

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 Peter Kovacs and
6 Judge Raul Pangalangan
7 Trial Hearing - Courtroom 3
8 Thursday, 30 March 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:55] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:12] Good morning everyone.
13 Would the court officer please call the case.
14 THE COURT OFFICER: [9:31:17] Good morning, your Honours.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus
16 Dominic Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:31:31] And for the appearances of the parties.
19 First the Prosecution, please.
20 MR CHOUDHRY: [9:31:36] Your Honour, Kamran Choudhry, together with
21 Colin Black, Beti Hohler, Pubudu Sachithanandan, Yulia Nuzban, Sanyu Ndagire,
22 Mari Pilvio and Ramu Bittaye.
23 PRESIDING JUDGE SCHMITT: [9:31:49] Thank you.
24 And Mr Cox for the Legal Representative of Victims.
25 MR COX: [9:31:53] Good morning, your Honours. Francisco Cox and

1 James Mawira for the victims.

2 MR NARANTSETSEG: [9:31:59] Good morning, your Honours, for the Common
3 Legal Representative, Orchlon Narantsetseg and Jacqueline Atim. Thank you.

4 PRESIDING JUDGE SCHMITT: [9:32:05] And now for the Defence, Mr Obhof.

5 MR OBHOF: [9:32:08] Good morning, your Honours, with us today is
6 counsel Ayena Odongo, associate counsel Chief Charles Achaleke Taku, our case
7 manager Roy Titus Ayena, our client Dominic Ongwen and myself, Thomas Obhof.

8 PRESIDING JUDGE SCHMITT: [9:32:23] Mrs Kerwegi.

9 MS KERWEGI: [9:32:24] Good morning, your Honours, Sarah Kerwegi.

10 PRESIDING JUDGE SCHMITT: [9:32:30] I have to admit that I have a problem with
11 my microphone, I don't hear it.

12 (Microphone not activated)

13 Mr Choudhry, you have the floor and we give it a try.

14 MR CHOUDHRY: [9:32:56] Your Honour, I believe my learned friend --

15 PRESIDING JUDGE SCHMITT: [9:32:59] No, I don't -- that's not -- I don't hear
16 anything. So there's a problem here, a technical problem.

17 So let's try another tool.

18 MR CHOUDHRY: [9:33:20] Good morning, your Honour, are you able to hear me?

19 PRESIDING JUDGE SCHMITT: [9:33:22] Too loud now because I have tried to
20 enhance it, but I hear you. So, Mr Choudhry, you have the floor now and, yeah, you
21 don't have to speak up too much now. No, I understand everything now. Thank
22 you.

23 MR CHOUDHRY: [9:33:39] Your Honour, I believe it's my learned friends in the
24 Defence who now have the floor to continue their examination.

25 PRESIDING JUDGE SCHMITT: [9:33:44] That's true. So I was of course a little

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1 irritated because I was not connected really. So Mr Obhof, of course Mr Obhof has
2 the floor.

3 MR OBHOF: [9:33:55] Good morning, Mr President.

4 WITNESS: UGA-OTP-P-0309 (On former oath)

5 (The witness speaks Acholi)

6 QUESTIONED BY MR OBHOF: (Continuing)

7 Q. [9:34:00] Good morning, Mr Witness.

8 PRESIDING JUDGE SCHMITT: [9:34:01] We are not on re-direct already.

9 MR OBHOF: [9:34:04] That's understandable, it's a beautiful morning and do we
10 really want to be in court today?

11 Your Honour, we would request to go into private session for two questions.

12 PRESIDING JUDGE SCHMITT: [9:34:14] Private session, please.

13 (Private session at 9.34 a.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Open session at 9.35 a.m.)

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1 THE COURT OFFICER: [9:35:37] We are back in open session, Mr President.

2 MR OBHOF: [9:35:51]

3 Q. [9:35:51] And then you told the Prosecution that you did not meet Mr Ongwen
4 the first day that you arrived in Wanduku, you met him on the next day; is that
5 correct?

6 A. [9:36:15] I don't remember.

7 Q. [9:36:17] I'll just read from paragraph 23 to see if it refreshes your memory.
8 Paragraph 23 of tab 1, it is on page 0475.

9 "The next day they gathered all of the abductees in a compound. There were many
10 abductees but I do not know the number. Ongwen sat on a stool in the middle of us."
11 And for reference, in the previous paragraph you said you arrived Wanduku on the
12 next day at 11 a.m. So does that sound correct, Mr Witness?

13 A. [9:37:09] That's correct.

14 Q. [9:37:11] And at that time when you were meeting with Mr Ongwen you told
15 him that you were 14; is that correct?

16 A. [9:37:30] That's correct.

17 MR OBHOF: [9:37:32] Your Honours, I'll need to go into private session just for one
18 question, please.

19 PRESIDING JUDGE SCHMITT: [9:37:39] (Microphone not activated) Private
20 session.

21 (Private session at 9.37 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Open session at 9.38 a.m.)

7 THE COURT OFFICER: [9:38:47] We are back in open session, Mr President.

8 MR OBHOF: [9:38:59]

9 Q. [9:39:00] And, Mr Witness, you told the Prosecution in your statement that:

10 "I heard the other boys' ages which were between 15 and 16."

11 That's from tab 1 on page 0476, paragraph 23. But on Tuesday you told the Court

12 that you estimated their ages around 15, 14 or 13. Now, Mr Witness, why the change

13 in the ages, because in your statement with the Prosecution you stated that you

14 personally heard them say those ages, but when you discussed it in court you were

15 estimating their ages?

16 A. [9:39:55] What I told the Court was when we were gathered together people

17 were asked to mention their ages, so I was asked whether I heard the ages that were

18 mentioned. And another question I was asked was whether I had seen some of the

19 children I was going to school with, I had seen them there and if I could estimate their

20 age I should be able to mention. So if you look at that response there were actually

21 two questions that I was given separately.

22 Q. [9:40:33] But, Mr Witness, you were only abducted with six people; isn't that

23 correct?

24 A. [9:40:51] I was not abducted with only six other people. There were also other

25 people who were captured but the ones that I knew were six -- were the six that I

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1 mentioned.

2 MR OBHOF: [9:41:18] Sorry, I'm just turning -- I'm just turning to the page on the
3 transcript.

4 PRESIDING JUDGE SCHMITT: [9:41:32] Perhaps in the meantime --

5 MR OBHOF: [9:41:33] Yes, page 16 of T-60.

6 PRESIDING JUDGE SCHMITT: [9:41:36] Perhaps in the meantime, Mr Witness,
7 you have already heard one sentence from your statement to the Prosecutor:

8 "I heard the other boys' ages which were between 15 and 16."

9 Was every boy asked his age?

10 THE WITNESS: [9:42:02] (Interpretation) Yes, they were asked to mention their
11 ages.

12 PRESIDING JUDGE SCHMITT: [9:42:05] And did you hear the responses of all the
13 boys?

14 THE WITNESS: [9:42:18] (Interpretation) I heard only for the few that I knew, but
15 I didn't know, I didn't hear for all the other boys.

16 PRESIDING JUDGE SCHMITT: [9:42:27] And the sentence that I read to you and
17 also Mr Obhof, does this refer to what you heard from these boys?

18 THE WITNESS: [9:42:44] (Interpretation) Yes, that is what I heard from them as
19 they were mentioning.

20 PRESIDING JUDGE SCHMITT: [9:42:47] Thank you, Mr Witness.

21 Mr Obhof, you can continue please.

22 MR OBHOF: [9:42:52] Thank you, your Honour.

23 Q. [9:42:55] So this is the question, Mr Witness: How many people were you
24 abducted with?

25 A. [9:43:10] If from my home we were about four people, but only three of us

1 were captured and taken. We were added on to the other children who also stay in
2 the same neighbourhood and we were going to the same school with them, and we
3 went with them all together, but I knew three other children amongst the ones that we
4 were added to.

5 Q. [9:43:41] So how many people made the trek from where you were abducted
6 to -- to Wanduku, or how many abductees?

7 A. [9:43:58] I can't tell the total number of the people that went.

8 Q. [9:44:09] But out of all these abductees only six of you were tied together?

9 A. [9:44:22] Yes, the six of us were tied together.

10 Q. [9:44:27] And nobody else that was abducted was tied?

11 A. [9:44:40] Some people were also tied, but my focus was only on the -- the few of
12 us who were tied together. I did not observe the other people, whether there was
13 another group that were also tied.

14 Q. [9:45:02] Mr Witness, when you arrived in Wanduku how many new abductees
15 would you estimate were there?

16 A. [9:45:24] There were many people who were captured and I can't estimate the
17 total number, and that because we were not the only ones who were brought there,
18 there were people who were also brought from other places.

19 Q. [9:45:40] Would you say around 50 or 100, 150, 200? I mean estimating by
20 fifties, we know they're just estimates, but can you venture a guess?

21 A. [9:45:55] I did not even try to estimate.

22 Q. [9:46:03] Were there more abductees than armed LRA soldiers?

23 A. [9:46:15] The LRA soldiers were not gathered at the same place where we were
24 gathered, so that's why I couldn't compare and know whether the abducted people or
25 the abductees were more than the LRA soldiers.

1 Q. [9:46:38] Now, in paragraph 25 of your statement that you gave to the
2 Prosecutor, at tab 1, you mention that some of the abductees came from Kitgum.
3 Were there any abductees from Pajule?

4 A. [9:47:07] I don't recall that now.

5 Q. [9:47:14] Now, Mr Witness, on the first day which you arrived in Wanduku,
6 was there a dance contest?

7 A. [9:47:31] I didn't see any dance contest.

8 Q. [9:47:39] Was there any sort of competition in which sweets and biscuits were
9 given to the winner, which would have been a newly abducted person?

10 A. [9:47:59] I didn't see any competition.

11 Q. [9:48:11] Now, Mr Witness, once you arrived in Wanduku, approximately how
12 many days did you stay there?

13 A. [9:48:30] We arrived around 11 a.m. in the morning and around 2 to 3 p.m. we
14 left that place.

15 Q. [9:48:49] Where did you go when you left Wanduku?

16 A. [9:48:59] I don't now recall the areas we're moving in because that was a
17 strange place, I had not lived there before, so I don't know.

18 Q. [9:49:19] Did you head north, south, east or west, Mr Witness?

19 A. [9:49:35] We went towards the west -- toward the east.

20 Q. [9:49:42] Do you remember how long you walked for?

21 A. [9:49:50] I don't recall.

22 Q. [9:49:55] Right after being abducted, did you go to a place called Kompetene?

23 A. [9:50:14] I heard about that place called Kompetene, but I don't know if that
24 was the right -- the same place that we stayed in or I passed through.

25 Q. [9:50:29] Now, you just stated that you stayed in Wanduku for roughly three to

1 four hours after arriving there, so you actually met Mr Ongwen in a different place
2 and not in Wanduku?

3 A. [9:50:57] I had said the place from where I was captured we moved and slept in
4 a certain village, but where we slept Ongwen was not there, we had not yet reached
5 where he was. We reached where he was the next day.

6 Q. [9:51:26] And the next day when you arrived did anybody tell you what
7 location that was, or do you know the name of the location?

8 A. [9:51:46] When I arrived there I hadn't known that that place was called
9 Wanduku, but later on when we started moving and walking in the area that is when I
10 came to know that that place was called Wanduku, but I didn't know that before.

11 Q. [9:52:10] Just because I understand it was 15 years ago, I just want to read you
12 paragraph 22 from tab 1, again on page 0475, and see if this is correct:

13 "We later went to the main base at Wanduku where the main group of rebels was
14 located and we arrived there at around 11 a.m. This is where we met the commander,
15 Dominic Ongwen, also called Odomi."

16 Does this refresh your memory or not?

17 A. [9:52:47] Yes, it does.

18 Q. [9:52:50] Thank you. Now, Mr Witness, you stated that after you left
19 Wanduku you went to Lanyatido. You stated:

20 "That place was so far so we walked for a long time from noon to around 6 p.m."

21 Is that correct, Mr Witness?

22 A. [9:53:32] I don't know whether the written statement was written consistently
23 because I did not mention the dates one by one or in order, but I was explaining what
24 happened in the bush.

25 PRESIDING JUDGE SCHMITT: [9:53:53] I think this is paragraph 32.

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1 MR OBHOF: [9:53:56] That is correct, your Honour, I was going to read the entire
2 paragraph out for him.

3 PRESIDING JUDGE SCHMITT: [9:54:00] Yes, exactly.

4 MR OBHOF: [9:54:06] From page 0477 of tab 1, paragraph 32.

5 MS KERWEGI: [9:54:14] May it please, your Honours.

6 MR OBHOF: [9:54:16] Yes, this would be in private session. Yes. Yes.

7 PRESIDING JUDGE SCHMITT: [9:54:21] Mrs Kerwegi, private session.

8 (Private session at 9.54 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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16 (Redacted)

17 (Redacted)

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5 (Open session at 9.56 a.m.)

6 THE COURT USHER: [9:56:51] We are back in open session, Mr President.

7 MR OBHOF: [9:57:08]

8 Q. [9:57:08] Now, Mr Witness, from this time from when you were abducted to
9 when there was an attack at the Lanyatido barracks, do you remember any other
10 attacks being carried out by Mr Ongwen's group?

11 A. [9:57:37] When I was just abducted, if there's any attack which I can easily
12 remember when I'd just been abducted I did not recall, because even the new
13 abductees were not immediately sent for an attack. But the one that I can easily
14 remember was there at Lanyatido where some --

15 THE INTERPRETER: [9:58:07] Interpreter corrects.

16 THE WITNESS: (Interpretation) -- at Wanduku, where there were some
17 government soldiers who were following us and some of the LRA fighters were saying
18 that one of the LRA commander called Ot Ngec was also shot at that battle. So that is
19 what I first learnt from there.

20 MR OBHOF:

21 Q. [9:58:31] Was that after you arrived at Wanduku or was that on your way to
22 Wanduku after you had been abducted, Mr Witness?

23 A. [9:58:45] That was when I was already with Dominic.

24 MR OBHOF: [9:58:49] I'm sorry, your Honour, because of his answer before I will
25 need one question in private session.

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- 1 PRESIDING JUDGE SCHMITT: [9:58:54] Private session.
- 2 (Private session at 9.58 a.m.)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
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15 (Redacted)

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21 (Redacted)

22 (Open session at 10.04 a.m.)

23 THE COURT OFFICER: [10:04:33] We are back in open session, Mr President.

24 MR OBHOF: [10:04:43]

25 Q. [10:04:44] Now, Mr Witness, the short engagement you discussed about -- in

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1 Wanduku before Lanyatido, was that LRA going to attack UPDF, or was that UPDF
2 coming to attack LRA?

3 A. [10:05:13] I have not understood the question.

4 Q. [10:05:19] Earlier, Mr Witness, we discussed when you left Wanduku and were
5 going to Lanyatido and I asked if there were any, any engagements, any battles at that
6 time -- or, sorry, before Lanyatido, and you stated there was a small one in Wanduku.
7 And do you know if that small fight in Wanduku after you had met Mr Ongwen, was
8 that LRA going to fight UPDF, or was that UPDF coming to fight LRA, or was it an
9 ambush by UPDF or LRA?

10 A. [10:06:11] The incident at Wanduku, it was -- we were being pursued by the
11 government soldiers. We went ahead and those who remained behind were the ones
12 who were attacked.

13 Q. [10:06:29] Thank you, Mr Witness.

14 Now, Mr Witness, I'm going to read off a rather long list of names. When I read the
15 name, if you know the person or if you don't know the person please answer "yes" or
16 "no" and if you do know the person could you -- or know who the person is could you
17 briefly describe that person, please. And I do apologise to you, Mr Witness, some of
18 these names will be repetitive of what the Prosecution asked before, but not all of
19 them.

20 The first name, Mr Witness, is Lapaico, do you know who Lapaico is or have you
21 heard of him?

22 A. [10:07:22] Yes, I have heard about him.

23 Q. [10:07:24] Could you please explain to Court who Lapaico is?

24 A. [10:07:35] I heard, I did not see him, so I cannot explain who he is.

25 Q. [10:07:42] Do you know if he was a commander or not?

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- 1 A. [10:07:56] According to what I heard, Lapaico was a commander.
- 2 Q. [10:08:03] Do you know what group he was in?
- 3 A. [10:08:10] I do not recall his group.
- 4 Q. [10:08:17] Do you know who Icaya Loum is, Mr Witness?
- 5 A. [10:08:29] When you say "Icaya Loum" I probably don't know.
- 6 Q. [10:08:33] Sorry, that was my pronunciation. It is with an I, Icaya, or Icaya,
- 7 Icaya Loum.
- 8 A. [10:08:43] No, I don't.
- 9 Q. [10:08:51] Acellam Ben?
- 10 A. [10:08:56] Yes, I heard about Acellam.
- 11 Q. [10:09:01] You heard about Acellam or Acellam Ben?
- 12 A. [10:09:10] Yes, I heard about Acellam.
- 13 Q. [10:09:13] Could you please describe or tell us was Acellam a commander or
- 14 not?
- 15 A. [10:09:26] I heard that Acellam was a commander, was a commander in the
- 16 LRA, but I did not know which group he was commanding.
- 17 Q. [10:09:40] Do you know who Cesar Acellam is?
- 18 A. [10:09:55] I -- I don't know if it is different from the one that I answered earlier.
- 19 Q. [10:10:02] It's okay. Do you know who Acellam Smart is?
- 20 A. [10:10:17] I heard about the name Acellam Smart, but I cannot differentiate
- 21 between Acellam and Acellam Smart. I don't know if he's one and the other.
- 22 Q. [10:10:27] It's okay. And the final Acellam, Michael Odongo Acellam?
- 23 A. [10:10:41] I did not hear about him.
- 24 Q. [10:10:49] Ocan George Labongo.
- 25 A. [10:11:01] The name Ocan George Labongo I am not aware, but I heard about

1 the name Labongo.

2 Q. [10:11:07] The Labongo you heard, was that person a commander or not?

3 A. [10:11:19] The Labongo I heard of was -- had stayed longer in the LRA. I do
4 not know about his responsibilities and ranks.

5 Q. [10:11:35] Did you ever hear about which group he was in?

6 A. [10:11:47] If it's about the Labongo I heard of, then he was in Dominic's group,
7 but I did not know which home he was staying in.

8 Q. [10:12:02] The name Sisto Oringa.

9 A. [10:12:16] I never heard about Sisto Oringa.

10 Q. [10:12:21] The name Buk Abudema.

11 A. [10:12:28] I heard.

12 Q. [10:12:32] Did you hear if he was a commander or not?

13 A. [10:12:40] I heard that he was a commander.

14 Q. [10:12:47] Do you know which group he commanded?

15 A. [10:12:54] I do not know the group that he was commanding, but sometimes he
16 would meet Dominic's group and he would proceed with his movement.

17 Q. [10:13:08] Would Dominic give orders to Buk Abudema or would
18 Buk Abudema give orders to Dominic?

19 A. [10:13:22] I was not present at any of the meetings that they had, so I do not
20 know who gives the other orders.

21 Q. [10:13:34] The name Charles Tabuley?

22 A. [10:13:46] I never heard the name Charles, but I heard about the name Tabuley.

23 Q. [10:13:54] For the name that you heard of Tabuley, was he a commander or
24 not?

25 A. [10:14:04] The Tabuley I heard of was in his own group, like the one of Dominic,

1 was at the same level with the one of Dominic and sometimes he would meet them in
2 the bush.

3 Q. [10:14:24] The name Bogi Bosco.

4 A. [10:14:33] I heard about the name Bogi.

5 Q. [10:14:39] Do you know if he was commander or not?

6 A. [10:14:49] I did not have the chance to stay with him. I do not know if he was
7 a commander from his group.

8 Q. [10:15:00] Do you know which group he was in, Mr Witness?

9 A. [10:15:07] I do not recall his group.

10 Q. [10:15:15] Do you know the name Charles Kapere?

11 A. [10:15:24] I don't know.

12 Q. [10:15:29] The name Nyeko Tolbert Yadin?

13 A. [10:15:41] The name Nyeko Tolbert I am not familiar with, but I heard about
14 the name Yadin.

15 Q. [10:15:52] The name that you did hear about, Yadin, was that person a
16 commander?

17 A. [10:16:06] We used to meet them while on the move. He was with a different
18 group. I do not know if he was a commander in that group.

19 Q. [10:16:27] Do you know which group he was in?

20 A. [10:16:33] I don't know.

21 Q. [10:16:41] Celestino Akuri?

22 A. [10:16:49] I don't know.

23 Q. [10:16:51] Did you know anybody who went simply by the name of Cele?

24 A. [10:17:03] I never heard.

25 Q. [10:17:06] David Oyenga.

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- 1 A. [10:17:12] I heard about Oyenga.
- 2 Q. [10:17:16] Was he a commander?
- 3 A. [10:17:26] Oyenga was people who were under Dominic, he was a commander
4 under Dominic.
- 5 Q. [10:17:39] Do you know which group he was in?
- 6 A. [10:17:49] Yes, I do know.
- 7 Q. [10:17:55] Could you tell the Court, please, which group he was in.
- 8 A. [10:18:06] He was under Dominic's group.
- 9 Q. [10:18:10] Was he under Dominic's group the whole time you were in the bush?
- 10 A. [10:18:24] I do not recall because we kept splitting here and there. I don't
11 recall when I split with him because by the time I was escaping and returning home he
12 was no longer in the small group I was in.
- 13 Q. [10:18:48] Do you know if he escaped?
- 14 A. [10:18:55] I do not know.
- 15 Q. [10:18:59] The person by the name of Lakati?
- 16 A. [10:19:09] I heard about Lakati.
- 17 Q. [10:19:13] Do you know if Lakati was a commander?
- 18 A. [10:19:21] I just heard about it. I don't know much about him.
- 19 PRESIDING JUDGE SCHMITT: [10:19:29] Are there many more names on the list,
20 Mr Obhof?
- 21 MR OBHOF: [10:19:33] There are about seven or eight. I mean the Prosecution
22 did the same thing during their interviews (Overlapping speakers)
- 23 PRESIDING JUDGE SCHMITT: [10:19:40] Because of that I did not intervene, but I
24 just wanted to inquire if, just for the sake of being informed, so to speak, how long the
25 list would be. But indeed the Prosecution did the same, with lesser names, but if it is

- 1 seven or eight, okay.
- 2 MR OBHOF: [10:20:01]
- 3 Q. [10:20:02] I'm sorry, Mr Witness, one follow-up question on David Oyenga.
- 4 What was he doing in Dominic's group? Do you know what his job was?
- 5 A. [10:20:18] I did not know his role.
- 6 Q. [10:20:25] The name Leonard Bwone?
- 7 A. [10:20:33] Can you repeat the name, please?
- 8 Q. [10:20:36] Leonard Bwone.
- 9 For the interpreters, it's spelt B-W-O-N-E.
- 10 A. [10:20:48] I never heard.
- 11 Q. [10:20:55] Alfred Okello?
- 12 A. [10:20:58] I never heard.
- 13 Q. [10:21:05] Ocan Bunia?
- 14 A. [10:21:12] I heard.
- 15 Q. [10:21:13] Was he a commander?
- 16 A. [10:21:19] I used to hear that Bunia was also a commander.
- 17 Q. [10:21:26] Do you know which group he was in?
- 18 A. [10:21:33] I do not know his group.
- 19 Q. [10:21:39] Okwango Alero? Okwango, Okwango Alero?
- 20 A. [10:21:50] I heard about Okwango Alero.
- 21 Q. [10:21:53] Was he a commander and do you know which group he was in?
- 22 A. [10:22:05] I do not recall.
- 23 Q. [10:22:11] Okello Pokot?
- 24 A. [10:22:21] I never heard.
- 25 Q. [10:22:33] Onek Padibay?

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- 1 A. [10:22:41] I never heard.
- 2 MR OBHOF: [10:22:45] Two more names.
- 3 Q. [10:22:49] Vincent Etolu?
- 4 A. [10:22:57] I never heard.
- 5 Q. [10:23:00] And the last one, Onen Unita?
- 6 A. [10:23:12] The Onen name many. I heard about many Onens while in the
- 7 bush. I never heard about the name Unita, so I don't know which one was called
- 8 Unita.
- 9 MR OBHOF: [10:23:29] Sorry, your Honour, our counsel informed me I missed one
- 10 name or two, two names, sorry.
- 11 PRESIDING JUDGE SCHMITT: [10:23:36] You know, after this extensive procedure
- 12 we would not, of course, would not intervene for one further name. Please do it.
- 13 MR OBHOF: [10:23:46]
- 14 Q. [10:23:52] Mr Witness, Kenneth Banya?
- 15 A. [10:24:01] I heard.
- 16 Q. [10:24:02] Was he a commander?
- 17 A. [10:24:13] I was not together with Kenneth Banya, but what I heard he was a
- 18 commander in the LRA.
- 19 Q. [10:24:23] And do you know which group he was in, Mr Witness?
- 20 A. [10:24:30] I do not know.
- 21 Q. [10:24:32] I promise the last name: Sam Kolo?
- 22 A. [10:24:38] I heard.
- 23 Q. [10:24:41] Do you know if he was a commander?
- 24 A. [10:24:52] I -- I know that he was a commander.
- 25 Q. [10:24:58] And do you know which group he commanded?

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1 A. [10:25:01] I do not know the group he was commanding because he would
2 come and meet us along the way.

3 Q. [10:25:12] Thank you, Mr Witness.

4 And thank you, your Honours, and everybody, for the long list of names.

5 Now, Mr Witness, do you remember when Mr Ongwen was shot in his right leg?

6 A. [10:25:38] I do not recall the exact date.

7 Q. [10:25:45] Do you know how many months you had been in the LRA?

8 A. [10:25:59] I do not recall.

9 Q. [10:26:02] Do you remember was it a rainy season or a dry season?

10 A. [10:26:16] I do not recall.

11 Q. [10:26:19] Were the groundnuts being harvested?

12 A. [10:26:33] I had not planted any groundnuts at the time so I wouldn't know,
13 because at that time I was longer at home and I was not involved in farming.

14 Q. [10:26:44] Had you been trained yet?

15 A. [10:26:55] I don't recall.

16 Q. [10:27:02] Mr Witness, around what geographical location was Mr Ongwen
17 shot in the leg?

18 A. [10:27:29] When Ongwen was shot I was among those who had remained
19 behind. I was not present where he was shot from.

20 Q. [10:27:42] Where was he going because you stated that you had remained
21 behind?

22 A. [10:27:54] I heard from my colleagues that they were going for an attack.

23 Q. [10:28:03] Do you know where they were going to attack, the name of the town,
24 sub-county?

25 A. [10:28:19] I do not recall.

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1 Q. [10:28:24] Mr Witness, you attended to Mr Ongwen whilst he was in sickbay; is
2 that correct?

3 A. [10:28:40] Yes, indeed.

4 Q. [10:28:44] Were you there for his entire stay in the sickbay?

5 A. [10:28:56] Yes, I was.

6 Q. [10:29:00] And you stated yesterday that Mr Ongwen was in sickbay for four to
7 six months after his injury and that you could not recall any missions being launched
8 by Mr Ongwen's group whilst in sickbay; is that correct?

9 A. [10:29:32] Yes.

10 MR OBHOF: [10:29:35] I would kindly ask the court officer to pull up tab 11, it is
11 confidential, and it is UGA-D26-0015-0080, it's is a single-page photo. Not to be
12 shown to the public.

13 Q. Now, Mr Witness, do you see the photograph on your screen right now?

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

15 Q. [10:30:34] The hole we see in Mr Ongwen's leg, is that the injury that you
16 attended to for four to six months?

17 A. [10:30:58] I don't remember if this was the injury. I don't know if he got
18 another injury after I had left.

19 Q. [10:31:12] Do you remember which leg Mr Ongwen was hurt on?

20 A. [10:31:27] Yes, I remember.

21 Q. [10:31:28] And which leg was that, Mr Witness?

22 A. [10:31:39] I remember it was the left leg which was injured.

23 Q. [10:31:54] Now please excuse me, Mr Witness, but are you sure it was his left
24 leg?

25 A. [10:32:15] It's -- it's on the right. If I say the -- if I say the right, it's the right

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1 that -- the hand that he uses for eating.

2 Q. [10:32:33] Now, Mr Witness, in your statement to the Prosecution you said that:

3 "No one visited Ongwen while he was in the bay. This was to prevent the UPDF

4 following other LRA troops to the bay."

5 And that's from tab 1, page 0491, paragraph 118. Is this still your statement today,

6 Mr Witness?

7 A. [10:33:06] Yes, I do remember.

8 PRESIDING JUDGE SCHMITT: [10:33:08] Could we perhaps shortly clarify

9 something. I'm not sure if there is an issue with the interpretation because on

10 page 27, 9 and 10, it says, as the answer of the witness, if I say the right, it is the one

11 that he uses for eating. So I fail a little bit to understand what this means, if it was

12 interpreted correctly. Perhaps I repeat it.

13 Mr Witness, we have here as interpretation that you answered, if I say the right, it is

14 the one that he uses for eating. And if you said so, what do you mean by the one

15 "that he uses for eating"?

16 THE WITNESS: [10:34:00] (Interpretation) When I say like that, I am making

17 comparison to the right hand that he uses to eat, so the part of the leg that was injured

18 was on the side of his arm where he used to eat.

19 PRESIDING JUDGE SCHMITT: [10:34:19] Thank you very much.

20 So we, frankly speaking, I did not understand it first, what it meant, but thank you for

21 the explanation.

22 MR OBHOF: [10:34:27] That's understandable. I've seen Mr Ongwen eat many

23 times so I know he eats with his right hand, so we understood the witness perfectly.

24 Sorry about that, Judge.

25 PRESIDING JUDGE SCHMITT: [10:34:36] No, you don't have to be sorry about

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1 that. This was simply not self-explanatory and we have clarified it now, also for
2 those who did not know before what it was about.

3 Now, please, Mr Obhof.

4 MR OBHOF: [10:34:53]

5 Q. [10:34:53] Now, Mr Witness, so during your time in the bay with Mr Ongwen
6 while he was recovering, Otti Vincent, Raska Lukwiya, Tabuley, Yadin, none of them
7 came?

8 A. [10:35:21] I didn't see those people there.

9 Q. [10:35:25] Buk Abudema, David Oyenga, Cesar Acellam?

10 A. [10:35:33] I don't remember.

11 Q. [10:35:37] Was David Oyenga at the bay with you?

12 A. [10:35:47] I don't remember that.

13 Q. [10:35:54] Now, during these four to six months, Mr Witness, do you remember
14 where the sickbay was located?

15 A. [10:36:13] I can recall.

16 Q. [10:36:21] Did somebody take over Mr Ongwen's work whilst he was in
17 sickbay?

18 A. [10:36:34] I don't know.

19 Q. [10:36:38] Would you know if somebody named Celestino Akuri, Okello Pokot
20 or Onek Padibay was with Mr Ongwen's group during his injury and after his injury?

21 A. [10:37:07] I can't remember those details now.

22 Q. [10:37:19] Did the sickbay have a commander?

23 A. [10:37:32] I don't know who was appointed to be the commander of the
24 sickbay.

25 Q. [10:37:41] Now, I know in your statement you speak a little of somebody by the

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1 name of Odong Cow, was he in sickbay while Dominic was in sickbay with you?

2 A. [10:37:59] I don't recall that now.

3 Q. [10:38:10] Was Odong Cow in the LRA the entire time you were in the LRA?

4 A. [10:38:25] When I was still in the LRA, I -- I saw him for only a short while, but
5 then afterwards I heard that he had escaped and had returned home and I never saw
6 him again.

7 Q. [10:38:44] Would you say that he escaped before you escaped?

8 A. [10:38:54] I was still in the LRA.

9 Q. [10:39:04] Now, Mr Witness, you stated that you could not remember whether
10 Mr Ongwen had a radio while in sickbay. Did he have a mobile phone while he was
11 in sickbay?

12 A. [10:39:30] At the time he was in the sickbay I didn't know what he was using
13 for communication because I don't remember what he was actually using to
14 communicate.

15 Q. [10:39:46] Now, Mr Witness, while taking care of Mr Ongwen in sickbay, did
16 Ongwen ever try to contact anybody from the government of Uganda?

17 A. [10:40:04] I didn't hear about it.

18 Q. [10:40:07] Did Mr Ongwen ever try to contact General Salim Saleh of the
19 UPDF?

20 A. [10:40:22] I didn't hear.

21 Q. [10:40:26] Did Mr Ongwen ever receive a bag of money, uniforms and
22 ammunition from General Salim Saleh?

23 A. [10:40:42] I didn't hear about that.

24 Q. [10:40:46] Did you ever hear of General Salim Saleh trying to send food to
25 Mr Ongwen at the sickbay?

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1 A. [10:40:58] No, I didn't hear.

2 Q. [10:41:03] Do you remember ever hearing Mr Ongwen trying to initiate a peace
3 talk with the government of Uganda whilst in the sickbay along with Otti Vincent and
4 Nyeko Tolbert Yadin?

5 A. [10:41:24] I didn't hear.

6 Q. [10:41:30] Did you ever overhear Mr Ongwen talking to -- trying to talk to
7 Salim Saleh in order to escape from the LRA whilst he was in sickbay?

8 A. [10:41:47] I didn't hear.

9 Q. [10:41:49] I'm sorry to repeat this name, but did Otti Vincent ever visit
10 Mr Ongwen while in sickbay?

11 A. [10:42:11] I don't recall.

12 Q. [10:42:17] Was Mr Ongwen ever ordered to go to Otti Vincent whilst in
13 sickbay?

14 A. [10:42:34] I didn't know about that.

15 Q. [10:42:42] Was there a time either while in sickbay or shortly thereafter where
16 Mr Ongwen received 400 to 500 lashes from Otti Vincent?

17 A. [10:43:06] I didn't hear about any lashes that he was given.

18 Q. [10:43:19] A little bit back on the people who were in sickbay. Was Okello
19 Richard in sickbay?

20 A. [10:43:33] I don't recall.

21 Q. [10:43:36] Now, while you might not have known, did you -- what was in a bag,
22 did you ever see anyone guarding a duffle bag whilst in sickbay, of course? Sorry.

23 A. [10:44:02] Could you say the question again so that I understand clearly?

24 Q. [10:44:10] Sorry about that because I broke it up. Did you ever see any one of
25 Mr Ongwen's escorts protecting a duffle bag whilst you were in sickbay?

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1 A. [10:44:32] At the time we were at the sickbay, I never saw any bag that was
2 being kept, or any big bag that was being kept, but there was a small bag that I used to
3 carry. He gave it to me and I would tie around my waist. And it had his pips
4 inside.

5 MR OBHOF: [10:44:57] Your Honour, could we go into private session for a few
6 questions, please?

7 PRESIDING JUDGE SCHMITT: [10:45:02] Private session.

8 Is it about sickbay?

9 MR OBHOF: [10:45:07] It deals with people in sickbay that might identify who he is,
10 for the same reason why we went into it the other day.

11 (Private session at 10.45 a.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Open session at 10.46 a.m.)

20 THE COURT OFFICER: [10:46:07] We're back in open session, Mr President.

21 MR OBHOF: [10:46:20]

22 Q. [10:46:20] Mr Witness, while Mr Ongwen was in sickbay, how many people
23 were in sickbay?

24 A. [10:46:36] I didn't know the exact number of people.

25 Q. [10:46:41] Could you estimate, is it around maybe 20, 40, 50, 60, 100, a lot or a

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1 few?

2 A. [10:46:59] I could estimate over 20 people.

3 Q. [10:47:06] So is Mr Ongwen's entire group taking care of him in sickbay?

4 A. [10:47:19] It was mostly the people in his home who were taking care of him.

5 Q. [10:47:29] Now, Mr Witness, after Mr Ongwen recovered, did he ever spend
6 time working directly under Otti Vincent?

7 A. [10:47:50] I don't know the communication between Ongwen and Otti, so I
8 can't certainly say that they were probably coordinating, working together.

9 PRESIDING JUDGE SCHMITT: [10:48:02] May I perhaps shortly, because you are
10 now leaving the sickbay, so to speak, because I would like to ask the witness the
11 following:

12 Mr Witness, you told the Court that there were several escorts attending Mr Ongwen
13 in the sickbay, did they have different tasks? What did they do?

14 THE WITNESS: [10:48:35] (Interpretation) The people who were in the sickbay
15 were not only people from Ongwen's home, there were also other LRA soldiers who
16 were in the homes of the other commanders under Dominic, they were called to come
17 and help in giving protection to Ongwen.

18 So the kind of roles that are given is that we are sent to work as OPs to give
19 information if there are government soldiers coming so that the LRA group can
20 relocate.

21 I don't know what other roles were given to the other senior LRA members.

22 PRESIDING JUDGE SCHMITT: [10:49:22] During the time in the sickbay when you
23 were attending Mr Ongwen, were you always around Mr Ongwen?

24 THE WITNESS: [10:49:38] (Interpretation) Not all the time I am around him,
25 sometimes I'm also sent to observation post.

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1 PRESIDING JUDGE SCHMITT: [10:49:46] Were other escorts around him?

2 THE WITNESS: [10:49:58] (Interpretation) Yes, the people who stay at his home
3 are the ones that stay around him. His senior escorts are the ones that stay near him.

4 PRESIDING JUDGE SCHMITT: [10:50:11] Did you have any contact with these
5 other escorts; for example, that every once in a while perhaps you talked with them?

6 THE WITNESS: [10:50:32] (Interpretation) Like talking to them about what,
7 exactly?

8 PRESIDING JUDGE SCHMITT: [10:50:35] Just a contact, even if you would call it a
9 private contact, a communication.

10 THE WITNESS: [10:50:51] (Interpretation) Well, just like in ordinary conversation,
11 yes, we do communicate. But there's nothing like discussing anything about the LRA
12 or the LRA operation, no, I didn't discuss with them.

13 PRESIDING JUDGE SCHMITT: [10:51:06] Thank you, Mr Witness.
14 Mr Obhof, excuse me for interrupting.

15 MR OBHOF: [10:51:10] That's perfectly okay. That's the Judges' prerogative.

16 Q. [10:51:16] Now, Mr Witness, do you know the names of anyone else who was
17 injured while in sickbay?

18 A. [10:51:38] I don't recall now.

19 Q. [10:51:49] How was Mr Ongwen treated while in sickbay, meaning how were
20 his wounds cleaned?

21 A. [10:52:13] I didn't treat his wound or participate in cleaning his wound so I
22 can't tell exactly what was done to make his wounds heal. So I even didn't handle it
23 with my hands.

24 Q. [10:52:26] Did you see it being handled?

25 A. [10:52:36] What I saw was when water is prepared, warm water, that is used

1 for washing the wound. That's what I saw.

2 Q. [10:52:53] So while Mr Ongwen was in sickbay his treatment was no different
3 than anybody else's in terms of he would get his wounds cleaned with warm water
4 and his leg would be wrapped with sticks to keep it immobile?

5 A. [10:53:22] I am not sure whether that was a question.

6 Q. [10:53:26] I'll rephrase it, Mr Witness. No problem.

7 Did Mr Ongwen get his wounds treated the same way as everyone else who was in
8 sickbay would get their wounds treated?

9 A. [10:53:50] I didn't have any knowledge about that how, other people were
10 being treated, so I -- I can't compare with how Ongwen's treatment was.

11 Q. [10:54:01] But you stated when you were injured your wounds were treated
12 with hot water, just as you stated Mr Ongwen's wounds were treated with hot water.
13 Would Mr Ongwen's treatment be consistent with the way that you were treated
14 vis-à-vis the wounds?

15 A. [10:54:29] I don't know the magnitude of Ongwen's injury, if it was similar to
16 mine, because I was also not in the sickbay when I was injured.

17 Q. [10:54:46] We'll leave sickbay now and finish up with this section.

18 You just previously stated that you did not know if Mr Ongwen was receiving
19 instructions from Otti Vincent. Now, when you stated that, do you mean you don't
20 know if he received instructions via the radio?

21 A. [10:55:21] Well, I could have said that I didn't hear when Otti was
22 communicating to him, or whether he was sending any message to Otti.

23 Q. [10:55:39] Was your group during -- after you left sickbay, was your group
24 consistently meeting with Otti Vincent? Were you staying in the same locations?
25 Were you meeting up with them?

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1 A. [10:56:07] We would meet, but now I can't recall whether we frequently met
2 and after how long we met again.

3 Q. [10:56:19] When you say "frequently" though, if I asked you to estimate once a
4 month, once a week, once every six weeks, would you be able to do that?

5 A. [10:56:37] I don't remember.

6 Q. [10:56:44] Now, Mr Witness, where was Sinia during the second half of 2003?

7 A. [10:57:18] Around mid-2003 I didn't know where some LRA groups were
8 because the LRA was scattered. So I would even see that the numbers were reducing,
9 so the group that I was in is the one that I recall was called Sinia, so where we were in
10 the second half of 2003 now I can't remember.

11 Q. [10:57:54] Where was Oka during the second half of 2003?

12 A. [10:58:08] I don't remember -- I don't know.

13 THE INTERPRETER: [10:58:10] Sorry, interpreter corrects.

14 MR OBHOF:

15 Q. [10:58:14] Where was Terwanga during the second half of 2003?

16 A. [10:58:24] I don't know.

17 Q. [10:58:25] Do you know where Siba was at during the second half of 2003?

18 A. [10:58:35] I don't know.

19 Q. [10:58:42] Do you know where Control Altar was at during the second half
20 of 2003?

21 A. [10:58:51] No.

22 Q. [10:58:55] Was all of Sinia taking care of Mr Ongwen at the sickbay?

23 A. [10:59:09] No.

24 Q. [10:59:11] Do you know where the rest of Sinia was at when Mr Ongwen was
25 in sickbay?

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- 1 A. [10:59:23] I don't know.
- 2 PRESIDING JUDGE SCHMITT: [10:59:23] I think this might be a possibility to have
3 coffee break.
- 4 MR OBHOF: [10:59:29] Actually I have one more question.
- 5 PRESIDING JUDGE SCHMITT: [10:59:30] One more question.
- 6 MR OBHOF: [10:59:32] I mean it might take about two or three minutes, but one
7 more question.
- 8 PRESIDING JUDGE SCHMITT: [10:59:37] Okay, please.
- 9 MR OBHOF: [10:59:39]
- 10 Q. [10:59:39] Mr Witness, could you please explain to this Court the difference
11 between in the LRA a brigade, a battalion, a coy and a home?
- 12 PRESIDING JUDGE SCHMITT: [10:59:49] I think we answer that after the break.
13 It is not inextricably linked to what you said before and I think it might take even five
14 minutes or more.
- 15 MR OBHOF: [10:59:58] Okay.
- 16 PRESIDING JUDGE SCHMITT: [10:59:58] So break until 11.30.
- 17 THE COURT USHER: [11:00:07] All rise.
- 18 (Recess taken at 11.00 a.m.)
- 19 (Upon resuming in open session at 11.31 a.m.)
- 20 THE COURT USHER: [11:31:41] All rise.
- 21 PRESIDING JUDGE SCHMITT: [11:31:59] Mr Obhof, please.
- 22 MR OBHOF: [11:32:03] Thank you, Mr President.
- 23 Q. [11:32:08] I hope you had a good break, Mr Witness.
- 24 Mr Witness, before we took our break we were discussing a little bit about -- or a lot
25 bit about sickbay. Before we leave that topic I just have a few more questions.

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1 Now, you stated Dominic was in sickbay for four to six months and that you're unsure
2 about when he was hurt. Now, when you left sickbay do you know or can you
3 remember if it was the season of mangos that we discussed about yesterday?

4 A. [11:32:55] I do not remember.

5 Q. [11:33:00] Now, Mr Witness, could you please explain to this Court the
6 difference between a brigade, a battalion, a coy and a house?

7 A. [11:33:29] While I was in the LRA I was -- I never heard battalion, coy or those
8 different names, so there's nothing I can say about the difference in the names.

9 Q. [11:33:54] So just so we're clear, what you knew was that you were in Sinia
10 group; correct?

11 A. [11:34:06] That is all I can remember.

12 Q. [11:34:10] Thank you, Mr Witness. We're going to move on to Lanyatido.

13 Now, Mr Witness, in your statement to the Prosecution at tab 1, page 47 -- 0477 to 78,
14 at paragraphs 34 and 37, you state that the alleged attacks were aimed at the military
15 barracks; is that correct?

16 A. [11:34:45] Yes, that is correct.

17 Q. [11:34:50] In paragraph 34 of page 0477 you stated:

18 "Ongwen told us that when the gunshots started we should run to the barracks
19 because the attackers would have already overrun the barracks."

20 So, Mr Witness, you personally were not attacking the barracks; is that correct?

21 A. [11:35:19] I don't know if it has been interpreted the way you said it, but what I
22 said he's -- Ongwen said that for us who remained behind where we were, if we hear
23 gunshots we should run and pass through the barracks where the LRA
24 fighters -- some of the LRA fighters were already at.

25 Q. [11:35:46] In paragraph 36 of 0478 you stated that:

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1 "The LRA looted guns, bombs and uniforms from the dead bodies of the soldiers. We
2 left the barracks and crossed the road at Owat Maber in Lanyatido."

3 So Mr Witness, would it be correct to say that you left Lanyatido and went to Koyo
4 Lalogi with only attacking the military barracks?

5 A. [11:36:29] Yes, that is correct.

6 Q. [11:36:34] Mr Witness, you also briefly stated yesterday that Mr Ongwen
7 received an injury at Lanyatido. Could you please describe to us and the Court the
8 injury that he received?

9 A. [11:36:56] He was injured in the chest.

10 Q. [11:37:04] Was it a deep injury or was it a flesh wound?

11 A. [11:37:20] It was not a very deep injury.

12 Q. [11:37:27] Did he have to go to sickbay at any time for that injury?

13 A. [11:37:34] No, he did not.

14 Q. [11:37:48] Now, Mr Witness, also you stressed the importance of keeping your
15 firearm and not losing it, you stated:

16 "Aloro threw his gun when he was injured. Ongwen heard this and he was very
17 annoyed. Ongwen told Aloro to go back and bring the gun back."

18 PRESIDING JUDGE SCHMITT: [11:38:17] (Overlapping speakers) that from at the
19 moment?

20 MR OBHOF: [11:38:21] That is tab 1, 0478, at paragraph 38.

21 Q. You also stated yesterday, at page 23 in the transcripts, that this man was injured
22 when he lost his weapon. Mr Witness, is it normal that someone would be -- that a
23 commander would be mad because somebody lost their weapon because they were
24 injured?

25 A. [11:38:55] Yes, it happens.

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1 Q. [11:38:59] So weapons were a -- were something in which the LRA kept very
2 close to them; is that correct?

3 A. [11:39:22] The LRA moved together with their weapons. They did not leave
4 their weapons behind whenever they were going for an attack, they usually moved
5 with their attack -- with their weapons when going for an attack.

6 MR OBHOF: [11:39:39] Your Honour, I would need three questions in private
7 session, please.

8 PRESIDING JUDGE SCHMITT: [11:39:44] Private session, please.

9 (Private session at 11.39 a.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Open session at 11.42 a.m.)
- 16 THE COURT OFFICER: [11:42:54] We are back in open session, Mr President.
- 17 MR OBHOF: [11:43:08]
- 18 Q. [11:43:11] Mr Witness, after leaving Lanyatido you went to Koyo Lalogi and
- 19 then to Lacekocot; is that correct?
- 20 A. [11:43:26] Yes, that is correct.
- 21 Q. [11:43:29] Do you remember how long you stayed in Koyo Lalogi?
- 22 A. [11:43:40] I do not remember.
- 23 Q. [11:43:43] Do you remember how long you stayed in Lacekocot?
- 24 A. [11:44:02] I do not remember how long we stayed there.
- 25 Q. [11:44:08] Now, Mr Witness, you stated yesterday that Mr Ongwen sent people

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1 to Atanga the night that you arrived in Lacekocot and that they were ambushed; is
2 that correct?

3 A. [11:44:34] Yes, that is correct.

4 Q. [11:44:38] Now, in your opinion, after those people were ambushed, would it
5 be safe to remain in the same location?

6 A. [11:45:04] I did not know that area. I cannot say it was safe for people to stay.

7 Q. [11:45:15] After the ambush though, the two persons who were wounded
8 returned back to where the group was; isn't that correct?

9 A. [11:45:31] That is correct.

10 Q. [11:45:36] Do you think that it would be possible, after a battle like that, for the
11 UPDF to chase the persons which they engaged in an ambush?

12 A. [11:46:01] It can happen.

13 Q. [11:46:05] So, Mr Witness, regardless of the location that you are in, do you
14 think that it would be safe to stay in a location after some of the soldiers have been
15 ambushed and injured and return back to the group? Do you think that it might be
16 possible that UPDF would be coming after them?

17 A. [11:46:38] I do not know. It depended on the people who were already
18 experienced in the warfare, they would determine whether it would happen or not.

19 PRESIDING JUDGE SCHMITT: [11:46:54] But, of course, we have here the -- a little
20 bit of the same problem we had - problem, so to speak - we had before, that it's
21 difficult for a witness to put him or herself in the mind of other people what they
22 would possibly do. But I see that you want to make a point by this phrasing of the
23 sentence but, on the other side, it's on the verge of being speculative or calling for
24 speculation by the witness.

25 MR OBHOF: [11:47:27] Thank you, your Honour.

1 Q. [11:47:31] Now, Mr Witness, after they returned and after they were yelled at to
2 retrieve their weapons, you state that Mr Ongwen sent people to go find and fight the
3 UPDF; is that correct?

4 A. [11:47:59] That is correct.

5 Q. [11:48:02] And that those persons in the group without guns and civilians
6 should stay behind; is that correct?

7 A. [11:48:21] That is correct.

8 Q. [11:48:28] And yesterday you stated that the LRA "... started fighting against
9 the government soldiers, they were able to beat the government soldiers." From
10 page 23, lines 22 and 23. And that's still correct, Mr Witness?

11 A. [11:48:54] Can you read again?

12 Q. [11:48:59] That the LRA started fighting against the government soldiers, they
13 were able to beat the government soldiers. Meaning the LRA were able to beat the
14 government soldiers.

15 A. [11:49:25] I do not recall that now.

16 Q. [11:49:31] For the record again, transcript 61, page 23, lines 22 to 23.

17 But to summarise Atanga, it was armed LRA soldiers versus UPDF; is that correct?

18 A. [11:50:00] That is correct.

19 Q. [11:50:03] And unarmed persons and civilians remained behind and you did
20 not state that there were any abductions at Atanga; is that correct, sir?

21 A. [11:50:23] That is correct.

22 Q. [11:50:27] Now a little bit about your training, Mr Witness. Mr Witness, you
23 were in the bush for at least six months before you fired your first weapon; is that
24 correct?

25 A. [11:50:54] That is correct.

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1 Q. [11:50:57] And you also told Court yesterday that you received your first
2 weapon -- I'm sorry, your first firearm after about six months in the bush; is that
3 correct?

4 A. [11:51:15] That is correct.

5 Q. [11:51:18] You also stated you were trained how to use a firearm:
6 "... after I had stayed for some time in the bush and was used to the LRA fighters.
7 I had a gun for a while before I was trained on how to use it."
8 That quote is from tab 1, page 0479.

9 PRESIDING JUDGE SCHMITT: [11:51:41] Forty-one.

10 MR OBHOF: [11:51:43] Paragraph 41, yes, your Honour.

11 Q. [11:51:46] Is that still true today to your memory, Mr Witness?

12 A. [11:51:58] What I remember is that I was given a gun and I didn't know how to
13 operate it.

14 Q. [11:52:06] But after you were given the gun, were you trained immediately or
15 did it take a few weeks or a couple of months, or did you receive the gun and then get
16 trained the next day?

17 A. [11:52:26] I was given a gun and I did not operate it so I couldn't do -- I couldn't
18 use it for anything. I was told to keep the gun, to be the custodian of the gun. I was
19 only carrying it and I didn't know anything about operating guns.

20 Q. [11:52:48] Now, this gun was this the first gun that you fired, or did you fire
21 somebody else's weapon first?

22 A. [11:53:02] The gun I first fired was the one that was given to me.

23 Q. [11:53:14] So is it safe to say, Mr Witness, that you received training more than
24 six months after the bush, not at six months but maybe at seven months or eight
25 months? Would that be a fair assessment, Mr Witness?

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1 A. [11:53:41] My training on the usage of the gun, I cannot exactly say when I was
2 trained. Sometimes I wouldn't know, I had lost trace of the time and the weeks, I
3 didn't know and it's difficult for me to estimate the time.

4 MR OBHOF: [11:54:09] Your Honour, one question in private session, please.

5 PRESIDING JUDGE SCHMITT: [11:54:13] Private session.

6 (Private session at 11.54 a.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Open session at 11.55 a.m.)

16 THE COURT OFFICER: [11:55:15] We are back in open session, Mr President.

17 MR OBHOF: [11:55:24]

18 Q. [11:55:25] Mr Witness, did you receive this gun before, during or after the time
19 in which Dominic was in sickbay?

20 A. [11:55:39] When Dominic was in the sickbay I didn't have a gun.

21 Q. [11:55:50] So you received this after Dominic left sickbay; is that correct?

22 A. [11:56:07] That's correct.

23 Q. [11:56:11] So, Mr Witness, if we are using your birth date in 1987, wouldn't this
24 mean that you were over the age of 15 the first time you were trained and used a
25 firearm?

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1 A. [11:56:45] I don't know.

2 PRESIDING JUDGE SCHMITT: [11:56:49] I think you can move on. The facts are
3 on the table and have to be assessed later on by the Chamber.

4 MR OBHOF: [11:57:05]

5 Q. [11:57:11] Now, Mr Witness, you stated that you went to Teso at one point; is
6 that correct?

7 A. [11:57:21] That's correct.

8 Q. [11:57:24] Can you remember approximately how long you had been in the
9 LRA when you went to Teso?

10 A. [11:57:45] I cannot estimate.

11 Q. [11:57:49] Do you remember which season it was? Was it rainy season or the
12 dry season?

13 A. [11:58:02] I don't recall now.

14 Q. [11:58:05] Did you already have a weapon at this time?

15 A. [11:58:19] I do not recall if I had a gun at the time.

16 Q. [11:58:27] Mr Witness, how deep into Teso did you go?

17 A. [11:59:11] I did not know the Teso area well. Therefore, I cannot explain that
18 I had reached this place or that place.

19 Q. [11:59:28] When you crossed into Teso, do you know how many hours or days
20 you walked before stopping for a meeting?

21 A. [11:59:57] Can you repeat the question, please.

22 Q. [12:00:01] After entering into Teso, do you know how long you walked? So
23 once you crossed the border into Teso did you walk for one day, two days, one half of
24 a day?

25 A. [12:00:21] We were in the Teso area for about one week.

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1 Q. [12:00:32] Did you remain in the same location for the full one week while in
2 Teso?

3 A. [12:00:44] We did not stay at any one place for long. We were -- we kept on
4 moving up and down in that area.

5 Q. [12:01:00] Do you remember which district you were in?

6 A. [12:01:15] I remember hearing from people who knew that place when they
7 said we were in a district called Soroti.

8 Q. [12:01:33] So you were not in Kaberamaido, Mr Witness?

9 A. [12:01:45] I could not remember now.

10 Q. [12:01:51] Did you ever go to Katakwi while you were in Teso?

11 A. [12:02:04] I can't recall that.

12 Q. [12:02:11] Who did you meet while in Teso?

13 A. [12:02:24] When we were in Teso we met with one LRA group because we
14 stayed for only a week in Teso, we were on our toes because the government soldiers
15 were following us. So when we were returning, we met one LRA group.

16 Q. [12:02:53] Now, when you were going down to Soroti, Soroti and back, do you
17 remember which districts that you passed through in Teso in order to get to Soroti?

18 A. [12:03:15] I cannot recall now, but the only place I know is -- was Pader. The
19 other districts I didn't know and I even didn't know the boundaries. It was difficult
20 for me to say we have now crossed this boundary and we are in another district. If I
21 don't hear from somebody, then I wouldn't know.

22 Q. [12:03:42] Do you know which -- pardon me. Do you know which languages
23 were being spoken in the different districts you walked into to go to Soroti and back?

24 A. [12:04:02] I did not stay with people who come from that place, so I didn't
25 know who was speaking which language.

1 Q. [12:04:15] Mr Witness, you had this meeting. Who did you meet or who did
2 the group meet up with while in Teso?

3 A. [12:04:35] When we were in Teso, we met with an LRA group, I even didn't
4 know them, but when we met them the other LRA that we were with new members of
5 that group and they told me that that group belonged to another LRA commander
6 called Okot Odhiambo and that he was also killed in Teso. So that was the first
7 group that we met.

8 Q. [12:05:18] So is your statement that Okot Odhiambo was killed in Teso?

9 A. [12:05:28] I did not see his dead body, but I heard from the LRA fighters. And
10 that is how I confirm that maybe he was killed from there.

11 Q. [12:05:42] Did you meet any other commanders in Teso, Mr Witness?

12 A. [12:05:53] We met with Otti Vincent's group while we were returning from
13 Teso. The government soldiers there were really following us closely and so we were
14 moving. Sometimes we would not even now cook during the day, we would cook
15 late in the night. So one day we met with Otti's group.

16 Q. [12:06:27] Now, during your two years within the LRA, is this the only time
17 which your group went to Teso?

18 A. [12:06:45] Our group went once and we came back.

19 Q. [12:06:53] Mr Witness, I'm going to backtrack slightly. What is the Kumam
20 language? Is it a Luo language?

21 A. [12:07:20] I knew about Kumam after I returned from the bush. So I don't
22 know whether they are part of the Luo language, but it is similar to the language that I
23 speak.

24 Q. [12:07:37] Can you understand? After being back from the bush, can you
25 understand the Kumam language a little?

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1 A. [12:07:56] If a person speaks, I could -- I can understand some of the words,
2 especially if they mention words that I am familiar with.

3 Q. [12:08:09] Mr Witness, don't these areas in Teso which you walked through
4 speak the Kumam language?

5 A. [12:08:26] I said earlier that I never had any conversation with any civilian and
6 there was no civilian that I actually captured from there that I should have the
7 opportunity to talk with them.

8 Q. [12:08:44] Speaking of captures, a matter of course, you stated that no one was
9 abducted, that you -- sorry, that you did not see any abductions while in Teso; is that
10 correct?

11 A. [12:08:58] Yes, that's correct.

12 Q. [12:09:08] Now, the groups meeting with Otti Vincent, how long had it been, if
13 you can remember, since you had last seen -- since your group had met with Otti
14 Vincent?

15 A. [12:09:31] While we were returning from Teso, we had already spent about a
16 week and we met that group on our way back.

17 Q. [12:09:53] But before you went, before you went to Teso, can you remember
18 before that when the last time you met with Otti Vincent's group?

19 A. [12:10:14] Before we went to Teso we were -- combined several other groups
20 and there were very many people. I don't know where the other groups came from,
21 but what I heard from there was that Otti Vincent had ordered that LRA should leave
22 the northern Ugandan Acholi and Lango area to go to Teso because there was already
23 one LRA commander, called Okot Odhiambo, who was there.

24 Q. [12:10:55] Now, this meeting you speak of before Teso would this be the
25 meeting at -- in Latanya?

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1 A. [12:11:09] We met at Latanya several times. I'm not sure if you're combining
2 all these meetings together.

3 Q. [12:11:31] I read from paragraph 47, of tab 1, page 0479:

4 "The commanders at the meeting in Latanya included Buk and Ongwen. We then
5 went to a place in Teso called Kaberamaido."

6 This is the meeting I am referring to, Mr Witness. Does this refresh your memory
7 about which meeting I'm talking about?

8 A. [12:12:09] That reminds me on what I said, that before we went we met with
9 the other LRA groups and we were many, so I heard from the senior fighters or senior
10 soldiers that we were supposed to go to Teso.

11 Q. [12:12:31] Thank you, Mr Witness. And just to be absolutely sure and clear,
12 Otti Vincent was not at that meeting at Latanya before going to Teso; is that correct?

13 A. [12:12:53] I do not recall that now.

14 Q. [12:12:58] Mr Witness, just a few minutes ago you mentioned that Otti Vincent
15 told people to go there. And in your statement at paragraph 45, in tab 1, you said
16 that:

17 "Ongwen told us that the plan was that the LRA should move away from Kitgum,
18 Pader and Gulu and go to Teso to meet with commander called Vincent Otti."

19 Now, Mr Witness, would you need to go meet with somebody if he was already with
20 you?

21 A. [12:13:46] What I can recall is the statement that I have just said, that I heard
22 from the other LRA that a communication came from Otti that we should leave to go
23 to Teso.

24 Q. [12:14:15] Mr Witness, Latanya is a sub-county next to the Pader sub-county; is
25 that correct?

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- 1 A. [12:14:39] I don't know how the sub-counties have been demarcated.
- 2 Q. [12:14:49] Do you know which sub-county Wanduku is in?
- 3 A. [12:15:00] I know.
- 4 Q. [12:15:02] Could you please tell me and the Court which sub-county Wanduku
- 5 is in.
- 6 A. [12:15:14] Wanduku is in Pajule.
- 7 Q. [12:15:22] Do you know which parish Wanduku is in?
- 8 A. [12:15:35] I do not know.
- 9 Q. [12:15:39] If I stated that it was in Palenga parish, would that sound correct,
- 10 Mr Witness?
- 11 A. [12:15:53] Well, I -- I would not know.
- 12 Q. [12:15:57] If I stated that Latanya sub-county was directly north of Wanduku,
- 13 would you agree with me on that?
- 14 A. [12:16:23] Well, I would agree that Latanya is on the upper side.
- 15 Q. [12:16:36] Now, you said the group that met at Latanya was a big group. Can
- 16 you give an estimate about how big it was?
- 17 A. [12:16:53] The reason why I would say a big group, because I would have seen
- 18 different groups could have joined the group that I was in. That's why I would say it
- 19 was a big group, but I cannot compare it with any other thing.
- 20 Q. [12:17:14] Do you know how many homes or how many houses were in
- 21 there -- were with that group, I'm sorry?
- 22 A. [12:17:27] I cannot estimate.
- 23 Q. [12:17:31] Now, Mr Witness, you've also told the Prosecution that Mr Ongwen
- 24 had a small hand held device that could intercept UPDF radio communications
- 25 around that time. Can you describe this device to the Court? Sorry, that's at tab 1 --

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- 1 PRESIDING JUDGE SCHMITT: [12:18:02] Forty-six.
- 2 MR OBHOF: [12:18:03] -- page -- yes --
- 3 PRESIDING JUDGE SCHMITT: It's 46.
- 4 MR OBHOF: -- paragraph 46.
- 5 PRESIDING JUDGE SCHMITT: [12:18:05] And it was correctly quoted, otherwise
- 6 I would have interrupted.
- 7 THE WITNESS: [12:18:15] (Interpretation) I didn't know what kind of device he
- 8 had, but what I knew was that it was a communication equipment that I would see
- 9 him use to communicate. It's a small device which is in the size of my palm which he
- 10 would use to communicate.
- 11 MR OBHOF: [12:18:43]
- 12 Q. [12:18:47] Now, do you know if this device could make outgoing calls?
- 13 A. [12:19:05] Sometimes when he is seated and he has tuned on that device,
- 14 I would hear the device communicating and he would also use it to communicate.
- 15 Q. [12:19:22] Is this device different from the military radios you have described
- 16 previously to the Prosecution?
- 17 A. [12:19:39] It's smaller, it is different from the one that I demonstrated which is a
- 18 little bigger in size which I compared with the console that is in front of me here. But
- 19 the other device is a little smaller in size.
- 20 Q. [12:20:00] Do you know what the range was of this device?
- 21 A. [12:20:14] I didn't know.
- 22 Q. [12:20:23] Could this device hear other things other than the UPDF, meaning
- 23 could it hear communications by LRA or by Sudan?
- 24 A. [12:20:40] Well, I didn't understand much about that because I never used it.
- 25 Q. [12:20:54] Mr Witness, do you know where Mr Ongwen got this device?

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1 A. [12:21:06] I do not know.

2 Q. [12:21:11] Mr Witness, just to backtrack very quickly, just to make sure you're
3 remembering stuff correctly, was it Okot Odhiambo who died in Teso or was it
4 Tabuley?

5 A. [12:21:46] Those two names when you mentioned I get confused because I did
6 not stay with those people, so it's a bit difficult for me to understand.

7 Q. [12:22:02] Just to refresh your memory, Mr Witness, because, as we are, we do
8 want to make sure we get everything correct, on tab 1, page 0480, paragraph 52, I'll
9 start down from below. You stated:

10 "I heard from fellow LRA soldiers that Tabuley was killed. I do not know when or
11 where Tabuley was killed."

12 So was this the commander while you were leaving Teso that you heard was killed,
13 whether it be in Teso or not but that you heard was killed while leaving Teso?

14 A. [12:22:54] I heard many different names and some of these names, some of
15 them are quite similar, so maybe I could have forgotten, but one name that I clearly
16 recall is Tabuley. He was the commander who was killed. And I said that I heard
17 that he died in -- he was killed from Teso.

18 Q. [12:23:22] Thank you, Mr Witness.

19 Now, Mr Witness, during your time in the LRA did you ever travel up to Sudan,
20 which is present day South Sudan?

21 A. [12:23:50] I did not travel.

22 Q. [12:23:56] Did you ever get close to the border of Sudan? And by "close" I
23 mean within a few kilometres.

24 A. [12:24:13] I was not conversant with the boundaries, so I even had not reached
25 the borderline. So I do not know, I never reached.

1 Q. [12:24:31] Whilst in the LRA did you ever come in contact with the Sudanese
2 People's Armed Forces?

3 A. [12:24:55] I never met them.

4 Q. [12:25:00] Did you ever travel to Imatong?

5 A. [12:25:14] I do not remember.

6 Q. [12:25:18] Did you ever go to Lubanga Tek, which some people also call
7 Rubanga Tek?

8 A. [12:25:42] I never reached any place with that name. I have never been to
9 such a place.

10 Q. [12:25:54] Did you ever meet with Joseph Kony?

11 A. [12:26:05] I met with his group, but I did not see him personally.

12 Q. [12:26:15] Do you remember the name of Mr Kony's group?

13 A. [12:26:24] I do not recall the name of his group, but at the time we met the
14 people who were there who knew the other group are the ones who told me that those
15 were Kony's group, but I never saw him in person.

16 Q. [12:26:50] Do you know how many commanders were with Kony?

17 A. [12:26:58] I do not know the number.

18 Q. [12:27:03] Do you remember how long you were in the bush when you met
19 with Kony's group?

20 A. [12:27:19] I do not recall.

21 Q. [12:27:26] Had you already been trained?

22 A. [12:27:35] I do not remember whether I had already been trained.

23 Q. [12:27:40] Was it before or after Mr Ongwen's injury?

24 A. [12:27:52] I do not know the exact time frame.

25 Q. [12:28:00] Where was Mr Ongwen when you met -- when the two groups met?

1 A. [12:28:19] I do not recall where he was, but since I was in his group I was at the
2 place where that group met.

3 Q. [12:28:37] What happened when the two groups met?

4 A. [12:28:54] When we met, when the group met, some of us did not go to the
5 same -- to the exact point where the other senior LRA fighters gathered. Some
6 of -- those of us who were new remained at different location. So after the meeting
7 the different groups separated, the other group went and we also went our way, we
8 did not stay together.

9 Q. [12:29:26] How did you know it was Kony's group?

10 A. [12:29:38] I said the LRA fighters that I found in the bush, people like Ocaya,
11 Opio Korea are the ones that told me that these are Kony's group. That is how I came
12 to know.

13 Q. [12:30:01] Who was at this meeting?

14 A. [12:30:12] I said that I did not see what exactly took place. We met as a group
15 and then we proceeded. We do not know what happened exactly.

16 Q. [12:30:23] I mean, I understand you would not be part of the meeting itself, but
17 as one of Mr Ongwen's escorts wouldn't you at least go within 100 metres of it?
18 Wouldn't you be able to see but not hear the meeting?

19 A. [12:30:48] I don't understand. If anyone in this courtroom knows how the
20 military operate, when -- I don't even remember if Ongwen was there at the time. In
21 the army when they tell you proceed, you cannot turn back and peep to see what's
22 happening behind. You would be looking for trouble.

23 Q. [12:31:17] So that's to say you cannot recall even if you were with Mr Ongwen
24 at this time when Kony's group and Mr Ongwen's group met?

25 A. [12:31:33] I cannot remember because I did not see what was happening. If

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1 I had seen, I would say what I saw or I would say Ongwen was personally present.

2 So I don't remember.

3 Q. [12:31:52] Thank you, Mr Witness. We're going to talk a little bit now about
4 Patongo. Mr Witness, you stated that after being in Teso you went to Pader; is that
5 correct?

6 A. [12:32:17] Yes, that is correct.

7 Q. [12:32:25] And that you were already trained on weapons or on how to use a
8 gun, I'm sorry; is that correct?

9 A. [12:32:39] I do not remember.

10 Q. [12:32:43] But you had been in the bush for at least six months; is that correct?

11 A. [12:33:06] That was an estimate because I was asked for how long do you think
12 you had stayed, so I don't know whether the estimate is accurate or not. It's just an
13 estimate.

14 Q. [12:33:21] Read paragraph 44 of tab 1, your Honours, on page 0479:

15 "The first time I fired a gun was when we had tried to cross the road and it was
16 heavily raining, and we came across some UPDF soldiers. It was somewhere in Gulu
17 but I do not know the name of the place. This was before we went to Teso. By then
18 I had already been in the bush for more than six months."

19 So, Mr Witness, you at least by this time had been in the bush for more than six
20 months and fired a weapon because you state all of this stuff happened before you
21 went to Teso. So is that correct?

22 A. [12:34:16] Those things which happened, it's not easy for me to say the
23 sequence of the events, so it's not easy to say.

24 PRESIDING JUDGE SCHMITT: [12:34:32] May I shortly interrupt.

25 Mr Witness, what Mr Obhof has quoted from your former statement and -- the

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1 question would be if you hear that today and keep this in mind, what do you say
2 today about the sequence of events?

3 THE WITNESS: [12:35:03] (Interpretation) What I can say here is that it is
4 sometimes difficult to estimate. Every time I am asked can you estimate how long it
5 had taken, I feel it's difficult to estimate because sometimes I may estimate wrongly.

6 PRESIDING JUDGE SCHMITT: [12:35:31] Yeah, you can move on, please.

7 MR OBHOF: [12:35:35]

8 Q. [12:35:38] Now, Mr Witness, when you went to Patongo or when the group
9 went to Patongo, did you go?

10 A. [12:35:52] I did not go.

11 Q. [12:35:56] Mr Witness, stated in tab 1, page 0480, in both paragraphs 53 and 54,
12 in relation to orders, you state:

13 "Ongwen wanted to attack the barracks at Patongo."

14 And in paragraph 44, when you said:

15 "When" the "LRA soldiers returned from Patongo, I heard that they burnt down the
16 barracks and stole guns and uniforms from Patongo."

17 Is that correct?

18 A. [12:36:35] That is correct, but sometimes maybe the interpretation -- or, there
19 was a gap in interpretation.

20 Q. [12:36:54] Would you like me to read it again because of the gap, Mr Witness?
21 I'm perfectly okay with doing that.

22 A. [12:37:03] Yes, please read.

23 Q. [12:37:07] Now, for the orders of the attack which you heard but did not go on,
24 you told the Prosecution that:

25 "Ongwen wanted to attack the barracks at Patongo."

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1 And:

2 "When" the "LRA soldiers returned from Patongo, I heard that they burnt down the
3 barracks and stole guns and uniforms from Patongo."

4 Is that correct, Mr Witness?

5 A. [12:37:40] Yes, that is correct.

6 Q. [12:37:48] So once again, Mr Witness, Patongo was an attack of LRA and UPDF;
7 is that correct?

8 A. [12:38:07] I did not go there, but I heard that it was between the LRA and
9 UPDF.

10 Q. [12:38:30] Thank you, Mr Witness.

11 Now we're going to move on to Barogal. Mr Witness, do you know when this
12 alleged attack happened?

13 A. [12:38:55] I do not know the day.

14 Q. [12:39:00] Do you remember which season it was?

15 A. [12:39:11] I do not recall.

16 Q. [12:39:15] Mr Witness, could you describe -- did you go on this attack,
17 Mr Witness?

18 A. [12:39:31] Yes. Yes, I went.

19 Q. [12:39:35] Can you describe the manner in which the LRA went to Barogal or
20 how they went to Barogal?

21 A. [12:39:50] I am not understanding the name of the place you are talking about.

22 Q. [12:40:04] Barogal, B-A-R-O-G-A-L. Barogal. Barogal. Barogal, sorry,
23 Mr Witness.

24 PRESIDING JUDGE SCHMITT: [12:40:16] You know we have also different mother
25 tongues that might influence our pronunciation.

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1 MR OBHOF: [12:40:27] (Microphone not activated).

2 Q. [12:40:29] Mr Witness, could you explain how the group was divided when
3 you went to Barogal?

4 A. [12:40:47] When we were moving to Barogal, the LRA split into smaller groups
5 when we were approaching, others went by the road to lay an ambush in case any
6 government gunships are coming, other people went to the barracks while the other
7 people went to the civilian camps.

8 Q. [12:41:34] For the people who went to the barracks, Mr Witness, could you
9 please explain to the Court on any special formations you followed when going to the
10 barracks.

11 A. [12:41:59] We formed a semicircle. And if you compare with the headphones
12 that we are wearing it's about that shape.

13 Q. [12:42:28] Did Mr Ongwen go to Barogal?

14 A. [12:42:42] Yes, he went.

15 Q. [12:42:46] Now, Mr Witness, your testimony today is that before you entered
16 Barogal the group was split, one laid landmines to protect against mambas to protect
17 against people coming in; the second group split into two further groups, one went to
18 the barracks and one went to the civilian housing. Is that correct?

19 A. [12:43:19] Yes, that is correct.

20 Q. [12:43:27] Why didn't you tell this information to the Prosecution when they
21 interviewed you in 2015? Because from your statement is mentions nothing about
22 that. And the only area about civilian housing was after the barracks was attacked.

23 MR CHOUDHRY: [12:43:44] Your Honour, I rise because that -- I would ask my
24 learned friend to actually refer to the paragraphs he states --

25 PRESIDING JUDGE SCHMITT: [12:43:52] I agree. I agree. You would have to

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1 refer directly to the paragraph. And I think you would have to read it out again as
2 we did before.

3 MR OBHOF: [12:44:02] Your Honour, I would read the paragraph, but there is no
4 paragraph. That's what we're stating that they --

5 PRESIDING JUDGE SCHMITT: [12:44:08] Of course it's about a negative fact.

6 MR OBHOF: [12:44:11] Yes.

7 PRESIDING JUDGE SCHMITT: [12:44:12] (Overlapping speakers).

8 MR OBHOF: [12:44:13] In paragraph 73 where they discuss that. One group was
9 supposed to (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [12:44:18] But what you could -- what you could
11 do is you could read out some portions and when it is not reflected in there this might
12 at least give an indicia if something has been said or not been said.

13 MR OBHOF: [12:44:31]

14 Q. [12:44:32] Mr Witness, in paragraph 73 - thank you, your Honour - in
15 paragraph 73 of tab 1, page 0483, you discuss how:

16 "One group was supposed to plant landmines on the road to prevent the UPDF" from
17 "coming with vehicles."

18 And then later you state:

19 "There were ... LRA soldiers who went for this attack. Opio Korea and Odong are the
20 only two ... names I can remember. We left on single line formation and when we
21 arrived at the barracks we attacked in the 'U' formation. I was part of the middle
22 group. I did not see where Ongwen was. I heard when the first gunshot went off
23 and then we went and attacked the barracks at 1 a.m. We overrun the barracks and
24 the UPDF soldiers ran away. Ongwen had planned to burn down the whole camp
25 but the mamba arrived."

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1 Now, Mr Witness, there is nothing in this paragraph discussing people being sent as
2 part of the attack plan to the civilian IDP camp. Why was this information left out of
3 your statement with the Prosecution in 2015 and not corrected again when you met
4 with them in 2016?

5 A. [12:46:23] What we are discussing today are events that took place long ago.
6 And sometimes it just comes in a flash of memory. Sometimes I knew it and
7 probably I had forgotten. So if I did not mention in my previous statements, it means
8 I have just remembered. It's just the same like how you asked me what happened
9 when I was on the way to Barogal, sometimes I can mention and had events that had
10 not been recorded. I probably mentioned I did not know that it was not in my
11 statement.

12 MR CHOUDHRY: [12:47:06] Your Honour, I rise again because my learned friend
13 has put a proposition to the witness part of which, because of its a negative fact, can be
14 elicited or is inferential in paragraph 74. I think if the witness was read part of that
15 statement, namely "I saw houses burning both in the barracks and civilians homes. I
16 did not go to the civilian's houses, so I do not know what happened there." It's only
17 fair that the witness be given an opportunity to explain that because it's been put by
18 my learned friend that he failed to mention anything to do about civilians whatsoever.

19 PRESIDING JUDGE SCHMITT: [12:47:45] I think that's correct, so I think we would
20 have to put this to the witness, too, yeah.

21 MR OBHOF: [12:47:50] Your Honour, that is question 142 in my list to discuss
22 about the civilian houses.

23 PRESIDING JUDGE SCHMITT: [12:47:56] Yeah, okay. But of course there is,
24 without interpreting too much into what has been said during the questioning by the
25 Prosecution, there is of course not a one-on-one, a mirroring of what he has said before.

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1 So please continue.

2 MR OBHOF: [12:48:15]

3 Q. [12:48:22] Now, Mr Witness, on your way to Barogal you guys met some
4 civilians; is that correct?

5 A. [12:48:35] We met some -- someone and the person fled and entered the bush
6 and we did not find him.

7 Q. [12:48:52] But before he fled, didn't the civilian tell you that he was an
8 informant for the UPDF?

9 A. [12:49:03] No, he did not.

10 Q. [12:49:10] Then who told you he was an informant for the UPDF, Mr Witness?

11 A. [12:49:23] I heard later from other LRA soldiers that the person we met at night
12 moving towards the opposite direction was a soldier who had been sent. I don't
13 know how they found out that information. From the civilian community.

14 Q. [12:49:44] This is from tab 1, page 0483, paragraph 72. Starting midway
15 through:

16 "After praying we started moving towards Barogal. We came across one man who
17 ran away. The civilians told us that he was an informant who the UPDF had sent to
18 find out who was making the noise in the area. We walked through a footpath
19 towards Barogal."

20 Now, Mr Witness, does that refresh your memory that it was in fact not an LRA
21 person but a civilian that told you that this man was an informant?

22 A. [12:50:37] It does remind me that I heard from the LRA that the civilian -- some
23 civilians said that the person we met was an informant of the army and was going to
24 see what was happening.

25 Q. [12:50:55] So this informant would have reported to the troops at Barogal that

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1 you were in the area, would he not have? Or sorry, let me reformulate that question,
2 your Honour.

3 In your opinion, would this person who was an informant, would he have reported to
4 the troops that there were LRA in the area of Barogal?

5 A. [12:51:31] I don't know what he would say if he returned because he also fled
6 and entered the bush.

7 Q. [12:51:41] So the informant entered the bush and did not go back towards
8 Barogal; is that what you're saying, Mr Witness?

9 A. [12:51:57] I don't know which direction he took and where he went.

10 Q. [12:52:04] Now, Mr Witness, if the purpose was -- if the purpose of attacking
11 Barogal would have been to attack both the military and the civilians, in your opinion
12 why would a commander that is going to attack an area tell civilians that he was still
13 alive and in the area -- or tell a civilian to tell the UPDF that the commander was alive
14 in the area?

15 PRESIDING JUDGE SCHMITT: [12:52:54] I know. I know. Perhaps read 72, the
16 first part to the witness.

17 Mr Choudhry, this shortens a little bit the proceedings.

18 MR OBHOF: [12:53:12]

19 Q. [12:53:13] I'll read from paragraph 72. Thank you, your Honour.

20 PRESIDING JUDGE SCHMITT: [12:53:18] I think it's 72, the first two or three
21 sentences.

22 MR OBHOF: [12:53:23] Yeah.

23 Q. The attack on Barogal:

24 "I do not remember when this attack took place. We were staying in the bush in an
25 area; I do not know the name. As we were moving we met civilians and Ongwen

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1 told them that they should tell the UPDF soldiers that he was still alive."

2 Mr Witness, did this happen?

3 A. [12:53:51] Yes, it happened.

4 Q. [12:53:55] In your opinion, if you're going to attack somebody and use the
5 element of surprise, would you inform them beforehand?

6 A. [12:54:14] I do not know why he told the civilian to go and tell them that. He
7 probably told them that because when we were attacked by the soldiers in Barogal,
8 where I was with him, and the soldiers removed a gun, he -- I had -- I fled and left a
9 gun that I was carrying, I also fled and left the uniform belonging to him that I was
10 carrying. The soldiers also were able to remove some civilians who were with us.
11 So I think the army was talking about the attack and the civilians said that the soldiers
12 had carried a dead body and claiming that was the corpse belonging to Dominic,
13 saying that they had already killed him. So Dominic told them to tell them that he
14 was still alive and he would reach them any time. So I think he told them like that
15 because he had heard rumours that the army was claiming they had killed him.

16 Q. [12:55:41] Thank you, Mr Witness.

17 MR OBHOF: [12:55:44] Your Honours, I think right now with everything might be
18 a good time for a break.

19 PRESIDING JUDGE SCHMITT: [12:55:49] I have a question: Do you have an
20 estimate how long it will take? I am asking -- we know that you are continuing to
21 tomorrow, but what I would like to inquire is, really is there a need to start at 9 o'clock
22 in the morning or if we could also start at 9.30?

23 MR OBHOF: [12:56:06] No, your Honour, there's no need to start at 9 o'clock. We
24 can start at 9.30. I would estimate we would need maybe an hour and a half to two
25 hours tomorrow at the most.

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1 PRESIDING JUDGE SCHMITT: [12:56:17] Thank you very much.

2 Then we have now the lunch break until 2.30.

3 THE COURT USHER: [12:56:23] All rise.

4 (Recess taken at 12.56 p.m.)

5 (Upon resuming in open session at 2.31 p.m.)

6 THE COURT USHER: [14:31:11] All rise.

7 PRESIDING JUDGE SCHMITT: [14:31:32] Mr Obhof, you still have the floor.

8 MR OBHOF: [14:31:35] Thank you, Mr President.

9 Q. [14:31:38] Good afternoon, Mr Witness. I hope you had a decent lunch. Now,
10 Mr Witness, we are going to keep going on to Barogal. In your statement when you
11 were discussing the retreat from Barogal found at tab 1, 0484, paragraph 74, you said
12 that:

13 "I did not go to the civilian's houses, so I do not know what happened there. LRA
14 looted uniforms from the barracks, guns, and shoes and bags the UPDF use to carry
15 their items."

16 Now, Mr Witness, the items you described that came back you attribute to being
17 looted from the military; is that correct what you wrote in the statement, sir?

18 A. [14:32:45] That was my statement.

19 Q. [14:32:51] Now yesterday you stated that "We went to the camp, to the centre
20 where civilians were resident and the others started burning houses."

21 That was at T-61, page 29, lines 14 to 16.

22 Did you also state that, Mr Witness?

23 A. [14:33:19] I do remember.

24 PRESIDING JUDGE SCHMITT: [14:33:22] You know, Mr Obhof, I said this I think
25 when we questioned another witness. When we have a transcript and the witness

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1 was here in the courtroom and the transcript is the result of what he has said here in
2 the courtroom, we can take it for a given what he has said, yes?

3 MR OBHOF: [14:33:42] Sorry, your Honour. Thank you.

4 Q. [14:33:46] Mr Witness, can you explain the appearingly significant change
5 between your statement to the Prosecutor and your testimony in court?

6 A. [14:34:13] When there seems to be a difference in my statement, then it could be,
7 it means therefore that we first went to the barracks, then afterwards we went to the
8 camp where the civilians stay.

9 Q. [14:34:42] But in your statement, Mr Witness, to the Prosecution you stated you
10 did not go. So when you were talking to Court yesterday did you mean "we" as in
11 the LRA but not you, or does that mean that you went personally?

12 A. [14:35:09] Yeah, that means it was me.

13 Q. [14:35:15] Mr Witness, do you know what a trace around is?

14 Would you like me to describe --

15 THE INTERPRETER: [14:35:47] Your Honour, could the counsel repeat the statement
16 he made.

17 PRESIDING JUDGE SCHMITT: [14:35:52] I think the question is not understood by
18 the witness and perhaps you have to explain what you mean by that, trace around.

19 MR OBHOF: [14:36:05] Okay.

20 Q. [14:36:16] Mr Witness, there is a type of bullet called a tracer, do you know what
21 that is?

22 A. [14:36:35] I do not have any knowledge on the difference between the different
23 bullets.

24 MR OBHOF: [14:36:48] Your Honours, if we could please go into private session for
25 a few questions.

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1 PRESIDING JUDGE SCHMITT: [14:36:53] Private session.

2 (Private session at 2.36 p.m.)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Open session at 2.38 p.m.)

16 THE COURT OFFICER: [14:38:15] We are back in open session, Mr President.

17 MR OBHOF: [14:38:19]

18 Q. Now, Mr Witness, do you know a type of bullet when it fires you could see it
19 glow in the dark?

20 A. [14:38:45] If there is fighting at night, most times the gun that is fired, all the
21 guns actually produce fire and there are glows that come from all those guns, so
22 I don't see which one does not produce, especially when it is at night.

23 Q. [14:39:11] Mr Witness, I am not speaking of the muzzle flash. What I mean is
24 when you fire a weapon, in this case an AK-47, and you can see the bullet travel
25 throughout the air for several hundred metres, have you ever -- you can see it lights

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1 up, have you ever seen that type of ammunition?

2 A. [14:39:42] I have not seen that type of bullet.

3 Q. [14:39:54] So, Mr Witness, if I were to say that these type of bullets were used by
4 both the LRA and the UPDF, you are saying that you would have no knowledge of
5 such use; is that correct?

6 A. [14:40:19] I do not know if the bullets we were using as LRA were the ones that
7 would produce the glow or it was the one of the UPDF that was the one that would
8 produce the glow, because I know there are bullets and they are different types of
9 bullet just like you said.

10 Q. [14:40:46] So then you are saying that you have seen those types of bullets or not,
11 Mr Witness?

12 A. [14:41:04] I, I was not shown any of those bullets that you said produced the
13 glow. I have not seen it.

14 PRESIDING JUDGE SCHMITT: [14:41:16] I think he has answered that now. You
15 would have to move on.

16 MR OBHOF: [14:41:23]

17 Q. Mr Witness, we are going to move on to Alim. Now at Alim, Mr Witness, is it
18 true that Mr Ongwen told the civilians and the LRA who did not have guns to cross
19 the road and remain behind for the ambush?

20 A. [14:42:01] That's correct.

21 Q. [14:42:03] In your opinion was this to keep them safe during any engagement
22 with the UPDF and the LRA?

23 A. [14:42:34] I don't have any knowledge why he said that because I cannot give my
24 opinion on what I really don't understand.

25 MR CHOUDHRY: [14:42:48] Your Honour, just for the record, my learned friend has

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1 mentioned "civilians". The actual phrase is "abducted civilians".

2 PRESIDING JUDGE SCHMITT: [14:43:00] And it's paragraph 76.

3 MR OBHOF: [14:43:03] That's correct, tab 1, 0484.

4 PRESIDING JUDGE SCHMITT: [14:43:07] And I don't know, but the witness -- you
5 have stated in your statement to the Prosecution "Ongwen said that we should attack
6 the soldiers."

7 MR OBHOF: [14:43:21]

8 Q. [14:43:21] And you also stated at paragraph 76 of tab 1 that "Ongwen said that
9 we should attack the soldiers"; is that correct?

10 A. [14:43:36] That's correct.

11 Q. [14:43:45] So to be clear, Mr Witness, this again was the armed LRA fighting
12 UPDF, correct?

13 A. [14:44:12] I did not count the number of people who were -- who remained in the
14 bush to know how many had guns at that time, but the people who were fighting
15 were -- they were also LRA that had guns.

16 Q. [14:44:32] And during that attack you stated on Wednesday in relation to one
17 person being injured that: "There was --" you stated that "There was nothing he",
18 meaning Mr Ongwen, "did to the person who got injured, only that" -- "only that he
19 said that the person got injured because he was scared. He was a coward."

20 Now, Mr Witness, to the best of your knowledge why would somebody get hurt
21 during a firefight for being a coward?

22 A. [14:45:24] I don't know what he said that.

23 Q. [14:45:40] Now, Mr Witness, could this be because of the intense spiritual beliefs
24 throughout the entire LRA that people within the LRA thought that one of these
25 spirits which Joseph Kony alleged to have talked to caused this injury to this person

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1 for being a coward?

2 A. [14:46:12] I -- I have no knowledge of any spirit that the LRA had.

3 Q. [14:46:33] So, Mr Witness, throughout your statement you did speak a few times
4 about praying before attacks; is that correct?

5 A. [14:46:51] That's correct.

6 Q. [14:46:57] From what you saw while in the bush is this -- was this a normal
7 occurrence, a prayer before every attack?

8 A. [14:47:18] If it's about the place that I mentioned that there was a prayer before
9 we went, yes, then that I can remember, but any others I do not remember if the
10 fighting took place. We first prayed then we went for the fight, I don't remember any
11 of such.

12 Q. [14:47:45] Mr Witness, I'm very sorry, the translation didn't come through great
13 on my headset. Could you repeat your answer, please.

14 A. [14:48:00] I said that if it was about the place that I said there was prayer first
15 before we went, that is the only place I remember we prayed and there was prayer.
16 But not any other place that I know of.

17 PRESIDING JUDGE SCHMITT: [14:48:19] And this was, when I recall it, Barogal,
18 when I recall it. This was paragraph 72 of the former statement.

19 MR OBHOF: [14:48:32]

20 Q. [14:48:32] Mr Witness, you also talk about your return from -- when you
21 returned from Pader.

22 And I'm looking at paragraph 56 in tab 1, page 0481.

23 This might not necessarily be before a battle. But it was right after is spying on
24 soldiers at Oguta.

25 "The next day early in the morning, Ongwen invited us to come and pray. We

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1 Removed our shoes, sit on a mat and we prayed with a rosary. The LRA soldiers
2 sprinkled water and some oil on us. When we started the prayers we heard the
3 gunshots, the spies who were guarding us were shot by the UPDF. Ongwen told us,
4 God had heard our prayers, we stopped praying and we went to fight the UPDF
5 soldiers."

6 Did you pray before that time, Mr Witness?

7 A. [14:49:54] At the time that we heard the gunshot, that was when we were
8 praying, but when people now rushed towards the battlefield I did not see any prayer
9 going on.

10 Q. [14:50:14] Also at page 0491, paragraph 120 of tab 1, and this is whilst at Loyo
11 Ajonga before going to Odek.

12 "We prayed before we went to the attack. There were maybe 30 people there. We
13 had AK-47, PK and RPG guns with us."

14 Mr Witness, did you pray before the attack on Odek?

15 A. [14:50:59] We prayed.

16 Q. [14:51:08] Now, not necessarily in relation to any attack, but did you pray a lot
17 whilst in the LRA?

18 A. [14:51:22] Yes, we would pray.

19 Q. [14:51:32] Now, Mr Witness, after Alim, you stayed at the homestead of some
20 civilians and ate the food that you took from the UPDF; isn't that correct?

21 A. [14:51:54] That is correct.

22 Q. [14:51:57] Mr Witness, once again I ask you a similar question: Were there any
23 abductions at Alim?

24 A. [14:52:21] At Alim I did not see anybody captured because the fighting was
25 between the government soldiers and the LRA rebels.

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1 Q. [14:52:47] Now, Mr Witness, we are going to move on to Labwor Omor. Now,
2 Mr Witness, does Labwor Omor go by any other name?

3 A. [14:53:17] I do not know any other name apart from that name which is used,
4 Labwor Omor.

5 Q. [14:53:24] Have you ever heard it called Palaro?

6 A. [14:53:36] Yes, I have heard of that name.

7 Q. [14:53:40] Are those in the same areas?

8 A. [14:53:53] I do not remember.

9 Q. [14:53:58] Now, Mr Witness, in your statement at tab 1, at 0488, paragraph 103,
10 you stated that:

11 "He", meaning Dominic Ongwen, "said that all the LRA soldiers should put on the
12 UPDF uniforms and the civilians should remain behind."

13 And this is in reference to going to Labwor Omor barracks; is that correct?

14 A. [14:54:31] It is correct.

15 Q. [14:54:41] Isn't it also correct that in the next paragraph you further qualified
16 your statement by saying that he -- that he selected only those people that had
17 firearms to go to the barracks?

18 A. [14:55:07] That one is correct.

19 Q. [14:55:14] And only those persons who had uniforms on should have gone to the
20 barracks? Correct, Mr Witness?

21 A. [14:55:29] It's correct.

22 Q. [14:55:31] And on page 0489, at paragraph 104, you also told the Prosecution in
23 this statement that you did not hear any instructions from Mr Ongwen about civilians
24 at Labwor Omor; is that correct, sir?

25 A. [14:56:03] It's correct.

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1 MR OBHOF: [14:56:12] Your Honour, two to three questions in private session,
2 please.

3 PRESIDING JUDGE SCHMITT: [14:56:16] Private session.

4 (Private session at 2.56 p.m.)

5 (Redacted)

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9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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6 (Open session at 2.59 p.m.)

7 THE COURT OFFICER: [14:59:57] We are back in open session, Mr President.

8 MR OBHOF: [15:00:14]

9 Q. [15:00:15] Mr Witness, were you told the -- what the plan was to attack the
10 military barracks at Labwor Omoro?

11 A. [15:00:40] When you ask me about whether they asked me, whether they told me
12 about the plan, when you go to the barracks it means we should go and overrun the
13 barracks and recover weapons and other things.

14 Q. [15:00:57] And the plan was to overrun the barracks; correct, sir?

15 A. [15:01:08] Yes, that is correct.

16 Q. [15:01:11] Mr Witness, whilst you were infiltrating the barracks was there
17 anything different or unusual in the plan to attack the barracks?

18 A. [15:01:39] I do not know anything else because for us we went ahead, we
19 attacked the barracks. I don't -- I don't know if there was any other task given to
20 those who had remained behind.

21 Q. [15:01:53] Before the attack started, did anyone buy any sodas or sweets?

22 A. [15:02:04] Yes.

23 Q. [15:02:07] Did anyone go and start talking to UPDF inside of a bar or a local
24 establishment?

25 A. [15:02:25] Some LRA soldiers who had moved through the location where the

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1 soldiers were, they talked to the soldiers.

2 Q. [15:02:40] Did some of the LRA soldiers start dancing with the UPDF soldiers?

3 A. [15:02:52] I do not recall about dancing.

4 Q. [15:02:59] Initially how were the LRA soldiers received by the UPDF before they
5 knew who the LRA soldiers were?

6 A. [15:03:21] There was nothing wrong. There were handshakes and Ongwen was
7 recognised as a commander.

8 Q. [15:03:38] Just to clear things up, was it Ongwen that was recognised as
9 a commander or was it someone else in the LRA whose relative recognised him?

10 PRESIDING JUDGE SCHMITT: [15:03:54] That is not an alternative in my opinion.
11 That can be two different things.

12 MR OBHOF: [15:04:00] I said was it -- did somebody recognise Mr Ongwen or did
13 somebody recognise somebody else within the LRA.

14 PRESIDING JUDGE SCHMITT: [15:04:07] No, no, no, he said -- you asked how were
15 the LRA soldiers received by UPDF and he answered Ongwen was received as
16 a commander. This could imply a commander of which army, whatever. I don't
17 want to lead your questioning. But the question that came afterwards addresses
18 something different in my opinion.

19 MR OBHOF: [15:04:31] Yes. Thank you, your Honour.

20 Q. [15:04:33] Sorry, Mr Witness.

21 Now apparently, as I was alluding, things did not go as planned, did it, Mr Witness?

22 A. [15:04:52] Yes.

23 Q. [15:04:57] How was the plan foiled by the UPDF?

24 A. [15:05:09] The UPDF foiled the LRA's plan because one -- someone who was
25 among the civilian community saw his brother who was in the LRA ranks and started

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1 running. This made the UPDF to realise that these were not government soldiers.

2 Q. [15:05:56] What happened once the UPDF found out that they were not
3 government soldiers?

4 A. [15:06:06] What happened was everybody started scampering and looking for
5 safety. We also started running towards the barracks.

6 Q. [15:06:27] Now, Mr Witness, after running towards the barracks the LRA
7 attacked the military barracks; correct?

8 A. [15:06:40] The LRA started fighting the government soldiers while in the
9 barracks, but it was not successful to overrun the barracks and we were defeated.

10 Q. [15:06:59] Mr Witness, just to clarify something that you said earlier at line 15 of
11 page 84 of today's transcript you said that someone who was amongst the civilian
12 community saw his brother.

13 In your statement at paragraph 106 you said: "Unfortunately one of the UPDF
14 soldiers recognised his brother who was in the LRA and he quietly ran away."
15 Was the person who recognised the LRA soldier, was he a civilian or was he a UPDF
16 soldier?

17 A. [15:07:48] The person who saw his brother who was in the LRA ranks, I am not
18 familiar with their story. I was not familiar whether he was a soldier or a civilian
19 because he was not wearing military fatigue, he was wearing civilian clothes. So
20 I don't know whether he was a civilian or a soldier.

21 Q. [15:08:17] And you just said that in this attack the LRA was defeated by UPDF; is
22 that correct?

23 A. [15:08:36] That's correct.

24 Q. [15:08:37] Was it because the LRA was outnumbered?

25 A. [15:08:49] I, I do not know exactly why the government soldiers defeated the

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1 LRA. I don't know what skill they used to fight.

2 Q. [15:09:12] At paragraph 107 on page 0489 of tab 1 you stated:

3 "During the attack the UPDF soldiers forced us to retreat because there were more
4 soldiers than we thought."

5 So, Mr Witness, were you outnumbered or were you outskilled?

6 A. [15:09:51] I cannot say whether it was about number or it was about skill because
7 what we felt, it was not what we expected. We thought we would find they were
8 weak.

9 Q. [15:10:08] Now, after the LRA had been defeated you state that the remaining
10 LRA soldiers fled into the IDP camp; is that correct?

11 A. [15:10:31] That's correct.

12 Q. [15:10:34] Were not the UPDF soldiers advancing on you and following you?

13 A. [15:10:48] I don't know whether they were following us or not.

14 Q. [15:10:58] So you're unsure of whether the UPDF followed you into the IDP
15 camp where you state you went or if they remained in the barracks after
16 overpowering you? Is that your -- which one is it, Mr Witness?

17 A. [15:11:23] I said I do not know if the UPDF soldiers pursued us, they followed us
18 at that particular time, because there were still gunshots. I did not stop to look back
19 and see who was following us because it was difficult.

20 Q. [15:11:53] How densely populated was that camp, Mr Witness?

21 A. [15:12:04] I do not know the number of people who were there.

22 Q. [15:12:17] Now, Mr Witness, this is the second time you informed this Court that
23 UPDF after winning at a barracks did not advance on the LRA. Is this common
24 practice in the UPDF -- or, from your experience did this happen often, Mr Witness?

25 A. [15:12:50] If you ask me whether the UPDF soldiers followed us after the attack,

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1 what I know is that when we left, they followed us. But if it's about the battle at the
2 barracks or at the camp where there were civilians, at that point I wouldn't know.
3 When the gunshots are being heard you don't know which one is -- whether it is for
4 the UPDF or the LRA.

5 PRESIDING JUDGE SCHMITT: [15:13:35] May I in the meantime, please, Mr -- I'm
6 referring to paragraph 107. We had this already. This is only for the parties and
7 participants.

8 And there you stated in your former statement, I repeat one sentence that has already
9 been read to you:

10 "We retreated into the camp which was a little away from the barracks. We looted
11 the camp and abducted young people who could serve in the LRA."

12 So did this last a little while, looting and abducting?

13 THE WITNESS: [15:14:18] (Interpretation) No, we did not take long.

14 PRESIDING JUDGE SCHMITT: [15:14:22] My question would be: If the UPDF
15 would have advanced on you or followed you, would you have recognised that when
16 you were looting or abducting people?

17 THE WITNESS: [15:14:48] (Interpretation) I do not know if they could -- people
18 could tell the difference because we were also wearing uniforms similar to that of the
19 government soldiers.

20 PRESIDING JUDGE SCHMITT: [15:15:05] Please continue.

21 MR OBHOF: [15:15:07]

22 Q. [15:15:10] Now, Mr Witness, we're going to go to Bar-Rio. Mr Witness, when
23 did the attack on Bar-Rio happen?

24 A. [15:15:31] I do not remember when it was attacked.

25 Q. [15:15:38] Do you remember -- do you remember which season it was? Was it

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1 a rainy season or a dry season?

2 A. [15:15:50] I do not remember.

3 Q. [15:15:56] Were there mangos coming out or groundnuts or was millet being
4 harvested?

5 A. [15:16:12] I do not remember.

6 Q. [15:16:18] Do you remember if it was before or after you were trained?

7 A. [15:16:35] I don't remember that too.

8 Q. [15:16:39] Did you have a gun at this time?

9 A. [15:16:48] I don't remember.

10 Q. [15:16:58] Mr Witness, did Mr Ongwen attend the attack at Bar-Rio?

11 A. [15:17:09] Yes, he was there.

12 Q. [15:17:13] Was this before or after his injury?

13 A. [15:17:28] I don't remember at this point.

14 Q. [15:17:34] Did Mr Ongwen have a bad limp before his injury?

15 A. [15:17:50] Before the injury I do not know how he used to walk, I did not take
16 time to realise how he walks.

17 MR OBHOF: [15:18:08] Private session, your Honour, for two questions, please.

18 PRESIDING JUDGE SCHMITT: [15:18:12] Private session.

19 (Private session at 3.18 p.m.)

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6 (Open session at 3.19 p.m.)

7 THE COURT OFFICER: [15:19:36] We are back in open session, Mr President.

8 MR OBHOF: [15:19:51]

9 Q. [15:19:51] Now, Mr Witness, Mr Ongwen was in the sickbay for approximately
10 four to six months. When he left did he immediately start leading attacks?

11 A. [15:20:13] I do not recall how we started operations.

12 Q. [15:20:22] Now, Mr Witness, I put it to you that two attacks on Bar-Rio during
13 your time in the LRA happened whilst Mr Ongwen was in sickbay. What would you
14 say to a statement like that?

15 A. [15:20:54] I can say that Ongwen was not at the sickbay because he was
16 physically present.

17 Q. [15:21:01] How many people were abducted from Bar-Rio, Mr Witness?

18 A. [15:21:11] I do not know the number of people were abducted.

19 Q. [15:21:19] Were there 10 people, 15, 20, was it a small amount, large amount?

20 A. [15:21:28] I do not know a number because I did not see them gathered
21 and -- being gathered and counted. If I had seen them gathered I would have
22 estimated whether they were 10 or 15.

23 Q. [15:21:52] Do you remember about how many people from the LRA went to
24 Bar-Rio?

25 A. [15:22:08] I don't remember the exact number, but if I look back I can estimate.

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1 Q. [15:22:21] An estimation would be okay.

2 A. [15:22:29] It could be over 30.

3 Q. [15:22:44] Mr Witness, do you remember where you were operating from at the
4 time of Bar-Rio?

5 A. [15:23:05] I do not remember the name of the place at this particular moment, but
6 I know the area and I remember the area.

7 Q. [15:23:18] Could you please tell us which area it was, Mr Witness.

8 A. [15:23:25] We are in the Gulu area.

9 Q. [15:23:31] Do you remember which -- do you remember which county or
10 sub-county you were in?

11 A. [15:23:46] I do not remember.

12 Q. [15:23:49] Do you know which county or sub-county Bar-Rio is in?

13 A. [15:24:11] I do not know which sub-county Bar-Rio is in, but I know that Bar-Rio
14 is between the Acholi and Langi community. I do not exactly -- I do not know
15 exactly the area, the name of the area.

16 MR OBHOF: [15:24:43] I have to go into private session. And this one will probably
17 be about five to 10 minutes.

18 PRESIDING JUDGE SCHMITT: [15:24:49] Private session.

19 (Private session at 3.24 p.m.)

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22 (Redacted)

23 (Redacted)

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4 (Open session at 3.33 p.m.)

5 THE COURT OFFICER: [15:33:10] We are back in open session, Mr President.

6 MR OBHOF: [15:33:23]

7 Q. [15:33:23] Now, Mr Witness, do you know where Koch Ongako is?

8 A. [15:33:42] I do not know the exact location of Koch Ongako but I have heard that
9 name several times.

10 Q. [15:33:53] Did you ever work at Koch Ongako?

11 A. [15:34:04] I do not remember.

12 Q. [15:34:31] Do you know if there used to be any military establishment in
13 Koch Ongako?

14 A. [15:34:59] I do not remember.

15 Q. [15:35:13] What did you hear when you said earlier that you at least have heard
16 about Koch Ongako, what did you hear about it?

17 A. [15:35:27] I heard that Koch Ongako, the name -- that place is in Gulu.

18 Q. [15:35:50] Did you ever hear anyone say that Mr Ongwen attacked a military
19 barracks at Koch Ongako?

20 A. [15:36:03] I do not remember.

21 Q. [15:36:12] Now, Mr Witness, during your time in the bush did you ever come to
22 learn about civilians that would help the LRA, what we call collaborators?

23 A. [15:36:45] Yes, I heard.

24 Q. [15:36:48] Did you ever see any of these collaborators while in Mr Ongwen's
25 group?

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1 A. [15:37:00] I did not see.

2 Q. [15:37:06] Did you ever learn the names of any of the collaborators whilst in
3 Mr Ongwen's group?

4 A. [15:37:23] I do not recall that.

5 MR OBHOF: [15:37:34] Your Honour, I would like to go into private session for four
6 questions, please.

7 PRESIDING JUDGE SCHMITT: [15:37:38] Private session.

8 (Private session at 3.37 p.m.)

9 (Redacted)

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- 11 (Open session at 3.40 p.m.)
- 12 THE COURT OFFICER: [15:40:43] We are back in open session, Mr President.
- 13 PRESIDING JUDGE SCHMITT: [15:40:46] Thank you very much.
- 14 Then this concludes the hearing for today. We resume tomorrow at 9.30.
- 15 THE COURT USHER: [15:40:56] All rise.
- 16 (The hearing ends in open session at 3.40 p.m.)