

Article 56 Proceedings
WITNESS: UGA-OTP-P-0101

(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, 9 November 2015
8 *(The proceedings starts in closed session at 2.34 p.m.) Reclassified as open session
9 THE COURT OFFICER: Good afternoon. Your Honour, for the record and for
10 testing purposes, I can confirm that the transcripts are now working in the English
11 version.
12 And this is a hearing in the case of The Prosecutor versus Dominic Ongwen in the
13 case ICC-02/04-01/15.
14 For the record we are in closed session.
15 SINGLE JUDGE TARFUSSER: Thank you very much, Felipe.
16 Good afternoon to everybody. I would like just to ask the Prosecution to introduce
17 himself and the team. Please, you have the floor.
18 MR GUMPERT: Thank you, your Honour. My name is Ben Gumpert, lead counsel
19 for the Prosecution. With me today are Ramu Bittaye, Kamran Choudhry, Sanyu
20 Ndagire and Julian Elderfield. Thank you.
21 SINGLE JUDGE TARFUSSER: Thank you very much.
22 Now I turn to the Defence. Please could you introduce yourself and your team.
23 Thank you.
24 MR ODONGO: Thank you very much, your Honour. I am Krispus Ayena Odongo,
25 lead counsel for the Defence. I am accompanied today by Madam Michelle Oliel and

1 I am at the same time assisted by Abigail Bridgman and Francesca. Thank you.

2 SINGLE JUDGE TARFUSSER: Francesca is enough. And I see also Mr Ongwen is

3 present.

4 MR ODONGO: Oh, my client.

5 SINGLE JUDGE TARFUSSER: Yes. You forget it all the time, every time.

6 MR ODONGO: All the time. Thank you for your courtesy, My Lord. Dominic

7 Ongwen is in court and available. Thank you.

8 SINGLE JUDGE TARFUSSER: Thank you very much.

9 I always for the record, I myself am Judge Tarfusser, Single Judge in this case, and I'm

10 together with Silvestro Stazzone and Simon Grabovec, lawyers of the Chamber. And

11 in the courtroom present are always also Elisabeth Pirota and Gabriel Bernert-Ribas,

12 two interns.

13 Felipe Rojas is the court officer and Rocelyn Jimenez is the court usher.

14 I think we can start now after these formalities.

15 Obviously last time I introduced the whole proceedings, Article 56 proceedings, with

16 sort of a background information on the nature, scope and purpose of the hearing.

17 So as I spoke about the procedure for the testimony to be taken, if the parties agree,

18 I would say I omit all this part because I think we can just refer to it and start with the

19 questioning because of the time constraints.

20 I would like just to ask you if you agree on this if we just refer to what I said on this

21 matter the last hearing, at the beginning of the last hearing.

22 And I see Mr Gumpert's finger nervous on the microphone, so I give him the floor.

23 MR GUMPERT: Intensely relaxed on the microphone. I consent.

24 SINGLE JUDGE TARFUSSER: Okay. That's good.

25 The Defence?

- 1 MR ODONGO: In the same frame of mind I do consent too.
- 2 JUDGE TARFUSSER: Okay. Thank you very much. This makes things very
3 much more easy.
- 4 And therefore I will now address Uganda in Kampala. I see Caroline Bossette, and I
5 would like to ask her if everything is okay over there and ready?
- 6 THE COURT OFFICER (via video link): (Microphone not activated)
- 7 SINGLE JUDGE TARFUSSER: We cannot hear.
- 8 THE COURT OFFICER (via video link): Sorry. Without the microphone it's
9 difficult indeed.
- 10 Good afternoon, Judge. Yes, everything is fine in Kampala.
- 11 SINGLE JUDGE TARFUSSER: So we can start with the witness. I ask you to
12 introduce her in the room so that we can start with the first witness, Witness P-101.
13 Just waiting for the witness, I can't see Mr Obhof. He is missing.
- 14 MR ODONGO: My Lord, I regret to inform you that Mr Thomas Obhof is bereaved.
15 He lost his mother and he has travelled to the US to bury his mother. Yes, he lost his
16 mother about three, four days ago. So that's why he's not with us. But he will be
17 with us later in these proceedings.
- 18 SINGLE JUDGE TARFUSSER: Well, I'm very sorry. If you can transmit him the
19 condolences of the Bench, the whole Bench, I would be very grateful to you.
- 20 MR ODONGO: I shall do that with pleasure.
- 21 SINGLE JUDGE TARFUSSER: Thank you very much.
- 22 (The witness enters the video-link room)
- 23 SINGLE JUDGE TARFUSSER: So now I see the witness in Kampala.
- 24 Good afternoon, good evening, good afternoon, Mrs Witness. I would like to
25 welcome you to this proceedings. Could you please first of all identify yourself

- 1 completely by name and surname, the age, nationality, et cetera.
- 2 Mrs Witness, can you hear me?
- 3 WITNESS: UGA-OTP-P-0101
- 4 (The witness speaks Acholi)
- 5 (The witness gives evidence via video link)
- 6 THE WITNESS: (Interpretation) I can hear you. I can hear you. My name is
- 7 (Redacted) I am a Ugandan.
- 8 SINGLE JUDGE TARFUSSER: How old are you?
- 9 THE WITNESS: (Interpretation) I'm 35 years old.
- 10 SINGLE JUDGE TARFUSSER: Thank you very much. I'm the Judge in these
- 11 proceedings and it is my duty to make sure that these proceedings runs well.
- 12 At any point you have some concern or you would like a break or you have other
- 13 problems, just tell me, okay?
- 14 THE WITNESS: (Interpretation) Yes, it's okay.
- 15 SINGLE JUDGE TARFUSSER: You are a witness in this proceedings and I have to
- 16 tell you that a witness has the duty to tell the truth. You will be asked questions first
- 17 by the Prosecution and then by the Defence of Mr Ongwen. And maybe at the end I
- 18 might also ask you some questions. Is that okay for you?
- 19 THE WITNESS: (Interpretation) It is okay.
- 20 SINGLE JUDGE TARFUSSER: Before we start the questioning, before we start the
- 21 questioning, you are required by the law to make a solemn undertaking. So I would
- 22 ask you to speak the following words: I solemnly declare that I will speak the truth.
- 23 THE WITNESS: (Interpretation) That I will talk the truth.
- 24

- 1 SINGLE JUDGE TARFUSSER: The whole truth.
- 2 THE WITNESS: (Interpretation) The whole truth.
- 3 SINGLE JUDGE TARFUSSER: And nothing but the truth.
- 4 THE WITNESS: (Interpretation) And nothing but the truth.
- 5 SINGLE JUDGE TARFUSSER: Thank you, Mrs Witness.
- 6 I must at this point also inform you that giving false testimony is an offence
- 7 punishable before this Court.
- 8 I have to inform you also that you can object to answering a question or questions if
- 9 these questions might tend to incriminate you. If you object, I will decide whether
- 10 you should be requested to answer. If necessary, you will be also provided with
- 11 counsel which gives you legal advice.
- 12 If everything is clear and if you have understood everything I said, we can start with
- 13 the questioning. Please tell me if you have understood everything or you have some
- 14 questions?
- 15 THE WITNESS: (Interpretation) I have a question. I've heard you saying that I
- 16 don't say the truth, this is punishable in front of this Court. I would like you to give
- 17 me more explanation on this.
- 18 SINGLE JUDGE TARFUSSER: There is not very much to explain. The thing is that
- 19 a witness has to tell the truth. This is an obligation. If the witness does not tell the
- 20 truth, there are consequences or there can be consequences. The law foresees that
- 21 not telling the truth is an offence and therefore punishable. So if you tell the truth,
- 22 nothing can happen.
- 23 Is this okay, Mrs Witness?
- 24 THE WITNESS: (Interpretation) I have understood.
- 25 SINGLE JUDGE TARFUSSER: Okay. So we can start with the questioning by the

1 Prosecutor.

2 Therefore, I give the floor to the Office of the Prosecutor for his questions.

3 MR GUMPERT: Thank you, your Honour. Does anybody else like me have a
4 blank screen where the witness should be?

5 THE WITNESS: (Interpretation) Thank you too.

6 MR GUMPERT: It's back on. Thank you.

7 QUESTIONED BY MR GUMPERT:

8 Q. Madam Witness, I'd like to speak for a moment to the lady who is sitting next to
9 you.

10 And to that lady I say do you have a bundle, a folder, a binder of documents which
11 were sent last week?

12 THE COURT OFFICER (via video link): I do have a binder of electronic versions of
13 documents submitted by the OTP.

14 MR GUMPERT: Thank you. Could you please show the witness the photograph
15 which is at tab number 2 and has the ERN number 0169-0062.

16 I don't know if it's going to be helpful. I see the Defence have a copy of these
17 documents. Does your Honour have a binder, a physical paper binder? Would
18 you like one? No? Very well.

19 Q. Can you see that photograph?

20 THE COURT OFFICER (via video link): The photograph is being shown to the
21 witness.

22 MR GUMPERT: Excellent.

23 Q. The question is this: Do you recognize any of the people in that photograph?
24 If so, tell us who they are from left to right.

25 A. I know these people. On the left is (Redacted) in the middle is Dominic Ongwen

1 and on the right is (Redacted) who is carrying baby (Redacted) .

2 Q. And as you told us a moment ago (Redacted) that's you, isn't it?

3 A. Yes, it is me.

4 Q. Madam Witness, have you ever been on the television before?

5 A. I don't understand.

6 Q. Well, we're talking to each other by means of television screens although we're
7 in different countries. Have you ever been on the television before?

8 A. No.

9 Q. What about the radio?

10 I think I was too soon.

11 What about the radio, have you been on the radio?

12 A. No, I've not been in any radio show.

13 Q. Madam Witness, I'd like you to listen to a little excerpt from a radio show. It's
14 going to be played to you now. Just listen and when it finishes -- it's about 40
15 seconds long -- I'll ask you some questions.

16 A. It's okay.

17 MR GUMPERT: The transcript -- sorry. The transcript of what's about to be played
18 and the translation into English is to be found in the same bundle of documents
19 which we indicated earlier in the proceedings and the ERN is 0248-0002.

20 I'll just give a moment for those who want to to find that and then I'm going to
21 ask -- I'm reminded that I should give the ERN number of the audio record and I'm
22 grateful for that reminder. It is 0181-0034.

23 I'm going to pause if there's some help being sought. As I say, I have a paper copy of
24 all of these. Would that be helpful?

25 SINGLE JUDGE TARFUSSER: (Microphone not activated)

1 MR GUMPERT: Your Honour will find it at tab number 7. And the passage which
2 is going to be played is at page 0003. It's the first page of text and indeed it's the first
3 portion of text.

4 (Playing of the audio excerpt)

5 MR GUMPERT:

6 Q. Madam Witness, do you remember that radio broadcast now I've played that
7 portion to you?

8 A. Yes, I do remember.

9 Q. Where had you been -- where had you been until the day before that radio
10 broadcast?

11 A. I was at CPU on top of a hill.

12 Q. I didn't hear all of that answer, but I see the transcript.

13 MR ODONGO: Objection, your Honour. I am not too sure whether the translation
14 in the transcript is what she said. The contention seems to be different because she
15 said, "I was on top of a hill, CPU." And if you say "I was at CPU on top of a hill,"
16 that's slightly different. Can that question be put to her again for clarity?

17 SINGLE JUDGE TARFUSSER: Yes, I can't obviously interfere with the translation,
18 but if you say so. I don't -- I can't say anything about it, but if you put the question
19 again -- I don't see -- I don't see the big difference between what you said and what is
20 written here, but if you say so.

21 MR GUMPERT: The question and the answer weren't terribly well aligned in any
22 event. I'll ask a better question.

23 Q. Where had you been for the eight years before you made that broadcast,
24 Madam Witness?

25 A. I was in the bush.

1 Q. And who had you been in the bush with?

2 A. We were in the bush with Dominic Ongwen.

3 Q. I want to play you four more very short extracts from that broadcast and from
4 what you said at that time. After each one I'll ask a question.

5 MR ODONGO: Objection again, your Honour.

6 SINGLE JUDGE TARFUSSER: Why, Mr Odongo?

7 MR ODONGO: The -- I mean the translation again of the answer to "Where had you
8 been for the last eight years before you made that broadcast, Madam Witness?" And
9 the second question, "And who had you been in the bush with?"

10 The answer according to the translation, "We were in the bush with Dominic
11 Ongwen," that is not exactly what she said because the import of what she said was
12 that she was in the bush with those of Dominic Ongwen, meaning she was there not
13 only with Dominic Ongwen, but other people as well.

14 SINGLE JUDGE TARFUSSER: I do believe that she was with other people as well,
15 not eight years only with Dominic Ongwen. I hope for her that there were others as
16 well. But I think this is implicit that she was with Dominic Ongwen and other
17 people. I wouldn't say that's a big -- there is a big difference between what you say
18 she said and the translation. I think it's implicit in that.

19 MR ODONGO: Implicit, all right, My Lord. But, you know, I thought the
20 important thing about translation is that they should say exactly what she said.

21 SINGLE JUDGE TARFUSSER: You are right, and I will ask the translator to be more
22 accurate, if possible. As accurate as possible.

23 MR ODONGO: Yes.

24 SINGLE JUDGE TARFUSSER: Thank you.

25 MR ODONGO: Much obliged.

1 MR GUMPERT: Before I play the next -- the first of the remaining four excerpts,
2 they're all really pretty short, I was hoping that in addition to the document which I
3 have circulated which has got parallel text in Acholi and English, that we would get a
4 translation through our headphones so that what's being said, a translation of it
5 would be on the transcript.

6 I don't think the introduction that we just had is very important, so I'm not asking for
7 us to go back.

8 I've circulated to the interpreters the document which your Honour has in front of
9 you to make their task easier. Can I ask that as we play these next excerpts that
10 they -- for the most part they're no more than 10 or 15 seconds, that the interpreters
11 do make an interpretation into English for us.

12 SINGLE JUDGE TARFUSSER: I absolutely agree with this, and I ask -- I absolutely
13 agree with this and I ask the translators to translate also what is the content of the
14 broadcasted pieces which are being -- which we are listening to in a few seconds.
15 Thank you.

16 MR GUMPERT:

17 Q. So, Madam Witness, sorry. We've taken a long time to come back to you, but
18 rest assured you are at the centre of these proceedings.

19 I'm going to ask you now to listen to the first of four extracts from your words during
20 that radio broadcast. Are you ready?

21 A. Yes, I'm ready.

22 (Playing of the audio excerpt)

23 THE ACHOLI INTERPRETER: (Interpretation)

24 (Redacted)

25 (Redacted)

1 MR GUMPERT:

2 Q. Madam Witness, when you were talking about people being released, who was
3 it that would do the releasing?

4 A. That person was Mr Kony.

5 Q. And who is Mr Kony?

6 A. Mr Kony was the leader of the LRA. He was the highest ranking officer of the
7 LRA.

8 Q. Now I want you to listen to a second excerpt.

9 Your Honour will find this on page 4. The ERN is 0006. And we're starting
10 three-quarters of the way down the page. The Acholi words, and I apologise for my
11 pronunciation, my Acholi is not better than yours, is "Ci alego," and the English is "So
12 I beg you."

13 If that could be played to the witness now, please.

14 (Playing of the audio excerpt)

15 THE ACHOLI INTERPRETER: (Interpretation)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 The suffering that you guys are suffering in the bush is unnecessary. You go to
23 collect food, you're shot at, you come empty-handed. When I came back, nothing,
24 there was nothing. We stayed hungry for one month -- for one week."

25 MR GUMPERT:

1 Q. Madam Witness, you talk about the mother of (Redacted) and you talked about (Redacted)

2 Who were these two people?

3 A. She was somebody else that we were in the bush with.

4 Q. Is that the answer for both of those ladies, mother of (Redacted) and (Redacted)

5 A. Yes, the both of them.

6 Q. Why was it that you were asking Dominic Ongwen to release them? Why
7 couldn't they just come home on their own?

8 A. The reason why I made this statement was because I abhorred the suffering of
9 (Redacted)

10 Q. But my question is: What did Dominic Ongwen have to do with it? If you
11 thought these ladies' children would be better off at home, why did Dominic Ongwen
12 have to release them? Release them from what?

13 A. I wanted him to release them from the bush so that they could come home just
14 to come home. They were not tied to anything, but I just wanted them to come
15 home.

16 Q. Would they have been able to come home if he didn't release them?

17 A. Can you please repeat your question?

18 Q. Would they have been able to come home if he did not release them?

19 A. No, they would have not been able to.

20 MR GUMPERT: Unless it's going to upset my technical assistant, in light of those
21 answers, I can skip to the very last -- it appears that is technically possible.

22 Q. (Redacted)

23 (Redacted)

24 (Redacted)

25 THE ACHOLI INTERPRETER: (Interpretation)

1 (Redacted)

2 MR GUMPERT: Forgive me, this is not a question for the witness. Indeed -- well, it
3 doesn't matter if the witness hears it. I'm surprised by that translation. It doesn't
4 tally with the written English. Would it be worth hearing it again or is the
5 interpreter quite satisfied that her translation is the correct one?

6 THE ACHOLI INTERPRETER: Can you please repeat the question to the witness?

7 MR GUMPERT: I don't think I've got as far as a question to the witness yet.

8 SINGLE JUDGE TARFUSSER: It's a question to the interpreter.

9 MR GUMPERT: It's a question to the interpreter, to the translator.

10 My remark was this: I was -- I've been cut off. I'm back on.

11 I was surprised by the translation, which differs quite significantly from the written
12 translation in the text, and I'm asking the translators -- the interpreter, rather, whether
13 it would be worth playing that very short extract again or whether the interpreter is
14 satisfied that the interpretation was the correct one?

15 THE ACHOLI INTERPRETER: Can you please replay the excerpt? Thank you.

16 MR GUMPERT: Yes.

17 SINGLE JUDGE TARFUSSER: Can you tell us where it is in the paper so we can
18 follow as well.

19 MR GUMPERT: Sorry, that was a bit of a let-down. Yes. Page 8 and the ERN
20 0248-0010. It's almost the last thing. You'll see the word (Redacted) in capitals.

21 Okay. We're going to play it again now.

22 For my part, I didn't hear any interpretation.

23 THE ACHOLI INTERPRETER: There was no excerpt played. Nothing was played.

24 THE COURT OFFICER (via video link): We haven't heard the extract either.

25 (Playing of the audio excerpt)

1 THE ACHOLI INTERPRETER: (Interpretation)
2 (Redacted)
3 (Redacted)
4 MR GUMPERT: Thank you, Madam Interpreter. I apologise for doubting you.
5 Q. Madam Witness, the question is this: Who was (Redacted)?
6 MR ODONGO: Objection, your Honour. I have a problem with that interpretation
7 again because the text which I read both from what has been transcribed here and
8 indeed what she said, what is on the audio regarding seemed not to tally well with
9 the interpretation that has been given because it would appear like she was saying:
10 (Redacted)
11 (Redacted)
12 Your Honour --
13 THE ACHOLI INTERPRETER: Can the interpreter please make an explanation
14 because according to the excerpt, it says (Redacted)
15 (Redacted)
16 MR ODONGO: I think that's about the same thing as (Redacted)
17 (Redacted)
18 SINGLE JUDGE TARFUSSER: Yes, but I really don't understand. The meaning of
19 the whole thing I think by now should be clear. Maybe we use another word for the
20 same thing, but I think I'm quite satisfied by (Redacted) I don't
21 think there is a relevant difference also knowing what has happened.
22 MR GUMPERT: If I may make a submission.
23 SINGLE JUDGE TARFUSSER: Please do.
24 MR GUMPERT: The relevance has nothing to do with (Redacted) in my humble
25 submission. The relevance is all to do with the word "release."

1 The implication from what is translated in the text -- I perhaps don't need to go
2 on -- is that this witness has seen said (Redacted) and knows that she is healthy.
3 Whereas the implication from the translation we had from the interpreter, "Release
4 (Redacted)," is that (Redacted) is still in the bush. That is the significant different
5 between these two interpretations. It's got nothing to do, with respect, to (Redacted)

6 SINGLE JUDGE TARFUSSER: Absolutely. Thank you very much.

7 Are you satisfied with this?

8 MR ODONGO: I'm satisfied. Actually, that was my complaint, the gist of my
9 complaint, because the interpretation here is, she is -- the interpreter is saying
10 (Redacted) And that's not the text that was
11 in the transcript.

12 SINGLE JUDGE TARFUSSER: No, but now you're fine?

13 MR ODONGO: I am -- well, provided the translation is about the confirmation that
14 (Redacted) I would be satisfied.

15 SINGLE JUDGE TARFUSSER: Okay.

16 MR ODONGO: Yes.

17 SINGLE JUDGE TARFUSSER: We'll leave it that way.

18 MR GUMPERT: We've got both versions in the record. What was said can be
19 retranslated if ever needs to be. And my question is a simple one. It's got nothing
20 to do with release on this occasion.

21 Q. It's just, Madam Witness, here's the question: Who was (Redacted)

22 A. (Redacted) was Dominic's wife.

23 Q. So, Madam Witness, so far you've identified (Redacted) and yourself in the
24 photograph, you've spoken of (Redacted) and -- forgive me --(Redacted) -- sorry --

25 JUDGE TARFUSSER: (Redacted)'s mother.

1 MR GUMPERT: I'm so grateful to your Honour.

2 Q. -- (Redacted)'s mother. How many of those ladies are Dominic Ongwen's wives?

3 A. All of them were Dominic's wives.

4 Q. Thank you. Let's come now to how you came to be in the bush for the eight
5 (Redacted)

6 What happened to you in 1996 that meant you ended up in the bush? Tell us that
7 story.

8 A. Are you asking about the time when I was still in the bush?

9 Q. No. I'm asking how you came to get into the bush. Tell me about the day
10 when you were taken into the bush.

11 A. I was abducted, I cannot remember the exact date that I was abducted, but it
12 was in August 1996. I was abducted when I was a very young person. I was in
13 primary 4. I was abducted by Dominic Ongwen. I was his wife -- I immediately
14 became his wife on that day. I stayed with him until I had -- I gave birth to two
15 children. I was pregnant when I came back and I had -- I gave birth to my third
16 child (Redacted)

17 Q. You say you were very young. Can you tell us how old?

18 A. At the time of my abduction I was 15 years old. It's a long time and perhaps
19 I've forgotten, but if I recall, I was still in school and I wasn't yet old enough, mature
20 enough to be with a man.

21 Q. I'm afraid I'm going to have to ask you to give us a little bit more detail about
22 what happened when you say "I immediately became his wife on that day." Can you
23 tell us -- you say Dominic Ongwen abducted you -- on that day where did you go
24 with him after he had abducted you?

25 A. After he -- after I was abducted we walked through civilian homes -- we walked

1 round civilian homes. In the evenings, nightfall we would fall asleep. In the
2 morning we would get up and start walking again. If government soldiers attacked
3 us, we would stop and run.

4 Q. Just concentrate on the day, the day of your abduction. That's all I'm asking
5 you about. What's the nearest place with a name to where you were abducted from?

6 A. I was abducted from a place called *Panykworo. I was -- we crossed a
7 river Ayat (phon). We stayed on the -- we stayed across the river till nightfall. At
8 around 7 p.m. we crossed another river called Oytino. We came to a place called
9 (Redacted) (phon), which is in the area of our home. In the night I found a lady that
10 was with him, but the lady is not his lady but she was taking care of him.
11 He initially told me that I was going to spend the night with this lady and I had
12 already -- we were already sleeping. His tent was separate. He had already had his
13 tent separately. He sent his escort to come and call me, tell me to go quickly. I
14 walked, I went to where he was. I was scared. I would never seen this before in
15 my life. I knelt in front of the -- of the tent because they sleep -- they sleep in tents.
16 He asked me to enter into his tent. I told him, "No, I'm not coming in." The escorts
17 were standing there. I told him, "I'm not going to enter into your tent" and I went
18 back to spend the night with (Redacted).
19 I was extremely scared. I started -- tears started rolling down my face. I got up and
20 I walked back to where (Redacted) was. I had just lay down again when escorts came.
21 The escorts were very rough with me and they were very angry. They took me, the
22 escorts took me and he told me to enter and kneel next to his bed.
23 He told me -- he asked me, "Have you seen this gun? If you refuse to sleep here,
24 then you're going to face the consequences."
25 I told him, "I'm still young. I haven't had any sexual relations with a man. You're

1 older than me. I'm young. I do not know what you're talking about."
2 Immediately the escorts held my hands and they forced me. I was scared. He was
3 big. He was -- he was fat and he had a lot of hair.
4 He held me by force. He held me forcefully and he slept with me. I cried. I cried
5 a lot and I bled a lot because that was the first time that I had had sexual relations,
6 sexual intercourse with a man. And that was very difficult, it was extremely
7 difficult.
8 He violated my rights. I was young and there was absolutely nothing that I could
9 say about it.

10 Q. I'm sorry, Madam Witness. Thank you for that account, but I have to ask you
11 one or two questions of detail.

12 When you say you had sexual relations, sexual intercourse, what parts of your body
13 and his body are you talking about?

14 SINGLE JUDGE TARFUSSER: Excuse me, I think, I think we are adults, we should
15 know what we are talking about. And I don't think that there is need to go further in
16 because she also talked about rape and sexual intercourse -- well, about rape she
17 talked and sexual relation. I mean I think this is enough. Thank you.

18 MR GUMPERT: Very well, your Honour.

19 SINGLE JUDGE TARFUSSER: We do not admit the question.

20 MR GUMPERT:

21 Q. And your clothes, what happened to your clothes?

22 A. The -- I was abducted in my school uniforms. It was a pink skirt and white
23 blouse with red stripes on the hand -- on the arms. My clothes were taken and
24 thrown away. They were thrown in the bushes and I was given something else to
25 put on.

1 The clothes that I was dressed in were all covered in blood.

2 Q. That happened to you on the night of the first day of your abduction and you
3 were in the bush for the next eight years. You've told us that you had two children
4 in the bush and a third shortly afterwards. Who was the father of those three
5 children?

6 A. The father of the children is Dominic Ongwen. I stayed -- I stayed with
7 Dominic until we had two children. The third one I left the bush while I was
8 pregnant.

9 Q. During the time that you were with Dominic Ongwen and having sexual
10 intercourse, did you ever have any choice about what was happening to you?

11 A. I did not have a choice. He forced me because I was not yet at the age where I
12 could have sexual relations. He forced me. It wasn't my choice.

13 Q. Madam Witness, I understand that's your evidence about that first day, but I'm
14 asking you about all the time thereafter, up until the last time it happened, did you
15 ever during that time have any real choice about what was happening to you?

16 A. I later refused and I was staying with (Redacted). My vagina was extremely sore
17 and I could not sleep with him. After that day I did not sleep with him and then it
18 was on another day that he forced me to sleep with him again.

19 Q. Did you ever refuse to sleep with him or try to refuse to sleep with him?

20 A. The next day I was unable to have sex with him and I refused to.

21 SINGLE JUDGE TARFUSSER: Excuse me, Madam Witness, I'm the Judge. Just to
22 explain you because you are continuously responding to a different question the
23 Prosecutor is putting to you.

24 The question is -- I'll try it my way. The question is: In eight years' time that you
25 have been with Dominic Ongwen, have you ever slept voluntarily with him or was it

- 1 always forced? When I say "slept," I mean having sexual intercourse.
- 2 THE WITNESS: (Interpretation) No, after -- during the eight years, he did not
3 force me. I was with him as husband and wife.
- 4 MR GUMPERT: The next passage is not a question but an application. It is an
5 application for this witness to be permitted to refresh her memory and it is from
6 paragraph 46 on ERN 0173-0118?
- 7 SINGLE JUDGE TARFUSSER: Just go ahead, Mr Prosecutor.
- 8 MR GUMPERT: I'm grateful.
- 9 Q. Madam Witness, I'm going to read to you a passage from a statement which you
10 made and which you signed. I'm hoping that the lady who is sitting next to you will
11 show you the statement and show you your signature which is on the second page
12 and that page has got the ERN number 0173-0110.
13 Tab 6, 0173-0110. Can that be shown to the witness.
14 Have you seen that, Madam Witness?
- 15 THE COURT OFFICER (via video link): Not yet.
- 16 MR GUMPERT: Okay.
- 17 Your Honour, am I being too laborious?
- 18 SINGLE JUDGE TARFUSSER: Maybe. I don't know. Not to me. Could be --
- 19 MR GUMPERT: I'm seeking your guidance whether I should -- I mean I'm going
20 through -- or seeking to go through the necessary hoops of proof with the minimum
21 fuss.
- 22 SINGLE JUDGE TARFUSSER: Yes. Probably putting the questions in a more direct
23 way probably is more easy for the witness to -- more understandable to the witness.
- 24 MR GUMPERT: Very well.
- 25 Q. Madam Witness, have you seen your signature now?

1 A. Yes, I've seen it.

2 Q. I'm now going to read to you some lines, and I've told the Judge where they are,
3 to see whether that -- as we say, whether that reminds you. Okay?

4 Here we go: "After this, the other times he had sex with me I did not think I had a
5 choice. If I refused he would beat me; and he beat me a number of times for refusing
6 to let him have sex with me. When I became pregnant with my three children to
7 Ongwen, I did not think I had a choice as to whether I would become pregnant or
8 not."

9 Was that the truth?

10 A. Yes, that's the truth. Yeah, it's -- there are certain things that I've forgotten.

11 Q. Thank you. I'm going to ask you now briefly to tell us where you went over
12 the eight years. You start off you've told us being abducted from near your home
13 and you've given us the names of various places. Can you in just three or four
14 sentences tell us where you went, where you travelled to and from over the next eight
15 years until the time when you came out of the bush.

16 Paragraph 10.

17 A. When I was initially abducted we left Gulu and went to Kitgum. We stayed in
18 Pader. We were in Pader and then we moved to Patongo. We did not spend that
19 much time in Patongo before we moved on to Sudan. At the time that we were
20 going to Sudan I was already pregnant.

21 We stayed in -- while we were in Sudan we stayed in a number of places. I cannot
22 recall the names of all the places because they are very difficult to remember. We
23 were in Jebellin. We were in Aru. We were in a place called Binrot (phon),
24 Risitu (phon). We walked through quite a number of places. I cannot recall every
25 single place.

1 Q. I want you to tell us where you were on 9 October 2003.

2 A. I do not recall where we were.

3 MR GUMPERT: Again, I ask leave to refresh and it's from paragraph 12 of the same
4 statement.

5 SINGLE JUDGE TARFUSSER: Absolutely, yes.

6 Also considering that this testimony was taken in 2006, so I do understand also very
7 much the witness if she does not recall something and therefore the Prosecutor is
8 refreshing your memory by reading your statement. This just as an explanation to
9 the witness.

10 Please go ahead, Prosecutor.

11 MR GUMPERT:

12 Q. Madam Witness, you mentioned a place called Pajule IDP camp. Do you
13 remember being near there on 9 October 2003?

14 A. Yes, I do recall.

15 Q. Does 9 October have some special significance for a Ugandan person?

16 A. Can you please repeat the question?

17 Q. What's the national day of Uganda?

18 A. The 9th of October.

19 Q. Thank you. Where was Dominic Ongwen the day before 9 October 2003?
20 Can you remember?

21 A. He was in Pajule.

22 Q. Tell us about what you saw and heard the night before 9 October. Who was
23 there and what were they doing?

24 A. It's been a rather long time and I have forgotten some of the names. If I do see
25 the people, then I'll probably recall them. I can put -- but I can say that Dominic

1 Ongwen invaded Pajule. That's what I heard and that's what I said. I cannot recall
2 the names of the people.

3 If the names are written down somewhere, could you please read them out to me
4 because it's been a long time.

5 Q. With the Judge's leave, I'm going to remind you from paragraph 13 of some of
6 those names. I'll read.

7 SINGLE JUDGE TARFUSSER: Of course, go ahead, please, Prosecutor.

8 MR GUMPERT:

9 Q. "The night before the attack people were selected by Ottilie for standby. There
10 were many people gathered there; and many chosen to go on standby. Ottilie's group
11 and Raska's group were there. There were people from Control Altar and Gilva,
12 Sinia and Stockree brigades; but I am not certain from which groups people were
13 chosen for standby. I do not believe there were any other groups involved. I do
14 not know if commanders or others from Trinkle brigade were involved. The
15 selection happened at the same place to where the abductees were brought back after
16 the attack."

17 Now, Madam Witness, I'm going to ask you to explain some of those names that I've
18 reminded you of. Who was Ottilie who was doing the choosing?

19 A. Ottilie was a high-ranking commander. If Kony -- if Kony made an order, then it
20 was Ottilie who would go ahead and make a selection from Gilva, Sinia, Stockree, and
21 he was the one who would make the selection.

22 Q. Okay. The next name I'm going to ask you about is Raska. Who was Raska?

23 A. Raska was the commander of brigade -- of Sinia brigade.

24 Q. And you mentioned Gilva, Sinia, Stockree and Trinkle brigades. Tell the Judge,
25 what were these brigades with these names?

1 A. I didn't quite get the question.

2 Q. I want you to explain what you mean when you talk about a brigade. What is
3 a brigade in the LRA?

4 A. According to my understanding a brigade is a group of people with a leader
5 who is elected just like Raska Lukwiya was elected as a brigade commander. There
6 are a commander for each group because they cannot be all lumped together because
7 it would be too big. So the group for Raska is the Sinia brigade.

8 Q. And lastly Control Altar, what was Control Altar?

9 A. It's difficult for me to explain because me I was just abducted and when I
10 arrived I thought it was called brigade Control Altar. I don't -- I don't know why.

11 Q. Okay. You say that Otti was selecting. What was he selecting or who was he
12 selecting?

13 A. He was selecting soldiers. If there was an imminent attack like the attack on
14 Pajule, then he would do the selection of soldiers on Kony's order and he would send
15 message to the different brigades, Sinia, Gilva, who would choose some soldiers.

16 Q. And did you actually hear him doing the selecting for this attack on Pajule?
17 Were you there?

18 A. During the Pajule attack I was present, but for the others I didn't see because I
19 delivered and we would be separated from -- we mothers would be in a different
20 place from the soldiers.

21 Q. Madam Witness, for the moment I'm just asking about Pajule. And I'm not
22 asking about the attack, I'm asking about the selecting done by Otti. When that was
23 happening, were you there?

24 A. During the selection I was present. For us we were in position, what we call
25 position. For them they were on -- at a different place, but he was the one who

1 selected the soldiers.

2 Q. And what happened to Dominic Ongwen when the selection was made?

3 A. After the selection, they proceeded to Pajule.

4 Q. No. At the selection, what happened to Dominic Ongwen?

5 A. I cannot tell because we were in a different place in our position.

6 Perhaps if I have forgotten, then you may remind me.

7 Q. With his Honour's leave I'm going to refresh your memory again.

8 SINGLE JUDGE TARFUSSER: Of course. Go ahead.

9 MR GUMPERT:

10 Q. I read: "I heard them from a distance saying there was a selection of people
11 going for standby to go to Pajule. Ongwen was a commander chosen to go to Pajule,
12 but Otti was the one doing the selection."

13 Was that correct?

14 A. Yes, it is correct.

15 Q. Who was chosen to be the commander of the attack, the person -- the most
16 senior person who would actually go to Pajule?

17 A. The overall commander I can't remember. If you could remind me, please.

18 Q. I read again: "Raska, from Control Altar, was the lead or overall commander
19 when they went to the battle at the Pajule."

20 Was that correct?

21 A. Yes, it is correct.

22 Q. Now, during the battle, I'm not talking about the selection, during the battle
23 itself, were you at Pajule or were you somewhere else?

24 A. During the attack at Pajule we were in a different place. We weren't with
25 them.

1 Q. I understand. So I'm going to move on now. Did you see the people who you
2 knew had been selected for the attack when they came back from the attack?

3 A. I didn't see those people. If I have forgotten, then you may again remind me
4 and read for me.

5 SINGLE JUDGE TARFUSSER: Yes, please do.

6 MR GUMPERT: Paragraph 17.

7 Q. "After the battle, I saw people from the Holy (the LRA) return from Pajule.
8 They came back from Pajule with food items and many abducted civilians, including
9 elderly people. I saw Ongwen when he came back from Pajule. I saw him return
10 with luggage and about seven civilians he had abducted from Pajule. Those
11 abducted included four young girls and three men."

12 Was that correct?

13 A. Yes, it is correct.

14 Q. I want to ask you to try and remember what happened after the attack. Was
15 there any more fighting or shooting which you can remember after the attack?

16 A. Apart from the attack on Pajule centre, there was -- there were none.

17 Q. Have you ever seen a helicopter, Madam Witness?

18 A. I've seen many.

19 Q. What can you tell us about any helicopters after the Pajule attack?

20 A. After the Pajule attack, the plane came and shot at people. Some civilians
21 managed to escape, others were not able to. Others threw away the luggage they
22 were carrying.

23 Q. I want to ask you about the civilians. Did you see the civilians with Otti at any
24 time?

25 A. I didn't see them because I normally don't stay together with the group of Otti.

1 Perhaps I may have forgotten because it's now a long time since that time, but as
2 usual perhaps you could read again to remind me.

3 Q. Paragraph 20. I'm going to read to you again: "Ongwen was at this place
4 where they brought the civilians, but he was not near Otti, when Otti was talking to
5 the civilians. After Otti gave his orders to release civilians, Ongwen released the
6 people he had abducted from Pajule. I saw that other commanders were also
7 releasing people from those they had abducted; the elderly, weak, mothers, and those
8 who could not walk. Each person abducts people who can carry his luggage and
9 after Pajule, each released some of his own abductees. Before Otti gave his orders,
10 some other commanders had previously released mothers who could not walk."

11 Was that correct?

12 A. Yes, it is correct.

13 Q. I want you to think hard now about the people who were not released. You've
14 said that the elderly, weak, mothers and those who could not walk were released.
15 What about the other people who were young, not mothers, not weak and who could
16 walk, what happened to them?

17 A. As well as I can remember, those who were healthy and the young girls they
18 were not released. They moved with them.

19 Q. Thank you. Last -- can I ask one last question about Pajule and then I think,
20 Madam Witness, we're on the break.

21 So this is the question: Did Dominic Ongwen ever talk to you about what he had
22 done at Pajule?

23 A. No, he didn't talk to me about that, unless I have forgotten.

24 Q. No. I've got nothing to say about that.

25 MR GUMPERT: My learned assistant reminds me that the session should be -- this

1 is one of the two-hour sessions.

2 SINGLE JUDGE TARFUSSER: You're right. Sorry.

3 MR GUMPERT: No, that's fine. So if I may, I'll carry on for another half hour.

4 SINGLE JUDGE TARFUSSER: Okay, of course. Sorry.

5 MR GUMPERT:

6 Q. Have you ever heard the name Lukodi?

7 A. Yes, I've heard that name.

8 Q. How close is your home to Lukodi? Can you tell us how long it would take
9 you to walk there?

10 A. The distance between our home and Lukodi, according to my estimation it is
11 about (Redacted)

12 Q. Do you know what happened at Lukodi in 1994?

13 A. Yes, I do.

14 Q. Tell us then, please. Tell us the story of what you know about what happened
15 at Lukodi in 1994.

16 A. In Lukodi there was a serious battle in Lukodi. Civilians were injured and
17 many were killed. And those who attacked Lukodi, there were two groups. There
18 was the Gilva group of Tulu and the Sinia group which was commanded -- which
19 was -- for which Dominic Ongwen selected the soldiers. He didn't go himself
20 because he had a problem with his knee and he couldn't walk, but his soldiers went to
21 Lukodi.

22 For the group -- for Tulu's group, Tulu also chose his soldiers who were on standby
23 for that Lukodi attack. I cannot say whether he also went because Tulu was so huge
24 at that time and he was unable to walk.

25 So what happened in Lukodi, what I know is that, but what I could have forgotten

1 you may remind me.

2 Q. Well, before I do any reminding let me ask you some specific questions. About
3 how many soldiers did Dominic Ongwen select to go on the attack at Lukodi?

4 A. I cannot say the number of the soldiers, but for us women we don't stay near
5 them when they are doing the selection for the standby. For us, me I was in the
6 kitchen and I overheard them selecting those to be on the standby, but I cannot tell
7 how many numbers they were. But during the selection of the soldiers to be on
8 standby I was there but at some distance from those who were selecting.

9 SINGLE JUDGE TARFUSSER: Excuse me. Before the next question, I just want to
10 raise a question I have. You were talking about -- asked about 1994 and I think it's
11 about ten years earlier.

12 MR GUMPERT: I've just had some urgent messages along the same lines.

13 SINGLE JUDGE TARFUSSER: Okay.

14 MR GUMPERT: My apologies.

15 SINGLE JUDGE TARFUSSER: Okay. Thank you.

16 MR GUMPERT:

17 Q. Let me ask you a non-leading question. How long between you coming out of
18 the bush, which we know already was in July of 2004, was this attack in Lukodi,
19 roughly speaking?

20 A. Can you please repeat your question?

21 Q. Sure. Roughly how long between the attack on Lukodi and the time when you
22 came out of the bush?

23 A. When I came out of the bush, that was a long time ago because when -- when
24 Lukodi was attacked, I can't remember the exact date because me I came out from the
25 bush in July.

1 Q. Let me try once again. Let me try once again, Madam Witness. I'm asking
2 you about the amount of time, the number of weeks or days or months there were
3 between the attack on Lukodi and you coming out of the bush.

4 A. I think it was about one month if I haven't forgotten.

5 Q. Thank you.

6 SINGLE JUDGE TARFUSSER: Excuse me. I just go back to the 1994 because I don't
7 think it comes up clear, and I speak for the future. Always when in the transcript at
8 page 32 it is written 1994, it should be read as 2004. So just for clarity. Thank you.

9 MR GUMPERT:

10 Q. You told us that Dominic Ongwen himself was injured and so he didn't go to
11 Lukodi. Do you know who the commander who did go to Lukodi was?

12 A. From Dominic -- from Dominic's side I understand that the leader, the
13 commander was Ocaka.

14 Q. Do you know the name (Redacted)

15 A. Yes, I do.

16 Q. Was he at Lukodi at the attack?

17 A. Yes, he was there.

18 Q. Can you remember the time of day that the people chosen for the attack left
19 where you were to go and attack?

20 A. I beg your indulgence, I think I have forgotten those details. If you can read
21 them for me, please.

22 Q. I'm reading from the second line of paragraph 32: "They left to go to Lukodi
23 about 9 in the evening."

24 Was that correct?

25 A. No, it isn't correct.

- 1 Q. Tell us then what you remember was the correct time.
- 2 A. I can no longer remember because it is now taken a long time.
- 3 Q. So why is it that you tell his Honour that you're sure it wasn't 9 in the evening?
- 4 A. Can you please repeat that question?
- 5 Q. No, I'm going to leave that.
- 6 What time did they come back from Lukodi; can you remember that?
- 7 A. When they found us it was at 2 -- 2 a.m. because the battle ended at night, but
- 8 I cannot -- I don't know what time -- at what time it ended.
- 9 Q. You mentioned Ocaka earlier or Ocaka. Did you see Ocaka after the attack
- 10 when he came back to the camp where you were?
- 11 A. Yes, Ocaka was there.
- 12 Q. Did he tell you what had happened at Lukodi?
- 13 A. No, he didn't tell me anything because I am a woman and normally they don't
- 14 talk about war plans to women.
- 15 Q. Sorry, bad question. Never mind what he told you. Can you remember if
- 16 you heard what Ocaka said about what had happened?
- 17 A. I cannot remember very well. If you could please remind me.
- 18 Q. Yes, with his Honour's leave, which I'm taking as given, I shall do so.
- 19 I'm reading to you from paragraph 32, four lines from the bottom: "Ocaka explained
- 20 why they returned almost empty handed with no food or abducted people. He told
- 21 us that while they were returning, they were attacked by the helicopter so that most
- 22 of the things they looted they threw away; and the abductees were able to run away."
- 23 Was that correct?
- 24 A. Yes, that's correct.
- 25 Q. I want to ask you about Dominic Ongwen after the attack. Did you see

1 Dominic Ongwen with Ocaka after the attack?

2 A. Yes, I did.

3 Q. Could you hear what Ocaka was saying?

4 A. Yes, there are certain things I heard.

5 Q. Tell us what you can remember about what you heard?

6 A. I heard what Dominic was saying. He was reproaching Ocaka so hard. He
7 said he had asked Ocaka to go and attack soldiers and then take food and get civilians
8 to carry the loot. He told them not to kill children, not to kill civilians, but Ocaka
9 killed children, some were thrown in water, some were knocked -- they knocked their
10 heads against the tree. All these things now they will say he is the one who did it
11 and yet he told Ocaka to get civilians to carry the luggage after which they would go
12 back.

13 That's what I heard and understood. I wasn't so close to them, but that's what I
14 heard. For us we stay at some distance. When they are discussing their issues, they
15 don't want women to even hear what is being discussed. That's according to what I
16 remember.

17 In case I have forgotten certain things, you may remind me because these things took
18 time -- a long time ago. Even if I have made a statement, I have actually forgotten
19 some of them.

20 Q. I want to be clear, this was a conversation between Ocaka and Ongwen after the
21 attack, yes?

22 A. Yes, that is it.

23 MR GUMPERT: Your Honour, just forgive me for a moment.

24 Q. Can you remember whether Dominic Ongwen gave any explanation about why
25 he was upset, why he was cross with Ocaka?

1 A. I can't remember. If you can please remind me.

2 MR GUMPERT: Your Honour, I'm going to refresh the witness's memory from the
3 last three -- last quarter of paragraph 33.

4 SINGLE JUDGE TARFUSSER: Please do.

5 MR GUMPERT:

6 Q. Madam Witness, this is what you said in your statement: "Ongwen continued
7 to scold him and said: 'All that you did there spoils my name, not your name.'
8 Ongwen said to Ocaka that Ocaka was spoiling his name on the radio. He meant the
9 LRA radios used for communication. I understand that he meant they would be
10 spoiling his name, as they would say that Ongwen was the one killing people at
11 Lukodi."

12 Was that correct?

13 A. Yes, that is correct.

14 Q. Can you help us, please, Madam Witness, with this mention of radio. How did
15 the LRA groups communicate with each other? How did they talk to each other
16 when they were in the bush?

17 A. The LRA, when they are in the bush, they use what is called radio call which
18 they carry on their backs. Each brigade like Sinia has a radio call, Gilva has a radio
19 call system, Trinkle also has a radio call system as well as Control.
20 So if something happens say in the Sinia brigade, they put up the wire, their wires
21 and then they communicate using radio. If it is the Sinia people who have sent a
22 message to Gilva, then everybody will understand that, or if Gilva communicates to
23 Stockree, everybody will follow. That normally happens between 9, 6 and -- 9,
24 midday -- midnight and 6 a.m.

25 Q. Can we just clarify those times again? Madam Witness, I'm sorry to trouble

1 you. I'm going to ask you to spell out really slowly the times at which you
2 remember there would be radio communications.

3 A. At 3 in the morning, at midday and at 6 p.m.

4 MR GUMPERT: This is a question for the interpreter. And if it's an improper one,
5 no doubt I'll be stopped.

6 I'm aware that people in East African culture sometimes use different denominations
7 of the clock than we do here in Western Europe. I'm asking the interpreter whether
8 the 3 in the morning piece of evidence is in fact to be interpreted literally according to
9 a Western European's mind?

10 I'm sorry if I sound culturally narrow, I probably am, but I think it's worth asking the
11 question.

12 THE ACHOLI INTERPRETER: Yes, 3 that would be actually 9 p.m. -- 9 a.m. or p.m.
13 And 6 -- 12 in Acholi would be 6 p.m. or 6 a.m. Yes.

14 MR GUMPERT: So to translate -- to translate between the two clock systems, you
15 deduct or add six hours; is that a correct statement of the position?

16 SINGLE JUDGE TARFUSSER: That's a question to the interpreter I think.

17 MR GUMPERT: It is. I'm sorry to be making a meal of this, but it may be helpful.

18 THE ACHOLI INTERPRETER: Yeah, I was saying I was basing my translation on
19 what she said. For example, I think she said 3. 3 in Acholi it will be 9 a.m. And
20 she said 12 -- she said 6 in Acholi, which is 12 midday. And she said 12 in Acholi,
21 which is actually 6 p.m. in this case.

22 MR GUMPERT: I think we're clear now. Thank you very much.

23 SINGLE JUDGE TARFUSSER: Excuse me. Just to make it possibly clearer, so zero,
24 which for us is midnight, would be 6 in the morning; that's correct? Yes. Would be
25 6 in the morning, right?

- 1 THE ACHOLI INTERPRETER: No, it wouldn't be so, no.
- 2 SINGLE JUDGE TARFUSSER: Let us ask counsel for the Defence.
- 3 Mr Odongo, please clear us up a bit.
- 4 MR ODONGO: Thank you very much, your Honour. 3 could refer to either
- 5 p.m. -- I mean 9 p.m. or 9 a.m. And what you would refer to here as zero would
- 6 refer to midnight, midnight in East Africa, East African standard time.
- 7 SINGLE JUDGE TARFUSSER: Then it would be the same as it is here.
- 8 MR ODONGO: It would appear, yeah. Of course there is a time difference.
- 9 When it is -- for instance, there is a gap of two hours. As of now, there's a time
- 10 difference of two hours.
- 11 SINGLE JUDGE TARFUSSER: Yes.
- 12 MR ODONGO: The time here is earlier by two hours. Like now it is 16.26.
- 13 SINGLE JUDGE TARFUSSER: Well, of course, that's --
- 14 MR ODONGO: In East Africa -- in East African it is now 18.26.
- 15 SINGLE JUDGE TARFUSSER: But I don't think this is the matter.
- 16 MR ODONGO: Yes. But the important thing to note, your Honour, is when they
- 17 talk about 9, it depends on what time of the day or night. Is it during the day or
- 18 during the night -- or during the night?
- 19 SINGLE JUDGE TARFUSSER: No doubt.
- 20 MR ODONGO: Yes.
- 21 SINGLE JUDGE TARFUSSER: No doubt about that, but I don't think this is the
- 22 matter in here. I think that the way to spell out the time is different as such and it
- 23 doesn't depend -- yes, and it doesn't depend on the time zone, does not depend on the
- 24 time zone.
- 25 I think that we are right that zero, our midnight, is -- where we say zero for midnight

1 there it should be 6 o'clock in the morning.

2 MR ODONGO: Your Honour --

3 MR GUMPERT: Yeah, not a good example, because I don't think they do say zero,
4 but the bottom line is that you add or subtract 6 hours to get from one to the other.
5 If you go by that rule of thumb, you don't go wrong.

6 SINGLE JUDGE TARFUSSER: I think this is the right way to say it.

7 MR ODONGO: Your Honour, I think I want to elucidate a bit further. You know,
8 our timing begins from sunrise. That is the import of -- when you talk about
9 7 o'clock in the morning, we say it is -- we refer to it as "cawa acel" meaning, you
10 know, 1. What you refer to as 7 o'clock in the morning, when you are talking to an
11 Acholi, or a Luo speaker for that matter, they are going to refer to it as 1. Yes.

12 SINGLE JUDGE TARFUSSER: Yeah, okay. Okay. Now we are on the same page.

13 MR ODONGO: Yes.

14 SINGLE JUDGE TARFUSSER: Now it's perfect.

15 Okay. Clarified this, I would say we just stop it here and now with the leave of your
16 learned colleague, we go to have our half an hour break.

17 MR GUMPERT: He smilingly grants it.

18 SINGLE JUDGE TARFUSSER: Yeah, okay. Good. Thank you very much.

19 See you in half an hour.

20 THE COURT USHER: All rise.

21 (Recess taken at 4.29 p.m.)

22 *(Upon resuming in closed session at 4.59 p.m.) Reclassified as open session

23 THE COURT USHER: All rise.

24 SINGLE JUDGE TARFUSSER: Good afternoon again. I see the witness is ready.

25 Are you ready, Madam Witness? Are you fine?

- 1 THE WITNESS: (Interpretation) Yes, I'm fine.
- 2 SINGLE JUDGE TARFUSSER: Okay. Thank you.
- 3 I return the floor to the Office of the Prosecutor.
- 4 Can you foresee how long it will take you roughly?
- 5 MR GUMPERT: Barristers' time estimates are usually the least trustworthy part of
6 the submissions that they make, but in global terms chancing my arm I would be
7 surprised if I was still asking questions in 45 minutes.
- 8 SINGLE JUDGE TARFUSSER: That's what I thought and I hoped. So yours is the
9 floor.
- 10 MR GUMPERT: One more point on that. The gentleman who sits in front of you
11 asked me -- I'm sorry that I don't know his function -- whether we should have the
12 next witness on standby for tomorrow, and my strong feeling is the answer to that
13 question is yes.
- 14 SINGLE JUDGE TARFUSSER: Mine as well.
- 15 MR GUMPERT:
- 16 Q. Madam Witness, I have some questions for you which arise out of what you've
17 said earlier. The first question is this: You told us that some of the people abducted
18 from Pajule were not released. I think you mentioned the young girls. Can you tell
19 us, please, what age you believe those girls were, approximately?
- 20 A. No, I cannot give an estimation, but they were young.
- 21 Q. You talked about Dominic Ongwen's escorts when you were talking about the
22 first night after you were abducted. Can you remember the names of the escorts
23 who came to get you to bring you to his tent?
- 24 A. No, I do not recall the names because I'd only just arrived there, but if you have
25 the names written down, you could refresh my memory.

1 Q. No. Thank you. I'll move on to something else.

2 When you were talking about the conversation which took place after the attack on
3 Lukodi, the conversation between Ocaka and Ongwen, what were you doing at the
4 time when that conversation was taking place?

5 A. As I recall, I was cooking.

6 Q. Just tell us a little bit about your duties while you were in the bush with
7 Dominic Ongwen. Leave aside sex and childbirth. What other duties did you have?
8 Things like cooking. Were there anything else?

9 A. No, there were no other tasks that I performed, if I haven't forgotten.

10 Q. What was the source of heat for the cooking?

11 A. We used fire. We used firewood. We would get three stocks, put them in the
12 ground and then use them. Or we would use three stones, three large stones and
13 then use that for cooking, use that as the stove.

14 Q. And what was the fuel? Where did the fuel come from?

15 A. I would have firewood where we are cooking, we'd have firewood which we
16 would chop big pieces of wood and that's what we would implant into the ground
17 and use as a stove.

18 Q. You spoke about using radios to communicate between the different brigades.
19 I've got some questions about that. Have you ever seen Dominic Ongwen use a
20 radio?

21 A. Yes. I've seen him.

22 Q. And would he transmit himself or would he use somebody else to operate the
23 radio?

24 A. He would operate the radio himself.

25 Q. Was there any other person whose business was to -- had to do with the radio?

1 A. Yes, there was somebody.

2 Q. Tell us about that person. Do you know his name or what his duties were?

3 What can you tell the Court about that person and the radio?

4 A. I'll start with the name. He was called (Redacted). Most times he was referred to as
5 (Redacted) Signaller because he was the one who used to carry the radio. He was the
6 one who was in charge of radio. When it was time to make the connections, he was
7 the one who used to make the connections and then Dominic Ongwen would speak.

8 Q. Can you describe what the radio looked like, the machine itself?

9 MR ODONGO: Objection, your Honour. There is this name. I think it is
10 important to record it properly. I think the witness said the name of the signaller
11 was (Redacted)

12 MR GUMPERT:

13 Q. Madam Witness, did you hear what Mr Odongo said? Is that right?

14 A. Yes, that's right.

15 Q. Thank you. My question was whether you could describe what the radio
16 looked like, the machine itself?

17 A. Well, I don't think I paid close attention to what the radio looked like because it
18 was always in a bag, and whenever there was any connection to be made, they would
19 place the whole bag down and then use the radio while it was in the bag. So it was
20 always in the bag. I haven't got a clue what it looks like.

21 Q. Lastly on the radio, what language were the people talking on the radio using?

22 A. I do not understand what language they were using. It was coded, coded
23 language. Some of the words were in Acholi, but then on occasion they would
24 throw in some words. And I heard them say "roger," but I do not understand the
25 meaning of the word.

1 Q. Thank you. No more questions about the radio.

2 I want to ask you now about the other wives. How many wives did Dominic
3 Ongwen have in total while you were in the bush with him?

4 A. As far as I recall, these are the names that I'll mention because there were quite a
5 few of them. I was the first wife, then there was (Redacted) then there was (Redacted)
6 (Redacted) was the fourth, the fifth was (Redacted), the sixth was (Redacted) the
7 seventh was (Redacted)

8 Well, I do not know the names of the women who came after me, but those are the
9 ones that I know. And some of the ladies were left behind, but I left. I do not know
10 which of the ladies stayed behind. I do not know how many wives he had while he
11 was in Congo.

12 Q. Just taking those in turn, you say you were the first wife. Was there any
13 seniority or ranking in the wives?

14 A. No, there was no seniority, there was no hierarchy, but all the -- all the other
15 women came after me, and culturally the woman who comes in first, your first wife is
16 always considered the senior wife. All these other women came after me.

17 Q. And now the names. I want to ask you about the names you've given in turn.
18 And the question is: Did any of these ladies have any other names that you knew
19 apart from the ones you've given us? So if we start with (Redacted), did you know
20 any other name for (Redacted)

21 A. No, she -- she used (Redacted) and that's the name that I know. That's why I use
22 the name (Redacted) as well.

23 Q. What about (Redacted)

24 A. While in the bush she used (Redacted) that's the name I know and that's the name
25 I've given you. I do not know if she uses any other name while she's at home.

1 Q. What about (Redacted)

2 A. We used to refer to her as (Redacted) because of her child, but her name is
3 (Redacted) The name that I know is (Redacted). I do not know any other name.
4 It's been a while since I've met her and I do not know if there is any other name that
5 she uses. Like I use (Redacted) I do not know if there's any other name that she uses.

6 Q. Just staying with (Redacted), you say that's a name used because of her child. I
7 doubt there's any controversy about this. Min means mother, doesn't it, and
8 (Redacted) is the name of the child, so it's Mother of (Redacted); is that correct?

9 A. Yes, that's correct.

10 Q. And what was the full name of the child? (Redacted) what?

11 A. Yeah, that's the only name I know. He was known as (Redacted) Any other
12 name, I do not know any other name.

13 Q. The fifth name you mentioned was (Redacted) Do you know any other name or
14 any full name for (Redacted)

15 A. No, I do not know any other name, but she used (Redacted) while she was in
16 the bush. I do not know if she has any other names. Those are the only names that
17 I know. I cannot give you any further information that I'm not aware of.

18 Q. And next (Redacted) do you know any other name for that lady or any fuller
19 name?

20 A. No, her name is (Redacted) I do not know any other name. I left the bush
21 knowing (Redacted). That's the only name I know. I cannot add anything further to
22 something that I'm not aware of.

23 Q. And then lastly (Redacted), any other name for that lady?

24 A. Yes. Yes, I do know (Redacted). Her other name is (Redacted) I do not know any
25 other name. Those were the only names that she used. We always called her (Redacted).

1 I let in the bush while still referring to her as (Redacted) I do not know any other
2 name. I haven't seen them and it's been a while since I last saw them. I do not know
3 their whereabouts.

4 Q. No, I understand it's been a long time. My questions are not meant to be
5 critical.

6 Lastly on the wives, can you tell us where they came from? I'll take them in order
7 again. (Redacted) do you know where she came from?

8 A. (Redacted) is from (Redacted) .She's from (Redacted) Yeah, that's my only knowledge.

9 Q. (Redacted)

10 A. As far as I'm aware, (Redacted) is from (Redacted). I know that she's from
11 (Redacted) but I do not know any other place that she's from.

12 Q. (Redacted) I think you also called her (Redacted)

13 A. (Redacted) is from (Redacted) She told us that she was from (Redacted) and
14 that's the only knowledge I have.

15 Q. (Redacted) do you know where she was from?

16 A. Yes, I know where (Redacted) comes from.

17 Q. And where is that?

18 A. (Redacted) is from Cetkana. That's as far as I'm aware.

19 Q. (Redacted), do you know where she was from? Tell us where she was from, if
20 you know.

21 A. Yes, I know where (Redacted) is from. (Redacted) is from (Redacted) That's
22 my understanding.

23 Q. And lastly (Redacted)

24 A. I think I've forgotten where she -- where (Redacted) is from, but to my
25 recollection I think she is from Pajule, if I'm not mistaken.

1 Q. I want you to tell us now about the day you left the bush. How did you come
2 to leave the bush after eight years?

3 A. I escaped from the bush. My reason for -- my reasons for escaping: One, we
4 were attacked, we were shot at. My daughter (Redacted) was shot and the
5 government soldiers took her home. Well, as far as I was concerned, I could not stay
6 in the bush without my child. My child was one year, four months. I wasn't
7 thinking clearly because we had -- we'd been shot at by gunships and that's the reason
8 why I decided to come home, because of my child.

9 If there's anything that I've forgotten then -- I made my statement long ago, then can
10 you please refresh my memory.

11 Q. Just before I ask the Judge's permission to do that, I want you to tell us a bit
12 more about what actually happened. You say you were attacked by government
13 soldiers. Can you remember how, what kind of attack it was?

14 A. It was a mobile force that attacked us. We the mothers of children were at a
15 bay. The soldier attacked us and immediately there were two gunships and the
16 gunships fired at us. I was injured. The child I was carrying flew out of my hands.
17 One of my -- one of my children was hit by a splinter. She was -- the child was on
18 the back of a nanny or a childminder and that was (Redacted)

19 Q. So if I understand correctly, your younger child (Redacted) was injured and
20 separated from you and you were with your older daughter, (Redacted) ; is that
21 correct?

22 A. Yes, that's correct.

23 Q. And what was it that meant that you could escape now? What enabled you to
24 escape in this situation?

25 A. Can you please repeat the question?

1 Q. How was it, what were the circumstances which enabled you to escape now at
2 this time when the gunships are attacking, rather than at any time before?

3 A. That day I did not escape. The soldiers, there were soldiers everywhere, there
4 were government soldiers everywhere, there were Holy soldiers everywhere. There
5 were so many government soldiers that it was impossible to escape. We thought
6 that we would be killed if you run into them during the attack, and that's why on that
7 very day I did not escape. Because I was also injured.

8 Q. Let me ask you a different question. What would have happened to you if you
9 had tried to escape at some other time when there were no government soldiers, only
10 Holy soldiers around?

11 A. The reason why I did not escape when there were only Holy soldiers, if you're
12 caught when you're trying to escape, if you are not properly prepared for your escape,
13 you would be killed without mercy, and for these reasons I was scared. People who
14 tried to escape and were killed, I saw this. I saw people who were killed and they
15 tried to escape. That's why I was scared. If you attempt to escape without a proper
16 plan that I will get to this place or I will get home before I'm actually caught by Holy,
17 then you're in big trouble and that's why I was scared.

18 Q. You say you've actually seen people killed when they tried to escape. Can you
19 remember the names of any people who did the killing?

20 A. No, I do not recall. The reason why I do not recall was that it was only when
21 I was newly abducted that I witnessed someone being killed. Everybody looked the
22 same to me. I do not know who was who. That's why I cannot recall the names of
23 people who actually did the killing.

24 Q. Madam Witness, I'm through to my last series of questions now.

25 Do you remember when you first met the investigators from the International

1 Criminal Court? Do you remember that occasion? I don't mean the precise date.

2 Whether you actually remember meeting them.

3 A. No, I cannot recall, but I did -- I did meet with them. The place, I do recall the
4 place, but I do not recall the date. And if you can refresh my memory about the date,
5 but I do recall the place.

6 Q. Madam Witness, I don't need to trouble you with the precise date. That's not
7 what I'm asking about.

8 When you first met them, did you feel able to tell them everything which you knew,
9 tell them the answers to all their questions? Did you feel free to do that when you
10 very first met them?

11 A. I was frightened because it was the first time. I was frightened.

12 Q. Can you remember what it is you were frightened of?

13 A. The reason why I was afraid was because first of all I was taken to the barracks
14 division and that's why I was scared. There were so many people, including
15 Europeans or white people. This was the first time for me to see that many white
16 people with all these instruments lined up. When they took us to the barracks, that
17 really scared me.

18 Q. Can you remember whether there was any other reason that was making you
19 scared?

20 A. No, I cannot recall. If I made a statement to that effect, could you please
21 refresh my memory.

22 SINGLE JUDGE TARFUSSER: Yes, please. Go ahead.

23 MR GUMPERT: Thank you.

24 Q. I'll read to you what you said in a statement which you made on 2 July 2006.

25 It's on ERN number 0191-0267 and it's at paragraph 7 of that statement.

1 I'll read it to you now: "During the last interview the reason that at first I did not
2 want to answer questions about Ongwen is because I fear him and thought he might
3 kill me if he came to learn what I was saying. He had done bad things to me. For
4 instance, he made me give birth to children when I was not supposed to. But then I
5 thought if there was a way of keeping it confidential that I spoke to the ICC that it
6 would be all right to answer the questions."

7 Was that correct?

8 A. Yes, that's correct.

9 MR GUMPERT: Would your Honour just give me a moment to consult the other
10 members of my team? From my part I think I'm done, but there may be some
11 matters I've overlooked.

12 SINGLE JUDGE TARFUSSER: I'm most obliged if you do so.

13 MR GUMPERT: Thank you. That concludes the examination-in-chief.

14 SINGLE JUDGE TARFUSSER: Which is about 10 minutes early to what you stated
15 35 minutes ago. Good.

16 Madam Witness, the Prosecutor has finished his questioning and it's now for the
17 Defence to start the questioning.

18 Mr Odongo, you have the floor.

19 MR ODONGO: My Lord, given that Uganda is two hours ahead of us and it is
20 already coming to 6 o'clock, meaning it is 8 o'clock there, I can read from the body
21 language of the witness that she's very exhausted and there are quite a number of
22 serious questions we want to put to her. It would appear to me like it would do
23 justice to her to give us time until tomorrow so that she's in the right frame of mind to
24 answer the questions.

25 SINGLE JUDGE TARFUSSER: Mr Odongo, I think we should go ahead because the

1 witness is -- I see her very fine, she has replied -- she has responded to the Prosecutor
2 perfectly until now. We should go ahead because our timing is a very strict one and
3 I think we can start and then we'll see how it works out. So I would just ask you to
4 start with the questioning. Thank you.

5 MR ODONGO: In that case, My Lord, if it would please you, we would seek for a
6 short adjournment so that I make some consultations with my Defence team.

7 SINGLE JUDGE TARFUSSER: Eight minutes until 45.

8 MR ODONGO: Perfect, My Lord.

9 SINGLE JUDGE TARFUSSER: Okay. Thank you.

10 THE COURT USHER: All rise.

11 (Recess taken at 5.38 p.m.)

12 *(Upon resuming in closed session at 5.45 p.m.) Reclassified as open session

13 THE COURT USHER: All rise.

14 SINGLE JUDGE TARFUSSER: So, Madam Witness, I now give the floor to the
15 Defence for their questioning.

16 Please, Mr Odongo, you have the floor.

17 MR ODONGO: Thank you, your Honour.

18 QUESTIONED BY MR ODONGO:

19 Q. Madam Witness, you mentioned that you were abducted by Dominic Ongwen;
20 is that correct?

21 THE ACHOLI INTERPRETER: There is no sound. We are not hearing anything.

22 SINGLE JUDGE TARFUSSER: Kampala? Is Kampala hearing us?

23 THE WITNESS: (Interpretation) Yes, we are listening to you.

24 MR ODONGO: Yes, I will put the question --

25 SINGLE JUDGE TARFUSSER: Okay. Please go ahead.

1 MR ODONGO:

2 Q. I will put the question again, Madam Witness. You mentioned that you were
3 abducted by Dominic Ongwen; is that correct?

4 A. Yes, that's correct.

5 Q. When you said you were abducted by Dominic Ongwen, does it mean it was
6 Dominic Ongwen who actually captured you on the day you were abducted?

7 A. On that very day it is Dominic Ongwen who abducted me.

8 Q. Can you describe to this Honourable Court the time you were abducted? Was
9 it at night? Was it during the day? And what time of the night or day was it?

10 A. I was abducted so early in the morning at 6 a.m.

11 Q. (Overlapping speakers)

12 JUDGE TARFUSSER: Wait a minute.

13 MR ODONGO:

14 Q. Can you tell this Honourable Court -- or, rather, can you describe to this
15 Honourable Court the type of people who came in Ongwen's group? Did he come
16 alone? Did he come with some people? And approximately how many people
17 were they?

18 A. I'm not just estimating, but I did see them. There were very many. Dominic
19 Ongwen was the one who was at the forefront who was leading them.

20 Q. Can you tell this Honourable Court whether you can remember some specific
21 persons you could have identified on that day or subsequently?

22 A. As far as I can remember, I had just been abducted, I had just arrived and
23 commander -- the overall commander was Abudema plus Dominic Ongwen and also
24 Okot. The others I didn't -- I don't remember them. There were very many and,
25 you know, as you are abducted, you are being abducted, you cannot really

1 concentrate on recognizing people.

2 Q. So you clearly remember that notably among the people who were there on that
3 day was somebody called Buk. Who is this Buk?

4 A. Buk was a military commander who was a superior to Dominic Ongwen. That
5 was his group which came in our area in our home. And Dominic met me on the
6 road very early in the morning and he abducted me.

7 Q. So, Madam Witness, is it safe --

8 SINGLE JUDGE TARFUSSER: You have to wait.

9 MR ODONGO: Yeah.

10 Q. Madam Witness, you have stated that Abudema was higher in rank than
11 Dominic Ongwen. Would it be safe to assume that he was in command of the group
12 that abducted you?

13 A. He remained behind. The way I saw it he remained behind. Yes, he was
14 superior to Dominic Ongwen, but he remained behind. It is Dominic who was
15 ahead and who abducted me.

16 Q. I want you to come clear on this. Was he in that group regardless of the place
17 where he was, whether in front or behind?

18 A. Who is that?

19 Q. The person you referred to as Abudema.

20 A. He is superior.

21 Q. Madam Witness, can you tell this Honourable Court how you left your home
22 and where you were taken?

23 A. The way I was abducted it happened as follows: My older brother had asked
24 me to take a bicycle on the other side of the (Redacted) river, but before arriving there,
25 because we have another river called (Redacted) I crossed river (Redacted) and went

1 on the other side and I met the person to whom I was supposed to take the bicycle
2 very early in the morning. I was hurrying to go back to the fields because we were
3 working in groups to dig.

4 On my way coming back I met Dominic Ongwen with his group very early in the
5 morning. He is the one who abducted me. And then from there we started moving.
6 Further ahead they removed my T-shirt. Ongwen is the one who removed my
7 T-shirt. Abudema was behind.

8 Then where we settled down, the position where we took Abudema said girls should
9 be released, but Dominic did not accept, saying that he had already found his wife
10 and he would not release his abductee.

11 Immediately he removed -- he removed me from among the girls and removed my
12 blouse and picked some water which had some shea oil, shea nut oil and smeared it
13 on me so that I become his wife.

14 In the evening -- in the evening I became by force his wife. I was forcefully
15 made -- he made me forcefully his wife and I -- despite the fact that I was telling him
16 that I am still young, I've never met a man. First of all he had told me to spend the
17 night with someone I had found there. That person was called (Redacted) Afterwards
18 he changed his mind and he sent his escort who called me. We went up to in front of
19 his tent because the officers would sleep under a tent.

20 Immediately he told me to go and sleep in the tent. I didn't want because he scared
21 me with his hair which was -- which looked terrible and so long. I refused. I went
22 back to (Redacted)

23 After that with a lot of force he ordered the escorts to call me. I obeyed the order
24 and went. He told me if I'm still resisting, can't I see the -- what is there beside me,
25 the gun? So he raped me. I bled a lot and it was so painful and for the first time in

1 my life I experienced a very great suffering.

2 SINGLE JUDGE TARFUSSER: I left obviously the witness speak freely again, but
3 she said things she has already said earlier this afternoon. I would just ask you not
4 to ask the same questions and to make the witness answer the same questions;
5 otherwise, it's suffering for her to go to the same circumstances again and we lose a
6 lot of time. So I would just invite you also considering that these things are not
7 under our jurisdiction because they happened well before 2002, so if we focus more
8 on the time which is under our jurisdiction, I think I would be most, most grateful.
9 Thank you.

10 MR ODONGO: Much obliged, your Honour. I think for that matter, My Lord, I am
11 really indebted to you for your wise guidance on the question of jurisdiction. I will
12 therefore want to move to the issue of the role of women and wives.

13 Q. Madam Witness, I want you to tell this Honourable Court the role of women
14 and wives in the bush and who controlled them and who they answered to.

15 A. I don't understand that part.

16 Q. I will rephrase my questions. You told this Honourable Court a while ago that
17 normally whenever men were discussing matters of war, planning attacks and so on
18 and so forth, women were not allowed to be around; is that correct?

19 A. Yes, that's correct.

20 Q. And is it also correct to -- I mean for me to understand that you said on the day
21 when the attack on Pajule was being discussed, you were actually in the backyard
22 actually in the kitchen; is that correct?

23 A. That is -- that is true because I cannot say -- tell a lie.

24 Q. Can you also tell this Honourable Court what type -- what type of information
25 would be shared with the women and what kind of information would not be shared

1 with the women?

2 A. The men in the bush, well, when they are planning for their attacks, most times
3 women are not involved. What men discuss, they do so. What we get to learn is
4 when they have already finished their official discussions and now they talk of other
5 things, you just see what happens afterwards.

6 Q. Madam Witness, in respect to the question I've just put to you, I want to refresh
7 your memory on the statement you made on page 7, on page 7 of the statement,
8 paragraph 32.

9 And with the leave of your Honour, allow me to read.

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

11 MR ODONGO:

12 Q. From -- I mean the second -- from the second question -- I mean sentence on the
13 third line: "At about 10 in the morning, they sat and waited for the sun to set, and
14 they went to the camp at about 5 in the evening. I learnt about this because Ocaka
15 told a group of us when the fighters first came back."

16 And on the fourth -- the last -- I mean the fourth last line: "Ocaka explained why
17 they returned almost empty handed with no food or abducted people. He told us
18 that while they were returning, they were attacked by the helicopter so that most of
19 the things they looted they threw away; and abductees were able to run away."

20 Is that statement of yours correct?

21 A. Yeah, all those are correct as it was read before earlier on.

22 Q. Now let's talk about attack on Lukodi. Can you -- you said that Dominic
23 Ongwen -- you said -- you said that Dominic Ongwen was involved in the Lukodi
24 attack insofar as he instructed one Ocaka to lead the group that was picked from his
25 brigade; is that correct?

1 A. That is true.

2 Q. Where was the selection done, the rendezvous at which Dominic Ongwen
3 selected the people to go and attack Lukodi? Do you remember the place?

4 A. If you can --

5 Q. No, I want to --

6 A. If you can remind me.

7 Q. What I want you to know is that -- I'm just asking on the day when Ongwen
8 selected the nine people, do you remember the place where you were? Or put
9 differently: Were you together with Dominic Ongwen on that day?

10 A. Yes, we were together. I have forgotten the name of the place because it was a
11 long time ago, but we were together. What I heard and what I saw is what I say.

12 What I know is what I say.

13 MR ODONGO: With the leave of this Honourable Court I shall wish to -- I wish to
14 refresh her memory.

15 SINGLE JUDGE TARFUSSER: Please refresh.

16 MR ODONGO:

17 Q. In your paragraph 32, paragraph 32 of your statement you said: "When
18 Ongwen selected groups we were in Lalogi and it was in the evening."

19 Is that correct, you were in Lalogi?

20 A. Yes, I think this seems to be correct. We were in Lalogi.

21 Q. Can you estimate the distance between Lalogi and Lukodi?

22 A. I'm unable to estimate because it was in the bush and it would be difficult to
23 estimate the distance between Lukodi and Lalogi because I wasn't conversant with
24 the area. I never grew up there so it was difficult for me to estimate.

25 If it is there in the statement, then you may read so that I can refresh my mind

1 because that's something which happened a long time ago.

2 Q. You are an Acholi girl born around Lukodi according to information you've
3 given to this Court; is that correct?

4 A. Yes, that is true. Otherwise I wouldn't say so.

5 Q. Is it possible, therefore, at your age to tell this Court which direction from
6 Lukodi Lalogi is?

7 A. Well, according to how we moved, I can say that it is towards the east. Lukodi
8 is towards the west.

9 Q. Now, you've told this Court that it's not possible to estimate the distance
10 between Lalogi and Lukodi through the bushes. Is it possible for you to estimate the
11 distance on the roads?

12 A. I'm unable to estimate the distance.

13 Q. In your statement you seem to describe in epic detail the timing of the attack,
14 how -- the time the soldiers left to go to Lukodi, which was about 9 o'clock in the
15 evening. And then you said at about -- I'm referring again to your statement at
16 page -- I mean in paragraph 32, you said: "At about 10 in the morning, they sat and
17 waited for the sun to set, and they went to the camp at about 5 in the morning."

18 Is that statement correctly attributed to you?

19 A. That statement is correct and it is me who spoke.

20 Q. I want to -- I want you to assist this Court by way of estimate of the time -- I
21 mean by time estimate. When you were in the bush how much distance were you
22 able to cover in one hour on a mission like the one to Lukodi?

23 A. I'm unable to estimate because it's difficult to estimate soldiers walking around
24 because they crisscross here and there so it's difficult to make an estimate.

25 Q. Now let us turn to events that happened in 2003, 2004. You told this Court that

1 Dominic was injured. Can you describe the circumstances of his injury and the
2 estimated time when he was injured?

3 A. Yes, I can do so, but the first time he was injured on his knee I wasn't there.
4 The second injury I wasn't there. For the third injury, that's when I was in the bush,
5 but we were in another convoy because we were mothers of children. We came to
6 them when they were still carrying him on a stretcher.

7 The day he was injured I wasn't there because we were in the bay for mothers of
8 children. We came, we found him already injured on the right leg. He was injured
9 three times.

10 And also when I wasn't still there he was injured in the chest and also on the
11 right -- on the left thigh. I also found a big wound on his thigh. So I'm telling you
12 what I know. What I don't know I cannot say.

13 Q. Can you tell this Honourable Court how long it took Dominic's wound to heal?

14 A. As far as I can remember, because I really don't know so much, at the time when
15 Dominic Ongwen was shot, listen very well, I -- we were in the bay. I came and
16 found that the knee was healing, but he had already taken a long time, they said he
17 had already taken four months after the injury, and -- but even then at that time it was
18 still not yet fully cured and up to now he walks while limping. But it took a long
19 time for his injury to get healed. And when I found him and met him it had already
20 lasted for four months with the injury.

21 Q. So it was four months into the injury that you met -- I mean you reconnected
22 with Dominic Ongwen? Can you tell this Honourable Court how much longer from
23 that time it took for Dominic Ongwen to recover well enough to walk and perform
24 ordinary duties in the bush, for instance, going on missions to attack?

25 A. When we came and found Dominic already suffering for four months on a

1 stretcher, we stayed for one more month and he -- after one month he had started
2 walking. Dominic I think stayed for three more months for him to walk well.
3 Because when we came, inside apparently it was already cured, but outside it was
4 still not quite cured.

5 Q. I want to refer you now, when Dominic Ongwen was in the sickbay, what did
6 he do? For instance, did he perform any ordinary duty of a commander or he was in
7 total rest?

8 A. (No interpretation)

9 SINGLE JUDGE TARFUSSER: The microphone --

10 THE ACHOLI INTERPRETER: Sorry, sir.

11 SINGLE JUDGE TARFUSSER: The problem is we didn't -- you maybe know what
12 she said, but we don't know. You know what the witness said if you listen in Acholi.
13 All the ones here who are not speaking Acholi, we don't know because the interpreter
14 has forgotten to switch on the microphone.

15 MR ODONGO: Oh, sorry, sorry.

16 THE ACHOLI INTERPRETER: The interpreter requests that the question be
17 repeated because unfortunately the microphone was not switched on. Sorry for that.

18 SINGLE JUDGE TARFUSSER: Could you repeat the question, please.

19 Or if you remember the answer so we cut it shorter, can you, Madam Witness,
20 reformulate or repeat what you said just before?

21 The question was: "I want to refer you now when Dominic Ongwen was in the
22 sickbay, what did he do? For instance, did he perform any ordinary duty of a
23 commander or was he in total rest?"

24 THE WITNESS: (Interpretation) When he was in the bay, in the sickbay, he had
25 soldiers who were protecting him. The soldiers protecting him, including himself,

1 they needed to have some food, so he would send his soldiers to go and bring food
2 there. That means he was still the commander because he's the one who would
3 instruct them to go and get food. Even if he was still weak physically he could still
4 use his mouth to give instructions or orders because if a superior gives instructions,
5 you have to go and follow what he says. So I say what I hear, I say what I see.

6 MR ODONGO:

7 Q. Madam Witness, can you tell this Honourable Court the command arrangement
8 at the sickbay, who was in charge of operations at the sickbay?

9 A. Well, with respect to that particular bay, there weren't a lot of people. There
10 were only a few people. There were people who took care of the bay and then there
11 was somebody who was taking care of his wounds. There were probably ten people,
12 including Dominic, who was the highest ranking officer, because most of the people
13 that were there were his escorts. He would tell his escorts and his surgeons to go
14 and look for food. The other soldiers or the other army would stay there as
15 protection for security reasons.

16 Q. Madam Witness, can you tell this Honourable Court, if you may, the names of
17 the commanders, the escorts, the surgeons that were under the command of Dominic
18 Ongwen at the sickbay who he was sending on those runs?

19 A. Well, to be honest I have forgotten about some of the names but the names, the
20 two names that I do recall are (Redacted) and there was (Redacted), but with respect
21 to the others, I cannot really recall their names. Well, I think that the information
22 I've given is the two names that I can recall.

23 If I see them, then perhaps I will recall, but if I haven't seen them, then no, I cannot
24 recall.

25 Q. Madam, you said that you don't know much about Dominic's injury and yet in

1 the investigator's notes you seem to have indicated that you memorized the day when
2 Dominic was injured. Can you explain this?

3 A. Well, there are certain things. I believe you yourselves can also experience that.
4 Our brains are not like computers. If something is on paper, then you can read it
5 and understand it. It's been a while, an extremely long time, and I cannot actually
6 recall. I cannot memorize everything and imagine that on this day I will be asked
7 this question and I will have to answer it in this sequence. It's impossible. I cannot
8 actually recall everything. It doesn't matter how clever you are. And for me
9 personally I'm not that clever.

10 Q. I want to specifically refer you to document number UGA-OTP-0209-0950-R01
11 and I want to read for the record what was stated in the investigator's notes:
12 "Ongwen's injury happened in September 2003. I memorized the date that he was
13 injured. We were crossing the road to Patongo and there was a mamba that was
14 shooting at us and he was shot."

15 Is that statement correct?

16 A. Yes, that statement is correct.

17 Q. Madam Witness, I want you to describe the Pajule incidents. We talked about
18 Lukodi. I want you now to talk about the attack on Pajule. What happened and
19 what was Dominic's role on the Pajule attack?

20 A. Dominic Ongwen was the -- was the commander of Sinia and that is the -- those
21 are the soldiers that went to Pajule. He commanded and he selected the soldiers that
22 went to Pajule.

23 If -- if this is not -- if what I've stated is not exactly correct, then you can read it on the
24 paper because this is all information that I gave a long time ago, so it's all written
25 down.

1 Q. Madam Witness, I want you to reaffirm your position on the statement you
2 made and your recollection as of now. I say this because you seem to have forgotten
3 most of the things and you need reminders. So I shall ask you a few questions about
4 this.

5 Number one: After you made this statement in 2006, did you have an opportunity to
6 go through it again with members of the Prosecution?

7 THE ACHOLI INTERPRETER: There is no response coming through from the
8 witness.

9 SINGLE JUDGE TARFUSSER: Mrs Witness, did you hear the question?

10 Can Kampala hear us?

11 THE WITNESS: (Interpretation) Yes, I can hear you. I did not hear the question.
12 I thought that the question was still being continued.

13 SINGLE JUDGE TARFUSSER: Okay. So please, Mr Odongo, you reformulate the
14 question.

15 MR ODONGO: Yes.

16 Q. My question is: After 2006 did you ever have the -- any occasion to discuss the
17 content of the statement you made in 2006 with the Prosecution?

18 A. No, I did not because this happened a long time ago and there are some things
19 that I've forgotten. I cannot recall everything. I cannot recall everything like a
20 computer. I cannot recall --

21 Q. Madam, that's not my question.

22 A. -- dates. I cannot --

23 Q. That's not my question.

24 A. -- recall everything.

25 Q. The question is --

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1 A. If there is anything that --

2 Q. -- have you ever seen --

3 A. -- can you please --

4 Q. -- statement again --

5 A. -- refresh my memory.

6 Q. -- after 2006?

7 SINGLE JUDGE TARFUSSER: Mrs Witness, the question was if after you have
8 given the statement in 2006 you have been put in the conditions to reread sometime
9 the statement you -- recently obviously the statement you gave in 2006?

10 THE WITNESS: (Interpretation) No, I did not.

11 SINGLE JUDGE TARFUSSER: Thank you very much.

12 So now the floor is to you again, Mr Odongo.

13 MR ODONGO:

14 Q. Madam Witness, in view of the fact that you seem not to remember most of the
15 things you said, do you remember --

16 MR GUMPERT: Your Honour, I'm sorry, I must object now the second time.

17 SINGLE JUDGE TARFUSSER: I was going to say the same thing. I was going to
18 say the same thing. It's not for you here now to blame the witness. It's to pose
19 questions to the witness. So I would advise you to put questions without
20 commenting on --

21 MR ODONGO: Okay.

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

23 MR ODONGO: Much obliged.

24 Q. Madam Witness, when this statement was made, were you run through each of
25 the statements without any undue influence?

- 1 SINGLE JUDGE TARFUSSER: Before signing it?
- 2 MR ODONGO:
- 3 Q. Before signing it.
- 4 A. There was -- there was no pressure absolutely. There was no coercion.
- 5 Q. Madam Witness, you told this Court that you were taken to the barracks, you
6 saw so many white people, you were frightened and you were not comfortable; is that
7 correct?
- 8 A. Yes, that's correct.
- 9 Q. Can you tell this Court with that frame of mind whether it was possible for you
10 to make a statement freely?
- 11 A. When I -- when I initially arrived at the barracks I was frightened. I was
12 advised and I was told not to be afraid and nothing was going to happen to me.
13 And then after I was told that nothing was going to happen to me, I relaxed.
- 14 Q. You earlier told this Honourable Court that when the preparation for attack on
15 Pajule was being made, among others, there was Vincent Otti; is that correct?
- 16 A. That's correct.
- 17 Q. And there was also Raska -- somebody called Raska Lukwiya; is that correct?
- 18 A. That's correct.
- 19 Q. And you said you also saw Okot Odhiambo?
- 20 A. Yes, I did. I saw him.
- 21 Q. Can you describe to this Court the relationship in terms of ranks between
22 Dominic Ongwen and each of these people, one by one with Otti. Who was
23 Dominic -- I mean, who was Vincent Otti and what was his rank and relationship,
24 command relationship with Dominic Ongwen?
- 25 SINGLE JUDGE TARFUSSER: Excuse me, if I'm not mistaken this is already on the

1 record from the -- from questions put earlier on to her. I'm quite sure that the
2 relation between Otti and Ongwen was already part of a question and an answer by
3 the witness.

4 MR ODONGO: Much obliged if that is correct.

5 Q. Well, it would appear that was answered, but can you tell this Court about
6 Raska Lukwiya and Okot Odhiambo?

7 A. Raska Lukwiya, Raska Lukwiya and Okot Odhiambo were of the same rank.
8 Raska Lukwiya was the brigade commander of Sinia. Okot Odhiambo was the
9 commander of Stockree. They were all high-ranking officers. As far as my
10 understanding and from what I observed, that's how it was.

11 Q. Now, in your statement -- now on that day who was the overall commander
12 giving instructions -- giving orders, rather? Was it Dominic Ongwen, Raska
13 Lukwiya, Vincent Otti, Odhiambo or --

14 A. It was -- it was Vincent Otti. He was the one who gave the command.

15 Q. I want to ask you about the LRA, in particular I want you to tell this Court the
16 rituals that were performed by the LRA in particular on abductees, especially girls
17 before they became wives or sisters for that matter. Can you describe to this Court
18 the sequence of events that ended in a person becoming a sister or a wife for that
19 matter?

20 A. To my understanding and from my observation on what happened to me, when
21 young girls are abducted, you are raped while you're still young. If you're 11 years
22 old or 12 years old, if there is a high-ranking commander who is kind, then they will
23 let you actually mature a little bit, but with the rest of them they will just abduct you
24 and make you a wife at a very young age. This is -- this is something extremely bad
25 and culturally -- in Acholi culture raping young girls is extremely bad.

1 Q. In this particular instance I want you to describe who was responsible for
2 distributing the abductee girls and who was responsible for performing the rituals.

3 A. Well, that -- it depends on the group that you're in. I was in Sinia group.
4 From my observation while we were in convoy with Buk, when young girls were
5 abducted, Dominic Ongwen was also in that group. Dominic was the worst when it
6 came to young -- when it came to young girls. He referred to them as ting ting. But
7 regardless of the fact that he refers to them as ting ting, he still has sex with them at a
8 very young age.

9 With respect to the other brigades, I did not stay with them, but I know that they did
10 have sex with them.

11 Q. Excuse me, I think that's not what I've asked you to answer. My simple
12 question was: Was there a ceremony performed or a ritual performed before
13 somebody became somebody's wife, and who performed that ceremony or ritual?

14 A. From my observation that's -- I'll tell you what I actually saw. When you're
15 initially abducted, you're smeared with shea butter. And I was also smeared with
16 shea butter. That's what the Holy do. They always smear people with shea butter.
17 They use the sign of the cross on your heart, they do that on your forehead and they
18 also make the sign of the cross on your feet. And that is what I saw.

19 SINGLE JUDGE TARFUSSER: Mr Odongo, I just wanted to remind you that we
20 have 10 minutes left and I ask you to use them as good as possible because if possible
21 to send the witness home, I would be very happy. Otherwise we continue tomorrow
22 in 10 minutes.

23 MR ODONGO:

24 Q. Who performed this? Can you tell this Court who performed this ritual?

25 A. While we were in Sudan they built a church, a grass thatched church, and in the

1 middle of the church there was an altar and there was a painting of a heart and that
2 was what -- that was part of the Control Altar. The person that I knew or the person
3 that I recall was (Redacted) (phon). (Redacted) has now returned home. He was the
4 one who would sprinkle people with water and also smear them with shea butter. But
5 all the people within the LRA performed this kind of cultural -- when you're abducted.
6 And that's what I saw.

7 Q. Probably one last question. Can you tell this Honourable Court how recruits
8 were received and trained to become real soldiers of the Holy spirit?

9 A. The new Holy recruits, when they were abducted from Uganda, as soon as a
10 recruit is abducted, they're all tied in a row, they're all tied together in a single row.
11 When these people are used, then they start -- they start training them. They train
12 them how to parade. The same as the government Ugandan soldiers trained their
13 soldiers and that is how the Holy soldiers trained their soldiers.
14 They teach them how to dismantle guns, they teach them how to -- the different
15 pieces of the guns. And if you do not actually learn these things, then you're beaten.
16 They start with the small guns until up to the big guns. They teach them how to
17 dismantle a gun, they teach them how to clean a gun and they teach them how to put
18 the gun back together.
19 And from my recollection this is what they used to teach them from the outset.
20 When they were parading, when there were parades, they would march, and then as
21 soon as they would come back from their parade they would started dismantling the
22 gun and then they would have to -- they would ask them about each piece of the gun
23 and they would have to know each individual piece of the gun.
24 Well, there were some recruits that were not actually trained, some of
25 them from -- the ones that were abducted from Uganda. As soon as you are

1 abducted they put a gun in your hand and you are sent out to fight.

2 Q. Compared to the ordinary soldiers in Uganda, were the LRA soldiers so friendly
3 to the civilians?

4 A. No, they did not like civilians. They did not like civilians because they had a
5 different way of teaching them. They would beat civilians. They did not like
6 civilians. If you're not lucky, you die.

7 Q. Did you become a fighter in the bush?

8 A. While I was in the bush, when I was initially abducted as a recruit we were
9 taken to Sudan. We were trained. We were trained how to fight. We were beaten.
10 I was taught I was a soldier, but I wasn't a soldier for a very long time because I
11 immediately shortly thereafter I conceived and I had a baby. And as a mother I did
12 not have a gun.

13 Q. When you were a fighting soldier, did you ever come near to your village any
14 time after you were abducted?

15 A. As a fighter, I did not -- I did not come anywhere near my home with a gun.
16 The only time that I had a gun, the only time I held a gun was while we were in
17 Sudan. I did not hold a gun while we were in Uganda.

18 Q. But did you ever come near your home any time after you were abducted before
19 finally returning, I mean escaping and returning?

20 A. No, at that time I did not come anywhere close to my -- in my -- to my home.
21 God's honest truth, I did not come anywhere near my home.

22 Q. Now, did you -- did you escape of your own volition or you were released by
23 Dominic Ongwen?

24 A. It's as exactly as I explained to you earlier. It was the pain of my child and
25 that's the reason why I left. I could no longer -- mentally I could no longer stay in

1 the -- in the bush. The gunfire was too much. The airships were too much. 2003
2 was a terrible year. I could no longer stay in the bush.

3 Q. I'm repeating this -- sorry. I'm repeating this question to you because you were
4 not clear when the Prosecution asked you: Why did you have to wait until there
5 was a battle between the LRA and the government soldiers?

6 A. I cannot give you an explanation. When you're in the bush you can stay there
7 for a long time and, yeah, I cannot actually give you a reason. I cannot even
8 give -- I cannot give you an explanation as to why I was abducted and stayed in the
9 bush for that long.

10 SINGLE JUDGE TARFUSSER: We have a problem of recording of the hearing
11 because after two hours we have to stop because we have to change the tape, so we
12 have to close.

13 MR ODONGO: Is it 10 minutes already?

14 SINGLE JUDGE TARFUSSER: I'm afraid we can't.

15 MR ODONGO: Well, your Honour, I think that's as much as we want to ask this
16 witness anyway.

17 SINGLE JUDGE TARFUSSER: Well, do you mean that we can release the witness?

18 MR ODONGO: Your Honour, I would be comfortable putting a few more questions
19 to her maybe within 30 minutes tomorrow morning.

20 SINGLE JUDGE TARFUSSER: Madam Witness, we have finished today the hearing.

21 You can go to have a rest now. We have to resume your testimony very shortly
22 tomorrow morning. Is that okay?

23 THE WITNESS: (Interpretation) Well, I've taken a long -- it's been a long time.

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 SINGLE JUDGE TARFUSSER: I can promise you that tomorrow you are released,
4 you are back home. Yes, tomorrow morning you are -- we release you and you can
5 go back home.

6 THE WITNESS: (Interpretation) Yeah, please, I would like to repeat could we do
7 this very early in the morning because I would really like to get back home.(Redacted)
8 (Redacted), so can we do this early in
9 the morning?

10 SINGLE JUDGE TARFUSSER: We do this tomorrow morning very early for us,
11 which is a little bit later for you, but it will not take more than half an hour tomorrow
12 morning.

13 THE WITNESS: (Interpretation) Okay. I understand.

14 SINGLE JUDGE TARFUSSER: Okay. So I wish you a good night and see you
15 tomorrow morning. Have a good rest.
16 Goodbye to Kampala.

17 THE WITNESS: (Interpretation) Thank you.

18 SINGLE JUDGE TARFUSSER: This closes the meeting for today. We resume
19 tomorrow morning at 9 o'clock in this courtroom. Thank you very much.

20 THE COURT USHER: All rise.

21 *(The hearing ends in closed session at 7.03 p.m.) Reclassified as open session

22 RECLASSIFICATION REPORT

23 Pursuant to Trial Chamber IX 's Order, ICC-02/04-01/15-584-Conf, dated 4 November
24 2016, the version of the transcript with its redactions becomes Public.