

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 1
7 Monday, 13 March 2017
8 (The hearing starts in open session at 9.32 a.m.)
9 THE COURT USHER: [9:32:42] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:32:58] Good morning, everyone.
12 Good morning, Mr Witness. Just repeat it shortly. Good morning, Mr Witness.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:33:20] Thank you, Mr President. Good morning.
15 This is The situation in the Republic of Uganda, in the case of The Prosecutor versus
16 Dominic Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:33:34] Thank you very much.
19 I call for the appearances of the parties.
20 MS HOHLER: [9:33:39] Your Honours, for the Prosecution today Ben Gumpert,
21 Pubudu Sachithanandan, Colin Black, Yulia Nuzban, Julian Elderfield, Xinwei Liu,
22 Ramu Bittaye, Mari Pilvio, Adesola Adeboyejo, Kamran Choudhry, and my name is
23 Beti Hohler.
24 PRESIDING JUDGE SCHMITT: [9:33:58] Thank you very much.
25 Mrs Massidda.

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1 MS MASSIDDA: [9:34:01] Good morning, your Honours.

2 For the common Legal Representative team, myself Paolina Massidda, Jane Adong,
3 Orchlon Narantsetseg, Jacqueline Atim and Negosava Smiljanic.

4 PRESIDING JUDGE SCHMITT: [9:34:15] Mr Cox.

5 MR COX: [9:34:16] Good morning, your Honours. For the victims, Francisco Cox
6 and Mr James Mawira.

7 PRESIDING JUDGE SCHMITT: [9:34:22] Thank you.

8 And please for the Defence.

9 MR AYENA ODONGO: [9:34:25] Good morning, your Honours. Good morning,
10 Witness. Your Honours, today I'm assisted by Chief Taku Achaleke, who is
11 co-counsel; Abigail Bridgman, assistant counsel; and Tom Obhof, assistant counsel.

12 We have in court our client Mr Dominic Ongwen. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:34:50] Thank you very much.

14 And the Prosecution Ms Hohler has still the floor.

15 MS HOHLER: [9:34:57] Thank you, your Honours. I will start in public session
16 with one or two questions, then I will then ask to move to private.

17 WITNESS: UGA-OTP-P-0330 (On former oath)

18 (The witness speaks Acholi)

19 QUESTIONED BY MS HOHLER: (Continuing)

20 Q. [9:35:10] Mr Witness, we started discussing the attack on Pajule last Friday
21 which you were a part of. And your last answer was that you went for Pajule at
22 4 a.m. when I asked you when the attack happened. So you said "We went for Pajule
23 at 4 a.m." Do you remember what time the actual attack started?

24 A. [9:35:45] Well, I don't remember that quite clearly. I cannot recall the hour.

25 MS HOHLER: [9:35:57] Your Honours, may I apply for refreshing of the witness'

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1 memory from his statement as to the hour when the attack started?

2 PRESIDING JUDGE SCHMITT: [9:36:07] Yes.

3 MS HOHLER: [9:36:08] This is, your Honours, in the witness's statement which is
4 still in tab 1. The parent ERN is 0256-0086 -- 0071, I apologise, and the relevant page
5 is 0086, it is paragraph 82.

6 Q. [9:36:31] Mr Witness, I will read you a line from the statement that you gave to
7 the ICC investigators.

8 This is what it says:

9 "We left for Pajule at about 3 or 4 a.m, and we attacked at about 6 a.m."

10 Is that what you said, Mr Witness?

11 A. [9:36:56] Yes.

12 Q. [9:36:58] Would you say the same today? Is this correct?

13 A. [9:37:05] It's correct.

14 MS HOHLER: [9:37:08] Your Honours, I would now like to go into private session.

15 PRESIDING JUDGE SCHMITT: [9:37:12] Private session, please.

16 (Private session at 9.37 a.m.)

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18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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11 Q. [9:50:38] Besides being abducted to carry food items, did anything else happen
12 to the civilians in Pajule attack?

13 A. [9:51:07] Well, for that, that I cannot tell because people were divided into
14 various groups, we were actually two different groups and different people had
15 different intentions. There could have been some who killed some civilians and
16 those who didn't kill possibly.

17 Q. [9:51:36] I'm only interested in what you saw, Mr Witness, at this point. Did
18 you see any civilians die in Pajule when you were there at the market?

19 A. [9:51:54] Yeah, there were -- there was some civilian deaths, but I cannot recall
20 who exactly killed them.

21 Q. [9:52:07] You told us, Mr Witness, that the other group went to the barracks.
22 Did they -- if you know, did they stay at the barracks the entire time of the attack?

23 A. [9:52:40] Those who went to the barracks were shooting at the soldiers. After
24 shooting at the soldiers and when the military aircraft came, they had to retreat
25 because the Holy feared the army aircraft. There were those who were abducting

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1 civilians and giving them the loot to carry.

2 Q. [9:53:14] Did you see any of the soldiers from that other group at the market
3 when you were there?

4 A. [9:53:30] Well, people were all scattered and I'm not sure whether there were
5 some who had come towards the centre.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Open session at 9.55 a.m.)

18 MS HOHLER: [9:55:08]

19 Q. [9:55:09] Tell us, Mr Witness, about the gunship?

20 THE COURT OFFICER: [9:55:15] I'm sorry, we are back to open session,

21 Mr President.

22 MS HOHLER: [9:55:19] Back to my old habits.

23 PRESIDING JUDGE SCHMITT: [9:55:21] Yes. Yes, we have to learn each day,
24 you know that.

25 MS HOHLER: [9:55:25]

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1 Q. [9:55:25] Mr Witness, can you tell us about the gunship you mentioned.

2 A. [9:55:37] There were two gunships. They came, but when they saw there
3 were so many civilians, they couldn't bombard.

4 Q. [9:55:51] And where were the two groups now, were they together or were
5 they still apart, the two groups that you told us attacked in the Pajule? Were you all
6 together now or not?

7 A. [9:56:11] One group just came and joined the other because at the time the
8 gunship came people got scared and they started moving.

9 Q. [9:56:30] And where did you go?

10 A. [9:56:44] We went to an RV where we had agreed to meet.

11 Q. [9:56:51] What is an RV, Mr Witness?

12 A. [9:57:01] RV is a meeting point, a place where it had -- where other people
13 should *meet together with members of the group, whether women or children, or a
14 place that has been agreed upon to be a meeting point. For instance, a place where
15 Odomi would have remained because as standby they would give us instructions on
16 where to go and meet the rest of the people after the operation.

17 Q. [9:57:44] Do you know the location where this RV was?

18 A. [9:57:56] It was on the eastern side, but I cannot recall the exact place.

19 Q. [9:58:10] And what happened at this RV?

20 A. [9:58:19] When we arrived at the RV, then the civilians were told to put down
21 their items.

22 Q. [9:58:43] And did they put down their items?

23 A. [9:58:52] Yes. All of them put down their items.

24 Q. [9:58:58] What happened with the items?

25 A. [9:59:09] The civilians were released and were instructed to move in a line as

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1 they go back.

2 Q. [9:59:16] We will come to the civilians in a second, Mr Witness, but can you tell

3 me what happened with (Redacted)

4 (Redacted)

5 A. [9:59:33] The items were distributed to the people, some were given to the

6 group that I was in. The other standby from the other group when with some items

7 as well. Odomi's group went with some items. And Otti's group also went with

8 others.

9 Q. [10:00:06] Who distributed the items?

10 A. [10:00:14] These items -- well, there was a commander who was -- who was

11 with Odomi, who was under Odomi -- in Odomi's group who was called Opige.

12 I don't know from the other group the name of the commander, but they were the

13 ones who distributed the items. Most times they move together and they're the ones

14 who identify soldiers to move with. So I don't know how they distributed.

15 Q. [10:01:02] You told us, Mr Witness, that the civilians were released. Were all

16 civilians released?

17 A. [10:01:21] Yes, all civilians were released, with the exception, with the

18 exception of the younger ones. The younger ones were held back. But the older

19 ones were released.

20 Q. [10:01:36] When you say "The younger ones were held back," what does that

21 mean?

22 A. [10:01:50] Young children, the younger children from 15, 16, 17. Those ones

23 were held back and distributed in the other groups.

24 Q. [10:02:11] What groups did they stay with?

25 A. [10:02:25] Some of the children went to Otti.

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1 Q. [10:02:33] Were any of the children younger than 15?

2 A. [10:02:49] I believe there was one who was probably younger than 15. I think
3 he was perhaps 12 or 13. Was a young girl.

4 Q. [10:03:03] What group did she stay with?

5 A. [10:03:14] I do not recall which group she was placed in. I'm not sure.

6 Q. [10:03:24] You said earlier, Mr Witness, that you saw some civilians dead in
7 Pajule. Can you just tell me what location that was in Pajule?

8 A. [10:03:56] The civilians died close to the roadside.

9 Q. [10:04:09] The roadside close to where? To the market or elsewhere?

10 A. [10:04:20] Yeah, the roadside going towards the market.

11 Q. [10:04:26] When you were fighting in Pajule, Mr Witness, did you yourself see
12 Odomi there?

13 A. [10:04:44] No, I did not see him.

14 MS HOHLER: [10:04:50] Your Honours, if I may now request a private session for
15 just one question.

16 PRESIDING JUDGE SCHMITT: [10:04:56] Private session.

17 (Private session at 10.04 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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7 (Open session at 10.08 a.m.)

8 THE COURT OFFICER: [10:08:45] We are back in open session, Mr President.

9 MS HOHLER: [10:09:03]

10 Q. [10:09:07] I now want to ask you questions, Mr Witness, about another attack

11 on a camp you mentioned you went to, and that is the Odek camp. Do you know

12 what person ordered the attack on Odek?

13 A. [10:09:34] It was our commander. It was Odomi.

14 Q. [10:09:42] And how do you know that?

15 A. [10:09:46] Because he was overall commander of that group and nobody else

16 in that group could issue orders, so the -- they consulted and instructed the orders.

17 They also instructed the person who was overall commander of the group that was

18 going to Odek.

19 Q. [10:10:20] Did you actually hear the order or not?

20 A. [10:10:31] I saw them huddle together where the commanders were huddled

21 together. As an escort I was by the side, so each commander would come, they

22 would place a seat and the person would sit down next to Odomi. So there was

23 nobody else that went close to him except for the commanders. And that's what I

24 saw.

25 Q. [10:11:01] Who were these commanders that you saw, as you say, consulted

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1 and they huddled together? Besides Odomi, who was there?

2 A. [10:11:14] Lapwony Okello and Lapwony Okello Kalalang and Lapwony

3 Bomek. There were others present but I do not recall their names.

4 Q. [10:11:50] The first Lapwony Okello that you mentioned, is this the deputy of

5 Odomi, the same Okello as you called was the deputy to Odomi on Friday?

6 A. [10:12:11] Yes, it is.

7 Q. [10:12:14] And you told us that they consulted and instructed the others -- the

8 orders my transcript says. What was the instruction for this attack?

9 A. [10:12:49] Well, I do not recall the instructions, because all I heard was when
10 they said they should select a standby.

11 Q. [10:13:04] Who is "they", Mr Witness?

12 A. [10:13:15] The person in charge of selecting standbys was Kalalang.

13 Q. [10:13:37] Did Kalalang or anyone else say why you should attack Odek?

14 A. [10:13:54] No, I do not recall the explanation.

15 Q. [10:14:00] Who told you the target was Odek?

16 A. [10:14:30] The -- our commander.

17 Q. [10:14:38] Who do you mean by "our commander"?

18 A. [10:14:47] We went with Bomek.

19 Q. [10:15:11] I'm trying to understand, Mr Witness. Was Bomek your
20 commander for this attack?

21 A. [10:15:25] Bomek was the 2IC, but I do not recall the overall commander. I do
22 not recall the name.

23 MS HOHLER: [10:15:45] Your Honours, if I can refresh the witness's memory on
24 this point?

25 PRESIDING JUDGE SCHMITT: [10:15:51] Yes.

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1 MS HOHLER: [10:15:54] This is at page 0256-0087. It's paragraph 88.

2 I apologise, your Honours, I believe I have the wrong citation in my notes.

3 (Counsel confers)

4 MS HOHLER: [10:17:36] In fact, your Honour, I think this sentence does do the job
5 of putting the name to the witness. If you look at the second part.

6 MR TAKU: [10:18:03] May it please your Honours, I think when my colleague
7 applies to refresh the memory, the paragraph must answer the specific question or
8 refresh his memory pursuant to a specific question that was asked. If not so, she
9 could ask another question or rephrase. If she intends to refresh memory with this
10 specific paragraph in mind, she can do so, but to ask the question and refresh the
11 memory of something that does not specifically address the question asked, your
12 Honour, would be unfair.

13 MS HOHLER: [10:18:45] If I may answer that, your Honour.

14 PRESIDING JUDGE SCHMITT: [10:18:47] Yes.

15 MS HOHLER: [10:18:48] I apologise. I believe that the second part of the
16 sentence does in fact answer the question who was the overall commander by the
17 virtue of the words -- I won't mention the first name, I will mention -- and Bomek was
18 his second command for this attack. But I mean --

19 PRESIDING JUDGE SCHMITT: [10:19:02] But you would agree that these are
20 matters to assess by Judges, for example. So please continue.

21 MS HOHLER: [10:19:13] Thank you, your Honour.

22 Q. [10:19:24] Did you take any weapons, did the group take any weapons for this
23 attack, Mr Witness?

24 A. [10:19:40] Yes, we did.

25 Q. [10:19:45] What were those weapons?

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- 1 A. [10:19:58] We took the *twelve smaller handguns and PKs.
- 2 Q. [10:20:11] Did you yourself take a weapon?
- 3 A. [10:20:21] Yes, I had a gun.
- 4 Q. [10:20:25] How many soldiers were selected for the attack, to go to the attack?
- 5 A. [10:20:39] I do not recall the number of soldiers that were selected.
- 6 PRESIDING JUDGE SCHMITT: [10:20:59] But perhaps, Mr Witness, I may ask you
- 7 a question: Of course we understand that you do not know exactly how many
- 8 soldiers were selected, but if you try to picture the situation from the time, do you
- 9 have an estimate, maybe 10, 20, 50, 100? Can you say something about that?
- 10 THE WITNESS: [10:21:33] (Interpretation) Well, the Holy do not go in great
- 11 numbers to combat, but the largest number is probably 30 to 35.
- 12 PRESIDING JUDGE SCHMITT: [10:21:49] Please continue.
- 13 MS HOHLER: [10:21:54]
- 14 Q. [10:21:54] What location were you at this point, Mr Witness, if you can
- 15 remember?
- 16 A. [10:22:08] We were on the -- we were on the other side of the river Aswa.
- 17 Q. [10:22:22] When you say "the other side", which side do you mean?
- 18 A. [10:22:35] The Aswa borders Pader and Gulu and we were on the Gulu side.
- 19 Q. [10:22:47] What happened after the soldiers were selected?
- 20 A. [10:23:02] Once the standby was selected, we started moving. The group
- 21 moved and other people joined. The standby went and the convoy group also
- 22 followed because we were instructed -- we were instructed at the RV where we were
- 23 supposed to meet the convoy.
- 24 Q. [10:23:35] Who instructed you on that?
- 25 A. [10:23:50] The -- it's the overall -- it's the overall commander who is instructed

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1 on the location of the RV, so it's Odomi issued those instructions, told us that we
2 would meet at a particular RV after the mission. After the camp, come back and find
3 us at this RV. They do not actually tell junior soldiers where the -- the location of the
4 RV. It's only the overall commander who is given the specific location of the RV.

5 Q. [10:24:35] Did you hear Odomi say this?

6 A. [10:24:46] Yes, I heard him say that. He said, "Once the standby leaves, once
7 the standby goes, you will meet us at the RV." He was instructing the commander,
8 the commander who was going with us on -- who was going on the standby.

9 Q. [10:25:11] Did he give -- did Odomi give any other instruction at this point?

10 A. [10:25:29] He instructed that any soldier who goes to a civilian home, any -- a
11 thirsty civilian should not drink water without first dropping in some shea butter.

12 Q. [10:25:55] Did he give any instructions what to do if you encounter civilians or
13 soldiers in Odek?

14 A. [10:26:21] No, I do not recall that. Yes, he did give us instructions, but I do
15 not recall those instructions. There were other instructions telling us that "If you
16 abduct any girl, you should not have sex with that girl."

17 Q. [10:26:52] Was this part of the instruction before the Odek attack?

18 A. [10:27:05] Yes. We were told, "Do not eat civilian food. If you find any food,
19 do not eat it."

20 Q. [10:27:19] And again, who told you that? So we're clear for the record.

21 A. [10:27:29] He told the 2IC, the 2IC that selects people, and then the 2IC informs
22 us. His 2IC, for example, Okello, his deputy.

23 Q. [10:27:50] How long did it take you to reach Odek?

24 A. [10:28:07] I do not recall the exact time it took us. I was still young at the
25 time.

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1 Q. [10:28:19] Do you remember what time of day the attack on Odek started?

2 A. [10:28:40] No, I do not recall.

3 Q. [10:28:46] Are you able to say if it was in the morning or in the evening, if you
4 remember?

5 A. [10:29:00] I believe in the evening.

6 MS HOHLER: [10:29:09] Your Honours, for the details of the attack, I believe we
7 will have to go into private session now.

8 PRESIDING JUDGE SCHMITT: [10:29:15] I think so too.

9 Private session.

10 (Private session at 10.29 a.m.)

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20 Q. [10:34:54] What was happening at the shops and the civilian houses in the
21 centre?

22 A. [10:35:27] Whenever the Holys are carrying out an operation you can be sure
23 of deaths, especially in civilian homes.

24 Q. [10:35:43] Why would there be deaths in civilian homes? What happened to
25 those civilians?

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- 1 A. [10:35:58] You know, the Holy -- well, in our groups there are those who were
2 really seasoned and had already stayed within the LRA for a while, they have actually
3 grown within the LRA, they are orphans, have no parents, and they would now carry
4 out a lot of havoc because different people have different hearts.
- 5 Q. [10:36:34] Did you see any civilians dead at the centre or die at the centre?
- 6 A. [10:36:52] I saw one who was stabbed.
- 7 Q. [10:37:00] Who was he stabbed by?
- 8 A. [10:37:14] There was a soldier called Lapwony Oyo. He was a very bad guy.
- 9 Q. [10:37:31] Did you see anyone else die at the centre in Odek?
- 10 A. [10:37:38] Yes, there was, but I cannot recall because that happened at the time
11 when I was still young.
- 12 Q. [10:37:58] I'm not asking you about specific names, Mr Witness, just if you can
13 tell us what you saw, that people died.
- 14 A. [10:38:23] I saw some people who were dead.
- 15 Q. [10:38:33] How did they die?
- 16 A. [10:38:42] Some of them were burned in their huts, others were clubbed on the
17 back of their heads.
- 18 Q. [10:38:56] Who set the fire to the huts?
- 19 A. [10:39:07] Part of the soldiers who were within, the soldiers that were more
20 seasoned than I was.
- 21 Q. [10:39:20] Just to make sure that I understand correctly, these were the LRA
22 soldiers?
- 23 A. [10:39:28] Yes.
- 24 Q. [10:39:31] And the people who were burned in their huts and clubbed on the
25 back of their heads, were these civilians?

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1 A. [10:39:45] Yes, some of them were civilians.

2 Q. [10:39:49] And did you see this happen, what you just described?

3 A. [10:39:59] Well, I saw -- okay, sometimes you could only hear the sounds of
4 body parts, you know, blowing up from the burning huts.

5 Q. [10:40:21] Were many houses, many huts burned in Odek?

6 A. [10:40:34] Yes.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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Trial Hearing

(Private Session)

ICC-02/04-01/15

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16 (Open session at 10.49 a.m.)

17 THE COURT OFFICER: [10:49:19] We are back in open session, Mr President.

18 MS HOHLER: [10:49:25]

19 Q. [10:49:28] I will repeat my question, Mr Witness. Who instructed you about
20 this rule about money?

21 A. [10:49:41] That rule was given by our overall commander. These
22 orders -- this order was given to the immediate commander, who would then relay
23 the message to us.

24 Q. [10:50:07] And just so we're clear, when you say "overall commander" what's
25 his name?

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1 A. [10:50:19] The overall commander was Okello who was deputy to Odomi.

2 Odomi would instruct Okello and then Okello would now relay the instruction to the
3 other soldiers.

4 Q. [10:50:35] Did you hear Odomi say that?

5 A. [10:50:45] I didn't hear him, but I'm sure that was coming from him because
6 whenever any soldier got money, whether it being a very seasoned soldier or not,
7 they would hand over the money either directly to Odomi or to Okello.

8 Q. [10:51:04] Who did you hand over the money that you found in Odek?

9 A. [10:51:17] The money I got from Odek, I handed it over to Odoki. He was the
10 overall.

11 Q. [10:51:40] Tell us, Mr Witness, how you retreated from Odek after the attack.
12 What made you leave Odek?

13 A. [10:51:52] We left because a gunship had come around and we were scared.

14 Q. [10:52:13] How long did you actually fight in Odek? How long did the attack
15 last before you retreated?

16 A. [10:52:32] We fought in Odek and we left at will because we had overrun the
17 barracks except when the gunship came, that's when we had to leave. But I cannot
18 recall the actual time we spent.

19 Q. [10:52:51] When you were retreating, Mr Witness, where were (Redacted)
20 (Redacted)

21 A. [10:53:09] The abducted civilians were amongst us, they were carrying the
22 items we had looted.

23 Q. [10:53:19] Where did you go?

24 A. [10:53:28] We went to the RV.

25 Q. [10:53:35] And what happened at the RV?

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1 A. [10:53:46] We met some other people at the RV, we met the convoy.

2 Q. [10:53:59] What happened with the items that the civilians carried at the RV?

3 A. [10:54:14] The items were distributed. (No interpretation).

4 PRESIDING JUDGE SCHMITT: [10:54:39] Currently we have no interpretation,
5 unfortunately.

6 THE WITNESS: [10:54:48] (Interpretation) The items were given to the respective
7 households, to Odomi's household, to his deputy and then the rest followed.

8 MS HOHLER: [10:54:59]

9 Q. [10:55:00] What happened with the abducted civilians?

10 A. [10:55:15] The civilians were killed because they said the civilians would
11 inform the government soldiers about the location of the LRA and that would
12 jeopardise their position in Gulu. They were in the bush at the banks of Aswa river.

13 Q. [10:55:48] Who ordered the civilians to be killed?

14 A. [10:56:02] Well, I am not sure who issued the order, but I only saw when the
15 civilians were being killed, because they would direct the soldiers where the LRAs
16 were, and I suspect that should have been from our overall commander because no
17 other person could issue orders other than our overall commander.

18 Q. [10:56:38] Who killed these civilians?

19 A. [10:56:50] The civilians were killed by the seasoned soldiers, they were more
20 seasoned than us because we were part of the people who had just gone to Sudan.

21 There are two categories. There is one of very seasoned soldiers, these are the ones
22 you could have found there in the bush, you also pay allegiance to that category.

23 Q. [10:57:22] Just so we're clear, Mr Witness, did you see these civilians killed, see
24 them with your own eyes?

25 A. [10:57:33] Yes, I did.

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1 Q. [10:57:39] Do you remember the names of any of the soldiers, the LRA soldiers
2 that killed the civilians?

3 A. [10:57:57] I do not recall.

4 Q. [10:58:03] The children you mentioned were amongst the abductees from
5 Odek, what happened to them?

6 A. [10:58:16] The children were divided to the different households of the leaders.

7 Q. [10:58:27] Do you remember what leaders they stayed with?

8 A. [10:58:45] I remember Okello Kalalang received some, and others were also
9 given to Odomi.

10 Q. [10:58:58] One last --

11 A. [10:58:59] And also to Okello.

12 Q. [10:59:07] One last question on this, Mr Witness: Do you remember the
13 names of any of these children?

14 A. [10:59:21] I don't recall any of their names.

15 Q. [10:59:25] Thank you, Mr Witness.

16 MS HOHLER: [10:59:27] I will stop here, your Honours.

17 PRESIDING JUDGE SCHMITT: [10:59:29] I have one question before we have the
18 break.

19 Mr Witness, one question to you: How were these civilians killed?

20 THE WITNESS: [10:59:42] (Interpretation) These civilians were tied, they were
21 tied, their arms at their back, and they would be beaten on the back of their heads.

22 PRESIDING JUDGE SCHMITT: [11:00:03] I think we have a break until 11.30.

23 THE COURT USHER: [11:00:08] All rise.

24 (Recess taken at 11.00 a.m.)

25 (Upon resuming in open session at 11.33 a.m.)

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1 THE COURT USHER: [11:33:42] All rise.

2 PRESIDING JUDGE SCHMITT: [11:34:00] Mrs Hohler, you still have the floor.

3 MS HOHLER: [11:34:08] Thank you, your Honour.

4 Q. [11:34:20] Mr Witness, before I go on I just want to remind you that if you are
5 feeling tired at any point don't hesitate to tell the Judges that you are.

6 I have just one more question on the attack on Odek, Mr Witness. Was anyone from
7 the LRA wounded in the attack on Odek?

8 A. [11:34:56] I do not recall that.

9 MS HOHLER: [11:35:14] I will request, your Honours, to refresh the witness'
10 recollection on this point please?

11 PRESIDING JUDGE SCHMITT: [11:35:21] He did say he does not recall, so this
12 would apply.

13 MS HOHLER: [11:35:25] This is at page 0256-0087, paragraph 90.

14 Q. [11:35:51] Mr Witness, I will again read to you a line from the statement that you
15 gave to the ICC investigators about the question that I had just asked you.

16 "At the beginning of the attack, one Holy soldier was injured on his shoulder but he
17 continued to walk. He was taken behind."

18 Is this what you said, Mr Witness?

19 A. [11:36:19] Yes, it is.

20 Q. [11:36:23] Would you say the same today; is this correct?

21 A. [11:36:31] Yes, it is correct.

22 Q. [11:36:34] Do you know what happened to this wounded Holy soldier?

23 A. [11:36:47] He was sent behind because he was already injured.

24 MR TAKU: [11:36:54] Your Honours, I do not rise to make an objection, but I want
25 to place on record that the statements that this witness made to the investigators, to

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1 *which reference is being made, were recorded on 29 January 2016. Because we have
2 other statements that were recorded in 2004, 2005 as the case may be. I just want to
3 place on the record, in the light of the multiplicity of -- or, the recurrence of -- of the
4 same exercise about -- of refreshing the memory of the witness that these statements
5 were recorded just about a year ago. I want to place that on record only for that --

6 PRESIDING JUDGE SCHMITT: [11:37:38] Now, that is absolutely okay and that also
7 makes sense because, when we are talking about memory and refreshing memory
8 and, in the end, assessing what comes out of this process, it is of course something
9 that might be relevant if we are refreshing something what has been said 20 years ago
10 or two month or two weeks ago. That is perfectly clear. Thank you very much,
11 Mr Taku.

12 Please continue.

13 MS HOHLER: [11:38:07]

14 Q. [11:38:07] Mr Witness, I now want to ask you questions about another attack
15 that you told us you went to and that is the attack on Abok camp; do you remember
16 that attack?

17 A. [11:38:25] Yes, I do.

18 Q. [11:38:26] Mr Witness, what person ordered the attack on Abok?

19 A. [11:38:39] It was our overall commander.

20 Q. [11:38:44] Can you remind us of his name again, please.

21 A. [11:38:58] Odomi was our overall commander and he is the one who issued
22 instructions to Okello to select a standby.

23 Q. [11:39:08] Did you hear the order by Odomi?

24 A. [11:39:18] No, I did not. But to my knowledge there was no other overall
25 commanding officer than Odomi and Odomi had all authority.

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1 Q. [11:39:43] You said Odomi issued instructions to Okello to select a standby.

2 Did Okello select the standby for the Abok attack?

3 A. [11:40:00] Yes, Okello selected the standby because when -- as soon as he blows
4 the whistle, soldiers immediately -- they gather and the standby is selected. The
5 soldiers come together, line up in threes and then a standby is selected.

6 Q. [11:40:25] Who blows the whistle?

7 A. [11:40:37] Lapwony Okello.

8 Q. [11:40:39] How many soldiers were selected for the attack on Abok, if you can
9 remember?

10 A. [11:40:50] They're not that -- not that many people. If I hazard a guess, I
11 suppose maybe 20 or 28 because it wasn't a great number of people. When LRA are
12 going to combat they do not take a large number of people. According to the LRA if
13 there is a large number of people going to combat, then many people will be injured
14 or killed, but the less the number of people the less likely they are to get injured or
15 dead.

16 Q. [11:41:33] Who was the commander for this attack?

17 A. [11:41:45] It was Bomek.

18 Q. [11:41:47] Do you remember the names of any other soldiers that went as part of
19 the standby to Abok?

20 A. [11:42:06] I recall there was Oyet, Oyet Tongwok (phon). And there were other
21 soldiers. I do not recall all their names.

22 Q. [11:42:21] That's perfectly understandable, Mr Witness.

23 Did the group take, did the standby take any weapons with them to Abok?

24 A. [11:42:36] Yes, we went with guns.

25 Q. [11:42:40] Did you yourself carry a gun?

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1 A. [11:42:47] Yes, I had a gun.

2 Q. [11:42:53] What happened when the standby was selected? After the standby
3 was selected, what did you do?

4 A. [11:43:07] We started walking. When you are going to Abok you cross the Opit
5 road going towards Gulu. Before crossing the road, just as we were approaching the
6 roadside we came across government soldiers that set up an ambush. They started
7 shooting us.

8 Q. [11:43:40] And what happened then after they started shooting?

9 A. [11:43:49] We also started firing back at them. In order to create a path through
10 people crossed the road. It was -- the place was clear so we were all visible. There
11 was no scrub or -- soldiers were also running from under the eucalyptus trees. They
12 started firing their guns at us. We kept on running. One of our soldiers was
13 injured. Ocira was injured.

14 Q. [11:44:30] Were you able to get away from the government soldiers?

15 A. [11:44:43] We ran. We ran and crossed the road and then we started walking.
16 (Redacted) and he was the one who was showing us directions,
17 he was guiding us and he is the one who told us how we should get into Abok.

18 Q. [11:45:10] What happened with that civilian (Redacted) after he told you
19 how to get into Abok?

20 A. [11:45:26] He showed us the way and he took us right to Abok. He took us to
21 some ground and he left us there and he was told to go back. We formed a -- we set
22 up a formation. Before the formation, gunfire started.

23 Q. [11:45:50] What kind of formation did you set up?

24 A. [11:46:02] We were five, and there was a lot -- there was space in between us, so
25 there was five of us with space in between us. We were set up in a formation for

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1 battle, ready for battle.

2 Q. [11:46:17] Who set up this formation?

3 A. [11:46:24] It was Bomek. Because we went with one support, *the twelve.

4 Q. [11:46:37] And who was in charge of *the twelve?

5 A. [11:46:42] Bomek was the one who was in charge of firing *the twelve.

6 Q. [11:46:47] And you said before the formation gunfire started. Who was firing?

7 A. [11:47:01] It was the soldiers.

8 Q. [11:47:05] When you say "the soldiers" do you mean the LRA soldiers or the
9 government soldiers?

10 A. [11:47:15] Government soldiers recognised us. The government soldiers who
11 were at the border of the camp, before the entrance of the camp.

12 Q. [11:47:29] What did the LRA do when the gunfire started?

13 A. [11:47:39] We started firing back. We started shooting at the soldiers who were
14 at the camp. We also started using *the twelve and the soldiers ran and entered into
15 the barracks and we went into -- entered into the camp.

16 MS HOHLER: [11:48:04] We will have to go into private session now, your Honour.

17 PRESIDING JUDGE SCHMITT: [11:48:09] Private session.

18 Do we have an estimate how long?

19 MS HOHLER: [11:48:13] About 15 minutes, I think.

20 PRESIDING JUDGE SCHMITT: [11:48:15] Okay, private session.

21 (Private session at 11.48 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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24 (Open session at 12.05 p.m.)

25 THE COURT OFFICER: [12:05:15] We are back in open session, Mr President.

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1 MS HOHLER: [12:05:25]

2 Q. [12:05:25] Before we discuss the retreat, Mr Witness, I forgot to ask you: What
3 time did Abok attack start, if you can remember? What time of day?

4 A. [12:05:45] It started at around 7, between 7 and 7.30 in the evening, because it
5 was getting dark.

6 Q. [12:06:04] You told us, Mr Witness, that Bomek was injured in the knee. What
7 happened, what happened after Bomek was injured? Was he still in charge?

8 A. [12:06:27] No. He didn't continue. But there was 2, 2IC who was his deputy
9 who took charge now.

10 Q. [12:06:44] Besides a person named Ocira and Bomek who was injured, as you
11 mentioned, was anyone else injured in the Abok attack from the Holy?

12 A. [12:07:07] There was another soldier on our side was also injured.

13 Q. [12:07:17] How badly was he injured?

14 A. [12:07:29] He was badly injured. He was actually carried away.

15 Q. [12:07:38] Who carried him?

16 A. [12:07:45] There was a civilian who was abducted from there. We put together
17 a stretcher and we used it for carrying him.

18 Q. [12:08:02] What happened to this injured man later?

19 A. [12:08:15] We left that place as we were hurrying to cross Opit road, we wanted
20 to cross Opit road before dawn. We started walking towards the road because it was
21 a bit far.

22 Q. [12:08:37] The injured man on the stretcher, did he survive or did he die later?

23 A. [12:08:49] He died after we had already crossed the road. Then they removed
24 his uniform and got some tree branches and covered him.

25 Q. [12:09:13] Can you tell us more about that retreat when you crossed the Opit

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1 road. How were you retreating?

2 A. [12:09:31] We were now moving back to the RV that had been agreed upon,
3 because there was already a such RV and whenever you split an RV is put, so there
4 was a position where we had -- I put some cassava, tubers, and then hid them in the
5 ground.

6 Q. [12:10:04] Were you being followed when you were retreating by the
7 government soldiers?

8 A. [12:10:21] As we were retreating there were soldiers along the road. We, we
9 exchanged fire and the people who were behind were the ones who had exchanges
10 with the, the soldiers. There was also a gunship that came about and we had to
11 hurry. We also found the footmarks of some government soldiers and we followed
12 the same.

13 Q. [12:10:53] When you arrived to the RV, who was there? Who did you find at
14 the RV?

15 A. [12:11:09] At the RV, we reached and there was no one there, but the convoy
16 came and found us there.

17 Q. [12:11:20] Who was the head of the convoy that came and found you there?

18 A. [12:11:33] That was our leader, Mr Dominic.

19 Q. [12:11:41] Did he say anything at this RV, Mr Dominic Ongwen? Did he say
20 anything?

21 A. [12:11:54] Well, I, I don't know that, because the, the leaders or commanders
22 would sit on their own and then the other soldiers would sit far apart and the
23 commander would be the one to go and report to the superior.

24 Q. [12:12:16] Who reported to whom, Mr Witness, at this post-Abok RV?

25 A. [12:12:35] That was Lapwony Odoki and Lapwony Bomek who was injured on

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1 the knee. And he was -- he was still able to limp around.

2 Q. [12:12:55] Who did they give the report to?

3 A. [12:13:04] They would give the report to Lapwony Okello who was Odomi's
4 deputy and then Okello would relay the report to his superior.

5 Q. [12:13:16] Did you hear these reports given?

6 A. [12:13:27] Yes.

7 Q. [12:13:30] Which report did you hear given? To Okello or to Odomi, or both?

8 A. [12:13:48] I heard when an -- the commander went to Lapwony Okello and was
9 reporting on how the operation was carried out and then the items they came back
10 with, he was giving that report to Okello and then Okello would now forward it to his
11 superior.

12 Q. [12:14:18] And I'm sorry if this is going to be a bit repetitive, Mr Witness. Did
13 you hear also the report from Okello to his superior?

14 A. [12:14:41] Okello, well, how -- how the other soldiers would stay would be that
15 whenever there is any issue it is Mr Okello who would have to relay the information
16 or talk about that issue to Mr Odomi.

17 Q. [12:15:16] In the report that you mentioned to Okello on how the operation was
18 carried out and what items they came back with, did that report say anything about
19 civilians in Abok?

20 A. [12:15:39] Well, I am not sure about that. But how the standby came back was
21 what was reported. What did you come back with? Did you come back with
22 money or what else did you come back with? Because whenever you came back
23 with money you were supposed to hand it over.

24 Q. [12:16:02] What happened with the items that were taken from Abok,
25 Mr Witness?

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1 A. [12:16:16] All these items were handed over to Okello because (Redacted)
2 with the commander and he handed them over to Okello.

3 Q. [12:16:34] Who was this commander that handed them over? What was his
4 name?

5 A. [12:16:46] That was Odoki and Bomek.

6 Q. [12:16:51] And what happened to the abducted people from Abok?

7 A. [12:17:06] Well, for those people I am not sure what actually happened to them.

8 Q. [12:17:18] Did you see any of those later on in your group?

9 A. [12:17:35] Yes, the younger ones I did. I actually saw two people in the group,
10 but the older ones I did not see because some -- there were reports that some of them
11 were released, but I am not sure, I am not sure whether they were actually released or
12 they were killed.

13 Q. [12:18:03] The younger ones that you saw in your group later, how old were
14 they?

15 A. [12:18:15] Between 16 and 17.

16 Q. [12:18:23] Thank you, Mr Witness. That's all my questions on the Abok attack.
17 I now want to ask you about another attack that you mentioned on Friday you went
18 to and that's the attack on the Bar-Rio camp. Do you remember that attack?

19 A. [12:19:01] Well, I have forgotten about that one.

20 Q. [12:19:13] If I may cite from the transcript on Friday, your Honours, this is
21 transcript 51, the real time version at page 92.

22 Mr Witness, you said: "We went and leashed havoc in Bar-Rio camp." Is that
23 correct?

24 A. [12:19:41] Yes.

25 Q. [12:19:43] Can you remember who ordered the attack on Bar-Rio?

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1 A. [12:19:56] I don't remember, because that happened when I was still very young.

2 Q. [12:20:11] I would like to apply for a --

3 PRESIDING JUDGE SCHMITT: [12:20:14] Yes, of course.

4 MS HOHLER: [12:20:16] -- memory refresh on this point, your Honours. It's at
5 page 0256-0083, paragraph 67. It's the second line in that paragraph for those
6 following.

7 Q. [12:20:46] Mr Witness, I will again read you a line from the statement that you
8 gave to the investigators, to the ICC investigators. It says: "Odomi gave the orders
9 to Okello for this attack."

10 Is this what you said, Mr Witness?

11 A. [12:21:19] Yes.

12 Q. [12:21:24] Would you say the same today? Is this correct?

13 A. [12:21:28] Yes.

14 Q. [12:21:31] Did you hear with your own ears Odomi give this order to Okello?

15 A. [12:21:40] Yes.

16 PRESIDING JUDGE SCHMITT: [12:21:45] Mr Ayena.

17 MR AYENA ODONGO: [12:21:46] Pardon my interruption, your Honour. There is
18 a difference between saying "eh" and "mm-hmm" and I want to draw the attention of
19 Court to the particular way this witness is answering certain questions when he says
20 "mm-hmm, mm-hmm, mm-hmm." It's different. And for the translators, perhaps
21 we should make a distinction between "eh" and "mm-hmm", because "mm-hmm" is
22 not yes from the Luo I know.

23 PRESIDING JUDGE SCHMITT: [12:22:34] I think we can agree upon that the Bench
24 cannot assess the correctness of these remarks, but I am sure the interpreters will have
25 noted it and they will take it into account. We of course cannot say -- of course we

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1 listen to, to the voice and even I have heard a little bit of a distinction, but I can of
2 course not say what it exactly means. But it is absolutely important, I think, that we
3 are clear about what the witness wants to express and I am sure that interpreters, yes,
4 take this into account and have taken that into account in the past, I would assume.

5 THE INTERPRETER: [12:23:20] Yes, we have.

6 PRESIDING JUDGE SCHMITT: [12:23:28] Please continue.

7 MS HOHLER: [12:23:31] Thank you, your Honours.

8 Q. [12:23:33] And just so we are clear, Mr Witness, when we are talking about
9 Okello, is this the same Okello as you mentioned was the deputy to Odomi or
10 a different Okello?

11 A. [12:23:54] There were two different Okellos, there was Okello Kalalang and then
12 Okello Wod Lango.

13 Q. [12:24:05] So the Okello Odomi gave the order to for the attack on Bar-Rio,
14 which Okello was that?

15 A. [12:24:17] That was Okello, Okello Wod Lango.

16 Q. [12:24:27] And what was his position or his role in Sinia?

17 A. [12:24:38] I am not very clear about his role, but what I kept on seeing was the
18 fact that he was Odomi's deputy.

19 Q. [12:24:51] Who gave orders to this Okello?

20 A. [12:25:02] That was Dominic.

21 Q. [12:25:05] Did Okello receive orders from anyone else but Dominic?

22 A. [12:25:19] There were other commanders who *were following Okello in their
23 positions, there were also others who were down in the chain of command.

24 Q. [12:25:36] But speaking generally, would anyone else be able to give orders or
25 did anyone else give orders to Okello, but Odomi, that you know of?

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1 A. [12:25:54] Odomi was the overall commander and there were other leaders or
2 commanders who were down in the chain of command. He was in the
3 immediate -- the immediate deputy of Okello -- of Odomi. Then there were also
4 others who were following Okello in that order.

5 Q. [12:26:28] We go back to discussing now the Bar-Rio attack and the order. The
6 order given by Odomi to Okello, what was it? What was it that was ordered for that
7 attack?

8 A. [12:26:51] He said they should go and attack the soldiers and they should
9 unleash havoc in the camp by burning houses and killing the people.

10 Q. [12:27:11] Who selected the soldiers for the attack?

11 A. [12:27:23] It was Okello. He was the one who blew the whistle and people
12 came and lined up.

13 Q. [12:27:36] How many people came and lined up, approximately?

14 A. [12:27:48] There were so many soldiers, because they were coming from various
15 section and each of the sections was represented there and thereafter they started
16 identifying the soldiers. They would only look for the seasoned soldiers because if
17 you had not reached Sudan, you were not considered a seasoned soldier.

18 Q. Who was the commander for this attack?

19 A. [12:28:31] Well, I cannot recall that.

20 Q. [12:28:38] You mentioned earlier a soldier named Bomek in your group,
21 Mr Witness. What was -- where was Bomek during this time?

22 A. [12:28:54] Bomek was within the standby.

23 Q. [12:29:00] And what was his role in this attack, if you can remember?

24 A. [12:29:16] He was, I think, he was the overall.

25 Q. [12:29:21] Did the LRA take any weapons for this attack on Bar-Rio?

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- 1 A. [12:29:33] Yes.
- 2 Q. [12:29:39] What weapons did the LRA take?
- 3 A. [12:29:52] They went with small guns and some RPGs.
- 4 Q. [12:30:05] Did you yourself carry a weapon to Bar-Rio?
- 5 A. [12:30:15] Yeah, I had a weapon.
- 6 Q. [12:30:19] What was that weapon?
- 7 A. [12:30:27] I had a small gun.
- 8 MS HOHLER: [12:30:32] Your Honours, private session, please.
- 9 PRESIDING JUDGE SCHMITT: [12:30:34] We go into private session.
- 10 MS HOHLER: [12:30:37] About 15 minutes.
- 11 PRESIDING JUDGE SCHMITT: [12:30:38] About 15 minutes.
- 12 (Private session at 12.30 p.m.)
- 13 THE COURT OFFICER: [12:30:41] We are in private session, Mr President.
- 14 MS HOHLER: [12:30:55]
- 15 Q. [12:30:56] Mr Witness, please tell us what the LRA did in Bar-Rio.
- 16 A. [12:31:12] Bar-Rio had the most death, number of death.
- 17 Q. [12:31:27] When you say "most death" who are you referring to? Who was it
- 18 that died? What people died?
- 19 A. [12:31:40] Civilians, civilians died there.
- 20 Q. [12:31:47] How did they die?
- 21 A. [12:31:55] They were, they were killed. Orders had been issued to kill. We
- 22 were told that whenever we attacked any camps civilians must be killed.
- 23 Q. [12:32:11] Who issued these orders?
- 24 A. [12:32:22] It was the commander.
- 25 Q. [12:32:27] What's his name?

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1 A. [12:32:37] The commander who took us to the same area, who told us to kill
2 people and burn houses, Bomek.

3 Q. [12:32:52] How were the civilians killed?

4 A. [12:33:02] Some of them were beaten, some were shot at, some were burnt in
5 their houses.

6 MR TAKU: [12:33:15] May it please, your Honours. Sound procedure demands
7 that at the time the evidence is being led, especially evidence relating to uncharged
8 locations, the Defence is the one that can interject an objection. Obviously it's left to
9 your Honours to allow any evidence at any time to be led. But it's also our duty that
10 if we fail to raise this objection or to place on record that this evidence is being led
11 under protest by the Defence, it would be irresponsible on our part.
12 Secondly, your Honours, when Mr Gumpert and the others led evidence they tried at
13 least to get the witness to situate the attack, the time frame, which is a material issue
14 here. But so far since the witness is starting we have found that there have been
15 absolutely no attempts, even if the witness could not, they tried to use major events
16 that they pleaded either in the indictment or in the pretrial brief in order to at least to
17 give an idea. This we do not have. And this goes to a material issue, your Honours,
18 about the specificity of the evidence being led or the charges which we have raised
19 previously and which we will raise and raise again when it occurs. And we just
20 want to place on record, it is within your power to allow any evidence to be lead.
21 We do not intend to disrupt the proceedings, but we just want to place that on record
22 at this point in time.

23 PRESIDING JUDGE SCHMITT: [12:35:04] Do you want to respond to, that,
24 Ms Hohler?

25 MS HOHLER: [12:35:08] I do, your Honours. A couple of points I want to make on

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1 that objection. First, the evidence of this attack is relevant for establishing the
2 widespread and systematic nature of the crimes we say were committed in the four
3 charged attacks.

4 Secondly, the Prosecution says this witness is a child soldier. Therefore, his
5 involvement in attacks other than those charged is relevant.

6 Thirdly, on the time frame, your Honours, we have not yet come to the end of this
7 examination, if I may point out. And the witness has stated a couple of times that he
8 was very young when he was with the LRA and he does not remember dates and
9 years very well. Therefore we have not pressed on that issue for that reason.

10 PRESIDING JUDGE SCHMITT: [12:36:05] Thank you very much.

11 MS HOHLER: [12:36:05] Thank you.

12 PRESIDING JUDGE SCHMITT: [12:36:07] I think we don't have to respond to that
13 again. Of course the Chamber is aware of the charged -- not only of the charged
14 issues but especially on the confirmed charges. That's perfectly clear. But beyond
15 the strictly confirmed charges there are of course elements of the crimes that have to
16 be also taken into account, plus, as Mrs Hohler has said, there might be charges that
17 go beyond the four attacks that might also be of relevance.

18 So we duly noted your objection, but as you see, we allow that this evidence is
19 brought into court and we will see what comes out of it. Of course it would be good
20 to have a time frame, but I understand what you have said. I don't know if you will
21 give it a try in the end, but we would not press on it.

22 Please continue.

23 MS HOHLER: [12:37:06] Thank you, your Honours.

24 Q. [12:37:09] The civilians that were killed in Bar-Rio, Mr Witness, where exactly in
25 the camp was that?

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1 A. [12:37:25] It was within the camp itself. Some, some people -- some of the
2 abductees were killed along the way.

3 Q. [12:37:39] And you say "some of the abductees were killed along the way," does
4 this mean that the LRA in this attack also abducted people?

5 A. [12:37:55] Yes, they abducted people.

6 Q. [12:37:58] Why did the LRA abduct people in Bar-Rio?

7 A. [12:38:09] People, people were abducted to carry luggage, so once we got close
8 to the RV, the people were killed. The assumption was that once they -- if they are
9 freed, they would go report to the soldiers and the soldiers would go and find, find
10 them.

11 PRESIDING JUDGE SCHMITT: [12:38:31] Question: Open session or? Yes,
12 I think the next -- one of the next questions will be so we would have to go back to
13 private session. So please, continue, that's correct.

14 MS HOHLER: [12:38:44]

15 Q. [12:38:44] Who ordered that the people be killed at the -- later on, Mr Witness?

16 A. [12:38:57] It was our commander. He was a general, our general.

17 Q. [12:39:05] Please tell us his name.

18 A. [12:39:13] Odomi issued those orders, that the civilians should be killed.

19 Q. [12:39:23] Did you hear him say that with your own ears?

20 A. [12:39:33] Well, they had radio, radio calls and he issued the orders to Bomek
21 and Bomek informed us junior soldiers.

22 Q. [12:39:51] What exactly did Bomek say, Mr Witness?

23 A. [12:40:09] Bomek said that even newborn babies should be killed.

24 Q. [12:40:23] So when you say, Mr Witness, that Odomi ordered the killings, how
25 do you know that it was Odomi who ordered if Bomek told you this?

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1 A. [12:40:49] Bomek cannot take action on his own initiative without being ordered
2 by his superior.

3 Q. [12:40:57] And how were the civilians killed?

4 A. [12:41:10] They were tied, they were tied and beaten to death.

5 Q. [12:41:16] Did you see this happen?

6 A. [12:41:22] Yes, I did.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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1 (Open session at 12.43 p.m.)

2 THE COURT OFFICER: [12:43:45] We are back in open session, Mr President.

3 MS HOHLER: [12:43:49]

4 Q. [12:43:51] Mr Witness, can you tell us about the retreat from Bar-Rio, how you
5 retreated?

6 A. [12:44:04] We left Bar-Rio and went to the RV location where people had been
7 convened. We crossed the road.

8 Q. [12:44:20] Who did you find at the RV?

9 A. [12:44:28] The RV was the meeting place. We met the convoy at the RV.

10 Q. [12:44:35] Who was the leader of the convoy?

11 A. [12:44:43] It was our leader, Dominic. Dominic was left behind with the
12 convoy. Because he does not like going to the battlefield, he sends a group to go
13 and fight.

14 Q. [12:45:11] Thank you, Mr Witness.

15 I now want to talk to you about one last attack that you said on Friday you went to as
16 part of a standby, and that's the attack on Opit. Who ordered the attack on Opit?

17 A. [12:45:42] It was Lapwony Okello who issued the order. He is the one who
18 selected the standby.

19 Q. [12:45:51] Did you hear him issue the order?

20 A. [12:45:59] Yes, because he is the one who selected the standby.

21 Q. [12:46:06] What was the order? What were you told to do in Opit?

22 A. [12:46:21] We were told to go and attack soldiers. And we were also told to
23 loot, to loot foodstuff.

24 Q. [12:46:45] Who was the commander for the attack on Opit?

25 A. [12:46:57] I do not recall the name of the commander.

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1 Q. [12:47:06] We, we talked earlier about Bomek. Where was Bomek for the attack
2 on Opit?

3 A. [12:47:20] Bomek was among the people.

4 Q. [12:47:23] Did he have any particular role for this attack?

5 A. [12:47:30] He went, he went with the people. We went together.

6 Q. [12:48:02] Did the LRA take any weapons for this attack?

7 A. [12:48:13] Yes, they took the support.

8 Q. [12:48:20] Did you yourself carry a weapon to Opit?

9 A. [12:48:28] Yes, I had a gun.

10 Q. [12:48:35] I will ask you, Mr Witness, what happened in Opit. But we are in
11 public session so I don't want you to tell us what you exactly did. But in general,
12 what did the LRA do in this Opit attack? Can you explain that to us?

13 A. [12:49:02] Once we got to Opit, we shot the soldiers, we attacked the soldiers.

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [12:49:19] Unfortunately, Ms Hohler, this is not
17 going to function with the witness, so we would have to go to private session, I think.

18 MS HOHLER: [12:49:29] Thank you, your Honours.

19 (Private session at 12.49 p.m.)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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12 (Redacted)

13 (Open session at 12.54 p.m.)

14 THE COURT OFFICER: [12:54:50] We are back in open session, Mr President.

15 MS HOHLER: [12:54:59]

16 Q. Mr Witness, please tell us about the retreat from Opit.

17 A. [12:55:16] After Opit we went -- we abducted the younger able-bodied children
18 and we went back to the position, to the RV location. And we met up with the
19 convoy.

20 Q. [12:55:37] And again, who was the leader of the convoy?

21 A. [12:55:46] It was Odomi. Odomi and Okello stayed behind.

22 Q. [12:55:54] What happened with the items taken from Opit at the RV?

23 A. [12:56:05] The things were distributed. They were distributed to the
24 commanders, to each household.

25 Q. [12:56:18] What happened with the abducted boys?

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- 1 A. [12:56:26] The boys were also distributed to different positions.
- 2 Q. [12:56:36] How old was the youngest of the boys distributed to different
3 positions?
- 4 A. [12:56:49] The youngest was 15.
- 5 Q. [12:56:54] Who distributed them?
- 6 A. [12:57:05] It was Okello Kalalang.
- 7 Q. [12:57:13] What happened with the girls abducted in Opit, Mr Witness?
- 8 A. [12:57:21] The girls were also distributed to the various commanders'
9 households. Odomi's household also received some girls.
- 10 Q. [12:57:39] Besides Odomi's household did any other household receive girls
11 from Opit?
- 12 A. [12:57:53] Yes. But I think Buk and the other, the other places, but I do not
13 recall.
- 14 Q. [12:58:10] Who is Buk, Mr Witness?
- 15 A. [12:58:22] To Okello.
- 16 Q. [12:58:27] There appears to be some unclarity. My transcript, Mr Witness, says
17 "I think Buk and the other places that I do not recall." And then my question was
18 "Who is Buk, Mr Witness?" And the answer recorded is "To Okello." Does that
19 mean what you were trying to say is that they were distributed to Buk and Okello?
- 20 A. [12:59:05] Some were given to Bomek and some were given to Okello. Those
21 were the commanders present and they're the commanders who had women.
- 22 Q. [12:59:18] I just want to clarify, did you mention the name Buk, Mr Witness, or
23 not?
- 24 A. [12:59:26] It was, it was an interpreter error because the pronunciation came out
25 as Buk.

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- 1 MS HOHLER: [12:59:38] Thank you for that.
- 2 And that will conclude my questions for this session, your Honour.
- 3 PRESIDING JUDGE SCHMITT: [12:59:42] I have an additional question: Can you
- 4 tell us how old the girls were?
- 5 THE WITNESS: [12:59:56] (Interpretation) They were young, young girls, 15, 12, 13.
- 6 Because they do not abduct old girls.
- 7 PRESIDING JUDGE SCHMITT: [13:00:06] Lunch break until 2.30.
- 8 THE COURT USHER: [13:00:11] All rise.
- 9 (Recess taken at 1.00 p.m.)
- 10 (Upon resuming in open session at 2.32 p.m.)
- 11 THE COURT USHER: [14:32:29] All rise.
- 12 PRESIDING JUDGE SCHMITT: [14:32:38] I think we all recall the language issue,
- 13 so to speak, that Mr Ayena has addressed shortly before the break.
- 14 Can shortly, please, the interpretation booth tell us something about that,
- 15 or -- (Overlapping speakers)
- 16 THE INTERPRETER: [14:33:02] Yes, we can, your Honour.
- 17 Well, in Acholi you have -- when the witness is responding to an open-ended
- 18 question it's yes or no, but when the witness says "mm-hmm," that means yes, when
- 19 the witness goes "mm-hmm". The witness can also go "eh," which is also yes. But
- 20 when the witness goes "mm-hmm," then the witness is asking -- the witness is
- 21 thinking or asking "pardon" or "can you please repeat it" or "I didn't understand it."
- 22 Or if the witness goes "eh" it's the same thing. So maybe it would help if the witness
- 23 could be asked to say "yes" and "no".
- 24 PRESIDING JUDGE SCHMITT: [14:33:42] Yeah, that would of course be good, but
- 25 on the other hand we have now conducted the examination over quite a long time,

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1 and it has functioned with this witness. And I think there were not really problems
2 with the translation in the end, but I am happy that it was addressed because this
3 could apply to other witnesses too, so that we know once and forever what we have
4 to make out of it.

5 Thank you very much, both for Mr Ayena and the interpreters, so we have clarified
6 that. Mr Ayena will recall that we had already a short discussion on Acholi
7 language a couple of weeks ago in the first break, perhaps you recall that. But we
8 are constantly learning, as you see.

9 MR AYENA ODONGO: [14:34:28] Thank you very much, your Honours. Of
10 course the latter day people of, the Luo-speaking people are different from some of
11 us.

12 PRESIDING JUDGE SCHMITT: [14:34:40] Of course, they are. I think they are
13 both languages, I would assume, and it is perfectly clear that they follow different
14 rules and that pronunciation might be different and different to be interpreted. So
15 still -- yeah?

16 MR AYENA ODONGO: [14:34:57] My Lord, you see, when it is accompanied with
17 a certain amount of reluctance, that is the issue, you know.

18 PRESIDING JUDGE SCHMITT: [14:35:09] Yes.

19 MR AYENA ODONGO: [14:35:10] As if, you know, there is some hesitance. If it
20 was "mm-hmm, mm-hmm" it's different. But when it's as if it was an afterthought,
21 that's a different matter.

22 PRESIDING JUDGE SCHMITT: [14:35:21] That sounds, even for somebody who is
23 of course not capable, as I repeated, of Acholi or Luo, that sounds logical, frankly
24 speaking.

25 Okay. Thank you very much for that clarification from both the booth and the

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1 Defence counsel.

2 Ms Hohler, you have still the floor. Do you have an estimate how *long will the
3 examination will take?

4 MS HOHLER: [14:35:43] I was hoping, your Honours, that I would be able to
5 finish today, but I must admit that that is becoming increasingly unlikely. I will do
6 my best, but we might need another session tomorrow morning, but not more than
7 that.

8 PRESIDING JUDGE SCHMITT: [14:35:58] We are not in a hurry. And still the
9 estimate I think for the Prosecution, although I have no stopwatch, has not been
10 overstepped and I think will also not be overstepped if we continue into tomorrow.
11 And then I understand legal representatives have also questions? Do we have
12 already an idea how long yours will take?

13 MS MASSIDDA: [14:36:21] Yes, your Honour. It will depend of course on the
14 second and final part of the examination by the Prosecution, but our estimation it's
15 not more than 30 minutes.

16 PRESIDING JUDGE SCHMITT: [14:36:30] Okay. Thank you very much for the
17 moment.

18 And Mr Cox.

19 MR COX: [14:36:34] Your Honour, it will depend on obviously if Ms Massidda
20 does a lot of the questions we won't need, but we estimated amount, the same amount
21 of time, maybe a little less.

22 PRESIDING JUDGE SCHMITT: [14:36:46] So we have, at least for the moment, we
23 have something that we can plan with. We all know that this is something which is
24 fixed forever, of course, or until tomorrow even, not even until tomorrow fixed.

25 So Mrs Hohler, you still have the floor.

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1 MS HOHLER: [14:37:02] Thank you, your Honour.

2 Q. [14:37:04] Mr Witness, before we move on to other topics I have two last
3 follow-up questions about the attack on Opit that we were discussing before the break.
4 You told us who distributed the boys from Opit, now I'm wondering about the girls.
5 Who distributed the girls from Opit?

6 A. [14:37:42] The girls were distributed by Mr Opige, we call him Lapwony
7 Opige.

8 Q. [14:37:54] Did Opige have a particular role in the group?

9 A. [14:38:08] Opige was also a commander. He used to eat together with the
10 Odomis because the commanders would eat differently from the rest of the people.
11 They would be given food called mec (phon). And Opige had a wife who could also
12 take for him food to the mess.

13 Q. [14:38:36] At the time of the Opit attack, Mr Witness, what was your role in the
14 group? Were you already Odomi's escort or was this before you became an escort?

15 A. [14:38:56] Well, that I cannot recall.

16 Q. [14:39:02] Do you remember receiving any specific instructions for the Opit
17 attack from Odomi himself?

18 A. [14:39:25] Like I said, there was no one else who could issue orders other than
19 the commander, because he was the one who was well conversant with Gulu side.

20 MS HOHLER: [14:39:41] Where I'm getting with this, your Honours, is something
21 that is contained in the witness's statement. It is related to his role, which is the
22 question I asked earlier, and about this instruction, so I would apply if I can refresh
23 the witness's memory, but I will point you to --

24 PRESIDING JUDGE SCHMITT: [14:40:02] I would suggest that you try it firstly to
25 word it differently. I had the impression that the witness has not exactly answered

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1 what you have asked. So there might be a slight misunderstanding. Perhaps if you
2 word it differently and then we look further.

3 MS HOHLER: [14:40:18]

4 Q. [14:40:18] Mr Witness, you told us earlier that (Redacted) from Opit. Did
5 you, yourself, receive any particular instructions about this? And when I say
6 (Redacted) you said earlier " (Redacted) from Opit".

7 A. [14:40:43] (Redacted), we were -- I was actually sent by my superior. He
8 had instructed me that (Redacted)

9 Q. [14:40:55] And who was this superior that instructed you?

10 A. [14:41:06] That is my boss.

11 Q. [14:41:10] What's his name?

12 A. [14:41:19] Dominic Ongwen.

13 Q. [14:41:19] Thank you, Mr Witness.

14 Mr Witness, you told us now several times that young children were abducted in the
15 attacks on the camps. Why did the LRA abduct young children as opposed to older
16 people?

17 A. [14:41:57] They would abduct the young children because they would say the
18 children would not be able to escape because they will fail to trace their way back
19 home. Secondly, the young people could be able to carry out any kind of atrocity.

20 MR TAKU: [14:42:19] Your Honours, I have a difficulty understanding this
21 language "young children". Either they are children or young people. But young
22 children, I really don't understand what that means. Is that young people? Is that
23 children? I don't understand "young children."

24 PRESIDING JUDGE SCHMITT: [14:42:37] Strictly speaking it's correct what you*
25 say because it's an interpretation "young children" of what has been said. How

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1 could you word it, children or young people, I would say. It's -- it's correct. This is
2 sustained, yes.

3 MS HOHLER: [14:42:53] Thank you, your Honour.

4 PRESIDING JUDGE SCHMITT: [14:42:59] And that, Mrs Hohler, because if we
5 look back to what the witness has said, sometimes there was mentioned a certain age
6 that you would qualify as, yes, young or not and sometimes it was children,
7 sometimes it was young people. So this is the reason why I have sustained it.

8 MS HOHLER: [14:43:22] Perfectly understood, your Honour. Let me try
9 differently, maybe mentioning specific ages then.

10 PRESIDING JUDGE SCHMITT: [14:43:33] Or simply saying "young people".
11 "Young people" I think is something you could say.

12 MS HOHLER: [14:43:40] I will bear that in mind, your Honours.

13 Q. [14:43:43] Who made these rules about abducting children, Mr Witness?

14 A. [14:44:02] It was the leader himself. The children are not necessarily very
15 young people like infants, but these young people are actually people of between 13
16 to 18 years of age. Some could be 16, others are 17.

17 Q. [14:44:23] And when you say "the leader himself," who do you mean?

18 A. [14:44:35] That is Mr Dominic giving such orders. He would say we should
19 not abduct any elderly person because the elderly persons really know -- are really
20 mature and they know their way back home, they will be able to escape, but the
21 young people will not be able to escape and go back home.

22 Q. [14:44:57] Did you hear Dominic give such orders?

23 A. [14:45:07] I heard. He said they should not abduct elderly persons. There
24 was one day when we were in Gulu in a place called Position Ngwana (phon).

25 Q. [14:45:27] Have you heard of the term "kadogo" when you were in the LRA,

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1 Mr Witness?

2 A. [14:45:40] I heard about kadoge.

3 Q. [14:45:46] What does that term mean? Who was referred as kadoge?

4 A. [14:45:58] A kadogo, these are children between 13 and 15. These are
5 children with very unkempt hair because in the LRA all the soldiers should be
6 uniformed and they would have dreadlocks.

7 Q. [14:46:30] Were there kadoges in Odomi's group?

8 A. [14:46:43] Yes, they were there.

9 Q. [14:46:45] What did the kadoge do when the group went on attacks, for
10 example?

11 A. [14:46:59] The kadoge were also part of the very seasoned soldiers. They are
12 people who were abducted while still very young, but grew up in the bush and they
13 were very dangerous people, that is why they insisted they should abduct young
14 people.

15 Q. [14:47:22] And what would kadoge do during attacks?

16 A. [14:47:38] They are just meant to cause grievous harm to people and loot items
17 like goats, chickens and all that, they would also be engaged in the fighting.

18 Q. [14:47:50] And who gave them these tasks?

19 A. [14:48:05] The tasks depended on how the standby members were identified.
20 If you are identified as part of the standby, you will just know you are now a soldier,
21 whether you are young or old. So long as you have a gun you know you are already
22 a soldier. So that task of a soldier does not -- does not segregate whether you are
23 young or old, you are all soldiers.

24 Q. [14:48:36] How many kadoge were in Odomi's group if you're able to
25 estimate?

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1 A. [14:48:52] There were many young kadoge. I cannot figure out the number.

2 There were actually many short kadoge and these were young people who were
3 abducted.

4 Q. [14:49:09] Thank you, Mr Witness. We'll move to another topic now.

5 PRESIDING JUDGE SCHMITT: [14:49:15] May I ask something.

6 Mr Witness, you have said there were short kadoge. Can you explain what you
7 mean by that?

8 THE WITNESS: [14:49:31] (Interpretation) The short kadoge are the young
9 people who were abducted when they were still young; for instance, when you're
10 abducted at 12, because of the weight you've been carrying you will not grow tall, you
11 will just remain stunted. These are the ones who are called kadoge.

12 PRESIDING JUDGE SCHMITT: [14:49:53] Mrs Hohler.

13 MS HOHLER: [14:49:56] Thank you.

14 Q. [14:49:58] Mr Witness, you've already mentioned on Friday and earlier today
15 about girls in Odomi's household and with other leaders. What were the rules in
16 Sinia about women who were abducted?

17 A. [14:50:27] Women who were abducted they were saying if a woman has
18 not -- if a man has not been initiated, such a man is not supposed to have a woman
19 because you are still considered a soldier. But if you're initiated using the shea
20 butter and water and a woman is given to you, that is when you can now begin
21 having that woman as your wife.

22 Q. [14:51:02] Who in Sinia had wives, Mr Witness?

23 A. [14:51:14] The people who had women were Odomi, Okello also had a wife,
24 Odoki also had a wife and Okello Kalalang also had a wife, and other commanders
25 whose names I cannot recall also had wives.

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1 Q. [14:51:49] Did you have a wife, Mr Witness?

2 A. [14:51:57] No, I didn't have one.

3 Q. [14:52:03] Did every soldier have a wife?

4 A. [14:52:15] The soldiers who would be given wives depended on how long
5 somebody had stayed in the bush. This would be a trusted person because they say
6 this is somebody who can already be assigned or delegated to go and carry out a task,
7 for instance, to go and lay an ambush or go and carry out any other operation that the
8 other commanders assign, these are people who could be given wives, but it requires
9 that you should have stayed in the bush for a while and not any other -- not anyone
10 just get like that.

11 Q. [14:52:55] How many wives could a soldier have?

12 A. [14:53:07] There was no soldier other than Odomi who had wives. Most of
13 the soldiers would get one wife each.

14 Q. [14:53:23] Do I understand you correctly that it's only Odomi who had more
15 than one wife?

16 A. [14:53:32] Yes, it was Odomi who had wives. He had about four or five
17 wives in his household, other than the girls who were also within his households,
18 under his care.

19 Q. [14:53:51] We will come to talk about Odomi's household in a little while, but
20 at the moment I'm more interested in the wives with other commanders as well.
21 What were the tasks of these wives?

22 A. [14:54:14] The tasks of these wives included gathering grass to make beds,
23 cooking food, carrying the clothes of the soldiers.

24 Q. [14:54:35] Where would the wives sleep at night, Mr Witness?

25 A. [14:54:44] I have not understood that question.

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1 Q. [14:54:48] In the night, where would the wives be sleeping? Would they be
2 sleeping with their husbands or away from their husbands?

3 A. [14:55:07] Whenever you're given a woman as your wife, because if I say "a
4 woman" I mean a wife. A girl who is given to a man sleeps together with a man to
5 whom she has been given.

6 Q. [14:55:28] Who gave the soldiers the wives?

7 A. [14:55:39] Odomi himself was the one giving women and he was the one who
8 knew the seasoned soldiers.

9 Q. [14:55:50] Did you see Odomi give wives to seasoned soldiers?

10 A. [14:56:02] Yes, I did.

11 Q. [14:56:07] Do you remember any particular occasion?

12 A. [14:56:17] I saw when he was giving a wife to a soldier called Odoki. He was
13 initiated. They sprinkled water on him, holy water, they sprinkled the water using
14 leaves and then a woman would be given to you.

15 Q. [14:56:44] Do you remember the name of this woman given to Odoki?

16 A. [14:56:55] I do not recall.

17 Q. [14:57:03] Do you know how old she was? Or can you estimate how old she
18 was and why do you think she was that old, if you know?

19 A. [14:57:19] She was between, she was a girl of about 15 or 16 years of age.

20 Q. [14:57:29] Besides the wives, were there any other women in Sinia?

21 A. [14:57:46] Yeah, they were the wives of the leader.

22 Q. [14:57:54] Besides the wives, Mr Witness, were there any women who were
23 not assigned as wives?

24 A. [14:58:12] Yes, they were there.

25 Q. [14:58:16] Where did these women stay?

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1 A. [14:58:28] Some of them were at the dog adaki. They were already soldiers,
2 had guns and had uniforms. Others were girls who were still without anything,
3 they were in Odomi's household.

4 Q. [14:58:54] The ones in the dog adaki who had guns and uniforms, the girls,
5 how old were they?

6 A. [14:59:13] They were about 17 years.

7 Q. [14:59:23] We'll talk about Odomi's wives and girls in his household now,
8 Mr Witness.

9 Do you remember any of the names of Odomi's wives when you were there?

10 A. [14:59:46] I remember one I used to call Lapwony Min *Back because her child
11 was called Back.

12 Q. [15:00:04] Besides Min *Back, do you remember names of any other wives?

13 A. [15:00:16] There were other girls, one was called Adong, she also used to
14 reside at his household. There are others as well but I cannot recall all their names.

15 Q. [15:00:29] How old was Adong?

16 A. [15:00:42] Adong was approximately 16 or 17 years old.

17 Q. [15:00:45] Was she a wife or just a girl who stayed in Odomi's household?

18 A. [15:00:57] She was a girl -- she was one of the girls. She slept in a separate
19 tent. It was separate from the tent the commander slept in.

20 MS HOHLER: [15:01:16] Your Honours, the witness in his statement mentioned
21 one other name of a wife on which I would seek to refresh at this point.

22 PRESIDING JUDGE SCHMITT: [15:01:24] You can do that.

23 MS HOHLER: [15:01:25] It is at page 0256-0082, paragraph 62, the second sentence.

24 Q. [15:01:41] Mr Witness, I will again read to you a line from the statement you
25 gave to the ICC investigators. And it's about Odomi's wives and here is what it says:

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1 "I remember one was called Min Back and another was called Margaret but I do not
2 remember the names of the others."

3 Is this what you said, Mr Witness?

4 A. [15:02:11] Yes.

5 Q. [15:02:14] Would you say the same today?

6 A. [15:02:20] Precisely.

7 Q. [15:02:25] Did Odomi's wives have children, Mr Witness?

8 A. [15:02:36] Yes, his wives had children.

9 Q. [15:02:40] What were the tasks of Odomi's wives? What did you see Odomi's
10 wives do when you were there?

11 A. [15:02:55] They didn't have -- Odomi's wives did not have any specific duties.
12 They would just stay within the group. There were times, for example, when there's
13 a gunship or when there's -- when soldiers are pursuing us they would be removed
14 from the group, they would be taken to the bay.

15 Q. [15:03:28] What is the bay, Mr Witness?

16 A. [15:03:36] The bay is a place where they keep injured people and mothers with
17 newborn babies.

18 Q. [15:03:50] Besides the wives, Mr Witness, you mentioned there were a number
19 of girls in Odomi's household as well. How many such girls were there?

20 A. [15:04:12] There were approximately six or seven girls.

21 Q. [15:04:22] What did these girl do in Odomi's household, what were their tasks?

22 A. [15:04:39] If food was prepared they are the ones who used to serve the food
23 and take it to the mess to the leader.

24 Q. [15:04:51] Who gave tasks to these girls in Odomi's household?

25 A. [15:05:05] It's the senior -- the senior wife, or Min Back. When food was

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1 ready she would serve some food, pick up, select one of the girls and ask the girl to
2 serve the food. One of -- the girl selected would then bathe, make sure that she's
3 clean, and then take the food to the mess to the officers.

4 Q. [15:05:32] Besides serving food, did you see them do anything else?

5 A. [15:05:51] Other than serving food, if Dominic wants to rest he would tell them
6 that he has the holy spirit, the holy spirit with him. And if there is any girl that he
7 wants (Redacted)
8 (Redacted) and he would rest with that girl.

9 Q. [15:06:30] When you say "he would rest with this girl" what does that mean?
10 Can you explain to us?

11 A. [15:06:44] Well, that means that the girl would sleep with him, he would sleep
12 with the girl.

13 Q. [15:06:52] How often did Odomi ask you to fetch him a girl?

14 A. [15:07:15] Well, he would ask me to do that when, for example, he knows that
15 one of the -- one of his wives did not sleep with him. His bed was separate. He
16 would sleep separately from his wives. If he wants one of his other women, his
17 former women, then he would send me to get one of them. He would tell me "Go
18 and call such-and-such a person. Go and ask Min Back to come." And that's what
19 he would do.

20 Q. [15:07:52] Did any girl or wife refuse to go to Ongwen when you came to get
21 them?

22 A. [15:08:11] No, she won't refuse.

23 Q. [15:08:13] Why not? What would happen if they did?

24 A. [15:08:23] They won't refuse because that's the instructions from the
25 commander.

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1 Q. [15:08:36] Could Dominic choose any other woman except the ones in his
2 household? Could he call a girl that would be staying with one of the other
3 commanders?

4 A. [15:08:59] No, he wouldn't call them.

5 Q. [15:09:04] Was there a rule about this, Mr Witness?

6 A. [15:09:17] I did not understand your question.

7 Q. [15:09:20] Was there any rule in the group that Odomi was not allowed to call
8 women staying with other commanders?

9 A. [15:09:41] The rules did not -- the rules prohibited this. Because once
10 somebody has been given -- someone has been given a girl and the person is in the
11 custody or in the hands of that commander, no other commander can then go and
12 take that girl away from his -- his colleague.

13 Q. [15:10:22] Was Odomi ever wounded when you were with him?

14 A. [15:10:39] Yes, he was wounded, he was wounded, he was shot in the leg.

15 Q. [15:10:45] Where were you when Odomi was shot in the leg?

16 A. [15:10:59] I was with him. We were in the same group. I was his escort.

17 Q. [15:11:07] Were you close to him when he got shot?

18 A. [15:11:16] We were behind. Most of the people had ran ahead. The two of
19 us had been left behind.

20 Q. [15:11:30] When you say "the two of us" who do you mean?

21 A. [15:11:40] Myself and another soldier.

22 Q. [15:11:46] Are you able to describe to us how Odomi got shot, what happened
23 that he got shot?

24 A. [15:12:00] A mamba shot him. We were crossing the road and we entered
25 into an ambush.

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1 Q. [15:12:14] And what happened with him when he got shot? With Odomi,
2 when he got shot, what happened with him?

3 A. [15:12:29] He was shot, he was shot in the leg and he fell. Because they shot
4 his leg and his bones were fractured and he fell. We pulled him, and we pulled him
5 from the roadside and lay him somewhere because the soldiers were -- they were
6 firing. There were no soldiers, but it was an ambush. There was a mamba and
7 there was a buffalo. They fired at us and we ran, but we'd hidden him in the bush.
8 We ran, we got to a place, we started whistling to stop people.

9 Q. [15:13:13] Where did you run?

10 A. [15:13:21] We followed the rest of the group where the others had run. We
11 started whistling and people stopped. We told them that the commander has been
12 shot. They selected a standby to go and retrieve him.

13 Q. [15:13:44] And did the standby go and retrieve him?

14 A. [15:13:53] Yes, they did. They created a stretcher and put plastic wrapping
15 on it. And that's what they used to carry him.

16 Q. [15:14:06] Who selected the standby to retrieve Odomi?

17 A. [15:14:20] I do not recall his name.

18 Q. [15:14:22] Were you part of the standby that went to retrieve Odomi?

19 A. [15:14:30] Yes, I was.

20 Q. [15:14:34] Do you remember any other soldiers in the standby that went to
21 retrieve Odomi?

22 A. [15:14:47] No, I do not recall.

23 Q. [15:14:50] Can you describe to us how you retrieved him?

24 A. [15:15:03] We went, they selected people. Some people went and stopped at
25 the roadside, and while they were preparing the stretcher, we told them where we'd

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1 hidden the commander. We found that he was bleeding. He was placed on the
2 stretcher and carried. And we started walking.

3 Q. [15:15:36] Where did you walk with him?

4 A. [15:15:45] We walked towards where -- we walked to where everybody was
5 waiting. People were waiting for us. We met up with the convoy. They took us
6 to the bay.

7 Q. [15:16:09] And where did Ongwen stay? Where did Dominic Ongwen stay
8 while he was wounded?

9 A. [15:16:22] He was in the bay, he was in the Gilva bay. That's where we were
10 taken.

11 Q. [15:16:37] How long did Dominic Ongwen stay in the bay after this injury in
12 the leg?

13 A. [15:16:52] He stayed in the bay for approximately three months.

14 Q. [15:16:59] Where did you stay when Dominic Ongwen was in the bay?

15 A. [15:17:14] We stayed at the bay as well. Two of us were told to take care of
16 him as well as Min Back.

17 Q. [15:17:26] Do you remember any other people from your group that stayed
18 with Dominic in the bay besides those you've just mentioned?

19 A. [15:17:46] There was a soldier, he was a support soldier. He was in charge of
20 the PK, and two signallers.

21 Q. [15:18:02] Who was in charge of Odomi's group while he was wounded and in
22 the bay?

23 A. [15:18:17] There was Lapwony Okello and Kalalang.

24 Q. [15:18:29] You mentioned two signallers stayed with you at the bay. Do you
25 remember their names?

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1 A. [15:18:48] If I recall correctly, one was Odongo. I cannot remember the name
2 of the other one.

3 Q. [15:19:09] And what is the job of the signallers, Mr Witness?

4 A. [15:19:22] The signallers are responsible for taking care of a commander. If
5 we are -- if the group is moving or if we are being pursued by soldiers, they were to
6 carry the commander and run with him, because he was being carried on a stretcher.
7 So there was -- bay soldiers, people in the bay, were usually stationary. Sometimes
8 we would stay in one position for approximately one week, because we had to stay
9 quiet, we did not want the soldiers to know our whereabouts.

10 Q. [15:20:05] When you say you did not want the soldiers to know your
11 whereabouts, are you talking about the government soldiers?

12 A. [15:20:18] Yes, government soldiers.

13 Q. [15:20:23] After his leg had healed, after those three months in the bay, where
14 did Dominic Ongwen go?

15 A. [15:20:38] We went back to the rest of the -- we joined the rest of the group.

16 Q. [15:20:52] We move to another short topic, Mr Witness.

17 You told us about the signallers, and on Friday you told us, and I will cite the
18 transcript reference, it is transcript 51, realtime, page 88, lines 16 and 17. You said:
19 "Odomi was the one who would talk on the radio."

20 Who did Odomi talk to on the radio, Mr Witness?

21 A. [15:21:35] I cannot -- I do not know exactly who Odomi spoke to on the radio
22 because there were a number of commanders. On other occasions, he's speaking to
23 Kony, other times he's speaking to Otti Vincent and others times with Raska Lukwiya.
24 There were a number of commanders and there were so many different groups.

25 Q. [15:22:02] Did you hear him speak on the radio?

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1 A. [15:22:11] Well, there are times when I was the one who had to place the chair.

2 I would place the chair, the radio call would be set up and he would begin speaking.

3 Q. [15:22:27] How often would he speak on the radio?

4 A. [15:22:39] On a day, average, he would speak about five or six times. In the
5 evening by around four to five, he would be on the radio.

6 Q. [15:23:08] What language was he speaking when he was talking on the radio?

7 A. [15:23:24] He would speak the psychology. He would speak in jargon, jargon
8 that we, the junior soldiers, did not understand. He would speak in -- he would
9 speak in the way that they had been taught how to speak.

10 Q. [15:23:50] That's enough about the radio for now, Mr Witness.

11 What was the most important rule, Mr Witness, in Odomi's group? What was the
12 most important rule?

13 A. [15:24:13] The most important rule was not to have sexual intercourse with
14 women. And when you're drinking water, if you -- you're not supposed to drink
15 civilian water, you're not supposed to eat civilian food. If you've gone to loot, for
16 example, if you go to loot a centre, you should always have money on your person.
17 So even if you find -- you should not have money on your person, if you go and find
18 whatever amount of money, whether it's in the millions you should take that money
19 and give it to the commander.

20 Q. [15:25:05] Who taught you about the rules in Sinia?

21 A. [15:25:22] I was taught about the rules when I was newly abducted and that's
22 when I was informed. One of the rules, the first rule, was when I was beaten as
23 a -- my initiation into the army, I was beaten with a wire lock and that was one of the
24 first rules that I learnt. And that was Mujahideen who gave me that advice.

25 Q. [15:25:54] And what was this rule that you learned while you were beaten?

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1 A. [15:26:08] I was told -- first, I was smeared with shea butter. You smeared
2 shea butter on the dorsal side of your palms and on the palm side, you are smeared
3 with shea butter on your chest, on your feet and on your forehead, and then they start
4 reading the rules: One, if you go to a civilian home, don't eat civilian food; if you
5 find water, don't drink the water. You're usually given a small bottle with shea
6 butter in it and you're told that "if you get to a civilian home and you're extremely
7 thirsty, pour some of the water from the small bottle we've given you into the civilian
8 water before you drink it."

9 Q. [15:27:03] Was there any rule about escaping in Odomi's group?

10 A. [15:27:19] There were rules. You're told that if you escaped -- once you've
11 been smeared with shea butter, if you escape, once you get shea butter on your feet,
12 because there's some people who try to escape at night, if you escape at night you
13 walk in circles and come back to where the people are. As soon as you get caught,
14 you're killed.

15 Q. [15:27:54] What happened to people who broke the rules, Mr Witness? Not
16 just the escape rule, but any rule, what happened to them?

17 A. [15:28:14] As long as you break any of the rules, sometimes you're shot.
18 Other times if, for example, you drink civilian water without putting your own water,
19 you'd be shot by a bullet. If you sleep or have sexual intercourse with any -- with a
20 woman or any girl and do not disclose this, when you go to battle, you'll be shot,
21 you'll be shot in your penis.

22 Q. [15:28:58] You said, Mr Witness, "as you break any of the rules, sometimes
23 you're shot". For breaking what rules was the punishment being shot?

24 A. [15:29:24] If you have sexual intercourse with a girl and it becomes
25 knowledgeable, you're shot.

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1 Q. [15:29:36] Who are you shot by?

2 A. [15:29:48] Anyone. Any of the veteran officers can shoot you.

3 Q. [15:29:54] Veteran officers within the LRA?

4 A. [15:30:04] Yes.

5 Q. [15:30:09] Who ordered the punishments in Odomi's group?

6 A. [15:30:23] I did not understand the question properly.

7 Q. [15:30:29] When a soldier broke a rule in Odomi's group and he was supposed
8 to be punished, who ordered that he be punished?

9 A. [15:30:47] It depends on your position. If you're in -- whether you're in A coy
10 or B coy or in the operation room, then there's a commander in charge of all those
11 different positions.

12 Q. [15:31:13] Just to make sure I understand you correctly, Mr Witness, it would
13 be the commander who's in charge of that position that ordered the punishment?

14 A. [15:31:28] Yes, as -- as soon as you breach one of the rules; for example,
15 on -- on one occasion when we were shot by gunships, we were in a certain position.
16 I ran and I left the food that I was carrying. I was made to sleep hungry for one
17 week.

18 Q. [15:31:53] And who ordered that you were to sleep hungry for one week?

19 A. [15:32:05] That was one of the commanders called Okello. Because I was not
20 yet in Odomi's household, I was still at the dog adaki with Okello.

21 Q. [15:32:24] Did Okello and other commanders when they ordered punishment
22 within their positions, did they need authorisation from Odomi, or they could order
23 the punishment themselves?

24 A. [15:32:47] They would not get permission from Odomi, they would handle
25 that on their own.

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1 Q. [15:32:58] Were there any things that they could not handle on their own and
2 they would have to request permission from Odomi in terms of punishment?

3 A. [15:33:19] I have not understood that.

4 Q. [15:33:25] You told us the commanders when they punish someone they could
5 handle it on their own, they did not need permission from Odomi. What kind of
6 actions did they need permission from Odomi before they did them?

7 A. [15:33:57] Such issues were really minor and they could address that without
8 having to refer it to Odomi. For instance, if you tried to escape or you escape and
9 they are pursued and caught, they will now take you up to Odomi. But, if it's an
10 issue of having abandoned food items or any other item that could be handled at that
11 position, for instance, in the dog adaki.

12 Q. [15:34:46] So they did not need permission from Odomi. Did they report to
13 Odomi when they punished someone from within their position, these commanders?

14 A. [15:35:09] I said for the minor things that would be handled at the dog adaki
15 with the commander at that position, but if it's something that is major they
16 should -- it should be forwarded to Odomi.

17 Q. [15:35:34] Mr Witness, did you ever punish anyone in Sinia?

18 PRESIDING JUDGE SCHMITT: [15:35:45] Would we have to go to private session?

19 MS HOHLER: I apologise. Yes, private session.

20 PRESIDING JUDGE SCHMITT: [15:35:50] You don't have to apologise. Nothing
21 has happened.

22 We go to private session now.

23 (Private session at 3.35 p.m.)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [15:39:13] Mr Witness, when you were moving positions if a soldier who was
18 supposed to carry something left that behind, would that soldier be punished?

19 A. [15:39:35] I have not understood the question.

20 Q. [15:39:40] Say that a soldier is responsible for carrying a tent and as you are
21 moving positions the soldier forgets the tent behind, would that LRA soldier be
22 punished for forgetting the tent?

23 PRESIDING JUDGE SCHMITT: [15:40:15] We can answer this, I think, in open
24 session, I would say. Or not.

25 MS HOHLER: [15:40:22] The reason for this hypothetical, your Honours, is I'm

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1 trying to ask the question about a witness's particular involvement in an incident and

2 I'm hoping this would trigger.

3 PRESIDING JUDGE SCHMITT: [15:40:37] So you're preparing this.

4 MS HOHLER: Yes.

5 PRESIDING JUDGE SCHMITT: I understand.

6 MS HOHLER: [15:40:39] It will be my last attempt.

7 PRESIDING JUDGE SCHMITT: [15:40:40] So I think then we give it a try, yes.

8 MS HOHLER: [15:40:51]

9 Q. [15:40:52] Shall I repeat, Mr Witness?

10 A. [15:41:03] Yes, repeat.

11 Q. [15:41:06] If a soldier who is responsible for carrying a tent in the LRA, in your

12 group, forgets the tent behind, is that and that tent is lost, for example, is that

13 soldier punished for losing it?

14 A. [15:41:33] Yes, he would be punished.

15 Q. [15:41:38] Did you ever have to punish a soldier who left behind a tent?

16 A. [15:41:59] Well, that also happened on me one time.

17 Q. [15:42:05] Can you describe that time for us. What happened and what did

18 you do?

19 A. [15:42:23] I left behind a tent and then I was punished, I was beaten using wire

20 lock.

21 Q. [15:42:45] Who punished you?

22 A. [15:42:55] That was one of the soldiers, but I do not recall his name.

23 MS HOHLER: [15:43:01] Your Honours, I'm getting I'm trying to get at a

24 different incident with the witness. Perhaps I could try refreshing

25 PRESIDING JUDGE SCHMITT: [15:43:10] I understand what you mean. Is it

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1 about a certain expression that has been used that could perhaps trigger the memory?

2 No, well, you could, for example, ask the witness if he has ever heard the expression

3 "prepare the place" or not.

4 MS HOHLER: [15:43:34] I'm actually getting at a different incident, your Honour.

5 PRESIDING JUDGE SCHMITT: [15:43:38] Okay, so then I won't interfere anymore,

6 so you --

7 MS HOHLER: [15:43:42] I apologise. But I would apply if I could refresh the

8 witness's memory on this point. I have tried.

9 PRESIDING JUDGE SCHMITT: [15:43:50] Yes, you can do it.

10 MS HOHLER: [15:43:52] I am at a loss to ask differently, I'm afraid. The relevant

11 page is 0256-0080, it is paragraph 51.

12 Q. [15:44:18] Mr Witness, I will read you again a line from the statement you gave

13 to the investigators and I will see whether this reminds you of anything. This is

14 what it says:

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [15:46:52] Mr Witness, did you encounter any soldiers named Opiyo and
9 Openyo when you were in Sinia?

10 A. [15:47:17] I have not heard the names well.

11 Q. [15:47:20] The names are Opiyo, so that's the first name, and the second name
12 is Openyo?

13 A. [15:47:39] I know Opiyo. But Openyo is not called Openyo, but Openyo.

14 Q. [15:47:47] I apologise, Openyo. What happened to those two soldiers?

15 A. [15:48:06] Well, I don't recall what happened to them. I could have possibly
16 forgotten.

17 Q. [15:48:20] Do you know if they are dead or alive?

18 A. [15:48:35] Openyo is deceased. I was told when I was still in the bush I had
19 hashed and they told me the army duties has removed him.

20 Q. [15:48:58] Your Honours, I think we can go into the public session actually for
21 this part.

22 PRESIDING JUDGE SCHMITT: [15:49:02] Open session.

23 (Open session at 3.49 p.m.)

24 THE COURT OFFICER: [15:49:08] We are back in open session, Mr President.

25 MS HOHLER: [15:49:15]

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1 Q. [15:49:15] We're still with Openyo, talking about Openyo, Mr Witness. Did
2 he die in the bush? You say he's deceased, did he die in the bush or later on, as far as
3 you know?

4 A. [15:49:40] Could you please repeat that question?

5 Q. [15:49:45] Did Openyo die while he was in the bush?

6 A. [15:49:59] Yes, Openyo died while he was still in the bush.

7 Q. [15:50:07] And what about Opiyo?

8 A. [15:50:20] I have forgotten about Opiyo's death because that happened some
9 time back when I was still very young.

10 MS HOHLER: [15:50:32] I'm sorry, your Honours, I will apply to refresh the
11 witness's memory with just one sentence, and hopefully that would trigger the
12 witness's memory --

13 PRESIDING JUDGE SCHMITT: [15:50:42] Yes.

14 MS HOHLER: [15:50:43] -- about what happened to these two people.

15 PRESIDING JUDGE SCHMITT: [15:50:45] Which passage?

16 MS HOHLER: [15:50:46] It is paragraph 46, the page ERN is 0256-0078. So it's
17 paragraph 45 and 46 together, your Honours. And I will read first, and hopefully
18 that will trigger the witness's memory, a sentence from the middle of 45.

19 Q. [15:51:46] Mr Witness, I will again read a line to you from the statement you
20 gave to the ICC investigators. This is what it says:

21 "There was a man called Openyo, he used to talk with another man called Opiyo, it
22 was said that they had a plan to escape."

23 Is this what you said, Mr Witness?

24 A. [15:52:20] Yes.

25 Q. [15:52:22] Would you say the same today?

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- 1 A. [15:52:31] Precisely.
- 2 Q. [15:52:33] Does this help to refresh your memory what happened with Opiyo
3 and Openyo?
- 4 A. [15:52:54] These people were killed.
- 5 Q. [15:52:58] Why were they killed?
- 6 A. [15:53:10] Because they had a plan to escape.
- 7 Q. [15:53:17] Who gave the order to kill them?
- 8 A. [15:53:29] If I can remember, that was Lapwony Odoki who order for their
9 killing.
- 10 Q. [15:53:37] And how were they killed?
- 11 A. [15:53:49] They were tied, their hands were tied on their back and they were
12 beaten on the back of their heads with clubs.
- 13 Q. [15:53:59] Who beat them?
- 14 A. [15:54:13] I don't remember the names of the persons who beat them.
- 15 Q. [15:54:18] Did you see them killed yourself, Mr Witness? Did you, yourself,
16 see them killed?
- 17 A. [15:54:30] Yes, they were tied, their hands were tied on their back, both of
18 them, and they hit them on the back of their heads.
- 19 Q. [15:54:44] After ordering this and Opiyo and Openyo being killed, did Odoki
20 give a report about them to Odomi?
- 21 A. [15:55:04] Odoki does not give his report to Odomi, he gives his report to his
22 superior because he was in charge of dog adaki, so he would only give his report to
23 Okello because the in charge of dog adaki and the one in charge of a position are
24 different persons. Okello was in charge of the position and Odoki was in charge of
25 dog adaki.

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1 Q. [15:55:35] Did Odoki give a report to Okello about killing Opiyo and Openyo?

2 A. [15:55:48] Yes, he went and reported that, he went and reported to commander
3 Okello, he gave the report.

4 Q. [15:55:58] Did you hear this with your own ears?

5 A. [15:56:04] Yes.

6 Q. [15:56:09] And one final question for today, I think, Mr Witness: We go back
7 to Dominic Ongwen when he was in the sickbay, did he have a radio when in the
8 sickbay?

9 A. [15:56:37] He didn't have a radio. The radio had remained with the convoy
10 because the radio was very important and it couldn't be kept at the bay with the
11 injured people. The bay was a place where they were hiding people, so the radio
12 was kept with the people who were at their positions, these were the people who
13 were on the convoy.

14 Q. [15:57:11] Did you see anyone visit Dominic Ongwen at the bay with a radio?

15 A. [15:57:23] No, there wasn't.

16 Q. [15:57:28] Thank you, Mr Witness. That will conclude my questions for
17 today.

18 MS HOHLER: [15:57:33] Your Honours, we will need one session, but not more
19 tomorrow.

20 PRESIDING JUDGE SCHMITT: [15:57:39] Okay, that's fine with us.

21 And this concludes the hearing for today, of course, and we interrupt until
22 tomorrow 9.30.

23 THE COURT USHER: [15:57:50] All rise.

24 (The hearing ends in open session at 3.57 p.m.)

25 RECLASSIFICATION REPORT

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