

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 3
7 Tuesday, 7 November 2017
8 (The hearing starts in open session at 9.33 a.m.)
9 THE COURT USHER: [9:33:26] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:33:41] Good morning, everyone.
12 Could the court officer please call the case.
13 THE COURT OFFICER: [9:33:54] Good morning, Mr President, your Honours.
14 The situation in the Republic of Uganda, in the case of The Prosecutor versus
15 Dominic Ongwen, case reference ICC-02/04-01/15.
16 And for the record, we're in open session.
17 PRESIDING JUDGE SCHMITT: [9:34:09] Thank you.
18 And for the appearances the Prosecution first, Mr Choudhry.
19 MR CHOUDHRY: [9:34:13] Good morning, your Honours.
20 Kamran Choudhry, here today with Mr Hai Do Duc, Mr Ben Gumpert,
21 Mr Pubudu Sachithanandan, Ms Yulia Nuzban, Mr Julian Elderfield,
22 Ms Ramu Bittaye, Mr Ayodele Akenroye, Ms Agnese Valenti.
23 PRESIDING JUDGE SCHMITT: [9:34:34] Thank you very much.
24 And for the LRVs we have, I see, Mr Narantsetseg first.
25 MR NARANTSETSEG: [9:34:38] Good morning, Mr President, your Honours.

1 For the Common Legal Representatives, Orchlon Narantsetseg with

2 Ms Caroline Walter. Thank you.

3 PRESIDING JUDGE SCHMITT: [9:34:47] Thank you.

4 And Mr Cox.

5 MR COX: [9:34:48] Good morning, your Honours. Mr James Mawira and myself,

6 Francisco Cox.

7 PRESIDING JUDGE SCHMITT: [9:34:53] Thank you very much.

8 And for the Defence, Mr Obhof.

9 MR OBHOF: [09:34:56] Good morning, your Honour. Today we have

10 Counsel Ayena Odongo, Ms Eniko Sandor, Abigail Bridgman,

11 Chief Charles Achaleke Taku, our client Dominic Ongwen, and myself,

12 Thomas Obhof.

13 PRESIDING JUDGE SCHMITT: [9:35:09] Thank you very much.

14 The Prosecution is now calling P-67 as its next witness.

15 Before commencing, the Chamber notes briefly that the VWU recommends face

16 distortion and the use of the pseudonym for this witness. The reasons for the

17 recommendation are, first, the witness's concern that he may suffer harm as a result of

18 being identified and, secondly, that he's expected to testify on sensitive issues related

19 to the treatment he was subjected to by the LRA.

20 So these are two points that are raised here.

21 The Chamber is not persuaded that the subject concerns of this witness support an

22 objectively justifiable risk to his security, noting also that the Prosecution did not

23 consider it necessary to request protective measures for him in filing 578.

24 On the other hand, should there be a need to go into private session to discuss

25 sensitive matters in this witness's testimony, this can be assessed on a case-by-case

1 basis without having to apply protective measures. And I think we know what,
2 about what potential incidents and issues we are talking about. We are vigilant here.
3 I think it's, with a little fantasy, everybody is able to imagine what I mean.
4 As counsel have already been informed, and noting paragraphs 48 to 55 of
5 decision 612, the VWU has also determined that certain special measures are
6 necessary to assist the witness in his testimony, and this is granted.

7 The Chamber will now discuss the matter of assurances for the witness pursuant to
8 Rule 74 of the Rules of Procedure and Evidence.

9 In filing 1062 Mr David Josse, I will pronounce him, confirmed that he has explained
10 Rule 74 to this witness, but he did not explicitly request 74 -- Rule 74 assurances, and
11 for good reason I would say. The Chamber notes that the Prosecution's summary of
12 the anticipated testimony indicates that he does not intend to question the witness on
13 any matters which may lead to self-incrimination.

14 Given the nature of the anticipated testimony and the subsequent low probability of
15 self-incrimination, the Chamber does not find it necessary to provide any Rule 74
16 assurances at the outset of this witness's testimony.

17 As always, on a case-by-case basis the Chamber may resort to the use of private
18 session if it deems it necessary.

19 We can bring now the witness in.

20 No big secret told.

21 (The witness enters the courtroom)

22 PRESIDING JUDGE SCHMITT: [9:39:04] Mr Okot, good morning.

23 Do you hear me?

24 THE INTERPRETER: The microphones are not on.

25 PRESIDING JUDGE SCHMITT: [9:39:18] I think you would have to help,

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1 madam court usher, with the microphone and then I ask him again.

2 But, Mr Witness, I think I have understood that you hear me, and on behalf of the
3 Chamber I would like to welcome you to this courtroom. We thank you that you
4 have made this long journey to the far away Hague to help us assist in establishing
5 the truth.

6 You are going to testify before the International Criminal Court and I will now read
7 the oath to tell the truth to you that every witness who testifies before this Court must
8 agree to, so please listen to me:

9 I solemnly declare that I will speak the truth, the whole truth and nothing but the
10 truth.

11 Do you understand what I have read to you?

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13 (The witness speaks Acholi)

14 THE WITNESS: [9:40:23] (Interpretation) Yes, I do.

15 PRESIDING JUDGE SCHMITT: [9:40:24] Do you agree, Mr Okot?

16 THE WITNESS: [9:40:29] (Interpretation) Yes, I agree.

17 PRESIDING JUDGE SCHMITT: [9:40:31] Thank you.

18 You have been assigned a lawyer who provided you with legal advice about possible
19 self-incrimination. But given the subject of your testimony, the Chamber does not
20 find it necessary to grant you assurances for self-incriminating testimony today,
21 simply for the reason that we do not expect that anything in that respect will arise.
22 However, if it appears that the answer to a question asked by you may lead to
23 self-incrimination we will go into private session to discuss the matter so there will be
24 no problem for you.

25 We can also go, and we will do that, into private session for other reasons, for

- 1 example, if any sensitive issues arise that should not be discussed in public session.
2 I have to explain to you what private session would mean when such sensitive issues,
3 for example, would arise, this means that no broadcast and no one outside the
4 courtroom can hear your answer. And if anything is said during open session, like
5 for example at the moment, which should have been said in the private session
6 without the audience and the public listening, then we can protect this information.
7 I have a few practical matters before we can start with your testimony for you. As
8 you are aware of, everything in this courtroom, what is said here in written down and
9 interpreted. It is therefore important to speak clearly and at a slow pace. I think
10 everybody in this courtroom every once in a while has a problem with that, so if you
11 are going too fast later on I will tell you, but please keep in mind, speak slowly and
12 speak clearly and speak into the microphone.
13 If you have any questions yourself, for example, if you think you need a short break,
14 please raise your hand, then we know that you want to address us and we will give
15 you the word.
16 We will then start your testimony and I give Mr Choudhry the floor.
17 QUESTIONED BY MR CHOUDHRY:
18 Q. [9:42:57] Good morning, Mr Witness. Can you please tell the Court your full
19 name.
20 A. [9:43:07] I am called Okot Dick.
21 Q. [9:43:18] How old are you?
22 A. [9:43:23] I am 39 years old.
23 Q. [9:43:32] What is your ethnicity?
24 A. [9:43:39] I am an Acholi.
25 Q. [9:43:42] What languages do you speak?

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- 1 A. [9:43:47] I speak the Acholi language.
- 2 Q. [9:43:54] And what is your current occupation?
- 3 A. [9:44:02] I am a farmer.
- 4 Q. [9:44:06] Now, Mr Witness, can you remember making a statement to
- 5 Prosecution investigators in February of 2005?
- 6 A. [9:44:23] Yes, I do.
- 7 Q. [9:44:24] I want to ask you questions about three areas which you told
- 8 Prosecution investigators about. The first is about an attack at Pajule IDP camp on
- 9 10 October 2003. The second area relates to women in the LRA. And the third area
- 10 is in relation to how you came to leave the bush. Is that clear?
- 11 A. [9:45:00] Yes, I have understood that.
- 12 Q. [9:45:04] So I will start with my first area and what I will ask you to do is to
- 13 concentrate now on the date 10 October 2003 and I will ask you questions about what
- 14 happened on that day. And I would like to take it bit by bit so I will ask you
- 15 questions which will allow you to tell your story fully. Okay?
- 16 And I'll begin --
- 17 A. [9:45:35] Yes.
- 18 Q. [9:45:37] I'll begin by asking you where were you living on 10 October 2003?
- 19 A. [9:45:52] I live in Pajule trading centre.
- 20 Q. [9:45:59] What year did you move to Pajule trading centre?
- 21 A. [9:46:12] Well, I cannot clearly recollect the year, but at the time when the
- 22 Ugandan government decreed that people should go and settle in the camps, that was
- 23 when I moved there, but I do not clearly recall the year.
- 24 Q. [9:46:32] And was the trading centre within Pajule IDP camp?
- 25 A. [9:46:40] Exactly.

1 Q. [9:46:45] Why did you move to the trading centre?

2 A. [9:46:55] It was because the LRA fighters were disturbing the civilians and
3 then the Ugandan government issued instructions that all the civilians should move
4 to the camps. That was why I had to move there.

5 Q. [9:47:20] You've mentioned a trading centre. Can you please describe the
6 layout of Pajule IDP camp?

7 A. [9:47:37] Yes, I can do that. Where I was living, I was living in a house that
8 was near the market.

9 Q. [9:47:57] How was the IDP camp protected?

10 A. [9:48:08] The UPDF soldiers would come and surround the camp.

11 Q. [9:48:16] Where would the UPDF soldiers be staying?

12 A. [9:48:25] They stay in their barracks that was on the side of Lapul next to the
13 mission.

14 MR CHOUDHRY: [9:48:50] Your Honours, I would ask for private session for one
15 question in relation to the family members of the witness.

16 PRESIDING JUDGE SCHMITT: [9:48:57] Yes, yes. We go to private session.

17 (Private session at 9.49 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Open session at 9.50 a.m.)

2 THE COURT OFFICER: [9:50:07] We are back in open session, Mr President.

3 MR CHOUDHRY: [9:50:16]

4 Q. [9:50:19] At about what time did you wake up on 10 October 2003?

5 A. [9:50:27] I woke up at about 6.40 something, at the time when I heard gunshots
6 at the edge of the camp.

7 Q. [9:50:49] Please describe what happened after you heard gunshots.

8 A. [9:51:07] What then happened was that there was a gun battle and the UPDF
9 soldiers retreated to the barracks which was in Lapul. They were no longer there on
10 the Pajule side. Then the LRA fighters came and started breaking into people's
11 houses. They broke into shops, broke into people's houses and they were -- they
12 found people.

13 Q. [9:51:43] What happened to you after you heard the sound of gunshots?

14 A. [9:52:00] After hearing the gunshots there was nothing I could do. I only
15 heard them breaking into my house. I didn't open, but they broke the door. They
16 came and found I was together with my wife. They also broke into another room
17 where my brother was, and in the third room they found my sister and her children.
18 They brought all of us out.

19 Q. [9:52:28] I'd like to take this slowly. When you say "they broke into my
20 house", who do you mean? Who broke into your house?

21 A. [9:52:44] LRA.

22 Q. [9:52:48] Can you please describe how exactly they broke into your house.

23 A. [9:53:05] Well, they used an axe to break into it. It was a steel door and they
24 could not just easily do it. They had to break the wall before they could bring down
25 the door.

1 Q. [9:53:25] How many LRA fighters did you see break the door of your house?

2 A. [9:53:45] There were two of them who entered the house and they gave us
3 instruction to get out together with all the children.

4 Q. [9:53:56] Please describe what the two LRA fighters that entered your house
5 looked like.

6 A. [9:54:18] They were bare-chested and they had their shirts tied around their
7 waists. They were armed. Both of them were the same. Some of them, most of
8 them stayed out.

9 Q. [9:54:48] When the two LRA fighters instructed you and the children to get out
10 of the house, what did you do?

11 A. [9:55:05] We immediately came out. They told us, "Sit down", and we sat
12 down.

13 Q. [9:55:13] What did you see when you exited your house and sat down?

14 A. [9:55:27] What I saw was that they kept on bringing people out there. They
15 brought many of my brothers to join us. We were all gathered together.

16 Q. [9:55:42] You say "they". Were these the two LRA fighters or other people?

17 A. [9:55:58] The two LRA fighters who instructed us to come out, and then when
18 we came out, we found very many other fighters who were there. They all put us
19 together.

20 Q. [9:56:12] Approximately how many other LRA fighters did you find?

21 A. [9:56:26] Well, at that time I estimated about 14 of them because some of them
22 were in front of shops and they were all spread around the houses and buildings
23 there.

24 Q. [9:56:42] What was the gender of these LRA fighters? Were they men,
25 women or both?

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1 A. [9:56:55] It was a mix of male and female. Some of the women had strapped
2 children on their backs.

3 Q. [9:57:12] You've told us that they were armed. What were the LRA fighters
4 armed with?

5 A. [9:57:28] I saw an RPG gun and many other smaller arms, foldable guns.
6 They call them AK.

7 Q. [9:57:45] Did you ever learn the name of any LRA commanders in charge of
8 the LRA fighters you saw?

9 A. [9:58:04] Well, I came to know of that, but not while we were still at the camp.
10 I came to know that after we had moved for quite a while.

11 Q. [9:58:14] And what was the name that you learnt after?

12 A. [9:58:27] I came to know one of them who was pointed out to me. He was
13 called Vincent Otti. But that was not when we were still in the camp.

14 Q. [9:58:46] What was the name of the LRA commander when you were still in
15 the camp?

16 A. [9:58:59] Dominic Ongwen.

17 PRESIDING JUDGE SCHMITT: [9:59:08] I think we would have to ask him how he
18 came to know that it was Dominic Ongwen, also given the statements that he has
19 made already.

20 MR CHOUDHRY: [9:59:17]

21 Q. [9:59:17] Mr Witness, how did you come to learn that it was
22 Dominic Ongwen?

23 A. [9:59:28] I came to learn of that because when we left the camp and they were
24 coming from the road from Lapul, then the person who was leading us told us that
25 Dominic's group is coming here. That was how I came to know of it. I even saw

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1 him physically.

2 PRESIDING JUDGE SCHMITT: [10:00:07] And perhaps may I ask one question.

3 Mr Witness, the commander that was on the ground with you and that -- we know

4 that you have been abducted so I foreshadow this a little bit -- the commander that

5 gave the instructions there at that time, do you know his name or did you come to

6 know his name?

7 THE WITNESS: [10:00:34] (Interpretation) Could you please repeat the question.

8 I didn't get it clear.

9 PRESIDING JUDGE SCHMITT: [10:00:42] When you said that you had to go out of

10 the hut and then there was a commander of the LRA - that is in your statement - that

11 gave the orders outside of the hut. Do you come to know or did you come to know

12 who the name of this commander was?

13 THE WITNESS: [10:01:04] (Interpretation) Yes, I came to know the name of the

14 commander. I knew his name. The LRA were referring to him as Lapwony. He

15 was called Lapwony Odongo. And he mentioned by himself that he's under the

16 Trinkle battalion.

17 PRESIDING JUDGE SCHMITT: [10:01:35] Thank you very much. Probably you

18 would have addressed it too, but I think it fitted at the moment.

19 Please, Mr Choudhry.

20 MR CHOUDHRY: [10:01:44]

21 Q. [10:01:45] Now, Mr Witness, I want you to focus your mind now on what

22 happened when you were taken out of your house. What did the LRA fighters do to

23 you when you left your house?

24 A. [10:02:06] When I left my house they tied my arms, and also my brothers were

25 tied, and they ordered us to start moving.

1 Q. [10:02:28] Describe how exactly they tied your arms, please.

2 A. [10:02:39] My arms were tied back towards my back. I was tied using a rope.

3 Q. [10:02:50] What clothes were you wearing when you were tied with rope?

4 A. [10:03:09] I was not putting on any proper clothing, I was only putting on my
5 underwears with a light vest over my chest. My legs were, my foot was bare.

6 Q. [10:03:30] What happened to your children when you were taken out of the
7 house?

8 A. [10:03:38] When I was taken out my children and my other brother's children,
9 and the ones of the neighbours were gathered. Lapwony Odongo told us that "We
10 will show you that it is not good to stay in the camp. We will take you guys, we will
11 take the older people. But the children, we will burn them inside the house."

12 Q. [10:04:16] After Odongo said that he would burn the children inside the house,
13 what did he do?

14 A. [10:04:37] At that moment he did not burn. He had sent his bodyguards to go
15 and collect fire, but immediately the helicopter gunship arrived and then he ordered
16 us to get up and move. So immediately we started moving and the children were
17 left, they were not burnt.

18 Q. [10:05:00] Where were the children when Odongo was saying that he would
19 burn them?

20 A. [10:05:12] All of us were gathered in front of the house where I was taken from.
21 There was another grass-thatched house next to my house.

22 Q. [10:05:28] Where were the children in relation to this grass-thatched house?

23 A. [10:05:36] They were very close.

24 MR CHOUDHRY: [10:05:55] Your Honour, with that I would ask to perhaps
25 refresh the witness's memory.

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1 PRESIDING JUDGE SCHMITT: [10:06:00] Paragraph 12 I would assume.

2 MR CHOUDHRY: [10:06:03] Yes.

3 PRESIDING JUDGE SCHMITT: [10:06:05] Yeah.

4 MR CHOUDHRY: [10:06:07] And the ERN is 0139-0196.

5 Q. [10:06:20] Mr Witness, I'm going to read something to you that you mentioned
6 in your statement:

7 "And then all the children were brought out of the house. They were to be burnt in
8 the grass-thatched hut nearby."

9 Then say: "That is when the children were moved into the hut by the LRA and they
10 closed the door to the hut."

11 Does that refresh your memory?

12 A. [10:07:03] Yes, that reminds me. At that time we were very unsettled,
13 because even the helicopter gunship had arrived and was firing at that time, so I
14 couldn't clearly observe everything.

15 Q. [10:07:26] What happened to the children? Can you please explain fully.

16 A. [10:07:44] At that time we had left, and when I returned back from the LRA
17 I was told that the children were not burnt, the children were left. And also I, as we
18 were leaving, I did not see any house burning behind me. Because if it was burning
19 we would be able to see some smoke.

20 Q. [10:08:15] Mr Witness, what I'm interested in finding out is were the children,
21 were your children when they were taken out of the house moved into a hut by the
22 LRA?

23 A. [10:08:58] It was not locked, but it was only bolted from outside.

24 Q. [10:09:12] After the helicopter arrived, still staying with once you were outside
25 your house, how did the LRA fighters who were with you react?

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1 A. [10:09:36] They started moving off to -- away from the camp.

2 Q. [10:09:47] Were you able to leave the LRA fighters when they started moving?

3 A. [10:10:00] It was not possible. I did not have that opportunity because my
4 hands were tied.

5 Q. [10:10:10] What do you believe would have happened if you tried to run away
6 from the LRA fighters at that moment?

7 MR OBHOF: [10:10:18] Objection, your Honour, speculative. We just ask for a
8 reformulation of the question.

9 PRESIDING JUDGE SCHMITT: [10:10:24] Yes. But, you know, what did you
10 believe? Yeah, of course you can rephrase it a little bit, but nevertheless I think it's
11 clear that the witness must have had some thoughts what would have happened if he
12 tried to escape.

13 Let me ask it perhaps: Did you have any thoughts, Mr Witness, or did you reflect at
14 that moment when you would try to escape, what would have happened to you?

15 Had you any ideas about that? Did you think about that?

16 THE WITNESS: [10:10:53] (Interpretation) I had some thoughts that when I tried to
17 escape I will be shot, because at that time there was exchange of gunfire from the LRA
18 side and also from the UPDF side. So there was actually exchange of bullets. So
19 they were the ones directing us on which path to take. They were telling us to take
20 particular directions according to instructions they give.

21 PRESIDING JUDGE SCHMITT: [10:11:26] Thank you very much.

22 So I think we see here in the courtroom there's not a huge difference between did you
23 have any thoughts about that, or did you believe. But strictly speaking asking that, a
24 witness to relay to us what he believes, also Mr Obhof has -- is correct. But more in
25 the substance I think there is no, no huge difference.

1 So, Mr Choudhry, please continue.

2 MR CHOUDHRY: [10:11:52]

3 Q. [10:11:54] Mr Witness, after the helicopter arrived, what parts of the camp did
4 you move through?

5 A. [10:12:13] We moved to the sides of the camp, to the side of Pajule. Because
6 where the fighting, heavy fighting was taking place was taking place in the barracks,
7 which is the side of Lapul. Lapul was separated by the main road. Lapul was on
8 the upper side and then Pajule was on the lower side.

9 Q. [10:12:39] You've mentioned that your house was near the market. Were
10 there shops that you could see when you left your house?

11 A. [10:12:57] Yes, I could see some shops. And some of the LRA soldiers, apart
12 from the ones that abducted me, stood in front of those shops and were taking some
13 items from those shops which were near the market.

14 Q. [10:13:22] Did you see any dead bodies of civilians when you were moving
15 through the camp?

16 A. [10:13:37] Yes, I saw.

17 Q. [10:13:45] Where within the IDP camp did you see dead bodies of civilians?

18 A. [10:14:03] I saw the dead bodies almost close to police station, from the upper
19 side of the police station.

20 Q. [10:14:15] Describe what you saw when you saw the dead bodies of civilians?

21 A. [10:14:32] The civilian dead bodies that I saw, they were actually already dead,
22 three of the people that I saw. According to the LRA, they were saying they were
23 killed by bombs. And indeed I saw on their bodies there were gunshot wounds,
24 which were large, and some of them had their brains spilling over, and the bomb
25 clusters actually also hit their bodies.

1 Q. [10:15:17] Mr Witness, I want to focus on civilian dead bodies, okay? How
2 many civilian dead bodies did you see?

3 A. [10:15:30] While we were still moving in the places that I have just described to
4 you I saw three civilian dead bodies.

5 Q. [10:15:51] What gender were these dead bodies? Were they male, female or
6 both?

7 A. [10:16:03] One female was amongst, and two males.

8 Q. [10:16:11] I would like to start with the female. Approximately how old was
9 the female dead body that you saw?

10 A. [10:16:30] In my estimation, she is a person who had already given birth,
11 approximately 28 -- 26, 28 years of age.

12 Q. [10:16:50] How was the body of this female lying when you saw it?

13 A. [10:17:04] Was sleeping -- was lying, the body was lying with the belly on the
14 ground.

15 Q. [10:17:14] How did you know that this body was the dead body of a civilian?

16 A. [10:17:33] There was no military attires on the bodies, was -- the person was
17 putting on civilian clothes.

18 Q. [10:17:49] Was the body alone or were there others there with the body?

19 A. [10:18:01] Some bodies were close to that one.

20 PRESIDING JUDGE SCHMITT: [10:18:13] May I shortly, Mr Choudhry.

21 The woman that you saw, Mr Okot, did you see how she was killed?

22 THE WITNESS: [10:18:29] (Interpretation) I did not see how she was killed, but
23 from what I was told, that she was killed by a bomb because she had a large wound
24 on her side and I think bomb splinters were all over her. But I do not know, I do not
25 know which particular bomb, whether it was an LRA bomb or it was a UPDF bomb

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1 that killed her. But the bomb was coming from the side of Lapul which landed
2 in -- at Pajule centre.

3 PRESIDING JUDGE SCHMITT: [10:19:06] I think, Mr Choudhry, there is still a
4 little bit of misunderstanding between the dead bodies of LRA fighters and the dead
5 bodies of civilians. So we would have to inquire that a little bit more. Paragraph 22
6 of the former statement would be about the civilian dead bodies, and later on, 26,
7 about the LRA fighters that he saw. So it's still a little bit -- it seems a little bit mixed.
8 So perhaps we refer to the former statement now, or you give it a try again, but
9 I think there should be no mixing up with the different victims.

10 MR CHOUDHRY: [10:19:49] Your Honour, I had planned to ask one question,
11 slightly leading, I confess, but --

12 PRESIDING JUDGE SCHMITT: [10:19:56] Of course. Yes, yes.

13 MR CHOUDHRY: [10:19:58] -- rather than resort to the statement. It might get us
14 there.

15 PRESIDING JUDGE SCHMITT: [10:20:03] No, no, please go on.

16 MR CHOUDHRY: [10:20:04]

17 Q. [10:20:04] Mr Witness, had any of the dead bodies that you saw been killed by
18 a machete or panga?

19 A. [10:20:22] Yes, it was there.

20 Q. [10:20:25] Can you please tell us about the dead body that you saw that was
21 killed by a machete?

22 A. [10:20:47] Could you say the question again? Sorry, I think there was a
23 mistake. What I was talking about, I was talking about LRA dead bodies that were
24 killed by the bomb. But for the woman that I'm talking about was actually killed by
25 a machete, because, you know, this has happened some time back and I could not

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1 recall everything. But this is what I know now.

2 PRESIDING JUDGE SCHMITT: [10:21:15] That is absolutely normal, Mr Witness,
3 that you do not recall everything. And that is the reason why we take our time here
4 and why we, if need be, refer to your former statement to refresh your memory. So
5 there's no problem in it. That is absolutely normal. Nobody can remember
6 everything and would remember everything.

7 Mr Choudhry, perhaps simply continue with the woman that had been killed.

8 MR CHOUDHRY: [10:21:41]

9 Q. [10:21:44] Mr Witness, I want to ask you about the lady that was killed with
10 the machete. So not LRA dead bodies, okay? Who was with that body when you
11 saw her?

12 A. [10:22:08] Yes, now that I quite clearly recall. The dead body of that woman
13 that I saw, she had about three kids. At the time when houses were being burnt, her
14 house was not burnt. We found she was lying with her belly on the ground. Her
15 neck was cut and had a deep cut wound. And her children were crying, saying that
16 "Our mother has been killed". But those children and that woman, I did not know
17 them because there were so many people in the camp and you couldn't know
18 everyone.

19 Q. [10:22:59] Approximately how old were these three children?

20 A. [10:23:13] I think some of them could be 8, others 15. One of them was older,
21 was a little older. But the LRA did not take the children. They left the children
22 crying there.

23 PRESIDING JUDGE SCHMITT: [10:23:34] I think we can refer to this -- his former
24 statement simply because there is -- it's probably not a very important point, but
25 nevertheless we should perhaps compare it, so to speak, with what has been said

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1 10 years or 12 years ago.

2 MR CHOUDHRY: [10:23:52]

3 Q. [10:23:53] Mr Witness, I'm going to read to you a portion of your statement
4 that you said.

5 MR CHOUDHRY: [10:23:59] Your Honours, that is ERN 0139-0198 and it's
6 paragraph 22.

7 PRESIDING JUDGE SCHMITT: [10:24:08] Simply about the ages. That is the only
8 thing where we have a discrepancy here, a significant discrepancy.

9 MR CHOUDHRY: [10:24:15]

10 Q. [10:24:15] Mr Witness, in your statement you said, "Her children that I saw
11 were about 5 years old, 8 years old and 10 years old." Does that refresh your
12 memory?

13 A. [10:24:39] Yes, that reminds me. Because it's not very easy to estimate ages
14 and -- but that's where I kind of forgot about their ages. But, yes, indeed I do recall
15 mentioning those ages from 5 years old because the children were really very young.
16 So that could be their approximate ages.

17 Q. [10:25:07] I'd now like to ask you questions about the three LRA dead bodies
18 you saw. Okay?

19 What gender were the three LRA dead bodies that you saw? Were they men,
20 women or both?

21 A. [10:25:33] One of them was a female and the two were males.

22 Q. [10:25:40] Approximately how old was the female?

23 A. [10:25:58] From what I could observe, she could be 17 to 18 years old.

24 MR CHOUDHRY: [10:26:08] Your Honour, again with that, I would ask to refresh
25 the witness's memory because of that inconsistency.

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1 PRESIDING JUDGE SCHMITT: [10:26:14] Yes, I allow it, but I have to clarify that
2 the witness has made clear also when we look back to the last answer that these are
3 estimations and that of course -- and he himself says it's difficult, and also after all this
4 time. So we take the answer that comes now out of the refreshment exercise very
5 cautiously, so to speak.

6 MR CHOUDHRY: [10:26:40]

7 Q. [10:26:42] Mr Witness, in your statement - and that's at paragraph 26,
8 ERN 0139-0198 - you state, "The female was about 14 years old." Does that refresh
9 your memory?

10 A. [10:27:04] Yes, that reminds me.

11 PRESIDING JUDGE SCHMITT: [10:27:14] And what do you say today, if you hear
12 this, what you have said at the time, and today you said it might also have been
13 approximately 17, 18 years old, when you try to recall the situation?

14 THE WITNESS: [10:27:39] (Interpretation) As I mentioned earlier, it's not very easy
15 to estimate ages, but I do recall that lady. That lady was not a very old person. She
16 could be in the age, age range 14 to 15 years old. She wasn't very old.

17 PRESIDING JUDGE SCHMITT: [10:28:07] I think we take this as the answer and
18 move forward.

19 MR CHOUDHRY: [10:28:13]

20 Q. [10:28:13] How did the LRA commander Odongo, which you've mentioned,
21 react when you saw these three LRA dead bodies?

22 A. [10:28:33] He said that these are our people, their clothes and gumboots
23 should be taken away. One of them had a gun, if I recall. So their clothes and
24 gumboots were taken away.

25 Q. [10:28:57] After you moved through the camp, where did you go to next?

1 A. [10:29:27] We took the road that leads out of Pajule centre heading upwards.

2 Q. [10:29:41] Apart from you, were there any other civilians that you saw?

3 A. [10:29:55] There were very many civilians apart from me. I could not count
4 and I could not also estimate the number, but it was -- there were very many civilians.

5 Q. [10:30:09] When you say "many", do you mean 5, 10, 50, 100? Approximately
6 how many?

7 A. [10:30:28] In the group we moved in, there were fairly many. I would
8 estimate about 40 and above, or even 50 and above. That was the number of the
9 people with whom I moved in that group. But there were also other people who
10 moved in other groups, because we were split in various groups.

11 Q. [10:30:57] Approximately how many groups were there?

12 A. [10:31:08] Well, there were many. It's difficult to estimate the number.
13 There were many groups because there were -- there was a number of groups coming
14 from Lapul side and then another set of groups coming from Pajule side.

15 PRESIDING JUDGE SCHMITT: [10:31:28] May I shortly, because I think we have,
16 so to speak, already left the three dead bodies of the LRA fighters.

17 Mr Okot, I want to go back to the LRA fighters, the three dead fighters that you saw.

18 The two male fighters, just an estimate, how old were they? We have already talked
19 about that, we cannot expect that you know and be very exact, but just an idea how
20 old they could have been.

21 THE WITNESS: [10:32:07] (Interpretation) One was a little bigger, I estimate he
22 should have been about 20 plus. And then the other one should have been about 18,
23 between 17 and 18, something like that.

24 PRESIDING JUDGE SCHMITT: [10:32:28] And could you see what killed these
25 three LRA fighters?

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1 THE WITNESS: [10:32:42] (Interpretation) Well, I didn't clearly see what killed
2 them, but I was told that they were killed by a bomb. I confirmed that because there
3 were some bomb splinters nearby, and then there was a hole that was dug by a bomb
4 explosion. Because the LRA leader I was moving with was called Lapwony Odongo
5 said they were killed by a bomb blast.

6 PRESIDING JUDGE SCHMITT: [10:33:13] And what kind of wounds did they
7 have, if you recall?

8 THE WITNESS: [10:33:22] (Interpretation) They had wounds everywhere because
9 of the splinters that got them. Some of them didn't have their heads on because they
10 were smashed. Some of them were lying supine, others were lying prone. And
11 that was how they died.

12 PRESIDING JUDGE SCHMITT: [10:33:42] Thank you.
13 Please continue, Mr Choudhry.

14 MR CHOUDHRY: [10:33:49]

15 Q. [10:33:51] When you left Pajule IDP camp who was the LRA commander in
16 charge of your group?

17 A. [10:34:08] As I told you earlier, we were under the command of Lapwony
18 Odongo. But I don't know his exact rank and position because any leader was
19 referred to as "lapwony".

20 Q. [10:34:27] Were your hands still tied when you left the camp?

21 A. [10:34:37] No. I was unbound.

22 Q. [10:34:41] What happened when you were unbound?

23 A. [10:34:50] We then started walking with them.

24 Q. [10:34:55] Why were you unbound?

25 A. [10:35:06] The reason I was unbound was because we found a woman who

1 was carrying a sack of groundnuts and they picked that sack of groundnuts and
2 handed over to me to carry.

3 Q. [10:35:22] Who were "they"?

4 A. [10:35:30] The LRA.

5 Q. [10:35:38] Other than the woman that you've mentioned and yourself, were
6 any other civilians carrying items?

7 A. [10:35:49] Yes, they were there.

8 Q. [10:35:54] What type of items were other civilians carrying?

9 A. [10:36:05] Some of them were carrying merchandise from the shops, like soda,
10 biscuits. Others were carrying clothes and one person was carrying beans. And the
11 way I saw, it could be about four gallons.

12 Q. [10:36:33] Where did the items that the civilians were carrying come from?

13 A. [10:36:45] These items were taken from shops and from civilian houses.

14 MR CHOUDHRY: [10:37:00] Your Honour, if we can go into private session just to
15 list names of people that were in the witness's group. Thank you.

16 PRESIDING JUDGE SCHMITT: [10:37:08] Yes. Private session.

17 (Private session at 10.37 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 10.38 a.m.)

8 THE COURT OFFICER: [10:38:47] We're back in open session, Mr President.

9 PRESIDING JUDGE SCHMITT: [10:38:50] I was a little bit unspecific, but when
10 you come to this point and you want to go to private session, I will address. If you
11 would want to go to private session, so to speak, then I would address it. Please
12 continue.

13 MR CHOUDHRY: [10:39:04]

14 Q. [10:39:05] Mr Witness, you've mentioned a name, Pangarasio Onek. Did you
15 know Pangarasio Onek?

16 A. [10:39:17] Yes.

17 Q. [10:39:25] How did you know him?

18 A. [10:39:35] Pangarasio Onek, I would refer to him as my brother.

19 Q. [10:39:41] What was his profession?

20 A. [10:39:48] He was a trader.

21 Q. [10:39:55] And approximately how old was he?

22 A. [10:40:11] According to my estimation, he was ranging between 30 and
23 40 years of age.

24 Q. [10:40:25] Mr Witness, you told us that when you left Pajule IDP camp you
25 saw Dominic Ongwen. Can you please tell us about the first time you saw

1 Dominic Ongwen?

2 A. [10:41:04] Could you please repeat the question. I did not get it clearly.

3 Q. [10:41:10] When you left Pajule IDP camp you told us you saw

4 Dominic Ongwen. What was Dominic Ongwen doing when you first saw him?

5 A. [10:41:34] He was coming with another group that was coming from the Lapul

6 side. We had already left the edge of the camp, some distance away, though not so

7 far. Then Lapwony Odongo said the other group is Ongwen's group.

8 Q. [10:41:58] Did Odongo say anything else when he said that the other group

9 was Ongwen's group?

10 A. [10:42:17] Lapwony Odongo said that after some killing had taken place, we

11 had left the camp and they had killed a businessman. As I told you earlier, he had

12 carried beans, about four or so basins of beans.

13 Q. [10:42:44] Mr Witness, I just want you to focus your mind on Dominic

14 Ongwen. How many people were in Dominic Ongwen's group when you saw

15 them?

16 A. [10:43:04] Quite a number. He had escorts or bodyguards who were about

17 three in number. At that time, the reason I came to know that he was Dominic

18 Ongwen was because they told us to first stop. We had moved quite a distance and

19 they wanted to kill another person. And he moved ahead, a little ahead. Then they

20 instructed everyone to stop.

21 Q. [10:43:52] Approximately how many civilians were in Dominic Ongwen's

22 group?

23 A. [10:44:07] It was quite a big number. It's difficult for me to estimate the

24 number, because several other people had remained behind following. And those

25 who were passing with him, well, no, I could not. I cannot establish the number.

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1 Q. [10:44:26] In terms of estimates, was it 50, 100, 200, more than that or less than
2 that?

3 A. [10:44:41] I would estimate over 200 fighters or 300 people, or even more.
4 And that there were also several civilians who came from the barracks. I cannot
5 estimate the number, but they could be between 200 and above or 300 and above.

6 PRESIDING JUDGE SCHMITT: [10:45:07] I think we should not press further.
7 I think this is really a little bit difficult to assess for the witness. And there's again
8 the issue civilian people in the group and so on. But it's -- I think we can move on to,
9 perhaps to some incidents that might have happened there.

10 MR CHOUDHRY: [10:45:27]

11 Q. [10:45:28] Did Odongo tell you who Dominic Ongwen was?

12 A. [10:45:46] Odongo did not only talk about Dominic Ongwen, he also talked
13 about Otti Vincent. He actually started talking about Dominic -- about Otti Vincent
14 before he talked about Dominic Ongwen and other commanders.

15 Q. [10:46:10] What did he say when he was talking about these commanders?

16 A. [10:46:17] He said the people who should be respected and people who were
17 above him were the commanders he talked about.

18 Q. [10:46:38] You told us that you saw Dominic Ongwen with escorts.

19 Approximately how old was the youngest escort that you saw with
20 Dominic Ongwen?

21 A. [10:47:01] The youngest I saw was about 13 or 14 years of age. Then the
22 oldest must have been about 20. The other one was between 16 and 18.

23 Q. [10:47:21] Mr Witness, I'd now like to move on to a new subject and that is
24 about the murder of a businessman. Can you please tell us the name of the
25 businessman that you were referring to?

1 A. [10:47:43] That was Pangarasio Onek. He had a shop in Pajule market.

2 Q. [10:47:58] Tell the Court the story of how Pangarasio Onek came to be killed.

3 A. [10:48:11] Yes, I can narrate it to the Court. The way I saw Pangarasio Onek
4 was killed, well, he was carrying beans, like I mentioned earlier, about three or four
5 basin full. It was heavy. He requested Lapwony Odongo for help because the
6 luggage was heavy. Odongo did not accept the request. He made the request
7 about three different times. He would walk for a distance and then put it down to
8 rest.

9 At that time a gunship was hovering about and firing small guns at the people. He
10 was hurrying Pangarasio to move. Then at some point he stopped the people and
11 said if Pangarasio didn't want to carry the load, he was going to be killed.

12 At that time he summoned his escort, a young boy of about 9 or 10, and he said, "If
13 this person does not want to go ahead, shoot him." And then he asked Pangarasio,
14 "Are you sure you cannot manage?" And Onek said, "No, I cannot." Then they
15 unbound him, the rope that was used to tie him was cut using a knife, and they told
16 him to sit down. And he was shot in the head, three bullets in the head.

17 That was what I saw. And then we were told to continue moving and they said if
18 anybody refuses to move, they wouldn't waste time, they would be killed in a similar
19 manner. And everyone else got on their feet to continue moving. That was what I
20 witnessed.

21 Q. [10:50:37] Where was Dominic Ongwen when Pangarasio Onek was killed?

22 A. [10:50:57] He was a little behind because, you know, during such movements,
23 you do not follow just one line. You would be arranged in about five or six lines,
24 though you're moving at the same pace. You would still be able to witness
25 everything happening around there, because at that time it was about 7 or 8 in the

1 morning and you could be able to clearly see everything happening around.

2 Q. [10:51:28] What did Odongo do after Pangarasio Onek was killed?

3 A. [10:51:39] Odongo told his younger bodyguard to push his hands into Onek's
4 pocket to feel whatever was in Onek's pocket. The boy did exactly that. He
5 searched Pangarasio's pocket and he found money and he picked the money and
6 handed it over to Odongo.

7 MR CHOUDHRY: [10:52:17] Your Honour, I'm conscious of the time. I'm going
8 to move on to another incident. I don't want --

9 PRESIDING JUDGE SCHMITT: [10:52:22] Yes, and I think I would suggest that we
10 have the coffee break, because I would assume that it perhaps takes a little bit more
11 than five minutes for this incident.

12 What we could do now before the break is, we can ask the witness if any of the other
13 commanders played any role in this killing. Possibly, probably we could do that.
14 Perhaps I can give it a try.

15 Mr Witness, I have a question: You told us about how Pangarasio was killed and
16 you told us that Odongo gave the order. Did Odongo speak before he gave this
17 order to kill Pangarasio, did he speak with any of the other commanders?

18 THE WITNESS: [10:53:24] (Interpretation) At that time he didn't speak to any
19 other commander. But another person who was killed a little later, other than
20 Pangarasio Onek, he was killed after a consultation, and he was also there and he
21 witnessed the way the other person was killed.

22 PRESIDING JUDGE SCHMITT: [10:53:44] Thank you. I read to you a short
23 portion of your former statement that we have already referred to and you can tell me
24 if this refreshes your memory. This is paragraph 38 of this former statement, and it
25 must have the UGA end number 0200, I would say:

1 "People came together before he was killed, because everybody was stopped by
2 Odongo. The message was passed by word of mouth along the route for people to
3 stop. Otti arrived at this group. Otti spoke to Lapwony Odongo. They stood not
4 far from where we were. I could see them clearly ... I could not hear what they were
5 saying from where I was. They talked for just over five minutes, then
6 Lapwony Odongo came back to the group quickly."

7 So you said this some 12 years ago. Does that remind you what happened, if
8 another person perhaps had -- might have played any role in that?

9 THE WITNESS: [10:55:18] (Interpretation) Well, Mr President, that is very correct,
10 because this happened quite -- many years back and right now, yes, I recall that is
11 very correct, because he had a discussion prior to the killing.

12 PRESIDING JUDGE SCHMITT: [10:55:36] Thank you very much. I think,
13 whatever this might mean or what we make of it, I think it was not unimportant, not
14 insignificant, I would say.

15 So we have now the coffee break until 11.30 and then we go over to this other
16 incident.

17 THE COURT USHER: [10:55:52] All rise.

18 (Recess taken at 10.55 a.m.)

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

20 THE COURT USHER: [11:31:50] All rise.

21 PRESIDING JUDGE SCHMITT: [11:32:10] Finally we also have a clear view to the,
22 I would not say to the outside world, but at least to the gallery, because it was closed.
23 And I think, Mr Choudhry, please continue with your examination.

24 MR CHOUDHRY: [11:32:25]

25 Q. [11:32:27] Mr Witness, before the break you told us about the murder of a

1 person called Pangarasio Onek. You also said, and this is at realtime transcript page
2 34, lines 19 to 20, another person who was killed a little later on other than Pangarasio
3 Onek.

4 What was the name of the other person that was killed that you were referring to,
5 please.

6 A. [11:33:06] The name of that person was called Lacung, but I do not know the
7 other name. I do not know the other given name, but he was called Lacung.

8 Q. [11:33:30] When you say Lacung was killed a little later on, do you mean the
9 same day or some other time?

10 A. [11:33:47] It was the same day. Pangarasio Onek was killed first and then we
11 moved for a little while, then Lacung was killed.

12 Q. [11:34:03] Did you know Lacung?

13 A. [11:34:13] I know Lacung. He worked at the sub-county chief's office. I
14 knew him because during the time of graduated tax when I would go to get my ticket,
15 I would find him there as secretary. So that's how I knew that that was Lacung.

16 Q. [11:34:44] What do you mean by "secretary"? What profession was Lacung?

17 A. [11:35:06] Well, it's difficult for me to know the position in the sub-county
18 chief's office, but when you go to pay your tax he writes for you the receipts and
19 issues you the ticket and you come back with it. It probably works like a clerk to the
20 sub-county chief.

21 Q. [11:35:30] Please tell the Court the story of how Lacung came to be killed.

22 A. [11:35:48] How Lacung was killed, we had remained behind. When we came,
23 we -- when we arrived, we found people had been stopped and had gathered around
24 the place where he was killed. He was told that "you are a government worker, we
25 are not going to leave you, we will kill you." Then Lapwony Odongo -- all the

1 people had been stopped, so people had stopped and stood in their lines, some people
2 gathered near him, so when people gathered when Lacung was told that "you are a
3 government worker", then Lapwony Odongo called his bodyguards and the
4 bodyguards came and instructed Lacung to lie down and he did lie down. And the
5 bodyguards picked a knife and fixed it on the barrel of the gun and then stabbed
6 Lacung in the mouth and Lacung fell down and died.

7 Q. [11:37:31] Who told Lacung that he would be killed because he was a
8 government worker?

9 A. [11:37:47] Those commanders, Otti and Ongwen, had talked. They first
10 talked and then it was Odongo who issued the instruction that he should be killed.
11 Everyone was seeing.

12 Q. [11:38:05] Did you see the commanders Otti, Ongwen talk?

13 A. [11:38:20] There was some gap in between them and the rest of the people,
14 people were a little bit behind them, so when they talked after they completed their
15 conversation, then Lacung was killed.

16 Q. [11:38:39] Did you see with your own eyes when they talked?

17 A. [11:38:49] Yes, I saw with my own eyes as they were talking.

18 Q. [11:38:59] Did you see with your own eyes when Lacung was stabbed?

19 A. [11:39:11] I saw because I was not very far away.

20 Q. [11:39:17] What did the LRA do to Lacung after he was stabbed?

21 A. [11:39:35] After Lacung was stabbed they searched his pockets and they took
22 away his identity card and graduated tax tickets and his photographs.

23 Q. [11:39:59] What happened to Lacung's body after he was killed?

24 A. [11:40:13] At that time we had moved away, but after my escape I was told
25 that his relatives came and picked his body.

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1 PRESIDING JUDGE SCHMITT: [11:40:31] May I shortly, Mr Choudhry.

2 Mr Witness, I have two or three questions in that respect.

3 Was Lacung being killed by the same LRA group as Pangarasio?

4 THE WITNESS: [11:40:52] (Interpretation) That was the same group, because the
5 people who came from the side of Lapul and those from the side of Pajule all
6 converged and were moving together.

7 PRESIDING JUDGE SCHMITT: [11:41:06] So I read to you, this is paragraph 42,
8 that is the already known UGA ERN number which ends with 201 at paragraph 42, I
9 read to you a short portion and listen to it and perhaps you can explain it to us:
10 "Then I saw Lacung being killed far from where Pangarasio had been killed. He was
11 killed in a place called Wangduku in Palenga parish. Lacung was being killed by
12 another LRA group."

13 So here you speak from another LRA group, that is the reason why I ask you, but -- or
14 was it that when you say they have converged that it was now the whole group?

15 THE WITNESS: [11:41:56] (Interpretation) That's correct, your Honour, because we
16 all came from Pajule and converged together and all the group was moving in one
17 direction and following the same route. It means the whole group now were LRA,
18 we were now at Wangduku.

19 PRESIDING JUDGE SCHMITT: [11:42:21] And do you recall on which parts of the
20 body Lacung was stabbed?

21 THE WITNESS: [11:42:36] (Interpretation) He was stabbed on his side of the
22 abdomen.

23 PRESIDING JUDGE SCHMITT: [11:42:41] Yes. Perhaps for the participants and
24 parties, because I had understood it now stabbed in the mouth or something like that,
25 and that -- at least I heard it, so I wanted to verify it because this is different here.

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1 And just more generally, because you can -- it's hard to refer to parts of a statement
2 where the statement is silent to. Mr Witness, in -- when it comes to this killing of
3 Lacung in your former statement, you don't mention any discussions between Otti,
4 perhaps Dominic Ongwen, and Odongo. I wanted -- I just wanted to ask you if you
5 clearly recall that, that before the killing of Lacung that at least there were some
6 discussions, whatever the content of these discussions might have been.

7 THE WITNESS: [11:43:43] (Interpretation) I did not hear the conversations, but
8 when people are told to first stop, they would first meet and talk and then their
9 bodyguards would start to put the instructions they were given to action.

10 PRESIDING JUDGE SCHMITT: [11:44:05] Do you clearly recall who gave the
11 immediate order to the bodyguard to stab Lacung?

12 THE WITNESS: [11:44:30] (Interpretation) Your Honour, there now I do not recall,
13 but it was in the same group, we were in the same group where I was.

14 PRESIDING JUDGE SCHMITT: [11:44:36] Thank you.

15 Excuse me. Please be indulgent with me, Mr Choudhry. Continue.

16 MR CHOUDHRY: [11:44:43] No, your Honour, the questions are for the benefit of
17 the Bench, so that's understandable.

18 Q. [11:44:50] Mr Witness, you told us that you were at Wangduku. What was
19 the next place that your group went to after Wangduku?

20 A. [11:45:12] We continued and moved ahead to a place called, I think, Ogul.

21 Q. [11:45:21] What LRA commanders did you see when you were at Ogul?

22 A. [11:45:48] We saw many commanders. And that tree, the shade was very
23 limited and people had split in different groups, so it was not very easy to know the
24 rest of the group, but at least I could know the ones that I was already introduced to
25 along the way, that was Otti Vincent and Dominic Ongwen. The other people were

1 put in different groups.

2 Q. [11:46:23] What did Vincent Otti do when you were at Ogul?

3 A. [11:46:35] When we were now at Ogul, we rested for about an hour to an hour
4 and a half, then Vincent Otti talked to a few people and also introduced other
5 commanders, but now I do not recall the names of those commanders. I could have
6 written it down in my statement, but now I do not recall. But when it is read to me,
7 then I could recall.

8 Q. [11:47:22] When you say Vincent Otti talked to a few people, did he talk to
9 LRA or civilians?

10 A. [11:47:38] He talked to civilians together with the LRA.

11 Q. [11:47:48] Where was Dominic Ongwen when Otti introduced the other
12 commanders?

13 A. [11:48:04] He was introduced amongst the other people that Otti introduced.

14 Q. [11:48:14] What did Vincent Otti say when he spoke to the civilians?

15 A. [11:48:26] Vincent Otti spoke and after him Rwot Oywak also spoke. He said
16 that they do not want people to stay in the camp and that those who were able,
17 because some of their fighters who were in the attack in Pajule and Lapul were
18 injured, so those who were able should organise, prepare a stretcher to carry those
19 who were injured. He also said that children and the pregnant women were -- and
20 the elderly were going to be released and they would return home.

21 Q. [11:49:34] Did Otti explain why the LRA did not want civilians to stay in the
22 camp?

23 A. [11:49:56] He said that they do not want people to stay in the camp. Why, I
24 do not know, because the -- but the only thing that civilians should not stay in the
25 camps, they should stay in their homes where they came from.

1 Q. [11:50:18] What did -- well, first of all, who is Rwot Oywak?

2 A. [11:50:31] Rwot Oywak is someone who is selected within a particular clan, so
3 he's like, he's a chief within his clan and he is actually chosen by the people in his clan
4 to become their chief. So he was actually a chief of his clan.

5 Q. [11:51:06] Why was Rwot Oywak there with you at Ogul?

6 A. [11:51:13] When people were gathered, that's when I saw him there. Whether
7 he was also captured or he moved on his own, I do not know. But I saw him. He
8 was now amongst the people there.

9 Q. [11:51:33] What did Rwot Oywak say when he spoke?

10 A. [11:51:46] He said that the LRA should not kill people, and he also mentioned
11 that LRA should release children, the pregnant women and the elderly people. And
12 those who were weak should be released.

13 Q. [11:52:16] What happened to the civilians after Rwot Oywak spoke?

14 A. [11:52:33] Nothing happened, only that even at that time I was also told to stop
15 carrying that groundnuts and I left it. So we prepared the stretchers to carry people
16 and we continued with our movement, we continued carrying the injured people.

17 Q. [11:53:11] After Otti said that children, the pregnant women and the elderly
18 were going to be released, what happened to the children, pregnant women and
19 elderly civilians?

20 A. [11:53:35] At that time no one was released. People continued moving for
21 some time.

22 Q. [11:53:48] For how long did you move together?

23 A. [11:54:03] On that same day we moved close to Pader town. It was getting
24 dark. Then it was said that people cannot move at night. Those who were
25 supposed to be released were now told that they would leave in the morning.

1 Q. [11:54:45] What did the LRA do with the people that were going to be released
2 in the morning?

3 A. [11:55:00] They did not do anything on those people.

4 Q. [11:55:07] What happened to you that evening?

5 A. [11:55:16] That evening we were separated from the bigger group. Those of
6 us who carried the injured people, we were in a separate group from the, from the
7 other group of abductees. We were put in a separate group in a different place.

8 Q. [11:55:48] If your group was to carry the injured people, what was the other
9 group for?

10 A. [11:56:03] The other group, others were carrying luggage, those items that
11 were looted from the shops. Items such as clothes and other food items were, other
12 people in the other groups were carrying them.

13 Q. [11:56:25] Mr Witness, how did the LRA organise the people it said should be
14 released?

15 A. [11:56:42] They were not far away from where we were. Everybody was
16 gathered and the LRA soldiers surrounded the people. Even those of us who were
17 carrying the injured persons, we were all surrounded, we were in the middle. But of
18 course in between us there would be some gaps. But whatever was being said you
19 could hear because the distance was not very far apart.

20 Q. [11:57:21] Where did you sleep that evening?

21 A. [11:57:30] Those of us who were carrying the injured, we, we slept in the bush,
22 we cleared the bush and we -- they brought some carpets and we were covered with
23 that carpet and they slept surrounding us. We actually slept on the ground.

24 Q. [11:58:08] What do you mean when you say there were carpets and you were
25 covered?

1 A. [11:58:29] The carpets had four points at the extreme end, so in the extreme
2 ends of the carpet, the four extreme ends of the carpet were all surrounded, those of
3 us who were carrying the persons were under this carpet. It was like used for
4 covering us.

5 Q. [11:58:57] Were your hands free when you were sleeping under the carpet?

6 A. [11:59:11] When we were under this carpet our hands were free, but of course
7 our -- we were still tied in our waist, around our waist, and it was so difficult so that
8 such that when you wanted to turn, all of you had to turn, plan to turn together so
9 that it would be easy.

10 Q. [11:59:38] Why were you tied?

11 A. [11:59:55] The reasons why we were tied, they say that if we are not tied we
12 would run away.

13 Q. [12:00:10] When you woke up the next day, what LRA commanders did you
14 see?

15 A. [12:00:29] I did not understand the question well. Could you repeat it,
16 please?

17 Q. [12:00:37] After you slept that evening under the carpet, when you woke up
18 the next day what LRA commanders did you see?

19 A. [12:00:59] The commanders whom I talked about earlier were also there, there
20 was Otti, Ongwen and other junior commanders like Lapwony Odongo. And at that
21 time Otti addressed the people who were supposed to be released.

22 Q. [12:01:30] What did Otti say to the people that were to be released?

23 A. [12:01:44] Otti said "you go back home, but as you're going back home please
24 don't follow the same route we used for

25 coming. You might either step on landmines". And the people who were released

1 actually used a different route to go back. They moved together with Rwot Oywak.

2 Q. [12:02:21] Did anybody else speak after Otti spoke to the people that were
3 going to be released?

4 A. [12:02:36] Yes, someone did speak. There was an old man. He didn't really
5 speak, but he posed a question.

6 Q. [12:02:51] What question did the old man ask?

7 A. [12:03:00] He asked Otti that "Otti, why don't you people come back home?"

8 Q. [12:03:11] What was Otti's response to that question?

9 A. [12:03:20] Otti responded that, as the LRA, they would not come back home
10 because they were in the process of overthrowing the government of Uganda, they
11 would therefore not come back home. "If you the civilians continue staying home,
12 we are going to kill all of you." As the LRA, they were based in Sudan and then they
13 could start another generation of the Acholi.

14 He also stated that they had a type of gun called Malan and if they fired the gun, for
15 instance, in Pajule it could burn all the houses and kill all the people there. That was
16 what he said.

17 Q. [12:04:24] What did you understand when Otti said "If you the civilians
18 continue staying home"? What did you understand by the words "staying home"?

19 A. [12:04:43] He didn't talk about staying home, he talked about staying in the
20 camp. He was referring to the camps. Instead he was telling the people to return to
21 their original homes.

22 Q. [12:05:21] Did Otti say anything about the ethnicity of people staying in the
23 camps?

24 A. [12:05:36] Could you please repeat the question?

25 Q. [12:05:39] Did Otti say anything about the ethnicity of people staying in the

1 camps?

2 A. [12:05:52] No, he did not. Well, I think I don't get that so well.

3 Q. [12:06:00] What language was Otti speaking when he said this?

4 A. [12:06:11] He was speaking in Acholi language.

5 Q. [12:06:17] And after Otti spoke were the civilians released?

6 A. [12:06:44] Yes. After his address the people were released. They didn't
7 follow the road that the rebels used for coming there.

8 Q. [12:07:02] Were any members of your family released?

9 A. [12:07:13] Yes.

10 Q. [12:07:17] Can you remember who exactly?

11 A. [12:07:27] My wife was released, my sisters were also released.

12 Q. [12:07:37] I'd now like to move on from Ogul. What was the name of the next
13 place that you went to after Ogul?

14 A. [12:08:01] We walked and covered some good distance.

15 Q. [12:08:11] Have you heard of a place called Okwang?

16 A. [12:08:28] Yes, I have heard of it and we actually reached there at some point.

17 Q. [12:08:39] How long did you stay in Okwang for?

18 A. [12:08:44] We stayed there for approximately a week.

19 Q. [12:08:50] When you were at Okwang had Otti already released people?

20 A. [12:09:01] Yes, he had already released the people.

21 Q. [12:09:07] When you were at Okwang, what happened to the civilians that
22 remained there?

23 A. [12:09:31] While we were in Okwang, the civilians who had remained with us
24 sometimes would be sent to go and harvest cassava to bring to the group, sometimes
25 they would be sent to go and harvest some sugarcane, sometimes they would also

1 prepare water for cleaning the wounds of the injured and they will do the actual
2 cleaning of those wounds.

3 Q. [12:10:04] Did the civilians at Okwang stay in one group or in different
4 groups?

5 A. [12:10:17] At that point people were split in many small groups, and also at
6 certain points you would not be able to see Otti, you didn't even know where he
7 would have gone.

8 Q. [12:10:39] How many groups were people split into?

9 A. [12:10:51] There were many splinter groups. They ranged between six and
10 seven. There were very many. Some of the people split in groups saying they were
11 going for operations in far off places, some of them went to Soroti, others broke off
12 and went towards Kitgum.

13 Q. [12:11:14] Approximately how many people were in each of these different
14 groups?

15 A. [12:11:30] They would range between 40 and 50. I think the number would
16 go beyond that if you add on to them the actual fighters; if you count the actual
17 fighters together with the civilians, they would go beyond 50.

18 Q. [12:11:52] Who were the LRA commanders in charge of these different groups?

19 A. [12:12:11] The way we were split, the person who abducted me was called
20 Lapwony Odongo was the person with whom I was. Otherwise, the rest of the
21 people are split in various groups. It's now difficult for me to know whether other
22 groups were split again because, well, sometimes we'd again reconverge, meet and
23 stay together.

24 Q. [12:12:39] Can you remember the names of other commanders of any of the
25 other groups other than yours?

1 A. [12:13:04] In terms of the other commanders, for instance, Otti's group would
2 also have his people divided into smaller commands, Dominic's group would also
3 have smaller groups that are split from it, Odongo as well had his. It was very
4 difficult for me to know which bigger group, the smaller groups each of them was
5 coming from. But we would be staying fairly nearby and each time there is a move
6 we would converge and then move together.

7 Q. [12:13:42] When you say Dominic's group, do you mean the group of
8 Dominic Ongwen?

9 A. [12:13:53] Yes, I'm talking about his group.

10 Q. [12:14:02] Mr Witness, I want now to move to a completely different topic and
11 the topic that I want to talk about is about women that you saw when you were with
12 the LRA. Okay?

13 A. [12:14:21] Yes, I've understood.

14 Q. [12:14:23] Were any females in your group abducted from Pajule?

15 A. [12:14:38] There were girls, young girls.

16 Q. [12:14:44] When you say "young girls", approximately what ages were these
17 girls?

18 A. [12:14:58] I would estimate their ages to be ranging between 10, 12, 13, 14, up
19 to about 15.

20 Q. [12:15:17] Approximately how many girls from Pajule did you see?

21 A. [12:15:36] Well, the girls I saw, you know, the girls many times don't stay
22 where us, the boys or men stay. We would only meet in instances when we are sent
23 to fetch water. And the girls that I saw were picked from Pajule ranged between
24 4 and 5. But I also saw others who were abducted earlier, who were in the bush
25 much earlier, and there were also some who already had children.

1 Q. [12:16:13] Where did these girls stay?

2 A. [12:16:19] The girls would still stay in the same group, but we would not stay
3 directly together. The male would be staying at the edge of the group while the girls
4 would stay close by the commanders. They would not stay with us.

5 Q. [12:16:43] Did you ever see who the girls were staying with?

6 A. [12:17:06] The girls stay with the people I have told you. I said they would
7 stay the commanders. And, well, there was no way I could really get to know what
8 instructions they are given, because the girls would be addressed differently from us,
9 the boys.

10 Q. [12:17:27] Can you please list the names of LRA commanders who had girls
11 staying with them?

12 A. [12:17:48] Where we were it was Lapwony Odongo who had the girls and
13 there was also some -- somebody called Ole (phon). I don't know his real name, but
14 the word "ole" is a Lango term to refer to a friend. He was also a lapwony and
15 would stay together with Odongo. I don't know his real name but he would stay
16 together with Odongo and the girls would be with them. I don't know what else
17 they would be doing inside their group because we were not staying directly with
18 them.

19 Q. [12:18:34] Who decided where the girls would be -- or, who decided with
20 whom the girls would be staying with?

21 A. [12:18:53] The LRA commanders.

22 Q. [12:18:58] How were the girls treated by the LRA commanders?

23 A. [12:19:05] Whenever they were instructed to go and fetch water, they would
24 go fetch water. If they are instructed to prepare meals, yes, they would do that for
25 the senior commanders. But for us, we were carrying the injured, we would have to

1 prepare our own meals. The girls would not prepare meals for us.

2 Q. [12:19:42] Did you ever see any girl being mistreated by the LRA?

3 A. [12:19:55] Well, there was a day I saw a girl being beaten. She was being
4 beaten because they said she had taken long to finish preparing a meal.

5 Q. [12:20:19] Did any of the LRA commanders you see have wives?

6 A. [12:20:36] Yes. Those who had wives were there and some of the wives had
7 children. Some of the women I saw were pregnant, but it was difficult for me to
8 identify whose wives they were and I also did not know the names of the women.

9 Q. [12:21:08] Did you ever learn how a female became the wife of an LRA
10 commander?

11 A. [12:21:28] Yes. I got to learn of that because, you know, in the LRA during
12 periods of lull when there are no much disturbances they would talk about a lot of
13 things, they would tell you how when you are abducted as a girl and they think you
14 are now ready to become a wife, the girl would be taken and then handed over to a
15 man. She would not have a way of rejecting.

16 Q. [12:22:06] Are you aware of any circumstances where females were subjected
17 to sexual violence by the LRA?

18 A. [12:22:43] Well, honestly I did not witness that, because where we were
19 sleeping was a bit far off from the rest of the people. So, you know, I have to tell you
20 what exactly I've seen and that I did not.

21 Q. [12:23:02] I want now, Mr Witness, to move on to the story of how you came to
22 leave the bush, okay? Can you please estimate how long you were with the LRA
23 after you were abducted from Pajule?

24 A. [12:23:34] In my estimation, because at the time I was abducted I cannot
25 clearly recall like which days they were and I was just there. Every day would pass

1 by without me recognising. I estimate I must have stayed there for between three
2 weeks and a month.

3 Q. [12:24:07] Please tell the Court how you came to leave the LRA after you were
4 abducted. Tell us the story.

5 A. [12:24:27] The way I escaped from the LRA, you know, we had stationed in
6 Okwang, which is in Lira, it's a huge bush, and it started raining in the night at
7 around, I think should have been about midnight or 1 a.m. We were covered using a
8 tarpaulin. We were lying down. We were bound and covered using a tarpaulin or
9 a carpet. And then water started dripping on them and they decided to get
10 themselves covered using another tarpaulin.

11 I was awake at that time and then I felt they possibly were sleeping at that time.

12 I was the last person in the line of the people who were bound. I was at the edge. I
13 untied myself, then I touched and signalled to one of my colleagues who was called
14 Opio, I don't know his other name. And Opio is a mute. I tried to whisper to him
15 but he couldn't hear. Then I just got up and started walking. I left the group and
16 walked for a good distance, I estimate about 5 or 6 miles away and, well, that was
17 how I left the LRA.

18 Q. [12:26:20] After you escaped, where did you go?

19 A. [12:26:31] I escaped from there. I came and crossed a road. If -- well, you
20 know, some of these places I was not aware of, I didn't know them, but I think that
21 road was leading to a small centre that was called Ogonyo. The road leading to
22 Ogonyo is a big road and that road goes up to a sub-county called Puranga. That
23 Puranga road is a highway between Kitgum and Lira. I reached Ogonyo centre and
24 then I met with some UPDF soldiers along the road, they were on their routine patrol.
25 That was how I was moving.

1 Q. [12:27:36] What happened when you met the UPDF soldiers who were on
2 patrol?

3 A. [12:27:52] What happened was that they asked me "Where are you coming
4 from?" I told them "I am coming from the LRA. I left them today in the night."
5 They asked me "From which place?" I told them I left them from a place called
6 Okwang, that was in Lira, it was at the border between Acholi and Lango. That was
7 what they were asking me and my response to them.

8 Q. [12:28:36] What did the UPDF do after you gave them that explanation?

9 A. [12:28:51] At that time they picked me, some of them continued in the
10 direction I was coming from. They then took me to one of their commanders. We
11 sat under a mango tree and, you know, they were stationed in a primary school and
12 they told me "You first go and rest in the classroom." I went inside the classroom
13 and I rested there, and they summoned me back afterwards, they started questioning
14 me. While they were questioning me they started checking my body, they looked at
15 my shoulders. And, you know, my shoulders were kind of rough and, if you saw
16 my shoulders, they were looking like I had been carrying guns, or strapping a gun
17 around my shoulder.

18 They kept on asking me about where I had left my gun. I told them I did not yet
19 have a gun and I was abducted during the attack in Pajule on the 10th and I have just
20 escaped today in the night. These were the things I was telling them.

21 Q. [12:30:38] After you provided that explanation, did the UPDF soldiers that you
22 met believe you?

23 A. [12:30:54] You mean the UPDF?

24 Q. [12:30:58] Yes, did the UPDF believe when you first met them that you had
25 escaped from the LRA?

1 A. [12:31:14] They did not believe. They said I was lying to them, I am a former
2 fighter, and so they detained me for one night following my escape. I was detained
3 in that classroom and spent the night there in that classroom.

4 Q. [12:31:50] What did you say when they said you were a former fighter?

5 A. [12:31:57] I told him that I am not a former fighter, I was abducted on the 10th.
6 Just like the other people who when they escape and they meet the UPDF they would
7 report. I was abducted on that day. That's what I explained to them.
8 Then the next day, the following day in the morning, they still refuted my story.
9 They started beating me, they tied my arms -- they tied my hands back to my back,
10 just like the LRA did. And they started beating me seriously. Then after that, they
11 were also communicating on radio, on phone and immediately their food distribution
12 truck came and I was taken from that point and was taken to Achol-Pii barracks.
13 Achol-Pii was called the 5th division. That is where I was taken and was taken to
14 their detention room. It's a kind of a Uniport house, but it is dug inside. They
15 would -- it's dug inside the ground and I found a number of people in that hole in the
16 ground. Then the following day I was called and taken to the office and I was
17 questioned the same question. They asked me how long I spent in the LRA. I told
18 them I did not take long, probably as you can see, maybe just a week or a month.
19 They asked me what about the gun. I told them I did not have a gun, only that I was
20 carrying an injured person.
21 I told them that if you want to get further information, you can call the LC-3 chairman
22 of Pajule to come and clarify how I was abducted on the 10th. This is what I told
23 them.

24 Q. [12:34:58] What was the name of the LC-3 chairman that you wanted the
25 UPDF to consult?

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1 A. [12:35:12] His name is Omona Lokilamoi.

2 Q. [12:35:20] And are you aware whether the UPDF consulted the LC-3
3 chairman?

4 A. [12:35:34] The next day in the morning the LC-3 chairman was called and
5 I was also called. The LC-3 chairman told them that indeed this person was
6 captured on the 10th and I am very well aware. And he produced to them the list of
7 people who were abducted and also the list of people who were killed. This is what
8 happened. Then the UPDF told him that they will still investigate and the LC-3
9 chairman went back home. I was again taken back to the detention room.

10 Q. [12:36:31] How long did you spend in the detention room?

11 A. [12:36:46] I spent about two to three weeks amongst the prisoners who were
12 there.

13 Q. [12:36:59] What happened after those two to three weeks?

14 A. [12:37:15] What happened was that before the LC-3 chairman came they were
15 saying they were going to take us before the military court in Gulu. So what
16 happened was that one day they called us, all of us together with the other prisoners
17 and we were told that today we will -- we are going to release you. But some people
18 will remain.

19 Q. [12:37:55] Were you released?

20 A. [12:38:00] I was released.

21 Q. [12:38:06] Mr Witness, I think that is all the questions that I have for you now.

22 MR CHOUDHRY: [12:38:15] Your Honours, perhaps that the end of my
23 questioning, unless your Honours have any further questions.

24 PRESIDING JUDGE SCHMITT: [12:38:22] Thank you very much, Mr Choudhry.

25 Indeed I have perhaps a couple of follow-up questions, Mr Witness, that I would

1 put to you directly as Presiding Judge. Did you sustain any injuries during your
2 time in the LRA?

3 THE WITNESS: [12:38:40] (Interpretation) Yes, I did.

4 PRESIDING JUDGE SCHMITT: [12:38:45] How did it come that you sustained
5 these injuries? Can you explain to us, please.

6 THE WITNESS: [12:38:58] (Interpretation) I got the injuries during the time when
7 we were carrying the injured person. One of my colleagues -- when we were at a
8 place called Atut, the UPDF soldiers started firing at us and the bombs were landing
9 and some LRA soldiers got injured, then I was taken to carry another injured person
10 different from the one I was carrying before. We were carrying -- two people would
11 carry one person and we would carry in such a way that one person is in front and
12 then another person behind, so you would carry the stretcher, the two of you. So
13 I was in front, but the person who was behind was shorter than me. So in the midst
14 of the firing of the bombs, as I was trying to rush forward I fell down and this person
15 whom we were carrying also fell off. So I was beaten, I was badly beaten because of
16 that and I even still have the scars from that beating.

17 PRESIDING JUDGE SCHMITT: [12:40:50] How did they beat you?

18 THE WITNESS: [12:40:55] (Interpretation) They beat me several times using
19 sometimes, you know, big sticks, sometimes several different sticks. And then I was
20 also stabbed on one part of the head, of my head, using a bayonet.

21 PRESIDING JUDGE SCHMITT: [12:41:19] Do you recall who did that?

22 THE WITNESS: [12:41:26] (Interpretation) That was an escort to Lapwony
23 Odongo.

24 PRESIDING JUDGE SCHMITT: [12:41:34] And on any other occasion have you
25 been beaten, punished whatsoever?

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1 THE WITNESS: [12:41:47] (Interpretation) Apart from that, when the LRA sent
2 you and you waste any minute, if you waste any minute you would be beaten, so
3 there was no wasting time.

4 PRESIDING JUDGE SCHMITT: [12:42:10] I mean another, perhaps another
5 incident that might have happened, because I just give you a -- two or three words
6 that might trigger your memory, when somebody escaped and you were held
7 responsible for that. But if you don't recall, then we continue.

8 THE WITNESS: [12:42:45] (Interpretation) Apart from that beating I was tied
9 upside down, my legs were up and my head hanging downwards.

10 PRESIDING JUDGE SCHMITT: [12:42:54] May I shortly interrupt you, Mr Witness.
11 I just want -- I know and we want to let -- you can tell us that, but if you feel more
12 comfortable to tell us this story in private session, we would accommodate that. But
13 if you say "Yes, the public shall hear what has happened to me", we stay in open
14 session. Is that fine with you?

15 THE WITNESS: [12:43:25] (Interpretation) That's, that's okay. We can go to a
16 private session.

17 PRESIDING JUDGE SCHMITT: [12:43:29] Then we go to private session.

18 (Private session at 12.43 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0067

(Private Session)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

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13 (Redacted)

14 (Redacted)

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17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 12.46 p.m.)

22 THE COURT OFFICER: [12:46:43] We're back in open session, Mr President.

23 PRESIDING JUDGE SCHMITT: [12:46:52] Thank you.

24 And I assume, Mr Narantsetseg, that you want to ask some questions.

25 MR NARANTSETSEG: [12:46:56] Yes, your Honour.

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1 PRESIDING JUDGE SCHMITT: [12:46:58] Yes, and of course perhaps the last
2 question especially was in your realm, so to speak, but I think it fitted. So we don't
3 have to go back to private session again during your examination, I would say.

4 MR NARANTSETSEG: [12:47:14] I'm guided, your Honour.

5 PRESIDING JUDGE SCHMITT: [12:47:16] Yes. So please continue,
6 Mr Narantsetseg.

7 QUESTIONED BY MR NARANTSETSEG:

8 Q. [12:47:21] Good afternoon, sir. My name is Orchlon Narantsetseg. We have
9 met before, haven't we? Today I'm going to ask some questions on behalf of Victims
10 and my questions will be divided in general in three areas. First, I will talk about
11 your abduction briefly, then I will refer to some very specific incidents that happened
12 to you in the bush. Lastly I will talk briefly about your life. I mean, I will ask
13 questions about it.

14 Sir, let's talk about your abduction. Sir, at the moment you were abducted, could
15 you please tell us what did you feel? Were you, sir, shocked and traumatised?

16 A. [12:48:16] When I was abducted, I felt very bad. I felt bad because I was
17 powerless, I could not do anything as a human being. I was under people's control,
18 which was very difficult and very stringent control, first under the LRA and secondly
19 under the UPDF.

20 Q. [12:48:48] Thank you, sir. Sir, you also this morning talked about an incident
21 where your children were threatened to be burned alive. Sir, could you please tell us
22 what did you feel exactly at that moment?

23 A. [12:49:10] It was painful, but there was nothing else I could do.

24 Q. [12:49:19] Sir, were your children, were they also shocked and traumatised?

25 A. [12:49:25] Very much, very much. But inside me -- I had not told them, inside

1 me, I wanted them to go with me, but they should spare the children.

2 Q. [12:49:42] Right. Sir, on that day were your also house and properties looted?

3 If yes, sir, what did you lose?

4 A. [12:50:02] A lot of things were looted, including foodstuff, money and clothes.

5 Q. [12:50:15] Thank you, sir, for answering my question. Now I'm going to
6 move on to my next part of the questioning on behalf of Victims.

7 Sir, you say in your statement that following your abduction, you came under an
8 attack by the UPDF. At that time were you fearful for your life?

9 A. [12:50:54] Could you say the question again, sir? Maybe I understand. Are
10 you talking about the place like the camps or the village where I come from?

11 Q. [12:51:07] I was referring to a time where, following your abduction, the UPDF
12 came and you witnessed the bombings, et cetera. Am I clear, sir?

13 A. [12:51:25] Yes, I have understood. So could you say the question again now?

14 Q. [12:51:33] So at that moment were you fearful for your life? Could you have
15 been killed at that moment?

16 A. [12:51:44] Yes, I was very scared because guns, whether it being shot by UPDF
17 or LRA, it does not spare you, whether you are a civilian or who -- yes, I was scared.

18 Q. [12:52:01] Sir, my next question is: Were you also forced to take part
19 anything similar -- I mean, in those very dangerous situations where you could have
20 also risked your life? For example, attacks or ambush?

21 A. [12:52:22] Yes, that happened. I was forced.

22 Q. [12:52:26] Could you please tell us more?

23 PRESIDING JUDGE SCHMITT: [12:52:28] We go to private session.

24 MR NARANTSETSEG: [12:52:31] I'm guided, your Honour.

25 (Private session at 12.52 p.m.)

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(Private Session)

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1 (Redacted)

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11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Open session at 12.54 p.m.)

15 THE COURT OFFICER: [12:54:05] We're back in open session, Mr President.

16 MR NARANTSETSEG: [12:54:11]

17 Q. [12:54:12] Sir, let's talk about another incident -- your Honour, for ease of
18 reference, I'm referring to paragraph 70 of the statement.

19 Sir, you talk in your statement about an incident where you were threatened to be fed
20 with human flesh. Could you please tell us a little bit more and how did you feel at
21 that moment?

22 A. [12:54:41] I felt very, very bad. It was very painful because a human being, a
23 person, cannot eat the flesh of another person.

24 Q. [12:54:58] Sir, this event, and including others such as killings of a number of
25 people, some of you -- some of whom you knew personally, have these grim acts of

1 violence affect you psychologically and emotionally?

2 A. [12:55:29] Yes, that affects me and I -- when you reflect on what happened and
3 you worry of something that happened to you, it always reminds you. But even
4 then, even when you continue reflecting and remembering what happened, there's
5 nothing else that you can do, so you just have to let it pass as like that.

6 Q. [12:55:58] Sir, you also talk about an incident where you have stepped on
7 something poisonous and you were injured as a result. Could you please tell us a bit
8 more?

9 A. [12:56:25] At the time when we were moving, because I was moving
10 barefooted and I stepped on something, and I felt as if I had stepped on something
11 very cold, as if it was like hail stone, very cold. And after that, my feet started
12 swelling and it would swell right from my foot up to my groin area and I would feel
13 cold most times. Even up to now, as I speak, the swelling is not yet completely off.
14 I still feel it.

15 Q. [12:57:07] I'm sorry to hear that, sir. Sir, following your last answer, did you
16 receive any medical treatment for the injury that you have just described and also
17 other injuries that you sustained in the bush?

18 A. [12:57:31] Yes, I did receive, but even though -- despite the fact that I received,
19 when it's cold, like in this place, it can disturb me. But back home, it is not as cold as
20 here. So when it is cold, I still feel the effect.

21 Q. [12:57:54] Thank you very much, sir. Sir, now I'm moving to my last part of
22 the questions that I'm planning to put to you. Sir, could you please describe your life
23 to us after your escape, briefly?

24 A. [12:58:13] At the time I escaped, life became very difficult. All the things that
25 I had were destroyed, the money and the cattle that I had. My father's cattles that he

1 had given them to me during the restocking programme, all of them were killed
2 during the fighting. And during the time I also escaped, I left Pajule and went to
3 Masindi district and I lived there. Life was difficult. There was nowhere I could do
4 some farming and it was difficult.
5 So when the LRA now left northern Uganda, I returned back home at original home.
6 But life is still difficult up to now.

7 Q. [12:59:28] I'm sorry to hear that, sir.

8 MR NARANTSETSEG: [12:59:31] Your Honour, I am conscious of the time, but I
9 have very few questions left, if you allow me.

10 PRESIDING JUDGE SCHMITT: [12:59:37] I would imagine -- I think you should
11 continue and we finish your examination and then have the break.

12 MR NARANTSETSEG: [12:59:43] Thank you very much, sir.

13 Q. [12:59:45] Sir, compared to your life before, I mean before your abduction, how
14 did your abduction and this attack on Pajule change your life and also how did it
15 change the life of your family?

16 A. [13:00:12] Could you say the question again, please?

17 Q. [13:00:15] Sir, I was asking how did this abduction and also this attack on
18 Pajule IDP camp, how did they change your life and also how did they change the
19 family -- the life of your family?

20 A. [13:00:35] My abduction from Pajule did not have any good impact because all
21 the things that I had before were destroyed. But now that I have returned home, at
22 least it's not very -- the situation is not very bad because you are free to leave home to
23 do whatever you want without any fear. So life is fairly okay. I have no fear of
24 anything at home, but only that what I had before I -- it's difficult to replace them.
25 I don't know if I'm going to replace them. I haven't -- it hasn't changed.

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1 Q. [13:01:24] Sir, by the way, were you able to continue your professional activity
2 or your business, for example?

3 A. [13:01:36] No. Because now there are many children and there are also
4 grown-up and how to meet their education needs is difficult. But when I do some
5 little farming, that's when I can earn some money to try and pay for their fees. But
6 I am not doing any business.

7 Q. [13:02:06] Sir, my last question: What do you expect from these proceedings?

8 A. [13:02:22] What the Court can do for me are quite many, because my things
9 that were destroyed, I do not know who is going to pay for them. And if possible, if
10 the Court can, I should be taken for further medical examination so that I can have
11 (Redacted) and my legs again re-examined so that I can be able to get proper medical
12 attention.

13 I don't know, maybe it might be difficult to pay for my things, but -- and also I need
14 to stay in a secure place so that I can stay away from other intimidations. Because
15 sometimes there could be some enemies who could come and attack me because I am
16 deep in the village. The situation, the place is now calm, but still there are people
17 who are, you know, who are bad hearted in the villages.

18 Q. [13:03:44] Sir, thank you for answering my questions.

19 MR NARANTSETSEG: [13:03:47] Your Honour --

20 PRESIDING JUDGE SCHMITT: [13:03:50] Yeah, thank you Mr Narantsetseg.

21 MR NARANTSETSEG: [13:03:52] Thank you, sir.

22 PRESIDING JUDGE SCHMITT: [13:03:53] This concludes your examination. And
23 we will have now the lunch break until 2.30 and then we continue with the
24 examination by the Defence.

25 THE COURT USHER: [13:04:02] All rise.

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1 (Recess taken at 1.04 p.m.)

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

3 THE COURT USHER: [14:31:33] All rise.

4 PRESIDING JUDGE SCHMITT: [14:31:58] I give now the Defence the floor,
5 Mr Obhof, for the examination of the witness.

6 MR OBHOF: [14:32:07] Thank you very much, your Honour.

7 QUESTIONED BY MR OBHOF:

8 Q. [14:32:13] Good afternoon, your Honours. I hope your food was okay. I
9 know the food in this country tends to be very different from back in Uganda.

10 Mr Witness, what direction did you walk when you escaped from the bush?

11 A. [14:32:49] When I was escaping from the bush I was on the eastern side and I
12 escaped going westwards. From Puranga you would point towards the east, but I
13 walked going westward.

14 Q. [14:33:21] Now, Mr Witness, you gave a little bit of a description, but just in
15 terms of days how long were you at the Ogonyo detach?

16 A. [14:33:37] I spent just one night there.

17 Q. [14:33:45] Now, during that first day they examined the entirety of your body,
18 correct?

19 A. [14:33:54] Yes, they did that.

20 Q. [14:34:02] And they determined -- now, on your shoulders where they saw the
21 scarring, was it still scabbing over or had it healed by the time that you escaped and
22 you were collected by the UPDF?

23 A. [14:34:30] Well, that was not necessarily a wound, but it had hardened. It was
24 not like a keloid but just a part that had been overused and had become hard.

25 Q. [14:34:45] So it would like a callous, just like where your skin gets really thick,

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1 kind of like on the heels of your feet; is that right, Mr Witness?

2 A. [14:35:01] Exactly.

3 Q. [14:35:11] Now, Mr Witness, the UPDF in that detach physically assaulted you,
4 did they not?

5 A. [14:35:19] Yes, they did.

6 Q. [14:35:26] Could you please explain to Court what they did to you.

7 A. [14:35:48] I had earlier explained this. I said at first I met them and then they
8 started questioning me in the manner with which I escaped. I narrated
9 them -- narrated to them the way I escaped. And then they first told me to go and
10 take a rest in one of the classrooms. I went and rested there for a while.

11 Q. [14:36:21] But after that what did they do when they physically assaulted you?
12 Did they hit you with the butt of a gun, did they punch you with their fists or kick
13 you with their feet, Mr Witness?

14 A. [14:36:43] They didn't beat me with the butt of the gun. They also didn't beat
15 me with their fists. They instead used sticks to flog me.

16 Q. [14:36:56] Now, I know this might be painful to think about, Mr Witness, but
17 where did they hit you when they were flogging you?

18 A. [14:37:11] They instructed me to lie down and I did that. They flogged me on
19 my buttocks, on my back and, well, I cannot estimate the number of canes I was
20 given.

21 Q. [14:37:31] Mr Witness, does it surprise you to learn that there was a report sent
22 from the Ogonyo detach to Achol-Pii 5th division headquarters about your arrest or
23 about your escape and capture?

24 A. [14:38:00] Well, I don't know how they recorded that in their books, because
25 while they were flogging me, they kept on writing down a few things. They never

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1 told me what exactly they were recording.

2 Q. [14:38:15] I am going to turn to tab 2, page -- it is UGA-OTP-0255-0961 -- or,
3 sorry, 0960, page 0961. It is going to be the last paragraph. And, Mr Witness, I am
4 going to read something to you.

5 PRESIDING JUDGE SCHMITT: [14:38:40] And perhaps, I think he would
6 understand it, but perhaps --

7 MR OBHOF: [14:38:45] I can give a background.

8 PRESIDING JUDGE SCHMITT: [14:38:48] Exactly. Reiterate what it is about so
9 that he is on the right page.

10 MR OBHOF: [14:38:52] Yes.

11 Q. [14:38:55] Now, Mr Witness, this has to deal with the report made by the detach
12 to the Achol-Pii 5th division about your day at the detach. And these are
13 recommendations given by the detach to the Achol-Pii barracks where you were
14 headed:

15 "I would advise you to apply some torture to that man is going to reveal all the
16 information as he revealed it to us. But otherwise he should not deceive you" -- and
17 he -- "is an abductee. Remember that's what he had told us at first but we insisted
18 until he revealed a proper info and I hope he has more info than what we got from
19 him."

20 Now, Mr Witness, is this flogging what the UPDF considers that they insisted? So
21 when the UPDF insisted that you were not an abductee, is this in fact what they did,
22 they flogged you?

23 A. [14:40:36] Well, that's correct, because I was flogged and I don't even remember
24 what exactly I told them. I was in deep pain and I was just saying anything.

25 MR OBHOF: [14:40:56] Now, your Honour, I would ask that we go to private

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1 session for about two minutes. It is just to read off a list of names and I can explain
2 why when we're in private session.

3 PRESIDING JUDGE SCHMITT: [14:41:09] Yes, I agree. Private session for a short
4 period.

5 (Private session at 2.41 p.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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(Open Session)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 2.43 p.m.)

5 THE COURT OFFICER: [14:43:43] We are back in open session, Mr President.

6 MR OBHOF: [14:43:45]

7 Q. [14:43:46] Now, Mr Witness, do you remember how long you were detained at
8 Achol-Pii?

9 A. [14:44:07] I remember I stayed between half a month and a month. It took me
10 between two weeks and three weeks. That is what I can recall, but I do not clearly
11 recall the exact dates.

12 Q. [14:44:25] That's okay. I am going to help you out with that, to see if it helps
13 your memory. Now, it says that you escaped and were collected by the UPDF on
14 24 October 2003 and that you were released on 6 December 2003. And that's also at
15 tab 2 at the top of the page. There are further tabs which have that same date, your
16 Honours. We will get to them, of course, later, so --

17 PRESIDING JUDGE SCHMITT: [14:44:57] And the witness himself has estimated
18 the time he spent there to two month.

19 MR OBHOF: Yeah.

20 PRESIDING JUDGE SCHMITT: That's paragraph 87.

21 MR OBHOF: [14:45:07] Yes. So it's around that time.

22 PRESIDING JUDGE SCHMITT: [14:45:10] Yes, around that time, yeah. I think one
23 or two days, a week or -- less or more would not be so important.

24 MR OBHOF: [14:45:15] Exactly.

25 Q. [14:45:17] Now, you stated that your LC-3 came and demonstrated that you

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1 were amongst the people who were abducted on 10 October 2003, but yet you
2 remained at the barracks for a little while longer after that. Do you remember what
3 the UPDF was doing to you during this time?

4 A. [14:45:59] Yes, I do remember. Because when I was in the cell, sometimes we
5 would take a bath once in a week, and you would, you would be released to go out to
6 the washrooms once in a day.

7 Q. [14:46:26] Now, at Achol-Pii you were taken to an underground place where
8 you stayed with approximately 42 people in one room; is that correct, Mr Witness?

9 A. [14:46:47] Yes, that's correct.

10 Q. [14:46:52] And there was no natural light or ventilation, correct, Mr Witness?

11 A. [14:47:06] That is correct.

12 MR OBHOF: [14:47:08] Just one question in private session, your Honour. To the
13 people in the gallery, about 45 seconds.

14 PRESIDING JUDGE SCHMITT: [14:47:15] We go to private session.

15 (Private session at 2.47 p.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Open session at 2.48 p.m.)

25 THE COURT OFFICER: [14:48:06] We are back in open session, Mr President.

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1 MR OBHOF: [14:48:16]

2 Q. [14:48:16] And while you were detained at Achol-Pii, you ate, on the average,
3 only once a day or were fed by the UPDF only once a day, Mr Witness; is that correct?

4 A. [14:48:30] That's correct.

5 Q. [14:48:36] Now, Mr Witness, whilst you were detained, were you at any time
6 offered legal assistance or given the chance to call a lawyer?

7 A. [14:48:59] No one else came, save for the LC-3 chairperson.

8 Q. [14:49:07] Well, no one came, but did the UPDF, did they inform you that you
9 were allowed to talk to a lawyer or did they offer to get you a lawyer or allow you to
10 make a phone call to a lawyer?

11 A. [14:49:28] No, all these things didn't happen.

12 Q. [14:49:36] Now, Mr Witness, how did you know that the LC-3 came to the
13 barracks?

14 A. [14:49:53] At that time I was called to the office and the door was open. They
15 told me, "You go there. Your LC-3 chairperson has come and is in the office." Then
16 they selected one soldier who escorted me to the office, and I found him there and we
17 started talking.

18 Q. [14:50:20] Now, Mr Witness, you were eventually sent to Lira; is that correct?

19 A. [14:50:31] Correct.

20 Q. [14:50:33] And how long did you stay at the Lira barracks, if you remember?

21 A. [14:50:43] If I can remember, I stayed there for approximately two weeks.

22 Q. [14:50:52] And was the treatment different at Lira barracks?

23 A. [14:51:05] Yes, I was treated differently, because while I was there, I met with
24 other returnees and we stayed together in the barracks.

25 Q. [14:51:23] But they, they fed you and they allowed you to bathe? They fed you

1 more often and allowed you to bathe more often, Mr Witness; is that right?

2 A. [14:51:39] Yes, that's correct. You would be allowed to eat the way you want
3 and you would eat anything.

4 Q. [14:51:49] And, Mr Witness, when you were first abducted, did any one of the
5 persons that you talked to, did they ever tell you what would happen if you escaped
6 from the bush and turned yourself in to the UPDF?

7 A. [14:52:20] Yes, amongst the UPDF, the person who told me was the person who
8 was taking charge of me. He said, "If you escape and then we recapture you, we
9 would kill you."

10 Q. [14:52:40] I'm sorry, I might not have explained myself well enough,
11 Mr Witness.

12 Did Lieutenant Odongo, did he tell you that if you escaped and if you were captured
13 by the UPDF, that the UPDF would torture you or kill you?

14 A. [14:53:10] Yes. Lapwony Odongo talked about that. But what I knew was
15 that the UPDF do not kill people. When you surrender to them they would pick you
16 and take you to the places where they would keep those who had returned from the
17 LRA were kept. That was what I knew at that time.

18 Q. [14:53:41] Now please excuse me for putting it this way: When you escaped
19 and turned yourself over to the UPDF, did you think that you would be subjected to
20 four to six weeks of torture by the government which is charged to protect you?

21 A. [14:54:10] Could you please repeat your question, I did not understand it.

22 Q. [14:54:16] It's okay. When, when you said you knew that they didn't kill
23 people, but did you think when you escaped and turned yourself over to the UPDF
24 that the UPDF would torture you for so long, that they would flog you and they
25 would put you in a hole for six weeks? Did you think that would happen,

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1 Mr Witness?

2 A. [14:54:50] Well, the reason I escaped was that I was not running away from the
3 UPDF. I knew they were not killing people because they were part of the Ugandan
4 government and I knew if you escaped they would be able to welcome you.

5 Q. [14:55:09] When you come home is your normal welcome a stick across your
6 buttocks and across your back, Mr Witness, or is it a handshake and a hug?

7 A. [14:55:34] I have not understood that.

8 Q. [14:55:36] I'll just move on. I'll skip that question.

9 PRESIDING JUDGE SCHMITT: [14:55:38] I think so too. But we can -- we have on
10 the record what has happened to the witness.

11 MR OBHOF: [14:55:46] Yeah.

12 Q. [14:55:52] Now, Mr Witness, again you confirmed about the 40 or so, 40, 42
13 people who were also being detained at the Achol-Pii barracks at the same time as
14 you. From what you observed, from what you saw, did they receive the same kind
15 of treatment as you did?

16 A. [14:56:21] The people I found in the cell were already being treated in the same
17 way I was. Of course their cases were quite different from mine.

18 Q. [14:56:35] Did you talk to them whilst you were down there?

19 A. [14:56:43] Yes, we did talk.

20 Q. [14:56:49] Do you remember a person by the name of Oyet Fred?

21 A. [14:57:02] Yes, I do.

22 Q. [14:57:05] Was he being detained at Achol-Pii at the same time that you were
23 being detained?

24 A. [14:57:16] I found when he was already there, so, well, I don't know at that time
25 how long he had already spent there.

1 MR OBHOF: [14:57:27] For the Chamber reference, a few of the people we're
2 discussing can be found at tab 3, UGA-OTP-0255-1028, and we picked a few at
3 random. Oyet Fred is at 1029.

4 Q. What about a Mr -- do you remember a Mr Kilama Bosco? Was he -- or, first,
5 do you remember him?

6 A. [14:58:00] Yes, I do remember. We stayed together in the same cell. But the
7 reason for which he was taken there I don't know.

8 Q. [14:58:14] And just one last name, Mr Witness. A person by the name of
9 Odong Jevinino?

10 A. [14:58:33] Yes, I do recall.

11 Q. [14:58:34] And for the record, this Odong, he was there at Achol-Pii with you
12 too, Mr Witness, right?

13 A. [14:58:48] That's correct.

14 Q. [14:58:56] And, Mr Witness, how long was it after you were released from the
15 Lira barracks that you were able to go back home?

16 A. [14:59:09] I stayed in the barracks for approximately a fortnight. I was not
17 taken directly back home. I was taken to an organisation called Concerned Parents,
18 which was in Lira. The organisation was tasked with providing social welfare to
19 elderly people. They were keeping people from 18 to 45 years in one section and
20 then those who were above the age were kept somewhere else. But while we were in
21 the barracks we were living with the people from the age of 8 upwards. But when
22 we went to CPA we were segregated.

23 Q. [15:00:03] How long were you at CPA, Mr Witness?

24 A. [15:00:18] If you refer to read the CPA, I don't understand it well.

25 Q. [15:00:25] Now, when you went to the Concerned Parents Association, how long

1 did you stay there before you were allowed to return home to Pajule?

2 A. [15:00:42] I think I spent about two to three weeks going to one month. And
3 after that the team from Caritas from Pajule came and picked me and I returned back
4 home in Pajule.

5 Q. [15:01:06] But you didn't go to Caritas, of course, when you went back home,
6 correct?

7 A. [15:01:15] I did not go to Caritas, but they only used the vehicle to take me. So
8 I came and stopped at the centre and went home.

9 Q. [15:01:32] So, Mr Witness, it would be correct to say that you spent two weeks in
10 the bush and then spent two and a half to three months in the hands of the
11 government; is that right?

12 A. [15:01:58] I mentioned that because it's a bit difficult to state the correct date
13 because sometimes while in the bush you may not be able to relate the dates and the
14 days to the event that is happening, because all you think of at that time is to return
15 home.

16 Q. [15:02:26] Mr Witness, I will move on to a different topic.

17 Now, you mentioned your home village earlier today and in your statement at
18 paragraph 104 you had mentioned that it had been attacked three different times
19 before relocating to the IDP camp; is that correct?

20 A. [15:02:54] That's correct.

21 Q. [15:02:58] You mentioned that some cattle raiders came to your village for one of
22 these attacks. Mr Witness, were these cattle raiders from Karamojong or were they
23 Karamojong?

24 A. [15:03:23] Yes, they were Karamojongs.

25 Q. [15:03:33] Mr Witness, the first question is based upon your cattles. Did the

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1 UPDF or the local police try to stop the Karamojong from stealing yours and your
2 villagers' cattle?

3 A. [15:03:57] The UPDF tried to stop them, but it was not possible. Police never
4 tried at all.

5 Q. [15:04:10] Mr Witness, another one of the attacks, as you stated, was from the
6 LRA; is that correct?

7 A. [15:04:23] Yes, that's correct.

8 Q. [15:04:28] And the third time was an attack by the UPDF when they were
9 looking for rebels in your village; is that also still correct, Mr Witness?

10 A. [15:04:43] Yes, that's correct.

11 Q. [15:04:46] During this incident the UPDF stole property from people's homes in
12 the village, is that what you remember, Mr Witness?

13 A. [15:05:08] Yes, I do recall they would take properties.

14 Q. [15:05:18] Mr Witness, you briefly mentioned this morning about your move
15 from -- or at least the reason and why, did you -- reason you moved from your village
16 to the IDP camp.

17 Mr Witness, did you have a choice to stay at home or did the government tell you you
18 had to move?

19 A. [15:05:54] That, you could not refuse because, if you do, then they would come
20 and force you to go to the camp. It was not possible to refuse.

21 Q. [15:06:11] Did representatives of the Ugandan government say that to you or to
22 your family, that if you did not move, they would move you?

23 A. [15:06:33] The order came from the UPDF soldiers that everyone should go to
24 stay in the camp so that it is possible for them to pursue the LRA rebels so that they
25 would not get food.

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1 Q. [15:06:58] Now, Mr Witness, whilst you were gone did something happen to
2 your property?

3 A. [15:07:24] At the time that I left home my father was taken by the UPDF. And
4 when he returned he told us that he found our home was burnt, but who burnt the
5 house he didn't know.

6 Q. [15:07:56] Did you also come to find out that a road had been built on your
7 property, Mr Witness?

8 A. [15:08:13] Yes, I knew about that. A road was constructed through our land.

9 Q. [15:08:29] Did the person or entity who built this road, did they have permission
10 from you or your family to build this road?

11 A. [15:08:51] No, there was no permission. But we were told that that road was
12 supposed to be used as a security road.

13 Q. [15:09:06] Were you ever compensated by the government of Uganda for this act
14 of land grabbing or eminent domain? Did they ever give you just compensation for
15 them taking away part of your property?

16 A. [15:09:36] No, there was no compensation, but they only told us that such roads
17 are built to protect you so that when the LRA rebels come, it will be possible for the
18 government armoured vehicles to move around and save you from the LRA attacks.

19 Q. [15:09:59] How long after the end of 2006 did you get that land back,
20 Mr Witness?

21 A. [15:10:18] We began to use that land after people were now returning home and
22 the LRA had already been flushed out of the area. So we are using the land even up
23 to today.

24 Q. [15:10:37] Mr Witness, on to your move. Were you and your family given
25 money to help move from your village to the IDP camp?

1 A. [15:11:02] No, there was no money.

2 Q. [15:11:08] Did the government of Uganda send lorries to help you and the
3 people from your village move to the IDP camp?

4 A. [15:11:31] Nothing. Each one would go on their own from -- they would leave
5 their home and go on their own.

6 Q. [15:11:42] Thank you. When you arrived in Pajule, did the government
7 provide you building materials to build a home for you and your family?

8 A. [15:12:09] In my case, I was not given anything. But I saw in other cases, for
9 some people, they were given poles, to build. But for me, in my case, we already
10 had some houses which we had built. If you remember, I mentioned that when the
11 rebels came, they broke into my home. But my house was not a grass-thatched
12 house, so I had built it earlier.

13 Q. [15:12:43] And when you moved to the IDP camp, did the government set aside
14 a small plot of land for you to grow some vegetables and have some chickens and
15 maybe some goats?

16 A. [15:13:04] That was not there. What you would do is to request someone who
17 is nearby and you can dig. Or if you had money, you would rent a piece of land and
18 use. Then when you harvest, you crop, then you can leave the land to the owner.

19 Q. [15:13:32] Mr Witness, while you were in the IDP camp, did the government of
20 Uganda help by providing the camp residents food, or was it the World Food
21 Programme that was helping the camp residents with food?

22 A. [15:14:02] The government of Uganda did not give any food. But the World
23 Food Programme were the ones that I saw providing the food relief.

24 Q. [15:14:16] Now, Mr Witness, were there UPDF soldiers stationed at Pajule? Or
25 was Pajule all just LDUs?

1 A. [15:14:38] They were mixed. UPDF and LDU were together in one barracks.

2 Q. [15:14:54] Now, Mr Witness, on more than one occasion did government
3 soldiers shoot into the middle of the camp when there was no LRA presence
4 with -- inside the camp?

5 A. [15:15:27] Yes, that happened. I -- it would happen at such a time when, when
6 the rebels are not there, they would shoot the guns. But for us civilians, it would be
7 difficult for you to know why they were shooting. But at that time the LRA rebels
8 would not be around.

9 Q. [15:15:55] Mr Witness, were some of the camp residents killed by this careless
10 shooting?

11 A. [15:16:15] There were some deaths. It happened when there was a bomb that
12 was fired which came and landed on a certain grass-thatched house and killed some
13 two children who were inside that house.

14 Q. [15:16:39] In the IDP camp, did the government soldiers, whether UPDF or LDU,
15 did they on more than one occasion beat up civilians for no particular reason?

16 A. [15:17:09] That would happen, because sometimes they would tell people to
17 close, to close their houses at around 6 p.m. So if you delay to do that, to follow that
18 instruction, they just start beating.

19 Q. [15:17:29] Did you ever see or did you ever hear about these UPDF soldiers
20 being disciplined for assaulting these civilians?

21 A. [15:17:49] No, I did not see. They usually take such cases to the barracks, so
22 whatever happens in the barracks is difficult for us civilians to know. So whether
23 such a person would be punished or not, we don't know.

24 Q. [15:18:09] Mr Witness, did you ever see or did you ever hear about government
25 soldiers committing acts of sexual violence against the civilian women in the camp?

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1 A. [15:18:33] I heard about that. There was a case which was taken to local council
2 1 that a certain soldier slept with a certain woman, and the LC-1, together with the
3 GISO of the area, were the ones that handled. They had some discussion and
4 referred the case to the barracks. So how the case was handled from the barracks, I
5 do not know.

6 Q. [15:19:24] Mr Witness, what was the distance between the barracks and the
7 Pajule trading centre?

8 A. [15:19:41] The barracks is in Lapul. Lapul and Pajule are separated by a road.
9 The distance between them is not far. They are all close. The barracks is close to
10 the mission and -- but in Pajule there was no barracks.

11 Q. [15:20:08] Would you estimate maybe around 200 to 300 metres from the Pajule
12 market to the barracks, Mr Witness? Or, sorry, the barracks on the Lapul side of the
13 Pajule IDP camp?

14 A. [15:20:34] Well, it's difficult to get that -- state that distance in terms of miles. I
15 think it is less than half a mile. It's very close.

16 Q. [15:20:52] About how long do you think it would take to walk from the Pajule
17 market to the Catholic mission, which you said was right next to the barracks on the
18 Lapul side?

19 A. [15:21:13] In terms of minutes, it could be about 10, 12 or 13 minutes of walk. If
20 you walk quickly, it's about that.

21 Q. [15:21:31] Now, Mr Witness, how close were the houses built to the barracks?

22 A. [15:21:52] Are you meaning grass-thatched houses or the iron-roofed houses?

23 Q. [15:22:01] Actually, Mr Witness, anything owned or lived in by civilians. So if
24 it is an iron house but a civilian lives there, I would count that. Or if it is
25 a grass-thatched and a civilian lived there, I would count that as well. So either/or.

1 A. [15:22:24] Not very far, but they were a bit scattered. But not very far.

2 Q. [15:22:44] Mr Witness, from what you saw whilst you were in Pajule, were there
3 bombs or ammunitions, any type of matériel, military hardware and equipment
4 which was stored outside of the barracks in plain view of the civilians?

5 A. [15:23:17] Yes, you could see from afar, because civilians were not allowed to go
6 into the barracks.

7 Q. [15:23:30] You mean you could see the, the matériel, the military weaponry. So
8 if you were standing outside of the barracks, you would be able to see it as clear as
9 day, Mr Witness?

10 A. [15:23:49] Yes, you could see, because it was very clear. The, the perimeters of
11 the barracks were all -- the grass were all cut and there were no trees, so you could
12 clearly see.

13 Q. [15:24:08] Mr Witness, did the wives and children of any of the LDUs or UPDF,
14 did they live with inside the barracks?

15 A. [15:24:36] Well, that's difficult to know, because what happens in the barracks,
16 as a civilian I would not know. But what I also know is that women would also go
17 there. But to know whether they live in the barracks or outside, I don't know
18 because I see some of them would rent outside the barracks, they would rent within
19 the camp. But I don't know whether they live inside or not.

20 Q. [15:25:05] Mr Witness, did you sometimes see soldiers who would sleep inside
21 of the IDP camp?

22 A. [15:25:27] Yes, they would sleep.

23 Q. [15:25:31] Did they have, from what you saw or from what you heard, did they
24 have regular houses there or would it be a call upon a girlfriend?

25 A. [15:26:01] Yes, that's correct. Some of them, some of them would have their

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1 girlfriends that they are in a relationship with. So -- but some would sleep maybe
2 with a relative.

3 Q. [15:26:19] Mr Witness, did the UPDF and the LDUs, did they patrol within the
4 IDP camp, either during the day or during the night?

5 A. [15:26:40] Yes, that happens.

6 Q. [15:26:45] So, Mr Witness, would it be fair to say that from the outside
7 somebody could see soldiers intermingling with the civilians inside the IDP camp at
8 any given time?

9 A. [15:27:23] Yes, that could be seen. Sometimes they would walk soldiers only
10 without civilians.

11 Q. [15:27:39] But they would be walking inside of the camp?

12 A. [15:27:47] Yes, they would be walking inside of the camp.

13 Q. [15:27:55] Now whether you knew or whether you heard, Mr Witness, did the
14 UPDF and the LDUs ever actively look for collaborators with inside of the camp?

15 A. [15:28:21] That, they do. But most times they communicate in a meeting that
16 people should not collaborate with the rebels. So sometimes when there are security
17 meetings the GISO from the district, together with army commanders would come
18 and talk to people about that.

19 MR OBHOF: [15:28:54] Now, your Honour, I have about two and a half hours left
20 worth of questions. I would ask for the Chamber's indulgence, regardless we will
21 still go in tomorrow's second session, to be able, in light of some of the answers today,
22 to reword a few of the questions to move faster through tomorrow.

23 PRESIDING JUDGE SCHMITT: [15:29:11] No problem with that. We appreciate it.
24 And for how long will you want to go today?

25 MR OBHOF: [15:29:15] No, I was asking if we could call it quits for today

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- 1 because a (Overlapping speakers)
- 2 PRESIDING JUDGE SCHMITT: [15:29:21] Okay, okay, good.
- 3 MR OBHOF: Sorry about that.
- 4 PRESIDING JUDGE SCHMITT: No, no. I appreciate that. And we, I think,
- 5 prepare for tomorrow, Witness 396 sometime in the morning. Let me put it this way.
- 6 We will have to finish at 3 o'clock tomorrow, we would have even contemplated to
- 7 shorten a little bit the lunch break, so we have to be a little bit flexible, so to speak.
- 8 And let's say if you need two and a half and then we have -- yes, let's, let's -- but we
- 9 start with the next witness tomorrow definitely. Let's say midday or something.
- 10 We are flexible.
- 11 MR OBHOF: [15:30:00] The last time when I asked this too I ended up cutting out
- 12 a full three and a half pages just for (Overlapping speakers)
- 13 PRESIDING JUDGE SCHMITT: [15:30:10] Yeah, yeah. No, no, no. We appreciate
- 14 that and we will see how far we come tomorrow. Perhaps we even finish after the
- 15 first session with the, with the witness. So we will see.
- 16 So we abate the proceedings for today and we reconvene tomorrow at 9.30.
- 17 THE COURT USHER: [15:30:23] All rise.
- 18 (The hearing ends in open session at 3.30 p.m.)