

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Friday, 16 June 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:30] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:30:55] Good morning everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:31:01] Good morning, Mr President, your Honours.
16 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen,
17 case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:31:14] Thank you. I ask for the appearances of
20 the parties.
21 MR ZENELI: [9:31:19] Good morning, your Honours. Beti Hohler, Ben Gumpert,
22 Colin Black, Pubudu Sachithanandan, Ramu Bittaye, Yeasin Khan,
23 Paul Benjamin Bradfield, and myself, Shkelzen Zeneli.
24 PRESIDING JUDGE SCHMITT: [9:31:34] Thank you. And for the Legal
25 Representatives.

1 MR COX: [9:31:37] Good morning, your Honour. Mr James Mawira and

2 Francisco Cox.

3 PRESIDING JUDGE SCHMITT: [9:31:43] Mrs Massidda.

4 MS MASSIDDA: [9:31:45] Good morning, Mr President, your Honours.

5 Orchlon Narantsetseg and Paolina Massidda.

6 PRESIDING JUDGE SCHMITT: [09:31:48] And for the Defence, Mr Obhof is back.

7 MR OBHOF: [9:31:54] Good morning, your Honour. It is nice to be back into

8 a place with colder weather. Today we have counsel Krispus Ayena Odongo;

9 assistant counsel, Ms Abigail Bridgman; associate counsel, Chief Achaleke Taku;

10 Dominic Ongwen, our client; and myself, Thomas Obhof.

11 PRESIDING JUDGE SCHMITT: [9:32:12] Thank you very much.

12 The Prosecution is now calling P-252 as the next witness. Before commencing,

13 the Chamber notes briefly that the VWU does not recommend any protective

14 measures beyond those granted in decision 612. As counsel have already been

15 informed, and noting paragraphs 48 to 55 of this already-named decision, the VWU

16 has also determined that certain special measures are necessary to assist the witness

17 in his testimony.

18 We will now begin with P-252's testimony, and first of all I would like to address

19 directly. Mr Witness, good morning.

20 MR GUMPERT: [9:32:54] Your Honour, it may just be us, but there is no transcript

21 at the moment. I don't know how important it is that this is recorded on the

22 transcript.

23 PRESIDING JUDGE SCHMITT: [9:33:04] I think it would of course be advisable to

24 have it on the transcript. I don't know what technical reason there is for.

25 And do we have any time prospect how long this will take?

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1 (Microphone not activated) ... no French, could you help me.

2 I see only here Mr Colin Block. Block it is, I can't help it. So there is some
3 disturbance here. I am informed the French is up to date, and since we are bilingual.
4 No, no, it's okay, but is the English also -- I have to admit that mine ends with Ramu.
5 So my colleague has an advantage because his is complete.

6 (Pause in proceedings)

7 MR OBHOF: [9:35:29] Just to let everybody know, I closed it out and re-opened it
8 and the English started working again.

9 PRESIDING JUDGE SCHMITT: [9:35:37] But the Bench has at least one Judge who is
10 fully on top of the situation.

11 (Pause in proceedings)

12 PRESIDING JUDGE SCHMITT: So everything seems in place now. Mr Witness, as
13 you can see in this courtroom there is a lot of technology and things can happen that
14 not everything works always 100 percent. I would like to welcome you again in the
15 courtroom on behalf of the Chamber and good morning, Mr Witness.

16 WITNESS: UGA-OTP-P-0252

17 (The witness speaks Acholi)

18 THE WITNESS: [9:36:33] (Interpretation) Good morning, your Honour.

19 PRESIDING JUDGE SCHMITT: [9:36:35] Mr Witness, I will now read the oath to tell
20 the truth to you that every witness who testifies before this Court must agree to. So
21 please listen what I say and then I ask you if you agree.

22 I solemnly declare that I will speak the truth, the whole truth and nothing but the
23 truth. Do you understand what I have read to you?

24 THE WITNESS: [9:37:04] (Interpretation) Yes, I have understood.

25 PRESIDING JUDGE SCHMITT: [9:37:07] Do you agree?

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1 THE WITNESS: [9:37:08] (Interpretation) Yes, I agree to that.

2 PRESIDING JUDGE SCHMITT: [9:37:24] Good. We will continue then. The
3 transcript still doesn't work obviously. So there is a problem.

4 MR GUMPERT: [9:37:49] Logging out and logging in seems to fix it, but then it goes
5 wrong again within half a minute or so.

6 PRESIDING JUDGE SCHMITT: [9:37:51] Then I would simply suggest that we take
7 a short break and try to fix it for the whole day so that we really can continue without
8 further interruption. Again to all the parties, participants and especially to
9 Mr Witness we apologise for this disruption, but this has to be fixed before we
10 continue. I would say we stay here in the room, don't leave it and the Bench stays in
11 the deliberation room and when it has been fixed we will be informed and then we
12 can continue.

13 THE COURT USHER: [9:38:24] All rise.

14 (Recess taken at 9.38 a.m.)

15 (Upon resuming in open session at 9.52 a.m.)

16 THE COURT USHER: [9:52:10] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [9:52:35] So I have "All rise" here and "Please be
19 seated". So this is promising, so to speak.

20 Mr Witness, again sorry for the interruption. I will now explain to you protective
21 measures that have been put in place for you.

22 First of all, face distortion. That means that no one outside the courtroom can see
23 your face during the testimony on the screen. You will also use a pseudonym, and
24 this is the reason why I do not refer to you with your name but as "Mr Witness".

25 This is to make sure that the public does not know your name, and when you answer

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1 questions that will not give away who you are, we do that in what we call open
2 session. Open session means that the public can hear what is being said in the
3 courtroom. On the other hand, when you are asked to describe anything that relates
4 specifically to you, especially when you are asked questions and the answers might
5 reveal your identity, then we do this in private session. Private session means that
6 there is no broadcast and no one outside the courtroom can hear you.

7 Before we start, I have a couple of practical matters also to tell you. Everything we
8 say here in the courtroom is written down and interpreted. You have already got
9 a glimpse of what this means. We have to follow what you say, and because of that,
10 we have this transcript and we have the translation by the interpreters in the booth.
11 And it is therefore important that we all understand what is being said, and because
12 of that I would ask you to speak clearly and at a slow pace.

13 And if you have any questions yourself, please raise your hand so we know that you
14 wish to say something.

15 That was a lot of information, but I would like to ask you if you have understood all
16 that, Mr Witness.

17 THE WITNESS: [9:54:48] (Interpretation) Yes, I have understood.

18 PRESIDING JUDGE SCHMITT: [9:54:51] Thank you very much. We will then start
19 your testimony. The Prosecution has the floor.

20 QUESTIONED BY MR ZENELI:

21 Q. [9:55:14] Good morning, Mr Witness.

22 A. [9:55:18] Good morning.

23 Q. [9:55:19] We have met before. My name is Shkelzen Zeneli and I will be asking
24 you questions on behalf of the Prosecution. We will start shortly in private session
25 so that we get the information that the judge was talking about and the public cannot

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1 hear.

2 Your Honour, with your permission, please.

3 PRESIDING JUDGE SCHMITT: [9:55:46] Of course, we go to private session.

4 (Private session at 9.55 a.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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1 (Open session at 10.01 a.m.)

2 THE COURT OFFICER: [10:01:07] We are back in open session, Mr President.

3 MR ZENELI: [10:01:15]

4 Q. [10:01:15] Mr Witness, where are you from?

5 A. [10:01:22] I'm from Odek.

6 Q. [10:01:24] How long have you lived in Odek for?

7 A. [10:01:32] I was, I was born in Odek.

8 Q. [10:01:46] How long was your family living in Odek?

9 A. [10:02:00] My family lived in Odek for a long time. I cannot guess how long
10 they have been living there, but they have lived there for a long time.

11 Q. [10:02:15] Can you describe where in Odek you lived?

12 A. [10:02:25] Yes, I can. I was born in Odek, a place known as (Redacted), and that's
13 where I was born.

14 Q. [10:02:44] And is this where you live now?

15 A. [10:02:50] Yes, it is.

16 Q. [10:02:53] Have you heard of Odek IDP camp?

17 A. [10:03:04] I lived in Odek camp as well during the insecurity. When people left
18 their homes and people moved to the camps, I also lived in Odek camp.

19 Q. [10:03:15] When did people move to Odek camp?

20 A. [10:03:23] People moved to Odek camp, if I can recall, perhaps 2000 or 2001.
21 That's when people starting moving to the camps.

22 Q. [10:03:36] And when you say "people", do you also mean your family and
23 yourself?

24 A. [10:03:45] Yes, inclusive.

25 Q. [10:03:48] And why, why did you move to the camp?

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1 A. [10:03:57] We went to the camp because of insecurity at the time.

2 Q. [10:04:06] What was this insecurity at the time?

3 A. [10:04:13] It was rebel activity in the region.

4 Q. [10:04:18] How did this rebel activity in the region make people feel?

5 A. [10:04:31] The insecurity -- could you please repeat your question.

6 Q. [10:04:38] You were talking about the activity of the rebels. How did this
7 activity made you and the other people that moved to the camp, how did that make
8 them feel?

9 A. [10:05:03] The rebel activities made life difficult for people, people lost a lot of
10 things as well. It interrupted a lot of children's education and people lost a lot of
11 relatives as well.

12 Q. [10:05:27] When you say rebels activity, do you know another name for the
13 rebels? Who were these rebels?

14 A. [10:05:41] The rebels were known as the LRA.

15 Q. [10:05:42] And what does LRA stand for?

16 A. [10:05:54] It's difficult for me to explain what LRA stands for, but I heard them
17 being referred to as the LRA.

18 Q. [10:06:02] Who were the commanders of the LRA, do you know any of the
19 commanders?

20 A. [10:06:13] Yes, I do.

21 Q. [10:06:14] Can you tell us?

22 A. [10:06:16] In the bush, it was known -- he was known as Odomi. We used to
23 refer to him as Odomi.

24 Q. [10:06:25] Mr Witness, did you go to school?

25 A. [10:06:30] When I was younger I did go to school. I was abducted when I was

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1 still young.

2 Q. [10:06:45] Who abducted you?

3 A. [10:06:53] It was the LRA rebels. It was Dominic Ongwen's soldier.

4 Q. [10:07:00] And when did they abduct you?

5 A. [10:07:06] They abducted me in 2004.

6 Q. [10:07:11] What happened in 2004 when they abducted you?

7 A. [10:07:23] When they abducted me in 2004 I -- I came back home from school.

8 At approximately 5 p.m. I left school, I came to the camp where we were residing, I

9 took off my uniform, my shirt, I had my shorts on. My brothers were mending the

10 roof of the house, I am not going to mention their names, but they were mending the

11 roofs of the house. I came and started helping them throwing up the grass to thatch

12 the roof. When I started helping them, we heard gunshots from the perimeters of

13 the camp, we heard one gunshot. At the time that we heard the gunshot, when

14 they -- when we heard the gunshot, my brothers, one of them jumped down, one of

15 them was still up -- the owner of the house was up trying to survey and determine

16 where the gunshot came from, because he was still up on the roof. I told him "You

17 need to jump down." Then there was more gunfire.

18 Q. [10:08:58] Where was the gunfire coming from? Do you know the direction.

19 A. [10:09:08] The -- yes, I do, I know where it started from.

20 Q. [10:09:14] Can you tell us?

21 A. [10:09:20] The gunshots started from Lakim direction.

22 Q. [10:09:36] Who was shooting? Do you know who was shooting?

23 A. [10:09:41] The -- when we initially heard the gunshots I did not know who was

24 firing the gunshots, but when the attack start, when the fighting started then I knew

25 that it was the LRA because they abducted me and I stayed with them. I

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1 subsequently learnt that they are the ones who were firing the gunshots.

2 Q. [10:10:08] After you heard the gunshots and you spoke to your brothers, what
3 did you do next? Where did you go next?

4 A. [10:10:24] When I heard the gunshots, when the gunshots were increasing,
5 before the fighting came to the camp, we were being taught how to take care of
6 ourselves. The soldiers were teaching us, the soldiers would call us together and
7 they would instruct us and tell us if rebels come, this is how you are supposed to act.
8 So when we heard the gunfire, we opened the door, we went into the house, when we
9 went into the house I wasn't with the exact people that we were working with
10 thatching the roof of the house, there were other -- my fellow friends, students who
11 came and entered into the house with me. The three of us were in the house when
12 the gunshots were taking place.

13 Q. [10:11:25] So after you went into the house with the other two ones, students
14 from your school, then what happened, can you tell us?

15 A. [10:11:38] The -- we entered into the house, there was the three of us in that
16 house. When we entered into the house at 5, coming to 6 p.m., there was intense
17 fighting in the camp and that was the time that the Lakwena had chased the army out
18 of the barracks. There is a lady that I know, she was walking within the camp,
19 shouting, telling her husband to come out of the house because the Lakwenas have
20 chased the soldiers out of the camp. We, the three of us heard that. There was one
21 of us -- one of the -- one of my friends who was older than, than the two of us, told us
22 "There is nothing for us to do in here, let's get out." He stood up, opened the door
23 and started running and we also chased after him.

24 Q. [10:12:44] So you started running. Did anyone chase after you?

25 A. [10:13:01] Are you asking soldiers? Who are you referring to, anyone who

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1 chased after us?

2 Q. [10:13:09] After you left the house and started running, was anyone chasing
3 after you?

4 A. [10:13:19] When we came out of the house, children were running in the camp
5 haphazardly. Lakwena soldiers were already filled in the camp.

6 Q. [10:13:36] Okay, so just focus on the moment where you left the house running,
7 what happened next? What -- can you tell us what -- or if anyone was chasing you
8 at that moment? You said that you were chasing the other boys when you left the
9 house, but was anyone chasing you when you left the house running?

10 A. [10:14:08] When we came out of the house we started running, the three of us
11 were still running together. We -- at some point we separated. The older friend
12 went in another direction, the younger one also went in another direction and I kept
13 on running in through the centre of the camp heading to the direction of the centre.
14 One LRA soldier had seen me. When he saw me he stopped me, he told me to stop.
15 But luckily there were many houses in the camp and I believe that also helped me.
16 When the soldier told me to stop, I kept on running. I was holding a carpet in my
17 hand. We had just been given that carpet. He was shooting after me, but I was
18 running between the houses, so the bullets did not catch me. When he kept -- when
19 he saw that I wasn't stopping, he made a decision to kill me. I was running. He
20 kept on shooting after me, but the houses were helping me because I kept on dodging
21 the bullets between the houses. When I got next to the road he shot his -- he fired his
22 gun, the gun hit a house, some of the dirt from the house flew into my eyes and then I
23 fell down. When I fell down, then he came and he tied me with a rope.

24 Q. [10:15:42] Mr Witness, who was he, who was this person?

25 A. [10:15:58] It was a LRA soldier known as Onen Kamdulu. I knew the name

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1 Onen Kamdulu when we were in the bush. In the bush he was known as

2 Onen Kamdulu.

3 Q. [10:16:16] And do you know how old Onen was at that time?

4 A. [10:16:27] Onen Kamdulu, to my estimation, was 21 -- was between 20 or

5 21 years old.

6 Q. [10:16:45] So after he shot at you and then tied you with a rope, what did he do
7 next?

8 A. [10:16:56] After he had shot his gun and I had fell down, I started listening to
9 what he was telling me, obeying his instructions. I followed him. I started
10 following him. He would -- anybody he would abduct, he would tie the person with
11 a rope and tie them on to me.

12 Q. [10:17:25] What instructions was he giving you at the time that he tied you?

13 A. [10:17:37] He was telling us that if we try to flee, he was going to shoot us at that
14 instant. And to, to demonstrate that, every time he opened a house, he would open
15 a house and shoot at people, shoot people in the house, just to demonstrate that if we
16 try to flee, he was going to shoot us. So he was shooting people to demonstrate that.
17 So I was young and I decided that I was not going to run. I was going to listen to
18 whatever he said and follow his instructions.

19 Q. [10:18:18] Where was he shooting people in these houses? Where were these
20 houses located?

21 A. [10:18:30] The houses, the houses that he was shooting -- the houses where he
22 shot people, if, if I determine from the place where I was abducted is on one side of
23 the camp, so it's on the other side of the road, and that's where he was shooting
24 people.

25 Q. [10:18:56] And who was living there?

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1 A. [10:19:03] The house belonged to a lady. I do not know the lady's name. But
2 I cannot mention the lady's name, but she is somebody that I know personally. She
3 is the mother of the LC2, and if I see her, then I do recall how they opened the house,
4 how they opened the door and shot her.

5 Q. [10:19:42] Okay, let's try and take this step by step. I want you to focus on the
6 movements that you and Onen Kamdulu did through the camp before we start
7 talking of specific things that you saw.

8 My question is again, and I'm apologising if I -- if it sounds as if I am repeating myself:
9 In this part of the camp that you were with Onen Kamdulu, in these houses there,
10 who lived there? Not anyone in particular, but what kind of people lived there?

11 A. [10:20:36] The houses at the time, when -- I want to tell you the truth, but I do
12 not know or I did not know everybody that lived in the camp. I stayed with them in
13 the camp. I know that this person or this lady lives in this particular area or that
14 person lives in that area, but I do not know their names.

15 Q. [10:21:04] Were they civilians or soldiers or ...?

16 A. [10:21:15] They were all civilians.

17 Q. [10:21:18] Let's talk about what you saw as you were moving with
18 Onen Kamdulu. What was the first thing that you noticed when he was taking you
19 through these houses?

20 A. [10:21:45] The first thing that I noticed were people who had been shot, people
21 who were bleeding. That was the first thing I saw when he was walking with me
22 through the camp. When he opened the door, as he had earlier on been -- said that
23 we were joking, he opened the door and he shot somebody who was in the house.
24 We continued walking with him. One of my friends with whom I used to go to
25 school was also killed. I saw him, I saw his, his corpse. It was lying in front of his

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1 house. He was bleeding, but I do not know where he was shot. But I knew that
2 that was my friend and I knew that he had been shot.
3 Onen continued dragging me and we kept on walking. Some -- we would come
4 across things that had been thrown out of the house. We would find people who
5 were injured. There was blood. Sometimes we would come across blood, but then
6 I would not see anybody in that place. He kept on walking with me. We got to the
7 area near the market. When we got to that place, we walked round the market.
8 When we walked round the market with Onen Kamdulu and the other people, the
9 other abductees, we found somebody whom I also know. He had been shot; the
10 person had been shot in their house. The person was shot in the stomach and all the
11 intestines had come out. The person had -- was humped over a grinding stone and
12 was bleeding. They continued dragging me, walking with me.
13 We got to a place and he wanted to take medication from a house, but it was difficult.
14 It was difficult. But we went to a grocery store and he took out some soda, some
15 biscuits and some edibles, but they were not able to get into the hospital or clinic and
16 we kept on walking. Onen kept on walking with me and we backtracked in the
17 direction from which we had come. I met somebody, I saw somebody. The person
18 was near a, a borassus palm tree, and that was close to the person's house as well.
19 The person had fallen down and we kept on walking.
20 I found that the person had fallen. I saw the person, but the person was bleeding. I
21 do not know the exact location of the injury on his body.

22 Q. [10:25:09] Mr Witness, I thank you for being careful about the information that
23 you think might identify you. The ones that I'm going to ask for names now won't
24 pose a danger to you, so you can give me the name for these few instances that I will
25 ask you about. But if you feel more comfortable to do so in private session, then say

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1 so and the judge will grant us that permission.

2 PRESIDING JUDGE SCHMITT: [10:25:38] I think, I think what you said, Mr Zeneli,
3 is correct. I assume that I know what you want to elicit now and I think we can do
4 this in open session.

5 MR ZENELI: [10:25:52] Yes.

6 Q. [10:25:53] You spoke of the body of someone that you knew, the first one. Can
7 you tell us the name of that person?

8 A. [10:26:11] The, the person that I first saw, I know the child's name. I do not -- I
9 have forgotten the name, but I know the child's name. The lady is the LC's mother.
10 The child or her son is known as Okot LC2. I first saw the lady when she was shot in
11 the house.

12 Q. [10:26:43] How old was she?

13 A. [10:26:51] I guess that 40 or -- no, 50 and above.

14 Q. [10:26:57] How far were you from the place where she was shot? Can you
15 estimate it for us?

16 A. [10:27:19] The lady was shot in her house. The -- when I saw her, when I saw
17 her, her corpse, the distance wasn't very far. But the distance from her house to our
18 house was a little bit far. But when I saw her, I was closer to her. I was a bit close.

19 Q. [10:27:46] Can you tell us the name of the child, the first body that you saw?

20 A. [10:28:06] The child was known as Okot.

21 Q. [10:28:14] Does the name -- your Honour, may I ask for the permission to refresh
22 the witness's memory or simply put the name, if there is no objection?

23 PRESIDING JUDGE SCHMITT: [10:28:25] If you -- for example, if it's only about
24 such a really -- a small -- a short information, you can simply try, if this rings a bell
25 and that.

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1 MR ZENELI: [10:28:35] Absolutely.

2 Q. [10:28:36] Does the name Atikcon mean anything to you? Does it ring a bell?

3 A. [10:28:50] Yes, it does.

4 Q. [10:28:51] And who was he?

5 A. [10:28:56] Atikcon is my friend, the friend that went to school with me, and he's
6 the one that I saw lying close to his house. The one who was bleeding is -- his name
7 is Atikcon.

8 Q. [10:29:35] What was the name of the other person whose body you saw further
9 down when moving with Kamdulu? Do you remember the name, after you saw the
10 mother of Okot body?

11 A. [10:29:56] The name of the second person that I saw was Okoya.

12 Q. [10:30:03] And who was Okoya?

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [10:30:27] How old was he?

17 A. [10:30:34] Okoya was approximately 25, approximately 22 to 30.

18 Q. [10:30:52] When you saw Okoya's body, did Kamdulu say anything to you at
19 that very moment?

20 A. [10:31:05] What he told me was if I tried to flee or escape, whatever I have seen
21 on the, on the person who was lying down would be done to me.

22 Q. [10:31:24] What about the people, the other people that he tied? Without
23 giving me their names now, can you tell me who they were? Their sexes, their ages,
24 how many? So let's start with who they were first.

25 A. [10:31:52] The people that Kamdulu tied together with me, (Redacted)

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1 (Redacted)

2 She was injured and had a bullet wound on the back, and it had penetrated through
3 the chest and she was bleeding. We were tied together with her. And then there
4 are other children who had been abducted. I cannot recall their names. They were
5 also there. Those are the two elderly people whose names I could remember.

6 Q. [10:32:45] And who abducted them?

7 A. [10:32:51] It was Onen Kamdulu.

8 Q. [10:32:53] And can you tell us what he did to get the children? How did he
9 abduct the children?

10 A. [10:33:12] When he was abducting the children, the children were fleeing from
11 the gunfire and running for safety. Others were taken from their houses; they were
12 called from their houses and tied. And others were warned, were told to stop while
13 running. There is always a rope -- there was always a rope in his hand. And
14 children would stop and the children would come to him and he would tie them.

15 Q. [10:33:46] And how old were these children?

16 A. [10:33:56] The children ranged from the ages of 11 downwards.

17 Q. [10:34:02] Do you remember how many of them?

18 A. [10:34:10] The children who were tied together with me were about six or seven.

19 Q. [10:34:17] Do you know any of their names?

20 A. [10:34:22] One person was called Ocaka. He, he is dead. He is dead, he is
21 long dead.

22 Q. [10:34:33] And how old was Ocaka?

23 A. [10:34:39] Ocaka was about nine or eight.

24 Q. [10:34:45] So when, when Kamdulu tied them, where did he take them next to?

25 Where did he go with them?

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1 A. [10:34:59] When Onen Kamdulu tied us, he started dragging us and moving
2 with us to the direction where they came from and we started heading back to the
3 bush.

4 Q. [10:35:15] Before you reached the bush, did you go in any other areas of the
5 camp?

6 A. [10:35:27] When we -- he had tied us already. We did not go anywhere else
7 because the other part of the camp was burning. It was part of the barracks which
8 was burning, and then it was also raining, so we fled towards the road.

9 Q. [10:35:49] So you mentioned the grocery store earlier. Can you tell us what
10 happened there exactly, when you got to the grocery store? Tell us first, where is it
11 located in the camp?

12 A. [10:36:02] The grocery store is by the roadside. The grocery stores were few in
13 Odek. And the shop that was looted most was from my uncle. He, he lives in
14 Odek there.

15 Q. [10:36:25] How was the shop looted?

16 A. [10:36:32] It was broken into.

17 Q. [10:36:35] Who broke into the shop?

18 A. [10:36:42] It was the LRA soldiers who joined us later. They had like a bayonet
19 which they would push on the hinge and then they would force the door open.

20 Q. [10:37:02] And what did they loot from the shop?

21 A. [10:37:08] They looted biscuits, sodas and other beverages. They looted a few
22 sodas because it is not easy to hold bottles. They mainly looted biscuits and also
23 soap. They took some soap with them. They also took some cooking oil.

24 Q. [10:37:35] Did the camp have a health centre at the time of the attack?

25 A. [10:37:41] Yes, there was a health centre in Odek.

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- 1 Q. [10:37:47] Did you walk by the health centre with Kamdulu?
- 2 A. [10:37:52] I do not recall. But we might have moved because it was already
- 3 dark and it was raining in the camp at that time.
- 4 Q. [10:38:03] Do you remember seeing anyone's body near that area?
- 5 A. [10:38:16] I do not recall. I, I could have forgotten.
- 6 Q. [10:38:19] Does the name Opio ring a bell?
- 7 A. [10:38:29] That is when we were close to the road, that is when I saw Opio. But
- 8 their home is close to the health centre. We saw Opio from a distance.
- 9 Q. [10:38:39] And what do you remember seeing from Opio?
- 10 A. [10:38:48] Opio was lying sideways and blood was flowing from underneath.
- 11 Q. [10:38:58] And who was Opio? What was his profession?
- 12 A. [10:39:05] Opio used to grow sugarcane. He was not my relative, but
- 13 sometimes we go to buy sugarcane from his plantation.
- 14 Q. [10:39:20] When the LRA were in the camp, did you see any LRA women there?
- 15 A. [10:39:30] I saw a woman who was an LRA soldier who was carrying a child
- 16 on -- in the stomach, and was following -- was coming from where the bullets are
- 17 coming from and coming towards the shop where someone was blowing a whistle.
- 18 Q. [10:39:53] Do you remember what she was wearing?
- 19 A. [10:40:01] I do not recall what she was wearing, but she was blowing a whistle
- 20 and had a child on her stomach.
- 21 Q. [10:40:14] Do you know what her tasks were in the bush? What did she do in
- 22 the bush?
- 23 A. [10:40:23] The woman was, I think, knowledgeable on how to handle injured
- 24 people. And the young girls who had been abducted from Odek were with her.
- 25 Q. [10:40:49] When you were again passing through the camp, do you remember

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1 seeing the LRA soldiers?

2 A. [10:41:03] Can you repeat the question?

3 Q. [10:41:06] That's fair enough, Mr Witness. I had not completed my question. I
4 apologise for that.

5 Did you observe the LRA soldiers in the camp attack any other of the houses?

6 A. [10:41:31] Yes, I observed.

7 Q. [10:41:36] Do you remember any of those houses in particular?

8 A. [10:41:48] When I -- what I saw last was the area which was close to a store in
9 Odek. There was a house which was close to where I was abducted from. It's from
10 there that a woman, together with her husband, was shot.

11 Q. [10:42:14] Do you know their names?

12 A. [10:42:25] I can remember the name of the husband. The husband was called
13 Kigali (phon), if I am not mistaken -- was called Gali (phon). Can I mention the son's
14 name?

15 Q. [10:42:44] I believe so. Yes, you may go ahead.

16 A. [10:42:51] Gali has a son called Pen (phon). He was shot together with his wife.

17 Q. [10:43:04] So when you moved out of the camp, what's the first location that you
18 reached?

19 A. [10:43:18] Can you repeat the question?

20 Q. [10:43:20] After leaving the camp, what's the first location that you went with
21 Kamdulu?

22 A. [10:43:35] When we left the camp, we went to a place called Lakim, we crossed
23 Lakim stream.

24 Q. [10:43:47] Were other people there in Lakim? Do you remember seeing any
25 other one?

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- 1 A. [10:44:00] What kind of people, soldiers or ...?
- 2 Q. [10:44:04] Do you remember seeing anyone in Lakim, other than you?
- 3 A. [10:44:18] I need clarification. I saw soldiers -- let me know what you want to
- 4 find out. Because when you say "people", what kind of people are you asking? Are
- 5 you asking about soldiers, LRA soldiers?
- 6 Q. [10:44:40] Did you see LRA soldiers there?
- 7 A. [10:44:42] Yes, I saw.
- 8 Q. [10:44:44] Other than LRA soldiers, did you see any other one?
- 9 A. [10:44:51] There were no other people.
- 10 PRESIDING JUDGE SCHMITT: [10:44:54] May I shortly?
- 11 Did you, apart from the soldiers, did you also see people from Odek?
- 12 THE WITNESS: [10:45:05] (Interpretation) Yes, there were.
- 13 PRESIDING JUDGE SCHMITT: [10:45:08] And what were these people?
- 14 THE WITNESS: [10:45:13] (Interpretation) Those were the abducted people. And I
- 15 will first start with the, the older people. Then if I remember the, the children, then I
- 16 will mention their names. The older people, can I mention their names?
- 17 PRESIDING JUDGE SCHMITT: [10:45:35] I think so. If we are not talking about
- 18 relatives of you, I think it would be possible to mention the names, if there is no, so to
- 19 speak, objection or any other idea about it. But I think it is possible.
- 20 MR ZENELI: [10:45:49] Your Honour is absolutely right.
- 21 Q. [10:45:52] Mr Witness, I just want to remind you that caution, that short
- 22 discussion we had in private session. Do you remember which one I'm talking
- 23 about?
- 24 A. [10:46:04] Very well.
- 25 PRESIDING JUDGE SCHMITT: [10:46:05] When it's about relatives - this is what

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1 Mr Zeneli is referring to - just refer to as in what kind of relationship you were with
2 the person. Any other persons you can mention by your name -- not by your name,
3 of course, by their name. Thank you.

4 MR ZENELI: [10:46:29]

5 Q. [10:46:29] So you saw people from Odek at Lakim. Do you remember how
6 many of them, how many of those people from Odek, roughly?

7 A. [10:46:51] The people whom I saw, if I -- can allow me to ask, I am not
8 understanding something. Can I ask?

9 PRESIDING JUDGE SCHMITT: [10:47:04] Of course. It's important that you
10 understand everything. This is important so that you can answer.

11 THE WITNESS: [10:47:13] (Interpretation) What I am getting is that the people I saw
12 in Lakim that I know, are they among those who were abducted? Is that the
13 question?

14 MR ZENELI: [10:47:29]

15 Q. [10:47:29] Yes, that's the question.

16 Your Honour, perhaps it is best we go into private session for about five minutes, just
17 to get this information out.

18 PRESIDING JUDGE SCHMITT: [10:47:38] Yes, I don't have a problem with it, to do
19 it this way. But I can tell you, Mr Witness, it's exactly as you have thought, but only
20 you -- you only tell us what you really know.

21 So we go to private session.

22 (Private session at 10.47 a.m.) *(Reclassified partially in public)

23 THE COURT OFFICER: [10:47:52] We are in private session, Mr President.

24 MR AYENA ODONGO: [10:48:17] Your Honour.

25 PRESIDING JUDGE SCHMITT: [10:48:18] Mr Ayena.

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1 MR AYENA ODONGO: [10:48:20] Perhaps before my learned friend continues, I
2 don't think it is right to presuppose that the people he is talking about were people
3 from Odek necessarily. I think he should ask a general question about the people he
4 saw there.

5 PRESIDING JUDGE SCHMITT: [10:48:41] Yes. But I think I have already put the
6 question in a way that I said something to the effect if he saw people from Odek there.
7 So we would -- the witness would have to be clear and specific about if the -- if he
8 knew these people from Odek. I think then it's -- then it's okay.

9 MR AYENA ODONGO: [10:49:01] Yes.

10 PRESIDING JUDGE SCHMITT: [10:49:02] Yes, that would be okay. But it has to be
11 clear that the witness has in his mind, in his recollection, that he knew these people, if
12 they were from Odek. So I think this would be the right way to do it.

13 MR AYENA ODONGO: [10:49:19] Much obliged, your Honour.

14 PRESIDING JUDGE SCHMITT: [10:49:20] I think you have heard it, Mr Witness,
15 what we were talking about. So you only tell us names of people if you are sure that
16 they were from Odek and you knew them.

17 THE WITNESS: [10:49:38] (Interpretation) Yes, I have understood. And I will
18 respond like this: I will first start by giving the names of those who were from Odek
19 or those abducted from Odek. The people abducted from Odek included Otto Fabio,
20 Okot, Atir, Latigo and then Ayella, and then there was Lagii. I have forgotten the
21 others.

22 Then when I come to children (Redacted), there was Odoki,
23 there was Otema Dennis, then there was Onek, and then there was Ada (phon). But
24 there were many people. I cannot recall all their names.

25 PRESIDING JUDGE SCHMITT: [10:50:56] Thank you.

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1 Please continue.

2 MR ZENELI: [10:51:00]

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Open session at 10.52 a.m.)

19 THE COURT OFFICER: [10:52:29] We are back in open session, Mr President.

20 MR ZENELI: [10:52:35]

21 Q. [10:52:35] Mr Witness, thank you for the information you provided. You told
22 us about people that were abducted from Odek. Can you give us a bit more
23 information on some of them? For example, you mentioned Odoki, who was the
24 same size as you. Can you give us his age?

25 A. [10:53:10] Odoki was older than me. When we were in school, we were the

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1 same size physically, but he was older than me.

2 Q. [10:53:27] How much older than you, can you tell us? Like a year, two years?

3 How much older than you?

4 A. [10:53:36] Odoki was older than me by two years. He was about 16.

5 Q. [10:53:43] What about Onek? How old was Onek?

6 A. [10:53:47] Onek was much older, and older than Odoki also. He could have
7 been about 21 and 22 at that time.

8 Q. [10:54:02] And so you talked to us about the women and the children that
9 Kamdulu himself abducted. Were they also at Lakim, at this place where you saw
10 the other abductees?

11 A. [10:54:30] Yes, we moved together with them and they were all at Lakim.

12 Q. [10:54:34] Other than those names that you gave us, do you remember any other
13 names?

14 A. [10:54:46] There were women who had also been abducted. And, and then
15 I -- apart from the woman whom I said was (Redacted)
16 (Redacted), there was a woman who was wounded who was called Atenyo.
17 And then there was another boy who was called Ocaka.

18 PRESIDING JUDGE SCHMITT: [10:55:15] May I shortly, Mr Zeneli?

19 Mr Witness, how old were you when you were abducted?

20 THE WITNESS: [10:55:25] (Interpretation) At the time of my abduction I was
21 14 years old.

22 PRESIDING JUDGE SCHMITT: [10:55:30] Thank you. Please continue, Mr Zeneli.

23 MR ZENELI: [10:55:35]

24 Q. [10:55:36] Mr Witness, does the name Otiko mean anything to you, Dr Otiko?

25 A. [10:55:50] I know Dr Otiko. He was working in Odek health facility before he

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1 was abducted together with me and taken to the bush. He was a medical worker of
2 Odek.

3 Q. [10:56:07] When you saw the abducted people from Odek, can you tell us
4 their -- whether -- if you focus on their condition, did you notice how they were kept
5 at the place?

6 A. [10:56:35] The elderly people who were abducted from Odek, I know what
7 happened to them.

8 Q. [10:56:46] Okay, we will talk about that a bit later. Right now I would like to
9 show you a document, and that's tab 2, I believe, in the witness binder. It's ERN
10 0243-0455.

11 And for the court officer, there was also a version of it that's suitable for public
12 display.

13 Is it displayed on the screen?

14 PRESIDING JUDGE SCHMITT: [10:57:53] Not yet.

15 MR ZENELI: [10:58:02] I see the assistant in due diligence is showing the witness the
16 document from the binder. We can also --

17 PRESIDING JUDGE SCHMITT: [10:58:05] So I think we can continue.

18 MR ZENELI: [10:58:07] -- continue like that.

19 PRESIDING JUDGE SCHMITT: [10:58:09] So Mr Witness has it in front of him so we
20 can continue.

21 MR ZENELI: [10:58:12] Thank you, your Honour. Absolutely.

22 Q. [10:58:13] Mr Witness, do you see the document in front of you?

23 A. [10:58:18] Yes, I have seen.

24 Q. [10:58:22] Do you know what it is? Have you seen it before?

25 A. [10:58:31] Yes, I have seen it before. I was the one who sketched it.

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1 Q. [10:58:37] And what did you sketch on it?

2 A. [10:58:43] When the investigators were asking me, they would want me to
3 sketch whatever I was telling them on the map, because they wanted to actualise it.

4 Q. [10:59:02] So can you tell us what in this picture you sketched yourself? What
5 did you sketch from it? What do they represent?

6 MR ZENELI: [10:59:15] May I ask the assistant whether he is still looking at the
7 document?

8 REGISTRY REPRESENTATIVE: [10:59:20] Yes.

9 MR ZENELI: [10:59:22] At the screen or on the binder?

10 REGISTRY REPRESENTATIVE: [10:59:25] The screen is displayed and on the binder
11 as well.

12 MR ZENELI: [10:59:30] Okay. Just so that we don't confuse.

13 Q. So, Mr Witness, if you look at the picture in front of you, can you tell us what
14 you drew there?

15 A. [10:59:40] Yes, I can explain. This map which I sketched, there is a -- Lakim is
16 where the LRA came from.

17 Q. [11:00:18] I will ask a question about the triangles. Do you see the little
18 triangles all over the picture?

19 REGISTRY REPRESENTATIVE: [11:00:36] The triangles are being shown to the
20 witness, your Honours.

21 MR ZENELI: [11:00:41] Do you see them?

22 A. [11:00:43] Yes, I am seeing them. Yes, I drew them.

23 Q. [11:00:49] And what about the square-shaped figures?

24 A. [11:01:00] Yes.

25 Q. [11:01:00] There are big ones and small ones. Did you draw them?

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1 A. [11:01:05] Yes.

2 Q. [11:01:07] What are they?

3 A. [11:01:11] These represent the way the camp was, the layout of the camp.

4 Those small huts represent the camp.

5 Q. [11:01:25] And then we also see some writing on it. Did you write?

6 A. [11:01:35] I was not the one who wrote. The one shaded green, I didn't write it.

7 Q. [11:01:50] Who wrote it? Do you know who wrote it?

8 A. [11:01:53] The investigators wrote it.

9 MR ZENELI: [11:01:57] Okay, I am done with this document, your Honour, and

10 I think it is a good time to take a break now.

11 PRESIDING JUDGE SCHMITT: [11:02:03] Indeed, and a short scheduling matter,

12 only a short adjustment. We would have to shorten the lunch break a little bit,

13 15 minutes, meaning that we have a lunch break only until after a quarter past two.

14 But also on the positive side means that we finish at quarter to four, meaning

15 15 minutes earlier than normally, just to -- and now, of course, the break until 11.30.

16 THE COURT USHER: [11:02:36] All rise.

17 (Recess taken at 11.02 a.m.)

18 (Upon resuming in open session at 11.32 a.m.)

19 THE COURT USHER: [11:32:07] All rise.

20 Please be seated.

21 PRESIDING JUDGE SCHMITT: [11:32:29] Before we continue, the Chamber wishes

22 to give, out of fairness of the proceedings, a short bit of information at this point in

23 the testimony. As the parties are aware, only the VWU special measures

24 recommendations are shared with the parties and participants. The psychosocial

25 assessments underlying their special measures recommendations are only shared

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1 with the Chamber.

2 However, in the psychosocial assessment for P-252 dated 15 June 2017, the Chamber
3 indicates that the following is written, and I quote: "According to the witness, he
4 was abducted in 2004 at the age of 14 after returning from school." Quote end.

5 The Chamber considers that no other information in this report needs to be shared at
6 this time, noting that the balance of the psychosocial assessment contains personal
7 details about the witness which must remain confidential in accordance with
8 Article 68(1) of the Statute.

9 That is all for the moment. Mr Zeneli, you may continue then.

10 So just a short -- perhaps one sentence to explain. It is important in criminal
11 proceedings that relevant information is known to the parties, and that is the reason
12 why we conveyed that.

13 Please continue, Mr Zeneli.

14 MR ZENELI: [11:34:20]

15 Q. [11:34:20] Mr Witness, we were talking about the abductees you saw at Lakim
16 and you provided a list of names of those that you remembered. I will just put
17 another couple of names to you and ask you whether you -- that rings a bell to you.
18 Does the name Oketa Allan ring a bell?

19 A. [11:34:48] Oketa Allan, yes, it does.

20 Q. [11:34:55] Was he there at Lakim?

21 A. [11:34:59] Yes, he was.

22 Q. [11:35:02] What about Komakech Geoffrey?

23 A. [11:35:07] He was also there.

24 Q. [11:35:10] You were also talking about the people that were shot at by the LRA
25 and you gave us names for those that you remembered, one of which was Atikcon.

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1 Do you know what happened to Atikcon after he was shot?

2 A. [11:35:35] Atikcon, I know that when he was shot, we left him lying on the
3 ground. He was still bleeding. And that's what I recall.

4 Q. [11:35:49] Is he alive today?

5 A. [11:35:54] No, he is deceased.

6 Q. [11:35:57] When did you hear about that?

7 A. [11:36:07] I heard that he was deceased when -- sorry, I saw him when he was
8 shot and lying on the ground.

9 Q. [11:36:24] What about Opio?

10 A. [11:36:30] I also saw Opio when he was lying on the ground. He was lying on
11 the ground as we were running.

12 Q. [11:36:39] And is he dead or alive?

13 A. [11:36:46] He is also deceased.

14 Q. [11:36:49] So when did you hear about these two having died?

15 A. [11:37:00] I heard about the death on the day that I was abducted, the day that
16 Odek was attacked.

17 Q. [11:37:18] Now let's focus at the moment when you reached Lakim location.

18 What did you do after that, after you reached Lakim? What did the group do after?

19 A. [11:37:43] When we arrived at Lakim, we were gathered together, we continued
20 walking. We left Lakim approximately 2 miles behind us and we got to a place and

21 encamped. The LRA soldiers converged at that point. People that were abducted

22 from Odek, at approximately 5 p.m. to 6 p.m., we were lined up. The older people

23 were put in a separate line, the younger boys like myself were in a separate line. The

24 younger children were also in a different line.

25 Q. [11:38:42] Did the government soldiers chase the LRA?

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1 A. [11:38:51] On the day that they attacked Odek, the helicopters came the next day.

2 I believe that soldiers perhaps came but went back, but it was the helicopters that
3 followed us.

4 Q. [11:39:13] When you were at Lakim, were the government soldiers chasing the
5 LRA?

6 A. [11:39:22] Yes, they were.

7 Q. [11:39:25] And what did you do when they were chasing the LRA? What did
8 your group do?

9 A. [11:39:41] The soldiers did not follow us for a long distance because the -- when
10 they attacked Odek camp, soldiers were shot, a lot of soldiers were shot. That's why
11 the army did not follow us to a great distance.

12 Q. [11:40:04] Were there many soldiers from the LRA that came to Odek?

13 A. [11:40:15] Yes, there were many.

14 Q. [11:40:17] Were there children among these soldiers?

15 A. [11:40:27] Yes, there were children among the rebels.

16 Q. [11:40:34] How do you know that there were children?

17 A. [11:40:43] There is a distinction between children and adults. There is also
18 a distinction between the sizes. You can distinguish between an adult and a child.
19 If you look at the people, you can determine that this one is older than the other.

20 Q. [11:41:04] Did these children participate in Odek attack?

21 A. [11:41:20] The soldiers, the young soldiers, eight upwards, had guns. The
22 younger children, seven and under, had small jerrycans, were holding small jerrycans,
23 and they were hitting the jerrycans together as they were entering the camp, they
24 were coming to attack the camp.

25 PRESIDING JUDGE SCHMITT: [11:41:49] And why would they do that? Why

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1 would they hit the jerrycans?

2 THE WITNESS: [11:41:56] (Interpretation) They would do that to -- when -- I found
3 out that they do that to confuse soldiers and to confuse the civilians who were in the
4 camp. They use that to -- as a method of confusion. Apparently, if they hit the
5 jerrycans together or they bang the jerrycans together and there are gunshots
6 going -- there are gunshots going on in one direction and jerrycans going on in
7 another direction, it gives the impression that the group is extremely large.

8 PRESIDING JUDGE SCHMITT: [11:42:33] And perhaps another question,
9 something completely different. Do you recall how the weather was at that time?

10 THE WITNESS: [11:42:53] (Interpretation) Before the rebels came into the camp, it
11 was okay. But approximately 5 p.m. it started raining. When they started fighting,
12 it was raining, raining heavily.

13 PRESIDING JUDGE SCHMITT: [11:43:09] Thank you.

14 Mr Zeneli, please.

15 MR ZENELI: [11:43:11] Yes, your Honour.

16 Q. [11:43:13] So after the government soldiers stopped chasing you, what did the
17 LRA do with the group of abductees?

18 A. [11:43:31] When the soldiers stopped, when they were no longer following us
19 and the LRA were aware of that, we got to -- we walked and got to an area known as
20 Binya.

21 I beg your pardon, we, we walked towards a hill, a hill, a stony hill, and that's where
22 people were lined up, as I stated earlier. The soldiers were lined up separately, the
23 children were lined up separately, and the ladies were in a different line, and the very
24 young children in a separate line as well.

25 Q. [11:44:17] (Microphone not activated)

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1 PRESIDING JUDGE SCHMITT: [11:44:27] I am not sure if the microphone was
2 activated.

3 MR ZENELI: [11:44:34] You are absolutely right, your Honour.

4 Q. [11:44:36] Were the abductees carrying anything, Mr Witness?

5 A. [11:44:44] The abductees, some of them, some of them were -- when they
6 attacked, when they attacked the camp, some of the people were just sitting, relaxing.
7 Some people were walking, some people were running, and that's how they were
8 abducted.

9 Q. [11:45:14] Mr Witness, were the abductees carrying anything? Did they have
10 anything to carry?

11 A. [11:45:28] The abductees were carrying -- they were -- when the soldiers, when
12 the LRA came to the camp, they had only distributed food about three days before.
13 So when they came to the camp, the food was still there. I carried a -- cooking oil
14 that had been distributed. Other people had also carried flour, beans and the things
15 that had been distributed to the camp, and that's what the abductees were carrying.

16 Q. [11:46:08] Who gave them these things to carry?

17 A. [11:46:20] The LRA are the ones who gave people things to carry.

18 Q. [11:46:31] Now, you told us you reached a stony hill. Do you remember the
19 name of that place, of that hill?

20 A. [11:46:43] I do not recall the area, but it's behind Lakim. It's an area behind
21 Lakim.

22 PRESIDING JUDGE SCHMITT: [11:46:51] Mr Witness, did people carry anything
23 else apart from food?

24 THE WITNESS: [11:47:04] Yes, there were other things that people carried.

25 PRESIDING JUDGE SCHMITT: [11:47:10] Can you tell the Court what you recall?

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1 THE WITNESS: [11:47:16] (Interpretation) For example, the women and the children
2 and boys that were able to carry things carried the flour that I spoke about earlier,
3 they carried beans as well. The older people that I talked about earlier carried
4 injured -- LRA commanders who had sustained injuries, and they also carried the
5 guns that they were holding.

6 PRESIDING JUDGE SCHMITT: [11:47:53] Can you describe this a little bit more in
7 detail, if you recall it?

8 THE WITNESS: [11:48:21] (Interpretation) I am going to discuss the injured persons.
9 I saw the people, the older people that were living in the camp were given the injured
10 persons to carry. I believe that they were commanders, there were two, two of them.
11 On the day that Odek was attacked, that was the day that they sustained the injuries.
12 They sustained serious injuries.
13 The instructions that were given were -- what the people were talking about Odek
14 was they were talking about serious things. What I heard also -- what I saw was that
15 somebody was shot, one of them was shot in the face and I believe shot in the eye or
16 in the ear. And the person was not able to see. One of them was shot, I suppose, in
17 the chest. If the person was not shot in the chest, then the person was shot in the
18 head because they were all wrapped up in -- they were wrapped up in white clothing
19 and they were being borne on a stretcher. Two or three days after that I did not see
20 the two soldiers that sustained the injuries and I did not see them again thereafter.

21 PRESIDING JUDGE SCHMITT: [11:49:51] Thank you.

22 Please, Mr Zeneli.

23 MR ZENELI: [11:49:55] Your Honour, thank you for those questions.

24 Q. [11:50:02] Mr Witness, can we focus a bit more on the person with the injured
25 eye. Do you know his name?

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1 A. [11:50:19] I do not know both their names. There were two people that were
2 injured. I do not know their names.

3 Q. [11:50:28] Do you know what their role, their position was?

4 A. [11:50:39] No, I never found out their ranks. Perhaps if they had survived for
5 a week or more thereafter I would have discovered their ranks, but I never did find
6 out what their ranks were, but I believe they were senior. The reason why I am
7 saying that they were senior was because of the way they were talking and that gave
8 me the impression that they were senior.

9 Q. [11:51:08] The Judge asked you about whether you saw any other thing other
10 than food and you also told us injured people that the abductees were carrying.
11 What about any weapons, did you see them carry any weapon?

12 A. [11:51:32] The guns I am talking about, I heard them refer to it as a B-10. The,
13 the elder people, the people in the camp, the older people from the camp were
14 carrying that gun in turns. If four people are tired of carrying it, then the others
15 carry it. So if -- they were carrying it on their shoulder, so if four people are tired,
16 then four others take over.

17 Q. [11:52:11] Let's focus on the abductees for the moment. What happened to
18 them? Did they all stay with, with you, with the LRA, or were some released?

19 A. [11:52:32] I saw -- when we got to the bush, I saw women being released.
20 Children were also released.

21 Q. [11:52:47] Did any of the women remain?

22 A. [11:53:02] Could you please repeat your question?

23 Q. [11:53:05] Absolutely. You spoke of the women that -- and children that were
24 released. Did any of the women or girls remain in the bush, of the abducted ones?

25 A. [11:53:32] There were girls approximately 14 years and upwards, those are the

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1 ones that were not released. The mothers or the older females and the very young
2 children were sent home, but the other girls were kept behind.

3 Q. [11:53:54] Do you know why they were kept behind?

4 A. [11:54:02] I do not know the reason.

5 Q. [11:54:06] Do you know any of their names?

6 A. [11:54:13] I -- I do not know all the names because some of them are now
7 deceased. Some of them went back home and died from home. But I know them
8 personally but not their names.

9 MR ZENELI: [11:54:28] Your Honour, may I refresh the witness's memory?

10 PRESIDING JUDGE SCHMITT: [11:54:31] Yes.

11 MR ZENELI: [11:54:32] It's in paragraph 47.

12 Q. [11:54:34] Does the name Aroja ring a bell?

13 A. [11:54:42] Yes, I know Aroja.

14 Q. [11:54:45] Who was Aroja?

15 A. [11:54:51] Aroja was the -- Banya Wilson's daughter, he was an LC.

16 Q. [11:55:01] What happened to Aroja? Did anything happen to her?

17 A. [11:55:10] The -- I heard -- sometimes we would meet, but I heard that she was
18 killed because she was unable to continue moving.

19 Q. [11:55:25] What group did she stay with?

20 A. [11:55:32] She was in the same group that I was in.

21 Q. [11:55:37] Other than Aroja was any other girls, girl or women killed?

22 A. [11:55:48] No. They were not killed.

23 Q. [11:56:05] Would you know of any Luo girl at the time you were in the bush?

24 A. [11:56:25] Yes, I do.

25 Q. [11:56:30] Did anything happen to her?

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1 A. [11:56:36] The Luo girl, they alleged that she was a witch. When people are
2 walking they find something that is not supposed to be there, or soldiers attack
3 Lakwena at a time that they are not supposed to be attacked, or sometimes she
4 was -- people were killed, someone was killed crossing the Agago river and all of
5 a sudden the river was filled and they alleged that there was a witch, that she was the
6 witch and she was killed.

7 Q. [11:57:26] And what group was she with?

8 A. [11:57:29] She was in the same group that I was in.

9 Q. [11:57:33] Okay. So you told us about the women and children that were
10 released and those that stayed, remained with you. Did any other children, did
11 children remain in the bush or were they all released with the elderly women?

12 A. [11:57:57] They were -- very, very young children were the ones who were
13 released and went home. Children from 10 onwards were taken, 10 to 14 were all
14 taken to the bush.

15 Q. [11:58:18] What were they taken to the bush for?

16 A. [11:58:27] They were taken to recruit them as fighters.

17 Q. [11:58:36] What group were they taken to?

18 A. [11:58:45] That was the same group that I was in. The very same group.

19 Q. [11:58:56] You mentioned Onek as one of the abducted children. Do you
20 remember that?

21 A. [11:59:08] Yes, I do recall Onek very well.

22 Q. [11:59:12] So can you tell us a bit more about Onek?

23 A. [11:59:21] Onek was abducted by Tito. Tito, Tito is Odomi's escort. He is very
24 close to Odomi. Onek was someone abducted by Tito and he was in the hands of
25 Tito, he was staying with Tito. After about 5 or 6, before we went to bed, Tito sent

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1 Onek, that Onek should go and lay his bed and come back with a bed sheet to the
2 place where we were. Onek followed these instructions, he went, he made the bed.
3 We thought Onek was already asleep or spending the night with -- or going to sleep
4 with Tito, waiting to -- taking care of his, his superior, Lapwony Tito. We also slept.
5 Tito left. He came, he went to bed. He came and found Onek was not there. Tito
6 came back and asked us, "You, where is Onek?" We told him Onek has gone to bed.
7 Tito became hostile, said that we, the children from Odek do not want to stay in the
8 bush and we should be killed.
9 Tito was very angry at the time and started following Onek. He said if he finds
10 Onek, any Odek child or any person from Odek is not going to be left alive. It was
11 dark at the time. Tito went to look for Onek, but he did not find him.
12 At dawn, between 5 and 6 a.m., Tito went to look for Onek. Tito did not find Onek.
13 He came back and he was wet from dew.
14 Orders were instructed from above, I think Odomi instructed him. When he came,
15 my hands were tied, my hands were tied to the back. The, the army clothing that
16 I was wearing was taken off, I was undressed. The shirt was also taken off. I only
17 had some underwear. My hands were tied to the back and I was taken to be killed.
18 There was one guy who was going to be killed first, before me. He was thrown to
19 the ground. Perhaps luckily, I do not know what changed their minds, they decided
20 to -- they said "Bring these people back here." They took us back there. My, my
21 hands were still tied to my back and they made a decision that we should be beaten
22 a hundred strokes. I should be beaten 80 strokes, I could not sit.
23 And in addition to that, Tito was extremely hostile against the Odek children. He
24 was not happy because he said there is no Odek child who wants to stay in the bush
25 because they abducted Odek children but most of them escaped and went back.

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1 I was the only one that was left in the, in the bush. All the others escaped. I was
2 under extreme pressure. They told me that if I tried to escape at any moment then I
3 would be burned, I would be burned with hot water. That's what they said. They
4 said they would put hot water to boil and then use that to burn me.
5 At that time they -- the injuries that I had sustained on my buttocks, I was unable to
6 do anything. I had to go and fetch water with the injuries that I had sustained.
7 When they send you to collect firewood, you have to go collect firewood and light the
8 fire. Any instructions that you are given, you should follow. Onok was lucky
9 because -- it was my luck, I suppose, because Onok was never found, because if Onok
10 was found, perhaps all the kids, myself and all the Odek children would have been
11 killed.

12 PRESIDING JUDGE SCHMITT: [12:04:47] Just shortly, Mr Witness, that we have an
13 orientation in time, how long after your abduction did this happen?

14 THE WITNESS: [12:05:03] (Interpretation) Can you repeat the question?

15 PRESIDING JUDGE SCHMITT: [12:05:06] You now described something that
16 happened to you in the bush and I would be interested when did this happen. So
17 you first, in the first session you described how you were abducted. My question
18 would be how long after you were abducted this occurred?

19 THE WITNESS: [12:05:33] (Interpretation) It had taken about four months, four to
20 five months before it happened. Because you start getting used after a long time.
21 And, and then those civilians who had been abducted were already used, they were
22 already sure that the civilians could not escape and that happened when we had
23 stayed for four to five months.

24 PRESIDING JUDGE SCHMITT: [12:06:10] Thank you, Mr Witness.

25 MR ZENELI: [12:06:15]

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1 Q. [12:06:17] Mr Witness, what about Otema Dennis, what can you tell us about
2 Otema?

3 A. [12:06:32] About (Redacted)

4 (Redacted) We were abducted at the same time. Let me give an example.

5 Like this one is a soldier, I am also a soldier, I have to abduct and present the

6 abductee to my commander. Perhaps it's indicated that so and this soldier was

7 abducted -- has abducted so-and-so. The person who abducted Otema Dennis was

8 in a different unit. I later learnt that Otema Dennis also returned home. I cannot

9 say much about what happened to him.

10 Q. [12:07:31] Do you know what this other unit in which Otema was, do you know
11 what was called?

12 A. [12:07:44] It was called Sinia brigade, which was led by Odomi.

13 Q. [12:08:07] What was the group that abducted you, who abducted you?

14 A. [12:08:18] It was Odomi's group.

15 Q. [12:08:29] And were you -- during your time in the bush, what group were you
16 with?

17 A. [12:08:41] I remained in Odomi's group.

18 Q. [12:08:49] How do you know that this was Odomi's group?

19 A. [12:08:58] I knew it was Odomi's group later. I knew after about one month.

20 That is when I realised that the commander who was leading that group was called
21 Dominic.

22 Q. [12:09:22] How did you come to realise that Dominic was the commander?

23 A. [12:09:34] You can easily recognise a commander, and when you are also a child

24 you can -- they can know that you are a child. I guessed right that he was the

25 commander because when people are moving he would be guarded and every time

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1 he was going somewhere he would be guarded. I realised that he was
2 a commander.

3 Q. [12:10:00] How was he guarded?

4 A. [12:10:07] They would guard him -- the armed soldiers would be the one to
5 guard him. If he is in a, a base, he would be -- if he is in a base, he would be with
6 about three or four soldiers. But during a movement all his escorts would be
7 following him.

8 Q. [12:10:29] Do you know any of these escorts?

9 A. [12:10:39] Are you asking about their names?

10 Q. [12:10:45] Yes.

11 A. [12:10:46] I do know them.

12 Q. [12:10:48] Can you please tell us.

13 A. [12:10:55] Yes, I can explain. First, there was Tito whom I talked about. He
14 was very close to him. His tent was not far from Odomi's tent. There was Ogeri.
15 There was Korea. There was Lacede. There was also Michael. And then the
16 others whose names I cannot remember, but I know them bodily.

17 MR ZENELI: [12:11:33] Your Honour, may I seek permission to refresh the name
18 given the answer of the witness just now? It's referring to paragraph 57 of his
19 statement.

20 PRESIDING JUDGE SCHMITT: [12:11:45] Yes.

21 MR ZENELI: [12:11:47] That is tab 1, for the court officer. ERN
22 UGA-OTP-0243-0428 paragraph 57.

23 Q. [12:12:16] So, Mr Witness, you told us the names that you could remember.
24 What about Ayella, does that ring a bell?

25 A. [12:12:44] Yes, I know, it reminds me.

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1 Q. [12:12:47] What does it remind you of?

2 A. [12:12:53] He was also an escort.

3 Q. [12:12:56] An escort to whom?

4 A. [12:13:01] He was Odomi's escort.

5 Q. [12:13:08] And what about Peleng?

6 A. [12:13:10] Peleng was a soldier, but was Ayella's escort. They -- there are
7 always steps of guarding.

8 Q. [12:13:26] And what about the person that abducted you, Onen Kamdulu, what
9 about him?

10 A. [12:13:39] Onen Kamdulu was also a soldier there.

11 Q. [12:13:41] A soldier where?

12 A. [12:13:47] He was -- let me say that Korea, Tito, Lacede can send any of their
13 soldiers, including Onen Kamdulu and Peleng, they reported to -- they supervised
14 those two. Those two did not have any ranks, they did not have any position.

15 PRESIDING JUDGE SCHMITT: [12:14:12] May I shortly, Mr Zeneli, because it just
16 fits at the moment I think.

17 MR ZENELI: [12:14:16] Absolutely, your Honour.

18 PRESIDING JUDGE SCHMITT: [12:14:18] Mr Witness, you said that Peleng was an
19 escort to Ayella. And you said Ayella was an escort to Odomi. So do we
20 understand correctly that an escort could have an escort or was there something
21 mixed in our understanding?

22 THE WITNESS: [12:14:38] (Interpretation) I did not say well there. But an escort is
23 for one person. Let me say that if I abduct someone, the person I abduct would be
24 accountable to me, he has to be accountable to me. For me, I -- I am accountable to
25 my commander, but the person I abducted has to be accountable to me.

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1 PRESIDING JUDGE SCHMITT: [12:15:06] And about the person Peleng then, what
2 would have been his role?

3 THE WITNESS: [12:15:15] (Interpretation) Peleng was a soldier, I found him there.
4 He was already a soldier.

5 PRESIDING JUDGE SCHMITT: [12:15:20] So we leave it at that.
6 Please continue, Mr Zeneli.

7 MR ZENELI: [12:15:28] Yes, sir.

8 Q. [12:15:31] Mr Witness, other than these people that we just listed by their name,
9 were there any other people in this group, in the group of escorts to Ongwen?

10 A. [12:15:48] Can you repeat the question?

11 PRESIDING JUDGE SCHMITT: [12:15:50] I think he has not mentioned Ongwen yet.

12 MR ZENELI: [12:15:54] He has, to my recollection, as Odomi and Dominic, but
13 perhaps not --

14 PRESIDING JUDGE SCHMITT: [12:16:00] Yes, but it's correct what you are saying,
15 Dominic and Odomi, he has mentioned, yes.

16 MR ZENELI: [12:16:15]

17 Q. [12:16:15] Mr Witness, in this group of people that we listed by their name, were
18 there any other people, were there more people?

19 A. [12:16:35] Yes, there were many soldiers, there were so many soldiers there.

20 Q. [12:16:45] Can we talk about the tasks that the escorts have. Can you tell
21 us -- you already mentioned about the fact that they would move with Ongwen
22 before, around him. Can you tell us a bit more about the tasks that the escorts had?

23 No, I will take that back. Let's start with you. What were your tasks in the bush?

24 A. [12:17:14] For me, I did not have a specific task. When I had just gone to the
25 bush, I would be given loads to carry and listen to what they say. There

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1 were -- there was time for everything. I had to obey their orders.

2 Q. [12:17:37] The loads that you were given to carry, what did they consist of?

3 What did you carry?

4 A. [12:17:51] I was carrying Onen Kamdulu's guns and his bag. And some
5 jerrycans, like a jerrycan of oil, oil for oiling the gun.

6 Q. [12:18:19] What was the role of the escorts? What did the escorts do?

7 A. [12:18:31] Odomi's escorts, first they have to pay respect to the commander and
8 listen to him and his orders that he gives to them. They are supposed to guard the
9 commander to ensure he is not wounded, that nothing touches the commander.

10 That is what I can say about the role of the escort.

11 Q. [12:18:59] And you, when you talk about the commander, who are you referring
12 to again?

13 A. [12:19:13] The commander is Odomi.

14 PRESIDING JUDGE SCHMITT: [12:19:17] And, Mr Witness, you have named this
15 person as Odomi and also as Dominic. How would this person have looked like?

16 THE WITNESS: [12:19:36] (Interpretation) Dominic, when I had just joined
17 the -- when I had just been abducted and saw him for the first time, he was a smart
18 person. He did not have too much hair. He walked with a limp.

19 PRESIDING JUDGE SCHMITT: [12:20:07] More that you recollect? If not, it's not
20 a problem, then we continue with examination.

21 THE WITNESS: [12:20:27] (Interpretation) No, I did not hear the question well.

22 PRESIDING JUDGE SCHMITT: [12:20:30] No, I just asked if you remember more in
23 that respect.

24 THE WITNESS: [12:20:38] (Interpretation) I can -- that's all I can say about him for
25 now.

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1 PRESIDING JUDGE SCHMITT: [12:20:43] Thank you.

2 MR ZENELI: [12:20:48]

3 Q. [12:20:52] How were people behaving around Dominic, around Odomi? The
4 other soldiers, how were they behaving around him?

5 A. [12:21:11] The way people behaved around him, he would sit in the middle,
6 especially when people are relaxing. For us, we just make the fire and leave. He
7 would sit in the middle and then the other soldiers would sit round him. He would
8 be guarded in the middle.

9 Q. [12:21:38] How did you feel when you were around Dominic?

10 A. [12:21:47] Can you repeat your question?

11 Q. [12:21:51] How did you feel when you were around Dominic?

12 A. [12:22:01] Whenever I was near Odomi, I was always afraid and I was always
13 humble. When you are summoned or called, you have to salute, and if someone like
14 Korea calls you, you have to respond, "Lapwony Korea", so that you listen to what he
15 has to tell you. You have to be humble and respect the person.

16 Q. [12:22:33] Where did Odomi sleep?

17 A. [12:22:41] Odomi would sleep in a bed -- a tent that is prepared for him. They
18 would make a tent and they would put a soil around it so that they lay -- when they
19 lay a bed for him, they would put for him a net. He would sleep in a net, in
20 a mosquito net.

21 Q. [12:23:13] Where was that tent located?

22 A. [12:23:15] The tent does not have a specific place where they erect it, but it is
23 erected during time for bed.

24 Q. [12:23:32] But do you know where it was erected? Where in the location that
25 you would be camping?

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1 A. [12:23:49] They usually put in the middle, and not all the soldiers are around
2 him. It is his escorts, his senior escorts whose names I mentioned, they also make
3 their tents around, at the side a bit, but his tent is usually in the middle.

4 Q. [12:24:11] When did you first see Dominic? When was your first encounter
5 with him? When did you first see him?

6 A. [12:24:28] The first time that I encountered him was the next day when they
7 were sorting out the older people. That is when I first saw him.

8 Q. [12:24:40] And what was he doing on that day when you first saw him?

9 A. [12:24:53] He was sitting down before people who had been lined up.

10 Q. [12:25:05] And other than sitting down, was he doing anything else?

11 A. [12:25:15] He would give orders that things should be done. And then shirts
12 were removed from the girls, and even the boys, their shirts were removed.
13 Everybody had their shirts removed.

14 Q. [12:25:33] Why did everyone have their shirts removed?

15 A. [12:25:44] The shirts that are removed, there is something which they smear on
16 people. I don't know what it is, but it's -- they say it's an oil. I don't know what oil
17 it is, but they smear with people. For me, they smeared, they made the sign of the
18 cross on my forehead and then on my chest and then on my knees. They did the
19 sign of the cross. Even on my back and my legs, they put the sign of the cross.
20 Thereafter they said that when you want to escape and flee, you will walk in circles
21 and be confused. You will not be able to escape.

22 Q. [12:26:33] Other than those instructions for shirts to be removed, did Odomi
23 give any other instructions?

24 A. [12:26:48] I did not hear any other orders, because the younger children were
25 released and then another order was given for people to continue moving.

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1 Q. [12:27:07] So you saw him that first day, and did you see him during your stay
2 in the bush? Did you see him again?

3 A. [12:27:23] When I was in the bush, when I was already in the bush, I would see
4 him most of the time. He was always with us.

5 Q. [12:27:36] Did Dominic have any women and girls living around him?

6 A. [12:27:50] Yes, he had women. And then there were younger girls who would
7 help his women with the housework.

8 Q. [12:28:01] Do you know any of their names?

9 A. [12:28:11] The names of his women, if I recollect well, I only remember one who
10 was called Fatuma.

11 Q. [12:28:32] Who was Fatuma?

12 A. [12:28:35] Fatuma was a woman.

13 Q. [12:28:46] What was her role?

14 A. [12:28:48] Her roles was, she was always with the commander.

15 Q. [12:28:58] And who is the commander you are speaking of?

16 A. [12:29:05] I am talking about Odomi.

17 Q. [12:29:10] And so when she was always with Odomi, what were her tasks?
18 What was her role?

19 A. [12:29:22] Can you repeat the question?

20 Q. [12:29:26] What did Fatuma do in the bush?

21 A. [12:29:43] Fatuma performed duties that she is given. She was his wife. But
22 the specific role that she does, I do not know. I want to give an example. You
23 know, like the queen mother of the ant hill, when it's inside the ant hill, the queen
24 mother of the ant hill is far away from the smaller ants. The ants only go close to the
25 queen mother when it's taking something. We were like the small ants. Sometimes

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1 they would be afraid that we could kill the queen mother. So as a -- as an ordinary
2 ant, we do not know what the commander does. We wait for orders. You know,
3 when the, the ordinary ants are sent, they would do whatever they are told to do.

4 PRESIDING JUDGE SCHMITT: [12:30:48] I think this has answered the question
5 sufficiently, I would assume.

6 MR ZENELI: [12:30:55] You assume correctly, your Honour.

7 Q. [12:30:58] I was not going to pursue that any further, other than to ask: How
8 many wives did Ongwen have, do you know?

9 A. [12:31:13] I cannot say the exact number. But they could be four, as I
10 understood.

11 Q. [12:31:28] Did the other commanders have wives?

12 A. [12:31:42] The senior escorts whom I mentioned earlier, I want to say like this:
13 When you are in the bush, once you are a soldier and you are senior, and they, they
14 know that you are already a skilled fighter, you do not abduct your, your own wife.
15 You send soldiers who are under you to go and abduct them. Like the soldiers who
16 were aged about 14 and above are the ones who -- when Dominic realises, notices that
17 this person is really suitable to have a wife, then they would tell the girl that, "This is
18 your husband", and tell the soldier, "This is your wife". You cannot refuse. And
19 that if you refuse, it means you want to die.

20 Q. [12:33:05] Who was the most senior commander that you saw when you were in
21 the bush?

22 A. [12:33:20] I did not see any other commander other than Dominic. There were
23 other groups and on occasion we would meet with other groups. But I did not meet
24 any other senior commander; I was always under Odomi.

25 Q. [12:33:42] And in the group you were with, did anyone else outrank Odomi?

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1 A. [12:33:57] I do not know, because there was -- there was no other commander
2 other than Odomi that I knew.

3 Q. [12:34:17] Mr Witness, you told us earlier about a ceremony that was performed
4 on you with the oil. Other than that, did you undergo any other ceremonies during
5 your time in the bush?

6 A. [12:34:44] The -- they would -- there were ceremonies. For example, they
7 would tell you that you should now think of yourself as a soldier and not as a civilian
8 anymore. I was beaten for that. The older soldiers beat me as an initiation process.
9 So I was beaten, seven canes on my back and seven -- I was also hit with a machete
10 seven times. And they said that the reason why they did that was to -- for you to
11 become a soldier and to leave your civilian life behind.

12 Q. [12:35:34] Was there any training taking place in the LRA during your time in
13 the bush?

14 A. [12:35:47] I would like to tell you that we did not have a lot of time to train, but,
15 yes, we did train. Sometimes it's theoretical, sometimes it's practical. For example,
16 you were taught how to march, you are taught how to handle a gun. If you are
17 being taught how to handle a gun, you do not actually shoot because you do not
18 want -- they do not want to waste the bullets. You're only instructed on how to use
19 it without actually shooting it.

20 Q. [12:36:23] And were you yourself trained on how to handle a gun?

21 A. [12:36:34] Yes, I was. I was also taught how to shoot a gun. I was taught
22 everything about the gun.

23 Q. [12:36:51] Who taught you everything about the gun?

24 A. [12:36:56] Most times you're not instructed. When you're on the move, you're
25 instructed when people are having down time, for example when the groups meet up

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1 and people are down -- are not on the move. They would call you and say, "Well,
2 look at this person. We have observed him and I think he is -- he is this way or that
3 way, so start teaching him". So they would start training you in the position where
4 you were encamped at that time.

5 Q. [12:37:35] Can you tell us a bit more what it means to know everything about
6 a gun? What were you taught?

7 A. [12:37:56] With respect to the gun, we were shown how to shoot the gun. We
8 were taught how to dismantle it. We were taught how to clean it. We were taught
9 how to open the chamber, to clean the chamber. We were taught how to shoot
10 the -- how to shoot the gun. I was told that perhaps you open it three, three times.
11 There's the single and there's the rapid, but I do not recall the exact times that you're
12 supposed to open it, but you open the chamber, you open the gun, you clean
13 everything in the gun, you clean the barrel, and also inserting the bullets into the
14 magazine and putting it on to the gun. So we were taught how to dismantle and put
15 it back together.

16 Q. [12:38:57] You told us you yourself were trained, and you say "we" when you
17 speak about that training. Do you mean others were trained with you as well?

18 A. [12:39:24] You know, the training, this is how the training was organised. I
19 gave an example earlier on. When you are on the move, when you are marching,
20 when you are on parade, everybody attends the parade, but they do not organise the
21 parade as a normal government army does. They do it in short bursts and
22 intensively.

23 Q. [12:40:09] What else did the training include?

24 A. [12:40:19] The training included fighting tactics during battle, how you are
25 supposed to fight. If you are all supposed to lie down and take cover, you all lie

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1 down and take cover. If you are supposed to crouch down low, they show you how
2 do that. If you are supposed to fight while standing up, they show you how to
3 do -- to do that as well. So you fight while standing and while moving ahead.

4 Q. [12:41:02] The other people that you saw trained, what were their ages?

5 A. [12:41:23] The -- there is no distinction between females or males, but when they
6 have to -- they determine that somebody is capable. They really like the younger
7 children, from eight upwards, from six, seven, upwards, they really like that age
8 range.

9 Q. [12:41:53] You told us you carried a gun. Did you ever use a gun?

10 A. [12:42:12] Yes, I did use a gun.

11 Q. [12:42:27] Where did you use that gun, against whom?

12 A. [12:42:35] I used the gun while we were in the bush. I used it against soldiers.

13 Q. [12:42:54] Do you remember the location where you used it?

14 A. [12:43:06] I recall that I used the gun when we were in Binya, deep in the
15 wilderness in Binya. That's what I recall. I recall using it in that area.

16 Q. [12:43:26] Do you remember what happened that you had to use the gun?

17 A. [12:43:38] When, when you are -- when you are trained and you are no
18 longer -- or you are no longer thinking about fleeing and the -- they decide to give
19 you something as a test to see what you are going to do. I was given the gun, not as
20 my personal property forever, but you are given the gun when it's necessary, when
21 it's -- the necessity arises. I was given a gun when it's necessary. I used the gun
22 when it was necessary. They take the gun when the need arises and when we are
23 going somewhere.

24 Q. [12:44:29] So at Binya where you had to use the gun, what happened?

25 A. [12:44:42] It was an ambushade. We set up the ambushade against government

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1 soldiers. And we used -- I used the gun against soldiers.

2 Q. [12:45:19] Who asked you to use the gun against the government soldiers?

3 A. [12:45:30] Nobody tells you to use the gun. You are given the gun in the
4 battlefield.

5 Q. [12:45:44] Who gave you the gun that you used?

6 A. [12:45:50] It was Onen Kamdulu.

7 Q. [12:46:07] Can you tell us how an ambush is organised, happens, takes place?

8 A. [12:46:22] They -- the way they set up an ambush, for example when Lakwena is
9 aware that soldiers are coming, then the intention is to kill as many soldiers as
10 possible, and it's extremely difficult to enter into an ambush, a Lakwena ambush.
11 When soldiers do that, there is a high number of death or fatalities at that time.
12 When soldiers are following us, for example, and Dominic becomes aware of that,
13 then they set up an ambush. And it's not many soldiers, they don't send many
14 soldiers to do that. They sent perhaps seven or eight soldiers to do that, to set up the
15 ambush, and then the other soldiers are then used to cut the army off.

16 Q. [12:47:22] And how do you know that this is how an ambush is organised?

17 A. [12:47:34] I saw it with my own eyes.

18 Q. [12:47:43] Did you participate in one yourself?

19 A. [12:47:53] Yes, I was at the ambush in Binya.

20 Q. [12:47:58] I apologise. Other than that, do you remember a specific location?

21 A. [12:48:17] Ambush, when you set up an ambush it was not just an ambush.
22 I was not only part of ambushes, I was also part of any battles. We do not only set
23 up ambush. We set up an ambush when we know that soldiers are in a particular
24 area. It's the same thing, soldiers will also set up an ambush if they learn or discern
25 that the lakwena are in a certain area. There is no time to set up ambushes at any

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1 time.

2 Q. [12:48:49] So can you tell us what other ambushes or attacks that you remember,
3 just names, of places that you remember to have participated in?

4 A. [12:49:12] The one that I recall in particular were in Binya and Wii-Aceng.
5 Those are the two that I recall.

6 MR ZENELI: [12:49:25] Your Honour, may I, with your permission, just put another
7 location to him as well? It's in paragraph 129.

8 PRESIDING JUDGE SCHMITT: [12:49:33] Just put the location to him and he might
9 recall it or not. Yes.

10 MR ZENELI: [12:49:36] Thank you.

11 Q. [12:49:38] Does the name Layoko remind you of anything? Does it ring a bell?

12 A. [12:49:50] Layoko does ring a bell. I should -- we went, we went into an
13 ambush that was already set up. It was a different group that set up that ambush, it
14 was not Dominic's group that set it up.

15 MR ZENELI: [12:50:19] Your Honour, may I, with your permission, show the
16 witness a document? It's in tab 8. I am trying to confirm.

17 PRESIDING JUDGE SCHMITT: [12:50:38] Yes.

18 MR ZENELI: [12:51:00] So for the court officer, ERN is UGA-OTP-0243-0463, and
19 this is one of those other documents we have a version that's suitable for public
20 display. That's annex 8 -- tab 8. Thank you.

21 Q. [12:52:15] (Microphone not activated)

22 PRESIDING JUDGE SCHMITT: [12:52:16] Microphone, please.

23 MR ZENELI: [12:52:19] Thank you.

24 Q. [12:52:20] Mr Witness, do you see a document in the screen in front of you?

25 A. [12:52:28] Yes, I am.

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1 Q. [12:52:31] Have you seen it before?

2 A. [12:52:36] That's my -- that's a sketch that I drew and it does refresh my
3 memory.

4 Q. [12:52:42] And what does it refresh your memory of, for what? What does --

5 A. [12:52:54] It reminds me of the ambush that Lakwena set up against soldiers.

6 While we were on the OP -- the OP is a lookout person wherever we encamp. The
7 first thing that -- the first thing that is -- arrives from Lakwena is if it's not the guards
8 that are at the back that bring the information, then it's the OP that brings information
9 regarding any soldier activity so they will inform the group that there is a group of
10 soldiers that is following us. So the Lakwena group will then start moving from
11 their encampment and they would start, they would go and follow the footpath
12 where soldiers are going to follow them. The soldiers would then come to the
13 footpath and the Lakwenas would already be lined up in that area.

14 Q. [12:54:18] Do you remember what you yourself did during this ambush?

15 A. [12:54:27] During this ambush I was injured. If I can recall properly, I was
16 injured during this ambush. Because when we set up the ambush, I was injured and
17 I lost consciousness. I was unconscious because of the injury. I believe I sustained
18 the injury from a helicopter. I was unconscious for about one and a half days and
19 then I regained consciousness.

20 Q. [12:55:10] Did you fire a gun before you became unconscious?

21 A. [12:55:19] Yes, I did.

22 Q. [12:55:38] Other than the injury you just spoke about, do you have any other
23 injuries from your time in the bush?

24 A. [12:55:51] When I was in the bush I sustained injuries on both legs and my arm.

25 Q. [12:56:16] (Microphone not activated)

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- 1 PRESIDING JUDGE SCHMITT: [12:56:19] Microphone, please.
- 2 MR ZENELI: [12:56:22]
- 3 Q. [12:56:23] The writing that we see on the drawing in front of you, who wrote
- 4 that, that highlighted in green?
- 5 A. [12:56:40] It was the investigators that wrote this.
- 6 Q. [12:56:49] Did you yourself draw anything?
- 7 A. [12:56:57] They -- when they -- when they drew the diagram, the ones -- the
- 8 diagram that was -- some of the things that are in the diagram, for example, the tents
- 9 and the houses and the trees, those were drawn by me.
- 10 Q. [12:57:17] Mr Witness, you mentioned an OP. Were you ever an OP yourself?
- 11 A. [12:57:31] When -- before you are trained how to become a soldier you initially
- 12 start out as an OP, you are taught how to surveil. And I was an OP for a long time.
- 13 Q. [12:58:01] How did you sustain the injuries on your leg and arm?
- 14 A. [12:58:08] I believe that I was -- the -- the injury on my arm was by a gun,
- 15 because at the time the helicopters came.
- 16 Q. [12:58:30] And where did this happen, again?
- 17 A. [12:58:35] It happened while we were at Layoko.
- 18 MR ZENELI: [12:58:48] I am done with the document, it can be put down. And
- 19 maybe this is a good time to break, your Honours.
- 20 PRESIDING JUDGE SCHMITT: [12:58:53] Indeed. We have now, as I have already
- 21 announced, a little bit shorter break until 2.15.
- 22 THE COURT USHER: [12:59:00] All rise.
- 23 (Recess taken at 12.59 p.m.)
- 24 (Upon resuming in open session at 2.15 p.m.)
- 25 THE COURT USHER: [14:15:23] All rise.

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1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [14:15:47] Mr Zeneli, you have still the floor.

3 MR ZENELI:

4 Q. [14:15:59] Good afternoon, Mr Witness.

5 A. [14:16:04] Good afternoon.

6 Q. [14:16:05] When we broke off we were talking about the participation in
7 different ambushes and attacks. Other than the ones that we spoke about, the last of
8 which being Layoko, do you remember participating in any other attacks?

9 A. [14:16:36] The attacks that I remember are the ones that I explained. Perhaps I
10 have forgotten the others.

11 MR ZENELI: [14:16:53] Your Honours, with your permission may I just --

12 PRESIDING JUDGE SCHMITT: [14:16:58] Just one word I think and he might keep
13 going then afterwards.

14 MR ZENELI: [14:17:04] Absolutely.

15 Q. [14:17:06] Does the name Acet remind you of anything?

16 A. [14:17:13] Yes, it does remind me of something.

17 Q. [14:17:21] Can you tell us what it reminds you of?

18 A. [14:17:33] I remember that Acet is an area when we were in Binya, after Binya
19 we wanted to come to attack the camp in Acet. Before the movement a few people
20 were selected to go for a mission in the camp. They selected the soldiers who would
21 be having guns and those who would carry luggage, as well as those who would
22 abduct the civilians from the camp so that they can help with carrying the luggage.
23 When we reached close to Acet centre, it was close to the road, close to the Binya road
24 where we were coming from. We crossed the main Acet road. When we came
25 close we were split and directives given on how to attack. The government soldiers

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1 got information, got wind of our presence and before we attacked they had instructed
2 us on how to operate in the camp. They told us that when you go to the camp you
3 are going to determine whether you live or you will die. You have no relative, you
4 have no brother where you are. If you choose to be kind, you are going to remain
5 there as a dead body. And then we started moving to go and attack the camp.

6 The government soldiers got wind of our presence and they got wind of Lakwena and
7 the attack never took place. We started fleeing back, retreating back to our base.

8 Q. [14:19:52] Were you among the selected ones?

9 A. [14:20:01] Yes, I was.

10 Q. [14:20:03] Do you know who selected you?

11 A. [14:20:10] I do not remember who selected me, but he was a soldier under
12 Odomi's command.

13 Q. [14:20:20] You said that soldiers were selected. Can you give us a rough
14 estimate of how many soldiers went to Acet?

15 A. [14:20:38] The soldiers who went to attack the camp were many. I -- they were
16 many and the reason why it never -- the attack never took place, we entered the camp
17 when the government troops had already been distributed to their positions around
18 the camp. It was too late and we missed the time that we should have entered the
19 camp.

20 Q. [14:21:14] You also said that they selected soldiers who would be having guns
21 and those who would carry luggage, as well as those who would abduct the civilians
22 from the camp. What was the -- what was your role, what were you asked to do in
23 Acet?

24 A. [14:21:43] For me, I was among those who would carry luggage and to commit
25 any atrocity that I am told to commit.

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1 Q. [14:22:00] What atrocity would you be told to commit?

2 A. [14:22:11] When you don't have a gun, when you are not armed, you could be
3 told to abduct, you probably find an older person and you first start by hitting that
4 person. As you are beating that person you wouldn't be alone, you are probably
5 having backup from the soldiers who had -- who had guns. You would be together
6 with those who had guns.

7 Q. [14:22:53] Who would give you these orders?

8 A. [14:23:00] These orders come from Commander Odomi.

9 Q. [14:23:10] And the soldiers and the other people that were selected to go to Acet,
10 which group did they come from?

11 A. [14:23:24] The group came from Odomi's group.

12 Q. [14:23:31] You also told us about the instructions on going there and whether to
13 live or die. Who gave you that instruction?

14 A. [14:23:53] It was an order which came from above. As a foot soldier you are
15 given such a directive and that wherever you are going to, you are going to choose
16 between life and death. That place is bad and you should know it's not a good place.

17 Q. [14:24:21] Did you have any weapons, you yourself, or any other means of any
18 sort?

19 A. [14:24:35] What I had was a rope. And other things that you are given to have
20 with you can you like a machete. I had a machete.

21 Q. [14:25:05] How were you feeling, you yourself when you were asked to go to
22 Acet and do these things?

23 A. [14:25:20] For me it was painful, but I had become used to it. I didn't mind,
24 I didn't care. I never got worried about the kind of life that I was living because I
25 had stayed long there and I was used and -- and I was used to whatever they were

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1 doing. But when I heard the name Acet, I was afraid, I shivered a bit.

2 Q. [14:25:56] Why were you afraid? Why did you shiver?

3 A. [14:26:04] The reason why I shivered is when they mentioned the name Acet,
4 Odek and Acet are not far from each other, it's about 5 miles, I then thought that
5 whatever happened in Odek would take place in Acet as well.

6 Q. [14:26:34] Can you tell us what the plan was before reaching Acet?

7 A. [14:26:48] The plan was, as I heard them talking about it, was that the first thing
8 would be to go and shoot at the shoulders in the barracks and burn down the
9 barracks. After burning down the barracks, then they would come and attack the
10 camp. Those who would go to the camp would be different from those who would
11 attack the barracks.

12 Q. [14:27:25] From the group of people that you were selected to go and attack Acet,
13 can you tell us what the composition of that group was?

14 A. [14:27:43] The people who were selected to attack Acet included -- there was
15 Korea, there was Tito, because they were senior soldiers who had stayed for long.
16 There was Michael, there was Ogeri, and some foot soldiers who were with us, such
17 as Onen Kamdulu and Peleng.

18 Q. [14:28:20] What about Lacede?

19 A. [14:28:24] Yes, he was also there.

20 Q. [14:28:31] Were there women and children in this group as well?

21 A. [14:28:41] The women who were in the bush were all there. The women come
22 in when they have been ordered that the enemy had been defeated, they would
23 ask -- be asked to do certain things.

24 Q. [14:29:10] What would they be asked to do?

25 A. [14:29:20] The women are asked to help with things like carrying luggage and

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1 doing any other thing. Sometimes they also have to handle children. The children
2 are asked to, to beat jerrycans so that the soldiers are scared so that they have the
3 impression that the number is large.

4 Q. [14:30:00] Could you have refused to participate in this attack?

5 A. [14:30:11] You cannot refuse. There is no way out when you are told to go.

6 Q. [14:30:21] What would have happened if you had refused?

7 A. [14:30:32] What could happen if you refuse can be, especially if you are being
8 selected, they will tell you that you want to escape. Or sometimes they can conclude
9 that when you refuse to go for an attack, it means you have someone in that same
10 place that you collaborate with when you are chosen to go and you refuse.

11 Q. [14:31:19] And if they conclude that you refuse because you want to escape,
12 what will they do to you?

13 A. [14:31:33] You would be killed.

14 MR ZENELI: [14:31:51] Your Honour, I would like to show a diagram to the
15 witness.

16 PRESIDING JUDGE SCHMITT: [14:31:55] Annex 2?

17 MR ZENELI: [14:31:57] That is --

18 PRESIDING JUDGE SCHMITT: [14:31:58] But I don't know the tab number.

19 MR ZENELI: [14:32:01] That is --

20 PRESIDING JUDGE SCHMITT: [14:32:15] Tab 3, I would say.

21 MR ZENELI: [14:32:17] That is tab 3, absolutely right, your Honour. Way ahead of
22 me there. Thank you for that. UGA-OTP-0243-0457. And the version which is
23 suitable for public viewing is also made available.

24 Q. [14:32:53] Mr Witness, do you see a document in the screen in front of you?

25 A. [14:33:01] Yes, I am seeing it.

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1 Q. [14:33:07] Have you seen that before?

2 A. [14:33:13] Yes, I saw.

3 Q. [14:33:19] Can you tell us what it is?

4 A. [14:33:28] This is a sketch which I, I made. It -- it's a sketch which I drew when
5 the investigators were asking me about the attack on Acet. We came from Binya
6 road and then we continued moving to meet at the road going to Acet.

7 Q. [14:34:11] (Microphone not activated)

8 PRESIDING JUDGE SCHMITT: [14:34:14] Please, microphone, Mr Zeneli.

9 MR ZENELI: [14:34:21]

10 Q. [14:34:21] Mr Witness, if you look at the bottom of the document where you see
11 some arrows in red, can you tell us what that represents?

12 A. [14:34:36] The arrows stand for the way we should have moved to enter the
13 camp.

14 Q. [14:34:50] And did you move like those arrows indicate there?

15 A. [14:35:01] We -- when we reached the road we left the road and started moving
16 around the camp and the barracks, but the government soldiers got wind of our
17 presence.

18 MR ZENELI: [14:35:29] No further questions for the diagram, your Honour. It may
19 be put down. And with your permission I would like to move in private session for
20 the next set of questions.

21 PRESIDING JUDGE SCHMITT: [14:35:40] I understand. Private session.

22 MR ZENELI: [14:35:43] Thank you.

23 (Private session at 2.35 p.m.) *(Reclassified partially in public)

24 THE COURT OFFICER: [14:35:48] We are in private session, Mr President.

25 MR ZENELI: [14:36:02]

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1 Q. [14:36:04] Mr Witness, we are now in private session and as the Judge has
2 explained the rules in the courtroom to you, nothing that you say goes out of these
3 walls, and that means you can speak freely, mention any names or give any details
4 that you think are important. Do you understand that?

5 A. [14:36:39] Yes, I have understood it.

6 Q. [14:36:42] Thank you, sir. We were talking in the first session this morning
7 about the Odek abductees, and you gave us the names of the people that were part of
8 this group of abducted civilians. Can you tell us what happened to them?

9 A. [14:37:17] I request that when I am told to, to say there were children, there were
10 elderly people, I request that I first be allowed to, to talk about either the children first
11 or the elderly persons first so that I say them well.

12 PRESIDING JUDGE SCHMITT: [14:37:45] Yes, why not? If it's correct, Mr Witness,
13 that there were different groups perhaps, at least in how you see it, and you can
14 differentiate, if you want.

15 THE WITNESS: [14:38:08] (Interpretation) If I could ask also before explaining,
16 should I explain what happened to them?

17 PRESIDING JUDGE SCHMITT: [14:38:21] Mr Zeneli, I know you are perhaps
18 interested in a particular group of abductees. If you want, you may perhaps clarify
19 that or specify it also to the witness so we can focus on them. I think other groups of
20 abductees we have already touched upon a little bit at least in the first two sessions
21 also, but it's up to you how you want to direct it.

22 MR ZENELI: [14:38:50]

23 Q. [14:38:51] Mr Witness, do you remember talking to us about the commander
24 with the injured eye?

25 A. [14:39:01] Yes, I do remember.

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1 PRESIDING JUDGE SCHMITT: [14:39:09] May I shortly interrupt again because
2 I am -- it's sometimes not easy to really assess when we would have to go into private
3 session and is -- do we have to elicit all this information that you I assume want to
4 elicit now in private session, is this really necessary?

5 MR ZENELI: [14:39:32] Your Honour, that's an absolute valid concern. I had one
6 particular portion in mind that we need to solicit in private session. (Redacted)
7 (Redacted)

8 (Redacted). The reasons that I am slightly widening the
9 scope of the highlighted portions of the summary at this stage is because in my
10 judgment, I am making a judgment call now from viewing the witness's reaction in
11 the first session today and I think it's easier and safer to have that whole block of
12 questions in private session rather than only the original one that I had thought of,
13 without giving the specifics at this stage.

14 PRESIDING JUDGE SCHMITT: [14:40:38] But we have already also talked about
15 attacks where witness participated in and I am not sure if we really should
16 be -- should do it in such a broad manner, but perhaps continue and I assume
17 you are -- you want to ask about the abductees of a certain age and then we -- perhaps
18 we continue like that and we look if we can go back to open session. You see what I
19 mean? Because it's always the question we have with nearly every, every witness,
20 we want to be as transparent as possible, but of course the well-being of the witness is
21 of course also of utmost importance.

22 MR ZENELI: [14:41:32] Absolutely so, your Honour. And I just wanted to clarify
23 that it has -- it's not really related to the identifying information because I have judged
24 that before and I think it's okay to have the majority of that portion in public session.
25 The witness has no Rule 74 issues or assurances. He's under the age at the time of

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1 the -- it's only related to his, as you said, vulnerable status.

2 PRESIDING JUDGE SCHMITT: [14:42:05] This is true and I would not -- and now
3 that we are discussing this, it's of course very difficult to decide otherwise, but this of
4 course has -- was not how we have done it before when there were no Rule 74
5 assurances. So I would not contradict you now, but for the future I would really try
6 to have everybody in mind to foreshadow this before so that we can really stick to
7 what we have indicated before testimony starts so that we have an idea how we
8 conduct it. So it's also about a consistent approach. First of all, of course, when we
9 have one witness testimony but also throughout other testimonies of witnesses.
10 But please continue now and we are now in private session and I won't
11 go -- especially after this discussion in front of the witness, I won't go back to open
12 session now in that respect.

13 MR ZENELI: [14:43:11]

14 Q. [14:43:11] Mr Witness, do you remember talking about the commander with the
15 injured eye?

16 A. [14:43:22] Yes, I remember.

17 Q. [14:43:25] Did you ever hear him talk or saw him talk to Dominic at any point?

18 A. [14:43:45] That commander did talk to Dominic. He was talking with Dominic.

19 Q. [14:43:54] Do you know what they were talking about?

20 A. [14:44:02] I did not understand the subject of their discussion, but the way they
21 were talking when he was being carried he was saying that he got injured from Odek.
22 If he dies, the people of Odek should be killed and then when he was no longer there,
23 indeed the elders who were abducted from Odek were all killed.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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3 MR ZENELI: [14:54:57] Your Honour, at this stage we can prove to public session
4 and I can ask some follow-up questions on this without having to mention any
5 names.

6 PRESIDING JUDGE SCHMITT: [14:55:06] And perhaps after we have heard I may
7 ask Mr Witness if you feel like you would want to have a short break, we would of
8 course not have a problem with that. If you want to continue, we would continue.

9 THE WITNESS: [14:55:25] (Interpretation) We can continue.

10 PRESIDING JUDGE SCHMITT: [14:55:27] Thank you. We go back to open session.
11 (Open session at 2.55 p.m.)

12 THE COURT OFFICER: [14:55:32] We are back in open session, Mr President.

13 MR ZENELI: [14:55:47]

14 Q. [14:55:47] Mr Witness, when you were talking to us about the killing of the
15 abductees you also said they had decided to kill all of them. Who do you mean by
16 "they"? Who had decided to kill all of them?

17 A. [14:56:18] When I say that they made a decision, that means the decision has
18 come from the commander of that group such as Odomi because you cannot start
19 beating somebody without receiving any instructions from above. You cannot kill
20 your fellow, fellow person unless you have received instructions to do that.

21 Q. [14:56:49] How soon after the attack on Odek did the killing of these abductees
22 happen?

23 A. [14:57:10] Following the attack on Odek, it was three days, three days after the
24 attack of Odek, on the fourth day, that's when these people were killed.

25 Q. [14:57:29] Other than the killing on which you yourself participated, did you

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1 participate, you yourself participate in any other killing?

2 A. [14:57:54] Yes, I did participate in other killings. When most of the Odek
3 people had already fled from the bush, I would like to tell you that the LRA, the
4 commander of the -- of that group, known as Odomi, any adults civilian from
5 20 years onwards, regardless of where you are abducted from, whether you are
6 abducted from Acet, whether you are abducted from Odek, you should be killed.

7 Q. [14:58:40] Who did you kill, who else did you kill, you yourself participated in
8 killing?

9 A. [14:58:59] There was an elderly man that was abducted from an area known as
10 Opit. At the time people were in the camps, but it was in the Opit area. He was
11 abducted while herding his cattle. He was abducted with his cattle. He had one
12 bull. He was brought in the evening. They asked me to kill him. The old man
13 started crying. He asked, "Why are you killing me? Why are you killing me?"
14 One of the soldiers came and hit his chest with the butt of the gun. They tied his
15 hands behind his back. They started chopping logs at that particular time. The log
16 was as long as my arm and they told me to start beating this person. They stood by
17 while watching, while I was beating him. I started beating the old man. I beat him
18 very severely. They wanted me to beat him until I cracked his skull completely.
19 So I beat -- I beat the old man exactly in the manner that they wanted me to beat him.
20 There was blood and brains splashing on my face. I was covered in blood and
21 brains.

22 When I stopped beating, when I stopped beating the man, I had lost all strength. I
23 would move backwards because when I was, when I was abducted from school,
24 when I came back home from school I was in primary 4. My parents were very
25 proud of me, they were very proud of my studies, they pay my school fees knowing

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1 they are not wasting their money. I saw things in the bush and all those things have
2 completely traumatised me. The things that I did in the bush have completely
3 traumatised me.

4 PRESIDING JUDGE SCHMITT: [15:01:28] Mr Zeneli, would it make -- I'm not sure,
5 would it make sense to look at paragraph 84 of the statement?

6 MR ZENELI: [15:01:38] I was actually going to refer to paragraph 77 at this moment,
7 if that's okay with you your Honour.

8 PRESIDING JUDGE SCHMITT: [15:01:44] 77 and/or 84, indeed. Yes. No, no, it's
9 both, you have the two options because it might be that the witness is mixing
10 something or whatsoever. We don't know. Okay.

11 MR ZENELI: [15:02:03]

12 Q. [15:02:04] Mr Witness, were you near or at Atoo hills during your time in the
13 LRA?

14 A. [15:02:25] Yes, we spent a long time at Atoo hills.

15 Q. [15:02:32] Was anyone killed at that time in Atoo hills?

16 A. [15:02:46] They killed somebody, but I do not recall -- I do not recall the incident
17 very well, but yes, they did kill people there.

18 Q. [15:02:59] Were you asked to kill anyone at that area?

19 A. [15:03:08] Yes, I was.

20 Q. [15:03:19] And was it the same person as the one you were talking to us just a bit
21 earlier on, the man with the bull, or a different person?

22 A. [15:03:46] Yes, it was the herder, if I do recall.

23 Q. [15:03:54] Perhaps, Mr Witness, you can help us just understand this a bit more,
24 and for that reason I will ask that with the Judges' permission with now refer to
25 paragraph 84.

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1 PRESIDING JUDGE SCHMITT: [15:04:13] Yes, of course. Yes.

2 MR ZENELI: [15:04:21] And that is tab 1, UGA-OTP-0243-0428, paragraph 84.

3 Q. [15:04:40] So, Mr Witness, I am just going to read you a portion from the

4 statement that you provided to the Office of the Prosecutor, and it says this:

5 "I recall when we were in the area of possibly Atoo hills we were moving and it was

6 coming towards evening. Some soldiers were sent to collect food from Lango. I

7 then saw the soldiers return with a man who had his shirt removed and his bull.

8 I recall hear this man crying and then I could hear him being beaten but I did not see

9 it. I believe the soldiers then killed this man because I did not see him again. I

10 would say they would have killed this man because he was an adult and we" would

11 have "come across him during our movements and this is what the LRA did to stop

12 someone giving away our position."

13 MR ZENELI: And, your Honour, perhaps to in one go it would be at this moment

14 appropriate to also read what it says in paragraph 77.

15 PRESIDING JUDGE SCHMITT: [15:06:11] I think I would not make it too

16 complicated.

17 I would perhaps, first, Mr Witness, you see this, what you told the Prosecutor at the

18 time refers to the person with a bull. And this is what Mr Prosecutor has read to you,

19 sounds as little bit as if you yourself had not killed the man with the bull. So this is

20 why Mr Prosecutor is asking you. So the question would be now what would you

21 say today if you hear that?

22 THE WITNESS: [15:06:57] (Interpretation) That reminds me, it refreshes my memory.

23 The cattle herder is different from the other person. The reason why I say it's

24 a different person, because the other person was brought in the evening. They had

25 taken of his shirt. The sun was setting.

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1 The cattle herder was brought at around 4 p.m., 4 to 5 p.m. That's when they
2 brought him. The -- I was the one who beat the cattle herder. The other man with
3 the shirt was somebody else and he's the person that I heard crying. It's sometimes
4 when they bring adults, I know that, I know that they are going to ask me to kill that
5 person and on that day I do not know what changed their minds and they are the
6 ones who beat the shirtless man.

7 PRESIDING JUDGE SCHMITT: [15:07:59] Thank you, Mr Witness. And I think,
8 I think it's better to have it one step after the other. Then I would now perhaps refer
9 him to 77.

10 MR ZENELI: [15:08:13] Your Honour, I will be guided by your request. I was
11 going to leave it at that because I think that provided a very plausible explanation.

12 PRESIDING JUDGE SCHMITT: [15:08:22] Also possible, indeed. It's also possible,
13 yes, why not?

14 MR ZENELI: [15:08:25] Thank you very much.

15 PRESIDING JUDGE SCHMITT: [15:08:28] Indeed, indeed, yes.

16 MR ZENELI: [15:08:37]

17 Q. [15:08:38] Mr Witness, we talked about the attacks and the ambushes that you
18 participated in. Have you ever heard of a place called Abok?

19 A. [15:09:04] I would like to say something before I speak -- talk about Abok.
20 Before attacking Abok they had already attacked Abok previously. That was the
21 second time that they were going back to Abok. So before I give any explanation,
22 when the, the places that they were attacking, the army commanders added
23 whenever a camp was attacked, soldiers would be increased, soldiers would be
24 deployed to the camp. On the second occasion that they wanted to attack Abok
25 I was present. I was not present on the first occasion, but on the second occasion

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1 they came from Atoo hills, moving towards Opit. Abok camp is not very far from
2 Opit.

3 They -- we cut through Opit forest, we stayed there for a while. And then we started
4 heading towards Abok camp. When we headed towards Abok camp, there were
5 a number of soldiers there. So when we entered into the camp, or the people that
6 entered into the camp to go and attack the camp, they did not attack civilians at that
7 time. They did not attack people at that time, but there was gunfire because there
8 was a large number of soldiers in the camp. And shortly thereafter I saw the people
9 who had gone in the camp ran back, they retreated and we all fled.

10 Q. [15:11:15] When you -- we will talk about this in more detail about the attack.
11 You mention Opit. Did anything happen when you first reached Opit before going
12 to the camp, to Abok?

13 A. [15:11:41] There were a number of soldiers in Opit and Odomi's group knew
14 that the -- there was a large number of soldiers in Opit. So the -- they would actually
15 target soldiers who were on patrol, or they would wait for soldiers who were walking
16 in pairs or in trios. So that's when I saw on one occasion, they came back with three
17 army clothings, new army uniforms. But the uniforms had bullet holes and blood.
18 And I also saw guns, they came back with guns as well.

19 Q. [15:12:37] When you were at Opit, just before the attack on Abok, what
20 happened there? And I would like you to focus on the soldiers, on the LRA part, the
21 soldiers of your group. Did anything happen in Opit before you went to Abok?

22 A. [15:13:02] Nothing happened in Opit.

23 Q. [15:13:08] Where were the soldiers selected for the attack on Abok?

24 A. [15:13:21] The soldiers that were selected to go to Abok were selected from
25 amongst the soldiers who were under Atoo hills. So whenever there were any plans

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1 to go and attack any place, they would -- they would get us to line up and then pick
2 up people from that line. Sometimes they make a decision saying this person you,
3 you are going to carry loads, you, you are going to perform this task. So before we
4 leave to go on that particular mission they have already decided who is going to do
5 what.

6 Q. [15:14:05] Do you remember who selected the soldiers for the attack on Abok?

7 A. [15:14:18] I would like to state that the orders would come from above. I
8 would also like to say that Mr Odomi would issue the orders. And the other -- he
9 would call his subordinates and then that person would say we need people to go to
10 such and such a place. The orders would have already been issued. But you -- they
11 come and tell you such and such a thing is going to take place.

12 Q. [15:15:01] Do you remember the names of any of the soldiers that were selected
13 for this attack?

14 A. [15:15:19] I would like to say that the names that I mentioned earlier, the escorts
15 that I listed earlier, and that's what I saw. They have the knowledge, they have -- of
16 anything that's going on, they are not present -- or, sorry, they are present during any
17 attack, every attack. They are always present during every attack.

18 Q. [15:15:53] Was there a parade from which the soldiers were selected for the
19 attack on Abok?

20 A. [15:16:07] I didn't understand the question.

21 Q. [15:16:13] Was there a parade during which these soldiers, including the ones
22 you mentioned, were selected?

23 A. [15:16:36] For any attack to take place there is always a parade, people are
24 gathered and the commander first addresses his troops and gives directives on what
25 should be done. You cannot go for an attack on your own without being given the

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1 plan.

2 PRESIDING JUDGE SCHMITT: [15:16:57] Do you recall, Mr Witness, how you were
3 selected? Do you have this before your eyes with regard to Abok?

4 THE WITNESS: [15:17:11] (Interpretation) I recall that I was in a line among the
5 younger children. They do not segregate that this line is for children or this is for
6 adults. If they say you should be in threes, then you would go -- be in a line of three
7 people. I was in the line.

8 PRESIDING JUDGE SCHMITT: [15:17:41] Thank you.

9 MR ZENELI: [15:17:45]

10 Q. [15:17:45] You just told us that you were in the line among the younger children.
11 So other than you, were other young children selected?

12 A. [15:18:01] Yes, there were children.

13 Q. [15:18:10] What were your tasks? What were you going to do during the
14 attack?

15 A. [15:18:23] In that attack, if it was to go as planned, I mentioned earlier that
16 you are given your roles. The guns were not enough for everybody who were in the
17 bush. There were many people who required guns. Others would be -- other
18 people would be doing other things, like hitting the jerrycans or making the soldiers
19 scared. You should go with anything so that if an older person who is trying to
20 bully you, you attack with that weapon. Sometimes you carry a panga and you are
21 supposed to cut the person.

22 Q. [15:19:11] And so after this selection, what happened next? Where did you
23 guys go?

24 A. [15:19:24] After we were selected, we started moving towards the camp.

25 Q. [15:19:38] Do you remember which part of the day that was that you started

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1 moving?

2 A. [15:19:51] From Tegot to Opit was a bit far, so we left early. But to enter Abok
3 camp, even between Opit and Abok is a bit far, so we reached there a bit late. We
4 reached the camp a bit late.

5 Q. [15:20:39] With the group that you were moving with, who else was part of this
6 group? Were there women, children, other than the soldiers and the ones that you
7 mentioned? What was the composition of the group?

8 A. [15:21:01] Apart from the soldiers, there, there were women and there were
9 children.

10 Q. [15:21:15] And what was their role going to be in the attack?

11 A. [15:21:29] The women were supposed to carry luggage if the camp was attacked,
12 as planned.

13 Q. [15:21:51] So after you reached -- after the selection that was made during the
14 parade, you told us that you reached -- you reached the camp late?

15 PRESIDING JUDGE SCHMITT: [15:22:32] At what time did you reach the camp?
16 Do you recall that, Mr Witness?

17 THE WITNESS: [15:22:43] (Interpretation) We reached the camp at between 4 p.m.
18 and 7 p.m.

19 PRESIDING JUDGE SCHMITT: [15:22:57] Do you know any reason why this time
20 was chosen? Only if you know, if you have any idea about it.

21 THE WITNESS: [15:23:15] (Interpretation) It was not chosen, but the distance that
22 we had to move, we came from a long distance.

23 PRESIDING JUDGE SCHMITT: [15:23:22] Thank you.

24 MR ZENELI: [15:23:28] Thank you, your Honour.

25 Q. [15:23:38] So can you tell us where you were positioned vis-à-vis the camp,

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1 Mr Witness, where you yourself were positioned, the group that you were with?

2 A. [15:23:57] I was together with other people. We were at the edge of the -- at the
3 periphery of the camp. Before the barracks was attacked, we were at the edge of the
4 camp as we were ordered. We were waiting when the soldiers are defeated or when
5 at least the gunfires were really being exchanged, then we would go and attack.
6 They wouldn't -- they told us not to enter the camp until the position of the soldiers
7 had been ascertained.

8 PRESIDING JUDGE SCHMITT: [15:24:51] Could you see --

9 MR ZENELI: [15:24:53] Were there --

10 PRESIDING JUDGE SCHMITT: [15:24:55] Mr Witness, could you see what was
11 going on from your point of view where you were standing outside the camp? Or
12 could you not see anything what was going on in Abok centre or at the barracks?

13 THE WITNESS: [15:25:10] (Interpretation) I could not see.

14 MR ZENELI: [15:25:25]

15 Q. [15:25:25] Did you hear any, any soldiers, any whistling during the attack?

16 A. [15:25:39] During the Abok attack the -- we heard there were some people
17 whistling and Lakwena soldiers were retreating back. And we also fled, retreated
18 together with those who had gone to the camp.

19 Q. [15:26:13] Was anything taken from the camp?

20 A. [15:26:22] There was nothing that I saw that was taken from the camp.

21 Q. [15:26:35] Were any abductees taken from Abok?

22 A. [15:26:48] I did not see any abductee.

23 MR ZENELI: [15:26:53] Your Honour, I would like to refresh the witness's memory
24 by paragraph 95 of the statement. In view of the --

25 PRESIDING JUDGE SCHMITT: [15:27:04] Mr Obhof is standing, but ...

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1 MR OBHOF: [15:27:06] Your Honour, this isn't necessarily refreshing. I mean, the
2 witness categorically stated that he did not see any. It would be an issue maybe of
3 challenging said witness on it. But the witness was definite on his answer. It isn't a
4 matter where he cannot remember.

5 MR ZENELI: [15:27:23] If I recall it correctly, there has been the practice in this
6 courtroom that we do use that exercise not only when there is a lack of recollection,
7 but also when there is -- appears to be a slight inconsistency, I will put it that way,
8 and so that we ask for the witness to help us understand that inconsistency.

9 PRESIDING JUDGE SCHMITT: [15:27:46] Mr Obhof.

10 MR OBHOF: [15:27:47] We're just noting the legal difference of it. You know, not
11 remembering is something completely different from saying one thing and being
12 challenged on it at a later point.

13 PRESIDING JUDGE SCHMITT: [15:27:51] Yeah, so this is --

14 MR ZENELI: [15:27:56] Your Honour --

15 PRESIDING JUDGE SCHMITT: [15:27:57] -- what -- we don't have to discuss this
16 further. This is an instance where both are sort of correct. Of course, it's not
17 a refreshing exercise that we are doing here. It is simply that we have a statement,
18 why not say, where something different might have been stated, and we have indeed
19 the practice that such contradictions can also be assessed, and to do this we have to
20 put this part of the statement to the witness. But we have to be very careful and it
21 only counts what the witness tells us in the courtroom.

22 So please continue, Mr Zeneli. And it's, I think, 95.

23 MR ZENELI: [15:28:48]

24 Q. [15:28:48] Mr Witness, I will read you a portion from the statement you gave to
25 the Office of the Prosecutor, and this is just so that you can help us understand your

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1 testimony. In paragraph 95 of the statement you say that:

2 "When we met ... with the LRA soldiers I saw there was maize, cooking oil, beans and
3 other groceries from the shops. I recall also there were some new abductees that
4 were at this location and were all tied around waist."

5 PRESIDING JUDGE SCHMITT: [15:29:43] I think that might do for the moment.

6 MR ZENELI: [15:29:45] Yes.

7 PRESIDING JUDGE SCHMITT: [15:29:46] And perhaps, for the record, this is the
8 UGA we already mentioned from -- and it is page 0444.

9 So the question, Mr Witness, would be, now that you have heard that, what do you
10 say today?

11 THE WITNESS: [15:30:18] (Interpretation) I will say this. First, I would like to, to
12 say that I am not lying. What we are talking about today was some of the things
13 took -- which was taken from me long ago. That's why I -- when I see a map, I
14 remember. Now, if I have forgotten something, it's important that I be reminded.
15 As I remember, there were people who were newly abducted from there and there
16 was maize grains that was looted.

17 PRESIDING JUDGE SCHMITT: [15:31:13] Mr Witness, nobody says that you are
18 lying, or something like that. It's simply when we have these things, we have to
19 clarify it. It's only about that. And we are talking of course about -- and you are
20 especially talking about events that are long back in the past and it's clear that you
21 might not remember everything one hundred per cent today in the courtroom, and
22 that is the reason why we do this exercise. And it might happen in the next parts of
23 your testimony too. It might not be the first time, but that doesn't matter. That is
24 absolutely something normal in a courtroom, so to speak.

25 Mr Zeneli.

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1 MR TAKU: [15:31:59] Your Honours, I just want to remind that this statement was
2 taken on 8 September 2015.

3 PRESIDING JUDGE SCHMITT: [15:32:06] Thank you. I personally had -- did not
4 have this. I have a lot of things in my mind, but thank you for reminding me. I
5 thought it was longer ago, indeed. Thank you.

6 MR ZENELI: [15:32:23]

7 Q. [15:32:23] Mr Witness, were you yourself given anything to carry?

8 A. [15:32:33] I -- any luggage which I was given was not there, apart from cooking
9 oil.

10 Q. [15:32:51] Were there any civilians killed in Abok?

11 A. [15:32:58] No.

12 Q. [15:33:11] Did you hear of any civilians killed during Abok?

13 A. [15:33:22] I mentioned earlier that in Abok camp there were two attacks. The
14 first attack I was not present. The second attack when they were preparing to go
15 back is when I was there.

16 Q. [15:33:45] You were talking about two attacks on Abok. How do you know
17 about the first attack on Abok?

18 A. [15:34:09] I need to say this, when I was abducted from Odek camp I heard so
19 many things which were said to me by the soldiers; that Odek was unreachable and
20 they would say that Odek could not be compared to other camps where we attacked.
21 They would mention places that they think were not -- you could not reach include
22 Odek, Lukodi and Abok camps. Those are the things that I used to hear from the
23 soldiers.

24 Q. [15:35:05] After the attack, where, where did you go back to? Where did the
25 soldiers and you go back to?

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1 A. [15:35:16] After the attack we were left, we did not go back through the same
2 track we came. It was impossible to go back through the same track. We fled and
3 went to -- well, a long distance, but we were still bound to meet in a particular
4 location. Then we went back to our track from another location.

5 Q. [15:35:49] Do you remember where that location was located?

6 A. [15:35:57] It was in the area of Tegot Atoo, or Atoo hills.

7 Q. [15:36:16] What happened when you reached the Atoo hills?

8 A. [15:36:25] While we were at Tegot Atoo we stayed there for a long time. The
9 food that was taken from Opit, that was the food we were eating. I remember there
10 was a bull. I think I had stayed for only about one month. According to what I
11 heard, the owner of that bull was herding the bull about seven/eight in the morning
12 before the patrol of the government soldiers were there. The owner of that bull
13 brought the animal. The owner of the herd of cattle brought the animals to feed and
14 then they selected four, four herds of cattle, and then they selected four of the animals.
15 But the owner fled. They just collected those four and started going with to the
16 bush.

17 When they started moving with the animals, what I can say, why I say sometimes that
18 the oil that they use for smearing works, when they brought the animals, the animals
19 did not make, did not cry while they were slaughtering, they didn't make any noise.
20 When they brought the cows, like I said earlier, there were people like Korea and Tito
21 who were our seniors. Those of Tito were given one cow. That one was consumed
22 by the -- those soldiers and to the household of Odomi. That animal we were
23 ordered to kill, two of us were ordered to kill the animal. We were helpless. We
24 were not strong enough. I refused, that I could not kill the animal. I was hit on my
25 chest with a big stick. I still have the scar up to now. And when I bent down, then

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1 I was kicked that I should get up. I got up but I would fall again. Then I was
2 ordered to go and cut some logs. I cut a huge log which was used for hitting
3 the -- for beating the cow. The cow was beaten once and it fell down immediately.
4 Then we started slaughtering the animal. When we, we were slaughtering and then
5 while we slaughtered a big hole was dug which could be used to make a fire to dry
6 the, the beef. We went and searched for firewood but they first put some fresh logs
7 on top of the hole that was -- the trench that was dug. The beef was cut into small
8 pieces and then we were preparing the skin of the animal. They told us that that was
9 the last time that we would eat, that that was the last they were eating meat, because
10 when it is dried, when it is roasted it is no longer ours. For us, the skin was the one
11 that was given to us to eat. We found it was nice. We roasted the skin, it got ready,
12 and we put into small pieces. It was roasted already and we would carry it along,
13 and carried the meat as well, but you don't eat the meat, you don't eat the beef, it is
14 for the commander. When you touch it you would be beaten. That is what
15 happened from Opit when we were at Opit.
16 When we were now at Tegot we kept moving from one place to another looking for
17 food.

18 Q. [15:41:26] Who ordered your beating at Opit?

19 A. [15:41:35] The order that was given was from the people who had asked me to
20 kill the cow. That is when I was beaten, at the same location.

21 Q. [15:41:53] And who were those people?

22 A. [15:42:00] The people who beat me were Korea. Korea was the one who beat
23 me. At the time that they were supposed to kill the cow, it was me, Korea, Michael,
24 Lacede and Onen. We were the ones who slaughtered the animal.

25 Q. [15:42:32] Did you hear about the killings in Abok? Did you hear any civilians

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1 killed in Abok?

2 A. [15:42:48] I heard about the killing of Abok. But when they were talking about
3 it.

4 Q. [15:43:00] When who was talking about it?

5 A. [15:43:07] It was Onen Kamdulu and Peleng, and other soldiers who were there.

6 Q. [15:43:20] And did they say anything to you at that time when they were talking
7 about the killings?

8 A. [15:43:31] They would give an example of what would happen. They would
9 talk. The examples that they would give, like if they are going to conduct an attack,
10 they would start saying, talking about such things. Or if someone like me, if I
11 wanted to escape, they would say that if you were in a camp, if you were like in Odek
12 camp, you would know how people die, or if you were in Abok you would know and
13 you would see how people are killed. That is the same way you would be killed.
14 They would say that whatever happened in Abok would happen.

15 Q. [15:44:28] Did all the soldiers that went to Abok return to Atoo hills?

16 A. [15:44:42] I can say that the second attack, when we, we went, we went back to
17 Tegot together with all of them.

18 PRESIDING JUDGE SCHMITT: [15:44:56] I think this would be a good point to
19 finish for today, because we have now already a quarter to four and, as announced,
20 we would have to close.

21 MR ZENELI: [15:45:09] Your Honour, thank you for that. I was operating on the
22 assumption that we are on the old schedule, although you have mentioned it twice.
23 And I just say for the sake of the clarity, the reason that I did not provide the ERN
24 number of the statement of the witness is because, if I recall correctly, on your
25 instructions once you do it once, and you give the tab number, you simply go with

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1 the paragraph, so that's why I mentioned only the paragraph.

2 PRESIDING JUDGE SCHMITT: [15:45:36] That that's correct, but of course it's also
3 helpful when you have the page number. But no reprimand or no reproach or
4 anything in that respect. I wanted to ask you something when we now go for the
5 break, how long your estimate would be for your further questioning?

6 MR ZENELI: [15:45:56] I would estimate, emphasis on estimate, another session and
7 maybe spilling over into the next one on Monday. This on the basis that I will have
8 to restructure a bit my questioning and my outline so that we give enough time to the
9 legal representatives and then the Defence will have two days, if they need it.

10 PRESIDING JUDGE SCHMITT: [15:46:21] Of course, this would of course be the
11 idea.

12 And the legal representatives, do you have already an idea in that respect?

13 MR COX: [15:46:29] Thank you, Mr President. I think similar to the other
14 witnesses. Maybe a little bit more, but not too much.

15 PRESIDING JUDGE SCHMITT: [15:46:37] So then -- and Mrs Massidda also?

16 MS MASSIDDA: [15:46:40] Your Honour, I suspect that the areas that I would like to
17 cover will be covered by my colleague Mr Cox, so it could be that we will not have
18 any question. Otherwise will be limited, I think, to 10/15 minutes maximum.

19 Thank you.

20 PRESIDING JUDGE SCHMITT: [15:46:57] Thank you to all of you. This means of
21 course that we, you know, the reason why I ask is because we are coming close to this
22 whole portion of evidence that we have and this of course means that we would have
23 to finish the witness by Wednesday, and this is going to happen when I hear that.

24 So we will now have -- conclude the hearing for today -- also, Mr Witness, for today
25 only -- and we resume on Monday at 9.30.

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- 1 THE COURT USHER: [15:47:26] All rise.
- 2 (The hearing ends in open session at 3.47 p.m.)
- 3 RECLASSIFICATION REPORT
- 4 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 5 2016, the public reclassified and lesser redacted version of this transcript is filed in the
- 6 case.