

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 3
7 Tuesday, 28 March 2017
8 (The hearing starts in open session at 9.32 a.m.)
9 THE COURT USHER: [9:32:03] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:32:21] Good morning, everyone.
12 Could the court officer please call the case.
13 THE COURT OFFICER: [9:32:31] Good morning, Mr President.
14 This is the situation in the Republic of Uganda, in the case of The Prosecutor versus
15 Dominic Ongwen, case reference ICC-02/04-01/15.
16 And for the record, we're in open session.
17 PRESIDING JUDGE SCHMITT: [9:32:46] Thank you.
18 I ask for the appearances of the parties.
19 The Prosecution first, please.
20 MR CHOUDHRY: [9:32:51] Good morning, your Honours, a new face today.
21 PRESIDING JUDGE SCHMITT: [09:32:56] Indeed.
22 MR CHOUDHRY: [09:32:56] Kamran Choudhry on behalf of the Prosecution. I'm
23 here with Mr Colin Black, Ms Beti Hohler, Ms Yulia Nuzban, Mr Julian Elderfield,
24 Mr Pubudu Sachithanandan, we have Ms Xinwei Liu, Ms Mari Pilvio and
25 Ms Ramu Fatima Bittaye.

1 PRESIDING JUDGE SCHMITT: [9:33:15] And now the Legal Representatives of
2 the victims.

3 MR COX: [9:33:18] Good morning, your Honour. Francisco Cox and
4 James Mawira.

5 PRESIDING JUDGE SCHMITT: [9:33:26] Mrs Massidda.

6 MS MASSIDDA: [9:33:27] Good morning, your Honours. Paolina Massidda.
7 With me this morning Orchlon Narantsetseg and Jacqueline Atim.

8 PRESIDING JUDGE SCHMITT: [9:33:35] Thank you.
9 And for the Defence, please.

10 MR OBHOF: [9:33:40] Good morning, your Honour. With the Defence today is
11 our associate counsel Chief Charles Achaleke Taku, our case manager Mr Roy Ayena,
12 our client Mr Ongwen.

13 And we do apologise, our counsel Mr Ayena is feeling a little ill today but he should
14 be back tomorrow.

15 PRESIDING JUDGE SCHMITT: [9:34:07] Then give him our best wishes.

16 MR OBHOF: [09:17:00] Thank you. And myself, Thomas Obhof.

17 PRESIDING JUDGE SCHMITT: [09:34:10] Thank you.
18 Mrs Kerwegi.

19 MS KERWEGI: [9:34:12] Good morning, your Honour. Sarah Kerwegi.

20 PRESIDING JUDGE SCHMITT: [9:34:15] Thank you.

21 As a preliminary point -- we are coming of course, as you all know, to witness of the
22 Prosecution 309. As a preliminary point about protective measures, the Chamber
23 notes that the VWU has indicated by an email on 23 March 2017 that voice distortion
24 should be granted beyond the measures already granted in decision 612.

25 Do the parties wish to make any comments on this?

- 1 MR CHOUDHRY: [9:34:43] No observations, your Honour.
- 2 PRESIDING JUDGE SCHMITT: [9:34:46] Any observations, Mr Taku?
- 3 MR TAKU: [9:34:48] No observations, your Honour.
- 4 PRESIDING JUDGE SCHMITT: [9:34:58] (Microphone not activated) Excuse me.
- 5 Microphone not only for the participants and parties, also for the Presiding Judge.
- 6 In light of the new information provided by the VWU, the Chamber considers it
- 7 necessary that voice distortion will also be granted as a protective measure for this
- 8 witness. Accordingly, the granted protection measures for P-309 include now face
- 9 and voice distortion, usage of a pseudonym and limited recourse of private session
- 10 for information identifying the witness.
- 11 The Chamber will now discuss the matter of assurances for the witness pursuant to
- 12 Rule 74 of the Rules of Procedure and Evidence.
- 13 Mrs Kerwegi has submitted in filing 777 request for Rule 74 assurances for Witness
- 14 P-309. And to discuss this matter we go into private session shortly.
- 15 (Private session at 9.35 a.m.)
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16 (Open session at 9.38 a.m.)
17 THE COURT OFFICER: [9:38:19] We are back in open session, Mr President.
18 PRESIDING JUDGE SCHMITT: [9:38:30] Thank you.
19 And we can now bring in the witness, please.
20 (The witness enters the courtroom)
21 PRESIDING JUDGE SCHMITT: [9:39:54] Thank you very much for explaining to
22 the witness how it functions.
23 Mr Witness, do you hear me? Please could you repeat if you hear me.
24 WITNESS: UGA-OTP-P-0309
25 (The witness speaks Acholi)

1 THE WITNESS: [9:40:23] Yes, I'm hearing you.

2 PRESIDING JUDGE SCHMITT: [9:40:25] Mr Witness, good morning. You are
3 going to testify before the International Criminal Court. On behalf of the Chamber
4 I would like to welcome you to the courtroom.

5 Mr Witness, I will now read the oath to tell the truth to you that every witness who
6 testifies before this Court must agree to.

7 I solemnly declare that I will speak the truth, the whole truth and nothing but the
8 truth.

9 Mr Witness, do you understand what I have read to you?

10 THE WITNESS: [9:41:03] (Interpretation) Yes, I have understood.

11 PRESIDING JUDGE SCHMITT: [9:41:05] Do you agree to that?

12 THE WITNESS: [9:41:09] (Interpretation) Yes, I do agree to that.

13 PRESIDING JUDGE SCHMITT: [9:41:12] Thank you. We will continue then.

14 First of all, I explain to you how the protective measures that the Chamber has put in
15 place for you work.

16 The following measures are put in place to protect you and to make sure that you can
17 testify: Face and voice distortion has been put in place, which means that no one
18 outside the courtroom can see your face during the testimony on the screen, and it
19 also means that no one can hear your real voice.

20 There will also be the use of a pseudonym. We all will refer to you as "Mr Witness,"
21 as I do at the moment, to make sure that the public does not know your name.

22 When you answer questions that will not give away who you are we do that in open
23 session. Open session means that the public can hear what is being said in the
24 courtroom.

25 We have a counsel in the courtroom to assist you and also psychological assistance, if

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1 need be.

2 When you are asked to describe anything that relates specifically to you, or if you are
3 asked to mention facts that might reveal your identity, we do this in what we call
4 private session. Private session means that there is no broadcast, it also means that
5 no one outside the courtroom can hear your answer.

6 If ever anything gets said during open session which should have been said in private
7 session, we do all what we can to protect this information. Your testimony will not
8 be broadcast in realtime, it will be broadcast on a delay and because of this delay we
9 can remove any such remarks from the broadcast.

10 Now I have a couple of practical matters you should have in mind when you give
11 your testimony.

12 Everything we say here in the courtroom is written down and has to be interpreted so
13 that everybody understands in a language that he or she understands. It is therefore
14 important to speak clearly and at a slow pace. Please speak into the microphone and
15 only start speaking when the person asking you the question has finished.

16 To allow for the interpretation, everyone has to wait a few seconds before starting to
17 speak. It quite often happens even with those here in the courtroom, who are every
18 day in the courtroom, that they do not obey to these things, so this might happen, but
19 just try to keep it in your mind.

20 If you have any questions yourself, raise your hand so we know that you wish to say
21 something.

22 There were many things, a lot of information that I gave to you. Have you
23 understood what I said?

24 THE WITNESS: [9:44:31] (Interpretation) Yes, I have understood.

25 PRESIDING JUDGE SCHMITT: [9:44:35] Thank you, Mr Witness. We will then

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1 start your testimony.

2 And I give you the floor.

3 MR CHOUDHRY: [9:44:42] Thank you, your Honour. Your Honour, perhaps we
4 could go into private session for about 20 minutes.

5 PRESIDING JUDGE SCHMITT: [9:44:50] Then private session for about
6 20 minutes, as you said.

7 (Private session at 9.44 a.m.)

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- 15 (Open session at 10.01 a.m.)
- 16 THE COURT OFFICER: [10:01:23] We are back in open session, Mr President.
- 17 MR CHOUDHRY: [10:01:39]
- 18 Q. [10:01:41] Mr Witness, I will now be asking you some questions, your answers
- 19 can be heard in the public. If you feel that any of your answers will reveal your
- 20 identity, then you can feel free to tell that to the Court. You also have Ms Kerwegi
- 21 who will look after that for you, okay? And please do not mention the names that
- 22 we have just discussed. Is that understood?
- 23 A. [10:02:16] Yes, I have understood.
- 24 Q. [10:02:20] Can you please tell the Chamber the story of how you were
- 25 abducted?

1 A. [10:02:40] We were seated under a tree at our home, we were roasting maize
2 together with my brothers. The LRA soldiers came. We were actually also looking
3 after our cattle. We didn't know that the LRA was in that area. We were
4 actually -- we just realised suddenly that something was running towards me. Two
5 people came, they grabbed me by my hand and they started struggling over me.
6 Each one of them was telling the other that "I'm the one who has captured him. I'm
7 the one who has caught him. I'm the one who has caught him." So I didn't know
8 what to do. I was tied with a rope, tied with a rope on my waist with
9 another -- children that we were in another -- were in the same school.
10 My other elder brothers were tied and put in a different group. There was the other
11 person who was a bit older was told to run and go home, so he was let to go home.
12 For us they continued, they took us and we moved in the villages. We reached at
13 some point and they asked the people there that "Are there some soldiers in this
14 place?" Then they were told that yes, the soldiers were near a certain church. So
15 when the rebels went towards that church, they found the government soldiers were
16 there, they started firing and they told us to lie down. So we all went down and
17 started crawling so that we could be able to move during that time. But we were
18 overpowered and we retreated and crossed a certain road.
19 So when we crossed the road we went and stationed at a certain home and we began
20 cooking. They slaughtered some goats and we cooked that food. Then during the
21 night I was given a piece of cloth to cover myself with so that I would not feel cold.
22 Then as we were sleeping, one LRA soldier came to me and told me that if we go to
23 the place where we are going in the morning I should tell them that he is the one who
24 actually captured me. I didn't know what was happening at that time. So when we
25 went and reached that point, we found a group, there was a big number of people, a

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1 large number of people who were gathered there. We were brought to a big
2 compound, a very large compound, and we were all made to sit in that compound.
3 Then one of the senior commander who was there in the name of Dominic came and
4 sat in the middle, on a stool in the middle of the compound and then started asking
5 people, especially was asking the elderly people to interpret the meaning of LRA, so
6 those who knew information about the LRA explained what they understood. Then
7 he started asking us to identify ourselves and also mention our ages.
8 Then we were grouped in different groups according to ages. So people were
9 distributed to different groups. I was taken to the group that went to his place, then
10 the others were also taken to the other -- the homes of the other commanders.
11 That is how I was captured and that's how I reached the LRA.

12 PRESIDING JUDGE SCHMITT: [10:07:16] May I just ask one question that fits here
13 to the witness: Do you recall when you were asked how old you are what you said
14 at the time?

15 THE WITNESS: [10:07:33] (Interpretation) When I was asked about my age, I
16 said that I was 14 years old.

17 PRESIDING JUDGE SCHMITT: [10:07:42] Please continue.

18 MR CHOUDHRY: [10:07:49]

19 Q. [10:07:49] Mr Witness, thank you very much. I will just ask you some
20 questions about what you've just told us. You've told us that you saw two people
21 come towards you. Who were these two people?

22 A. [10:08:16] The two people, at that time I could not immediately know who
23 they were actually. But after I was captured that's when I realised that these people
24 were actually LRA. It was even until when I was now in the LRA that I started
25 knowing these two people more clearly.

1 Q. [10:08:41] Were they the only people from the LRA that were present when
2 you were abducted?

3 A. [10:09:01] There were not only two. I think there were about between 10 to 12.
4 I cannot get the exact number, but there were over 10 people.

5 Q. [10:09:12] How were they dressed?

6 A. [10:09:22] They had military uniform. It was Ugandan military uniform.
7 And then there were those putting on uniforms that were like Sudanese military
8 uniform. Others had jackets and others also had caps that they were wearing and
9 others had gumboots, others were black in colour, others were green in colour.

10 Q. [10:09:50] Can you estimate the ages of the LRA fighters that abducted you,
11 please?

12 A. [10:10:06] I can estimate.

13 Q. [10:10:14] Were any of them younger than you?

14 A. [10:10:26] I -- I wouldn't know their exact age, but if I look at their size, yes,
15 there were those who were exactly my size, but there were also others who
16 were -- I would see they were a little younger than myself.

17 Q. [10:10:44] You've also told us that you were tied. Can you just please remind
18 us how exactly you were tied.

19 A. [10:11:00] I was tied with a rope, the rope was passed through the loops of my,
20 my short and tied around our waist and my hands were tied behind me and I could
21 not untie them.

22 Q. [10:11:22] How many other people were you tied to?

23 A. [10:11:37] We were about six people.

24 Q. [10:11:41] You've told us that you were tied to other children. Can you
25 estimate the ages of these other children, please?

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1 A. [10:12:01] These children were -- were around my age, around 15, 14 or 13.

2 Some of them were in lower classes and I was in the upper class.

3 Q. [10:12:25] Did you later on learn any of the names of the LRA fighters that
4 abducted you?

5 A. [10:12:40] Yes, I did. I did know.

6 Q. [10:12:45] Can you list the names of the fighters that you learned the names of?

7 A. [10:12:59] I can mention their names, but I would request Court to -- so that
8 I can provide the names in private because I would -- that would identify me.

9 PRESIDING JUDGE SCHMITT: [10:13:11] Then we go into private session to give
10 this information.

11 (Private session at 10.13 a.m.)

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19 (Open session at 10.17 a.m.)

20 THE COURT OFFICER: [10:17:15] We are back in open session, Mr President.

21 MR CHOUDHRY: [10:17:21]

22 Q. [10:17:23] Mr Witness, at the time that you were abducted did the LRA fighters
23 give you anything to carry?

24 A. [10:17:44] At the time that I was captured there were no items to carry, but
25 after we reached where there were many people gathered, that's when I was given a

1 small bag, which had biscuits and some sweets, to carry.

2 Q. [10:18:07] What did the LRA fighters tell you to do with the bag of sweets and
3 biscuits?

4 A. [10:18:20] I was given that bag to carry and that when I feel hungry I should
5 pick those biscuits and sweets and eat them.

6 Q. [10:18:34] You've then told us that you went to a compound. Do you know
7 the name of the location where this compound was?

8 A. [10:18:57] I didn't know that home before, but I came to know about it after
9 I had stayed for some time in the bush because we would walk sometimes and come
10 back to that home. Then I -- that's how I came to know it later.

11 Q. [10:19:15] What was the name of that place?

12 A. [10:19:27] That home was in an area called Wanduku.

13 Q. [10:19:36] And when you were at the place called Wanduku you've told us
14 that you met a person called Dominic; is that right?

15 A. [10:20:04] That's right.

16 Q. [10:20:08] What was the full name of the person that you call as Dominic?

17 A. [10:20:22] He introduced himself to us that he is called Dominic Ongwen, or
18 the other name is Odomi YY.

19 Q. [10:20:39] When he introduced himself to you, did he say anything else about
20 himself?

21 A. [10:20:53] When he introduced himself to us, there was nothing else that he
22 told us.

23 Q. [10:21:11] And when Dominic introduced himself to you, was there anyone
24 else more senior than him present?

25 A. [10:21:32] At that point in time I wouldn't know if there was another senior

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1 person. But from what I could see, that he was the overall person in charge of that
2 place at that time.

3 Q. [10:21:53] Why do you say that he was the most overall senior person there?

4 A. [10:22:11] Because everything was doing the -- the introduction that he did
5 and I saw he was the only one that was actually presiding over what was taking place
6 there.

7 Q. [10:22:30] You were asked your age. Was anybody else asked about their
8 ages?

9 A. [10:22:44] Yes.

10 Q. [10:22:49] Can you remember approximately the age range that other people
11 said they were?

12 A. [10:23:07] Others mentioned their ages, 13, 12, 15, 16. Others were even older,
13 maybe 20 or 30.

14 Q. [10:23:25] Mr Witness, you've also told us that after meeting Dominic Ongwen
15 you went somewhere. Can you just remind us where you went, please.

16 A. [10:24:07] After we met with Dominic we stayed at that home for a while.
17 Then there was information that was delivered that the government soldiers were
18 coming, so there were some LRA that had been at the centre and they returned and
19 they brought that information. So we were all gathered and we started moving, but
20 some LRA remained behind to go and confront the government soldiers.

21 Q. [10:24:47] If I could just ask you to pause there.

22 PRESIDING JUDGE SCHMITT: [10:24:51] I think we have not -- you have to
23 repeat the question because we did not hear. The microphone was not activated.

24 MR CHOUDHRY: [10:25:00] Okay.

25 Q. [10:25:00] If I could just ask you to pause, Mr Witness. Whose home did you

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1 stay with after you first met Dominic Ongwen?

2 A. [10:25:21] The time that I met with Dominic Ongwen after we had already
3 been -- we had gathered and then they had distributed us to the different groups,
4 I was taken to his home.

5 Q. [10:25:35] Why were you taken to Dominic Ongwen's home?

6 A. [10:25:48] I didn't know exactly why I was taken there, but there was one of
7 the boy who was -- who were actually struggling over who captured me, one of them
8 actually was coming from his home. So I don't know, maybe I was sent to his home
9 because of that conflict between the two people who were struggling over me for, you
10 know, for their role in capturing me.

11 MR CHOUDHRY: [10:26:19] Your Honour, with that I would like to show the
12 witness a sketch at tab 3. I should explain up-front that we have prepared two
13 copies of that sketch. One sketch in a redacted format so that it can be shown on the
14 screen to the public. In your binder you have the unredacted sketch.

15 And the ERN of that, your Honour, is UGA-OTP-0258-0835.

16 PRESIDING JUDGE SCHMITT: [10:26:44] May I say that this is a very good idea
17 so that we have more things to be shown in public. Because with last witnesses,
18 with former witnesses it was a little bit difficult because we only had this one version
19 of the sketch.

20 MR CHOUDHRY: [10:27:01]

21 Q. [10:27:02] Mr Witness, could I ask you to pick up your folder again, please,
22 and turn to tab 3. The first thing, Mr Witness, is that to the bottom right just above
23 the date there is a signature. Do you see that and whose signature is that, please?

24 A. [10:28:16] I can see that's my signature.

25 Q. [10:28:20] Have you seen this sketch before?

1 A. [10:28:30] Yes, I've seen.

2 Q. [10:28:33] Who drew this sketch, please?

3 A. [10:28:39] I drew that sketch.

4 Q. [10:28:44] What were you trying to show when you drew this sketch?

5 A. [10:28:57] I drew this sketch because I was asked to describe the organisations
6 of Dominic's group when they are at a certain place, how his home would actually
7 look like. So that's why I drew this sketch.

8 Q. [10:29:21] Using the sketch can you please explain in as much detail as
9 possible what each marking represents.

10 A. [10:29:51] This sketch which I drew indicates how Dominic settles when he is
11 with his group. It's a big circle which I have put and I put a big dot in the middle.
12 This shows Dominic's home. He is always in the middle, surrounded, and then you
13 find his escort is on the side, but also within the circle. And then other commanders,
14 junior commanders and him surround him and he's in the middle. And outside the
15 commander now settle other people to -- they send people to spy and see if the
16 soldiers are coming, government soldiers are coming, that's why you see stars at
17 the -- outside the circle, they spy and then they inform those who were at the circle
18 and then they send a report to Dominic who is inside the circle.

19 Q. [10:31:18] Mr Witness, just below the blue triangle on your sketch where it's
20 written "Dominic home" there is another word "wives" which is written. Do you see
21 that?

22 A. [10:31:35] Yes, I have seen.

23 Q. [10:31:36] What does that represent, please?

24 A. [10:31:41] This shows the women in his home who are his wives. They
25 usually stay close to him, beside him, they stay inside the circle.

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1 Q. [10:31:58] You say "his wives". Who do you mean when you say "his wives"?

2 A. [10:32:11] Those are the women who live in his household, the mothers of his
3 children who were his wives.

4 Q. [10:32:23] What is the name of the person who has these wives?

5 A. [10:32:39] The husband of these wives is Dominic.

6 Q. [10:32:51] Mr Witness, I'd now like to just get an idea of the distance of various
7 different markings. And if I could ask you first of all to start with the place of where
8 the escorts stayed. Can you please estimate the distance from where the escorts
9 stayed to where Dominic's home was? And if you can please use this courtroom as a
10 reference. And I would ask you specifically to use the distance between yourself
11 and the Judges. Was it, for example, the same distance? Was it twice the distance?
12 Or was it something else?

13 A. [10:33:39] If I am to estimate with this courtroom, it's closer, it's too close. It
14 could be a little behind the Chamber.

15 Q. [10:33:56] When you say a little further, is it twice as much or less than twice?

16 A. [10:34:12] It could be twice the size of this room.

17 MR CHOUDHRY: [10:34:19] Your Honour, for the record, the trial notebook states
18 that the distance between the witness and yourself is approximately 10.1 metres. So,
19 for the record, unless my learned friends object, the estimate is approximately
20 20.2 metres.

21 PRESIDING JUDGE SCHMITT: [10:34:39] We know all that you are speaking
22 about an estimate, so you can continue.

23 MR CHOUDHRY:

24 Q. [10:34:45] Mr Witness, could I ask you the same in relation to the distance
25 between Dominic's home and the marking where you've written "wives".

1 A. [10:35:04] The distance between him and his wives is not really far. It could
2 be the size of this room, the size of this room only.

3 Q. [10:35:19] When you were staying in Dominic Ongwen's household, where did
4 you stay on this sketch?

5 A. [10:35:41] I drew this sketch, where you see I marked with a bigger,
6 something -- where it is written "escort", that's where I was staying.

7 Q. [10:35:57] Why were you staying where the escorts stayed?

8 A. [10:36:13] I could not share the same house with my commander, that means I
9 should stay a little farther and I don't see what's going on in his home sometimes.

10 Q. [10:36:31] Why would escorts stay closer to Dominic Ongwen than some other
11 junior commanders?

12 A. [10:36:51] Because the escorts protect the commander. If in case of an
13 emergency if there's movement, they are the ones who carry his luggage, carry his
14 bed, things and the bags, that is the work of the escort. That is why they are closer to
15 the commander.

16 Q. [10:37:12] What were your tasks after you were assigned to Dominic Ongwen's
17 household?

18 A. [10:37:27] I had many roles in the household. I do anything and everything.
19 Sometimes I carry his bag of uniform which contains his personal belongings.
20 Sometimes I carry his weapon. Sometimes I carry his beddings or his stool.

21 Q. [10:37:52] And did the functions that you performed have a name? Did you
22 have a title in Dominic Ongwen's household?

23 A. [10:38:08] Can you repeat the question, please?

24 Q. [10:38:12] What was the name of somebody who did the types of things that
25 you've described in Dominic Ongwen's household?

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1 A. [10:38:31] All of us who were in his household who played these roles were
2 referred to as escorts. We were the escorts.

3 Q. [10:38:42] So just to confirm, were you an escort then, Mr Witness?

4 A. [10:38:52] Yes, I was his escort.

5 Q. [10:38:57] You can put the folder away for the time being now. Thank you.
6 Who asked you to be an escort?

7 A. [10:39:37] No one asked. No one asked me to be an escort, but the people
8 who were in his household and the other escorts in his household started assigning
9 me to become an escort.

10 Q. [10:39:56] Could you refuse to do the tasks that were assigned to you?

11 A. [10:40:06] No, I could not refuse.

12 Q. [10:40:12] Why not?

13 A. [10:40:16] I feared that they would do something terrible, I could be caned if I
14 refused.

15 Q. [10:40:29] Around how many escorts were in Dominic Ongwen's household?

16 A. [10:40:44] I do not remember the exact number, but there are a few names that
17 I can recall.

18 Q. [10:40:52] Can you list the names, please.

19 A. [10:40:59] Yes, I can list the names, but I request that we go to private session.

20 MR CHOUDHRY: [10:41:12] Your Honour, with that, I would ask your leave to go
21 into private session.

22 PRESIDING JUDGE SCHMITT: [10:41:17] Any objections?

23 MR OBHOF: [10:41:19] Yes, your Honour. The names of Mr Ongwen's alleged
24 escorts have been mentioned plenty of times in open session.

25 PRESIDING JUDGE SCHMITT: [10:41:28] I think I agree. Yeah, so this is not

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1 really a secret, I would say.

2 MR CHOUDHRY: [10:41:35]

3 Q. [10:41:36] Mr Witness, what the Judge has just stated is that by revealing these
4 names there is no risk to it revealing your identity. So if I can ask you if you could
5 please list the names of escorts in Dominic Ongwen's household.

6 A. [10:42:08] I find it hard to mention people's names in open session.

7 (Counsel confers)

8 MR CHOUDHRY: [10:42:37] Your Honour, after discussion with my colleagues,
9 there may be a case for the witness to mention these names in private session. The
10 reason being that the witness has already stated that he was an escort and, it may well
11 be, that if he lists names by a process of elimination individuals would be able to
12 identify the witness as being amongst that particular group.

13 PRESIDING JUDGE SCHMITT: [10:43:05] I think that is a new argument that
14 sounds reasonable, so we go for this into private session, yeah. Thank you for this
15 additional argument, so to speak.

16 (Private session at 10.43 a.m.)

17 (Redacted)

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24 (Open session at 10.56 a.m.)

25 THE COURT OFFICER: [10:56:14] We are back in open session, Mr President.

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- 1 PRESIDING JUDGE SCHMITT: [10:56:23] Thank you very much.
- 2 And we take the opportunity to have the coffee break until 11.30.
- 3 THE COURT USHER: [10:56:31] All rise.
- 4 (Recess taken at 10.56 a.m.)
- 5 (Upon resuming in open session at 11.31 a.m.)
- 6 THE COURT USHER: [11:31:23] All rise.
- 7 PRESIDING JUDGE SCHMITT: [11:31:43] You have still the floor. Please continue.
- 8 MR CHOUDHRY: [11:31:56]
- 9 Q. [11:31:56] Mr Witness, just before we broke I mentioned the name of Oleda.
- 10 When was the first time you met Oleda?
- 11 A. [11:32:23] I don't now remember the exact date that I met him.
- 12 Q. [11:32:32] How soon after you were abducted, approximately, did you meet
- 13 Oleda?
- 14 A. [11:32:47] It was like after one night and I met him the following day.
- 15 Q. [11:32:57] In whose household did Oleda serve after you met him?
- 16 A. [11:33:26] I don't remember now the household he was staying in.
- 17 Q. [11:33:31] What was his job?
- 18 A. [11:33:46] I didn't know what exactly he was doing, the task that he was
- 19 supposed to do. I am -- I don't have any information about what he was doing.
- 20 Q. [11:33:59] Mr Witness, I would now like to ask you some questions about the
- 21 wives of Dominic Ongwen that you mentioned earlier? How many wives did
- 22 Dominic Ongwen have?
- 23 A. [11:34:29] I wouldn't know the exact number of the wives because they
- 24 were -- there were some women and girls that were staying at our home -- at his
- 25 home and they were quite many.

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1 Q. [11:34:47] When you say "many" do you mean 5, 10, 20 or more?

2 A. [11:35:08] Those who were staying at his home, the women who were staying at
3 his home were more than five.

4 Q. [11:35:14] Can you list the names of any wives of Dominic Ongwen?

5 A. [11:35:33] I can mention the names, but I would request that -- Court that I don't
6 mention the names when in public, because I -- it wouldn't be okay on my side.

7 MR CHOUDHRY: [11:35:51] Your Honour, on this point I would seek to adduce the
8 names in public session.

9 PRESIDING JUDGE SCHMITT: [11:35:56] I would also say so. You know, there is
10 a little bit of a general problem which will pop up every once in a while. Of course
11 we, we try to accommodate concerns of the witnesses, but it can't -- in the end not be
12 the decision of the witness if we go into private session or not.

13 And this is really something, Mr Witness, you can answer. This will not reveal
14 yourself and you have to understand that in that case we will stay in public session.

15 MR CHOUDHRY: [11:36:32]

16 Q. [11:36:32] Mr Witness, just to explain, I will sometimes ask you for names just as
17 I have done so. And when I ask you for names in public session you will have to
18 trust that those names pose no danger to yourself. If I am wrong about that, then the
19 learned Judges will correct me, as will Ms Sarah Kerwegi. Is that okay?

20 So with that then, Mr Witness, can you list the names of the wives of
21 Dominic Ongwen that you can remember.

22 A. [11:37:32] I know one of his wife called Min Back, another one is called Aber.
23 There is also Min Ayari.

24 Q. [11:37:56] What tasks did a wife of Dominic Ongwen have?

25 A. [11:38:11] I would see them mainly preparing food, preparing water for bathing.

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1 That's what I say them majorly doing.

2 Q. [11:38:26] Where did the wives sleep in Dominic Ongwen's household?

3 A. [11:38:43] His wives would stay close to him, but at the time, the time to sleep I
4 wouldn't know what is happening because I would be far away from that place so
5 I don't know what would be happening when the time for sleeping comes.

6 Q. [11:39:03] Were there any other girls in Dominic Ongwen's household that were
7 not wives?

8 A. [11:39:20] There were girls, but I don't know whether they were his wives, but I
9 would see girls at his home.

10 Q. [11:39:32] What was the difference between a girl and a wife in
11 Dominic Ongwen's household?

12 A. [11:39:52] The ones that I see as his wives are -- had children, they had children.

13 Q. [11:40:03] Who was the father, or who did you believe was the father of these
14 children?

15 A. [11:40:19] I wouldn't know the father of those children exactly, but since these
16 were women who were staying at his home and in his house, then I would believe
17 that the father of those children is Dominic.

18 MR CHOUDHRY: [11:40:50] Your Honour, with that I would like to refresh the
19 witness's memory on a point as to some of the functions of Dominic Ongwen's wives.

20 PRESIDING JUDGE SCHMITT: [11:40:57] Yes, please do that.

21 MR CHOUDHRY: [11:40:58] And the reference is at 0249-0497, that is tab 1.

22 PRESIDING JUDGE SCHMITT: [11:41:28] Which paragraph?

23 MR CHOUDHRY: [11:41:30] It's paragraph 164, your Honour.

24 Q. [11:41:46] Mr Witness, in your statement to investigators you said:

25 "The wives main role was to have cook for Ongwen. They definitely had to sleep

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1 with him because sometimes they were pregnant or breastfeeding children."

2 Is that what you said?

3 A. Yes, that's what I said.

4 MR TAKU: [11:42:18] Your Honours, I just rise to say that this one instance where
5 the application for refreshing is misplaced because it's not different from the answer

6 which he gave previously. He might have said it differently, but it is exactly

7 what -- the answer he gave when he answered the answer to the Prosecutor about the
8 functions of the wives.

9 PRESIDING JUDGE SCHMITT: [11:42:45] I think there was additional information
10 that Prosecution wanted to elicit, so I don't see anything improper in that. Perhaps

11 we could, because you always ask the witness: Was that your statement? Perhaps
12 next time when you go to it, will you try to go to the first page and show him his

13 signature and ask him if he has signed it, and perhaps this might be -- you know,

14 I think we can be sure that this was his statement then at one point in time when he
15 has authorised it.

16 MR CHOUDHRY: [11:43:24] Your Honour, why don't I do that now, considering
17 that I have refreshed his memory on a few occasions from tab 1.

18 PRESIDING JUDGE SCHMITT: [11:43:31] And then of course the act of refreshing is

19 that you read this to him and then ask him: "Now hearing that, what do you say

20 today? Does this trigger your memory? Is there something that you would want to
21 change?" Or something like that.

22 MR CHOUDHRY: [11:44:00]

23 Q. [11:44:00] Mr Witness, do you recall --

24 PRESIDING JUDGE SCHMITT: [11:44:02] I can explain, perhaps I should explain.

25 There might be not a big difference between the two procedures, but depending, and

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1 on a case-by-case basis I reiterate that, depending on the witness that we have in front
2 of us it might be a little bit suggestive to say "Do you say the same what you said the
3 last time?" You see what I mean? It depends upon the personality, upon the
4 intellectual capacities and so on of a witness.

5 MR CHOUDHRY: [11:44:38] (Overlapping speakers) your Honour.

6 Q. Mr Witness, can you turn to tab 1 in your binder, please. And can you have
7 a look at the front page of the document at tab 1 and towards the bottom you will see
8 several signatures. Do you recognise any of those signatures as being yours?

9 A. [11:45:24] Yes, it's there.

10 Q. [11:45:27] And can you confirm that you made a statement to investigators from
11 the Office of the Prosecutor?

12 A. [11:45:41] Yes, I confirm.

13 MR CHOUDHRY: [11:45:47] Thank you, your Honour.

14 Q. [11:46:03] Mr Witness, did any other LRA fighters under Dominic Ongwen have
15 wives?

16 A. [11:46:26] There was one person that I knew who was under Dominic and was
17 staying at his home. When he was given a wife, I saw he was given a wife. He is
18 called Richard.

19 Q. [11:46:47] Who gave Richard a wife?

20 A. [11:47:00] I wouldn't know who exactly gave, but the girl that I saw Richard was
21 now staying with as his wife was amongst the girl -- the girls who were staying at
22 Dominic's home.

23 PRESIDING JUDGE SCHMITT: [11:47:15] May I ask a question.

24 Mr Witness, have you been at one time present when a wife was given to
25 a commander or to a soldier?

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1 THE WITNESS: [11:47:34] (Interpretation) No.

2 PRESIDING JUDGE SCHMITT: [11:47:39] Please continue.

3 MR CHOUDHRY: [11:47:49]

4 Q. How about you, Mr Witness, did you ever have a wife?

5 A. [11:47:59] No, I didn't have a wife.

6 Q. [11:48:03] Why didn't you have a wife?

7 A. [11:48:13] I didn't have a wife because I did not have the interest to have a wife
8 at that time.

9 Q. [11:48:25] Was that the only reason that you didn't have a wife?

10 A. [11:48:40] I wouldn't get a wife from there because I was still fearful at that time
11 because we were told that if you had sex with a woman and during the fighting, the
12 bullets would hit on your penis if you had a -- if had you sex with a wife -- with
13 a woman.

14 MR CHOUDHRY: [11:49:15] Your Honour, with that I would like to refresh the
15 witness's memory from paragraph 166 at tab 1, the ERN is 0249-0498.

16 Q. [11:49:47] Mr Witness, in the statement at tab 1 it states that you said:

17 "I did not have a wife when I was in the bush because I was still very young."

18 Is that what you said, Mr Witness?

19 A. [11:50:12] Yes, that is what I said.

20 Q. [11:50:13] And what would you say about that statement today?

21 A. [11:50:33] If I am asked why I didn't have a wife, my response is the same,
22 I didn't have any knowledge of, you know, of being -- of having a wife and I didn't
23 even know that I should actually have a wife.

24 Q. [11:50:52] Was your age relevant as to whether you could have a wife or not?

25 A. [11:51:16] I -- I would see the young people like me, I don't -- I didn't see them

1 with, with, with wives, so because of my age I didn't have that information.

2 PRESIDING JUDGE SCHMITT: [11:51:31] I think you can move to another point.

3 MR CHOUDHRY: [11:51:34]

4 Q. [11:51:35] Mr Witness, you have mentioned other girls. Can you list the names
5 of other girls in Dominic Ongwen's household, other than the wives that you have
6 mentioned, please?

7 A. [11:52:01] Yes, I can mention.

8 Q. [11:52:04] What are their names?

9 A. [11:52:13] One girl whose name I know is Nancy. Then there was also Fatuma
10 and also Ayari and Angom. These are the people that I can remember their names.

11 Q. [11:52:40] If we take Fatuma first. Around how old was Fatuma?

12 A. [11:52:57] Fatuma could be, in my knowledge, would be around 13 or 14 years
13 old.

14 Q. [11:53:07] What about Nancy?

15 A. [11:53:12] Nancy would also be around 14 years old.

16 Q. [11:53:18] Ayari?

17 A. [11:53:24] Ayari was a little younger, could be around 12 or 13.

18 Q. [11:53:33] Angom?

19 A. [11:53:42] Angom was the eldest of them all, could be about 15 years old.

20 Q. [11:53:47] What tasks did these other girls have in Dominic Ongwen's
21 household?

22 A. [11:54:02] What I would see these girls do is mainly to go and collect water from
23 the well, collecting firewood and to prepare fire for cooking and also to carry the
24 saucepans that they use for cooking.

25 Q. [11:54:28] Which commander gave these tasks to the wives and girls in

1 Dominic Ongwen's household?

2 A. [11:54:49] I don't know who assigns them these roles within that household
3 because there are also those women who are there, so I don't know exactly who
4 distributes the roles to the girls.

5 Q. [11:55:10] Mr Witness, the Angom that you have just told us about, is this the
6 same Angom that was given to Richard as a wife?

7 A. [11:55:24] Yes, she is.

8 Q. [11:55:28] Have you ever heard of the name Acan Scovia?

9 A. [11:55:46] I heard the name Acan, but I didn't hear about the Scovia.

10 Q. [11:55:55] Who is Acan?

11 A. [11:56:07] If this was Acan who was amongst the girl who were staying at
12 Dominic's home, yes, then she was one of those girls who was staying at Dominic's
13 place.

14 Q. [11:56:20] How did the Acan that was in Dominic's house come to stay in
15 Dominic Ongwen's household?

16 A. [11:56:39] I didn't know how she came. I, I just later on learnt that there was
17 a girl there called Acan. Then later on I, I was informed that they knew her home,
18 they even knew her mother and that Dominic's group frequently passed via that
19 home and they would tell Acan -- they would tell the mother that, "Keep Acan very
20 well. Take care of Acan very well." So it appears that one day they now went and
21 collected Acan and brought her.

22 Q. [11:57:22] When you say "they", who would tell Acan's mother to look after her?

23 MR TAKU: [11:57:35] Your Honours, I think he said he heard. If you ask him
24 whom did you -- whom were told, ask, but not to put the question "who will" as if he
25 was present. So put it within the context of his testimony that he --

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1 PRESIDING JUDGE SCHMITT: [11:57:49] Do you know who told Acan's mother to
2 look after her?

3 THE WITNESS: [11:58:05] (Interpretation) I had said that from what I heard from
4 the people that were already in the LRA that when Dominic passed that home he
5 would tell Acan's mother to take care of her because he will come back and take Acan
6 with him.

7 MR CHOUDHRY: [11:58:30]

8 Q. [11:58:30] Mr Witness, I would now like to ask you some questions about the
9 work and activities of the LRA and about things that you saw when you were with
10 the LRA, okay?

11 When you were with the LRA what type of activities did you see LRA fighters do?

12 A. [11:59:07] What I saw, I saw people being killed, I saw fighting with guns and
13 also looting people's property from their houses.

14 Q. [11:59:35] The people that you saw were killed, were they civilians or otherwise?

15 A. [11:59:53] The people who were killed are civilians.

16 Q. [12:00:00] And whose homes would items be looted from?

17 A. [12:00:14] They were looted from the homes of civilians and sometimes from the
18 gardens of civilians.

19 Q. [12:00:28] Did you ever see Dominic Ongwen do some of the things that you've
20 just described?

21 A. [12:00:48] I did not see him personally removing anything from anybody's
22 house. But what I saw one day, he gathered us together in a compound and ordered
23 that those who had been newly abducted, four people, should be killed. That's what
24 I saw.

25 Q. [12:01:22] When Dominic Ongwen ordered these four people to be killed did

1 you hear that yourself?

2 A. [12:01:36] Yes, I was personally present.

3 Q. [12:01:39] And who were these four people?

4 A. [12:01:46] I do not know their names, but I -- I know they were newly abducted
5 civilians.

6 Q. [12:01:58] Why were they killed?

7 A. [12:02:07] Before they were killed we were gathered in a compound
8 in -- the compound was in a certain home. He sat before us, before everybody and
9 started telling us why people were escaping from LRA and going back home. He
10 said he would kill those who were newly abducted. Then he -- he did that. Those
11 four people were killed before us, in our presence, and we were warned that if we
12 attempted to -- to escape that's what would happen to us.

13 Q. [12:02:58] How old were the people that were killed?

14 A. [12:03:08] They were older than I was at that time. They could be 30 or 28 or
15 thereabouts.

16 Q. [12:03:19] How old were the people that killed these people?

17 A. [12:03:30] The soldiers of the LRA who had stayed there for long, I couldn't -- I
18 couldn't tell their age at the time.

19 Q. [12:03:39] Can you describe what exactly you saw and how these people were
20 killed.

21 A. [12:03:56] What I saw was that when Dominic was before -- before us, he spoke
22 to us, he told soldiers who had stayed for long in the LRA to choose four people who
23 should be killed.

24 Then they started moving and choosing people, selecting people. They chose
25 two -- four people, who were tied, their arms tied behind their back. The shirts that

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1 they were wearing were used for tying them. They were pushed and they fell down
2 before us and they starting piercing them with the knives and then they became
3 lifeless and they were left there.

4 Q. [12:04:51] Mr Witness, you told us that you saw people killed and fighting and
5 looting. Can you list the names of locations that you can remember that the LRA did
6 this?

7 A. [12:05:17] The places that I can remember are places like Pajule, Odek, Labwor
8 Omor. And some battles that we fought with the soldiers at places like Alim,
9 Lanyatido barracks.

10 Q. [12:05:51] You say "soldiers" who were the soldiers that the LRA fought against?

11 A. [12:06:04] Soldiers of the government.

12 Q. [12:06:07] To be clear, which government?

13 A. [12:06:14] The government of Uganda, the government soldiers who were
14 fighting against us, resisting what we were doing.

15 Q. [12:06:25] Mr Witness, I'd like to ask you about one of the places that you've
16 mentioned and that is the place of Pajule. How do you know about the attack at
17 Pajule?

18 A. [12:06:51] I knew about the Pajule attack when we met a LRA group who were
19 more than us in -- in a place called Wanduku. The LRA were from different groups
20 and they had met there. And the person who was leading the group at that time was
21 Otti Vincent. When we had gathered, they talked to us and we were told about what
22 would happen and where people would go. And that is how I learnt about the
23 attack in Pajule.

24 Q. [12:07:44] What year did Pajule happen in, please?

25 A. [12:07:52] The attack in Pajule took place in 2013.

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1 Q. [12:08:01] Sorry, can I just clarify the date. What year, could you just repeat
2 what year the attack at Pajule took place in?

3 A. [12:08:13] In 2013.

4 MR CHOUDHRY: [12:08:20] With that I would like to refresh the witness's memory.

5 PRESIDING JUDGE SCHMITT: [12:08:24] Yes, you can do that.

6 MR CHOUDHRY: [12:08:35] The ERN is 0249-0485 and that's at tab 1, paragraph 80.

7 Q. [12:08:59] Mr Witness, in your statement you talk about an attack at Pajule and
8 you say that this was in 2003. Is that what you said?

9 A. [12:09:27] Yes.

10 Q. [12:09:28] And just a minute ago you told us that there was an attack in 2013.
11 So can you clarify was it 2003 or 2013, please?

12 A. [12:09:46] It was 2003.

13 Q. [12:09:52] And around what day did the attack take place?

14 A. [12:10:07] It happened shortly after people had celebrated independence day.
15 That is when it happened.

16 MR OBHOF: [12:10:20] Excuse me, your Honour, I would merely request that the
17 statement now be removed from evidence 1 so the witness who just looked at it
18 a second time to read what he wrote can stop looking at his screen, please.

19 PRESIDING JUDGE SCHMITT: [12:10:34] I didn't recognise that it is still on the
20 screen so, indeed, I agree with you, yeah.

21 MR OBHOF: [12:10:38] Thank you, your Honour.

22 MR CHOUDHRY: [12:10:47]

23 Q. [12:10:47] What groups went for the attack at Pajule in 2003?

24 A. [12:11:01] It was not only one group of the LRA, there were many groups that
25 came together and they went and attacked Pajule. Dominic's group was also

1 amongst those who went to Pajule.

2 Q. [12:11:22] Who were the commanders of the other groups?

3 A. [12:11:35] I do not know the other groups because they were new to me. The
4 only group I knew was the one that I was in, and then the group of Otti and another
5 commander, whom I knew at that time, was Raska.

6 Q. [12:11:54] Who is Otti?

7 A. [12:12:00] Otti is an LRA commander and he was -- it was said that he was the
8 deputy of Kony.

9 Q. [12:12:09] You mentioned Kony, who is Kony?

10 A. [12:12:17] Kony is the overall commander of the LRA.

11 Q. [12:12:26] Does -- Raska, is that his or her full name?

12 A. [12:12:36] That's how I know him. I don't know if that is all his name or there
13 are other names.

14 Q. [12:12:44] Who is Raska?

15 A. [12:12:55] I -- I said earlier that Raska was a commander in the LRA, he also had
16 his own group, so we also met with him there.

17 Q. [12:13:09] Do you know the names of any of the LRA groups?

18 A. [12:13:23] The groups which I mentioned; Otti's group, Dominic's group and
19 Raska's group. I did not know the rest of the groups because they were new to me.

20 Q. [12:13:39] Did any of the groups have names?

21 A. [12:14:01] Can you repeat the question, I have not understood?

22 Q. [12:14:06] Were the groups named in any way?

23 A. [12:14:23] I did not know the names that they were referred to.

24 Q. [12:14:29] Have you ever heard of the name Stockree?

25 A. [12:14:36] Yes, I heard.

1 Q. [12:14:40] What is Stockree, please?

2 A. [12:14:48] Stockree, according to what we heard, sometimes when we move and
3 cross here and there, then they would -- I would hear them saying "this is the group
4 from Stockree" and that's how I heard about them.

5 Q. [12:15:07] Have you heard of the name Trinkle?

6 A. [12:15:16] Yes, I have heard.

7 Q. [12:15:19] What do you know about Trinkle?

8 A. [12:15:31] The way I knew Trinkle is a similar way I knew the other group. It's
9 also its own group.

10 Q. [12:15:40] Have you heard of the name Gilva?

11 A. [12:15:49] Yes, I heard.

12 Q. [12:15:51] What do you know about the name Gilva?

13 A. [12:16:00] I also got to know Gilva the way I said that when we meet with
14 different people, they would say that "we are from Gilva".

15 Q. [12:16:15] Have you heard of the name Sinia?

16 A. [12:16:23] Yes, I have heard.

17 Q. [12:16:26] What do you know about Sinia?

18 A. [12:16:40] What I know about Sinia is that it was the group where I was in, I got
19 to learn later.

20 Q. [12:17:03] Who was the commander of Sinia?

21 A. [12:17:12] Dominic.

22 Q. [12:17:17] Have you heard of the name Control?

23 A. [12:17:26] Yes, I heard about Control.

24 Q. [12:17:30] What did you hear about Control?

25 A. [12:17:38] I heard about Control while I was there, but I did not understand

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1 whose group it was, which group it was, or whose group it was.

2 Q. [12:18:00] Mr Witness, who are the people that decided or planned to attack
3 Pajule?

4 A. [12:18:26] The plan to attack Pajule, when we were moving I did not know
5 where we were at the time, but when we had gathered and had already addressed us
6 we were told that we are going for duty, for an operation. Some of us were sent back
7 and then the commanders gathered together, Dominic and Otti was among them,
8 they went and sat. I do not know what they talked about. They had a meeting.
9 And when they came back they gave the orders. Commander Dominic gave orders
10 from his group to choose people to go for an operation. People were chosen and
11 then they started moving and they addressed those who were moving and they were
12 told that they were going to Pajule.

13 Q. [12:19:32] (Microphone not activated) I would like to focus, Mr Witness, on the
14 commanders when they gathered together. Do you know the name of the location
15 where the commanders gathered together?

16 A. [12:19:53] Yes, I do.

17 Q. [12:19:55] And what is the name of that location?

18 A. [12:20:02] It was called Wanduku.

19 MR CHOUDHRY: [12:20:06] Your Honours, with your leave I would now like to
20 show the witness tab 4, it's a sketch, and the ERN is UGA-OTP-0258-0834.

21 PRESIDING JUDGE SCHMITT: [12:20:18] Do you have again the two different
22 sketches?

23 MR CHOUDHRY: [12:20:21] Yes, I do, your Honour.

24 Q. [12:20:22] Mr Witness, could you open your folder, please, and turn to tab 4.
25 (Microphone not activated)

- 1 PRESIDING JUDGE SCHMITT: [12:21:00] Microphone is not activated.
- 2 MR CHOUDHRY: [12:21:03] Sorry.
- 3 Q. [12:21:03] Mr Witness, do you see your signature just above the date at the
- 4 bottom right?
- 5 A. [12:21:11] Yes, I have seen.
- 6 Q. [12:21:15] Have you seen this sketch before?
- 7 A. [12:21:21] Yes, I have seen.
- 8 Q. [12:21:23] Who drew it, please?
- 9 A. [12:21:27] I drew it myself.
- 10 Q. [12:21:30] What were you trying to show when you drew this sketch?
- 11 A. [12:21:43] Those who wrote my statement asked me to sketch how they -- we
- 12 were at Wanduku, how the commanders spoke. That is why I drew that.
- 13 Q. [12:22:02] When you say "how we were at Wanduku", does that relate in any
- 14 way to the attack at Pajule?
- 15 A. [12:22:19] This shows how preparations to go to Pajule started. That's when I
- 16 realised that we were going to Pajule.
- 17 Q. [12:22:34] Using the sketch just as you did before, can you please explain in as
- 18 much detail as possible what each marking means.
- 19 A. [12:22:56] I drew this sketch. There is a big circle which I have -- which I drew.
- 20 And I showed where Dominic's home was at the time and then I showed Otti's home.
- 21 I also showed how -- where the other commanders are located. I also showed the
- 22 route that leads to Pajule.
- 23 Q. [12:23:31] Now, Mr Witness, you have told us that there were commanders that
- 24 had a meeting. Is that shown on your sketch?
- 25 A. [12:23:43] Yes, I -- I showed it.

1 Q. [12:23:47] What on your sketch shows the place where the commanders had this
2 meeting?

3 A. [12:24:02] Where I wrote "Otti's home" it shows where -- it's where they had
4 their meeting from with other commanders.

5 Q. [12:24:13] Where were you when this meeting was taking place? And if again
6 you could use the sketch as a reference point.

7 A. [12:24:29] When I, I -- I took Dominic's stool for sitting, I went back where
8 we -- at the place which has a large spot written "Dominic's home". I was there at the
9 time.

10 Q. [12:24:51] Where did you take Dominic's stool?

11 A. [12:24:55] I took it to Otti's home, where they had a meeting.

12 Q. [12:25:05] Could you see the meeting taking place?

13 A. [12:25:15] Yes, I could see them physically.

14 Q. [12:25:19] And could you hear what was being said at the meeting?

15 A. [12:25:28] No, I couldn't hear. But I was able to see them.

16 Q. [12:25:35] Again, using the distance between yourself and the Judges, how far
17 away were you from the meeting when it was taking place? Were the size of this
18 courtroom, twice as much, or something different?

19 A. [12:26:03] It was twice or thrice this much.

20 MR CHOUDHRY: [12:26:13] Your Honours, for the records, that's approximately
21 20 to 30 metres, unless my learned friend's object.

22 PRESIDING JUDGE SCHMITT: [12:26:25] There is not much to object to this
23 mathematic operation, I think.

24 MR OBHOF: [12:26:28] I just prefer feet because I am from the United States.

25 PRESIDING JUDGE SCHMITT: [12:26:32] No, but then I would insist that I could

1 not follow any more.

2 MR OBHOF: [12:26:35] That's why I give both estimations.

3 MR CHOUDHRY: [12:26:41]

4 Q. [12:26:41] Describe what you saw happen at this meeting.

5 A. [12:27:02] The meeting started and they were -- they first addressed all the LRA
6 soldiers where I, I indicated "Otti's speech" and I put several dots. The meeting
7 started from there. When that meeting ended, we were not told exactly what we
8 would do, we were all informed that people should be ready for an operation. And,
9 later on, the commanders who led us went and met alone at Otti's home. And when
10 they finished their meeting, they returned to their groups and chose people to start
11 moving to Pajule.

12 Q. [12:27:52] Mr Witness, if we could first of all take that then on your sketch.
13 When you were first addressed how many LRA fighters were there that were being
14 addressed?

15 A. [12:28:10] There were many LRA soldiers, well over 100.

16 Q. [12:28:19] And when the commanders had a meeting at Otti's home, who were
17 the commanders that were part of that meeting?

18 A. [12:28:38] They included Dominic, he was personally present at the meeting.

19 Q. [12:28:46] What were the names of other commanders that attended that
20 meeting?

21 A. [12:28:53] There was Raska.

22 Q. [12:29:04] Do you remember any other commanders that were at that meeting?

23 A. [12:29:11] I do not recall.

24 Q. [12:29:16] Where was Otti when this meeting was taking place?

25 A. [12:29:26] He was part of the meeting, he was the one who was sitting before

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1 those people.

2 Q. [12:29:38] Do you remember what was Dominic Ongwen's rank when this
3 meeting was taking place?

4 A. [12:29:54] I do not remember his exact rank, but the -- what I would see was
5 a flowery -- a flowery rank, like a tomato, which he wore on his shoulder.

6 MR CHOUDHRY: [12:30:16] Your Honour, with your permission, I would like to
7 refresh the witness's memory.

8 PRESIDING JUDGE SCHMITT: [12:30:21] Yes.

9 MR CHOUDHRY: [12:30:22] And the ERN -- it's at tab 1, the ERN is 0249-0485, it is
10 paragraph 80.

11 PRESIDING JUDGE SCHMITT: [12:30:51] I think you can read to him even
12 the -- I think I know what you are going to read but you can continue until the end of
13 the paragraph, I would say.

14 MR CHOUDHRY: [12:30:59] Mr Witness, in your statement it is written that:
15 "The planning for this attack was at a place called Wanduku. This was around
16 Independence Day in 2003. At this time Ongwen was a Major. Raska Lukwiya was
17 also present. I do not know what rank Raska was but he was above Ongwen. Otti
18 was the deputy to Kony."

19 PRESIDING JUDGE SCHMITT: [12:31:29] When you hear that, Mr Witness, what do
20 you say today?

21 THE WITNESS: [12:31:42] (Interpretation) I -- I do remember now.

22 PRESIDING JUDGE SCHMITT: [12:31:45] And that means -- do you say yes, also
23 today in this courtroom, now that I remember this was -- is correct?

24 THE WITNESS: [12:32:03] (Interpretation) Yes, this is correct. That was his rank, he
25 was a major.

1 PRESIDING JUDGE SCHMITT: (Overlapping speakers)

2 MR CHOUDHRY: [12:32:16]

3 Q. [12:32:16] What time of the day did this meeting take place?

4 A. [12:32:31] I wouldn't know the exact time, but it was getting dark at that time.
5 Probably around 5, around 5 p.m. in the evening.

6 Q. [12:32:45] How long did this meeting of commanders last?

7 A. [12:32:57] They spent over 30 minutes.

8 Q. [12:33:05] How did you know that it was at this meeting that the commanders
9 planned to attack Pajule?

10 A. [12:33:24] I knew that was the planning meeting to attack Pajule because after
11 they finished their meeting they came back and selected people and we started
12 moving to Pajule. That's how I knew that we were now going to Pajule.

13 Q. [12:33:44] You've told us "they" selected people. Who were the LRA
14 commanders that selected people?

15 A. [12:34:01] All the commanders went back to their homes, their positions and
16 they picked soldiers from those different positions. Those of us who remained at
17 Dominic's place, one person came and also selected those who should be going to the
18 battlefield.

19 Q. [12:34:24] What did Dominic Ongwen do after the meeting?

20 A. [12:34:37] After the meeting, when he returned, he told one of the senior escorts
21 that he should do -- select people that should go to fight.

22 Q. [12:34:52] Who did Dominic Ongwen tell to select people?

23 A. [12:35:03] He told Opio Korea to select people who were at his home.

24 Q. [12:35:09] Did you hear this yourself?

25 A. [12:35:17] I was nearby because I was home at that time.

1 Q. [12:35:24] Can you just clarify, did you hear this? When Dominic Ongwen told
2 Opio Korea to select people, did you hear that?

3 A. [12:35:39] Yes, I heard.

4 Q. [12:35:46] Why did the LRA want to attack Pajule?

5 A. [12:36:00] I didn't know the reason for the attack because I didn't know what
6 was discussed in the meeting and what they agreed to go and do exactly. So I didn't
7 know why the attack on Pajule.

8 Q. [12:36:21] Did Opio Korea select fighters to participate in the attack at Pajule?

9 A. [12:36:32] Yes, he selected.

10 Q. [12:36:36] And around how many fighters were selected?

11 A. [12:36:46] From Dominic's home there were about 10 people who were selected
12 and went to Pajule.

13 Q. [12:36:58] Were you amongst those selected?

14 A. [12:37:07] Yes, I was there.

15 Q. [12:37:13] What was the age range of fighters from Dominic Ongwen's home
16 that were selected to participate in the attack at Pajule?

17 A. [12:37:38] They were different ages, age groups, 14, 15, there were even others
18 who were like about 20 years old.

19 MR CHOUDHRY: [12:37:56] Your Honours, just in case, I have just realised that the
20 sketch might not necessarily be removed. I just want to confirm that that's been
21 removed from the screen if it hasn't already.

22 Q. [12:38:08] Mr Witness, what commanders were chosen to lead the attack at
23 Pajule?

24 A. [12:38:26] The commander who went that I know very well is Dominic because
25 we moved together, and also there was Raska.

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1 Q. [12:38:38] What role did Dominic have?

2 A. [12:38:52] He went to the barracks to engage with the soldiers there.

3 Q. [12:39:03] What role did Raska have?

4 A. [12:39:13] I didn't know which direction Raska took.

5 Q. [12:39:21] But do you know the role that Raska had? What was Raska tasked to
6 do during the attack?

7 A. [12:39:37] I don't know what he was assigned to do.

8 MR CHOUDHRY: [12:39:44] Your Honour, with your leave I would like to refresh
9 the witness's memory. It's again tab 1, the ERN is 0249-0485 and it is paragraph 83.

10 PRESIDING JUDGE SCHMITT: [12:40:12] But please only the first half of the
11 sentence.

12 MR CHOUDHRY: [12:40:20]

13 Q. [12:40:20] Mr Witness, in your statement you state:

14 "Raska was supposed to attack the trading centre ..."

15 Does that refresh your memory

16 A. [12:40:45] Yes, it reminds me of the place Raska went to, but the task he was
17 assigned, I didn't know.

18 Q. [12:40:57] Were any other LRA commanders given roles other than Dominic and
19 Raska?

20 A. [12:41:24] It's -- yes, was there, but now I don't recall their names.

21 Q. [12:41:33] Have you heard of a person by the name of Bogi Bosco?

22 A. [12:41:44] Yes, I heard.

23 Q. [12:41:50] Who is Bogi Bosco?

24 A. [12:41:58] Bogi was one of the commanders, like Dominic, in the LRA, but
25 I didn't know which group he was in.

- 1 Q. [12:42:14] Was Bogi Bosco present when the plan to attack Pajule happened?
- 2 A. [12:42:26] I don't recall.
- 3 Q. [12:42:34] Mr Witness, what instructions were you and the group that you were
- 4 in given about Pajule?
- 5 A. [12:42:54] I -- there was no specific orders given to me, but I knew by default
- 6 that since we were going to the barracks then we had to fight and win the battle.
- 7 Q. [12:43:14] And after LRA fighters were selected to participate at Pajule, where
- 8 did they go?
- 9 A. [12:43:34] Could you say the question again?
- 10 Q. [12:43:37] After LRA fighters were selected to attack Pajule, where did those
- 11 LRA fighters go?
- 12 A. [12:43:56] After the selection everybody started moving towards Pajule.
- 13 Q. [12:44:11] What about Otti, was Otti amongst the group that went towards
- 14 Pajule?
- 15 A. [12:44:24] I did not -- I did not see Otti going to Pajule. He remained behind.
- 16 Q. [12:44:37] Can you remember the names of any LRA fighters that went to
- 17 Pajule?
- 18 A. [12:44:51] Yes, I remember.
- 19 Q. [12:44:55] Can you list the names that you remember, please.
- 20 A. [12:45:08] The names that I can remember are Abongomek, Ocaya, Opio Korea
- 21 and Tito and also Dominic.
- 22 Q. [12:45:35] When the LRA fighters went towards Pajule, did they have any
- 23 weapons with them?
- 24 A. [12:45:49] Yes, they had weapons.
- 25 Q. [12:45:50] What kind of weapons did the LRA fighters have with them?

1 A. [12:46:02] There were several types of guns, there were other big guns that
2 I don't even know the names, but the one that I know was AK-47, mortar and RPG.
3 The other guns were actually the big guns and I don't know their names.

4 Q. [12:46:27] Did Dominic Ongwen have a weapon with him?

5 A. [12:46:39] Yes, he had.

6 Q. [12:46:41] What kind of weapon did Dominic Ongwen have?

7 A. [12:46:47] He had a certain gun which is similar to AK-47, but it had a round
8 magazine and the gun is black all through.

9 Q. [12:47:03] How about you, did you have a weapon?

10 A. [12:47:09] Yes, I had.

11 Q. [12:47:12] What weapon did you have?

12 A. [12:47:21] I had an AK-47 gun.

13 Q. [12:47:28] Can you please describe the route from Wanduku that you took to go
14 to Pajule?

15 A. [12:47:50] When we left Wanduku we moved to come to Pajule. It took us
16 about two or three hours because we would move and, and stop along the way. So
17 when we reached near Pajule we reached a certain home, at Laloyo's home, then I saw
18 people getting into different groups. Then I joined Dominic's group. The other
19 people went to stage an ambush along the way to take care of the government
20 soldiers that would be coming from the different directions. Then another group
21 went to the centre where there were civilians. Then in my group we went straight to
22 the barracks.

23 MR CHOUDHRY: [12:48:52] Your Honour, with that I propose to get into another
24 sketch that the witness has drawn, but it's quite an involved sketch, it's the thrust of
25 the attack at Pajule. So would you like me to continue? My suggestion would be to

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1 break and then come back early.

2 PRESIDING JUDGE SCHMITT: [12:49:10] Exactly. I think I pick this suggestion
3 up.

4 We have now then the lunch break until a quarter past 2.

5 THE COURT USHER: [12:49:22] All rise.

6 (Recess taken at 12.49 p.m.)

7 (Upon resuming in open session at 2.26 p.m.)

8 THE COURT USHER: [14:26:05] All rise.

9 PRESIDING JUDGE SCHMITT: [14:26:25] Mr Choudhry, you have still the floor.

10 MR CHOUDHRY: [14:26:32]

11 Q. [14:26:32] Mr Witness, there's one question that I would like to return to and that is:
12 When Otti Vincent first announced to LRA fighters that you were going to attack Pajule
13 what exactly did he say?

14 A. [14:26:58] What he said is that we are going to attack the place. He did not say
15 anything else.

16 Q. [14:27:10] When Otti said "attack" did he explain what the word "attack" meant?

17 A. [14:27:27] When they say "attack" it means you are going to fight with those who
18 are there.

19 MR CHOUDHRY: [14:27:36] Your Honours, with your leave I would like to refresh the
20 witness's memory.

21 PRESIDING JUDGE SCHMITT: [14:27:41] Yes.

22 MR TAKU: [14:27:42] May it please the Court, I think my friend should -- my colleague
23 should rephrase the question because the witness has not comprehensively said that he
24 cannot understand. He said "When you say 'attack' what do you mean?" He gave an
25 answer and that is the answer. If he's not satisfied with the answer maybe he should

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1 rephrase until he can get him to say something. He didn't say "I cannot remember" for
2 him to refresh his memory. Or "I cannot answer." If he cannot provide the answer and
3 there's any handicap in him responding the question, then they may look for other ways
4 to get the evidence. Or if he says "I cannot remember." But not when he gives a definite
5 answer.

6 PRESIDING JUDGE SCHMITT: [14:28:27] Yeah, looking here at the question and the
7 answer I think you would have to do a little bit more to elicit that he really does not
8 remember something, that he would have potentially more information. That's correct, I
9 think, in that instance.

10 MR CHOUDHRY: [14:28:52]

11 Q. [14:28:52] Mr Witness, other than fighting with those that are there, what else did
12 you understand Vincent Otti was asking LRA fighters to do at Pajule?

13 A. [14:29:18] For me I did not understand, I did not understand anything else apart
14 from going to fight there.

15 Q. [14:29:26] Can you remember the exact words that Otti Vincent said?

16 A. [14:29:38] I do not remember.

17 MR CHOUDHRY: [14:29:41] Your Honour, with that I would request leave to refresh
18 the witness's memory.

19 PRESIDING JUDGE SCHMITT: [14:29:45] Yes.

20 MR CHOUDHRY: [14:29:48] Your Honour, the ERN is 0249-0485, at tab 1, and it's
21 paragraph 83.

22 Q. [14:30:04] Mr Witness, in your statement you say:

23 "Otti told us that we should go to Pajule centre; abduct people and loot food to eat."

24 Is that what you said?

25 PRESIDING JUDGE SCHMITT: [14:30:23] I think we have tried to establish this a little

1 bit different. This is his statement and he has said this at the time. And now we have a
2 different situation, we are late -- at a later point in time sitting here in the courtroom and,
3 listening to this, you could -- you can do different things: You can do it -- the most
4 objective, neutral way would be to just put the old question anew to the witness, like it
5 was, or say something to that effect what I said before, before the break, "Listening to that,
6 does that refresh your memory?" Or "What do you say today when you hear that?" But
7 not saying "Is that your statement?"

8 MR CHOUDHRY: [14:31:05] Your Honour, I had thought that I would ask the witness
9 whether -- to confirm that is in fact what he said first and then follow that up, whether
10 that refreshed his memory. But I'll do it the way that your Honour --

11 PRESIDING JUDGE SCHMITT: [14:31:17] The reason behind that is that when we ask
12 witnesses to confirm what they said before, that some witnesses, it depends a little bit on
13 the persons, might get under a suggestive influence a little bit. Be perhaps tempted, not
14 deliberately, but inadvertently, to come into a position to say "I have said it at the time, I
15 should say it today too." This is the background of it.

16 MR CHOUDHRY: [14:31:51]

17 Q. [14:31:52] Mr Witness, does what I just read to you refresh your memory?

18 A. [14:32:02] Yes, it does refresh my memory.

19 Q. [14:32:08] What would you say today about what I have just read to you?

20 A. [14:32:26] What I can say is that whenever we are prepared to go to fight, all those
21 activities are part of the fighting, the part of the attack. I didn't think it was necessary to
22 outline them one by one.

23 Q. [14:32:53] When you left for Pajule what time did you arrive at Pajule?

24 A. [14:33:07] We arrived in Pajule, at the centre, about 4 a.m.

25 Q. [14:33:23] Mr Witness, I would now like you to open your folder in front of you to

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1 tab 5.

2 And, your Honour, there is a redacted version for members of the public. The ERN of
3 that document is UGA-OTP-0258-0833.

4 The first question, Mr Witness, is: Do you see a signature at the bottom right, just above
5 the date? And whose signature is that, please?

6 A. [14:34:26] Yes, I do see a signature, that is my signature.

7 Q. [14:34:31] Have you seen this sketch before?

8 A. [14:34:38] Yes, I have.

9 Q. [14:34:40] Who drew this sketch, please?

10 A. [14:34:44] I drew the sketch.

11 Q. [14:34:49] When you drew this sketch, what were you trying to show?

12 A. [14:35:02] The reason why I drew this sketch is because I was asked to indicate
13 how we moved and how we entered Pajule. That is why I drew the sketch.

14 Q. [14:35:21] What is this a sketch of?

15 A. [14:35:29] This sketch shows how Pajule was -- the routes and the passages and
16 how we moved.

17 Q. [14:35:44] Using this sketch, can you please explain in detail what happened at
18 Pajule?

19 A. [14:36:09] What I can say about this sketch is that when you use -- when you see I
20 have used a blue arrow, it shows how we were moving with the group of Dominic where
21 I was belonging.

22 Q. [14:36:34] What marking on this sketch shows where you entered Pajule?

23 A. [14:36:50] I indicated with an arrow. The colour is -- the marker is different, it
24 shows how we move, how we moved and entered Pajule.

25 Q. [14:37:07] What on your sketch shows the beginning of where you started to

1 move?

2 A. [14:37:29] What shows is where I -- I wrote "Laloyo home". That's where I started
3 drawing my map where the blue arrow starts from. We then moved and crossed the
4 road, the road that leads to Kitgum, but passes through Pajule. We crossed a small
5 stream, a water -- a water body called Awalmon, it's a small stream. We then crossed
6 and went to a small -- another small stream called Wang Parii and then we entered the
7 barracks of the army.

8 Q. [14:38:21] Who was at the barracks when your group got there?

9 A. [14:38:35] The government troops, that is the army of the government of Uganda
10 was the one in the barracks.

11 Q. [14:38:44] Can you please confirm where on your sketch is the barracks?

12 A. [14:38:59] I -- I put a circle, a small circle and I -- with a small cross, that is where
13 the -- that's where the barracks is. I wrote there "Pajule barracks."

14 Q. [14:39:13] And just for the record, is that at the top right of your sketch?

15 A. [14:39:22] Yes.

16 Q. [14:39:27] To one side of your sketch there is an arrow with lots of small arrows
17 next to, I believe, what you've written is the Pajule barracks. Can you explain what those
18 markings are, please?

19 A. [14:39:52] The smaller arrows which are drawn there show how the LRA soldiers
20 surrounded the government troops in the barracks. That is how we entered the barracks.

21 Q. [14:40:09] Who was the commander of your group that went to the barracks?

22 A. [14:40:19] It was Dominic.

23 Q. [14:40:22] What happened when you got to the barracks?

24 A. [14:40:38] When we reached the barrack we had an armed exchange with
25 government soldiers. We tried our level best to fight and we overpowered part of the

1 barracks. When you see at the cross in the circle it shows that is where we stopped. We
2 were not able -- we were not able to overpower the whole barracks. The soldiers
3 retreated and went the other side and they came back and defeated us. So we left the
4 barracks.

5 Q. [14:41:17] How long were your group fighting at the barracks?

6 A. [14:41:27] I cannot estimate the exact time, but I can -- it could be anything between
7 40 and 50 minutes.

8 Q. [14:41:41] Where did you go after the barracks?

9 A. [14:41:52] Later when we were really repulsed from the barracks the government
10 troops repulsed us because their number outnumbered us, Dominic ordered that we move.
11 Then we moved and our movement is still indicated with the arrow. Then we came back
12 and we followed the route that leads to Pajule mission. Then we came and joined the
13 rest of the LRA who were in the centre at the camp where civilians were staying.

14 Q. [14:42:36] When Dominic ordered you to move what exactly did he say?

15 A. [14:42:53] He blew a whistle and indicated with his hand and pointed that we
16 should leave. It -- we had been overpowered.

17 Q. [14:43:08] Did he use any words when he gave this order?

18 A. [14:43:21] I do not recall the words he used.

19 Q. [14:43:26] Did you hear Dominic Ongwen give this order?

20 A. [14:43:36] He blew a whistle.

21 Q. [14:43:39] Did you hear Dominic Ongwen blow the whistle?

22 A. [14:43:45] Yes, I heard.

23 Q. [14:43:48] What direction did he point towards?

24 A. [14:44:01] After he blew the whistle, he pointed and he indicated those who were
25 at the side to come towards him, and then he led us from the barracks and we moved to

1 the centre, Pajule centre.

2 Q. [14:44:24] What on your sketch shows the direction you took towards the centre?

3 A. [14:44:40] It's indicated by an arrow. The same colour of the arrow which showed
4 how we started moving, and then I wrote somewhere "Pajule mission" and then there's
5 "Pajule camp". That's how we moved and came to the camp.

6 Q. [14:45:00] Mr Witness, you have on your sketch arrows pointing up and arrows
7 pointing down. Which arrow show the direction you took towards the centre? Is it the
8 arrows pointing up or the arrows pointing down?

9 A. [14:45:26] It's the arrows pointing down towards -- at the area written "Pajule
10 camp".

11 Q. [14:45:37] And after Dominic ordered you to go to the centre, did you go to the
12 trading centre?

13 A. [14:45:50] Yes, we did.

14 Q. [14:45:54] Where was Dominic Ongwen when you went to the trading centre?

15 A. [14:46:08] When we were going we moved together with Dominic Ongwen.

16 Q. [14:46:18] Can you please explain what on your sketch shows the trading centre?

17 A. [14:46:36] What indicates where the trading centre is, I drew something with four
18 sides, and there is a circle in the middle, and the circle is dividing the road going to Lira,
19 to Kitgum. All that area is the centre.

20 Q. [14:47:05] What are the rectangles beside the roads on your sketch, what do they
21 represent?

22 A. [14:47:21] These show buildings by the roadside. These are shops belonging to
23 the civilians.

24 Q. [14:47:35] Can you describe what you saw when you got to the centre?

25 A. [14:47:47] What I saw there is -- when we left the barracks we found another LRA

1 group who was already there, we joined them and I saw food being looted, people being
2 abducted, breaking into the shops. That's what I saw.

3 Q. [14:48:18] What did Dominic Ongwen do when you arrived at the centre?

4 A. [14:48:30] I did not see what he did.

5 Q. [14:48:38] Did Dominic Ongwen say anything when you were at the centre?

6 A. [14:48:53] For me, I -- what he told me is -- you realise in the sketch I put a cross
7 and I wrote down the "abduction". This is where he ordered me to abduct two people
8 and asked them to carry luggage.

9 Q. [14:49:27] When Dominic Ongwen ordered you to abduct two people and carry
10 luggage did you, yourself, hear that?

11 A. [14:49:42] Yes, I heard.

12 Q. [14:49:50] Mr Witness, you told us that items were being looted and people were
13 being abducted. Who was looting the items and who were abducting people when you
14 were at the centre?

15 A. [14:50:14] Earlier I had been asked what I saw in the centre, I answered that there
16 was abduction and looting of food and breaking into people's shops. I don't know if it
17 answers the same question you've asked now.

18 Q. [14:50:29] Who was doing the looting and the abducting?

19 A. [14:50:36] The LRA.

20 Q. [14:50:42] What type of things were being looted?

21 A. [14:50:53] There were many things being looted, different things; food items such
22 as beans, flour, maize, sugar, biscuits, among others. Those were the things that were
23 being looted.

24 Q. [14:51:14] Where were these items being looted from?

25 A. [14:51:23] From the homes of civilians.

1 Q. [14:51:30] Who was being abducted at the trading centre?

2 A. [14:51:37] The civilians.

3 Q. [14:51:49] Can you tell us how exactly you abducted the two civilians?

4 A. [14:52:05] I explained that I was given an order that I should abduct them so that
5 they can carry luggage because we had flour and beans. I entered the house and I found
6 them in the house. I called them and they came. And then they carried the luggage.

7 Q. [14:52:37] How did the people react at the moment that you abducted them?

8 A. [14:52:52] They were helpless, they did not refuse. When I called them they left
9 and they were shaking with fear. They were trembling and they came and carried the
10 luggage that I'd asked them to carry.

11 PRESIDING JUDGE SCHMITT: [14:53:11] And why would they do that?

12 THE WITNESS: [14:53:21] (Interpretation) Because they feared that I could -- I could
13 kill them or I could do worse things if they did not carry the things I asked them to carry.

14 MR CHOUDHRY: [14:53:41]

15 Q. [14:53:42] Around how many people were abducted from Pajule?

16 A. [14:53:56] I cannot know the exact number of people who were abducted, but what
17 I saw there were well over 100 people.

18 Q. [14:54:10] What was the age range of the people that were abducted from Pajule?

19 A. [14:54:24] It was mixed; there were older people, there were young people, some of
20 whom were early teens, and others who were in their 30s and in their 20s.

21 Q. [14:54:42] Were any of the people that were abducted from Pajule younger than
22 you or appeared younger to you?

23 A. [14:54:55] Yes, there were.

24 Q. [14:54:59] What did you see that makes you think that some of the people that you
25 abducted were younger than you?

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1 A. [14:55:14] What I saw was that there were two people who were younger than me.

2 (Redacted)

3 Q. [14:55:29] Mr Witness, if you just pause there.

4 MR CHOUDHRY: [14:55:31] Your Honour, I think we might need to redact that and
5 possibly --

6 PRESIDING JUDGE SCHMITT: [14:55:35] (Microphone not activated)

7 MR CHOUDHRY: [14:55:36] -- go into private session.

8 PRESIDING JUDGE SCHMITT: [14:55:38] (Microphone not activated)

9 MR CHOUDHRY: [14:55:40] Okay.

10 Q. [14:55:40] Mr Witness, if you could not say the identity of anybody who was
11 abducted. I would just like to know the age range, that's all.

12 I'll move on.

13 What sex were the people that you abducted, were they men, women, or both?

14 A. [14:56:09] They were women, men and children.

15 Q. [14:56:17] Other than abducting people, did you yourself do anything else when
16 you were at Pajule centre?

17 A. [14:56:34] I did not do anything else personally.

18 PRESIDING JUDGE SCHMITT: [14:56:37] May I ask a question perhaps.

19 I would like to go back a little bit, Mr Witness, to the beginning of the attack. You said
20 you were at the barracks and you said you were overpowered and then you retreated to
21 the centre. Did the military personnel follow you?

22 THE WITNESS: [14:57:07] (Interpretation) Not immediately. There were no soldiers
23 who followed us immediately.

24 PRESIDING JUDGE SCHMITT: [14:57:15] Thank you.

25 MR CHOUDHRY: [14:57:31]

1 Q. [14:57:31] How long were you at the trading centre?

2 A. [14:57:45] I do not know exactly how long we took there because it was -- it was
3 almost daylight and people were really visible.

4 Q. [14:57:58] Can you estimate the amount of time? Was it half an hour, an hour,
5 two hours?

6 A. [14:58:14] Well, it could be about 30 minutes in the centre.

7 Q. [14:58:22] Where did you go after the centre?

8 A. [14:58:32] After the centre we -- we moved back to the bush where we came from.
9 We went to Wanduku.

10 Q. [14:58:46] If you could just have a look at your sketch again please, Mr Witness.
11 At various places there are these triangles. What do they represent, please?

12 A. [14:59:13] They were showing homes of civilians.

13 Q. [14:59:25] When you were at Pajule, did you see any civilians that had been killed?

14 A. [14:59:38] Personally, I did not see.

15 Q. [14:59:42] Did you see any civilians that were dead at Pajule?

16 A. [14:59:51] I did not see.

17 Q. [14:59:56] Other than looting property from houses, what else, if anything, did you
18 see happen to houses at Pajule?

19 A. [15:00:25] I said earlier that people were captured, people's houses were broken
20 into, taking some of the foodstuffs that were in the house. But these are the things that
21 happened there.

22 Q. [15:01:05] What made you leave or made the LRA leave Pajule?

23 A. [15:01:21] We left Pajule, I don't know exactly why we left but I think we left
24 because we could not manage to successfully overrun the barracks because also the
25 government soldiers sent helicopter gunship and at that time it was hovering over us, so

1 we had to take off.

2 Q. [15:01:57] Is the direction that you left Pajule marked on your sketch?

3 A. [15:02:18] Our movement from Pajule I did not indicate it here because people
4 were all mixed up, but we followed the same route which I have shown here. We just
5 moved in the villages where we -- I indicated Pajule market, we passed there, then we
6 came to the police barracks, then we went back and followed the same route going to
7 Laloyo's home. And when you see down there I wrote "withdrawal" it was at that the
8 point where we all gathered and went back to our base in the bush.

9 Q. [15:03:05] Were any LRA fighters killed during the attack at Pajule?

10 A. [15:03:19] From Dominic's home, where I came from, there was no one that was
11 injured from Pajule, but I heard that some LRA fighters were killed, but they were from
12 another group.

13 Q. [15:03:41] Where were the abducted civilians when you withdrew from Pajule?

14 A. [15:03:54] They were already mixed up and they were amongst the LRA.

15 Q. [15:04:05] Could you explain what you mean when you say "they were mixed up
16 and amongst the LRA"?

17 A. [15:04:20] What I'm saying is that at that time the civilians were not moving on
18 their own, they were moving together with the LRA.

19 Q. [15:04:38] Who was making the civilians move with the LRA?

20 A. [15:04:52] It was -- the LRA that went there are the ones that made the civilians to
21 move together with the other LRA fighters.

22 Q. [15:05:03] Did any of the abducted civilians refuse to go with the LRA or try to
23 escape?

24 A. [15:05:21] I have never heard that somebody's refused that LRA should not capture
25 him or her, unless that person saw LRA from a distance and decided to run away. But I

1 haven't seen somebody who refused to be captured by LRA.

2 Q. [15:05:46] How were the abducted civilians being treated by the LRA when you
3 were withdrawing from Pajule?

4 A. [15:06:07] On my own, I was not in position to see what the other people were
5 doing because I was also only concerned with the people who were carrying my items so
6 that I can move and go back with them. But what LRA does is when you're given
7 luggage to carry and you could not manage, then you would be beaten and forced to carry
8 and also move along with it.

9 Q. [15:06:37] And during the attack at Pajule, did you see anybody being beaten, any
10 civilian being beaten by the LRA?

11 A. [15:06:56] At the time we were attacking Pajule I did not see any civilian who was
12 beaten because I was not at that point where the civilians were. I went and we were on
13 the side where the military was. So we came, we were just briefly there and we went on.

14 MR CHOUDHRY: [15:07:29] Your Honour, I would ask leave to refresh the witness's
15 memory, the paragraph is paragraph 93, the ERN is 0249-0487.

16 PRESIDING JUDGE SCHMITT: [15:07:46] Yeah.

17 MR CHOUDHRY: [15:07:50] And that's at --

18 PRESIDING JUDGE SCHMITT: [15:07:51] Paragraph?

19 MR CHOUDHRY: [15:07:52] That's paragraph 93 and it's at tab 1.

20 Q. [15:07:55] Mr Witness, in your statement you say:

21 "If someone was moving slowly with their carried goods the LRA soldier who they were
22 carrying the food for would beat them. I saw this with my own eyes."

23 Does that refresh your memory?

24 A. [15:08:23] Yes, it does.

25 Q. [15:08:24] What do you have to say about that today?

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1 A. [15:08:35] That is why I said what the LRA does when you're given luggage to
2 carry and you fail to carry because it has become heavy, then you are beaten.

3 MR CHOUDHRY: [15:08:54] Your Honour, perhaps we could now move into private
4 session for approximately 10 minutes.

5 PRESIDING JUDGE SCHMITT: [15:09:00] Yes, I understand.

6 Private session.

7 (Private session at 3.09 p.m.)

8 (Redacted)

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11 (Redacted)

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9 (Open session at 3.15 p.m.)

10 THE COURT OFFICER: [15:15:55] We are back in open session, Mr President.

11 MR CHOUDHRY: [15:16:03]

12 Q. [15:16:04] What happened to the civilians that remained behind?

13 A. [15:16:17] The civilians that remained behind were returned amongst the LRA,
14 they were distributed to the various homes of the commanders.

15 Q. [15:16:34] Which commanders distributed the abducted civilians that remained
16 behind?

17 A. [15:16:50] I don't know the commander who distributed, but the overall person
18 there at that time was Otti Vincent, he was the one who had gathered all those civilians
19 there.

20 Q. [15:17:07] Were any civilians distributed to Dominic Ongwen's group?

21 A. [15:17:24] Yes, I remember there were some civilians that were sent to
22 Dominic Ongwen's place.

23 Q. [15:17:32] Who in Dominic Ongwen's group decided how to distribute those
24 civilians?

25 A. [15:17:47] That I don't know.

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1 Q. [15:18:01] Where in Dominic Ongwen's group were the abducted civilians
2 distributed to?

3 A. [15:18:16] The civilians who were captured, they look at your age, if they find that
4 you are a little older then you are taken to the place where there are injured LRA soldiers,
5 so you are taken there to help in carrying them, or they take you where there are heavy
6 weapons and you would help in carrying.

7 Q. [15:18:44] Did Dominic Ongwen have a role in distributing the abducted
8 troops -- sorry, the abducted civilians that remained behind?

9 A. [15:18:59] I don't know.

10 MR CHOUDHRY: [15:19:01] Your Honour, with your leave I would like to refresh the
11 witness's memory.

12 PRESIDING JUDGE SCHMITT: [15:19:06] Yes.

13 MR CHOUDHRY: And that is at ERN 0249 --

14 MR TAKU: [15:19:11] May it please, your Honours. I think you've given clear
15 directives about the question refreshing memory. The reason why I rise up many times
16 is because at some point in time we will not be able to know what is a prior inconsistent
17 statement and when the purpose is to clarify evidence already on record. Prior
18 inconsistent statements have a very, very strong meaning in judicial proceedings and,
19 therefore, if a witness says "I don't know" or -- it's different from "I cannot remember".
20 My colleague should make other attempts to decide the evidence by other means, then he
21 can arrive at a point when he can apply to refresh a memory, but not when the witness
22 gives an answer which is very, very, very clear "I don't know." It is clear, your Honours,
23 so what is he refreshing about?

24 MR CHOUDHRY: [15:20:08] Your Honour, in my submission, that's not a true
25 reflection as to whether or not to refresh the memory of a witness. My learned friend is

1 quite right that inconsistencies within statements can be tested, but on this occasion where
2 the witness has possibly said something to investigators and answers "I don't know," it's
3 only right that the Prosecution be allowed to put that to the witness and any inconsistency
4 will come out in court. Under the lights and in the pressure of this environment where
5 the witness takes the stand, he may well simply not remember something that he's told
6 investigators. That is the purpose of memory refreshing; it's to elicit the truth, it's not to
7 put words in the witness's mouth.

8 PRESIDING JUDGE SCHMITT: [15:20:51] I think that is, in the result it is correct and,
9 furthermore, we -- there is -- there are two possibilities when we can put a former
10 statement to a witness: First is the, so to speak, classical refreshing of memory, that is
11 when the witness tells the Court "I have forgotten, I do not remember at the time." And
12 then also of course there is the possibility to confront the witness with contradictions to
13 former statements. And this is also allowed when the Defence is -- when it is the Defence
14 turn to question.

15 So not always you can, sort of like in a mathematical operation, say clearly which is
16 which. So you can put this to the witness. So this is overruled.

17 MR CHOUDHRY: [15:21:40] (Microphone not activated) paragraph 101.

18 PRESIDING JUDGE SCHMITT: [15:21:44] But without any suggestive approach,
19 please, or absolutely objectively put it to the witness.

20 MR CHOUDHRY: [15:21:50] Your Honour, I've reverted to your Honour's formulation,
21 which is "Does that refresh your memory" and "What would you say today?" Those are
22 the two propositions that I --

23 PRESIDING JUDGE SCHMITT: [15:22:00] Okay, okay, okay.

24 MR CHOUDHRY: [15:22:03] The ERN, just for the record, is 0249-0488 and it's
25 paragraph 101.

- 1 Q. [15:22:14] Mr Witness, in your statement you said that "Ongwen was the one who
2 divided the abductees among his troops."
3 Does that refresh your memory?
- 4 A. [15:22:40] I don't know whether I mentioned that in reference to the Pajule.
- 5 PRESIDING JUDGE SCHMITT: [15:22:45] But then we have -- this was -- this was the
6 answer. So, you see, this works, so to speak. This works when you, I think -- of course
7 we do not know exactly because we have followed the procedure that I have suggested,
8 but at least the chance is better that it might turn out something even slightly different if
9 we are to put the question not in a suggestive manner. We don't put, so to speak, or put
10 the witness in the position to simply confirm what he has said before. So thank you.
11 And please continue. Thank you.
- 12 MR CHOUDHRY: [15:23:30]
- 13 Q. [15:23:31] How old approximately were the abducted civilians that were
14 distributed in Dominic Ongwen's group?
- 15 A. [15:23:49] The people that I knew were the two people who were already adults,
16 they were like well over 20 or 30 years old.
- 17 Q. [15:24:08] What happened to the looted items from Pajule when you returned to
18 Wanduku?
- 19 A. [15:24:25] Those items are our foodstuff, so whoever picked those items will take it
20 to their home and that's what they will use as their food.
- 21 Q. [15:24:39] Who decided where the food should go?
- 22 A. [15:24:57] I don't know who decided because when I was captured I -- that's what I
23 found was already the practice, that when you get some food item you pick it and you
24 would take it, that's what you would eat.
- 25 Q. [15:25:18] Did the LRA lose any weapons during the attack at Pajule?

1 A. [15:25:35] I heard that some of the guns that we went with to Pajule actually
2 remained there, some heavy weapons.

3 Q. [15:25:48] When you say "heavy weapons," what weapons are you talking about?

4 A. [15:26:02] There were some guns that I don't know their names, but they would
5 look like they were weapons that would fire bombs.

6 Q. [15:26:18] Who did you hear that from?

7 A. [15:26:29] From some of the fighters that we used to stay with at Dominic's place.

8 Q. [15:26:38] Mr Witness, I would now like to move to a separate attack that you
9 spoke of and that is the attack of Odek. So you can put your file and your sketch away.
10 Mr Witness, how do you know about the attack at Odek?

11 A. [15:27:28] I knew about the attack on Odek because I was amongst those who went
12 there.

13 Q. [15:27:39] Who was the LRA commander that decided to attack Odek?

14 A. [15:27:53] The commander who was there was Dominic.

15 Q. [15:28:01] What makes you say that the commander to attack Odek was Dominic?

16 A. [15:28:13] There was no any other senior person apart from him who was there.

17 Q. [15:28:24] When did you first learn about the plan to attack Odek?

18 A. [15:28:44] At the time we organised to go to the battlefield, at that time, I didn't
19 know exactly where we were going, but we were gathered, then Dominic led a short
20 prayer, then he sprinkled water on us, the water was mixed with oil, he used a branch, a
21 leaf from a tree to sprinkle water, that that's the blessing for us to go to fight. Then we
22 started moving. I knew that we were going to Odek. We had already moved some long
23 distance.

24 Q. [15:29:34] When you were gathered what, if anything, did Dominic say to you?

25 A. [15:29:47] He told us that we were going to work.

1 Q. [15:29:55] What do you understand by the word "work"?

2 A. [15:30:08] When they tell us we're going to work, I know that we are going to fight
3 somewhere. We did not have any other work than fighting.

4 Q. [15:30:21] How many LRA fighters were there that were gathered when Dominic
5 told you that you were going to work?

6 A. [15:30:37] There were about 30 to 40 people.

7 Q. [15:30:44] What was the name of the location that you were at where you
8 gathered?

9 A. [15:30:58] It was still within Gulu. I do not know the exact village. I don't
10 remember the exact village.

11 MR CHOUDHRY: [15:31:11] Your Honour, and with that I would like to refresh the
12 witness's memory.

13 PRESIDING JUDGE SCHMITT: [15:31:16] Yeah.

14 MR CHOUDHRY: [15:31:17] The ERN is 0249-0491 and it's paragraph 120.

15 Q. [15:31:39] Mr Witness, in your statement you say:

16 "All of Ongwen's group were in the bushes in Loyo Ajonga."

17 Does that refresh your memory?

18 A. [15:31:58] Yes, it does.

19 Q. [15:32:00] And what would you say about that today?

20 A. [15:32:12] What I can say is that it reminded me where we were because I wasn't
21 remembering.

22 Q. [15:32:24] How much time before the attack at Odek did you gather?

23 A. [15:32:45] We moved through the -- the bush and we moved for about three or four
24 hours before reaching there.

25 Q. [15:33:03] Can you list the names of any other LRA fighters that were present

- 1 when you gathered and Dominic Ongwen told you about Odek?
- 2 A. [15:33:25] Yes, I can list those who I can remember.
- 3 Q. [15:33:29] Can you please list the names that you remember.
- 4 A. [15:33:41] I remember Opio Korea, he was there.
- 5 Q. [15:33:48] Any others?
- 6 A. [15:33:59] The others include people like Tito.
- 7 Q. [15:34:06] Can you remember any others?
- 8 A. [15:34:12] No, I don't remember anything now.
- 9 Q. [15:34:18] Have you heard of the name Ngec?
- 10 A. [15:34:26] Yes, I have heard.
- 11 Q. [15:34:29] Who is Ngec?
- 12 A. [15:34:38] Ngec is an LRA fighter who was in Dominic's group.
- 13 Q. [15:34:45] Was Ngec present when Odek was discussed?
- 14 A. [15:34:57] I do not recall if he was -- if Ngec was there.
- 15 Q. [15:35:04] Have you heard of the name Ocaya?
- 16 A. [15:35:12] Yes, I have heard.
- 17 Q. [15:35:13] Was there an Ocaya present when Odek was discussed?
- 18 A. [15:35:29] I do not know if at that time Ocaya was still there because Ocaya died
- 19 while I was there. I do not recall the time he died and whether it was there at the time of
- 20 the Odek attack.
- 21 Q. [15:35:48] What was the age range of LRA fighters that were selected to participate
- 22 in the attack?
- 23 A. [15:36:10] The age varied. It starts from 10, 15, 20, 30.
- 24 Q. [15:36:27] And after you gathered did LRA fighters go to Odek?
- 25 A. [15:36:38] Yes, we went.

- 1 Q. [15:36:41] Where was Dominic Ongwen when you were moving towards Odek?
- 2 A. [15:36:53] He was among those who were moving to go.
- 3 Q. [15:36:59] Were you amongst those who were moving to go?
- 4 A. [15:37:07] Yes, I was.
- 5 Q. [15:37:10] Did you, yourself, see Dominic Ongwen when you were moving
- 6 towards Odek?
- 7 A. [15:37:19] Yes, I saw.
- 8 Q. [15:37:25] Did the LRA take any weapons with them when they went to Odek?
- 9 A. [15:37:35] Yes, they did.
- 10 Q. [15:37:38] What type of weapons did they take with them?
- 11 A. [15:37:48] They moved with AK guns and some bombs. I do not know their
- 12 names, the exact names.
- 13 Q. [15:38:01] Did you, yourself, personally have any weapons with you?
- 14 A. [15:38:13] Yes, I had.
- 15 Q. [15:38:15] What weapons did you have when you went to Odek?
- 16 A. [15:38:23] I had an AK.
- 17 Q. [15:38:28] What about Dominic Ongwen, did he have any weapons?
- 18 A. [15:38:36] Yes, he had.
- 19 Q. [15:38:38] What weapons did he have?
- 20 A. [15:38:50] For him he had -- he had a gun similar to an AK, but it was different
- 21 from ours. His was darker.
- 22 Q. [15:39:02] Can you remember what time approximately you arrived at Odek?
- 23 A. [15:39:15] Yes, I do remember.
- 24 Q. [15:39:20] Where was Dominic Ongwen when you entered Odek camp?
- 25 A. [15:39:34] When we were entering Odek camp, I did not look to see where he was,

1 I -- I ran, when we reached closer, we ran and split into smaller groups. I was among
2 those who ran to the centre. At that point I did not know where he was.

3 Q. [15:39:58] Before you split and ran into Odek, where was Dominic Ongwen when
4 you first entered the camp?

5 A. [15:40:14] He was among us in the group.

6 Q. [15:40:27] Can you tell us what happened after you split and ran into the camp,
7 please.

8 A. [15:40:43] What happened is we ran to the camp where there were civilians. We
9 found civilians were dancing, others were drinking alcohol, others were selling
10 merchandise. We stormed them and those in the barracks also came and then we started
11 exchanging fire.

12 Q. [15:41:13] What area of Odek camp did you run to?

13 A. [15:41:24] For me, I ran and went to the centre. The other LRA split and went to
14 the barracks of the army.

15 Q. [15:41:37] How many groups did the LRA split into when they went to Odek?

16 A. [15:41:48] There were three groups.

17 Q. [15:41:53] Could you tell us exactly where each of those three groups went?

18 A. [15:42:08] I -- I can't say which group went where. What I know is that my group,
19 we entered the centre and then another group went to the barracks because it was closer
20 to us. The other group I learnt later that they went to the -- to the stream because they
21 had mentioned that mobile was somewhere near the water body and they started -- they
22 started shooting at the mobile soldiers of the government that were there.

23 Q. [15:42:48] What time did the attack at Odek start?

24 A. [15:43:03] The attack in Odek started around -- I'm not sure about the exact time,
25 but it could be about six or five.

- 1 Q. [15:43:20] Is that a.m. or p.m.?
- 2 A. [15:43:25] p.m.
- 3 Q. [15:43:32] How were the LRA fighters that attacked Odek dressed?
- 4 A. [15:43:46] We were dressed in mixed attire; we had government uniforms for the
5 army, others were in civilian dresses, jackets.
- 6 Q. [15:44:03] How many LRA fighters were with you in the group that went to the
7 centre?
- 8 A. [15:44:14] We were about 10.
- 9 Q. [15:44:20] And what did the LRA fighters do when they got to the centre?
- 10 A. [15:44:31] We found some soldiers among -- amongst the civilians, so we started
11 shooting, shooting at the soldiers.
- 12 Q. [15:44:50] What about the civilians, did the LRA shoot at the civilians?
- 13 A. [15:45:04] I did not see anyone who was shooting at civilians. There was no one
14 directly shooting at civilians that I saw.
- 15 Q. [15:45:14] How exactly were LRA fighters shooting? Can you just describe that.
- 16 A. [15:45:32] They were shooting their guns, aiming at the soldiers who were mixed
17 up with the civilians.
- 18 Q. [15:45:56] What happened to the civilians that were mixed up with the soldiers?
- 19 A. [15:46:09] The civilians who were amongst the -- mixed up with the soldiers, I later
20 saw five -- about five civilians who fell down, they had blood over them.
- 21 Q. [15:46:34] When those civilians fell down, were they alive or were they dead?
- 22 A. [15:46:47] I did not feel that if they were alive or dead, but I can confirm that they
23 were wounded.
- 24 Q. [15:47:01] Where was Dominic Ongwen when civilians were being shot at at the
25 centre?

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1 MR TAKU: [15:47:11] Your Honours, I wonder whether there's any evidence from this
2 witness so far that civilians were being shot at? The transcripts are very, very clear.

3 There was a shootout between soldiers who had mixed in the midst of civilians.

4 PRESIDING JUDGE SCHMITT: [15:47:28] That's correct. That's correct what you're
5 saying.

6 MR TAKU: [15:47:31] So that --

7 PRESIDING JUDGE SCHMITT: [15:47:32] You have to rephrase the question, please.

8 MR CHOUDHRY: [15:47:34] Your Honour, in my submission the witness has just
9 stated that he saw five civilians fall down and were wounded and --

10 PRESIDING JUDGE SCHMITT: [15:47:42] But he has also stated I think that he did not
11 see anybody shoot at civilians or something like that so -- and it would not at all hinder
12 what you want to elicit now if you rephrase the question. It also does not hinder you to
13 try to follow this path further.

14 MR CHOUDHRY: [15:48:10]

15 Q. [15:48:10] Mr Witness, where was Dominic Ongwen when LRA fighters were
16 shooting at civilians and soldiers that were mixed up at the centre?

17 A. [15:48:31] Among the group -- among the three group I did not know where he
18 was. He was not in our group, he was not in our group, so he could have been in
19 another group.

20 Q. [15:48:50] Are you aware whether Dominic Ongwen ever knew about civilians that
21 had been wounded at the centre?

22 A. [15:49:13] I do not know if anyone who was present told him the number of people
23 who had died there.

24 PRESIDING JUDGE SCHMITT: [15:49:37] May I ask a question.

25 Mr Witness, perhaps you could be a little bit more specific how the shooting started. You

1 said that you went with other LRA fighters to the centre and then I quote, this is page 97
2 of today's -- of course not yet edited -- transcript, line 8, and you have said:

3 "They were shooting their guns, aiming at the soldiers who were mixed up with the
4 civilians."

5 Can you try to picture for yourself what happened and try to explain to us what
6 happened exactly? So you come to the centre, there are people dancing, there are all sorts
7 of people. How does the shooting commence, so to speak?

8 THE WITNESS: [15:50:39] (Interpretation) Well, first, I mentioned that for us who
9 went to the centre, we went and found soldiers mixed up with the civilians, they were
10 drinking, dancing. And when -- when we saw soldiers, the LRA that were in the centre
11 started shooting at the people who were there.

12 PRESIDING JUDGE SCHMITT: [15:51:11] How did you see that there were soldiers?

13 THE WITNESS: [15:51:22] (Interpretation) They were wearing army uniform and
14 they also had guns. That's how we knew they were soldiers.

15 PRESIDING JUDGE SCHMITT: [15:51:33] And did they also shoot at you?

16 THE WITNESS: [15:51:40] (Interpretation) Yes, they shot at -- they shot at us.

17 PRESIDING JUDGE SCHMITT: [15:51:44] Please continue, Mr Choudhry.

18 MR CHOUDHRY: [15:51:49]

19 Q. [15:51:49] Just picking up from that, Mr Witness, who started shooting?

20 A. [15:52:07] I don't recall who started shooting because gunshots started coming
21 from the barracks and then we also joined. We -- we do not know who started shooting.

22 Q. [15:52:23] Did you, yourself, shoot a gun?

23 A. [15:52:30] Yes, I did.

24 PRESIDING JUDGE SCHMITT: [15:52:35] Excuse me, because it really fits, I think.

25 Were you surprised that there were also soldiers when you went to the centre?

1 THE WITNESS: [15:53:02] (Interpretation) I have not understood the question.

2 PRESIDING JUDGE SCHMITT: [15:53:05] When you went with the other LRA fighters
3 to the centre, what kind of people did you expect to be there?

4 THE WITNESS: [15:53:21] (Interpretation) We did not have particular people to
5 expect because we did not know who was there, we didn't think there were only civilians
6 or only soldiers.

7 PRESIDING JUDGE SCHMITT: [15:53:35] Please continue.

8 MR CHOUDHRY: [15:53:40]

9 Q. [15:53:41] What was the purpose of the LRA fighters when they went to the centre?

10 A. [15:54:03] I do not know why. At that point, I do not know why they started
11 fighting, why they first of all joined the bush from the start, but what I see is that
12 whenever fighting is -- is there the LRA will want to win, to win the battle, to loot
13 whatever they want from there.

14 Q. [15:54:30] When the LRA went to Odek centre, did any looting happen?

15 A. [15:54:45] Yes, things were looted.

16 Q. [15:54:51] Who carried out the looting?

17 A. [15:54:59] The LRA fighters who went there.

18 Q. [15:55:05] Where did they loot items from?

19 A. [15:55:12] From the homes of civilians.

20 Q. [15:55:17] Did you see this with your own eyes?

21 A. [15:55:27] Yes, I saw things that were looted, I saw things carried from people's
22 houses.

23 Q. [15:55:37] What items were looted?

24 A. [15:55:48] The things that were looted included, among others, clothes to wear,
25 shoes, other people would take cooking oil, salt. Those are the kind of things that were

1 looted.

2 Q. [15:56:09] Did you, yourself, loot any items?

3 A. [15:56:16] No, I did not loot anything.

4 Q. [15:56:22] How did the LRA fighters treat the homes that they looted items from?

5 A. [15:56:41] Some people when they loot they would carry -- carry themselves,
6 probably they have -- the item they looted are not heavy. Others, they abduct civilians to
7 help carry.

8 Q. [15:57:00] Mr Witness, I would just like to ask you to focus on civilian houses.

9 Other than loot items from civilian houses, what, if anything, did the LRA fighters do to
10 the civilian houses?

11 A. [15:57:22] What I saw happening, when we were leaving, I saw houses burning. I
12 saw houses in flames.

13 Q. [15:57:35] How did the houses get to be on flames?

14 A. [15:57:45] I do not know how they started burning because I did not see anybody
15 torching the different houses.

16 Q. [15:58:17] Mr Witness, you've told us that some people were abducted. Who was
17 abducted?

18 A. [15:58:29] They were civilians.

19 Q. [15:58:37] And who were the civilians abducted by?

20 A. [15:58:46] The LRA.

21 MR CHOUDHRY: [15:58:51] Your Honour, I'm conscious of the time. So I don't know
22 whether your Honour wishes to break now or wishes me to just continue. There's still a
23 few questions that I have for (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [15:59:01] I would assume that here you would
25 have -- perhaps you would need more than five minutes, so to speak. So I think we

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- 1 indeed stop for today because we know that there is another date for somebody in the
- 2 room.
- 3 So this concludes the hearing for today and we continue tomorrow at 9.30.
- 4 MR CHOUDHRY: [15:59:18] Thank you.
- 5 THE COURT USHER: [15:59:19] All rise.
- 6 (The hearing ends in open session at 3.59 a.m.)