

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 1
7 Monday, 6 March 2017
8 (The hearing starts in open session at 10.12 a.m.)
9 THE COURT USHER: [10:12:12] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE SCHMITT: [10:12:33] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [10:12:41] Thank you, Mr President.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 For the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [10:12:52] Now I ask for the appearances of the
19 parties. The Prosecution first, please.
20 MR SACHITHANANDAN: [10:12:56] Good morning, your Honour. Today I'm
21 appearing with Beti Hohler, Colin Black, Adesola Adeboyejo, Yulia Nuzban, Hai Do
22 Duc, Mari Pilvio, Xinwei Liu and Ramu Fatima Bittaye. And I am Pubudu
23 Sachithanandan.
24 PRESIDING JUDGE SCHMITT: [10:13:20] Thank you very much.
25 And for the Legal Representatives of Victims please.

1 MS HIRST: [10:13:24] Good morning, your Honours. I'm Megan Hirst and with
2 me is James Mawira.

3 MS ADONG: [10:13:36] Good morning, your Honours.
4 Jane Adong and with me is Mr Orchlon Narantsetseg and Jacqueline Atim.

5 PRESIDING JUDGE SCHMITT: Thank you very much.
6 And for the Defence, please.

7 MR OBHOF: [10:13:45] Good morning, your Honours.
8 With us today is Counsel Ayena Odongo, Chief Charles Achaleke Taku, Ms Abigail
9 Bridgman, our client Dominic Ongwen, and myself Thomas Obhof.

10 PRESIDING JUDGE SCHMITT: [10:14:01] Thank you very much.
11 And I see Ms Kerwegi once again in the courtroom. We welcome you once again.
12 Could you please introduce yourself for the record.

13 MS KERWEGI: [10:14:10] Good morning, your Honour.
14 Sarah Kerwegi, legal advisor.

15 PRESIDING JUDGE SCHMITT: [10:14:17] Thank you very much.
16 The Prosecution is now calling P-205 as its next witness. The Chamber turns to his
17 the testimony.

18 As a preliminary point about protective measures, the Chamber notes that the VWU
19 has indicated by the way of 24 February 2017 email that voice distortion should be
20 granted above and beyond the measures already granted in decision 612. The
21 Chamber does not consider that any new information has been provided which
22 warrants reconsideration of its previous protective measure assessment.

23 We will now discuss the matter of assurances for the witness pursuant to Rule 74 of
24 the Rules of Procedure and Evidence. Mrs Kerwegi has filed via filing 718 a
25 submission requesting Rule 74 assurances for her client, and for that we have to go to

1 private session.

2 (Private session at 10.14 a.m.)

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10 (Redacted)

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14 (Redacted)

15 (Open session at 10.16 a.m.)

16 THE COURT OFFICER: [10:16:22] We are back in open session.

17 PRESIDING JUDGE SCHMITT: [10:16:24] Thank you very much.

18 The Chamber will now render its decision on the requested assurances.

19 Mindful of the factors specified in Rule 74 paragraph 5 of the Rules, the Chamber

20 decides to provide assurances pursuant to Rule 74 of the Rules in order to enable the

21 witness to testify without fear of consequence of self-incrimination.

22 This concludes the ruling of the Chamber and we can now please bring in the witness.

23 MS KERWEGI: [10:16:51] I'm much obliged, your Honour.

24 PRESIDING JUDGE SCHMITT: [10:17:03] In the meantime, I can shortly address

25 the question of private and open session for this witness. The Prosecution has

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1 provided us with information in that regard. We thank you for that.

2 It will not be easy, as it has also not been easy in the past but we have mindful of the
3 problems that arise and there will be necessarily, we cannot avoid it for the protection
4 of the witness, there will be some back and forth. Yes.

5 (The witness enters the courtroom)

6 PRESIDING JUDGE SCHMITT: [10:18:21] Mr Witness, can you hear me?

7 WITNESS: UGA-OTP-P-0205

8 (The witness speaks Acholi)

9 THE WITNESS: [10:18:27] (Interpretation) Yes, I can.

10 PRESIDING JUDGE SCHMITT: [10:18:30] First of all, good morning. You are
11 going to testify before the International Criminal Court. On behalf of the Chamber
12 I would like to welcome you in the courtroom.

13 There should be a card in front of you with a solemn undertaking to tell the truth.
14 Could you please read this card out aloud.

15 THE WITNESS: [10:18:55] (Interpretation) I solemnly swear to tell the truth, the
16 whole truth and nothing but the truth.

17 PRESIDING JUDGE SCHMITT: [10:19:23] Thank you very much. Before we start
18 with your testimony, Mr Witness, we have quite a lot of things to tell you,
19 preliminary matters so to speak, to explain to you how your testimony will unfold,
20 how you will be protected, how it is expected of you to speak into the microphone
21 and so forth.

22 We start with the protective measures. The Chamber has following measures put in
23 place for you to protect your security:

24 Face distortion has been put in place, which means that no one outside the courtroom
25 can see your face during your testimony on the screen.

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1 There will also be a pseudonym. In accordance with that we will all refer to you
2 only as "Mr Witness" as I'm doing since you have come to this courtroom. This is to
3 make sure that the public does not know your name.
4 When you answer questions that will not give away who you are, we will do that in
5 open session, which means that the public can hear what is being said in the
6 courtroom.
7 When you are asked to describe anything that relates specifically to you or you are
8 asked to mention facts that might reveal your identity, we go to private session.
9 What does private session mean? I explain it to you. This means that there is no
10 broadcast and no one outside the courtroom can hear your answer. If ever anything
11 gets said during open session which should have been said in private session, we will
12 do our best to protect this information.
13 Your testimony will be broadcast on a delay and we can remove any such remarks
14 from the broadcast which will be heard by the public and we can remove it from the
15 public transcript of the proceedings.
16 Come to another point. Mr Witness, you have been assigned a lawyer to provide
17 you with legal advice about possible self-incrimination. Your legal adviser
18 Mrs Kerwegi is present in the courtroom with you, she sits on your right, and if any
19 concerns arise during the course of your testimony, she will be able to advise you and
20 to raise those concerns with the Chamber.
21 The Chamber gives you the assurance pursuant to Rule 74(3) of the Rules. What
22 does that mean? That means that your testimony will not be used either directly or
23 indirectly against you in any subsequent proceedings by this Court, except under
24 Article 71 and 70 of the Rome Statute, which are the offences against the Court if you
25 don't say the truth here, but you have already solemnly declared that you will tell us

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1 the truth.

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

4 The questioning party, we start with the Prosecution, is responsible for requesting
5 private session prior to asking questions that may lead the witness to incriminate
6 himself. And as another, so to speak, security shield, we have Mrs Kerwegi in the
7 courtroom who can also raise concerns in that respect.

8 Mr Witness, this was a long speech by the Presiding Judge. Have you understood
9 what I have said?

10 THE WITNESS: [10:23:29] (Interpretation) Yes, I have.

11 THE INTERPRETER: Could the witness please be asked to speak up and move
12 closer to the microphone.

13 PRESIDING JUDGE SCHMITT: [10:23:34] Mr Witness, I have been informed by
14 the interpreters that you, please, speak a little bit louder and more into the
15 microphone so that they can hear you better.

16 And I now come to these practical matters that I have already indicated concerning
17 your testimony.

18 Everything we say here in the courtroom and of course everything you say in the
19 courtroom is written down and interpreted. It is, therefore, important to speak
20 clearly, we have just addressed that, and at a slow pace. Especially, for example, the
21 Presiding Judge in this courtroom has always difficulties with that, but I tell you
22 please try to speak slowly so that the interpreters can follow.

23 Speak into the microphone, again, and only start speaking when the person asking
24 you the question has finished. To allow for the interpretation everyone has to wait a
25 little bit to allow that the interpreters can follow you.

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1 If you have any questions yourself, which might happen, then raise your hand so
2 you -- we know that you wish to say something. Have you understood all that?

3 THE WITNESS: [10:24:52] (Interpretation) Yes I have.

4 PRESIDING JUDGE SCHMITT: [10:24:54] Thank you very much.

5 Now it's -- you have come to the end of this long preliminary remarks but they are
6 important so that we -- that you know what you have to observe, so to speak,
7 technically when you -- when it comes to your testimony.

8 We will then start your testimony. And the Prosecution, I assume

9 Mr Sachithanandan, has the floor.

10 MR SACHITHANANDAN: [10:25:11] Indeed, your Honour. Your Honour a few
11 housekeeping matters. We have two binders for the examination of this witness;
12 binder 1 -- binder 1 contains the exhibits and binder 2 contains the actual interview
13 transcripts.

14 There is a copy of binder 1 with the witness so that we can show him various exhibits.
15 And we also have a large map obviously behind the witness that we will seek to
16 authenticate shortly.

17 PRESIDING JUDGE SCHMITT: [10:25:43] We have also a page turner here in the
18 courtroom who helps him. We appreciate that very much. This has been proven
19 with past witnesses as absolutely helpful. Thank you very much for your presence
20 and your assistance.

21 Mr Sachithanandan.

22 QUESTIONED BY MR SACHITHANANDAN: [10:25:57]

23 Q. [10:25:59] Good morning, Mr Witness.

24 A. [10:26:00] Good morning.

25 MR SACHITHANANDAN: [10:26:01] In fact, your Honour, I'm sorry I think we

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1 should now go to private session for about 20 minutes to cover the background of this
2 witness.

3 PRESIDING JUDGE SCHMITT: [10:26:10] Thank you very much. And again, I
4 say it, I appreciate it that at least the questioning party tries to tell everybody how
5 long a private session will last so that public, people, are interested in listening, have
6 a, sort of, an estimate, when it makes sense to really come back and turn in, so to
7 speak.

8 So we go to private session now for about 20 minutes.

9 (Private session at 10.26 a.m.)

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12 (Open session at 10.49 a.m.)

13 THE COURT OFFICER: [10:49:42] We're in open session, Mr President.

14 MR SACHITHANANDAN: [10:49:53]

15 Q. [10:49:54] Mr Witness, now we are in open session. Could you please go to
16 your binder, to tab 4 of your binder.

17 And your Honours, this is an Acholi document. The translation is at tab 9. This is
18 of course binder 1.

19 Yes, ERNs for the record, the tab 9 is UGA-OTP-263 -- sorry, 0263-3040 and the Acholi
20 version that is being viewed by the witness is UGA-OTP-0233-1389.

21 Mr Witness, do you recognise this document?

22 A. [10:51:19] Yes, I do.

23 Q. [10:51:23] Please tell us what this is.

24 A. [10:51:38] This -- in 2002, in June, this is how we moved from Sudan. We
25 came and entered Uganda --

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1 Q. [10:51:57] Okay. Sorry. Sorry, I'm going to stop you. We're going to
2 discuss the details of this document, but we haven't got there yet. I just want the
3 courtroom to understand what this document is. So let's start maybe from the
4 second page. Can you see a signature on the bottom right-hand corner of the second
5 page?

6 A. [10:52:20] Yes, I've seen.

7 Q. [10:52:22] And whose signature is that?

8 A. [10:52:27] Mine.

9 Q. [10:52:31] Can you tell us when and how this document was produced?

10 A. [10:52:44] This was on 12 May 2015.

11 Q. [10:52:53] Right. And who produced this document?

12 A. [10:53:05] This is my handwriting.

13 Q. [10:53:09] Sorry, I'm going to apologise in advance. Some of these questions
14 are going to sound obvious to you, but it is important for the Court to know, all right?
15 All right. So when did you -- during the course of what exercise did you produce
16 this document?

17 A. [10:53:35] This was a reminder on my statement, how I wrote my statement.

18 MR TAKU: [10:53:48] Your Honours, I think it's extremely unfair for counsel to
19 put this document for this witness to look at it. I don't know whether the intention is
20 to refresh his memory or to look at the events in order to remember the testimony he
21 is going to give here. He has recognised his signature, we agree, but to move further
22 than that, to say is this a reminder of the statement that I made, your Honours, it
23 makes the whole exercise here to -- not to be -- it just creates more confusion here.
24 He's here to testify viva voce, not to recount. If they want him to refresh his memory
25 about a particular event, they will make the application and the Court will consider

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1 and grant it, than to put a statement here and start asking questions.

2 He has said that it was to enable him to remember exactly the progression of how

3 the -- of the activities, that is it. That's why we're here. But to move further on that,

4 your Honours, would be highly prejudicial.

5 PRESIDING JUDGE SCHMITT: [10:54:52] I think at the moment nothing more has

6 happened. I think what Prosecution wants to do at this point in time is simply to

7 establish what it is to make witness recognise that it is something that -- a document

8 that he has fabricated and, I assume, in the further course of the questioning, we will

9 not entertain what you fear, meaning that the witness has this document further on in

10 front of him and he will read out, so to speak, what he has said.

11 So I assume, Mr Sachithanandan, what you wanted to do as an initial phase regarding

12 this the document has been done and now we go on to questioning of details of some

13 sort, yes.

14 Please continue.

15 MR SACHITHANANDAN: [10:55:40] Indeed, your Honour.

16 Q. [10:55:45] Mr Witness, thank you. We may come back to this document, but

17 for the moment can you close your binder.

18 PRESIDING JUDGE SCHMITT: [10:56:07] And again I would, just to fill short a

19 gap, I think this will be on evidence, and if you want to question the witness to

20 something that has to do with the document, you extract the information that you

21 want and put a question to him. That's also how we do it normally. But this is just

22 a look into the future, so to speak.

23 MR SACHITHANANDAN: [10:56:33] Precisely, your Honour, and that was a look

24 into the very near future because that's what I'm going to do.

25 Q. [10:56:46] Mr Witness, where were you in June 2002, if you remember?

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- 1 A. [10:57:05] In June 2002 we came to Uganda.
- 2 Q. [10:57:12] And who were you with at this time?
- 3 A. [10:57:28] At that time there were various groups that entered; there was Gilva
4 brigade, there was Sinia brigade, and Stockree brigade and Control Altar. The
5 overall leader was Vincent. I was in Sinia brigade.
- 6 Q. [10:57:50] Where was Dominic Ongwen at this time?
- 7 A. [10:58:00] He was the CO of Oka battalion. He was there where we were.
- 8 Q. [10:58:09] Have you heard of any event that took place in a place called Laliya?
- 9 A. [10:58:26] Yes, I have.
- 10 Q. [10:58:29] Please tell the Court what happened at Laliya.
- 11 A. [10:58:42] In Laliya Dominic Ongwen was sent, he went and abducted girls
12 and came back with.
- 13 Q. [10:58:56] And how do you know this?
- 14 A. [10:59:03] When he came back, he came and we met at RV. I saw the
15 abductees.
- 16 Q. [10:59:16] Approximately how many abductees did you see?
- 17 A. [10:59:28] There were about six girls and some boys. I cannot recollect the
18 number of boys.
- 19 Q. [10:59:50] Approximately how old were these girls and boys?
- 20 A. [11:00:11] Some of the girls that I saw were ranging between 15 and 17 years.
- 21 Q. [11:00:20] And what was the age of the youngest boys you saw,
22 approximately?
- 23 A. [11:00:40] For those boys that I saw, they were between 12 -- they were from
24 12 years and above to about 15 years.
- 25 Q. [11:00:55] Now, when these girls and boys were brought, what happened to

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1 them?

2 A. [11:01:08] When they were brought, by then Tabuley was still the brigade
3 commander of Sinia. He came with them and handed them over to Tabuley.
4 Tabuley picked some of them and handed over to him and the rest remained with
5 Tabuley. The girls he went back with I remember were four in number.

6 Q. [11:01:45] Just so we have it on the record, now you said Tabuley kept some
7 and then gave some to him. Who do you mean by "him", just for the record?

8 A. [11:01:57] He gave them to Dominic.

9 Q. [11:02:03] And do you know what happened to the girls after that?

10 A. [11:02:15] He went with the girls and gave some to the officers who were
11 under his command. And one of them remained with him.

12 Q. [11:02:35] Now, you said you entered -- you said you entered Uganda in June
13 and now you mentioned Laliya. Have you ever heard of any event that occurred in
14 a place called Patongo?

15 A. [11:03:04] Yes, I've heard.

16 Q. [11:03:08] How much time -- okay, actually what happened at Patongo?

17 A. [11:03:19] In Patongo there was an attack in Patongo.

18 Q. [11:03:27] How much time elapsed from you coming into Uganda in June 2002
19 to the occurrence of Patongo?

20 A. [11:03:49] It took about a week.

21 Q. [11:03:56] What happened in Patongo, if you can please describe the attack
22 briefly, including who the leaders were?

23 A. [11:04:21] There was an attack in Patongo. The plan was to attack the soldiers.
24 And it was done by Sinia brigade during the time of Tabuley. The overall
25 commander for the attack was Dominic Ongwen. And then the commander who

1 attacked the centre was Tabuley, he went to the centre. After attacking the soldiers,
2 the barracks was overrun, it was burnt down. They abducted two police officers and
3 some civilians and some goods were also looted.

4 Q. [11:05:36] What happened to the two policemen and the -- sorry, did you
5 say -- I'm just trying to -- what happened to the abductees?

6 A. [11:05:58] One of the soldiers was also captured, the soldier was killed, the
7 police officers were released later.

8 Q. [11:06:14] Who killed the soldier?

9 A. [11:06:26] The soldier was handed over to the civilian abductees and they
10 killed him.

11 Q. [11:06:39] On whose order, if any, was the abductee killed?

12 A. [11:06:56] At that time the brigade commander was Tabuley.

13 Q. [11:07:03] Have you ever heard of a woman called Abwot?

14 A. [11:07:12] Yes, I have.

15 Q. [11:07:17] During the course of the Patongo attack, where was Abwot?

16 A. [11:07:32] Abwot was with Dominic.

17 Q. [11:07:38] So physic -- I mean sort of physically or geographically where was
18 she at the time of the Patongo attack?

19 A. [11:07:58] She was one of the people who had remained behind from the
20 group Tabuley moved with.

21 Q. [11:08:13] So when you say "remained behind" does that mean that she did not
22 go to Patongo; is that correct?

23 A. [11:08:26] She went, but the way they moved, there was a group that went
24 ahead and there was another group that came afterwards, but both of them went to
25 Patongo.

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1 Q. [11:08:39] Have you ever heard of someone called Aber?

2 A. [11:08:47] Yes, I've heard.

3 Q. [11:08:51] Sorry, am I being heard? Where, where was Aber at the time of the
4 Patongo attack?

5 A. [11:09:12] Aber moved together with Abwot to enter the centre. Aber was in
6 the household of Dominic, together with Abwot.

7 Q. [11:09:25] Could you please open your binder to that little list of names that I
8 mentioned earlier.

9 Now without mentioning the person's name, where was person 1 at the time of the
10 Patongo attack?

11 A. [11:09:58] Person 1 was in my household.

12 Q. [11:10:07] So physically at the time of the Patongo attack, so geographically,
13 where was she?

14 A. [11:10:24] She was one of the people who attacked Patongo.

15 Q. [11:10:33] Have you heard of someone called Opoka Signaller?

16 A. [11:10:46] Yes, I've heard.

17 Q. [11:10:51] Where was Opoka Signaller at the time of the Patongo attack?

18 A. [11:11:01] He moved together with Tabuley. He moved with Tabuley to
19 attack Patongo centre together. Opoka was in Sinia.

20 Q. [11:11:22] You mentioned that Tabuley was a brigade commander of Sinia.

21 Did he remain brigade commander or was he replaced by someone else at any time?

22 A. [11:11:44] Some other person replaced him later on.

23 Q. [11:11:50] Who was it and when did that happen?

24 A. [11:11:56] The person who replaced Tabuley in Sinia brigade was Buk

25 Abudema, he was called Oringa Sisto. That was in 2003.

1 Q. [11:12:30] Now we're going to move a little forward.

2 Have you heard of any event that occurred in a place called Ngora?

3 A. [11:12:49] Yes, I have heard.

4 Q. [11:12:54] Please tell the Court what happened at Ngora.

5 A. [11:13:08] In Ngora we were selected as standby. The overall commander
6 was Dominic Ongwen. During -- at that time Otti had instructed him to go to Abim.
7 He should go and attack Abim. He should get prisoners, release all of them.

8 Soldiers thwarted the attack. The soldiers attacked and we fought that evening, and
9 in the morning as we were trying to cross Ngora road we entered into an ambush and
10 we fought again. Dominic Ongwen was shot in the leg. Later on we carried him.

11 Q. [11:14:27] At the time of Ngora, what was Dominic Ongwen's position?

12 A. [11:14:40] He was a CO.

13 Q. [11:14:43] CO of which unit?

14 A. [11:14:48] Oka battalion.

15 Q. [11:14:57] How did you come to know that he was injured?

16 A. [11:15:03] He -- there was -- there was one of his escorts, a young escort who
17 always carried his chair and moved, walked after Dominic. When the shots
18 started -- when they started firing shots we walked, we crossed the road, but I did not
19 see him crossing the road. But he was the escort who followed us, he ran after us.
20 He found me, I was still at the back, and he told me that Dominic Ongwen has been
21 shot in the leg and his leg is broken. I turned back with his escort and went back to
22 the location where he'd been shot. (Redacted) and we started running.

23 Q. [11:16:00] Who was this young escort that you mentioned who came and told
24 you about the injury?

25 A. [11:16:10] He was Kidega. The name he was given, he was called Kidega

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1 Ocudi.

2 Q. [11:16:29] Was he the only young escort there or do you remember anyone else
3 of the same age around there?

4 A. [11:16:43] He was the one who was walking with Dominic. Others had run,
5 had run ahead. He was the one who was with Dominic at the time. He's the one
6 who knew where Dominic was because they were walking together with Dominic.

7 Q. [11:17:02] Was Dominic the only person who was injured at that moment or
8 was anyone else injured?

9 A. [11:17:18] No, there were other people who were injured. There are people
10 who had been injured the night before and we were crossing the same road with
11 them.

12 Q. [11:17:32] Please tell us who these people were.

13 A. [11:17:46] One of them was Obol. Obol, the name that he's called at the
14 moment is Lawange Acel because he only has one eye. He was shot in the other eye.
15 Otti's escort, called Ogik, had also been injured. And another soldier, I do not
16 actually recall his name but he was also -- he was taken by the government. Ocan
17 was also injured and we went with him.

18 Q. [11:18:35] And once Ogik was injured what happened to him?

19 A. [11:18:46] When we were crossing the road Ogik was taken by the government
20 soldiers. There was another boy called Jacob and the two were taken to Kalongo.
21 Well, I heard that Ogik died while at Kalongo. I do not know the whereabouts of
22 Jacob.

23 Q. [11:19:18] How old approximately was Jacob?

24 A. [11:19:32] I believe Jacob was 16. If not 16, then 17.

25 Q. [11:19:44] Can you please look at tab 5 of your binder.

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- 1 For the court officer, this is confidential.
- 2 Now this is actually two images. Can you please look at both images and look at the
- 3 signature on both pages.
- 4 For the record the ERN is 0240-0076.
- 5 Mr Witness, do you recognise the signature? Whose signature is that?
- 6 A. [11:20:45] That's my signature.
- 7 Q. [11:20:49] Please tell the Court what these two images are.
- 8 A. [11:21:10] The images show -- show how we crossed the road.
- 9 Q. [11:21:26] Sorry, crossed the road where, for the record?
- 10 A. [11:21:35] The road from Patongo to Kalongo at a place called Ngora.
- 11 Q. [11:21:44] And this may seem obvious to you, but this picture of Ngora, is that
- 12 related to the event you described at Ngora, or is it not?
- 13 A. [11:22:01] Precisely.
- 14 Q. [11:22:07] Who drew this picture?
- 15 A. [11:22:13] I was the one.
- 16 Q. [11:22:16] All right. Let's close the binder again for now.
- 17 PRESIDING JUDGE SCHMITT: [11:22:23] Just for a short information for
- 18 everybody, since we started a little bit later, we have -- make a little differences with
- 19 the scheduling. We are running this session until 12 o'clock now, then have a break
- 20 until 2 o'clock. And then from 2 o'clock until 4 o'clock I would say. Although one
- 21 or the other in the courtroom would like to have a coffee break, but I think we can
- 22 renounce to that for this day. So until 12 o'clock and then 2 until 4.
- 23 Please continue, Mr Sachithanandan.
- 24 MR SACHITHANANDAN:
- 25 Q. [11:23:04] Mr Witness, were are again going to move forward in time. Now

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1 you described how Dominic Ongwen got injured. What happened to him after the
2 injury?

3 A. [11:23:18] Following his injuries we carried Dominic, met up with Otti Vincent.
4 When we met up with Otti Vincent there were other people from control who were
5 also in that group who had remained behind with Otti Vincent. We continued and
6 walked to meet up with Buk, who was the brigade commander. We went with him
7 together. We went and met up with Buk. When we met Buk he was taken -- he
8 was taken to the bay. He was kept at the bay and he stayed there to receive
9 treatment.

10 Q. [11:24:11] All right. Now we'll discuss the bay in detail, but just before that,
11 around when did Ngora happen? The event at Ngora, around when did it happen?

12 A. [11:24:36] It was around I believe October, November.

13 Q. [11:24:51] All right. And just as a reminder, of course if at some point you
14 don't know or you don't remember, don't try to please me, just say you don't know.

15 All right. But that's just as a warning for the future.

16 All right. So now when you say October, November, which year are we talking
17 about?

18 A. [11:25:20] It was in 2002.

19 Q. [11:25:27] Right. Now we come back to the sickbay or Dominic Ongwen's
20 sickbay. Who were the people present in this sickbay?

21 A. [11:25:45] Most of -- most of the people of Oka battalion, most of the soldiers
22 remained behind because he was their commanding officer, so they stayed with him
23 in the sickbay.

24 Q. [11:26:05] Can you tell us perhaps some of these -- some of these soldiers, if
25 you remember the names?

1 A. [11:26:26] I do not recall all their names, but I do recall two or three. Pakpala
2 was one of them. Odong Cowboy also stayed behind. Nyero as well. Nyero
3 Aganya was also left behind. And a number of other people. There were quite a
4 few other people that were left behind.

5 Q. [11:27:03] At that time what was Pakpala's position and role?

6 A. [11:27:17] At the time Pakpala was a sergeant. He was in Dominic's battalion.

7 Q. [11:27:30] Did he have a particular role in Dominic's battalion?

8 A. [11:27:48] When Dominic was injured he was taken, Dominic immediately
9 brought him to his household and he was an escort in Dominic's household.

10 Q. [11:27:58] And what about Odong, what was his role?

11 A. [11:28:11] Odong was an officer who was working at battalion 2AC.

12 Q. [11:28:19] Which battalion?

13 A. [11:28:21] Oka.

14 Q. [11:28:26] And Nyero, what was his position and role in the sickbay?

15 A. [11:28:39] Nyero had also been injured. He was also in sickbay as a patient.

16 Q. [11:28:53] Have you heard of anyone called Ogeri?

17 A. [11:29:07] Yes, I have.

18 Q. [11:29:08] Where was he around this time?

19 A. [11:29:10] He was Dominic's escort and he was also in sickbay.

20 Q. [11:29:17] And what role or jobs did he have at this time?

21 A. [11:29:33] Sorry, I did not understand the question very well. Ogeri, you're
22 talking about Ogeri?

23 Q. [11:29:42] Yes, when Ogeri was in the sickbay, what was his job basically?

24 A. [11:29:49] He was Dominic's escort.

25 Q. [11:29:59] Now, without mentioning your role in any particular unit, can you

1 tell us which unit you were in at this time?

2 A. [11:30:18] At the time I was in Siba.

3 Q. [11:30:36] And did you ever encounter Dominic's sickbay or did you not visit?

4 A. [11:30:55] Shortly afterwards I went and -- I went to the sickbay. I visited
5 Dominic because I was also in a (Redacted)

6 Q. [11:31:18] At the time you visited Dominic Ongwen's sickbay, did he have a
7 radio or did he not?

8 A. [11:31:31] When Dominic went to sickbay, he went with the radio call.

9 Q. [11:31:39] Do you remember the name of his signaller?

10 A. [11:31:50] No, I do not recall.

11 Q. [11:31:52] That's not a problem. Now you said that (Redacted)

12 (Redacted) Can you tell us which units were these women from?

13 A. [11:32:19] They were mothers from Sinia battalion in Sinia brigade, but
14 different battalions. There were some mothers who were from Oka, but some of
15 them, the members of his household went to Dominic, but the other women, the other
16 mothers stayed with me.

17 Q. [11:32:43] And who were the mothers who stayed in (Redacted)

18 A. [11:33:00] There were many. There were a number of mothers in that sickbay.
19 Buk's and other officers' wives were also there.

20 Q. [11:33:14] Right. And you said that the members of his household went to
21 Dominic but other mothers stayed in (Redacted). So does that mean that any -- so
22 who did you mean by that? Was there anyone related to Ongwen who was in
23 (Redacted)

24 A. [11:33:45] Not his relatives, but his wives, they are the ones who were there.

25 Q. [11:33:52] And please tell us, if you remember, the names of his wives who

1 were in (Redacted)

2 A. [11:34:08] He was with Min Bak, Bak's mother, called Florence, and Jennifer.

3 And these are the ones that went with him, who stayed with him.

4 Q. [11:34:34] Now we've discussed (Redacted), one is Dominic's (Redacted)

5 (Redacted). Were these the only (Redacted) in that area or was

6 there any other (Redacted)?

7 A. [11:34:55] There were (Redacted) belonging to Sinia brigade.

8 Q. [11:35:14] What about the (Redacted) of any other brigade? Was there the

9 (Redacted) of any other brigade nearby?

10 A. [11:35:27] When we were at Pader, across the river in Pader, there was no

11 other (Redacted) around that area. When we crossed the river to the other side, then

12 there were other (Redacted).

13 Q. [11:35:44] Okay. And when you crossed the river, what other (Redacted) were

14 there?

15 A. [11:36:00] There was Gilva. (Redacted) belonging to Gilva brigade.

16 Q. [11:36:09] I just want to clarify something you said. You said that Min Bak,

17 called Florence, and Jennifer were in a (Redacted), was that (Redacted) or was that

18 Dominic's (Redacted), just so I understand?

19 A. [11:36:39] They were with Dominic Ongwen.

20 Q. [11:36:43] And were any of Dominic Ongwen's wives in (Redacted)?

21 A. [11:36:58] No, not where I was. All members, all Dominic Ongwen's wives

22 were with him.

23 Q. [11:37:09] When Dominic Ongwen was in his sickbay, was he always

24 stationary or did his troops ever go out to work?

25 A. [11:37:35] Well, while he was at the sickbay, he would send people to work.

1 Q. [11:37:43] Can you give us an example of where he sent people to work?

2 A. For example, in Pajule, in December the same year that he was injured, he
3 took -- he sent people to collect cows, cattle from Pajule.

4 Q. [11:38:13] Please keep going. Any other examples?

5 A. [11:38:24] And after we crossed the river, he also sent people on a number of
6 missions.

7 Q. [11:38:35] Have you ever heard of an attack on a place called Opit?

8 A. [11:38:44] Yes, I have.

9 Q. [11:38:47] Please tell us about this attack.

10 A. [11:38:57] I heard about the attack on Opit when I went to him at the RV. He
11 told me that he had sent people to Opit. He -- they were supposed to go and pick up
12 a radio call from Opit mission, but before that they should go and attack soldiers and
13 then on their way back they should pick up the radio call. They went and attacked
14 Opit, but they came back without the radio call. They carried things and came back
15 with things.

16 Q. [11:39:47] Right. Was there any attack on Opit that involved your
17 participation?

18 A. [11:40:03] Yes, there was.

19 Q. [11:40:03] Okay. Without mentioning your position, could you please tell us
20 about that attack?

21 A. [11:40:23] Dominic sent us to Opit. When he sent us to Opit, we went, we
22 went to the barracks, we went directly to the barracks and that was at five, 5 p.m.
23 That's when we entered into the barracks. We started shooting at the soldiers. We
24 shot at the soldiers and they fled. We burnt all the houses in the barracks. We
25 seized all their weapons. And on the way back we carried food. We came back

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1 with food and other items, many items.

2 Q. [11:41:16] Where was Dominic based at the time of the Opit attack that you
3 just mentioned?

4 A. [11:41:37] Dominic was at Omel, Omel Kuru, a place in Gulu.

5 Q. [11:41:45] Right. And I'm asking more the unit, like what unit was he with;
6 for example, was he still with the sickbay, was he not with the sickbay? That's the
7 kind of question I'm asking.

8 A. [11:41:58] He was with the sickbay.

9 Q. [11:42:03] And around when was this -- was this Opit attack?

10 A. [11:42:19] This Opit attack was -- was in February, yeah, February in 2003.

11 Q. [11:42:33] If you know, how was information obtained for the purposes of the
12 Opit attack?

13 A. [11:42:54] He sent people to scout the area and on missions they would seize
14 people, ask them, question those people and then they would come back with reports
15 and inform him.

16 Q. [11:43:17] And who were the people he sent?

17 A. [11:43:25] He would send Kidega or Odong Cowboy. Those are the people
18 that he sent.

19 Q. [11:43:36] How were you summoned to participate in this attack? How did
20 you know about it?

21 A. [11:43:53] When we met at the RV we would meet at -- he would actually
22 arrange how we should meet every two weeks. We would meet at the RV and
23 I would always go to him during this period.

24 Q. [11:44:21] Do you remember who went for this attack?

25 A. [11:44:39] Yes, I do.

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1 Q. [11:44:40] Please tell us.

2 A. [11:44:49] The overall commander was Kidega Pakpala and there were other
3 people.

4 Q. [11:45:00] I want you to open your binder again to tab 6.

5 This is also confidential. And the ERN is 240 -- sorry, that is 0240-0078.

6 Mr Witness, you see the signature on the middle right of the page? Whose signature
7 is that?

8 A. [11:46:11] It's my signature.

9 Q. [11:46:15] Who drew this map?

10 A. [11:46:23] I was the one who drew it.

11 Q. [11:46:25] Could you please explain to the Court what this map is?

12 A. [11:46:39] In this map it shows our movement as we went to attack Opit
13 barracks. Where you see those circles, there is the centre, there is a mission and a
14 school. We divided the places and then moved to the barracks. We lined up as
15 shown in the map.

16 Q. [11:47:22] Now, there are some squares with the word "C" in them. Could
17 you tell us what those squares are.

18 A. [11:47:40] This is civilian settlement at the centre.

19 Q. [11:47:53] Okay. We can close the map now.

20 After the attack, was there any report about this attack?

21 A. [11:48:27] The report he received on the number of soldiers who had remained
22 in Opit and there were very few. And that made him resolve that there was need to
23 go back and attack Opit and they should go back and try to seize the radio call from
24 the mission.

25 Q. [11:48:54] Okay. So I think you're talking about before the attack, aren't you?

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1 I'm talking about after the attack. Was there a report about the attack after the
2 attack?

3 A. [11:49:11] A report is made and always forwarded to him on how the
4 operation went on, the items that were recovered. The people who moved -- the
5 person who was in charge of the operation would report to him.

6 Q. [11:49:33] So in this particular instance, who reported to whom, please, using
7 names?

8 A. [11:49:41] Kidega gave him the report because he was the one who carried out
9 the attack. He gave the report to Dominic.

10 Q. [11:50:02] Have you ever heard of anyone called Oleda?

11 A. [11:50:20] No.

12 Q. [11:50:24] All right. Now after this Opit attack that you participated in, when
13 was the next time that you met Dominic Ongwen?

14 A. [11:50:40] After that attack, we met after two weeks.

15 Q. [11:50:53] Do you remember any big RVs involving people other than Dominic
16 as leaders?

17 A. [11:51:13] We met at an RV together with the Sinia brigade commander.

18 Q. [11:51:21] And around what -- when was this? Like, how many -- how much
19 time after Opit did this happen?

20 A. [11:51:43] It was after a month, after one month.

21 Q. [11:51:50] And what happened at this RV?

22 A. [11:52:04] At that RV we received a report indicating that Dominic was
23 promoted.

24 Q. [11:52:21] Who was the brigade commander at the -- so one month after the
25 Opit attack, who was the brigade commander of Sinia?

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- 1 A. [11:52:49] That was Buk.
- 2 Q. [11:52:51] Was Buk at this RV?
- 3 A. [11:53:01] When he came back from Sudan, he was there.
- 4 Q. [11:53:07] And what did Buk say, if anything?
- 5 A. [11:53:19] Buk came and he handed over the items he had come with from
- 6 Sudan to Dominic, together with some of the soldiers he had moved with, soldiers
- 7 who were coming from Dominic's battalion. By then he couldn't move far, for far
- 8 distance, so he couldn't move out with the convoy and he was taken back to the
- 9 sickbay to continue. He shouldn't move with the mobile. What Buk told him was
- 10 that he should take good care of the soldiers and he should -- the issue of attacking
- 11 comes -- is already -- it's still outlawed.
- 12 Q. [11:54:31] Who was the battalion commander of Siba at this time?
- 13 A. [11:54:42] The battalion commander of Siba at that time was Ojoko (phon).
- 14 Q. [11:54:58] And who was the battalion commander of Terwanga?
- 15 A. [11:55:07] Terwanga was -- I have forgotten. I can't recollect that.
- 16 MR SACHITHANANDAN: [11:55:41] Your Honour, I'd like to refresh the witness'
- 17 memory at this point.
- 18 PRESIDING JUDGE SCHMITT: [11:55:45] Please do that.
- 19 MR SACHITHANANDAN: [11:56:46] One minute, your Honour.
- 20 Q. [11:57:11] Mr Witness, sorry, just one question before I go to the binder, who
- 21 was the commander of Oka at this time, at the time of this RV?
- 22 A. [11:57:27] He was Dominic.
- 23 MR SACHITHANANDAN: [11:57:32] My apologies, your Honour, I had in fact
- 24 not asked the question.
- 25 PRESIDING JUDGE SCHMITT: [11:57:43] Are you going to start with a complete

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1 new issue now, or if you would, I would suggest that we have the break then, if not, if
2 you have a follow-up question to what you at the moment conducted, you can finish
3 this one, otherwise we would have the break.

4 MR SACHITHANANDAN: [11:58:01] I think it's best if we finish now and I'll pick
5 up again after the break, your Honour.

6 PRESIDING JUDGE SCHMITT: [11:58:07] Okay. Then break until 2 o'clock, as I
7 said, and from 2 o'clock until 4 o'clock the second session.

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

9 (Recess taken at 11.58 a.m.)

10 (Upon resuming in open session at 2.03 p.m.)

11 THE COURT USHER: [14:03:29] All rise.

12 PRESIDING JUDGE SCHMITT: [14:03:52] Mr Sachithanandan, you still have the
13 floor.

14 MR SACHITHANANDAN: [14:03:56] Thank you, your Honour.

15 Q. [14:04:02] Mr Witness, we stopped while we were discussing the RV with
16 Abudema; do you recall?

17 A. [14:04:13] Yes, I do.

18 Q. [14:04:19] Now we are going to move a little forward in time. Have you heard
19 of an LRA commander called Tabuley?

20 A. [14:04:32] Yes, I have.

21 Q. [14:04:36] After the RV with Abudema, when was the first time that you
22 encountered Tabuley?

23 A. [14:04:52] After the RV with Abudema, at the time when people went to Teso,
24 that was the time that I met Tabuley. We met again in Teso.

25 Q. [14:05:09] And what happened when you met Tabuley?

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1 A. [14:05:22] When Tabuley and I met, at the time Tabuley had been promoted to
2 division commander and he needed soldiers. They took soldiers from Sinia brigade
3 from Abudema and gave these soldiers to Tabuley. And the soldiers remaining with
4 Abudema stayed with him.

5 Q. [14:05:57] Now, is Tabuley alive now?

6 A. [14:06:07] No, he is deceased.

7 Q. [14:06:10] Now, do you remember -- now you don't need to tell me, do you
8 remember when Tabuley died? You don't need a date, but just tell me if I remember
9 when he died?

10 A. [14:06:32] Tabuley died in 2003, in October 2003, at the end of October 2003.

11 Q. [14:06:43] At the time of Tabuley's death, who was the commander of Terwanga
12 battalion?

13 A. [14:07:04] It was Loum Icaya.

14 Q. [14:07:11] At the same time, at the time of Tabuley's death, who was the
15 commander of Siba?

16 A. [14:07:26] It was Ocan George Labongo.

17 Q. [14:07:30] And who was in charge of Oka?

18 A. [14:07:40] Dominic Ongwen was still in charge of Oka.

19 Q. [14:07:50] At this time was Dominic Ongwen still injured and in sickbay or was
20 he mobile?

21 A. [14:08:12] At the time we had all moved, he was with Otti Vincent and he was
22 moving in the same convoy with Otti Vincent.

23 Q. [14:08:22] And how do you know that?

24 A. [14:08:28] Because they picked us up together. They picked him up, took him
25 to control, and the rest of us continued to Teso where Tabuley was.

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1 Q. [14:08:44] When, when you say "they picked him up," who exactly picked him
2 up to go to control?

3 A. [14:09:03] We met at RV with Otti Vincent and then Otti Vincent picked up
4 Dominic. Vincent -- Dominic was taken to Otti Vincent.

5 Q. [14:09:15] Okay, I think what I'm trying to say is did you see this with your eyes
6 or did someone else tell you this?

7 A. [14:09:24] I saw this with my eyes.

8 Q. [14:09:40] You mentioned that Loum Icaya was the head of Terwanga. No,
9 sorry, let's ignore that question for the moment.

10 All right. After the death of Tabuley, where did you move and who were you with?

11 A. [14:10:08] At the time of Tabuley's death I was together with Loum Icaya and
12 Ocan George Labongo. We were in a place called Kaberamaido.

13 Q. [14:10:26] Now, once Tabuley died -- now you mentioned that he had become
14 division commander. Who became division commander after Tabuley?

15 A. [14:10:45] Buk succeeded and then Odomi became Sinia brigade commander.

16 Q. [14:10:56] What was the first time that you heard that Odomi had become Sinia
17 brigade commander?

18 A. [14:11:15] After Tabuley's death we met at the RV.

19 Q. [14:11:25] Okay. Could you -- maybe let's discuss this RV in detail. Who told
20 you to go to this RV?

21 A. [14:11:39] After Tabuley's death Odomi convened us. All people under his
22 battalion were convened to go to his location. We went at the RV where he had
23 scheduled for us to meet.

24 Q. [14:12:04] Now I heard -- this might be an interpretation issue. I heard "all
25 people in his battalion." Are we talking his battalion or are we talking his brigade?

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1 A. [14:12:24] He called us, we were in the battalion. He went to the headquarters,
2 to the Sinia brigade headquarters, but he called all his battalion.

3 Q. [14:12:40] And how did you personally received this call? Did you hear it on
4 radio? Did somebody tell you?

5 A. [14:12:55] Our battalion commander informed us that we had to go, that we had
6 been convened to the RV to Dominic Ongwen.

7 Q. [14:13:18] Now where was this RV?

8 A. [14:13:22] The RV was at Omot.

9 Q. [14:13:42] And who was at Omot?

10 A. [14:13:51] Dominic was at Omot. He called us and asked us to meet him at
11 a place called Omot.

12 Q. [14:14:03] Now, at this time was Loum Icaya in good health or was he not?

13 A. [14:14:23] On our way to the RV, that was when Loum Icaya got injured.
14 While we were crossing the road, he was shot.

15 MR SACHITHANANDAN: [14:14:34] Your Honour, can we go into private session
16 for one question.

17 PRESIDING JUDGE SCHMITT: [14:14:37] Yes.

18 Private session, please.

19 (Private session at 2.14 p.m.)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Open session at 2.15 p.m.)

3 THE COURT OFFICER: [14:15:27] We are back in open session, Mr President.

4 MR SACHITHANANDAN: [14:15:41]

5 Q. [14:15:41] Right, could you please describe to us then how Loum got shot,
6 briefly?

7 A. [14:15:59] When we left and were crossing the road, at Odokomit people started
8 crossing the road. There were government soldiers, the government soldiers came
9 and found us crossing the road. We started -- there was a crossfire between us and
10 Loum Icaya sustained injuries during this crossfire. He was taken. It was dusk at
11 the moment and it was dark. In the morning of we got up and continued to the
12 place where Dominic had convened us.

13 Q. [14:16:44] Now please describe your journey from where Loum got injured to
14 where you met Dominic.

15 A. [14:17:04] We left the place where Loum sustained his injuries. We went and
16 met Dominic. When we met with Dominic at Omot he told us -- he told all of us that
17 he is now the brigade commander. He told us that he was now the brigade
18 commander for all Sinia brigade. Thereafter he gave us permission to split and told
19 us to go back towards Gulu. We split up in groups and we went back towards Gulu
20 to another RV.

21 Q. [14:17:58] All right. Let's -- we'll discuss that second RV, but first let's cover the
22 first RV. Who was present at this first RV?

23 A. [14:18:14] Dominic was, was the brigade commander, Abudema had already left.
24 Abudema had gone to the division so Dominic was the overall, was the overall
25 commander at the time.

1 Q. [14:18:40] And who were the other commanders or officers present at that RV?

2 A. [14:18:55] The commanders, there was Okwer, Acellam. Loum Icaya was there,
3 although he was already injured. Okello Kalalang was also present. There were
4 a number of officers who were present at that RV.

5 Q. [14:19:19] And now we will discuss each one of them. What was Okwer's
6 position and unit?

7 A. [14:19:34] Okwer was the BIO. He was the overall intelligence officer in the
8 brigade.

9 Q. [14:19:46] And just for the record, which brigade?

10 A. [14:19:54] Sinia brigade.

11 Q. [14:19:57] And Kalalang, what was his position and unit of affiliation.

12 A. [14:20:14] Kalalang was a BM in Sinia brigade.

13 Q. [14:20:20] Just so we understand, what does a BM do?

14 A. [14:20:35] BM and BIO, they are always at one place and they are the ones who
15 plan, they were the ones who -- they work together, they plan together with
16 the brigade commander. Any orders issued by the brigade commanders are issued
17 through them and then the orders are sent to the battalion and that's how it works.

18 Q. [14:21:11] And Acellam, you mentioned that Acellam was also there. What
19 was his position and unit of affiliation?

20 A. [14:21:19] Acellam Ben was a CO of Oka battalion.

21 Q. [14:21:38] Right. Do you remember any other officers who were at the RV?

22 A. [14:21:46] Yes, I have just recalled some. There was Odong Nelson Awere.
23 And Nyero was also present. Ojok Kampala was present. Larit Philson (phon) was
24 also present.

25 Q. [14:22:23] What was Ojok Kampala's position and unit affiliation?

1 A. [14:22:35] Ojok Kampala was the IO of Terwanga battalion.

2 Q. [14:22:43] And Nelson Awere?

3 A. [14:22:54] Awere was OC Oka A Coy.

4 Q. [14:23:04] Right. You said that this was the first RV and then you were -- you
5 were reconvened at a second RV. Maybe you can tell us -- yes, explain how you got
6 from the first RV to the second RV.

7 A. [14:23:26] When we left the first RV we went to the second RV. While at the
8 second RV Dominic authorised the battalions to go on missions. He took one
9 battalion and Loum Icaya who had sustained injuries and him, he himself continued
10 to the headquarters. The Siba battalion went towards Kitgum. Oka stayed in
11 Lango, that was Ben's battalion.

12 Q. [14:24:19] Right. And we are talking about the second RV now; is that right?

13 A. [14:24:26] Yes, that's right.

14 Q. [14:24:30] Have you heard of the Barlonyo attack?

15 A. [14:24:43] Yes, I have heard of the Barlonyo attack.

16 Q. [14:24:48] All right. I am just using the Barlonyo attack as a time marker, so
17 could you tell us if you remember whether these RVs were before the Barlonyo attack
18 or after?

19 A. [14:25:08] The second RV was before the Barlonyo attack.

20 Q. [14:25:40] Did anything else happen at the second RV? When you said the
21 battalions were told to go on missions, were the objectives of these missions identified
22 or were they left unidentified?

23 A. [14:26:03] The authorisation was to go and work, which means that there was an
24 objective that they had to carry out.

25 Q. [14:26:25] Right. And were these objectives discussed at the RV or not?

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- 1 A. [14:26:35] Yes, they were discussed.
- 2 Q. [14:26:39] Okay. So please tell us about these objectives.
- 3 A. [14:26:51] First, they spoke about abductions. Secondly, about fighting.
- 4 Q. [14:27:10] Okay, and what was said about abductions?
- 5 A. [14:27:21] The battalions were instructed that if they found anybody who can
- 6 participate in the army, then that person should be abducted.
- 7 Q. [14:27:39] And who said this?
- 8 A. [14:27:46] It was Dominic.
- 9 Q. [14:27:52] What about -- and the second subject you mentioned was fighting.
- 10 What was said about fighting?
- 11 A. [14:28:08] The battalions were instructed to fight. Battalions should go and
- 12 attack places where they can find ammunition to increase -- ammunition and
- 13 weapons to increase the amount of weapons in their battalions.
- 14 Q. [14:28:34] And what was -- when you were discussing places to go and fight,
- 15 was the actual geographical location identified?
- 16 A. [14:28:59] So wherever -- whichever battalion -- wherever the battalion goes
- 17 there was no date given as to, as to what date should be -- an attack should be
- 18 conducted, unless he sends you a report. If he instructs you to go and attack a place
- 19 on this day, then you attack a place. But with respect to abductions, if he says go
- 20 and abduct people, you walk, wherever you find somebody along the way you
- 21 abduct them and you keep on walking. Wherever you can fight you fight following
- 22 the instructions that you have been given.
- 23 Q. [14:29:48] Have you heard of a place called Odek?
- 24 A. [14:29:57] Yes, I have heard about Odek.
- 25 Q. [14:30:01] Did anything of significance happen at Odek?

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1 A. [14:30:11] When we crossed the -- when we crossed the river, Dominic planned.
2 He asked the soldiers from Terwanga battalion, he asked for about six soldiers, and
3 all the officers, there were 10 people, that was in addition to the soldiers he had at the
4 brigade headquarters and he sent them to Odek.

5 Q. [14:31:13] Now you mentioned two RVs after you discovered that Dominic was
6 a brigade commander. Now did you discover the plan about Odek before these RVs,
7 during these RVs, or after these RVs?

8 A. [14:31:39] After the second RV I moved together with him across the river.
9 When we arrived there we split. After the split, he sent his people to where
10 Terwanga battalion was located with the message he had sent the person to deliver,
11 that he needed people. Terwanga therefore gave him people.

12 Q. [14:32:45] Without mentioning your position, who were the people that were
13 given by Terwanga for this attack?

14 A. [14:33:08] They picked soldiers and some officers. The officer I can remember
15 was Nyero Canowira and other soldiers.

16 Q. [14:33:33] Can you remember the names of anyone other than Nyero Canowira?

17 A. [14:33:47] Labanya also went. Ogwai was also there. I cannot remember the
18 others.

19 Q. [14:34:08] Have you heard of Okello Patrick Yaape?

20 A. [14:34:16] I remember him. I have actually remembered he also went. I
21 remember his name.

22 Q. [14:34:28] Have you heard of Oyet Patrick Agac?

23 A. [14:34:40] That one is also a soldier from Terwanga who also went for the attack.

24 Q. [14:34:48] Have you heard of Ojok Oyite?

25 A. [14:34:55] Yes, I did.

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1 Q. [14:34:59] Where was Ojok Oyite during the Odek attack?

2 A. [14:35:10] They were part of the soldiers who came from Terwanga who joined
3 and went to attack Odek.

4 Q. [14:35:21] Was the plan for attacking Odek discussed in any particular location?

5 A. [14:35:39] Well, I -- I didn't hear wherever they were planning, but that I only
6 heard a report that was asking for people.

7 Q. [14:35:54] Now, when these people were sent, that is Okello Patrick, Nyero,
8 et cetera, when they were sent, where did they go to?

9 A. [14:36:06] Terwanga sent these people to Dominic at the Sinia brigade
10 headquarters where Dominic addressed them and then sent them where they went to
11 attack Odek.

12 Q. [14:36:29] Were you present for this address or were you not there?

13 A. [14:36:42] When he was addressing the standby I was there.

14 Q. [14:36:49] And could you please describe in detail this address to the standby?

15 A. [14:37:07] The order I heard he was issuing to the standby was that, first, the
16 standby was supposed to go for an operation in Odek. And there were not so many
17 soldiers there. There were a few soldiers at Odek; therefore, the standby should go
18 and destroy Odek completely, they should only leave bare ground. Nothing should
19 be left in Odek. That is what I heard him telling the people.

20 Q. [14:38:02] And for the record, who said this?

21 A. [14:38:07] Dominic.

22 Q. [14:38:14] Now you mentioned who was there from Terwanga. Could you
23 please tell us who was there from other parts of Sinia at the standby, at the address to
24 the standby?

25 A. [14:38:36] There were -- people were coming from the headquarters where

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1 he was and then Ben Acellam came, went as the overall during that attack. There
2 was Okwer who also went together with Ben. And Kalalang was also there.

3 Q. [14:39:20] When you were describing the previous RVs you said that there were
4 instructions about two things, one was fighting and the other was abductions. Now,
5 at the Odek standby meeting, was there any reference to abductions?

6 A. [14:39:43] He said in this attack if they had found good girls they should be
7 abducted. Boys should also be abducted when found. Those who were not fit to be
8 in the army, those who were above 18 should not be brought, they should be killed
9 instead.

10 Q. [14:40:18] And what happened after the standby -- the address to the standby,
11 what happened next?

12 A. [14:40:32] The standby left and went for the attack. I also left and went back to
13 where I was in Terwanga.

14 Q. [14:40:48] Do you know how far the standby had to travel before they got to the
15 location of attack?

16 A. [14:41:07] The distance between Odek and the RV, where the standby was, it
17 took one day to walk to there.

18 Q. [14:41:23] And how do you know that?

19 A. [14:41:34] I know because the distance between Odek and where we were, I was
20 aware of it. I was conversant of the place.

21 Q. [14:41:51] I think what I'm trying to figure out is how did you know when the
22 attack started, if you do?

23 A. [14:42:09] The standby left and went and attacked Odek and then moved back.

24 But the distance between where the standby staged initially and then to Odek

25 was -- before the attack on Odek we had traversed that place, we had moved towards

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1 that location.

2 Q. [14:42:44] From where you were, could you either see or hear what was
3 happening at Odek during the attack?

4 A. [14:43:04] We couldn't hear the gunshots because it was a bit sloppy, but for
5 heavy guns like bombs we could be able to hear.

6 Q. [14:43:31] Now, these troops who went to -- who went from Terwanga to Odek,
7 did they return to Terwanga at any point?

8 A. [14:43:43] After the attack, when they returned to Dominic, they were -- they
9 proceeded and went back to Terwanga.

10 Q. And what did these troops say, if anything, about how the attack went?

11 A. [14:44:15] They said they moved, they went and attacked Odek, they overran the
12 barracks but most of the people escaped. They carried the food items and some
13 weapons. They were able to come back with their weapons up to Terwanga. I
14 witnessed.

15 Q. [14:44:45] Did you see any of the food or did you not?

16 A. I saw the food items.

17 Q. [14:44:59] Would you know who carried the food items away from Odek?

18 A. [14:45:13] They were carried by the standby who went to attack Odek.

19 Q. [14:45:27] Right. We are going to -- now you -- because we discussed the Odek
20 standby, I want to see whether we can see the same location in the large map you
21 annotated, but because we need to zoom in, what we will do is we will do it on your
22 screen.

23 Your Honour --

24 PRESIDING JUDGE SCHMITT: [14:45:54] Which channel can we expect now?

25 MR SACHITHANANDAN: [14:45:58] This is evidence 2.

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1 PRESIDING JUDGE SCHMITT: [14:46:00] Two, okay. Yes, we see it.

2 MR SACHITHANANDAN: And I repeat this is binder 1, tab 1 for the record. Can
3 we move to the right-hand side so that we can see the annotations and zoom in a little
4 bit so that we can see the text.

5 Q. [14:46:25] Mr Witness, can you see number 3 written there, it says "Dominic
6 Odek standby", can you see that?

7 A. [14:46:39] Yes, I can see.

8 Q. [14:46:42] Now we are just going to try and find 3 in the map itself. Okay, can
9 you see "3" there, is that the location of the Odek standby?

10 A. [14:47:07] I have seen.

11 Q. [14:47:11] Sorry, "I have seen", can you say whether it is correct or not?

12 A. [14:47:19] It is true.

13 Q. [14:47:26] Okay. Yes, we can -- sorry, am I being heard? Testing. Okay,
14 right.

15 I think we can leave the map for now and we will keep going. We are going to move
16 forward now from the Odek attack in time. And your Honour, for the purposes of
17 Rule 74, I believe we should move into private session for about half an hour perhaps.

18 PRESIDING JUDGE SCHMITT: [14:48:04] We go to private session.

19 (Private session at 2.48 p.m.)

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23 (Open session at 2.58 p.m.)
24 THE COURT OFFICER: [14:58:55] We are in open session, Mr President.
25 MR SACHITHANANDAN: [14:59:05]

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1 Q. [14:59:11] Mr Witness, have you ever heard of any event that occurred at
2 Lukodi?

3 MS KERWEGI: [14:59:31] Your Honour, for this line of questioning I am requesting
4 we go back to private session.

5 PRESIDING JUDGE SCHMITT: [14:59:38] What do you think, Mr Sachithanandan?

6 MR SACHITHANANDAN: [14:59:45] Your Honour, what I was -- what I was
7 hoping to do was to discuss Lukodi in open, but to extract information about the
8 witness's precise role in private session. I don't know whether that works.

9 PRESIDING JUDGE SCHMITT: [15:00:02] If you manage to do that, I think also
10 Mrs Kerwegi will not have a problem with it. It might not be easy, but give it a try
11 and Mrs Kerwegi and everybody in the courtroom is attentive to the problem that can
12 arise from that. Please continue.

13 MR SACHITHANANDAN: [15:00:20] And I invite Ms Kerwegi to stop me at any
14 moment if you think I am crossing a line.

15 PRESIDING JUDGE SCHMITT: [15:00:28] And we see this when you are raising
16 your hand or opening your microphone.

17 MR SACHITHANANDAN: [15:00:34]

18 Q. [15:00:36] Now, Mr Witness, I don't want you to mention your position or your
19 particular role in the events that we're going to discuss. Now with that warning in
20 mind, can you tell us whether you heard of anything or whether you are aware of
21 anything that happened at Lukodi?

22 A. [15:01:05] Yes, I heard about Lukodi. I also heard what happened at Lukodi.

23 Q. [15:01:15] When was the first time -- sorry, ignore that question. What
24 happened at Lukodi?

25 A. [15:01:32] I heard that Dominic sent his soldiers to Lukodi. They attacked

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1 Lukodi. They attacked the barracks. They burnt houses in the camp. And they
2 killed civilians in the camp. And they took food items.

3 Q. [15:01:59] Okay. And now you remember we discussed two events before that
4 in private session. After those two events, when was the first time that you heard of
5 Lukodi?

6 A. [15:02:27] It was -- I heard about Lukodi after the RV, after we had sent the
7 report about (Redacted) and then he sent people who reported back to the standby in
8 Terwanga, asking Terwanga to send a standby. Terwanga formed a standby and
9 they sent it to Dominic and Dominic sent the standby to Lukodi.

10 Q. [15:03:03] Right. Could you describe to us what happened at the RV with the
11 standby?

12 PRESIDING JUDGE SCHMITT: [15:03:18] I think this might be really difficult not to
13 go into private session, frankly speaking. If I look, so I think I have to agree with
14 Mrs Kerwegi now. This is really something that we cannot distinguish easily
15 because how can he describe if not going into matters that might affect the Rule 74
16 issue. So we go into private session.

17 (Private session at 3.03 p.m.)

18 (Redacted)

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8 (Open session at 3.35 p.m.)

9 THE COURT OFFICER: [15:35:09] We are in open session, Mr President.

10 MR SACHITHANANDAN: [15:35:24]

11 Q. [15:35:25] Yes, Mr Witness, please describe the report that was given to Dominic
12 about Lukodi.

13 A. [15:35:40] When the standby came back to Dominic, the weapons that we
14 recovered were recorded on a piece of paper and they also narrated how the
15 operation went on. And there was nothing left out, everything was told.
16 Everything was given to him. They said the attack was smooth. The barracks was
17 overrun. And as mentioned on radio that there were so many people who died and
18 the camp was burnt down, he was also told the same. And thereafter we left him
19 with that report. He appreciated the work well done.

20 Q. [15:36:54] When we say a report, are you talking about an oral report or are you
21 talking about a written report?

22 A. [15:37:05] There was also a written report, as well as a verbal one. And the
23 overall commander for the attack would give the report to Dominic, together with the
24 intelligence officer. The intelligence officer would also go to the higher intelligence
25 officer to give the information. The two IC would also report in a situation where

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1 the brigade major is available, would also go and report to the brigade major and the
2 operation report, together with all the items, would then be given to Dominic. This
3 is after reaching the BIO, the brigade major, collecting all the information and items
4 and all these things are put together, the overall commander, the two IC and the
5 intelligence would now go to Dominic Ongwen and hand over the report to him.
6 That is how it's done.

7 Q. [15:38:27] Now how much of this did you see with your eyes and hear with your
8 ears for Lukodi of these reports?

9 A. [15:38:47] What I saw, were the weapons, the civilians were abducted but later
10 released. And then what I heard in the report was about the death of the people.
11 That is what I heard.

12 Q. [15:39:05] Right. Now I just want to get some detail on that. Who was
13 delivering the oral report?

14 A. [15:39:23] The commanding officer would give the oral report. Actually, how
15 they delivered the report, there are two things: The written report is in two parts,
16 one is given to BM and then to BIO. Then there is another that is taken directly to
17 him. The one given to BIO is kept by the BIO and then there is another one that is
18 taken directly to Dominic. The overall commander gives an oral report and also
19 hands over a hand -- a written report.

20 Q. [15:40:11] Okay. Now I apologise, some of this is going to sound repetitive, but
21 it is very important that we get details. So now you mentioned that the overall was
22 Ocaka. Did you see Ocaka giving the report to Dominic?

23 A. [15:40:34] The person who handed over the report to Dominic was Ocaka.

24 Q. [15:40:44] And -- sorry, maybe it's the interpretation. Are we talking here
25 about the oral report?

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1 A. [15:40:58] The person who handed over the report to Dominic was Ocaka. He
2 handed over a written report and also gave an oral report.

3 Q. [15:41:09] Now you said that the -- there is also a report to the BIO. Who
4 reported to the BIO?

5 A. [15:41:23] The IO was gone for the operation is the one who brings the report to
6 his superior. He reports on how the operation went on, how their office is arranged
7 in the army.

8 Q. [15:41:46] Now if I remember correctly you said that the IO who went to the
9 attack is Ojok Kampala; is that correct or incorrect?

10 A. [15:41:59] It's correct.

11 Q. [15:42:03] And I think you mentioned that the BIO was Okwer; is that correct or
12 not correct?

13 A. [15:42:14] Correct. But on that day Okwer wasn't there. Okwer had already
14 left and they had got to Atiak.

15 Q. [15:42:30] Now, at the time that Ocaka was giving his oral report to Dominic,
16 who was present in the vicinity?

17 A. [15:42:49] Dominic had his officers, the young officers. He had some officers.
18 There was Obol, who was still there with Dominic and, and other people. Kalalang
19 was also there with Dominic. Ocen was also there with Dominic while he was
20 receiving the report.

21 Q. [15:43:25] Who is Ocen?

22 A. [15:43:27] Ocen is Ocen Vincent. He was a captain. He was one of the people
23 who had injuries and he was at the brigade headquarters.

24 Q. [15:43:52] Now all of these are of course men. Do you recall the presence of
25 any women in that area at the RV where there was a report?

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1 A. [15:44:11] The way I should explain this is that, for instance, if we are seated at
2 this position, for instance, in this building, we are seated in this building, there will be
3 a person like Dominic who is the overall. His wives would be seated on the sides
4 a bit far from him. About, about 50 metres away, between 50 to 70 metres away,
5 they would be seated there, such that some of the reports that are being discussed are
6 not heard by the women, because that would be confidential. Therefore women
7 would be there but seated a bit afar so that they cannot clearly pick what was being
8 relayed. However, they would be able to get the information from the other soldiers
9 who came from the attack.

10 Q. [15:45:27] So on that day when the Lukodi report was being given did you see
11 any women nearby and, if so, who were they?

12 A. [15:45:38] The women who were nearby were Dominic's wives. They were
13 a bit many and I cannot recall some of their names, but I will also mention others that
14 I can remember. There was Apio, Aber was also there, Abwot was there, there was
15 also Fatuma, Acan, Abang was there. Those are the ones I can remember off.

16 Q. [15:46:45] What about Min Bak, where was Min Bak at this time?

17 A. [15:47:01] Min Bak, at that time Min Bak was no longer there.

18 PRESIDING JUDGE SCHMITT: [15:47:08] Mr -- ah. So please continue,
19 Mr Sachithanandan.

20 MR SACHITHANANDAN: [15:47:21]

21 Q. [15:47:25] What about Jennifer, where was Jennifer at this time?

22 A. [15:47:41] At that time Jennifer was already released, together with Min Bak.

23 Q. [15:47:51] Now you know this -- there was a report from Ocaka to Dominic,
24 right, about Lukodi. Was that information ever passed further up the chain of
25 command?

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1 A. [15:48:13] For a report to move high in the chain of command, during that time
2 reports could be relayed, because these -- these attack couldn't be hidden, we had to
3 report it to his superiors.

4 Q. [15:48:40] Please describe to us how this report was communicated to the
5 superiors.

6 A. [15:48:55] The reason he relayed this report, at the time he was using a radio call
7 to communicate. However, during that time his gadget was down. He could hear
8 communication, but he could not send. There was a problem with his set.

9 MR SACHITHANANDAN: [15:49:25] Your Honour, may I refresh the witness's
10 memory on this particular point.

11 PRESIDING JUDGE SCHMITT: [15:49:29] Yes.

12 MR SACHITHANANDAN: [15:49:30] This is tab 6 of binder 2. ERN 0247-0109.
13 And the relevant page is -0120.

14 Q. Mr Witness, I am just going to read out to you your -- the transcript of the
15 interview that the ICC took from you just as a reminder of what you told us, all right?
16 Now I quote:

17 "And what was the response from the brigade commander when you gave that
18 report?"

19 And the response is: "he sent it ... he submitted the report to the chairman to show
20 what he had done."

21 And then you are asked: "Did you see or hear him send the report?"

22 And then you respond: "When he sent the report I was still there."

23 And then you were asked: "OK. Was this on radio, on a military radio?"

24 And you respond: "Yes, radio, radio call."

25 Now I move to the next page.

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1 The interviewer asks: "OK. So what did Dominic Ongwen tell his superior?"

2 And you respond: "He said that he sent his troop to Lukodi, they attacked the
3 barracks and they overran it. They burnt it down and they looted the food that was
4 in the barracks and given the military wear that they found in the barracks and they
5 came back with it."

6 Does that refresh your memory, Mr Witness, about the report further up the chain of
7 command?

8 A. [15:52:03] The issue of radio call reminds me (Overlapping speakers).

9 PRESIDING JUDGE SCHMITT: Mr Taku.

10 MR TAKU: [15:52:07] Your Honour, I am not objecting to the question per se, I am
11 not even objecting to the exercise per se, but to say that it is refreshing his memory,
12 we surely object. It is just that the Prosecutor is citing evidence of another version of
13 the testimony of this witness. In particular, this is a new element about the specific
14 attack, what they did in the attack, which again diverges substantially from the
15 evidence he has given over a couple of minutes.

16 So on the record we are not objecting, but we are just saying the Prosecutor is just
17 citing the evidence to the witness which is -- somehow deviates from the categorical
18 statements he has given with regard to a key issue, radio, whether they had the radio
19 or not. And secondly, the object of attack, what the attack was in the barracks or the
20 more extensive attack that he has cited.

21 PRESIDING JUDGE SCHMITT: [15:53:06] But I think it is -- you said it is not
22 a classical objection, so to speak, but what of course the witness can tell us now if,
23 having heard that, he wants to add something.

24 Did this trigger your memory, for example, Mr Witness? Do you want to comment
25 on that which you have heard? Then we continue.

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1 THE WITNESS: [15:53:34] (Interpretation) I want to say something.

2 PRESIDING JUDGE SCHMITT: [15:53:40] Please do that.

3 THE WITNESS: [15:53:42] (Interpretation) You know, the issue about radio calls, the
4 time, the time lapse was very small and I could have, you know, forgotten kind of.

5 Because at that time two radio sets had failed to work during that period of Lukodi.

6 The answer I gave the other time was actually the truth that I could remember. But
7 the actual truth is the radio set had failed to work.

8 Earlier on, whenever somebody carried out an operation, they would report on radio.

9 If you are available you could listen to the communication, but when you are not
10 there they would also relay to you that the information was passed on. That is what
11 I needed to add.

12 MR SACHITHANANDAN: [15:55:25]

13 Q. [15:55:25] Mr Witness, have you ever heard of any event that occurred at Abok?

14 A. [15:55:41] Yes, I heard about Abok.

15 Q. [15:55:47] Please tell us what you heard.

16 A. [15:55:58] I heard about Abok from Dominic at a time when we were moving to
17 the RV of Lukodi. Before we moved to Lukodi RV when we met with Ongwen he
18 told me that he sent people to Abok and then they went and attacked Abok. The
19 person who led the group was Okello Kalalang Franco, and his standby got
20 disorganised because they went and found a mamba was stationed there. That is
21 what I heard from him.

22 Q. [15:56:57] So just so that we're clear, what brigade did the troops belong to that
23 went to Abok?

24 A. [15:57:15] They were from Sinia brigade, only from the headquarters
25 department.

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1 Q. [15:57:31] Were there any wives of Buk Abudema in the Sinia brigade around
2 this time?

3 A. [15:57:46] Abudema's wives were with Dominic. He was taking charge of them
4 at Sinia, they were there.

5 MR SACHITHANANDAN: [15:57:58] Your Honour, can we go into private for
6 about two, three questions?

7 PRESIDING JUDGE SCHMITT: [15:58:04] You are aware of the time?

8 MR SACHITHANANDAN: [15:58:05] Yes.

9 PRESIDING JUDGE SCHMITT: [15:58:05] Okay. So we finish this and then we
10 have the break until tomorrow.

11 Okay, private session.

12 (Private session at 3.58 p.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (The hearing ends in private session at 4.01 p.m.)