

Trial Hearing
WITNESS: UGA-OTP-P-0142

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 3
7 Friday, 5 May 2017
8 (The hearing starts in open session at 9.30 a.m.)
9 THE COURT OFFICER: [9:30:46] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:31:02] Good morning, everyone.
12 Especially good morning to Mr Witness.
13 WITNESS: UGA-OTP-P-0142 (On former oath)
14 (The witness speaks Acholi)
15 THE WITNESS: [9:31:17] (Interpretation) Thank you very much.
16 PRESIDING JUDGE SCHMITT: [9:31:18] Could the court officer please call the case.
17 THE COURT OFFICER: [9:31:21] Thank you, Mr President.
18 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
19 reference ICC-02/04-01/15.
20 For the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:31:34] I then ask for the appearances of the parties.
22 First Madam Adeboyejo, I think is the name.
23 MS ADEBOYEJO: [9:31:44] Close enough, your Honour.
24 PRESIDING JUDGE SCHMITT: [9:31:47] So close enough obviously means that it was not
25 correct. Perhaps you can help me a little bit with that.

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- 1 MS ADEBOYEJO: [9:31:55] Adesola Adeboyejo for the Prosecution, Adeboyejo.
- 2 PRESIDING JUDGE SCHMITT: [9:32:01] Adeboyejo?
- 3 MS ADEBOYEJO: [09:32:01] Yes.
- 4 PRESIDING JUDGE SCHMITT: [09:32:01] Madam Adeboyejo, please the appearances.
- 5 MS ADEBOYEJO: [9:32:05] Thank you, your Honour. Ben Gumpert, Pubudu
- 6 Sachithanandan, Paul Bradfield, Yulia Nuzban, Hai Do Duc, Ramu Fatima Bittaye, Yeasin
- 7 Khan and Mr Colin Black appearing for the Prosecution.
- 8 PRESIDING JUDGE SCHMITT: [9:32:18] Thank you very much.
- 9 And now for the Legal Representatives of the Victims. Mr Manoba, please.
- 10 MR MANOBA: [9:32:23] Good morning, Mr President, your Honours. Joseph Manoba,
- 11 James Mawira, and Megan Hirst today joins us.
- 12 MR NARANTSETSEG: [9:32:33] Good morning, your Honours. Orchlon Narantsetseg
- 13 for the common Legal Representative. Thank you.
- 14 PRESIDING JUDGE SCHMITT: [9:32:38] Thank you.
- 15 And for the Defence, please, Mr Obhof.
- 16 MR OBHOF: [9:32:42] Good morning, your Honour. Good morning, Mr Witness. For
- 17 the Defence today, we have counsel Ayena Odongo, Ms Abigail Bridgman, Chief Charles
- 18 Achaleke Taku, Roy Titus Ayena, our client, Mr Dominic Ongwen, and myself,
- 19 Thomas Obhof.
- 20 PRESIDING JUDGE SCHMITT: [9:32:57] Thank you, Mr Obhof.
- 21 And legal counsel for the witness.
- 22 MR VON BÓNÉ: [9:33:02] Good morning, your Honour, members of the Chamber. My
- 23 name is Julius Von Bóné. I'm the Rule 74 lawyer for the witness.
- 24 PRESIDING JUDGE SCHMITT: [9:33:10] Thank you very much.
- 25 And we continue now with the examination by the Prosecution.

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1 Madam Adeboyejo has the floor.

2 MS ADEBOYEJO: [9:33:19] Thank you, your Honour.

3 QUESTIONED BY MS ADEBOYEJO: (Continuing)

4 Q. [9:33:23] Good morning, Mr Witness. I hope you had a good night's rest.

5 A. [9:33:25] Good morning. I had a good night, yes.

6 Q. [9:33:34] I have a few clarifying questions for you from our discussions yesterday, and
7 forgive me, some of it might just be for me to understand better, for the Court to understand
8 better some of what we had discussed.

9 Yesterday we talked about the battalion commander of Sinia brigade. Do you recall?

10 A. [9:34:12] Yes, I do recall.

11 Q. [9:34:13] And I will be referring to page 21, line 2 of the realtime transcript yesterday.
12 I want to ask you: What was Ocan Nono's position in 2003, Mr Witness?

13 A. [9:34:40] Ocan Nono was the CO. At that time he was the CO in charge of the
14 battalion.

15 Q. [9:34:48] And which battalion would that be, Mr Witness?

16 A. [9:35:00] At that time he was in Siba.

17 Q. [9:35:04] Thank you, Mr Witness.

18 We also spoke to a large extent about the Odek incident, the Odek attack, and you had told
19 the Court that Ongwen was the one who had given the orders for Odek. I'm referring to
20 page 42, line 23 of the realtime transcript. What was his position in Sinia brigade during this
21 Odek attack?

22 A. [9:35:54] Dominic was the brigade commander of Sinia. He was the overall
23 commander of the soldiers in the Sinia brigade.

24 Q. [9:36:02] And how long before this attack in Odek had he been Sinia brigade
25 commander?

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1 A. [9:36:19] He had not taken long because he took over from Buk, so he hadn't taken a
2 long time at that position.

3 Q. [9:36:31] Now, still talking about Odek that we spoke about yesterday, you had said
4 Okwer came and told you that there was work to do. Do you recall when he told you this?
5 Relative to the briefing you told us about, when did he tell you this?

6 A. [9:37:02] I do not recall that now.

7 Q. [9:37:04] Okay. I'm referring to -- I'm making reference to page 33, lines 7 and 8.

8 But I will refresh your memory about it, Mr Witness.

9 You said, and I recall, you said, "Okwer was the one who came and told me about the work."

10 PRESIDING JUDGE SCHMITT: [9:38:02] But I think the witness does not put into doubt
11 what he has said already. The problem, so to speak, was that he does not recall when he was
12 told that, if I have understood the witness correctly.

13 THE WITNESS: [9:38:22] (Interpretation) Yes, that is exactly what was said, because when
14 he called me, he told me, "There is work, but you are not going. We are going to send
15 Loryada to that operation."

16 MS ADEBOYEJO: [9:38:38] I'm grateful to your Honour for the clarification.

17 Q. [9:38:42] What else did he tell you when he had this conversation with you?

18 A. [9:38:54] I do not recall.

19 Q. [9:38:58] I can refresh your memory on this, Mr Witness.

20 Your Honours, I would --

21 PRESIDING JUDGE SCHMITT: [9:39:04] Yes, but refreshing does not mean that we go to
22 the -- what -- back to the transcript or the --

23 MS ADEBOYEJO: [9:39:11] No, no.

24 PRESIDING JUDGE SCHMITT: [9:39:13] Okay. So we understand each other.

25 MS ADEBOYEJO: [9:39:40]

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1 Q. [9:39:40] Mr Witness, I would read this portion to you.

2 Your Honours, it's at tab 18, tab 18. It's UGA-OTP-0244-0693 at 0698, 0698. And I'm
3 looking in particular at lines 154 and 155.

4 It reads:

5 "What Okwer reported was that we were supposed to go and attack Odek and Kony had
6 issued an order that Odek should be attacked within two days."

7 Do you recall this, Mr Witness?

8 A. [9:40:41] Yes, I do recall correctly now. I now recall very well.

9 Q. [9:40:48] So it would in fact be correct to say, Mr Witness, that Okwer gave you this
10 information because he had the information before you heard the general briefing?

11 A. [9:41:14] Yes, it's exactly like that.

12 Q. [9:41:19] Mr Witness, I now want to ask you concerning the food that you said was
13 looted after the Odek attack yesterday. You said that when you got the report from those
14 who went for the attack, you said they went and they looted food. I'm referring to page 39,
15 line 12 of the realtime transcript yesterday. Page 39, line 12.

16 Do you know what looted food items they brought back? What were the looted food items
17 they brought back?

18 A. [9:42:13] These foods item include ground nuts or peanuts, biscuits, beans. These
19 were majorly the items that I remember were collected from there.

20 Q. [9:42:32] Did you see these items, Mr Witness?

21 A. [9:42:37] Some of the children who went there and came back with those items, I saw
22 them with my own eyes.

23 Q. [9:42:48] And -- thank you, Mr Witness. Yesterday also we started talking about the
24 attack in Lukodi and a portion of what we discussed was with regards to the clothing that the
25 fighters were putting on. I wanted to find out from you what were you yourself putting on.

1 I'm making reference to page 69, lines 4 to 8 of the realtime transcript yesterday.

2 I want you to confine yourself to just what you were wearing. That's what I want to -- I
3 want you to recall.

4 A. [9:43:44] I do not recall. I can't recall now what clothes I was wearing, but I am
5 confident that I was wearing civilian clothes.

6 Q. [9:43:56] Thank you, Mr Witness. Still on the issue of Lukodi, you told us that there
7 was a group of fighters that had gone for the attack, but that there was behind the first group
8 of fighters who were in the front line, so to speak, you said behind them there was an
9 unarmed group. I want you to focus on that unarmed group, Mr Witness, and tell the Court
10 were there any children among that unarmed group?

11 A. [9:44:40] There were very many people, but now I cannot recall whether there were
12 very young children, but yes, there were those children in the age category 14 who were
13 there.

14 Q. [9:45:09] And when you talk about the age category, what would be the age range of
15 the youngest set of children who were in that group?

16 A. [9:45:28] Well, I cannot estimate, but from what I see, it is from like 11 years old
17 upwards to 20 years old.

18 Q. [9:45:44] Thank you, Mr Witness. Among the fighters now, let's focus on the fighters,
19 what would you say the age range of those fighters were?

20 A. [9:46:06] The fighters, as I said, their age ranged from 11 years old to approximately 30
21 to 35 years old. There were older fighters as well.

22 Q. [9:46:29] Thank you, Mr Witness. Now, these ones that you said were between the
23 ages of 11 to 14, what was the role of these children in that particular attack?

24 A. [9:46:52] There were others who were already soldiers, but then there were also those
25 who were not yet initiated into the soldier ranks. Then there were those who were supposed

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1 to majorly carry food items, and those who are already assigned as fighters also had guns and
2 they were also able to fight when there is any engagement.

3 Q. [9:47:23] Thank you, Mr Witness. I would now take us to a particular document, and
4 because this document is confidential, I would be requesting that we go into private session
5 to discuss this particular document.

6 PRESIDING JUDGE SCHMITT: [9:47:47] Yes, private session, please.

7 (Private session at 9.47 a.m.)

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1 (Open session at 9.52 a.m.)

2 THE COURT OFFICER: [9:52:02] We are in open session, Mr President.

3 MS ADEBOYEJO: [9:52:07]

4 Q. [9:52:07] Mr Witness, can you describe the document you have in front of you.

5 A. [9:52:16] This is the map indicating our movement as we were heading to Lukodi
6 where we went for attack. Can I continue?

7 Q. [9:52:31] Yes, indeed.

8 A. [9:52:34] So we came from Awach. If you are in Lukodi, then the direction is that we
9 are from the east, heading westward. Then we came straight and crossed a certain road,
10 which is named Ocora road, which comes from Gulu going towards Ajulu.

11 We moved for a few distance, for a short distance, and crossed -- but before we crossed
12 Unyama stream, but I have not indicated here, but the stream or the river is Unyama. This
13 was the point where we also talked with the civilian. Then we crossed that Unyama river,
14 through the bridge, and we moved slightly ahead and then we turned to the left.
15 So we started our deployment right from that road towards, towards the left where the school
16 is located and that is also where the barracks is located.

17 Q. [9:54:07] I would stop you there, Mr Witness. I apologise for interrupting you. I
18 wanted to ask you a specific question on that point that you arrived at. What was the
19 distance between the school and the barracks?

20 A. [9:54:26] The school and the barracks, the soldiers are in the school exactly. That is
21 where the location was. They were exactly at the school.

22 Q. [9:54:35] So if I understand you correctly, and if the Court can understand you, the
23 soldiers had converted the school to a barracks; is that what you want the Court to
24 understand?

25 A. [9:54:46] Yes, yes, the soldiers were exactly in the barracks -- in the school, and they

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1 had turned the school into a barracks, yes.

2 Q. [9:54:56] Now, you said that you approached from Awach and then you crossed Ocora
3 road and then you started proceeding. If we are looking at the map, therefore we are
4 looking from the bottom up, are we not?

5 A. [9:55:15] Yes.

6 Q. [9:55:16] Now, the sign that you have put in here that is just after where you marked
7 "Ajulu" upwards, it starts with an M, M-E. What does that signify?

8 A. [9:55:38] Well, I cannot clearly read this, but it appears this is where we first stopped
9 briefly. It's like a meeting point, but I cannot clearly read it, but I think this is like a meeting
10 point where we stopped briefly.

11 Q. [9:55:59] And then ahead of that you have a place where you have written the word
12 "river". What river are you referring to in that point? Not the first river, but the second
13 river. You are going upwards in the document.

14 A. [9:56:21] Which one are you talking about? I am not seeing where I wrote "stream",
15 but from the river, which is different from the river. Yeah, so if it is a river, then I am talking
16 about Unyama river. If you can see from that drawing, there is a bridge, a sign of the bridge,
17 and that I'm referring to Unyama river.

18 Q. [9:56:54] That indeed is correct, Mr Witness. That's what we are referring. So the
19 two marks that you have put on either side represent the bridge, isn't it, over the river, and
20 the river you are referring to there is the Unyama river.

21 A. [9:57:10] Yes, yes, that's exactly -- that is the bridge of river Unyama.

22 Q. [9:57:14] Now, to the right of that, Mr Witness, there is a mark that you have also put,
23 like an arrow. What does that represent? So if you go a little upwards, after where it's
24 marked "river", there's an arrow that is marked to the right of the document.

25 A. [9:57:47] Yeah, I am seeing that, but I cannot now remember very well, but I can see

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1 written "gun". That means that was a position of a certain gun which was probably placed
2 there. It was a position of a gun, but now I cannot recall very well.

3 Q. [9:58:04] And where you have the marking that looks like a semicircle, what does that
4 represent, Mr Witness?

5 A. [9:58:21] That represents the commanders, the commanders who were leading that
6 group of soldiers. It could also stand for, I think, civilian houses that were near the barracks.

7 Q. [9:58:39] Let's move upwards where you have two circles at the top of the document.
8 Two document -- two circles and then you have the mark "IDP" beside it. What does that
9 represent, Mr Witness?

10 A. [9:58:59] This one, I was trying to illustrate the set-up of the camp. There's a road
11 that goes through which separates -- which divides the camp into two parts. So I was trying
12 to illustrate the set-up of the camp. That's why I've written there "IDP". That is where the
13 civilians were resident.

14 Q. [9:59:27] Now, Mr Witness, with regards to this sketch you have in front of you, what
15 was the direction with which the fighters left after the attack had taken place?

16 A. [9:59:50] Our fighters or the government fighters?

17 Q. [9:59:55] The LRA fighters, indeed.

18 A. [9:59:57] Yeah, we came back from the same route that we used for going into the
19 camp. We came back on the same route.

20 Q. [10:00:07] And yesterday you told us, you said that when there was the engagement
21 with the soldiers, you said the UPDF soldiers fled from the barracks. What direction did
22 they flee to?

23 A. [10:00:28] They ran straight upwards and went into the camps where the civilians are.
24 Most of them went and entered into the camp.

25 Q. [10:00:38] All right. You can put this document away, Mr Witness.

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1 Now, Mr Witness, I'm now focusing on the return, when you were coming back. Apart from
2 the food items that you indicated yesterday were being carried by the unarmed group, what
3 other items did they have with them? You gave us a very good list yesterday of food items,
4 but what other non-food items did they have with them?

5 A. [10:01:47] I do not recall the other items they had.

6 Q. [10:01:56] Now, when you crossed -- you said that you used the same route to go back.
7 When you crossed the Unyama river, were you alone in returning? Were you alone?

8 A. [10:02:20] We were all together. The whole group was walking together. We were
9 in a single file because it was dark at the time.

10 Q. [10:02:29] How many of you were in the group at this time? I know it will be an
11 approximation.

12 A. [10:02:41] I do not believe any of us was missing because if -- to my recollection,
13 nobody died, so I believe the whole group was going back together.

14 Q. [10:02:53] And yesterday you told us that there were some civilians who were with the
15 group. How many were these civilians?

16 A. [10:03:10] There were civilians, but most of the civilians were women. There were
17 not that many men, but I do not recall the exact number of civilians, but I believe that there
18 were less than four men.

19 Q. [10:03:29] And these civilians, who had taken these civilians?

20 A. [10:03:43] I do not recall who abducted the civilians, but it's the people who went to
21 the camp to collect food that brought the civilians to help them carry the load.

22 Q. [10:03:56] And who was responsible for these civilians? Before you answer that
23 question, Mr Witness, may I request that we go into private session?

24 PRESIDING JUDGE SCHMITT: [10:04:09] Yes, I think this would be exactly an issue that
25 would have to be discussed in private session. Private session.

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- 1 MS ADEBOYEJO: [10:04:17] I'm requesting that we go into private session.
- 2 (Private session at 10.04 a.m.)
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- 17 (Open session at 10.11 a.m.)
- 18 THE COURT OFFICER: [10:11:53] We are back in open session, Mr President.
- 19 PRESIDING JUDGE SCHMITT: [10:11:55] Thank you.
- 20 MS ADEBOYEJO: [10:12:03]
- 21 Q. [10:12:07] Mr Witness, you said that there were about four persons who were male,
- 22 men. Were there any male children among those that you saw, the civilian abductees?
- 23 A. [10:12:32] I do not recall.
- 24 Q. [10:12:44] (Microphone not activated)
- 25 PRESIDING JUDGE SCHMITT: [10:12:50] Microphone, please.

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1 MS ADEBOYEJO: [10:12:53]

2 Q. [10:12:54] Mr Witness -- your Honours, may I have, crave your indulgence to refresh
3 the witness's memory on this discrete issue?

4 PRESIDING JUDGE SCHMITT: [10:13:04] Yes.

5 MS ADEBOYEJO: [10:13:05]

6 Q. [10:13:06] Mr Witness, I would read a portion of your statement to you very quickly.

7 (Microphone not activated)

8 PRESIDING JUDGE SCHMITT: [10:13:58] Microphone, please.

9 MS ADEBOYEJO: [10:14:00] UGA-OTP-0273-0385, and I'm referring specifically to 0394,
10 lines 296 -- 293 and 296:

11 "OK, were there any children? Young boys were about two. The ones who were over ten."

12 Q. [10:15:06] Mr Witness, do you recall saying this in your statement?

13 A. [10:15:09] Yes, I do. Yes, I recall that.

14 Q. [10:15:14] Do you recall -- do you know what happened to these young boys?

15 A. [10:15:24] Nothing happened to those young boys. They were not recruited as
16 soldiers.

17 THE INTERPRETER: [10:15:31] The interpreter corrects: I know that they were recruited
18 as soldiers.

19 MS ADEBOYEJO: [10:15:50] Could the interpreter just tell the Court so that we are sure
20 what, what was the real interpretation of that, the answer of the witness?

21 THE INTERPRETER: Could the witness please repeat, because the last part of the sentence
22 was not very clear, so I had to ask a colleague.

23 PRESIDING JUDGE SCHMITT: [10:16:12] Mr Witness, there was a problem with the
24 interpretation that was not anything that has something to do with you. The interpreters
25 request that you perhaps repeat your last answer so that they can start again interpreting it.

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1 THE WITNESS: [10:16:32] (Interpretation) Nothing bad happened to the boys, but I do
2 know that the children were recruited as soldiers. The boys were taken, they were recruited
3 as soldiers.

4 MS ADEBOYEJO: [10:16:53]

5 Q. [10:16:53] Thank you for clarifying that, Mr Witness.

6 Now, we are talking about the meeting point where you met with Dominic. I want to focus
7 your mind on that. Did the civilians go to this meeting point?

8 A. [10:17:29] No, the civilians did not go to this meeting point, other than the two boys.
9 Civilians did not go to this point.

10 Q. [10:17:42] And when Dominic saw these civilians, what was his reaction when he saw
11 these two boys?

12 A. [10:18:04] I do not recall what he told them. I did not see him meeting them face to
13 face, but I do not recall what Dominic said about it.

14 MS ADEBOYEJO: [10:18:15] Your Honours, I would like to refresh the witness's memory
15 on this point.

16 PRESIDING JUDGE SCHMITT: [10:18:20] Only on the point when he said I do not recall.

17 MS ADEBOYEJO: [10:18:24] Yes.

18 PRESIDING JUDGE SCHMITT: [10:18:25] But not on the point when he said "I did not
19 see".

20 MS ADEBOYEJO: [10:18:29] Yes, on the point that he didn't recall.

21 PRESIDING JUDGE SCHMITT: [10:18:35] Okay, that's okay.

22 MS ADEBOYEJO: [10:18:46] Your Honours, it's tab 9 UGA-OTP-0228-4542 at 4569.

23 PRESIDING JUDGE SCHMITT: [10:19:02] Perhaps in the meantime allow me a question.

24 MS ADEBOYEJO: [10:19:05] Yes, your Honour.

25 PRESIDING JUDGE SCHMITT: [10:19:06] A clarification.

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1 Mr Witness, when you talked about two boys, over 10 I think I have in my mind, could you
2 be more specific about the age? Only if you recall it and only if you really had an idea about
3 the age at the time.

4 THE WITNESS: [10:19:31] (Interpretation) Are you talking about the two boys that we
5 went with or the civilians that were among us?

6 PRESIDING JUDGE SCHMITT: [10:19:38] I'm talking about the two boys where you said
7 nothing bad happened to them, but they have been recruited afterwards.

8 THE WITNESS: [10:19:49] (Interpretation) I do not -- I cannot guess their ages, but nothing
9 bad happened to them.

10 PRESIDING JUDGE SCHMITT: [10:19:57] When you say you can't guess, any estimate?
11 Were they -- because you said over 10 at some point in time, so that was not -- so, you know,
12 we don't, we don't have a really -- we don't have an idea what that could possibly mean.

13 THE WITNESS: [10:20:16] (Interpretation) Possibly 16, 17 or 18 upwards, in my opinion.
14 The way the -- his appearance, his size and his features.

15 PRESIDING JUDGE SCHMITT: [10:20:32] Thank you, Mr Witness.
16 Please continue.

17 MS ADEBOYEJO: [10:20:39] I'm reading from 0228-4569:
18 "Then he asked us" -- line 899 "why didn't you kill people there?" 901: "So we actually told
19 them that there was nobody there." 903: "Then he was not happy." 908, in response to the
20 question who was not happy "Odomi."

21 A. [10:21:38] Yeah, that's exactly what I said. That's exactly as it is in my statement.

22 PRESIDING JUDGE SCHMITT: [10:21:46] But important, Mr Witness, is not, if it is in your
23 former statement, important is now that it has been read to you and your statement was far
24 along back in time. What do you -- do you recall it like that it was in your statement or what
25 do you say today? This is important. What is your recollection today when you are

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1 refreshed (Overlapping speakers)

2 THE WITNESS: [10:22:15] (Interpretation) There is no difference between my statement
3 today and my previous statement. I'm trying to help the Court to get the truth.

4 PRESIDING JUDGE SCHMITT: [10:22:27] This was not an admonishment at all, it was
5 only that it was not clear. And it depends always a little bit on how the question is put then
6 afterwards. If you have refreshed the mind, then you can say "Do you recall now", for
7 example --

8 MS ADEBOYEJO: [10:22:45] Yes, indeed.

9 PRESIDING JUDGE SCHMITT: [10:22:47] -- you can ask. That would be, that would be
10 easier. That would be helpful for the witness, I think.

11 MS ADEBOYEJO: [10:22:54] I'm grateful to your Honour for the direction.

12 PRESIDING JUDGE SCHMITT: [10:23:00] Yeah, thank you. Please continue.

13 MS ADEBOYEJO: [10:23:01]

14 Q. [10:23:02] Mr Witness, is this an accurate reflection of what happened, what I have
15 read to you, of Odomi's reaction when he saw the civilians?

16 A. [10:23:17] That was his reaction. That's what happened.

17 PRESIDING JUDGE SCHMITT: [10:23:28] There's also a second possibility, like you did it
18 now, that you simply, or any party or participant who is putting questions like that in the
19 refreshing mode, that you simply ask the same question again then now. You ask a question,
20 witness says, "I do not recall at the moment." And you read something to it, and then you
21 ask the question again, or like you did it now.

22 MS ADEBOYEJO: [10:23:55] I'm grateful to your Honour.

23 PRESIDING JUDGE SCHMITT: [10:23:57] Thank you.

24 MS ADEBOYEJO: [10:24:03]

25 Q. [10:24:03] Mr Witness, what was your response to Odomi's reaction?

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1 A. [10:24:15] I was not happy. I wasn't happy hearing talking the way he was because
2 we are talking about my people. I wasn't happy about his comments.

3 Q. [10:24:34] Now, apart from this discussion about the civilians, what was the report
4 that was given concerning what had happened in Lukodi?

5 A. [10:24:59] The report that we heard over the radio was a report stating that people
6 killed -- people were killed in Lukodi. They stated that soldiers went to the barracks and
7 killed people and also went to the camp and killed people. That's what I heard over the
8 radio.

9 Q. [10:25:18] Thank you, Mr Witness. I want to focus your mind on the meeting at the
10 RV. Because you told the Court earlier that everyone returned to the RV to meet with
11 Dominic. And you recall you also told the Court that when you come back there is a verbal
12 report that is given. I want you to tell the Court what was the report then that was given
13 upon the return from this -- from Lukodi?

14 A. [10:25:57] Everybody has their office, their office as an intelligence officer. I went and
15 informed my commanding officer that we went to the barracks, we chased away the barracks
16 and I did not see anybody killed, nobody died. The only thing that we found were old pairs
17 of old gumboots. I do not recall everything that I said, but that's what I told my BIO, my
18 commanding officer.

19 But with respect to Ocaka I do not know what he went and reported, but I do know that he
20 went and reported what he did and the items that he came back with.

21 Q. [10:26:44] Did you see Ocaka when he was giving this report to Dominic?

22 A. [10:26:55] I saw him. I saw them when they were seated together and discussing the
23 events, the outcome of the events.

24 Q. [10:27:14] And as part of the reporting on what had transpired in Lukodi, did any
25 further reports emanate concerning Lukodi?

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1 A. [10:27:32] I do not recall.

2 Q. [10:27:36] What other reports were produced concerning Lukodi?

3 A. [10:27:47] I do not recall any other report that came out with respect to Lukodi.

4 Q. [10:27:56] What would be the role of the brigade intelligence officer regarding the
5 attack in Lukodi?

6 A. [10:28:08] With respect to the IO in the brigade, when something like that happens,
7 they record everything in a book and when they meet with the director of intelligence, he
8 relays this report informing them of what the brigade did, and that's what I know the BIO of
9 the brigade does.

10 Q. [10:28:43] In this particular instance, did the BIO forward this report?

11 A. [10:29:04] I cannot recall when the BIO sent the report, but I do know that if he met
12 with his superiors, then he would have relayed this report to his superiors.

13 Q. [10:29:21] And who would his superiors be?

14 A. [10:29:34] There were several intelligence officers, but at the time we had people like
15 Otti Vincent who were also available, so he would send the report to people like Otti and
16 Akoja.

17 Q. [10:29:52] And where was Akoja based at this time?

18 A. [10:30:04] I do not recall at the time where Akoja was, but I believe that they were all
19 in Control Altar.

20 Q. [10:30:22] Now, Mr Witness, I want to focus your mind on what you have told this
21 Court yesterday when we were discussing Lukodi. You had mentioned a particular name,
22 Tulu. Do you recall that name?

23 A. [10:30:53] Yes, I do very well.

24 Q. [10:30:54] And was this Tulu?

25 A. [10:30:58] Tulu was a high-ranking commander of Gilva. At the time he was in

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1 sickbay. He was a commander of sickbay. Gilva's sickbay.

2 Q. [10:31:15] And when you are talking about the sickbay, what are you referring to
3 exactly?

4 A. [10:31:29] A sickbay, in my understanding and from the LRA, is where the sick, the
5 elder -- the weak soldiers, the injured soldiers, the nursing mothers, this is where these people
6 are kept. They stay separately, or on their own, not together with the other people who were
7 healthy.

8 Q. [10:31:54] And how many of such sickbays were you aware of, Mr Witness?

9 A. [10:32:06] I do not recall the number of sickbays, but there are different, several other
10 sickbays for Sinia, Gilva, and also they are usually in different locations within the small
11 groups. Within the small groups there are, there are sickbays, but for the ones in Tulu's
12 group, I do not have any idea.

13 Q. [10:32:34] Would the sickbays be attached to brigades or to battalions, Mr Witness?

14 A. [10:32:46] Yeah, the Sinia and Gilva could have the same sickbay or it could also be
15 only for Sinia. It depends on the location where injuries occurred. So they look at the
16 nearest sickbay and then they send the injured there. So people are actually mixed up.

17 Q. [10:33:08] Did the sickbay depend on the location? In other words, were they fixed at
18 particular locations or they were mobile?

19 A. [10:33:23] Sickbay is not fixed at a particular place. They move. They change
20 position, depending on the location where they find it's convenient and it's safe from attacks
21 from government soldiers. Sometimes they could stay at a position for like three months or
22 six months if there are no fears of attacks from government soldiers.

23 Q. [10:33:50] Did you know any commanders who were taken to sickbay, Mr Witness?

24 A. [10:34:03] Commanders who were sent to sickbays are very many. They were very
25 many. I may not, I may not narrate all of them, but even Dominic Ongwen, I know at some

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1 point he was injured and he was at sickbay. Myself, I was also at sickbay. Many
2 commanders, like Otti Lagony, had injuries. I also believe they were in the sickbay. There
3 are many. There are quite many and I cannot narrate all of them.

4 Q. [10:34:40] Thank you, Mr Witness, I quite understand. Where a commander is
5 injured and in the sickbay, how is he able to communicate with his subordinates?

6 A. [10:34:58] When a commander is injured, there is usually somebody who takes over
7 from him. Sometimes he has a radio call or sometimes he does not have, but if there is a
8 fixed date or appointment which has been made, then they know that if there is supposed to
9 be a meeting, then they know a particular place which has been agreed upon. So he could
10 have a radio call where they can communicate or he could not -- he could even stay without a
11 radio call, but he would go to that location which has been agreed for the meeting.

12 MS ADEBOYEJO: [10:35:40] Your Honours, can I have one second to confer?

13 PRESIDING JUDGE SCHMITT: [10:35:44] Of course.

14 (Counsel confers)

15 MS ADEBOYEJO: [10:36:13] I'm grateful to your Honour.

16 Q. [10:36:16] Now, Mr Witness, you mentioned the fact that even Dominic was at one
17 point injured and was at the sickbay.

18 A. [10:36:30] Yes.

19 Q. [10:36:33] What was the nature of the injury?

20 A. [10:36:44] I think I may not go into details because I did not put it in my statement, but
21 there were many things. He had injuries on his leg. So if I start to talk about it, that means
22 it will be a long process, and of course it was not part of the statement I made, but he had
23 injuries, he had injuries on his leg.

24 Q. [10:37:08] You have to understand, I can put questions to you, even the Judges can put
25 questions to you, that's why you're here. I want to explore that discrete issue with you.

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1 When did this injury on his leg, when did it occur?

2 A. [10:37:29] I do not recall. I cannot even recall the year, but he had injuries. And if it
3 was even possible to even to check, then you'll, yes, find that he got injured in the leg. And
4 he will confirm that I'm actually telling the truth.

5 Q. [10:37:53] Thank you, Mr Witness.

6 PRESIDING JUDGE SCHMITT: [10:37:55] But how did you come to know of the injury of
7 Mr Ongwen?

8 THE WITNESS: [10:38:10] (Interpretation) At that time we were together. I stayed for a
9 long time with my brother, but to say in the military term, my commander, we were for a
10 long time together.

11 PRESIDING JUDGE SCHMITT: [10:38:20] Thank you.

12 MS ADEBOYEJO: [10:38:21]

13 Q. [10:38:21] Now, Mr Witness, I'm going to move on to discuss with you on discipline
14 within the LRA. And I will ask you earlier on when you had discussed about the brigade
15 intelligence officer writing about issues in his book, where he talks about issues that have
16 happened in the brigade. Did you ever recall any incidences where issues of discipline were
17 also discussed and written down?

18 A. [10:39:09] Well, issues relating to discipline that I can recall are quite many. For
19 instance, respect for orders given to you that you have to go and perform, you have to
20 perform it. If a commander, if a commander comes or calls you, you have to go and salute
21 and greet the commander. These are some of the respects that I have been able to document
22 during my time.

23 Q. [10:39:49] Now, what would happen where there is a breach of these disciplinary
24 issues; in other words, where offences occur that would need discipline?

25 A. [10:40:07] Well, if you commit -- if you, for instance, disobey orders or you fail to do

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1 certain things, if it warrants death, you will be killed. If it warrants a beating, you will be
2 beaten several strokes that are uncountable, or you are punished to carry -- by carrying, by
3 carrying heavy loads such as heavy bombs. These are the things that I saw were happening.

4 Q. [10:40:41] And, Mr Witness, how would a determination be made to know what
5 appropriate punishment to give to a soldier who needs to be disciplined?

6 A. [10:41:01] That instruction, when I went to the bush, I found was already standing.
7 So I do not know how it was put in place, but I believe it came from Kony and everyone
8 follows that. It is not that it is made from the brigade or battalion, but I found that it was
9 already existing, and if you fail to follow instructions, that is what is supposed to be done.

10 Q. [10:41:34] Now, you just told us about some of the -- what would be the disciplinary
11 measures that could be given. You said it could be -- somebody could be killed and all that.
12 What kind of offences would a person commit that would warrant this punishment you've
13 described?

14 A. [10:42:10] Well, there are several offences. What I saw with my own eyes, maybe I
15 did not write in my statement, when we were at Aruu, there was one person who slept with
16 his colleague's wife, and he was killed in a firing squad. This is one of the, you know,
17 violations of the set instructions that you meet very harsh punishments.

18 Q. [10:42:49] Would shooting a civilian or shooting a civilian during the course of an
19 attack constitute such an offence?

20 A. [10:43:06] Well, there, nobody would see it as a crime if a civilian is injured or if a
21 civilian is shot at. Nobody would even say anything about it.

22 Q. [10:43:21] Now, I want to move to the point you had made earlier, Mr Witness, about
23 the abduction, and you had said that there had been abduction of certain women. Apart
24 from the abduction of these women, what other category of persons were abducted that
25 you're aware of?

1 A. [10:44:26] Abductions are done in several ways. For instance, it would be
2 requirement to abduct young children from 10, 11 or 12 years old, or others could be girls
3 abducted or could be adults or older people who are abducted to help in carrying luggages.
4 So there's several ways of abductions.

5 Q. [10:44:55] Let's focus on the abduction of girls. How regularly were girls abducted?

6 A. [10:45:10] Well, girls were abducted from different locations. Any battalion,
7 wherever they would move, if it's at a time that orders are given for abductions whereby you
8 would not do any abductions on your own, then they would -- following instructions given,
9 any type of person would be abducted, young girls who were yet below 18 or sometimes
10 even beyond 18. So these are the type of girls who were abducted when instructions are
11 given.

12 Q. [10:45:57] And when these girls are abducted, what are the instructions concerning
13 how they can be handled?

14 A. [10:46:14] All these people when they have been abducted, no ordinary officer or
15 person is allowed to stay with these people. There are places where they are kept, usually
16 with the senior commanders or at the operation room. For instance, at the brigade, it will be
17 with the BIO together with the brigade commanders. Or sometimes some COs, but most
18 times it were not with COs but mostly with brigade commanders and operation rooms.
19 So these people are not just distributed. For example, if it is with Kony, then they stay with
20 Kony and they are the ones who would know what to do with such people who are abducted.
21 And there is no set rule that you should stay with such people on your own accord. That
22 one was not allowed.

23 Q. [10:47:15] Why was it not allowed for anyone to just stay with the girls?

24 A. [10:47:29] Well, I do not now recall why it was not allowed, but usually the overall
25 commander like Kony would be the ones to know why such people should not stay with the

1 girls. But it was the rule that when such people are brought, should not stay with the other
2 ordinary people.

3 Q. [10:47:51] Now, just so that the Court can understand what you mean, when you say
4 that they cannot just stay with ordinary people, what exactly does that mean?

5 A. [10:48:10] Well, such ordinary people are like other officers, some are officers like us
6 who are not allowed, by rule, but the ones who were allowed are the brigade commanders or
7 the BIOs. So the other general people, the ordinary ones are these -- the ordinary officers,
8 those of us who were below in the lower ranks compared to those who are in the higher
9 ranks.

10 Q. [10:48:45] So how would you then be allowed to stay with these girls?

11 A. [10:48:56] Well, to stay with those girls is different. It's -- it varies. You could give
12 your report, or your superior could give a report to Kony that I have my commanders or I
13 have my fighters who are now old enough to stay with wives. So when that happens, and
14 has been identified, then the girls are identified and then is given to you so that you
15 now -- that person becomes your wife. And that is now also the time that you also can start
16 staying with a wife.

17 Q. [10:49:42] So who would do the distributing of these girls?

18 A. [10:49:54] All these things, the reports come from Kony and goes to brigade
19 commander who has his soldiers. So the brigade commander, together with his BIO are the
20 ones now that identifies who should be given a wife. So that's what they would do, identify
21 and then they would give. So at the battalion Dominic and his BIO are the ones who
22 handles, but the authority would come from Kony to do that, looking at the number of the
23 people who needs and also the number of girls available.

24 Q. [10:50:37] You said, Witness, did you say at the battalion level or at the brigade level?

25 A. [10:50:50] At the brigade level.

1 Q. [10:50:53] Now, where a soldier or an officer decides to go and stay with a girl without
2 the permission or distribution from the brigade commander, and in this case we are talking of
3 Dominic, what would happen?

4 A. [10:51:22] Apart from serious beating to near death, there's nothing. Or sometimes
5 you are even killed if you are not lucky. So you are beaten seriously.

6 Q. [10:51:36] Who will do the beating?

7 A. [10:51:40] The order will have come from Kony that the person who committed that
8 offence should be beaten, and then you are beaten.

9 Q. [10:51:51] Would all such offences, all such offences be relayed to Kony?

10 A. [10:52:06] Yes. If the offence was committed from the brigade, or even at the
11 battalion, all the information is sent to Kony before the brigade commander or the battalion
12 commander takes action. So once the information reaches Kony, then appropriate actions
13 are taken.

14 Q. [10:52:28] Who decides on the specific punishment or appropriate punishment?

15 A. [10:52:45] All these decisions come from Kony. To give punishments to that person,
16 whether that person should be killed or not, all that comes from Kony as the overall person.

17 Q. [10:53:07] Where there is a decision that has been made with regards to the beatings,
18 for example, who determines what the proportion would be?

19 A. [10:53:32] Now, that depends on the operation room and the brigade commander who
20 has the report. They are the ones now who decides on the number of strokes you should
21 receive. That is what I know. It comes from Joseph Kony, then it comes to brigade, then
22 brigade, together with other commanders, sit down to now decide that we now have this
23 instruction, so what do we do? Now they are the ones who make decision on that level.

24 Q. [10:54:11] Now, have you heard yourself where orders were given to abduct these
25 girls that we've been talking about?

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1 A. [10:54:37] Well, these things happen frequently. When we were in the Sudan, I do
2 not recall the year and month, when we are praying Kony himself would come and tell us
3 that "Go and abduct girls." That is what I heard by my own ears. I was not told, but I
4 heard.

5 Q. [10:55:03] And how many wives would a commander have, Mr Witness?

6 MR OBHOF: [10:55:13] Objection. Your Honour, we're objecting to that, because it's too
7 general, it's a generalised question. It calls for speculation when you are saying
8 "commanders". There are, if you believe what the Prosecution states, dozens and dozens of
9 commanders.

10 PRESIDING JUDGE SCHMITT: [10:55:24] I think that's correct. It's not a classical
11 objection, I would say, but it does not lead to -- too much now to ask the witness
12 unspecifically. I really would just pick out some commanders you are interested in, to put it
13 this way.

14 MS ADEBOYEJO: [10:55:48]

15 Q. [10:55:50] Mr Witness, I think you're still listening to the translation?

16 A. [10:55:53] Oh, I thought I was still going to be given another question.

17 Q. [10:55:58] I am going to give you question. I thought you were still listening to the
18 translation. My question to you then, following from the direction of the Presiding Judges,
19 how many wives did Ongwen have that you were aware of?

20 A. [10:56:22] My, my boss had wives. At the time when I was still close to him there
21 were four to five wives that he had.

22 Q. [10:56:36] Did you know how these women came to be his wives?

23 A. [10:56:45] Well, I -- I am not aware about others, but I would see that he already has
24 them. Some he could have been given from Control, from the Control Altar, but I know that
25 all the orders come from Kony to be given such wives.

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1 Q. [10:57:11] What are the names of the wives that you knew?

2 A. [10:57:22] I can recall a few. I can recall there was one called Double Deck Jennifer.

3 Santa, there was another one called Santa. And then there is one who is from our home area,
4 she's called Abwot. She was shot. She had injuries in the mouth which was from a gunshot
5 shot. Then others I now cannot recall. But those are the few that I can remember amongst
6 his wives.

7 MS ADEBOYEJO: [10:58:05] Your Honour, I'm going to go into an area then that would
8 need for me to go into --

9 PRESIDING JUDGE SCHMITT: [10:58:09] You first have to activate the microphone.

10 MS ADEBOYEJO: [10:58:15] It's on actually. I think I was too far from it.

11 PRESIDING JUDGE SCHMITT: [11:03:00] That's it.

12 MS ADEBOYEJO: [10:58:18] Your Honours, I'm now going to go into an area in my
13 examination-in-chief that would require me to go into private session. I was going to
14 propose that I have a break here and then I could resume that.

15 PRESIDING JUDGE SCHMITT: [10:58:29] Yes, exactly, we take this proposal and we have
16 now the coffee break until 11.30.

17 THE COURT OFFICER: [10:58:37] All rise.

18 (Recess taken at 10.58 a.m.)

19 (Upon resuming in open session at 11.30 a.m.)

20 THE COURT OFFICER: [11:30:04] All rise.

21 PRESIDING JUDGE SCHMITT: [11:30:23] You have still the floor. Please continue.

22 MS ADEBOYEJO: [11:30:28] Thank you, your Honour.

23 Q. [11:30:32] Mr Witness, before the break we were talking about wives, and in particular
24 we were talking about the wives that you said you knew who were the wives of Dominic
25 Ongwen. I want to ask you, Mr Witness, did you see Dominic Ongwen punish anybody

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1 regarding the attacks that took place in Odek and Lukodi?

2 A. [11:31:33] No, I did not.

3 Q. [11:31:37] Now, with regards to the abduction of children which you had also
4 discussed earlier in your testimony today, would there be any punishment for the abduction
5 of children?

6 A. [11:32:13] No, none.

7 Q. [11:32:17] Now I asked you earlier, Mr Witness, about the distribution of girls. Who
8 would make the decision for distributing girls brought back to the Sinia brigade?

9 A. [11:33:02] It was the superior officers like Dominic. If girls were brought to the
10 brigade, if they received instructions that the girls should be distributed, then they would
11 distribute them to the other commanders like the BIOs and COs in his brigade.

12 MS ADEBOYEJO: [11:33:34] Your Honours, I would now request to go into private session
13 so that I can --

14 PRESIDING JUDGE SCHMITT: [11:33:41] Yeah.

15 MS ADEBOYEJO: [11:33:42] -- put to the witness.

16 PRESIDING JUDGE SCHMITT: [11:33:43] Yes, we go to private session then.

17 (Private session at 11.33 a.m.)

18 (Redacted)

19 (Redacted)

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WITNESS: UGA-OTP-P-0142

(Private Session)

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1 (Open session at 11.58 a.m.)

2 THE COURT OFFICER: [11:58:21] We are back in open session, Mr President.

3 MS ADEBOYEJO: [11:58:28]

4 Q. [11:58:30] Now, Mr Witness, in the Sinia brigade in 2003-2004, how many wives would
5 you say approximately were in the brigade?

6 A. [11:58:52] I cannot guess the number of women that were in Sinia during this period,
7 but there were quite a number of women. There are several women.

8 Q. [11:59:05] If I give you a figure of 250 to 300 men, how many women would you
9 estimate would be there?

10 MR OBHOF: [11:59:23] Objection, your Honour. This is just -- the question has no
11 relevance. I mean, they're asking it based upon the number of men when the question is
12 directly related to how many wives were in there, not women or children.

13 PRESIDING JUDGE SCHMITT: [11:59:37] Yes, we know of course where the figure comes
14 from, so, Witness --

15 MS ADEBOYEJO: [11:59:43] I would -- I would rephrase the question.

16 PRESIDING JUDGE SCHMITT: [11:59:45] Yes, please rephrase the question. And by the
17 way, there might be -- you asked first about wives and now are asking about women. So
18 this -- there might be -- there might be groups that are separate from women and groups
19 separate from wives. So I think you would have to differentiate a little bit.

20 MS ADEBOYEJO: [12:00:06] I'm grateful to your Honour.

21 Q. [12:00:12] Mr Witness, let me take you one question backwards, so to speak, and ask
22 you: In 2003-2004 about how many men would you say were in the Sinia brigade? How
23 many men strong was it?

24 A. [12:00:38] I cannot estimate the number, but Sinia brigade was a very big brigade.
25 I would estimate that there were probably 250 and more. There were probably 300, but

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1 there were really -- it was a big group. I cannot estimate the exact number, but it was a big
2 group.

3 Q. [12:00:59] And in that big group, we talked earlier on about commanders having
4 wives. How many wives would you then say were in Sinia brigade at approximately
5 2003-2004?

6 A. [12:01:21] Any officer who was in the Sinia at higher rank, you'd find that one would
7 be having -- one officer would be having one or two or three wives, but there were many.
8 There were many wives from -- upwards from 100. And then there were also girls, young
9 girls who were not yet ready to marry, ranging from 30 upwards to 50 or 70. But I did not
10 record the exact numbers, but I estimate around that figure.

11 Q. [12:02:03] Thank you, Mr Witness. And with regards to --

12 PRESIDING JUDGE SCHMITT: [12:02:11] You could, for example, Mr Witness, perhaps if
13 you can say that, when you yourself say 250, probably was your wording, 300 men, were
14 there less or more women? Now, women in general, including girls, ting tings, wives,
15 everything.

16 THE WITNESS: [12:02:38] (Interpretation) Well, women, women were very many.
17 Women were more than ting tings, but again men were more than women.

18 PRESIDING JUDGE SCHMITT: [12:02:49] Thank you.

19 MS ADEBOYEJO: [12:02:54] Now, Mr Witness, what would be the age range of these
20 wives that you mentioned? That were in the Sinia brigade?

21 A. [12:03:11] Well, from my observation, the women were ranging from 18 years old, 20,
22 25. Others were around 35 years of age. Then the young girls would range from 14, 13, 15.
23 Yeah, it was just mixed up.

24 Q. [12:03:45] Now, these wives that you've mentioned, how many of them were
25 abductees?

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1 A. [12:04:05] There is no single woman who voluntarily joined. All were abducted.

2 Some of them, I found them, were already in the bush.

3 MS ADEBOYEJO: [12:04:29] Your Honours, I would like to apply to go into private
4 session.

5 PRESIDING JUDGE SCHMITT: [12:04:33] What are you going to explore now?

6 MS ADEBOYEJO: [12:04:36] There is a portion with regards to -- that may have Rule 74
7 implications.

8 PRESIDING JUDGE SCHMITT: [12:04:41] Okay. Then private session.

9 (Private session at 12.04 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Open session at 12.06 p.m.)

21 THE COURT OFFICER: [12:06:06] We are back in open session, Mr President.

22 MS ADEBOYEJO: [12:06:13]

23 Q. [12:06:16] Mr Witness, you spoke to us earlier about the Lukodi attack.

24 I apologise, your Honour, I prefer to explore this in private session. I cannot conceive that
25 the witness would respond to my next set of questions without.

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1 PRESIDING JUDGE SCHMITT: [12:06:49] I understand. That can happen. Not a
2 problem. We go back to private session.

3 MS ADEBOYEJO: [12:06:57] Yes, sir. I'm grateful to your Honour.

4 (Private session at 12.07 p.m.)

5 (Redacted)

6 (Redacted)

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9 (Redacted)

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11 (Redacted)

12 (Redacted)

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18 (Open session at 12.47 p.m.)

19 THE COURT OFFICER: [12:47:50] We're in open session.

20 MS ADEBOYEJO: [12:47:54]

21 Q. [12:47:55] Mr Witness, we had spoken earlier today about distribution, distribution of
22 young girls. I want to ask you now with regards to children, who distributed and tasked
23 children within the context of the Sinia brigade?

24 A. [12:48:27] Within the Sinia brigade, if they bring young girls, then it's Dominic and his
25 operation room who distribute the girls to the different battalions, if that is in Sinia. But if

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1 it's in the LRA as an overall group, then it's Kony and his commanders who make that
2 decision. But that is different. Within Sinia or within a particular brigade like Sinia, then
3 it's Dominic and the operation room that do the distribution.

4 Q. [12:49:04] Thank you, Mr Witness. Where the young children are boys, who does the
5 distribution and tasking in Sinia brigade?

6 A. [12:49:21] There is no difference between the distribution of girls or boys, newly
7 abducted people. No, there is no difference between the distribution. It's the operation
8 room that does that. Once the operation room has made a decision, then they distribute the
9 people.

10 Q. [12:49:44] Mr Witness, you will be happy to know that that's the last question I have
11 for you.

12 MS ADEBOYEJO: [12:49:52] Thank you, your Honour.

13 PRESIDING JUDGE SCHMITT: [12:49:53] Thank you very much. I would like to inquire
14 with the Legal Representatives, Mr Manoba perhaps first, how long your examination would
15 last.

16 MR MANOBA: [12:50:03] Mr President, perhaps about 20 minutes.

17 PRESIDING JUDGE SCHMITT: [12:50:12] And Mr Narantsetseg?

18 MR NARANTSETSEG: [12:50:14] Thank you, Mr President, for the opportunity. I have
19 an instruction to inform you that the common Legal Representative doesn't have any
20 question.

21 Thank you.

22 PRESIDING JUDGE SCHMITT: [12:50:24] Then I suggest that Mr Manoba starts with the
23 examination and finishes it before the lunch break, and then we discuss how we continue,
24 I would say.

25 But we have obviously not finished with the Prosecution.

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1 MS ADEBOYEJO: [12:50:39] I actually thought you were directing a remark to me, your
2 Honour, and that I was (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [12:50:44] No, no, I was not directing. I was directing a
4 remark to Mr Manoba, who has now the floor and may conduct his examination.

5 MR MANOBA: [12:50:56] Thank you, Mr President.

6 QUESTIONED BY MR MANOBA:

7 Q. [12:51:00] Mr Witness, I represent victims in this case. I will be putting to questions
8 to you for the purpose of raising the interests or concerns of the victims before the honourable
9 Judges.

10 Mr Witness, you told this Court that there was an attack on Odek IDP camp. My question to
11 you is: During this attack do you know whether there were specific individuals that were
12 being looked for in the Odek IDP camp?

13 A. [12:51:55] No.

14 Q. [12:52:07] And you also told this Court that you participated in the attack on Lukodi.
15 At the time of your abduction was the Lukodi IDP camp in place?

16 A. [12:52:33] When I was abducted Lukodi camp had not yet been set up. It was just a
17 trade -- it was just a centre.

18 Q. [12:52:43] Now, as an IO, did you come to know the people that lived in the Lukodi
19 IDP camp and which villages they came from.

20 A. [12:53:15] When I left home, I did not know which villages were in that area. But
21 Lukodi comprised a number of villages, people from Nanatyena (phon), and also people from
22 around Lukodi and Pageya. Those are the people that were in Lukodi camp, people who
23 were able to move from the camp and go back to their homes and come back to the camps.

24 Q. [12:53:48] Do you know how large the Lukodi IDP camp was as an IO within the LRA
25 ranks?

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1 A. [12:54:02] No, I do not have any knowledge about the size of the -- of Lukodi camp
2 because at the time I was not at home, so I do not know how big that camp was.

3 Q. [12:54:17] Are you in a position to approximate the size of the population, the number
4 of people that could have been in this camp nonetheless?

5 MR OBHOF: [12:54:29] Objection, your Honour, asked and answered. He already asked
6 if he knew about anything with IDP Lukodi camp. Sorry for talking fast.

7 PRESIDING JUDGE SCHMITT: [12:54:40] I'm not sure if it was asked and answered. But
8 why not give him another try because, you know, it takes more time to rule over the objection.
9 I'm not sure if it has been already asked and answered. Please answer it again if it was, as if
10 it's for the second time.

11 THE WITNESS: [12:54:59] (Interpretation) I was waiting for further questions. Should I
12 go ahead and answer that question?

13 PRESIDING JUDGE SCHMITT: [12:55:05] Please go ahead and answer that question,
14 Mr Witness.

15 THE WITNESS: [12:55:10] (Interpretation) I cannot estimate the exact number of people
16 that were in Lukodi, but when we went, when we attacked Lukodi, in my estimation relating
17 to the size of the camp, it wasn't a very big camp. If I'm to hazard an estimation about the
18 number of people then I would guess that perhaps 800 or 900 people, depending on the setup
19 of the houses and the number of houses that were in the camp.

20 MR MANOBA: [12:55:46]

21 Q. [12:55:48] Thank you. You have talked about the setup of the camp. Can you
22 describe to the Court how was the setup of the camp like?

23 A. [12:56:06] When we went to attack Lukodi, the camps were surrounded, there
24 were -- houses were dispersed, there are some houses that were a collection of houses
25 together, there were some houses that were far in between, there were some houses that were

1 separated by a road. But they were all scattered around. So it wasn't all in -- lumped,
2 everything wasn't lumped in one place, but houses were scattered around the area. But it
3 wasn't far from the barracks.

4 Q. [12:56:44] And how close were the houses from each other?

5 A. [12:56:51] In my view, I did not actually go to the middle of the camp, but I believe the
6 houses were extremely close to each other. If you actually look at it from a distance, the
7 houses were very close in between. It wasn't even a hundred metres apart. They were
8 extremely close together.

9 Q. [12:57:17] Thank you very much. Can you also describe the houses, how were these
10 houses -- how would you describe the houses in simple terms?

11 A. [12:57:38] They were thatched houses, thatched houses with a grass, grass thatched
12 roof and the houses are round. Little circular houses with a grass thatched roof.

13 Q. [12:57:57] And you also spoke about torching the houses. Am I correct?

14 A. [12:58:07] Yes. We burned houses in the barracks.

15 Q. [12:58:15] Since these houses were grass thatched, in your estimation, how large of the
16 camp was torched or burnt down?

17 A. [12:58:47] I cannot state which part of the camp was burnt down because I did not
18 actually go into the camp to determine which part of the camp was burnt down.

19 Q. [12:59:00] Was it possible for you to, from your location, to view the camp and see
20 what was being -- what was burning at the time it was burning?

21 A. [12:59:21] Well, from where I was -- from where I was I could actually see if the houses
22 were burning because I was in the barracks, but if from the barracks if the houses were
23 burning then, yes, I would have a view of the burning houses.

24 Q. [12:59:43] As an IO, again, are you in a position to tell the Court what the sources of
25 food for the civilians was when they were in the camp?

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1 A. [13:00:09] To my knowledge and on the occasions that we met civilians, civilians
2 would farm, but on occasions the UN would also provide civilians with food. I also ate
3 some of this food when I was still at home. So civilians would obtain food by farming and
4 food that was given to them by the government, food that was taken to the camps.

5 MR MANOBA: [13:00:43] Mr President, shall I continue or is this an appropriate time?

6 PRESIDING JUDGE SCHMITT: [13:00:49] Since, no, no, you told us you will need
7 20 minutes.

8 MR MANOBA: [13:00:53] Yes.

9 PRESIDING JUDGE SCHMITT: [13:00:54] And you started at 10 before 1, so I think it
10 would make sense. Perhaps we can discuss how we proceed further.

11 First of all, Mr Obhof, do you have an estimation?

12 MR OBHOF: [13:01:06] Your Honour, regardless of whether the Defence starts this
13 afternoon or starts on Monday we will be done by Tuesday but we will need to use the
14 Tuesday session.

15 PRESIDING JUDGE SCHMITT: [13:01:16] So then I would simply suggest that really
16 finish with the Legal Representative now before, and we do not have a break, a classical break,
17 but we finish for today so you have also more time if you want to prepare. But we are sure
18 that we finish with the examination of this witness to Tuesday.

19 MR OBHOF: [13:01:38] Yes, your Honour.

20 PRESIDING JUDGE SCHMITT: [13:01:39] Yes. We start on Monday and we are sure we
21 finish on Tuesday?

22 MR OBHOF: [13:01:42] Yes.

23 PRESIDING JUDGE SCHMITT: [13:01:43] Okay, then we do it this way. Please continue,
24 Mr Manoba.

25 MR MANOBA: [13:01:49] Thank you, Mr President.

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1 Q. [13:01:53] Mr Witness, was it a custom in the LRA to initiate young abductees into
2 fighters?

3 A. [13:02:08] What kind of initiations are you talking about?

4 Q. [13:02:15] I mean to say being forced, for example, to kill.

5 A. [13:02:27] Those things happened. They did happen. People were forced to do
6 certain things. It's the same as sending somebody, for example, when they sent us to Lukodi,
7 we were forced to go to Lukodi. We did not want to go to Lukodi. It wasn't our intention,
8 but yeah, we were forced. Yeah, the LRA forced people to do things.

9 Q. [13:02:56] Now, in the attack on Odek IDP camp, do you know that any of the
10 abductees once they were brought back to the LRA location, any of them was forced to kill as
11 an initiation process to become a fighter within the LRA ranks?

12 A. [13:03:30] I do not recall.

13 Q. [13:03:37] Mr Witness, you told the Court again that the school at Lukodi was
14 converted into a barracks. As an IO do you know what kind of school this was?

15 A. [13:04:01] Yeah. That was a primary school. (Redacted)
16 (Redacted)

17 Q. [13:04:11] Do you know whether the pupils of the primary school were
18 simultaneously using the school with the soldiers?

19 A. [13:04:27] No. At the time there was no education in that school.

20 Q. [13:04:34] Why do you think there was no education again in the school?

21 A. [13:04:41] Because when we went, we found that the government soldiers had set up
22 their barracks in the school and there was absolutely no sign to indicate that anybody attends
23 that school. I did not see any child attending that school either.

24 Q. [13:05:04] Now, you also spoke about Ocaka relaying a report after the attack on
25 Lukodi. My question to you is that while Ocaka was relaying his report on the civilians

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1 abducted, who did he salute before relaying his report?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 MR MANOBA: [13:06:03]

9 Q. [13:06:04] Mr Witness, you spoke about abductees being forced to carry loads or
10 luggage which was again looted from the camp. If an abductee was unable to carry the load
11 because it was heavy, what would be done to this person?

12 A. [13:06:37] If the luggage is heavy, if they assess that something is heavy, they cannot
13 force people to carry something that they cannot carry because they want people to -- they
14 actually want to take that luggage along with them. Yeah, they do threaten people, but they
15 do not actually give anybody something that is extremely heavy that would prevent the
16 person from running in case of an emergency. Sometimes people are tired, but they -- so
17 they wouldn't give people any loads that was beyond their capability.

18 Q. [13:07:16] Would they be allowed to rest at a time when they felt like the load was
19 heavy for them to continue to carry?

20 A. [13:07:31] If you've been assigned luggage, unless everybody is going to rest, then you
21 rest with the group. You cannot make a decision on your own that I do want to rest. But
22 when everybody gets to a particular point and we are told rest, then we rest. People
23 continue walking so you cannot make a decision to stop, stay behind and rest. You have to
24 go with the group.

25 Q. [13:08:01] And just so I am clear, if an individual was tired, but the rest of the group

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1 was carrying on, and wanted to rest, what would happen? Who would be done to this
2 person who needed to rest?

3 MR OBHOF: [13:08:20] Again, your Honour, same objection. If he wants to talk about
4 this it must be in relation of one of the alleged attacks, one of the accounts on which he --

5 PRESIDING JUDGE SCHMITT: [13:08:30] This is overruled. He can ask that. This is a
6 general question and I allow the question.

7 MR MANOBA: [13:08:37] Thank you.

8 PRESIDING JUDGE SCHMITT: [13:08:38] And of course to let the witness answer this
9 question.

10 MR MANOBA: [13:08:43] Thank you, Mr President.

11 THE WITNESS: [13:08:46] (Interpretation) If somebody is tired they wouldn't do any other
12 thing other than think that the person is tired. Sometimes you want that person to help you,
13 as a soldier you want that person to help you, so you help them lighten the load. If there are
14 no soldiers behind, then if there are no soldiers chasing us they can actually take down the
15 luggage and throw it away so that the person can move and the person can stay within the
16 group. That's what I saw happening.

17 MR MANOBA: [13:09:29]

18 Q. [13:09:29] Mr Witness, you said you were disciplined by being caned; is that correct?

19 A. [13:09:44] Well, there is no time for -- every time is caning time. If you've done
20 something, they cane you. If you're not walking quickly, they cane you. So it depends.
21 Sometimes they don't beat you. Sometimes you are free. You stay freely without any
22 problems, you chat with your friends.

23 Q. [13:10:11] (Microphone not activated)

24 PRESIDING JUDGE SCHMITT: [13:10:15] Microphone, please, Mr Manoba.

25 MR MANOBA: [13:10:18] Thank you, Mr President.

1 Q. [13:10:20] I am asking whether you were affected by this continuous caning of your
2 person, for one reason or the other?

3 A. [13:10:33] When I was abducted, when I was immediately abducted they thought
4 I was going to escape and I was slapped, I was kicked because they thought I was going to
5 escape. I was given a heavy load to carry. When I threw down the load, I was stung by
6 bees, I was stung very badly that I thought I was going to die. They asked me why did you
7 throw down the load, the cassava that I was carrying. Then I was beaten again. They told
8 me that if, if you're being pursued by soldiers and you throw down your load you will be
9 beaten, because they will tell you that it's extremely difficult to source these kind of items,
10 why are you throwing it down? Then they would beat you.

11 Q. [13:11:27] And approximately how heavy was this load, if you are to assign weight to
12 it?

13 A. [13:11:37] You know, each person has his or her own strength, so at the time when
14 I was abducted I was still very little. At the time it was like 50, 60 kilogrammes and I wasn't
15 able to carry that. I was extremely young at the time. So if you're given something 50 kilos
16 to carry, then you cannot walk long distances. When I'm talking about heavy stuff, I'm
17 talking about -- when I'm talking about stuff I'm talking about 40 kilos, 60 kilos and down,
18 downwards.

19 Q. [13:12:16] And my final question to you, Mr Witness, is do you know if the attack, if
20 the residents or the civilians in the Lukodi camp suffered as a result of the attack?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 MR MANOBA: [13:13:01] (Microphone not activated)

Trial Hearing
WITNESS: UGA-OTP-P-0142

(Open Session)

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1 PRESIDING JUDGE SCHMITT: [13:13:03] Okay. But I have one. You will continue
2 with the question?

3 MR MANOBA: [13:13:07] Just one.

4 PRESIDING JUDGE SCHMITT: [13:13:09] Just one, yeah.

5 MR MANOBA: [13:13:13]

6 Q. [13:13:14] Mr Witness, the attack on the camp left people dead. Do you think this
7 affected the residents of this camp?

8 MR OBHOF: [13:13:34] Your Honour, I'm going to stand up and object because it's
9 essentially the same question as before. It calls for too much speculation.

10 PRESIDING JUDGE SCHMITT: [13:13:43] Yeah. Of course we have also a little bit of
11 imagination. I think we stop it here.

12 MR MANOBA: [13:13:49] (Microphone not activated)

13 PRESIDING JUDGE SCHMITT: [13:13:51] But let me put one or two questions to the
14 witness.

15 Mr Witness, they relate a little bit more personally to you and your situation. You told us
16 that you have been abducted, I think it was 1994, and then stayed roughly 10 years with the
17 LRA. When you came back, were you able to reintegrate in your community?

18 THE WITNESS: [13:14:28] (Interpretation) There is no problem that I have had. I integrated
19 smoothly. (Redacted) I go. I stay with people. I talk to people.
20 I live freely.

21 PRESIDING JUDGE SCHMITT: [13:14:44] This is the last question for me also and this is
22 also the last question for today but not in general. We conclude the testimony for today and
23 the hearing for today and resume on Monday, 9.30, with the questioning by the Defence.

24 THE COURT OFFICER: [13:15:03] All rise.

25 (The hearing ends in open session at 1.15 p.m.)