

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Cano
6 Pangalangan
7 Trial Hearing - Courtroom 3
8 Thursday, 22 March 2018
9 (The hearing starts in open session at 9.36 a.m.)
10 THE COURT USHER: [9:36:01] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:36:20] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:36:47] Thank you, Mr President.
15 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
16 reference ICC-02/04-01/15.
17 For the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:37:00] Thank you.
19 I ask for the appearances of the parties. Mr Gumpert for the Prosecution first.
20 MR GUMPERT: [9:37:04] Ben Gumpert for the Prosecution, your Honour. With
21 me this morning Yulia Nuzban, Shkelzen Zeneli, Pubudu Sachithanandan, Julian
22 Elderfield, Paul Bradfield, Agnese Valenti, Hai Do Duc, and Ramu Fatima Bittaye.
23 PRESIDING JUDGE SCHMITT: [9:37:25] Thank you.
24 And for the Legal Representative of the Victims, Mrs Hirst.
25 MS HIRST: [9:37:27] Good morning, your Honours.

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1 For the Legal Representatives of Victims Megan Hirst and James Mawira.

2 PRESIDING JUDGE SCHMITT: [9:37:33] And Mrs Massidda.

3 MS MASSIDDA: [9:37:35] Good morning, Mr President your Honours.

4 For the common Legal Representative team, Orchlon Narantsetseg, Caroline Walter,
5 Laura Mahecha, and myself Paolina Massidda.

6 PRESIDING JUDGE SCHMITT: [9:37:47] Thank you very much.

7 And now we come to the Defence, Mr Taku or Mr Ayena.

8 MR AYENA ODONGO: [9:37:58] Good morning, Mr President and your Honours.

9 This morning I'm accompanied by co-counsel Chief Charles Achaleke Taku, Madam
10 Eniko, Mr Obhof Thomas, Ms Abigail Bridgman, and our client Dominic Ongwen is
11 in Court. I am Krispus Ayena Odongo.

12 PRESIDING JUDGE SCHMITT: [9:38:30] Thank you very much, Mr Ayena.

13 The Prosecution is now calling P-187 as its next witness. Before commencing, the
14 Chamber notes briefly that protective measures are granted to this witness by virtue
15 of decision 612, and that the VWU recommends no further protective measures.

16 As counsels have already been informed, the VWU has also determined that certain
17 special measures are necessary to assist the witness in her testimony.

18 Madam Witness, good morning.

19 WITNESS: UGA-OTP-P-0187

20 (The witness speaks Acholi)

21 THE WITNESS: [9:39:06] (Interpretation) Good morning.

22 PRESIDING JUDGE SCHMITT: [9:39:08] You are going to testify before the
23 International Criminal Court. On behalf of the Chamber, I would like to welcome
24 you to the courtroom.

25 THE WITNESS: [9:39:19] (Interpretation) Thank you very much.

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1 PRESIDING JUDGE SCHMITT: [9:39:20] Madam Witness, I will now read the
2 solemn undertaking to tell the truth that every witness who testifies before this Court
3 must agree to, so please listen carefully: I solemnly declare that I will speak the truth,
4 the whole truth and nothing but the truth.

5 Madam Witness, do you understand?

6 THE WITNESS: [9:39:47] (Interpretation) Yes, I do understand.

7 PRESIDING JUDGE SCHMITT: [9:39:49] Do you agree what I have, what I have
8 read to you?

9 THE WITNESS: [9:39:54] (Interpretation) Yes, I agree today.

10 PRESIDING JUDGE SCHMITT: [9:39:57] Thank you very much.

11 We continue then.

12 I will explain to you now protective measures that the Chamber has put in place for
13 your testimony. First of all, we have face distortion, that means that no one outside
14 the courtroom can see your face or hear your real voice during your testimony.

15 There will also be the use of a pseudonym. In accordance with that, we will all refer
16 to you as "Madam Witness", that is the reason why I address you in this way. This is
17 to make sure that the public does not know your name.

18 When you answer questions that will not give away --

19 THE WITNESS: Kakare.

20 PRESIDING JUDGE SCHMITT: [09:40:38] When you answer questions that will not
21 give away who you are, we do that in open session. Open session means that the
22 public can hear what is being said in the courtroom and also hear your voice.

23 When you are asked to describe anything that relates specifically to you, or you are
24 asked to mention facts that might reveal your identity, we do this in private session,
25 and private means that there is no broadcast and no one outside the courtroom can

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1 hear your answer.

2 Before we start then with your testimony, I have a few practical matters that I would
3 like to address.

4 Everything we say here in the courtroom is written down and interpreted. To allow
5 for the interpretation that they can follow it is important to speak clearly and at a slow
6 pace and please speak only when the person that has asked you something has
7 finished.

8 If you have, yourself, any questions, raise your hand so we know that you wish to say
9 something and I will give you then the floor.

10 Thank you very much for listening to these long preliminary remarks.

11 And now we start with the Prosecution. Mr Gumpert has the floor.

12 THE WITNESS: [9:42:04] (Interpretation) Thank you very much.

13 MR GUMPERT: [9:42:08] Thank you, your Honour.

14 Can we go immediately into private session for two or three questions.

15 PRESIDING JUDGE SCHMITT: [9:42:20] Of course.

16 Private session.

17 (Private session at 9.42 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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8 (Open session at 9.46 a.m.)

9 THE COURT OFFICER: [9:47:00] We are back in open session, Mr President.

10 MR GUMPERT: [9:47:06]

11 Q. [9:47:10] Madam Witness, please tell the Court when you were born, the year
12 you were born?

13 A. [9:47:17] Sure. I was born in the year 1956. Now I know I am over 60 years,
14 could be 62.

15 Q. [9:47:37] You've already mentioned Lukodi. When did you move to the
16 camp at Lukodi?

17 A. [9:47:53] I was married in Lukodi in (redacted), that is when I got married and came
18 to the area of Lukodi. I stayed there up to now. I have not relocated anywhere.

19 At the time I was getting married, then there was a cattle raid by the Karamajong in
20 Lukodi. Then they killed my husband in (redacted), that is when my

21 husband was killed, but I continued staying there. (Redacted)

22 (Redacted)

23 My husband had left me with four children. Two children have died so far.

24 (Redacted)

25 (Redacted) I have two children now. (redacted) .

1 (Redacted). Currently I live with him in my home in Lukodi.

2 (Redacted). I'm currently taking care of the

3 children of those women, each of them left two children, so I'm taking care of four
4 children in total.

5 The girl, the girl, my other daughter also had a child when she was abducted; she
6 came back when she was pregnant and therefore decided to get married. So, when
7 her husband realised she was pregnant, he refused to stay with her and then she came
8 back and stayed in my house and delivered a baby boy. So currently I have five
9 children in my house.

10 Q. [9:50:09] Madam Witness, I'm particularly interested in the question of when
11 you moved to the camp at Lukodi.

12 A. [9:50:24] I moved to the camp in Lukodi in the year 2002. When we moved
13 there first, it was not yet a designated camp; we just decided to move close to the road.
14 We moved there, and in 2004, there was an attack on the camp and people fled.
15 People fled to the township, but we later returned and went to Coo Pee camp; that
16 was a designated camp. People attempted to go back to Lukodi. When we
17 relocated to Lukodi, we now moved back to our villages of origin when there was a
18 little bit of peace.

19 Q. [9:51:22] Madam Witness, you mentioned the attack on the camp and that's
20 what I shall be asking you about, asking you for some details concerning that. But
21 let me ask you something more general. The civilian houses in the camp at Lukodi,
22 how were they situated with regard to the military presence?

23 A. [9:52:08] The civilians constructed their houses behind the army barracks.
24 The army was at the school and the civilians constructed their houses behind the
25 barracks and enclosed the soldiers inside, in the middle. The civilians' houses were

1 at the side.

2 Q. [9:52:30] What results did that have when the attack came, that the civilian
3 houses enclosed the barracks?

4 A. [9:52:51] It led to a lot of deaths because when the attack started, the soldiers
5 fled and crossed the road and went to the western side. Those who attacked the
6 camp came from the eastern side; it therefore led to a lot of death.

7 Q. [9:53:15] Can you tell us what date the attack occurred on?

8 A. [9:53:24] Yes, I can. The attack took place in 2004, on 19 May 2004. That is
9 when the attack took place in Lukodi. It was about 5 -- between 4 and 5 p.m.

10 Q. [9:53:47] I want to ask you about the days before the attack. How were the
11 people in the camp feeding themselves, how were they getting access to food and
12 essential supplies at this time?

13 A. [9:54:15] People would find time and escape from the camp and go and collect
14 food from their houses, from their original homes. When people were already
15 confined in the camp, Caritas, an NGO, brought some foodstuff: Cooking oil, plates,
16 blankets, pans, beans and flour. They had just brought it and it was not yet more
17 than a week before the attack took place. That is how people lived in the camp.

18 Q. [9:54:47] If that assistance hadn't been provided by Caritas or some other NGO,
19 what would have been the result?

20 A. [9:55:04] It could mean that they would not be able to go and collect food.
21 Maybe they came to collect food. I don't understand why they came to attack the
22 camp.

23 Q. [9:55:15] Sorry, perhaps my question wasn't very clearly asked. I wasn't
24 meaning what were the consequences for the attackers, I meant --

25 PRESIDING JUDGE SCHMITT: [9:55:28] What's going on there?

1 MR GUMPERT: [9:55:35] Can I proceed?

2 PRESIDING JUDGE SCHMITT: [9:55:37] Yes, you can proceed.

3 MR GUMPERT: [9:55:41]

4 Q. [9:55:42] I was asking you about the people who lived in the camp, the
5 inhabitants of the camp. I suppose the essence is, how bad was the need for this
6 emergency food supplies for the people who lived in the camp?

7 A. [9:56:11] When people relocated, there were -- all of a sudden, people were
8 many. Then the local council leaders decided that okay, now that people are many,
9 there's bound to be famine since there's no food, and that is the reason why Caritas
10 was able to help and give people food since people had already gathered in that
11 location.

12 Q. [9:56:34] Thank you. That's very clear. Now you told us that you thought
13 the attack began in the late afternoon or early evening, between 4 or 5. Is that -- did I
14 understand correctly?

15 A. [9:56:53] Yes, that is correct.

16 Q. [9:56:55] Could you please just describe to the Judges your first impression;
17 how you became aware that the camp was under attack, what you could see and what
18 you could hear?

19 A. [9:57:17] Well, thank you. For me, we had lunch, but I must say that I'm not
20 sure about the time that we had lunch; it could have been 3 or -- 3 o'clock. I went to
21 look for something to cook for the evening meal; so I went and bought some
22 vegetables. I went -- I cycled, I went on a bicycle and I was able to purchase some
23 vegetables. Then I returned. I was cycling and then I met some people who were
24 fleeing, who were running, and they were making a lot of noise. I met them and I
25 fell down.

1 People were running. There was a lot of ups and downs. They first dispersed in
2 the -- among the houses of the people who were in the camp and others went to the
3 barracks. What made me realise that they were soldiers was that when I started to
4 flee and go back home, to run and go back home, I heard there were gunshots already
5 and then I saw some houses being torched. When I heard that there was bullets
6 already being fired, I feared that I would probably be hit by a stray bullet and I
7 decided to enter a house. And then woman number 1 came and entered the house,
8 and also number 2 joined me, and we asked ourselves, what will we do? There was
9 a lot of commotion; a lot of shouting taking place.

10 It didn't take long, and all of a sudden there were fires that were burning on people's
11 houses. We were worried that we would probably -- we would also get burnt.

12 And then some six rebels came and they were shouting that, "Seems there are people
13 here", but they proceeded and they didn't enter the house. We remained there.

14 It was now coming to about 6 p.m. and getting dark. When it got to about 6 p.m., we
15 wanted to get out, and then three soldiers came. The reason that made me think
16 they were soldiers is because they were wearing army uniform. Others were
17 wearing green army uniform. One of them came and entered the house and said,
18 "You people will all die today. Why did you enter the house?" We could not
19 answer. They told us to get out. We were ordered to get out.

20 There was a sack of sorghum that was on the -- in the house. He threw the sack of
21 sorghum down and found a tin that was behind the sack. He got it and shook it and
22 told me to push the tin on a piece of cloth, which was on his back. There was a way
23 that they dressed; they tied some cloth on their back and -- as if they were carrying a
24 baby, but that was to carry luggage. I pushed that tin inside that cloth.

25 We entered the house. They told us to carry cooking oil, beans and flour, and they

1 ordered us to get out and carry those things. They told us that if anyone tried to run,
2 they would be shot. I was afraid and was shaking. I undressed part of my -- the
3 dress that I was wearing and removed the upper part and tied it on my waist. I was
4 shaking, and these other women who were with me entered the house and carried the
5 things that I was supposed to carry and gave it to me and they also carried their own
6 portion.

7 When we left they torched the house, they torched only one house, and someone
8 started shouting from the western side.

9 When they heard people shouting, one of those three went and shot that person who
10 was shouting, that boy who was shouting. They shot him dead. We were also seen
11 like that. We moved for a short while, and, while these women were still removing
12 other items from another house, they saw a woman who had a girl about the size of
13 her waist, they shot the girl and killed her and they shot the woman on the knee.

14 We continued to collect more items from the houses. I really -- I was also carrying
15 beans which was really about two basins and and a half, and also cooking oil, about
16 10 litres.

17 But the other women who were moving with me were carrying bigger loads since
18 they were younger than me. Every time we passed and every time they removed
19 things from the houses, they would torch the houses from where the items were
20 removed. Those soldiers were the ones who were torching it.

21 When we reached towards the end of the households they got a rope and tied on the
22 left, the left wrist, on my left wrist. I was carrying on my head about two basins of
23 beans, and on my right hand I was holding some cooking oil, about 10 litres. We
24 kept moving and we bypassed the whole camp.

25 Then a helicopter gunship came. For me, I was not able to move fast. The other

1 two women were moving ahead. One of the soldiers was following me from behind,
2 other people were already moving ahead. We were among the people who were last
3 to move out of the camp.

4 When the helicopter gunship came, he told me to put down the luggage so that the
5 helicopter gunship doesn't see and shoot.

6 I asked him to help me cut the load down from my head because it was too heavy.

7 He threatened that he would beat me because a soldier does not help to carry a load

8 from a civilian's head. He told me that he would beat me and insulted me that I was
9 fat. He pushed me and I fell on my back. Then I felt something on my stomach.

10 And then on my hand, on my wrist which had been tied, I could see something like a
11 wound already on my wrist.

12 On my stomach I could feel that I had got something painful. I didn't realise that

13 I had been wounded. Some of the beans had poured down. The rope which was

14 tied on my wrist also got loose and the goat which was being pulled by that rope also

15 escaped and remained behind. When we went and we were about to cross a stream

16 he asked me, "Where is the goat you were pulling?"

17 Q. [10:04:36] Madam Witness - with your Honour's leave - I am going to interrupt
18 there because, before we come to what happened outside the camp, there are some
19 clarifications I want to ask for about what happened inside?

20 PRESIDING JUDGE SCHMITT: [10:04:44] I rarely contradict you, but the witness
21 is now in an narrative mood and let, we let her continue her narrative and then you
22 can ask all the clarifications that you want.

23 So please continue, Madam Witness. What you have in mind from time what
24 happened on this 19 May 2004.

25 THE WITNESS: [10:05:18] (Interpretation) So when we crossed the first river called

1 river Unyama, we moved for a while. It started drizzling. When we were leaving
2 the camp and by the time the helicopter gunship came, it had started to drizzle.
3 We kept on moving. We would step on the dead bodies that we would find along
4 the way. Some children who were thrown in the bush were crying. There was a
5 baby of about two to three months that was thrown away. They would just pick the
6 baby and throw away because the babies were crying. They did not want the babies
7 to cry because they would be heard and they would be followed. So, so many
8 children were thrown away in the bush. So we moved and crossed the second and
9 third streams.

10 As we moved we found a place where we all gathered, stationed, to set up fire to cook.
11 So the different groups would put up their cooking place. When the soldiers also
12 came they also put up fire, they lit fire and they started cooking.

13 So each group would be preparing the food, you would see fire literally all over the
14 areas where we had stationed.

15 So when we sat, at that point I would hear things, some noise that would come. I
16 thought maybe they were splitting firewood, but it wasn't. They were actually
17 killing people.

18 So we stayed for a while, people were cooking and the soldiers were moving about.

19 One of the soldiers came, I think one of the commanders was putting on army
20 uniform. He came and had a Bible and a pen in his hand, with a book in his hand,
21 and he asked us, he asked the people who were there "How many people did you
22 bring?" He would refer to that person as "afande". So this person, this soldier was
23 saying that the other afande said all the mothers should be released; only men should
24 remain. So he said that the afande ordered that these mothers should be sent away.

25 So this person who was moving with the book, notebook in his hand, started moving

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1 away to another group. But the one who remained, the other commander who
2 remained did not want us to go. So after the other commander with the book in his
3 hand went, the commander who remained with us asked me that, "Please remove
4 those beads from your waist and give it to me." I removed the beads and gave it to
5 him. I had some money which was tied by that bead and I gave it to him.

6 PRESIDING JUDGE SCHMITT: [10:08:28] Just shortly, Madam Witness.

7 Mr Gumpert, I think you would prefer to have this incident specifically.

8 MR GUMPERT: [10:08:36] What's about to be said, I anticipate, I think ought to be
9 said in private session.

10 PRESIDING JUDGE SCHMITT: [10:08:43] (Microphone not activated). Not
11 necessarily, but might be.

12 But perhaps we can stop here, Madam Witness. We have now -- but we keep in
13 mind where you stopped.

14 And, Mr Gumpert, you may now ask clarifying questions up to this point, perhaps.

15 MR GUMPERT: [10:09:00] Yes. Thank you. May I say about the private session,
16 it's only because I suspect the witness may feel more comfortable, not because there is
17 any real identifying --

18 PRESIDING JUDGE SCHMITT: [10:09:15] Yes. I think what I would suggest is
19 perhaps we -- you ask the clarifying questions up to this point and then, perhaps, we
20 can also present the alternative to the witness, simply tell her what it is, and of course
21 we respect the wish of the witness.

22 MR GUMPERT: [10:09:29] Thank you, your Honour.

23 Q. [10:09:32] So, Madam Witness, going back to the people you referred to as
24 soldiers who came into the camp, what noises could you hear as they were coming
25 into the camp as the attack was beginning?

1 A. [10:10:03] They came, they were making -- they were shouting, they would
2 bang jerrycans and they were actually shouting on top of their voices.

3 Q. [10:10:18] Can --

4 A. [10:10:25] That is what made people who were in the camp to realise that now
5 the rebels had entered and they were under attack. They were actually ululating all
6 over. They approached the camp from the eastern side and they scattered all over
7 the place. That's when I realised that the rebels had indeed entered the place.

8 MR GUMPERT: [10:10:57] Your Honour, there's one detail contained in the
9 statement which I wish to refresh the witness's memory about.

10 PRESIDING JUDGE SCHMITT: [10:11:06] And where is it, in which paragraph?

11 MR GUMPERT: [10:11:09] It's paragraph 16, the anti-penultimate line, it's the first
12 mention of a noise-making device.

13 PRESIDING JUDGE SCHMITT: [10:11:19] Yes, why not? Please continue.

14 MR GUMPERT: [10:11:21] Thank you.

15 Q. [10:11:22] Madam Witness, in your statement you said that, apart from the
16 banging of the jerrycans, they were also blowing whistles; is that correct?

17 A. [10:11:34] Yes, they also blew whistles. Maybe right now I had forgotten.

18 Q. [10:11:41] Yes, it's no criticism of you. The next question I have is about the
19 place where you were buying the vegetables at this moment when you could hear
20 these things. Where was the market where you could buy vegetables? What was it
21 near?

22 A. [10:12:10] The market was near, it was almost opposite the school. It was not
23 a very big market, but just a small market where people would come and gather and
24 sell a few vegetables. We met with those people on the way. As they were coming,
25 I was going towards home and we met on the way. But they did not operate across

1 the roadside. They just operated and stopped on the other side of the road. They
2 did not cross to the other side of the road.

3 Q. [10:12:46] And you've called these people soldiers. Can you tell the Court,
4 please, any other description or name you know for the military organisation that
5 these people belonged to.

6 A. [10:13:11] They were referred to as Lakwena. They were referred to as
7 Lakwena, or the rebels. People were saying "Oh, the rebels have come."

8 Q. [10:13:24] You told the Court that you went into another person's house to
9 seek refuge. Whose house was that, did you know?

10 A. [10:13:39] I did not know the owner of the camp. Because the camp was
11 inhabited by very many people, so I do not know the owner of the house. Some
12 people came from the side of Patiko and they were all also living inside the camp.

13 Q. [10:13:58] I understand. I want to clarify something now about the two rebels
14 who came to that house in which you and person 1 and person 2 were. Can I just
15 ask you to clarify.

16 As I understand your evidence, first of all a larger number of men came and said
17 "there are people in here" and then went away again; is that correct?

18 A. [10:14:40] Correct. They first came and went and then they came and -- when
19 they first came, they just peeped into the house, saw us and then they went,
20 continued ahead. They were killing people. Some people were torched in the
21 house. Young and old people.

22 Q. [10:15:02] And so just a little later, as I understand it, some other soldiers came.
23 How many, what was the number who actually came into the house and talked to
24 you?

25 A. [10:15:22] They were three people.

1 Q. [10:15:24] Thank you. Did any of them have guns?

2 A. [10:15:38] One person had a gun in his hand. He was the one who was firing
3 the gun, who was shooting. And he was also the one who injured me because he
4 had a gun, he was the only person who had a gun of the three.

5 Q. [10:15:55] Just focus on that man with the gun. You said he was firing it.
6 Who was he firing it at?

7 A. [10:16:13] He shot and killed a boy called Charles. I saw him fall down right
8 in front of us. He also killed another girl called Anek. The mother is called Pyerina
9 Ayaa. She was shot, and the mother was shot in the knee. I saw all this with my
10 eyes.

11 As they were shooting, we also continued picking items that they ordered us to pick.

12 Q. [10:16:45] Just concentrating on Charles, and is it Anena? Is that a short form
13 for the word Anek, name Anek?

14 A. [10:17:00] Anek, yes. Anek.

15 Q. [10:17:03] Sorry. Excuse my bad pronunciation. Just so the Court can -- just
16 so the Court can understand who these people were, you've called them both children,
17 I think. Certainly Anek. How old was Anek, roughly?

18 A. [10:17:28] Charles is a grown-up boy, was already adult. Anek is probably
19 about 4 to 5 years old.

20 Q. [10:17:42] Perhaps it's an obvious question, were these people civilians or
21 soldiers?

22 A. [10:17:58] They were civilians. Anek was also hiding inside the house
23 when -- and the mother was also inside the house. So when they saw the houses
24 burning, that's when they started running out. And that was in -- in that process of
25 running out, that's when they were shot.

1 Q. [10:18:16] Did you see any other civilians being shot by any of the attackers?

2 A. [10:18:40] Very many. They shot Tejera Oroma. There was another person,
3 Okot Keneri, with his daughter-in-law, and three other children were first shot and
4 again burnt in the house. Then there was another person called Angom and Opiru.
5 There are many people, many people, I cannot count all of them. There was also
6 Odong Charles. Agwica. Many people were actually killed.

7 Q. [10:19:22] So those were the civilians. What had happened to the soldiers, the
8 UPDF soldiers who'd been in the camp?

9 A. [10:19:40] There were few, there were actually very few. I think they were
10 less than 30 in number. I think they just fled because they never exchanged fire.
11 They were not many. They were less than 30 in number. I think when they heard
12 the commotion and they just decided to flee, just to take care of themselves.

13 Q. [10:20:07] Did you later see where they had fled to?

14 A. [10:20:21] That -- those soldiers I did not see, because at that time it was just
15 fire all over. Even in the barracks you just see smoke, so you would just know that
16 there were no people there.

17 MR GUMPERT: [10:20:38] Your Honours, just for reference, it's the last sentence of
18 paragraph 27 which I'm trying to get at here. I don't think I need to refresh yet, but
19 that's what I'm aiming at.

20 PRESIDING JUDGE SCHMITT: [10:20:52] I see.

21 MR GUMPERT: [10:20:54]

22 Q. [10:20:54] I understand that at that very moment as you're coming out of your
23 hut seeing people shot, there was smoke, you couldn't see well. What I'm asking
24 you is, at any later time did you come to see where the UPDF soldiers had fled to?

25 A. [10:21:16] I did not see, because when these people came and at the time they

1 captured us there was smoke that side of the barracks, so we, we walked from the
2 eastern side and we went on the other side of the camp.

3 PRESIDING JUDGE SCHMITT: [10:21:39] I think it is --

4 THE WITNESS: [10:21:44] (Interpretation) So I was able to see those people who
5 were being shot because we moved that eastern route. So we first picked the items
6 and then they ask us to move, and that's when I was able to see those people who
7 were shot. But as we reached a certain point they would burn those houses. As we
8 move along, they would also burn the houses as we are moving along.

9 PRESIDING JUDGE SCHMITT: [10:22:10] I think, Mr Gumpert, it's quite
10 significant and might be relevant, so perhaps you put this to the witness, paragraph
11 27, perhaps the last two sentences, last two.

12 MR GUMPERT: [10:22:21]

13 Q. [10:22:21] Madam Witness, you made a statement to the Prosecution
14 investigators in this matter, didn't you?

15 A. [10:22:34] Yes, I gave previously.

16 Q. [10:22:37] That was nearly three years ago now back in April 2015?

17 A. [10:22:46] Yes.

18 Q. [10:22:47] I'm going to remind you of two sentences from that statement and
19 ask you to listen carefully and to tell the Court whether what's recorded here is right
20 or whether in fact a mistake has been made and something different happened.

21 Here are the two sentences. You're speaking about the attackers and you say this:
22 "I know they were not UPDF because the UPDF had long fled and crossed a stream
23 behind the centre and abandoned the camp. I could see that the UPDF were on the
24 other side of the stream watching the rebels attack the camp."

25 Does that remind you of what you could see of first the attackers and then the UPDF

1 at one point during this incident?

2 A. [10:24:15] I did not see the government soldiers at all because they had already
3 fled. I did not see them because these people were in the school close to the roadside.
4 The shooting began from the eastern side. So the soldiers, the government soldiers,
5 just came, fled, crossed the road and went to the other side of the stream because the
6 other side was on the hill, it was on the higher up, we could see them.

7 Q. [10:24:45] Now, you didn't see them in the camp but later saw them at the
8 stream; do we have it right?

9 A. [10:24:58] Correct. Correct. They never stayed in the barracks.

10 Q. [10:25:04] Very good. Thank you for that. Can we come back now to the
11 statement made by one of the men. I think you said the man with the gun, when he
12 came into the house when you were hiding. Just take a moment to think back and
13 tell the Judges as best you can exactly what that man said to you, person 1 and
14 person 2.

15 A. [10:25:37] I think I had explained that. He said, "Today you are here in this
16 house, you are not going to survive. You're all going to die. All of you should
17 come out. If you try to run, you will be killed now."

18 So -- and they ordered us, if you reach any house, pick any food items that you will
19 find, like posho, beans and cooking oil and you come with them. So as these other
20 women would pick the items, those soldiers would torch the house themselves. So
21 for me I was waiting for the items outside, I was standing outside as those women
22 would pick the items and bring them over to me. So once the items have been taken
23 out, they would torch the houses.

24 Q. [10:26:33] Thank you. Staying with the torching of houses, apart from people
25 being shot, as you've described, did you see any other way in which people were

1 killed during this attack?

2 A. [10:27:11] Some were hit. Some children were put in a polythene bag and
3 beaten to death. Some were locked inside and burnt inside. Others were put in a
4 bag and they were thrown in the bush. So many of them -- some of them
5 disappeared and they were never found. Others were found in the morning.

6 Q. [10:27:38] Do you know the name of any of the children you saw being thrown
7 into burning houses?

8 A. [10:27:54] Yes. One of them is called Lamunu, who was about two months
9 old. Then Caana I think is about two to three months. Another one was called
10 Anena Fiona. Another one was Akello. These were some of the children who were
11 now picked in the morning, they would be found in the morning. So the soldiers
12 were searching -- or searched for them in the morning.

13 Q. [10:28:27] I think you're referring now to what you saw happen when you
14 came back to the camp after you had escaped the next day; is that right?

15 A. [10:28:40] Correct. But as we were also moving, you would hear children
16 crying in the bush. And also person number 2 had her child thrown in the bush.
17 We went and slept with them in the bush and that time she didn't have her baby with
18 her.

19 PRESIDING JUDGE SCHMITT: [10:29:09] Do you know, Madam Witness, if she
20 later found her baby again?

21 THE WITNESS: [10:29:18] (Interpretation) She did. She found. After I
22 returned from the bush, many people came. I was feeling sick and then we had a
23 vehicle that came and was picking the injured and some people who were unable to
24 move and we were brought to the main hospital in Gulu. Even some people died in
25 the hospital and they were later taken and buried back home.

1 There was a boy called Caana. He was thrown and hit the head on the ground and
2 up to now he has a problem with -- he has a mental problem. He's unable to learn,
3 he has learning difficulty. Up to now he is not doing well.

4 MR GUMPERT: [10:30:18]

5 Q. [10:30:19] Madam Witness, I want to be clear, the question I'm asking you is
6 about people being thrown into burning huts, not people being thrown into the bush,
7 people being thrown into burning huts. Do you remember the names of any people
8 or children who were thrown into burning huts?

9 A. [10:30:46] Yes, I do. There was Keneri Okot, who was already an elderly
10 person. And then the child of Jacqueline and also his daughter-in-law, plus three
11 other children were all burnt in the house. And then the child of Lalobo Wilfred,
12 called Akello, was also thrown in the flame and got burnt. Those are the ones I
13 remember. There were also elderly women who were really weak and sickly.
14 There was one called Santa Oroma, and then there was one called Georgina Angom.
15 They were thrown and they had recoiled up when they -- when they were found dead.
16 They were sickly and they were not even able to move, they could not even run.

17 Q. [10:31:49] Do you remember the name of Lalobo's wife?

18 A. [10:31:55] Yes, I do. She was called Eveline Ataro.

19 Q. [10:32:09] Thank you. You've described leaving the camp. How many of
20 the Lakwena were guarding you as you were leaving?

21 A. [10:32:43] I have not understood "Lakwena". Are you talking about Lakwena?
22 When we left the camp, are you talking about when we had fled to the town from the
23 camp? I have not understood the question.

24 Q. [10:32:58] You gave a description of being tied by the wrist. I think you had a
25 goat, two basins of beans, 10 litres of cooking oil, you've told us, and you were made

1 to leave the camp together with some other people. And I'm asking you about the
2 number of the Lakwena, the attackers, I think you called them "Lakwena" who were
3 guarding you, who were forcing you to leave.

4 A. [10:33:37] The people who were guarding us could be about six or eight. The
5 three people who took us, we found -- took us and we went and found other people,
6 they could be about eight. When the three of them who abducted us joined them,
7 they were totalling to eight.

8 Q. [10:34:03] And now the number of people who were, like you, carrying the
9 loot, carrying the objects which had been stolen, how many of them?

10 A. [10:34:26] Is it in the group where -- that abducted us or the whole group?
11 There were actually many people in the bush, but the three of us, the three women,
12 we were abducted together, that is the one I was in; we were only three.

13 Q. [10:34:43] So it was just the three of you together in your small group. Can
14 you estimate for us when you say that they were -- when you say that there were
15 many who were taken altogether, roughly how many?

16 A. [10:35:03] There were many people. The women who were -- returned home
17 later, they were people like Atoo. There were many people. Most of the women
18 were made to carry luggage and then they returned. I cannot estimate the number.
19 But the men who fled and went to Awach were two. There was Okwera and Nelson
20 Alora. They fled, they escaped and went to the soldiers, the government soldiers
21 who were in Awach. And then there are others who died without returning home.
22 There was one Olanya and Nelson. Up to now, even their -- their corpses were not
23 found. No knowledge is there about where they died from exactly.

24 Q. [10:35:58] You spoke about a helicopter, as I understand it, a government
25 military helicopter; is that correct?

1 A. [10:36:15] Yes, that is correct. There was a helicopter gunship that belonged
2 to the government that went.

3 Q. [10:36:23] And it was at that moment that you were told to get rid of what you
4 were carrying temporarily and get down, yes?

5 A. [10:36:33] Yes. That is correct. I threw all the luggage I was carrying down.

6 Q. [10:36:43] Did the soldiers in the government helicopter actually shoot so far
7 as you were aware?

8 A. [10:36:55] I did not hear any gunshots. No gunshots were fired, at least we
9 could have heard. It was flying at a low level and that was the reason why the rebels
10 had to hurry up to go at the other side of the stream.

11 Q. [10:37:20] Now, you mentioned the name of two children, if I heard correctly,
12 Lamunu and Caana. Did I hear correctly?

13 A. [10:37:34] Yes, that is correct.

14 Q. [10:37:37] Can you just clarify for the Court, they were thrown somewhere,
15 you've told us. Where were they thrown and how?

16 A. [10:37:53] Are you talking about those of Lamunu or the others? As regards
17 the others, they were put in a sack and then they were beaten to death and left there.
18 Then there were -- there was a child of one Okema, who was put in a sack and beaten
19 to death. The bodies were discovered like luggage which had been abandoned.
20 Those are the ones I know. But the others were just thrown in the bush and some
21 died from the bush. Their bodies were discovered actually when the wildfire had
22 already burnt the wilderness. The child probably shouted for help in vain and died
23 out of hunger.

24 Q. [10:38:52] So some of the bodies were discovered months later in a different
25 season, in the dry season, do I understand correctly?

1 A. [10:39:03] That is correct, the bodies were found in the dry season.

2 Q. [10:39:07] I want to concentrate on what you yourself saw. Did you see what
3 happened to Lamunu and, if you did, please describe it?

4 A. [10:39:25] Lamunu was thrown in the bush because the mother was carrying
5 luggage and she was thrown. And when they collected children from the bush,
6 some women could not recognise their children. Others had bruises all over; they
7 cried and lost their voices. Others could not even recognise their children. Lamunu
8 was not even recognised by the mother first, but later on it was discovered that it was
9 her child because the eyes were swollen, the cheeks were swollen also.

10 Q. [10:40:06] Madam Witness, I understand those are distressing details but I'm
11 concentrating for now on what you saw on the day of the attack, not later. Did you
12 see what was done to Lamunu with your own eyes?

13 A. [10:40:32] When I returned in the morning, that is when the child was picked
14 from the bush. We met them while the soldiers were already collecting them from
15 the bush. The soldiers were now traversing the area to look for children, and then
16 others, who had also been gathered from other areas were brought there. I saw with
17 my own eyes when she was being recovered from the bush. Even Caana was
18 recovered when I was there.

19 Q. [10:41:07] Madam Witness, I'm sorry if I'm being persistent, but it may be
20 important. I understand that you learnt what had happened, you saw the events
21 afterwards the next day and were able to draw some conclusions and that's maybe
22 important. But just now, I'm asking you to tell the Court what you saw with your
23 own eyes as you yourself, amongst other people, were being led away from the camp.
24 Do you understand me? Did you yourself at that time see children being thrown
25 into the bush?

1 A. [10:41:52] Yes, I saw with my own eyes. The person with whom I moved, the
2 mother of the child who was also thrown, her child was thrown while we were seeing.
3 We spent the night together and her child was not there. The child was crying, and
4 the rebels said, "Why was the child crying?"

5 When we were moving, we heard children crying in the bush. At first we thought
6 they were -- it were mothers who had hidden there, but later on realised that it was
7 children who had been thrown. I saw with my own eyes when a child was picked
8 and thrown because her child was about two or three months. When we returned
9 about 8 or 9, we found it was the soldiers who had gone to the bush to recover the
10 children who had been thrown, the mothers were all hanging around waiting for the
11 children.

12 Q. [10:42:58] Thank you. Just for clarification, when you're speaking now of the
13 soldiers who went into the bush to look for the children, that's government soldiers,
14 not Lakwena, right?

15 A. [10:43:15] That is correct, government soldiers were the ones who were doing
16 that.

17 Q. [10:43:21] You told us that as you were crossing a stream you were stepping
18 on a dead body or dead bodies. Is that correct?

19 A. [10:43:42] That is correct. The child also got a mental problem, he has grown
20 up all right, but he's mentally derailed. I stepped on that body myself before going
21 forward. They had a torch that was so bright that they would use for finding their
22 way.

23 Q. [10:44:11] Do you know the name of this person, the person with mental
24 health difficulties?

25 A. [10:44:18] Yes, I do. She's called Nancy Akello. The mother is called Akot

1 Lucy.

2 Q. [10:44:31] Thank you. Eventually you came to a halt, we're nearly at the place
3 where -- where you stopped in your narrative. But do I understand you came to a
4 halt and people made a camp and some food was cooked; is that right?

5 A. [10:44:56] Yes, that is correct. They slaughtered a goat, they slaughtered
6 some chicken, but for us we did not eat.

7 Q. [10:45:12] That's what I wanted to ask you about. So you and some other
8 people had been carrying -- well, in your case, two basins of beans, 10 litres of
9 cooking oil and a goat. What did you get to eat when the attackers finally stopped
10 and made camp?

11 A. [10:45:36] We did not eat anything. We were not given anything at all.

12 PRESIDING JUDGE SCHMITT: [10:45:42] I have a question which relates a little
13 bit to the point in time where we are now, I would say.

14 Madam Witness, you earlier told us when you were on your way to this camp and I
15 cite what you said. This is real-time transcript page 15, line 22 following. And I
16 quote you, Madam Witness:

17 "I thought they might be splitting firewood, but it wasn't. They were actually killing
18 people."

19 And my question would be how did you come to recognise that they were killing
20 people?

21 THE WITNESS: [10:46:27] (Interpretation) I heard people were crying and then all
22 of a sudden they would go silent. Sometimes they would cry one painful cry and
23 then they would keep quiet. Then I knew that they were killing people. Then
24 when I returned, I also found dead bodies. That was in the morning. And they
25 were also naked, the people who had been killed were naked. That made me to

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1 confirm that it was people who were crying yesterday who had been killed and those
2 were their bodies.

3 PRESIDING JUDGE SCHMITT: [10:47:10] Thank you.

4 MR GUMPERT: [10:47:10]

5 Q. [10:47:13] When you stopped in the evening and when the Lakwena ate the
6 goat, how many Lakwena were there at that time?

7 A. [10:47:36] The ones who were with us were about six or eight. It has taken
8 long now and I cannot remember exactly. But they were there.

9 Q. [10:47:48] What did you estimate the ages of these Lakwena to be, these six or
10 eight people?

11 A. [10:48:04] I could not see. With the injury and the fear, you cannot look at
12 them directly in the eyes and you cannot even count them, you can't see them directly.
13 You can't know their age. But there were older people and then there were also
14 younger people. It was the younger ones who were cooking. There were three or
15 four children, younger ones who were cooking. But the older ones were sitting, they
16 weren't doing anything.

17 PRESIDING JUDGE SCHMITT: [10:48:39] Perhaps the ones, Madam Witness, the
18 ones that abducted you that, for example, the ones that found you in the hut where
19 you hid with person number 1, could you estimate their age? Could you have a look
20 at them?

21 THE WITNESS: [10:49:05] (Interpretation) They were already mature people. The
22 ones who abducted us, the three of them were already mature people. They could
23 be, well, about 40 or 50 years.

24 MR GUMPERT: [10:49:20]

25 Q. [10:49:22] Going back to the ones at the camp, the ones you described as

1 children, let's -- I'm not going to ask you about their ages in terms of years, but how
2 high up would they come on me? I'm standing up here. Taller than me, at my
3 shoulder, at my waist?

4 A. [10:49:52] It is difficult to estimate. Others, people grow differently. The
5 growth rate of people is different. You cannot estimate their age.

6 Q. [10:50:08] Now, I understand that people grow differently. I'm asking
7 whether you can think back to that time when the food was being prepared and recall
8 how tall these people were.

9 MR GUMPERT: [10:50:27] Your Honour, I'm looking at paragraph 36 and line 4.

10 THE WITNESS: [10:50:40] (Interpretation) They were short. They were not very
11 tall. They were not taller than the people who abducted us. They were short and
12 they were small-bodied.

13 MR GUMPERT: [10:50:49] I'll leave it there.

14 PRESIDING JUDGE SCHMITT: [10:50:51] I think so too.

15 I'm just informed that it might be a good idea to have now a break and we'll have this
16 until 11.30 because we are short before the 11 hour break.

17 MR GUMPERT: [10:51:11] Can I raise one matter in the absence of the witness?

18 PRESIDING JUDGE SCHMITT: [10:51:15] Yes, you can, but quickly, please.

19 MR GUMPERT: [10:51:19] Yes, it will be quick.

20 PRESIDING JUDGE SCHMITT: [10:51:25] Madam Witness, we will have now a
21 break, but before we go into the break, Mr Gumpert wants to raise something with
22 the Chamber where we would not need your presence, so you can -- yes.

23 So you perhaps can lead the witness outside and into the relaxing rooms.

24 Thank you, Madam Witness.

25 (The witness stands down)

1 PRESIDING JUDGE SCHMITT: [10:52:05] Mr Gumpert.

2 MR GUMPERT: [10:52:06] It concerns the documents in the slim yellow binder
3 which your Honours have. There's a photograph. The Prosecution case is it's the
4 witness and it's taken at the hospital. I want her to identify herself. There's also a
5 video taken at the same time showing more or less the same thing. The last time we
6 did that it caused a certain amount of concern I think on the Bench as to whether it
7 was an appropriate, appropriate process.

8 PRESIDING JUDGE SCHMITT: [10:52:39] We discuss it during the break amongst
9 ourselves.

10 MR GUMPERT: [10:52:43] Thank you.

11 THE COURT USHER: [10:52:46] All rise.

12 (Recess taken at 10.52 a.m.)

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

14 THE COURT USHER: [11:30:51] All rise.

15 PRESIDING JUDGE SCHMITT: [11:31:13] Mr Gumpert, we have discussed this and
16 I think we can do this in private session. We go into private session and I explain to
17 the witness what's going on.

18 We go to private session. Yes.

19 MR GUMPERT: [11:31:27] It's not now. I'm going to deal with it, if I may, in
20 sequence.

21 PRESIDING JUDGE SCHMITT: [11:31:31] Okay. I didn't know that.

22 MR GUMPERT: [11:31:33] I'm sorry.

23 PRESIDING JUDGE SCHMITT: [11:31:34] So when you come to this point of your
24 examination, you tell us and then we do it.

25 MR GUMPERT: [11:31:38] Thank you.

1 PRESIDING JUDGE SCHMITT: [11:31:39] Please continue.

2 MR GUMPERT: [11:31:45]

3 Q. [11:31:45] Madam Witness, we paused for the break at a point in your narrative
4 where you were speaking about the place where you halted for the night and where
5 your captors killed and ate a goat and you didn't get anything to eat. That's the
6 point in your narrative that we've reached.

7 A. [11:32:16] Yes, correct.

8 Q. [11:32:19] You spoke about the appearance there of a different person, a person
9 who was referred to as Afande. Could you explain to us, do you know what
10 language "afande" is, that word?

11 A. [11:32:41] I just heard the word "afande". Whether it's military language or
12 what, I don't know, but I just heard the word "afande". When he was explaining that
13 "Afande said that these mothers that you have abducted should be returned to join
14 the other group so that they can return home, but the men should remain, the men
15 should remain and should carry items". So that is what this other afande were
16 saying.

17 So after that, the person that was with us, that soldier who was with us who asked me
18 to remove the beads to give him, I did. And when I gave him the beads, he found
19 the money which I had tied in a white polythene bag using that bead. I had done
20 that so that I could -- when I go in the bush, that money would maybe help me to buy
21 things. So when he saw it around my waist, he asked me, "What is that?" and I told
22 him what I had tied using that bead. And he kept on talking to me, telling me that,
23 "You see, you have now done so many mistakes. First of all, you even made the
24 goats to run away."

25 PRESIDING JUDGE SCHMITT: [11:34:11] Madam Witness, we know, we have your

1 written statement in front of us, and so we have the impression that you might come
2 to a point in your narrative where we are -- would be obliged to ask you if you would
3 feel more comfortable to tell this in private session. We are now in open session, so
4 everyone can hear what has happened. But if you feel more comfortable to tell us
5 about what happened next to you in private session, we would respect that of course
6 and we would go to private session.

7 THE WITNESS: [11:35:02] (Interpretation) Yes. We could do that in private session
8 because I think I was getting into explaining some things that were not very amusing.

9 PRESIDING JUDGE SCHMITT: [11:35:10] Yes. We understand that perfectly and
10 we go to private session now. And once we are there, you can continue with what
11 happened to you.

12 (Private session at 11.35 a.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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8 (Open session at 11.44 a.m.)

9 THE COURT OFFICER: [11:44:42] We are back in open session.

10 PRESIDING JUDGE SCHMITT: [11:44:46] Perhaps a short explanation for the
11 audience why from time to time Chambers and the Court goes into private session,
12 that you can't hear it. The reason is that we have to be vigilant that the privacy, the
13 dignity and the psychological well-being of a witness is protected and that is the
14 reason why not at all times you can follow everything what is happening here in the
15 courtroom.

16 Mr Gumpert, you still have the floor.

17 MR GUMPERT: [11:45:15] Thank you.

18 Q. [11:45:16] Madam Witness, I want to come back to the word "afande". What
19 did you understand the soldiers were meaning when they were calling this man who
20 arrived with the notebook afande?

21 A. [11:45:39] In my understanding I think afande refers to somebody big, maybe
22 a commander. I think they were referring to him as "Afande, Afande." So he could
23 be a commander, a senior commander.

24 Q. [11:45:58] Thank you. Now concentrating on what this man, the man with the
25 notebook, what he himself was saying, did he himself use the word "afande" about

1 another person?

2 A. [11:46:17] He used the name afande. When he came he asked, "How many
3 people have you abducted?" Then this person responded, "We abducted three."
4 And the afande asked again, "Are they men or women?" Then this person replied,
5 "Women." Then the person with the book said, "Afande said that the women should
6 be released. Only the men should remain."

7 So in the first time when this afande came he asked "What about the guns? How
8 many guns did you bring?" And this person responded that they only got one.
9 He also used the name afande, that afande -- that the other afande said that these
10 mothers should go back. And yet he was also being referred to as afande.

11 Q. [11:47:20] So if I understand it correctly, this is a man who appears to be more
12 senior than your abductors and he is talking about orders that he himself has received
13 from somebody who is yet more senior to him; do I understand correctly?

14 A. [11:47:39] Correct. That was also my understanding.

15 Q. [11:47:44] And the information which he was seeking was things like the
16 number of guns which had been taken, the number of people, that sort of information.
17 Do we understand correctly?

18 A. [11:48:02] Yes, correct.

19 Q. [11:48:05] So taking it shortly, this man, the man you saw, the afande you saw,
20 was repeatedly giving orders that the women, so that included you, should be
21 released; is that correct?

22 A. [11:48:28] Correct.

23 Q. [11:48:31] And when he came back on, I think you have said it's the third
24 occasion and you still haven't been released, what was his reaction?

25 A. [11:48:48] He was very furious, he was furious why these people were refusing

1 to obey the instruction that he had given, that these mothers should be released.

2 Because people had already left. How will they be able to know where people have
3 gone? So what he did was therefore to send these people away and he remained
4 behind to ensure that they had gone.

5 Q. [11:49:15] You refer to the women in question as "mothers". I'm sorry if this is
6 an indelicate question, but how young was the youngest of you ladies who were
7 about to be released?

8 A. [11:49:41] I think the youngest of the mothers there would be 20 to 25 years old.
9 But some of them were much older.

10 Q. [11:49:52] Were there any girls amongst you?

11 A. [11:49:59] There were girls as well. Like the ones that was older than Atoo
12 Jacqueline, whose child was also thrown away in the bush, in the fire. But also there
13 were those without children, they were also taken.

14 Q. [11:50:18] Were they, the girls, included in the mothers to be released on this
15 occasion?

16 A. [11:50:31] Some girls just ran away and some of them were left together with the
17 mothers.

18 Q. [11:50:39] I will move on.

19 What did you do once the afande had come back on the third occasion and expressed
20 his fury that his orders hadn't been obeyed? What did you do next?

21 A. [11:51:04] We also decided to just get up and move, because they had told us
22 that we should remain at that point where we had -- at the fire point until morning,
23 then we can leave, but we just talked amongst ourselves and said let us just go. So
24 immediately some of the children got up and ran away and I also moved from that
25 location and hid in a different point and went.

1 Then, later on, I think when they returned, they found that we had moved, but they
2 were still talking, that, "See, these women have now gone, we have said we should
3 kill them. Now they have gone away." So they kept on moving around there, but
4 they couldn't see where I was hiding. So as they were trying to move so that they
5 could go straight from where I was hiding, there was an anthill ahead of them so they
6 couldn't move across.

7 So as they moved a bit, they heard a child crying, one of the children who was thrown
8 in the bush crying. Then one of the soldiers said "Afande, listen, I can hear some -- a
9 child crying. There could be people there. But let us go away. Maybe the soldiers
10 are following."

11 Then I heard them whistle and they started moving away. I remained in that
12 position until morning.

13 Then when the day broke, I got up, started finding my direction; that was the location
14 where I had never been before. I tried to move to try avoid -- to try and avoid the
15 place where we were. And I tried to take the direction toward -- to my right so that I
16 could find my location so I could find my direction from where we came.

17 So when I reached a point where we had spent the night in the camp, that point
18 where we had spent the night, I found a man who was killed and was lying with his
19 belly. And his body was oriented in such a way that the head was towards the road.

20 That area was a place which was -- had some roads which were previously
21 constructed by a group of -- a community, and I followed that road, I followed that
22 road. That was the same road which was also used by the soldiers, our abductors.

23 When I moved, and that's when I came to the point where this man was killed, it was
24 just at the roadside. Then just somewhere above his head there was a sheep that was
25 killed, but the sheep only had the head which was chopped off and put in between

1 his legs. So when I found the dead body was there, I was just pleading and talking
2 to myself, "Look, there is nothing now I can do for you. I am also like a dead
3 person."

4 I left that man there, lying down there. I moved towards the stream. I look back
5 and I saw a certain child, one of the child who was, I think, moving. But because
6 I was so weak I just stayed along that stream. I had resigned to my fate because if
7 that person coming is willing to -- is coming to kill me, let him now kill me.

8 But, also, the other person who was coming, I think he was also fearing me. But as
9 he moved closer to me we recognised each other. Then I called him to come close to
10 me and he came. He realised and recognised that it was me. He helped me. He
11 tried to carry me. And we crossed river Unyama coming back towards home. That
12 is when now we met the government soldiers who had gone to rescue some of the
13 children who were scattered in the bushes.

14 So when we reached in the camp, we saw several dead bodies and there were no
15 people to come and bury them. Some people were also fleeing the place, but luckily
16 enough we got some vehicles that were already being used to carry the injured to take
17 to the hospital and I was one of those who were taken to the hospital.

18 That is what happened that I saw with my own eyes. It happened to me. I
19 personally was in the hospital. Some of the people who were brought to the hospital
20 also could not survive. They died and they were taken back home.

21 This is what I can say for now.

22 Q. [11:56:34] Just one or two points that I would like to go back over: Firstly, the
23 man whom you saw dead with his head towards the road and the head of a sheep
24 between his legs, did you know that man? Did you know his name?

25 A. [11:56:54] I know him. He is called Obwoya. When I reached, when I reached

1 and it was explained that there were some dead bodies there, when the soldiers went
2 around that area to search around if they can be able to find his body, they never
3 found his body. Up to today they never found his body and his body was not
4 brought back home.

5 Q. [11:57:26] Could you see how he had met his death, what had caused him
6 to die?

7 A. [11:57:37] All his body was -- all his bodies were swollen. He was naked. He
8 was just swollen so big. Even the head had swollen. The whole body was swollen.
9 He was naked and he was made to lie on his bellies, but the head was turned to the
10 side so I could be able to see the face clearly.

11 Q. [11:58:04] And you tell us that his body was never recovered despite the efforts
12 of the UPDF soldiers.

13 I want to ask you about the girl called Nancy Akello whom you mentioned earlier.
14 Was she found? Was her body found?

15 A. [11:58:23] No, it was not recovered up to today. It was not recovered.

16 Q. [11:58:32] And is it just these two people, Obwoya and Nancy Akello, who are
17 missing since the attack, or are there other people as well, to your knowledge?

18 A. [11:58:49] There was also another person called Onek Wilson whose body was
19 also never recovered.

20 Q. [11:59:04] On your return to Lukodi camp, what had become of your house or
21 your houses?

22 A. [11:59:16] All my houses were burnt, all my items were burnt. Five goats and I
23 even had several chicken, I never found any of them. And also my
24 daughter-in-law's huts were all burnt. There was nothing else I found. I was just, I
25 just went on to the hospital and that was it.

1 Q. [11:59:45] And I think you began to tell us earlier that apart from your own
2 houses -- just to clarify that, how many houses did you have?

3 A. [11:59:57] I had two houses, one that I had constructed and the other was given
4 to me by the owner of the land. And also my daughter-in-law had one, one hut
5 which had just been constructed. When the attack started and my, my
6 daughter-in-law also fled and ran away forever, she never came back to her home.
7 I am having her children up to now.

8 Q. [12:00:27] So apart from your houses and the house of family members, you told
9 us earlier what you could see of other people's houses. Can you just clarify what
10 you saw with your own eyes when you returned to the camp concerning other
11 people's houses that had been burnt?

12 A. [12:00:58] All the houses got burnt. People did not go back to that location.
13 People fled to Gulu that day and people stayed for about one or two weeks and then
14 they were relocated to Coe Pee camp and they were told to stay there for about three
15 or four years. Lukodi remained a homestead which had been abandoned and there
16 were no houses there.

17 Q. [12:01:26] So in practical terms this attack was the end of the camp at Lukodi, do
18 we understand you correctly?

19 A. [12:01:41] We were the last to stay there. We first stayed in Coe Pee for about
20 three or four years and then we went back to Lukodi. As some NGOs had
21 supported Lukodi, we were able to stay since the NGO was in the school. People
22 constructed their houses and people started to move back from Lukodi to their
23 original villages.

24 Q. [12:02:12] Madam Witness, I'm very grateful for your patience and for you
25 answering the questions that I have. I have got no more.

1 I do have one point of information. I failed to give the timestamp for the five
2 seconds of video. The ERN is already on the record, but if it needs to be found again
3 in a hurry, I should say that the timestamp is this, 01.21.01 to 01.21.06, those five
4 seconds, or what we saw on our screens. Thank you.

5 PRESIDING JUDGE SCHMITT: [12:02:53] Thank you, Mr Gumpert.

6 And I assume that Mrs Hirst for the Legal Representatives of the Victims will have
7 questions.

8 MS HIRST: [12:03:00] Your Honours, Mr Gumpert has unsurprisingly been
9 extremely thorough --

10 PRESIDING JUDGE SCHMITT: [12:03:05] Okay, good.

11 MS HIRST: [12:03:06] -- so I will be extremely brief.

12 PRESIDING JUDGE SCHMITT: [12:03:07] Okay, good.

13 MS HIRST: [12:03:08] I only have one topic which I would like to address, but it's
14 a matter which we should deal with in private session.

15 PRESIDING JUDGE SCHMITT: [12:03:15] Then we go to private session, yes.

16 (Private session at 12.03 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0187

(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)

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15 (Redacted)

16 (Redacted)

17 (Open session at 12.05 p.m.)

18 THE COURT OFFICER: [12:05:56] We are back in open session, Mr President.

19 PRESIDING JUDGE SCHMITT: [12:06:06] Thank you.

20 And it would be now time for the Defence for the examination.

21 MR TAKU: [12:06:12] Your Honours, I am quite prepared for that. It is just that

22 there's a problem that we raised with the, with the Chamber this morning regarding

23 to Mr Ongwen's health needs. And I would be very glad to do that tomorrow, but if

24 your Honours want I could start right away. I don't know. But Mr Ongwen has

25 expressed a need, your Honours, for --

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1 PRESIDING JUDGE SCHMITT: [12:06:42] I think that that should be -- since you
2 bring it now up, it should be discussed now. And then we go back to private session
3 again of course when it is about health needs, yes.

4 MR TAKU: [12:06:54] Yes, your Honour. Yes.

5 (Private session at 12.06 p.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

- 1 (Redacted)
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- 22 (Redacted)
- 23 (Redacted)
- 24 (Open session at 12.09 p.m.)
- 25 THE COURT OFFICER: [12:10:01] We are back in open session.

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(Open Session)

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- 1 PRESIDING JUDGE SCHMITT: [12:10:15] Thank you.
- 2 And the discussions in private session resulted in the decision that we finish for today
- 3 the hearing, and defer this continuation to tomorrow at 9.30 and expect that
- 4 the Defence will conduct the examination in a expeditious, nevertheless, of course
- 5 a thorough manner.
- 6 Madam Witness, this means that we will see ourselves tomorrow in the morning.
- 7 We would obviously not have finished anyway perhaps today so this is I think not an
- 8 additional burden for you. We thank you for today and wish you a nice day. See
- 9 you tomorrow.
- 10 THE COURT USHER: [12:11:03] All rise.
- 11 (The hearing ends in open session at 12.11 p.m.)