

Trial Hearing
WITNESS: UGA-OTP-P-0406

(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, 20 February 2018
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:07] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:30] Good morning, everyone.
13 Good morning, Mr Witness.
14 WITNESS: UGA-OTP-P-0406 (On former oath)
15 (The witness speaks Acholi)
16 THE WITNESS: [9:31:40] (Interpretation) Good morning.
17 PRESIDING JUDGE SCHMITT: [9:31:42] Could the court officer please call the case.
18 THE COURT OFFICER: [9:31:47] Thank you, Mr President. The situation in
19 Uganda, the case of The Prosecutor versus Dominic Ongwen, case reference
20 ICC-02/04-01/15.
21 And we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:31:54] Thank you very much.
23 And for the appearances, Mr Gumpert first for the Prosecution.
24 MR GUMPERT: [9:32:00] Ben Gumpert appearing for the Prosecution. With me
25 today, Paul Bradfield, Yulia Nuzban, Colleen Gilg, Julian Elderfield, Pubudu

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1 Sachithanandan and Ramu Fatima Bittaye.
2 PRESIDING JUDGE SCHMITT: [9:32:12] And for the first team of the Legal
3 Representatives of the Victims, Mr Cox.
4 MR COX: [9:32:19] Good morning, your Honours. With me, Mr James Mawira and
5 myself, Francisco Cox.
6 PRESIDING JUDGE SCHMITT: [9:32:24] And Mr Narantsetseg.
7 MS MASSIDDA: [9:32:25] Good morning, your Honour.
8 PRESIDING JUDGE SCHMITT: [9:32:29] He's with Ms Massidda, of course. So
9 you have a joint venture here today.
10 Okay, Mrs Massidda.
11 MS MASSIDDA: [9:32:34] Good morning, your Honour. Paolina Massidda, with me,
12 Orchlon Narantsetseg, Caroline Walter, in French, and Ms Laura Mahecha.
13 PRESIDING JUDGE SCHMITT: [9:32:43] Thank you very much.
14 So, Mr Narantsetseg, I have associated you with Mr Cox and Mr Mawira.
15 For the Defence, Mrs Bridgman.
16 MS BRIDGMAN: [9:32:53] Good morning, Mr President and your Honours.
17 Abigail Bridgman together with Krispus Odongo Ayena, Thomas Obhof, Tibor
18 Bajnovic, and our client, Mr Ongwen, is in Court. I don't know what is happening
19 today.
20 PRESIDING JUDGE SCHMITT: [9:33:09] No, no. I obviously have made things
21 a little bit uncertain here in the courtroom.
22 And we have Mr Waldman as Rule 74 counsel for the witness.
23 MR WALDMAN: [9:33:21] Yes. Good morning, Mr President, your Honours.
24 PRESIDING JUDGE SCHMITT: [9:33:24] Thank you.
25 And we commence now with the questioning by the Defence.

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1 And I assume and all indicators point to that that Ms Bridgman will do that.

2 MS BRIDGMAN: [9:33:48] Thank you, Mr President.

3 QUESTIONED BY MS BRIDGMAN:

4 Q. [9:33:44] Good morning, Mr Witness.

5 A. [9:33:55] Good morning.

6 Q. [9:33:59] Mr Witness, do you know how you were identified by the Prosecution
7 as a potential witness?

8 A. [9:34:23] I don't know.

9 Q. [9:34:57] Now, during the taking of your statement with the investigators in
10 June 2016 -- and, your Honours, this is in reference to tab 1, UGA-OTP-0270-0933 at
11 0936, starting from line 97. I'm sorry, from line 90.

12 It indicates that there were some people assisting you in your location and who
13 assisted you in coming down. Who were these people that are mentioned in this
14 statement? Who helped you to get to the location of the interview?

15 A. [9:35:56] The person who started looking for me was a gentleman who was
16 called (Redacted). He called the GISO of our location and the GISO contacted the
17 LC-1 and eventually they were able to trace me.

18 MS BRIDGMAN: [9:36:28] Your Honours, I request we go into private session for
19 a follow-up question.

20 PRESIDING JUDGE SCHMITT: [9:36:34] A private session for this one question, I
21 understand, yes.

22 (Private session at 9.36 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
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14 (Redacted)
15 (Open session at 9.38 a.m.)
16 THE COURT OFFICER: [9:38:45] We are in open session, Mr President.
17 MS BRIDGMAN: [9:38:50]
18 Q. [9:38:50] Now, Mr Witness, this person that we were discussing in private
19 session, did you, when he was bringing you, did he ever mention -- did you ever
20 discuss with him anything about the case against Mr Ongwen?
21 A. [9:39:11] He told me that I should come and state what actually happened.
22 That was all he told me. Then I asked him, among all the people who were abducted
23 by the Holy why was -- why was I singled out to be interviewed? Then he told me
24 that, since I escaped from him, I should go and talk about my story. That was all he
25 told me.

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1 Q. [9:39:48] Was he present when you were talking to the investigators from the
2 Prosecution or he left you?

3 A. [9:39:59] He was not there. He remained in Gulu. I was interviewed from
4 Kampala.

5 Q. [9:40:33] Now in the same tab, tab 1, at page 944 from lines 349, you were
6 informed by the investigators that in the arrest warrant against Mr Ongwen he was
7 accused of crimes relating to the IDP camp in Lukodi in May 2004. Do you recall
8 this, Mr Witness?

9 A. [9:41:06] Yes, they mentioned that.

10 Q. [9:41:09] Now before this date had you heard of Mr Ongwen's arrest warrant?

11 A. [9:41:28] I had heard in the year 2014 or '15 that Dominic Ongwen was
12 arrested -- was captured from Central African Republic.

13 Q. [9:41:46] When you heard this information did you also hear in 2014 or 2015 the
14 particular places that Dominic Ongwen was being arrested for attacking?

15 A. [9:42:04] I have not understood.

16 Q. [9:42:17] When you heard about Mr Ongwen's arrest in Central Africa, did you
17 know which places he was accused of attacking and the dates for those attacks?

18 A. [9:42:33] I did not hear about that because I had never expected that I would be
19 invited to participate in any way in this, so I never bothered about it.

20 Q. [9:43:04] You said that once you escaped and returned home you were taken to
21 a UPDF place where you gave a statement. Do you know if this statement was
22 written down or was it just you speaking about what had happened to you in the
23 bush?

24 A. [9:43:40] When I escaped I was taken to Myomoromo barracks. From there,
25 they didn't record anything. It was only in Kitgum and Gang Dyang that they

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1 interrogated me and they recorded down a few things.

2 Q. [9:44:22] When they recorded the details at Gang Dyang did you receive a copy
3 of that statement?

4 A. [9:44:35] I was not given that.

5 Q. [9:44:40] When you were interviewed at Gang Dyang do you remember how
6 soon after your escape this happened? Was it two days, one week? How soon, do
7 you recall?

8 A. [9:45:06] I spent a night in Myomoromo, and the next day I was taken to Kitgum.
9 On the third day was when I was interviewed.

10 Q. [9:45:23] What was your state of mind at that time? Would you say the things
11 you told them were the truth? Because yesterday you testified that you initially lied
12 about having a gun. When you told the person who interviewed you at Gang Dyang,
13 did you tell them the truth or you were -- were you too excited or too confused or too
14 afraid so you don't remember exactly what you told them? What would you say
15 about your state of mind?

16 A. [9:46:01] When I was now with the soldiers and they had told me that they were
17 not going to kill me, they recovered my gun and then they told me to begin speaking.
18 So I was speaking freely then because they had promised not to kill me.

19 MS BRIDGMAN: [9:46:28] Your Honours, I request that we go into private session
20 so I can introduce a document.

21 PRESIDING JUDGE SCHMITT: [9:46:44] Yes, private session.

22 (Private session at 9.46 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Open session at 9.50 a.m.)

2 THE COURT OFFICER: [9:50:41] We are in open session, Mr President.

3 MS BRIDGMAN: [9:50:46]

4 Q. [9:50:48] Now earlier today you just told us about amnesty. Do you have your
5 amnesty certificate, Mr Witness?

6 A. [9:51:06] Yes, I do.

7 Q. [9:51:09] Do you recall if the Prosecution investigators asked you for a copy of
8 it?

9 A. [9:51:23] I have the certificate with me. I actually came along with it, though I
10 left it in the room where I slept.

11 Q. [9:51:43] Thank you, Mr Witness. Now you have a lawyer with you present in
12 court today. When did you learn that you would have a lawyer before your
13 testimony?

14 A. [9:52:10] I learnt of that at the time when I was being interviewed, they told me
15 that they would get for me a lawyer.

16 Q. [9:52:33] When you were being interviewed did you actually have a lawyer
17 present?

18 A. [9:52:41] No.

19 Q. [9:52:50] Isn't it true that you declined to have a lawyer present during your
20 interviews?

21 A. [9:52:59] I don't recall that quite well.

22 MS BRIDGMAN: [9:53:10] Your Honours, I'm going to refer to tab 1, starting from
23 page 946.

24 Q. [09:53:34] And, Mr Witness, in the transcripts it indicates the Prosecution
25 explaining -- the Prosecution investigators explaining to you that you had a right to

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1 a lawyer.

2 Now, at page 950 just before you declined to have a lawyer present the Prosecution
3 said to you and this is the line 577: "Because who we want representing you when it
4 gets to Court is the Prosecution."

5 Did this have any impact on whether you accepted to have a lawyer present? Did
6 you understand the Prosecutors to be your lawyers?

7 A. [9:54:43] I didn't understand that.

8 PRESIDING JUDGE SCHMITT: [9:54:50] Mr Gumpert is rising, yes.

9 MR GUMPERT: [9:54:53] I have an objection to what I am sure is an inadvertent
10 misrepresentation of the words which were undoubtedly used. What's being put to
11 the witness is that the interviewer was saying to the gentleman now sitting in the
12 witness box "We want the Prosecution to represent you". In fact, I submit on any
13 proper reading of this document, what that person, that investigator is saying is
14 precisely the opposite. This has nothing to do with this because we want
15 representing you when it gets to Court is the Prosecutor. They are saying the
16 opposite.

17 PRESIDING JUDGE SCHMITT: [9:55:31] Yes, I think -- and I understand the
18 objection, I would sustain it, but I think we need not have a formality about that.
19 Obviously, the witness has not understood it either. And reading through it, it was
20 quite a prolonged procedure, talking about this matter. If I look at it, I see it for the
21 first time, frankly speaking, but from -- it goes about four or five pages where the
22 interrogators explain to the witness his right to have counsel and he can waive this
23 right and so on and so forth. So I think we -- I think we simply move to another
24 point. I don't see here really something indecent in it. Also when we look at the
25 formula here, at the wording, I would not, I would not think that the witness really

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1 has understood that the lawyer would be the Prosecutor in the courtroom.

2 You can give it another try, but I really, I really don't see something --

3 MS BRIDGMAN: [9:56:37] Your Honour, I seek your indulgence indeed to give it
4 another try because my understanding from reading how the explanation went all the
5 way, there might have been a misunderstanding between the investigators and the
6 witness about -- and I just want to make sure that he understood his rights at the time.

7 PRESIDING JUDGE SCHMITT: [9:56:55] Perhaps I may.

8 MS BRIDGMAN: [9:57:00] Yes, your Honour.

9 PRESIDING JUDGE SCHMITT: [9:57:00] Mr Witness, it's of course -- we are talking
10 about an interrogation that is I think two years -- was two years ago. So if you try to
11 put yourself back in time, during this interrogation, when this was explained to you,
12 what did you understand? Did you understand that you have a right to a lawyer?
13 Or did you understand something else? It's of course it might be that you don't
14 remember it, but please try and tell us what you remember, if you do?

15 THE WITNESS: [9:57:36] (Interpretation) They told me that in the room where I was
16 being interviewed, if I -- I needed, they could bring for me a lawyer to come and
17 represent me so that as they are interviewing me, that lawyer would be there to guide
18 me. But I told them that I have no hesitations, I have no fears. Let them ask me
19 whatever they wanted to know and I would only tell them all that I know. And
20 what I don't know, I wouldn't tell them. So I didn't need a lawyer at that time. I
21 didn't have any fears of talking about what I went through. They never talked about
22 the Prosecutor or something like that.

23 PRESIDING JUDGE SCHMITT: [9:58:29] I think, Ms Bridgman, you can move to the
24 next point.

25 MR AYENA ODONGO: [9:58:49] Mr President and your Honours, I beg your

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1 indulgence. It is the position of the Defence, your Honours, that the reading of this
2 particular line has an impact on the mind of the witness. It doesn't matter whether
3 he now says he understood it so to be, but at the time it must have had an impact
4 when it said, and we read line 57 -- 577, your Honours, "Because" we -- I mean "who
5 we want representing you when it gets to Court" when it gets to Court "is the
6 Prosecutor."

7 PRESIDING JUDGE SCHMITT: [9:59:52] Thank you, Mr Ayena. This is noted. It
8 is on the record and there are probably, possibly different modes of interpretation,
9 but if this had an impact and if it had an impact, what this would mean is something
10 that would -- is to be assessed by the Chamber, also in light of what the witness says
11 here in the courtroom. So we don't have more now. When I said Mrs Bridgman
12 could go to the next point, it simply means that we have the issue on the table, we
13 have to assess it, as I said, but I think the subject as such is exhausted. It was simply
14 why I said Mrs Bridgman please move on.

15 MS BRIDGMAN: [10:01:00]

16 Q. [10:01:01] Now, Mr Witness, yesterday you testified that you were abducted by
17 the Holy and later clarified that this was the LRA. Do you know why they were
18 called the Holy?

19 A. [10:01:19] No, I have no idea why they were called Holy. I don't know what
20 Holy means.

21 Q. [10:01:28] Before your abduction what had you heard about the Holy?

22 A. [10:01:37] I had heard that the Holy were there, but I had never seen them in my
23 life. I didn't even know they were humans. The day I was abducted was the first
24 time I saw them.

25 Q. [10:02:00] When you say you didn't even know they were humans, did you have

1 any mythical ideal about them?

2 A. [10:02:14] I have no idea. You see, when you have not seen something for the
3 rest of your life, you have no idea how it looks like.

4 Q. [10:02:37] Now the people that came into your house and abducted you and
5 your brothers, did you ever come to learn their names?

6 A. [10:02:45] I did not stay -- I did not know their name then, but later on when I
7 stayed long in the bush, I learnt their name. There was one who was called
8 Lapwony Oyet, another one called Lapwony Joe. There were so many lupwonye in
9 the bush there.

10 Q. [10:03:20] But these are not the people that you ended up staying with; is that
11 correct?

12 A. [10:03:30] The people who abducted me at that same point I was also with them
13 when I went to the bush.

14 Q. [10:03:44] I'm sorry, I think we misunderstood each other. When you were
15 taken into the bush, were these the same people that you remained with during your
16 period in abduction?

17 A. [10:03:58] They were in dog adaki. But for me I was holding my commander's
18 chairs. I would only see them while they are in dog adaki.

19 Q. [10:04:21] Now yesterday during your testimony you discussed with
20 Mr Prosecutor person number 1 and person number 2. Do you remember these
21 people?

22 A. [10:04:38] Yes, I do remember persons number 1 and number 2.

23 Q. [10:04:45] Okay. We are going to -- we are going to discuss these people and I
24 will keep referring to them to either person number 1 or person number 2. So you
25 don't have to mention their name in public session.

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1 Now regarding person number 1, you testified that the day after your abduction he
2 came and selected you to be his escort. But I would like to read to you something
3 you said in your statements so you can help me understand.

4 And this at tab 4, UGA-OTP-0270-0994 at page 0997.

5 So you were discussing with the Prosecution when you became an escort and then
6 you said: "Normally when you are abducted first, you are all gathered together and
7 then after that they come and pick you as you have gathered in a group. Then you
8 become an escort."

9 then you were asked: "... but where ... for the two weeks you were not an escort ...
10 where were you?"

11 And then you said: "Before that I was still with other LRA fighters ..."

12 It appears to me from this reading that you were not an escort for about two weeks,
13 yet you testified that you became an escort the day after. Can you help me
14 understand when you became an escort to person number 1?

15 A. [10:07:28] I said that I was abducted and the following day, he picked me and I
16 became his escort. That is what I said.

17 Q. [10:07:42] You also said that you were abducted by Raska Lukwiya's group, but
18 then that you went to Sudan with Buk Abudema. Where was Raska? What
19 happened to Raska from the time of your abduction to the time you went to Sudan?

20 A. [10:08:15] We split while we were in Lango, but I don't know the name of the
21 place. My commander took the group to a different location to a group of
22 a commander called Lapwony Paico. He was in charge of a battalion called
23 Terwanga. I left Raska in Lango and I did not know where he went.

24 Q. [10:08:44] So do you know if Raska was the brigade commander of Sinia at the
25 time of your abduction or was it Buk Abudema?

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1 A. [10:08:57] Raska was the one who was in charge of that group. I saw he was
2 the most high-ranking official in that group.

3 Q. [10:09:11] So do you know if it was Raska who gave Buk Abudema the
4 assignment to take you to Sudan?

5 A. [10:09:35] We moved -- we, the commander known as Lapwony Paico and
6 person number 1, and then we met Buk Abudema's group. We then left Paico and
7 we remained with person number 1. I don't know if Raska was the one who gave
8 him the promotion or whether it was higher than Raska. I did not -- I was not aware
9 of the ranks in the military at that time, so I wouldn't know the different ranks.

10 Q. [10:10:10] Okay. Moving on, did you ever know why you were taken to Sudan?
11 Did you find out why?

12 A. [10:10:21] No, I never knew why.

13 Q. [10:10:30] In your transcripts - and, your Honours, this is at tab 2,
14 UGA-OTP-0270-0958, at page 0973, actually 0974, at lines 518 - Mr Witness, you said
15 that there were over 600 LRA fighters. And it was the whole of Sinia headquarters
16 that had just come back from Sudan. Now, you have just told us that Raska's group
17 split up and you joined with Buk Abudema's group in Paico. How many people
18 approximately went to Sudan in your group?

19 A. [10:11:40] There were many people who went to Sudan. I don't know the
20 number, but there were many.

21 Q. [10:11:57] Would you say they were the 600 people that you estimated or was it
22 more because the groups had merged together?

23 A. [10:12:08] I can only say that they were many people because the group had
24 merged, and we were moving as one group. If they move in a line like this, the trail
25 would remain and you would see dust.

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1 Q. [10:12:34] Can you estimate how many of those were abductees like yourself?

2 A. [10:12:51] There were so many abducted people, because at that place, they
3 referred to it as "home", like I told you that I was staying at someone's home, at the
4 commander's home, if there were ten abductees there, they would move in a single
5 line, and the next commander would come with his group and those abducted with
6 another line. In front there were so many and behind us there were so many, it was
7 not easy to count and estimate the number.

8 Q. [10:13:47] You testified yesterday that the first time you saw Mr Ongwen was
9 after he had been shot?

10 A. [10:14:03] As I said, I saw him when he had just been shot.

11 Q. [10:14:09] And this was just a few weeks, if at all, after your own abduction,
12 correct?

13 A. [10:14:17] That is correct.

14 Q. [10:14:22] How did you then get the information about where he was coming
15 from and the circumstances of his injury?

16 A. [10:14:40] My commander whose chair I was holding, that is person number 1,
17 was at the time staying with Kalalang and Robert Mugabe. They used to stay
18 together with person number 1. They came and they told us that we should go there,
19 that day Buk Abudema was there also.

20 When they said this certain commander got wounded, they told those commanders to
21 go and check on them. I held his chair and we moved, and that is when I saw him.

22 Q. [10:15:32] You just spoke about Kalalang. What was Kalalang's other name, if
23 you know it?

24 A. [10:15:41] I do not know.

25 Q. [10:15:45] Do you know what his role was?

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1 A. [10:15:52] They used to stay together with person number 1. They used to refer
2 to their location as an operation room. I do not know what it meant.

3 Q. [10:16:15] Did you see Kalalang often during your time in the bush?

4 A. [10:16:33] Yes, I would see him.

5 Q. [10:16:37] Now, just to clarify, before you moved to Sudan, had person number
6 1 been killed already or he died after you returned?

7 A. [10:16:57] He had been killed already.

8 Q. [10:17:04] And that was in Awere, correct?

9 A. [10:17:11] Yes, that is correct.

10 Q. [10:17:15] Yesterday you testified that someone called Ogola was shot and then
11 his commander was also shot in the arm. Were you referring to Oyenga at Ogola's
12 commander?

13 A. [10:17:43] Yes.

14 Q. [10:17:46] And just to clarify, who died? Was it Ogola or Oyenga or both?

15 A. [10:17:59] It is Ogola who died.

16 Q. [10:18:05] So when Oyenga was shot in Sudan, did he remain in Sudan when
17 you were coming back or he came back with your group?

18 A. [10:18:23] We split up, when we were coming back to Uganda, I did not see him.

19 Q. [10:18:33] Did you see him again at any time when you were in Uganda after
20 your return?

21 A. [10:18:45] I was not seeing him regularly. I don't recall if I actually saw him at
22 all.

23 Q. [10:18:57] Do you remember any other people apart from Ogola who were
24 serving under Oyenga?

25 A. [10:19:09] There were other soldiers and recruits, but I do not know their names

1 at this point. I would hear they called them lapwony and then the recruits were also
2 there. I have forgotten their names.

3 Q. [10:19:32] So in Sudan your commander at that time was person number 2.

4 Did you meet with Joseph Kony personally when you were in Sudan?

5 A. [10:19:53] I met him, I saw him also with the group that he was moving with.

6 But meeting to shake hands with him, personally, I did not. I only saw when he had
7 gathered people on top of some rock in Sudan, he was addressing the people, that's
8 when I saw him.

9 Q. [10:20:23] What did he tell you when he addressed the people on top of that
10 rock?

11 A. [10:20:31] He said that he was a prophet, he was prophet Joseph Kony and he
12 had been sent to save the Acholi community from poverty. But the Acholi people
13 had rejected the war which he was fighting. For that matter at this point civilians
14 had refused to help him, and soldiers had been brought from Rwanda, and the
15 soldiers were sleeping with our mothers and fathers. He said that the soldiers were
16 called Olalo. They have tails. And they said if they slept with you, you will grow
17 a tail yourself.

18 For that matter, we should help him to fight and defeat those people. He also said
19 that an angel told him that in 2003 he would overthrow the government, and when he
20 overthrows the government, we would be the ones to rule places like Gulu town,
21 Kitgum. He would appoint you to go and rule a particular place and you would be
22 driven in a car.

23 He encouraged us not to escape and warned that if you escape, they would get you
24 and kill you. At times he would say that no one should shed blood, and sometimes
25 people would be asked to tie a banana, banana fibre on their wrist, and sometimes he

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1 would tell us a few things to do to avoid blood shedding. Those were things that I
2 heard he talked about.

3 PRESIDING JUDGE SCHMITT: [10:22:28] Mr Witness, may I ask a question. What
4 impression did this, did these words make on you? Did you believe what you had
5 been told by Kony?

6 THE WITNESS: [10:22:47] (Interpretation) At that time I believed it because he
7 warned us that if you don't believe, he would know.

8 PRESIDING JUDGE SCHMITT: [10:22:58] Mrs Bridgman, thank you.

9 MS BRIDGMAN: [10:23:01]

10 Q. [10:23:03] Now, you just mentioned something about soldiers coming from
11 Rwanda and sleeping with the mothers. Did you ever find out which soldiers he
12 was referring to?

13 A. [10:23:27] I do not know the soldiers. He said that the soldiers were called
14 Olalo and they came from Rwanda. I had not seen those soldiers he was talking
15 about, because I was in the bush. I don't know whether he was talking about
16 soldiers from Rwanda or from Uganda.

17 Q. [10:23:46] You also said that he encouraged you not to escape, and also warned
18 you that he would know if you tried to escape. Did you ever find out how he would
19 know your plans to escape?

20 A. [10:24:19] He gave an example with a commander. I don't remember the name
21 of the commander but he was also a senior commander. He said that when that
22 commander reaches Uganda he would escape with his household. And indeed
23 when we came to Uganda, around Gulu, he escaped at night. He was the one in
24 charge of a certain group. He actually left together with all his members of his
25 household. That made believe that he's -- what he was talking about was true.

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1 Q. [10:25:01] And just for clarification, did you say the commander was in Sinia or
2 he was a senior commander?

3 A. [10:25:15] That commander was in Sinia indeed.

4 Q. [10:25:22] I understand you don't remember this commander's name, but do you
5 remember his seniority? I also know you said you don't remember ranks per se but
6 do you remember, for instance compared to Raska Lukwiya or Buk Abudema, what
7 was his role in the LRA?

8 A. [10:25:52] When they were taking us to positions, he would be in the middle.
9 When they are putting us in positions, he would be in the middle and my immediate
10 commander would be on his side. I have no idea whether they were in the same
11 rank and position, but I believe that Buk Abudema and Raska were more senior than
12 that person.

13 Q. [10:26:26] Do you have any recollection about how many people were in his
14 household, the ones he escaped with?

15 A. [10:26:38] I don't know. I heard they were calling them lupwonye. They
16 actually hardly mentioned names there, everyone was referred to as lapwony. They
17 would tell us to call people lapwony.

18 Q. [10:26:57] And just as a side note, during the time you were in the LRA, did you
19 ever hear people referring to each other as afande?

20 A. [10:27:18] The LRA do not refer to senior commanders as afande, they call them
21 lapwony.

22 Q. [10:27:38] Now briefly going back to what you said about the soldiers from
23 Rwanda, what does Olalo mean in Acholi?

24 A. [10:27:52] I heard that from there. I don't know what it means in Acholi.

25 Q. [10:28:06] Now, when Kony made that prediction about the commander

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1 escaping, did he say something was going to happen to that commander or his
2 family?

3 A. [10:28:32] He said that the commander was not interested in participating in the
4 war and, therefore, if he reaches Uganda he would escape. When we came to an
5 area in Gulu, that commander actually escaped. I don't recall his name. I would
6 have mentioned his name right away.

7 Q. [10:28:52] That's okay, Mr Witness. Now still on the topic of warnings, did
8 Kony say -- did Kony warn you against -- no, let me rephrase that. Did he suggest
9 that something might happen to those who did not want to help him fight?

10 A. [10:29:20] Kony said that, firstly, the Acholi do not want to support his war.
11 Because when you come across civilians they would go and report to the soldiers
12 and the government soldiers would come and attack his group, and that was the
13 reason he gave for killing civilians.

14 Q. [10:29:53] Did Joseph Kony mention anything about Odek during that address?

15 A. [10:30:02] No, I never heard anything.

16 Q. [10:30:09] Now, earlier you mentioned something about Kony saying that
17 civilians should not be attacked. And at tab 4 at UGA-OTP-0270-0994 at page 1006 --

18 A. [10:31:10] Yes, I mentioned that.

19 Q. [10:31:14] Well, then, I don't have to read the ...

20 PRESIDING JUDGE SCHMITT: [10:31:17] This was a pre-emptive recollection I
21 would say.

22 MS BRIDGMAN: [10:31:22]

23 Q. [10:31:22] Would I be correct to say that the decision on whether to attack
24 civilians or not to attack civilians came from Joseph Kony?

25 A. [10:31:39] I told you that he mentioned that there are periods when people or

1 civilians were not supposed to be killed. But there are also other moments when the
2 civilians were supposed to be killed. For instance, I told you earlier that he said
3 there was a time -- there were some times when there shouldn't be bloodshed. There
4 are moments when they should not abduct girls, other times they shouldn't abduct
5 boys. But, when the commanders come back to Uganda, sometimes they do not
6 follow the orders that were given to them. I think that's what I told you.

7 Q. [10:32:17] But the orders on when to abduct and when not to abduct came from
8 Kony?

9 A. [10:32:33] Yes, he would mention that there are times certain things should not
10 be done. And he would say these were instructions coming from the angels. I
11 don't know which angels were speaking to him.

12 Q. [10:32:51] So as people who were coming back to Uganda, when would they
13 know when the angels have decided that there should be bloodshed or when there
14 shouldn't be bloodshed? Did you ever find out how they were supposed to get these
15 instructions?

16 A. [10:33:17] They have radios. They have -- some of them are small ones that
17 they move about with, but the others that are a bit huge and they would have to
18 connect the wires up on trees and they're used for communication.

19 Q. [10:33:44] So just a moment ago you said that you think that sometimes
20 commanders would come and not follow Joseph Kony's orders, but it is possible that
21 Joseph Kony might have told them over the radio to start abductions. Would that be
22 fair to say?

23 A. [10:34:21] Well, that's possible, because that was then we were able to
24 understand what they were talking about. If that instruction was given, I don't
25 know.

1 Q. [10:34:46] As part of your training that you had in Sudan, did anyone also teach
2 you about the LRA rules? Yesterday you said you were not supposed to drink, you
3 were not supposed to smoke, you didn't eat sheep. How did you learn these rules?

4 A. [10:35:18] When you're freshly abducted you are told about those rules.

5 Q. [10:35:30] Did you ever hear that these rules also came from instructions from
6 the angels?

7 A. [10:35:40] I don't know. But he used to say he uses the angels to get his
8 instructions, so it's possible that those rules came from the angels.

9 Q. [10:35:59] And when these rules were given there were no explanation for them,
10 correct?

11 A. [10:36:14] They wouldn't say anything else. They would only say if you eat
12 those forbidden items then you will be shot by a bullet. That is all they would say.

13 Q. [10:36:48] And did your commanders and other senior officers that you saw
14 follow these rules as well?

15 A. [10:37:02] I would not see them smoking as well.

16 Q. [10:37:19] You said that you were given a gun after your training in Sudan. Do
17 you know where this gun came from?

18 A. [10:37:32] I was given the gun from Sudan. I don't know whether it was got
19 from Uganda or it was got from Sudan, but I was given from Sudan.

20 Q. [10:37:53] And this is the same gun that you came back with during -- and used
21 during the operations, correct?

22 A. [10:38:11] Yes, it's the very gun.

23 Q. [10:38:14] Now, just to clarify, after person number 1 was killed and you became
24 an escort to person number 2, did you remain as such for the period that you were in
25 the LRA, or were you ever an escort to any other person?

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1 A. [10:39:15] I was the escort of person number 2 until the period when I went to
2 Sudan, but we would interchange with another person. Sometimes I would go to the
3 dog adaki and another person called Oyoo, he was called Oyoo Okweny because he
4 was coming from a place called Okweny. So we separated with my commander and
5 then eventually I escaped. I was living with Odoki and Okello Ladinge and I was
6 with a commander called Odokonyero. But at that time when I was escaping he was
7 already deceased.

8 Q. [10:39:59] Did you ever work as an escort for Mr Ongwen?

9 A. [10:40:12] No, I was never.

10 Q. [10:40:21] Now --

11 PRESIDING JUDGE SCHMITT: [10:40:35] I think we have already introduced this
12 tab 24, so I don't know if you want to put it to him, but anyway it's --

13 MS BRIDGMAN: [10:40:47] That's exactly where I was going.

14 PRESIDING JUDGE SCHMITT: [10:40:52] Okay. Then please go ahead.
15 Otherwise I would have done it. Please.

16 MS BRIDGMAN: [10:40:54] Yes. And for the record that is tab 24, whose
17 ERN number is already on the record, and in particular it's at page 0382. It is the
18 second last -- the middle paragraph. No, actually the last paragraph.

19 PRESIDING JUDGE SCHMITT: [10:41:12] I think it is just one sentence. I think.

20 MS BRIDGMAN: [10:41:14] Yes.

21 Q. [10:41:15] So, Mr Witness, on this UPDF statement, the one we looked at earlier,
22 it said that you were an escort to Dominic Ongwen. Do you have an explanation
23 why it would be reflected as such in this statement.

24 PRESIDING JUDGE SCHMITT: [10:41:32] But perhaps to make it clear for the
25 witness, it reads like that, this -- I think we have referred to it as the UPDF statement,

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1 it reads like that: "Another attack was in Lukodi around April 2004 by then he

2 was" -- you are meant "by then he was an escort to Dominic Ongwen."

3 That's -- but it's noted here.

4 MS BRIDGMAN: [10:42:00] And then at page 383 at the top it says, "My main work

5 was to carry chairs my gun as being an escort to Dominic Ongwen."

6 PRESIDING JUDGE SCHMITT: [10:42:13] Exactly. So the question would

7 be -- there would be two questions, I think. The first is: Is this true? Is this correct?

8 THE WITNESS: [10:42:32] (Interpretation) It's not correct.

9 PRESIDING JUDGE SCHMITT: [10:42:35] Do you have an explanation why this
10 appears in this statement?

11 THE WITNESS: [10:42:45] (Interpretation) When I was with the soldiers, they asked

12 me which group are you from? I told them I am from Dominic Ongwen's group.

13 But I never told them that I was his escort or I was carrying his chair. That was a lie.

14 PRESIDING JUDGE SCHMITT: [10:43:04] Thank you, Mr Witness. Please continue.

15 Excuse me for interfering.

16 MS BRIDGMAN: [10:43:09] That's okay, Mr President.

17 Q. [10:43:17] Now, Mr Witness, when you became an escort for person number 2,
18 do you know how long he had been in the LRA at that point?

19 A. [10:43:44] The way I saw, he had pips, he had three stones. But that couldn't
20 help me to -- to know how many years he had stayed in the bush.

21 Q. [10:43:59] Did you ever know that he worked -- he was previously in

22 Control Altar working with someone called Caesar Acellam?

23 A. [10:44:24] I didn't get to know that.

24 Q. [10:44:29] Did you also ever know that he was a brigade intelligence officer for
25 Trinkle before moving to Sinia?

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1 A. [10:44:51] I also did not get to know that. I could not ask because, at my level, I
2 was not able to be able to enquire about that.

3 Q. [10:45:07] During your interview with the investigators you said that as IO the
4 person goes and spies in a particular place and gives feedback. And this is at tab 4,
5 page 997, lines 79 to 80. Now, was this role specific for people working in
6 intelligence or did it apply to everyone in the group that you belonged to?

7 A. [10:46:14] I don't know whether there were other people in that group. But
8 what I could see was that whenever people were going to their positions, they would
9 go and -- he would go and identify people to go for OP, and then those who were
10 supposed to go for guard and others to go for patrol. But the rest of the things I
11 don't know.

12 Q. [10:46:51] When you say that he gives feedback, to whom did he give feedback?

13 A. [10:47:04] When he finishes that deployment, sending the guard and people for
14 OP, he would then go back to Dominic Ongwen and he would report to him that he
15 has finished his deployment.

16 Q. [10:47:25] Apart from this role, were you aware that they were also acting as
17 spies within the brigade?

18 A. [10:47:38] No, I don't know.

19 Q. [10:48:07] Going back to the question of feedback, were you ever present when
20 he was giving this feedback to Mr Ongwen?

21 A. [10:48:20] I would see he would move to Ongwen. I would take his chair, put
22 it near, and then I would be required to move back, give them some distance.

23 Q. [10:48:40] So you were not able to hear the content of the conversation between
24 them, correct?

25 A. [10:48:52] If I'm not very near, then I would not be able to. But sometimes

1 when I'm a little near I could eavesdrop.

2 Q. [10:49:10] Did person number 2 have a radio?

3 A. [10:49:20] Yes. I saw he had a small mobile radio which he would attach
4 around his waist.

5 Q. [10:49:32] And in this case we are not talking about a radio where you listen to
6 the news, we are talking about a radio to communicate, correct?

7 A. [10:49:48] He had a radio that he would switch on. And I saw a similar radio
8 with somebody who came in this courtroom today earlier.

9 Q. [10:50:10] Did he always have this radio?

10 A. [10:50:21] Sometimes I would see it with him, other times I don't see it with him.
11 I think he would be using it, sharing it with someone else, I think.

12 Q. [10:50:34] How often did you see him use this radio?

13 A. [10:50:39] Sometimes he would be having it. But most times he would use the
14 big one that they would have to connect when Dominic Ongwen wants to talk.

15 Q. [10:51:06] I just need to understand what you just said. Regarding the big one,
16 did person number 2 use it or did Dominic Ongwen use it?

17 A. [10:51:43] There was a lapwony who also -- who would also carry the radio, and
18 whenever they want to communicate they would get a wire and throw it on a tree,
19 and then they would make Dominic Ongwen communicate using it. But they used
20 a language that I would not comprehend.

21 Q. [10:52:05] That's okay. I just want to know if you saw person number 2 using
22 that radio or speaking on that radio?

23 A. [10:52:26] I never saw him using the big radio. I would only see him using the
24 small one.

25 Q. [10:52:35] Now during the time you were with him were you always moving

1 with Mr Ongwen, or sometimes your group moved on its own?

2 A. [10:53:03] Sometimes I would be with them. And, for instance, in his
3 household, if he is leading the way we would follow him, together with number 2.
4 But in another instance, when there is a battle or we are under aerial attack from
5 a military aircraft, we would line up and then we would split into smaller groups and
6 agree to meet up somewhere else. So you would follow your own directions. That
7 means that sometimes we would split up.

8 Q. [10:53:39] During these times that you split up, how long would it take you
9 before you rejoined the big group? Would it be sometimes days or weeks?

10 A. [10:54:01] That would vary. Sometimes we'd spend like a week or some days,
11 but it wouldn't take until -- up to a month.

12 Q. [10:54:28] During this period would there still be communication between your
13 group and Mr Ongwen's?

14 A. [10:54:40] Yes, I would see when he has the small radio, he would use it for
15 communication and, well, I would not really know what exactly they're talking about.

16 Q. [10:55:11] During the time you spent with person number 2, did you sometimes
17 go away and meet other people that were not part of Sinia?

18 A. [10:55:36] Sometimes you could go to some places and meet other people and
19 then eventually return.

20 Q. [10:55:56] Did you know who these people were or their roles?

21 A. [10:56:10] For instance, when you go to look for food items, you split up from
22 the main group but when you return, you return to the main group.

23 Q. [10:56:24] Now as an escort for person number 2, you said one of your duties
24 was to carry his chair. Were there other people in your group whom he sometimes
25 sent out to do errands that you did not know about?

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1 A. [10:56:56] Yes, they would send other people to go for errands that I never got to
2 know about.

3 Q. [10:57:05] So you wouldn't know if he was sending reports, for instance,
4 intelligence reports regarding the brigade to the director of intelligence services in
5 Control Altar, correct?

6 A. [10:57:31] I don't know that.

7 MS BRIDGMAN: [10:57:41] Your Honours, this would be a good place to stop
8 for --

9 PRESIDING JUDGE SCHMITT: [10:57:44] I agree. So we have now a short break
10 until 11.30.

11 THE COURT USHER: [10:57:50] All rise.

12 (Recess taken at 10.57 a.m.)

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

14 THE COURT USHER: [11:31:14] All rise.

15 PRESIDING JUDGE SCHMITT: [11:31:27] When I said please be seated, there was
16 one exception of course. This is Mrs Bridgman, who may continue the questioning.

17 MS BRIDGMAN: [11:31:40]

18 Q. [11:31:41] Mr Witness, I would like to go back to one thing you said earlier.
19 Regarding that person whom commander number 2 used to send on errands, do you
20 remember his name?

21 A. [11:31:59] Could you kindly repeat the question?

22 Q. [11:32:14] This morning we were discussing commander number 2 and I asked
23 you if there was someone who used to be sent to do errands on his behalf. You said
24 that there was that person. I just want to know if you remember his name.

25 A. [11:32:40] What I said is that sometimes he would send other people who were

1 living with him. One of them was called Odoki, he would send them and they
2 would do errands for him.

3 Q. [11:33:05] Now you also mentioned someone called Oyoo Okweny as being the
4 person who sometimes carried the chair. But on average, would you say you spent
5 more time with commander number 1 than Okweny?

6 A. [11:33:34] I said that Oyoo Okweny would carry, but most of the time I would
7 be the one carrying the chair of commander number 2.

8 Q. [11:33:44] Apart from, apart from him being your commander, and I'm talking
9 about commander number 2, did you develop a personal relationship with him?

10 A. [11:34:14] No. When I -- when commander number 1 passed on, commander
11 number 2 came and I started carrying his chair. He told me to be his escort since he
12 had replaced commander number 1. They said that he had died doing the army
13 work. There was no particular relationship developed. Later on, yeah, we became
14 friendly since I was carrying his chair.

15 Q. [11:35:02] What kind of person was he to you on a personal level? How would
16 you describe him?

17 A. [11:35:24] He what is our head and a senior commander. The way he treated
18 me, sometimes he would treat me well. If mistakes are made sometimes of course
19 you have to be punished. But things like making his bed or if you forget something
20 during a battle, you will be punished.

21 Q. [11:36:06] During that time when you made mistakes, could you ask for leniency
22 from him, or could you expect leniency?

23 A. [11:36:32] Sometimes he would be lenient and forgive you, but sometimes he
24 also goes ahead and punishes you. But that comes from him.

25 Q. [11:36:47] While you were in Sudan, did you ever see him talk to Joseph Kony

1 personally or go to meetings with him?

2 A. [11:37:07] No, I did not see him speaking to Kony personally, but I only saw him
3 in the group that had been gathered when Kony was addressing us. But I didn't see
4 him speaking personally to Kony.

5 Q. [11:37:33] How would you describe his relationship with Mr Ongwen?

6 A. [11:37:59] I used to observe them eating together. After their meals they would
7 converse and they would laugh and joke about. I don't know their personal
8 relationship. I don't know if they are too close.

9 Q. [11:38:29] You said yourself that with time you became friendly with him.
10 Would you also sometimes laugh with him and joke with him? And I'm referring to
11 commander number 2.

12 A. [11:38:53] It is not possible. But sometimes when he wanted to punish you and
13 he forgives you, then he would laugh and joke and say "Don't make the mistake
14 again." Sometimes when food remains, when he has eaten and food remains, he
15 would give me the food to eat.

16 Q. [11:39:25] Did you ever witness him and Mr Ongwen disagreeing about
17 anything, or Mr Ongwen warning him about any particular conduct?

18 A. [11:39:52] No. I did not see it. Many times I would see when they want to go
19 for an operation and people have been selected, he would go to Ongwen and they
20 would hold a small meeting. And then people who had been selected for an
21 operation would leave and go. I never saw them exchange words bitterly or quarrel.

22 Q. [11:40:20] Yesterday you testified about someone called Ocan. What was
23 Ocan's other name?

24 A. [11:40:48] I knew him as Ocan. I don't know his other name.

25 Q. [11:41:00] If I say Nono or Labongo, does that ring a bell?

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1 A. [11:41:13] I do not recall.

2 Q. [11:41:27] In one of your drawings at tab 18, UGA-OTP-0263-2804, under Siba,
3 you indicate Oyenga and Pokot.

4 Who was Pokot?

5 A. [11:42:06] Pokot was also a commander there. His rank was the same as that of
6 Oyenga.

7 Q. [11:42:13] So were they both leaders of Siba?

8 A. [11:42:30] I do not know who was directly responsible or was higher than the
9 other in ranks, but I would see them moving together.

10 Q. [11:42:45] You talked a lot about Abongomek and said he was carrying the 12.
11 Was that his sole responsibility as far as you know?

12 A. [11:43:13] He was always operating the 12, and also he had people who would
13 help him to carry it. During battles he would be the one to operate the 12.

14 Q. [11:43:33] Now yesterday you said that Odong Cowboy was operating with
15 Lapaico. Do you know if they were both commanders in the same group, or was one
16 senior than the other?

17 A. [11:44:06] Sometimes when we meet I would meet Odong Cow together with
18 person number 1. He would stay in our group and move together with person
19 number 1. I think Paico was higher in rank and position than Odong Cow.

20 Q. [11:44:38] In your interviews you also mentioned someone called Olani. What
21 was his role?

22 A. [11:45:02] I did not hear the name of that person well. Could you please repeat
23 it?

24 Q. [11:45:22] In your group was there someone called Olanyin?

25 A. [11:45:48] I do not know of any Olanyin.

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1 MS BRIDGMAN: [11:46:11] Your Honours, this is in reference to tab 10,
2 UGA-OTP-0270-1089 at page 1093, and the reference is at lines 123. And I'm trying
3 to figure out how else to ask the question.

4 Perhaps the interpreters have an idea on how best to mention this name for the
5 witness to understand it. But it is either, Mr Witness, it's either Olanyn or Olani or
6 Olanyn. Do any of those names ring a bell?

7 PRESIDING JUDGE SCHMITT: [11:47:06] That's okay how you do it.

8 THE WITNESS: [11:47:10] (Interpretation) I do not know the name Olanyn.
9 Maybe if you ask another name I can talk about it.

10 THE INTERPRETER: [11:47:38] The Acholi booth requests counsel to spell so that
11 they can tell the witness.

12 PRESIDING JUDGE SCHMITT: [11:47:43] You have heard it.

13 MS BRIDGMAN: [11:47:46] The name in the transcripts is O-L-A-N-I or
14 O-L-A-N-Y-N.

15 THE WITNESS: [11:48:20] (Interpretation) Maybe the person who was interpreting
16 did not hear what I told him. I do not recognise that name honestly.

17 PRESIDING JUDGE SCHMITT: [11:48:30] No, this was not, Mr Witness, a
18 misinterpretation by the interpreter, but simply that the interpreter tried, gave it
19 another try, so to speak, with aid by Mrs Bridgman.

20 Please continue, Mrs Bridgman.

21 MS BRIDGMAN: [11:48:45]

22 Q. [11:48:46] During your time in the bush did you ever get to know someone
23 called Komakech?

24 A. [11:49:10] While I was in the bush, yeah, I can remember Komakech.

25 Q. [11:49:18] Who was he and what was his role?

1 A. [11:49:30] As far as I can remember, Komakech at that time was with those of
2 Odokonyero. He is just one of the foot soldiers, as far as I can remember. Most of
3 the time there were many people within the group.

4 Q. [11:49:51] And those of Odokonyero and Robert Mugabe and Komakech always
5 moved with commander number 2; is that correct?

6 A. [11:50:12] Odokonyero would always move together with those of Robert
7 Mugabe.

8 Q. [11:50:20] Now, did those people always move with person number 2?

9 A. [11:50:27] Yes, they would move together.

10 Q. [11:50:34] We are going to talk about the attacks in detail later. But would
11 those people, do you remember if they were present during the attacks that you
12 testified about yesterday?

13 A. [11:50:54] There are some places where they were.

14 Q. [11:51:08] Can you please tell me the places where they were?

15 A. [11:51:15] The places like Lukodi, there was Robert Mugabe there. In Abok,
16 Odokonyero was there. And in Odek, Robert Mugabe was also there together with
17 Abongomek. They were all present.

18 Q. [11:51:49] Do you recall if Komakech was present at all these places?

19 A. [11:51:57] From there -- he was there, yes, he was there.

20 Q. [11:52:20] Mr Witness, did you ever meet someone called Ben Acellam?

21 A. [11:52:33] No, I did not meet Acellam.

22 Q. [11:52:38] Did you hear about Acellam?

23 A. [11:52:43] I heard about him, that he had been captured and returned home. I
24 heard it on the radio, but I didn't pay attention.

25 Q. [11:53:03] Did you ever meet someone called Tulu?

1 A. [11:53:10] I met Lapwony Tulu.

2 Q. [11:53:21] Was he in Sinia?

3 A. [11:53:26] No, he was not in Sinia. When we met, it was at the time that I had
4 got injuries in my -- when I had got injuries on my side and we were in the sickbay.
5 I do not know his group.

6 Q. [11:53:49] So was he in the sickbay with you?

7 A. [11:53:55] I would only meet then. On the day that I was shot I was at the
8 guard. I had bullets and people were fleeing to go and rescue them from that side.
9 We also fled towards our direction. I was behind. So when we started fighting, I
10 got injuries. There is -- there was another person from Kalabong and was leaving me.
11 I cocked my gun and then I told him "If you leave me I will shoot you." Then he
12 carried me.

13 Q. [11:54:36] How long did you spend in the sickbay after your injuries?

14 A. [11:54:53] I did not go to the sickbay. I only moved with the group I was in at
15 the time.

16 Q. [11:55:12] Apart from that time that you saw Tulu, did you ever see him again?

17 A. [11:55:23] No, I did not.

18 Q. [11:55:30] Did you ever meet someone called Ocaya?

19 A. [11:55:37] I recall I think I saw Ocaya somewhere.

20 Q. [11:55:52] Was he in your group or he was in another group?

21 A. [11:55:58] I do not recall now whether it was our group or in another group.
22 It's been long. I don't remember well.

23 Q. [11:56:18] And forgive me, Mr Witness, I'm going to ask you a few more names,
24 but we're almost done with the names. What about someone called Icaya Loum?

25 A. [11:56:40] In regard to Icaya Loum, I heard about him.

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1 Q. [11:56:49] But you did not meet him; is that what you are saying?

2 A. [11:56:55] If I remember well, there was a commander whom I talked about that
3 escaped with his people. He seems to be the one.

4 Q. [11:57:12] Did you meet someone called Ojok Dolo Kampala?

5 A. [11:57:24] Maybe I know a different name. I could have met him, but I knew a
6 different name from there. But I don't recall that name.

7 MS BRIDGMAN: [11:58:49] Your Honours, I just request a moment to find a
8 reference.

9 PRESIDING JUDGE SCHMITT: [11:58:54] Please do so.

10 Q. [11:59:43] Mr Witness, earlier today -- and this is at page 27 of the
11 transcript -- you talked about Odokonyero, and you said that at the time you were
12 escaping he was already deceased. Is this correct, Mr Witness?

13 A. [12:00:10] When I escaped, he was still alive. When I went back to the OP, he
14 was shot. I said that before I left he was there. I came back there with soldiers, and
15 he was shot there. I was asked who had been shot, because soldiers removed his
16 gun. And he had a magazine, six magazines, that he was carrying. We was lying
17 under a bamboo tree. He ran to Dominic's home. We went and carried some food
18 which was being cooked, and the soldiers told me to hold it. That's what I know.

19 Q. [12:01:03] Thank you for that clarification, because I genuinely was confused.
20 Now, when you returned from Sudan you said Dominic Ongwen became Sinia
21 brigade commander. Did you ever find out if he had been (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [12:04:09] I do not recall that, because I said we were in Soroti together with
11 Dominic -- no, not with Dominic but, rather, with Buk Abudema. Then person
12 number 2, who's chair I used to carry, I was with him. They were at Tabuley's home,
13 and a helicopter came and hovered across.
14 Then they set up the radio. I heard them say, we were together with Odoki, and
15 they were saying that Otti Vincent had attacked Pajule. So they said that the military
16 aircraft was going to Pajule. It passed above us and went. It returned and then
17 again went back at about 2 p.m.
18 Then at 5 they said we should attack that military aircraft. They instructed us to get
19 some okra fruits and put on our barrels so we can shoot that aircraft so that it can
20 crash. We started attacking. But I never said I went to Pajule. I only heard them
21 talk about Pajule having been attacked.

22 Q. [12:05:39] That's okay, Mr Witness. Did you also hear that Dominic Ongwen
23 attacked Pajule or participated in that attack on Pajule?

24 A. [12:05:59] If he attacked there at another time when we had split up with him,
25 then maybe that. But, well, I also told you that sometimes we would break off and

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1 stay for some time before we reunite. So he could have attacked there when I was
2 not with him.

3 MS BRIDGMAN: [12:06:28] Your Honours, I'm going to read again at tab 24.

4 PRESIDING JUDGE SCHMITT: [12:06:33] This is the already-known page 382.

5 MS BRIDGMAN: [12:06:36] Yes, your Honour.

6 Q. [12:06:37] In your UPDF statement, the one we discussed --

7 PRESIDING JUDGE SCHMITT: [12:06:40] Yes, okay. We said UPDF statement, yes.

8 But it is written down.

9 MS BRIDGMAN: [12:06:47] It's an extract.

10 PRESIDING JUDGE SCHMITT: [12:06:49] Yes, yes, okay. But put it to the witness

11 it is written down like that, perhaps like that.

12 MS BRIDGMAN: [12:06:54]

13 Q. [12:06:55] So, Mr Witness, I am not saying that this is what you wrote, but it

14 appears that they wrote down what you said. So just for clarity. But in that

15 statement it says, "The first attack was in Pajule. That was on 1 July 2003 when

16 Dominic Ongwen was in the sickbay. And the second attack was on 10 October 2003

17 when Dominic Ongwen was one of his commanders."

18 Mr Witness, at that time was Dominic Ongwen already your commander?

19 A. [12:07:46] In the year 2003, I said we had left Dominic Ongwen. I was in Soroti

20 with Buk Abudema. He was not my commander.

21 Q. [12:08:01] Do you know why in this statement, this portion I have just read to

22 you, would you by any chance know why they wrote it down this way?

23 A. [12:08:13] I told you that while we were in Soroti, a military gunship came.

24 And I said they communicated over the radio. They said Otti Vincent. I only heard

25 the name of Otti Vincent as the person who attacked Pajule. I didn't hear the name

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1 of Dominic Ongwen having attacked Pajule.

2 PRESIDING JUDGE SCHMITT: [12:08:44] It's a little bit also, if you look at it from a
3 language point of view, it shows that sometimes it is stated as a direct statement by
4 the witness; sometimes it's indirect speech. So this is also obvious if you look at it.
5 Please continue.

6 MS BRIDGMAN: [12:09:01] I agree, your Honour, on the way things are worded.

7 Q. [12:09:05] Now, Mr Witness, when Dominic Ongwen finally joined your group
8 and became your commander, did you ever learn that he had moved from -- he had
9 been removed from the sickbay to Control Altar to be imprisoned for attempting to
10 escape?

11 A. [12:09:52] I didn't learn of that.

12 Q. [12:10:00] Did you ever learn that when he was appointed brigade commander
13 of Sinia, several officers were deployed to work with him to observe him and directly
14 report to Joseph Kony?

15 A. [12:10:21] No, I did not, because it was only Buk Abudema that I saw. On the
16 day I was with Okwee and my commander in some place -- I don't recall the name of
17 the place -- but they mentioned that he would be commanding the headquarters of
18 Sinia, and himself, as Abudema, he would be in charge of the division. And
19 thereafter we split up with Buk Abudema, and I started staying with Dominic. That
20 was when I came under him.

21 Q. [12:11:15] Yesterday you briefly talked about the attack on Barlonyo and said
22 that Odhiambo went with Ocan. At this point, was Ocan the commander for Oka?

23 A. [12:12:25] I think it was Ocan who was the commander of Oka because I was in
24 that group together with him.

25 Q. [12:12:37] Are you saying that you were in Oka with Ocan?

1 A. [12:12:48] At that time I used to carry the chair for person number 2, and I don't
2 know whether we had joined Oka or not because at that time Dominic was not there.

3 Q. [12:13:07] Now, do you remember if Odhiambo was in Sinia or he was in
4 another group?

5 A. [12:13:26] Odhiambo was in charge of another group.

6 Q. [12:13:31] Did you ever learn why Oka, which belonged to Sinia, joined
7 Odhiambo's group to attack Barlonyo?

8 A. [12:13:58] At that time we were in Sinia and we moved for quite a while. We
9 had come from Lira, from Lango. We had gone to pillage some items and we passed
10 through there. And I think the government soldiers identified us and they started
11 pursuing us until about 4 o'clock, about 4 or 5 o'clock, and thereafter a helicopter
12 gunship came and found when we had stationed somewhere. We met with
13 Odhiambo; we found he had stationed somewhere. And when we arrived, we lined
14 up. From there, when you meet, the rank and file soldiers line up and then the
15 commanders will move ahead. Then they will whistle and then they will -- now
16 after whistling, you now go and take up your positions. But before we took up our
17 positions, we came under attack from a gunship helicopter and a lot of people died
18 during the attack.

19 There was a nearby stream. Many people ran and took cover in the thickets while
20 we were under the attack; a lot of people died in the process. Some of us fled and
21 ran very far away. We tried to fire back at the helicopter, but we could not manage
22 them. They attacked us until, at some point, they went back.
23 Then we ran and reached a point. Then the search. And we were already with
24 Odhiambo and Ocan, and they identified some people to go. I stayed back; I was not
25 identified to go with them.

1 They moved. And that was in the year 2003, around August, that was when they
2 went and attacked that place. They came back; they abducted some people.
3 They kept on killing these abductees and when they returned, they told us that they
4 went to the barracks, they shot just one soldier and the rest fled. They said they
5 went and entered into the barracks because those who were identified to go were
6 dressed up like the government soldiers. Odhiambo was the commander and he
7 was communicating on a walkie-talkie, the radio I talked about that was a small one.
8 He was speaking in Swahili I think. I think he knew Swahili language.
9 So I said they went and attacked there. They killed so many people because they
10 even fired the SPG-9 and many other huge guns. They torched houses and did
11 everything else. That was what I heard about Barlonyo.

12 Q. [12:17:03] Yesterday you testified that person number 1 was killed in Awere,
13 and you told us this morning that this happened before you went to Sudan. Now
14 how many times did you attack Awere?

15 A. [12:18:41] The first time was when I was with commander number 1. We were
16 together and that was the time he was killed. That was the first instance, but also
17 when I was with commander -- person number 2, we again went to Awere. At that
18 time I used to carry the chair of person number 2, but I was under Buk Abudema.
19 That means that we went to Awere two times.

20 Q. [12:19:24] Now, Mr Witness, we are going to discuss the Odek attack. You
21 testified yesterday that people were selected to go to Odek because there was no food.
22 Who made the selection of the people to go to Odek?

23 A. [12:20:37] You know, from there, whenever there is a shortage of food, the
24 person whose chair I was carrying would go to Dominic and report that there was a
25 shortage of foodstuff. They would then plan where to go and get food.

1 Then the commanders who would identify the person who would identify the -- who
2 will be selected and then would be taken to the operation room where Okwer was,
3 that was (Redacted). And then from there, they
4 would go to Dominic's place and Dominic will now give an instruction on how the
5 operation should be carried out.

6 That is what I know.

7 Q. [12:21:47] So would it be people in the operation room to determine where the
8 food was to be collected from?

9 A. [12:21:57] Yes, it would come from the operation room, but they would then
10 share the information with the overall leader of the group. Thereafter, they will go
11 to collect food.

12 Q. [12:22:23] Had you been to Odek before the attack, perhaps even before your
13 abduction?

14 A. [12:22:48] I didn't know there.

15 Q. [12:23:00] Before you went for the attack or during or soon after the attack, did
16 you ever learn that this was Joseph Kony's birth place?

17 A. [12:23:16] I used to hear from people like Odoki and Dennis from the dog adaki
18 whenever they're talking, whenever they're telling stories they would mention that
19 Odek was Kony's home. That was what I heard.

20 Q. [12:23:44] At what point did you know that you were going to Odek?

21 A. [12:24:03] At the time when they select people who were taken to Dominic
22 Ongwen, then they said, "You people are going to work." When they said they were
23 going to work, they talked and then Dominic Ongwen said, "You should go there.
24 Go and abduct children. Abduct children, collect food and then set the camp on
25 fire."

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1 Then we went and then I heard one of the commanders. I do not clearly recall his
2 name now, but he came and whispered to my commander that, "Right now, we are
3 nearby. If you look forward there, that is the place called Odek". Then I heard
4 about Odek from that point. That was when I discovered we were going to Odek.

5 Q. [12:25:27] Do you remember where you were stationed before you received
6 these instructions, the general area where you were?

7 A. [12:25:37] You know after crossing Aswa river and you're on the other side,
8 they'll tell you that you've already left Pader and they will tell you that you've
9 reached Gulu district; that's what they would mention. And I think that was Gulu.
10 They were telling us that was Gulu, but the specific location in Gulu I could not
11 establish.

12 Q. [12:26:11] Do you recall the number of people that were selected to go to Odek?

13 A. [12:26:37] I saw as if they were ranging between 40 and 50. But, of course, they
14 would not allow you to count the number of people. But in my estimation, that
15 should be the number.

16 Q. [12:26:55] Do you remember if Oyenga went to Odek?

17 A. [12:27:03] Well, it's difficult for me to know whether he went or not, because I
18 told you that when you are walking and, for instance, we were ahead, where some
19 people were behind us, and it was not possible for me to look behind to see who was
20 behind us.

21 Q. [12:27:28] Do you remember if he was present at the RV point where you
22 received your instructions?

23 A. [12:27:45] I don't recall whether he was there or not.

24 Q. [12:27:58] Now, I know that you testified and said that you went, and your
25 commander was person number 2. But I just want to clarify from you, was this the

1 commander for all the 40 to 50 people or for just your group, the one you were in.

2 A. [12:28:31] Because there were other commanders, for instance, Abongomek was
3 also a commander, so I don't know whether he was the overall commander or not. I
4 didn't ask him if he was the overall commander, but I moved with him.

5 Q. [12:28:57] If you recall, how many people was he responsible for for that attack?

6 A. [12:29:15] I said I didn't count the number of people, but I estimated them to be
7 between 40 and 50.

8 Q. [12:29:31] I'm sorry, let me try to rephrase my question. You said that you
9 were in front, so you don't know other people that might have been in the group. I
10 just want to clarify from you, for person number 2 -- okay, let me ask this way. Were
11 the 40 to 50 people divided, subdivided, further into smaller groups?

12 A. [12:30:04] When we were taking our positions, I saw some people were lining
13 up and going towards the barracks while others were going towards the camp. But
14 most times we'd begin by going to the barracks before we eventually moved to the
15 camp.

16 Q. [12:30:34] So where did your particular group move towards? Did you go to
17 the barracks or did you go to the camp?

18 A. [12:31:02] We went to the barracks and then came back to the camp.

19 Q. [12:31:13] So would I be correct to assume that 20 to 25 people went to the
20 barracks and 20 to 25 people went to the camp? Or more people were sent to the
21 barracks and not the camp, if you remember.

22 A. [12:31:44] They would select people accordingly. First we went to the barracks.
23 If you go to the barracks and attacked the barracks and you fail, then you come back
24 to the camp to get food so that you can flee and leave the place.
25 There are also other people who went to the camp to start operations from there.

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1 They would send some people to go and engage the soldiers as the others would be
2 looting the items in the camp.

3 Now, for you who were in the barracks, you'd run from there and go to the camp and
4 carry whatever you can carry. Then you flee the place.

5 Q. [12:32:33] Do you remember how long it took you to walk from the RV point
6 where you got the instructions before you arrived at the barracks?

7 A. [12:32:55] I do not remember.

8 Q. [12:33:04] Do you remember if you crossed the Aswa river from the time you
9 received your instructions to the time you arrived at the camp?

10 A. [12:33:27] I recall that we crossed Aswa river and then we moved, we moved for
11 quite some distance. There are actually many -- there are many water bodies there.
12 I do not recall if that was Aswa or in a different water body, but we actually crossed
13 the water body.

14 Q. [12:33:58] If you try to focus your mind a little more, did you cross this water
15 body just before you arrived at the camp or just after you left the RV point?

16 A. [12:34:31] This water body that we crossed, I do not know if that was the one
17 which was called Aswa. It is in Odek. We crossed it before we started the
18 operation.

19 Q. [12:34:47] When you were walking to Odek, in which direction was the sun?

20 A. [12:35:13] At that time it was to the west.

21 Q. [12:35:26] So you were walking towards the east? The sun was behind you; is
22 that correct?

23 A. [12:35:36] That is correct.

24 Q. [12:35:49] When you crossed this river just before you started the operation, do
25 you remember how wide it was?

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1 A. [12:36:00] It is from here to there. When you are crossing a water body you
2 avoid a wider area and you look for another area. So I took it across from there.
3 Sometimes you find sand and some grass for support so that you can cross from there.
4 We normally look for a narrow part of the river so that we can cross.

5 Q. [12:36:38] Looking at this courtroom, the place that you crossed the river, would
6 you say it is the distance between where I'm standing and where the Prosecution is
7 sitting?

8 A. [12:37:02] It can be from this side of that table to your table.

9 PRESIDING JUDGE SCHMITT: [12:37:14] Thank you. That's quite understandable.
10 We can follow that. The witness has pointed from the end of the tables of the side of
11 the Prosecution to the end or the start of the tables, if you will, of the Defence.

12 MS BRIDGMAN: [12:37:41] Thank you, Mr President.

13 Q. [12:37:44] Now, when you crossed at this point, do you remember how deep the
14 water was?

15 A. [12:37:49] The place we crossed from was not very deep. It was about knee
16 level, and was not very deep.

17 Q. [12:38:14] How fast was the water moving? Did you cross with ease or was it
18 hard?

19 A. [12:38:35] The water was flowing and you'd support yourself with some grass or
20 some plants that were in the water and then you pass.

21 Q. [12:38:56] So the water was moving relatively fast; is that correct, Mr Witness?

22 A. [12:39:07] The water was flowing. I cannot gauge the speed, but it would flow,
23 and you'd see it flowing.

24 Q. [12:39:22] Mr Witness, in the group that went to Odek, did you see any female
25 LRA people going to Odek to fight?

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1 A. [12:39:47] I do not know if there were women. I did not see any.

2 Q. [12:40:02] Now, I would like us to take a look at the map that you discussed
3 with the Prosecution yesterday. And that's at tab 20.

4 PRESIDING JUDGE SCHMITT: [12:40:35] That's UGA-OTP-0263-2806.

5 MS BRIDGMAN: [12:40:39] That's correct, your Honour. And I understand a
6 redacted version has been provided, but I don't know. Is it possible? So we can
7 display that to the public.

8 PRESIDING JUDGE SCHMITT: [12:40:50] So this must have happened in the
9 meantime, so to speak, because as I recall it, who did it?

10 MS BRIDGMAN: [12:40:57] Mr Obhof.

11 PRESIDING JUDGE SCHMITT: [12:40:59] Mr Obhof. Then Mr Obhof had to be
12 lauded for that. Thank you.

13 MS BRIDGMAN: [12:41:10]

14 Q. [12:41:11] Now, Mr Witness, looking at this map, can you please help to orient
15 me. Show me where the sun would be setting, looking at the map that you drew.

16 A. [12:41:29] The sun would set downwards.

17 Q. [12:41:40] When you say downwards, let's use the things that you have noted on
18 the map, would it be where there is the red X, the one X showing civilians, or would it
19 be where there is something called "Position" and "2 fighters" and "OP"?

20 PRESIDING JUDGE SCHMITT: [12:43:34] I think you would perhaps have to repeat
21 it.

22 MS BRIDGMAN: [12:43:37] Yes.

23 PRESIDING JUDGE SCHMITT: [12:43:38] Or to split it simply.

24 MS BRIDGMAN: [12:43:41]

25 Q. [12:43:41] Mr Witness, from your map -- okay, let me ask it this way. Where

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1 did you come from on the map that you drew?

2 A. [12:43:53] When we left position, we moved and crossed the road. From the
3 road, two people were put there to watch, one person watches their one side of the
4 road.

5 We crossed and then we went to the upper side, and then we started lining up. I
6 said that we went to the LDU barracks. The UPDF were in the school. We started
7 shooting from there and then we ran.

8 The UPDF started going to save the LDU barracks. We came up to the camp, up to
9 the place where I said a few people died where I put X, the three X is where people
10 died.

11 When they crossed the road again, we found one dead person on the other side of the
12 road.

13 Where Odek is, people's houses, the civilian houses were on both sides of the road.
14 The road splits the village. And the road goes downwards. That is how I put the
15 position of Odek.

16 Q. [12:45:24] So when you started attacking, would I be correct to assume that then
17 the civilians -- let me put it this way. There is that arrow that shows the direction
18 where the LDU run. Which direction did the civilians run, if you remember?

19 A. [12:45:54] I don't know if civilians went and crossed the road. It depends on
20 how you flee. I did not follow them. I don't know whether others crossed the road
21 or others went another direction. It's not easy to know that.

22 Q. [12:46:19] You said you moved from the barracks and went towards the
23 school -- sorry, to the camp? I'm sorry.

24 A. [12:46:52] Yes, we went.

25 Q. [12:46:54] How far was the barracks from the camp?

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1 A. [12:47:00] It was not far away. It would be the barracks was like the gate which
2 you use for entering this premise. When you -- the gate where you go down and
3 then you come out, that is how far the barrack was.

4 Q. [12:47:37] And we are talking about the LDU barracks; is that correct?

5 A. [12:47:48] Yes, that is correct.

6 Q. [12:47:51] Now, how far was the school where the UPDF was based from the
7 barracks?

8 A. [12:47:59] The school was closer to the camp. The barracks was a little farther.

9 MS BRIDGMAN: [12:48:22] Your Honours, Mr Obhof informs me that the estimated
10 distance between the barracks and the camp is about 200 metres from the witness's
11 explanation. And I just wanted to put it on the record.

12 PRESIDING JUDGE SCHMITT: [12:48:37] But how do we know that?

13 MS BRIDGMAN: [12:48:40] Because he's the one -- that's why I said, depending on
14 what the witness has said from how you enter the premises, the gates of the premises,
15 I think that's the estimate that Mr Obhof is using. I don't know which gate the
16 witness used, so I am hesitant to personally make any comment on that.

17 PRESIDING JUDGE SCHMITT: [12:48:59] Yes, yes. I think we cannot take this for
18 granted, to put it mildly.

19 Okay. Please continue.

20 MS BRIDGMAN: [12:49:13]

21 Q. [12:49:14] Now, when you talk about the UPDF being at the school, is it from
22 your observations during the attack or do you know that they were based at the
23 school?

24 A. [12:49:35] The way they were firing to come towards us is what made me know.
25 Many times the LDU do not have bombs and other big weapons. When they started

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1 shooting from their direction, we knew that those were the UPDF shooting.

2 Q. [12:50:00] Now, you just said that the school was closer to the camp, the distance
3 between the camp and the school was shorter than the distance from the barracks to
4 the camp.

5 When you started -- go ahead, I'm sorry. You were going to say something?

6 A. [12:50:32] I said that the barracks were farther, but the school was closer to the
7 camp. That's what I wanted to emphasise.

8 Q. [12:50:41] Do you remember seeing the church?

9 A. [12:50:49] There is a church in Odek. At that time I could not know what
10 direction it was. When I was also being interviewed, they told me to sketch how the
11 place looked. I told them I did not know how to draw a map. And they told me to
12 just try. Then I tried to draw as you've seen it. If it is not drawn well, it is because I
13 do not know how to draw a map really well.

14 Q. [12:51:29] That's okay, Mr Witness. I also don't know how to draw. So I'm
15 just trying to understand from what you were able to draw.
16 So in the context of what you drew, where would you put the church?

17 A. [12:51:47] The church was on the side of the road --

18 THE INTERPRETER: As indicated by the witness.

19 THE WITNESS: (Interpretation) -- when you are heading the direction. Like I said,
20 the road has split the camp. If I tried to talk about going towards Gulu, when you
21 are passing through Odek the church would be, let me see, the church would be on
22 the left.

23 MS BRIDGMAN:

24 Q. [12:52:36] On this sketch there is this road that you said you crossed. Which
25 direction is Gulu?

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1 A. [12:52:58] The whole area of Odek is already Gulu. The older place is Gulu.

2 Q. [12:53:16] You just testified and said that the road has split the camp, and if you
3 are going to place the church, it would be going towards Gulu. I just want you to
4 help me from the indication of the map you have drawn, so when you were coming
5 into the camp, were you going towards Gulu on that road or Gulu as behind you?

6 A. [12:53:57] Gulu would be ahead of us. When we entered from one side, we
7 started fighting. Then when we were fleeing, we started going downwards, but we
8 came from upwards. That road is straight. And it is not like it is indicated in the
9 map, it is straight.

10 When I was sitting while drawing this map, I would understand the way the direction
11 is, but now I cannot tell the direction.

12 Q. [12:54:39] So was the church near the school where the UPDF was shooting
13 from?

14 A. [12:54:49] Yes, the church was near the school.

15 Q. [12:54:57] What would you say, Mr Witness, if I told you that the school was
16 actually located at the church?

17 A. [12:55:12] I said that the school is near the church. I saw a building with a cross
18 on top, and I assumed that was the church. I said that the UPDF was in the school
19 and I will not reach the school. Is this clear?

20 PRESIDING JUDGE SCHMITT: [12:55:44] And I think "at the school" is also "near
21 the school" you could say, or "near the school" could also be "at the school". So it's a
22 matter of interpretation how you see it.

23 And of course I understand that you tried to establish what knowledge the witness
24 has about the location. That is perfectly understandable. But we have also to keep
25 in mind that the description of the location, the buildings that were there were

1 probably not the primary focus of the witness at the time.

2 And we are close to 1 o'clock, Mrs Bridgman. I don't know if you have follow-up
3 questions that you want to ask before the break or if this would be an idea to have the
4 break now? If so, I would of course like to ask you if you have already an idea how
5 long your examination will last?

6 MS BRIDGMAN: [12:57:05] I have follow-up questions, but they might lead to other
7 follow-up questions. So it might be a good place to stop right now. And I can also
8 say with certainty that I am not going to be able to finish today.

9 PRESIDING JUDGE SCHMITT: [12:57:17] As I told you, that's not a problem. I
10 understand that. Can you give us the prospect for tomorrow? First session I think
11 should be enough then?

12 MS BRIDGMAN: [12:57:26] Yes.

13 PRESIDING JUDGE SCHMITT: [12:57:27] Yes.

14 Next question. Next Prosecution witness, Mr Gumpert, how long would be the
15 direct examination of the next Prosecution witness, if you have it in mind?

16 MR GUMPERT: [12:57:40] Embarrassingly, I don't, your Honour.

17 PRESIDING JUDGE SCHMITT: [12:57:44] So then we come back to that after the
18 break at 2.30.

19 THE COURT USHER: [12:57:49] All rise.

20 (Recess taken at 12.57 p.m.)

21 (Upon resuming in open session at 2.32 p.m.)

22 THE COURT USHER: [14:32:16] All rise.

23 PRESIDING JUDGE SCHMITT: [14:32:37] So in this afternoon session

24 Mrs Bridgman has still the floor.

25 MS BRIDGMAN: [14:32:43] Thank you, Mr President.

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1 Q. [14:32:53] Mr Witness, I'm about done regarding the questions on Odek. But I
2 would like to ask you, if you recall, what was the weather like during the attack on
3 Odek?

4 A. [14:33:22] On that day there was no rain. It was not raining.

5 Q. [14:33:36] Earlier I asked you about certain names and if you remember if you
6 ever met them or knew them. But I have two more that I wanted to ask you about.
7 Did you know someone called Abonga Won Dano?

8 A. [14:34:03] I saw Abonga from Sudan. He used to lead prayers.

9 Q. [14:34:13] Was Abonga at Odek?

10 A. [14:34:24] Well, the Abonga I saw in Sudan didn't go to Odek.

11 Q. [14:34:32] Did you meet someone called Okwonga Alero?

12 A. [14:34:44] Could you please repeat the name.

13 Q. [14:34:47] The name is Okwonga Alero.

14 A. [14:35:00] I heard that name, but I didn't see him. I think I heard the name
15 when I was in the LRA, but right now I cannot recall the face.

16 Q. [14:35:16] When you heard about this name was it in the context of the Odek
17 attack at all?

18 A. [14:35:33] I said I saw Abonga in Sudan, he used to lead prayers. But for Alero,
19 I don't clearly recall.

20 Q. [14:36:10] Do you remember seeing Kalalang either at Odek or at the RV point?

21 A. [14:36:26] I think I didn't see Kalalang at Odek. But I saw him in another place.
22 I saw he was walking with a limp, I think he was shot in the leg. I think I didn't see
23 him in Odek at least.

24 Q. [14:36:44] Did you see Ocan at Odek?

25 A. [14:36:56] No, I didn't see Ocan there.

1 Q. [14:37:06] You testified earlier that the UPDF based at the school was firing
2 bombs at you. When this was happening, do you remember where you were?

3 Were you still in the barracks or were you at the camp already?

4 A. [14:37:39] They were firing there the guns when we were running from the
5 barracks towards the camp.

6 Q. [14:37:52] Were they firing just regular guns or bombs as well?

7 A. [14:38:07] They were using both. They were using mortar, I think I heard that.
8 RPG must have also been fired.

9 Q. [14:38:37] Do you remember if this started even before you started running
10 towards the camp? Did the UPDF start firing before your group left the barracks to
11 go to the camp?

12 A. [14:39:00] The UPDF started firing when some of us were still at the LDU
13 barracks, we were attacking there. Then we started running towards the camp.

14 Q. [14:39:17] If you can recall, when the UPDF was firing was this falling onto the
15 camp?

16 A. [14:39:44] I don't know whether they, some of the shells were landing in the
17 camp, but they were firing towards us. So I don't know whether some of them
18 landed in the camp or not.

19 Q. [14:40:06] Now, for the people that you saw that you marked on the map who
20 were dead, did you recognise how they had been killed?

21 A. [14:40:30] At that time it was becoming dark, so I only saw the dead bodies lying
22 there. I could not establish how they died or how they were killed, whether they
23 were clubbed or they were shot using guns. You know, when the LRA go for an
24 attack they do not take long there. They do everything hurriedly.

25 Therefore it was difficult for me to examine whether some of the dead bodies were

1 killed using clubs or were shot.

2 Q. [14:41:16] When you left Odek, do you remember seeing any LRA who had been
3 injured from the attack and needed to be carried away?

4 A. [14:41:40] At that time I didn't pay attention to that. I didn't see any injured.

5 Q. [14:42:00] During with your interview with the Prosecution you said that after
6 the attack you did not go back to the original RV point, but you went to a new place;
7 is this correct?

8 A. [14:42:21] That's correct.

9 Q. [14:42:24] Was this new place still near the Aswa river?

10 A. [14:42:39] I couldn't establish whether it was near Aswa or not, because the
11 water bodies around that place were not like the ones in my home village, because
12 some of them were, like I estimated earlier in the day, some of them were deep, others
13 were shallow, but there were so many rivers in Gulu.

14 Q. [14:43:15] Was this place -- no. So from what you have said, would I be correct
15 to conclude that you don't know the name of the place where you went after the
16 attack?

17 A. [14:43:36] I don't know much of the place, many of the places there, because if I
18 do not enquire from someone, I would not be able to know where exactly we were.

19 Q. [14:43:51] Do you know if this new place was identified before you even went
20 for the attack?

21 A. [14:44:11] They will not tell you the place. What I used to hear was the name
22 "position", and that's a place where you would settle and then prepare a meal and eat.
23 And if you are not being pursued, then you can even sleep there. They used to refer
24 to such a place as "position".

25 Q. [14:44:39] Now, when you went back to this place, did you ever hear your

1 commander reporting back about what happened at Odek?

2 A. [14:45:00] I was taken to a dog adaki to go and rest. And at that time my
3 commander was moving with Oyoo. Oyoo Okweny I talked about earlier on. He
4 took up my position and I went and replaced him at dog adaki.

5 Q. [14:45:34] So is your answer no, you did not hear of any report?

6 A. [14:45:47] Well, I don't know, because maybe if items were looted, many times
7 they would be taken to the commander. That therefore means that the answer is no.

8 Q. [14:46:20] Do you know if the results of the Odek operation were ever reported
9 to Joseph Kony?

10 A. [14:46:38] It is difficult for me to know that. If maybe they set up their radio,
11 the radio I talked about earlier, then they could have communicated to Kony.
12 I cannot be sure because they use a language that I would not comprehend. It is
13 difficult for me to know that.

14 Q. [14:47:01] Thank you, Mr Witness.

15 We are going to move on to Lukodi. In your statement at tab 8 you said that you
16 were in Koch Goma before going to Lukodi; is that correct?

17 A. [14:47:44] Yes, I think that was the area, because we moved up to Koch. We
18 went to a kind of thicket there.

19 Q. [14:47:58] Are you more familiar with that area than you are with Lukodi -- I
20 mean, sorry, with Odek?

21 A. [14:48:16] Well, not that I am more familiar with such a place as well. You
22 know, when you are in the bush, you can walk and then even return to a place where
23 you had been following before. You can even come and cross by the footpath that
24 you had been using earlier. You keep meandering about and it becomes very
25 difficult for you to know where exactly you are going.

1 I had told you earlier that I had never gone there before. They were just walking
2 with me and I would not know where we were.

3 PRESIDING JUDGE SCHMITT: [14:48:51] So I think the line of questioning with
4 regard to geography could be shortened, in my opinion.

5 MS BRIDGMAN: [14:49:05]

6 Q. [14:49:05] How long did it take you to walk from Koch Goma to Lukodi?

7 A. [14:49:20] We walked and reached a place. Well, I didn't know that place was
8 called Lukodi at that time. And we walked for a while and we reached a place and
9 settled. We spent a night there.

10 And the next day I saw they selected people, and those people were then sent to
11 Dominic Ongwen. I carried the chair. And they mentioned that the people who
12 were selected were supposed to go and work there. And at that time what he said
13 was that people should be abducted, they should attack the camp, they should loot
14 food items, goats and many other small, small items, including gumboots. That was
15 the instruction he was giving to the selected people, to go -- the people who were
16 selected to go and attack.

17 Q. [14:50:43] Do you remember if you crossed any rivers to get to Lukodi?

18 A. [14:50:57] I said there are very many water bodies. It's possible that we crossed
19 a river, though I didn't get to know the name of the river.

20 Q. [14:51:12] Mr Witness, it's okay not to remember the name of the river. My
21 question is did you cross any water bodies, any of the water bodies that you saw
22 around that area?

23 A. [14:51:35] Yes, we crossed a water body. And I cannot recall the direction of
24 the water body.

25 Q. [14:51:47] That's all right.

1 Now, you drew a map or a sketch of how Lukodi looked like, but can you tell us if it
2 was, was it an open field, was it hilly, did it have trees around it? What was the
3 layout of the place like?

4 A. [14:52:28] At some points it's a bit hilly, at others it's a bit flat. But, you know,
5 whenever we were going to a particular place, our major interest is to go and get food
6 items from the camp because we would be feeling hungry. I would not interest
7 myself with the rest of the things, the terrain and all that. That would not be
8 something of concern to me. I would only be thinking about our operation or what
9 we are going for.

10 Q. [14:53:13] Who was the most senior person that you recall going to Lukodi?

11 A. [14:53:54] There were some commanders like Okwee, Odokonyero and other
12 commanders, other junior commanders whose name I cannot recall. But they all
13 went there.

14 Q. [14:54:36] Do you know if the group that went to Lukodi was a combination of
15 Sinia and any other group?

16 A. [14:54:57] I don't know whether it was a mix. It was difficult to know, because
17 sometimes you, you meet with other groups and it would be difficult for me to ask
18 which group we have met with. And, you know, whenever we are meeting they
19 would instruct us to squat down and then the commanders would go and talk. But
20 we would not know what they have been talking about with the other members of the
21 groups.

22 Q. [14:55:41] Do you remember the last time you saw Mr Ongwen before the
23 attack?

24 A. [14:56:09] I was together with Dominic Ongwen. The last time I saw him was
25 when I escaped. We even went to Sudan together with him. The last time I saw

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1 him was when I escaped. That was the very last time.

2 But in all the places where I was moving I used to see him, because whenever we are
3 going, we would first walk together, and then those who remain behind would now
4 stay back and then the people who are going for an operation would proceed.

5 I don't know whether at that time he branched and stayed back.

6 Q. [14:56:46] Mr Witness, I think we are misunderstanding each other. I wanted
7 you to focus your mind on the attack on Lukodi. Do you remember the last time you
8 saw Mr Ongwen before going for the Lukodi attack? Or let me ask it this way:
9 Was Mr Ongwen at Lukodi during the attack?

10 A. [14:57:16] During the Lukodi attack, we were initially with Dominic Ongwen
11 and we started walking together. But eventually I couldn't establish whether he was
12 still in the line or he dropped out.

13 Q. [14:57:45] Did you ever hear about an order to attack a place called Gwendia?

14 A. [14:58:00] No, I did not.

15 Q. [14:58:21] Do you remember approximately how many LRA went to attack
16 Lukodi?

17 A. [14:58:34] You know, I told you that I was not allowed to count the number of
18 people. But what I can estimate is they were ranging between 40 and 50.

19 Q. [14:58:49] And did they do the same thing like in Odek, did they split up in two
20 groups before entering the camp?

21 A. [14:59:10] You know, we lined up, we took our positions and I didn't establish
22 whether some people went to the camp and another group went to the barracks,
23 because when we arrived there when it was getting dark.

24 Q. [14:59:31] Where did your group go?

25 A. [14:59:39] We went to the camp.

1 Q. [14:59:50] Yesterday you testified that Robert Mugabe died during this attack.

2 Do you remember if you left his body behind?

3 A. [15:00:12] The body of Robert Mugabe remained behind.

4 Q. [15:00:26] Did you personally witness the death of Robert Mugabe?

5 A. [15:00:35] My commander was the one who pointed for me and said that the
6 person lying, the body lying down is that of Robert Mugabe. He is dead.

7 MS BRIDGMAN: [15:01:04] Your Honours, I request that we go into private session
8 for one question.

9 PRESIDING JUDGE SCHMITT: [15:01:09] (Microphone not activated)

10 (Private session at 3.01 p.m.)

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)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Open session at 3.04 p.m.)
- 15 THE COURT OFFICER: [15:04:15] We are in open session, Mr President.
- 16 MS BRIDGMAN: [15:04:30]
- 17 Q. [15:04:30] Mr Witness, the other thing that I want to ask for you to clarify, from
- 18 what I have just read to you, and just for clarity I will read it again -- actually, I won't.
- 19 But it says that you came moving past the barracks up to the camp. Just a few
- 20 minutes earlier you said your group went to the camp. And I want to make sure
- 21 that I have the correct version of what happened. Did you go to the camp? Did
- 22 your group go to the camp or did it go to the barracks?
- 23 A. [15:05:16] I said earlier that we started moving, we lined up and we just
- 24 proceeded from the barracks, proceeded through the barracks to the camp.
- 25 Q. [15:05:41] Do you recall if there was a helicopter gunship that arrived at Lukodi

1 during the attack or maybe soon thereafter?

2 A. [15:05:58] During the battle a helicopter gunship came, because it was already
3 dark, the helicopter gunship came and surrounded us in some thicket. I do not
4 know in that area where the thicket was located. That is where I noticed that there
5 was a helicopter gunship.

6 Q. [15:06:34] So when the helicopter gunship arrived, did you fire at it?

7 A. [15:06:48] No.

8 Q. [15:06:55] When you finally left the camp, do you remember the next time you
9 saw Mr Ongwen?

10 A. [15:07:18] We came and met somewhere. That's where I saw him. It is in
11 Gulu there, but I do not know the name, but it is within Gulu. Most of that place
12 was now called Gulu. Besides, they did not want us to know the name of a specific
13 place that they were going to.

14 Q. [15:07:52] Now, you have mentioned that the attack happened and it was
15 already dark and the helicopter arrived. Would I be correct to then conclude that
16 when you were leaving Lukodi it was in haste?

17 A. [15:08:22] You have to run fast, because you have to leave immediately.

18 Q. [15:08:31] So those dead bodies that you saw in the camp, the ones you
19 discussed with the Prosecutor, you did not see how they died; is that correct?

20 A. [15:08:50] There was a place which I saw how they were beaten. In some
21 places I did not see, I just passed by there.

22 Q. [15:09:28] The ones that you saw -- the one that you remember where you saw
23 them being beaten, this was done by your commander number 2; is that correct?

24 A. [15:09:49] There was another soldier who was beating, but I do not recall their
25 names. I saw -- I was with my commander there.

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1 Q. [15:10:04] Now, you testified yesterday that when Mr Ongwen was giving you
2 the instructions to go to Lukodi, he told you that the civilians who were running
3 away should not be disturbed and that only soldiers should be shot at. And this is at
4 real-time transcript page 60 -- I believe 65 or 66.

5 Page 65, your Honours.

6 MR GUMPERT: [15:11:25] I don't know if your Honours have that portion. I have
7 it in front of me.

8 PRESIDING JUDGE SCHMITT: [15:11:31] So I would be grateful, I don't have it in
9 front of me now, but I would be grateful if we could read a couple of lines that would
10 make the citation complete for us, for our benefit.

11 MS BRIDGMAN: [15:11:40] And I will, your Honours.

12 PRESIDING JUDGE SCHMITT: [15:11:44] Is it okay, Mr Gumpert?

13 MR GUMPERT: [15:11:46] Well, I would respectfully submit when the 15 or so lines
14 which deal with this subject are read in full, it will be appreciated that what is being
15 put to the witness at the moment, let me put it neutrally, isn't the full picture.

16 PRESIDING JUDGE SCHMITT: [15:12:02] Then let me put it this way, I think when I
17 said "a couple of lines", this would with a broad interpretation still encompass 15
18 lines.

19 So perhaps since Mrs Bridgman -- it is Mrs Bridgman's turn, perhaps you tell her
20 which lines you would want to have read out.

21 MR GUMPERT: [15:12:23] She --

22 PRESIDING JUDGE SCHMITT: [15:12:23] From where to when.

23 MR GUMPERT: [15:12:25] Yes. On the page where she is, which is page 65, she has
24 correctly, of course, quoted what the witness's first answer was. However, at lines
25 20 to 23, the witness amplified that answer and I would ask that he be reminded of

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1 those three lines in addition.

2 PRESIDING JUDGE SCHMITT: [15:12:53] If you don't mind, Mrs Bridgman,

3 perhaps you can do it. Otherwise I think I could do it if I had it on my screen, but

4 I don't have it yet. I have it, I am told I have it now. So 20 to 23. And I think I

5 read it out.

6 So, Mr Witness, this is also recorded that you have said yesterday: "Most times if it's

7 a stubborn civilian who is believed has the interest of escaping, would be caught and

8 then those ones who are still new, tied up and hit on the back of their head."

9 So does this satisfy your -- but of course there is, Mrs Bridgman was addressing what
10 has been said beforehand. But you can always be assured that we can put

11 everything what is said and perhaps also done here into perspective.

12 MS BRIDGMAN: [15:13:52] And I'm grateful, your Honour, because just for

13 purposes of argument I think it's just as fine to draw out what I feel is important for

14 my line of questioning, but I am happy to also give further context as Mr Gumpert

15 requests.

16 PRESIDING JUDGE SCHMITT: [15:14:08] This was absolutely, I think, an absolutely
17 professional approach from you and also from Mr Gumpert to ask for, not

18 clarification, but for amending this, absolutely okay. There is nothing that is to be
19 reproached on any side here.

20 Please continue.

21 MS BRIDGMAN: [15:14:27]

22 Q. [15:14:36] Mr Witness, my question in regard to the part where Mr Ongwen
23 allegedly told you not to kill civilians, apart from government soldiers --

24 A. [15:15:01] I said that when he is giving orders, he would say that civilians who

25 are abducted and are not stubborn, they should be given luggage to carry. But if you

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1 go to the barracks, you should shoot the soldiers. Whoever is wearing uniform
2 should be shot.

3 But those who are abducted, if they want to escape, they should be killed. If they
4 flee and run away, that would be his luck; otherwise they should be caught and
5 beaten and left to stay if they have no intention of escaping.

6 Q. [15:15:44] Thank you. Now, going back to that person you saw who was
7 beaten at Lukodi, do you remember if that person was escaping? In your
8 observations, did he fall within the alleged instructions from Mr Ongwen?

9 A. [15:16:18] I do not know if the person was escaping or if he had failed to carry
10 the luggage given to him. I don't know, I didn't see him, whether he was escaping.

11 Q. [15:16:40] Do you know if these kind of incidents -- well, to be fair, let me focus
12 on that one. Do you know if this was reported to Mr Ongwen when you met with
13 him again?

14 A. [15:16:59] I don't know if it was reported to our commander, Mr Ongwen.

15 Q. [15:17:50] We are moving on to Abok. You said that you do not -- you did not
16 know that you were going to Abok until after arriving there. But do you remember
17 the general area where you were before going to Abok?

18 A. [15:18:15] I said that I was not familiar with the names of specific places.
19 Wherever we were we would call it position, so we would stay in position. They
20 would call it with a general name like Gulu.

21 Q. [15:18:57] During your testimony you said you crossed a road before arriving at
22 Abok. Was this road a tarmacked road or a marram road?

23 A. [15:19:20] The road that we crossed was a marram road.

24 Q. [15:19:32] Now, taking a look at the sketch that you drew, and that is
25 UGA-OTP-0263-2808, I just would like to clarify from you from which direction did

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1 you come from?

2 A. [15:20:05] We were around that area and then we moved to some location. We
3 then crossed the road and then went the other side. We moved around until we
4 came back to where we were before. We moved around and then later on we
5 proceeded to the venue of the attack.

6 Q. [15:20:46] On the map I see, on the left side, something saying "LRA approach".
7 Is this where you initially started from?

8 A. [15:21:05] That is where we moved through.

9 PRESIDING JUDGE SCHMITT: [15:21:09] Isn't this the right side?

10 MS BRIDGMAN: [15:21:13] Did I say left side? I'm sorry.

11 PRESIDING JUDGE SCHMITT: [15:21:18] But since the witness has understood it,
12 it's okay, I think.

13 MS BRIDGMAN: [15:21:24]

14 Q. [15:21:24] I also see a circle that has arrows coming from it that says "halt eat".
15 What does that mean?

16 A. [15:21:46] That was the place where we, we moved and first stayed around there
17 before going to Abok. That is where we went and came back and ate there. We
18 had our meal there.

19 Where I put "OP" is the place where they sent the OPs to go and check if there were
20 soldiers coming.

21 Q. [15:22:21] Do you recall how long you were at this particular location where you
22 ate?

23 A. [15:22:31] We prepared our meal and we ate and left about 4 o'clock. We
24 started cooking about midday. And then by 4, coming to 5 o'clock, we started
25 moving.

1 Q. [15:23:12] Did you notice during this movement -- I know previously you have
2 said that you were focused on the mission, but since you sat here for a while, did you
3 see any swamps around the area of Abok?

4 A. [15:23:37] In that area there was a place where people went to fetch water from
5 there.

6 Q. [15:23:51] So where you stopped to eat, how long did it take you to walk from
7 that place to the attack -- to the camp? Did it take an hour, two hours? Could you
8 see the camp from where you were?

9 A. [15:24:16] No, we could not. I -- I didn't have a watch, so I couldn't tell what
10 time it was. We would just estimate with the position of the sun.

11 Q. [15:25:03] How many people were selected to go for the attack on Abok?

12 A. [15:25:15] There were not so many, it could be about 25 or 30.

13 Q. [15:25:24] Do you remember if they were also divided in groups or you moved
14 as one big group?

15 A. [15:25:40] We moved heading towards the school. We moved -- I think we left
16 the school and then went to the camp, if I remember well.

17 Q. [15:25:59] Now, these 20 or 25 people, are they the people that were camped at
18 the place where you ate or was that the whole of Sinia?

19 A. [15:26:18] We had left the base of Sinia. The other group had remained behind.
20 This was only the small group that we were moving with.

21 Q. [15:26:35] So while you were approaching Abok, did you cross any swamps?

22 A. [15:26:48] I said that we crossed some water body, that must have been the
23 swamp.

24 Q. [15:27:01] Did you go through any forests before crossing that water body that
25 you describe?

1 A. [15:27:43] Yes, there were forests and thickets around that place. But I do not
2 know the name of the forest. They only told us the whole area was called Gulu.

3 Q. [15:28:05] One last question on the relief features. When you say you crossed
4 a water body, was it the kind that you crossed when you were going to Odek or
5 a different kind of water body?

6 A. [15:28:31] It was a swampy place also similar to the one which was in Odek. In
7 some places it had sand and overgrown grass.

8 Q. [15:28:51] How many water bodies did you cross before getting to the camp?

9 A. [15:29:17] There were many water bodies in that place. We crossed quite some,
10 quite a number of water bodies, but I did not count as I was not concentrating on
11 counting water bodies.

12 Q. [15:29:36] Did you see Okello Kalalang at the time you were receiving
13 instructions to go to Abok?

14 A. [15:29:51] I am not sure if I saw Kalalang.

15 Q. [15:29:56] Did you see Kalalang at Abok during the attack?

16 A. [15:30:05] I did not concentrate on looking for where Kalalang was.

17 Q. [15:30:13] Was Dominic Ongwen present at Abok during the attack?

18 A. [15:30:27] About Dominic Ongwen, when he addressed the soldiers, we left him
19 at his place, at his homestead, and then we moved ahead with my commander.
20 I don't know if he came from the rear or he remained at the base. I am not sure
21 about that.

22 Q. [15:31:02] You said that you did not see -- you could not see the camp from
23 where you stopped to eat. But do you recall seeing any civilians before going into
24 the camp to attack?

25 A. [15:31:29] You know, if the commanders with whom we went saw the civilians,

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1 then maybe they did. For me, I did not. You know, sometimes we are walking,
2 they'll just -- I hear them whistle, and then the rank and file soldiers would have to
3 squat down while the commanders would be standing to monitor the place. I was
4 squatting down so I didn't see any civilian. Maybe the commanders did.

5 Q. [15:32:30] You testified earlier that the LRA used to go for attacks and
6 everything would happen so fast. For the Abok attack, do you remember
7 approximately how many minutes it took you from the time you entered to the time
8 you retreated?

9 A. [15:32:57] The exact period of time, well, you know, there were gunshots, and
10 I was running behind my commander. Eventually I even overtook him. I didn't
11 check the time, what time it was exactly at that time, but it was already dark.

12 Q. [15:33:24] Did government soldiers fight you back or did they run away?

13 A. [15:33:36] Yes, government soldiers fired at us as well.

14 Q. [15:33:43] Do you remember what they used to fire back at you?

15 A. [15:33:56] They were firing different guns, G2, there were some shellings as well,
16 and we retreated back.

17 Q. [15:34:31] In your sketch on Abok you indicated a school. How far was this
18 school from the military barracks, if you remember?

19 A. [15:34:55] The school was near, nearer to the camp than the barracks. The
20 school was nearer, the barracks was a little further to the camp.

21 Q. [15:35:40] In your statement to the Prosecution you said that there was a lot of
22 gunfire and you had to retreat back. Now, was this gunfire in the barracks or in the
23 camp?

24 A. [15:36:05] Some were coming from the barracks and others were coming from
25 the camp, because there were also soldiers stationed in the camp.

1 Q. [15:36:26] So the soldiers, the government soldiers in the camp were shooting at
2 you while you were already in the camp or while you were still at the barracks?

3 A. [15:36:46] I said there were gunshots, because at that time some people were in
4 the camp, others were maybe at the school where the people will have lined up. You
5 know, when you line up and then you start firing, some people would be running to
6 go and collect food items, others would just be firing their guns so that people would
7 be able to loot some food items to go back with to the bush.

8 Q. [15:38:11] Yesterday you discussed about the people that you saw who were
9 killed at Abok.

10 A. [15:38:29] Yes, I saw.

11 Q. [15:38:39] Do you know how they got killed?

12 A. [15:38:48] That one that was lying at the school I think was shot. But the other
13 one in the camp must have been beaten.

14 Q. [15:39:03] The person lying by the school, do you know if he was shot by
15 government soldiers or by the LRA?

16 A. [15:39:26] Well, that one by the school, I don't know whether it was the
17 government soldiers or the LRA that shot him. We just saw -- I just saw the dead
18 body, but I didn't move nearby to try and establish that.

19 Q. [15:39:49] Do you remember if there was ever a helicopter gunship that arrived
20 when you were at Abok?

21 A. [15:40:08] You know, sometimes the helicopter gunship would come, but other
22 times they don't come. Naturally in the night they would come, especially between
23 5, 6 or 7 in the evening, or alternatively they would arrive the next day, the morning,
24 to try and follow you up.

25 Q. [15:40:46] Did it come during the attack on Abok or after the attack on Abok?

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1 A. [15:41:00] When we attacked there, the helicopter gunship attacked us as well.
2 But when I was talking earlier in the day, I told you that it was difficult for me to
3 know whether that was Abok or not because I remember I asked one of the recruits
4 whether that place was called Abok or not. But what I know is these helicopter
5 gunships would come every now and then. Whenever they are informed that there
6 was an attack on a place, they would pursue you.

7 Q. [15:41:43] Mr Witness, I just want to clarify something with you. I understand
8 that you went to several places and I would like you to try as much as possible to
9 focus on the particular locations that we are discussing. Not on general areas or
10 what would typically happen and that is why I'm asking you, in particular, if
11 a helicopter arrived at that place that you were told was Abok? That is my question.

12 A. [15:42:32] Right now I cannot recall if it came.

13 Q. [15:42:37] Thank you. What about a Mamba? Do you remember if any
14 armoured vehicle came?

15 A. [15:42:50] We heard the sound of a vehicle and we heard some shellings
16 from -- some shellings. I think I also saw a vehicle that approached.

17 Q. [15:43:32] Mr Witness, at tab 12 of your transcripts, UGA-OTP-0270-1116, at
18 page 1117, starting from line 19, you stated: "You never get government soldiers
19 when you are fighting unless those who are shooting at you. They normally run
20 away when you enter the camps. If you get them, they might be in civilian uniform,
21 in civilian clothes so you cannot tell."

22 Now did you see -- I know yesterday with the Prosecution you discussed in detail
23 about the civilian you saw near the school -- the person you saw near the school, but
24 apart from the attacks that you discussed, did you ever see a government soldier in
25 civilian clothes attacking the LRA?

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1 A. [15:45:02] You will not find government soldiers putting on civilian uniforms
2 while they are in the barracks.

3 Q. [15:45:19] Can you then explain to the Court why you said this, that "If you get
4 them, they might be in civilian ... clothes so you cannot tell." What did you mean by
5 this statement?

6 PRESIDING JUDGE SCHMITT: [15:45:38] I just wanted to say this is not necessarily
7 a contradiction; it is simply a little bit unclear what is meant by it, so it is okay.
8 So what did you mean by that, Mr Witness?

9 THE WITNESS: [15:45:58] (Interpretation) I said the soldiers that you find in civilian
10 clothes would not be having guns or firing at you. If you ever find somebody in
11 civilian clothes and firing a gun, would be an LRA soldier. If you found anybody in
12 civilian clothes and is a member of the government forces, then that should be one of
13 the government forces in the camp just -- who requested for time to come in the camp
14 and you would be able to identify such a person with -- the marks of their cap are on
15 the forehead. You would also see the marks of their gun straps around the shoulder
16 or on the shin, you'll get the marks of their Wellington boots. That's how you can
17 identify government soldiers who is putting on civilian clothes.

18 MS BRIDGMAN: [15:47:09]

19 Q. [15:47:10] Did you learn these identifying marks or signs of a government
20 soldier wearing civilian clothes from your time in the LRA? Were these some of the
21 things that you were told?

22 A. [15:47:36] I saw that at some point when we were still freshly abducted. There
23 was somebody who had just deserted the army, he was called Ayut (phon), and he
24 came back home. He was abducted and he was killed and those marks were on him.
25 I remember I saw that nearby our village at that time.

1 Q. [15:48:16] Just to clarify, this man was killed by the LRA after he deserted the
2 army; is that correct?

3 A. [15:48:32] Yes.

4 Q. [15:48:36] Now after the attack on Abok, were you present when any reports
5 regarding the operation were given to Mr Ongwen?

6 A. [15:49:01] Well, sometimes it would happen when I have gone back to the
7 dog adaki to look for something to eat. You know, when I have moved for a long
8 distance and I am tired, I go looking for something to eat and whenever the
9 commander is going, for instance, to -- to report, another person will replace me to
10 follow him to carry his chair to wherever he is going.

11 Q. [15:49:48] Do you know if Mr Ongwen ever learned about the things that you
12 saw person number 2 doing while you were in the camp? The ones you testified to
13 yesterday.

14 A. [15:50:15] I don't know whether he went and told Dominic Ongwen about the
15 things that he did or what exactly happened. I don't know whether he did tell him
16 that.

17 Q. [15:51:13] In your transcripts you told the Prosecution that it was
18 Robert Mugabe's role to divide people in different positions and assign them roles.
19 And this is at tab 5, UGA-OTP-0270-1010 at page 1019. The reference to
20 Robert Mugabe is at page 1018, at the very bottom.

21 My question is, Mr Witness: You told us earlier about the places they called
22 positions, is this what you mean that Robert Mugabe was doing?

23 A. [15:52:27] What Robert Mugabe was doing included that. Person number 2
24 would also carry out such an activity. Odokonyero as well would do that. Because
25 where they were staying was referred to as an operation room and they would carry

1 out the tasks interchangeably.

2 Q. [15:52:52] Were these tasks within the context of operations or the day-to-day
3 organisation of the group?

4 A. [15:53:15] You know, when you move and then you've reached a point, they
5 would now give you indications of where the people from particular households
6 should go. They would indicate that the people from this household should go here;
7 from another household should go the other side. Just like that, that's what they
8 used to do.

9 Q. [15:53:38] And they would do exactly the same thing for people who would
10 have been abducted during attacks, correct?

11 A. [15:53:55] Yes, they would also distribute them in that manner. They would
12 identify some people and take them to one household; another number to a different
13 household in that manner.

14 Q. [15:54:10] Now, would this exercise happen at the RV point soon after the attack
15 or would it happen at a much later point? For instance, when you came back from,
16 let's say Odek or Lukodi, how many days would pass before people were distributed
17 to the various households?

18 A. [15:54:45] If, for instance, today we went for an attack in the evening, at 4 o'clock
19 we went and carried out an operation, abducted people, it would be the next day that
20 people would be gathered together, depending on what time you go and station at
21 a position, then the people would be gathered together and then distributed.

22 Q. [15:55:25] Mr Witness, I'm sorry to take you back to Abok. Regarding that
23 body that you saw near the school, did you see this during the attack or at the time
24 that you were retreating and leaving the camp?

25 A. [15:56:07] I saw that body in the middle of the attack. We -- then we surged

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1 forth to the camp and then proceeded.

2 Q. [15:56:22] Now I know you told us that you went into the camp in a roundabout
3 manner. But I would like to know how you left the camp, which direction did you
4 take?

5 A. [15:56:48] It was dark. We left the camp while following the commander. I
6 never knew where, which direction exactly we were taking.

7 MS BRIDGMAN: [15:57:05] Your Honours, looking at the time I am ready to stop
8 right here, and I can assure you that I will be done in the first session tomorrow.

9 PRESIDING JUDGE SCHMITT: [15:57:12] Okay. I think that's okay. And with
10 regard to the next witness we have -- ah, Mr Gumpert, we have all the information we
11 need, I think. For the moment it's P-448 and it is envisioned to have a 45-minute
12 direct and only that, because it is a Rule 68(3) witness.

13 And my question would be, I don't know who will interrogate from this side? Also
14 Mrs Bridgman? Yeah. Only roughly, do you have an idea, really only roughly,
15 simply for planning purposes? And we won't, like last time, like with this witness,
16 we won't really fix you on that.

17 MS BRIDGMAN: [15:57:54] From previous witnesses I would, depending on what
18 goes on with the victims, I would think two sessions. But to err on the, on caution I
19 would think three sessions. But most likely two, two full sessions.

20 PRESIDING JUDGE SCHMITT: [15:58:11] Mrs Massidda.

21 MS MASSIDDA: [15:58:12] Your Honours, if it can help we intend of course to
22 question next witness. She is a dual status witness. It will take not more than
23 30 minutes. Thank you.

24 PRESIDING JUDGE SCHMITT: [15:58:25] Then perhaps we could give it a try to
25 start with the second session tomorrow with this witness. And perhaps just, we

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- 1 don't hurry and we don't put ourselves under undue pressure but we simply try it, I
- 2 would say. Meaning that we have perhaps the perspective to finish the next witness
- 3 by tomorrow.
- 4 So this concludes the hearing for today. We resume at 9.30 tomorrow morning.
- 5 THE COURT USHER: [15:58:54] All rise.
- 6 (The hearing ends in open session at 3.58 p.m.)