

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0097

- 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 Wednesday, 20 September 2017
- 9 (The hearing starts in open session at 9.30 a.m.)
- 10 THE COURT USHER: [9:30:14] All rise.
- 11 The International Criminal Court is now in session.
- 12 PRESIDING JUDGE SCHMITT: [9:30:28] Good morning, everyone. Good morning,
- 13 Mr Witness.
- 14 Could the court officer please call the case.
- 15 THE COURT OFFICER: [9:30:41] Good morning, Mr President, your Honours.
- 16 The Situation in the Republic of Uganda, in the case of The Prosecutor versus
- 17 Dominic Ongwen, case reference ICC-02/04-01/15.
- 18 And for the record, we are in open session.
- 19 PRESIDING JUDGE SCHMITT: [9:30:56] Good morning, Mrs Hohler.
- 20 I ask for the appearances of the parties --
- 21 MS HOHLER: Good morning, your Honour.
- 22 PRESIDING JUDGE SCHMITT: -- which should be a quick exercise today.
- 23 MS HOHLER: [9:31:03] This time quick, the flu has gotten the better of some of our
- 24 members. It's Ben Gumpert, Ramu Bittaye, Yassin Mostfa and myself, Beti Hohler,
- 25 for the Prosecution.

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1 PRESIDING JUDGE SCHMITT: [9:31:12] Thank you very much.

2 Mr Narantsetseg for the Legal Representatives of the Victims.

3 MS HOHLER: [9:31:16] Good morning, Mr President, your Honours. Today

4 Ms Hyuree Kim and Ms Caroline Walter and myself, Mr Orchlon Narantsetseg.

5 Thank you.

6 PRESIDING JUDGE SCHMITT: [9:31:25] And Mrs Hirst.

7 MS HIRST: [9:31:27] Good morning, your Honours. For the Legal Representatives

8 of Victims, Megan Hirst and James Mawira.

9 PRESIDING JUDGE SCHMITT: [9:31:32] Thank you.

10 And Defence team, please, Mrs Bridgman.

11 MS BRIDGMAN: [9:31:36] Good morning, Mr President, your Honours. Abigail

12 Bridgman, together with Chief Charles Achaleke Taku, Eniko Sandor, and Salma

13 Khamala and our client, Mr Ongwen, is in Court.

14 PRESIDING JUDGE SCHMITT: [9:31:49] Thank you very much.

15 And we continue now the examination of this witness with the examination by

16 the Defence. And I assume there are indicators that Mr Taku is questioning.

17 MR TAKU: [9:32:00] Yes, your Honour. I will try to go as quick as possible. I will

18 keep in mind --

19 PRESIDING JUDGE SCHMITT: [9:32:05] But we are not pushing. And if need be,

20 frankly speaking, we have enough time this week, so we were very quick, so as I said,

21 I don't want to push.

22 MR TAKU: [9:32:16] Your Honours, the directives were appropriate. I mean, those

23 are the type of directives that should be in a proceedings like this, what the Court

24 thinks is relevant, evidence and everything the Court would like to hear, the Court

25 has the powers to direct counsel to that, and I'm grateful for that, your Honours.

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1 WITNESS: UGA-OTP-P-0097 (On former oath)

2 (The witness speaks Lango)

3 QUESTIONED MR TAKU:

4 Q. [9:32:41] Good morning, Witness.

5 A. [9:32:43] Good morning.

6 Q. [9:32:47] Yesterday, Witness, you were asked a question of on sexual violence,
7 and the purpose was to portray you as a victim of sexual violence.

8 MR NARANTSETSEG: [9:33:10] Your Honour, I object.

9 PRESIDING JUDGE SCHMITT: [9:33:12] You don't have to elaborate on that,

10 Mr Narantsetseg. He was not portrayed as a victim of sexual violence, but a person
11 who might have witnessed sexual -- yes, it's a difference -- witnessed sexual violence
12 which had an impact on him.

13 That's, you know, in the normal understanding when you say a victim of sexual
14 violence, you understand something different than when you speak about a person
15 who has come to know about it or experienced it as a witness, for example, and this
16 had an impact.

17 So I would agree with Mr -- I assume, Mr Narantsetseg, this would have been the
18 objection, so --

19 MR TAKU: [9:33:51] Your Honour, so we dealt with this subject in other studies,
20 you have primary victims, secondary victims. And also maybe so I will be more
21 precise that he had --

22 PRESIDING JUDGE SCHMITT: [9:34:06] You know, we don't need to entertain
23 a discussion on criminological or victimological expressions and how broad you
24 would interpret such an expression. But when you speak about a victim of sexual
25 violence, the understanding is, the normal understanding is a person that has

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1 experienced him or herself sexual violence as a victim directly. But we don't
2 go -- just rephrase this question. And it was only the beginning of the question.

3 MR TAKU: [9:34:46]

4 Q. [9:34:47] Witness, you were a witness of sexual violence; would I be right to say
5 that?

6 A. [9:34:59] Yes.

7 Q. [9:35:02] Yesterday, Witness, when the Prosecutor asked you questions, that is
8 realtime transcript 108, page 90, lines 12 to 18, and asked you this question, you stated
9 specifically:

10 "I remember an instance when" --

11 No, I mean, I'm sorry, your Honours, let me rephrase.

12 When the victims' counsel, the victims' counsel asked you the question on this issue
13 you said:

14 "I remember an instance when Lapwony Odomi gave a woman to Ogwal. And then
15 the woman who was given to Ogwal did not want to be Ogwal's wife. I used to
16 sleep next to them and I would always hear her crying that Ogwal should leave her
17 alone."

18 Realtime transcript 108, page 90, lines 12 to 18.

19 Do you remember giving that answer yesterday, sir?

20 A. [9:36:21] I have forgotten about that.

21 PRESIDING JUDGE SCHMITT: [9:36:23] Mr Taku, but we have it, I have said this
22 several times, we have it on the transcript. It has been said, you have quoted
23 correctly. So simply take this as a precondition, so to speak, for your further
24 questioning, as a starting point that you obviously do want to have it like that.

25 MR TAKU: [9:36:46]

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1 Q. [9:36:46] But, Witness, in your 2016 statement, and it is paragraph 59,

2 UGA-OTP-0258-0489, tab 2, Witness, you stated, and let me read out:

3 "She was assigned to a rebel called Ogwal to be his wife. Ogwal is the one who said
4 that Odomi had given the girl to him. But I did not see Odomi doing this." And
5 you went on and said, "Ogwal treated her well. I say this because I did not see him
6 beating her."

7 And a paragraph before that you said: "At night Ogwal and the girl would be
8 sleeping in the same place, that's why I say she was his wife."

9 PRESIDING JUDGE SCHMITT: [9:37:51] May I shortly? I have another paragraph
10 59, so it's perhaps my problem.

11 MS HOHLER: [9:37:59] It is paragraph 57.

12 PRESIDING JUDGE SCHMITT: [9:38:01] Okay. That might be the explanation, yes.

13 MR TAKU: [9:38:05] Paragraph --

14 PRESIDING JUDGE SCHMITT: [9:38:08] Then it would be, it is simply paragraph 57,
15 not 58. On the transcript it is 59, but it is 57, and then everything is okay, then we
16 can continue from that, with this clarification.

17 MR TAKU: [9:38:24] Exactly, your Honours, that is the paragraph I am referring to,
18 paragraph 57.

19 PRESIDING JUDGE SCHMITT: [9:38:34] But on the transcript we have 59, and of
20 course focused on 59.

21 MR TAKU: I'm so sorry for that.

22 PRESIDING JUDGE SCHMITT: But now, yes --

23 MR TAKU: Paragraph 57, your Honour.

24 PRESIDING JUDGE SCHMITT: May I comment that it is absolutely clear that you
25 have to put this 57 to the witness, if he could see it, it is absolutely clear. So please

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1 continue.

2 MR TAKU: Yes, your Honours. It is 57, your Honours.

3 Q. [9:39:02] Now, you've heard what I read?

4 A. [9:39:04] Could you please read it again.

5 Q. [9:39:07] "She was assigned to a rebel called Ogwal to be his wife. Ogwal is the
6 one who said that Odomi had given the girl to him. But I did not see Odomi doing
7 this. As Ogwal's wife she would get firewood, cook for him and wash his clothes. At
8 night, Ogwal and the girl would be sleeping in the same place. That is why I said
9 she was his wife. Ogwal treated her well. I say this because I did not see him
10 beating her."

11 Do you remember making that statement in 2016?

12 A. [9:39:46] Yes, I do recall.

13 Q. [9:39:49] Of course you repeated this yesterday when the learned Prosecutor put
14 the question to you. Lapwony Odomi would direct the girl, would direct the girls to
15 the people he felt should receive them. When you were asked whether you saw this
16 happen you replied: "I did not witness that myself."

17 Realtime transcript page 31, lines 20 to 23.

18 Do you remember giving that answer to the learned Prosecutor?

19 A. [9:40:32] I have forgotten about that, I do not recall that.

20 PRESIDING JUDGE SCHMITT: [9:40:36] I think perhaps again when it is in the
21 transcript, it has been said simply. We are here in the courtroom, we have heard it.
22 But what would interest me, you have heard, Mr Witness, what counsel read to you
23 about that you did not see Odomi giving the wife to Ogwal and then that Ogwal
24 treated her well, that you said that at the time; is that correct?

25 THE WITNESS: [9:41:16] (Interpretation) That's correct.

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1 PRESIDING JUDGE SCHMITT: [9:41:17] Then I think you simply can continue, I
2 would say.

3 MR TAKU: [9:41:21] Let me move to something else.

4 PRESIDING JUDGE SCHMITT: Yes, yes.

5 Q. [9:41:25] Witness, in your --

6 PRESIDING JUDGE SCHMITT: [9:41:26] And a short remark, perhaps, you allow
7 me a short remark. And that is perhaps when we have a party-driven process here,
8 one of the parties is the Prosecution and they of course think beforehand what they
9 try to elaborate. And that is good that they do it this way. And that is also one the
10 reasons why we appreciate it if Legal Representative of Victims refrain themselves
11 from taking the Prosecution part, so to speak, or the duties, taking over the duties of
12 the Prosecution. I think we know what we are talking about. Please continue.

13 MR TAKU: [9:42:15]

14 Q. [9:42:15] Witness, in your victims application, it is confidential, we will just refer
15 to it very briefly because we intend to go quickly, I'm conscious of the time available
16 to us. You said that on your sponsorship application that you received military
17 training in the bush, you ticked, when you in fact did not receive military training in
18 the bush, correct?

19 And that is tab 13, your Honours, page UGA-OTP-0244-2354 at page 2357, 57 -- 56, I'm
20 sorry, 2356.

21 You did not receive military training when you were in the bush, did you?

22 A. [9:43:25] No, I did not.

23 Q. [9:43:39] Now, witness, in your statement you said when you came out of the
24 bush you went on the radio, you made an appeal for Mr Ongwen to come out of the
25 bush, he and one other, but that they should not fear, the reasons that they should not

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1 fear anything because they would be forgiven. Do you remember saying that?

2 A. [9:44:05] Yes, I do recall.

3 Q. [9:44:17] In 2016, Witness, we would have a report at tab 14 from the
4 investigators, UGA-OTP-0269-0612 at 613, that indicate that you never received an
5 amnesty card since you escaped from the bush, though they promised to give you one.
6 Have you been given an amnesty card, Witness?

7 A. [9:45:09] No, I haven't been issued with an amnesty card because when I was
8 from the centre, when they took me away from the centre they took me to school.
9 I was informed that I would be issued with an amnesty card but they did not issue me
10 with one, and I continued with my education.

11 Q. [9:45:35] Now let's move quickly to another issue. Now, were you given any
12 reason why your amnesty card was never delivered to you?

13 A. [9:46:01] Perhaps it was because I was at school, and while I was at school
14 nobody informed me as to why I was not issued with an amnesty card.

15 Q. [9:46:13] Could it also be, Witness, that the amnesty was not automatic, there
16 was a commission that reviewed it; they could grant amnesty or they could not.
17 They were not obliged to grant amnesty to all the people who left the bush in all
18 circumstances. Could it also be the reason?

19 A. [9:46:32] Could you please repeat your question.

20 Q. [9:46:34] Could one of the reasons --

21 PRESIDING JUDGE SCHMITT: [9:46:35] I think, Mr Taku, he has not received,
22 obviously, the amnesty. So to speculate about why, there could be several reasons
23 thinkable. So what you can ask him, if he knows why, and if he says he doesn't
24 know why, I think you would simply move on, I would suggest.

25 MR TAKU: [9:46:59] Okay, your Honours. He says he doesn't know why.

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1 Q. [9:47:05] Now, Witness, when the Prosecutor came to interview you in 2016,
2 the Prosecutor put before you the statement you made in 2005 and asked you to
3 review that application. Did that happen?

4 A. [9:47:36] Yes, it did.

5 Q. [9:47:40] In fact, the Prosecutor specifically drew attention to several paragraphs
6 from 11, nearly all from 11, to about 46 paragraphs of that statement. Did
7 the Prosecutor do that?

8 A. [9:48:10] Could you please repeat your question.

9 Q. [9:48:11] Now, the Prosecutor drew your attention specifically to paragraphs 11
10 to 21, 23, 26 to 27, 30 to 31, 33, 35 to 39, 43 and 46. And you reviewed and changed
11 or modified the answers that you gave in 2005 in those paragraphs, correct?

12 A. [9:48:47] Yes, it happened.

13 Q. [9:48:51] For example, in 2005 you never at any time referred to
14 Dominic Ongwen as Odomi. It is 2016 that you started referring to him as Odomi,
15 correct?

16 A. [9:49:19] That's correct.

17 Q. [9:49:20] Now, the reason you provided for these substantial changes in your
18 answers were -- can be found at paragraph 94, and I will try to read them out,
19 summarise them to you and the Judges --

20 PRESIDING JUDGE SCHMITT: [9:49:38] And, Mr Taku, you can be sure that the
21 witness does not know what is written down in certain paragraphs, so --

22 MR TAKU: [9:49:45] I will read them.

23 PRESIDING JUDGE SCHMITT: [9:49:48] Yes.

24 MR TAKU: [9:49:49] Paragraph 94, UGA-OTP-0258-0489 at 0506.

25 One of the reasons was that you were still young and the investigator asked many

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1 questions about Odomi and Odong which confused you and thus led you to make
2 these confusing statements.

3 Q. [9:50:20] Do you remember saying that?

4 A. [9:50:21] Yes, I do recall that.

5 Q. [9:50:37] At paragraph 95, the next paragraph, you also said, and I quote, that
6 you believed "the purpose of interview in 2005 was to establish whether or not Odomi
7 was dead or alive. But Odomi is alive and in prison. In the present interview,
8 understand that investigators want to know what Odomi did or did not do in the
9 bush."

10 Do you remember saying that in 2016?

11 A. [9:51:10] Yes, I do recall that.

12 Q. [9:51:17] Yesterday, Witness, we observed that here before the Court you
13 provided all the answers. You did not -- you departed the answers that were
14 inconsistent with the ones you gave in 2016. So you permit us to mention a few of
15 them and ask you to explain exactly what happened, what led to that change,
16 between 2016 and the Court, the transcripts, yesterday.

17 A. [9:51:53] I believe that the reason why there were some inconsistencies, is
18 because there were different -- the statement that was made in 2006 and the statement
19 that I made yesterday, there was a duration of time. I could not remember every
20 single thing that I stated at the time because there is eight years between then and
21 now. I cannot recall every single thing that I stated at the time.

22 Q. [9:52:31] Yes, yesterday, for example, and I would like to know, because in 2016
23 you were given an opportunity to explain the variations between the statements made
24 in 2005 and 2016, and let me also give you opportunity to explain the variation
25 between what you said in 2016 and yesterday.

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1 In 2016, when you spoke about Abok, you gave an answer that you had Mr Ongwen
2 joking, talking about Abok. But yesterday, realtime transcript, page --

3 MR GUMPERT: [9:53:16] Sorry. That's wholly unclear to me and I'm sure to the
4 witness. Can we have a reference?

5 PRESIDING JUDGE SCHMITT: [9:53:21] Yes, we can, we can -- I suspect that we
6 had this already yesterday, but okay, we can have the reference, yes.

7 MR TAKU: [9:53:31] Paragraph 34, your Honours. But yesterday, realtime
8 transcript page 56, lines 1 and 5, when asked the question: "You clearly stated that
9 you did not ever hear the location Abok mentioned while in the bush." Do you
10 remember giving that answer yesterday?

11 A. [9:54:00] Yes, I do recall giving that answer.

12 Q. [9:54:03] Is that still your position now?

13 A. [9:54:11] The reason -- I believe that the reason why I answered in that way was
14 because I may have forgotten. I cannot recall every single thing.

15 PRESIDING JUDGE SCHMITT: [9:54:23] So I think it -- it's of course your
16 examination, so to speak, but when the witness has said something yesterday, to ask
17 him today, is it still your statement, I think -- (Overlapping speakers)

18 MR TAKU: [9:54:41] Well, maybe.

19 PRESIDING JUDGE SCHMITT: [9:54:42] Of course, there might be instances where
20 you think the witness has changed his or her mind, but also I don't want to be too
21 clear here, but if we look at the answer given yesterday and look at the transcript, it's
22 simply, he says that he has not heard Mr Ongwen talk about Abok and laugh about
23 Abok yesterday. You could also let it stand like that.

24 MR TAKU: [9:55:14] Yes, your Honour.

25 PRESIDING JUDGE SCHMITT: [9:55:16] You could think about that.

1 MR TAKU: [9:55:17] I just want to think if he could again change something again.

2 From what he said yesterday, he could now say, no, what I said yesterday is not
3 correct; this is what I say now. Nobody knows. Because of these variations, the
4 changes are, for me, are so many.

5 PRESIDING JUDGE SCHMITT: [9:55:33] Of course, the mind of men and women
6 might be volatile, so to speak, but at some point in time we have to simply take the
7 evidence as it is and, of course, it's up to you to assess what might serve your line of
8 questioning better.

9 MR TAKU: [9:56:00] Well, let me move quickly to other areas.

10 PRESIDING JUDGE SCHMITT: [9:56:11] Also, perhaps a last remark on that. First
11 of all, it is important what a witness says in the courtroom here. This is why we
12 exercise this. This is why we come together here and spend our time here, to listen
13 to witnesses and question them for days.

14 So when there is a discrepancy that cannot be solved, so to speak, with former
15 statements, there is, at first sight, we would refer to what has been said here in the
16 courtroom.

17 Because we have the principle of immediacy and orality, and that is why also that the
18 Judges have to be present always. Article 74 obliges us.

19 There might, of course, be instances where you can solve this for whatever reason.

20 There are Rule 68 things you can think about -- but they are far away here; I don't see
21 them at all -- where you could in the end say, okay, a witness for a certain reason has
22 made a statement different here in the courtroom than he made before. But, in
23 principle, we are here to listen to the witness; we have transcripts, and we take the
24 evidence as it has been taken here in the courtroom.

25 MR TAKU: [9:57:37] Thank you, your Honours. I duly follow. I quite understand

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1 that the Court has consistently said that the principle of orality -- emphasised the
2 principle of orality in these proceedings, and I perfectly understand. If I bring some
3 prior inconsistent statements, they only go to a key issue that is in the case.

4 PRESIDING JUDGE SCHMITT: [9:57:55] Let me also, perhaps, because it might be
5 interesting for further witnesses and instances, when we do a refreshing exercise, for
6 example, and the witness still says I do not recall, so that, yes, we would not do the
7 refreshing exercise if we would not take note of what has been said, what is the
8 answer then. Or even better, if we try to solve a contradiction, and the witness says,
9 no, today I say it differently; it was different as I said in the statement, then he has
10 said it differently, then the evidence here in the courtroom is, it is different.

11 MR TAKU: [9:58:48]

12 Q. Witness, I want to deal with one other aspect of something that is already on
13 record, and I do not want to go back to that. But let me start by asking that,
14 yesterday, when you were asked to give an approximation of the ages of
15 Mr Ongwen's wives, and you said they were about 17 years old, do you remember
16 saying that?

17 A. [9:59:14] Yes, I do recall that.

18 Q. [9:59:21] But, Witness, in 2016 you said they were 25 to 27 years old. There
19 were two, and they were 25 to 27 years old.

20 PRESIDING JUDGE SCHMITT: [9:59:32] Which paragraph?

21 MR TAKU: [9:59:33] Paragraph 27, tab 2.

22 Q. [9:59:37] Do you have a problem with estimation of ages?

23 A. [9:59:44] Perhaps I do have a problem estimating ages, because I we were not
24 born at the same time, so for me it's difficult to look at somebody and determine what
25 age they are.

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1 Q. [10:00:01] Therefore with that answer let me move quickly to some other thing.
2 Witness, when the Prosecutor met you and clearly said -- this is one or two questions
3 here, I do not intend to go back to all those documents that we saw yesterday. I
4 mean, they are already on record and the Court has taken note.

5 When they ask you about your own age, when the Prosecutor met you in 2016 and
6 you did not know, you had to make a call to your father to ask your father what your
7 age could be, correct?

8 A. [10:00:51] That's correct.

9 Q. [10:00:55] And of course your father cooperated with the Prosecutor and with
10 investigators and provided what he thought was the age. But the Prosecutor went
11 further to ask for documents, some of which we eventually saw yesterday before the
12 Court. However, Witness, you remember you said that the explanation when they
13 asked for those documents initially, they said the rebels, your house was torched by
14 the rebels, and the documents that were there were destroyed in the course of the fire.
15 However, these documents clearly emerged. In spite of the fact that your father had
16 given your age, the investigators insisted on seeing documents which were produced,
17 correct?

18 A. [10:01:53] That's correct.

19 Q. And that exercise, that exercise --

20 PRESIDING JUDGE SCHMITT: [10:01:56] Mr Witness, do you know where your
21 father or where family members had these documents from? Do you know where
22 they found them, these documents?

23 THE WITNESS: [10:02:09] (Interpretation) No, I do not know where they found the
24 documents. They are the ones who brought the documents to me.

25 PRESIDING JUDGE SCHMITT: [10:02:15] Okay, thank you. So I think we will not

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1 come further in that respect.

2 MR TAKU: [10:02:21] Okay, your Honour. All right. Let me move to another area,
3 your Honour.

4 PRESIDING JUDGE SCHMITT: [10:02:32] And, yes, indeed, we have seen the
5 documents yesterday.

6 MR TAKU: Yes, your Honour.

7 PRESIDING JUDGE SCHMITT: And we have already indicated that we have eyes
8 to see and we know to read, so we have to put it together. There are of course some
9 uncertainties, that is clear.

10 MR TAKU: [10:02:54] Your Honour --

11 Q. [10:02:57] Witness, one key issue which we did not resolve in 2016 relates to the
12 statement you made in 2005, tab 1, it is paragraph 48, UGA-OTP-0165-0035, at 0040,
13 which you said, "I spoke on Radio Lira, but that was before my abduction."

14 Witness, did you speak on Radio Lira before your abduction?

15 A. [10:03:35] Before I was abducted, I spoke before I was abducted because I was in
16 Lira before I was abducted. So I did send announcements over the radio and that
17 was before I was abducted.

18 Q. No. The question is I spoke --

19 PRESIDING JUDGE SCHMITT: [10:03:56] No, he has confirmed that it was before
20 the abduction.

21 MR TAKU: Yes, yes.

22 PRESIDING JUDGE SCHMITT: But the question would be why he would speak on
23 Radio Lira before the abduction.

24 MR TAKU: [10:04:07]

25 Q. [10:04:07] What was the subject of your intervention on the radio? What did

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1 you speak about on the radio?

2 A. [10:04:19] At the time I was sending greetings to people back home, so I was just
3 sending them greetings because I was in Lira at the time.

4 Q. [10:04:31] Also, yesterday, Witness, in the realtime transcript 108, page 9, lines
5 24 to 25, continuing to page 10, lines 1 to 3, you said that you knew the rebels, the
6 LRA used AK-47s, because before I was abducted I used to hear the people say that
7 the gun was called AK-47. Do you remember that?

8 A. [10:05:05] Yes, I do recall that.

9 Q. [10:05:09] Who were these people who told you about AK-47s?

10 A. [10:05:15] The people who told me about the AK-47s were my uncle, my father's
11 brother, because at the time he was an army, he was in the army, and when he came
12 he would tell us, he would describe the guns that he had. He told us that this, the
13 name of this gun is the AK-47.

14 Q. [10:05:41] Did they in those instances talk to you about the LRA or the rebels in
15 your home?

16 A. [10:06:02] No, they did not tell me about the LRA.

17 Q. [10:06:07] But, Witness, yesterday -- did your uncle have a gun?

18 A. [10:06:26] My uncle did not have a gun, but he was in the army. He was at
19 home, but he did not have a gun. But he did tell me the name of the gun. He did
20 not come home with his gun.

21 Q. [10:06:39] Okay. Yesterday, realtime transcript 108, page 10, page 9 to 15, you
22 said that when the rebels found you, you stated: "The reason I did not resist is
23 because I thought that if he had resisted they would kill me."

24 You also added: "I thought so, because before I was abducted I used to hear some of
25 the poor who were abducted would tell us that whenever they tell you to do that,

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1 do something -- to do something, you do not reject, they would kill you."

2 So, Witness, who are these people who told you about -- who had been abducted and
3 who told you this?

4 Now, if you want to mention names, you want to mention them in private session, let
5 us know if it will reveal your identity, if you know who are the people who told you
6 this?

7 A. [10:07:48] I heard this information over the radio. Before I was abducted, the
8 people who came home from the bush were taken to the radios and they are the ones
9 who spoke about this over the radio.

10 Q. [10:08:05] Did those people also talk about the experiences over the radio
11 programme that you listened to, their experiences in the bush with the rebels?

12 A. [10:08:21] They were not speaking to me directly, but they were speaking over
13 the radio generally. They spoke about the things that happened in the bush.

14 Q. [10:08:32] Did they call the name of some commanders?

15 A. [10:08:40] I heard them talking about Otti. I heard them talking about
16 Dominic Ongwen. And I heard them talking about Kony as well. Those were the
17 names that were mentioned constantly. There are other names that were also
18 mentioned, but I do not recall the names.

19 Q. [10:09:06] What did they say about Dominic Ongwen?

20 A. [10:09:19] They stated that Dominic Ongwen should give up fighting, come
21 home and he would be forgiven, he would be granted an amnesty. That's what they
22 were -- that's what they would talk about. Those were the kind of announcements
23 they would make.

24 Q. [10:09:36] What did they talk about Joseph Kony?

25 A. [10:09:47] They would also tell Kony that he should give up the fight, come

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1 home and he would be forgiven. Those were the kind of announcements that they
2 would make.

3 Q. [10:09:59] Apart from these statements about Joseph Kony, did you, either from
4 your household or from the radio or from other sources, did you hear or know who
5 Joseph Kony was?

6 A. [10:10:19] Most, most times I heard about him over the radio, I just heard about
7 him over the radio.

8 Q. [10:10:29] Did it also say whom Dominic Ongwen was?

9 A. [10:10:46] When, when we are speaking over the radio, most times they would
10 mention his name, but they would not talk about the group that he was in, but most
11 times they would mention his name and they would plead with him to come home.

12 Q. [10:11:04] Subsequently, Witness, did you know that Kony was the leader of the
13 LRA?

14 A. [10:11:25] I did come to know that he was the leader of the LRA, because when
15 the people speak over the radio they do mention that he is the overall leader of the
16 LRA.

17 Q. [10:11:38] Now, subsequently, after you came out of the bush, you found
18 yourself in one location. I wouldn't mention the name of that location, we all agreed
19 yesterday let's not mention the name of the location. When you got to that location
20 you met others who had come out of the bush, you were there with them. Did you
21 people exchange your experiences, discuss your experiences in the bush and get to
22 know each other and to talk about your experiences in the bush?

23 A. [10:12:28] Sometimes people would talk among themselves, they would ask
24 what, what happened to you? Which group did you belong to? Which group were
25 you in? Yeah, we would talk about those kind of things.

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1 Q. [10:12:49] Now, there is someone called Odong, Odong. We have mentioned
2 the name this morning when I asked you a question. One of the reasons you gave
3 for changing your story, you said that because you thought it was about Odong and
4 Dominic. But this Odong in 2005, you stated you knew him. But in 2006 you said
5 you did not know Odong at all. Do you remember that?

6 A. [10:13:34] I do recall.

7 Q. [10:13:41] Indeed, the Prosecutor showed you a picture of someone.

8 Tab 3, your Honour. UGA-0165-0043, yes, UGA-OTP-0165-0043. When
9 the Prosecutor showed you that picture, did they tell you whom that individual was,
10 that man was?

11 A. [10:14:40] They showed me the photo and they asked me who the person was.

12 Q. [10:14:47] And you said you didn't know the person.

13 A. [10:14:56] I do recall that I stated that that person might be Odong.

14 Q. [10:15:10] Yes, Witness, but in 2016 you said that you did not know Odong,
15 correct?

16 A. [10:15:36] Perhaps I have forgotten about it.

17 Q. [10:15:39] Now, this picture, I do not know whether this picture is before the
18 witness. I wanted to ask whether this indeed -- in 2016 he said he did not know, but
19 if now, now that you are here before the Court, whether you recognise that individual
20 to be Odongo.

21 PRESIDING JUDGE SCHMITT: [10:16:22] I think it is on the screen.

22 THE COURT OFFICER: [10:16:25] The witness can see it on evidence 1.

23 PRESIDING JUDGE SCHMITT: [10:16:28] So, Mr Witness, now seeing, today here in
24 this courtroom on the screen, this picture, do you recognise the person?

25 THE WITNESS: [10:16:41] No, not at this particular moment.

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1 MR TAKU:

2 Q. [10:16:46] Okay, let's move on. Now, while in the bush, Witness, did you
3 listen -- did you have an FM radio?

4 A. [10:17:12] I did not personally have an FM radio, but Lapwony Odomi did have
5 an FM radio, but I personally did not have one.

6 Q. [10:17:26] Who else, to your knowledge, had an FM radio?

7 A. [10:17:37] Most times, I saw him; he was the only one with it.

8 Q. [10:17:51] And you said at one instance you were able to listen in to the FM
9 radio of Mr Ongwen and heard him listen to a programme briefly and then turn to
10 music. How far were you from Mr Ongwen?

11 A. [10:18:23] At that time, I believe that I was not very far away from him. I do
12 not know how to estimate the distance, whether in metres or centimetres, so it is
13 extremely difficult for me to assess the exact distance, but I was located at a place
14 where I could clearly hear what was being said over the radio.

15 Q. [10:18:51] Can you estimate from where you are and where their Honours are in
16 this courtroom.

17 A. [10:19:06] I believe, maybe from that corner --

18 THE INTERPRETER: Indicating the corner where the Defence come in.

19 THE WITNESS: -- to the other corner where the door is.

20 MR TAKU:

21 Q. That door, to that door.

22 A. [10:19:27] Yes.

23 MR TAKU: The Court has seen that.

24 PRESIDING JUDGE SCHMITT: [10:19:31] But we have seen it and of course we
25 have not --

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1 MR TAKU: [10:19:35] Maybe Mr Gumpert can help.

2 PRESIDING JUDGE SCHMITT: [10:19:37] I think Mr Gumpert would have more the
3 horizontal lines.

4 MR GUMPERT: [10:19:45] (Microphone not activated)

5 PRESIDING JUDGE SCHMITT: [10:19:49] I know, I know, I know. So you have
6 obviously foreseen such instances here in the courtroom.

7 MR TAKU: [10:20:05]

8 Q. [10:20:06] Witness, did you or did you not hear while you were there that
9 Joseph Kony had banned LRA, people in the LRA, from listening to the FM radio
10 because he said that they were broadcasting propaganda intended to convince his
11 soldiers to surrender? Did you or did you not hear this; or know, or you did not
12 know?

13 A. [10:20:45] No, I did not hear it and I did not know either.

14 Q. [10:20:57] We will surely come to this -- progress quickly, through this
15 cross-examination, but you said that the people in Odomi's group were about 25
16 people. Did you remember saying that?

17 A. [10:21:13] Yes, I do recall saying that.

18 Q. [10:21:16] Now, have you heard about household, while in the bush, the
19 question of how assigning people to household. Did you ever hear about that or see
20 that happen?

21 A. [10:21:38] Could you please repeat that question.

22 Q. [10:21:40] Let me just put a direct question. Were you assigned to a particular
23 household when you got -- allegedly got to Odomi's group?

24 A. [10:21:53] Most times I was with Obol, so on most occasions I was with him
25 because I was assigned to him.

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1 Q. [10:22:07] What was the rank of this individual?

2 PRESIDING JUDGE SCHMITT: [10:22:14] Obol.

3 MR TAKU: [10:22:16]

4 Q. [10:22:16] Obol, what was his rank?

5 A. [10:22:18] I do not know his rank, because he was under the leadership of
6 Odomi, but I do not know his rank.

7 Q. [10:22:30] What position did he hold? Was he a commander or an ordinary or
8 a private, or a private?

9 A. [10:22:42] He was a soldier; he had a gun, and when those of Odomi sent him to
10 a particular place, he goes.

11 PRESIDING JUDGE SCHMITT: [10:22:57] Mr Witness, you said that Odomi was his
12 superior. Were there other superiors? So did he have to obey to orders of others
13 too?

14 THE WITNESS: [10:23:16] (Interpretation) I believe that the person that I mostly saw
15 him treat with deference was Odomi.

16 PRESIDING JUDGE SCHMITT: [10:23:29] Please continue, Mr Taku.

17 MR TAKU: [10:23:31]

18 Q. And, Witness, if I understand well -- to move fast -- you said that at that
19 location of Odong -- position. You said position. Kalalang was no longer there;
20 Kalalang had left and gone to unknown destination to you, correct? When the
21 soldiers attacked, the UPDF attacked, everybody fled, and Kalalang fled to some
22 other location unknown to you. You didn't see him again. But you moved
23 continuously to where Odomi was, correct?

24 A. [10:24:10] Correct.

25 Q. [10:24:15] But, initially, from where you were abducted and taken to position

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1 one to position two, the senior commander that you saw at the time was Kalalang.

2 At that time you had not yet seen Odomi, correct?

3 A. [10:24:37] Could you say the question again.

4 Q. [10:24:40] From where these four or five individuals abducted you, they took

5 you to first position -- no, one location whose name you gave, then to a position,

6 a place that you called "position", which you described that that's where the rest of the

7 people who remained behind normally settled to wait for others to come to bring

8 food, so the second position where you met Kalalang. At that time where you met

9 Kalalang in that second position before the UPDF attack, Odomi was not there,

10 correct?

11 A. [10:25:33] At that point he was not yet there.

12 Q. [10:25:35] Now, among those four or five individuals who came to abduct you,

13 to attack you, Odomi was not among them. The day that they came to your

14 compound, Odomi was not there, correct?

15 A. [10:25:50] I did not see him.

16 Q. [10:25:53] And the reason, one of the immediate reasons that forced you, Obol

17 and Ogwal and others, to run to a location of Odomi was that attack, that second

18 position. The UPDF attacked, others fled in different directions, and people fled and

19 ended up with Odomi, correct?

20 A. [10:26:24] Yes, it was a result of that attack at our position.

21 Q. [10:26:33] Now, let's -- we will come back to the question of position. Now,

22 position, you defined here position, that they told you that that place, the place where

23 they went and settled, where you found some people cooking and others were just

24 sitting under the tree and others -- they called it position. Who told you that it is

25 called position?

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1 A. [10:27:04] Our captors, our captors were the ones saying that. One of them was
2 Ogwal and Obol, they were saying that we were about to reach their position and that
3 is how I came to know of the name position.

4 Q. [10:27:22] Did you hear or know any other name for position?

5 A. [10:27:36] Most times people used position.

6 Q. [10:27:39] Did you ever hear the name RV from anyone?

7 A. [10:27:49] I did not hear that.

8 Q. [10:27:52] So that place they call position, nobody called it RV? You said the
9 name was position, not RV. Is that what, is that what you understood?

10 A. [10:28:06] I did not hear that. I have to say what I have heard. I was only
11 hearing of the name position.

12 Q. [10:28:13] Now, Witness, let's talk a bit about Dominic, the person you said was
13 Dominic. In 2005, you said that Dominic -- that is tab 1, your Honours.

14 UGA-OTP-0165-0035 at 0038, and your Honour, although you said that if you have
15 given the reference before, we just mention the page.

16 So you said Dominic has a problem with his right hip and as a result he walks with
17 a limp. You added, Dominic can run because the hip is healed.

18 In 2016, paragraph 83, at page 0505, you stated, "I stated that Dominic was healing
19 from the gunshot, the gunshot wound on his thigh because I saw that he was

20 limping." What led you to believe that he was healing in 2005 from those gunshot on
21 his thigh, as opposed to his hip that you said was in 2005? That it was healing, why

22 did you say that? Did you see him in the sickbay or did he tell you that he was
23 healing or somebody told you that he was healing and why did you say that in 2005?

24 A. [10:30:11] The reason I said he was healing was because he was able to walk and
25 he was actually indeed walking. And even when there was an attack, he would also

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1 move together with the rest of the people, that means, yes, he was now in the healing
2 process.

3 Q. [10:30:36] He was in the healing process. Now, so finally was Dominic -- was
4 wounded on the hip or on his thigh?

5 A. [10:30:55] I think Dominic got the injury, I think it was on his hip because
6 hip -- or, around the waist because one of his leg, one side of the leg was the one that
7 was affected.

8 PRESIDING JUDGE SCHMITT: [10:31:24] That's simply a conclusion or --

9 MR TAKU: Yeah.

10 PRESIDING JUDGE SCHMITT: -- or deduction --

11 MR TAKU: [10:31:27] Yes, your Honour. Yeah, yes.

12 PRESIDING JUDGE SCHMITT: [10:31:28] -- by the witness, so.

13 MR TAKU: [10:31:42]

14 Q. [10:31:42] From whom did you get this information about Dominic being hurt or
15 being shot?

16 A. [10:31:55] The person who was telling us was one person whom I found was
17 already in the bush, he's called Kule, he was the one who was telling us that Dominic
18 was once injured and he would walk with a limp.

19 Q. [10:32:17] But did he tell you that Dominic was hurt on the waist or on the hip?

20 A. [10:32:30] I was only told he was shot at and he would walk with a limp. That
21 is all I was told.

22 Q. [10:32:50] Did he tell you the circumstances under which Dominic was injured?

23 A. [10:33:04] I was told he was shot during the time when they had gone to collect
24 food. But I was not told the place where they had gone to.

25 Q. [10:33:54] Witness, when you were asked about the radio, that you saw

1 Mr Ongwen communicating on the radio and the solar, did you see or know the
2 person who assisted him on this radio communication? Did you know the name of
3 the person, if you knew, if you saw someone, first, assisting him and if you knew the
4 name of that person?

5 A. [10:34:27] People would help him to connect the radio, but I cannot now recall
6 the name of that person who would help him with the connections?

7 Q. [10:34:43] How many people would help him, was it one or they rotated?

8 A. [10:34:51] I would see only one person.

9 Q. [10:35:07] Of course you say you cannot remember the name of the person.

10 A. [10:35:15] Yes, I do not recall his name.

11 Q. [10:35:30] Now, we will ask questions about your abduction, let me ask one
12 question, simple question, concerning the girl who was exhausted.

13 Witness, yesterday in the realtime transcript 108, page 13, lines 8 to 12 you stated that
14 the girl was exhausted:

15 "When she was exhausted, the rest of us were instructed to continue walking. I am
16 not sure whether the girl was released to go back or she got exhausted and eventually
17 died along the way."

18 But, Witness, in 2016 at paragraph 21, that's tab 2, page 0493, lines -- page 13,
19 lines -- no, I'm sorry, I'm sorry, tab 2, your Honour, I'm sorry, you stated, paragraph
20 21:

21 "At some point one of the abducted girls was so tired that she could not walk
22 anymore and she was released to go back home."

23 So indeed, Witness, in 2016 this is information you provided, the girl was released to
24 go back home, Witness.

25 Did you just forget yesterday, because of -- the period was long, by saying that you

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1 did not know exactly whether she was released to go back home or she eventually
2 died? Because in 2016 you precisely said she was so tired she was released to go
3 back home. Witness, what do you say to this?

4 A. [10:37:15] I think I had -- I could not recollect my memories at that time because
5 I could not remember everything.

6 Q. [10:37:46] Now, Witness, you remember you said that when you came to the
7 position, the position that you people fled, and met Mr Ongwen, you people moved
8 to Pader, do you remember that?

9 A. [10:38:08] I can recall.

10 Q. [10:38:10] And indeed, Witness, you remained with Mr Ongwen in Pader until
11 you fled, would that be correct?

12 A. [10:38:25] That's correct.

13 Q. [10:38:32] You also stated, Witness, that you stayed at a place called Tegwana,
14 T-E G-W-A-N-A, do you recall staying there with Mr Ongwen? That's realtime
15 transcript page 21, line 4.

16 PRESIDING JUDGE SCHMITT: [10:39:02] And again, really I've -- I'm a little bit
17 stubborn today I know. Just start by saying, "You said that you stayed at this place"
18 and then your question.

19 MR TAKU: [10:39:13] Yes, I am putting the question.

20 PRESIDING JUDGE SCHMITT: [10:39:15] You -- we don't have to ask the witness if
21 he has said it or "Do you remember" --

22 MR TAKU: Okay.

23 PRESIDING JUDGE SCHMITT: -- because, you know, you can say --

24 MR TAKU: Yeah.

25 PRESIDING JUDGE SCHMITT: -- do you remember when we are talking about

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1 a statement that is from the past, from the distant past, if you will. But a statement
2 that has been given in this courtroom yesterday or two days ago, whatsoever, I think
3 we need not ask him. I would simply, as I always put it, take this as a given, it has
4 been said and from there on proceeding. Please proceed.

5 MR TAKU: [10:40:07]

6 Q. [10:40:07] Now, Witness, did you know or do not know that Tegwana is Gulu
7 municipality, quite close, quite close to the 4th division of the UPDF that was
8 persecuting the war against the LRA in northern Uganda and at this point in time
9 Ongwen would not have been found in this location?

10 MR GUMPERT: [10:40:39] Your Honour, with respect that --

11 MR TAKU: [10:40:42]

12 Q. What would you say?

13 MR GUMPERT: [10:40:43] -- isn't a proper question --

14 PRESIDING JUDGE SCHMITT: Yes.

15 MR GUMPERT: -- for this witness.

16 MR TAKU: Now --

17 MR GUMPERT: Military conclusions about Mr Ongwen's presence.

18 PRESIDING JUDGE SCHMITT: [10:40:49] No.

19 MR TAKU: [10:40:50] Now, Witness, may I put it to you that Tegwana is in Gulu
20 municipality, what do you say about that?

21 A. [10:41:09] I think Tegwana -- I, myself, as a returnee, I didn't know at which
22 location exactly Tegwana is, whether it was in Lira or it was in Gulu or it was in
23 Pader. It was difficult for me to locate the exact place where -- in which district it
24 was.

25 PRESIDING JUDGE SCHMITT: [10:41:31] And did you know that there was any

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1 greater military barracks by the UPDF?

2 THE WITNESS: [10:41:40] (Interpretation) I didn't know.

3 MR TAKU: [10:41:46] Obviously the 4th division.

4 PRESIDING JUDGE SCHMITT: [10:41:48] Yeah. If he didn't know he would not
5 know --

6 MR TAKU: Yeah.

7 PRESIDING JUDGE SCHMITT: -- if it was the 4th or the 5th or whatever division, I
8 think.

9 MR TAKU: [10:41:55] Yes, your Honour.

10 Q. [10:41:56] Now, Witness, did you know or hear about a location called Atoo hills
11 while you were in the bush?

12 A. [10:42:14] I heard of it.

13 Q. [10:42:16] Did you go to Atoo hill when you were in the bush?

14 A. [10:42:24] I do not recall whether I went there or not.

15 Q. [10:42:33] Did you, Witness, recall Dominic Ongwen and his group being in
16 Atoo hill throughout 2005?

17 A. [10:42:57] Well, there are many hills in the bush, so it is -- makes it difficult for
18 me to exactly name the different hills. Sometimes because we were in different,
19 different hilly areas and -- I cannot exactly say this was this, this was that, but we
20 were in different, several other hills.

21 Q. [10:43:26] But I'm referring to the Atoo hill you heard about. Who told you
22 about Atoo hill? How do you know about that?

23 A. [10:43:40] People like Obol. I would hear them mention the name, the foothills
24 of Atoo. But personally, I did not know the exact location of Atoo hills, but I would
25 hear from them, they would mention the name.

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1 Q. [10:43:57] So they mention the name in respect of what?

2 A. [10:44:07] I think in respect to the fact that maybe people would be moving to
3 that location.

4 Q. [10:44:19] Well you say "maybe", did you see people moving to that location?

5 A. [10:44:31] Like I told you, there could be several hills, so to say this was
6 Atoo hills or this was which one was -- is difficult for me, but I do recall Obol and
7 Ongwal say that people were moving to the foothills of Atoo. I heard that personally.

8 Q. [10:44:52] So which are the people who are moving to the foothill, who were
9 they referring to? Is it Odomi's group or some other group?

10 A. [10:45:06] Like I was in his group, in Odomi's group, and other people like Obol,
11 yeah, that means we were together in that group where Dominic was.

12 Q. [10:45:19] Did you move to Atoo hills at any time when you were there, or you
13 were in Pader? Because you mentioned the specific location in Pader where you
14 went to, the names; if you want, I will them. Were you in Atoo hills, did you move
15 there, or you were in Pader with Mr Ongwen?

16 A. [10:45:49] You know, like when in the bush, people would be on the move most
17 times. They would stay one place for a week and then move. Like if we, we stay in
18 Pader for a week, then people would move to another location. So it means
19 wherever the next location would be, could be at the foothills, but I would not know
20 the name of the hill because I did not -- I didn't ask.

21 PRESIDING JUDGE SCHMITT: [10:46:15] I think, Mr Taku, the witness might not be
22 the most able witness to talk about or identify geographic locations, so we had other
23 witnesses who obviously were, for whatever reason, better positioned to talk about
24 these matters.

25 MR TAKU: [10:46:36] Your Honour, he was very categoric when he said they were

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1 in Pader, and he even mentioned specific locations in Pader.

2 PRESIDING JUDGE SCHMITT: [10:46:43] But we have heard now what --

3 MR TAKU: [10:46:48] Yes.

4 Q. [10:46:49] Witness, for the period you were in the bush, did you or you did you
5 not see the -- have you heard the name of a group called Caritas?

6 A. [10:47:25] While I was still in the bush I did not hear.

7 Q. [10:47:29] You also heard about the Red Cross?

8 A. [10:47:36] While still in the bush I did not hear that name.

9 Q. [10:47:44] So while still in the bush you stated how the UPDF were attacking
10 and that you people were constantly on the move. Every time you went to look for
11 food, the UPDF would attack and people would flee and go to another location.
12 So what -- in your case in particular, apart from you being deployed to go and look
13 for food, would these people -- were you deployed for any other purpose? Did you
14 see them going to look for something else apart from food in the farms of these
15 citizens?

16 A. [10:48:38] I was not deployed to do any other task apart from looking for food,
17 but when we were within a stationed area we would go and do some others, you
18 know, little, little things like collecting food -- I mean collecting water or getting
19 firewood.

20 Q. [10:48:57] Why did you think, or did you know, or you knew, or did you know
21 or did not, why the LRA were constantly looking for food, and they attempted to look
22 for food in those areas. Do you know why?

23 A. [10:49:22] I think the reason why they were looking for food was because there
24 was hunger and so they were looking for a way of survival. That's what I think.

25 Q. [10:49:34] Did you see any -- you said the UPDF were attacking, or in attack, did

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1 you at any time, Witness, if you know, did you at any time offer a truce to allow food
2 agencies to supply food to the rebels and the civilians and the children who were with
3 them? Did you see that any time while you were there?

4 A. [10:50:16] I did not have the opportunity to see.

5 Q. [10:50:21] Now let's move quickly to something else.

6 Just one minute, your Honour.

7 Now, yes, yes, Witness, in 2016 you said that:

8 "All of us who were abducted were beaten on the buttocks and on the back. The
9 boys received 50 blows and the girls received 30."

10 Do you remember saying that in 2016?

11 A. [10:51:24] I recall, I can recall.

12 Q. [10:51:32] Witness, in your victim application dated 6 September 2016, the same
13 year, you stated that you were given -- tab 18, your Honours -- you were given 25
14 strokes of the cane. That's the same year, 2016, your Honours.

15 Can you explain why you are now saying you were given -- tab 18, your Honours,
16 consecutively before, at page 0230.

17 Why you said, the same year you said 50, now, 25.

18 A. [10:52:26] I think the reasons for the discrepancy is that if I say 25 upwards, it
19 means I am talking about between from 25 to 50. So maybe the person who was
20 taking the recording could have, could have missed something, but when I say 25
21 upward, I know you would understand that it means 25 and upwards. So maybe
22 the person who was taking the recording could have missed something.

23 PRESIDING JUDGE SCHMITT: [10:53:08] Mr Witness, may I shortly. When you
24 have been given these strokes, has it been announced before by the people who were
25 beating you then how many times they would beat you?

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1 THE WITNESS: [10:53:31] (Interpretation) When they were beating us, they just said
2 the strokes that we will get will be, usually it ranges between 25 and 50, but because
3 we are males, we will receive 50 strokes.

4 PRESIDING JUDGE SCHMITT: [10:53:48] Thank you.

5 MR TAKU: [10:53:48] Yes.

6 Q. [10:53:49] But, Witness, your victim application, who wrote it for you? Was it
7 written by someone or you wrote it yourself?

8 A. [10:54:03] I did not fill it myself.

9 Q. [10:54:04] So you told someone to write it for you?

10 A. [10:54:10] Yes, I would talk and somebody does the writing.

11 Q. [10:54:20] Did the person read it back to you for you to confirm that that was
12 clearly what, what your statement was?

13 A. [10:54:38] The person writing can read back, but sometimes would read very
14 fast, so such that if there could have been a point which needed my attention or
15 corrections, I could miss it because of the fast reading.

16 Q. [10:54:58] So you do not know for sure how many strokes you were given?
17 They are between 25 and 50, correct?

18 A. [10:55:12] Yes. It means strokes from 25 upwards to 50.

19 MR TAKU: [10:55:28] Yes, your Honours, we have five minutes left. Maybe if we
20 go on break, we come back, we'll be arranged, and we will finish very quickly.

21 PRESIDING JUDGE SCHMITT: [10:55:36] Thank you very much, Mr Taku.

22 Then we have now a break until 11.30 and then we continue with your examination.
23 Yes.

24 THE COURT USHER: [10:55:46] All rise.

25 (Recess taken at 10.55 a.m.)

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

2 THE COURT USHER: [11:30:41] All rise.

3 PRESIDING JUDGE SCHMITT: [11:30:55] Mr Taku, you still have the floor.

4 MR TAKU: [11:30:58] Yes, your Honours. I just wanted to put on record that the
5 tab 18, the victim's application, the ERN number is D26-0012-0230.

6 Now, we reviewed our questions and we decided to be very brief. We apologise
7 because had we made a determination, we would have informed the Court before we
8 went on break.

9 PRESIDING JUDGE SCHMITT: [11:31:30] But you never know exactly, so that's not
10 a problem at all.

11 Please continue.

12 MR TAKU: [11:31:36] Yes, your Honour.

13 Q. [11:31:37] Now, Witness, when you escaped from the bush and surrendered to
14 the government soldiers, and I think I want to deal with surrender -- this question of
15 defecting, defecting has a different connotation completely -- surrendered to the
16 government soldiers, you made two statements to the UPDF soldiers to whom you
17 surrendered, correct?

18 A. [11:32:28] Correct.

19 Q. [11:32:30] You informed the Prosecutor. Did the Prosecutor thereafter present,
20 when they were presenting these statements from you from 2005 and others and
21 asking you to look at the statements and made additions or changes, did they present
22 these two statements? Did they obtain them and present them to you in the conduct
23 of this interview?

24 A. [11:33:15] I recall that I saw them.

25 Q. [11:33:19] Now, let me be clear, did you see the statements or you did not see

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1 them, the two statements you made to the UPDF? Did the Prosecutor, when they
2 came in 2005, 2006 -- '16 or some other time, did they present these two statements
3 that you made to UPDF, did they put it before you and ask you to read the contents
4 and to comment on it or to correct it or to provide information or to give explanations
5 about what you told UPDF? Did that happen?

6 A. [11:34:07] It was given to me to read and also to make additions, if I can. But if
7 I do not have anything to add, I also leave it as it is.

8 Q. [11:34:21] So the Prosecutor --

9 PRESIDING JUDGE SCHMITT: [11:34:22] Are we sure that we are talking about the
10 correct statements?

11 Mr Witness, I think Defence counsel Mr Taku is referring to the two statements you
12 made to the UPDF, not to the Prosecution. You see, when you came immediately
13 out of the bush, you said yesterday that you met with UPDF and that you made there
14 two statements. And I think Mr Taku is talking about these two statements. Did
15 you ever obtain copies of these two statements?

16 THE WITNESS: [11:35:18] It was not given to me. Now I understand. It wasn't
17 given to me. I never read it.

18 PRESIDING JUDGE SCHMITT: [11:35:25] And I think the other question was, if it
19 not was given to you and you did not read it, did the Prosecution, when they later on
20 questioned you, did they show these statements to you? Do you see what I mean, as
21 a part of the questioning, so to speak, by the Prosecution?

22 THE WITNESS: [11:35:53] (Interpretation) It was not shown to me.

23 PRESIDING JUDGE SCHMITT: Please continue.

24 MR TAKU: [11:35:56] Your Honour, with this answer we respectfully apply for
25 the Prosecutor to disclose these statements to us if they can find them. We don't

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1 have them.

2 MR GUMPERT: [11:36:05] We don't have them either.

3 PRESIDING JUDGE SCHMITT: [11:36:07] I would also have assumed, let me put it
4 this way, if you had them, and if you had them presented during the questioning of
5 this witness to the witness, this would have been reflected, I hope so, at least, in the
6 transcript.

7 MR GUMPERT: [11:36:24] But if I can clarify, irrespective we might, for example,
8 have received them last week, we certainly would have disclosed them, they are
9 obviously material. We don't have them. We have asked for them, we don't have
10 them.

11 PRESIDING JUDGE SCHMITT: [11:36:37] Okay. Thank you, Mr Gumpert.

12 MR TAKU: [11:36:39] Well, we already, we submitted a request for the disclosure,
13 and we have no reply. This is the first time we have no reply about this. And we
14 respectfully urge the Prosecutor to make another attempt.

15 MR GUMPERT: [11:36:51] That's not a correct reflection of the facts, with respect.

16 MS HOHLER: [11:36:54] Yes, your Honours. We made the request on 6 September,
17 as the Defence knows, and I have conveyed I think a day ago to Ms Bridgman that we
18 have not received any material. If we do in the future, we will of course disclose.
19 Thank you.

20 MR TAKU: [11:37:08] Well, my attention had not been drawn to that, your Honours.

21 PRESIDING JUDGE SCHMITT: [11:37:13] Okay. But I think we can make this
22 short. Obviously at the moment these documents are not at the disposition of
23 the Prosecution. Once they would be at the disposition of the Prosecution they
24 would disclose it to the Defence. That is perfectly clear. So we can continue from
25 there.

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1 MR TAKU: [11:37:33] Thank you, your Honour.

2 Q. [11:37:36] Witness, we will soon, we will not take long again --

3 Your Honour, then we'll ask for private session for this because --

4 PRESIDING JUDGE SCHMITT: [11:37:48] Then private session.

5 (Private session at 11.37 a.m.) *(Reclassified partially in public)

6 THE COURT OFFICER: [11:38:02] We're in private session, Mr President.

7 MR TAKU: [11:38:10]

8 Q. [11:38:10] Witness, irrespective of how long you stayed in the bush, whether it's
9 a couple of months or a year or more than a year, I wouldn't get into that controversy,
10 it is in the records, but irrespective of that, when you went back home to your
11 community, Witness, you were stigmatised, first when you went from the centre to
12 your community you were stigmatised, correct?

13 A. [11:38:48] Yes, at some point there was stigmatisation.

14 Q. [11:38:57] And would I be correct to say that several years since you left the
15 bush, you still feel the effect of that stigma in your community? Would I be right to
16 say this?

17 A. [11:39:20] Could you say the question again?

18 Q. [11:39:26] That several years you left the bush, and you obviously have grown
19 into adulthood, you still feel the effect, the stigma and the effect of the life you went
20 through in the bush, correct, in your community?

21 A. [11:39:56] At the moment I do not experience the stigmatisation. Yes, at the
22 beginning it was there, but at this moment I no longer experience it.

23 PRESIDING JUDGE SCHMITT: [11:40:09] Mr Witness, do you have an explanation
24 for yourself how things became better? You know, why people now have a better
25 attitude towards you than they had when you came out of the bush?

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1 THE WITNESS: [11:40:30] (Interpretation) I think it is like that because in the
2 present time the group that used to be there which was headed by Kony are no longer
3 operating in Uganda, and it has now taken some years, people are trying to recover
4 and forget of the past.

5 PRESIDING JUDGE SCHMITT: [11:40:59] Yes, please, Mr Taku.

6 MR TAKU: [11:41:02]

7 Q. [11:41:03] About nightmares, Witness, and the trauma of your life in the bush,
8 even when you left and went back to your community and you're growing, you grow
9 into adulthood, sometimes you had these nightmares? You felt the trauma of what
10 happened to you in the bush, correct?

11 A. [11:41:34] In the past I would experience this trauma and nightmares, and I
12 would actually have a lot of -- I would worry a lot, but now I am coping up and have
13 overcome it.

14 Q. [11:41:54] Now, take your mind back to the events where the UPDF shot
15 gunshots, you had to flee with some other people, among others to position 3 and
16 carry on and fled to other places. That was a very traumatic incident, those gunshots,
17 the possibility that you could have been killed along those LRA officers, wasn't it,
18 Witness?

19 A. [11:42:36] Yes, it had a bad experience -- I had a bad experience and to my life it
20 was difficult.

21 Q. [11:42:47] And of course about when you were shot, when you went to go for
22 food, you were shot, so the trauma from those gunshots and the injury, they actually
23 aggravated the effect of the trauma in you. Even when you left the bush and grew
24 into adulthood, you continue. Whenever you hear a gunshot, a gunshot somehow, it
25 reminds you of other traumatic experience, correct?

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1 A. [11:43:22] Yes, yes, it does remind me. At some times when I hear gunshots,
2 you know, I usually have that flashback that what happened in the past could still
3 probably occur. Yes, it does remind me.

4 Q. [11:43:40] Yesterday you told the Court that the life in the bush was harsh and
5 everything that you did was done under duress. Did you also observe that others
6 who were there were also suffering from this duress, the people you left behind?

7 A. [11:44:09] Well, sometimes there are things that people are forced to do, which I
8 saw by myself. But sometimes when there are things which you are told to do, like
9 maybe to go and collect water, I would see them that these are things that is not bad,
10 you don't have to be forced to go and collect water. But yes, there are those that
11 you are forced to do.

12 Q. [11:44:40] Now, when you came home, Witness, you were demoted. In fact,
13 you had by the time you were abducted, you were almost in primary 7, but you were
14 demoted to 3. And you stated that the teachers evaluated and thought that the bush,
15 effects of being in the bush had completely diminished that, reduced your level of
16 understanding, the ability to learn, to the extent that they had to push you back
17 several classes. Do you remember that?

18 A. [11:45:27] I recall.

19 Q. [11:45:27] And that obviously affected you from the standpoint of your
20 education. Your life in the bush affected you, your livelihood, your human
21 development capacity, a number of years and continuing, perhaps, since you left the
22 bush, correct?

23 A. [11:45:51] Correct.

24 Q. [11:45:52] Now let me move to another area, perhaps the final area in this,
25 Mr Witness.

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1 When the Prosecutor met you on several occasions, the Prosecutor emphasised that
2 you should try to be as truthful as possible and give them as much information as
3 truthful as possible, to help the process before this Court. Did the Prosecutor do
4 that?

5 A. [11:46:19] They told me.

6 Q. [11:46:21] Yes, Witness, there is a -- a problem here, and I see it is one of the
7 reports by the Prosecutor relating to the information provided in order to receive
8 some money, some money from the Prosecutor's office. You remember that you
9 provided information that you were to travel to a particular location where the
10 investigation was to take place with your mother, and obtained some money.

11 And that is -- your Honours, we have the report at tab 22, your Honour, and it is at
12 page 2741. The UGA-OTP-0263-2741.

13 My problem is not to accuse you for getting money or anything. Nothing can ever
14 compensate your voluntary -- the fact that you volunteered to come and assist this
15 process, nothing would compensate that. It is something that I should and every
16 single person should praise you, but my problem, Witness, is that --

17 MR GUMPERT: [11:47:45] Your Honour, with great respect, there needs to be
18 a question, not a speech.

19 PRESIDING JUDGE SCHMITT: [11:47:49] Yes.

20 MR TAKU: [11:47:50] I want to formulate my question to direct him not to think
21 I am attacking him for (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [11:47:55] No, no, and of course it's -- although I see
23 it for the first time, this document, the question that suggests itself, and it can be just
24 bluntly put to the witness.

25 MR TAKU: [11:48:05] Yes, yes.

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1 Q. [11:48:07] Why, Witness -- the Prosecutor had told you to provide accurate
2 information. Why did you provide, in a clear position, that you -- to -- in order to
3 receive money? The rigorous -- for example: "The cost of transportation the
4 witness claimed and stood by under rigorous questioning is considered by the FOLC
5 to be too high. His mother whom he claims accompanied (Redacted) was not seen
6 by the FOLC".

7 Witness, do you have any explanation for this, why you made these declarations to
8 the Office of the Prosecutor?

9 PRESIDING JUDGE SCHMITT: [11:48:40] This was not a declaration by the witness.

10 MR TAKU:

11 Q. [11:48:42] Who was not -- the observation --

12 PRESIDING JUDGE SCHMITT: Yes.

13 MR TAKU:

14 Q. What do you say to that --

15 PRESIDING JUDGE SCHMITT: [11:48:43] Observation.

16 MR TAKU: [11:48:45] -- to that observation, to that report by the Prosecutor?

17 Q. What do you say to that?

18 A. [11:48:53] Well, what I can say is that this was not money that I requested for.
19 It was transport that myself and my mother used, which was basically refunded. I
20 did not ask to be given this money.

21 PRESIDING JUDGE SCHMITT: [11:49:16] So I think it is simpler and quicker, and
22 we simply ask: Mr Witness, so did your mother accompany you to this questioning?

23 THE WITNESS: [11:49:35] (Interpretation) We moved together with my mother, but
24 when I went inside the investigation room my mother was not there.

25 PRESIDING JUDGE SCHMITT: [11:49:44] Okay, so I think we -- and if then the

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1 investigators consider the costs too high, that's their problem; let me put it this way.

2 MR GUMPERT: [11:49:52] I know your Honour feels -- perhaps we've spent too long
3 on this already. FOLC, Field office Liaison something, not the Prosecutor.

4 PRESIDING JUDGE SCHMITT: [11:50:02] Thank you for that clarification.

5 MR TAKU: [11:50:06] Thank you so much.

6 PRESIDING JUDGE SCHMITT: [11:50:07] I dared asked, frankly speaking, because I
7 also could not put it into the right drawer, so to speak.

8 MR TAKU: [11:50:18]

9 Q. But it said that under rigorous questioning they asked you to explain, to justify.
10 They didn't see your mother. When they asked you, when they asked you, when
11 you were under rigorous questioning, did you produce your mother, to say she came
12 with me, she is outside, she is here. Did you or you did not?

13 A. [11:50:48] The person who went and received me from the gate saw my mother.
14 And it was that person who asked my mother to remain at the gate.

15 PRESIDING JUDGE SCHMITT: [11:50:59] I think we take it as the witness has now
16 given the evidence. He says the mother was with him and she was not even allowed
17 to get in, if I have understood it correctly.

18 MR TAKU:

19 Q. [11:51:16] About the income substitution for two days, at that point in time,
20 Witness, when they came to interview you, were you working or you were in school?

21 A. [11:51:35] At the time of the investigation I was farming, or, let me say I was
22 actually home but I was farming.

23 Q. [11:51:45] Okay, I can understand, Witness.

24 Your Honours, I'm afraid we have to move to open session so we can close our
25 cross-examination of this Witness.

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1 PRESIDING JUDGE SCHMITT: [11:51:59] Okay, open session.

2 MR TAKU: [11:52:06] And, your Honours, also honourable Ayena, I will hand over
3 to him. I'm sorry, I would have done that professionally. I am obliged to do that.

4 PRESIDING JUDGE SCHMITT: [11:52:15] Of course.

5 (Open session at 11.52 a.m.)

6 THE COURT OFFICER: [11:52:19] We are back in open session, Mr President.

7 PRESIDING JUDGE SCHMITT: [11:52:29] So we are back in open session and then
8 Mr Ayena has the floor. I don't know if you are satisfied with questioning from the
9 second row, so to speak.

10 MR AYENA ODONGO: [11:52:39] (Microphone not activated) your Honours, I'm so,
11 I'm so satisfied that I want to make a few follow-up questions.

12 PRESIDING JUDGE SCHMITT: [11:52:54] No, I think he is fine. He is okay with it.
13 So please continue, Mr Ayena.

14 QUESTIONED BY MR AYENA ODONGO:

15 Q. [11:53:06] Mr Witness, good afternoon. How are you doing?

16 A. [11:53:08] Thank you. I am okay.

17 Q. [11:53:13] I'm sure, we know each other, don't we?

18 A. [11:53:26] I know you because you an MP of my area.

19 Q. [11:53:33] Thank you very much. Mr Witness.

20 PRESIDING JUDGE SCHMITT: [11:53:39] You have recognised that he smiled when
21 he said that.

22 MR AYENA ODONGO: [11:53:42] I did, I did. All right.

23 Q. [11:53:46] Yes, when we see you coming to help Court to establish the truth, we
24 feel very happy, at least we are two here now. Now, I will ask you a few questions,
25 but I will beg that we begin with a private session.

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1 PRESIDING JUDGE SCHMITT: [11:54:07] Then we go to private session.

2 (Private session at 11.54 a.m.) *(Reclassified partially in public)

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 Q. [11:57:22] Can you tell Court whether you heard about the attack on Abok?

22 A. [11:57:42] The attack in Abok, could you say the question again?

23 Q. [11:57:51] Did you hear about the attack that happened in Abok?

24 A. [11:58:05] I heard.

25 Q. [11:58:14] Did you get to know about the people who attacked Abok?

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1 A. [11:58:33] I did not know the people who attacked Abok.

2 Q. [11:58:38] Thank you very much, Mr Witness.

3 Now, Mr Witness, it was very regrettable that young people like you who had

4 nothing to do with the LRA ended up being abducted. We are all very disappointed

5 about it. But when you were -- you found yourself abducted and you found yourself

6 in this group of Dominic Ongwen, did you learn the name of that group?

7 A. [11:59:30] I do not know the name of that group.

8 Q. [11:59:35] You never got to know the group, the name of the group, where

9 Dominic Ongwen was the commander?

10 A. [11:59:45] No. I did not come to know about the name of the group.

11 Q. [11:59:53] Mr Witness, you said in that group Dominic Ongwen was so big

12 actually he was the top commander; is that correct?

13 A. [12:00:09] Yes, that's correct.

14 Q. [12:00:12] And, Mr Witness, you were with that group for close to one year.

15 Did you bother to know whether -- I mean the position, the name of the position

16 which was occupied by Dominic Ongwen?

17 A. [12:00:50] I heard people referring to him as Lapwony Odomi. I do not know

18 where he was, but they would refer to him as Lapwony Odomi.

19 Q. [12:01:08] Mr Witness, can you help Court to understand whether that group

20 was broken up into units?

21 A. [12:01:24] The group had a number of people in it. People lived in some kind

22 of a circle. But he was stationed in the middle. Sometimes there were four people,

23 five people, six people, but people were at different positions and he, on most

24 occasions he was in the middle.

25 Q. [12:01:59] Mr Witness, did you hear a name called Sinia brigade, something

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1 called Sinia brigade when you were in the bush for nearly one year?

2 A. [12:02:22] No, I did not come to know of any Sinia brigade.

3 Q. [12:02:28] So you did not know whether Dominic Ongwen was a brigade
4 commander, a battalion commander, a coy commander or unit commander, you did
5 not get to know that?

6 A. [12:02:47] I knew that he was a senior person. But I did not know whether,
7 whether he was -- what kind of commander he was, whether it was a particular kind
8 of commander, but I did know that he was high ranking.

9 Q. [12:03:09] Now, you, Mr Witness, you've just told Court by way of description
10 that wherever people were assembled he would be right in the middle; is that correct?

11 A. [12:03:24] That's correct.

12 PRESIDING JUDGE SCHMITT: [12:03:28] By the way, I think we can go back to
13 open session, I would say.

14 MR AYENA ODONGO: [12:03:33] Yes, I forgot.

15 PRESIDING JUDGE SCHMITT: [12:03:35] Yes, we all have forgotten a little bit.

16 (Open session at 12.03 p.m.)

17 THE COURT OFFICER: [12:03:45] We are back in open session, Mr President.

18 MR AYENA ODONGO: [12:03:53]

19 Q. [12:03:54] Now, Mr Witness, if Dominic Ongwen would be in the middle, who
20 would be immediately around him? Do you remember what category of people
21 would be immediately around him?

22 A. [12:04:24] The people that were surrounding him, people who mostly
23 surrounded him were people who were under his command like Obol, Ogwal and
24 other people. I do not recall their names. Those were the people that were kind of
25 closer to him.

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1 Q. [12:04:43] Now, Mr Witness, would it surprise you if you were told that
2 Dominic Ongwen, as a matter of fact, was a brigade commander in a brigade called
3 Sinia, one of the brigades of LRA?

4 A. [12:05:12] Yes, I might be surprised because in the past I did not know that he
5 was a brigade commander.

6 Q. [12:05:20] Would it also surprise you if you were told that there were three
7 battalions under that brigade, Sinia brigade?

8 A. [12:05:44] Well, that might not be surprising, because there were other people
9 that probably existed that I did not know were under his command.

10 Q. [12:05:58] Can I -- may I put it to you, mister -- I committed it again. I
11 apologise, your Honour.

12 May I put it to you, Mr Witness, that in every brigade there were battalions and those
13 three battalions I am talking about, each of them had upwards of 80 people, so in the
14 brigade where Dominic Ongwen was the brigade commander there were close to 400
15 people. What do you say about that?

16 A. [12:06:51] Well, that is nothing known to me because the -- there are other
17 people who would come to him and there are other people who would come to him,
18 but I don't know, there were always people coming to him, there were many people
19 there.

20 Q. [12:07:15] Now, Mr Witness, at one point you said Dominic Ongwen could run.
21 Did you see him run? Did you see him at one point when he was running?

22 A. [12:07:35] Yes. I did see him personally at the time when we were attacked.
23 And we had gunships following us from above as well. I did see him run.

24 Q. [12:07:55] Now, Mr Witness, talking about positioning, and when
25 Dominic Ongwen was in the middle, you, as an abductees, where would be your

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1 position in relation to where Dominic Ongwen was?

2 A. [12:08:21] Most times he was in the middle. And I wasn't that far from him.

3 And I gave an estimation earlier that it is from the other door to the other door, so I

4 wasn't very far from him.

5 Q. [12:08:44] Do you know that Dominic Ongwen had escorts who numbered

6 about 25 to 30?

7 A. [12:08:59] The people that I knew, the people that were probably in his inner

8 circle were Ogwal, Obol and some people who I've forgotten, I can't recall their names

9 right now.

10 Q. [12:09:15] Now, Mr Witness, can you tell Court by way of description exactly

11 what would happen when Dominic Ongwen was listening to the radio and how the

12 others who were in the group also benefited from that radio, you know, broadcast?

13 Was everybody called to assemble to listen to the radio, or it was a matter of choice?

14 A. [12:10:01] No, they would not invite everybody to come and listen to the radio

15 broadcast, but the reason why I was able to listen to this was because I was closer.

16 The people who are stationed further away from him would not listen to that, but

17 most times he would listen to it alone, it was just because I was close to him.

18 Q. [12:10:25] Mr Witness, this particular occasion when you heard, you know,

19 radio broadcast, can you tell Court exactly what it was about because you talked

20 about listening to radio and I would imagine that you want to talk to Court about

21 what is relevant to the proceedings before this Court. Did you hear anything during

22 those broadcasts which could be relevant to what is before Court?

23 A. [12:11:10] I heard -- one of the things that I heard was the news, they were

24 reading news. The news related to Odomi. According to the news he was dead,

25 but he was alive and he was listening to the news and he was laughing as well.

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1 That's one of the things that I heard. Sometimes when people are talking, the
2 programmes where people had been welcomed back home, then he would listen to
3 that as well, but he wouldn't listen to the whole programme, he would listen to part
4 of it and then switch it off.

5 Q. [12:11:46] Mr Witness, the last line of question will be about food supplies. My
6 learned colleague asked you about, you know, groups like Caritas and so on and so
7 so, so I want to put it to you in a different way so that you may help Court to
8 understand how the people in the bush were feeding and how they were expected to
9 get their food supplies. Did you ever witness receipt of any food supplies from
10 government or any organisation, international or local?

11 A. [12:12:53] No. Not personally. Most occasions I would notice when people
12 were sent to collect food, but I did not see food being given.

13 Q. [12:13:07] So would it be safe to assume that you had to constantly move out to
14 look for food for survival?

15 A. [12:13:31] As I stated earlier, I went on two occasions to collect food. Other
16 people were usually sent to collect food. I only went twice; the first time, and then
17 the second time was when I escaped. But most times he would send people, he
18 would send the likes of Obol and other people to go and collect food.

19 Q. [12:13:56] Mr Witness, whenever he sent them on those runs, did he always
20 instruct them to kill people in the course of picking the food or it was a question of
21 just instructing them to go and pick the food?

22 A. [12:14:23] I did not hear any instructions telling them to kill people, if they
23 found anybody that they should kill the people. But most times I heard them -- I
24 heard him telling people to go and get food. I did not hear him telling them to kill
25 anybody.

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1 Q. [12:14:44] Mr Witness, you stayed with Dominic Ongwen, I suppose, like
2 a father figure to you. What would you describe Ongwen as? Was he a nice person;
3 was he very aggressive? The kind of person who would give instruction for you to
4 be beaten any time? Was he -- I mean, can you tell Court, in your own experience,
5 what kind of person was Dominic Ongwen.

6 A. [12:15:24] As somebody who was under his command, when he issued
7 instructions, if he instructed you to do something, you have to do it. If you do not
8 do it immediately, if he does not instruct people to kill you, then he would
9 instruct -- he would instruct them to beat you severely but not kill you. When he
10 issues instructions, those instructions have to be followed forthwith; if not, then
11 you are going to be beaten severely.

12 Q. [12:16:04] So he was a disciplinarian?

13 A. [12:16:13] Yes, he was. If you did not do what he has instructed you to do, he
14 would punish you.

15 MR AYENA ODONGO: [12:16:25] Your Lordships, I think this will end my
16 questioning.

17 Thank you very much, Mr Witness. When you go home send my regards to them;
18 I am there.

19 THE WITNESS: [12:16:36] (Interpretation) Thank you.

20 PRESIDING JUDGE SCHMITT: [12:16:37] Thank you, Mr Ayena.

21 Mr Witness, I would also address you personally on behalf of the Chamber.

22 This concludes your testimony, as you are aware of. And on behalf of the Chamber,
23 I would like to thank you that you have made yourself available as a witness in these
24 proceedings and that you came to this Court to help us to find the truth. We wish
25 you a safe trip back.

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1 And we will then have the break until 2.30 and continue then with Witness P-359.

2 THE COURT USHER: [12:17:15] All rise.

3 (Recess taken at 12.17 p.m.)

4 (Upon resuming in open session at 2.29 p.m.)

5 THE COURT USHER: [14:29:47] All rise.

6 PRESIDING JUDGE SCHMITT: [14:29:57] Please be seated. Good afternoon,
7 everyone. Good afternoon, Mr Balikudembe.

8 WITNESS: UGA-OTP-P-0359

9 THE WITNESS: [14:30:11] Good afternoon, my Lord.

10 PRESIDING JUDGE SCHMITT: [14:30:12] Obviously you hear me. Do I pronounce
11 your name adequately?

12 THE WITNESS: [14:30:17] Yes, you have pronounced it correctly.

13 PRESIDING JUDGE SCHMITT: [14:30:20] Thank you very much. I think we could
14 introduce counsel that is new, so to speak, and I see some of course not completely
15 new faces, but I think Mr Hai Do Duc was not present this morning, or was he? So
16 please just perhaps introduce for the record your team for this afternoon.

17 MR DO DUC: [14:30:41] Good afternoon, your Honours. The Prosecution this
18 afternoon, Ben Gumpert, Beti Hohler, Jasmina Suljanovic, Ramu Fatima Bittaye,
19 Shahriar Yeasin Khan, Yya Aragon, and myself, Hai Do Duc.

20 PRESIDING JUDGE SCHMITT: [14:30:57] And I think the other teams have
21 remained unchanged. When it comes to the Defence, it was a loss, as I see, but I
22 don't think we have to delve into that.

23 So Prosecution is now calling Prosecution witness number 359 as its next witness; that
24 is you, Mr Balikudembe. On behalf of the Chamber, I would like to welcome you in
25 this courtroom and to the International Criminal Court.

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1 THE WITNESS: [14:31:26] Thank you, my Lord.

2 PRESIDING JUDGE SCHMITT: [14:31:27] There should be a card in front of you,

3 Mr Witness, with a solemn undertaking to tell the truth. Please, could you read out

4 loud this card.

5 THE WITNESS: [14:31:37] Yes, my Lord. I solemnly declare that I will speak the

6 truth, the whole truth, and nothing but the truth.

7 PRESIDING JUDGE SCHMITT: [14:31:45] Thank you very much, Mr Balikudembe.

8 You have now been sworn in. And shortly before we start with the examination by

9 the Prosecution, I would like to explain some practical matters that you should have

10 in mind when you give your testimony. I think you are aware of the fact that

11 everything we speak about here is written down and interpreted, and to allow for the

12 interpretation we should speak at a rather slow pace so that the interpreters can

13 follow and everything is written down correctly.

14 And please only start speaking when the person that has asked you a question has

15 finished, but that is of course self-evident.

16 If you have yourself any questions, then you can raise your hand so that we know

17 that you want to address the Court and then we would give you the floor.

18 I've assumed that you have understood that. I don't have to question you that.

19 And we start then now with Mr Hai Do Duc and the examination by the Prosecution.

20 MR DO DUC: [14:32:46] Thank you, your Honour.

21 QUESTIONED BY MR DO DUC:

22 Q. [14:32:50] Good afternoon, Mr Balikudembe. * We met before at the

23 refreshing-memory meeting and yesterday. This afternoon I will be asking you

24 some questions on behalf of the Prosecution about your professional background,

25 your duties and responsibilities. I will also ask you about your knowledge of the

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1 attacks at Pajule, Odek and Abok IDP camps. And finally I will ask you about your
2 participation in the meeting with the LRA in 2006.

3 We know that your name is Balikudembe, but please introduce your full name for the
4 record.

5 A. [14:33:31] Yes, my Lord. I'm Colonel Joseph Balikudembe.

6 Q. [14:33:41] Can you tell us the languages that you fully understand and speak.

7 A. [14:33:45] My Lord, I'll be speaking English and I understand it very well.

8 PRESIDING JUDGE SCHMITT: [14:33:51] And we understand you very well.

9 MR DO DUC: [14:33:55]

10 Q. [14:33:55] And what is your mother tongue?

11 A. [14:33:58] My Lord, my mother tongue is Runyankole.

12 Q. [14:34:05] What is your current occupation?

13 A. [14:34:09] My current occupation, I'm in the military and I'm a colonel in the
14 military, and I'm a second in command of 1st infantry division.

15 Q. [14:34:24] And the 1st division of which organisation?

16 A. [14:34:32] UPDF.

17 Q. [14:34:33] What is your rank within the UPDF?

18 A. [14:34:40] My Lord, in the UPDF I'm a Colonel.

19 Q. [14:34:46] When did you first join the UPDF?

20 A. [14:34:48] My Lord, I joined the UPDF in 1985.

21 Q. [14:34:54] Have you always been with the UPDF since 1985?

22 A. [14:35:01] When I joined the UPDF, it was NRA, National Resistance Army, and
23 later on after the promulgation of the constitution of Uganda, it changed in 1995,
24 something like that, it was changed to UPDF.

25 Q. [14:35:24] What was your job between April 2003 and March 2004?

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1 A. [14:35:35] 2003, 2004, first I was a brigade operations and a training officer.

2 Q. [14:35:50] You said that * you work as the brigade operations and training
3 officer. Can you please clarify, which brigades or which organisation?

4 A. [14:36:02] Still in the years you have mentioned, I was a brigade and operation
5 and training officer in, first, 301 brigade UPDF.

6 Q. [14:36:17] Where was the 301 brigade stationed?

7 A. [14:36:20] 301 brigade in the years mentioned was stationed in a place called
8 Patongo.

9 Q. [14:36:32] This might be an obvious question, but could you please clarify if
10 Patongo is in the northern Uganda?

11 A. [14:36:41] Yes. Patongo is in northern Uganda in Pader district. Now it's
12 changed to Agago district.

13 Q. [14:36:52] Please briefly tell us the duties of brigade operations and training
14 officer.

15 A. [14:37:01] My Lord, the duties of brigade operations officer is to receive
16 information from the field commanders, log it on the map, direct the operation forces
17 to make sure that you understand exactly where they are, and when you have any
18 intelligence information, you can be able also to give it to the field commanders.

19 Q. [14:37:42] Is there any specific information that you received from the field
20 commanders?

21 A. [14:37:52] My Lord, if I may remember very well, while I was a brigade
22 operations and a training officer in the 301 brigade in Patongo, I received information
23 relating the attack of Pajule.

24 Q. [14:38:16] You said that you received the information related to the attack of
25 Pajule. Was Pajule located within the area of your responsibility?

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1 A. [14:38:28] Yes, my Lord. Patongo is located in my brigade area of
2 responsibility.

3 Q. [14:38:38] And how did you become aware of this attack?

4 A. [14:38:44] My Lord, in military operations and in any military unit we have
5 radio communication, and we received the radio communication about the attack of
6 Pajule.

7 Q. [14:39:04] Can you explain what is the purpose of the military radio station?

8 A. [14:39:11] My Lord, the purpose of military communication is to give the
9 situation reports, evening, morning, and any time that there is any situation that
10 arises that could be given the commander for a decision making or any help that can
11 be offered to that field force.

12 Q. [14:39:46] And how frequently did you listen to the radio, military radio?

13 A. [14:39:55] My Lord, the radio communication, we have what we call signallers
14 in our military language who normally keeps on the radio to receive information on
15 our behalf on the other side and immediately bring it in writing to us to read and
16 we'll be able to take a decision on any information that has been given.

17 Q. [14:40:30] Please tell us, from what you heard, when did the attack in Pajule
18 happen?

19 A. [14:40:41] The attack, my Lord, in Pajule, it took place, I may not specifically
20 remember the exact date, but it was independence day. That's when the attack of
21 Pajule took place. And according to our radio information that we received, a
22 number of people were abducted, items looted, the abductees included the adults, the
23 children and women.

24 Q. [14:41:29] Do you remember the year of the attack in Pajule?

25 A. [14:41:36] I think it was around 2003 December, 2003, 2003. I may not -- 2003,

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1 around that, yeah.

2 Q. [14:41:53] You said that the attack in Pajule took place during or close to the
3 independence day in 2003. Is it correct to say that it is -- the attack took place on
4 about 9 October 2003?

5 A. [14:42:11] Exactly, October, that's when Uganda has independence, exactly.

6 Q. [14:42:18] Who attacked Pajule?

7 A. [14:42:25] My Lord, the attack of Pajule, we knew that the attack was done by
8 the LRA, and we, our troops on the ground, pursued the attackers. And
9 attackers -- Pajule was north, north, northwest of my location, and the attackers, the
10 LRA, after they attacked they headed eastwards, and we directed the force in Pajule
11 to pursue the attackers.

12 And on our side we also inserted some force to try to intercept the attackers.

13 My Lord, if I may remember, we intercepted the attackers and we managed to rescue
14 some abductees. We also managed to rescue also adults and children. And after
15 their rescue, because we had to get some quicker information because we would not
16 remain with the abductees, the quick information we received, they confirmed to us
17 that the attackers were LRA. We also wanted to know from the rescued people,
18 which included the teachers who had some swollen legs because of moving
19 barefooted, and the information they gave us, the attackers included the LRA
20 commanders, included Dominic Ongwen, Vincent Otti and the other commanders
21 within the LRA.

22 Q. [14:44:43] I have some follow-up questions with you. When you say that the
23 attack in Pajule that you referred to Pajule IDP camp or you refer to Pajule town?

24 A. [14:45:02] I refer to Pajule IDP camp.

25 Q. [14:45:08] You also mentioned that you were able to rescue some of the

1 abductees. Were they men, women or children?

2 A. [14:45:20] The composition of the abductees and the ones that we managed to
3 rescue, the composition were children, adults, men, then young boys, then -- and
4 adults men and adults women.

5 Q. [14:45:44] And how many of the abductees that you were able to rescue?

6 A. [14:45:52] If I may remember, we rescued at least more than 10, but out of those
7 we were able to talk to the adults, especially the teachers.

8 Q. [14:46:08] You said that you were able to rescue some of the children. Could
9 you estimate how old the youngest abductee was?

10 A. [14:46:25] My Lord, if I may remember the abductees, the ages of the children
11 were around 14, 15.

12 Q. [14:46:38] And what kind of physical features did you observe that enabled you
13 to estimate the age of the youngest abductee?

14 A. [14:46:49] My Lord, if I'm a parent and you look at my children and the other
15 one, I really observed that this would be the children. And even with the
16 consultation with the teachers, they all confirmed to us these are children. Their age
17 really could tell that they are -- they were still young.

18 Q. [14:47:19] How many children in the group of the abductees that you were able
19 to rescue of a similar age?

20 A. [14:47:29] We are talking about around 14 children.

21 PRESIDING JUDGE SCHMITT: [14:47:42] Perhaps I may shortly, Mr Hai Do Duc.
22 Where did you get the information from you talked about? You said that you got
23 information about who conducted the attack and who participated. Where did you
24 get this information from?

25 THE WITNESS: [14:47:59] My Lord, this information we got it from the abductees,

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1 especially the teachers, because the information, how they got it, once the LRA would
2 attack, they would mobilise these people and be with them. With that period of time
3 when they are with them, they are able to share information because they talked the
4 same language and the abductees themselves could give -- I mean, the abductors
5 would give information of their composition. That's when they were willing to give
6 us information of those people that had abducted them.

7 PRESIDING JUDGE SCHMITT: [14:48:46] Thank you.

8 Please continue.

9 MR DO DUC: [14:48:50]

10 Q. [14:48:50] During your interaction with the abductees, did they tell you the
11 reason why the LRA wanted to abduct young children?

12 A. [14:49:00] My Lord, the abductees, especially the young children, were easy to
13 be conscripted within the LRA force than the adults. So the LRA likes the young
14 children because they can manipulate them easily than the adults. And the elderly,
15 they were only using them to carry their loot.

16 Q. [14:49:34] And did they also tell you how long they were kept in the bush?

17 A. [14:49:39] Those whom we had abduct -- those whom we rescued had stayed in
18 the bush and moving around around 10 days.

19 Q. [14:49:50] What was the physical condition of the abductees when you first saw
20 them?

21 A. [14:49:57] My Lord, they were exhausted. Others had swollen feet because
22 they were not used to walk. They were totally emaciated and exhausted because
23 they were not used to that kind of treatment.

24 Q. [14:50:18] Mr Balikudembe, I would now like to ask you about your -- another
25 period within the UPDF. Were you still with the 301 brigade after March 2004?

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1 A. [14:50:46] After March 2004, I moved from 301 brigade to 55 infantry battalion
2 as a commander.

3 Q. [14:51:05] Which division were the 55th battalion part?

4 A. [14:51:11] My Lord, if I may remember very well, the 55 battalion was part of
5 5th division, 5th division.

6 Q. [14:51:28] And what was your rank when you joined the 55th battalion?

7 A. [14:51:35] When I joined, my Lord, when I joined the 55 battalion, I was a
8 major -- sorry, I was a captain. And later on within 55 battalion is where I was
9 promoted the rank of major.

10 Q. [14:51:56] What was the area of responsibility of your battalion?

11 A. [14:52:04] My Lord, 55 battalion moved to 1st division later on. And 55
12 battalion was charged to operate in areas of Achokora, the size of Opit, Apac, part of
13 Apac, part of Odek and the nearby areas or villages.

14 Q. [14:52:45] Odek you mentioned that it was a part of the area of your
15 responsibility when you were with the 55th battalion. Were you aware of any attack
16 on the Abok -- sorry, on the Odek IDP camp?

17 A. [14:53:06] Yes, I was aware. Also it was an evening, I was aware about the
18 attack, the same communication as I had earlier said. When they attacked Odek,
19 they, my commanders in Odek, communicated to me.

20 Q. [14:53:31] Apart from the information that you received from your commanders
21 in Odek, were there any other sources that informed you there were an attack in
22 Odek?

23 A. [14:53:47] Yeah, of course, other sources were civilians who were running away
24 from that attack. And when the attack took place they communicated to me. And I
25 had also to move on ground because I was some kilometres away from Odek. But

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1 after the attack in the morning, I had to move to Odek.

2 Q. [14:54:22] How was the information on the attack of Odek communicated to
3 you?

4 A. [14:54:28] My Lord, it was communicated through a military radio
5 communication.

6 Q. [14:54:35] Do you remember when this did happen, the attack on Odek?

7 A. [14:54:43] My Lord, attack, attack on Odek, if I may remember, 2004, I may not
8 remember the month, but I remember very well it took place in around 2004. And I
9 visited the area to assess the damage.

10 Q. [14:55:15] Again, do you know who lived in the Odek IDP camp?

11 A. [14:55:21] My Lord, the IDP camp were civilians, the displaced, people
12 displaced in the camps, and they had children, they had their household properties.
13 And when the attack happened, the LRA burnt the camp, abducted people and went
14 away with a lot of items, including livestock.

15 PRESIDING JUDGE SCHMITT: [14:55:56] Microphone please, Mr Hai Do Duc.

16 MR DO DUC: [14:56:00]

17 Q. [14:56:01] Do you know which LRA groups were engaged in the Odek attack?

18 A. [14:56:09] My Lord, when the attack of LRA -- the attack on Odek took place, my
19 Lord, when I reached on ground I mobilised the force to pursue the group to be able
20 to rescue the abductees maybe and some items. And indeed, we pursued the LRA
21 and we came into contact with the LRA. My forces came into contact with the LRA.
22 North northwest of Odek is a place called Ocim. They managed to rescue some
23 young children. And I think we also put out of action some of LRA attackers. And
24 we managed also to get information that indeed the attackers were LRA. And a
25 group of that attack, those who attacked were from a group of Dominic Ongwen.

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1 Q. [14:57:22] And how did you know that the group of Dominic Ongwen attacked
2 Odek?

3 A. [14:57:33] My Lord, as I earlier said, whenever we pursued the LRA, we rescue
4 children or adults. We may ask which group was this, then the information
5 the -- because they have been rescued, they would give us information of which LRA
6 commander was involved in the attack. So the abductees confirmed with us it was a
7 group of LRA under the command of Dominic Ongwen.

8 Q. [14:58:12] Apart from some of the people who were abducted during the attack
9 that you've just mentioned, please tell the Court what you know about the
10 consequences of the Odek attack on the civilians who lived in the camp?

11 A. [14:58:28] First of all, after the attack, my Lord, the LRA burnt their homes.

12 They burnt, they took away their properties. They were left homeless. People were
13 left homeless because a number of homes, grass-thatched homes were burnt down.

14 PRESIDING JUDGE SCHMITT: [14:59:04] So perhaps just so that we can picture it, I
15 understand that you relatively early after the attack visited Odek. So could you
16 describe what you saw there also in terms of perhaps injured people, dead people,
17 whatsoever, what you, how you perceived it at the time.

18 THE WITNESS: [14:59:30] My Lord, when they attacked, we had -- there were some
19 dead persons in that camp. People were killed. Even one of my commanders
20 called Drisa was also killed in that particular attack of Odek. And I could not waste
21 time, a lot of time in that camp. But to mobilise the force, first to pursue the
22 attackers and be able to rescue other abductees.

23 Before this Court, I want to say, I realised that there were some deaths. They burnt,
24 burnt homesteads, looted items and there was a kind of despair. People were
25 traumatised because the survivors could not believe what exactly happened. It was

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1 a very, very nasty situation.

2 PRESIDING JUDGE SCHMITT: [15:00:33] Thank you.

3 THE WITNESS: [15:00:35] Almost the whole camp was burnt down.

4 PRESIDING JUDGE SCHMITT: [15:00:39] Thank you. Please continue.

5 MR DO DUC: [15:00:40] Thank you, your Honour. You read my mind. That was
6 a question that I wanted to ask.

7 PRESIDING JUDGE SCHMITT: [15:00:45] Yes, that sometimes happens that I'm too
8 quick and I'm stepping in too quick perhaps. But please continue.

9 MR DO DUC: [15:00:54] Thank you very much.

10 Q. [15:00:58] Mr Balikudembe, you said that you were able to rescue some of the
11 abductees. How many of them were you able to rescue?

12 A. [15:01:09] My Lord, I may not remember the number, but the number could be
13 more than three, the ones we managed to rescue and get information.

14 Q. [15:01:22] And again, were they men, women or children?

15 A. [15:01:27] At least I realised two of the rescued were young children.

16 Q. [15:01:39] Can you please tell the Court their age?

17 A. [15:01:41] I beg your pardon? I beg your pardon?

18 Q. [15:01:48] Can you please tell the Court the age of the children?

19 A. [15:01:54] My Lord, the age, between 10 to 15, within there.

20 Q. [15:02:01] And what did you see that make you estimate the age of the children?

21 A. [15:02:07] Of course, you can tell that the age of 15, 14 is able to explain the
22 situation than somebody of 10 and below.

23 Q. [15:02:26] During your --

24 PRESIDING JUDGE SCHMITT: [15:02:28] And, Mr Do Duc, we had an answer to a
25 similar question earlier on, and I think the manner in which the witness has assessed

1 this issue would not have changed, I would say.

2 MR DO DUC: [15:02:44] I'm guided, your Honour. Thank you.

3 Q. [15:02:47] During your follow-up mission after the Odek attack, apart from the
4 abductees, did you find any LRA rebels?

5 A. [15:02:59] Yeah. In Ocim, yes, we did fight LRA groups within Ocim after the
6 Odek attack. These were areas of Loyojong, Ocim, near Atoo hills. And I
7 remember after -- during our encounters with LRA, the LRA, because of their
8 defensive mechanism, I think they had knowledge of where there were some bees.

9 And they had turned these bees against my forces. And that was memorable
10 because they scampered in a different direction, in that Odek follow-up or attack.

11 PRESIDING JUDGE SCHMITT: [15:03:57] So this may really sound a little bit silly,
12 this question, but in which direction did the bees fly? Did they fly only to your
13 direction or in different directions?

14 THE WITNESS: [15:04:13] My Lord, in a different direction. Of course, after
15 releasing, the LRA were trying to stop our pursuit, and of course the bees flew
16 different direction to attack each and everybody. But I think to their advantage,
17 maybe those ones who directed it to our forces.

18 PRESIDING JUDGE SCHMITT: [15:04:36] So each and everybody. This was
19 exactly what I wanted to know.

20 THE WITNESS: [15:04:41] Yeah.

21 PRESIDING JUDGE SCHMITT: [15:04:41] Please, Mr Do Duc.

22 MR DO DUC: [15:04:44]

23 Q. [15:04:44] You said that you found some LRA rebels. What did you do with
24 them? Did you capture them?

25 A. [15:04:55] I think we captured one, and we also, we also rescued, I think one, if I

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1 may remember. It has taken a long time.

2 Q. [15:05:07] Did you or your colleagues talk to him?

3 A. [15:05:10] I beg your pardon?

4 Q. [15:05:16] Did you or your colleagues talk to the captured rebel?

5 A. [15:05:19] My colleagues, my forces?

6 Q. [15:05:22] Yes.

7 A. [15:05:22] Yes, yes, yes.

8 Q. [15:05:25] Please tell us the conversation that you or your colleagues had with
9 him.

10 A. [15:05:31] I beg your pardon? I don't understand you.

11 Q. [15:05:35] I'm sorry. Maybe my question was not clear. We would like to
12 know about your conversation that you or your colleagues had with the captured
13 rebel?

14 A. [15:05:48] Oh, yeah. In fact, whenever we would capture any LRA group,
15 among the group, anyone, the first interaction we would ask "What's your name?
16 Which group are you?" and other information that we need to know.

17 Q. [15:06:13] Did he tell you who his commander was?

18 A. [15:06:18] Yeah. The group was of Dominic Ongwen because almost that area
19 of Ocim, Atoo hills and places like Loyoajong, it was a hide out for Dominic Ongwen,
20 and that's where he used to operate.

21 Q. [15:06:39] Mr Balikudembe, I want to ask you about another event during your
22 term with the 55th battalion. Have you heard of a place called Abok?

23 A. [15:06:53] Abok, Abok, Abok, Abok in Apac district? If you may remind me,
24 there is Abok of Apac district.

25 Q. [15:07:08] And was Abok also located within the area of your responsibility?

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1 A. [15:07:14] Yes. It was located in my area of responsibility, and it was near my
2 detachment of Achokora.

3 Q. [15:07:24] During that time, were you aware of any attack on the Abok IDP
4 camp?

5 A. [15:07:32] I beg your pardon?

6 Q. [15:07:36] During the time that you were with the 55th battalion, were you
7 aware of any attack on the Abok IDP camp?

8 A. [15:07:45] Yes, I became aware about the attack of Abok IDP camp otherwise at
9 my headquarters in Corner Gra.

10 Q. [15:07:56] And how did you become aware of this attack?

11 A. [15:08:00] I got a radio communication that there was an attack on Abok by LRA
12 group.

13 Q. [15:08:09] Do you remember when this attack occurred?

14 A. [15:08:16] I may not remember the dates and the day, but still 2004, around
15 there.

16 Q. [15:08:28] And who lived in the Abok IDP camp?

17 A. [15:08:34] The camp of Abok, we had the adults, children, women, and the
18 elderly within the camp.

19 Q. [15:08:47] You said that there was an attack in Abok by the LRA group. Do
20 you know which LRA group was engaged in the Abok attack?

21 A. [15:08:59] The LRA group that was engaged in Abok attack, it was a group of
22 Dominic Ongwen because we pursued and managed to rescue some of the abductees.
23 And when we rescued some of the abductees, they clearly stated that the person who
24 led the attack in Abok was called Okello Kalalang. Okello Kalalang was a self-styled
25 major of LRA. And Okello Kalalang was part of Dominic Ongwen's group. And

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1 we intercepted the group along Acet, Acet-Corner Gra road.

2 Q. [15:09:53] Please tell us about the relationship of Okello Kalalang and Dominic
3 Ongwen.

4 A. [15:10:06] Okello Kalalang was a notorious commander of Dominic Ongwen
5 that in most cases Dominic himself would assign him these nasty operations. And in
6 Abok, they killed the people, they abducted, they looted property, and this group that
7 attacked in Abok was under the command of Okello Kalalang.

8 Q. [15:10:36] How many abductees you were able to rescue?

9 A. [15:10:43] We rescued more than five abductees and we also recovered,
10 recovered some livestock, like goats, from that group that had looted Abok after
11 killing and abducting people.

12 Q. [15:11:07] And within the group of five abductees, were there any children?

13 A. [15:11:14] There were some children aged the same, 14, 15, 16.

14 Q. [15:11:25] During the Abok operations, apart from the abductees, did you find
15 any LRA fighters?

16 A. [15:11:33] Yes, we did, my Lord. We had several encounters with LRA after
17 the Abok attack, and we sometimes would rescue the abductees because they used to
18 take many people from each attack.

19 Q. [15:12:01] Did you capture any LRA fighters?

20 A. [15:12:05] We did. I think we did capture, if I may remember, two or one. I
21 don't remember very well.

22 Q. [15:12:11] Where did you capture them?

23 A. [15:12:14] We captured them, I think, in a place called Loyoajong, Loyoajong,
24 Ocim, somewhere there.

25 Q. [15:12:25] You mentioned a place called Ocim. May I clarify. May I ask for

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1 your clarification whether the incident happened in Ocim after Abok attack or after
2 Odek attack?

3 A. [15:12:45] The incident of bees?

4 Q. [15:12:47] Yes.

5 A. [15:12:48] The incident of bees, I think it happened after Abok attack, if I may be
6 clear to that.

7 Q. [15:12:59] And do you know where Dominic Ongwen went after the attack on
8 Abok?

9 A. [15:13:20] Dominic Ongwen was within Atoo hills around Loyoajong. Those
10 are the places that he was hiding. Physically he did not participate in Abok but he
11 sent Okello Kalalang to attack Abok.

12 Q. [15:13:37] Mr Balikudembe, I'm going to leave discussion of the LRA attacks,
13 and I want to move on to another period of your life with the UPDF. What was your
14 job between December 2005 and December 2006?

15 A. [15:13:58] Around that time I was -- I left 55 battalion and briefly I became a
16 battalion commander of Okwang and then later on over to 601 brigade.

17 Q. [15:14:17] Please tell us what was your position with the 601 brigade?

18 A. [15:14:25] In 601 brigade I first became the brigade operation and training officer,
19 and later on I became the commander of 601 brigade. This was after, this was after
20 the commander had gone for a course. So I took over from him to command the 601
21 brigade.

22 Q. [15:14:53] Briefly outline for the Court your duties as a brigade commander.

23 A. [15:14:57] My duties as a brigade commander was to make sure that the welfare
24 of the troops in the field, to make sure that the coordination of the operations are well
25 organised and to make sure that I direct the forces to where I expected the LRA to be

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1 hiding.

2 Q. [15:15:33] Were there any LRA groups present in the area of your responsibility
3 during you were with the 601 brigade?

4 A. [15:15:44] Yes. The LRA was in my area of responsibility. And particularly
5 the LRA groups that was in my area of responsibility included the Sinia brigade of
6 Dominic Ongwen and Okello Okuti. I don't know whether Okello Okuti was part of
7 Dominic Ongwen, but those were the LRA groups that were in my area of
8 responsibility.

9 Q. [15:16:20] What was Dominic Ongwen doing at the time?

10 A. [15:16:26] By that time Dominic Ongwen was a self-styled brigadier.

11 Q. [15:16:35] You've mentioned a person called Okello Okuti. Could you please
12 tell the Court what you know about him?

13 A. [15:16:49] I knew Okello Okuti because my brigade also handled part of his
14 attacks in Pader, especially in the areas of Pader itself, Kalongo and part of Pajule and
15 south, south of Patongo.

16 Q. [15:17:18] During the time that you were the commander of the 601 brigade,
17 were there any attacks carried out by Sinia brigade?

18 A. [15:17:32] Yeah, several attacks by Sinia brigade did happen. My Lord, I
19 remember the same brigade, Sinia brigade of LRA attacked, ambushed some vehicle
20 along Pajule and -- Pajule and Pader and several attacks within my area of
21 responsibility.

22 Q. [15:18:10] Let's focus on Dominic Ongwen. Have you ever met him in person?

23 A. [15:18:17] Yes, I have ever met Dominic Ongwen. And I met Dominic Ongwen
24 when the president of the Republic of Uganda declared the ceasefire to allow the
25 peace talks to take shape.

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1 PRESIDING JUDGE SCHMITT: [15:18:43] Microphone. Microphone, please. It
2 might have been on, but it did not come through.

3 MR DO DUC: [15:18:50] No, I'm sorry, your Honour, because I pressed the wrong
4 button.

5 PRESIDING JUDGE SCHMITT: [15:18:54] That can happen.

6 MR DO DUC: [15:18:56]

7 Q. [15:18:56] And do you remember when did it happen, the ceasefire?

8 A. [15:19:09] The ceasefire happened in 2006, towards the end of 2006, that's when
9 they declared ceasefire.

10 Q. [15:19:25] And who were the parties --

11 PRESIDING JUDGE SCHMITT: [15:19:28] I would not want to say you did it again,
12 Mr Do Duc, but indeed.

13 MR DO DUC: [15:19:32] I'm very sorry, because I --

14 PRESIDING JUDGE SCHMITT: [15:19:35] That's no problem at all really. As I said,
15 it happens to everybody here sometimes.

16 MR DO DUC: [15:19:41]

17 Q. [15:19:41] Do you remember who were the parties to the ceasefire agreement?

18 A. [15:19:51] On Ugandan side, we had the current Ugandan prime minister was
19 heading the team. Then on the other side we expected the LRA commander Joseph
20 Kony. And maybe to name his team, I can't dare.

21 Q. [15:20:18] Can you please tell us the content, very briefly, about the content of
22 the ceasefire agreement?

23 A. [15:20:27] Yes, if I may tell this honourable Court is that when the ceasefire was
24 announced, it directed us that we should cease fire, we should not attack any LRA
25 group, and the LRA should assemble in Owiny-Kibul to make sure that we don't

1 disrupt any ceasefire.

2 Q. [15:21:05] And you said that you met with Mr Dominic Ongwen during the
3 ceasefire agreement. Do you remember the date of the meeting?

4 A. [15:21:11] My Lord, I may not remember the date of the meeting with Dominic
5 Ongwen, but the fact remains, after the declaration of the ceasefire, I think Dominic
6 Ongwen felt insecure to -- because he did not know exactly whether we have
7 complied with the directives of the ceasefire, so Dominic Ongwen, he tried to, he
8 communicated through writing in Acholi, he wrote particularly to me, he sent an
9 emissary to come and ask for a passage.

10 So I received a radio communication from my commanders who were patrolling the
11 road that we have received a person who is calling himself an LRA commander and
12 then that that person has a letter for you.

13 I said, "From LRA, writing to me?"

14 He said, "Yes, sir."

15 I said, "Okay. I'm on the way coming."

16 I had my pickup with the escorts, like four escorts. I said, "Please wait. Let me
17 come and handle that situation."

18 That was around November, something like that.

19 So I moved and met with my commander. And this person they were talking about,
20 he was a bit in the bush. My Lord, I directed my commander that day, after handing
21 over the sheet to me, I said, "I don't know how to read Acholi."

22 But there was a soldier who knew Acholi. He read it before me and he said, "No,
23 this is a letter to you from Dominic Ongwen requesting for their passage because of
24 the ceasefire."

25 Then I asked, "Then who is the person that brought the letter? They are somewhere

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1 there. Go and bring that person."

2 The soldier went and called the person. Then there was an interpreter for me in

3 Acholi to Swahili. And after understanding, I told the person, "Please go, go and call

4 Dominic Ongwen to come here."

5 And indeed, Dominic Ongwen within 20 minutes, the other person who had brought

6 the sheet brought Dominic Ongwen.

7 Q. [15:24:30] And the person who delivered the sheet from Mr Dominic Ongwen,

8 did you talk to him?

9 A. [15:24:45] Yes, I did talk to him, because somebody was interpreting because he

10 was talking in Acholi, and one of my officers was interpreting for me. And I did talk

11 to him and I told him to go and tell Dominic Ongwen to come.

12 PRESIDING JUDGE SCHMITT: [15:25:08] Did he come alone?

13 THE WITNESS: [15:25:11] No. Dominic Ongwen, after the other commander who

14 Dominic Ongwen sent went and spent for some 20 minutes, then I saw a group of

15 around 80, 80 to -- more than 80, per se, more than 80 coming. And when I -- we

16 were in the middle of the road. Then I signalled them calling them.

17 Then the other person I earlier met, he came ahead of them and he introduced to me

18 that this is Dominic Ongwen.

19 And Dominic Ongwen was walking limping a bit, limping. And then we shook

20 hands, and I directed him to go to under a tree and we started some discussion.

21 MR DO DUC: [15:26:17]

22 Q. [15:26:17] I will ask you about the conversations that you had with Mr Dominic

23 Ongwen. But first I would like you to focus on the group of 80 people who came to

24 the meeting with Dominic Ongwen. Were they men, women or children?

25 A. [15:26:37] My Lord, the 80 people I'm talking about, first I may categorise them,

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1 they were young, young whom I can call children were having some mixed clothing,
2 on top a military shirt, down a civilian clothes, mixed like that, and they held some
3 guns. And there was a young boy of around 15, 16 who had a bigger gun.

4 And they had women. I realized that there were some, also some pregnant women
5 with children, holding children of around two years, three years, four years,
6 something like that. And some young boys and some older people in that group.

7 So when I received Dominic Ongwen, I think he talked to Acholi, to them through
8 one of their commanders, as we went to under a tree, other group moved inside of the
9 bushes.

10 Q. [15:28:00] I should like to talk to you about the group of women. How many of
11 them were women?

12 A. [15:28:10] I may not remember the number of women that were in that group,
13 but at least I saw some women in the group.

14 Q. [15:28:21] Do you know the roles of the women in the LRA?

15 A. [15:28:29] It had become a knowledge for whoever we abduct, whoever is
16 abducted as a young girl, they end up shared, they were sharing them to commanders,
17 and they turned them into women. That's basically what this group of young girls
18 were being shared among the commanders.

19 Q. [15:29:02] And what was the basis of your knowledge?

20 MR AYENA ODONGO: [15:29:09] Your Honours.

21 PRESIDING JUDGE SCHMITT: [15:29:10] Mr Ayena, but you would also have to
22 put the microphone on.

23 MR AYENA ODONGO: [15:29:14] Yes, you already told me.

24 My Lord, I do not know whether he's trying to canvass this information as a matter of
25 knowledge or as a matter of information.

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1 PRESIDING JUDGE SCHMITT: [15:29:31] There is -- let me put it this way -- there is
2 some truth in it, what Mr Ayena is saying. I think I would move to another point
3 because the witness I think has made clear it was sort of a general knowledge. But
4 this indicates that he has not specifically observed something in that respect, I would
5 say at least. So I think there are other points of interest to discuss with this witness.

6 MR DO DUC: [15:29:59] I'm guided, your Honour. I just follow it up with the
7 witness because he said that it had become a knowledge. That's why I asked a
8 question. But now I'm guided by your Honour.

9 PRESIDING JUDGE SCHMITT: [15:30:07] Of course, of course. But you can, you
10 know, with a little bit of fantasy, you can imagine where it came from. And that
11 might be, it might have been very general, but we have a lot of evidence here in the
12 courtroom where we discuss these matters.

13 MR DO DUC: [15:30:22] Thank you. And I'll move on to another point.

14 Q. [15:30:25] And Mr Witness, or Mr Balikudembe, in the group of women, can you
15 please estimate the age of the youngest girl?

16 PRESIDING JUDGE SCHMITT: [15:30:39] Mr Ayena, but he may ask the women he
17 saw there. Why not?

18 MR AYENA ODONGO: [15:30:49] Just a point of small correction. The gentleman
19 sitting in front of us is a colonel, and I would insist that he should be addressed as a
20 colonel, Colonel Balikudembe.

21 PRESIDING JUDGE SCHMITT: [15:31:01] No, no, no, we don't, we don't use the
22 titles here, Mr Ayena.

23 MR AYENA ODONGO: [15:31:09] I see.

24 PRESIDING JUDGE SCHMITT: [15:31:08] We don't use the titles.

25 MR AYENA ODONGO: Because to my knowledge --

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1 PRESIDING JUDGE SCHMITT: No --

2 MR AYENA ODONGO: -- he introduced himself as such.

3 PRESIDING JUDGE SCHMITT: [15:31:12] No, no. You know, in his civilian life he is
4 a colonel, but here in the courtroom we don't refer to these titles.

5 MR AYENA ODONGO: [15:31:20] I'm guided, your Honour.

6 PRESIDING JUDGE SCHMITT: [15:31:21] We refer, if it is a counsel, if it is at all, or
7 if it is a judge, presiding judge, but this is the function. But not to these titles. We
8 didn't do that. So everything is okay with the examination by Mr Do Duc in that
9 respect.

10 MR DO DUC: [15:31:33] Thank you, your Honour.

11 Q. [15:31:36] And I'm going to repeat my question: Please tell the Court the age of
12 the youngest girl that you saw in the group of the women who came at the meeting
13 with Dominic Ongwen?

14 A. [15:31:48] The women I may not know the, I may not remember the numbers,
15 but I realised they were women and they were young women, as old as 15, and they
16 were adults also, above 18.

17 Q. [15:32:07] You also said that you saw a group of young children. How many
18 young children did you see at the meeting?

19 MR TAKU: [15:32:33] Your Honour, just a point for us. We've discussed this thing
20 about the question of young children before. Children are children and I do not
21 know, may ask other questions to put them within a category of the question of
22 young children.

23 PRESIDING JUDGE SCHMITT: [15:32:44] Yes, yes. But, yes, it's, it's -- strictly
24 speaking, it's correct what you say, Mr Taku. But I'm sure Mr Do Duc will follow up
25 and will ask then how old these young people, young people were.

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1 MR DO DUC: [15:32:57] I'm happy to rephrase my question.

2 Q. [15:33:01] How many children that you saw at the meeting?

3 A. [15:33:09] My Lord, I remember at least there were more than 15, 15 or 20.

4 Q. [15:33:20] And please tell the Court the age of the youngest child that you saw?

5 A. [15:33:25] The youngest is 14.

6 Q. [15:33:30] What did you see that made you say that?

7 A. [15:33:34] Because I estimate the age because I'm also an adult. I have eyes. I
8 had -- as I said, I can estimate any age and the size itself can tell.

9 PRESIDING JUDGE SCHMITT: [15:33:50] And Mr Witness has already said that he
10 is a father, and I think he is still a father.

11 THE WITNESS: [15:34:00] Thank you, my Lord.

12 MR DO DUC: [15:34:04]

13 Q. [15:34:04] And do you know the roles of the children in the group who came to
14 the meeting?

15 A. [15:34:13] Some of the children that were in the meeting and who remained
16 close to us, they were the guards of Dominic Ongwen.

17 Q. [15:34:23] Please tell us why you know or why you say that they were the guard
18 of Dominic Ongwen?

19 A. [15:34:35] The reason why I say that they were the guards of Dominic Ongwen,
20 Dominic Ongwen being a self-styled brigadier and a commander of the group, maybe
21 he felt insecure and he -- and personally I had also my protection. So those were
22 his -- they were armed, they were armed and close to him.

23 PRESIDING JUDGE SCHMITT: [15:35:09] Mr Ayena is rising again.

24 MR AYENA ODONGO: [15:35:12] Mr President, I do not know this term

25 "self-styled" because, you know, somebody was a brigadier. And just, although you

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1 may not be referred to here as a brigadier, I do not know whether it is proper for my
2 client to be referred to as self-styled, because, of course, that is subject to enquiry as to
3 whether he by himself assigned the title of brigadier to himself. I thought it would
4 be just sufficient to say brigadier.

5 PRESIDING JUDGE SCHMITT: [15:35:54] That is of course true. It would be
6 enough to say that.

7 And perhaps, Mr Witness, simply stay away from the self-styled. I know why you
8 are saying that. But simply stay away from that so we don't have further discussions
9 in that respect. Of course we have here sitting an army person and we have the
10 so-called LRA. And yes, I understand.

11 I would not say -- I would not sustain your objection, but simply, I would simply ask
12 the witness to stay away from this formulation.

13 MR AYENA ODONGO: [15:36:33] Obligated, your Honour.

14 MR TAKU: Your Honour --

15 PRESIDING JUDGE SCHMITT: [15:36:34] (Microphone not activated) We have
16 discussed this enough now.

17 MR TAKU: [15:36:35] No, I'm not objecting, I'm just curious. Maybe he might
18 explain to us why he used the word "self-styled". Maybe your Honours will know it.
19 I think --

20 PRESIDING JUDGE SCHMITT: [15:36:42] No, no, no.

21 MR TAKU: [15:36:43] It seems relevant to me in the conduct of these proceedings.

22 PRESIDING JUDGE SCHMITT: [15:36:48] No. You can explore this when there is
23 the Defence examination. Not now.

24 Mr Do Duc.

25 MR DO DUC: [15:36:59]

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1 Q. [15:36:59] Now let's talk about Dominic Ongwen. How did he look physically?

2 A. [15:37:03] First of all, my Lord, Dominic Ongwen, he was healthy. He was

3 limping. He had some deformity on his body. He could not walk normally.

4 That's how I observed him.

5 Q. [15:37:27] And how was he dressed?

6 A. [15:37:31] He was, Dominic Ongwen was dressed in military attire with military

7 pips, brigadier pips.

8 PRESIDING JUDGE SCHMITT: [15:37:49] Just shortly, Mr Do Duc. When you say

9 he walked with a limp, was it -- did you have the impression that it, it really hindered

10 him a lot in moving, so that we can understand it a little bit? You know, there is

11 something like a slight limp. There is something that is what you will think a

12 problem has, the person has problems walking, something like that.

13 THE WITNESS: [15:38:12] My Lord, according to my observation, I think he had a

14 permanent, a permanent deformity in movement. Maybe he could have got injured

15 in all these battles, but he had some difficulty in movement, but which looked to be

16 permanent, not of recent.

17 MR DO DUC: [15:38:37]

18 Q. [15:38:37] And did you speak to Dominic Ongwen?

19 A. [15:38:40] Yes, my Lord. As I welcomed Dominic Ongwen, we sat under a tree

20 and we had a lengthy discussion.

21 Q. [15:38:55] In which language did you speak to him?

22 A. [15:38:59] My Lord, at first I thought Dominic Ongwen could be, would be

23 fluent in Swahili, but I realised that he was not fluent in Swahili. And he had to

24 be -- we had to get, he had to get interpreter from one of his group and for us to

25 communicate.

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1 Q. [15:39:23] Do you remember the name of the interpreter?

2 A. [15:39:33] Yes. The person that he, because when he, when he came, we talked
3 to -- I talked to him in Swahili. He was answering in Swahili. But later on, when
4 we sat down, we continued in Swahili and he could not understand Swahili. And
5 later on he introduced to me some of his commanders, and one of his commanders
6 called Ayumani, Ayumani or Adjumani, something like that. He was interpreting
7 for him.

8 Q. [15:40:02] Please tell us about your lengthy conversation with Mr Dominic
9 Ongwen during the meeting?

10 A. [15:40:20] When we sat down, after getting an interpreter from his side, we
11 started discussing about the encounters we have -- I have had with him. And I also
12 reminded him about the Ocim incident where the swarm of bees were released to my
13 forces. He smiled a bit and he remembered and he confirmed that they were his
14 men.

15 I also asked him "What about you surrendering and remaining with me?"

16 He said "No, no, no, I cannot surrender."

17 Then I also asked him whether we can have the young children left with me.

18 He said "No, no, no. These young children, they can walk."

19 I said "But the distance of Owiny-Kibul and Uganda, this place to Owiny-Kibul
20 towards the DRC border, it is a long distance, including the river."

21 He said "No. They'll still move."

22 So he was totally hesitant. Then eventually I asked him "Is it okay if I can buy you a
23 soda?"

24 He said yes. He agreed.

25 I sent my vehicle. They brought a crate of Coca-Cola, to be precise, and we took the

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1 sodas together. And we continued discussing until other people also realised that
2 they had the meeting with Dominic Ongwen.

3 Q. [15:42:30] At all times during the conversation that you had with Dominic
4 Ongwen, Mr Ayumani was there to interpret your conversation?

5 A. [15:42:41] Yes. Mr Ayumani was all the time there with other commanders, if
6 this Court may allow me to mention them, because he introduced these commanders
7 to me, introduced one of the commanders called Acaye Doctor, Okello
8 Kalalang -- Acaye Doctor, Okello Kalalang, Ayumani, and others. I may have
9 forgotten the names, but I remember he introduced them to me.

10 Q. [15:43:22] And just to be clear, you said that he introduced some of the
11 commanders to you. Did you mean Dominic Ongwen?

12 A. [15:43:37] Dominic Ongwen himself, he is the one who introduced to me his
13 commanders Ayumani, Okello Kalalang, Acaye Doctor, he introduced them to me.
14 And other commanders there, I had forgotten their names.

15 Q. [15:43:57] Was this the only time you tried to convince Dominic Ongwen to
16 surrender?

17 A. [15:44:02] My Lord, Dominic Ongwen, he stayed for some time and even he
18 slept around, and I also slept around. He did not go that very evening. And even
19 other leaders who joined us engaged Dominic Ongwen in a discussion and offered to
20 get children out of his group since it is a ceasefire, and they confirmed to him that this
21 ceasefire is real, we can have children; you adults as commanders, you can proceed.
22 Dominic Ongwen refused.

23 As we were discussing with Mr Ongwen, he received a telephone conversation from
24 somebody I did not understand. The telephone came from a different person. He's
25 a journalist in Gulu, Gulu district in Uganda. He came and handed over the

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1 telephone to him. And as Mr Dominic put the telephone on his ears, Dominic
2 Ongwen stood up and said, "Sir." He continued talking in Acholi. I did not
3 understand what they were talking.

4 Then later on Dominic Ongwen passed over the phone to me, that somebody wants to
5 talk to you.

6 Then I realised that somebody introduced him to me that he was Mr Vincent Otti.

7 And Otti told me that, "Commander, don't do anything to my group. Don't arrest
8 anybody. Please let them all come. We are here. We are waiting for them. We
9 are for peace talks. Please let them come. Don't do anything, please, please."

10 I said, "No problem. This is ceasefire. No problem."

11 My Lord, I remember telling Mr Otti that can't we remain with children?

12 He said, "No, no, no, please. Let everybody come."

13 Then I returned the phone to Mr Ongwen and they continued talking, and then later
14 on he returned the phone to one of those journalists and he sat down.

15 MR DO DUC: [15:47:09]

16 Q. [15:47:09] Who was Vincent Otti?

17 A. [15:47:15] Vincent Otti was one of LRA second in command, second in
18 command after Joseph Kony, the LRA overall commander.

19 Q. [15:47:27] In which language did you speak to Vincent Otti?

20 A. [15:47:33] Vincent Otti, my Lord, he knew English and we were talking in
21 English.

22 Q. [15:47:38] You mentioned earlier that other leaders also joined the meeting. I'm
23 going to ask you about the groups of the people attending the meeting. Apart from
24 you and the LRA, who else were also present at the meeting?

25 A. [15:47:58] My Lord, other leaders that they attended the meeting by then was

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1 Mr Ocora was the resident district commissioner of Gulu. Now he's late. He died.

2 I remember Bishop Odama of Gulu. He also attended, came and attended the
3 meeting.

4 On the part of UPDF, we had our division, operation and training officer, Lucky
5 Kidega. He also came and attended the meeting and, other senior people that came
6 and attended the meeting.

7 We had Okot Lapolo, who was RDC, resident district commissioner, Kitgum, he also
8 was there. He attended the meeting.

9 Q. [15:49:09] Have you heard of someone called Tingira?

10 A. [15:49:13] Yes, Tingira Ruhumba. Tingira was our division and intelligence
11 officer, he also came and attended our meeting and later on Richard Atoo, something
12 like that, they also came and attended the meeting.

13 Q. [15:49:34] Earlier you said there was a journalist who passed the phone to
14 Dominic Ongwen. Do you remember the name of the journalist?

15 A. [15:49:43] My Lord, the journalist who passed over the phone to Mr Ongwen
16 was called Lacambel, Lacambel. He was a radio presenter in Gulu. He's the one
17 who passed over the phone to Mr Ongwen.

18 Q. [15:50:08] Were there any representatives from the NGO present at the meeting?

19 A. [15:50:14] My Lord, because, as I said, the meeting between me and Dominic
20 Ongwen, as it took long, it also attracted some NGOs, maybe the Red Cross to be
21 specific. They came and also they tried to talk about the children, and Dominic
22 Ongwen seemed not to have wanted to discuss about it with them. But they said:
23 Okay, can we offer the blankets to you, to your people, so that at least to help with
24 these children to make sure that they are okay as you move towards your
25 reorganisation area?

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1 Dominic Ongwen refused. He said they have not been with blankets. They remain
2 the way they are. Only if you can offer some food, we can welcome. Even he said
3 the blankets are heavy, we can't, we can't take them.

4 So the Red Cross mobilised food, and I think the food delayed. Dominic Ongwen
5 partly left me and later on came back to that position and asked me, "Where are these
6 people with food?"

7 I said, "It is you who discussed with them; they know better when they are bringing
8 you food."

9 So eventually the Red Cross people brought food and gave food to Mr Ongwen's
10 group.

11 Q. [15:52:18] Apart from the Red Cross, were there any other participants spoke to
12 him?

13 A. [15:52:26] Yeah. That meeting, the bishop, the resident district commissioners,
14 that local leadership, tried to persuade Dominic Ongwen and they offered if they can
15 give even a vehicle to carry the children to Owiny-Kibul so that for him he can follow
16 with the rest of the adults, but Ongwen rejected the offer.

17 PRESIDING JUDGE SCHMITT: [15:53:00] Mr Do Duc, shortly, Mr Witness, I have a
18 question just that we can picture for ourselves the situation. I derive from what you
19 say that there were different groups of people talking to Mr Ongwen.

20 THE WITNESS: [15:53:14] Yeah.

21 PRESIDING JUDGE SCHMITT: [15:53:15] And I understood that you were the
22 first --

23 THE WITNESS: [15:53:18] Yes.

24 PRESIDING JUDGE SCHMITT: [15:53:18] -- to talk with him. Do we understand it
25 correctly that these groups, so to speak, one after the other spoke to Mr Ongwen, or

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1 did at some point in time everybody gather together and talk to Mr Ongwen?

2 THE WITNESS: [15:53:34] My Lord, for example, my Lord, the Red Cross talked to
3 Mr Ongwen himself separately, and I was there because there was an interpreter.

4 The local leadership talked to Mr Ongwen. I was there. There was an interpreter.
5 And they were all looking at the plight of children. They wanted him to, if they can
6 help the children.

7 But I think, because he was not willing to leave any member of his group, he said,
8 "No, I have to go with my people."

9 And, my Lord, one of the local leadership, local leader, the resident district
10 commissioner, also asked Ongwen if he can surrender to the government, and he told
11 him this is a chance, this is the chance; we are the government, we are here.

12 Dominic Ongwen refused. He said no; I have to go.

13 PRESIDING JUDGE SCHMITT: [15:54:54] Mr Do Duc.

14 MR DO DUC: [15:54:57]

15 Q. [15:54:58] Did you listen to the conversation between the other participants and
16 Dominic Ongwen yourself?

17 A. [15:55:06] Yes.

18 Q. [15:55:08] What was your reaction when Dominic Ongwen refused yours and
19 other participants' requests to surrender and to leave the children behind?

20 A. [15:55:21] I could not do much. I could not say let me attack the group and
21 remove the children. I could not do much. So we left everything for prayers, that
22 maybe these children one day they will come out.

23 Q. [15:55:44] One of the questions that I would like to follow up with you, I should
24 have asked it at the beginning, do you remember the location of the meeting?

25 A. [15:55:54] Yeah. We met in a place called Lacekocot. But after the trading

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1 centre of Lacekocot, there is a road going to a place called O pate. That's where we
2 met.

3 Q. [15:56:11] How long did the meeting last?

4 A. [15:56:20] As I earlier said, my Lord, the meeting lasted for quite some time
5 because we met, we met almost three times, because he would go back to where he
6 sent the group and he would come back and ask about the food he was promised.

7 And we took even some pictures. We took some photographs. He sent somebody,
8 I don't know how he came to know him, after taking photographs, and somebody
9 went to Gulu and developed them and they brought the photos to him.

10 Q. [15:57:02] When you say "he," who did you refer to?

11 A. [15:57:10] Mr Ongwen.

12 Q. [15:57:11] After the meeting, did you have any opportunity to speak to Mr
13 Ongwen again?

14 A. [15:57:18] Yes, my Lord. After the other groups had left, so in the area
15 remained my group and his group in the area, and as I said, we met three times.

16 And because I had nothing else to discuss, but I was saying: Is it possible you can
17 remain with me?

18 But he said no.

19 And another time we even exchanged telephone numbers. I gave him my telephone
20 number that when you change your mind, you can call me.

21 And I remember around November Dominic Ongwen called me using satellite phone.

22 He called me. I was in Kampala, and I saw the phone. I picked it, and Dominic

23 Ongwen greeted me. I said, "Are you coming?"

24 He said, "No, no, no, I'm not coming."

25 "Where are you?"

1 "Owiny-Kibul." He said, "Okay, bye."

2 We could not take long with the discussion because he didn't know Swahili.

3 Q. [15:58:38] Thank you.

4 Your Honour, I would like to seek for your guidance because I look at the clock and
5 it's almost 4 o'clock, but I need to show the witness some photos and a map, and it
6 might take about 5 to 10 minutes. Is it possible to finish today or do you --

7 PRESIDING JUDGE SCHMITT: [15:58:55] I think you should finish today. And
8 may I say this was quite a focused interrogation until now. And why not then really
9 finish it. If you say, I would imagine 10 minutes, why not? Yes, please continue.

10 MR DO DUC: [15:59:09] Thank you very much.

11 Q. [15:59:11] Mr Balikudembe, I would like to show you some photos. And the
12 first one appears in tab 3 of the Prosecution binder, UGA-OTP-0260-0166, annex B,
13 and it can be shown to the public.

14 Mr Balikudembe, do you recognise this photo?

15 A. [16:00:17] Yes.

16 Q. [16:00:18] Where did you first see it?

17 A. [16:00:20] This is a photo where the person I talked, I talked about, the late
18 Ocora. On his right is Mr Dominic Ongwen, then followed by the Bishop Odama,
19 and others.

20 Then behind, behind Dominic Ongwen there is Okello Kalalang. Behind Dominic
21 Ongwen is Okello Kalalang.

22 Then on far, far, far, far, far right is Ayumani, who was an interpreter.

23 Q. [16:01:14] And can the court officer please zoom out. There is a signature at the
24 bottom of the page. Whose signature is it?

25 A. [16:01:35] That is my signature.

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1 Q. [16:01:36] Do you know at which event this photo was taken?

2 A. [16:01:42] This is where we met with Mr Dominic Ongwen with other people
3 and his group. On the left you can realise there is a tree. On the left there is a tree.

4 Q. [16:02:02] And right below the photo, there was some handwriting entries.
5 Whose handwriting entries is it?

6 A. [16:02:12] That was me.

7 PRESIDING JUDGE SCHMITT: [16:02:14] You can continue then because he has
8 identified all the people without having referred to what is written down there, and I
9 think you can continue.

10 MR DO DUC: [16:02:23] Yes. I have one point to clarify.

11 Q. [16:02:27] In the middle of the page and of the photo, I saw the word called *
12 Ongweny. Who did you refer to?

13 A. [16:02:42] The what?

14 Q. [16:02:43] Can the court officer please zoom in.

15 PRESIDING JUDGE SCHMITT: [16:02:45] I think that's quite clear. So please move
16 on. We don't have to go through that.

17 MR DO DUC: [16:02:55] And according to your Honour's instruction previously, I
18 will show to the witness all of the photos, but just for him to recognise the photos
19 were shown to him at the interview.

20 PRESIDING JUDGE SCHMITT: [16:03:10] Yes, you can do that, yes. Yes, okay,
21 please continue. Let's have a look what comes now.

22 MR DO DUC: [16:03:18]

23 Q. [16:03:20] And another photo that I would like to show you is at tab 4. The
24 ERN is UGA-OTP-0260-0167.

25 Mr Balikudembe, do you recognise this photo?

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1 A. [16:04:03] Yes, I'm seeing by then Captain Tingira, Okello Kalalang and Dominic
2 Ongwen.

3 PRESIDING JUDGE SCHMITT: [16:04:11] Next photograph.

4 MR DO DUC: [16:04:12] I'm guided.

5 Q. [16:04:14] And the next one I would like to show is tab 5, the ERN is

6 UGA-OTP-0260-0167. It is annex C -- sorry, it is annex D. It is, my apologies, it is

7 UGA-OTP-0260-0168.

8 A. [16:04:57] This is Dominic Ongwen, I think looking at his camera which he used
9 to take photos, which I had told already.

10 Q. [16:05:07] The next one at tab 6, UGA-OTP-0260-0169.

11 A. [16:05:43] Acaye Doctor.

12 Q. [16:05:47] The next one at tab 7, ERN UGA-OTP-0260-0170.

13 A. [16:05:57] Okello Kalalang.

14 Q. [16:06:14] And the last one at tab 8, UGA-OTP-0260-0171.

15 A. [16:06:38] Ayumani.

16 Q. [16:06:41] Thank you. And, finally, I would like to show the map.

17 PRESIDING JUDGE SCHMITT: [16:06:43] Yes, why not. You see, it's a very quick
18 exercise that we are doing here. Perhaps in the meantime, all these photographs
19 were taken at the same occasion, I understand?

20 THE WITNESS: [16:06:52] The same occasion, my Lord.

21 PRESIDING JUDGE SCHMITT: [16:06:54] Thank you.

22 Please continue.

23 MR DO DUC: [16:06:55] And the map, you will find it at tab 2, UGA-OTP-0260-0165.

24 Q. [16:07:25] At the bottom of the map there is a signature. Is it your signature?

25 A. [16:07:27] This is my signature.

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1 Q. [16:07:31] What does the map show?

2 A. [16:07:34] The map shows the areas of attacks by LRA groups under Dominic
3 Ongwen.

4 Q. [16:07:44] There are some handwriting entries on the centre and the right side of
5 the map. Whose handwriting is it?

6 A. [16:07:54] This my handwriting. There is Pajule attack, rescue of the Odek
7 attack and rescue of Abok attack. Another area is the meeting with Dominic
8 Ongwen, the area of Opate, Lacekocot junction.

9 MR DO DUC: [16:08:18] Thank you, Mr Balikudembe, for your answers.

10 Mr President, your Honours, this concludes my examination.

11 PRESIDING JUDGE SCHMITT: [16:08:25] Thank you very much, Mr Do Duc. As I
12 already said, this was a very focused examination.

13 Thank you very much, Mr Balikudembe, for today only. You are not released, of
14 course, you know that. We abate the proceedings for today. We continue
15 tomorrow at 9.30, first I think with the examination by LRV and then with the
16 Defence.

17 THE WITNESS: [16:08:46] Yes, my Lord.

18 THE COURT USHER: [16:08:48] All rise.

19 (The hearing ends in open session at 4.08 p.m.)

20 RECLASSIFICATION REPORT

21 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July

22 2016, the public reclassified and lesser redacted version of this transcript is filed in the
23 case.