

Trial Hearing
WITNESS: UGA-OTP-P-0275

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Monday, 6 November 2017
9 (The hearing starts in open session at 9.36 a.m.)
10 THE COURT USHER: [9:36:18] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:36:46] Good morning, everyone.
13 Good morning, Mr Witness. Do you hear me?
14 WITNESS: UGA-OTP-P-0275
15 (The witness speaks Acholi)
16 (The witness gives evidence via video link)
17 THE WITNESS: [9:36:56] (No interpretation)
18 PRESIDING JUDGE SCHMITT: [9:36:58] Thank you very much.
19 I did not have interpretation but obviously Mr Witness has understood me.
20 So we shortly come to you and I address you directly, Mr Witness.
21 First of all, could the court officer please call the case.
22 THE COURT OFFICER: [9:37:12] Good morning, Mr President, your Honours.
23 The situation in the Republic of Uganda, in the case of The Prosecutor versus
24 Dominic Ongwen, case reference ICC-02/04-01/15.
25 And for the record, we are in open session.

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- 1 PRESIDING JUDGE SCHMITT: [9:37:26] Thank you very much.
- 2 I call for the appearances of the parties. For the Prosecution, Mrs Hohler.
- 3 MS HOHLER: [9:37:31] Good morning, your Honours. My name is Beti Hohler.
- 4 I am appearing today with Ben Gumpert, Pubudu Sachithanandan, Yulia Nuzban,
- 5 Colleen Gilg and Ramu Fatima Bittaye.
- 6 PRESIDING JUDGE SCHMITT: [9:37:43] Thank you.
- 7 And for the LRVs, please, Mrs Massidda first.
- 8 MS MASSIDDA: [9:37:50] Good morning, your Honours. Ms Jane Adong is
- 9 following the hearing from the location where the witness is, and in courtroom today,
- 10 Mr Orchlon Narantsetseg and myself, Paolina Massidda.
- 11 PRESIDING JUDGE SCHMITT: [9:38:03] And Mr Cox.
- 12 MR COX: [9:38:04] Good morning, Mr President. With me, James Mawira and
- 13 myself, Francisco Cox.
- 14 PRESIDING JUDGE SCHMITT: [9:38:13] Thank you.
- 15 And for the Defence.
- 16 MR OBHOF: [9:38:19] Good morning, your Honour. Today with us is counsel
- 17 Krispus Ayena Odongo, co-counsel Chief Charles Achaleke Taku, our assistant to
- 18 counsel, Ms Abigail Bridgman, myself, Thomas Obhof, and our client, Mr Ongwen.
- 19 PRESIDING JUDGE SCHMITT: [9:38:35] Thank you, Mr Obhof.
- 20 And we turn now to the examination of Witness P-275, a Prosecution witness. And
- 21 the Chamber briefly recalls at the outset that this witness has been granted face
- 22 distortion and the use of a pseudonym in Decision 612.
- 23 The Chamber considers that no further order is necessary in this regard, noting that
- 24 the VWU does not recommend any additional protective measures.
- 25 As counsel have already been informed, and noting paragraphs 48 to 55 of the

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1 already-mentioned Decision 612, the VWU has also determined that certain special
2 measures are necessary to assist the witness in his testimony.

3 Mr Witness, again good morning and on behalf of the Chamber, I would like to
4 welcome you at the video link location. You are going to testify before the
5 International Criminal Court. And you have a card in front of you with the solemn
6 undertaking to tell the truth, and I would like you, please, to take this card and read
7 aloud what is written there.

8 THE WITNESS: [9:39:51] (Interpretation) I solemnly swear to tell the truth, the
9 whole truth and nothing but the truth.

10 PRESIDING JUDGE SCHMITT: [9:40:10] Thank you very much, Mr Witness.

11 I explain now to you the protective measures that have been put in place for your
12 testimony. These are the following: First of all, face distortion has been put in
13 place, which means that no one outside the courtroom can see your face. Secondly,
14 we all will refer to you as "Mr Witness", as I am doing at the moment, to make sure
15 that the public does not know your name.

16 When you are described to ask anything that relates specifically to you or you are
17 asked to mention facts that might reveal your identity, we will do this in private
18 session. I explain to you what private session means. It means that there is no
19 broadcast and no one outside the courtroom can hear your answer.

20 If ever anything gets said during public session which should have been said in
21 private session, we will do our best to protect this information. Your testimony will
22 be broadcast on a delay and this means that we can remove, and will remove, any
23 such remarks from the public broadcast.

24 Before we start with your testimony, shortly some practical matters I would address
25 with you. Everything we say here is, of course, written down and interpreted. It is

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1 therefore important to speak clearly and at a slow pace. Please only start speaking
2 when the person asking you the question has finished. We all need a few seconds to
3 allow for the interpretation. If you have any questions yourself, raise your hand so
4 we know that you wish to say something.

5 This was quite a lot of information. May I ask you if you have understood
6 everything what I told you?

7 THE WITNESS: [9:42:08] Yes, I have understood clearly.

8 PRESIDING JUDGE SCHMITT: [9:42:11] Thank you very much, Mr Witness.

9 Then I give Mrs Hohler the floor.

10 QUESTIONED BY MS HOHLER:

11 Q. [9:42:21] Good morning, Mr Witness. We have met before and, as you know, I
12 will be asking you questions today on behalf of the Prosecution.

13 Before I start, I just want to say that if at any point you do not understand my
14 question, don't hesitate to say so and I will rephrase it.

15 Your Honour, if we could go into private session for a few identifying questions.

16 PRESIDING JUDGE SCHMITT: [9:42:49] Yes, we do that.

17 Private session.

18 (Private session at 9.42 a.m.) *(Reclassified partially in public)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [9:44:10] I will now show you a document, Mr Witness. I believe the
8 court officer next to you has a binder and if it could be turned to tab 3, please.

9 This is UGA-OTP-0244-3418.

10 It's a confidential document and I think it will also be displayed on the screen in front
11 of you.

12 Do you see the document, Mr Witness?

13 A. [9:45:04] Yes, I see the document.

14 Q. [9:45:08] There is a photograph on the left side, do you see that photograph in
15 the document? Do you see the photograph on the left-hand side of the document,
16 Mr Witness? Who is on that photograph, if you are seeing it?

17 PRESIDING JUDGE SCHMITT: [9:45:58] I think it is not yet displayed, I would
18 assume.

19 MS HOHLER: [9:46:03] Very well. We will wait a bit.

20 PRESIDING JUDGE SCHMITT: [9:46:05] So if Mr Witness cannot see anything, he
21 cannot say.

22 But I think now, perhaps you have now a look, Mr Witness, on the screen.

23 THE COURT OFFICER: (Via video link) [9:46:13] May it please the Court, it is
24 before the witness now.

25 MS HOHLER: [9:46:18] Very well.

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1 Q. [9:46:19] Mr Witness, do you see the document now and do you see the
2 photograph in that document?

3 A. [9:46:29] Yes, I have seen the document. I am seeing it right now.

4 Q. [9:46:34] Who is on that photograph?

5 A. [9:46:39] That is my photograph.

6 Q. [9:46:42] And what is this document?

7 A. [9:46:49] This is my national identity card, which belongs to me.

8 Q. [9:46:56] On the right-hand side of the document, under "date of birth" it states
9 (Redacted) Is this your date of birth, Mr Witness?

10 A. [9:47:14] Yes, that is correct.

11 MS HOHLER: [9:47:17] We are done with that document for the moment.

12 Thank you.

13 And we can go back into open session, your Honour.

14 PRESIDING JUDGE SCHMITT: [9:47:25] Back to open session.

15 (Open session at 9.47 a.m.)

16 THE COURT OFFICER: [9:47:32] We are back in open session, Mr President.

17 MS HOHLER: [9:47:46]

18 Q. [9:47:47] Mr Witness, I understand that before coming to testify today you were
19 able to go through your witness statement; is that correct?

20 A. [9:48:05] Yes, that is correct.

21 Q. [9:48:08] Would you please turn now to tab 1 of the binder in front of you.

22 And this is document UGA-OTP-0244-3398. It is a confidential document, not to be
23 displayed to the public.

24 Do you see the document?

25 A. [9:48:45] Yes, I am seeing the document.

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1 Q. [9:48:48] Do you see that at the top the document reads "Witness Statement",
2 and do you see your name at the top left of that document?

3 A. [9:49:07] Yes, I am seeing.

4 Q. [9:49:09] And the names of your parents on the right-hand side of the document,
5 do you see that?

6 A. [9:49:18] Yes, I am seeing.

7 Q. [9:49:22] Towards the end of the page, just below the various dates mentioned
8 there is a signature. Do you see that signature?

9 A. [9:49:36] Yes, I am seeing it.

10 Q. [9:49:39] Whose signature is it?

11 A. [9:49:45] It is mine.

12 Q. [9:49:48] If you could now, Mr Witness, please turn to the page before last on
13 this document, it's page 15, ending in 3412, there is a box towards the end saying
14 "Witness Acknowledgment", do you see that?

15 A. [9:50:32] Yes, I have seen it.

16 Q. [9:50:33] And it continues on the next page, if you turn the page to the last one,
17 please.

18 You see a date, 27 September 2015, and above it there's again "signature". Do you
19 see that?

20 A. [9:50:58] Yes, I have seen it.

21 Q. [9:51:01] Whose signature is that?

22 A. [9:51:09] That is my signature.

23 Q. [9:51:12] Mr Witness, is this the witness statement that you gave to the ICC
24 investigators in September 2015?

25 A. [9:51:33] Yes, that is the one.

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1 Q. [9:51:36] When you gave your statement were you telling the truth?

2 A. [9:51:49] Yes, I was telling the truth.

3 Q. [9:51:50] And did you make this statement to the best of your knowledge and
4 recollection?

5 A. [9:52:03] Yes, I gave in relation to what I remembered, the experience I went
6 through.

7 Q. [9:52:12] Now, Mr Witness, the Judges can use this statement when they decide
8 the case. Do you have any objection against the Judges using this statement when
9 they decide the case?

10 A. [9:52:36] I have no objection.

11 Q. [9:52:39] Thank you, Mr Witness.

12 MS HOHLER: [09:52:40] And that I think, your Honour, satisfies the requirements
13 under Rule 68(3).

14 PRESIDING JUDGE SCHMITT: [9:52:46] That is correct.

15 MS HOHLER: [9:52:52]

16 Q. [9:52:52] Mr Witness, I will now just ask you very few questions and show you
17 some more documents and we will start with the documents.

18 If you could again please look at the binder in front of you.

19 And we will first go to tab 4, please. This is UGA-OTP-0269-0711.

20 Do you see the document, Mr Witness?

21 A. [9:53:50] Yes, I am seeing the document.

22 Q. [9:53:54] What is this document?

23 A. [9:54:01] These are immunisation documents that belong to me.

24 Q. [9:54:10] Thank you, Mr Witness. If you now go to the next tab, tab 5, please,
25 this is UGA-OTP-0244-3417.

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- 1 Are you there, Mr Witness?
- 2 A. [9:54:40] Yes, I have found it.
- 3 Q. [9:54:41] I have the same question: What is this document?
- 4 A. [9:54:52] This is my birth certificate.
- 5 Q. [9:54:58] And we go on to tab 6, please. This is UGA-OTP-0269-0719.
- 6 What is this document, Mr Witness?
- 7 A. [9:55:32] This is a report card, a school report card for primary 1.
- 8 Q. [9:55:38] Who does it belong to?
- 9 A. [9:55:44] This is mine for primary 1.
- 10 Q. [9:55:49] Thank you, Mr Witness.
- 11 Now to tab 7, please. This is UGA-OTP-0269-0710.
- 12 What is this document, Mr Witness?
- 13 A. [9:56:17] This is my school report card for primary 6.
- 14 Q. [9:56:24] And to tab 7 -- to tab 8, Mr Witness, please, if you turn to the next tab
- 15 in the binder. This is UGA-OTP-0269-0714.
- 16 Can you please tell us what is this document, Mr Witness?
- 17 A. [9:56:56] This is also my report card for primary 6. I had repeated the class.
- 18 Q. [9:57:07] And if you can turn, please, to tab 9, Mr Witness. This is
- 19 UGA-OTP-0269-0712.
- 20 What is this document?
- 21 A. [9:57:34] This is my UCE result slip that belongs to me.
- 22 Q. [9:57:44] And the next document, Mr Witness, in tab 10, please, if you turn the
- 23 page. This is UGA-OTP-0269-0720. Who is that on the photograph?
- 24 A. [9:58:15] That is my photograph.
- 25 Q. [9:58:17] What is the document?

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1 A. [9:58:22] This is a voter location slip which shows where I am supposed to vote.

2 Q. [9:58:31] Thank you, Mr Witness. Now if you go back to the beginning of the
3 binder to tab number 2, please, tab 2. The document here is UGA-OTP-0244-3419.

4 Do you see that document?

5 A. [9:59:02] Yes, I am seeing it.

6 Q. [9:59:06] What is this document?

7 A. [09:59:15] This is a document which was given by GUSCO. It was given to me
8 by the GUSCO people.

9 Q. [9:59:22] And there is a picture attached at the top right end, and if you flip
10 a page, there is a close-up photograph of that same picture, and this is
11 UGA-OTP-0244-3415.

12 Do you see that close-up of the photograph, Mr Witness?

13 A. [9:59:53] Yes, I am seeing it.

14 Q. [9:59:56] Who is on that photograph?

15 A. [10:00:01] That is my photograph.

16 Q. [10:00:05] Thank you, Mr Witness. We are done with the binder now. You
17 can put it away.

18 I only have one or two questions that I want to ask you, and for your Honours and
19 my colleagues in the courtroom, I will be asking a clarifying question related to
20 paragraphs 77 and 79 in the witness statement.

21 PRESIDING JUDGE SCHMITT: [10:00:37] Thank you for the information.

22 MS HOHLER: [10:00:39]

23 Q. [10:00:39] Mr Witness, I will read first three sentences to you from your witness
24 statement and then I will ask you one or two questions about that. Is that okay?

25 A. [10:00:57] That's fine.

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1 Q. [10:00:59] So I'm reading now from your statement and this is paragraph 77 first:

2 "One of the commanders was badly hurt during the Pabbo attack. Some of the LRA
3 soldiers said that if the commander died, the people carrying him on the stretcher
4 would also be killed."

5 And in paragraph 79 you also said:

6 "Three of the stretcher-bearers were Ojok David, Latiko James and Otto, father of
7 Paw-Paw."

8 I want to ask you, Mr Witness, about that injured commander on that stretcher. And
9 my question is: Did you yourself see this commander get injured?

10 A. [10:02:06] Yes, I did -- no, I did not.

11 Q. [10:02:13] So you did not see him; is that correct?

12 A. [10:02:19] That's correct.

13 Q. [10:02:21] When did you first see the stretcher with this commander?

14 A. [10:02:40] I did not quite understand your question.

15 Q. [10:02:42] The first time that you saw this stretcher with this injured commander,
16 do you remember when was it?

17 A. [10:03:01] I do not recall.

18 Q. [10:03:05] Thank you, Mr Witness. Those are all the questions that I had for
19 now.

20 MS HOHLER: [10:03:11] Thank you, your Honour.

21 PRESIDING JUDGE SCHMITT: [10:03:12] Thank you, Mrs Hohler.

22 From the LRVs, any questions, Mrs Massidda?

23 MS MASSIDDA: [10:03:18] Yes, your Honour. Ms Adong will question the witness.
24 Thank you.

25 PRESIDING JUDGE SCHMITT: [10:03:25] So I give the floor to Mrs Adong and we

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1 hope that we hear you, Mrs Adong, very well.

2 MS ADONG: [10:03:37] Thank you, Mr President.

3 PRESIDING JUDGE SCHMITT: [10:03:40] And, Mrs Adong, it is good that we can
4 see you. So please don't move too much to the right because part of you will then
5 vanish on the screen, and it is of course good when we also see the person who
6 examines the witness. Thank you.

7 So please start, Mrs Adong.

8 QUESTIONED BY MS ADONG (Via video link):

9 MS ADONG: [10:04:05] Thank you, Mr President.

10 Q. [10:04:08] Good morning, Witness.

11 A. [10:04:11] Good morning.

12 Q. [10:04:12] Could you please briefly describe your time before you were
13 abducted, your life?

14 A. [10:04:30] Before my abduction, I was a young child. I enjoyed my education.
15 I was in primary 4 at the time, at a school known as Odek primary school.

16 Q. [10:04:56] (Speaks Acholi) When you were abducted, how did you feel?

17 A. [10:05:03] I was extremely hurt when I was abducted and I was very uncertain
18 about my life.

19 THE INTERPRETER: [10:05:17] Could counsel please wait for the interpretation to
20 be completed.

21 THE WITNESS: [10:05:23] (Interpretation) I was afraid of death.

22 MS ADONG: [10:05:27]

23 Q. [10:05:27] By the time you were abducted and during your time in the bush, did
24 you have any fear about your family members?

25 A. [10:05:52] Yes, I had fear about them and I was extremely concerned about the

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1 people that were back home at the time that I was abducted.

2 THE INTERPRETER: [10:06:01] Your Honour, could counsel please wait for
3 interpretation to be finished before she starts her question.

4 PRESIDING JUDGE SCHMITT: [10:06:06] I think I tell her. Mrs Adong, when I
5 said in the beginning to -- when I told the witness to speak slowly and clearly so that
6 the interpretation could follow, this -- I also speak to myself a little bit because I tend
7 to speak too quick sometimes, but it also applies to you at the video link location. So
8 please only start speaking when the witness has finished his answers and speak
9 slowly and perhaps also a little bit louder or more in the direction of the microphone
10 so that we can understand you better.

11 So I would like to ask you to repeat the last question. And then we go on with that.

12 MS ADONG: [10:06:55] I am grateful, Mr President.

13 Q. [10:06:59] Mr Witness, could you talk about your fears and concerns with any
14 person during your time in the bush?

15 A. [10:07:23] I did not understand the question.

16 PRESIDING JUDGE SCHMITT: [10:07:26] I think, Mrs Adong, it was a little bit too
17 unspecified. The witness has already said that it was a very difficult situation when
18 he was abducted. Perhaps simply ask him how he felt during the time in the bush,
19 how he emotionally felt, if he thinks about it still and these things, perhaps.

20 MS ADONG: [10:07:55] Grateful, Mr President.

21 Q. [10:08:05] Mr Witness, you have already explained to the Court that you had
22 a lot of fear. Now, was there anybody you could talk to, you know, to express your
23 feelings to during the time you were in the bush?

24 A. [10:08:37] No. There was nobody I could confide in my fears, because all the
25 people in the bush were ferocious people so I could not confide in anyone.

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1 Q. [10:08:53] Thank you, Witness. Now, Witness, in your statement you did
2 mention that after your abduction you were given items to carry. How heavy were
3 these items?

4 A. [10:09:23] The items that I was given to carry were quite heavy, because the bag
5 that I was given to carry contained a number of clothing, and the cooking oil that
6 I was also given to carry was approximately 5 kilos. So if you add the 5 kilos of
7 cooking oil, in addition to the bag containing the items of clothing, then that made it
8 extremely heavy.

9 Q. [10:09:53] Thank you. In your statement you also mentioned that you had to
10 walk a very long distance and that you were threatened with death in case you did
11 not walk. Could you, for the purpose of this case, estimate to the Court how far the
12 distance was?

13 A. [10:10:42] We walked for a very long time. It's very difficult for me to estimate
14 the distance. But it was extremely far. We passed a number of places. We crossed
15 a number of roads. We crossed some rivers and that made me determine that it was
16 a very long distance.

17 Q. [10:11:09] Thank you.

18 Mr President, if we could go into closed session for about five minutes or so.

19 PRESIDING JUDGE SCHMITT: [10:11:20] Private session.

20 (Private session at 10.11 a.m.) *(Reclassified in public)

21 THE COURT OFFICER: [10:11:23] We're in private session, Mr President.

22 MS ADONG: [10:11:44] Thank you, Mr President.

23 Q. [10:11:48] Mr Witness, in your statement you mentioned that you were ordered
24 to use a club to kill a woman whose feet were swollen.

25 How did you feel when you were asked to kill this woman?

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1 A. [10:12:21] It was something very difficult for me to conceive, killing somebody
2 without any fault. The person was also -- you know, you are asking a young child to
3 kill an adult. I was scared. I was surprised. And I knew that I had done
4 something that was contrary to God.

5 PRESIDING JUDGE SCHMITT: [10:12:49] But I think this, since we have no Rule 74
6 issues here, this can -- and perhaps at a certain point in time I have also to say it
7 would have to be discussed in open session. We go back to open session.
8 (Open session at 10.13 a.m.)

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

10 PRESIDING JUDGE SCHMITT: [10:13:21] Thank you.

11 Shortly, Mr Taku, yes.

12 MR TAKU: [10:13:24] Your Honour, I would like my colleague to draw your
13 attention to the paragraph in his witness statements, because the witness didn't kill,
14 he said that he refused, someone else killed and he was asked to pull the corpse. So
15 for my colleague to concretely say that he killed someone when that is not his
16 statement. Or if she strongly believes that, she should draw your attention to the
17 paragraph in the statement.

18 PRESIDING JUDGE SCHMITT: [10:13:52] I think both interventions I think are
19 correct, Mr Taku, that you are making.

20 First of all, I would perhaps not draw the conclusion out of what I have read from the
21 statement like Mrs Adong did. But we are here to read and it is now Rule 68(3)
22 incorporated, so it would -- there is no damage in it.

23 And secondly, for everybody, and Mrs Hohler already did it, it would be very helpful
24 if we refer to the statement since it is a Rule 68(3) statement, if we refer also later
25 the Defence then to the paragraph what we are discussing.

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1 So please continue, Mrs Adong.

2 But this is noted and it's correct, Mr Taku.

3 MS ADONG: [10:14:42] I am grateful.

4 Q. [10:14:46] Mr Witness, in the same statement you mentioned that some LRA
5 soldiers killed a woman and then asked you to take away her body.

6 Mr President, the reference is UGA --

7 PRESIDING JUDGE SCHMITT: [10:15:16] It's enough if you simply point to the
8 paragraph because we have already the ERN number on the record. Thank you.

9 MS ADONG: [10:15:24] Grateful, Mr President. Paragraph 58.

10 Q. [10:15:30] How did you feel when you had to move and to throwaway the dead
11 body of the woman who was killed?

12 A. [10:15:52] Well, I was afraid. I was not merely afraid, but the fact that I could
13 see somebody who had just been killed, somebody who was covered in blood was
14 extremely painful for me. In addition to that, this person was already an adult and
15 she was heavy, so it was very difficult for me to pull her as well.

16 Q. [10:16:21] Thank you. Mr Witness, you were also ordered to collect food
17 during the attack on Pabbo camp under threat of being killed.

18 I am looking at paragraph 71.

19 How did you feel knowing that you had to pillage goods belonging to other civilians?

20 A. [10:17:16] That was also very painful experience for me. And it was also
21 difficult for me to do.

22 Q. [10:17:24] Thank you. Mr Witness, could you tell this Court how you managed
23 the constraint threats and fears of being killed during the time you were in the bush?

24 A. [10:18:01] I had to bear those things. But on most occasions it made me very
25 angry and it also made me extremely emotional because it made me cry a lot.

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1 Q. [10:18:17] Thank you. I am now going to ask you about your life during your
2 time in the bush.

3 As a child, what were the life conditions like in the bush.

4 A. [10:18:53] As a young child, the things that I saw and the things that I
5 encountered was that children suffered. There was no food. There was sometimes
6 when children are fed very late and sometimes we are not fed at all because the adults
7 are fed first and then the children are fed last.

8 So that was something that was very difficult because children were mistreated.

9 Q. [10:19:30] Where did you have to sleep?

10 A. [10:19:41] When you're -- when we were in the bush I would sleep next to a fire,
11 next to a bonfire when people are resting. Because that's not sleeping. But would
12 be resting. They would say "we are resting", so I would just lie next to a bonfire, next
13 to the ashes so that I could get some heat.

14 Q. [10:20:10] What would happen when it rained?

15 A. [10:20:22] When it rained there was nothing that we could do because you, you
16 are in the rain, you lie in the rain. If you get wet, that's how you stay. The only
17 clothing I had were the ones that I was abducted with. I did not have anything else.
18 If my clothes get wet, my clothes would dry on me, on my person. I could not
19 change them because did I not have a change of clothing.

20 Q. [10:20:54] Thank you. Mr Witness, you made a very interesting statement in
21 paragraph 56 of your statement. You mentioned in the statement that you were
22 given gumboots, but you refused to wear them although your feet and your legs were
23 wounded and you say it was because wearing them meant that you were a soldier.
24 What did it mean to you to become a soldier?

25 A. [10:21:52] Being a soldier in the bush means that once you become a soldier you

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1 are provided with gumboots, you are given uniforms and you are given a gun, which
2 means that you are now ready to go and commit atrocities, you are ready to go and
3 kill people. And that's what it means in the bush to become a soldier. If you are
4 newly abducted and you have not yet been issued with those things, that means
5 you are still a private person, you are not yet ready to go and fight. So I was -- it was
6 my opinion that if I took those gumboots and put them on, that would mean that
7 I was now a soldier.

8 Q. [10:22:41] I will now ask you a question about your physical injuries. And I
9 will be looking at paragraph 43 and 56 and 85, 85 of your statement. You mentioned
10 having been beaten, you had lots of wounds on your feet and legs, and that you also
11 suffered injuries while escaping from UPDF attack. Were your injuries treated in the
12 bush, and if so, how?

13 A. [10:23:58] The injuries that I sustained in the bush are treated, they are treated
14 locally. For example, if somebody is injured, has sustained a serious injury, the
15 wound is cleaned with warm water and they use a cloth to clean it, but that is usually
16 reserved for the high ranking people. But I only got a very small injury and the
17 wound healed by itself. I still have the wound on my side and I have a scar on it. I
18 was -- I did not receive any sort of treatment for it.

19 Q. [10:24:36] Are you getting any treatment now for the injuries?

20 A. [10:24:50] No, I am not receiving any treatment. It no longer hurts. It's
21 just a scar.

22 Q. [10:25:02] Now, in one of the paragraphs of your statement -- Mr President, I
23 have to beg the indulgence of the Court, I don't have the paragraph with me at the
24 moment.

25 PRESIDING JUDGE SCHMITT: [10:25:17] But please continue. I think with the

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1 united forces here we will manage to identify the correct paragraph. Please tell us
2 what you want to ask the witness.

3 MS ADONG: [10:25:29] Grateful.

4 Q. [10:25:31] Mr Witness, when you finally escaped, you told yourself that you
5 would rather be caught and killed than continue being what the soldiers need did.

6 MS MASSIDDA: [10:25:59] Mr President, paragraph 83.

7 PRESIDING JUDGE SCHMITT: [10:26:02] Thank you very much. Paragraph 83.
8 Please continue, yes.

9 MS ADONG: [10:26:08] Grateful.

10 Q. [10:26:16] My question, Mr Witness, is what couldn't you bear anymore?

11 A. [10:26:31] I could no longer bear the, the hunger, the worries, my concerns about
12 the people that were at home, and seeing all the bad things that happened in the bush.
13 And for those reasons I decided that no matter what, I had to escape. If I'm
14 killed -- if I'm apprehended, then I will be killed and that's fine. But if God helps me,
15 then I would be able to escape and go home. And those are the things that I was
16 thinking about.

17 Q. [10:27:11] Do you suffer from nightmares?

18 A. [10:27:20] These days the nightmares are not that common. But when I had just
19 come back from the bush, around 2006, 2007, 2008, just before I took my primary 7
20 examinations I did have a lot of nightmares, depending on the things that I used to
21 think about, the life that I went through while I was in the bush. But these days it's
22 very occasional. Sometimes I do not have these nightmares for four, five or six
23 months.

24 Q. [10:27:58] I will now ask you about the impact of your abduction on your
25 family.

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1 What impact did your abduction and stay in the bush have on your family?

2 A. [10:28:31] The impact of my abduction on my family and the events that
3 happened brought a lot of change. I believe that things will never be the same in my
4 family because there are certain things that perhaps I could have done to improve the
5 lives of my family, it's no longer possible.

6 And now we have a lot of problems. There are certain people who - for example, my
7 brothers - who had children, who left children behind, who are survived by children.
8 The children are now grown up. They want to go to school, but it's extremely
9 difficult for them to go to school because they cannot afford it.

10 In my family, I'm now the most responsible person. I am the person who is
11 supposed to take over. But I'm unable to do that. I'm unable to provide for them.
12 My father is dead. So those are some of the changes that my abduction brought to
13 my family.

14 Q. [10:29:50] Thank you, Mr Witness.

15 Mr Witness, whom did you miss the most during your time in the bush?

16 A. [10:30:06] The person that I missed the most when I was in the bush was my
17 mother. My mother used to take very good care of me. She was close, we were
18 very close. She did a lot of things for me as well.

19 Q. [10:30:26] Mr Witness, what are your expectations for the future?

20 A. [10:30:46] Personally, if it's possible in the future, I would like God to help me so
21 that my life changes so that I'm able to take care of my family.

22 Q. [10:31:04] Thank you very much, Mr Witness.

23 MS ADONG: [10:31:08] Mr President, I have no further questions for this witness.

24 PRESIDING JUDGE SCHMITT: [10:31:13] Thank you very much, Mrs Adong.

25 And I would like now to ask, we have half past 10, it would be, I think -- no, no, I

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1 would assume that Mr Cox would not, would not have any questions, and I think the
2 areas are covered, already covered by Mrs Adong.

3 I would assume Mr Taku is questioning; is this correct?

4 MR TAKU: [10:31:35] Yes, your Honours.

5 PRESIDING JUDGE SCHMITT: [10:31:40] So my first question would be: You
6 have a plan, of course, how you want to question the witness. Just an estimate, how
7 long will it last? Just an estimate.

8 MR TAKU: [10:31:49] Well, your Honours, on paper I have a 32-page document here
9 to ask from the witness. So I do not know how long it will take --

10 PRESIDING JUDGE SCHMITT: [10:32:17] Okay.

11 MR TAKU: -- but, believe me, I will do my best to ask questions which are relevant.
12 And it is not the type of witness that -- the type of witness that I will try to elicit other
13 information from, except it is necessary.

14 PRESIDING JUDGE SCHMITT: [10:32:33] Yes, I also thought so. No, the question,
15 of course, is headed that we have an indication when we can start with the next
16 witness, like always for the planning. I think that we can fairly assume that we start
17 with the next witness sometime tomorrow, I would say, yes, sometime tomorrow, let
18 me put it this way, and the VWU will be prepared in that respect.

19 The next question would be: Would you be comfortable to start immediately or --

20 MR TAKU: [10:32:59] Yes, your Honours.

21 PRESIDING JUDGE SCHMITT: [10:33:01] Yes, then please start with your
22 examination.

23 QUESTIONED BY MR TAKU:

24 Q. [10:33:08] Good morning, Witness.

25 A. [10:33:13] Good morning.

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1 Q. [10:33:17] I will be asking you some questions essentially based on the
2 statements you provided to the investigators, but also the answers arising from the
3 questions that the -- my learned colleague, the Victims' counsel, asked. I understand
4 you are a victim and since the Defence intends to bring other victims here, probably
5 many, of the same or other attacks during the Defence case, I will be very indulgent in
6 the manner that I ask the questions to you and I expect short answers.

7 Now, let's begin, Witness. Kony, have you heard the name of somebody -- no, who
8 is this individual that you refer to in your witness statement, which is now your
9 testimony before the Court, as "Kony"? Did you know who he was?

10 A. [10:34:35] I know who Kony is. Kony, Kony is the overall commander of the
11 LRA. I started hearing about Kony earlier than at the time that I was abducted. I
12 used to hear about him a lot.

13 Q. [10:35:08] Can you briefly tell the Court what you used to hear about Kony
14 before you were abducted?

15 PRESIDING JUDGE SCHMITT: [10:35:18] Mr Taku, with all due respect, is this so
16 important, what the witness heard?

17 MR TAKU: [10:35:23] It is.

18 PRESIDING JUDGE SCHMITT: [10:35:25] Okay. Then --

19 MR TAKU: [10:35:26] It's important.

20 PRESIDING JUDGE SCHMITT: [10:35:28] Yes, but let him answer that but then
21 continue to another point.

22 MR TAKU: [10:35:31] Yes, your Honour.

23 PRESIDING JUDGE SCHMITT: [10:35:31] It is, you know, what he heard before he
24 was abducted.

25 But please answer the question, Mr Witness. What did you hear about Kony before

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1 you had been abducted?

2 THE WITNESS: [10:35:45] (Interpretation) What I heard about Kony before I was
3 abducted was that -- it was my father who would be telling me when we were sitting
4 by the evening bonfire. He would be telling us how Kony started up to the time he
5 became the overall commander of the LRA. He would tell me about the lifestyle of
6 Kony while still in the village and how he grew up, because my father is an elderly
7 person, much older than Kony.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) .So for that matter I know who Kony is. Right now, I know

12 their homestead. The remains in the old homestead is still there, like broken pots.

13 Even when I go back home tomorrow, I can still reach there. So I really know who
14 Kony is.

15 PRESIDING JUDGE SCHMITT: [10:37:23] Of course, Mr Taku, you were correct. I
16 have to admit that. Please continue. This is a special situation here, thank you.

17 MR TAKU: [10:37:32]

18 Q. [10:37:33] So because of this prior knowledge about Joseph Kony, you knew
19 pretty much about the LRA before the attack in which you were abducted, correct?

20 A. [10:38:04] In regards to the LRA, I said much earlier that I already knew
21 something about it in regard to the -- to what my father used to tell me during the
22 evening bonfire on how Kony started his rebellion up to the time that he became
23 a bad person. I used to know how it -- he all started because I was told from the
24 beginning.

25 Q. [10:38:34] Now, Witness, could he be -- let me put this question differently: Do

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1 you hold Joseph Kony responsible for your abduction and what happened to you
2 during your captivity?

3 A. [10:39:18] I have not yet decided who -- I have not yet said who to blame for my
4 abduction. But I only told you I -- I know who Kony is. I cannot respond to your
5 question now.

6 Q. [10:39:37] Well, Witness, in your Victims' application dated 22 July 2016,
7 UGA-D26-0012-0266, your Honours, the tab, tab 14, you were asked the question,
8 Witness, "Who in your view is responsible for your abduction?" and you stated that it
9 was the LRA rebels. Do you remember that?

10 A. [10:40:40] Yes, I do recall.

11 Q. [10:40:51] Given what your father told you and what you now know about
12 Joseph Kony, Witness, as you sit here today, do you blame Joseph Kony, the supreme
13 leader of the LRA, for what happened to you?

14 A. [10:41:26] In regards to what happened to me, I do not blame Kony very much.
15 Because when I was abducted and taken in the bush, I never heard Kony's name
16 during the -- what happened in Odek camp. And for that matter, I do not blame
17 him.

18 Q. [10:41:52] Now, can you tell the Court, Witness, whether you were born at home
19 or in the hospital?

20 A. [10:42:16] I was born at home.

21 Q. [10:42:33] You testified this morning about your birth certificate. In fact, you
22 identified it when it was shown to you. I think it is tab 5, your Honours.
23 Witness, who provided the information about your date of birth to the issuing officer,
24 to the officer that issued your birth certificate, was it you yourself or someone else?

25 A. [10:43:20] In regard to that document I found it, it was already there when I

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1 grew up. That means it was my parents who, who got it. But in regards to where
2 and how I was born, that's what I was told. I was probably born at home because
3 the labour set in abruptly, and then later on I was taken as a baby to the hospital.
4 But what I was told is that I was born at home.

5 Q. [10:43:55] Of course. It goes without saying that your mother would know
6 your date of birth better than you, correct, or anyone else?

7 PRESIDING JUDGE SCHMITT: [10:44:09] I think we don't have to ask the witness.
8 This is so apparent, I would say. It might be even common knowledge, technically.
9 So it's perfectly clear. So if you have any other documents that might point to
10 another birthday, perhaps then you tell us and then we draw our conclusions like we
11 did with the last witnesses too.

12 MR TAKU: [10:44:42] Yes, your Honour, surely we will have. Tab 13, your
13 Honours, UGA-OTP-0241-0168, paragraph 14.

14 MS HOHLER: [10:45:15] Your Honours, this is a witness statement from another
15 witness and I see that the witness seems to be looking at it. What I would request is
16 that the factual proposition is put to the witness but nothing more.

17 PRESIDING JUDGE SCHMITT: [10:45:27] Let me just orientate myself so that I can
18 decide on this. So we are here now at tab 13 and paragraph 14, so --

19 MR TAKU: [10:45:37] 14, your Honour.

20 PRESIDING JUDGE SCHMITT: [10:45:41] So indeed --

21 MR TAKU: I just due the attention of the Court there, then I will put the question.
22 I wanted your Honours (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [10:45:45] I think it's correct what you are saying,
24 Mrs Hohler. Put the -- just law the factual proposition out of this paragraph and put
25 it to the witness and you can just check. It is good that we have the reference, so it's

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1 okay that you mentioned it, but it's indeed not the witness statement of this witness
2 and it's of course not the Rule 68(3) statement.

3 MR TAKU: [10:46:12]

4 Q. [10:46:14] Witness, what would you say, Witness, if your mother stated that at
5 the time of your abduction you were 12 years old as opposed to the age which you
6 stated in various documents that you were 9?

7 A. [10:46:46] There is nothing I can say in regard to that, because when I grew up I
8 found my card was already there which shows my date of birth and how I was
9 vaccinated and immunised. It was in a family suitcase and I cannot say anything
10 about it. I did not author the document. I found it was already there when I was
11 growing up.

12 PRESIDING JUDGE SCHMITT: [10:47:24] And I think that that's fair enough for the
13 witness. We all cannot be sure really when we were born, frankly speaking, if we
14 are asked.

15 MR TAKU: [10:47:35] You are right, your Honour, we will not.

16 PRESIDING JUDGE SCHMITT: [10:47:35] I think we had a witness who
17 circumscribed it in a manner a couple of months ago, he said "I was not aware of"
18 which is -- which quite correctly puts the finger on it. So please. But this, we have
19 noted this and that was correct to put it to the witness, absolutely.

20 MR TAKU: [10:47:53] Thank you, your Honour. Your Honour, I will crave the
21 indulgence of the people in the gallery that, that you authorise us to go to private
22 session and let me put some questions to the witness.

23 PRESIDING JUDGE SCHMITT: [10:48:10] We go to private session.

24 (Private session at 10.48 a.m.) *(Reclassified partially in public)

25 (Redacted)

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1 MR AYENA ODONGO: [10:55:25] Your Honour, for the benefit of the Court.

2 PRESIDING JUDGE SCHMITT: [10:55:29] Absolutely, we appreciate it.

3 MR AYENA ODONGO: [10:55:31] In most, in Acholi, Lango, and actually most
4 African communities, your uncle is your mother's brother, but your father's brother
5 actually is your father. And what you ordinarily call your cousin, that is the son of
6 your brother's -- your father's brother, that one is your brother. So this is the context
7 in which you should --

8 PRESIDING JUDGE SCHMITT: [10:56:09] Thank you very much.

9 Mr Taku, please continue.

10 (Redacted)

11 (Redacted)

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21 (Open session at 11.00 a.m.)

22 THE COURT OFFICER: [11:00:29] We are back in open session, Mr President.

23 PRESIDING JUDGE SCHMITT: [11:00:34] Thank you very much.

24 So we have a break until 11.30.

25 THE COURT USHER: [11:00:42] All rise.

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1 (Recess taken at 11.00 a.m.)

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

3 THE COURT USHER: [11:33:45] All rise.

4 PRESIDING JUDGE SCHMITT: [11:33:54] Mr Taku correctly assumes that he has
5 still the floor.

6 MR TAKU: [11:33:59] Yes, your Honours. Back to private session, your Honour.

7 PRESIDING JUDGE SCHMITT: [11:34:03] To private session.

8 MR TAKU: Yes, your Honour.

9 PRESIDING JUDGE SCHMITT: For how long? Because we have an audience here.

10 MR TAKU: [11:34:10] About five minutes, your Honours.

11 PRESIDING JUDGE SCHMITT: [11:34:14] Roughly only, we know that. So for
12 roughly five minutes, and we don't have a stopwatch here, we go to private session.

13 (Private session at 11.34 a.m.) *(Reclassified partially in public)

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11 A. [11:36:47] Well, it -- I'm -- I need to clarify this, that in the Acholi culture

12 a particular homestead, when they refer to a homestead, any child from that

13 homestead, as a woman, if a woman is married into that home, the woman can refer

14 to that person or the children in that homestead as her children. I believe that she

15 said that these are her children because these are the children of her -- the wife of my

16 father's brother or her husband's brother. So she can refer to them as her children

17 because I also in the Acholi culture can refer to them as my brother. So I believe

18 that's why she said it's her son.

19 (Redacted)

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17 (Open session at 11.40 a.m.)

18 THE COURT OFFICER: [11:40:45] We are back in open session, Mr President.

19 MR TAKU:

20 Q. [11:41:06] Witness, on or about 26 March 2004 were you present at the Odek

21 IDP camp?

22 A. [11:41:18] What date? Could you please repeat the date.

23 Q. [11:41:29] On or about 26 March 2004.

24 A. [11:41:43] I do not have a reflection of that, but maybe on that particular day I

25 had gone visiting somewhere. But I -- that date does not really -- is not very familiar.

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1 Perhaps on that date I had gone to visit -- I had gone visiting and I had stayed for one
2 or two days, but I know that at the time I was in school. So maybe I hadn't actually
3 gone visiting anywhere because I was in school, so I do not know because as
4 a student I would have been attending school, so maybe I was at the camp.

5 Q. [11:42:30] Irrespective of where you were, were you aware about a fire incident
6 that occurred in the Odek IDP camp and engulfed over 500 houses that were burnt
7 down rendering many considered as homeless? Were you aware of that fire
8 incident?

9 A. [11:43:08] I was not just aware of it, but I was -- on the date that the fire occurred,
10 the time that the fire had occurred, I was present. My house was one of the houses
11 that was burnt. I was one of the people that was taking care of the things that were
12 being brought out of the house when the fire was burning. I was taking care of those
13 things so that nobody would steal them. So I was present, I was witnessing the
14 house burning down.

15 Q. [11:43:35] Now, taking that fire incident as -- let us -- taking it as a -- to fix a time
16 factor, prior to that fire incident, can you tell the Court when you, your family,
17 relocated to the Odek ODP camp -- IDP camp?

18 A. [11:44:15] When we left home and relocated to Odek camp, that was
19 around 2003, towards the beginning of 2003. To my recollection, that was the time
20 because during the fight at Odek, we'd probably been in the camp for approximately
21 one year.

22 Q. [11:44:57] Now, I would now want us to move to closed session because I think
23 the Court can permit you to look at paragraph 29 -- paragraph 28 of your witness
24 statement and see the names of the individuals there, the names.

25 PRESIDING JUDGE SCHMITT: [11:45:20] Let me first have a look at it, please.

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1 MR TAKU: [11:45:31] Yes, your Honour.

2 PRESIDING JUDGE SCHMITT: [11:45:31] But I ask myself why there should be
3 a problem to name other people. That would not identify the witness. I think you
4 can simply continue, Mr Taku.

5 MR TAKU: [11:45:47]

6 Q. [11:45:50] Now, did you know, Witness, whether these individuals you
7 mentioned in paragraph 29, that is Opio Pedwang, paragraph 29, Ocaya Aciga,
8 paragraph 28, and others, do you know whether -- do you know when they relocated
9 to the camp or you met them already when they were in the camp when you
10 relocated?

11 A. [11:46:37] I do not know when they moved to the camp, but we met at the camp.
12 (Redacted) but I do not
13 know exactly when he went to the camp.

14 PRESIDING JUDGE SCHMITT: [11:47:06] Perhaps shortly, Mr Taku.

15 Mr Witness, when you say "houses", were they houses very close to each other? So
16 that we have an idea, that we can picture it in our minds.

17 THE WITNESS: [11:47:28] (Interpretation) When I'm talking about the houses in the
18 camp, the houses in the camp were extremely close together and sometimes the thatch,
19 the grass thatch, of one house is touching the grass thatch of the other house. So the
20 houses were extremely close to each other. When you're walking from one house to
21 another, you probably have to bend in order to pass through because there was no
22 space in-between. There were so many people in the camp.

23 PRESIDING JUDGE SCHMITT: [11:48:01] That was interesting, so we can really
24 imagine it. A follow-up question, Mr Witness: And how big would such a house
25 have been? Can you describe it a little bit, how big it would be?

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1 THE WITNESS: [11:48:24] (Interpretation) Most of the houses in the camp were not
2 big. People did not construct big houses because it was very difficult to find
3 construction materials, to find the necessary stuff to construct the roof. To go and
4 collect the grass to cover the roof was also difficult because people could not go
5 distances to go and get the grass. So if I'm to estimate based on your feet, perhaps
6 seven to eight steps. So if I walk round the house, it is around seven to eight steps.

7 PRESIDING JUDGE SCHMITT: [11:49:04] And this means that the houses
8 were -- were they built -- were they round or did they have corners?

9 THE WITNESS: [11:49:23] (Interpretation) The houses were round. It's like
10 a granary.

11 PRESIDING JUDGE SCHMITT: [11:49:29] And how many people would live in such
12 a house with, as you said, eight or nine feet, as I have heard it?

13 THE WITNESS: [11:49:45] (Interpretation) That depends as -- depending on the
14 number of people that you have. If you have older children, the older children
15 would have their own houses. But if you have young children, very young children,
16 then you share the house with those children. It depends on the, on the father. If
17 the owner of that household believes that he has the means to construct more than
18 one house, then he does that. But if he does not have the means to construct that,
19 then they all stay in one house, because it was very difficult to find the materials to
20 construct houses.

21 PRESIDING JUDGE SCHMITT: [11:50:24] That was obviously your answer. That
22 was because my question was not clear enough. It of course depends. So I will be
23 more specific. Before your house burnt down in March 2004, as you said, how many
24 people lived in that house?

25 THE WITNESS: [11:50:46] (Interpretation) A lot of houses burnt down. My parents

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1 had approximately three houses, including the one that we, the children, stayed in.
2 We had one house where I would sleep. My parents had their own house and there
3 was also a kitchen. So the three houses all burnt down. The kitchen, I believe the
4 girls and some of the younger children and grandparents stayed in the kitchen, and
5 the nephews, the nieces who stayed with us would stay in the kitchen, would spend
6 the night in the kitchen. My parents had their own house and most of the things that
7 we had were placed in our parents' house (Redacted) and myself and the rest stayed in
8 one of the other houses.

9 PRESIDING JUDGE SCHMITT: [11:51:43] Thank you very much for that
10 information. That was something that perhaps we do not often address, but it's also
11 quite important to really know how such a camp looked like.

12 MR TAKU: [11:51:54] Yes, your Honours.

13 PRESIDING JUDGE SCHMITT: [11:51:55] Please, Mr Taku.

14 Q. [11:51:57] Witness, now we talk about the dates or the year that you relocated to
15 the IDP camp in Odek. Witness -- your Honours, my next question will be starting
16 from tab 13 at paragraph 13.

17 What would you say, Witness, if your mother said that you relocated in March 2004
18 to the IDP camp in Odek?

19 A. [11:52:39] No. I believe that my mother is elderly. She cannot recall exact
20 dates. There are so many things that happened during that period, I believe she's
21 somewhat confused. Perhaps that's why she gave this date. Maybe when she was
22 asked that question, she was thinking about something else. But, no, we did not
23 move there in 2004. And that's the truth.

24 PRESIDING JUDGE SCHMITT: [11:53:12] Thank you for that clarification. It was
25 quite -- it popped immediately before your eyes, if you read the two statements.

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1 MR TAKU: [11:53:20] Yes, your Honour.

2 Q. [11:53:21] Now, Witness, can you recount for the Court the methods that the
3 UPDF and LDU soldiers who were present in the camp used to enforce the curfew
4 and restrictions that were imposed in the camp?

5 A. [11:54:02] With respect to the LDU and the UPDF restrictions and the means
6 they took to protect people were -- first of all, if people are coming in, if you're
7 coming from a distance away from the camp or if you're coming from your garden or
8 if you're going to collect water or from other surrounding areas from the camp, there
9 was a curfew. You are told that, at a particular time, do not go outside of the camp.
10 If you are coming from outside, coming into the camp, then you are not allowed to
11 enter the camp unless they clarify who you are. People were not allowed to go and
12 collect water in the evening. So at around 6 p.m., that's the curfew time. At 6 p.m.
13 everybody should be in the camp. Nobody is allowed to leave the camp. Nobody
14 is allowed to be in any of the areas surrounding the camp. Anyone who is outside of
15 that time is considered, is considered somebody bad. So if anything happens to that
16 person, if the person is shot, then that is your own problem. And those are some of
17 the restrictions that the UPDF and LDU used.

18 Q. [11:55:36] Now, let's talk about these soldiers who encountered you when you
19 were coming from the stream with your colleague, and you say some of them had
20 twisted hair. That's paragraph 17, your Honours.

21 How many people -- you said they were asking people to hurry back, it was
22 getting -- get back to the camp. How many of these soldiers were there who were
23 telling you to hurry back into the camp, that it was getting late?

24 A. [11:56:32] The soldiers that were telling people to go back to the camp, when we
25 were coming back from having a bath, the ones we saw, we saw two people. One of

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1 them, one of those people, had dreadlocks and it could be seen from underneath his
2 cap. The other one did not have anything on his head. So those are the two people
3 who we saw asking people to go back to the camps.
4 We do not know whether there were other people who were hiding in the bushes.
5 But when you look at the, at the riverside where we had gone bathing, there's a lot of
6 grass. Some of them were by the anthill where people collect water, so I estimate
7 about 20 metres from the, from the river where we collect water, from the well where
8 we collect water. It's a few metres from there.

9 Q. [11:57:31] You said they were telling people to rush back to the camp. Can you
10 tell the Court, estimate the number of people that these two soldiers were asking to go
11 back to the camp?

12 A. [11:57:55] The people that were at the well were quite numerous. There were
13 girls who were returning from school and when the girls come back from school there
14 is no water at home so they have to go and collect water from the well. So there
15 were many girls at the well. There were also mothers at the well. There were so
16 many people collecting water at that well. There were many people. I cannot
17 estimate the exact number of people, but there were quite many people who were all
18 fighting to get water. The rest of us were just walking by. We had just been having
19 a bath from one of the wells that was not close to that one, it's a flowing well. But we
20 were walking by, but there were quite many people trying to collect water.

21 Q. [11:58:42] Were these two soldiers armed?

22 A. [11:58:52] The two soldiers were armed. They had guns, they had guns with
23 wooden butts. They also had a jacket that was covering the gun. They had kind of
24 tried to cover the gun, you could see the gun partially. It wasn't completely hidden,
25 you could see it partially.

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1 Q. [11:59:13] Whom did you conclude were these soldiers? Were they LRA?

2 Were they LDUs? Were they UPDF soldiers?

3 A. [11:59:36] Well, in our opinion, we thought that they were UPDF soldiers

4 because they were rushing people, they are telling people to go back, the exact same

5 words that the UPDF use. But when we went back, when we were smearing

6 ourselves with cream, then we started wondering why that person had dreadlocks,

7 because UPDF soldiers do not usually have dreadlocks, so we started -- we became

8 a little bit suspicious. But we were just thinking about it. We were suspicious

9 about the fact that one of them had dreadlocks while UPDF soldiers do not wear

10 dreadlocks.

11 Q. [12:00:29] At the time that they were ordering the people to get back to the camp,

12 did you, did you see any attempt to harass people to abduct or did they threaten or

13 attempt to kill or shoot the people they were ordering to come back to the camp, or

14 they merely use the same language and tactics that government soldiers use, saying

15 "Please get back to the camp, it's time, it's getting late"?

16 A. [12:01:01] Yes, they were using that technique. The difference is that they were

17 a bit rude and they were not like the UPDF soldiers. Many times the camp residents

18 know the names of the UPDF soldiers. When they start intimidating people, people

19 would call them by their names. At least they know their names. But no one knew

20 the names of the soldiers and it made them suspicious.

21 Q. [12:01:36] In the course of your abduction did you at any time see these two

22 soldiers that encountered you at the well? Did you see them again?

23 A. [12:01:57] I, I never saw those two soldiers. I did not understand whether I

24 would know them, but I went and found so many of them with the dreadlocks.

25 What made me confirm they were the ones, because they said they came earlier at the

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1 well and some people had hidden under some trees around the well. That tree
2 has -- is the same colour with their camouflage clothes and when you were under it
3 you cannot be seen. So they wanted to first get children when they were still at
4 school, but they decided to first let the school end and they can attack. So they hid
5 under those trees at the well. That is when we were there they told us that is what
6 happened. That made me confirm that the two soldiers who were sitting on the
7 anthill were LRA soldiers because they told us that they came earlier and found
8 people at the well and they started telling people to leave the well and go back to the
9 camp.

10 Q. [12:03:15] Did it occur to you, Witness, that there was an impending attack and
11 these two soldiers were trying to get the civilians out of the way in order to attack the
12 LDUs and the UPDF soldiers who were in the IDP camp?

13 A. [12:03:58] Was it on Odek camp?

14 Q. [12:04:00] Yes. The soldiers and the LDUs who were in the camp.

15 A. [12:04:10] No, I had no knowledge of that.

16 Q. [12:04:15] Now, Witness, while in your hut - paragraph 19, your Honours - you
17 stated that your hut had a grass-thatched roof, you observed that bullets were flying
18 by and hit the hut, the roof, and you could see sparks. That's paragraph 22. At that
19 point in time did you know from which direction those bullets were coming from?

20 A. [12:05:16] I do not know where the bullets came from, the direction where the
21 bullets came from because bullets were coming from all directions. When you are in
22 the house you cannot know whether the bullet has come from the left or from the
23 right. All I saw was that some kind of a flashlight, which showed a bullet had been
24 fired. The flashlight was like a welding light. I do not know where it came from.

25 Q. [12:05:45] Witness, because a UPDF officer or soldier got into your hut and

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1 asked you to lie down, did you conclude therefore that the LRA were in the
2 immediate vicinity of your hut and therefore they could not be the one firing the
3 bullets against their own positions? Did you come to that conclusion since they
4 were -- they had abducted you, you were in your hut, they asked you to lie down and
5 they were in the vicinity of your hut, did you conclude that they would be firing
6 against your own position? They were the ones firing the shots that hit your hut,
7 Witness, did you come to that conclusion? Or those bullets might have been from
8 the LDUs or the UPDF in the direction of your hut where these LRA soldiers were
9 operating?

10 A. [12:07:02] I never said or wrote somewhere that the LRA soldiers or UPDF
11 soldiers surrounded our house. I never mentioned it anywhere. I never wrote it in
12 any statement. What I said is that an LRA soldier, only one entered our house and
13 told us to get out. I did not say that our house was surrounded by soldiers. Look
14 closely at your document and confirm only one soldier entered the house who was
15 LRA soldier.

16 Q. [12:07:45] Not only did I say that, did you, Mr Witness, recall the presence of
17 that one LRA soldier in your hut who asked to you lie down, did you therefore
18 conclude that LRA soldiers were operating in the neighbourhood or in the vicinity of
19 your hut at the time that these bullets were flying?

20 A. [12:08:19] The LRA soldier did not tell us to lie down while we were in the
21 house. He told us to get out. When we were now outside, that is when he told us
22 to lay down. When he told us to go out and then told us again to lay down, there
23 were other soldiers who were going to other houses. They were collecting children
24 together and there were actually many soldiers doing that.

25 Q. [12:08:47] Exactly, Witness, that is the point I was getting at. So when you

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1 came out you discovered that the LRA soldiers were operating in the area of the camp
2 where you were found and that the gun -- the bullets were coming from some other
3 direction. Can you tell the Court from which direction these bullets were being fired
4 towards the direction in which you were with these LRA soldiers?

5 A. [12:09:27] I will give an example. Right now if -- let's assume about 20 soldiers
6 are in the bush and you were told to lie down or to lay down, there are gunshots
7 everywhere and you can hear the gunshots. Can you tell where the bullets are
8 coming from when you are lying down? You would hear bullets coming from
9 everywhere. Can you point the direction where the bullets are coming from? For
10 that matter I can tell you that I do not know the direction where the bullets were
11 coming from, but there were many gunshots at that time.

12 PRESIDING JUDGE SCHMITT: [12:10:09] I think we have to accept that.

13 MR TAKU: [12:10:11] Yeah, your Honour.

14 PRESIDING JUDGE SCHMITT: [12:10:12] That answer I would say. Continue.

15 MR TAKU: [12:10:13]

16 Q. [12:10:14] But were these LRA soldiers firing back when these gunshots came in
17 your direction, were they firing back towards the direction in which the gunshots
18 were coming?

19 PRESIDING JUDGE SCHMITT: [12:10:30] I think the witness has testified that he
20 did not know from which direction and also perhaps did not know who fired the
21 respective -- you simply have to take it it could be this one, it could be that one.

22 I think the witness has no knowledge about that. And also given the fact that we
23 have talked about earlier, that these huts stood so closely together, so there were -- the
24 visibility might have also been very restricted. But I have commented now myself,
25 but I simply have the impression that we should not push the witness further in

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1 that respect.

2 MR TAKU: [12:11:11] Yeah. Thank you, your Honours.

3 Q. [12:11:13] But, Witness, nevertheless, you -- did you see or, or you heard -- no,
4 I'm sorry. You said that you -- that children were beating jerrycans in order to scare
5 government soldiers away.

6 And I think that's paragraph 25, your Honours.

7 Did you -- and that you saw those children, some of them according to you were
8 younger than you. Did you at that time that you say -- how did you know that these
9 children were beating these jerrycans to scare away government soldiers?

10 A. [12:12:11] When we were told to lie down we were bound together on the waist
11 and they told us to leave and move while bound together. You cannot walk while
12 closing your eyes when you are told to move. For that matter, I was seeing children.
13 I cannot close my eyes when I am moving, so I was able to see children at that time.
14 I wasn't lying down at the time I saw the children. I was already up.

15 Q. [12:12:47] Yes. From your statement I understand that you saw the children.
16 The question is: How did you know that the beating of the jerrycans was intended
17 to scare away government soldiers?

18 A. [12:13:17] (Microphone not activated) that they were beating children, just to
19 add on that. I learnt later that they were scaring the other soldiers when I was
20 already in the bush. They said that that is usually used to scare soldiers. They
21 thought that the soldiers were many, so this can scare them. I didn't learn it from the
22 camp, but I learnt it from the bush when they were talking about it and they would
23 laugh about it.

24 Q. [12:14:08] Witness, what were the soldiers doing that these children were
25 beating the jerrycans to scare them away?

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1 A. [12:14:34] You have to realise that I wouldn't know what the soldiers were doing
2 to give -- to ensure the children beat the -- to beat the jerrycans. I was not a soldier.
3 I was inside. When they took me out, that's when I saw. Kindly ask me what I can
4 respond to in my capacity.

5 MR TAKU: [12:15:05] Your Honours, paragraph 29.

6 Q. [12:15:10] Witness, you said you saw the military camp on fire. When you saw
7 the military camp on fire, Witness, did you at that point in time know where the
8 soldiers were or did you see them or did you know where they were at the time that
9 the military camp was on fire?

10 A. [12:15:42] I saw the barracks was on fire, because I know where the barracks was
11 at that time. I could see it. But knowing where the soldiers were at that time, how
12 would I know? I was not among the soldiers. I was not in the barracks. I did not
13 know where the soldiers were. There were many soldiers who were within the
14 camp. I did not even know how to differentiate whether they were UPDF soldiers or
15 LRA soldiers.

16 Q. [12:16:10] Good. Now, you lived in that camp. Can you tell the Court
17 whether the LDU soldiers and the UPDF soldiers were all living in that camp or they
18 had different camps attributed to them? In other words, was the LDU camp or
19 barracks within the proximity of the camp in a different location from the UPDF camp
20 that was on fire?

21 A. [12:17:07] In regards to your question and in regards to what I know, I can tell
22 you that the barracks had mainly the LDU soldiers. Many times the UPDF just
23 monitor. When they are on the move and they reach Odek, they would rest there for
24 the night. We would call them the mobile force. Most of the time they are on the
25 move, to do patrol. But the barracks had mainly the LDU soldiers and we refer to

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1 them as the home guard.

2 Q. [12:17:58] Since you testified earlier that the people in the camp knew them and
3 even called them by name, would you know, Witness, whether these LDU soldiers
4 were recruited from among the civilians in the camp, recruited and trained among the
5 civilians in the camp, or they were brought in from some other location and
6 transferred or deployed to the camp?

7 A. [12:18:30] The LDU, also known as the home guards, comprise of people who
8 were mainly from the local area. Most times they speak Acholi and that is the reason
9 why people know their names. But the UPDF were -- when they arrive, they would
10 come to buy merchandise from the camp. Many of them speak Swahili. They do
11 not know Acholi. They speak other languages, like Luganda. That's what I know.

12 Q. [12:19:13] And while in the camp you had the opportunity to see the weapons,
13 the weaponry of the LDUs. Did they have the same weapons like the UPDF or they
14 had different types of weapons?

15 A. [12:19:37] What I can say about the weapons is that they are the same. I would
16 see them with the weapons. When the UPDF are also moving, I would see them
17 with the same weapons. Their weapons are the same or similar, if you look at the
18 ones that they move with, the one they carry along. I do not know if there are others,
19 other heavy weapons within the barracks, so I wouldn't know if they have different
20 weapons from that of the UPDF.

21 Q. [12:20:14] You said the UPDF would come to the camp to buy merchandise.
22 Can you tell the Court what merchandise the UPDF came to buy from the camp
23 settlers?

24 A. [12:20:50] The UPDF soldiers would mainly come to buy -- include cigarettes.
25 They would buy a lot of cigarettes because they are always on the move, they

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1 don't -- they are not stationed anywhere. They would also buy alcohol. They
2 would also buy food, they would buy food from the small restaurants and eat. That
3 is what I know.

4 Q. [12:21:23] Since you lived in the camp, do you know where the inhabitants of
5 the camp got this material that they sold to UPDF officers or soldiers?

6 A. [12:21:48] What the civilians used to sell to the soldiers were mainly food items.
7 People would sell the same food that has been distributed to them by the World Food
8 Programme. Because sometimes someone is hard pressed and requirements for
9 school is needed, and if you are given, say, 50 kilograms of beans, you would sell
10 5 kilos, 2 kilos, because when you have only the food stuff without money, you are
11 not able to do anything. So the things that were sold are mainly the things that were
12 distributed to the local population.

13 Q. [12:22:28] And where did they get the alcohol that was sold to the UPDF
14 officers -- soldiers, I mean?

15 A. [12:22:42] Sometimes they would brew it locally from cassava. That's the way
16 the Acholi brew their alcohol. I hope you know that alcohol can be brewed locally,
17 like they can use the maize to brew the alcohol, then the soldiers would come and buy.
18 But things such as cigarettes, there are some people who would still move stealthily
19 out of the camp and come and bring things such as cigarettes.

20 Q. [12:23:20] Well, you know the area better than us. They would move stealthily
21 out of the camp to go and buy this merchandise from where, from which location?

22 A. [12:23:53] According to what I knew, the business people would go and get the
23 merchandise from the bigger trading centres. That trading centre was called Acet,
24 which was about 4 or 5 kilometres. There you would find merchandise in bigger
25 shops. So people from Odek would go and buy things like cigarettes from there.

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1 Q. [12:24:14] Is there a military camp, a big military camp in Acet?

2 A. [12:24:25] Yes, Acet had bigger military barracks and the camp itself was bigger
3 than that of Odek. And in that camp, the UPDF soldiers, who were more powerful
4 than the LDU, were stationed in Acet.

5 Q. [12:24:54] Now, the cassava, are you aware then soldiers in -- that the
6 inhabitants of the camp cultivated cassava during this period, which they harvested
7 and used to brew alcohol, local liquor or alcohol, which they sold to soldiers, UPDF
8 soldiers?

9 A. [12:25:22] The cassava was grown locally by the population. At the periphery
10 at the camp, there are a few spaces that can be used to grow and the soldiers would
11 allow people to go there to cultivate. They would give you a time limit. They
12 would say, for example, from 8 o'clock to 4 o'clock where you can go and plough and
13 cultivate some crops. People would hire the land from the landowners which were
14 closer to the camp. It is close there and the soldiers allowed you to go. If you take
15 long there, sometimes you go back and sleep in the plantation there because they
16 wouldn't allow you to come back to the camp.

17 Q. [12:26:10] Now, let me take the opportunity to ask this question and then I will
18 come back: How far was a location called Awere from the IDP camp in Odek?

19 A. [12:26:36] The distance between Odek and Awere was not very far. It's about 3
20 and a half to 4 kilometres. It is closer than Acet.

21 Q. [12:26:54] And was there a military camp at Awere?

22 A. [12:27:03] Yes, there was a military camp at Awere.

23 MR TAKU: [12:27:10] Your Honours, one question in private session. Then we will
24 come back.

25 PRESIDING JUDGE SCHMITT: [12:27:15] Yes, shortly --

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- 1 MR TAKU: [12:27:16] One question only.
- 2 PRESIDING JUDGE SCHMITT: [12:27:18] -- shortly to private session. Thank you.
- 3 (Private session at 12.27 p.m.)
- 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 (Redacted)
- 19 (Open session at 12.29 p.m.)
- 20 THE COURT OFFICER: [12:29:10] We are --
- 21 MR TAKU: [12:29:17]
- 22 Q. Mr Witness --
- 23 PRESIDING JUDGE SCHMITT: [12:29:19] Not too quick and I also want to make
- 24 a short comment.
- 25 THE COURT OFFICER: [12:29:25] We are back in open session, Mr President.

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1 PRESIDING JUDGE SCHMITT: [12:29:27] Thank you very much. And I think we
2 have seen this now for the third -- second or third time that it really makes sense to go
3 to compare a little bit these two different statements. Just a comment by me.

4 MR TAKU: [12:29:40] Thank you, your Honours.

5 PRESIDING JUDGE SCHMITT: [12:29:42] And especially to let the witness clarify,
6 who is very firm in his statement.

7 MR TAKU: [12:29:48] Yes, your Honours, yes, yes. Well, we will come back to that
8 towards the end about the attacks and what happened in the bush.

9 Q. [12:30:02] Witness, you mentioned a young lady by the name Ajok who you say
10 was older than you, had left school.

11 Paragraph 34, your Honours.

12 Do you know why she left school?

13 A. [12:30:36] I cannot know why Ajok left school.

14 Q. [12:30:44] Paragraph 36, Witness. Is this the same Ajok that you mentioned
15 that she was in the small group in which you were divided by LRA soldiers when you
16 began your march into the bush?

17 Paragraph 36.

18 A. [12:31:14] Yes, it's the same Ajok.

19 Q. [12:31:20] When she was taken as a wife, how many days had you been in the
20 bush when she was allegedly taken as a wife?

21 A. [12:31:40] When she was taken and turned into a wife, that was a very short
22 duration. I believe we had only been in the bush for about six or so days. Because,
23 you know, when you are in the bush sometimes you lose track of time, you do not
24 think of days, you do not think of time. Your only concern is that you are alive. So
25 I believe it was probably about six days after that.

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1 Q. [12:32:15] The soldier that took her as a wife, was it among the small group of
2 soldiers that you, that took -- that you proceeded with from Odek to the bush?

3 A. [12:32:43] Well, the soldiers, those soldiers were among the soldiers. When we
4 left Odek and headed into the bush, there was a big number of people, but when we
5 got into the bush the groups were split up into smaller groups. I am not saying that
6 they split people up because there was animosity between them, but the people were
7 split up between groups to enable people to get food, people to rest. And the soldier
8 that took Ajok was among that group.

9 Q. [12:33:18] Among your splinter group, the small group that you were -- you
10 and -- that you were in with Ajok, may I understand you to be saying this, sir?

11 A. [12:33:35] Yes, that's correct.

12 Q. [12:33:39] Now, lapwony, in paragraph 36 you talk about lapwony. Was
13 lapwony also in your group, the group that took you -- progressed with you from the
14 bush with Ajok?

15 A. [12:34:10] Well, let me clarify something there. When you talk about lapwony
16 in the LRA, to my understanding is -- lapwony is not an individual single person.
17 Lapwony is somebody who -- as a newly abducted person, for example, whether
18 you are young or whether you are old, anybody that you find in the bush, if the
19 person calls you, then you have to refer to that person as "lapwony". If, for example,
20 if I personally, if I had stayed in the bush for a long time, I would have probably
21 become a lapwony for people who come in after me.

22 Q. [12:35:03] Yes, I understand, Witness, because you talk about lapwony
23 progressively in many -- throughout your statement, that's why we will come to
24 lapwony a number of times. Now, the lapwony that you mention in paragraph 36,
25 was it that soldier who came to your hut who abducted you or some other soldier that

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1 you met on your progression to the bush? Or he was in the small group when you
2 were split into different groups, was he part of the small group in which you were
3 split into?

4 A. [12:35:58] The lapwony that I referred to was the same person who came into
5 our house and took us. I was close to him most of the time. But if anybody comes
6 from any other group, if there is somebody who has been there longer than me, as
7 a sign of respect I have to refer to that person as lapwony.

8 Q. [12:36:27] Now, Witness, you were not able to determine the age of Ajok whom
9 you knew, the Ajok that was later given as a wife.

10 Your Honour, paragraphs 34, 36 and 38.

11 But how, Witness, were you able to know the age of lapwony who you determine to
12 be 34 years old on paragraph 37?

13 A. [12:37:10] I did not state the exact age, but it was an estimation. I stated that
14 perhaps he is 34 years or so because when -- before my abduction I had been able to
15 look at people and determine whether somebody is 30 years or above, depending on
16 their physical structure, whether they had a beard, and that's why I estimated. Even
17 with girls, sometimes you are able to estimate their ages, but sometimes it's very
18 difficult because some girls grow bigger than others. So it's, it's difficult and that's
19 why I guessed it.

20 Q. [12:37:48] Well, I have no dispute with that. It is the same experience that,
21 many of us from almost the same cultural background will face that situation always.

22 Let me move to something else, please.

23 Now, paragraph 39, your Honours.

24 Witness, you talked about the stream where you got to a stream where they were
25 drinking water where you first thought about the first attempt to escape and that

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1 your group, you were there with a small group, about five or six people. And your,
2 your attempt to escape failed because about five other LRA soldiers came from the
3 rear. And so those soldiers who came from the rear, did they mesh with your group
4 at that point in time or upon finding you they moved in their own separate direction?

5 A. [12:39:12] Based -- with respect to the five soldiers that I referred to, the -- when
6 I attempted to escape and I ran into these five soldiers, if you look at my statement,
7 you realise that when they started asking me why I am going home, I attempted to, to
8 respond and told them that I had been told to go home, I had been released and told
9 to go home and go back to school. But they did not believe me.

10 Then a gunship came. When the gunship came we all jumped out of the way. I
11 separated from the five, but there were two others who were on an anthill. The two
12 others saw me and they called me, they asked me to go to them. So I went to them.
13 But when the gunship left, then the two people that called me to the anthill were the
14 ones who took me to the bigger group. But the other five were different. Those,
15 those five people were different. Their hair was different, their odour, they had
16 different body odour, they looked different. I did not meet those people again.

17 Q. [12:40:38] So indeed you did not know the group from which those people came
18 from, you didn't know?

19 A. [12:40:57] The five people, well, I do not know which group they came from.
20 They were in one group, the five of them. But they were mostly the rear guard. If
21 people are in front, they are at the back. So they were part of the rear guard. When
22 people get to a place and encamp, they are still at the back.

23 Q. [12:41:25] But you say you didn't see them again, when they encounter you
24 didn't see them again. How then did you know that they were the rear guard that
25 would remain, when people would encamp they would remain and camp thereafter.

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1 You saw them only that -- you only saw them only once and you didn't see them
2 again. How then did you come to the conclusion that they were the rear guard and
3 that they did not (Overlapping speakers) yeah.

4 A. [12:42:06] The reason why I confirm that they were part of the rear guard was
5 based on the question. They -- when they asked me the question, I was able to
6 determine that they were rebels, they were part of that group. Furthermore, while
7 I was in the bush I was not sleeping. Most of the time I was not blind and I was not
8 deaf. I would see, I would hear what people were talking about, and I would
9 understand what people were talking about. They would refer to them as guards.
10 When they are were talking about guards, they mean the people who stayed behind,
11 people who stop anybody trying to escape. So while I was in the bush I was not deaf
12 or blind to those matters.

13 Q. [12:42:50] In other words, Witness, if I understand you properly, while in the
14 bush there were a group of people who stopped you from escaping who were called
15 "guards"? Do I understand you to be saying this?

16 A. [12:43:16] It's not that particular -- all the guards that stopped me from going.
17 But what I'm trying to explain is that in the bush the people that they refer to as
18 "guards" are the people who stayed behind to survey. They are like the surveillance
19 group. They will stay behind in case soldiers -- in case we are being followed by
20 soldiers. They would stay behind to determine if there is anything that will show
21 soldiers where we are, they would also stop people from escaping. So when I was
22 trying to escape I met those people. I was approximately one kilometre away from
23 the rest of the group. That's when I encountered them.

24 Q. [12:44:00] I understand. But I said the name, that name "guard", is that how
25 they were called? Is that the name which you understood that those individuals

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1 were called, "guards", or they had another name?

2 A. [12:44:24] I heard them being referred to as "guards", because they are guarding
3 people. If somebody is behind you with a -- with a clock, with a timer and the
4 person is behind you, you'd refer to that person as your guard because the person
5 stays behind to ensure that you're safe and the person will also enquire, if you are
6 trying to leave they will ask and enquire who you were.

7 Q. [12:44:55] Now, let's go to the bombardment that you talk about. Witness, you
8 said that after four days of your abduction of moving to the bush, the helicopter
9 gunship came and bombed the rebels and they'd escaped. Paragraph 39 and 41,
10 your Honours. Four days.

11 Now, on the first or the second day of your abduction, did you see helicopter gunboat
12 hover over the rebels and bomb them, that's the first or second day? I know that had
13 you said here that on the fourth day that's when these helicopters -- you saw, but did
14 you, before this four, fourth day, did you see the helicopter come to bomb the rebels?

15 A. [12:46:10] With respect to the helicopters, the gunships followed us after three or
16 four days. That was the day when I attempted to escape, when the guard that was
17 behind came and found me. That was the day that the gunships came because that
18 was the same day when the helicopter gunships came. I separated from the five
19 guards. They were bombing the area. I separated from the four or five people that
20 I referred to earlier and that was because of the -- of the gunship. I do not know
21 whether the gunship killed them or not.

22 Q. [12:46:56] Now, when you say that you were interrogated when you attempted
23 to escape and you were ordered to lie down and they used an RPG to beat you, and I
24 remember you said that you knew RPG because you had seen the same gun with
25 government soldiers, you were hit by the RPG.

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1 Paragraph 43, your Honours.

2 Can you describe how the RPG looked like to the Court?

3 A. [12:47:47] That gun -- the reason why I said I was beaten with that gun was not
4 because I was beaten with the gun, I was beaten with the, with the ammunition of the
5 gun. I was not beaten with the gun, but just the ammunition. Because there was
6 something like a, like a stick. It's like a stick, a hollow stick, but I was -- the
7 ammunition has -- is long, it looks like a stick. The top is rounded. It has
8 a rounded top. And the bottom is -- so I was beat with the ammunition of the RPG,
9 not the actual gun, but the ammunition.

10 MR TAKU: [12:48:38] Let me address your Honours.

11 PRESIDING JUDGE SCHMITT: [12:48:40] Yeah, I think that answers your question.

12 MR TAKU: [12:48:41] Let's proceed, your Honours.

13 Q. [12:48:47] Now, paragraph 56, Witness, you said that although you had swollen
14 feet and wounds on legs, this question was also asked by my learned colleague of the
15 victims, but you refused to wear gumboots. And of course this question was asked
16 and answered, Witness, that you refused because you did not want to be considered
17 as a soldier. When you refused, Witness, to wear gumboot, were you punished by
18 lapwony when you disobeyed the instruction to wear gumboots, or they let you go?

19 A. [12:49:54] No. I was given -- I was not given any punishment. But they told
20 me that if I do not want to put on those gumboots and my feet swell I should not
21 disturb people with it. Because if my feet swell, if I get any injuries on my feet and
22 die, that's my own problem. But walking should not defeat me.

23 Q. [12:50:20] Now let's go to about the pencil, that you were playing with
24 your pencil and lapwony seized the pencil from you and accused you of nursing
25 thoughts of escaping. Did lapwony punish you for nursing thoughts of escaping or

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1 he merely took your pencil and didn't punish you?

2 A. [12:51:03] With respect to that, the colouring pencil, no, I did not receive any
3 punishment. I was told, "Forget about education. You're not going back to
4 continue with your education. Right now you are in the bush, continue with the
5 work before you."

6 Q. [12:51:29] Now, I am looking at paragraph 49, your Honours.

7 Witness, when did you first -- you spoke this morning about Joseph Kony, that's
8 where we started our examination this morning. When did you first learn that
9 Joseph Kony was referred to as "The big man"? Was it when you were in Odek at
10 the IDP camp before, or when did you first learn that he was referred to as "Big man"?

11 A. [12:52:15] I first learned that -- Kony was a "big man" was when I was still at
12 home. And that was a long time ago. Before we went to the camp, the war was
13 already raging, we were sleeping in the bushes, we were hiding, and they told us that
14 Kony was the first person to start the rebellion and that those were his soldiers. And
15 that's why I knew that Kony was a high ranking person in the bush.

16 Q. [12:52:59] Yes. While in the bush, how was Kony called? Was he called -- did
17 you also hear the soldier call him "Joseph Kony", "Big man", or by some other name?

18 A. [12:53:22] While we were in the bush, the names that Kony was referred
19 to -- there was no other name that he was referred to, but sometimes they would refer
20 to him as this commander. But I did not hear any other nickname. Maybe they
21 referred to him by a nickname, but I do not know that nickname. But when they
22 refer to him as the superior or the high ranking commander, then we would know
23 that they are referring to him because there is nobody superior to Kony.

24 Q. [12:54:10] Paragraph 49, your Honours.

25 Witness, you stated in your statement that you heard from the soldiers that

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1 someone -- of course you said that he did not know -- you didn't see anyone,
2 individuals that they said this is Dominic Ongwen, and of course you didn't know
3 him, and nobody was pointed out to you to say this is Dominic Ongwen, however
4 you heard soldiers saying that the big man instructed Dominic Ongwen to attack
5 Pajule and not Odek.

6 Two things here, Witness: How did you know that the big man they referred to was
7 Joseph Kony in this particular instance?

8 A. [12:55:23] When -- sometimes when they are talking about something that you're
9 familiar with, based on the person's rank, then it rings a bell and you make the
10 determination that when they are talking about something like this, this is what it
11 means. So when they say that this -- the high ranking commander said they should
12 go attack Odek and commit atrocities at Odek, I questioned myself, I was like which
13 other commander could issue instructions to Dominic to go and attack, and attack
14 Odek?

15 I started thinking about that. I thought maybe it's Otti, maybe it's Odhiambo.
16 Because I thought maybe they were all high ranking officers. You cannot actually
17 tell a junior commander, as yourself, to go and attack this place. That's why I made
18 the assessment that it's the highest, the most superior commander and not the one of
19 equal ranking with Dominic.

20 Q. [12:56:28] Well, Witness, there were several attacks of Odek in 1998. It was the
21 government of Uganda attacked Odek, 1996, 2000 and 2004. Did you know whether
22 Joseph Kony knew that his home, Odek, was attacked?

23 A. [12:57:09] What year?

24 Q. [12:57:10] Let me say 2004, the attack in which you were abducted.

25 A. [12:57:24] Based on my, my understanding and what I heard, I heard that Kony

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1 learnt about the attack on Odek after the attack on Odek when he was given the
2 report on what happened.

3 But prior to the attack he did not know that Odek was going to be attacked. But
4 afterwards, after the commander issued the orders for Odek to be attacked and Odek
5 was attacked, then the report went to Kony regarding the attack on the attack on
6 Odek.

7 Q. [12:58:01] Who told you this and when?

8 A. [12:58:11] What information are you asking me about?

9 Q. [12:58:14] What you just told the Court, that Kony did not know that Odek was
10 going to be attacked, he knew after the attack had occurred. Who told you? Where
11 did you get that information? Was it when you were in the bush or when you came
12 out of the bush?

13 A. [12:58:43] I came to find out about this information when we were in the bush.
14 You know, these people are -- the people in the bush are funny. When people are
15 encamped they talk about anything, they discuss anything.
16 They were saying, "Well, this superior commander has seen because this time they've
17 gone, they've attacked his home. He always issues orders for other people's homes
18 to be attacked." The person who issued the order for Odek to be attacked was -- it
19 was some kind of pay back. So he is the one who issued the instructions to attack
20 Odek as a pay back because the superior commander is always issuing instructions
21 for people's homes to be attacked. He was not aware that his home was going to be
22 attacked, but it was attacked.

23 Q. [12:59:38] Did Joseph Kony, who your father told you about, and that you came
24 to know much about, if and please provide the answer if you know, was it possible
25 that anyone, anyone could dare attack the home of Joseph Kony

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1 without another -- Joseph Kony and Joseph Kony would do nothing against that
2 individual?

3 A. [13:00:22] That is something that could happen. It's possible. Because when
4 you're -- let's say, for example, let me give you an example. If somebody is a head
5 teacher of a particular school and I'm the deputy, I'm not -- if the head is not in school
6 and the deputy is in school, if one of the children or pupils does something wrong
7 and it requires the person to be suspended or expelled, as the deputy head when
8 you're not there I'm the acting head. If I suspend or expel that person from school,
9 then that's something that I can do within my authority.

10 So Kony could be a head teacher. Dominic Ongwen could be his deputy. And
11 maybe there are other people, deputy, second deputy or third deputy. So Dominic
12 as the first deputy can go and attack a place, a place that he wants to attack. What
13 kind of punishment are you going to give him? Because as a deputy he follows you.
14 He has a gun. And he has a high rank as well. What kind of punishment can you
15 attribute to him?

16 Q. [13:13:00] But, Witness -- one or two questions, your Honour.

17 PRESIDING JUDGE SCHMITT: [13:01:59] Yes. Okay, good.

18 MR TAKU: [13:02:00]

19 Q. [13:02:00] But, Witness, you stated paragraph 51 that:

20 "I have never knowingly seen Dominic Ongwen. I have heard his name but I do not
21 know if I have ever met him."

22 That's what you say, Witness, but I do not -- met him.

23 Witness, would I be correct to state that nobody purporting to be Dominic Ongwen
24 spoke to you or addressed you or introduced himself as Dominic Ongwen because
25 you never met him? Would I be correct to say this?

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1 A. [13:02:50] Nobody can replace somebody. You cannot take over somebody's
2 rank because you are not that person. So a junior officer cannot issue orders to go
3 and do something because you do not have the right to do that. And that's why I
4 gave you the example of the school because it all depends on ranks. So whatever
5 happens in the bush as well depends on ranks. A junior officer cannot issue orders
6 for something to happen. Who are you going to issue those instructions to? Who is
7 going to follow your instructions?

8 MR TAKU: [13:03:29] Before we go on break, your Honours --

9 PRESIDING JUDGE SCHMITT: [13:03:31] Yes, but I think also the -- it is clear from
10 paragraphs 49 until 51 that indeed the witness has not met Dominic Ongwen, has not
11 talked to him, has not heard him personally, as I think we can --

12 MR TAKU: [13:03:44] Yeah.

13 PRESIDING JUDGE SCHMITT: [13:03:44] -- this is understood. And the
14 information that he gave was from things, I think the wording here is in paragraph 50,
15 that he overheard, so yeah.

16 MR TAKU: [13:03:54] Yes, yes.

17 Q. [13:03:56] But were you also told that indeed the attack on Pajule happened in
18 2003 and therefore Joseph Kony would not have been instructing Dominic Ongwen in
19 2004 to prepare him for, to go and attack Pajule, when the attack had occurred in 2003?
20 Were you also told -- did you overhear the people, the conversation saying this?

21 A. [13:04:32] I will give an example. I will use you as an example. You, you are
22 asking questions right now. You have your meals at a particular hotel, you like that
23 hotel, there is nice food in that hotel, there are nice things at that hotel. Will you
24 make a decision not to go back to that place?

25 So whatever happened in 2003 is probably different from what happened afterwards.

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1 Maybe when they attacked that place they found nice things there and they decided
2 to go back. If you go and eat at a particular hotel, stay there and you enjoy yourself
3 there, won't you go back?

4 PRESIDING JUDGE SCHMITT: [13:05:26] So I think we go to the break now, I
5 would say --

6 MR TAKU: Yeah, yeah.

7 PRESIDING JUDGE SCHMITT: -- and come back. And perhaps let this settle
8 a little bit --

9 MR TAKU: [13:05:29] Yeah, your Honour.

10 PRESIDING JUDGE SCHMITT: -- the last comparisons.

11 So we have now the lunch break until 2.30.

12 MR TAKU: [13:13:00] Thank you, your Honour.

13 THE COURT USHER: [13:05:35] All rise.

14 (Recess taken at 1.05 p.m.)

15 (Upon resuming in open session at 2.32 p.m.)

16 THE COURT USHER: [14:32:04] All rise.

17 PRESIDING JUDGE SCHMITT: [14:32:27] Please continue, Mr Taku.

18 MR TAKU: [14:32:30] Thank you, your Honour.

19 Q. [14:32:35] Good afternoon, Witness.

20 A. [14:32:40] Good afternoon.

21 Q. [14:32:45] You stated in your witness statement, which is now in evidence --

22 PRESIDING JUDGE SCHMITT: [14:32:53] I have -- it's not your fault, because the
23 microphone is on, but it might be that I have the volume -- please continue. Perhaps
24 my volume is not --

25 MR TAKU: [14:33:04] Yes, your Honours.

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1 Q. [14:33:06] Witness, can you hear me?

2 A. [14:33:09] Yes, I can hear you very well.

3 PRESIDING JUDGE SCHMITT: [14:33:12] I have a problem here with my -- I

4 would have -- my colleagues are experts. They have fixed it.

5 MR TAKU: [14:33:30]

6 Q. [14:33:31] Now, let's very briefly discuss these events, when you slept under

7 the same mosquito net within the tent with the commander.

8 Paragraph 60, your Honours, of his statement.

9 And that commander, you said he was so important and feared that you avoided

10 looking at him.

11 My question, Witness: How many of you slept in that tent in that occasion, where

12 you say you slept in the same mosquito net within the tent? How many other

13 people slept in that tent in that occasion?

14 A. [14:34:41] Under that net we were only two that day, who shared that bed. It

15 was myself and a commander whom I did not recognise and did not look at him face

16 to face. It was a very good bed, a very comfortable bed.

17 Q. [14:35:07] Now, I understand about the tent -- I mean, the mosquito net and

18 the bed, but inside the tent that you slept -- that bed on the night you were found,

19 were there other people who slept inside the tent or was it just you and the

20 commander?

21 A. [14:35:43] Let me state it this way: That bed was not made for many people.

22 It was made only for that commander. They first dug up some soil and raised the

23 bed up, like at the height of a bed, and then they put a mattress which was thick, and

24 then they put a net, and then a tent was put above the bed, the bed. Even if it rained,

25 the bed will not get wet because the bed had been raised.

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1 The other people were sleeping from a distance. Those who would sleep close were
2 not sleeping in the tent, but there were people who slept close by, other people who
3 were very personally close to that person who, who the commander would send.
4 But they do not sleep in that tent, not to say the net.

5 Q. [14:36:57] While you were in the bush did you see any other abductee sleeping
6 in that tent with that commander? Or you were the only one that you knew -- of
7 course, you know about yourself, but in other words you didn't know about any other
8 abductee who slept in that tent with the commander, did you?

9 A. [14:37:25] In that tent it was not -- it was not easy to know whether there were
10 other recruits or other people who slept in the same tent. I slept there only one night
11 and in the morning I was taken to a group which had two or three soldiers, and we
12 were at the place of those of lapwony.

13 I did not go back to that tent and I do not know who else was sleeping in that tent.
14 I'm not aware if another person or another group spent a night in that tent. I did not
15 speak to anyone when I was in that tent. I just reached there and laid down and
16 slept. In the morning I was taken back to where they got me from.

17 Q. [14:38:16] Now, if I see in paragraph 65, you said that at some point in time
18 you went towards -- you moved towards Sudan. How many days after you slept in
19 that tent did you move towards Sudan?

20 A. [14:38:43] It is not easy to estimate the number of days. Like I said earlier,
21 things related to dates and days, you don't think about them while in the bush. So
22 I cannot estimate how many days it was.

23 Q. [14:39:10] Did you know the purpose for which you moved or that you moved
24 towards Sudan? For what purpose were you moving towards Sudan?

25 A. [14:39:27] I do not know why they were going to Sudan. I don't know what

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1 they were going to do and I don't know the reason why they were going. I was
2 moving as instructed because if I refuse, something bad would happen to me.
3 Perhaps the commanders, the senior commanders knew why they were moving there.
4 As a civilian and a recruit, you follow whatever instruction you are given. If you are
5 told to enter a trench, you enter the trench and go anywhere that you are ordered.

6 Q. [14:40:06] This woman that we discussed -- that you discussed about this
7 morning, that you say was killed by a soldier and you were asked to pull her
8 body -- to take her body away, when did you first see that woman? Was it at the
9 location where you shared the tent with the commander or on your way towards
10 Sudan?

11 A. [14:40:48] That happened before we started moving towards Sudan. It
12 happened at a place where people were resting and we were planning to move and
13 go forward. That is when he said that he cannot move anymore. That is
14 what -- that is when it happened. There were many people who were there.

15 Q. [14:41:09] Yes, but when did you first see the woman? At what point in time?

16 A. [14:41:19] In regards to that woman, I do not recall whether I had seen her
17 among the women or together with the rest of the group, because women, children
18 and girls are many. I saw her at the time when they announced that she should be
19 killed. I cannot recall if I had seen her earlier because, like I said, I did not know
20 people, that this is Adoch or this is Okello. I did not know. Because I found them
21 there. I only knew the people with whom we were abducted together from Odek
22 camp. I did not know the others.

23 Q. [14:42:10] Would I be right to say that that woman was not abducted from
24 Odek camp, you met her in the bush?

25 A. [14:42:28] That is correct. Because she was among the people I did not know.

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1 If she was abducted from Odek camp at least I would know her personally, even if I
2 did not know the name.

3 Q. [14:42:42] Apart from that soldier, did you see any other person hitting the
4 lady? Apart from the soldier that you said somebody in the uniform killed the lady,
5 did you see another person hitting her?

6 A. [14:43:04] I did not see any other person hitting her, apart from the person
7 whom I saw beating and told me to also beat her.

8 Q. [14:43:15] Apart from you, did that person ask you to ask any other person to
9 beat or to drag the corpse of the lady to hide somewhere, to keep somewhere else, at
10 the foot of the tree where you were sitting?

11 A. [14:43:40] No, there was no one.

12 Q. [14:43:45] Can you tell the Court, if you know, the approximate age of the
13 woman, if you can estimate?

14 A. [14:43:58] I cannot estimate the age, because earlier I said that it is not easy to
15 estimate the age of a woman.

16 Q. [14:44:09] Now, when you went to, close to Sudan, to the border of Sudan, you
17 said you were now ordered back to Uganda to scout for food, because there was a
18 shortage of food. Can you tell the Court whether you were already at the borders of
19 Sudan when this order was given, or you were near there, you were still within the
20 territory of Uganda when you were ordered to get back to Uganda?

21 A. [14:44:49] No, we had not yet reached, but the people who were already
22 familiar with the area, who knew which part of Sudan, which part is Sudan, which
23 part is Uganda, they told us that we were already close, and they said that we will not
24 have enough food if we enter Sudan. That's why they said we should first come
25 back and get more food.

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1 Q. [14:45:18] So when you came back and got more food, did you take the food
2 back to the soldiers who had proceeded to Sudan, or you remained in Uganda?

3 A. [14:45:42] When we went to collect food it was not very successful, because we
4 did not find food. Where we went to try and get food, we failed to get food.
5 People fled without food.

6 Q. [14:46:08] Now, tell the Court, why had you to go to look for food? Were you
7 starving, were the rebels starving?

8 A. [14:46:29] When you don't have food to eat in your household, you have to go
9 and look for food. If you are a farmer you go and farm, cultivate land. It means
10 that there was no food. That means they have to go and pillage food, there was a
11 need to go and get more food.

12 Q. [14:46:50] Now let's move quickly to Pabbo, Pabbo camp, the attack. Now,
13 when you retreated or when you were redeployed from the border of Sudan to look
14 for food and this failed attempt to get the food, how long did it take before you were
15 deployed to go and attack Pabbo camp?

16 A. [14:47:30] I earlier told you that when it comes to days and seasons and
17 periods, it's not very important. It was not very important then. I do not know
18 how long it took.

19 Q. [14:47:44] Okay. I agree.

20 PRESIDING JUDGE SCHMITT: [14:47:46] Perhaps approximately, Mr Witness,
21 can you say approximately how long? You know what I mean by approximately?
22 You can -- you don't have to be specific. Was it within days, weeks, month even?
23 You see what I mean? Something like that.

24 THE WITNESS: [14:48:06] (Interpretation) It was not a month. It could be about
25 one week or four -- I mean five or six days.

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1 PRESIDING JUDGE SCHMITT: [14:48:21] Thank you.

2 MR TAKU: [14:48:24]

3 Q. [14:48:24] Can you, if you know, tell the Court approximately, would I be right,
4 Witness, to say that Pabbo is about 75 kilometres from Odek, Pabbo camp?

5 A. [14:48:46] I cannot estimate it. Because Odek, from Odek to Gulu town is
6 about 40-something kilometres. That means from Gulu town to Pabbo is also about
7 the same distance. Perhaps the whole distance can be about a hundred or less.

8 PRESIDING JUDGE SCHMITT: [14:49:16] I think these are also matters in the end
9 that can be verified via common sources.

10 MR TAKU: [14:49:22] Yeah, your Honour.

11 Q. [14:49:30] And you say when you approached Pabbo camp some soldiers in
12 civilian were sent into the camp to conduct reconnaissance of the camp. Now, tell
13 the Court what sort of camp was that. Was it a military camp or an IDP camp,
14 Pabbo?

15 A. [14:50:12] The camp at Pabbo was a civilian camp. When civilians are in the
16 camp there will be some soldiers to protect them. The soldiers do not live within the
17 camp, but they live at the side of the camp. That means that Pabbo camp was a
18 camp for civilians. And there was also a barracks of the military in that same
19 location.

20 Q. [14:50:48] Can you estimate how many soldiers were deployed to attack Pabbo
21 camp?

22 A. [14:51:06] It is not easy to estimate, but there were many people. It could be
23 well over 100 soldiers.

24 Q. [14:51:25] Were these the soldiers who had been redeployed to look for food
25 from Sudan, these 100, or some other soldiers from other, some other LRA unit?

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1 A. [14:51:50] The people who had returned were the ones who were looking for
2 the food so that they can go back with it.

3 Q. [14:52:01] So, indeed, when you said that they made a failed attempt to collect
4 food, that failed attempt was made on the Pabbo attack, would I be correct to say this,
5 or was it another location?

6 A. [14:52:35] It was not possible from Pabbo.

7 Q. [14:52:40] So the attempt on Pabbo camp did not succeed, it failed; would I be
8 right to say this?

9 A. [14:52:55] Yes, that is correct. There was an attempt and -- but it was not
10 possible. People came back wounded and they fled.

11 Q. [14:53:07] What role did you in person play in the attack on Pabbo camp?
12 Where were you when the attack was ongoing, when the failed attempt was on?

13 A. [14:53:25] At that time when they were approaching Pabbo camp I was not yet
14 close. Because when they were approaching the camp, because people would enter
15 from different directions, the side where I was, we had not yet reached the camp.
16 When the side I was heard that there was a difficulty in entering the camp, we all
17 turned back and started fleeing, started fleeing without reaching the camp.

18 Q. [14:54:06] And it was in -- you said that where -- during this attack, paragraph
19 74, (Redacted) who where deployed for that operations. (Redacted)
20 (Redacted) Or you've seen them
21 previously?

22 A. [14:54:37] I had seen them previously. By the time when I saw them it didn't
23 take long, we were separated. When you are related they take one away from you.
24 It was luck that I was -- it was mere luck that made me meet them again. We joined
25 together -- we were joined together from another group so that we can go and get

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1 more food as a strong unit.

2 Q. [14:55:11] This location (Redacted)

3 (Redacted), did you talk to them?

4 A. [14:55:27] There was no opportunity to speak, and you even did not have the
5 authority to speak with someone when you are a civilian.

6 Q. [14:55:41] Now, you talked about an injured commander. Did you see that
7 injured commander? Had an opportunity to see the injury he sustained?

8 A. [14:55:59] In regards to that commander, when he was carried I saw him being
9 carried on a stretcher. I did not know where he got the injury. He was instructing
10 those who had carried him to be fast, telling them to be fast, and also telling -- the
11 other soldiers were beating those who were carrying that commander to move
12 slow -- to move carefully with this commander. I did not see where the injury was.

13 MR TAKU: [14:56:41] Your Honours, private session just for one question.

14 PRESIDING JUDGE SCHMITT: [14:56:47] Private session.

15 (Private session at 2.56 p.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Open session at 2.58 p.m.)

6 THE COURT OFFICER: [14:58:33] We're back in open session, Mr President.

7 MR TAKU: [14:58:49]

8 Q. [14:58:49] Now, Witness, what would you say, Witness, if I suggest to you that

9 there was no attack on Pabbo camp in 2004, that the attack on Pabbo camp occurred

10 in mid-2003, it was led by a commander by the name Kwoyelo who is standing trial in

11 Uganda presently? What would you say to that?

12 A. [14:59:28] There is nothing I can say about that. You have to realise, though,

13 that when they say his troops went there, no one else is allowed to go there. Attacks

14 for food can be made anywhere at any time.

15 Q. [14:59:57] Paragraph 82, Witness, and you stated that you also heard the

16 planning to attack Awere on your way to Pader, you heard about planning to attack a

17 location called Awere.

18 And in paragraph 83 you said "Awere is near my home." Suggesting, Witness, if I'm

19 correct, that Awere is quite close to Odek, correct?

20 A. [15:00:39] Yes, that is correct.

21 Q. [15:00:46] Witness, what would you say if I suggest to you that the Awere

22 attack occurred in 2003 and not in 2004? What do you say to that?

23 A. [15:01:04] That's what I heard them saying. I do not know whether there was

24 a previous attack. Maybe when they attacked the camp on the previous occasion

25 they were not happy with that attack and they wanted to go back. But that's what I

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1 heard. I did not know that anything had happened at Awere before that. I am just
2 hearing this information from you right now.

3 Q. [15:01:44] At paragraph 83, Witness, Awere is quite close to your home,
4 suggesting therefore that you moved right to the border with Sudan with your
5 captors and moved right back towards Odek, towards back -- towards the location
6 from which you were abducted, if they were moving to Awere. Would I be correct
7 to say this?

8 A. [15:02:24] When I say that I heard about Awere, it does not necessarily mean
9 they went close to Awere. I heard them say Awere and I -- I thought that if they are
10 talking about Awere then it's close to our home.

11 Q. [15:02:43] And I ask this question, Witness, because it relates to the time that
12 you fled the vicinity and the location from which you fled to safety. From where did
13 you, the location from which you fled, was it nearer your home at Awere or from a
14 different location? Because you recognise, when you got to that location, recognise
15 that was near your home?

16 A. [15:03:30] That place is not close to Awere. I attempted to escape from Cwero,
17 which is in Gulu district. Awere is on the border of Pader and Gulu.

18 Q. [15:03:47] The information we got today, Witness, is that it's about 3 kilometres
19 from Odek. Indeed some reports, they said that you almost know it was
20 part -- people were conflicted, they thought it was part of Odek camp. It was quite
21 close, closer than Acet. Am I correct?

22 A. [15:04:14] Which place are you referring to?

23 Q. [15:04:24] Awere.

24 A. [15:04:28] Awere is close to Odek.

25 Q. [15:04:32] Now, let's both be clear and talk about the saucepan, that you said

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1 by the time you fled you were carrying a saucepan. And paragraph -- paragraphs 85
2 and 86, when you fell hungry you ate part of the yam. And also -- now, tell the
3 Court what happened. Did you eat part of the yam that you were carrying in the
4 saucepan, or the sauce pan was hot and inflicted some injury on your head and fell,
5 with the yam, fell off?

6 And if -- I ask this question because tab 14, your Honours, the victims' application
7 and also paragraphs 88 -- 85, 86 and 88.

8 So what happened? Did it fall off or you ate it? Which is correct?

9 A. [15:06:05] The yam, when people were fleeing, when soldiers were shooting at
10 us, when they gave me the yams and the saucepan I put it on my head, I carried it on
11 my head. But when we were running I opened the pan and I kept on eating some of
12 them because I was hungry. I ate them. Because we did not eat well in the bush.
13 I'm the one who ate them.

14 Q. [15:06:48] Well, in paragraph 99 you said that you did not remember when
15 you escaped. But in your victims' application you say you stayed in the bush for two
16 months before you escaped, and there are conflicting reports. In the GUSCO report,
17 tab 2, you say you stayed in the bush for two and a half months, but tab 16 you said
18 you were abducted for nine days.

19 Witness, did you really know how long you were in the bush? We have here two
20 months, two and a half months and, tab 16, it says nine days. Or you cannot
21 remember with certainty how long you were in the bush?

22 Tab 16, your Honours, is UGA-OTP-0097-0452.

23 A. [15:08:04] I do not know how some of this information came here, but when
24 I was abducted we were approaching the holidays, the first term holidays in April.
25 It was when I was -- when I was going back, I went and found that they wanted to

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1 give us holidays, the second term holidays. So calculate that, how long do you think

2 I spent in the bush? You make the calculation.

3 PRESIDING JUDGE SCHMITT: [15:08:41] Mr Witness, we would prefer, if you

4 have such reference points in time, that you draw the conclusion and tell us, so

5 that -- because we don't of course, especially here on the Bench, we don't know

6 exactly what you could probably mean by that reference points. So how long would

7 that make it, your estimation?

8 THE WITNESS: [15:09:07] (Interpretation) I came back from the bush in July.

9 PRESIDING JUDGE SCHMITT: [15:09:23] Thank you.

10 MR TAKU: [15:09:25]

11 Q. [15:09:26] Witness, you talk about a man from Cwero, Cwero camp, Cwero

12 camp who helped you when you were taken to Wii-Got. Do you remember that?

13 A. [15:10:01] Yes, I do recall that very well.

14 Q. [15:10:11] When you got to Wii-Got did you meet other abductees from Odek?

15 A. [15:10:27] The people -- I did not meet anybody that had been abducted from

16 Odek. The only person that I met from Odek, the person was abducted before

17 people went to the camp. I met this person at GUSCO.

18 Q. [15:10:47] When you talked with him, when he was abducted before people

19 went to the camp, did he tell you when he was abducted?

20 A. [15:10:59] No. He did not tell me, but prior to my abduction, I already knew

21 that this person had been abducted because their home was close to ours. They had

22 mentioned his name to me before, but I could not recall his name. But it was when

23 we met at GUSCO that he introduced himself and told me that, "The person they

24 were referring to that had been abducted before your abduction, I'm that person."

25 Q. [15:11:42] Now, you heard the news about the abduction of that person and

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1 thereafter you meet the person. When you heard the news about that person, did
2 you also hear the news about the circumstances under which the person was
3 abducted? And when you meet the person, did you discuss with the person or did
4 the person tell you the circumstances or tell you about his experience during the
5 abduction?

6 A. [15:12:26] The person told me -- but based on what the person told me -- was
7 different from what I said. The person was a woman. She came back with a child
8 and her story is different from mine.

9 Q. [15:12:50] And when you were in GUSCO, you met -- surely you met other
10 people abducted from other locations who were also in GUSCO, correct?

11 A. [15:13:06] Yes, that's correct.

12 Q. [15:13:08] And you talk about your experiences under captivity, correct?

13 A. [15:13:21] That's correct.

14 Q. [15:13:24] When you came back home from 2004 to 2015, when the Prosecutor
15 approached you and took statements, did NGOs and other outreach organisations or
16 outfits, did they come to Odek to talk to the victims, to talk to the population about
17 what happened, about the experiences, about what happened? And did the people
18 in Odek and other victims take the opportunity to tell their story during these
19 outreach programmes and NGO activities?

20 A. [15:14:20] No, none of this happened. Perhaps if NGOs did come, they
21 would come and advise people, assist people who needed the help or provide the
22 help they were able to, for example, education. But, no, they did not tell us anything
23 other than that.

24 Q. [15:14:41] Yes, but in this occasion you had the opportunity to know about
25 what happened to your neighbours, to people in Odek generally, and many people

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1 telling their experiences. Or even outside that, when you met people in Odek for
2 this period, people would exchange opinion, your experiences about what happened
3 during the attack to them and their families, correct?

4 A. [15:15:08] Yes, that's correct.

5 Q. [15:15:17] And, Witness, may I suggest that under the circumstances, you were
6 able to hear the experience of others and that's helped you to embellish the story, the
7 evidence before this Court, the one you provided to the Prosecution investigators and
8 the one before this Court, correct?

9 A. [15:15:43] When I came back from the bush, I heard people talk about people
10 who had died during the attack. They would say this person -- if you ask where is
11 this person, they would tell you, no, the person is no longer here, the person was
12 killed. That was the kind of information that I received, because they talked about
13 people that were deceased and up to now, those people are not there.

14 Q. [15:16:24] You just told the honourable Trial Chamber that you came back in
15 July 2004. Witness, your Honours, tab 16 --

16 PRESIDING JUDGE SCHMITT: [15:16:39] Several of them.

17 MR TAKU: [15:16:41] Yes, tab 16, pages 0454 and 0462.

18 Q. [15:16:48] May I suggest to you, Witness, that indeed your mother and one
19 Robert Okeny signed you out from GUSCO on 8 June 2004. What would you say to
20 that, Witness?

21 A. [15:17:22] There is nothing that I can say to that because I do not know what
22 has been written.

23 Q. [15:17:36] Indeed, Witness, suggesting that prior to that date that they signed
24 you out, that you had been out and went to these other locations that I talked about.
25 And I was suggesting that you left much earlier, you left the bush and you fled much

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1 earlier, and of course -- and you said that you came back from the bush, it was
2 towards the first term holiday, suggesting that was in April. April is the first term
3 holiday in Uganda, correct?

4 A. [15:18:25] I said that it was not during the first term holidays, but the second
5 term holidays.

6 MR TAKU: [15:18:31] Well, your Honours --

7 PRESIDING JUDGE SCHMITT: [15:18:33] I think we -- perhaps we can shortly
8 look at this tab 16 and just we can have a look at -- ourselves. We don't need to put it
9 even more to -- we have already done it so --

10 MR TAKU: [15:18:47] Yes, your Honour.

11 PRESIDING JUDGE SCHMITT: [15:18:48] But it says on -- I cannot read here, the
12 ERN number, because the copy is not good enough, but nevertheless from -- GUSCO
13 sent a reception form. As date of return, here is mentioned 8 May 2004, and then
14 there is a "Centre Social Worker Assessment Form", and there it says date of
15 admission to CPU is 7 May 2004. And, yes, we have this, yes. We can say there's
16 contradiction here.

17 MR TAKU: [15:19:18] Yes. Your Honours, that will be all for the witness, except
18 the counsel has some questions.

19 MS HOHLER: [15:19:34] Your Honour, I think the witness would like to say
20 something. He's raising his hand.

21 PRESIDING JUDGE SCHMITT: [15:19:41] Yes, I think then perhaps we give first
22 the witness the floor, please. So you may say something. As I indicated at the
23 beginning of your testimony, that if you wish so, please do that, and if you want, you
24 can address us.

25 THE WITNESS: [15:20:08] (Interpretation) I would like to take a bathroom break.

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1 PRESIDING JUDGE SCHMITT: [15:20:11] Of course. Unless counsel tells us he
2 does not want to question the witness, then he would have been finished and we can
3 immediately finish the whole procedure.

4 MR AYENA ODONGO: [15:20:23] I don't know, Mr President, your Honours,
5 whether he's under such intense pressure that he must be excused first.

6 PRESIDING JUDGE SCHMITT: [15:20:35] Yes, so you want to question him too?

7 MR AYENA ODONGO: [15:20:39] Yes.

8 PRESIDING JUDGE SCHMITT: [15:20:40] Then of course we take a break, of
9 course, and I think we reconvene in -- yes, let's say in five minutes, something like
10 that.

11 MR AYENA ODONGO: [15:20:46] Yes.

12 PRESIDING JUDGE SCHMITT: [15:20:47] So please don't -- what I mean by that is,
13 don't leave the courtroom, except us.

14 THE COURT USHER: [15:20:56] All rise.

15 (Recess taken at 3.20 p.m.)

16 (Upon resuming in open session at 3.27 p.m.)

17 THE COURT USHER: [15:27:21] All rise.

18 PRESIDING JUDGE SCHMITT: [15:27:31] So we continue with the examination.

19 And, Mr Ayena, you have the floor.

20 QUESTIONED BY MR AYENA ODONGO:

21 Q. [15:27:47] Good afternoon again, Mr Witness. Mr Witness, I will put to you a
22 few follow-up questions to those that were put by my learned colleague. Now,
23 Mr Witness, first of all, you come from Odek, have you been attending to the outreach
24 programmes where they put TV and allow people to watch the proceedings of this
25 Court as they continue?

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1 A. [15:28:30] No, I have not attended any of those proceedings because most
2 times I do not have the time, but I heard that they do come and people go and watch
3 the proceedings.

4 Q. [15:28:56] Thank you. Have you discussed some of the things that people
5 who attend the proceedings heard?

6 A. [15:29:27] No. I have not met anybody who has told me about the
7 proceedings. Most times, in our zone, for example, nobody takes the time to go and
8 watch the proceedings because most occasions people say that when they see or hear
9 these things, it makes them sad so they do not do that. They say that when they go
10 and watch these proceedings, then it reignites the events that they went through, so
11 they do not -- they are not motivated to go and watch the proceedings.

12 Q. [15:30:07] Now, Mr Witness, for the length of time you stayed in the bush did
13 you see some wives, did you see some commanders with wives in the bush?

14 A. [15:30:31] When I was in the bush I was still very young. I was not very
15 familiar with issues regarding commanders. I referred to them as lapwony. And
16 there are some people who were respected, but I do not know anything about the
17 commanders. All I know was about lapwony.

18 Q. [15:31:02] Mr Witness, I'm talking about those lupwonye -- your Lordships,
19 lupwonye is the plural of lapwony.

20 PRESIDING JUDGE SCHMITT: [15:31:17] Thank you for the information --

21 MR AYENA ODONGO: Yes.

22 PRESIDING JUDGE SCHMITT: -- but I have to say I think I had made up my mind
23 in that respect too already.

24 MR AYENA ODONGO: [15:31:26]

25 Q. [15:31:27] So what I mean is those lupwonye, the so-called lupwonye, did you

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1 see them with wives in the bush and children?

2 A. [15:31:44] Yeah, there were several. There are some of them who had several
3 wives. They also had children. There were number of children. There were
4 people who were assigned the tasks of carrying the children.

5 Q. [15:32:00] When you were in the bush, did you experience a time when young
6 girls were abducted and distributed to the lupwonye?

7 A. [15:32:24] The girls not distributed, but each lapwony would choose the one he
8 has liked. Especially the senior lupwonye would be the first one to choose to select
9 the girls that he wants. It is the senior commanders who would choose the girls
10 depending on how he has liked the girl.

11 Q. [15:33:01] Now, Mr Witness, can you tell Court whether before making a girl
12 your wife there was a ceremony that you were required or a ritual that you were
13 required to go through?

14 A. [15:33:36] I do not recall any ritual which is performed to make a girl a wife.
15 What I remember is that when you are a new recruit as a civilian, they would smear
16 some oil on your chest to recruit you, to initiate you as a soldier. I do not recall.
17 And I was, as a young child, I was not very close to issues of women.

18 Q. [15:34:07] So, Mr Witness, in the particular case of Ajok, can you describe in
19 better details how she came to be a wife to the lapwony? Which lapwony was this?

20 A. [15:34:33] I earlier said that -- I earlier told this Court that I do not know, I do
21 not recall the name of any lapwony. For that reason, I cannot say, for example, that
22 Ajok became the wife of, say, Lapwony Odong, because I did not hear any name
23 Odong there.

24 I also recall that the way Ajok was taken. One night I just realised that she was
25 sleeping with this person, and they continue sleeping together with this lapwony, and

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1 that made me believe that, yeah, she had become his wife.

2 Q. [15:35:28] Mr Witness, I want you to confirm to this Court that for -- first of all,
3 can you tell this Court any one single name of a person, maybe your immediate boss,
4 somebody who was immediately in charge of you, do you remember his name?
5 Because at one point you said you were divided into three groups, do you remember
6 the name of any single person that you were within the group that you found
7 yourself in?

8 A. [15:36:24] I do not recall the name of any commander, but the only reference to
9 the senior soldiers are "Lapwony". That is the only thing I remember.

10 Q. [15:36:39] And, Mr Witness, you told this Court that you were caught
11 attempting to escape. Did you, during the course of your stay in the bush,
12 experience any other person attempting to escape?

13 A. [15:37:19] I did not see anyone attempting to escape. I couldn't see anyone
14 escaping. Probably someone escaped, but I did not see, I couldn't see anyone, say,
15 trying to remain behind a tree so that they could escape.

16 Q. [15:37:39] And, Mr Witness, for the time you were in the bush did you discuss
17 with your friends the type of punishment that would be meted to those who tried to
18 escape?

19 A. [15:38:17] I used to hear, they would tell me that if I try or attempt to escape it
20 means I would be killed when I am caught. I was told this several times that I will
21 be killed if I tried to escape.

22 Q. [15:38:35] So, Mr Witness, can you tell this Court then the magic you used for
23 escaping the --

24 PRESIDING JUDGE SCHMITT: [15:38:51] Mr Ayena, please another wording.

25 "Magic" you know, this is -- I would assume what you want to head at, and this can

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1 be formulated in another way which is more neutral, so to speak.

2 MR AYENA ODONGO: [15:39:13] Yes.

3 Q. [15:39:14] Mr Witness, did you understand why in your case you were
4 discovered more than one mile away attempting to escape but somehow you were
5 not killed? Who intervened to help you? Or to save you for that matter?

6 A. [15:39:50] If you were keen, earlier I said something about my escape, I said
7 that the reason why I -- I was not killed was because there was a helicopter gunship
8 that came. If you were keen you could have heard what I said earlier because I
9 mentioned that it was a helicopter gunship that came and that is how I survived.

10 Q. [15:40:25] So after the helicopter gunship, they forgot all about your attempt to
11 escape?

12 A. [15:40:39] I was no longer with them, so I do not know if they had forgotten or
13 not. I fled to -- for safety to save my life. They also fled. If you are the one would
14 you even recall and remember that someone was not there?

15 Q. [15:41:08] Now, Mr Witness, as somebody who remained in the bush at least
16 for nine days, could have been two and a half months, when these women were
17 distributed did you ever see any of these couples, so-called couples, having sexual
18 intercourse in the open, for example, under a tree? Was it possible?

19 A. [15:41:51] Well, when I was in the bush -- or, in the bush there is no
20 construction, there is no development there. When they say in the bush, you just
21 look -- you cannot look through the darkness at night, for example.

22 MR AYENA ODONGO: [15:42:20] That's all for this witness.

23 PRESIDING JUDGE SCHMITT: [15:42:23] Thank you, Mr Ayena.

24 Mr Witness, you have heard, this was the last question by counsel. On behalf -- this
25 also means that it concludes your testimony. On behalf of the Chamber, we would

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1 like to thank you for having assisted the Court in establishing the truth. We wish
2 you a safe trip back where you are coming from.

3 (The witness is excused)

4 PRESIDING JUDGE SCHMITT: [15:42:47] And we also wish Mrs Adong a safe trip
5 back to The Hague I think. Or will she stay?

6 MR AYENA ODONGO: [15:42:56] I will stay, my Lord.

7 PRESIDING JUDGE SCHMITT: [15:42:58] Okay. So this concludes the hearing
8 also for today. We continue tomorrow then at 9.30 with the witness, if he is ready.

9 That's P-67, as I understand it. Thank you.

10 THE COURT USHER: [15:43:09] All rise.

11 (The hearing ends in open session at 3.43 p.m.)

12 RECLASSIFICATION REPORT

13 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
14 2016, the public reclassified and lesser redacted version of this transcript is filed in the
15 case.