International Criminal Court

Trial Chamber IX

Situation: Republic of Uganda

In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15

Presiding Judge Bertram Schmitt, Judge Péter Kovács and

Judge Raul Cano Pangalangan

Trial Hearing - Courtroom 3

Tuesday, 15 May 2018

(The hearing starts in open session at 9.31 a.m.)

THE COURT USHER: [9:32:08] All rise.

The International Criminal Court is now in session.

PRESIDING JUDGE SCHMITT: [9:32:23] Good morning, everyone.

Could the court officer please call the case.

THE COURT OFFICER: [9:32:32] Thank you, Mr President.

The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic Ongwen, case reference ICC-02/04-01/15.

And we are in open session.

PRESIDING JUDGE SCHMITT: [9:32:43] Thank you very much. I call for the appearances of the parties. Mr Elderfield first for the Prosecution.

MR ELDERFIELD: [9:32:49] Good morning, your Honours. Julian Elderfield for the Prosecution, with me Colin Black, Ben Gumpert, Hai Do Duc, Yulia Nuzban, Pubudu Sachithanandan, Kwong Lau, and Ramu Fatima Bittaye.

PRESIDING JUDGE SCHMITT: [9:33:03] Thank you very much.

And Ms Massidda for the Common Legal Representatives.

MS MASSIDDA: [9:33:07] Good morning, Mr President, your Honours.

Paolina Massidda, Common Legal Representative. With me today Jane Adong, Orchlon Narantsetseg, Caroline Walter, and Patrick Tchidimbo.

PRESIDING JUDGE SCHMITT: [9:33:19] Thank you.

And Mr Cox, please.

MR COX: [9:33:21] Good morning, your Honour. With me Maria Radziejowska, James Mawira, and myself, Francisco Cox.

PRESIDING JUDGE SCHMITT: [9:33:32] Thank you.

And finally, Mr Obhof for the Defence.

MR OBHOF: [9:33:32] Good morning, your Honour. Today for the Defence we have Counsel Krispus Ayena Odongo; our co-counsel, Chief Charles Achaleke Taku; our other co-counsel, Ms Beth Lyons; our assistant to counsel, Ms Abigail Bridgman; myself, Thomas Obhof. And, as always, our client, Mr Dominic Ongwen, is in Court today.

PRESIDING JUDGE SCHMITT: [9:33:48] Thank you very much.

And when I said "finally", this was not 100 per cent correct, because we have an expert here in the courtroom, this is Mr Wessells.

Good morning. On behalf of the Chamber, I would like to welcome you in the courtroom.

WITNESS: UGA-PCV-0002

(The witness speaks English)

THE WITNESS: [9:34:01] Thank you very much, Mr President. Good morning.

PRESIDING JUDGE SCHMITT: [9:34:03] Mr Wessells, there should be a card in front of you with a solemn undertaking. Would you please be so kind to read this card aloud.

THE WITNESS: [9:34:14] Yes. I solemnly declare that I will speak the truth, the

whole truth, and nothing but the truth.

PRESIDING JUDGE SCHMITT: [9:34:16] Thank you very much.

I have a few practical matters for you that you please keep in mind when you give your testimony.

All what we say here in the courtroom is written down and interpreted, and to allow for the interpretation we have to speak at a relatively slow pace, sometimes a pace that we are not accustomed to, so we have to adapt a little bit so that the interprets can follow.

Please only speak when the person that has asked you a question has finished, of course.

And finally, if you want to address the Chamber, please raise your hand, then we will give you the floor.

Thank you very much.

Then we can start with your testimony, and Ms Massidda has the floor.

MS MASSIDDA: [9:35:01] Thank you very much, Mr President.

QUESTIONED BY MS MASSIDDA:

Q. [9:35:03] Good morning, Professor Wessells.

A. [9:35:06] Good morning.

Q. [9:35:07] Could you please state your full name for the record, please.

A. [9:35:11] Michael Gibbs Wessells.

Q. [9:35:12] And what is your nationality?

A. [9:35:14] US citizen.

Q. [9:35:16] And what is your occupation?

A. [9:35:18] I am a psychologist and professor of clinical population and family health at Columbia University.

Q. [9:35:28] You have been provided with a bundle, which should be in front of you. Yes?

A. [9:35:36] Yes.

Q. [9:35:37] Now, in the binder, if you turn to tab 1. For the record, the ERN number is UGA-PCV-0002-0005. Is this your curriculum vitae, Professor Wessells?

A. [9:36:03] Yes, it is.

Q. [9:36:05] Is the curriculum that you provided to me, correct?

A. [9:36:08] It is the one I provided to you, yes.

Q. [9:36:12] Now, if you turn at page 2 of that document, ERN ending with 0006, after -- in the part "Practitioner Background", you state that you are a global child protection specialist, and then senior adviser on child protection, and that you worked with national teams in war and disaster-affected countries worldwide. Could you please provide some details about your work activities in this regard?

A. [9:36:58] Yes, I would be happy to. For quite a number of years I worked with an NGO, Christian Children's Fund, now called ChildFund. And in my capacity as a global psychosocial adviser I worked with children in many different war zones on all the major inhabited continents. And I had the opportunity to work with very talented national teams. And my modality of work was to not live in the country, but to visit periodically, typically for several weeks at a time, to build relationships with the teams and to be able to go and talk first-hand with war-affected children, including former child soldiers.

And I was very interested because in the NGO world, there is -- has been an unfortunate tendency not to listen to the lived experiences of children but to impose our preconceived ways, our preconceived understandings of how children have been

affected and to take what I would call a bit of a cookie-cutter approach to defining interventions.

We worked differently. We tried to listen to children, learn about their culture, their context, and then dialogue with them about what would be an appropriate intervention. So I would help with programme design, with programme implementation, and a holistic community-based, culturally grounded approach.

And then we also were very concerned about getting data that would give us information about the strengths and weaknesses, the effectiveness of different programmes and we tried to use that evidence to try to improve the quality of programming.

And then at an international level, there was quite a bit of work with global initiatives on psychosocial support and child protection.

Q. [9:39:00] Thank you very much. Now at page 7 of your curriculum, ERN ending 0011, you mentioned having worked also in Uganda. Could you please briefly describe which type of work you did in Uganda and, if possible, during which period of time?

A. [9:39:24] Yes, thank you. During the war, I worked in Uganda off and on between the years 1998 and 2006, '7. And subsequently I did a lot of work with formerly recruited girl mothers. That was in the years 2008 to '11. And since then I've worked in Uganda on holistic community-based child protection.

My work during the war was with the national team of Christian Children's Fund, and again trying to do a situation analysis, actually understand how formerly abducted children understood their situation, how they had been affected, understand what kinds of supports they saw as most needed and the things that would help them to recover and move forward with their, with their lives.

There was also quite a bit of strategic positioning. There were at the time a large number of agencies doing, quote, psychosocial work. But a lot of it, to be honest, was in trauma. It focused on PTSD and depression, and it was not a very holistic approach. And so what I did with the team was to try to find the gaps in the humanitarian support, find the places where the agency could add value. And so a lot of my work was oriented in that way. Most of my work was in Gulu, but there was also work done in Soroti and Lira.

Q. [9:41:01] Thank you, Professor. Now could you please turn to tab 2 of the binder.

For the record the ERN is UGA-PCV-0002-0076.

Do you see the document?

A. [9:41:22] Yes, I do.

Q. [9:41:23] Do you recognise that document?

A. [9:41:25] Yes, this is the report that I had written and prepared at your request.

Q. [9:41:31] Now on page 1, the same ERN number just quoted, do you see a signature?

A. [9:41:39] I do. It is my signature.

Q. [9:41:43] And could you please now turn to tab 3 of the binder. ERN number UGA-PCV-0002-0001. Is this the letter of instruction that was provided by me to you, Professor Wessells?

A. [9:42:11] Yes, this is exactly the letter that you provided to me regarding my work regarding this case.

Q. [9:42:19] And with the letter of instructions you were also provided with public transcripts of the testimony of the witnesses in this case, which included the questioning of the Prosecution, the Defence and eventually of the Legal

Representatives; is that correct?

A. [9:42:37] That's correct. I received and read those transcripts.

Q. [9:42:41] You also received the redacted version of the application for participation of victims represented by myself in this case, correct?

A. [9:42:52] Yes.

Q. [9:42:53] Now, Professor Wessells, do you confirm today that the content of your report is true to the best of your knowledge and belief?

A. [9:43:02] I do.

Q. [9:43:07] Mr Witness, the Rules of Procedure and Evidence of this Court allow for a report to be submitted into evidence in written form if the author of the document does not object to that course of event.

A. I do not object. I would be happy to share it.

Q. [9:43:26] Thank you very much.

PRESIDING JUDGE SCHMITT: Yes, this --

MS MASSIDDA: This concludes the procedural part.

PRESIDING JUDGE SCHMITT: [9:43:29] Yes, this of course fulfils the requirements. Mr Obhof is obviously of a different opinion.

MR OBHOF: [9:43:35] Your Honour, the Defence is making an objection. We would like to incorporate our objection from yesterday morning made by Co-counsel Lyons, specifically looking at page -- of the document page 0129, which is page 54 of the document, only the first paragraph where it speaks of the LRA attacks on IDP camps such as Lukodi -- or Pajule, Odek, Lukodi and Abok. So we are incorporating our objections yesterday morning instead of going through the entire process of 30 minutes.

PRESIDING JUDGE SCHMITT: [9:44:10] But I think we can keep this short. Since

this is a similar objection or the same objection now transferred to this expert report, the Chamber decides like we have decided yesterday, the objection is rejected on the grounds that we provided for yesterday.

So please continue, Mrs Massidda.

MS MASSIDDA: [9:44:39] Thank you, your Honour.

Q. Now, Professor Wessells, since your report has already been provided to the Chamber and it will be submitted into evidence, we will limit our questions to specific issues which -- on which we would like to have some details. And before doing that, because of the complexity of the topic, I would like to pose you a little broader question in order for you to express your views on the topics and this, in principle, should save some time for the questioning.

PRESIDING JUDGE SCHMITT: [9:45:14] For example, also, I think I can inform Mr Wessells what the procedural purpose of this Rule 68(3) is because it's -- I think it's not known, it's not known in Germany in a civil law concept, also not known in common law. This means that this expert report that you have provided us with is already part of your evidence today in the courtroom procedurally. So we don't have to retell, so to speak, what is incorporated there. And Ms Massidda will only ask you questions that might clarify things or that might amend things or that might give us additional information. Thank you.

Please, Ms Massidda.

MS MASSIDDA: [9:46:00] Thank you, your Honour.

Q. [9:46:01] So Professor Wessells, my first question is what are, in your expert opinion, the impacts of being exposed to war and conflict for a child?

A. [9:46:15] Well, thank you for giving me the opportunity to speak on this. I think that the western psychological and psychiatric approach has done a service in

identifying the severity of the mental disorders that can result. It is well documented that some significant percentage of children do develop disorders such as post-traumatic stress disorder, depression, anxiety and so on. However, it would be a mistake to equate the effects of war with mental disorder. Mental disorder is an important part of the effects of war on children, but it is only part of the story.

So when I think about a girl who may have been with the LRA and who had become pregnant and become a mother, when she returns home, she faces an enormity of stigma that is hard to describe, as do her children who bear the double burden of being born out of wedlock and being a so-called rebel child.

Young people themselves often tell me that the stigma is a bigger problem than any presumed or actual mental disorder. Similarly, sometimes young people have told me that the loss of their parents has had a bigger impact on them than a mental illness per se. Others say, "You know, it was really the loss of my education, education was my hope, my pathway for the future and now I've lost that." Others say, "I have no livelihood and without a livelihood I can't get married" or maybe if it's a girl mother, "I can't support my children." Nothing could be more painful for those of us who are parents than the inability to care for one's children.

So I think a more holistic understanding is really quite important, and we need to supplement the thinking about mental disorder with so-called everyday distresses. These are the things that don't cross the clinical threshold, they don't find -- resonate with categories in the DSM-5 or the ICD-9, but they are very important.

And then secondly, there has been a tendency of western psychologists and psychiatrists to focus on individual problems because after all PTSD, depression, these are problems that do affect individuals. But not all of the problems are individual. In Acholi society, people understand themselves as part of a communal

system, it is a collectivist society wherein they do not define themselves as isolated individuals, but they see their individual well-being as inextricably interconnected with that of other people, so they look at their relationships. So taking a relational approach I think is very important.

If we ask, what are the origins of the ill effects on children? I would argue that --

THE INTERPRETER: [9:49:30] Message from interpretation: Could the witness slow down a bit.

PRESIDING JUDGE SCHMITT: [9:49:33] Yes. Now, Mr Wessells, I don't know if you have heard it, but I am told to tell you to slow down a little bit.

THE WITNESS: [9:49:42] Thank you very much. I'm so admonished and will try to slow down.

So what this indicates is we need to locate the problems of war-affected children in their social environment. It is a poisonous social environment after all that causes the trauma, the depression and the everyday distresses. So I submit that it is not very helpful to take an individual-only approach. It is better to take a person, the whole person in the environment interacting continuously.

And there is no such thing as the effects of war on children, because children as we know are all different. Young children may be affected in different ways than teenage children. Girls are affected by armed conflict in ways that are fundamentally different from those of boys, particularly as it relates to rape and crimes of gender-based violence.

And in addition, some of the effects of war are culturally constructed and so western psychologists, to be honest, are trained not to think so much about local understandings, but if I go to Acholiland and I talk with formerly abducted children, their families, their communities, they want to talk about culture because it is the

centre of their lives. It defines their identity, and it defines some of the effects. So an example is the category cen. It has no exact equivalent --

Q. [9:51:26] Professor Wessells --

PRESIDING JUDGE SCHMITT: [9:51:28] No, no, no, no, no. It's absolutely okay. I just wanted to make a remark. First remark that I wanted to make is that you won't have to ask many questions because --

MS MASSIDDA: [9:51:37] This was the purpose. I tried it.

PRESIDING JUDGE SCHMITT: [9:51:40] -- because Mr Wessells obviously really knows what he's talking about. And I really wanted also to tell you that it is exactly why we have experts here in the courtroom, what you told us, that it's about the local understanding and about the local culture, that we try really to understand what happened specifically in northern Uganda at the time. I would simply support this point of view.

Ms Massidda perhaps has of course --

MS MASSIDDA: [9:52:14] Perfect. I will interrupt less.

PRESIDING JUDGE SCHMITT: [9:52:18] No, it is simply clear. We know, we know this from, also from witnesses, we had this several times, that sometimes, for example, Prosecution had prepared many questions to lead a witness through the testimony, and then there are witnesses who need that.

But there are others, and here we have an expert, which is completely different situation, but with others they come into a narrative that is much more informative sometimes than to ask one question after the other.

Thank you.

MS MASSIDDA: [9:52:47] That is absolutely also my opinion.

Q. So please, Professor Wessells.

A. [9:52:54] Well, just one more point. I think there has also been a tendency amongst psychologists to focus on young people's deficits, the problems that they experience, which, as I've said, are quite real.

But when I look at child soldiers globally, and in northern Uganda, I find an unexpected level of resilience as a practitioner, and when one looks at the literature, one finds it as well. So when we see estimates that maybe a third of formerly abducted children do show symptoms of PTSD, and maybe a higher percentage, maybe 40 per cent, show depression, it still means that the majority do not.

And I think a lot of that resilience stems from the agency of young people. They are active in making meaning and coping and engaging with their adversity. And that is going to be important, I think, because it is not the case that they are passive victims, so they are active agents.

But maybe I will stop here and allow Paolina to --

Q. [9:54:07] Thank you very much. This is very helpful, at least to set the main issues and topics that I would like to touch upon with you.

Now I'm looking at your report at page 8, at the beginning, ERN ending with 0083, and you make an assertion in relation to family separation:

"Family separation is among the greatest of all risks to children globally."

Now I would be interested in knowing how and in which way family separation could have an impact on the mental health, but not only of the mental health, but also the development of a child.

A. [9:55:00] Yes, thank you.

If we think of the family as the first line of support, and also the first line of defence for children, then in a situation that is saturated with fear and danger, we see immediately the level of vulnerability goes up.

A young child, take a four- or a five-year-old girl who is no longer under family care and protection, that girl could be subject to sexual abuse, sexual exploitation, trafficking, engagement in forced labour, any number of horrendous child protection risks and threats. It's not that the family is a complete system of protection, but the family is the front line of protection for most children. And if you ask in many cases what former child soldiers are concerned about, many times they say, "I was so concerned about my family." They were worried about their family. So on the one hand they are feeling less protected, but on the other hand they are profoundly worried: What is going to happen to my younger sister? What's happened to my parents?

And so these concerns don't cross clinical threshold, but, again, if you talk with young people and ask about their own lived experience, these are the things that they name as most worrying and concerning.

Q. [9:56:35] Now if I turn to page 10 of the same, page 12 of your report, ERN 0085 and 0087, you explain the effect on children of living traumatic experiences and traumatic exposures, and you make a statement:

"... traumatic events ... can overwhelm children's capacities to cope and adapt, and cause mental disorders ..."

And you also mention something which is called "dose effect".

So I would be interested in understanding how does this dose effect work and what does it mean being exposed to multiple trauma?

A. [9:57:35] Yes, thank you. The dose effect refers to the greater psychological impact, greater negative outcome that comes from a stronger exposure to or exposure to a higher magnitude of war-related events.

So if I could give an example. A child who sees his parents murdered before his eyes

is experiencing a stressor of considerably greater magnitude than is a child who hears a bomb go off in the neighbourhood and knows that there was likely death associated with that, but it is not the same as seeing your own parents killed.

And in addition, there is a frequency effect. So being exposed to two, three, or in the case of children in northern Uganda, typically somewhere between 10 and 20 horrific events, it increases the likelihood that you will show either a mental disorder or a developmental delay. So, for a young child, that could mean a child who ordinarily would be expected to begin speaking maybe at around a year or 18 months of age might not speak until they are 6 or 7, or they may not be able to interact socially.

For older children, there may be tendencies to act out, to be disobedient, to engage in unruly behaviour. These are a normal reaction to exposure to traumatic events.

And the thing that I think is often overlooked, the name post-traumatic is unfortunate, because people in war zones ask me repeatedly "Where is the post?" "What do you mean 'post'? It happens every day." The threat of attack, the ongoing danger from sexual abuse and violence, criminality, all of these things are ongoing, and ongoing stress actually begins to wear down the body's defence mechanisms and produces a state called toxic stress, which is associated with a large number of dysfunctions in health and psychological disorders as well.

Q. [10:00:04] Professor, you already touch upon on the issue of age and gender. I would like to very briefly pose you two questions on that, the first one is on age.

In your experience and according to your work practices and to studies, is there any difference in the ways children of different ages may be affected by traumatic experiences?

A. [10:00:36] Yes. The evidence on this is actually quite clear and compelling.

There is evidence, for example, that young children who are exposed to attack, who cannot make sense of what is happening to them, often suffer greater traumatic reaction. But more than that, there is good evidence that during the first thousand days of life the majority of the interconnection between brain cells, the neuronal interconnections are formed, and war interrupts that process. There are long-term intellectual, cognitive, emotional, social, and mood-related regulation systems that do not develop as they are supposed to. So there is actually a negative effect on the brain development, and it is something that does not receive the attention it deserves. Most of the evidence comes from northern societies, but by all scientific evidence available it is global. It is bit like a sucking reflex, it is sort of the same, the same everywhere.

And for young children as well there is a very crucial thing that happens in the early years, it's called the attachment process. If a child, if an infant forms a secure attachment with his or her mother and/or father, that enables the child to go on subsequently and to develop healthy long-term relationships. But to not have that healthy attachment, to have what we call an insecure attachment, or a failed attachment, it results in a long-term negative development process wherein it becomes very difficult to maintain and form trusting, lasting relationships with real reciprocity and good outcomes and good relations.

If we look at teenagers, we find a different constellation of impacts. So we know that young people in their teen, teen years, during adolescence, tend to be risk takers, they like exposing themselves to a little bit of excitement. And oftentimes armed groups understand this and, because the people are relatively large in stature, physically mature, they can make complex decisions under combat circumstances, they put them up on the front lines and so, you know, they become perpetrators as well as victims.

And these things have impact, it means that they are --

THE INTERPRETER: [10:03:24] Message from the interpretation booth.

PRESIDING JUDGE SCHMITT: [10:03:29] Yes.

Mr Wessells, I think you have heard it. You did it again, so to speak.

THE WITNESS: Yes. I did it.

PRESIDING JUDGE SCHMITT: So please speak slower so that they can follow you. And, you know, also the structures of language is different, of course.

THE WITNESS: Yes.

PRESIDING JUDGE SCHMITT: So the English language is quite short, I would say, in principle. If I compare it, for example, with my language, German, we need more words, we need more space, more time to express the same things, perhaps. And there might also be differences of course with Acholi, translations into Acholi or French.

Please, Ms Massidda.

MS MASSIDDA: [10:04:07]

Q. [10:04:08] Professor Wessells, you were touching upon the issue of teenagers.

A. [10:04:12] Yes. So teenagers are in a process of defining their identity, carving out who they are in the world, and I think that this is a different process, you don't see such strong identity formation in younger children.

It is very important in regard to child soldiers, because a child who is abducted and who spends crucial developmental years inside an armed group may see themselves as a soldier and, subsequently, when it comes time to reintegrate into family and community, redefining themselves yet again as a civilian, achieving a civilian identity, is a very significant task and not something that happens overnight.

So this is to say that, once again, it is too simplistic to talk about war-affected children.

It is not a homogeneous category. People differ by age and each age has its own opportunities, unique capacities, and also its unique challenges. But I think a key point is that the things that happen at each developmental stage can have life-long implications.

Q. [10:05:40] Thank you. And I have the same question in relation to gender. Is there any difference in the way a former child soldier who is a female versus a former child soldier who is a male may be affected by war and traumatic experiences?

A. [10:06:02] Yes. Thank you.

In general, worldwide, girls are affected differently, because in the vast majority of armed conflicts girls are subjected to rape, sexual abuse, forced marriage, and a whole litany of rights abuses related to sexual abuse that boys are not exposed to on the same scale, and so you begin to see a different pattern of effect.

So a girl who has been raped horribly oftentimes blames herself, so the feelings of guilt are fundamentally higher in girls than in boys generally. And that relates to depression, levels of depression and trauma tend to be higher in girls. And one hypothesis is that it is because guilt is an amplifier. When we think about trauma and depression, it turns out that the expression of symptoms is greatest in the people who are exposed to high levels of everyday distress.

For girls the levels of everyday distress are higher even after they've gotten out of the armed group because they are subjected to much greater stigma. So a girl's stigma tears her up. You know, if we can imagine social death, this is how it's described. It's like suddenly I'm a nonperson, nobody wants to be with me, there is something wrong with me. Or they begin calling me rebel girl and so on. So even aside from trauma symptoms, the pattern of ill-effects I would say is greater for girls than for boys.

And then on the physical side too, there are, of course, the problems related to reproductive health, sexually transmitted infections, fistula, damage to reproductive organs. So all of these I would say are different in girls than in boys.

On the boys' side, although it is true that girls are often fighters and quite a few are even commanders, this varies by armed group and by context, it is true on the whole that boys are favoured combatants. I would say more boys are exposed directly to hostilities and to fighting, which means that the levels of perpetration statistically are greater for boys than for girls. And that has distinctive patterns. Child soldiers who have killed generally recognise that they are doing something that is wrong. And often times they have cultural beliefs that bad things will happen to them. In the case of northern Uganda, that is the primary cause, seen as the primary cause of cen, an affliction which people describe as being very scary and being of greater concern than a lot of the western derived categories of mental disorder.

Q. [10:09:36] One clarification for boys, Professor Wessells, if you can, in your expert opinion, it is also known that great stigma is associated to boys raped.

A. [10:09:53] Yes.

MR OBHOF: [10:09:54] Objection. First, that wasn't a question. That was a statement, your Honour.

PRESIDING JUDGE SCHMITT: [10:09:58] Please formulate it in a way that it is a question, but I think Mr Wessells has already understood it.

MS MASSIDDA: [10:10:06] My apologies, your Honour. Since Professor Wessells is an expert, I mean, I think he's able to understand. In any case my question was --

PRESIDING JUDGE SCHMITT: [10:10:18] What is -- let me -- is there also the concept of stigma --

MS MASSIDDA: Yes.

PRESIDING JUDGE SCHMITT: -- that you spoke about also related to male victims of sexual violence, and is there, if so, is there a difference to female victims?

THE WITNESS: [10:10:35] Yes, thank you. Male former soldiers do indeed experience high levels of stigma and I'm not at all trying to downplay or denigrate the importance of the stigma that boy soldiers face.

I would say that girls face a greater burden of stigma, but many of the boys in northern Uganda whom I talk with say that their single biggest problem was -- on return home was "People called me 'rebel boy' or 'LRA boy'" and that was usually an invitation for further mistreatment and social isolation and scorn.

So these -- this issue of stigma is -- applies to all former child soldiers, but I believe that the level and the kinds of stigma are different for girls than boys, but no doubt it is very present for boys.

MS MASSIDDA: [10:11:35]

Q. And my last follow-up question in relation to the issue of age particularly, you mentioned that normally former child soldier recognise that what they did was wrong, and I would like to link this observation to your observation in the report in relation to the moral development of a child.

And for the record, I am referring to page 20 of the report, yes, ERN number ending with 0095. It is on page 20 of the report Professor Wessells touched upon moral development.

And if I understand correctly your previous assertion that they, former child soldiers are able to recognise what is right and what is wrong, could you please elaborate a little bit more on that and explain to us how and if moral development can be impaired because of the experience of being a former child -- or being a child soldier, actually? Thank you.

A. [10:13:01] Thank you. I would like to be honest and preface this by saying that we have a lot to learn about this area. I would say that the scientific data are far from complete, but I would be happy to share my experience as a practitioner and also try to draw on the extensive literature that exists on this.

The boys and girls in northern Uganda are in a position of -- they have a dual role as both victims and perpetrators. So they are victims in the sense that they were abducted, they were forced under threat of imminent severe punishment and threat of death to do terrible things such as shoot members of their own communities or even families, and to engage in other rights-violating behaviour. So they became perpetrators. But one could also look at that too as an effect to some extent of their, of their victimhood.

But the question you have posed, do they remain morally alive, do they know right from wrong, there may be individual differences on this, but the majority of former child soldiers do retain some ability to tell right from wrong and they say that the first time they had to kill in the LRA, they were terrified, not just because of the use of a weapon, but because they knew that they were breaking a horrible, you know, value, the value of life, which is held sacred, committing an abomination, as it's viewed in Acholiland. But they did what they had to do to survive.

Psychologically there is a process wherein after one has engaged in violence once, it becomes easier the next time. I'm sorry to say that this is a very human kind of phenomenon, it's not restricted to northern Uganda or to children. I think that children who even in the LRA, the ones I have talked with, were not robots. Most said, have told me that they knew that the things they were doing were terrible. They said, "We did them because we wanted to survive. We wanted to be able to get back to our families."

And I think that the way that they protect their morals is through a process of compartmentalisation. What that means is that psychologically they can set aside the morals from their everyday life that they had learned with their families and in Acholi society, and say, "Now I'm focusing on life here inside the LRA where if I don't obey orders immediately and with enthusiasm, I'm at grave danger." And so they're not worried in the moment, but they retain their ordinary morals.

And the reason why I've come to a view, this has not been my view all along, but when you are a scientist, you have an obligation to change your view according to evidence, the evidence I believe now indicates that people are -- were compartmentalising, and one of the reasons why we see that is most children with the LRA either got captured by the UPDF, by the Ugandan army, or they escaped. To escape requires a plan. It requires motivation. That motivation comes from understanding that things here are bad. And people put it to me in this way, they say, "We see the bad things being done and we want to go home and that's why we chose to escape."

So I think that even though they did what children, for the most part, did what they had to do in order to survive, the majority did not become robots and lose their moral development.

Now that said, there are developmental implications for some children, not all children cope in the same way and some do not come back. A small minority, we don't know what percentage, I personally would maybe estimate it's under 5 per cent, show a phenomenon of appetitive aggression wherein people actually learn to enjoy and derive satisfaction from the pain, torture and killing of other people. And I'm very sorry to have to say, but it's part of the human package that this is true of children, some children.

So there are some children who are morally damaged, but they are a small minority and we do not understand either the brain science, the brain changes that underlie this or all the mechanisms of thought affect and self-regulation or lack thereof that go into this. But overwhelmingly, even in the LRA, the young people I have talked with said, "I knew that I had to follow the orders, but I also knew that I wanted to escape." And they knew the price of getting caught, you know, if they attempted to escape, so they chose their time carefully, typically the chaos of battle. And that means that they were looking out and that meant that they had kept one foot in their normal world with ordinary morals, even though maybe 90 per cent of their, of their daytime life was focused on getting through life and surviving in the LRA.

Q. [10:19:40] Thank you. I've dealt with my question in relation to the traumatic experiences in trauma for the former child soldier. I'm now interested a little bit more on what you call intergenerational transmission of trauma in your report and I'm referring to page 26 of your report, ERN ending with 0101.

The first paragraph on the top, in the middle, you indicate, and I quote: "The intergenerational transmission of trauma will likely affect the families of abducted children in northern Uganda for generations to come."

And I would be interested in knowing on which data and which facts you based this assertion and what do you mean with intergenerational transmission of trauma?

A. [10:20:56] Yes, thank you. I have to be honest, again, I would say that the -- this is another area in which the evidence is incomplete. The phenomenon of intergenerational transmission of trauma I think is well substantiated. I don't know that it has been documented carefully in the Ugandan context, but it has been shown to be present in other societies such as Rwanda, DRC, and I would say that there is high likelihood. And part of it is because it is regulated by certain brain processes

and processes that are involved in self-regulation. So it turns out that one mechanism is that mothers who experience trauma actually transmit some of their stress and trauma to their offspring through hormonal mechanisms. In other words, there is a biochemical set of mechanisms that actually mediate the transmission of the traumatic reaction. There is also evidence of genetic transmission and I suppose this would more properly be called epigenetic.

Genes do not work like a blueprint. Certain experiences can trigger and activate genes. Exposure to life-threatening events can activate particular genes that then get transmitted to offspring. In addition to this direct, what I would call these direct mechanisms, there is a whole host of social learning mechanisms that are a bit more indirect but are quite important.

So to put it bluntly, a mother who has suffered trauma or a father who has suffered trauma acts differently as a parent. So fathers tend to project and to send a lot of their own feelings onto their children. They behave differently. They don't create the boundaries and the spaces that ordinary parenting might do.

And they model certain things. Someone who has trauma may be distrustful of the world, they may see the world as a very dangerous place, and children pick this up. They learn from watching their parents. So they observe, they learn, they imitate the same patterns. So this is what we call an indirect modality of transmission.

And then there are certain beliefs about other groups, unfortunately, that are transmitted. So I remember, you know, in places like Rwanda, where Hutu families were being indoctrinated and to the view that Tutsis were, you know, problematic, they were taught that they were animals, that they were cockroaches, and children hear this and they too pick that up. So in other words, they learn to project these demonized images of the other, which are also part of the trauma, onto other groups

and that, of course, becomes fodder, if you will, for continuing cycles of violence. So what this means is that if a trauma occurs to a young girl who has just become a mother inside the LRA, the trauma doesn't stop with her, it will continue through her children and even through their children. And to be honest, we don't really have good evidence of what this actually means in a war zone, but we know that the phenomenon is real and so it's going to take quite a bit more research to actually understand its mechanisms and the severity of the impact.

PRESIDING JUDGE SCHMITT: [10:25:05] May I shortly, perhaps. You already talked about the mental problems that victims might face after such trauma, PTSD or depression, and imagining now that the parents have developed such depression or PTSD, that might also, in my layman's understanding, have an impact on how you educate your children, what is transmitted to your children, or is this incorrect what I'm saying?

THE WITNESS: [10:25:40] Thank you. I think it is correct. The family is a system, and of course in Uganda it's an extended family, so it can easily include aunts, uncles, cousins, all of those in a household. If you have multiple people affected by PTSD and by depression or by problems such as cen, you will probably not handle conflict in the same way. You may find that there are problems of self-regulation and of regulating relationships within the family. There may be issues of withdrawal, so someone who is depressed may withdraw, and you will probably find lower levels of social support which are so crucial. So a mother who is traumatised may not be so emotionally present and able to support her child as might be a mother who does not suffer trauma.

So these interact and I think it's these systemic effects that we need to think about, although the evidence base regarding them is understandably a bit weaker because

it's harder to isolate the exact variables and patterns.

PRESIDING JUDGE SCHMITT: [10:27:02] Thank you very much.

MS MASSIDDA: [10:27:05]

Q. Going now to the impact of abductions in a community, you also touch upon that in your report, it's page 28 and 29, ERN numbers 0103 and 0104. And you indicate that abductions cause actually a significant damage to the communities. What do you mean by that? And why you qualify the damage as significant?

A. [10:27:44] In Acholiland, as in many parts of Sub-Saharan Africa, children are viewed not only as the responsibility of the family, but as the responsibility of the community. When people define their well-being by the quality of their relationships, for children to be abducted, first of all, means for parents and for community members we failed, we failed to protect our children. This is a very large responsibility and it really wears on people. It evokes tremendous fear for the children's well-being and it keeps people in a state of hyper-vigilance, they can't calm down, they are constantly worried about the fate of that child.

Some of the children die. These are losses. These are losses of members of your clan, your group. They are also losses within the family and this impacts people. For the community, it means that their next generation, their most precious resources are being damaged. So the communities themselves view this as a form of damage. And then with regard to problems such as cen, communities are quite afraid. Young people who come back and who go into unpredictable fits of rage, which is one of the things that cen can cause, when they see that, they realise -- they don't just respond with fear, they realise that there is spiritual discord between the ancestors and the living. In Acholiland it is a very -- it has a very spiritualistic cosmology. People believe that well-being in the visible world is based on harmony with the ancestors

and good relations with the spirit world. And so to have this breach going on with the ancestors is very upsetting. It is difficult for westerners to understand because it just doesn't fit with our belief system, but it is a form of non-well-being. It is a form of pain and agony that is really very deep.

And then there were lots of economic losses that came to the community as well. So along with the abductions of the children came lots of attacks and losses of farms and homes, animals. So for all these reasons communities saw their situation, saw themselves as having been damaged.

And then as the war continued and as people were moved into the so-called protected villages, the IDP camps, elders began seeing that young people no longer respected them, no longer greeted them in the usual culturally appropriate manner and they started talking about the rift that had arisen between young people and older people within the community. That means that the community is fractured and that identity, the fabric of Acholi society, their beliefs, their identity, their customs, their culture was actually degrading and under assault.

And again, I think it's hard for western psychologists like me, it's hard for us to get our head around this because our cultural beliefs and identity are different. But for Acholi people for whom these beliefs are extremely strong, these are the things that elders, for example, and ordinary boys and girls have told me are the most impactful, not on them as individuals, but on their communities.

Q. [10:32:02] Thank you. One clarification on this issue of the fact that in a certain sense there is a loss of social equation and weakening of the traditional values in Acholi, if I understand correctly what you are saying, and to some extent the community feels under assault, you have used this expression. Now practically on a daily life, what does it mean? What are the consequences of this loss and

weakening?

A. [10:32:42] Alcoholism, spouse abuse, you know, the losses of livelihoods and ability to earn a means meant that for men they could not fulfil their role as providers and there was already a lot of emasculation that had gone on. It meant I think a reduced ability to recover. Recovery in Acholiland requires having a strong cultural identity, being able to practice the rituals that enable one to become well and that enable the community to be well. It also means a loss of social harmony and ability to work together. So that system of respect that I had mentioned and relations between the elders and youths and others, these were norms and practices that literally enabled Acholi people to work together to solve their problems. With low social cohesion, it means now that people are fragmented and less able to work together to solve their problems. And they have deep wounds from not being able to draw on their Acholi customs and values with the same depth.

Q. [10:34:14] And then on this specific issue you mentioned a minute ago that it is important for the recovery in Acholiland the practice of rituals and we have touched upon in our conversation on the difference between ages and gender. Now in relation to gender specifically, how in your experience, how challenging is for a former girl child soldier to adhere to Acholi norms and behaviours when she is back? What does it mean for a former girl child soldier not being able to adhere to that standard of behaviours?

A. [10:34:59] Thank you for clarifying. For a girl who cannot meet the ordinary role and the expectations of Acholi society, it means that she will never become a woman. I mean, I think maybe the best way to describe it is it's like being unable to become a full human being. So the belief in Acholi society is that a girl needs -- becomes a woman when she is engaged in a legitimate marriage. By

definition, the so-called relationships that were assigned, forced inside the LRA were illegitimate relations as viewed by Acholi society, so they did not fulfil -- they did not count as a legitimate marriage.

To marry requires for the boy to be able to meet a bride price, which is almost impossible to do these days. And it basically means that the girl cannot become married, nor can she become a mother in the context of a legitimate marriage and that is what it takes to become a full woman. So this is exquisitely painful for girls in Acholi society. It means that they are trapped in a liminal space where they can't -- they are not quite a girl anymore, but they are not a full woman. And above all, they are not fully Acholi. And that means that they are left in limbo and yet they may have children that were born as a result of their time in the LRA. So they struggle and this struggle can actually go on for a long time. The struggle is often manifest, for example, in land rights. So they've got a child, who does that child get land from? Because the land rights typically come through the father's lineage, but in this case it's contested for -- in most cases the father is absent; it's not perceived that there is any legitimate relationship.

These are the everyday distresses that tear at people's wellbeing. They do not show up in the clinical psychologist's, you know, diagnostic and classification scheme, but they're the things that young mothers, for example, often identify as some of their biggest problems.

Q. [10:37:36] And you already touched upon a little bit on the male former child soldiers. Do you have any other comments on that in relation to the difficulties for male former child soldiers to adhere or not being able to adhere to Acholi practices and culture?

A. [10:37:58] Yes, so I mean in typical Acholi culture at an age of maybe about 11 or

12, you know, a boy takes his separate hut apart from his parents' hut, and then, at a somewhat older age, he earns enough to be able to -- be able to form his own home and to muster a bride price and then engage in marriage.

In Acholiland, a boy becomes a man, again, when he engages in a traditional legitimate marriage and becomes a father. And just in the same way that a girl is unable to do that in the context of the war, the same is true of boys. And this weighs very heavily on boys. They want to become full men. They want to continue their family. They want -- they define "wellbeing" in terms of Acholi norms and values, but those are not achievable now.

So there's a sense of being trapped and then that's aggravated for boys by the fact they are expected to be providers. But there are no jobs. With over 80 per cent unemployment, you can find boys turning to drink, to substance abuse of all kinds, to criminality in ways that are really quite devastating. So these are somewhat indirect effects of war, but they are very serious and they have long-term implications.

Q. [10:39:34] Can I just have 30 seconds, your Honour?

PRESIDING JUDGE SCHMITT: [10:39:39] Of course.

MS MASSIDDA: [10:39:41] Thank you.

Thank you, I think you understand why I wanted this 30 seconds.

Q. [10:40:01] Now, Professor Wessells, I'm going to another topic which is -- and you touched already a little bit on that, the integration of former child soldiers and healing and you already explained how difficult this process can be, so we will skip that. But in terms of healing, thinking of a former child soldier who, by definition, is vulnerable, now how vulnerability of a victim can be, if it is a factor, which may affect the degree to which a person can move on from the traumatic experience?

A. [10:40:53] Yes, thank you. Children even before the war and before their association with the LRA differ with regard to vulnerability. A child who recently lost a parent is in a state of emotional vulnerability that will only amplify the effects of exposure to traumatic events, and the same is true during the conflict and after the conflict.

So, in general, a child who is more vulnerable is less able to cope, and so the effects of trauma and depression, anxiety and cen will be greater for that -- for that child. And sometimes trauma, depression and cen make it more difficult to seek support or to receive and to draw upon social support and that, too, creates a cycle that actually worsens -- can worsen their situation.

So for example, depression can isolate you from others. Cen will isolate from others. And so that actually retards the process of healing and makes it less likely that healing will occur or adds to the magnitude of the task.

Q. [10:42:26] And what about the lack of access to proper treatment? Does this factor impede the possibility for the victim to move forward and achieve wellbeing?

A. [10:42:43] It does. I should preface by saying that providing support at any time helps. It's always useful. So I'm not trying to imply that, but if you are looking at someone who is depressed, has clinical depression and they have to go two years before treatment, that depression can worsen and it will likely worsen.

Why? Because people who are depressed feed themselves negative messages, messages of hopelessness. They may feel suicidal. They may be isolated from other people. All of these things worsen depression. So not receiving treatment can make your situation worse.

It becomes even worse in a situation where there are lots of NGOs, social workers and others maybe leading to raised expectations that you will receive treatment. But

then if no treatment is forthcoming, you feel abandoned and you feel even more hopeless. So delaying services is actually quite harmful.

Q. [10:44:02] And going to the time -- you explained that at any time support is useful at any time, if I recall well your words, but the time elapse between the commission of a crime and the victimization and the time at which support and services are available for -- let's say, a proper treatment, is this a factor likely to influence the possibility for a victim to recover and move on?

A. [10:44:38] Broadly, yes. It may vary by individual, but receiving treatment early on generally yields better results. You are more likely to be able to come to terms with difficult life experiences, to heal and to move forward with your life if you received treatment early on.

Part of this may be due to the mechanisms I'd just described, your illness, your problem can become worse. It may also have to do with the way people treat you. So if a child has cen, for example, and is left untreated and people see that child repeatedly, they say, "That's the boy with cen. That's that rebel boy with cen." Well, that adds to the boy's problems because there is more stigma. There's more social isolation. People keep away from someone with cen, and the same is true for people with depression. You know, most people do not seek out individuals who are chronically depressed. So early intervention is really very, very important.

Q. [10:45:51] And when you use the term "untreated" in the example of a boy or a girl with cen, what do you mean by "untreated"? We are talking about of cultural rituals or something else?

A. [10:46:10] Thank you. I was thinking of cultural rituals. There is no evidence that I've seen that a standard trauma or depression treatment will rid a child of cen, and I believe that that is because people see cen as arising from different sources that

are inherently spiritual in nature.

So the belief is that if a child kills someone, the spirit of the man killed can then enter that boy's spirit world and can actually affect the boy's mind and body, possess him. And so there would be no reason why a trauma treatment would help that. And there is evidence that exposure to various Acholi rituals are helpful in alleviating cen, and I think it is worth noting that these problems are viewed as relational and communal; so it is true that a boy who has cen has an individual problem. But the belief in Acholiland is that the cen can actually move from that boy to someone else, and so there is real fear of other people getting too close to that boy, it's in everyone's interest.

And more broadly, for anyone in a community to have cen, means that there is a lack of harmony between the ancestors and the living. So it's important for there to be communal rituals that make it possible for everyone to feel that spiritual harmony has been restored and it feels safe from cen. So the individual benefits from the ritual because he may say, "I don't feel the cen present anymore, I'm not -- I don't go into fits of rage. I don't feel like someone is trying to strangle me or attack me in my dreams." But for the community, they will say, "Now we feel that harmony has been restored."

PRESIDING JUDGE SCHMITT: [10:48:22] I simply wanted to make a remark, sometimes I do that, we have heard sometimes, often times in this courtroom about cen, but I have at least the impression that we did not hear about cen before with such clarity like with this expert. Just a remark by me.

Please continue, Ms Massidda.

MS MASSIDDA: [10:48:45] I'm glad to hear that, your Honour.

Q. [10:48:48] In relation to this example, drawing from that example, is my

understanding that when there are some aspects, if I can put it that way, of the Acholi culture that could be useful to help former child soldiers reintegrating into the community, is that correct? And if this is the case, do you have other examples showing this aspect?

A. [10:49:19] Yes, I do agree with that. Local people will not accept a former child soldier back if that former child soldier exhibits cen. They will be fearful. They will keep their distance. They know that there is spiritual discord. So these rituals, I believe, have to be part of the reintegration process. They have to be available.

But I do think we have to be careful and take a differentiated view. In northern Uganda, as in most Sub-Saharan African societies, Pentecostal, Christianity and other religions come into play. Some people in Acholiland do not wish to follow the traditions, and so I think it's important not to impose, but to ask.

But if I could offer a small way of thinking about it, maybe the best treatment is to try to fit together a combination of western supports for trauma and depression, alongside local supports for things like cen and to find ways to enable a more holistic array of supports.

I see in many other countries the same dynamics. In Angola during the war, I was working with a trauma programme and there was a 14-year-old boy who was talking with our team leader and he said, "I can't sleep at night." And so she and I were both thinking, "Oh, maybe PTSD." And then he said, "I can't sleep because the spirit of the man I killed comes to me in the night and asks, "Why did you do this to me?"

And, so then he was asked what did he think would help him, and he said, "Well, Where I live, there are traditional healers who can do rituals that cleanse you of this -- of these bad spirits, of this spiritual pollution."

And so the team I worked with, even though they were working in a western idiom,

they had the courage and the common sense and the respect to begin learning about cultural afflictions and they actually did ethnography and went -- for this boy and worked with a traditional healer and that healer ended up doing a ceremony, a healing ceremony that cleansed the boy.

So after about a month of a diet, a purifying diet and moral tutelage, the entire village was convened. The healer demarcated a safe space using herbs believed to keep angry spirits out. The boy was asked to take his shirt off and he was ritually washed with substances believed to expunge bad spirits. He sat on a stool with a towel over his head and was fumigated, inhaling the boiling vapours of herbs that were believed to have purgative properties.

An apology was made by the healer to the spirit for any wrongdoing that had been done, and a goat was sacrificed as a means of giving back to the spirit and, you know, restoring harmony with the ancestors.

And at the end, the healer asked the boy to step out of that space, and as he did so he announced, "This boy's life as a soldier has ended and now he re-enters life as a civilian and he can do all the things that we do."

I've seen these kinds of rituals and documented them in both Angola and Sierra Leone. I'm also familiar with various rituals in DRC and in Liberia and so I don't want to say that they're the same everywhere; they are not. But there are certain commonalities that have to do with the wrongdoing that results in bad spirits, the possession and the haunting, and the need for a cleansing ritual that restores harmony between the living and the ancestors. So again, it's not viewed just as an individual problem. It is an individual and a communal problem.

Q. [10:53:59] And Professor, are there any rituals specifically for girls that you can comment upon?

A. [10:54:12] Thank you. It's a good question and to be honest, I don't know.

Q. [10:54:21] Thank you. You also touched upon the beginning of your questioning on resilience. Now I was quite puzzled in reading in your report, I'm referring to page 46, the last paragraph, ERN 0121, there is a sentence on which I would like to ask you some clarification.

You stated, and I quote "...to say that a child or group of children are resilient does not imply that they will be resilient in the future."

Can you please clarify that for me. How is it possible to understand that resilience is taking place or not and which are then the symptoms that allow you to realise that actually someone who was not resilient before is resilient in another period of time and vice versa?

A. [10:55:37] Yes, thank you. So by resilience we mean that a child is doing relatively well despite exposure to high levels of adversity. So they might have been expected to develop a mental disorder, but most children do not. The answer I believe goes back to the social environment. We say that a child -- a child exhibits resilience when the child has quite a number of protective factors, such as being in the care and love and protection of a mother and a family, having support from peers, having their basic needs met, you know, having access to medical care, having favourable religious spiritual beliefs and practices. So all of those things have a protective value.

When protective factors outweigh the risk factors, that's when we see resilience. But resilience is dynamic and this is where the problem can come in. A child who is resilient today will become -- may become quite overwhelmed and even dysfunctional tomorrow if the protective factors are withdrawn and the risk factors increase.

And so a child who is in the care of a family one day but then who has a village attacked, his parents are killed, extended families torn up, and now they are on their own and they are exposed to all kinds of difficulties, that child can go almost overnight from being relatively resilient to being quite overwhelmed and severely vulnerable.

So this dynamic view is now widely accepted. There is a lot of evidence in support of it, and it means that we have to be very careful not to think that because we say a child is resilient, that they don't need support. They do need support; it's part of prevention, it's part of ensuring wellbeing.

Q. [10:57:48] I will have one question and then I will pass to another topic, so if you allow me, I see the time, but --

PRESIDING JUDGE SCHMITT: [10:57:58] Please proceed.

MS MASSIDDA: [10:57:59] Thank you.

Q. Now, Professor Wessells, in your expert opinion, how likely it is for a former child soldier who has been exposed over more than one traumatic event and who has spent a considerable amount of time in the LRA to completely overcome or in other words, to move forward from that experience? How likely it is?

A. [10:58:26] I would say that it is very possible for most children who had been in the LRA, given appropriate supports, meaning mental health services and psychosocial supports, including cultural support, to be able to move forward with their lives and achieve resilience in the way that -- as I have described it.

However, I would be reluctant to talk about overcoming completely. You know, one remains changed forever as a result of such experiences. You know, I mean, for a child to see his or her parents murdered before their eyes or to have to engage in killing a sibling at the orders of the LRA, I don't think one ever totally overcomes that,

but certainly one can hold it in a different regard so that it is not so overwhelming and it doesn't make one dysfunctional. And one can make sense out of life, "Now, you know, I'm no longer in the LRA," and when it's possible to move forward and can even experience some level of gratitude and of hope for the future, but that it takes a lot of work and it takes time. You know, the global approach to reintegration typically provides funding and programmes that maybe last one or two or maybe three years, but I think reintegration is truly a process that has to be measured in longer spans of time, five years to 10 years, for me it would be very important. It takes time for people to move beyond. It's not -- it doesn't happen overnight. It happens in iterative steps, and I think that, you know, when we think about the needs of people in northern Uganda, it's also not just the formerly abducted children, it's other children and their families as well.

Q. [11:00:45] Thank you very much.

PRESIDING JUDGE SCHMITT: [11:00:46] We will have a break now until 11.30.

MS MASSIDDA: [11:00:47] Thank you.

PRESIDING JUDGE SCHMITT: And how long will it take you, do you think?

MS MASSIDDA: [11:00:52] I have still, I think, five or six questions. I will think not more than half an hour, I would say.

PRESIDING JUDGE SCHMITT: [11:00:57] Thank you very much. 11.30.

THE COURT USHER: [11:01:01] All rise.

(Recess taken in open session at 11:01 a.m.)

(Upon resuming in open session at 11.32 a.m.)

THE COURT USHER: [11:32:44] All rise.

PRESIDING JUDGE SCHMITT: [11:33:06] So Ms Massidda has still the floor, and I would like to foreshadow that we perhaps try, Mr Obhof, that we perhaps try to

finish in this session, if possible. We don't force it, but if it is achievable, we would try to achieve it.

MR OBHOF: [11:33:29] I think we should be able to finish within this session. We might go a few minutes over.

PRESIDING JUDGE SCHMITT: [11:33:34] That's no problem. Thank you very much.

Please, Ms Massidda.

MS MASSIDDA: [11:33:38] Thank you very much.

PRESIDING JUDGE SCHMITT: [11:33:39] No, I have -- we can't –

(Trial Chamber Confers)

PRESIDING JUDGE SCHMITT: [11:33:49] I am just hearing that for special reasons we can't continue past 1 o'clock, so we would have then to resume, but we don't make a hurry out of it.

Ms Massidda.

MS MASSIDDA: [11:34:04] Thank you, your Honour.

Q. [11:34:06] Professor Wessells, over the break I thought it was also important to add one question. It is still in relation to the topic of Acholi culture and ritual.

Now, we had some witnesses testifying about the trauma linked to the fact that they were unable to bury their loved ones. Now, you touched upon this topic in your book "Child Soldiers" in chapter 6.

And for the reference of the record I am referring to UGA-PCV-0005-0026, which is page 148, 149 of the chapter and following pages until 0028, in which you explain this difficulty and also you put forward some examples of that.

Now, in light of the fact that some witnesses testified about this trauma, do you have any data or any observation that you can share with us in relation to the importance

or non-importance for someone being in Acholi to perform or not perform rituals, burial rituals for their loved ones who died? And, if possible, I would like to have your opinion on the scenario in which someone has certainly died and the ritual was not performed, so the family knows with the death of a person; in the scenario in which the family doesn't know about the scenario of a person, about the death of a person, the family assumes that the person is dead, and then after a while the person comes back.

A. [11:36:22] Thank you. With regard to the importance of the burial ritual, the belief in most societies in Sub-Saharan Africa is that if one does not perform the culturally prescribed burial rituals, the spirits of the deceased are unable to transition to the realm of the ancestors, they are trapped between worlds and, therefore, angry or agitated. And they can cause problems for your family, they may cause disease or crop failure. They may cause problems for the community.

So it is a very big deal. It is a strong obligation, this need to do the rituals because, again, well-being is understood through this cosmological lens of harmony between the living and the ancestors.

In northern Uganda, people have told me that they need to conduct burial rituals, but they have had a hard time doing that, often for economic reasons, sometimes for reasons of not having the body, not actually knowing the situation.

But where they have been able to conduct rituals, they have described their well-being as being better. And individually and collectively where they haven't done the rituals, they have had the sense, we would call it a lack of closure, but I think for them it is more a sense of spiritual discord. And so this is a dangerous situation. It is a moral obligation to complete these rituals and to honour the ancestors.

I'm not sure I can answer your questions about what happens if you, you know, do

the rituals and someone comes back. That, I'm less sure of.

Q. [11:38:40] Thank you very much.

And for the record I was of course referring to chapter 6, which is tab 4 of the binder. Now, Professor Wessells, amongst the materials that you were provided with, we also provided you with a table which is contained in tab 5 of the binder, which is UGA-PCV-0005-0056, which contains material drawn from courtroom proceedings, essentially extracts of some testimonies of witnesses at trial. Now, have you reviewed that table?

A. [11:39:37] Yes, I have reviewed it.

Q. [11:39:39] Would it be possible for you, Professor, to make any comments you consider useful to share with the Chamber in relation to this material and which could exemplify to some extent the findings in your report?

A. [11:39:57] Yes, I would be happy to do that if Your Honour is amenable.

PRESIDING JUDGE SCHMITT: [11:40:03] Yes, please proceed. And I think you have made a selection, I would assume.

THE WITNESS: [11:40:07] Yes.

MS MASSIDDA: [11:40:09]

Q. And, Professor Wessells, as a matter of housekeeping, could you please refer to the first number, the first column, you see there a number, if you could refer to that number so that we will be able to follow you in your reasoning. Thank you very much.

A. [11:40:28] Thank you for this opportunity.

I do think it is of high importance to bring forward the views and the narratives of the victims, the survivors themselves. And I think that these transcripts resonate quite well with my report, and maybe I can just pull out a few key items.

If we look at number 1, the very first item, the question is: "How did these events, especially your abduction and your stay in the bush and the death of your brothers, how did this affect your whole family?"

And the reply is: "Well, my abduction created a very big loss to my family, we lost two of our people. As of now, we were fewer than we should have been, but we are also aware of the fact that those who have gone have gone for good. We shall not recover them."

So I think this illustrates the nature of the family loss and shows that the effects of war cannot be understood strictly in individual terms. So this relational effect is really quite important.

If we turn to number 2, the injunction is, "Mr Witness, could you please describe us your life after you escaped, briefly?"

And the reply is: "When I escaped from the bush, life was not easy for me, especially when I had just returned. But as time went on, I went back home and I got used, I started living normally. But there was a lot of stigmatization. People would say that this so-and-so was abducted, he was a rebel, he killed, killed people, and that made my life a bit difficult.

It didn't continue much, but then I continued living my life. I currently -- I have no problem. The only challenge is that I do not engage in physical work and yet as a human being you must get involved in physical work because of the weakness I feel. I have pain in my chest. But right now there is no big challenge."

I think that this is actually quite a representative statement, I would say, about the problem of stigma, which as said earlier applies to both boys and girls.

And then I think that this pointing out of the fact that he doesn't engage in physical work and has no livelihood, both of these highlight the importance of everyday

distress. It may not be a mental disorder, but it is a profound source of suffering and something that needs attention in a holistic approach.

If we look at number 3, the respondent refers to cen and says: "When you talk about cen, this is a spirit, the spirit of somebody. If you killed somebody innocently, the spirit would possess you, would attack you, can make you run mad. You will not be a very normal person. That is the concept of cen. It also makes you fail to sleep. Sometimes you have nightmares. And that was what we were scared of; we feared cen because it will make you run mad. And that only comes after you've killed an innocent person."

And then continuing on on the following page, marked 15:13:28, he describes a traditional ceremony, and I quote: "When I returned, immediately they conducted the traditional ceremony, the rituals before I arrived home. It was done before I arrived home. But for those who did not go through the rituals, they had to suffer from that. For myself, I did not because the traditional ritual was done as is always done in the Acholi culture. And it was good for me. But for the other people I think the practice came later on."

So I think this statement illustrates both the importance of cen and the significance, the fundamental importance of the traditional cleansing ritual as a means of enabling people to recover and to gain social acceptance, and he is saying earlier is better.

If we look at number 5, the section 9:39:48, here we have a very powerful description of what happens when one enters the LRA. And the victim says: "The abduction ruined my life. At one point I was beaten 120 strokes -- 125 strokes. I was beaten in my stomach as well. I was beaten six strokes on my stomach and three machete stokes on my back. After that I was shot in the chest during battle and the bullet went through my lungs. I became unconscious and then revived again. On that

very day I was also shot on my waist. I was also shot on my thigh and my arms. So those things have not made my life very easy, but I am still alive and I thank God for that."

I think this illustrates the horrors inflicted by the LRA itself. But from a health standpoint, long-term impairment, long-term suffering and wounds, difficulties in life, these too are sources of everyday distress. So, again, I think my testimony tries to say that yes, trauma, depression, anxiety are significant and important and so are these everyday, everyday distresses.

And then number 8, section 10:26:16: "My question, Mr Witness, is what couldn't you bear anymore?"

And the reply is: "I could no longer bear the, the hunger, the worries, my concerns about the people that were at home and seeing all the bad things that happened in the bush. And for those reasons I decided that no matter what, I had to escape. If I'm killed -- if I'm apprehended, then I will be killed and that's fine. But if God helps me, then I would be able to escape and go home. And those are the things I was thinking about."

So I would submit that this is a fairly representative kind of narrative as well that illustrates that, although this person did what he had to do to survive, he kept alive within him in compartmentalised fashion his memories of home. He knew he was doing bad things, he knew he was suffering, he longed to escape, and he used that reasoning and this motive to begin looking for an escape.

So here I think we see the maintenance, the maintenance of moral values and a sense that, you know, the child soldier has not become a robot, he has not become an irreparable killer, despite what the LRA did to him. So I think that that too resonates with the findings of my report.

Q. [11:48:55] Can we pause just for a few seconds.

Thank you.

A. [11:49:09] And then one last item, number 12, beginning at section 10:03:27, and the question is: "Madam Witness, you were given as a wife to one of the LRA officers. How did that experience make you feel?"

And the reply is: "It was not a very nice feeling. First of all, it was not in my interest. I did not choose to be with a man when I was in the bush."

And if we continue below at 10:07:02, she says: "It took me three to four years for me to start living normally amongst the communities, because World Vision took me for a training to do tailoring and it helped me to change my life. I did the training for one year and it gave me confidence not to be stigmatized, and right now I'm feeling okay."

And the question is: "Madam Witness, what are your wishes for the future?"

She replies: "For my life I want to be able to take care of my children. I should find a piece of land and also build my house on it to enable me to look after my children and take my children to school since I lost the opportunity to go to school."

Now, I think this narrative illustrates very clearly the importance of taking more than an individualised approach. This young woman sees her situation as a mother and she believes that the most important thing is for her to be an effective mother. I have never seen a reintegration programme recognise the importance of mothering. It is something that really needs to change.

And the other thing that she says that's quite powerful for people like me, a psychologist, is she says it's economics, it's having the livelihood, that's what changes the stigma. It's not going to be therapy, it's not going to be some psychological tool. So I think this ought to point us towards a more comprehensive

holistic approach where we understand that the everyday distress of not being able to provide is as profound a threat to well-being as are things like trauma and depression.

So I hope that these are useful. I found them resonating very well with my report. And that should come as no surprise because my report simply, really tries to document what local people have taught me over the years.

Thank you very much.

Q. [11:52:09] Thank you very much, Professor Wessells.

I have three, possibly four questions left on a different topic. We have been discussing the trauma for former child soldiers, but there are also children who live in IDP camps and I would like to touch upon this last issue in the next I think 10 minutes.

In your report you touch upon these issues in pages 54 and 55, which is UGA-PCV-0002-0129 and 0130.

We are back at tab 2 of the binder, your Honours.

Now, my first question, in your expert opinion, what are the consequences faced by children who lived in IDP camps where they were exposed to situation of continuous fear and insecurity?

A. [11:53:23] Thank you. Broadly we see amongst those children a similar constellation of psychological, social and spiritual problems as we saw amongst the former abductees by the LRA.

So for a child who lives in a village, has multiple LRA attacks, they live in constant fear, they see death and destruction, they see siblings being taken. Parents see, you know, their families disrupted horribly. And the children live in constant fear of abduction, they live in constant fear of attack. So they get trauma, they get

depression at somewhat lower rates than the abducted children, who of course are exposed to a very large dose of traumatic events, but it is still the case that those children develop significant rates of PTSD and depression.

But the bigger problem, I think, is growing up with this constant stress. So there is this phenomenon that the report refers to toxic stress, which occurs when there is strong continuous load on the body's processes of self-regulation that bring us from a state of heightened arousal down to a state of calmness. Those self-regulatory systems are compromised and when they are compromised, bodily damage, physical damage begins.

So for young children there is changes to the brain architecture, the neuronal development in interconnections is less. The formation of the brain architecture that actually enables self-regulation, mood control is compromised, and that has lifelong implications.

Then for people who grew up in the LRA and are out, they may experience a whole spectrum of increased health risk, pulmonary disease, coronary disease, asthma, diabetes. These are statistical factors, but these are heightened risks and they are really quite, quite serious. They are life shortening and they impair quality of life as well.

So I think re-integration programmes go wrong when they focus only or primarily on the formally abducted children. We have to recognise that children who had not been abducted have also suffered and we need re-integration supports that are not divisive and that ignite jealousies and cause unintended harm but actually help to unite people and bring them together again.

Q. [11:56:50] Thank you, Professor Wessells. I can skip my next two questions with that and I have one last one.

PRESIDING JUDGE SCHMITT: [11:56:57] I already assumed that, frankly speaking.

MS MASSIDDA: [11:57:00] I have one last one.

PRESIDING JUDGE SCHMITT: Yes, okay, please.

MS MASSIDDA: It's because I'm so passionate about the subject, as you can imagine, your Honour.

PRESIDING JUDGE SCHMITT: [11:57:07] No, no, there is no problem at all with that. Please continue.

MS MASSIDDA: [11:57:10]

Q. [11:57:10] Professor Wessells, do you have any other comment that you wish to make in relation to the expertise that you provided and that you think was not covered by my questions?

A. [11:57:22] I would maybe add a bit more on agency. Young children, and particularly adolescents, are at a stage in life where we are creative, they are problem solvers, they are in a process of defining their identities. If they had been abducted, they are making transition into their communities. I would say too often we have regarded them as beneficiaries of supports and programmes, when I think the more appropriate view is to view them with respect as actors. And yes, they have gone through some horrible things, but they are not a lost generation. They have creativity, they have morals, they have a vision for the future and they have differences. So what girls need, particularly girl mothers, is very different from what boys need.

So I would urge us maybe to, as an international community, to think more carefully about how to actually listen to their voices and to have their perspectives inform the kinds of supports that are provided rather than having all the supports conceptualised and implemented by adults who, after all, sometimes we get it wrong,

we don't quite really empathise fully with the situation of the young people.
So that is my addition. Thank you.
Q. [11:58:56] Thank you very much, Professor Wessells.
MS MASSIDDA: And this ends my questioning. Thank you very much, your Honour.
PRESIDING JUDGE SCHMITT: [11:59:00] Thank you very much, Ms Massidda.
Mr Cox, any questions? No, I don't think so.
Mr Elderfield? I don't think so either.
Then I can give Mr Obhof the floor. Perhaps we manage to finish at 1 o'clock, so let's give it a try at least.
MR OBHOF: [11:59:18] If the dude abides, that should be no problem, your Honour.
QUESTIONED BY MR OBHOF:
Q. [11:59:31] Still good morning for another 30 seconds, Professor.
A. Thank you.
Q. Unlike yesterday we won't be talking about farming or anything. So today we'll talk about something a little different.
A. [11:59:46] That's okay.
Q. [11:59:47] Now, Professor, you spoke of cen today in your testimony. Is cen also known and experienced amongst people in the LRA?
A. [12:00:06] Yes, thank you. There is evidence that people inside the LRA do experience cen. There is some divergence of opinion on how frequent that is. The weight of opinion at this point is that cen tends to manifest more once people have left the LRA, but I think that there are cases where cen has been manifest while people are still inside the LRA.
Q. [12:00:42] You mentioned there is some research on the frequency. Do you

know if there is any research on whether the cen manifests itself in the same way as it does with somebody in the general population? Does it have the similar, the same characteristics?

A. [12:01:01] I don't know that.

Q. [12:01:08] Now, page 0090 of your report you mention that there are some overlaps between PTSD and cen. So would you recommend that someone attempting to diagnose PTSD withinside of an Acholi person be very well versed on cen and maybe even Orongo, on these type of local spiritual beliefs?

A. [12:01:39] Yes, thank you. I think it's a responsibility for all of us who are outsiders in a particular context to listen first and to try to understand and empathise with local people, not to embrace things as our own, but to understand the local belief systems.

And in the case of cen, I think a lot of harm got done by not paying much attention to it. I have talked with former child soldiers who were told, who said they had cen and they were told, "Just pray and you will be okay".

I think for people who are clinicians and who try to treat PTSD, I think it would be, it would behoove them to expand their basket of treatment approaches and recognise the value of maybe teaming up with traditional healers, and if they saw someone whom they thought might be suffering cen or who self-reported experiencing cen, to actually collaborate with selected traditional healers to help create a more holistic approach.

And just to be clear, I mean I think cen is not reducible to PTSD, nor the other way around, and so it's conceivable that there may even be individuals who may simultaneously need help with cen and with PTSD. So, again, different kinds of treatments needed for the same individual.

Q. [12:03:29] Thank you. You also mentioned about how cen can be transferred from people, from person to person. Does someone necessarily have to be close physically to transfer this cen or can it be close as in relational, as in a family member where somebody could be, say, in Gulu, another person in Kitgum but the cen could still transfer at a distance?

A. [12:04:02] I confess that my understanding on this point is limited. All the reports I have read and interviews that I have done have emphasised that the main modality is physical proximity and that it typically happens in the bush where there is a spirit present and it can leap, it can move from one person and actually enter someone else who maybe comes in contact with the dead body or is in the place where the killing, where the killing occurred. But it's more, it is physical proximity based typically. And I truly don't know about, you know, being able to move at a greater distance.

Q. [12:04:53] Now at page 0093, and I'm going to be explaining a lot of it, so if you don't feel like you want to flip to it, I will be explaining a lot of it.

You stated that, in the second full paragraph you discussed some of the traumas faced, and you mentioned it today, by newly abducted children under the age of 15 into the LRA. Now is there any reason to believe that Mr Ongwen was not treated in a similar fashion when he was abducted at nine years old?

A. [12:05:25] I think that the LRA abduction was fairly uniform in its, in its harshness, so I would assume, unless I had reason to believe otherwise, that every individual was subjected to a harsh induction.

Q. [12:05:54] Now why did Joseph Kony order that these children go through these form of rituals, these form of traumas and some even to kill people when they are abducted? Why did he do this or order people to do this?

A. [12:06:17] Well, I think we are surmising. So, you know, not having interviewed Mr Kony, I am not sure I can totally answer. But there are some plausible hypotheses, I think. So forcing abductees to kill members of their own family or village is a means of simultaneously terrorizing them, but also of making it more difficult for them to return home, so it seals their fate with the LRA.

The washings and blessing with the shea oil and these things were designed with a spiritualistic cosmology to provide a sense that the spirits were now enjoining the young person to enter, you know, a different society, a new Acholi order, as it has been called, and to create a sense of supernatural power and of mystique and spiritual power around Mr Kony.

So the belief was that, you know, because they had been anointed and because the spirits had entered the children, the idea was that the spirits who speak through Mr Kony would be able to find those children should they ever escape and try to go home, and the idea was that they would then be sought out and their families killed.

So again it was about instilling fear, ensuring control, limiting attempts to escape.

And throughout, you know, the attempt is to make it in line with a spiritualistic cosmology.

Q. [12:08:18] Now, during your research did you come across children or even adults who discussed the rules ordered by Joseph Kony and the spirits?

A. [12:08:27] Yes. People were quite clear that the LRA did not engage in random violence within its ranks, that there was a highly structured set of rules, and anyone who broke the rules would pay dearly in terms of beatings, torture, you know, and other, you know, even death.

And so people talked about the importance about following -- learning the rules and following the rules. They actually described that as a form of coping.

Q. [12:09:05] Now, what effect did these rules that were ordered by Kony and the spirits, what effect did this have on the child's moral development? And if you can be, be specific to age groups.

A. [12:09:26] Well, I think there are multiple ways of looking at this. And moral development does vary for different individuals as I said before in regard to appetitive aggression.

But I would say that, first of all, one has to do what one has to do to survive. I mean, this was a very common theme. Children often did terrible things, particularly for the first time when they were told to kill someone, they talked about how profoundly upsetting it was and how scary it was. But they knew they had to do it to survive. They knew that breaking the rule would be punishable by death or by very severe beating.

Over time if you learn to follow the rules, there are a couple of different paths that one can go. One could say "I was doing what I had to do in order to survive." Some people could even perhaps morally abdicate their own responsibility by saying "I was following orders, so at some level I wasn't responsible for the wrongdoing." But I think most, the evidence seems to be that most people, as I said before, retain their sense of right or wrong, and I think we really see that in their motivation to escape. And when they described why they wanted to escape, it wasn't just that life was hard in the LRA. It's that there were a lot of bad things being done, and they didn't like having to kill and having to, you know, do these or fulfil these orders to do terrible, terrible things.

So it becomes very difficult actually to make statements about a particular individual. And I am at pains to point out that I am not a clinician and I am not speaking from clinical expertise. But I would say if you talk statistically about the population of

former child soldiers, the majority in northern Uganda did seem to maintain their sense of right versus wrong. Some internalised rules more than others.

As a matter of fact, the study by Annan, Horton and Blattman, which is cited in my report, indicates that nearly half of the adolescents, the young people who were between the ages of 13 and 15, for example, actually initially bought into the LRA belief system and the propaganda that they would, saying that they would defeat the government forces and help to bring in a new and better Acholi order, but that that wore thin.

In other words, the propaganda took initially, but for most people it wore thin, because over time they saw that they didn't achieve the promised gains.

And so, you know, at that point people's desire to escape and to get back to a more normal environment increased. And so I think, I think actually it did not have such a profound effect on moral development.

And the vast majority of children I have talked with, and they were ones who were not selected, I mean, sometimes I came in contact with people who had not made their -- the fact that they had been formally abducted very public, they actually wanted to keep it quiet, but once trust was established, you know, they said things like, "I knew when I came back that I had done a lot of bad things." And, you know, it implied that their sense of right and wrong had not been thrown out the window.

Q. [12:13:53] Along the same line as age and to this propaganda, now, would a child, say, at the age of 10, would that child be very susceptible to this kind of transformation, much more so than someone who was 16 and had their identity formation further along and had a stronger skill of resistance? And that's from tab 6, UGA-OTP-0283-1517 at page 1521.

A. [12:14:37] I think age in general does matter. There are individual differences,

of course. Some people mature at an earlier age than others and so on. But in general as a statistical point, yes, an earlier age, somewhere 9 or 10 is generally not engaged so far along in their process of identity formation and generally does not have the powers of independent critical thinking and social resistance of the kind that you see in a 15-year-old, for example. So I would say that there is increased susceptibility.

Q. [12:15:21] In dealing with this propaganda, as you stated, child abductees fed a study diet of propaganda, would this have been uniform throughout all the LRA, whether it be the LRA as founded or the earlier part of the holy spirit movement, would this steady diet of propaganda be generally uniform throughout the entire movement?

A. [12:15:49] I am not sure that I have a sufficient insider's perspective to answer that in whole. I would say that the nature of the induction was pretty thorough going when the LRA bases in Sudan were still accessible for the LRA, because there you could go and actually spend time, you know, with Kony and with senior commanders and really get a level of indoctrination, you know, that was quite, quite strong.

But I think that the evidence available so far is that there was attempted ideological indoctrination that was pretty standard, standard in its use. I don't know exactly how uniform it was. But I would say that, yes, there is evidence that it was quite a standard part of the initiation experience.

Q. [12:16:48] And is it safe to assume that a 9-year-old would be rather impressionable to this indoctrination?

A. [12:16:55] They could be. And one could also say that, you know, there are certain teenagers, even 15-year-olds who could be quite impressionable. And for

reasons we don't wholly understand, there are both 9-year-olds and 15-year-olds sometimes who are not so susceptible. But statistically speaking, as I have indicated, I would say that there is increased likelihood that a 9-year-old would perhaps at least for a time be taken by the propaganda.

Q. [12:17:34] Now, would this propaganda generally be given by other 10, 11-year-olds or would it be given by adults, i.e., authority figures who would be dishing out the propaganda?

A. [12:17:50] My understanding is that it was usually adult authority figures.

Q. [12:17:56] Now at page 0094 and also at 0106, you discuss how sometimes children identified with particular commanders who became something of a father figure.

And this is a quote from T-113, at page 13, and this is from a former LRA commander, and he said during questioning from the Prosecution: "I should call Ongwen my son."

Was there a form of reverse, where the adults would sometimes adopt the younger children instead of the children seeking the father figure?

A. [12:18:43] Yes, I think the evidence from northern Uganda does suggest that, that it worked both ways. Children removed from a family might look for a surrogate father and, likewise, some commanders, people in positions of authority, did tend to take particular children under their wing, either because that child, they had a special chemistry with the child or maybe the child showed promise by virtue of their obedience and willingness to follow orders, and that may have varied from one commander to the next.

Q. [12:19:29] Now, could there have also been this similar type of bonding, say, if a commander had to break the unfortunate news to you that both of your parents

were dead, could a bonding have taken place there as well?

A. [12:19:44] In general, sharing difficult news like that makes a child extremely vulnerable. And loss of parents, as we have already said, is a profound moment in one's life. And so whoever offers any perceived support at that moment, yes, there could be some bonding that occurs.

Sometimes the bonding is compartmentalised and other times it is not. By "compartmentalised" I mean some children are able to say, "I know this person is treating me well right now," but it is as if implicitly they know that in the next moment if they do something wrong, that person could be executing you. So in other words, they keep it in a separate compartment. It is not a general relational thing. Other children may seek a bond and may see it as a bit of a life raft.

Q. [12:20:52] And as a hypothetical, knowing that your parents were dead and having such of a bonding, would that make it more or less likely that the person would try to protect that person like they would a true blood relative, a family member?

A. [12:21:12] It could. I think, I think individual differences are quite, are quite great on this point. But in Acholi society there is, you know, a tendency of adults to watch after younger children. It does not always happen that way, but I think there could be that perception.

Q. [12:21:41] Now you also mentioned that some children tried to protect their families and even the people from their own villages from harm by the LRA. How did these children protect their families and villages from harm by the LRA?

A. [12:21:57] Well some people have said that they, when they were given the orders to fire, that they fired in ways that were ineffective. Sometimes they moved slower on a march, sometimes they tried to leave clues that they were around. So it

really, it really depended on the individual. And sometimes even children who had become low-level commanders but who had some status within the LRA reported doing, doing those things.

This too, I think, indicates that despite following the orders and even to some extent getting caught up in the propaganda of the LRA, quite a number of people still knew right and wrong and wanted to protect members of their own family.

Q. [12:23:00] You mentioned earlier about the propaganda and about the beliefs. Now, was there also not a belief that if you attempted to escape or if you successfully escaped, that the LRA would go to your village and destroy the village and kill your family and the villagers around there?

A. [12:23:23] This was a belief that was, you know, generally instilled during the initiation. But I would say that over time, for many of the LRA abductees, some of this propaganda and some of these, you know, promises and assertions started to wear thin. Now maybe some people escaped because they just said, well, I don't -- like the gentleman I quoted earlier who said "I don't care if I die, maybe it's okay if I die."

But I think other people really did want to get home and believed it was possible, and they had seen other people escape and they retained their sense of right and wrong, they looked for the opportunity.

Q. [12:24:14] Now during your research did you come across anybody who might have participated or witnessed this propaganda, the villages being destroyed for someone escaping?

A. [12:24:27] No, not myself. I have talked with young people who had been part of collective beatings of the escapee till death, but not the return to a village and attacks on them.

MR OBHOF: [12:24:47] I'm just going to refer to one, your Honour, while there are many inside of the record. But I'm referring to the testimony of P-0070, it's found at transcript 107, which is a confidential transcript, and the discussion is between pages 9 and 12, where this witness when he was abducted saw it within 24 hours where somebody escaped and they returned to the village and burned the entire thing down and killed the few remaining people, even though admittedly the witness stated that most people had fled because the village had been attacked recently.

Q. Have you ever heard of the village, the attack on Omot in Agago in October?

A. [12:25:27] I have heard of it.

Q. [12:25:29] And have you ever come across that a person escaped and stole a firearm and returned to the village and that was the reason for Joseph Kony ordering the attack?

A. [12:25:42] I have not heard of that particular incident.

Q. [12:26:01] Have you ever heard of someone saying that, and while not go to the testimony, I'm referring to P-209, who said they finally escaped because they knew with the LRA leaving Uganda they were no longer capable of attacking their village and killing their families and friends?

A. [12:26:24] I have not personally heard of these things or that.

MR OBHOF: [12:26:26] And one final one, your Honour. And now I'm making reference to P-205.

Q. Have you ever heard of anyone who said that their village elders had told them, "If you are abducted, do not return home"?

A. [12:26:51] I have heard people say that, but I have heard more frequently that elders knew, the elders I have spoken with, have said that they understood very well that the children had suffered and that they were made to do things.

Q. [12:27:09] Have you ever heard of the phrase "If they abduct you, you don't come back"? Or maybe better yet the scholarly article title saying "If they abduct you, don't come back"?

A. [12:27:23] Yes, I have heard, I have heard these things. I have heard them in every war zone I've worked in, and yet most former child soldiers not only do manage to go back home, but they retain their belief, even while they are with the armed group, that it's possible, even despite the worst circumstances. And obviously there may be variation in the strength of these beliefs.

Q. [12:27:57] And might there be any type of, whether it be social or mental impetus, for one to return home knowing that one of his parents was killed by the NRA and one was killed by the LRA?

A. [12:28:13] Well, I think not commenting so much on this particular case, but I would say that in general there is a desire where one's parents -- or one has lost a parent or both parents to go to that place and to try to find out what happened and also to try to do whatever needs to be done to care for other members of the family and to reconnect, and if there are rituals that need to be done, to participate in those.

Q. [12:28:47] And finally, assuming that that young child was informed that those were all done, that the family was being taken care of, that the rituals were performed even though they could not find the bodies, would that, again, cause some sort of impetus for the person to come home?

A. [12:29:08] I think there is a need for, some need for closure and also a desire to be with members of one's family is very strong at moments of loss, and so I could imagine wanting to come home, yes.

Q. [12:29:30] You said that a majority of the fighters retain some ability to tell right from wrong. So it is also correct that there is a minority of these children who do not

have this ability?

A. [12:29:50] I think it is, as I mentioned with the appetitive aggression, in particular, I think that there is some evidence that some individuals, for reasons we do not fully understand, are damaged in the way that I described under appetitive aggression.

It is not a well-understood phenomenon and it is a minority, so far we think it's less than 5 per cent, but there are these individual differences and they are not, they are not well-understood. And I'm at pains to say that, of course, these are all statistical things so it's very difficult to make, you know, direct implications for a particular individual, but there are a range of these, these reactions. But I would say overall that this is really quite, quite rare.

Q. [12:30:48] I'm going to discuss a quote from, it's page 26 of your report, found on page 0101, the very last paragraph starting at the very top. And I will read it out to you, Professor:

"Because the LRA had a preference for abducting children 12-16 years of age, many abductions and enlistments of children robbed families of the older children whom Acholi families normally rely on for helping with household tasks, caring for younger children, and earning money to help support the family."

Now, we've talked a little bit about education, Professor, so whilst doing these different tasks, when are these children who have to earn money and care for the children, when are they supposed to go to school?

A. [12:32:02] Well, school in many countries is, even where there is universal primary education, is still a challenge for poor families, obviously. There are hidden costs for uniforms and, you know, supplies and those kinds of things. But I would say that many families in northern Uganda found a way over the years to send boys

and girls to primary school and to support them in that, and the work that was done on farming or on selling things was done in ways that did not compete with school. In other words, it was deliberately set up that way.

For families that are extremely poor there is often a hard choice that parents have to make, and that is I send children to school and we go hungry, or the child drops out of school and tries to earn, earn some money. And sometimes, you know, that does occur in Acholiland. It happens today, it happened during the war. But I would not say that that was the norm and it certainly wasn't the aspiration where, I think what happened was that, particularly during the era of the protected villages, education was so badly disrupted anyway that there was an inclination for parents to send their children to work and the poverty was worsened during, during that time.

Q. [12:33:36] And later on in both pages 0103 and 0124, you testify that the government military would sexually exploit women, including married women and younger women in the IDP camps because the military men had money. Now, from your research was this common within the IDP camp system?

A. [12:34:02] Yes. I think in a word, the level of poverty was so extreme and the level of hunger and ability to care for members of one's family that it was extremely inviting, even necessary. I mean the phrase humanitarians often use is "survival sex". So it wasn't immoral people out doing crazy things, it was people trying to look after their families in the only way that they could. But it was not uncommon. I don't know that anyone has accurate statistics, but many people I have talked with in Acholiland have said, yes, this was quite widespread and it was profoundly upsetting because it was sex out of wedlock, it was breaking traditional values, it was disrupting society, and there is something also pernicious about having the people who are supposed to be protecting you exploiting you.

Q. [12:35:12] At page 0104, which would be the next page, you noted that people were forced into the IDP camps by the government of Uganda and those who did not go were at risk of being labelled an LRA sympathizer. But still people remained and people tried to protect their land. Now, considering the nature in which the LRA moved, they would set up camp, move maybe every day. Who were these people protecting their land from or from whom were they protecting their land?

A. [12:35:57] I suppose there would be differences of opinion. It might depend, you know, on whom you asked. But the people I've talked with for the most part were concerned about the LRA coming. And so they were trying to make sure that their farms were retained and that nobody came and squatted on their land or that somehow, you know, everything was destroyed. They wanted to protect from that. That was my experience.

Q. [12:36:33] I am going to make one step back and talk about the coping and resilience quickly. So sorry about that, Professor.

A. [12:36:41] No problem.

Q. [12:36:42] Now, this coping and this resilience that the children demonstrated whilst in the LRA, did it have an effect on the mental health of the children who escaped and returned home?

A. [12:36:55] Yes, thank you. The belief is that the coping done inside the LRA actually reduced the severity of the effects from exposure to traumatic events and also effects that might relate to depression.

So, you know, again, the people who cope well tend to be able to move on, move forward a little bit better. It is not to say they don't need therapy or don't need support, but coping inside the LRA is really important. For one thing, it can help reduce your likelihood of severe damage.

Q. [12:37:45] Now, Professor, inside your report you testified about Joseph Kony's reasons for recruiting females. And you also stated about how Mama Silly Silindi, or you testified about Mama Silly Silindi, and how through Kony she instructed men and women to marry and proliferate in Sudan.

Professor, were people in the LRA, whether male or female, allowed to disobey the orders of Joseph Kony?

A. [12:38:27] Not that I know of.

Q. [12:38:35] Were people allowed to disobey the orders of the spirits, namely, Mama Silly Silindi?

A. [12:38:42] I think the fear was quite great of the spirits, so generally, generally the answer would be no.

Q. [12:38:50] And we have discussed the repercussions, where it could be tortures, beatings or death.

A. [12:38:56] Yes. And yet there is still the remembrance, you know, seeing daily horror for reasons we cannot fully explain as psychologists. People do retain, even children, most children still retain the ability to think: I need to get out of this. Now, that may have been farther along, but during their initial abduction, I think the indoctrination was quite effective. But over time, you know, all of those fears and their propaganda I think began to wear a little bit thin. That's what the evidence seems to tell us.

Q. [12:39:42] But on this marriage thing, so Mama Silly Silindi gave an order, so does that mean that neither the male nor female could generally refuse to get married if Joseph Kony or the spirits ordered them?

A. [12:39:56] Most of the girls and boys I have talked with referred, said that they went through with the order to form a relationship that was ordered because of the

fear of the consequences of not -- they did not refer to the spiritual consequences, they referred to the fear of imminent life-threatening punishment.

Q. [12:40:25] And you wrote about this herbal treatment that men would be given if they could not conceive.

Now, apart from the conception part, were these herbal remedies in general a form of the steady diet of propaganda which was fed to people in the LRA?

A. [12:40:48] I don't know that.

Q. [12:40:55] From what you have researched, though, did these people believe that these herbal remedies would work?

A. [12:41:07] Well, in Acholi society herbalism is a recognised form of treatment for maladies. So there is some prima facie, you know, legitimacy to something like that. And I think early on I would think that it would be rather likely that people who had recently been inducted and who began internalising this, you know, might think that there was something to this. And in any case, you are given something, you don't want to disobey. Following orders was one of the ways that people coped.

Q. [12:41:51] So this could have also been seen as a way in which Joseph Kony could take part of the Acholi customs and traditions and bring them into the LRA, maybe whether it be easier for a person to adapt or to be indoctrinated, but is this a way in which he would bring part of the culture into the LRA, Professor?

A. [12:42:22] Yes. I mean, I think that Kony has been quite clever and has transformed and fit Acholi, elements of Acholi culture to fit his political purposes. And so I think that, you know, this is what a leader does when he wants to indoctrinate someone or to get them to stay with, you know, with the LRA and reduce their chances of escaping. So on the one hand you put up severe threats, but on the other hand you try to inculcate and internalise beliefs. And the LRA seemed

to use both strategies.

Q. [12:43:15] Now, Professor, on the reintegration, I guess the generic term everybody understands here is DDR, but the bringing the children back, now did from your research, did both children and adults sometimes skip the reception centres or skip the UPDF and just go directly home?

A. [12:43:38] Yes, it was quite common. And there may be different reasons why people do that. Some people I have talked with said "I didn't want to go to a reception centre, because then people would really underscore -- that would underscore the fact that I was a formally abducted child, and then maybe my stigma would be greater", other people just simply wanted to go home.

Q. [12:44:14] Now, did some not go through the UPDF and reception centres because of the, again, steady diet of propaganda that the UPDF would torture them and maybe kill them when they returned?

A. [12:44:29] I had expected that, but the young people I have talked with who did not go through the UPDF said, "Those are the guys we were fighting against". I mean, it was almost as simple as that, "Those are the guys we were fighting against", so it was like: Why should I trust them?

And it was interesting, because it hinted at individual decision-making rather than just simply taking propaganda at face value.

Q. [12:45:02] And have you ever heard stories about, whether they be children or adults, about the UPDF abusing returnees?

A. [12:45:16] Occasionally one did hear such stories. And I think in fact there are some documented cases, maybe those outlined by Professor Tim Allen and his colleague Schomerus saying that in some cases people were interrogated trying to get militarily useful information and kept beyond the designated, you know, 48 hours

and maybe not sent to a reception centre as close to their home, you know, as had been indicated by policy.

Q. [12:45:57] And have you ever heard about whether adults or children, whether some of these people might have been kept in dungeon-like places with multiple persons, say 20 or 30 or 40 persons for weeks on end and being deprived of food?

A. [12:46:16] I have not heard of that.

Q. [12:46:39] Now, you were saying that the people who are coming back might not go there, to the UPDF, because of, because they were the enemy. So how does this impact those who returned but then immediately join the UPDF upon their arrival and then redeployed to fight their former, their former colleagues, their former friends?

A. [12:47:15] I am not sure we have a good handle on that, to be honest. But one dynamic that I see in many war zones is that children who have spent, you know, formative years inside an armed group oftentimes harbour doubts about whether they will be able to fit back into civilian life. And so sometimes it becomes inviting to go with a different armed group, at least it provides, you know, a similarity of command structure and highly structured life. It sounds a bit odd to our ears, but this does happen in multiple, in multiple war zones.

Q. [12:48:04] Now, Professor, you also testified a little bit about the reception centres. Now, whilst these children were at the reception centres, did these children, these persons in these peer groups you discussed on page 0110, did they often discuss about their experiences in the bush with each other?

A. [12:48:31] Thank you. There may have been some groups in which that occurred, but most of the time in the groups I spoke with did not talk about that. They spent the majority of their time talking about, you know, what next? What lies

ahead of us? How do we want to -- are there things that we can do here in this reception centre to improve life, even through football or organising activities, that kind of thing?

Q. [12:49:13] Now do you know if, after people left the reception centres, did they have peer groups that they would go to and discuss their problems with each other?

A. [12:49:28] Most of the children I have talked with have said that they wanted to put the past behind them and they wanted to move forward. And this is actually a very Acholi custom and norm. I mentioned in my report the fact that many people in Acholiland choose not to express their pain and to discuss in detail the horrific events, but instead use a strategy of avoidance. And to some extent this is a social strategy, because people in a village don't want to sit there and hear you talk about the LRA and the horrible things that were done.

But amongst former child soldiers themselves from the LRA, I have met a few who wanted to talk. But they generally said that they did not talk about it, even though they wanted to talk. Some talked within the context of churches, so as part of Pentecostal ceremonies there are some people who are invited to give testimony and to say certain things, and those are more in the nature of "I suffered, I did bad things" and an apology is given and then a lot of prayer, praying is done.

But I don't know if peer groups getting together -- it would be a very risky thing to do. You know, the stigma is already there. And if people see you congregating with other former child soldiers and being locked in the past, the stigma would be very strong and even reprisals could occur.

Q. [12:51:17] Now today and in your report there has been a lot of, quite a bit of discussion about the reintegration and the communities accepting and not accepting persons back.

Professor, is it correct that most families and communities welcomed and accepted the formerly abducted children back home?

A. [12:51:41] Yes, it is. There were differences and sometimes it took quite an extended process where stigmatization occurred within the family. It was typically one member of the family. It might be an uncle who just didn't like the fact that this girl or this boy had been with the LRA; they thought it reflected bad on the family and it might take some time to bring that person around.

But for the most part, families did accept their children back and for the most part communities accepted people back.

I would say a group that suffered the most in the latter regard were the girl mothers. And they had so much stigma that I remember beginning research on a participatory action research with the girl mothers in northern Uganda in 2008, a couple of years, you know, after things had calmed down. You still found significant numbers of girl mothers who sat on the margins of their village and were -- and suffered extreme stigma and isolation. So it is a longer process for some.

Q. [12:53:10] Professor Wessells, thank you very much for coming.

Your Honours, this is it for the Defence examination.

PRESIDING JUDGE SCHMITT: [12:53:15] Thank you very much, and I have to say Mr Obhof you, indeed, did abide.

MR OBHOF: [12:53:19] The dude abides.

PRESIDING JUDGE SCHMITT: [12:53:21] Yes, if you say so, yes. I think we understand what you mean.

Mr Wessells, this also concludes your testimony. On behalf of the Chamber I would like to really thank you very much for explaining your report and for providing us today with your expertise. We wish you a safe trip back home.

THE WITNESS: [12:53:47] Thank you, your Honour.

PRESIDING JUDGE SCHMITT: [12:53:47] This concludes also the hearing for today. We continue with PCV-3 on Wednesday next week, which is 23 May at 9.30. Thank you.

THE COURT USHER: [12:53:57] All rise.

(The hearing ends in open session at 12.54 p.m.)