

Trial Hearing
WITNESS: UGA-OTP-P-0293

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 3
7 Tuesday, 28 November 2017
8 (The hearing starts in open session at 9.34 a.m.)
9 THE COURT USHER: [9:34:33] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:34:57] Good morning everyone in the
12 courtroom and at the video-link location.
13 And could the court officer please call the case.
14 THE COURT OFFICER: [9:35:07] Good morning, Mr President, your Honours.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus
16 Dominic Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we're in open session.
18 PRESIDING JUDGE SCHMITT: [9:35:20] Thank you. I ask for the appearances of
19 parties. The Prosecution, please.
20 MS ADEBOYEJO: [9:35:26] Good morning, Mr President, your Honours.
21 Ramu Fatima Bittaye, Yulia Nuzban, Ayodele Akenroye, Benjamin Gumpert,
22 Sanyu Ndagire, and myself Adesola Adeboyejo, representing the Prosecution.
23 PRESIDING JUDGE SCHMITT: [9:35:45] And now for the Legal Representatives
24 of the Victims.
25 MS HIRST: [9:35:48] Good morning, Mr President, your Honours, for the

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1 Legal Representatives of Victims Megan Hirst, James Mawira and Anushka Sehmi.
2 PRESIDING JUDGE SCHMITT: [9:35:54] Thank you.
3 Mr Narantsetseg.
4 MR NARANTSETSEG: [9:35:56] Good morning, Mr President, your Honours.
5 With me Ms Caroline Walter and my name is Orchlon Narantsetseg. Thank you.
6 PRESIDING JUDGE SCHMITT: [9:36:02] And for the Defence with a new but well
7 known face.
8 MS BRIDGMAN: [9:36:07] Good morning, Mr President, your Honours. I'm
9 Abigail Bridgman, together with Chief Charles Achaleke Taku, Beth Lyons,
10 Salma Khamala. And our client, Mr Ongwen is also in Court.
11 PRESIDING JUDGE SCHMITT: [9:36:21] Thank you very much.
12 And the Prosecution is now turning to P-293, the next witness. Mr Ayoo at the link
13 location, do you hear me?
14 WITNESS: UGA-OTP-P-0293
15 (The witness speaks Acholi)
16 (The witness gives evidence via video link)
17 THE WITNESS: [9:36:35] (Interpretation) Yes, I can hear you.
18 PRESIDING JUDGE SCHMITT: [9:36:38] I would like to welcome you at the
19 video-link location on behalf of the Chamber. And first of all I would like to ask you
20 if I pronounce your name correctly because I want to really spell your name out
21 correctly? Mr Ayoo; is this correct?
22 THE WITNESS: [9:36:59] (Interpretation) Yes, that's correct.
23 PRESIDING JUDGE SCHMITT: [9:37:03] Thank you, Mr Ayoo. I will now read
24 the solemn undertaking to tell the truth to you that every witness who testifies before
25 this Court has to agree to. So please listen carefully, Mr Ayoo:

1 I solemnly declare that I will speak the truth, the whole truth and nothing but the
2 truth.

3 Mr Witness, have you understood what I have read to you?

4 THE WITNESS: [9:37:36] (Interpretation) I have understood.

5 PRESIDING JUDGE SCHMITT: [9:37:37] Do you agree?

6 THE WITNESS: [9:37:40] (Interpretation) I agree.

7 PRESIDING JUDGE SCHMITT: [9:37:42] Thank you. We will continue now.

8 You will testify before this Court, Mr Ayoo, in public. However, should it be
9 necessary that certain answers you provide are not given in public, we can do this in
10 private session. You can rest assured that the Chamber will be vigilant in that
11 respect and also the parties, I presume, and participants.

12 Before we start some practical matters you should have in mind when you give your
13 testimony: Everything we say here in the courtroom is written down and
14 interpreted. To allow for the interpretation that the interpreters can follow, and in
15 the end that also the Judges and/or other parties can follow, we have to speak and
16 you have to speak clearly and at a relatively slow pace. I think you have understood
17 that and we can start with your testimony.

18 Ms Adeboyejo, please.

19 MS ADEBOYEJO: [9:38:40] Thank you, Mr President. Before I start questioning
20 the witness I just wanted to remind the Chamber that, even though this witness is
21 appearing by video link, he's not a 68(3) witness, it's only because of his fitness to
22 travel.

23 PRESIDING JUDGE SCHMITT: [9:38:56] You can be absolutely assured that in
24 preparation to this case this did not escape my attention. Please continue.

25 MS ADEBOYEJO: [9:39:04] I'm grateful to your Honour.

1 QUESTIONED BY MS ADEBOYEJO:

2 Q. [9:39:14] Good morning, Mr Witness.

3 A. [9:39:15] Good morning.

4 Q. [9:39:15] Mr Witness, can you tell the Court your name?

5 A. [9:39:20] My name is Ayoo Cyprian.

6 Q. [9:39:31] And when were you born?

7 A. [9:39:40] I was born in Aboloneno, Bar parish in Abok sub-county,
8 Oyam district in Uganda.

9 Q. [9:39:50] And what year were you born, Mr Witness?

10 A. [9:39:55] I was born in 1954, 22 April.

11 Q. [9:40:06] Can you tell the Court your present occupation?

12 A. [9:40:12] I am a farmer.

13 Q. [9:40:19] In 2003, Mr Witness, where were you living?

14 A. [9:40:36] That year I was living in a displaced people's camp in Abok.

15 Q. [9:40:41] And why were you living in a displaced persons camp.

16 A. [9:40:51] I was in the camp due to insurgencies that some rebel group that
17 were fighting conducted against the people. And it made our life in the village
18 difficult so we thought to go and gather and sit in a place together so that, if possible,
19 the government can provide protection to us.

20 Q. [9:41:23] And what was the name of the camp where you were situated?

21 A. [9:41:37] The camp in which we were was called Abok camp.

22 Q. [9:41:44] Okay. You've just told us that there were rebel insurgency. Who
23 were these rebels that were conducting these insurgencies?

24 A. [9:42:14] At the time when we were just still going to the camp, it was not
25 possible for us to clearly name the rebel group, but we would see a group of people

1 that would disturb the population.

2 Q. [9:42:28] And when you say they disturbed the population, Mr Witness, what
3 do you mean exactly?

4 A. [9:42:47] When I say the rebels were disturbing people I am talking about
5 things like killing, abduction of children, looting people's property, and many other
6 things.

7 Q. [9:43:02] Now, can you tell us, when you moved to the camp how was this
8 camp situated -- how was this camp created? How was it set up?

9 A. [9:43:17] This camp was erected by us. We went and gathered together at an
10 open space and we started making our make-shift huts with the view that once we
11 have put up our huts, the government -- we will then request the government to
12 provide for us security.

13 Q. [9:43:56] So where then was this open area that you chose to set up the camp?

14 A. [9:44:05] It was a space where previously Abok centre was located, but that
15 centre was dismantled.

16 Q. [9:44:29] So in terms of location, can you tell the Court where it was located?

17 A. [9:44:50] I said that Abok was at a place which was previously located to Abok
18 trading centre. This was within Bar, Bar area, which is in Oyam district in Uganda.

19 Q. [9:45:09] Okay. Now, you told us now that the camp was erected by "us".
20 Who were these people you referred to as "us"? Who were they?

21 A. [9:45:23] These are people who came together and agreed to go and live there.

22 Q. [9:45:34] And where did these people come from?

23 A. [9:45:41] At the beginning these were villages surrounding Abok and then
24 some people joined later on.

25 MS ADEBOYEJO: [9:45:51] Could the court officer please show the witness tab 7.

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- 1 THE COURT OFFICER: [9:46:18] (Via video link) The witness is presented with
2 the document.
- 3 MS ADEBOYEJO: [9:46:27] My apologies, tab 2.
- 4 THE COURT OFFICER: [9:46:36] May I ask counsel to read out the ERN for the
5 record.
- 6 MS ADEBOYEJO: [9:46:40] Yes, I will. Thank you. Are you on tab 2? That's
7 UGA-OTP-0248-0057.
- 8 THE COURT OFFICER: [9:46:53] (Via video link) Yes, the document is in front of
9 the witness.
- 10 MS ADEBOYEJO: [9:46:58] Okay. Thank you, court officer.
- 11 Q. [9:46:59] Mr Witness, do you recognise this document?
- 12 A. [9:47:11] Yes.
- 13 Q. [9:47:14] Who created this document?
- 14 A. [9:47:22] That is my handwriting. I am the one that created.
- 15 Q. [9:47:28] And on this document you have referred to a place called Ngai
16 trading centre. Can you see that, Mr Witness?
- 17 A. [9:47:43] Yes, I am seeing.
- 18 Q. [9:47:47] You also have what you have marked as "Lalogi sub-county Gulu".
19 Can you see that, Mr Witness?
- 20 A. [9:47:58] Yes, I'm seeing.
- 21 Q. [9:47:59] And on the left you have the Iceme sub-county. Can you see that?
- 22 A. [9:48:10] Yes, I can see.
- 23 Q. [9:48:13] So in this map, therefore, on this sketch, you have a place that you
24 have marked as "Abok TC". Can you see that, Mr Witness?
- 25 A. [9:48:29] Yes.

1 Q. [9:48:31] So when I asked you earlier where the Abok IDP camp was located, is
2 this what you were trying to describe, Mr Witness?

3 A. [9:48:49] Yes, that is it.

4 Q. [9:48:50] And what do the A, B, C and D, what do they represent?

5 A. [9:49:04] The A, B, C, D is the original camp. Actually, the road junction is in
6 the middle of the camp, so A is block A of the camp and B is block B and C is also
7 block C, which is -- the junction Iceme-Ngai is block C and then block D is that
8 junction Otwal and Iceme. So these were the four blocks of the camp.

9 Q. [9:49:57] Thank you, Mr Witness.

10 A. [9:50:00] Thank you.

11 Q. [9:50:02] So you told us earlier that it was villages surrounding -- that people
12 who started the camp were from the surrounding villages. Can you tell the Court,
13 other than these persons, were there other people who came to live in the camp
14 in 2003?

15 A. [9:50:39] When we were now in the camp, they sent some few soldiers and
16 then later on other people came from other areas and joined us.

17 Q. [9:50:55] When those other people joined you, what was the population of the
18 camp?

19 A. [9:51:03] I've not understood clearly. At the time when people came to join
20 us, the number just kept on increasing.

21 Q. [9:51:27] Mr Witness, what did you say was the -- I'm sorry.

22 A. [9:51:30] Because today could be few and then again tomorrow the number
23 increases.

24 PRESIDING JUDGE SCHMITT: [9:51:36] And of course it's of interest at a certain
25 point in time if the witness knows how the population roughly was at that time.

1 MS ADEBOYEJO: [9:51:45] Indeed. That's where I was approaching.

2 Q. [9:51:48] So, Mr Witness, what would you say roughly was the highest
3 number of people living in the camp while you were there in 2003?

4 A. [9:52:09] By some good luck, I heard some information. I heard 13,292 people.
5 At some point this was the number, but the numbers kept on varying.

6 Q. [9:52:29] Now, you told us that there were a few soldiers who were sent to
7 protect the camp. Can you give the Court an estimate of the figure, the number of
8 soldiers?

9 A. [9:52:48] They began with 45, but later on they added nine more.

10 Q. [9:53:06] Okay.

11 A. [9:53:09] So I think that brings the total to 54.

12 Q. [9:53:14] Thank you, Mr Witness. Can you tell the Court how did the soldiers
13 guard the camp? How did they carry out their exercise of protecting the camp?

14 A. [9:53:32] The work of the soldiers majorly was that in the evening they would
15 distribute themselves and surround the camp in the middle. In the morning and
16 during day they would go on patrol around the camps and in the villages to check out
17 on the rebels. But when it comes to evening, they come back and they again provide
18 protection to the camp and they surround the camp.

19 Q. [9:54:27] And do these soldiers at any time go to stay in their barracks? Did
20 they have a barracks?

21 A. [9:54:44] Yes, there was a barrack just next to the camp.

22 Q. [9:54:51] And when would the soldiers be at the barracks?

23 A. [9:55:01] So when they spend the night, in the morning the people who came
24 and surrounded the camp would go back into the barracks. Then those ones who
25 were in the barracks would now go for the foot patrol for their usual operations and

1 checking of the security in the areas.

2 Q. [9:55:25] Okay. Thank you, Mr Witness. Now, what was, what was your
3 position in the camp at this time in 2003?

4 A. [9:55:46] At that time I was the camp leader.

5 Q. [9:55:56] And how did you become the camp leader?

6 A. [9:56:02] I was elected by the community.

7 Q. [9:56:11] And as the camp leader, what was your role?

8 A. [9:56:26] As a camp leader, my work was to ensure the well-being of the camp
9 residents and to see that security and protection was provided to the people. This
10 protection includes the security and protection provided by the army, and also if
11 there are problems, a lack of basic necessities, then I need to reach out to
12 humanitarian organisations who can be able to offer assistance. Also to see that
13 there is order in the camp, there is general hygiene and cleanness of the camp and to
14 ensure good harmony in the camp.

15 PRESIDING JUDGE SCHMITT: [9:57:22] May I shortly, Mrs Adeboyejo.

16 Mr Ayoo, were there other camp leaders too or were there a division of leadership
17 amongst these people?

18 THE WITNESS: [9:57:42] (Interpretation) I had a committee who were assigned
19 different roles. I had my vice secretary and then I had other secretaries who was in
20 charge of security, a secretary for information, and then a secretary for mobilisation if
21 we needed to reach out to people. And also we had a secretary for our environment
22 in charge of the hygiene of the camp. So I had nine of them in total and each one of
23 them was assigned a role. So my role now was to supervise and see that they do
24 their job.

25 PRESIDING JUDGE SCHMITT: [9:58:38] Please continue.

1 MS ADEBOYEJO: [9:58:40]

2 Q. [9:58:41] And how long did you continue in this role as the camp leader?

3 A. [9:58:55] I spent a lot of -- some time until the time when the camp was
4 attacked, and even after I still continued. Then at some point I had to leave because I
5 got engaged in so many other things that were more personal to me. My children
6 were also going to school so I needed to do something to ensure that their education
7 is not interrupted. So I had to leave that work.

8 Q. [9:59:33] Mr Witness, did you know any person by the name Obwor Richard?

9 A. [9:59:47] I know Obwor Richard. He was my secretary. And later on I
10 handed over the role of the camp leader to him.

11 Q. [9:59:59] Now, you told the Judge now that there was a camp committee and
12 you mentioned the various secretaries, but you also told us about the blocks. How
13 were the blocks administered?

14 A. [10:00:29] In terms of administration each person is assigned a specific task.
15 So it is your duty as a particular secretary to ensure that what is assigned to you is
16 accomplished.

17 Q. [10:00:47] But did you then have people you could refer to as block leaders?

18 A. [10:00:58] The block leaders were junior to the secretaries that I mentioned
19 earlier. The block leaders A, B, C, D also included block O, that's when the camp
20 grew and became bigger we had block O as well and each block had its
21 representative.

22 Q. [10:01:28] And what was the role of these block leaders?

23 A. [10:01:33] The block leaders was to ensure that people are mobilised to ensure
24 respect in each and every block, they were also responsible for hygiene and sanitation
25 of each block, and they were also responsible for ensuring that they watch out for

1 visitors and ascertain who these people are. So every person, every visitor that
2 comes to the camp had to be examined so that we -- everybody in the camp was
3 aware of who they were because we did not want strangers in the camp. They were
4 responsible for everything that took place within their block.

5 Q. [10:02:25] And how would those block leaders be able to tell that these people
6 are visitors and they are not residents of the camp?

7 A. [10:02:40] There were rules that if anybody receives a visitor, if somebody
8 visits you, you have to report to the block leader and then the block leader would
9 report to the camp leader and the secretaries to tell them the nature of the visit and
10 who the visitor was. We all had to be aware of who the visitors to the camp were.

11 Q. [10:03:12] All right.

12 Court officer, could you show the witness tab 5, that's UGA-OTP-0244-1197.

13 THE COURT OFFICER: [10:03:34] (Via video link) It is with the witness. The
14 document is with the witness.

15 MS ADEBOYEJO: [10:03:41]

16 Q. [10:03:43] Mr Witness, do you have that document in front of you?

17 A. [10:03:51] Yes, I do.

18 Q. [10:03:52] Do you recognise this document?

19 A. [10:03:58] Yes, I do.

20 Q. [10:04:00] What is it?

21 A. [10:04:04] It's a, it's a piece of paper from the book, a record book that we have.
22 This was to -- where we listed every single house that was in each block, the number
23 of people that was in each block. It was a kind of a census where we kept a record of
24 everybody that was in a particular block. This was a paper that was taken out of one
25 of the books that we had.

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1 Q. [10:04:37] And who kept this record or register of the households?

2 A. [10:04:45] Each individual block leader kept the register for people in his, in
3 his block. And for the overall camp was my responsibility.

4 Q. [10:05:06] And this particular list we are looking at in front of us, when was
5 this one compiled?

6 A. [10:05:19] It's been a while. It's been a long time. I -- perhaps 2003, 2004.
7 It's been -- it's a very old one.

8 Q. [10:05:37] And who would you say was responsible for compiling this?

9 A. [10:05:48] It wasn't one person who wrote, who registered everybody. Each
10 block leader would register the people in his block and take it to the secretary, the
11 secretary will then compile the list and put the record together, the records that were
12 received from the block leaders.

13 Q. [10:06:08] And in this particular document, how many blocks are we
14 looking at?

15 A. [10:06:19] It was from A, from A to O, and that's how, that's how the blocks
16 were kept, from A to O. It's not very -- it's very long, it's been a long time.

17 Q. [10:06:49] I understand, Mr Witness.

18 PRESIDING JUDGE SCHMITT: [10:06:50] Mr Ayoo, that's absolutely
19 understandable, and we appreciate your efforts to try to remember. But I think
20 nobody here in the courtroom would really know exactly when a document 12, 13,
21 14 years ago was produced.

22 So please continue, Ms Adeboyejo.

23 MS ADEBOYEJO: [10:07:10] Thank you, your Honour.

24 Q. [10:07:12] You told us earlier, Mr Ayoo, that you handed over your role as
25 camp leader to Obwor. Do you recall when that was? When did you hand over to

1 him?

2 A. [10:07:29] It's been a while. It's been a long while, but that was, that was after
3 the attack on the camp.

4 Q. [10:07:41] All right. I want to take you back. We were talking about the
5 administration of the camp. How did you ensure the security of the residents of the
6 camp? You've told us one of the rules was that visitors had to be registered or noted.
7 But how did you, or what measures did you take to ensure the security of the camp?

8 A. [10:08:10] We, we would register everybody that was in the camp. Secondly,
9 we would also register the visitors to the camp when they come -- when they came
10 into the camp and when they leave the camp.

11 Q. [10:08:39] Did you have a time frame for persons coming into the camp or
12 going out of the camp?

13 A. [10:08:56] Are you talking about visitors or the camp inhabitants? The people
14 who were, the camp inhabitants used to have a time that they were supposed to come
15 into the camp and leave. Visitors would also come into the camp and stay and leave
16 at a particular time. So I'm not exactly sure which one you're inquiring about.

17 Q. [10:09:20] My apologies, Mr Witness, for not being clear. So let's start with
18 the residents. What time could the residents leave and come in?

19 A. [10:09:31] They would leave 8 a.m. in the morning, and then based on the
20 reports they would -- if there are reports that people are not supposed to leave the
21 camp, if there is insecurity then people would not go. But if people are able to go
22 out of the camp then the curfew would be 4 p.m. They were supposed to be back in
23 the camp by 4 p.m. So you had to follow time. If you leave the camp, if you come
24 out, you have to make sure that you're in time. If you're late, you would be told off.
25 Nobody was beaten, but you would be told off.

1 Q. [10:10:24] And with the visitors, what were the time frames?

2 A. [10:10:31] The visitors would also depend, it would depend on how long they
3 were staying, but they would stay for a while and then go home. There were no
4 restrictions saying that a visitor should stay for one hour or two hour, but a visitor
5 would stay and leave. But on the other hand, they were not supposed to overstay
6 before leaving. They were allowed to stay but could not overstay.

7 PRESIDING JUDGE SCHMITT: [10:11:08] I think we can move on.

8 MS ADEBOYEJO: [10:11:10] Yes, indeed.

9 Q. [10:11:15] I asked you earlier, Mr Witness, when we were talking about how
10 the camp was set up and you've been talking about the security of the camp. Can
11 you tell the Court who were the rebels that were causing the insecurity that caused
12 this restriction of movements?

13 A. [10:11:46] The rebels that were causing the insecurity, there were others that
14 did not attack the camp. We heard that there were rebels, but we did not know their
15 names, but we heard that there were rebels, we heard that there was a person known
16 as Kony who was in charge of the rebels.

17 Q. [10:12:13] Did you know the name of this rebel movement or rebel group?

18 A. [10:12:20] Initially we did not know the name of the rebel group, but we knew
19 that there was some guy known as Kony who was in charge of rebels in the bush, and
20 that's what we knew. We did not know the name of the rebels before they attacked
21 the camp.

22 Q. [10:12:46] And when the rebels attacked the camp, what was the name of the
23 rebel group?

24 A. [10:12:58] When the rebels attacked the camp, we -- the people who were
25 abducted told us that the -- and then the soldiers also told us the name of the rebel

1 group. The soldiers were brought from Gulu division, most of the soldiers who
2 were protecting the camp came from Gulu division and they informed us, they told
3 that the rebel group that attacked the camp was Kony's group and they were known
4 as the Lord's Resistance Army. And the group was split into several splinters. One
5 of them was known -- one of the brigades was known as Sinia brigade and that's what
6 we were told.

7 Q. [10:13:57] Now, let's take -- let me take you back to the attack you've talked
8 about. Do you know what date that attack took place on Abok camp?

9 A. [10:14:14] The attack on Abok camp was on 8 June 2004.

10 Q. [10:14:31] Do you know how the attack took place?

11 A. [10:14:44] What I know is as the camp leader it was my responsibility to go
12 around the camp and survey the camp and talk to the soldiers, the soldiers that were
13 protecting the perimeters of the camp. On that particular day I did what I was
14 supposed to do, I walked around the camp and I went back.

15 THE INTERPRETER: The witness requests for the map.

16 THE WITNESS: [10:15:44] (Interpretation) Could you please give me the map.

17 PRESIDING JUDGE SCHMITT: [10:15:48] No problem with that.

18 MS ADEBOYEJO: [10:15:51] Yes.

19 Q. [10:15:52] Yes. Mr Witness, it's tab 2.

20 A. [10:16:01] If you look at the map, the road from Ngai trading centre to Ngai
21 sub-county, there is an arrow pointing where there is the word "cross" and there is a
22 time. I tried to put a time, an approximate time, that was the time that I went
23 around the camp. I saw some people crossing the road.

24 Q. [10:16:42] Yes, Mr Witness. And who were these people crossing the road?

25 A. [10:16:50] At the time I did not know. I saw people and it was a group of

1 people. They would cross the road. One group of people crossed the road to one
2 side, another group crossed the road to other side. But they were not, they were not
3 yet known to us, they were not known that the rebels were going to attack the camp.
4 We asked the people who came back from the camp and they told us that that's what
5 the rebels do, they do not want to be identified and that's what they do. If you see
6 them, one group will go on one side, one group will go on the other side.

7 Secondly, where I was standing at the time I could not actually ascertain the numbers
8 because one group was on one side, one group was on the other side. They did not
9 walk together. So it was impossible to say how many people were in that group.

10 That evening I saw them, I saw them crossing the road. It wasn't -- it was the first
11 time that I'd seen them and I knew that these are rebels, these are the rebels crossing
12 the road.

13 Q. [10:18:13] And what happened after you saw these rebels, Mr Witness?

14 A. [10:18:21] When I saw the rebels crossing the road I went back because I saw
15 two people who were in the camp. I would usually see those people when I went to
16 the camp, I would see them in the intelligence office. I went to the commander and I
17 told the commander.

18 Q. [10:18:45] What did you tell him?

19 A. [10:18:45] I told the, I told the commander -- sorry.

20 PRESIDING JUDGE SCHMITT: [10:18:50] You were too quick, Mrs Adeboyejo.

21 MS ADEBOYEJO: [10:18:55] I'm so sorry, your Honour.

22 Q. [10:18:56] I'm sorry, Mr Witness. Please continue. I interrupted you.

23 A. [10:19:05] When I saw them crossing the road, I went to the barracks, I went
24 and spoke to the commander. I told him that when I was walking around the camp,
25 when I was surveying the camp I saw some people crossing the road. The people

1 crossing the road I suspect are rebels. I saw the way that they were crossing the road
2 was very suspect. The commander told me that somebody had already told him,
3 somebody had already informed him of the movement and he told me to go back and
4 tell the people in the camp. He told me to go and ask the people in the camp to stay
5 very quiet, to stay still, no noise, and the soldiers would take care of it. And I went
6 back to the camp, I called the people, people who were in the camp, and the block
7 leaders in the camp and I told them. I told them go and advise the people in your
8 block to stay quiet, to be very still, because there are rebels close to the camp. The
9 rebels are very, very close to the camp.

10 Q. [10:20:25] Thank you, Mr Witness. You said that when you observed the
11 movement of the rebels, you said you were standing. Do you think you could tell us
12 where you were standing on the map, where you observed them having the
13 movement? Just so we are aware.

14 A. [10:20:53] It's close. You see the road going to Ngai, there is an arrow
15 somewhere there around a ground. You know, when I walk around the camp I
16 always walk around the camp for a reason. First of all, I go around the camp to
17 ensure that the soldiers are around the camp, that there's security. Because the
18 soldiers come from the barracks, so they -- sometimes they walk through the barracks
19 and then take up their positions. But sometimes some of the soldiers come, go, get
20 drunk and they are unable to protect us. So I make sure that I go around the camp
21 and find -- if I find soldiers who are drunk, then I will send the soldiers who are not
22 drunk. If I find somebody who is sober, then I will send them to that place. And
23 that was some -- one of the things that I would do, walk around the camp and ensure
24 there is security around the camp.

25 Q. [10:22:04] Now, you told us that you told everybody to keep calm. Where

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1 did you go next and what happened?

2 A. [10:22:22] When, when I told them to stay calm, that they have been advised
3 by the soldiers not to scream, that they should stay quiet and the soldiers would take
4 care of the rebels because the rebels were close to the camp, they were not yet sure
5 whether the rebels were still outside the camp or whether there were some who had
6 sneaked into the camp. So everybody kept quiet. At around 2 -- at around 8 p.m.,
7 until 8 p.m. in the evening I heard a gunshot.

8 Q. [10:23:02] And where was this gunshot coming from, Mr Witness?

9 A. [10:23:09] The gunshot was coming close to where C block is, but there is,
10 there is another map as well.

11 THE INTERPRETER: Could the witness please be asked to move closer to the
12 microphone.

13 PRESIDING JUDGE SCHMITT: [10:23:31] Mr Witness, I'm asked by the
14 interpreters that you perhaps could speak closer to the microphone or the
15 microphone could be moved closer to you, I think, from our registry staff also, it's also
16 possible.

17 And when we are now going into the details of the attack, we could perhaps move to
18 the other -- no, the other drawing of the witness which is more detailed.

19 MS ADEBOYEJO: [10:23:59] That's right. I was just going to ask the court officer
20 to please open for the witness tab 3, which is UGA-OTP-0248-0058.

21 THE COURT OFFICER: [10:24:15] (Via video link) The witness is presented with
22 the document.

23 MS ADEBOYEJO: [10:24:18] Okay.

24 Q. [10:24:19] So, Mr Witness, let's look at this map and then you can describe to
25 the Judges how the attack took place. Let's start from where you heard the gunshot.

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1 Which direction would you say it is on this map?

2 A. [10:24:44] If you look at the map, there is a place written "old barracks", the old
3 barracks.

4 Q. [10:24:56] Yes, we have seen that, Mr Witness.

5 PRESIDING JUDGE SCHMITT: [10:25:06] And there obviously -- a short. And
6 perhaps, Mr Witness, did you come to know what happened there?

7 MS ADEBOYEJO: [10:25:15] He's speaking but we're not getting the interpretation.

8 THE INTERPRETER: [10:25:19] There is nothing coming through.

9 PRESIDING JUDGE SCHMITT: [10:25:21] So we have obviously a technical
10 problem and we would have to fix this first because the voice is not coming through,
11 obviously.

12 If the interpreters hear again the voice, please let us know. Thank you.

13 MS ADEBOYEJO: Let us know.

14 THE INTERPRETER: [10:25:45] We will.

15 Could you perhaps ask the question again?

16 MS ADEBOYEJO: [10:26:12]

17 Q. [10:26:12] Mr Witness, the document we've just opened in tab 3, whose
18 document is that? Who produced it?

19 A. [10:26:23] It's my document. I'm the one who produced it.

20 PRESIDING JUDGE SCHMITT: [10:26:31] And then my question was you have
21 already told us that you heard the gunshot, the first gunshot where you drew "old
22 barracks". Do you know what happened there or did you come to know what
23 happened there?

24 THE WITNESS: [10:26:51] (Interpretation) I found about it in the morning that
25 they shot and killed somebody.

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1 MS ADEBOYEJO: [10:26:59]

2 Q. [10:26:59] Who was this person who was shot and killed and what were the
3 circumstances under which he was shot and killed?

4 A. [10:27:11] The person that was shot was somebody that they abducted and
5 came with to the camp. I examined the person, but it wasn't a camp inhabitant. But
6 we found somebody else, we found somebody else that was injured. We found the
7 person in the morning, but the person did not die. And he told us that when they
8 abducted them, the person that was killed and shot informed them that he knew
9 where the barracks was, but when they came to that location, the old barracks, and
10 they found that the barracks was no longer at that, at that location, they shot and
11 killed him saying that he was trying to betray them.

12 Q. [10:28:06] And would you happen to know the names of these persons, the
13 one who was killed and the one who was injured?

14 A. [10:28:20] The person was known as Kirego. The people who knew him told
15 me that he was known as Kirego.

16 Q. [10:28:35] The man who was injured, what was his name, who later described
17 what happened to you?

18 A. [10:28:44] They were not camp inhabitants.

19 PRESIDING JUDGE SCHMITT: [10:28:58] If you want, Mrs Adeboyejo, why not
20 put simply the names, the two names to the witness, and if it rings a bell, and if not,
21 we continue.

22 MS ADEBOYEJO: [10:29:07] We continue. Yes, your Honour.

23 Q. [10:29:10] Now, Mr Witness, you mentioned the name Kirego. Is the
24 word -- is the name Ego a short form of Kirego?

25 A. [10:29:23] Pardon? Ego, Ego is a name, is a person's name.

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1 Q. [10:29:30] Now, does the name Atoo, is that a name that you are familiar with?

2 I hope I'm pronouncing it properly. Atoo, A-T-O-O?

3 A. [10:29:47] It's Atoo. Atoo.

4 Q. [10:29:53] Atoo?

5 A. [10:29:54] Atoo. Atoo is a person's name as well.

6 PRESIDING JUDGE SCHMITT: [10:29:56] It's not the Anglo-Saxon pronunciation
7 in this case.

8 MS ADEBOYEJO: [10:30:05] Indeed, your Honour.

9 THE WITNESS: [10:30:09] (Interpretation) It's different. It's different from Atoo,
10 from Atoo hills. There is also Atoo hills, but the name Atoo is different from Atoo
11 hills, because the people -- the rebels came from a location known as Atoo hills, but
12 Atoo is also a person's name.

13 Q. [10:30:26] Thank you.

14 PRESIDING JUDGE SCHMITT: [10:30:27] I think we should leave it at that.

15 MS ADEBOYEJO: [10:30:30]

16 Q. [10:30:30] Thank you for that clarification, Mr Witness.

17 All right. You've told us that this person had indicated how the rebels came to kill
18 somebody. What did they do after that? After you heard the first gunshot, what
19 happened?

20 A. [10:30:55] After the first gunshot, shortly after that, several shots came up and
21 it subsided. In my observation, when the gunshot subsided, it appeared the
22 government soldiers that were protecting the camp was able to repulse the rebels.
23 I was hearing, I kept on paying attention.

24 Then again the gunshots began all suddenly. Then I would also see fire burning, but
25 I would also see light -- I mean, fire from the exhaust -- I mean, from the gunshots that

1 would tell me that there was exchange of fire, and at some point I hope we are
2 moving together, are we moving together?

3 Then in the third time again, the firing started again and that was now the heaviest
4 fighting. In what I would hear from my location, the fighting was coming towards
5 the camp.

6 Q. [10:32:27] So let's talk about the first exchange of fire. How long would you
7 say that that lasted?

8 A. [10:32:48] It probably lasted 5 to 10 minutes.

9 Q. [10:32:54] And then --

10 A. [10:32:55] The exchange, there was actually quite a bit of exchange. Then it
11 would subside. It was about 5 to 10 minutes.

12 Q. [10:33:03] And whilst this exchange of gunfire was going on, where were you
13 located?

14 A. [10:33:13] I came out and was standing in front of my house, which was also
15 within the camp.

16 Q. [10:33:23] Now, you said that the third exchange of fire was really heavy.
17 Take us through what happened. Where were the rebels at this time?

18 A. [10:33:45] At the third time of the exchange, I was already within the camp.
19 Then I heard our soldiers who were in the camp saying that these people have
20 defeated us so we should all run away. So people should run away.

21 Q. [10:34:15] Now, when the rebels arrived, did you see them?

22 A. [10:34:21] I began by seeing a fire burning at the place where you see there's an
23 arrow. There's an arrow within, within that circle, and then as they crossed the road,
24 then the fire -- they started burning. Where there I've written "old barracks" and
25 then there is that arrow coming towards the centre, they started burning houses

1 around that place. That was at the beginning.

2 PRESIDING JUDGE SCHMITT: [10:35:01] Did you hear, did you hear the rebels?

3 THE WITNESS: [10:35:06] (Interpretation) Yes, I did.

4 PRESIDING JUDGE SCHMITT: [10:35:11] Could you describe a little bit?

5 THE WITNESS: [10:35:18] (Interpretation) Good enough. They were speaking the
6 language that I would hear, that now we are going to capture these soldiers alive,
7 today they will actually see. They were actually shouting and were speaking loudly.
8 If you hear carefully, there were also children's voices you could hear, because you
9 could easily differentiate between the voice of an adult but also you would hear some
10 voices that were of children.

11 MS ADEBOYEJO: [10:35:57]

12 Q. [10:35:57] And when you say there were children, about what ages would you
13 put them?

14 A. [10:36:12] Well, it's not very easy to estimate age and voice, but it was 10 to 15,
15 in that range. The voices were really of children. But also when they have now
16 torched the places and they had reached almost in the middle of the barracks, you
17 could now see them, because I was able to see them.

18 Q. [10:36:41] And when you saw them, how would you describe these children?

19 A. [10:36:55] The children were really -- they would not -- they were really young.

20 PRESIDING JUDGE SCHMITT: [10:37:08] Did they have -- did these children have
21 arms?

22 THE WITNESS: [10:37:13] (Interpretation) They were actually young. If you
23 would compare, three children would -- in terms of fighting, one person would
24 actually fight with three of those children. But as they were moving, they were
25 moving with their heads straight up, and very, very active. And they were the ones

1 who were actually burning the houses. They would remove grass from one of the
2 huts and then they would put on fire and then torch the houses just like that until the
3 fire spread in the camp.

4 MS ADEBOYEJO: [10:37:48]

5 Q. [10:37:48] And did you see these children carrying any weapons?

6 A. [10:37:55] Some of them were holding sticks in their hands, but for these
7 children that I saw, their main role, as I was seeing, was basically to enter, break into a
8 house, pick things inside and then set that house on fire. I saw in one of the houses
9 they broke into, it was a drug shop, and that house, the medicines were supposed to
10 help residents in the camp. They broke into that house and they carried the stock or
11 the medicine in that house and then they went on to other houses. They were not
12 carrying guns, but they only had sticks in their hands.

13 Q. [10:38:47] What about the other --

14 A. [10:38:51] Sticks and machetes.

15 Q. [10:38:53] What about the other rebels? Were they carrying any guns?

16 A. [10:38:59] Yes, the other ones, the adults were having guns.

17 Q. [10:39:06] You said you heard them shouting and talking to each other. What
18 language were they using?

19 A. [10:39:15] They were speaking Acholi.

20 Q. [10:39:23] Now, you said that you saw the young children especially burning
21 the houses, but then they also looted some items. How were these -- those items that
22 were looted, how were they transported?

23 A. [10:39:42] The items were first collected and put at one location. I request
24 that we go back to that map again.

25 Q. [10:40:08] So we're going back to UGA-OTP-0248-0058. Yes, Mr Witness?

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- 1 A. [10:40:17] You see where I have circled.
- 2 Q. [10:40:22] Would that be the middle of the map?
- 3 A. [10:40:25] Where I wrote where I was hiding.
- 4 Q. [10:40:27] Okay.
- 5 A. [10:40:28] Where I was hiding. There is that -- there is that place I've written
- 6 "foot path", is this kind of a foot path that kind of crosses that arrow going to the new
- 7 barracks, towards, towards new barracks.
- 8 Q. [10:40:58] Okay. Please, Mr Witness --
- 9 PRESIDING JUDGE SCHMITT: [10:40:59] May I shortly?
- 10 MS ADEBOYEJO: [10:41:00] And what does this depict?
- 11 PRESIDING JUDGE SCHMITT: [10:41:01] Yes.
- 12 THE WITNESS: [10:41:03] (Interpretation) What happened here, this is where I
- 13 actually came to know a lot of things. There's this path that you see. Are you
- 14 seeing?
- 15 MS ADEBOYEJO: [10:41:18]
- 16 Q. [10:41:19] Yes, we can see the footpath you're referring to, Mr Witness.
- 17 A. [10:41:20] There's -- that path was -- that path was at the edge of the camp. It
- 18 was passing at the edge of the camp. I was inside, where there is a banana
- 19 plantation, just as I've indicated. Some four soldiers were following this path and
- 20 they were trying to move round the camp. They were -- I think they were patrolling
- 21 the area to see what was happening. But the people who were working were inside.
- 22 Q. [10:42:01] Okay. Thank you for that, Mr Witness.
- 23 Now, you refer to the people who were working. When you refer to "working",
- 24 what kind of work were they doing, those who were inside the camp, the rebel
- 25 soldiers who were inside the camp?

1 A. [10:42:18] They were taking things, items, and killing. What they were doing
2 was basically looting and killing and also burning houses.

3 Q. [10:42:32] What other items, apart from the drugs you've referred to, did you
4 see them taking?

5 A. [10:42:44] Food items. We returned in the morning, we never found any food
6 items left. They carried food items and some other items, as cooking utensils that
7 were newly distributed were all taken.

8 Q. [10:43:01] And how had these food items, how had they come to the camp?

9 A. [10:43:08] The food items, one of our member of parliament called Ben Wacha,
10 who was the one that made government through the office of the Prime Minister,
11 delivered some food relief. Then others were delivered by some NGOs who also
12 brought for us food items. Then there were others that were actually from our
13 harvest, because we would just go and farm our land which is just at the edge or
14 slightly away from the camp. That's why the soldiers had put a curfew that we
15 should be able to move out but also come back within the right time. So we would
16 go and do our own farming.

17 Q. [10:44:05] And without these food items, Mr Witness, the camp residents
18 would literally starve, won't they?

19 A. [10:44:22] Yes, that is what would happen.

20 Q. [10:44:25] Now let's go back to the work that you said the rebel soldiers were
21 doing inside the camp. You said they were killing. Which ways would you be able
22 to tell the Court did they murder the people that were in the camp?

23 A. [10:44:44] People were killed in various manners. Others were shot with a
24 gun. Some of them were children who were abandoned in the house. They were
25 burnt in the house. Some were battered on their heads with sticks. Some were cut

1 with machetes. And if you see there is -- there was a list which I recalled I gave
2 showing the number of people who were killed and the manner in which they were
3 killed. Because in the morning when I returned I tried to try and confirm who and
4 who was missing and who was killed. So people were killed in various ways.

5 Q. [10:46:01] Thank you very much, Mr Witness. We will indeed come back to
6 your list. I just want to ask some more questions and particulars with regards to
7 what had taken place inside the camp that you had seen. Now, all this while you
8 told us you were outside of your house. Did you at any time change your location?
9 You told us that you were hiding in the banana plantation. How long did you
10 remain in that banana plantation?

11 A. [10:46:33] I left my position in front of my house after the army said they
12 were -- they have been defeated and so people should run away. So I relocated to a
13 place where -- written Otwal -- so the soldiers told us to run towards the direction of
14 Otwal. So I left my house and just moved out slightly away to that banana
15 plantation and I hid there.

16 Q. [10:47:12] And you told us earlier, Mr Witness, that there were some rebels
17 soldiers who were patrolling the footpath near where you were hiding. Do you
18 recall what they were saying?

19 A. [10:47:28] These rebels, when they were walking here, this is when I now
20 realised who they were, they were actually, they were actually appreciating and
21 thanking somebody called Afande Okello Kalalang that he did very good to change
22 order or how they were instructed, Dominic had instructed that shoot anyone that
23 you find, so it was good that Okello Kalalang changed this order. So Okello
24 Kalalang changed the order that whatever you can do, if you can burn the person in a
25 house, do, if you can push the person into fire, you push. Or if you can just smash

1 the head with the club, you do.

2 So the instruction which Afande Dominic had given them was changed by Okello

3 Kalalang because now they were able to spare their bullets for their own protection.

4 Because they know that the government soldiers known as the Uganda People's

5 Defence Forces had -- has transport and they will bring reinforcement, so if they finish

6 off their bullets, they will be in problem.

7 Secondly, one of their colleague was saying if they shoot everyone and if they get

8 items in the camp, who is going to carry these items? So they really thank Kalalang

9 so much because he does not waste bullets. So what should be done is to only use

10 the bullets sparingly by using other means of killing, but not the bullets, because they

11 need some people to help them with carrying the luggage. That is what I heard from

12 the location where I was hiding.

13 And I think that was the most important thing that I heard, that Kalalang did so well

14 to change the order which they were given to come and shoot anyone that they find.

15 So they really thank Kalalang so much because they were able to spare their bullets.

16 And that they would also be able to get people who would help them to carry their

17 luggage. This is what I heard them saying. They were actually speaking as they

18 were walking by. I continued hiding in my place until morning.

19 PRESIDING JUDGE SCHMITT: [10:50:55] So I understand that you could hear

20 these people. Could you also see them?

21 THE WITNESS: [10:51:14] (Interpretation) Yeah, I could see them with the light

22 that was burning in the, the fire that was burning in the camp and the place was bit

23 clear, you could see, you could see them.

24 PRESIDING JUDGE SCHMITT: [10:51:27] And you felt secure in your hiding

25 place?

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1 THE WITNESS: [10:51:38] (Interpretation) Well, there is no very good security, but
2 it was just by God's grace that you would be saved. I was, I was in the banana
3 plantation because I heard from the soldiers that when you're within, in the midst of
4 bananas the stems, the stems would act like a stopper of -- they would stop the bullets
5 so the bullet wouldn't go through. And so I was a bit lucky to hide in the banana
6 plantation.

7 PRESIDING JUDGE SCHMITT: [10:52:10] And, Mr Ayoo, could you please
8 estimate how far away your hiding place was from where the huts were burning and
9 the attack was going on? If you can give an estimate how far away this was.

10 THE WITNESS: [10:52:28] (Interpretation) If I compare the houses to the edge of
11 the barracks were half, almost half a football pitch. That's the distance. Then -- and
12 for the houses that were, those one that were at the edge had some trees which were
13 planted, so that place where the banana plantation was was actually almost within
14 the homestead, just about 50 metres.

15 But the reason why I was at that point and location was because of the trees that were
16 there and also that banana plantation, which of course there were other banana stems
17 that were next to that very place where I was.

18 PRESIDING JUDGE SCHMITT: [10:53:34] We appreciate the analogy to a football
19 pitch. This especially the Presiding Judge can follow, so we have at least an idea
20 how far away or how close it was.

21 Ms Adeboyejo, please continue.

22 MS ADEBOYEJO: [10:53:51] Thank you, your Honour.

23 Q. [10:53:54] Now, Mr Witness, did you come to learn who this Dominic Afande
24 they were referring to, who he was?

25 A. [10:54:05] We knew that it was Dominic Ongwen because from what they

1 were saying that Afande Dominic Ongwen had given the orders to Kalalang. So it
2 appears these instructions were changed I think on the way as they were going, as
3 they were already coming, but I do not know exactly which point, from which point
4 they did change these instructions.

5 Q. [10:54:32] And did you at any time know who they were referring to as Okello
6 Kalalang?

7 A. [10:54:53] I did not know. Even up to now I do not know.

8 Q. [10:54:56] Now let's talk about those rebels.

9 PRESIDING JUDGE SCHMITT: Microphone, please.

10 MS ADEBOYEJO: [10:55:03] The witness was still speaking, actually.

11 Q. [10:55:07] I'm sorry I interrupted you, Mr Witness. Can you finish your
12 sentence?

13 A. [10:55:14] I was saying that the person who was being referred to as Francis
14 Okello Kalalang, I did not see him, I do not see him. Even Dominic Ongwen, I have
15 not seen him. I only see him from the screen when he's being shown during the
16 Court proceedings. I do not know, I have not seen him before. Even up to now I
17 have not seen him directly, face to face like this.

18 Q. [10:55:46] All right. Thank you, Mr Witness. You told us that the attack
19 started at about 8.30. Do you know how long, can you estimate how long the attack
20 by the rebels lasted?

21 A. [10:56:07] I am even only estimating, because at night I did not even have a
22 watch, but I would estimate from the length it took, probably it took about two to
23 three hours. Because at about 11 p.m. an army vehicle came with some soldiers and
24 they entered into the camp. But they found when these people had already left so
25 I think it probably took about two to three hours.

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1 Q. [10:56:52] And this military truck that arrived, how did you know that it was
2 a -- how did you know what kind of truck it was, whether it was the rebel or the
3 government?

4 A. [10:57:16] Well, at that time it was also not very easy to quickly establish who
5 they were, but when they came they moved around and they started firing the heavy
6 weaponry. So from what I would discern, it appeared they were firing that, the
7 heavy weaponry on top of a vehicle which they were moving with, so -- and these
8 were actually bombs that were being fired because the rebels had already left.

9 Q. [10:57:54] And how long did you remain in the banana plantation,
10 Mr Witness?

11 A. [10:58:08] I was there till morning. There was no way you could come out.
12 Because even that -- the soldiers that came, you would not know whether they were
13 government soldiers or not. So I was in that location until morning. But until when
14 I saw that army vehicle came and also how they were moving in the camp made me
15 to be able to now know that, okay, these were government soldiers. But I couldn't
16 really come out that same time in the night, so I came out in the morning.

17 Q. [10:58:42] And when you came out in the morning, Mr Witness, what did you
18 do?

19 PRESIDING JUDGE SCHMITT: [10:58:47] I think when it comes to the aftermath
20 of the attack I would suggest that we have first a coffee break. I think this is a
21 relatively natural break that we can have until 11.30.

22 MS ADEBOYEJO: [10:59:01] Absolutely, your Honour. Thank you.

23 THE COURT USHER: [10:59:05] All rise.

24 (Recess taken at 10.59 a.m.)

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

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1 THE COURT USHER: [11:32:24] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [11:32:44] Please continue, Ms Adeboyejo.

4 MS ADEBOYEJO: [11:32:49] Thank you, Mr President.

5 Q. [11:32:51] Welcome back, Mr Witness. Before we took the break --

6 A. [11:32:56] Thank you.

7 Q. [11:32:57] -- you told that the person the rebels referred to as Dominic Afande

8 was Dominic Ongwen. Can you tell the Court how did you know that it was

9 Dominic Ongwen. How did you get to know it was Dominic Ongwen?

10 A. [11:33:21] I thought -- perhaps you didn't hear me very well. They clearly

11 stated that it was Dominic Ongwen. They clearly stated that it was Dominic

12 Ongwen. I did not come to find out later that it was Dominic Ongwen, but they

13 stated it clearly.

14 PRESIDING JUDGE SCHMITT: [11:33:49] Perhaps I may refer, Mrs Adeboyejo, the

15 witness to his former statement.

16 Mr Ayoo, you have given a statement to the Prosecution, and for the record this is

17 UGA-OTP-0248-0040 at page 0049, and I'm quoting here from paragraph 40, please

18 listen, there you have stated:

19 "They said that they were not going to take the first order from 'Afande' Dominic to

20 kill everyone who was not one of them but that they would follow the second order

21 from Kalalang not to waste bullets but to beat people to death and to abduct the ones

22 they could."

23 What does this Afande Dominic, it does not directly express that it was Dominic

24 Ongwen? If I read this to you, do you recall that then?

25 THE WITNESS: [11:34:52] (Interpretation) Yes. I think the person who took

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1 down the statement omitted something.

2 PRESIDING JUDGE SCHMITT: [11:35:02] Okay.

3 Ms Adeboyejo.

4 MS ADEBOYEJO: [11:35:05] Yes.

5 Q. [11:35:06] Mr Witness, I would also refer you to paragraph 44 in your
6 statement and --

7 MR TAKU: [11:35:13] Your Honour, can learned counsel make the appropriate
8 application the purpose for which they are referring to that paragraph? Because a
9 question should be asked and if he's unable to answer the question, then under the,
10 your direction and the decision you took they could now actually refresh his memory,
11 but I do not know whether it is in respect of the same issue that you've raised or in
12 respect of a new issue.

13 PRESIDING JUDGE SCHMITT: [11:35:44] Yes. So this is sustained. So I
14 referred to the statement because there was a discrepancy here what the witness said
15 now and what was in the statement. We have clarified that.

16 I would not exclude, Ms Adeboyejo, that you can come back to this paragraph 44, but
17 you would have to put questions to the witness because it's a different situation when
18 he speaks there of a person named Dominic. So it's not the same situation. We
19 would have to go step by step.

20 MS ADEBOYEJO: [11:36:17] I'm guided by your Honour. In that case I will come
21 to that point.

22 Q. [11:36:22] Mr Witness, you told us earlier that you came out of your hiding
23 place because you saw the government truck and you were able to realise that this
24 was a government truck, it was not the rebels. When you got out of your hiding
25 place, what did you do?

1 A. [11:37:00] When I came out of my hiding place I first had to ascertain that
2 those were government soldiers, based on my observation of their car and their
3 uniform, because they had "UPDF" written on their uniforms.

4 I did not know where these people came from so I sent a report to the commander,
5 the commander in charge of our area known as Lieutenant Colonel Okello Engola.
6 Shortly after that he appeared, so I sent him a message and he came. When he came
7 they started removing the corpses.

8 Q. [11:38:07] Apart from removing the corpses, do you know what else
9 Lieutenant Colonel Okello Engola did? What else did he do?

10 A. [11:38:33] He came, he saw what happened and gave orders to his soldiers that
11 these people should not cross Lalogi road.

12 Q. [11:38:47] And who are the people you are referring to, Mr Witness, that
13 shouldn't cross Lalogi road?

14 A. [11:38:55] He said that the rebels had not yet crossed Lalogi road, the rebels
15 that had attacked the camp.

16 Q. [11:39:07] What did he then -- what instructions did he then give his soldiers?

17 A. [11:39:14] He told them to get into the car so that they could pursue the rebels.
18 He came with a small Land Rover and he took about six soldiers with him to pursue
19 the rebels.

20 Q. [11:39:31] When they pursued the rebels, what were they able to achieve?

21 A. [11:39:44] When they pursued the rebels I heard gunfire, I heard gunfire from
22 Lalogi side, and after a short while I saw some of the people that had been abducted
23 coming back.

24 Q. [11:40:08] And how many of those people came back?

25 A. [11:40:17] I, I recall that there was a large number that came, but there were

1 others that were also coming back in smaller numbers, but some of them came back
2 from Lalogi side. You know, it's been a while so you cannot recall every single
3 detail.

4 Q. [11:40:38] That's quite all right, Mr Witness, I understand. Now, talking
5 about the abductees that returned, did you have the opportunity to speak with these
6 abductees?

7 A. [11:40:55] Yes, I did. I spoke to some of them. And they told me that they
8 escaped, but the soldiers that they had escaped to were -- belonged to Colonel Okello
9 because Colonel Engola fought and then they ran to his soldiers, and that's how they
10 managed to escape.

11 Q. [11:41:29] Did these abductees say where the rebels who attacked the camp,
12 where they came from?

13 A. [11:41:43] Most of them stated what I heard previously, that the soldiers, the
14 rebels were sent by Dominic Ongwen. But it was Kalalang who was their overall
15 commander. They, they also, they did not mention how many people died because
16 they were not aware of the number of people, the number of casualties because there
17 was a severe battle.

18 PRESIDING JUDGE SCHMITT: [11:42:17] Mr Taku.

19 MR TAKU: [11:42:18] Your Honours, I have previously wanted to interrupt the
20 learned Prosecutor putting these questions about if there's going to be hearsay there
21 should be a sound basis. These people never arrived, they were rescued at Lalogi,
22 according to the foundation laid so far that this individual came and some of them
23 fled. And so if they say that, they say that they were sent by Dominic Ongwen, does
24 he mean -- was he talking to the rebels? Was it the rebels that fled and came and
25 were giving him the information, or the supposed abductees? We should be very,

1 very clear about this. And if they met Dominic Ongwen in this instance. Because
2 there have been a lot of hearsay here. We didn't want to interrupt because we have
3 the statements here, we will have our opportunity with that, but I think the Court
4 should be able to control and make sure that at least there should be a sound basis for
5 leading hearsay evidence.

6 PRESIDING JUDGE SCHMITT: [11:43:26] Thank you, Mr Taku. But of course we
7 are all aware here in the courtroom that hearsay is not excluded at this Court. I have
8 said this several times. And to assess the concrete probative value of hearsay is a
9 matter of the Judges in the end, but of course you can question it, Mrs Bridgman can
10 question the basis of this hearsay. And I'm relatively sure that Ms Adeboyejo will
11 also try to enquire a little bit more where the alleged reports came from and where
12 the information that these people gave to the witness was received from. So this
13 would be important to assess the hearsay in the end.

14 So please continue, Mrs Adeboyejo.

15 MS ADEBOYEJO: [11:44:16] I'm grateful, your Honour.

16 Q. [11:44:18] Now, Mr Witness, you have just told us that the abductees came
17 back and spoke to you. Where were these abductees coming from?

18 A. [11:44:37] They told me that they were coming from around Lalogi area, that
19 there was a fight near Lalogi area and that's where they were coming from. And it
20 was based -- they managed to escape because of that fight.

21 Q. [11:44:56] And do you know, Mr Witness, the basis for which they told you
22 that Dominic Ongwen had sent the rebels? If you know.

23 A. [11:45:12] They told me that that is what they were being told along the way.
24 While they were walking, while they carried -- they were carrying luggage, they were
25 being told that it was Dominic Ongwen who had sent the rebels. But I was asking

1 them, I was asking them what the people who abducted them were saying, and they
2 relayed what the people who abducted them were saying.

3 The soldiers were the ones who were talking among themselves saying that Dominic
4 Ongwen would be extremely happy because there was -- the attack was successful.
5 And that is how I became aware that it was -- that's why I came to find out that it was
6 Dominic Ongwen, because the rebels were talking among themselves that whatever
7 they did at the camp the mission was successful. So they were talking among
8 themselves and the abductees heard what the rebels were saying.

9 Because when these people come back, as a camp leader, when these people come
10 back you have to question them. I asked them because I wanted to get some
11 information from them.

12 Q. [11:46:29] Thank you, Mr Witness. And how old would you say these
13 abductees who returned, how old would you say they were?

14 A. [11:46:45] There were boys 16, 17 years old, and there were some adults among
15 them as well, 20 and above. It was a mixture of people. They did not only abduct
16 the young ones, they abduct a mixture of people.

17 PRESIDING JUDGE SCHMITT: [11:47:07] And, Mr Ayoo, with whom did you
18 speak?

19 THE WITNESS: [11:47:15] (Interpretation) I spoke with a large number of people.
20 I was waiting for them. I collected them altogether and then I asked them as a group.
21 I did not question each one individually. I gathered them together and then asked
22 them as the group. They -- I asked them how they were taken, I asked them the
23 manner in which they were treated. I asked them a number of questions. And they
24 were the ones who were telling me what was being said, they were telling me how
25 they were treated, the amount of luggage that they were given to carry.

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1 I also asked them that when the, when the battle ensued what happened? They said
2 we dropped the, we dropped the stuff that we were carrying.

3 MS ADEBOYEJO: [11:48:07]

4 Q. [11:48:07] Thank you, Mr Witness. Now, when you said earlier that Colonel
5 Engola and his men started to take the dead bodies, did you yourself see these dead
6 bodies?

7 A. [11:48:28] Yes, I counted them. I also helped to carry them. Nobody -- an
8 individual, not one individual could do that by themselves.

9 Q. [11:48:38] And how many dead bodies did you see?

10 A. [11:48:50] About 20 -- 28. It's written down somewhere. It was written
11 down the manner in which the person died as well.

12 Q. [11:49:03] So you have very nicely led me to, and I can ask you to open -- the
13 court officer to open tab 4 so that we can look at this in some detail, tab 4, which is
14 UGA-OTP-0244-1201.

15 Mr Witness, were you the only one counting dead bodies when this incident
16 occurred?

17 A. [11:49:41] No. There were other people as well, because I would have not
18 been able to tell every single individual. There are some people who were burnt and
19 I would have not been able to tell who the people were. So there were other people
20 who were helping me identify the casualties. I wouldn't have known where each
21 and every individual came from, what village they came from, so I needed help from
22 other people to identify, identify people. You had somebody who would come and
23 tell me this person is from such and such a village, this person is from such and such
24 a place.

25 Q. [11:50:25] Do you know if any other person also created their own list of those

1 who had died?

2 A. [11:50:37] Perhaps there are other people who had lists as well because there
3 were other battles as well, there were other attacks as well, but on that particular day
4 I'm the one who created the list.

5 Q. [11:50:51] So let's look at tab 4 that is in front of you, Mr Witness. So who
6 created this list, Mr Witness?

7 A. [11:51:09] That's my handwriting. I did.

8 Q. [11:51:12] And you have listed here 28 people. Can you tell the Court how
9 these ones were killed according to your list here?

10 A. [11:51:28] You can see the manner in which they were killed. People
11 who -- when you find a gun hole or a bullet hole or a number of bullet holes on a
12 person, a small bullet hole, then you confirm that the person has been shot, has died
13 from gunshot wounds. If you find somebody who has been burned or -- and the
14 person has been burned to death, that means that they were burned by fire. If you
15 find somebody who has been chopped, sometimes the places are swollen, that means
16 that the person has been beaten. And that's how we determined the manner in
17 which the person died. We decided that such and such a person died by being burnt
18 because they were burnt, or being by gunshot wound because we found bullet holes,
19 or by being beaten because their bodies were swollen.

20 Q. [11:52:47] So if I understand you correctly, Mr Witness, with regards to the
21 beating, it's possible for a person to be beaten and chopped and you would see the
22 marks of the machete on the body?

23 A. [11:53:02] If the person had been chopped, then perhaps the person has been
24 beaten on the skull and then the skull has been shattered, then it's not a machete.
25 Because sometimes the person is clubbed on the skull and the skull shatters. There

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1 are some people would were beaten and their arms were broken.

2 Q. [11:53:33] And this list that you compiled, Mr Witness, it was based on the
3 information that you got at that time, isn't it?

4 A. [11:53:47] Yes, it was.

5 PRESIDING JUDGE SCHMITT: [11:53:59] Was anybody of your relatives affected?

6 THE WITNESS: [11:54:09] (Interpretation) Yes. Number 14 on the list. You see
7 number 14 on the list?

8 PRESIDING JUDGE SCHMITT: [11:54:19] Yes, yes.

9 THE WITNESS: [11:54:21] Number 14 was my father. Number 14, that's my
10 father.

11 PRESIDING JUDGE SCHMITT: [11:54:28] How did he die?

12 THE WITNESS: [11:54:37] (Interpretation) He was beaten on the, he was clubbed
13 on the skull and his brains spilled out.

14 MS ADEBOYEJO: [11:54:46] Mr President, I have no further questions for the
15 witness.

16 PRESIDING JUDGE SCHMITT: [11:54:51] Thank you very much, Mrs Adeboyejo.

17 MS ADEBOYEJO: [11:54:54] Thank you, Mr Witness.

18 PRESIDING JUDGE SCHMITT: [11:54:55] And I would assume that Mrs Hirst has
19 questions as counsel for the Legal Representatives of the Victims?

20 MS HIRST: [11:55:01] I do have some questions.

21 PRESIDING JUDGE SCHMITT: [11:55:03] So please, you can start.

22 QUESTIONED BY MRS HIRST:

23 Q. [11:55:13] Good afternoon, Mr Ayoo.

24 A. [11:55:31] Good afternoon.

25 Q. [11:55:32] Mr Ayoo, as you know, I work with Joseph Manoba and

1 Francisco Cox, Legal Representatives for the Victims in this trial and I have some
2 questions for you which are different from the questions you've been asked by the
3 Prosecution. Our intention is to ask you some questions about the consequences of
4 the attack which you've been describing.

5 Now, Mr Ayoo, you described how on the morning of 9 June 2004 you came out from
6 your hiding place and saw the aftermath of the attack and you've mentioned that you
7 saw bodies of the deceased. Can you tell us what other consequences of the attack
8 you observed?

9 A. [11:56:19] It wasn't as a result of the battle on 8 June and as a result of all the
10 battles an attack on the -- are you talking about the attack on the camp or the attack in
11 the bush?

12 Q. [11:57:00] Yes, I apologise. I'll be more specific, Mr Ayoo. My question is
13 first about the attack on the camp and what you saw in the camp when you came out
14 from your hiding place in the morning.

15 A. [11:57:19] Okay. Now I understand. When I came out from my hiding place
16 I saw a lot of destruction. I saw houses burnt. I saw things that were scattered all
17 over the place that were not burned. I do not know why they did that. There were,
18 there was some foodstuff that was scattered all over the place. I do not know the
19 reason for that. Everything was scattered all over the place, clothes, everything. I
20 saw that some of the houses -- I do not know whether they had heavy doors or
21 whether the doors were strong enough because the doors had just been pushed in. I
22 also saw chickens that had been killed and chickens that had died. I saw dead goats
23 as well.

24 Q. [11:58:43] You mentioned huts which had been damaged or burned. Are you
25 able to estimate how many of those there were?

1 A. [11:58:59] There were many. There were quite many. There were many. I,
2 I think about 200 because there were so many houses. The houses that were not
3 burnt were about 200, but all the others were burnt. So it's very difficult to estimate
4 the exact numbers because it was -- yeah, things were really chaotic.

5 Q. [11:59:31] And you've spoken already about those who were killed in the
6 attack. Did you see any people who were injured but still alive?

7 A. [11:59:41] Yeah, there were some people who were taken to hospital, some
8 people who sustained injuries who had been shot, people who had injuries were
9 taken to hospital.

10 Q. [12:00:01] Are you able to estimate their number?

11 A. [12:00:09] No. I cannot estimate the number because some people left in the
12 morning after the attack and they never returned to the camp. Up to today I do not
13 know where they are, I haven't seen them, but they are probably not still alive. But
14 I cannot estimate the exact number because that morning, the morning people were so
15 traumatised, people were so scared. If you're not strong enough, if you're not brave
16 you cannot do anything. You just have to leave. But I was there. When I saw
17 things, everything was in chaos. It was all chaotic.

18 Q. [12:00:56] You've said that people were traumatised. Were they fearful of
19 another attack happening?

20 A. [12:01:17] That, that was not the first attack. People were really scared.
21 People were still scared of any other attacks, that other attack would still occur. If I
22 tell you that even up to now there are still people who, you know, still have
23 nightmares from that, that attack, they would dream about it and even shout and cry
24 at night that there is fighting again, and yet indeed there is no more fighting. People
25 were really confused and traumatised.

1 PRESIDING JUDGE SCHMITT: [12:02:13] No, we simply continue, Mrs Hirst.

2 MS HIRST: [12:02:17] Thank you, Mr President.

3 Q. [12:02:18] Mr Ayoo, considering that people were fearful at that time, did the
4 government soldiers take any additional steps to protect the camp after this attack
5 happened?

6 A. [12:02:42] Yes, I see they added some soldiers and their number increased, and
7 also the type of weaponry they had was also a bit sophisticated from the previous one.
8 So if that had not happened, even myself would not accept to continue living there.

9 Q. [12:03:09] You've spoken already about meeting some of the people who were
10 abducted in the attack when they returned to the camp and you said that they had
11 spoken to you about how they were treated.

12 And for the Court, the transcript reference is page 45, line 23.

13 Can you tell us what did they say to you about how they were treated when they
14 were abducted?

15 A. [12:03:49] I asked them the kind of problem they encountered along the way.
16 They told me many things. Each one would talk about his or her experience. Some
17 would say the luggage they carried was very heavy, but they would force you to
18 carry. Some people said as they were walking in the bush they want you to move
19 fast, you move really, really fast, and yet you are not moving on a straight road, you
20 are moving in the bush. And they were not walking straight. They would move,
21 you know, in, in a zigzag way, they would take several corners and when they
22 reached Lalogi, they didn't move far. Some people told me there were beatings
23 because if you were not moving fast you would be beaten.

24 Q. [12:04:57] If it's possible to say in general terms, how would you describe their
25 physical condition when they returned to the camp?

1 A. [12:05:08] First were, people who were very elderly were the ones that
2 returned. Even -- because of walking in the bush, some of them came with the cuts
3 on their bodies, others you would even see the marks of the beatings on their, on their
4 body.

5 Q. [12:05:46] And is there anything you can tell us about their mental condition
6 when they returned?

7 A. [12:05:56] People were very scared. Some of the children who returned, their
8 family members send them to live with other relatives who were farther away
9 because they could not continue staying there within that place because they were
10 very, really very, very scared.

11 Q. [12:06:32] You've spoken earlier about seeing the corpses of those who died
12 being taken away by the government soldiers.

13 And for the record, that's at transcript page 41, line 9.

14 Do you know what happened to those bodies after they were removed?

15 A. [12:06:58] The ones we could identify their relatives we gave them to bury.

16 And I cannot add more to that. I also took mine, number 14. I went also for burial.
17 The number of person 14 I told you is my father, I also went and buried. So each one
18 would also go to bury their dead person also within the camp.

19 Q. [12:07:45] Did the fact that you were living in the camp have any impact on
20 your ability to comply with traditional customs in relation to burial?

21 A. [12:08:13] Well, that you could not follow because some of the traditional
22 items and things that were used for burial were not in the camp. For instance, things
23 like chicken were very few, so for you, you just go ahead to bury your person.

24 Q. [12:08:41] And you've spoken about the death of your father. Can you tell us
25 for you personally what was the impact of that on your life?

1 A. [12:09:03] It increased responsibilities to me. The things that he would do
2 that would help me, now I have to take over, take over what he would do in addition
3 to my own roles and taking care of my family. So it left me with a lot of problems.
4 Because there were some children that he was taking care of them, now all these
5 children are under my care, I have to take care of them. And so the impact I still feel
6 it. Up to now I am not really very free because I have a lot of work to do. It's heavy,
7 it is a big burden, but I have to struggle and ensure that I do something.

8 Q. [12:10:10] And lastly, Mr Ayoo, I want to ask you some questions about the
9 impact of the attack on the community more broadly. You've mentioned already
10 that many people remain traumatised from the attack, so I won't ask you more about
11 that. But can you tell us anything about the economic impact on the community?

12 A. [12:10:43] Well, that question is very heavy and wide. I may request it might
13 make me to request the Court, if the Court allows, that Court would give me a whole
14 day to answer this question, because it is very --

15 PRESIDING JUDGE SCHMITT: [12:11:16] I think I should have -- I should have
16 answered before I heard your last remark, a whole day we won't, we won't give you.
17 But perhaps Mrs Hirst can be more specific or abandon the question.

18 MS HIRST: [12:11:29]

19 Q. [12:11:30] Perhaps you can start by telling us, Mr Ayoo, have members of the
20 community managed to recover the property which they lost in the attack?

21 A. [12:11:52] This question you really want me to give you a very shallow
22 response. This question is really loaded. If I just tell you in brief the Court may not
23 understand exactly what is really happening there. It would be good if you -- I
24 respond to it but you give me some, some more time a little bit to respond, because if
25 I tell you briefly just a summary of it and I do not tell the Court exactly what is

1 happening there in the village where the Court could help, it may mean the Court
2 will not help because I have not been able to put openly what exactly is happening on
3 the ground.

4 But briefly, but briefly, well, I shouldn't have done just briefly but I should have gone
5 really into detail of my response.

6 MR TAKU: [12:13:05] Your Honours, I pray the Court that the questions be more
7 focussed about the economic impact on this witness. He cannot answer for the
8 community, for heaven's sake, your Honours, because there are a variety of people in
9 the community. The Defence will be calling other witnesses who were in the
10 community who were probably victims also; we say that Mr Ongwen is a victim.
11 They will come here and try to give more specific answer about what their problem is.
12 And specific victims, those who have filed victim applications and have been
13 admitted as victims are coming before this Court to testify and the questions are put
14 to them. But to bring him here and ask him to talk about the community, he's
15 talking about what is happening in the community now, this is a type of activism that
16 at the beginning we said that we should be very, very careful that we should not lead
17 evidence here which is purely that of civil society activists or NGO activists. It
18 should be about specific people, about the losses suffered within the specificity
19 required.

20 There was a rigorous process in which you allowed victim participation. If he's a
21 victim, he will talk for himself. But clearly, to talk about the community at large,
22 your Honours, I think would open the door too wide. And that's why he is right to
23 say that it would take him a day, perhaps weeks, perhaps years.

24 PRESIDING JUDGE SCHMITT: [12:14:29] It's perfectly clear that we won't talk
25 about this, days and years, and I think -- but we have not any witness -- here we have

1 a witness who had a certain function in this camp, and of course we would allow the
2 witness to talk about in a little bit more detail what he, as a camp leader in his
3 function, could say about the impact. But nevertheless, we won't go into this in such
4 a detail that we would spend and distort a little bit the whole evidence in that respect,
5 it would -- we talk about hours or so about it.

6 So since the witness is a little bit reluctant, I would give you the word, Mrs Hirst, and
7 perhaps try to be even more specific, and if not, I think we would leave it at that.

8 MS HIRST: [12:15:20] I'm very grateful, Mr President.

9 Q. [12:15:23] Mr Ayoo, as you've heard, the Court's time is limited and we don't
10 have a whole day. So I have to ask you whether you're able to tell us anything in
11 summary form. And you can rest assured that the Court will be hearing other
12 evidence from other people about this issue, but since you were a leader in your
13 community at this time, is there anything you can tell us about whether people were
14 able to return after the attack to their forms of livelihood that they had beforehand?

15 A. [12:16:14] Yes, I can do that, but I also have to tell you that even now, as I am
16 here, there is something else that I also do for the community.

17 The community that was in that camp that was affected by that problem are the ones
18 that I am the one leading now. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) But

22 since you want me to just give a summary, let me also keep it short, that in brief this
23 insurgency had a lot of destructions and the impact, one of them is that education of
24 the people has not been fully restored. Right from the time people were in the camp,
25 people left the camp, the education are still not yet improved as a result of this war.

1 We even tried government. They have not been able to improve on this because
2 some of the people now have beyond the age, the school age, and now life is difficult
3 for them.

4 Secondly, the kind of life that people were living in the camp led to occurrence of
5 certain kind of diseases that even up to now, people have not been able to understand
6 the cause of these diseases. There were some authorities with whom we went to the
7 camp to try to ascertain, you know, the cause of some of these diseases I've mentioned,
8 but up to now nothing has been established.

9 So as I was requesting, it would be good if our views are sought on what should be
10 done. That would also be helpful. There are things that I'm sure would not
11 improve because the conditions are still as they are. People are used to hearing
12 gunshots. But right now, of course, people are no longer hearing gunshots, but
13 much as the guns are silent, the problems are still very much there. No education.
14 The health of the people is poor, and quite a lot of things. And the problem -- these
15 are the problems that the people in Abok camp, the community that were in the camp,
16 are faced with.

17 So if I -- I know that if some of these issues are, you know, followed up and they are
18 investigated, some of them can be solved. But it would require time. It would
19 require a long time for this to be resolved. But, of course, for people who are
20 unhealthy, people who are sick already, and if there is no way -- there's no help given
21 them immediately, the only way that can be solved is death. And poverty, if it's
22 not -- you know, poverty, if it's not eradicated, not much can be done.

23 So if my request was accepted, it would -- I would -- it would be good to let this Court
24 know that that community is a community that is living and their life may not be
25 restored to the normal life. If people who can link up with the international

1 community do not come up to try and help the community in Abok, this is what I see,
2 if I can in brief say, because I have been asked not to say a lot.

3 Q. [12:21:03] Mr Ayoo, thank you very much. And if I may comment briefly,
4 I think, without taking all day, you have answered the question very thoroughly.

5 MS HIRST: [12:21:13] Mr President, I have no further questions, but I notice that
6 there seems to be a difficulty with the transcript.

7 PRESIDING JUDGE SCHMITT: [12:21:19] That might be fixed during the break,
8 I would say, because it makes sense now, since I assume that Mr Narantsetseg will
9 have no questions, then we can fix this during the lunch break. I suggest that we
10 have the lunch break now until 2 o'clock - we don't need two hours - and then have a
11 session until half past 3.

12 Mrs Bridgman, do you know already how long your questioning might last?

13 MS BRIDGMAN: [12:21:46] Mr President, it may excite you to know that it's not
14 me who is going to do the cross-examination. It's actually Chief.

15 PRESIDING JUDGE SCHMITT: [12:21:59] Then, of course, then you hand over this
16 question to Mr Taku.

17 MR TAKU: [12:22:04] Well, your Honours, I think we'll be able to finish tomorrow.
18 Your Honour said that we will go on until 3 o'clock. Yeah, because today at 4,
19 actually we have a delegation of lawyers from Mexico and the diplomatic mission I'm
20 representing, I have to talk to them. But I can go on with him as much as possible.

21 PRESIDING JUDGE SCHMITT: [12:22:34] So when -- to be able to attend this
22 meeting, when would we have to finish in the afternoon today?

23 MR TAKU: [12:22:40] Maybe at 4, but I will try --

24 PRESIDING JUDGE SCHMITT: [12:22:45] We would only continue -- in any event
25 we would only continue until half past 3.

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1 MR TAKU: [12:22:51] Thank you, your Honour.

2 PRESIDING JUDGE SCHMITT: [12:22:52] So that's okay. So I don't want to
3 follow this further. It's perfectly clear that you would not question this witness the
4 whole day tomorrow. So we have -- in the afternoon we have the session from
5 2 o'clock until half past 3.

6 And the last witness for this block, Mr Gumpert, shortly, is a Rule 68(3), yes, and
7 video link witness? And I would suppose that we could finish this witness on
8 Thursday.

9 MR GUMPERT: [12:23:25] On Thursday, yes.

10 PRESIDING JUDGE SCHMITT: [12:23:28] Finish. Just also for the Defence,
11 because you would -- I think you have envisioned one hour or something like that.

12 MR GUMPERT: [12:23:33] It will be brief.

13 PRESIDING JUDGE SCHMITT: [12:23:34] You --

14 MR GUMPERT: [12:23:34] Sorry. Yes, we will be brief.

15 PRESIDING JUDGE SCHMITT: [12:23:35] You will be brief so that we can, at least
16 as a planning at this moment in time, that we can finish this evidence block perhaps
17 already on Thursday. That would be, I think, good for everybody.

18 MR GUMPERT: [12:23:47] I think that's very likely.

19 PRESIDING JUDGE SCHMITT: [12:23:50] Okay. So just to foreshadow that.

20 MR TAKU: [12:23:53] I will, I will do my best to finish with this witness tomorrow.
21 Obviously, on the -- looking at the evidence already on record, we've seen has taken a
22 lot of time, but he just said some very interesting things. He just opened the door on
23 a number of things that we would like to enquire, that it would really help us to
24 pursue that line. And I think that may take at least 20 to 25 more minutes than
25 intended. But perhaps by the end of --

1 PRESIDING JUDGE SCHMITT: [12:24:27] We don't have to fix this now. I just, as
2 I sometimes do, I just foreshadow a little bit what we would kindly expect, so to
3 speak. So we have the lunch break until 2 o'clock.

4 MR TAKU: [12:24:42] Thank you, your Honour.

5 THE COURT USHER: [12:24:43] All rise.

6 (Recess taken at 12.26 p.m.)

7 (Upon resuming in open session at 2.01 p.m.)

8 THE COURT USHER: [14:01:58] All rise.

9 PRESIDING JUDGE SCHMITT: [14:02:20] Good afternoon, everyone. Good
10 afternoon, Mr Ayoo.

11 And I give Mr Taku the floor.

12 QUESTIONED BY MR TAKU:

13 MR TAKU: [14:02:30] Thank you, your Honours. We ask for a very short closed
14 session, probably one minute. One minute (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [14:02:39] Private session shortly.

16 MR TAKU: [14:02:40] Yes, yes. One minute only, please.

17 (Private session at 2.02 p.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 2.05 p.m.)

22 THE COURT OFFICER: [14:05:49] We are back in open session, Mr President.

23 session, Mr President.

24 MR TAKU: [14:06:00]

25 Q. [14:06:43] Before I get to the substance of my -- the questions I will ask you, at

1 some point in time this morning you said that you had not previously seen
2 Mr Ongwen, you merely saw him on the screen at some point in time. When you
3 saw him on the screen, was it in relation to this case? Or differently put, does that
4 suggest that at some point in time you followed the proceedings in this case on the
5 screen back in your locality or somewhere in Uganda?

6 A. [14:06:49] I saw the photo of the person who is on trial. I did not -- when I saw
7 the people, I did not think anything about it. But I did see, I did see photos of the
8 person on trial.

9 Q. [14:07:07] When you saw the pictures, what were they saying about him?

10 A. [14:07:17] I saw the person on trial, but yeah, nothing else. There were other
11 people who were also, or who were also watching the same thing.

12 Q. [14:07:30] And who were these other people? Were they --

13 A. [14:07:35] The community, the community in the localities, the communities
14 who come and watch the trial when the trial is going on. I cannot estimate the
15 number of people that watch it.

16 Q. [14:07:52] So you watch his picture in the context of the community, where the
17 community came to watch the trials as they were going on, so you were a member of
18 that community and you participated in watching the trial with members of the
19 community, would that be -- would that be fair to say this, sir?

20 A. [14:08:13] Yes, it would. Yes, that's correct.

21 Q. [14:08:17] Okay, let's move to something else. We will come to this and others
22 later on. In the statement that you made to the Prosecutor you indicated, and I think
23 you also repeated this morning, that you moved into the camp because there was
24 insecurity caused by rebels in the villages.

25 Paragraph 15 of the statement, your Honours, tab 1 of the Prosecution's binder.

1 Witness, who according to you were responsible for this insecurity?

2 A. [14:09:16] I stated earlier that there were rebels causing the insecurity. I said
3 there were insecurities when we were at home. I do not know which group of rebels
4 were causing the insecurities, but they were causing insecurities. It was only after
5 the camp was attacked that we came to realise that it was the group, the group that is
6 being commanded by Ongwen that was responsible for the attack on the camp. But
7 before that we knew that they were rebels, but we did not know which particular
8 group of rebels.

9 Q. [14:10:00] Suggesting, Witness, that there were several group of rebels, not just
10 one, that were active in northern Uganda, particularly in the villages in the location,
11 in the district in which you resided, correct?

12 A. [14:10:18] No, there were not many. But there were -- it was the group of
13 rebels that kept on going around, but we did not know the name of that group, but it
14 was only after they attacked the camp when we heard what the people were saying,
15 people were saying over the radio that it was the LRA who attacked the camp.

16 Q. [14:10:43] When -- looking at your profile, I think it would be fair to ask this
17 question, when President Museveni ascended to power, were there rebel groups in
18 northern Uganda, for example, UNLA and WNBF, were you aware that these groups
19 existed in northern Uganda? That is the Uganda National Liberation Army,
20 West Nile Bank Front, were they operational in the villages in your district?

21 A. [14:11:29] No, I do not know any -- it wasn't my job to talk about all the different
22 groups of rebels, but I knew that there was one particular group of rebels that was
23 causing havoc, but I do not know the name of the -- I did not know the name of the
24 rebels, but they were the ones who were causing havoc in the area. But I knew, I
25 knew that there was a group of rebels that was causing havoc in the area.

1 Q. [14:12:00] Did you ever hear the name of Alice Lakwena?

2 A. [14:12:11] No, no, I haven't heard that name before.

3 PRESIDING JUDGE SCHMITT: [14:12:16] Mr Taku, allow me a remark. I think
4 following what the witness has said in the morning and now what he has answered to
5 your last questions, it seems not to be promising to follow this more path that I would
6 word an historic path into the rebel movements from the '80s on. So I think it would
7 be advisable to move to another issue.

8 MR TAKU: [14:12:46]

9 Q. [14:12:53] But surely you heard the name Joseph Kony?

10 A. [14:12:56] Yes. I had known the name, but I wasn't particularly interested in
11 whatever it is that he was doing. But I did -- I did hear the name. I did not have an
12 interest in the rebels.

13 Q. [14:13:11] At what point in time did you hear about Joseph Kony?

14 A. [14:13:19] I -- when people were causing havoc in the area, insecurity in the area,
15 then we heard that there was a group of rebels that was headed by Kony, but we did
16 not know who was who or the name of the group, but we knew it was headed by
17 Kony. And it was not in my interest to know which particular rebel group was
18 causing havoc in the area.

19 PRESIDING JUDGE SCHMITT: [14:13:44] I think it's -- I think when we are talking
20 about these -- the expression of "group", it seems to be a matter of definition what you
21 understand by "group", if you understand it in a broader sense or in a more, in a sense
22 a group within a bigger group. So I think I would simply, I would simply continue
23 with another issue, Mr Taku. Because the witness has clearly stated in the morning
24 that he did not know exactly which group was around when, around the time when
25 this big attack occurred in June 2004. So I don't see it as very promising, so to speak.

1 MR TAKU: [14:14:30] Your Honours, we will ask a few more questions about this
2 because of his personal experiences, what happened to him in particular in his village
3 and what made him to move. At paragraph 49 (Overlapping speakers)

4 PRESIDING JUDGE SCHMITT: No, but --

5 MR TAKU: -- to 52.

6 PRESIDING JUDGE SCHMITT: [14:14:44] No, no, that's absolutely okay when it
7 comes to his personal experiences and knowledge. But when it comes to the
8 knowledge of the rebel group or groups, I think you would not get much further with
9 it. I would assume.

10 MR TAKU: [14:15:01] Yes, your Honours, at paragraphs 49 to 52.

11 Q. [14:15:05] Witness, you indicated that rebels came to your village and were
12 asking people for support. And at some point in time they actually came to your
13 home and you fled. You said that in the statement to the Prosecutor, Witness.
14 You have just said you had no interest in the activity of the rebels, as such, but in this
15 particular instance that your village was targeted and your family was, was targeted,
16 did it occur to you to find out which rebel group was responsible for this?

17 A. [14:15:56] If you yourself are stating that I saw them and I ran away, then yeah, I
18 did not have any interest in them. I heard that they were around and I ran. I did
19 not have any other thing to do. I saw them, I ran. That's it. You stated that
20 yourself that I heard that the rebels were coming, the rebels were in the area and I ran.
21 So I did not have any interest in it.

22 Q. [14:16:27] That was in 1999, Witness, but nevertheless you returned to your
23 community, you didn't move into the camp. After that incident that you were
24 targeted with your family, you nevertheless returned and lived in your community,
25 Witness. Were you not afraid that this rebel group was going to harm your family?

1 And, if so, if you were afraid, why did you not take action to investigate to know
2 whom they were and to seek protection?

3 A. [14:17:09] I stated that I did not have any interest in rebel groups. It was not
4 my interest to find out which group which particular rebels belonged to, which group
5 particular rebels belonged to. I had no interest. I had no cooperation with them.
6 And when I heard the rumours about the rebels, that's when I left and went to the
7 camp. I left home and went to the camp with everybody else.

8 Q. [14:17:46] I will move on, Witness, but in paragraph 50 you said you were
9 targeted, they came to your home. That is the reason why I say. But as a family
10 head and someone who was directly targeted, did it not agitate your mind, did it not
11 occur that you at least find out to know who these rebels were in order to help to you
12 make some security arrangement for yourself and your family and your community if
13 need be?

14 I understand you say you were not interested at all, that's your answer, but the
15 question is why then did you move to the camp on the basis of a mere rumour when
16 in this instance you were targeted you did not deem it necessary to move, but on
17 a mere rumour you now moved to the camp?

18 PRESIDING JUDGE SCHMITT: [14:18:47] Perhaps I give it another angle and I give
19 it a try.

20 Mr Ayoo, when you were attacked in 1999, afterwards, did it come to your mind to
21 then leave your village and go to the camp after this attack?

22 THE WITNESS: [14:19:16] (Interpretation) We should become clear. When we
23 walked -- when we went into the camp, we went to the camp, we did not go to the
24 camp in 1999, but I would run and go back home. But when the insecurity was
25 heightened in around 2002, that's when we left and went to the camps.

1 PRESIDING JUDGE SCHMITT: [14:19:36] Thank you. I think we have understood.

2 Please move on, Mr Taku.

3 MR TAKU: [14:19:45]

4 Q. [14:19:45] Now, Witness, have you ever heard about a tree called oboke olwedo.

5 With permission of the Court, let me spell it: O-B-O-K-E O-L-W-E-D-O.

6 Have you ever heard about that, sir?

7 A. [14:20:18] I know that there is a tree known as the olwedo tree. I don't know
8 whether this is the tree you are referring to or whether you are referring to another
9 tree. I know, I've heard about the olwedo tree. I know that a tree like this exists,
10 but I do not know the oboke olwedo, I do not know what it is that you're referring to
11 here.

12 Q. [14:20:40] No, what about the olwedo tree? What is the significance about the
13 one you know?

14 A. [14:20:59] I did not talk anything about my culture or traditional customs. I do
15 not know what the olwedo does. I don't know what it does. It is not -- I did not
16 talk about my culture. I did not use it. I was mostly in -- yeah, I do not know what
17 it represents. If I had spoken about it, if I had spoken about, maybe referred to
18 witchcraft or anything, but no, no, I do not know the significance.

19 PRESIDING JUDGE SCHMITT: [14:21:35] I think you can go more directly to what
20 you -- where you want to go with this line of questioning so that we also see the
21 relevance.

22 MR TAKU: [14:21:43]

23 Q. [14:21:44] As an elder, as an elder now among the Lango, did you ever hear that
24 the person you said you heard about, Joseph Kony, receiving blessings from the
25 Acholi and Lango, that's to fight on behalf of the people against the government of

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1 President Museveni?

2 A. [14:22:14] No, I was not aware of that.

3 Q. [14:22:18] But were you aware of -- well, you talked -- I mean, in your statement
4 to the Prosecution, that some soldiers came to your village asking that you should
5 support them, asking for support among the population of your village. Who were
6 these soldiers who came, soliciting support from the population in your village?

7 A. [14:22:59] I stated -- you stated earlier that when those people come, I ran. I
8 stated that when they come, I run. I don't stay and wait, I run.

9 Q. [14:23:13] Now, you ran. How then did you (Overlapping speakers)

10 A. [14:23:17] I ran. When I hear that they are coming, I flee, I run.

11 Q. [14:23:24] How then, Witness, did you come about in

12 paragraph 52 -- paragraph 49 -- paragraph 52, saying that:

13 "If the rebels had the support of the people, they would not have tortured them and
14 caused so much suffering."

15 How then did you come to that conclusion? You ran. You knew nothing about
16 them. You didn't come into contact with them. How then did you know about
17 this?

18 Let me make it very clear, once the rebels came to your village --

19 A. [14:24:00] No, it's not clear there.

20 Q. [14:24:04] Let me say that again?

21 A. (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [14:24:06] Please only, only one person at a time.

23 We are now overlapping.

24 MR TAKU: [14:24:13]

25 Q. [14:24:14] Now, paragraph 49 of your statement, tab 1 of the Prosecutor's binder,

1 you said:

2 "Once the rebels came to my village and I saw them. They were very smart and
3 looked like Government soldiers. They told the people that the good government
4 was with them, they asked the people to support them, not to support the
5 government in power. I think someone asked a question that was against the rebels,
6 they became angry and beat the people they had been talking with."

7 And in paragraph 52 you concluded that:

8 "If the rebels had the support of the people, they would not have tortured them ..."

9 Witness, today you said that you saw them, you fled, suggesting that you had no
10 contact with them whatsoever. Witness, how do you reconcile the fact that you were
11 there, you heard them make these statements and you drew this conclusion, with
12 what you are now saying, that you fled, you had no contact, you did not know who
13 they were? Can you explain that to the Court?

14 A. [14:25:24] No, I did not say that I heard. I said if they had been supported, if
15 they had been supported, I believe that they would not have committed the atrocities.
16 I would like to let you know that whatever it is that I'm telling the Court right now,
17 my testimony is the truth. I'm not telling lies so that my statement can go against
18 anybody. I am actually speaking the truth. I am speaking the truth. I am not
19 saying -- I am not telling lies so that somebody can be convicted or somebody can be
20 acquitted. No. I have no interest in that. I'm telling the truth. If that person says
21 something else, then that's what they've said. But I'm speaking the truth. I'm
22 telling the truth. I do not want to tell lies. I do not want to say anything so that
23 somebody is going to be convicted. I do not want to change my statement. I
24 do -- hearing your questions. But, no, your questions are not correct. You want me
25 to respond to your questions the way you want me to respond. I am answering the

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1 questions the way that things happened. You were not there. I was there. I agree
2 what is true, and when something is not true, I do not accept it.

3 PRESIDING JUDGE SCHMITT: [14:27:06] Mr Ayoo, that is also absolutely clear.
4 Nobody has doubted that. It is simply that the role of Defence counsel is different
5 than the role of counsel for the Prosecution and of the counsel for the Victims. Also
6 the manner of questioning is different. So simply, when propositions are put to you
7 that you can't agree with, simply tell us. That's not a problem. That is -- that is
8 absolutely okay with you and nobody doubts that you are telling the truth here.
9 So please, Mr Taku, continue.

10 MR TAKU: [14:27:46] Yes.

11 Q. [14:27:46] Witness, I ask this question because this morning you gave testimony
12 about what you allege you heard from people and some of which you say you saw.
13 And that's why I'm trying to ask you about what you said in the statement, that the
14 people you saw and what you heard, did you see -- did some rebels come to your
15 village? Did you see them when they came to your village, or you heard from other
16 people that the rebels had come to your village?

17 A. [14:28:22] I -- most times I said I did not want to meet the rebels. When I heard
18 that the rebels are coming, I would run. I would flee. Whatever it is that they said,
19 after that I do not know. I heard that from people.

20 PRESIDING JUDGE SCHMITT: [14:28:40] And --

21 MR TAKU: [14:28:41] So --

22 PRESIDING JUDGE SCHMITT: [14:28:42] And in paragraph 49, "They told the
23 people ..." So this does not necessarily mean that he has spoken with these people.

24 MR TAKU: [14:28:50] Yes, your Honour.

25 Q. [14:28:52] But therefore you are suggesting that paragraph 49 is incorrect, that

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1 you saw them, you heard about it, you fled. But, "Once the rebels came to my
2 village and I saw them". That is incorrect? Today you are saying that you didn't
3 see them. You only heard that the rebels were on their way and you fled. Is that
4 your evidence today, sir?

5 THE INTERPRETER: [14:29:26] The witness is asking for a copy of his statement.

6 PRESIDING JUDGE SCHMITT: [14:29:29] Yes, why not?

7 MR TAKU: [14:29:30] Could you please oblige and give him, please.

8 Paragraph 49, sir.

9 THE WITNESS: [14:29:55] (Interpretation) Go ahead and ask your question.

10 MR TAKU: [14:29:59]

11 Q. [14:29:59] Now, you have just said that when you got the information the rebels
12 were coming, you fled. You didn't want to contact them, you want to -- the question
13 is: Did you see them or you did not see them when they came to your village?

14 A. [14:30:22] I saw the rebels coming from a distance, from afar. When I saw the
15 rebels coming from afar, from a distance, I ran away. And they spoke to people. I
16 asked the people later on that, "What did the rebels say?" and the people said the
17 rebels said people should support them. I saw them, but from afar.

18 I believe I have responded to that question.

19 PRESIDING JUDGE SCHMITT: [14:31:13] I also think so and we should really move
20 to another point now.

21 MR TAKU: [14:31:18] Yes, your Honours.

22 PRESIDING JUDGE SCHMITT: [14:31:19] I think we have explored this sufficiently
23 now.

24 MR TAKU: [14:31:22] Now, your Honours, I want just to find out from him how did
25 he know they were rebels.

1 Q. [14:31:31] Are these the people who told you they were rebels or it is you
2 yourself who later on by your own investigation that they were rebels? How did
3 you know they were rebels?

4 A. [14:31:49] If somebody who comes from the bush, somebody who lives in the
5 bush, if that person comes to your house, coming through the bush, that person is
6 a very suspect person, is not a very nice person. Government soldiers would use the
7 road, but people who used to come through the bush, that's a different thing. When
8 government soldiers are coming, they ask where the local leaders are. They go
9 straight to the local leaders. They don't come directly to the population. But if you
10 see people coming directly to the population through the bushes, you run.

11 Q. [14:32:26] Again, I ask you the question I ask in other instances: Did you know
12 who these rebels were or did any member of the community tell you who the rebels
13 were?

14 A. [14:32:50] They didn't. They didn't say and they did not even tell people who
15 they were. They merely said that they were fighting against the government, but
16 they did not say what kind of rebel group they were; they were merely fighting
17 against the government. But as I'm stating and as I'm repeating what I have already
18 said, when I saw them, I see them coming, I flee. I see them coming, I flee.

19 PRESIDING JUDGE SCHMITT: [14:33:19] Really, we have heard now enough
20 about this.

21 THE WITNESS: [14:33:23] (Interpretation) So long as they don't come through the
22 leaders, I flee.

23 PRESIDING JUDGE SCHMITT: [14:33:29] As I have said, and started to say, we
24 have heard now enough about this. We should also keep in mind that paragraphs 48
25 and following cover a period of nearly 15 years, when I see it correctly.

1 So we should really now near ourselves the charged period and especially the attack
2 that we are talking about. Because when we say -- talk about one incident when the
3 witness might have been told that rebels came, we do not even know at what point in
4 time this has happened. And we have really talked about this sufficiently now, I
5 would say. I would really ask you to move on.

6 MR TAKU: [14:34:15] We will move on, your Honours. It is just to establish the
7 personality of the person giving the evidence, his reaction to events either then or
8 now, and the progression -- I bring it up for the Court to see how he reacted to
9 specific events at particular times and the nature of the evidence he has given in
10 respect to those events.

11 PRESIDING JUDGE SCHMITT: [14:34:34] Please continue.

12 MR TAKU: [14:34:35] Yes, your Honour.

13 Q. [14:34:56] Now, before you moved to the camp, can you tell the Court where the
14 nearest military barracks to your home was? How far was the nearest military
15 barracks to your home? And where was it located?

16 A. [14:35:24] I stated that I do not know where it was. The government soldiers
17 who were living at the camp were mobile forces. You see them on one day, you see
18 them in one place on one day, the next day they are somewhere else. But when they
19 come to a particular area, they go to the local leader in the area where we are located
20 and speak to them and tell them, "We are from a certain place". They would show
21 them the documents they had, stay there for about two or three days and leave. I do
22 not know where the barracks was, but they would come, they were mobile forces
23 that -- mobile forces that would go through the villages.

24 Q. [14:36:11] Can you tell the Court when you specifically moved to Abok IDP
25 camp, you the person moved there?

1 A. [14:36:27] In 2002, as I stated earlier. I do not know if you are following my
2 testimony, but I stated that earlier that around 2002. Before 2002 there was no camp
3 in that area. Maybe there is somewhere that I wrote -- maybe there is something that
4 I wrote in the document that there was a camp before 2002, maybe in '99. But no, but
5 we moved to the camp in 2002.

6 Q. [14:37:07] Just that we are clear, and I will come to this subject later, when you
7 moved to the camp in 2002, was that banana plantation in which you hid during the
8 attack, was it already there or it was developed after you moved to the camp?

9 A. [14:37:40] I stated earlier that this camp, the IDP camp replaced Abok centre.
10 That is where Abok centre was. The banana plantation was already there because
11 the camp, the camp was built on the old Abok trading centre site so the banana
12 plantation was already there. The banana plantation was already there, it had
13 already been planted. The camp was not located in the -- somewhere in the bush.
14 The camp was placed at the old Abok trading centre site. That's where it was. And
15 today Abok trading centre is back at that place.

16 Q. [14:38:25] Witness, what would you say if I put to you that the Abok IDP camp
17 was established in 2003?

18 Your Honours, paragraph 15 of tab 1.

19 A. [14:38:44] No, it wasn't. That's not the truth. We are the ones who made the
20 decision. The numbers increased in 2003, but there were some of us who were
21 already at the camp. Not everybody came at the same time.

22 Q. [14:39:17] So, Witness, in other words your statement - paragraph 15, your
23 Honours - in which you said that "In 2003 the situation became so tense in our
24 villages due to insecurity caused by the rebels that no one could stay in our village.
25 A internal displaced" camp -- "persons' camp was then set up in Abok and protected

1 by Government forces and the people moved to the camp for safety."

2 In other words, by your testimony today that the camp was set up in 2002 you are
3 now saying that this statement is incorrect. Do I understand you to be saying that,
4 sir, in paragraph 15 of tab 1? Have a look at your statement, if you can read --

5 PRESIDING JUDGE SCHMITT: [14:40:07] But the witness has not necessarily --

6 THE WITNESS: (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: No, I am now speaking. The witness has not
8 necessarily to confirm what he has said in his former statement. We have a live
9 witness here who gives live viva voce testimony and what he says today is his
10 testimony. And we have seen that in paragraph 15 it looks like he has said at the
11 time it was set up in 2003. So you can put to him "You have said in your statement
12 paragraph 15, 2003. If you hear that, does this change your mind or do you still say
13 today you have a better recollection it was 2002?" But I would not like to reproach
14 the witness for that.

15 MR TAKU: [14:40:50] Well, Your Honour, I am not reproaching him, I was
16 just -- well, let me put the question again to him.

17 Q. [14:40:59] Witness, it's probably a very, very long time since these events
18 occurred. If I heard you well today, you said you moved to the camp in 2002. In
19 paragraph 15 of your statement you said that due to insecurity the camp was
20 established in 2003 and you moved there with your family. That's in 2003. Does
21 that change or does that in any way -- do you in any way revise the answer you have
22 given now? Does that refresh your memory about what transpired?

23 A. [14:41:49] No, it's not -- it has not been stated clearly. I stated, and the last
24 sentence that I went with my family, but before I went with my family I had already
25 left, I had already left, I personally had already left.

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1 PRESIDING JUDGE SCHMITT: [14:42:12] I think we, I think we leave it at that.

2 And if we look at the exact wording, this happens quite often.

3 THE WITNESS: [14:42:21] (Interpretation) People do not all go at the same time.

4 PRESIDING JUDGE SCHMITT: [14:42:23] So if we look at the exact wording of the
5 now famous paragraph 15, you can also interpret it and we -- and this is why we have
6 here a witness in the courtroom giving live testimony and he has said he, in his
7 recollection, 2002 the Abok IDP camp was created. There might be other sources
8 where we could verify this, or whatsoever. But we leave it as it is. This is the
9 testimony today here in the courtroom.

10 MR TAKU: [14:42:59] Thank you, your Honours.

11 Q. [14:43:15] Now, let's talk about the incident of your friends, Ogwang Anino and
12 Olaka Kajura. You remember them?

13 A. [14:43:39] Yes, I do. But one of them is deceased now.

14 Q. [14:43:49] Let's look at the map for you to indicate to the Court where your
15 friend was shot. That's tab --

16 PRESIDING JUDGE SCHMITT: [14:44:01] Could it please be shown to the witness,
17 the map. And I assume that it is the more detailed map.

18 MR TAKU: [14:44:08] Yes, your Honours, tab 3, yes.

19 PRESIDING JUDGE SCHMITT: [14:44:11] That is UGA-OTP-0248-0058, again.

20 THE COURT OFFICER: [14:44:19] (Via video link) The document is in front of the
21 witness.

22 PRESIDING JUDGE SCHMITT: [14:44:24] Thank you.

23 Could you perhaps please repeat the question, Mr Taku.

24 MR TAKU:

25 Q. [14:44:48] Tab 3 before you, can you indicate to the Court the location in which

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1 your friend was shot dead?

2 A. [14:45:06] It's where there is a, there is a sub-county and then you've got "S/C".

3 It's down. It's down on the map near -- it's down on the map where there is Otwal
4 and then you've got "S/C".

5 PRESIDING JUDGE SCHMITT: [14:45:25] Yes, I see it. It's at the very bottom of the
6 sketch, I would say.

7 MR TAKU: [14:45:30]

8 Q. [14:45:31] Can you also indicate to the Court from this map where your house,
9 residence was located on the day of the attack?

10 THE INTERPRETER: [14:46:00] I cannot hear the response, the witness mumbles.

11 THE WITNESS: (Interpretation) You want me to show the Court? If you see
12 where there is an arrow, the arrow indicating where the fighting took place, if you see
13 some dots there are certain dots around there, there are some dots, some dots in the
14 circle.

15 PRESIDING JUDGE SCHMITT: [14:46:38] Yes, I see it. Do I understand it correctly,
16 Mr Ayoo, that it is the circle in the centre and there are -- there is a dot in it visible?
17 Is this your home?

18 THE WITNESS: [14:46:52] (Interpretation) The block which is in Otwal and Lalogi
19 route, I was in the middle there.

20 PRESIDING JUDGE SCHMITT: [14:47:00] Thank you.

21 MR TAKU: [14:47:18]

22 Q. [14:47:18] Now, for purposes of clarity, so not so far from the banana plantation
23 where you took refuge, correct?

24 A. [14:47:27] Yes. The banana plantation is outside the camp. The camp which I
25 have circled -- first of all, this drawing is not to scale like they draw maps to scale. I

1 just tried to indicate what could be seen.

2 Q. [14:47:57] So therefore, how far is your house to that banana plantation?

3 A. [14:48:11] It's a little far. The banana plantation started right from the edge of
4 the camp. And to my house was about half of a football pitch. My house is in the
5 camp, but within that block.

6 Q. [14:48:32] So from the banana plantation were you able to see your house?

7 A. [14:48:40] Yes.

8 Q. [14:48:43] And you were able to see the new military camp, what was the
9 activities in the new military camp?

10 A. [14:49:02] I am not understanding the question. The soldiers were not in the
11 camp. The barracks of the soldiers was outside the camp. It is well indicated
12 where it is written "new barracks", it is well outside the camp.

13 PRESIDING JUDGE SCHMITT: [14:49:20] Perhaps, Mr Taku, may I shortly? So
14 that we understand.

15 Mr Ayoo, when I look at your sketch, I get the impression that when you were hiding
16 in this banana plantation, and you said this already, you had -- you were able to look
17 into the camp. Were you also able to look just to the other side, when I look at your
18 sketch, where the new barracks are?

19 THE WITNESS: [14:49:51] (Interpretation) There is nothing else there apart from the
20 banana plantation. I did not say I was seeing the new barracks. I said I was seeing
21 the camp from the banana plantation. I think there's a misunderstanding here.

22 PRESIDING JUDGE SCHMITT: [14:50:15] No, no, there's no misunderstanding.

23 It's simply a clarification. So it was not clear from the drawing. So we understand
24 that you did not see the new barracks.

25 THE WITNESS: [14:50:29] (Interpretation) I did not say I was able to see the barracks,

1 but I was able to see the camp, not the barracks. And the rebels did not even go to
2 that barracks. What we understood later is that they did not go to that barracks.

3 MR TAKU: [14:50:49]

4 Q. [14:50:49] Witness --

5 A. [14:50:50] The rebels did not go there because in the morning we tried to look at
6 their foot marks, how they moved, and realised that no one went to the barracks, they
7 stopped in the camp. They attacked the old barracks and they fought at the old
8 barracks and did not go to the new barracks. If you also see the way I made this
9 sketch, they attacked the camp and they moved towards Lalogi. If you read my
10 statement you will also find that they moved toward Lalogi. They did not reach the
11 barracks even if the barracks was close there.

12 First check in my statement, if there is somewhere I mention that they went and
13 attacked the new barracks.

14 Q. [14:51:45] Well, Witness, my question was your ability to see the barracks from
15 the banana plantation. But paragraph 36 Witness, let me read what you said and
16 find out if it rings a bell, if you are able to explain to the Court:

17 "From my hiding place I could see the army barracks. I could also see anyone who
18 passed by the pathway. I could also see the camp."

19 Now, Witness, were you able -- what would you say to this? You just said you were
20 not able to see the army barracks, but in this statement you say you were able to see
21 the barracks. Can you explain to the Court, upon hearing your statement --

22 A. [14:52:37] There was nothing happening in the barracks. The fire that was
23 burning, the flames which were in the camp could not reflect what was happening in
24 the camp. If the flames were in the barracks, I would not be able to see the barracks
25 very clearly. There were no flames in the barracks. The flame could not shine up to

1 the barracks. And secondly, it was also dark. The barracks could be seen if the
2 light had shone on the barracks, I could have seen it clearly because the camp had
3 many houses and the barracks had no few houses. But the flame was not able to
4 light the whole of that area.

5 PRESIDING JUDGE SCHMITT: [14:53:23] And, Mr Witness, that exactly was the
6 question since five minutes, if you could see the army barracks or not.

7 MR TAKU: [14:53:33]

8 Q. [14:53:34] But, Witness, if indeed they were hiding in that banana plantation and
9 there was an attack on the army barracks, you would be in the position at least to hear
10 and possibly to see exchange of fire in the army barracks, correct?

11 A. [14:54:02] If there was exchange of fire and if it was daylight, or if the flashes
12 from the gunfire were able to shine the place. If it was daylight, I would say
13 properly because it was not very far.

14 Q. [14:54:23] But --

15 A. [14:54:26] There was no obstacle that could prevent me from seeing. But
16 because the flames were only in the camp area, you could only be able to see what
17 was in the camp. I hope this is understood. If not, I can explain more that the
18 flame was not able to reach, to shine up to the camp -- up to the barracks, I mean, so
19 the barracks side was a bit dark since there were no flames there or no light source
20 there. If there was light that side, I would be able to see the barracks very well since
21 it had fewer houses.

22 Q. [14:55:12] Well, this morning from this location where you were, your house,
23 which you have established, now you are able to determine the location where the
24 first gunshot came from. You indicated the -- the learned Prosecutor asked you, you
25 indicated a place on the map. I wouldn't belabour the Court on that, but from the

1 location in which you were, where you said was this banana plantation, if there were
2 gunshots in the barracks, there was exchange of fire in the barracks, would you have
3 been in a position to know that the gunshots were coming from the barracks, or even
4 see from the location you were?

5 A. [14:56:13] I don't want words to be put into my mouth. I didn't say such things.
6 I told your colleague who started to ask me earlier that where do I think the direction
7 of the gunshots came from. He asked me about the direction, not the exact location.
8 I said that the gunshots came from the direction of the old barracks. I didn't point
9 the exact location where the gunshot came from. Kindly go through what I said
10 earlier and you would find out what I said. That is the person who asked me first,
11 which I think is someone from Prosecution. I told him that the gunshots came from
12 the direction of the barracks, not the exact location.

13 Q. [14:57:08] My question is this: At any time from when you took refuge in the
14 banana plantation until you came out during the day, did you hear any gunshot
15 coming from the direction of the new barracks which was closer to the location in
16 which you were hiding? Did you hear any gunshot coming from that location?

17 A. [14:57:36] There was no gunshot from that direction. The only gunshots that
18 came later was from the armoured vehicle which was shot towards where the rebels
19 went.

20 PRESIDING JUDGE SCHMITT: [14:57:51] Mr Ayoo, do you know where the
21 soldiers were stationed? Were they stationed in the old barracks? Were they
22 stationed in the new barracks? Or were they split, part of them in the old barracks,
23 part of them in the new barracks?

24 THE WITNESS: [14:58:15] (Interpretation) They were split. We did not understand
25 that well earlier, but the soldiers had split. The first group was guarding and they

1 went to the old barracks. Another group of the soldiers went towards Iceme road
2 and went to ambush the people who had left. And then some people remained in
3 the new barracks. They were split into three groups.
4 And the people who exchanged fire with the rebels are the ones who were in the
5 camp guarding the camp. That is why there were gunshots coming from the old
6 barracks. The first group that went to patrol the place and to follow these people did
7 not exchange any fire. The people who also remained in the barracks did not
8 exchange any fire.

9 I hope it is clear now. I did not hear any gunshot coming from the barracks because
10 the rebels did not go to the barracks.

11 PRESIDING JUDGE SCHMITT: [14:59:32] Indeed this is clearer now.

12 MR TAKU: [14:59:34] Yeah, it is clearer now, your Honour.

13 Q. [14:59:37] So this exchange of gunfire that you heard, especially the one, the
14 intense gunfire they had, did you determine who were the forces, who were the forces
15 exchanging this intense gunfire and where?

16 A. [15:00:02] The gunshot came from the direction of the old barracks. That is
17 what I said. And the exchange of fire took place in that area only. Whatever
18 happened in the camp was an attack by the rebels and there was no exchange of fire.

19 Q. [15:00:31] We will come to the camp first because we -- when we are looking at
20 the blocks, the different blocks and the location in which the blocks in which you
21 were.

22 Now, I would like you to clarify something about this these individuals you identify
23 as rebels, that is in paragraph 29 and 53. You use the word, they were crossing the
24 road in the manner in the usual, the word is "usual" manner in which the rebels did,
25 "usual". You had not previously come into contact with rebels; in fact, every time

1 you knew they were coming you fled. How did you know the usual manner, to use
2 the word "usual", how did you know about that?

3 A. [15:01:46] It was not possible to meet them. I could only see them from
4 a distance. I said that I saw that in a place called Gwok-Wii which is on the Otwal
5 road which I showed you earlier. I saw from a distance also. Even the earlier
6 experience I saw from a distance when they came and attacked the barracks. It does
7 not mean that I went and met them physically, but I saw them from a distance.
8 Whenever I see them from a distance, I flee.

9 Q. [15:02:24] Now let us be very clear, are you suggesting there was an earlier
10 attack on the barracks in which you saw the rebels from a distance? Or this was the
11 first attack on the barracks?

12 A. [15:02:47] Seeing the rebels did not mean that I saw them while they were attack
13 the barracks. Seeing them crossing the road means I was only trying to emphasise
14 that one day I also saw them crossing the road from the place I indicated.

15 Q. So how many times -- yes, please. Just continue, please.

16 Anyway, let me -- so how many times indeed did you see the rebels crossing the road
17 within the vicinity of the camp?

18 A. [15:03:26] I saw close to the camp twice, but from other roads which is not close
19 to the camp I would see, I would see them usually, but I would see them from
20 a distance, not at a close range.

21 Q. [15:03:39] Of course, under the control of the Court, you have given the answer,
22 but let me just conclude that you did not care to know whom those rebels were, even
23 at that point in time when you were already in the camp and saw them crossing the
24 road near, in the vicinity of the camp and a bit further, in these two occasions you did
25 not care whatsoever to find out, as leader of the camp, whom these rebels

1 were, correct?

2 A. [15:04:20] For me to go and meet people who were carrying guns, how can I go
3 and talk to people who were carrying weapons? I did not do that. I saw from
4 a distance and the only thing I can do is to go and tell the commander that this is
5 what is happening, some people are crossing the road in a manner that usually the
6 rebels use. The person who could have gone to check which rebels were crossing the
7 road are the soldiers, not me, a civilian without any weapon.

8 Q. [15:05:00] It brings me back to the question asked: Crossing the road in the
9 manner in which the rebels usually do, how did you know that? Did you hear about
10 that or you knew? What was the source of your knowledge that the rebels normally
11 usually cross the road in that manner for you to conclude they were rebels and to
12 report to the military?

13 A. [15:05:37] You might make me say so many things, say the same thing I have
14 said so many times. What I said is that the route which is indicated Otwal
15 sub-county, I saw them crossing here and there in the same manner in which they
16 usually crossed the road. I said that it was not only that which I saw, I saw while
17 they were crossing in other roads in the same manner as well.
18 There is nothing else that I can add to this. And we are repeating the same question
19 over and over again. I hope it is just to understand the truth which is being said.
20 Because I am repeating the same response several times, what I saw in a place called
21 Gwok-Wii.

22 Q. [15:06:36] The reason why I ask this question -- the reason why I ask this
23 question, Witness, with regard to the camp and the security in the camp is because
24 you gave evidence about an elaborate security arrangement in the camp and the role
25 that you played, up to the extent of deploying soldiers in replacement of drunken

1 soldiers, which shows that you were very, very active in this. And therefore I ask
2 the question that if you knew about the manner in which the rebels normally cross the
3 road previously while you were in the camp and you were a camp leader. You said
4 the normal -- the way they normally -- usually cross the road, suggesting that you
5 knew, you had seen them previously and identified them as rebels. That is what I
6 wanted you to -- if you don't know the answer or you don't want to answer, say, "No,
7 I don't want to answer" or "I have nothing else to say".

8 Let's move on.

9 PRESIDING JUDGE SCHMITT: [15:07:29] I think we move on.

10 MR TAKU: [15:07:30] Thank you, your Honours.

11 THE WITNESS: [15:07:34] (Interpretation) I repeat again that I saw several times the
12 way these people crossed the roads. I also indicated that the route that goes to
13 Otwal, which is -- indicated they were also crossing the road, and I saw from
14 a distance they would cross in the same manner.

15 PRESIDING JUDGE SCHMITT: [15:08:00] I really think this is also an issue that we
16 have now sufficiently explored.

17 MR TAKU: [15:08:07] Yes.

18 Q. [15:08:07] Now, in this instance you informed the intelligence, the officer in
19 charge of military intelligence in the barracks. Now, that officer in charge of the
20 military intelligence was located in which barracks, in the old barracks or in the new
21 barracks?

22 A. [15:08:35] There was no one in the old barracks. The old barracks was only
23 used when the soldiers come to patrol. There was even no house there. The
24 command was in the new barracks. I didn't even talk about the intelligence officer.
25 I heard you mention intelligence. But I talked about the OC, which is the officer in

1 command, the person who was in charge of the old barracks. It was not the
2 intelligence, because intelligence is just a small section of the army which
3 uses -- which they use to gather information. So the person I went was the overall
4 commander of the barracks who was in charge of all the soldiers who were in the
5 barracks.

6 Q. [15:09:22] Did you also draw the attention of the camp administrators, including
7 the secretary, Mr Owor Douglas? Did you inform him when -- the different
8 occasions when you saw these rebels crossing the road?

9 A. [15:09:45] There was no one called Owor. I don't want to be implicated. I
10 repeat that I am telling the truth. There was no one called Owor. I had only Obwor,
11 not Owor.

12 Many times when there are reports, I would call them and I would inform them of
13 what is going on. When we get any report, I would summon them and let them all
14 know. If there was also a need to let the junior block leaders also know, we would
15 also summon them and let them know. If there was also need to inform the whole
16 population of the camp, we would also summon them and let them know, especially
17 if the soldiers had a message to pass on to them.

18 PRESIDING JUDGE SCHMITT: [15:10:45] I think we should really talk about
19 8 June 2004 and whom the witness talked to. And we have now heard from the
20 witness that he talked to the overall commander, when it comes to the military
21 personnel, and in the morning he has reported on what he -- that he also talked about
22 to the camp leadership and down the blocks and the leaders of the blocks.

23 MR TAKU: [15:11:15] I agree, your Honours. I thought that it would also be good,
24 in the light of the evidence you have on record in this case in regard to this particular
25 location, this particular area, in assessing the evidence that you already have on

1 record, to know exactly what was done, how -- the progression of the attack, who saw
2 what, where. We have had maps and a lot of --

3 PRESIDING JUDGE SCHMITT: [15:11:40] I think, personally think, it would be
4 interesting to know -- I can do it myself also, but who the commander was and what
5 happened to this commander later on. But I would assume that you want to go
6 into -- you come to that.

7 MR TAKU: [15:11:57] I will come to that, your Honours, yes.

8 Q. [15:12:00] Now, the question I was asking, sir, Witness, is that when you saw the
9 rebels in this security threat, you saw them moving across, especially on the 8th, the
10 date of the attack, when you came back, you would have told the overall commander
11 of the camp. Did you also activate the security arrangement you had, in which you
12 had Obwor Douglas, you had also the security secretary and the block leaders, did
13 you also -- to tell them that there was an imminent threat, in particular as one of your
14 friends had been shot dead? Did you, did you tell them?

15 A. [15:13:04] There is -- whenever we had any information to pass, we
16 would -- they would ring a bell. There was a bell that would be rung and whenever
17 the bell rings, people would gather.

18 It was very close to the home of the security secretary. When I rang the bell -- I
19 actually made them ring the bell, then when I saw the people who came, I told them
20 to tell the block leaders, all the block leaders should inform his -- your member that
21 there is likely to be a problem, because these guys had crossed too close to the camp
22 and they were not very far. There were signs of danger.

23 Q. [15:14:07] Was Mr Obwor Douglas one of the persons you summoned in that
24 occasion?

25 A. [15:14:16] I cannot remember now. They did not all -- not all the nine of them

1 came. I recall that there were about five of them who came. Not all the nine came.
2 You know, it's now long and I can't recall all those who came, who responded to my
3 call, because there was no record that I kept.

4 Q. [15:14:46] Would you be surprised, sir, if I were to suggest, put it to you, that on
5 that date, the date of the attack, you had been relieved of your functions as the camp
6 leader and that the camp leader as of that day was Mr Obwor Douglas? What would
7 you say to that, sir?

8 A. [15:15:12] That is not the truth. You have gone well beyond the truth now. If
9 you want to establish the truth, I can tell you that during the attack on the camp -- I
10 don't know if I can refer -- I said that in my statement or if I forgot. But myself, as
11 a camp leader, I was called in the -- to the division of the army. I was the one who
12 went and gave testimony there as a camp leader. I moved together with the local
13 council 1, who was the leader of the place where the camp was located. It was not
14 Obwor.

15 Q. [15:16:13] We will surely come to that. But in this occasion, on that date, did
16 you see Mr Obwor Douglas at all? The whole day, the day from morning till the
17 next morning, did you see him in the camp?

18 A. [15:16:35] You see, in the camp where there were over 13,000 people, that was
19 not a small camp where you could be able to see and identify each and every person
20 and the time at which you saw them. That was impossible. That couldn't have
21 even been in any records. And if you also see, it's quite a while after that happened.
22 What I know happened was that I communicated with some of my secretaries, about
23 five of them. I told them to move to each and every block and inform the block
24 leaders that people should keep quiet so we could monitor the place. And there was
25 some calm. And also at the time when gunshots started, people were instructed to

1 run away. Very many ran away. The few who were not able to run away were the
2 ones who were killed. They all were able to hear the gunshots and they knew
3 everything that was happening at that time.

4 Q. [15:17:43] Did you at any time during or after the attack, did any time -- among
5 the people you talked to about what happened, the people from whom you obtained
6 statements, you talk about the attack, did you talk to Mr Obwor Douglas to get his
7 experiences about what he saw, he knew about the attack?

8 A. [15:18:17] When he was also there, why did I have to ask him? Everyone was
9 in the camp at that time. Unless maybe somebody who had come from outside the
10 camp, that would be the time when it would be necessary for me to explain to them
11 what happened. Otherwise, everyone was there and each and every person knew
12 what was happening from their respective locations.

13 Q. [15:18:47] Now, did you know whether Mr Obwor Douglas also established
14 a list of persons who died in the camp and a list of the people who were hurt in the
15 course of the attack? Do you know or do you not know?

16 A. [15:19:19] He did not submit that to me. But I also made mine. I made my list
17 at the time when we were looking at the corpses. And that was my work. I didn't
18 have to be told to wait for a secretary to come and write these when I was there in
19 person. I couldn't wait for that. I was there in person and I produced the list
20 myself.

21 Q. [15:19:47] And the list you produced, did you hand over a copy to the military,
22 to the soldiers who came to the spot?

23 A. [15:19:59] So many different groups of people. The military and many other
24 groups came with -- came to pick this list. Some of them used the list to -- as a list
25 for support. Even the district chairperson went with a copy of the list. One of the

1 people I remember who went with the list who was a soldier, he was the
2 spokesperson of the 4th division, he was called Lieutenant Paddy Ankunda. He
3 asked for that list and I gave him a copy.

4 Q. [15:20:34] Thank you so much for mentioning that, that's a familiar name of
5 interest. So you are saying that you handed over a copy to the military chiefs, the
6 military commanders who came to the spot, you handed over your list to them? Is
7 that what you are saying, sir, specifically? Is that what you are saying, to be more
8 specific?

9 A. [15:20:59] Yes, I did. And, well, I don't remember whether I gave it in his hand.
10 But I remember I told you I went to testify within the division and they also asked me
11 all the kind of questions you are asking me right now. They questioned me for over
12 two days. That was because they were trying to establish the truth about the
13 commander, what exactly happened, why the attack came about.

14 Q. [15:21:39] We will come to that commander, he is a person of interest to us, we
15 will ask the question. But before we get there, about the security arrangement, you
16 testified, and also in your statement, that you, every day even you went around the
17 camp in order to, to ascertain that the camp was secure, there was nothing unusual
18 around the camp. And you also knew about the deployments, where the soldiers
19 were deployed around the camp. On the day of the attack, was that security
20 arrangement in place, sir, where the soldiers were deployed around the camp?

21 A. [15:22:30] Well, let me bring it from this angle. Well, I was not -- whenever
22 I am not able to go myself I would send one of my secretaries. On that day there
23 were soldiers and these were the very soldiers who engaged in the battle.

24 Q. [15:22:51] So who -- did you yourself go around the camp to ascertain that the
25 security arrangement was in place or you deployed -- or you sent one of your

1 secretaries to go around the camp? If yes, who was that secretary?

2 A. [15:23:12] I moved there myself. I was moving personally. And this is what I
3 also mentioned earlier. I said I walked and I stopped at some point and I saw some
4 two people who were standing at some distance.

5 PRESIDING JUDGE SCHMITT: [15:23:35] But we had this already, I would say,
6 that's paragraph 29. And we have -- and it is also consistent with what has been said
7 before.

8 MR TAKU: [15:23:42] Yes, your Honours. But I just wanted know about the
9 security arrangement, the deployment, because he said that there used to be
10 deployment around the camp and he used to go around and ensure that that
11 deployment was in place.

12 Q. [15:23:55] So I wanted to find out if in that date, on that date that there was an
13 attack, whether that security arrangement was intact?

14 A. [15:24:08] Yes, there was protection. They were there.

15 Q. [15:24:20] You also testified that during the rounds you made, you found that
16 some soldiers were drunk, you will remove them and deploy some others to replace
17 them. Now, let us be very clear, did I understand you properly that it was you who
18 removed those soldiers and deployed others, or you went to the commander, the
19 commander effected the change, the deployment of the soldiers?

20 A. [15:24:57] I had explained that. I said I would go to the commander and tell
21 him that identify another soldier and come and replace with others who had other
22 issues; sometimes they would be sick. I had explained that. Sometimes another
23 situation would be when the person was drunk and couldn't work. And the
24 commander would do exactly that.

25 Q. [15:25:23] Now, can you tell the Court the composition of these soldiers? Let

1 me move directly to the issue. Were there LDUs also deployed among the soldiers
2 in the camp?

3 A. [15:25:52] Whenever I saw a soldier in military uniform marked with the writing
4 "UPDF" it would not be in my interest to try and establish the kind of soldier that
5 person was, because that was -- that would be beyond my realm. Whenever I saw
6 a soldier in a military uniform I would just know this is a government soldier. I
7 would not bother to find out which section such a soldier is coming from, whether he
8 is coming from internal security or somewhere else, that would be beyond my realm.

9 Q. [15:26:36] Now, today you testified about the supplies that the MP for the area,
10 certain supplies and some NGOs effected, gave supplies to the camp. You
11 remember saying that, sir? In fact your statement said the government cooperated,
12 the NGO community cooperated and delivered supplies to the Abok camp.

13 PRESIDING JUDGE SCHMITT: [15:27:06] And the question.

14 MR TAKU: [15:27:07] Yes.

15 Q. [15:27:08] Now, to whom were these supplies delivered? Who took control of
16 these supplies from the government of Uganda and from the NGOs that you
17 mentioned in your statement and testified about today? Who was the custodian?

18 A. [15:27:35] The supplies that were brought, well, I wish you were asking these
19 questions when you had experienced it. When these things were brought they were
20 not brought to be kept. Whenever they brought our food supplies the items would
21 be supplied or distributed to the camp residents. There was nothing like who was
22 providing custody for the items. Whenever these items arrived they would then be
23 distributed. For instance, if they had brought flour or beans these items would have
24 to be distributed to the residents. We would not keep them anywhere.

25 PRESIDING JUDGE SCHMITT: [15:28:18] And who distributed them?

1 THE WITNESS: [15:28:25] (Interpretation) I would be distributing the items together
2 with our, with my secretaries. We would give them to the block leaders and then the
3 block leaders would now give out to the other people within their areas. We would
4 not keep the items. Because the items would not have been brought for keeps. It
5 would be brought to help the people.

6 MR TAKU: [15:28:49]

7 Q. [15:28:50] Was Mr Obwor Douglas one of the persons who would know
8 whether such supplies had been delivered or not?

9 A. [15:29:03] He would definitely have to know because he was a secretary. It
10 was his role to try and ration because he would know this is the quantity that has
11 been brought and each and every block should get this quantity. After doing the
12 allotment he would now come to me and then I would give him a go-ahead to
13 distribute.

14 Q. [15:29:35] Now, Witness, before I pursue this further. During the attack, in
15 your statement you said that the rebels recovered some, I think medical, some
16 medicines from your house, Witness. And if I understand well, it was given by the
17 local MP, was meant for the camp, people in the camp. Why did you -- how did it
18 find its way into the house? Why were you keeping it, instead of distributing it to
19 the intended recipients?

20 A. [15:30:28] The drugs were got on the 7th, and before the drugs are given out the
21 committee was required to first sit down and then discuss and see how they should
22 distribute. With the drugs you do not give them out on the very day they are given.
23 People do not fall sick on the same day. You only give out drugs depending on how
24 and when people are falling sick.

25 The committee that would have to sit down to see how the drugs would be

1 distributed was supposed to sit on the 8th. The drugs were brought on the 7th in the
2 evening, but I had already circulated information that I have received drugs and will
3 need to sit so we can plan its distribution.

4 I have to indicate this clearly, this was not drugs coming from the government,
5 because I know you will ask other questions about that. This was after having
6 requested the MP, because we told him we didn't have a health unit nearby so we
7 needed some drugs to help the people in the camp. Please go ahead.

8 Q. [15:31:39] Witness, to help the Court I ask this question, Witness, with the
9 intention that, give you opportunity to clarify this situation before the Court. Were
10 you removed from the position of camp leader prior to the date of the attack because
11 you misappropriated material that were donated for the camp residents?

12 A. [15:32:19] You are making me laugh, because whenever they bring things and
13 then you corrupt the items, that would not happen in the camp. Whenever food
14 items were brought you would have to distribute to the people because they would
15 have to use them.

16 And you were saying I was relieved of my duty, instead I resigned so I could go and
17 work with an organisation called CPAR, Canadian Physicians Relief Aid, something
18 like that. They were -- I was the chairperson in that area. I changed my job. I left
19 the office to Obwor not because I didn't have anything else to do. I was doing
20 something else. I went to carry out another task that was helping orphans.

21 There, well, you are making me laugh even further, I know I am not supposed to be
22 laughing before the Court.

23 Q. [15:33:21] Exactly. But, Witness --

24 PRESIDING JUDGE SCHMITT: [15:33:22] The time, Mr Taku.

25 MR TAKU: [15:33:24] Okay. Okay, your Honours. Tomorrow we will continue

Trial Hearing
WITNESS: UGA-OTP-P-0293

(Open Session)

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- 1 where we left and -- yes, your Honours, yes.
- 2 PRESIDING JUDGE SCHMITT: [15:33:35] I think so, yes.
- 3 So we adjourn the hearing for today, as we have decided before the break, and we
- 4 continue tomorrow morning at 9.30.
- 5 THE COURT USHER: [15:33:45] All rise.
- 6 (The hearing ends in open session at 3.33 p.m.)