

Trial Hearing
WITNESS: UGA-OTP-P-0200

(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
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 23 January 2018
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:27] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:54] Good morning, everyone.
13 WITNESS: UGA-OTP-P-0200 (On former oath)
14 (The witness speaks English)
15 THE WITNESS: [9:31:58] Good morning.
16 PRESIDING JUDGE SCHMITT: [9:31:59] And welcome also to Mr Witness again
17 here in the courtroom.
18 Could the court officer please call the case.
19 THE COURT OFFICER: [9:32:06] Thank you, Mr President.
20 The situation in the Republic of Uganda, in the case of The Prosecutor versus
21 Dominic Ongwen, case reference ICC-02/04-01/15.
22 We are in open session.
23 PRESIDING JUDGE SCHMITT: [9:32:19] Thank you.
24 For the appearances of the parties; for the Prosecution, Mrs Hohler, please.
25 MS HOHLER: [9:32:24] Good morning, your Honours. The Prosecution today is

1 represented by Ben Gumpert, Paul Bradfield, Pubudu Sachithanandan,
2 Ramu Fatima Bittaye, Jasmina Suljanovic, Milena Bruns, and my name is Beti Hohler.
3 PRESIDING JUDGE SCHMITT: [9:32:37] Thank you very much.
4 And the Legal Representatives of the Victims. Mr Narantsetseg.
5 MR NARANTSETSEG: [9:32:40] Good morning, Mr President, your Honours.
6 My name is Orchlon Narantsetseg. I am accompanied by Ms Caroline Walter.
7 Thank you.
8 PRESIDING JUDGE SCHMITT: [9:32:47] Thank you.
9 And Mr Manoba.
10 MR MANOBA: [9:32:50] Good morning, your Honours. Joseph Manoba and
11 James Mawira.
12 PRESIDING JUDGE SCHMITT: [9:32:54] Thank you.
13 And for the Defence, Mrs Bridgman.
14 MS BRIDGMAN: [9:32:57] Good morning, your Honours. I am Abigail Bridgman,
15 together with lead counsel Krispus Odongo Ayena, Chief Charles Achaleke Taku,
16 Thomas Obhof, and our client Mr Ongwen is in court.
17 PRESIDING JUDGE SCHMITT: [9:33:10] And we have also Rule 74 counsel here in
18 the courtroom.
19 MR WAGEMAKERS: [9:33:14] Good morning, your Honours.
20 Marcus Wagemakers, I'm counsel to Witness 200.
21 PRESIDING JUDGE SCHMITT: [9:33:18] Thank you very much.
22 Before we continue with the Defence, I think it is perhaps not a bad idea, to put it this
23 way, that on behalf of the Chamber I put some questions, just so that we come into
24 the right mode and mood, so to speak.
25 Mr Witness, I would like to address you. I would put some questions, like to put

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1 some questions to you.

2 You have told us yesterday that were abducted by Mr Ongwen and some young boys.

3 At the time when you were abducted, at this exact point in time, did you know that it
4 was Mr Ongwen?

5 THE WITNESS: [9:33:57] Raise the volume of the thing. It is a bit -- the volume.

6 PRESIDING JUDGE SCHMITT: [9:34:01] Okay. Then I repeat, I repeat the
7 question.

8 Do you understand me better now, Mr Witness?

9 THE WITNESS: [9:34:08] Yes, at least there, the volume.

10 PRESIDING JUDGE SCHMITT: [9:34:09] Is it better now?

11 THE WITNESS: [9:34:11] A little.

12 PRESIDING JUDGE SCHMITT: [9:34:13] A little is not good enough, so we should
13 try. Is it now in a way that you understand me better?

14 THE WITNESS: [9:34:23] Yes, I can hear there.

15 PRESIDING JUDGE SCHMITT: [9:34:25] Okay, then I repeat my question.

16 You told the Court yesterday that at the time you were abducted, you were abducted
17 by Dominic Ongwen and some young boys, I think as you worded it. At this point
18 in time, on this day, did you know that it was Dominic Ongwen?

19 THE WITNESS: [9:34:49] Yeah, that was on 24 June 2003. How I came to know that
20 he was Dominic Ongwen?

21 PRESIDING JUDGE SCHMITT: [9:35:07] Yes.

22 THE WITNESS: [9:35:08] Yeah, it was when he took me where those of Otti were,
23 Otti, Banya and Raska Lukwiya. Otti called him that -- Dominic Ongwen then
24 responded, "Atye Lapwony". So that's when I got to know that he was called
25 Dominic Ongwen.

1 PRESIDING JUDGE SCHMITT: [9:35:36] And could you tell the Court what this
2 "Atye Lapwony", what this means?

3 THE WITNESS: [9:35:44] Atye Lapwony, it was a general response in the bush that
4 "I am here, sir".

5 PRESIDING JUDGE SCHMITT: [9:35:51] When you tell this, this way -- so you met,
6 as I understood it, and you also said it yesterday, there were Otti and I think
7 Raska Lukwiya, Raska Lukwiya, Bunia and Dominic Ongwen. Was there
8 a hierarchy between them? Was there one superior to the other, if you can tell?

9 THE WITNESS: [9:36:21] There were -- I saw that day, because when Otti called, I
10 realised Otti was at a bit a higher position than Dominic Ongwen.

11 PRESIDING JUDGE SCHMITT: [9:36:37] Thank you very much. I think that will
12 do for the moment. And, Mrs Bridgman, I would give you the floor.

13 MS BRIDGMAN: [9:36:46] Thank you, your Honour.

14 QUESTIONED BY MS BRIDGMAN: (Continuing)

15 Q. [9:36:54] Good morning, Mr Witness.

16 A. [9:36:56] Good morning.

17 Q. [9:36:58] Yesterday you said you do not remember if you received training while
18 you were in the LRA. Is that still your testimony?

19 A. [9:37:19] Yes, I didn't remember because it has taken years.

20 Q. [9:37:23] Have you received any military training when you came out of the
21 bush?

22 A. [9:37:37] Not so, but the training I got from Kyankwanzi alone, it is the training I
23 got from Kyankwanzi.

24 Q. [9:37:47] What kind of training did you get at Kyankwanzi?

25 A. [9:37:58] It was a small bit of military training, not so much into depth.

1 Q. [9:38:03] Can you describe to us what you received as the little bit that you talk
2 about?

3 A. [9:38:23] We received some economics training, leadership training for change,
4 and we had physical training and then -- in fact, it has taken time, but I remember we
5 received some training.

6 Q. [9:38:57] Now I would like you to turn to tab 28 of the small Defence binder.

7 Your Honours, this is at UGA-OTP-0236-0549.

8 I am going to read for you some of the things at the bottom of that certificate where it
9 says number 3:

10 "Basic Military and Intelligence Skills. Military Footdrills, Weapon Handling,
11 Marksmanship, Elementary Field Craft, Intelligence Skills."

12 Do you remember receiving training in all these things?

13 A. [9:39:58] Yeah, we received this training but it was not -- it was one month only.

14 PRESIDING JUDGE SCHMITT: [9:40:08] Three weeks plus one day.

15 THE WITNESS: [9:40:09] Yeah.

16 PRESIDING JUDGE SCHMITT: [09:40:10] If you look at it exactly.

17 THE WITNESS: [9:40:12] Yeah. It has taken years, that's why I forgot.

18 PRESIDING JUDGE SCHMITT: [9:40:18] It was just a remark by me, nothing to be
19 worried about.

20 MS BRIDGMAN: [9:40:24]

21 Q. [9:40:25] Have you found this training important for you as a local leader?

22 A. [9:40:47] Yes.

23 Q. [9:40:48] In what ways?

24 A. [9:41:16] In self-defence.

25 Q. [9:41:31] Now, you said that you were a trained (Redacted), and I would like to ask

1 you in relation to your training as a (Redacted), yesterday you were discussing the
2 estimates of the age ranges of the children who abducted you with Dominic Ongwen.
3 Now, as a (Redacted) which class would you place those children, from the way you
4 remember them?

5 A. [9:42:13] I know, your Honour, you are asking for my opinion. In my
6 suggestion they can be in -- from P3, P4, around that, P3, P4.

7 PRESIDING JUDGE SCHMITT: [9:42:55] And perhaps it may be that you would
8 have asked it, but normally in your system how old would children be who are in P3
9 and P4? Or when would a child be in P3/P4 normally, perhaps?

10 Excuse me if I interrupted you.

11 THE WITNESS: [9:43:28] Normally a child can be in P4, yeah, it can be from
12 12 years.

13 PRESIDING JUDGE SCHMITT: [9:43:49] Okay. Thank you. From 12 years
14 (Microphone not activated). Excuse me. In the transcript we have here, "From
15 12 years".

16 Mrs Bridgman.

17 MS BRIDGMAN: [9:44:03]

18 Q. [9:44:04] Now, Mr Witness, when would a child generally be in P1? At what
19 age do children join P1?

20 A. [9:44:19] Yeah, these are two scenarios, because in a village setting children go to
21 school when they are a bit old, when they are a bit aged a little. But in urban setting
22 they start earlier. So that's why I suggest a child can be in P1, some can even start
23 when they are eight to nine years, like that, some, in the village setting where there
24 are problems.

25 Q. [9:45:06] Mr Witness, do you speak the Luo language, or do you understand the

1 Luo language?

2 A. [9:45:16] I learnt a little when I was in the bush, but I am not well conversant
3 with it.

4 Q. [9:45:24] Before the bush, did you understand any of the Luo languages?

5 A. [9:45:36] I don't remember. It has taken long time.

6 Q. [9:45:45] You don't remember if you spoke or understood the language or you
7 don't remember that you knew the language?

8 A. [9:46:12] In fact, to be so sure, I didn't know Acholi language, not until I went to
9 the bush. Acholi language.

10 Q. [9:46:21] Did you know the Lango language before you went to the bush?

11 A. [9:46:29] Yeah, the Lango, I spoke it a little, Lango.

12 Q. [9:46:34] So in that regard could you understand Acholi by virtue of knowing
13 Lango?

14 A. [9:46:43] Not very much.

15 Q. [9:46:45] But enough for you to hear some of the conversations of the LRA
16 soldiers; is that correct?

17 A. [9:47:00] Yes, but not to some big extent.

18 Q. [9:47:11] Now, when you were abducted you described to the investigators that
19 you were tied; is that correct?

20 A. [9:47:25] Yes.

21 Q. [9:47:31] Now, reading the transcript, it appeared to me -- and I'm going to use
22 a term that then I would -- if he understands me, then I can asked him to describe it.

23 PRESIDING JUDGE SCHMITT: [9:47:50] Please go forward.

24 MS BRIDGMAN: [9:47:52]

25 Q. [9:47:52] Mr Witness, if I read the statement correct, you were tied kandoya style.

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1 Do you know what kandoya style of tying means?

2 A. [9:48:11] No.

3 Q. [9:48:13] Okay. Can you describe to the Court how you were tied by the
4 soldiers that abducted you?

5 A. [9:48:26] Please repeat for me that bit.

6 PRESIDING JUDGE SCHMITT: [9:48:30] I think Mrs Bridgman wants you to
7 describe, if you recall it, the manner in which you were tied. For example, if the
8 hands were behind the back, if in front of you or any other way, or was there
9 anything special about it? I think that that she wants to know, if you recall it.

10 THE WITNESS: [9:49:00] Can I stand up?

11 PRESIDING JUDGE SCHMITT: [9:49:02] Yes, why not? We here in the courtroom,
12 we have then an immediate impression, yes.

13 THE WITNESS: [9:49:10] I was tied behind.

14 PRESIDING JUDGE SCHMITT: [9:49:11] So why not have it in the transcript,
15 witness stands up and folds his hands behind his back.

16 THE WITNESS: [9:49:21] What?

17 PRESIDING JUDGE SCHMITT: [9:49:21] I said "witness stands up", that is you, "and
18 folds his hands behind his back".

19 And if somebody here in the room thinks that description is not correct, he can correct
20 me so we have it in the record.

21 Thank you very much, Mr Witness.

22 MS BRIDGMAN: [9:49:42]

23 Q. [9:49:42] And just to follow up, Mr Witness, from what you have described,
24 when they tied your hands at the back, were your elbows touching each other in
25 a way that was so tight that your elbows were touching each other, or just your hands

1 like they tie, let's say thieves when they are caught by the police? Which, which
2 style did they tie you?

3 A. [9:50:13] Excuse me, you repeat it. I didn't pick well.

4 Q. [9:50:17] So you have stood up and demonstrated with your hands at the back.

5 A. [9:50:24] Hmm.

6 Q. [9:50:25] I just want to clarify, did they tie just your wrists at the back or even
7 your elbows were tied together, they were touching?

8 A. [9:50:40] In fact I do not understand which stage of tying because I was tied at
9 first at the back like this. Then by the time I was made to carry the luggage, my
10 luggage was tied and the rope on the waist. I don't know which one you are
11 meaning.

12 Q. [9:51:01] Let's go through the first one, with your hands tied. Was that
13 immediately when you were abducted or when you were taken to your house where
14 the 5 million was taken from you?

15 A. [9:51:41] I don't remember that, because when I was abducted I was banged
16 with a butt of the gun, taken to the house, the 5 million was got and I was given the
17 box of drugs to carry. And when they distributed later, I was given at a certain point
18 sugar and soap and they tied with, with a bed sheet and they tied the rope with it,
19 then that rope was brought to my waist. So when the attempts now started for
20 killing us, that's when we were tied that way.

21 Q. [9:53:04] Mr Witness, I am going to read to you what you told the investigators.
22 Your Honours, this is at tab 4 of the Prosecution binder, UGA-OTP-0243-0066 at
23 page 0077.

24 And I will read the portions to you.

25 A. [9:53:40] Okay.

1 Q. [9:53:40] While you were describing your abduction, you said, "They tied my
2 hands."

3 And you were asked from lines 354: "How did they tie your hands?"
4 and you said: "There was a system they use to tie. They tie you from here."

5 Interviewer: "From where? So, you're pointing to your biceps ... So, you're
6 demonstrating your arms are behind your back."

7 Then you said at 361: "Yes. They want these things to come together."

8 Then the interviewer says: "So your shoulder blades come together."

9 You said: "Yes."

10 I just want to clarify from you, did they tie you in a manner that your shoulder blades
11 had to come together at the back?

12 A. [9:54:45] Yes, that was at time when they attempted to kill us.

13 Q. [9:54:52] So this description is not at the time when they were abducting you?

14 A. [9:54:56] No.

15 PRESIDING JUDGE SCHMITT: [9:54:58] Thank you.

16 MS BRIDGMAN: [9:55:10]

17 Q. [9:55:10] Now, regarding the money that was taken from your house.

18 And, your Honours, this is the same tab number, the next page. I am going to start
19 from line 386.

20 You said that "They even struggled for that money, and I thought they would leave
21 me. Then" -- I will, I will not continue any further.

22 What do you mean when you say they were struggling for the money?

23 A. [9:55:52] Yeah, what I was meaning by "struggling", because when they brought
24 me back plus my family members, of course we ran away, leaving the money in the
25 bag. It was open. So when we entered in the room where the money and the drugs

1 were, these little boys ran to the money. That's what I was meaning. They ran to
2 the box -- the bag where the money was. That's what I meant.

3 MS BRIDGMAN: [9:56:58] Your Honours, I request to go into private session for one
4 question, one or two questions.

5 PRESIDING JUDGE SCHMITT: [9:57:03] Private session.

6 (Private session at 9.57 a.m.)

7 (Redacted)

8 (Redacted)

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11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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11 (Open session at 10.08 a.m.)

12 THE COURT OFFICER: [10:08:18] We are back in open session.

13 MS BRIDGMAN: [10:08:42] Your Honours, just for reference purposes, the reason I

14 asked about the abduction of a doctor is in reference to tab 24 of the Defence binder.

15 That's UGA-OTP -- don't worry, Mr Witness, it is not in your binder.

16 UGA-OTP-0235-0217 at page 0221, paragraph 30. Where it references something that

17 is akin -- that looks like it could be the witness. But I just was fishing around to see if

18 he was aware, that's all.

19 PRESIDING JUDGE SCHMITT: [10:09:41] I understand.

20 MS BRIDGMAN: [10:09:48]

21 Q. [10:09:49] So you moved to Abia where you met the other commanders?

22 A. [10:09:53] Yes.

23 Q. [10:09:54] Do you remember how long it took you in terms of hours; was it

24 minutes, was it two hours, from where you were abducted to Abia?

25 A. [10:10:22] I can't recall now, because when I was abducted I was just shocked

1 and traumatised. I couldn't estimate time.

2 Q. [10:10:33] Yesterday, you said you were abducted in the morning hours. Do
3 you remember if you arrived when it was still morning? Was the sun up, could it
4 have been afternoon, or was it evening time?

5 A. [10:11:10] It was I think during daytime.

6 Q. [10:11:24] But it was the same day of your abduction, correct?

7 A. [10:11:30] Yeah.

8 Q. [10:11:32] Now, you just answered to the Presiding Judge's question that you
9 knew that the person who abducted you was Dominic Ongwen because Otti
10 addressed him as such. During your time in the bush was Dominic Ongwen always
11 addressed as such with his full name?

12 A. [10:12:12] Sometimes yes, sometimes Sinia.

13 Q. [10:12:25] If you recall, when you met Kony in Adilang, do you remember if he
14 addressed Dominic Ongwen as Dominic Ongwen or as Sinia?

15 A. [10:12:51] I don't remember.

16 Q. [10:12:57] Do you remember how other soldiers addressed Dominic Ongwen?
17 What did they call him?

18 A. [10:13:15] I do not remember.

19 Q. [10:13:27] When you arrived at Abia, apart from the commanders you have
20 mentioned, were there other LRA soldiers present?

21 A. [10:13:50] There were many soldiers, but I remember those key commanders.

22 Q. [10:14:03] You estimated that your group had about 1,000 people. Do you
23 remember if Otti and Raska Lukwiya's group also had about the same amount of
24 people, the same number of people?

25 A. [10:14:42] I suggest so, because -- and even more than that, because Otti was

1 a higher rank. I suggest so.

2 Q. [10:14:59] Now, speaking of ranks, when you met Dominic Ongwen do you
3 remember if you could tell if -- was he wearing rank, something visible that would tell
4 you what rank he was?

5 A. [10:15:25] Yes, at a certain point I saw some red colours at the collar, at some
6 point.

7 Q. [10:15:42] From the training that you received in Kyankwanzi, are you generally
8 familiar with military ranks? At a basic level, just generally.

9 A. [10:16:16] No.

10 Q. [10:16:23] So you never got to learn what Dominic Ongwen's rank was while
11 you were in the bush?

12 A. [10:16:50] No -- yes, because I saw those red tabs and when I referred,
13 sometimes when he was called Sinia, because there were sort of some brigades named.
14 So when they said Sinia, Sinia, I reflected to that brigade, meaning he was somewhere
15 at that level of a brigade.

16 Q. [10:17:22] So from your deduction or from what you observed, you think that
17 Dominic Ongwen was the brigade commander; is that correct?

18 A. [10:17:39] Yes, that's my assumption.

19 Q. [10:17:42] Okay. So now you are in this group of approximately 2,000 people.
20 How close were you to Ongwen, proximity-wise, for you to hear Otti call him?

21 A. [10:18:18] I was next to him because I was carrying drugs. It was like he was
22 taking me to the big authorities. I was next to him.

23 Q. [10:18:32] So you were already being taken to Otti when Otti called his name; is
24 that what I'm understanding?

25 A. [10:18:55] Yes, that's what I knew, because I was carrying drugs which were

1 supposed to be distributed. And that was important thing to the LRA soldiers.

2 Q. [10:19:17] Did you personally hand over those drugs to Otti? What happened?

3 A. [10:19:32] I just took the drugs and I saw them being distributed to other groups.

4 Q. [10:19:41] I am just trying to clarify exactly what happened. Did someone tell
5 you to put them on the ground? Did you hand them over to Dominic Ongwen?

6 Did you hand them over to Otti? What happened?

7 A. [10:20:06] It was Dominic Ongwen, he instructed me to carry, and I was under
8 his command for all those drugs.

9 PRESIDING JUDGE SCHMITT: [10:20:22] Mrs Bridgman, may I, shortly.

10 Mr Witness, you described to us earlier that you were tied and also how the box was
11 tied, that it could not fall down and that you would not lose it. So what happened
12 when you arrived there? Did somebody take the box from your head or did you do
13 this yourself? I think in that direction Ms Bridgman wants to enquire, if you still
14 recall it.

15 THE WITNESS: [10:20:56] Because Dominic Ongwen instructed me to carry the box
16 of drugs we took to Abia, where I carried it down to be distributed to other groups, as
17 first aid boxes, to other groups also.

18 MS BRIDGMAN: [10:21:30]

19 Q. [10:21:30] You just said that you were next to Dominic Ongwen when Otti called
20 him. And Dominic was already taking you to Otti. At that time were you still
21 carrying the drugs or they had already taken them away from you?

22 A. [10:22:00] I don't remember, because it has taken years.

23 Q. [10:22:08] Do you remember if Otti ever talked to you in person?

24 A. [10:22:15] I forgot.

25 Q. [10:22:26] Let's talk about Banya. While you were talking about him, you said

1 that he used to be a pilot, and you know this because at tab 5 -- I am going to read to
2 you exactly what you said.

3 UGA-OTP-0243-0089 at page 0094, you said you knew that he was a pilot, at line 149:
4 "That's what he said sometimes when he used to address us."

5 How often did Banya address you?

6 A. [10:23:43] I don't remember properly, but he used to carry prayers, Banya.

7 Q. [10:23:53] How often did you pray?

8 A. [10:24:12] Sorry? In terms of what?

9 Q. [10:24:23] You said Banya used to carry prayers.

10 A. [10:24:29] Mm-hmm.

11 Q. [10:24:30] How often did Banya carry out those prayers?

12 A. [10:24:48] I don't remember.

13 Q. [10:24:58] Was Banya always in your group?

14 A. [10:25:21] I don't remember.

15 Q. [10:25:33] Do you remember if Banya carried out prayers when you met him at
16 Abia?

17 A. [10:25:52] I have forgotten. But what I know, he used to pray.

18 Q. [10:26:04] Now, from your description of Banya would I be correct to say that he
19 was a distinctive-looking person, in the sense that he was older than most people?
20 Would I be correct to say that?

21 A. [10:26:28] Put it simpler.

22 Q. [10:26:31] Among the LRA soldiers, would I be correct to say that Banya
23 was -- let me put it this way. Would I be correct to say that if anyone met Banya in
24 the LRA they would not forget him? Sorry, because of his age and his appearance.

25 A. [10:27:07] Yeah, I think -- yeah, because he was old, had grey hair, and

1 sometimes he wears spectacles.

2 Q. [10:27:19] And he was also a senior commander; isn't that correct? Within the
3 LRA?

4 A. [10:27:38] Yes.

5 Q. [10:27:51] So in that case he is not the kind of person you can easily forget if he
6 was travelling in your group or not; isn't that correct?

7 A. [10:28:14] When it takes years you can easily forget.

8 Q. [10:28:24] But you remember him addressing you, carrying out prayers and
9 telling you that he used to be a pilot, correct?

10 A. [10:28:37] At some point, but now I forgot it.

11 Q. [10:28:47] Do you remember what else he told you during the addresses, apart
12 from his former life as a pilot?

13 A. [10:29:11] I have forgotten.

14 PRESIDING JUDGE SCHMITT: [10:29:16] From the -- perhaps I may shortly step in.
15 I refer this from the same page we had already, UGA-OTP-0243-0094, and there is the
16 passage in the former statement where you addressed the issue of Kenneth Banya
17 having been a pilot. And the wording is here, perhaps you listen: "Was to pray,
18 but at times when he's addressing, he deceived us that he was a pilot, a pilot
19 somewhere ..."

20 So you did not believe him that he was a pilot? Is that -- or do I understand this
21 incorrectly?

22 THE WITNESS: [10:30:05] Because why I did not have belief in him, I did not see
23 him carrying the work of being a pilot.

24 PRESIDING JUDGE SCHMITT: [10:30:17] Mrs Bridgman.

25 MS BRIDGMAN: [10:30:23]

- 1 Q. [10:30:24] Mr Witness, do you know where Achuna is?
- 2 A. [10:30:47] Yes.
- 3 Q. [10:30:58] Is it close to Tubur?
- 4 A. [10:31:10] It is not so that close. You start from Achuna, you come to Tubur.
- 5 Q. [10:31:28] Yesterday you told this Court about the policeman who was killed at
- 6 Abia.
- 7 A. [10:31:35] Yeah.
- 8 Q. [10:31:37] Was he from Tubur or from Achuna?
- 9 A. [10:31:50] This policeman, his police post was in Achuna, but he had come to
- 10 Tubur for his official duties and that's where he was got.
- 11 Q. [10:32:10] Did you recognise this policeman?
- 12 A. [10:32:16] In terms of age, shape, what?
- 13 Q. [10:32:22] Him as an individual, did you know him? For instance, did you
- 14 know his name?
- 15 A. [10:32:29] I do not know the name.
- 16 Q. [10:32:31] Did you recognise his face as someone you knew?
- 17 A. [10:32:55] By that time, by that time I recognised him as a police who was
- 18 Achuna police post.
- 19 Q. [10:33:22] When your group met him, was he wearing his uniform and carrying
- 20 a gun?
- 21 A. [10:33:32] Yes.
- 22 Q. [10:33:52] Do you remember if the LRA took away his gun after they killed him?
- 23 A. [10:34:07] I don't remember that.
- 24 Q. [10:34:09] Do you remember if they took away his uniform?
- 25 A. [10:34:29] I forgot.

1 Q. [10:34:37] Now, after -- let me put it this way. At Abia, when you handed over
2 the drugs, at whatever point you gave the drugs that you were carrying, did you
3 remain next to Dominic Ongwen or you were -- did you sit down? Did you remain
4 standing? What happened?

5 A. [10:35:41] I forgot.

6 Q. [10:35:47] Do you remember if Otti addressed all of you?

7 A. [10:36:09] I have forgotten.

8 Q. [10:36:15] Do you remember if you -- if the LRA cooked and ate?

9 A. [10:36:33] I forgot, because at that time I was really upset.

10 Q. [10:36:48] Do you remember if the abductees were separated from the LRA
11 soldiers?

12 A. [10:37:09] I don't remember.

13 Q. [10:37:22] Do you remember if your group under Dominic Ongwen merged
14 together with the group that you found, the one that had Raska and Otti and Banya?
15 Or did you remain separated?

16 A. [10:38:01] Repeat for me the last bit of that question.

17 Q. [10:38:15] While you were at Abia, you came with Dominic Ongwen's group
18 and you found Otti's group. Do you remember if your groups remained separate or
19 they all joined together?

20 A. [10:38:35] They joined and then they separated.

21 Q. [10:38:50] Do you remember if the commanders held a meeting amongst
22 themselves?

23 A. [10:39:04] I forgot. But they met, and then they went two different directions.

24 Q. [10:39:23] When you say they met and then they went to separate directions, do
25 you mean the commanders alone or just everyone?

1 A. [10:39:40] With their groups.

2 Q. [10:39:50] How close would you say, in terms of distance, did you ever get to
3 Vincent Otti, you personally?

4 A. [10:40:08] I have forgotten.

5 Q. [10:40:13] How close do you remember getting to Raska Lukwiya?

6 A. [10:40:26] I forgot, because it has taken so many years.

7 Q. [10:40:36] Isn't it true, Mr Witness, that you did not even spend an hour at Abia
8 before your group left again?

9 A. [10:40:56] I do not know.

10 Q. [10:41:13] I am going to read to you some portions of your interview with the
11 investigators.

12 Your Honours, this is at tab 5, UGA-OTP-0243-0089, from page 90 to 91.

13 Mr Witness, at line 37 you were asked: "So, how long were you in this place in Abia
14 for?" And your response was: "In Abia? Not even one hour. They just met for
15 a short time. I saw people were just moving."

16 Is this correct, Mr Witness, about how long you spent in Abia?

17 A. [10:42:17] Which tab is that? Which tab?

18 Q. [10:42:20] It is tab 5.

19 PRESIDING JUDGE SCHMITT: [10:42:42] It is the record of an interview with
20 the Prosecution from 14 July 2015 with you. So when you hear this again being read
21 by Mrs Bridgman, do you recall this? Is it correct like it is written down here?

22 THE WITNESS: [10:43:05] I don't remember well, because it has taken so many
23 years.

24 PRESIDING JUDGE SCHMITT: [10:43:10] But you did remember at the time when
25 you gave the interview?

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1 THE WITNESS: [10:43:19] I remember I gave interviews in Kampala, but at the
2 moment I don't recall properly.

3 PRESIDING JUDGE SCHMITT: [10:43:30] Okay.

4 MS BRIDGMAN: [10:43:31]

5 Q. [10:43:31] And just to clarify, Mr Witness, before you came for this testimony,
6 isn't it true that you were given your previous statements to read through?

7 A. [10:43:49] Come again?

8 Q. [10:43:49] Before you came to testify, did someone from the Court give you your
9 previous statements to read through them?

10 A. [10:43:58] No.

11 Q. [10:44:10] Moving on, you also testified about the three children who tried to
12 escape that were killed. Now, did you personally hear Raska Lukwiya giving this
13 order for the children to be killed?

14 A. [10:44:32] Yes, I heard in Abia.

15 I would like to ease myself.

16 PRESIDING JUDGE SCHMITT: [10:44:42] Please, Mr Witness, do you need a break,
17 or?

18 THE WITNESS: [10:44:45] Yes, to ease myself.

19 PRESIDING JUDGE SCHMITT: [10:44:48] Absolutely. Then we have now a break
20 until let's say 11.30. We have now the coffee break.

21 Do you have already an idea, Mrs Bridgman, how long it will take for you?

22 MS BRIDGMAN: [10:45:00] Your Honour, we should be done in the second session.

23 PRESIDING JUDGE SCHMITT: [10:45:03] Okay. Then we can allow us a little bit
24 prolonged coffee break until 11.30.

25 THE COURT USHER: [10:45:12] All rise.

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1 (Recess taken at 10.45 a.m.)

2 (Upon resuming in open session at 11.34 a.m.)

3 THE COURT USHER: [11:34:04] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [11:34:26] Mrs Bridgman, rightfully, is standing up,
6 still standing. So you have the floor, Mrs Bridgman.

7 MS BRIDGMAN: [11:34:38]

8 Q. [11:34:58] Mr Witness, I asked you earlier if you had been given an opportunity
9 to read through your transcripts, and your answer is no. Do you remember meeting
10 with the Prosecution in October last year, in particular with Madam Prosecutor who
11 asked you questions?

12 A. [11:35:50] In Kampala?

13 Q. [11:35:52] Yes.

14 A. [11:36:22] I remember meeting with people, but the names, the titles, since I am
15 not conversant with law.

16 Q. [11:36:39] Do you remember going through all the transcripts of your interview
17 with the Prosecution from 2015?

18 A. [11:37:04] No.

19 PRESIDING JUDGE SCHMITT: [11:37:09] Ms Bridgman, whom are you referring to
20 when you say "with Madam Prosecutor"?

21 MS BRIDGMAN: [11:37:15] I was going to ask in a more straightforward manner.

22 PRESIDING JUDGE SCHMITT: [11:37:18] Please.

23 MS BRIDGMAN: [11:37:20]

24 Q. [11:37:20] You said that you remember meeting with people but you don't know
25 the names and titles and things. Do you remember on 13 and 14 October meeting

1 with Ms Hohler in Kampala?

2 PRESIDING JUDGE SCHMITT: [11:38:03] Perhaps to help you, Mr Witness,
3 Mrs Hohler is the nice lady here to your left who has questioned you yesterday.

4 THE WITNESS: [11:38:12] Okay. Yes. You see, excuse me --

5 PRESIDING JUDGE SCHMITT: [11:38:17] You don't have to, you don't have to
6 apologise.

7 THE WITNESS: [11:38:21] Okay.

8 PRESIDING JUDGE SCHMITT: [11:38:21] You obviously recognised it by the
9 description of the Presiding Judge when I said "nice lady", perhaps it might be the
10 reason.

11 THE WITNESS: [11:38:30] They look the same.

12 PRESIDING JUDGE SCHMITT: [11:38:33] Yes, might well be.

13 Mrs -- but sometimes it is important that also in the courtroom there is relief and the
14 tension is a little bit released too. We appreciate that sometimes, because we are
15 dealing with such serious things, that you need sometimes really to be relieved of the
16 tension.

17 But I have also a question, if you can help me. We are speaking of October last year?
18 Okay. Thank you.

19 MS BRIDGMAN: [11:39:06] And, your Honours, I apologise. This investigation
20 note is not on our list of materials because I did not anticipate to use it or for it to
21 come up during my cross-examination.

22 PRESIDING JUDGE SCHMITT: [11:39:18] Here from the Bench there is no objection.
23 Please continue.

24 MS BRIDGMAN: [11:39:21] And I can read out the ERN number for future
25 reference.

1 PRESIDING JUDGE SCHMITT: [11:39:24] Yes, that would be kind.

2 MS BRIDGMAN: [11:39:30] It is UGA-OTP-0281-0377.

3 Q. [11:39:59] So when you met with Ms Hohler, do you remember reading through
4 all the transcripts of your interview with investigators?

5 A. [11:40:17] No.

6 PRESIDING JUDGE SCHMITT: [11:40:22] Perhaps, Mrs Bridgman, simply read out
7 the respective portions of the report for the record, so that also, as the Judges, we have
8 it on the record, and I am going through the transcripts later on and then I will have it
9 also in my mind, not only in the transcript.

10 MS BRIDGMAN: [11:40:45] Your Honours, this report is dated 16 October 2017.

11 The introduction talks about the people present, and I will not mention the

12 investigation's assistant but that Ms Hohler was also present. It says:

13 "The aim of the meeting was to introduce the witness to the examining Prosecution
14 counsel and allow the witness to have read to him the contents of his pre-trial
15 interview; with the sole intention of refreshing the witness's memory.

16 It was explained to the witness that the meeting was not an interview and that no
17 questioning would take place, nor would he be requested to provide any information
18 about the facts of the case. The witness was specifically told that the only reason for
19 the meeting was to remind him of what he had said to the Prosecution before, and to
20 give him a chance to meet the examining counsel prior to his impending testimony."

21 PRESIDING JUDGE SCHMITT: [11:41:55] Perhaps I may shortly.

22 So, Mr Witness, if you hear that, and this was roughly from four months ago, three,
23 four months ago, does this refresh your memory? Have you been reading through
24 these transcripts?

25 There would be nothing indecent or nothing objectionable in it. So that's not

1 a problem. So simply, we are simply trying to enquire if you did read through them
2 or not.

3 THE WITNESS: [11:42:51] I remember meeting with the -- Hohler, but having the
4 copy of the minutes, I do not have.

5 PRESIDING JUDGE SCHMITT: [11:43:03] Strictly speaking, the wording "allow him
6 to read" does not protocol that he actually did read through it. But since it was one
7 of the purposes or the main purpose, perhaps simply, Mrs Hohler, you can clarify so
8 that we don't try to find something in the obscure.

9 MS HOHLER: [11:43:24] Yes. I think it might be the wording of the question,
10 your Honour. It was not that the witness was reading through the transcripts but
11 that I read the transcripts to him, which is clear if you look towards the end of the line
12 of the note. It says, "The following documents were read to the witness." So
13 perhaps that's what is confusing the witness, because the questions were formed
14 whether he read it.

15 PRESIDING JUDGE SCHMITT: [11:43:45] So then thank you very much for this
16 clarification. Then with this twist, so to speak, a little bit, Mr Witness, do you recall
17 that Mrs Hohler read your former statement to you at the time you met her in
18 October?

19 THE WITNESS: [11:44:03] Yes, she read, but she did not give me time to read and
20 give me a copy.

21 PRESIDING JUDGE SCHMITT: [11:44:09] Thank you.

22 Just, Mrs Hohler, just, is this the usual procedure as you would do it?

23 MS HOHLER: [11:44:31] Yes, we always read to the witnesses during these meetings.
24 The witnesses never read themselves.

25 PRESIDING JUDGE SCHMITT: [11:44:37] And they don't get copies of their former

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1 statements?

2 MS HOHLER: [11:44:41] No, no, not at the time, no.

3 PRESIDING JUDGE SCHMITT: [11:44:44] Okay. Thank you.

4 Mrs Bridgman.

5 MS BRIDGMAN: [11:44:54]

6 Q. [11:44:55] Now, Mr Witness, there is also correspondence that indicates that on
7 16 January you were provided with the transcripts, that Ms Hohler read to you, by
8 representatives from the Victims and Witnesses Unit. Do you remember receiving
9 these documents?

10 A. [11:45:17] No.

11 PRESIDING JUDGE SCHMITT: [11:45:20] Please, the reference, of course, at some
12 point in time, at least. You don't have it on your list, but --

13 MS BRIDGMAN: [11:45:28] I have an email.

14 PRESIDING JUDGE SCHMITT: [11:45:29] No. Nevertheless, we are here in the
15 courtroom, and we are not in a hurry, as I said. And there is no objection from me.
16 So -- but you have of course to inform us what you are referring to so that we are not
17 again staying in the dark, so to speak.

18 MS BRIDGMAN: [11:45:49] And, your Honours, this is an email from Tuesday,
19 16 January 2018 at 5.31, from the Victims and Witnesses Unit, and just as a beginning
20 it says: "Dear Counsels, in accordance with paragraph 81 of the unified protocol on
21 the practices used to prepare and familiarise witnesses for giving testimony at trial,
22 please note that the VWU has provided the following materials to Witness
23 UGA-OTP-P-200." And it lists the transcripts. It literally lists all the documents
24 that were on the witness -- on the Prosecution list of materials.

25 PRESIDING JUDGE SCHMITT: [11:46:37] Yes, thank you.

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1 MS BRIDGMAN: [11:46:44] And thank you to my colleague Mr Obhof. He believes
2 we can have an ERN on the record, which we can do at disclosure.

3 PRESIDING JUDGE SCHMITT: [11:46:54] That sounds, of course, very good
4 because it follows the formalities we usually follow here in the courtroom.

5 MS BRIDGMAN: [11:47:00] It is UGA-D26-0024-0008. And this will be disclosed
6 shortly, your Honours.

7 PRESIDING JUDGE SCHMITT: [11:47:20] But we are not, again, again, we are not
8 talking about anything that would be objectionable or out of the decent procedure, so
9 to speak. But nevertheless, it is absolutely justified to ask the witness if he has
10 received it and read through it. Why not? So please continue.

11 MS BRIDGMAN: [11:47:45]

12 Q. [11:47:46] Now, Mr Witness, we will go back to your meeting at Abia. You
13 said that you saw -- during your interview with the Prosecution in 2015, you said that
14 you remember seeing Tabuley at Lwala Girls. Do you remember if Tabuley was at
15 Abia?

16 A. [11:48:14] No, because when he -- you recall the commanders we met in Abia,
17 did not mention Tabuley in Abia.

18 Q. [11:48:31] You also told the Prosecution investigators that while at Abia you
19 heard Vincent Otti order Dominic Ongwen to go and attack Lwala; is that correct?

20 A. [11:48:49] I don't remember.

21 MS BRIDGMAN: [11:49:05] Your Honours, this is at tab 14, UGA-OTP-0248-0792 at
22 page 0797, starting from line 151.

23 Q. Mr Witness, you said: "And even then the commanders, when they were
24 setting off from Abia, Ongwen was instructed by Vincent Otti to carry out abduction
25 of the girls from Lwala Girls."

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1 Then you were asked: "How do you know that? How do you know that Ongwen
2 was instructed by Otti?" You answered: "All the ones who were made to sit down,
3 they were present. You see, initially, when the commanders meet they address you
4 and instructions are given."

5 Does this refresh your memory, Mr Witness?

6 A. [11:50:20] Yeah, it could be that I mentioned to the investigators in Kampala, but
7 now I don't remember properly.

8 PRESIDING JUDGE SCHMITT: [11:50:30] Perhaps a general question, because we
9 have -- this is a recurring theme, so to speak, with this witness.

10 At the time, when you say -- and it is perfectly okay that you, when you don't
11 remember today, that you say "I don't remember today". But at the time it was not
12 so long ago, two years or so ago, two and a half years, when you were more specific.
13 Could you say that at the time you remembered better, at least? Would you agree
14 with that if I word it like this, that when you gave these statements to the Prosecution
15 that you, at the time, and at the time you provided more details, that at the time you
16 remembered better than today?

17 THE WITNESS: [11:51:21] Yeah, it will be that I mentioned to the investigators in
18 Kampala, because from the time I was interrogated up to now, it has taken years.

19 PRESIDING JUDGE SCHMITT: [11:51:33] Or perhaps a continuation, so to speak.
20 When you provided the investigators with information in former statements, did you
21 do it to the best of your knowledge at the time?

22 THE WITNESS: [11:51:57] At that time, yes.

23 PRESIDING JUDGE SCHMITT: [11:51:59] Please continue, Mrs Bridgman.

24 MS BRIDGMAN: [11:52:26]

25 Q. [11:52:29] You mentioned the money that was taken from your house after the

1 abduction. Do you know what happened to that money?

2 A. [11:52:45] No.

3 Q. [11:52:48] During your interview with the Prosecution you mentioned several
4 times where you witnessed women being raped by the LRA during attacks. Do you
5 remember that?

6 A. [11:53:06] Yes.

7 Q. [11:53:17] Do you remember if Mr Ongwen ever intervened in these rapes that
8 you witnessed?

9 A. [11:53:45] In most of the camps rape was a common happening. But I did not
10 hear directly Dominic Ongwen instructing. But to give my opinion, the rape was
11 being done by the soldiers, his soldiers.

12 Q. [11:54:24] Now, since you were always moving very close to Ongwen, would I
13 be correct to assume that, since you witnessed these things, he also did witness the
14 rapes? He saw his soldiers raping these women?

15 A. [11:54:49] That's my suggestion, because the rape was taking -- the rape was
16 taking place and he was not far away from the place the rape was taking place.

17 Q. [11:55:14] You mentioned the woman that was killed with a bayonet in
18 Idam-Akan when she was being raped. Do you remember if Mr Ongwen was
19 present when this happened?

20 A. [11:55:35] When we reached to Idam-Akan, it was that woman made an alarm,
21 that girl made an alarm, and Dominic Ongwen instructed his soldiers, his soldier, to
22 pierce with a bayonet because she was making an alarm.

23 Q. [11:56:03] Do you remember if this was the same soldier who was trying to rape
24 her? Or he instructed another soldier who was standing by?

25 A. [11:56:23] All what I remember, I heard him give instructions and I saw the

1 soldier piercing the girl, that's what I can recall.

2 Q. [11:56:42] When you went to Lwala and abducted those girls, when your group
3 went to Lwala to abduct the girls, do you know if any of them were raped in the same
4 manner?

5 A. [11:57:07] When we went to Lwala Girls we were instructed to squat, then our
6 commander went with the soldiers to the school. So I did not see that in Lwala.

7 Q. [11:57:32] But you saw those same girls being distributed by Kony to his
8 commanders in Adilang, correct?

9 A. [11:57:42] The girls from Lwala?

10 Q. [11:57:44] Yes.

11 A. [11:57:44] Yes.

12 Q. [11:57:48] While you were in the bush for the duration that you spent, did you
13 ever hear any rules regarding sexual intercourse?

14 A. [11:58:00] Put it clearly. Sorry.

15 Q. [11:58:07] Did you ever learn that in the LRA sexual intercourse followed
16 a regiment of rules?

17 A. [11:58:38] I forgot. I don't recall now.

18 Q. [11:58:46] Did you ever learn that in the LRA it was strictly forbidden to commit
19 rapes against women during attacks?

20 A. [11:59:06] Can you put it simpler, sorry.

21 Q. [11:59:14] Did you know that in the LRA, Kony's spirits had said that you could
22 not rape civilians during attacks?

23 A. [11:59:26] I do not know.

24 Q. [11:59:29] Did you ever hear in the LRA that if anyone raped a woman without
25 them being distributed to them, they would be killed in battle or they would be

1 executed by Kony's order?

2 A. [11:59:58] I do not know.

3 Q. [12:00:15] Now, talking about Lwala, you said that you were told to squat
4 somewhere while your commander went with his soldiers to attack. Can you
5 estimate for us the distance where your group was left squatting? How far away
6 was it from the school?

7 A. [12:00:52] It was not far. It was not far. Because we would hear the alarm of
8 the people at school, the girls.

9 Q. [12:01:13] Could you see what was happening at the school where you were?

10 A. [12:01:25] No, because it was dark.

11 Q. [12:01:46] Now, at what point did Tabuley join you?

12 A. [12:01:50] Yes?

13 Q. [12:01:51] At what point did Tabuley join you to attack Lwala, if you remember?

14 A. [12:02:03] After Dominic Ongwen plus the soldiers came back with the girls, of
15 course he, he whistled, and as we were moving, we realised that Tabuley joined us on
16 the way.

17 Q. [12:02:33] Would I be correct to assume that your group, the one under
18 Dominic Ongwen, at this time was still about 1,000 people?

19 A. [12:02:50] Sorry, at that point?

20 Q. [12:02:51] Yes.

21 A. [12:02:53] I don't recall.

22 Q. [12:02:57] From the time you left Abia, was the number in your group still the
23 same or some people had remained with Otti? Or you had even abducted
24 more people?

25 A. [12:03:16] I did not count one, two, three, but in between Abia and Lwala, we

1 only met that month in the middle there.

2 Q. [12:03:37] So your group did not change, the numbers in your group did not
3 change from Abia; is that what you are saying?

4 A. [12:03:46] No, I am saying I did not count one, two, three so that I can ascertain
5 the numbers. You asked the question.

6 Q. [12:03:53] Would you be kind enough to give us an estimate? It's okay if you
7 did not count one by one.

8 A. [12:04:05] Yes, usually when you are abducted, when you are seen counting the
9 numbers, you can even risk yourself.

10 Q. [12:04:20] So during your interview with the Prosecution, what did you base on
11 to tell them that you estimated about 1,000 people in your group?

12 A. [12:04:36] That's when they meet in what we call RV, you at least see the
13 number.

14 Q. [12:05:00] So at Abia, would I say that you estimated the number? Because
15 Abia was a form of RV; is that correct?

16 A. [12:05:10] I suggest so, because there were commanders there.

17 Q. [12:05:13] So at Abia, is that when you estimated your group to be about 1,000?

18 A. [12:05:23] I do not remember well whether it's at Abia, because it has taken
19 a couple of years.

20 Q. [12:05:31] When Tabuley's group joined you, how long did they stay with your
21 group?

22 A. [12:05:45] I do not recall.

23 Q. [12:05:49] You said Lwala happened at night; is that correct?

24 A. [12:06:00] Yes.

25 Q. [12:06:13] Did Tabuley's group move with you through the night?

1 A. [12:06:22] I don't remember, because he just joined us all of a sudden, and that's
2 the only time I saw him.

3 Q. [12:06:29] At night?

4 A. [12:06:38] That's why I am responding I don't recall properly. I don't recall. It
5 has taken years. Because I can't remember all the wordings I put in my statement.

6 Q. [12:06:51] Mr Witness, I am just asking you from your recollection now, not so
7 much from your statement, but from your recollection, if Tabuley joined your group
8 after the attack at night. I just want you to reflect back, if you can, if you just saw
9 him that night, or if you saw him the next morning, or if he continued to walk with
10 you until you went to Adilang.

11 A. [12:07:25] I saw him joining us at that time, but I did not see him in Adilang.

12 Q. [12:07:33] And that's why I am asking, when you say, "I saw him joining us at
13 that time", are we talking about that night after the attack on Lwala? The same
14 night?

15 A. [12:08:05] I will -- I have forgotten that bit.

16 Q. [12:08:10] Did you ever see Tabuley again after that time when he joined you?

17 A. [12:08:19] I do not remember seeing him again.

18 PRESIDING JUDGE SCHMITT: [12:08:23] I have also a question. I am going a little
19 bit back to the numbers of 1,000 or more than 1,000. And I would like to refer you to
20 a former statement, Mr Witness, and it is one that we had already,
21 UGA-OTP-0243-0066 at page 0084, 593 following. You have been asked, please listen
22 to me: "... in total, how many did they number at that point ...?" And then you
23 answered: "The ones who abducted me and the convoy, they were more than 1,000."
24 What did you mean at the time by "convoy"?

25 THE WITNESS: [12:09:14] Yeah, because what I meant by "convoy" is that when

1 I was abducted from my village, we joined the team which was moving on the road,
2 by the road. That is what I meant. That's what I was -- that's what I estimated.

3 PRESIDING JUDGE SCHMITT: [12:09:36] And perhaps just for the record, 602 to
4 604 lines, the same page, 0084, the question was: "How did you come to that
5 estimate?" That was what Mrs Bridgman asked you already. And your answer at
6 the time at least was:

7 "Yes, because when we joined the convoy, for us we were joining, we are made to
8 stand by the road with our luggage. Meanwhile, the team which was squatting on
9 the road was to pass first of all."

10 So if I read this to you, do you recall the situation when you came to that estimate?

11 THE WITNESS: [12:10:20] Yeah, I can recall, because usually when you are abducted
12 and you are carrying your luggage, you don't straightaway go and enter; you wait at
13 a certain point, then you are made to enter in the convoy.

14 PRESIDING JUDGE SCHMITT: [12:10:32] And the last question by me for the
15 moment. And I understood that -- was this already at Abia or did you later come to
16 Abia?

17 THE WITNESS: [12:10:57] Abia is a village, is a village, and is wide. Where we
18 joined was already in Abia, though people were moving.

19 PRESIDING JUDGE SCHMITT: [12:11:08] So it was not completely correct what I
20 said. A very last question, so to speak: So in Abia, when -- with the other groups,
21 have there then been far more than 1,000 people? Because when there were other
22 groups, it would come to the mind of the reader and the listener that there could be
23 far more than could have been there, far more than 1,000 people, if several groups
24 joined. Or do I understand this not correctly?

25 THE WITNESS: [12:11:40] Yeah, that's what I suggest, because there were many

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1 commanders now there.

2 PRESIDING JUDGE SCHMITT: [12:11:46] Mrs Bridgman, excuse me for
3 interrupting.

4 MS BRIDGMAN: [12:11:56]

5 Q. [12:11:56] Now, Mr Witness, you gave a description of Tabuley, and at tab 5,
6 UGA-OTP-0243-0089 at page 104, you said that Tabuley -- at line 510, you said that:
7 "Tabuley has bold eyes. He has some beards. He also has this red thing. That's
8 what I saw with him for that short time."

9 When did you make these observations about Tabuley?

10 A. [12:13:03] At that point when he joined us.

11 PRESIDING JUDGE SCHMITT: [12:13:14] And again the question would be: How
12 did you come to know that this person was Tabuley? Have you been told or have
13 you heard something, overheard something, a conversation, whatever?

14 THE WITNESS: [12:13:31] How I came to know that was Tabuley was that because
15 when I was abducted, since I knew a little Lango language, so I was able to interact
16 with the abductees who showed me.

17 PRESIDING JUDGE SCHMITT: [12:13:49] Thank you.

18 MS BRIDGMAN: [12:13:53]

19 Q. [12:13:54] You said that Dominic Ongwen went to Lwala, he left you squatting
20 behind. Do you know if he is the one who led the attack on the school?

21 A. [12:14:22] I do not know that, but he was my commander and after us squatting,
22 I saw him coming with the girls, plus his soldiers.

23 Q. [12:14:46] What would you say, Mr Witness, if I told you that it was Tabuley
24 who led the attack on Lwala Girls?

25 A. [12:15:05] You ask for my opinion. For me, I was under the command of my

1 commander, Dominic Ongwen. I do not know much about Tabuley's group.

2 Q. [12:15:29] What would you say if I told you that intelligence reports from the
3 UPDF indicate that the rebels who attacked were under the direct command of
4 someone called Okello Kapere?

5 A. [12:15:53] Since I was in the bush I did not hear that name.

6 MS BRIDGMAN: [12:15:57] And, your Honours, this is at tab 33,
7 UGA-OTP-0032-0038 at page 0086, just after the list of names.

8 Q. [12:16:35] What would you say, Mr Witness, if I told you that Dominic Ongwen
9 was not in the Teso region around the time you were abducted and was as a matter of
10 fact in sickbay?

11 A. [12:17:00] I did not know that, but for me I knew my commander was
12 Dominic Ongwen.

13 Q. [12:17:17] What if I told you that you are indeed mistaken and the person whose
14 group you were under was Buk Abudema, who was operating in the Teso region at
15 the time?

16 A. [12:17:32] I am even hearing Buk Abudema, Buk Abudema for the first time here.
17 In fact, to be clear, there were so many commanders in Teso subregion, I would say.

18 Q. [12:17:52] During your testimony you talked about going to Idam-Akan, to
19 Abalang, where 15 people were killed, and also to Obalanga. I would like to focus
20 on Obalanga shortly. Is this the attack that was commonly known as the big attack
21 on Obalanga trading centre. Is this the one you are referring to?

22 A. [12:18:34] I don't know whether it is that, but the one I am referring where a
23 head teacher was killed, Agonga. That's the attack I am referring.

24 Q. [12:18:48] Speaking about this head teacher, did you recognise him?

25 A. [12:19:03] Yes, I saw him.

- 1 Q. [12:19:09] Do you know his name?
- 2 A. [12:19:16] I don't remember, but I saw him.
- 3 Q. [12:19:27] When you say you saw him, when you saw him, was it someone you
- 4 knew?
- 5 A. [12:19:44] Yes, I knew him as a head teacher of Agonga primary school.
- 6 Q. [12:19:54] Was he by any chance called Odeke John Paul?
- 7 A. [12:20:08] I don't remember.
- 8 Q. [12:20:13] Do you know if there is any other head teacher from Agonga primary
- 9 school who was killed by the LRA?
- 10 A. [12:20:31] Many people were killed in Obalanga, but I only remember that head
- 11 teacher of Agonga.
- 12 Q. [12:20:59] Did you witness his killing?
- 13 A. [12:21:09] Yes.
- 14 Q. [12:21:26] Do you remember if this was soon after your abduction, before you
- 15 met with Joseph Kony in Adilang?
- 16 A. [12:21:39] Excuse me; could you repeat the question.
- 17 Q. [12:21:43] Do you remember if this Obalanga attack was before you met with
- 18 Joseph Kony in Adilang?
- 19 A. [12:21:52] Yeah, it was before we met with Kony.
- 20 Q. [12:21:55] Do you think you can estimate for us how soon. If you are abducted
- 21 in June, do you think it was one week, or one month after your abduction?
- 22 A. [12:22:27] I can't recall, but it was after that attack. Then we went and we
- 23 crossed to -- crossed Amuria to Adilang.
- 24 Q. [12:22:45] What would you say if I told you that there are reports to indicate that
- 25 the head teacher of Agonga primary school was killed in August -- no, actually was

1 abducted in August and was killed much later by a group headed by Tabuley?

2 A. [12:23:06] I do not know that.

3 MS BRIDGMAN: [12:23:09] And, your Honours, this is at tab 22 of the Defence
4 binder, UGA-D26-0018-2129. And this information is at 2150 at the very top, the one
5 that starts with "Missing Persons".

6 Q. [12:24:20] Let's talk about your meeting with Joseph Kony in Adilang. You
7 said that you were taken to him personally and he talked to you; is that correct?

8 A. [12:24:32] Yes.

9 Q. [12:24:32] Can you briefly describe to the Court that meeting with Joseph Kony.

10 A. [12:25:03] I was taken to him. We had found him seated under a tree. Then
11 I was taken to him. He started interrogating me. He asked me that, well, "What's
12 your work?" I told him that I am a peasant.

13 PRESIDING JUDGE SCHMITT: [12:25:41] In which language did you converse with
14 him, did you talk with him?

15 THE WITNESS: [12:25:48] Their language is Acholi.

16 PRESIDING JUDGE SCHMITT: [12:25:52] And you did understand it at the time
17 then?

18 THE WITNESS: [12:25:56] You learn it by force. So asked me my work. Then I
19 told him that I am a peasant farmer. Then he abused me, "jal in laming". Then I
20 realised that I was pressing a red button. Then I told him that I used to have a first
21 aid box. Then he started asking me some names of the drugs. That's how the
22 meeting went.

23 PRESIDING JUDGE SCHMITT: [12:26:47] Mr Witness, it might be my fault, but I
24 did not understand what you meant by "Then he abused me." And also with the
25 pressing of the red button. Do you feel able to explain this to the Court what you

1 mean by that?

2 THE WITNESS: [12:27:09] Excuse me?

3 PRESIDING JUDGE SCHMITT: [12:27:13] I read to you what we have here in the
4 transcript and I also heard it. In the transcript it reads, "I told him that I was
5 a peasant, that I am a peasant farmer. Then he abused me." And I did not
6 understand. It might be my personal misunderstanding. I did not understand
7 what you meant by that. "Then I told him that I used to have a first aid box." And
8 before, you said you were pressing a red button. And also this I did not understand.
9 Perhaps you can help us understand a little bit.

10 THE WITNESS: [12:27:50] Yeah, because when I told him that I was a peasant
11 farmer, I think he had information about me earlier. So then he, of course, he said in
12 his local language that "jal", "jal in laming", that I used to feed, because it was like
13 when I said a peasant farmer, (Redacted)
14 (Redacted). So immediately what I again
15 referred as a red button was that, because I learned that he was growing, he was
16 become aggressive -- cruel, aggressive to me. Then I told him that I had a first aid
17 box. Then he started asking me the names of the drugs.

18 PRESIDING JUDGE SCHMITT: [12:28:43] So thank you very much for that
19 clarification.

20 THE WITNESS: [12:28:45] Thank you.

21 PRESIDING JUDGE SCHMITT: [12:28:46] But I think, I hope at least, I was not the
22 only one who did not understand it immediately.
23 Mrs Bridgman.

24 MS BRIDGMAN: [12:28:53] Indeed, you are not the only one, your Honour.

25 Now --

1 PRESIDING JUDGE SCHMITT: [12:28:59] (Overlapping speakers) yeah.

2 MS BRIDGMAN: [12:29:02]

3 Q. [12:29:02] How soon after that meeting with Kony did he order for your group
4 to go to Barlonyo?

5 A. [12:29:29] In terms of time?

6 Q. [12:29:32] Yes.

7 A. [12:29:34] Estimating time in the bush is a bit difficult because you are not
8 allowed to hear radios, you don't have watches.

9 Q. [12:29:46] Would you say you spent two days at Adilang, or a week before you
10 went to Barlonyo?

11 A. [12:29:57] I don't want to deceive. I do not remember.

12 Q. [12:30:00] And at Adilang you met the other commanders, Vincent Otti and
13 Banya already there; isn't that correct?

14 A. [12:30:10] I do not remember that, but we entered in four lines and I was in the
15 line of my commander.

16 Q. [12:30:16] I'm sorry, I think we misunderstood each other. At Adilang when
17 you were meeting with Joseph Kony, wasn't Vincent Otti and Lukwiya and Banya
18 present?

19 A. [12:30:30] Okay. Of course I became a bit confused because you said how long
20 did you be in Adilang, then you went to Barlonyo. That's why I did not understand
21 properly. Sorry.

22 Q. [12:30:41] That's okay. So the other top commanders were also present at
23 Adilang?

24 A. [12:30:49] Yes, because it was an RV.

25 Q. [12:30:52] Do you remember at that RV another commander called

1 Okot Odhiambo being present?

2 A. [12:31:02] I heard of him, but you see, when you are in RV people are in the
3 bush, you don't see them easily.

4 Q. [12:31:16] And you said that when you went to Barlonyo you were in four lines
5 and you were in the one led by your commander. I assume you're talking about
6 your commander Dominic Ongwen?

7 A. [12:31:36] Yes.

8 Q. [12:31:36] As far as you remember, was he the top commander for the -- as far as
9 you remember, was he the top commander for the attack on Barlonyo?

10 A. [12:31:48] In fact, in my suggestions, if you would recall, when we went to Abia,
11 he was called, then he answered "Atye Lapwony", that perspective shows me that
12 those of Otti and the rest were at higher positions.

13 Q. [12:32:11] But for leading the attacks would you say that he was the most senior
14 commander for the group that attacked Barlonyo?

15 A. [12:32:21] In my line he was a commander. Others I do not know because you
16 stick to the instructions of your head. Say in a homestead, you stick to the
17 instruction of the head of that homestead.

18 Q. [12:32:32] Do you remember in whose homestead you remained?

19 A. [12:32:37] Hmm?

20 Q. [12:32:40] Do you remember in whose homestead you were in while you were in
21 the LRA?

22 A. [12:32:51] I was with Dominic Ongwen.

23 Q. [12:33:14] At that RV point in Adilang, did the commanders ever sit together or
24 they remained in the bushes?

25 A. [12:33:36] At some point they sat together because Kony distributed for them

1 girls.

2 Q. [12:33:45] So the top commanders would sit next to each other for something
3 like that, like the distribution of girls?

4 A. [12:33:53] Yeah.

5 Q. [12:34:06] When the commanders sat together, where were you located, you as
6 abductees?

7 A. [12:34:17] In Adilang?

8 Q. [12:34:18] Yes.

9 A. [12:34:21] In Adilang was a bit unique because I was direct to Kony. Ongwen
10 took me to Kony direct. It was not like other meeting places we met, but this one
11 I was taken to, I think to the high commander, who is Joseph Kony, by
12 Dominic Ongwen.

13 Q. [12:34:49] So did you hear Joseph Kony giving orders to Dominic Ongwen to
14 attack Barlonyo? Did you personally hear these orders?

15 A. [12:35:22] I don't recall properly, but we went to Barlonyo.

16 Q. [12:35:28] When you came back from Barlonyo, did you find Kony still at
17 Adilang?

18 A. [12:35:41] Yes, in Adilang. But not in that particular position, because Adilang
19 is wide.

20 Q. [12:35:54] You talked about the selection of the people who went to Adilang,
21 and I just want to clarify one thing from you. I'm going to read from your statement
22 and it's at tab 7, UGA-OTP-0243-0123 at page 0126. At lines 105 you said:
23 "Then people started moving, but for us who were selected, we also went to our
24 direction under the command of Dominic Ongwen, after he briefed" us -- no, "after he
25 briefed that we were going for a very serious mission, because you don't need to ask

1 where. You just stay like a goat to be taken to slaughter."

2 At line 112 you said: "Then he briefed us that, "Today, we are going to Barlonyo
3 camp."

4 I just want to clarify from you, did Dominic Ongwen tell you where you were going
5 or he did not?

6 A. [12:37:25] I forgot. But what I remember, we went to Barlonyo camp.

7 Q. [12:37:37] When you came back and met Joseph Kony, do you remember
8 Dominic Ongwen giving him a report about what happened in Barlonyo?

9 A. [12:37:56] I suggest so because we came and they met again before we escorted
10 him to Sudan.

11 Q. [12:38:15] What would you say, Mr Witness, if I told you that the attack on
12 Barlonyo camp was led by Okot Odhiambo and Dominic Ongwen did not participate
13 at all?

14 A. [12:38:31] As I told you, that the hierarchies of the commanders in the LRA I do
15 not know. Because many commanders can go for attack and maybe the
16 responsibility is given to a particular person in the high command, but for me, I was
17 in that line of Dominic Ongwen.

18 Q. [12:38:54] Now, when you moved back to Adilang after the attack, did you
19 immediately start the movement to Sudan to escort Joseph Kony?

20 A. [12:39:14] They first met, then we escorted him to Sudan.

21 Q. [12:39:22] Do you remember approximately how long it took you to escort Kony
22 and to come back to Uganda? Was it one week, one month? If you can estimate the
23 time.

24 A. [12:39:52] It took some time, because Sudan from Adilang is a bit far. We were
25 using foot.

1 Q. [12:40:06] And did I understand you correctly that when you came back from
2 Sudan you roamed around northern Uganda for a while before your escape?

3 A. [12:40:19] Yes.

4 Q. [12:40:54] Mr Witness, did you at any time while you were in the bush learn
5 about Tabuley's death?

6 A. [12:41:18] Yeah, we heard our commanders say that was "tic mony".

7 Q. [12:41:26] Can you explain what "tic mony" means?

8 A. [12:41:30] The work of the soldiers.

9 Q. [12:41:33] Do you remember if this was before or after the attack on Barlonyo?

10 A. [12:41:51] I don't remember, but I heard he, he died in Teso sub-region I think.

11 Q. [12:42:03] Do you remember if this was before or after you escorted Kony to
12 Sudan?

13 A. [12:42:24] I recall before we escorted Kony.

14 Q. [12:42:34] What would you say, Mr Witness, if I told you that government
15 intelligence reports indicate that Joseph Kony was in Lubanga Tek in Sudan at the
16 time of the Barlonyo attack and not in Adilang?

17 A. [12:42:58] I don't know. I do not know that.

18 Q. [12:43:07] Now, you mentioned the three groups that escorted -- no, you said
19 that the move to Sudan had three different groups and that you were in the group at
20 the rear; is that correct?

21 A. [12:43:23] I do not remember now.

22 Q. [12:43:43] I will read to you from your statement at tab 8, UGA-OTP-0243-0133,
23 at page 147. Starting from line 475, you said:

24 "Yes, we escorted Kony and we came back to Uganda. Kony was in his convoy in
25 KOSIM. There was some other convoy ahead then the big man was in the middle,

1 then for us. We were following him."

2 Does this refresh your memory, Mr Witness, about how many groups were taking
3 that trip to Sudan?

4 A. [12:45:09] Yes, maybe I mentioned this to investigators in Kampala, but now
5 I don't remember.

6 Q. [12:45:16] So you would not remember who was the commander of the first
7 group or the second group, but only your commander, correct?

8 A. [12:45:24] Yeah.

9 Q. [12:45:43] You told the investigators that once you arrived in Sudan, on your
10 way back you were given guns and bullets and ordered to return to Uganda. Do
11 you remember that?

12 A. [12:45:55] Yes.

13 Q. [12:46:03] Do you remember how many guns or bullets you came back with
14 from Sudan?

15 A. [12:46:18] I don't remember exactly the number of guns, but it's like, say, you
16 were also given to carry, say, a box of bullets on your back, say some two guns or one
17 like that. I do not remember exactly the number of the guns we brought.

18 Q. [12:46:51] Now, what would you say, Mr Witness, if I told you that there is
19 evidence to show that Mr Ongwen did not go back to Sudan during the time period
20 that you testify about?

21 A. [12:47:19] Yes, but for me, I was under him as my commander.

22 Q. [12:47:27] What would you also say if I told you that there is evidence to
23 indicate that the LRA commander who went to Sudan and came back with guns and
24 bullets was called Lakati?

25 A. [12:47:43] La?

1 Q. [12:47:46] Lakati?

2 A. [12:47:47] Lakati. Yeah, you would be true, because I am not well conversant
3 with the other commanders over the groups. For me, I only stick to know mine.
4 Because bring guns in Sudan was not only one commander, but other commanders
5 also used to.

6 Q. [12:48:12] How do you know that, Mr Witness? How do you know that, that
7 bringing guns from Sudan was not because of one commander?

8 A. [12:48:24] Because straightaway I would get from their point of view that Lakati
9 brought, because for us also we brought, so that qualifies to me that several
10 commanders go for them.

11 Q. [12:48:42] But you don't know for a fact if Lakati brought guns or that Lakati
12 was a commander at all, do you?

13 A. [12:48:53] I am hearing that name Lakati for the first time now.

14 PRESIDING JUDGE SCHMITT: [12:48:58] I think there is a little bit of a problem
15 with understanding what a proposition is when you put it to the witness.

16 So, Mr Witness, when Mrs Bridgman words like that or similarly, "If I told you that
17 we have evidence that indicates ...", simply you have three options to answer, so to
18 speak. You can say, "Yes, if I hear that you are correct, that's correct what you are
19 saying." Or you can say, "No, that's absolutely not correct." Or you can say, "I don't
20 remember." Simply these three options are then, so to speak, on the table. So you
21 don't -- this does not suggest that this is completely, so to speak, a fact of common
22 knowledge, so to speak.

23 Mrs Bridgman, please continue.

24 THE WITNESS: [12:49:53] Then I'm sorry.

25 PRESIDING JUDGE SCHMITT: [12:49:55] No, you don't have to be sorry. It is

1 simply that -- it is also not easy to understand for everybody, and it is also perfectly
2 normal that Defence counsel, or counsel in any way, also Prosecution counsel perhaps
3 later on, formulate like that. That is a sort of a form to word things in question form
4 in a courtroom.

5 Mrs Bridgman, please continue.

6 MS BRIDGMAN: [12:50:21]

7 Q. [12:50:21] Now, Mr Witness, while you were in the bush, did you ever
8 participate in an attack on Pajule IDP camp?

9 A. [12:50:41] No.

10 Q. [12:51:05] You testified about the numerous attempts on your life while you
11 were in the bush. And I don't want to go back into the details, but I just want to ask
12 a few clarifying questions, so if you can bear with me: When Mr Ongwen tried to
13 kill you, the time he pierced you several times with a bayonet, was it soon after your
14 abduction or much later?

15 A. [12:51:43] It was later.

16 Q. [12:52:00] I am going to read for you a portion of your statement at tab 2,
17 UGA-OTP-0243-0043 at page 46, starting at line 80 -- starting at line 79. So they ask
18 you: "So, he attacked you with a bayonet, you say." Your response:

19 "A bayonet of a gun. Since they got me with a drug shop, Kony was informed that
20 the abductee we got with the drugs, he's being killed, and they were stopped and
21 instead of carrying me with the ... I don't know what you call ... with the poles like
22 this they started carrying me."

23 My question is, Mr Witness: Who informed Kony about what was happening to
24 you?

25 A. [12:53:47] I do not remember this, but maybe for some clarification, the

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1 President.

2 PRESIDING JUDGE SCHMITT: [12:53:53] Yes, please.

3 THE WITNESS: [12:53:55] Yeah, what I remember telling the investigators is that, in
4 the meeting of Adilang, Kony instructed Ongwen to keep me very well, because I had
5 knowledge of the drugs. And in the course of him stamping me with -- piercing me
6 with a bayonet, I said he stopped. I think he realised that -- he realised that -- the
7 instruction he was given, but not informed. I don't -- they did not pick the, whatever,
8 properly.

9 PRESIDING JUDGE SCHMITT: [12:54:31] Yes.

10 MS BRIDGMAN: [12:54:32]

11 Q. [12:54:33] So what I have just read to you is erroneous; it does not reflect what
12 actually happened that day?

13 A. [12:54:39] That would be because there is none who informed.

14 Q. [12:54:49] You talked about someone called Akello Sarah.

15 A. [12:54:58] Yes.

16 Q. [12:55:05] Do you remember when she was abducted?

17 A. [12:55:11] I do not remember the date, but she was abducted in Morungatuny
18 sub-county Olwa, in Amuria -- sorry, is it okay?

19 PRESIDING JUDGE SCHMITT: [12:55:27] There is no problem with it. We look
20 into it.

21 Please continue, Mrs Bridgman.

22 MS BRIDGMAN: [12:55:43]

23 Q. [12:55:44] So she was abducted after you were abducted, correct?

24 A. [12:55:49] Hmm?

25 Q. [12:55:51] She was abducted after you were abducted? She found you already

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1 in captivity?

2 A. [12:55:58] Mm-hmm.

3 Q. [12:55:59] And you saw her in Dominic Ongwen's household, is that correct,
4 while you were in the bush?

5 A. [12:56:11] Yes.

6 Q. [12:56:21] And just to clarify from you, you also -- were there some girls
7 abducted from Lwala who were distributed to Dominic Ongwen as wives?

8 A. [12:56:34] Yes.

9 Q. [12:57:17] I am going to briefly read to you portions of what you said to the
10 investigators.

11 And it is at tab 17, your Honours, UGA-OTP-0248-0837 at page 0845, going forward.

12 Your Honours, in particular I will go to page 845, starting from line 280.

13 You were asked: "How do you know she became one of Ongwen's wives?" You
14 responded:

15 "Yeah, how I came to know, you see, these people don't respect other people's right.

16 When they are sleeping, you sit, you surround their tents. So when these girls are

17 even crying with them in the tents, we hear. And to confirm it, the girl got pregnant

18 and the girl has a child now."

19 Is this true, Mr Witness? Is this what you saw and experienced in the bush

20 regarding this Sarah Akello?

21 A. [12:58:56] Yes.

22 MS BRIDGMAN: [12:59:05] Your Honours, I request to go into private session for
23 one question.

24 PRESIDING JUDGE SCHMITT: [12:59:09] Private session.

25 (Private session at 12.59 p.m.)

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(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

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11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 1.01 p.m.)

22 THE COURT OFFICER: [13:01:08] We are back in open session, Mr President.

23 MS BRIDGMAN: [13:01:34]

24 Q. [13:01:35] What would you say, Mr Witness, if I told you that Sarah Akello was

25 abducted on June 15, way before your own abduction?

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1 A. [13:02:13] Akello Sarah. That Akello Sarah I know was abducted in
2 Morungatuny as you are going towards Obalanga. You see, the Akello I know was
3 abducted that date as we were going towards Obalanga.

4 MS BRIDGMAN: [13:02:40] Your Honours, this is in reference to tab 24 of the
5 Defence binder. I will read the ERN number again, UGA-OTP-0235-0127 at
6 page 0219, paragraph 13.

7 Q. [13:03:00] Now, Mr Witness, what would you say if I told you that
8 Mr Ongwen -- that Joseph Kony did not distribute any girl from Lwala to
9 Mr Ongwen?

10 A. [13:03:23] But I saw five with him.

11 PRESIDING JUDGE SCHMITT: [13:03:32] I think Mrs Bridgman is referring to
12 especially the incident of -- how is it pronounced, Ms Bridgman?

13 MS BRIDGMAN: [13:03:44] The distribution at Adilang.

14 PRESIDING JUDGE SCHMITT: [13:03:48] At Adilang, especially at Adilang, not
15 referring to wives or women that might have been with him generally or before that
16 time.

17 THE WITNESS: [13:04:11] Yes. In Adilang, all the commanders were given girls in
18 Adilang.

19 PRESIDING JUDGE SCHMITT: [13:04:20] Please continue, Mrs Bridgman.

20 MS BRIDGMAN: [13:04:22]

21 Q. [13:04:26] What would you say if I told you that there is evidence to know that
22 Sarah Akello was never in Dominic Ongwen's household and the child that you refer
23 to does not belong to him?

24 A. [13:04:52] But I saw her with Dominic Ongwen.

25 Q. [13:04:59] What would you say if I said that perhaps you were mistaken about

1 the person whom you were with during the entirety of your time in the LRA, or that
2 you are aligning your story to fit within this case against Mr Ongwen?

3 MR GUMPERT: [13:05:23] Your Honours, I think the witness is entitled to be asked
4 one question at a time.

5 PRESIDING JUDGE SCHMITT: [13:05:28] Yes, I agree, I agree. Objection
6 sustained.

7 One question after the other, please.

8 MS BRIDGMAN: [13:05:36]

9 Q. [13:05:37] I'm sorry, Mr Witness, I did not mean to confuse you, but my question
10 is: What would you say if I suggest to you that you are completely confused about
11 the group that abducted you and the group that you stayed with while in the LRA?

12 A. [13:05:59] I am not, because that is the commander who abducted me.

13 Q. [13:06:05] Well then, what would you say if I said that you are insisting that
14 you are in Mr Ongwen's group because he is the one at trial today and you are
15 aligning your story to fit in his case?

16 A. [13:06:21] It is not like that. As I told you, I got to know him clearly when Otti
17 called him by his names in Abia. So I know him as my commander by the time
18 when I was in the bush.

19 Q. [13:06:40] Now one last question -- well, two: Between September 2015 and
20 today, your testimony January 2018, has anything happened to you at all? Have you
21 been involved in an accident? Did something happen that might have an influence
22 on what you remember?

23 A. [13:07:19] No.

24 Q. [13:07:23] Do you have any explanation why you remembered a lot of details in
25 2015 while you were talking to the investigators that you don't remember today, even

1 after being refreshed with your statements?

2 A. [13:07:47] The reason is that by the time I gave my statements to the
3 investigators, when you follow back that time, that covers not so very far. But now,
4 from that time up to now it has taken so many years. Like any of us here,
5 you cannot recall every word you put in your statement, yeah.

6 MS BRIDGMAN: [13:08:18] Thank you. Your Honours, just give me a second to
7 confer.

8 PRESIDING JUDGE SCHMITT: [13:08:22] Of course.

9 MS BRIDGMAN: [13:08:36] Thank you, your Honours.
10 Thank you, Mr Witness.

11 THE WITNESS: [13:08:39] Thank you.

12 MS BRIDGMAN: [13:08:43] I have no further questions, but lead counsel would like
13 to ask one or two.

14 PRESIDING JUDGE SCHMITT: [13:08:47] Please, Mr Ayena.
15 Do you see the witness properly?

16 MR AYENA ODONGO: [13:08:53] Yes, yes.

17 PRESIDING JUDGE SCHMITT: Okay.

18 MR AYENA ODONGO: He sees me.
19 Do you?

20 THE WITNESS: [13:08:57] I see you.

21 PRESIDING JUDGE SCHMITT: [13:08:58] No, simply because I cannot really
22 confirm it from my viewpoint. So please continue.

23 QUESTIONED BY MR AYENA ODONGO:

24 Q. [13:09:09] Mr Witness, I have just one line of question and it is about your
25 knowledge of Dominic Ongwen.

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1 Your Honours, I will go back to tab 4, which was already referred to, Defence binder

2 tab 4. And in particular I shall read again --

3 PRESIDING JUDGE SCHMITT: [13:09:46] I think it's Prosecution binder, not -- at

4 tab 4.

5 MR AYENA ODONGO: [13:09:52] Yes, Prosecution binder, tab 4.

6 PRESIDING JUDGE SCHMITT: [13:09:56] Starting from 0066.

7 MR AYENA ODONGO: [13:09:59] Yes. It is UGA-OTP-0243-0081, starting from

8 paragraph 505 to 507.

9 Q. [13:10:31] "The hair. Hmm. I don't know how I should describe that hair.

10 His hair, it was like Rastas, Rasta form." I suppose you meant to say Rastafarian.

11 Like, Rasta. And then --

12 PRESIDING JUDGE SCHMITT: [13:10:55] Perhaps one after the other.

13 MR AYENA ODONGO: Yes.

14 PRESIDING JUDGE SCHMITT: So first of all the question would be: When you

15 hear that now, this was one part of the description of Mr Ongwen at the time, do you

16 recall it?

17 THE WITNESS: [13:11:20] You will repeat it again.

18 MR AYENA ODONGO: [13:11:22]

19 Q. [13:11:23] You said his hair was Rastafarian.

20 A. [13:11:28] Okay. Yeah, the hair, sometimes they used to make it with the soap

21 so that it, yeah.

22 PRESIDING JUDGE SCHMITT: [13:11:35] I think we understand. Okay.

23 MR AYENA ODONGO: [13:11:37] Yeah.

24 Q. So it covers the head and they are long, if -- is that what you mean?

25 A. [13:11:45] No. Some of them cover all, but for him it was not so long.

1 Q. Okay.

2 A. Because one thing I understand it with him he liked cleanness somehow.

3 Q. [13:12:07] He liked cleanness.

4 Now, at 516 you said: "Mm-hmm, and his head was a bit bald at the top."

5 Now this is a Rastafarian with the hair. Was it possible for you to see the bald on his
6 head on the top? Can you describe to Court how it was possible for you to see the
7 bald on a Rastafarian setup?

8 A. [13:12:52] Okay. Yeah, when I say the hair was last Rasta, short, it was not long,
9 it was short. So you would see how somebody, the make-up of the shape of the
10 head. And of course somebody who is a bit healthy, you see these kind of lines
11 around, I don't know how to term this part. But his hair was not so long like others
12 which can close the head there. No.

13 PRESIDING JUDGE SCHMITT: [13:13:25] And I think we have had this yesterday
14 too already, so we need not -- I am not sure if you were present when we had it, when
15 we discussed.

16 MR AYENA ODONGO: [13:13:37] Yes.

17 PRESIDING JUDGE SCHMITT: [13:13:38] So we discussed it yesterday already.

18 MR AYENA ODONGO: [13:13:42] But, your Honours, we did not canvass the
19 reconciliation between Rastafarian and baldness.

20 PRESIDING JUDGE SCHMITT: That is indeed new and we have tried it now.

21 MR AYENA ODONGO: Yes.

22 PRESIDING JUDGE SCHMITT: To reconcile, so to speak.

23 MR AYENA ODONGO: Yes. I think that's all, your Honour.

24 Thank you very much, Mr Witness.

25 THE WITNESS: Thank you.

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- 1 PRESIDING JUDGE SCHMITT: [13:13:58] Thank you very much.
- 2 And thank you very much, Mr Witness.
- 3 THE WITNESS: [13:14:03] Thank you.
- 4 PRESIDING JUDGE SCHMITT: [13:14:03] This concludes your testimony. On
- 5 behalf of the Chamber I would like to thank you for having come to this Court. I
- 6 have told you already yesterday that we appreciate that you have taken it upon you,
- 7 this long journey away from your family, to come to testify and help assist us in
- 8 establishing the truth.
- 9 The Chamber wishes you a safe trip back home.
- 10 THE WITNESS: [13:14:29] Thank you.
- 11 PRESIDING JUDGE SCHMITT: [13:14:29] And I also thank the lady at your side for
- 12 the assistance.
- 13 (The witness is excused)
- 14 PRESIDING JUDGE SCHMITT: [13:14:34] This concludes the hearing also for today.
- 15 We continue tomorrow at 9.30 with Prosecution witness 366. Thank you.
- 16 THE COURT USHER: [13:14:47] All rise.
- 17 (The hearing ends in open session at 1.14 p.m.)