

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 Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Friday, 14 July 2017
9 (The hearing starts in open session at 9.29 a.m.)
10 THE COURT USHER: [9:29:42] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:30:04] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:30:09] Good morning, Mr President, your Honours.
16 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
17 reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:30:22] Thank you.
20 For the appearance of the parties, Mr Bradfield, please.
21 MR BRADFIELD: [9:30:27] Good morning, Mr President and your Honours.
22 Appearing today for the Prosecution are Beti Hohler, Benjamin Gumpert, Hai Do Duc,
23 Yulia Nuzban, Ramu Fatima Bittaye, and myself Paul Bradfield.
24 PRESIDING JUDGE SCHMITT: [9:30:40] Thank you.
25 And the first team of the Legal Representatives of the Victims, please.

1 MR MANOBA: [9:30:44] Good morning, Mr President, your Honours.

2 Joseph Manoba and Mr James Mawira for the first team.

3 PRESIDING JUDGE SCHMITT: [9:30:50] Thank you.

4 And the second team.

5 MR NARANTSETSEG: [9:30:52] Good morning, Mr President, your Honours.

6 Orchlon Narantsetseg for the Common Legal Representative. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:30:56] Thank you.

8 And for the Defence Mrs Bridgman is rising.

9 MS BRIDGMAN: [9:31:01] Good morning, Mr President, your Honours. With me
10 today is Chief Charles Achaleke Taku and myself Abigail Bridgman. And our client
11 Mr Ongwen is in court.

12 PRESIDING JUDGE SCHMITT: [9:31:11] Thank you very much.

13 And we have a new face, so to speak, in the courtroom. Could you please introduce
14 yourself.

15 MR EDWARDS: [9:31:18] Good morning, your Honours. Iain Edwards. I have
16 been appointed as legal advisor to the next witness, P-54.

17 PRESIDING JUDGE SCHMITT: [9:31:25] Thank you very much, Mr Edwards. And
18 we are starting with you, so to speak. The Prosecution is calling P-54 as its next
19 witness.

20 Briefly, we note that the VWU does not recommend any protective measures beyond
21 those granted in decision 612. VWU has also determined that certain special
22 measures are necessary to assist the witness in his testimony.

23 And for the purposes of the Rule 74 assurances we go to private session first, and then
24 we continue.

25 (Private session at 9.31 a.m.)

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17 (Open session at 9.32 a.m.)
18 THE COURT OFFICER: [9:32:56] We are back in open session, Mr President.
19 PRESIDING JUDGE SCHMITT: [9:32:58] Thank you.
20 The Chamber will now render its decision on the requested assurances.
21 Mindful of the factors specified in Rule 74(5) of the Rules the Chamber has decided to
22 provide assurances pursuant to Rule 74(3)(c) of the Rules in order to enable the
23 witness to testify without fear of consequences of self-incrimination. This concludes
24 the ruling of the Chamber and we will now turn to the testimony of P-54.
25 And please bring the witness in.

1 (The witness enters the courtroom)

2 PRESIDING JUDGE SCHMITT: [9:34:26] Mr Witness, good morning. Do you hear
3 me?

4 WITNESS: UGA-OTP-P-0054

5 (The witness speaks Acholi)

6 THE WITNESS: [9:34:32] (Interpretation) Good morning.

7 PRESIDING JUDGE SCHMITT: [9:34:33] You are going to testify before the
8 International Criminal Court, and on behalf of the Chamber I would like to welcome
9 you in the courtroom.

10 Mr Witness, I will now read to you the oath to tell the truth that every witness who
11 testifies before this Court must agree to, so please listen: I solemnly declare that I
12 will speak the truth, the whole truth and nothing but the truth.

13 Mr Witness, do you understand?

14 THE WITNESS: [9:35:07] (Interpretation) Yes, I do.

15 PRESIDING JUDGE SCHMITT: [9:35:09] Do you agree to what I have read to you?

16 THE WITNESS: [9:35:13] (Interpretation) Yes, I agree.

17 PRESIDING JUDGE SCHMITT: [9:35:16] Then we can continue. Mr Witness, let
18 me now explain to you protective measures and self-incrimination assurances that
19 the Chamber has put in place for your testimony. First of all, face distortion has
20 been put in place. That means that nobody outside the courtroom can see your face
21 during the testimony on the screen. We have also a pseudonym for you. That
22 means in accordance to that that we will all refer to you only as "Mr Witness", as I am
23 doing at the moment. This is to make sure that the public does not know your name.
24 And when you answer questions that will not give away your identity and your real
25 name we will do so in open session, and that means that the public can hear what is

1 said in the courtroom.

2 On the other hand, when you are asked to describe anything that relates specifically
3 to you, or you are asked to mention facts that might reveal your identity, we will do
4 so in private session, and that means there is no broadcast and no one outside the
5 courtroom can hear your answer.

6 In addition, the Chamber gives you the assurance that your testimony will not be
7 used either directly or indirectly against you in any subsequent proceedings by this
8 Court.

9 The only exceptions would be if you commit an offence against administration of
10 justice or other misconduct in the course of your testimony. That means that you,
11 for example, if you would not fully speak the truth, but you have already assured us
12 and given the oath and the solemn undertaking that you will speak the truth. If any
13 question is asked that could lead to your self-incrimination we will hear your answer
14 in private session and keep this answer confidential. The questioning parties, your
15 counsel that is to the right, sitting to the right of you, and also the Chamber will be
16 vigilant in that respect. Do you understand, Mr Witness?

17 THE WITNESS: [9:37:27] (Interpretation) Yes, I do.

18 PRESIDING JUDGE SCHMITT: [9:37:29] So still my long speech has not come to an
19 end. A few practical matters please that you keep in mind when giving your
20 testimony. Everything we say here in the courtroom is written down and
21 interpreted. It is therefore important to speak clearly and at a slow pace, but I heard
22 already that you are speaking very clear, that will not be a problem, but also at a slow
23 pace and only please start answering a question when the person that has questioned
24 you has finished. If you have any questions yourself you can raise your hand so
25 then we can give you the floor.

1 We can now start with the testimony of this witness, Mr Bradfield.

2 MR BRADFIELD: [9:38:12] Thank you, your Honour.

3 QUESTIONED BY MR BRADFIELD:

4 Q. [9:38:18] Mr Witness, good morning.

5 A. [9:38:20] Good morning.

6 Q. [9:38:20] Mr Witness, you might remember that my name is Paul Bradfield and
7 today I will be asking some questions for the Prosecution. If at any time you do not
8 understand me or would like me to repeat, that's okay, just let me know.

9 Now, my first set of questions, Mr Witness, relate to your background.

10 And for that, your Honours, a short private session.

11 PRESIDING JUDGE SCHMITT: [9:38:49] Yes, we go into private session for these
12 questions.

13 (Private session at 9.38 a.m.)

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9 (Open session at 9.40 a.m.)

10 THE COURT OFFICER: [9:40:43] We are back in open session, Mr President.

11 Q. [9:40:49] So, Mr Witness, you told us you were in primary school. What level
12 of primary schooling did you reach?

13 A. [9:41:02] When I was abducted I had just gone into P5, but I did not actually
14 complete my P5 education because I was abducted then.

15 Q. [9:41:15] Please tell us what happened on the day you were abducted, please
16 describe it for us?

17 A. [9:41:24] On that day we were lying outside in the compound because it was in
18 the dry season. All of a sudden Kony's soldiers came, they shone torches into our
19 eyes and asked us to get up. I did not agree to be abducted from that place, from the
20 compound where we were sleeping. I got up and started running. I went and
21 found that they had placed somebody on the road, the person got me by my hands,
22 and I stopped because I could no longer run.

23 Q. [9:42:09] And these, Kony's soldiers you call them, can you describe their gender
24 and their ages, if you can remember?

25 A. [9:42:22] The soldiers -- there were actually women among them as well as, but

1 they were older men from 20, 30, 40 upwards.

2 Q. [9:42:37] And these soldiers you refer to as "Kony's soldiers", did they have
3 another name that you know of?

4 A. [9:42:49] One of them, the leader, was known as Ocan Bunia, he was the one in
5 command.

6 Q. [9:42:59] And this group, did they call themselves anything, collectively?

7 A. [9:43:08] The unit was called Stockree.

8 PRESIDING JUDGE SCHMITT: [9:43:13] Mr Bradfield, this is enough, I think. We
9 are not talking about any group, but I think this is enough information in that respect.

10 MR BRADFIELD: [9:43:22] Thank you, your Honour.

11 Q. [9:43:24] Mr Witness, do you remember the year that this happened?

12 A. [9:43:33] It happened in 1992.

13 Q. [9:43:36] And do you remember how old you were at this time?

14 A. [9:43:43] I was still very young at the time. I believe I was still approximately
15 nine years old, because during battle I was being carried.

16 Q. [9:43:54] So from your home, when you were abducted, where did they take you
17 next?

18 A. [9:44:04] I was in Uganda for two years. At the end of the second year I was in
19 Sudan.

20 Q. [9:44:16] So, Mr Witness, I would like to just talk about the various units that
21 you were a member of and take it one by one. So directly after your abduction, what
22 was the first unit that you were attached to?

23 A. [9:44:33] When I was abducted I was taken to Stockree. From Stockree, while
24 we were on our way to Sudan, I was under the command of a commander known as
25 Laker. They came back to Uganda, but I was taken to Control Altar.

1 Q. [9:44:58] And this early period with Laker, did you receive any training at this
2 time?

3 A. [9:45:09] While we were in the Sudan I did receive training. We were told
4 about how to protect ourselves during battle and we were also taught how to fight.

5 Q. [9:45:23] And were you the only person being trained or were there others?

6 A. [9:45:31] There were many of us.

7 Q. [9:45:35] And what were the ages of these people being trained?

8 A. [9:45:44] The ages varied from 15, seven, 10 upwards, others were 20 years old.

9 Q. [9:45:56] And what were your duties then in Stockree?

10 A. [9:46:06] At the time I would carry water or I would carry chairs, or I would
11 carry water in small jerrycans.

12 Q. [9:46:18] And moving then to your time in Control Altar, what were your duties
13 there?

14 A. [9:46:28] When I was taken to Control Altar I -- they -- I was there briefly and
15 then I came back to Stockree. I was in Stockree for a short while and then I was sent
16 back to Control Altar as an escort.

17 Q. [9:46:50] Can you describe your daily duties and tasks as an escort?

18 A. [9:47:03] As an escort I was -- I would see where my commander was going to
19 ensure that his food was prepared, his food was available. Those were the kind of
20 things that I was responsible for. I was responsible to ascertaining where he was
21 going, to make sure that his clothes were clean and to make sure that food was
22 available to him.

23 Q. [9:47:28] So after Control Altar what was the next unit that you were a member
24 of?

25 A. [9:47:38] After Control Altar there was some argument between myself and

1 a commander. I was taken from Control Altar, I was beaten, and then removed from
2 Control Altar and transferred to Sinia brigade. At the time, the commander in
3 charge of Sinia brigade was Lukwiya Raska.

4 PRESIDING JUDGE SCHMITT: [9:48:03] Mr Edwards.

5 MR EDWARDS: [9:48:05] Excuse me for rising, your Honour. The answers to the
6 last question or two questions I fear may give rise to identification of this witness. I
7 wonder if they might be redacted.

8 PRESIDING JUDGE SCHMITT: [9:48:24] I am not sure.

9 Does the Prosecution have any views on that?

10 MR BRADFIELD: [9:48:29] Your Honours, I understand the concern but, in my
11 opinion, the information is general and would not lead to identify the witness.

12 PRESIDING JUDGE SCHMITT: [9:48:38] I would also say so, if there is nothing else.
13 But it is good that you raise awareness, so to speak, and we can be, of course, in
14 a constant process of reviewing it. And if there, in the next minutes, if there are
15 other ideas about that we can still review it, so to speak.

16 But thank you very much.

17 Please continue, Mr Bradfield.

18 MR BRADFIELD: [9:49:00] Thank you, your Honour.

19 Q. [9:49:01] So, Mr Witness, I would like to get an idea as to when in time this
20 move to Sinia took place. Do you remember the year?

21 A. [9:49:18] I do not recall the exact year, but I was moved in around -- it was
22 around 2000.

23 Q. [9:49:30] Mr Witness, when did you stop being a member of Sinia brigade?

24 A. [9:49:38] I was in Sinia for a few -- for a while. I was in Sinia till 2005.

25 Q. [9:49:52] And what happened in 2005? Where did you go?

1 A. [9:50:01] After 2005 I wanted to go back home. I was in an area known as
2 Pajule.

3 Q. [9:50:20] So, Mr Witness, I would like to now talk about the structure of Sinia
4 brigade. Can you describe to us how was it organised?

5 A. [9:50:35] Sinia brigade, well, I do not know how Sinia brigade was organised,
6 but when at the time that I was going back home the commander was
7 Dominic Ongwen. But I do not know how the brigade was set up.

8 Q. [9:50:49] What about the units within Sinia brigade, Mr Witness, do you
9 remember any names of those units?

10 A. [9:51:03] I do know that there were three battalions.

11 Q. [9:51:09] Can you tell us the names of those battalions?

12 A. [9:51:15] The first battalion was Terwanga, there was Siba, and then there was
13 Oka.

14 Q. [9:51:25] So, Mr Witness, if I can focus your mind now on the year 2002, and this
15 is just after Operation Iron Fist.

16 Do you remember who the commander of Siba battalion was at this time?

17 A. [9:51:46] During Iron Fist, the battalions in Sinia brigade, the commander was
18 Ongwen.

19 Q. [9:51:59] Which battalion was he commanding?

20 A. [9:52:05] Initially he was the commander for Oka. And then during the war in
21 Sudan he was taken from Oka and transferred to Sinia's operations room. He was in
22 charge of managing the brigade. In the operation room, somebody who works in the
23 operation room is somebody responsible for selecting people for the battalions.

24 Q. [9:52:36] And what about Terwanga battalion at the time of Iron Fist, who was
25 that commander?

1 A. [9:52:45] It was Lapaicho.

2 Q. [9:52:49] And do you know who replaced Lapaicho in Terwanga?

3 A. [9:52:58] When, you know, Lapaicho, Lapaicho was initially detained, he was in
4 prison for some infractions he was -- he committed, and his 2IC Kalalang was in
5 charge of Terwanga till I left.

6 Q. [9:53:22] And when Dominic went to the operations room, as you call it, who
7 took over Oka?

8 A. [9:53:34] It was somebody known as Kidega who was responsible for the
9 battalion, and then they kept on changing people because they did not have any
10 senior commanders, senior army commanders. Kidega was there for a while.

11 Q. [9:54:02] And when you left the bush, Mr Witness, who was commanding Oka
12 battalion?

13 A. [9:54:06] At the time that I left the bush they were across -- they were on the
14 other side of the river in Kitgum, and for us we were in Pader. So I do not know
15 who was in command because there were a number of commanders who had lost
16 their lives.

17 Q. [9:54:25] And by the time you left the bush, Mr Witness, who was the overall
18 commander of Sinia brigade?

19 A. [9:54:36] The overall commander of Sinia brigade at the time was Ongwen.

20 Q. [9:54:49] So, Mr Witness, I would like to focus now on the particular battalions
21 that you were a member of within Sinia. When you first joined the brigade what
22 battalion were you a member of?

23 A. [9:55:06] When I first joined, when I was taken to Sinia, I was in Siba. I was in
24 Siba for approximately one year and then I was taken from Siba and transferred to
25 support, to Morefu Mukiga. I was in the headquarters until the time when I was

1 about to go back home. Then somebody in Terwanga, there was somebody in
2 Terwanga known as Abola. I was moved from headquarter support and taken to
3 Terwanga once again. And then it -- I left while I was in Terwanga.

4 Q. [9:55:48] And what was the rank that you had by the time you left?

5 A. [9:55:58] I was a lieutenant.

6 MR BRADFIELD: [9:56:00] Your Honour, in order to discuss the personal role, into
7 private session, please.

8 PRESIDING JUDGE SCHMITT: [9:56:05] I know.

9 Private session shortly.

10 (Private session at 9.56 a.m.)

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8 (Open session at 9.58 a.m.)

9 THE COURT OFFICER: [9:58:48] We are back in open session, Mr President.

10 MR BRADFIELD: [9:58:57]

11 Q. [9:58:57] So, Mr Witness, I now want to ask you about various operations from

12 2004 that you know of. And this is a year just before you came out of the bush.

13 Now, the first place is a place called Barlonyo. Mr Witness, do you know if the LRA

14 was active in Barlonyo?

15 A. [9:59:29] When we were in a, in a place in Pader known as Lira-Palwo I came to

16 understand that people went and attacked Barlonyo, the LRA attacked Barlonyo.

17 Q. [9:59:45] Do you know which units of the LRA went to Barlonyo?

18 A. [9:59:56] It was Stockree, a mixture of Stockree and other, other units, because

19 there were several people that went.

20 Q. [10:00:04] And apart from Stockree do you know which other units

21 participated?

22 A. [10:00:15] Stockree was part of it. Part of Sinia was also included in the attack.

23 Q. [10:00:21] And what did you hear happened in Barlonyo?

24 A. [10:00:31] I heard that they burnt houses and they killed several people.

25 Q. [10:00:36] And who told you this, Mr Witness?

1 A. [10:00:42] This, it was the soldiers that were talking about it and some of the
2 information we, we heard it over the radio call.

3 Q. [10:00:53] When you say "radio call" do you mean domestic or another form of
4 radio?

5 A. [10:01:03] These were radios that were with the Holy that they used for
6 communication. Then in the evening and in the morning, around 10 o'clock in the
7 morning, we would also listen from Radio Mega when they are reporting.

8 Q. [10:01:22] So, Mr Witness, the next operation I want to talk about is a place
9 called Odek. Do you know if the LRA was active there?

10 A. [10:01:42] What happened in Odek was that when people were at a place called
11 Orapwoyo, Ongwen instructed people to go and collect food from Odek. So people
12 left at around 2 to 3 p.m., between 2 to 3 p.m. in the afternoon. Everyone in Sinia
13 went. So when we arrived and reached the location the people were already selected.
14 Those who went to attack the barrack was a different group and then there were those
15 who went to the centre, so he led the group to the centre. So as we were crossing the
16 road, the barracks was just near to the roadside and the place had been clean and
17 slashed, then the fighting began just from the roadside. As we moved a little
18 forward one of our person was shot and killed.
19 The fighting went on for some time. There was a second lieutenant called
20 Abongomek who fired an RPG and this RPG gun landed on one of the huts in the
21 barracks and it burnt this hut. Then it began to rain. Dominic and the group that
22 went to the centre on the other side of the school, there were government soldiers and
23 there were also Mambas on that side. So as they were fighting at that side the
24 government soldiers defeated them because they had Mambas. The rain intensified
25 and they started retreating. We also starting retreating backwards from the

1 directions we came. That's what I know. Then in the morning the helicopter
2 gunship arrived and started bombing and he ordered that different groups should
3 now take their own direction, he is also going to take his own direction. So we also
4 left, we went towards the foothills of Atoo, the other groups also went in their own
5 directions. That's what I know from the attack in Odek.

6 Q. [10:04:10] Thank you, Mr Witness. I am going to ask some follow-up questions
7 and try and take it step by step in the order that you have put it. Let's focus on the
8 planning, first of all. You mentioned that you were in a place called OT
9 Opwoyo -- did I say that correctly? Who was present at this briefing?

10 A. [10:04:43] At that time there was a big problem of hunger so he invited Kalalang
11 and other commanding officers and instructed them that since we do not have food
12 people should go to Odek. Everyone should go to Odek to collect food.

13 Q. [10:05:03] And apart from this order to collect food, were there any other
14 orders?

15 A. [10:05:14] I do not now understand whatever discussed -- what was discussed,
16 apart from what I have already mentioned.

17 PRESIDING JUDGE SCHMITT: [10:05:22] May I shortly, Mr Bradfield.

18 MR BRADFIELD: [10:05:25] Yes.

19 PRESIDING JUDGE SCHMITT: [10:05:25] Mr Witness, I have a question as

20 Presiding Judge: Did you hear that with your own ears, these instructions, or have
21 you been told about these instructions?

22 THE WITNESS: [10:05:39] (Interpretation) At that time we were all together. We
23 were all staying together.

24 MR BRADFIELD: [10:05:48] Your Honour, I wish to refresh the witness's memory
25 on one aspect of these orders. If we go to tab 9.

1 MR TAKU: [10:05:57] (Microphone not activated)

2 PRESIDING JUDGE SCHMITT: [10:06:00] Mr Taku is rising and I know what
3 you are going to say. Perhaps can we shorten the procedure. Please, Mr Bradfield,
4 tell us exactly what you want to refresh and then we have a look at it and then
5 perhaps I can decide.

6 MR BRADFIELD: [10:06:18] Very well, your Honours. If you turn to tab 9, for the
7 record that is UGA-OTP-0251-0070 at page 0080 and lines 317 to 318. And you can
8 see, your Honours, there are two aspects to the orders there, one he has mentioned
9 and one he has not.

10 PRESIDING JUDGE SCHMITT: [10:06:59] I would first try to elicit it without this.
11 You can give it a further try and then we decide again. Because he has mentioned
12 something but he has not clearly said that he does not recollect anything else.

13 MR BRADFIELD: [10:07:12] Very well.

14 Q. [10:07:13] So, Mr Witness, you have told us there was an express order to go and
15 collect food in Odek. Were there any orders to do anything else apart from that, if
16 you can remember?

17 A. [10:07:33] Apart from that I do not -- I did not understand. But the army that
18 was selected, one group went to attack the barracks and one group went to the centre
19 to collect food, but I do not -- I did not know of any other instruction.

20 PRESIDING JUDGE SCHMITT: [10:07:54] Mr Taku is rising.

21 MR TAKU: [10:07:57] Yes, the witness clearly said "I do not know." He doesn't say
22 "I do not remember." These are two different things. And two, to use this process
23 to elicit evidence, to tell the witness what to say, your Honours, is clearly wrong. I
24 mean, the witness says "I do not know about any other instructions." And we all
25 read the transcripts of the entire interview that the witness had. Sorry, your

1 Honours. It is possible that witnesses, when they give interviews to investigators,
2 they come before the Court, the evidence they provide might turn out to be different.
3 We have seen this time and time again. That does not mean that they must pin the
4 witness to repeat what they said to the investigators and to adopt that as his evidence
5 here, because he was not providing it under oath. He was taken the oath here and
6 the evidence that he provide here might turn out to be completely different from what
7 he told the investigators.

8 PRESIDING JUDGE SCHMITT: [10:09:04] Mr Bradfield, shortly.

9 MR BRADFIELD: [10:09:07] Your Honours, I believe this is relevant and probative
10 information that is worth putting to the witness, and clarifying it at least.

11 PRESIDING JUDGE SCHMITT: [10:09:13] I think you could label it under that it is
12 sort of a contradiction to what has been said before. But we will have to word the
13 answer very cautiously, frankly speaking.

14 MR BRADFIELD: [10:09:27] Word the question, you mean?

15 PRESIDING JUDGE SCHMITT: [10:09:30] Excuse me, we have to assess of course,
16 excuse me -- assess the answer very cautiously. Please continue.

17 MR BRADFIELD: Continue by --

18 PRESIDING JUDGE SCHMITT: You can do it, yes.

19 MR BRADFIELD: [10:09:37] Okay.

20 Q. [10:09:42] Mr Witness, do you remember being interviewed by the Prosecution
21 in 2015?

22 A. [10:09:51] I recall, I recall of the interviews.

23 Q. [10:09:57] Okay. I am just going to remind you of what you have said in
24 relation to the attack on Odek and see if this refreshes your memory. You said the
25 area was called OT Opwoyo and you were asked: "Do you remember the RV ...

1 sorry do you remember the briefing taking place prior to the attack?"

2 And your answer was: "What Odomi said was there's no food. So however big the
3 Government forces, they should go and fight and they should also attack the
4 civilians."

5 Does that remind you, Mr Witness?

6 A. [10:10:42] Yes, that I now remember.

7 Q. [10:10:48] And is that what happened?

8 A. [10:10:53] Correct.

9 Q. [10:11:02] So, Mr Witness, I would now like to go to the barracks, which you say
10 was the first port of call, if you like, in Odek. Who was part of the group that
11 attacked the barracks?

12 A. [10:11:19] That was Nyero. Nyero was the one that went there.

13 Q. [10:11:29] And where were you at this time, Mr Witness?

14 A. [10:11:34] At that time I was also at the barracks.

15 Q. [10:11:47] And you mentioned that a person had been injured there. Do you
16 remember that?

17 A. [10:11:59] I mentioned that. Even now I mentioned that as we were moving
18 forward with the fighting one of our soldier was shot dead instantly.

19 Q. [10:12:12] And do you remember the age of this person who was shot, how old
20 were they?

21 A. [10:12:17] In my estimation I think it could be around 15 years old.

22 Q. [10:12:25] And was he carrying anything at that time?

23 A. [10:12:31] He was not carrying anything else apart from the gun.

24 Q. [10:12:42] Now you also mentioned that there was a group going to the centre.
25 Just to clarify, who was commanding this particular group?

1 A. [10:12:56] Ongwen was the one that led that group. And some other officers
2 that accompanied him were Ogwal, and Okot Odek also was with him.

3 Q. [10:13:10] And was it only men going to the centre or were there women as
4 well?

5 A. [10:13:20] Everyone, everyone in Sinia, men and women and the newly
6 abducted went. The new recruits all went.

7 Q. [10:13:30] And the women in particular, did you recognise them? Who were
8 they?

9 A. [10:13:43] The women are there to help with cooking and others to become
10 wives.

11 Q. [10:13:54] And these particular women in the centre, were they wives to anyone
12 that you know of at that time?

13 A. [10:14:03] At the time women, women, even Dominic had wives, Kalalang, those
14 were the, the women who, who were there and had children.

15 Q. [10:14:22] And what did you hear happened in the centre?

16 A. [10:14:31] What happened I, I came to learn later, after we were already getting
17 into the bush, I heard that people were killed and even over the radio I heard that
18 people were killed. But in my own understanding, after we came back from fighting
19 in the barracks I did not know that people were killed, because there was heavy rain.

20 Q. [10:15:02] And who told you now what happened in the centre?

21 A. [10:15:12] I, I heard that from some of the soldiers. And also over the radio,
22 Radio Mega, whatever happens when the LRA attacks a place they would actually
23 talk about it.

24 Q. [10:15:30] And in this mission to collect food from the centre, was it successful?

25 A. [10:15:42] Yes, the operation was done and people went. The LRA did not

1 have enough strength because the Mamba and the government soldiers were able to
2 repulse them. But I also know that at least some few items were collected.

3 Q. [10:16:06] Can you remember the types of items that were collected, can you
4 give us some examples?

5 A. [10:16:18] I saw beans, flour and some items like maize I saw, and they were not
6 in big quantities.

7 Q. [10:16:33] So at what point did you decide to leave Odek?

8 A. [10:16:44] When we left there was heavy rain. It was now close to 7 p.m.,
9 because it was coming to dark, it was getting dark, you wouldn't see clearly.

10 Q. [10:17:02] And where did you and the group move to next?

11 A. [10:17:12] Our movement, the way we came from the bush is also the same way
12 we went back. We followed the same road that we used for coming and we also
13 went back through the same road.

14 MR BRADFIELD: [10:17:33] Just a moment, your Honour.

15 Thank you, your Honour.

16 Q. [10:17:49] So, Mr Witness, we are going to leave Odek now and the next place,
17 or the next topic, rather, I would like to talk about is children, because you have
18 mentioned just there that there were newly abducted in Odek centre. So my
19 question is: Was --

20 MR TAKU: [10:18:13] Your Honours, I'm sorry, I'm very sorry. I hesitate to get up.
21 I think the question should be properly phrased. I don't know whether the answer is
22 that the newly abducted went to Odek or they were newly abducted at Odek centre.
23 I mean it is not very, very clear, so my colleague should put the question in a very
24 clear manner.

25 PRESIDING JUDGE SCHMITT: [10:18:35] I think, Mr Bradfield, you can rephrase it

1 a little bit. Without loss of any substance, I would assume.

2 MR BRADFIELD: [10:18:44] I will rephrase it another way.

3 Q. [10:18:46] Mr Witness, you yourself were abducted as a child you have told us.

4 Now my question is: Was this still happening in Sinia after Iron Fist?

5 A. [10:19:02] Abductions were taking place.

6 Q. [10:19:09] And how old would the youngest of these children be?

7 A. [10:19:19] Could be 10 years, 11, 13. Many of the LRA in the age group
8 between 10 to 20 years old. These were the largest number, in this age group.

9 Q. [10:19:42] And, Mr Witness, how do you make that assessment of age? What
10 makes you think a person is 10 years old?

11 A. [10:19:57] I was comparing with how I was abducted, you could be able to see
12 the age of a person. And how you also conduct your work, you can be able to see
13 and tell.

14 Q. [10:20:11] And in which battalions of Sinia did you see these young children?

15 A. [10:20:25] I said earlier that in line with Odek I am not very much aware
16 whether people were abducted, where people were. But what I know that the
17 children who were abducted earlier were there who went to collect food from Odek.

18 Q. [10:20:47] And these abducted children within Sinia, did they have a name or
19 a title that they might be referred to as a new abductee?

20 A. [10:21:00] They were called recruits or cruit.

21 Q. [10:21:09] And can you describe for me what does a recruit do on a daily basis?

22 A. [10:21:16] If you are newly abducted into the LRA your role sometimes include
23 fetching water, collecting firewood, and also carrying food when you don't have
24 a gun.

25 Q. [10:21:37] And how long would it be before a recruit gets a gun?

1 A. [10:21:50] If, for instance, you, you are lazy, you are lazy, you will take long
2 without a gun. But also if you are liked by your boss, yes, maybe after two/three
3 months, when there is a gun they will give it to you.

4 Q. [10:22:11] And, Mr Witness, before you told us about your own training when
5 you were abducted. Now my question is: After Iron Fist was this type of training
6 happening for these new recruits as well?

7 A. [10:22:31] In the LRA when you are abducted, they will give you some light
8 training of how to dismantle a gun. If something happens or there is fighting
9 you are trained how to shoot. How to parade is, not much emphasis is put there,
10 you are just trained on how to manage yourself when you are at the fighting or
11 fighting front.

12 Q. [10:23:01] And did you see this training happening in Sinia after Iron Fist?

13 A. [10:23:09] I saw that training.

14 Q. [10:23:20] Mr Witness, who would be the one to decide when a recruit gets
15 a gun?

16 A. [10:23:32] The brigade commander is the one that makes the decision. If the
17 CO finds that the recruit is now mature and is, you know, strong enough, he is the
18 one that makes the decision to be given a gun. Any other officer or a seasoned
19 soldiers who has taken -- who has now taken time in the bush, if you give a gun to
20 that child and the child escapes with the gun you will be in for it. So they are the
21 ones that make the decision.

22 Q. [10:24:08] And these children that you saw with guns, did you ever see them
23 using those guns?

24 A. [10:24:21] For the children, if you have taken their, if you have been in the bush
25 for a long time, yes, I saw they are given guns and they shoot, because if you don't

1 shoot you have to shoot to save your life.

2 Q. [10:24:37] My question should have been more specific. Focusing on the time
3 after Iron Fist in Sinia did you see children using guns?

4 A. [10:24:52] Children use guns.

5 MR BRADFIELD: [10:24:58] Your Honours, private session for one question.

6 PRESIDING JUDGE SCHMITT: [10:25:01] Private session, yes.

7 (Private session at 10.25 a.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 10.26 a.m.)

22 THE COURT OFFICER: [10:26:25] We are back in open session, Mr President.

23 MR BRADFIELD: [10:26:35]

24 Q. [10:26:37] Mr Witness, this boy that you have just named who I will call "boy
25 number 1", what age was he when he was brought to you?

1 A. [10:26:52] This child was around 10 years, from what I, I would see.

2 Q. [10:27:04] And how did this boy come to join the group? Who gave him to
3 you?

4 A. [10:27:14] This child is coming to me upon when Sinia battalion went to Kitgum
5 side. When they returned they came back with him.

6 Q. [10:27:31] And do you remember who gave him to you?

7 A. [10:27:39] At that time the (Redacted) he was the one who gave him. Because
8 he was very young, he gave him to me to take care of him.

9 Q. [10:27:58] And this (Redacted) that you refer to, do you know which battalion he
10 came from?

11 A. [10:28:08] (Redacted) was at the headquarter, then he went to Oka. Then from
12 Oka, you know, people don't stay in one place, so if there is a gap in one area or in
13 another battalion or in another section, then he would be replaced. So they were just
14 moving in between those groups.

15 Q. [10:28:35] And this same boy again, do you know how long -- or, before he had
16 been abducted, before he came to you?

17 A. [10:28:50] From, from what I know after about one or two weeks, that's when
18 this child was brought to me.

19 MR BRADFIELD: [10:29:00] Your Honour, my next line of questioning I would
20 submit that Rule 74 is possibly engaged, so out of caution I request private session.

21 PRESIDING JUDGE SCHMITT: [10:29:10] Private session for this.

22 (Private session at 10.29 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0054

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0054

(Private Session)

ICC-02/04-01/15

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- 1 (Redacted)
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- 12 (Redacted)
- 13 Open session.
- 14 (Open session at 10.34 a.m.)
- 15 THE COURT OFFICER: [10:35:06] We are back in open session, Mr President.
- 16 MR BRADFELD: [10:35:13]
- 17 Q. [10:35:14] So, Mr Witness, I am going to leave now that boy we have been
- 18 talking about and I want to ask generally about the presence of children in Sinia.
- 19 Did you see them go on attacks after Iron Fist?
- 20 A. [10:35:37] If people are going to battle, children would also go. If one of them
- 21 has been in the bush for a long time and has a gun, then the person would go as well.
- 22 But if somebody who has been newly abducted and not everybody is going, those
- 23 people would stay behind. But if everybody is going they would also go.
- 24 Q. [10:36:06] And for those children that do go to attacks, what do they do when
- 25 they get there?

1 A. [10:36:18] Some of them fight, they fire their arms. Overs go to forage for food.
2 But on most occasions if we go to attack a barracks, the children who have been there
3 for a long time will also fire their arms.

4 Q. [10:36:39] And did any children have guns in Odek?

5 A. [10:36:47] No, they didn't go to the barracks but they went to the centre to collect
6 food.

7 Q. [10:36:55] And how old were these children in Odek centre?

8 A. [10:37:03] From 10; 10, 11, 13, some were 15 as well.

9 Q. [10:37:12] And these children that you saw in Odek, were they attached to any
10 commanders that you can remember?

11 A. [10:37:23] Some of them were with Ongwen, others were with Kalalang, some
12 were with Nyero. Most of the commanders had children within their ranks.

13 Q. [10:37:37] And generally speaking, not just in Odek, what were the children in
14 Dominic's group or Dominic's household doing on a daily basis?

15 A. [10:37:56] I do not know what took place at his household, because I was in the
16 battalion and he was in the headquarters.

17 Q. [10:38:09] Okay, then, generally speaking, children that were attached to the
18 commanders in Sinia, what was their role, that you saw?

19 A. [10:38:24] From my observation they would carry jerrycans, others would carry
20 food. If you are 15 then you are given a larger load to carry. If you are 15 and
21 younger they give you luggage to carry that they believe you are capable of carrying,
22 and jerrycans as well.

23 Q. [10:38:48] And apart from Odek, do you remember any other location or attack
24 that children participated in?

25 A. [10:39:03] There is no other place where children went where the whole group

1 went as a whole.

2 MR BRADFIELD: [10:39:17] Just a moment, your Honour. Thank you,
3 your Honour.

4 Q. [10:39:29] So, Mr Witness, the next operation from 2004 that I would like to talk
5 about is a place called Lukodi. Do you know if the LRA was active there?

6 A. [10:39:54] I do know that, I have knowledge of Lukodi. When we were under
7 Atoo Hills with the -- with those of Dominic, there was Dominic, Buk was detained
8 and was with Dominic as well. There is a place near Larodo (phon), he selected
9 people. The commander was Ocaka. Ocan Nono was the 2IC. These people were
10 selected and they went to Lukodi. When they got to Lukodi the rest of us remained
11 behind under the Atoo Hills. There was a lot of gunfire. We heard that there was
12 a lot of gunfire. There is a distance between the two places. Following the gunfire,
13 they came back. The people that were selected came back. They came back at
14 around 7 or 8 a.m.

15 Before these people came, the announcements were already made over the radio that
16 the LRA had attacked Lukodi, it had attacked the camp and it killed a number of
17 people. When these people came back we started leaving, we all left together.
18 Shortly thereafter gunships came. The children were talking about it, saying that
19 they attacked Lukodi and they really fought at Lukodi. But at the time we had
20 already heard this information over the radio and that's what I know happened.

21 Q. [10:41:41] Thank you, Mr Witness. I just want to focus now on the plaining
22 part which you said took place in Atoo Hills. Were you present for this selection?

23 A. [10:42:00] No, I wasn't present. But I was in the Defence.

24 Q. [10:42:11] So, Mr Witness, were you able to see what was happening when the
25 selection took place?

1 A. [10:42:22] They would go to a particular commander and ask him to give
2 soldiers, so you would give them the fighters and the fighters would go. That's what
3 I saw happening.

4 Q. [10:42:39] And just to clarify, Mr Witness, for the transcript, who was the person
5 in charge doing the selection at Atoo?

6 A. [10:42:54] It was the brigade commander, he was responsible for the army, he
7 was overall commander. He would give the orders to the CO. The CO would send
8 the orders to the coy. He was the overall commander.

9 Q. [10:43:10] And just for the record, Mr Witness, what's the name of the brigade
10 commander you are referring to?

11 A. [10:43:17] It's Dominic Ongwen.

12 Q. [10:43:24] And did you come to know why this attack on Lukodi was ordered?
13 What was the purpose?

14 A. [10:43:36] I have no knowledge about that.

15 PRESIDING JUDGE SCHMITT: [10:43:42] Shortly.

16 Mr Witness, I have a question: You said earlier on that you -- "I wasn't present", I
17 cite what you said, so how did you come to know who was the commander who
18 gave the instructions?

19 THE WITNESS: [10:44:08] (Interpretation) I stated that they sent Ocaka, Ocaka was
20 the commander. The 2IC was Ocan, Ocan Nono.

21 PRESIDING JUDGE SCHMITT: [10:44:18] And how did you come to know that
22 Dominic Ongwen was the one who gave the initial instruction, so to speak?

23 THE WITNESS: [10:44:30] (Interpretation) That was well known, because there is
24 a difference between going to forage for food and to go and attack the barracks. He
25 is responsible for selecting the people.

1 PRESIDING JUDGE SCHMITT: [10:44:47] I think now we have understood how he
2 came to this conclusion, so to speak.

3 MR BRADFIELD: [10:44:54] Thank you, your Honour.

4 Q. [10:44:55] Mr Witness, you said you came to know or learned that people were
5 killed at Lukodi. What people are you referring to here?

6 A. [10:45:14] Civilians.

7 Q. [10:45:16] And you also just said, and I will quote you, you said that "The
8 children were talking about it, saying that they attacked Lukodi". How old were
9 these children, Mr Witness?

10 A. [10:45:31] The children were from 15, 14, 16 years old. Some of them were
11 older.

12 Q. [10:45:41] And just to clarify, did you speak to the people that participated in
13 this attack?

14 A. [10:45:50] No, I did not speak to them. But when we were, when we were
15 running, when the gunships were attacking people, that's when I overheard them
16 talking about it, but it had already been mentioned over the radio.

17 Q. [10:46:07] And when you say "the radio" Mr Witness, is it the radio call or the
18 domestic?

19 A. [10:46:15] It was Radio Mega.

20 Q. [10:46:19] And what details did you hear on Radio Mega?

21 A. [10:46:28] Mega Radio said the LRA attacked Lukodi, killed numerous people
22 and burnt houses.

23 Q. [10:46:44] And did you come to know which units were sent to Lukodi?

24 A. [10:46:53] They selected the whole of Sinia.

25 Q. [10:47:06] So, Mr Witness, I'm going to now leave Lukodi, for now. And the

1 next operation I want to talk about is a place called Abok. Do you know if the LRA
2 was active in Abok?

3 A. [10:47:27] Yes, I have knowledge of that.

4 Q. [10:47:33] Please tell me what you know.

5 A. [10:47:38] At that time Sinia -- at the time Sinia was mostly based under the
6 Atoo Hills, in the area around the Atoo Hills. Ongwen selected people and
7 instructed them to go to Abok. The overall commander of this mission was Kalalang.
8 When we went, we went to Abok, we walked. As we approached Abok people split
9 up. In the bush we got next to an anthill. We heard gunfire. There was gunfire.
10 We ran and found that people had scattered. There was gunfire all over the place.
11 We did not know where the Defence was based at the moment because the Langi
12 usually stay together.

13 We crossed the road. When we crossed the road there was heavy gunfire. When
14 we were walking we were actually heading towards the barracks. As we
15 approached the barracks there was extreme gunfire. On the right was a camp.
16 There was gunfire. There were soldiers in the camp; there were civilians in the camp
17 as well. And on the other side, together with those of Kalalang, we were overrun.
18 We started running, the people at the centre also started running. We backtracked
19 and went back. When we were leaving the Mambas came as well. The Mambas
20 started shooting people. People entered into the swamp and then we crossed and
21 went on the other side. When we crossed over on the other side we crossed Opit
22 road. After we crossed Opit road some of us were left behind. There were soldiers,
23 there were a number of soldiers behind and some of them were in front. We were
24 just eating bananas in the jungle, but we did not realise that we were close to the
25 barracks and the soldiers were encircling us, they started firing at us. Gunships also

1 started firing at us and we went, and we scattered, and went and met under the

2 Atoo Hills. He is the one who sent people there.

3 Q. [10:50:06] Thank you, Mr Witness.

4 I just want to focus now on the planning stage of this attack. You said that you were

5 in the Atoo Hills and that Ongwen selected people. Were you present when this

6 selection took place?

7 A. [10:50:28] At the time I was in the coy. My overall commander is the one who

8 went.

9 Q. [10:50:35] And you talk about instructions. What were the instructions with

10 regard to Abok?

11 A. [10:50:54] I actually do not know the instructions that were given, but they

12 selected people and told us that people should go and work at Abok and we left.

13 Q. [10:51:09] And what do you understand by the term "work"?

14 A. [10:51:19] Work means fighting and collecting food.

15 Q. [10:51:30] And you said that Kalalang was present. In which battalion was

16 Kalalang at this time?

17 A. [10:51:40] Kalalang was in Terwanga.

18 Q. [10:51:45] And who was the brigade commander at this time?

19 A. [10:51:52] It was Dominic.

20 Q. [10:51:58] And do you remember the time of evening that this attack began, was

21 it early or late?

22 A. [10:52:12] It was at approximately 7 to 8.

23 Q. [10:52:21] And in which group were you that went to Abok?

24 A. [10:52:30] We -- Kalalang and myself did not know that we were heading

25 towards the barracks, but we came to realise that we were actually heading towards

1 the barracks?

2 Q. [10:52:49] And who went to the centre, Mr Witness?

3 A. [10:52:56] That night people had scattered all over the place. It was difficult to
4 know who went to the centre. But I do know that I went with Kalalang to the
5 barracks and I saw some sergeants with us. But most of the people were attacked by
6 the Mamba and because of -- we all scattered and we met again. It was very difficult
7 to know who went to which location, it was difficult to know who went to the centre,
8 because there was heavy gunfire.

9 Q. [10:53:29] And what were the ages of the rebels amongst you going to Abok?

10 A. [10:53:41] It was a mixture of people. There were young people approximately
11 15 years old. There were 16-year-old people, 17-year-old people, and also some were
12 aged 13. There was a -- we were in a location that was very far so they did not select
13 very young children.

14 Q. [10:54:06] And what was the role of these children at Abok, what did they do?

15 A. [10:54:16] The children, you know, it's very difficult to manage children. If
16 they start firing and shooting, children do not care. They become frightened and
17 they start shooting, they just start shooting anyhow. Some of them take food, some
18 of them kill chickens, that's what they are supposed to do.

19 Q. [10:54:41] And do you know if they did that at Abok, take food?

20 A. [10:54:53] Nobody actually carried food from Abok because it was extremely
21 chaotic.

22 Q. [10:55:04] And from your position in Abok, were you able to see what was
23 happening at the centre?

24 A. [10:55:16] I only saw fire. I saw houses burning. That's what I saw, because
25 the centre is on the other side of the road.

1 Q. [10:55:28] And did you come to know how these houses came on fire?

2 A. [10:55:36] No. I do not have knowledge of that, because once the gunfire
3 started people started running helter-skelter and I just realised that the houses were
4 on fire.

5 Q. [10:55:55] So, Mr Witness, I want to focus your mind now on the time
6 immediately after you have left Abok as you are running away. What are you seeing
7 at this time?

8 A. [10:56:10] At the time when people were running we remained behind with
9 some other people. I found these small children. They were -- there was a small boy
10 who was being attacked, the boy was being kicked and beaten. I asked them "Why
11 are you beating this child?" I carried the child, removed the child, put the child
12 under the house and left the child there. And that's what I saw.

13 Q. [10:56:47] Just to clarify, who is doing the beating of the child?

14 A. [10:56:55] It was the, the young, the young children who were about 13 years
15 old, they would slap the child, the child would fall down, they would kick the child.
16 I do not know their names because it was in the dark, but they're part of the LRA
17 fighters.

18 MR BRADFIELD: [10:57:17] Your Honour, I am about to change topic, so it would
19 be a good time for a break.

20 PRESIDING JUDGE SCHMITT: [10:57:21] I agree. We have a break until 11.30.

21 THE COURT USHER: [10:57:25] All rise.

22 (Recess taken at 10.57 a.m.)

23 (Upon resuming in open session at 11.31 a.m.)

24 THE COURT USHER: [11:31:02] All rise.

25 Please be seated.

1 PRESIDING JUDGE SCHMITT: [11:31:24] Mr Bradfield has still the floor.

2 MR BRADFIELD: [11:31:27] Thank you, your Honours.

3 Q. [11:31:31] Mr Witness, earlier on this morning you mentioned that there were
4 women in Sinia brigade and what you said was "The women are there to help with
5 cooking and others to become wives." I would like to just know generally, on a daily
6 basis, what was the role of a wife in the LRA?

7 A. [11:32:04] From what I know, even right from home, a wife, daily duty of a wife
8 is to cook and also to stay and live with the husband in the house.

9 Q. [11:32:23] And of the commanders in Sinia brigade which commanders had
10 wives?

11 A. [11:32:38] At that time Kalang had a wife, even Ongwen had.

12 Q. [11:32:46] Do you remember the names of any of Ongwen's wives?

13 A. [11:32:57] At the time the wives that were there, I saw Abwot was there.

14 Q. [11:33:08] Can you remember Abwot's full name?

15 A. [11:33:14] I do not know the other names.

16 Q. [11:33:17] That's okay. And apart from Abwot, any other wives to Ongwen
17 that you remember?

18 A. [11:33:27] There were, there were other wives, but I do not recall their names.

19 Q. [11:33:38] And can you describe, Mr Witness, how would a woman come to join
20 the LRA, and in particular Sinia brigade. How would that happen?

21 A. [11:33:55] I would see how the LRA conducts their things. When people are
22 sent for an operation they are given instructions to go and collect women, bring girls.
23 So when the girls come or if they see that you are now able to have a wife, you are
24 given. If not yet, yes, that is it. That means you are not yet ready.

25 Q. [11:34:24] And who would be the one giving these orders, instructions that you

1 mention?

2 A. [11:34:34] It's right from the brigade commander, it's the brigade commander
3 who gives the orders. But if the CO decides on his own then -- or separates from the
4 main group, then he could also order for collection of girls.

5 Q. [11:34:52] And what's the name of this brigade commander that you are
6 referring to?

7 A. [11:34:59] His name is Dominic Ongwen.

8 Q. [11:35:03] And, Mr Witness, were you ever present to hear these particular
9 orders to collect girls?

10 A. [11:35:14] That, that happens. I was present. Because that did not begin from
11 him. All the senior commanders of the LRA actually do the same thing.

12 Q. [11:35:33] And what would be the ages of these girls that were collected? What
13 would be the youngest of these girls?

14 A. [11:35:44] Some of them who are now, like, ready to stay in their houses, like,
15 from the ages of 17, 18, 19 onwards. But some -- the rest of these are actually kept,
16 they are just taken care of. Some of them are called ting tings.

17 Q. [11:36:08] And were there any ting tings in Dominic's household?

18 A. [11:36:17] There were young girls, but their names -- even Abwot first lived as
19 a ting ting, then afterwards she became a wife.

20 Q. [11:36:31] And generally speaking, what would a ting ting do on a daily basis?

21 A. [11:36:42] Their roles, the mature women who have now taken some time in the
22 bush, their work were to carry saucepans, some were to collect firewood and others
23 actually would also go to collect water.

24 Q. [11:37:07] Mr Witness, focusing then on the period after Iron Fist to the time you
25 left, who would be the one deciding when a woman is distributed?

1 A. [11:37:24] From the Sinia brigade at the time it was Dominic Ongwen who
2 would make the decision. But when Ongwen was still in the operation room,
3 Lapaicho was the brigade commander, so Lapaicho would be the one to issue the
4 orders. Then when Lapaicho was not there, he was replaced by Buk. So it is the
5 brigade commanders that give the orders.

6 Q. [11:37:53] And when you say that you know Ongwen was the one giving the
7 orders, how do you know this? It sounds obvious, but how do you know that?

8 A. [11:38:07] When the girls are brought, when he sees that a particular officer is
9 ready to have wives, then he would say, "You go with this girl, let her stay at your
10 home. She is now your wife."

11 Q. [11:38:24] And did you ever hear Dominic say this himself?

12 A. [11:38:32] That happens -- that happened several times. Even Lapaicho, even
13 Buk, all of them would say the same thing.

14 Q. [11:38:45] Mr Witness, were there any rules regarding the interaction between
15 men and women in the LRA?

16 A. [11:39:03] In the LRA they actually observe, you know, you like somebody, you
17 may happen to like someone, so if you are liked then you may not take long before
18 you are given a wife. But if not, then you will stay. So there is no way that a boy or
19 any men would take a woman to stay with when he is not given to. So it has to be
20 a commander who would give the girl -- the woman to you. So if you are
21 a commander, you just do it by yourself without permission, you will either be beaten
22 or you will be arrested and detained or you will actually be killed, until the time
23 when they are ready to give to you.

24 Q. [11:39:59] And did you ever see anybody punished for breaking these rules?

25 A. [11:40:09] That happens. It actually happened several times.

1 Q. [11:40:14] Can you describe an example for us?

2 A. [11:40:25] There was a time it actually nearly happened on me. I was still in
3 Control Altar. There was a woman who was brought and there was a struggle over
4 her. There was a certain captain who also wanted the woman. On one side, Kony
5 wanted to give the woman to me. So that commander, he was senior to me, one
6 older than me, so when Kony went to him Kony told him "Leave that wife to
7 (Redacted)". So I picked the woman, brought her to my house and then he came to
8 me and we exchanged words and actually we were almost going to exchange fire, we
9 were going to shoot, shoot ourselves. But later on I was beaten that I was not
10 respectful, I should have been -- I should have respected my commander. I was
11 actually given 25 strokes of the cane. That is an example that I can give. And then I
12 was transferred to Sinia.

13 Q. [11:41:33] And, Mr Witness, did you observe these same rules happening or
14 being observed in Sinia brigade as well?

15 A. [11:41:45] I did not see that.

16 Q. [11:41:52] Let me rephrase the question, Mr Witness.

17 You described for us there you were almost punished. Was this punishment
18 happening in Sinia as well?

19 A. [11:42:11] In, in the Sinia the way I was punished I did not see.

20 MR BRADFIELD: [11:42:21] Your Honour, I now wish to go into private session and
21 will probably stay there for some time.

22 PRESIDING JUDGE SCHMITT: [11:42:27] Okay, private session.

23 (Private session at 11.42 a.m.)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0054

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0054

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0054

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0054

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0054

(Private Session)

ICC-02/04-01/15

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- 16 (Open session at 11.59 a.m.)
- 17 THE COURT OFFICER: [11:59:32] We are back in open session, Mr President.
- 18 MR TAKU: [11:59:35] Your Honours, before, I am sorry -- I must first say I am sorry
- 19 I came late, because I just received information I lost my stepsister. And only two
- 20 days ago I lost a cousin who was a diplomat in the Cameroon passing in Paris. So
- 21 that's why I came late, I was receiving information.
- 22 PRESIDING JUDGE SCHMITT: [11:59:53] We are very sorry, Mr Taku.
- 23 MR TAKU: [11:59:56] Yes, your Honours.
- 24 I fully agree with the ruling you gave with regard to playing this, this audio, I agree
- 25 entirely with your ruling. But I just wanted to put on record, your Honours, that

1 the Prosecutor did not adduce the circumstances and the purpose for which this video
2 was done and the context in which he places it within these proceedings now. And
3 he did not even adduce evidence about which radio station was doing this, the
4 objectives of that radio station, the objectives of this. I want just to place it on record
5 because, for it to form part of the record of these proceedings I am asking whose voice
6 is this? I am stopping there, your Honours. We urge the Court that the appropriate
7 moment, we don't want to do it before, the appropriate moment the Court should
8 take into consideration the context in which it was played. I am not asking you to
9 make any ruling on the probative value of this now, but I just wanted to say that
10 previous people have talked about the radio, tried to give some context and the
11 purpose for which it was done. But for this particular case they merely said he gave
12 this interview, it was his voice, and this is it, and they left at that. And I want just to
13 place it at this point in time on record.

14 PRESIDING JUDGE SCHMITT: [12:01:28] But we, when we discuss these matters
15 we are in open session, still. So perhaps it is better to go back to private session
16 shortly.

17 (Private session at 12.01 p.m.)

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Trial Hearing
WITNESS: UGA-OTP-P-0054

(Private Session)

ICC-02/04-01/15

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- 18 (Open session at 12.06 p.m.)
- 19 THE COURT OFFICER: [12:06:25] We are back in open session, Mr President.
- 20 PRESIDING JUDGE SCHMITT: [12:06:29] So Mr Manoba has the floor.
- 21 MR MANOBA: [12:06:31] Thank you, Mr President.
- 22 QUESTIONED BY MR MANOBA:
- 23 Q. [12:06:36] Good afternoon, Mr Witness.
- 24 A. [12:06:37] Good afternoon.
- 25 Q. [12:06:38] My name is Joseph Manoba, I represent about 2,605 victims that are

1 participating in the proceedings before this court. I will be asking you a couple of
2 questions, and I would also ask that you be careful not to say things that will
3 probably declare who you are.

4 My first question then to you is: What was your life like before you were abducted,
5 if you can remember?

6 A. [12:07:22] Before I was abducted life was easy. I went to school.

7 Q. [12:07:37] And how would you describe your experience in school, again before
8 you are abducted?

9 A. [12:07:50] While I was at school life was good. I was a bright student and I was
10 mostly the first, at the worst I was the second in the class. When I was going into
11 primary 5 I was the 5th in the class. So, yeah, I was a good student and life was
12 good.

13 Q. [12:08:18] Thank you. At the time you were abducted, you just told this court
14 that you ran away and along the way someone held your hand. My question to you
15 is: Did you ask or plead with this person to release you so that you could get away,
16 get to safety?

17 A. [12:08:43] Before I started running I had -- I had ran, because there were mangos
18 trees in our, in the compound. I had managed to dodge some of the soldiers that
19 were chasing me and they were shouting, they said "Catch this young boy and cut off
20 his ears." But I kept on running. But I ran and I found the guy in the sorghum, in
21 the sorghum garden. He was a big guy and he immediately grabbed me. If
22 somebody bigger than you grabs you, you just stop. I couldn't run, I couldn't fight,
23 so he brought me back to the compound, to the rest of the people.

24 Q. [12:09:27] Thank you. However, for clarity, did you plead, did you request or
25 ask him to release you?

1 A. [12:09:43] No, I did not. Because when these people came it's as if they had
2 already listed our names in a book saying such-and-such a person is already
3 a member of the group, so they would just call somebody and say "This person go to
4 that side, this person go to this direction." So it seemed that this is something that
5 they had prepared earlier, so even if I had pleaded it would have been baseless.

6 Q. [12:10:10] Thank you for the response.

7 Now, when you were abducted how were you treated? And I'm talking about a few
8 weeks or maybe a month after your abduction, how were you treated within the LRA
9 ranks?

10 A. [12:10:37] Before a week, on the day that I was abducted, I was given some
11 groundnuts, beans and asked to carry that. I was instructed not to drop it. I was
12 a little bit sly. I, I pierced the sack with a little stick and then the beans and the
13 peanuts kept on leaking out of the sack to make it a little bit lighter. They noticed
14 that the things were leaking out of the sack and they slapped me, they told me that
15 "Your luggage is becoming a little bit smaller." And I tied the sack back. But when
16 we got to the headquarters the commander noticed that I was very slight, I was
17 a small person, and they gave me jerrycans to carry and then they also gave me chairs.
18 When they sent other people to collect food, they left me behind. So I was
19 responsible for carrying potatoes, I was responsible for carrying the chair and
20 jerrycans.

21 Q. [12:11:45] Thank you. If you were to estimate the luggage, the beans that you
22 were carrying, how heavy, what was the size or weight of this stuff that you were
23 carrying?

24 A. [12:12:02] The -- it was a big load. The groundnuts and the beans were big, so a
25 big load. And it was difficult for me to walk with it. Maybe 20 to 25 kilos. I was

1 very small. I was nine years old. It was extremely difficult for me to walk with that,
2 that's why I made the decision to pierce the sack so that some of it would spill out.

3 Q. [12:12:28] How long did you have to -- what is the distance, in other words, did
4 you have to walk carrying this luggage of beans that you had?

5 A. [12:12:40] I didn't walk for a very long distance before I pierced the sack. The
6 load was heavy, even when we were just leaving home. My parents were saying
7 "They were going to kill this boy before he goes any far because he cannot walk."
8 That's why I made the decision to pierce the sack just as soon as we start leaving so
9 that some of the things would spill out.

10 Q. [12:13:09] As a person, did you ever consider escaping just before -- while you
11 were still in Uganda before you crossed the border to Sudan? Did you consider
12 escaping from the bush?

13 A. [12:13:33] Several of us were abducted from that area. But in -- there were only
14 three, three of us who remained in the bush. There was one girl and two -- another
15 boy and myself. When we went to get the potatoes they escaped, they left me.
16 They told me that they -- I pleaded with them and told them, "Please do not leave
17 me." But they went ahead. They escaped and they left me. I did not know what
18 to do. I was in the bush. It was extremely far. If I decided to escape perhaps I
19 would be eaten by a leopard. And we didn't take long, then we left and went to
20 Sudan.

21 Q. [12:14:15] Thank you for that. Did you need an inducement from external
22 sources, perhaps, to allow you to escape?

23 A. [12:14:35] At the time you could not ask for any assistance because they were
24 abducting boys and girls in numerous numbers so you were constantly under
25 security. You were always praying. The others would go on mission and the rest

1 of us would stay behind and pray. So it was very difficult for the rest of us to escape,
2 you couldn't even ask anybody "Can I please escape?"

3 Q. [12:15:09] Thank you, Mr Witness. Now I would like to turn to the attack on
4 Odek that you spoke about earlier. Do you know who lived in the centre at Abok?

5 PRESIDING JUDGE SCHMITT: [12:15:27] I think you mixed now Odek and Abok.

6 MR MANOBA: [12:15:30] Oh, sorry.

7 PRESIDING JUDGE SCHMITT: [12:15:32] I don't know what you want to start with,
8 I can imagine, but it's your questioning.

9 MR MANOBA: [12:15:36] My apologies.

10 Q. [12:15:38] I meant to say, Mr Witness, do you know who lived in the centre at
11 Odek?

12 A. [12:15:47] No. I do not know the people, the inhabitants of Odek.

13 Q. [12:15:55] Well, I am not actually asking for names or anything like that. You
14 told this Court earlier that some people, some LRA fighters moved to the centre at
15 Odek. And what I want to find out from you is what was in the centre that
16 encouraged the LRA fighters to go to the centre. What was there that interested the
17 LRA to go to the centre?

18 A. [12:16:33] I stated earlier that Mr Ongwen said "Given the food, shortage let's go
19 and get food from civilians. Some people should go to the barracks." And he led
20 the people that were going towards the centre. So there were -- which means that
21 there were civilians at Odek and there were also soldiers at Odek.

22 PRESIDING JUDGE SCHMITT: [12:17:01] You can move on then.

23 MR MANOBA: [12:17:03] Thank you, Mr President.

24 Q. [12:17:04] Now, are you in a position to describe how large the centre at Odek
25 was?

1 A. [12:17:21] The first time, that was the first time that I went to Odek. And from
2 my, my opinion or from my view based on how we, we left the bushes and we
3 approached Odek, I have an idea of that. But I did not get to the centre. I
4 visualised how we left, where we came from, how we moved to Odek, how we
5 approached the barracks, but I did not see the size of the camp itself because I didn't
6 go there.

7 PRESIDING JUDGE SCHMITT: [12:17:54] I think, Mr Manoba, we leave it at that,
8 because a witness cannot reasonably speculate about the size of Odek and the centre
9 of Odek.

10 MR MANOBA: [12:18:06] Well advised, Mr President.

11 Q. [12:18:09] Mr Witness, did you see any civilians killed during the attack on
12 Odek?

13 A. [12:18:22] I stated earlier that I did not, I did not see civilians being killed or
14 civilians being abducted from Odek. But I heard that announcement over the radio
15 and I overheard people speaking about it. But I did not personally see it. I did not
16 witness anybody being killed or anybody being abducted.

17 PRESIDING JUDGE SCHMITT: [12:18:44] And we are always vigilant that we do
18 not ask repetitive questions. The witness has indeed answered that during the
19 examination by the Prosecution.

20 MR MANOBA: [12:18:54] Thank you, Mr President. I will end it here,
21 Mr President.

22 PRESIDING JUDGE SCHMITT: [12:18:59] Thank you. Mr Narantsetseg, do you
23 have further questions?

24 MR NARANTSETSEG: [12:19:04] Your Honours, we don't. Thank you very much.

25 PRESIDING JUDGE SCHMITT: [12:19:07] Thank you.

Trial Hearing
WITNESS: UGA-OTP-P-0054

(Open Session)

ICC-02/04-01/15

- 1 So this concludes the questioning and the hearing for today.
- 2 We resume on Monday, 9.30 and then it is the turn of the Defence. And we wish
- 3 everybody in the room a nice weekend, so to speak. And for some it will mean a lot
- 4 of work, I would assume so.
- 5 THE COURT USHER: [12:19:34] All rise.
- 6 (The hearing ends in open session at 12.19 p.m.)