

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 Tuesday, 11 July 2017
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:10] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:33:33] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:33:38] Good morning, Mr President, your Honours.
16 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
17 reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:33:51] Thank you.
20 And for the appearances, we start with the Prosecution, like always.
21 MR CHOUDHRY: [9:33:56] Good morning, your Honour. It's Kamran Choudhry
22 today, together with Mr Shkelzen Zeneli, Mr Ben Gumpert,
23 Mr Pubudu Sachithanandan, Ms Yulia Nuzban, Ms Ramu Bittaye and
24 Ms Yya Aragon.
25 PRESIDING JUDGE SCHMITT: [9:34:12] Thank you.

1 And for the Legal Representatives of the Victims.

2 MR MANOBA: [9:34:16] Good morning, your Honours.

3 Joseph Manoba and James Mawira for the first team of Legal Representatives.

4 MR NARANTSETSEG: [9:34:23] Good morning, Mr President, your Honours.

5 Orchlon Narantsetseg. With me, Ms Caroline Walter. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:34:30] Thank you.

7 And for the Defence, I think Mr Taku or Mrs Bridgman will take the floor.

8 MS BRIDGMAN: [9:34:34] Good morning, Mr President, your Honours.

9 My name is Abigail Bridgman, together with co-counsel Chief Charles Achaleke Taku
10 and Barnabie Augusta. And our client, Mr Ongwen, is in court.

11 PRESIDING JUDGE SCHMITT: [09:34:47] Thank you.

12 And we have, so to speak, a new face in the courtroom. Could you please introduce
13 yourself.

14 MR DE BREE: [09:34:52] Yes, of course, Mr President, your Honours.

15 My name is Robbert de Bree, duty counsel to Witness P-144.

16 PRESIDING JUDGE SCHMITT: [9:34:59] Thank you very much.

17 The Prosecution is now calling P-144 as its next witness. We have, first of all,
18 because we have here you as a duty counsel, to discuss the matter of assurances for
19 the witness pursuant to Rule 74 of the Rules of Procedure and Evidence.

20 And, Mr de Bree, you have requested Rule 74 assurances by way of filing 911.

21 And to discuss these matters, like always, we go into private session.

22 (Private session at 9.35 a.m.) *(Reclassified entirely in public)

23 THE COURT OFFICER: [9:35:43] We are in private session, Mr President.

24 PRESIDING JUDGE SCHMITT: [9:35:45] Thank you.

25 And following the procedure that we always take, I ask the Prosecution to provide

1 their views on an inter partes basis.

2 MR CHOUDHRY: [9:35:53] Thank you, your Honour. The Prosecution has no
3 objections.

4 PRESIDING JUDGE SCHMITT: [9:35:56] Thank you. Mr Taku or Mrs Bridgman.

5 MR TAKU: [9:35:59] No objection, your Honour.

6 PRESIDING JUDGE SCHMITT: [9:36:01] Thank you very much. And we can now
7 go back to open session.

8 (Open session at 9.36 a.m.)

9 THE COURT OFFICER: [9:36:20] We are back in open session, Mr President.

10 PRESIDING JUDGE SCHMITT: [9:36:22] Thank you.

11 The Chamber will now render its decision on the requested assurances. Mindful of
12 the factors specified in Rule 74(5) --

13 THE INTERPRETER: [9:36:27] Could you please speak a little slower. Thank you.

14 PRESIDING JUDGE SCHMITT: [9:36:30] Yes.

15 THE INTERPRETER: [09:36:30] Thank you.

16 PRESIDING JUDGE SCHMITT: [09:36:30] Thank you. Mindful of the factors
17 specified in Rule 74(5) of the Rules, the Chamber has decided to provide assurances
18 pursuant to Rule 74 of the Rules in order to enable the witness to testify without fear
19 of the consequence of self-incrimination.

20 And this concludes the ruling of the Chamber and this also means that we can now
21 bring in the witness.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE SCHMITT: [9:38:03] Mr Witness, do you hear me?

24 WITNESS: UGA-OTP-P-0144

25 (The witness speaks Acholi)

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1 THE WITNESS: [9:38:07] (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [9:38:11] First of all, Mr Witness, good morning.

3 On behalf of the Chamber, I would like to welcome you to the courtroom. You are
4 going to testify before the International Criminal Court, and I assume and there
5 should be a card in front of you with a solemn undertaking. Please have a look if the
6 card is there.

7 Could you please give this undertaking by reading the card aloud.

8 THE WITNESS: [9:38:46] (Interpretation) I solemnly declare that I will speak the
9 truth, the whole truth, and nothing but the truth.

10 PRESIDING JUDGE SCHMITT: [9:38:59] Thank you. Mr Witness, let me now
11 explain to you how the protective measures function that the Chamber has put in
12 place for your testimony. We have put the following protective measures put in
13 place.

14 First of all, face distortion. That means that no one outside the courtroom can see
15 your face during your testimony. We will also use, secondly, a pseudonym. In
16 accordance with that, we will all refer to you only as "Mr Witness", as I am doing so
17 since you have come to this courtroom. This is to make sure that the public does not
18 know your name. When you answer questions that will not give away who you are,
19 we will do so in open session, which means that the public can hear what is being
20 said in the courtroom.

21 When you are asked to describe anything that relates specifically to you or you are
22 asked to mention facts that might reveal your identity, we will do so in what we call
23 private session. In private session there is no broadcast and no one outside the
24 courtroom can hear your answer.

25 Mr Witness, as you know, you are represented in these proceedings by Mr de Bree,

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1 who is sitting to your right. He requested that you receive assurances protecting you
2 against any possible self-incrimination issues which may arise during your testimony.

3 The Chamber gives you the assurance pursuant to Rule 74(3) of the Rules that your
4 testimony will not be used either directly or indirectly against you in any subsequent
5 proceedings by this Court.

6 This is with the exception under proceedings of Article 70 and 71 of the Rome Statute,
7 which are the offences against the Court and means if you would not say the truth
8 here in this courtroom.

9 If any question is asked that could lead to your self-incrimination, we will hear your
10 answer in private session and keep this answer confidential.

11 The questioning party, first of all Prosecution, later Defence, is responsible for
12 requesting private session prior to asking questions that may lead to incriminate
13 yourself. And your lawyer also sits here and may interfere if he deems it
14 appropriate. And furthermore, we have a bench sitting here who is also vigilant in
15 that respect.

16 Mr Witness, do you understand?

17 THE WITNESS: [9:41:45] (Interpretation) Yes, I do.

18 PRESIDING JUDGE SCHMITT: [9:41:47] Thank you. Before we start with the
19 testimony, we have also to address shortly some practical matters that you should
20 have in mind when you give your testimony.

21 Everything we say here in the courtroom is written down and interpreted. It is
22 therefore important to speak clearly and at a slow pace. Also the Presiding Judge
23 already today had to learn that or, better to say, has been reminded of that.

24 Please speak into the microphone and only start speaking when the person asking
25 you the question has finished. If you have any questions yourself, raise your hand

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1 so we know that you wish to say something.

2 Have you understood all that?

3 THE WITNESS: [9:42:38] (Interpretation) Yes, I have.

4 PRESIDING JUDGE SCHMITT: [9:42:40] Thank you. After this long preliminary
5 speech, so to speak, we can start now with your testimony. And I give you the floor.

6 MR CHOUDHRY: [9:42:47] Thank you very much, your Honour.

7 QUESTIONED BY MR CHOUDHRY:

8 Q. [9:42:49] Good morning, Mr Witness.

9 Mr Witness, can I begin by asking you to tell the Court your full names, please?

10 PRESIDING JUDGE SCHMITT: [9:42:58] Private session.

11 MR CHOUDHRY: [9:42:59] Excuse me, your Honour, sorry?

12 PRESIDING JUDGE SCHMITT: [9:43:01] Private session.

13 MR CHOUDHRY: [9:43:02] Private session.

14 PRESIDING JUDGE SCHMITT: [9:43:03] But this documents that everybody is
15 vigilant here in the courtroom. So we go to private session before we answer that, of
16 course.

17 (Private session at 9.43 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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22 (Redacted)

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11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Open session at 9.46 a.m.)

17 THE COURT OFFICER: [9:46:13] We are back in open session, Mr President.

18 MR CHOUDHRY: [9:46:19]

19 Q. [9:46:19] Mr Witness, I will ask you some questions about your secondary
20 school, but I would ask you not to mention the name of your secondary school or
21 where that is, if that's okay.

22 What secondary class did you reach when you were at that school?

23 A. [9:46:41] I was abducted when I was in senior 3.

24 Q. [9:46:49] I would like to talk to you about your abduction. What year were you
25 abducted in?

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1 A. [9:47:04] I was abducted in 1996, on 22 April.

2 Q. [9:47:19] How old were you when you were abducted?

3 A. [9:47:27] I was 17 years old.

4 Q. [9:47:31] Can you please tell the Court what happened on the day that you were
5 abducted?

6 A. [9:47:45] On the day I was abducted, we were in the dormitory, we were
7 sleeping. In the night at around 3 a.m. the rebels came and abducted us. They
8 abducted over 50 of us. That was how we were abducted.

9 Q. [9:48:21] You have used the word "rebels". Who do you mean by "rebels"?

10 A. [9:48:36] The rebels I am talking about are the LRA.

11 Q. [9:48:44] You also said that there were 50 others that were abducted. Who
12 were these other people that were abducted?

13 A. [9:48:57] We were all students of -- we were all students of the school from
14 where we were abducted.

15 Q. [9:49:09] When you say you were abducted, can you please describe how exactly
16 you were abducted? What did the LRA do to abduct you?

17 A. [9:49:31] The LRA came and attacked our school at around 3 a.m. But before
18 they arrived at our school, we had heard that the LRA rebels were nearby. Now, for
19 the students who were coming from far away from that school, people who were
20 coming from the town didn't have anywhere else to go, so we stayed at the school.
21 Later on, later on while we were staying at the school, there were soldiers who were
22 guarding us. And we thought they would provide sufficient security for us, but
23 when the rebels came, they dodged where the soldiers were and they were able to
24 sneak in and abduct all the students.

25 Q. [9:50:37] What did the LRA use to abduct you?

1 A. [9:50:48] We were sleeping in our dormitory and we only realised when we
2 were being bound by ropes. We were sleeping at that time. It was late, it was
3 around 3 a.m.

4 Q. [9:51:04] You said that you were being bound by ropes. Where on your body
5 were you being bound by the ropes?

6 A. [9:51:19] They bound us on our waists, in one line. All of us were stringed
7 together in one line, all the students.

8 Q. [9:51:28] Did you ever learn the name of any of the LRA commanders that had
9 abducted you?

10 A. [9:51:40] Yes. The commander who abducted us was called Can Odonga.

11 Q. [9:51:51] What unit was Mr Can Odonga in?

12 A. [9:51:57] At that time we did not know the unit, the units in the LRA, and it was
13 difficult to know. But later on we learned that it was a combined unit that was sent
14 to go and work in Lango subregion.

15 Q. [9:52:20] Did you later learn the names of this combined unit?

16 A. [9:52:32] As I have said, it was combined. That means it was just a standby
17 selected to come and operate in Lango subregion.

18 Q. [9:52:45] After you were abducted, where did the LRA take you?

19 A. [9:52:58] We walked the whole night up to the Acholi border in a place called
20 Odek. We walked for about two days to arrive in Acholi region.

21 Q. [9:53:22] Did any of the people that were abducted try to escape?

22 A. [9:53:36] Yes, so many people tried to escape.

23 Q. [9:53:38] Did any of the people succeed in escaping?

24 A. [9:53:53] The people who escaped in the night managed to escape.

25 Q. [9:54:00] What did the LRA fighters do when people escaped?

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1 A. [9:54:14] After they realised that the students had started escaping, they
2 improved on their security arrangements and it became so tight. When we arrived
3 in Acholi area, another group of -- escaped and they gathered all the students
4 together to be punished. Some of them were selected and killed to show that they
5 did not entertain escapes.

6 MR CHOUDHRY: [9:54:55] Your Honour, perhaps we can go into private session
7 for a few questions.

8 PRESIDING JUDGE SCHMITT: [9:54:59] Private session.

9 (Private session at 9.55 a.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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11 (Redacted)

12 (Redacted)

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14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Open session at 9.59 a.m.)

20 THE COURT OFFICER: [9:59:32] We are back in open session, Mr President.

21 MR CHOUDHRY: [9:59:46]

22 Q. [9:59:47] Mr Witness, how long did you stay in Uganda after you were first
23 abducted?

24 A. [10:00:01] We stayed for about two months in Uganda and then we were taken
25 to Sudan.

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1 Q. [10:00:08] What was the name of the first place that you were taken to in Sudan?

2 A. [10:00:17] We went to the LRA base which was called Aru.

3 Q. [10:00:27] Who was the most senior LRA commander at the LRA base in Aru?

4 A. [10:00:41] It was Joseph Kony.

5 Q. [10:00:46] And who did you understand Joseph Kony to be?

6 A. [10:01:00] Joseph Kony, we used to hear that he was the overall commander of
7 the LRA.

8 Q. [10:01:12] When you were in Sudan what type of activities did you do?

9 A. [10:01:27] While we were in Sudan there were many abductees and there was
10 a difficulty in moving; many of the people had swollen feet. We stayed there for
11 about one month and then later on, the newly abducted people were treated. When
12 their feet healed, they were trained in military things.

13 Q. [10:02:01] Can you explain what type of military training the new abductees
14 received?

15 A. [10:02:15] The new recruits were trained in parade, and after training in parade,
16 they were trained in how to use small arms and also heavy weapons.

17 Q. [10:02:38] Were you one of the people that were trained?

18 A. [10:02:44] Yes, I was a new recruit and therefore I was trained. When our feet
19 healed, they started training us.

20 Q. [10:03:02] You have told us that your feet healed. Can you explain, how did
21 the injury to your feet occur?

22 A. [10:03:15] It was because of the long distance walking in the bush without shoes,
23 stepping on thorns. That is how the new recruits were moving because we did not
24 have shoes. And when we reached the Sudan base, when we were taken to the new
25 base, most of the recruits had wounds in their feet.

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1 Q. [10:03:46] Thank you. I would just like to return to your training now. You
2 said that individuals were trained using arms. What type of arms -- or can you list
3 the names of arms that you were trained to use?

4 A. [10:04:09] We were trained using SMG, PKM machine gun, RPG, recoilless also,
5 and 12.7. SPG-9 also -- we also trained later in SPG-9. We got training in all types
6 of arms, 2 millimetre mortar, and others.

7 PRESIDING JUDGE SCHMITT: [10:04:45] Perhaps, Mr Choudhry, you can ask the
8 witness what SPG-9 is. We have experts here on the bench, but since we have the
9 witness here -- because the other we have now heard quite a lot of, but SPG-9 is for
10 me specifically something new.

11 MR CHOUDHRY: [10:05:05]

12 Q. [10:05:05] Mr Witness, can you please explain to the judges what an SPG-9 is,
13 what it looks like and what it does?

14 A. [10:05:20] SPG-9 is difficult to, to describe. SPG-9 is like a recoilless. It's like
15 a recoilless gun. It's like a B-10 gun, but it's longer and it's used for, for hitting, and it
16 is an anti-tank. It's for -- used for hitting tanks, tankers.

17 PRESIDING JUDGE SCHMITT: [10:05:51] I understand.

18 MR CHOUDHRY: [10:05:52] Your Honour, I was going to ask him to indicate the
19 size for you, if that was of any assistance.

20 PRESIDING JUDGE SCHMITT: [10:05:58] Yes, you can do that. Why not?

21 MR CHOUDHRY: [10:06:00]

22 Q. [10:06:00] Mr Witness, perhaps using your hands or any distance in this
23 courtroom, can you just indicate how big in size was the SPG-9?

24 A. [10:06:18] It's longer than the table in length.

25 PRESIDING JUDGE SCHMITT: [10:06:26] Okay.

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1 MR CHOUDHRY: [10:06:27] Your Honour, for the record that's approximately 2
2 metres, I would guess. Unless my learned friends wish to say anything.

3 PRESIDING JUDGE SCHMITT: [10:06:34] I think it is a little bit more, because he
4 said it's wider than. But it's okay, we have at least an idea of what it looks like and
5 what it is.

6 MR CHOUDHRY: [10:06:49]

7 Q. [10:06:50] Mr Witness, after you received your training --

8 PRESIDING JUDGE SCHMITT: [10:06:51] Mr Choudhry, my colleague just asked
9 me to ask. Mr Witness, do you know where you got these weapons from? Because
10 it seems to be quite -- something that you would normally not get around the corner.
11 Do you have any information at the time where you got it from?

12 THE WITNESS: [10:07:16] (Interpretation) Yes. These weapons were brought from
13 Sudan. (Redacted)
14 (Redacted), so we receive weapons and other supplies in a big number from Sudan.

15 PRESIDING JUDGE SCHMITT: [10:07:38] Thank you, Mr Witness.
16 Excuse me, Mr Choudhry, but perhaps you would have addressed it anyway, but it
17 just fitted at the moment.

18 MR CHOUDHRY: [10:07:49]

19 Q. [10:07:49] Mr Witness, after you were trained did you receive a rank within the
20 LRA?

21 A. [10:08:00] Yes, I was -- I received a rank.

22 Q. [10:08:05] What rank did you first receive?

23 A. [10:08:15] I first received corporal.

24 (Redacted)

25 (Redacted)

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9 Q. [10:10:25] Were you ever promoted from the rank of corporal?

10 A. [10:10:34] Yes, I was promoted. I became a staff sergeant afterwards, and from
11 there I was promoted to second lieutenant.

12 Q. [10:10:50] Was that the highest rank that you were promoted to?

13 A. [10:11:02] At the beginning that was my rank, but later on when I -- when I came
14 out, I was already a captain.

15 Q. [10:11:25] And when you were a captain, what were your duties?

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [10:13:18] Mr Witness, how long did you stay in Sudan for?

24 A. [10:13:29] I stayed for, for long in Sudan. It took me a long time to come to
25 Uganda because of my duties as a clerk. From 1996 up to around -- up to around the

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1 year 2000, after the Operation Iron Fist, that is when the headquarter of the LRA was
2 overrun, which was in Sudan. That is when I got the opportunity to come to
3 Uganda. It was around four or five years that I stayed in Sudan without coming to
4 Uganda.

5 THE INTERPRETER: [10:14:18] Message from the interpretation: Your Honour,
6 could the witness stick to one language for coherent interpretation.

7 PRESIDING JUDGE SCHMITT: [10:14:24] Which language is he speaking?

8 THE INTERPRETER: [10:14:26] He is mixing up Acholi and English and sometimes
9 it's difficult to be coherent in the interpretation, your Honour.

10 PRESIDING JUDGE SCHMITT: [10:14:33] Mr Witness, I have just been told by the
11 interpreters that it would make their work much easier if you would stick to one
12 language, perhaps to Acholi, because sometimes you are mixing. Obviously, I did
13 not hear it. That would be very kind of you, so the interpretation can follow
14 smoothly. Thank you.

15 MR CHOUDHRY: [10:14:59]

16 Q. [10:14:59] Mr Witness, who overran the LRA during Operation Iron Fist?

17 A. [10:15:13] It was the UPDF.

18 Q. [10:15:23] And just to clarify, after Operation Iron Fist were you back in
19 Uganda?

20 A. [10:15:35] We stayed in Sudan for some time and then later on the whole group,
21 the whole LRA group moved to Uganda.

22 Q. [10:15:49] Can you remember the year that you returned to Uganda?

23 A. [10:16:00] Yes. It was probably 2000 that we returned.

24 Q. [10:16:10] And when you returned to Uganda, who was your commander?

25 A. [10:16:26] While we were in Uganda -- can you repeat the question?

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1 Q. [10:16:31] When you first returned to Uganda after Operation Iron Fist, who was
2 your commander?

3 A. [10:16:46] We came to Uganda via Agoro. We were under the command of
4 Joseph Kony as the overall commander of the LRA.

5 Q. [10:17:06] Was Joseph Kony the leader of your particular group?

6 A. [10:17:20] Yes, he was the overall leader of the group.

7 MR CHOUDHRY: [10:17:25] Your Honour, with that I would like to apply to refresh
8 the witness's memory. The particular reference is from tab 3, UGA-OTP-0228-1255,
9 and that is at page 1281, lines 904, 906.

10 PRESIDING JUDGE SCHMITT: [10:17:46] Yes, please proceed.

11 MR CHOUDHRY: [10:17:47]

12 Q. [10:17:47] Mr Witness, in your interview to ICC investigators you were asked,
13 "Under whose command were you?" Your response, "Major Lubwa Bwone". Does
14 that refresh your memory?

15 A. [10:18:12] Yes, we were under the command of Joseph Kony as the overall.
16 When we entered Uganda through Agoro, there was a battle with the UPDF in Agoro.
17 It's from there that the group was split. It was not a pleasant split. It was not a split
18 by choice, because it was the battle that split us. There were many wounded people
19 who had -- some had severe wounds. That is before we met the main group.

20 PRESIDING JUDGE SCHMITT: [10:18:57] Mr Choudhry, but you keep in mind the
21 relevance, potential relevance or irrelevance of information to be elicited by the
22 witness. You keep that in mind so to, I think, you can focus on matters that relate,
23 perhaps, more directly to what the case is about.

24 MR CHOUDHRY: [10:19:17] Your Honour, that is indeed my next headline.

25 Q. [10:19:22] Mr Witness, I would now like to ask you about LRA activities when

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1 you returned to Uganda. After you returned to Uganda, how did the LRA get its
2 food?

3 A. [10:19:46] When the LRA came to Uganda, they used to get food from the
4 civilians who were in the camps.

5 Q. [10:19:59] Can you please list the names of camps where the LRA got its food
6 from?

7 A. [10:20:15] In Pader we had many places that we would go to in the district.
8 Most the trading centres in Pader district and Kitgum district were places that the
9 LRA could go as long as the LRA was close to that trading centre.

10 Q. [10:20:40] Starting with places in Pader, can you list the names of any camps or
11 trading centres that the LRA went to?

12 A. [10:20:59] The LRA would get food from Patongo, Kalongo, Pajule, Pader, Pader
13 Lagwai, Kilak, from all those trading centres.

14 Q. [10:21:32] Now, Mr Witness, I would like you to focus your mind on Pajule that
15 you have just mentioned. Were you ever present on any of the occasions the LRA
16 went to Pajule to get food?

17 A. [10:22:07] I went to Pajule twice. The first one, we would -- we just passed
18 from Pajule. But even if we were just passing, you pick some food and then you
19 proceed. But what I remember well is that we went and collected a lot of food from
20 there. That was on Uhuru day of 2003.

21 Q. [10:22:48] Mr Witness, what day is Uhuru day on?

22 A. [10:23:02] It is usually on 9 October.

23 Q. [10:23:14] I would now like you to focus on the time when you went with the
24 LRA to Pajule on Uhuru day. First of all, how did you know that on that occasion it
25 was in fact Uhuru day?

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1 A. [10:23:50] Can you repeat the question, please?

2 Q. [10:23:56] How did you know that it was Uhuru day when you went to Pajule?

3 A. [10:24:12] We had watches and we had things that made us know the day, the
4 time, the date, and therefore we knew that today was Monday, today was 10th, today
5 was 5th of which month.

6 Q. [10:24:41] How did you first hear about the plan to go to Pajule on Uhuru day?

7 A. [10:25:07] I heard about the plan to go, but I do not recall exactly where we were
8 at the time. But when we were moving towards Pajule, we heard rumours that we
9 were going to collect food since we had run short of food. All the groups of the LRA
10 had no food. And a brigade was summoned, the different brigades were summoned
11 so that they can convene and form a bigger group to go and collect food from Pajule.

12 Q. [10:26:01] Which brigades were summoned?

13 A. [10:26:12] There was Trinkle brigade.

14 Q. [10:26:26] Was that the only unit in the LRA that was involved at Pajule?

15 A. [10:26:38] As far as I remember, the LRA headquarters, which was under the
16 command of Otti, and they called Trinkle brigade to, to come and support the group
17 to go and collect food from Pajule.

18 Q. [10:27:05] What was the name of the LRA commander that summoned these
19 brigades to go to Pajule?

20 A. [10:27:30] The commander who summoned the brigade to come to Pajule; is that
21 what you are asking for?

22 Q. [10:27:39] Yes, please.

23 A. [10:27:44] It was Otti Vincent.

24 Q. [10:27:47] Who is Otti Vincent?

25 A. [10:27:53] Otti Vincent is the second in command of the LRA.

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1 Q. [10:28:04] Now, Mr Witness, you told us that you convened. I will be asking
2 you questions about that. But first of all, when you convened, how far away were
3 the LRA, approximately, from Pajule?

4 A. [10:28:34] The RV was about 10 kilometres east of Pajule in -- about 10
5 kilometres east of Pajule. That is where the RV took place.

6 Q. [10:28:52] You have used the word "RV". What do you mean by "RV"?

7 A. [10:29:02] RV is like a meeting point. In military language we use it to mean
8 meeting point.

9 Q. [10:29:17] Approximately how many LRA fighters were at this meeting point?

10 A. [10:29:34] There were many people. If I am to estimate, it can go to well
11 over 500.

12 Q. [10:29:51] What LRA commanders did you see at this meeting point?

13 A. [10:30:08] There were many LRA commanders. There was Otti, who was the
14 overall commander who was leading the operation. There was Raska Lukwiya,
15 there was Okot Odhiambo. And there was -- those are the most senior commanders,
16 but there were also other commanders who were junior, who were many.

17 Q. [10:30:47] Can you list the names of any junior commanders that were present at
18 the meeting point?

19 A. [10:31:01] Yes. There were several commanders. There was -- well, I don't
20 recall his rank, but I think it was a lieutenant colonel, Bogi, and Major, Major Dominic.
21 And then according to the group that we went with to the centre, however, there
22 were several other commanders. There was Lieutenant Colonel Jimmy Ocitti,
23 Lieutenant Colonel Opoka. There were several others but I cannot clearly recollect
24 now.

25 Q. [10:32:04] I would like to focus on the name Major Dominic. What was the full

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1 name of Major Dominic, please?

2 A. [10:32:15] Dominic Ongwen.

3 Q. [10:32:23] Are you aware of any other names for Major Dominic Ongwen?

4 A. [10:32:32] He was called Dominic Ongwen. However, those who were close to
5 him would refer to him as Odomi.

6 Q. [10:32:54] Can you please tell the Court how exactly the plan to go to Pajule
7 happened at the meeting point?

8 A. [10:33:17] To go to Pajule, they organised four different groups, but one group
9 remained at the headquarters at the RV and the other three moved to go and attack
10 Pajule. One of them was meant to ambush and that group was taken to go and lay
11 an ambush along the way so that a reinforcement by the Ugandan military would not
12 come to interfere with the operation at Pajule. There was another group that was
13 meant to carry out the assault, go and attack the barracks, and the biggest group was
14 sent to go and collect food items and abduct civilians.

15 Q. [10:34:16] How did you learn about these four groups?

16 A. [10:34:28] I learned of the four groups because -- well, when they were selecting
17 the standby to go for the operation, they organised that when everyone was at the
18 same point. They ordered that people were going to Pajule to collect food and
19 abduct people from there. They therefore divided the groups for some to go and
20 carry out the operation and others had to remain behind.

21 Q. [10:35:10] What LRA commanders did you hear speak when they were selecting
22 the standby to go to Pajule?

23 A. [10:35:27] The directive came from Otti. He gave the instruction to
24 Raska Lukwiya who then selected the three different groups to go and carry out the
25 operation.

1 Q. [10:35:48] Let's start with one of the groups, that is the assault group. Which
2 LRA commander was in charge of that group?

3 A. [10:36:12] The commander who led the assault group was Bogi, if I can recollect
4 well.

5 Q. [10:36:20] And did you hear it yourself when Bogi was made the commander of
6 the barracks -- I should say the barracks group?

7 A. [10:36:34] I didn't hear that myself, but I was, I was one of the people who went
8 to the barracks and after the standby was selected, he was identified as the
9 commander to go and lead the group that went to the barracks.

10 Q. [10:36:58] How about the biggest group to collect food and civilians? Who
11 were the LRA commanders in charge of that group?

12 A. [10:37:14] There were three groups. The first group went to lay an ambush and
13 Lieutenant Lalero was the one commanding. He went to Pader road. The second
14 group went to carry out their assault and, if I can remember, was led by Bogi. And
15 the third group, which was a very big group, was the group where Dominic was.
16 But even in that same group, there was the overall commander who was in that group.
17 He was operation commander. He was Raska Lukwiya, who was coordinating
18 the -- all the other groups, all the three groups.

19 Q. [10:38:06] Could you explain specifically what role Dominic Ongwen was to
20 play, please?

21 A. [10:38:46] The group that went to the centre had gone to collect food items and
22 abduct civilians. That was the group that he was in. He went -- they went to the
23 centre and he was together with the overall operation commander, Raska Lukwiya.

24 Q. [10:39:24] And how did you learn that information?

25 A. [10:39:32] After the standby was selected, all the three groups were together.

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1 They gave them a briefing, and the movement was, however, carried out differently
2 because the objectives were different. The groups went differently, basing on the
3 tasks that they were supposed to perform. The ambush group left, the assault group
4 also moved, and then the group that was meant to go to the centre was the last to take
5 off.

6 MR CHOUDHRY: [10:40:14] Your Honour, with that perhaps I can refresh the
7 witness's memory on the exact role of Mr Ongwen.

8 PRESIDING JUDGE SCHMITT: [10:40:20] Please proceed.

9 MR TAKU: [10:40:21] Your Honours, again, the objective of refreshing should be
10 well specified. If there is a contradiction, he should say that. If he has said that, "I
11 do not remember", he can refresh his memory, but not when he clearly says he was in
12 the group led by the overall operational commander, Raska Lukwiya; he was in the
13 group.

14 Now, he says he wants to refresh his memory. About what? He hasn't said he
15 didn't know anything. If there's a contradiction, he can say, "You said this at some
16 point in time and now this is what you are saying now." Then we will understand.
17 Your decision was quite clear. Refreshing the memory can be for two objectives.
18 One, when he didn't remember at all and now he will prompt his memory by asking
19 him, "Does it trigger your memory?" By saying something, picking something from
20 the evidence to trigger his memory so that he independently gives evidence, not that
21 something is read and he is asked to confirm. But if there's a contradiction, he can
22 read the contradiction to him and ask him to explain it. That's what is the object of
23 your decision.

24 PRESIDING JUDGE SCHMITT: [10:41:39] Mr Choudhry, please tell me what do you
25 want to put to the witness and I will have a look at it perhaps shortly, because it's so

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1 much so quicker to tell me.

2 MR CHOUDHRY: [10:41:46] Your Honour, that is exactly as my learned friend
3 points out, that the -- the exact passage can be located in tab 6, that is UGA-0228-1376.
4 And before I give you the specific reference, your Honour, or would you like that,
5 I am happy to read that.

6 PRESIDING JUDGE SCHMITT: [10:42:02] No, please give me first before I decide.

7 MR CHOUDHRY: [10:42:05] The specific reference is at page 1400 and it is lines 799
8 to 806.

9 PRESIDING JUDGE SCHMITT: [10:42:16] It starts with 1399, I think, page 1399?

10 No, this is overruled. He has given the answer to that. I agree with the Defence
11 here in that respect. So what you can do, you can ask him if there was a further
12 division of power, so to speak, but I would not -- this would be very suggestive to
13 read it to him. This is overruled.

14 MR CHOUDHRY: [10:43:02] Your Honour, if I may be permitted, one of the reasons
15 that your Honour has ruled that it may be permissible to refresh the witness's
16 memory is in fact a contradiction. What's unclear from the witness's evidence here is
17 that although Raska was involved as an overall commander, which is consistent with
18 the --

19 PRESIDING JUDGE SCHMITT: [10:43:25] We can make it short. It is exactly what
20 you are doing now, explaining to me, explain it to the witness and ask him. And not
21 putting a former statement to him. It is not that I want to exclude further
22 questioning in that respect, but to put -- and the reason -- as I always say on a
23 case-by-case basis, because the substance of what you want to put to the witness is
24 very small, it's simply a name, so this would be too suggestive. What you tried to
25 convince me, put it into a question, put it to the witness and then we think how far we

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1 come, we see how far we come.

2 MR CHOUDHRY: [10:44:03]

3 Q. [10:44:04] Mr Witness, I would like you to focus on two names, that is

4 Mr Raska Lukwiya and Mr Dominic Ongwen. You have told the Court that both

5 went to the centre. You have also told the Court that Raska Lukwiya was the overall

6 commander. Can you please tell the Court what was Dominic Ongwen in charge of

7 during the attack at Pajule?

8 PRESIDING JUDGE SCHMITT: [10:44:30] Exactly like that.

9 THE WITNESS: [10:44:39] (Interpretation) As I mentioned earlier, the group that

10 went to the centre and the group that went to the barracks and the other group that

11 went to lay the ambush, these constituted three different groups, but out of the three

12 groups the overall operational commander was Raska Lukwiya. Bogi went to carry

13 out the assault and the other one went to, to carry out the -- to lay the ambush and

14 Dominic went together with Raska to -- to the trading centre. They went to loot and

15 then abduct. But he went with the overall operation commander. He went with the

16 group as the commander of the group but he went together with the operation

17 commander in that group.

18 MR CHOUDHRY: [10:46:02]

19 Q. [10:46:03] Mr Witness, apart from the ambush group, the group that went to the

20 barracks, the group that went to the centre and the group that remained, do you

21 remember any other groups that went to Pajule?

22 A. [10:46:29] There was a group that constituted between 10 and 11 members who

23 were supposed to have gone to the mission but they did not manage to reach the

24 mission, because the soldiers fled towards the mission and they were able to thwart

25 their attempt to attack the mission. They were commanded by captain called Onyee

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1 but they were not able to reach their destination.

2 Q. [10:47:21] Now, before I ask you about what happened during the attack at

3 Pajule, I would just like to ask you some questions about Dominic Ongwen. At the

4 time of the Uhuru Pajule attack, how well did you know Dominic Ongwen?

5 A. [10:47:46] I knew him well.

6 Q. [10:47:51] Why did you know him well?

7 A. [10:48:00] The LRA did not constitute so many people. Most of the

8 commanders knew themselves because you would be interfacing several times.

9 Therefore the commanders within the LRA knew each other and were known.

10 Q. [10:48:25] What brigade was Dominic Ongwen in?

11 A. [10:48:36] Dominic was a member of Sinia brigade.

12 Q. [10:48:43] And at the time of the Pajule attack in 2003 what LRA unit was

13 Dominic Ongwen attached to?

14 A. [10:49:01] If I can recall, Dominic was in Control Altar at the headquarters. But,

15 well, I didn't understand that well, but I was told that it was a kind of detention or an

16 imprisonment because, well, I didn't understand why he was taken there.

17 Q. [10:49:40] When you say that Dominic Ongwen was in Control Altar, was he

18 still with Sinia?

19 A. [10:49:51] He was on his own. He was attached, he was attached to

20 Control Altar. The Control Altar, according to the LRA, was -- well, if a Sinia

21 commander or, for instance, a brigade commander or a brigade commander who has

22 not been carrying out their responsibilities well, they would be stripped of their

23 position, or if they -- they would remove him from that position and take him to

24 Control Altar to teach him some, some manners, and until when they know that the

25 person can now perform well then they will be reinstituted back.

1 Dominic was brought to Control Altar singly. He stayed there until at some point
2 when he was taken back to Sinia brigade.

3 Q. [10:51:21] I would just like to explore the term detention. When an LRA fighter
4 is in detention is he or she free to move?

5 A. [10:51:43] Yes. You will be free to move wherever you want. But if you were
6 the commanding officer of a unit you would only be removed from there and you
7 would not have the mandate of controlling that unit until when you are reinstated
8 there. Then you can take up your responsibility. Sometimes you will be
9 transferred to another unit, but that all depended on how, how and why you were
10 taken to Control Altar.

11 Q. [10:52:32] And at the time that Dominic Ongwen was given a role during the
12 Uhuru Pajule attack, was he still in detention?

13 A. [10:52:58] I think he was no longer in detention. This is because if you were in
14 detention they would not give you the task to go and carry out an operation.

15 Well, in the LRA detention would be said that you could be sent to carry out an
16 operation and then if you fail to, to carry out the operation because of the situations
17 that you could have found along the way as you are going for the operation, this
18 would sometimes warrant that you would be stripped of your responsibility, you
19 would be taken in detention. For instance, if you were the brigade commander or
20 any other commanding officer you would be stripped of your responsibility and be
21 taken in detention. That was what happened in the LRA.

22 Q. [10:54:06] Mr Witness, you have used the term "Major Dominic", what rank was
23 Dominic Ongwen at the time of the Uhuru Pajule attack?

24 A. [10:54:19] A major.

25 Q. [10:54:21] And can you remember how was Dominic Ongwen's state of health at

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1 the time of the Uhuru attack?

2 A. [10:54:40] From the time I was abducted, from the time I was abducted to join
3 the LRA I saw Dominic walking with a limp until when I left the LRA. But he
4 looked healthy, though he was walking with a limp all the time I was in the LRA
5 ranks.

6 MR CHOUDHRY: [10:55:24] Your Honour, with that I will be moving to the bulk of
7 the Pajule attack. Perhaps it's a convenient time to break now.

8 PRESIDING JUDGE SCHMITT: [10:55:31] I think so. I agree too. So we have now
9 the morning break until 11.30.

10 THE COURT USHER: [10:55:38] All rise.

11 (Recess taken at 10.55 a.m.)

12 (Upon resuming in open session at 11.31 a.m.)

13 THE COURT USHER: [11:31:58] All rise.

14 Please be seated.

15 PRESIDING JUDGE SCHMITT: [11:32:19] I don't see the witness in the courtroom.

16 I don't hope there is any problem.

17 Obviously not, so that -- so I can calm down a little bit.

18 (The witness enters the courtroom)

19 PRESIDING JUDGE SCHMITT: [11:33:12] Mr Witness, welcome back again in the
20 courtroom. We continue with the questioning by the Prosecution. Mr Choudhry
21 has the word.

22 MR CHOUDHRY: [11:33:22]

23 Q. [11:33:22] Mr Witness, before the break we were talking about the Uhuru Day
24 attack at Pajule and you talked about selection of a standby to go to Pajule. After
25 LRA fighters were selected, did they go to Pajule?

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1 A. [11:33:54] After the standby was selected they -- we went straight to Pajule.

2 Q. [11:34:05] Did all the LRA fighters go to Pajule?

3 A. [11:34:19] There were four groups and then the group that remained in the RV
4 were under the command of Vincent Otti. And that group stayed at the base. The
5 three groups are the ones that went -- the group for ambush and for the assault on the
6 barracks and then the group that would go attack the camp.

7 Q. [11:34:50] Just to be clear, where was Vincent Otti when the LRA went to Pajule?

8 A. [11:35:07] He remained at the RV, about 10 kilometres east of Pajule trading
9 centre.

10 Q. [11:35:15] Did you, yourself, go to Pajule?

11 A. [11:35:21] Yes, I went.

12 Q. [11:35:24] Approximately what time was it in the day when you left for Pajule?

13 A. [11:35:35] We left in the evening. They had planned that the attack would take
14 place at dawn.

15 Q. [11:35:49] Can you remember what time in the evening you left for Pajule?

16 A. [11:36:02] It was not very far, only 10 kilometres. So we left about 6 p.m., but
17 we did not go straight, we would -- we kept resting on the way. When we were
18 close to the place, the group split. The ambush group went first, and then the group
19 that followed was the assault group, and then the third group were the ones who
20 went to the trading centre to go and collect food and abduct people.

21 Q. [11:36:43] So when you first left for Pajule did all the LRA fighters leave
22 together?

23 A. [11:36:58] Yes, we moved together as a group, but there was a venue where we
24 would split from. Since there were, there were three groups, each commander had,
25 had to select his members and go to, to execute the plan.

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1 Q. [11:37:24] And before you split where was Dominic Ongwen?

2 A. [11:37:39] The overall group was under the operation commander, that is
3 Raska Lukwiya. That's when we left Otti at the RV. The first group left from the
4 place where we split. We were the second group. And we left the third group,
5 which had Dominic, together with operation commander. They remained behind.
6 We left them there.

7 Q. [11:38:07] Did you see Dominic Ongwen before the group split?

8 A. [11:38:15] Yes, I saw him.

9 Q. [11:38:24] And when the LRA went to Pajule did they have any weapons with
10 them?

11 A. [11:38:34] Yes, there were many weapons. For such an attack, especially where
12 there were soldiers in the barracks, we had weapons, you were not sure where you're
13 going, even those going to the centre had weapons since you could find soldiers there.
14 All the soldiers who went for the operation had weapons.

15 Q. [11:38:58] And can you list the names of the weapons that the LRA had when
16 they went towards Pajule?

17 A. [11:39:14] We had SMG, we went with a PKM machine gun, we had RPG, we
18 went with recoilless, we had SPG-9, we had 12.7, and 60 millimetre mortar.

19 Q. [11:39:43] After the group split what time did your group arrive at Pajule?

20 A. [11:40:00] We reached there about 3 or 4 a.m. in the morning.

21 Q. [11:40:18] Where did your group go after it arrived at Pajule?

22 A. [11:40:31] We were in the assault group, so we went straight to the barracks
23 where there were soldiers. We went and attacked the soldiers.

24 PRESIDING JUDGE SCHMITT: [11:40:44] When it comes now, perhaps, to conduct
25 of the witness or potential conduct of the witness we are vigilant of Rule 74 issue.

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1 MR CHOUDHRY: [11:40:56] Your Honour, just in that regard, to outline my
2 planning, I hadn't planned on going into private session for the simple reason that the
3 witness speaks very generally about what happened at the various locations. So I
4 wasn't going to push on anything that the witness specifically did.

5 PRESIDING JUDGE SCHMITT: [11:41:14] Agreed. Please continue.

6 MR CHOUDHRY: [11:41:22]

7 Q. [11:41:23] Mr Witness, what time did the attack at Pajule start?

8 A. [11:41:33] It started at about 5 a.m. in the morning.

9 Q. [11:41:44] And when you went to the barracks you told us that there were
10 soldiers, where were these soldiers at the barracks from?

11 A. [11:42:03] There's a barracks for the military in Pajule that protects -- provides
12 security for the residents of the camp.

13 Q. [11:42:21] Were the soldiers UPDF soldiers?

14 A. [11:42:31] I am not sure if they were LDU or UPDF soldiers. I am not certain.
15 But it was barracks for the government soldiers.

16 Q. [11:42:51] And again just to be clear, when you went to the barracks who was
17 the leader of your group?

18 A. [11:43:06] It was Lieutenant Colonel Bogi.

19 Q. [11:43:14] How did the LRA commanders of the different groups communicate
20 with each other during the attack?

21 A. [11:43:37] The LRA commanders had Motorola walkie-talkies, that is what they
22 use to communicate during search operation. Even if people are moving or they
23 have some kind of communication, that's what they use.

24 Q. [11:43:58] Can you please list the names of LRA commanders that you
25 personally saw had these Motorola walkie-talkies?

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1 A. [11:44:19] The commanders of all the groups had walkie-talkies, even for the
2 ambush and the barracks and the camps, they all had walkie-talkies.

3 Q. [11:44:38] Can you please list the names of the commanders that had
4 walkie-talkies?

5 A. [11:44:52] Raska Lukwiya had a walkie-talkie, Bogi, Dominic, and
6 Lieutenant Lalero who went to the ambush. There were two ambushes. I forget the
7 name of the other commander who went to Kitgum road, because Lalero went to
8 Pader road.

9 Q. [11:45:24] And what types of things did the LRA communicate using the
10 walkie-talkie during the attack?

11 A. [11:45:43] The operation commander would be enquiring each of the different
12 groups that had gone for the operation to inform him how they reached and whether
13 they reached the target. And when they are ready, like for us we went to -- for the
14 assault in the barracks, he would be giving updates to the operation commander that
15 we are about to start, we have deployed and we are waiting for time to start the -- to
16 start the attack on the barracks.

17 Q. [11:46:29] Did you yourself hear any of the communications that were given
18 using the walkie-talkies?

19 A. [11:46:43] No, I did not hear because we were many.

20 Q. [11:46:50] I'd now like to just return to the barracks. Approximately how many
21 LRA fighters went with your group to the barracks at Pajule?

22 A. [11:47:09] We were about 100.

23 Q. [11:47:16] Were any of the LRA fighters that went with you younger than you?

24 A. [11:47:29] There were many soldiers.

25 Q. [11:47:36] Now my question is in relation to the age of some of these soldiers,

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1 Mr Witness. Were any of the LRA soldiers that went with you to the barracks
2 younger than you?

3 A. [11:47:54] Yes, there were many. The LRA usually abduct people from 10, 11
4 upwards. So the group had people who were 16, 15, 20s.

5 Q. [11:48:15] Can you please estimate the age of the youngest LRA fighter that you
6 saw participate in fighting at the barracks?

7 A. [11:48:35] Could be about 13 or 14.

8 Q. [11:48:44] What makes you estimate that the youngest was approximately 13 or
9 14?

10 A. [11:49:04] In many cases those abducted are 10, aged 10 to 12. So if somebody
11 is abducted when he is 11, he would be trained and get used to the way things are
12 done in the LRA. By the time he or she is 13, 14 or 15, he is a trained soldier and that
13 is why I say so. Besides, I also see their -- the age, they're still tender, and they could
14 be 13, 14 or 15.

15 Q. [11:49:50] What characteristics did you see that makes you say that some of the
16 fighters were tender?

17 A. [11:50:20] Even those who abducted us from the school were mainly children.
18 I was even older than some of them, I was 17. And I, I thought I was older by many
19 years. That's why I say that they are young.

20 PRESIDING JUDGE SCHMITT: [11:50:49] I think we have testimony and evidence
21 from this witness on the record and it has to be interpreted like always.

22 MR CHOUDHRY: [11:50:59]

23 Q. [11:50:59] Mr Witness, when you got to the barracks can you please tell the
24 Court the story of what happened.

25 A. [11:51:16] When we reached the barracks we started fighting the soldiers who

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1 were in the barracks. We were not able to overrun them. We only overran half of
2 the barracks. Some soldiers, some UPDF soldiers remained in the barracks, not all of
3 them fled during the battle. And that is the reason why we were not able to overrun
4 the barracks as we had anticipated. Later, we left there. When we were -- when
5 we -- when those ones in the centre had already finished their mission, we also joined
6 them across from the centre and we, we retreated.

7 Q. [11:52:20] Mr Witness, I'd just like to focus on the barracks at this stage. You
8 use the words "not all of them fled". Did some of the soldiers at the barracks flee?

9 A. [11:52:43] Yes, especially the part where we started launching our attacks from,
10 the soldiers took off. But those who were on the other side of the barracks were
11 not -- they did not flee, they were shooting at us and we were also shooting back until
12 we left and abandoned the barracks when they were still shooting at us. There was
13 still some soldiers who were at their bases in the barracks. But the place from which
14 we started the attack was empty because the soldiers ran away.

15 Q. [11:53:22] Did you see the direction that the soldiers who ran away ran towards?

16 A. [11:53:36] We launched our attack from the upper side of the barracks. And
17 they were fleeing south of the barracks.

18 Q. [11:53:56] What was the purpose of the attack at the barracks?

19 A. [11:54:09] It was meant to weaken, to weaken the soldiers and to prevent them
20 from attacking those who were looting food in the camp.

21 Q. [11:54:35] You've told us that it would prevent them from attacking those who
22 were looting food in the camp, who do you mean?

23 A. [11:54:56] I remember I said earlier that there were three groups, we were split
24 into three groups; there were those who were going for the assault, for the ambush
25 and those in the camp. Those who were in the camp were supposed to collect food.

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1 And that was the major reason why we were in Pajule. If the soldiers were not to be
2 attacked it would not be easy to get the food that they came to collect as it was
3 planned, because that is the reason why they went to the trading centre.

4 Q. [11:55:41] Were any LRA fighters injured during the attack at the barracks?

5 A. [11:55:50] Yes. Some people were injured. The person I remember from the
6 barracks was -- someone was using SPG-9. He was a captain, he was a captain. He
7 went to the barracks and he was -- his gun was shot and the fragments of the gun hit
8 him on the, on the stomach and on the mouth.

9 Q. [11:56:23] Do you remember the name of the person with the SPG-9?

10 A. [11:56:34] He was called Captain Lukwiya.

11 Q. [11:56:44] Do you remember his first name?

12 A. [11:56:51] Yes, he was Charles Lukwiya.

13 Q. [11:56:56] What happened to the SPG-9 that Charles Lukwiya had?

14 A. [11:57:08] It was hit, and the fragments from the gun hurt the person who was
15 using it and it was abandoned there, the gun was abandoned there.

16 Q. [11:57:28] You've told us that the SPG-9 was abandoned. Did the LRA recover
17 any weapons at the barracks?

18 A. [11:57:46] Yes. When the soldiers fled, especially when the attack had just
19 started, many guns were recovered from there and -- because the soldiers abandoned
20 their guns when they were fleeing.

21 Q. [11:58:13] Mr Witness, after the barracks you told us that you went to the centre,
22 what do you mean by the word "centre"?

23 A. [11:58:30] After the assault group left the barracks, they crossed and went to the
24 trading centre while withdrawing and going back to the RV.

25 Q. [11:58:47] What is at the trading centre?

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1 A. [11:58:54] The trading centre is the place where those who had gone to loot the
2 food had finished the operation from. There were few soldiers who were now
3 leaving their -- leaving and joining the major group so that we could retreat.

4 Q. [11:59:19] Mr Witness, I am more interested in the types of things that were at
5 the trading centre so if you could focus your mind. What types of buildings are in
6 this trading centre that you talk of?

7 A. [11:59:39] Can you repeat your question, please.

8 Q. [11:59:42] What type of buildings are in a trading centre?

9 A. [11:59:55] The trading centre had iron-roofed houses along the road, but behind
10 the iron-roofed houses had grass-thatched houses. But most of them had iron-roofed
11 houses.

12 Q. [12:00:12] And who lived in these houses?

13 A. [12:00:20] The civilians were the residents of the centre, they were the ones
14 living in the buildings that were there.

15 Q. [12:00:29] And apart from houses, were there any other buildings that could be
16 found in the trading centre?

17 A. [12:00:45] I have not understood the question.

18 Q. [12:00:48] It's okay, I'll move on. Did all fighters who participated in the attack
19 at the barracks go to the trading centre?

20 A. [12:01:06] Where the people were fighting was, was on the western side of
21 Pajule. Where the people were looting food was on the eastern side of Pajule trading
22 centre. And when the people who were withdrawing from the barracks started
23 retreating, they went eastwards to join the people who were looting food at the
24 centre.

25 Q. [12:01:45] And were you amongst the group that went to the trading centre?

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1 A. [12:01:54] All the groups that came from the assault passed through the trading
2 centre. And most of the people who were at the trading centre had already left, just
3 a handful had remained behind.

4 Q. [12:02:17] Can you describe what you saw when you got to the trading centre.

5 A. [12:02:24] At the trading centre most of the houses had their doors open because
6 the people who were looting food had opened most of the doors.

7 Q. [12:02:43] Did you see any people looting food?

8 A. [12:02:53] When we left the barracks after the assault we came and found just
9 a handful of the people at the centre. Most of those who had come to abduct and
10 loot food had already left.

11 Q. [12:03:16] What were the handful of the people in the centre doing when you
12 got to the centre?

13 A. [12:03:26] They were already leaving the centre. We just found the last bit of
14 them and we moved together. Because most of the abductees and those who were
15 carrying food had all gone because there was a helicopter gunship hovering above
16 and we could not stay.

17 Q. [12:03:53] When you got to the centre what LRA commanders did you see there?

18 A. [12:04:05] I do not recall that.

19 MR CHOUDHRY: [12:04:13] Your Honour, with that, I would like to refresh the
20 witness's memory.

21 PRESIDING JUDGE SCHMITT: [12:04:17] Yes.

22 MR CHOUDHRY: [12:04:17] The reference for the record is UGA-OTP-0228-1376,
23 and that's at lines -- at page 1417, lines 1411 to 1424.

24 PRESIDING JUDGE SCHMITT: [12:04:41] And in the binder, do we have it?

25 MR CHOUDHRY: [12:04:45] It's tab 6, your Honour.

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1 Or, perhaps, your Honour, before I refresh I could ask one further question.

2 PRESIDING JUDGE SCHMITT: [12:05:25] Yes, I think, of course when the witness
3 says "I do not recall", this is obviously the foundation for refreshing exercise, but you
4 could also try to elicit this via questioning, via nearing yourself more what you want,
5 the information that you want to elicit, if you want to give it a try. So we would
6 perhaps not even need it then.

7 MR CHOUDHRY: [12:05:52]

8 Q. [12:05:52] Mr Witness, where was Dominic Ongwen when you went to the
9 centre?

10 A. [12:06:09] If I can recall, the group that had gone to the centre had so many
11 people. And when we left the barracks after the assault, we came and found when
12 most of the people had already left the centre, just a few of them had remained
13 behind but they were also setting off.

14 Q. [12:06:34] Did you see Dominic Ongwen when you went to the centre?

15 A. [12:06:43] I don't recall that.

16 MR CHOUDHRY: [12:06:44] Your Honour, with that I would like to refresh.

17 PRESIDING JUDGE SCHMITT: [12:06:47] Of course, now it's -- you can do that.

18 MR CHOUDHRY: [12:06:50]

19 Q. [12:06:50] Mr Witness, I would like to read to you some questions that you were
20 asked and your answer. You were asked: "And before you left the camp did you
21 see Ongwen?"

22 Your response was: "Yes, because we were together with -- we combined together,
23 we were."

24 You were then asked: "So you saw him at the centre with your own eyes?"

25 You said: "Yes."

1 Does that refresh your memory?

2 A. [12:07:38] When we came from the barracks we joined the people who had come
3 from the centre along the way. We did not necessarily find them at the centre
4 because if I -- if I saw him, then I think I saw him along the way but not at the centre
5 at the time with the helicopter gunship was hovering above.

6 The helicopter gunship was hovering above and they had left us behind to provide
7 cover because since we were coming from the barracks we were left behind to move
8 from behind to provide cover. The entire group of assault was meant to block any
9 further attacks on us. But I do not recall whether I saw him or not. Because when
10 we were crossing the centre most of the people who had come to abduct had already
11 left with the abducted civilians going towards the RV.

12 Q. [12:09:01] Mr Witness, can you please help the Court to understand why when
13 you were asked in your interview you said that you saw Dominic Ongwen at the
14 centre?

15 A. [12:09:18] What I know was that Dominic came to the centre because, it was his
16 group that came to the centre because there were three different groups that came for
17 the operation; there was the assault group, the group that went to the centre and then
18 the ambush group. I know Dominic and I saw him on the way while we were
19 coming. We moved together for this operation. But our group split and went
20 ahead to attack the barracks. When we were coming back we, we were moving
21 together, but we were put behind to block any, any -- the group from any other
22 attack.

23 One thing is I do not recall whether -- because there is one thing that is important.
24 When you are in the bush you really do not even think that you will be asked later on
25 whether this and that happened so you do not keep some of these things in your

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1 mind.

2 I -- but I do not recall. What I know very well was that when we left the barracks we
3 came and found just a handful of people at the trading centre. The last people were
4 the ones who were now leaving the trading centre to go to the RV.

5 PRESIDING JUDGE SCHMITT: [12:10:49] I think we have addressed that
6 sufficiently. Refreshing does not necessarily mean confirming.

7 MR CHOUDHRY: [12:11:00] Your Honour, what I would like to do is explore it at
8 one stage, at the moving backstage, if that's okay.

9 PRESIDING JUDGE SCHMITT: [12:11:07] If we now move from the centre to the
10 moving back stage, I would say you can do that, yes.

11 MR CHOUDHRY: [12:11:15]

12 Q. [12:11:15] Before, Mr Witness, I talk about your withdrawal, you mentioned
13 abductees, who were these abductees?

14 A. [12:11:30] There were so many civilians who were abducted. The civilians
15 were abducted from Pajule trading centre.

16 Q. [12:11:41] And who abducted these civilians?

17 A. [12:11:49] The group that came to collect food items from the camp abducted
18 several civilians. Some were used to carry the looted items, but others were also
19 abducted just in the same way the LRA normally recruits people into their ranks.

20 Q. [12:12:08] So when you say "group" do you mean the LRA?

21 A. [12:12:16] Yes.

22 Q. [12:12:18] And what do you mean by the word "abducted"? How does the
23 LRA abduct a person?

24 A. [12:12:30] In the same manner that I was abducted, they were also abducted in
25 the very same way.

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1 Q. [12:12:40] Could the persons that were abducted -- or let me rephrase
2 that -- what would happen if the people that were abducted refused to be abducted?

3 A. [12:13:02] You cannot refuse an abduction when you are going abducted by
4 a person who was wielding a gun. That is what I know. You do not have a way
5 of -- as a civilian you do not have a way of rejecting being abducted. You will
6 strictly follow what you are being instructed to do because you know you can be
7 harmed.

8 Q. [12:13:27] And did you see any civilians being harmed at Pajule?

9 A. [12:13:35] No, I didn't see.

10 Q. [12:13:46] Can you please describe how the civilians you saw that were
11 abducted were being treated when you were at the centre?

12 A. [12:14:02] When I came to the centre, I found when the civilians had already
13 been left there were only a handful of the LRA soldiers who had remained, the bulk
14 of them had gone with the civilians ahead.

15 Q. [12:14:18] You mentioned that the abducted civilians were carrying things.
16 What were they carrying?

17 A. [12:14:29] They were carrying food items that were looted from the centre.
18 They were also carrying those who had sustained bullet injuries during the operation.

19 Q. [12:14:52] What types of food items were they carrying?

20 A. [12:15:04] Beans and maize flour.

21 Q. [12:15:13] And which types of people had sustained bullet injuries?

22 A. [12:15:26] Captain Lukwiya, as I mentioned earlier, had sustained injuries
23 during the operation at the barracks, so he was also being carried.

24 Q. [12:15:37] Did you see any civilians that had sustained bullet injuries?

25 A. [12:15:46] No, I didn't see that.

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1 Q. [12:16:09] Mr Witness, you mentioned a gunship. Who did the gunship belong
2 to?

3 A. [12:16:22] The gunship belonged to the Uganda People's Defence Force.

4 MR CHOUDHRY: [12:16:31] Your Honour, with that, I would ask to show tab 14,
5 the ERN is UGA-OTP-0243-0503, a redacted copy has been prepared for (Overlapping
6 speakers)

7 PRESIDING JUDGE SCHMITT: [12:16:47] I have it already in front of me.

8 MR CHOUDHRY: [12:16:49] Thank you, your Honour.

9 PRESIDING JUDGE SCHMITT: [12:16:59] Thank you very much for providing us
10 with a copy that can be shown to the public.

11 MR CHOUDHRY: [12:17:22] Your Honour, I don't have a working copy on my
12 screen, but I have it in paper so I will work from there.

13 PRESIDING JUDGE SCHMITT: [12:17:31] I would never reproach you for a thing
14 like that, that you use paper.

15 MR CHOUDHRY: [12:17:40]

16 Q. [12:17:40] Mr Witness, you should have in front of you a sketch. Can you see
17 that?

18 A. [12:17:55] Yes, I can see it.

19 Q. [12:17:59] At the bottom right of this sketch there is a signature. Whose
20 signature is that, please?

21 A. [12:18:13] It's mine.

22 Q. [12:18:14] Have you seen this sketch before?

23 A. [12:18:24] I am the one who sketched it.

24 Q. [12:18:29] Please explain what you were trying to show when you made this
25 sketch?

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1 A. [12:18:40] I was trying to indicate the sketch map of Pajule, the location of the
2 barracks, where the ambush team went, and where the group that went to the centre
3 also went and carried out the operation.

4 Q. [12:19:04] I would like to ask you about some of the markings. You have green
5 arrows on this sketch. Do you see that?

6 A. [12:19:20] Yes, I can see it. That indicated the routes that we used to come to
7 the centre.

8 Q. [12:19:27] Thank you, that's answered my next question. And to the bottom of
9 the sketch you see a square and a red circle and I believe the word "Assault" next to it,
10 do you see that?

11 A. [12:19:46] Yes, that is the barracks.

12 Q. [12:19:50] And what's the word just to the right of that box, please?

13 A. [12:20:02] I can see the words "Defence" and then "Assault".

14 Q. [12:20:10] In the centre of the sketch there is a large circle that says "Main body",
15 do you see that?

16 A. [12:20:26] Yes, that was on the eastern side of the centre. That was an area
17 where people went to loot items from the centre.

18 Q. [12:20:40] Can I just ask you, what do the boxes in that circle represent?

19 A. [12:20:52] The boxes indicate the buildings at the trading centre.

20 Q. [12:20:58] And to the -- I would say towards the right of that circle there is
21 another circle with the words "Ambush GRP", do you see that?

22 A. [12:21:16] Yes, I can see it.

23 Q. [12:21:21] And what does that represent, please?

24 A. [12:21:24] That was Pader road where the ambush team went. That was the
25 ambush team that went along Pader road.

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1 Q. [12:21:37] Right, you can put that sketch down now, Mr Witness. You
2 mentioned that at one stage you withdrew from Pajule. Where did you withdraw
3 to?

4 A. [12:22:06] When we -- when we left Pajule trading centre going towards the RV?

5 Q. [12:22:17] Right. You said that you were towards the RV, is that where you
6 were withdrawing towards?

7 A. [12:22:31] We left Pajule and went towards the RV.

8 Q. [12:22:41] When you were withdrawing did you see Dominic Ongwen?

9 A. [12:22:53] You mean when we were withdrawing from the RV or while we were
10 withdrawing from the centre?

11 Q. [12:23:03] When you were withdrawing from the centre at Pajule, did you at any
12 time see Dominic Ongwen before you arrived back at the RV?

13 A. [12:23:19] Before we arrived at the RV, yes, I can recall I saw him at the point
14 when the helicopter gunship was up above.

15 Q. [12:23:32] What was Dominic Ongwen doing when you saw him at that point?

16 A. [12:23:44] At the time I saw him, shortly afterwards we were instructed to
17 remain behind. He continued ahead and I really don't know what else he went
18 ahead doing. We remained behind as -- remained behind as a blocking post to
19 protect the large group that was moving ahead.

20 Q. [12:24:13] Who instructed you to stay behind?

21 A. [12:24:23] The operation commander Raska Lukwiya.

22 Q. [12:24:32] Where were the civilians when you were withdrawing?

23 A. [12:24:43] I saw most of the civilians well at the RV, but I think they were in the
24 middle somewhere as we were moving.

25 MR CHOUDHRY: [12:25:03] Your Honour, with that, perhaps I can go to the next

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1 sketch, which is tab 15.

2 PRESIDING JUDGE SCHMITT: [12:25:07] Of course, yes.

3 MR CHOUDHRY: [12:25:08] The ERN for that is UGA-OTP-0243-0504. For the
4 same reason there is a redacted version for members of the public.

5 Q. [12:25:43] Mr Witness, there is another sketch in front of you, do you see that?

6 A. [12:25:51] Yes, I can see it.

7 Q. [12:25:56] At the bottom of the sketch you should be able to see a signature.

8 Whose signature is that, please?

9 A. [12:26:09] It's not in this one.

10 PRESIDING JUDGE SCHMITT: [12:26:17] So he has obviously the blackened, the
11 blackened one, but that should not be a problem. Why not show to him a paper or
12 simply ask him if he has drawn it. I think that would be enough. That would
13 shorten the whole procedure. If he recognises that he has drawn it, that that should
14 be sufficient.

15 MR CHOUDHRY: [12:26:39]

16 Q. [12:26:39] Mr Witness, do you recognise this sketch?

17 A. [12:26:45] Yes, I am the one who drew this map.

18 Q. [12:26:49] And again, what were you trying to show when you drew this map?

19 A. [12:26:58] This map is indicating how we withdrew. As I said, when we left
20 Pajule trading centre this was how we moved until we reached the RV.

21 Q. [12:27:17] I would like you just to explain some of the markings on that sketch.
22 Let's start with the rectangle on the bottom right which I believe has the words
23 "Blocking force" in it. Who was the leader of that group, please?

24 A. [12:27:47] The blocking force was led by Bogi. Well, all this was composed of
25 people who came from the assault and was commanded by Bogi.

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1 Q. [12:27:59] And which group were you in when you withdrew?

2 A. [12:28:06] I was part of the blocking force.

3 Q. [12:28:11] Now, towards the middle there is another box with the word "Main
4 body" written in it, do you see that?

5 A. [12:28:23] Yes, I do.

6 Q. [12:28:25] There is also the words "Dominic was with the main group" written,
7 do you see that?

8 A. [12:28:34] Yes, I do.

9 Q. [12:28:35] Why did you write "Dominic was with the main group" on this
10 sketch?

11 A. [12:28:49] I wrote there that Dominic was in the main group because that was,
12 that was the group that went to the trading centre and he was part of that group, he
13 went together with the operation commander. The operation commander was the
14 overall commander of all the groups but he stayed in the main group.

15 Q. [12:29:09] And staying with the same box, just below the words "Main body"
16 I believe is written "Abductees were", do you see that, and what did you mean when
17 you wrote that?

18 A. [12:29:27] The abduct -- the people who were abducted from the centre were
19 carrying looted items and these were the abductees.

20 Q. [12:29:39] And finally, Mr Witness, there is a group -- there is a rectangle to the
21 top of that with the word "Advance group" written in it. Do you see that and can
22 you please explain what you were trying to show when you drew that?

23 A. [12:30:06] In any military arrangement the advance force and -- given the fact
24 that so many people were abducted and there was a lot of items that were looted,
25 there was need to select a group that would move forward to lead the group. That

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1 was why I indicated there that there was an advance group that was selected from the
2 main body.

3 Q. [12:30:37] Right, Mr Witness, you can put that sketch down and I will continue
4 my questioning.

5 PRESIDING JUDGE SCHMITT: [12:30:44] Whatever putting down means if you
6 have it electronically on the screen.

7 MR CHOUDHRY: [12:30:51]

8 Q. [12:30:52] Mr Witness, when you withdrew towards the RV point did the LRA
9 manage to get to the RV point?

10 A. [12:31:05] Yes, they got there.

11 Q. [12:31:10] And when you returned to the RV point who was there?

12 A. [12:31:19] Otti Vincent was there.

13 Q. [12:31:25] What other LRA commanders did you see when you returned to the
14 RV point?

15 A. [12:31:38] As far as I recall, there was Otti and many other commanders who
16 were there. There was Jimmy Ocitti, there was Opoka, Odhiambo. They all
17 remained with Otti in the RV, they did not go for the operation.

18 Q. [12:32:05] Did you see any of the LRA commanders that had participated in the
19 attack at Pajule?

20 A. [12:32:16] Yes, we all went together and we convened at the place together.

21 Q. [12:32:25] So which LRA commanders did you see back at the RV point who had
22 participated in the attack at Pajule?

23 A. [12:32:44] The commanders who went to the attack include, include Bogi, who
24 was with me in the same place. The one who went for the ambush, I heard that
25 people died in the ambush side, he was called Lieutenant Lalero.

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1 Q. [12:33:08] Did you see Ongwen back at the RV point?

2 A. [12:33:16] Yes, he was there. He was also among those who returned.

3 Q. [12:33:25] Where were the abducted civilians when you returned to the RV
4 point?

5 A. [12:33:34] When we returned from the RV, when we returned to the RV all the
6 civilians were in the middle, they were surrounded in the middle.

7 Q. [12:33:45] And approximately how many civilians did you see at the RV point?

8 A. [12:33:59] They could be about 400, according to my estimation.

9 Q. [12:34:08] What was the gender of the abductees -- abducted civilians that you
10 saw? Was it male, female, or both?

11 A. [12:34:22] Both gender were there, male and female.

12 Q. [12:34:29] Did you recognise any of the civilians that had been abducted from
13 Pajule?

14 A. [12:34:45] Apart from Rwot Oywak I did not know any other.

15 Q. [12:34:56] Who is Rwot Oywak?

16 A. [12:35:04] As far as I recall, Rwot Oywak was one of the peace negotiators of
17 Acholi and he was stationed in Pajule.

18 Q. [12:35:18] How did you know Rwot Oywak?

19 A. [12:35:28] I had seen Rwot Oywak previously. He came to our group in an area
20 of Koyo-Lalogi when he had come to meet Brigadier Nyeko, Tolbert Nyeko Yadin.
21 He came to meet the LRA commander and they were talking about peace and
22 reconciliation.

23 Q. [12:36:00] Can you remember what year you met Rwot Oywak in, please?

24 A. [12:36:13] I do not recall well, but I think it could be about 2002.

25 Q. [12:36:25] What happened to Rwot Oywak at the RV?

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1 A. [12:36:38] Otti was talking to him, but I do not know what he was talking about.
2 He had gathered all those who had been abducted and was addressing them. After
3 one day they were released and they went back. Oywak went with some people,
4 about 200, over 200 people went back.

5 Q. [12:37:11] You have told us that Otti addressed the abductees. Did you see any
6 other LRA commanders talk to the abductees?

7 A. [12:37:25] No. It was Otti who talked to them.

8 Q. [12:37:48] Did you see when approximately 200 of the abductees went back?

9 A. [12:38:04] Afterwards, the following morning when the group was splitting
10 again, the civilians who had been abducted together with Oywak were released and
11 they went back. They were many, I think they were over 200.

12 Q. [12:38:29] What happened to the abductees that weren't released, that remained?

13 A. [12:38:44] They selected the younger abductees. From about the age of 11 to
14 about 15 to 17 were the ones who remained behind, as they were taken in as newly
15 recruited members of the force.

16 Q. [12:39:04] When you say "they selected", who selected the younger abductees?

17 A. [12:39:19] They were selected by the -- those who abducted them, the group that
18 abducted them were the ones who selected them. It was ordered that the older
19 people should be released and the younger ones who can be recruited into the LRA
20 should remain, but the older persons were supposed to go back with Rwot Oywak.

21 Q. [12:39:58] Mr Witness, you said that the ones that remained, they were selected
22 by those who abducted them. Can you list the names of any LRA commanders that
23 were involved in that selection?

24 A. [12:40:23] It was an order that came from Otti so that, to remain with those who
25 could be recruited into the force, those who went for the abduction were then made to

1 select. There were many people who went for the abduction, there were almost like

2 300. So they chose those who were younger, not the older ones.

3 Q. [12:41:01] And what was the gender of the people that remained behind, were
4 they male, female, or both?

5 A. [12:41:17] It was both.

6 Q. [12:41:22] How would the female abductees be recruited into the LRA?

7 A. [12:41:40] The women and girls in the LRA were cooks, they were wives, but
8 a few of them were also fighters.

9 Q. [12:41:54] Who were they wives to?

10 A. [12:42:02] At that point when they are just being abducted they -- they were not
11 yet wives to anyone. They first stay with them and they would see which one would
12 become a wife. Since some of them were young, some of them were too young to be
13 made wives so they would first leave the girls to grow and then they would allocate
14 how -- where she can stay.

15 Q. [12:42:34] How did the LRA fighters organise the abductees that had remained
16 from Pajule?

17 A. [12:42:57] Can you repeat the question, please?

18 PRESIDING JUDGE SCHMITT: [12:43:06] I think "organise" is a little bit too broad.
19 Perhaps you would have to break it down, be more detailed, more specific.

20 MR CHOUDHRY: [12:43:17]

21 Q. [12:43:17] Who were the remaining abductees assigned to?

22 A. [12:43:35] There was Trinkle brigade and Control Altar, so the abductees were
23 split into these two groups.

24 Q. [12:43:48] Do you remember the name of the LRA or any LRA fighters that split
25 the abductees into the different groups?

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1 A. [12:44:06] There was an administration officer who was called Colonel Jimmy
2 Ocitti.

3 Q. [12:44:20] And when the abductees were split into these different groups were
4 they ever assigned to any LRA commanders?

5 A. [12:44:38] Can you repeat the question?

6 Q. [12:44:42] Were the abducted civilians that remained at the RV point ever
7 distributed to any LRA commanders?

8 A. [12:44:59] They were distributed to different groups. Trinkle had been called to
9 join in the operation. When the operation was concluded, there was food and there
10 were recruits who were split between Control Altar and Trinkle brigades.

11 Q. [12:45:28] Mr Witness, in addition to being split into different groups, were the
12 abductees ever split and distributed to any LRA commanders?

13 A. [12:45:51] Those who were abducted from Pajule were many and they were split
14 into two groups. The commander of Trinkle was called Okot Odhiambo and he took
15 charge of the abductees who were given to him. He was the overall of Trinkle
16 brigade. Part of the abductees remained with the Control Altar, who was
17 being -- with Control Altar, which was being commanded by Vincent Otti. The
18 administration officer Ocitti Jimmy split them into two groups and then later they
19 went with Trinkle and others remained with Control Altar.

20 MR CHOUDHRY: [12:46:44] Your Honour, with that, I would apply to refresh the
21 witness's memory. It is at tab 7, the reference is UGA-OTP-0228-1418, and I will be
22 seeking to refresh from pages 1440 and 1441, the lines are 767 to 794.

23 PRESIDING JUDGE SCHMITT: [12:47:10] What were the lines, please?

24 MR CHOUDHRY: [12:47:12] It's 767 to 794. That will give you enough of the
25 context, your Honour.

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1 PRESIDING JUDGE SCHMITT: [12:47:30] It's not easy to follow, frankly speaking,
2 this one, because it's really something -- I think it would -- I would be more -- yeah, it
3 is not important that I am happy, but I would be more happy if you really try to break
4 it down a little bit more. So perhaps I give it a try, if you allow me.

5 Please wait a moment, Mr Taku.

6 Mr Witness, you have now said that the abductees were divided into different groups
7 and were split by this, as you called him, administration officer. Do you have any
8 recollection how they further were divided, you see what I mean? They are now in
9 these big groups, which you say Trinkle and Control Altar, and do you have any
10 knowledge about it, do you recollect anything, if these abductees were then, so to
11 speak only, distributed to other people further down the line, so to speak?

12 THE WITNESS: [12:48:54] (Interpretation) The LRA had their system of operation,
13 like sections within the army. Within a section, when you are chosen, there is
14 a section, there is a platoon and there is a company. When there is an operation each
15 section is asked to contribute members. Even within the platoon members are
16 chosen. Later, that is also how people, people eat within the section. If there were
17 100 people you cannot all cook together, then you have to split them into smaller
18 units again. They have to go to their smaller unit so that they can eat. That is also
19 how the group was split. I remember when we were abducted from school we were
20 split into many groups, we were given to the many groups, and at one point we
21 remained alone within one group.

22 PRESIDING JUDGE SCHMITT: [12:50:12] So now back to the abductees of Pajule,
23 Mr Witness. Do you have any knowledge, and do you memorise it also, where they
24 ended up, with which -- if they ended up with some of the commanders that you
25 knew? Did you see that with your own eyes? Not only the big group, but did you

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1 see them be distributed to certain commanders that you knew and that perhaps had
2 participated in the attack?

3 THE WITNESS: [12:50:52] (Interpretation) Yes, I saw, I saw all of it.

4 PRESIDING JUDGE SCHMITT: [12:50:56] Can you describe what you still have in
5 your mind, what you still recollect?

6 THE WITNESS: [12:51:14] (Interpretation) I earlier said that when people are
7 abducted you cannot let them stay in one group, it becomes difficult to even get food.
8 So the group uses the system of the LRA like section, that is how they are also fed and
9 that is how they are also distributed. The person who is in charge of the distribution
10 of people distributed them to companies and then the company distributes to
11 platoons and the platoons distributes to section. That is how it was done.

12 PRESIDING JUDGE SCHMITT: [12:51:55] Mr Choudhry.

13 MR CHOUDHRY: [12:51:57] Your Honour, perhaps I could lead with names.

14 Q. [12:52:00] Mr Witness, were any of the abductees from Pajule ever distributed to
15 Dominic Ongwen?

16 A. [12:52:13] Yes, he also got some people.

17 PRESIDING JUDGE SCHMITT: [12:52:17] And please also put the other names to
18 the witness, please. Not only one.

19 MR TAKU: [12:52:24] Your Honours, your Honours, you have -- the Court has
20 a wide discretion in dealing with these matters, and as participates we can only
21 respect the orders of the Court. But the question with the transcript of this witness,
22 and it is unprecedented from my many years in international tribunals, the manner
23 the interviews were conducted. And you find that the Prosecutor picks and chooses,
24 "Let me recollect, let me refresh your memory", while the witness either denied or
25 made several contradictory statements about the same issue, but the Prosecutor

1 chooses to pick just which he wants.

2 In one case when they got what they wanted, I can imagine the Prosecutor saying,

3 "God bless you," and the other person interviewing saying "Thank you." And if I

4 took time to read everything and, therefore, your Honours, in this case -- and I know

5 because this transcript will be before you and, irrespective of what we say, the

6 question was asked. Your Honours, with your wisdom look through. If I had my

7 way I wouldn't, I wouldn't have mind the entire transcript being admitted to see

8 exactly, in order to ascertain exactly what -- how to assess the credibility and the

9 evidence of the witness, and also the credibility and the integrity of the interviews

10 that were conducted.

11 So my problem here, your Honour, is this, the question of asking the question that

12 directly incriminates an accused under the pretext of refreshing the memory, your

13 Honours, is probative value, the prejudicial effect outweighs the probative value of

14 that piece of information, your Honours. It goes beyond the scope that there were

15 different scope in which you allowed the question of refreshing of memory to be

16 done.

17 I just want to place it, your Honours, you are totally at liberty to allow anything on

18 record or not, but I want to place it on record at this point in time.

19 PRESIDING JUDGE SCHMITT: [12:54:56] Thank you, Mr Taku. But you might

20 also have recognised that the Presiding Judge is a little bit reluctant with allowing to

21 put these transcripts, these interview transcripts to the witness. And you might also

22 recall that before the break we had an instance where the witness, clearly we did not

23 need it, first of all, and the witness clearly said something differently to what he said

24 before, and that is the reason why we should be careful with this refreshing memory

25 and not exercising it in a manner that it only has to lead to confirmation. That is

1 absolutely clear.

2 So there is value in what you say. But as you have now said, the second instance
3 when this appeared, still we have not put the statement to the witness. I asked some
4 questions and clearly the witness now -- there came some recollection and we have to
5 put it into perspective. It obviously trickled down this, so to speak, the distribution
6 of these abductees and we now are going to put -- or, better to say, Mr Choudhry is
7 going to put the other names to the witness and that's it for that. But I -- and
8 the Chamber is aware of the, let's say, the substance of these interviews and how they
9 were conducted. Sometimes, for example, you see as an answer of the witness,
10 "Hmm", you see what I mean? So I saw this several times.

11 But we won't need it and I am absolutely sure also Mr Choudhry gets along, and he
12 did get along with his questioning nearly without ever having to take recourse to the
13 statement.

14 So please continue, Mr Choudhry.

15 MR CHOUDHRY: [12:56:51] Thank you, your Honour.

16 Q. [12:56:52] Mr Witness, did you ever see any of the abductees being distributed
17 to Bogi?

18 A. [12:57:08] Yes. That happened from their Trinkle brigade.

19 Q. [12:57:18] Were any of the abductees from Pajule distributed to Raska Lukwiya?

20 A. [12:57:30] Yes, he also got -- Raska Lukwiya also got some.

21 Q. [12:57:35] Were any of the abductees from Pajule distributed to Vincent Otti?

22 A. [12:57:49] Yes, he also got.

23 Q. [12:57:50] Can you please list the names of any other LRA commanders to
24 whom abductees from Pajule were also distributed to?

25 A. [12:58:08] All the commanders who were there, there were many commanders.

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1 I can't remember their names now. I remember the senior commanders like

2 Lieutenant Colonel Opoka, there was Jimmy Ocitti, there was Raska Lukwiya, and
3 other junior commanders.

4 PRESIDING JUDGE SCHMITT: [12:58:47] I think we have exhausted that subject, I
5 would say.

6 MR CHOUDHRY: [12:58:50] Your Honour, with that, I would ask that we break
7 perhaps for lunch and then come back.

8 PRESIDING JUDGE SCHMITT: [12:58:54] I would assume, Mr Choudhry, that you
9 finish today.

10 MR CHOUDHRY: [12:58:59] Almost very definitely, your Honour. I think
11 (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [12:59:03] Yes, I think so. You won't have so much
13 more.

14 MR CHOUDHRY: [12:59:05] Not at all.

15 PRESIDING JUDGE SCHMITT: [12:59:06] What I wanted to say, and we will have
16 the LRV's questioning, do you have already an estimate, Mr Manoba,
17 Mr Narantsetseg? You are surprised, Mr Manoba, that it might be your turn today.

18 MR MANOBA: [12:59:24] Not at all, Mr President. It is just that we wanted to give
19 the opportunity first to our colleagues, then we will see.

20 PRESIDING JUDGE SCHMITT: [12:59:32] Of course.

21 Then please, Mr Narantsetseg first.

22 MR NARANTSETSEG: [12:59:35] Your Honour, thank you for the opportunity, but
23 unfortunately we are not in a position to conclusively state our intention. It really
24 depends on how the Prosecution will proceed. Thank you.

25 PRESIDING JUDGE SCHMITT: [12:59:48] This is -- I do not really understand,

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1 frankly speaking. Because, yes, I would not assume, and Mr Choudhry has already
2 said that it won't take long, but we don't have to discuss this further. I assume we
3 finish both Prosecution and both LRVs today. And let me comment on that: This
4 shows -- and the Chamber, I think I speak on behalf of the Chamber, appreciates that
5 obviously the Prosecution, Mr Choudhry today, and also, Mr Gumpert, I think you
6 talk about it before, you adjust on a case-by-case basis the line of questioning and also
7 the timing, and that is something the Chamber appreciates. Because, as we all know,
8 we are talking about proceedings and in the word proceeding there is evolution, there
9 is development, and it might not be necessary to address everything that had been
10 advanced, foreshadowed or planned again and, as I said, the Chamber appreciates
11 this approach.

12 We have now our lunch break until 2.30.

13 THE COURT USHER: [13:00:58] All rise.

14 (Recess taken at 1.01 p.m.)

15 (Upon resuming in open session at 2.30 p.m.)

16 THE COURT USHER: [14:30:27] All rise.

17 PRESIDING JUDGE SCHMITT: [14:30:47] Mr Choudhry.

18 MR CHOUDHRY: [14:30:54] Thank you.

19 Q. [14:30:56] Mr Witness, before the break we were talking about the attack at
20 Pajule. I have one more question in relation to that attack. You have told us today
21 that you participated in the attack at Pajule on Independence Day in 2003. However,
22 when you were first -- when you first came out of the bush you denied being there.
23 Can you please help the Court to understand why, when you were first asked about
24 Pajule, you denied being there.

25 And, your Honours, one example of this can be located at tab 5, UGA-OTP-0228-1337,

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1 and that's at page 1349, lines 388 to 397.

2 PRESIDING JUDGE SCHMITT: [14:32:11] 397 especially.

3 MR CHOUDHRY: [14:32:30]

4 Q. [14:32:31] So can you help the Court understand, please, Mr Witness?

5 A. [14:32:50] Pajule is one place where the rebels used to cross several times. And,
6 as I mentioned at the beginning, that was not my first time to pass through Pajule.

7 And based on the question that was asked, we have people who have been invited to
8 come and testify and most times when they return to whichever place they came from,
9 they were giving their stories about their experiences and they would -- they would
10 wonder, for those who have been not invited to go and testify, why wouldn't you
11 have been invited? Therefore, when I was asked about this I, I thought -- I didn't
12 know it was their intention, but I was asked --

13 THE INTERPRETER: [14:34:28] Your Honour, could the witness be requested to
14 break down the answer a bit, it's a bit too long, and the interpreters have failed to get
15 it.

16 PRESIDING JUDGE SCHMITT: [14:34:43] Mr Witness, shortly, it is not your fault,
17 and the interpreters had difficulties to follow, so perhaps you can repeat your answer
18 and shorten it a little bit. I think we had -- the first leg, so to speak, of what you said
19 has been interpreted, but perhaps the last couple of sentences please try to repeat it, if
20 you can.

21 THE WITNESS: [14:35:18] (Interpretation) A long story and, if you should
22 understand it, I have to give you a complete package.

23 PRESIDING JUDGE SCHMITT: [14:35:31] Everything is correct what you are saying.
24 It was a long story. That is true. And we need the package, because you have been
25 asked why you said it differently. So you get your time, but then I would suggest

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1 that you speak especially clear and slowly. You speak clearly, but try to be even
2 more slowly so that the interpreters can follow. So then please tell what you want us
3 to tell.

4 THE WITNESS: [14:36:06] (Interpretation) I said when I met the team I had come
5 from very far from my workplace. I was in the Sudan. And I thought having to say
6 so many things that require that you will be invited every now and then to come and
7 give your statement made it difficult for me to give the details about Pajule.

8 PRESIDING JUDGE SCHMITT: [14:36:48] I think, Mr Choudhry, we leave it at that.
9 Because if we keep also in mind what has been said before, by the same witness
10 before the, so to speak, the interpretation stopped, I think we have to take it as he has
11 said it. And we have it on record.

12 MR CHOUDHRY: [14:37:08]

13 Q. [14:37:08] Mr Witness, I would now like to ask you a very general question
14 about the structure of the LRA. How many brigades did the LRA have?

15 A. [14:37:32] The LRA at the time we were abducted had three brigades; the first
16 one was called Sinia brigade, there was Gilva brigade, and then Stockree brigade.
17 That was at the time when we were abducted. That was around, around 1990, '96.
18 But later on they formed another brigade, it was carved out of Control Altar, it was
19 called Trinkle brigade. That brigade was majorly tasked with providing security to
20 Joseph Kony. All the security operatives of Joseph Kony was coming from the
21 Trinkle brigade.

22 Q. [14:38:46] Mr Witness, how long were you in the LRA for?

23 A. [14:38:58] From 1996 to 2004. That would be about eight years.

24 MR CHOUDHRY: [14:39:08] Your Honour, perhaps we could go into private session
25 for the next few questions, please.

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- 1 PRESIDING JUDGE SCHMITT: [14:39:12] Of course, private session.
- 2 (Private session at 2.39 p.m.) *(Reclassified partially in public)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
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- 17 (Redacted)
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- 20 (Redacted)
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- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 MR CHOUDHRY: [14:44:14] Your Honour, I will stay in private for the next few
15 questions, only because some of the people that he may have escaped with might
16 identify --

17 PRESIDING JUDGE SCHMITT: [14:44:25] It's okay. It's okay. Please continue.

18 MR CHOUDHRY:

19 Q. [14:44:27] Mr Witness, can you please tell the Court the story of how you
20 escaped?

21 A. [14:44:46] After I started planning to return I heard a group of soldiers. Four of
22 us decided to pull out from the main group and we returned home.

23 PRESIDING JUDGE SCHMITT: [14:45:03] I think that that's enough, I would say.
24 Really, it's -- I think we don't need the names of the other soldiers.

25 MR CHOUDHRY: [14:45:24]

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1 Q. [14:45:24] And when you returned, Mr Witness, did you ever participate in any
2 of these radio shows that you have spoken about?

3 A. [14:45:44] Yes, I also participated in the radio shows.

4 Q. [14:45:59] My final area of questioning, Mr Witness, is just in relation to
5 Mr Dominic Ongwen.

6 At the time you escaped from the LRA --

7 PRESIDING JUDGE SCHMITT: [14:46:10] Public, Mr Choudhry?

8 MR CHOUDHRY: [14:46:12] Yes, your Honour, public.

9 PRESIDING JUDGE SCHMITT: [14:46:14] Yes. Open session, please.

10 (Open session at 2.46 p.m.)

11 THE COURT OFFICER: [14:46:25] We are back in open session, Mr President.

12 MR CHOUDHRY: [14:46:33]

13 Q. [14:46:34] Mr Witness, at the time that you left the LRA in 2004 what rank was
14 Dominic Ongwen?

15 A. [14:46:51] I don't clearly recall, but I think he must have been a colonel already,
16 but I am not very clear about that.

17 Q. [14:47:09] And what was Ongwen's reputation as an LRA fighter?

18 A. [14:47:25] It's difficult to comment on that.

19 Q. [14:47:42] What was Dominic Ongwen commanding at the time you left the
20 bush?

21 A. [14:47:58] His -- I can recall, I left when he was the brigade commander of -- well,
22 I don't recall the brigade, but he was the commander of either Sinia or Stockree
23 brigade. I don't clearly recall that.

24 Q. [14:48:24] Thank you very much, Mr Witness.

25 And with that, your Honour, I have no further questions.

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1 PRESIDING JUDGE SCHMITT: [14:48:29] Thank you, Mr Choudhry. And now it
2 materialises what I already announced, I ask Mr Narantsetseg if you have any
3 questions.

4 MR NARANTSETSEG: [14:48:41] Thank you very much, Mr President. We believe
5 that our learned colleague from the Prosecution Mr Choudhry has covered most of
6 the important points that were of interest to us. With you Honour's leave I would
7 like to ask a few questions from the witness, some in public, but maybe last one or
8 two in private session, your Honour.

9 PRESIDING JUDGE SCHMITT: [14:49:01] Okay. Then please continue,
10 Mr Narantsetseg.

11 QUESTIONED BY MR NARANTSETSEG:

12 Q. [14:49:10] Good afternoon, Mr Witness.

13 We have met during the courtesy meetings and, as I have told you, me and my
14 colleagues represent about 1,500 victims and some of them are from Pajule. So with
15 the Chamber's leave I would like to ask some questions in relation to the attack on
16 Pajule. Mr Witness, my first question is this: You told us this morning that during
17 the attack on Pajule the group you belonged first went to the barracks, then on the
18 way back while retreating crossed the Pajule trading centre, and yet you also said that
19 during that time you didn't see any civilians being harmed.

20 For reference, it's transcript real time, page 51, lines from 17 to 19.

21 My question is this, Mr Witness: Just to clarify, do you know personally, regardless
22 of the fact that you haven't seen personally, do you know or were you ever told about
23 if any civilians were killed or injured during this attack in Pajule?

24 A. [14:50:47] Where I passed from while retreating from the barracks, I did not see
25 any injured civilian, I also didn't hear even when we were giving -- in testimonies

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1 earlier on, even in my statements I have recorded that I have not seen. It's not that
2 I am trying to hide something, but the truth is I did not see any injured civilian or any
3 dead civilian at that time.

4 Q. [14:51:20] I understand that, but were you told by other LRA fighters, nothing at
5 all?

6 A. [14:51:34] I did not hear because there was no fighting at the centre. The actual
7 fighting took place at the barracks. If there were any gunshots at the centre, maybe,
8 yes, those who were at the centre could have known that there were gunshots and
9 some civilians could have been caught in the crossfire, but I didn't hear that.

10 Q. [14:52:01] Thank you very much.

11 My next question is this: You also told us this morning that about 400 civilians were
12 abducted and brought to the RV, which is a meeting point.

13 For reference, this is --

14 PRESIDING JUDGE SCHMITT: [14:52:16] No, I think we have it in mind. I think
15 this is correctly --

16 MR NARANTSETSEG: [14:52:22] All right. Thank you very much.

17 PRESIDING JUDGE SCHMITT: [14:52:22] You don't have to cite this, I would say.

18 MR NARANTSETSEG: [14:52:25] I am guided, your Honour.

19 Q. [14:52:28] So my question is this: Were these abducted civilians hurt and
20 harmed in any way at this RV point and beyond? How were they kept by the LRA
21 at the time? LRA, I am sorry.

22 A. [14:52:49] The main group that included people who were carrying luggage, the
23 next day they were released, they were released together with Rwot Oywak, but the
24 few people who remained behind, those who had been kept behind to be recruited as
25 part of the LRA soldiers, because I know they were left behind because they were

1 meant to be recruited as part of the LRA soldiers. That was how the LRA recruited
2 civilians into their ranks, they were always abducted and conscripted.

3 Those ones were eventually divided into the other smaller groups and, at the end of
4 the day, there was no big group remaining.

5 Q. [14:53:50] Thank you very much.

6 Do you know if any abductees from Pajule tried to escape?

7 A. [14:54:08] After breaking into smaller groups, yes, several people managed to
8 escape.

9 Q. [14:54:16] What happened to them?

10 A. [14:54:26] They escaped and went away. If there were some who were
11 recaptured, well, I didn't see that, but the rule was that when you tried to escape and
12 you are recaptured you would have to be killed. However, I did not see anybody
13 who escaped from the Pajule lot.

14 Q. [14:54:50] Thank you very much.

15 You also said this morning -- with Chamber's guidance I am not going to make any
16 reference -- you said that some female abductees were recruited to the LRA as cooks,
17 wives, and some of them also as fighters. My question is: Could these women, could
18 they refuse to be wives of the LRA men?

19 A. [14:55:28] When I was in the LRA I witnessed women, not just those who were
20 abducted from Pajule because the Pajule abduction was in 2003 and I escaped in 2004,
21 but those who were brought and who were still young and still growing up, well, the
22 period I stayed there I noticed that girls would be brought in when they were still
23 young, they would grow up in the bush and when they have grown up, you know, it
24 reaches a time when a woman can now get a husband. What was not acceptable
25 within the LRA was that they would not give a man to a woman when they are at the

1 same age bracket, and the girls were identified and given to the men. When the girls
2 already grow up they would, by nature, require to have a man and they would
3 eventually be given out to men.

4 Q. [14:56:49] What if they refuse to be given as wives, were there such occasions?

5 A. [14:57:03] When I was there I witnessed a situation where some of them refused
6 to take up the men they were given to. The men would report the case to their
7 superiors and their superiors would either transfer the girls to another man or they
8 could be transferred to another commander if such a girl refused a specific man she
9 was given to.

10 Q. [14:57:50] Were there any punishments for refusing?

11 A. [14:57:59] Most times they would issue threats to the girls. They would tell
12 them that if you reject you would be killed. But I think that was -- that remained in
13 threats, it was not executed.

14 Q. [14:58:20] Thank you very much.

15 You also said, Mr Witness, this morning that some of the abductees from Pajule were
16 distributed among various commanders, including Mr Dominic Ongwen. Could
17 you please tell us if these abductees distributed to Mr Ongwen include young girls
18 and women?

19 A. [14:58:47] Yes, there were women. But as I said, we did not take -- we did not
20 stay together for long. They went back to the brigade, we didn't stay with
21 Control Altar. But in the LRA, even when a girl is assigned to you, you wouldn't
22 leave the girl as your wife, not until you have been instructed. And that would
23 happen after you have reported that the girl has already grown up and can now fit
24 being given as a wife. Even if you are a commander, and when you are given a girl
25 to take care of, you are not supposed to use that girl as your wife, until that time

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1 when -- you know the girls are abducted when they are still young and you are
2 supposed to only take care of them until they grow up to an age when they are now
3 fit to be given as wives. Then you report to the superior.

4 And following the question you asked about the girls given to Dominic, when the
5 girls were abducted from Pajule, they were all distributed and the groups also
6 eventually are split up and he didn't continue staying with Control Altar, he went
7 back to his previous brigade.

8 PRESIDING JUDGE SCHMITT: [15:00:22] I think you can move to another point,
9 Mr Narantsetseg.

10 MR NARANTSETSEG: [15:00:27] Thank you very much, your Honour. I will.
11 With your Honour's leave can I request a private session please for last two, maybe
12 three questions.

13 PRESIDING JUDGE SCHMITT: [15:00:34] Yes. Okay.
14 Then private session.

15 (Private session at 3.00 p.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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20 (Open session at 3.06 p.m.)

21 THE COURT OFFICER: [15:06:32] We can back in open session, Mr President.

22 MR NARANTSETSEG: [15:06:35] My apologies, sincerely.

23 Q. [15:06:38] Mr Witness, could you please tell us the impact of your abduction,

24 also another one of your family member, on yourself personally, also on your family?

25 A. [15:07:10] When we were abducted from the school I was, I was studying, I was

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1 in school and I lost everything that I had in school. When I came to Sudan, at that
2 time we stayed in Sudan all, all through up to the year 2000. But when we were
3 abducted I was -- I am the only boy in my family and my, my father suffered a lot
4 after realising that his only son had been abducted. He tried to follow, to move and
5 follow the, the rebels and moved up to -- he went up to Juba to find a way of rescuing
6 me. He had given us -- he had given up his life. The people who moved with the
7 Aboke girls, those who abducted Aboke girls, because the abduction of Aboke girls
8 and our abduction was around the same time. We were abducted in April and they
9 were abducted in October. So when those who went to Juba to follow up the
10 abducted girls of Aboke school, he also went to Juba. When he realised he was not
11 able to rescue me, he got sick, got frustrated and he died. That is how my family
12 was affected by the abduction.

13 Q. [15:09:10] My condolences again, Mr Witness.

14 And thank you very much for coming and testifying.

15 Your Honour, this concludes my questioning. Thank you.

16 PRESIDING JUDGE SCHMITT: [15:09:20] Thank you.

17 Mr Manoba, do you have further questions?

18 MR MANOBA: [15:09:24] Mr President, your Honours, we are comfortable with the
19 areas covered by our colleagues and the Prosecution.

20 PRESIDING JUDGE SCHMITT: [15:09:31] Thank you very much.

21 Thank you very much for today. I think we have -- we are really much quicker than
22 we thought, so I could leave it to you, Mr Taku, but I think it might be better to start
23 tomorrow with the questioning, but I ask you.

24 MR TAKU: [15:09:45] It could be, your Honour, but maybe I just -- I am very
25 anxious to ask some general questions. There are some very interesting general

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1 issues that the victims' counsel has asked that we will clarify a number of issues that
2 have arisen in this case. Maybe I could just clarify them generally, then tomorrow I
3 will get into the core of my cross-examination.

4 PRESIDING JUDGE SCHMITT: [15:10:12] That's okay. So why not start with your
5 examination then if you want.

6 MR TAKU: [15:10:17] Thank you, your Honour. Thank you.

7 PRESIDING JUDGE SCHMITT: [15:10:17] If it is your wish we of course
8 accommodate. So please, Mr Taku, you have the floor.

9 QUESTIONED BY MR TAKU:

10 Q. [15:10:26] Good afternoon, sir, officer. I think you should call you "officer".

11 PRESIDING JUDGE SCHMITT: [15:10:33] I think I would prefer, no, just call him
12 "Mr Witness".

13 MR TAKU: "Witness", all right.

14 PRESIDING JUDGE SCHMITT: You know we all have titles here in the courtroom,
15 or we don't have titles in the courtroom, better to say. The persons have, when they
16 leave the courtroom, theoretically some titles. I would prefer, just like we always
17 did, "Mr Witness" or "Witness".

18 MR TAKU: [15:10:55] Maybe because probably my father spent so much time in
19 military matters and military officers, and in my childhood also I was in the barracks.
20 And about us, my colleague, maybe when we meet someone like him we are anxious
21 to give these honours, but let me just call him "Mr Witness".

22 PRESIDING JUDGE SCHMITT: [15:11:22] Yes, I think so. I think we should
23 continue like we did when we started this process in January.

24 MR TAKU: [15:11:26] Yes, your Honour.

25 Q. [15:11:31] Good afternoon, Mr Witness.

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1 I am truly touched by the story of your abduction, in particular when you were
2 abducted from school. Now, you were abducted at the age of 17, correct?

3 A. [15:12:04] Yes.

4 Q. [15:12:05] And you spent -- as you sit here today, from that moment you spent
5 all your life in the military, you have no other life apart from military life, correct?

6 A. [15:12:25] Yes.

7 Q. [15:12:29] Indeed, until 2004 when you left the LRA, your whole world, the only
8 thing you knew of, the world that you knew was LRA and the world of combat and
9 rebellion, correct?

10 A. [15:13:00] Can you repeat your question?

11 PRESIDING JUDGE SCHMITT: [15:13:04] I think counsel meant, Mr Witness, when
12 I -- when you allow me to step in, from the time of your abduction until the time you
13 came out of the bush, he refers to this time period, your life was as, Mr Counsel has
14 worded it, Mr Taku has worded it, rebellion and combat. This was the question, this
15 time frame.

16 THE WITNESS: [15:13:31] (Interpretation) Yes, that is correct.

17 MR TAKU: [15:13:36]

18 Q. [15:13:36] And you spent most of your military life in the LRA with very
19 high -- higher structure of the party, for either with either Joseph Kony, Otti Lagony
20 was his deputy, and subsequently with Vincent Otti who replaced Otti Lagony when
21 he was executed by Joseph Kony, correct?

22 A. [15:14:14] That is correct.

23 Q. [15:14:18] In other words, you were deployed to the areas where the instructions,
24 the policies and the command and operational decisions of the LRA were made, those
25 commanders who were responsible, either Joseph Kony, Otti Lagony, or Vincent Otti,

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1 you were deployed to these centres of power, command power where these decisions
2 were made and therefore knew them very well, these commanders, correct?

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [15:15:36] Well, nevertheless, Witness, you knew Mr Ongwen. Did you come to
8 know that Mr Ongwen was abducted also while a child and taken to the LRA, did
9 you come to know that?

10 A. [15:16:01] I know that in the LRA abduction is a form of recruitment, that is
11 what I know.

12 Q. [15:16:12] Well, in the special case of Mr Ongwen, did you come to know about
13 the fact that he was abducted while still a child?

14 A. [15:16:26] I do not know when he was abducted. But, for me, when I was
15 abducted I found he was already there and he was an officer of the LRA. I have no
16 idea when and where he was abducted from.

17 Q. [15:16:46] Now, when did you first meet Ongwen after your abduction?

18 A. [15:17:12] I do not recall, but I know that I saw him from Sudan. That should
19 be about the year -- he was among those who would come to Uganda regularly, and I
20 saw him properly in the year 1999 from Sudan.

21 Q. [15:17:38] So in the year 1999 you saw him in Sudan, correct?

22 A. [15:17:44] Yes, that is correct.

23 Q. [15:17:48] Now, let me ask one question, when you were in Sudan for these five
24 years did the LRA have their own farms?

25 A. [15:18:05] Yes, there were, there were farms, but a lot of supporters came from

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1 the Sudan government, we would get food and arms and ammunition from there.

2 Q. [15:18:18] So, therefore, the LRA did not need to loot and to abduct people in
3 Sudan in order to sustain themselves, they had support from the Sudan government,
4 correct?

5 A. [15:18:43] I do not know, the question is technical.

6 PRESIDING JUDGE SCHMITT: [15:18:48] I think simply, I think he has answered it.

7 MR TAKU: [15:18:51] Yes. Yes, your Honour.

8 PRESIDING JUDGE SCHMITT: [15:18:53] I think I would simply move on. You
9 wanted perhaps in another wording, but the witness has answered to this question, I
10 would say. It was not exactly the same question, so I would not say asked and
11 answered, but in the substance it was the same.

12 MR TAKU: [15:19:09] Yes.

13 Q. [15:19:10] Now, these ammunitions and supplies that were given by the Sudan
14 government, are those the logistical support, logistical support that you recorded, you
15 kept the records about, the army kept the records while in Sudan?

16 A. [15:19:43] Can you repeat the question?

17 Q. [15:19:45] Now, let me put it differently, let me not put the focus on you. If I
18 may call, if I know, the logistics office or the director of logistics in the regular army
19 that was, you know, called the G4, the G4 office, the office in charge of logistics.
20 Now, is that the office that kept records of the weapons and the food or the supplies
21 that were given by the government of Sudan to the LRA, to sustain the LRA?

22 A. [15:20:23] Yes, that is what I used to do. Records were kept. The director of
23 logistics has to keep the record at the time that the LRA was in Sudan. When the
24 base was overrun, there was no any other base and you could not keep any records or
25 any documents. Unfortunately, I was no longer in the same department.

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1 PRESIDING JUDGE SCHMITT: [15:20:59] So they are lost, all these records are lost,
2 in your opinion, Mr Witness?

3 THE WITNESS: [15:21:07] The records remained when I was transferred. I was no
4 longer in -- no longer with the logistics department, I was in intelligence department.
5 All the records remained with the -- in the office of the logistics people.

6 MR TAKU: [15:21:30]

7 Q. [15:21:31] And now, when you -- the LRA was forced back to Uganda, did they
8 continue to receive weapons and support, we discussed support, from the Sudanese
9 government?

10 A. [15:22:01] At some point, yes. Although it was illegal and it was not like they
11 used to bring in big numbers.

12 Q. [15:22:17] Now, let me just ask one question to know, if you can clarify this, do
13 you -- were you provided any reason, either by Joseph Kony or by Otti, why the LRA
14 did not develop their own farms while in Uganda, they resorted to looting in order to
15 sustain themselves to survive? Why did you not develop your own farms?

16 A. [15:23:05] There was no way the LRA could have farms in Uganda. It had no
17 base in Uganda. If they had a base somewhere where they would -- they could
18 defend themselves, then they could also have farms. But this rebel, this is a rebel
19 group and they have to move every now and then to protect themselves from
20 government assault.

21 Q. [15:23:41] Now let me ask one or two more questions for today so you have time
22 to rest. Ocan Nono, I found in your statement that you talked about someone
23 Ocan Nono, do you know that individual, you know him well?

24 A. [15:24:02] Yes, I do.

25 Q. [15:24:04] Who is Ocan Nono?

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1 A. [15:24:09] Ocan Nono was a commander, but he wasn't a senior commander in
2 the LRA.

3 Q. [15:24:19] No, say that again. Ocan Nono, did he have another name?

4 A. [15:24:30] I do not know his other name, but we used to call him Ocan Nono.
5 There was a name that they used to call him with, Labongo, because he comes from
6 Kitgum Labongo, and they would call him Labongo.

7 Q. [15:24:57] And you say he was the commander of which brigade?

8 A. [15:25:07] The LRA did not have permanent commanders. He was in Gilva, he
9 was in Sinia and Stockree as well. They always changed the command every now
10 and then.

11 Q. [15:25:25] But at the time you fled, you fled, did you see or meet or have
12 opportunity to work with or under Ocan Nono Labongo?

13 A. [15:25:52] Is it Ocan -- I beg your pardon. When we left Sudan and came
14 through Agoro, there was a battle that took place in Agoro because there were
15 soldiers there. We then split during the battle. We were about 50 that were
16 wounded, most of them were wounded; 30 of the group were wounded out of the 50
17 as a result of the battle in Agoro. Our commander at that time was Bwone, he was
18 called Lubwa Bwone, and his second in command was called Ocan Nono. When I
19 met Ocan Nono for the second time it was at the time when our
20 commander -- because in the LRA the commanders are changed every now and then,
21 they keep transferring them. At that time I was with a commander who was called
22 Lagoga. He died, unfortunately. Then we were given directive to go and join
23 Ocan Nono. That was -- when we went to Ocan Nono that was the time I escaped
24 and came back home. I didn't take more than a month.

25 Q. [15:27:29] Yes, when you went to join him, which unit was he controlling? He

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1 was commander of what unit, or what brigade?

2 A. [15:27:50] He was not a brigade commander, he had never been a brigade
3 commander. Within the LRA, while we were in Uganda, he could not -- he could
4 not have a whole brigade together. If he was given -- if he was given a commanding
5 role he was probably given to command a smaller group. He had a small group
6 which was -- which could not form a battalion, couldn't even form a company. So
7 there is no way he could be a brigade commander, he could not even be a commander
8 of a battalion.

9 Q. [15:28:36] Okay. Were you aware, Witness, at the time when Ocan Nono, or
10 Ocan Labongo, was deployed as the second brigade commander of Sinia, were you
11 aware of that?

12 A. [15:29:03] Maybe I had already left at that time. I did not hear about it. I am
13 just hearing from you today.

14 Q. [15:29:13] But Ocan, were you aware that he was one of the security details of
15 Joseph Kony at some point in time?

16 A. [15:29:29] Yes, I remember that he was an escort -- he wasn't an escort himself,
17 but he was Otti Lagony's escort, not for Kony. That is what I know. Then
18 afterwards, when Otti Lagony died, all of them were withdrawn. That is why the
19 Trinkle brigade was formed. Most of them were escorts of Otti Lagony, including
20 other soldiers who were in the Control Altar, they formed Trinkle brigade. Like I
21 said earlier, Trinkle brigade was like a security detail of Kony at the time.

22 Q. [15:30:37] Now let me know one thing, when you came under the, you came
23 under the command of Ocan Nono, I just wanted to know if you can remember which
24 unit did he belong to and who was his superior commander, if you know?

25 A. [15:31:06] The question you are asking me, it's the first time I am getting such

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1 a question, and it would be very good if I had got the question earlier so I could have
2 to refresh my memory. This is the first time I am getting this question and it's very
3 difficult for me to recollect all this and respond.

4 PRESIDING JUDGE SCHMITT: [15:31:29] Mr Taku, you can ask it tomorrow
5 morning, perhaps, again.

6 MR TAKU: [15:31:33] Yes, your Honour, yes.

7 PRESIDING JUDGE SCHMITT: [15:31:35] And the witness, perhaps, has time to
8 reflect on it and he might know more.

9 MR TAKU: [15:31:40] Yes, that's what I wanted to say, yes, your Honour, what I
10 wanted to suggest with regard to this.

11 Q. Now, another general question so that tomorrow will move very fast: Buk
12 Abudema, does that name ring a bell?

13 A. [15:32:02] Yes, I know Abudema.

14 Q. [15:32:09] You know him in what capacity? At the time of the Pajule attack he
15 was commander of which brigade?

16 A. [15:32:24] I cannot recall that, but he was a commander, he got injured during
17 the Agoro battle while we were coming to Uganda. They shot him in the hand.

18 When we were coming from Sudan, when we had split and I was with Bwone and
19 Ocan Nono in the group of 50, he got injured but he moved with the group where
20 Kony was. At that time, that was around 2000, that time, because he was still injured
21 I think he was not holding the office of the brigade commander. But, as I said, there
22 is no permanent commander or permanent position in the LRA. You have to take
23 that from me and you will get that from any other person who will come here. They
24 kept on being moved here and there, you will never stay at one position for all the
25 time. And you could be a commanding officer in Stockree and the next day you are

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1 CO in Gilva, and you keep on moving like that, to Trinkle as a commanding officer.

2 That is how it used to happen.

3 Q. [15:33:54] Now, was he in Pajule, did you see him in Pajule?

4 A. [15:34:16] I do not recall that.

5 PRESIDING JUDGE SCHMITT: [15:34:26] Sometimes also the Defence can try to
6 refresh memory, if you want. It is not excluded.

7 MR TAKU: [15:34:33] We will do that, your Honour, we will do that in due course.
8 I just wanted to lay the foundation about him so as to give him enough room to reflect
9 on a series of issues when he retires.

10 PRESIDING JUDGE SCHMITT: [15:34:47] No, no, absolutely. But it is absolutely
11 clear that this witness really tries hard to tell us everything that he memorises and
12 recollects, that is absolutely you sense that immediately. And perhaps you can give
13 it another try, these two instances, tomorrow morning.

14 MR TAKU: [15:35:03] Yes, your Honour.

15 Q. [15:35:12] Now, let's look at the way the attack in Pajule was organised. You
16 say they summoned many units, or some units, Trinkle. Now, with your knowledge
17 of LRA, when there is an operation involving more than one brigade who had
18 authority or who authorised an operation that is jointly led or carried out by more
19 than one brigade, let me say Trinkle and Sinia, for example, who has authority to
20 order that -- those two brigade to come together to conduct an operation?

21 A. [15:36:12] For the Pajule attack it was Otti Vincent, he was the one who made the
22 arrangements for the Pajule attack. Getting back to your question, if they call the
23 brigades to come together so that they can go and carry out a big attack, the
24 commander for that is normally done by -- the selection of the commander is done by
25 the second in command, and at that time it was Otti Vincent. And the operation

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1 commander was Raska Lukwiya, who had subordinate commanders as well who
2 were instead commanding the smaller groups that went and carried out the
3 operation.

4 MR TAKU: [15:37:13] Your Honours, maybe you can return tomorrow if you
5 indulge me. Thank you.

6 PRESIDING JUDGE SCHMITT: [15:37:20] Thank you, Mr Taku.

7 Thank you, Mr Witness, for today.

8 We conclude the hearing for today. We resume tomorrow at 9.30.

9 THE COURT USHER: [15:37:30] All rise.

10 (The hearing ends in open session at 3.37 p.m.)

11 RECLASSIFICATION REPORT

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