

Article 56 Proceedings
WITNESS: UGA-OTP-P-0236

(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 Monday, 16 November 2015
8 *(The proceedings start in closed session at 2.32 p.m.) Reclassified into Open session
9 THE COURT USHER: All rise.
10 The International Court is now in session.
11 Please be seated.
12 SINGLE JUDGE TARFUSSER: Good afternoon. I see new faces in the Prosecution,
13 some of them at least. So I would --
14 Hello, Mr Obhof. Glad to be back -- glad that you're back. That's what I want to
15 say.
16 Please first of all, court officer, could you call the case, please, for the record.
17 THE COURT OFFICER: Yes, your Honour.
18 Situation in Uganda, The Prosecutor versus Dominic Ongwen, case number
19 ICC-02/04-01/15.
20 SINGLE JUDGE TARFUSSER: Thank you very much.
21 Now always for the record, please, Mr Prosecutor, could you introduce your team.
22 MR GUMPERT: My name is Ben Gumpert. With me today Julian Elderfield,
23 Yulia Nuzban and Ramu Fatima Bittaye.
24 SINGLE JUDGE TARFUSSER: Thank you very much.
25 I see just Mr Obhof is now again part of the team, so I would just say that we are at

1 the same composition as the original composition of the Defence team.
2 So is the Bench.
3 Before starting with the questioning of the witness, which I don't see yet, but I hope
4 she's there? She is? Okay.
5 I just wanted to come back a moment to the statement -- to the statement of the
6 Defence witness -- or the Defence witness statement we were discussing about last
7 week with the redactions.
8 And for the record I note that I have received by email last week the draft statements
9 taken by the Defence from Witnesses P-235 and P-236. And first of all I remind the
10 Defence that all evidence disclosed must be formally communicated to the Chamber,
11 also through the eCourt system; it's not enough, the email. And this must be done as
12 soon as possible; otherwise, we will lose track of what is on the record of the case.
13 So please if you could do that as soon as possible.
14 Second, that I received on Wednesday an email from Mr Obhof explaining the
15 reasons of the redactions vis-à-vis the Prosecutor and the Bench of some information
16 in the statements of Witness P-235. The reasons advanced would appear to be
17 somehow those of Rule 81(2) of the Rules of Procedure and Evidence.
18 As all of you will remember, I expressed last Tuesday a strong position against
19 redactions in evidence disclosed by the Defence, after which Mr Gumpert hurried to
20 put on the record a different view. This is found at transcript T-14 from page 77.
21 In these circumstances where the Chamber has been provided with the unredacted
22 statement of P-235 and where the Prosecutor clearly expressed consent to being
23 disclosed evidence with the redactions, I will not require the Defence to submit a
24 formal filing on the matter or to make any ruling on it. I just wish the record of the
25 proceedings to reflect this.

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ICC-02/04-01/15

WITNESS: UGA-OTP-P-0236

1 So it's not a granting or not granting, it's just to state what has happened and what is
2 the fact.

3 So this said at the outset, I would -- sorry, Mr Obhof, please you have the floor.

4 MR OBHOF: We hope to have those redactions lifted within the next six to seven
5 weeks. We're hoping that the reasons set forth will no longer be valid and -- as soon
6 as possible and we of course will hand over the unredacted once everything is put
7 forth.

8 SINGLE JUDGE TARFUSSER: Okay. Thank you very much. At least I know now
9 why it's redacted.

10 MR OBHOF: (Microphone not activated)

11 SINGLE JUDGE TARFUSSER: I would now start with the witness. If there are no
12 other questions or no other issues to be raised by the parties, I would start to call the
13 witness.

14 THE COURT OFFICER (via video link): Good afternoon, Mr President. Yes, the
15 witness is coming in.

16 (The witness enters the video-link room)

17 SINGLE JUDGE TARFUSSER: Thank you very much. Thank you very much,
18 Felipe. This is your voice, I think.

19 THE COURT OFFICER (via video link): Okay. Perfect. Thank you.

20 SINGLE JUDGE TARFUSSER: Good afternoon, Madam Witness.

21 WITNESS: UGA-OTP-P-0236

22 (The witness speaks Acholi)

23 (The witness gives evidence via video link)

24 THE WITNESS: (Interpretation) Good afternoon. Thank you.

25 SINGLE JUDGE TARFUSSER: Hello, you can hear me clear and good I hope.

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

2 SINGLE JUDGE TARFUSSER: Thank you very much. You know that you are a
3 witness in these proceedings. I'm the Judge. I'm now here leading. You are a
4 witness. You know this. And as a witness you have to say the truth.

5 But first of all I would ask you to identify yourself, to give us your name, your date of
6 birth, your nationality and every other thing which can identify you. What's your
7 name and your date of birth?

8 THE WITNESS: (Interpretation) I'm called (Redacted).

9 SINGLE JUDGE TARFUSSER: And you were born?

10 THE WITNESS: (Interpretation) I can't -- I can't remember the date I was born in,
11 but I am now 23 years old.

12 SINGLE JUDGE TARFUSSER: Apart of the name you told us, (Redacted), have
13 you another name? Have you been called also with another name?

14 THE WITNESS: (Interpretation) I was also called (Redacted) when I was in the
15 bush.

16 SINGLE JUDGE TARFUSSER: And the name (Redacted)?

17 THE WITNESS: (Interpretation) Yes, I used to be called also (Redacted) and also
18 (Redacted).

19 SINGLE JUDGE TARFUSSER: Okay. Thank you. You know that you are a
20 witness and that as a witness you have to tell the truth. You know that?

21 THE WITNESS: (Interpretation) Yes, I know that.

22 SINGLE JUDGE TARFUSSER: So you are not a witness to the Prosecutor, nor you
23 are a witness to the Defence. You are just a witness for establishing what happened,
24 right?

25 THE WITNESS: (Interpretation) Yes, that's right.

1 SINGLE JUDGE TARFUSSER: Before we start with the questioning first by the
2 Prosecutor, then by the Defence and then if need be also by myself, by the Judge,
3 I would ask you to make a solemn undertaking that you will tell the truth.
4 So I will ask you to speak following me the following words: I solemnly declare that
5 I will speak the truth.
6 THE WITNESS: (Interpretation) I solemnly swear that I will tell the truth.
7 SINGLE JUDGE TARFUSSER: The whole truth and nothing but the truth.
8 THE WITNESS: (Interpretation) The whole truth and nothing but the truth.
9 SINGLE JUDGE TARFUSSER: Thank you, Madam Witness. I must now inform
10 you that giving false testimony or lying to the Judge is punishable with an offence -- is
11 a punishable offence before the Court. So that's why you did this solemn
12 undertaking.
13 And I have to tell you also that if you have -- if an answer that you are requested to
14 give might tend to incriminate you, you can also refuse to answer and I, the Judge,
15 could, should require you in any case to answer and in case you would be compelled
16 to answer, I would give you a legal assistance.
17 Have you understood?
18 THE WITNESS: (Interpretation) Yes, I have.
19 SINGLE JUDGE TARFUSSER: It is my duty to inform you, but I don't think this will
20 happen.
21 So if now everything is clear, as it seems to be, I will now give the floor to the
22 Prosecutor -- I beg your pardon? Please.
23 THE COURT OFFICER: Just to everybody, the transcript is now fixed, but you need
24 to reconnect to be able to see it.
25 SINGLE JUDGE TARFUSSER: Thank you.

- 1 We had only a technical problem, but now we are okay.
- 2 So I give the floor to the Prosecutor for his questioning. After two hours, we make a
- 3 break and then we have another two hours. Okay?
- 4 THE WITNESS: (Interpretation) Yes, please.
- 5 SINGLE JUDGE TARFUSSER: Okay. Mr Prosecutor, the floor is yours.
- 6 QUESTIONED BY MR GUMPERT:
- 7 Q. Madam Witness, does your father have any brothers or sisters?
- 8 A. Yes, he had.
- 9 Q. Tell us the names of his brothers.
- 10 A. Yes. He has (Redacted)
- 11 Q. Where does your father's brother live?
- 12 A. He lives in Pajule.
- 13 Q. Can you tell us the name of the village?
- 14 A. It is called Ogule.
- 15 Q. And is there a particular place in Ogule where your father's brother lives?
- 16 A. Yes, that location is called Wang'yaa.
- 17 Q. When were you last in Wang'yaa?
- 18 A. I was last there in 2002.
- 19 Q. How did you come to leave Wang'yaa in 2002?
- 20 A. I was abducted by people belonging to Otong tong group.
- 21 Q. How old were you?
- 22 A. I was 11 years old.
- 23 Q. Do you know the month and the year?
- 24 A. I was abducted in September in 2002.
- 25 Q. Is there any reason that you can remember that it was the month of September?

1 A. When I was abducted it was in September, and just after one hour it was the
2 Independence anniversary for Uganda.

3 Q. Can you just help us after how much time it was the Independence Day?

4 A. It was one month and -- one month and then it was Independence anniversary
5 in October. I was abducted in September and in October it was the Independence
6 anniversary.

7 Q. Tell us about the people who abducted you. How many? What did they look
8 like?

9 A. They were three in number, those who abducted me.

10 Q. Can you describe these three people for us?

11 A. They were boys.

12 Q. You've told us you were 11. Boys younger than you? Same age as you?
13 Older than you?

14 A. They were older than me.

15 Q. Can you estimate their ages?

16 A. No, I'm unable to estimate their ages.

17 Q. You said they were Otong tong. Is there another name or word for people who
18 are from the Otong tong?

19 A. Here in Uganda they are called Holy, but where we were staying in the Congo
20 they were called Otong tong.

21 Q. Do you know any other name for the Holy?

22 A. There's no any other name apart from those two which I know.

23 Q. What were they wearing?

24 A. They were wearing uniforms.

25 Q. What did they do?

1 A. They came and found us in the house with the wife of my uncle, the wife of my
2 father's uncle, and then they called my uncle to come and one of them entered the
3 house and found me in the house. I was grinding and he said "Come here, young
4 girl." Then the wife of my uncle made a sign to me not to go. But then they insisted
5 "Come quickly." So then I got out and came out and they told us to start moving, so
6 we moved where -- to someplace where we found some other people, many other
7 people.

8 Q. How were they able to insist that you went with them?

9 A. They told my father's brother that I was going to show them the way and then I
10 started to move with them. And I discovered it was more than showing the way, so
11 I just ended up staying with them. I only came back home in 2015.

12 Q. Did these three men have anything with them?

13 A. They all had guns.

14 Q. What did they do with the guns when they insisted that you went with them?

15 A. I didn't see anything they did apart from them ordering us to get out and that's
16 when I got out and started walking with them because I was fearful.

17 Q. Tell us what your fears were.

18 A. I was afraid because they were -- they were holding guns and also I hear people
19 say they have the tendency of killing people.

20 Q. Who were you hearing that from?

21 A. I used to hear people talking just within the community, people talking about
22 such things, that if you refuse to obey their orders, then you are killed.

23 Q. You tell us they took you to a place where there were many other people. How
24 long roughly did it take you to get to that place?

25 A. Not -- not an hour, because it was not so far.

1 Q. Describe the people who you saw at this place.

2 A. There were those people belonging to Holy who sent the three people to pick us,
3 then we came and found the rest of the members there in that place.

4 Q. I'm asking you to describe those people, the rest of the people when you arrived
5 there.

6 A. There were people of the -- members of the Holy and they just sent the three
7 people to abduct us, so we came back and found the rest of the members of the Holy.

8 Q. These people, were they men? Women? Children? A mixture?

9 A. There were girls, men and women and also child soldiers, kadogi (phon), one
10 calls kadogi.

11 Q. Tell us what you would estimate the age of the youngest girl to be.

12 A. The youngest girl was me. Among the group it was me the youngest girl.

13 Q. And the next youngest after you?

14 A. I cannot estimate the ages of the other people. I cannot therefore estimate their
15 ages.

16 Q. Tell us about the men, what were they wearing?

17 A. They were wearing uniforms.

18 Q. Did they have anything with them?

19 (Video link disconnected)

20 (Pause in proceedings)

21 SINGLE JUDGE TARFUSSER: We have a connection problem. We are trying to
22 reconnect, so just a little bit of patience.

23 (Pause in proceedings)

24 SINGLE JUDGE TARFUSSER: Hello, Madam Witness. You had a small break
25 unexpected, small rest. Can you hear me now?

Article 56 Proceedings

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- 1 THE COURT OFFICER (via video link): Yes, Mr President. We can hear you now,
2 but we hear the English interpretation or the floor. Can I please request that the
3 Acholi is put in instead of English, please?
- 4 SINGLE JUDGE TARFUSSER: Yes.
5 Was that heard by the interpreters?
- 6 THE ACHOLI INTERPRETER: Yes, we heard that.
- 7 SINGLE JUDGE TARFUSSER: Is it fixed now? Is it okay now, Felipe?
- 8 THE WITNESS: (Interpretation) Yes, I can hear you now.
- 9 SINGLE JUDGE TARFUSSER: Okay, good.
10 So I just said that you had an unexpected rest for a few minutes and now I give the
11 floor back to the Prosecutor, okay?
- 12 THE WITNESS: (Interpretation) Yes, it's okay.
- 13 SINGLE JUDGE TARFUSSER: The floor is yours, Mr Prosecutor.
- 14 MR GUMPERT:
- 15 Q. The men in uniforms, did they have anything with them?
16 A. Yeah, they had guns.
17 Q. What about the women?
18 A. There were also women.
19 Q. What did they have with them?
20 A. The women had -- had just luggage which they were carrying.
21 Q. Where did you go next?
22 A. Next we started moving. They asked me to show them the way, so we started
23 moving and we walked up to some location where we spent a night and then the
24 following morning we walked till evening and we found some two people who
25 allegedly had escaped from the Sudan, and they killed those two people. We, the

1 new abductees, were called. We were four of us new abductees. So they showed
2 us and told us that if we tried to escape the same thing would be done to us. So we
3 saw those two people who were killed and we turned around and they told us to go
4 to the place where we were going to settle down. The following morning we left and
5 started moving and left those two behind.

6 Q. Did you come to know who was in charge of the group of Otong tong that you
7 were with?

8 A. In that group we were in the group of Dominic because first of all when we
9 were just abducted we were with Buk, then Buk took me and gave me to Dominic, so
10 I remained in Dominic's group till my return home.

11 Q. Do you know any other name for Dominic?

12 A. I hear he's called Dominic Ongwen.

13 Q. What did Buk say when he handed you over to Dominic?

14 A. I don't know what they talked between them, the two of them, because they
15 just -- one just tells you to go and go somewhere. You don't know reasons why.

16 Q. Did Buk say anything about what would happen to you once you were handed
17 over to Dominic?

18 A. No, he didn't say anything.

19 Q. The killing of the two men which you've told us about, did that happen before
20 or after you were handed over to Dominic?

21 A. I had already been handed to Dominic Ongwen.

22 Q. And just remind us, what was the reason why these two men were being killed?

23 A. According to what I heard, it is because they had escaped from Sudan. That's
24 why they were killed. That's what we were told because we were called to come and
25 witness what was happening to them. So we were gathered all of us. We, the new

1 abductees, we all came and we were told to see those two men and that if we behaved
2 like that, we too would be killed in that manner. The reason given to us is that they
3 had escaped from Sudan. That was what they told us.

4 Q. Who was it who called you to come and see the killing?

5 A. There's someone who stays in the operation room of Dominic. One of them is
6 called Ariyang (phon). He's the one that called us to come and see the two dead
7 people. I forget the names of the others.

8 Q. And who was the person who gave the orders in Dominic's group?

9 A. At that time I was a civilian. I didn't know how orders were given, whether it
10 is by Dominic or by someone else. I had no idea at all.

11 Q. Was there anyone more senior to Dominic in that group?

12 A. At that time I had no idea about Dominic's rank, but I was staying with him, but
13 I didn't know his rank. I even didn't know whether he was the commander. I just
14 started learning more about him after staying for some time in his place.

15 Q. And you've told us that you stayed in Dominic's group until you left the bush.
16 In Dominic's group who was the most senior person?

17 A. Dominic was the most senior person.

18 Q. I want to ask you about any times when you personally, not someone else, you
19 personally have been punished or subjected to discipline. Can you tell us about any
20 such time?

21 A. Yes, I can.

22 Q. Please tell us.

23 A. I was beaten while we were in Gulu. We were beaten just shortly after we had
24 been abducted. We were told that that was part of the initiation that as soon as
25 you're abducted you are whipped ten times. Everybody -- every new abductee is

1 beaten ten times and I was among those new abductees.

2 Q. Who told you this was part of the initiation once you're abducted?

3 A. Dominic's security.

4 Q. Can you tell us about any other time when you may have been punished?

5 A. I was beaten while we were in Gulu because Dominic had told them that we
6 were dirty and we did not like taking care of ourselves and Dominic told them to beat
7 us five times.

8 And while we were in the Congo as well I was beaten ten strokes on grounds that
9 there were some sort of relationship between myself and some other boy. This boy
10 was killed. I haven't seen him up till now.

11 Q. The time when you were beaten because you were said to be dirty, where was
12 Dominic Ongwen when that happened?

13 A. He was just close by. He was seated close by.

14 Q. I'm going to come to the relationship matter in a moment. Put that aside.
15 Being beaten for something like being dirty, was that the only time it happened or is
16 this an example of the kind of punishment you would get?

17 A. If there is anything wrong, you're beaten. If you do anything wrong, you are
18 beaten.

19 Q. Can you give the Court an example, just one, of the kind of thing you might do
20 wrong to get beaten?

21 THE ACHOLI INTERPRETER: The Acholi booth did not get that. The sound was
22 cut off.

23 MR GUMPERT:

24 Q. Could you repeat your answer, please, Madam Witness. We didn't hear it.

25 A. I did not quite understand the question.

1 Q. You've told us and I'm using your words, "If you do anything wrong, you are
2 beaten." Apart from the time when you were said to be dirty, give us another
3 example of what you were beaten for.

4 A. Well, if you have -- if your things are dirty, you would be beaten. If you're not
5 listening, you would be beaten. Those are the examples that I can give. If you
6 listen, you're not beaten. If you listen to what they are telling you, you're not beaten.
7 But if you forget, then you're beaten. Because those -- we were still young at that
8 time.

9 Q. What sort of duties were you given? What sort of instructions?

10 A. Washing, washing stuff, cooking. We used to do the chores in turns and also
11 doing our own -- our laundry. If things are dirty, then you are beaten. For example,
12 if there is -- if there is a cloth that is dirty, you are beaten. They tell you that if you
13 forget, you will be beaten. If you forget anything, you will be beaten.

14 Q. I want to ask you about the relationship issue which you mentioned earlier.
15 What's the name of the person concerned?

16 A. (Redacted).

17 Q. Tell us about that incident, please.

18 A. We were beaten because they said we were dirty and because of the cloths that
19 cover the saucepans, the cloths they used to cover saucepans.

20 Q. I probably wasn't very clear and I'm sorry for that. You mentioned earlier
21 punishment which arose out of a relationship issue. Do you remember that?

22 A. Yes, I do recall.

23 Q. What was the name of the person concerned in the relationship?

24 A. Well, the name that I know is Nyeko.

25 Q. And who was Nyeko? How did you know him?

- 1 A. Nyeko used to stay in the same household. He was one of Dominic's security.
- 2 Q. How old was he? Younger than you? Same age? Older?
- 3 A. He was -- he was older than me.
- 4 Q. Tell us how you came to get into trouble about this relationship.
- 5 A. At the time Nyeko had told me that we should go back home. I refused. It
- 6 seems somebody overheard us talking and went and I suppose informed Kony or
- 7 Dominic. I'm not sure who was informed. The next thing I do recall is Nyeko
- 8 being arrested. I was also called and told to go to Kony. Nyeko was taken by
- 9 Kony's security. They took the both of us to Kony's -- to Kony.
- 10 Kony told us to take off our tops. I took off my blouse. He took after his shirt as
- 11 well. Kony started -- Kony told me to tell the truth if I did not want to die. I told
- 12 him that I had not had any sexual relations with Nyeko. He told me that, "Yes, you
- 13 have." I told him, "No, I haven't." He told me that if I did not tell the truth, I would
- 14 be killed. That's when I told him, "Okay, yes, I did sleep with Nyeko." He asked
- 15 me how many times I slept with Nyeko. I told him I had slept with him twice. At
- 16 that point Nyeko was taken and they told him -- they said Nyeko should be killed.
- 17 Nyeko was taken and he was killed.
- 18 They told Odhiambo to take me to somewhere else and -- but instructions were made
- 19 not to be killed. Nyeko was shot and I heard the gunshots. They told -- they said it
- 20 was not my fault and Nyeko was the older one, he knew what he was doing. I was
- 21 taken and I was caned a hundred times. I could not walk. Dominic sent people to
- 22 come and take me. His security came, they took me by my arms and then they took
- 23 me to Dominic.
- 24 Q. You told us that Nyeko had talked to you about going home. Where were you
- 25 at this time when you had this conversation?

1 A. We were in the Congo.

2 Q. Can you tell us how long it was after you were abducted?

3 A. It was in 2007. Because we went to Congo in 2006 and so this was in -- the
4 incident happened in 2007.

5 Q. Why was it that you couldn't -- or Nyeko couldn't just go home like he said?

6 A. I do not know. I do not know why he couldn't. I do not know what he was
7 thinking or what he thought.

8 Q. What would have happened to you if you had walked away from where you
9 were saying that you were going home to Uganda?

10 A. I would have been caught and killed. And secondly, I could not actually walk
11 on my own at night because I did not know the directions.

12 Q. You told us that after your beating Dominic sent his security and they took you
13 to him. What was your relationship with Dominic by this time?

14 A. At the time I was his wife.

15 Q. What did Dominic say to you after you had been beaten?

16 A. He told me that if -- if I had actually done that, then that should be the last time.

17 Q. The beating, are we talking here about the 100 strokes? Is that the correct
18 beating that we're talking about?

19 A. Yes, it is.

20 Q. When you first came into Dominic Ongwen's household, which other people
21 were there?

22 A. There was (Redacted) and I was -- I was the other person and
23 there was somebody named (Redacted). There was five of us.

24 Q. Do you know any other names for (Redacted)?

25 A. Yes, I do.

- 1 Q. Tell us.
- 2 A. (Redacted).
- 3 Q. Do you know any other names for (Redacted)?
- 4 A. No. It's -- it's (Redacted).
- 5 Q. Did (Redacted) have any other names?
- 6 A. (Redacted).
- 7 Q. And what about (Redacted)
- 8 A. (Redacted) was (Redacted)
- 9 Q. What was the relationship of these people to Dominic Ongwen when you first
10 came into his house?
- 11 A. Well, they had good relations.
- 12 Q. Do you mean they were just friends?
- 13 A. They were Dominic's wives.
- 14 Q. How did you get on with these ladies?
- 15 A. We used to get on with some of them, but not with all of them.
- 16 Q. Can you name any that you did not get on with?
- 17 A. It was (Redacted).
- 18 Q. What was the problem with (Redacted)?
- 19 A. When I was shot on my leg Dominic had instructed that I should be taken to the
20 bay. My leg -- they kept me there till my leg healed. Dominic asked me to come
21 back and I started coming back because there were two of us. I left one of the people
22 in the bay. I came back and (Redacted) told me that (Redacted) has been saying that
23 I'm -- that I practise witchcraft and that I'm practising witchcraft, hence the headaches
24 that she's having. And I was told that I should look for medicine and put it on her
25 head. I said, "I do not practise witchcraft."

1 It was from then on (Redacted) actually disliked me. I have no idea why she disliked
2 me. We left, we went to Congo and (Redacted) started saying that (Redacted) and I
3 practised witchcraft and we are the ones who are causing all the problems. Dominic
4 asked his security to come, the older security, and he asked them to question us, to
5 interrogate us. I did not know what (Redacted) was telling those people. I did not
6 know what (Redacted) was telling those people. I was also asked. I told them, "No, I
7 do not practise witchcraft."

8 They told me to go back. They called (Redacted) came out running. She said
9 that if we do not tell the truth, then we are going to be killed. She said, "Do you see
10 that hole there? They said they are going to kill us and throw us in that -- in that
11 hole." We were told that there were two other people in that hole.

12 When (Redacted) saw that there was -- there were some problems, she started running. I
13 didn't know why (Redacted) was running. (Redacted) ran and went to Kony's homestead.
14 Kony asked (Redacted) to sit down. (Redacted) sat down. The next day -- till the next day.
15 (Redacted) came back the next day. Kony came himself and spoke to (Redacted). He
16 told (Redacted) that there is nobody in Dominic's homestead practising witchcraft. He
17 sat there, he talked to us, but even despite all this, despite being reassured that we do
18 not practise witchcraft, (Redacted) kept on hating us, telling us that we are the ones
19 who kept on practising witchcraft. She's the one who disliked me. I did not dislike her.

20 Q. So in the end things were straightened out, but if you had been killed and
21 thrown in the hole, who would have given the orders for that to be done?

22 A. Kony would -- Kony would have been the one who would have given the
23 orders because he is the one who -- who had all the authority.

24 Q. I want to ask you about your injuries. How many times were you injured
25 while you were with the Holy?

- 1 A. I was injured three times.
- 2 Q. What country were you in when you were first injured?
- 3 A. I was in Uganda.
- 4 Q. Can you remember the year?
- 5 A. I do not recall the year.
- 6 Q. Let's turn to the second time, which country were you in when you were injured
- 7 a second time?
- 8 A. I was still in Uganda.
- 9 Q. Can you remember the year when that happened?
- 10 A. It was in 2005.
- 11 Q. Tell us briefly how you came to be injured and who you were with.
- 12 A. When I -- when I was injured I was with Dominic. I was cooking. We were
- 13 informed -- Dominic's security informed us that the army was coming. We got up
- 14 and started -- we walked and tried to cross the road. We found -- we ran across
- 15 soldiers in the -- on the road. They were squatted on the sides of the roads. They
- 16 got up. The soldiers started shooting us and it was while we were running that I got
- 17 injured.
- 18 Q. You've told us that at some stage you moved from Uganda to the Congo; is that
- 19 correct?
- 20 A. Yes, it is.
- 21 Q. Who were you with when you moved to the Congo?
- 22 A. I was with Dominic and others.
- 23 Q. What about the ladies whose names you have mentioned, where were they?
- 24 A. We were with those of (Redacted). We were with (Redacted), the
- 25 four of us.

1 Q. Do you know what it is that marks the border, the frontier to get into the
2 Congo?

3 A. No, I do not know, but we came across a big river and we were told that if you
4 cross that river, then you're in the Congo, but if you're on the other side of the river,
5 then you're in Uganda. That's what I heard them say.

6 Q. Tell the Court about crossing the river.

7 A. We crossed the river with -- on jerrycans. When we got to the riverbank they
8 sent people from across the river to come with jerrycans and we used those jerrycans
9 to cross the river. We crossed the river. It took us two days to cross the river. On
10 the first day we stayed -- there's some people who stayed over. On the second day
11 they took the rest of the people that were left behind.

12 Q. What was it like crossing the river on jerrycans?

13 A. Yeah, it was frightening. It wasn't a very nice experience.

14 Q. Was it safe?

15 A. No, it wasn't safe.

16 Q. What happened to you once you got to the Congo? Who were you living with?

17 A. When we arrived in Congo, we were together with Dominic, (Redacted) and
18 (Redacted).

19 Q. What happened to you at this time?

20 A. It was at this time that I became Dominic's wife.

21 Q. Are you able to tell us what year that happened in?

22 A. 2007.

23 Q. I want you to tell us about the occasion when you became Dominic's wife.

24 A. Well, there was nothing particular that happened.

25 Q. Did you suggest it or did he suggest it or did somebody else suggest it?

Article 56 Proceedings

(Closed Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0236

1 A. He's the one who called me. He called me and I went to him. He told me to
2 go lie down on his bed. I did not have any right, so I went, I lay down on the bed.
3 He told me to undress, I undressed and I lay down.

4 Q. What else could you see in his bedroom?

5 A. There was a gun and the bag containing his clothes and the mattress that he was
6 sleeping on.

7 Q. What happened once you lay down on the mattress?

8 A. He lay on top of me.

9 Q. What did he do then?

10 A. Then he took out his thing and put it in my thing.

11 Q. Had you ever done this before?

12 A. No, I had not.

13 Q. Were you able to make any choice about what was happening to you at that
14 moment?

15 A. No, I did not have any choice.

16 Q. What would have happened if you had refused?

17 A. If I had refused, well, I do not know what he would have done to me.

18 Q. I want you to tell us what you were thinking.

19 A. Well, I was thinking that if -- if I had stayed home, if I had not been abducted
20 I would -- I would -- by now I would still be a virgin, I would still not have had sexual
21 relations with a man.

22 MR GUMPERT: Your Honour, I want to refresh the witness's memory from
23 paragraph 50 of her statement.

24 SINGLE JUDGE TARFUSSER: Please do so.

25 MR GUMPERT:

Article 56 Proceedings
WITNESS: UGA-OTP-P-0236

(Closed Session)

ICC-02/04-01/15

1 Q. Madam Witness, you made a statement to Prosecution investigators; is that
2 correct?

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

4 MR GUMPERT: I wonder if the assistants who -- sorry, that's probably not a good
5 word. If the staff members who are with the witness could -- if Felipe -- I'm grateful,
6 let's personalize this -- if Felipe could find the statement which should be at tab 2 of
7 the bundle of documents, the statement of the witness resulting from interviews on 25,
8 26 and 27 September which is at 0244-3360.

9 THE COURT OFFICER (via video link): Yes, Mr President, I am showing the
10 statement to the witness at paragraph 50.

11 MR GUMPERT: Sorry, I'll read the paragraph in a moment. What I want the
12 witness to look at is her signature on the first page. My apologies. I should have
13 been clearer.

14 Q. And my question, Madam Witness, is: Is that your signature?

15 THE COURT OFFICER (via video link): This is the first page, Madam Witness, and
16 these are the signatures I am pointing out to you.

17 THE WITNESS: (Interpretation) Yes, I was the one who signed it.

18 MR GUMPERT:

19 Q. And you signed the statement because you were happy that it was correct; is
20 that right?

21 A. Yes, it's correct.

22 Q. I'm going to read to you a very short part of the statement. This is it: "While
23 he was on top of me, I was thinking of what he was doing because I had never done it
24 before. I could not refuse because I was not free. I was under his authority."

25 Was that correct? Was that true?

1 A. Yes, that's the truth.

2 SINGLE JUDGE TARFUSSER: Mr Prosecutor, I would only say that I could not find
3 the reason why you read out this paragraph because I think that she said it also before
4 more or less. I mean the meaning was quite in that direction. There was no -- I
5 would have thought there was no need to refresh anything because she said it. But I
6 let you do so and waited until this moment to say this, but I thought it was quite clear
7 from what she said.

8 MR GUMPERT: I'm grateful. I suppose those who are leading witnesses are
9 naturally cautious. In my view the last sentence was of rather more generally
10 application than what had been said previously, but I apologise if I have dwelt too
11 long.

12 SINGLE JUDGE TARFUSSER: It's okay.

13 MR GUMPERT:

14 Q. Last question about this particular event: His security, his escorts, where were
15 they when all this was happening?

16 A. They were sleeping in the trenches.

17 Q. How far away was that?

18 A. Just about -- just like from here up to the gate. Just a short distance.

19 Q. Let's put -- sorry.

20 SINGLE JUDGE TARFUSSER: Could Felipe tell us where the gate is, how far this
21 gate is away from you?

22 THE COURT OFFICER (via video link): If I'm not mistaken, I would say it's around
23 10 metres.

24 SINGLE JUDGE TARFUSSER: Okay. That's enough. Okay. Thank you.

25 THE COURT OFFICER (via video link): Yes, 8 to 10 metres probably.

Article 56 Proceedings
WITNESS: UGA-OTP-P-0236

(Closed Session)

ICC-02/04-01/15

- 1 SINGLE JUDGE TARFUSSER: Perfect.
- 2 THE COURT OFFICER (via video link): I can find the exact --
- 3 SINGLE JUDGE TARFUSSER: No, no.
- 4 THE COURT OFFICER (via video link): -- measurement afterwards if --
- 5 SINGLE JUDGE TARFUSSER: No. It's just an estimate. Thank you. Thank you,
- 6 Felipe. It's okay. Thank you.
- 7 THE COURT OFFICER (via video link): I'm talking about the entrance gate
- 8 (indiscernible) until the entrance of the office.
- 9 MR GUMPERT: Okay. I think that's enough about the gate. Let me ask -- sorry, I
- 10 don't mean to be ungrateful, I'm very grateful, but a different question for the witness.
- 11 Q. Was it within earshot?
- 12 A. Yes -- no, it would not be -- it was not in an earshot.
- 13 Q. I wonder whether I've confused things by using a colloquial phrase. I'm going
- 14 to leave it. I'll move on.
- 15 SINGLE JUDGE TARFUSSER: It was very close I would say.
- 16 MR GUMPERT: Yes.
- 17 Q. How often after that would Dominic Ongwen have sex with you?
- 18 A. It would take sometimes a week, then he would call me. At times it could take
- 19 a whole month before we calls me again.
- 20 Q. And were those occasions different in any significant way from the occasion
- 21 you've just described to us?
- 22 A. No, there was no difference. It was all the same thing.
- 23 Q. Have you had any children, Madam Witness?
- 24 A. Yes, I have children.
- 25 Q. How many?

- 1 A. There are two of them.
- 2 Q. How old is the first one?
- 3 A. The first one is four years old. By December this year, the child will be five
4 years old.
- 5 Q. And what's that child's name?
- 6 A. He's called (Redacted).
- 7 Q. And who is (Redacted) father?
- 8 A. He's called Ongwen Dominic.
- 9 Q. What about your second child, do you know when that child was born?
- 10 A. Yes, I do.
- 11 Q. Can you tell us the date of birth and the name of the child.
- 12 A. I have forgotten actually the date. Sorry for that.
- 13 Q. The month and the year would do. The day is not important.
- 14 A. Yes, I do remember the month and the year. It was in February. Now he is
15 one year, eight months old.
- 16 Q. What's his name?
- 17 A. He's called (Redacted).
- 18 Q. And who is (Redacted)'s father?
- 19 A. The father is Ongwen Dominic.
- 20 Q. When you were in the Congo with your children, were things always peaceful?
- 21 A. Everything was okay apart from the children. We had to carry the children all
22 the time and that was not easy.
- 23 Q. In what circumstances would you have to carry the children?
- 24 A. Sometimes we are attacked by the army and then it's difficult to run with the
25 children and we get all disappear and disarray in different directions.

- 1 Q. Would you manage to carry both children at once?
- 2 A. No, it would not be possible for me to carry all the children at the same time.
- 3 Q. So what arrangement was made?
- 4 A. Dominic found a girl whose work was to carry one of the children. And me
- 5 I would carry the younger one while the other girl would carry the other child.
- 6 Q. What was the girl called?
- 7 A. She was called (Redacted).
- 8 Q. And what was her relationship to Dominic Ongwen?
- 9 A. She was Dominic's wife.
- 10 Q. How many wives did Dominic have by this time?
- 11 A. Dominic had many wives, but I have forgotten some of their names.
- 12 Q. Can you remember any?
- 13 A. Yes, I do.
- 14 Q. Tell us.
- 15 A. Yes. One is called (Redacted), then one is called (Redacted). The other one -- there's
- 16 also (Redacted) and then there is one I cannot recall any more.
- 17 Q. You've told us that you became pregnant and gave birth to two children. Did
- 18 you have any choice about whether you were going to have babies or not?
- 19 A. No, I didn't have any choice.
- 20 Q. Were you free to go home to your mom and dad or your uncle and aunt when
- 21 you were pregnant?
- 22 A. When I was pregnant I wanted to go back home, and I even told to -- I even
- 23 requested Dominic to release me, but he didn't say anything.
- 24 Q. I want to ask you about something completely different now. I want to ask
- 25 you about training. Do you remember any training while you were with Dominic

1 Ongwen?

2 A. Yes, I do remember.

3 Q. Who got trained and who trained them?

4 A. Dominic Ongwen was the one training us.

5 Q. Where did this happen? Which country?

6 A. It happened in Congo.

7 Q. Tell us who else you remember being trained by Dominic Ongwen.

8 A. There was (Redacted). Actually, we, the wives -- his

9 wives, and also there were child soldiers who had been abducted in the Congo. We
10 were the ones being trained by him. Others who had -- while others who had been
11 abducted in the Sudan, they were also in the training.

12 Q. Were the boys the same age as you? Younger? Older?

13 A. Others were younger than me, others were older than me.

14 Q. And by this time, the training, had you had any babies?

15 A. No, I still didn't have any children.

16 Q. Just tell us very briefly what kind of training, what sort of things were you
17 trained to do with the other wives and these boys?

18 A. They were training us parade and also training us the use of the gun, just those
19 two things.

20 Q. What would you do when Dominic Ongwen was training you with the use of
21 the gun? What would you actually do?

22 A. Nothing really. There was actually nothing we did.

23 Q. Well, just try to help the Court. There's you and there's a gun. Would you
24 actually touch the gun?

25 A. While we were being trained?

1 Q. Yes.

2 A. They would teach us the different parts of the gun so that we have some
3 knowledge about it. We did not actually touch the gun, but he would just show us
4 the gun, lift it high up and we could look at -- see it, but we didn't touch the gun.

5 Q. Thank you. I want to ask you now about people called escorts. What does
6 that word mean to you?

7 A. According to my understanding, these are the subordinates, the people under
8 him, under his control.

9 Q. When you say "under his control," do you mean Dominic Ongwen's control?

10 A. Yes, that's what I mean.

11 Q. Can you describe what kind of people were they? Men? Women? Young?
12 Old? Tall? Short?

13 A. Some were young, others were old, but I didn't see any old people.

14 Q. Any women?

15 A. Yes, there were women.

16 Q. Tell us what you estimated the youngest age of these escorts to be.

17 A. These were old -- they were boys who were old enough.

18 MR GUMPERT: Your Honour, I seek to refresh the witness's memory on this precise
19 point from paragraph 64.

20 SINGLE JUDGE TARFUSSER: Yes, please go ahead.

21 MR GUMPERT:

22 Q. Madam Witness, I'm going to read you a short passage from the same document,
23 the witness statement. It's at page 0244-3360 and the precise page is 3368.

24 The statement reads this: "Ongwen had many escorts. Some were small boys,
25 others were men. By boys I mean they were still young around 11 or 12 years old.

1 Most abducted people were of around that age. I saw these escorts when we were in
2 Uganda and in Congo."

3 Was that true, Madam Witness?

4 A. Yes, that is -- that is true because actually I forget certain things and it would be
5 good for you to remind me like that.

6 Q. One last question about escorts, see if you can remember this. After the
7 training with the guns, which you've described, where would the escorts go?

8 A. Some of them would go to attack.

9 Q. To attack what?

10 A. Sometimes the Congolese army would come to attack us, them and then they
11 would also go and fight them, including also the Ugandan army, they would also
12 attack the Ugandan army.

13 Q. What about the escorts that you saw while you were in Uganda, what would
14 they go to do?

15 A. Yes, they would go and fight and also they would take care of Ongwen's things
16 such as his beddings and they would also accompany Dominic Ongwen wherever he
17 goes. That's what I would see them doing.

18 Q. Thank you. I want to ask you now about a place called Pajule. Do you know
19 that place?

20 A. Yes, I do.

21 Q. Have you ever heard of any fighting near Pajule?

22 A. Yes, I did.

23 Q. Can you remember -- sorry. Can you remember when that was?

24 A. I hear it happened in September.

25 Q. Do you know the year?

1 A. I don't -- I no longer remember.

2 Q. Whose group were you in at the time of the fighting near Pajule?

3 A. We were with Dominic in -- in Otti's group because Otti was the commander of
4 that group.

5 Q. Could you hear anything when there was fighting near Pajule?

6 A. I just heard that Pajule was attacked and there was -- I have also a neighbour
7 who was abducted, a neighbour who was actually (Redacted). That's how I got to
8 know about the Pajule attack through that neighbour.

9 Q. What did you personally do around the time of the fighting near Pajule?

10 A. There's nothing that I did.

11 MR GUMPERT: Again, your Honour, I'm going to ask for permission to refresh the
12 witness's memory.

13 SINGLE JUDGE TARFUSSER: Of course.

14 MR GUMPERT: Thank you.

15 Q. Madam Witness, I'm going to read you a passage from that very same statement.

16 The specific page here is 0244-3369 and it runs as follows.

17 SINGLE JUDGE TARFUSSER: Which paragraph?

18 MR GUMPERT: Sorry, paragraph 68.

19 Q. I'm going to start a few lines down: "I heard about Pajule attack. I was in
20 Vincent Otti's group at the time they were going for Pajule attack. I do not know the
21 name of Otti's group. Women were separated from men. I did not go. I heard
22 gun shots but I did not know what was going on."

23 Was that correct? Did you hear gunshots from the fighting at Pajule?

24 A. Yes, I heard the gunshots.

25 Q. And what did you yourself do then after you had heard the gunshots? Where

1 did you go?

2 A. We didn't go anywhere. We just remained there because we were all in the
3 company of Otti and his group.

4 Q. I'm going to refresh your memory a little more. "Later on" -- it's the same
5 paragraph: "Later on we were called to go and carry items which were collected
6 from Pajule. We carried different food items. When I went to collect food, I saw
7 abductees from Pajule. They were men and women. I do not know how many they
8 were. Some were released and others were kept."

9 Was that true? Did you go to Pajule yourself or to carry items from Pajule?

10 A. Yes, I did carry items from Pajule.

11 Q. And is it right that people were abducted, some of whom were released but
12 others of whom were kept?

13 A. Yes, that is correct.

14 Q. Did you know any of the people abducted by name?

15 A. I know just the name of one girl. That's the name I know.

16 Q. Where was Dominic Ongwen at the time when you heard the gunshots?

17 A. I didn't know where Dominic Ongwen was, but he wasn't with us.

18 Q. Do you know what job he did in Otti's group?

19 A. I didn't know the job -- his job in Otti's group because after just one week we
20 separated from each other again.

21 Q. Just clarify for the Court if you would, who separated from who about a week
22 later?

23 A. People were divided into two groups. For us girls and mothers we were
24 handed over to a commander called Nelson, that he should stay with us at the sickbay.
25 And then the other group, I don't know where they went, but for us in our group we

1 stayed with Nelson up to the time I was shot in the leg.

2 Q. Can you help us with this: Roughly how long after you were abducted was
3 this time when you heard shots at Pajule and saw people abducted?

4 A. It was about two years after my abduction. I'm not very sure about my
5 estimate.

6 Q. Thank you for trying. One last point. Forget Pajule. I'm asking you much
7 more generally now. Did you see people who had been abducted at other times
8 when you were with Dominic Ongwen?

9 A. Yes, people were being abducted.

10 Q. And in which countries was this happening?

11 A. Here in Uganda.

12 MR GUMPERT: I'm nearly done. I think we're going to have a break in five
13 minutes or so, but I hope I can finish before then. I understand there's no leeway, at
14 two hours the curtain comes down; is that right, your Honour?

15 SINGLE JUDGE TARFUSSER: The problem is the taping.

16 MR GUMPERT: I may not finish, but perhaps slightly absurdly I would be left with
17 two questions. Could we take the break now?

18 SINGLE JUDGE TARFUSSER: Well, it doesn't -- no, it doesn't change because then
19 we change the tape and then we have another two hours and, you know, if -- I don't
20 know how the Defence is thinking about, but --

21 MR OBHOF: An hour at the most, your Honour. We won't use the whole time.

22 SINGLE JUDGE TARFUSSER: No? So we can do that, in that case we could do this.

23 Okay. So we have 35 minutes of break say so. We see each other again at 5 o'clock.

24 Madam Witness, I can tell you that now we have the break. You can rest. Felipe
25 will look after you and we'll see you in half an hour. And I can also tell you that

1 today probably you can leave and go back home. Thank you very much.

2 THE COURT USHER: All rise.

3 (Recess taken at 4.23 p.m.)

4 *(Upon resuming in closed session at 5.04 p.m.) Reclassified into Open session

5 THE COURT USHER: All rise.

6 Please be seated.

7 SINGLE JUDGE TARFUSSER: We are back with a few minutes for the Prosecutor, I
8 suppose. So the floor is yours.

9 MR GUMPERT:

10 Q. Just a few more questions, Madam Witness. You told us you were 11 when
11 you were abducted, but you don't know your exact birth date. How is it that you
12 know you were 11? Is there something you can tell us which means you knew you
13 were 11 at that time?

14 A. The -- my uncle, the one whose -- who was -- the one where I was when I was
15 abducted, I was asked how old I was and he's the one who told them that I was 11
16 and that's how I recall it.

17 Q. Next you told us you were taken to a place to meet other Holy and that among
18 the group that you met there there were -- I think the word you used was kadogi.
19 Can you tell us what the word "kadogi" means? Can you use another word?

20 A. Well, that's what I heard them calling children 11 or 12. Children -- the Holy
21 referred to children age 10 or 11 as kadogi.

22 Q. Can you tell us the name of one of the people who used this word "kadogi" to
23 refer to children?

24 A. I heard Dominic -- I heard this from Dominic Ongwen.

25 Q. Next question: You mentioned somebody called Buk. Do you know another

- 1 name for that person?
- 2 A. No, I only ever heard him being referred to as Buk.
- 3 Q. You told us about two people who were killed because they tried to escape.
- 4 Who actually did the killing?
- 5 A. The person who killed them was called Ariyang.
- 6 Q. And what was Ariyang's relationship with Dominic Ongwen?
- 7 A. I'm sorry, sir, I cannot actually -- I cannot guess because I'd only just recently
- 8 been abducted and I cannot exactly tell you what kind of relationship was between
- 9 the two of them.
- 10 Q. Very well. Just so we're clear, how were they killed? What was the method?
- 11 A. They were stabbed with a bayonet.
- 12 Q. And who was holding the bayonet when it was used to stab them?
- 13 A. Ariyang was the one who was holding the bayonet.
- 14 Q. You told us about the time when Dominic told someone to beat you because he
- 15 said you were dirty. Who was the person who actually did the beating?
- 16 A. The kadogo was referred to as Chak Dieng (phon). When I came he was
- 17 already being referred to as Chak Dieng.
- 18 Q. And I think you said he was a kadogo, is that correct, with the meaning you
- 19 gave before?
- 20 A. Yes, it is.
- 21 Q. When you crossed the big river, can you give us your understanding of how
- 22 long this was after your second injury? You told us you were injured a second time
- 23 in 2005. How long after that do you think you crossed the river?
- 24 A. I know that we crossed the river in 2006.
- 25 Q. Thank you. You told us about a lady called (Redacted) who was carrying one of

1 your babies and you said that she was one of Dominic Ongwen's wives. By that time
2 when you had babies, were there any people -- any ladies in your group who were
3 not wives of Ongwen, who had some other job?

4 A. There was another group with the women.

5 Q. Did any of those women have anything to do with you or for you?

6 A. Do you mean the women that stayed -- that were in Dominic's household?

7 Q. Yes.

8 A. Yes. Well, nothing -- they did not do anything particularly for me. Except for
9 one of the girls who used to help me with the baby.

10 Q. And is that girl (Redacted) or some other different girl?

11 A. No, it wasn't a different girl. It was (Redacted).

12 Q. You told us that you knew the name of one girl or lady who was an abductee
13 from Pajule, but rather stupidly I didn't ask you what her name was. Can you tell us
14 what her name was?

15 A. (Redacted). Her name was (Redacted).

16 Q. And was this the lady you said had been (Redacted)

17 (Redacted)

18 A. We used to (Redacted).

19 Q. Thank you. That's clear. You told us that while you were in Uganda you saw
20 people abducted apart from the Pajule people. Can you give us an example of a
21 place or a time where that happened apart from Pajule?

22 A. Yes, I can.

23 Q. Please do.

24 A. I saw -- I know of people who were abducted from Paimol.

25 Q. What kind of people? Can you describe ages, sex?

1 A. At the time we were in Nelson's group that's when they would go and abduct
2 people. Some people were released, other people were kept. Sometimes they
3 would abduct women who had already had children. Sometimes they would abduct
4 men. Men were normally released, but they would leave only the younger ones,
5 they kept back the younger ones.

6 Q. And who was Nelson's commander?

7 A. I do not know who his commander was.

8 Q. When you were with Nelson, where was Dominic Ongwen?

9 A. At the time we had separated from Dominic Ongwen. Dominic Ongwen was
10 with Otti and the rest of us had stayed behind with Nelson.

11 Q. And roughly how long before you were reunited with Dominic Ongwen?

12 A. I can estimate that it was probably about two years.

13 Q. I want to come now to the time when you left the bush. When was the last
14 time you saw Dominic Ongwen?

15 A. The last -- the last time I saw him was in September 2014.

16 Q. And where did Dominic Ongwen go at that time?

17 A. He told us that he was going to Kony because apparently Kony had called him.
18 He left and he -- when he went and left us with a commander named Oloo, we stayed
19 with Oloo. And in April Oloo informed us that Dominic and Kony had sent
20 instructions that we should be released and we were released and that's how we went
21 back home.

22 Q. Is that April of this year?

23 A. You mean the year that we were released, the time that we were released?

24 Q. Yes, the April you've just been talking about.

25 A. Yes, April of this year.

1 Q. How do you compare yourself to your schoolmates who were not abducted
2 now you're back home again?

3 A. There is no comparison because right now they are much better off than I am.
4 I'm back home. I've got -- I have injuries. I'm weak. Maybe if I had not been
5 abducted I would have not been shot at, I would have not been injured, I would have
6 not had any -- I would not be suffering. Most of the people that -- my peers are okay.
7 They are not injured. They're working. Some of them have finished their education.
8 So they're in a much better off position than I am.

9 Q. And how have your children adapted to the fact that they were born in the bush
10 but have now come back home?

11 A. Well, right now they are actually adapting.

12 Q. Have they found that easy?

13 A. No, it was difficult. While we were in the bush they knew the people that
14 we -- we were together with. When we came back, they were afraid of people. But
15 at the moment they are getting used to people, so it's becoming a bit better.

16 Q. Thank you, Madam Witness. Those are all the questions that I have for you.

17 SINGLE JUDGE TARFUSSER: Thank you very much, Mr Prosecutor.

18 Madam Witness, I first of all thank you for responding to the Prosecutor. And now I
19 will give the floor to the Defence which will pose some questions to you as well.

20 Mr Obhof, I think it's you to question. I give you the floor.

21 MR OBHOF: Thank you, your Honour.

22 QUESTIONED BY MR OBHOF:

23 Q. Good afternoon, (Redacted).

24 A. Thank you. Good afternoon.

25 Q. I don't have a lot of questions for you, maybe take 30 minutes, at the most 45.

- 1 Are you okay with that?
- 2 A. Yes, it's okay.
- 3 Q. Now, you mentioned in the statement you gave to the Prosecution about
4 witchcraft and you talked a little bit about it today dealing with (Redacted). Could
5 you -- what was the normal punishment for witchcraft?
- 6 A. The person would be killed or you would be beaten until you're disabled.
- 7 Q. Who prohibited witchcraft?
- 8 A. I do not know.
- 9 Q. Who would order the punishment for witchcraft?
- 10 A. I do not know who would give the instructions for people to be punished.
- 11 Q. Now, during today's discussion and in your -- during your interview and
12 statement with the Prosecution you keep referring to the Holy. Could you explain
13 why they're called the Holy?
- 14 A. At the time of my abduction they were already being referred to as the Holy.
15 The reason why they refer to them as the Holy, I do not know.
- 16 Q. Were there any sort of spiritual beliefs with the Holy?
- 17 A. Yes, but I do not know what those beliefs are.
- 18 Q. Now, you stated that you were injured several times while with the Holy. Do
19 you know if Dominic was ever injured?
- 20 A. Yes, I do.
- 21 Q. Do you -- do you remember when he was injured?
- 22 A. Yes, I had only just been newly abducted.
- 23 Q. Now, you said "newly abducted." Do you mean three months? Six months?
24 One year? Could you maybe give us sort of a time frame, if possible?
- 25 A. At the time it was during Independence when we were celebrating

1 Independence, that's when they brought him and he had an injury on his leg and it
2 was the time that we were massaging his leg. They brought hot water and we were
3 massaging his leg.

4 Q. Were you still a civilian when he was injured?

5 A. Yes, I was still a civilian.

6 Q. And how long was Dominic injured for?

7 A. I do not know how long. When -- during Independence he was already in bay
8 and that was the time when they were taking care of his leg, but I do not know how
9 long.

10 Q. Now, you're talking about Independence, of course. Is this the one
11 immediately following your abduction?

12 A. Yes, it was one month after my abduction and then shortly after, a month later it
13 was Independence.

14 Q. So just so we're clear, you mean this was Independence Day of 2002?

15 A. Well, I don't -- I do not recall because there are certain things that I do not -- that
16 I cannot recall that well.

17 Q. Now, with this injury could Dominic walk?

18 A. No, he was always being carried around.

19 Q. You said that they were massaging -- his legs -- his leg was being massaged.
20 Could you explain with detail what you saw done to his leg, how it was injured?

21 A. They were using hot water. They were using water.

22 Q. When you saw his injury, did you -- were you able to see his muscles or a bone?

23 A. No, I did not. I did not see.

24 Q. Now, you talked earlier today about going into sickbay directly after the Pajule
25 description until you were shot and that you were there for about two years. Did

1 you see Dominic during these -- this two-year period?

2 A. No, I did not. After the two-year period, that's when we met with -- we met
3 with Dominic.

4 Q. Now, you said before at the end of this period being in bay that's when you
5 were shot; is that correct?

6 A. Yes, it is correct.

7 Q. And was this your first time or your second time being injured?

8 A. That was the first time.

9 Q. And how long were you injured for?

10 A. Almost two years. Because I wasn't able to walk.

11 Q. How soon after being injured could you start walking again?

12 A. After being injured, after the two years I could start walking a little bit, but I
13 cannot really recall very well the right time because I would all this time try walking
14 all this time.

15 Q. Now for those two years that you were injured, how long of that did you stay in
16 sickbay?

17 A. I cannot remember. There are certain things which I no longer remember.
18 I cannot think up to that now.

19 Q. Now, still staying in the Pajule area, with the incident that you talked about a
20 little bit today, who was in command of the group?

21 A. I don't know that commander because we were walking along the road and I
22 suddenly saw people getting divided into two groups. We were told to go
23 backwards, so we moved backwards and I even didn't know they were going to
24 attack Pajule, so I even didn't know the commander.

25 Q. I think we're referring to different situations, (Redacted). I do apologise. What I

1 am referring to is the one where you heard the gunshots, where you were already
2 part of the group. Is it correct, as you said in paragraph 69 of your statement to the
3 Prosecution, that Vincent Otti was in the group, that you were in Vincent Otti's
4 group?

5 A. Yes, it is true.

6 Q. And you have also said Dominic was in that same group, correct?

7 A. Yes, it is true.

8 Q. Would it also be true to say that Otti Vincent was senior to Dominic?

9 A. Yeah, it seems he was senior to Dominic.

10 Q. Now, do you know or remember if Dominic took part in the attack?

11 A. I cannot really say whether he went or to go to attack Pajule because many
12 people went there.

13 Q. Now, you also have stated that you were originally arrested by someone named
14 Buk. After that first day, did you ever see Buk again?

15 A. Yes, I saw him.

16 Q. Could you tell us when, please.

17 A. I cannot recall when, but we met and stayed together for -- and after which we
18 got separated again. I can't remember when, but after that we again met in Congo.

19 Q. Now, do you know anything about attacks alleged at Odek, Lukodi or Abok.

20 A. No, I have no idea at all about those attacks.

21 Q. Now, about Mr Buk again, did you see Buk in Pajule during the -- during the
22 attack in which Vincent Otti was the leader of the group?

23 A. I didn't see him.

24 Q. Now, the Prosecution mentioned something earlier about escorts. Did you
25 ever see Dominic's escorts removed?

1 A. I saw that in Congo.

2 Q. Could you please explain to the Court why somebody would have their escorts
3 removed?

4 A. I don't know the reasons because we women are -- do not know those things.
5 We just realise that the escorts were being transferred. The reasons were not given
6 to us.

7 Q. Is the Congo the only time you saw Dominic's escorts removed?

8 A. Yes, it is in the Congo where I saw this.

9 Q. I'm sorry for this next question, (Redacted), and it will be the only one of its kind.
10 After you became Dominic's wife, were you allowed to say no to sexual intercourse?

11 A. No, I wasn't allowed to say no.

12 MR OBHOF: Your Honour, I'm referring -- I'm going to refresh the witness's
13 memory. It's on page 8, or sorry, page 3367, paragraph 54 of her statement given to
14 the Prosecution.

15 Q. Do you remember telling the Prosecution, (Redacted), that "Sometimes I refused to
16 sleep with Ongwen, nothing happened to me"?

17 THE ACHOLI INTERPRETER: There is no response.

18 MR OBHOF: Are they able to hear us in Kampala?

19 THE WITNESS: (Interpretation) I heard the question.

20 MR OBHOF:

21 Q. So is it correct in your statement to the Prosecution where you said, "Sometimes
22 I refused to sleep with Ongwen, nothing happened to me"?

23 A. Yes, it is correct.

24 Q. Now, during your injuries who cared for you?

25 A. There is a boy called Oti who was help -- who was taking care of me.

1 Q. And why did they take care of you?

2 A. I don't know why they were taking care of me.

3 Q. During your time in the bush, did anybody take responsibility for you?

4 A. There was no one apart from -- apart from the commander of Dominic who
5 Dominic left with us. It is this commander who was taking responsibility for us till
6 we came back home.

7 Q. So Dominic ordered somebody to make sure that you were safe?

8 A. I don't know. He sent some message through a commander that we should go
9 and stay with someone called Oloo.

10 Q. Do you remember the statement you gave to GUSCO?

11 A. Yes, I do remember having talked at GUSCO, but I wanted -- actually I was
12 feeling like going back home, so I cannot remember very well what I said.

13 Q. Would you have been at least honest with GUSCO?

14 A. I don't know.

15 Q. Now, you stated that when you were in the Congo there was an escape attempt
16 with Nyeko. Do you know who reported your attempted escape?

17 A. I don't know who might have reported our attempt to escape.

18 Q. Now, was it common for somebody who attempted to escape to not be killed?

19 A. No, such people will be killed.

20 Q. Do you know of any other alleged escape attempts, not by you but by anyone
21 else?

22 A. I didn't witness -- I did witness some who tried to escape and who were
23 arrested and killed.

24 Q. Was there anyone else in your household that might have attempted to escape?

25 A. I didn't quite understand the question.

1 Q. Sorry about that, (Redacted). Did anyone else in the household, did any of the
2 other sisters attempt to escape?

3 A. No, there was -- there was a girl called (Redacted) who tried to escape. She was
4 arrested and she was caned, but she wasn't killed.

5 Q. Do you remember or know anybody by the name of (Redacted)?

6 A. Yes, I know that person.

7 Q. Was it ever alleged that she attempted to escape?

8 A. Yes, it was alleged that she attempted -- she attempted to escape.

9 Q. Was she killed?

10 A. She wasn't killed. She was caned.

11 Q. Do you know why she wasn't killed?

12 A. I don't know the reasons why she wasn't killed.

13 Q. Just a few more questions.

14 Now, after you escaped you felt -- you say that you felt like you weren't free to go
15 home. Was there ever a time which Dominic said you would be free to go home?

16 A. There's no day he ever said such a thing.

17 Q. And I know you said you had problems, but I'm reading here

18 now -- remembering, but I'm reading here now from document UGA-OTP-0238-0839,

19 the GUSCO file, on page 0840, at the very bottom of the page where you told GUSCO

20 that "He" Dominic "(Redacted)

21 (Redacted)."

22 Could you explain why (Redacted) would be needed, if you remember?

23 A. Yes, that's what he actually said.

24 Q. Do you know what he meant by (Redacted)

25 A. I don't know why he expressed himself in that way.

Article 56 Proceedings
WITNESS: UGA-OTP-P-0236

(Closed Session)

ICC-02/04-01/15

- 1 Q. One final question, (Redacted): Were people allowed to disobey Joseph Kony?
- 2 A. There people had to obey Kony.
- 3 MR OBHOF: (Microphone not activated)
- 4 SINGLE JUDGE TARFUSSER: Thank you very much.
- 5 MR OBHOF: Thank you, your Honour.
- 6 Thank you, (Redacted).
- 7 SINGLE JUDGE TARFUSSER: Madam Witness, the questioning as witness by you is
- 8 finished, is terminated. The Prosecutor has posed -- oh, sorry. I'm sorry, really.
- 9 It's not finished. The Prosecutor has some -- one question as he says to me. He has
- 10 one only question.
- 11 So please, you have the floor.
- 12 QUESTIONED BY MR GUMPERT:
- 13 Q. (Redacted), the girl who tried to escape, who was (Redacted)?
- 14 A. (Redacted) was Dominic's wife.
- 15 Q. Does she have other names you can tell us that you can remember?
- 16 A. I no longer remember her other names because the names there are difficult
- 17 names. The only name I know is (Redacted).
- 18 Q. When you say -- sorry. When you say "there," do you mean in the Congo or
- 19 somewhere other than Uganda?
- 20 A. I mean Congo.
- 21 MR GUMPERT: Okay. No more. Thank you very much.
- 22 SINGLE JUDGE TARFUSSER: Do you need the floor?
- 23 Yes, one other question by --
- 24 MR OBHOF: That's it. One question.
- 25 SINGLE JUDGE TARFUSSER: One other question by the Defence.

1 QUESTIONED BY MR OBHOF:

2 Q. (Redacted), do you remember telling Philip and myself that Dominic specifically
3 pled for your life when Joseph Kony wanted to execute you?

4 A. Sir, I have forgotten a little bit.

5 Q. Did Dominic ever plead for your life when Joseph wanted to execute you?

6 With Nyeko, with the incident with Nyeko.

7 A. Yes, he said it, only that I seem to have forgotten. Yes, he did. He said that.

8 SINGLE JUDGE TARFUSSER: Okay. Thank you very much, Madam Witness.

9 You are -- now you can go home. I thank you for your testimony and I wish really
10 all the best and to forget most things, to recover from your experience. Thank you
11 very much.

12 Thank you, Felipe, and I disconnect now from Kampala.

13 (Video link disconnected)

14 SINGLE JUDGE TARFUSSER: Thank you.

15 Before adjourning the hearing to tomorrow, there are two questions I want to just
16 raise from the organisational point of view.

17 Tomorrow, as far as I know, Uros told me the courtroom is available the whole day,
18 right? So we could either have the three sessions of one and a half; is that right, Uros?

19 Or the two double sessions of two and two hours in the morning as opposed to the
20 afternoon where it's scheduled now.

21 So if the parties are available, we could maybe go in the morning so we have the
22 afternoon. That's just a suggestion. Or to have the one-and-a-half-hour sessions.

23 If I'm correct, Uros? This is correct, yes. So I just want to listen to you.

24 And please, Prosecutor.

25 MR GUMPERT: I think in the end we're at the Court's disposition. On the other

1 hand, we've made arrangements according to the current timetable. It won't be me
2 who conducts that examination. My preference would be to leave things as they are,
3 but if that's inconvenient or whatever, then fair enough.

4 MR ODONGO: My Lord, as far as the Defence is concerned, we have been
5 prepared -- or we've been preparing for this process for the whole time since we got
6 to know about it. Any time would do. In fact, we would prefer having it done in
7 the morning so that in the afternoon we rest and do other things.

8 SINGLE JUDGE TARFUSSER: Well, is it possible that once you can agree? I mean
9 I'm here from the morning to the evening, so I don't -- I arrive at 7 o'clock, so I don't
10 care.

11 MR ODONGO: But since --

12 SINGLE JUDGE TARFUSSER: If we do three one-and-a-half-hour sessions starting
13 at 9.30 and then we'll see where you arrive, I think would be the best and would be
14 the middle way between twice two hours in the morning or twice two hours in the
15 afternoon. Would that be an option?

16 MR ODONGO: Well, that's okay. In any case, since his case is predicated on a set
17 time schedule, I don't want --

18 SINGLE JUDGE TARFUSSER: Because if it works like it worked with the other
19 witnesses, by tomorrow we should be through could be in two sessions or a little bit
20 more out of the two sessions. I mean, so I would say that we start at 9.30 in the
21 morning. We make one and a half, one and a half and an hour of rest and a break
22 and another hour and a half if need be in the early afternoon. Okay?

23 MR ODONGO: Perfect for me.

24 SINGLE JUDGE TARFUSSER: Okay. This is one.

25 The second thing is if tomorrow we manage to finish, as it seems to be, with Witness

1 235, then we have one more left and we are talking about 198, the witness which is
2 speaking (Redacted) where we have to change language. We have in that case two
3 interpreters who are being trained and who are in a phase of -- who will in any case
4 make the translations in consecutive translation, not as our two Acholi translators,
5 which I thank very much for their work, are doing.
6 This will take for sure a little bit longer, of course. So I was told that they should be
7 prepared by Thursday, but I was urging just before entering the courtroom today that
8 they will start to be prepared and they should train also during the night to be
9 prepared on Wednesday so we have Wednesday and Thursday and if possible we
10 could take in account the delay created by the consecutive interpretation, we could
11 probably finish in the two days so we finish the whole thing in this week by
12 Thursday.
13 Otherwise, if it doesn't finish on Thursday, if we start on Thursday and it doesn't
14 finish, we have to go to Monday, and I think this would be a smaller disaster.
15 So I would very much urge that tomorrow we focus on 235, we try to close 235, but
16 I'm very confident that we do, and then we have say the two times -- eight hours to go
17 through 198 and that should be sufficient also if we -- if we have consecutive
18 translation. Would that be okay?
19 MR ODONGO: That would be okay, your Honour.
20 MR GUMPERT: Nothing to say against that. I absolutely agree that if we can get
21 this business done by the end of this week, that would be hugely advantageous. The
22 idea of keeping a witness over a three-day weekend is a smaller disaster.
23 SINGLE JUDGE TARFUSSER: That's a smaller disaster.
24 So, Uros, I ask you to -- you have heard everything and now it's up to the Registry to
25 implement the wishes of the Court and the parties, okay?

Article 56 Proceedings

(Closed Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0236

- 1 So tomorrow morning 9.30 in this courtroom.
- 2 The hearing is adjourned. Thank you.
- 3 THE COURT USHER: All rise.
- 4 *(The hearing ends in closed session at 6.03 p.m.) Reclassified into Open session
- 5 RECLASSIFICATION REPORT
- 6 Pursuant to Trial Chamber IX 's Order, ICC-02/04-01/15-584-Conf, dated 4 November
- 7 2016, the version of the transcript with its redactions becomes Public.