

Trial Hearing
WITNESS: UGA-OTP-P-0081

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Wednesday, 4 October 2017
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:40] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:32:06] Good morning, everyone.
13 Good morning, Mr Witness.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:32:14] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
17 Dominic Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:28] Thank you.
20 And I ask for the appearances of the parties.
21 Mr Gumpert.
22 MR GUMPERT: [9:32:35] May it please your Honour, this morning I will be asking
23 the questions. My name is Ben Gumpert. With me today, Kamran Choudhry,
24 Julian Elderfield, Pubudu Sachithanandan -- I don't know why Mr Sachithanandan
25 should have resulted in such a (Overlapping speakers)

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- 1 PRESIDING JUDGE SCHMITT: [9:32:55] We all assume that it has nothing to do
2 with the person.
- 3 MR GUMPERT: [9:32:58] Yulia Nuzban, Shahriar Yeasin Khan and
4 Ramu Fatima Bittaye.
- 5 PRESIDING JUDGE SCHMITT: [9:33:05] And for Legal Representatives, we have
6 two teams. Again, Mrs Massidda in the first row.
- 7 MS MASSIDDA: [9:33:11] Good morning, your Honour. Paolina Massidda.
8 With me today, Orchlon Narantsetseg, Caroline Walter and Kim Hyuree.
- 9 PRESIDING JUDGE SCHMITT: [9:33:18] Thank you.
10 And Mr Manoba for the second team.
- 11 MR MANOBA: [9:33:21] Good morning, your Honours. Joseph Manoba and
12 James Mawira.
- 13 PRESIDING JUDGE SCHMITT: [9:33:26] Thank you very much.
14 And for the Defence, Mr Obhof.
- 15 MR OBHOF: [9:33:28] Good morning, your Honour. Today with me,
16 Thomas Obhof, is Ms Abigail Bridgman, Chief Charles Achaleke Taku and our client,
17 Mr Dominic Ongwen. And I think Ben forgot to announce Mr Colin Black on
18 the Prosecution and Mr Paul Bradfield, sorry. I didn't see him back there because
19 Julian's head is right in the way.
- 20 PRESIDING JUDGE SCHMITT: [9:33:53] Thank you for reminding us, Mr Obhof,
21 and I don't hope, Mr Gumpert, that this causes any disturbances in your team.
- 22 MR GUMPERT: [9:33:59] A stab in the back is coming my way.
- 23 PRESIDING JUDGE SCHMITT: [9:34:03] Okay. And we have, I assume at least,
24 that we have Mrs Kerwegi at the video-link location. Yes, thank you.
- 25 MS KERWEGI: [9:34:13] Good morning, your Honours.

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1 PRESIDING JUDGE SCHMITT: [9:34:15] Good morning, Mrs Kerwegi too.

2 And we are now calling -- not we, the Prosecution is calling now P-81 as its next

3 witness. And I would first like to welcome the witness in the video-link location on

4 behalf of the Chamber.

5 Before commencing, we note that we have previously granted Mrs Kerwegi's request

6 of assurances pursuant to Rule 74 of the Rules. In order to give effect to these

7 assurances, the Chamber also granted the witness face distortion and private session

8 to discuss matters which risk revealing identifying and incriminating information.

9 But I think we are all prepared. The Chamber does not expect that this will manifest

10 itself largely, so to speak.

11 Mr Witness, you have a card in front of you with the oath. Could you please read

12 out loud this card.

13 WITNESS: UGA-OTP-P-0081

14 (The witness speaks Acholi)

15 (The witness gives evidence via video link)

16 THE WITNESS: [9:35:23] (Interpretation) Yes, I can read it.

17 PRESIDING JUDGE SCHMITT: [9:35:26] Please do that, if you can.

18 THE WITNESS: [9:35:30] (Interpretation) I swear that I will speak the truth, nothing

19 but the truth.

20 PRESIDING JUDGE SCHMITT: [9:35:47] And the whole truth, of course, I would

21 say.

22 THE WITNESS: [9:35:51] Yes, and the whole truth.

23 PRESIDING JUDGE SCHMITT: [9:35:55] So that we have it complete. It is

24 traditional to have the three components, so to speak.

25 Mr Witness, you are now sworn in and I would like to explain you certain measures

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1 that the Chamber has put in place for your testimony. I have already mentioned
2 them shortly. We have put face distortion put in place. Face distortion means that
3 nobody outside the courtroom can see your face during your testimony.
4 We also use a pseudonym, what we call a pseudonym. In accordance to that, we
5 will only refer to you as "Mr Witness" and not with your name. This is to make sure
6 that the public does not know your name. And as long as you answer questions that
7 do not give away your identity and your real name, we will do that in open session.
8 On the other hand, when there are questions that could reveal your real name and
9 your identity, we will go to private session. Private session means that there is no
10 broadcast and no one outside the courtroom can hear your answer.
11 Mr Witness, we have also granted you assurances protecting you against possible
12 self-incrimination issues which may arise during your testimony. And this means
13 that we give you the assurance that your testimony will not be used either directly or
14 indirectly against you in any subsequent proceedings by this Court. With one
15 exception, if you would not tell this Court the truth, but that is clear that you will tell
16 us the truth because you have been sworn in. If any question is asked that could
17 lead to self-incrimination, we go to private session and keep the answer confidential.
18 Mr Witness, this was a lot of information, so I may ask you if you have understood all
19 that?

20 THE WITNESS: [9:37:53] Yes, I have heard and I have understood.

21 PRESIDING JUDGE SCHMITT: [9:37:56] Thank you very much.

22 And before we start with your testimony, some practical matters:

23 Everything we say in the courtroom is written down and interpreted, and because of
24 it, because of the interpretation, we have to speak clearly and at a relatively slow pace,
25 and we should only start speaking when the person asking the question has finished

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1 with that.

2 If you have any questions yourself, raise your hand so we know that you want to
3 speak and then we give you the floor. And also you have counsel at your side that
4 you can ask if you want to.

5 Mr Witness, I think that is all for the preliminaries and we will now commence with
6 the Prosecution's questioning.

7 Mr Gumpert, please.

8 MR GUMPERT: [9:38:44] Your Honours, just before I begin with the questions, this
9 of course is a witness who is being heard under the provisions of Rule 68, and
10 particularly sub-rule 3. Your Honours will see from the binder in front of you that
11 there is a statement -- no binder?

12 PRESIDING JUDGE SCHMITT: [9:39:10] No, no binder. I have the statement
13 nevertheless for myself, so to speak, for private -- not private use, I would say, for
14 official use, yes.

15 MR GUMPERT: [9:39:20] The binders were circulated yesterday because we had
16 previously anticipated -- no?

17 PRESIDING JUDGE SCHMITT: [9:39:27] Circulate does in this instance not mean
18 that it ended up here on the desk.

19 MR GUMPERT: [9:39:46] We have two, your Honour.

20 PRESIDING JUDGE SCHMITT: [9:40:00] I think I am relatively complete, I would
21 say. Let me have a look what I have. I have a drawing and I have a transcript of
22 a former statement. And I have something which is called investigators' notes.

23 MR GUMPERT: [9:40:20] Yes. Then your Honour is fully equipped, if I can put it
24 that way.

25 PRESIDING JUDGE SCHMITT: [9:40:25] Then for me personally, I won't need the

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1 binder. So I -- okay.

2 MR GUMPERT: [9:40:30] The statement is at tab 1, for those who are using the
3 binder. And one of its most obvious features is that it is taken in March of 2005, so
4 over a decade ago. In July of 2007, as we can see from the investigators' notes, there
5 was a further meeting between the investigators and the witness and some 12
6 corrections or clarifications were made.

7 Thus far, when the witness has been a 68(3) witness, counsel has begun by having the
8 witness adopt the statement and say that he doesn't object to the Court using it
9 eventually, and then asked a few questions for clarification.

10 PRESIDING JUDGE SCHMITT: [9:41:21] This is, of course, a little bit more difficult
11 if, if we have already clarifications on the record, so to speak.

12 MR GUMPERT: [9:41:29] The way I propose to solve it, subject to any direction
13 which the Court may give to the contrary, is to invert the normal procedure. I will
14 begin - and indeed these are really the only questions that I have - by asking questions
15 designed to elicit the clarifications in the investigators' note. So that's sworn
16 testimony on the record. And then ask the witness if with -- subject to those matters,
17 he adopts his statement and has no objection. Is that an appropriate method?

18 PRESIDING JUDGE SCHMITT: [9:42:03] At first, I think so, and I would not assume
19 that there are any objections by the Defence. Mr Obhof.

20 MR OBHOF: [9:42:11] No objections, your Honour. I think Mr Gumpert proposes
21 a very fine idea.

22 PRESIDING JUDGE SCHMITT: [9:42:16] Yes, I also like it. I think this is the first
23 instance that something like that occurred and, yes, I think that's a good idea. So
24 please proceed.

25 Perhaps explain, explain to the witness a little bit what's going on (Overlapping

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1 speakers)

2 MR GUMPERT: [9:42:33] I will, your Honour, yes.

3 PRESIDING JUDGE SCHMITT: [9:42:34] Because it might be difficult, he is far away,
4 and also our discussion about the binders and so on. It's perhaps a little bit -- he
5 should be informed what's going on.

6 MR GUMPERT: [9:42:44] I'll do that, your Honour.

7 May we go into private session for the details of identification.

8 PRESIDING JUDGE SCHMITT: [9:42:49] Of course, private session.

9 (Private session at 9.42 a.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 9.44 a.m.)

24 THE COURT OFFICER: [9:44:41] We are back in open session, Mr President.

25 MR GUMPERT: [9:44:49]

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- 1 Q. [9:44:49] Mr Witness, I'm going to ask that you be shown - I imagine it will
2 appear on the screen in front of you - a statement which you made and signed back
3 in 2005, so 12 years ago.
- 4 THE COURT OFFICER: [9:45:20] (Via video link) Counsel, the witness is presented
5 with the document in paper copy.
- 6 MR GUMPERT: [9:45:23] Excellent, thank you.
- 7 PRESIDING JUDGE SCHMITT: [9:45:24] Even better, I would say.
- 8 MR GUMPERT: [9:45:26] Indeed. And the ERN number - I am going to put it into
9 modern-day terms - is UGA-OTP-0070-0029.
- 10 Q. [9:45:44] That statement has your name on its front page, doesn't it, Mr Witness?
- 11 A. [9:45:53] Yes, that's how it is.
- 12 Q. [9:45:56] And if you turn to the second last page, you can see your signature on
13 it, together with the date, 23 March 2005. Can you see that?
- 14 A. [9:46:13] Yes, I have seen it.
- 15 Q. [9:46:19] Mr Witness, the records show that a little over two years later you met
16 Prosecution investigators again in July 2007. Do you remember that?
- 17 A. [9:46:41] Yes, I do remember.
- 18 Q. [9:46:44] And during the course of that meeting, you indicated a small number
19 of clarifications and corrections of the original statement. Do you remember that?
- 20 A. [9:47:07] Yes, I do recall that.
- 21 Q. [9:47:09] The only questions that I'm going to ask you are to enable you to tell
22 the judges today the details of those clarifications and corrections. Do you
23 understand?
- 24 A. [9:47:30] Yes, I have understood.
- 25 Q. [9:47:33] So the sequence, the order in which I ask my questions, may seem a bit

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1 random, because I'm just concentrating on the things that need to be clarified. So
2 don't worry about that.

3 And one last stage direction, if I can call it that. I am going to indicate the
4 paragraphs of the statement. I'm not asking you to look at that paragraph,
5 Mr Witness. You just listen to what I ask and give the answer. But it is so that the
6 judges can hear your answer whilst they are looking at the relevant part of the
7 original statement. Are you clear?

8 A. [9:48:32] That is okay.

9 Q. [9:48:40] In the course of your statement, you talk about an attack on the camp
10 at Pajule in October 2003. That's right, isn't it?

11 A. [9:48:58] Yes, that's right.

12 MR GUMPERT: [9:49:01] And for your Honours, I'm now concentrating on
13 paragraph 20.

14 Q. [9:49:09] In describing that attack, you talked about a man called Lukwiya and
15 you talked about a weapon which you described as an SPG-9.

16 Could you tell the judges, please, what happened to that SPG-9 at the end of the
17 attack? Where did it go? Where was it left?

18 A. [9:49:51] At the time when I was making this statement, I mentioned the name
19 of Lukwiya and I also indeed mentioned the name SPG-9, which is a gun. I
20 mentioned the name of this gun because the person Lukwiya whom I also mentioned
21 in the statement was the one who was operating it. He was injured and (Redacted)
22 (Redacted).

23 And that is how I knew about -- that's why I mentioned it. That weapon SPG-9
24 remained near the barracks of Pajule after the attack. I knew about that because his
25 fellow commanders came to talk to him and to see him after the injury and they

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1 would talk about the weapon.

2 PRESIDING JUDGE SCHMITT: [9:51:14] I think you can continue to the next point.

3 MR GUMPERT: [9:51:16] Indeed. And I am now on a detail in paragraph 21.

4 Q. [9:51:23] Mr Witness, you talked about the clothing being worn by the group of
5 attackers who were leading you out of the camp. Can you remember, can you tell
6 the Court, please, what clothing those people were wearing? Was it all the same or
7 different types of clothing?

8 A. [9:52:13] The clothing was not the same. Some people were wearing uniform.
9 When I talk about uniform, I mean both a trouser and shirt was the same, which is
10 a camouflage, greenish in colour. Others were only wearing camouflage shirts, but
11 to us that is also a military uniform. Others had only a camouflage trousers while
12 the others had -- did not wear military uniform.

13 Q. [9:53:11] Thank you.

14 MR GUMPERT: [9:53:13] I'm coming now, your Honours, to paragraph 30.

15 PRESIDING JUDGE SCHMITT: [9:53:17] This can be made short by
16 a -- putting -- asking him what did the helicopter fire, and that would be enough, I
17 think.

18 MR GUMPERT: [9:53:28] Your Honours --

19 PRESIDING JUDGE SCHMITT: [9:53:29] I don't want to interfere too much.

20 MR GUMPERT: [9:53:33] There's a slight wrinkle with that.

21 PRESIDING JUDGE SCHMITT: [9:53:38] I trust you with the wrinkle, please.

22 MR GUMPERT: [9:53:42]

23 Q. [9:53:42] Mr Witness, you said in your statement that during or after the attack
24 a helicopter arrived. Do you remember the helicopter?

25 A. [9:54:04] Yes, I mentioned that a helicopter arrived.

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1 Q. [9:54:09] And my first clarification is this: While you had the helicopter in your
2 eyesight, did the helicopter fire its guns at all?

3 A. [9:54:41] When we were moving, the helicopter was hovering above our -- above
4 us, but I never heard any guns fired. But when I returned, we were told that they
5 were firing small, small ammunitions. It was not a helicopter gunship, but it was
6 a smaller helicopter that was firing the small bullets.

7 PRESIDING JUDGE SCHMITT: [9:55:13] That was -- indeed makes a sort of
8 difference.

9 MR GUMPERT: [9:55:17] I am going to move on from that. That's a clear
10 description.

11 PRESIDING JUDGE SCHMITT: [9:55:22] Exactly.

12 MR GUMPERT: [9:55:26] And a useful distinction between the witness's own
13 knowledge and the reported --

14 PRESIDING JUDGE SCHMITT: [9:55:35] Absolutely, yes. Absolutely.

15 MR GUMPERT: [9:55:38] Paragraph 36 for your Honours. I'm sorry, I'm sorry, I'm
16 jumping ahead.

17 PRESIDING JUDGE SCHMITT: [9:55:43] Thirty-two?

18 MR GUMPERT: [9:55:47] Thirty-two and 33.

19 Q. [9:55:51] Mr Witness, I am not going to remind you of what you said about the
20 crossing of the Lacek Tar river. I am going to ask you instead to describe to the
21 judges what happened when you came to the Lacek Tar river. Can you explain to
22 them everything which you can remember about events which happened when you
23 came to the Lacek Tar river?

24 A. [9:56:39] What happened when we crossed Lacek Tar is that among some of us
25 who were abducted together, (Redacted) a wounded soldier

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1 named Lukwiya, whom I talked about earlier. Among us there was a secretary of
2 one of the local leaders or the sub-county chief. I don't know whether I should
3 mention his name. He was limping a bit. He had a disability.
4 Then he was told that he was intending to limp -- he was asked whether he wanted to
5 rest or he wanted to proceed with the journey. He was untied and told to go and
6 rest if he cannot walk at the pace that is required, because we were carrying
7 a wounded soldier and we were walking at a fast pace.

8 When we reached near a tamarind tree after crossing the river, he was released. We
9 continued walking and I didn't know what happened until when I came back, I was
10 told under that same tamarind tree where he was told to rest, he was killed there.
11 When they were talking about taking a rest, they wanted to kill him. That is what I
12 know before crossing Lacek Tar river.

13 PRESIDING JUDGE SCHMITT: [9:58:26] And again, the witness differentiates
14 exactly between his own experiences, what he witnessed himself, and what he knows
15 from hearsay. I think that would be okay.

16 MR GUMPERT: [9:58:39] Two further matters. Firstly, please do give us the name.
17 It is important that you do that.

18 PRESIDING JUDGE SCHMITT: [9:58:56] The name of the person who has been
19 killed, as you have said.

20 MR GUMPERT: [9:59:14] Perhaps I'm --

21 THE WITNESS: [9:59:16] (Interpretation) Okay, the person who was called -- who
22 was killed is called Lacung.

23 MR GUMPERT: [9:59:29]

24 Q. [9:59:29] And secondly the judges may be interested to know: Who told you
25 that he'd been killed? How did you learn that?

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1 A. [9:59:48] When I returned home, a report arrived -- had come home that I had
2 been killed, but people gathered to see me when I returned. And then we were
3 asked how we moved, and then when I explained, they told me that the person whom
4 you say had been released to rest was killed in that same place because he was not
5 able to carry the wounded person (Redacted).

6 MR GUMPERT: [10:00:32] Your Honours, I'm going to move on to paragraph 61.

7 PRESIDING JUDGE SCHMITT: [10:00:36] Yes. I think 36 is not of such a relevance
8 that we should spend our time.

9 MR GUMPERT: [10:00:53]

10 Q. [10:00:53] Mr Witness, I'm going to read to you a couple of sentences from your
11 statement -- your Honours, there towards the end of that paragraph - and then ask
12 you a question.

13 You said this:

14 "Otti was also the commander reporting back to Kony giving him information about
15 what was happening in Uganda. I know this because (Redacted)

16 (Redacted) and they would be in contact with Otti."

17 Can you just clarify who the big people (Redacted)

18 (Redacted) meant that you knew this information about Otti?

19 MR OBHOF: [10:01:58] Your Honour, it is not an objection, but I request to go into
20 private session before the witness answers, please.

21 PRESIDING JUDGE SCHMITT: [10:02:05] Yes, I think that's a good idea.

22 Thank you, Mr Obhof.

23 Private session.

24 (Private session at 10.02 a.m.)

25 (Redacted)

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1 (Open session at 10.05 a.m.)

2 THE COURT OFFICER: [10:05:33] We are back in open session, Mr President.

3 MR GUMPERT: [10:05:39]

4 Q. [10:05:40] In your witness statement, you spoke about an attack on a place called
5 Omoro. You made it clear that you didn't go yourself to this attack, but that you
6 knew about it. Can you explain, please, to the Court how you understood the orders
7 for the attack on Omoro were sent to the group which carried out that attack? What
8 was the means of transmission?

9 A. [10:06:34] With -- as I stated earlier, I knew about this because when they were
10 preparing to go to the attack, they came to the commander and he gave them
11 instructions despite the fact that he was injured. He told them that there was no
12 food and they also needed other necessities for their -- to help them while in the bush,
13 because they wanted to move from the position they were located at.

14 I saw a group of soldiers, a group of soldiers that came with guns, and they were
15 briefed by the commander. He briefed them how to go to the attack and where they
16 were going to find us in this new location when they came back. So when they go to
17 the attack, they knew the RV where they were supposed to meet us and then join us.
18 We left the place, the place where we were, and they also went, left for their mission.

19 Q. [10:07:58] Just one last clarification, if you can give it. But how did the
20 commander, the person you call the commander, actually get the instructions to carry
21 out the attack in the first place?

22 A. [10:08:27] Well, I do not know how he got the instructions, but I saw when these
23 people arrived, I saw them talking to -- I saw him talking to them, and when they
24 departed, but I do not know how they started coming to where we were.

25 Q. [10:08:52] Thank you. I'm done with the clarifications. Can I ask that you're

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1 shown the statement again. That's UGA-OTP-0070-0029. It's tab 1. And can you
2 turn to the very last page, which has the last four digits 0050, and that should be
3 a sketch map or plan. Can you see that?

4 A. [10:09:34] Yes, I'm looking at it.

5 Q. [10:09:37] Who drew that plan?

6 A. [10:09:44] I did. I drew it.

7 Q. [10:09:47] And when you referred to the -- it's called a map in paragraph 27 of
8 your statement, is this the map you're talking about?

9 A. [10:10:07] Yes, it is.

10 Q. [10:10:12] Thank you. Mr Witness, the judges can use your statement in the
11 light of the clarifications you have given today and the sketch that you drew when
12 they come to make up their minds about this case. Do you object to them using your
13 statement in that way?

14 A. [10:10:59] I have no objections.

15 Q. [10:11:03] Thank you. That's all my questions.

16 PRESIDING JUDGE SCHMITT: [10:11:06] Thank you, Mr Gumpert.

17 And for the Legal Representative, Mrs Massidda, do you have questions?

18 MS MASSIDDA: [10:11:12] Yes, your Honour, thank you very much.

19 With your indulgence, I will introduce myself to witness because I had no
20 opportunity to meet him during the familiarisation process and courtesy meeting.

21 PRESIDING JUDGE SCHMITT: [10:11:24] That makes absolutely sense.

22 MS MASSIDDA: [10:11:27] Thank you.

23 QUESTIONED BY MS MASSIDDA:

24 Q. [10:11:35] Good morning, Mr Witness.

25 A. [10:11:37] Good morning.

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1 Q. [10:11:39] My name is Paolina Massidda. We could not meet during the
2 courtesy meeting, and in this trial I am representing a group of victims who
3 participates in the proceedings.

4 I would like for you a few questions of clarification following the presentation of your
5 statements in the case record.

6 Mr Witness, could you please tell us how was your daily life before the attack in
7 Pajule on 10 October 2003?

8 A. [10:12:46] Before the Pajule attack I had a good life. I had a job, I was
9 employed because I was a builder.

10 Q. [10:13:08] Mr Witness, was your family affected in any way by the attack?

11 A. [10:13:27] Mmm, not -- well, let me begin with myself. If -- personally, when
12 we talk about the war, it starts from when I was asked to carry the commanders, the
13 commanders I mentioned earlier. And what happens in the bush, the recruitment of
14 people, people are beaten with machetes, up to, to date I have the marks on my back.
15 I also have problems with my back. If I do any hard labour, then I have problems
16 with my back. I am not able to perform the tasks I used to do prior to that, such as
17 carrying bricks and doing the construction work, so that has affected me in that way.
18 With respect to my family, when I was in the bush they were told that I had been
19 killed, I had been shot by a bomb, so my family were extremely saddened by the
20 news. So when I came back home --

21 MS KERWEGI: [10:14:53] Your Honour, I'm sorry to interrupt. I request that that
22 specific part be redacted because the witness can be identified.

23 MS MASSIDDA: [10:15:03] Your Honour, I think there is an intervention by the
24 counsel of the witness.

25 PRESIDING JUDGE SCHMITT: [10:15:07] Yes, I have heard it, but I think there is no,

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- 1 no (Overlapping speakers)
- 2 MS MASSIDDA: [10:15:11] I agree with you, your Honour, (Overlapping speakers)
- 3 PRESIDING JUDGE SCHMITT: There is no problem.
- 4 MS MASSIDDA: [10:15:16] I don't think there is any need --
- 5 PRESIDING JUDGE SCHMITT: No, no.
- 6 MS MASSIDDA: -- to go in private session --
- 7 PRESIDING JUDGE SCHMITT: No, no.
- 8 MS MASSIDDA: -- but I'm in your hands.
- 9 PRESIDING JUDGE SCHMITT: [10:15:17] No, no. I also don't think so.
- 10 And, Mrs Massidda, this was quite a comprehensive answer until now, but he can of
- 11 course continue where he has not finished and we should give the witness the time to
- 12 express himself.
- 13 MS MASSIDDA: [10:15:33]
- 14 Q. [10:15:33] Mr Witness, we are sorry for the interruption. You were talking
- 15 about what happened to your family when you were in the bush. Please continue.
- 16 A. [10:16:00] I was saying earlier that my family had been saddened, were
- 17 saddened by the news, the news they received that I had been killed by a bomb.
- 18 Until the day I came back, they believed that I was dead, and it was only when I came
- 19 back that they -- things were better.
- 20 And the war, the war also made people very frightened so people constantly lived in
- 21 the centres.
- 22 Q. [10:16:45] Thank you, Mr Witness. And when you were at home you were of
- 23 course sustaining your family with your job. How your family manage to survive
- 24 during the time you were in the bush?
- 25 A. [10:17:22] Well, there was nobody to help them, but during my absence people

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1 were already in the camps. They were being given food by World Food so that's
2 what they survived on.

3 Q. [10:17:48] And, Mr Witness, how did you feel after the abduction knowing that
4 you left your family behind?

5 A. [10:18:21] I was worried about them. It stressed me out extremely, because if I
6 had not been abducted on that day I would have been going to school. So I was
7 worried, I was unhappy, and I kept on telling myself that if I get to a place that I'm
8 familiar with, then I have to escape. That's why when I went to, when I managed to
9 get to Pader district I escaped. I was worried and I -- I was determined not to stay in
10 the LRA.

11 Q. [10:19:07] Mr Witness, you just mentioned to us that if you were not abducted
12 you could have gone to school. Did you manage to go back to school upon your
13 return from the bush?

14 A. [10:19:28] Yes, I did.

15 Q. [10:19:38] And which kind of school did you manage to attend?

16 A. [10:19:50] I went to continue building, with a building course.

17 Q. [10:20:04] And I understand that you managed to finish school?

18 A. [10:20:16] Yes. Yes, I did.

19 Q. [10:20:26] Now, Mr Witness, could you please describe for us briefly the living
20 conditions in the bush. How did you manage to get food, how you could sleep?

21 A. [10:20:53] While we were in the bush most times, as I stated before, I was
22 carrying the injured people and food would be brought to us, they would be brought
23 to the commander that I was carrying. Whatever was left over or part of the food
24 would be given to us. But I know that they got the food from the camps. When
25 they brought the food to the commander that I was carrying, they would tell him that

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1 this food has been collected from the camp. And that's how they used to collect
2 food.

3 Other times, if we went back to the old bay locations, they would get food from the
4 ground. They would dig food that had been buried from the ground because
5 sometimes they would bury the food and when we went back to the old locations
6 they would unearth that food and that's what we would survive on.

7 With respect to sleeping, you would sleep on any place regardless of whether or not
8 it's raining. But the person that is being carried is carried with his mattress. When
9 we get to a particular location, they set up a tent, then they put his mattress and he
10 sleeps on it.

11 Q. [10:22:29] When you were back from the bush, in your statement, Mr Witness,
12 you say that you spent some time with an organisation called World Vision. Did
13 you remember that?

14 A. [10:22:49] Yes, I do.

15 Q. [10:22:50] Which kind of activities did you undertake at World Vision before
16 going back home?

17 A. [10:23:08] When we were at the centre, at the World Vision centre in Gulu, it's
18 a centre for adult -- for adults, because I was an adult at the time. They would send
19 people who had been saved, they would read the Bible, they would teach us the Bible
20 stories, would sing Christian songs to enable us to forget the things that we've been
21 through. And as I stated earlier, that I was abducted when I was on my way to
22 school, world Vision agreed to help me go back to school and that's how I was able to
23 go back and complete my studies and that's what happened while I was at
24 World Vision.

25 Q. [10:24:10] And, Mr Witness, in your answer you said "when we were at the

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1 centre". When you say "we" I understand other abductees, former abductees were
2 also at the same place, correct?

3 A. [10:24:36] Yes, that's correct.

4 Q. [10:24:42] You also mention in your statement, Mr Witness, that when you were
5 back home you had some problems in integrating into your community. Could you
6 please explain to us why you had these problems of reintegrating yourself in your
7 community?

8 PRESIDING JUDGE SCHMITT: [10:25:06] May I shortly, Mrs Massidda, because this
9 applies to every party and participant. Since the statement is incorporated into the
10 proceedings by Rule 68(3), what has been said and stated in the statement is part of
11 the evidence. So what you perhaps could ask a follow-up if the situation has
12 changed in the meantime.

13 MS MASSIDDA: [10:25:31] Thank you, your Honour.

14 PRESIDING JUDGE SCHMITT: [10:25:32] Everything else is simply answered
15 already. Because as I always say, the written statement is part of the oral testimony,
16 so to speak, now.

17 MS MASSIDDA: [10:25:44] Thank you for your guidance, your Honour. Am I
18 allowed to ask -- my point was why was that in his perception. And this part in my
19 humble submission is not in the statement. This was the point.

20 PRESIDING JUDGE SCHMITT: [10:25:57] I think it is in the statement, but -- if you
21 look closely, it is in the statement. But what would be of interest how is the situation
22 today, how has the situation developed, for example, because this could not be in the
23 statement in 2004.

24 MS MASSIDDA: [10:26:17] I am guided, your Honour. Thank you.

25 Q. [10:26:20] Mr Witness, I am reformulating the question. In your statement in

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1 2005 you indicated that you had problems in reintegrating in your community when
2 you were back from the bush. Is this still the case today?

3 A. [10:27:00] Well, today I no longer have that problem because whatever
4 happened to me in the past was something, something bad. So now there's -- when
5 people go to certain groups, returnees, groups of returnees, groups of former
6 abductees, when people go to those groups, I no longer -- I do not attend those groups
7 because I do not want to remember. That's a constant reminder of what happened to
8 me in the past. So if you constantly go into those groups, if you constantly meet up
9 with those people, then you don't forget. You always remember those things. So I
10 always keep away from things like that and I do not go to those things.

11 Q. [10:28:07] And, Mr Witness, only if you can, would it be possible for you to
12 estimate or to know the time that took to you to reintegrate in the community after
13 you came back from the bush?

14 A. [10:28:30] It took me approximately five years. And after five years I started
15 forgetting. In 2008 things got better. So that's the -- that's how long it took me.

16 Q. [10:28:59] And my last question, Mr Witness, what are your hopes or wishes for
17 the future?

18 A. [10:29:21] I did not understand that question very well. Could you please
19 specify exactly what you want to find out from me?

20 Q. [10:29:31] Do you have any dream or any expectation for your future today,
21 anything that you would like still to achieve?

22 A. [10:29:50] Of course there is, with respect to my home, my family. I have plans
23 for the future. I would like to be successful. I would, I would also like my children
24 to be educated so that they could also be successful, because in order to be successful,
25 you have to have an education. So I have to struggle. If I'm still alive, if I still have

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1 time to live, I have to live well with people, I have to make sure that I integrate and
2 live socially well with people. Those are my plans.

3 Q. [10:30:48] Thank you very much, Mr Witness. I wish you all the best.

4 MS MASSIDDA: [10:30:52] Thank you, your Honours. This ends my questioning.

5 PRESIDING JUDGE SCHMITT: [10:30:55] Thank you, Ms Massidda.

6 Mr Manoba, any questions by your team?

7 MR MANOBA: [10:31:00] No questions, Mr President.

8 PRESIDING JUDGE SCHMITT: [10:31:04] Thank you.

9 Then it is now the turn of the Defence, and I assume that I give Mr Obhof the floor.

10 Please, Mr Obhof, but take your time.

11 MR OBHOF: [10:31:33] Thank you very much, your Honour.

12 QUESTIONED BY MR OBHOF:

13 Q. [10:31:35] Good morning, Mr Witness.

14 A. [10:31:40] Good morning.

15 Q. [10:31:44] Now, Mr Witness, at paragraphs 9 and 10 of your admitted testimony,
16 you talk about your life before your abduction, and in particular you talk about the
17 lack of choice to stay in your village and being forced to move to the camps. Now,
18 apart from -- apart, of course, from the risk of being abducted by the LRA, how would
19 the government have reacted to people if they refused to go the camp?

20 A. [10:32:37] Well, I am not able to answer that question because I do not know
21 what the government would have done if people refused to leave their home.

22 Q. [10:32:53] While you were in the IDP camp, did anybody tell you about them
23 trying to stay at home instead of going to the IDP camp?

24 A. [10:33:24] No, no one said.

25 Q. [10:33:29] And you also talked about the Mambas that came to your village or

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1 came to villages. How would you describe their -- the way the Mambas fired into
2 these villages?

3 A. [10:33:57] The Mambas that I said fired into the villages. One day they also
4 passed through my homestead and were firing bullets. When the government
5 receives information that rebels were coming from some direction and when they are
6 shown the direction, they would just shoot that direction without even seeing them.

7 Q. [10:34:32] So in your opinion, Mr Witness, they would fire indiscriminately
8 without cause or reason, without cause or specific aim at persons?

9 A. [10:34:53] Yes. Whenever they receive information that the rebels were at
10 a particular direction, they would fire towards that direction.

11 Q. [10:35:06] Mr Witness, did you ever witness or did you ever hear about the
12 UPDF assaulting people or beating people at their villages?

13 A. [10:35:35] I do not recall hearing such.

14 Q. [10:35:42] Did you ever witness or did you ever hear about the military
15 destroying people's gardens or burning their homes?

16 A. [10:36:07] I did not see, I did not witness and I never recall hearing anyone
17 telling me that.

18 Q. [10:36:20] Now, Mr Witness, when you moved to the camp, could you tell us the
19 prevailing conditions of the Pajule-Lapul IDP camp?

20 A. [10:36:46] Well, when people moved to the camp, people left behind their
21 property and their belongings. People gathered near a religious mission where there
22 was hardly any food, there were no toilet facilities, there was no water to drink.
23 Shortly after, the LC3 chairperson which was in Pajule informed people that they
24 should group up themselves and then be in a camp.

25 The leader of the group, known as a camp commandant, told people that the

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1 government would start distributing food and warned against returning back home,
2 saying that if -- those who go back home would be abducted by rebels. Then people
3 gathered together and they started bringing food and water where people had
4 gathered.

5 Q. [10:38:11] Now, Mr Witness, did the government help you move from your
6 home village to the IDP camp?

7 A. [10:38:32] Well, the government soldiers did not say anything about help. It is
8 the LC3 chairperson who gave instructions to people. But also there was fear since
9 government troops were firing indiscriminately and people feared that it could hit
10 their houses. But for that reason, people left and went to the camp.

11 Q. [10:39:10] Now, did the government give you a small amount of money to hire
12 a boda boda in order to help transfer some of your goods, some of your food, from
13 your home village to the Pajule-Lapul IDP camp?

14 A. [10:39:36] No, people fled for their dear life. Even the things that people had in
15 their houses remained behind. People just fled without carrying anything.

16 Q. [10:39:53] Now, Mr Witness, in your home village, did you have a curfew?

17 A. [10:40:13] No, there was no curfew. I heard about it long ago, during the time
18 of Okot Walit, when people came to the centre and they said that there was a curfew,
19 people should stay within the centre for two days. I heard about it, but it was not in
20 our village. We just have to take care so that you are not abducted. When you hear
21 about the rebels coming, you have to take care of yourself.

22 Q. [10:40:50] Mr Witness, did you have a curfew at the IDP camp?

23 A. [10:41:04] Yes, there was. Even on the main road they would stop vehicles.
24 The government would sometimes say no one should travel that day, they would be
25 doing whatever they know. If you proceed when you have been stopped, you

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1 actually get abducted by the rebels.

2 Q. [10:41:30] What would happen if somebody came back to the camp, a civilian
3 came back to the camp after curfew?

4 A. [10:41:57] Well, I recall one incident when I was in a school called Pajule
5 Technical School, a man came back home late. The soldiers arrested him and made
6 him dig a pit latrine. I do not recall the others. They would fear that someone who
7 comes late was probably collaborating with the rebels.

8 Q. [10:42:31] Now, during your time in the IDP camp, could you go back to your
9 village and work in your garden?

10 A. [10:42:53] Those whose homes were close by the camp would go, but those
11 whose homes were far away would not be allowed to go.

12 Q. [10:43:13] Did the government ever give those persons who moved to the camp
13 any small plots of land just to grow maybe a few Irish, a few tomatoes and a little
14 small, small something for yourself, especially considering those who might have
15 lived in villages far away?

16 A. [10:43:49] No, the government did not give any plots, because there was no land.
17 There were no plots to give out to people.

18 Q. [10:44:08] And, Mr Witness, you discussed at paragraph 14 of your statement of
19 today's testimony that there were previous attacks in Pajule before 10 October 2003.
20 Can you tell us by comparison how big this October 2003 attack was in relation to the
21 previous ones?

22 A. [10:44:50] Is it about Pajule only or other places as well?

23 Q. [10:44:59] Just about the attacks on the Pajule-Lapul IDP camp.

24 A. [10:45:17] What I recall is that in 1996, when people had just started gathering at
25 the camp, there was a rebel attack and burnt houses of those who had starting

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1 building in the camp and people were forced to go back to their homes. That was in
2 the year 1996.

3 Another attack, also in Pajule, one day it was about 4 p.m. The rebels crossed from
4 their -- crossed from the centre of Pajule and they abducted people, also took, looted
5 a few things. They passed through the centre.

6 Those are the ones that I remember in Pajule. When you talk about Pajule, it
7 includes Pajule and Lapul.

8 Q. [10:46:35] Good. I was just going to ask that question to ensure that.

9 Mr Witness, compared to this October 2003 attack and the other ones where you said
10 people were abducted and things were looted and houses were burned, can you
11 compare the relative size of the attack between the three?

12 A. [10:47:14] The attack of 2003 was the worst attack that I saw, because people
13 who were abducted -- and people who were abducted were way more than any other
14 attack. I remember even someone who was mentally derailed was abducted during
15 that attack. I also remember the manner in which people were abducted. Whatever
16 they find you wearing, they would abduct you in it; even if you are wearing an
17 underwear, even if you are bare chested, they would take you and mix up people.
18 They abducted all categories of people.

19 Q. [10:48:08] Now, Mr Witness, backtracking on what you said a little bit earlier
20 about mentioning the collaborator, that the UPDF might consider people
21 collaborators, do you know or did you ever hear about what happened to alleged
22 collaborators by the UPDF?

23 A. [10:48:38] I do not know because whatever happens to collaborators happens
24 from the barracks. It was against the regulations for a civilian or a young person to
25 go to the barracks. The one that I said was taken to dig a pit latrine was because he

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1 was arrested in the evening. So when we were passing in the morning, we saw him
2 digging a pit latrine. That is the only thing I can say.

3 Q. [10:49:16] Mr Witness, when you first moved to the Pajule IDP camp, which side
4 of the road was the military barracks on?

5 A. [10:49:37] When we had just come to Pajule to settle in the camp, like I said
6 earlier, it was in land belonging to the religious mission. When you are going to the
7 mission, it was on the right, after a football field.

8 Q. [10:50:01] So just for spatial recognition, that would be on the western side of
9 the Lira-Kitgum road; is that correct, Mr Witness?

10 A. [10:50:18] Yes, that is correct.

11 Q. [10:50:19] Which is also known as the Lapul side of the Pajule IDP camp?

12 A. [10:50:32] Yes, it was on the Lapul side.

13 Q. [10:50:40] Now, at any time after you moved there, did the UPDF detachment
14 move from the Lapul side to the Pajule side?

15 A. [10:51:14] It was not relocated because there was a previous place which the
16 soldiers used to stay. I mentioned earlier that World Food Programme used to
17 distribute food and they will use that same place which the soldiers had stayed to
18 distribute food.

19 Q. [10:51:40] So just to be clear, Mr Witness, to your recollection, there was never
20 a military barracks or a UPDF or LDU detachment located just south of the Pajule
21 main market?

22 A. [10:52:12] What I meant -- what I said is that an old barracks of the army was on
23 Pajule side. But it was relocated to the mission land when people were in the camp.
24 What used to be the barracks became a field for distributing food. But at night
25 during the operation, the soldiers would also deploy there.

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1 Q. [10:52:45] Do you remember when the barracks moved from the Pajule side to
2 the Lapul side next to the mission?

3 A. [10:53:05] I do not recall.

4 Q. [10:53:11] Mr Witness, how close was the barracks that was on the Lapul side?
5 How close was that to the homes of the people in the IDP camp?

6 A. [10:53:38] The military barracks, in my estimation, is not an exact distance. It
7 could be about a hundred metres. It is not very far away. Because the camp was
8 also housed in the mission land, while the barracks was also within the mission land,
9 so it was not far away from each other.

10 Q. [10:54:12] Now, Mr Witness, the former barracks that we just briefly discussed
11 that was on the Pajule side, how close was that barracks to the people living in the
12 IDP camp?

13 A. [10:54:45] I cannot estimate the -- I cannot estimate it exactly. Because the old
14 barracks was near the tobacco area and from that place to the mission could be about
15 half a kilometre. It's my estimation, it's not the exact distance. If you look at the old
16 barracks which was the home for the tobacco growers to the mission, it's about half
17 a kilometre.

18 PRESIDING JUDGE SCHMITT: [10:55:25] Mr Witness, it is perfectly clear that you
19 only can give estimates and that you do not know exactly how many metres it are.
20 That's perfectly okay.

21 MR OBHOF: [10:55:41]

22 Q. [10:55:41] Mr Witness, which barracks, from your opinion and from what you
23 noticed and saw, which one of these barracks were closer to residents living at the
24 Pajule IDP camp? The one next to the mission or the one on the Pajule side?

25 A. [10:56:21] The one on the Pajule side was closer to the people, because it was on

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1 the other side of the road. The other -- one side of the road had the barracks while
2 the other side had the residence. That is why I mentioned that it was close, it was at
3 the home of the tobacco growers. Around that space people had built houses and
4 then people would rear animals on one side while people lived on the other side.

5 Q. [10:57:03] Now, Mr Witness, the Pajule side barracks, as you stated, I just want
6 to make sure we're clear, was being used still by the soldiers during the day at the
7 time of the October 2003 attack; is that correct, Mr Witness?

8 A. [10:57:37] Yes, the soldiers would stay there also.

9 Q. [10:57:47] Mr Witness, prior to the attack in October 2003 do you recall seeing
10 some bombs stationed at the military barracks?

11 A. [10:58:14] Yes, I saw. There were others that could be rolled and then there
12 were others which were like on top, mounted on top of a vehicle called a tanker.
13 And then others would be mounted on top of other vehicles known as Mamba, they
14 would be moving around.

15 Q. [10:58:51] Mr Witness, before the attack do you ever remember seeing some of
16 these bombs or weapons being housed near the IDP camp?

17 A. [10:59:14] Yes, it was located where the soldiers were staying. It was in the
18 place where I was estimating the distance.

19 PRESIDING JUDGE SCHMITT: [10:59:26] Mr Obhof, the time.

20 MR OBHOF: [10:59:30] Today is the two-hour session.

21 PRESIDING JUDGE SCHMITT: [10:59:33] Indeed. So thank you for reminding me.
22 I had forgotten it. So we have still a half an hour to go.

23 Q. [10:59:44] Now, Mr Witness --

24 PRESIDING JUDGE SCHMITT: [10:59:47] Because of that you stayed so calm. So I
25 should have noticed, I should have noticed of course.

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1 MR OBHOF: [10:59:53] I actually looked at the clock too and thought the same thing
2 about a minute ago. And then realised (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [10:59:59] You know, when you have customs or
4 habits in the courtroom it's always a problem when there is an exception.

5 MR OBHOF: [11:00:12] It happens.

6 Q. [11:00:13] Mr Witness, at paragraph 18 of your testimony you said that when the
7 attack started you first thought that it was just drunken soldiers firing guns after
8 Independence Day. Was it often for the soldiers around the Pajule IDP camp to be
9 intoxicated?

10 A. [11:00:52] That is what I thought, but not that it was happening every now and
11 then.

12 Q. [11:01:02] A similar question, Mr Witness: Was the behaviour of the UPDF
13 soldiers and LDUs randomly shooting a usual occurrence at the IDP camp?

14 A. [11:01:41] No.

15 Q. [11:01:42] Mr Witness, do you recall seeing any soldiers intoxicated the night of
16 October 9, 2003?

17 A. [11:02:10] I do not recall.

18 Q. [11:02:17] And, Mr Witness, can you explain to Court why you would think it
19 was drunken soldiers randomly shooting in the morning rather than an attack by the
20 LRA?

21 A. [11:03:00] Well, the reason why I guessed that it was drunken soldiers was
22 because, on occasion, when they are in a festive mood, before -- well, the people who
23 were there before Lakwena, when people are in a festive mood people fire their guns
24 for happiness, so I guessed that that day, that dawn, the reason why there were
25 gun -- why there were gunshots was because there were soldiers, government

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1 soldiers who were in a festive mood, but apparently no, it wasn't them.

2 Q. [11:03:49] Had you witnessed something like this happen before on the six to
3 seven previous Independence Day celebrations whilst you were at Pajule IDP camp?

4 A. [11:04:17] No, I hadn't witnessed that.

5 Q. [11:04:24] Now, Mr Witness, you testified in paragraph 22 that the rebels went
6 into your house and took things but did not abduct your wife. Now when you
7 returned did your wife tell you if the rebels saw her inside the house when they
8 removed some of your possessions?

9 A. [11:05:12] She told me that when I was taken outside they took things like
10 onions. We had a shop, a small store, so they took onions and other small groceries
11 and they closed the door, but nobody else came and opened the door after that.

12 Q. [11:05:42] So was it correct to say that the rebels did not physically mistreat your
13 wife when they removed the onions and the other small goods in the shop?

14 A. [11:06:02] Not while she was in the house, no, she didn't tell me that.

15 Q. [11:06:11] Mr Witness, in your testimony you also talk about being told to go
16 back into your house and close the doors by the rebels, and that while you were
17 leaving Pajule when the helicopter arrived you were also told to take cover by the
18 rebels.

19 Now, Mr Witness, in your opinion were the people from the LRA trying to protect the
20 civilians by telling them to go back inside of their house and by telling them to take
21 cover when the helicopter arrived?

22 A. [11:07:13] Yes. Because when the helicopter is approaching, they wanted us to
23 take care of the commander that we were taking care of so that nothing would
24 happen to that commander or us. But when I stated that they asked me to go back
25 inside, there were no gunshots yet so they were just there. There was nothing

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1 happening.

2 Q. [11:08:03] Now, Mr Witness, without saying the specific location, was your
3 home located on Lapul or Pajule side of the camp?

4 A. [11:08:32] It was on the Lapul side.

5 MR OBHOF: [11:08:36] Now, your Honour, I will have to go into a private session
6 for one to maybe two questions.

7 PRESIDING JUDGE SCHMITT: [11:08:41] Private session.

8 (Private session at 11.08 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 11.11 a.m.)

8 THE COURT OFFICER: [11:11:22] We are back in open session, Mr President.

9 MR OBHOF: [11:11:33]

10 Q. [11:11:33] Now, Mr Witness, without mentioning who you were with or what

11 you were doing, do you recall if the rebels were physically beating civilians or

12 mistreating them in any way, or were they more interested in the items in the

13 marketplace and finding civilians to help carry those items back to the RV point?

14 A. [11:12:23] I saw them at the time when more people came and found us where

15 we had encamped.

16 Q. [11:12:37] But whilst the attack was happening were rebels stopping at people's

17 doors and pulling them out and beating them to death, or were they merely taking

18 food items and other necessities of life to take them back to their RV point?

19 A. [11:13:17] I saw the rebels knocking doors, knocking down doors, same as they

20 did with my door. They take you out, they look for things. They took -- they take

21 food and immediately give the food to carry. But when I was taken out of the house

22 I was taken to the commander who has sustained the injury, but I knew that when

23 I was being taken out other people were also being taken out. But with regard to

24 carrying the luggage I saw people carrying luggage when they got to the place where

25 we had encamped. The luggage would have been taken out of their homes or from

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1 the shops because they took things like soap and other things from the shops and they
2 also took food. So when they came and found us where we had been encamped,
3 that's when I saw them.

4 Q. [11:14:25] Mr Witness, at paragraph 26 of your testimony you stated that there
5 was shooting, that you believe you heard shooting from the barracks going towards
6 the mission. Do you remember where you were located at this time when you heard
7 this gunfire?

8 A. [11:15:04] As I stated earlier, I was still at home, but the barracks is further -- my
9 home is on one side and the barracks is on the other side.

10 MR OBHOF: [11:15:27] Your Honour, these next few questions will need to be in
11 private session.

12 PRESIDING JUDGE SCHMITT: [11:15:32] Private session.

13 MR OBHOF: [11:15:36] Just for maybe two minutes.

14 (Private session at 11.15 a.m.) *(Reclassified in public)

15 THE COURT OFFICER: [11:15:40] We're in private session, Mr President.

16 MR OBHOF: [11:15:46]

17 Q. [11:15:47] Now, Mr Witness, you talked about how you arrived at Wangduku
18 Primary School and you stayed with the commander in sickbay for a while and that
19 you met the commander's wife. Do you recall this wife's name?

20 A. [11:16:16] When we are in the bush it's very difficult to know such names. We
21 usually refer to them as "Madam". If you know her name you don't even refer to her
22 by her name, because if you refer to her by her name then you're in trouble, so we
23 used to refer to them as "Madam".

24 Q. [11:16:45] Was this Madam part of the attack on Pajule?

25 A. [11:17:01] I do not know because we met at Wangduku. We did not walk

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1 together from Pajule, but we met at Wangduku.

2 MR OBHOF: [11:17:14] We can go back into open session.

3 PRESIDING JUDGE SCHMITT: [11:17:16] Open session.

4 (Open session at 11.17 a.m.)

5 THE COURT OFFICER: [11:17:20] We are back in open session, Mr President.

6 MR OBHOF: [11:17:32]

7 Q. [11:17:32] Mr Witness, when you arrived at Wangduku Primary School you

8 eventually went to an area called Ogul, or Lela Ogul, or sometimes has been called

9 Te Ogul, and you stated that Otti addressed the people at the RV point and told them

10 about the importance of your role in the bush and the need to continue the struggle

11 for the Acholi people. When you were eventually divided into separate groups do

12 you recall if your commander gave you a similar type speech as did Vincent Otti?

13 A. [11:18:37] I do recall.

14 Q. [11:18:45] Do you remember if any of the people that you were abducted with

15 told you that they agreed with Otti and the points that he had mentioned?

16 A. [11:19:13] I didn't get that. Could you please repeat your question.

17 PRESIDING JUDGE SCHMITT: [11:19:18] Perhaps you ask him what his attitude

18 towards the speech was and then you can go to other persons, if he knows.

19 MR OBHOF: [11:19:29]

20 Q. [11:19:29] Now, Mr Witness, what was your attitude about what Otti said of the

21 struggle of the Acholi people and those people living in the bush?

22 A. [11:19:55] I did not take it very well, because at the time he was addressing

23 people, even though your mother or your sister who is perhaps wearing her

24 underwear, people who are carrying luggage and are extremely tired, when you look

25 at all these people suffering, that is not something that encouraged me. It wasn't

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1 very encouraging.

2 Q. [11:20:30] Did anyone you talked to whilst in the bush agree with what
3 Otti Vincent said?

4 A. [11:21:01] Yes, the commander that I was carrying did -- did agree with that
5 speech and he kept on talking to me and advising me that I should not go back home,
6 I should continue staying in the bush, because if I went back home then I would be in
7 trouble with the government. So he gave me that kind of advice.

8 Q. [11:21:27] So your commander's advice was don't go back home because the
9 government might beat you, might imprison you and might kill you?

10 A. [11:21:43] Yes. He said -- he also told me that if I stay in the bush then I'm in
11 the place to be, because later on I will be in the government.

12 Q. [11:21:58] Mr Witness, you weren't abducted until 2003 and did you know about
13 the amnesty laws in Uganda?

14 A. [11:22:26] Yes, I did know about the amnesty laws, because as I stated earlier
15 (Redacted) and I
16 knew that when people are taken from Pajule rehabilitation centre they are taken to
17 Gulu and granted amnesty. This was also something that was broadcast constantly
18 on the radio. They were talking about amnesties. Mega Radio used to broadcast
19 such announcements as well and say if you come back home you would be granted
20 amnesty.

21 Q. [11:23:10] But is it fair to say, Mr Witness, that the people who were in the bush
22 that were not there working and seeing amnesty in process, is it fair to say that they
23 did not believe that amnesty was true?

24 MR GUMPERT: [11:23:33] I object to this question.

25 THE WITNESS: [11:23:37] (Interpretation) They did not agree to this or they

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1 (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [11:23:42] (Overlapping speakers) First of all, the
3 objection by Mr Gumpert and then we decide, and then the answer or not by the
4 witness.

5 MR GUMPERT: [11:23:47] The witness is being asked to tell the Court what other
6 people believed. I respectfully submit he can't do that. Perhaps he could be asked
7 whether they said anything about what they believed, but the question needs to be
8 more precise.

9 PRESIDING JUDGE SCHMITT: [11:24:04] I agree in grand part, I would say. But
10 you have already brought out of the witness what this one commander said. And
11 the witness could, for example, be asked with regard to this answer, to this
12 commander how he interpreted it.

13 MR OBHOF: [11:24:23] I understand. And as Mr Gumpert I was starting off, as
14 you normally do with questions and going very broad and then my next questions
15 are who had told you and why do you feel that.

16 PRESIDING JUDGE SCHMITT: [11:24:34] Yes. Yes. Okay, please continue in that
17 way.

18 MR OBHOF: [11:24:39] But I will start off with the commander though, as you
19 (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [11:24:44] Yes, start off with the commander. And
21 you can ask then if, if he had heard anything from other people too. And we have to
22 distinguish of course between commanders or people longer staying with the LRA
23 and those who had been recently abducted. This should also -- the line should also
24 not be blurred.

25 MR OBHOF: [11:25:04]

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1 Q. [11:25:05] Now, Mr Witness, without saying any names or your commander's
2 position, did your commander ever tell you that he believed or whether or not he
3 believed in the amnesty law?

4 A. [11:25:32] They did hear about the amnesties, but they did not believe in it.

5 Q. [11:25:41] Did you hear this same thing from other commanders that you met?

6 A. [11:26:05] I heard this from the commanders, but there are other people -- I gave
7 examples earlier, like of people who would go out and then come and brief the
8 commander. They would say that -- they would say that the government is trying to
9 propagate this amnesty so that people would go back home and people would be
10 killed. So this was a way of trying to keep people back in the bush.

11 Q. [11:26:43] Now, Mr Witness, from what you witnessed, was there a difference
12 between the people who had been recently abducted and between those who were in
13 the LRA for much longer, ie the commanders, and in their beliefs in the amnesty law?

14 A. [11:27:15] Yes, there was a difference.

15 Q. [11:27:23] Now, Mr Witness, in regards to a question asked earlier by my
16 learned colleague from the victims, was life in the IDP camp easier or harder than life
17 in the village?

18 A. [11:27:57] Life in the camp was extremely hard. Life at home was easier.

19 Q. [11:28:17] Mr Witness, regarding your observations of the way that Rwot Oyat
20 was interacting with the rebels at the RV point --

21 PRESIDING JUDGE SCHMITT: [11:28:27] This is a completely new area, I would
22 say, so --

23 MR OBHOF: [11:28:32] (Microphone not activated)

24 PRESIDING JUDGE SCHMITT: [11:28:33] -- I think it -- I would suggest that we
25 have now the break, because I would assume that it takes a little bit longer than

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- 1 a couple of minutes.
- 2 So we have now the break until 12.30.
- 3 THE COURT USHER: [11:28:45] All rise.
- 4 (Recess taken at 11.28 a.m.)
- 5 (Upon resuming in open session at 12.30 p.m.)
- 6 THE COURT USHER: [12:30:38] All rise.
- 7 PRESIDING JUDGE SCHMITT: [12:30:58] Now I have a binder on my desk.
- 8 Now I'm confused what I should use, but I think I stick with my own paperwork that
- 9 I had.
- 10 Mr Obhof, you still have the floor.
- 11 MR OBHOF: [12:31:12] Thank you, your Honour.
- 12 Q. [12:31:14] Good afternoon, Mr Witness. I hope you had a good lunch.
- 13 A. [12:31:21] Yes, I did.
- 14 Q. [12:31:24] I know it's rather rough trying to find some malakwang down there
- 15 in Kampala so ...
- 16 Now, Mr Witness, we're going to discuss a little bit about the Rwot, Rwot Oywak.
- 17 Now, when you saw him at the RV point and he was interacting with the LRA
- 18 persons, you said that people and the government knew that he was communicating
- 19 with the rebels. Were you surprised to see him abducted along with everyone else?
- 20 A. [12:32:19] I saw that he was abducted, he was together with those ones who
- 21 were abducted, indeed.
- 22 Q. [12:32:31] Were you surprised when you saw him though being an abductee?
- 23 A. [12:32:46] Yes, I was surprised because he was also with the group that was
- 24 with Otti, where Otti had gathered people. What surprised me was that he was
- 25 exchanging greetings with Otti. Everybody was undressed, some people had half

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1 clothes, but for him, he was not undressed.

2 Q. [12:33:13] Now, from what you witnessed, did it appear that the Rwot was
3 frightened or worried at that time?

4 A. [12:33:35] From my observation, it was not -- he was -- he looked happy.
5 That is what I thought, he looked happy.

6 Q. [12:33:46] Could you tell us what you observed that makes you draw the
7 conclusion that he looked happy?

8 A. [12:34:06] What I saw was that when a commander called Otti - I learned the
9 name later - right from where he was briefing us from, when Rwot came, they were
10 exchanging greetings and he was happy. They even hugged. But all the people
11 who sat down had -- some of them were bare chested, others had carried huge loads,
12 others had been given rags instead of the good clothes that they had. For him, he
13 was dressed up fully in trousers and shirts as well.

14 Q. [12:34:54] Did you see him smiling?

15 A. [12:35:01] Yes, he was smiling with Otti while they were greeting, but not with
16 the people. They were standing at the side.

17 Q. [12:35:14] During your time in the LRA, did anyone talk to you about
18 Rwot Oyat's interactions with the LRA?

19 A. [12:35:37] During my time in the bush, no one told me.

20 MR OBHOF: [12:35:45] Now, your Honour, these next four questions will have to
21 be asked in private session. It should take about three to four minutes for the people
22 watching on TV and in the audio.

23 PRESIDING JUDGE SCHMITT: [12:36:00] Thank you very much, Mr Obhof, for
24 this reminder. We go to private session. And also for telling us how long you
25 envision it to be.

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- 1 Private session.
- 2 (Private session at 12.36 p.m.)
- 3 (Redacted)
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2 (Redacted)

3 (Open session at 12.38 p.m.)

4 THE COURT OFFICER: [12:38:57] We are back in open session, Mr President.

5 MR OBHOF: [12:39:08]

6 Q. [12:39:09] Now, Mr Witness, what was Acel Calo Apar's role in the LRA?

7 A. [12:39:33] Acel Calo Apar was among the commanders, he was one of the
8 commanders.

9 Q. [12:39:41] And which group did he lead?

10 A. [12:39:55] He was in Control.

11 Q. [12:39:59] Did he have a position in Control, Mr Witness?

12 A. [12:40:15] I'm not certain which position, but when I say "commander", it
13 means that he was in charge of the group that he was in.

14 Q. [12:40:33] Now, did he ever tell you about his role in the Pajule attack?

15 A. [12:40:54] Yes, he told me.

16 Q. [12:40:56] Now, also in your statement you mention several commanders who,
17 according to you, Acel Calo Apar said participated in the attack. The first one is
18 Okwonga. Do you know Okwonga's full name, Mr Witness?

19 A. [12:41:27] Yes -- no, I don't know another name. I only know him as
20 Okwonga.

21 Q. [12:41:35] Did you ever come to know his rank and role during the Pajule
22 attack?

23 A. [12:41:54] I did not come to know what he did while -- during the Pajule
24 attack.

25 Q. [12:42:02] Mr Witness, Acel Calo Apar, what was his role during the Pajule

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1 attack?

2 A. [12:42:25] I do not recall, but he told me that he was among those who came
3 for the attack in Pajule.

4 Q. [12:42:33] Did he ever - he meaning Acel Calo Apar - did he ever tell you if he
5 helped to plan the attack on Pajule?

6 A. [12:43:02] What he told me is that he too participated in the attack in Pajule,
7 but he did not tell me about how they planned it. That, he didn't mention to me.

8 Q. [12:43:20] How about the name of Raska? Raska, specifically
9 Raska Lukwiya?

10 A. [12:43:34] About Raska Lukwiya, he told me his name when he was
11 encouraging me to stay. And I continued working with them because if I persevered
12 and stayed on, I would be a commander like those who went to the camp. He
13 encouraged me to stay and not escape so that I am like one of -- I'm like those who
14 went to work in Pajule who did a good job there.

15 Q. [12:44:19] Did he ever tell you Raska's role in the Pajule attack?

16 A. [12:44:30] No. He did not tell me what he did exactly, but he told me that he
17 was among those who participated in the attack.

18 Q. [12:44:42] This might speed it a little bit through, Mr Witness. I'm going to
19 name the last three names and let me know if you were told what their role in the
20 Pajule attack was -- were.

21 The names are, Mr Witness: Aboro, Ongwen and Owiny.

22 A. [12:45:20] What Acel Calo Apar told me, he told me about Owiny Guli, that he
23 was among those who participated in the Pajule attack. He did not mention any
24 other name, but said that Owiny was one of those who went to Pajule, because we
25 met them later with the -- some people from Pajule whom I knew personally.

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1 Q. [12:45:49] Now, Mr Witness, you also talked about Otti Vincent and that he
2 was called Lapwony Madit. Now, why didn't you call him Lieutenant General Otti?

3 A. [12:46:21] The reason that he is referred to as Lapwony Madit, I have no idea.
4 I didn't know it at the start. I went and found he was being referred to as
5 Lapwony Madit.

6 Q. [12:46:37] Now, Mr Witness, of all these people we've just talked about, did
7 Acel Calo Apar ever tell you which one was more superior than the other?

8 A. [12:47:00] No, he did not. But from what I saw, whenever they wanted to
9 communicate, they would send a message to Otti, then Otti would send a message to
10 another person. If there is anything, they also referred to him as Lapwony Madit,
11 and the only Lapwony Madit at that time was Otti. That is what made me believe
12 that Otti was more senior because all things are referred to him and all orders come
13 from him.

14 Q. [12:47:40] Now, during your time in the bush, was it common to call people
15 identified as commanders, was it common to call them Lapwony and Ladit?

16 A. [12:47:57] You refer to them as Lapwony, because that is the only title used in
17 the bush. But if there is someone who is more senior, he is referred to as
18 Lapwony Madit. And in every group there is someone who is always
19 Lapwony Madit.

20 Q. [12:48:36] Mr Witness, you also mentioned in your -- in paragraph 7 of -- or
21 paragraph 57 of your testimony that Acel Calo Apar told you that there were three
22 groups that came to attack, but you only saw one group that was between houses of
23 Lapul and the market. Did he by any chance tell you who was the overall
24 commander of the entire attack at Pajule?

25 A. [12:49:16] No, he did not differentiate. He just told me that.

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1 Q. [12:49:26] Now, Mr Witness, as you did not see any radios being used by the
2 LRA on the ground when you were abducted, do you know who was in charge of the
3 attack on the ground?

4 A. [12:49:58] Like I said, there is a general commander, for this case Otti, because
5 all orders come from him and all reports were sent to him.

6 Q. [12:50:12] Mr Witness, you stated at paragraph 58 of your testimony that
7 Acel Calo Apar told you about the groups that were involved in the Pajule attack,
8 specifically Control, Kipola and Sapuu. Did you ever come to learn that Sapuu was
9 also a battalion within Stockree?

10 A. [12:51:10] I do not recall that properly. But when you hear me talking about
11 Control, I am talking about the main group, the brigade. But certain groups like
12 battalions can be things like Kipola, Stockree and others.

13 Q. [12:51:41] Now, did Acel Calo Apar ever tell you that Sinia brigade was a part
14 of the attack at Pajule?

15 A. [12:52:04] No, he never told me that. I never heard it.

16 Q. [12:52:14] Now, Mr Witness, did Acel Calo Apar ever tell you which group
17 Dominic Ongwen belonged to in the LRA?

18 A. [12:52:32] No, he never told me the group.

19 Q. [12:52:38] Now, Mr Witness, when you were being abducted during the attack
20 on Pajule, did you witness any LRA soldiers fighting completely naked?

21 A. [12:53:05] No, I did not see.

22 Q. [12:53:10] Since your return from the bush, have you talked to other returnees
23 who were abducted during that attack? Without saying any names of who you
24 talked to, of course.

25 A. [12:53:41] Yes, I did talk.

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1 Q. [12:53:51] Have you talked to anybody who stated that they left Pajule with

2 Mr Ongwen?

3 A. [12:54:02] The people I talked to never mentioned the name of Ongwen in the

4 Pajule attack.

5 MR OBHOF: [12:54:29] Your Honour, the next -- and I'm really sorry for the

6 people upstairs and the people watching online, the next 15 minutes will have to be in

7 private session.

8 PRESIDING JUDGE SCHMITT: [12:54:39] Then private session.

9 (Private session at 12.54 p.m.)

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9 (Open session at 1.01 p.m.)

10 THE COURT OFFICER: [13:01:08] We are back in open session, Mr President.

11 MR OBHOF: [13:01:13]

12 Q. [13:01:15] Mr Witness, did you ever come to hear or learn about a commander
13 named Ayoli Silvio?

14 A. [13:01:31] No, I did not.

15 Q. [13:01:40] During your time in the bush with Stockree did you ever hear about
16 groups called Mendu and Wake Up?

17 A. [13:02:07] No, not while I was in the bush.

18 Q. [13:02:10] And which brigade was Kipola battalion a part of, Mr Witness?

19 A. [13:02:21] Kipola battalion was part of Control.

20 Q. [13:02:29] During your time in the bush did you ever learn of who the overall
21 commander for Stockree brigade was?

22 A. [13:02:55] Well, I knew of the people that I met there at the time, Michael and
23 David.

24 Q. [13:03:07] Now, maybe to refresh your memory, I believe in your testimony at
25 paragraph 16 -- 60, sorry, six-zero, you mentioned the names Tabuley and Odhiambo.

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1 Does that sound familiar, Mr Witness?

2 A. [13:03:26] Yes, that refreshes my memory.

3 Q. [13:03:34] At paragraph 67 -- sorry, at paragraph 76 of your testimony you talk
4 about orders from Kony not to disturb civilians and to eat only the food that the
5 soldiers had. Mr Witness, how did Kony send this message to the different brigades
6 and battalions?

7 A. [13:04:19] To my understanding, the messages would have been
8 communicated to a particular commander in charge of an area and then that
9 commander would inform us. So they would send the message, for example, to my
10 commander and then my commander would come and tell us. They would talk via
11 radio call. But while they were in the bush they did not refer to it as radio, they
12 referred to it as wire.

13 Q. [13:04:47] Now, Mr Witness, do you know where Joseph Kony was located
14 during this time of this order?

15 A. [13:05:11] No, I did not know his exact location, but we were told that he was
16 in the Sudan. But we did not know the exact location and they did not tell
17 that -- they did not tell us that either.

18 Q. [13:05:27] Did your commander ever give you a reason why this order was
19 implemented?

20 A. [13:05:57] Yes. They would tell everybody so that if they're instructions,
21 those instructions are to be complied with so that no harm befalls the people that are
22 there.

23 Q. [13:06:16] Mr Witness, how long did these orders -- or how long was this order
24 in place?

25 A. [13:06:39] To my recollection approximately two weeks, but there were

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1 different instructions at different times. But that particular order that you're
2 referring to, to my recollection lasted for about two weeks.

3 Q. [13:06:59] Now, did this order also include not abducting civilians?

4 A. [13:07:28] Yes, that was part of the order, because at the time when we were
5 moving around we would not do anything. Whether you find an animal you do not
6 kill the animal. If you find a house, you do not break into the house. When you
7 find food, you do not take the food. You eat whatever food you have with you.

8 Q. [13:07:54] So even normal operations were halted, there was to be no fighting
9 for those two weeks; is that correct, Mr Witness?

10 A. [13:08:10] Yes. Most times we were praying.

11 Q. [13:08:16] Mr Witness, from your answer I think it is obvious, but I'd still like
12 to ask. Did your commander and the people underneath his command follow this
13 order?

14 A. [13:08:51] Well, to my recollection, there is one commander who did not follow
15 these instructions. The commander who did not follow these instructions, well,
16 when we crossed a river, he is the only one who lost his life, he is the only one who
17 died. Everybody else survived. Nobody was harmed. Nobody was injured. But
18 he was the only one who died.

19 Q. [13:09:23] Did anybody say anything about why he died after he died?

20 A. [13:09:43] Yes. The person who took over, his successor, told us that if they
21 send any orders or if they issue any instructions, these instructions have to be
22 followed. He told us that later, that we were all supposed to take some plant and
23 hold on to that plant. The plant is called an ojui (phon) plant and each of us were
24 supposed to take that plant and keep it on our person. If you did not keep that plant
25 on your person then something would happen to you.

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1 Q. [13:10:21] Now, Mr Witness, from what you saw or from what you heard, this
2 commander who died while crossing the river, did he die because somebody
3 executed him or did he die by an act of the spirits, by an act of God.

4 A. [13:10:56] No. I said that when we crossed the river we met government
5 soldiers and the government soldiers shot him and killed him. Of all the people that
6 were there he was the only person who was shot and killed. Nobody else was
7 injured. But when they gave instructions later, instructing us to have that leaf on our
8 body, then we were told that if you do not follow those instructions, you would be
9 killed, something would happen to you. That's what I recall we were told.

10 Q. [13:11:31] Now, when you said "something would happen to you", how would
11 this something happen to you? Would it be by one of your lapwony or would it
12 be -- or would it be done otherwise by an act of the spirits or an act of God?

13 A. [13:12:08] Well, it's very difficult for me to explain it. It could be some
14 mystical thing, it could be something sent by God, but we were told that if you did
15 not follow the instruction that you were given, something would happen. But I do
16 not know the exact reason or I do not know what would make that happen.

17 Q. [13:12:32] Now, finally, Mr Witness, on this topic, were you given reasons,
18 reasons why the order came about, how they thought of this order? The reasons
19 behind the order not to abduct anybody, not to take the food of people for these two
20 weeks, or did they just issue it to you as an order and told you to follow?

21 A. [13:13:09] No. They did not explain to us the reason why.

22 Q. [13:13:18] At paragraph 79 of your testimony you talked about some of the
23 abducted females from Pajule and how you saw them in February 2004. You
24 mentioned that you did not see which household they were staying in but assumed
25 they were staying in Otti's. Now, Mr Witness, why did you make this assumption?

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1 A. [13:13:59] I assumed that they were part of Otti's household because we met a
2 group from Control and Otti was in charge of that group, and that's why I assumed
3 that they were in that group, the group that was being commanded by Otti, because it
4 was when we met that group that I saw them.

5 Q. [13:14:23] Now, Mr Witness, would it be fair to say that from your
6 observations during your time in the bush Vincent Otti was the commander in charge
7 of all LRA and everyone, from the senior most commanders to the smallest person
8 who had just been abducted, had to follow his orders?

9 A. [13:15:19] To -- yeah, if you're -- to my knowledge, yes. Because when they
10 come to inform us of anything, for example, even we who were in the sickbay, they
11 would tell us that the communication came from Lapwony Madit, the -- any
12 information that was supposed to be returned would also be returned through
13 Lapwony Madit, so that's who I considered was superior.

14 Q. [13:15:53] Now, according to your observations, would this also include the
15 distribution of wives to the LRA fighters?

16 A. [13:16:16] To my knowledge and what I saw, the division of women would be
17 done within a certain battalion or a group. If they find girls or women, they would
18 take them all to that person who was commanding that group and then that person
19 commanding the group would then make the division and say send this one to this
20 person's household, send this one to the other person's household.

21 Q. [13:16:47] Now, would this be done at the exact time they were abducted or it
22 would be done a few days later?

23 A. [13:17:08] At times it was done immediately. Other times they would do it
24 after a few days.

25 Q. [13:17:20] Now, Mr Witness, during your time in the bush did you ever hear of

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1 direct orders from Joseph Kony or did they always come from Lapwony Madit?

2 A. [13:17:41] What I heard was that the communication was coming from

3 Lapwony Madit, Lapwony Madit. And that's, that's what I heard.

4 Q. [13:18:01] Now, Mr Witness, you discussed a few rules in the LRA, some

5 dealing with women, some dealing with water and some dealing with stones. How

6 did you learn of all these rules?

7 A. [13:18:39] The rules, some of them were given to us while we were on the

8 move or while you're crossing a river.

9 Q. [13:18:59] Did anyone tell you who made these rules?

10 A. [13:19:15] They told me that it was Lapwony Madit, that Lapwony Madit is the

11 one who communicated this. So when we are crossing any stream or body of water

12 they would tell us do not urinate in the water. Or if they are cooking, if they send

13 you to collect water from a stream or well, they would tell you do not scrub your feet

14 on the rocks in that water body.

15 So those are some of the things that I do recall.

16 Q. [13:19:51] Now, Mr Witness, did these rules apply to everyone equally,

17 meaning from the Lapwony Madit to the person abducted yesterday?

18 A. [13:20:14] Yes, they did. They applied to everybody. I did not see anybody,

19 even the veterans, I did not see them spitting in the water or scrubbing their feet in

20 the water. In the household or where I was based, I did not see anybody do that.

21 Q. [13:20:36] Who enforced these rules, Mr Witness?

22 A. [13:20:57] Anybody, all the veterans, all the people who had been there for a

23 while, all the soldiers ensured that the rules were complied with. They would

24 remind you. Even with the women, there was somebody among the women who

25 would advise them and talk to them. If, for example, with -- for example, with

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1 women during your menstrual cycle you're not allowed to cook, so every time you're
2 on the move or wherever you were they would keep on reminding you. Women
3 had somebody who was constantly reminding them of the rules to follow, and men
4 had somebody constantly reminding them as well. So were there people who were
5 there to ensure that the rules were not breached.

6 Q. [13:21:53] Mr Witness, did you ever come to hear or find out about how long
7 these rules were governing the LRA?

8 A. [13:22:18] No. But when I went there the rules already existed, so I do not
9 know when the rules took effect.

10 Q. [13:22:27] Mr Witness, these next few sets of -- this next set of questions, I
11 remind you not to give any personal information out or anything which might
12 identify you.

13 Now, at paragraph 61 of your testimony you told investigators that after your
14 abduction you were asked to provide your personal information. Now, do you
15 know why or were you told why the LRA wanted your personal information?

16 A. [13:23:21] I do know why.

17 Q. [13:23:27] Could you please tell Court.

18 A. [13:23:42] The reason why you were asked about your personal details was to
19 ensure that if you escape then it's very easy to locate your home, they will come and
20 look for you at home.

21 Q. [13:23:59] Were you ever told what they would do if they could not find you at
22 home?

23 A. [13:24:12] Yes, I was told.

24 Q. [13:24:17] What did they tell you they would do if they could not find you at
25 your home, Mr Witness?

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1 A. [13:24:25] I was told that if they do not find you at home, then if you escape
2 and they do not find you they would go and find people from your area, they would
3 all be abducted, they would all be killed. If they do not find people from that area,
4 they would burn all the houses in that area, they would burn all the animals, they
5 would burn anything alive. They would annihilate anything and leave nothing in
6 the area. And that was to instill fear in you so that you do not escape.

7 Q. [13:25:08] Now, Mr Witness, you stated that you had to give your correct, your
8 correct information because of the presence of a person or persons that recognised
9 you. Had you considered giving a false name in spite of that fact?

10 A. [13:25:52] No. I did not think of giving any false name, because if they found
11 out later, for example, if they asked somebody and the person told them my real
12 identity, then as they stated, there would be repercussions, I would be killed. And
13 that's why I gave them my real name. But there are people who, for example, people
14 who have been there for a long time who would change their names and use other
15 names. They would not use their exact name. You might use one of your Honour
16 names, but then use an assumed name as well. But when you're new, if you tell a lie,
17 they would ask somebody else. If that person tells them that you are lying, then
18 you're in trouble.

19 Q. [13:26:47] Now, Mr Witness, one of the few things the Prosecution did not go
20 over with you this morning about your corrections from 2007 was something called
21 moo yaa. Could you please tell me what moo yaa is, Mr Witness.

22 A. [13:27:20] Moo yaa is shea butter. It's from a plant, the plant is called the yaa
23 plant. The oil is edible. It's extremely delicious. The oil, when we were in the
24 bush it was used to heal injuries. And if somebody has been recently abducted they
25 would take that shea butter and they would make the sign of the cross on the person's

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1 forehead, they would make the sign of the cross on their chest, on the back, and they
2 would instruct you that if you decide to escape, then the -- they will be able to find
3 you because of the strength of the shea butter. Because if they tell you that, if we do
4 not find you then we will go to your place, or to your home, and then we will kill
5 everybody, we will burn everything at your home. And that's the time when they
6 are performing that ritual, putting that shea butter on you, they give you these
7 instructions at the same time.

8 PRESIDING JUDGE SCHMITT: [13:28:38] This was quite a comprehensive answer
9 to this paragraph 36 I would say.

10 MR OBHOF: [13:28:49] One small follow-up question though, because I don't
11 believe you directly said it. Did you undergo this process, Mr Witness?

12 A. [13:29:13] Yes, I did. I went through this ritual.

13 Q. [13:29:17] Did you feel any different once the ritual was completed,
14 Mr Witness?

15 A. [13:29:29] No, no, I didn't feel any different at all.

16 Q. [13:29:36] And did you witness or hear any stories of people who tried to
17 escape the LRA and their plans of escape were found out?

18 A. [13:30:02] Yes, I did. At the time that I was (Redacted), I heard such a
19 story.

20 Q. [13:30:14] Now, Mr Witness, without discussing any names, did these people
21 who told you the story, did they tell you that they believed it, that they believed the
22 ceremony, the moo yaa worked?

23 A. [13:30:43] Yes, they did. They believed that it worked.

24 Q. [13:30:49] And again, without naming any names, were these persons
25 commanders or were they newly abducted persons?

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1 A. [13:31:11] No. Those are people who had stayed for long but they were not
2 even commanders.

3 Q. [13:31:20] Now, Mr Witness, at paragraph 98 of your testimony you talked
4 about Kony and admitted that you knew very little about him because people feared
5 that if they talked about him he would hear it. Now, Mr Witness, isn't it true that
6 you never once travelled with Joseph Kony during your time in the bush?

7 A. [13:32:10] That is true, I never travelled with him.

8 Q. [13:32:15] Now, Mr Witness, with Joseph Kony being up in Sudan over a
9 hundred kilometres away, how would he know that people were talking about him?

10 A. [13:32:44] That is what those who had stayed for long in the bush would tell us.
11 They would -- you couldn't even mention two names of those ones who were there
12 unless you used the name Lapwony, you would say Lapwony so-and-so. You are
13 always given just one name and many times it's not even the real name; perhaps a
14 name which has just been started from there. If you call both names, that is a crime.

15 Q. [13:33:28] Mr Witness, at paragraph 97 when you were asked by the
16 investigators who you thought to be the most responsible, you answered that those
17 who ordered the others are the most responsible. Would you consider Acel Calo
18 Apar one of the most responsible?

19 A. [13:34:10] According to me, I think those who give instructions on what to be
20 done and they would punish you if you don't do it, those are the ones who are
21 responsible.

22 Q. [13:34:29] The issue is was he the one issuing the orders or was he following
23 the orders of Lapwony Madit?

24 A. [13:34:52] He was following orders of Lapwony Madit. Lapwony Madit
25 would give it to him but he would also convey the orders down for execution.

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1 Q. [13:35:17] Mr Witness, regarding your conversations with Acel Calo Apar
2 about Dominic Ongwen, did he also tell you about whether he worked closely with
3 Dominic Ongwen or had gone with him on any operations in which Acel Calo Apar
4 praised him?

5 A. [13:35:56] According to what Acel Calo Apar was telling me to encourage me
6 to stay longer in the bush, he was mentioning names of fellow commanders or those
7 who were hard working.

8 And in regard to the name you mentioned, he said that he was working very well.

9 Q. [13:36:34] Did he say anything else about Dominic Ongwen?

10 A. [13:36:51] When we were in the bush you wouldn't hear the name Dominic
11 Ongwen. You would hear Odomi only. He said that he would be waiting for
12 vehicles on the road. For example, he talked about the road coming from Puranga
13 going to Gulu. He did not know that a priest was driving through, he ambushed a
14 reverend father, a priest who was coming to pray in Puranga. But in the bush you
15 wouldn't hear the name Ongwen.

16 Q. [13:37:44] Now, you also mentioned in your testimony that you heard that
17 name, Odomi, leading a group before you were abducted. Now, before you were
18 abducted, were you told which group Odomi led?

19 A. [13:38:27] I was not told about the name of the group that he was in or he led
20 because I was hearing it only from people who had returned from captivity.

21 Q. [13:38:51] Now, Mr Witness, during your time in the bush, did you ever
22 interact with Odomi or Dominic Ongwen?

23 A. [13:39:10] No, I did not.

24 MR OBHOF: [13:39:21] Now, your Honour, I'd like to go into private session for
25 about one to two minutes to set up the last set of questions.

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- 1 PRESIDING JUDGE SCHMITT: [13:39:30] Private session.
- 2 (Private session at 1.39 p.m.)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Open session at 1.40 p.m.)
- 17 THE COURT OFFICER: [13:40:46] We're back in open session, Mr President.
- 18 MR OBHOF: [13:41:01]
- 19 Q. [13:41:03] Now, Mr Witness, when you escaped and questioned by the UPDF,
- 20 what kind of information did they ask you?
- 21 A. [13:41:28] The questions that I was asked at the time was about -- first of all,
- 22 they wanted to know whether I was already a soldier while in the bush. They also
- 23 wanted to find out whether I escaped with a gun and hid it somewhere. They also
- 24 asked about the group I escaped from and also asked where we were going, where
- 25 we were heading to. Those are the questions that they were asking me.

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1 Q. [13:42:24] Now, Mr Witness, were you happy to tell the UPDF everything you
2 could about your experiences in the bush?

3 A. [13:42:41] Yes, I was happy.

4 Q. [13:42:49] Now, Mr Witness, did you want to go back to your family as soon as
5 possible?

6 A. [13:43:03] That is true.

7 Q. [13:43:08] Now, after verifying that indeed you had not remained with the
8 LRA for that long, despite your age, did they inform you why they held you at the
9 barracks for a month?

10 A. [13:43:44] Yes. I was told that they -- a few of them that I remember. First,
11 that I should mention all the secrets that I could have come across while I was in the
12 bush. Secondly, I was told that I'm already of age and I should replace soldiers who
13 had died so that I can work for the government army. But for me, I did not accept
14 that. And it took them quite some number of days to keep asking me. They kept
15 asking me the same thing.

16 Q. [13:44:37] So they were actually pressuring you to try to join the UPDF,
17 Mr Witness, if I understood you correctly?

18 A. [13:44:53] Yes. I was also assigned a number so that I can become a soldier.
19 But I wasn't interested in becoming a soldier. That's why I refused.

20 Q. [13:45:12] Now, Mr Witness, during that month were you ever compensated
21 for the work you did while at the barracks?

22 A. [13:45:28] No. There was no payment. I was only given -- I was only giving
23 help.

24 Q. [13:45:43] Now, Mr Witness, during that month at the barracks did UPDF
25 threaten you at all?

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1 A. [13:45:57] No, they did not bring, but what would happen is, they would keep
2 asking me, talking to me about it now and then.

3 Q. [13:46:17] Now, paragraph 106 of your testimony, you also mentioned that
4 there were quite a few other people there at the barracks. Did you ever find out how
5 long the seven other people were at the barracks, Mr Witness?

6 A. [13:46:47] I do not quite understand, but others who were brought later
7 sometimes stay two days, others a week, others three days, and then they would be
8 taken to Lira in Rachele or to Gulu.

9 MR OBHOF: [13:47:05] Your Honour, I'd like to read him paragraph 106, please, in
10 private session.

11 PRESIDING JUDGE SCHMITT: [13:47:10] Yes. Private session.

12 (Private session at 1.47 p.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 1.48 p.m.)

4 THE COURT OFFICER: [13:48:58] We're back in open session, Mr President.

5 MR OBHOF: [13:49:03]

6 Q. [13:49:03] Now, Mr Witness, were the other people who were coming in and
7 out of the barracks, were they being pressured by the UPDF to join the military too?

8 A. [13:49:34] If you were already of age, you would remain behind and they keep
9 asking you until they really establish all the facts, or if you were also interested, you
10 would join. But if they insist and you refuse, then they would take you away. They
11 would take you away to Lira or to Gulu.

12 Q. [13:50:09] Now, Mr Witness, in paragraph 107 of your testimony, you
13 mentioned that a soldier told you that you were being kept at the barracks for your
14 own protection. Did you believe that soldier when he told you that?

15 A. [13:50:36] I was not satisfied with what he told me because I was interested in
16 going back home.

17 Q. [13:50:51] Now, Mr Witness, this same soldier told you that if you escaped
18 from the barracks and went back home, they would come and get you, that the UPDF
19 would come and get you. Now, did you feel threatened when the -- when you were
20 told that?

21 A. [13:51:17] Yes, I felt threatened. It made me think twice that if I escape -- it
22 made me remember that if you escape from the bush, they would come and look for
23 you. And then they also told me from here that if I escaped, they would come for
24 me. I feared and I continued staying there.

25 Q. [13:51:57] Mr Witness, whilst you were at the battalion and at the barracks,

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1 was your family made aware that you were in fact alive?

2 A. [13:52:20] At the beginning my family was not aware. When my family got to
3 know of my presence, on the second day I was taken to Gulu.

4 Q. [13:52:37] So you're saying you stayed approximately five weeks in the hands
5 of the UPDF without your family being notified that you were alive?

6 A. [13:52:56] No, not five.

7 Q. [13:53:03] Well, how long, Mr Witness, was it until they were notified, if you
8 were with the battalion first and then at the barracks second, which is not in Gulu?

9 A. [13:53:22] I do not recall, but I think it could be about three or four weeks, but
10 not five.

11 Q. [13:53:44] Now, Mr Witness, after being in the bush and then being told if you
12 escaped from the barracks they would come and get you, did a different UPDF
13 soldier explain to you why you had to keep that issue quiet?

14 A. [13:54:34] Can you repeat the question, please?

15 Q. [13:54:39] I'll rephrase it.

16 PRESIDING JUDGE SCHMITT: [13:54:41] And, Mr Obhof, I think --

17 MR OBHOF: [13:54:44] I think it's already been answered, asked and answered by
18 the --

19 PRESIDING JUDGE SCHMITT: [13:54:47] It's asked and answered because I just
20 wanted to laud you, so to speak, because you really have stuck to the statement as it is
21 on the table and here we have it in the paragraph, we have another person telling the
22 witness something about the matter which is exactly what I assume you were heading
23 at.

24 MR OBHOF: [13:55:08] Yeah. I'll considered asked and answered as the Judge
25 advised.

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1 Q. [13:55:15] Mr Witness, I only have one small section left. We should be done
2 in maybe 5, 10 minutes.

3 Again remember not to mention the name of the barracks or the battalion.

4 Now, did you ever receive any of the food that you planted during your stay at the
5 barracks, Mr Witness?

6 A. [13:55:42] No, I did not.

7 Q. [13:56:00] Were you able to tell any of the soldiers from the UPDF your
8 grievances against the way you were treated?

9 A. [13:56:11] I did not because one person said that if they get to know, it would
10 be bring problems for me but also for him because they are the ones who are keeping
11 us from there.

12 Q. [13:56:39] Were you ever made aware of any formal mechanism to file a
13 complaint against the UPDF for the way they treated you at the barracks?

14 A. [13:57:05] No. I was not told and I did not even ask because I was not
15 interested.

16 Q. [13:57:13] From what you observed at your time at the barracks did this type
17 of treatment appear to be normal of people who escaped the LRA and arrived at that
18 barracks?

19 A. [13:57:41] Well, I don't know if they were doing that to everybody, but mine
20 happened the way it did because I was already mature at that time and they were
21 suspecting me to know other -- many things.

22 Q. [13:58:01] Now, before you left the bush, before you escaped, Mr Witness, had
23 people in the LRA warned you that you would be mistreated by the UPDF?

24 A. [13:58:21] Yes, that is usually mentioned that even civilians would kill you,
25 even the government troops would find you and kill you. That is what they tell

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1 those who are in the bush so that they are discouraged from escaping.

2 Q. [13:58:56] Now, Mr Witness, have you heard similar stories from others who
3 have escaped the LRA and returned home? Without mentioning any names, of
4 course.

5 A. [13:59:28] Yes, I heard.

6 Q. [13:59:32] Now, Mr Witness, have you heard stories of women being raped by
7 UPDF when they returned back from the bush?

8 A. [14:00:04] I did not hear that from where I was.

9 Q. [14:00:13] Did you hear about other escapees being arrested and charged with
10 treason by the government of Uganda?

11 A. [14:00:43] I read about it in the newspaper.

12 MR OBHOF: [14:00:54] Your Honour, that concludes the Defence's
13 examination-in-chief.

14 PRESIDING JUDGE SCHMITT: [14:00:59] Thank you very much, Mr Obhof.

15 Also I think I can say we appreciate your diligence with regard to the question of
16 open and private session so we could conduct the examination largely in open
17 session.

18 This concludes your testimony, Mr Witness. On behalf of the Chamber I would like
19 to thank you for having made yourself available as a witness in these proceedings and
20 for helping the Court to establish the truth. Thank you very much.

21 (The witness is excused)

22 PRESIDING JUDGE SCHMITT: This concludes also the hearing for today. We
23 continue tomorrow with P-256 at 9.30.

24 THE COURT USHER: [14:01:40] All rise.

25 (The hearing ends in open session at 2.01 p.m.)

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1 RECLASSIFICATION REPORT

2 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
3 2016, the public reclassified and lesser redacted version of this transcript is filed in the
4 case.