

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Pangalangan
7 Trial Hearing - Courtroom 3
8 Monday, 12 June 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:38] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:02] Good morning, everyone.
13 Good morning, Mr Witness.
14 WITNESS: UGA-OTP-P-0280 (On former oath)
15 (The witness speaks Lango)
16 THE WITNESS: [9:31:09] (Interpretation) Good morning, your Honour.
17 PRESIDING JUDGE SCHMITT: [9:31:11] Could the court officer please call the case.
18 THE COURT OFFICER: [9:31:14] Good morning, Mr President, your Honours.
19 The situation in the Republic of Uganda, in the case of The Prosecutor versus
20 Dominic Ongwen, case reference ICC-02/04-01/15.
21 And for the record, we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:31:26] Thank you.
23 I ask for the appearances of the parties, please. Ms Ndagire.
24 MS NDAGIRE: [9:31:35] Good morning, your Honours. For the Prosecution there
25 is Benjamin Gumpert, this morning, Ms Yulia Nuzban, Beti Hohler,

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1 Mr Pubudu Sachithanandan, Ms Ramu Fatima Bittaye, and Shahriar Yeasin Khan and
2 myself, Sanyu Ndagire, of course.

3 PRESIDING JUDGE SCHMITT: [9:31:54] Thank you very much.

4 Mr Cox.

5 MR COX: [9:31:59] Good morning, your Honour. Francisco Cox for the victims
6 and Mr James Mawira. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:32:05] And Mr Narantsetseg.

8 MR NARANTSETSEG: [9:32:08] Good morning, Mr President, your Honours, for
9 the Common Legal Representative, Orchlon Narantsetseg, myself, and my colleague
10 Caroline Walter. Thank you.

11 PRESIDING JUDGE SCHMITT: [9:32:16] Thank you.

12 And for the Defence please, Mrs Bridgman.

13 MS BRIDGMAN: [9:32:20] Good morning, Mr President, your Honours, I am
14 Abigail Bridgman, together with lead counsel, Krispus Odongo Ayena, Chief Charles
15 Taku, Michael Rowse and Eniko Sandor and our client Mr Ongwen is in court.

16 PRESIDING JUDGE SCHMITT: [9:32:38] Thank you very much. And I understand
17 that Mr Cox is now putting questions to the witness.

18 MR COX: [9:32:45] Thank you, your Honour.

19 QUESTIONED BY MR COX:

20 Q. [9:32:47] Mr Witness, we have met before. I represent you in these proceedings.
21 I will be putting some questions to you, first on your life before you moved into the
22 camp, then what was your life during the time you stayed in the camp, some few
23 questions about the attack, and then your life during the abduction and when you
24 returned to Abok.

25 So moving into life before camp and some of Lango structure, how society is

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1 structured, could you explain to the Court how does Lango family structure, who are
2 their members and what is their relationship among them?

3 A. [9:34:03] Before we went to the camp, that -- that was about the year 2000, life
4 was not very bad because the conflict was not yet too bad. People were able to, to
5 farm, you can move without restriction. But from the year 2002 and 2003, people
6 were still able to farm but the conflict was at its peak. And we had to move to the
7 camp, the rebels could come any time. Every time the rebels would come and stay
8 about two or three months before they come again. At least the people could go to
9 their farms. When the civilians hear that the rebels were coming they would flee
10 because at that time they were also abducting people and taking them to recruit. But
11 when they leave the area, people would go back to their homes. The situation,
12 however, became worse in 2004 when people were not able to farm and people were
13 not able to live in their villages anymore. People were always on the run and hiding
14 in the bushes and the rebels could look for you in the bush as well. That is when
15 people decided to finally move and go to the camp and stay around where there was
16 security, where there was government troops, because you could not hide on your
17 own.

18 Also, while in the camp the --

19 Q. [9:36:06] (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [9:36:07] Mr Cox, we -- this is a witness, and this is
21 absolutely okay --

22 MR COX: Okay.

23 PRESIDING JUDGE SCHMITT: -- who tries to narrate what is in his mind. And --

24 MR COX: [9:36:19] Okay, sorry.

25 PRESIDING JUDGE SCHMITT: [9:36:19] -- that's absolutely -- no, it's okay, I just

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1 wanted to -- we had this when the Prosecution was asking about the same, let me
2 speak it, and I mean it positively, phenomenon, but I want to bear you in mind that is,
3 of course, such a narrative might have answered already some of the questions that
4 you --

5 MR COX: (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: -- wanted to put to him.

7 MR COX: Yes, yes.

8 PRESIDING JUDGE SCHMITT: But you can -- now we have interrupted, please you
9 can continue then.

10 MR COX: [9:36:40] Okay, your Honour. Sorry, your Honour.

11 PRESIDING JUDGE SCHMITT: [9:36:41] No, you don't have to be sorry, I just
12 mentioning people are different --

13 MR COX: Sure.

14 PRESIDING JUDGE SCHMITT: -- and some people, whenever you ask a question,
15 going to a narrative, others only say the absolutely necessary, are very short in their
16 answers, that is different. So please continue, Mr Cox.

17 MR COX: [9:37:02] Sorry for interrupting, Mr Witness.

18 Q. [9:37:05] I would like you to explain to the Court what were your -- what was
19 your family farming and if they had livestock before they moved to the camp?

20 A. [9:37:29] When we were still in our villages and before moving to the camp, we
21 had cattle, we had goats and chicken, which we were rearing at home. When the
22 fighting intensified we lost some of the livestock and we moved with some of them to
23 the camp and they disappeared from there.

24 Q. [9:37:53] Thank you. Mr Witness, were you going to school before you moved
25 to the camp, and until what grade were you able to school, go to school?

1 A. [9:38:11] I was going to school in Abok. I stopped studies in 2000. And my
2 father was a soldier, he was far away. In 2003-2004, I could not go on with my
3 studies because we were always on the run. I stopped studies. And then in 2004
4 I was abducted and I couldn't even go on with studies.

5 Q. [9:38:44] When you were going to school what did you want to become as an
6 adult, what were your aspirations?

7 A. [9:39:04] I'd hoped that if I study I would be a doctor. But at that time I could
8 not go on with my studies and I failed to achieve my goal.

9 Q. [9:39:19] You just mentioned previously that rebels would pass before you
10 moved into the camp, rebels would pass through the villages. What would happen
11 to the livestock and the food you had grown when the rebels passed?

12 A. [9:39:55] Between the year 2002 and 2003 they would come after two or three
13 months, but whenever they come to that area stock, such as goats, and other animals,
14 would be looted, as well as chicken and they would eat them. The things that they
15 could carry, such as beans and other cereals, they would take it along so that they can
16 use for feeding.

17 Q. [9:40:31] Now, Mr Witness, I would like to move to life in the camp. You said
18 that people moved into camp, into the camps in different times. When did your
19 family, as such, move into the camp?

20 A. [9:40:56] That was in the, in the month of May when my family moved to the
21 camp.

22 Q. [9:41:10] And why did your family move to the camp?

23 A. [9:41:19] It was not possible to sleep in the bushes because the rebels were
24 always moving in the same area where you would go and hide. We couldn't stay in
25 the villages alone. At least the camps had Amuka and the big population believed

1 that they would protect them.

2 Q. [9:41:41] During this time in the camp, how did you get food, how did you
3 sustain yourselves as a family?

4 A. [9:42:00] When we were already in the camp, there was -- there were things that
5 people moved along with to the camps, and also people could still move to their
6 farms stealthily and farm, but from the year 2004 it was impossible to go to the farms.
7 On 8 June, when the camp was attacked, and when I came back, I found that World
8 Food Programme had come to rescue the situation because the camp was attacked
9 and houses were burnt down. World Food Programme came and supported the
10 communities by giving clothes. There was no food. And those are the people who
11 helped the community by distributing saucepans and other things. There was also
12 another group from Finland that brought saucepans and distributed to the
13 community. And that is how people were able to survive in the camps.

14 Q. [9:43:15] And did you have drinking water in the camps?

15 A. [9:43:29] The water which was in the camp would come from the springs,
16 around -- from the streams around, that people would use to drink. There were two
17 or three places that had such spring water, but that was insufficient. Thereafter,
18 some organisations came and drilled boreholes in two locations which still continue
19 to help people up to now.

20 Q. [9:43:59] Inside the camp was there any hospital or clinic?

21 A. [9:44:14] No. There was no health facility and there was a clinic which was of
22 a very low standard. You needed to move a long distance to get good medication.
23 But there was an organisation that was working in the area. It was working in
24 Lalogi. So they would come with their vehicles to do outreach and support the
25 community to give them medication, then they would go back to their base. They

1 would be escorted by the army until they got back.

2 Q. [9:44:58] So if you had an emergency, an health emergency, what would people
3 do when they were in the camp?

4 A. [9:45:17] There were some leaders, like the camp leaders had some contacts that
5 they would call in case of an emergency so that the health workers can come and
6 rescue the situation.

7 Q. [9:45:38] Who took care of the security in the camp that you lived in?

8 A. [9:45:58] While in the camp the -- we did not know who was in charge of our
9 security, but we could see some soldiers who had been deployed, so we assumed that
10 since there were many soldiers around the camp, especially after the attack, we
11 believed that they were in charge of the security. But you could not move out of the
12 camp, you would stay confined, because if you moved out of the camp you would be
13 abducted or something would happen to you.

14 Q. [9:46:36] Did you ever see or know of any abuses by the soldiers in the camp
15 against civilian population?

16 A. [9:47:01] I did not see any. Because they were brought to protect the
17 community. They would come and tell people to stop moving and to stop making
18 noise. People had no option but to obey their orders, instead of going against what
19 they want, to avoid any clashes with the soldiers.

20 Q. [9:47:26] Without mentioning names, but if you could tell ages, who lived in
21 your household during the time in the camp?

22 A. [9:47:57] In my family, when we had just gone to the camp, there was my father,
23 then when I'd returned he -- he was already dead. I found my mother. I found my
24 grandmother. And there were some children who were orphaned already, they
25 were also living in our household. We also had some relatives from the clan who

1 were also living in our household. When I came back I continued living with them.

2 Q. [9:48:30] During the attack and without mentioning any names, you said, and
3 your Honour, I am quoting transcript, edited transcript page 46, line 4 and 5, that you
4 were going to sleep with your brother. Who else was in your house at that time of
5 the attack?

6 A. [9:49:16] I said that I was with my brother, with whom we shared the same
7 house. In the camp there are so many people, and there are people who were in
8 other locations.

9 Q. [9:49:31] Just to make clear, so in the house at the moment of the attack, it was
10 just you and your brother in the house?

11 A. [9:49:43] Yes, we were only two.

12 Q. [9:49:48] You also said that you were in a ditch with people from your
13 household and other people.

14 And this is page 50, line 9 to 10, in the edited transcript.

15 Who else were these people, if you could mention them by the relationship with your
16 family, without names again?

17 A. [9:50:25] There were other people who were also in the ditch. Can I mention
18 their names?

19 MR COX: [9:50:33] Better, I think, we go to private session or.

20 PRESIDING JUDGE SCHMITT: [9:50:39] I think it is not necessary to mention them,
21 so we are on here a little bit safer, I would say.

22 If you can just mention what relationship they were to your family, for example, if
23 they were relatives or if they were friends, acquaintances, or whatsoever.

24 THE WITNESS: [9:51:02] (Interpretation) My relatives who were there included my
25 mother's relatives, whom I called my uncle, and then others are people who were

1 neighbours whom we stayed together in the camps, the people we live together who
2 also come from different villages around the camp.

3 MR COX: [9:51:33]

4 Q. [9:51:33] And direct family members that were in this ditch, in this ditch, sorry?
5 Who else besides neighbours and aunts were in this ditch?

6 A. [9:51:58] We had neighbours, there was one neighbour and his wife, as well as
7 a young baby who was carried by the wife, in the same ditch.

8 Q. [9:52:12] You mentioned that you saw your brother being killed. Is this the
9 same brother that was with you in the, in the house, or is it another brother?

10 A. [9:52:30] That was the same brother. That was a different brother. He was
11 sleeping in another house. That's the one I followed. He came and found me in the
12 ditch and he entered there. The one I fled with is the one whom -- who follows me.

13 Q. [9:52:52] How old was your brother that was killed?

14 A. [9:53:04] He was about 18 years old. He was already older because I, I
15 followed him.

16 Q. [9:53:15] How old were you when you saw your brother being killed?

17 A. [9:53:30] I was about 15 at the time, between 15 and 16. That is how old I was.

18 Q. [9:53:41] Had you ever seen anybody being killed before that?

19 A. [9:53:52] I saw someone who was killed, but not when we were in the camp.
20 That was someone who was abducted from somewhere else in a place called
21 Bar Owelo, and was hit with a club and died. One ran and stayed in the bush and
22 was found later to be alive, but he is affected now; he is not mentally okay.

23 PRESIDING JUDGE SCHMITT: [9:54:24] May I shortly, Mr Cox.

24 Just one question, Mr Witness: Although the recollection, we know that must be
25 very painful for you. Could you see how your brother was killed?

1 THE WITNESS: [9:54:48] (Interpretation) He was shot with a gun. They made him
2 to lie down, then he was shot while he was facedown.

3 MR COX: [9:55:02]

4 Q. [9:55:02] In your previous statement to the Prosecution office, you mentioned
5 that you saw flames.

6 And this is in page 45, line 24 and 25.

7 Where were these flames coming from, what was burning?

8 A. [9:55:29] The smoke was coming from the side where gunshots were coming.

9 Those are the grass thatched huts which were constructed in the camps. They were
10 torched and started burning. It was the -- flames was all over, and smoke was all
11 over the place.

12 Q. [9:55:54] Were any houses burned?

13 A. [9:56:01] Yes, houses were burnt. When I came back, I found some houses had
14 not yet been repaired because after the attack in the camp, some people were no
15 longer interested in staying in the same location and they fled to other safer places.
16 They feared for another attack on the camp.

17 Q. [9:56:27] Mr Witness, now I would like to take you to your time in the bush and
18 how was your experience in the bush. While you were in the bush, did they give
19 you food and, if so, how often?

20 A. [9:56:58] Whatever they would be eating, you also share with them because that
21 is how you would be able to continue walking. It depends on what is available. If
22 it's little, you are also given a little share, a little portion of the share.

23 Q. [9:57:17] Mr Witness, when you were abducted what clothes were you wearing,
24 and shoes, particularly?

25 A. [9:57:37] I was wearing civilian clothes when I had just been abducted. I had

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1 clothes which I was wearing but was removed, and I had only sportswear on me. At
2 some point they -- I was given another cloth, a civilian cloth to wear.

3 Q. [9:58:04] And during the time of the abduction until you reached camp, what
4 shoes were you wearing, if any?

5 A. [9:58:20] Sometimes they give you gumboots, the old ones. But many times
6 you -- you move without shoes, barefooted, without shoes.

7 Q. [9:58:34] And when you moved barefooted, for how long did you have to walk?

8 A. [9:58:47] I cannot remember the distance that I walked.

9 Q. [9:58:52] During your time in the bush, where did you sleep? You personally,
10 not others.

11 A. [9:59:08] There was no proper bedding for those newly abducted. You would
12 stay together with soldiers who were on guard, in the cold. There was no housing,
13 there was no form of shelter that was available for you to go in and sleep. You stay
14 in the cold in the open.

15 Q. [9:59:36] Did everyone sleep in the same conditions in the bush, or did
16 commanders have housing or better conditions?

17 A. [9:59:59] The commanders had tents. Especially when there is rain, they would
18 stay in those tents.

19 MS NDAGIRE: [10:00:16] Mr President, we would have to go to private session for
20 just one question, please.

21 PRESIDING JUDGE SCHMITT: [10:00:21] Private session.

22 (Private session at 10.00 a.m.)

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 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Open session at 10.03 a.m.)

20 THE COURT OFFICER: [10:03:11] We are back in open session, Mr President.

21 MR COX: [10:03:23]

22 Q. [10:03:23] Mr Witness, why did you decide to escape?

23 A. [10:03:34] I could not -- no longer stay in the bush. It was not easy, we were
24 being threatened at all times. Sometimes the only thing that you are told, you are
25 constantly being told that if any mistake you made would result into death and that

1 frightened me to continue staying in the bush.

2 Q. [10:04:02] Once you returned to Abok, have you been able to talk with other
3 abductees of what you have lived?

4 A. [10:04:21] Yes, people do ask. But there are certain things that are difficult to
5 discuss with people. Sometimes you really don't feel like talking about those things.
6 It's not nice.

7 Q. [10:04:39] And finally, Mr Witness, once you returned to Abok, what did you
8 learn that your family had lost during the attack? What material things had they
9 lost?

10 A. [10:05:00] I found that we had lost a lot of things, including goats, cows, cattle,
11 bicycles. There are other household furniture that was also taken. I was young at
12 the time so I do not know how to describe those things. But most of the things had
13 already been taken. There was an organisation that was helping people, providing
14 people with aid and they are the ones who were helping us.

15 Q. [10:05:34] Now one final question, your Honour.
16 How has this affected your family, having lost goats, cows and all these things?

17 A. [10:05:53] It's, it's a problem for us because when you -- when people went back
18 home after the war, it's extremely difficult to start rebuilding your life, it's difficult to
19 start taking care of children, it's difficult to take -- to send your children to school
20 because you have to start afresh, you have to start right from the beginning, which
21 means most times you are unable to send your children to school because you do not
22 have the means to do that, because you do not have anything. You have come back
23 home and there is no way for you to start again. There is no way for you to sustain
24 your family. So that -- that's a problem.

25 Q. [10:06:42] Thank you very much, Mr Witness, for answering my questions.

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1 MR COX: I have no more questions, your Honour.

2 PRESIDING JUDGE SCHMITT: [10:06:52] Thank you, Mr Cox. And it is now the
3 turn for the Defence to question the witness, and I assume it will be Mrs Bridgman.
4 Correct? Mrs Bridgman has the floor then.

5 MS BRIDGMAN: [10:07:41] Thank you, your Honours.

6 QUESTIONED BY MS BRIDGMAN:

7 Q. [10:07:44] Good morning, Mr Witness.

8 A. [10:07:47] Good morning.

9 Q. [10:07:49] I am going to ask you a few questions to follow up on what you have
10 already discussed with the Prosecution and with the victims representative. But I
11 will also ask you a few other questions that might be outside of those areas that you
12 have already discussed.

13 Now, you have just been talking about your move to the camp just before the attack.
14 Could you tell me where you came from before moving to Abok, the name of the
15 village you came from?

16 A. [10:08:42] I was in Abok where the camp is.

17 Q. [10:08:47] So is it correct to say that your family was originally from around the
18 Abok centre?

19 A. [10:09:06] The difference between Abok centre and our home is not very far.
20 That area where our home was is within the centre.

21 Q. [10:09:20] Mr Witness, you discussed in detail about the, the position of the
22 barracks and Abok centre. And you were referring to a drawing that you provided
23 to the Prosecution.

24 And, your Honours, I am talking about the sketch which is tab 2 of the Defence
25 binder. If the court officer could kindly help me to display this to the witness. But

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1 it's not supposed to be displayed to the public.

2 Mr Witness, can you see that document?

3 A. [10:10:20] Yes, I can.

4 Q. [10:10:26] So just to clarify, if I am looking at the place where you say "the
5 barracks" and just across from it there is what you say "our family land", would that
6 be where your family's home was located?

7 A. [10:10:51] Yes.

8 Q. [10:10:52] Now, when you were discussing with the Prosecution, my colleague
9 asked you the distance from Abok centre to the barracks and you estimated about 1
10 kilometre that it would take you about one or two minutes running. Would you
11 clarify for me, because when I look at this drawing, it appears to me that your family's
12 home was even closer to the barracks. Would I be correct?

13 A. [10:11:24] That's correct. I said it was not more than a kilometre, perhaps a half
14 a kilometre. A kilometre is a long distance but perhaps half a kilometre to our home.

15 Q. [10:11:42] Thank you, Mr Witness. Now, did you have any neighbours that
16 were even closer to the barracks than you were?

17 A. [10:11:58] Yes, there were some neighbours what were in the same area. For
18 example, at the time when people were in the camp everybody had left their homes
19 and people were in the camps, we were all gathered together.

20 Q. [10:12:15] Do you by any chance have an estimate of the distance between the
21 closest home to the barracks and the boundary of the barracks, if there was
22 a boundary?

23 A. [10:12:35] If you look at the map, there is a drawing showing where the camp is
24 supposed to be, where the camp was and also the barracks. That's as indicated on
25 the map.

1 Q. [10:12:49] My question, Mr Witness, is to seek information from you if there
2 were homes -- because you just mentioned to us that your family home was less than
3 a kilometre from the barracks and that you even had other neighbours surrounding
4 your home. So were they closer to the barracks or farther away from the barracks?

5 A. [10:13:22] The barracks and the camp were -- we would leave our lands and go
6 to the camp. The, the camp was where our -- it was our ancestral land, that's where
7 the camp was. So the centre was there. But behind the centre, in the middle, you
8 also had homes. Where the barracks was was our land as well because it was our
9 uncle's land and that's where the barracks was placed.

10 Behind that, the land where I wrote the line indicating the boundary is on the line, on
11 the border of Acholi because that's before -- that's after that and that's where I wrote
12 "boundary" because that's where the -- that's where the land is. But where you look
13 at the railway land, that line goes to Pakwach, one side goes to Lira and that is in
14 Acholi region. It's a reserve and nobody lives in that area.

15 Q. [10:14:36] Thank you, Mr Witness. So from what you have told us, you grew
16 up on that land and then the barracks was moved onto your uncle's land; is that
17 correct?

18 A. [10:15:01] Yes, that's correct.

19 Q. [10:15:04] Is the barracks still standing at Abok?

20 A. [10:15:16] No, not nowadays, but there is an indicator that there was a barracks
21 there. People have left the camps. It's now a centre. But the trenches that the
22 soldiers had dug are still there, they are still present. So if you go there to date you
23 will still find the trenches which indicate that there was -- the barracks was before.

24 Q. [10:15:44] Would it also be fair to say that when the barracks was still in
25 existence your family could not use that part of land because then it was part of the

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1 barracks?

2 A. [10:16:02] The, the barracks wasn't that big. There were some parts of the land
3 that were still accessible to us that we could still use. But the barracks was on part of
4 the land, not on the whole land. There were other places that we could -- people
5 could use, but the land that was being occupied by the barracks was not being used.

6 Q. [10:16:37] Do you know if at all your family was being compensated during that
7 period when the barracks was located on half -- part of your property?

8 A. [10:16:56] No. There was no compensation. The barracks was placed on that
9 land to ensure security. But people have, people have gone back to, to their farms.
10 There was nobody who has received compensation on grounds that the barracks was
11 on their, was on their property. Nobody has received any compensation.

12 Q. [10:17:25] Thank you, Mr Witness.

13 Now, would it also be fair -- let me rephrase that question. When the other people,
14 because in your statement -- your Honours, please indulge me for a second.

15 PRESIDING JUDGE SCHMITT: [10:18:04] It's no problem.

16 MS BRIDGMAN: [10:18:07] Your Honours, I am referring to tab 1 of the Defence
17 binder, it's the witness's statement. The ERN number is UGA-OTP-0247-1252. And
18 it's paragraph 18.

19 Q. [10:18:26] Mr Witness, you stated that -- you told the Prosecution that you don't
20 remember when the camp was established but that people were were different
21 villages. And you said you met people from villages like Dwaliro, Akello Alyek,
22 Ilodo, Odyek Cami and Bar Owelo, among others. It's fair to say that these people
23 were not originally from Abok centre, would I be correct?

24 A. [10:19:14] Yes, that's correct.

25 Q. [10:19:16] Is it possible that some of these people settled on part of your family's

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1 property?

2 A. [10:19:34] I beg your pardon?

3 Q. [10:19:36] These people from the various villages that you mentioned, did
4 they -- did some of them settle on part of your family's property?

5 A. [10:19:51] Yes, the reason why they were on that land was because of
6 the -- where the barracks was located, there was a lot of land on our side. If you look
7 at the map on the other side of the road, southwards, that wasn't our land. That was
8 somebody else's land. That was another land. I was -- ours was on the other side of
9 the road where there were people. Where I wrote -- where you see "boundary",
10 that's where it ends. If you look at the photo, the photo is small, but then the land is
11 larger. There are some people who came, who settled on our land. Some people
12 came and settled on other land, but we were all in the same area. We were in that
13 area. There were other people also in the same area but we were all together.
14 Before that, that used to be the trading centre and then the camp was placed in that
15 location.

16 Q. [10:21:07] So again, would it be fair to say that you were not being compensated,
17 let's say, by rent, receiving rent from the people who settled on your property?

18 A. [10:21:26] No, we were not paid. They were fleeing. They were coming to
19 save their lives. For example, if the barracks had not been placed in that area, we
20 ourselves would have had to flee from our land and look for another safe place to live,
21 so there was no payment. We did not ask them for payment because we would have
22 had to flee ourselves.

23 Q. [10:22:11] So, Mr Witness, I take it from what you have just told us that
24 generally it was insecurity that caused people to move to Abok camp, correct?

25 A. [10:22:27] Yes.

1 Q. [10:22:28] Was this insecurity only caused by the LRA or were you aware of
2 other armed groups operating in Lango at that time?

3 A. [10:22:49] The armed groups were the LRA and the government soldiers. But
4 the government soldiers were there to protect civilians. The LRA, as an armed rebel
5 were the ones who created the insecurity and that's why people had to flee. And
6 that's why civilians went and settled near government soldiers so that -- for protection,
7 because government soldiers took -- were taking care of them.

8 Q. [10:23:48] Now, Mr Witness, you said that your father was a soldier, correct?

9 A. [10:23:55] Yes.

10 Q. [10:23:58] Do you recall the different places where he was deployed, apart from
11 Sudan?

12 A. [10:24:11] No. I do not recall the places where he was deployed. Uganda is
13 big. I do not know where he went. When he came back he told us that he was in
14 Sudan and that's why I stated that. But with respect to being deployed from one
15 district to another, that is something the government does and I had no knowledge of
16 how that worked.

17 Q. [10:24:41] Do you recall how long he had been a soldier?

18 A. [10:24:52] I do not know how many years he was in the army because I was still
19 young.

20 Q. [10:25:06] So would it be fair for me to say that he was usually away from home
21 or was he ever deployed, let's say, at Abok?

22 A. [10:25:25] He was mostly deployed away. He would come home with his
23 uniform, with his army uniform, but most times he was deployed away. He did not
24 work in that area. If he comes, for example, if he is working near the area, then I do
25 not know, but they would say such-and-such a person has come, he is working close

1 to home, but I did not see him. I only saw him when he came back. And after that
2 he was killed.

3 Q. [10:26:36] Mr Witness, please bear with me about talking about this unfortunate
4 event, but I would like to get just a few more details. When you just said that he
5 sometimes came home with his uniform, do you recall how his uniform looked like?

6 A. [10:26:40] His uniforms were red -- brownish. Some of them were dark, and
7 that's my recollection. Those are the -- those are the uniforms he would come with.
8 If he comes with -- he would come, leave the uniforms in the barracks, and then come
9 home. He did not stay with his uniforms in the camp.

10 Q. [10:27:18] Now these different shades of colours you have just mentioned, were
11 they one solid colour or was it in a print form with, you know, all mixed together like
12 camouflage?

13 A. [10:27:39] The -- there were different types of uniforms. There was one that
14 was plain green, that was the brown one.

15 Q. [10:27:56] Now when your father came home, did he also come with a gun?

16 A. [10:28:07] No. He did not come with his gun. He would leave it behind. He
17 would go, leave his uniform in the barracks and come home without his uniform.

18 Q. [10:28:29] Now, when you say he was deployed in Sudan, was he fighting the
19 LRA in Sudan at that time?

20 A. [10:28:44] He was a government soldier, he was a UPDF.

21 Q. [10:28:50] So he was not an Amuka, correct?

22 A. [10:28:56] Yes, that's correct.

23 Q. [10:28:58] Thank you, Mr Witness. You mentioned several times that the
24 LRA -- before the attack, that the LRA used to move around Abok. Did they ever
25 attack your property at all or your home?

1 A. [10:29:27] They attacked Abok because people had already converged in Abok,
2 but in -- they would walk anywhere within the villages after people had left, but no.
3 But the -- the time that I saw them was when they attacked the camp, when they
4 abducted people, when they took things and -- and getting people from where people
5 were hiding.

6 Q. [10:30:36] Mr Witness, do you recall how the camp was organised at all before
7 the attack?

8 A. [10:30:59] The houses were constructed. Can you repeat your question?

9 PRESIDING JUDGE SCHMITT: [10:31:09] I think it was not specific enough. You
10 would have to be a little bit more concrete, I think, to -- let me put it this way, you
11 understand, I think, my wording, to lead a little bit the witness in that respect.

12 MS BRIDGMAN: [10:31:22] Thank you, your Honour.

13 Q. [10:31:24] Do you remember who -- the leaders of the camp, before the attack?

14 A. [10:31:39] Yes, I do remember them.

15 Q. [10:31:42] Would you kindly tell the Court their names.

16 A. [10:31:50] The names of -- I know their names, but like I was told not to mention
17 names in public. I don't know what can happen because I am in a public session.

18 PRESIDING JUDGE SCHMITT: [10:32:23] But I don't think, Mr Witness, the leaders
19 of the camp, if you recall their names, you can mention them also in public session.
20 There is no problem in that respect. When we talked about the names, we referred
21 to especially to relatives that could identify you in the end. So it's -- you can mention
22 these names.

23 THE WITNESS: [10:32:50] (Interpretation) In that case, the leaders who were there,
24 there was one who was called Obwor Richard, who was a camp leader. And then
25 from the different clans, there were people, Ogola CP, who were working together

1 with the chairperson, with the camp leader.

2 MS BRIDGMAN: [10:33:38]

3 Q. [10:33:38] Do you know if any of the leaders you have just mentioned were
4 abducted during the attack on Abok?

5 A. [10:33:52] I am not aware of that because I did not see that so-and-so was
6 abducted during the attack on Abok. Because when I came back I found all of them
7 were at home.

8 Q. [10:34:11] Mr Witness, would it be fair for me to say that apart from person one
9 you do not recall any other -- the names of any other people that were abducted?

10 A. [10:34:29] I do not recall them. Because that was the only person I was close to.

11 Q. [10:34:42] Thank you, Mr Witness.

12 Do you remember if the camp leaders ever talked to the civilians about LRA presence
13 or LRA activity within and around Abok?

14 A. [10:35:10] Some things could have happened after I left because so many people
15 probably came afterwards. It was said that these people -- the leaders talked about
16 what was going on in the camp, but I do not know what they talked about because
17 I was not together with them. But the leaders who came after the attack on the camp
18 were many.

19 Q. [10:35:41] Before the attack, are you aware of any information that the camp
20 leaders would give the civilians?

21 A. [10:36:01] The camp leaders were only in charge of leading the community.
22 Issues concerning security and battles was not part of their jobs. Their role was to
23 lead people, to ensure that people live together, and to sensitise the community on
24 health and sanitation and to coordinate between the civilians and the government
25 soldiers. Especially in mobilising civilians when a government soldier wants to give,

1 pass out information, their work would be to mobilise the civilians so that they can be
2 addressed by the soldiers. But they were not in charge of security or any
3 information on attacks.

4 Q. [10:36:59] Apart from the traditional leader, do you know how the other leaders
5 were selected or elected?

6 A. [10:37:26] I have not understood the question. Which leaders are you referring
7 to? Are you talking about government leaders or the camp leaders? I have not
8 understood the question.

9 Q. [10:37:39] I am sorry. And thank you for doing that, because if there is any
10 misunderstanding I would rather clear it out before you answer the question. I
11 meant the camp leaders.

12 A. [10:37:56] The camp leaders, if I give an example of the camp leader, they would
13 converge everybody and they would ask the community "Who do you think can lead
14 you?" Two or three people are nominated and when they are seconded, then they
15 can be chosen as leaders.

16 Q. [10:38:25] Thank you, Mr Witness. Now, in your testimony you talked about
17 the school. Is that Abok Primary School that you mentioned?

18 A. [10:38:43] Yes.

19 Q. [10:38:49] In relation to the drawing that we were just discussing earlier on,
20 where was it located or where is it located?

21 A. [10:39:11] When you come through the Ngai road before reaching Abok centre
22 you would find a road leading south. I am not sure about the direction, but it must
23 be south. When you are coming through the Ngai road it's on your right. And it's
24 not far from Abok centre where the camp was also located. It's across the stream.
25 There is a stream that passes on the road. There is a -- there is a junction which goes

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1 to Lalogi, coming from Iceme, and then there is another road coming from Ngai.
2 There is a crossroad there, one road goes to Iceme and one road goes to Ngai. The
3 school was in that corner of the junction. If you are moving towards Iceme the
4 school is on the right. When you are coming through Ngai, you'll find a route which
5 crosses the Ngai route and goes to the same school. And that would also bring you
6 to the centre. The school is around there.

7 MS BRIDGMAN: [10:40:48] Your Honours, it occurred to me that perhaps we could
8 have had him demonstrate on his diagram, but I don't know how that is supposed to
9 be done.

10 PRESIDING JUDGE SCHMITT: [10:40:58] No, but I think now -- I've rarely have
11 ever heard such a detailed description of a location without having any map in front
12 of the person. So I think we can leave it at that.

13 MS BRIDGMAN: Thank you, your Honour.

14 PRESIDING JUDGE SCHMITT: So please continue.

15 MS BRIDGMAN: [10:41:14]

16 Q. [10:41:16] So it would be fair for me to say that the school was located pretty
17 much in the centre of the camp, correct?

18 A. [10:41:33] It was not very far. If you see the map, there is a place where I wrote
19 "Abok, "Abok centre". That area is where the school is located. Closer to the camp
20 there is another route which leads to Abok camp. On the side of Iceme, there is
21 a route, as you are coming towards Iceme, you will find a route leaving the camp and
22 there is a stream around there and you would find where, where the school, Abok
23 school is located.

24 Q. [10:42:21] Thank you, Mr Witness. Is this the school that you were going to?

25 A. [10:42:30] Yes.

1 Q. [10:42:31] Was the school open during 2003-2004?

2 A. [10:42:41] Yes. The school has been there for a long time because my -- people
3 that came before me also went to the same school.

4 Q. [10:43:13] On the day of the attack in June 2004, do you recall if that school -- if
5 children were going to school?

6 A. [10:43:27] No. Children were not going to school at that time, because if you
7 move a little distance to the village, you would be killed. So how could children go
8 to school? There was no way people were going to school.

9 Q. [10:44:00] You talked about the circumstances in which you stopped going to
10 school. And you said that it was because of your -- just give me a second. In your
11 statement to the Prosecution - and your Honours, that is tab 1 of the Defence folder
12 and it is paragraph 13 - you gave two reasons why you stopped in primary 6 and you
13 said because of the Kony conflict and also because your father was far away so he
14 could not pay for your fees; is that correct?

15 A. [10:45:04] Yes.

16 Q. [10:45:06] Do these two factors -- sorry. Did these two factors work together or
17 one was more influential than the other?

18 A. [10:45:36] There was one which was more influential and that is why I stopped
19 going to school. Like when he started coming home he would come with money
20 and he would be willing to pay our school fees. But he unfortunately died.
21 Unfortunately also, when he died, we lost the documents for his bank account and his
22 records in the army. I was not able to access money that was in the bank and it was
23 impossible to continue with my education. Even if he was out -- outside, he had
24 money which was in the bank, but all these things got burnt and we could do not get
25 money that he had saved in the bank for us, the children, who had remind behind.

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1 Because even if you go to the government and the government would say that former
2 soldiers should go with documents to prove. There is nothing I could go and
3 present because it got burnt.

4 Q. [10:47:04] Thank you, Mr Witness.

5 Now, your lawyer briefly asked you about the presence of a health centre in Abok
6 and you said that there was none. Do you recall if there were any health outbreaks
7 in the camp during the time you stayed there, for instance, like cholera?

8 A. [10:47:41] I do not know if it happened when I already returned because when I
9 returned I first went to Tee Boke, sometimes there was an outbreak when I was not
10 present. I cannot say anything about that.

11 PRESIDING JUDGE SCHMITT: [10:48:01] Mrs Bridgman, may I shortly?

12 MS BRIDGMAN: [10:48:04] Yes.

13 PRESIDING JUDGE SCHMITT: [10:48:05] Just I want to go back, Mr Witness, with
14 one or two questions to your school time. In your former statement that
15 Mrs Bridgman mentioned, you said that you stopped school in 2000. And when I
16 understood you correctly, the attack on Abok, where you were abducted, your father
17 was killed was -- in 2004; is that correct?

18 THE WITNESS: [10:48:38] (Interpretation) Yes.

19 PRESIDING JUDGE SCHMITT: [10:48:40] So just for my understanding: So you
20 had already stopped your schooling a couple of years before the attack in Abok?

21 THE WITNESS: [10:48:54] (Interpretation) I was no longer going to school because
22 when my father was taken to Sudan there was no means of communication. We
23 could not call him, there were no phones like it is these days to tell him to send school
24 fees. For that reason I had to stay home and stopped in primary 6.

25 PRESIDING JUDGE SCHMITT: [10:49:20] Thank you, Mr Witness, it was just for

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1 clarification.

2 Please continue, Mrs Bridgman.

3 MS BRIDGMAN: [10:49:48]

4 Q. [10:49:50] Now, you briefly mentioned to this courtroom about the Amuka and
5 you have just told the Court that your father was in the UPDF. Can you help me
6 understand, in the barracks, was it the UPDF barracks, was it an Amuka barracks, or
7 was it a combination of the two?

8 A. [10:50:28] It was a combination of the two. They were both present in the
9 barracks. And then later when the camp was attacked they also brought UPDF and
10 they would stay in the same barracks. Some Amuka militia who were also based
11 there, would live in the same barracks. That means if there were rumours of rebel
12 activity, the UPDF would come and join those who were in the camp and then they
13 would pursue the rebels. It was not separated that this is for the UPDF or this is for
14 the Amuka militia.

15 Q. [10:51:28] So from what you have just mentioned, am I correct to conclude that it
16 was only Amuka that were in the barracks on the day of the attack?

17 A. [10:51:49] Yes. They are the ones who had just been deployed before bringing
18 the UPDF soldiers.

19 Q. [10:52:01] So the UPDF was deployed after the attack?

20 A. [10:52:13] Most of them came after the attack. But before the attack the UPDF
21 would come and pass through the camp while pursuing the rebels. When they find
22 that the rebels were leading to this direction they would go and give support to the
23 barracks in that location. If they hear that the LRA would go to attack a particular
24 place, they would go and find it has been reinforced. The UPDF were mainly mobile
25 forces and they would reinforce when there is an attack in a particular place. They

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1 were only based in a bigger barracks where they would be deployed so as to monitor.

2 The bigger barracks was in Opit.

3 Q. [10:53:50] You mentioned a gentleman called Okello Engola. Was he a UPDF
4 or an Amuka person?

5 A. [10:54:06] He was a UPDF and he was a commander who was brought. Every
6 barracks had one commander who was in charge. Well, the commanders are
7 brought from the division in Gulu so that they can lead the troop that was there. He
8 was not an Amuka militia, he was a UPDF and he is a former soldier, he stayed for
9 long in the army.

10 Q. [10:54:41] Does the name Mugabe ring any bell?

11 A. [10:54:53] I do not recall that name.

12 Q. [10:54:57] Thank you, Mr Witness. So these Amuka people, they were -- were
13 they recruited from the camp civilians, were they people you knew, or did they come
14 from other places?

15 A. [10:55:23] They were recruited from the civilian community. But they were
16 from different locations, and some of them, I didn't know them. Not that they are
17 from the same locality of Abok. Others were brought from Lira. Others came from
18 places which were more secure but had joined the militia and was working.

19 Q. [10:55:59] Now if we focus on the people that you knew, and if you don't know,
20 you can just say you don't know, but do you know if they offered to join, did they join
21 voluntarily or was there a government policy, let's say, to have people join the Amuka
22 group?

23 A. [10:56:35] I do not know if it was a government policy, but most of the soldiers
24 who were in the Amuka militia are people who found it difficult to stay at home.
25 You cannot stay, continue sleeping in the bush and they volunteer to go and join and

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1 get armed so that they can protect the community. Their intention is to try and stop
2 the rebellion. It was not a policy by government to forcefully recruit people into
3 Amuka militia. But it's like the recruitment of the -- that the government does to
4 protect the country and that is how they got the people joining Amuka militia.

5 Q. [10:57:32] So it would be fair for me to say that these were just civilians tired of
6 the insecurity and they decided to come together and fight back, correct?

7 A. [10:58:02] I think that is correct, because some of them were former soldiers and
8 others were newly recruited into the army. Just like they were recruited.

9 PRESIDING JUDGE SCHMITT: [10:58:25] (Microphone not activated)

10 MS BRIDGMAN: [10:58:28] Yes, your Honour, I think this is a good place to stop.

11 PRESIDING JUDGE SCHMITT: [10:58:31] (Microphone not activated)

12 THE COURT USHER: [10:58:38] All rise.

13 (Recess taken at 10.58 a.m.)

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

15 THE COURT USHER: [11:30:15] All rise.

16 Please be seated.

17 PRESIDING JUDGE SCHMITT: [11:30:41] Mrs Bridgman, you still have the floor.

18 Please continue.

19 MS BRIDGMAN: [11:30:45] Thank you, your Honour.

20 Q. [11:30:49] Mr Witness, we were talking about the Amukas, but just before we
21 went for the break, and I would like to ask you a follow-up question to what the
22 victims representative asked you at the transcript of today, page 8, lines 19 to 23.

23 (Counsel confers)

24 MS BRIDGMAN:

25 Q. Mr Cox asked you if you had seen or heard of any abuses by the government

1 soldiers on the civilians and your response was that you did not see any; is that
2 correct?

3 A. [11:31:57] That's correct. That's correct.

4 Q. [11:32:00] By any chance did you hear of anything? For instance, perhaps
5 rapes occurring, or them stealing food from the civilians?

6 A. [11:32:18] I did not hear of any government soldiers. I did not see the
7 government soldiers raping anybody. Among the things that they used were money
8 so they would use money to pay for the women. If somebody did not have money,
9 they would go and ask for the civilian for a favour and a promise to pay in return
10 once he gets his payment.

11 Q. [11:32:57] How about instances of drunken soldiers?

12 A. [11:33:09] I did not see drunken soldiers. They had their rules, regulations
13 telling them that if they got drunk and committed any crimes or atrocities against
14 civilians then they would be sent to prison. So I did not see them harassing civilians,
15 taking civilians' property by force or anything like that.

16 Q. [11:33:47] So, Mr Witness, you said that they used money and they would pay
17 the women. Would I be right to say that we are talking about that in the context of
18 getting sexual favours from the women?

19 A. [11:34:15] I said that talking about -- when I talked about payment, it's buying
20 food or buying things from the shop, not about prostitution or paying for women. I
21 did not see them using money to buy women. They used money to buy things like
22 food, cooking oil, and basic necessities from civilians. Things that they themselves
23 did not have.

24 Q. [11:34:46] Thank you for that clarification, Mr Witness. Yesterday, you also
25 testified --

1 And, your Honours, I am referring to transcript 83 at page 57, starting from line 5.

2 And this was in response to the Presiding Judge's question regarding -- sorry, let me
3 try to orient you. Yesterday, when you were testifying, you were asked about the
4 people that were seen, the rebels that were seen, at 6 o'clock before the attack. And
5 the Presiding Judge asked you if the soldiers did anything in response to that
6 information that rebels had been seen within the Abok camp. And you said that
7 there was a curfew imposed; is that correct?

8 A. [11:36:09] Yes, that's correct.

9 Q. [11:36:12] Was this curfew -- not within the context of the attack, but generally
10 before the attack, was the imposition of a curfew a regular thing that happened often?

11 A. [11:36:35] That was something that they used to -- or a means of protecting
12 civilians so that nothing bad could happen so that civilians would stay quiet to enable
13 them to investigate anything that is happening around the camps and decide what to
14 do.

15 Q. [11:36:56] You also said, Mr Witness, that people sometimes still would go to
16 their farms stealthily, correct?

17 A. [11:37:06] Yes.

18 Q. [11:37:07] So if I understand the curfew to be, let's say, you cannot leave the
19 camp at 6 p.m., would that be a fair statement?

20 A. [11:37:24] Yes, that's correct. Because we were allowed to go out between 10,
21 when the soldiers would go out, investigate, and that's when people were allowed to
22 go out. But after 12 or after 6 p.m., people were not allowed to go out. Any
23 civilians that are outside would be coming back into the camp at that time.

24 Q. [11:37:53] So at least people would still be allowed to come back to the camp
25 even after the curfew, correct?

1 A. [11:38:09] Six o'clock. Even if you are -- as a civilian, you know that there is
2 a problem outside, so civilians are inside the camp and usually it's the government
3 soldiers that are out. Between 4 to 5 the government soldiers are already around the
4 camps, surrounding the camps, telling people that after a certain time most of the
5 civilians would actually be in the camp. The civilians that are not back in the camp
6 at the time are civilians who have made that decision not to come back, so when they
7 come back, then they are usually questioned by the soldiers to find out where they
8 have been.

9 Q. [11:39:07] Do you know if they would get in trouble for that with the
10 government soldiers?

11 A. [11:39:19] It did not happen when I was there, because if whatever they do from
12 outside the camp I am not -- I am not present to witness what was taking place.

13 Q. [11:39:37] Mr Witness, do you know if there were any people in the camp who
14 assisted the LRA in one way or another?

15 A. [11:39:51] No, I did not see anybody.

16 Q. [11:40:07] Do you know if people were ever accused of assisting the LRA?

17 A. [11:40:20] No. I did not hear about anybody assisting the LRA. Most of
18 the -- most of the people, for example, most of the ones that are taken are the young
19 ones. They are taken -- they are abducted forcefully, so I did not hear of anybody
20 who willingly or voluntarily went. Most of them were abducted.

21 Q. [11:40:48] Did you perhaps hear of any people, let's say, the older people still
22 living in the camps who were acting as informers for the LRA?

23 A. [11:41:07] No, not to my knowledge. At the time I was still very young. So if
24 anything happens among the grownups, if they are discussing it, I am not there, I am
25 not present.

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1 Q. [11:41:38] Mr Witness, you interviewed with the Prosecution in 2015, correct?

2 A. [11:41:57] That's correct.

3 Q. [11:42:04] Do you recall if they asked you about the conditions of the camp
4 during that interview?

5 A. [11:42:21] When they interviewed me? Could you please repeat your question?

6 Q. [11:42:28] When the Prosecution interviewed you in November 2015, did they
7 ask you about the conditions of the camp before the attack?

8 A. [11:42:43] Yes, they did. They asked me.

9 Q. [11:42:49] Did they also ask you about -- sorry, did they also ask you about the
10 relationship that the soldiers had with the civilians?

11 A. [11:43:07] They asked me the -- about the conditions of the camp and the
12 circumstances in the camp. They -- well, the -- it was common knowledge that
13 soldiers were there to protect civilians.

14 Q. [11:43:23] Thank you, Mr Witness. Mr Witness, without revealing any
15 identifying information, could you tell the Court what you do in Abok to sustain your
16 family?

17 A. [11:44:05] Right now, well, in Abok I am farming, and it's the produce that I get
18 from my farms that I use for feeding my family. Sometimes, I sell some of the things
19 and use the money for financial income. If, for example, there are other people
20 who -- if money is needed for buying books or things like that, then I use that money
21 that -- from the sales of things.

22 Q. [11:44:48] Now, you hold an O Level certificate; is that correct?

23 A. [11:44:58] Yes, I do.

24 Q. [11:45:00] So you have a fair command of the English language, correct?

25 A. [11:45:08] Yes, I do.

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1 Q. [11:45:11] Do you live in Abok centre?

2 A. [11:45:19] That's where I was born, and that's where I live.

3 Q. [11:45:26] Is Abok connected to the electricity? Is there electricity in Abok
4 centre?

5 A. [11:45:39] Yes, at the moment, yes.

6 Q. [11:45:45] Do you own a TV?

7 A. [11:45:52] No, I do not own a TV.

8 Q. [11:45:55] How about a radio?

9 A. [11:46:02] I had a radio, but it's not working at the moment. But I use my
10 phone, if it's fully charged.

11 Q. [11:46:21] Would you say that you generally listen to the news on your phone,
12 on the radio?

13 A. [11:46:36] Yes. If I do, if it has battery in it, then I do use it. But if it's not, if
14 the battery is flat, then no, I do not use it because I do not have a radio. The radio
15 that I had no longer works.

16 Q. [11:46:53] Mr Witness, are you a football fan?

17 A. [11:47:01] No. I do not usually watch football.

18 Q. [11:47:07] Do you hold any leadership position in your community?

19 A. [11:47:19] No, I do not have any leadership in my community.

20 Q. [11:47:26] Do you ever watch TV at all?

21 PRESIDING JUDGE SCHMITT: [11:47:35] Mrs Bridgman, but the relevance will
22 soon surface, I think. Yes?

23 THE WITNESS: [11:47:47] (Interpretation) No. I do not usually go to watch TV
24 because there is no place close by where I can go and watch television.

25 MS BRIDGMAN: [11:48:29]

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1 Q. [11:48:32] Mr Witness, do you recall meeting with the Prosecutor in
2 January 2016? Not the time you gave your statement but another time.

3 A. [11:48:58] Perhaps I did meet with them, but I do not recall like the particular
4 date that you are talking about.

5 MS BRIDGMAN: [11:49:08] Your Honours, I am referring to tab 4 of the Defence
6 folder, UGA-OTP-0258-0005, and it would be the last paragraph of that page.

7 Q. [11:49:28] Mr Witness, do you recall mentioning to the Prosecution that you had
8 watched NTV and saw someone you recognised from the time in the bush.

9 A. [11:49:52] I wasn't at home at the time. I had gone to town. I was in Gulu
10 town at the time. I wasn't at home. But when I'm at home, no, I do not have access
11 to a television. Because I went to a place where there was a television and that's
12 where I sat and watched the television. But in the village, no.

13 Q. [11:50:36] And it is during this time that you were in Gulu that you saw this
14 person on TV and you recognised the person, correct?

15 A. [11:50:48] Yes, that's correct.

16 Q. [11:50:51] And you told the Prosecution that this person was Ongwen, correct?

17 A. [11:51:03] Yes.

18 Q. [11:51:08] Now, in that same programme do you recall seeing anyone else that
19 you recognised from the time in the bush?

20 A. [11:51:26] No. I can only recall the person I saw.

21 Q. [11:51:35] Do you recall what the programme was about when you saw him on
22 TV?

23 A. [11:51:54] I do not recall the programme very well.

24 Q. [11:51:59] So you don't know if it was during the news or if it was a particular
25 programme related to this case, correct?

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1 A. [11:52:17] It was a programme relating to the situation before the Court,
2 otherwise they wouldn't have put it up on TV.

3 Q. [11:52:35] So, Mr Witness, let's try to go through the time of the attack on Abok.
4 You testified that the LRA soldiers came from the direction of Ngai; is that correct?

5 A. [11:53:01] Yes.

6 Q. [11:53:04] And you also testified that you did not know if the civilians informed
7 the soldiers about this -- sorry, you testified that the LRA were seen at about 6 o'clock
8 before the attack, correct?

9 A. [11:53:27] Yes.

10 Q. [11:53:30] In response to the Presiding Judge's question you said that you did
11 not know if the civilians informed the soldiers in the barracks about this particular
12 sighting, correct?

13 A. [11:53:47] That's correct.

14 MS BRIDGMAN: [11:53:49] And, your Honours, I'm --

15 PRESIDING JUDGE SCHMITT: [11:53:50] Yes, but, Mrs Bridgman, I have explained
16 this before, since this was the testimony of the witness that is reflected in the
17 transcript, you don't have to ask him if this is correct. I would just direct myself, and
18 I mean you in that respect, to what you are heading at because it is clear what he has
19 said and it would be amazing if he now says one day after, or one courtroom day
20 afterwards something completely different. What I mean is you don't have to cite
21 everything and then ask him "Is this still today your testimony?" or something like
22 that. There is no need for that.

23 MS BRIDGMAN: [11:54:32] Thank you, your Honour.

24 Q. [11:54:35] Now, Mr Witness, do you know if the rebels came -- when they came
25 at 8 p.m., do you know if they came from the same direction that they had originally

1 come from or they came from a different direction?

2 A. [11:54:57] The -- when I showed you earlier on the diagram they branched off
3 towards the school and that's where the gunfire started from. That was between
4 Iceme road and Ngai and that's the direction that they went.

5 Q. [11:55:21] Do you recall if your father was also aware of the presence of the
6 rebels before the attack?

7 A. [11:55:37] Pardon? Could you please repeat the question? I did not
8 understand it very well.

9 Q. [11:55:49] Now, your father being a soldier?

10 A. [11:55:59] Yes.

11 Q. [11:56:00] Was he aware that rebels had been sighted around the area?

12 A. [11:56:13] That is something that was visible to civilians, because there is a hill,
13 there is a hill going towards Abok school and the Abok camp is on one side. So it
14 was visible, it was visible from the other side. The civilians in the camp were also
15 uneasy.

16 Q. [11:56:42] Just to help me understand. When you say "it was visible", do you
17 mean to say that they were distinctly different, so you could just look up the hill and
18 you could see these people and immediately identify them as the rebels?

19 A. [11:57:09] It was soldiers, it wasn't civilians. They went towards Abok school.
20 The government soldiers who were in that area also advised people to keep quiet.
21 So if it was government soldiers, they -- the soldiers at Abok would have had
22 knowledge about it because if there are soldiers coming for -- came to reinforce the
23 soldiers or if government soldiers are coming to the area, there is knowledge that the
24 government soldiers are coming. And they do come directly to the barracks and
25 civilians can also see all this activity.

1 But even when people come at night they go to the barracks and government soldiers
2 are aware of it. Even though civilians are sleeping at that time, government soldiers
3 are aware of it. But from the other side, they came from that side, they branched off,
4 moving away from the camp, not going towards the barracks, at 8 p.m. gunshots, that
5 was a problem within the camp. And that was a conclusion, that it was rebels,
6 because if it was the government soldiers, they would have gone straight to where the
7 civilians were and where the barracks is, not bypass it.

8 Q. [11:58:34] Thank you, Mr Witness. Do you have any idea how many rebels
9 were sighted on the hill, or did you ever come to hear about any information in that
10 regard?

11 A. [11:58:50] No. From the side I could not see how many there were. But when
12 they came into the camp, when they had already attacked the camp, there were very
13 many, I could not count exactly how many there were. I couldn't say that there were
14 five, but there were 40 and above. So I do not know exactly how many of them came
15 to Abok.

16 Q. [11:59:20] So, Mr Witness, they are sighted on the hill at 6 p.m., and these are
17 about 40 soldiers or so, and the attack happens at 8 p.m. In between that time what
18 did the soldiers do, apart from telling you to be quiet and staying in your houses?
19 Did they prepare for any eventualities at all?

20 A. [12:00:07] Yes. From the side where gunshots were coming there were soldiers
21 who were already deployed. These soldiers were deployed in three locations.
22 They are deployed at the side where they entered from. It was already dark at that
23 time. I, I do not know where the soldiers went. That was probably done according
24 to their deployment. For us as civilians we would see soldiers moving towards
25 where there is suspicion of rebel activity. Sometimes we see the soldiers being taken

1 to pursue, but there were also a group of soldiers who were left to take -- to protect
2 the camp, that is where the gunshots started coming from.

3 Q. [12:01:06] Within that two-hour gap and considering that you said it was
4 Amuka that was in the barracks, did you see any UPDF deployment coming from
5 Opit?

6 A. [12:01:30] No. I did not see any soldiers coming from there. But when the
7 camp had already been burnt down, and the attempt on attacking the barracks failed,
8 we only saw a mamba vehicle coming. We had already left the camp and we had
9 entered a stream. It -- the stream is in a place called Loka Akello Alyek and we had
10 already gone and entered that stream. The soldiers that came, the rebels had already
11 left. I do not know, but I heard there was an armoured vehicle that had come to the
12 camp because we were not there at the time. We had already left the camp.

13 Q. [12:02:31] Mr Witness, would you by any chance know the distance between
14 Opit and Abok?

15 A. [12:02:48] Opit was not very far. It could be about 4 or 5 kilometres. But I did
16 not know the distance because I did not have any means to measure the distance.
17 There was also a market there and, like now, we go to buy things from there.

18 Q. [12:03:27] Mr Witness, did you ever hear information that the UPDF staged two
19 ambushes, one on Ngai road and another one at Akello Alyek forest to counter the
20 rebels?

21 A. [12:04:01] At Ngai and Akello Alyek forest? Can you please repeat the
22 question, it was not clear.

23 Q. [12:04:10] Did you ever hear information that in those two places, the forest at
24 Akello Alyek and on the Ngai road, that there were UPDF ambushes staged to
25 counter the LRA?

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1 A. [12:04:33] I never heard that. But when we are moving and when we were
2 already closing on to Lalogi camp, it was almost morning. When we crossed the
3 road, we heard gunshots. I do not know if that was an ambush, but there were
4 gunshots that were heard as we were moving. That is after we had crossed the
5 Lalogi road.

6 Q. [12:05:13] So, Mr Witness, you mentioned earlier that Opit had a big barracks,
7 and it's only about 5 kilometres away from Abok, and yet from the first time the LRA
8 were sighted on the hill at 6 p.m. there was no response from the UPDF before the
9 8 o'clock attack; is that correct?

10 A. [12:05:57] Yes.

11 Q. [12:06:08] So, Mr Witness, the attack begins, you and your family hide in this pit
12 latrine, and then you said that an LRA girl who was slipping and almost falling into
13 the hole, saw you and started yelling about soldiers in the hole. But there were no
14 soldiers in the hole, correct?

15 A. [12:06:46] At that point, there was no soldier who was on duty. It was only my
16 father who was wearing civilian because he had left his army uniform in the barracks.
17 He was on leave and he was at home. He did not go to the barracks to get any gun.
18 They were sleeping together with my mother in the house so when the attack
19 happened, he fled and entered the ditch. I also went and found him in the same
20 ditch. There was no soldier who was in the ditch. My father was a soldier, all right,
21 but he was not on duty at the time. He was a civilian.

22 Q. [12:07:29] By any chance was your neighbours perhaps in the Amuka at all?

23 A. [12:07:41] The neighbours were also civilian.

24 Q. [12:07:47] Was your father -- let me say -- commonly known within the camp as
25 being a soldier?

1 A. [12:08:04] Yes. People knew that he was a soldier.

2 Q. [12:08:11] And you are in this hole, it is dark, there is fire everywhere, and this
3 women screams that there is a soldier in the ditch. But you did not see the face of
4 this woman, did you?

5 A. [12:08:34] No, I did not, because we were down in the ditch and there were
6 some houses, about four huts which were not torched. It was dark, and I could not
7 see since light was coming from an opposite direction. They were moving towards
8 the barrack and it was dark there. From the upper side, it was -- there were -- there
9 were lights coming from the flames.

10 Q. [12:09:10] So it is possible that this woman who screamed was a camp civilian
11 who recognised your father as a soldier?

12 A. [12:09:31] She screamed in Acholi, saying there is a soldier in this ditch. Those
13 who had guns came and surrounded the ditch, meaning that it was not a civilian who
14 was from the camp. If it was a civilian woman who screamed, from the population,
15 the civilians were fleeing and civilians were hiding. No civilian would scream like
16 that. That means she was among the LRA. And when she screamed, the place was
17 surrounded, the ditch was surrounded, and we were all removed out. I cannot say
18 that it was a civilian woman who -- who screamed, who was in the camp.

19 Q. [12:10:19] Is it your testimony, Mr Witness, that there were no Acholis living in
20 Abok camp?

21 A. [12:10:33] During the attack is what I am talking about. I was talking about the
22 time that there were gunshots. Acholi and Lango can be spoken in any place. But
23 during the battle, someone screamed and the ditch was surrounded. I therefore
24 knew that the person who screamed was different. But as for language, anybody can
25 speak any language anywhere.

1 Q. [12:11:14] Mr Witness, I just want to clarify with you, did you decide that the
2 woman whose face you did not see was a rebel because of the language she spoke or
3 by the fact that immediately after she screamed the ditch was surrounded by soldiers?

4 A. [12:11:50] There were no soldiers around the ditch. When -- when she slipped
5 and almost fell into the ditch, that is when she flashed her torch light and screamed
6 that there was a soldier in -- there was a soldier in the ditch. That means it was not
7 a civilian who had shouted. At that point, she screamed and fled because she knew
8 that if there were soldiers there, she would be harmed. That is when the other
9 soldiers who were around there came and surrounded the ditch and ordered us to
10 come out if we were truly civilians. At that point, we started coming out of the
11 ditch.

12 Q. [12:13:15] Now, Mr Witness, you just said that the LRA rebels were going
13 towards the barracks when all of a sudden this woman screams and then your ditch is
14 surrounded.

15 Would it be fair, then, for me to conclude that the LRA were -- were heading towards
16 the barracks? Their mission was to go to the barracks and they only doubled back
17 because of this woman's assertions that there were soldiers in the ditch.

18 A. [12:14:14] While they were moving to the barracks, they were shooting. They
19 would shoot once in a while. But once they heard someone scream that there were
20 soldiers in the ditch, they all converged in the same place and surrounded the ditch.
21 But those who were already ahead continued with their movement. The ones who
22 surrounded the ditch are the ones who pulled us out, and at that point there were
23 more LRA soldiers around, and I was taken among them immediately. Some of the
24 people were killed at that point also.

25 Q. [12:15:08] Mr Witness, at this point, and I am not going to make you go through

1 the testimony about how your family members were killed, but at this point, were the
2 soldiers, the government soldiers or the Amuka, already exchanging fire with the
3 rebels when you came out of the ditch?

4 A. [12:15:51] They had already dispersed the Amuka militia and some of them had
5 already fled their base. The guns that they were shooting at that point was just to
6 clear, to ensure that there are no soldiers ahead. Because if there were soldiers ahead,
7 they would shoot back. But since they were shooting one-sided, it means there was
8 no one ahead of them and they would continue moving as they had planned.

9 Q. [12:17:00] Mr Witness, when you say that the militia had fled their base, are you
10 saying that the barracks was empty at this time?

11 A. [12:17:23] Those who fled were the ones who were guarding the camp. After
12 realising that they were running short of ammunitions and they could not defend
13 themselves anymore, they had to flee. But there were soldiers who were also
14 protecting the barracks. When we went close to the barracks, it is person number
15 one who was told to shout that, "capture them". That is when we -- there were some
16 gunshots that came from the barracks also. At that point, people started fleeing from
17 the bullets that was coming from the barracks because there were some soldiers who
18 were at the barracks. They were guarding the barracks, and then there was another
19 group that was protecting the camp.

20 Q. [12:18:17] Thank you, Mr Witness. That was very -- it helped me with my
21 confusion.

22 So there is this exchange of gunfire between the rebels and the soldiers stationed in
23 the barracks. And you also stated that civilians were fleeing at this point, correct?

24 A. [12:18:49] The civilians were fleeing towards a different direction. As they
25 were heading towards the barracks there were some people who were still hiding

1 within the camp and had not fled. They fled in the opposite direction. When they
2 heard the bullets were going to -- towards the barracks, they fled the opposite
3 direction. You cannot run towards where the bullets are coming from, because that
4 means you would want to die. That means you should run the opposite direction
5 from where the bullets are coming. When we went towards the barracks there were
6 no civilians other than those who had been abducted. I was among those abducted
7 and I was already carrying luggage. At that point they moved to attack the barracks
8 and they did not abduct any civilians from that point since people had already fled
9 and the barracks was a bit out of -- outside the camp.

10 Q. [12:19:49] Thank you, Mr Witness. So would it be possible -- you are painting
11 this picture that I am set my mind in, which is hard of course, but would it be fair for
12 me to imagine that perhaps some civilians who were killed during this crossfire
13 between the UPDF and the rebels?

14 A. [12:20:36] During the gunshots the soldiers had already left the place they were
15 protecting, like I said, and when they entered the camp, the soldiers who were in the
16 camp were already fleeing because they had no bullets, because when you -- there
17 was exchange taking place while people were still in the camp, but in the middle of
18 the camp there was no more exchange because no one was shooting at them, but for
19 the civilians they would aim their guns at you. And there were no civilians where
20 I am talking about at that point, it was only those who had been abducted and I was
21 amongst them. The people had fled to different directions, which I had no
22 knowledge of. There were no civilians living within the barracks.

23 Q. [12:21:43] Is it possible that some of the civilians that had already been abducted
24 were injured or killed during this crossfire?

25 A. [12:22:01] I do not know because, at that point, it's only when I came back I was

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1 told what happened. But at the time that was happening, I, I saw -- I can tell what I
2 saw, but whatever I did not see I cannot say.

3 Q. [12:22:25] Thank you, Mr Witness. And I think that's really what the Judges
4 would like to hear from you. I'm sorry to speak on behalf of the Bench in this regard,
5 but ...

6 PRESIDING JUDGE SCHMITT: [12:22:38] I think we will make up our own mind at
7 one point in time.

8 MS BRIDGMAN: [12:22:43] (Microphone not activated)

9 Q. [12:22:52] So you said some of the information you heard when you returned
10 from the bush, would it be fair for me to conclude that when you say that
11 Okello Engola pursued the rebels you got this information after you returned from
12 the bush?

13 A. [12:23:18] Yes, there is some information I got when I had come back from the
14 bush but, at that point, the things that happened happened at a time that I was at the
15 camp, is that those with whom I left the ditch, some of them were killed, but those
16 who were killed, I -- I heard that some of them were killed when I came back. When
17 I returned they told me that during the attack so-and-so, many people died, they told
18 me it was 28 people who died. That I heard when I came back.
19 But what I saw is what I described. Those who were killed from the ditch, the three
20 people whom I saw who were killed. It was -- it was not the government -- it was
21 not the government soldiers who shot them. One of them asked -- asked where he
22 had put the civilian who had been abducted. The two people said we had killed
23 them and they said, "Why did you kill them? There are no civilians in this location,
24 who will you -- who will help us to carry the luggage?" That made me to -- to
25 conclude that it was, it was the rebels who had killed those people, because they were

1 quarrelling amongst themselves that there were no civilians who can be abducted to
2 carry luggage. And they -- some of them were not happy that those civilians had
3 been killed. They wanted them to be alive so they can carry luggage that had been
4 looted.

5 Q. [12:25:01] Thank you, Mr Witness. Now, you told the Court earlier that you
6 arrived in Lalogi at daybreak. Do you know the distance between Lalogi and Abok?

7 A. [12:25:21] It is about 3 to 4 kilometres.

8 Q. [12:25:29] So it took you a better part of the night to walk through the several, 3
9 or 4 kilometres, correct?

10 A. [12:25:45] Yes, it took us that long. You know, while walking in the bush you
11 do not move straight, you keep going in circles. And at night you cannot know.
12 And when it was almost daybreak we were closer to the camp. It was that morning
13 that we were crossing the road.

14 Q. [12:26:13] Mr Witness, you said that many -- several abductees were rescued
15 when Okello pursued the rebels. Do you by any chance know the names of those
16 who were rescued that night?

17 A. [12:26:42] At that point I did not know, but the report -- I got the report when I
18 came back saying that some people were rescued when Okello Engola pursued the
19 rebels. We were walking ahead in front of -- of the group and we will not know who
20 had been rescued. We wouldn't even know -- we wouldn't even know who had
21 been abducted besides ourselves because we were moving forward.

22 Q. [12:27:20] Mr Witness, you said that it took you about five days for you to arrive
23 at Atoo foothills and you also -- let me rephrase that question.

24 Do you remember the time you applied to Save the Children for help with your
25 education?

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1 A. [12:28:03] I do not recall the exact period.

2 Q. [12:28:07] But you acknowledge that you applied for assistance from Save the
3 Children, correct?

4 A. [12:28:20] Yes, I remember it was 2006.

5 MS BRIDGMAN: [12:28:42] Your Honours, I'm referring to tab 6 of the Defence
6 folder, ERN number UGA-OTP-0244-2184, and at page 2186, at the very bottom in
7 handwriting.

8 Q. [12:29:06] Mr Witness, in that application form it says that you were smeared
9 with shea nut oil in order for you not to escape. Does that sound right?

10 A. [12:29:25] Yes, those are the things that are included.

11 Q. [12:29:30] Was this after you arrived at Teegot Atoo?

12 A. [12:29:41] Yes.

13 Q. [12:29:44] Can you tell Court how it was done?

14 A. [12:29:54] That is what happens in the bush. I am given, that I should smear.
15 All I can say is that I was given some oil, like, to smear. I do not know how it works.

16 Q. [12:30:11] And you were told it was supposed to help you not to escape. Was it
17 also given for other reasons?

18 A. [12:30:25] I do not know what other reasons was given, because I was told to
19 smear and I was told it would help me.

20 Q. [12:30:35] Did they, for instance -- okay. You just testified that you were not
21 given any reason, but did you perhaps hear from people in the bush that it was
22 supposed to protect you from injuries?

23 A. [12:30:57] It's -- I do not know because, at the time, that was my first time there.
24 It's difficult to understand or to question something that you are new to. I just kept
25 quiet. I was smeared when I was young.

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1 Q. [12:31:23] Do you know if it worked or not?

2 A. [12:31:33] I do not know. I do not know whether it worked or not.

3 Q. [12:31:38] While you were in the bush were you ever given a nickname?

4 A. [12:31:48] No, I wasn't given a nickname.

5 Q. [12:32:26] Mr Witness, you testified before this Court that you did not know the
6 person who ordered the attack on Abok and neither did you know any commander's
7 names apart from lapwony; am I right?

8 A. [12:32:54] Yes, you are.

9 Q. [12:33:00] And you also testified that you were separated from person number
10 one and never saw him again until you came back home. Do you recall where you
11 were separated from, at what point?

12 A. [12:33:23] I do not recall exactly when that happened. I do not recall when it
13 happened, but we had not yet gone, we hadn't yet moved for a long distance before
14 we were separated. He was also carrying somebody who had sustained an injury,
15 somebody who was shot in the camp. It was a rebel that had been shot. And that
16 was -- after that I left him carrying that person and that was when we separated. I
17 do not know where he went.

18 Q. [12:34:10] Thank you, Mr Witness.

19 I was going to ask you if you stayed with the person who was injured, but thank you
20 for answering that without me asking.

21 So in Teegot Atoo you mentioned two things that seemed contradictory to me and I
22 would like clarification from you. In your statement you said it was a big base, but
23 you have also stated that people were scattered around the foothills and the base was
24 in Sudan. Can you help me understand the setting of Teegot Atoo?

25 A. [12:35:08] At that time the rebels had their own different ranks. If you are

1 a -- there were foot soldiers and -- there were some people who had come from Sudan
2 to Uganda and that was the majority of them. But within Teegot Atoo the people
3 would come, meet there and then split up. People would go, meet there. That was
4 a meeting point. They would converge there. And that's why I said that when
5 we -- it seems to be that when people go they converge in that place and that's where
6 there were a number of people. The people that we walked with were many. Some
7 people -- we were not all in one position, but they surrounded -- we all surround the
8 area. You cannot move from one place to another place without the authority of the
9 person with whom you are walking with, or you are moving with.

10 Q. [12:36:27] Mr Witness, you also mentioned Okello Kalalang as the person who
11 was in charge of your group; is that correct?

12 A. [12:36:41] Yes, it is.

13 Q. [12:36:50] May I suggest to you, Mr Witness, that in fact the group you were in,
14 the one you called the signaller group was led by someone called Lieutenant Colonel
15 Okot to whom Kalalang was reporting to.

16 A. [12:37:16] From within the LRA it was not possible for me to distinguish
17 between Kalalang and Okot. But I heard -- perhaps they mentioned names to
18 confuse me, but I am mentioning a name that I know. I heard that name and that's
19 why I stated the name. If I did not have -- if I did not hear any other name because
20 people are referred to as lapwony, perhaps they are being called as lapwony to mask
21 their identities, then I do not have any knowledge of that.

22 Q. [12:37:58] Thank you, Mr Witness. Now, Mr Witness, along the same lines, in
23 your statement to the Prosecution you said that the groups in Atoo hills were
24 communicating using walkie-talkies; is that correct?

25 A. [12:38:47] Yes.

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1 Q. [12:38:48] And you got this information from other soldiers, correct?

2 A. [12:38:56] Yes.

3 Q. [12:39:00] But you yourself, you never saw these walkie-talkies; am I correct?

4 A. [12:39:10] No. Perhaps I was -- I did not know that that was a walkie-talkie.

5 I was young and I did not know those gadgets at the time, so maybe I saw them using
6 it but I did not know that that was a walkie-talkie.

7 Q. [12:39:26] Thank you, Mr Witness. Now, Mr Witness, just to clarify, I know
8 you have been asked this question before, but did you receive any training in the
9 bush?

10 A. [12:39:49] No, no, I did not receive any training in the bush. My tasks were to
11 carry luggage, small bags, bullets that people were using. But no training, no, no
12 formal training.

13 Q. [12:40:10] Mr Witness, do you recall giving a statement to your lawyers,
14 a victims application?

15 A. [12:40:27] Yes, I recall.

16 MS BRIDGMAN: [12:40:33] Your Honours, I'm referring to tab 5 of the Defence
17 binder. UGA-D26-0012 at 0131. At page 0132 in the very first paragraph under
18 question one.

19 Q. [12:41:02] Mr Witness, can you clarify with you then why in your victims
20 application it says, and I quote: "The LRA had trained me how to shoot the gun and
21 how to salute or greet the LRA commanders." End quote.

22 A. [12:41:36] That was something that I saw them doing. I said I saw people, I
23 saw people saying -- people being trained, people being trained to shoot guns, people
24 being trained to salute. But I personally was not trained.

25 Q. [12:41:59] I appreciate that very much. Now, Mr Witness, you told this Court

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1 your birth-date and I am going to just give the year, 1986. Is this still your
2 testimony?

3 A. [12:42:32] Yes, it is.

4 PRESIDING JUDGE SCHMITT: [12:42:48] Tab 6.

5 MS BRIDGMAN: [12:42:51] Yes, your Honour.

6 Q. [12:42:58] So, Mr Witness, I am glad we are clarifying all these confusing details.
7 I see in the application form for sponsoring -- for sponsorship to Save the Children, it
8 states that you were born in 1990. Is this a mistake?

9 A. [12:43:27] It was at the time I was young and I went and told them something
10 that my adult -- the adults were not aware of. But I subsequently found out and
11 I was told that it was in 1986. When I initially went there they asked me as a child
12 and that's what I told them. I gave them that year of birth because that's what I was
13 told, but when I went and asked the adults, they told me the correct date of birth and
14 that is what is on the other documents.

15 Q. [12:44:06] Thank you, Mr Witness. And for the record the ERN number of that
16 document is UGA-OTP-0244-2184. So, Mr Witness, that being said, I am terrible at
17 math, but I would conclude that you were 18 years at the time of your abduction,
18 correct?

19 A. [12:44:41] I was 15 or 16, that's -- that's what I know. And that's what I said. I
20 said I was young and if I stated something I stated it because of -- I was young at the
21 time. It was the adults who told me later that that was my actual date of birth and
22 that's why my national identity card has that date. When you are young, when
23 you are a young person you do not know everything, unless the adults tell you. If
24 the adults tell you that this is your age, then you, you know, you get it. But when
25 you go somewhere and they ask you a question suddenly, you do not know how to

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1 respond to that's why I gave that response. But it was subsequently when I was
2 informed by the adults that my real date was in 1986. That's why my ID has that
3 date of birth.

4 Q. [12:45:44] Thank you, Mr Witness.

5 MS BRIDGMAN: Your Honours, I request for just a minute to confer with lead
6 counsel.

7 PRESIDING JUDGE SCHMITT: [12:46:30] Yes, of course. Please do that.

8 (Counsel confers)

9 MS BRIDGMAN: [12:47:22]

10 Q. [12:47:22] Mr Witness, when you were going to school, did you give
11 a birth-date?

12 A. [12:47:38] That's why I stated that at the time I was young. My birth certificate
13 was something that was lost in the camp. It was burned. And it was a guess. It
14 was afterwards when the adults told me about my date of birth, that's when I told
15 them, but at the time it was a guess. But my birth certificate was burnt in the camp
16 and I did not have it.

17 Q. [12:48:09] Mr Witness, do you know how many years you have today?

18 A. [12:48:22] I am 30 years old, 30 and above.

19 Q. [12:48:46] Mr Witness, you have mentioned several times in this court that you
20 were young.

21 MS BRIDGMAN: And, your Honours, I have several reference points.

22 PRESIDING JUDGE SCHMITT: [12:49:04] I think we have heard that. You don't
23 have to --

24 MS BRIDGMAN: [12:49:07] I don't have to --

25 PRESIDING JUDGE SCHMITT: [12:49:09] No, no.

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1 MS BRIDGMAN: [12:49:10] Okay.

2 Q. [12:49:28] But may I point to you -- may I point it out to you that as a matter of
3 fact you were 18 years old at the time of the Abok attack when you were abducted?

4 PRESIDING JUDGE SCHMITT: [12:49:32] A question?

5 MS BRIDGMAN: [12:49:36] It's a -- it's a proposition to him that --

6 PRESIDING JUDGE SCHMITT: [12:49:40] Okay, but I think he has not understood
7 that it is now a question. What does he say to that, for example, something like that.

8 MS BRIDGMAN: [12:49:52]

9 Q. [12:49:53] So, Mr Witness, what do you have to say to my statement that you
10 were, as a matter of fact, 18 years old at the time you were abducted?

11 A. [12:50:10] The age that I am using is what I was told by the adults. That's the
12 age that I'm using. Because when I stated at school in -- when I was still young, I
13 had not been told that date of birth by my adults because my birth certificate had
14 been burnt down. I told them what my parents had said. It wasn't something that
15 I was supposed to guess.

16 Q. [12:50:47] Now, Mr Witness, you testified about age estimates of people you saw
17 in the bush, and you mostly used your own age to do the estimation, give or take. Is
18 it fair then for me to say that since you were under the impression that you were
19 younger than you actually are, that you are wrong about the estimates of these other
20 people you found in the bush?

21 A. [12:51:26] If I was guessing, based on what you are telling me now, then perhaps.
22 Because at the time I was being told that my birth certificate had been burnt, I did not
23 know my exact date of birth so that's what I stated then. But what the adults told me
24 later was that I was born in '86 and that's the information on my national identity card.
25 So I cannot state now that it was -- I cannot guess that perhaps I was born in that year

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1 or that year. But what I am saying is that at the time I was young and I was making
2 the estimate based on my size. So if I was not very sure, if I wasn't concrete about
3 my exact age, then perhaps, because to my estimation I was young.

4 Q. [12:52:23] Thank you, Mr Witness.

5 Your Honours, I will be moving to another portion and perhaps this would be a good
6 place to stop for now while we --

7 PRESIDING JUDGE SCHMITT: [12:52:37] Do you have any estimate how long?

8 MS BRIDGMAN: [12:52:40] It won't be any more than an hour, your Honour.

9 PRESIDING JUDGE SCHMITT: [12:52:42] Yes, I think then that's a good idea to
10 have now the break until 2.30.

11 MS BRIDGMAN: Thank you very much.

12 THE COURT USHER: [12:52:50] All rise.

13 (Recess taken at 12.52 p.m.)

14 (Upon resuming in open session at 2.30 p.m.)

15 THE COURT USHER: [14:30:50] All rise.

16 PRESIDING JUDGE SCHMITT: [14:31:09] You have still the floor, Ms Bridgman.

17 MS BRIDGMAN: [14:31:14] Thank you, your Honour.

18 Q. [14:31:21] Mr Witness, I would like us to discuss briefly about your time in
19 Atoo hills. Would you please clarify for the Court if, from the time you arrived five
20 days after your abduction, you stayed around that area until the time of your escape.

21 A. [14:31:56] I stayed at the foot of Atoo hills and we did not go anywhere else.

22 We were then removed to come back, together with those who were
23 coming -- coming back to look for food items, but the way they were moving, I would
24 see that we had already left that area. I did not go to any other place other than that.

25 Q. [14:32:39] When you say you had -- you realised that you had moved away

1 from that area, do you mean the time when you finally left to move towards Odek
2 when you escaped?

3 A. [14:33:07] Yes.

4 Q. [14:33:14] So am I correct to say that the time you went for that failed attack on
5 Tee Tugu you were still based around the foothills?

6 A. [14:33:47] That is the time I realised we had left because there was nowhere I
7 had gone to. We would move around but I did not know the names of the places we
8 were going to. I then heard about the name Tee Tugu camp when we reached that
9 place. That is why I mentioned such an area. This means, therefore, that we had
10 left the previous place.

11 Q. [14:34:19] Mr Witness, in your statement to the Prosecution - your Honours,
12 I'm referring to tab 1 of the Defence binder, at paragraph 39 - where, Mr Witness, you
13 stated that, and this is in response -- in, sorry, in relation to Teegot Atoo you said
14 "there were some tents constructed for the commanders to sleep in, but the other
15 rebels and abductees had no proper shelter."

16 Now, when you say now that you realised you were moving away from that place, do
17 I understand it correctly that you dismantled the tents and you really moved your
18 camp, you were on the move to another place?

19 A. [14:35:35] I cannot say the group had dismantled the base and moved. For
20 instance, when you start -- you start moving to another location you do not know
21 what is happening behind you because I never went back to know whether the camp
22 had been dismantled or whether the base has been closed.

23 Q. [14:35:57] But as far as you were aware, you left the tents behind when you
24 moved; is that correct?

25 A. [14:36:13] Yes, I saw that the tents were still up and they had not been

1 dismantled. We left the place which had the tents and started moving away from
2 that location. I do not know if the tents were dismantled afterwards.

3 Q. [14:36:33] Mr Witness, you told this Court on Friday about some of the things
4 that you witnessed while you were in the bush. I'm not going into the details of
5 what happened, but the punishments that you witnessed, were they around Atoo
6 hills or was that during the movement from Atoo hills to Odek and wherever else
7 they were taking you?

8 A. [14:37:18] Some punishments are, especially about escaping are given at the
9 base, other punishments were given while we were on the move.

10 Q. [14:37:58] So, Mr Witness, for the punishment regarding escape, and I'm
11 regarding paragraph 44 of your statement to the Prosecution, you stated, the last two
12 sentences of that paragraph, "The abductee was killed in front of the other abductees
13 as a lesson to others if they tried to escape. His body was left where he had been
14 killed."

15 My question is: When you say "his body was left where he had been killed", was
16 that in the camp, in the encampment where you were based at the time?

17 A. [14:38:52] That one we had not yet left to come to Tee Tugu camp. I'm not
18 familiar with the area of Teegot Atoo. I don't know where it starts and ends, but it
19 was within the same area.

20 Q. [14:39:13] Mr Witness, you testified before this Court about a boy who was
21 killed because he refused to follow an order and you said he was taken away from
22 you. I would like to understand if -- when you say he was taken away from you, do
23 you have any idea how far away he was taken?

24 A. [14:39:55] I cannot say, for example, if you are here like this and somebody is
25 removed and taken away and never comes back, I wouldn't say the distance

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1 which -- to which he was taken to, but all I can confirm is that the person never came
2 back.

3 Q. [14:40:14] Mr Witness, but you cannot confirm that he was killed, correct?

4 A. [14:40:24] I do not know whether he was killed or if he is alive. I did not see
5 him coming back to us.

6 Q. [14:40:38] Thank you, Mr Witness.

7 And, Mr Witness, just to confirm with you for all these things that happened is it your
8 testimony that you do not know the commanders that ordered for them?

9 A. [14:41:13] The commander who had given the order was referred to as
10 lapwony, but the way I see, the people who were referred to as lapwony, there was
11 one who was the lead commander. But I did not see exactly who gave the order, but
12 there were some people who were referred to as lapwony.

13 Q. [14:41:46] Thank you, Mr Witness.

14 (Counsel confers)

15 PRESIDING JUDGE SCHMITT: [14:42:04] Mrs Bridgman, in the meantime
16 perhaps I can fill the gap with a question.

17 Mr Witness, I also refer you to your former statement and this is the ERN number that
18 we already know in tab 1 of the Defence binder, paragraph 45. I read a short passage
19 to you and perhaps you can tell the Court if you have -- if this is what you have today
20 also in your mind, what is your recollection also today.

21 "The Lapwony (Redacted) wore a camouflage uniform without
22 anything on the shoulders. I cannot really describe his distinctive features. He was
23 the one who was responsible for us. He was lower in rank to Kalalang." That
24 would be the end of the quote.

25 THE WITNESS: [14:43:03] (Interpretation) Yes, that is true.

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1 PRESIDING JUDGE SCHMITT: [14:43:07] Okay, you can continue, Mrs Bridgman.

2 MS BRIDGMAN:

3 Q. [14:43:19] Mr Witness, when you filled out your victim's application, do you
4 recall being asked who you thought was most responsible?

5 A. [14:43:49] What I said was that among the commanders who were referred to
6 as lapwony, there is someone who is leading them. I do not know the names, but
7 they were saying it was Dominic, but for me to point that this is the one, unless I see,
8 then I can confirm that this was among the lapwonys who were giving the orders.
9 They were referring to them as Lapwony to mask their identities. Even someone
10 who is close to me I wouldn't know.

11 Q. [14:44:30] So, Mr Witness -- and, your Honours, I'm referring to tab 5 of the
12 Defence binder, UGA-D26-0012-0131. It's just under the last line of question
13 number two.

14 Mr Witness, so from what you have just told us would it be fair for me to conclude
15 that the information you provided where you say LRA under Dominic Ongwen was
16 responsible, you got that information from what you heard after your return home
17 and perhaps what you saw on TV but not from your own personal knowledge; is
18 that correct?

19 A. [14:45:38] Yes.

20 Q. [14:45:39] Now, I would like to ask you just a little bit more about your escape.
21 You have told this Court that you spent about five months in captivity; is this correct?

22 A. [14:45:56] Yes, that is correct.

23 Q. [14:46:07] And on Friday the Prosecution asked you about any information
24 that people from Amnesty asked you while you were at the rehabilitation centre; do
25 you remember that?

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1 A. [14:46:28] Yes, I do remember that.

2 Q. [14:46:34] And you told the Prosecution that you were not asked any other
3 questions apart from perhaps your place of origin and how long you stayed in the
4 bush; is that still your position?

5 A. [14:46:55] Yes, that is it.

6 (Counsel confers)

7 MS BRIDGMAN:

8 Q. [14:47:42] Mr Witness, when you testified also that you remember that you
9 came out of the bush in October; is that correct?

10 A. [14:48:07] Yes, that is correct.

11 Q. [14:48:09] And you said that you moved -- you were taken to Opit, you spent
12 just a few days and then went home for one week and then the NGO whose name
13 you cannot remember picked you up and you spent about a month before Amnesty
14 people came to interview; is that about right?

15 A. [14:48:44] Yes, that is correct.

16 Q. [14:48:47] Mr Witness, is person number one also -- sorry. Do you know
17 person number one's other name?

18 A. [14:49:09] Yes. I know only the name that I mentioned here.

19 MS BRIDGMAN: [14:49:21] Your Honours, perhaps we should go into private
20 session, please.

21 PRESIDING JUDGE SCHMITT: [14:49:24] I think so.

22 MS BRIDGMAN: [14:49:25] Yes.

23 PRESIDING JUDGE SCHMITT: [14:49:26] He seems to be not comfortable with
24 answering these questions, so we go to private session. Yes.

25 (Private session at 2.49 p.m.)

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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 (Open session at 2.50 p.m.)
- 12 THE COURT OFFICER: [14:50:34] We are back in open session, Mr President.
- 13 MS BRIDGMAN: [14:50:42]
- 14 Q. [14:50:43] Mr Witness, would it surprise you if I stated that there is
- 15 information to indicate that you were out of the bush at least by August of 2004?
- 16 A. [14:51:15] The one I remember is what I stated.
- 17 Q. [14:51:22] Would it further surprise you to know that your first amnesty
- 18 application was made in September, early September of 2004?
- 19 A. [14:51:48] What I am telling this Court is what I am remembering, it's what I
- 20 can remember about what happened to me. Perhaps I forgot one or two things.
- 21 Maybe when I came back I was confused and lost count of time. But what I'm saying
- 22 is what I can remember.
- 23 Q. [14:52:07] That's fair.
- 24 PRESIDING JUDGE SCHMITT: [14:52:10] I think fair enough as an answer.
- 25 MS BRIDGMAN: [14:52:14] Yes.

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1 Thank you, Mr Witness.

2 I have no further questions, but I believe lead counsel would like to ask some
3 supplementary questions.

4 PRESIDING JUDGE SCHMITT: [14:52:22] Thank you.

5 Then I give Mr Ayena the floor.

6 QUESTIONED BY MR AYENA ODONGO:

7 Q. [14:52:36] Good afternoon, Mr Witness.

8 A. [14:52:39] (No interpretation)

9 Q. [14:52:41] Mr Witness, I believe we know each other, at least you know me.

10 A. [14:52:47] Yes.

11 Q. [14:52:49] I ask this because we share some of the sentiments about the things
12 we are talking about in this Court because of common destiny.

13 So I'm going to put a few questions to you, mostly questions which shall be
14 follow-ups on what Counsel Cox asked you, but before I go there I want to ask a few
15 wrap-up questions to what my learned counsel has just gone through with you.

16 The first one, Mr Witness: How long did it take you after leaving Abok before you
17 met the person you recognised as Dominic Ongwen, do you remember?

18 A. [14:54:17] I said that when I left to go to Teegot Atoo it was -- it was four or
19 five months. The fifth month I was returning. From there I wouldn't have known
20 that he was the one because he was only being referred to as "lapwony" and I could
21 not say who he was. But right now when I see him and I can recognise that he's -- he
22 was one of the people referred to as "lapwony".

23 Q. [14:55:07] Thank you very much.

24 Now, Mr Witness, although there were many civilians after the attack it was not
25 possible to establish whether they were the ones taking care of your security. That is

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1 your statement.

2 PRESIDING JUDGE SCHMITT: [14:55:40] Where do you have it from? Could
3 you please inform us.

4 MR AYENA ODONGO: [14:55:54] In the statement this morning.

5 PRESIDING JUDGE SCHMITT: [14:55:56] And perhaps really a quote so that we
6 know exactly what has been said.

7 MR AYENA ODONGO: [14:56:02] Yes.

8 PRESIDING JUDGE SCHMITT: [14:56:44] Or perhaps you can continue with
9 another question and your learned colleagues can find the passage and then we can
10 continue with one, can turn back to that one.

11 MR AYENA ODONGO: [14:56:55]

12 Q. [14:56:55] Mr Witness, for the time being let's forget about that, until maybe if
13 my colleagues are lucky to get it we go back there. But in the meantime, when you
14 met the Prosecution team, and, more particularly, the people from the victims' team,
15 did they talk about reparations which are given to victims by the ICC?

16 A. [14:57:47] No, there was nothing said to me about reparations. I was told that
17 I would come and stand as a witness and it should be voluntary and I can refuse to
18 come to give testimony if I don't feel comfortable. If I feel comfortable to give my
19 statement as a witness, I can come, and they told me that it was voluntary and I
20 would not be paid for anything. Especially me, if I come to give my statement as a
21 witness I wouldn't be paid.

22 Q. [14:58:35] Mr Witness, at the beginning I told you that your concerns are really
23 my concerns and that there is nothing negative about asking for reparations.
24 Considering the suffering of all people, there is absolutely nothing negative about
25 reparation. Talk about it very openly because the Court wants to assess your needs.

1 So don't think maybe you are being tricked into, you know, obtaining statement that
2 you were motivated by a selfish, you know, desire for reparation. No. So I want
3 you to help Court to assess the situation as it appeared; is that correct, Mr Witness?

4 A. [14:59:39] I am following it, but I was not told that I would be paid if I came
5 here.

6 Q. [14:59:51] Maybe I will ask you in another way: Did you fill any application
7 for individual victims participation?

8 A. [15:00:19] I filled a form but I do not know if that is the one.

9 Q. [15:00:23] Thank you, Mr Witness. That is -- that is the one I'm asking about.
10 The next question I'm asking you is that: Were you told that the ICC would only
11 grant reparations if the accused is committed?

12 A. [15:00:50] I stated clearly earlier that they did not tell me that if I come to
13 testify it will be to state that such-and-such a person committed a crime, does not
14 necessarily mean that that person did commit a crime. I was not told that I would
15 get any compensation or any payment. If they had told me that I was going to
16 receive any payment or any compensation there would be nothing stopping me from
17 confirming that before the Court.

18 Q. [15:01:33] Now, Mr Witness, are you aware that it is the duty of the
19 government to protect the property and lives of the citizens of that country and those
20 who live in that country?

21 A. [15:01:55] Yes. The government has such an obligation.

22 Q. [15:02:03] In your opinion, Mr Witness, do you think the government should
23 have done more on the day of the attack on Abok to prevent that attack?

24 A. [15:02:30] Can you please repeat your question?

25 Q. [15:02:33] My question, Mr Witness, is that, in your opinion, don't you think

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1 the government should have done more to prevent that attack on Abok on that day,
2 given the fact that they were aware of the attack as from around 6 o'clock and the
3 attack occurred about 8 o'clock in the night, and given the fact that there was a major
4 barrack at Opit only less than 4 miles away -- 4 kilometres away?

5 A. [15:03:20] The government could have done what it could to protect the people,
6 but there was insecurity, there was war, and it was extremely difficult to send such
7 communication. It is the local leaders who should have sent the information, should
8 have informed the government that such-and-such a thing is going to happen to
9 enable the government to come and protect us. But if there are problems
10 communicating, then it's -- I cannot determine whether or not the government
11 received the information. If they did not, then maybe they would not be able to
12 help.

13 Q. [15:04:01] Mr Witness, in view of that, would you agree with me that both the
14 LRA were responsible for what happened in Abok; the government responsible for
15 omission and the LRA responsible for commission of the acts?

16 MR GUMPERT: [15:04:30] Your Honours.

17 PRESIDING JUDGE SCHMITT: [15:04:31] Mr Gumpert is rising.

18 MR GUMPERT: [15:04:33] Yes, this is a difficult question for lawyers, crimes of
19 omission and commission.

20 PRESIDING JUDGE SCHMITT: [15:04:40] Yes. No, sustained. Sustained.
21 That's true.

22 Mr Ayena, I think you would also agree in a quiet minute with Mr Gumpert that
23 omission, commission. But I think he has answered the question already, I would
24 say, sort of. You know, we always have to take what witnesses tell us in the
25 courtroom and put it into perspective and draw our own conclusions from it.

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1 MR AYENA ODONGO: [15:05:07] I'm much obliged.

2 Q. [15:05:09] Now, Mr Witness, it is my duty to inform you that this Court can
3 only order reparations for victims where the accused is found guilty. My question is:
4 In view of my opinion that I expressed to you that -- I mean, what you have said, that
5 maybe governments should have done more, would it be right to say that
6 government should share or take responsibility for compensating those who lost lives
7 and properties during that attack?

8 A. [15:06:18] As this matter is before the Court, matters regarding compensation
9 or payment are beyond my knowledge. I do not know whether the accused is the
10 one who compensates people or whether it is the government that compensates
11 people. I do not know. Maybe the government -- is it the government to pay me or
12 the government to pay somebody else? It's very difficult for me to comprehend and
13 to understand.

14 Q. [15:06:51] Mr Witness, in your view would you wish this Court to express an
15 opinion about that?

16 MR GUMPERT: [15:07:08] That can't possibly be a proper question and it would
17 be an even more improper answer.

18 PRESIDING JUDGE SCHMITT: [15:07:16] Yes. Sustained again. You know, it is
19 not a wish list of that witnesses bring to the Court.

20 MR AYENA ODONGO: [15:07:28]

21 Q. [15:07:28] Mr Witness, did you hear about a UPDF commander or did you get
22 to know about a UPDF commander who was called Mugabe?

23 A. [15:07:57] At the time perhaps there was such a commander, but I cannot -- I
24 do not know anything about the army. Because with the commanders, especially the
25 high-ranking officers, do not act in -- well, we do not interact with the army, so they

1 bring commanders to that place and commanders are removed. So we as civilians
2 did not interact with the commanders so it's difficult for me to know.
3 They -- sometimes they bring somebody, then they transfer somebody, bring
4 somebody else, so we as civilians do not know which commander is being brought,
5 which commander is being taken away, which replacement is being brought. So I do
6 not know much about that.

7 Q. [15:08:53] Mr Witness, when you came back after you escaped, in your
8 interaction with people in the camp, did you hear about a UPDF officer who ran away
9 carrying a white cock in his hand during the attack?

10 A. [15:09:27] When I came I was confused. When I came I found that there was
11 a lot of things that had happened, I had been affected grossly by all this, so I did not
12 take time out to find out. There was a lot of things that happened to me that I do not
13 recall. I do not know whether -- I did not sit down and start asking people or try to
14 find out who ran with what, which commander ran away. So I did not think about
15 that, I did not think about asking people or I did not think about finding out. The
16 things that related to me personally, yes, I also found out about people who died, a lot
17 of things were destroyed, some things were saved. And those are the things, some
18 of those touched me personally.

19 Q. [15:10:21] Mr Witness, last but not least, I already told you that I share your
20 sentiments about this, there was a question about how you came to miss out on your
21 education and is most regrettable in the sense that from the way you are answering
22 questions you are quite an intelligent person.

23 Now, on the one hand you said the problem was that your father was not there, on
24 the other hand it was a question of insecurity. And from your line of answering,
25 by 2000 people were already in the camp and people were not working. Is it your

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1 testimony, Mr Witness, that although your father was not there, if there was no
2 insecurity at least your mother could have struggled to pay your school fees, your
3 mother and your relatives? Is that your statement?

4 A. [15:11:42] Yes.

5 MR AYENA ODONGO: [15:11:47] That's all.

6 Did you want to say something else?

7 PRESIDING JUDGE SCHMITT: [15:11:52] No, I don't. Okay, if this was the last
8 question --

9 MR AYENA ODONGO: [15:11:55] Yes.

10 PRESIDING JUDGE SCHMITT: [15:11:56] -- then this, Mr Witness -- Mr Gumpert
11 is rising.

12 MR GUMPERT: [15:12:00] Your Honour, yes. Unusually, a matter has arisen, I
13 submit, in the course of cross-examination on which brief re-examination is
14 warranted.

15 PRESIDING JUDGE SCHMITT: [15:12:17] And which one?

16 MR GUMPERT: [15:12:21] Can I take your Honour to page 43 of the transcript.
17 And your Honour will see at line 13 the beginning of a short sequence of questions
18 about a television programme which the witness watched.

19 PRESIDING JUDGE SCHMITT: [15:12:51] That was new indeed, yes. Yes, I
20 perfectly recall it. That was also one of the tabs that was an internal report, when I
21 recall it correctly, by the Prosecution. But please shortly, because also we would
22 have to put this together.

23 MR TAKU: [15:13:06] Your Honour.

24 PRESIDING JUDGE SCHMITT: [15:13:07] Mr Taku.

25 MR TAKU: [15:13:09] I rise to object, your Honours. There's already established

1 jurisprudence, Kupreškic et al, I may say that my colleagues are also aware about this,
2 about this form of identification that he wants to establish. And to say because
3 somebody watched a television programme, they saw someone, the only person there
4 in the context of the case and they said this is this individual. Because what, what
5 sort of identification line is he trying to pursue that way, your Honours? I think a
6 number of questions have been asked and answered and I don't think if we bring
7 people here and they want to establish identification starting with television
8 programmes and other programmes about these cases, your Honours, it would take
9 us nowhere. In fact it wouldn't, it cannot even be within the context of this case and
10 this witness said that he went there -- he went and saw, but it was in the context of the
11 case, people were talking about it, and they said this is Mr Ongwen. So what does
12 he expect to say, your Honours?

13 PRESIDING JUDGE SCHMITT: [15:14:07] You know, we have a lot of information
14 on the record and in the transcripts of the testimony of this witness about the
15 possibility or not possibility, or reality, having seen Mr Ongwen in the bush.
16 And this is like always in the end a matter of assessing of this information. And of
17 course we know that identifying or not identifying, or allegedly having identified a
18 person long afterwards on a TV channel is -- might not have a big probative value, if
19 at all. But we do not exclude evidence from the outset, so I would at least like to hear
20 the question and then we would decide if it is proper or not. And I would please like
21 you to please keep it short, Mr Gumpert.

22 MR GUMPERT: [15:14:58] In fact my learned friend Ms Ndagire will ask two or
23 three questions simply to try and clarify how that recognition came about.

24 PRESIDING JUDGE SCHMITT: [15:15:07] And I address Ms Ndagire, please it
25 short. And we will decide if the questions are proper, and if I don't intervene you

1 can continue.

2 MS NDAGIRE: [15:15:18] Much obliged and directed, your Honour.

3 QUESTIONED BY MS NDAGIRE:

4 Q. [15:15:32] Mr Witness, at page 43, line 13 to page 44, line 4, you confirm to the
5 Defence that you had watched TV and someone you recognised -- and you saw
6 someone you recognised from the time in the bush. And when the Defence asked
7 you how long after leaving Abok you met this person that you recognised as
8 Dominic Ongwen, you stated at page 76 of the same transcript that you wouldn't
9 have known that he was the one because he was only being referred to as Lapwony,
10 and that you could not say who he was but that right now when you see him and you
11 can recognise that he was one of the people referred to as lapwony. So my question
12 is: Who referred to Dominic Ongwen as lapwony at the time you were in the bush?

13 A. [15:16:40] Most of the people who were in the bush referred to him as lapwony.
14 Lapwony is not an individual person, one individual person. All the recruits, all the
15 younger people would call somebody as lapwony as a sign of respect, so they were
16 not only referring to one person as lapwony. I cannot say this one person was called
17 lapwony but most of the older people were referred to as lapwony as a sign of
18 respect.

19 Q. [15:17:15] And did you see Mr Ongwen while you were in the bush, Witness?

20 A. [15:17:27] Yes, I saw him. But he was being referred to as lapwony, so I did
21 not know his name. I only knew him as lapwony.

22 Q. [15:17:36] What was he doing when you first saw him?

23 A. [15:17:48] He would come amongst us, he would walk amongst us with other
24 people, and when he's walking amongst those people would be referring to him as
25 lapwony.

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1 PRESIDING JUDGE SCHMITT: [15:18:07] I think if we would follow this further
2 then I would give the Defence the right to object, because then we would go into a
3 direct again, I think. So I would simply ask you to stop here.

4 MS NDAGIRE: [15:18:23] Very well, your Honour. Thank you.

5 PRESIDING JUDGE SCHMITT: [15:18:26] Thank you.

6 Then Defence, Defence any further questions following that?

7 MR AYENA ODONGO: [15:18:33] Just a short one, your Honour.

8 PRESIDING JUDGE SCHMITT: [15:18:36] Please.

9 QUESTIONED BY MR AYENA ODONGO:

10 Q. [15:18:42] Mr Witness, in your statement, I do not know exactly where, but in
11 many places, every time somebody said lapwony, they would say lapwony so and so.
12 In your five month's stay in the bush, can you confirm to this Court that you never
13 heard anybody refer to the person you finally recognised as Dominic Ongwen as
14 Lapwony Dominic or Lapwony Ongwen, you never heard anybody referring to him
15 as such?

16 A. [15:19:31] Perhaps they called him by that name, but I know lapwony, that's
17 how I knew him because when I was there it was difficult for me to look at people for
18 a long time. You're not allowed to stare at people for a long time because if you do
19 that, that's already -- you're already subject to admonition, so you're not allowed to
20 call that person -- to look at somebody. I heard them calling lapwony, lapwony,
21 lapwony. If they refer to him as lapwony, but I did not hear them calling him
22 Dominic Ongwen, but I saw them calling him lapwony, I heard them calling lapwony,
23 lapwony, and that's what I can say.

24 PRESIDING JUDGE SCHMITT: [15:20:22] I think that answers your question in
25 the positive I would say and it was paragraph 43.

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1 MR AYENA ODONGO: [15:20:26] Yes.

2 PRESIDING JUDGE SCHMITT: [15:20:27] One of those. And I recall also that
3 regarding paragraph 45 of the former statement of the witness he also referred to a
4 lapwony as one -- the person who ordered the killing of an abductee lower in rank as
5 Kalalang.

6 MR AYENA ODONGO: [15:20:45] Yes.

7 PRESIDING JUDGE SCHMITT: [15:20:46] So I think this concludes the
8 questioning of the witness.

9 So, Mr Witness, this concludes your testimony. The Court thanks you very much
10 that you have taken upon you to come to this Court and help assist the Court in
11 establishing the truth. We wish you a safe trip back, Mr Witness.

12 THE WITNESS: [15:21:12] (No interpretation)

13 (The witness is excused)

14 PRESIDING JUDGE SCHMITT: [15:21:13] And this concludes also the hearing for
15 today. We resume tomorrow at 9.30 with Witness 269.

16 THE COURT USHER: [15:21:45] All rise.

17 (The hearing ends in open session at 3.21 p.m.)