

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Cano
6 Pangalangan
7 Trial Hearing - Courtroom 3
8 Wednesday, 23 May 2018
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:04] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:34:20] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:34:39] Good morning, Mr President, your Honours.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:34:53] Thank you.
19 And I call for the appearances of the parties, Prosecution please first.
20 MR SACHITHANANDAN: [9:34:58] Good morning, your Honour. Pubudu
21 Sachithanandan appearing with Mr Hai Do Duc, Ben Gumpert, Yulia Nuzban, Beti
22 Hohler, Julian Elderfield, Sanyu Ndagire, Philip Lau, Maya Talakhadze, Ramu Fatima
23 Bittaye, and a new face, Mr John Devaney.
24 PRESIDING JUDGE SCHMITT: [9:35:22] Thank you very much. I have
25 immediately recognised the new face, yes.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 Mrs Massidda, please.

2 MS MASSIDDA: [9:35:26] Good morning, Mr President, your Honours. For the
3 Common Legal Representative team, appearing today myself, Paolina Massidda, with
4 me Ms Jane Adong, Mr Patrick Tchidimbo, and behind us, Ms Caroline Walter and
5 Mr Orchlon Narantsetseg.

6 PRESIDING JUDGE SCHMITT: [9:35:43] And I think far in the back, Mrs Hirst,
7 please.

8 MS HIRST: [9:35:49] Good morning, Mr President, your Honour. I am Megan
9 Hirst, with me James Mawira, Maria Radziejowska.

10 PRESIDING JUDGE SCHMITT: [9:35:58] Thank you.

11 And for the Defence, Mr Obhof.

12 MR OBHOF: [9:36:00] Good morning, your Honours. Counsel Krispus Ayena
13 Odongo will be in in about five minutes.

14 PRESIDING JUDGE SCHMITT: [9:36:02] You're not exactly correct. He is in
15 already.

16 MR OBHOF: [9:36:05] He is walking in right now. We have Chief Charles
17 Achaleke Taku, myself, Thomas Obhof, and of course our client, Mr Dominic
18 Ongwen.

19 PRESIDING JUDGE SCHMITT: [9:36:13] Thank you.

20 And we have in the courtroom also Mr Seggane Musisi, our next witness.

21 Mr Musisi, good morning.

22 WITNESS: UGA-PCV-0003

23 (The witness speaks English)

24 THE WITNESS: [9:36:23] Good morning to you, Mr President.

25 PRESIDING JUDGE SCHMITT: [9:36:25] You're going to testify before the

1 International Criminal Court, and on behalf of the Chamber I would like to welcome
2 you to the courtroom.

3 THE WITNESS: [9:36:35] Thank you, your Honour.

4 PRESIDING JUDGE SCHMITT: [9:36:36] Mr Musisi, there should be a card in
5 front of you with the solemn undertaking to tell the truth. Could you please make
6 this undertaking by reading the card out aloud.

7 THE WITNESS: [9:36:47] I solemnly declare that I will speak the truth, the whole
8 truth and nothing but the truth.

9 PRESIDING JUDGE SCHMITT: [9:36:52] Thank you very much, Mr Musisi. I
10 have a few practical matters for you to keep in mind when you give your testimony.
11 Everything we say here in the courtroom is written down and interpreted, because of
12 that and to allow for the interpretation we have to speak at a relatively slow pace,
13 sometimes a pace that we are not used to as human beings, but we have at least to
14 strive for slowness, so to speak. And we should only speak when the person that
15 has asked us a question has finished.

16 If you have any questions yourself, Mr Musisi, you can raise your hand, then we
17 know that you want to address the Court and we will give you the floor.

18 But now the floor is for Mrs Massidda for the questioning.

19 MS MASSIDDA: [9:37:40] Thank you very much, Mr President.

20 QUESTIONED BY MS MASSIDDA:

21 Q. [9:37:45] Good morning, Professor Musisi.

22 A. [9:37:48] Good morning to you, Mrs Massidda.

23 Q. [9:37:50] Could you please state your full name for the record.

24 A. [9:37:55] My name is Seggane Moses Musisi.

25 Q. [9:38:04] And what is your nationality, Professor?

- 1 A. [9:38:07] I have dual Ugandan and Canadian citizenship.
- 2 Q. [9:38:14] What is your occupation?
- 3 A. [9:38:20] I am a psychiatrist presently employed as professor of psychiatry at
4 Makerere University College Of Health Sciences.
- 5 Q. [9:38:36] Professor Musisi, you have a binder in front of you which was
6 provided to you. Could you please turn at tab 1 of the binder. You should see a
7 document titled "Curriculum Vitae". Do you see that document?
- 8 A. [9:38:59] Yes, Mrs Massidda.
- 9 Q. [9:39:01] Is that the curriculum that you provided to me?
- 10 A. [9:39:06] Yes, it is.
- 11 Q. [9:39:09] In your curriculum you state about some activities, work activities as
12 a psychiatrist. Could you please provide some details about your work activities
13 and your professional activities, please.
- 14 A. [9:39:31] First and foremost, I'm employed as professor of psychiatry at
15 Makerere University College Of Health Sciences in the School of Medicine and
16 Department of Psychiatry. There I teach medical students and other health
17 professionals. I also do research and I see patients.
- 18 I also work at Mulago Hospital at a consultant psychiatrist. Mulago Hospital is a
19 teaching and referral national hospital in Uganda, and there is also an attached
20 Butabika Psychiatric Hospital where we also teach students, both undergraduate and
21 post-graduate.
- 22 I do research in mental health, I advise the ministry and I also work as a consultant
23 psychiatrist at Nakasero Hospital, which is a private hospital in Uganda. I also
24 consult as a psychiatrist at Mildmay Centre for HIV Care.
- 25 I do consultative work with a number of NGOs regarding mental health, and a lot of

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 my research work has been centred on the effects of trauma or war trauma on
2 populations, especially northern Uganda, where most of the war conflict has been
3 going for more than 20 or went on for more than 20 years. I also do consultancy
4 work in HIV/AIDS and research work there.

5 I have many other things that I do.

6 Q. [9:41:46] Thank you, Professor.

7 Before we go on, I forgot to mention the ERN number, your Honour, for tab 1,
8 UGA-PCV-0003-0005.

9 Professor, in relation to the description of your professional activities, you mention
10 that you are a professor, a researcher, but that also you treat patients. Is my
11 understanding correct that, in your practical experience in your profession, you
12 treated quite a number of former LRA abductees?

13 A. [9:42:37] Yes, Mrs Massidda. I started most of the mental health trauma
14 clinics in northern Uganda in cooperation with the Peter C Alderman Foundation.
15 We started these clinics, trained therapists, and have been running them for over
16 15 years in Gulu, in Kitgum, and also in other areas in northern and eastern Uganda
17 where war was rampant.

18 And in Kampala, especially at Nakasero Hospital and Mulago Hospital, as well as
19 Butabika Hospital, I do consultative psychiatric work there and many LRA victims
20 have been referred to me for treatment and for advice on what should be done to help
21 them.

22 Q. [9:43:47] And, Professor Musisi, it would be fair to say then that because of
23 your professional experience you have been exposed to know the Acholi culture
24 through the patients that you had to treat?

25 A. [9:44:04] Yes, Mrs Massidda. First, I was born in Uganda. I have always,

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 especially after my secondary school years and beyond, interacted with Acholi people
2 as friends, as classmates, and workmates. When I started work in conflict, northern
3 Uganda, that's Acholiland, I have seen and dealt with victims there, mostly Acholi,
4 for over 20 years.

5 Q. [9:44:47] Thank you.

6 A. [9:44:47] And I continue to.

7 Q. [9:44:49] Now, Professor, could please turn to tab 2 of your binder.

8 And for the record, this will be UGA-PCV-0003-0046.

9 Professor, tab 2 of the document, if I am not mistaken you are looking at tab 3.

10 Could you just take tab 2. If my eyes are good enough.

11 PRESIDING JUDGE SCHMITT: [9:45:25] We are talking about your report.

12 MS MASSIDDA: [9:45:30] Yes.

13 PRESIDING JUDGE SCHMITT: [9:45:32] To make things easier (Overlapping
14 speakers)

15 MS MASSIDDA: Yes. My eyes are good enough.

16 PRESIDING JUDGE SCHMITT: We should not let Mr Musisi guess what is behind
17 these different tabs.

18 THE WITNESS: [9:45:38] Thank you, Mr President.

19 MS MASSIDDA: [9:45:39]

20 Q. [9:45:40] Now, you have a document in front of you which is titled "ICC
21 Report"?

22 A. [9:45:45] Correct.

23 Q. [9:45:46] Do you recognise this document?

24 A. [9:45:47] I do recognise this document, Mrs Massidda.

25 Q. [9:45:51] Is this the report that you provided to us?

- 1 A. [9:45:55] Yes, it is the report that I provided to you.
- 2 Q. [9:46:00] Now, if you look at tab 3 of the same binder, the next document that
3 you will find in the binder.
- 4 A. [9:46:13] Yes, madam.
- 5 Q. [9:46:14] Is that the letter of instruction that I provided to you?
- 6 A. [9:46:18] Yes, it is.
- 7 Q. [9:46:23] And together with the letter of instruction, Professor, you were also
8 provided with some other material in order to be able to write your expert report?
- 9 A. [9:46:37] That's true, Mrs Massidda.
- 10 Q. [9:46:39] And this material, did you remember, consisted of public transcripts
11 of testimony of witnesses that appeared in this trial?
- 12 A. [9:46:51] True, Mrs Massidda.
- 13 Q. [9:46:53] As well as a redacted version of application forms of victims
14 participating in this trial?
- 15 A. [9:47:02] That's also true, Mrs Massidda.
- 16 Q. [9:47:05] Professor, at page 1 of your report there is a signature. And this is
17 again UGA-PCV-0003-0046.
- 18 A. [9:47:23] That's true, Mrs Massidda.
- 19 Q. [9:47:26] Whose is that signature?
- 20 A. [9:47:29] It is my signature.
- 21 Q. [9:47:31] Professor, do you confirm today that the content of the report that
22 you provided to us is true to the best of your knowledge and belief?
- 23 A. [9:47:40] That's true, Mrs Massidda. I do confirm that.
- 24 Q. [9:47:45] Now, Professor Musisi, the Rules of Procedure and Evidence of this
25 Court allow for a report such as yours to be accepted into evidence in written form if

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 the author of the report does not object to this course of event.

2 Do you object to the introduction of your report into evidence and the possibility for
3 the Judges to eventually use it in their deliberations?

4 A. [9:48:16] I do not object.

5 Q. [9:48:20] Thank you, Professor.

6 Your Honour, this concludes the procedural part for the admission of the report.

7 PRESIDING JUDGE SCHMITT: [9:48:28] Exactly. And I think the preconditions
8 of Rule 68(3) are fulfilled.

9 For your information, Professor Musisi, this means that your report is on evidence, as
10 Ms Massidda has already said, it is as if you had already testified orally in the
11 courtroom exactly what is written down in this report. That is a procedural tool that
12 we have to simplify and expedite proceedings.

13 This means that Ms Massidda will only put to you additional and clarifying questions.
14 She will not go with you through all the content of your report, because it is as if you
15 had already testified to that effect.

16 THE WITNESS: [9:49:14] Yes, your Honour.

17 PRESIDING JUDGE SCHMITT: [9:49:16] Just for your information that you --

18 THE WITNESS: Thank you, your Honour.

19 PRESIDING JUDGE SCHMITT: Ms Massidda, please continue.

20 MS MASSIDDA: [9:49:21] Thank you, your Honour.

21 And for the record before I proceed, tab 3, which was mentioned earlier in my
22 questioning, of the binder bears the ERN number UGA-PCV-0003-0001.

23 Q. [9:49:41] Professor, I will undertake some questions with you mainly in
24 relation to the post-traumatic stress disorder and trauma suffered by former
25 abductees, the impact on their health and on their community and families, taking

1 into account the background of the Acholi culture and belief.
2 Now, starting with part 7 of your report, which is ERN number UGA-PCV-0003-0074.
3 PRESIDING JUDGE SCHMITT: [9:50:33] Ms Massidda, I think from now on it's
4 sufficient to simply tell us the final digits.
5 MS MASSIDDA: [9:50:42] Perfect. Thank you very much.
6 Q. [9:50:45] Now, in that page you deal with the expression of PTSD as specific to
7 the Acholi environment and people, and in the middle of the page you make an
8 assertion, and I will quote: "... various workers now agree on the varied expression of
9 psychological distress in different cultural settings hence giving rise to the notion of
10 'Post-traumatic culture-bound syndromes'." End of quote.
11 Could you please explain, Professor, this assertion. What does it mean,
12 "post-traumatic culture-bound syndromes"?
13 A. [9:51:41] Thank you, Mrs Massidda.
14 First of all, all communities, all peoples the world over express their distress in
15 accordance to their cultural beliefs and experiences, which take on different
16 expressions depending on where they are and on their world view.
17 Kleinman used the term cultural explanatory model to refer to the fact that we use
18 our cultures to explain disease and for health seeking.
19 Now, when it comes to different cultures, specifically speaking, say, you know, to the
20 Acholi people, they will explain their distress in according to their understanding of
21 what may be causing it and, therefore, seek help or health in accordance to that
22 understanding.
23 That which drives you or which guides you in that direction is culture bound, and the
24 word syndrome means a number of symptoms to connote an illness. So you will
25 describe your illness according to your cultural views and your world view. Hence,

1 it becomes bound in terms of simple expression to your cultural understanding of
2 what is causing it. That is what we mean my culture-bound syndrome.

3 Q. [9:53:34] Thank you, Professor.

4 Now, in the same page you actually explain a little bit in details that the symptoms of
5 post-traumatic stress disorders, and traumatic experience in general, were expressed
6 and reported to you in your professional activities by Acholi former abductees in a
7 certain way which was in conformity with their cultural beliefs and values.

8 Could you please provide to us some examples of how traumatic experiences and
9 post-traumatic stress disorder symptoms were expressed to you by Acholi people.

10 A. [9:54:20] Thank you, Mrs Massidda.

11 First of all the background, many African societies, and many other societies in the
12 world, believe in a spirit world. We believe that when people die they become
13 spirits which continue to live on amongst us. And Africans believe, including the
14 Acholi, that these spirits of the dead can influence activities of the living. They can
15 cause disease, they can cause famine, they can cause happiness, they can cause
16 sadness. So, if wronged, they will come back to haunt that who wronged them.

17 In the case, for example, of a wrongful death they may come back to avenge or to seek
18 rectification of what went wrong, or even attack you. It is these beliefs which the
19 Acholis would express in terms of the symptoms they were feeling as a result of
20 having experienced trauma.

21 In Acholiland a lot of that was explained as cen, which means spirits of the dead
22 coming back. If they are good they will be tipu, if they were bad they were cen.

23 But it is simplistic to equate PTSD to cen, because the situation is a lot more complex;
24 spirits do a lot more than just causing PTSD.

25 Even if it was a snakebite one would say, "Why me, in the whole audience, should I

1 be bitten by this snake? Maybe something is responsible." In the African cosmos that
2 would be saying that a spirit maybe came in the form of a snake to bite you. It can
3 go on and on. It is the explanation of the world view, of many African states, of
4 communities, including the Acholi.

5 It also includes the belief in witchcraft, that things can be caused from the
6 supernatural. It is difficult sometimes for non-Africans to understand this, but if you
7 think of it in religious terms, a belief in God or the son, the Holy Ghost and whatever
8 it is that goes with it and cen, none of which you see, but people believe in it, build
9 temples, build churches, build mosques, build synagogues, Africans also believe in
10 these spirits as existent in our daily life and influencing our daily activities, including
11 causing disease.

12 So that's how they explained what they were feeling in -- whether in sleep or in
13 physical health or even in their own environment. Thank you, Mrs Massidda.

14 Q. [9:57:54] Now, Professor, you mention cen. Actually in quite a number of
15 testimonies of former abductees who came here to testify, cen has been often referred
16 as a factor of distress and which impedes to some extent a full reintegration in the
17 community once the abductees come back to their families and to their clan or
18 community. In your experience how does this factor, this cen impact on the mental
19 health of former abductees?

20 A. [9:58:40] Okay. This is complex. Again, this explanation -- there's a famous
21 professor called Mbiti; I believe he lives in The Netherlands these days. He
22 explained about the living dead, meaning that the Africans continue believing that
23 their dead keep living and influencing and interacting with our everyday activities.
24 If you did something wrong in the community of the living, the living would come to
25 you and ask you why and exercise some kind of punishment or precaution or caution

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 or whatever, but the African also believes that once you are dead, you continue living
2 in a spirit form and you continue again that same activity as if you were living.
3 So if wrongs were done, then the spirits of the dead would come back to haunt, to
4 seek revenge or to attack or to get reparation for whatever wrong that took place. So
5 this cen keeps living with you. You can't escape from it. You can't chase it away.
6 It will come to you in your sleep. It will come to you in the daylight. It may
7 influence your ability to be -- to have luck or fortunes in society or not. You have to
8 settle them to be at peace. If you're not at peace, you get disease. And if it
9 happened in the context of war and atrocities committed, it is quite easy to
10 understand how the wrong or the wronged come back to you to try to rectify them.
11 Now, if there are things done in the community that were wrong and you come back
12 to that community, it is certainly going to affect you and how you're going to
13 integrate back in that community in a variety of ways.

14 Q. [10:00:55] And Professor, can you explain in which ways this can affect you --

15 A. [10:00:58] Okay.

16 Q. [10:00:60] -- and also --

17 A. [10:01:02] Okay.

18 Q. [10:01:04] -- you mention in your answer that in order to have peace you have
19 to settle them, meaning the spirits?

20 A. [10:01:15] Yes.

21 Q. [10:01:15] What do you mean by "settle them"? This will be my first question.
22 And my second question is in relation to what you just said, how in practical terms,
23 this cen will affect your daily life as former abductees coming back to the community?

24 A. [10:01:39] I think we are going to take it step by step. First, they can make
25 you get disease. Whatever the disease, but more so disease of thoughts, disease of

1 sleep, disease of feeling at ease in your community because you did atrocities, you
2 will not feel at ease.

3 But there is also another side to cen; that there are people who perpetrate atrocities
4 and there are also victims of atrocities. Those who perpetrate will have a burden of
5 guilt in them, also of shame according to what they did, and that to them, if it is being
6 questioned say in their sleep in terms of dreams or in their every day in terms of their
7 not feeling good, will be interpreted as cen coming back to impact on them as they
8 integrate in the community.

9 Now those who were wronged, for example, who were raped, you know, may
10 themselves also feel another type of impact which is an impact of being the victim of
11 whatever it is that happened. Now to erase, to remove this spirit attribute or these
12 things attributed to the spirits, since you cannot touch the spirits, since you can't see
13 them, you can't bring them to the ICC Court, you have to find a way of dealing with it
14 symbolically culturally. And in many African societies, including the Acholiland,
15 there are rituals that people do to cleanse, to clean, to appease these spirits and to
16 bring harmony and peace back to the individual and to the community to effect
17 forgiveness.

18 These rituals have gone on for years and they continue to be practiced, but we have
19 had many influences in Africa, and notably foreign influences, including new
20 religions and these have also now come and imposed themselves in the African
21 peoples.

22 So as of today we have a duality, whereby people will do the traditional rituals, but
23 also go to the modern churches or mosques or whatever it is to try to effect again
24 some kind of healing. But Africans believe a lot in their traditions and in their
25 customs and they feel that many of the things are cultural, they're African, they're

1 traditional, and they will be dealt with in the African way with African medicine and
2 African rituals and African traditional healers, and these are the rituals that they
3 perform.

4 Q. [10:04:57] Now, going a little bit further with this issue of the spirits and the
5 dead, we also heard here during the trial about the distress of people who were
6 unable to bury their loved ones. Could you please explain if, in your experience,
7 you came across with individuals who reported to you this kind of distress and
8 mental health -- to some extent -- issue, and also if you could touch upon on the
9 rituals needed in the Acholi culture for someone who died?

10 A. [10:05:57] Thank you, Mrs Massidda. First of all, we have to think of the
11 Acholi community as being composed of individuals and then collectively as a
12 society.

13 There are things that you do individually, there are things that you do collectively.

14 If -- now you asked many questions, I would like to go about them. Let me first deal
15 with the first part.

16 If any -- could you repeat that first part.

17 Q. [10:06:34] Yes, sure, Professor. I was referring to testimonies of witnesses
18 who refer the distress and the anxiety and their sadness because they were unable
19 to --

20 A. [10:06:46] To bury their dead.

21 Q. [10:06:47] -- bury their loved ones.

22 A. [10:06:55] Okay, okay. If somebody dies in Acholiland, as in many parts of
23 Africa, three things happen; one, they have to be buried correctly according to custom
24 of the day; two, the spirit has to be settled to go into the spirit world and live at peace
25 and leave you alone to continue with your activities; three, because you are living,

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 there were things that you were doing which have to be carried on, for example, you
2 could have been the father or the mother and you have children. Who is going to
3 look after them? That part also has to be dealt with. And there's almost these three
4 sequential ceremonies that must take place sequentially in time.
5 Now if your loved one died and you don't bury them, already you have wronged that
6 spirit. It will haunt you forever in your life to not have buried your loved one or if
7 you didn't know where or how they died, not to have looked for them; that keeps on.
8 Sometimes you never find them and rituals have to be done for that part.
9 Then after that is the dealing with the spirit. In Acholiland two things happen; one,
10 nobody ever wants death, so a ceremony is carried out to chase away death from the
11 home never to come back. After that is done, the spirit of the dead is invited back to
12 come and live in the house amidst its relatives. Again, a specific ceremony is done,
13 and then at the end, the last funeral rites are done to close the mourning process and
14 then to look after activities that went undone. For example, looking after the
15 children or distributing that land or whatever it is that has to be settled after death.
16 All these are ceremonially done in order for the spirit to rest at peace. If not done,
17 one feels, to use a more literary word, an omission, a cultural omission that they
18 didn't do, but which in terms of in the cultural explanation comes back as a cen
19 demanding that, this was omitted, it has to be done.
20 The second part I think was on -- those are the ceremonies, the second part was on --
21 Q. [10:10:00] That's fine, Professor Musisi, I will continue on another scenario
22 because you already answered my question. Now, suppose that we have a case of a
23 missing person presumed dead --
24 A. [10:10:18] Okay.
25 Q. [10:10:19] -- and for whom the burial ritual was performed; so in principle, if I

1 can put it that way, the circle was closed because the community did the burial. But
2 this person was presumed dead, appears live back in the community. Now, what is
3 the implication of this event according to Acholi culture?

4 A. [10:10:51] Okay. There are two scenarios there; one, one was presumed
5 dead -- or let me say two scenarios. You could bury a dead body thinking that it was
6 someone else and then that other someone comes back alive. That's one scenario.
7 So the dead body would be there of someone else, but then the real person who is
8 supposed to be dead comes back.

9 Two things that have to be done; one, the one who is buried because the cen of that
10 one would keep roaming and looking for its relatives. But then the one has come
11 back is no longer dead; it's as if you have to undo his or her burial ceremony. Again,
12 specific rituals are done for that, but also knowing that society has changed in modern
13 society, in the Acholi society are also new religions of Christianity, of Islam, so also
14 thanks giving ceremonies are also done and for that.

15 Now, if somebody, the second scenario, if somebody is never seen of again and never
16 heard of, as it happened in many instances of war, after some time the family, the
17 community has to realise that this person is presumed dead. But they were never
18 buried, so their cen would keep roaming and demanding for a proper burial.

19 Burials in Africa or funerals are communal. We are a collective society. So the onus
20 is on the family to have buried the individual, but also on the community; whereby if
21 that doesn't happen, especially on a massive scale, the spirits of those people who
22 were not buried will continue roaming around and causing difficulties.

23 And they can be symbolically buried, either bury an article of them; or I'll give you a
24 very specific example of a place that I had to go to in Pader, in a school, where there
25 had been a mass grave after there had been a rebel attack and then later a UPDF

1 attack, and many people were killed and were just buried massively. And the
2 children of these people are told to go to school maybe after a week, but they knew
3 that their relatives were buried there, although they didn't know exactly whom or
4 when or where, but they knew there was a mass grave which was nearby the school.
5 These kids could not go to school, and they got in what in modern psychiatry we can
6 say mass hysteria. They felt they were being attacked by demons or cen of those
7 people demanding proper burial. And the kids would come and scream and bite
8 and run and do all kinds and cause havoc every day for a week.
9 The district, whatever it is officials had to come to intervene. They brought in a
10 catechist. They brought in traditional healers. Nothing was working. When we
11 came as a consultative team, who realised what the problem was, the problem of,
12 quote, "mass demonic attacks", call it mass hysteria. Those things also used to
13 happen in Europe here many years ago.
14 But what we did was to identify the original, quote, "patients" who first became sick
15 and then the others whom cen had also attacked in the process. We dealt with those
16 in a supportive way culturally and also psychotherapeutically. We closed the school
17 for the time and then we arranged a ceremony, both traditional and modern religious,
18 to bury, massively bury the people in the community who had been killed in that area
19 and settled their spirits.
20 The ceremony went on for a whole day, people just slaughtering animals, people
21 saying all kinds of speeches and recognising the importance of those who had died
22 and what they had meant to the community and therefore burying them properly and
23 we settled it.
24 So to answer your full question is that there is both individual and also collective
25 depending on the calamity.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 But certainly for those who were not buried properly, the surviving family members
2 will keep on thinking about them, dreaming about them, feeling guilty about things
3 they did not do, and that is cen according to Acholi culture.

4 Q. [10:16:12] Now, Professor, just as a matter of clarification, then is my
5 understanding correct of the Acholi culture that if someone believed that comes back
6 alive, then a ritual has also to be performed on the person coming back and on the
7 grave, is that correct, if eventually there was a grave?

8 A. [10:16:37] Thank you very much. I thought I had alluded to that. Yes, a
9 ritual has to be performed on the person who has come back, a traditional ritual. But
10 in modern day Acholi culture also, maybe a Christian or an Islamic ritual would have
11 to be performed because those leaders would also like to come around. But also on
12 the grave symbolically, that has to be done to appease the spirit.

13 Q. [10:17:12] And --

14 A. [10:17:13] Just to add a little bit. Spirits are not only to do with the dead.
15 The spirits can come into the living and make you do acts. You could run mad, for
16 example, you know. That would be the spirit in you doing those things. So
17 understanding spirits in Africa is a whole three chapters in a book.

18 Q. [10:17:43] Thank you, Professor. We are almost done with the spirit.

19 PRESIDING JUDGE SCHMITT: [10:17:48] No, but that's absolutely okay. And
20 I think the remarks by Mr Musisi are very instructive. And, of course, we take
21 evidence to understand, to understand a culture that is not our culture. And I speak
22 now, I think I can speak for all three judges. So this is the purpose of people like
23 Mr Musisi instructing us.

24 Please continue.

25 THE WITNESS: [10:18:13] Thank you, Mr President.

1 MS MASSIDDA: [10:18:16] Thank you, Mr President.

2 Q. [10:18:18] Professor Musisi, in listening to you, how you explain these
3 individual and community component of the rituals, is my understanding correct that
4 in fact performing rituals will help the individual to feel re-accepted in the
5 community - I'm of course speaking of the former abductees - but will also help the
6 community to re-accept a member who they consider to some extent lost?

7 A. [10:19:00] Thank you very much, Mrs Massidda. The purpose of rituals is to
8 rectify what went wrong. They are not just done for no purpose. And certainly to
9 re-accept a member of the community who had become lost, say, in the bush and had
10 committed atrocities, it becomes very important.

11 So the individual who is said to have been possessed by cen and did atrocities, to be
12 able to be re-accepted, A, has to go through rituals to cleanse them; B, to remove the
13 cen from them; three, to settle that cen, to go back and join the other cens in the world
14 of the dead and then re-accept this other new individual as now a new member of
15 society.

16 In much of Acholiland, the returned abducted children were - felt that things wrong
17 had happened to them, not necessarily of their doing, although they may have carried
18 out atrocities and they wanted them cleansed; and to remove this cen from them so
19 that they could be re-accepted back into the community, it also reassures the
20 community that they will not do it again, that the cen had gone away.

21 But a community can also feel besieged by cens like I told you about mass hysteria
22 and mass dissociations, which we see commonly in Uganda, especially where there
23 has been conflict, and usually, it's not unusual, I'm sure some of you have been to
24 northern Uganda, you may hear of modern churches chasing away demons and
25 sending them, commanding them to leave the community and stuff like that. This is

1 a way of carrying out again rituals to rid the community of these spirits so that they
2 can -- people can be in peace.
3 Sometimes they have to invite specific traditional healers, strong ones, ajwakas, to
4 remove them in ceremonies. I think they call it "ryemo cen", to deal with them so as
5 to put them at peace. What we are really dealing with in modern terminology are
6 that societies that have been affected by war continue to suffer post-conflict and take a
7 long time to heal, to go back to normal say and things have to be done to settle them.
8 And in Acholi culture, we have to use the traditional rituals, "mato-oput" and many
9 others to reconcile the communities so as to go back to a peaceful harmonious
10 existence.

11 Q. [10:22:21] Thank you, Professor. Now having touched upon the spirituality
12 in the Acholi community, I will be a little bit more interested now in some individual
13 effect on former abductees linked with events that they suffer and the way in which
14 they perceive it as Acholis.

15 Now, starting with some traumatic events. We had witnesses who testified that they
16 witnessed the killing of their parents, the burning of people's houses, pillaging,
17 stealing of food. Now in your professional experience, how this specific traumatic
18 events have an impact on the victim?

19 A. [10:23:27] Okay. Let me first wear my hat as a psychiatrist, that after
20 experiencing a traumatic event, one may develop signs and symptoms of
21 post-traumatic stress disorder. Their expression may depend on the age, on the
22 gender, and certainly on the culture. The type of trauma that you experienced, the
23 severity, the meaning, it's meaning, the repetitiveness and past experiences with
24 trauma, how you are going to express it will go back to our cultural explanatory
25 model of illness. It will depend on your culture to give you the words by which you

1 are going to state that.

2 Many people in Acholiland experienced traumatic events. Some were abducted to
3 become child soldiers. They were used as sex slaves. They were raped. Even
4 those who stayed behind were mutilated. Houses were burned, the food granaries,
5 all kinds of things. They were put in IDP camps, life was difficult. They suffered
6 many diseases. All of these had a psychological -- a negative psychological impact
7 on the people and they developed various PTSD symptoms, but they did not go to the
8 school of psychiatry to learn that my nightmares are PTSD or my flashbacks are PTSD
9 or my palpitations are this. No. They expressed symptoms, which not necessarily
10 they could relate or behaviours which they would not necessarily relate to the trauma
11 they had had.

12 So they expressed this in various ways, and these are the ways in which they
13 presented to us for treatment. I could give you all kinds of examples, but maybe we
14 just choose a few. The most common of which, which is talked about everywhere, is
15 nightmares and flashbacks, very typical PTSD symptomatology. But how do you
16 take somebody in rural Acholi who wasn't going to school to tell them that dreaming
17 of their - of the person they killed is PTSD. Or seeing their father being shot again or
18 their mother raped is PTSD.

19 In daylight to them that is cen. Others could become very sad, very depressed and
20 even wish to die and even attempt suicide or complete suicide. Again to them, it is
21 cen, you know. Others may feel on edge all the time with panic attacks, startle
22 responses, running away. To them, it is cen.

23 So all of these various symptomatology were all explained in this one.

24 Now, for us working as psychiatrists, we recognise certain patterns of illness. I
25 would say, hmm, when you see somebody presenting like this inquire into whether,

1 for example, they had been raped, they have vague abdominal pains that don't go
2 away, and then gynaecologists have researched them, the investigations, MRIs,
3 everything has been done but the individual still feels that there is something wrong,
4 they are not right. And go back in the histories and you find that they were gang
5 raped.

6 Now, we saw a lady, for example, with cleaning rituals. She was cleaning herself all
7 the time, all the time, all the time, all the time, could never stop washing because she
8 felt dirty after the gang rape of many men who were not clean.

9 So many of these things could be interpreted like that.

10 Even where you would think that somebody would be doing very well, would not
11 have these effects, they kept lingering on.

12 I saw one doctor not too many days before I came, about a week, two weeks ago. He
13 came to me, brought in by his wife, a specialist in a very -- previously in a very
14 prestigious hospital but who, at age 13, had been abducted and taken to the bush for
15 two years to commit atrocities. When he escaped his uncle took him to Kampala, to
16 relatives, he was very bright, went back to school, excelled, went to medical school,
17 went to postgraduate in the US, came back as a specialist, but then became addicted
18 to opioids because he felt a pain that could never go away which could never allow
19 him to sleep, a sadness that went on. He knew it had to do with his days in the bush,
20 but he felt nobody could erase it from him because it was his experience. That's also
21 another form of PTSD.

22 I saw another one, an accountant, very accomplished, MBA, but -- married to a very
23 nice, kind and caring wife, whom he beat every day almost. That aggressiveness,
24 that anger, that irritability continues, which he regretted. Sometimes he would cry.
25 He didn't know why he was behaving like that. We call it appetitive aggression, in

1 using our terminology. He couldn't relate it, but he went on like that.

2 So these -- I could go on giving so many examples -- kept on and keep on coming.

3 Philosophers have wondered about, about African leadership, many of whom are
4 survivors of wars, and why sometimes they keep on fighting, but these are things for
5 another day.

6 Q. [10:30:03] Thank you, Professor.

7 Now, going specifically, a few questions for you in relation to specific categories.

8 First, based on Acholi values and beliefs, what are in your professional experience the
9 difficulties faced by children born in the bush?

10 A. [10:30:31] Children of war, people have written about them who have seen
11 them in Uganda, and many other parts of the world. You said children born in the
12 bush, which basically means, you know, in war-torn areas. Usually about three
13 types; (a) are those children who were orphaned, they lose everybody. They lose
14 their parents, they lose their uncles, but somehow they survive. Popular saying in
15 Uganda is that they were raised by monkeys, feral children. People have written
16 about them the whole world over. We have seen them. We saw them in IDP
17 camps running around without anybody to care.

18 Then there were children born of abducted girls that were raped, with either their
19 fathers alive or with their fathers dead. These girls would come back in their
20 communities with their children, with the community and the family fully realising
21 that the father had committed atrocities in that community, maybe even had killed
22 the father of the girl, or raped the mother, or burnt their house. A problem comes on
23 how you accept those; (a), how do you accept their father? How do you accept the
24 child, the product of that repeated rape? How do you relate to them?

25 Then when we come to Acholi tradition, we are talking about a patrilineal society,

1 patriarchy, where the head of the family is the man, you inherit your name, your clan,
2 your abila from the father, but which father was a rapist, a murderer in the bush and
3 is the father of those children. Many of these children when they were brought back
4 were rejected, and I saw many formerly abducted girls having a very big problem, (a),
5 as mothers they instinctively bond to the children but, at the same time, these children
6 are not accepted in this family. Moreover, they were born out of wedlock where
7 there was no bride price, so this girl was never correctly married away. And, two,
8 their lineage, their inheritance would have to go through the father who, at this time,
9 could still be in the bush as a rebel or could be dead, but was never accepted.

10 Women enjoy in Acholi culture, as many African societies, use fractal rights, you
11 marry a woman and you give her land which she never owns, but which she has a
12 right to cultivate food crops to feed the family. So when the mother now comes back
13 with these children, how is she going to get the land to feed them on, to grow crops to
14 feed them on? Which land? Sometimes it's not land, because the father -- her father
15 may have been killed by the rebels.

16 So they faced considerable difficulties, these children, but, again, African culture,
17 Acholi culture cannot throw away these children, so they belong to the mother, but
18 their destinies always leave a question mark. If they were girl children they could be
19 married away, hopefully, as they grow up. If they are boy children the problem of
20 where they are going to live, which land they are going to settle on, will always
21 remain. Unless if the mother is lucky enough to make enough money to buy land on
22 her own, but which -- in modern times it could be done, I don't know whether it
23 would be possible in traditional Acholi for the women to go and have land on their
24 own. So there is always a problem.

25 By the way, sometimes our cultures, including Acholi culture, don't have answers to

1 these questions because they never happened before. There were no mass orphans
2 in traditional Acholi culture, now they are here. Acholi culture, besides cleansing
3 them and saying that they are okay, may not have an answer and I don't think they
4 have an answer for mass orphans. It never happened. It never happened in the
5 rest of African, be them AIDS, be it war.

6 Q. [10:36:14] Thank you, Professor.

7 A. [10:36:16] Maybe to complete it.

8 Q. [10:36:18] Yes, please.

9 A. [10:36:19] As they become older, we see a lot of street children in urban centres
10 in Uganda. There were never before that many, but now you see waves of them.
11 We saw them in the wake of war, we saw them in the wake of HIV/AIDS, and they
12 continue. Even now when you go to Kampala you will see them on the streets.
13 Ask them where they came from. Sometimes with their, we call them paediatric
14 mothers, the child mothers, on their backs. Something has happened in society
15 somewhere to reject these people. Now they are trying to, quote, " fend for
16 themselves," landless.

17 Q. [10:37:03] Now, Professor, the fact that someone who belongs to a community,
18 to this case to the Acholi culture, be a girl or a boy, someone who is unable to be -- to
19 grow up in accordance with the Acholi culture and beliefs, someone who grows up in
20 the bush and then comes back, are these factors, not being able to be exposed to the
21 Acholi culture, may have an impact on the subsequent life of a person when the
22 person comes back to the community?

23 A. [10:37:51] Thank you very much, Mrs Massidda. It certainly will.

24 Traditional Acholi culture or society was family oriented. One grew up in a family
25 and it includes the homestead, gang kal, various huts, allocated according to whether

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 they were boys or mothers or grandchildren. In there you learnt how to relate to
2 everybody, how do you relate your father, how do you relate your mother, to your
3 grandfather, to your grandmother, to your sister, to your brother. How do you
4 eventually grow and you become independent, and marry, and get your own land,
5 and make your own enclosure and have your homestead. When they come back and
6 this culturalisation, this socialisation has not been given to them, they won't know
7 what to do.

8 Secondly, they may not be respectful of those traditions, they may question them.
9 Thirdly, the command structure in the LRA was different from the culturalisation
10 process in traditional Acholi life. We saw many of these returned child soldiers
11 unable to fit in their families, in their communities, and even in the schools. They
12 could behave aggressively. Many of them had PTSD symptoms. They resorted to
13 drugs and alcohol and to violence, to violent acts.

14 Girls found it difficult to settle down. They have lost their virginity, they had the
15 burden of unwanted children, they had no us of fractal rights to any land of their
16 husband or their families. And many, sometimes, of these returned abducted
17 children, be them boys or girls, fail to fit and they felt only comfortable in military
18 forces, and I've seen some who actually went back to join the military, this time the
19 UPDF, the Uganda People's Defence Forces, because that's where they felt they could
20 fit.

21 I have seen some who became street children. I have seen some who attempted
22 suicide. Of course the drug addicted are there, and especially alcohol and drugs.
23 So yes, it impacted them.

24 According to the elders they felt that these people had changed, something went
25 wrong. To be put right they had to go through rituals, cleansing rituals, rituals to

1 make them acceptable back in the community.
2 We haven't really carried out studies massively to see the effect of these rituals,
3 although traditionally people feel they work. A few studies have been done, but
4 they have been individual cases, but unfortunately in the science we believe in case
5 control and we have not done case control studies of this. Those who had rituals,
6 those who had no rituals, how are they doing in society? I haven't heard a paper like
7 that. It would be interesting to do.

8 Q. [10:41:51] Now, on the part of the person who returns, in your professional
9 experience did you observe whether the time spent in the LRA changed the way in
10 which returnees deal with the establishment of trust relationships in the family and in
11 the community when they are back?

12 A. [10:42:16] That's true, Mrs Massidda. The individuals change in their world
13 view, in what they -- the beliefs they held before, the way they had been told to
14 respect certain order and certain values.

15 Let me give you a simple example -- it's not simple. For example, virginity. You
16 lose it in the bush, you may be assigned to some man who you don't even know, you
17 never chose, you don't like, but you must be with him and produce from that man.
18 You may not be assigned and used by anybody. There are instances whereby they
19 would be encouraged to actually engage in sexuality to produce more Acholi people.
20 I think there was a lady called Silly Malindi (phon) and she used to do that to try to
21 encourage this kind of behaviour.

22 So many of them would lose their values, Herman, J Herman talked about this when
23 she talked about complex post-traumatic stress disorder whereby you lose
24 values of -- you lose trust in others and in traditional beliefs and even in the belief in
25 God, if you are in a western society, because of this repeated traumatisation. I have

1 seen it where people question the existence, you know, of God or things like that
2 because they say how could this be happening. So certainly it's true. It affects their
3 ways of thinking and they have to be reculturalised.

4 This void which happens in post-conflict societies has been exploited by various
5 groups, especially religious groups, western religious groups, Pentecostal churches,
6 you find them massively recruiting people and giving them a new hope because they
7 had lost that which they had before.

8 Without scientific studies again and evidence based intervention, the overall impact
9 becomes sometimes questionable. But going back to that, the traditional belief
10 systems because they are believed by the people as a way of life I think tend to have
11 more impact if they go through those.

12 Q. [10:45:12] So Professor, is my understanding correct that in fact a former
13 abductee coming back has difficulties in establishing trust relationships even within
14 his/her family?

15 A. [10:45:32] That's true, Mrs Massidda. Not only do they have difficulties
16 trusting the family, the family may also have difficulties trusting them. Some people
17 may feel that once a killer, always a killer. Or how can we know that whatever cen
18 made them kill cannot now overnight make them kill us again? We grow up in
19 Africa very close to one another. I don't know which African has not shared a bed
20 with a sibling or a cousin. I have done it. I'm sure other Africans have done it.
21 We are that close. How do you now go to share a blanket or a bed with somebody
22 who you know maybe killed your father? So there is a lot of trust both ways to the
23 detriment of the victim -- of the abducted child.

24 How do you listen to a girl who had been subjected to massive rapes and had
25 changed her values regarding sexuality and men? How could she relate to a

1 younger sister? How could that younger sister begin to listen to her for advice?
2 These are all big things. That's how society's cultural values become derailed. I
3 called it in my report the desecration of Acholi cultural. I didn't call it derailment.
4 Derailment I thought was simpler. It's like a desecration. It's no longer sacred
5 because the principles on which they stood became violated.

6 Q. [10:47:27] And Professor, on your -- these last mention about the, to some
7 extent, loss of social cohesion and weakening of traditional values in Acholis, now, in
8 your professional experience from what you observed, what is the effect of this loss of
9 cohesion and weakness of traditions?

10 A. [10:48:05] Well, I'll probably give one case story of a young lady who was
11 abducted, assigned a commander, had children, came back the children were never
12 accepted in her immediate family. She also was rejected in her immediate family.
13 She had nowhere to go. She didn't know what to do. She would go to the market
14 and everybody would point out there is the bush girl, there is this, there is this, this.
15 She felt very stigmatised. She did not quite say this, but I think in dealing with her,
16 and she had very delicate probing, she made herself sexually available. One guy
17 came, one man who is a bit older took her on and said "Come and we live together".
18 They are still living together. In traditional Acholi culture I can't see how a girl
19 would leave her homestead to go and look for men in a market.
20 So, yes, they would have impacts on them and they would change and behave in
21 ways they would not normally do and which would not be in keeping with Acholi
22 traditions.

23 Q. [10:49:40] Okay. So actually is my understanding correct if I say that this loss
24 of social cohesion generated to some extent behaviours which are not in conformity
25 any more with, if I can put that way, sorry for the person knows a little bit more about

1 Acholi culture, were not let's say in conformity with the Acholi culture and value?

2 A. [10:50:10] Very true and we see it often. And I personally have wanted to get
3 one of my students to actually go and study parenting styles of Acholi today as they
4 left the IDP camps, as the abducted children came back and now they have gone back
5 in the villages without traditional Acholi values, how they parent now, how that is
6 going to affect the next generation.

7 Q. [10:50:44] And this leads me to my next question. You mentioned the future
8 generation. In your report I believe it's essentially, starting at page 12, ERN number
9 ending with 0061, you mention the trans-generational transmission of deficits and
10 psychological problems seems inevitable.

11 Could you please, Professor, develop a little bit more for us the issue of the
12 trans-generational impact of traumas faced by the victims.

13 A. [10:51:26] Thank you, Mrs Massidda. In the beginning - I'm just trying to
14 organise myself here - it was thought that if a war stopped and you provided material
15 benefit to the people, they would be okay. Well, we now know that that's not true.
16 For one, these trans-generations have been studied mainly by three schools. The first
17 was societal. What do I tell my children about their grandfather? What do I tell my
18 children about what happened to me when I was 12? What do I tell my children
19 about those, quote, who did it to us? And this effect was studied by Yehuda,
20 somebody called Yehuda, and later on observations were made mainly from children
21 of Holocaust survivors that they were brought up in a way of warning which almost
22 made their paranoid, suspicious, neurotic, you know, not unlike others, other
23 children who were a bit more securely attached. That is on the society level.
24 And then others of recent have taken a more biological level. What actually happens
25 to the biology of the traumatised and can it be transmitted? If you had

1 no -- scientists, not genetically but what we call epigenetically, meaning that
2 environmentally acquired things can have an impact. We know that certain
3 chemicals like cortisol are hypersecreted, are overly secreted in traumatised people.
4 What is this excessive, what does this excessive cortisol do to an infant being born,
5 maybe transmitted transplacentally to the child? Those have also been studied.
6 Then the third is what happens to society which has been so traumatised that it
7 actually loses its socioeconomic benefits?
8 I was out of Uganda for some 20 years and I saw many Acholi educated, doctors,
9 lawyers, engineers, who had left and gone abroad never to come back. The loss of
10 social capital, the loss of roads, of schools, all of this translates in massive poverty,
11 marginalisation, hopelessness in a people which may take years to correct. The
12 performance indices of Acholi children now, I don't mean Acholi tribe, unless in
13 Kampala, okay, but I mean as a region on the national exams is the lowest in the
14 country, you know. The poverty levels are very high. HIV rates have gone up.
15 These things affect a community, they marginalise it. These trans -- and it will go to
16 the next generation, it will take a long time to correct. And sometimes one wonders
17 whether they may be sources of future conflicts.
18 So these three-pronged effects are things we worry about.
19 Now, for us who have been working with these mass problems of mass trauma the
20 world over have seen these things and we have warned about what should be done,
21 but traumatised -- or countries in conflict in Africa are usually also very poor, they
22 have no resources to deal with all of these problems, they are overwhelmed. We still
23 have to see what will happen.
24 Unfortunately, NGOs, faith based organisations, community based organisations, you
25 know, come in and try to help, but they usually do not have the scientific knowledge,

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 the evidence based knowledge on how best to help.
2 So sorry to say, but we still have to study what will happen but -- in the long run, but
3 Acholi people are resilient, they are hardworking. If you go to Gulu now it's
4 different from Gulu 10, 15 years ago. Gulu 10, 15 years ago you would cry on the
5 street. Gulu now is active, businesses around. And very interestingly and very
6 nicely the Acholi people who stay in Kampala are making reconnections to
7 Acholiland. In other words, they are building there.
8 In Africa no one wants to be buried in nameless cemetery in a town. You want to be
9 buried on your ancestral land. They are buying land there, establishing homesteads
10 again to recreate that which was lost, and I think with the strength of Acholi culture I
11 have hope that we shall rebuild and reestablish things. But it will take a long time.

12 Q. [10:58:02] Thank you.

13 MS MASSIDDA: Your Honour, I have two brief topics which will take me between
14 20 and 30 minutes more.

15 PRESIDING JUDGE SCHMITT: [10:58:12] I think we'll have a coffee break now.
16 I think this is well deserved, so to speak, until 11.30. And then you have 15 to
17 30 minutes and then we start the Defence.

18 Can you already foreshadow perhaps a little bit, Mr Ayena or Mr Obhof, how long it
19 will take you?

20 MR AYENA ODONGO: [10:58:33] Mr President, Professor Musisi is awash with a
21 lot of information and from the information that has -- may not be touched by my
22 learned friend Massidda, I think we can postulate that we shall be done in about two
23 sessions, two sessions.

24 PRESIDING JUDGE SCHMITT: [10:59:02] Thank you very much. Then we have
25 now the break until 11.30 and then we look how it will continue.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 THE COURT USHER: [10:59:10] All rise.
2 (Recess taken at 10.59 a.m.)
3 (Upon resuming in open session at 11.31 a.m.)
4 THE COURT USHER: [11:32:03] All rise.
5 PRESIDING JUDGE SCHMITT: [11:32:18] In light of what Ms Massidda has already
6 covered and in light of what Mr Ayena has announced, I think we should at least try
7 to finish today. If need be, we extend a little bit, I would say.
8 I think it's not necessary to meet tomorrow only for half an hour or so is what I would
9 like to announce.
10 Please continue, Ms Massidda.
11 MS MASSIDDA: [11:32:52] Thank you, Mr President.
12 Q. [11:32:53] Professor Musisi, when witnesses came to testify during trial,
13 particularly crime-based victims, witnesses who came to testify, we noticed on our
14 side to some extent a lot of reservation in the way these victims express themselves in
15 relation to what happened to them, to the suffering they encountered.
16 Is this something that you also notice in your professional experience when
17 interviewing or speaking with former LRA abductees?
18 A. [11:33:38] Thank you, Mrs Massidda. First of all, I'll say that I'm an African
19 and I'm able to interpret language which may not be verbalised like in all cultures,
20 but more so I think in Africa. We not only communicate verbally, but also
21 nonverbally, in body language, in attitude, the way we relate, and also in many
22 African cultures, including Acholi, there are certain things you don't say.
23 For example, you do not mention private parts in ordinary conversation. These are
24 things that, quote, don't pass through the mouth, the unmentionables.
25 Sometimes we are not allowed to keep direct eye contact, it may be considered rude

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 or impolite or to answer certain questions.
2 Sometimes we just use shrugging of shoulders or certain noises. I was speaking to
3 somebody from the Central African Republic yesterday and the way she answered
4 was (witness indicates). I asked her what she meant by that, I had not heard that in
5 my culture but she said, "Oh, at home it means I agree."
6 So there are things like that, you know. I could, with the permission of Mr President,
7 demonstrate some things. For example, I may say "Yo". I'm emphasising or I may
8 just say (witness indicates) and, you know, I'm going to emphasise something.

9 Q. [11:35:47] Sorry, Professor. I think we need to find a way to put it onto the
10 record.

11 A. [11:35:51] It would be very difficult.

12 PRESIDING JUDGE SCHMITT: [11:35:53] No, no.

13 MS MASSIDDA: [11:35:54] Or if it's okay?

14 PRESIDING JUDGE SCHMITT: [11:35:55] I think this is impossible to put on record.

15 MS MASSIDDA: [11:35:55] Yes.

16 THE WITNESS: [11:35:56] Exactly, exactly.

17 PRESIDING JUDGE SCHMITT: [11:35:59] But since the principle is that we hear in
18 the courtroom, and these are the people that are the ones who -- the Judges, at least,
19 who decide on it, it's important that we have an immediate impression, and we had
20 that.

21 THE WITNESS: [11:36:11] Thank you.

22 MR AYENA ODONGO: [11:36:12] Mr President, may I suggest that we record it as
23 snapping the fingers?

24 MS MASSIDDA: [11:36:15] No. (Microphone not activated).

25 PRESIDING JUDGE SCHMITT: [11:36:19] I think we should not discuss now in

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 detail what should be put into the record, because it is a sort -- it seemed, it appeared
2 to me a sort of snapping, but not exactly. So why not leave it at that and simply say
3 there are means of communication, cultural means of communication that are
4 different to those that at least some here in the courtroom are used to, and we
5 recognise this, of course, and this is important to know. And this is in my opinion
6 also a very instructive answer to the question you put to Mr Musisi.

7 So please continue, Ms Massidda.

8 MS MASSIDDA: [11:36:59] And there is a video recording, so we can simply --

9 PRESIDING JUDGE SCHMITT: [11:37:01] Absolutely.

10 MS MASSIDDA: [11:37:02] -- say we can always have a look at the video.

11 PRESIDING JUDGE SCHMITT: [11:37:08] Yes, yes, yes. I think we have dealt with
12 that now.

13 THE WITNESS: [11:37:12] Thank you, Mr President.

14 MS MASSIDDA: [11:37:13]

15 Q. [11:37:13] Thank you, Professor. Please continue.

16 A. [11:37:15] I don't know whether I want to add on that, but if you're listening to
17 music, you can also snap (witness indicates) and it would mean a different thing.
18 But I think the point is made. So there are many ways to communicate and one has
19 to understand what a certain scholar called Bohnlein said that by knowing the
20 cultural metaphors, the body language and also listening to the words, one can
21 interpret what the traumatised are communicating. Sometimes silence is enough.
22 It's not worse answering that question. It might even be considered not
23 understanding or not caring or being rude.
24 For example, if there had been massive deaths, people will come in silence, and
25 they're expressing sorrow. You know, we could go on.

1 PRESIDING JUDGE SCHMITT: [11:38:09] Let me make a remark, you can contradict
2 me if you want. I think this might not be 100 per cent a cultural sort of thing. I
3 think it might also be intercultural. We have here, for at least most of the witnesses,
4 we have in the courtroom a completely unknown environment to them which might
5 also seem even a little bit hostile at least. They don't know how to adapt to it. It
6 might even be not so comfortable for you as an expert because it's new, it's a big
7 courtroom, it's a different culture. It's The Hague, it's not at home. So, and you are
8 supposed to talk about things that you normally would not talk about, perhaps not
9 even to your friends or to your relatives. So given all that, I think it's understandable
10 that sometimes we get not the full expression of what a person really feels here.
11 That was just a remark, not more.

12 THE WITNESS: [11:39:08] Thank you, Mr President. In fact, that was my last point,
13 that strange environment may not allow you to communicate the way you would like
14 to communicate.

15 PRESIDING JUDGE SCHMITT: [11:39:19] Ms Massidda, please.

16 MS MASSIDDA: [11:39:21]

17 Q. [11:39:22] Thank you, Professor. And then on a slightly linked topic, in your
18 professional experience, how Acholi culture may influence what and how a victim
19 remembers the traumatic events, how a victim remembers about what happened to
20 him or her and how this person described the memories?

21 A. [11:39:57] Thank you, Mrs Massidda. Let me first go to the psychiatry of
22 post-traumatic stress disorder.

23 One of the symptoms is what we call cognitive distortion, the inability to recall the
24 details of what happened to you. They could bring in front of you or say, for
25 example, an abducted girl, somebody who raped her, and they say "Is this the

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 person?" She may say yes. What was he dressed like? She may not remember.

2 So it is known scientifically that in post-traumatic stress disorder you may have
3 cognitive distortion where you may not be able to recall all the details of what
4 happened to you.

5 The second point is that -- which I have alluded to earlier is that there are certain
6 things when we are communicating in Africa that are unmentionable. I gave you an
7 example, private parts, sexual acts. You may know them, but you may feel
8 culturally bound not to say them and hopefully the other one understands.

9 The other one is that certain things are attributed, as we said before, to spirits. I have
10 seen patients of mine who attempted suicide with rope marks in their neck, and you
11 ask them "Did you do that?" and they said "No." They attribute that to a spirit that
12 did it. So all of this may look as if they cannot recall. But it's not just in Acholi
13 culture, although there may be other Acholi cultural attributes to what seems to be
14 inability to recall everything.

15 But this is documented in psychiatric literature.

16 Q. [11:42:12] Professor Musisi, amongst the material that was provided to you,
17 there was a table containing material drawn from courtroom proceedings. And for
18 the record this is document UGA-PCV-0005-0029. It is in tab 6 of your binder. If
19 you take that table, Professor Musisi, would it be possible for you to just take some
20 examples and comments on some of the quotes that were provided to you in order for
21 the Chamber and for us to better understand the findings in your report?

22 PRESIDING JUDGE SCHMITT: [11:43:25] You don't have to go through all of them,
23 you have understood that, but perhaps the most remarkable, that you find most
24 telling, so to speak, with regard to your report.

25 THE WITNESS: [11:43:35] Thank you, Mr President.

1 MS MASSIDDA: [11:43:40]
2 Q. [11:43:41] Sorry, Professor. If you could just quote the number in the first
3 column so that we are able to follow your reasoning. Thank you very much.
4 A. [11:43:53] Okay. Let's go with page 1, number 1, where a question was put that:
5 "You were distributed as a wife to the commander and he fathered a child with you.
6 Did he ever marry you?"
7 The answer was "No, he did not marry me."
8 And then a follow-up question: According to your tribe, what would be the fate of
9 the child born of an unmarried mother?
10 And the answer was that this child is married out of wedlock. In Acholi culture,
11 children are born of a father and a mother, and the mother would have been married,
12 bride price would have been paid. This child then belongs to that father and has a
13 lineage in which they are going to derive a name, a homestead and later land.
14 Now, a child born from the bush whose father may not be around, whose father may
15 not have paid bride price and who may have committed atrocities, in coming back it
16 becomes very difficult to accept that child, but it would be known that that child
17 belongs to the mother because she was the mother. You don't throw away children.
18 So the future of that child would be -- would somehow remain difficult and in
19 jeopardy. And these kept on reappearing. From time to time in many girl
20 abductees who I saw who had children, they didn't know how to look after them and
21 often their families rejected them.
22 Now if we go to, just to -- this was again echoed by, if we see page 2, number 2 there
23 by Rwot Oywak who said that if somebody slept with a girl in the bush, it would be
24 taboo. And the product, quote, again would be taboo. And again we see this as
25 another form where the girl or the child would be stigmatised almost for life and the

1 mother would have children.
2 Now let me pick another one. Those questions go on. We see them again on page 4
3 where the question is asked about that if that child would come back to the
4 community, would that child have opportunities as one born in the community?
5 That child cannot, because it would have no lineage in the patriarchal, in the
6 patrilineal Acholi society. If it was a boy, that would mean land rights. She would
7 not be assigned a piece of land because the father would not be there. And it goes on
8 and on about those children.
9 Then if we see page 6, we are asked number 5 there: "So Mr Witness, could you
10 explain to the Court what is the concept of cen that you've mentioned?"
11 And the answer is that: "When you talk about cen, this is a spirit, the spirit of
12 somebody. If you kill somebody innocently, the spirit would possess you, would
13 attack you, can make you run mad."
14 And this was the biggest worry that we found in many of the returned child soldiers,
15 that they felt that this cen of the people they had killed would always follow them,
16 would always attack them, would always make them sick, could make them run mad.
17 I saw one such individual who was brought to me because he was having fits,
18 seizures all the time. Had been taken to hospitals, had been given all kind of
19 anticonvulsants or anti-epileptic drugs, they were not working. Had been subjected
20 to Christian prayers, to chase away demons, they were not working.
21 He came and talked to me and he felt that the cen, the spirit of the one person he had
22 killed had entered him and would make him fall down and would make him have
23 these bad dreams and would even appear in the day and would make him, quote,
24 "Run mad." The same cultural explanation, and I was seeing it in the very patients
25 that I was treating. And he felt the only way to deal with that was to go through a

1 ceremony to remove that cen, which ceremony was very expensive, he couldn't afford
2 it. And the problem kept on coming.
3 We could go on with cen. On page 8, continuation of that same thing, number 5, of
4 cen in the community, when the spirits would come and involve the whole
5 community and attack the whole community. The question then was asked when
6 would the effects of cen be only on the person -- would the effects of cen be only on
7 that person or also affect other members of the community in?
8 And the answer was that it may come directly to one person who committed the
9 atrocity or the murder, but if you saw the dead body, or if you had anything to do
10 with the deceased, then that spirit could leave that one and enter you and other
11 members of the community and cause difficulties.
12 Attacking -- cen attacking many members of the community would cause what I
13 called earlier mass hysteria, which we saw in schools, especially boarding schools,
14 whereby the affected would run away with all kinds of unexplainable or difficult to
15 explain symptoms, you know what we would call, you know, attacking the whole
16 community until rituals had been done to properly bury those who had been killed en
17 masse. And again I saw that in Pader.
18 Then we saw others who were -- who had been, who had lost, you know, parents and
19 what would be the impact on the family. And if you follow that on 6, the next page,
20 this individual said he was the only boy in the family. The father suffered a lot
21 realising that his only son had been abducted. He tried to follow, to move, to go and
22 try to get the son back from the rebels. Went as far as Juba but died in the process.
23 So you would see that not only was the son abducted, but also now the father has
24 died, the whole of that family has lost two men in a patriarchal society, a patrilineal
25 society. It would almost mean that the opportunities for that family were gone.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 And this impact on families was seen everywhere. It was seen not only in the
2 individuals directly, but also in those who had been displaced and lost all their land
3 and had gone to IDP camps.
4 And then on returning home, how would they be received, you know? Page 10, 8:
5 "Can you explain to the Court what do you mean by 'according to tradition'. Are
6 there special rituals that must be followed?" On returning home. And the answer
7 was that: "The culture of Acholi has always been doing that. Our ancestors also
8 practised burying of the dead so their spirit does not haunt" them "those who are
9 alive. The dead body is given all the respect it deserves."
10 Not doing the rituals would mean that you are not respecting the dead body and that
11 would mean cen coming to you.
12 But when this would come back sometimes, they would say that they would be
13 welcomed by the family, relatives would welcome them, but difficulty arose
14 afterwards because people would say, "But who is this bush person? You know,
15 maybe they still have cen, you know, on them. Maybe they could do atrocities."
16 And this went back to the earlier questions we were addressing about trust, that they
17 would have difficulties being trusted, they would also have difficulties trusting their
18 family members because of what could have happened to them in the bush.
19 Then we talked about nightmares and flashbacks. Again following that now on
20 page 11: Do you have trouble sleeping? You know.
21 He says, "Yes, I do."
22 Can you explain to the Court?
23 When I got bed and sometimes I don't sleep until midnight, when I'm in bed
24 sometimes something appears and shows me photographs, calling out my name.
25 That's what I hear, calling out my name. Tell me, sir, this me, I'm so and so, I'm so

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 and so. Then it comes, it haunts me, it confuses me. It starts mentioning names,
2 names of things that happened a long time ago.
3 Meaning things that he did in the bush. This is again the interpretation, the cultural
4 interpretation of the Acholi that these nightmares would be spirits coming back.
5 And we saw this all the time as we were treating these individuals. And the only
6 way to deal with them to them was by rituals.
7 But also there was something else. That despite everything, still society knows what
8 you did. You live with that for life, whether or not you've gone through rituals.
9 That creates a problem for many of the returned abducted children, because there is
10 nothing that can clean, cleanse that away, the fact that they know that this happened.
11 They could forgive you, but they know you did this. You know, you killed your
12 father, for example, you know. You may have been forced, but you did it. I heard
13 stories whereby the families could not forgive despite all the rituals that were carried
14 out. And they could not give land to the young man. And he had to go out of Gulu
15 to another town called Jinja, which is way down south, to learn a trade to begin now
16 building his life alone without the support, you know, of his family.
17 So we can go on. There is something here, let me see here.
18 PRESIDING JUDGE SCHMITT: [11:56:54] While you are looking for that, I just
19 mention that you obviously have a similar working method than I have, because I
20 recognise that you have different coloured markers when you point out the things.
21 So I just want to mention it.
22 THE WITNESS: [11:57:07] Thank you. To give me direction.
23 PRESIDING JUDGE SCHMITT: [11:57:11] I recognised yellow and red.
24 THE WITNESS: [11:57:15] And pink and --
25 PRESIDING JUDGE SCHMITT: [11:57:15] Yes, yes, yes, absolutely, absolutely.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 THE WITNESS: [11:57:18] When I'm standing here on this podium, I have to have
2 some guidance to myself.

3 PRESIDING JUDGE SCHMITT: [11:57:22] Let me word it this way: I fully
4 understand.

5 THE WITNESS: [11:57:25] Thank you.

6 PRESIDING JUDGE SCHMITT: [11:57:25] So you have now singled out the next
7 one.

8 MS MASSIDDA: [11:57:29] I think it's a common disease, your Honour.

9 THE WITNESS: [11:57:33] I wanted to point out something about the helplessness
10 that sometimes people feel and also the unmentionables I talked about. You ask a
11 question and the individual seems as if they haven't quite understood. They have
12 really understood, but you are mentioning something, you are questioning something
13 which is very difficult for them to verbalise.

14 So if we go on page 16 -- or number 16, rather, there is a witness there who says:

15 "Mr Witness, before your abduction had you killed a person?"

16 He says: "No, I never killed anyone."

17 Question: "Had you touched a dead body?"

18 "No, I had not."

19 "How do you feel when -- how did you feel when you were ordered to kill, touch or
20 beat a dead body or to wear the uniform that was --"

21 That question was repeated twice, very clear. The reason for repeating that question
22 twice, he says, "Mr Witness, I was asking what you experienced during your time in
23 captivity, does it have any impact on your sleep or your thoughts or whatever else"
24 you may have?

25 The reason why he is not answering is that you are now telling him accusedly that

1 you are guilty, you killed, you did an abomination culturally. That would be
2 difficult for him to say yes to. And I think, so he would exhibit some kind of not
3 understanding, you know, of what was going on. But, you know, we talked about
4 these silences.

5 And then it went on again down that page about, you know, your thoughts, whatever
6 it is. He says, "In the past it happened very frequently" I always have nightmares.
7 "But now I still have some dreams, maybe in two months, every two months I can
8 have a dream ... not very regularly ... not very frequently now."

9 Then the question next page on 21: "Have you sought medical treatment for your
10 problems?"

11 Now, two things I hear. If something is attributed to a cultural disease, a traditional
12 disease, an African disease, you don't go to hospital to get treatment for that, you go
13 to a traditional healer.

14 So the answer is why, I believe it is not very frequent, it used to be, but doesn't make
15 me, you know, now shout at night. I left it in God's hands.

16 Now you reflect, you see a reflection there of what I call the African duality. You
17 believe in the tradition. You also believe in the modern. When you see that, this
18 would be somebody who would probably now go to Pentecostal church to cast the
19 demons away but show the helplessness in that individual, that they felt helpless
20 when the cen is there and it won't go away, and they know, quote, it's an African
21 disease.

22 So he said: It has already happened. I just pray so that I can be strong. A kind of
23 helplessness that you feel at the hands of cen. And many felt like that, that they
24 would feel that really life would be very difficult.

25 Now, talking about culturally insensitive questioning to the individuals, if we see 17

1 there "Impact on family; impact on community; re-integration and healing", and there
2 is a question which is put: "Now, did your experience in the bush as a wife have any
3 impact on your relationship with men?"
4 To ask an Acholi girl from the rural area about her sexual intercourse with a man in
5 public, she won't answer that. Those things are unmentionables. Those words
6 don't pass through in the mouth, so the saying would go, you know.
7 So she would, you know, say "Yes, there is difficulty."
8 "Can you give further information to the Court?"
9 "Can you please repeat the question", she asks.
10 She has understood the question, but she's not answering because you are telling her
11 now to go and discuss unmentionables, cultural unmentionables. She said, next
12 page: Well, I have pain.
13 And then, quote, that is understood in the western way.
14 But we know it's more than pain, you know. You're asking about somebody's
15 sexuality now after rape and how they forge relationships and trusts and all of that
16 and enjoyment. They're not going to talk about that. I can now, given this western
17 hat of a psychiatrist, you know, I can say that you enjoy sex. You don't say those
18 things in ordinary cultural, culture of African people in public, in front of elders. Sex
19 is for the bedroom and the bedroom only.
20 So there are these things that I think will pose difficulties in communication.
21 Now, there is something which we talked about, trans-generational transmission of
22 difficulties whereby people, you know, lose their education, they would lose their
23 employment, they would have poverty. And we see that in question 17, but on page
24 23, where they talk about this returns education, about what happened to them.
25 I want to show this because many times there were organisations there to try to help

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 abductees, but really what they did was very superficial, cosmetic, not going to help
2 the problem.

3 For example, you could rescue them, bring them to the Entebbe airport, have media
4 there, televisions and say that you have rescued them, the world has seen, and then
5 you tell them to go home. They would not have been helped.

6 So this individual was asked: "And how do you feel coming back?"

7 Well it was easier, coming back was easier.

8 Meaning the journey.

9 "Were you able to reunite with your family members when you returned from the
10 bush?"

11 He says: "No. There was nothing for us to communicate with. I was taken to the
12 division, they mentioned my name on the radio. They heard about my arrival over
13 the radio.

14 Now were your sisters and brothers who were abducted and returned from the LRA
15 able to complete their education?

16 No, they were unable to complete their education.

17 Were you able to return to school yourself?

18 I wanted to, but I was unable to.

19 Why?

20 Because there was a lot of stigmatisation."

21 The continuing referring the returned abductees as strange people, people not to be
22 trusted. They were called that they were olum, they came, you know, they were
23 bush people. And if they are boys -- or, rather, if they were girls and they had
24 children, again, as we see on 24, 18 there, number 18, the lineage status of their
25 children was also open to question. Who is their father? Who could they inherit

1 from? Whose property could they take? These were all very difficult.
2 So to survive something then had to change in Acholi tradition. The mothers with
3 these children now had to behave like men. They now had to go out, work on their
4 own, buy land hopefully and look after their children because they couldn't abandon
5 their children who had been rejected.
6 And we see that on page 25 there, the status of women changes at marriage of lineage
7 of her father and brothers to the lineage of her husband. That process occurs
8 through the payments of bride price. Where it has not been paid, it becomes a
9 problem. So in that case eventually a woman can become like a man, so to speak,
10 and speak, like create her own kind of lineage to look after her children. And that
11 would be difficult for children.
12 Now, that brings in the question of land, how do we distribute this land? And this is
13 a problem again faced by many returned abducted children.
14 But also it was, there were also other victims, people who stayed in the IDP camps for
15 20 years, you know, their original homesteads would now be bush. The landmarks
16 or the land markings which would have been maybe trees, maybe could have died or
17 cut down. They wouldn't know boundaries.
18 The elders who were supposed to distribute this land to them could have died. This
19 brought problems of land disputes which continue on up to today.
20 So, Mr President, these are just, Mrs Massidda, these are just a few, you know, of the
21 things that we saw as impacts on individuals, on families, and on Acholi society.
22 Efforts to rectify them are still ongoing. I believe I know they will go on to the next
23 generation. Bringing in also another point of commercialisation of land, taking it out
24 from customary ownership, these are the problems which I fear if not handled
25 properly could besiege some future conflicts.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

- 1 Q. [12:08:41] Thank you very much, Professor Musisi, for answering my questions.
- 2 MS MASSIDDA: This concludes my questioning, your Honour. Thank you very
- 3 much.
- 4 PRESIDING JUDGE SCHMITT: [12:08:47] Thank you, Ms Massidda.
- 5 Thank you for the moment, but it's not finished, Mr Musisi.
- 6 And I assume Ms Hirst has no questions.
- 7 And from the Prosecution, Mr Sachithanandan, also no questions. No.
- 8 Then I can give immediately the floor to Mr Ayena for the questioning by the
- 9 Defence.
- 10 Perhaps we can for the record, the Defence team has been amended a little bit, Mr
- 11 Titus Ayena, I think, Mr Bajnovic, and a lady whose name I don't know.
- 12 MR AYENA ODONGO: [12:09:56] The lady, Mr President, is Ms Inshuti Ishimwe
- 13 Zirimwabagabo.
- 14 PRESIDING JUDGE SCHMITT: [12:10:15] Thank you very much.
- 15 MR AYENA ODONGO: [12:10:18] She is an intern.
- 16 QUESTIONED BY MR AYENA ODONGO:
- 17 Q. [12:10:24] Professor Musisi, you're most welcome to this honourable court.
- 18 A. [12:10:29] Thank you, Mr Ayena.
- 19 Q. [12:10:31] And I want to thank you very much for your very lucid answers,
- 20 which has shed light to a very great extent so far --
- 21 A. [12:10:40] Thank you.
- 22 Q. [12:10:41] -- on what we are seeking for.
- 23 There are areas, Professor Musisi, you may realise were not asked by my learned
- 24 friend, Ms Massidda, but they were in your report. It is my duty to help you run
- 25 through them for the information of Court.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 A. [12:11:15] Thank you, Mr Ayena.

2 Q. [12:11:16] But to a great extent I think I will only in passing refer to areas that
3 you have already covered with Madam Massidda.

4 Now, Professor, referring to the instruction given to you by my learned friend,
5 Paolina Massidda, you were asked to, and I quote, "In light of your expertise in
6 medical health and your knowledge of the Ugandan background", blah, blah, blah,
7 "draft an expert report on the interplay of Acholi cultures with traumas/PTSD."
8 For the record, your Honours, this is reflected in ERN, UGA-PCV-0003-0001 at page
9 0002.

10 However, from the onset, Professor, you formulated the topic of your expert report as
11 follows: "Expert Report on the Interplay of Acholi Culture with the Traumas Meted
12 out to the Acholi People of Uganda by the Lord's Resistance Army, LRA."

13 This is to be found on page 46, ERN-46.

14 Now, Professor, you're aware though that the LRA is not on trial here, although your
15 topic is exclusive about LRA. And, indeed, as you acknowledge at page 6 of your
16 report, and the ERN is ending with 0055, our client, Mr Ongwen was once originally
17 abducted as a child soldier. I hope you're aware of this.

18 A. [12:13:55] Yes.

19 Q. [12:13:56] Yes. So now that we agree, working on that premise, I am going to
20 ask you a few questions regarding your findings. Now, Professor, reading the two,
21 the instruction given to you and the topic of your expert report, would you say that
22 you conformed to the terms of reference given to you by Mrs Massidda?

23 A. [12:14:35] Thank you, Mr Ayena. First, it was my understanding it was mental
24 health, trauma and Acholi culture. You have said medical health, trauma and Acholi
25 culture.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 Mental health is only one aspect of medical health. We in medicine recognise three
2 aspects: Social, mental and physical. I'm dealing, I dealt with mental largely.
3 There are other aspects, for example, I didn't deal a lot on HIV/AIDS. I didn't deal a
4 lot on neegrific (phon) diseases. It goes on and on.
5 So I restricted myself to mental health, trauma and Acholi culture.

6 Q. [12:15:36] Now, as you considered the interplay of Acholi culture with the
7 traumas meted out to the Acholi people of Uganda, did you also consider -- by the
8 LRA, meted by the LRA, did you also consider the traumas that may have been meted
9 to the Acholi people by other players in the conflict such as the UPDF and its allied
10 forces, especially FEDEMO, who came from central Uganda, and the LDUs?

11 A. [12:16:15] Mr Ayena, with all due respect, I think I was instructed to address the
12 atrocities of the LRA, not of other players.

13 As a Ugandan I am aware that there have been many killer movements in Uganda. I
14 am also aware it takes two to be in combat. And things happen because both sides
15 do shoot, and bullets are blind sometimes or often.

16 So I am aware, but I wasn't instructed to go into the genesis or the reasons or the
17 intentions of the war. It is what the activities that were done by the LRA to the
18 abductees and in their communities, that's where I started my report.

19 Q. [12:17:30] Thank you very much, Professor.

20 In that context, therefore, Professor, would I be right to conclude that your report may
21 have missed out some major considerations that may have built your report into a
22 tremendous hole when you talk about interplay of traumas with Acholi culture?

23 A. [12:18:02] Only insofar as my instructions went. Like I said, there are many
24 things that happen in wars. My report explicitly addressed what I was asked to
25 address.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 Q. [12:18:25] Because, Professor, I thought we would agree that the instruction was
2 to draft an expert report on the interplay of Acholi cultures with traumas, PTSD, and
3 it was not specific on LRA. That was my understanding. Maybe we can read that
4 portion together.

5 A. [12:18:54] Uh-huh. Well, you can read it.

6 Q. [12:18:56] Yes.

7 A. [12:18:58] I see it here.

8 PRESIDING JUDGE SCHMITT: [12:18:59] Yes, but I think we don't have to read it
9 out. Ms Massidda has already said that he has already confirmed this and he knows,
10 of course, this one. And we have to look at this instruction as a whole. So he might
11 have understood, if you look at page 1, for example, the description of the case, what
12 it is all about, that this was also part of the instructions. So it is, strictly speaking, it's
13 okay, it is correct what you are saying, Mr Ayena, that it is not mentioned there, but if
14 you put it into the whole context of the instruction.

15 But he might answer if he wants to add something, Mr Musisi.

16 THE WITNESS: [12:19:42] If I understand it, you want me to talk about other aspects
17 of the war as an expert. I don't think that I'm an expert on everything. I can't, for
18 example, speak about socio-economics or socio-economic development of the war.
19 Other people can do that. They can give you all kinds of statistics as experts in those
20 areas.

21 My area was to mention the mental health sequelae of trauma and how it was
22 expressed by the Acholi in their cultural ways, and that's what I did.

23 MR AYENA ODONGO:

24 Q. [12:20:34] Thank you very much. Great.

25 Now, Professor, I also note that you have extensively expressed yourself on matters

1 which are generally of political and historical nature instead of confining yourself to
2 your area of expertise, which is mental health. And I raise this because you have
3 provided a report which is now evidence in court, so we may have to examine some
4 of these things together; am I right?

5 A. [12:21:16] You're right.

6 Q. [12:21:17] Yes.

7 A. [12:21:17] Yes.

8 Q. [12:21:18] In that context, would I also be right to conclude that your report may
9 not exclusively be based on expert opinion, that there are other parts which are based
10 on your knowledge as an educated Ugandan, an exposed Ugandan for that matter?

11 A. [12:21:46] Thank you, Mr Ayena, for that last statement. In medicine, we
12 believe in causes. We have predisposing precipitating perpetuating factors of illness.
13 It would be wrong medically to talk about an illness without talking about the
14 background to the illness.

15 I also thought that this Court may have needed to know about the background of
16 Uganda, where it is geographically located, about its people, a little bit about its
17 history. I believe those were brief paragraphs as preambles.

18 Q. [12:22:38] Professor Musisi, you talked about independence of Uganda, 1962,
19 and the formation, I mean post-independence experiences of Uganda. I want to put
20 some records right.

21 Who became the first head of state of Uganda at independence in 1962 which you
22 have put in your report?

23 A. [12:23:04] The prime minister?

24 Q. [12:23:09] The head of state, because you talked about the head of state.

25 A. [12:23:14] The prime minister was Milton Obote. Later on he appointed a

1 president, Sir Edward Muteesa, and a vice-president. There was also talk prior to
2 those of Ben Kiwanuka. But that really was not post-independence.
3 Post-independence, we had Dr Milton Obote. I would say that he was the executive
4 head. The others were -- I'm not a politician, but they came on later. And whatever
5 they were called I think are things that history books can tell us. I see that you are
6 technically wanting me to define who head of state is.

7 Q. [12:24:17] Mm-mm.

8 A. [12:24:19] But what I know is that the prime minister with executive powers was
9 Mr Milton Obote.

10 Q. [12:24:26] Thank you.

11 PRESIDING JUDGE SCHMITT: [12:24:27] We have seen what is in the report here,
12 and it is exactly like Mr Musisi explained it to us. And if you have something to
13 contest in that regard, perhaps you should refer to that.

14 MR AYENA ODONGO: [12:24:43] Yes.

15 PRESIDING JUDGE SCHMITT: [12:24:44] You should not repeat, you should not
16 repeat what is in the report.

17 MR AYENA ODONGO: [12:24:48]

18 Q. [12:24:48] Would it be correct, Professor Musisi, to say that Milton Obote was
19 the head of government, but Sir Edward Muteesa was the president and the head of
20 state, and Dr Obote was not the head of state at that point? Just a correction.

21 A. [12:25:12] Point of information, at independence --

22 Q. [12:25:15] Yes.

23 A. [12:25:15] -- Muteesa was not the president, and I think you know that. He
24 became president later, appointed by Mr Obote. History books will tell you that. I
25 was fortunate to have been alive and knowledgeable.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [12:25:31] But I have to intervene now. We don't
2 continue with that line of question and answers. It's not a history lesson. And the
3 history of Uganda is, I think, at least when it comes to such figures which can be
4 objectively determined, are facts of common knowledge.
5 I know your point, of course, but we are not entertaining now a discussion what
6 prime minister or head of state or head of government or vice prime minister or what
7 this really meant because this is not at the core of the report that Mr Musisi has given
8 us.
9 I have understood your point, that we have here a chapter which does not centre
10 exactly around the core competence of the expert. We have seen that.
11 MR AYENA ODONGO: [12:26:26] Mr President, with due respect, later on I shall
12 dwell on tracing the sources of traumas. Now that is why some of these things
13 are -- I hope you will not find them completely irrelevant because --
14 PRESIDING JUDGE SCHMITT: [12:26:46] But now that --
15 MR AYENA ODONGO: [12:26:47] That one I have considered.
16 PRESIDING JUDGE SCHMITT: [12:26:49] Yes, okay.
17 MR AYENA ODONGO: [12:26:50] Yes.
18 PRESIDING JUDGE SCHMITT: [12:26:51] Now we move on.
19 MR AYENA ODONGO: [12:26:52] Yes. But I want Court to bear in mind that some
20 of these build into what I am going to talk about in terms of traumas that, you know,
21 had a role in Acholi.
22 PRESIDING JUDGE SCHMITT: [12:27:08] But as I said, we don't entertain
23 discussions between the examiner, so to speak, and the expert on certain historical
24 issues.
25 So please move on to the next point.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [12:27:24]

2 Q. [12:27:24] And, Professor Musisi, your report seems to suggest that by
3 independence in 1962, the western tribes shared the same political ideology with the
4 central Uganda.

5 And I say this, Mr President, because, you know, these are things that have impacted
6 and --

7 PRESIDING JUDGE SCHMITT: [12:27:46] This, I have not intervened.

8 MR AYENA ODONGO: [12:27:49] Okay.

9 PRESIDING JUDGE SCHMITT: [12:27:50] And that for a reason.

10 MR AYENA ODONGO: [12:27:52] I was preempting, I was preempting you.

11 PRESIDING JUDGE SCHMITT: [12:27:54] Yes, exactly.

12 MR AYENA ODONGO: [12:27:57]

13 Q. -- same political ideology with a central Uganda tribe, that is the Buganda if I
14 am right, refer to your statement starting with "All these developments did not auger
15 well with the mainly Bantu-speaking ..." people; is that correct?

16 A. [12:28:17] Mr Ayena, I would like to say that's not correct. I would like you to
17 quote me where I said that the western peoples shared an ideology with central
18 Uganda. I'm not even so sure whether I used that word "central Uganda".

19 MR AYENA ODONGO: [12:28:43] With all due respect, Mr President, and your
20 Honours, I'll refer to ERN ending with 53.

21 PRESIDING JUDGE SCHMITT: [12:29:08] Perhaps more specifically exactly where
22 are we now?

23 MR AYENA ODONGO: [12:29:12] We're on page 5 of his report.

24 PRESIDING JUDGE SCHMITT: [12:29:18] I would say on page 4 if it is the ERN
25 ending with 53.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [12:29:25] Yes, on page 3.

2 Q. [12:29:36] If you come down to the middle of that sub-topic " Militarisation of
3 Uganda's Politics and Emergence of the Lord's Resistance Army", "All these
4 developments did not auger well with the mainly Bantu-speaking southern and
5 western ethnic groups/tribes who felt oppressed, marginalised and excluded from
6 Uganda's political power."

7 In context I suppose that you don't have to use the word "ideology" to understand
8 that they were sharing the same political problems at the time, is that what you meant,
9 or maybe you --

10 A. [12:30:34] Mr Ayena, I think I would like to be protected here. I don't whether
11 political problems means ideology.

12 Q. [12:30:38] Can you explain that what you meant?

13 A. [12:30:39] No, no, no. I think I would like you to explain that, because you are
14 the one using it. I didn't use those terms. I didn't say they shared an ideology. I
15 didn't say "central Uganda". I said the "central kingdom of Buganda". It's right
16 there.

17 PRESIDING JUDGE SCHMITT: [12:30:53] Yes. And I think what is really --

18 THE WITNESS: [12:30:56] And I think these are your interpretations of what I
19 wrote.

20 MR AYENA ODONGO: [12:31:00]

21 Q. [12:31:01] Now, you talked about central Uganda. You didn't talk about the
22 central kingdoms.

23 A. [12:31:06] It says here "King of the central kingdom of Buganda".

24 PRESIDING JUDGE SCHMITT: [12:31:11] Really, I'm relatively indulgent, but we
25 don't continue like that. We continue now as I tell you. If there is a quote out of the

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 report, it has to be made correctly word by word and then put, drawing a question
2 out of it and put to the expert. Indeed, there is political power here and not ideology,
3 and I don't have to repeat that.

4 And also it has to be made clear what effect these, let me say, historical remarks by
5 Mr Musisi might have had on his later findings. I don't see it, frankly speaking. It
6 is simply, I would not even say, I would not want to say he could have also left it out,
7 but nevertheless I would really like to see the relevance of such historical remarks,
8 which are not, you admit that, not your core competence, the relevance for the later
9 findings of the report.

10 THE WITNESS: [12:32:17] Thank you.

11 PRESIDING JUDGE SCHMITT: [12:32:17] Otherwise we spend uselessly our time
12 here in the courtroom.

13 MR AYENA ODONGO: [12:32:23] Mr President, like I said before, the problems that
14 finally crystallised into the conflict between the LRA and the government of Uganda
15 has its origin in some of these assertions.

16 PRESIDING JUDGE SCHMITT: [12:32:45] Yes, yes. But I think the problem that I
17 see here is that Mr Musisi has focused on the LRA, obviously, yes. So what could be
18 perhaps helpful is if you put to him if other conflicts parties or other parts of the
19 conflict could have also impacted on trauma, for example.

20 MR AYENA ODONGO: [12:33:12] I'm coming to that, Mr President, I'm coming to
21 that.

22 PRESIDING JUDGE SCHMITT: [12:33:15] Yes, yes.

23 MR AYENA ODONGO: [12:33:16] But you see, without asking this --

24 PRESIDING JUDGE SCHMITT: [12:33:17] Yes, I understand where you're heading
25 at. But in my opinion you can do this more straightforward, let me word it this way.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [12:33:26] I'm guided, Mr President.

2 PRESIDING JUDGE SCHMITT: [12:33:27] Yes.

3 MR AYENA ODONGO: [12:33:28]

4 Q. [12:33:38] Professor Musisi, can you describe what you mean by ethnically
5 driven political intrigue and events that led to the 1966 crisis?

6 A. [12:33:49] Mr Ayena, I don't think that my report was about the 1966 crisis, and I
7 don't think that I was instructed to address that. The 1966 crisis is different from this,
8 but it happened in Uganda. And it was only brought up there to show that the
9 politicisation or the militarisation of Uganda's politics did not start with the LRA, full
10 stop.

11 PRESIDING JUDGE SCHMITT: [12:34:46] Okay. So I think we leave it at that.

12 MR AYENA ODONGO: [12:34:48] Yes.

13 PRESIDING JUDGE SCHMITT: [12:34:49] And we are constantly talking about the
14 background.

15 MR AYENA ODONGO: [12:34:51] Yes.

16 PRESIDING JUDGE SCHMITT: [12:34:52] I really would advise you to move on to
17 the specific issues that the report tackles.

18 MR AYENA ODONGO: [12:34:59]

19 Q. [12:35:08] Now, Professor, in your report you talk about power and military,
20 political power and military shift from the north to the south. Would you agree with
21 me that the political and military power-shift in Uganda was violent and as such was
22 traumatic to the people of Acholi among others?

23 A. [12:35:32] The shift was military. The traumas in the shift were not -- or the
24 militarisation that was happening in Uganda at that time was not only limited to the
25 Acholi. There were all kind of wars. There was the Luweero triangle. There were

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 so many other wars that were happening precedent to the emergence of the LRA.
2 Let me give you an example. I left Uganda because of wars. And I was in Kampala
3 and among Muganda. But I was caught up in a war that removed Idi Amin with
4 shelling in Kampala. My colleagues died. They were killed in the doctor's village
5 in Mulago Hospital. I could tell you their names. And they're from different tribes,
6 by the way, you know. Baba was killed, Songo was killed, Wandera was killed,
7 others were injured, some are still alive. These are precedents that were happening
8 to our country which I hope will not be repeated.

9 PRESIDING JUDGE SCHMITT: [12:37:06] Mr Ayena, you know I am always
10 wording very nice, I said "advise" and "indulgent" and so on.

11 MR AYENA ODONGO: [12:37:06] Yes.

12 PRESIDING JUDGE SCHMITT: [12:37:08] But please take it now, yes, as a strong
13 advice that you don't need to lay further foundations for the future question that I
14 assume you are going to put to the expert. So you can be much more
15 straightforward in my opinion.

16 MR AYENA ODONGO: [12:37:27] Thank you, Mr President.

17 Q. What I am saying, Professor Musisi, is that when this shift happened, could it
18 have impacted violently on the Acholi people, especially when they reached
19 Acholiland?

20 PRESIDING JUDGE SCHMITT: [12:37:44] Exactly like that, for example.

21 THE WITNESS: [12:37:50] The shift?

22 MR AYENA ODONGO:

23 Q. [12:37:52] In military and political power.

24 A. [12:37:54] It was a violent shift. There is no doubt about that. It continued as
25 the resistance continued.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 Q. [12:38:05] The question --

2 A. [12:38:06] So I agree with you. Since the resistance was in Acholiland, sure,
3 and it went on for the next 20 years or more.

4 Q. [12:38:16] And the experiences were traumatic?

5 A. [12:38:23] War is traumatic.

6 Q. [12:38:25] Thank you. I don't know whether I should put this, but since it's in
7 your report, you know, there is an opportunity to correct some of these things even
8 between us as citizens of Uganda. Which ethnic group dominated the post-Idi Amin
9 Ugandan military? Because you talked about it. And in particular, I'm looking at
10 the ERN ending with 46 of your report and which you repeated on page 49 and 53,
11 where you said "With the help of Tanzania, Idi Amin was overthrown by Ugandans
12 mainly from Central, Western and Eastern Uganda tribes and they later overthrew the
13 returned Obote ..." government.

14 A. [12:39:39] That's true.

15 Q. [12:39:40] Is it --

16 PRESIDING JUDGE SCHMITT: [12:39:42] That's -- for the sake of expeditiousness, I
17 allowed the question, and the answer was, "That is true", and we don't discuss now
18 with the expert if it is true or not because the expert is an expert on psychiatry, on
19 trauma and not on history. There might be other opinions on that, but we have to
20 move on now.

21 MR AYENA ODONGO: [12:40:05] Mr President, that's why in my opening question
22 I raised specifically the fact that quite a number of issues were based, I mean, his
23 report could easily be divided into fact evidence and expert evidence.

24 PRESIDING JUDGE SCHMITT: [12:40:27] You can really be sure and certain that we
25 have recognised that and we have noted that. So you can simply, as I said, and I

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 really want not to repeat it again, we can really move to the specific issues of the
2 expert report and you can put the propositions that you want to put to the expert to
3 him now.

4 MR AYENA ODONGO: [12:40:53] Okay.

5 PRESIDING JUDGE SCHMITT: [12:40:55] We don't have to go back to background
6 and history and summary and so forth.

7 MR AYENA ODONGO: [12:40:59] Yes.

8 PRESIDING JUDGE SCHMITT: [12:41:00] We have noted --

9 MR AYENA ODONGO: [12:41:02] Yes, okay.

10 PRESIDING JUDGE SCHMITT: [12:41:03] -- that indeed the expert report is, so to
11 speak, divided in parts that pertain to the core competence of the expert and parts
12 that simply provide information that perhaps any Ugandan who is educated might
13 have provided us with. So we have recognised that.

14 MR AYENA ODONGO: [12:41:26] Thank you, Mr President and your Honours.

15 Q. [12:41:30] Professor Musisi, in your report you strongly suggest that LRA has its
16 roots in tribal sentiments by the Acholi people to regain their lost glory.

17 My question is, did you research on the psychosocial conditions imposed on the
18 Acholi people by the UPDF and its allied forces especially, and in particular,
19 FEDEMO and the LDUs; example, the rape of men normally termed as "tek gungu"
20 and women; the cattle rustling; the massacre at Buchoro and Corner Kilak to mention
21 but a few?

22 A. [12:42:33] The beginning of your question was?

23 Q. [12:42:35] Did you research for the psychosocial conditions which were imposed
24 on the Acholi by these groups that I listed, made mention of?

25 A. [12:42:50] The warring factions --

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 Q. [12:42:52] Yes.

2 A. [12:42:54] -- were many as I mentioned. My report centred on the atrocities
3 committed by the LRA. I was not asked to go into atrocities committed by other
4 forces. I'm aware of them. But I'm aware of them.

5 Q. [12:43:21] You're aware of them?

6 A. [12:43:22] Yes.

7 Q. [12:43:22] Thank you. Did you for instance read Dr Olara Otunnu's genocide
8 in Acholi?

9 A. [12:43:33] I'm very much aware of it.

10 Q. [12:43:36] Did you read the opening statement of the LRA delegation giving the
11 root causes of the war in Acholiland, the conflict between the LRA and the
12 government of Uganda?

13 A. [12:43:53] Mr Ayena, my instruction was not going to those. My instruction, as
14 you so pointedly, was about the mental health and the trauma in Acholi culture, in
15 the Acholi people from atrocities committed by the LRA.

16 For your information, I've done research on all kinds of warfare in Uganda, mental
17 health problems, not just in Gulu. In Soroti, in Luweero, in Bundibugyo, in West
18 Nile, and I continue to do that. I even have a journal. I'm an editor of a journal that
19 I started myself, you know, for 10 years documenting these things, reading about
20 these things. To put them all in a report would mean a very huge report.

21 I had a letter of instruction which I followed heading by heading on what I was
22 supposed to do. That's what I did. To ask me whether I read all these thousands of
23 reports, I don't know if that's very fair. I wasn't doing a PhD dissertation.

24 Q. [12:45:18] Fair enough. Now, in any event, Professor, if these or at least some
25 of them, I mean, you have alluded to the fact that you are aware of some of them had

1 any basis, would you agree with me that they were trauma factors with the potential
2 of rupturing the cultural balance of the Acholi people long before the onset of the
3 LRA?

4 A. [12:45:49] With all due respect, Mr Ayena, what we are talking about are
5 atrocities that went on for 20 years. Some of the things that you are saying did not
6 go on for 20 years. They did not go into disrupting Acholi cohesion and social order.
7 For your information, Mr Olara Otunnu was minding the president. I know him
8 very well. We have talked. I met him in New York. I talked to him not too long
9 ago. He's a Fulbrighter like myself, so I'm aware of these things, but those were not
10 the focus of my report.

11 Uganda has a long history and a long -- many, many political struggles. I wanted to
12 talk about what I was instructed about, which was what were the mental health
13 sequels of the insurgency, in particular, the effect on the abducted girls and child
14 soldiers and then life in the IDP camps.

15 If I asked whether Olara's report talked about nodding syndrome, it's not there. Yet,
16 it is such a big thing up to now in Uganda. You can't belittle him or berate him for
17 not having mentioned it. Reports can't cover every single thing and I'm sure you're
18 aware of that.

19 Q. [12:47:25] Professor, further down on you have stated, you stated that for the
20 first time Uganda's political and military power shifted from the north to the south
21 and you continued to say, "The Northern peoples felt threatened and excluded."
22 You state further that, "The LRA was a military insurgency which promised
23 self-preservation of the Acholi people, after many years of isolation and
24 atrocities -- many years of isolation and atrocities meted out to them by various
25 governments of Uganda."

1 This is reflected on the top page or at the top of your page 54 of your report.

2 A. [12:48:24] Yes.

3 Q. [12:48:25] Now, Professor, other than the NRM and the Idi Amin government,
4 which other government in Uganda isolated the Acholi and meted out atrocities to
5 them?

6 A. [12:48:41] Mr Ayena, as you're aware, we've had many governments in Uganda,
7 some lasting three months, others lasting eight months. I didn't have to go through
8 all of them, but you have mentioned the big ones. But there are others, and I'm sure
9 you're aware of them, and during their reign, wars were going on and people were
10 fighting, and there were ethnically pointing fingers.

11 Q. [12:49:14] Professor, I'm raising this to you in relation to your answer that, you
12 know, some of these wars lasted for just a few months, and therefore they could not
13 have been factors for traumas like the war that lasted for 20 years, the LRA war. So
14 in view of your recognition that there were many years of isolation and atrocities
15 meted out on the Acholi people by many governments, would you agree with me that
16 some of these could have had the potential of causing trauma to the people of Acholi?

17 A. [12:50:07] Like I said before, war is war. War is traumatic. But sometimes
18 when you go to look at this, for example, you don't speak of child soldiers in Amin's
19 wars. You don't speak of IDP camps in Amin's wars. When Binaisa was president,
20 you didn't think, you know, of insurgencies. When Lule was president, there were
21 no IDP camps.

22 So we are talking about apples and oranges. I was asked to address specifically the
23 LRA insurgency, not the effects of other wars on the people of Acholi or for that
24 matter on the people of Uganda, you know. Talking about genocide in Uganda,
25 Olara Otunnu was not the first report. There was talk of genocide in the Luweero

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 trial, we are aware. They are now talking about genocide in the Kasiisi region of the
2 recent atrocities. We can't go into all of these things.

3 Maybe I mention it in my closing statements about warring in Africa, which has
4 become endemic.

5 PRESIDING JUDGE SCHMITT: [12:51:31] Do you allow me a question, Mr Ayena?
6 Perhaps a follow-up to your question and what you answered.

7 If we assume that there might have been in history several sources or several potential
8 sources of trauma, and if we are speaking of the general effects, a general trauma of a
9 society, is it possible to distinguish between the different potential sources of trauma
10 in history, you know, the effects on the people?

11 So if you have a -- if you recognise, not -- of course, individually you can always say
12 this pertains to an abduction from whom whatsoever, that is clear. But if we are
13 talking about a general trauma of a society and if there are different potential sources
14 for this trauma, is it possible to distinguish between these different sources? You
15 understand what I mean.

16 THE WITNESS: [12:52:37] Yes, thank you, Mr President.

17 PRESIDING JUDGE SCHMITT: [12:52:38] Could you really attribute, so to speak --

18 THE WITNESS: [12:52:41] Okay.

19 PRESIDING JUDGE SCHMITT: [12:52:42] -- such a general trauma to, for example,
20 here? The LRA?

21 THE WITNESS: [12:52:46] Okay. Thank you, Mr President. I think there are two
22 issues here. The first is the chronology of events. We are talking about things that
23 have been happening in Acholiland for 20 years, from about in the '80s.

24 Maybe mid-80s, moving upwards, 1988, for example, the LRA.

25 The things he's talking about, some of them happened in the '60s, totally unconnected,

1 totally unrelated.

2 But if we talk about war, sure, war has been going on. The methods of war in all of
3 these different regimes or warrings have deferred the use of abducting children, and
4 putting them to be child soldiers is very much a function of the LRA.

5 The burning of villages, of granaries, in massive rape of women, in mutilations of
6 people, cutting off lips, ears, noses, these are things of the LRA, these are things that I
7 was told to address, these are things that puzzled the ordinary folk in northern -- in
8 Acholiland about their own children doing it to their own people.

9 That's the crux of the matter, something which they've had difficulties understanding,
10 something which actually turned them against Kony.

11 To put them and confuse them with the political manoeuvrings, for example, of you
12 know, of the Obote/Mutesa era in 1966, 15 years ago, I think is to mislead the
13 audience, I'm sorry to say.

14 PRESIDING JUDGE SCHMITT: [12:55:00] I think, Mr Ayena, did not want to
15 mislead anyone. It was simply also in your report and because of that he addressed
16 it.

17 I suggest because we have also another obligation as Judges during the lunch break
18 that we have now the lunch break until 2.30.

19 MR AYENA ODONGO: [12:55:18] Yes. Thanks.

20 PRESIDING JUDGE SCHMITT: [12:55:22] Yes.

21 THE COURT USHER: [12:55:23] All rise.

22 (Recess taken at 12.55 p.m.)

23 (Upon resuming in open session at 2.33 p.m.)

24 THE COURT USHER: [14:33:18] All rise.

25 PRESIDING JUDGE SCHMITT: [14:33:42] Mr Ayena, you still have the floor.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

- 1 MR AYENA ODONGO: [14:33:45] Mr President and your Honours, before I begin,
2 we have a new face in the courtroom, an intern, Mrs Iffat Rahman.
- 3 PRESIDING JUDGE SCHMITT: [14:34:06] Thank you.
- 4 Q. [14:34:10] Good afternoon, again, Professor Musisi.
- 5 A. [14:34:14] Good afternoon, Mr Ayena.
- 6 Q. [14:34:16] Yes. Professor, we left off this early afternoon from the point of other
7 people involved in the war and you were saying some of them were too distant in the
8 past to have impacted on the Acholi people.
- 9 Let's bring the war closer to the period relevant to our discussion.
- 10 Number one, do we believe that such operations like Operation North was directly
11 relevant to the discussion of the conflicts of the LRA in Acholiland?
- 12 A. [14:35:08] Mr Ayena, could you tell me a little bit more about Operation North.
- 13 Q. [14:35:14] Operation Iron --
- 14 A. [14:35:15] Iron Fist.
- 15 Q. [14:35:16] No. We begin from Operation North.
- 16 A. [14:35:18] Please explain to me a little bit.
- 17 Q. [14:35:20] Operation North was that military operation around 1990 where
18 northern Uganda was cordoned off in order to sort out the problem of the LRA and it
19 concentrated in the Acholiland, this is when key political figures in Acholiland, like
20 the late Tiberio Okeny, people like Professor Zakari Olum, Honourable Omara Atubo,
21 and many others, were incarcerated, actually given very inhuman treatment. I don't
22 know whether you remember that.
- 23 A. [14:36:04] In 1990 the LRA war was on.
- 24 Q. [14:36:08] Yes. Do you also remember the episode that happened in Burcoro in
25 Acholiland.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 A. [14:36:26] Mr Ayena, I don't know all the battles or all the operations that took
2 place in Acholiland.

3 PRESIDING JUDGE SCHMITT: [14:36:33] I think I take it also as that Mr Musisi
4 does not have knowledge about Operation North and it does not make sense to
5 explain it to him, because if you have to explain in detail what it is about, he cannot,
6 he obviously cannot comment on it. Also on these battles. So you would have to
7 move on. Whatever this means, but we don't get any further, I would say here,
8 simply.

9 MR AYENA ODONGO: [14:37:00] Okay, I am guided.

10 Q. [14:37:02] Now, Professor Musisi, you seem to be more comfortable with
11 Operation Iron Fist.

12 A. [14:37:10] I am aware of that.

13 Q. [14:37:12] Yes. And are you aware that it happened between -- I mean it
14 started in 2002 and chased away the LRA from Sudan back into Uganda?

15 A. [14:37:31] Mr Ayena, there were many battles in northern Uganda from the
16 beginnings of the LRA for about 20 years. Like I mentioned before, I didn't go into
17 the details of each and every day of what happened or each and every operation that
18 happened there. It was an insurgency, like a protracted war that went on for a long
19 time. I would not be aware of all the details of all the battles, or the different names
20 they called the different operations. I was not in the military. In fact, to tell you the
21 truth, I was not even in the country at that time. I came back to Uganda in 1998. I
22 began working to help the people of northern Uganda in about 1999 up to now.
23 But I read a lot about various things. I can't say I read everything, you know, about
24 it all. So I think to really get me to comment in detail about all the battles, it would
25 be very difficult for me.

1 PRESIDING JUDGE SCHMITT: [14:38:59] I think we would, I would allow further
2 questioning in that respect if it would be related directly specifically to the issues that
3 we hear, Mr Musisi, meaning the trauma of the Acholi people.

4 MR AYENA ODONGO: [14:39:16] Yes, yes.

5 PRESIDING JUDGE SCHMITT: [14:39:17] So please go directly to what you want to
6 put to him.

7 MR AYENA ODONGO: [14:39:21]

8 Q. [14:39:23] Professor Musisi, given that you concede at least that you are aware
9 that there were so many battles that were fought in Acholiland, my question is: Is it
10 possible that some of these battles which included serious bombardments, allegedly
11 targeted at the LRA, but of course many times with impact on the population, could it
12 have caused fear and the resultant possible trauma in the population?

13 A. [14:40:09] Thank you very much, Mr Ayena.

14 As I mentioned earlier, war is traumatic. Of course the happenings in war are very
15 traumatic including those bombardments you are talking about. Sometimes
16 unselective. My instruction was not to go into the effects of all the traumatising
17 that went on in the war from the different factions and different groups, it was
18 specifically to address the traumas meted out to the Acholi people based strictly the
19 LRA, to the abductees and their impact on the Acholi community. These abductees
20 would include the child soldiers, the abducted girls and also life in the IDP camps.
21 But you are right that wars and traumas, mass traumas, do cause mental health
22 problems. Also to remember maybe that we say PTSD, it's very generic when we
23 say it like that because many things can cause PTSD. Even a car accident can cause
24 PTSD.

25 Q. [14:41:48] And in view of that answer of yours, Professor, would you agree with

1 me that your work may have been made fairly difficult in confining yourself with
2 interplay between trauma caused by LRA and the Acholi culture, because some of
3 these cultures -- I mean, traumas were not LRA, exclusively LRA-specific?

4 A. [14:42:27] Thank you for that question.

5 In answering or in writing a report I had to stick to guidelines. I was not given
6 a blank cheque to say whatever trauma ever occurred in Acholiland, what did it cause
7 the people?

8 When we -- with regards to PTSD, like I mentioned to you, PTSD is a generic term, it
9 means post-traumatic stress disorder, whatever the cause. Even in peaceful days,
10 like I said, car accidents, plane crashes, train crashes, thunder, you know, landslides,
11 volcanoes, you know, mention it, they can all cause PTSD. But when someone says
12 that "When I go to sleep, I see that man coming to rape me and that is a man who did
13 this" or when somebody says "I remember being ordered to shoot my parents and
14 killing them and it torments me", it would be wrong for me to think that that's
15 thunder or that's a car accident. I have to relate it, you have to relate the event to the
16 symptom.

17 Maybe again to put it in another way, to use another example, if you say you have a
18 high fever, temperature, fever, it could be to malaria, it could be to pneumonia, it
19 could be to other kinds of infections, it could be to a number of things. So PTSD is
20 a common pathway but it can be caused by various things. And much as we are
21 saying war trauma, there may have been other calamities, sure.

22 Q. [14:44:26] Professor, what I am aiming at is to direct your mind to the fact that
23 there was a situation, a war situation in Acholiland and this war situation did not
24 confine itself to fighting between the fighting forces. All the evils that were
25 allegedly -- I mean that were associated with the LRA were, according to reports

1 available, or evidence available, also committed by the other fighting forces. For
2 instance, when you give an example of a person who raped me, when I see him I
3 know, because it's me, trauma, in that case we are suggesting that, could it have been
4 that these other fighting forces also committed acts of rape and so on and so forth?

5 A. [14:45:25] We know that in war atrocities are not done by only one side.
6 We also know, like I said, that other traumas can also cause PTSD. My task was not
7 to address all the possible cause of trauma in Acholiland. It was to say that the
8 trauma of the LRA, does it explain the symptoms we have seen in the abducted, in the
9 abductees, be them child soldiers, be them abducted girls? And also to address life
10 in the IDP camps. Full stop.

11 Q. [14:46:23] That brings us to a very important area. Let's talk about the IDP
12 camps. I note in your report that you specifically recognise that the IDP camps, the
13 people of Acholi, and of course other parts of northern Uganda were actually forced
14 into the IDP camps by the government forces, the UPDF.

15 Did your research make some findings about trauma factors that were caused by
16 people other than the LRA, for instance, rape in the IDP camp, torture in the IDP
17 camp, killings in the IDP camps and all that kind of thing?

18 A. [14:47:22] Thank you very much, Mr Ayena.
19 I think I addressed that. I said life in the IDP camps was very difficult. It was
20 horrible. Many people suffered many things in the IDP camps. Diseases broke out
21 that could not be explained, up to now. For example, nodding syndrome. I
22 remember specifically sitting in the ministry of health and I said, "Look, these are
23 results of life in the IDP camps. Let's disband them, let the war stop and nodding
24 syndrome will disappear. It's not onchocerca volvulus, it's not toxins, it's not rotten
25 foods. When the IDP camps were disbanded no new cases came. And the graphs

1 are there. The ministry knows it. But what remained were people were damaged
2 by whatever happened in life in the IDP camps. Young children. You have to
3 remember there were food shortages there, so there were vitamin deficiencies, there
4 were no medications, epidemics broke out, measles, meningitis, HIV, malaria,
5 dysentery, cholera. Some of these affect the brain and damage it. A damaged brain
6 will have seizures.

7 Somebody not aware, and I heard arguments with people from -- who were brought
8 in from CDC, saying that this is epilepsy. I have seen epilepsy. People
9 have -- people in northern Uganda know epilepsy. They can call it a different name,
10 but they recognised that this other new syndrome was different. They related it to
11 war. The graphs showing its epidemic rise were very coincidental with people
12 going to the IDP camps and dropping when they left the IDP camps. IDP camps
13 were the source of continuous attacks, burning houses. IDP life was not controlled.
14 Family cohesion wasn't there. People were wandering about, young people who
15 were not employed who were walking around, both boys and girls. Of course there
16 were rapes there.

17 They were not the kind of rapes or forced marriages that were found in the bush.
18 Like I was saying, PTSD is a final common pathway. But you have to understand
19 the individual, study them and their history to be able to say their PTSD is related to
20 this. And the majority of the child soldiers or abducted girls would eventually tell
21 you that the course of the abduction and the life in the bush is where their PTSD came
22 from.

23 Q. [14:50:34] Thank you very much, Professor, for the elaboration.

24 Now I want to put another question related to the IDP camps. Did you study the
25 new development in Acholi in other parts of northern Uganda where, you know,

1 there is a culture of peri-urban mentality where, you know, the social life of people
2 have changed, you know, rather than confine themselves to the farmland, they --

3 A. [14:51:20] Thank you, Mr Ayena. I think I have sections of my report that
4 exactly say that.

5 Q. [14:51:21] Yes.

6 A. [14:51:22] That when people were brought to the IDP camps, they lost the family
7 cohesion which was in their homesteads, the family connectedness. The fathers lost
8 their position in society, in life. Demoralisation, culturalisation of children
9 disappeared.

10 Other things also came in that became very difficult. It was crowded. You can
11 imagine a whole homestead with many huts now being confined to one or two huts.
12 Fathers, mothers, children are all living there. Before Acholi culture had arranged
13 itself in such a way that, for example, sex between the mother and the father was in
14 their own hut away from the children, only in the night.

15 Now you have a situation whereby you are in the IDP camps, and everybody is living
16 together, and life continues. So moral breakdowns do happen. Social cohesion
17 breaks down. Parenting guidelines break down. Parent authority breaks down.

18 There are also things we call survival behaviours. You've called it peri-urban
19 mentality. I am not so sure whether I want to call it that. But, for example, loose
20 sexual morals, you know, would happen and then something called survival sex,
21 whereby, for example, young girls would engage into commercial sex to get food
22 rations, because now food was not coming from the farm anymore, it was being
23 distributed, you know, in certain ways.

24 So all of these things came and they disrupted Acholi culture. And I mention it in
25 my report. In fact, the term I used was "things fell apart", and I think you know

1 where I got that statement from.

2 Q. [14:53:26] I have reason to believe where you took it from.

3 Professor, you talked extensively about gang rape by LRA within the population.

4 What I want to find out is did you ever come across any source of information as
5 evidence of this?

6 A. [14:54:01] I would not say "source", it's my own research, especially when I was
7 working with the NGO called Isis-WICCE. Isis is not the Daesh, you know, of the
8 Middle East. Isis is an Egyptian god, you know, of women. And it is a very old
9 international NGO called Isis-WICCE, Women's Intercultural or Cross-Cultural
10 Exchange.

11 They happened to have had their headquarters, it moves around the world, but for
12 a number of years they had it in Uganda. And I worked with a lady called Ruth
13 Ojiambo. And I actually conducted and directed research into sexual atrocities on
14 women in Gulu, in Soroti, in Kitgum, in all of these areas, and that is where we are
15 going to get reports of gang rape, which nobody was talking about, and also of
16 homosexual rape, which nobody had written about. And I wrote about them.

17 Now, in the beginning, you know, it was gang rape, but then as you read more into
18 the literature, we found that people had described rape trauma syndrome earlier in
19 the Congo.

20 A lady they called Burgess had defined it and printed it in the American Journal of
21 Psychiatry.

22 And then I came across another psychiatrist friend of mine, his name is Sebit, who is
23 in Juba, and he wrote whole articles about gang rape.

24 And then there is another one called Zinundula (phon), who was doing his PhD and
25 he talked about all of these rapes in other parts of Africa.

1 We found them in northern Uganda. People are not calling them like that, but in
2 Isis-WICCE, we were able to identify that. In fact, we wrote a report and took it to
3 the African Union in Addis Ababa and with other members of the African community
4 to try to talk about this traumatising of women in African wars, and Uganda was
5 one of those in Acholiland.

6 So it was my finding in my own research in my trying to help the people of
7 Acholiland.

8 Q. [14:56:09] Professor, I don't know whether I made myself clear. I am not
9 disputing the fact that gang rapes do happen in war situations. My question was
10 specific about the LRA and especially in view of the fact that there was an edict by
11 Joseph Kony, we are told, against sexual immorality or promiscuity, especially when
12 people went to war. There was, we were told, there was a strict instruction against
13 molesting women.

14 About war, I know. So, in other words, could it have been that, you know, the rapes,
15 the gang rapes we are talking about could have been committed by other forces other
16 than the LRA?

17 A. [14:57:10] Mr Ayena, to deny that there was gang rape in the LRA war would be
18 disputed by those who survived it.

19 I don't know whether you came across a lady Mama Silly Salindi and what she was
20 doing. She was --

21 Q. [14:57:37] I am coming to address you on that specifically.

22 A. [14:57:41] Okay. But the thing is, what I am trying to say is that these things
23 happened. I am not going to tell you that -- my patients told me that. I am not
24 going to tell you numbers, because I didn't go to count numbers. My job actually
25 was to help people who were traumatised.

- 1 I still have patients who are victims of those gang rapes. Whether they were
2 permitted by Kony or not, what I know is that rape happened, multiple times,
3 repeated times.
- 4 I could tell you a story of one girl who was abducted, taken to the LRA, who was
5 used as a sex slave many times, eventually became a fighter. She was not put to one
6 wife. She was just there fighting and being raped.
- 7 She left in one of the scuffles, came back, found it very difficult. Left the family, felt
8 very bored, decided to join the UPDF, and two years later became very sick, was
9 found to have HIV/AIDS and later kidney failure. And she told me, "Doctor, I lost
10 my family, my parents had been killed. I lost my education."
- 11 She had then become married to a UPDF soldier when she joined the UPDF. "When
12 he found out I had HIV/AIDS, he has left me. My kidneys are failing. My body is
13 failing me. What do I have left on earth?" She actually stopped talking. She is still
14 my patient somewhere.
- 15 But these things happened. It would be incorrect for me -- I would be intellectually
16 dishonest to say it didn't happen when I saw it in my patients.
- 17 Q. [15:00:00] Thank you.
- 18 A. [15:00:02] Maybe I could add on. The other things that were also prohibited by
19 Kony but which people did, he did not like them to drink alcohol or to abuse drugs,
20 but they did. And we have a big substance abuse problem in northern Uganda.
- 21 So I understand what you are saying, but I don't think that we can deny that gang
22 rapes happened.
- 23 Q. [15:00:32] Well, that's now a matter of evidence. You are talking about your
24 own experience and nobody can deny that. But we are saying that as --
- 25 A. [15:00:43] Mr Ayena, I am sorry to go back.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 Q. [15:00:44] Yes.

2 A. [15:00:45] I think you put a question to me: Are you sure they were done by
3 LRA only? No, I will say no. Other groups also did them. Civilians also did them
4 to each other in the night in the IDP camps, young boys roaming around doing
5 nothing. Those things happened.

6 Q. [15:01:07] And the UPDF and the LDUs?

7 A. [15:01:09] I am sure they would have had reports like that, about that happening
8 also. I am not saying that these were holy armies. I think we are all aware of that,
9 or at least I am aware of it.

10 Q. [15:01:21] I am aware, too.

11 A. [15:01:23] Yes, including you and peacekeepers, I am sorry to say. But you've
12 heard it in documents like that.

13 Q. [15:01:31] Yes. Now, Professor, this is not within your core competence, but it
14 has something to do with the mental element of persons. And since you are
15 a psychiatric expert, I need to put it to you, what do you mean when you talked about
16 distorted Hitler-like ideology?

17 A. [15:01:59] Okay, that's my word.

18 Q. [15:02:01] What was --

19 A. [15:02:03] Yes.

20 Q. [15:02:04] What was Hitler's ideology?

21 A. [15:02:05] Okay. Well, don't me ask what Hitler's -- but ask me what I meant
22 by that, if you don't mind.

23 Q. [15:02:12] I don't mind. Of course I asked you, Professor.

24 PRESIDING JUDGE SCHMITT: [15:02:15] But shortly, please, since you have
25 correctly - but I let the question pass through, because it is, the formulation is part of

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

- 1 the expert report - but since you have already said correctly that it is not the core
2 competence, I would like you to keep it short, please.
- 3 THE WITNESS: [15:02:32] Thank you. Thank you. Thank you very much.
4 People found it very difficult, up to now scholars argue as to why Kony, an Acholi,
5 would go to do what he did to his people. If you are a scholar, you look for other
6 evidences in the world. And we know that people have dreams of pure societies.
7 We also know that the origins of Kony's army were from Alice Lakwena, who talks
8 about a type of purity which was beginning like a religious purity, you know,
9 a cleansing of society, a correcting, a rectifying, creating a new order, producing
10 a pure society of a certain group.
11 Now, from there came the wanting to say we are going to resurrect Acholi pride.
12 We are going to resurrect Acholi society. We are going to have a clean Acholi
13 society. We are going to produce Acholis for Acholiland uncontaminated.
14 These in ordinary scholarship are Hitler, to use a simple term which is easily
15 understood, Hitler-like pronunciations when he wanted to create an Aryan race.
16 He's not the first.
- 17 Q. [15:04:15] Well, he won't be the last, I suppose.
18 But, Professor, do you agree with me that the puritanism that was talked about by
19 both Alice Lakwena and Joseph Kony was not only about purifying Acholi
20 exclusively, but it was about purifying Uganda as a nation, because the Ten
21 Commandments was about bringing edicts, rules and regulations based on the Ten
22 Commandments that would make Uganda a God-fearing country, not necessarily
23 Acholi?
- 24 A. [15:05:00] That was the beginning, it was Alice Lakwena. It became --
25 Q. [15:05:03] (Overlapping speakers) 10 commandments?

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 A. [15:05:04] I understand that, the puritanical, you know, business. It became
2 distorted along the way. And that's why I called about sentiments, you know,
3 because we are not talking about chemical purity here, we're talking about ideological
4 purity and how you persuade people and being able to tell them that this is for you, it
5 is for your society to follow you.
6 So that's where the things are and it is written about. They don't use the word
7 Hitler-like, that I said was my term. But Blattman wrote about it and there was
8 USAID scholar that wrote about it, Annan wrote about it, and others, it is there in the
9 literature, about that wanting to create a pure society of Acholis.
10 Now, if you ask me as a scientists, there are no pure societies anywhere in the world,
11 there have never been. Hopefully there will never be, because we are always mixing.
12 That's the way the world has always been.

13 PRESIDING JUDGE SCHMITT: [15:06:18] And now back to the harm suffered by
14 the victims and the possible potential trauma they have experienced, please.

15 MR AYENA ODONGO: [15:06:25] Yes.

16 Q. [15:06:27] Professor, at page 66, ERN 66, you discuss the anger, fear, sadness and
17 disgust that Joseph Kony perpetuated into the Acholi community, who then tried to
18 isolate him and distance themselves from his actions.

19 Isn't it true, Professor, that even though this isolation happened much later, the
20 Acholi people found themselves suffering at the hands of the government of Uganda
21 and had to continuously prove that they were not LRA collaborators.

22 A. [15:07:14] Thank you, Mr Ayena. You are now coming to the psychology of
23 things.

24 People all over when cornered how to survive, certainly many people realised later on
25 in Acholiland that what Kony was doing was not good for their society. That alone

1 was enough to distance themselves. They also realised the enormity of the UPDF.
2 You are fighting a huge force. They realised it will not be a winnable war. It could
3 translate into who is collaborating with Kony. They had to prove that they are not
4 collaborators.
5 Worldwide they would not be the first people to do that. The Japanese were
6 interned in North America in the Second World War because everybody who was
7 Japanese was thought to be a collaborator, they were interned. They had to show
8 that they were not collaborators.
9 So what they were doing was very natural for survival to show that, no, even if you
10 believed you want to collaborate, you would not dare show because, you know, it
11 would, it would put you into peril.
12 I'm glad you said in the beginning that, you know, you are Ugandan. I am Ugandan.
13 Many times we have seen regimes come and go and we have seen colleagues change
14 overnight. And then you realise that your friend here was actually a collaborator
15 who may even have about armed. We studied in secondary school and I said, look, I
16 had a friend of mine and then suddenly, just like overnight he was in uniform and he
17 was on the other side. And he said, oh, all this time we thought we were running
18 away with him, but he was actually inside the rebel movement.
19 Now, some others were killed, you know, in the process, but what I'm saying is that
20 that is true what you are saying that some may have gone even beyond, you know,
21 acceptability to say I am not part of that.
22 But it also brings me to another question, which is that what do you do, you know,
23 when people -- when you are in a situation like that and people espouse something
24 that you may agree with but would be dangerous to you? Now if you study wars,
25 this thing has happened all the time. In Second World War people protected, you

1 know, German people protected Jews, but there was also a government that was
2 prostituting them. But others protected them. And, you know, I don't know
3 whether you know Schindler's List and others things like that where people were
4 actually going out of their way to protect people that were being attacked. So, yes.

5 Q. [15:10:24] In all this, Professor, we want to relate it to the possibility of trauma
6 factors, you know, a person is persistently pestered, "You are a collaborator, you are
7 a collaborator", has it got a trauma factor in it?

8 A. [15:10:47] Two things. One, to answer your question very simply, of course,
9 because you are being, you know, pointed to all the time, you know. I think I said
10 earlier that trauma or PTSD is a common pathway of many other traumas. There is
11 psychological trauma. People even these days talk about ecological trauma, you
12 know, scorched earth policy, you know, destroy everything. People talk about
13 economic trauma. The one we are talking about with PTSD, the psycho trauma or
14 psychology of trauma and certainly feeling that you are beleaguered, you are
15 cornered innocently, or even if not innocently, can make you get some nightmarish
16 experiences.

17 For psychiatrists they manifest differently, you know. Just like you may say
18 a soldier who suffered PTSD but so are the people that he is attacking, but they
19 manifest differently.

20 Q. [15:12:02] Thank you very much. Now let's go back slightly to the question of
21 sexual and gender-based crimes in the LRA and particularly you talked about, is it
22 Silly Salindi, who was this?

23 A. [15:12:24] Silly Salindi.

24 Q. [15:12:28] Who was she?

25 A. [15:12:29] Well, some people think she was kind of possessed by some god, but

1 her idea was to make people procreate.

2 Q. [15:12:35] Was she a human being?

3 A. [15:12:38] Thank you very much, Mr Ayena, for asking that question because
4 people have been asked whether I have even asked whether Kony was a human
5 being.

6 Q. [15:12:48] I know he was.

7 A. [15:12:50] In other words, the belief in spirits possessing people and manifesting
8 in people or in dreams was widespread. In Africa this happens in war. You are
9 a distinguished academic or a lawyer, you know about the Buganda and their wars
10 with the Bunyoro. They believed in the Kibuka. Kibuka was supposed to fight
11 from the clouds, was supposed to be a Muganda warrior fighting from the clouds and
12 shooting arrows. So every time the Bunyoro saw rain they ran. Was he alive?
13 Did he ever live? Could somebody go up in the clouds and shoot arrows? But this
14 Kibuka. In Kibuka the person actually lived. As to whether he went up with the
15 arrows and shot them down, ask me. Legend would have it that they did. But the
16 thing is that things happen in war, that's why I brought that up to show you that
17 there was sexual activity beyond man and wife in marriage, coerced, repeated all the
18 time.

19 Q. [15:13:59] At this point it may be useful for your purposes, Professor Musisi
20 Seggane, to know that from records available in court Silly Salindi was one of those
21 spirits, many spirits --

22 A. [15:14:17] I am aware.

23 Q. [15:14:19] -- the chairman of them being Juma Oris, incidentally, and then there
24 were others and then, you know, there was this Silly Salindi, she was a spirit, she
25 was --

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 A. [15:14:28] Thank you, thank you very much, Mr Ayena. I am very much aware
2 of that.

3 Q. Yes.

4 A. [15:14:32] But let me say, let me just elaborate a little bit.
5 Spirits represent the once living people. Cen are spirits of dead people. If it was
6 a spirit, it once lived, it could enter into somebody and make them act in certain ways.
7 That sense of apology.

8 Q. [15:14:57] So believes the African man?

9 A. [15:14:59] I'm sorry?

10 Q. [15:14:59] So believes the African man.

11 A. [15:15:03] Well, we can say that, but there are many beliefs in the world we can't
12 prove. Including God, let's put it like that, can't put in a test tube and prove it.

13 Q. [15:15:19] Now let's put in context the instructions of Silly Salindi in respect to
14 sexual and gender-based alleged crimes. Do we agree therefore that matters of
15 sexual relations in the LRA were dictated by the spirits?

16 A. [15:15:53] No. I would like to put it as simple as that.
17 There could have been that Silly Salindi incident, but all the others, the abduction of
18 girls to be given to commanders, to be used in the camps, to be used as sex slaves was
19 not a spiritual command. Unless if you say that Kony was a spirit.

20 Q. [15:16:24] We have been told in this Court that Kony was the spirit medium of
21 all those spirits, including Silly Salindi. If that were was so, would it bring us closer
22 to appreciating the fact that Kony was giving -- I don't want to use -- somebody
23 actually has used the word edicts instead of rules and laws, edicts, that Kony edicts
24 about abduction and wife attribution were the command of the spirits.

25 A. [15:17:13] Kony wasn't a stupid man. Kony knew how to manipulate people

1 psychologically. He knew how to mobilise. He knew how to direct them. Some
2 he may have learnt. He took almost from every aspect of human behaviour to be
3 able to command an army for so long a time. It has to be understood that way.
4 Some people felt he was a spirit, he could foretell the future. If he knew, for example,
5 that from his spy network that UPDF would be coming, he could tell them that he has
6 seen them coming and they should get ready, and if they came and yet he was
7 sleeping in his hut, they all would say he must be a spirit, how does he know that?
8 So there are many things that he used. This idea, I think I put in my report about
9 cult indoctrination, the idea of indoctrinating people is not new. We know even of
10 very educated people who have been indoctrinated, including leaders of governments.
11 I don't know whether you know about the Stockholm Syndrome, you know.

12 Q. (Microphone not activated)

13 A. [15:18:25] Yes. Patricia Hearst or the lawyer in Florida in the United States
14 who was for the Panther brothers, you know, a long time ago.
15 So the idea that you talk people in a cult-like way, capture them and indoctrinate
16 them to behave in a certain way can happen, they can even decide to kill themselves.
17 Waco in Texas. Kibweteere in Uganda, killed a thousand of them, burned them, tell
18 them you're going to heaven. There was a cult-like indoctrination of the people in
19 the LRA. To give him supernatural powers, people even believe that if they run
20 away he will see them, his spirit will get them. Thank you.

21 Q. [15:19:16] In that context, Professor, was it possible for a commander, especially
22 a commander that started as a child soldier to reject an offer of, in quotes, "a wife"
23 given to him by Joseph Kony or under the instructions or command of Joseph Kony?
24 A. [15:19:49] I think there are two things to think about in trying to answer that
25 question.

1 One, there is following an instruction for survival. That's one aspect. I think that is
2 where you are going.

3 There is also knowing that you are following that instruction but it is wrong, because
4 that, for example, that commander would know that rape is wrong, that killing is
5 wrong, that's why he didn't kill his fellow soldiers. There is a time when you judge,
6 because you are human and you have grown up and you think independently,
7 irrespective of what other indoctrinations you may have had. So both parts are true.
8 You may have to do something for survival.

9 Mr Ayena, to indulge you a little bit, I treated children of the Kichwamba ADF rebel
10 attack. These were secondary school students for the rest of the audience who in
11 college the ADF came to attack them, burnt a few of them, killed some and abducted
12 the others. And I treated those who managed to escape. And they escaped by killing
13 others in the regiment, because you would not know who if you tried to escape
14 would shoot you.

15 So some of them would shoot whoever was in their unit and escape. You can do
16 things for survival. When we study -- I don't know, but let me say it. If you go to
17 study what happened in concentration camps in Auschwitz, you would find that the
18 strongest were on the top and the weakest, the children, would be on the bottom,
19 meaning that at that last hour there was a struggle for anything to try to escape. Of
20 course, it was not possible.

21 We also saw in the Kibweteere murders, in the cult murders, the fire in that area in
22 Uganda, that at the gate, the door, the escape door, that's where the strongest men
23 were, meaning that they were trying to escape the inferno.

24 So there is a survival element in everything that we do, including what you are just
25 talking about.

1 Q. [15:22:36] I think that is very instructive. Thank you, Professor.

2 Now let's look at further incidents of life of abducted children in the LRA. On
3 page 54 of your report you state that some of the abducted children grew in ranks to
4 become commanders as they became older, in that any resistance to obey Kony's
5 command and not to carry out tasks or trying to escape would be met with severe
6 punishment --

7 A. [15:23:13] True.

8 Q. [15:23:14] -- or being killed.

9 Now, Professor, my first question is, have you ever talked to any of these children
10 during your research about the difficulty they experienced and the possible
11 opportunities and whether they varied from person to person?

12 A. [15:23:36] Mr Ayena, thank you for the question. Of course, every patient that I
13 treated, the obvious question would be: How did you leave? How did you get out?
14 So that was a very common story. And almost always they would tell you, not all of
15 them, but most of them would tell you it was during the confusion of battle.
16 UPDF would attack, and in that confusion (indicating) they would find a way to
17 escape or hide, sometimes for days going without food, until when everybody would
18 have run away and then they would find a way to get rid of their gun and escape, and
19 worry that if you are found by any of the Kony soldiers they would be dead, or if
20 you are found by the UPDF they could be dead.

21 They had to prove that they were in, but they have now come out. It is not easy at
22 the battlefield, as you can imagine. So yes, it was a common question. Others
23 escaped when they had gone to, for example, food raids, you know, and things like
24 that.

25 But one had to be very calculative and very secretive, many escaped alone, some

1 would escape with their friends, but you had to trust that friend so much, because
2 any little statement could give you away.

3 Q. [15:25:11] Professor, did you learn about some categories of among -- I mean, of
4 course you have answered my question that it varied from one person to another.
5 Did it become manifest that perhaps the higher you were in rank and the more
6 seriously you were treated or the more suspicious about you Kony became, all the
7 system became, the more difficult it became for you to escape because there might be
8 surveillance around you?

9 A. [15:25:56] It is not hard to imagine that. I have not interacted with
10 commanders of Kony to tell me what they thought, but it is well known that Kony
11 killed some of his commanders he suspected. It's on record and I'm sure you know
12 that.

13 Q. [15:26:20] Okay. Now, again, Professor, you at page 66, you discuss the belief
14 in Nyarubanga.

15 A. [15:26:33] Yes.

16 Q. [15:26:33] And when you discuss that, you said Nyarubanga would punish
17 those who break the codes and laws and the need for self-regulation, whether seen or
18 unseen. Professor, is this something children would learn from an early age?

19 A. [15:26:54] Thank you very much for asking that question. It goes to actually
20 answering partly the first question.

21 The belief in a universal god, all powerful, merciful, forgiving, but also can emit
22 punishments, is not confined to western religions only. Many African religions do
23 believe in that supreme being.

24 Q. [15:27:21] And omnipresent, of course?

25 A. [15:27:22] Omnipresent, omniscient, omnipotent, all the omnis. Nyarubanga is

1 one such in the Acholi group. Katonda, Ruhanga, you can go on to others,
2 depending on which language you speak. And they teach you that from very early
3 on.
4 It is what I used to say that at a particular point in time, seen or unseen, the individual
5 can know what is -- knows what is right and what is wrong. That's why they feel
6 guilt. They would know that somewhere some supreme being, Nyarubanga could
7 be watching them.
8 So that's true that they would feel that in their conscience, taught to them from a very
9 early age and compounded now with modern teachings of Christianity, of Islam,
10 whatever the new religions are, because that is what they emphasise most, and less on
11 the lessor gods. So yes.

12 Q. [15:28:29] Professor, now, your answer is yes, which I expected. But now
13 combined with this Nyarubanga belief in children, from childhood, a child now
14 comes face to face with Joseph Kony, with his what you called or what this --

15 A. [15:28:49] Cult indoctrination.

16 Q. [15:28:52] Yes, who had cultural indoctrination. Now, what would be the
17 interplay, I mean, the sum aggregate of those two things, there is
18 Nyaruhanga -- Nyarubanga --

19 A. [15:29:17] Nyarubanga, mm-hmm.

20 Q. [15:29:18] -- who is always omnipresent, whether he is there or not, he sees what
21 you are doing. And here is Joseph Kony, who has now indoctrinated a child maybe
22 abducted at the age of nine and says, you know, no escape. He performs certain
23 libations on him by smearing him with shea butter. You know the effect of this --

24 A. [15:29:46] Yeah, yeah.

25 Q. [15:29:49] -- is that you can never escape. You are now inextricably interwoven

1 into the LRA system. Wherever you go, we shall be seeing you; and even when we
2 don't see you, the effects of what we have done is for you to move round and round
3 and round and come back. What would be your -- (Overlapping speakers)

4 A. [15:30:09] Thank you very much, Mr Ayena.

5 The children develop from infancy to adulthood, and they go on incorporating and
6 internalising certain things as they go on in life, we call it development. Their
7 psychological development is also like that, so is their intellectual development, it
8 also follows that.

9 Children are also very suggestible, you can convince them easily to go one way or the
10 other, and they may not be at an intellectual level to see the contradiction.

11 For example, you can say beating is wrong. But at the same time in the school they
12 say the teacher punishes you for your own good and gives you corporal punishment.

13 And with a degree, we say "Thank you very much for caning me. That's why I have
14 this degree." I am sure you have heard such statements. So it is not unusual to
15 have opposites as we grow.

16 Now, the question is at what point do you say this is this and this is that? Also
17 knowing that in the bush you have to survive, knowing that the one who has
18 immediate power over you there is Kony, he can decide your fate. You have to
19 show him that.

20 The other one is more metaphysical, I don't know whether it is metaphysical, but the
21 belief in the tradition or in the witchcraft and also the belief in the modern. When
22 Nyarubanga, much as he is a traditional god, he would be, in other words, in a god.

23 This African duality is very common, believing in this and also believing in that.

24 You will find the same person who goes to church today tomorrow in his traditional
25 hut worshipping to get, maybe to be cured of illness. It is a complex situation, but

1 we live with it every day. We live in both worlds. Belief in spirits and also belief in
2 omnipotent, omniscient, omnipresent God. Nyarubanga of the Christian way.
3 Those things happen in Africa.
4 If you are a student of Africa, you get puzzled. Why do they do that? Even very
5 educated people. I would not be surprised for somebody to begin to believe in
6 Kony's powers, but also believe that above him there is a higher power, and he will be
7 answerable in heaven. So you do what belongs to Caesar now and what belongs
8 elsewhere later for survival.

9 Q. [15:33:32] This morning you talked about victims become perpetrators.
10 Professor, can you help Court to understand whether somebody -- whether and when
11 somebody who was otherwise abducted as a child at the age of nine and for all
12 purposes and intents is a victim transitions into a perpetrator?

13 A. [15:34:21] Mr Ayena, thank you.
14 We will not put an exact date, an exact year, but obstruction, obstructive judgment
15 develops progressively over time. And in that progression the child becomes an
16 adult somewhere.
17 You cannot put an exact science that at age 3 you must think like this and at age 20
18 you must think like this. It's gradual, developmental, but it happens.

19 Q. [15:35:03] (Microphone not activated)

20 A. [15:35:05] Of course. We don't work in a vacuum.

21 Q. [15:35:11] Sorry, my --

22 A. [15:35:12] No, no, no --

23 Q. [15:35:13] -- my colleague is reminding me that --

24 A. [15:35:14] Very much so.

25 Q. [15:35:14] -- I was off.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

- 1 A. [15:35:15] The topic.
- 2 Q. [15:35:16] No, I was --
- 3 A. [15:35:17] The microphone, okay.
- 4 Q. [15:35:23] You know, this machine here.
- 5 PRESIDING JUDGE SCHMITT: [15:35:24] So Mr Musisi, you did understand each
6 other, but it is not on the record --
- 7 THE WITNESS: [15:35:28] So I should --
- 8 PRESIDING JUDGE SCHMITT: [15:35:30] -- you see, and it --
- 9 THE WITNESS: [15:35:31] Okay, so --
- 10 PRESIDING JUDGE SCHMITT: [15:35:32] -- must be nice for you, but it's not
11 sufficient.
- 12 THE WITNESS: [15:35:32] Are we on now?
- 13 THE INTERPRETER: [15:35:33] Your Honour, overlapping speakers, please.
- 14 PRESIDING JUDGE SCHMITT: [15:35:38] And now, of course, also overlapping
15 speakers, but ...
- 16 THE WITNESS: [15:35:42] Can I now go on?
17 Can you repeat your question, and I begin to answer it.
- 18 MR AYENA ODONGO: [15:35:46]
- 19 Q. [15:35:47] The question is whether all those parameters include something like
20 circumstantial? The government because you --
- 21 A. [15:36:01] Yes, yes, that came to the end --
- 22 Q. [15:36:03] Yes.
- 23 A. [15:36:04] -- but in the beginning I was saying that, I was saying that a child
24 progressively learns with time and their thinking becomes more abstract as they
25 become older and so does their judgment.

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 But you cannot put an exact time when it is developmental. And the question was,
2 does it depend on circumstances? It depends on a number of things, circumstances
3 is one, and these circumstances may include the people you are with, the
4 environment in which you are, the teachings that you get and then what you learn
5 through what a psychologist may call "operant conditioning," meaning that you see
6 this, you see that, and you know, for example, that a green fruit is bitter and a yellow
7 one is sweet operationally and you begin to associate yellowness with sweetness and
8 you eat that fruit. There's no age at which it comes. It is gradual; it is progressive.
9 So in the beginning, as you said, they may be thinking like this, they were abducted,
10 and then they may transition into something else. I will not say it must happen at
11 this age, but we know that it is developmental as one's abstract thinking becomes
12 more and more developed.

13 Q. [15:37:24] Now, Professor, we were talking when considering trauma or PTSD --

14 A. [15:37:35] PTSD.

15 Q. [15:37:39] PT --

16 A. [15:37:40] PTSD.

17 Q. [15:37:41] Yes, PTSD, you know, it is a wonderful thing having a professor, I am
18 learning.

19 A. [15:37:49] Thank you.

20 Q. [15:37:49] Those factors, yes, that one, when somebody gets seriously injured,
21 does it affect his thinking in the immediate future?

22 A. [15:38:18] Two things happen; one, depends where the injury is. You could be
23 injured on your leg, you could be injured on your head. Certainly if you have
24 a brain injury, it will make you think a bit differently. If you think about near death,
25 it also makes you think also a bit differently.

1 Especially young people don't think about death so often as older people, but then
2 you realise that you could be dead.

3 Now you talked about Nyarubanga; that you are going to meet him in heaven or
4 whatever and you will be judged, you may be judged. So many things go through
5 one's mind around terminal or near-death circumstances depending on their belief
6 patterns.

7 Q. [15:39:24] Thank you very much.

8 Now at page 58, you wrote:

9 "Absolute obedience was demanded. Life was always insecure, dangerous and
10 unpredictable... To stay or to escape was especially dangerous as it meant either
11 being killed by Kony or if caught by the UPDF for being a suspected rebel... Kony
12 was revered as a spirit incarnate whose orders had to be obeyed without question."

13 Now, how does a child abducted and thrust into this environment adapt and what
14 does this do to their developmental functioning as an adult?

15 A. [15:40:18] To go back to my earlier pronouncements, thinking is more concrete
16 the younger you are.

17 It becomes more abstract as you get older with the ability to store in your mind
18 something that you may know for further action or to be acted on at a later time.

19 Instant gratification is a feature of children. Maybe to give you an example, you may
20 be going to give milk to a child who is hungry; that milk is too hot. The
21 two-year-old baby will keep crying saying, "I want that milk", but then it will burn
22 that child. Even if you explain 10 times, "Let's wait for it to cool down", that child
23 will not stop crying because it is concrete thinking. We call it driven by the eat;
24 that's what we call it in psychology, that "I want it now."

25 When the child is older you say, "Ah, you're hungry, let's boil this milk, wait for it to

1 cool down and you can have it." The child will say, "Thank you very much," and sit
2 down there for all of that process to happen. It can abstractly think and conclude
3 and know that reward is coming later. That ability, to acquire that ability is
4 progressive with increasing age. We know that as a child it may not be so, maybe
5 midway a little -- a little bit; by adolescence we know it is there.
6 So thinking more abstractly and hence judging the same way tends to become more
7 complete as one reaches adolescence and beyond.

8 Q. [15:42:20] Now does it matter that the child has witnessed other top -- as he
9 becomes an adult --

10 A. [15:42:28] Okay.

11 Q. [15:42:29] -- does it matter that he has witnessed other top commanders being
12 executed or severely punished for disobeying or disagreeing with Joseph Kony?

13 A. [15:42:41] Okay, I was going to answer your question except, you know, you
14 made it very explicit, "commanders" --

15 Q. [15:42:47] Yes.

16 A. [15:42:48] -- you know, I would say that children exposed to repeated severe
17 stress in childhood get distorted in their ways sometimes. Look at toxic stress,
18 reactions, but that doesn't mean that they lose judgment over right and wrong. That,
19 that comes quite early on and so they know these things are right, these things are
20 wrong. But toxic stress or being exposed to severe traumatisations as a young child
21 has impacts on people.

22 Q. [15:43:34] Now, Professor, when somebody knows the obvious repercussion for
23 disobedience, does it matter whether what he has been told to do is right or wrong?
24 Because he knows whether it is right or wrong the repercussion is clear to him, does it
25 matter?

1 A. [15:43:53] Like I said before, with the development of abstract judgment they
2 can store information to be used at a later time. They may know that whatever they
3 are doing is wrong, they should not be doing it and they find ways to escape from
4 doing it. That's what happened to many child soldiers. That's why many escaped,
5 knowing that it has to be done in a certain way correctly to survive. That's why I
6 said that the knowledge of right and wrong is there. Even in perpetrators.

7 Q. [15:44:38] Professor, would you allow me to add that you may, if you know it is
8 wrong, you may find a way of escaping on condition that the opportunity is there?

9 A. [15:44:54] Mm-hmm. I can see what you're saying there, you may create the
10 opportunity.

11 Q. [15:45:02] If it is possible. Does it matter that the child has been steeped,
12 Professor, in extreme violence, including witnessing collective punishment where the
13 LRA would attack an entire community as a reprisal for someone who escaped and
14 returned home?

15 A. [15:45:36] Those were documented, by the way, they are not abstract things.
16 They were there, you know, whereby they would come to punish other people who
17 escaped or reported. We have pictures of mutilated women, for example, you know,
18 who were found in their village because they would've said, "They were here," or they
19 would have been suspected, you know. People were burnt. We saw a lot of them,
20 especially when I was consulting with Isis-WICCE, you know, in the earlier days.
21 They knew that, but they still escaped.

22 Q. [15:46:21] And you also talked about --

23 A. [15:46:23] Some were killed, of course.

24 Q. [15:46:26] Professor, you also talked about scarcity in the bush from food,
25 disease and the limited supply of medicines. We have heard evidence of several

1 children suffering severe physical injuries while in the bush and being taken to the
2 sickbay which, in my understanding, was not a conventional hospital, but
3 a somewhat safe space which could not be any easy target and bullet wounds were
4 treated with massaging warm water and herbs. How does such an injury impact on
5 an abductee? I mean, health-wise? I mean, mentally?

6 A. [15:47:11] Two things; one, the abductees would know that they were forcibly
7 abducted, so they would blame that situation on whoever abducted them to put them
8 in such a difficult situation. But for survival they may not pronounce it out loud;
9 they will know it within themselves. They will know that they are starving or they
10 have been injured because they are on this side in the bush and they would dream
11 one day and hope that they can escape to go back and visit their families where such
12 would not happen.

13 So that's true, that in suffering they would think about those things, but they would
14 always wish that they would escape to go and be with their families. Also, the fact
15 that they were away from family support, you know, would also be very difficult.

16 By the way, talking about that, quote, "medical scenario" that you ... Kony tried to
17 abduct doctors to go and work for him. I knew one such doctor, Dr Thomas Oyok.
18 I don't know whether you know him, and I remember actually going myself to Gulu
19 and telling Thomas Oyok, who's older than me, to come and I train him as
20 a psychiatrist to go and help the people in Gulu.

21 And he came, and I trained him; he became a psychiatrist and he went back to Gulu.
22 And he told me the story of how he had been abducted and how he convinced them
23 that he would be of more help outside the LRA forces, and they let him go and he
24 went back to Gulu and stayed and worked.

25 So there are always these stories, you know, but it shows you that power of judgment

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

1 and abstraction. He was older, he was mature, he was able to abstract, he knew how
2 to get a convincing story to escape unharmed, and also come and tell a similar story
3 to the UPDF so that they would not say that, "You have been a rebel soldier."
4 And he kept on with his people and he worked with them. And that's what
5 convinced me that I had to train him because I was failing to get students to train to
6 be psychiatrists in northern Uganda. Eventually I did.

7 Q. [15:49:45] You were --

8 PRESIDING JUDGE SCHMITT: [15:49:46] May I shortly, Mr Ayena.

9 MR AYENA ODONGO: [15:49:47] Yes.

10 PRESIDING JUDGE SCHMITT: [15:49:48] With regard to the time and the further
11 plaining, do we have an idea how long it will take you, the examination?

12 MR AYENA ODONGO: [15:50:01] I think we shall have one more session tomorrow
13 morning.

14 PRESIDING JUDGE SCHMITT: [15:50:05] So then when we you say that there is
15 something meaningful that we could stop you, you tell us, then we interrupt and we
16 continue tomorrow.

17 MR AYENA ODONGO: [15:50:16] You want us to stop here?

18 PRESIDING JUDGE SCHMITT: [15:50:18] No. Meaningful, I said. So if you
19 have --

20 MR AYENA ODONGO: [15:50:21] Okay, the perfect break point.

21 PRESIDING JUDGE SCHMITT: [15:50:26] Do you think so?

22 MR AYENA ODONGO: [15:50:27] Yes.

23 PRESIDING JUDGE SCHMITT: [15:50:23] Okay. Then we --

24 MR AYENA ODONGO: [15:50:25] I will let you know, my Lord.

25 PRESIDING JUDGE SCHMITT: [15:50:26] Yes.

- 1 MR AYENA ODONGO: Yes.
- 2 Q. [15:50:31] Professor, I am interested in your understanding of tipu, vis-à-vis cen.
3 Can you expound a little more on this. What is the difference between tipu and cen
4 and how do they impact --
- 5 A. [15:50:57] Okay.
- 6 Q. [15:50:58] -- on the mental faculty of a person from a trauma point of view?
- 7 A. [15:51:06] Mental well-being.
- 8 Q. [15:51:09] Mental well-being.
- 9 A. [15:51:11] Faculty is intellectually, but --
- 10 Q. [15:51:10] Okay.
- 11 A. [15:51:11] Like I said, Africans believe in a spirit world. You die you don't
12 disappear, you become a spirit. But things may have been done to you before death
13 or at death, or things could even be done after death which make you angry as a spirit.
14 The angry spirit which comes to haunt until you rectify is cen. On the other hand,
15 you could be doing very well. You could be doing good things, looking after the
16 goats, looking after the farm, looking after your mother, about your young brother
17 who is left behind, and the spirit of your dead father would be very happy and give
18 you twins in the next birth, which is happy.
- 19 Tipu is a happy spirit and brings good things. The bad spirits are cen, the angry
20 spirits. Tipu are good spirits, the happy spirits. They don't make you sick. They
21 are not avenging.
- 22 Q. [15:52:34] Could you have, for instance, discovered, Professor, that tipu is
23 a general term for spirits, people who die don't perish completely, their spirits live
24 on?
- 25 A. [15:52:57] Yes, that's what I said.

- 1 Q. [15:53:00] And the spirit is in general terms called tipu. And then tipu becomes
2 cen when it becomes aggressive.
- 3 A. [15:53:14] There is an abstract way of explaining things and a more concrete way.
4 What you have explained is more abstract. In other words, everybody who dies
5 becomes a spirit.
- 6 Q. [15:53:25] Yes.
- 7 A. [15:53:26] It does not necessarily mean they are angry.
- 8 Q. [15:53:28] No.
- 9 A. [15:53:29] Until something makes them angry, then they become cen.
- 10 Q. [15:53:32] So we agree on that premise.
11 The other one, before we leave, you talked about the spirit of the dead being invited
12 to come. There are three stages of --
- 13 A. [15:53:58] Burial.
- 14 Q. [15:53:58] -- cultural burial?
- 15 A. [15:54:00] Yes, yes.
- 16 Q. [15:54:01] And the second part you say the spirit of the dead being invited to
17 come and live with the relatives until the final ritual.
- 18 A. [15:54:12] Until the final ritual? I don't know about the "until", but the spirit is
19 invited back to live with its people. Okay, when you die you become a spirit, you
20 get buried. But somehow your spirit comes back or is invited back in a ceremony.
- 21 Q. [15:54:35] Who invites them?
- 22 A. [15:54:37] Their family. I will not go into the details of that because I never
23 attended one, but they told me that.
- 24 Q. [15:54:47] So it's something that --
- 25 A. [15:54:49] That the spirit to continue to live with your people, the spirit is not

1 cast away.

2 Q. [15:54:59] And when you talk about --

3 A. [15:55:01] Death is cast away. A ceremony to chase away death.

4 Q. [15:55:08] This is the last question for this afternoon.

5 When you talk about cen you seem to have exclusively talked about your experience
6 with returned former abductees. I want us now to focus about the experiences of
7 those who were actually in the bush while they were still in the bush. Is it possible
8 that if you killed somebody and you remained in the bush, the traumatic experiences
9 that you described about people who had returned were also experienced by those
10 who were in the bush?

11 A. [15:56:03] Oh, okay. Very clearly put, PTSD is an end result of a traumatic
12 experience. PTSD can be experienced with you getting the trauma. One can have
13 PTSD by witnessing an atrocity, not necessarily by themselves committing the
14 atrocity. One can even get PTSD by hearing about an atrocity. I treated one lady
15 who was a Rwandese genocide victim, if you want to say, who was in Germany.
16 Somebody told her about her mother, her mother's head being split open by someone
17 with an axe. She got PTSD. She was in Germany.
18 So it is simplistic, and I tried very hard to explain this in the beginning, to reduce cen
19 to PTSD. It is simplistic to try to understand the African belief in the spirit world in
20 simple terms. That's why I gave an example that, for example, you may have a car
21 accident and somebody says you were bewitched. You say: What do you mean?
22 And they say: Well, didn't you see the road was clear, a spirit came over you, got
23 you off the road. And people would understand who believe in the spirit world.
24 They might even tell you never go above that hill, there are spirits there, or through
25 that river, cars fall there. I am sure you heard about such things. So our belief in

Trial Hearing
WITNESS: UGA-PCV-0003

(Open Session)

ICC-02/04-01/15

- 1 the spirit world is very complex.
- 2 Mr President I think allowed me to expound a lot on that in the beginning in the hope
- 3 that I would get, you know, the audience here to try to understand it. It is not
- 4 simple. It can't be reduced with an equal sign saying this equals that. Spirits can be
- 5 there in rivers, on mountains, in trees, everywhere.
- 6 They can be recent. They can be ancient. They can go to battle. They can make
- 7 you sick. They can make you commit suicide. They can make you commit
- 8 homicide. So it is a complex situation. As complex, the way I put it, as we believe
- 9 that it is the same god who gives and rewards but also punishes.
- 10 PRESIDING JUDGE SCHMITT: [15:58:43] So I think we leave it at that for today.
- 11 And a remark by me, if it were simple, we would not need expert that would try to
- 12 help us understand better.
- 13 THE WITNESS: [15:58:56] Thank you, Mr President.
- 14 PRESIDING JUDGE SCHMITT: [15:58:57] This concludes the session, not only, but
- 15 also the hearing for today. We continue tomorrow morning at 9.30.
- 16 THE COURT USHER: [15:59:08] All rise.
- 17 (The hearing ends in open session at 3.59 p.m.)