Your other brother, (Redacted), what happened to him after this incident?

17 A. (Redacted) did not attempt to escape and so the two of us remained where we
18 were.

19 Q. Madam Witness, does the name (Redacted) mean anything to you?

20 A. Yes, it does.

21 Q. What does it mean?

22 A. (Redacted) is one of the commanders, is another commander who was in the bush.
23 (Redacted) stayed with (Redacted).

24 Q. Whilst you were staying at this settlement where you said Commander Ongwen
25 was, what was the security in this settlement like?

1 A. There was -- it was heavily guarded. When they brought us to Ongwen, the
2 security increased.

3 Q. Could you have escaped if you wanted to?

4 A. Well, I -- personally in my opinion, I do not think I could have escaped because
5 the security was really heavy security.

6 Q. Now, you just told us that there were soldiers and you said that these were
7 rebel soldiers at the settlement. Did any other kind of soldiers at any time come to
8 the settlement?

9 A. At the -- at the homestead, it was only the -- only the older soldiers, the soldiers
10 that had already been there that were previously there were the ones that remained
11 there.

12 Q. The day after (Redacted) escaped, do you recall what happened at this
13 homestead?

14 A. Yes, I do recall.

15 Q. Can you tell the Court what happened?

16 A. On the next -- the next day the soldiers started backtracked. The soldiers
17 actually followed us to where we had been brought and they started bombing the
18 place.

19 Q. When you talk about "the soldiers," which soldiers are you referring to, Madam
20 Witness?

21 A. I'm referring to the UPDF.

22 Q. So when the UPDF started bombing you, what did you do?

23 A. I was -- I picked up whatever I was told to pick up and started running with it.

24 Q. What did the others in this homestead, what did they do?

25 A. We ran -- we all ran together with the other people that were in the homestead.

1 The soldiers that were guarding Dominic Ongwen, some of them stayed behind to
2 continue fighting.

3 Q. Now, Madam Witness, you told us earlier that you were instructed to carry
4 something, you were told to pick up something and you started running with it.
5 Who told you to pick something up?

6 A. It was (Redacted) who instructed me to pick this up.

7 Q. Apart from this instruction from (Redacted), did anyone else give you any
8 other instruction?

9 A. No, not -- not at the particular time.

10 Q. Did you know where you were supposed to run to?

11 A. No, I did not go, but I was told, I was told run this way, go that way. I was
12 told what to do.

13 Q. And who was telling you this?

14 A. When we started running, Ongwen was also with us. The person -- the person
15 who was responsible for me, the person who was guarding me was the one who was
16 running with me.

17 Q. Do you know the name of this person?

18 A. No, I do not recall the name that well.

19 Q. Where did you run to?

20 A. We ran northwards. We crossed the river. We crossed the river Larwodo.

21 Q. When you refer to "we" running and crossing the river, apart from yourself and
22 this guard, this person who was guarding, was there any other person who ran across
23 the river?

24 A. Dominic Ongwen, (Redacted), and some of the other
25 soldiers that were with us at the time when we were attacked.

1 Q. Do you know why this guard was with you?

2 A. In my opinion, I thought that they asked him to protect me or to keep guard
3 over me, to watch over me so that I do not get the opportunity to escape.

4 Q. After the crossing of the Larwodo river, where did you go?

5 A. After crossing Larwodo river, we stayed on the riverbanks, but upwards, but
6 we stayed on the riverbanks of Larwodo river.

7 Q. Did you continue to stay on these riverbanks?

8 A. We spent the night there and we left the next day.

9 Q. Where did you go?

10 A. We walked towards Pader. We headed to Pader.

11 Q. When you arrived at Pader, what did you eat?

12 A. When we arrived at Pader, we were eating sorghum, ground nuts and
13 occasionally we would eat meat and the other small things that -- other small
14 foodstuffs that I do not recall.

15 Q. Did you know where this food came from?

16 A. My understanding sometimes the food would be collected from Pajule, Awere,
17 Lira Palwor, Adilang and there are other places that I do not recall.

18 Q. Madam Witness, you said the food will be collected. Can you tell this
19 Chamber how was this collection done?

20 A. When the food was going to be collected, they would send soldiers and young
21 people to go and collect the food from the garden.

22 Q. Who sent the soldiers?

23 A. My understanding was when the food was finished, when we ran out of food,
24 the soldiers would come to Ongwen and inform him that we've run out of food.

25 Then Ongwen would ask him to organise people so that they could go and bring

1 food.

2 Q. When you talk about "organise people," Madam Witness, what do you mean?

3 A. I mean that they would pick -- they would pick a number of people, they would
4 make a selection and send these people to go and collect the food.

5 Q. These soldiers that you have told the Court that went to get this food, did they
6 have anything on them when they went?

7 A. Yes, they had certain things with them. They would carry guns and also some
8 sacks for carrying the food.

9 Q. Did you hear these soldiers say anything when they came back with the food?

10 A. Yes, I would hear them say certain things.

11 Q. What would they say?

12 A. When they come back from collecting food, they would say, "Commander, we
13 went and did these things. Where we went we found some soldiers, government
14 soldiers," or "Where we went we didn't find any government soldiers."

15 Q. Now, let's focus on Pajule that you have mentioned. Do you know what year
16 they went to Pajule?

17 A. I don't remember the year now.

18 Q. Now, I want you to think about this very carefully, Madam Witness. When
19 they went to Pajule, did they report to the commander that they had met government
20 soldiers?

21 A. When they went to Pajule, yes, they gave a report that they found soldiers.
22 Even if they found traces of soldiers who had passed, they would still say they found
23 soldiers, government soldiers.

24 Q. Madam Witness, still focusing on Pajule, do you know if they engaged these
25 government soldiers?

1 A. That one I do not know because when they come from Pajule, they say "we got
2 food," but I didn't hear them talking about engaging government soldiers in Pajule.

3 Q. Thank you, Madam Witness. How did they bring the food?

4 A. They would bring -- sometimes they loot the food from the camp, sometimes
5 they remove the food from the fields, from the gardens, and then they bring them.

6 Q. Did the soldiers bring the food themselves?

7 A. Yes, they themselves would bring the food. And also the child soldiers also
8 would carry some food.

9 Q. Apart from the soldiers and the child soldiers, did anyone else carry these
10 foodstuffs that were looted?

11 A. In case they find civilians around, then they abduct these civilians who then
12 carry the loot.

13 Q. Thank you, Madam Witness. Now, still focusing on Pajule, did you see these
14 civilians coming carrying these looted goods?

15 A. Yes, I saw them, the civilians.

16 Q. Madam Witness, how many of them did you see carrying these looted goods
17 from Pajule?

18 A. I saw two of them, two civilians.

19 Q. One last question on Pajule: These civilians, were they male, were they female
20 and how old were they?

21 A. They -- one of the civilians I saw was a woman and the other one was a man.
22 The woman, according to my estimation, was about between 20 and 30 years. And
23 for the man, according to my estimation, is about 35 years or slightly above that.

24 Q. Thank you, Madam Witness. Now, you also mentioned a place called Awere
25 and I would ask you again when foodstuff was obtained from Awere, did you see the

1 soldiers carry these food items, or civilians?

2 A. I saw soldiers carrying the items.

3 Q. Do you recall, Madam Witness, who had given the order for the food items that
4 were obtained from Awere?

5 A. I recall that this order was given by Commander Ongwen.

6 Q. What were the food items that came from Awere?

7 A. The food items from Awere was composed of sorghum and ground nuts and
8 also some vegetables of different types.

9 Q. Madam Witness, you told us earlier that in the case of Pajule there was a report
10 from the soldiers that they had seen UPDF soldiers. Was this the case in Awere?

11 A. Yes, the same thing also happens in Awere because in Awere there were also
12 UPDF soldiers so they also made a report that they saw soldiers, UPDF soldiers.

13 Q. Madam Witness, just to be clear, was it that they just saw the UPDF soldiers or
14 they actually engaged? When I use the word "engaged," I mean did they fire at them
15 and they were fired back at? Was there a confrontation?

16 A. Sometimes when they see each other, so if rebels, for example, see UPDF and
17 when the UPDF soldiers have not seen the rebels, then they just pass by, but if UPDF
18 soldiers notices them, and then they have a confrontation, they have an engagement.

19 Q. Did this kind of engagement happen in Awere?

20 A. No, this type of engagement didn't take place in Awere.

21 Q. Did this kind of engagement happen in Pajule?

22 A. In Pajule there were no such engagements.

23 Q. You mentioned two other places, Lira Palwor and Adilang. Did any
24 engagement occur in any of those places with the UPDF soldiers?

25 A. I remember such an engagement took place.

1 Q. Where did it -- where did it take place?

2 A. It took place in Lira Palwor. The UPDF soldiers had -- were protecting some
3 gardens and that's where the engagement took place.

4 Q. Now, Madam Witness, you said that they were protecting some gardens.
5 Were there civilians in this place that you have described as Lira Palwor?

6 A. Yes, there were civilians, but they were restricted in the camps.

7 Q. Madam Witness, how long did you live in Pader?

8 A. I lived in Pader I think perhaps one year or two years, but I didn't stay long in
9 Pader because we would move between Pader and Gulu.

10 Q. And where were you moving between Pader and Gulu?

11 A. We were moving in between because sometimes UPDF soldiers are looking for
12 Ongwen Dominic, so these soldiers keep on putting a lot of pressure on us so we are
13 obliged to move up and down.

14 Q. Madam Witness, let's talk about when you started living in this household with
15 Dominic Ongwen. What were your daily activities or tasks?

16 A. When I started staying at Dominic Ongwen's household, my duties were to
17 fetch water and to cut grass and also collect firewood.

18 Q. Did you report to anybody when you collected -- when you collected firewood,
19 for example, or you went to fetch water?

20 A. No, I didn't report to anyone. I will just do my work and that will be all.

21 Q. Who gave you these tasks to perform?

22 A. Sometimes it is Ongwen Dominic himself who would give me the tasks.
23 Sometimes it is the first wife who is called (Redacted) who would assign to me the
24 tasks.

25 Q. Now, you said this (Redacted) was the first wife. How many wives were

1 there?

2 A. By the time I arrived I found she was the one who was there, but I was told that
3 other women had already gone back home.

4 Q. Were there any children?

5 A. When I arrived, she didn't have a child, but she already -- she was already
6 pregnant.

7 Q. Did the number of wives change at any time?

8 THE ACHOLI INTERPRETER: The witness would like you to repeat the question.

9 MS ADEBOYEJO:

10 Q. Yes, Madam Witness. Did the number of wives change at any time?

11 A. Yes, the number changed. The number changed in Pader and also when we
12 reached in Congo, that's when also the number changed.

13 Q. Now, in Pader could you tell the Court how many wives there were?

14 A. In Pader another new wife came and a young girl came and was added to us as
15 a wife. Then after that another elderly girl also came and joined us as a wife.

16 Q. Do you know -- do you know the names of these wives that joined you in
17 Pader?

18 A. The young girl the name was called -- was (Redacted). Then the other one was
19 called (Redacted).

20 Q. Now, Madam Witness, earlier you had mentioned a person called (Redacted).
21 Was this person with you in Pader?

22 A. Yes, she was with us.

23 Q. And just to be clear for the purpose of the Chamber, was this (Redacted) a wife to
24 Dominic Ongwen?

25 A. (Redacted) was -- was a wife to Dominic Ongwen.

1 Q. Now, you told the Court earlier what your duties were and the fact that (Redacted)
2 (Redacted) could ask you to perform some tasks. Could you tell the Court why she
3 could ask you to perform tasks?

4 A. Can you please repeat your question? I didn't quite well understand.

5 Q. Very well, Madam Witness. I would try and slow down. I said you told the
6 Court earlier that (Redacted) could ask you to perform some household tasks and I
7 want you to tell us why she could ask you to perform these tasks.

8 A. She was assigning me -- assigning me tasks, because according to her I was still
9 young and I'm also a civilian.

10 Q. What did she mean by "civilian"?

11 A. By that she understands that I have just come from home. I haven't had the
12 training like them who have already been in the bush for a long time. I'm just -- I've
13 just come from home and joined them.

14 Q. Now, I want to focus your mind to the household, Madam Witness. Was there
15 a structure in the household and what were the names of the different components?

16 THE ACHOLI INTERPRETER: It seems -- the witness says that the signal seems not
17 to be very clear. If you can repeat.

18 MS ADEBOYEJO:

19 Q. Apart from the wives that you have talked about, was there any other name that
20 women were referred to in the household?

21 A. There are some tasks which are given to some women and their duty is to cook.

22 Q. Now, let me ask you specifically about women or young ladies who were to
23 assist. What were these ladies called?

24 A. These young ladies are called ting ting.

25 Q. When you arrived at the Ongwen household, how many of these women were

1 ting tings?

2 A. When we were in Pader, there were two ting tings.

3 Q. Can you give the Court the name of these ting tings?

4 A. One was called (Redacted) and the other one was called (Redacted).

5 Q. Did you know how (Redacted) came to be a ting ting?

6 A. I don't know because when I had been abducted I found that they had sent her
7 elsewhere. So I don't know.

8 Q. You mentioned (Redacted). Did she have a ting ting?

9 A. Yes, (Redacted) had -- had ting tings and the ting tings for (Redacted) were
10 (Redacted) and (Redacted).

11 Q. Madam Witness, were you yourself ever a ting ting?

12 A. No, I was never a ting ting.

13 Q. Madam Witness, can you tell this Court, help this Court to understand, what
14 was the difference between a ting ting and a wife?

15 A. Ting ting is a young girl who has even not yet developed breasts. A woman is
16 a woman like me, for example, because I'm already an older person, an older girl.

17 Q. Now, can you help us, Madam Witness. Where a ting ting is assigned -- where
18 a ting ting is assigned to a wife, what would happen if the ting ting escaped?

19 A. If a ting ting is given to a wife and if she escapes, then you -- the wife is accused
20 for having released her and she's accused of not having well protected her.

21 Q. What would then happen to such a wife?

22 A. In that case the wife is badly beaten.

23 Q. And who would order the wife to be badly beaten?

24 A. It is Commander Ongwen who would give the order for beating the wife who
25 was made a ting ting escape.

1 Q. Did a wife have the power to release a ting ting?

2 A. No, they didn't have the power to do so.

3 Q. Did a ting ting always remain a ting ting?

4 A. Not forever. When they grow older, then they become wives.

5 Q. Who determined when they could become wives?

6 A. Sometimes it was the commander who was in charge of the ting tings that
7 would make the decision that this ting ting is old enough to be a wife.

8 Q. And, Madam Witness, you yourself, did you ever become a wife?

9 A. Yes, I became a wife.

10 Q. Madam Witness, I know that this is going to be difficult, but I would want you
11 to tell the Court in as much detail as you can how you became a wife.

12 A. After one month of abduction when I was going to be -- to become one of the
13 wives, the tent that I used to sleep in wasn't far from the tent that Dominic Ongwen
14 used to sleep in. So on one occasion they sent (Redacted) to call me. (Redacted) came
15 and told me that "Ongwen is calling you." She did not actually say Ongwen, but she
16 said Lapwony, she said "Lapwony is calling you."

17 When I went I was shaken. I was scared and I was having palpitations and I was
18 wondering, I was -- why he was calling me this late in the night.

19 When I got there, he was standing on the doorway. There was a small jerrycan next
20 to him which contained some water. He told me to take off my -- my blouse. I took
21 off my blouse. He smeared something on my forehead. He put something on the
22 dorsal surface of my hand and then he also put something on my chest. It was
23 something white. All the while he was speaking in Acholi and he was mentioning
24 God.

25 Once he finished this ritual, he told me to come into the house, so I went in. When I

1 went in, he followed me, he came in after me. He shut the door. He lay down and
2 he asked me to lie down as well. When I lay down, I lay down with all my clothes
3 on. He asked me to undress. Once I completely undressed, he undressed as well.
4 He asked me to spread open my legs. He got -- took his -- took hold of his penis
5 with his right hand and he put it in my vagina and he started forcefully sleeping with
6 me, having sex with me.

7 I started crying. I was screaming and my voice was really loud. He asked me why
8 I was crying. He asked me, "Why are you screaming like this?" Do I want -- do I
9 want everybody to hear my voice? I should stop crying. He told me that if I
10 continued crying, he showed me his gun. The gun had something sharp on top of it
11 like a bayonet. When he showed me the gun, I started crying more slowly, but I felt
12 like my whole body was being torn apart.

13 When he was having sex with me and it was very quick and very forceful, he was
14 actually having sex with me in the anus as well. He had sex with me for a very long
15 time. At around 4 a.m., 4 in the morning, he asked me to get up and go back to
16 where (Redacted) was. I came -- I went back and slept with those of (Redacted).

17 Q. Now, Madam Witness --

18 MR OBHOF: Excuse me, your Honour, we'd like a clarification from the Acholi
19 interpretation. Both of our native Acholi speakers said that she clearly stated the
20 word "testicles" and not "penis."

21 MS ADEBOYEJO: There's no way for us to -- we are going by the interpretation that
22 has been given.

23 MR OBHOF: Both counsel and our case manager are native Acholi speakers and
24 they're listening to the floor and not to the interpretations.

25 MS ADEBOYEJO: Your Honour --

1 SINGLE JUDGE TARFUSSER: I would invite the Prosecutor to put the question in
2 order to clarify this because I think also the interpreters are native speakers, so I don't
3 know. I'm not, so I just don't know.

4 MR OBHOF: It's just for record, your Honour.

5 SINGLE JUDGE TARFUSSER: I think we can clarify it easily.

6 MS ADEBOYEJO:

7 Q. Madam Witness, thank you for your account. Just to clarify, what did Ongwen
8 put in your vagina?

9 A. He put his penis.

10 SINGLE JUDGE TARFUSSER: May I say by the way I don't see this very big
11 difference. It's not very nice in any case.

12 So go ahead, Prosecutor, please.

13 MS ADEBOYEJO: Thank you, your Honour.

14 Q. Madam Witness, what was the effect on your body after he put his penis in your
15 vagina and in your anus?

16 A. I felt a lot of pain, excruciating pain, and every time I went to the bathroom I felt
17 pain.

18 Q. Madam Witness, what happened to your clothes after he had had sex with you?

19 A. In the morning I was told to go and collect the beddings. I went to collect the
20 beddings from where Ongwen and I had spent the night. When I got there I found
21 that the beddings were all soiled with blood. I folded everything and put the bed
22 sheets as well in the bag. One of the soldiers came and folded the mattress. When at
23 dawn (Redacted) was asked to go and spread the bed sheets, (Redacted) came back to
24 (Redacted) -- (Redacted) was referred to as (Redacted) (phon). (Redacted) told
25 (Redacted) that, (Redacted), I found these bed sheets, but they're all soiled in blood."

1 (Redacted) instructed (Redacted) to come and tell me to go and wash the bed sheets
2 and she asked -- she said, "Who does she want to wash her blood?"
3 I went and took the bed sheets and I washed them. After I washed the bed sheets, I
4 put them out to dry, I aired them and then I folded them and put them back, put them
5 back in the bag.

6 Q. Thank you, Madam Witness. I just want to take your mind back. Did you
7 feel you had a choice when Ongwen slept with you this first night?

8 A. What -- can you please explain.

9 THE ACHOLI INTERPRETER: Sorry, can the Acholi booth please clarify
10 something?

11 SINGLE JUDGE TARFUSSER: Are you asking me?

12 THE ACHOLI INTERPRETER: Yes.

13 SINGLE JUDGE TARFUSSER: Of course you can clarify.

14 THE ACHOLI INTERPRETER: Because she's asking about her right. The only
15 problem is sometimes it's very difficult to differentiate between "choice" and "right" in
16 Acholi, but she's asking about right, what kind of right are you talking about?

17 SINGLE JUDGE TARFUSSER: She asked the Prosecutor, "What kind of right you're
18 talking about?"

19 THE ACHOLI INTERPRETER: Yes, yes. So I'm just clarifying, I'm just putting the
20 question.

21 SINGLE JUDGE TARFUSSER: Prosecutor, may I suggest that the question as such, I
22 mean, has an obvious answer I would say.

23 MS ADEBOYEJO: I would move on then, your Honour.

24 SINGLE JUDGE TARFUSSER: I would just go ahead. Thank you.

25 MS ADEBOYEJO: Much obliged, your Honour.

1 Q. Madam Witness, when Dominic Ongwen slept with you, could you have
2 refused him?

3 A. No, I could not refuse to sleep with him because I felt that my whole life was in
4 his hand.

5 Q. After this first night that he slept with you, did he continue to sleep with you?

6 A. No, not immediately.

7 Q. How long before he then slept with you?

8 A. It was probably after about a month.

9 Q. Did your duties change after he slept with you?

10 A. No, the duties did not change. The only thing that he did give me -- the only
11 difference was that he gave me a bed sheet and he gave me a gomasi.

12 Q. For the purpose of the Chamber, could you explain what a gomasi is?

13 A. A gomasi is an outfit that is given to -- that in the Acholi culture is worn by
14 women as a sign of respect, but I used to use the gomasi as a bed sheet.

15 Q. Apart from the gomasi that you covered your person, did you have anything
16 else to cover your person or to protect you?

17 A. No, nothing else.

18 Q. Did you have any cooking chores?

19 A. No, I did not have cooking chores.

20 Q. Why not?

21 A. I was told at the time, Ongwen and (Redacted) used to say that I was a civilian so
22 they could not assign me cooking duties.

23 Q. Now, Witness, I started to ask you a serious of questions with regards to the
24 wives and you had told this Court that (Redacted) was pregnant when you arrived at
25 the homestead. Do you recall that?

1 A. Yes, I recall that.

2 Q. Did she receive any medical assistance when she was pregnant?

3 A. I -- I saw her drinking some medication that was being administered by
4 (Redacted).

5 Q. What kind of medication was this?

6 A. Well, it was herbal. Some of them were collected from the -- from the roots or
7 the branches of trees.

8 Q. Now, can you tell the Court, these new wives that you described, what was the
9 difference between the new wives and old wives?

10 A. The difference between the older ladies and the newer wives, the older ones
11 were (Redacted). The new wives, there was (Redacted)
12 (Redacted).

13 Q. How were these new wives treated?

14 A. The new wives, with respect to the new wives, whenever they were going to
15 fetch some water, they used to send a soldier to take them. If they were going to cut
16 the grass, if there was the need for grass for making beds, they are the ones who used
17 to cut the grass. And they were also the ones responsible for collecting the firewood.
18 And all the while during all these tasks they were accompanied by a soldier.

19 Q. Madam Witness, you said earlier that Ongwen did not sleep with you for about
20 a month. Can you tell us, did he start to sleep with you again after a month?

21 A. Yes. I recall that it was after a month that he started having sexual intercourse
22 with me again.

23 Q. How long did this continue for?

24 A. Well, it went on for a long time 'til I had -- I gave birth.

25 Q. Did you feel you had a choice with regards to the child?

1 A. No. If it's up to me, no, I wasn't yet ready to have a child.

2 Q. Apart from Ongwen, did you sleep with anyone else whilst you were in the
3 bush?

4 A. No, I did not have any sexual intercourse with anybody else.

5 Q. Can you tell the Court why not?

6 A. I did not have sexual intercourse with anybody because what I -- what I heard
7 and what I observed is that if you had a husband and you slept with another man you
8 would be beaten, you would be -- you would be beaten and sometimes you would be
9 flogged to death.

10 Q. Thank you, Madam Witness. How many times did you get pregnant?

11 A. Once, I became pregnant once.

12 Q. And whilst you were pregnant, Madam Witness, did your tasks and
13 responsibilities change?

14 A. My responsibilities changed during my pregnancy.

15 Q. How did it change?

16 A. My responsibilities changed when I was seven months pregnant. At that time I
17 no longer used to carry bags.

18 Q. Prior to seven months into your pregnancy, what were the tasks then that you
19 did?

20 A. I used to cook and on occasions I would go to the fields and sometimes I would
21 fetch water, I would collect water.

22 Q. Still talking about the first seven months of your pregnancy, were you still
23 sleeping with Dominic Ongwen?

24 A. Yes, occasionally.

25 Q. Madam Witness, did you have any kind of medical assistance whilst you were

1 pregnant?

2 A. Yes. On one occasion when I was ill, but at the time I did not realise that -- I
3 wasn't aware that I was pregnant. It turned out that it was the pregnancy that was
4 making me unwell.

5 Q. Did you feel you had a choice as to whether to have children or not?

6 A. No. I don't believe that I was mature enough to have children at that time. I
7 believe I should have had children much later.

8 Q. Can you tell the Chamber what happened to women who did not have
9 children?

10 A. Well, I cannot recall what used to happen to these women.

11 Q. Thank you, Madam Witness. Now, I just want to take your mind back to what
12 you told us before with regards to the wives and the ting tings. Apart from (Redacted)
13 (Redacted), did any other woman you know have any ting ting?

14 A. Yes, they did.

15 Q. Madam Witness, did you yourself have a ting ting?

16 A. Yes, I did have a ting ting.

17 Q. How did you come to have this ting ting?

18 A. The ting ting was abducted.

19 THE ACHOLI INTERPRETER: The interpreter did not hear where the ting ting was
20 abducted from, but it was in Uganda.

21 MS ADEBOYEJO:

22 Q. Madam Witness, could you repeat where this ting ting was abducted from?

23 A. I know that the ting ting was brought from Sudan, but I do not know the exact
24 name of the place.

25 Q. And how did this ting ting come to be with you?

1 A. When the -- when the ting ting was brought, she was allocated to me and that's
2 how I started staying with her.

3 Q. Can you tell the Court who allocated her to you?

4 A. It was Ongwen Dominic who gave me this ting ting.

5 Q. Apart from this ting ting that was allocated to you, did you see Ongwen allocate
6 any other ting ting to anybody else?

7 A. Yes. Yes. What I did hear that he gave ting tings to other people, but I did
8 not actually see it, but I heard.

9 Q. Can you tell this Chamber what you heard or who you heard that he allocated
10 this ting ting to?

11 A. I cannot -- I cannot recall the names of the people he allocated ting tings to, but
12 I can recall one woman, the name -- one woman.

13 Q. Madam Witness, what was the name of this woman?

14 A. The lady was known as (Redacted).

15 Q. Do you know who (Redacted) was allocated to?

16 A. (Redacted) was allocated to a soldier known as Olak.

17 Q. What was the purpose of (Redacted) being allocated to Olak?

18 A. My understanding was that (Redacted) was allocated to Olak because Olak was the
19 next senior person under Dominic Ongwen and whenever he needed something, it
20 was Olak that went to him.

21 SINGLE JUDGE TARFUSSER: I think we have reached -- well, not I think, we have
22 reached the one hour and a half session, the end of the one hour and a half session.

23 So I would suggest to have the lunch-break. And I think if you agree to resume at
24 2.30 p.m., that's one hour and a half, would that be okay?

25 MS ADEBOYEJO: Yes, your Honour.

1 SINGLE JUDGE TARFUSSER: Mrs Witness, I think you can have a rest, you can eat
2 something and we see each other again in one hour and a half. Is that okay for you
3 as well?

4 THE WITNESS: (Interpretation) Yes, that's fine with me.

5 SINGLE JUDGE TARFUSSER: Okay. So the session will resume at 2.30 p.m.
6 Thank you.

7 THE COURT USHER: All rise.

8 (Recess taken at 1.01 p.m.)

9 *(Upon resuming in closed session at 2.34 p.m.) Reclassified into open session

10 SINGLE JUDGE TARFUSSER: Hello, Madam Witness. Can you hear me?

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

12 SINGLE JUDGE TARFUSSER: Okay. Are you ready to continue the questioning
13 by the Prosecutor?

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

15 SINGLE JUDGE TARFUSSER: Okay. Then the floor is again to the Prosecutor for
16 one hour and a half, if need be. Thank you.

17 MS ADEBOYEJO: Thank you, your Honour. I'll try and be quick.

18 Q. Madam Witness, you recall that you had spoken to us and an issue was pointed
19 out to me, so I'll just take your mind back to what you told us about (Redacted).

20 Do you recall that you told us about (Redacted)?

21 A. Yes, I do recall.

22 Q. At the time he was abducted, what was the age, can you estimate what was the
23 age of (Redacted)?

24 A. Yes, I can estimate his age at the time -- no, I cannot really understand very
25 well -- or estimate very well his age, but he was still a young boy.

1 Q. Just to be clear in terms of the record, Madam Witness, did you say that he was
2 young, but you cannot estimate or you can estimate?

3 A. Yes, I can estimate his age. It was about 10 years.

4 Q. Thank you, Madam Witness. You also said he was with a soldier called (Redacted).
5 How long was he with (Redacted)?

6 A. I cannot estimate because we were separated. I didn't stay any more with him.

7 Q. Did you know to which group this (Redacted) belonged?

8 A. I cannot say because we were separated for a very long time.

9 Q. Madam Witness, just to clarify for you, (Redacted) you said was a commander
10 under Ongwen. Which brigade did he belong to?

11 A. I cannot remember the brigade he belonged to.

12 Q. Very well, Madam Witness. Now, let's turn to what you told us about the ting
13 tings that were allocated. Just before we went on the break you were telling us about
14 a young -- a lady called (Redacted). I want to ask just one more question to clarify that.
15 You said (Redacted) was given to Olak. Do you know why Ongwen gave (Redacted) to Olak?

16 A. The way I understood, (Redacted) was given to Olak as a wife and also Olak was a
17 high-ranking officer for Dominic Ongwen and he didn't have a wife.

18 Q. Madam Witness, does the name (Redacted) mean anything to you?

19 A. Yes, it does, it does ring a bell.

20 Q. Can you tell the Court who was this (Redacted)?

21 A. (Redacted) was a ting ting for (Redacted), but she was staying together with us.

22 Q. Did you know what the duties of (Redacted) were?

23 A. Yes, I knew. (Redacted), her duty was to carry the bag of (Redacted).

24 Q. Apart from carrying the bag of (Redacted), did you see her do anything else?

25 A. Yes, I saw her washing the children's clothes and sometimes she would take the

1 toothbrush to Dominic Ongwen's room.

2 Q. When she took the toothbrush to his room, how long did she stay?

3 A. She -- she could delay there for about four to five hours when she's in Ongwen's
4 room.

5 Q. Did you know why she took so long?

6 A. Yes, I do. Because when he comes back, he -- water is poured for him to go
7 and wash himself, but afterwards when we ask her, she would tell us that she would
8 actually sleep there.

9 Q. How old was (Redacted)?

10 A. According to my estimation, I think she had -- she was 10 years old because she
11 didn't have breasts yet as I saw.

12 Q. Witness, when I asked you earlier who the wives of Dominic Ongwen were, you
13 had not mentioned (Redacted). Was (Redacted) a wife of Ongwen?

14 A. (Redacted) was just as a ting ting, but according to my observation, I think they
15 were actually doing things stealthily and they would be together in the room doing
16 other things I think.

17 Q. Now, you mentioned the fact that whatever they were doing, you said earlier
18 that they were -- she was sleeping -- yes, she was sleeping at Dominic Ongwen's place.
19 Did you know exactly what it was that she was doing?

20 A. I didn't know exactly, but later on she told me herself.

21 Q. What did she tell you, Madam Witness?

22 A. We ask her, we said, "When you take the toothbrush there, you delay a lot.
23 What do you do there?" Then she answered that, "Lapwony says I should sleep with
24 him." That's what she would say. That was her answer always.

25 Q. Madam Witness, was it -- was it usual for the commander to sleep with a ting

1 ting?

2 A. Yes. Yes, it could happen and I think it did happen.

3 Q. Did other people know that the commander was sleeping with (Redacted)?

4 A. The other people with whom we were staying together, some of them knew
5 about this.

6 Q. Madam Witness, did you know what rules governed sexual relations between
7 commanders and the women in the homestead?

8 A. To my knowledge, I don't think there were any rules.

9 Q. When you arrived -- when you first arrived, were you advised as to how to
10 conduct yourself in the homestead?

11 A. Yes, I was given some advice when I arrived.

12 Q. What was the -- what was the advice you were given?

13 A. I was first of all asked if I was a -- if I was a witch and I was also asked if I had
14 slim, which is HIV, and also I was asked if I had some things tied to me maybe -- so
15 after all this I was told that, "We don't want witches, we don't want someone who has
16 come with witchcraft and we don't want someone who is lazy and someone who is
17 dirty. We do not want prostitutes here."

18 So they told me that, "If we find that you have some witchcraft on you or if we find
19 that you are HIV positive or if we discover that you are a prostitute, we shall beat you
20 very badly. We can even kill you."

21 Q. Madam Witness, what did -- let me rephrase that. Who told you these words
22 of advice?

23 A. First of all, Ongwen gave me this advice. Secondly, it's (Redacted) who was
24 giving me this advice too.

25 Q. When they refer to the fact that they did not want prostitutes, what did that

1 mean?

2 A. Can you repeat your question, please?

3 THE ACHOLI INTERPRETER: The witness is asking for you to repeat.

4 MS ADEBOYEJO:

5 Q. Certainly, Madam Witness. I asked when they refer to the fact that they did
6 not want prostitutes, what did that mean?

7 A. That meant that if you went there, you should not be someone who actually
8 sleep with -- here and there with men, but you should just stay calm and not do
9 anything. And also you should not actually love your friend's husband. You
10 should also not be in love with the child soldiers.

11 Q. Madam Witness, did you know anybody who violated these rules or this
12 advice?

13 A. Yes, I knew of two people who had broken these rules.

14 Q. Who were these two people you refer to?

15 A. One of them was (Redacted) and I also saw another girl called Aciro.

16 Q. Okay. Let's start with the girl called Aciro. Who was she?

17 A. She was a wife to Kony.

18 Q. Can you tell the Court what happened to her?

19 A. When there were rumours that Aciro was sleeping with one of Kony's guards, it
20 was said that Kony was actually aware but didn't take any measures. But the last
21 time it was said she had slept with one of the guards of Kony, when Kony was aware
22 of that, Aciro and that boy were arrested and they were brought to Kony and right
23 there on the spot Aciro was shot. Both Aciro and the boy were shot dead. Aciro
24 had a child, one child. The baby was actually a baby girl. She was called (Redacted).
25 That's what I saw of such an incidence.

1 Q. Thank you, Madam Witness. The second name you had given to the Court was a
2 girl or a lady called (Redacted). Can you tell the Court what happened when she also
3 violated this rule against sleeping with people?

4 A. When (Redacted) was still a ting ting, after some time she became a wife and on
5 becoming a wife Commander Ongwen said that (Redacted) was a kind of harlot. It
6 seems as if she was sleeping with someone because he had a dream about that. After
7 saying that he had had such a dream, the following day he called (Redacted) and (Redacted)
8 slept in his house 'til morning. And he said that (Redacted) herself confessed that
9 Nyeko was in love with her and she said that she had sex with Nyeko three times.
10 And in the morning she came in the house where we sleep with (Redacted) and she
11 told (Redacted) that, "(Redacted), I told you that (Redacted) was a prostitute.
12 (Redacted) told me -- (Redacted) told me that she had sexual intercourse with (Redacted)
13 three times and she said that what he dreams is actually what he dreams and is true."
14 There then Nyeko was arrested. After Nyeko being arrested, at that moment (Redacted)
15 had her child on her back. That child on the back was her child and then she was
16 requested to remove the child from her back and she was arrested too. So she was
17 taken towards Kony's house while Nyeko was -- his hands were tied behind his back.
18 When she was taken there, I wasn't there myself, but what we heard were bullets
19 fired and it was said that Nyeko had been shot.

20 MS ADEBOYEJO: I think just for the -- this is for the interpreter. I'm not sure because
21 on page 62, line 7 it says there, "(Redacted) told me that she had sexual intercourse
22 with (Redacted) three times," and we had--we've been--before then we had been
23 talking about Nyeko. I just want to clarify from the interpreter what the correct name is.

24 THE ACHOLI INTERPRETER: Yes, she -- the right name the witness had just said
25 now is Nyeko, but she had mentioned Olak too. She had actually mentioned two

1 names, Olak and Nyeko, but now she has specified that it's Nyeko.

2 SINGLE JUDGE TARFUSSER: I think there is another clarification. When in the
3 record we see the quotation however, "I told you that (Redacted) was a prostitute.
4 (Redacted) told me that she had sexual intercourse" - no, "and in the same morning
5 she came in the house where we slept with (Redacted), and she told (Redacted) that she
6 should be" -- "he" I would say, because otherwise it doesn't make much sense to me at least.
7 I would like to ask you, Witness, who came in the house talking with (Redacted)
8 about (Redacted)? Who came in the house where you slept?

9 THE ACHOLI INTERPRETER: The witness says it was Ongwen Dominic.

10 SINGLE JUDGE TARFUSSER: Yes. And then I'm sorry but I'm right, sorry to be
11 right, but then it should be at line 4 --

12 MS ADEBOYEJO: Yes.

13 SINGLE JUDGE TARFUSSER: -- "he came in the house where we slept and he told
14 (Redacted)." Okay?

15 MS ADEBOYEJO: Much obliged, your Honour.

16 SINGLE JUDGE TARFUSSER: Thank you.

17 MS ADEBOYEJO:

18 Q. Now, Madam Witness, Madam Witness, I wanted to clarify one point you made
19 concerning this account. You said at the time that (Redacted) Nyeko was arrested,
20 (Redacted) was carrying a baby. Just to clarify, whose baby did (Redacted) have?

21 A. That -- that was my child, my child. Her -- his name was (Redacted).

22 Q. Thank you, Madam Witness. Madam Witness, can you tell the Court what
23 then happened to (Redacted)?

24 A. (Redacted) was beaten. (Redacted) was beaten at the same place where Nyeko was
25 taken. (Redacted) was flogged so badly she was unable to eat, but they didn't kill her.

1 They did not kill her.

2 Q. Now, Madam Witness, I want to focus on this issue of the beating. Did you
3 yourself ever experience being beaten?

4 A. Yes, I was beaten.

5 Q. What was the circumstance that caused you to be beaten?

6 A. I was beaten at the time when I was with Commander Ongwen, (Redacted)

7 and (Redacted). At the time (Redacted) were asleep and I was just seated.

8 Commander Ongwen was asleep, but he was sleeping a little distance from where we
9 were. It was difficult for me to sleep. I got up and went to --

10 THE ACHOLI INTERPRETER: The interpreter did not get the name of the person.

11 MS ADEBOYEJO:

12 Q. Madam Witness, you said you got up and you went where? Could you tell the
13 Court where you went to?

14 A. I went to (Redacted) (phon) house. I now recall it was (Redacted).

15 Q. What happened after you went to this person's house?

16 A. When I went to (Redacted) house I sat with -- I stayed with (Redacted) was

17 (Redacted) wife. I stayed there for quite a while and I heard Commander Ongwen

18 talking to (Redacted). He was asking, "Where is (Redacted)? Where is (Redacted)?"

19 (Redacted) woke up from her sleep and started looking for me. And he told them, "Come

20 back. If someone is escaping from next to where you were, you won't even realise that."

21 I heard all the commotion while I was at (Redacted) house. I hurried back, I hurried

22 back home. I hurried back to where (Redacted) was. They asked me where -- where

23 I had been and I told them that I had been to (Redacted) place. They told me that

24 I was trying to be cunning and it was my intention to escape. He ordered or he

25 instructed his soldiers to get sticks. They broke some sticks, then two of his soldiers

1 came and started beating me. I was beaten so badly. The soldiers were instructed
2 that if one of them got tired, then the other one should take over.

3 While I was being beaten but not very hard, Commander Ongwen told them that,
4 "Why are you beating (Redacted)-- why aren't you using more force while hitting
5 (Redacted)? Are you interested in her?" And at that time they started beating me
6 so hard until he went to have his bath.

7 When he was about to finish with his bath and he was on his way back, one of the
8 soldiers came from -- from close by and inquired, he said while the beatings are going
9 on, "How come they are not stopping?"

10 When one of those soldiers came, then that soldier stopped the beating. He was very
11 angry and he stopped the beatings and it was at that moment that they stopped
12 beating me.

13 Q. Madam Witness, what was the effect of all this beating on your body?

14 A. My body was swollen, my buttocks was swollen, my arms were swollen and it
15 was difficult for me to move, to walk.

16 Q. Madam Witness, you told us earlier that you were pregnant and you had a child
17 and you've told us that the name of the child was (Redacted). Did Ongwen
18 know when you got pregnant?

19 A. Yes, he was aware of my pregnancy.

20 Q. Did he say anything to you about it?

21 A. Whenever -- whenever he called me to sleep next to him, he would always tell
22 me that I seem to have put on some weight, which was an indication of pregnancy.

23 Q. Apart from Ongwen -- apart from Ongwen, did you know of any other
24 commander who had children?

25 A. May I please ask a question? Which -- which type of commander -- which

1 commander are you talking about?

2 Q. I apologise, Madam Witness, for my lack of clarity. Within the homestead that
3 you described and outside of the homestead of Ongwen did you know any
4 commanders that had children?

5 A. The commanders I knew with children, well, it was only Joseph Kony, only
6 Kony.

7 Q. Did you know how many children Kony had?

8 A. No, I cannot estimate the number of children he had because he had quite a
9 number of children.

10 Q. Did you hear anything about these children, Kony's children, from the wives?

11 A. No, I did not hear anything.

12 Q. Madam Witness, whilst you were in the bush, did you at any time carry a gun?

13 A. No, I did not. I wasn't given a gun.

14 Q. Did you receive any kind of training?

15 A. Yes, we were -- I did receive some sort of training on one occasion.

16 Q. Who provided this training?

17 A. It was a soldier who was with Ongwen. He was under Ongwen's command.

18 Q. Did you know why you received this training?

19 A. My understanding was that the soldier that was under Ongwen's command, he
20 informed us that the reason why we are receiving this training was that if anybody
21 was shot next to us, we can pick up the gun and we could use the gun to shoot or fire
22 at the people that were -- that we were in combat with.

23 Q. Did you ever have to use a gun in combat?

24 A. No, I did not have -- I did not use the gun in combat.

25 Q. Apart from yourself, did any other person receive any kind of military training?

1 A. Well, I'm not sure about other people.

2 Q. You told us earlier about some young soldiers. Did they receive any kind of
3 training?

4 A. I'm not sure where the child soldiers were getting their training from, but
5 whenever I saw them it looked like they had been getting some training from
6 somewhere.

7 Q. Now, Madam Witness, you referred earlier to (Redacted) as other
8 wives. Did they receive any training?

9 A. When I -- when I got to the bush (Redacted) had already been in the
10 bush for a long time, so I cannot tell whether or not they received any training.

11 Q. Madam Witness, can you tell us how many (Redacted) were there in the
12 homestead of Ongwen who were his wives?

13 A. There was one (Redacted).

14 Q. Just for purpose of clarity, was this (Redacted) a wife or a ting ting?

15 A. She was already a wife.

16 Q. Madam Witness, let's now talk about how you were able to escape. Can you
17 tell us how you escaped?

18 A. There was one day when UPDF attacked us. The -- they shot at us heavily.
19 We ran, the whole group ran, and we went through the river. The river was very
20 deep and it was extremely difficult to cross because it was in the Congo and it was in
21 the forest. There were a number of people and there were other soldiers and other
22 women. When we ran and crossed the river, (Redacted) was left behind shooting at
23 UPDF soldiers. (Redacted) kept on firing until he ran out of bullets.
24 He ran back to Commander Ongwen and informed him that he had ran out of bullets.
25 He took one magazine and handed it over to (Redacted) went back and continued

1 firing at the soldiers. The UPDF shot (Redacted) and shot him in both legs and he was
2 apprehended and it was at that time that the UPDF soldiers stopped following us.
3 When the soldiers stopped pursuing us, we continued moving and we got to a place
4 where there was no water. Commander Ongwen was also there, but everybody was
5 scattered around. When we woke up in the morning, we went to look for some food
6 and this was on the Sudanese side, towards -- between Sudan and Congo but on the
7 Sudanese side. We walked until about 2 p.m. and we were all tired, we were
8 exhausted, we were hungry and thirsty.

9 As we were crossing a small road with a little bridge we came across a small well and
10 people were drinking from that well while taking a rest as well. People were
11 drinking water, children were crying, and I had a child, (Redacted) had a child,
12 (Redacted) also had a child. The children were crying.

13 And on the other side of the road there were UPDF soldiers who were lying in wait.
14 As soon as we crossed the road we started heading towards home -- going towards
15 Sudan, the soldiers started firing at us. And we started running, heading back
16 towards where we just stopped for a drink of water.

17 Ongwen -- some of Ongwen's askaris jumped into the bush and ran away and the rest
18 of us continued running with Commander Ongwen and Commander Ongwen also
19 jumped into the bushes. He told (Redacted) that they should branch at the side of
20 the road because (Redacted) had two children. (Redacted) branched and I also
21 branched. Other people continued running forwards.

22 The soldiers were also coming. The soldiers were pursuing us. They were the
23 Dinkas, the UPDF and the Congolese soldiers. They continued firing at us, but they
24 did not follow us. They continued following the people who had gone ahead of us.
25 When the soldiers had walked ahead, we actually continued going -- we backtracked

1 to the place where they had started shooting us. When we got to that place, we
2 heard bomb explosions while they kept on -- the soldiers kept on going ahead and we
3 continued with (Redacted), the
4 four of us continued. As we kept on walking we got to a number of homesteads and
5 we stopped there.

6 Q. Madam Witness, can I just stop you there. Can I ask you, Witness, did you
7 eventually get at any time to Uganda?

8 A. Yes, I went to Uganda after I managed to escape and that was when they took
9 me to Uganda.

10 Q. When you got to Uganda, where did you go?

11 A. When we were taken to Uganda, we were taken to Kampala. We were taken
12 there by -- we flew in by air to Entebbe and then we were taken to Kampala.

13 Q. Did you remain in Kampala?

14 A. No, I did -- I did not stay in Kampala. We were taken to Gulu.

15 Q. Where were you staying in Gulu?

16 A. We were taken to somewhere where they keep children.

17 THE ACHOLI INTERPRETER: The Acholi booth would like to point out that there
18 is an interruption coming through the microphone.

19 MS ADEBOYEJO: Your Honour, I could hear the interruption, interference also. I
20 don't know where it's coming from.

21 SINGLE JUDGE TARFUSSER: I'm looking desperately to the court officer.

22 THE COURT OFFICER: Yes, your Honour, I will enquire what the problem is and
23 we'll have to --

24 THE ACHOLI INTERPRETER: No, there's -- we could hear somebody talking.

25 MS ADEBOYEJO: In Kampala?

1 THE ACHOLI INTERPRETER: Yes, there's a conversation going on in the
2 background.

3 SINGLE JUDGE TARFUSSER: But is it still ongoing or was it just --

4 MS (Redacted): (Via video link) Your Honour, sir, it's me. It's Kampala.

5 SINGLE JUDGE TARFUSSER: Yes.

6 MS (Redacted): (Via video link) It's just that I'm not receiving any more of the
7 translation on the English channel, so I was communicating with the court officer.
8 That was me. Sorry for the interruption.

9 SINGLE JUDGE TARFUSSER: No problem. We try to fix everything and then
10 continue. I'm looking at Filipe desperately.

11 THE COURT OFFICER: Yes, your Honour. Actually, the person in the location
12 was not receiving the English interpretation correctly and she must be talking with
13 the technician over there to be able to resolve the issue, and that is most probably the
14 conversation that is being heard in the background. They can try to restore the
15 English channel without them having to talk in any case. The questioning could go
16 ahead without any trouble so far if that is okay with the Chamber.

17 SINGLE JUDGE TARFUSSER: That is okay with the Chamber and it's good news.
18 So I invite -- I hope everything is okay for the Acholi booth and I invite the Office of
19 the Prosecutor to continue.

20 Please, you have the floor.

21 MS ADEBOYEJO: Thank you, your Honour.

22 Q. Madam Witness, before we stopped, you were telling us about how you moved
23 from Kampala to Gulu. Can you tell us where were you in Gulu?

24 A. I was in GUSCO.

25 Q. Do you remember how long you were at GUSCO?

1 A. Three months. I recall three months. That's -- I recall three months.

2 Q. And this place you have referred to as GUSCO, what is -- what is it?

3 A. GUSCO is a place where they keep the returnees. They keep them there for a
4 while before -- that's where they're held.

5 Q. Madam Witness, whilst you were at GUSCO did you speak to anyone?

6 A. We arrived at GUSCO in the evening. In the morning we were invited to
7 GUSCO's office by some lady.

8 Q. And did you speak to this lady about what happened between you and
9 Ongwen?

10 A. They were asking me, they asked me how I was abducted up to the time that I
11 managed to escape. They asked me how old I was at the time of my abduction.

12 Q. Did they also ask you about your relationship with Ongwen?

13 A. Yes, they did.

14 Q. Did you tell them?

15 A. Yes, I did. I told them about it.

16 Q. Did you tell them truthfully?

17 A. I told them, but I was -- I was also exhausted and we were asked on that same
18 day, but I was exhausted at the time and there are certain things that I forgot. I did
19 not tell them properly and I believe one of them was the year.

20 Q. Can you tell the Court how you felt about what Ongwen did to you?

21 A. What do you mean? Like feel, like feel on my person? I did not understand
22 the question properly.

23 Q. Can you describe your feelings about what Ongwen did to you?

24 A. When I think about it, it pains me because at the time I was a student, my
25 education was interrupted. Right now I have sinus problems. At that time I did

1 not have any problems. I got all of these problems from the bush. I did not have
2 those problems at the time. And it really pains me. I feel -- I feel bad for my life.

3 Q. You will be glad to know, Madam Witness, that I'm about to ask you my last
4 question. Did you suffer -- apart from now this medical, this physical description
5 you've told us, did you suffer any psychological consequence as a result of being in
6 the bush with Ongwen, being Ongwen's wife?

7 A. Yes. I think a lot, I think a lot about what happened and it pains me.

8 Q. I know I said that was the last question. I apologise. One more thing: How
9 have you been able to reintegrate into the society since you came back?

10 A. When I -- when I went to -- once I arrived at GUSCO and they were due to take
11 me home, I was extremely happy to go back home to my mother and my father. It
12 was the GUSCO people who took us back home. They took (Redacted) and myself.

13 Q. And your son? What has happened to your son?

14 A. My son, at the moment he's okay. He's -- he's in school. Unfortunately he has
15 health problems. He's got some health problems that are causing him trouble.

16 MS ADEBOYEJO: Your Honour, you'll be pleased to know that that's my last
17 question for the witness.

18 SINGLE JUDGE TARFUSSER: We have half an hour. Do we want to start
19 questioning by the Defence?

20 MR OBHOF: I can ask a few questions today just about some of the stuff that the
21 witness has talked about in the last few minutes. I'm sure that will fill up quite some
22 time and then we can start the crux of it in the morning, if that's okay.

23 SINGLE JUDGE TARFUSSER: That's okay. Also if you don't spend the whole half
24 an hour, we are quite happy I would say, but I think it's half an hour so we should
25 just fill it in with some questions. Okay.

1 Now, Madam Witness, the Prosecution has finished for the time being the
2 questioning and now I have to give over to the Defence because also Defence has to
3 question you. We have now for today half an hour or a little bit less than a half an
4 hour, and then we continue tomorrow morning. Okay?

5 THE WITNESS: (Interpretation) It's okay.

6 SINGLE JUDGE TARFUSSER: Okay. The floor is yours for the Defence.

7 MR OBHOF: Thank you, your Honour.

8 QUESTIONED BY MR OBHOF:

9 Q. Hello, Madam Witness. Madam Witness, I am going to ask you a few --

10 A. (No interpretation)

11 Q. Just a few minutes ago you were discussing about when you left GUSCO. On
12 page 74 of today's transcripts, starting at line 1 it asked: "It was the GUSCO people
13 who took us back home. They took (Redacted) and myself." Do you know where
14 they took (Redacted) to or if it was (Redacted) at all?

15 A. No, (Redacted) was not taken. It is me who was taken home.

16 Q. Thank you. Now, about 20 or so minutes ago you were telling us a story about
17 when you escaped.

18 Starting on page 69, line 23 you stated, "When the soldiers had walked ahead, we
19 actually continued going. We backtracked to place where they had started shooting
20 us. When we got to that place we heard bombs," and I don't know the next word,
21 "and we continued. (Redacted), the four of us continued. As we
22 kept walking we got to a number of homesteads and we stopped there."

23 Can you please continue from there of when you escaped when the Prosecution
24 interrupted you and asked you when you went to Uganda. Could you continue
25 your escape story from there, please.

1 SINGLE JUDGE TARFUSSER: Yes?

2 THE WITNESS: (Interpretation) I feel I am tired. I would like to rest a little bit.

3 SINGLE JUDGE TARFUSSER: Okay. I would say we stop it here, we stop here the
4 questioning and we continue tomorrow morning, 9 o'clock, so you can rest.

5 THE WITNESS: (Interpretation) Thank you so much.

6 SINGLE JUDGE TARFUSSER: So see you tomorrow morning.

7 And we will disconnect with Kampala.

8 Okay. Disconnected.

9 I can understand the witness, Mr Obhof, because I didn't understand you.

10 MR OBHOF: Well, I was reading --

11 SINGLE JUDGE TARFUSSER: No, because you were -- the question was posed
12 quite quickly, very American, okay? So it was a little bit hard to follow. If you
13 speak slowly, I think it would be appreciated also by me.

14 So now we will close the session here for today and resume tomorrow at 9 o'clock.

15 Okay? Thank you very much.

16 THE COURT USHER: All rise.

17 *(The hearing ends in closed session at 3.36 p.m.) Reclassified into open session

18 RECLASSIFICATION REPORT

19 Pursuant to Trial Chamber IX's Order, ICC-02/04-01/15-584-Conf, dated 4 November
20 2016, the version of the transcript with its redactions becomes Public.