

Trial Hearing
WITNESS: UGA-D26-P-0111

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Friday, 5 October 2018
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:21] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:57] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:32:01] Good morning, Mr President, your Honours.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus
16 Dominic Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:32:17] I ask for the appearances of the parties.
19 The Prosecution, Mr Gumpert.
20 MR GUMPERT: [9:32:24] Ben Gumpert for the Prosecution. With me today,
21 Adesola Adeboyejo, Julian Elderfield, Hai Do Duc, Yulia Nuzban,
22 Pubudu Sachithanandan, Jasmina Suljanovic, and Grace Goh.
23 PRESIDING JUDGE SCHMITT: [9:32:36] Thank you.
24 And for the Legal Representatives of the Victims.
25 MR MANOBA: [9:32:39] Good morning, Mr President, your Honours.

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- 1 Joseph Manoba and James Mawira for the LRVs.
- 2 PRESIDING JUDGE SCHMITT: [9:32:46] And Mr Narantsetseg.
- 3 MR NARANTSETSEG: [9:32:47] Good morning, Mr President, your Honours. My
4 name is Orchlou Narantsetseg. I am with Ms Caroline Walter. Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:32:54] Thank you.
- 6 And now for the Defence, Ms Bridgman.
- 7 MS BRIDGMAN: [9:32:58] Good morning, Mr President and your Honours.
- 8 Abigail Bridgman, together with Thomas Obhof; lead counsel, Krispus Odongo
9 Ayena; Roy Titus Ayena; Chief Charles Achaleke Taku; and Beth Lyons. And our
10 client, Mr Ongwen, is in Court.
- 11 PRESIDING JUDGE SCHMITT: [9:33:12] Thank you very much.
- 12 And now we turn to the next witness, this is Ms Adong Harriet.
- 13 Ms Adong, I welcome you on behalf of the Chamber in the courtroom
- 14 WITNESS: UGA-D26-P-0111
- 15 (The witness speaks Acholi)
- 16 THE WITNESS: [9:33:24] (Interpretation) Thank you.
- 17 PRESIDING JUDGE SCHMITT: [9:33:25] Before commencing, the Chamber notes
18 briefly that the VWU does not recommend any protective or special measures for this
19 witness.
- 20 Ms Adong, I will now read out the oath every witness has to take when they appear
21 before this Court, so please listen carefully.
- 22 I solemnly declare that I will speak the truth, the whole truth and nothing but the
23 truth.
- 24 Madam Witness, do you understand the oath?
- 25 THE WITNESS: [9:34:00] (Interpretation) Yes, I do.

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- 1 PRESIDING JUDGE SCHMITT: [9:34:02] Do you agree with the oath?
- 2 THE WITNESS: [9:34:05] (Interpretation) Yes, I do.
- 3 PRESIDING JUDGE SCHMITT: [9:34:06] Thank you. You have now been sworn in.
- 4 Before we start with your testimony I have a few practical matters to address that you
- 5 should have in mind when you give your testimony.
- 6 As you are aware of, everything we say here in the courtroom is written down and
- 7 interpreted, and, to allow the interpreters to follow, we all have to speak clearly and
- 8 at a relatively slow pace that they understand and then in the end we understand.
- 9 If you have any questions yourself, you may raise your hand and I will give you then
- 10 the floor.
- 11 We can start now with your testimony and I give Ms Bridgman, obviously, the floor.
- 12 MS BRIDGMAN: [9:34:54] Thank you, Mr President.
- 13 QUESTIONED BY MS BRIDGMAN:
- 14 Q. [9:34:57] Good morning, Madam Witness.
- 15 A. [9:35:01] Good morning.
- 16 Q. [9:35:02] Can you please state your full names for the record.
- 17 A. [9:35:07] Yes, I can. My name is Adong Harriet.
- 18 THE INTERPRETER: [9:35:17] Could the witness please repeat the last name.
- 19 PRESIDING JUDGE SCHMITT: [9:35:21] I am asked by the interpreters that you
- 20 please repeat the last name. I understood Adong Harriet.
- 21 THE WITNESS: [9:35:34] (Interpretation) Ojwiya. Ojwiya.
- 22 PRESIDING JUDGE SCHMITT: [9:35:39] Is this okay then for the interpreters?
- 23 Thank you very much.
- 24 THE INTERPRETER: [9:35:43] Yes, it is.
- 25 PRESIDING JUDGE SCHMITT: [9:35:44] Please continue, Ms Bridgman.

- 1 MS BRIDGMAN: [9:35:47]
- 2 Q. [9:35:48] How old are you, Madam Witness?
- 3 A. [9:35:53] I am 59 years old.
- 4 Q. [9:35:59] Where were you born?
- 5 A. [9:36:02] I was born in Alokolum, the county is Omoro, the parish is Alokolum,
6 the village is Gwenotwon.
- 7 Q. [9:36:25] Is that where you live currently?
- 8 A. [9:36:33] Yes, that's where I was born. But I now reside at a place known as
9 Patiko. The county is Bungatira, the parish is Pabbo and the village is Kulukeno.
- 10 Q. [9:36:57] What languages do you speak, Madam Witness?
- 11 A. [9:37:02] I speak Acholi.
- 12 Q. [9:37:09] And what do you do for a living?
- 13 A. [9:37:16] I am a farmer.
- 14 Q. [9:37:35] What is your education level?
- 15 A. [9:37:38] I was educated only till primary 7.
- 16 Q. [9:37:54] Why did you stop?
- 17 A. [9:37:56] I stopped because I was being disturbed by spirits and we did not have
18 the finances, my parents did not have the finances to pay for my fees.
- 19 Q. [9:38:18] When you say you were being disturbed by the spirits, what do you
20 mean? Can you explain?
- 21 A. [9:38:25] This is how the spirits were disturbing me. The spirits wanted me to
22 be prepared so that I could become a local or traditional herbalist.
- 23 Q. [9:38:44] Did you eventually become a traditional herbalist?
- 24 A. [9:38:56] Yes, I did do that. I am a traditional herbalist.
- 25 Q. [9:39:04] When did you start doing this?

1 A. [9:39:14] I started doing this in 1987.

2 Q. [9:39:37] Was there a process that you underwent for you to become
3 a traditional herbalist?

4 A. [9:39:56] Yes, there was a process that I underwent.

5 Q. [9:40:00] Can you please tell me more about that process.

6 A. [9:40:12] I was possessed by spirits when I was 12 years old. At the time I used
7 to attend Lacor Primary School. On the first day that I was possessed by the spirits
8 I was walking, I was going back home. And that was at around lunchtime at
9 1 o'clock, and I was walking with the other students. As we were walking along the
10 road I fell down and I blacked out. I did not remember anything that happened. I
11 think I blacked out for about 40 or so minutes. I do not recall the exact amount of
12 time, and the people that were with me lifted me up. When they lifted me up I could
13 not recall what had happened. We started walking but they were supporting me.
14 We walked for a short distance and I became aware that I was on my way home.
15 When I reached home it was the rest of the students who explained what had
16 happened along the way because I could not explain it myself. I fell, I blacked out so
17 I couldn't -- I could not remember. They explained what happened to my parents,
18 my parents took me to the hospital. The doctors did not find anything wrong with
19 me, so they took me back home.

20 And I continued with my education. I only continued for a short while, for about
21 one term only, and then I became ill. I became very ill. Whenever they would take
22 me to hospital the doctors were unable to diagnose the problem and, after a certain
23 time, they made the decision to take me to a witch doctor.

24 When they took me to the witch doctor the witch doctor said I was possessed and that
25 the spirit wanted me to be used -- to be used as a traditional herbalist. That I

1 should -- they took me to the river, they called the spirits and they performed
2 a ceremony. And once the ceremony was performed I became a witch doctor and I
3 started treating people with local herbs. I still do that up to today.

4 PRESIDING JUDGE SCHMITT: [9:43:07] May I ask a question?

5 Ms Adong, did anybody -- before you started with that practice, did anybody tell you
6 what the functions of different herbs were? Were you taught, so to speak, how to
7 handle this?

8 THE WITNESS: [9:43:31] (Interpretation) No, I was not aware of that. Nobody
9 instructed me.

10 PRESIDING JUDGE SCHMITT: [9:43:37] Please continue.

11 MS BRIDGMAN: [9:43:41]

12 Q. [9:43:44] To follow up on the Presiding Judge's question, you said that no one
13 told you how to prepare the different herbs. But I just want to ask a few questions in
14 that regard. First, are these herbs ones that can be easily found in daily life?

15 A. [9:44:22] Some of them are easily available, but some are extremely difficult to
16 find because these herbs and types of medicines do not exist in each and every area.
17 So you have to go and search for them in different areas.

18 Q. [9:44:43] So if a herb does not exist in the area that you live in, is it still a herb
19 that you might have known as a child growing up? Can you identify it? Can
20 anybody identify that herb?

21 A. [9:45:15] It is not easy if the person is not knowledgeable in traditional herbs.
22 I am the one who tries and finds a way or means. Even if I do have to take
23 transportation or hire a car, I will have to do this so that I can go and find the
24 medication. Some of the herbs and the medicines are found on rocks.

25 Q. [9:45:45] So how do you know which herb to look for?

1 A. [9:46:06] This is how I know about it, the spirit whispers to me the type of
2 medication I need. The spirits would find the medicine and tell me that this person
3 suffers from such-and-such an ailment and this is the treatment and the spirit informs
4 me of this.

5 Q. [9:46:31] Does the spirit also tell you where to find those herbs that are not easy
6 to find? For instance, the ones on rocks?

7 A. [9:46:49] Yes, the spirit might help me because when I am going out to search for
8 these medications, I am going out with the power of the spirit. So the spirit takes
9 me to -- guides me to where I can find it and then I will dig it or uproot it.

10 Q. [9:47:16] And do you have any other preparations that you have to do with
11 those herbs after you get them?

12 A. [9:47:38] I bring them back home with me. Once I get them I bring them back
13 home with me. I wash them, I pound them. Sometimes you have to boil them and,
14 if this is necessary, I will let the medicines boil before I give it to the patient. If not, if
15 I don't have to boil it, I wash it, I sieve it, and then I give it to the person to drink.

16 Q. [9:48:11] Can you give us examples of some of the ailments you treat?

17 A. [9:48:24] Some of the ailments that I treat include hunchbacks, and these usually
18 affect people's waists and their chests. I have also treated menstrual pains, and this
19 usually affects women during their menstrual cycle or when they are having
20 problems conceiving. So I give them these medications and it helps them conceive.
21 I also help with the other pains. For example, if somebody has a charms or fetish,
22 perhaps they have sat on it, perhaps they have walked on it, perhaps they have
23 stepped on it. Sometimes these charms also could be found on the head. I give
24 them medication to help them and heal them.

25 Sometimes I invoke spirits, I invoke spirits of the dead. Especially if the person died

1 and they do not know where -- the whereabouts of the remains, I invoke the spirits.
2 Sometimes even when the person died from home and they did not perform the
3 funeral rites, the proper funeral rites, then I invoke the spirits as well.

4 Q. [9:50:11] I will discuss with you in detail about some of the things that you do,
5 but is this something that you do as a service to your community or do you get paid
6 for it? How does that work?

7 A. [9:50:36] The services that I provide do not -- well, I cannot say I am paid for it,
8 but when I perform a service somebody thanks me. So whatever it is that they are
9 giving me is out of gratitude, because when you are going to look for the medication
10 or the herbs, you have to go to the bush. Sometimes you might encounter a snake or
11 you might encounter bad things. So when somebody is giving you money, they're
12 not giving it to you in a form of payment, but as a form of gratitude. And whatever
13 you are given, you are not given large sums of money. But it is the spirits, it's the
14 spirits that decide how much this person should contribute or how much gratitude
15 they should show. It depends on how hard the spirits worked on a particular person
16 and that enabled me to treat that person.

17 There are certain diseases or ailments that are very hard to treat and they take a long
18 time to heal. For example, it could take one month, two months, and some of these
19 ailments last longer. And when you look at the person you might think that the
20 person is better, but then the -- they become ill again. So the person has to continue
21 taking the medication that they have been provided until they get better.

22 Q. [9:52:13] Thank you, Madam Witness.

23 In your work how does the community in which you live treat you for the services
24 that you provide?

25 A. [9:52:34] I did not understand that question. Could you please repeat it.

1 Q. [9:52:37] Yes. And thank you for that.

2 How are you treated in the community? Or do you feel respected by your
3 community members for the services that you provide?

4 A. [9:53:03] In the community that I reside in, I'm respected. I'm respected
5 because the medication that I provide is not to kill. The medication that I provide is
6 to heal people, is to help people, people's lives. There are some people who are
7 jealous and the jealous people are the ones who look down upon me. But once they
8 understand what I am all about, once they understand what I am doing, then there is
9 usually a turnaround and they eventually respect me.

10 Q. [9:53:51] Thank you. Are you also a practising Christian?

11 A. [9:54:03] Yes. I'm a Catholic.

12 Q. [9:54:16] Is there any interaction between your service as a traditional herbalist
13 and your religion as a Catholic?

14 A. [9:54:33] That link is with me, me, the person speaking. But when you are
15 asking about the spirits, then I do not know whether there is any kind of connection.
16 But me as a person, as a human being, I'm a Catholic.

17 Q. [9:55:04] You said that your services are not to harm. Are there some of the
18 people who use their services to harm others?

19 A. [9:55:25] I do not know. I cannot respond that on behalf of other people. But I
20 personally have no intention or have no ill will towards people.

21 PRESIDING JUDGE SCHMITT: [9:55:42] May I shortly, Ms Bridgman?

22 Are there good and bad spirits or is it only about how they were used?

23 THE WITNESS: [9:55:59] (Interpretation) You can usually distinguish or
24 differentiate between good spirits and bad spirits, depending on what or how the
25 spirit acts. If the spirit says do this, but not with the intention of killing people, do

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1 this with the intention of killing a person because the person is possessed, not with
2 the intention to kill. But if the spirits do not intend to kill, but if they kill, that means
3 that it's the other person who is a bad person.

4 MS BRIDGMAN: [9:57:03]

5 Q. [9:57:04] Madam Witness, with the permission of Court, I would like to show
6 you a document.

7 And your Honours, this is at tab 1.

8 PRESIDING JUDGE SCHMITT: [9:57:14] I think perhaps court usher can again, like
9 yesterday with the other witness, help this witness with showing her the tab and the
10 document.

11 MS BRIDGMAN: [9:57:37] And the ERN number is UGA-OTP-0022-0402. And I
12 would like to point at page 0403, the first block.

13 Your Honours, there is an English translation that has the small --

14 PRESIDING JUDGE SCHMITT: [9:58:11] I wondered what the English one -- is the
15 translation. Yes, I already assumed it.

16 MS BRIDGMAN: [9:58:17] I am also following the English one.

17 PRESIDING JUDGE SCHMITT: [9:58:21] You can also -- it has the same ERN
18 number I see.

19 MS BRIDGMAN: [9:58:28]

20 Q. [9:58:28] Madam Witness, on that first part, it shows in my English what looks
21 like "hunchback", a sickness called hunchback, and "twoo lubanga". And then there
22 is on the other side the treatment. Does that seem accurate of what you would
23 generally use for your treatment of this problem?

24 A. [9:59:10] I cannot really see this clearly. The wording is extremely -- the letters
25 are very small. Can they please enlarge it?

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1 PRESIDING JUDGE SCHMITT: [9:59:19] I think that that is possible.

2 I think it should now be clearer. Is it?

3 THE WITNESS: [9:59:34] (Interpretation) I can see "okweyo". That is something
4 that I also use to treat hunchback. I see something, maybe it is "kove", I am not sure.
5 I see "okweyo". Okweyo is used to -- it's -- they drink it, not only three times, they
6 drink it. If the person feels pain, whenever they are in pain, if the pain, if the pain is
7 intense, then they drink, they drink the product. Possibly even up to four times
8 a day.

9 MS BRIDGMAN: [10:00:38] Thank you, Madam Witness.

10 I will ask not any more questions on this tab.

11 Thank you, court officer.

12 PRESIDING JUDGE SCHMITT: [10:00:48] But there seems to be -- since this is
13 a document that has been provided by the Prosecution, there seems to be a sort
14 of tradition, so it seems to match, obviously.

15 MS BRIDGMAN: [10:01:21]

16 Q. [10:01:21] Now, Madam Witness, for the services that you provide, is your
17 community generally aware of this? For instance, the church you go to, the people
18 that you interact with, do they know that you do this traditional herbal medicine?

19 A. [10:01:41] Yes, they -- my community is aware. It is not a secret. The
20 medicines, the local herbs that I give to people is not a secret.

21 Q. [10:02:00] Have you had any -- for instance, the people in your church, have
22 they given you any problems regarding your work?

23 A. [10:02:22] No. I have not had any problem. They themselves, when they are
24 affected they come to me. I look for the herbs and give them and they also take it to
25 some of their relatives.

1 Q. [10:02:47] Madam Witness, you talked about invoking spirits and talked about
2 remains. For instance, if the remains of a dead person have not been found. Is this
3 the same thing as cen?

4 A. [10:03:14] Well, if that takes long and it has not been performed and it has
5 brought sickness into the household or to the family, that becomes cen. It becomes
6 a bad spirit.

7 Q. [10:03:35] So you deal with cen as well in your practice?

8 A. [10:03:45] The bad spirits that come that usually possess people are when they
9 were brought to me, I also exorcise them. I have spirits that help me to do, to
10 exorcise such bad spirits.

11 Q. [10:04:20] Are you familiar with the concept of yubokom? And I will spell it,
12 Y-U-B-O-K-O-M.

13 A. [10:04:53] Yes, what I know about it is that this purification of the person that
14 needs to be done, it comes because the spirits are the ones that will come and reveal
15 that this person needs to undergo this ritual so that the person can become a witch
16 doctor or ajwaka. So -- or sometimes they say the spirits will actually reveal that
17 because this person is under constant attack by the bad spirits, this has to be exorcised
18 so that the person is freed from frequent or future attacks.

19 MS BRIDGMAN: [10:05:50] And your Honours and parties, this, I extracted this
20 information from tab 2, UGA-D26-0015-0197 at page 0203, somewhere in the middle,
21 the part of mato oput ceremony.

22 Q. [10:06:21] In your practice, Madam Witness, have you dealt with people who
23 have returned from the bush from the LRA?

24 A. [10:06:38] Yes, I did. Because some of them returned with bad spirits which are
25 on them and usually these are spirits of dead persons which has possessed them.

1 Sometimes they return when their bodies are swollen because of bad things that we
2 went through in the bush. So I give them the local herbs to cure them. If someone
3 comes with the bad spirits in them, I also exorcise it. Because the spirits that I have
4 actually work against such bad spirits and they actually help me to cleanse the person
5 that has been possessed and they get healed of that.

6 Q. [10:07:40] Apart from the swollen bodies that you mentioned, can you give me
7 other symptoms of people who have returned from the bush with the bad spirits?

8 A. [10:08:01] Some of the signs that a person who has returned from the bush who
9 has been possessed by cen includes you might see the person sitting amongst people,
10 but suddenly the person begin to act in a very weird way. You might see the person
11 get up, try to hold a person and would -- like with the intention of strangling the
12 person. Or sometimes when he is sleeping at night, wakes up and shouts and makes
13 a lot of noise, shout at the top of his or her voice, jumping up and down, and then at
14 some point will calm down. So such people when they are brought to me, I work on
15 them and they get healed.

16 Q. [10:09:03] When you are working on these people do you ask them where they
17 got the cen from or do your spirits tell you where the people got the cen from?

18 A. [10:09:21] The spirits that reveal to me these things usually tell me that the
19 person who has been killed, the spirit who has been -- that has been killed is usually
20 invoked to speak and will tell where that person has been killed. It could be at the
21 bank of a river, it could be at an anthill, or it could be on top of a mountain, or on the
22 hill, or under any tree. So when the spirit is invoked they will speak and they will
23 tell me where exactly the person was killed.

24 Q. [10:10:14] In your work have you also heard about Joseph Kony's spirits?

25 A. [10:10:30] As far as that is concerned no one came to me about it, but there are

1 some people who returned from the bush, I do not know where they operated and
2 what they did, are the ones who came to me. Those are the people who came to me,
3 but not specifically something related to Kony.

4 Q. [10:11:01] Now apart from talking to the spirits and removing them from this
5 person, is there any other cleansing ceremony that you perform on people who have
6 returned from the bush?

7 A. [10:11:24] Yes. There are ceremonies. The ceremonies are first revealed by the
8 spirits, the spirit will tell the kind of performance that -- the ceremony that should be
9 done. It can recommend that a goat should be found so that the cleansing ceremony
10 is done for the purpose of purifying this person once and for all.

11 Q. [10:12:03] What is the purpose of the goat?

12 A. [10:12:12] The spirit will take this goat for its meal because it says that since it
13 died, it died, no one knew that he was dead and he was hungry and no one gave him
14 food. So that goat is supposed to be the spirit's meal.

15 Q. [10:12:47] Now for the people who returned from the bush that you were
16 helping to remove the bad spirits, how long does this process take? Do they heal
17 immediately or is it a process that takes a long time, like you mentioned for the
18 hunchback?

19 A. [10:13:21] Once I perform this cleansing ceremony all the other required items
20 are brought. I exorcise the spirit. This person will remain free. I usually give
21 some herbs which I give to this person. And the person will take it and put it in his
22 or her bathing water and she will bathe with it for a period of like two or three weeks.
23 Then they will give me back feedback that this person is now fine. But I also do
24 check on the person regularly to see how they are performing and I do this follow-up
25 for up to a period of one year, because I have already accepted to help this person to

1 be free and to live a normal life amongst his people.

2 Q. [10:14:33] So am I correct in understanding that sometimes healing varies
3 between individuals, the length of time for someone to heal may vary?

4 A. [10:14:53] Yes, that's correct.

5 Q. [10:14:57] Do you have an explanation for why?

6 A. [10:15:09] There are reasons for this. Spirits are different. Some other spirits
7 are very difficult and they are very difficult. They do not want to go away. They
8 just want to be in this person, to possess this person so that, if possible, this person
9 can be a killer, a very dangerous person, just the way he or she was killed.
10 But some are okay. They will say, "Okay, thank you, I have now eaten." So that
11 makes the whole healing process of the people who have been possessed different.

12 Q. [10:16:02] Now for these people that returned from the bush, are they young
13 people, are they adults? Can you give us an age range of the people you have taken
14 care of?

15 A. [10:16:28] Some of the people that I have helped included some people who
16 were abducted, maybe, at the age of 10 years and then they grow up in the bush in
17 captivity and they return. When they return they now return at old age.
18 Sometimes return -- some of them return at the age of 30, at various ages. So
19 depends on the time and the age at which they were abducted. And also it depends
20 how long the person has spent in captivity in the bush. So when they return home,
21 they all return differently, others old age, others young age, like at 18 years, 20. So
22 there are various groups of people.

23 Q. [10:17:40] In your practice, have you found a distinction between people who
24 were abducted at a young age, let's say 10, and the effect of cen on them?

25 A. [10:18:09] There could be some slight difference. If the person was abducted at

1 an early age this person could have done so many bad things because of
2 the -- because of being forced to do things. Because, you know, when you send
3 a child to do something it's like a dog that you send to do something. So if this
4 person is forced, is abducted and forced to do some bad things, he will remain with it
5 and that will affect him for a longer time.

6 But for the adults who have been abducted, because of fear and because of the
7 pressure that they are put under, they also do things that sometimes they are forced
8 to do.

9 Q. [10:19:16] And is there an impact for people who have stayed longer in the
10 bush?

11 A. [10:19:33] Yes. For people who have spent a long time in the bush, usually
12 there is some impact on them. You look at them, the kind of life that they lead is not
13 a normal life because they were not leading a normal life in the bush, so when they
14 return home everyone would be scared of them.

15 They will say, "Look, this person has now come, maybe will begin to do the same
16 thing that he was doing in the bush." But the others who will just come will start
17 living a normal life. Once you cleanse them they will start living a normal life.

18 Q. [10:20:23] You have mentioned living a normal life and you said that the kind of
19 life they lead in the bush is not normal. Can you explain what you mean by that.

20 A. [10:20:42] Because while they were in the bush they were going hungry, they
21 were killing people when they were sent to go and kill. They were pillaging people's
22 property. Those are some of the things that they were doing in the bush. So when
23 they return, sometimes they start doing the same thing again at home, and unless
24 something is done and the person has spent now a much longer time at home, has
25 been cleansed of all the bad things that he has gone through in the bush, unless that is

1 done the person will not, you know, be a free person.

2 Q. [10:21:45] So from what you have talked about, Madam Witness, I just want to
3 clarify that even when -- that cen can still come even when you are forced to do
4 something bad?

5 A. [10:22:11] Even though you were, you were forced or not forced, once you have
6 already killed a person while in the bush, the spirit of the person who has been killed
7 will not mind whether you are forced or not. It was you who killed him and that is
8 why he died. So that is what happens.

9 Q. [10:22:57] Madam Witness, in your work do you also collaborate, let's say, with
10 not religious leaders but cultural leaders in some of the things that you do?

11 A. [10:23:21] We collaborate with some cultural leaders like, like cultural leaders
12 who are concerned with issues to do with compensation. Because when it comes to
13 issue of mato oput, that is when we coordinate with them.

14 Q. [10:24:02] Can you explain to me more what you mean by compensation. Who
15 is being compensated for what?

16 A. [10:24:16] When you are compensating for the death of somebody or it is -- that
17 compensation is made when someone has killed a person face to face, that is when we
18 say we have to pay for the death of this person. It could be death due to stabbing by
19 spear or hitting with a club, that's when this is done.

20 But also if you kill a person, when a person has been killed and no one knows what
21 happened to the person, once the dead body has been recovered, the family of the
22 deceased will take the body and will bury. But they will bury in a manner that will
23 make this a person -- the spirit of the dead person to revenge. They will say, "We do
24 not know who killed you, you go and find your killer."

25 So the spirit of the dead person will straightaway start to revenge in the family or the

1 clan of the killer. So the result will now be so many bad things like accidents, like
2 unexplained sickness in the family of the killer. But in most cases it results into
3 death so that it can easily and quickly be noticed on the other side.
4 So when they come to a witch doctor that, "Look, we are now experiencing several
5 deaths which has become unbecoming", then the witch doctor will tell them and say,
6 "Look, your person killed someone, but he denied it. He never came out openly.
7 So you need to perform a ceremony, a cleansing ceremony to invoke the spirit of the
8 dead so that you will speak."
9 So once this ceremony is done, the spirit will be sent to bring the spirit of the dead
10 person, will be made to speak. Once the spirit is invoked, the spirit will speak in the
11 presence of the clan members of the killer. And the spirit will cry out on to them and
12 say, "Look, call me, take me back home so that you perform the funeral, the last
13 funeral rites. But before this is done, I need that the family of my killers should pay
14 for my death because I was killed innocently."
15 This is what will happen. Now, at this point that's when the cultural leaders in
16 charge of compensation will come in. The witch doctor now stops there. The role
17 of the witch doctor stops there. From thereon, the issues of compensation, it is left
18 on to the cultural leaders who are concerned with such compensation.

19 Q. [10:27:53] Thank you very much, Madam Witness.

20 A quick question, do you know -- are you familiar with the concept of luk, L-U-K?

21 A. [10:28:22] Are you talking about the elopement of a girl or following a girl who
22 has gone to find a family or her family or -- somewhere? I need to understand.

23 Q. [10:28:35] Yes, that's what I mean, the elopement.

24 A. [10:28:53] When a girl goes to find her home, her family members have to follow
25 her up to where she has gone to. Then the man's family will pick, provide some

1 items for -- in sign of respect. This includes a chicken, some little money for the
2 mother-in-law, a spear, blade of a spear. These are some of the items that will be
3 given to the family of the girl when they go to follow her in her new-found
4 household.

5 Q. [10:29:48] Now these concepts that you have discussed with us, the spirits, the
6 compensation, in Acholi culture when do children start to learn about the spirits, the
7 different spirits or the presence of spirits?

8 A. [10:30:26] The children usually learn issues to do with the spirits from the elders
9 because when they are still young, they do not understand anything about spirits.
10 So for children to learn and know something about the spirit, this person should now
11 be from the age of 17, 18. So if there is a spirit that is disturbing a family, then the
12 elders start talking about it. And once a child is of the age 17, 18 onwards, then this
13 child will be able to hear when the elders are talking.

14 So in other words, the children learn from the elders when the elders are talking
15 about a spirit which is disturbing the family and that's when he will come to know
16 what a spirit is all about.

17 Q. [10:31:25] Do children learn about the presence of spirits, generally speaking,
18 much younger, if it is not a spirit that is disturbing the family?

19 A. [10:31:57] Children usually find out about spirits, even though there is no
20 particular spirit disturbing people somewhere because they would hear
21 when -- through storytelling. When people are talking about spirits, they'll say, "Oh,
22 somebody's spirit behaved in such a manner. Somebody's spirit did this and that",
23 and that's how they come to learn about spirits when they are young.

24 Q. [10:32:35] Would I be correct to say that it is the same whether they are taught
25 about religion, generally?

1 A. [10:32:53] When we are talking about religion, you have a child, a newborn child.
2 After about a week, you take the child, you present the child to church. The child is
3 baptised and the child becomes of that denomination. You go with that child to
4 church and that is how the child becomes introduced into religion and the child
5 becomes religious.

6 When, if in the future, the child decides whether they want to remain a Catholic or
7 whether they want to take another religious denomination, if, for example, the mother
8 is a Catholic and the father is also Catholic, they may decide to stay as Catholics. But
9 if, for example, the mother is an Anglican and the father is a Catholic, the child might
10 decide to become an Anglican in the future. And that is how children are taught
11 about religion, because the child imitates what the parents do because they also like
12 their religion.

13 Q. [10:34:14] Now going back to your own spirits, have they in any way interacted
14 with your family members, for instance, your children?

15 A. [10:34:36] The spirits that possess me were already in me when I had my
16 children. So they usually see when people come to be treated by me, they also
17 observe and see how I charmed or when I perform the incantations, that's when they
18 know that my mother is performing her role as a witch doctor. But they themselves
19 cannot actually use the spirits that possess me because it is not their spirit, it's my
20 spirit. The spirit cannot be transferred from me to my children.

21 Q. [10:35:23] And how many spirits do you have, Madam Witness?

22 A. [10:35:30] I have five different spirits. I am possessed by five different spirits.

23 Q. [10:35:41] And do you know them by name, do they have gender? And do
24 they treat different illnesses? Or how do they work?

25 A. [10:36:01] Well, I have Otira. Otira is also known as Omot. This spirit focuses

1 on hunchbacks. I have Kalawinya, and this spirit particularly is about exorcism,
2 casting out demons, dealing with traditional and local herbs. I have Molla. Molla is
3 the spirit that invokes other spirits, the spirits of the dead, and Molla is the one that
4 invokes those spirits.

5 I have Okwang. Okwang is the one that is usually sent. If, for example, the spirit
6 tells me of a particular herb, then it's Okwang that tells me where to go. It's
7 a messenger. I do not know whether it's a man, I do not know whether it's a woman,
8 I do not know whether it's a dark-skinned person, light-skinned person, but it tells me
9 where to get the medication or herbs.

10 I also have a spirit known as Labii, and this is a female spirit. This spirit also works
11 on - another spirit known as Labii -- and this usually helps with women who are
12 barren, women who cannot have children, women who cannot produce milk. And
13 this a female spirit and it's responsible for Labii, and for other spirits that are
14 responsible for providing herbs and medication.

15 Q. [10:38:42] So did these five spirits pick you or you picked them?

16 A. [10:38:53] I do not know. I do not know how they possessed me. I just
17 realised that I was possessed. And based on what they tell me, they send me to do
18 something and they instruct me and I do it.

19 Q. [10:39:16] Can you use your spirits to influence other people around you?

20 A. [10:39:34] What do you mean? For example, influencing somebody who has
21 bad or ill intent, or what exactly do you mean?

22 Q. [10:39:43] Yes. If someone has bad intent, let's use that example, against you,
23 can you use your spirits, for instance to change their intention?

24 A. [10:40:04] If somebody has -- in order for somebody to change their intentions
25 towards me, I speak to the spirits and tell them this person has such-and-such intent

1 towards me. I do not take any herbs or medication and say go and give it to this
2 person and harm them. I talk to the spirits and the spirits do what they have to do.
3 They speak to themselves.

4 Q. [10:40:42] Can your spirits warn you if there is someone with bad intentions
5 against you?

6 A. [10:41:00] If somebody has bad intentions towards me, yes, the spirits will come,
7 they will tell me. They will say be wary, take care of yourself. There are some
8 people who have ill will towards you. They will not tell me who these people are
9 because they assume or they are of the mind that this will create problems, it will
10 great enmity between families or within the community. So I am aware of what is
11 going on. I don't actually think about it and I just continue doing what I do, because
12 I just say it is up to God, God knows what's going to happen. Because even the
13 spirits, when the spirits are actually about to do something or when the spirits possess
14 me and they ask me to perform tasks the spirits pray, the spirits pray and pray for
15 whatever it is that they are sending me to do should be successful. The spirits
16 themselves have their own Gods.

17 MS BRIDGMAN: [10:42:22] Your Honours, can I have a moment, please?

18 PRESIDING JUDGE SCHMITT: [10:42:27] Of course.

19 (Counsel confer)

20 MS BRIDGMAN: [10:43:07] Thank you, your Honours.

21 Q. [10:43:08] Now, Madam Witness, do you know the difference between an abila,
22 A-B-I-L-A, and a kac, K-A-C?

23 A. [10:43:31] The difference between an abila, which is a shrine, and a kac, are very
24 minimal. Because a kac is small. It does not have a lot of things. That's kind of
25 like an amulet or somewhere where they bury something, for example, where they

1 bury the umbilical cords of twins, somebody who is considered to be born with some
2 sort of a mystic in.

3 But a shrine, a shrine contains the spirits of all the ancestors. Everything in that
4 home, if the person comes from hunting, they will come, they will place their spear in
5 front of the shrine. If they kill an animal, they will place the spear in front of a shrine.
6 If the person is going to hunt, there are boys who go hunting, they will take their
7 spears and say, "Okay, we are now on our way to go hunting, could your
8 elders -- could the elders please bless us so that we can come back with animals."
9 So that's what they do, they go to the shrine to receive blessings. And once they
10 receive these blessings from the shrine they will come back with the spirit. It could
11 be that they will come back with an antelope. Sometimes they actually kill a rhino as
12 well, they come back with the animal, they place the animal in front of the shrine.
13 And that is what a shrine is.

14 A shrine, if a shrine is not cleaned or taken care of for a long time, then the elders
15 become angry. And they also have to be fed. A ritual has to be performed. And
16 once they are fed then the ancestors are happy. If the ancestors are not fed, then the
17 ancestors might bring ill will to the home, for example, illnesses, they might cause
18 impotence in the family. The girls in the homestead or the girls in that particular
19 home will probably become street people or children would start drinking or become
20 alcoholics. It brings a lot of bad things in that particular home or in a clan. And
21 that is what an abila is all about.

22 But kac is something smaller and usually it relates to birth. For example, if Odoch
23 wants to be fed, then they will give Odoch something. And this is what it's about
24 and that's the difference between kac and abila.

25 PRESIDING JUDGE SCHMITT: [10:47:09] I think you took this from the article by

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1 Mr Ovuga and Ms Abbo where they also differentiate between the two forms of
2 shrines, as I understood it.

3 MS BRIDGMAN: [10:47:24] That's indeed true, your Honour.

4 Q. [10:47:28] And thank you, Madam Witness.

5 You talked about the ancestors being in the shrine. Are they meant to stay there, or
6 sometimes your ancestors can come with you or speak to you?

7 A. [10:47:55] With me? It usually speaks to male children, how the male children
8 in that home are behaving. And that's what they usually say, "Come, have a look at
9 it, perform some rituals." And then I usually determine what is it that the ancestors
10 want and they say this is what it wants. And then we perform a ritual and, if it
11 wants food, then it's fed.

12 MS BRIDGMAN: [10:48:41] Your Honours, let me request just one more second.

13 I am almost done. I am going to be done in --

14 PRESIDING JUDGE SCHMITT: [10:48:47] I assume that it will be a little bit more
15 than a second, but conceded.

16 (Counsel confer)

17 MS BRIDGMAN: [10:49:32] Thank you, again.

18 Q. [10:49:35] One last question, Madam Witness. When you say that ancestors
19 talk to the boys, when they are unhappy about something can they tell them to do bad
20 things? And is this something that then you would come in to help to appease those
21 ancestors?

22 A. [10:50:14] The ancestors will show what it is that they want because people will
23 not know exactly what the problem is. The alcoholism, there is other problems in
24 the home. They do not send people to kill. And when the person becomes ill or if
25 the person has problems, the person does not kill. The only thing that they want is

1 to be fed. They cannot come to me directly. They can come to me in a dream. For
2 example, the spirits from all ancestors from our home, they may come to me in
3 a dream and they would say, "Ha, it's been such a long time." And I will make the
4 determination and say, "Okay, since these people have come into my dreams there
5 must be a problem. What's the problem?" And then we create some rituals, some
6 ceremonies, and we perform something to make everything better.

7 Q. [10:51:28] Thank you very much, Madam Witness. Your Honours, I have no
8 further questions.

9 PRESIDING JUDGE SCHMITT: [10:51:33] Thank you very much.

10 Mr Ayena, do you have questions? Yes, please.

11 QUESTIONED BY MR AYENA ODONGO:

12 Q. [10:51:49] Madam Witness, I want to start by thanking you very much for
13 shedding light to an area that not be very clear to many people, especially on the
14 other side of the world. But I want to ask you one or two questions.

15 When we talk about spirits, you told Court that if, for instance, somebody died,
16 somebody was killed in secret, the spirits can be called. Is it possible, for instance, in
17 a situation where somebody was killed and the body dumped, maybe under the
18 riverbed, and nobody knew about where he died, is it possible for you to call the
19 spirit to reveal exactly where the body is?

20 A. [10:53:18] That is possible. It's possible with the help of the spirit, the spirits
21 that possess me. I can invoke the spirits of the dead person and that spirit will come.
22 The people's family, that person's family, the dead person's family will hear the voice.
23 The dead person -- dead person's spirit will introduce itself to the family and the
24 family will then believe that this is their person. Then the person will -- they will ask
25 "Where did you die?" and the spirit, the dead person's spirit will explain and say,

1 "I was killed and thrown into the river." The spirit does not go into the river. Our
2 bodies die and our bodies rot, but the spirits do not die, spirits do not rot.

3 Q. [10:54:20] Madam, I am sure you know that your purpose is to explain some of
4 the problems that we -- the Court is facing in understanding the mind of the person
5 who is before Court.

6 I want to ask you, when you use your spirits, is it possible -- of course depending on
7 how it is used -- is there a difference between practitioners, those who can use the
8 spirits to direct the minds of a person, affect the mind so that a person acts according
9 to the will of the practitioner?

10 A. [10:55:28] People who possess spirits have spirits that work or perform in
11 different manners. They do not all perform in the same way. There are very few
12 that are similar. Even the types of herbs that are used, some of them are similar, but
13 it's very minimal.

14 When you are talking about spirits, for example, is it spirits -- are you talking about
15 spirits? I actually don't get your question very well. Are you talking about spirits
16 that will help this matter to proceed in a proper way? Is that what you mean?

17 Q. [10:56:32] Madam Witness, my question is: In a situation where a child -- like
18 happened in our part of the country where children are abducted and it is alleged
19 they went through certain rituals, spiritual rituals in the hands of Kony, they
20 performed so many things on them. Is it possible for an ajwaka, or a spiritual
21 practitioner, to direct the spirits to affect the mind of a child who has been abducted
22 to do things which he ordinarily would not have done in his normal state of mind?

23 A. [10:57:39] The spirits that are being referred to, the bad spirits, you know, in the
24 bush they perform certain rituals and there is a difference between the rituals they
25 perform in the bush and other rituals. They use spirits, and also they use people in

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1 an improper way. But if we are talking about witch doctors from home, that if the
2 witch doctor is -- that the witch doctor is supposed to cast out the spirit from the
3 person who is using his or her spirits to influence the young children, then that's not
4 possible.

5 But once the person comes back home, once the person leaves behind whatever it is
6 that they were doing in the bush, then the spirit that was being used in the bush can
7 now be cast out of that person once they return home.

8 PRESIDING JUDGE SCHMITT: [10:58:49] I think she has answered the question, I
9 would say.

10 MR AYENA ODONGO: [10:58:53] Yes. That's all, your Honour.

11 PRESIDING JUDGE SCHMITT: [10:58:57] Thank you very much, Mr Ayena and
12 Ms Bridgman.

13 It is now the turn of the Prosecution. Mr Gumpert.

14 MR GUMPERT: [10:59:05] There are no questions for this witness.

15 PRESIDING JUDGE SCHMITT: [10:59:08] Thank you very much.

16 And Mr Manoba for the Legal Representative of Victims.

17 MR MANOBA: [10:59:11] No questions, your Honour.

18 PRESIDING JUDGE SCHMITT: [10:59:13] Mr Narantsetseg.

19 MR NARANTSETSEG: [10:59:14] No question, your Honour. Thank you.

20 PRESIDING JUDGE SCHMITT: [10:59:16] Thank you very much. Ms Adong, this
21 concludes your testimony. On behalf of the Chamber I would like to thank you that
22 you came to this Court in this courtroom to help the Court establish the truth.

23 Thank you very much, and we wish you a safe trip back home.

24 (The witness is excused)

25 PRESIDING JUDGE SCHMITT: [10:59:38] This concludes also the hearing for today.

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- 1 We adjourn until Monday morning, 9.30, and we continue with Defence Witness 87.
- 2 Thank you.
- 3 THE COURT USHER: [10:59:49] All rise.
- 4 (The hearing ends in open session at 10.59 a.m.)