

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 Friday, 2 February 2018
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:30] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:33:57] Good morning, everyone.
13 Good morning, Mr Witness, at the video-link location.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:34:09] Thank you, Mr President.
16 The situation in Uganda, the case of The Prosecutor versus Dominic Ongwen,
17 case reference ICC-02/04-01/15.
18 We are in open session.
19 PRESIDING JUDGE SCHMITT: [9:34:19] For the appearance of the parties, I ask first
20 for the Prosecution, Mrs Hohler.
21 MS HOHLER: [9:34:24] Good morning, your Honours. For the Prosecution today,
22 Ben Gumpert, Pubudu Sachithanandan, Ramu Fatima Bittaye and myself,
23 Beti Hohler.
24 PRESIDING JUDGE SCHMITT: [9:34:34] Indeed.
25 And Mrs Sehmi for the Legal Representatives of the Victims.

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

- 1 MS SEHMI: [9:34:37] Good morning, Mr President, your Honours. On behalf of
2 the Legal Representatives for Victims, Anushka Sehmi and Mr James Mawira.
3 PRESIDING JUDGE SCHMITT: [9:34:44] And Mr Narantsetseg.
4 MR NARANTSETSEG: [9:34:46] Good morning, Mr President, your Honours.
5 Orchlon Narantsetseg for the Common Legal Representatives. Thank you.
6 PRESIDING JUDGE SCHMITT: [9:34:51] Thank you.
7 And Mr Ayena for the Defence.
8 MR AYENA ODONGO: [9:34:56] Good morning, Mr President and your Honours.
9 This morning I am assisted by Chief Charles Taku; Madam Bridgman, Abigail;
10 Mr Obhof, Thomas; Ms Eniko Sandor; and our witness, Mr Dominic Ongwen, is
11 in court.
12 PRESIDING JUDGE SCHMITT: [9:35:27] Then you have the floor.
13 MR AYENA ODONGO: [9:35:29] Our client. Our client, of course.
14 PRESIDING JUDGE SCHMITT: [9:35:32] I don't comment on that.
15 Please, Mr Ayena. Please continue.
16 MR AYENA ODONGO: [9:35:35] Yes.
17 WITNESS: UGA-OTP-P-0307 (On former oath)
18 (The witness speaks Lango)
19 (The witness gives evidence via video link)
20 QUESTIONED BY MR AYENA ODONGO:
21 Q. [9:35:58] Good morning, Mr Witness.
22 Mr Witness, first of all I want to welcome you to court. We have the common role to
23 assist Court to arrive at a proper decision.
24 MR AYENA ODONGO: [9:36:22] But before we proceed, Mr President and
25 your Honours, I seek that we go into a short private session.

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(Private Session)

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- 1 PRESIDING JUDGE SCHMITT: [9:36:29] Private session.
- 2 (Private session at 9.36 a.m.)
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(Private Session)

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(Private Session)

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23 (Open session at 9.44 a.m.)

24 THE COURT OFFICER: [9:44:42] We're in open session, Mr President.

25 MR AYENA ODONGO: [9:44:58]

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(Open Session)

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1 Q. [9:44:58] Mr Witness, at paragraph 13 of your statement, you stated, and in your
2 testimony yesterday you confirmed, that indeed you were abducted in
3 September 2002.

4 MR AYENA ODONGO: [9:45:17] Your Honours, this can be found in realtime --

5 PRESIDING JUDGE SCHMITT: [9:45:20] I recall it.

6 MR AYENA ODONGO: [9:45:21] You recall it.

7 PRESIDING JUDGE SCHMITT: [9:45:22] And it's on the record.

8 MR AYENA ODONGO: [9:45:24] Thank you. I am much obliged.

9 Q. [9:45:27] Mr Witness, could you please kindly briefly explain to Court how,
10 having spent six years between 1998 and the time you were abducted, you would still
11 be in P5 in 2002?

12 PRESIDING JUDGE SCHMITT: [9:45:49] I think we have this. He has answered.

13 If there are contradictions, we have to assess this in the end, and the witness has said
14 it could be that he was in primary 4. He has said in his statement until primary 5 he
15 was there. So there might be, indeed, an uncertainty, and he has confirmed that he
16 was abducted September 2002. I know there is also appearing at some -- in some
17 document 2003, but I think we let not the witness count by himself.

18 So he has already done this in private session, and I think we move on. Or perhaps
19 you ask him if he is really sure that he was abducted in September 2002. And
20 everything else is what we have to make out of it, what is on the record.

21 MR AYENA ODONGO: [9:46:42] Okay, your Honour.

22 Q. [9:46:45] Now, Mr Witness, can you confirm to Court whether it was in 2002
23 or 2003 -- I mean, whether you are sure that you were actually abducted in 2002 and
24 not 2003?

25 A. [9:47:26] What I said earlier was that I was abducted in 2002, not 2003.

1 MR AYENA ODONGO: [9:47:35] We can go to open session.

2 PRESIDING JUDGE SCHMITT: [9:47:38] Aren't we already in open session?

3 THE COURT OFFICER: [9:47:40] We are in open session, Mr President.

4 PRESIDING JUDGE SCHMITT: [9:47:42] So please move on, Mr Ayena.

5 MR AYENA ODONGO: [9:47:47]

6 Q. [9:47:53] Mr Witness, you confirmed that you were -- the month you were
7 abducted was September and you were guided to say this by the fact that it was
8 during harvest of beans, it was time for harvesting beans; is that correct?

9 A. [9:48:23] Yes, I confirm that. It was a Friday in September. I had gone to
10 harvest beans from the field.

11 Q. [9:48:34] Now, Mr Witness, you talked about some three elderly people with
12 whom you were abducted. This appears in paragraph 15 of your statement and you
13 said that these three elderly people were, were released.

14 A. [9:49:02] That is what happened.

15 Q. [9:49:10] And let's now move towards Got Atoo. You said, Mr Witness, that
16 apart from Dominic Ongwen, when you arrived at the foothills of Got Atoo, there
17 were other commanders, and in particular you mentioned Raska Lukwiya,
18 Okwonga Alero, Acellam Smart. Can you help Court to -- I mean, and give a brief
19 description of how you were received at the base?

20 A. [9:50:06] The way we were received, from the point where we were abducted,
21 we moved throughout the night until it was morning. About 5, coming to 6 o'clock
22 in the morning, we settled somewhere and we slept there until it was daylight. We
23 left early in the morning and then we joined a bigger group and they welcomed us
24 there. And we started mingling with the people who were there.

25 Q. [9:50:40] Mr Witness, can you tell Court who actually received you at the base

1 when you first arrived?

2 A. [9:51:03] At that time I did not know who was who since I was new and I was
3 fearing, I couldn't see people in their faces. We just realised we were amongst the
4 other people and we were taken to those who had just been abducted at a dog adaki
5 where there were newly recruited people. It was difficult to know who exactly
6 welcomed us.

7 PRESIDING JUDGE SCHMITT: [9:51:31] May I shortly, perhaps.

8 MR AYENA ODONGO: [9:51:32] Yes.

9 PRESIDING JUDGE SCHMITT: [9:51:33] Mr Witness, could you identify at the time
10 or perhaps later who was at this time at the Atoo foothills in charge of the group?

11 THE WITNESS: [9:51:52] (Interpretation) Could you please repeat the question.

12 PRESIDING JUDGE SCHMITT: [9:51:54] It was too complicated, excuse me, it was
13 my fault.

14 When you were received there and you arrived at the Atoo foothills you said that you
15 remember some of the commanders. Do you recall if one of these commanders was
16 in charge, was, so to speak, the overall over the group of fighters?

17 THE WITNESS: [9:52:22] (Interpretation) Yes, there was.

18 PRESIDING JUDGE SCHMITT: [9:52:24] Could you tell us.

19 THE WITNESS: [9:52:32] (Interpretation) As far as I remember, from the dog adaki
20 where I was taken, after two days I was seated because dog adaki is not close to the
21 main group and then the officers would be in the middle. The commander whom I,
22 I came to know first, I would see him. I didn't know who he was exactly. I saw
23 Dominic. The reason why I say that is because that day I was sent that I should go
24 and pick a pair of sandals, it was a red pair of sandals. I was not yet very familiar
25 with the Acholi word for red. I left dog adaki, then I went and picked the pair of

1 sandals. I found Dominic was coming from the inner ring and they were eating raw
2 cassava. I went to ask for the red pair of sandals and just joined them. I just
3 entered there. I did not follow the ritual. Then that's where I knew Dominic from.

4 PRESIDING JUDGE SCHMITT: [9:53:52] Of course I was interested who at the base
5 was the overall. Perhaps you follow, if you want, Mr Ayena.

6 Microphone, please, Mr Ayena.

7 MR AYENA ODONGO: [9:54:09]

8 Q. [9:54:09] Mr Witness, when you were taken to the base do you remember
9 whether there was a person to whom the commander who abducted you reported to?

10 A. [9:54:45] I have not understood the question, sir.

11 Q. [9:54:48] When you arrived at the base, did the commander who abducted you
12 report to any particular person that, "Well, here I have come back, these are the
13 people I have come back with"?

14 A. [9:55:13] I cannot say something I do not know. I did not see whether he went
15 and gave a report that these are the people I came back with.

16 Q. [9:55:32] Now, as a follow-up to the Judge's question, when you arrived and you
17 found these many officers, some of whose names you have mentioned, did you
18 determine of the so many of them who was the overall? Of course you said after two
19 days or so you met Dominic Ongwen, somebody you came to know was
20 Dominic Ongwen. But when you arrived and in the course of your stay there before
21 you left for the next destination, did you determine who was the overall commander
22 of that base?

23 A. [9:56:25] I was still new. I did not know who was the overall commander of
24 the base.

25 PRESIDING JUDGE SCHMITT: [9:56:31] I think we have to move on.

1 MR AYENA ODONGO: [9:56:34] Yes.

2 Q. [9:56:41] Now, in your testimony and your statement you seem to have
3 concluded that the person who conducted the mission that abducted you was under
4 Dominic Ongwen. How did you come to conclude this?

5 A. [9:57:17] I came to this conclusion because I understood later. From there,
6 people are split into groups. The other is called Trinkle, there is signaller. There
7 are different groups and there is always a commander who was in charge of that
8 group. The person who was commanding me, person number 2 that you talked
9 about, was under Dominic. That is how I came to make that conclusion.

10 Q. Now, Mr Witness, when you finally saw Dominic Ongwen, how did you look
11 like -- how did he look like? Can you describe to Court how Dominic Ongwen
12 looked like.

13 A. [9:58:20] Dominic Ongwen was short, dark skinned. From there, he was smart,
14 he was always neat. And when he was walking he walked as if he had, he
15 was -- one of the legs was shot -- as if he was a bit lame on one side.

16 Q. [9:58:46] Now, Mr Witness, in paragraph 19 of your statement you stated that
17 you stayed long enough in the bush to know that Ongwen was the overall
18 commander of the group that abducted you. When you talk about overall
19 commander of the group that abducted you, does this refer to the entire group that
20 you found at the base at the foothills of Got Atoo?

21 A. [9:59:29] The group that was at the foothill were many. There were many
22 commanders who were together at that time.

23 PRESIDING JUDGE SCHMITT: [9:59:43] I think we can take it from there that it
24 means that the group that abducted him is in the understanding of the witness
25 a smaller group than the whole group. I think we can take it from --

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1 MR AYENA ODONGO: [9:59:56] Can I?

2 PRESIDING JUDGE SCHMITT: [9:59:58] Of course you can, but I simply want to
3 accelerate, so to speak, the whole thing.

4 MR AYENA ODONGO: [10:00:05]

5 Q. [10:00:06] Mr Witness, does that therefore mean that the group that you were
6 referring to was only one of the many groups that it was under that -- I mean, at
7 the base?

8 A. [10:00:26] Could you please repeat the question.

9 Q. [10:00:28] According to your statement, what you have just stated to Court now
10 and, you know, your testimony of yesterday and of course your written statement, do
11 I understand therefore that Dominic Ongwen, I mean the group that abducted you
12 was only one of many groups that were at Te Got Atoo?

13 A. [10:01:04] I stated that while we were at the base at Te Got Atoo there were
14 different groups under different leaderships. So -- but the reason why I state that
15 Dominic's group is the one that abducted me was because other people were on
16 different sides but I was on the side with Dominic's group.

17 PRESIDING JUDGE SCHMITT: [10:01:31] But this is sufficient, really --

18 MR AYENA ODONGO: [10:01:32] Yes.

19 PRESIDING JUDGE SCHMITT: [10:01:33] -- to establish that.

20 MR AYENA ODONGO: [10:01:34]

21 Q. [10:01:35] Now, Mr Witness, according to your observation, when you were at
22 the base did you notice whether Dominic Ongwen was also receiving orders
23 from others?

24 A. [10:02:02] That's a good question. You know, for those of us who are new are
25 always on the sidelines and they are in the middle, and there is nothing that takes us

1 to the middle so I do not know and I did not hear or I did not see whatever was going
2 on in the middle because we were on the sidelines.

3 Q. [10:02:27] Mr Witness, when you came face to face with the commanders, one of
4 whom stood up and placed a knife on your chest, can you tell Court who sent you to
5 pick the red pair of slippers?

6 A. [10:02:59] The person who sent me was person number 2.

7 Q. [10:03:09] And, Mr Witness, when you went and you found these commanders,
8 one of whom stood up and placed a knife on your chest, which commanders were
9 these? Do you remember them, those you found eating cassava, raw cassava?

10 A. [10:03:35] When they sent me there were junior officers and I do not know their
11 names. But Dominic was there. He had a knife. He was using the knife to peel
12 raw cassava and when I entered I did not follow protocol because when you enter
13 a place you are supposed to stand to attention, you are supposed to salute. But I did
14 not follow that protocol, I did not stand to attention, I did not salute. So he got up
15 with a knife and he said, "Hey, is this is a civilian home that you are entering into it
16 like this?" and then he ordered that I should lie down and they should beat me at the
17 back of my head. I lay down, put my face to the ground and they hit my head gently.
18 He told the people that, "Okay, take him to the forest. Let him go to the forest and
19 see the skulls that are in the forest". But later on they left me and I returned back.

20 Q. [10:04:41] Now, the way you were treated and you ended up, according to your
21 description, you ended up unharmed, would you say that the person who put the
22 knife on your chest intended to harm you or he was just acting in jest, teasing you?
23 What did you make?

24 A. [10:05:11] I thought he was threatening me, because if -- well, he was
25 threatening me because I knew that if he was serious about what he meant, he would

1 have -- could counsel please wait for me to finish.

2 PRESIDING JUDGE SCHMITT: [10:05:27] Mr Ayena, please, don't interrupt. We
3 have these rules that we speak slowly. But the second rule is that we only speak one
4 person at a time. So please wait until the witness has finished and afterwards you
5 can put your next question to the witness.

6 So excuse us for the interruption, Mr Witness, if you have in mind what you wanted,
7 still wanted to say, please continue.

8 THE WITNESS: [10:05:54] (Interpretation) I had finished what I wanted to say.

9 PRESIDING JUDGE SCHMITT: [10:05:59] Thank you. Now, Mr Ayena.

10 MR AYENA ODONGO: [10:06:07] Mr President, I think my --

11 MR GUMPERT: [10:06:09] I am sorry to make trouble. I know we are trying to
12 move fast. He had finished but the interpreter had not. I don't know whether the
13 interpreter can remember what he had to say, but it would be proper to have it on
14 the record.

15 PRESIDING JUDGE SCHMITT: [10:06:23] If this is so and the interpreter still recalls
16 what has been said, it should be put on record. My question would be to the
17 interpreter in charge at the moment, if you have finished already and, if not, if you
18 recall what has been said and if, please tell us.

19 THE INTERPRETER: [10:06:40] I had not finished. I was still in the process of
20 interpreting. But to my recollection the witness said that he thought that they were
21 threatening him. When he put his head on the ground, they tapped it, and then he
22 knew that they were not very serious about killing him at that moment.

23 PRESIDING JUDGE SCHMITT: [10:07:00] Thank you very much. I think that is
24 sufficient for this. We can move to another point.

25 MR AYENA ODONGO: [10:07:04] I'm sorry, Mr President.

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1 PRESIDING JUDGE SCHMITT: [10:07:06] It can happen. In the heat of the
2 moment this can happen.

3 MR AYENA ODONGO: [10:07:12] My problem is that I am picking it direct from --

4 PRESIDING JUDGE SCHMITT: [10:07:15] Yes, that might psychologically explain it.
5 So you are simply quicker than the rest.

6 MR AYENA ODONGO: [10:07:23]

7 Q. [10:07:25] Mr Witness, in view of your description of the type of people you met
8 at the base, and the set-up of the base, would you be surprised if I told you that some
9 of those commanders, particularly Raska Lukwiya, was superior to
10 Dominic Ongwen?

11 A. [10:08:08] Are you asking me in terms of age? In terms of age, is that what
12 you are asking?

13 Q. [10:08:18] Mr Witness, I am referring to rank and position in the LRA, not age.

14 A. [10:08:35] Raska was older, based on my observation. But in terms of rank,
15 because I had only recently arrived there I wasn't sure who was higher ranked than
16 the other.

17 Q. [10:09:01] I made a proposition to you, Mr Witness. Would it surprise you if
18 you were to be told that actually Raska Lukwiya was higher in rank?

19 PRESIDING JUDGE SCHMITT: [10:09:18] He has answered it.

20 MR AYENA ODONGO: [10:09:19] Did he?

21 PRESIDING JUDGE SCHMITT: [10:09:20] He has answered your question. When
22 you make a proposition and say: Would it surprise you, and the answer can, of
23 course, be: It would surprise me; it would not surprise me. But he simply has said
24 that he cannot say. He wasn't sure who was higher ranked than the other. So this
25 is an answer.

1 And let me make a remark which refers not only to this witness but to many others.

2 We all live and have the horizon of the position which we have in a certain social
3 environment. So when we are a foot soldier, we might not be experts in ranks of
4 commanders, except we see certain incidents where we can infer a certain rank or
5 commanding structure from. And if we are one of the commanders, we might not
6 understand perfectly how a foot soldier and a freshly-abducted lives.

7 So our perspectives depend on the position that we have in an organisation. That
8 applies for any organisation, even for a rebel group or for fighters or military, or
9 perhaps even, even a court, if you will.

10 So I would keep that in mind. So let me be more specific. When we have
11 a high-ranking captain of the LRA, or perhaps also of the UPDF here in the courtroom
12 or in the video-link location as a witness, it is absolutely clear that this person is very
13 promising when it comes to information about command structures and persons of
14 high ranks. But when we have as a witness a freshly-abducted person who was very
15 young at the time and perhaps later on a foot soldier, it's perhaps more promising to
16 go into incidents that the person has experienced him or herself or about working
17 circumstances, living conditions, of the people that he was with and he acted with.

18 Excuse me my long intervention, but it is simply to really, I think, also
19 streamline -- not only, it is not about expeditiousness; it is about streamlining. It is
20 not promising to ask him about command structures.

21 MR AYENA ODONGO: [10:11:56] Thank you.

22 Q. [10:11:57] Mr Witness, when you first met Dominic Ongwen, was it easy for you
23 to determine what rank he was?

24 A. [10:12:16] On the first occasion, no, it was not easy. I could not understand
25 what rank he was.

1 Q. [10:12:31] Mr Witness, let us now briefly turn to how people were
2 communicating in the bush. You said that Otti and Ongwen had a radio and that
3 you assumed that Ongwen was often talking with Otti and Kony.

4 Your Honours, this is in paragraphs 77 to 78.

5 Mr Witness, how did you come to determine this?

6 A. [10:13:16] The reason why I came to such a conclusion was because I saw the
7 radios. Whenever there was communication I would see the radios.

8 Q. [10:13:37] In respect to the persons Ongwen was talking to, were you close
9 enough to determine who he was talking to?

10 A. [10:14:05] They usually have communication when people are on the move.
11 When they need to make communication they ask everybody to stop, they take out
12 the gadget, they set it up, and they have the conversation. And at the time we are
13 not very far apart from each other, and it is during these times that you can actually
14 overhear what it is that they are talking about. You may not understand what they
15 are saying, but you can overhear them talking.

16 Q. [10:14:36] Thank you very much.

17 Now, did person 1 have a radio?

18 A. [10:14:50] No, he did not have one.

19 Q. [10:14:54] How about person 2?

20 A. [10:15:01] No, he did not have one either.

21 Q. [10:15:08] You mentioned, Mr Witness, in paragraph 81 that while you were in
22 the bush you heard Okwonga Alero on the radio calling others to go back home.
23 Can you tell Court which radio station this was?

24 A. [10:15:51] At the time person number 2, the one in whose household I was, had
25 gone to some home and he found a small radio. And that's what we listened to.

1 And he had tuned it to Radio Mega, which is in Gulu.

2 Q. [10:16:18] Now, Mr Witness, in your statement at paragraph 54 and 55 you
3 stated that you escaped around 2004 -- actually in 2004, in April. Now, Mr Witness,
4 would it surprise you to know that this person called Okwonga Alero actually was
5 captured in late June 2004? If that is true, Mr Witness, how would you have heard
6 him encourage you to come out when you, as a matter of fact, came out earlier than
7 him?

8 A. [10:17:58] How, how is that possible, or is the person I am talking about
9 different from Okwanga? Well, I believe that was Okwanga.

10 PRESIDING JUDGE SCHMITT: [10:18:13] I think we have to explain like ...
11 Mr Witness, I explain something to you. This manner of putting a question to
12 a witness, like Mr Ayena is doing, saying, for example: We have information, we
13 have other evidence that the person in that case was still in the bush when you said
14 you have heard him, is a typical manner of putting questions to a witness in
15 a courtroom. It is not meant as a reproach or an impeachment or anything. It is
16 simply to test what you have said.

17 So you have basically two options. You can say: Now that I am hearing that, I
18 reconsider, I think perhaps I was wrong, I correct myself, I add something. Or the
19 second option is, you simply say: I know what I know, it is like what I have said, I
20 have said the truth, I don't have anything to add. So these are the two options.
21 It is not meant as a reproach or impeachment or anything of the sort. But you have
22 answered it already.

23 Please continue, Mr Ayena.

24 MR AYENA ODONGO: [10:19:25]

25 Q. [10:19:26] Mr Witness, you mentioned at paragraph 60 that Buk was in the bush

1 with you. Now, Mr Witness, do you remember if he had any other name? Was
2 Buk called by any other name?

3 A. [10:19:48] I do not know if he had any other names.

4 Q. [10:20:08] Did you get to know somebody called Abudema?

5 A. [10:20:13] You know, there are so many people there, so it's difficult for me to
6 know every person's name. Maybe I saw the person but I did not know that that
7 was that person.

8 Q. [10:20:33] Now, can you tell Court, Mr Witness, whether you got to know the
9 role of this man called Buk. What was his role in the bush?

10 A. [10:20:57] To my understanding I was told that he was in charge of the
11 department for heavy artillery or heavy weaponry.

12 Q. [10:21:17] Was he in the same group with Dominic Ongwen?

13 A. [10:21:27] As I stated earlier, there were many people in that group. But
14 sometimes we meet Otti Vincent, Raska and other people. And that was the time
15 that I came to know about him when the groups converged.

16 Q. [10:21:52] Now, Mr Witness, still at paragraph 60 of your statement, you
17 mentioned that Buk ordered you to kill someone. Would it in that case, Mr Witness,
18 be fair for me to conclude that he was the leader in your group?

19 A. [10:22:36] I do not know whether he was a leader or not. I don't know. I, I do
20 not know whether he was the one who was in charge of that group at the time or not.

21 Q. [10:22:57] In that frame of things, Mr Witness, if I told you that
22 Dominic Ongwen was just a subordinate under the command of Buk, and therefore
23 whether or not you were under Dominic Ongwen, Buk had the authority to order you
24 to do anything, what would you say about that?

25 A. [10:23:40] Could you please repeat your question.

1 PRESIDING JUDGE SCHMITT: [10:23:44] Mr Ayena, I have made this long
2 intervention for a reason, so it's -- it seems to be that the witness simply can't tell how
3 it (Overlapping speakers)

4 MR AYENA ODONGO: [10:23:58] Okay. Then we will move away from that.

5 PRESIDING JUDGE SCHMITT: [10:24:00] It's simply --

6 MR AYENA ODONGO: [10:24:01] Perfect.

7 PRESIDING JUDGE SCHMITT: [10:24:02] -- simply like that and we had a lot of
8 other witnesses and evidence which we have to put of course in a time frame then
9 and -- yes, but with this witness I would really simply state, so to speak, that this
10 venue of questions is not very promising.

11 MR AYENA ODONGO: [10:24:21] I am guided.

12 PRESIDING JUDGE SCHMITT: [10:24:22] Please continue.

13 MR AYENA ODONGO: [10:24:23]

14 Q. [10:24:23] Now, Mr Witness, once you separated from Dominic's group did
15 person 2 stay in touch with Dominic? And if so, how did he stay in touch with him?
16 This is in reference to what you stated in paragraph 56 of your statement.

17 A. [10:25:01] Person number 2 did not have a radio. So your question that how
18 did they communicate with each other, they did not have a radio. Unless we meet
19 somehow.

20 Q. [10:25:22] Now, Mr Witness, in your paragraph 47 you said that after you had
21 separated with Dominic Ongwen, person 2 ordered you to kill a young man who
22 tried to escape; is that correct?

23 A. [10:25:54] Yes, that is correct. We were in the Koch area.

24 Q. [10:26:02] Now, did Dominic have any knowledge about this, according to your
25 recollection?

1 A. [10:26:19] At the time we had split up, we had separated.

2 Q. [10:26:29] Is it therefore your statement, Mr Witness, that when he ordered you
3 he did not get any instruction or order from Dominic Ongwen?

4 A. [10:26:48] I stated that we had separated, the group was small, Dominic was not
5 there.

6 PRESIDING JUDGE SCHMITT: [10:26:57] And no radio.

7 MR AYENA ODONGO: [10:26:59] And no radio.

8 PRESIDING JUDGE SCHMITT: [10:27:00] And as with evidence the Judges have to
9 put it together in the end. But this is relatively, you know --

10 MR AYENA ODONGO: [10:27:09] Yeah.

11 PRESIDING JUDGE SCHMITT: [10:27:10] -- I think relatively clear.

12 MR AYENA ODONGO: [10:27:12] Yes, yes.

13 Q. [10:27:17] Mr Witness, at paragraph 69 you spoke about being trained on how to
14 march when you were at the foothills of Atoo, Te Got Atoo by a soldier named Ogwal.
15 And you mentioned that Ongwen was present and came to observe the training.
16 Now, Mr Witness, how many time did you see Dominic Ongwen come to the
17 training area?

18 A. [10:28:15] The training did not last that long. I saw him once.

19 Q. [10:28:27] And this time when you saw him, Mr Witness, was it before or after
20 your confrontation with him when he put the knife on your chest?

21 A. [10:28:49] When I saw him we were training, he had not yet done that, he had
22 not yet put the knife on my chest, because the training, they were training us to teach
23 us how to march, to turn, to stand at attention and to salute. So it was then that
24 I was told to go and -- I was issued these instructions and I forgot to follow those
25 instructions, I forgot to stand at attention and salute.

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1 Q. [10:29:27] So, Mr Witness, when would you say was the time when you came to
2 observe the marching, was it before or after the incident?

3 PRESIDING JUDGE SCHMITT: [10:29:47] I had the impression that he has
4 answered the question already.

5 MR AYENA ODONGO: [10:29:51] No.

6 PRESIDING JUDGE SCHMITT: [10:29:54] Short look at the transcript, that might
7 help. "He had not yet put the knife on my chest". This seems to be an answer.

8 MR AYENA ODONGO: [10:30:08] Okay, my Lord.

9 Q. [10:30:10] But, Mr Witness, you mentioned again at paragraph 69 that while you
10 were taught how to parade, you believe to have seen Dominic Ongwen coming to
11 observe. However, you did not know that it was him. Do you remember saying
12 that?

13 A. [10:30:41] Yes.

14 Q. [10:30:49] And yet, Mr Witness, you said after about two days you had been sent
15 to look for red slippers and that was the first time you got to know that
16 Dominic Ongwen was the one who intimidated you.

17 A. [10:31:20] Yes.

18 Q. [10:31:39] Now, Mr Witness, did this training take place before -- I mean, you
19 said the training took a short time. How long was it? Or how short or how long
20 was the training? Was it one week, one day, two days, three days?

21 A. [10:32:10] The training was not long. It was, it was just how to do a parade,
22 how to salute. It took about two days. It was not a long training.

23 Q. [10:32:35] Now, Mr Witness, during that training, or in respect to that training
24 did you ever hear Dominic Ongwen issuing any orders to this gentleman you
25 called Ogwal?

1 A. [10:33:05] I did not hear him issuing any orders. I only saw him coming to
2 observe how we were doing the training. Those of Ogwal continued to train us.
3 I do not know if he was the one who gave the orders for us to be trained, but I saw
4 him come to observe.

5 Q. [10:33:34] Mr Witness, may I suggest to you that we have information that
6 person 2 was never at any time under the direct command of Dominic Ongwen?
7 What do you say about that?

8 A. [10:34:01] Person number 2 was.

9 Q. [10:34:06] And may I also suggest to you, Mr Witness, that the person who came
10 to observe the training could have been someone else, not Dominic Ongwen?

11 PRESIDING JUDGE SCHMITT: [10:34:43] When the counsel asks you "may
12 I suggest to you", he says it's also this kind of question that I already explained to you
13 a couple of minutes ago. That he says "We have, we think that Mr Ongwen was not
14 there and that you did see another person", what would you say to that?

15 I have rephrased it a little bit. Mr Ayena, it seems that he did not understand that it
16 was a question. So perhaps your answer to this, reformulate the question.

17 THE WITNESS: [10:35:24] (Interpretation) He is saying probably I saw someone else.
18 I cannot say that I saw someone else. I saw Dominic himself because he is the one
19 who threatened me with a knife and put on my chest. I know him. I know how he
20 looks like, I did not see anyone else. I saw him.

21 MR AYENA ODONGO: [10:35:50]

22 Q. [10:35:51] Now, Mr Witness, this gentleman who was training you called Ogwal,
23 was he within or under Dominic's group to the best of your knowledge and, if so, did
24 you relate with him during your stay in the bush?

25 A. [10:36:19] Earlier, I said there were many people and our training took place at

1 dog adaki, so I have no idea whether Ogwai was under Dominic Ongwen or under
2 a different commander.

3 Q. [10:36:34] Thank you. Now, Mr Witness, can you tell Court whether there
4 were certain rituals which were performed on you immediately upon your abduction
5 and especially when you arrived at the base at Te Got Atoo?

6 A. [10:37:11] What happened is this: When you first arrive, there is some sort of
7 oil which is rubbed on your forehead, on your toes, on your -- the back of your hand
8 and on your chest. That is the first thing that happened. Secondly, there is
9 something they call recruiting people in the army. They will pick you and cane you
10 uncountable strokes of the cane. That is what happened to me. They said that that
11 is to take away the civilian life from me.

12 Q. [10:38:01] Thank you, Mr Witness.

13 Now, after your initiation and your training, do you remember how long thereafter
14 when you were finally given a gun?

15 A. [10:38:29] It takes a little time before you were given a gun. When they observe
16 and are sure that you are not going to escape and are used to go to collect water alone
17 and come back, that is when you are given a gun. It can take up to about nine
18 months.

19 Q. [10:38:52] Now, Mr Witness, for there to be a guarantee that you are not going to
20 escape, when you were first initiated into the group, the smearing of the shea butter
21 on you, the beating and all that, in particular the shea butter smearing, what were you
22 told it was meant to do to you?

23 A. [10:39:33] I didn't understand why that oil was smeared on myself.
24 I understood later that the caning is for recruiting you in the army because I didn't
25 even know what it was for. We were just caned anyhow. I understood later that

1 was how to recruit in the army.

2 Q. [10:40:07] Now, Mr Witness, while you were in bush did you hear any particular
3 prefix used for addressing senior commanders?

4 A. [10:40:27] While in the bush, whoever you find there, you should address him as
5 "lapwony"; that is all.

6 Q. [10:40:42] Now, Mr Witness, do you remember for how long you held a gun
7 when you were in the bush?

8 A. [10:41:08] I did not take long holding a gun because I escaped and came back
9 home. It was from the year 2003, about May of 2003. I escaped in 2004 in April.

10 Q. [10:41:33] So can you help Court to understand when you actually received
11 a gun.

12 A. [10:41:50] Could you repeat the question.

13 Q. [10:41:52] Can you help Court to understand exactly when you were given
14 a gun.

15 A. [10:42:05] I already said it was about May of the year 2003. I do not recall the
16 exact date. When you are in the bush you do not count time and dates. You don't
17 know when, the day and the date and all that.

18 Q. [10:42:25] Mr Witness, since you were abducted only in September 2002, is it
19 possible therefore that you were given a gun earlier than eight months?

20 A. [10:42:51] This is what happened in relation to giving me a gun: The gun was
21 for a soldier called Olara. He was shot and his gun had remained. Then they
22 decided that I should be given a gun, and I was told to start using it. That is how
23 I got a gun.

24 Q. [10:43:19] Thank you, Mr Witness. Now, at paragraph 70 you stated that you
25 were trained while you were still roaming around in Pader, Kitgum and Gulu. At

1 this time, Mr Witness, was Vincent Otti still around with you?

2 A. [10:43:54] At this time he was still there. It was about the year 2003.

3 Q. [10:44:07] And did you know, Mr Witness, that Vincent Otti was the overall
4 commander of the entire group?

5 A. [10:44:29] I learnt of that because I would hear. Person number 2 would talk
6 about it. Also his other colleagues would talk about it.

7 Q. [10:44:51] And, Mr Witness, when you were still in Pader and person 2 ordered
8 you to carry the gun of the person who had been killed, were you still moving with
9 Vincent Otti?

10 A. [10:45:16] At that time people had split up. The big group would meet once in
11 a while but they would split again and each commander would move with his group.

12 Q. [10:45:34] There was, Mr Witness, this girl called -- I mean, who was given,
13 according to you, given as a wife to Omon, and you believed, according to your
14 statement at paragraph 65 that it was Ongwen who distributed her to him, although
15 you had earlier said that you did not know who did the distribution; is that correct?

16 A. [10:46:09] Yes.

17 Q. [10:46:13] So can you please explain or tell Court who you confirmed distributed
18 this lady to Omon as a wife?

19 A. [10:46:36] I think the person who was in charge of the group at that point was
20 the one who could give a woman out.

21 Q. [10:46:52] Apart from this lady, did you ever see Dominic Ongwen distributing
22 women to other commanders?

23 PRESIDING JUDGE SCHMITT: [10:47:09] Mr Ayena, I interrupt in your favour, so
24 to speak. He did not say that he did see that Dominic Ongwen distributed the
25 woman. He said he believed that this was the case because of some role that he

1 ascribes to Mr Ongwen. So that's a difference. That's simply that he draws
2 a conclusion out of something.

3 MR AYENA ODONGO: [10:47:34] I am much obliged.

4 Q. [10:47:42] Mr Witness, did you in the course of your stay in the bush determine
5 who was always responsible for wife distribution and where did the policy come
6 from? Did you get to know?

7 A. [10:48:11] No, I did not understand -- get to know, rather, who was in charge.

8 Q. [10:48:23] Now, Mr Witness, you said you were in a group that was under
9 Dominic Ongwen, but that this group was also part of a much larger group. I shall
10 read to you the names of a few people and see whether you may have interfaced with
11 them, or if you remember them, or remember hearing their names. Number 1,
12 Mr Witness, did you hear the name Lakati?

13 A. [10:49:14] No, I did not hear.

14 Q. [10:49:24] Did you hear the name Acaye Doctor, Doctor Acaye?

15 A. [10:49:34] No, I did not.

16 Q. [10:49:36] Did you hear the name Michael Anywar?

17 A. [10:49:48] I heard about the name but I did not see the person.

18 Q. [10:49:52] Did you, did somebody tell you where he belonged, which group he
19 belonged to?

20 A. [10:50:09] No.

21 Q. [10:50:10] How about someone called Opio Lupore?

22 A. [10:50:19] No, I did not.

23 Q. [10:50:26] Mr Witness, I wish to suggest to you that these were officers that
24 belonged to the bigger group in the command structure of the LRA called the
25 Control Altar. Did you hear about a group called Control Altar?

1 A. [10:51:15] I was not able to know at that time.

2 Q. [10:51:25] Now, Mr Witness, you mentioned somewhere in your paragraph 51
3 that you knew a person named Cowboy, who was a corporal in the bush. Could you
4 describe to Court this person called Cowboy?

5 A. [10:51:55] We used to stay together with Cowboy, he was staying together with
6 person number 2 up to the time when I got injured. He was the first person to start
7 help -- clean my wounds. That is how I knew him. He was small bodied.

8 Q. [10:52:25] Do you remember whether there were some peculiar things about
9 him? About his head, about his cheeks, about his eyes and things like that?

10 A. [10:52:50] Cowboy was small bodied, his head was not very big.

11 Q. [10:53:11] Now, Mr Witness, when the Prosecution investigators interviewed
12 you, did they ask you to describe Cowboy?

13 A. [10:53:28] No, they did not.

14 Q. [10:53:37] Now, Mr Witness, the next line of questions will be about dates and it
15 is instructive to know that timeline in this case where you have come to help Court to
16 understand the case is very important. So I'm aware that in your situation you may
17 not remember certain dates very clearly, so will you, as much as you can, try to give
18 a shot to assist Court to understand.

19 Now, Mr Witness, you of course were abducted in September 2002. And about
20 a week you left. Now, can you tell Court whether this was still within the year you
21 were abducted or it was now in the new year?

22 A. [10:55:22] It was within the same year.

23 Q. [10:55:27] Now, after about a week you were told to leave Got Atoo hills,
24 foothills, and you walked for a day and spent a night at the banks of river Aswa.
25 Would this still be in September or you are now in October? Do you remember,

1 Mr Witness?

2 A. [10:56:14] It could still be September because if you look at that we stayed
3 for -- there for one week and then people left.

4 Q. [10:56:32] Now, Mr Witness, you mentioned that you kept moving between
5 Gulu, Pader and Kitgum before you moved to Teso in 2003. Can you tell Court,
6 Mr Witness, whether before you moved to Teso in 2003 anything significant
7 happened to Dominic Ongwen?

8 A. [10:57:28] I cannot recall that.

9 PRESIDING JUDGE SCHMITT: [10:57:32] I think it would be time --

10 MR AYENA ODONGO: [10:57:36] Yes, I was about --

11 PRESIDING JUDGE SCHMITT: [10:57:37] -- to have --

12 MR AYENA ODONGO: [10:57:37] -- to suggest.

13 PRESIDING JUDGE SCHMITT: [10:57:38] Thank you, Mr Ayena.

14 We have now a short coffee break until 11.30.

15 THE COURT USHER: [10:57:47] All rise.

16 (Recess taken at 10.57 a.m.)

17 (Upon resuming in open session at 11.30 a.m.)

18 THE COURT USHER: [11:30:55] All rise.

19 PRESIDING JUDGE SCHMITT: [11:31:18] Mr Ayena, you still have the floor.

20 MR AYENA ODONGO: [11:31:27]

21 Q. [11:31:31] Mr Witness, when we left for the coffee break we were already
22 moving towards Teso. And you told Court that you moved to Teso at the beginning
23 of 2003. Now, Mr Witness, can you tell Court whether around October/November
24 you came -- it ever came to your knowledge that Dominic Ongwen got seriously
25 injured? Did you get to know this?

1 A. [11:32:24] No. That's not what I stated. I stated that he was, he was -- when
2 he walks, he looks -- he walks with a limp; one leg is longer than the other. I did not
3 state that he was walking properly.

4 Q. [11:32:51] Mr Witness, I am referring specifically to a timeline of October or
5 November. Did you get to know that he got injured at that time?

6 A. [11:33:19] I stated that I did not know.

7 Q. [11:33:26] Did you get to know, Mr Witness, that at a certain time in 2002, about
8 the same time I have talked to you about, Dominic Ongwen was in the sickbay?

9 A. [11:33:48] No, I did not know.

10 Q. [11:33:55] And, Mr Witness, since you were close to Dominic Ongwen and his
11 group, did you ever get to know that he got into trouble one time because it was
12 alleged he was in contact with Salim Saleh, the brother of the president?

13 A. [11:34:29] No, this is the first time I am hearing about this.

14 Q. [11:34:37] It's possible, Mr Witness. You cannot be faulted because, I mean,
15 you were low in the pecking, so you cannot be blamed for not knowing some of this
16 information. But, Mr Witness, could you have known that Dominic Ongwen got
17 into trouble and he was put under arrest? Did you know that he was arrested
18 one time?

19 A. [11:35:19] I really have to tell you the truth, but no, I do not know.

20 Q. [11:35:28] Would it therefore surprise you, Mr Witness, if I told you that in
21 November 2002 Dominic Ongwen was seriously injured, shot in the knee, and was
22 put in the sickbay for more than eight months? Would that surprise you?

23 A. [11:36:06] I did not have that knowledge and this is the first time I am hearing
24 about it.

25 Q. [11:36:17] Further, Mr Witness, would it surprise you if I told you that during

1 the first Teso expedition, which was around about early 2003, Dominic Ongwen was
2 still in the sickbay and therefore could not have been part of that expedition?

3 A. [11:37:03] I -- there is nothing, there is nothing I can say to that. You are telling
4 me that now, so there is really nothing I can respond to that.

5 Q. [11:37:14] Just like you were told by the Presiding Judge, if you don't know, you
6 just say, "I don't know." And nobody blames you for that, Mr Witness. You know,
7 we are here to say what we know, and if you don't know, that's it.

8 Now, I want to talk about some things that may or may not have come to your
9 knowledge. Did you hear about the different brigades of the LRA?

10 A. [11:38:07] Yes, I did hear about it.

11 Q. [11:38:17] When I talk about Trinkle, would it trigger some memory from you?

12 A. [11:38:36] I heard about it. I recall that I did hear that name, I heard the
13 name Trinkle.

14 Q. [11:38:44] Was that one of the brigades?

15 A. [11:38:55] Yes, it was.

16 Q. [11:39:01] Mr Witness, did you get to know who was the brigade commander at
17 that time? Could it have come to your knowledge?

18 A. [11:39:19] No. I heard about the group, but I did not know who was in charge
19 of it.

20 Q. [11:39:30] How about Sinia? Was that one of the brigades, and who was the
21 commander of that brigade at that time?

22 A. [11:39:49] The person who was the commander of Sinia was Dominic. But
23 based on my understanding, the group was known as signallers. I heard them
24 constantly being referred to as signaller, signaller, signallers, so I was under the
25 assumption that the group was known as the signallers.

1 Q. [11:40:16] Was, to the best of your knowledge, Mr Witness, Dominic Ongwen
2 already the brigade commander of Sinia by the time you were abducted?

3 A. [11:40:47] Based on my observation, I was under the assumption that, yes, he
4 was the one in charge.

5 Q. [11:41:04] How about Gilva? Did you get to know that that was also one of
6 the brigades?

7 A. [11:41:20] Yes, I heard about Gilva as well.

8 Q. [11:41:28] Now, in respect to Sinia brigade, Mr Witness, would it surprise you if
9 I told you that the person you referred to as Buk was the person who was the brigade
10 commander of Sinia at that time? Would it surprise you?

11 MS HOHLER: [11:41:53] Your Honours, may I interject. I think there is a little bit
12 of confusion here. On the basis of this witness's evidence, the person that he knows
13 as Buk is someone who is in charge of weaponry within his group. Whereas the
14 witness was asked about someone called Abudema and he did not know him. So
15 I just want to make sure that we are fair with the propositions being put to
16 the witness.

17 PRESIDING JUDGE SCHMITT: [11:42:19] And I think we can simply move on to the
18 next point because, Mr Ayena, the witness has, if I recall it correctly, said, "I was
19 under the assumption that Mr Ongwen was ..." So it -- it was simply like we had it
20 also before the break one time, that he concluded from something that he experienced.
21 So he did not have real knowledge. So it would not -- he would also not be the
22 person to provide evidence in this respect. I think you can simply move on,
23 Mr Ayena.

24 MR AYENA ODONGO: [11:42:54] I am guided, your Honour. But not before
25 I make a comment that, yes, the witness has already described Buk Abudema --

1 I mean, Buk, somebody called Buk. And he has also said he was under the
2 assumption that Dominic Ongwen was the brigade commander of Sinia.
3 I am now putting it to him, as a proposition, would it surprise him if I told him that as
4 a matter of fact, the man called Buk he thought otherwise was indeed the brigade
5 commander of Sinia? Would it surprise him? It's a proposition.

6 PRESIDING JUDGE SCHMITT: [11:43:44] The intervention by Mrs Hohler was that
7 it is not sure whom the witness means by when he speaks about Buk.
8 Have I understood you correctly, Mrs Hohler?

9 MS HOHLER: [11:43:56] Yes, your Honour. I would have no problem if my
10 learned friend asked not Buk, but Buk Abudema. That is my concern.

11 PRESIDING JUDGE SCHMITT: [11:44:04] I have no problem to just shorten the
12 procedure, Mr Ayena. Buk Abudema, and perhaps simply describe him a little bit,
13 the age, for example, whom you mean by Buk Abudema. Perhaps not the youngest
14 person that has been in the bush, to put it this way. Simply circumscribe it a little bit
15 and put the question to the witness, the proposition, and then we continue from there.

16 MR AYENA ODONGO: [11:44:33] Maybe I will abandon this because the witness
17 has already said he was not aware of Abudema.

18 PRESIDING JUDGE SCHMITT: [11:44:41] But then we could have had this five
19 minutes ago.

20 Also, Mrs Hohler.

21 We could have had this but -- because I suggested simply to move on.

22 MR AYENA ODONGO: [11:44:52] Yes.

23 PRESIDING JUDGE SCHMITT: [11:44:53] But if we have it now, please move on.

24 MR AYENA ODONGO: [11:44:55] Okay.

25 Q. [11:45:03] Mr Witness, you mentioned in paragraph 27 that you believed that

1 Dominic Ongwen was a lieutenant colonel at this time you were in Amuria. How
2 did you come to conclude this?

3 A. [11:45:55] I heard when the person number 2 was talking about it, so I overheard
4 their conversations to this effect.

5 Q. [11:46:10] Now, Mr Witness, would it surprise you if you were to be told that
6 according to evidence or information we have, Dominic Ongwen only became
7 a lieutenant colonel in November 2003?

8 A. [11:46:46] Well, I cannot say anything about that because, yeah, I don't know.

9 Q. [11:46:57] And, Mr Witness, you told Court that -- I mean, in your statement,
10 paragraph 31, you said that upon your return from Amuria, that is Teso, you moved
11 with Ongwen's group for about a month or two. Does this therefore mean,
12 Mr Witness, that at least -- I mean, can you tell Court approximately, if you remember,
13 when you were last in Teso? Could you tell Court when this time was, the two
14 month, when did -- up to when did you move in Pader?

15 A. [11:48:09] I cannot respond to the question in terms of time. But I do recall that
16 it was -- it was in the dry season and the time grass was burning.

17 Q. [11:48:30] Mr Witness, can you help Court to understand, from your practical
18 knowledge of seasons in that part of the world, when the grass burns, which month?

19 A. [11:49:01] The grass begins burning in November to December.

20 Q. [11:49:10] From November to December. So, Mr Witness, could this therefore
21 be the reason why you said the attack on Pajule was in December, as a matter of fact
22 in preparation -- I mean, to get food for celebrating Christmas?

23 A. [11:49:55] Yes.

24 Q. [11:50:09] And, Mr Witness, when you were in Teso region, did you learn about
25 somebody called Tabuley?

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1 A. [11:50:31] I only heard the name.

2 Q. [11:50:39] Mr Witness, I put it to you that from your narrative of what you know
3 about the LRA, the movements, and the fact that you did not even know about the
4 injury of Dominic Ongwen and his being in the sickbay, you were never closely in the
5 company of Dominic Ongwen because you would have known about some of these
6 things. What do you say about that?

7 A. [11:52:00] Well, I cannot respond anything to, to that, but I have already told
8 you what I know.

9 Q. [11:52:17] But would it surprise you, Mr Witness, if I told you that at the time
10 you are talking about, particularly during October, November of 2003, Dominic was
11 under arrest and put directly under Otti under Control Altar?

12 PRESIDING JUDGE SCHMITT: [11:52:52] And again, Mr Witness, I remind you
13 what I have said before the break, that this is a manner of questioning in a courtroom,
14 to put a proposition to a witness, and I explained the different options that you have
15 as a witness, and that it is not meant as a reproach or reproof. So I think you will
16 recall what I said before the break. If not, I would repeat it, if you want.

17 MR AYENA ODONGO: [11:53:33] Now --

18 PRESIDING JUDGE SCHMITT: [11:53:34] No, he has to answer. The witness has
19 to answer.

20 MR AYENA ODONGO: [11:53:40] Sorry.

21 THE WITNESS: [11:53:48] (Interpretation) I did not quite understand that.

22 PRESIDING JUDGE SCHMITT: [11:53:50] Perhaps you repeat the proposition and
23 I continue.

24 MR AYENA ODONGO: [11:53:57]

25 Q. [11:53:58] Mr Witness, I was putting the proposition to you that, in view of the

1 fact that you did not even get to know about the injury of Dominic Ongwen, which
2 took place in November 2002, and the fact that you do not even know that arising out
3 of that injury Dominic Ongwen was in the sickbay for close to nine months and was
4 only removed from the sickbay and brought directly under the Control Altar because
5 he was suspected to have had contact with Salim Saleh. Therefore, you were never
6 in close company with Dominic Ongwen at this time.

7 PRESIDING JUDGE SCHMITT: [11:54:56] And I, again, I think, out of fairness for
8 the witness, I have to interpret a little bit.

9 Mr Witness, this is, as I said before, a typical manner in a courtroom in which
10 questions are put to a witness. There are some propositions in the question. That
11 does not mean that these are facts of common knowledge, so to speak, that are proven
12 beyond or have already been assessed. It is simply a proposition.

13 And you have two options when you answer. You can say, when you hear this,
14 these propositions, you come to think of it, you reconsider; perhaps you add
15 something to what you have already said, or you change what you have said. Or the
16 second option is, you hear this and you say, no, I have nothing to add, I have told
17 what I know, and that's it.

18 So these are the two options that you have. I hope it is a little bit clearer for you, and
19 I also know that it is not easy for a witness, indeed for all witnesses, who are not
20 accustomed to the customs in a courtroom.

21 THE WITNESS: [11:56:18] (Interpretation) I, I cannot respond to the question
22 whether I knew or I do not know. But my only response is I do not know. There is
23 nothing else I can add to that.

24 MR AYENA ODONGO: [11:56:41]

25 Q. [11:56:42] Fair enough, Mr Witness.

1 Now, Mr Witness, you talked generally about attacks or missions that you were sent
2 on or you got to know in the bush. And can you tell Court or confirm to Court that
3 generally -- I mean, what you said, that usually you were sent to collect food. Was
4 that the main purpose all the time?

5 A. [11:57:33] That's what used to happen, because if there is no food we have to go
6 and look for food.

7 Q. [11:57:50] And, Mr Witness, you mentioned at paragraph 36 that there was no
8 need for any commander to order abduction of people, as this was standard practice
9 in the bush. Is this still your statement, Mr Witness?

10 A. [11:58:25] Yes, it is.

11 Q. [11:58:32] And as a follow up to that, Mr Witness, did you get to know where
12 this -- the policy on standard practice came from? Was it from the brigade
13 commanders, was it from the battalion commanders, or was it from, directly from,
14 Joseph Kony himself?

15 A. [11:59:14] I do not know where this came from, but when I arrived there that
16 was already the practice.

17 Q. [11:59:39] Mr Witness, let's talk about your knowledge, your experience, your
18 experience in the bush in respect to ages of the women and men that you -- I mean,
19 you saw in the bush. But maybe before we do that --

20 (Counsel confer)

21 MR AYENA ODONGO: [12:00:40] Pardon my digression, your Honour.

22 Q. Mr Witness, you mentioned in paragraph 13 that your mother told you the
23 correct date of birth that is written in your ID. Can you tell Court, Mr Witness,
24 whether when you are applying for the national ID you are required to provide any
25 documents that would prove the date of your birth.

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1 A. [12:01:35] The day that we were registering for national ID people went without
2 any documentation. I did not go with anyone that showed the day I was born.

3 PRESIDING JUDGE SCHMITT: [12:01:46] And since we have all the documents on
4 the record, and Mrs Hohler went through them at the end of her examination, I think
5 we can move on.

6 MR AYENA ODONGO: [12:01:54] Perfect.

7 Q. [12:01:59] Mr Witness, I want you to turn to tab 5, UGA-OTP-0170-0338 at 0338.
8 Mr Witness, you did not write down your date of birth on that document. Did you
9 notice that? Do you notice that you actually did not write it?

10 PRESIDING JUDGE SCHMITT: [12:03:01] He doesn't have to notice. You know,
11 we have a document here. We can read. We have it in front of us.

12 MR AYENA ODONGO: [12:03:06] Yes.

13 PRESIDING JUDGE SCHMITT: [12:03:07] We have also the assessment of the
14 special measures, so to speak. I don't want to elaborate on that. And we can read
15 to the witness that here it is noted age 15.

16 MR AYENA ODONGO: [12:03:20] Yes.

17 PRESIDING JUDGE SCHMITT: [12:03:20] And from thereon we can move on.

18 MR AYENA ODONGO: [12:03:22]

19 Q. [12:03:23] So, Mr Witness, could this have been because you were uncertain
20 about your date of birth?

21 A. [12:03:38] Yes.

22 Q. [12:04:17] Mr Witness, at -- I put a question to you. Now, Mr Witness, let's
23 move to another one. At paragraph 69 you gave the age estimate of people you saw
24 in the bush and you used your age to do this estimation.

25 Mr Witness, would it be fair to say that since you were under the impression that you

1 were at times younger than you actually are that you may have actually been wrong
2 about the estimates of the ages of others?

3 PRESIDING JUDGE SCHMITT: [12:05:33] Mr Witness, did -- if I did understand you
4 correctly yesterday, you said that you assessed the age of the other young people in
5 the bush by comparing them to your stature, how big you were or how small you
6 were. Did I understand this correctly or did I get this wrong yesterday?

7 THE WITNESS: [12:06:05] (Interpretation) That was correct.

8 PRESIDING JUDGE SCHMITT: [12:06:08] And from thereon and since it is -- there is
9 a slight uncertainty about the age, it is simply again a matter of putting this different
10 pieces of evidence and documents and witness testimony together.

11 So please --

12 MR AYENA ODONGO: [12:06:25] I do agree with you.

13 PRESIDING JUDGE SCHMITT: [12:06:27] Okay. Yes, okay.

14 MR AYENA ODONGO: [12:06:28] Yes.

15 PRESIDING JUDGE SCHMITT: [12:06:29] Please.

16 MR AYENA ODONGO: [12:06:35]

17 Q. [12:06:36] And, Mr Witness, at paragraph 127 you stated that under normal
18 circumstances a 12-year-old girl would generally not have breasts.

19 I'm sorry, I am being guided, it is actually at paragraph 63.

20 PRESIDING JUDGE SCHMITT: [12:07:04] This explains why I did not find it.

21 MR AYENA ODONGO: [12:07:09] I'm sorry, your Honour. Yes.

22 Q. [12:07:16] Mr Witness, in view of the fact that -- I mean, in your experience,
23 when somebody does not -- I mean children who grow in town where there is
24 abundance of food and children who grow in places where there is, you know, lack of
25 food, do they grow about -- in the same way?

1 PRESIDING JUDGE SCHMITT: [12:07:52] Mr Ayena, I think we should, we should
2 leave that. We have this paragraph 63 on record.

3 MR AYENA ODONGO: [12:07:57] Yes.

4 PRESIDING JUDGE SCHMITT: [12:07:58] And when the witness says under normal
5 circumstances he describes this from his point of view, and we, I simply would really
6 ask you to move to another point.

7 MR AYENA ODONGO: [12:08:11] I am guided.

8 Q. [12:08:26] Mr Witness, you stated in paragraph 24 that Otti Vincent addressed
9 you and told you that the purpose of the conflict was to overthrow the government of
10 Uganda. When he said this did you believe him at that time, Mr Witness?

11 A. [12:08:52] When he said that, I was not convinced. The reason being that at
12 that time we were having difficult condition, we were under pursuit all the time from
13 the government soldiers.

14 Q. [12:09:13] But, Mr Witness, did he tell you how the LRA intended to
15 achieve this?

16 A. [12:09:35] There was no information about how it would be achieved, but he
17 was only encouraging people and telling people that people should fight hard so that
18 the government can be overthrown and we reap from the benefit of the new
19 government. I did not hear any plan that was in place to overthrow the government.

20 Q. [12:10:03] And when he talked about this, Mr Witness, did he advise the soldiers,
21 together with the recruits, of course, on how to handle the population in order to
22 achieve this?

23 A. [12:10:31] No. I did not hear that.

24 Q. [12:10:39] Now, Mr Witness, you said under paragraph 54 to 55 that you
25 escaped in April 2004 and arrived back home in July. When you talk about "home",

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- 1 what exactly do you mean? Do you mean you went back (Redacted)
- 2 PRESIDING JUDGE SCHMITT: [12:11:36] But we should, we should of course not in
- 3 open session mention where the witness resides so that we should be careful with that.
- 4 So if you want to entertain that, we would have to go to private session.
- 5 MR AYENA ODONGO: [12:11:51] I apologise.
- 6 PRESIDING JUDGE SCHMITT: [12:11:54] No problem. It's no problem.
- 7 MR AYENA ODONGO: [12:11:56] Can we go to a short private session?
- 8 PRESIDING JUDGE SCHMITT: [12:11:58] You are interested in the detail here?
- 9 MR AYENA ODONGO: [12:12:00] Yes.
- 10 PRESIDING JUDGE SCHMITT: [12:12:01] Then we go shortly to private session.
- 11 (Private session at 12.12 p.m.)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
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- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

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9 (Redacted)

10 (Redacted)

11 (Open session at 12.14 p.m.)

12 THE COURT OFFICER: [12:14:03] We are in open session, Mr President.

13 MR AYENA ODONGO: [12:14:13]

14 Q. [12:14:14] Now, Mr Witness, I was reminding you about the information that is
15 obtainable from the World Vision application, I mean form, and in that form it is
16 stated that you actually arrived at the centre on 11 July 2004. Can you help Court to
17 clarify on this when on the one hand you said you arrived home in July, and at the
18 same time, you know, I mean there is information that you are saying you were at the
19 World Vision in July? Just to help Court to clarify.

20 A. [12:15:19] These things happened over 10 years ago. I could have forgotten
21 a few things, but I said what I knew at the time.

22 Q. [12:15:33] Mr Witness, when you were at the World Vision did you ever
23 participate in group therapies?

24 A. [12:15:59] When I was at World Vision the things that I did and participated in,
25 the things that I was given from World Vision were items of clothing, bed -- beddings

1 and bed sheets which I used and when I came back home.

2 PRESIDING JUDGE SCHMITT: [12:16:22] Mr Witness, I think what counsel wanted
3 to know is if there was any, also, so to speak, psychological assistance and
4 psychological help for you which could have included group therapy.

5 MR AYENA ODONGO: [12:16:42]

6 Q. [12:16:44] In other words, Mr Witness, did they engage you in some pep talk,
7 you know, where they would put you together and discuss with you your problems
8 and, you know, engage your mind about your experiences and how you may
9 overcome them? This is what I mean.

10 A. [12:17:16] That happened. At the centre there was also prayers. People
11 would pray every now and then. And then they would counsel you to improve your
12 life so that you can live a normal life.

13 Q. [12:17:36] And, Mr Witness, did they also suggest to you that due to your
14 horrible experiences, which all of us feel so bad about, you may have forgotten certain
15 things that happened, but by talking about it, about them with others it would help
16 you remember and will not bother you as much?

17 A. [12:18:29] We were given counselling, we were advised on how you should stay
18 when you get back home so that you can forget the troubles you went through while
19 you were in the bush. That happened.

20 Q. [12:18:55] Mr Witness, do you remember whether you opened up to those who
21 talked to you and told them about your problems?

22 A. [12:19:17] Those questions were asked, the problems that I went through. And
23 I would explain things about my physical health and the injuries I went through,
24 I went through. Those are the things I was explaining.

25 Q. [12:19:41] And, Mr Witness, are you aware that in the form that was written at

1 the World Vision, at the World Vision, it was stated that you were not so sure or open
2 with your life experiences and that they actually recommended that you get
3 more counselling?

4 PRESIDING JUDGE SCHMITT: [12:20:08] And the question?

5 MR AYENA ODONGO: [12:20:10]

6 Q. [12:20:11] Did you receive any further counselling after your initial contact with
7 the, with the World Vision?

8 A. [12:20:38] Is it from the centre there or when I had returned home already?

9 Q. [12:20:43] Either from the centre there or anywhere else.

10 A. [12:20:55] When I returned, I did not have any psychological problems. When
11 I left there, I had no problem and I continued staying normally. I did not get any
12 other help later on.

13 Q. [12:21:19] So, in other words, Mr Witness, you did not heed their advice?

14 A. [12:21:39] I did not understand that question.

15 PRESIDING JUDGE SCHMITT: [12:21:45] I think you should move on to the next
16 point, please.

17 MR AYENA ODONGO: [12:21:49] Yes.

18 Q. [12:21:51] It is okay, Mr Witness.

19 Mr President and your Honours, I think that -- I request that we go to a short private
20 session for the next line of questions.

21 PRESIDING JUDGE SCHMITT: [12:22:06] In general what will it be about so that
22 we can --

23 MR AYENA ODONGO: [12:22:10] It is about --

24 PRESIDING JUDGE SCHMITT: [12:22:11] In general, of course, otherwise --

25 MR AYENA ODONGO: [12:22:13] In general it is about his interaction with some

1 specific people who were also returnees whose names are going to be mentioned.

2 PRESIDING JUDGE SCHMITT: [12:22:24] Okay, private session.

3 (Private session at 12.22 p.m.)

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 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 12.25 p.m.)

5 THE COURT OFFICER: [12:25:58] We are back to open session, Mr President.

6 MR AYENA ODONGO: [12:26:08]

7 Q. [12:26:08] At paragraph 85 you mentioned that Dominic Ongwen was a -- was
8 leading a group called signaller.

9 A. [12:26:26] That is what I understood.

10 MR AYENA ODONGO: [12:26:34] A short private session again.

11 PRESIDING JUDGE SCHMITT: [12:26:36] But do you recall that before the break he
12 has already answered to the -- not perhaps to the question, but given the information
13 about signallers, generally speaking.

14 MR AYENA ODONGO: [12:26:49] Yes, but --

15 PRESIDING JUDGE SCHMITT: [12:26:50] Okay. Private session for one question.

16 MR AYENA ODONGO: [12:26:52] A couple of them.

17 (Private session at 12.26 p.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
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10 (Redacted)
11 (Open session at 12.29 p.m.)
12 THE COURT OFFICER: [12:29:15] We are in open session, Mr President.
13 MR AYENA ODONGO: [12:29:29] Your Honours, it's at T-83-CONF-61,
14 lines 13 to 15.
15 Mr President and your Honours, I think that's about it. That's the end of our
16 cross-examination.
17 PRESIDING JUDGE SCHMITT: [12:30:24] Thank you, Mr Ayena.
18 This concludes the testimony of this witness.
19 Mr Witness, I would like to address you on behalf of the Chamber. On behalf of the
20 Chamber, I would like to thank you that you have come to the video-link location,
21 that you have testified yesterday and today, and that you helped the Court to
22 establish the truth. Thank you very much and we wish you a safe trip back.
23 THE WITNESS: [12:30:55] (Interpretation) Thank you, too.
24 PRESIDING JUDGE SCHMITT: [12:30:57] This concludes not only the testimony of
25 this witness, not only of today's hearing, it concludes also this evidence block, so to

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- 1 speak. We come together again on the 19th, Monday, 19 February, 9.30, supposedly
- 2 with Witness 406.
- 3 THE COURT USHER: [12:31:21] All rise.
- 4 (The hearing ends in open session at 12.31 p.m.)