

Article 56 Proceedings  
WITNESS: UGA-OTP-P-0214

(Closed Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Pre-Trial Chamber II - Courtroom 1  
3 Situation: Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Single Judge Cuno Tarfusser  
6 Article 56 Proceedings  
7 Wednesday, 11 November 2015  
8 \*(The proceedings start in closed session at 9.02 a.m.) Reclassified as open session  
9 THE COURT USHER: All rise.  
10 SINGLE JUDGE TARFUSSER: Good morning.  
11 THE COURT OFFICER (via video link): Good morning, Mr President.  
12 SINGLE JUDGE TARFUSSER: I see new faces in the Prosecution. Not new, not  
13 new, but new for this of course.  
14 MS ADEBOYEJO: Yes. Absolutely, your Honour. May I introduce them, please?  
15 SINGLE JUDGE TARFUSSER: Yes, please.  
16 MS ADEBOYEJO: Your Honour, for the Office of the Prosecutor is --  
17 SINGLE JUDGE TARFUSSER: (Microphone not activated)  
18 MS ADEBOYEJO: Your Honour, for the Office of the Prosecutor is Mr Benjamin  
19 Gumpert, Mr Pubudu Sachithanandan, Ms Ramu Bittaye and I'm Adesola Adeboyejo.  
20 Oh, I didn't know he had joined us. And Harry Cheng as well.  
21 SINGLE JUDGE TARFUSSER: Thank you very much.  
22 The Defence is in the same composition but in a different order I would say, so I don't  
23 know if we need -- if there is something different? No.  
24 MS OLIEL: Good morning, Judge. Michelle Oliel, assistant to counsel. I will be  
25 conducting cross-examination today, so I appreciate your -- your audience. So I

1 have switched positions with my counsel to the right, Krispus Ayena Odongo, and  
2 also behind me I have case managers, Abigail Bridgman and Francesca Anzovino.

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

4 We are in the same composition except the changes which were said and are now on  
5 the record.

6 Before starting, I would just like to say that I received this morning an email where it  
7 is said -- well, I'm only cc, "Dear Ben, please find attached a lesser redacted version of  
8 235's statements," et cetera, et cetera. "As for the remaining redactions there is  
9 issues," et cetera.

10 Well, I must say I'm really a bit upset. Although yesterday I said I want -- I don't  
11 care so much what the Prosecution wants, but I want a non-redacted statement. Full  
12 stop.

13 MS OLIEL: Judge, we -- the Defence took the position and agreed with the  
14 Prosecutor's submissions in relation to the Defence's right -- rights at pretrial. As  
15 such, we had endeavoured to give the Prosecution and to this Honourable Court as  
16 much information as possible which will also allow us at this time recognizing the  
17 stages of the proceedings to which we are currently sitting in.

18 SINGLE JUDGE TARFUSSER: Yes, but I do not agree. The problem is that you  
19 might agree with the Prosecution, but the Judge does not agree, nor with the  
20 Prosecution, nor with you who agree with the Prosecution.

21 So for the Judge I want a statement which is a clean one. Otherwise at least make the  
22 tentative to try to explain why it is redacted. At least that.

23 MS OLIEL: That is understood, Judge. Thank you.

24 SINGLE JUDGE TARFUSSER: Thank you.

25 So now I turn to the witness who should not be intimidated by this a little bit not very

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1 calm beginning of this hearing.

2 Good morning to Kampala. Good morning, Madam Witness. Good morning,

3 Caroline. Can you hear me?

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5 (The witness speaks Acholi)

6 (The witness gives evidence via video link)

7 THE WITNESS: (Interpretation) Yes.

8 THE COURT OFFICER (via video link): Good morning, Mr President. Yes, we can  
9 hear you.

10 SINGLE JUDGE TARFUSSER: Madam Witness, you are for us Witness 214.

11 I would like in any case to start -- I'm the Judge of this proceedings and I would like  
12 for the start to ask you to identify yourself with your name and your date of birth and  
13 where you were born and all the -- all what identifies you, to tell us all things which  
14 identify you.

15 THE WITNESS: (Interpretation) I was born in 1982 on (Redacted) . My name is  
16 (Redacted)

17 SINGLE JUDGE TARFUSSER: Okay. Madam Witness, you know that you are, as I  
18 said, a witness to this proceedings and that as witness you have to tell the truth. I  
19 will -- first of all the Prosecution will ask you questions and afterwards it will be the  
20 Defence to ask you questions. And I might at the end ask you some questions.  
21 Before we start with the testimony, with your testimony, you have to make a solemn  
22 undertaking and I ask you to spell out following me these words: I solemnly declare  
23 that I will speak the truth.

24 THE WITNESS: (Interpretation) I solemnly declare that I will tell the truth.

25 SINGLE JUDGE TARFUSSER: The whole truth. The whole truth and nothing but

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1 the truth.

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

3 SINGLE JUDGE TARFUSSER: So now that you have given this solemn undertaking,  
4 you have to say the truth and I have to tell you also that if you don't say the truth, this  
5 is punishable, it is an offence under the law and it is punishable.

6 You can anyhow object to answer questions which might tend to incriminate yourself.

7 If this happens, I will decide if you are required to answer the question in any case  
8 and if necessary I would provide you with legal advice.

9 Have you understood?

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

11 SINGLE JUDGE TARFUSSER: So if everything is clear, we start with the  
12 questioning by the OTP, okay?

13 THE WITNESS: (Interpretation) It is okay.

14 SINGLE JUDGE TARFUSSER: So I give the floor to the Prosecution, please.

15 MS ADEBOYEJO: Thank you, Mr President.

16 QUESTIONED BY MS ADEBOYEJO:

17 Q. Good morning, Madam Witness.

18 A. Good morning.

19 SINGLE JUDGE TARFUSSER: Excuse me just one thing. Because of personal  
20 reasons, we have to close at 1, 1.05. We make two and then one and a half, 1.40. I  
21 mean it's just to -- I must leave at latest 10 past 1. Thank you very much. Sorry for  
22 this.

23 MS ADEBOYEJO:

24 Q. Good morning, Madam Witness.

25 A. Thank you. Good morning.

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1 Q. Can you tell the Court what schools did you attend?

2 A. I went to (Redacted) school. I finished primary 7 in that school in 1999, but  
3 when I left that school, I didn't get my results.

4 Q. Did you go to any other school apart from this primary school?

5 A. After (Redacted) primary school, because we were so many in the school, so he  
6 told me to (Redacted) .

7 Q. Madam Witness, did you finish (Redacted)

8 A. I just studied for only one term and I was abducted.

9 Q. Can you tell the Court when were you abducted?

10 A. I was abducted in June 2000. I cannot remember the date. I don't remember  
11 the date, but it was on a Friday.

12 Q. Where were you abducted from?

13 A. I was abducted in a place called Laliya.

14 Q. What happened when you were abducted?

15 A. On the day I was abducted I had gone to bed. The daughter of my aunt was  
16 telling me that things are not okay, the situation is not good. I shall go and sleep in  
17 an enclosed place. So I went and slept there. Then around 11 p.m. at the night I  
18 heard guns being fired at the centre in Laliya. I got out and stood for a while, then  
19 went back to sleep. I slept and began dreaming that soldiers are coming to abduct  
20 me. When I woke up the gate had been broken and they were already inside and  
21 they were flashing the torch in the room.

22 Q. Madam Witness, when you talk about soldiers, can you tell us which soldiers  
23 were these?

24 A. These were LRA soldiers.

25 Q. Can you describe what the soldiers looked like?

1 A. The soldiers were wearing uniforms. Others were wearing civilian clothes.

2 Q. You said they were flashing torches. Did you see them carrying anything else  
3 apart from the torches?

4 A. When they came towards me, they had nothing in their hands.

5 Q. Now, Madam Witness, what did the soldiers do when they came into where  
6 you were, where you were sleeping?

7 A. They told me to get up and go out. So I got up and stood up. I said  
8 I had -- my legs were not -- were not okay. So I went -- they told me to go out, I  
9 went out and sat in the veranda. I said my leg is not okay and I told them that  
10 my -- I had a problem, my ankle -- with my ankle. They told me to get up. I said I  
11 cannot -- I'm not able to get up because my leg is not okay. So he came and stepped  
12 on that very leg and told me to get up and saying that I was lying, my leg was okay.  
13 So I got up and started moving.

14 Q. Now, can you tell the Court who was commanding this group, these LRA  
15 soldiers that came into your room?

16 A. The commander was called Pope.

17 Q. And how did you know that he was a commander?  
18 Witness, did you hear my question?

19 A. Because I saw him talking with the people and he was the one actually in charge  
20 giving orders.

21 Q. Thank you, Madam Witness. Now, apart from Pope that was commanding,  
22 did you notice any other commander?

23 A. The person with whom Pope was was called Kidega.

24 Q. Now you told us earlier, Witness, that these soldiers were LRA soldiers. Did  
25 you know what brigade they belonged to?

1 A. The brigade to which they belonged, when I reached now there I heard them  
2 calling the brigade the Sinia brigade.

3 Q. Madam Witness, I just want you to cast your mind back to these soldiers. I'm  
4 now talking about the group of soldiers. Did you see them? What were they  
5 carrying?

6 A. When we had got out of the house, we started walking, we reached a place  
7 where there were other people where -- who had come from the centre with their  
8 things, things like sugar, salt. When we reached there we were told to get up and  
9 start walking. So we started walking. That night we walked through Abera forest  
10 up to 11 p.m. when we reached a place called Ogul.

11 Q. Thank you, Madam Witness. Now you said that "we were walking." Can  
12 you tell the Court how many of you were abducted the night you've been describing?

13 A. That night -- that night, well, I didn't count them, but according to my estimate,  
14 there were about 50 persons perhaps.

15 Q. And out of these 50 persons, could you tell us how many were male and how  
16 many were female?

17 A. I didn't actually count and distinguish.

18 Q. Now, you told us earlier that the soldiers had taken some goods that they got  
19 from a shop. Did you yourself have to take any of those things?

20 A. When they took those goods, they came to our -- they first took those goods  
21 elsewhere, then they came to our place. We left our place and we went to where  
22 people had been grouped, assembled.

23 Q. Madam Witness, what did you carry?

24 A. I carried a bag.

25 Q. What kind of bag was it?

1 A. A bag -- a backpack.

2 Q. Madam Witness, what was in the backpack that you carried?

3 A. In the backpack there were sweets and biscuits.

4 MS ADEBOYEJO: Your Honours, perhaps I would like the witness to be shown her  
5 statement so that she can refresh her memory.

6 Please can the witness be shown her statement. It's tab 7 and it's a statement dated  
7 22 May up to 25 May. It's UGA-OTP-0234-0026. It's tab 7 in the binder.

8 THE COURT OFFICER (via video link): Could you please identify which page you  
9 would like to show to the witness.

10 MS ADEBOYEJO: I would like the witness to look at page 4, paragraph 21.

11 Q. Witness, Madam Witness, can you first of all confirm that this is your signature  
12 on this statement, on this document, on the very first page of the document.

13 A. Yes, that's my signature.

14 Q. Please can you take the witness to page 4 and paragraph 21.

15 I would like paragraph 21 to be read to the witness.

16 "I was abducted together with two girls: Two girls (Redacted) and one girl called  
17 (Redacted) .The LRA soldiers did not take the elderly woman but left her in the house  
18 we had slept in. We had to go to an assembly point and there were about 50 people  
19 who were also abducted from Laliya. Besides the two girls called (Redacted) who  
20 were five years old, the youngest abductee was about 12-13 years and the oldest was  
21 about 20 to 30 years old. The LRA soldiers told us to start moving, so we did. The  
22 soldiers divided a 25 kilogram bag of sugar into two and gave me half the sack which  
23 weighed about 12 kilograms to carry. The two girls named (Redacted) did  
24 not have to carry anything as they were too small. We started walking and passed  
25 Abera forest. We left Laliya around midnight and walked until the morning of the

1 following day around 10 or 11 a.m. We rested at a place called Ogul and spent the  
2 night there."

3 Witness, Madam Witness, do you recognize these words?

4 A. Yes, I do recognize the words.

5 Q. So I'll put the question to you again. What did the LRA soldiers give you to  
6 carry?

7 A. They asked me to -- they asked me to carry a bag, but the sugar and soap was  
8 carried by other people.

9 Q. Madam Witness, in your statement that I've just read to you it says that "The  
10 soldiers divided a 25 kilo bag of sugar into two and gave me half the sack which  
11 weighed about 12 kilo to carry." Do you recall you said that?

12 A. I said that I was given a bag to carry and the sugar was given to other people to  
13 carry.

14 Q. Thank you, Madam Witness. Now, you said that you walked on until you got  
15 to a place called Ogul. Do you recall what happened when you got to Ogul?

16 A. Yes, I do remember.

17 Q. What happened at Ogul?

18 A. When we reached Ogul, when we spent the night there, I was told to go to the  
19 river. I went to the river, I came back and found people assembled under the tree. I  
20 found the girl called (Redacted) who was put aside. When I reached and put down  
21 the water, I wanted to go and join the other people. I was told not to go to the other  
22 people but to go and join (Redacted). (Redacted) was crying. So I went to her.  
23 People were asking, "What about this girl? This girl is going to carry luggage and  
24 she will come back." And they said the other people would be sent back to their  
25 homes. And people were saying, "Let the older girl take the younger girls home."

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1 But they said I was going to carry the luggage and then I would come back.

2 Q. Did you know if any of the girls were sent home?

3 A. (Redacted) the girl named (Redacted) at -- it was late -- I was later informed that  
4 (Redacted) had told the soldiers that there was another girl at home and (Redacted)  
5 was subsequently returned home.

6 Q. Madam Witness, you told us that when you were abducted there was a  
7 commander called Pope. Do you recall having a conversation with Pope?

8 A. I have forgotten. Could you please refresh my memory?

9 Q. Very gladly. I would actually rephrase the question.  
10 Does the name (Redacted) mean anything to you?

11 A. Yes, it does.

12 Q. What does it mean to you?

13 A. It reminds me of the time when she asked me what my name was and I  
14 informed them that my name was (Redacted)

15 Q. And who asked you what your name was?

16 A. Pope.

17 Q. Why did you tell them your name was (Redacted)

18 A. Well, I thought that if I had the opportunity to come back home, then I would be  
19 using another name at home, so I was using this as an alias.

20 Q. Does the name (Redacted) also mean anything to you?

21 A. Yes, it does. When I went to the river -- we got to a place and we went to the  
22 river. I came back and found them asking (Redacted) what my name was. (Redacted)  
23 had told them my name. She told them that my name was (Redacted)

24 Q. Now, you told us earlier that some girl called (Redacted) was sent back. How  
25 many of you were left after some people were sent back?

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1 A. Two girls. (Redacted) and myself. And there were boys as well. I do not know  
2 how many boys were there, but I did not count them. I believe that maybe there  
3 were about 20, 19 or 20 boys.

4 Q. Thank you, Madam Witness. Now, you told us you were at a place called  
5 Ogul, which is where you went to get some water. Where did you go after you left  
6 Ogul?

7 A. From Ogul we crossed river Larwodo, we went towards river Acwa and that's  
8 where we settled.

9 Q. Before you went to Larwodo, what were the sleeping arrangements when you  
10 were at Ogul?

11 A. While we were in Ogul we were sleeping in a certain house. The commanders  
12 were also -- the older people were sleeping next to us and the girls were sleeping in  
13 the middle.

14 Q. Where were the commanders sleeping?

15 A. Commander Pope and Kidega, both, commander Pope were sleeping on  
16 opposite sides of that house and we were sleeping in the middle.

17 Q. And why were they sleeping on the opposite sides of the house, Witness?

18 A. Perhaps they thought that we were going to escape.

19 Q. Would it have been possible for you to escape?

20 A. No, we were not familiar with the area. And we were not -- we did not know  
21 what kind of security they had around, so it was not possible for us to escape.

22 Q. Thank you, Madam Witness. Now, when you moved from Larwodo, can you  
23 tell the Court how long did you stay in that locality?

24 A. On the -- we stayed on the Acwa riverbanks for about a week and then we  
25 crossed the river Acwa.

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1 Q. Where did you next go, Witness?

2 A. We went towards Lacekocot.

3 Q. Madam Witness, have you ever heard of a place called Abatulanga?

4 A. Yes, I have.

5 Q. Can you describe the circumstances in which you know this place?

6 A. After we had been abducted when we were told to go to Sudan, that was the  
7 time that we went to this place. We went to Abatulanga.

8 Q. When you went to Abatulanga, who did you meet when you got there?

9 A. We met Kony.

10 Q. And what happened when you met with him?

11 A. When we initially met with Kony, he told them to bring all the girls that had  
12 been abducted. We were brought to him. Among the girls they selected two girls  
13 to stay in his homestead as far as I can recall. The remaining girls were selected by  
14 the other commanders.

15 Q. Do you recall the names of the commanders who selected these girls?

16 A. I recall some of the names.

17 Q. Madam Witness, would you like to tell the Court the names of these  
18 commanders you recall?

19 A. Yes, I can.

20 Q. Please proceed, Madam Witness.

21 A. There was Buk, Acellam Caesar and Livingstone, a commander known as  
22 Livingstone. Well, I cannot recall the other names.

23 Q. That's fine, Madam Witness. Now, Madam Witness, did you know why these  
24 commanders came to pick the girls?

25 THE ACHOLI INTERPRETER: The interpreter did not get the answer properly.

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1 The sound quality is a bit intermittent. Could you please rephrase -- could you  
2 please ask the question again?

3 MS ADEBOYEJO: Yes, indeed, Madam Interpreter. I asked Madam Witness did  
4 she know why these commanders came to select the girls?

5 THE WITNESS: (Interpretation) No, I do not know because I had only just recently  
6 arrived.

7 MS ADEBOYEJO:

8 Q. Madam Witness, can you describe to the Court how the selection took place?

9 A. Yes, I can.

10 Q. Please describe.

11 A. When we were taken there, once we had all been placed in -- in the compound,  
12 they brought some ashes, eggs and they told -- they asked somebody to smear us with  
13 them. They started smearing everybody with the ashes and the eggs and that's  
14 when the selection process began.

15 Q. Madam Witness, can you tell us in particular what occurred with the  
16 commanders?

17 A. Are you talking about the selection process? I did not quite understand your  
18 question.

19 Q. I apologise, Madam Witness. I will rephrase it so that you can understand me  
20 clearly. What did the commanders do in order to be able to show who they had  
21 selected?

22 A. Each commander would come and point to the girl that they wanted -- the girl  
23 that he wanted and the girl would be taken to his household.

24 Q. And who will take this girl to his household?

25 THE ACHOLI INTERPRETER: The answer did not come across. The sound keeps

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1 on cutting.

2 MS ADEBOYEJO:

3 Q. Madam Witness, who will take the girl -- who will take the girl to the  
4 commander's household?

5 A. The security.

6 Q. What was the reaction of the girls as they were taken?

7 A. Well, they just left. They got up and left. They did not know the reason why  
8 they were being taken there for.

9 Q. I would like to -- I would like to point again to the same statement  
10 UGA-OTP-0234-0026. I would like it to be shown to the witness so I can refresh her  
11 memory.

12 THE COURT OFFICER (via video link): Could the interpreter repeat -- sorry, could  
13 the interpreter repeat the ERN number in English, please.

14 THE ACHOLI INTERPRETER: I've been asked to repeat the number in English.  
15 Could you please repeat the number in English so that I can give it to them.

16 MS ADEBOYEJO: UGA-OTP-0234-0026. It's the same witness statement that we  
17 had used earlier.

18 THE COURT OFFICER (via video link): Thank you very much.

19 MS ADEBOYEJO: And since on the record the witness has already acknowledged  
20 her signature, I just want us to go straight to paragraph 55 and I will ask -- I would  
21 read it and I will ask the question again.

22 "Raska Lukwiya and the others were more senior than Ongwen, so they picked the  
23 girls first. The commanders pointed at the girls they wanted and then the security  
24 guards would take the selected girl to their homes. After that, Kony allocated the  
25 rest of the girls to lower ranking commanders. Each commander received one girl.

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1 The girls did not have a choice but to go with the commanders. We were told on  
2 where to go and if one resisted, she was beaten. I saw that some of the girls resisted  
3 and they started crying when they were forcefully taken away."

4 Madam Witness, do you recall those words?

5 A. Yes, some of the words I -- some of the -- part of the statement is mine and part  
6 of the statement is not mine.

7 Q. Madam Witness, in view of your answer, can you tell us whether this bit where  
8 you said "We were told where to go and if one resisted, she was beaten. I saw that  
9 some of the girls resisted and they started crying when they were forcefully taken  
10 away," is that your statement?

11 A. The girls were not beaten. Let me explain. Let me tell you what I actually  
12 said.

13 Q. Please proceed, Madam Witness.

14 A. When the girls were taken and taken to wherever they were being taken, they  
15 did not know where they were being taken, then they started crying. They took  
16 them to these places. I didn't -- I personally did not go anywhere because Dominic  
17 Ongwen was not yet there. When Dominic Ongwen arrived, then Kony instructed  
18 people to take me to Dominic's home.

19 Q. Madam Witness, how did you come to sign this statement where you said you  
20 saw the girls being beaten and you said you saw that some of them resisted and they  
21 were forcefully taken away?

22 A. I signed the words or words that I actually stated and those are the words that  
23 I'm repeating at this point.

24 Q. Now, Madam Witness, you said earlier that -- and I will read it: It was when  
25 Ongwen arrived that Kony instructed people to take me to Ongwen's -- to Dominic's

1 home.

2 That's what you said a minute ago. What happened when you got to Dominic's  
3 home?

4 A. I found one girl at Dominic's household and the girl told me that the  
5 older -- older people had been taken to a place called bay and that's where they were  
6 being kept.

7 Q. Thank you, Madam Witness. It's just been pointed out to me just very quickly  
8 to ask you, when did you arrive at Abatulanga, what date?

9 A. We arrived at Abatulanga in August. I do not recall the actual date because it's  
10 been a while, but I only recall the month. It was in August.

11 Q. Perhaps I would refresh your memory.

12 If the witness can be shown the same statement, UGA-OTP-0234-0033, paragraph 50,  
13 paragraph 50.

14 And it says: "In March 2004 we reached the hill called Abatulanga in Sudan where  
15 we met Kony and Raska Lukwiya."

16 Madam Witness, do you recall this?

17 A. Yes, I do recall.

18 Q. So my question to you is: When did you arrive in Abatulanga?

19 A. In August, but I do not recall the actual date. If I've -- if it's in my statement,  
20 can you please refresh my memory?

21 Q. Yes, indeed, Madam Witness. I just read a portion of your statement,  
22 paragraph 50, UGA-OTP-0234-0033. I can read it again and this time I will invite  
23 you to listen carefully.

24 It states: "In March 2004 we reached the hill called Abatulanga in Sudan where we  
25 met Kony and Raska Lukwiya."

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1 That's the first line on paragraph 50 of your statement, Madam Witness. Do you  
2 recall this?

3 A. Yes, I do.

4 Q. So my question to you was: When did you arrive in Abatulanga?

5 A. We arrived at Abatulanga in March, at the beginning of March.

6 Q. And what year did you arrive?

7 A. 2000 -- 2002.

8 Q. Madam Witness, I have just read your statement to you twice which states at the  
9 beginning of paragraph 50, "In March 2004 we reached the hill called Abatulanga in  
10 Sudan." Do you want to tell the Court what date did you arrive at Abatulanga?

11 A. In March, in March.

12 THE ACHOLI INTERPRETER: But the interpreter did not get the last bit of the  
13 response because nothing came through.

14 MS ADEBOYEJO:

15 Q. Madam Witness, what year did you arrive in Abatulanga?

16 A. March 2002.

17 Q. Can you tell the Court why in your statement it says March 2004?

18 A. It was in March 2002.

19 SINGLE JUDGE TARFUSSER: Excuse me, Witness. This is the Judge speaking.

20 The question was why now you say 2002 and in the statement you said 2004? It's  
21 not just you to repeat what you said. And I have to remind you that you are under  
22 oath and you have to tell the truth. So if too many discrepancies appear from your  
23 statement today to the statement you gave to the Prosecution a time ago and which is  
24 read out to you by the Prosecutor, well, this makes us think. So I just remind you of  
25 your obligation to tell the truth.

1 I give back the floor to the Prosecutor.

2 MS ADEBOYEJO: Thank you, Mr President.

3 Q. Madam Witness, I put the question to you again. Can you tell the Court why  
4 in your statement it says March 2004?

5 A. There were many -- there were many trips to Sudan and someone can forget.  
6 We didn't only go to Sudan once, so perhaps I've forgotten.

7 Q. Madam Witness, in this particular instance we are talking about when you  
8 arrived in Abatulanga and you were distributed to Ongwen, so that's a specific  
9 incident. Why did you give the date March 2004?

10 A. Yes, I was given to Dominic in 2004 while we were in Sudan.

11 Q. Madam Witness, you told us earlier that when you arrived at Dominic's  
12 household you met a young lady. Can you tell us the name of this lady that you  
13 met?

14 A. That lady was called (Redacted)

15 Q. What was the age of (Redacted) when you met her?

16 A. I guess the age was about 14 or 15. I didn't ask her.

17 Q. That's all right, Madam Witness. What was she doing when you arrived at the  
18 household?

19 A. She was staying at Dominic Ongwen's home and she used to cook and she used  
20 also to wash clothes, assist in washing clothes.

21 Q. Do you know whose clothes she was washing?

22 A. Yeah, she was washing Dominic Ongwen's clothes where she was living.

23 Q. Thank you, Madam Witness. You also told us earlier that she talked about  
24 some other women who had gone to the bay. Do you recall that?

25 A. Yes, I do remember.

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1 Q. Who were -- who were these women she was referring to?

2 A. I give you all the names?

3 Q. Yes, please, Madam Witness.

4 A. There is (Redacted). Another one was called (Redacted) and then there  
5 was (Redacted).

6 Q. What did she tell you about these women at the bay?

7 A. When I reached Dominic Ongwen's home, there were some mothers, wives to  
8 Ongwen who had gone to the bay and who had children.

9 Q. Apart from this (Redacted) were there other people at Dominic's household?

10 MS ADEBOYEJO: The translation didn't come through. The interpretation didn't  
11 come through.

12 THE WITNESS: (Interpretation) There were no other people.

13 MS ADEBOYEJO:

14 Q. Madam Witness, I'm going to show you your statement again and I'm going to  
15 turn to paragraph 61 on page 10 of your statement.

16 It says: "There were also five boys in Ongwen's house. They were between  
17 18-20 years old. They were Ongwen's security guards."

18 Do you recall this, Madam Witness?

19 A. I found about four security guards who were at his home.

20 Q. Madam Witness, you told us earlier about the mothers with the children. How  
21 many children did these mothers have in total?

22 A. One wife had three children, one other wife called (Redacted) had one child,  
23 (Redacted) had one child, (Redacted) had two children.

24 Q. And what's the name of the wife with the three children?

25 A. She's called (Redacted) also known as (Redacted) .

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1 Q. Thank you, Madam Witness. When you arrived at Ongwen's household, what  
2 were you required to do?

3 A. I was supposed to cook and wash clothes and do other chores within the  
4 household.

5 Q. In what capacity did you have to do these roles?

6 A. When I had just arrived, I would just work according to instructions I was given  
7 because I was still a visitor, still new, and the girl I found there was the one who  
8 would tell me what I should do.

9 Q. Did this situation continue that the girl instructed you on what to do?

10 A. After I had got used to this kind of work, I also began doing the things myself  
11 without being told to do so.

12 Q. Now, the wives that you had described to us earlier, did you know where they  
13 were from?

14 A. When I came back home, that's when I learnt about where they came from, or  
15 some of them.

16 Q. And apart from these wives, did you know any other wives in the Ongwen  
17 household?

18 A. At that very time?

19 Q. After you had stayed a while in the Ongwen household, did you know any  
20 other wives?

21 A. After staying with (Redacted) for some time, we were attacked by the UPDF.  
22 (Redacted) was injured and she was taken home and then four other girls were added  
23 to the household.

24 Q. Thank you, Madam Witness.

25 A. So we continued now staying with those four new girls who were brought.

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1 Q. Thank you, Madam Witness. Could you tell the Court what were the names of  
2 these four new girls?

3 A. Yes, I can.

4 Q. Please proceed.

5 A. (Redacted)

6 Q. Thank you, Madam Witness. Now, you said that -- these new girls that came,  
7 did you have to give tasks to them when they arrived?

8 A. Yes, I had to show them what to do and how to do those things.

9 Q. Madam Witness, did you know how these girls came to be in the household?

10 A. Those girls who were brought, there is a commander called (Redacted) who  
11 brought those girls to help me.

12 Q. What kind of help did they provide to you?

13 A. They would help me with washing clothes and also cooking and doing other  
14 small other things.

15 Q. Madam Witness, I want to ask you about a delicate matter, so I apologise in  
16 advance, but I'm sure you understand that this is part of the testimony you have to  
17 give.

18 Can you tell the Court when was the first time that you became a wife to Dominic  
19 Ongwen?

20 A. I was about -- it was after one month that I began -- that I began being his wife.

21 Q. Can you tell us what happened?

22 A. That time? At that time?

23 Q. Yes, Madam Witness. Yes, please.

24 A. Well, I just started being his wife. I entered his room.

25 Q. Madam Witness, what did Ongwen say to you to make you enter his room?

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1 A. He said he wants me to be his wife.

2 Q. And when he said that to you, what was your reaction?

3 A. I didn't say anything.

4 Q. Madam Witness, I will refresh your memory by reading to you from your  
5 statement paragraphs 67, 68 and 69.

6 In paragraph 67 of your statement it states: "While I was at Ongwen's household,  
7 one day Ongwen had gone to eat at Kony's house. When he returned, (Redacted) and  
8 I were sleeping outside at the fireplace where we had cooked. Ongwen woke  
9 (Redacted) up to tell her to tell me to bring his toothbrush. When I did, he told me to  
10 go and sleep in his place. I refused. He told his security guards to get the sticks."

11 Paragraph 68: "The security guards scared me with the sticks so I went to Ongwen's  
12 place. He told me that I had already been smeared and I was therefore ready to be  
13 his wife. He told me he will teach me how we were supposed to stay with him. He  
14 said when a man/your husband calls you, you should not refuse. If he told me to  
15 stay in his place I should not refuse and by the time he returns from supper I should  
16 already be in his bed.

17 The second day he called me again. He told me to bring the toothbrush. When he  
18 finished I took it back, he called me again and I refused, he called security guards,  
19 who brought some sticks. When the security guards came I feared so I went to sleep  
20 in his place."

21 Madam Witness, do you recall these words?

22 A. Yes, I do recall.

23 Q. So I put the question to you again: When Ongwen told you to come and sleep  
24 in his place, what was your reaction? The first time.

25 A. I didn't go.

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1 SINGLE JUDGE TARFUSSER: I would -- may I?

2 I would just ask you, Madam Witness, is it true what you said and what the

3 Prosecutor read you out now?

4 THE WITNESS: (Interpretation) Yes, it is true.

5 SINGLE JUDGE TARFUSSER: You have the floor.

6 MS ADEBOYEJO: Much obliged, Mr President.

7 Q. Now, Madam Witness, what happened when you entered the shed where

8 Ongwen was?

9 THE ACHOLI INTERPRETER: No response.

10 THE WITNESS: (Interpretation) Well, I went and laid down the second time.

11 MS ADEBOYEJO:

12 Q. And what then happened when you went to lay down?

13 A. So we started sleeping together.

14 MS ADEBOYEJO: Just a moment, your Honour.

15 Q. Madam Witness, I'm just going to refresh your memory and I will read to you

16 from paragraph 70 all the way down to 73.

17 His place -- I'm reading paragraph 70 of your statement.

18 "His place was a grass shed with canvas on top. The security guards would sleep

19 around the" bed -- "the shed." I beg your pardon. (Redacted) slept outside as well.

20 Inside the shed was his gun (the type that has round magazines) and a bag. There

21 was also a mattress on the ground."

22 Is this paragraph true?

23 A. Yes, it is.

24 Q. In paragraph 71 -- okay. I'm going to read to you now paragraph 71.

25 "When I entered the shed, Ongwen was lying on the mattress. He was wearing

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1 shorts. He told me to come in and sleep. I did not want to but I saw three security  
2 guards with sticks standing in front of the shed so I obeyed. I entered the shed and  
3 sat down on the mattress. I was wearing a skirt and a blouse. I cannot remember  
4 the colours. Ongwen told me to remove my clothes. I removed the skirt. He told  
5 me to also remove my underpants and I did. He then told me to also remove my  
6 blouse but I did not want to. I told him it was too cold and I was allowed to leave it  
7 on."

8 Is this paragraph true, Madam Witness?

9 A. Yes, it is true.

10 Q. I will now read paragraph 72 of your statement.

11 "I could not see the security guards from the mattress but I knew they were outside.  
12 Ongwen told me to lie down and I did as I was scared of the security guards with  
13 their sticks. He pulled his shorts down but did not remove them completely. I  
14 looked at him and saw his penis which was uncircumcised. I did not see anything  
15 else. Ongwen took his penis and put it inside of my vagina. While he was on top  
16 of me, I had fear. I was scared as he wanted to sleep with me and I have never slept  
17 with a man before. I felt pain when he entered me. He was lying on top of me. I  
18 tried to push him away but he told me to stop. He was heavy. It did not take long.  
19 I felt him ejaculating inside me."

20 Is this paragraph true, Madam Witness?

21 A. It is true.

22 Q. Madam Witness, I will now read paragraph 73 of your statement.

23 "Then he moved away from me. We were both still lying on the mattress. I was  
24 crying as I was told at home that I should not sleep with a man in the bush. I was  
25 told that if I slept with a man in the bush I would not have children or the children

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1 would die."

2 Madam Witness, is this paragraph true?

3 A. I heard that people don't sleep with -- people don't have sex in the -- in the bush.

4 When I was still at home the elder people would talk like that and say people should

5 not have sex in the bush. If you do that, then you will have some misfortunes or if

6 you give birth to children they will die.

7 Q. Thank you, Madam Witness. But I go back to the first part of the paragraph I

8 read to you. It says that you were crying because of what you have just said that

9 you were told not to sleep with a man in the bush. Is that correct, Madam Witness?

10 A. Yes, it is correct.

11 Q. Now, Madam Witness, what was the response of Ongwen when you were

12 crying?

13 A. He said I shouldn't care, he would take care of me and eventually he would take

14 me back home.

15 Q. And how often did he have sex with you after this first time?

16 A. It took a while and then we started again.

17 Q. Madam Witness, did you have a choice about having sex with him?

18 Madam Witness, did you hear my question?

19 A. Yes, I heard your question.

20 Q. Madam Witness, could you respond to my question?

21 A. No, it wasn't my choice.

22 Q. Madam Witness, did you have -- you spoke earlier about the security guards

23 that were in front of the shed. How often were these guards in the household that

24 you've just described?

25 A. The security -- the security were always present there because if a commander

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1 wanted something, then they are the ones who would perform the tasks for him.

2 Q. Were these security guards armed?

3 A. No. They were unarmed.

4 Q. Were they at any time armed?

5 A. When we had to go -- or when they had to go somewhere, then they would  
6 pick -- they would take their weapons with them. But if they didn't have to go  
7 anywhere, then they would leave their weapons behind.

8 Q. Madam Witness, I will refresh your memory with paragraph 77. I read  
9 paragraph 77 of your statement.

10 "I did not have an option but to sleep with Ongwen. It was not possible to leave him  
11 unless I escaped. However, I could not escape as his security guards guarded me  
12 well. They were all armed. And even if you escaped from LRA, the Dinka and  
13 Lutugu in Sudan would kill you. I heard that they had killed people who fled the  
14 LRA."

15 Madam Witness, is this paragraph correct?

16 A. Yes, it is correct.

17 Q. Madam Witness, I want to move to a part of your statement where you talk  
18 about Uganda. When did you move to Uganda?

19 A. Is that when we initially arrived in Sudan?

20 Q. Madam Witness, after your stint in Abatulanga you said in your statement that  
21 you moved to Uganda. I'm trying to explore that. So when did you move to  
22 Uganda?

23 A. We stayed -- it was approximately after a week.

24 Q. And while you were in Uganda, did your tasks as Ongwen's wife continue?

25 A. No, it did not continue.

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1 Q. What did you do whilst you were in Uganda?

2 A. Cooking and doing the laundry, and when he was injured I was nursing him.

3 Q. Apart from yourself, Madam Witness, was there any other wife with Ongwen in  
4 Uganda?

5 A. It was the four girls that I mentioned previously who were with us in Uganda.

6 Q. And of those four would you describe yourself as the most senior, Madam  
7 Witness?

8 A. Yes, I was. Well, once -- when you're there, regardless of whether you're older  
9 or younger, you have to respect the person that you find there because the person that  
10 you find there knows everything so -- and that's how -- that was the standard  
11 practice.

12 Q. Thank you, Madam Witness. During this period you were in Uganda, how  
13 long did you stay in Uganda?

14 A. We weren't in one location. We moved to different locations. You stop, you  
15 go to another location, go back to Sudan and back to different other places. We were  
16 not settled in one particular location.

17 Q. During the period you were in Uganda, which locations did you go to?

18 A. We went to Pader, we went to Kitgum and Gulu.

19 Q. During the period you were moving from Kitgum to Gulu to Pader, did you  
20 have sex with Dominic Ongwen?

21 A. That was the time that I had children.

22 Q. Thank you, Madam Witness. I would -- we would come to that later.  
23 So my understanding, Madam Witness, is that even though you were moving  
24 between Kitgum, Pader, Gulu and sometimes Sudan, you still continued to have sex  
25 with Dominic Ongwen; you performed your matrimonial -- your sexual duties?

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1 A. Yes, I was supposed to have -- I was supposed to have marital relationships  
2 with him because I was already in his household and he told me that he was going to  
3 take care of me.

4 Q. Madam Witness, how many times were you pregnant when you were in the  
5 bush?

6 A. Four times.

7 Q. When was the first time, Madam Witness?

8 A. In 2005. That was the first time I conceived.

9 Q. And whilst you were pregnant, could you leave or walk away from the LRA?

10 A. No, you could not just leave. When you're in the bush, if God has not actually  
11 set the date for you to leave, then you cannot leave.

12 Q. Can you -- Madam Witness, you've just told us that it's only God who can  
13 actually set the date for you to leave. How would you know when God has set that  
14 date for you to leave?

15 A. Because when you're in the bush, regardless of whether you think of escaping,  
16 it's impossible to escape because when you do try to escape, when you attempt to  
17 escape, they follow you and you are taken back and you may actually be killed as  
18 well.

19 Q. Thank you, Madam Witness. Now whilst in the bush, we're talking about your  
20 pregnancy, did you have any relations with anyone else apart from Dominic  
21 Ongwen?

22 A. No.

23 Q. Let's -- I still want to talk about this first pregnancy. Did you have the baby?

24 A. Yes, I did.

25 Q. Where did you have the baby?

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1 A. The child was -- the child was born in Uganda in Acwa in a place known as  
2 Got Aceng.

3 Q. And what is the name of this child?

4 A. (Redacted)

5 Q. Does the child have a first name?

6 A. No, the child does not have a first name.

7 Q. Now, during the process of childbirth did you have medical attention?

8 A. There was -- we did have a doctor, but on that day that I had my baby there was  
9 no doctor. I was only with the girls in his household.

10 Q. Now, let's talk about the second pregnancy. When did this take place?

11 A. In 2000 -- 2006. The child was -- the child died soon after birth. It was in  
12 November.

13 Q. Madam Witness, I will just refresh your memory with paragraph 84 of your  
14 statement.

15 It states that: "The second time I conceived and gave birth I was in Garamba Park,  
16 DRC. I gave birth in the bush to a baby girl in September 2007 but she died after  
17 about a month. The pregnancy was not difficult as we stayed in one place and did  
18 not have to move around. The baby died before she was given a name."

19 Is this paragraph accurate? Is it true?

20 A. Yes, it's true.

21 Q. So the baby was actually born in September 2004 -- 7, I beg your pardon.

22 A. Yes.

23 Q. Can you tell us about your third pregnancy?

24 A. The third pregnancy was in 2007 I conceived again. I had the baby -- I had a  
25 miscarriage. Sorry, I did not have the baby. I had a miscarriage.

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1 Q. And the fourth pregnancy, Madam Witness?

2 A. I conceived in 2008 and I gave birth in 2009 on (Redacted)

3 Q. Can you tell us the name of the child and what's the gender of the child?

4 A. It was a boy and we named him (Redacted) In the -- while we were in bush  
5 he was referred to as (Redacted)

6 MS ADEBOYEJO: Just a second, your Honour.

7 Q. Madam Witness, I just want to take you very quickly back to a portion of  
8 your -- what you had told us in your statement. You recall that you told us that you  
9 crossed from Sudan to Uganda. I just want to explore that with you very briefly.  
10 Can you tell us how did you go to -- go from Uganda? How did you leave Uganda?

11 A. We left Uganda, crossed the Sudan border.

12 THE ACHOLI INTERPRETER: The last bit -- the last part of the statement was  
13 inaudible.

14 MS ADEBOYEJO:

15 Q. Right. Madam Witness, I would rephrase the question because it looks like  
16 part of your answer was lost in translation.

17 Can you tell us, Madam Witness, did you ever go to the Nile? And what was your  
18 experience?

19 A. It was while on our -- on our way to Congo we crossed the Nile. The boat  
20 capsized. We hung on to the boat and we were dragged hanging on to the boat.  
21 Nobody died.

22 Q. Can you tell the Court which members of the household -- of Ongwen's  
23 household went with you on this crossing?

24 A. The mothers had all been sent back home. We crossed the river with the girls,  
25 five of us.

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1 Q. Madam Witness, when you say "the mothers had all been sent back home,"

2 what about yourself? Were you a mother at this time?

3 A. Yes, I had one child.

4 Q. And where was this child when you were doing the crossing?

5 A. On my back.

6 Q. What happened to her during the crossing?

7 A. When the boat capsized the child swallowed water. I came up and I held on

8 to -- on to the boat, I clung on to the boat.

9 Q. How did you feel about this experience, Madam Witness?

10 A. Well, I did not feel anything.

11 Q. Very well, Madam Witness. Madam Witness, have you ever been to (Redacted)

12 A. Yes, I have.

13 Q. Under what circumstances?

14 A. I went to hospital for treatment.

15 Q. What was wrong with you?

16 A. I had headaches that began in 2005. When the headaches became more intense,

17 that was the time that they sent me for treatment.

18 Q. Who sent you for the treatment?

19 A. Otti Vincent.

20 Q. How did you go for the treatment?

21 A. It was during the peace talks. That's when the people who came for the peace

22 talks came and took me and I went with them.

23 Q. Madam Witness, I would stop here.

24 SINGLE JUDGE TARFUSSER: Madam Witness, we have now reached 11 o'clock our

25 time and the time for a break after two hours. You will have half an hour break now

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1 and we see each other again in half an hour. Is that okay?

2 THE WITNESS: (Interpretation) Yes, it's okay.

3 SINGLE JUDGE TARFUSSER: So the hearing is adjourned until 11.30. Thank you  
4 very much.

5 THE COURT USHER: All rise.

6 (Recess taken at 11 a.m.)

7 \*(Upon resuming in closed session at 11.33 a.m.) Reclassified as open session

8 THE COURT USHER: All rise.

9 SINGLE JUDGE TARFUSSER: So hello, Madam Witness. We are back again. You  
10 had your rest. Now I will continue by giving the floor to the Prosecutor.

11 MS ADEBOYEJO: Thank you, Mr President.

12 Q. So, Madam Witness, before we took the break we were talking about when you  
13 went to (Redacted) You were talking about going for treatment. Can you tell the  
14 Court when did you go for this treatment?

15 A. It was (Redacted)

16 Q. Thank you, Madam Witness. Now you talked about the fact that there was a  
17 peace talks, "The people who came for the peace talks took me and I went with them."  
18 Can you tell the Court the names of these people that you've referred to?

19 A. (Redacted)

20 Q. When you arrived in (Redacted) how did you know where to go?

21 A. There was someone who showed me the way, showed me around.

22 Q. And who was -- who was this someone?

23 A. It was (Redacted) who took me to hospital.

24 Q. What happened when you got to the hospital?

25 A. I was taken to the hospital and when medical tests were done, they found that

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1 I had a problem in my nose, some growth in my nose, sinuses.

2 Q. Madam Witness, was this condition treated?

3 A. Yes, the doctor actually did some minor operation and cut the growth and gave  
4 me also some medication.

5 Q. How long did you stay in hospital?

6 A. I stayed in hospital for about three weeks, then I came back. That was in  
7 (Redacted) That's when I came back.

8 Q. What were the circumstances in which you went back?

9 A. While I was at the hospital I got a telephone call and I was told to go back home,  
10 but I told them that I was not yet completely cured, I wanted first to have some  
11 improvement in my condition before I could go back. So Mr Kony telephoned and  
12 said those people who brought me should first take me back because they wanted  
13 first to see me, and if they found that I wasn't still well cured, I will go back to  
14 hospital.

15 Q. Thank you, Madam Witness. Can you tell the Court who it was who called  
16 you and said you should go back home?

17 A. It is Mr Kony who telephoned telling me to go back home.

18 Q. Now, Madam Witness, you said now that you first got a telephone call and you  
19 "told them that I was not yet completely cured." Who was the person you told that  
20 you were not yet completely cured and you could not come back home?

21 A. That was the first matter, it was Dominic Ongwen who first called me and I told  
22 him that I was not yet cured. Otti Vincent also asked me the same question. I also  
23 told him that I wasn't yet cured. Then Mr Kony told me first to go back home and if  
24 they found that I wasn't still cured, I would come back to hospital.

25 Q. And what happened after you got that call from Mr Kony?

1 A. After receiving a phone call, Mr (Redacted) came to me and said that they had  
2 to take me back according to the phone call they received. They would send me  
3 back and if I wasn't yet cured, I would be brought back to hospital.

4 Q. When did you go back, Madam Witness?

5 A. After three weeks. That's when I went back. That was in (Redacted)

6 Q. Did this sinus problem stop after this treatment?

7 A. After getting treatment when I came back, I continued taking the medication.  
8 There was some improvement in my condition. For one year I was okay, but after  
9 that I started feeling pains again and that's when I came back home. I came back  
10 home, I was staying at GUSCO, that was 2011 and GUSCO took me to the town of  
11 Lira where I had another operation and the growth was cut.

12 Q. Madam Witness, I have just a couple more questions and then I will be done. I  
13 want to take your mind back to when we spoke about your first pregnancy. Do you  
14 recall that? We spoke about your first pregnancy.

15 A. Yes, I do remember.

16 Q. Now, I want you to describe what happened during the pregnancy.

17 A. This is what happened: When I was highly pregnant there's something which  
18 (Redacted) .That  
19 normally happens when you are almost delivering. So I was suffering from that  
20 condition with a (Redacted)

21 Q. Witness, where were you when this incident happened of you being almost  
22 (Redacted)

23 A. I was in the bush.

24 Q. Witness, were you able to move around when this was going on, when you  
25 were suffering from this (Redacted)

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1 A. It was almost my due date.

2 Q. Thank you, Madam Witness, but where in particular were you? Which  
3 country were you when you were experiencing this (Redacted)

4 A. Here in Uganda.

5 Q. Were you alone when you were experiencing this (Redacted)

6 A. I wasn't alone.

7 Q. Who was with you?

8 A. I was with those girls staying with us. Even Dominic Ongwen was also with  
9 me.

10 Q. How were you able to move around?

11 A. Yeah, I would just move slowly, not really so fast and so far.

12 Q. Permit me, Madam Witness, to read to you paragraph 83, part of paragraph 83  
13 of your statement.

14 "During the pregnancy we moved towards Lango region in Uganda. I was very  
15 weak and (Redacted) I still had to run when we were

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Madam Witness, is this true?

20 A. Yes, it is true.

21 MS ADEBOYEJO: Mr President, your Honours, that will be all for this witness from  
22 the Prosecution.

23 SINGLE JUDGE TARFUSSER: Well, that's good news I would say.

24 Mrs Witness, the Prosecutor has finished his questioning and I will give now the floor  
25 for an hour or so to the Defence. I just want to say that before closing I have to -- we

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1 have to make -- we have to disconnect and make a discussion about something else so  
2 that's why I said one hour or so. Okay? Thank you very much. The floor is to the  
3 Defence, Madam Witness.

4 QUESTIONED BY MS OLIEL:

5 Q. Thank you very much, Madam Witness. I'm going to ask you a few questions  
6 and then a few questions will be followed up by my co-counsel Krispus Ayena  
7 Odongo.

8 The first question that I have for you, Madam Witness, you indicated that you were  
9 given to Ongwen by Joseph Kony. Did Ongwen have a choice in this matter?

10 A. No, he didn't have a choice because if he did, they would say he had some other  
11 plans.

12 Q. Thank you very much. Now to my next question. You had also indicated  
13 today that one could not leave and that your time to leave was set by a date that was  
14 given by God. How would one, for example, know or receive a message from God  
15 on when they could, for instance, leave or anything else that could occur in the bush?  
16 Could you please explain?

17 A. I said that because I'm so used to God's words. Whenever I speak I talk and  
18 think about God and that is part of my way of talking. Now I'm used to that kind of  
19 talking.

20 Q. Thank you, Madam Witness. But for instance, were any messages delivered  
21 from Joseph Kony to any let's say LRA commanders or any -- any of those who  
22 happened to be with the LRA in the bush?

23 A. No, I don't know of any.

24 Q. Thank you, Madam Witness. Now to my next question: Did Dominic  
25 Ongwen ever tell you how he became part of the LRA?

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1 A. No, he never told me, but people were telling me that by the time he joined the  
2 LRA he was still a young child, he wasn't old. So I don't know how old he was by  
3 the time he joined.

4 Q. Thank you. But you had learned that Dominic Ongwen was also abducted as a  
5 young child; is that correct?

6 A. Yes, that is true.

7 Q. Thank you very much, Madam Witness. That ends my portion of the  
8 questioning. I will now pass the floor over to counsel, lead counsel. Thank you  
9 very much.

10 SINGLE JUDGE TARFUSSER: Excuse me, just before -- just before starting, do you  
11 think we can finish by 1 o'clock with the witness? Okay, perfect. So she can go  
12 home. That's good. Thank you very much.

13 QUESTIONED BY MR ODONGO:

14 Q. Madam Witness, (Redacted) we are glad that you are there to assist Court to  
15 come to the correct conclusion of this matter. I shall put a few questions to you.

16 Question number one: Can you tell this Court where you were in May 2004?

17 A. In 2004 I was in Uganda. Then after we went to Sudan.

18 Q. You told Court that when you were in Uganda around this time you were  
19 Dominic -- you were with Dominic Ongwen all the time. Is that correct?

20 A. It's not correct.

21 Q. You were not with him all the time?

22 A. I wasn't with him all the time.

23 Q. Do you remember when Dominic Ongwen was injured, the last time he was  
24 shot and injured while in Uganda?

25 A. Yes, I do remember.

1 Q. According to your assessment, was it a serious injury?

2 A. The injury wasn't only one time. It was three times in his leg. The last one  
3 that injury was so serious and even the bone got broken.

4 Q. And you said you were with him throughout the time when he was being  
5 treated; is that correct?

6 A. Yes, I was helping him, washing his clothes and giving him what he wants  
7 because he was not able to move.

8 Q. Thank you very much, (Redacted). Can you estimate the time, the month when  
9 Dominic Ongwen was injured?

10 A. I can't remember the month.

11 Q. I will now go to -- well, I'll still ask you about the injury. How long do you  
12 think Ongwen remained in the sickbay when he was injured getting treatment?

13 A. He was there for a long time. I don't know how many months, but what I  
14 know is that it takes a long time for the bone to get healed.

15 Q. Was it more than six months, closer to one year, or more than one year?

16 A. We -- it was more than one year.

17 SINGLE JUDGE TARFUSSER: Counsel, the Judge has broken his leg six times, so he  
18 knows. Just to tell you that I'm very experienced in the matter.

19 MR ODONGO: Your Honour, the Judge every time he broke his leg was well taken  
20 care of in the hospital, but this was a different circumstance, I suppose.

21 SINGLE JUDGE TARFUSSER: No, no, I just wanted to tell you that I'm very  
22 much -- very experienced in matters of broken legs.

23 MR ODONGO: But not how easily it gets healed when you are the bush.

24 SINGLE JUDGE TARFUSSER: Yes, of course, of course.

25 MR ODONGO: Thank you.

1 Q. Madam Witness, did you hear about an attack on Pajule when you were with  
2 Dominic Ongwen?

3 A. Yes, I heard about that. After we had stayed for some time, I heard that there  
4 was an attack there.

5 Q. Did Dominic participate in that attack?

6 A. With the injured leg, he was not able to walk.

7 Q. You mean at the time of attack Dominic was still in the sickbay unable to walk?

8 A. Yes, his leg was still not cured and he could not walk far.

9 Q. Since you were with him all the time, did you ever hear him maybe issuing any  
10 orders to those who were under him?

11 MS ADEBOYEJO: Your Honours, I would like to object to that question because her  
12 answer -- her previous answer was that she was not with him all the time. That was  
13 one of the early questions my learned friend had put to her and she had said, "No, I  
14 wasn't with him all the time."

15 SINGLE JUDGE TARFUSSER: I think --

16 MS ADEBOYEJO: That's in paragraph --

17 SINGLE JUDGE TARFUSSER: -- this is quite correct, yes, just before.

18 MS ADEBOYEJO: -- 43, line 5, yeah.

19 SINGLE JUDGE TARFUSSER: It was said just before, yeah.

20 MR ODONGO: Well, if that is your objection, I thought we were now talking about  
21 the time when she was with him in the sickbay, but --

22 MS ADEBOYEJO: No, I didn't get that -- you didn't give that clarity. It was the  
23 way the question was phrased.

24 MR ODONGO: Much obliged.

25 Q. I will now put it differently. When the attack happened in Pajule, were you

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1 with Dominic Ongwen in the sickbay?

2 A. Yes, we were together.

3 Q. Thank you very much. Did you by any chance during that time hear him issue  
4 any orders to those who were under him to go and join the attack?

5 A. No, I didn't hear anything. There was nobody who was under him who went  
6 somewhere. We were all together.

7 Q. Thank you, (Redacted) I'll now ask you about some incidents that happened in  
8 Lukodi. Did you hear about an attack on Lukodi camp, IDP camp?

9 A. Yes, I heard that on radio, but I wasn't -- I didn't know whether it was true.

10 Q. At that time of the attack, were you also with Dominic Ongwen?

11 A. Yes, we were together.

12 Q. I'll again put to you the same question I put to you about Pajule. Did you  
13 during that time of the attack hear Dominic Ongwen issue any order or orders to  
14 those who were under him to go and join the attack?

15 A. No. I did not hear him issue any orders and none of us left the location where  
16 we were.

17 Q. You lived with Ongwen and you told this Court that there were also other  
18 women in Ongwen's life; is that correct?

19 A. Are you talking about the time --

20 Q. No. This time --

21 A. -- of the attack in Lukodi?

22 Q. -- I'm talking generally about Ongwen in the bush while you were there. You  
23 told this Court that Ongwen had other wives; is that correct?

24 A. There were five of us.

25 Q. I want to ask you particularly about (Redacted). You remember

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1 (Redacted)

2 A. Yes, I know her.

3 Q. What was the relationship between Dominic Ongwen and (Redacted)

4 A. There was no relationship.

5 Q. Madam Witness, I don't mean blood relationship. I'm talking about how did  
6 they relate? Was (Redacted) .and Ongwen in good talking terms? Was (Redacted) a  
7 disciplined woman and all that kind of thing?

8 A. Yes, they -- they had a good relationship and yes, she was respectful.

9 Q. Let's talk about sex. Did Dominic Ongwen have sex otherwise than the normal  
10 sex? For instance, what I mean is having anal sex with some of the women  
11 according to what you discussed as women?

12 A. No, he did not.

13 Q. You did not hear about that? Nobody talked about it among yourselves,  
14 among you women in Ongwen's life?

15 A. No, we did not discuss this.

16 Q. You told this Court that Dominic Ongwen helped you when you were weak,  
17 you could not walk, he was carrying you on his shoulders. That sounded like he  
18 was a very caring person. Can this -- can you tell this Honourable Court what kind  
19 of person Ongwen was to you in particular, to his wives and his -- the people under  
20 him generally?

21 A. Ongwen was taking care of us properly. He used to treat us equally and he  
22 used to treat us well. We were very -- he was very caring of us and we also cared a  
23 lot about him because he was taking care of us.

24 MR ODONGO: My Lord, that's how far we want to go with this witness.

25 SINGLE JUDGE TARFUSSER: I have only one problem, but I speak to both parties

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1 and it concerns the date, the dates. Because as far as it emerged from the

2 questioning by the Prosecutor --

3 MS ADEBOYEJO: Your Honour, I was just wondering whether you want the

4 witness to hear this?

5 SINGLE JUDGE TARFUSSER: Yes. I just wanted to put the picture clear. Yeah,

6 yeah, the witness can hear.

7 The problem about the dates 2002 or 2004, because I think there is some discrepancy

8 because if Pajule was in 2003 and it was insisted this morning that the witness was

9 given to Ongwen in 2004, but it seems that it's 2002, so I would just ask the parties

10 maybe to put some questions in relation to the -- maybe to the witness in order to

11 clarify what happened. Otherwise I'll do it.

12 MR ODONGO: I think you're right. You're right, your Honour. I don't know

13 whether -- because since it did not come out very clearly from the other side, I don't

14 know whether I can start on that.

15 SINGLE JUDGE TARFUSSER: I would give the floor to the Prosecutor because you

16 finished, to the Prosecutor and then back to you as soon as the Prosecutor has

17 finished.

18 QUESTIONED BY MS ADEBOYEJO:

19 Q. Madam Witness, my learned friend on the other side has just asked you about

20 Pajule. Do you know how many times or how many attacks there were on Pajule?

21 A. I heard only one occasion. I know only one occasion.

22 Q. And do you know what year that occasion occurred?

23 A. I do not recall the year.

24 MS ADEBOYEJO: Your Honour, that's how far we want to go.

25 SINGLE JUDGE TARFUSSER: Okay.

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1 Now to the Defence.

2 QUESTIONED BY MR ODONGO:

3 Q. (Redacted), you may have realised from the Judge that there is great discrepancy  
4 in understanding the year when you were given to Dominic Ongwen. I want us to go  
5 slowly from the time of your abduction so that you help Court to understand  
6 when -- I mean from when you started being a wife to Dominic Ongwen.

7 The first question is: When you were abducted in 2000, how long did it take you to  
8 become Dominic Ongwen's wife?

9 A. For approximately one and a half years. And after that I was taken to his  
10 household.

11 Q. If it was one and a half years, that would bring us to 2002 by arithmetical  
12 calculation, but in your statement you seem to have said somewhere that you were  
13 given to Dominic Ongwen in 2004. Now we have two different years, 2002 and 2004.  
14 Can you come clear and tell this Honourable Court which of the two years, 2002 and  
15 2004, you were given to Dominic Ongwen as a wife?

16 A. It's been a long time and I do not actually recall the dates. I cannot actually be  
17 accurate about the dates, but to my recollection I could --

18 Q. So would I be right to assume that it was --

19 MS ADEBOYEJO: She hadn't finished.

20 THE ACHOLI INTERPRETER: Could the interpreter please finish interpreting?

21 Could you please rephrase the question because I do not remember the answer.

22 SINGLE JUDGE TARFUSSER: The question -- the question was when did you

23 become a wife to Dominic Ongwen? And you said that you can't remember, it's a

24 long time has gone, has passed by but -- and then you said something we didn't -- we

25 didn't understand because counsel intervened. Can you just repeat what you said in

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1 response to this question?

2 THE WITNESS: (Interpretation) Do you mean anything?

3 SINGLE JUDGE TARFUSSER: It is about when you became a wife to Dominic

4 Ongwen, which year, which period. How can you define the period in which you

5 were given as a wife to Dominic Ongwen?

6 THE WITNESS: (Interpretation) I recall that I became Dominic Ongwen's wife in

7 2002 and that was in September.

8 SINGLE JUDGE TARFUSSER: Well, I'm very happy that in a few minutes you

9 recalled what you before didn't recall, but that's okay. It's on the record.

10 Please, Counsel, finish.

11 MR ODONGO: Your Honour, I think that's all.

12 MS ADEBOYEJO: That's all from the Office of the Prosecutor.

13 SINGLE JUDGE TARFUSSER: Okay. Now, therefore, Madam Witness, I'm glad to

14 tell you that your testimony is over and that you can go home, back home to your

15 children. Thank you very much for being here, for having testified and have a safe

16 trip home.

17 And the same I'll say to Caroline because I think she also will come home. I don't

18 know if she remains another one or two days there, but anyhow, have a safe trip back

19 and thank you for assisting us.

20 THE COURT OFFICER (via video link): Thank you. (Indiscernible)

21 SINGLE JUDGE TARFUSSER: Okay, bye.

22 THE COURT OFFICER (via video link): Bye.

23 (The witness is excused)

24 SINGLE JUDGE TARFUSSER: So we can disconnect.

25 (Video link disconnected)

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1 SINGLE JUDGE TARFUSSER: First of all I thank you for the speed. I didn't expect  
2 this testimony to last -- or I expected it to last much longer than it did, so the first  
3 week we are through with three witnesses, which is quite good I would say. It's also  
4 unexpected.

5 But now I have something to discuss with you now we have enough time.

6 I was reached yesterday evening, I think you know what -- you know the same -- you  
7 have the same information. I was reached yesterday afternoon at 17.16 by an email  
8 from VWU saying that Witness P-235 is not willing to testify. We're talking about  
9 the witness who was approached by both.

10 Just for the record, the email by the VWU to me is: "Mr President, we hereby wish to  
11 inform you that VWU, after several attempts, finally managed to contact the witness  
12 today who informed us that she was not willing to testify. When finally reached, the  
13 witness was with her uncle and explained that they are both very unhappy at the way  
14 the OTP and Defence were at her house at the same time and that she now fears  
15 testifying. The VWU will now inform the parties in order to discuss the next steps  
16 they intend to follow. We just believed that you would like to be updated before this  
17 information is discussed further in the course of the proceedings."

18 So I trigger this discussion instead of VWU in this session.

19 I myself, just to anticipate what I'm willing to do, is to issue an order to make her  
20 to -- make her come to testify in any case to Uganda in application of Article 64  
21 something. Obviously this makes -- the problem is that we -- this witness should  
22 have been the next one, meaning on Monday. We will try to have somebody else for  
23 Monday, the following one, which was --

24 MS ADEBOYEJO: 236, your Honour.

25 SINGLE JUDGE TARFUSSER: 236, okay. Which was P-236. So we will try to

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1 have 236 for Monday, but I think we have to -- I'll have to issue the decision, but

2 I would like to ask you what you think about this decision I want to take.

3 Prosecutor?

4 MR GUMPERT: Well, your Honour, the power plainly exists. There's been

5 litigation about it in the Ruto and Sang case. It's gone up to the highest Chamber

6 and there can be no doubt about the Court's ability to do this, to require the

7 cooperation of the Ugandan government to issue, under its domestic proceedings,

8 assuming as I do that there is a parallel legal provision to that in the Kenyan national

9 law.

10 SINGLE JUDGE TARFUSSER: Ugandan.

11 MR GUMPERT: Well, in the Ruto case, the Court was able to --

12 SINGLE JUDGE TARFUSSER: Oh, yes, yes.

13 MR GUMPERT: -- operate in the definite knowledge that there was a power within

14 the Kenyan courts to require a witness to come to Court. We make the assumption,

15 and I do make that assumption because they're both jurisdictions which derive

16 originally from the United Kingdom jurisdiction where such a power undoubtedly

17 exists --

18 SINGLE JUDGE TARFUSSER: Also in the Italian I can tell you.

19 MR GUMPERT: I have no doubt. I'm not casting any aspersions on the Europeans

20 or the Continentals. Indeed it's difficult to see how a legal system could work

21 without such a power. So it was a confirmation of what we all, I submit, hoped and

22 expected was the law.

23 So I would submit that it's plainly in the interests of justice for this witness to attend.

24 We know that she has material or purports to have material and knowledge which is

25 highly relevant to the issues which are under discussion in this case.

1 It's a great shame where a witness on the basis of whose evidence has been highly  
2 traumatised by the events is required to come to Court, and one takes that step with a  
3 degree of hesitation, but it's a matter which I have discussed with the Prosecutor  
4 herself and the Office of the Prosecutor is satisfied that in this particular case, despite  
5 the additional stress which such a step may place upon such a witness, it's a step  
6 which the interests of justice require to be taken.

7 So I have nothing to say other than that I would have urged you to take that step had  
8 you not already indicated you were considering it and I have nothing more to add  
9 save to ask that you take that step as quickly as may be taken.

10 SINGLE JUDGE TARFUSSER: Thank you very much.

11 The floor to the Defence.

12 MR ODONGO: Your Honour, when we were last here about the two witnesses  
13 I think you were fairly clear about how we should handle the approach to the two  
14 different witnesses. There is something I normally refer to as avoidable evil. What  
15 we want to avoid is the evil of having an unhelpful witness.

16 The objective should be to call to court a witness that is going to be helpful. So if  
17 placing unnecessary stress on a witness could be avoided, I think that's the way  
18 I would go.

19 In this case, your Honour, you will remember that you had alluded to the possibility  
20 of leaving that particular witness to be approached by the Defence because it was  
21 clear from the beginning that she was rather apprehensive against the office of the  
22 OTP because of the feeling that the office of the OTP is governmental. I think that's  
23 the perception she seems to have and therefore she also complained that they had lied  
24 to her during the first contacts.

25 So I don't know whether it would not serve good purpose to give us another attempt

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1 to send our representatives in Uganda to talk to this witness and we explain to her  
2 that all she has to do is to come and tell the truth. Because as far as I'm concerned,  
3 I think the end justifies the means. And, you know, there were -- we didn't want to  
4 talk about this. There were fairly ugly incidents of mistrust when we went to  
5 Kampala and we went to meet these witnesses. At a certain point there were five  
6 people from the office of the OTP and this made it very uneasy. Well, I hate to say  
7 that this could be -- it could give the background to why she has become even more  
8 difficult.

9 I don't know whether it would not serve good purpose to give another shot. I mean  
10 that's all up to the Prosecution if they think they can lay some level of trust on us at  
11 least for this particular witness. Because I do agree that we would like to have every  
12 conceivable source of evidence, and from reading the statement of this particular  
13 witness, I harbour no qualm, no illusion that she would be a very useful input into  
14 this process.

15 So I would beg that the Defence be given an opportunity to go and engage with this  
16 lady alone. Thank you.

17 SINGLE JUDGE TARFUSSER: I think following what the VWU is telling me, and I  
18 repeat, that they are both, the uncle and herself, the witness herself, very unhappy the  
19 way the OTP and the Defence were at her house at the same time and that she fears  
20 testifying, I think we should not -- also for the purpose of not leaving one party go to  
21 approach the witness and the other not, so I think that it's still the VWU who should  
22 probably do it together with -- and in this sense I will instruct, will issue also the  
23 decision together with the Kenyan authorities, and obviously with the help of the  
24 Kenyan authorities -- Ugandan. Now it's me, but I was probably steered by --

25 MR GUMPERT: I said it right.

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1 SINGLE JUDGE TARFUSSER: Yeah, yeah, yeah. Yes, of course.

2 Together with the Ugandan authorities to go there as third parties in order to do it in  
3 a very friendly way because of course we don't need -- we have to avoid any other  
4 stress. If the witness is helpful, she's for sure helpful to the Judge, I don't know if  
5 she's helpful to one or the other side, but to the Judge for sure the witness is -- any  
6 witness is helpful.

7 MR ODONGO: She just has to be helpful to the Judge, not to --

8 SINGLE JUDGE TARFUSSER: She has just to be a witness.

9 MR ODONGO: Yes, just a witness.

10 SINGLE JUDGE TARFUSSER: Okay. Thank you for these opinions. I will decide  
11 upon this very soon in any case.

12 If there is no other issue, but I think I see the finger on the microphone by the Defence  
13 so there should be something.

14 The OTP as well? Yes?

15 MR GUMPERT: Just to clarify, you wouldn't require written submissions on the  
16 matter?

17 SINGLE JUDGE TARFUSSER: No, no, no, no. It's done. That's why I wanted to  
18 discuss it here so I have the submissions.

19 Please the Defence.

20 MS OLIEL: Also just for the record we'd like to note that the Defence did not receive  
21 the said email of yesterday. So just to note that for the record.

22 SINGLE JUDGE TARFUSSER: Yes. Not even the -- not even the Prosecution. No.  
23 That's why I expose it. Okay.

24 There is still something?

25 MR GUMPERT: Sorry, I apologise. Are we spilling over into lunch?

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1 SINGLE JUDGE TARFUSSER: No, no. It's okay.

2 MR GUMPERT: The aim will be to get that witness to testify within the period  
3 which runs up until 27th, is it?

4 SINGLE JUDGE TARFUSSER: Exactly. That's the aim.

5 MR GUMPERT: Thank you.

6 SINGLE JUDGE TARFUSSER: Okay. So this concludes earlier as expected, this  
7 hearing today. It is adjourned to Monday afternoon or morning?

8 MS ADEBOYEJO: Afternoon, your Honour.

9 SINGLE JUDGE TARFUSSER: Yes, Monday 2.30. With the witness we will try to  
10 arrange things with the VWU together with the CMS.

11 Okay. Thank you very much.

12 THE COURT USHER: All rise.

13 \*(The hearing ends in closed session at 12.31 p.m.) Reclassified as open session

14 RECLASSIFICATION REPORT

15 Pursuant to Trial Chamber IX 's Order, ICC-02/04-01/15-584-Conf, dated 4 November  
16 2016, the version of the transcript with its redactions becomes Public.