

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 Monday, 11 September 2017
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:21] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:32:44] Good morning, everyone, and welcome
13 again in the courtroom after the longer break, so to speak.
14 Would the court officer please call the case.
15 THE COURT OFFICER: [9:32:56] Good morning, Mr President, your Honours.
16 Situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
17 Ongwen, case reference ICC-02/04-01/15.
18 And for the record we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:33:13] Thank you very much.
20 I call for the appearances of the parties, Mr Bradfield.
21 MR BRADFIELD: [9:33:18] Good morning, Mr President and your Honours.
22 Appearing today for the Prosecution are Sanyu Ndagire, Benjamin Gumpert,
23 Colin Black, Yulia Nuzban, Colleen Gilg, Hai Do Duc, Yya Aragon, Shahriar Yeasin
24 Khan, Ramu Fatima Bittaye, and myself Paul Bradfield.
25 PRESIDING JUDGE SCHMITT: [9:33:41] Thank you.

1 And for the Legal Representatives for the two teams.

2 MS HIRST: [9:33:46] Good morning, Mr President, your Honours. For the Legal
3 Representatives of Victims, I am Megan Hirst, James Mawira is with me.

4 PRESIDING JUDGE SCHMITT: [9:33:53] And Mr Narantsetseg.

5 MR NARANTSETSEG: [9:33:55] Good morning, Mr President, your Honours.

6 Today the Common Legal Representative team is composed by myself,
7 Orchlon Narantsetseg and my colleague Caroline Walter, and our visiting
8 professional from South Korea, Ms Hyuree Kim.

9 Thank you.

10 PRESIDING JUDGE SCHMITT: [9:34:09] Thank you very much.

11 And for the Defence I welcome Mr Ayena.

12 MR AYENA ODONGO: [9:34:12] Yes. Good morning, Mr President and your
13 Honours.

14 Today I am assisted by Abigail Bridgman, Roy Ayena and Mr Tibor Bajnovic. I am
15 Krispus Ayena Odongo.

16 Your Honours, I must apologise for my long stay out. I sojourned in Uganda and we
17 were handling matters connected with our investigations, coordinating, and I couldn't
18 be there in the last session.

19 PRESIDING JUDGE SCHMITT: [9:34:46] I hope very much that everything is well.

20 And as you see, it is noted that you are back.

21 MR AYENA ODONGO: [9:34:53] I much appreciate. Things are going well. With
22 your blessings we should be there --

23 PRESIDING JUDGE SCHMITT: Thank you very much.

24 MR AYENA ODONGO: -- in the land of --

25 PRESIDING JUDGE SCHMITT: [9:35:01] That's good to hear. That's good.

1 MR AYENA ODONGO: [09:35:02] Yes.

2 And we have a new face in the courtroom, so to speak.

3 MS POKU: [9:35:05] (Microphone not activated)

4 PRESIDING JUDGE SCHMITT: [9:35:06] The microphone, please, Madam.

5 MS POKU: [9:35:15] Good morning, Mr President and your Honours, I am assisting
6 the Witness P-0340 today, Mary Poku.

7 PRESIDING JUDGE SCHMITT: [9:35:27] Thank you very much. The Prosecution is
8 now calling P-340 as its next witness, and before we can bring in the witness
9 the Chamber notes, briefly, that the VWU does not recommend any protective
10 measures beyond those granted in decision 612, which are face distortion, use of
11 a pseudonym, and the use of private sessions and redactions when necessary.

12 The Chamber also notes that in filing 976 Mrs Poku, the witness's counsel, requests
13 voice distortion in order to protect the witness's identity.

14 In its correspondence with the Chamber and participants, the Prosecution stated that
15 it was of the view that the protective measures as granted in the already-mentioned
16 decision 612 are sufficient to protect his identity.

17 In a filing to be notified this morning, the Defence opposed the request for voice
18 distortion, noting that there has been no changed circumstances since its issuance of
19 the previous decision of protective measures for this witness. The Chamber
20 considers that the protective measures already granted are sufficient to protect the
21 witness's identity.

22 As counsel have already been informed, and noting paragraphs 48 till 55 of decision
23 612, the VWU has also determined that certain special measures are necessary to
24 assist the witness in his testimony.

25 We will now have to discuss the matter of assurances for the witness pursuant to

1 Rule 74 of the Rules of Procedure and Evidence.

2 Mrs Poku also made a, let me put it this way, a very limited but absolutely justified
3 request for Rule 74 assurances on filings 976, and to discuss these matters we will
4 have to go into private session.

5 (Private session at 9.37 a.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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15 (Redacted)

16 (Open session at 9.37 a.m.)

17 THE COURT OFFICER: [9:38:04] We are back in open session, Mr President.

18 PRESIDING JUDGE SCHMITT: [9:38:07] Thank you.

19 The Chamber will now render its decision on the requested assurances.

20 The Chamber notes that on 22 March 2017 the government of Uganda provided
21 written assurances not to use the evidence of witnesses who were under the age of 18
22 at the time of the events either directly or indirectly in any subsequent criminal
23 proceedings before Ugandan courts.

24 As the witness was under 18 at the time of the events that are the primary
25 subject -- not suspect -- subject of his testimony today, the Chamber does not consider

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1 that any additional Rule 74 assurances are necessary in relation to acts committed
2 when the witness was under the age of 18.

3 However, should the parties choose to address acts committed when the witness was
4 over 18 when he acted, the Chamber, mindful of the factors specified in Rule 74(5)
5 of the Rules provides limited assurances pursuant to Rule 74 of the Rules as to those
6 acts, and this in order to enable the witness to testify without fear of the consequence
7 of self-incrimination.

8 Further, the Chamber also grants the witness the assurance that such testimony will
9 not be used either directly or indirectly against him in any subsequent proceedings by
10 this Court, except, like always, under Article 70 and 71 of the Rome Statute.

11 And this concludes the ruling of the Chamber and this also means that we can now
12 bring in the witness.

13 (The witness enters the courtroom)

14 PRESIDING JUDGE SCHMITT: [9:40:55] Witness, do you hear me?

15 WITNESS: UGA-OTP-P-0340

16 (The witness speaks Acholi)

17 THE WITNESS: [9:40:59] (Interpretation) Yes, I do.

18 PRESIDING JUDGE SCHMITT: [9:41:02] Mr Witness, good morning. You are going
19 to testify before the International Criminal Court. On behalf of the Chamber I would
20 like to welcome you to the courtroom. I will now read the oath to tell the truth to
21 you that every witness who testifies before this court must agree to.

22 Please listen, Mr Witness: I solemnly declare that I will speak the truth, the whole
23 truth and nothing but the truth.

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

25 THE WITNESS: [9:41:46] (Interpretation) Yes, I have understood. Yes, I do.

1 PRESIDING JUDGE SCHMITT: [9:41:51] Thank you.

2 We will continue now. I will now explain to you, Mr Witness, the protective

3 measures that the Chamber has put in place for your testimony. This will last a little

4 bit, but these are important points that I want to tell you.

5 The Chamber has put the following measures in place to protect you: Face distortion,

6 which means that no one outside the courtroom can see your face during the

7 testimony on the screen. We will also use a pseudonym. In accordance with that

8 we will all refer to you only as "Mr Witness", as I am doing at the moment. This is to

9 make sure that the public does not know your name. When you answer questions

10 that will not give away who you are, we will do so in open session, and open session

11 means that the public can hear what is being said in the courtroom. On the other

12 side, when you are asked to describe anything that relates specifically to you,

13 especially when you are asked to mention facts that might reveal your identity, we

14 will do this in private session. Private session means that there is no broadcast and

15 no one outside the courtroom can hear your answer.

16 If ever anything gets said during open session, which means that the public can hear,

17 which should have been said in private session, we can do a lot to protect this

18 information; your testimony will be broadcast on a delay, we can remove such

19 remarks from the broadcast and also from the public transcript.

20 Mr Witness, you have also been assigned a lawyer to provide you with legal advice

21 about possible self-incrimination. Your legal adviser Mrs Poku is present with you,

22 she sits on the right. Of course you know her. And if any concerns arise during the

23 course of the testimony she will be able to advise you and she will also be able, of

24 course, to raise those concerns with the Chamber.

25 The Chamber gives you the assurance pursuant to Rule 74(3) of the Rules. You

1 might not know this rule but I explain to you what this means. Your testimony will
2 not be used either directly or indirectly against you in any subsequent proceedings by
3 this Court, except under two articles of the Statute, 70 and 71. And that means if you
4 would not say the truth here in the courtroom, but you have already given the
5 undertaking that you are telling the truth.

6 The Chamber notes that you are protected by the Ugandan government's written
7 assurance not to use the evidence of witnesses who were under the age of 18 at the
8 time of the events described in their statements either directly or indirectly in any
9 subsequent criminal proceedings before Ugandan courts. This protects you from
10 being investigated by Ugandan courts. However, since you may testify in relation to
11 acts committed when you were over the age of 18, if any question is asked about such
12 acts that could lead to your self-incrimination, we will hear your answer in private
13 session and keep this answer confidential.

14 I know what I have told you now it's quite complicated, but we have especially your
15 lawyer here in the courtroom, Mrs Poku, who is vigilant of these aspects, and we have
16 counsel of the Prosecution and also Defence, they are experienced lawyers, they know
17 what I am talking about and they know what this in the essence means and they are
18 really vigilant in that respect.

19 Now, Mr Witness, do you understand what I have told you?

20 THE WITNESS: [9:46:03] (Interpretation) Yes, I have understood, sir.

21 PRESIDING JUDGE SCHMITT: [9:46:07] In a short moment we can start with your
22 evidence, but a few practical matters I would like to address to you before we can
23 start. You know that everything we say here in the courtroom is written down and
24 interpreted. And to allow the interpreters to follow what you have said and what all
25 the others have said, everybody has to speak clearly and at a slow pace. This also

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1 means you should speak into the microphone like you do at the moment, there is no
2 problem with that, and only start speaking when the person who has asked you
3 something has finished the question.

4 If you have any questions yourself you can raise your hand and then we know that
5 we can give you the floor and that you can address the Chamber.

6 I think that's it.

7 Now Mr Bradfield can start with the testimony.

8 MR BRADFIELD: [9:47:00] Thank you, your Honours.

9 QUESTIONED BY MR BRADFIELD:

10 Q. [9:47:06] Good morning, Mr Witness.

11 A. [9:47:08] Good morning.

12 Q. [9:47:09] Mr Witness, you might remember that my name is Paul Bradfield and
13 today I will be asking you some questions for the Prosecution. If at any time you do
14 not understand my question or would like me to repeat it, that's okay, just let me
15 know. And likewise, if you feel you need a break at any time, please also let us
16 know.

17 Now my first set of questions, Mr Witness, relate to your personal background and
18 for that, your Honours, a brief private session.

19 PRESIDING JUDGE SCHMITT: [9:47:48] We go to private session.

20 (Private session at 9.47 a.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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10 (Open session at 9.52 a.m.)

11 THE COURT OFFICER: [9:52:24] We are back in open session, Mr President.

12 Q. [9:52:28] So, Mr Witness, you have told us that you were going to primary
13 school. Was there a point where you stopped going to school?

14 A. [9:52:46] Yes, your Honour, my education was interrupted at some point.

15 Q. [9:52:50] And why was that, Mr Witness?

16 A. [9:53:03] What interrupted my studies was the conflict that was taking place in
17 northern Uganda.

18 Q. [9:53:13] Please tell me about the day that you stopped going to primary school.
19 What happened that you stopped?

20 A. [9:53:29] Your Honour, I started going to primary school in 19 -- 1997. I went
21 to school from that time until the year 2002. I was then in primary 6 when the Holy,
22 the people we normally refer to as the Holy or Olum-Olum came and abducted me.
23 and I stopped my studies at that level until when I returned and resumed my studies.

24 Q. [9:54:18] I would like to hear in detail about the day that you were abducted.
25 Where did this happen?

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1 A. [9:54:34] The day I was abducted, that happened from a place called
2 (Redacted).

3 Q. [9:54:50] Mr Witness, just to remind not to mention any details that may reveal
4 your identity on my next few questions. Who was with you when you were
5 abducted, without mentioning names?

6 A. [9:55:19] At the time I was abducted I was with my other brothers.

7 Q. [9:55:28] And how old were they at that time?

8 A. [9:55:40] One of them was almost my age. Well, I cannot recall how old he was.
9 But the other one was a little older. He was much older. He had already gotten
10 married and he had a wife and children. But I cannot establish their respective ages
11 as of now.

12 Q. [9:56:02] And these men you refer to as the Holy, can you describe what they
13 look like?

14 A. [9:56:17] Your Honour, back home the Holy are people who move in the bushes.
15 They are fighters and they were fighting against the government. That was what we
16 knew about them in northern Uganda.

17 Q. [9:56:37] And how were these men, how were they dressed when they came to
18 abduct you?

19 A. [9:56:51] Your Honour, sometimes these people would come when they are
20 dressed in civilian attire with the gumboots, some wearing military caps, some had
21 dreadlocks. Some of them would be having military uniforms and they were not
22 clearly having a clear pattern of dressing.

23 Q. [9:57:19] And can you describe the manner in which the Holy took you and your
24 brothers away. How did they do that?

25 A. [9:57:36] Well, your Honour, it was on 1 July, on a Monday, when we heard that

1 the Holy had launched an attack in a place called Patongo centre. And people who
2 were going to secondary school were then going to school at that time. But they
3 retreated, they came back saying that they had heard that the Holy had launched an
4 attack in Patongo. We stayed for about a period of a week without hearing anything
5 about them until when one Sunday we heard that the Holy were in a place called
6 Abilo Nino which was near our home.

7 And we went to play football later in the evening. When we returned we were kind
8 of tired, you know, we were still young. We went and slept in a house. I was
9 together with my younger brother in the house until when my elder brother came
10 from the direction of Abilo Nino where the Holy were heard to have been there. I
11 think he was fleeing from there because, you know, back in the village we don't have
12 very many houses, so we all spent the night in the same house and, while we were in
13 there sleeping, we woke up sometime in the night. I heard my elder brother crying
14 and I woke up only to realise they were flashing lights at us. I would see it through
15 the door. And my elder brother who was crying was taken. They started beating
16 him, asking him why he was crying. They beat him with the gun butt. My brother
17 told them that he was crying because he thought the Karamojong are cattle rustlers
18 were the ones who had come to loot like they usually do.

19 So they got the two of us, we were bound together. And as we were moving out we
20 found other people who had already been bound together. They were out there.
21 I think they were abducted along the way and we added on to the other abductees.
22 That was how I was abducted. That was on the 7th and it was a Sunday.

23 Q. [10:00:32] Thank you, Mr Witness.

24 These other people that you saw who you say had been abducted as well, can you
25 remember the gender of these abductees?

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1 A. [10:00:49] They abducted anybody who was present. But I do recall that there
2 were boys, the boys that I was tied together with, but there were quite a number of
3 people.

4 Q. [10:01:03] And these boys that you saw, could you give an estimate how old the
5 youngest of these were?

6 A. [10:01:14] Most of the boys were of around about my age and they were the kids
7 that we were playing football with.

8 Q. [10:01:26] So, Mr Witness, after tying you and your brother together and you
9 meet with these other abductees, where did the rebels take you in the next few days?

10 A. [10:01:47] Well, when we were abducted, your Honour, they took us to a centre
11 known as (Redacted) it's a trading centre. They took things. They broke into shops
12 and took things, they took merchandise, they took biscuits, they took sodas, soap, and
13 a few, a few things out of a shop. It's very difficult to determine exactly what was
14 taken. They took medication from the hospital at Lira Kato. And they walked and
15 went with us into the bush.

16 Q. [10:02:34] And what happened to your brothers that were tied together with you?
17 Did they remain with you?

18 A. [10:02:48] One of my brothers, my older brother, you know, when somebody is
19 older they give the person a bigger load to carry, so my older brother was given sugar.
20 When we got to some river, while we were crossing the river, they were in front of us.
21 He threw the sugar to the ground and ran off. He ran and they couldn't catch him.
22 The rest of us were taken. They continued taking us because we were bound, we
23 were in the middle. I do not know, there were some older people but I do not know
24 how my brother managed to loosen the ropes, but he did and he fled.

25 Q. [10:03:41] Focusing on this time then, Mr Witness, shortly after your abduction.

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1 How were the Holy physically treating the older abductees?

2 A. [10:04:02] When we were newly abducted, the older people -- well, the much
3 older people, once they were given luggage to carry, when we got to a particular
4 place where they knew or they decided that they could distribute the luggage, they
5 would let the older people go. And that happened as well. They would let them
6 go.

7 Q. [10:04:32] And before they were let go, how were they being physically treated
8 by the rebels, if you can remember?

9 A. [10:04:46] Well, they would give them luggage to carry, they would give them
10 the bigger loads to carry, and that's what they mostly did.

11 Q. [10:05:01] So, Mr Witness, tell me about the next weeks and months. Where
12 did the rebels take you in this period?

13 A. [10:05:16] Your Honour, once we were abducted, approximately one week after
14 our abduction, one or two weeks after our abduction, it's difficult while you are in the
15 bush to estimate the duration. We walked with these people, we went to a place
16 under some foothills. I do not know the name of the -- the name of the foothill and
17 we met a group, a bigger group of Holies. There were so many under the foothills.
18 When we all converged together soldiers came. We were attacked. We did not
19 know what direction to run to. They would hold our hands and then run, take us
20 with them, run with us. They climbed up the hill and some of them went behind it
21 and we separated into smaller splinter groups. We do not know how the people
22 were divided but we know, we realised that the groups had become smaller and the
23 number of people had become smaller. After a while they all converged again and
24 there was a larger group. We do not know how that happened but we realised that
25 there was a bigger group. We walked and there was somebody who was more

1 aware of the circumstances or the, the area and he told us that we are walking, going
2 in the direction of Sudan. When we walked we got to an area known as Paimol.
3 We went upwards. You know, when the Holy are moving in the bushes they do not
4 move in a straight line or they do not follow any particular direction. They move in
5 a roundabout direction so you do not know exactly where they are going. The place
6 was mostly jungle with forests and shrubbery. Once we got to some jungle there was
7 a helicopter that came and found us near the stream in that forest and the helicopter
8 started attacking us, it attacked us heavily. Some civilians were also shot, the
9 civilians who had recently been abducted.

10 We walked two days. Maybe after two days -- we walked day and night. Then we
11 were told that we had crossed the border into Sudan. We were very young at the
12 time and we did not know where Sudan was.

13 In the morning, the helicopter came again. We were on top of a hill in an area but
14 we were on top of a hill. We continued walking. We continued climbing up that
15 hill. Once we got there we found, we found somebody. They referred to the
16 person as Lapwony Madit, which means big teacher. We found Kony on top of that
17 hill. We continued up the hill and we stayed there. Then we came back down from
18 that hill or the mountain and we were told that we were in Sudan. And that's what
19 happened, summarily.

20 After three weeks, or one month, I don't know. Maybe two months, I don't know,
21 when you are in the bush it's very difficult to determine the duration of time.

22 Q. [10:09:21] Thank you for that very detailed answer, Mr Witness.

23 I want to ask, do you remember the names of any of the commanders in the group
24 that abducted you?

25 A. [10:09:41] I do recall, but not all the names. The one person that I do recall, and

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1 that person also came to our home --

2 THE INTERPRETER: [10:09:53] Could the witness please repeat the name of the
3 person.

4 A. [10:09:59] Well, while we were in the bush we were told to refer to the person as
5 Teacher Mukwaya. There was somebody else also known as Lapwony Kidega, he
6 was also among the people that abducted me, sir.

7 Q. [10:10:27] And, Mr Witness, do you remember the name of the particular unit
8 that Mukwaya was a member of --

9 A. [10:10:42] After a while, I had spent a bit of time in the bush, we were told that
10 that group, the group that abducted us was known as Siba.

11 Q. [10:11:04] And did you later come to know after some time in the bush who was
12 the overall commander?

13 A. [10:11:20] The initial group that abducted us was known as Siba. But once the
14 group came together, once they converged when we went to the Sudan it changed
15 because it was a bigger group. Siba was -- I know that Mukwaya was part of Siba
16 because he was the person that I knew as being part of that group.

17 Q. [10:11:50] And do you know who Mukwaya reported to, who was his boss?

18 A. [10:11:58] Mukwaya moved together with Kidega. Most times he was together
19 with Kidega, which means that Kidega was superior to him. We did not have time
20 to question who was superior to the other. We did not have the time to do that
21 either.

22 Q. [10:12:25] And was Siba a group on its own or was it part of a bigger group?

23 A. [10:12:41] Siba wasn't a sole group on its own. Siba was part of a bigger group.
24 That was how I came to understand.

25 Q. [10:12:52] And do you remember the name of this bigger group that Siba was

1 a part of?

2 A. [10:13:12] Your Honour, I do recall.

3 Q. [10:13:15] Please tell us, Mr Witness.

4 A. [10:13:48] Siba was under a bigger group and we were told that the group was
5 known as a brigade. And the brigade was known as Sinia, sir.

6 Q. [10:13:37] And did you come to know who the leader of Sinia brigade was?

7 A. [10:13:50] We were told and we did come to know who was the leader.

8 Q. [10:13:56] And what's his name?

9 A. [10:14:05] We used to refer to him as Lapwony Odomi.

10 Q. [10:14:13] Tell me about the first time that you saw Lapwony Odomi?

11 A. [10:14:27] I explained earlier that when we, when we -- after moving for a while
12 we came to the foothills and we found a big group of Holy converged together. And
13 it was while we were there, there were some veterans who were in the -- who were
14 part of the group and who were walking with us who told us that, "Do you see that
15 person, that person walking in the middle?" And we responded that, yes, and they
16 told us that that is the teacher, that is the superior teacher or the supreme teacher, he
17 is known as Odomi and he is in charge of this bigger group. And we kept quiet but
18 we knew who the leader was because he had been pointed out to us and that's how I
19 came to know about him.

20 Q. [10:15:30] As you walked to Sudan with the other abductees, can you remember
21 how they were being physically treated along the way?

22 A. [10:15:52] I do recall that we walked for long distances and before we left
23 civilians were being beaten, and on grounds that the civilians should be converted or
24 initiated into the army because a number of civilians were fleeing. So I do remember
25 people were beaten or flogged, several canes. I also recall that we walked for long

1 distances to go towards Sudan. We also had a lot of luggage to carry and that was
2 a heavy burden on us as well. We walked, but we did walk until we got to the top of
3 the hill where we were told that the supreme teacher would be.

4 Q. [10:16:55] And during this walk to Sudan, Mr Witness, if somebody did not
5 have the strength to continue walking, what would happen to that person?

6 A. [10:17:14] At the time, if somebody became weak and was unable to walk, they
7 would, they would say that the person should be put to rest or sent to rest. And the
8 rest, we came to understand that rest meant that you would be killed.

9 Q. [10:17:46] And did you see this happen yourself, Mr Witness?

10 A. [10:17:55] Your Honour, to give a truthful testimony as I've sworn, I am not
11 going to tell lies before the Court. I saw two, two corpses while we were on top of
12 the mountain or the hill. And it was a part of the group, the children that we were
13 abducted with, their feet were swollen, they were weak, there was no food because
14 we did not have enough food on top of that mountain. If the person who abducted
15 you was not taking good care of you then chances were you would run out of luck.
16 So while we were walking along the road we came across two corpses, one was sitting
17 next to a tree or lying next to a tree, and we walked and found another one in front.
18 When we went to sit down to, we sat down at the place referred to as the position or a
19 place where we encamp and cook. We found somebody else, somebody from our
20 home, a friend, somebody I knew personally who was also dead.
21 And one person asked. The person wasn't next to us so we asked "Where is this
22 person?" and someone said "Are you still asking about this person? Do you
23 remember when we were walking along the road we found two corpses? Yeah.
24 One of them is the person you are talking about. And the second one is also
25 somebody that you are asking about."

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1 When you are walking you cannot stop by and look at the face of the person to
2 determine who that person is, the dead person is. So you just keep on walking, you
3 look away and keep on walking. But once we got to the place where we were
4 encamped I did not see the person. And added on to the information that I was told
5 by one of my, one of the other people, I came to the conclusion that it was those two
6 people. That was the last time I saw them. I haven't seen them up to today. And
7 when I'm at home I haven't met them again.

8 Thank you, sir.

9 Q. [10:20:18] Thank you, Mr Witness.

10 So I want to ask you some more questions now about your time in Sudan.

11 After you met with --

12 PRESIDING JUDGE SCHMITT: [10:20:28] Perhaps, Mr Witness, do you know the
13 names of these two persons that you were talking about? Because you said you
14 asked for one person, you knew the person. Do you recall the name or the names, if
15 any?

16 THE WITNESS: [10:20:47] (Interpretation) Yes, your Honour. I do recall the names
17 of the people because those were kids from my neighbourhood, kids I played football
18 with.

19 PRESIDING JUDGE SCHMITT: [10:21:00] So should we discuss this in private
20 session, perhaps, out of caution?

21 MR BRADFIELD: [10:21:04] Yes, your Honour.

22 PRESIDING JUDGE SCHMITT: [10:21:05] Yes. Then, Mr Witness, we go to private
23 session and then you can tell us the names, please. Just out of caution for your
24 protection.

25 Private session, shortly.

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1 (Private session at 10.21 a.m.)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Open session at 10.22 a.m.)

14 THE COURT OFFICER: [10:22:23] We are back in open session, Mr President.

15 PRESIDING JUDGE SCHMITT: [10:22:27] Please, Mr Bradfield.

16 MR BRADFIELD: [10:22:29] Thank you, your Honour.

17 Q. [10:22:31] So, Mr Witness, as I mentioned, I want to ask you some more

18 questions now about what you saw and what you did in Sudan.

19 After you met with Lapwony Madit, Kony, what happened to you and the rest of the
20 abductees?

21 A. [10:22:56] Well, your Honour, once we met Joseph Kony, or Kony, we kept on
22 walking or moving on top of the mountain. I do recall on one occasion while we
23 were walking on top of some hill, a very, very slippery, very slippery hill, a high hill,
24 a very high hill, I was carrying a bag on my back. I also had some luggage or a load
25 on top of my head. Those things were heavy. The load was heavy. And the

1 person that was with me, Lapwony Mukwaya, we were left behind, there were the
2 two of us, we had been left behind. I kept on climbing up the hill and sliding back
3 down. I was climbing up and sliding back down. He was beating me and asking
4 me to keep on walking. When he realised that I was weak he took one of the bags
5 from my back. My arms were numb. I could not hold anything with my hands.
6 He took the bag from my back and he put it on his back. He took the load off my
7 head and carried it and told me, "Okay, let's go." I struggled and continued walking
8 up the hill.

9 We got on top of the hill, or to a place where the people were encamped. The place
10 is referred to as a position and we found people cooking. And that's something
11 extremely bad, one of the bad things that happened to me. If Mukwaya had decided,
12 if I was unlucky and he decided, perhaps I would also have been left there to rest, as
13 one of the other people that had been left to rest. I was extremely hungry at the time
14 as well.

15 Well, once we -- in the evening when we got to the, to the position, in the evening we
16 were told that there is a standby. I did not know what a standby was, but Mukwaya
17 was also part of the standby. In that -- that evening we left, we came back, we went
18 down the hill towards Sudan. As we were coming down the hill at dawn we heard
19 gunshots behind us. Some of the people, the people we left behind had been shot,
20 a lot of them had been shot at. Some of them ran, they fled. They came and found
21 us going down the hill with those of Kony and we continued moving. They
22 continued shooting at us until we reached Sudan, on the other side of Sudan. That's
23 what happened, sir.

24 Q. [10:25:55] Thank you, Mr Witness.

25 And when you got to Sudan then, do you remember the name of the camp or location

1 where you settled?

2 A. [10:26:11] Sir, when we got to Sudan there were a number of places where we
3 settled. You know, the Holy do not stay in one place. There were a number of
4 places that we settled or encamped for longer, for a longer period known as
5 Lubanga Tek. So that's one of the names that I do recall because we settled there for
6 some time.

7 Q. [10:26:43] And during your time in Lubanga Tek and Sudan generally, where
8 would the Holy source its food?

9 A. [10:26:56] The sources of food, first of all, we found some food which they, they
10 alleged to have left, peas, gungo peas, potatoes and sorghum. They claimed that
11 they are the ones who left it there, so I do not know when they planted it or when
12 they farmed in that area. But there were also people who supplied us with food.
13 They brought food in vehicles. We were told that these were Arabs. And that's
14 how we, we got our food.

15 Q. [10:27:49] Can you describe these Arabs for me. How were they dressed?

16 A. [10:28:07] Sir, I wasn't very close to those people, because most times we were at
17 the dog adaki. But if you try and -- well, if you steal a glance and see what they look
18 like or what they are wearing, you would notice that they're wearing uniforms.

19 Q. [10:28:28] And apart from giving food, do you know if the Arabs gave anything
20 else to the Holy?

21 A. [10:28:43] Sir, in that regard it's extremely difficult to know whether they gave
22 them any other things. But as I stated earlier, there are some people who had been
23 there longer, some of the veterans, who would tell us that these people would also
24 supply them with weapons. So I suppose the people who had been there for a long
25 time, the veterans, saw this. But I did not see this. I did not see this personally.

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1 But I did not actually see them giving them -- handing over the guns, but maybe the
2 other people did see them do that.

3 Q. [10:29:24] And did you come to know from your superiors how often the Arabs
4 would come to give food and to give weapons?

5 A. [10:29:40] I do not know how they would communicate, because when we were
6 about to run out of food supplies then we would get more food supplies. When we
7 were about to run out of food then we would have more food. They would be,
8 would be given more food. So that's the only thing that we would have to do is go
9 and cook the food.

10 Q. [10:30:07] I'm interested to know about the weapons that they gave to the Holy.
11 Do you know what happened to them?

12 A. [10:30:21] I mentioned that I did not physically witness them hand over. But
13 we were told that they were giving these items, so it's difficult for me to know. It's
14 possible that they would pick these items and go and hide them somewhere. But we
15 would not be able to know that because we would be stationed somewhere at the
16 edge of the barracks.

17 Q. [10:30:49] So, Mr Witness, during your time in Sudan did you receive any
18 training?

19 A. [10:31:03] Well, sir, these people were training us.

20 Q. [10:31:12] Can you describe what you were trained in?

21 A. [10:31:24] Well, while we were in Sudan, we were trained on how to march.
22 The kind of training was spontaneous. There was no particular place that was
23 designated for training out there in the bush. But when we were given a short
24 training on how to march, they started again training us on how to assemble and
25 disassemble a gun. And after that training, well, these were the major, the two major

1 categories of training, marching and then assembling and disassembling the gun.

2 Those were the major trainings that I underwent with them.

3 Q. [10:32:25] And who was giving the training to you?

4 A. [10:32:33] Well, sir, each group would be in charge of training the people who
5 were composed of it. In our group there were people like Mukwaya, Kidega, and
6 other seasoned soldiers who would move around trying to give us instructions. It's
7 not that people are gathered at one point, all of us together to be trained, but each
8 group would train their own members.

9 Q. [10:33:07] So did you see other people being trained as well?

10 A. [10:33:17] Well, sometimes when we are going to fetch water and we pass by
11 another point where there is a group, you might find when they are undergoing
12 training.

13 Q. [10:33:31] And of the others that you saw, Mr Witness, could you estimate how
14 old would the youngest of these people be?

15 A. [10:33:50] Well, sir, most of the abductees were young -- were my category.
16 They would range between 14, 15 and 16 years of age. We were the lot of the young
17 people, we were the young people. However, there were other older persons within.
18 But most of us were of around the same age, which I have just mentioned.

19 Q. [10:34:19] And when you say somebody is 14, how do you make that
20 assessment?

21 A. [10:34:35] I would just observe the person, basing on the fact that I would know
22 that I look bigger than this person, and I would gauge using my own age. I would
23 look at myself and then try to compare whether the person is older than me or not.
24 And I would just be able to estimate that, because out there in the bush there is no
25 way you could ask somebody how old they were.

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1 Q. [10:35:05] Can you describe the types of guns that you were training with.

2 What did it look like?

3 A. [10:35:24] Well, the gun, the type of gun that I saw, the gun that we were trained
4 on assembling and disassembling was -- they were actually two different categories;
5 one had a timber butt and the other had a metallic butt. And the metal is kind of
6 folded, there is a way you can be able to fold that butt, and sometimes that butt
7 would be straightened and then the gun would be longer than it appears.

8 Q. [10:36:03] And do you know if these guns had any names that you can
9 remember?

10 A. [10:36:19] Well, the name that I can recall about that gun was that it was called
11 Logos.

12 Q. [10:36:34] And after your training, Mr Witness, what happened to this gun?
13 Did you get to keep it?

14 A. [10:36:56] Well, they picked it away from us because you would go through the
15 training and then they would first recover the guns. And while I think they kept it
16 for a while until sometime after we returned to Uganda and we were now given guns
17 to move about with as we were returning.

18 Q. [10:37:21] And when you were being trained was it only boys like yourself or
19 were there any females there being trained?

20 A. [10:37:34] Well, sir, we were mostly boys who were being trained because the
21 girls would be stationed with the commanders. So the truth is I did not see any girl
22 being trained with us. I have to tell the truth here.

23 Q. [10:37:58] So, Mr Witness, I am going to now leave the discussion of Sudan and
24 ask you some questions about your time when you came back to Uganda.

25 I just want to check with you, are you fine to continue for another 20 minutes?

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1 A. [10:38:25] No problem.

2 Q. [10:38:26] Thank you, Mr Witness.

3 So, Mr Witness, do you remember the year when you came back to Uganda?

4 A. [10:38:42] Well, sir, in the bush we were, we were not very clear about time
5 frame. But when we came back to Uganda we were told that we returned sometime
6 in 2003. I think it was in 2003. That was when we returned to Uganda. But I do
7 not know the month or the date. But I know it was in 2003.

8 Q. [10:39:17] And when you came back to Uganda where was Lapwony Mukwaya?

9 A. [10:39:34] Lapwony Mukwaya was in the group where I was. He was in the
10 Siba group.

11 Q. [10:39:42] And what about Lapwony Odomi, where was he when you came
12 back to Uganda?

13 A. [10:39:56] Lapwony Odomi was in the bigger group. He was in charge of the
14 bigger group. That was a group with whom -- with which we came to Uganda.
15 But if we are looking at a smaller group, that was Siba where I was. But if we look at
16 the bigger group, it was the Sinia group where the lapwony was.

17 Q. [10:40:20] Earlier you said you had received a gun after your training. Do you
18 remember where was the first time that you fired this gun?

19 A. [10:40:41] Yes, I do recall, sir. My first time to fire a gun was during an attack
20 when we had already returned to Uganda. That attack took place in a certain camp
21 that we were told was called Odek camp. That was the place where I first shot my
22 gun.

23 Q. [10:41:25] Please tell me about the day that you went to Odek, what happened
24 there?

25 A. [10:41:46] Well, sir, it was something like a day or two when we heard that there

1 was a standby, and some of us who were new did not know what a standby meant.
2 But late in the evening they started selecting people and my commander who was
3 called Mukwaya, together with others, were selected to compose the standby. I
4 came to realise that a standby meant we are supposed to go somewhere. I only
5 realised that we were going somewhere and some -- the rest of the people had
6 remained behind. We had separated from the big group. And I asked my
7 commander, I asked him, "Sir, where are we going?" He told me that we are going
8 to collect food items.
9 And we continued walking until around 4 p.m., when we stationed at some place in
10 the bush. We stationed there for a short while and, when it got about 5 o'clock,
11 before we reached the point where we were supposed to collect the food items, we
12 got a civilian and abducted that civilian. The commanders were the ones who were
13 questioning that civilian. For us, we did not know what was happening, until when
14 we had neared that place he then told us that we are going to attack a place to be able
15 to collect some food items. And at that time there was nothing else we could do
16 other than following instructions that we were being given.
17 We left that point. There was a nearby road and we started seeing buildings nearby.
18 And we saw people were divided into two different groups and, after that, they said
19 one group will have to go to the camp to collect food, while the other group will go to
20 attack the soldiers so that the team that will be collecting food will not be interfered.
21 So when we came nearby the road, we then lined up. We crossed, we crossed the
22 road, while running towards the barracks, while the other group was running
23 towards the camp. And they started firing and making noise and blowing the
24 whistle and nobody was supposed to retreat, nobody should return. Whoever had
25 tried to retreat would be beaten seriously. And we ran and attacked the place.

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1 Thereafter, I saw they started burning houses, both the military houses and the
2 houses that were in the camps. I would only see the blazes. We returned and
3 stationed somewhere next to the main road. Thereafter we proceeded to go back.
4 That was the place where I first fired my gun.

5 Q. [10:45:41] Thank you very much, Mr Witness. I just want to take this step by
6 step in the order that you have put it. Let's focus on the standby first. At the
7 standby, who is the person doing the selecting, if you can remember?

8 A. [10:46:07] Well, sir, these people do the selection without us knowing, because
9 they would only identify one commander from one of the groups. For instance, in
10 that case they identified Mukwaya, together with other commanders. And after that
11 it is now the task of Mukwaya and the other commanders to identify the other rank
12 and file soldiers. I don't know how the Mukwayas were identified together with
13 the -- with Odomi. These ones are done at the higher level which we don't know.
14 But when they are identified, now they come down and select the other soldiers to
15 accompany them.

16 Q. [10:46:59] And at the standby was it just Siba alone or was the bigger group also
17 present?

18 A. [10:47:17] There were several groups, because -- well, I think it was the entire
19 brigade represented. Only that I do not know the names of the other groups, I only
20 know the name of Siba, where I was.

21 Q. [10:47:39] And as you left the standby then and moved to Odek, where was
22 Lapwony Odomi at this time?

23 A. [10:47:59] He was together with us while we were walking there. Sometimes
24 would walk behind, sometimes would be ahead, sometimes would just be in the
25 middle. You know, when you are walking people will be changing their positions.

1 It was not necessarily at only one position, but we were all moving together.

2 Q. [10:48:20] So did you see Odomi with your own eyes?

3 A. [10:48:30] Yes, I saw him, sir.

4 Q. [10:48:35] Tell me more about the instructions that you were given. You said
5 you were going to collect food. Who told you this?

6 A. [10:49:00] Well, you know, when we are in a certain position, it's not easy to
7 know where the order is coming from initially. But the people like the Mukwayas
8 would now come and tell us that, you see, we have to go and collect food items.
9 There was no particular occasion where people were all gathered to be given
10 instruction. You only receive the instruction from your commander and you won't
11 be able to know whether you received the instruction from the higher commander or
12 it was coming from him.

13 Q. [10:49:40] And apart from collecting food, were there orders to do anything else
14 in Odek?

15 A. [10:49:57] I didn't come to know of any other order, save for the fact that I only
16 saw when they were burning houses and some of the people, after we converged at
17 the roadside, some people came back with soda, others carried biscuits, and this was
18 with people who had already stayed there for a while.
19 For us, we were still a bit new, we were scared. It was my first time to fire my gun
20 and well, there was no way, I did not hear any other order, I only heard that we were
21 supposed to go and collect food items. We have to do that very fast because you
22 never know, maybe the soldiers might overrun our other group, but that would only
23 happen when we finish collecting food.

24 Q. [10:50:55] So how long then did it take you to walk from the standby to Odek?

25 A. [10:51:12] Well, sir, the Holy normally move for long distances. You see, if, for

1 instance, we left in the night and we arrived the next day during day, and we rested
2 for only a short while and then proceeded, that meant that we moved for a very long
3 distance. And I don't know the actual places, but we moved for a very long time and
4 the distance was quite much.

5 Q. [10:51:45] And as you approached Odek, where was Mukwaya?

6 A. [10:52:00] Mukwaya was together with us in the group, but when the group was
7 split I think, I think he went towards the barracks.

8 Q. [10:52:14] And was there any signal for you to know that the attack was now
9 commencing?

10 A. [10:52:32] Well, what we saw was -- well, that was the first time I had engaged
11 in that. What I saw was that you would only see some of your colleagues had
12 already removed their shirts and tied them around their waist, and as we were lining
13 up they were already blowing whistles and were -- started running towards the two
14 places, and some of the people were making noise.

15 Q. [10:53:04] Can you describe then in a bit more detail what happened at the
16 barracks, what did you see there?

17 A. [10:53:19] Well, at the barracks, sir, you know, after a battle there are some
18 people, even when they had instructions to go towards the barracks they would
19 instead run to the camp. Possibly they are running to go and loot some items like
20 biscuits and sodas. Some of them would run away from the camp going towards the
21 barracks instead. So at the barracks when they were setting the houses on fire and
22 they were blowing whistles, and I was also running to go back together with the rest
23 of the people, I found a dead body at the edge of the barracks. They had removed
24 the person's clothes. It was a soldier, a man. I saw that. Because the things had
25 done hurriedly, you cannot be very keen to see most of the things happening. That

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1 was what I saw. I saw a dead body at the edge of the camp, next to the camp. That
2 was what I saw at the barracks. You see, I could not go so far because I was also still
3 scared. For them, they were already used and they were running everywhere. For
4 us, we knew that we were supposed to carry food items and we were praying that
5 God would save us to allow us go back. That was what I witnessed, sir.

6 Q. [10:54:52] So just to clarify, this soldier that you saw, was he a government
7 soldier or one of the Holy?

8 A. [10:55:10] That was a government soldier, because if he was one of the Holy
9 soldiers they would not have removed his uniform. Because they removed the
10 uniform from that, from the dead body, and the Holy normally do that because they
11 remove the uniforms, they would go and wash and then begin using that as part of
12 their uniforms.

13 Q. [10:55:36] And do you know, Mr Witness, if there were any casualties on the
14 side of the Holy?

15 A. [10:55:54] Yes, your Honour. When we lined up and we started running
16 towards the barracks, while others were running towards the camp, on my left-hand
17 side not so nearby, just in an open ground, you know, we had somebody who was
18 crying and when we turned to see he had been shot and he was down. I think he
19 was shot on the leg, because he was still able to cry. If they had shot him in the head
20 he wouldn't be able to cry. Because we were scared we wanted to withdraw,
21 because we heard people crying. But there was -- there was no way we could retreat
22 because we were being beaten. We ran forward. And I am not sure whether that
23 was the person who was carried later on or that one was left behind. It was difficult
24 to know, but when we had gone away.

25 Now the next day, in the morning, we saw somebody was being carried, he was

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1 carried by some people using a stretcher. And that was somebody who had

2 sustained an injury. That was what I saw, just one person.

3 You know, these people are very many. It's really difficult to know everyone and to

4 see everything happening. That was the only injury I saw.

5 Q. [10:57:35] Mr Witness, can you describe what this stretcher looked like. What
6 did they use to make it?

7 A. [10:57:51] There was something they called kita, we found it was being referred
8 to as a kita. It's a kind of sack and they would create holes into it and then they
9 would get two logs and push in between. And the person who is injured would
10 now be put on that sack with the two logs on each side of the sack. Two people
11 would be carrying the person, one would be behind and the other one would be in
12 front. That is how they would make the stretcher.

13 Q. [10:58:30] And do you remember who was carrying this injured commander?

14 A. [10:58:42] Well, it's difficult to recall that, sir, because there were so many people
15 in the group and, you know, the people were so many, but they selected a few. You
16 know, they would identify some mature civilians to be able to carry such a person.
17 They would just get anybody who has the capacity to carry, but there is no way I
18 could have known each and every one who participated in carrying. But I witnessed
19 them doing that.

20 Q. [10:59:22] Just my last question, your Honours, in this session.

21 Mr Witness, these civilians, do you know where they had come from, the ones
22 carrying the injured man?

23 A. [10:59:44] Sir, you know, there are people who, who were abducted; some were
24 abducted on our way from Sudan, others were abducted from Padibe. And along
25 the way we moved to various places so it's difficult for me to know where exactly

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1 they were taken from. You know, the Holy was ever on the go and they kept on
2 abducting people. So it would be very difficult for me to know where each and
3 every one was coming from.

4 PRESIDING JUDGE SCHMITT: [11:00:18] Okay. Thank you for the moment,
5 Mr Bradfield.

6 We have now a break until 11.30.

7 THE COURT USHER: [11:00:23] All rise.

8 (Recess taken at 11.00 a.m.)

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

10 THE COURT USHER: [11:31:10] All rise.

11 PRESIDING JUDGE SCHMITT: [11:31:27] Mr Bradfield is standing, knowing that he
12 has still the floor.

13 MR BRADFIELD: [11:31:35] Thank you, your Honours. And just for
14 your Honours' guidance, most likely I will be finished in this session.

15 PRESIDING JUDGE SCHMITT: [11:31:42] We have already assumed that. Please
16 continue.

17 MR BRADFIELD: [11:31:45]

18 Q. [11:31:45] So, Mr Witness, just before we finished, the break, we were speaking
19 about a Holy soldier that was injured and carried away on a stretcher. Do you know
20 what became of this man?

21 A. [11:32:12] Excuse me, sir, I do not understand the question that you are asking
22 about. Are you referring to a Holy soldier or a government soldier? Could you
23 please clarify.

24 Q. [11:32:23] Of course. Before the break you told us that a Holy soldier was shot
25 in Odek and carried away on a stretcher. Do you know if he survived those injuries

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1 he received?

2 A. [11:32:44] Yes, your Honour. At the time that I saw the person being carried,
3 the Opira that I was referring to earlier; when the helicopters came, people starting
4 fleeing. The group split up in different splinter groups. The group that I was in, I
5 noticed later on that he wasn't in the group that I was in. I do not know which
6 group he went with and I do not know what happened to him afterwards. Because
7 usually, in practice, when the helicopter is chasing us the Holy separate into smaller
8 groups because they do not want to stay in bigger groups and become targets.

9 Q. [11:33:33] Mr Witness, did you come to know if there were any civilian
10 casualties in Odek as a result of the attack?

11 A. [11:33:51] At the time that I was fleeing, sir, I did not see any civilian other than
12 the soldier that I was talking about, the soldier that was on the edge of the barracks, at
13 the time that I was running with the load on my head. But after one or two days we
14 heard that civilians died in the attack. We also -- we also heard on the radio via
15 radio FM that civilians were also injured during that attack. But I did not personally
16 witness it or see it at that particular moment.

17 Q. [11:34:35] And the persons you were speaking with who told you this, did they
18 tell you how these civilians were killed?

19 A. [11:34:52] He also said that he heard it over Radio Mega. Radio Mega is a radio
20 station in Gulu. Most of the people who flee speak on that FM radio.

21 Q. [11:35:07] So, Mr Witness, I would like to talk more about what you did yourself
22 during the attack in Odek. Where did you go?

23 A. [11:35:22] When we were lined up, the gunshots began. The people in the
24 barracks were also shooting at us. The people in the camps were also shooting. We
25 also started shooting because we were being beaten and urged to move forward. I

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1 went into a house. I found beans, flour, it was some kind of yellow flour. I carried
2 the flour and the beans and I started running. I was running with the -- some of the
3 other people to go back. And that's when I went and found this dead person.
4 That's what happened.

5 Q. [11:36:12] And just to clarify, where did you get these foodstuffs, was it from the
6 barracks or the camp?

7 A. [11:36:25] It was in a civilian's house in the middle -- in the camp.

8 Q. [11:36:35] And were you the only person lifting food in Odek or were there
9 others?

10 A. [11:36:44] There were many people that were carrying food. No, I wasn't the
11 only one. From different groups they selected -- the different groups selected people
12 from their groups to carry food.

13 Q. [11:37:07] And what would be the youngest of these other people lifting food
14 from Odek, if you can estimate?

15 A. [11:37:21] The -- it's the same age. If it's somebody that I'm older than, then as I
16 answered earlier, I would estimate that the person is 14 or 15 or 16. But if it's
17 somebody that I'm older than, then I would assume that they're around about that
18 age gap.

19 Q. [11:37:49] And these other lifters of 14, 15, 16, did you see them holding
20 weapons like yourself?

21 A. [11:38:04] Some of them were very young. Anybody that came back from
22 Sudan was handed a gun. Whether the person was 14, or whatever age they were,
23 the person was armed.

24 Q. [11:38:21] And were they armed in Odek?

25 A. [11:38:29] If you are armed, then you always have to carry your weapon.

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1 Wherever you are selected, if you are asked to go to a particular mission, yes, you
2 have to go with your gun.

3 Q. [11:38:44] And if the Holy came across a civilian in Odek camp, what would
4 happen to that civilian?

5 A. [11:38:56] We did not go to Odek on several occasions. I only witnessed that
6 day. The first civilians that were initially, was abducted, was kept with us for a long
7 time, but I do not know whether the civilian was eventually released. But the
8 civilian was detained and stopped from going to the barracks because I suppose they
9 were afraid that the civilian would go and warn the soldiers in the barracks. And
10 there were also others that were abducted later and used to carry the loads.

11 Q. [11:39:37] And these civilians that were carrying the loads from Odek, can you
12 describe their gender.

13 A. [11:39:52] The Holy would abduct anybody, anybody that was capable of
14 carrying stuff, which means that if they are boys or girls they would be abducted.
15 They would actually avoid abducting mothers. But it's mostly boys and girls who
16 are capable of carrying stuff.

17 Q. [11:40:17] And I know it's a long time ago now, but of the abductees that you
18 saw leaving Odek, could you estimate how old the youngest of these were?

19 A. [11:40:37] Sir, it's very difficult for me to answer that question because there
20 were so many people and it's very difficult to estimate their ages during a battle at
21 a battlefield because you are looking around, you are fleeing, so you are unable to
22 determine what it is. In the morning we were also fleeing because the gunships had
23 arrived, we were running, so it is difficult, it was chaotic, so it is difficult to
24 determine.

25 Q. [11:41:12] And you said that they were carrying loads, what kind of loads did

1 you see being carried?

2 A. [11:41:20] They were carrying foodstuff, beans, cooking oil, flour, mostly
3 foodstuff. They did not carry anything that was not edible.

4 Q. [11:41:45] To take you back a little bit to the barracks, do you remember what
5 kinds of weapons were being used by the Holy during this attack?

6 A. [11:42:02] The Holy used -- the weapons that they used included guns. They
7 went with guns, so they were using guns.

8 Q. [11:42:18] And do you remember if these guns had any particular name or
9 a model?

10 A. [11:42:33] I recall -- I recall two or three types of weapons. The smaller ones
11 known as Logos. There is also a gun, it's a chain, it's a chain gun, it's referred to as
12 a PK. It has -- it's a chain, it's attached to a chain. There is another one known,
13 there is another gun known as a B-10. It's a big gun. And those are the weapons
14 that they took and those are the weapons that they used as well. Those are the three
15 types of guns or weapons that I know they went with.

16 Q. [11:43:24] So all in all, Mr Witness, how long did the attack take in Odek?

17 A. [11:43:36] The battle did not last for very long. It started at around 4/5. No,
18 no, it started at around 5/6. By dusk the battle was ending.

19 Q. [11:43:58] And where did you and the Holy group move after Odek?

20 A. [11:44:10] The Holy went straight back into the bushes. I do not know the area,
21 but we went back into the bushes.

22 Q. [11:44:23] So, Mr Witness, I'm going to leave discussion of Odek now. And the
23 next place I want to talk about is a place called Abok. Have you ever been to Abok?

24 A. [11:44:43] Your Honour, yes, I did go to Abok.

25 Q. [11:44:51] Please tell me what happened the day you went to Abok.

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1 A. [11:45:02] It's a little bit difficult to discuss Abok, sir, because we went to -- Abok
2 was attacked at night. They fought during the night and we realised that they came
3 back. Everything happened at night, so it's very difficult to talk or to explain what
4 happened during the battle or during the attack on Abok.

5 Q. [11:45:36] Could you estimate how long was the period between the attack on
6 Odek and the attack on Abok?

7 A. [11:45:55] It's a little bit difficult to determine the gap, because once -- when
8 you are in the bush you, you are not aware of the -- time limits or durations, you only
9 realise when you are told that you have to go on a standby. It's very difficult to
10 determine whether you are there for a week or a month. Sometimes you are not
11 thinking about dates, you are not thinking about time, because you are not happy,
12 you are worried about home, you are thinking about home, so that is a minor detail.

13 Q. [11:46:39] So, Mr Witness, tell me about the planning for this attack, if you can
14 remember. In Odek you mentioned there was a standby, was there a standby for
15 Abok?

16 A. [11:46:52] My superior commander Mukwaya informed us that there was
17 a standby, but they did not tell us exactly -- the exact location of the standby or where
18 the -- when we were going. But I was part of the standby. I had never been to the
19 Lango area. And it was after the war, after the attack that we were told that we had
20 attacked Abok, and that was the place where we collected food. I was told that there
21 was a standby, but we were not told where the standby was going, the location of the
22 standby. We found ourselves walking, heading for the mission.

23 Q. [11:47:47] And what were the instructions from Mukwaya before you went to
24 Abok?

25 A. [11:47:58] There were no exact instructions other than the fact that we are going

1 to collect food, so there were no other instructions. Perhaps they had other
2 instructions, but I was only told that we are going to collect food.

3 Q. [11:48:17] And did Mukwaya move with you to Abok?

4 A. [11:48:26] Yes, that was the reason why I went because he went as well.
5 Wherever he goes, I go.

6 Q. [11:48:35] So do I understand correctly, Mr Witness, that you are still in Siba at
7 this time?

8 A. [11:48:46] Yes. And it was -- I left from Siba as well. I was in Siba.

9 Q. [11:49:03] So, Mr Witness, in Odek you said there was a division of groups, one
10 group went to the barracks and one group went to the camp. There was a similar
11 division in Abok?

12 A. [11:49:19] Sir, it's -- when everything is happening at night it's very difficult to
13 make sense of it. I did not know where the camp was in Abok. I did not know the
14 direction of the camp because it's very difficult to determine. I did not know
15 whether people were sent to the barracks or whether people were sent to the camp.

16 Q. [11:49:46] And how did the attack commence? Was there any signal or how
17 did it start?

18 A. [11:50:00] Where we were, when we -- when they were going, I believe at the
19 time that the Holy was still forming a formation. There was -- I think, I believe, that
20 the soldiers overheard the Holies make noise at the time while we were making the
21 formation, and the soldiers started shooting, firing at the Holies and the Holies
22 started firing back, and that's how the whole battle started.

23 Q. [11:50:39] And were you armed yourself, Mr Witness?

24 A. [11:50:49] I was given a gun from Sudan and I could not leave the gun anywhere.
25 When I came back I handed the gun over to Ugandan soldiers.

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1 Q. [11:51:03] So when the soldiers started firing at you in Abok, what was your
2 reaction?

3 A. [11:51:14] I instinctively started firing, because once they start firing it's your
4 instinct to start firing back, and ran toward the battlefield.

5 Q. [11:51:26] So tell me then, where did you go in Abok?

6 A. [11:51:41] I did not understand your question, sir.

7 Q. [11:51:46] When the firing started, Mr Witness, where did you go? What was
8 your role in Abok?

9 A. [11:52:01] We fired our guns and headed to the location where we were
10 supposed to pick up food. We headed towards the camp because the gunfire started
11 at the boundaries of the camp. But from the position where we are, I do not know
12 the location of the barracks. But we ran towards the camp with the other people that
13 I was with.

14 Q. [11:52:27] And you said you were told to pick up food. Did you manage to
15 find any?

16 A. [11:52:36] Once you get to camps, there is a high likelihood that you would find
17 food. So we went, we found food with the rest of the people, and we took the food.

18 Q. [11:52:51] And can you describe what kinds of foodstuffs that you took from
19 Abok?

20 A. [11:53:04] We took beans and flour. I believe that that was the food that was
21 distributed to the camp. We did not find a lot of cultivated food. We would
22 usually find beans.

23 Q. [11:53:27] And the other people from the Holy that were with you, what were
24 they doing in the camp?

25 A. [11:53:42] I -- at the time it's very difficult to know what each and every

1 individual was doing. But I know that most of the people who headed towards the
2 camp had the same intention, to carry stuff and run. So the person would run, pick
3 up something and then run. You go into a house, you find something, you take it.
4 But it was after we had started retreating that we looked back and we saw there was
5 fire, houses had been set on fire, so we do not know who set the houses on fire. We
6 were still at the boundaries of the camp when that was happening. Perhaps it was
7 the veterans who had been in the bush for a long time who were setting the houses on
8 fire. Our task was to carry food and leave, carry food and leave.

9 Q. [11:54:38] And the other people who were carrying food, could you estimate
10 how old the youngest of these were?

11 A. [11:54:55] Sir, in the Holy, as I explained earlier, if it's somebody -- if somebody
12 is capable of carrying luggage or loads, then the person is sent. So once you are
13 selected to go and carry something, then you go and carry that stuff.

14 Q. [11:55:22] But of those that you saw, Mr Witness, together with you in Abok,
15 how old were these other Holy people?

16 A. [11:55:39] Perhaps they were aged -- I am guessing, because I did not ask them
17 their ages, but if I am to hazard a guess then I suppose it's about 15, 14, around about
18 there and upwards. The very younger ones are not selected to go and carry loads.

19 Q. [11:56:10] And you told us what you carried away from Abok. What were the
20 others carrying?

21 A. [11:56:20] The people who went to the camps would probably end up with food,
22 with beans or food. But maybe some of those, the people who went to the shops and
23 broke into shops perhaps carried things like sodas and cookies and things like that.

24 Q. [11:56:41] And you mentioned earlier in Odek that civilians were made to carry
25 away the looted food. Did this happen in Abok as well?

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1 A. [11:56:59] Sir, it's not very easy to discuss what happened at Abok because it
2 happened at night. When things happen in the night, it's difficult, because in the
3 morning we were separated, we were distributed, so it was very difficult for me
4 to -- it's very difficult for me to answer certain questions. It's difficult to assess
5 whether there were civilians among us. It's very difficult. I must tell the truth.

6 Q. [11:57:31] That's okay, Mr Witness. So I'm going to now leave discussion of
7 Abok and move to another topic. And that's the presence of women in Siba. Did
8 you see any women there during your time?

9 A. [11:57:57] Yes, there were women, sir.

10 Q. [11:58:04] And how would a woman come to join the group, if you know?

11 A. [11:58:15] When a woman or a female person is abducted, if they abduct many
12 women or girls they are taken towards the -- in the middle towards the -- the
13 commanders, the higher ranking commander and then they distribute them. We do
14 not see what happens to them or where they are taken. And then the women are
15 sent to the different groups, some are told you go to this group or the other group and
16 some of them are left there. The people -- the women who are brought to our group
17 are the women that we see, because we move with those women.

18 Q. [11:58:58] And what would be the age range of these women that you saw being
19 distributed?

20 A. [11:59:11] It varied. If the girl has not yet borne a child the person is abducted.
21 If you are already a mother, you are not abducted. There are some that were
22 younger than me and there were some that were older than me. As long as the
23 person has not yet had a child.

24 Q. [11:59:41] And did you come to know who was the commander who would
25 decide who would be distributed?

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1 A. [11:59:52] While we were in the bush it's referred to as the headquarters. When
2 they talk about the headquarters then they are referring to Lapwony Odomi. He
3 would distribute them and then Mukwaya and Kidega would then leave with the
4 women or girls.

5 Q. [12:00:12] And did you ever see Lapwony Odomi doing this distribution with
6 your eyes?

7 A. [12:00:23] No, sir, I did not personally witness this. But most of -- in most
8 instances the girls and the women were taken to him and then would only realise
9 when these people are coming back with the girls. We did not stay in the middle,
10 we -- our location was a little bit further away from the middle.

11 Q. [12:00:48] And what would you see these women doing then on a daily basis in
12 the bush?

13 A. [12:01:03] Well, what I witnessed the women were doing, included preparing
14 meals. Those who were distributed at the headquarters would be tasked with
15 preparing meals for the lapwony. The others who were given to the other groups
16 that were at the edge, they would be staying with the commanders like Mukwaya.
17 But me and the other soldiers would have to prepare meals for our own selves.

18 Q. [12:01:38] And how many women were in Mukwaya's household?

19 A. [12:01:50] Well, there were those who would be assigned to you just to take care
20 of and not as your wife. If you are not yet given that as your wife you would only be
21 tasked with taking care of her and she would be helping to prepare meals to the
22 people who lived in that household. There are times when there are either two or
23 three women but only tasked with preparing meals but not as wives.

24 Q. [12:02:19] And do you know the names of any of Mukwaya's wives?

25 A. [12:02:33] Yes, I know the name of one of the girls who was already assigned to

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1 him as his wife, and he was living with her as his wife.

2 Q. [12:02:48] And do you remember her name?

3 A. [12:02:51] Yes, I remember, sir, she was called Adong, but I don't know her other
4 name.

5 Q. [12:03:00] And how old was Adong when she went to Mukwaya's household?

6 A. [12:03:13] Well, sir, Adong was older than me. I think she was older than me.
7 But I didn't ask her exactly how old she was because, well, we would move together,
8 but whenever she is -- we are stationed somewhere she is in the middle of the group
9 cooking and you would not be allowed to discuss with the wife of the boss because
10 you will get into trouble.

11 Q. [12:03:46] Mr Witness, were there any rules? You mentioned "trouble" there.

12 Were there any rules regarding the interaction between men and women in Siba?

13 A. [12:04:08] Well, what we knew was that they said if a woman is not assigned to
14 you you should not live with her. And for the rank and file soldiers you would not
15 be required to even mention the name of a girl because you will get into trouble.

16 Q. [12:04:34] And what happened if -- what would happen, rather, if a Holy soldier
17 approached a woman who was not distributed to him?

18 A. [12:04:56] Well, when -- what happened, I did not really witness anything of that
19 nature. But the instruction was that if you slept with a girl who has not been
20 assigned to you, you would be caught by a stray bullet during an attack. If you slept
21 with a woman who has not been assigned to you, you will never survive in an attack.
22 That's what they used to tell us.

23 Q. [12:05:25] And would there be any punishment within the Holy for breaking the
24 rules?

25 A. [12:05:39] I did not witness any punishments, because the truth is you will not

1 even dare to do such a thing. Some of us, we were really scared and only living
2 every single day. You would not even bother to think about a woman. I did not
3 witness anybody having contravened that and being punished.

4 Q. [12:06:05] So, Mr Witness, I am now moving to my last set of questions and I
5 want you to focus on the time shortly before you eventually escaped from the bush.
6 During this time if your group came across a civilian in the bush, what would happen
7 to that civilian?

8 A. [12:06:45] Well, whenever a civilian is abducted, that civilian would be moved
9 with. If they have the capacity to carry luggage, they would be tasked with doing
10 that.

11 Q. [12:07:05] And if I could focus your mind in the Lango area, when you were
12 moving there in the months prior to your escape, did your group come across any
13 civilian in the bush?

14 A. [12:07:29] Yes, in the Lango region, while we were in the Lango area, we came
15 and we stayed for a while in the Gulu area before we went upwards, until where I
16 found we were near home. During that time while we were moving, a helicopter
17 gunship came about and found when we were in an open. We had some civilian
18 who were with us and immediately they started running. These were civilians who
19 were abducted from Lango. When the gunship identified the civilians were running
20 they started firing at us. They were firing at random, and when we fled away from
21 that place one of the boys who had been abducted and was with us tried to run but he
22 was apprehended. When he was caught, they tied his hands to his back and they
23 were saying the civilians in Lango were stubborn, every now and then they would be
24 running around and causing trouble, so they should identify one civilian to go and
25 beat that one who was caught, because the same manner had led to the helicopter

1 shooting at people the other time. They picked one civilian who beat the other boy
2 to death. That was just to show them that civilians were not supposed to run
3 anyhow. That is what I witnessed while we were in the Lango region.

4 Q. [12:09:20] Mr Witness, what did they use to beat this boy to death?

5 A. [12:09:30] Sir, the boy was beaten using a hand hoe.

6 Q. [12:09:42] And could you estimate how old was this boy who was beaten?

7 A. [12:09:52] He was a young boy. I think he was approximately my own age.
8 He was not tall. But like I said, it's not easy to estimate people's ages. Sometimes
9 you will find somebody is tall and yet young, another person would be short and yet
10 a little older, so it's difficult for me to estimate the age.

11 Q. [12:10:20] And can you remember who gave the order that this boy should be
12 beaten to death?

13 A. [12:10:36] Well, at that time we were with Mukwaya and Kidega, and I think
14 they should be the ones who issued the instruction because they were the
15 commanders in our small group. We were not in the bigger group. We were in the
16 small group.

17 Q. [12:10:54] And was this incident before or after the Abok attack?

18 A. [12:11:09] That was after both the Odek and Abok attacks.

19 Q. [12:11:19] So then, Mr Witness, tell me about how you then eventually came to
20 escape from the bush?

21 A. [12:11:41] We were moving as a group. And before they had killed the other
22 boy we were walking with Mukwaya, and after killing that boy we were still moving
23 together with Mukwaya. And we returned at a place that was called Awere and
24 Odek and we moved in the bushes across the road going towards Gulu. When we
25 left there, we went and entered into an ambush and Mukwaya was killed during that

1 ambush. We left that place and moved back towards Gulu in the bush. We stayed
2 there for a while. Mukwaya was already dead and I was moving with Kidega.
3 We moved for quite a while. I cannot estimate for how long. And then we started
4 moving upwards towards -- we went and crossed Aswa river and we went to the
5 direction of (Redacted). Then I realised that we went near our home because I was able
6 to identify the hills that were nearby, hills that we used to look at when we were still
7 young.
8 There was one of the boys I was living with who was coming from (Redacted). I told
9 him that if he arrive at a place that is now near home we need to escape. Because in
10 the Holy they would say whenever you escape and you go back home, they will get
11 you, record your voices and kill you afterwards. So we were scared. We only
12 wanted to wait until we are near home before we can escape, because at that time if
13 we are killed near home at least there would be some people would be able to identify
14 our bodies and then give them to our people.
15 So we moved until we were in the (Redacted) area, a place where we used to come to
16 buy clothes from. I told the guy I was with that I already know here. We reached
17 a place call (Redacted) and when we were there some civilians were abducted and thereafter
18 we positioned somewhere. Kidega was somewhere far away. Mukwaya was not
19 there. And at that time I was a little free. I was no longer being monitored closely.
20 I was not following anyone there like I used to do with Mukwaya.
21 I went to that civilian and, out of luck, I found that that civilian who was there was
22 actually living together with my father. Their houses were nearby. I started asking
23 them, but I didn't want them to identify myself. My intention was to try and
24 establish if some of my people were in that camp. They were able to tell me that
25 they know my father. I did not want them to know why I was asking. I was also

1 scared that if the Holy came to know that I was making such enquiries they would
2 kill me.

3 From that time I realised that there were some people who were coming from my
4 home who were in (Redacted) camp. The boy with whom I wanted to escape was
5 attached to the guard section. The guard section would be staying at the back of the
6 group to be able to monitor if there are approaching government soldiers. So I went
7 and told the boy that "I will come to you in the night and then we will have to leave.
8 From the main group they will think I have come to check if you are around. Are
9 you clear about that?" He said, "Yes, I am very clear about that." So later in the
10 night when we were all sleeping, I got up, got my clothings put on, put on my
11 gumboot, picked my gun, because I knew if I were to leave without anything and
12 people woke up later to realise that we had left, they would be able to chase and shoot
13 at us, but if I move with a gun then they would not be able to chase us. I picked my
14 gun, went to the boy and told him that "Let us go." That was when we left the Holy,
15 that night.

16 We moved, and as we were approaching (Redacted) camp we could hear cocks crowing
17 about and we knew it was near. I told the boy that if we move nearer the soldiers
18 might shoot at us, so let's wait here in the bush until daybreak before we can come in
19 the open. At least if we are going to be killed we will be killed during day and not in
20 the night. We were very sure that we would eventually be killed but we wanted to
21 die near home.

22 So we waited until daybreak, we waited in the bush next to a road and the next day in
23 the morning, when civilians were now moving out to go to their gardens, we waited
24 until a time when an old man was walking alone. We knew very well if we had just
25 come out just like that, people would take off, people would begin running away

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1 thinking we are rebels and they will call the army to come and attack us.
2 So we came out, we were dressed in civilian uniforms, we asked the mzee, the old
3 man, if he could help us, then he was asking us "What exactly do you want me to do
4 for you?" We told him that "We are coming from the Holy and we would want you
5 to help us take you home." While we were trying to talk to the old man one of the
6 intelligence officer, who was coming from a military brigade in (Redacted), came, he
7 was dressed in civilian clothings and he came and asked us what exactly was
8 happening. Then he told us that since we are already there, there is no problem, he
9 picked my gun and I think he made a call to the barracks and other soldiers came and
10 met us along the way as we were going to the barracks. They didn't do anything
11 wrong on us. We went to the barracks, we were not tortured, they didn't do
12 anything bad with us. They only questioned us where the rebels were moving, the
13 directions they were going. We were given water to take a bath, we were given food
14 to eat, and then they also sent information back to our parents and relatives who were
15 in (Redacted) camp. My father and others came to check on us. Thereafter we were
16 taken from the barracks to the World Vision, we were taken in a military lorry. And
17 we went to Lira to Rachele Rehabilitation Centre World Vision in Lira. We stayed
18 there for about three weeks before we were discharged from there. The military
19 vehicle took us back up to our home. I stayed there until 2005 when I started going
20 back to school. That was what I went through. That was how I left the Holy and
21 you can still see me here.

22 Q. [12:19:33] Mr Witness, these are all my questions. Thank you very much for
23 your answers.

24 Your Honours.

25 PRESIDING JUDGE SCHMITT: [12:19:38] Thank you, Mr Bradfield.

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1 I ask the Legal Representatives of the Victims if they want to question the victims.
2 Mrs Hirst first. You know, if you are asked -- if you have the name Hirst, you have
3 to ask of course, first. It's self-explanatory.
4 MS HIRST: [12:19:57] Thank you, Mr President.
5 PRESIDING JUDGE SCHMITT: [12:20:05] And this means yes, of course.
6 MS HIRST: [12:20:07] Yes, yes, Mr President.
7 PRESIDING JUDGE SCHMITT: [12:20:09] Your preparation means yes.
8 MS HIRST: [12:20:12] If I can just have one minute to try and set myself up.
9 PRESIDING JUDGE SCHMITT: [12:20:16] Of course. It looks like there is a need
10 for some preparation.
11 MS HIRST: [12:20:31] Thank you for your patience, Mr President.
12 QUESTIONED BY MS HIRST:
13 Q. [12:20:35] Mr Witness, my name is Megan Hirst. I represent victims who are
14 participating in this case. And many of the victims who myself and my colleagues
15 represent are people just like yourself who were civilians or children abducted by
16 the Holy, and so I want to ask you some questions on behalf of those victims. The
17 purpose is mostly to try and help the Court and the judges understand what life was
18 like every day while you were in the LRA.
19 You've mentioned in your evidence already your experience of being hungry. Can
20 you tell us whether there were regular meals for new recruits or abductees?
21 A. [12:21:42] Thank you very much, Madam. Those who were freshly abducted,
22 during periods when there was adequate foodstuff they would be able to eat. But
23 during periods of shortage they would only reserve food for the commanders. The
24 rest of the people have to move, continue moving until at another time when they
25 have looted food. That's when they will begin eating again.

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1 Q. [12:22:08] So most of the time while you were in the LRA did you feel as though
2 you had sufficient food for your needs?

3 A. [12:22:27] Well, that is not correct, because the -- there was no -- food was not
4 adequate most of the times because there are times when you would live in an area
5 where there are no foodstuff. There are other moments when you come under attack
6 and you lose the foodstuff that you have. That therefore meant that many times we
7 did not have adequate foodstuff.

8 Q. [12:22:52] Thank you, Mr Witness. And what about water, how often would
9 you be given water to drink?

10 A. [12:23:02] Well, in the Holy, whenever you get to any water point, you will be
11 able to take water. But if you are in an area where there is no water point there is
12 nowhere you would be having water. There are no boreholes there in the bush.
13 There are times you would spend an entire day without drinking water until you
14 reach a point where there is a water point.

15 Q. [12:23:30] Can you tell us how were you dressed during your time in the Holy?
16 Were you given clothes or were you dressed as at the time you were abducted?

17 A. [12:23:53] Well, clothings were given out because sometimes when you, they
18 break into shops they would pick any pieces of clothing that they would identify,
19 except those that were either white or red in colour.

20 Q. [12:24:09] Do you recall how long you were in the LRA before you were given
21 a new set of clothes?

22 A. [12:24:24] Well, I do not recall that well, because at the time I was abducted I
23 continued with the same set of clothings that I was abducted with. But whenever
24 the colour of the clothings that you are putting on is not the one they prefer they
25 would then have to give you another one. They would not necessarily allow you to

1 go naked.

2 Q. [12:24:49] What were the sleeping arrangements like for new abductees in the
3 LRA? Did you have a tent to sleep in, for example?

4 A. [12:25:06] In the bush? Well, when it comes to issues of sleeping it was a bit
5 difficult, because the tents were only meant for the commanders. The rest of the
6 civilians would only -- would sleep around a bonfire. They will just sleep around
7 the bonfire without any tent protecting you.

8 Q. [12:25:31] Well, what was your relationship like with the other abductees in
9 your group? Was it possible to form friendships with them?

10 A. [12:25:52] In the bush there was nowhere you could form friendship. Because
11 if you stay close to each other they would think you are either planning to escape and
12 it was therefore difficult for you to create friendship with others.

13 Q. [12:26:13] Thank you very much, Mr Witness. I now have just a couple of
14 questions for you relating to the attack on Odek, which you have already spoken
15 about.

16 You said that it was the first time that you had fired a gun. And, your Honours,
17 that's at real-time transcript page 32, line 8.

18 So it was the first time you had fired a gun. Had you been trained on how to fire
19 a weapon?

20 A. [12:26:53] I said that I was trained how to fire a gun, to assemble, dismantle
21 a gun and all that from the Sudan. However, my first time to fire a gun was when
22 we were in Odek.

23 Q. [12:27:10] Did part of that training you received in Sudan, did that cover how
24 you should behave in a live attack?

25 A. [12:27:26] Yes, that was part of the training.

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1 Q. [12:27:30] Did you feel that you were ready in Odek to defend yourself in
2 a battle?

3 A. [12:27:48] Well, your Honour, in the Holy, whether you were ready or not ready,
4 you would have to do what you were instructed to do. They would say you will get
5 to know it along the way.

6 Q. [12:28:04] Thank you very much.

7 Now you also spoke about the burning of huts in Odek during that attack. Can you
8 tell us approximately how many huts were burned? Was it, for example, most of the
9 huts or just a few of them?

10 A. [12:28:33] Yes, any of the grass thatched huts were almost all burnt. Those that
11 didn't get burnt just survived. Most of them were set on fire and they all got burnt.

12 Q. [12:28:51] Were you able to tell whether those huts that were being burned were
13 civilian buildings?

14 A. [12:29:16] If on one side was the barracks, that means the other side was the
15 camp. And in that case the camp was constituted of the civilian huts, together with
16 the other side of the barracks, also had the soldiers' buildings that were also burnt.

17 Q. [12:29:38] And was it a similar situation in Abok? You said you saw huts being
18 burned there, would you say that it was also most of the huts in Abok which were
19 burned or was it fewer?

20 A. [12:30:00] Well, as I mentioned, that the attack on Abok happened in the night.
21 I saw fire burning. Even when we had gone so far the fire was still raging. Many of
22 the huts got burnt, but of course -- well, if you are under instruction to move and
23 people have turned to go, you will just have to leave. It's not important for you to
24 try and count the number of huts at that time of the night. But they were burnt.

25 Q. [12:30:35] Thank you very much, Mr Witness.

1 I just have a few more questions to you now about your life after you escaped from
2 the LRA. You said you were in the Rachele Centre for around three weeks. Can
3 you tell us anything about what your activities were while you were in the centre?

4 A. [12:31:05] When we were taken to World Vision Rachele in Lira, we found
5 a number of organisations there, organisations that taught people about traditional
6 culture, our traditional dances, some counselling, so that to help us forget what
7 happened in the past. Education, we were told about education. There were other
8 people who had been selected and were sent back to school, their fees were being
9 paid. But when we came back we were not among those people. Perhaps I would
10 have also been taken to school. But we did receive a lot of advice and counselling.

11 Q. [12:31:49] And did you have an opportunity while you were there to speak with
12 other, other abductees who had returned from the bush?

13 A. [12:32:05] The people that I found there stayed together with us. Perhaps we
14 had the same bed. We had been given the same bed, we shared a bed. We played
15 football together. We did everything together with the people that we found at the
16 centre.

17 Q. [12:32:25] Did you meet people who spoke of having nightmares about what
18 had happened to them while they were in the bush?

19 A. [12:32:43] Some people did say that they had nightmares. They would
20 say -- and usually they would assess you. When you are under assessment they
21 would determine whether or not you are okay, whether or not you are still having
22 nightmares, whether you are still traumatised, and they would keep you there for
23 further counselling. But, yes, people did have nightmares, that was a common
24 occurrence.

25 Q. [12:33:08] Mr Witness, are you familiar with the concept of cen?

1 A. [12:33:22] Not very well, but I know that people dream, dream about it.

2 Q. [12:33:27] Do you know whether any of those people you met in the Rachele
3 Centre felt that they had been affected by cen?

4 A. [12:33:41] Nobody told me that they had been affected by cen, except people
5 who discussed dreams or nightmares.

6 Q. [12:33:52] You have said that after returning to your village you were able to
7 resume your studies, how long did you continue your education for?

8 A. [12:34:10] I went back and repeated, started from primary 6, where my studies
9 had been interrupted. I had my primary 7 education and I did the exams. My
10 parents did not have sufficient finances. I tried my best. I went all the way to
11 secondary 3. My parents did not have any finances. By the time I got to secondary
12 4 my parents were unable to continue paying my fees and I had to stop my education
13 there. I had -- one of my older brothers who was trying to help support me and pay
14 for my fees died. At the time when I was abducted he was also abducted, but he was
15 abducted by another group. He went home before me, but when I went back home I
16 found that he was already weak. He had problems with his feet. He was taken to
17 hospital, stayed there for a short time. But by the time I came back home he passed
18 away so I was unable to continue my education, Madam.

19 Q. [12:35:18] And what sort of work do you do now?

20 A. [12:35:25] Right now I am a farmer, because I did not have sufficient education
21 to do anything else. Secondly, I could have gone back to school, but my father also
22 passed away. So it's -- I am left, I am the one left behind with the other people at
23 home and my mother.

24 Q. [12:35:50] Do you feel that your time in the bush had an impact on your life?

25 A. [12:36:01] Yes, it did. It had a very negative impact on my life.

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1 Q. [12:36:08] How do you think your life might have been different if you hadn't
2 been abducted?

3 A. [12:36:20] Madam, it's -- I cannot -- well, right now that I'm at home most of the
4 people that were not abducted continued with their education. There were some
5 people who were not as bright as me in school who continued their education. They
6 have jobs. They are able to pay for their children to go to school. But I don't have
7 anything. So perhaps if I had not been abducted maybe I would have also been in
8 a similar position. But right now the only means I have to sustain myself is through
9 farming. If I am unable to farm then that's it, I do not have any income. So yes, my
10 education was interrupted and that seriously impacted on my life.

11 Q. [12:37:14] Mr Witness, thank you very much. That's all the questions that I
12 have for you.

13 Thank you, Mr President.

14 PRESIDING JUDGE SCHMITT: [12:37:20] Thank you, Mrs Hirst. Mr Narantsetseg,
15 do you have any questions?

16 MR NARANTSETSEG: [12:37:25] Thank you, Mr President, for the opportunity.

17 Our learned colleague Ms Megan Hirst has sufficiently covered the areas that we are
18 interested in, so we have no further questions. Thank you.

19 PRESIDING JUDGE SCHMITT: [12:37:36] Thank you very much.

20 Who would be the counsel questioning this witness from the Defence?

21 MR AYENA ODONGO: [12:37:42] Mr President, and your Honours, we would
22 think we would be best prepared to start after lunch.

23 PRESIDING JUDGE SCHMITT: [12:37:51] Exactly, that was what I would have
24 suggested. And do you think we can start at 2 o'clock? I think so. It's a little bit
25 earlier because it's not yet 1 o'clock.

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1 MR AYENA ODONGO: [12:38:03] Yes.

2 PRESIDING JUDGE SCHMITT: [12:38:03] So that would make sense. And then we
3 have from 2 o'clock on a normal one-and-a-half-hour session and finish just a little bit
4 earlier than normally, I would suggest.

5 MR AYENA ODONGO: [12:38:15] Very well.

6 PRESIDING JUDGE SCHMITT: So then we have now the lunch break until
7 2 o'clock.

8 THE COURT USHER: [12:38:21] All rise.

9 (Recess taken at 12.38 p.m.)

10 (Upon resuming in open session at 1.59 p.m.)

11 THE COURT USHER: [13:59:53] All rise.

12 PRESIDING JUDGE SCHMITT: [14:00:14] I give the Defence the floor, and
13 Mr Ayena in person.

14 MR AYENA ODONGO: [14:00:19] Mr President and your Honours, I must
15 apologise, I did not tell you that Chief Taku has not been able to be around because he
16 has replaced me where I was to coordinate certain things. He should be here in
17 a couple of days. So I apologise for his absence. Yes.

18 Mr President and your Honours, I will begin -- with your permission, I will begin to
19 put a few questions to the witness.

20 QUESTIONED BY MR AYENA ODONGO:

21 Q. [14:01:05] Mr Witness, good afternoon.

22 A. [14:01:14] Good afternoon.

23 Q. [14:01:18] We want to take this opportunity to welcome you to The Hague and
24 for your acceptance to come and help Court to arrive at the correct decision.

25 Now, Mr Witness, I will put a few questions about -- I mean personal questions.

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1 I am aware that you have answered most of them. I will not repeat them. But can
2 you tell Court, Mr Witness, at what age did you go to school?

3 A. [14:02:14] Sir, you know, in reference to years, at that time it was difficult for me
4 to know how old I was. But what I know is, back home most times children begin
5 education at seven or eight. Personally, I am not very sure about my age at that time,
6 but what I can confirm was that I started my education in 1993.

7 Q. [14:02:48] And, Mr Witness, do you confirm to this Court that you were
8 abducted in 2002?

9 A. [14:03:09] The Holy abducted me in that year, in 2002.

10 Q. [14:03:18] And at that time, Mr Witness, you were in P6?

11 A. [14:03:30] I was in primary 6, but I don't know at what age I started my
12 education. I started my primary school at a time when I didn't know how old I was.

13 Q. [14:03:50] And you've just stated, Mr Witness, that normally you join P1 at the
14 age of six or seven; is that correct?

15 A. [14:04:09] Well, that is correct, sir. But only that I am not very clear about at
16 what age I started my education. But I was abducted in the year 2002 at the time
17 when the LRA rebels were -- had intensified their attacks. What I know is, I started
18 at that time, but the rest of the things, I am not very clear about. You have to excuse
19 me on that.

20 Q. [14:04:42] Yes. But one more question about that, Mr Witness. When you
21 went to school, were you the normal age or were you much older or much younger
22 than your peers in that class?

23 A. [14:05:10] Sir, it's also difficult for me to tell you that, because when I started my
24 primary school, I was still young and I didn't know much.

25 Q. [14:05:26] And you couldn't tell from the average height in class whether you

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1 were much older, same age, or much younger than the rest of the class?

2 A. [14:05:54] Well, sir, I think I should be excused, because I have indicated that at
3 that time I was still young and I did not know the things. It's not that I don't want to
4 tell you the things, but I just didn't know.

5 Q. [14:06:11] I mean, if you don't know, Mr Witness, be free, and you cannot be
6 forced to say what you don't know.

7 Mr Witness, you said you were a farmer; is that correct?

8 A. [14:06:32] Well, right now I am a farmer. That's correct.

9 Q. [14:06:39] Is there any other thing other than farming you do for a living?

10 A. [14:06:52] Well, there is nothing much I am doing, sir, only that some time back,
11 when they were carrying out some elections back at home for people who were going
12 to represent the NRM party, the local people down there identified me to become
13 their local council 1 under the NRM flagship. There was no election carried out to
14 have me confirmed as the LC-1 of that area, but as of now, I am still carrying on with
15 cultivation activities, because no elections were carried out.

16 Q. [14:07:44] Mr Witness, in other words, you are saying there has been NRM
17 primary elections for LC-1?

18 A. [14:08:05] Yes, that took place.

19 PRESIDING JUDGE SCHMITT: [14:08:07] May I shortly? Mr Witness, what does
20 LC-1 mean? You know you have judges sitting here who are not really
21 knowledgeable about the situation in your country. Perhaps you could explain to us
22 what this would mean.

23 THE WITNESS: [14:08:29] (Interpretation) Well, sir, when they talk about LC-1, that
24 is the chairperson local council who is in charge of the -- a village. The person is the
25 local leader for a village.

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1 PRESIDING JUDGE SCHMITT: [14:08:49] So I understand it correctly that this is
2 sort of a political post on the village level?

3 THE WITNESS: [14:09:07] (Interpretation) Exactly.

4 PRESIDING JUDGE SCHMITT: [14:09:09] Thank you very much.

5 Please continue, Mr Ayena.

6 MR AYENA ODONGO: [14:09:13] But just in case it may interest this Honourable
7 Court, I could offer a further explanation.

8 PRESIDING JUDGE SCHMITT: [14:09:22] Why not?

9 MR AYENA ODONGO: [14:09:25] Mr President and your Honours, you know the
10 political arrangement in Uganda is cascaded in a manner that starts with the local
11 council 1. That is the starting point. Local council 1 is a small village of, say, about
12 40 households, and they elect a chairman and then the chairman has got, you know,
13 a committee.

14 After the local council 1, there is a parish. The executives of the local council 1
15 constitute a collage again, and they elect the local council 2 and then local council 3,
16 and then local council 5, which is now the district. That is what we call the local
17 council arrangement.

18 PRESIDING JUDGE SCHMITT: [14:10:32] Thank you very much for the information,
19 Mr Ayena.

20 MR AYENA ODONGO: [14:10:34] Yes. So in that arrangement these are elective
21 posts and because it is a multi-party dispensation in the country, each political party
22 sponsors a candidate. So if he says he is a NRM candidate, that means that he is the
23 flag-bearer of the National Resistance Movement political party. That is the political
24 party in power.

25 PRESIDING JUDGE SCHMITT: [14:11:07] That was very helpful to understand this.

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1 Thank you very much.

2 MR AYENA ODONGO: [14:11:11] Yes.

3 Q. [14:11:12] Now, Mr Witness, having said that you enjoyed the confidence of the
4 people in the village, perhaps you want to tell this Court whether there are some LRA
5 supporters in your village. Could there be some LRA supporters in your village?

6 Past and present?

7 A. [14:11:51] Well, sir, not to tell you a lie, in our area there is no one who supports
8 the Holy in our area. In case they are there, then I am not aware of.

9 Q. [14:12:16] How about in the past, Mr Witness?

10 A. [14:12:24] Well, in the past I can confirm there was nonesuch, because in the past
11 days these people were carrying out atrocities and there was no way anybody could
12 support them.

13 Q. [14:12:39] Mr Witness, do you have a national identity card?

14 A. [14:12:59] Yes, I have an identification card, but I do not have it with me right
15 now.

16 PRESIDING JUDGE SCHMITT: [14:13:12] When we look at such things, you have in
17 mind possible issues with private session and open session, if you want to show
18 documents to the witness --

19 MR AYENA ODONGO: [14:13:22] Yes.

20 PRESIDING JUDGE SCHMITT: [14:13:22] -- that, for example, would entail names
21 and something like that. So we would have to -- just indicate that you have it in
22 your mind that such issues might arise.

23 MR AYENA ODONGO: [14:13:34] I just want him to look at it and I wouldn't want
24 him to mention names.

25 PRESIDING JUDGE SCHMITT: [14:13:40] That's fine. Then we can continue.

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1 MR AYENA ODONGO: [14:13:43] Yes. Your Honours, I want to refer you to
2 tab 15, ERN UGA-OTP-0254-0117.

3 PRESIDING JUDGE SCHMITT: [14:14:55] I think you have it in front of you,
4 Mr Witness, I would assume.

5 THE WITNESS: [14:15:03] (Interpretation) I can see it.

6 MR AYENA ODONGO: [14:15:11]

7 Q. [14:15:12] Now, Mr Witness, do you remember having an interview?

8 Mr Witness, you have had a look at the photocopy of your national identity card.

9 Can you confirm whether or not the content in that document are correct?

10 A. [14:16:34] It's correct, sir.

11 Q. [14:16:39] Now, no doubt that you remember that you carried out an interview
12 with the ICC Prosecution investigators. You remember that, that you had an
13 interview with the ICC investigators?

14 A. [14:17:11] Yes, I do recall.

15 Q. [14:17:18] When you met them, did you tell them that you had a national
16 identity card?

17 A. [14:17:33] If I had not told them, they would not have accessed it, because they
18 are the very persons who got it and then took the photocopy. That meant that I
19 indicated to them.

20 MR AYENA ODONGO: [14:17:53] Mr President and your Honours, I want to refer
21 to tab 1, ERN UGA-OTP-0270-0287 at page 2090. Actually, line 91, 90-91. 90 and 91.

22 PRESIDING JUDGE SCHMITT: [14:18:43] It is so similar because -- but I see it, yes.

23 MR AYENA ODONGO: [14:18:48] Yes, yes. Can you help him to read those two
24 lines?

25 PRESIDING JUDGE SCHMITT: [14:19:04] I think it's perhaps easier -- why not read

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1 it yourself?

2 MR AYENA ODONGO: [14:19:09] Okay. Let --

3 PRESIDING JUDGE SCHMITT: [14:19:10] Yes?

4 MR AYENA ODONGO: [14:19:10] Much obliged.

5 PRESIDING JUDGE SCHMITT: [14:19:11] This would have been, of course, to be
6 done in private session, or it doesn't matter, but then you read it out.

7 MS POKU: [14:19:17] Mr President and your Honours, I apologise about
8 intercepting at this stage.

9 Can I just raise this simply for -- just to err on the side of caution? It seems to
10 me - and I don't want to anticipate incorrectly - that in order to establish the points
11 that I think my learned friend is going to establish, that detail about dates of births,
12 accuracy and so on is going to have to be gone into, which will reveal -- which will
13 begin to touch on the personal details of this witness.

14 And so I submit that it would be better if this cross-examination is done in private
15 session. Those are my submissions.

16 PRESIDING JUDGE SCHMITT: [14:20:01] I agree in part when you say "this
17 cross-examination". We always do it on a case-by-case basis, but at the moment I
18 think it makes sense. And now for the next questions we go to private session and
19 then we see how we go.

20 MS POKU: [14:20:16] I am grateful, Mr President. Thank you.

21 PRESIDING JUDGE SCHMITT: [14:20:18] Yes. Private session.

22 (Private session at 2.20 p.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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6 (Open session at 2.27 p.m.)

7 THE COURT OFFICER: [14:27:09] We're in open session, Mr President.

8 THE WITNESS: [14:27:27] (Interpretation) Could you please repeat the question? I
9 did not understand it.

10 MR AYENA ODONGO: [14:27:30] Very well.

11 Q. [14:27:32] I was just asking you whether you remember when you first met
12 the Prosecution investigators. You don't have to be exact.

13 A. [14:27:53] Well, sir, it's a bit difficult for me to establish that, because, you know,
14 if you knew that this would be required later in time, I would have recorded it and
15 reserved it somewhere. But I recall it was in January 2016 when I met the team, but
16 I don't know the exact date. I don't have to lie before this Court.

17 Q. [14:28:26] No, Mr Witness, you are not bound to give exact dates. You can
18 just -- I mean, a month, if you remember, or at least the year.

19 PRESIDING JUDGE SCHMITT: [14:28:38] But he has already given it and I think we
20 are clear.

21 MR AYENA ODONGO: [14:28:42] No, no, I was just (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [14:28:43] No, no, it is clear.

23 MR AYENA ODONGO: [14:28:44] Yes.

24 THE WITNESS: [14:28:46] (Interpretation) I have responded to that.

25 MR AYENA ODONGO: [14:28:48]

1 Q. [14:28:50] Now, Mr Witness, can you tell Court how many times, other times,
2 you have met the ICC investigators after the first meeting?

3 A. [14:29:07] I did not meet them for many different times, but I think I met them
4 only on two occasions. Just two occasions. The first one was that you -- we talked
5 about. And then the second time was this previous time I met them before shortly
6 coming here.

7 Q. [14:29:31] And, Mr Witness, on these two times when you met, was it just about
8 the case or you also discussed personal matters about yourself?

9 A. [14:29:59] I was not told anything particularly about myself, sir. But they asked
10 me to come and narrate what I witnessed and it's exactly what I'm being questioned
11 about today.

12 Q. [14:30:21] Did you talk to them about any problems you may have encountered
13 while you were with the LRA, about possible injuries?

14 A. [14:30:42] Well, there were small problems that I went through and, yes, they
15 asked me about them. But I told them that I do not have any physical injuries. For
16 all the time that I spent there, I never got any gunshot injuries until when I came back
17 home.

18 Q. [14:31:14] Mr Witness, apart from gunshot -- well, you have already said that
19 you didn't sustain any gunshot injuries. Did you sustain any injury at all? Did you
20 get any problems, health problems in the bush?

21 A. [14:31:39] When I was in the bush, I fell. Occasionally I fell, but I did not
22 sustain any serious injuries. But I told them that I fell, and it took a while. But now,
23 since I came back home, I still feel the effects. I feel the effects on my waist, on my
24 back, so I don't sit for long periods and I do not lie down for long periods either
25 because of that.

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1 And that's what I told them. I told them that I fell and it has effects on -- side effects
2 on my back. If I sit for a long time, my back hurts. If I lie down for a long time, my
3 back hurts.

4 MR AYENA ODONGO: [14:32:35] (Microphone not activated)

5 PRESIDING JUDGE SCHMITT: [14:32:39] Please, microphone, Mr Ayena.

6 MR AYENA ODONGO: [14:32:43] I'm sorry. Mr President and your Honours, I
7 want to refer to tab 12, ERN UGA-OTP-0270-0439-R01 at page 0461, lines 726 to 728.

8 PRESIDING JUDGE SCHMITT: [14:33:20] And I think we just handle it like the last
9 time.

10 MR AYENA ODONGO: [14:33:23] Yes, yes.

11 PRESIDING JUDGE SCHMITT: [14:33:24] Just read it out to the witness and put
12 your question afterwards.

13 MR AYENA ODONGO: [14:33:29] Yes.

14 PRESIDING JUDGE SCHMITT: [14:33:35] So when -- Mr Witness, shortly, for your
15 explanation, when counsel says, "I want to refer", he means that's your former
16 statement and he is going to read out a passage and asks you what you say today to
17 that, if it's correct or whatsoever. It's just your former statement he is referring to.

18 MR AYENA ODONGO: [14:34:00]

19 Q. [14:34:01] Mr Witness, this is what you told the investigators, what I have been
20 referring to:

21 "I never got any bullet wounds but it's my chest because of lifting items but I took
22 medication but I'm now OK."

23 A. [14:34:27] Yes. Should I respond to the question?

24 Q. [14:34:32] Yes, please.

25 A. [14:34:38] That -- that was when they met me on the first occasion. I had taken

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1 some medication and there were some improvements. But when they came and saw
2 me the second time, I told them that I'm having -- the problems have reoccurred.

3 Q. [14:34:59] And this time it was the chest as a result of lifting heavy things, items.
4 That's what you told them. It was not falling on your back.

5 A. [14:35:25] The consequences of carrying the heavy loads, I explained earlier that
6 there was one occasion when I was climbing up the top of the hill, a very slippery
7 slope, and I was climbing up, came back down, fell down. I'd go up, slide back
8 down and fall. And that perhaps is also part of the problem, caused part of the
9 problems that I have today.

10 MR AYENA ODONGO: [14:35:53] Further, Mr President and your Honours, I shall
11 refer again to tab 17, ERN UGA-OTP-0279-0011 at page 0013, point 17 and 18.

12 Q. [15:39:24] That is on the certificate declaration form, certificate of amnesty
13 declaration form. The question was put to you, "Do you have any physical
14 handicaps, injuries, disorders due to the conflict?" and you said, "No."

15 And in 18, "Would you consider yourself in good health and able to engage in gainful
16 employment/occupation?" and the answer was "Yes."

17 A. [14:37:31] Sir, that happened while we were still at World Vision. You know,
18 when you come back from the bush and you are in a place for two to three weeks and
19 they bring all these papers and all these forms to complete, perhaps at the time I had
20 not -- I hadn't yet starting feeling the pain, but afterwards I did start feeling pain.

21 Q. [14:38:01] (Microphone not activated)

22 PRESIDING JUDGE SCHMITT: [14:38:03] Microphone.

23 MR AYENA ODONGO: [14:38:20]

24 Q. [14:38:05] Mr Witness, I want you to go to the end of that document at page 0017.
25 Have you looked at the date?

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1 First of all, whose signature is that?

2 PRESIDING JUDGE SCHMITT: [14:38:37] Mr Bradfield.

3 MR BRADFIELD: [14:38:38] I'm very sorry to interrupt my learned friend, but just to
4 remind him of the VWS assessment that was circulated which asked that the witness
5 not be asked to read anything, and instead if counsel could merely read to the witness
6 what is stated here, that might be preferable.

7 PRESIDING JUDGE SCHMITT: [14:38:54] Yes, I think perhaps what witness could
8 do is, of course, to confirm a signature. But when it comes to a date - and we have
9 done it before, now and after the break - just read it out to witness what you want to
10 put to him.

11 MR AYENA ODONGO: [14:39:10]

12 Q. [14:39:11] Yes. Mr Witness, at point 5 there is a signature there. Is that your
13 signature?

14 A. [14:39:30] It's different from my signature.

15 Q. [14:39:38] That is not your signature?

16 A. [14:39:46] I do not recall, but when I had just come back from the bush, when
17 I was given something to sign, I would just sign it anyhow. What education was I
18 receiving in the bush?

19 PRESIDING JUDGE SCHMITT: [14:40:01] I think it is simply a misunderstanding.
20 I think what we are now having shown to the witness is the approval by whatever
21 person. The signature of the witness would be on page 0011 at the bottom, I would
22 assume. Perhaps we can put this to the witness.

23 So it is indeed -- Mr Witness, I would assume that it is indeed not your signature, so
24 that you are correct. And perhaps we go to 0011 - that's the first page - and there at
25 the bottom line there is a line "Signed" and "Declarant", and I would assume the

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1 declarant is Mr Witness.

2 MR AYENA ODONGO: [14:40:37] Yes.

3 PRESIDING JUDGE SCHMITT: [14:40:38] And it would -- if or not we could ask you,
4 Mr Witness, if you confirm that this is your signature?

5 THE WITNESS: [14:40:54] (Interpretation) That might be my signature, because at
6 the time I had only just come back from the bush. Look at that signature. It is not
7 very clear. And that's why I wrote my name, (Redacted)

8 PRESIDING JUDGE SCHMITT: [14:41:12] Thank you. I think we can leave it at
9 that. There is also a name that might tell us something, without mentioning the
10 name, and I think we can continue.

11 MR AYENA ODONGO: [14:41:24] Yes.

12 Q. [14:41:25] In that statement, the line that we referred to -- of course, you have
13 already answered that, that you are in good health; is that correct? At that time at
14 least.

15 A. [14:41:42] I stated that at the time that we had just come to Rachele I was there
16 for about two to three weeks. They came and they interviewed us. I had not yet
17 started feeling the repercussions or the pain, but it was after I went back home that I
18 started feeling it. Perhaps if they had asked me a month or so afterwards, maybe
19 then I would have been able to tell them about the pain that I was feeling.

20 Q. [14:42:33] Did the ICC Prosecution buy for you a corset, Mr Witness?

21 A. [14:42:48] What kind of stuff is that? What are you asking about, sir? I don't
22 really understand what you are asking about.

23 MR AYENA ODONGO: [14:42:58] Your Honour, I shall refer him again to tab 18,
24 UGA-OTP-0276-3929, and then tab 19, ERN UGA-OTP-0276-3930.

25 PRESIDING JUDGE SCHMITT: [14:43:49] I think also it might be quicker simply to

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1 say, "We have here a receipt. I see it as a receipt with your name on" --

2 MR AYENA ODONGO: [14:43:57] Yes.

3 PRESIDING JUDGE SCHMITT: [14:43:57] -- "and with a certain item." And I don't
4 know how this item could be perhaps circumscribed from -- into Acholi language,
5 and then we simply can ask the witness that.

6 MR AYENA ODONGO: [14:44:11] Yes.

7 Q. [14:44:13] Mr Witness, do you see that document?

8 A. [14:44:22] Yes, I see it.

9 Q. [14:44:25] And you see your name on it?

10 A. [14:44:30] Yes, that's my name.

11 Q. [14:44:33] Do you see that there was an item that was bought for 250,000
12 shillings on 8 February 2017?

13 A. [14:44:55] I see the thing but I did not receive anything that was bought. I
14 received some stuff -- because I did not have transportation, and they also gave me
15 some foodstuff and a bed. Because when I was in Kampala, when you go to
16 Kampala, you don't know whose house you are going to or where the houses are.
17 But I do know that they paid for this stuff. I do not know whether that constitutes
18 buying.

19 Q. [14:45:29] Mr Witness, we are not suggesting that you were bought. We are
20 just --

21 PRESIDING JUDGE SCHMITT: [14:45:37] Perhaps may I shortly?

22 MR AYENA ODONGO: [14:45:39] Yes, please.

23 PRESIDING JUDGE SCHMITT: [14:45:40] Mr Witness, and if you had received, for
24 example, a corset, what -- how you would ever translate this into Acholi
25 language -- that would not be indecent or something like that. It was simply the

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1 question if it was the case or not. I think that is simply -- and we have also a receipt.

2 That is 18, tab 18, I think.

3 MR AYENA ODONGO: [14:46:01] Yes.

4 THE WITNESS: [14:46:12] (Interpretation) Yes, they bought me a corset. I know it
5 as a belt, yes. They bought me that belt when I told them that I have chest problems.

6 PRESIDING JUDGE SCHMITT: [14:46:22] And the corset serves to stabilise
7 your -- when you walk and to relieve the pain, and that is simply what we are talking
8 about.

9 MR AYENA ODONGO: [14:46:33] Yes.

10 THE WITNESS: [14:46:42] (Interpretation) Yes, that was what I was told that it
11 would do.

12 MR AYENA ODONGO: [14:46:47]

13 Q. [14:46:48] And the latter one, which is on tab 19, is that -- did you receive it in
14 February 2004 -- 2014 perhaps? When did you receive it? Maybe you can clarify.

15 A. [14:47:31] I do not receive -- I do not recall the exact date that I received the
16 corset, but that was after the meeting with them.

17 PRESIDING JUDGE SCHMITT: [14:47:42] May I -- I don't want to -- when I say
18 I don't want to interfere, of course I do it. So, yes, so this is a rhetoric figure, I would
19 assume. I think you could also -- on tab 18, you could also read it as 2017 and
20 I don't -- you see what I mean. It is simply, simply a problem with writing the
21 number seven, and Ms Bridgman seems to perhaps share this view. So I don't see
22 really a significant difference between tab 18 and 19 in time, in time.

23 THE WITNESS: [14:48:25] (Interpretation) Yes, 2004 is a long time.

24 PRESIDING JUDGE SCHMITT: [14:48:29] No, we think, Mr Witness -- not "we
25 think", I think that it might simply be that both documents are from the same time,

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1 sometime in 2017.

2 MR AYENA ODONGO: [14:48:47] Well, just -- I just wanted to draw his attention to
3 this.

4 PRESIDING JUDGE SCHMITT: [14:48:51] I think that's important --

5 MR AYENA ODONGO: [14:48:53] Because one is dated 8th and the other one is
6 dated 7th.

7 PRESIDING JUDGE SCHMITT: [14:48:58] 7th February, 8th February and, as I said,
8 I think it might also be read as 2017, might, tab 18. But I think we can move to
9 another point. I think we can.

10 MR AYENA ODONGO: [14:49:21] We can move to the next.

11 Q. [14:49:22] Now, Mr Witness, you want to help Court to understand whether the
12 need for a corset in 2017, after more than, is it 13 years, was still associated with the
13 injuries you had sustained when you were still in the bush?

14 A. [14:49:52] Sir, could you please repeat your question? I did not quite
15 understand it.

16 Q. [14:49:57] You told Court that in 2004, immediately after you came out and you
17 were at Rachele, you were interviewed and you said you did not have any injuries.
18 But 13 years down the line it was now necessary to buy you a corset because of your
19 chest problems, chest or back, whatever, you had a problem and you need that item
20 to stabilise your back. My question is: Could it still be that the injuries that you
21 were now being assisted for in 2017 were those that you described earlier when you
22 were still in the bush?

23 A. [14:50:57] Yes, sir, this is -- I would like to respond that the -- I had already
24 sustained the injury and I already had the problem. But, you know, when you are in
25 the village, you continue life as is, even if you have any injuries or pain, because in the

1 village it is difficult to get any corsets or any such belts that can help you.
2 From the village, we kept on going to the hospital, to Kalongo Hospital and any other
3 hospitals, but they could not help me. They could not give me any substantial help.
4 I did not have any financial circumstances -- financial abilities to buy such a corset. I
5 did not have the finances to go to a bigger hospital. But I did have the problem.
6 The only thing is that I did not -- I wasn't able to buy the corset myself. I did not
7 have the financial means to do that. But the problem already existed.

8 Q. [14:52:09] Was the pain life-threatening?

9 A. [14:52:19] It was painful. Sometimes when I go farming -- I mentioned earlier
10 that I was a farmer, but sometimes when I go and I go to the farm, I feel a lot of pain.
11 If I do a lot of physical exercise, or physical activities such as digging, ploughing the
12 field or working the field, I do feel a lot of pain. You cannot determine when you are
13 going to feel the pain. But when I do a lot of heavy work, I do feel pain.

14 PRESIDING JUDGE SCHMITT: [14:52:56] I think, Mr Ayena, we really can change
15 subject now and move (Overlapping speakers)

16 MR AYENA ODONGO: [14:53:01] Can I ask one more question?

17 PRESIDING JUDGE SCHMITT: [14:53:03] Yes. But, you see, pain exists in all sorts
18 of gravity form, of course.

19 MR AYENA ODONGO: [14:53:08] It is leading to something else. It is leading to
20 something else.

21 PRESIDING JUDGE SCHMITT: [14:53:13] Okay. Please, then continue.

22 MR AYENA ODONGO: [14:53:15]

23 Q. [14:53:15] Mr Witness, in your view, would the lack of a corset have impeded
24 your availability or your willingness to testify in this case?

25 A. [14:53:29] No, it would not. I did not come here for a corset. I was coming

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1 to -- when I was coming to testify, or when I agreed to testify, they did not mention or
2 they did not tell me that they were going to buy me a corset. But when I informed
3 them about the problem, they made a decision, maybe based on their perception that
4 if I was travelling long distances or if I was in the car going over bumps and humps,
5 then I would feel the pain.

6 But when I was at home before I came here or before the decision to come here, I was
7 keeping on with my life without a belt. So if I was coming to Court here with or
8 without the belt, I would have still made the decision to come here. So my decision
9 wasn't based on the fact that I was given a corset.

10 Q. [14:54:28] Before you met the OTP, I mean investigators, had you talked about
11 this to some other people, especially at GUSCO?

12 A. [14:54:48] If -- when -- if I did not mention the problem, the pain problem in
13 World Vision, then who else was I supposed to mention the problem to? I did not
14 meet anybody. After World Vision, I went home, I went straight to the village. So I
15 did not mention it to anybody else.

16 MR AYENA ODONGO: [14:55:10] Your Honours, I want to refer to tab 3. Tab 3,
17 UGA-OTP-0270-0317 at page 0322, lines 149 to 151.

18 Q. [14:56:05] Mr Witness, please, I am no longer talking about your pain. We are
19 now talking about a different subject, okay. And I read, your Honours:
20 "Apart from the questions we were being asked at the Rachele Rehabilitation Centre,
21 World Vision, in Lira about the problems we were facing, there is no other question
22 we were asked."

23 Mr Witness, I shall refer you again to -- back to tab 1, ERN UGA-OTP-0270-0287 at
24 page 0288, lines 21 to 26.

25 And I read, your Honours. The interviewer asked you, "Who actually told that we

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1 were from the ICC?" and you told the -- and you said --

2 MR BRADFIELD: [14:57:53] Your Honour, before he reads that line, there is a name
3 in that line, just to warn.

4 PRESIDING JUDGE SCHMITT: [14:57:58] Yes. Yes, private session.

5 MR AYENA ODONGO: [14:58:01] Oh, sorry. Private session, yes. Thank you.

6 PRESIDING JUDGE SCHMITT: [14:58:04] Yes.

7 MR AYENA ODONGO: [14:58:09] Thank you.

8 (Private session at 2.58 p.m.)

9 (Redacted)

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18 (Open session at 3.14 p.m.)

19 THE COURT OFFICER: [15:14:30] We are back in open session, Mr President.

20 MR AYENA ODONGO: [15:14:34]

21 Q. [15:14:34] Now, when you met the ICC investigators, did they tell you the
22 reason they wanted to talk to you, the subject of their interview with you?

23 A. [15:15:00] Well, these people first told me what it was all about. They told me
24 that they wanted to talk to me.

25 Q. [15:15:13] Can you tell Court what about they wanted to talk to you? What did

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1 they tell you they wanted to talk to you about?

2 A. [15:15:33] Well, briefly, what I can recall was that when they called me, they told
3 me that they had established that I was abducted and there were a few things that
4 they needed to enquire from me so as to be able to assist the Court. And at that time
5 I didn't know where the Court was sitting.

6 They asked me about the rest of the things that happened in my life and I started
7 narrating to them. And then they told me that in case some of the things really
8 didn't happen and I did not witness, then I should be able to go back home. But I
9 also told them the things that I witnessed and the things that I did not witness.

10 Q. [15:16:45] Mr Witness, when they first met you, did they tell you that they were
11 investigating crimes which were allegedly committed by Dominic Ongwen?

12 A. [15:17:10] They only told me that Dominic has been brought to -- has been
13 accused and brought before the Court. But I didn't ask them whether it was for the
14 very same reason that they were coming to interview me. I did not ask them that.
15 But they told me that Dominic was before the Court.

16 Q. [15:17:38] But, Mr Witness, in the course of your subsequent interviews with
17 them, did they ask you specific questions about Dominic Ongwen?

18 A. [15:18:07] Well, there were no particular questions that were given to me after
19 the initial meeting with them. I met them only on two occasions. The second time
20 was shortly before I came. There was no particular question directed to me in as far
21 as Ongwen was concerned.

22 MR AYENA ODONGO: [15:19:16] Your Honours, I want to refer to tab 1, page -- I
23 mean UGA-OTP --

24 PRESIDING JUDGE SCHMITT: [15:19:29] I think we have tab 1.

25 MR AYENA ODONGO: [15:19:31] Yes.

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1 PRESIDING JUDGE SCHMITT: [15:19:32] You have mentioned several times.

2 MR AYENA ODONGO: [15:19:33] Okay.

3 PRESIDING JUDGE SCHMITT: [15:19:34] So you can go directly to the page.

4 MR AYENA ODONGO: [15:19:36] Yes, page 0291 and 0292. Your Honours, I'll
5 begin from line 120.

6 "We're involved in the investigation of the LRA. And this has recently resulted in
7 the arrest of Dominic Ongwen ... to answer charges relating to the Lukodi attack.

8 Now, as a result of further investigations from our office we may bring about further
9 charges against Dominic. And ... we are currently trying to find or identify people
10 who are witnesses to or have information concerning, incidents involving Dominic.

11 I need you to understand some things. The ICC under a mandate consider those
12 most responsible at the top. OK? So just hear me out while I explain these things."

13 Q. [15:21:32] Do you recall that, Mr Witness?

14 A. [15:21:40] Yes, sir, I recall that very clearly. I remember you asked me earlier
15 a question that, after our initial meeting, were there other people who told me about
16 Dominic? I said no. I told you it was only during the first interview that they
17 talked about him. I don't know whether people got to understand that. It was in
18 the first meeting that there were questions about that. Later on, there was no other
19 or no further questions about Ongwen, other than those things that were said earlier
20 in the first meeting. That was the first question that you came out with.

21 Q. [15:22:19] So, Mr Witness, would I therefore be right to say that when they met
22 you, they actually told you that they were investigating crimes that may have been
23 committed by Dominic Ongwen?

24 A. [15:22:43] Yes.

25 Q. [15:22:45] Very well.

Trial Hearing
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(Open Session)

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1 PRESIDING JUDGE SCHMITT: [15:22:47] May I just shortly? Something what
2 always comes to my mind, and at some point in time during these proceedings I want
3 to address, is: These old witness statements and protocols are not an easy reading,
4 frankly speaking. Really, if you look at that, there is only one line, and then again
5 "Interviewer". So there is no consecutive reading. So this obviously has changed in
6 recent years, Mr Gumpert, I would assume.

7 MR GUMPERT: [15:23:24] I would like to think that there is a constant process of
8 improvement, but I note that the date on this document is January 2016.

9 PRESIDING JUDGE SCHMITT: [15:23:31] Indeed. You know, I don't know if this
10 is really necessary to do it this way. Of course, I know it should reflect exactly what
11 has been going on during such an interrogation. But nevertheless I don't know if it
12 is really necessary to -- for example, what counsel read out now was always the same
13 person speaking, when I saw it. Interviewer, interviewer 1, constantly, I think
14 over 15 or 16 lines. So why not put it together in one? I just ask myself.

15 MR GUMPERT: [15:24:09] And I may be able to explain. I firstly concede --

16 PRESIDING JUDGE SCHMITT: [15:24:15] I am genuinely interested.

17 MR GUMPERT: [15:24:18] Yes.

18 PRESIDING JUDGE SCHMITT: [15:24:19] There might be a reason for that. I don't
19 reproach anything.

20 MR GUMPERT: [15:24:21] I think there is a reason. Whether it is a good reason,
21 we'll leave your Honour and posterity to judge. One has to recall that this document
22 is, I think, made more user-friendly rather than less by the fact that only half of what
23 was said in the room where it was being recorded is visible on the page.

24 There was -- not quite simultaneous, there was consecutive Acholi-English
25 interpretation going on, and that is represented by the letters ACH, as your Honour

1 will be aware. And in order not to overtax the interpreters, what is to be said has to
2 be broken down into what I might call bite-sized chunks.

3 So you get, "We're from the Office of the Prosecutor". Pause. The Acholi words are
4 spoken and then, "And we'd like to talk to you about X", and the Acholi words are
5 spoken. And that is why, in order to be faithful to the soundtrack, if I can call it that
6 way, the transcript is structured in this way.

7 I respectfully agree it makes it very hard on the eye. Perhaps there are better ways
8 of doing it. We will think about them.

9 PRESIDING JUDGE SCHMITT: [15:25:42] There might not be a better way, but at
10 least now I have a better understanding and I won't address it any more. But it just
11 came to my mind now that it is not an easy reading. But indeed the old statements
12 from the 2000 years were much worse because there we had this constant alteration
13 between Acholi and English, Acholi and English. It was much worse indeed.

14 MR GUMPERT: [15:26:05] Can I just add, those fuller versions still exist.
15 The Prosecution has taken the decision that for trial use, this is a little bit more user
16 friendly.

17 PRESIDING JUDGE SCHMITT: [15:26:16] I understand that they still exist. But
18 they -- having this in mind, now having heard this, as I said, I will never address it,
19 and I'll be happy to see these kind of transcripts.
20 Please, I thank you for your indulgence that I address this probably not so important
21 issue, but at one point in time I really wanted to know what is the reason for that.
22 Mr Ayena, I have interrupted you, but you have just, I think, also finished a certain
23 portion of your questioning, and I thought I wanted to address it.
24 MR AYENA ODONGO: [15:26:51] Every time you interrupt, my spirit jumps with
25 revolutionary joy because it is always for good reason.

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- 1 Mr President and your Honours, I think we shall stop here until tomorrow.
- 2 PRESIDING JUDGE SCHMITT: [15:27:10] Mr Ayena, may I ask you: Do you have
- 3 an estimate how long it would take you? Because I think we would appreciate it if
- 4 we could start with the next witness tomorrow afternoon. That should be possible, I
- 5 would say, but I wanted to ask you.
- 6 MR AYENA ODONGO: [15:27:28] How did you read my mind, your Honour?
- 7 That is precisely what I had estimated. We shall use two sessions in the morning.
- 8 So in the afternoon we should start with a new -- another witness.
- 9 PRESIDING JUDGE SCHMITT: [15:27:41] Then we do it this way. Then we
- 10 interrupt for today and we resume tomorrow morning at 9.30.
- 11 Mr Witness, thank you for today. You will have to come back tomorrow. But you
- 12 will definitely finish your testimony tomorrow. Have a nice rest of the day.
- 13 THE COURT USHER: [15:28:02] All rise.
- 14 (The hearing ends in open session at 3.28 p.m.)