

Trial Hearing
WITNESS: UGA-OTP-P-0309

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Pangalangan
7 Trial Hearing - Courtroom 3
8 Wednesday, 29 March 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:50] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:13] Good morning, everyone.
13 Good morning, Mr Witness. You would have to put on your earphones.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:31:25] Good morning, your Honours.
16 This is 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: [9:31:39] Thank you very much.
20 As for the appearances of the parties, Mr Choudhry, first, please.
21 MR CHOUDHRY: [9:31:44] Your Honour, Kamran Choudhry. I am here with
22 Colin Black, Beti Hohler, Yulia Nuzban, Pubudu Sachithanandan,
23 Ramu Fatima Bittaye and Mari Pilvio.
24 PRESIDING JUDGE SCHMITT: [9:31:55] And the Legal Representatives of the
25 victims.

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1 MR COX: Good morning, your Honours. Francisco Cox and Mr James Mawira
2 appearing in court.

3 PRESIDING JUDGE SCHMITT: [9:32:04] Mrs Massidda.

4 MS MASSIDDA: [9:32:05] Good morning, your Honour. Paolina Massidda.
5 Appearing with me today, Mr Orchlon Narantsetseg and Ms Jacqueline Atim.

6 PRESIDING JUDGE SCHMITT: [9:32:14] Thank you. And we welcome again
7 Mr Ayena in the courtroom. I hope you are feeling better. And for the appearances
8 of the Defence.

9 MR AYENA ODONGO: [9:32:23] I am feeling much better. Thank you for your
10 sympathies, Mr President and your Honours. Today Mr Thomas Obhof is in charge,
11 Chief Achaleke Taku, Roy Titus Ayena and me, Krispus Ayena Odongo. Good
12 morning, your Honour.

13 PRESIDING JUDGE SCHMITT: [9:32:49] Thank you very much.
14 Mrs Kerwegi.

15 MS KERWEGI: [9:32:52] Good morning, your Honours. Sarah Kerwegi.

16 PRESIDING JUDGE SCHMITT: [9:32:56] Thank you very much.
17 And I give now again Mr Choudhry the floor.

18 MR CHOUDHRY: [9:33:05] Thank you.

19 WITNESS: UGA-OTP-P-0309 (On former oath)
20 (The witness speaks Acholi)

21 QUESTIONED BY MR CHOUDHRY: (Continuing)

22 Q. Good morning, Mr Witness.

23 A. [9:33:08] Good morning.

24 Q. [9:33:10] Mr Witness, yesterday we were speaking about the attack at Odek, do
25 you remember that?

1 A. [9:33:22] Yes, I do.

2 Q. [9:33:23] What I would like to do is clarify some of the things that you told us
3 yesterday. And I would like to begin by talking about when you learnt about the
4 plan to attack Odek.

5 Your Honours, I will be quoting from the edited transcript 60, page 74, lines 24 to 25.

6 Mr Witness, yesterday I asked you: "When you were gathered what, if anything, did
7 Dominic say to you?"

8 Your answer to that question was: "He told us we were going to work."

9 My question to you is: What type of work did Dominic Ongwen tell you to do?

10 A. [9:34:40] There was no distinction between the types of work that we were
11 supposed to do. We all knew that if they say let's go and work then we know that
12 they are talking about an attack.

13 Q. [9:34:57] What else did Dominic Ongwen say during that meeting?

14 A. [9:35:11] I do not recall everything that he said.

15 Q. [9:35:17] But what are the things that you do recall what he said?

16 A. [9:35:32] I cannot recall.

17 Q. [9:35:35] Do you remember if anyone else spoke during that meeting?

18 A. [9:35:49] No, I do not recall.

19 Q. [9:35:53] Have you heard of a person by the name of Oyenga?

20 A. [9:36:05] Yes, I have, I have heard about him.

21 Q. [9:36:07] Who is Oyenga, please.

22 A. [9:36:17] Oyenga was an LRA fighter. He was under Dominic's leadership.
23 He also had his own group in his homestead, in his household.

24 Q. [9:36:33] Was Oyenga present when the plan to attack Odek was discussed?

25 A. [9:36:49] I do not recall if he was there at that particular moment.

1 Q. [9:36:56] Have you heard of the name Ben Acellam?

2 A. [9:37:07] Yes, I have.

3 Q. [9:37:09] Who is Ben Acellam?

4 A. [9:37:20] Acellam was also an LRA fighter. By the time that I was abducted he
5 was already in the LRA. He was also one of the people under Dominic's leadership.

6 Q. [9:37:35] Was Ben Acellam present during the plan to attack Odek?

7 A. [9:37:45] I do not recall.

8 Q. [9:37:52] Did either Oyenga or Ben Acellam go to Odek.

9 A. [9:38:05] I do not recall.

10 Q. [9:38:18] Mr Witness, yesterday I also asked you a few questions of what
11 happened when you were at the camp.

12 And, your Honours, I'll be quoting from edited transcript 60, page 78, lines 6 to 11.

13 Yesterday I asked you:

14 "What happened after you split and ran into the camp?"

15 Your answer to me yesterday is as follows:

16 "What happened is we ran to the camp where there were civilians. We found
17 civilians were dancing, others were drinking alcohol, others were selling merchandise.
18 We stormed them and those in the barracks also came and then we started
19 exchanging fire."

20 I want you to focus on the civilians, Mr Witness, and I'm interested in what happened
21 to the civilians. What did you mean when you said you "stormed" civilians?

22 A. [9:39:52] I said that the group that went to the centre found a mixture of civilians
23 and soldiers, soldiers who were armed. We started shooting at the soldiers, the
24 soldiers who were mixed with the civilians. The soldiers shot back at us and fled.

25 Q. [9:40:40] Mr Witness, yesterday - and I will be quoting from edited transcript 60,

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1 page 79, lines 18 to 20 - I asked you: "What happened to the civilians that were
2 mixed up with the soldiers?"

3 Your answer to me was: "The civilians who were amongst the mixed up soldiers, I
4 later saw five -- about five civilians who fell down, they had blood over them."
5 My question to you is: Did you see when the five civilians fell down?

6 A. [9:41:26] Yes, I did.

7 Q. [9:41:45] Yesterday, Mr Witness, I also asked you, and this is at edited transcript
8 60, page 83, lines 13 to 15:

9 "How did the houses get to be on flames?"

10 Your response to me yesterday was: "I do not know how they started burning
11 because I did not see anybody torching the different houses."

12 Your Honour, in line with your direction yesterday I would like to refresh the
13 witness's memory as to his statement.

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

15 MR CHOUDHRY: [9:42:13] And that is at 0249-0493 --

16 PRESIDING JUDGE SCHMITT: [9:42:18] Mr Taku.

17 MR TAKU: [9:42:20] Your Honours, we didn't interrupt because we were -- want the
18 proceedings to move as fast as possible. And as long as the Court permits, we -- we
19 defer to your wisdom, but this is classic cross-examination of his own witness and I
20 do not know exactly where we are going with this. If he's leading the witness, it's
21 one thing, but getting prior statements of the witness on the record and trying again
22 to ask him other questions on that is nothing more, nothing less than
23 cross-examination.

24 About the question of refreshing the memory of the witness, he has read a categoric
25 statement, your Honour, where the witness said "I didn't see, so I do not know."

1 Now, to seek to refresh his memory, your Honours, there must -- we must make a
2 distinction between prior inconsistent statements when we are eliciting prior
3 inconsistent statements and when we are clarifying a statement which is not clear or
4 which the witness may provide more evidence to assist the Court in its search for the
5 truth.

6 We say so, your Honours, vehemently because we know that at some point in time
7 there must be that distinction between when statements were made were prior
8 inconsistent statements or when the witness was merely clarifying. When the
9 witness has made a categorical statement there must be finality to that, "I do not know"
10 or "No" is one thing. "I do not remember" is another thing, your Honour.

11 PRESIDING JUDGE SCHMITT: [9:43:56] Mr Choudhry.

12 MR CHOUDHRY: [9:43:57] Your Honour, yesterday you were very clear as to the
13 direction that you provided to us and my learned friends as to what we would and
14 wouldn't be able to do. On this occasion it is, according to your direction, simply
15 a question of clarification. It may well be that, as was -- as did happen yesterday, the
16 witness simply clarifies an answer. But this is -- the Prosecution's position is by
17 putting this to the witness it's really a means of eliciting the truth as opposed to
18 putting words into the mouth of the witness. And I would use the formulation that
19 your Honour suggested yesterday.

20 PRESIDING JUDGE SCHMITT: [9:44:39] Let me put it this way: It would of course
21 be more fortunate to address these matters where they belong to, that would have
22 meant to address it yesterday because there it would belong to. But it's not
23 a cross-examination, it's still the examination of the Prosecution. I would not be
24 inclined to allow such questions, for example, on re-direct if there was a re-direct.
25 But if there is or might be a contradiction, or whatsoever, with the former statement,

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1 we have said yesterday and -- the Defence will have the same right of course, of
2 course, then there is the possibility to clarify that, but I would really appreciate if we
3 did it at the time when a certain issue arises and not a day later. So you can continue,
4 it is overruled.

5 MR CHOUDHRY: [9:45:35]

6 Q. Mr Witness --

7 PRESIDING JUDGE SCHMITT: [9:45:38] The discussion arises only now. I think if
8 we had the same discussion yesterday, perhaps you would not have objected.
9 Probably. But since we are now at 24 hours later, this -- this is a little bit -- but this
10 can happen, it's not to admonish anybody but, just for the future, it is better to
11 address any possible inconsistencies at the time when a certain question arises.

12 MR CHOUDHRY: [9:46:08]

13 Q. [9:46:08] Mr Witness, in your statement you have said:

14 "Some of those behind started to burn houses. Then we retreated to where they were
15 burning the houses of the camp residents."

16 Who do you mean by "they"?

17 PRESIDING JUDGE SCHMITT: [9:46:34] Did he say that in the statement?

18 MR CHOUDHRY: [9:46:38] Or should I ask "Does that trigger your memory",
19 your Honour?

20 PRESIDING JUDGE SCHMITT: [9:46:41] I think --

21 MR CHOUDHRY: That's the best thing.

22 PRESIDING JUDGE SCHMITT: I think because --

23 MR CHOUDHRY: My apologies.

24 PRESIDING JUDGE SCHMITT: -- you assume --

25 MR CHOUDHRY: My apologies.

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1 PRESIDING JUDGE SCHMITT: -- that this is his statement today then with your
2 question.

3 MR CHOUDHRY: My apologies, your Honour.

4 PRESIDING JUDGE SCHMITT: Yeah.

5 MR CHOUDHRY:

6 Q. [9:46:50] Does that trigger your memory, Mr Witness, and what would you say
7 today?

8 A. [9:47:02] I recall that I saw houses burning at the time that we were leaving.
9 When we were leaving I did not go back, I was in the midst of people, we started
10 going back and I saw houses burning as we were leaving.

11 Q. [9:47:30] Mr Witness, you told us that civilians were abducted at Odek.

12 PRESIDING JUDGE SCHMITT: [9:47:38] May I just interrupt for a second just to
13 explain something. We have now a little bit changed the mode, how we refresh
14 memory or try to address inconsistencies, possible inconsistencies between former
15 statements and we have seen today and yesterday that there are indeed, there might
16 be slight modifications between what a witness has said in a former statement and
17 what he says in the hearing and that's the reason why we have a hearing at all.
18 Please continue.

19 MR CHOUDHRY: [9:48:11]

20 Q. [9:48:12] Where in Odek were people abducted from?

21 A. [9:48:25] The people were abducted from the centre and from the homes. I do
22 not know where every single individual was abducted from. Some people were
23 abducted while they were running, but I do not, I cannot tell you exactly where they
24 abducted each and every person.

25 Q. [9:48:45] Who were these people that were abducted?

1 A. [9:48:49] They were civilians.

2 Q. [9:48:53] And what sex were the abducted civilians, were they men, women, or
3 both?

4 A. [9:49:04] Both men and women.

5 Q. [9:49:08] What about the age range of the abducted civilians?

6 A. [9:49:21] The ages varied; some people were adults, there were women with
7 children.

8 Q. [9:49:35] Approximately how old were the children that were with the women?

9 A. [9:49:50] I cannot estimate the ages. Most of the kids were being carried on the
10 back.

11 Q. [9:50:01] Were there any children that were younger than you that were
12 abducted from Odek?

13 A. [9:50:19] I did not see anybody that was younger than me.

14 Q. [9:50:25] Why were the civilians abducted?

15 A. [9:50:42] I do not know the reason why civilians were abducted, why each
16 individual decided to abduct civilians, but I saw that the civilians who were abducted
17 were given luggage to carry, they were given beans and other foodstuff, but I cannot
18 determine why each and every individual decided to abduct a civilian.

19 Q. [9:51:05] How long were you at the trading centre of Odek?

20 A. [9:51:21] We were there for approximately 50 minutes to one hour.

21 Q. [9:51:29] And when you were at the trading centre, when was the next time that
22 you saw Dominic Ongwen?

23 A. [9:51:50] When we went to the centre, people were split, the different groups
24 were split up. I went up -- I joined the group with the individuals that I knew. But
25 after, when we were on the way back, that's when I saw him.

1 Q. [9:52:10] You are saying "on the way back", where exactly did you see
2 Dominic Ongwen on the way back?

3 A. [9:52:31] After the attack. I cannot estimate the -- the exact position where I
4 met him from here, but that was after, after we'd attacked Odek.

5 Q. [9:52:44] How far away from the trading centre was Dominic Ongwen when
6 you met him?

7 A. [9:53:01] I cannot use an estimation. Perhaps if I'm to use this -- perhaps if I'm
8 to use this courtroom, then I would say six times bigger than this courtroom.

9 Q. [9:53:32] Where did you walk back to?

10 A. [9:53:42] We went back to the bush. We went back in the same direction that
11 we had come from.

12 Q. [9:53:52] Where were the abducted civilians when you went back to the bush?

13 A. [9:54:08] I was in the midst of people. Some people went before us, some
14 people were behind.

15 Q. [9:54:27] When you say "some people", who do you mean?

16 A. [9:54:38] The -- some of the LRA fighters and the civilians that had been
17 abducted, because civilians do not walk by themselves, they walk with the LRA.

18 Q. [9:54:51] How does the LRA make sure that civilians walk with them?

19 A. [9:55:09] When a civilian is abducted and the civilian is told "let's go", then you
20 have to comply and obey and follow the person who's told you to go with them. So
21 the civilian always obeys what they are being told.

22 Q. [9:55:31] When you were walking back to the bush were any of the civilians
23 harmed?

24 A. [9:55:45] I did not pay attention, I did not see.

25 Q. [9:55:52] What about the civilians who were, I think you said, at the back, were

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1 any of those harmed?

2 A. [9:56:09] I continued walking. I do not know what happened behind. I do not
3 recall if anything happened behind me.

4 MR CHOUDHRY: [9:56:21] Your Honour, with that, I would seek to refresh the
5 witness' memory, and that is --

6 PRESIDING JUDGE SCHMITT: [9:56:26] Do you want to refer to 138?

7 MR CHOUDHRY: [9:56:29] Yes, your Honour.

8 PRESIDING JUDGE SCHMITT: [9:56:30] You could ask a question without citing
9 this because he said "I did not see it."

10 MR CHOUDHRY: [9:56:37]

11 Q. [9:56:38] Mr Witness, did you ever hear about any civilians that were harmed?

12 A. [9:56:59] Yes, I did.

13 Q. [9:57:00] What did you hear?

14 A. [9:57:06] I heard that some of the civilians that were abducted were killed, the
15 LRA killed them.

16 Q. [9:57:13] Who did you hear that from?

17 A. [9:57:21] I heard it from some of the LRA that we stayed with together.

18 Q. [9:57:33] When you got to the bush what happened to the civilians that were
19 abducted from Odek?

20 A. [9:57:47] When we got back to the bush I only saw two civilians. And the two
21 civilians stayed in an -- the household of another commander other than Dominic, but
22 that commander was under the leadership of Dominic. I do not recall the name of
23 that commander. But those people were shot because they accused them of trying to
24 escape.

25 Q. [9:58:22] What happened to the civilians when they were shot?

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1 A. [9:58:37] I said that I did not see everything that happened to all the civilians,
2 but the two civilians were shot, the LRA shot them, alleging that they tried to escape,
3 and they died.

4 Q. [9:58:59] Who ordered that the two civilians should be shot?

5 A. [9:59:08] I do not know who issued the order, but it happened in a different
6 household.

7 PRESIDING JUDGE SCHMITT: [9:59:22] What does that mean, "in a different
8 household"? Could you explain that?

9 THE WITNESS: [9:59:34] (Interpretation) It was in someone else's household. It
10 happened -- it did not happen in Dominic's household where I was based, it
11 happened in another commander's household, although that commander was also
12 under the leadership of Dominic, but his household was separate from Dominic's.

13 MR CHOUDHRY: [10:00:02]

14 Q. [10:00:03] Was the killing of these two civilians ever reported to Dominic?

15 A. [10:00:16] When there was gunfire, when the gunshots were heard, everybody
16 went to find out what had happened. Somebody from that household was the one
17 who informed us that the two civilians that were in their household had tried to
18 escape and they, they were shot. There was nothing other than that.

19 Q. [10:00:44] When you say "everybody went to find out what had happened", does
20 that include Dominic Ongwen?

21 A. [10:00:58] I do not recall if he also went.

22 Q. [10:01:05] Were any of the civilians distributed to different households?

23 A. [10:01:25] I didn't see anybody distributed, because in the household where
24 I was no civilian was attached to.

25 Q. [10:01:36] Who decides where the civilians go once they're abducted?

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1 A. [10:01:56] Sometimes when people go, sometimes people are not gathered
2 together after abduction. Each person goes with the persons or civilians they have
3 abducted and if anybody -- if somebody has not abducted any, they wouldn't have
4 any civilian attached to their households.

5 Q. [10:02:23] What did Dominic Ongwen do once you returned to the bush from
6 Odek?

7 A. [10:02:44] I am not aware of anything, anything particularly or specifically that
8 he did. But what I, I witnessed was each time we were seated he would call the
9 signaller to come and then would communicate on radio.

10 Q. [10:03:06] And did he call the signaller and communicate on the radio after
11 Odek?

12 A. [10:03:25] At that particular moment, well, I don't remember whether he
13 communicated on radio, because we walked and reached our location in the night.

14 Q. [10:03:49] What is the name of Dominic Ongwen's signaller?

15 A. [10:04:01] When I was just abducted the person who was helping him whenever
16 he wanted to communicate on radio was called Kidega.

17 Q. [10:04:18] Did you ever hear that Dominic Ongwen communicated on the radio
18 after Odek?

19 A. [10:04:43] I don't recall.

20 MR CHOUDHRY: [10:04:46] Your Honour, with that I would like to refresh the
21 witness's memory.

22 PRESIDING JUDGE SCHMITT: [10:04:49] Yes.

23 MR CHOUDHRY: [10:04:50] It is at 0249-0493 and that's at tab 1, paragraph 129.

24 Q. [10:04:58] Mr Witness, in your statement you have stated that: "Richard who
25 was the head escort of Ongwen later told me that Ongwen reported to Joseph Kony

1 about the attack on Odek and was congratulated."

2 Does that trigger your memory?

3 A. [10:05:28] Yes, it reminds me that I said that, but doesn't refresh my memory of
4 the actual time it happened.

5 Q. [10:05:44] Do you have anything to add to that today?

6 A. [10:05:56] No.

7 Q. [10:06:03] Mr Witness, I would now like to move on to some other attacks that
8 you spoke of yesterday. And the first one is an attack at Lanyatido. What
9 happened at Lanyatido?

10 A. [10:06:38] What happened in Lanyatido was that we went and fought with the
11 soldiers who were there, we overran the barracks, we recovered some ammunition.

12 Q. [10:07:09] When you say "we", who do you mean?

13 A. [10:07:14] I am talking about the LRA fighters.

14 Q. [10:07:21] Who was the commander who ordered the attack at Lanyatido?

15 A. [10:07:35] Dominic.

16 Q. [10:07:38] How do you know it was Dominic?

17 A. [10:07:51] Because while I was there he was the overall commander and prior to
18 the attack I had stayed a little behind with him. I did not move with, with the people
19 who went ahead to start the battle. He kept on talking and communicating with the
20 people who had taken cover and waiting to launch the attack.

21 Q. [10:08:23] When Dominic was talking about Lanyatido what did he say?

22 A. [10:08:41] When I discovered that we were going to fight there, we were already
23 very close by and we were only waiting for the time -- the actual time for the
24 gunshots to start. What I understood was that he said the people who had gone
25 ahead were going to start the attack at 6 in morning when it's now clear. And the

1 rest of us were supposed to run into the barracks and run across the barracks as the
2 other people are fighting and surging forth.

3 Q. [10:09:20] Did you yourself hear when Dominic said that?

4 A. [10:09:30] Yes, I did, because I was next to him.

5 Q. [10:09:37] You said that there were soldiers at Lanyatido, what soldiers are you
6 talking about?

7 A. [10:09:51] Lanyatido was a Uganda government soldiers barracks.

8 Q. [10:09:59] Were any LRA fighters wounded or injured during the attack?

9 A. [10:10:18] There was only one person whose name I cannot recall who got
10 injured. He was shot on the arm and Dominic also had some slight injury on the
11 chest.

12 Q. [10:10:41] What did you personally do during this attack?

13 A. [10:10:52] I didn't do anything particularly. I just moved across the barracks
14 because at that time I was not yet armed.

15 Q. [10:11:03] Where was Oleda during this attack?

16 A. [10:11:17] Could you please repeat the name.

17 Q. [10:11:20] Where was Oleda during this attack?

18 A. [10:11:30] I don't recall.

19 Q. [10:11:35] Were any government forces killed or harmed during this attack?

20 A. [10:11:52] I did not see the injured, I only saw the, the dead. There were about
21 seven people.

22 Q. [10:12:04] How about civilians? Were any civilians injured or killed during this
23 attack?

24 A. [10:12:19] Well, that was a military barracks. I am not sure whether the
25 dead -- I couldn't segregate or distinguish between the dead, whether some were

1 civilians or not.

2 Q. [10:12:37] You also mentioned an attack at a place called Alim. What
3 happened during that attack, please?

4 A. [10:13:00] What happened in Alim was that we were crossing the Kitgum-Lira
5 main road, we were coming from up, going down and we were crossing the road next
6 to the trading centre of Alim. While we were crossing the road Dominic sat in the
7 middle of the road using his chair. He just sat there for a while because there was no
8 one nearby, there were no soldiers, the other LRA members tried to look for soldiers
9 and foot marks around and couldn't find any.

10 Afterwards, some LRA fighters moved forward and then we saw a civilian
11 approaching while riding a bicycle. The civilian came and reached where we were,
12 Dominic talked to him and asked him, "How are you?" He said, "I am okay."
13 Asked him, "How is here? Where are the government soldiers?" The civilian said,
14 "Yes, there are some soldiers who are coming, following me, they are coming from the
15 direction of Lanyatido. They are about 40 in number. They are about to reach
16 a certain corner."

17 Then Dominic said some of the LRA fighters should move forward while others
18 should stay behind and fight with the government soldiers. Some LRA fighters were
19 supposed to move forward with the newly abducted persons. We stayed behind
20 and made an ambush on the road, roadside. They said we should allow the
21 government soldiers first move until they are all within our ambush, and then the last
22 person in our line should now start firing. We took cover, the soldiers came and
23 they could not detect that we were nearby while we were able to see them. When
24 they were now within range, the last person starting firing at them and the rest of us
25 also followed suit.

1 Q. [10:15:28] To be clear, who was the commander for this attack?

2 A. [10:15:44] Dominic.

3 Q. [10:15:47] Were any LRA injured during this attack?

4 A. [10:16:00] Only one LRA soldier got a slight injury on the thigh.

5 Q. [10:16:09] What did Dominic Ongwen do about this injury, if anything?

6 A. [10:16:25] There was nothing he did to the person who got injured, only that he
7 said that person got injured because he was scared. He was a coward.

8 Q. [10:16:40] Were any government forces injured during this attack?

9 A. [10:16:53] I did not see any injured government soldiers, but I saw the dead
10 ones.

11 Q. [10:17:02] Can you remember if the attack at Alim was before or after the attack
12 at Pajule?

13 A. [10:17:23] If I can remember well, I think it was before Pajule.

14 Q. [10:17:29] And how about the attack at Lanyatido, and it's important,
15 Mr Witness, that if you don't know you can say you don't know. It's important that
16 you don't guess.

17 A. [10:17:52] That was before the Pajule attack.

18 Q. [10:17:59] You also mentioned an attack at Labworomor. Can you tell us about
19 that, please?

20 A. [10:18:22] What happened in Labworomor was that we were hidden in some
21 bush next to -- at the bank of Aswa river. I didn't know the name of the place, of the
22 place called Labworomor, I only discovered that when we were already.
23 When we prepared to go, Dominic was present and he was the commander who led
24 us there. He told us that we should dress up like government soldiers, we should
25 dress up in government soldiers' uniforms and for those who did not have good

1 uniforms should stay behind. The newly abducted should also stay behind.
2 Then we moved to Labworomor. We didn't move like the LRA. We walked like
3 Uganda government soldiers. When we arrived there Dominic was there, he was
4 actually in front, he led the group. We followed the main road. We found some
5 civilians who were in their gardens, they would talk to us. They were talking to us
6 while thinking we were government soldiers. They didn't know we were LRA
7 fighters. We followed the road until we reached there.
8 We found some soldiers at the centre. We didn't do anything on the soldiers we
9 found there. We -- those who knew Kiswahili were speaking to the soldiers in
10 Kiswahili and they were duped to believe that we were government soldiers, we were
11 part of the mobile and we were coming from a hill called Lugore hill. And we said
12 we had heard that the LRA fighters were somewhere and we were following them.
13 So some of the LRA fighters moved to the centre and started buying biscuits and
14 sodas and started drinking. The government soldiers who were there starting
15 respecting Dominic, thinking Dominic was one of the government soldiers, they
16 started saluting him.
17 We went until we reached a place where there were so many people. There was
18 some civilian who was there and he was able to identify one of the LRAs. And he
19 saw that gentleman because that LRA fighter was his brother. He just noticed that
20 something was amiss, he started running immediately. And when people saw him
21 running, the rest of the civilians started fleeing.
22 The government soldiers who were present started firing at us now. We ran directly
23 to the barracks because he had told us to walk to the barracks and pass the quarter
24 guard without the soldiers knowing. But because that person, that civilian identified
25 his brother who was with the LRA, our plan was foiled.

1 We started fighting but we failed to overrun the barracks. There was a group that
2 stayed behind and was attacking the centre. We had to retreat from the barracks and
3 we came back to the rest of the groups and then retreated back to the bush.

4 Q. [10:22:28] How many LRA fighters participated in this attack?

5 A. [10:22:42] I couldn't know the exact number, but the people with whom I moved
6 who were well dressed like government soldiers were between 40 and 50 men. They
7 are the ones who went forward.

8 Q. [10:23:02] Why did the LRA fighters dress in government soldier uniforms?

9 A. [10:23:21] We dressed in that way because we wanted to dupe the soldiers into
10 thinking we were part of them. We wanted to go up to the barracks and overrun it
11 and then recover some ammunitions from there.

12 Q. [10:23:38] Whose idea was it to dress in government uniforms?

13 A. [10:23:50] Dominic's.

14 Q. [10:23:53] What did you personally do in this attack?

15 A. [10:24:08] Personally I didn't do anything. Well, I ran to the barracks to fight
16 with the government soldiers and I didn't do anything.

17 Q. [10:24:26] Did you carry a weapon?

18 A. [10:24:28] Yes, I did.

19 Q. [10:24:29] What was your weapon?

20 A. [10:24:36] AK.

21 Q. [10:24:41] You've mentioned civilians during this attack, what happened to the
22 civilians?

23 A. [10:24:59] Well, I, I -- I didn't abduct any civilian. Those who went to the camp
24 looted items, they got food items, cooking oil, salt. And some civilians were
25 abducted to carry the loot to move back to the bush.

1 Q. [10:25:25] Around how many civilians did you see were abducted?

2 A. [10:25:37] Well, I cannot estimate.

3 Q. [10:25:42] Did you see any civilian houses?

4 A. [10:25:50] Yes, I did.

5 Q. [10:25:52] What happened to the civilian houses during this attack?

6 A. [10:26:08] What happened to the civilian houses was that they were broken into
7 and the food items that were looted were taken from there.

8 PRESIDING JUDGE SCHMITT: [10:26:22] May I just interrupt for a second here.

9 Mr Witness, you said, and I'm quoting from page 23 -- 22/23 of today's transcript:

10 "I didn't abduct any civilian. Those who went to the camp looted items, they got
11 food items."

12 Could you explain what that means, what people were going to loot?

13 THE WITNESS: [10:26:52] (Interpretation) The LRA fighters who had stayed behind
14 who did not move with us to the barracks.

15 PRESIDING JUDGE SCHMITT: [10:27:08] Thank you.

16 MR CHOUDHRY: [10:27:09]

17 Q. [10:27:11] Were the houses harmed -- of civilians harmed in any other way?

18 A. [10:27:30] I didn't see any harmed civilian.

19 PRESIDING JUDGE SCHMITT: [10:27:40] That was not the question, Mr Witness.
20 The question was about houses. Did you see anything what happened to houses?

21 THE WITNESS: [10:27:56] (Interpretation) I saw a fire within the homes.

22 MR CHOUDHRY: [10:28:05]

23 Q. [10:28:05] Who set the houses on fire?

24 A. [10:28:21] I -- I don't know who exactly set the houses on fire. I don't know the
25 name of the person. I also don't know whether he belonged to the LRA or was part

1 of the government soldiers.

2 Q. [10:28:37] What did Dominic Ongwen do after this attack?

3 A. [10:28:51] He did not do anything. We just went back to the bush and he said
4 what foiled our plan was that person who was able to identify his brother who was
5 with the LRA. And he did not do anything else that I can recall now.

6 Q. [10:29:13] Did Dominic Ongwen ever communicate the result of this attack to
7 anyone else?

8 A. [10:29:27] I don't recall.

9 Q. [10:29:30] Were any other LRA units informed of this attack?

10 A. [10:29:52] I don't remember.

11 Q. [10:29:55] Were there any radio communications about this attack?

12 A. [10:30:10] He used to communicate on radio, but I couldn't know what he was
13 communicating on radio because the language he would use I would not be able to
14 understand.

15 Q. [10:30:25] When you say "he", who do you mean?

16 A. [10:30:31] I'm talking about Dominic.

17 Q. [10:30:36] Can you remember whether Dominic communicated the result of this
18 attack on the radio?

19 A. [10:30:48] I do not remember.

20 MR CHOUDHRY: [10:30:51] Your Honour, with that I would ask to refresh the
21 witness's memory.

22 PRESIDING JUDGE SCHMITT: [10:30:55] Yes.

23 MR CHOUDHRY: [10:31:02] Your Honour, the ERN is 0249-0489 and that's
24 paragraph 109.

25 Q. [10:31:12] Mr Witness, in your statement you say:

1 "After the attack in Labworomor Ongwen reported on the radio that it did not go well
2 because one of the soldiers saw his brother at the barracks and this spoiled the plan."

3 Does that refresh your memory?

4 A. [10:31:46] Yes, it does.

5 Q. [10:31:47] What do you say about that today?

6 A. [10:32:00] I did not hear him discussing this over the radio, but I heard this
7 information from the other LRA, my fellow LRA members who were talking about it.

8 Q. [10:32:20] Did this attack happen before or after Pajule?

9 A. [10:32:30] No, I do not recall.

10 Q. [10:32:35] Have you heard of a person called Odong Cowboy?

11 A. [10:32:44] Yes, I have.

12 Q. [10:32:46] Who is he, please?

13 A. [10:32:55] Odong Cow was a commander. I do not know his rank, I do not
14 recall his rank, but he was a commander. He also had his own group, but he was
15 under the leadership of Dominic.

16 Q. [10:33:16] Where was he during the attack on Labwor Omor?

17 A. [10:33:28] I do not recall where he was at the time.

18 Q. [10:33:36] Mr Witness, you told us that civilians were abducted during this
19 attack. What happened to those civilians?

20 A. [10:33:52] I do not know what happened to those civilians.

21 Q. [10:34:04] I would now like to ask you some questions about some other
22 locations and whether you know whether there was an attack at those locations, okay?
23 There's a location called Atanga, have you ever heard about an LRA attack at Atanga?

24 A. [10:34:37] I was -- I'm only aware of one of the attacks where I was present.

25 Q. [10:34:45] Can you tell us what happened during the attack at Atanga where

1 you were present?

2 A. [10:35:03] I do not recall where the -- where we were located at the time, but
3 there were two LRA soldiers who had gone -- who had gone some distance away
4 from where we were positioned. We were in some forest, we were hiding in a forest.
5 When they came back at night they had been injured, they had both sustained injuries.
6 They had been shot by government soldiers. One of them threw his gun.

7 Q. [10:35:49] Who was the commander that ordered the attack at Atanga?

8 A. [10:36:01] The commander who was there was Dominic.

9 Q. [10:36:06] What did Dominic do during this attack?

10 A. [10:36:22] When the two individuals -- one of the individuals who discarded his
11 gun, when the two individuals came back and one of them came without his gun,
12 both of them had sustained injuries. He said some of the LRA who are capable of
13 fighting should go and attack the soldiers, the soldiers who had shot -- who had
14 attacked the two LRA individuals and retrieve the gun that the LRA fighter had left.

15 Q. [10:36:59] And did that happen?

16 A. [10:37:06] Yes, it did.

17 Q. [10:37:09] Can you explain how that happened?

18 A. [10:37:22] We -- the LRA members, some of us had not yet been in the LRA for
19 a long time. We were left behind. The veterans, the veterans who were armed
20 were told to go ahead and the two individuals who had been -- who had sustained
21 injuries also went back. They went, found out where the government soldiers had
22 hidden. They started fighting against the government soldiers. They were able to
23 beat the government soldiers. They found the gun that had been discarded. They
24 retrieved the gun. The rest of us who were behind, there was an armoured car,
25 a government armoured car came. We ran. The armoured car started dropping

1 bombs on us and firing on us. We ran and went back to the bush.

2 Q. [10:38:19] What were the names of the two injured LRA fighters?

3 A. [10:38:33] One of them was Bomek.

4 Q. [10:38:39] What about the name of the other person?

5 A. [10:38:43] He was Lujoo.

6 Q. [10:38:53] Did Lujoo have any other names?

7 A. [10:38:59] I do not recall any other name.

8 Q. [10:39:07] Were you carrying a weapon during this attack?

9 A. [10:39:16] No, I was not armed.

10 Q. [10:39:27] Was Oleda involved in this attack?

11 A. [10:39:38] I do not recall who led the soldiers, who commanded the soldiers that
12 went and attacked the government troops, but the overall commander there was
13 Dominic.

14 Q. [10:39:53] Mr Witness, we talked about a person with the name of Oleda
15 yesterday. What I want to know is whether Oleda was at the attack at Atanga?

16 A. [10:40:15] I said I do not recall. I do not recall whether he was present.

17 Q. [10:40:23] Can you tell us when this attack took place? And again, was it
18 before or after Pajule or if you're not sure, please say so.

19 A. [10:40:39] I do not know.

20 Q. [10:40:51] Have you ever heard of an attack at a place called Patongo?

21 A. [10:41:03] Yes, I have.

22 Q. [10:41:07] What do you know about the attack at Patongo?

23 A. [10:41:21] Dominic's group -- I do not recall whether it was only Dominic's
24 group or whether it was a merger of groups under the leadership of some other
25 commander. I did not personally go to Patongo. I was left behind. I was told to

1 stay behind and take care of his home, so I did not actually go to this battle.

2 Q. [10:41:52] How do you know that Dominic's group was involved in this attack?

3 A. [10:42:03] Because the LRA -- some of the other LRA soldiers in Dominic's home
4 also went to, to Patongo.

5 Q. [10:42:14] What was the purpose of the attack at Patongo?

6 A. [10:42:26] I do not know why they went to Patongo. I did not see what
7 happened at Patongo. I did not personally see it.

8 Q. [10:42:36] Did you hear about what happened at Patongo?

9 A. [10:42:47] When the rest of the group came back and started telling me stories
10 about what happened, what happened there.

11 Q. [10:42:56] And what stories did the rest of the group tell you?

12 A. [10:43:06] They told me that they went to the army barracks, they overran the
13 soldiers, they went into the barracks, they broke the armoury, they took -- they seized
14 weapons and guns from -- and uniforms. They collected all these things.

15 Q. [10:43:33] When you say "soldiers", who do you mean?

16 A. [10:43:44] I'm referring to government soldiers. LRA -- the LRA went and
17 fought against government soldiers.

18 Q. [10:43:55] When you remained behind to take care of Dominic's home, what
19 exactly were you taking care of?

20 A. [10:44:12] I was taking care of his personal items like his bed, his clothes, his
21 wives.

22 Q. [10:44:31] Have you heard about an attack at a place called Bar-Rio?

23 A. [10:44:47] Yes, I have.

24 Q. [10:44:52] What do you know about the attack at Bar-Rio?

25 A. [10:45:05] We went to Bar-Rio ourselves. Dominic was also present, he was our

1 commander. It was on a market day and people were in the market. We went to
2 the market.

3 Q. [10:45:32] Who ordered the attack at Bar-Rio?

4 A. [10:45:45] It was our overall commander, Dominic, he is the one who issued the
5 order.

6 Q. [10:45:52] You have told us that people were in the market, who are these
7 people?

8 A. [10:46:04] It was a civilian market. And civilians would sell their produce, they
9 would sell clothes.

10 Q. [10:46:14] Why did you go to the market?

11 A. [10:46:28] I do not know exactly why we went to the market. Because it wasn't
12 my plan, I did not make the plan to go to the market.

13 Q. [10:46:45] Whose plan was it?

14 A. [10:46:48] It was Dominic's plan.

15 Q. [10:46:51] What did Dominic tell you about his plan?

16 A. [10:47:04] When I later on understood, when we went to fight there, I realised
17 that that's where we were going. He told us that we are going to fight, it's a market
18 day, people are selling their produce and there's a lot of stuff in the market. We
19 were directed to go to the market, we were told to go there during daytime. We
20 were dressed as government soldiers so it would be difficult for civilians to identify
21 us as LRA soldiers.

22 Q. [10:47:45] What were you supposed to do when you got to the market?

23 A. [10:47:57] When we got to the market we found some soldiers, soldiers who had
24 come to protect the market and protect the civilians who were in the market. We
25 shot the soldiers. Some of them died, some of them fled. We stayed in the centre,

1 we took stuff from the centre. Anything that we were able to take was taken. We
2 took civilian property.

3 Q. [10:48:43] Did the LRA fighters have weapons with them when they went to the
4 market?

5 A. [10:48:56] Yes, they had guns.

6 Q. [10:48:58] How about you personally, did you have any weapons with you
7 when you went to the market?

8 A. [10:49:08] I do not recall.

9 Q. [10:49:16] What happened to the civilians during this attack?

10 A. [10:49:27] We went to the market, as we were approaching the market, we found
11 two civilians along the way. Dominic spoke to them and asked them, "How is the
12 market?" They responded that, "Well, the market is fine, there is a lot happening."
13 He asked, "Are there our fellow -- are there fellow government soldiers in the
14 market?" And the guy said "Yes." And he asked, "Where are they?" The civilian
15 pointed to a tree, there was a big tree, and he told them -- he told him that they were
16 seated under the tree.

17 We went directly to that tree where the soldiers were seated. The soldiers saw us
18 but they did not recognise us as LRA soldiers when we approached the soldiers and
19 we were near them. The soldiers in front shot four soldiers.

20 Some of the government soldiers who were sitting a little bit further started shooting
21 at us as well. We ran into the centre.

22 The soldiers were defeated and they left and we stayed in the centre by ourselves.

23 We collected items. There were some civilians who sustained injuries.

24 Q. [10:50:52] What type of injuries did these civilians sustain?

25 A. [10:51:03] It was -- they were injured during the crossfire, gunshot wounds.

1 Q. [10:51:09] Were any civilians killed during this attack?

2 A. [10:51:21] I did not see anybody kill a civilian.

3 Q. [10:51:28] How many LRA fighters participated in this attack?

4 A. [10:51:41] There was approximately 30 to 40 people.

5 Q. [10:51:51] Were any civilians abducted during this attack?

6 A. [10:52:02] I do not recall whether civilians were abducted. I personally did not
7 abduct anyone.

8 Q. [10:52:14] Did you see any abducted civilians during this attack?

9 A. [10:52:26] I said I did not abduct a civilian and I did not pay attention to see
10 whether there were abducted civilians, but when LRA go and attack a place, if they
11 do have luggage, the common practice is to abduct civilians.

12 Q. [10:52:48] Can you remember whether this attack happened before or after
13 Pajule, or if you are not sure then please say so?

14 A. [10:53:02] I do not recall.

15 Q. [10:53:06] Have you heard about an attack at a place called Barogal?

16 A. [10:53:23] Yes, I have.

17 Q. [10:53:25] What do you know about the attack at Barogal?

18 A. [10:53:39] We went to Barogal with Dominic, he was the leader, we fought
19 against soldiers, we defeated the soldiers, we overran the barracks. We seized
20 weapons, we also took uniforms.

21 Q. [10:54:07] When you say Dominic was the leader, what do you mean?

22 A. [10:54:15] I mean that he was the -- the overall commander of the fighters that
23 went to fight there.

24 Q. [10:54:24] So who was the commander that ordered this attack?

25 A. [10:54:34] It was Dominic.

1 Q. [10:54:42] Who were the soldiers that you defeated at the barracks?

2 A. [10:54:52] Government soldiers, Ugandan government soldiers.

3 Q. [10:55:00] Were any government soldiers injured or killed during this attack?

4 A. [10:55:14] I do not recall the direction I took. I do not recall seeing any dead
5 bodies.

6 Q. [10:55:25] How about civilians? Were civilians injured or killed during this
7 attack?

8 A. [10:55:38] I personally did not see any.

9 Q. [10:55:44] Did you see any civilian homes during this attack?

10 A. [10:55:52] Yes, I did.

11 Q. [10:55:56] What happened to the civilian homes during this attack?

12 A. [10:56:07] I saw houses burning.

13 Q. [10:56:12] How did the house burn? How did it get to burn?

14 A. [10:56:30] The houses were -- started burning after we had defeated the
15 government soldiers. We went to the camp, to the centre where civilians were
16 resident and the others started burning houses.

17 Q. [10:56:50] Who do you mean by "the others"?

18 A. [10:57:02] I'm talking about the LRA.

19 Q. [10:57:07] How often did you see LRA fighters burn houses during the attacks?

20 MR TAKU: [10:57:25] May it please your Honours, I rise again, this question is too
21 general --

22 PRESIDING JUDGE SCHMITT: [10:57:30] Yes, it's --

23 MR TAKU: -- because --

24 PRESIDING JUDGE SCHMITT: -- that's correct. I agree. I agree.

25 That's -- (Overlapping speakers)

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- 1 MR TAKU: [10:57:35] -- as put in the context of --
- 2 PRESIDING JUDGE SCHMITT: Yeah, yeah, yeah.
- 3 MR TAKU: -- a standing objection --
- 4 PRESIDING JUDGE SCHMITT: [10:57:39] Yeah, yeah, yeah, no, no --
- 5 MR TAKU: -- about the four crime bases.
- 6 PRESIDING JUDGE SCHMITT: We can shorten this procedure. Indeed,
- 7 this -- I think you, yourself, recognise that the witness would have difficulties to
- 8 answer that. You went through all the possible attacks where he has knowledge
- 9 whatsoever of and I think that that might be enough in that respect.
- 10 MR CHOUDHRY: [10:57:55] Your Honour, I'll move on from that.
- 11 Q. [10:57:58] Mr Witness, what did you personally do in the attack at Barogal?
- 12 A. [10:58:12] I did not do anything.
- 13 Q. [10:58:13] Were you carrying a weapon?
- 14 A. [10:58:19] I do not recall.
- 15 Q. [10:58:22] Do you recall whether this attack was before Pajule, after Pajule or, if
- 16 you're not sure, then please say you're not sure?
- 17 A. [10:58:36] I do not recall.
- 18 Q. [10:58:52] Mr Witness, I have one question in relation -- which I've forgotten to
- 19 ask you about in relation to the attack at Patongo. Do you remember whether the
- 20 attack at Patongo was before Pajule, after Pajule, or if you're not sure please say so?
- 21 A. [10:59:12] No, I do not recall.
- 22 PRESIDING JUDGE SCHMITT: [10:59:16] I think that would be a good point to
- 23 have the break until 11.30, or do you have, with regard to these attacks, do you have
- 24 a further question?
- 25 MR CHOUDHRY: [10:59:26] Your Honour, I have I think two more questions and

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1 then I can move to a fresh area.

2 PRESIDING JUDGE SCHMITT: [10:59:31] Then perhaps ask these two questions.

3 MR CHOUDHRY: [10:59:36]

4 Q. [10:59:36] Mr Witness, in the attacks that we've just spoken about, were there
5 any LRA fighters that were younger than you that participated in any of these
6 attacks?

7 A. [11:00:00] I do not recall every single individual that went to fight there.

8 MR CHOUDHRY: [11:00:07] Your Honour, I think that's sufficient.

9 PRESIDING JUDGE SCHMITT: [11:00:10] Break until 11.30.

10 THE COURT USHER: [11:00:13] All rise.

11 (Recess taken at 11.00 a.m.)

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

13 THE COURT USHER: [11:30:49] All rise.

14 PRESIDING JUDGE SCHMITT: [11:31:07] Mr Choudhry, please.

15 MR CHOUDHRY: [11:31:19]

16 Q. [11:31:19] Mr Witness, you've told us that during some of these attacks you
17 carried a weapon and a gun. Can you tell us, after your abduction how did you
18 get -- how did you first get a gun?

19 A. [11:31:50] The first time I got a gun was when one of the LRA soldiers with
20 whom I was staying at Dominic's household gave me a gun, told me to keep the gun
21 well.

22 Q. [11:32:09] What was the name of the person that gave you the gun?

23 A. [11:32:17] He's called Opio Korea.

24 Q. [11:32:23] How soon after you were abducted were you given the gun?

25 A. [11:32:38] I had stayed for approximately six months.

1 Q. [11:32:46] How did you learn how to use the gun?

2 A. [11:33:01] The veteran LRA soldiers who were in Dominic's household were
3 the ones who trained me how to operate a gun.

4 Q. [11:33:12] What were the names of people who trained you how to operate the
5 gun?

6 A. [11:33:27] I can recall of Ocaya and Opio Korea.

7 Q. [11:33:37] What guns were you trained to use?

8 A. [11:33:50] They trained me on how to use an AK.

9 Q. [11:33:56] Was that the only weapon that you were trained to use?

10 A. [11:34:08] That was the gun I was trained to operate.

11 Q. [11:34:14] Were you ever given any other training about any other weapons
12 that the LRA had?

13 A. [11:34:32] I do not remember.

14 Q. [11:34:36] What about a PK, were you ever trained how to use a PK?

15 A. [11:34:56] I don't remember, I cannot recall about any other training.

16 MR CHOUDHRY: [11:35:05] Your Honour, with that I would like to refresh the
17 witness's memory.

18 PRESIDING JUDGE SCHMITT: [11:35:11] Yes, of course.

19 MR CHOUDHRY: [11:35:12] The ERN is 0249-0479, paragraph 41.

20 Q. [11:35:22] Mr Witness, in your statement you say:

21 "Some of the older soldiers trained me how to use an AK-47 gun, PK and an RPG."

22 Does that refresh your memory?

23 A. [11:35:38] Yes, it does.

24 Q. [11:35:41] And what do you have to say about that today?

25 A. [11:35:49] I learned how to use a PK and RPG while just seeing. At points

1 where they are either cleaning or dismantling the guns, they would teach me on how
2 the guns were operated.

3 PRESIDING JUDGE SCHMITT: [11:36:14] Can you explain to the Court what a
4 PK is?

5 THE WITNESS: [11:36:27] (Interpretation) A PK is a gun that can be carried and
6 then fired. It also has stands that you can position it and then fire. The bullets are
7 in a chain.

8 PRESIDING JUDGE SCHMITT: [11:36:48] Please, Mr Choudhry, continue.

9 MR CHOUDHRY: [11:36:52]

10 Q. [11:36:53] Can you remind us what an RPG is, please.

11 A. [11:37:05] An RPG I would say looks like a water pipe, it's in the shape of a
12 water pipe and the ammunition is fixed at the top. Normally it's carried separately
13 but only fixed whenever you want to fire it. You can either hold it on your -- around
14 your waist or on the shoulder and then you fire.

15 Q. [11:37:42] How long were you trained on using such weapons?

16 A. [11:37:58] I was not given any specific duration for the training, but they
17 would only show me how to operate at moments when we are stationed somewhere
18 and when we are trying to rest. That was how they were training me.

19 Q. [11:38:19] Who was the commander of Ocaya and Opio Korea when you were
20 being trained on how to use weapons?

21 A. [11:38:32] Dominic.

22 Q. [11:38:37] And what was the positions of Ocaya and Opio Korea when you
23 were being trained on how to use weapons?

24 A. [11:38:57] Ocaya, if I can recall, was a sergeant, but I don't recall the position of
25 Opio Korea.

1 Q. [11:39:14] Other than training in relation to weapons, were you given any
2 other training by the LRA?

3 A. [11:39:33] I was trained on how to be respectful to the commanders like
4 Dominic, the battle-hardened LRA soldiers. I was only trained to be disciplined and
5 have respect.

6 Q. [11:39:55] What training were you given to be respectful?

7 A. [11:40:13] They told me that whenever I am called by Dominic I should go and
8 salute him and show respect. I should also do the same to the other commanders.

9 Q. [11:40:31] Who do you mean by "other commanders"?

10 A. [11:40:44] I am talking about the other commanders who were under the
11 command of Dominic.

12 Q. [11:40:53] Who trained you how to behave this way?

13 A. [11:41:10] The other older LRA soldiers who were in Dominic's household.
14 For instance, Richard, Ocaya and Opio Korea.

15 Q. [11:41:27] Did you ever see anyone else being trained?

16 A. [11:41:38] Well, when I was abducted I was not taken for any particular
17 training. I was only trained from within the household where I was. I did not see
18 any other person being trained.

19 Q. [11:41:54] Mr Witness, you've told us earlier today that the LRA used a radio
20 to communicate. Can you describe the radio that was used by the LRA to
21 communicate.

22 A. [11:42:26] They had two different types of communication gadgets. There
23 was one small mobile, one a little bigger than the ordinary mobile phones and it has
24 an antenna. Then there is a bigger one that has, the antenna is connected up on a
25 tree and then attached to a solar and a battery; they sometimes use an accumulator.

1 Q. [11:43:14] When you say "bigger" radio, can you explain how big the other
2 radio was, please.

3 A. [11:43:29] I would say it's the size of the -- this gadget I'm using for talking.

4 Q. [11:43:48] Sorry, just to clarify, do you mean the computer screen in front of
5 you or do you mean the thing that's attached to the microphone?

6 A. [11:44:04] The console that has the microphone attached to.

7 Q. [11:44:10] Mr Witness, what is an accumulator?

8 A. [11:44:22] What I know about an accumulator is a battery that is sometimes
9 used for the vehicle.

10 Q. [11:44:36] Mr Witness, you've told us that Dominic Ongwen used a radio and,
11 to paraphrase, you also told us that you could not understand the language. What
12 did you mean by you could not understand the language?

13 A. [11:45:04] Yeah, he would not use the ordinary words. It's actually he uses
14 words that are different from the ones I'm using right now and whenever he would
15 talk to me I would not understand. He would use jargons.

16 Q. [11:45:24] When Dominic used the radio, who would he communicate with?

17 A. [11:45:39] Sometimes I would not be able to recognize the persons he's talking
18 to on radio because I wouldn't even mind or think about who else he's talking to
19 because I would not understand what he's also communicating.

20 Q. [11:45:55] When you were able to recognize who Dominic was talking to, who
21 were they?

22 A. [11:46:12] What I know is he would be communicating to his superiors or
23 other commanders at his level.

24 Q. [11:46:23] What are the names of these superiors and commanders at the same
25 level?

1 A. [11:46:40] The commanders whose names I can remember and those who had
2 their own groups and I suspect Dominic must have been communicating with include
3 Vincent Otti, who was Kony's deputy, or even Kony himself who was the overall
4 leader of the LRA. The other leader was Okot Odhiambo.

5 Q. [11:47:11] And when Dominic communicated with these people, what types of
6 things did he communicate about?

7 A. [11:47:28] I really could not understand what he's talking about because the
8 words he would use would not be comprehensible.

9 Q. [11:47:40] When did Dominic Ongwen -- or what led -- was there anything
10 that led to Dominic Ongwen using the radio to communicate to these people?

11 A. [11:48:01] I really don't know why he would communicate to those people on
12 radio because sometimes he communicates but I would not make sense of what he's
13 relaying.

14 Q. [11:48:17] Were there any specific times that Dominic Ongwen would use the
15 radio?

16 A. [11:48:33] I cannot estimate the exact time, but I would see he would speak on
17 radio, communicate between 9 and 10 in the morning, he would again communicate
18 at around 1 and then later in the evening at around 6. Sometimes he wouldn't even
19 speak or communicate on radio for an entire day.

20 Q. [11:49:05] How often would Dominic Ongwen use the radio when he used to
21 speak at 10, 1 and around 6?

22 A. [11:49:32] Sometimes he would speak twice in a day and other moments three
23 times, but on other occasions he wouldn't even communicate.

24 Q. [11:49:46] Would there be any occasions that would make Dominic Ongwen
25 use the radio more often than not?

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1 A. [11:50:10] Well, I don't really know the occasions that would warrant him
2 communicate on radio.

3 MR CHOUDHRY: [11:50:20] Your Honour, with your permission I would like to
4 refresh the witness's memory.

5 PRESIDING JUDGE SCHMITT: [11:50:26] Yes.

6 MR CHOUDHRY: [11:50:26] And the ERN is 0249-0481 and it's paragraph 60.

7 Q. [11:50:36] Mr Witness, in your statement you say: "Normally after battles he
8 will report what he has done."

9 Does that refresh your memory?

10 A. [11:50:56] Yes, it does.

11 Q. [11:50:57] What do you say about that today?

12 A. [11:51:07] What I can say is that there are instances where we would also
13 communicate on radio even when there were no attacks, but I would not really
14 position the occasions well.

15 Q. [11:51:24] Do you remember any of the attacks where Dominic communicated
16 after they had happened?

17 A. [11:51:44] I can recall after the Odek attack when he communicated and gave
18 the report.

19 PRESIDING JUDGE SCHMITT: [11:51:55] Mr Witness, how did you know that he
20 was reporting on this attack?

21 THE WITNESS: [11:52:06] (Interpretation) That was because the other LRA
22 members with whom I was staying told me that he reported back to his superior who
23 was Otti Vincent. He talked about what happened at Odek.

24 PRESIDING JUDGE SCHMITT: [11:52:26] Mr Choudhry.

25 MR CHOUDHRY: [11:52:27]

1 Q. [11:52:28] Did Dominic Ongwen ever communicate on the radio after the
2 attack at Pajule?

3 A. [11:52:42] I do not remember.

4 Q. [11:52:47] Mr Witness, I'd now like to move on to a different subject.
5 Have you ever heard of the word "bay"?

6 A. [11:53:06] Yes, I have.

7 Q. [11:53:09] What is the bay?

8 A. [11:53:18] A bay, according to my understanding, I came to know of it at the
9 time when Dominic got injured and the soldiers in his household, including
10 Opio Korea and Ocaya, communicated to us that we were splitting, part of the group
11 will remain behind and for us we'll have to move to the bay to take care of him.

12 Q. [11:53:48] How did Dominic get injured?

13 A. [11:54:10] He got injured at a time when government soldiers ambushed him
14 and he was shot on the knee.

15 Q. [11:54:31] When you say "we have to move to the bay," who do you mean?

16 A. [11:54:42] I'm talking about "we" as LRA soldiers who were in Dominic's
17 household.

18 Q. [11:54:50] Can you list the names of people who you include as "we"?

19 A. [11:55:06] I can remember Opio Korea, Ocaya, Opio Sukere and his wife called
20 Aber. Those are the people I can remember.

21 Q. [11:55:26] What about yourself, were you in the bay?

22 A. [11:55:34] Yes, I was.

23 Q. [11:55:36] What about Dominic Ongwen?

24 A. [11:55:41] He was also there.

25 Q. [11:55:45] And when Dominic Ongwen was in the bay, what tasks did you

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1 have?

2 A. [11:56:01] I was tasked with making his bed, making fire, bonfire so he could
3 keep himself warm.

4 Q. [11:56:15] For how long was Dominic Ongwen in the bay?

5 A. [11:56:27] He stayed at the bay for about four months or even more.

6 Q. [11:56:38] Were you with Dominic Ongwen throughout the whole time he was
7 in the bay?

8 A. [11:56:53] Yes, I was.

9 Q. [11:56:56] Who was the most senior person in the bay when Dominic was
10 there?

11 A. [11:57:08] He was the most senior.

12 Q. [11:57:16] Mr Witness, I want to clarify. You stated that Dominic Ongwen
13 was in the bay for four months or even more. What do you mean "more"? Was it
14 much more or not that much more?

15 A. [11:57:42] Not so much more.

16 Q. [11:57:47] Could you estimate the time? So was it four months, four months
17 and a few weeks? How long was it?

18 A. [11:58:03] It would range between four and six months.

19 Q. [11:58:11] And when you and Dominic were in the bay, what dates, if you can
20 remember, did that happen? And if you can't remember, please say so. It's
21 important you don't guess.

22 A. [11:58:36] Well, I cannot guess the actual dates.

23 Q. [11:58:45] When you were in the bay where was Oleda?

24 A. [11:58:58] I don't know where he was.

25 Q. [11:59:03] Other than Dominic Ongwen sustaining an injury, were any of

1 Dominic Ongwen's wives ever injured?

2 A. [11:59:24] I don't remember.

3 Q. [11:59:27] Can you remember whether Nancy was ever injured?

4 A. [11:59:41] Yes, I can.

5 Q. [11:59:44] Tell us how Nancy was injured.

6 A. [11:59:55] Nancy got injured at a time when Dominic had already recovered
7 and we had already left the bay. We had joined the other group and Nancy got
8 injured while we were moving in the bush somewhere in Gulu. A military aircraft
9 came and started hovering above and started bombarding. There were also
10 government soldiers on foot patrol who were pursuing us. They were -- they were
11 closing in and we could as well hear them talk. We were able to see them. We
12 reached a point where we were to cross a river. It was a very plain area, there were
13 no trees and no shrubs. The military aircraft was also nearby hovering about, the
14 government soldiers on patrol were also here. We started running and crossing the
15 river. The soldiers started firing at us. When we crossed the river Nancy got
16 injured. There was a blast nearby and the splinters injured Nancy, removing the
17 lower jaws.

18 Q. [12:01:39] What happened to Nancy after she was injured?

19 A. [12:01:52] Nancy started crying. She tried to run after us, but she was
20 bleeding heavily. She had no strength left. She fell and remained behind. We
21 continued running. We ran back into the jungle and we left Nancy behind.

22 Q. [12:02:15] Mr Witness, one more question in relation to the bay. Can you
23 remember whether there were any operations that were launched by Dominic
24 Ongwen's group whilst he was in the bay?

25 A. [12:02:38] I do not recall.

1 Q. [12:02:45] How long were you in the LRA for, Mr Witness?

2 A. [12:02:54] I was in the LRA for approximately one to two years.

3 Q. [12:03:04] Did you ever try to escape when you were in the LRA?

4 A. [12:03:21] I did not try to escape while I was in the LRA, but the thoughts did
5 cross my mind, but I did not attempt to.

6 Q. [12:03:34] Why didn't you try to escape when you were in the LRA?

7 A. [12:03:43] I did not attempt to escape from the LRA when I was abducted
8 because of the things that I witnessed, killing people, the extreme punishment of
9 anybody who tried to escape, and the killing of people who tried to escape. I was
10 afraid and that's why I did not try to escape.

11 Q. [12:04:08] You told us yesterday, Mr Witness, about an incident where
12 Dominic was involved about people escaping. Other than that incident you spoke of
13 yesterday, what other incidents or punishments did you see for people who tried to
14 escape from the LRA?

15 A. [12:04:34] I saw one boy called Cidoro. He attempted to escape. He was
16 apprehended. The LRA reapprehended him and brought him back. He was
17 flagellated. I do not know how many whips he was beaten. They did not even
18 count it themselves. And that really scared me.

19 MR CHOUDHRY: [12:05:03] Your Honour, perhaps we can go into private session
20 for approximately 10 minutes.

21 PRESIDING JUDGE SCHMITT: [12:05:09] Yes.

22 Private session.

23 (Private session at 12.05 p.m.)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
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5 (Open session at 12.27 p.m.)
6 THE COURT OFFICER: [12:27:34] We are back in open session, Mr President.
7 PRESIDING JUDGE SCHMITT: [12:27:42] Yeah, thank you very much.
8 The Legal Representatives have announced that they want to put questions to the
9 witness. Do you have an estimate how long it will take you?
10 MR NARANTSETSEG: [12:27:53] Thank you, your Honours. We estimate about
11 half an hour, 30 minutes.
12 PRESIDING JUDGE SCHMITT: [12:27:59] And the other team?
13 MR COX: [12:28:00] Your Honour, we would also like 15, 20 minutes at the most.
14 PRESIDING JUDGE SCHMITT: [12:28:10] (Microphone not activated)
15 MR COX: [12:28:15] We start with --
16 PRESIDING JUDGE SCHMITT: (Microphone not activated)
17 MR COX: Okay.
18 PRESIDING JUDGE SCHMITT: No.
19 MR COX: That was a surprise.
20 PRESIDING JUDGE SCHMITT: [12:28:16] Yeah. Yeah, yeah, yeah. But it's nice
21 from time to time to catch people by surprise.
22 MR COX: [12:28:21] It's okay.
23 PRESIDING JUDGE SCHMITT: [12:28:23] It was just -- we just looked a little bit on
24 the time. And you never know when counsel says half an hour if this really is half
25 an hour. It normally turns out that it's never less. So when you say 15, 20 minutes,

1 so I trust you that we -- during lunchtime break we have finished, so please start,

2 Mr Cox.

3 MR COX: [12:28:46] Okay, thank you.

4 QUESTIONED BY MR COX:

5 Q. [12:28:51] Good afternoon, Mr Witness. My name is Francisco Cox, I

6 represent some victims of the LRA attacks and I will be putting some questions to you.

7 And I would really appreciate if you could answer to the best of your knowledge.

8 Mr Witness, yesterday you said when you were abducted you were looking after

9 cattle. Could you tell the Court what this cattle was, how many and what role did it

10 play in your family having this cattle?

11 A. [12:29:39] There were approximately five, five cows. We used to use the cows

12 to cultivate our fields.

13 Q. [12:29:50] Having five cows, were there people -- where were you put

14 economically, compared to other people in your village, having five cows?

15 A. [12:30:16] If I'm to make a comparison, if somebody has five cows and

16 somebody does not have any or somebody just has one, then there is a difference, we

17 are much better off than the person who has one or none.

18 Q. [12:30:36] In your particular town, without mentioning it, how was the reality?

19 How many people had one cow, none, five? Approximately, obviously.

20 A. [12:30:54] No, I cannot -- I cannot guess the number of cows people had in

21 their homestead. I just talked about what with had at home.

22 Q. [12:31:13] Mr Witness, thank you for your answer. Yesterday you mentioned

23 that you had seen killings. Before joining the LRA, had you ever seen killings of

24 people?

25 A. [12:31:36] No, I had not.

1 Q. [12:31:38] What did you feel the first time you saw the killing of people?

2 A. [12:31:54] I got so scared, I was shaky.

3 Q. [12:32:04] Mr Witness, could you inform the Court what happened to the
4 bodies of those people that you saw killed?

5 A. [12:32:28] I really don't know anything that was done or anything that
6 happened to the bodies because the people were killed and immediately we were
7 dispersed to go back to our respective households.

8 Q. [12:32:42] Did you have a presence while in the bush burial rituals performed
9 to any dead body?

10 A. [12:33:03] I did not.

11 Q. [12:33:04] Were you concerned that this might happen to you yourself?

12 A. [12:33:15] Yes, I was.

13 Q. [12:33:16] Why is that?

14 A. [12:33:27] Because when that happened we were also threatened that a similar
15 thing could also be done upon us.

16 Q. [12:33:43] Without mentioning the name of your sister, you had told the Court
17 yesterday -- and I'm quoting, your Honour, realtime transcript page -- number 60,
18 page 33, lines 18 to 13 -- no, sorry, your Honour, 69, line 18 -- that you had asked
19 Dominic Ongwen to release your sister. Afterwards, you said this today, you saw
20 that that was not the case. Did this affect your relationship with Mr Ongwen?

21 MR TAKU: [12:34:33] Your Honour.

22 PRESIDING JUDGE SCHMITT: [12:34:35] I'm not sure if this is really -- I'm not
23 sure because I don't have the full transcript now on the page. I'm not sure if this
24 truly reflects everything what was said in that respect. It seemed to be -- I have in
25 my mind but, as I said, I don't have a memory, I have in my mind that it was

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1 something said to that effect that they didn't know what happened then afterwards,
2 so we would have to clarify that.

3 MR TAKU: [12:35:04] Exactly, your Honour.

4 MR COX: [12:35:09] Your Honour, I'm sorry, if you give me a minute to find the
5 exact quote --

6 PRESIDING JUDGE SCHMITT: [12:35:15] Yes, yeah, yeah, please do that.

7 MR COX: [12:35:18] -- so I can read it.

8 PRESIDING JUDGE SCHMITT: [12:35:28] Mr Obhof.

9 MR OBHOF: [12:35:29] It's page 69, your Honour, of yesterday's edited transcript.
10 It's towards the end.

11 PRESIDING JUDGE SCHMITT: [12:35:38] And could you please for the -- or Mr
12 Cox, for the benefit --

13 MR OBHOF: [12:35:42] I'll read it out.

14 PRESIDING JUDGE SCHMITT: [12:35:44] Also Mr Obhof, why not.

15 MR OBHOF: [12:35:46] Question from the Prosecution:

16 "What did you do when you saw your sister?"

17 Answer: "When I saw my sister, what I did, I went to Dominic and told him, I told
18 him that my sister who follows me has also been captured so if he could help me so
19 that she would also be released among those who are being released. So he agreed,
20 he accepted that we should move together with him so that when I see her I actually
21 should introduce her to him so that she
22 could be released.

23 So when we went back to check, I did not find her and she -- he told me that maybe
24 she has already been released and she could have returned home. That's what
25 Dominic told me."

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1 PRESIDING JUDGE SCHMITT: [12:36:27] So we would have to inquire with the
2 witness if he knew what happened to his sister. So this would be my question:
3 Did you come to know afterwards what happened to your sister?

4 THE WITNESS: [12:36:49] (Interpretation) I did not come to know what
5 happened to my sister.

6 MR COX: [12:36:53] Your Honour, could I follow on that?

7 PRESIDING JUDGE SCHMITT: [12:36:57] Yeah, yeah, of course.

8 MR COX: [12:36:59]

9 Q. [12:36:59] Mr Witness, at that time did you believe that she had been released?

10 A. [12:37:16] I could not believe that she had been released because I did not see
11 her amongst those who were released.

12 MR COX: [12:37:26] Thank you, Mr President.

13 PRESIDING JUDGE SCHMITT: [12:37:33] And perhaps still following that:

14 Later on when you came back from the bush, did you come to know what happened
15 to your sister? Or were you reunited or something like that?

16 THE WITNESS: [12:37:55] (Interpretation) When I came back from the bush I
17 first went to World Vision rehabilitation centre. After spending about three months
18 I was told that she had also escaped and returned home. When we met from home, I
19 did not enquire from her what exactly happened to her.

20 PRESIDING JUDGE SCHMITT: [12:38:17] Please continue.

21 MR COX: [12:38:19]

22 Q. [12:38:20] Mr Witness, to a question of the Presiding Judge you said that some
23 civilians were scared. And when Presiding Judge asked you why you said that, you
24 said that they could be killed or something worse. Could you illustrate what would
25 be worse in your eyes than killing somebody?

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1 A. [12:38:58] Something that would be worse, well, I don't know if there would
2 be something worse than death, because if you're killed, that would be the worst
3 thing that can happen to you.

4 Q. [12:39:14] Mr Witness, could you tell the Court what you have -- what you did
5 while you were in World Vision.

6 MS KERWEGI: [12:39:32] May it please your Honour, I'm not sure whether -- I'm a
7 bit uncomfortable with that mention of World Vision. Maybe I can be guided by the
8 Prosecution.

9 PRESIDING JUDGE SCHMITT: [12:39:43] Yes.
10 Please, Mr Choudhry, do you have an opinion?

11 MR CHOUDHRY: [12:39:46] Your Honour, I would have expected my learned
12 friend to rise in relation to that because the question is whether it should be in private
13 session. That's the issue. But I'm at your Honour's --

14 PRESIDING JUDGE SCHMITT: [12:39:59] The issue is clear, of course, that that is
15 not the problem. The problem is if there is enough reason to go to private session.
16 But if you want to follow on that and be more specific especially, then we go to
17 private session for that.

18 MR COX: [12:40:14] Mr President, I just want to learn about the activities. I'm not
19 going to ask about the location or anything like that. Just the activities --

20 PRESIDING JUDGE SCHMITT: [12:40:22] Then I think this is not -- there is no
21 problem at all to discuss this in open session. So we stay in open session.

22 MR COX: [12:40:33]

23 Q. [12:40:34] Mr Witness, do you need that I repeat the question? What
24 activities did you engage in in this place?

25 A. [12:40:51] The tasks that were given to us were, were sometimes they would

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1 give us a football to go and play, sometimes they would send us to participate in
2 traditional dances, sometimes they would take us for cinema, go and watch movies,
3 sometimes they would also train us on how to behave, we should forget about the
4 past, about the experiences in the bush. Those were the kinds of activities that we
5 engaged in.

6 Q. [12:41:33] Thank you very much, Mr Witness.

7 MR COX: [12:41:35] Thank you, your Honour, that concludes our questioning.

8 PRESIDING JUDGE SCHMITT: [12:41:38] Thank you very much.

9 For the planning of the future, the near future, so to speak, we have already heard
10 that Mrs Massidda would need half an hour. We would do that after the break.

11 And then I would like to have an estimate by the Defence because, from this estimate,
12 it depends a little bit if we start with the Defence examination today or if we -- it
13 would be enough to start tomorrow. I explain it to you because on Friday, perhaps
14 you have been informed that we have to finish at 1 o'clock, we would only have
15 I think three and a half hours, so -- and I am -- everybody would perhaps agree with
16 me that we finish this witness this week and start with the new witness on Monday.
17 And also we cannot start with a new witness on Friday, for example, for one or two
18 hours so it would absolutely make sense that this witness can go home on Friday, so
19 to speak. Because of that my question: How long it would take you?

20 MR OBHOF: [12:42:47] Your Honour, I can do the first section or two during the
21 second half of today in order to make sure that the witness does get to leave on Friday.
22 So I have about 30 to 45 minutes' worth of material before we get into the big bulk of
23 it where it would take a session or so.

24 PRESIDING JUDGE SCHMITT: [12:43:09] Sounds very reasonable and we will
25 follow that.

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- 1 So we have now the break until 2.30 and then we start with Mrs Massidda, and
2 afterwards your 45 minutes, for example, what you said you can start with.
- 3 THE COURT USHER: [12:43:28] All rise.
4 (Recess taken at 12.43 p.m.)
5 (Upon resuming in open session at 2.30 p.m.)
- 6 THE COURT USHER: [14:30:02] All rise.
- 7 PRESIDING JUDGE SCHMITT: [14:30:20] Now Mrs Massidda has the floor.
- 8 MS MASSIDDA: [14:30:25] Good afternoon, your Honour. Mr Narantsetseg will
9 question the witness.
- 10 PRESIDING JUDGE SCHMITT: [14:30:29] Okay.
- 11 MR NARANTSETSEG: [14:30:34] Thank you, your Honours. (Microphone not
12 activated)
- 13 PRESIDING JUDGE SCHMITT: [14:30:42] Microphone, please.
- 14 MR NARANTSETSEG: [14:30:44] Sorry. Do you hear me now?
- 15 PRESIDING JUDGE SCHMITT: [14:30:50] (Microphone not activated)
- 16 QUESTIONED BY MR NARANTSETSEG:
- 17 Q. [14:30:54] Mr Witness, good afternoon. I hope you had a good lunch. With
18 Chamber's leave I would like to ask three sets of questions from you today.
19 My first set of questions relate to your life prior to your abduction; my second set of
20 questions will relate to your stay in the bush; thirdly, I would like to ask some questions
21 about your life after your escape.
- 22 So let me start with my first set of questions.
- 23 Mr Witness, could you please tell us how was your life before your abduction, just in
24 general terms?
- 25 A. [14:31:41] Before my abduction there was nothing particularly bad in my life. I

1 liked to play. I loved to socialise with my friends, we used to play together.

2 Q. [14:31:59] Thank you very much. Would you say that you had a happy childhood
3 before your abduction?

4 A. [14:32:15] No, there was no particular problems that I had.

5 Q. [14:32:17] Right. Next I would like to ask you this question, Mr Witness: What
6 were your dreams and ambitions as a boy? Who did you want to become when you
7 were growing up?

8 A. [14:32:44] When I was a child, whenever I saw planes fly by that would make me
9 really excited and my ambition was to become a pilot.

10 Q. [14:32:58] I understand. Now let's talk about your abduction. What did you feel
11 at the moment you got abducted? Were you scared?

12 A. [14:33:17] When I was abducted I was scared.

13 Q. [14:33:23] All right. Which leads me to my next set of questions. Mr Witness,
14 you told us you were escort at Mr Dominic Ongwen's household. How did Mr Ongwen
15 treat you as his escort?

16 A. [14:33:50] He would tell me what to do, he would issue instructions. He would
17 ask me to prepare his seat. He would ask me to clean it, to sweep it. I would make his
18 bed. I would also light fires. He always wanted me to be close by.

19 Q. [14:34:12] All right. Did he ever punish you at any point of time?

20 A. [14:34:26] I do not recall any punishments.

21 Q. [14:34:29] Thank you.

22 Mr Witness, could you please tell us what were your living conditions while you were
23 staying in the bush?

24 A. [14:34:45] When we were in the bush, well, I did not, at the time, I did not have any
25 other thought other than the fact that I was in the bush. I did not think of playing. I did

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1 not think of school. I did not think of anything else other than the fact that I was in the
2 bush. If I got something to eat, then that would be sufficient and life continued.

3 Q. [14:35:13] Mr Witness, then would you say that you suffered during your captivity
4 in the LRA? If yes, how did you suffer? Could you be more specific.

5 A. [14:35:33] Yes, when I was abducted and I was in the bush I did suffer. We
6 walked extremely long distances. We would start walking very early in the morning till
7 nightfall. That was not something that I was used to. That was not something that I
8 had done before in my life. Sometimes I would go hungry. I wouldn't eat anything
9 from morning till nightfall. Would, would also be thirsty. So those are some of the
10 things, some of the suffering that I went through.

11 Q. [14:36:11] I would like to ask next: Did you receive any injuries while you were a
12 captive?

13 A. [14:36:22] Yes, I did.

14 Q. [14:36:24] Could you please describe your injury?

15 A. [14:36:35] I sustained an injury during a fight with the government soldiers. I
16 was injured on my head.

17 Q. [14:36:51] Were your injuries treated?

18 A. [14:37:01] There was -- I wasn't given any medication.

19 PRESIDING JUDGE SCHMITT: [14:37:04] Was it -- what kind of wound was it? What
20 kind of injury was it? How was it inflicted on you?

21 THE WITNESS: [14:37:22] (Interpretation) It was a bullet wound. And we were
22 fighting with government soldiers and the government soldiers were shooting at us.

23 PRESIDING JUDGE SCHMITT: [14:37:35] Thank you.

24 MR NARANTSETSEG: [14:37:37]

25 Q. [14:37:38] So would you say that you weren't treated at all in the bush?

1 A. [14:37:47] There was no treatment. The only help I got was to clean -- to clean my
2 wounds with warm water.

3 Q. [14:38:00] Right. Does your injury still cause you any pain or problems today?

4 A. [14:38:17] There is no pain at the moment.

5 Q. [14:38:20] So you are not receiving any medical attention today?

6 A. [14:38:30] No, I'm not.

7 Q. [14:38:31] Thank you very much.

8 I'm going to move on, slightly different topic. You told us yesterday and today that you
9 had to participate in several attacks, including the attack on Pajule and Odek, et cetera, so
10 you had to personally commit various forms of violence. What did you feel when you
11 were committing these acts?

12 A. [14:39:18] There was nothing particular, but if we went to battle and we won I was
13 happy that nothing happened to me and that we went back safely.

14 Q. [14:39:29] Thank you.

15 Let me be a bit more specific: What did you feel when you shot to kill another human
16 being?

17 A. [14:39:52] Nothing. I did not personally feel any -- it did not affect me in any
18 way.

19 Q. [14:40:05] Thank you very much.

20 So do you experience any emotional or psychological troubles because of your stay in the
21 LRA? Do you have nightmares, for example?

22 A. [14:40:22] Yes, I do.

23 Q. [14:40:25] Could you elaborate a bit more, please?

24 A. [14:40:38] Sometimes when I go to bed at night, when I'm asleep, I wake up
25 suddenly. I always feel as if there is somebody who is creeping me after me with a gun.

1 Sometimes I hear gunshots above my head but when I wake up there's nothing happening.
2 When I was at home before my abduction I did not have these kind of dreams, so it's
3 because of the fact that I was in the bush, that's why I suffer these nightmares.

4 Sometimes when I'm sleeping or when I'm just sitting, I -- I visualise the things that
5 happened in the bush, I see them, they always come, they always spring up in my mind.

6 Q. [14:41:27] Thank you.

7 Now I'm going to move on to my last topic. Mr Witness, how did this abduction and
8 your stay in the LRA change your life?

9 A. [14:41:53] My abduction and staying in the bush changed my life because I was not
10 able to achieve my ambitions, I was not able to complete my education, and I lost a lot of
11 friends, I no longer know the friends that I grew up with. When I came back from the
12 bush, when I'm with people, when I'm among people, I find it difficult to converse with
13 people. If people talk about things that relate to me, then it makes me -- it makes me
14 angry, it makes me sad, and that's something that never happened in my life before.

15 Q. [14:42:40] Thank you very much.

16 Mr Witness, today and yesterday you have also told us that some of your family members
17 were also abducted, and you know generally who I'm talking about, so did their
18 abduction also affect your family's life?

19 A. [14:43:05] Yes, it did.

20 Q. [14:43:08] Could you please elaborate a bit more, please?

21 A. [14:43:17] The abduction -- our abduction, my abduction with other people from
22 my home, other family members, as a result of that, people left home and went to live in
23 the centres close to the government soldiers. We lost everything. My family lost
24 everything, the cattle, the goats. They had to leave everything when they ran away and
25 all those things were taken. So we no longer had the life that we had before all this.

1 Q. [14:43:50] Thank you.

2 Then let me ask this question: How were you received when you came back from the
3 bush, were you welcomed back to your community?

4 A. [14:44:12] My people did welcome me, but other members of the community, some
5 of them come and they would just say, "Oh, come and see the LRA that they are talking
6 about." Then they would come and look at me. It's like some freak show. So
7 they -- they hear about me and they come and see me. Sometimes they say bad things as
8 well.

9 Q. [14:44:40] So would you say that you feel stigmatised as a result of your stay in the
10 LRA?

11 A. [14:44:51] Yes, I do.

12 Q. [14:44:53] Thank you, Mr Witness.

13 Now, I would like to ask this question, Mr Witness: What did it take for you to rebuild
14 your life? How long did it take for you to start living normally?

15 A. [14:45:22] Well, my -- my life is not yet back to normal. It's extremely difficult for
16 me to stay with people. If there are a number of people who have congregated together
17 and it's extremely difficult for me to sit and stay with them, so it's difficult. At the
18 moment my life is not yet back to normal.

19 Q. [14:45:47] Thank you very much, Mr Witness.

20 Now I'm going to ask my last question: Mr Witness, as you might be aware, the
21 Rome Statute of the International Criminal Court provides for reparation for victims like
22 you and, in the future as a reparation, what would you like to receive, what would help
23 you the most in your life?

24 A. [14:46:32] I do not -- I do not think that anything that I've been given will make
25 such a huge difference to my life, other than something that I have achieved myself,

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1 because there's something that -- I have a lot of thoughts from the things that have
2 happened to me. I don't think there's anything that can be given to me to take that away.

3 PRESIDING JUDGE SCHMITT: [14:46:56] I think we should leave it at that.

4 MR NARANTSETSEG: [14:46:59] Yes, your Honour. Thank you very much.
5 Thank you, Mr Witness.

6 PRESIDING JUDGE SCHMITT: [14:47:03] Thank you.

7 We give now the floor Mr Obhof, and the Defence starts with the examination.

8 MR OBHOF: [14:47:34] Thank you, Mr President.

9 QUESTIONED BY MR OBHOF:

10 Q. [14:47:40] Good afternoon, Mr Witness. I hope you found this Dutch food
11 palatable.

12 Mr Witness, where were you born? And by that I don't mean the town, I mean were you
13 born in a home or were you born in a hospital?

14 A. [14:48:11] I was born in a hospital.

15 MR OBHOF: [14:48:16] We're going to have to go into private session, your Honour.

16 PRESIDING JUDGE SCHMITT: [14:48:19] Private session.

17 MR OBHOF: [14:48:22] Thank you.

18 (Private session at 2.48 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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6 (Open session at 2.49 p.m.)

7 THE COURT OFFICER: [14:49:42] We are back in open session, Mr President.

8 MR OBHOF: [14:49:49] Just a normal piece of paper. Yeah.

9 Q. [14:49:54] Mr Witness, if you could, could you please sign this document three
10 times. And the court officer will take the document or the piece of paper from you
11 afterwards.

12 And of course, to the court officers, this should not be shown to the public, please.

13 PRESIDING JUDGE SCHMITT: [14:50:42] Thank you very much, Mr Witness.

14 MR OBHOF: [14:51:01]

15 Q. [14:51:04] Now, Mr Witness, you mentioned earlier today that you finally learned
16 your birth-date when you asked your mother. Do you remember exactly when you did
17 ask your mother when you were born?

18 A. [14:51:20] I do not recall.

19 Q. [14:51:24] Would you say it was a few years ago, maybe a decade ago? An
20 estimate time frame. If you don't know it's okay to say you don't know.

21 A. [14:51:42] I asked my mother about my date of birth after I came back from the
22 bush.

23 Q. [14:51:54] Now, Mr Witness, considering the issues we have with your birth date,
24 did you supply the Office of the Prosecutor with your NIRA birth certificate?

25 A. [14:52:32] I gave them -- I gave them all these documents.

1 Q. [14:52:40] Does that include a birth certificate?

2 A. [14:52:47] I do not have a birth certificate.

3 Q. [14:52:54] Now without saying the location in which you were born, did you ever
4 go and retrieve a copy of your birth certificate from where you were born?

5 A. [14:53:13] I tried to go to the place where I was baptised to ask them about my
6 birth certificate. I went to the church, they looked for the birth certificate but they could
7 not find it.

8 Q. [14:53:35] So the church didn't have your baptismal records. But the place in
9 which you were born, that should have a copy of your birth certificate; wouldn't that be
10 correct, sir?

11 A. [14:53:53] I do not know.

12 Q. [14:54:00] Now, Mr Witness, you stated that you were in P7 before you were
13 abducted. When you enrol in school every year are not you required to provide a birth
14 date or some sort of certification of your age?

15 A. [14:54:25] They did not ask me.

16 MR OBHOF: [14:54:37] Your Honours, I will be going into private session, please. It
17 will be for about 10 to 15 minutes.

18 PRESIDING JUDGE SCHMITT: [14:54:45] Private session, please.

19 (Private session at 2.54 p.m.)

20 (Redacted)

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23 (Open session at 3.13 p.m.)

24 THE COURT OFFICER: [15:13:22] We're back in open session, Mr President.

25 MR OBHOF: [15:13:43]

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1 Q. [15:13:43] Now, Mr Witness, you previously told this Court that you went to
2 World Vision after coming back from --

3 THE INTERPRETER: [15:13:50] The interpreters would request the counsel to speak a
4 little slowly for the interpreters to work well.

5 PRESIDING JUDGE SCHMITT: Yes.

6 MR OBHOF: [15:13:58] Sorry, interpretation. I do apologise.

7 PRESIDING JUDGE SCHMITT: [15:14:01] Yes, you have heard it, you have heard it
8 yourself. Please speak slower.

9 MR OBHOF:

10 Q. [15:14:08] Now, Mr Witness, you stated earlier today that you went to World
11 Vision when you came back from the bush; is that correct?

12 A. [15:14:22] That's correct.

13 Q. [15:14:26] Now, Mr Witness, do you know that programmes, programmes like this,
14 like GUSCO and other -- and Rachele, those programmes generally only accept young
15 children and women when they come back from the bush? Do you know that?

16 A. [15:14:58] I am not aware of that programme because I actually went where I was
17 directed and taken.

18 Q. [15:15:09] Okay, but do you know the -- you did attend World Vision; correct?

19 A. [15:15:21] I was at World Vision, but from there the people were in different -- two
20 different groups.

21 Q. [15:15:31] Did they have a lot of older teenage males that were there, kids 17 and
22 18 years old?

23 A. [15:15:45] Where I was, there were -- there was no other elder teenage boy, they
24 were living in a different location.

25 Q. [15:16:01] Now, Mr Witness, I put it to you that you used the 1989 birth-date when

1 you returned so that you would be eligible to enter one of these rehabilitation facilities.

2 What would you say about that proposition?

3 A. [15:16:28] Could you please repeat your question?

4 Q. [15:16:33] Mr Witness --

5 PRESIDING JUDGE SCHMITT: [15:16:35] Try to word it as easily as possible from the
6 wording, I think.

7 MR OBHOF: [15:16:42] (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [15:16:43] Because this, from common law, "I put it to
9 you" I think is a problem for some witnesses. They would not understand. So really try
10 to break it down from the language in a way that the witness can understand it.

11 MR OBHOF: [15:16:58]

12 Q. [15:16:58] Mr Witness, did you use the 1989 birth date with the Amnesty
13 Commission and with World Vision so you would get better treatment with the ability
14 at -- to go to a nicer programme at World Vision?

15 A. [15:17:28] My Amnesty certificate contains the date that I indicated as my date of
16 birth. I, at that time, I did not know my exact date of birth, so I gave them what is
17 written on it.

18 Q. [15:17:47] But instead of going to a programme for older people, possibly for
19 adults, now because of this 1989 birth-date you're in the rehabilitation programme for
20 children. And just two years earlier you had said that you were born in 19 -- in or
21 around 1987. Did you use this birth-date to get into the programme for children to
22 receive better treatment?

23 A. [15:18:33] I didn't use that for that purpose. I don't know why I was taken there.
24 Maybe the people who took me there saw me and estimated my age and took me to that
25 programme.

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- 1 MR OBHOF: [15:18:49] One quick question in private session, your Honour, please.
- 2 PRESIDING JUDGE SCHMITT: [15:18:52] Private session.
- 3 (Private session at 3.18 p.m.)
- 4 (Redacted)
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- 15 (Open session at 3.20 p.m.)
- 16 THE COURT OFFICER: [15:20:26] We are back in open session, Mr President.
- 17 PRESIDING JUDGE SCHMITT: [15:20:31] Thank you.
- 18 MR OBHOF: [15:20:35]
- 19 Q. [15:20:35] Mr Witness, we're going to keep with this age motif. At tab 1 of your
- 20 first Prosecution statement, it is page 0475 at paragraph 22, and as requested by -- earlier I
- 21 will be reading these out, so no need to pull it up on the screen.
- 22 "There was girls and women amongst the people who had been abducted from Kitgum
- 23 but I did not see any children."
- 24 So Mr Witness, so no children, but those girls could have been above the age of 15; would
- 25 that be correct?

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1 A. [15:21:38] You talk about children, what I understand is you're talking about
2 infants.

3 Q. [15:22:02] Now, when you were discussing Teso you talked about page 0479,
4 paragraph 48. You say:

5 "I did not see any abduction among my group while in Teso."

6 On page 0489, paragraph 107. In Labwor Omor, and for ease of reference, better known
7 as Palaro, when you were talking about abducted people you said:

8 "I do not know how old they were or how many people were abducted. I saw them after
9 they were abducted, they included men and women. I did not see any young girls
10 among the abductees."

11 So again you did not see any young people.

12 Again, at tab 2 of the second statement, that's UGA-OTP-0258-0818, at page 0826,
13 paragraph 61:

14 "I did not hear a general order about what age abductees should be."

15 PRESIDING JUDGE SCHMITT: [15:23:15] This is a little bit at a time, a little bit too
16 much at a time.

17 MR OBHOF: [15:23:21] Yeah.

18 PRESIDING JUDGE SCHMITT: [15:23:22] Perhaps you ask him --

19 MR OBHOF: [15:23:23] I'll ask him general questions.

20 PRESIDING JUDGE SCHMITT: No, no, I understand that you bring this up, but you
21 should perhaps one after the other and you should ask him one paragraph, next
22 paragraph, third paragraph.

23 MR OBHOF:

24 Q. [15:23:37] Since you already commented about when you were first abducted,
25 when you went to Teso, is it correct that you did not see any abductions while you were in

1 Teso?

2 A. [15:23:57] Well, while I was in Teso I did not see any abductee.

3 Q. [15:24:11] In Palaro, where you said you do not know how old they were or how
4 many people and you did not see any young girls and you only saw men and women; is
5 that still your statement for Palaro?

6 A. [15:24:36] I have not understood your question well.

7 Q. [15:24:44] When you describe the attack in your statement to the Prosecution about
8 Palaro, you said that you saw men and women abducted but you did not see any young
9 girls among them; is that still the statement you want to say today?

10 A. [15:25:18] Well, I couldn't say the individual ages of the individual abductees. I
11 did not ask them how old each one of them was, so I did not know how old each one of
12 them was so I could not segregate.

13 Q. [15:25:34] Now, as you mentioned this earlier, could you define what you think an
14 infant is?

15 A. [15:25:58] When you say a child, what I know is that is somebody who is less than
16 18. From -- from 17 coming down to one year old. All these are children.

17 Q. [15:26:18] Thank you, Mr Witness.

18 Now, Mr Witness, when you were estimating or gauging people's ages, did you use
19 yourself as a reference point to guess other people's ages?

20 A. [15:26:48] To estimate people's ages, well, I'd look at -- I would look at the height of
21 the person. If I see that I am taller than the person, or the person looks younger or
22 smaller than me, I could -- I could see and estimate. If I look, if I feel I look bigger than
23 that certain person I would then know I am older than this person, or otherwise.

24 Q. [15:27:22] Now, Mr Witness, if you did not even know your own age, and we have
25 almost a, if I'm not mistaken, a 16 to 17-month span between all the birth dates that you

1 gave us, how could you properly gauge other people's ages if you did not know yours?

2 A. [15:27:53] I did not say I know their date of births. Like I said, I didn't know my
3 date of birth. But even though I didn't know my date of birth I could still be able to
4 know who was bigger or older than me, or not, even when I didn't know my actual age.

5 Q. [15:28:16] In your opinion, sir, do people all grow at the same -- same rate? So is
6 there a way of telling how old somebody is by how tall they are or how muscular or fat
7 they are?

8 A. [15:28:41] People don't really grow in the same way. But if, for instance, you're
9 looking at a girl you can always know that this is still a young girl if the breasts haven't
10 yet developed, for a woman should be having big breasts or developed breasts. For a
11 man you will be able to see the changes in the morphology, he could be having grey hair,
12 then you know such a person is old.

13 PRESIDING JUDGE SCHMITT: [15:29:31] You have put the question to the witness.
14 It was not me.

15 MR OBHOF: [15:29:36] I'm just actually happy he didn't talk about hair loss.

16 PRESIDING JUDGE SCHMITT: [15:29:41] I avoided this.

17 MR OBHOF: [15:29:52]

18 Q. [15:29:53] Let's move on to a different issue, Mr Witness.

19 Mr Witness, you told the Prosecution that you were in primary 7 again when you were
20 abducted; correct?

21 A. [15:30:08] Correct.

22 Q. [15:30:09] And in your two statements to the Prosecution you told them that you
23 could speak and write both in Acholi and English; correct?

24 A. [15:30:27] Correct.

25 Q. [15:30:33] Can you read and write in Acholi, Mr Witness?

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1 A. [15:30:48] Yes, I can write Acholi and I can read it as well.

2 Q. [15:30:54] Can you write English and read English, Mr Witness?

3 A. [15:31:06] I can read.

4 Q. [15:31:09] Now, Mr Witness, how long did you spend in the LRA? I know we
5 tried to give an estimate earlier today, but would you say one year, one year and a half,
6 two years?

7 A. [15:31:53] One -- one year and above.

8 Q. [15:32:01] Now, as it's the end of March right now, in northern Uganda what is
9 March, April and May? What season is that in northern Uganda?

10 A. [15:32:29] March is the rainy season in Uganda.

11 Q. [15:32:39] Does the rainy season extend out into April and into May, Mr Witness?

12 A. [15:32:53] Yes, in April -- in May the rains are not that heavy, the rains are less
13 frequent.

14 Q. [15:33:14] When do the mangos come into bloom? When are they ripe, I should
15 say?

16 A. [15:33:28] It depends on a particular type of mango. Mangos not only ripen or
17 blossom during this -- that season because sometimes in January you have some mangos,
18 in May you do have mangos as well, and December as well. I did not do -- I did not
19 study anything about mangos and I do not know the exact seasons that mangos bloom
20 and ripen.

21 Q. [15:33:57] Well, you actually answered my next question just if you didn't know
22 the exact time, was when they generally when they were. So the three months are
23 general, though, what you would say is when they generally come out and ripe? I mean
24 we're not -- we don't think you're a biologist or one of those people who really work
25 towards that, but generally speaking, the months you gave are correct, so towards the end

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1 of May there usually are mangos that are ripe; correct?

2 A. [15:34:37] Yes, I said that I do not know any particular season where mangos ripen
3 because mangos ripen at any time. If you go to a particular place and find ripe mangos,
4 you cannot determine exactly when those mangos became ripe.

5 PRESIDING JUDGE SCHMITT: [15:34:53] And you will soon show us where you're
6 heading at, Mr Obhof.

7 MR OBHOF: [15:34:57] With the mangos you'll see tomorrow.

8 PRESIDING JUDGE SCHMITT: [15:34:59] That's also good, yeah, okay.

9 MR OBHOF: [15:35:01] And maybe in a month when I bring everybody in the court
10 back some mangos.

11 Q. [15:35:09] Now, during this rainy season when you said it rains real heavily in
12 March and April but it slows down in May, so coming there in April a lot of the fields
13 turn into swamps and the roads are rather muddy during those -- those months; is that
14 correct?

15 A. [15:35:37] I do not know anything about roads.

16 Q. [15:35:42] Mr Witness, you live next to a road, is that correct, or at least work next
17 to a road?

18 A. [15:35:53] I do not know -- I do not know how every road has been designed, so I
19 cannot tell you that if it rains on this particular road it's going to get muddy or if -- so I
20 cannot really answer that question properly.

21 PRESIDING JUDGE SCHMITT: [15:36:15] The witness cannot speak for all the possible
22 roads, so to speak. This is I think what he wants to explain.

23 MR OBHOF: [15:36:24]

24 Q. [15:36:25] So more than usual though there would be a -- when you are walking,
25 say, between 2002 and 2004 with the LRA during the rainy seasons, it would generally be

1 a lot more swampy in April than it would be in January during the beginning of the dry
2 season; would that be correct?

3 A. [15:36:58] I do not know.

4 Q. [15:37:03] Mr Witness, the roads in Pader and Gulu at least as of in 2002 and 2004,
5 were they tarmac or were they red clay road dirt -- dirt roads?

6 A. [15:37:23] I did not see any tarmac. The roads were marram.

7 Q. [15:37:33] When it rains heavily do those roads -- are they still easily traversed on?
8 Can you drive easily on those roads when they're wet?

9 A. [15:37:57] I do not know.

10 Q. [15:37:58] Now, Mr Witness, you do have a driver's permit and you do drive, do
11 you not?

12 A. [15:38:09] I do drive, but I haven't asked -- I haven't driven on Gulu road, the road
13 that you asked me about when it's rained.

14 Q. [15:38:22] So the Kitgum-lira road, when you're driving in April after heavy rains,
15 is it an easy road to drive on considering it is not tarmacked?

16 A. [15:38:43] I do not know the exact question. Do you want to know where I drive?

17 PRESIDING JUDGE SCHMITT: [15:38:53] I think, Mr Obhof, driving and walking are
18 different things. Perhaps we should ask the witness first -- no, I think we know the
19 answer, I don't assume that he at the time when he was in the bush that he was driving
20 these roads, but he might have been walking these roads. We have to establish that.
21 We could ask him if at any point in time during the year and in the time he spent with the
22 LRA walking on these roads was more difficult than on other times, for example. Then
23 we could perhaps get -- come forward.

24 MR OBHOF: [15:39:35] Thank you, your Honour.

25 Q. [15:39:38] Mr Witness, the footpaths you used to walk on whilst in the LRA were

1 they easier to walk on in April or were they harder to walk on during March and April?

2 A. [15:39:59] When we were in the LRA we did not follow roads, we would walk
3 through the bushes. When we come across a road we crossed that road and go to the
4 other side. I did not try to walk on the road to determine how difficult or easy it is to
5 walk on that road.

6 Q. [15:40:22] So on the footpaths during the rainy season, would they be easier or
7 harder to walk on than in the dry season?

8 A. [15:40:41] When we are crossing the road we cross footpaths used by civilians.
9 There was nothing particularly difficult about that. We would use the same paths that
10 the civilians would use going to their homes.

11 Q. [15:40:58] Now, when you're in the bush, when you're walking around in the
12 marshlands of northern Uganda during the rainy seasons, is it easier to walk around
13 during the rainy season, or is it harder to walk around during the rainy season in
14 comparison to the dry season?

15 A. [15:41:30] When you're walking, every individual who is here knows that when
16 you -- when it rains, if you get caught in the rain and you're walking in the rain it makes it
17 difficult to walk. And it's possible that you're going to slip while walking in the rain.

18 Q. [15:41:52] And during these rainy seasons much of northern Uganda is in the bush
19 very swampy; correct?

20 A. [15:42:14] I did not see any swamps. We would only stay in areas that were not
21 swampy.

22 Q. [15:42:25] I'm not talking about staying, Mr Witness, I'm discussing about when
23 you're walking. So everywhere you went in northern Uganda during the rainy season
24 you never had to deal with marshlands?

25 A. [15:42:49] Not all areas become -- turn into marshland when it rains.

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1 PRESIDING JUDGE SCHMITT: [15:43:02] I think you would have to move to another
2 point now. We have discussed these meteorological possible implications enough I
3 would say now.

4 MR OBHOF: [15:43:13]

5 Q. [15:43:14] Now, Mr Witness, from your experience in the bush how fast would the
6 group walk? By that I mean how many kilometres can you estimate you would be able
7 to walk in a day?

8 A. [15:43:40] While I was in the bush I did not know exactly what kilometres were at
9 the time, so I cannot give an estimation and say they walked for such-and-such a number
10 of kilometres.

11 MR OBHOF: [15:43:54] I can ask him for an estimation, but I'd need to go into private
12 session, your Honour, please.

13 PRESIDING JUDGE SCHMITT: [15:43:59] Private session, please.

14 (Private session at 3.44 p.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Open session at 3.48 p.m.)
- 9 THE COURT OFFICER: [15:49:02] We are back in open session, Mr President.
- 10 PRESIDING JUDGE SCHMITT: [15:49:12] Thank you very much.
- 11 This concludes today's hearing. We reconvene tomorrow at 9.30.
- 12 THE COURT USHER: [15:49:24] All rise.
- 13 (The hearing ends in open session at 3.49 p.m.)