

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Wednesday, 8 November 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:51] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:16] Good morning, everyone. Especially
13 good morning to Mr Witness. I hope you had a good rest and a good sleep.
14 And could the court officer please call the case.
15 THE COURT OFFICER: [9:31:28] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
17 Dominic Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:31:43] Thank you. And for the appearances, we
20 start with the Prosecution. Mr Choudhry first.
21 MR CHOUDHRY: [9:31:49] Your Honour, Kamran Choudhry, here today with
22 Mr Hai Do Duc, Mr Ben Gumpert, Mr Shkelzen Zeneli, Mr Julian Elderfield,
23 Mr Pubudu Sachithanandan, Ms Colleen Gilg and Ms Ramu Bittaye.
24 PRESIDING JUDGE SCHMITT: [9:32:03] Thank you.
25 And for the LRVs, first Mr Narantsetseg.

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- 1 MR NARANTSETSEG: [09:32:07] Orchlon Narantsetseg for the Common Legal
2 Representative, your Honour. I am alone today. Thank you.
- 3 PRESIDING JUDGE SCHMITT: [9:32:13] Thank you.
4 And Mr Cox.
- 5 MR COX: [9:32:14] Good morning, your Honours. James Mawira and myself,
6 Francisco Cox.
- 7 PRESIDING JUDGE SCHMITT: [9:32:19] Thank you, Mr Cox.
8 And for the Defence, Mr Obhof, please.
- 9 MR OBHOF: [9:32:22] Good morning, your Honour. Today we have counsel
10 Krispus Ayena Odongo, Eniko Sandor, Ms Abigail Bridgman, co-counsel
11 Chief Charles Achaleke Taku, and myself, Thomas Obhof. And of course our client,
12 Mr Dominic Ongwen, is here today.
- 13 PRESIDING JUDGE SCHMITT: [9:32:42] And I think you can remain standing
14 because it is still your turn with the examination and you can continue immediately if
15 you want.
- 16 MR OBHOF: [9:32:54] Thank you, your Honour.
- 17 WITNESS: UGA-OTP-P-0067 (On former oath)
18 (The witness speaks Acholi)
- 19 QUESTIONED BY MR OBHOF: (Continuing)
- 20 Q. [9:33:03] Now, Mr Witness, good morning. I hope you slept well last night and
21 had a good breakfast.
- 22 Now, Mr Witness, you stated that during the attack on the IDP camp, you saw people
23 who were lying dead inside the camp but you did not see how these people were
24 killed; is that right, Mr Witness?
- 25 A. [9:33:39] Yes, that's correct.

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1 Q. [9:33:40] And you also stated that there was a helicopter firing down during the
2 attack and that bombs were falling, which were being fired from the barracks of
3 Pajule; is that correct, Mr Witness?

4 A. [9:34:05] I stated that the helicopter was not using bombs but they were using
5 lighter weapons. But the bombs were also falling so I cannot distinguish whether the
6 bombs belonged to the LRA or whether they belonged to the UPDF. It is a little bit
7 difficult.

8 Q. [9:34:25] But were the bombs coming from the direction of the barracks on the
9 Lapul side of the camp, Mr Witness?

10 A. [9:34:33] Yes. It was coming from the direction of Lapul, because that's where
11 the battle was heaviest.

12 Q. [9:34:43] Mr Witness, whilst the UPDF helicopter was using small arms, civilians
13 such as yourself were present within the IDP camp; is that correct?

14 A. [9:35:04] Yes, there were civilians in the camp, there were also LRA fighters in
15 the camp, and there were also soldiers in the camp, including children.

16 Q. [9:35:22] Now, Mr Witness, in your statement you stated that once you left your
17 house, though, you did not see any government soldiers as they had retreated to the
18 barracks. So is that still the same or is it different from what you told the Prosecution
19 in 2005?

20 A. [9:35:53] It's still the same, because they had left. The camp only contained LRA
21 soldiers.

22 Q. [9:36:06] Now, Mr Witness, from what you saw, was that helicopter successful in
23 distinguishing between who was LRA and who was a civilian?

24 A. [9:36:30] No, there was no distinction, because we were all mixed up together.
25 But they did not use heavy weapons.

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1 Q. [9:36:43] And the bombs being fired from the direction of the barracks, from the
2 barracks, were those bombs able to differentiate between civilians and LRA?

3 A. [9:37:10] No. There was no distinction either. When there is a crossfire, there
4 is no distinction. The gun cannot differentiate between UPDF and civilians. The
5 LRA and UPDF were fighting against each other at the barracks so the gun -- the
6 gunshots that were coming were coming indiscriminately, they could not distinguish
7 between a civilian, UPDF or LRA fighter. There was no distinction.

8 Q. [9:37:43] And just to be clear, because we're all lawyers and Judges inside of this
9 room, in the IDP camp it was a, a mixture of civilians, LRA and maybe a few UPDF
10 before they retreated. There wasn't like one section where civilians were at and one
11 section where LRA were at, people were intermingled like a deck of cards, correct?

12 A. [9:38:17] I did not quite understand your question. Could you please repeat it.
13 Could you please make it clearer so I am able to respond to it.

14 MR OBHOF: [9:38:27] It's okay. It was kind of long.

15 PRESIDING JUDGE SCHMITT: [9:38:29] It was a little bit long and it had elements
16 of a statement in it --

17 MR OBHOF: Yeah.

18 PRESIDING JUDGE SCHMITT: -- so to speak. But I think we have the answers by
19 the witness and --

20 MR OBHOF: I'll just (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: Perhaps give it a try and break it down a little bit
22 shorter, simply shorter the question.

23 MR OBHOF: [9:38:42] Yeah.

24 Q. [9:38:43] During this fighting were -- was everybody that was in the IDP camp,
25 were they mixed?

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1 A. [9:38:58] No, they were not mixed. The UPDF was on the outskirts of the camp.
2 The civilians stayed in the middle. The UPDF soldiers that remained behind were in
3 the barracks. When the LRA fighters came, there were a few UPDF soldiers that
4 were within the camp in the middle of the camp. When the LRA fighters came, they
5 chased away the soldiers that were in the camp and the soldiers that were on the
6 outskirts. So all the soldiers ran and went to the barracks and that's where the heavy
7 fighting was.

8 Q. [9:39:41] So when, as you said, the LRA came into the camp, did they come in
9 one straight line or were they some in block 9, some in block 8, some in block 7?

10 A. [9:40:02] No, it wasn't one straight line. There were different groups. One
11 group went on the Lira-Kitgum road. One group went to the Lira-Kitgum road.
12 And the other group went to the road going to Pader town. And another group
13 came into the camp. Another group went to the barracks. There were
14 different -- they came from different directions.

15 Q. [9:40:36] So would it be accurate, Mr Witness, to say they fanned out and that
16 the LRA was mixed in between the civilians once it entered the camp?

17 A. [9:40:56] That's correct.

18 Q. [9:40:58] Now you mentioned yesterday that you saw someone's head cut off,
19 where you actually saw the bodies of somebody, somebody's body whose head had
20 been cut off, and you assumed that it came from a panga. Mr Witness, how do you
21 know the head was cut by a panga and not from shrapnel from one of the bombs that
22 was exploding?

23 MR CHOUDHRY: [9:41:33] Your Honour, I rise. I would ask for a reference
24 because I am not sure that the witness actually stated that a head was cut off. So I
25 would ask my learned friend to refer to the exact passage. Thank you.

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1 PRESIDING JUDGE SCHMITT: [9:41:45] Of course we know that in the statement
2 there is something, but it -- but in a certain relation of course. So perhaps an exact
3 reference would indeed be helpful, Mr Choudhry. There is this episode where
4 a head was cut off to take it with a commander so that the dead body could not be
5 identified. I have this in my mind.

6 MR OBHOF: [9:42:15] I will reformulate this question.

7 PRESIDING JUDGE SCHMITT: [9:42:16] But I think you don't refer to this incident, I
8 would --

9 MR OBHOF: [9:42:19] No, I'm not referring to the statement. I was referring to
10 what he was --

11 PRESIDING JUDGE SCHMITT: Yeah, yeah, yeah.

12 MR OBHOF: -- talking about yesterday.

13 PRESIDING JUDGE SCHMITT: Okay.

14 MR OBHOF: And it appeared but --

15 PRESIDING JUDGE SCHMITT: But then --

16 MR OBHOF: -- I can reformulate.

17 PRESIDING JUDGE SCHMITT: [9:42:26] Then we would need an exact reference,
18 indeed.

19 MR OBHOF: [9:42:29]

20 Q. [9:42:30] Mr Witness, you talked about somebody who it appeared that they had
21 been cut by a panga on their neck. How do you know, since you didn't see anybody
22 die in the camp, you didn't see anybody die in the camp, how do you know that the
23 neck wasn't cut by a piece of shrapnel that came from one of the bombs which
24 exploded in the camp?

25 A. [9:43:12] Your question is extremely long. If you look at my statement, I stated

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1 that I did see somebody who died. The person's head had been chopped off.

2 Q. [9:43:34] And we did, after my learned colleague rose, and it said that
3 somebody's, the back of their neck was cut by a panga, but you only saw them faced
4 lying down and that you did not see the action. And, Mr Witness, how do you know
5 that was a panga if you did not witness it? Could it not have been a piece of flying
6 shrapnel from one of the bombs?

7 A. [9:44:08] I stated yesterday that there was a woman who was killed, the woman
8 who was hacked by a machete and the three children were crying. If the Court
9 permits, could they please explain to me, could there please be clarification as to
10 which event they are referring to?

11 PRESIDING JUDGE SCHMITT: [9:44:32] I think, Mr Witness, it is exactly that event
12 that counsel is referring to.

13 And for the reference here, for us if we want to look at it, that was in the statement of
14 the witness, paragraph 22.

15 And perhaps I simply, simply read it out so that we are all on the same page and also
16 the witness knows and you have talked about it yesterday too.

17 That is UGA-0139-19 -- 198, because I have a cut here, 198:

18 "I can estimate she was about 40 years plus. Her body was lying face down and I
19 could see that the back of her neck was cut by a machete ("panga"). It was a deep
20 cut. I did not see any object beside her body."

21 And the question of counsel was if it could have been a shrapnel, or perhaps you can
22 repeat it. So now this is what we are talking about, exactly what you assumed
23 already.

24 MR OBHOF: [9:45:46]

25 Q. [9:45:46] Since you did not see anything around the body, could it equally have

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1 been shrapnel that went around the back of her neck and made a deep cut instead of
2 a panga?

3 A. [9:46:04] Based on my observation it looked more like a machete cut, because
4 a bomb cannot -- when a bomb explodes it does not just hit somebody in one spot. It
5 explodes all over the place. But when it's a machete then it's more on one place.

6 Q. [9:46:28] Mr Witness, are you a pathologist or a forensic scientist?

7 PRESIDING JUDGE SCHMITT: [9:46:36] No, Mr Obhof, I think the witness -- you
8 have asked the witness and the witness can only say, I think he said something like
9 "according to my observation" and he cannot do more. And everything else are
10 conclusions. If there are to draw conclusions, this has to be done by the Judges. So
11 of course he is not a pathologist, but we ask witnesses about their observations. We
12 are the ones, it's you and it's me who ask him and then we cannot reproach him for
13 not having the knowledge of a pathologist. Please continue with another issue.

14 MR OBHOF: [9:47:15]

15 Q. [9:47:15] Mr Witness, while you were being abducted did you see any rebels
16 running around completely naked?

17 A. [9:47:29] LRA fighters?

18 Q. [9:47:31] Yes, Mr Witness, the LRA fighters, were they running around naked?

19 A. [9:47:42] No, they were not running around naked, but they were bare-chested,
20 they had their shirts tied around their waists, but they had trousers on. It's only the
21 chest that did not -- that was bare.

22 Q. [9:48:01] And you also mentioned that you saw -- that you watched an LRA
23 remove the clothings of another LRA fighter. Mr Witness, have you ever tried to
24 remove the clothings from a cadaver or a dead person, better put?

25 A. [9:48:24] Well, I was there. I saw that happening. When that was taking place

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1 I saw that happening because they said we should not leave our person's clothes, we
2 have to take it. And then they took it off.

3 Q. [9:48:43] Mr Witness, while you were in the LRA did you come to learn that it's
4 a crime punishable by severe beating or death to remove the clothes of a fighter who
5 died in battle?

6 A. [9:49:09] No. I was not aware of it. I did not know whether that was a crime,
7 but I saw them. I saw them take off the clothes. But I do not know what the rules
8 are. I do not know what the consequences are. I do not know anything about that.

9 Q. [9:49:33] Mr Witness, you stated you were given groundnuts to carry from
10 Pajule from the camp to eventually the large group that you met. Is that still correct
11 that you carried food?

12 A. [9:49:49] That's correct.

13 Q. [9:49:53] From your rather short time in the bush, would you say that there was
14 a food shortage amongst the LRA?

15 A. [9:50:13] I do not know why they take food. But based on what I saw, the LRA
16 would take -- when they come across any type of food, they would take it. If they
17 come across cassava in a field, they will take it. I do not know why they did that. I
18 do not know whether they had starvation problems or hunger problems. I do not
19 know why they did that.

20 Q. [9:50:45] But when you moved to the camp, Mr Witness, didn't you state
21 yesterday that the government -- one of the reasons to move to the camp was to starve
22 the LRA, Mr Witness?

23 A. [9:51:11] Yes, I stated that yesterday.

24 Q. [9:51:15] Mr Witness, for those few weeks you were in the LRA, did the group
25 allow you to eat?

- 1 A. [9:51:33] Yes, they allowed me to eat.
- 2 Q. [9:51:37] Did they give you enough food for more than one meal a day?
- 3 A. [9:51:52] There are days when we went hungry because there was no food.
- 4 Q. [9:52:01] When they had food though, they would share it amongst everybody.
- 5 Maybe people who had been there longer might get a little bit bigger portion but they
- 6 would still try to give food to everybody; is that correct?
- 7 A. [9:52:22] If they do not get food from civilians or if they do not find cassava from
- 8 the fields, then it's difficult, because they do not have any organisation that provides
- 9 them with food and they do not have any fields to plant their foods in to cultivate.
- 10 Q. [9:52:45] Thank you, you actually answered my next question.
- 11 But when they did have food, so if they went to a garden and grabbed some cassava,
- 12 would they spread it around to everybody or would the person who collected the
- 13 food, would they keep it for themselves? So say if Lieutenant Odongo went with
- 14 five people to get some cassava, and they came back, would he give it to the entire
- 15 group or would they keep it to themselves?
- 16 A. [9:53:23] They would keep it for themselves.
- 17 Q. [9:53:29] So if Lieutenant Odongo went there and his commander Bogi Bosco
- 18 would still go hungry?
- 19 A. [9:53:47] He usually sends him with his own soldiers, so the food would be
- 20 collected and then it would be divided into small groups. And each group would
- 21 have to take care of its own food supplies as best as it can.
- 22 Q. [9:54:07] So some would, from a group, one of the small groups, would still go
- 23 and collect food and then spread it around that group? Am I understanding you
- 24 correctly, Mr Witness?
- 25 A. [9:54:24] If there is a lot of food, then they distribute it, they share it.

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1 Q. [9:54:36] Now, Mr Witness, you stated that you heard Lieutenant Odongo talk to
2 Otti through a walkie-talkie during the fight; is that correct?

3 A. [9:54:58] That's correct.

4 Q. [9:55:01] And it is still your statement that you heard Lieutenant Odongo say
5 "Otti Vincent" during that walkie-talkie discussion?

6 A. [9:55:27] I did not quite understand your question. Could you please repeat it.

7 Q. [9:55:34] It's okay. Did you hear Lieutenant Odongo say Otti Vincent's name
8 whilst he was using the walkie-talkie?

9 A. [9:55:51] Yes, I did. Because he used both English and Acholi. Some English
10 and Acholi. He mixed the two languages together, as well as Swahili. I came to the
11 conclusion that he was speaking to Otti because he was referring to Otti's name.
12 Some of the people that I was with, or some of the people that were close to me, said
13 the commander is speaking to Otti and that's why I came to the conclusion that he
14 was speaking to Otti.

15 Q. [9:56:36] And, Mr Witness, while you were in the bush did you ever become
16 aware that the LRA used codenames when speaking over military radios,
17 walkie-talkies and satellite telephones?

18 A. [9:57:04] I do not know the manner in which they use codes and passwords.
19 But the people that were there, the people that were already in the LRA, informed us,
20 the newly abductees, that Mr Odongo is speaking to Otti. I do not know their
21 passwords, I do not know their codes, but that's what I was informed. They told me
22 that he was speaking to Otti and that was my understanding.

23 Q. [9:57:33] Mr Witness, after you left Pajule you first stopped off at Lacek Tar.
24 For clarity, which Lacek Tar did you stop at, Lacek Tar west or Lacek Tar east?

25 A. [9:58:03] Lacek Tar west -- east.

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1 Q. [9:58:05] Could you say it again, please. We received both east and west from
2 our booth. I do apologise, Mr Witness.

3 PRESIDING JUDGE SCHMITT: [9:58:16] Mr Witness, there was a short
4 interpretation issue. It is not your fault at all. The interpretation was, I think, first
5 west and then east. So we don't know. Please repeat it and then it will be
6 interpreted anew. Thank you.

7 THE WITNESS: [9:58:44] (Interpretation) Are you asking about east or west?

8 PRESIDING JUDGE SCHMITT: [09:58:46] Yes, it's still the --

9 MR OBHOF: [9:58:49] I can re-ask the question, your Honour.

10 PRESIDING JUDGE SCHMITT: [9:58:51] I think the best will be that counsel ask the
11 question again and then you answer it again. But as I said, already said, it is not
12 your fault. There was an interpretation issue.

13 MR OBHOF: [9:59:00]

14 Q. [9:59:02] The Lacek Tar that you first stopped at, was it Lacek Tar east or was it
15 Lacek Tar west?

16 A. [9:59:16] Lacek Tar east.

17 Q. [9:59:21] Thank you, Mr Witness. There you met two large groups; is that
18 right?

19 A. [9:59:35] We met two big groups that contained numerous people.

20 Q. [9:59:46] Were there commanders at Lacek Tar?

21 A. [9:59:58] Yes, there were commanders present.

22 Q. [10:00:00] Did you see Raska Lukwiya there, Mr Witness?

23 A. [10:00:16] There were commanders present. There were several commanders.
24 There was Otti, there was Dominic Ongwen and there were other commanders that
25 were present.

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1 Q. [10:00:29] I am just going to say a few quick names.

2 Mzee Kenneth Banya, was he there?

3 A. [10:00:49] If I recall well, we found Kenneth Banya in Ogul.

4 Q. [10:00:53] This is why I am going through the process. So if you saw them
5 someplace different, please let us know.

6 How about Nyeko Tolbert Yadin?

7 A. [10:01:11] I do not know that one.

8 Q. [10:01:17] Charles Kapere?

9 A. [10:01:24] I do not know.

10 Q. [10:01:25] Only two more, Mr Witness, I'm sorry. Acel Calo Apar?

11 A. [10:01:37] I do not know him. But I heard his name.

12 Q. [10:01:42] The final one, Mr Witness, who I mentioned earlier, Mr Bogi Bosco?

13 A. [10:01:58] I do not see that one. I like to speak the truth.

14 Q. [10:02:01] Now, you didn't see him, but did you hear the name Bogi Bosco?

15 A. [10:02:12] Yes, I heard the name but I do not know him personally and I did not
16 see him.

17 Q. [10:02:21] Now, Mr Witness, does it surprise you that Lieutenant Odongo, the
18 man you said was in Trinkle, did not -- or pointed out Mr Ongwen instead of his
19 superior commander, as the Prosecution would put it, Lieutenant Colonel
20 Bogi Bosco?

21 A. [10:02:56] Perhaps they did not understand what I said. I was told that this is
22 Ongwen, someone who should be respected. He had come when they had -- they
23 came from the place of Lapul, the side of Lapul, and that is how I knew.

24 Q. [10:03:18] Mr Witness, Lacek Tar east, that's between the Pajule main market and
25 Wangduku, right?

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1 A. [10:03:37] Lacek Tar is between Pajule -- if you are coming from Wangduku
2 heading towards the west, you first arrive in Lacek Tar and then you go to Pajule.

3 Q. [10:03:57] And Lacek Tar east, the main market there is about 3 to 4 kilometres
4 from Pajule main market. Does that sound about right?

5 A. [10:04:21] I cannot differentiate between a kilometre and a mile. But from my
6 observation, it is not far from Pajule. It could be about 2 and a half miles and if
7 converted to kilometres, I wouldn't know.

8 MR OBHOF: [10:04:40] If you convert it to kilometres, that's around 4 kilometres.

9 PRESIDING JUDGE SCHMITT: [10:04:43] Yes, and the witness has something in
10 common with the Presiding Judge here. But I think last time Mr Gumpert was
11 appointed as an expert in that respect. But I understand now this would be about 4
12 kilometres.

13 MR OBHOF: [10:04:55] Yes, if it is 2.5, 2 miles is about 3.2 kilometres and
14 2.5 (Overlapping speakers).

15 PRESIDING JUDGE SCHMITT: [10:05:01] I see the dissent on the Prosecution bench.

16 MR GUMPERT: Broadly I think Mr Obhof is right, a little less than 4 so --

17 MR OBHOF: [10:05:10] Yeah, I -- it's 1.609 kilometres per mile.

18 PRESIDING JUDGE SCHMITT: [10:05:14] But you would agree with me that is too
19 complicated for me --

20 MR OBHOF: Yeah.

21 PRESIDING JUDGE SCHMITT: -- to convert it exactly, you know?

22 MR OBHOF: [10:05:21] Well, 2 is 3.2.

23 PRESIDING JUDGE SCHMITT: [10:05:23] And you know the old Latin saying iudex
24 non calculat.

25 But this was quite exact, Mr Witness, that when you say it's 2 and a half miles, that

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1 comes very close to the 4 kilometres counsel mentioned. Thank you.

2 Please continue, Mr Obhof.

3 MR OBHOF: [10:05:50]

4 Q. [10:05:51] Now, Mr Witness, considering the distance from Lacek Tar east from
5 the area where you went, went to, how would you know that Mr Ongwen was
6 coming from the Lapul side, especially that it's 3 to 4 kilometres east of the Pajule
7 main market?

8 A. [10:06:27] Like I said earlier, we were not moving in a single line. People who
9 were coming from Lapul side moved on a different line, while those who were
10 coming from Pajule moved in a different line.

11 Q. [10:06:47] But he arrived after you. I mean, how do you know that -- especially
12 considering the distance from Pajule to Lacek Tar east, how did you know he was
13 coming from Lapul, from the Lapul side of the camp?

14 A. [10:07:18] That's easy to know because people who moved from one location and
15 moved in a single line can be identified because there were some civilians who were
16 moving with them and they were from the Lapul side of the camp. I also know those
17 who were from the side of Pajule, we left together with them, with -- from Pajule. It
18 was not difficult to differentiate between the two groups. The commander who
19 abducted us, known as Odongo, said that this is Ongwen's group that was from
20 Lapul. That is how I knew it.

21 PRESIDING JUDGE SCHMITT: [10:08:07] And by the way, I hesitate a little bit to
22 come back to that, but I am informed now that 2 and a half miles are 4.02 kilometres,
23 so that is really exact, if my team does not give me a wrong information here. But
24 this would be nearly the first time I would say that this happened.

25 MR OBHOF: [10:08:29] The know that one person on your team is familiar

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1 with miles.

2 PRESIDING JUDGE SCHMITT: [10:08:32] And that was the one who provided
3 the information.

4 MR OBHOF: [10:08:49]

5 Q. [10:08:49] So, Mr Witness, you knew, an IDP camp that was 10, 15, 20,000 people
6 and Lapul being on the western side of the Lira-Kitgum road, so you knew people
7 who were living in the Lapul side of the camp; is that correct, Mr Witness?

8 A. [10:09:29] I do not know, even the one of Pajule I wouldn't know all, but the
9 people with whom I always stayed together are the ones that I knew and they were
10 from Lapul. And then there are other people with whom we stayed together in
11 Pajule, we moved together and I knew them. That is the reason why I say that.

12 Q. [10:09:54] Mr Witness, yesterday we had a discussion about the death of Lacung
13 and in your statement, the way you describe it, Lacung died, was killed in front of
14 you, around you and that Otti Vincent and Dominic Ongwen were behind you. Is
15 that still correct, Mr Witness?

16 A. [10:10:34] Yes, that is correct.

17 Q. [10:10:40] And that you did not think because of their position -- this is from
18 paragraph 43. The word "they" refers to Otti and Mr Ongwen. It says "they did not
19 see him being killed but they would have found him struggling with death." So they
20 weren't even in a position where they were able to see him be killed, Mr Witness; is
21 that still correct?

22 A. [10:11:28] That is correct, but they saw.

23 Q. [10:11:29] I am just wondering how could you not see and see at the same time,
24 Mr Witness. You mean they were able to see his body when they walked by?

25 A. [10:11:54] When he was killed they even stopped and observed a bit, but they

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1 did not say anything.

2 Q. [10:12:03] Mr Witness, they were walking behind you and so you're saying that
3 whilst you were walking towards Wangduku you stopped and you turned around
4 and was able to look at Otti Vincent and Mr Ongwen stopping and looking at his
5 body? Is that what you're saying, Mr Witness?

6 A. [10:12:42] Yes, that's what I am saying.

7 Q. [10:12:46] And people, as you stated yesterday, were being killed because they
8 were refusing orders, but nothing happened to you for stopping and staring at two
9 commanders; is that right?

10 A. [10:13:13] I said I did not stop alone. All those ones who were stopped stopped.
11 I could not stop on my own when I was not told to stop.

12 PRESIDING JUDGE SCHMITT: [10:13:25] Mr Okot, how far have you been away
13 when you observed that, from the dead body and from Mr Otti and Mr Ongwen? Of
14 course like we had it yesterday several times, can only be an estimate. If you want
15 you can use as a reference here the distances in the courtroom, for example, the
16 distance from you to the bench or to the walls on the left or the right side, if you want
17 to do that.

18 THE WITNESS: [10:14:02] (Interpretation) It was not very far. Could be up to
19 the -- up to behind, behind this door I am pointing. But in between there are people
20 who were scattered. It was not far. And I could hear if there was a conversation
21 going on and you could also see what was going on.

22 PRESIDING JUDGE SCHMITT: [10:14:30] Thank you.

23 MR OBHOF: [10:14:31] I'm using the Prosecution's map, but it doesn't actually have
24 a distance to that door, but I would estimate between 10 and 12 metres for the record.

25 PRESIDING JUDGE SCHMITT: [10:14:41] Yes, I would also, you know, with these

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1 estimations, according to all experience, it's really, we have to really

2 (Overlapping speakers) --

3 MR OBHOF: [10:14:49] It's really an estimate

4 PRESIDING JUDGE SCHMITT: [10:14:51] -- take it lightly. Could have been

5 10 metres, could have perhaps being 15, 20 metres, but it was not very far and it was

6 not very close perhaps, so to speak.

7 MR OBHOF: [10:15:06]

8 Q. [10:15:06] And after that, Mr Witness, you went to a place, after Wangduku you
9 went to Ogul. Is that sometimes referred to as Te Ogul?

10 A. [10:15:27] Yes, that is one and the other. There is a small hill in the -- in Ogul.

11 It's a little higher than this building. And it's, it's called Ogul. That therefore can be
12 called Te Ogul.

13 Q. [10:15:53] Mr Witness, about Mr Ongwen, when you first met him how was he
14 dressed?

15 A. [10:16:07] When he, when we met him in Lacey Tar he was wearing a military
16 camouflage uniform and gumboots, but the people who were coming behind who
17 were following him still had their shirts tied around their waists. I do not know
18 whether he had removed his uniform when he was there.

19 Q. [10:16:33] Was he carrying anything in his hands or over his shoulder?

20 A. [10:16:47] He was carrying a bag and was holding a gun. And then his escorts
21 also had guns, three of them also had guns.

22 Q. [10:16:59] Was he carrying a stick, Mr Witness?

23 A. [10:17:10] I -- there was, there was haste and a lot was going on. I did not
24 concentrate on seeing whether there was a stick, but I saw a gun.

25 Q. [10:17:23] How was he walking, Mr Witness? Was he walking like

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1 a commander with authority?

2 A. [10:17:41] The way I saw he was walking like a commander with authority.

3 When you don't have authority you cannot move with three people as your escorts.

4 Others are beside you while one is following you.

5 Q. [10:18:02] And when he walked did he walk like a normal person like you and I?

6 A. [10:18:16] Yes, he walked like a normal person.

7 Q. [10:18:22] And he didn't have a limp, Mr Witness, did he?

8 A. [10:18:33] No. I did not see any limp.

9 Q. [10:18:40] Mr Witness, I am going to read out paragraph 118 on page 0213 of

10 your statement that you gave back in February of 2005: "Odongo had shown us

11 Dominic Ongwen that same day we had been abducted, but I did not look at him as

12 I was scared. I cannot recall what he looked like."

13 Now, Mr Witness, can you please explain the differences between what you just

14 explained to the Court today and that statement made 12 and a half years ago.

15 A. [10:19:41] That's a good question. He showed us, but we were fearing. Much

16 as you are fearing, you can see, you can see -- be able to observe someone even if

17 someone is passing by. I was indeed fearing, but I was still able to see. But

18 you cannot concentrate and stare at the person the way I am looking at you now in

19 the Court. For instance, if someone who was passing, someone who is -- who was

20 passing here, even if you bow your head down, at least you can still be able to see.

21 That is how I saw the person.

22 PRESIDING JUDGE SCHMITT: [10:20:22] But, Mr Witness, perhaps a short

23 follow-up. When we are reading this, "I cannot recall what he looked like", and that

24 was in 2005, I think, and today you gave a sort of description. So this is what, I

25 think, counsel wants to know. If you could not recall it 12 years ago how he looked

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1 like, how do you say today that you can give a description, at least of some part of his
2 features?

3 THE WITNESS: [10:20:56] (Interpretation) That is correct, your Honour. About
4 seeing, I was able to see. But you do not stare. When you fear, you are not able to
5 look directly into the face of someone, but at least you will have seen. You cannot
6 look directly into the person, because the person who was leading us was very tough
7 and he told us that this is the commander who is leading us. Even if your head is
8 bowed down a bit, at least you are able to glance and see the person who is passing.
9 You do not stare though and concentrate on the person.

10 PRESIDING JUDGE SCHMITT: [10:21:49] Okay, I think we take it.

11 MR OBHOF: [10:21:52] Just one more follow-up question, your Honour.

12 Q. [10:21:54] In that statement too it also said that you were scared but you felt
13 comfortable to stop and look at Otti Vincent and Mr Ongwen whilst they were
14 allegedly looking at a body of -- the body of Lacung. So you felt comfortable doing
15 that, even though, as paragraph 118 said, on that day you were so scared you
16 wouldn't look directly at him?

17 A. [10:22:41] Can you repeat the question. I have not understood the question.
18 I am sorry about that.

19 Q. [10:22:46] From what you said today and what's in the statement, you were
20 scared and wouldn't look at them, look at Mr Ongwen. But it's your testimony that
21 you felt comfortable enough, even though you wouldn't look at him, you felt
22 comfortable enough to stop and stare at Dominic Ongwen and Otti Vincent while
23 they were allegedly looking at Lacung's body.

24 A. [10:23:20] I was able to see. Like I said, I was scared. I repeat it, that much as
25 you are scared and your head is bowed down, you are still able to see. It was

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1 daylight and it was clear. It was about 8 o'clock in the morning and it was clear.

2 You could still see someone.

3 Q. [10:23:44] Thank you, Mr Witness.

4 Mr Witness, you also stated yesterday that Otti Vincent mentioned something about
5 overthrowing the government in one of his speeches. To the best of your knowledge,
6 did the LRA ever march to Kampala to try to overtake the government?

7 A. [10:24:16] No. There was no instance. What I understood was that the furthest
8 the LRA went was Soroti. I was just told about it and I would also hear it on radio,
9 because the furthest place they reached was broadcast on radio, and for that matter,
10 I was able to know that this is where they reached.

11 Q. [10:24:47] Mr Witness, at paragraph 46 of your statement you also mentioned
12 meeting Tabuley in Okwang in Lira district in October 2003. Now, does it surprise
13 you that Tabuley was in Teso in October of 2003 and not in Lira?

14 A. [10:25:29] In regard to that, when I was in the bush, it was not easy to know
15 days, dates or a time. It was not easy. I am just estimating. For that matter, I don't
16 have the exact response to that.

17 Q. [10:25:50] It's okay, Mr Witness. We actually do understand that. But for the
18 entire time you were in the bush, Tabuley was in Teso. How could he meet you in
19 Lira?

20 PRESIDING JUDGE SCHMITT: [10:26:08] I think you would have to word it in
21 a way that you do not put it to him as an already proven fact.

22 MR OBHOF: [10:26:17] Okay.

23 PRESIDING JUDGE SCHMITT: [10:26:18] Yes.

24 MR OBHOF: [10:26:18]

25 Q. [10:26:19] Mr Witness, would it surprise you if I suggested that Tabuley was

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1 alleged to have been in Teso the entire time you were in the bush and not in Lira?

2 A. [10:26:44] We met many groups. We would actually meet many groups and the
3 commander who was leading us would tell us that Tabuley's group is among us and
4 heading towards Soroti. That he would say. Whenever we meet a big group, he
5 would tell us we have met so-and-so's group and they are heading to this and that
6 direction. That is what -- that is what would happen.

7 Q. [10:27:16] So it's now that you only saw Tabuley's group and not Tabuley in
8 Okwang; is that correct, Mr Witness?

9 A. [10:27:37] The group met our group. But it's not easy to see him personally
10 because the commanders stayed together with the, with the fellow commanders. It's
11 been long, I cannot remember exactly whether I saw or not.

12 Q. [10:28:00] Thank you, Mr Witness.

13 Now, Mr Witness, during the attack in Pajule did Vincent Otti go to the barracks, go
14 to the centre? Did he go anywhere inside of Pajule town during the attack?

15 A. [10:28:33] I did not see where he went, but I told you earlier that I saw him on
16 the, on the road. Because during a battle you cannot differentiate this -- someone
17 from another. There were a lot of movements and I couldn't say this is who or this
18 is Otti.

19 Q. [10:29:00] Thank you. These next few questions are going to be referring to
20 tab 2 but I will not mention the names of the people in the paragraph we discussed
21 yesterday right now.

22 Now, Mr Witness, when you were being tortured and interrogated at the Ogonyo
23 detach, you would say anything, as you said yesterday, in order to stop the torture.
24 The names of the LRA people that you included are Otti Vincent, Tabuley and Banya.
25 But considering that Dominic Ongwen was somebody that was allegedly pointed out

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1 to you and that you saw on the day in Pajule, you didn't mention him. Why is that,
2 Mr Witness?

3 A. [10:30:11] That was because of the mistreatment of the UPDF. They were
4 threatening me that if you do not mention any name, we will kill you. Then I feared
5 for my life and then I started mentioning names. Because they were caning me and it
6 was painful. That was a threat that was issued to me.

7 I tried my level best not to mention any name, but they told me if you do not mention
8 any name, we will kill you. And that is the reason you heard those names, and even
9 the names of people who were not even intelligent people, I mentioned their names.
10 The names that I mentioned as collaborators is not true.

11 Q. [10:31:08] And we're just discussing right now the names of the LRA people, not
12 the other names.

13 But you did, you started saying names and someone that you had allegedly been
14 pointed out as someone that had walked beside you and somebody who you had,
15 you're now saying, stopped and stared at while he looked at Lacung's body. You
16 didn't think about mentioning Mr Ongwen while at Ogonyo detach, did you,
17 Mr Witness?

18 A. [10:31:54] No, I did not mention his name while I was being tortured by
19 the UPDF.

20 Q. [10:32:00] And at tab 6, that's UGA-OTP-0255-0200, referring to stuff in both
21 page 200 and 201, there was a report written after you were tortured and interrogated
22 at Achol-Pii. And on page 200 you mentioned Otti Vincent. And again, as I read
23 through it, you give details, you talk about Commander Otti Vincent again on the
24 next page. And you even talk about carrying a wounded rebel known as Second
25 Lieutenant Odongo.

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1 Again, Mr Witness, you didn't mention Mr Ongwen. Can you say again why you
2 wouldn't think about mentioning Mr Ongwen considering the alleged experiences
3 you had with him on the day you were abducted?

4 A. [10:33:22] The reason why I did not mention Ongwen was that we met
5 occasionally. And because of that, because I only met him from time to time, it did
6 not ring -- it did not actually *spring to mind that I should mention his name, but he
7 was present. The UPDF were threatening me.

8 Q. [10:33:52] But in your statement you only allegedly met Tabuley once, but now
9 you tell us today you didn't even meet him, that you only met his group. And here
10 is a man that you walked by, your friend, I mean your taxman, I send my guy who
11 does my taxes a present every year.

12 MR CHOUDHRY: [10:34:14] Your Honour, I just rise just to correct my learned
13 friend. I'm not sure the witness stated that he did not meet Tabuley. I think the
14 answer is that he could not remember, and I can find the reference if you wish.

15 PRESIDING JUDGE SCHMITT: [10:34:24] I would not lay too much weight on that.
16 It remains a little bit unclear if he -- I recall it that Odongo told him that this was
17 Tabuley's group, and it was not clear if Odongo clearly pointed out Tabuley, a person
18 he named Tabuley, as the commander of this group. This has remained a little bit
19 unclear. And I think we leave it at that. We have tried it and it must not have been
20 the most important incident that the witness necessarily has to remember after all
21 these years.

22 Please, Mr Obhof, continue.

23 MR OBHOF: [10:35:12] Thank you.

24 Q. [10:35:12] But even with the incident in Lira, meeting the group, and if you did
25 just meet Tabuley that day, met him or the group, you thought about mentioning him

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1 and not about somebody who was present on the day that you -- who was
2 supposedly present on the day that you were abducted?

3 A. [10:35:35] Yes. That's correct. Because there were several people, there were
4 very many people, the group met at that place.

5 MR OBHOF: [10:35:59] Sorry, your Honour, I am just crossing off a few questions.

6 PRESIDING JUDGE SCHMITT: [10:36:06] Perhaps we can use this short time span
7 to ask you if you can already tell us how long the examination will last?

8 MR OBHOF: [10:36:16] I won't finish this session, but I definitely will finish next
9 session and I think my time frame of two and a half hours, maybe two hours and 15
10 minutes is still well on target, your Honour.

11 PRESIDING JUDGE SCHMITT: [10:36:28] Perhaps I ask you again when we reach
12 the 11 o'clock.

13 MR OBHOF: [10:36:31] I'm on page 8 right now of 20. So that's right now my
14 normal time frame two hours and 15.

15 PRESIDING JUDGE SCHMITT: [10:36:40] Please continue.

16 MR OBHOF: [10:36:41] Thank you.

17 Q. [10:36:47] Mr Witness, about what you stated I want to clear a few things up.

18 While you were at Achol-Pii you also stated that you were in Otti Vincent's
19 temporary sickbay where you admitted 14 casualties in Omot division. So that was
20 also made up because of the torture, right, Mr Witness? I'm referring to page 0201 of
21 tab 6.

22 A. [10:37:26] I was with somebody named as Lapwony Odongo. If perhaps Otti
23 was their overall commander then I do not know. But I was in that group, the group
24 belonging to sickbay.

25 Q. [10:37:45] But did you visit a sickbay whilst being abducted with Otti Vincent?

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1 A. [10:38:01] I do not understand that, because the people that we carried, that we
2 carried from Ogul stayed with us until I left the LRA.

3 Q. [10:38:20] Thank you, Mr Witness.

4 Now, Mr Witness, after you were released from Lira barracks and you were taken to
5 CPA, you stayed there for anywhere between two to four weeks. I think yesterday
6 you said three or four weeks. And you spoke to other former abductees. Is that
7 correct, Mr Witness, that you spoke to other abductees whilst at CPA? Other former
8 abductees, I'm sorry.

9 A. [10:38:58] Yes, I did. I did speak to them.

10 Q. [10:39:05] And you exchanged stories about your time in the bush, so they told
11 you stories about their experiences and you told them stories about your experiences;
12 is that right?

13 A. [10:39:19] Yes, that's correct.

14 Q. [10:39:25] And this is the -- is this the first time you heard of Raska Lukwiya, at
15 CPA, Mr Witness?

16 A. [10:39:38] Yes.

17 Q. [10:39:44] During your time at CPA did you or the other people you talked to
18 discuss any other alleged LRA commanders?

19 A. [10:40:08] Yes, that was during discussions. I did not pay too much attention to
20 it, but yes, we did discuss it.

21 Q. [10:40:22] And, Mr Witness, is this the first place that you actually heard of
22 Mr Ongwen?

23 A. [10:40:38] No. I knew or came to learn about Dominic Ongwen on the day that
24 I was abducted. At the Concerned Parents there were other people who had been
25 abducted who also stated that they came from him, others stated that they came from

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1 Raska Lukwiya, from different places.

2 MR OBHOF: [10:41:14] Your Honour, can I have a private session for about 45
3 seconds, please.

4 PRESIDING JUDGE SCHMITT: [10:41:19] Relatively shortly, so to speak.

5 MR OBHOF: Yes.

6 PRESIDING JUDGE SCHMITT: To private session.

7 MR OBHOF: [10:41:24] Yes.

8 (Private session at 10.41 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Open session at 10.42 a.m.)

19 THE COURT OFFICER: [10:42:16] We are back in open session, Mr President.

20 MR OBHOF: [10:42:27]

21 Q. [10:42:27] Now, Mr Witness, your brother was abducted in the Pajule attack as
22 well, correct?

23 A. [10:42:37] Yes, he was.

24 Q. [10:42:39] And you told the Prosecution in 2005 that he returned from the bush
25 in December 2004, right? That's paragraph 95.

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1 A. [10:42:54] Yes, that's what I stated. But I do not recall the exact date that he
2 went back home, but it was a guess. I guessed that he went back around that time
3 because the investigators asked me to guess, to try and guess when he went back
4 home and that was my guess.

5 MR OBHOF: [10:43:18] This next will be from tab 7, your Honour,
6 UGA-OTP-0278-0151, page 0151.

7 PRESIDING JUDGE SCHMITT: [10:43:31] If you want to discuss any health issues,
8 we will do that in private session.

9 MR OBHOF: [10:43:34] Oh, this is not health --

10 PRESIDING JUDGE SCHMITT: [10:43:35] Not, because I have read it. So if you
11 don't want to. Okay, please continue.

12 MR OBHOF: [10:43:43]

13 Q. [10:43:44] Mr Witness, your brother's victim application dated 18 August 2016
14 stated that you were abducted together but that he escaped, he escaped the LRA
15 on 10 October 2003. Does that surprise you, Mr Witness?

16 A. [10:44:11] As I responded earlier, I do not know exactly when he escaped
17 because I was just guessing. When the investigators asked me when he escaped, I
18 guessed. If that is what he has stated, then that's the correct date.

19 Q. [10:44:37] Was your brother and your wife walking with you all the way up to
20 Lacek Tar, Mr Witness?

21 A. [10:44:55] Yes, we walked together but they were slightly behind. I was in front
22 of them. Because when we were walking you do not walk in a straight line because
23 when you get to a corner, if you turn the corner, then it's possible to see the people
24 that are behind you.

25 Q. [10:45:20] And were they walking with you to Wangduku?

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1 A. [10:45:32] Yes.

2 Q. [10:45:36] And did they walk with you to Ogul?

3 A. [10:45:46] Yes, we did, they walked with me to Ogul.

4 Q. [10:45:51] Mr Witness, does it surprise you that neither of them list Mr Ongwen,
5 but merely the generalisation of LRA rebels as being responsible for the Pajule attack?

6 PRESIDING JUDGE SCHMITT: [10:46:15] Where do you draw this information
7 from?

8 MR OBHOF: [10:46:20] Tab 8 and tab 7.

9 PRESIDING JUDGE SCHMITT: [10:46:27] So that we can follow here.

10 MR OBHOF: [10:46:28] Sorry, I was going to -- I forgot to announce tab 8 and I do
11 apologise.

12 Q. [10:46:41] Mr Witness, does it surprise you that neither of them wrote
13 Mr Ongwen for responsible attacking their camp?

14 PRESIDING JUDGE SCHMITT: [10:46:53] I think the function of the victim
15 application is not to make any assessments about responsibilities, criminal
16 responsibilities. Perhaps simply ask the witness what would be correct, that they in
17 their victims' application do not mention Mr Ongwen. I think that would be --

18 MR OBHOF: [10:47:12] Well, that was the second part, they don't mention him there,
19 they don't mention him at all inside the victim application.

20 PRESIDING JUDGE SCHMITT: [10:47:19] I think that would be more adequate.

21 MR OBHOF: Okay.

22 PRESIDING JUDGE SCHMITT: And not to refer to responsibilities which always is
23 connotated with some legal aspects.

24 MR OBHOF: [10:47:30] Thank you, your Honour.

25 Q. [10:47:31] Mr Witness, in tab 7 and 8, and for the record tab 8 is

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1 UGA-OTP-0278-0157, neither your brother nor your wife list Mr Ongwen at all.

2 Does that surprise you, Mr Witness, especially since they were travelling with you
3 from Pajule to Lacek Tar to Wangduku and then to Ogul?

4 A. [10:48:24] Could you please repeat the question. I did not quite get what
5 you are talking about.

6 Q. [10:48:31] Does it surprise you, Mr Witness, that your brother and your wife,
7 who travelled with you all the way to Ogul, did not mention Mr Ongwen once in
8 their victim applications?

9 A. [10:49:01] I do not know what they stated in their forms. When they completed
10 the forms I was not present. I do not know the day that they completed the forms
11 either.

12 Q. [10:49:14] It's okay. It's okay, Mr Witness. Thank you. Mr Witness,
13 also -- actually, your Honour, this might be best done in private session.

14 PRESIDING JUDGE SCHMITT: [10:49:30] Private session.

15 MR OBHOF: [10:49:31] About five minutes for people upstairs and for people
16 watching on the internet.

17 (Private session at 10.49 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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WITNESS: UGA-OTP-P-0067

(Private Session)

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16 (Open session at 10.59 a.m.)
17 THE COURT OFFICER: [10:59:03] We are back in open session, Mr President.
18 PRESIDING JUDGE SCHMITT: [10:59:05]
19 MR OBHOF: [10:59:06] As promised, your Honour, for at least my part, because I
20 know counsel will probably have about five or ten minutes of follow-up, but I have
21 about 45 minutes left.
22 PRESIDING JUDGE SCHMITT: [10:59:20] So then I think we will have the break
23 until 11.30, then have whatever, 45 minutes, 50 minutes, whatever. And then we
24 have a -- immediately afterwards a shorter lunch break which can be used for
25 establishing the video link for the next witness, and whenever -- we will adjust in

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1 the afternoon, until 3 o'clock, if we have one and a half hour, one hour, two hours, we
2 will see.

3 Break until 11.30.

4 THE COURT USHER: [10:59:50] All rise.

5 (Recess taken at 10.59 a.m.)

6 (Upon resuming in open session at 11.32 a.m.)

7 THE COURT USHER: [11:32:27] All rise.

8 PRESIDING JUDGE SCHMITT: [11:32:47] So, Mr Obhof, please continue.

9 MR OBHOF: [11:32:54] Thank you, your Honour. I will have to ask one to two
10 questions in private session to start off, your Honour.

11 PRESIDING JUDGE SCHMITT: Yeah.

12 MR OBHOF: And then maybe two or three minutes.

13 PRESIDING JUDGE SCHMITT: [11:33:02] Yeah. Private session.

14 (Private session at 11.33 a.m.)

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- 16 (Open session at 11.38 a.m.)
- 17 THE COURT OFFICER: [11:38:29] We are back in open session, Mr President.
- 18 MR OBHOF: [11:38:46]
- 19 Q. [11:38:46] Now, Mr Witness, are you aware that many of these LRA
- 20 commanders were abducted, much like yourself, and that some of these commanders
- 21 were abducted at an early age of 9, 10, 11 or 12?
- 22 A. [11:39:14] That I am aware that some of them were abducted. But others,
- 23 although they were abducted, stayed there for long and did not want to return home.
- 24 There are also those among the LRA. Because the government of Uganda said that
- 25 whoever surrenders would be forgiven. I have no idea or the reason that made him

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1 not to come back home.

2 Q. [11:39:48] Now, Mr Witness, did the government of Uganda say whoever
3 surrenders would be forgiven, but they would undergo anywhere from four to six,
4 some of the people we talked about yesterday, undergo weeks of torture before they
5 were forgiven?

6 A. [11:40:21] That would be forgiven and it happened many times, on several
7 occasions.

8 Q. [11:40:30] That's correct, many people did come back and receive amnesty, but
9 as you noted, there were many people with you in the Lira barracks.

10 Mr Witness, for those two weeks when you were in the LRA you said that the people
11 would say that the UPDF would kill you. Did anybody say that the UPDF would
12 torture them?

13 A. [11:41:06] No. There was none.

14 Q. [11:41:12] Mr Witness, whilst you were in the bush was everybody forced to do
15 anything or forced to do what they did, or were people free to say no?

16 A. [11:41:48] You cannot refuse to do something when you are ordered to do so,
17 because you would be told and you have to do as instructed. You have no capacity
18 to refuse. Whether you like it or not, you have to do it.

19 Q. [11:42:11] Now, Mr Witness, if somebody didn't do something, like how you
20 described you might have to get water at a stream, if you didn't do that, would other
21 people tell the commander that you had failed to do something that you were
22 ordered?

23 A. [11:42:36] No, there was no one. When you are sent to fetch water you have to
24 go get, you have to go fetch the water because you are under that person's authority.

25 Q. [11:42:53] Mr Witness, was there any type -- from what you observed, was there

1 any type of surveillance net by the LRA in the bush?

2 A. [11:43:24] That's the right question, but I do not know that kind of person, the
3 kind of person you are asking for. Is the person a UPDF, an NGO or somebody who
4 superintends the work of the LRA? I do not know what exactly you're meaning.

5 Q. [11:43:48] Were there people that reported to the LRA, whether they be civilians
6 or UPDF? Were there people who collaborated with the LRA, Mr Witness?

7 A. [11:44:10] The civilians would be seen and among the LRA they would, they
8 would find them and leave them. It's not easy to know whether they are
9 collaborators of the LRA. They would find, the LRA would find civilians but would
10 not do anything to them. It's not easy to know whether he has been left because he is
11 a collaborator.

12 Q. [11:44:39] Mr Witness, did you ever hear or learn about Mr Ongwen being under
13 surveillance during your time in the bush?

14 A. [11:45:04] I never heard.

15 Q. [11:45:17] Now, Mr Witness, how much interaction did you have with women
16 whilst in the bush?

17 A. [11:45:36] I did not interact, but when you are told to go and fetch water, you can
18 converse along the way, but basic conversation like pass me the can, bring it and pass
19 it over, fill up my jerrycan, but no conversation apart from that.

20 Q. [11:46:04] Mr Witness, while you were in the bush did you ever hear that the
21 penalty in the LRA for rape is execution?

22 A. [11:46:27] It is not easy to hear that, because their quarters was not near our
23 quarters. For us, we were like prisoners in the LRA. They were staying a little far
24 away. If they were forcefully sleeping with women there, I do not know about it.

25 Q. [11:46:53] But not about what happened, did you ever hear about the rule that

1 the only punishment for rape in the LRA is death?

2 A. [11:47:15] No, I never heard that. If a -- if they are talking about those who
3 stayed there long -- those who probably stayed there long would know, but for me,
4 who stayed there for a short time, I wouldn't know.

5 Q. [11:47:38] During your two weeks in the LRA, sir, did they pray, did the group
6 you were with pray?

7 A. [11:48:01] Yes, they would pray.

8 Q. [11:48:06] How often would they pray?

9 A. [11:48:20] They would pray once in a while. Not every day.

10 Q. [11:48:23] You also mentioned something in your statement about some mixed
11 oils and red ochre to drink. Could you explain to Court what that's about?

12 A. [11:48:53] In regards to the mixed oil and the red ochre, I do not know, I can't
13 explain it, it was just mixed and we were told to drink it. The oil is actually shea
14 butter oil and then the red soil is ochre and we were told to drink it. It didn't cause
15 any harm to us when we drank it.

16 Q. [11:49:19] Did this happen in a ceremony-like fashion?

17 A. [11:49:33] It's like a ceremony, but I do not know why they drink that, but all of
18 us who were new were made to drink it and we did drink it.

19 Q. [11:49:52] Now, Mr Witness, these prayers that they would do every once in
20 a while, were they Christian prayers, Islamic prayers, Judaism? What type of
21 prayers were they?

22 A. [11:50:17] It was Catholic prayer.

23 Q. [11:50:22] And these rituals with the oils and the red ochre, is there any similar
24 type of ritual in Catholicism, Mr Witness?

25 A. [11:50:47] We drank that oil. We had stayed for a few days, about one week

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1 and some days. But it doesn't stop us from praying, even if we drank the oil.

2 Q. [11:51:05] Mr Witness, does or do any Acholi rituals use shea butter oil?

3 A. [11:51:22] There are many rituals in Acholi that they use shea butter oil. For
4 example, when someone gives birth to twins, their umbilical cord is cut and they
5 would put -- they would get something, some tree known as kango, and they would
6 cover it with the kango tree, and then they would get a bird, a chicken and then they
7 use the oil to rub on the chest, and others would be eaten. And then they would
8 prepare a meal from pigeon peas and they would eat it with, with the, with the oil.
9 There are many rituals that are performed, but it is different from the one of the LRA.

10 Q. [11:52:32] Mr Witness, during your short time with the LRA, did you ever hear
11 about any spirits or spiritual beliefs which did not belong to Catholicism?

12 A. [11:52:58] I did not hear about any spirit. But I remember when I was still
13 young, long ago, there was a spirit of someone called Alice Lakwena who died in
14 Kenya. I heard about it, and that she would also use shea butter oil. But she was
15 not an LRA fighter. I don't know the name of her rebel group, of her army, but it is
16 close and very related to the LRA.

17 Q. [11:53:43] Mr Witness, who is Rwot Oywak?

18 A. [11:53:55] Yesterday I was asked the same question, who Rwot Oywak was.
19 Rwot Oywak, as I explained clearly, he is a chief. A chief is selected as a young
20 person from a certain clan and when he is chosen, he would be a rwot. In Lango
21 they are called atekere. If there's a Lango here, they can also tell you how it is done
22 and they could explain how a rwot is chosen. Now, such a person is respected and is
23 the chief of the community.

24 PRESIDING JUDGE SCHMITT: [11:54:37] I think you knew that this was repetition,
25 but this was the basis for --

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1 MR OBHOF: For --

2 PRESIDING JUDGE SCHMITT: -- your continuation --

3 MR OBHOF: -- different questions, yes.

4 PRESIDING JUDGE SCHMITT: -- I would assume. Yeah, okay.

5 MR OBHOF: [11:54:47]

6 Q. [11:54:47] And you saw Rwot speaking with Otti Vincent after your abduction.

7 Now, did Rwot appear frightened or scared?

8 A. [11:55:15] Are you meaning the chief? Are you meaning chief Rwot Oywak?

9 No, he wasn't scared. Because previously he would receive women who would
10 surrender from the LRA, who returned from the LRA. He would collect women and
11 children and would take them to a -- to a point where they are gathered. Sometimes
12 he would also go among the LRA and he would come back with the weak people.
13 And nothing would be done to him. I think the LRA also respect the Rwot. The
14 way they were greeting themselves, it appeared as if they were acquaintances, they
15 already knew themselves. That is how I knew how Rwot was connected with them.

16 Q. [11:56:16] Did you ever hear about Rwot Oywak purchasing items like
17 gumboots, sugar, salt, rice on behalf of the LRA and giving it to them?

18 A. [11:56:42] I never heard of that. But one day, on a different attack that
19 happened in Pajule, he went and collected wives and children of the LRA with
20 a vehicle. He was from Wangduku. He came with them, carrying them in a vehicle,
21 women, children and the weaker, the weak people. He took them to Caritas, Pajule.
22 That is what I saw Rwot was doing. But purchasing sugar and other items, I did not
23 see and I did not even hear about it. If he did, then I never heard of it.

24 Q. [11:57:27] Mr Witness, did you ever hear about Rwot Oywak picking up escaped
25 LRA people and returning them back to the LRA instead of taking them to places like

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1 Caritas, GUSCO or Rachele?

2 A. [11:57:59] I heard that long ago when there was a ceasefire. Because of the
3 peace talks that was going on in Sudan, the LRA fighters, some of them were carried
4 with a vehicle and they followed Kitgum road. Even Rwot was among them, and the
5 LRA were left there and they continued moving to Sudan. That happened at a time
6 when there was a ceasefire and negotiations going on. I saw that happening.

7 MR OBHOF: [11:58:42] Your Honour, I would like to move into a private session for
8 about five minutes.

9 PRESIDING JUDGE SCHMITT: [11:58:47] Yes, private session.

10 (Private session at 11.58 a.m.)

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- 16 (Open session at 12.01 p.m.)
- 17 THE COURT OFFICER: [12:01:44] We are back in open session, Mr President.
- 18 MR OBHOF: [12:02:04] Your Honour, I am going to take a seat and counsel will be
- 19 asking the remaining few questions.
- 20 PRESIDING JUDGE SCHMITT: [12:02:08] Thank you, Mr Obhof.
- 21 Mr Ayena, I give you the floor.
- 22 QUESTIONED BY MR AYENA ODONGO:
- 23 MR AYENA ODONGO: [12:02:25]
- 24 Q. [12:03:14] I think it is now afternoon. Good afternoon, Mr Witness.
- 25 A. [12:02:37] Good afternoon.

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1 Q. [12:02:41] The commander who abducted you and you spent a substantial part
2 of your journey with while in the bush, or when your sergeant in the bush was
3 somebody called Lieutenant Odongo, do you remember whether Odongo was an
4 Acholi or a Lango?

5 A. [12:03:17] He was an Acholi.

6 Q. [12:03:23] Mr Witness, you may help Court to understand the two names.
7 There is a name -- there are two names which have been consistently mentioned,
8 Odong and Odongo. Are they interchangeably used by both Lango and Acholi?

9 A. [12:03:58] Yes, they could be used interchangeably. Because when I went to the
10 LRA, the person was being referred to as Odongo. So if there is an Odongo in
11 Lango, then that could be possible. But there is also an Odongo in Acholi. There is
12 not much difference between Lango and Acholi.

13 Q. [12:04:23] Thank you very much for that clarification.
14 Now, in your testimony yesterday you said Odongo said, "That is Dominic Ongwen".
15 Do you remember who he was saying this to? Who was he telling, pointing out
16 Dominic Ongwen?

17 A. [12:05:06] He was talking to us, the abductees.

18 Q. [12:05:14] Do you remember, Mr Witness, the context in which he was pointing
19 out Dominic Ongwen to you?

20 A. [12:05:35] That's a long question, but I do not really recall what we were doing at
21 the time, but at the time we had gathered together and he pointed to the group, he
22 said "That is Dominic Ongwen's group", as I stated earlier. Because there are some
23 questions that I have already answered, for example, the question regarding how he
24 pointed, pointed it out. And I would like you to get it better now.

25 Q. [12:06:04] (Overlapping speakers) Mr Witness, we don't have to fear each other.

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1 You know, when you are here and you hear me repeating a question that apparently
2 you have answered already, that means there is some grey area which I have either
3 not understood or I think maybe was not clear to Court. It's not meant to harass you.

4 You know, you are here to help, so we have no reason whatsoever so harass you.

5 A. [12:06:44] Go on, ask the question.

6 Q. [12:06:47] I was saying in what context was he pointing out Dominic Ongwen to
7 you? And then, secondly, did you say he was talking about Ongwen's group or he
8 was talking about Ongwen the person? Did he point out Ongwen to you, Ongwen
9 the person, or Ongwen's group?

10 A. [12:07:34] That's the correct question. He pointed Dominic Ongwen, as well as
11 Dominic Ongwen's group. At the time we had stopped. As I stated earlier, they
12 had stayed behind and they were following us. They had -- they followed us to the
13 location where the death occurred. I believe that makes -- that clarifies things. And
14 that's why I came to know that that was Dominic.

15 Q. [12:08:02] Thank you, Mr Witness. You have made me understand better.
16 Then in another part you said Odongo did not only talk about Ongwen, he talked
17 about other people. And you said you saw him talking to Otti, Odongo was talking
18 to Otti on the walkie-talkie. So that we understand, or the Court for that matter
19 understands better, can you repeat or paraphrase the exact words Odongo used when
20 you said he mentioned Vincent Otti.

21 A. [12:09:17] You are asking a question that has already been asked, but I will
22 respond anyway.

23 PRESIDING JUDGE SCHMITT: [12:09:27] Mr Witness, shortly, this might happen
24 that a question is asked one or two times and that is not, as counsel has already
25 pointed out, in any way to manipulate you. But this was more specific here. If you

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1 recall the exact words that have been said, I think this was addressed in that direction,
2 and that would even be a new question, so to speak. So, please simply try to recall
3 and tell us if you recall. And if not, simply say "I do not remember".

4 THE WITNESS: [12:10:03] (Interpretation) Okay.

5 As I stated earlier, they were talking on a walkie-talkie, he was speaking Swahili,
6 English and Acholi. And during the conversation he called Otti's name. And the
7 other people that were with us said this commander is speaking to Otti. The
8 children that were close by, the people who take care of him and the people who had
9 been there longer than me, they said he is speaking to Otti and that's how I came to
10 the knowledge that he is speaking to Otti and that was my understanding of it as
11 well.

12 MR AYENA ODONGO: [12:10:52]

13 Q. [12:10:53] So, therefore, Mr Witness, it is your statement that you did not hear
14 him mention the name Otti Vincent, but rather you were informed by your -- this, you
15 know, the soldiers who were with you that he could have been talking to Otti.

16 A. [12:11:23] I heard it. As I stated earlier, I do not know how to differentiate
17 between the passwords and the codes, but the people who had been there longer, the
18 veterans, told me that the commander is speaking to Otti, but I do not know the
19 content of the conversation, but they told me that he was speaking to Otti. But
20 whatever it is that he told Otti I do not know, I do not know the coded language they
21 were using.

22 PRESIDING JUDGE SCHMITT: [12:11:58] I think we should go to another point.

23 MR AYENA ODONGO: [12:12:00] Yes.

24 Q. [12:12:20] Would it surprise you, Mr Witness, if you were told that
25 Lieutenant Odongo who was in Trinkle neither spoke English nor Swahili, he was

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1 basically an illiterate person? Would it surprise you?

2 A. [12:12:57] No, it would not surprise me. But what I heard is what I'm
3 explaining. He spoke a little bit of English, he spoke a little bit of Kiswahili and he
4 spoke a little bit of Acholi. I do understand a little bit of English, I understand a bit
5 of Kiswahili and that's how I came to know that those were the languages that he was
6 speaking. I know Acholi so I did not need any explanation for that.

7 Q. [12:13:34] Mr Witness, you told Court yesterday that you are now 39 years old.
8 But from the record available you were 24 at the time when you were abducted. Is
9 that what you gave?

10 A. [12:14:05] I gave this -- could the Court please understand that I gave this when
11 I was not sure of my date of birth. But if it pleases the Court, the Court could have
12 a look at my birth certificate, because that information, all the information pertaining
13 to my birth is on that document.

14 PRESIDING JUDGE SCHMITT: [12:14:32] I think any issue with the age of the
15 witness is not very significant here, because it is not related to any of the charges, I
16 would say. So there might be, for example, in 2005 he said that he was, that he is
17 30 years old, so this would make him even a little bit older, but that doesn't really
18 matter. Please continue, Mr --

19 MR AYENA ODONGO: [12:14:57] I am guided, Mr President.

20 Q. [12:15:00] Now, Mr Witness, at a certain point you were at Puranga and you told
21 Court yesterday that from Puranga you went southwards. When you go southwards
22 from Puranga which direction does it take you?

23 A. [12:15:37] I do not understand how you came to say south, because I stated that
24 when I escaped I was walking towards Puranga. I got to a small centre known as
25 Ogonyo. At Ogonyo centre you walk towards this Puranga centre. And that's what

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1 I stated yesterday. It does not necessarily mean that I actually went to Puranga
2 centre.

3 Q. [12:16:19] And, Mr Witness, you were, at the time of your abduction, living in
4 a fairly prominent building in Pajule trading centre. Was that a building constructed
5 by you earlier?

6 A. [12:16:49] It was my brother's house. And I was also staying in that house
7 because it was my brother's house.

8 Q. [12:17:02] Mr Witness, were you doing business? Were you a businessman
9 then?

10 A. [12:17:13] Yes, I was. I had a small business.

11 Q. [12:17:20] Can you tell Court what items you were selling?

12 A. [12:17:31] I would buy small merchandise, I would buy some produce and I
13 would also display a few things on the shelves, some stuff for retail. That's what
14 I was doing, that's the type of business I was running.

15 Q. [12:17:53] Now, Mr Witness, while you were at the camp did you come to learn
16 that the LRA were getting some of their supplies from shops within the trading
17 centre, within the, within the camp?

18 A. [12:18:24] Yes, they did. They would also collect things from gardens, gardens
19 that were cultivated, close to the camp.

20 Q. [12:18:38] Apart from the incidents of them coming to forcefully take those
21 items, do you know whether they were also buying them in some cases?

22 A. [12:18:54] No, they were not buying anything. No, they would not buy
23 anything.

24 Q. [12:19:12] Mr Witness, you may provide a very great opportunity for Court to
25 understand the layout of the barracks and the camps in both Lapul and Pajule and to

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1 let Court also understand their demonstrative arrangement between Lapul and
2 Pajule. Can you describe to Court, please?

3 PRESIDING JUDGE SCHMITT: [12:20:06] I think that was a very, very general
4 question and we have already some information by this witness and by others. For
5 example, it might also be that it was another witness, but I recall that he said that the
6 barracks and the Catholic mission was relatively close by each other, and from the
7 trading -- to the trading centre there was a certain distance. So perhaps if you want
8 to have more details, perhaps specifically go to that and direct it in that direction.

9 MR AYENA ODONGO: [12:20:38] Much obliged, your Honour.

10 Q. [12:20:39] Mr Witness, with the guidance of Court, can you tell Court whether
11 Lapul and Pajule belong to the same sub-county under the same local administration?

12 A. [12:21:08] Could you please repeat the question for clarity.

13 Q. [12:21:13] And then Pajule, they're on either side of the road; is that correct?

14 A. [12:21:23] That's correct.

15 Q. [12:21:25] Do they belong to the same sub-county? Are they under the same
16 Gombolola?

17 A. [12:21:39] No. Lapul, the sub-county chief of Lapul is different, and the office of
18 Pajule's sub-county chief is different. But during the, during the hostilities, the two
19 were converged because the offices were far, and during the, during the hostilities,
20 they rented a house and there was one that belonged to Pajule on one side of the road
21 and Lapul on the other side on the road.

22 But when World Food Programme comes to bring provisions, they would go to
23 a ground and then the food would be distributed from that ground, the ground where
24 the barracks is based. Because that's where the mission was also based.

25 Q. [12:22:40] Thank you, Mr Witness.

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1 Now, yesterday you were asked about whether you believed that the
2 UPDF -- whether you believed that the UPDF would kill, and you seemed to have
3 said you did not believe. Now, after the experience that we went -- you went
4 through while you were in detention, would you still maintain that UPDF would not
5 kill people who escaped from the LRA?

6 A. [12:23:33] The UPDF did not kill people. But, you know, people have different
7 luck. Sometimes you are unlucky and if you are unlucky, then it's different.
8 Because there are some people who came from the LRA who were tortured. Some
9 people came from the LRA and they were not. So it depends on a particular person.
10 It depends on a particular individual commander, and I believe that is not the right
11 way to do things, and that is why I was tortured.

12 Q. [12:24:11] Now, Mr Witness, you told Court that you were forced to lie about
13 certain people, alleging that they were collaborators. If you had not lied, in your
14 view, would the beating have stopped?

15 A. [12:24:39] No, it wouldn't have. I believe that they may have killed me.

16 Q. [12:24:59] Now, Mr Witness, were you aware that there was an opportunity for
17 pardoning people, even those who had been in active combat with the LRA, under
18 the Amnesty Act?

19 A. [12:25:25] Yes. The people are pardoned. Even if you are captured during
20 battle at the battlefield or if you surrender, yes, you are pardoned.

21 Q. [12:25:43] But you told Court, Mr Witness, that when you were in detention
22 there were about 40 others. Why did they not benefit from this?

23 MR CHOUDHRY: [12:26:00] Your Honour, I rise. I am not sure the witness can
24 answer a question as to why any individual was granted amnesty or not.

25 PRESIDING JUDGE SCHMITT: [12:26:09] It depends. He might have information

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1 because they have talked with each other.

2 So, perhaps, Mr Witness, if you have any knowledge about why they did not - at least
3 at the moment we don't know what came out of it in the end - profit from the
4 Amnesty Act, why they were incarcerated together with you, if you have talked with
5 them, if you have any knowledge about that, you can tell us.

6 MR AYENA ODONGO: [12:26:37] Much obliged, your Honour.

7 THE WITNESS: [12:26:46] (Interpretation) Could you please repeat the question so
8 that I could respond to the question.

9 MR AYENA ODONGO: [12:26:52]

10 Q. Mr Witness, it was a simple question. There was the -- you told Court that you
11 knew about the Amnesty Act, which was meant to pardon those -- even those who
12 were captured in active combat. But when you were taken to Achol-Pii, you found
13 nearly 40 others who were former abductees of LRA incarcerated. Did you talk to
14 them about why they were not pardoned under the act, the Amnesty Act?

15 A. [12:27:50] That's a good question and I understand the question now. The
16 people I found in the -- at that detention centre were different. Their cases were
17 different from mine. But on the day that I was released, some of the people were
18 released as well, because some of the people were older and they were not taken to
19 the centres, the receiving centres where people who come out from the LRA are taken.
20 For example, there are some people who were detained, somebody who is 40 years
21 and over, on grounds that they bought stuff for the LRA, they supplied things for the
22 LRA. Those people were not taken to the receiving centres. But the people who
23 were captured at the battlefield were taken together with me to Lira. So I suppose
24 that those people were pardoned in the same manner as I was pardoned later.

25 Q. [12:28:54] Would I be right, therefore, to assume, Mr Witness, that whether or

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1 not you were ultimately pardoned, you will have gone through some form of torture?

2 It was not without at least a taste of torture?

3 PRESIDING JUDGE SCHMITT: [12:29:22] I think the witness can only speak for
4 himself. So it's -- you are asking for a conclusion a little bit.

5 MR AYENA ODONGO: [12:29:34] But, my Lord, you remember that he has already
6 said he was released with others, meaning they had also been through the same thing.

7 PRESIDING JUDGE SCHMITT: [12:29:48] But we don't know if the others were
8 beaten, for example, like the witness. So we don't know that. But he might answer,
9 but we have to take this into perspective in the end.

10 MR AYENA ODONGO: [12:29:59] Yes, yes. Well, maybe I rephrase.

11 PRESIDING JUDGE SCHMITT: [12:30:05] You are free to do so. And I think,
12 because of our conversation now, you would have to repeat the question anyway. So
13 why not repeat it by rephrasing it?

14 MR AYENA ODONGO: [12:30:18] Yes, my Lord.

15 Q. [12:30:20] Mr Witness, was it the case that before you benefited -- I mean, from
16 your experience with yourself in your own case and the cases of those you found
17 there and who were released and finally taken to -- you know, was it your
18 understanding therefore that anyway you would still have to go through some kind
19 of imprisonment and the attendant, you know, treatment in prison?

20 A. [12:31:09] That's a good question. Because I believe I mentioned earlier that
21 people's luck is different. Some people are unlucky and they do not go through any
22 kind of suffering, no kind of harm. But me, personally, I was unlucky because I went
23 through some -- I went through harm. That means that the UPDF soldier did not
24 follow the correct procedure. He followed his own procedures. He shouldn't have
25 tortured me. He should not have used the sticks to ask me. He should not have

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1 threatened me. He should have interrogated me in a proper manner, not through
2 threats. That's what happened to me. I was unlucky and that's what happened to
3 me.

4 But the other people did not go through the same problem. Some of them, some of
5 the younger children were found who were unable to -- because they were unable to
6 walk and they were taken and they were taken to the barracks. Instead of taking
7 them to the receiving centres, they were taken to the barracks. So I believe that that
8 actually clarifies things.

9 PRESIDING JUDGE SCHMITT: [12:32:25] Mr Ayena, a gentle remainder of the time.

10 MR AYENA ODONGO: [12:32:29] (Microphone not activated)

11 PRESIDING JUDGE SCHMITT: [12:32:33] Because we talked before we went into
12 the break, we talked about shortening the lunch break.

13 MR AYENA ODONGO: [12:32:41] The lunch break.

14 PRESIDING JUDGE SCHMITT: [12:32:44] And then have also probably now
15 a shorter afternoon session, but we wanted definitely to start with the next witness in
16 the early afternoon, so to speak.

17 MR AYENA ODONGO: [12:32:55] I should be done in five, seven minutes. Yes.

18 PRESIDING JUDGE SCHMITT: [12:33:00] Okay, good. Continue. As I said,
19 a gentle reminder.

20 MR AYENA ODONGO: [12:33:04] Much obliged.

21 Q. [12:33:07] Mr Witness, according to you, when you were -- according to your
22 experience in the bush, did the people in the bush know about the possibilities of -- I
23 mean, landing in the hands of the type of commander that handled you? Did some
24 people get to know that if you came out, it was possible you could go through what
25 you went through?

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1 A. [12:33:50] That's a good question. In the LRA they would tell the younger
2 children that when you go back home, the UPDF would kill you. That the LRA
3 would tell the younger children. When I was abducted, I was already an adult. I
4 know -- rather, I knew then that the government of Uganda did not kill people. That
5 is why I left.

6 Q. [12:34:28] And you had been there, Mr Witness, for only two weeks so you knew
7 what was happening outside?

8 A. [12:34:48] Can you give me an example? Outside how?

9 PRESIDING JUDGE SCHMITT: [12:34:55] I think it is obvious that the witness knew
10 what -- the outside world because he has not stayed so long in the bush and we know
11 that others have stayed for years in the bush. So I think we know that. We don't
12 have to enquire that with this witness.

13 MR AYENA ODONGO: [12:35:09] I'm guided.

14 Q. [12:35:11] Mr Witness, you also told Court that the UPDF commanders had
15 particular sympathy for very young children who escaped or who were abducted,
16 those who were helpless. How about a person like Dominic Ongwen, would he have
17 also received the kind of -- same kind of sympathy?

18 PRESIDING JUDGE SCHMITT: [12:35:46] That is really hypothetical. I really, I
19 think we cannot put such a question to the witness because it's hypothetical. He
20 might really not know, unless somebody has talked with him about
21 Dominic Ongwen, and there is no indication for that.

22 MR AYENA ODONGO: [12:36:12] The last one, your Honours.

23 Q. [12:36:15] Mr Witness, after your abduction and detention, how did you feel
24 about your experiences, first of all in the bush and in the detention centre?

25 A. [12:36:38] I felt bad, because when you are abducted, the LRA has abducted you

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1 and, and yet there are reports that there is amnesty, and instead of getting amnesty
2 I was taken for detention. It wasted a lot of my time. I felt bad because I wasn't
3 a fighter, I was a civilian.

4 Q. [12:37:10] And according to the experiences you told Court about killings, seeing
5 dead bodies and then finally the torture in the torture chambers of the UPDF, did they
6 give you bad memories when you came back?

7 A. [12:37:43] I do not have any bad memories because you -- even if you think
8 about it, you really have to give it up. You only pray that God gives you strength to
9 get more property which you lost. If you -- it's like when you lose a child you pray
10 to God that he gives you another child. That is just an example.

11 Q. [12:38:13] Did you feel traumatised or did you suffer from some kind of --

12 MR CHOUDHRY: [12:38:20] Your Honour, this would -- I would ask that this be
13 discussed in private session if my learned friend wants to go there because it might
14 elicit (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [12:38:28] I think simply if the witness shortly
16 answers if he felt traumatised, I think I would not -- if we go into details, I would
17 agree with you, we are vigilant in that. But I think we won't have to do that because
18 it has also at least partly been addressed by Mr Narantsetseg I think.

19 So perhaps, Mr Witness, did you feel, after all of the events that you spoke about
20 during your time in the LRA and what happened to you afterwards in the UPDF
21 detention, did you feel traumatised afterwards?

22 THE WITNESS: [12:39:19] (Interpretation) Sometimes I would feel the trauma and
23 feel the pain. When your things are destroyed, you start thinking about what you
24 had in the past. For example, I had cattle and I was calling -- if you had cattle and
25 my cattle was affected by disease, I was calling an ICC staff to ask for some

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1 medication. I -- that pained me because I was asking for medication for my -- some
2 veterinary treatment from Gulu because we do not have veterinary assistance in our
3 because animals die a lot. So there you feel some pain.

4 PRESIDING JUDGE SCHMITT: [12:40:09] Obviously also basic needs for people
5 there.

6 I think we leave it at that, I would say, Mr Ayena.

7 MR AYENA ODONGO: [12:40:19]S And that's all, your Honour.

8 PRESIDING JUDGE SCHMITT: [12:40:20] Thank you, Mr Ayena. Shortly.

9 (Trial Chamber confers)

10 PRESIDING JUDGE SCHMITT: So I would like to ask the Prosecution, I know you
11 have envisioned two hours for the witness and there might be an expert being the
12 person examining this witness who can provide us with the information.

13 MS GILG: [12:40:51] Yes, your Honour, we can proceed with her much quicker
14 than the two hours originally anticipated. I would estimate around 30, 40 minutes.

15 PRESIDING JUDGE SCHMITT: [12:41:01] As if I had thought it, assumed it already.
16 So then we can have a normal, nearly normal lunch break, yeah, but I address it
17 afterwards.

18 So I would like to address first directly you, Mr Okot, Mr Witness, this concludes
19 your testimony. On behalf of the Chamber I would like to thank you that you came
20 to this Court and gave your statement here orally the past two days and helped us to
21 establish the truth. And we wish you, Mr Okot, a safe trip back home.

22 (The witness is excused)

23 PRESIDING JUDGE SCHMITT: And as I said, we continue with Witness 396 after
24 the break, which I think would be at 2 o'clock we reconvene. And I also know that
25 the Legal Representatives want to question the witness, next witness.

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1 MR NARANTSETSEG: [12:42:05] Yes, your Honour.

2 PRESIDING JUDGE SCHMITT: [12:42:06] And, Mr Narantsetseg, simply, when we
3 have 30 or 40 minutes for the Prosecution, I think we should finish at 3 o'clock also
4 with the LRVs and then we have the whole day for, but not necessarily, of course,
5 you are not obliged, but theoretically we would have the whole day tomorrow for
6 the Defence.

7 Thank you.

8 THE COURT USHER: [12:42:30] All rise.

9 (Recess taken at 12.42 p.m.)

10 (Upon resuming in open session at 2.02 p.m.)

11 THE COURT USHER: [14:02:58] All rise.

12 PRESIDING JUDGE SCHMITT: [14:03:20] Good afternoon, everyone.

13 Good afternoon, Madam Witness, at the video location. Do you hear me?

14 WITNESS: UGA-OTP-P-0396

15 (The witness speaks Lango)

16 (The witness gives evidence via video link)

17 THE WITNESS: [14:03:38] (No Interpretation)

18 PRESIDING JUDGE SCHMITT: [14:03:42] It might be that she hears me but I don't
19 hear her so I don't know what --

20 THE WITNESS: [14:03:51] (Interpretation) It's no problem.

21 PRESIDING JUDGE SCHMITT: [14:03:53] So now I have heard you and obviously
22 there is no problem. And also the picture comes very clearly.

23 I think we don't have to call the case, because we have done this already and we turn
24 now to the testimony of Witness P-396.

25 Madam Witness, good day. I would like to welcome you via video link in the

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1 courtroom. You are going to testify before the International Criminal Court.

2 Before commencing, the Chamber briefly notes that the VWU does not recommend
3 any protective measures beyond those granted in decision 612.

4 Madam Witness, I will now read out the oath every witness has to take when they
5 appear before this Court.

6 So please listen to me:

7 I solemnly declare that I will speak the truth, the whole truth and nothing but the
8 truth.

9 Madam Witness, do you understand the oath?

10 THE WITNESS: [14:05:02] (Interpretation) Yes, I have heard it.

11 PRESIDING JUDGE SCHMITT: [14:05:06] And do you agree with the oath?

12 THE WITNESS: [14:05:13] (Interpretation) I do agree with it.

13 PRESIDING JUDGE SCHMITT: [14:05:15] Thank you very much. You have now
14 been sworn in.

15 And before I forget it, I think I should also welcome at the video link location

16 Mrs Adong as the Legal Representative. Mrs Witness, let me now explain to you

17 how protective measures that we have put in place for your testimony works. We

18 have put in place for you face distortion. Face distortion means that no one outside
19 the courtroom can see your face during the testimony on the screen.

20 We will also use a pseudonym. You have probably recognised that I do not talk to

21 you with your real name, but I say "Madam Witness". In accordance with that, we

22 will all refer to you as "Madam Witness" so not to reveal your identity.

23 When you answer questions that will not give away who you are, we do that in open

24 session. Open session means that the public can hear what is said by you.

25 When you are asked to describe anything that relates specifically to you, or you are

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1 asked to mention facts that might reveal your identity, we do that in private session
2 and we have a lot of lawyers here and we have Judges on the bench who are vigilant
3 in that respect.

4 In private session there is no broadcast and no one outside the courtroom can hear
5 your answer.

6 Before we start with your testimony some practical matters that you please observe,
7 Madam Witness. Everything we say here in the courtroom is written down and
8 interpreted. It is therefore important to speak clearly and at a slow pace to allow the
9 interpretation.

10 Please only start speaking when the person asking you has finished the question.

11 If you have any questions yourself, please raise your hand, then we know that you
12 want to address us and we give you the word.

13 We will then start your testimony and I give Mrs Gilg the floor for the establishing of
14 the preconditions of Rule 68(3) and other things.

15 MS GILG: [14:07:29] Thank you, your Honour.

16 QUESTIONED BY MS GILG:

17 Q. [14:07:35] Good afternoon, Madam Witness. My name is Colleen Gilg. We
18 have met before.

19 A. [14:07:40] Good afternoon.

20 Q. [14:07:41] I will be asking you questions today on behalf of the Prosecution. If
21 you do not understand any of my questions, please just tell me and I will ask it
22 a different way.

23 A. [14:07:57] No problem.

24 MS GILG: [14:07:58] Your Honours, may we go briefly into private session.

25 PRESIDING JUDGE SCHMITT: [14:08:01] Yes. Private session.

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- 1 (Private session at 2.08 p.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Open session at 2.09 p.m.)
- 16 THE COURT OFFICER: [14:09:14] We are back in open session, Mr President.
- 17 MS GILG: [14:09:27]
- 18 Q. [14:09:27] Madam Witness, I am now going to ask you about a few documents.
- 19 Do you have a national ID card?
- 20 A. [14:09:38] Yes.
- 21 MS GILG: [14:09:40] Could the court officer please show the witness tab 2 of the
- 22 binder. The ERN is UGA-OTP-0267-0264. It is a confidential document and should
- 23 not be shown to the public.
- 24 Q. Madam Witness, do you see a document there before you?
- 25 A. [14:10:12] Yes, I have seen it.

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- 1 Q. [14:10:15] Do you see a photograph on the left side of the document?
- 2 A. [14:10:24] Yes, I have seen it.
- 3 Q. [14:10:27] Who do you see there?
- 4 A. [14:10:32] That is mine.
- 5 Q. [14:10:34] And what is this document?
- 6 A. [14:10:47] Is it the national ID you are asking about?
- 7 Q. [14:10:50] Yes, the document you see before you, I wanted you to confirm what
- 8 it is.
- 9 A. [14:11:02] That is my document for voting in Uganda.
- 10 Q. [14:11:10] And on the right side of this document there is a date that states
- 11 (Redacted). Is that your birth-date?
- 12 A. [14:11:27] Yes.
- 13 Q. [14:11:30] Now, I understand that before today you had a chance to review your
- 14 witness statement; is that correct?
- 15 A. [14:11:45] Yes, that is correct.
- 16 MS GILG: [14:11:48] Please could the court officer show the witness tab 1 of the
- 17 binder. It is UGA-OTP-0267-0246. This is also a confidential document.
- 18 Q. Madam Witness, the first page of this document is titled "Witness Statement".
- 19 Do you have that document before you?
- 20 A. [14:12:25] Yes, I have.
- 21 PRESIDING JUDGE SCHMITT: [14:12:26] We don't require the witness to read
- 22 anything.
- 23 MS GILG: [14:12:31]
- 24 Q. [14:12:32] Please look at the bottom of the page where there is handwriting. Do
- 25 you see your name or your signature at the bottom of the page?

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1 A. [14:12:49] Yes.

2 MS GILG: [14:12:49] Please could the court officer now turn to the second to last
3 page in this tab. It's the ERN ending in 0262.

4 Q. Do you see that page, Madam Witness?

5 A. [14:13:20] Yes, I have seen it.

6 Q. [14:13:22] I want you to again look at the bottom of the page where there is
7 handwriting. Do you see your signature there?

8 A. [14:13:40] Yes, I have seen it.

9 Q. [14:13:43] And right below your signature there is a date, 9 July 2016. Do you
10 see that date?

11 A. [14:13:52] Yes.

12 Q. [14:13:55] Is this document your witness statement that you gave to investigators
13 in July 2016?

14 A. [14:14:15] Yes, it is the one.

15 Q. [14:14:17] Did you tell the truth when you gave this statement?

16 A. [14:14:26] Yes, I told the truth.

17 Q. [14:14:28] And was the information you provided to the best of your knowledge
18 and recollection?

19 A. [14:14:38] I recalled as much as I could, but I couldn't recall everything.

20 PRESIDING JUDGE SCHMITT: [14:14:51] That is a nice circumscription of what you
21 wanted to hear, I would say, to the best of your knowledge.

22 MS GILG: [14:15:00] Exactly. Thank you, your Honour.

23 Q. [14:15:01] Madam Witness, the Judges can use your statement and your national
24 ID when they make up their minds about this case, but only if you do not object. Do
25 you have any objection to the Judges using your statement and national ID?

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1 A. [14:15:28] I have no objection.

2 MS GILG: [14:15:32] Your Honours, I believe this now satisfies the procedural
3 requirements.

4 PRESIDING JUDGE SCHMITT: [14:15:36] Indeed. You can continue.

5 MS GILG: [14:15:39]

6 Q. [14:15:39] Now, Madam Witness, I am not going to ask you about everything in
7 your statement, but I am going to ask you a few additional questions.

8 Now, in your statement you mentioned an LRA soldier named Kalalang. Did
9 Kalalang have any other names?

10 A. [14:16:09] No. There was not any other name. They would only call him
11 "Commander".

12 Q. [14:16:19] You also mentioned an LRA soldier named Okeny. Did Okeny have
13 any other names?

14 A. [14:16:31] There was not any other name that was used. When you are referring
15 to him, you call him "Lapwony".

16 Q. [14:16:43] And do you know what Okeny's rank in the LRA was?

17 A. [14:16:57] I do not recall that one.

18 Q. [14:17:01] Thank you.

19 Your Honours, for my next question I refer to paragraph 70 of the witness's statement.

20 Madam Witness, in your statement you describe the moment when you were made to
21 become a wife in the LRA. Just to remind you, you said:

22 Dominic Ongwen "... came to me, held my hand, and took me to" -- one of his
23 commanders -- "and said 'this is your husband'."

24 Could you have said no to Dominic Ongwen when he told you that commander
25 would be your husband?

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1 A. [14:17:53] I could not refuse.

2 Q. [14:17:55] And why did you think you could not refuse? Can you tell us a little
3 more about what you were thinking in that moment?

4 A. [14:18:11] I was fearing for my life. And I was also young at that time.

5 MS GILG: [14:18:22] Your Honours, for my next questions I make reference to
6 paragraphs 25, 51 and 71 of the witness's statement.

7 Q. [14:18:31] Madam Witness, I want to now ask you about your cousin sister who
8 was abducted with you. I am not going to say her name because we are in public
9 session. But do you know who I mean when I say your cousin sister?

10 A. [14:18:58] Yes, I do.

11 Q. [14:19:00] Now, before I ask my question, I want to remind you of one thing you
12 said about your cousin sister. You said that Dominic Ongwen gave her as a wife to
13 one of his commanders. What I want to ask you is, after your cousin sister was given
14 as a wife, what were her tasks in the LRA?

15 A. [14:19:35] Her tasks included washing the gumboots, washing clothes and
16 cooking, and also to fetch water for bathing.

17 Q. [14:19:48] I want you to now focus your mind on the time of your escape. How
18 did you decide to escape?

19 A. [14:20:11] I realised I couldn't stay there. It was not easy to stay there.

20 Q. [14:20:25] Madam Witness, I only have one more topic to ask you about. Now
21 that you're back home, apart from your family, have you told anyone else in your
22 home area that you were a forced wife in the LRA?

23 A. [14:20:50] No, I did not.

24 Q. [14:20:54] Why not?

25 A. [14:21:04] Because when you mention that in Uganda, you can be stigmatised.

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- 1 It can be used against you in the community.
- 2 MS GILG: [14:21:15] Your Honours, I have no further questions for the witness.
- 3 PRESIDING JUDGE SCHMITT: [14:21:17] Thank you very much.
- 4 And I assume Mrs Massidda perhaps has questions.
- 5 MS MASSIDDA: [14:21:23] Thank you, your Honour. Ms Adong will proceed with
- 6 the questioning of the witness. Thank you very much.
- 7 PRESIDING JUDGE SCHMITT: [14:21:30] So we handle it like the last time, and we
- 8 see Mrs Adong. So she knows from the last time that she should be in the frame, so
- 9 to speak. And you have the floor then and you can ask questions, Mrs Adong.
- 10 MS ADONG: [14:21:49] Thank you, Mr President.
- 11 PRESIDING JUDGE SCHMITT: [14:21:50] And also, Mrs Adong, speak also in the
- 12 microphone. You are sometimes -- because you are so far away and you are not
- 13 directly placed in front of the microphone, you are sometimes a little bit difficult to
- 14 understand.
- 15 Thank you.
- 16 MS ADONG: [14:22:05] Thank you.
- 17 QUESTIONED BY MS ADONG:
- 18 Q. [14:22:08] Now, good afternoon, Witness.
- 19 A. [14:22:16] Good afternoon.
- 20 Q. [14:22:17] According to your statement, you suffered a number of injuries during
- 21 your time in the bush. Of interest to me now was the time when you had to carry
- 22 20 litres of cooking oil. How do you feel about this?
- 23 A. [14:22:59] I had chest pain for a long time.
- 24 Q. [14:23:03] Are you still suffering from the pain?
- 25 A. [14:23:13] Yes, I do feel because I cannot carry very heavy things now. When I

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1 carry, I still feel chest pains.

2 Q. [14:23:21] Now, in paragraph 96 and 97 of your statement, you mentioned that
3 while in the bush you witnessed the killing of (inaudible). Was this the first time you
4 were witnessing killing and death?

5 A. [14:23:52] It was the first time.

6 Q. [14:23:54] How did you feel?

7 PRESIDING JUDGE SCHMITT: [14:23:55] Mrs Adong, shortly, I think
8 not -- sometimes we do not hear everything from your questions, so I don't know how
9 we could fix it. I don't know if there is a microphone in front of the witness. If there
10 is, perhaps you simply put it in front of you and then give it back to the witness each
11 time you have asked a question. Perhaps this might be better.
12 Could you please then repeat the last question, and I also see that obviously I am not
13 the only one who does not hear everything.

14 So excuse me for the interruption, Mrs Adong. Please continue.

15 MS ADONG: [14:24:41] I am grateful for your guidance.

16 Q. [14:24:53] My question, Witness: How did you feel about witnessing killing
17 and death during your time in the bush?

18 A. [14:25:18] It was painful. I -- it made me to have lots of fears.

19 Q. [14:25:28] I'll now move on to your life as a wife. According to your evidence,
20 you and several other girls were given as wives to commanders (inaudible) Ongwen
21 and (inaudible) a few weeks after your abduction. You also state that the
22 commander you were given to raped you the same night you were given to him.
23 Did you sustain any injuries as a result of the rape?

24 A. [14:26:44] Yes.

25 Q. [14:26:45] Did the sexual violence continue after your injuries?

- 1 A. [14:26:56] Yes, it continued.
- 2 Q. [14:27:00] How did you treat yourself?
- 3 A. [14:27:12] I asked those who were there, who had stayed long for there, and they
- 4 told me that I could use warm water.
- 5 Q. [14:27:21] Do you still suffer from the injuries?
- 6 A. [14:27:31] Yes, I still have some pain.
- 7 Q. [14:27:33] Did you consider the commander to be your husband?
- 8 A. [14:27:47] It was forced on me. Whether you liked it or not, I had to accept.
- 9 Q. [14:27:53] According to your culture, how does one become a wife to
- 10 (inaudible)?
- 11 A. [14:28:11] According to the Lango culture, you agree as a couple first and then
- 12 later there will be a ceremony and some bride wealth is paid by the -- to the girl's
- 13 family.
- 14 Q. [14:28:32] Now, did your experience in the bush as a wife have an impact on
- 15 your relationship with men today?
- 16 A. [14:28:59] I have not understood the question well. Can you please ask it again.
- 17 Q. [14:29:05] Given your forced relationship, are you having problem entering into
- 18 a relationship with a man?
- 19 A. [14:29:31] Yes, there is a difficulty.
- 20 Q. [14:29:36] Can you give further information to the Court?
- 21 A. [14:29:56] Can you repeat the question.
- 22 Q. [14:29:58] You said that there are difficulties you are experiencing in
- 23 a relationship with a man. Can you explain what difficulties you are facing?
- 24 A. [14:30:20] The difficulty is that when you are having sexual intercourse, you
- 25 have pain.

1 Q. [14:30:32] Now, you also said that you saw the dead body of the commander
2 you were given to. And I am looking at paragraph 103 and 108 of the statement.
3 How did you -- how did you feel seeing a dead body of the commander?

4 A. [14:31:11] Because I thought perhaps if he had escaped and had not been shot it
5 would have been better.

6 Q. [14:31:22] I will now talk about your life after captivity. When you escaped and
7 came back home how were you received in your community?

8 A. [14:31:47] The people from home welcomed me, but other members of the
9 community were not so welcoming.

10 Q. [14:32:01] And how did you feel coming back?

11 A. [14:32:13] It was easier for me. Coming back was easier.

12 Q. [14:32:18] Were you able to reunite with all your family members when you
13 returned from the bush?

14 A. [14:32:29] No. There was, there was nothing for us to, to communicate with.
15 I was taken to the division, they mentioned my name on the radio. They heard about
16 my arrival over the radio.

17 Q. [14:32:56] Now were your sisters and brothers who were abducted and returned
18 from the LRA able to complete their education?

19 A. [14:33:11] No, they were unable to complete their education.

20 Q. [14:33:19] Were you able to return to school yourself?

21 A. [14:33:29] I wanted to, but I was unable to.

22 Q. [14:33:37] Why?

23 A. [14:33:44] *Because there was a lot of stigmatisation.

24 Q. [14:33:51] What did you want to become before you were abducted?

25 A. [14:34:08] Before I was abducted, when I was a child, I wanted to be a nurse or

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- 1 a midwife or a teacher.
- 2 Q. [14:34:23] When you returned from the bush did you experience nightmares?
- 3 A. [14:34:38] Yes, I did experience some nightmares. Yes, I did.
- 4 Q. [14:34:52] What impact did your abduction have on your family?
- 5 A. [14:35:06] It was extremely painful for my family.
- 6 Q. [14:35:12] How do you make a living nowadays?
- 7 A. [14:35:19] I'm a farmer at the moment.
- 8 Q. [14:35:27] Is that enough to sustain you?
- 9 A. [14:35:38] No, it's not enough.
- 10 Q. [14:35:44] What do you think would help you most in your daily life?
- 11 A. [14:36:03] I believe if I was able to have something, some kind of handiwork that
- 12 would provide me with an income, then that would make my life better.
- 13 MS ADONG: [14:36:19] Your Honour, I have no further question of this witness. I
- 14 thank you.
- 15 PRESIDING JUDGE SCHMITT: [14:36:23] Thank you very much. Mrs Adong.
- 16 Mr Cox, Mr Mawira, no questions.
- 17 Then I would say that we do not start now with the Defence because we would have
- 18 only 20 minutes left.
- 19 So we adjourn the hearing for today, Mrs Witness, and we continue tomorrow
- 20 morning at 9.30. Thank you for the moment and we see each other tomorrow.
- 21 THE COURT USHER: [14:36:47] All rise.
- 22 (The hearing ends in open session at 2.36 p.m.)