

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Monday, 19 June 2017
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:57] (Microphone not activated)
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:32:14] Good morning, everyone.
13 Good morning, Mr Witness.
14 WITNESS: UGA-OTP-P-0252 (On former oath)
15 (The witness speaks Acholi)
16 THE WITNESS: [9:32:20] (Interpretation) Good morning.
17 PRESIDING JUDGE SCHMITT: [9:32:21] Could the court officer please call the case.
18 THE COURT OFFICER: [9:32:24] Good morning, Mr President, your Honours.
19 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
20 reference ICC-02/04-01/15.
21 And for the record, we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:32:37] Thank you.
23 The appearances of the parties. We start with the Prosecution.
24 MR ZENELI: [9:32:43] Beti Hohler, Benjamin Gumpert, Yya Aragon,
25 Pubudu Sachithanandan, Ramu Bittaye, Paul Bradfield and myself, Shkelzen Zeneli.

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [9:32:55] Thank you.
- 2 And the Legal Representatives of the Victims, Mr Cox.
- 3 MR COX: [9:32:58] Good morning, your Honours. Francisco Cox and
- 4 Mr James Mawira. Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:33:03] And Mr Narantsetseg.
- 6 MR NARANTSETSEG: [9:33:05] Good morning, Mr President, your Honours.
- 7 Orchlon Narantsetseg for the Common Legal Representative. Thank you.
- 8 PRESIDING JUDGE SCHMITT: [9:33:10] Thank you.
- 9 And for the Defence, Mr Obhof.
- 10 MR OBHOF: [9:33:15] Good morning, Mr President and your Honours. Today
- 11 we have Counsel Ayena Odongo; our assistant counsel, Ms Abigail Bridgman; our
- 12 associate counsel, Chief Charles Achaleke Taku; and our client, Mr Dominic Ongwen;
- 13 along with myself, Thomas Obhof.
- 14 PRESIDING JUDGE SCHMITT: [9:33:26] Thank you, Mr Obhof.
- 15 We continue with the questioning by the Prosecution. Mr Zeneli has the word.
- 16 MR ZENELI: [9:33:39] Thank you, your Honour.
- 17 QUESTIONED BY MR ZENELI: (Continuing)
- 18 Q. [9:33:46] Good morning, Mr Witness.
- 19 A. [9:33:49] Good morning.
- 20 Q. [9:33:50] On Friday we were talking about your abduction by the LRA from
- 21 Odek IDP camp in 2004. Do you remember in what date or month were you
- 22 abducted?
- 23 A. [9:34:17] I could recall.
- 24 Q. [9:34:26] Can you tell us?
- 25 A. [9:34:29] I was abducted on 4 April 2004.

1 Q. [9:35:00] Mr Witness, on Friday you also told us that when the soldiers were 14
2 and above, and Dominic realises that this person is suitable to have a wife, they
3 would tell the girl and this is -- that "this is your husband".

4 And that's on page 60, lines 10 to 13 of the realtime transcript.

5 Who gave these girls as wives?

6 A. [9:35:37] The girls were distributed by Odomi. He is the one who would point
7 them out to his soldiers.

8 Q. [9:35:49] Did you see that happen?

9 A. [9:35:54] Yes, I did.

10 Q. [9:35:57] Were you given a wife, you yourself?

11 A. [9:36:03] No, I wasn't.

12 Q. [9:36:07] Why not?

13 A. [9:36:12] Perhaps I was still young.

14 Q. [9:36:19] You told us about Dominic's wives. Did the other commanders or
15 senior soldiers have wives?

16 A. [9:36:32] Yes, they did.

17 Q. [9:36:37] On Friday we also talked about Abok attack. And with regard to
18 Abok attack, you told us that there were two attacks and that you were present in the
19 second one.

20 Your Honour, this is page 100, line 15 to 17 of the realtime transcript.

21 Were you already in the bush when the first attack took place?

22 A. [9:37:21] I heard about it. I heard about it from the other soldiers.

23 Q. [9:37:35] Were you already in the bush when the attack happened, the first
24 attack?

25 A. [9:37:44] No, I wasn't.

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 Q. [9:37:47] And who did you hear from about the first Abok attack?

2 A. [9:38:00] I heard about it from, from Onen Kamdulu, as well as Peleng and the
3 other foot soldiers with whom I would stay.

4 Q. [9:38:22] Do you remember what they said about the first Abok attack?

5 A. [9:38:34] I heard them say that -- I heard them imitating the Abok attack to what
6 happened to Odek, they said it was a similar kind of situation.

7 Q. [9:38:55] Do you remember whether they talked about what group attacked or
8 any other information?

9 A. [9:39:11] It was Odomi's group.

10 (Counsel confers)

11 MR ZENELI: [9:39:31] Your Honour, thank you for your indulgence.

12 PRESIDING JUDGE SCHMITT: [9:39:34] It's clear that we are here, at the moment
13 we are talking about hearsay and there are of course different grades of hearsay.

14 And this is a real hearsay, so to speak.

15 MR ZENELI: [9:39:51]

16 Q. [9:39:51] Mr Witness, you also told us on Friday that on the second occasion that
17 they wanted to attack Abok you were present.

18 And the reference is page 91, lines 4 to 5 of the realtime transcript.

19 And you told us that you heard about the killing of Abok when Onen Kamdulu,
20 Peleng and the other soldiers were talking about it.

21 The reference, page 103, lines 17 to 23.

22 When Onen Kamdulu, Peleng and the other soldiers were talking about it, were they
23 talking about civilians killed in the first or the second Abok attack?

24 A. [9:40:53] They were talking about the civilians killed at the first Abok attack.

25 PRESIDING JUDGE SCHMITT: [9:41:24] And I recall it correctly, Mr Witness, that

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 you did not personally go to the second Abok attack, or have I understood it

2 incorrectly from Friday, your testimony?

3 THE WITNESS: [9:41:42] (Interpretation) I was present at the second attack.

4 PRESIDING JUDGE SCHMITT: [9:41:46] And where have you been exactly during
5 the second attack?

6 THE WITNESS: [9:41:54] (Interpretation) We, we were on the borders, on the
7 boundaries of the camp.

8 PRESIDING JUDGE SCHMITT: [9:42:04] Thank you very much for repeating that
9 and the clarification.

10 MR ZENELI: [9:42:20]

11 Q. [9:42:20] Mr Witness, when talking about the Abok attack that you were present,
12 so that is the second Abok attack, you said that there were people who were newly
13 abducted from there, from Abok, that there was maize and grains that was looted.
14 And that's in page 99, your Honour, line 12 to 13.

15 Do you remember saying that?

16 A. [9:42:56] Yes, I did.

17 Q. [9:43:09] From the people who were newly abducted, do you remember seeing
18 any boys?

19 A. [9:43:19] Yes, boys were present.

20 Q. [9:43:27] Do you remember how many, roughly?

21 A. [9:43:37] There were approximately four boys.

22 Q. [9:43:49] Did any of these boys join your group?

23 A. [9:44:00] Yes, they did.

24 Q. [9:44:07] How many of them?

25 A. [9:44:12] The, the four of them.

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 Q. [9:44:20] Do you remember any of their names?

2 A. [9:44:31] I recall one person, Otim.

3 Q. [9:44:48] When you returned from the Abok attack, was there a headcount of
4 those that participated in the attack?

5 A. [9:45:06] When we came back they did not -- they did not count anybody
6 because nobody sustained any injuries, we all returned in good form.

7 MR ZENELI: [9:45:24] Your Honours, your Honour, with your permission, may I
8 put a paragraph from the statement of the witness to the Office of the Prosecutor?

9 PRESIDING JUDGE SCHMITT: [9:45:34] Which one do you intend to?

10 MR ZENELI: [9:45:37] That is paragraph 100, your Honour, and it starts with the
11 first sentence on that paragraph.

12 PRESIDING JUDGE SCHMITT: [9:45:42] Yes.

13 MR ZENELI: [9:45:52]

14 Q. [9:45:52] Mr Witness, I will read you a portion from the statement you gave to
15 the Office of the Prosecutor on that particular issue.

16 And it says: "When we returned to Atoo hills there was a headcount of the soldiers
17 and collectors that participated in the Abok attack."

18 Does that refresh your memory?

19 A. [9:46:30] It was in the morning, I recall it was in the morning that they counted
20 us. When we came back it was in the night.

21 Q. [9:46:53] Just so that we are absolutely certain about it, when you returned from
22 the attack, is that when the headcount happened?

23 PRESIDING JUDGE SCHMITT: [9:47:04] I think he has answered that.

24 MR ZENELI: [9:47:14] (Microphone not activated)

25 PRESIDING JUDGE SCHMITT: [9:47:15] "When we came back it was in the night"

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 and the counting was in the morning.

2 MR ZENELI: [9:47:24] I am fine with that reading, your Honour. Thank you.

3 PRESIDING JUDGE SCHMITT: [9:47:27] No, it's not a reading, it is what has been
4 said.

5 MR ZENELI: [9:47:30] Yes, you are absolutely right.

6 Q. [9:47:36] Do you remember the reason for that headcount, what was the reason
7 for it?

8 A. [9:47:47] First, firstly, it determines to ascertain whether anybody has been
9 injured and they are unsure about how he sustained the injuries because he may not
10 have been among people. And secondly, they want to determine that everybody
11 came back because the commander would like to know that everybody that was sent
12 came back.

13 Q. [9:48:22] Was Dominic present when this headcount took place?

14 A. [9:48:32] Yes, he was.

15 Q. [9:48:39] Who did the headcount?

16 A. [9:48:46] It was his soldiers.

17 Q. [9:48:58] During your time in the bush did you see any communication
18 equipments?

19 A. [9:49:12] Yes, I did.

20 Q. [9:49:17] What were they?

21 A. [9:49:25] Yes, I can explain it. The two things that I saw were -- was
22 a walkie-talkie that soldiers use when they are communicating, especially during an
23 attack or during battle or when the soldiers are on the move. The second one, the
24 second one is known as a radio call and this is used by the commanders to
25 communicate.

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 Q. [9:50:17] Did Dominic himself use a radio?

2 A. [9:50:27] I saw him using this when Odek camp was attacked, but on the
3 morning, the next day after the attack the radio was set up. It has a long antenna,
4 the antenna was set up, and then he was communicating on that radio.

5 Q. [9:50:57] Do you remember talking to us on Friday about Dominic sleeping in
6 a tent and in a mosquito net?

7 A. [9:51:13] Yes, he did.

8 Q. [9:51:18] Did he sleep just on the bare ground or did he sleep on something,
9 something else?

10 A. [9:51:30] There was grass that was collected and then they would make the bed
11 for him on that.

12 MR ZENELI: [9:51:46] Your Honour, I may either ask to point the specific
13 information in paragraph 53 or just put it to him now.

14 PRESIDING JUDGE SCHMITT: [9:51:59] I think you don't have to put it to him, you
15 just -- when you say, Mr Witness, they made up the bed, what do you understand by
16 that? You have just told us that they collected grass and this seemed to have been
17 the ground laid for the bed, but what, when you say then from there on they built the
18 bed, what does that mean?

19 THE WITNESS: [9:52:26] (Interpretation) There was a bed. I saw a bed that was
20 being rolled in a, in a canvas, they would get grass and then put it on top, on top of it
21 and then they would put a bed sheet on it and he would sleep on that.

22 MR ZENELI: [9:52:56] Your Honour, there is a specific word, and that's the
23 last -- the first before last on paragraph 53.

24 PRESIDING JUDGE SCHMITT: [9:53:08] If you think it's of importance I won't deny
25 it, but give it a try, yes.

1 MR ZENELI: [9:53:16] Okay. Thank you, your Honour.

2 Q. [9:53:18] Did Ongwen -- did Dominic have a mattress?

3 A. [9:53:34] Not in the bush. There is a handmade mattress, it's a carpet that's
4 rolled up and used as a mattress. It's a soft carpet that's folded up and used as
5 a mattress.

6 Q. [9:53:59] When we were talking on Friday about the escorts you told us that an
7 escort is responsible to his commander, but the person an escort abducts is
8 responsible to him.

9 That's page 87, lines 10 to 13 -- page 53 of the realtime transcripts, your Honour,
10 lines 10 to 13.

11 Who were you responsible to when you were in the bush?

12 A. [9:54:56] I respected Onen and the other commanders as well, all the
13 commanders present.

14 Q. [9:55:10] And who was Onen responsible to?

15 A. [9:55:20] Onen would report to Onen, Ogeri and Michael. All the senior
16 commanders there he would report to them.

17 Q. [9:55:37] And what was his role? What was Onen's role?

18 A. [9:55:46] Onen was responsible for assigning tasks to us. He would issue
19 instructions to go and fetch water, to collect firewood, to forage for food.

20 Q. [9:56:08] And what were the roles of Onen, Ogeri and Michael?

21 A. [9:56:20] Ogeri was -- always went with the patrols. He was -- his duties was to
22 go to any operation or any missions, for example, patrols.

23 Q. [9:56:42] And what was your group you, your -- your commander

24 Onen Kamdulu, Ogeri and Michael, what was it referred to as? What were you
25 called, what was your group called?

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 A. [9:57:15] Which group? Is that the position where we were? If it's that group,
2 then I do not know that group, but we were referred to as this position.

3 PRESIDING JUDGE SCHMITT: [9:57:27] They might not have been a certain entity
4 with a certain name these three or four people I would say. Perhaps that comes
5 a little bit of the misunderstanding.

6 MR ZENELI: [9:57:59]

7 Q. [9:57:59] On Friday you were talking about Dominic's escorts. Were these
8 people that you mentioned, you, Onen Kamdulu, Ogeri and Michael, were they
9 Dominic's escorts?

10 A. [9:58:20] Yes, they were.

11 Q. [9:58:32] Now, in this group that you were in, did you yourself give tasks to any
12 other one, members of this group?

13 A. [9:58:52] I did not assign anybody any tasks.

14 MR ZENELI: [9:59:04] Your Honour, permission to put a paragraph from the
15 statement, it's 141.

16 PRESIDING JUDGE SCHMITT: [9:59:23] Yes, you can do that.

17 MR ZENELI: [9:59:34]

18 Q. [9:59:34] Mr Witness, in your statement to the Office of the Prosecutor you said
19 that during your time being abducted "I saw that there were other children already in
20 the LRA. Some of these children were smaller than" -- I suppose there is an "I"
21 missing there "and would take their responsibility of tasking them and this would
22 include fetching water and other types of tasks."

23 Were there other children younger than you in this group that you were talking
24 about?

25 A. [10:00:23] I found some younger soldiers or younger people than me, but the

1 tasks that I was assigning to them was based on the instructions that were issued
2 asking me to go with the children to go and fetch water and then -- or to go and
3 collect firewood, so I would be instructed to go with them.

4 Q. [10:00:51] And who would be giving you those instructions?

5 A. [10:01:01] The orders would come from those of Korea and then to
6 Onen Kamdulu and Onen Kamdulu would pass on the order to us and we would
7 implement it.

8 Q. [10:01:32] Have you heard of someone called Okello Kalalang?

9 A. [10:01:43] I heard about Okello Kalalang, but I do not know much about him. I
10 only heard about him.

11 Q. [10:01:52] Do you know whether he participated in the Abok attack?

12 A. [10:02:02] Yes, he was there.

13 Q. [10:02:07] Was this the second attack, the one that you were present?

14 A. [10:02:15] It was the first attack.

15 Q. [10:02:20] Did he participate in the second, do you know?

16 A. [10:02:28] I did not hear that he participated.

17 Q. [10:02:37] What about Abongomek, have you heard of someone named that,
18 Abongomek?

19 A. [10:02:45] Yes, I heard about him. He was also in our group.

20 Q. [10:02:53] Did he participate in any of the Abok attacks that you have talked
21 about?

22 A. [10:03:03] Yes, he participated in both. I heard that he participated in the first
23 one. In the second one he was indeed there.

24 Q. [10:03:15] Do you know what his role was in the second one?

25 A. [10:03:26] I do not know his exact role, but he is more senior, he was the same

1 rank with those of Tito.

2 Q. [10:03:39] Was he with your group, the one that you said was at the periphery of
3 the camp, of Abok camp where you were waiting, or was he with the group that went
4 in the camp?

5 A. [10:03:58] He was with the group that went to the camp. Those are the soldiers
6 that entered the camp. He was among them.

7 Q. [10:04:19] Mr Witness, let's talk about your escape. How did that happen?

8 A. [10:04:35] About my escape, when we were in Tegot Atoo we were looking for
9 food and -- in the surrounding of Tegot Atoo and we came to Atede, in a place called
10 Atede. We would go to Idure to look for food and we would go to the area of
11 Orapwoyo in search for food. And there was nothing that you could get. Besides
12 that, we were being constantly pursued by the army and helicopter gunships were on
13 the move all the time.

14 At some point we tried to go to Koch. We were, however, attacked by government
15 soldiers and we -- they started pursuing us, we came running back to Tegot Atoo
16 where we were based.

17 We stayed in Tegot Atoo for some time and started moving towards Binya. There
18 was completely no food and Lakwena was weakened because of lack of food. They
19 were no longer able to conduct attacks. Sometimes they would be wounded by
20 helicopter gunships.

21 We then moved to a route called Loyo-Ajonga right in the bush. We moved through
22 that route. I had a bag, I held a bag which had a few things inside. I then decided
23 that I will not cross this road and go far. I continued moving, following them, we
24 crossed the road together and I, I started moving, following them from the back.

25 When I had left the road for about -- when we left the road for about 3 metres the

1 soldiers started splitting because, as it is always the practice, we shouldn't move in
2 the same route. I also split up and when the group had moved further ahead I
3 turned and starting coming back, moving by the roadside. When I reached close to
4 the road there was a soldier who was with us and his wife was wounded.
5 Before he had crossed the road the injury of the wife was getting worse. Then I
6 heard, I heard the voice of the woman when she was grumbling. I then realised that
7 someone had remained behind with the wounded woman. I then started
8 backtracking. I would squat down and crawl and as I moved away I moved and left
9 their position and I found some mangos and a mango tree. I ate three or four mango
10 fruits.

11 In the morning there was another group that was coming from the Lango side early in
12 the morning at dawn. I heard them coming and when they were approaching I
13 decided to leave from my position which was under the mango tree. I knew that
14 they would, they would come under the mango tree in search for fruits. I left that
15 position and crisscrossed my path so that they cannot follow me, so that they cannot
16 realise whether it was a fresh footpath or it was last evening's footpath.

17 When I had moved a little further from the mango tree, I squatted down and heard
18 them moving. I would hear them say that this could be fresh footpaths and the
19 person could be close by. But one person said that this must be yesterday's
20 footpaths. They started scrutinising. And there were many footpaths that
21 crisscrossed and they were convinced that it was one of them and they abandoned
22 following me.

23 I then started crawling, together with the bag that I had. I left the place, the position
24 where I was. I also had cooking oil with me. At first I wanted to come back to the
25 road, but at that point I would still come across the Lakwena soldiers, so I decided to

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 move from the bush but close to the road. When I crossed the road it was evening.
2 I was helpless. I had cooking oil and all I could do was to take some cooking oil as
3 food. When I get weak, I take -- and I get hungry, I would take the cooking oil.
4 About 5 o'clock I left my position and crossed the road. I continued walking,
5 conscious of the road. I knew that if I followed the road it would lead me
6 somewhere. I decided to follow the direction of the road, but decided not to go back
7 to where I was.
8 When I come out of -- when I came out of the bush in the morning, I found some
9 water which had logged since it had rained. I drank that water and continued to
10 move. The sun was already up, but the distance was still far. I decided that I shall
11 not move away from the road. I would walk from the bush but following the
12 direction of the road. I moved -- I would move further to from the road but would
13 come close to the road again to ensure that I am still on course. I slept in the bush
14 again.

15 PRESIDING JUDGE SCHMITT: [10:12:14] Mr Witness. Shortly, Mr Witness, and
16 how long did you walk along this road?

17 THE WITNESS: [10:12:21] (Interpretation) To reach the barracks where I stayed --

18 PRESIDING JUDGE SCHMITT: Yes, exactly.

19 THE WITNESS: (Interpretation) -- I moved three days. I could explain a bit how I
20 reached there.

21 PRESIDING JUDGE SCHMITT: [10:12:36] I think that's not necessary, Mr Witness.
22 But I understood you have just told us that you ended up at the barracks. Perhaps
23 you could say what kind of barracks. What were these barracks?

24 THE WITNESS: [10:12:54] (Interpretation) The barracks I came to was in Lalogi.

25 PRESIDING JUDGE SCHMITT: [10:13:03] And were these government barracks of

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 government soldiers?

2 THE WITNESS: [10:13:09] (Interpretation) Yes.

3 PRESIDING JUDGE SCHMITT: [10:13:13] I think, Mr Zeneli, you can continue, but
4 I think for the escape we have a lot of information now.

5 MR ZENELI: [10:13:29]

6 Q. [10:13:29] Mr Witness, when did you escape from the LRA?

7 A. [10:13:38] About my escape I cannot recall, but I stayed in the bush for one year
8 and about nine months, then I escaped.

9 MR ZENELI: [10:14:04] Your Honour, may I put a document to the witness? It's
10 UGA-OTP-0269-0722.

11 It's confidential so it should not be displayed to the public.

12 PRESIDING JUDGE SCHMITT: [10:14:20] Yes. Is it in your binder and which tab is
13 it?

14 MR ZENELI: [10:14:44] That is tab 10 of the witness binder, your Honour. And for
15 the record, the ERN of the statement that I was referring to earlier in the testimony is
16 UGA-0243-0428, UGA-OTP. Perhaps it's best to go to the next page of the document
17 at ERN number 0723.

18 PRESIDING JUDGE SCHMITT: [10:15:34] Yes, of course.

19 MR ZENELI: [10:15:46]

20 Q. [10:15:47] Mr Witness, do you see a document in the screen in front of you?

21 A. [10:15:53] Yes.

22 Q. [10:16:00] Can you tell us what that document is? Do you recognise it?

23 A. [10:16:09] Yes, I recognise it. This is a certificate that I was given when I
24 returned from the bush. I was given from the place where I was -- where I stayed for
25 rehabilitation and my photo was taken and given to me. And before my photo was

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 taken my colleagues whom I found at GUSCO were telling me that if they -- if you tell
2 them, if you tell them that you stayed for long in the bush, they would make you stay
3 in GUSCO for long and they wouldn't let you go home so fast.

4 PRESIDING JUDGE SCHMITT: [10:17:09] I think we have seen it, so you could -- or
5 do you have additional questions to it? Yes, please.

6 MR ZENELI: [10:17:20]

7 Q. [10:17:20] So when, when was that picture taken, that photo?

8 A. [10:17:29] The photo, I cannot recall when it was exactly taken, but I had already
9 returned from the bush and I was in GUSCO.

10 Q. [10:17:41] And I know it sounds obvious, but whose photo is that? Whose
11 picture is that?

12 A. [10:17:50] It is my picture, when I was still young.

13 Q. [10:17:59] Mr Witness, the date on this document reads 1 July 2004. And I wish
14 you to help us understand something about your time in the bush. As I understand
15 from your testimony, you were abducted in April 2004, you told us that you were in
16 the bush for a year and nine months.

17 A. [10:18:44] This is what I want to say: When I returned from the bush, I said
18 earlier that when I returned from the bush and I went to GUSCO, my colleagues who
19 were at GUSCO, they told me that if you tell them that you stayed for long in the
20 bush, they would make you stay for long in the GUSCO centre. You should register
21 a few number of months so that you don't stay long in GUSCO. That is what my
22 colleagues, my friends had found, they advised me.

23 PRESIDING JUDGE SCHMITT: [10:19:33] I just have to interrupt here. We have to
24 make a short break, exceptionally for five minutes, and then we will come back.

25 THE COURT USHER: [10:19:46] All rise.

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 (Recess taken at 10.19 a.m.)

2 (Upon resuming in open session at 10.28 a.m.)

3 PRESIDING JUDGE SCHMITT: [10:28:17] So, Mr Zeneli.

4 MR ZENELI: [10:28:23]

5 Q. [10:28:29] Mr Witness, you told us that, that your colleagues, your friends at
6 GUSCO advised you to say that you were in the bush for a shorter period. Who
7 were these colleagues, these friends that you are talking about?

8 A. [10:29:01] Those are friends of mine had also returned from the bush.

9 Q. [10:29:15] Who gave you that document?

10 A. [10:29:20] The, the GUSCO instructors were the ones who gave it to me.

11 MR ZENELI: [10:29:40] Your Honour, I would like to show the witness some other
12 documents so the Amnesty can now be taken down.

13 PRESIDING JUDGE SCHMITT: [10:29:47] Yes, I assumed so.

14 MR ZENELI: [10:30:01] The first one is in tab 4 of the witness binder and it's ERN
15 UGA-OTP-0243-0458. This is a document that has a redacted version suitable for
16 public display as well.

17 That is not the right document. The one that I was referring to UGA-OTP-0243-0458.
18 That's tab 4. Thank you.

19 Can you please rotate it 90 degree angle on the right.

20 PRESIDING JUDGE SCHMITT: [10:31:31] But I think we -- I think we can give it
21 a try --

22 MR ZENELI: Yes.

23 PRESIDING JUDGE SCHMITT: -- and ask the witness if he knows something about
24 it, and if, what it is and then we can continue.

25 MR ZENELI: [10:31:46]

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

- 1 Q. [10:31:47] Mr Witness, do you see a document in front of you?
- 2 A. [10:31:52] Yes, I have seen.
- 3 Q. [10:31:57] Can you tell us what it is?
- 4 A. [10:32:03] I sketched a helicopter gunship.
- 5 Q. [10:32:11] When did you do that?
- 6 A. [10:32:17] I sketched when the investigators were talking to me.
- 7 Q. [10:32:24] Did they ask you to do that or you were just sketching?
- 8 A. [10:32:35] They did not ask me to sketch it.
- 9 MR ZENELI: [10:32:41] Can we move to the next tab, tab 5. ERN
- 10 UGA-OTP-0243-0459.
- 11 PRESIDING JUDGE SCHMITT: [10:33:15] It is displayed.
- 12 MR ZENELI: [10:33:21]
- 13 Q. [10:33:21] Do you know what that is, Mr Witness?
- 14 A. [10:33:29] Yes, I do.
- 15 Q. [10:33:30] What is it?
- 16 A. [10:33:34] It's a sketch, a drawing of a mortar.
- 17 Q. [10:33:40] Who did that?
- 18 A. [10:33:44] I did. I drew it.
- 19 MR ZENELI: [10:33:53] And let's move to tab 6, UGA-OTP-0243-0461.
- 20 Q. [10:34:28] Do you see it, Mr Witness?
- 21 A. [10:34:32] Yes, I -- yes, I am looking at it.
- 22 Q. [10:34:36] And can you tell us what, what do you see there?
- 23 A. [10:34:43] It's a sketch of an RPG.
- 24 Q. [10:34:48] Who drew it?
- 25 A. [10:34:50] I did.

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 Q. [10:34:54] When?

2 A. [10:34:59] When I was being interviewed by the investigators, that was the time
3 when I drew it.

4 MR ZENELI: [10:35:08] Please move to tab 7 of the witness binder, ERN
5 UGA-OTP-0243-0462.

6 Q. [10:35:31] Do you see it, Mr Witness?

7 A. [10:35:34] Yes, I do.

8 Q. [10:35:37] And what is it?

9 A. [10:35:42] It's a hand grenade.

10 Q. [10:35:45] And who drew it?

11 A. [10:35:49] I did.

12 Q. [10:35:53] The first one that you saw was a helicopter gunship, whose helicopter
13 would that be, what group of fighters, or what army?

14 A. [10:36:12] The helicopter gunships belonged to UPDF soldiers.

15 Q. [10:36:26] And then you told us also of the other drawings that you made of all
16 these weapons that you drew. How did you know what they looked like?

17 A. [10:36:48] These are the things that I used during battle.

18 Q. [10:36:57] And other than you using them, were they used against you or the
19 others of the group that you were with?

20 A. [10:37:17] I showed these drawings, weapons that I saw the Lakwena use.

21 MR ZENELI: [10:37:33] May we please move to tab 13 of the witness binder, that is
22 document with the ERN number UGA-OTP-0269-0730. It is confidential, should not
23 be displayed to the public.

24 Q. [10:38:29] Mr Witness, do you see a document in front of you?

25 A. [10:38:37] Yes, I'm looking at it.

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 Q. [10:38:41] And can you tell us what that document is?

2 A. [10:38:51] It's a -- my ID.

3 Q. [10:38:59] And again it's obvious question, but whose picture is that on that
4 document?

5 A. [10:39:12] That's my photograph.

6 MR ZENELI: [10:39:31] May we move to the document in tab 9 of the witness binder,
7 UGA-OTP-0269-0732. And all of these documents are confidential so I won't be
8 asking for a public display of them.

9 PRESIDING JUDGE SCHMITT: [10:39:55] I think when we have it on the screen we
10 can assume that the witness also has it on the screen and then immediately start with
11 the questioning.

12 MR ZENELI: [10:40:23] Can you please zoom, zoom up on the half top of the
13 document.

14 Q. [10:40:38] Do you see the document, Mr Witness?

15 A. [10:40:43] Yes, I do.

16 Q. [10:40:46] Can you tell us what it is?

17 A. [10:40:54] That's my photograph.

18 Q. [10:40:59] Do you know what the document is?

19 A. [10:41:08] I do not know what the document represents, but this photo was
20 taken during elections for voting.

21 MR ZENELI: [10:41:23] For the record, I will read the heading of the document. It
22 reads "Voter Location Slip".

23 Can we move to tab 12 of the binders. No, tab 11 of the witness binder,
24 UGA-OTP-0269-0726, the first page of which --

25 PRESIDING JUDGE SCHMITT: [10:42:28] Please, microphone, Mr Zeneli.

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 MR ZENELI: [10:42:36] I think it's best to go to the second page of the document just
2 for the initial (Overlapping speakers).

3 PRESIDING JUDGE SCHMITT: [10:42:42] For the record, you can read out that it
4 reads "Citizen Identity Card", the first page. Then we can continue to the next one,
5 which is 0727.

6 MR ZENELI: [10:42:57]

7 Q. [10:42:58] Do you see the document, Mr Witness, that page that is displayed at
8 this moment?

9 A. [10:43:04] Yes, I do.

10 Q. [10:43:05] Do you know what that is? What does that document represent?

11 A. [10:43:13] That's my photograph.

12 MR ZENELI: [10:43:22] Let's move straight to tab 12 of the witness binder,
13 UGA-OTP-0269-0728.

14 I believe the second page is a zoomed-up version of the half top of the document, so
15 let's go straight to that. On a second thought, first let's go back to the first page.
16 Thank you.

17 Q. [10:44:30] Mr Witness, do you recognise the document that is displayed on the
18 screen in front of you?

19 A. [10:44:39] Yes, I do. I recognise it.

20 Q. [10:44:42] Can you help us understand what that document is? What does it
21 represent? What is it?

22 A. [10:44:52] It's a document regarding farming. I was a tobacco farmer and this
23 represents that. It's about farming.

24 MR ZENELI: [10:45:14] And the last document to be displayed to the witness,
25 your Honour, is in tab 14, ERN UGA-OTP-0272-1018.

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 Q. [10:46:01] Mr Witness, do you see a document on the screen?

2 A. [10:46:05] Yes, I'm looking at it.

3 Q. [10:46:10] Can you tell us what it is?

4 A. [10:46:17] That's my birth certificate.

5 Q. [10:46:23] Thank you, Mr Witness. I have no further questions for you.

6 MR ZENELI: Your Honour, that's the end of my questioning.

7 PRESIDING JUDGE SCHMITT: [10:46:29] Yes, thank you, Mr Zeneli.

8 So I assumed that you would take a little bit longer, then I would suggest that we
9 have a break for different reasons that might last 40 minutes, so until half past 11 and
10 then we will think about what we do with the afternoon. Mr Obhof, think about it.
11 So thumbs up means something. Let us think about it, the Judges, for certain
12 reasons, yes? We come back 11.30.

13 THE COURT USHER: [10:47:08] All rise.

14 (Recess taken at 10.47 a.m.)

15 (Upon resuming in open session at 11.30 a.m.)

16 PRESIDING JUDGE SCHMITT: [11:31:15] Mr Cox is standing. This indicates that
17 he wants to start with the questioning.

18 And you have the floor, Mr Cox.

19 MR COX: [11:31:27] Thank you, Mr President, your Honours.

20 QUESTIONED BY MR COX:

21 Q. [11:31:31] Good morning, Mr Witness.

22 A. [11:31:33] Good morning.

23 Q. [11:31:34] We have met on several occasions, as you know. Mr Manoba and
24 myself represent you in these proceedings and I will be asking you some questions
25 today.

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 First, I would like to ask you about life in Odek, then some very short questions about
2 the abduction, then your life in the bush, and finally how was -- well, your escape,
3 just one question about your escape, and then how life after, how your life has been
4 after you returned home. Is that okay with you?

5 A. [11:32:16] Yes, that's okay.

6 Q. [11:32:21] Mr Witness, before your abduction, without saying any names but the
7 relationship that you had with them, with whom did you live?

8 A. [11:32:42] When we were at the camp I had many friends with whom we stayed
9 together. And my parents were there, with whom I lived.

10 Q. [11:32:56] Do you have any brothers? Without mentioning their names again.

11 A. [11:33:02] Yes, I have brothers.

12 Q. [11:33:05] How many brothers did you -- do you have?

13 A. [11:33:16] I have six brothers who are alive.

14 Q. [11:33:20] You make the distinction "who are alive". Did any of your
15 bothers -- are any of your brothers dead?

16 A. [11:33:35] No, none is dead.

17 MR COX: [11:33:39] Your Honour, because of what might be answered, I would like
18 to go to private session for a very short period, like two, three questions, it will
19 depend a lot on what he answers.

20 PRESIDING JUDGE SCHMITT: [11:33:51] Yes, we trust your assessment. We go to
21 private shortly.

22 MR COX: [11:33:56] Thank you, your Honour.

23 (Private session at 11.34 a.m.)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Open session at 11.36 a.m.)

23 THE COURT OFFICER: [11:36:46] We are back in open session, Mr President.

24 MR COX: [11:36:56]

25 Q. [11:36:56] Mr Witness, what did your father do for a living?

1 A. [11:37:06] My father was a farmer.

2 Q. [11:37:10] How was your relationship with your father?

3 A. [11:37:18] We were friendly.

4 Q. [11:37:24] Could you illustrate the Court with some things that you would do
5 together as a boy and a father?

6 A. [11:37:40] What we did together with my father during school days he would
7 take me to school. Like on a -- like on a weekend, like on a Saturday, we go to the
8 farm together with him and I help him with the farm work.

9 Q. [11:38:00] How did your family sustain themselves?

10 A. [11:38:11] We depend on farming and the proceeds from the farm, the produce
11 from the farm is what we use for sustaining ourselves.

12 Q. [11:38:20] Do you still own the land where your father used to farm?

13 A. [11:38:34] Yes, it is there, but it's not very big.

14 Q. [11:38:43] You said when you were in primary 4 your parents were very proud
15 of you.

16 And, your Honour, this is realtime page 87, lines 10 and 12.

17 Could you explain to the Court why they were so proud of you?

18 A. [11:39:05] I gave an example the other day that before I was abducted my
19 mother and my father were happy with me because my results from school was good.
20 When I come back home, I also contribute towards the -- whatever could be done at
21 home. And they are happy with me.

22 Q. [11:39:35] Did you yourself like going to school?

23 A. [11:39:42] Yes, I was.

24 Q. [11:39:47] What did you aspire to be after you had finished school?

25 A. [11:39:59] I aspired to become a teacher.

1 Q. [11:40:10] Mr Witness, I would like now to take you to your abduction. Before
2 you personally were abducted did you hear that abductions were happening around
3 Acholiland?

4 A. [11:40:32] Yes, when I was young I had not known there was such abductions,
5 but when the insecurity intensified I knew that there were abductions that were
6 taking place.

7 Q. [11:40:57] Had you heard of what would happen to children that would be
8 abducted during the insecurity time?

9 A. [11:41:16] Yes, I heard.

10 Q. [11:41:21] Had anyone you knew before your abduction, I am talking before
11 your abduction, had anyone you knew been abducted and returned home from the
12 bush?

13 A. [11:41:36] Yes, I know there was someone.

14 Q. [11:41:43] Without giving this person's name, did he or she tell you what had
15 happened to them?

16 A. [11:41:59] Can you repeat the question?

17 Q. [11:42:03] Did this person that you knew that had been abducted before you
18 were abducted and returned home from the bush, did this person, without giving his
19 name, or her name, tell you or people in Odek what he had gone through?

20 A. [11:42:30] What he said when I was there, no, he did not tell me, but he told
21 elderly people, he told -- he shared with them what he went through.

22 Q. [11:42:48] Now I would like to focus on you. When you were abducted and
23 taken away from your family, what were you thinking would or could happen to
24 you?

25 A. [11:43:06] Is it from the bush?

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 Q. [11:43:09] No, sorry, I wasn't clear. The day, that moment when you are tied
2 up and being dragged out of your -- out of Odek, what were you thinking could
3 happen to you?

4 A. [11:43:30] What I thought was that, first, I suspected I would be killed.
5 Secondly, I thought I would be given a heavy load to carry. And finally, recruited
6 into the ranks of the LRA.

7 Q. [11:43:59] Thank you, Mr Witness. You said that your mother from your
8 clan - once again, don't give her name - was among the people you were tied with by
9 Kamdulu.

10 And, your Honour, I am quoting realtime page 21, lines 18 and 19.

11 What do you mean by your mother from the clan? Can you explain that concept to
12 the Court?

13 A. [11:44:31] She was -- when I say my mother from the clan, it means my second
14 father married her.

15 Q. [11:44:51] Mr Witness, you said the elders abducted from Odek were killed.
16 This is realtime page 81, lines 3 and 4.

17 How long after their abduction were the elders killed?

18 A. [11:45:13] Those who were abducted from Odek did not take four days, did not
19 reach four days. It was three or four days and they were killed.

20 Q. [11:45:31] Mr Witness, you also said that you were walking among dead bodies
21 to make sure everybody was dead.

22 And this is page 83, lines 21, 22.

23 How many bodies approximately were you walking around?

24 A. [11:45:59] The dead bodies were many. Many people had been killed. It was
25 about 29 or 30.

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 Q. [11:46:12] Mr Witness, once you realised that they were all dead, were those
2 bodies buried?

3 A. [11:46:30] The way we hit and killed them were the way they were left.

4 Q. [11:46:37] Mr Witness, what do Acholi do with the body of a loved one when he
5 or she dies?

6 A. [11:46:55] Is it somebody who has just been killed or someone who dies from
7 natural causes?

8 Q. [11:47:02] Maybe you can explain to the Court both cases.

9 A. [11:47:14] If someone dies from home, it's usually -- the dead body is usually
10 buried according to tradition. But someone who is killed like the ones we killed
11 from the bush, the way we were -- the way we killed is the way it remains there. It's
12 left to stay there.

13 Q. [11:47:44] Can you explain to the Court what do you mean by "according to
14 tradition". Are there special rituals that must be followed?

15 A. [11:48:06] The culture of the Acholi has always been doing that. Our ancestors
16 also practised burying of the dead so their spirit does not haunt those who were alive.
17 The dead body is given all the respect it deserves.

18 PRESIDING JUDGE SCHMITT: [11:48:29] May I shortly, Mr -- and is there
19 a difference if the dead person had been killed in Acholi tradition? I have not
20 understood it fully.

21 THE WITNESS: [11:48:42] (Interpretation) There is a difference.

22 PRESIDING JUDGE SCHMITT: [11:48:51] Could you explain?

23 THE WITNESS: [11:48:52] (Interpretation) The difference is that somebody who dies
24 from home, like in the house, is probably as a result of a sickness, is not having an
25 injury or wounds. But someone who is beaten to death has injuries and wounds and

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 wherever he has been killed from is full of blood. But somebody who dies from
2 home is treated well, covered with clean clothes before he is buried.

3 PRESIDING JUDGE SCHMITT: [11:49:50] So does this mean -- just one question.

4 Does this mean that a person who had been killed would not be buried like a person
5 who dies from home, like you word it?

6 THE WITNESS: [11:50:11] (Interpretation) The person who is killed from the bush is
7 not buried.

8 PRESIDING JUDGE SCHMITT: [11:50:17] I think there is a misunderstanding
9 perhaps. I am not sure. And if the person would not have been killed in the bush,
10 just imagine the person would have been killed in a village, for example, what would
11 then happen?

12 THE WITNESS: [11:50:38] (Interpretation) If the person is killed from the village,
13 like some -- they know that he has just been killed, sometimes there is a difference in
14 the way it's handled, the police is brought in to ensure that no further death occurs.

15 PRESIDING JUDGE SCHMITT: [11:50:59] I think, Mr Cox, I leave it to you if you
16 want to continue in that way, but I think we have heard enough insofar.

17 MR COX: [11:51:13] Thank you.

18 Q. [11:51:13] This belief that you have said that if a body is not buried his or her
19 spirit will haunt those alive, is that also true of those people that are not buried in the
20 bush, will they haunt you if you don't bury them?

21 A. [11:51:40] I would like to say that sometimes the spirit doesn't haunt
22 immediately. I give myself as an example. When I was causing all these atrocities,
23 killing people, I lost consciousness and I did not feel anything. But when I returned
24 home it still disturbs me up to now, I still feel haunted. Sometimes I leave home and
25 just wander and vanish. It doesn't happen to you immediately when you are in the

1 bush. It can haunt you briefly but you gain the strength to go on and keep doing the
2 same thing and you become confident and brave enough to do whatever you are
3 asked to do. But when you return home you start getting haunted and they all come
4 back to you.

5 Q. [11:52:52] Thank you very much, Mr Witness.

6 I would now like to take you to your time in the bush. Where did you personally
7 sleep while in the bush?

8 A. [11:53:10] While I was in the bush we did not have a tent or sleeping bags. But
9 those of Onen Kamdulu had a tent and we are the ones who usually erect it and we
10 are made to sleep by the side, or from outside.

11 Q. [11:53:35] What would you eat while you were in the bush?

12 A. [11:53:46] There is no food in the bush. You survive on greens and leaves and
13 whatever you find edible from the bush.

14 Q. [11:53:58] Would the commanders eat the same thing as you would eat?

15 A. [11:54:10] There is a difference between what the commanders eat and what we
16 the foot soldiers eat.

17 Q. [11:54:18] Could you give an example of what a commander would eat?

18 A. [11:54:26] For example, when a cow is slaughtered it is dried so that it is
19 preserved and they store it well so that rain doesn't affect it. The commander keeps
20 eating that dried meat.

21 Q. [11:54:49] What did you wear, what clothes were you wearing yourself while in
22 the bush?

23 A. [11:55:00] When I had just been abducted I had the clothes with which I was
24 abducted, but when I had stayed for some time I was given a military uniform.

25 Q. [11:55:18] Did you have that military uniform for the whole time? When you

1 escaped, were you in military uniform?

2 A. [11:55:30] Yes, I had it.

3 Q. [11:55:36] You said you were injured.

4 And I'm referring, your Honour, to page 68, lines 1 and 2.

5 Were these injuries all -- did they happen all in one event or in different events?

6 A. [11:55:56] The injuries happened in one event.

7 Q. [11:56:03] Was there any health centre or service in the bush?

8 A. [11:56:16] No, there was no health centre service in the bush and the -- there is
9 no medicine for treatment for the foot soldiers.

10 Q. [11:56:33] When you had these injuries in your body, how did you deal with the
11 pain of those injuries?

12 A. [11:56:45] I -- it healed by itself. I did not get any treatment.

13 Q. [11:56:52] Could you explain how did you heal yourself? Or just a passage of
14 time healed them?

15 A. [11:57:06] I would start with the commanders, whenever they get -- they get
16 injuries, they are normally -- their wounds are normally washed, cleaned with warm
17 water. There is something that they also put on the wounds and it is used to dress
18 the wounds that are -- you get from the injury, and it is covered. But when you are
19 a foot soldier or a newly abducted person, no one pays attention to your injury, it is
20 not cleaned and you will not be allowed to boil water, warm water and clean your
21 wounds. You just get healed as time passes. If you -- you would also abandon
22 your wound, it will remain dirty like that. For me, I could not do anything, it just
23 got healed.

24 Sometimes when you bathe once you can stay between three weeks and one month
25 before you can bathe again. So it was not easy for us, the foot soldiers, the ordinary

1 soldiers.

2 Q. [11:58:28] Before you suffered these injuries had you suffered similar injuries in
3 your life?

4 A. [11:58:39] No, I had not.

5 Q. [11:58:50] Thank you, Mr Witness. Sorry.

6 A. [11:58:51] And another injury which I had forgotten about, it's on my head. I
7 got injured on my head because when, when I was young, if you look at the balded,
8 balded place, it is because I was carrying a hot saucepan. Whenever you are going
9 being pursued you are made to carry a hot pan which was used for cooking. So I
10 had patches of wounds on my forehead. I got lots of pain and it almost caused me
11 a mental problem. If you put a piece of cloth on your head to support the pan, the
12 heat goes through the cloth and it affects your head.

13 Q. [11:59:53] Thank you, Mr Witness. You said on Friday that you were taught
14 everything about a gun.

15 And this is realtime 87 page 61, line 24.

16 What did you know about guns before you were abducted?

17 A. [12:00:15] I did not know anything about guns.

18 Q. [12:00:24] Had you used a gun before you were abducted?

19 A. [12:00:34] No, I hadn't.

20 Q. [12:00:38] Had you participated in any battles or attacks before you were
21 abducted?

22 A. [12:00:48] No, I had not.

23 Q. [12:00:51] Were you scared of handling a gun the first time you were given one?

24 A. [12:00:59] I was afraid.

25 Q. [12:01:04] Mr Witness, how long before an attack or an ambush occurred were

1 you told that you were going to participate in it?

2 A. [12:01:27] There was no time when we were in the bush. There is no time to go
3 to battle or no times for attacking, it could happen any time.

4 Q. [12:01:43] What was your state of mind while you were participating in an
5 attack?

6 A. [12:01:57] I, I thought we should do what we are supposed to go and do.

7 Q. [12:02:07] Were you able to sleep after participating in an attack?

8 A. [12:02:18] It was sleep -- no, there was no sleep. If you are going to sleep, you
9 do get -- you doze off but you don't sleep well.

10 Q. [12:02:38] During your time in the bush would the rebels punish younger
11 soldiers as yourself?

12 A. [12:02:50] Yes, if you -- you are punished.

13 Q. [12:02:56] You already mentioned that if you tried to escape you would be
14 punished. Can you mention to the Court some other reasons why you could be
15 punished while in the bush?

16 A. [12:03:13] While I was in the bush, first of all, if you escape they do not like
17 anybody who tries to escape. Let me tell you, they do not like anybody who tries to
18 escape. If you have the mind to escape, that means you want death.

19 Q. [12:03:34] Sorry, I probably wasn't clear. Besides being escape, can you give
20 other reasons why younger soldiers would be punished in the bush? Different from
21 escaping.

22 A. [12:03:57] Other than escaping, you would be punished if you do not listen, if
23 you are disobedient, if you do not follow instructions, you would be punished. If
24 you are lonely or you isolate yourself, you would be beaten. If you do not talk to
25 people, they will also beat you because they would assume that you are thinking

1 about escaping.

2 Q. [12:04:31] Can you briefly give some examples of these punishment, what they
3 would do to the people that were in the situations you have just said?

4 A. [12:04:46] For example, something that happened to me, at the time that I had
5 been in the bush for about four months, we were still at Atoo hills, at Atoo foothills,
6 we had all gathered there, there were a lot of people, they started dividing us into
7 different groups, as they habitually do. We went to the group that they had sent us
8 to. I stayed there. I suppose I was tired. I had a bag, I was holding a bag. I kept
9 quiet, I was silent. Peleng came and kicked my side. He said he's been observing
10 me and he has determined that I want to escape so I should be killed. I did not say
11 anything, I just said "I have no intention of escaping". They slapped me. They
12 started beating me, I was caned five strokes. I told them "I'm not going to escape,
13 I'm not going anywhere."

14 Q. [12:06:02] Thank you, Mr Witness. Without saying any names, did you see any
15 friends from Odek in the bush?

16 A. [12:06:18] Yes, they were there.

17 Q. [12:06:23] Were you able to talk to them or be close to them?

18 A. [12:06:32] First of all, you are not allowed to introduce yourself to each other.
19 If you meet somebody that you know, you just have to pass that person and pretend
20 that you do not know that person. Even if you do know that person, you do not talk
21 to that person.

22 Q. [12:06:54] Why is that, that you can't talk to that person or introduce yourself to
23 that person?

24 A. [12:07:05] When you are in the bush, that's the policy. You cannot go and
25 tell -- talk to somebody, if you see somebody, you cannot go and say, tell somebody

1 that, "Oh, you are also here." You cannot go and tell the person anything that you
2 want to discuss with them.

3 Q. [12:07:27] Mr Witness, did you learn anything useful during your time in the
4 bush?

5 A. [12:07:44] The -- what I learnt in the bush and what I know could have helped
6 me is to protect my life as they taught me, to commit atrocities, as they taught me.
7 Those are the only two things that helped me survive while I was in the bush.

8 Q. [12:08:06] Did you think about school while you were in the bush?

9 A. [12:08:16] I -- the two -- after two weeks, two weeks from my abduction, yes, but
10 after that no, because I knew it was impossible. It was not possible from where I was.
11 You are not even allowed to think.

12 Q. [12:08:37] Mr Witness, I just want to ask you one question about your escape
13 you talked profoundly about it. And this is -- you had seen people being killed for
14 trying to escape. Why did you take the risk to escape?

15 A. [12:09:08] I stated that if you try to escape you would be killed. But life was
16 extremely difficult in the bush. We were hungry, we were dehydrated, you had to
17 go for long distances to look for water, you are being pursued by soldier on the
18 ground, you are being pursued by soldiers in the helicopters, so life was extremely
19 difficult.

20 Q. [12:09:42] Now, Mr Witness, I would like to talk about life after the bush, when
21 you returned home. How were you received by your family?

22 A. [12:09:57] When I came back home I was welcomed warmly. My brothers
23 welcomed me warmly. My family, all my relatives also welcomed me warmly. But
24 life was very difficult afterwards, especially with regards to other people, insults,
25 insults, they were insulting us constantly. When I came back home I tried to go to

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 school. There is a school, but even at school there was a lot of -- I was being insulted
2 a lot, I was being stigmatised.

3 Because the way we came back, I suppose the other children, my peers at the time
4 saw a difference between us and the people who came from the bush. So there was
5 a lot of stigmatisation, there were a lot of insults. They would tell you that if you
6 don't watch out, this person would kill you. They would talk -- they would say a lot
7 of things about us. And that's why it became extremely difficult for me to go back to
8 school.

9 Q. [12:11:31] Mr Witness, who took care of your family since your dad had died,
10 your father had died?

11 A. [12:11:50] My mother was there. My older brother was also there.

12 Q. [12:12:01] Do you have any children now? Without obviously saying their
13 names.

14 A. [12:12:11] Yes, I do.

15 Q. [12:12:14] Can you tell the Court how many children you have?

16 A. [12:12:22] I have three children. I've got two wives.

17 Q. [12:12:30] How do you sustain them?

18 A. [12:12:38] I'm a farmer. And at times I also went to try and do some technical
19 training, but maybe if I finish with the farming I would go and build houses, do some
20 practical work like building houses so that I could learn a trade.

21 MR COX: [12:13:12] Your Honour, I would ask for a private -- go into private
22 session for a couple of questions if that's --

23 PRESIDING JUDGE SCHMITT: [12:13:22] Private session.

24 (Private session at 12.13 p.m.)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Open session at 12.15 p.m.)

19 THE COURT OFFICER: [12:15:06] We are back in open session, Mr President.

20 MR COX: [12:15:19]

21 Q. [12:15:22] Has your father not being around -- how has your father not being
22 around affected your family?

23 A. [12:15:40] The loss of our father brought a lot of -- resulted in a lot of problems.

24 First of all, the garden that we had was taken by relatives. Secondly, life has become
25 difficult because the way life was before the -- before the war that the support and the

1 jobs are no longer there so it's, it's hard.

2 Q. [12:16:25] Mr Witness, have you heard of cen?

3 A. [12:16:36] Yes, I have.

4 Q. [12:16:39] Can you explain to the Court what is cen?

5 A. [12:16:49] Cen is a -- something, something that you want, something that you
6 yourself want. It's something that sometimes moves on its own. It's an evil spirit
7 that possesses you after you kill somebody. If you kill somebody and do not bury
8 them, their evil spirit haunts you. That I have been killed, I have been left like that, I
9 will also haunt you, so that cen will also haunt you.

10 Q. [12:17:34] Have you heard of cen affecting people in the community?

11 MR OBHOF: [12:17:43] Excuse me, Your Honour, nothing to object to the
12 questioning, it's just that we think maybe this might be done in public session. Oh, it
13 is public session. I'm sorry.

14 PRESIDING JUDGE SCHMITT: [12:17:48] It is already.

15 MR OBHOF: I am such an idiot, I am so sorry.

16 PRESIDING JUDGE SCHMITT: So let me say you are perfectly correct, Mr Obhof.

17 MR OBHOF: Sorry about that, Counsel Cox.

18 MR COX: [12:18:04]

19 Q. [12:18:04] So, have you heard of cen affecting people in the community?

20 A. [12:18:15] Cen does not affect somebody who is not possessed. If the person
21 does not have any problems, for example, the person has not been in war, it does not
22 disturb them. For example, there are some people who came back from the bush
23 a long time ago, or people who have only recently returned. Or me, personally.
24 That's the reason why I say cen depends on what you have done.

25 Q. [12:18:53] Nowadays, Mr Witness, do you have trouble sleeping?

1 A. [12:19:12] Yes, I do.

2 Q. [12:19:13] Can you briefly explain to the Court what these troubles are? If you
3 have nightmares or anything similar that you can explain to the Court.

4 A. [12:19:29] I will mention it summarily. If I lie down, when I am -- when I go to
5 bed, sometimes I sleep at midnight. When I'm in bed, something appears and shows
6 me photographs, it first starts by calling out my name. And that's what I hear, I hear
7 it calling out my name. It tells me: Sir, this is me, I'm so-and-so, I'm so-and-so.
8 Then it comes. It haunts me. It confuses me. It starts mentioning names, names of
9 things that have happened long ago. It starts mentioning names.

10 Q. [12:20:36] Do you identify these names that the spirit tells you?

11 A. [12:20:49] It does not tell you the names exactly, but it mentions certain names
12 and it tells you: Do you know the reason why you know that you are being followed
13 by this holy spirit or haunted? I will give you the example of (Redacted), somebody
14 that I killed. It comes. The evil spirit starts fighting and tells me that last time you
15 did this do me, "Did you think I wouldn't find you, did you think I wouldn't follow
16 you?" If it happens to me I actually get -- I sustain injuries. I wake up and notice
17 bruises. I feel pain on my chest well.

18 Q. [12:21:34] Have you received any medical assistance for this?

19 A. [12:21:47] Yes, I have.

20 Q. [12:21:51] When did you start receiving it and what was this medical assistance
21 that you received?

22 A. [12:22:05] I received a -- I first started receiving treatment when the investigators
23 found me. They -- when they found me I had -- I still had cen, I had just recently
24 been haunted. First of all, it started by binding my tongue. When this thing
25 possesses me, it fights against me. I told -- I explained to them -- the elders were

1 asking me that "Why does cen disturb you? Why are you haunted by the holy
2 spirit -- by spirits, evil spirits? What did you do when you were in the bush?" And
3 I told them. So they told me that perhaps it's the way that the person died. So at
4 the time the evil spirit fought against me I fell down, I bit my tongue. There are
5 sometimes when I wake up and find that my tongue is full of sores and wounds.

6 Q. [12:23:13] Mr Witness, how has your time in the bush affected your ability to
7 provide for your family?

8 A. [12:23:31] My being in the bush has wasted a lot of my time. Perhaps if I was at
9 home maybe I would have been able to support my family financially and not just by
10 farming. My being in the bush made me lose everything. I cannot remember
11 education anymore.

12 Q. [12:24:09] Finally, Mr Witness, what could make things better for you after all
13 you had gone through?

14 A. [12:24:33] In order to -- could you, could you please repeat your question?

15 Q. [12:24:42] What, if anything, could make things better for you after your life in
16 the bush?

17 A. [12:25:01] Personally, my life has been ruined. So the important thing, it's
18 important that when you have an education you are able to sustain yourself so in
19 order to, to make this right, people who are abducted should be compensated. If
20 your parents were killed, you fought in a particular camp, they should see what can
21 be done to compensate the people, especially the children.

22 Even now we are still stigmatised. They call us -- they tell us that we brought about
23 the fighting for land, we brought about fighting within the camp and they said that
24 there are a lot of Lakwenas in the camp. So in order to end this they need to try and
25 compensate people, they need to try and rehabilitate people, they need to try and help

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 people in the camp. If there are people who have been affected or people who are ill
2 and they are unable to afford treatment, then anything that can be done to help them
3 should be done to help them.

4 Q. [12:26:38] Thank you very much, Mr Witness.

5 MR COX: Your Honour, with this I finish. I'm sorry for my complete lack of
6 assessment of time. I thought it was going to be shorter. Thank you.

7 PRESIDING JUDGE SCHMITT: [12:26:49] No, we are at the moment not in a hurry
8 and I would have intervened if something would have been improper.

9 Mr Narantsetseg?

10 MR NARANTSETSEG: [12:26:59] Thank you, Mr President, for the opportunity.
11 We have no further questions. Thank you.

12 PRESIDING JUDGE SCHMITT: [12:27:06] Thank you very much.

13 Mr Obhof, you have already indicated before the break that you would be able to
14 start with the questioning today, is this correct?

15 MR OBHOF: [12:27:15] Yes, your Honour, we can start today or tomorrow,
16 whenever you wish.

17 PRESIDING JUDGE SCHMITT: [12:27:20] Then I suggest the following: We have
18 now half past 12. We have now the lunch break I would suggest and restart at
19 2 o'clock and then from 2 until half past 3.

20 THE COURT USHER: [12:27:35] All rise.

21 (Recess taken at 12.27 p.m.)

22 (Upon resuming in open session at 2.00 p.m.)

23 PRESIDING JUDGE SCHMITT: [14:01:12] Mr Obhof, you have the floor.

24 MR OBHOF: [14:01:15] Thank you, Mr President.

25 QUESTIONED BY MR OBHOF:

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 Q. Good afternoon, Mr Witness. I hope you had a good lunch.

2 A. [14:01:29] Yes, I did.

3 Q. [14:01:35] Now, Mr Witness, you informed the Court and the Prosecution
4 during your questioning that you moved to Odek IDP camp while in primary 2; is
5 that correct?

6 A. [14:01:54] Not primary 2, but primary 4.

7 Q. [14:01:59] So you moved to Odek IDP camp during primary 4?

8 A. [14:02:14] I stated clearly that I was abducted when I was in primary 4.

9 Q. [14:02:23] Well, that's correct, Mr Witness, but the question was when you first
10 moved to Odek IDP camp. And did you or did you not first move into the IDP camp
11 while you were in P2 at Odek Primary School?

12 A. [14:02:52] When I was at home, before people went to the camp, I believe I was
13 in primary 1.

14 Q. [14:03:04] So is it correct to state that you lived in Odek IDP camp continuously
15 from 1 January 2004 through at least 28 April 2004?

16 A. [14:03:29] Could you please repeat your question.

17 Q. [14:03:34] Before you were abducted, Mr Witness, did you live in Odek IDP
18 camp in 2004, during the entirety of that year?

19 A. [14:03:51] Yes, I was.

20 Q. [14:03:57] Mr Witness, in relation to the actual IDP camp, where in the IDP camp
21 did you live, did you live in the centre, along the outside, towards the medical centre?
22 Just in general terms.

23 A. [14:04:22] We stayed at the side of the camp which is opposite the hospital.

24 Q. [14:04:41] And there were around 800 to 1,000 homes in the IDP camp, does that
25 sound correct, Mr Witness?

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 A. [14:04:58] There were many houses.

2 Q. [14:05:02] And something happened in March of 2004 within those houses; is
3 that not correct?

4 A. [14:05:14] I -- I did not understand that question. Could you please repeat the
5 question?

6 Q. [14:05:19] I'll rephrase it for you, Mr Witness.

7 Was there a large fire in Odek IDP camp before the LRA came in April of 2004?

8 A. [14:05:43] Yes, houses would burn, but -- yeah, sometimes when people are
9 cooking, when they are frying stuff, then yeah, there is -- houses burn.

10 Q. [14:06:05] Now, do you remember the houses burning before the attack though,
11 a large fire throughout the camp?

12 A. [14:06:23] No. I do not recall, but I do recall that houses burnt in the camp.

13 Q. [14:06:37] Can you tell me how you lost your school records, Mr Witness?

14 A. [14:06:52] The school records, I hadn't yet advanced so much in my education,
15 so other than the report card, nothing else got burnt, that was the only one that got
16 burnt.

17 Q. [14:07:11] But can you tell this Court how it was burnt and the circumstances
18 around that burning?

19 A. [14:07:28] The certificate or report before the war got burnt when -- because on
20 occasion people would be playing with matches, children would be playing with
21 matches or people would be cooking, like frying their food and those were the things
22 that were likely to lead to a fire.

23 MR OBHOF: [14:07:53] Your Honours, I'm going to be referring to tab 1, that's
24 UGA-OTP-0243-0428, page 0431, paragraph 16.

25 "I do not have any report cards from my school as our house was burnt as a result of

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 a cooking accident in the house next door and this was before the Odek attack."

2 Do you remember telling that to the Office of the Prosecutor during your interview,
3 Mr Witness?

4 A. [14:08:38] Yes, I stated that.

5 Q. [14:08:46] And was everything in your house burned, Mr Witness?

6 A. [14:08:58] Everything.

7 Q. [14:08:58] And you lost all your personal records that were stored with inside of
8 that house, correct?

9 A. [14:09:09] That's correct.

10 Q. [14:09:15] And you were born at home, Mr Witness, correct?

11 A. [14:09:24] Yes, I was.

12 Q. [14:09:28] Do you know whether your birth certificate -- sorry, your birth was
13 registered at the sub-county office?

14 A. [14:09:43] The -- I should ask my father that question, but unfortunately he is
15 deceased so I was unable to ask him that kind of question.

16 Q. [14:09:55] Could you have asked your mother the same question, who is still
17 alive today?

18 A. [14:10:12] There are lots of things that were in the house, were usually in my
19 father's house. He is the one who knew where he stored them and my mother did
20 not know where my father kept them.

21 Q. [14:10:30] Now, when you're talking about your father's house, there were many
22 other houses that were destroyed that day in that fire; is that not correct, Mr Witness?

23 A. [14:10:44] That's correct.

24 Q. [14:10:47] So for your age, Mr Witness, you are unsure of whether your birth
25 was registered at the sub-county and you only have your mother's recollection as to

1 when and to which year you were born; is that right?

2 A. [14:11:16] My birth details, as my mother said, since everything pertaining to
3 my birth was burnt I should go and ask the LC who was in charge. We went and we
4 asked him if there was something like that and they found it.

5 Q. [14:11:38] Did you give this to the Office of the Prosecutor?

6 A. [14:11:45] Yes, I did.

7 Q. [14:11:50] So what you are stating is that the LC found a historical document
8 which stated your date of birth, Mr Witness; is that correct?

9 A. [14:12:04] That's correct.

10 Q. [14:12:13] Now you told the Victims and Witnesses Unit last week that you were
11 14 when you were abducted; is that correct?

12 A. [14:12:27] That's correct.

13 Q. [14:12:43] Now, Mr Witness, you also told persons when you were filling out
14 your victim application that you were 14 when you were abducted.

15 And that can be found at tab 9, UGA-D26-0012-0142 at page 0142.

16 PRESIDING JUDGE SCHMITT: [14:13:12] And I think even during his testimony
17 here in the courtroom he mentioned. I think I have asked him how old he was. So
18 he has said this and this is his testimony I would say.

19 MR OBHOF: [14:13:22] Okay.

20 Q. [14:13:32] Now, Mr Witness, were you baptised?

21 A. [14:13:45] I do not know if I was baptised.

22 Q. [14:13:54] When the Prosecution was searching for your birth certificate or
23 asking you to prove your age did you at any time approach the Catholic Church to
24 check their records if you had been baptised?

25 A. [14:14:16] No, I did not go and ask them. But when they were interviewing me

1 I first went and asked one of the local, local leaders to determine whether or not he
2 kept something to that effect. But there are a lot of things that got burnt in the camp.
3 The local leader told me that that -- there was a document to that effect but it got
4 burnt in the camp. But I did not take -- I did not go to the church to find out whether
5 or not such a document existed.

6 Q. [14:14:53] Do you know that after 1980 the Catholic Church began keeping both
7 cards and a logbook of every single person that was baptised, which also includes
8 their birth-date and their parent's name?

9 A. [14:15:18] I did not know that.

10 Q. [14:15:27] Mr Witness, do you know how you received the Christian name that
11 you have today? And please remember, do not say your name.

12 A. [14:15:43] No, I do not recall.

13 Q. [14:16:00] Now, Mr Witness, when you escaped from the LRA and as you say in
14 late 2005 or early 2006, can you describe to the Court how you were received by the
15 UPDF barracks at Lalogi?

16 A. [14:16:29] I would like to say this: When I went to the barracks at Lalogi it was
17 in the evening, approximately 6 to 7 p.m. That's when I went to Lalogi. The
18 soldiers had already gone to their trenches. That's when I went to the barracks.
19 When they saw me, when one of the soldiers saw me, he aimed his gun at me. I
20 raised up my hands. I had a bag on one hand, I had a bag on my back as well, which
21 contained cooking oil and a jerrycan. They took me -- from there they took me to the
22 commander. They started asking me questions. They asked me "Are these people
23 close by? Can you take us to the location?" I told them, "No. I have come from
24 a distance away and I'm not going back in that direction. Since I have come out of
25 the bush I am not going back."

1 When I said that, they took me to the senior commander. The soldiers had already
2 scattered to their locations. If at that time it was Lakwena who had come at that
3 particular time a lot of soldiers would have died. And so the soldiers left me there.
4 The questions that they were asking me, I do not know whether my answers were
5 recorded because they were asking me questions.

6 Q. [14:18:23] And while you were within the Lalogi barracks that first day were
7 you escorted by anyone throughout the barracks?

8 A. [14:18:43] Nobody escorted me around. They, they gave me soap, bathing soap.
9 They gave me white, white bread. And they asked me, they said if I want to eat any
10 mangos, I should go ahead and help myself while I was in the barracks.

11 Q. [14:19:09] So your testimony is that upon your arrival at Lalogi barracks they
12 allowed you to walk around without restraints and without an escort and being
13 a person who was defecting from the LRA; is that correct?

14 A. [14:19:33] This is my statement. I know that right here where we are right now
15 there is somebody over us, there is an authority over us. In the barracks there was
16 also authority over me. The way they saw me, I suppose that was why they made
17 that decision for me to go ahead and do what I did. I'm not saying that they just left
18 me at will to do anything that I wanted, but there were soldiers around, the mangos
19 were also in that location. It wasn't far. It was within that vicinity. And when
20 you are walking around you are clearly visible to everybody. Because I was told
21 that I'm a free person, nothing was going to happen to me.

22 Q. [14:20:39] Now you stated the mangos were out, so when you, when you
23 escaped the LRA it was around -- towards the middle or end of mango season,
24 Mr Witness?

25 A. [14:21:00] Yes, the mangos were -- the mangos were ripening, it was at the

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 height of the ripening season.

2 Q. [14:21:13] Now you state a little bit ago that you were brought to a second
3 gentleman and you did not -- he was interviewing you but you did not know if they
4 wrote those questions down and your answers down. Do you remember what type
5 of questions the UPDF soldier was asking you, the second one that you talked to,
6 while in Lalogi barracks?

7 A. [14:21:48] I cannot recall the questions that they asked me, but they asked me
8 about the LRA, the composition, the numbers, but I do not recall every single
9 question that was asked.

10 Q. [14:22:10] Mr Witness, how long did you stay at Lalogi barracks before being
11 transferred to the UPDF barracks at Opit?

12 A. [14:22:27] I was at Lalogi for approximately three days.

13 Q. [14:22:37] And when they took you to Opit barracks, about how long did it take
14 them to transfer you from Lalogi to Opit?

15 A. [14:22:56] Could you please repeat your question.

16 Q. [14:23:02] Yes, sir, my apologies. How long did it take for them to transfer you
17 from Lalogi barracks to Opit barracks?

18 A. [14:23:23] That question is a bit confusing, because transferring me from Lalogi
19 barracks to Opit could take an hour or less than an hour. I don't know. I was
20 happy at the time. I was happy, I was excited that I was in the -- with the
21 government soldiers so I did not pay that much attention to the time.

22 MR OBHOF: [14:23:57] Now a few questions in private session, your Honour, if you
23 wouldn't mind. Maybe three to four questions.

24 PRESIDING JUDGE SCHMITT: [14:24:04] Yes. Private session, please.

25 (Private session at 2.24 p.m.)

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0252

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0252

(Private Session)

ICC-02/04-01/15

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ICC-02/04-01/15

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ICC-02/04-01/15

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ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

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3 (Open session at 2.53 p.m.)

4 THE COURT OFFICER: [14:53:11] We are back in open session, Mr President.

5 PRESIDING JUDGE SCHMITT: [14:53:13] Thank you.

6 MR OBHOF: [14:53:19]

7 Q. [14:53:19] Now, Mr Witness, did you return the old battery to the Office of the
8 Prosecutor?

9 A. [14:53:33] For us, we use solar to charge the battery. You cannot take back
10 a battery which has busted, which has exploded.

11 Q. [14:53:54] So when the battery exploded did it not destroy the phone as well?

12 A. [14:54:06] I -- I said that you charge the phone -- that you remove the battery
13 from the phone and put it to the charge on the solar. The battery is not charged
14 while it is in the phone. You just tie it around some, some cables in the solar to
15 charge it.

16 Q. [14:54:35] Now, Mr Witness, when you purchased this new battery for your
17 phone, did you send a copy of the receipt to the Office of the Prosecutor?

18 A. [14:54:50] The things that you are asking about are at home, the receipts and the
19 money for the battery, and the hospital receipts are all at home.

20 Q. [14:55:06] So does that mean you did not give the receipt for the battery you
21 purchased at the end of May 2016 to the Office of the Prosecutor; is that correct?

22 A. [14:55:19] I did not give because sometimes I cannot locate where they are, they
23 are not near me.

24 Q. [14:55:30] Now, Mr Witness, did you send the serial number of the battery to the
25 Office of the Prosecutor?

Trial Hearing
WITNESS: UGA-OTP-P-0252

(Open Session)

ICC-02/04-01/15

1 A. [14:55:40] I do not know about a serial number of a battery.

2 Q. [14:55:51] Now, Mr Witness, about two months later, at the end of July 2016,
3 Prosecution investigators came to visit you again and to collect documents related to
4 your birthday and to your school records. Do you remember that visit, Mr Witness?

5 A. [14:56:14] Yes, I do remember.

6 MR OBHOF: [14:56:18] And for the Chamber record I am referring to tab 17,
7 UGA-OTP-0269-0181.

8 Q. [14:56:30] Now, you told the Office of the Prosecutor that you no longer had
9 your emergency mobile phone; is that correct?

10 A. [14:56:41] But I did not say it because I was afraid.

11 Q. [14:56:49] You did or did not tell them at the end of July 2016 that you no longer
12 had the phone? Which one, "yes" or "no"?

13 A. [14:57:02] I did not. If I mentioned they probably forgot, but I did not.

14 Q. [14:57:11] That's okay, we understand people forget. We do have a report on
15 page, on tab 17, page 0819 where it does say that you told the Prosecution
16 investigators that you no longer had that phone. Does that help you remember,
17 Mr Witness?

18 A. [14:57:36] I have forgotten most of these things.

19 Q. [14:57:46] Do you remember why you no longer had the phone, Mr Witness?

20 A. [14:57:55] I said earlier that the phone got lost when I, I was sick and I moved.
21 I wandered in the bush, so the phone fell and got lost in the bush. And in that area
22 there was no network so those who had phones tried to, to call my number and they
23 couldn't find it and it got lost forever.

24 MR OBHOF: [14:58:26] Your Honours, I'm going to read from the middle of the
25 page on page 0819.

1 Q. [14:58:30] And this a report from the Office of the Prosecutor after your meeting
2 with them, Mr Witness, in July of 2016, it says: "Finally the witness said that he no
3 longer had the mobile telephone that was provided to him by the OTP. He claimed
4 that he gave it to an individual he could not disclose because he had borrowed
5 money" -- it says "form him", but it should be "from him --"and failed to pay."

6 Does that help you remember what happened to your phone, Mr Witness?

7 A. [14:59:10] No, I did not say that. But the phone which I was given and I was
8 cautioned that I shouldn't give it to anyone, the phone was only supposed to help
9 coordinate me to the OTP.

10 Q. [14:59:32] And I apologise for asking this, Mr Witness, but just to be completely
11 clear, you are stating that you did not give the phone given to you by the Prosecution
12 to someone else to pay off a personal debt, that is your testimony to me?

13 A. [14:59:48] No, I did not. I did not give.

14 MR OBHOF: [14:59:58] Now, your Honour, and everybody inside, I'm really sorry
15 but I think this next session is going to have to all be in private. They are pertaining
16 to medical issues, so.

17 PRESIDING JUDGE SCHMITT: [15:00:07] I understand. Then we go to private
18 session.

19 (Private session at 3.00 p.m.)

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Trial Hearing
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ICC-02/04-01/15

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ICC-02/04-01/15

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(Private Session)

ICC-02/04-01/15

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13 Page redacted – Private session

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ICC-02/04-01/15

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13 Page redacted – Private session

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- 5 (Open session at 3.15 p.m.)
- 6 THE COURT OFFICER: [15:15:16] We are back in open session, Mr President.
- 7 PRESIDING JUDGE SCHMITT: [15:15:21] Thank you. This concludes the hearing
- 8 for today, Mr Witness, and we resume tomorrow at 9.30.
- 9 THE COURT USHER: [15:15:31] All rise.
- 10 (The hearing ends in open session at 3.15 p.m.)