

Trial Hearing
WITNESS: UGA-OTP-P-0372

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 3
7 Friday, 26 January 2018
8 (The hearing starts in open session at 9.32 a.m.)
9 THE COURT USHER: [9:32:47] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:33:05] Good morning, everyone.
12 Good morning, Mr Witness.
13 WITNESS: UGA-OTP-P-0372 (On former oath)
14 (The witness speaks Acholi)
15 THE WITNESS: [9:33:24] (Interpretation) Good morning.
16 PRESIDING JUDGE SCHMITT: [9:33:25] Could the court officer please call the
17 case.
18 THE COURT OFFICER: [9:33:29] Thank you, Mr President.
19 The situation in the Republic of Uganda, in the case of The Prosecutor versus
20 Dominic Ongwen, case reference ICC-02/04-01/15.
21 We are in open session.
22 PRESIDING JUDGE SCHMITT: [9:33:42] Thank you.
23 I ask for the appearance for the parties. First Mr Black.
24 MR BLACK: [9:33:47] Good morning, your Honour. Colin Black for the
25 Prosecution, together with Paul Bradfield, Julian Elderfield, Yulia Nuzban,

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- 1 Pubudu Sachithanandan and Ramu Bittaye.
- 2 PRESIDING JUDGE SCHMITT: [9:33:58] And for the Legal Representatives
- 3 of the Victims.
- 4 MR NARANTSETSEG: [9:34:00] Good morning, Mr President, your Honours.
- 5 For the Common Legal Representative, Ms Caroline Walter and myself,
- 6 Orchlon Narantsetseg. Thank you.
- 7 PRESIDING JUDGE SCHMITT: [9:34:08] And, Mr Manoba, please.
- 8 MR MANOBA: [9:34:10] Good morning, Mr President your Honours.
- 9 Joseph Manoba appearing with James Mawira.
- 10 PRESIDING JUDGE SCHMITT: [9:34:16] Thank you.
- 11 And for the Defence, Mr Ayena.
- 12 MR AYENA ODONGO: [9:34:19] Good morning, Mr President and your Honours.
- 13 This morning I am accompanied by Chief Charles Achaleke Taku, Tom Obhof,
- 14 Mr Tibor Bajnovic, and our client Mr Dominic Ongwen is in Court.
- 15 PRESIDING JUDGE SCHMITT: [09:34:38] Thank you.
- 16 MR AYENA ODONGO: [09:34:39] I'm Krispus Ayena Odongo.
- 17 PRESIDING JUDGE SCHMITT: [9:34:40] And you can remain standing, so to
- 18 speak, because it's your turn to question the witness.
- 19 MR AYENA ODONGO: [9:34:53] Much obliged.
- 20 QUESTIONED BY MR AYENA ODONGO:
- 21 Q. [9:34:57] Good morning, Mr Witness.
- 22 A. [9:35:01] Good morning.
- 23 Q. [9:35:03] Mr Witness, can you tell Court whether at any one point during your
- 24 stay in the bush with the LRA you were a member of the Sinia brigade?
- 25 A. [9:35:46] Yes, I was a member of the Sinia brigade. I do not recall how many

1 months I was in that brigade, but, yes, I was a member of the brigade.

2 Q. [9:35:57] It would appear, Mr Witness -- maybe I'll remind you about some of
3 the things you told Court. You told Court that you were in Sudan immediately after
4 being captured and when you came back from Sudan, it was around about 2003, you
5 were in the group of Raska Lukwiya. And you kept on giving a narrative of how
6 you changed hands, from Raska Lukwiya to the group of Otti Vincent, and how you
7 went to Teso and then, by default, somewhere along the line, you kept on joining
8 groups that belonged to -- that was under Dominic Ongwen, according to your
9 statement. Can you please help Court to understand exactly when you were a
10 member of Sinia brigade.

11 A. [9:37:38] I would like to thank you for that question. When we were in the
12 Sudan, we were in an area known as Control Altar, and this was in Raska Lukwiya's
13 group, which was in Control. When we left that place to return to Uganda, we came
14 and met with Otti Vincent. There was a group that was -- that had various
15 departments, and this was under the leadership of Alit. I was with him in that
16 station, under Otti's station.
17 I stayed with Otti for a long time. I stayed there for a long time and I kept on
18 moving from that group. When things happened, when those things happened, for
19 example the things -- the events in Pajule, I was with Otti. After that, I went to
20 Dominic. But I went to Dominic when we went to meet in a position. We went to
21 the position, but when we split, we followed the footsteps, because we were left
22 behind. And we were the rear guard, so as we were walking, we split from the rest
23 of the group and we took -- we found two split footpaths. We took one footpath and
24 that's how we encountered Dominic's group.

25 PRESIDING JUDGE SCHMITT: [9:39:21] Mr Ayena, do you allow me?

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1 So do we understand it correctly that if we would say this was sort of accidentally
2 that you joined this group, you were not assigned to Dominic's group? Have we
3 understood this correctly?

4 THE WITNESS: [9:39:39] (Interpretation) No, it was -- it was accidental, because I
5 was at the back. We were part of the rear guard. And when we got to a certain
6 place, we were told okay, one footpath leads to this group, one footpath leads to the
7 other group. And we took the other footpath that led to that particular group.

8 PRESIDING JUDGE SCHMITT: [9:40:09] Thank you.
9 Please, Mr Ayena.

10 MR AYENA ODONGO: [9:40:11]

11 Q. [9:40:19] Thank you very much, Mr Witness. Do I understand, Mr Witness,
12 that the coincidence of you crossing paths - and by default, I would say normally
13 getting into Dominic's group - was because at a certain point quite often Dominic
14 joined together with Vincent Otti's group?

15 A. [9:41:01] Yes.

16 Q. [9:41:10] And Vincent Otti's group was part of the Control Altar; is that
17 correct?

18 A. [9:41:20] Yes, it was part of the Control Altar.

19 Q. [9:41:27] And even Lukwiya Raska was part of the Control Altar?

20 A. [9:41:38] Yes, they were all part of the Control Altar.

21 Q. [9:41:44] Thank you very much, Mr Witness. Because the most important
22 thing that I thought you would help Court to understand clearly is to fix you where
23 you actually belonged within the LRA. And I want one more time to confirm from
24 you whether you were all the time you were in the bush actually part of the
25 Control Altar.

1 A. [9:42:31] When I was in the bush, I was mostly in the Control Altar and that is
2 why I only stayed in Sinia for a short while. It was only when we split up again, we
3 went back to Control Altar, and after that they split us up into small splinter groups,
4 and then it was from there on that I came back home.

5 Q. [9:42:58] And for the short time you found yourself with Sinia, it was either
6 because you had lost your main group or you were assigned some duty on standby;
7 am I right? But not because you were a member of Sinia?

8 A. [9:43:25] Yes. I was not a member of Sinia group, but we were part of the
9 guard. We were the back guard to secure whatever is happening behind, to ensure
10 that nobody is coming.

11 Q. [9:43:42] Thank you very much, Mr Witness.

12 Mr President and your Honours, I think I'll seek a short private session.

13 PRESIDING JUDGE SCHMITT: [9:43:51] Private session then.

14 (Private session at 9.43 a.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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21 (Redacted)

22 (Redacted)

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6 (Open session at 9.48 a.m.)

7 THE COURT OFFICER: [9:48:23] We are now in open session.

8 MR AYENA ODONGO: [9:48:26] Court officer, I grave your indulgence. I'm
9 always guilty of this kind of ...

10 Q. [9:48:36] Mr Witness, can you tell Court when you first met with the ICC
11 Prosecution investigation for the first time? Do you remember?

12 A. [9:48:57] The first time that I met with the organisation was approximately two
13 years ago. That's when I met them.

14 Q. [9:49:09] In other words, that was in 2016?

15 A. [9:49:21] Yes.

16 Q. [9:49:22] Do you by any chance remember at least the month? And with a bit
17 of luck (Overlapping speakers)

18 A. [9:49:31] I do not recall the month.

19 Q. [9:49:37] Do you remember how many more times you met them again after
20 that? If at all.

21 A. [9:49:54] I recall that I met a group, there's a group that I met first, and then I
22 also met another group afterwards.

23 Q. [9:50:07] So you met two different groups?

24 A. [9:50:19] I met the first group and they came and asked me about the events
25 and reminded me of the reason why the statement was taken.

1 Q. [9:50:31] Now, Mr Witness, when you met the investigating group, did they
2 talk to you about the case of Dominic Ongwen only or did they also talk to you about
3 other cases involving the ICC?

4 A. [9:51:00] From my understanding they only spoke about Ongwen. There was
5 another organisation or there were other people who were also being -- who were
6 involved in the case, but they were not present, but I was aware of Ongwen's case.

7 Q. [9:51:25] And they told you that they were going to interview you about the
8 case of Dominic Ongwen?

9 A. [9:51:44] Yes, they told me -- yeah, they decided to ask me about that and they
10 asked me questions regarding Ongwen. I explained to them -- I was supposed to tell
11 them whether I knew Ongwen and what Ongwen did and I explained it to them.

12 Q. [9:52:03] Can you tell Court whether they informed you about anything else
13 about the case involving Dominic Ongwen? For instance, the nature of the case, you
14 know, what happened and so on? Did they volunteer some information to you?

15 A. [9:52:39] No. They did not give me any other information.

16 MR AYENA ODONGO: [9:52:48] Mr President, and your Honours, I want to refer
17 the witness to tab 1, UGA-OTP-0277-0849 at page 0857, lines 249 to 261.

18 PRESIDING JUDGE SCHMITT: [9:53:26] And please read it to the witness.

19 MR AYENA ODONGO: [9:53:29]

20 Q. [9:53:30] Mr Witness, this is what is recorded as having been given to you, line
21 249: "And these attacks took place, one in October 2003 ..."

22 And then line 251: "... against Pajule."

23 Then line 256: "Another one that took place in April 2004 in Odek."

24 Line 258: "Another that took place in May 2004 in Lukodi."

25 And then line 260: "And another that took place in June 2004 in Abok."

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1 And then line 262: "Okay. So this is the crimes that we are investigating."

2 Do you remember this during the first interview before you said anything to the
3 investigators? Do you remember them telling you this?

4 A. [9:55:14] Yes, they did tell me this.

5 PRESIDING JUDGE SCHMITT: [9:55:28] And perhaps that the witness does not
6 misunderstand, that is not a reproach to your person, it's simply to clarify. But of
7 course it would be advisable if in an investigation, in an interview the interviewee
8 would not be provided with too much information beforehand.

9 Please continue.

10 But again that is not a reproach against the witness at all.

11 MR AYENA ODONGO: [9:55:59]

12 Q. [9:56:00] Mr Witness, I'm assisted so much by the President for the kind words
13 he has said. When I ask you these words, you know, some of these things you are
14 not responsible for them. You are here to help Court and you only say what you
15 know, and that's it. So I don't mean to reproach you when I ask you some of these
16 questions. We just have to cooperate and tell the truth.

17 Now, Mr Witness, during your investigation -- I mean later on during your
18 investigations, and even yesterday and the other day when you gave your testimony
19 on examination by the Prosecution, you are sometimes not very clear about dates. If
20 you had not been told these dates, would they have been so clear to you when these
21 events happened?

22 A. [9:57:37] Dates, there are some dates that I do remember. For example, if it's
23 something that happened -- that didn't happen a very long time ago. But if the
24 events happened a long time ago, then there's a possibility that I could have forgotten.

25 Q. [9:57:58] Mr Witness, was it the case, therefore, that when you were being

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1 interviewed you had to remember that these attacks happened anyway?

2 A. [9:58:26] I did not -- I wasn't thinking about that, but they reminded me of the
3 dates of when these events took place.

4 Q. [9:58:42] And, Mr Witness, you talked to the investigators. Do you remember
5 whether you also had occasion to discuss some of these events with your friends, just
6 to refresh your memory maybe about them?

7 A. [9:59:18] No. I did not discuss this with anybody else.

8 Q. [9:59:25] Since your escape, Mr Witness, have you had opportunity to meet
9 some of the people who may have been involved in these attacks?

10 A. [9:59:51] No, I have not met them.

11 Q. [9:59:56] So as far as you are concerned, you are the only living person who
12 you know of that got involved in these attacks?

13 PRESIDING JUDGE SCHMITT: [10:00:12] No, that is something different. You
14 have asked him if he has spoken about these matters, about these possible incidents,
15 and he has denied it. This would -- does not -- you cannot draw the conclusion
16 therefrom that he must be thinking that he's the only living person. He only says he
17 has not encountered any other person with whom he has discussed it. So you would
18 have to rephrase the question or go to another --

19 MR AYENA ODONGO: [10:00:42] I'm guided.

20 PRESIDING JUDGE SCHMITT: [10:00:44] Move on, please.

21 MR AYENA ODONGO: [10:00:46] Yes. A short private session, your Honour.

22 PRESIDING JUDGE SCHMITT: [10:00:56] Private session.

23 (Private session at 10.01 a.m.)

24 (Redacted)

25 (Redacted)

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4 (Open session at 10.04 a.m.)

5 THE COURT OFFICER: [10:04:25] We are in open session, Mr President.

6 MR AYENA ODONGO: [10:04:28]

7 Q. [10:04:29] So I have a few questions for you. Without mentioning the names,

8 is the person whom we have just been discussing the same that you testified about

9 yesterday, that he was injured in the Labworomor operations?

10 A. [10:05:01] No. That person was young. He was not an adult yet. He did

11 not have any rank. He was not yet a soldier.

12 PRESIDING JUDGE SCHMITT: [10:05:10] So we are talking here about different

13 persons, understand I correctly?

14 THE WITNESS: [10:05:21] (Interpretation) No. I was asked about (Redacted)

15 and it's -- I said he's a young person. The person who got injured is the one I

16 mentioned the name and described in such and such a place.

17 PRESIDING JUDGE SCHMITT: [10:05:38] Please continue.

18 MR AYENA ODONGO: [10:05:52] Your Honour, I want to refer him to what he said

19 yesterday, realtime (Redacted)

20 (Redacted)

21 Q. [10:06:27] Mr Witness, I wish to read this to you. "(Redacted) was shot in the

22 thigh. He was carried amidst the exchange of fire".

23 And then you were asked, "Was (Redacted) a resident of Labworomor or was he an

24 LRA fighter?"

25 And you said: "He was an LRA fighter." You said, "He was an LRA fighter."

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1 And then -- so, Mr Witness, can you help Court to understand in better terms what
2 exactly this man is, the two (Redacted), one you met at the CCF and the other one
3 at Labworomor; is there a difference?

4 A. [10:07:49] I think there is a problem with the writing. There was only one
5 (Redacted). Apart -- he was in the Holy and the one that I met is not -- at the CCF
6 is not the (Redacted)

7 Q. [10:08:11] Can you tell Court what was happening in the CCF and what that
8 other (Redacted) at the CCF was doing there?

9 A. [10:08:28] What usually happens in CCF is usually, whenever people escape,
10 especially children, they would be kept in that place and then later they are taken
11 home. They are kept there for some time to rehabilitate them so that they can forget
12 what happened to them in the bush, and they would also be taught a few life skills
13 that, when you go back home, this is how you should live with the community, and
14 that is what happened in CCF. Even for me who stayed there, I went through that.
15 That is CCF, which is in World Vision.

16 Q. [10:09:16] So do I understand, Mr Witness, that the (Redacted) you met at
17 the CCF was a child soldier who had escaped from the bush?

18 A. [10:09:37] Yes, he escaped from the bush.

19 Q. [10:09:45] Did you ask him which unit he had been in -- or put differently, had
20 you met him before in the bush?

21 MR BLACK: [10:09:57] Excuse me, your Honour.

22 PRESIDING JUDGE SCHMITT: [10:10:00] Yes.

23 MR BLACK: [10:10:02] Could we go into private session for a moment.

24 PRESIDING JUDGE SCHMITT: [10:10:06] We go into private session.

25 (Private session at 10.10 a.m.)

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1 (Open session at 10.15 a.m.)

2 THE COURT OFFICER: [10:15:53] We're in open session, Mr President.

3 MR AYENA ODONGO: [10:16:04]

4 Q. [10:16:06] Now, Mr Witness, let's talk about your abduction. You were
5 abducted in 1995; is that correct?

6 A. [10:16:28] That's correct.

7 Q. [10:16:30] And since you've given your date of birth as -- is it 2086 -- 1986,
8 sorry, of course, 2086 is ...

9 PRESIDING JUDGE SCHMITT: [10:16:51] You know, sometimes we are ahead of
10 time, Mr Ayena.

11 MR AYENA ODONGO: [10:16:55] Yes.

12 Q. [10:16:56] Since you were born in 1986, that places you at about 9 years; is that
13 correct?

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

15 Q. [10:17:14] And you were abducted with your sister and you said she was
16 12 years old.

17 A. [10:17:27] Correct. She was 12 years old.

18 Q. [10:17:34] Now, can you help Court to assess -- first of all, how did you get to
19 know the age of your sister when you were only 9 years at that time? How did you
20 get to know her age?

21 A. [10:17:57] According to my knowledge in the -- when we were in school she
22 used to write her age, and that is how I knew her age.

23 Q. [10:18:12] Were you in the same class?

24 A. [10:18:18] No. She was in primary 4, I was in primary 3.

25 Q. [10:18:26] And you would go and check the records in primary 4?

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1 PRESIDING JUDGE SCHMITT: [10:18:33] Mr Ayena, the witness has answered
2 that he thinks his sister was 12 years at the time. And of course he will not have
3 checked any records, it was his sister he was living with, so there might also be some
4 knowledge inside of the family, there might be birthdays. I don't know if they are
5 celebrated, but at least people might have talked about, in the family about birthdays.
6 And, of course, if you have proof that this is not correct put it to the witness or on the
7 record.

8 MR AYENA ODONGO: [10:19:09] Your Honour, it is our duty in this Court to avoid
9 speculation, that is why I was canvassing this line.

10 PRESIDING JUDGE SCHMITT: [10:19:19] But not by asking a witness who at the
11 time was a school boy if he has checked the records of his sister. This is, I think
12 would not be okay.

13 MR AYENA ODONGO: [10:19:29] Yes.

14 Q. [10:19:30] Mr Witness, apart from the school record, is there any other source
15 from which you got to know the age of your sister?

16 A. [10:19:49] The place I knew from was in school, and also our father would tell
17 us her age also, because if you live in the same homestead as children, you know the
18 names and ages of everybody.

19 Q. [10:20:16] Now, Mr Witness, you -- we are not going into names to avoid, you
20 know, your identification. You said your sister was distributed to a commander.
21 Can you tell Court who distributed your sister to that commander? Who gave your
22 sister to that commander as a wife?

23 A. [10:20:50] In regard to that I cannot know, because I just realised that she was
24 already having a husband. I do not know who distributed her.

25 MR AYENA ODONGO: [10:21:09] Can we go to a short private session.

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- 1 PRESIDING JUDGE SCHMITT: [10:21:13] Okay. Private session.
2 (Private session at 10.21 a.m.)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Open session at 10.22 a.m.)
17 THE COURT OFFICER: [10:22:29] We are back in open session, Mr President.
18 MR AYENA ODONGO: [10:22:33]
19 Q. [10:22:34] Now, Mr Witness, did you get to know which unit this gentleman
20 belonged to? The husband of your sister, which unit did he belong to?
21 A. [10:23:01] He was in Sinia throughout.
22 Q. [10:23:09] Now, do you remember who the commander of Sinia was in 1995?
23 A. [10:23:21] I do not recall, because when they moved to Sudan they gave her to
24 be in Sinia.
25 Q. [10:23:38] And you also told Court that she was raped. Do you remember

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1 when she was first raped?

2 A. [10:23:56] I cannot recall, because when we reached there she was now
3 someone's wife in Sudan.

4 Q. [10:24:08] Now, Mr Witness, when you say she was somebody's wife, what
5 exactly do you mean?

6 A. [10:24:23] A wife like his wife. And they would sleep together on the same
7 bed.

8 Q. [10:24:37] Did anybody at any stage tell you that when they slept on the same
9 bed they had sexual intercourse, or you just assumed?

10 A. [10:24:58] That you really have to assume and conclude. Like if someone is
11 sleeping together with someone in a house, you really have to assume.

12 PRESIDING JUDGE SCHMITT: [10:25:13] I think you can move to another point,
13 please.

14 MR AYENA ODONGO: [10:25:17] Yeah.

15 Q. [10:25:21] Now, before you were abducted, Mr Witness, had you heard about
16 the Holy, the LRA?

17 A. [10:25:39] We would hear about Holy and we would hear that they were there,
18 but we didn't know much about them, but just we would hear about them.

19 Q. [10:25:57] At this time were there also other rebel groups you heard about?

20 A. [10:26:11] No. I -- the other group are the Karamajong, who were in the
21 eastern part, who disturb us.

22 Q. [10:26:28] Now, Mr Witness, you told Court that you were abducted by a
23 gentleman called Oryem and that his superior was Raska Lukwiya. How did you
24 get to know this?

25 A. [10:27:02] I knew about the person who abducted me as Oryem, and then the

1 other person was called Kilama, while another was Lamola, and they were all under
2 the command of Raska. They are small groups that had split and they would meet
3 in an RV that had been established. The commander would be the one to summon
4 the small groups to meet in the RV. I therefore knew that this was Raska who was
5 the overall commander.

6 Q. [10:27:44] Now, can you tell Court, Mr Witness, if you know, the structure of
7 Stockree. Was it a brigade or was it a battalion or was it a company or a unit?

8 A. [10:28:14] Stockree is a brigade.

9 Q. [10:28:20] And what was the rank of Oryem?

10 A. [10:28:29] It was not easy to know Oryem's rank because he was senior, he was
11 more senior than the others, but he didn't also take long and he passed on. I did not
12 get to know what his rank was.

13 Q. [10:28:49] When he abducted you, did you get to know who gave him the
14 order to abduct you, or did he say he abducted you of his own volition?

15 A. [10:29:13] The abduction was his own volition because he was moving as his
16 own group, and when they get people like civilians, they would abduct. He
17 abducted me himself. I had actually been left already, but he was the one who came
18 and abducted me after three people had already bypassed me. He came and told me,
19 "Come and show us the way."

20 Q. [10:29:53] Did you by any chance confirm that before he left his bosses at
21 Stockree, he was not told at all to abduct? Did you confirm?

22 A. [10:30:23] I did not have the opportunity to know in regard to that abduction.
23 I did not get to know that. Because as a civilian who has been abducted, you do not
24 know their programmes and their intentions.

25 Q. [10:30:41] So could it therefore be that although on that day he abducted you

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1 without any further orders, he could have been given a general order earlier to go and
2 abduct, not only you --

3 PRESIDING JUDGE SCHMITT: [10:31:00] No, the witness says he has no
4 knowledge about that.

5 MR AYENA ODONGO: [10:31:04] Okay.

6 PRESIDING JUDGE SCHMITT: [10:31:05] Every continuation would call for
7 speculation by the witness.

8 MR AYENA ODONGO: [10:31:11] Much obliged, your Honour.

9 Q. [10:31:28] Now, Mr Witness, yesterday when you testified, you told Court that
10 as you were moving with people, some of them tried to escape and were killed, and
11 you also testified that you would see some of them being beaten to death using clubs
12 because they tried to escape. Is that correct, Mr Witness?

13 A. [10:32:02] Yes, that's correct.

14 Q. [10:32:09] During the time you stayed in the bush, was this a common
15 experience, about people being killed if they tried to escape?

16 A. [10:32:26] When we were abducted, when they were moving with us, that's
17 when I saw these things happening. But most times I did not see this happening.
18 Because when I was a recruit, that's when I saw these things happening.

19 PRESIDING JUDGE SCHMITT: [10:32:49] May I, Mr Ayena?

20 MR AYENA ODONGO: [10:32:51] Yes, yes.

21 PRESIDING JUDGE SCHMITT: [10:32:52] The question would be, Mr Witness, if
22 you also have seen such killings when you have already stayed in the bush for a
23 longer time, even until the day when you escaped or when you got out of the bush.
24 So this was the question, I think, if this continued throughout all of the years you
25 stayed in the bush.

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1 THE WITNESS: [10:33:23] (Interpretation) I did not see this happening because we
2 were in the Sudan for a long time. When we came back home, we found most of the
3 people had moved into camps, so I did not see this happening a lot.

4 MR AYENA ODONGO: [10:33:39]

5 Q. [10:33:40] This, Mr Witness, might be a fairly difficult area, but we want you to,
6 because as somebody who stayed there for nearly 13 years, you may have heard quite
7 a lot of stories.

8 Now, can you tell Court whether you heard stories about certain policies of LRA,
9 including a policy that those who ever tried to escape must be killed? Did you hear
10 that story?

11 A. [10:34:24] Yes. Those rules did exist and I also heard about it. Occasionally
12 they would also talk to us and tell us that, "If you attempt to escape, if they catch you,
13 you will be killed." Yes, that rule did exist.

14 Q. [10:34:49] In your statement to the Prosecutors, Mr Witness - that is tab 5,
15 your Honours, at 986, lines 878 to 881 - you stated:

16 "These ... commanders what they would agree on they would say, if you try to escape,
17 the government will kill you."

18 Line 881: "So, many people were fearful."

19 Does this, Mr Witness, therefore mean that apart from the fear of being killed by the
20 LRA if you tried to escape, you were also told that on the other side of the divide, the
21 government soldiers would also kill you if you tried to escape?

22 A. [10:36:10] Yes, this was all said. We were told that government soldiers, if
23 you attempted to escape, government soldiers would kill you. But in the bush as
24 well, if they assess and there are suspicions that you have the intention to, intend to
25 escape, they would also kill you. But while we were in Uganda, they told us, yes,

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1 government soldiers would kill you.

2 Q. [10:36:44] So, Mr Witness, so to speak, you're placed between a rock and a
3 hard place?

4 A. [10:37:04] That was -- that was really difficult because you are constantly
5 afraid. You know that if you go to a certain place, you will be killed. So, yes, we
6 were, we were afraid.

7 Q. [10:37:22] And in respect to those who escaped with LRA guns, if when
8 somebody escaped, he left with a gun, what would happen to that person and the
9 people in his community where he went back to?

10 A. [10:37:50] Based on my observation while we were in Uganda, and something
11 that I witnessed as well, is that if you escape with a gun and there is an operation that
12 is supposed to take place in a particular area, the Holy would be aware that
13 somebody escaped with a gun from this particular area. But because people were in
14 camps, I did not actually see that. I did not see them go out on mission or on
15 operations to kill people.

16 Q. [10:38:31] Did you, in respect to that, ever hear about a policy or hear that it
17 ever happened that those who escaped with guns were followed and the whole of
18 their village was attacked and many people killed? Did you hear that kind of story?

19 A. [10:39:05] I heard about it, yes. I did hear about it.

20 Q. [10:39:21] And I want to remind you about what you said in respect to escape,
21 and you would want to confirm to Court whether this is still your statement.

22 Your Honours, allow me to read the relevant parts of tab 5 at 984 and 985:

23 "If you attempt to flee, to escape or if you escape you'll be killed. Not only that, in

24 Sudan there were two old people who tried to escape and the people who tried to

25 escape, one is called Okello Director and another one called Otti Lagony. He was the

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1 deputy to Kony. They had come up with plans to kill Kony so that they could go to
2 hand themselves to Kenyan Army.
3 We the junior soldiers we came to learn of this and these people were arrested.
4 When Kony was going to Juba he had a vehicle so, these people had set up an ambush
5 along the way. So, I don't know Kony's nature, how he could have gotten to know
6 this, he sent a message to a senior commander called Buk ... And he said these people
7 should be arrested. So these people were arrested and when they arrested, he said
8 these people are going to be released in Uganda here so, they moved for two days
9 with these people and they were shot ... when he said, I said 'old man', the old man,
10 but I think he meant 'senior man' ... senior commanders. These were people of
11 senior rank, the ones who are in charge of many soldiers. For example Otti Lagony
12 was a deputy to Kony."

13 Do you remember this, Mr Witness?

14 A. [10:41:58] Yes, I do recall that.

15 PRESIDING JUDGE SCHMITT: [10:42:00] Shortly.

16 So I did not interrupt because it might have, as it turned out to be, might simply turn
17 out that the witness says, yes, he remembers everything is correct, but the reference
18 was not correct. We have it on the record, the answer, and we have what you read
19 out, but perhaps also after the break, you could tell us where you have it from. It
20 was not on tab 5, 1984 or 1985 -- 984 or 985 or somewhere else.

21 MR AYENA ODONGO: [10:42:30] Okay.

22 PRESIDING JUDGE SCHMITT: [10:42:31] You can tell us later, perhaps after a
23 break or something like that.

24 MR AYENA ODONGO: [10:42:34] Even if it was my story, he seems to have said
25 yes to it.

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1 PRESIDING JUDGE SCHMITT: [10:42:39] Yes, because of that I did not intervene
2 beforehand, because I thought if the witness had reacted, "Never heard of that", of
3 course, I would have intervened beforehand.

4 MR AYENA ODONGO: [10:42:51] I'm much obliged, your Honour.

5 PRESIDING JUDGE SCHMITT: [10:42:55] Please continue.

6 MR AYENA ODONGO: [10:42:56] We shall endeavour to get the correct reference.

7 Q. [10:43:00] Now, Mr Witness, were you present when these people were
8 executed, the people referred to above?

9 A. [10:43:11] No. We were not there, but they selected some of the older people
10 who were able to walk. The rest of us were children. We were not able to walk.
11 They took these people. The people who went with these two people came back and
12 reported that they shot the two people.

13 Q. [10:43:39] Mr Witness, would I therefore be correct to say that the policy about
14 escape was indiscriminate? It didn't matter whether you were a senior person in the
15 LRA or a junior person or even a recruit, if you tried to escape, the punishment was
16 execution?

17 A. [10:44:09] The punishment is execution, is death.

18 Q. [10:44:17] Now, you said in the line that I read, you talked about "them"
19 wanting to hand themselves over to the Kenyan army. What exactly did you mean?

20 A. [10:45:01] The reason why I stated that was that at the time, for example, a
21 commander like Joseph Kony would convene everybody and address people, address
22 the people that were there. He would explain and tell them what was going to
23 happen, and we, as the children or the younger, the recruits or young people would
24 not know what's going on, but there was a report that came out and he said, "There
25 are two people that are going to betray me. These people are going to hand

1 themselves over to the Kenyans and I'm going to stop this." So he convened the
2 meeting and addressed us to that effect.

3 Q. [10:45:53] During your stay, Mr Witness, in the bush, did you ever come to
4 know whether there was a connection between LRA and soldiers of Kenya? Was
5 there a connection?

6 A. [10:46:19] As a foot soldier, as a child, I did not know, I cannot respond to that,
7 but for me it was -- I heard -- that it was part of a story that I heard. I did not hear of
8 any connections between Kenya or the LRA or any other organisation because as
9 children we just lived cluelessly, we did not know what the elders or the older people
10 were discussing or what their thoughts were.

11 Q. [10:46:55] Now, Mr Witness --

12 MR AYENA ODONGO: [10:47:04] Mr President and your Honours, I have now
13 been assisted with the correct reference. It was -- the correct reference is
14 UGA-OTP-0277-0960 at page 0984 and then again at page 985.

15 PRESIDING JUDGE SCHMITT: [10:47:41] So the problem was simply that it was
16 not the lines but the pages.

17 MR AYENA ODONGO: [10:47:47] The pages.

18 PRESIDING JUDGE SCHMITT: [10:47:49] It's okay.

19 MR AYENA ODONGO: [10:47:52] Yes, I apologise.

20 PRESIDING JUDGE SCHMITT: [10:47:54] No problem. It has been solved
21 elegantly, I would say. Please continue.

22 MR AYENA ODONGO: [10:47:59] Thank you. Courtesy of Mr Thomas Obhof.

23 Q. [10:48:05] Let's look at your time in Sudan. Mr Witness, when you travelled
24 to Sudan, how big was the group? Can you give an estimate of the number of
25 people who crossed with you to Sudan?

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1 A. [10:48:30] The people that -- they abducted so many people. There were
2 approximately three or four groups, more than 3,000 people, I believe.

3 Q. [10:48:43] And in your statement to the Prosecution, which is in tab 6, your
4 Honours, UGA-OTP- --

5 PRESIDING JUDGE SCHMITT: [10:48:56] Or simply, I would simply say put it to
6 him, and if there are any doubts we can -- so this would, I think, accelerate --

7 MR AYENA ODONGO: [10:49:06] Okay.

8 PRESIDING JUDGE SCHMITT: [10:49:07] Simply put it.

9 MR AYENA ODONGO: [10:49:08]

10 Q. [10:49:08] In your statement to the Prosecution, Mr Witness, you said that
11 there were about 1,000 children in that group; is that correct?

12 A. [10:49:22] That's correct.

13 Q. [10:49:23] How did you come to that estimate?

14 A. [10:49:31] The reason why I estimated that there were about 1,000 children was
15 because of the huge number of people. When we were walking, there were -- people
16 were formed in three or four lines. That's why I estimated that there were about
17 a 1,000 children.

18 Q. [10:49:53] Mr Witness, when you talk about children, can you give a rough
19 estimate of their ages, the youngest -- between the youngest and the oldest of the
20 children?

21 A. [10:50:15] The oldest one would be approximately 15, 14, but most of the
22 children were 8 years, were from 8 years old; so it was between 8 to 15 years.

23 Q. [10:50:37] And of course you told Court, Mr Witness, that when you were
24 abducted you were very tightly guarded, people had guns and therefore there was no
25 chance for you to escape; is that correct?

1 A. [10:51:23] That is correct because you're tied, you're tied with a rope around
2 the waist, so it's very difficult for you to try and untie the rope, and even if you do try
3 to untie the rope, they're watching you. They're always -- you are constantly under
4 guard.

5 Q. [10:51:44] And, Mr Witness, when you went to Sudan, and especially in view
6 of the fact that you were in the Control Altar, did you come near Joseph Kony
7 himself?

8 A. [10:52:10] When -- the only time that I would come close to him was when he
9 convened a meeting; that was the only time that I was able to come close enough to
10 him.

11 Q. [10:52:25] And this is a question I should have asked you before: When you
12 were abducted, were -- did they perform any rituals on you to initiate you into the
13 LRA to become a member of the LRA? Were there certain things that were done to
14 you?

15 A. [10:52:58] Yes, they did that. There is something known as camouflage and
16 it's applied on the heart, close to the heart. On the chest.

17 Q. [10:53:13] Can you describe to Court what you mean by camouflage?

18 A. [10:53:28] I cannot explain what it is, but they mix, they mix it with some kind
19 of oil. So I do not know what that camouflage is, but they would apply that on your
20 chest, on your back, on your forehead. So I do not exactly know what kind
21 of -- whatever it is, but they used to refer to it as camouflage, but I do not know what
22 that thing is.

23 Q. [10:53:59] Mr Witness, did you hear about "moo ya"?

24 A. [10:54:13] Yes, I did hear about shea butter because they also used to use shea
25 butter in the same manner. They would also smear shea butter, mixed together with

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1 camouflage on your chest.

2 Q. [10:54:35] And what was meant to be the effect of this ceremony, of this ritual
3 performed on you?

4 A. [10:54:52] I do not know why they performed that ritual because when you are
5 abducted and you are a recruit, you do not know why they perform such rituals.
6 You just see them smearing it on your chest, but I do not know the reasons why they
7 do that.

8 Q. [10:55:17] Mr Witness, is it your story that when they did this, they never told
9 you that it had certain effects or it was meant for some other -- I mean some specific
10 purpose? Or to have an effect on your mind?

11 A. [10:55:43] They did not explain that to us, but they kept on doing that ritual
12 even while we were in the Sudan.

13 Q. [10:55:59] Did you ever, Mr Witness, discuss with your friends why this ritual
14 was performed?

15 A. [10:56:16] No, I did not discuss it with anybody because when you are there,
16 you are afraid. You cannot talk to anybody, you cannot discuss things with people.

17 Q. [10:56:37] Mr Witness, when talking about your abduction in 1995 --

18 PRESIDING JUDGE SCHMITT: [10:56:48] Mr Ayena, when you come to another
19 point, would it be a possibility to have the break now?

20 MR AYENA ODONGO: [10:56:57] Yes, this is a short one.

21 PRESIDING JUDGE SCHMITT: [10:56:58] Okay, please, then the short one.

22 MR AYENA ODONGO: [10:57:01] Yes.

23 Q. [10:57:04] In your statement to the Prosecution, which is in tab 6,
24 at 1000 -- page 1000, lines 307 to 308 and then again at page 1001, lines 301
25 to 3000 -- to 313, you stated:

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1 "... when I was abducted I was ... they moved with me northwards and came back,
2 and I was not even aware that this was my home area. And even when I came back,
3 I did not even know my father and my mother. I even got lost ... I could not tell my
4 sisters."

5 PRESIDING JUDGE SCHMITT: [10:58:11] Is there a question?

6 MR AYENA ODONGO: [10:58:13] Yes.

7 Q. [10:58:15] But later on you said, when you saw your mother and father, you
8 refused to go back at the time of your escape. Can you tell Court what exactly you
9 meant by this?

10 A. [10:58:37] The reason why I stated that, was that I thought that perhaps my
11 parents had already been killed and that is why I had made the decision that it was
12 not going to be -- that it was not possible because I thought that they would be killed
13 and that's why I refused to go.

14 PRESIDING JUDGE SCHMITT: [10:59:02] We have now the break until 11.30.

15 THE COURT USHER: [10:59:06] All rise.

16 (Recess taken at 10.59 a.m.)

17 (Upon resuming in open session at 11.33 a.m.)

18 THE COURT USHER: [11:33:46] All rise.

19 PRESIDING JUDGE SCHMITT: [11:34:05] Mr Ayena, you still have the floor of
20 course.

21 MR AYENA ODONGO: [11:34:23]

22 Q. [11:34:23] Mr Witness, I'll take you back for one question about the execution
23 of Otti Lagony and Okello Director. Do you remember, at least roughly, when this
24 happened; was it before or after the year 2000?

25 A. [11:34:55] It happened before the year 2000. I do not recall the exact year that

1 it happened. It must have been about 1999.

2 Q. [11:35:10] Thank you very much. So your rough estimate is that it could have
3 been any time around 1999 or even earlier, but not 2000?

4 A. [11:35:20] Yes.

5 Q. [11:35:22] Thank you very much. Now, we were talking about your
6 interaction with Kony or Kony's group when you were in Sudan. And in view of the
7 fact that you were in the Control Altar, were there some rules and regulations that
8 you got to know about in terms of orders that came from the top command of the
9 LRA?

10 A. [11:36:25] There were rules that came from above. Joseph Kony would
11 give -- would advise his commanders and sometimes he would tell them that they
12 should not punish the foot soldiers, they should be kept well.

13 Q. [11:36:49] Now, before you were abducted, had you heard anything about
14 spirits in the LRA?

15 A. [11:37:17] I never heard anything about spirits.

16 Q. [11:37:22] When you were in the bush, especially in Control Altar, did you
17 hear about it?

18 A. [11:37:36] I did not hear anything about spirits even when I was in Control.
19 For us as recruits, as children, we do not know what is going on, you don't know
20 what they are talking about. I don't even know what the spirits meant.

21 Q. [11:37:59] Of course you already told Court that you are not very close to Kony,
22 save for one or two occasions when he convened a meeting, but did you have
23 occasion to hear from those you were with, your peers and maybe your close
24 commanders, about the character of Kony?

25 A. [11:38:37] Could you ask the question again?

1 Q. [11:38:40] When you were in the LRA, did anybody talk to you about the
2 character of Kony, what kind of person he was?

3 A. [11:38:56] No. No one told me anything.

4 Q. [11:39:02] Now, before or even after your abduction did you ever hear about
5 Lakwena?

6 A. [11:39:27] Before I was abducted I did not know anything Lakwena. When
7 I was abducted, that's when I learnt about Lakwena, that she also existed.

8 Q. [11:39:46] This Lakwena who existed, what did you hear about her? What
9 was her character?

10 A. [11:40:02] The Lakwena whom I heard about was said to be a fighter. But I
11 do not know that Lakwena, I didn't even see that Lakwena, but it was said that
12 Lakwena was a fighter.

13 Q. [11:40:20] And what tactics were you told she used to employ in her fighting?

14 A. [11:40:37] It's not easy to know for us the recruits, we could not know.

15 PRESIDING JUDGE SCHMITT: [11:40:43] I think you would have to move
16 to -- move on, so to speak, because he obviously has no deeper knowledge, so to
17 speak, of the matter.

18 MR AYENA ODONGO: [11:40:56]

19 Q. [11:40:57] Now, when you were talking about the plan, when Kony suspected
20 that Otti Lagony and Okello Director were planning to kill him, you kind of -- I mean,
21 kind of expressed wonderment about how Kony got to know this. Were you ever
22 told that Kony would prophesise certain things?

23 A. [11:41:41] I heard that.

24 Q. [11:41:47] What did you hear?

25 A. [11:41:54] What I heard, and of course what I also saw, is that sometimes he

1 would say this and that would happen and indeed it would happen. And that
2 makes me confirm that, because it would be Kony who would say that this and that
3 would happen and that thing would indeed happen.

4 Q. [11:42:23] And, Mr Witness, according to what you may have heard from what
5 people discussed about that special quality, what was it attributed to that made him
6 know things that were not ordinary to the human mind?

7 A. [11:42:58] Like for us foot soldiers, we do not know those things. Many times
8 when he says such a thing to the foot soldiers that this and that would happen, that
9 thing would really happen and, for me, I wouldn't know why and how.

10 Q. [11:43:17] Is it, therefore, true to say that Kony's predictions would come to
11 pass? For instance, if he predicted that there was going to be an attack on your
12 position, it would happen just like he had said it?

13 A. [11:43:48] Yes, that happened. For instance, there was a time he said that
14 some troops would come from Uganda and attack us at our defence. It didn't take
15 two years before the troops from Uganda went and attacked us. And for that reason
16 I confirmed that when he says something, he meant, he meant it.

17 Q. [11:44:17] Now, Mr Witness, having been at the Control Altar, at the
18 headquarters, can you tell Court whether you knew whether Kony knew about all,
19 everything to do with operations within the LRA?

20 A. [11:44:52] I cannot say. It is not easy to know who Kony is, according to me.

21 Q. [11:45:08] Why? Mr Witness, why?

22 A. [11:45:15] I don't know Kony's character. Many times he does not stay
23 amongst the troop, so the foot soldiers, and he would only stay isolated, away from
24 the soldiers that would guard him. For me as a young person, as a foot soldier, I
25 wouldn't know what he thinks, what he does, and his character and behaviour.

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1 PRESIDING JUDGE SCHMITT: [11:45:40] Mr Ayena, I think we had this before.
2 It depends largely upon the role that a witness had in the LRA if he or she is able to
3 talk about these matters. So he has repeatedly said he was a foot soldier, he was
4 very young, so he might not be the best-placed person to talk about the high
5 command.

6 MR AYENA ODONGO: [11:46:15] Much obliged.

7 PRESIDING JUDGE SCHMITT: [11:46:17] I simply -- it's not that I would tell you
8 to stop this, but I simply think it would not be very promising for this witness.

9 MR AYENA ODONGO: [11:46:27] Well, he has given as much as -- (Overlapping
10 speakers)

11 PRESIDING JUDGE SCHMITT: [11:46:29] I think so, and we, and especially also
12 you, cannot expect more, I would say.

13 MR AYENA ODONGO: [11:46:36] Not much more.

14 Q. [11:46:39] Now, Mr Witness, let's talk about a few people you were with in
15 Sudan. In your statement you said that there was a person called Aling in Sudan
16 and that she was a 2nd lieutenant. Do you remember that, Mr Witness?

17 A. [11:47:12] Yes, I do remember.

18 Q. [11:47:13] Mr Witness, do you remember how old she was and under whose
19 group she was?

20 A. [11:47:23] I do not know how old that lady was, but she was already mature.

21 Q. [11:47:35] But when you came back to Uganda, did she come along with you?

22 A. [11:47:50] Yes, we moved together to Uganda. Because when we left there no
23 one remained there except Joseph Kony.

24 Q. [11:48:01] Do you know a lady who was also 2nd lieutenant called Alice?

25 A. [11:48:23] Yes, she was there.

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1 Q. [11:48:28] Now, the two ladies that you recognise, whose wives were they?

2 A. [11:48:42] It is not easy to know who their husbands were, but I saw them in
3 Uganda. In Sudan I did not know whose wives they were.

4 Q. [11:48:59] How about in Uganda, did you get to know whose wives they were?

5 A. [11:49:10] I do not recall now.

6 Q. [11:49:14] Mr Witness, would it surprise you if I told you that it is common
7 knowledge among former LRA members that Aling was a wife to Mzee Okolio. Did
8 you know Okolio, somebody called Okolio?

9 PRESIDING JUDGE SCHMITT: [11:49:38] Mr Ayena, at least word the question
10 differently. "It is common knowledge"; "it is common knowledge" is a legal term
11 that is used in our environment that might be common knowledge for Judges and in
12 the judicial realm, so to speak. Please ask the witness: If I put this to you that this
13 person has -- was the wife to a certain other person, does this refresh your memory,
14 and if he says no, it's okay, and if he says yes, it's also, and then you move on.

15 MR AYENA ODONGO: [11:50:17] Yeah.

16 PRESIDING JUDGE SCHMITT: [11:50:18] It's not common knowledge here in the
17 courtroom.

18 MR AYENA ODONGO: [11:50:22] I thought I said common knowledge among
19 former LRAs.

20 PRESIDING JUDGE SCHMITT: [11:50:27] Yes, but common knowledge among
21 former LRA, but that would mean that we have established that, and it has, of course,
22 a suggestive impact on the witness. That is my problem, with the suggestive impact
23 in the wording of the question on the witness.

24 MR AYENA ODONGO: [11:50:47] I'm guided.

25 PRESIDING JUDGE SCHMITT: [11:50:49] Simply repeat the question and ask if

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1 this rings a bell if this person was the wife to a certain commander.

2 MR AYENA ODONGO: [11:50:59]

3 Q. [11:51:02] Mr Witness, although the Judge has been magnanimous to explain
4 in better terms, I will still put it to you that, from what we have, from our sources
5 available to us, this Aling was the wife to an old man called Mzee Okolio. What do
6 you say to that?

7 PRESIDING JUDGE SCHMITT: [11:51:35] And does that ring a bell to you when
8 you hear that?

9 MR AYENA ODONGO: [11:51:39]

10 Q. [11:51:40] Does it ring a bell to you in your mind when you hear the name
11 Okolio and that Aling was his wife, Okolio Anthony.

12 A. [11:51:57] No, I do not remember. I don't remember that Okolio.

13 Q. [11:52:04] And I'm suggesting to you again that Alice was a wife to
14 Yadin Tolbert Nyero. Does that ring a bell in your mind?

15 A. [11:52:22] I do not know.

16 Q. [11:52:34] Do you know whether these two women were somebody's wives, in
17 the LRA, some commanders' wives?

18 A. [11:52:55] It's not easy to know because for them they are in the -- they are
19 soldiers who are in the top rank -- ranking soldiers, and I cannot be in a position to
20 know and remember.

21 Q. [11:53:17] (Microphone not activated)

22 PRESIDING JUDGE SCHMITT: [11:53:19] Microphone.

23 MR AYENA ODONGO: [11:53:20]

24 Q. [11:53:21] Mr Witness, you remember yesterday you told Court that these two
25 women were Dominic's wives. Can you tell Court why you said so?

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1 A. [11:53:39] The reason why I said that is because when -- when we were in a
2 position she was there with him, but I did not know if she was his wife because we
3 moved together to go for the attack also.

4 Q. [11:54:00] Thank you.

5 MR AYENA ODONGO: For the record, your Honours, this can be found in the
6 realtime transcript 148, page 69, lines 11 to 18.

7 PRESIDING JUDGE SCHMITT: [11:54:18] Thank you.

8 MR AYENA ODONGO: [11:54:21]

9 Q. [11:54:28] Mr Witness, can you remember another prominent lady who was
10 with you in Sudan?

11 A. [11:55:00] You can mention the name, please.

12 Q. [11:55:05] I'm asking you generally. I don't have the name, specific one, in
13 my mind. For instance, the wives of Dominic Ongwen, do you remember the names
14 of Dominic Ongwen's wives when he was in Sudan?

15 A. [11:55:27] I did not see any woman who was like his wife in Sudan. They
16 were in his position, but I did not know whether they were his wives and I do not
17 know their names.

18 Q. [11:55:46] Thank you. Now, Mr Witness, does the name Okuti ring a bell in
19 your mind?

20 A. [11:56:05] I know Okuti.

21 Q. [11:56:07] Was he known by any other name?

22 A. [11:56:17] I do not know -- no, no, there was no any other name that I was
23 referred to. I was only referred to as (Redacted), or sometimes they called me
24 (Redacted). The senior commanders may not know such names of
25 nicknames that were given to me.

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1 PRESIDING JUDGE SCHMITT: [11:56:41] Mr Witness, this Okuti, this person, was
2 this known by another name to you, this person Okuti?

3 MR AYENA ODONGO: [11:56:51]

4 Q. [11:56:51] We are talking about Okuti. Did Okuti have another name he was
5 called by?

6 A. [11:57:01] I only know the name Okuti. He was also a commander.

7 Q. [11:57:20] Another subsidiary question I should have asked you earlier: Do
8 you know the unit where Alice was, the unit in which Alice was? Brigade, battalion
9 or division or whatever. Was she in Control Altar or was she in one of the brigades?
10 Can you tell Court, please.

11 A. [11:58:03] I know Alice because she was given her rank. She was in Control
12 while in Uganda. She also stayed in various places. As a commander, they can
13 transfer her to move with any commander. That is what I know. She was in
14 Control Altar and then later in Sinia, briefly.

15 Q. [11:58:36] Mr Witness, would it surprise you if I told you that as a matter of
16 fact Alice was in Stockree and never for once was she in Sinia brigade, whether in
17 Sudan or in Uganda?

18 A. [11:59:03] There are probably many people known as Alice. It's possible that
19 she was not the only Alice that was in the LRA, the Alice you are referring to could
20 not have been the only Alice in the LRA. But for me, the Alice I know is the one I've
21 talked about. There are some women also who had ranks who were also higher than
22 those people.

23 Q. [11:59:39] Was any of them Dominic's wife?

24 A. [11:59:50] No, there was no woman.

25 Q. [11:59:55] Thank you, Mr Witness. Now, this gentleman called Okuti, was he

1 there with you under Vincent Otti or he was in another place?

2 A. [12:00:19] Okuti was in his -- under his command.

3 Q. [12:00:28] Whose command?

4 A. [12:00:36] It is not easy to know because Okuti was in Stockree.

5 Q. [12:00:56] And you said in your statement to the ICC that the place where you
6 were staying, the Arabs were providing you with assistance; is that correct? You
7 were being provided with assistance by the Arabs?

8 A. [12:01:28] Yes, that is correct.

9 Q. [12:01:29] And can you tell Court what kind of assistance this was?

10 A. [12:01:38] The assistance that we received from the Arabs included foodstuff,
11 they would bring food and distribute it to us, those of us who were there. That was
12 some of the assistance that we got from the Arabs.

13 Q. [12:02:01] Apart from foodstuffs -- first of all, did you see the Arabs with your
14 own eyes or you just heard about them?

15 A. [12:02:16] I did, I personally saw the Arabs. We would also sometimes sit in
16 close proximity to them, yes, we stayed together at times.

17 Q. [12:02:32] And Mr Witness, apart from foodstuffs, did they supply you with
18 arms as well, arms and ammunitions?

19 A. [12:02:47] Yes, they did. They did supply us with weapons. They brought
20 quite a number of weapons. Yes, they did provide us with weapons as well.

21 Q. [12:03:01] Did they also assist in training you?

22 A. [12:03:09] No.

23 Q. [12:03:15] And by the way, Mr Witness, did you have your own gun?

24 A. [12:03:23] Yes, I did have a gun.

25 Q. [12:03:26] Who supplied you with it?

1 A. [12:03:33] At the time that we were there -- the person who gave me the gun is
2 now deceased. You know, when you are a recruit, you are initially taught -- you are
3 initially trained using sticks, and then afterwards you are given guns. But the
4 person who gave me the gun is now deceased.

5 Q. [12:04:00] Mr Witness, do you remember at what age you started holding a
6 gun?

7 A. [12:04:14] No. No, I do not recall. I do not recall the age, because when we
8 got there we were trained for a very short while and then we were given guns. I can
9 guess that perhaps at the time I was approximately 8 to 9 years old.

10 Q. [12:04:38] Do you remember whether the gun you received was one of the
11 guns that had been supplied by the Arabs?

12 A. [12:05:01] Yeah, it's possible.

13 Q. [12:05:06] Now, Mr Witness, while you were in Sudan were you with
14 Dominic Ongwen?

15 A. [12:05:21] No. It was a -- I did not know him at the time that we were being
16 trained, but I started knowing Dominic in around 2002, 2003, that is when I came to
17 know him really well. At the time he was brought to Sudan and we were in a place
18 known as Lubangatek, and that is where I knew him from.

19 Q. [12:05:53] So when you first met him did you know which department or unit,
20 or group, for that matter, he belonged to?

21 A. [12:06:09] No. At the time I did not know what group he was in because he
22 was not yet at the brigade command level, so I did not know him.

23 Q. [12:06:28] And that was around 2002 to 2003 when you first met him?

24 A. [12:06:39] When we were in Sudan, I -- that's how -- that's when I
25 started -- that's when I knew him. I knew him while we were in the Sudan.

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1 Q. [12:07:04] Okay. So when you first saw him in Uganda, you said it was about
2 2002, 2003; is that correct?

3 PRESIDING JUDGE SCHMITT: [12:07:23] We had this already. He has answered
4 that several times.

5 MR AYENA ODONGO: [12:07:27] No, but there was some --

6 PRESIDING JUDGE SCHMITT: [12:07:29] No. In fact we have. Now please
7 move on.

8 MR AYENA ODONGO: [12:07:34] Okay.

9 Q. [12:07:35] So when you first met him in Uganda did you get to know his rank,
10 the group he was in?

11 A. [12:07:47] No. I did not know his rank at the time. Because I know that he
12 was in a group known as Sinia, but I did not know what his rank was or his level was
13 in Sudan, because in Uganda we used to meet on a number of occasions, his group
14 and Otti's group sometimes would meet, between Otti's group, Raska's group and his
15 group, and these people were higher ranking than he was.

16 Q. [12:08:22] Okay. Did you get to know who was in charge of Sinia at that time,
17 the commander of Sinia at that time?

18 A. [12:08:36] No, I did not know.

19 Q. [12:08:43] How did you come to identify Dominic Ongwen? Who told you
20 this is Dominic Ongwen?

21 A. [12:09:01] I came to know that he was Dominic Ongwen because I knew him
22 personally and I also knew his name. I knew him, so I could not forget what he
23 looked like. I knew him from Sudan. I knew some of the commanders while we
24 were still in the Sudan so I would recognise him. You know, if you stay in a setting
25 with people, irrespective of the distances between you, there comes a point when you

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1 will recognise people.

2 Q. [12:09:33] And yesterday you told Court, Mr Witness, that you saw him
3 walking with a limp. Was this in Sudan or in Uganda, or both in Sudan and in
4 Uganda?

5 A. [12:09:58] I saw him limping while we were in Uganda. When we were in
6 Sudan, I did not pay that much attention to it.

7 Q. [12:10:12] Did you come close to Dominic's household at any stage?

8 A. [12:10:29] No, I did not come close to his household, because usually when we
9 walked and went -- once we got to a certain place, people would be split into their
10 own groups and they would be split further away from them, they would be seated in
11 the middle. But when we start walking, we all move together.

12 Q. [12:10:56] Mr Witness, did you ever get to know that Dominic Ongwen was at
13 one time in the sickbay in 2003?

14 A. [12:11:18] No, I did not know about that.

15 Q. [12:11:25] But did you around that time, 2002, 2003, 2004, when you were
16 already in Uganda, did you get to know whether he got injured, shot and injured?

17 A. [12:11:55] No. I had no knowledge of that.

18 Q. [12:12:01] Now, Mr Witness, do you know the reason why the LRA left Sudan?
19 Can you tell Court?

20 A. [12:12:32] I -- yes, I do know why they left Sudan.

21 Q. [12:12:40] Can you tell Court, please.

22 A. [12:12:44] The reason why I know -- the reason why the LRA left Sudan was
23 there was a group of soldiers that came from Uganda and attacked the LRA at their
24 base in Sudan. The soldiers that came from Uganda was a large number of soldiers
25 so the LRA soldiers left their base in Sudan.

1 Q. [12:13:15] So would I be right to assume that the LRA was overwhelmed by
2 the government of Uganda soldiers?

3 A. [12:13:48] Yes, that would be correct.

4 Q. [12:13:57] And, Mr Witness, when you returned to Uganda, did you carry
5 enough food supplies you used to enjoy with the Arabs from Sudan?

6 A. [12:14:16] The food that was provided by the Arabs, well, we moved -- when
7 we moved to a place known as Lubangatek the Arabs stopped providing us with food.
8 The Holy started cultivating their own food and, at the time that we left, we carried
9 some of the foodstuff that we had cultivated and we were moving with it.

10 Q. [12:14:49] So when you returned was this food enough to feed you for all the
11 time you were in Uganda?

12 A. [12:15:12] That food did not last for a long time. You know, when you have
13 food, sometimes we would come -- while we were in Uganda would come across
14 civilian food and would take that, but the food we had with us did not last.

15 Q. [12:15:31] So when your stock of food got depleted did you have any supply
16 from any agency, maybe international agency, government or wherever?

17 A. [12:15:52] No, there was no organisation that provided us with food. Other
18 than taking civilian food, civilian food that was cultivated in the fields, we would go,
19 take some -- the food from the fields, and on occasions would get it from the camps.

20 Q. [12:16:13] Was that your only source of food, according to you, Mr Witness?

21 A. [12:16:30] Yes, those were the ways in which we would get food.

22 Q. [12:16:36] Now, Mr Witness, I want us to focus on where you actually
23 belonged and I'm going to ask you about your arrival in Uganda, your stay with
24 Vincent Otti, Raska Lukwiya, Dominic Ongwen, and all those kind of things. So
25 yesterday you testified that you returned to Uganda with Raska Lukwiya's group.

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1 Now, you also testified that shortly after your return to Uganda you joined

2 Vincent Otti's group. Is that a correct restatement of what you say?

3 A. [12:17:38] Yes. That is what I stated.

4 Q. [12:17:45] Then you said -- and your Honours, this is in realtime transcript

5 T-148, page 16, lines 4 and 5 -- you said that you moved to Vincent Otti's group.

6 Now, who assigned you to Vincent Otti's group?

7 A. [12:18:23] Nobody assigned me to that group, but it was one of the groups, it

8 was some kind of department that assigned me, but I cannot -- no particular person.

9 I was under the command of someone known as Alit and Alit was under Otti.

10 Initially he was under Raska and then he was transferred to Otti.

11 Q. [12:18:54] Did Alit have any other name?

12 A. [12:19:02] No. I did not know any other name. We used to refer to him as

13 Alit, Alit. He was also a mature person.

14 Q. [12:19:13] Was he a man of rank?

15 A. [12:19:18] Yes, he did have a rank, but I do not know his rank.

16 Q. [12:19:28] And, Mr Witness, was it the policy of LRA that you could switch

17 your position from one group to another without being assigned by your superior?

18 It was a free-for-all?

19 A. [12:19:51] No, you did not go at your -- at will. It was under the leadership or

20 instructions of another commander and they would send you or assign you to a

21 particular commander.

22 Q. [12:20:14] So in this case would I be right to say that you moved from Raska

23 Lukwiya's group to Vincent Otti's group illegally? Since nobody, according to your

24 statement, assigned you there.

25 PRESIDING JUDGE SCHMITT: [12:20:38] But that is -- the witness has said "it was

1 some kind of department that assigned me". So there is obviously, and this might
2 also depend on the role that the witness had as a mere foot soldier in the LRA, might
3 be a misunderstanding. So it was not -- he did not say, the witness, that he simply
4 moved out of his own volition, he moved there because some department,
5 whatsoever, assigned him, and assigning is of course also a term that can be
6 interpreted.

7 MR AYENA ODONGO: [12:21:27]

8 Q. [12:21:38] Mr Witness, we talked about Okuti.

9 PRESIDING JUDGE SCHMITT: [12:21:50] Okuti.

10 MR AYENA ODONGO: [12:21:51] Actually, it's pronounced Okuri (phon).

11 Q. [12:22:02] How is it -- how was he called?

12 A. [12:22:05] We would call him -- we refer to him as Okuti. I do not know his
13 other name but we would call him Okuti.

14 Q. [12:22:13] Okay. Now did you see Okuti again in Uganda?

15 A. [12:22:20] Yes, he was in Uganda.

16 Q. [12:22:22] What was the name of his group, the group that he belonged to?

17 A. [12:22:34] I do not know his group, but he was in charge of a particular group,
18 but I do not know the name of the group. He had his own convoy.

19 Q. [12:22:47] So he was a senior commander you would say?

20 A. [12:22:57] Yes, he was a commander. He had his own group.

21 Q. [12:23:11] Mr Witness, is it possible that this Okuti we are talking about is the
22 one who was in Stockree?

23 A. [12:23:23] Yes, he was in Stockree.

24 Q. [12:23:28] Thank you. Now, in Vincent Otti's group there was Vincent Otti
25 and Raska Lukwiya. Of the two who was overall commander?

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1 A. [12:23:57] Between the two of them, Vincent was higher ranking.

2 Q. [12:24:12] And according to you, Witness, did Raska Lukwiya have to follow
3 Vincent Otti's orders all the time?

4 A. [12:24:31] Yes, he had to follow his instructions. The reason why I say that
5 Otti was higher ranking was because his orders were followed.

6 Q. [12:24:48] Now let's talk about the Teso campaign. Do you remember
7 approximately which month you first went to Teso? First of all, how many times did
8 you go to Teso?

9 A. [12:25:20] We went to Teso twice. I do not recall what month we went on the
10 first occasion.

11 Q. [12:25:30] Now, when you came to Uganda, do you remember the month
12 when you returned to Uganda? When you were flushed out of Lubangatek by the
13 UPDF and you came to Uganda, would you estimate was it early year 2003, middle or
14 later? Or even late 2002?

15 A. [12:26:11] It was perhaps in February or March. I do not recall the exact
16 month, but I'm just guessing. I'm guessing that it's between March, April, but I do
17 not remember the exact month.

18 Q. [12:26:33] Can you describe the route you took and the approximate time it
19 took you to reach Teso?

20 A. [12:26:54] It took us quite a few days, maybe four or five days. Because we
21 had been around the Pader area, we had been going around the Pader area. So
22 perhaps a week. It may have even taken as long as a week to get there.

23 Q. [12:27:22] Now, when you say you went to Teso, up to what point in Teso
24 subregion did you reach?

25 A. [12:27:40] It's very difficult for me to tell you the names of the places in Teso

1 because as a, as a child it was difficult for me to know where we were. And
2 secondly, they speak a different language from Acholi and, yeah, I did not know the
3 area at all.

4 Q. [12:28:04] Did you go deep into Teso? Or as soon as you crossed the border
5 where people were speaking different language you did not go far?

6 A. [12:28:29] We were walking, just walking haphazardly. We left the Lango
7 area, we walked in different areas, maybe for about two or three areas, and then we
8 turned and went back.

9 Q. [12:28:48] Do you remember how long it took you on that campaign on the
10 first leg in Teso?

11 A. [12:29:09] We -- perhaps a week. It was about a week.

12 Q. [12:29:20] Were you accompanied on that trip by Dominic Ongwen?

13 A. [12:29:35] I do not know whether he was there because we -- I was in Otti's
14 group, so I cannot tell you whether or not he did go to Teso. And that was on the
15 first occasion.

16 Q. [12:29:52] But when you first arrived from Sudan, when you first arrived in
17 Uganda and you moved towards -- I mean, that part of Pader where you crossed over
18 to Lango and then to Teso, did you meet Dominic Ongwen? Did you see him among
19 the commanders who were there?

20 A. [12:30:21] No, I did not see him among the commanders because there were so
21 many groups; there were several splinter group that went to Teso, so I did not see
22 him.

23 Q. [12:30:42] Did anybody tell you that around this time Dominic Ongwen was in
24 the sickbay?

25 A. [12:30:54] I do not know of that. I didn't even hear anything about that.

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1 Q. [12:31:05] Do you remember when you finally met Dominic Ongwen?

2 A. [12:31:20] I cannot remember the exact day and date, but I confirm that we did
3 meet.

4 Q. [12:31:33] Can you describe to Court how you met him and what you did with
5 him?

6 A. [12:31:51] This is how we met: We were in -- before we met, we would meet
7 regularly on different occasions, but the meeting when we went to Teso and returned,
8 the commanders were planning on going to Pajule. That is when I saw that Dominic
9 was there.

10 Q. [12:32:22] Let's talk about going to Teso. Did you ever go with Dominic to
11 Teso?

12 PRESIDING JUDGE SCHMITT: [12:32:41] I think the witness has answered that
13 already and he has again now confirmed no. So please continue.

14 MR AYENA ODONGO: [12:32:47] This is the second time, your Honour.

15 PRESIDING JUDGE SCHMITT: [12:32:51] Has said no, I think.

16 MR AYENA ODONGO: [12:32:53]

17 Q. [12:32:54] You never went to Teso with Dominic Ongwen; can you confirm
18 this?

19 A. [12:33:03] I cannot confirm it.

20 Q. Okay.

21 PRESIDING JUDGE SCHMITT: [12:33:05] So does this mean you don't know or
22 you did not go with him to Teso?

23 THE WITNESS: [12:33:17] (Interpretation) I don't know.

24 PRESIDING JUDGE SCHMITT: [12:33:19] Please, Mr Ayena.

25 MR AYENA ODONGO: [12:33:23]

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1 Q. [12:33:23] Now, when you met Dominic Ongwen, the first time you met him,
2 what was his rank? Did you learn about his rank, his position and where he
3 belonged?

4 A. [12:33:47] At the time that we met he was with a group known as Sinia and he
5 was in charge of that group. I do not remember his rank, but his rank would have
6 been between major and brigadier.

7 Q. [12:34:11] Between major and brigadier. You don't know?

8 A. [12:34:21] I do not know.

9 Q. [12:34:28] Now, when you met Dominic Ongwen, did you talk to him
10 personally?

11 A. [12:34:46] No, I did not speak to him.

12 Q. [12:34:56] Then how did you know that he could have been a major, between a
13 major and a brigadier?

14 A. [12:35:10] The reason that made me to know that is because there are some
15 foot soldiers who had knowledge of someone's rank and it becomes possible for us to
16 know someone's rank when your colleague tells you.

17 Q. [12:35:38] Did you know, Mr Witness, whether or not Dominic Ongwen was
18 junior to Vincent Otti and Raska Lukwiya?

19 A. [12:36:00] He -- Dominic was junior to those people. He would report to
20 those people.

21 Q. [12:36:12] Did you know the rank of Vincent Otti?

22 PRESIDING JUDGE SCHMITT: [12:36:22] Don't you -- do we really need that?

23 Because we have heard a lot of evidence about the role of Vincent Otti. And the
24 witness has clearly said and I think he also said it yesterday that Otti was more senior
25 than Raska Lukwiya and more senior than Dominic Ongwen. So do we really have

1 to entertain with this witness what the exact rank of Vincent Otti might have been?

2 MR AYENA ODONGO: [12:36:52] Much obliged, your Honour.

3 Q. [12:36:58] Apart from Vincent Otti and Raska Lukwiya, do you remember any
4 commanders who were higher in rank to Dominic Ongwen? And who were they?

5 A. [12:37:21] I do not remember the names, but others were there, like there was
6 Odhiambo. It took long, I had not seen Odhiambo. Those are more senior people.

7 Q. [12:37:41] And, Mr Witness, is it still your statement that by the time you came
8 back to Uganda the whole Holy army was there, the entire Lord's Resistance Army
9 assembled there, apart from Joseph Kony?

10 A. [12:38:07] Everyone gathered there together. There would be different
11 groups and different units, but everyone were together in Sudan.

12 Q. [12:38:21] Now, at the place where they assembled in Uganda -- I will mention
13 a few names and you confirm or deny if he was higher or lower in rank to Dominic
14 Ongwen. Ben Acellam, was he higher?

15 A. [12:38:47] I know Caesar Acellam. That's the one I know.

16 Q. [12:39:00] Was he higher or lower in rank?

17 A. [12:39:02] He also had a high rank.

18 Q. [12:39:05] Then there was Nyero Tolbert Yadin.

19 A. [12:39:13] I know Yadin. He also had a high rank.

20 Q. [12:39:17] And then there was Charles Kapere.

21 A. [12:39:23] I do not know Kapere's rank.

22 Q. [12:39:30] Acel Calo Apar?

23 A. [12:39:33] I know Acel Calo Apar, but I do not know his rank.

24 Q. [12:39:39] Caesar Acellam?

25 A. [12:39:45] That one, I know him. I do not know his rank.

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- 1 Q. [12:39:50] And there was Jimmy, was it Ocitti?
- 2 PRESIDING JUDGE SCHMITT: [12:40:03] Have we heard at some point Ocitti?
- 3 MR AYENA ODONGO: [12:40:09]
- 4 Q. [12:40:12] Ocitti, Jimmy Ocitti.
- 5 A. [12:40:17] I do not know.
- 6 Q. [12:40:19] How about Bogi Bosco?
- 7 A. [12:40:23] I do know Bogi, but I do not know his rank.
- 8 Q. [12:40:32] And all these people were gathered in that place?
- 9 A. [12:40:45] In Sudan. In Uganda there was no gathering, people were
- 10 scattered.
- 11 Q. [12:41:00] I mean, when you first came from Sudan, did these people assemble
- 12 at one point at a place?
- 13 A. [12:41:08] No. There was no gathering. As soon as we entered, people
- 14 scattered and went to different directions. The commanders moved with the splinter
- 15 groups.
- 16 Q. [12:41:24] Now, Joseph Kony remained in Sudan. Can you tell Court how he
- 17 was communicating his orders?
- 18 A. [12:41:45] In regards to Kony's remaining in Sudan, he actually moved with
- 19 the convoy to come, but when we joined a rocky place around Katira, when the
- 20 convoy was moving about, he moved backwards and went to Sudan. That's how he
- 21 remained in Sudan.
- 22 Q. [12:42:08] How was he communicating now with the people in Uganda; do
- 23 you know?
- 24 A. [12:42:17] In regards to their communication, for us as foot soldiers, we know
- 25 that they communicate using radio call.

1 Q. [12:42:27] And whenever they communicated on radio call, were foot soldiers
2 or soldiers lower in rank allowed to be near?

3 A. [12:42:43] No. The foot soldiers would be far away. The commanders
4 would be the one speaking on radio. They know what they are talking about
5 between them.

6 Q. [12:43:00] And the soldiers who came back to Uganda still obeyed Joseph
7 Kony's order; is that correct?

8 A. [12:43:19] Yes, that is correct.

9 Q. [12:43:32] Did each brigade or battalion have their own prison, a prison where
10 you would be arrested and put when you disobeyed or broke some rules?

11 A. [12:44:04] There was no prison or detention facility within the Holy. Many
12 times when you have committed a crime, they would take you to some place and you
13 stay there for like a week or something, or sometimes you would just be whipped.
14 There was no detention facility or prison.

15 Q. [12:44:39] Apart from being killed and -- or being imprisoned or punished the
16 way you have told us, were there any other punishments in the LRA?

17 A. [12:44:57] Yes, there were punishments I saw from Sudan. They would arrest
18 you and keep you in some place. In Sudan they would dig a hole down - they called
19 it military - and if you have committed a crime, they would put you down there. Or
20 sometimes they even killed you. That happened in Sudan. But in Uganda I did not
21 see. It was not there.

22 Q. [12:45:31] Now, this one form of imprisonment, was it also a form of -- I mean,
23 punishment, was it also a form of punishment that if you broke some rule and they
24 wanted to punish you, they would send you to battle, send you to fight?

25 A. [12:45:55] I do not know of that. I have no knowledge of that. But if you

1 committed a crime, they would discipline you. They would sometimes leave you or
2 sometimes they would take you to the guard.

3 Q. [12:46:14] Now, let's talk about wives. Who was always responsible for the
4 distribution of wives? Was it possible for a commander lower than Joseph Kony to
5 decide to just distribute wives?

6 A. [12:46:40] In regard to that distribution of wives, depending on the leader of
7 the group. The commander of such a group would determine. And that is what I
8 know about distribution of wives. Each commander within the group would do
9 that.

10 Q. [12:47:08] Was it an institution that had -- that derived authority from
11 Joseph Kony and there was a broad guideline on wife distribution, or anybody just
12 decided?

13 A. [12:47:38] I do not know about the authorities that come from Kony, because
14 the way I see in each group, when some girls are abducted, they would distribute
15 amongst themselves. So it's not easy for me to know.

16 Q. [12:48:00] Now, let's look at the Pajule attack. Mr Witness, in your statement
17 you said when you finally -- in your -- on the second campaign, Teso campaign, you
18 heard that Tabuley had been killed. Tabuley's group joined together with that of
19 Otti and then you came back and you settled behind Pajule and an attack was
20 planned. Is that correct?

21 A. [12:49:06] That is not correct. That, that is probably a wrongly recorded
22 message. For me --

23 PRESIDING JUDGE SCHMITT: [12:49:21] No, this is not -- this is not wrongly
24 recorded. I think this was not correctly stated in the question. I have also -- of
25 course, I don't have the transcript, but I have in mind that the witness stated

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1 yesterday that, not to the point, but that you could derive from it that Tabuley died
2 afterwards.

3 MR AYENA ODONGO: [12:49:44] Your Honour, I was referring to his statement,
4 and that statement is found in tab 2 at 884, lines 583 to 597. And with your kind
5 permission, your Honours, maybe I can read.

6 PRESIDING JUDGE SCHMITT: [12:50:13] But it's -- we have to make it clear
7 where we put this in time. I have read it.

8 MR AYENA ODONGO: [12:50:19] Yes.

9 PRESIDING JUDGE SCHMITT: [12:50:20] Indeed, it states here, so we can make it
10 short, that after the death of Tabuley, Otti's group joined them. Then they left. So
11 you said, Mr Witness, and then you came to an area behind Pajule.

12 MR AYENA ODONGO: [12:50:35] Yes.

13 PRESIDING JUDGE SCHMITT: [12:50:36] But we are not -- we are now talking
14 about a geographical matter, not about a time matter, if I understand you correctly.
15 And the witness might have misunderstood it.

16 MR AYENA ODONGO: [12:50:57] This is a matter of -- according to at least what
17 he has said here, there is a timeline. He has given 2003.

18 PRESIDING JUDGE SCHMITT: [12:51:08] Okay. Then perhaps simply we try it
19 again and --

20 MR AYENA ODONGO: [12:51:13] Yes.

21 PRESIDING JUDGE SCHMITT: [12:51:14] -- put it to the point.

22 Mr Witness, when you try to recall what happened at the time and try to place the
23 death of Tabuley in this, what happened at that time? When did he die? Did he die
24 before or after the Pajule attack that you mentioned?

25 Perhaps it's more clearer when we word it like this.

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1 THE WITNESS: [12:51:48] (Interpretation) He died after the Pajule incidents.

2 PRESIDING JUDGE SCHMITT: [12:51:53] Did he die before Lukodi?

3 THE WITNESS: [12:52:01] (Interpretation) I do not know about Lukodi.

4 PRESIDING JUDGE SCHMITT: [12:52:06] Did he die before Odek?

5 THE WITNESS: [12:52:12] (Interpretation) I do not know the month now.

6 PRESIDING JUDGE SCHMITT: [12:52:15] Okay. Thank you. So I think it's
7 clearer now, so that we have the time frame.

8 MR AYENA ODONGO: [12:52:21]

9 Q. [12:52:22] Now, Mr Witness, this attack on Pajule, do you remember how it
10 was planned, who sat in the meeting for planning and who finally ordered it? Can
11 you tell Court how it was planned?

12 A. [12:52:47] In regard to the planning, I do not know because for me, I was
13 selected from the position and we were told that we are going to loot in Pajule.
14 There are other people who were above me. When they were making the plan, for
15 us, the foot soldiers, we had no knowledge of that. You do not sit close to the
16 command. You were just told that, "Come, we need to go to this place." There
17 were three commanders. There was Otti Vincent, Raska and Dominic who were
18 there. That is what I know.

19 Q. [12:53:29] Now, do you remember whether the other commanders, the -- who
20 were higher than Dominic, whose names I mentioned earlier, were also there, like
21 Caesar Acellam?

22 A. [12:53:46] I do not recall whether Caesar Acellam was there. Acellam is also a
23 high-ranking officer. There could have been many people. There were indeed
24 many people, but I -- it is not easy to get the names of all those who went. I know
25 one person with whom we moved, one commander with whom we moved together.

1 Q. [12:54:17] And did you get to know, Mr Witness, that at that time
2 Dominic Ongwen had been picked from the sickbay because there was a problem he
3 had gotten into, for talking to Salim Saleh? Did you hear about that?

4 A. [12:54:49] I do not know. I never heard of it.

5 Q. [12:54:58] But did you get to know that at this time actually Dominic Ongwen
6 had been put in the Control Altar under Vincent Otti directly?

7 A. [12:55:20] I have no knowledge of whether he had been put under him.
8 There were many people. It's difficult to know whether a senior commander put
9 him under him.

10 Q. [12:55:38] But to help Court to assess the role of Ongwen in that planning,
11 because you have mentioned at least Raska Lukwiya, Vincent Otti, that rank, and
12 I was suggesting to you that Ben Acellam, Caesar Acellam, Okuti, all those people
13 were there. Would it surprise you that Dominic Ongwen would not have been part
14 of that meeting at that level? He would just sit and wait for orders from them?

15 A. [12:56:26] I have no knowledge of that because that happened in the evening.
16 It was really dark. I would not know from my location because, as a foot soldier,
17 you do not sit close to the commanders. It happened in the evening.

18 Q. [12:56:56] So you did not actually see the people who sat in the meeting that
19 planned the attack? You only saw, according to you, Dominic Ongwen now
20 commanding the attack?

21 A. [12:57:20] Yes.

22 Q. [12:57:25] And according to you, there was another person called Ocan
23 together with Dominic Ongwen. There was another commander called Ocan -- and,
24 just for your memory, this is tab 7 at page 1033 at line 424 -- I mean 419, lines 419
25 to 425, but at line 424.

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1 PRESIDING JUDGE SCHMITT: [12:58:23] First of all, I think we did not have tab 7
2 today on the record. So this is UGA-OTP-0277-1020. And indeed at page 1033 and
3 at 419, it is recorded, Mr Witness, that you said: "At that time, it was Dominic in
4 charge. I think it was Dominic with somebody called Ocan." And that is the point,
5 this Ocan, if you recall this.

6 THE WITNESS: [12:59:06] (Interpretation) Yeah, that person was there. But I do
7 not know his rank.

8 PRESIDING JUDGE SCHMITT: [12:59:16] Mr Ayena, the time.

9 MR AYENA ODONGO: [12:59:18] Yes. Just one question then --

10 PRESIDING JUDGE SCHMITT: [12:59:22] Please proceed.

11 MR AYENA ODONGO: [12:59:23]

12 Q. [12:59:25] Did you -- now, Mr Witness, did you know any other name for this
13 person called Ocan?

14 A. [12:59:46] No. I cannot remember. We would only call him Ocan.

15 Q. [12:59:53] Could he be -- could he have been this man who was popularly
16 known as Ocan Labongo? Ocan Labongo?

17 A. [13:00:12] Is it Ocan Labongo or Ocan Bunia?

18 Q. [13:00:22] Ocan Labongo.

19 A. [13:00:25] I do not remember, but I know the name Ocan.

20 PRESIDING JUDGE SCHMITT: [13:00:28] So we will have now the lunch break
21 until 2.30.

22 MR TAKU: [13:00:33] Your Honour, I just want to seek permission of the Court.
23 I've already spoken to lead counsel and to Mr Ongwen. I'm leaving for Berlin now.
24 I have a conference tomorrow, so I seek permission of the Court. If you do not see
25 me, it means I've put it on record. Thank you.

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- 1 PRESIDING JUDGE SCHMITT: [13:00:51] Yes. But we would not strike you out
2 of the record.
- 3 MR TAKU: [13:00:55] Thank you, your Honour.
- 4 PRESIDING JUDGE SCHMITT: [13:00:57] Have a nice trip.
- 5 MR TAKU: [13:00:58] Thank you.
- 6 PRESIDING JUDGE SCHMITT: [13:00:59] Break until 2.30.
- 7 THE COURT USHER: [13:01:01] All rise.
- 8 (Recess taken at 1.01 p.m.)
- 9 (Upon resuming in open session at 2.34 p.m.)
- 10 THE COURT USHER: [14:34:08] All rise.
- 11 PRESIDING JUDGE SCHMITT: [14:34:29] Good afternoon, everyone.
- 12 Mr Ayena, you can continue.
- 13 MR AYENA ODONGO: [14:34:36] Yes.
- 14 My Lord, Mr President and your Honours, with absolute sense of humility, I regret, I
15 wish to crave your indulgence to go back to a portion that we have gone through
16 already, just to help me appreciate the line of thinking of Court.
- 17 PRESIDING JUDGE SCHMITT: [14:35:13] Of course you can go back to an area that
18 you have already explored, if you want to explore something new.
- 19 MR AYENA ODONGO: [14:35:20] Yes.
- 20 And, Mr President, this is in respect to tab 2, page 0884, and I wish to read some lines
21 in sequence, just to make sure that we see whether they make meaning the way I
22 think (Overlapping speakers).
- 23 PRESIDING JUDGE SCHMITT: [14:35:52] And perhaps we inform the witness this
24 is one of your former interviews with the Prosecution and Mr Ayena is reading part
25 of it and afterwards he will ask you a question with regard to this portion.

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1 Please continue, Mr Ayena.

2 MR AYENA ODONGO: [14:36:07] Yes.

3 Q. [14:36:08] Mr Witness, in one of your interviews this is what you said. I start
4 from line 577:

5 "Interpreter: And on arrival in Teso, we met Tabuley's group. And then after we
6 split up from Tabuley. It took three days. We heard that Tabuley had been shot.
7 And then Tabuley's group came and joined us. Otti's group. Then we left there,
8 then we came to some area behind Pajule here. Then from there, they began
9 selecting soldiers in the year 2003 to go and attack Pajule."

10 Now, Mr Witness, these portions I have been reading, were they relating to the same
11 transaction or they were relating to different transactions?

12 A. [14:38:03] All these things were different events.

13 PRESIDING JUDGE SCHMITT: [14:38:07] But allow me a remark. That was
14 absolutely justified, to go back to that, because we had only a portion from it and it
15 could have given a different impression.

16 MR AYENA ODONGO: [14:38:18] I am much obliged, your Honour.

17 Q. [14:38:21] Mr Witness, do you remember having said this?

18 A. [14:38:32] Yes. I did say that. But, you know, sometimes when they are
19 writing down stuff, they do not write it in the exact way or the exact manner that has
20 been stated. Because we came, we met, but it did not last for three days. We did,
21 we did meet but it took more time, not just three days.

22 Q. [14:39:05] Now, according to this statement, whether it took three days or even
23 three years, you came back and went to a place behind Pajule after the death of
24 Tabuley.

25 MR BLACK: [14:39:26] Excuse me, your Honour.

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1 PRESIDING JUDGE SCHMITT: [14:39:28] Yes.

2 MR BLACK: [14:39:29] Objection, although I don't object to the question, but out of
3 fairness to the witness, he discussed this timing issue on more than one occasion in
4 the interview. And if it is going to be put to him in this way, I submit that he should
5 also look at tab 9, page 1077, from lines 575 down to the end of the page, where he is
6 asked essentially the same question and says that he doesn't really know.

7 PRESIDING JUDGE SCHMITT: [14:40:04] But we have, I think -- we have the
8 witness here in the courtroom and we can simply ask him. So perhaps I give it a try,
9 so to clarify matters.

10 What Mr Ayena has read to you, this portion, seems to suggest the following
11 sequence: Tabuley dies, you go to a place near Pajule, then Pajule is attacked.

12 Correct, yes? Just to simplify matters. Now today, sitting here in the courtroom,
13 trying to remember, would this be the correct sequence of events? And we are
14 speaking about the attack of Pajule where you participated in.

15 THE WITNESS: [14:40:56] (Interpretation) Yes. That is what happened. But
16 Tabuley was not in that group. Tabuley had been left behind in an area known as
17 Teso. Because we met with them and then we separated when we came back and
18 they stayed behind. We came to an area known as Kitgum or Pader, because Pajule
19 is in an area known as Pader.

20 PRESIDING JUDGE SCHMITT: [14:41:25] But this is what you -- the last answer that
21 you gave seems to suggest that Tabuley was still alive at that time. And this is
22 exactly where we have the uncertainty, so to speak, which would be to be clarified.
23 In your recollection, when you attacked with the -- or when the LRA attacked Pajule
24 in the attack we are speaking of, where many people were abducted, to your
25 recollection was Tabuley still alive or was he already dead?

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- 1 THE WITNESS: [14:42:09] (Interpretation) Tabuley was still alive at the time.
- 2 PRESIDING JUDGE SCHMITT: [14:42:14] But of course it was absolutely clear,
- 3 Mr Ayena, that this portion that you read seemed to suggest something different.
- 4 Please continue.
- 5 MR AYENA ODONGO: [14:42:25] I am indebted to you, my Lord. My point was
- 6 that there are contradictions in the statement and what he is saying.
- 7 PRESIDING JUDGE SCHMITT: [14:42:42] Yes, yes.
- 8 MR AYENA ODONGO: [14:42:43] And maybe that will bring us to other points as
- 9 we continue in the course of the interview.
- 10 PRESIDING JUDGE SCHMITT: [14:42:48] Yes. Please proceed.
- 11 MR AYENA ODONGO: [14:42:50] Yes. I apologise to my colleague. I didn't
- 12 mean to, you know, short change the witness.
- 13 Q. [14:43:01] And then there is another little matter that we also discussed with you
- 14 in the morning, Mr Witness. You testified that your sister was married to a person
- 15 called (Redacted) is that correct?
- 16 A. [14:43:26] That is correct.
- 17 Q. [14:43:27] Is this (Redacted)
- 18 (Redacted)
- 19 A. [14:43:43] (Redacted)
- 20 (Redacted) a normal name in Acholi? Is it a usual name?
- 21 A. [14:44:07] I -- when I got there, he was already being called by that name.
- 22 Q. [14:44:22] Did you know somebody by the name (Redacted), who
- 23 surrendered in Gulu in or around 5 July 2004?
- 24 A. [14:44:48] No, I do not know.
- 25 Q. [14:44:55] (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [14:45:49] The witness has already answered the
7 question and has said he doesn't know a (Redacted). So we have to proceed.

8 MR AYENA ODONGO: [14:46:08] Thank you very much for your indulgence,
9 your Honour.

10 Q. [14:46:13] Now, Mr Witness, in tab 2, tab 2, page 884, lines 583 to 597, you said
11 this --

12 PRESIDING JUDGE SCHMITT: [14:46:53] We had this already. So we have read it
13 completely. So I think we should not do it a second or third time.

14 MR AYENA ODONGO: [14:47:02] Oh, then I was -- I think -- I was talking about
15 something else. Pardon my, you know, confusion. Just the handling by some other
16 person.

17 My Lords, I was referring to tab 7, page -- the same -- I think this is already on record.

18 PRESIDING JUDGE SCHMITT: [14:47:37] Yes, but you have to tell us the line.

19 MR AYENA ODONGO: [14:47:41] The line is -- the lines are 419 to 425.

20 Q. [14:47:56] Mr Witness, when the Prosecution asked you about who was in
21 charge of Sinia, this is what you said: "At that time, it was Dominic in charge."

22 And then later in line 422, you said: "Dominic ... I think it was Dominic"

23 Then line 424: "With somebody called Ocan."

24 You remember that, Mr Witness?

25 A. [14:48:37] Yes, I recall that. The reason why I do remember this is that Dominic

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1 was in charge of Sinia, was because he was in charge of a number of people in Sinia
2 and that is why I came to the assumption that he was in charge of Sinia.

3 Q. [14:49:05] Mr Witness, the important thing I want you to clarify to Court is that,
4 other than Dominic, there was another person in charge of Sinia called Ocan. This is
5 what your statement is saying. Was Ocan with Dominic Ongwen in Sinia?

6 A. [14:49:37] That Ocan was also in Sinia, but I do not know what rank Ocan was.
7 But Dominic was higher ranking than Ocan.

8 MR AYENA ODONGO: [14:49:55] Your Honours, I wanted to clarify this and put it
9 on record.

10 PRESIDING JUDGE SCHMITT: [14:49:59] Absolutely, yes, yes.

11 MR AYENA ODONGO: [14:50:04] Yes.

12 PRESIDING JUDGE SCHMITT: [14:50:04] It's clear.

13 MR AYENA ODONGO: [14:50:04]

14 Q. [14:50:05] So, Mr Witness, during this operation, can you tell Court what role
15 Ocan played along with Dominic?

16 PRESIDING JUDGE SCHMITT: [14:50:25] Which operation exactly? I think we
17 have talked about --

18 MR AYENA ODONGO: [14:50:30] This is now the Pader attack.

19 PRESIDING JUDGE SCHMITT: [14:50:31] Yes, okay.

20 MR AYENA ODONGO: [14:50:32]

21 Q. [14:50:33] Is this, Witness, the Pajule attack?

22 A. [14:50:48] The operations conducted by these people are known to me as a foot
23 soldier because they -- the higher ranking officers are always separate from us. So
24 when they make their decision or make their plan, I'm not there, I do not know what
25 happens.

1 Q. [14:51:10] Well, Mr Witness, it is enough for you to identify to Court that there
2 were two people; there was Ocan and then there was Dominic Ongwen. What they
3 discussed earlier on, it would be unfair to get you involved in because you wouldn't
4 know, I appreciate.

5 Now, Mr Witness, did you know the role of Buk Abudema in Sinia brigade at this
6 time?

7 A. [14:51:51] No, I did not know his role at the time, but I was aware that Buk was
8 there.

9 Q. [14:52:01] Was Buk Abudema higher or lower in rank to Dominic Ongwen?

10 A. [14:52:13] It's very difficult for me to state his rank, so, yeah, I cannot confirm
11 whether he was higher or lower ranking. But I can confirm that he was
12 a high-ranking officer.

13 Q. [14:52:33] What would you say, Mr Witness, if I told you that there is evidence
14 that Buk Abudema was the Sinia brigade commander, the Sinia brigade commander
15 at the time of the Pajule attack?

16 A. [14:52:59] I do not recall. I do not recall that because when we went to attack
17 Pajule, Buk was not present and that's why I do not recall Buk.

18 Q. [14:53:18] Thank you. And, Mr Witness, you testified that 40 people were
19 selected for the attack in Pajule. Now, do you know when this selection took place
20 and who did the selection?

21 A. [14:53:36] The selection took place. They selected people from different groups.
22 For example, if you belong to a certain group, you are selected and told we have to go
23 to a particular place. So they would go to different groups, select people from
24 different groups. They selected people at night and that's why I guessed that they
25 selected about 40 people from each group because there were so many people that

1 went to Pajule, but the selection took place at night.

2 Q. [14:54:14] Did you know whether there was an RV or a standby for this
3 selection?

4 A. [14:54:28] I -- it was at that time -- I came to know about it at that time. We
5 went, we met at the RV, and once we met at the RV, that's when they made the
6 selection that evening and that -- that's what I know.

7 Q. [14:54:52] And can you tell Court, Mr Witness, how far away the RV was -- the
8 RV point was from Pajule trading centre?

9 A. [14:55:12] The distance between the RV and Pajule is approximately 12 miles.
10 I'm not very sure, but I think it's 12 miles because it's quite a distance away.

11 Q. [14:55:28] Thank you very much. Now, what was the weather like during the
12 attack on Pajule? Was it raining? Was it dry? What was it? Was it cloudy?
13 What was it like?

14 A. [14:55:53] When we were heading out to Pajule, it started raining that evening,
15 that night. We got wet. It rained and we continued walking in the rain until we got
16 to a certain place and encamped there, but it was raining. The next morning it was
17 clear.

18 Q. [14:56:16] Now, when you attacked Pajule, did you have a big bomb, a big gun?

19 A. [14:56:28] Yes, they did have a big weapon.

20 Q. [14:56:32] And who was carrying that big weapon?

21 A. [14:56:39] The person carrying that weapon was Oringa, somebody who comes
22 from Pajule.

23 Q. [14:57:08] And before we pursue that line, Mr Witness, you said people, the
24 different groups were littered -- were scattered around. Do you remember which
25 position Trinkle brigade was during this attack? Where was Trinkle brigade?

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1 A. [14:57:42] I do not recall where Trinkle brigade was.

2 Q. [14:58:02] Well, if you didn't know, well and good.

3 Now, by any chance, Mr Witness, did you get to know somebody called
4 Charles Lukwiya?

5 A. [14:58:24] No. I do not know a Charles Lukwiya because there are some times
6 when you actually do know a person physically but not the name.

7 Q. [14:58:38] Now, Mr Witness, what would you say if I told you that the evidence
8 available is to the effect that actually it was Charles Lukwiya who was at that time
9 under punishment for being a coward?

10 PRESIDING JUDGE SCHMITT: [14:59:07] No, not like that, Mr Ayena. He might
11 not -- you have not asked him about -- he doesn't know Charles Lukwiya, so
12 you cannot put to him that he was under punishment or whatsoever.

13 Simply, Mr Witness, we had witnesses here in the courtroom -- let me do it.

14 MR AYENA ODONGO: [14:59:24] Yes.

15 PRESIDING JUDGE SCHMITT: [14:59:25] We had witnesses here in the courtroom
16 who said that one of these big guns or whatsoever was carried by Charles Lukwiya,
17 a person named Charles Lukwiya. This is what Mr Ayena is heading at, I would
18 say.

19 MR AYENA ODONGO: [14:59:39] You don't like that description of "a coward".

20 PRESIDING JUDGE SCHMITT: [14:59:42] No, he cannot -- you know this is not
21 a factual proposition, a coward.

22 So the question would be, Mr Witness: Do you have knowledge if, for example, the
23 LRA carried, for these attacks, many heavy weapons or only this one heavy weapon
24 that you mentioned?

25 THE WITNESS: [15:00:13] (Interpretation) There was one heavy weapon. The

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1 heavy weapon was known as the B-10.

2 PRESIDING JUDGE SCHMITT: [15:00:21] And you said the person was, I think if I
3 recall it correctly, a person named Oringa.

4 THE WITNESS: [15:00:34] (Interpretation) The person who I mentioned, the person I
5 referred to as carrying that heavy weapon, perhaps when they got to a certain place,
6 they changed over people to carry that weapon because it was a heavy weapon.
7 And sometimes one person cannot carry the weapon by themselves, so perhaps they
8 made somebody else carry it as well.

9 PRESIDING JUDGE SCHMITT: [15:00:59] So I think we, Mr Ayena, you can
10 move on.

11 MR AYENA ODONGO: [15:01:02] I think so.

12 PRESIDING JUDGE SCHMITT: [15:01:03] It's clear now.

13 MR AYENA ODONGO: [15:01:06]

14 Q. [15:01:08] Now, did you see Dominic Ongwen at the RV point?

15 A. [15:01:18] I saw him personally.

16 Q. [15:01:24] And you were at the RV point?

17 A. [15:01:30] Yes. There were many people at the meeting.

18 Q. [15:01:41] And you said each group contributed a total of 40 soldiers to go on
19 the attack; is that correct?

20 A. [15:02:00] I said that. That was my estimation though, that there were about
21 40 people from each group, but people were in different groups, about three groups.

22 Q. [15:02:31] Now, Mr Witness, you stated in your statement, you made in
23 your -- you said in your statement that you saw Dominic Ongwen giving a report of
24 the attack of what took place to Otti Vincent and Raska Lukwiya. What would you
25 say if I were to tell you that if ever this was correct, it would only be because he was

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1 ordered by these two senior people so he had to report back to them, was reporting to
2 them as a matter of duty?

3 A. [15:03:34] In regard to that, when you are sent to do something, and especially
4 when it is a senior commander who has sent you, when you come back you cannot
5 keep quiet; you have to give a report.

6 PRESIDING JUDGE SCHMITT: [15:03:49] So the one does not exclude the other, so
7 to speak.

8 MR AYENA ODONGO: [15:03:53] Probably. But now in the --

9 PRESIDING JUDGE SCHMITT: [15:03:55] Simply giving a report and doing that
10 because you have been sent and told to do so does not exclude each other.

11 MR AYENA ODONGO: [15:04:05] Very well.

12 Q. [15:04:13] And we have suggested before, Mr Witness, that at this time
13 Dominic Ongwen was under Control Altar. Would I be correct to say that he was
14 reporting back to where he belonged to, that was, Control Altar, and not to Sinia
15 brigade?

16 A. [15:04:45] In regard to that, well, you have said it, but it is not correct. But like,
17 for him, he would report to the commanders who are in the Control Altar. He
18 cannot send a report to his own brigade. There was no one who was more senior
19 than him in that brigade.

20 PRESIDING JUDGE SCHMITT: [15:05:13] So please move on. I think this is also
21 answered now.

22 MR AYENA ODONGO: [15:05:21]

23 Q. [15:05:22] Mr Witness, yesterday you testified that after Pajule operation you
24 went to Teso for the second time. How soon after Pajule did you go to Teso again?

25 A. [15:05:44] After that it didn't take long. It could have probably taken a week;

1 then we started moving towards Teso.

2 Q. [15:05:54] Were you still with Otti when you arrived in Teso?

3 A. [15:06:10] We were together.

4 Q. [15:06:11] And you said it didn't take a while. Eventually you met with
5 Dominic. And how long was this while, was it a day, a week, a month?

6 A. [15:06:29] It could have been up to a month.

7 Q. [15:06:41] I want to see whether this might refresh your memory.

8 Your Honours, I am looking at tab 4, at page 941, lines 240 to 247. And with your
9 permission, your Honours, I will read:

10 "And then we liked -- we camped in that area in that bush, and we camped for two to
11 three months. Then we left for Sudan. Sudan, we spent two months."

12 Would I be right, Mr Witness, to say that between the Pajule attack, Teso, and Sudan,
13 there was a period of about seven months?

14 A. [15:07:56] That can also be true.

15 Q. [15:08:02] And do you remember approximately when this second expedition to
16 Teso took place?

17 A. [15:08:18] The expedition to Teso was around a dry season. I do not know the
18 exact month though.

19 Q. [15:08:31] Now, there was this attack on Labwor Omor. Was that attack closer
20 to the Odek attack or to the Pajule attack?

21 A. [15:08:54] It was close to the attack of Pajule. The attack of Labwor Omor was
22 not far away from that of Pajule.

23 Q. [15:09:16] And you said -- I mean, in reference to your statement that you
24 camped in that area for two to three months, would it surprise you if you were told
25 that actually Labwor Omor attack was on 23 November 2003?

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1 A. [15:09:51] I cannot say the date. I cannot estimate the dates.

2 PRESIDING JUDGE SCHMITT: [15:09:57] But this would at least place it closer to
3 Pajule than to Odek.

4 MR AYENA ODONGO: [15:10:08]

5 Q. [15:10:08] And during this time, Mr Witness, were you still under Vincent Otti?

6 A. [15:10:19] No, I was not.

7 Q. [15:10:28] Under whom were you at this time?

8 A. [15:10:32] I was under Ongwen.

9 Q. [15:10:39] Now, Dominic Ongwen, according to your statement, was in charge
10 of Sinia. But all the time you told Court that you were under the Control Altar.
11 Can you explain to Court how you --

12 PRESIDING JUDGE SCHMITT: [15:11:00] That is not, not correct. He -- I think he
13 said that for some time, and accidentally he joined the Sinia group, and he has said
14 this twice yesterday and today. He has not said that he was always under Control.
15 So you have to be more specific what you mean exactly.

16 MR AYENA ODONGO: [15:11:21] Yes, I am much obliged. I am guided,
17 your Honour. Maybe I will rephrase it.

18 PRESIDING JUDGE SCHMITT: [15:11:27] Please do that.

19 MR AYENA ODONGO: [15:11:29]

20 Q. [15:11:29] Now, Mr Witness, you said every so often you accidentally found
21 yourself, accidentally or so, found yourself under Dominic Ongwen, away from your
22 usual, you know, reporting place. Can you tell Court whether your reporting place
23 was ever notified about your being under Dominic Ongwen?

24 A. [15:12:13] The reason how I got into Ongwen's group was, we met at position
25 and we were at the rear guard. We were two. There was, however, no one left at

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1 a point where paths crossed to show us that this was so-and-so's path and that this
2 was the other's path. So when we reached the junction we just took the path that led
3 to that of Ongwen.

4 PRESIDING JUDGE SCHMITT: [15:12:42] Mr Witness, did later on when you, as
5 you describe it, joined the group of Ongwen, did later on your former commander in
6 Control Altar get to know that you were now with the Ongwen group or the Sinia,
7 whatsoever?

8 THE WITNESS: [15:13:04] (Interpretation) Yes, he got to know.

9 MR AYENA ODONGO: [15:13:22]

10 Q. [15:13:24] Mr Witness, yesterday -- let's look at Odek. Yesterday, you testified
11 that at some point after the Pajule operation and Teso mission you derailed from
12 Otti's group again. You followed the rails -- the trails, and joined Dominic Ongwen's
13 group.

14 And this, your Honours, can be found in realtime transcript T-148, page 32 and
15 page 33.

16 Can you tell Court how many you were from your group that got lost and followed
17 the trails of Dominic Ongwen and caught up with him?

18 A. [15:14:24] We were two. One person was called (Redacted)

19 Q. [15:14:38] In your testimony you say that at a certain point you joined -- you got
20 lost and joined Dominic Ongwen's group alone. Did this -- would you want to
21 confirm to Court whether it is true that at a certain point you got lost and joined
22 Dominic Ongwen's --

23 PRESIDING JUDGE SCHMITT: [15:15:02] Mr Black.

24 MR BLACK: [15:15:04] I'm sorry, could I ask for a citation because I distinctly
25 remember him yesterday saying there were two of them. So if he did say something

1 contrary (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [15:15:12] And we have him here in the courtroom.

3 This costs too much time, frankly speaking, on a Friday afternoon.

4 Mr Witness, when you joined Ongwen's group, were you alone or were there the two
5 people that you mentioned, you and this other person called (Redacted)

6 THE WITNESS: [15:15:39] (Interpretation) We were two. We joined that group
7 when we were two. Because when you were put as a rear guard you cannot be alone.
8 We were two. When we reached Dominic he told us to stay with someone called
9 Oyenga, and we stayed with Oyenga.

10 PRESIDING JUDGE SCHMITT: [15:15:58] Thank you.

11 MR AYENA ODONGO: [15:16:20] Your Honours, there is a statement somewhere
12 but I can't find it now. Somewhere he stated that he joined alone.

13 PRESIDING JUDGE SCHMITT: [15:16:28] Yes, you can refer to that later on.

14 MR AYENA ODONGO: [15:16:30] Yes, later.

15 PRESIDING JUDGE SCHMITT: [15:16:32] We have -- you know, I would not say the
16 problem, but we have it on the record and we have here the witness, if there are
17 existing contradictions to clarify with him and we have done this. So please, please
18 move on.

19 MR AYENA ODONGO: [15:16:54]

20 Q. [15:16:54] Now, Mr Witness, you told Court that Dominic Ongwen put you
21 under a person call Oyenga. Do you remember his full names?

22 A. [15:17:07] That person is called Oyenga and we only referred to him as Oyenga.
23 I have no knowledge of his other name.

24 Q. [15:17:19] And do you know the group or battalion or unit that he belonged to?

25 A. [15:17:33] I do not know the name of the battalion because there are some

1 battalions called Oka, others are called Terwanga. I do not know which battalion
2 that was.

3 Q. [15:17:50] So, Mr Witness, this suggests that when you were with
4 Dominic Ongwen you did not know under which battalion you belonged.

5 A. [15:18:03] Yes.

6 Q. [15:18:10] And how long was this Oyenga with you in Sinia?

7 A. [15:18:28] We stayed for about four or five months together.

8 Q. [15:18:36] Now, regarding the Odek operation, where was the standby and
9 selection before the Odek operation?

10 A. [15:18:54] We were moving here and about. I -- it's a place which is called Alim,
11 if I have not forgotten. It was in the bush.

12 Q. [15:19:14] And after the selection did anybody remain at the standby?

13 A. [15:19:32] When we were selected, when people were selected, there were
14 groups that would lead and others would bring the rear to go for that operation. It
15 was not easy to know if some people remained behind. For us, we moved as people
16 who were going to carry food. There were very many people.

17 Q. [15:19:57] And how big was the group?

18 A. [15:20:04] I do not know the number, but people were many.

19 Q. [15:20:10] Now, in your statement you said the operation started at 6 o'clock.
20 Can you tell Court how -- for how long it took place?

21 A. [15:20:29] You know, there are things that happened and I could not remember
22 everything. I think it could be about 6. It took a long time. I can't remember. It
23 has taken long. Many things have happened in-between. I couldn't remember the
24 time. Odek is a place which is deep inside. We just realised that this place was
25 called Odek. I do not know that place.

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1 Q. [15:21:06] And when you retreated, did you go back to the same place you came
2 from?

3 A. [15:21:19] No, we kept moving as if we were coming back. But we did not
4 retreat back.

5 Q. [15:21:30] And during that attack were you, for the whole of that time, together
6 with Oyenga as your leader?

7 A. [15:21:45] Oyenga was there.

8 Q. [15:22:01] Mr Witness, would it surprise you if you were told that there is
9 evidence that Oyenga did not directly participate during the Odek operation and
10 actually never went to Odek camp?

11 PRESIDING JUDGE SCHMITT: [15:22:25] Again, this is -- but I really -- I don't want
12 to interrupt constantly. To make it really in a correctly formal manner, the evidence
13 should be put to the witness. But I don't need -- I don't think this is necessary. The
14 witness has simply said that Oyenga was also present and that he saw him, and we
15 have to take it as it is and move on. This is his answer. And if there is evidence and
16 if there is valid evidence, we will have to assess it and we might come to the apt
17 conclusions.

18 MR AYENA ODONGO: [15:23:03] Your Honours, I shall refer you to the edited
19 transcript T-148, at pages 44 to 45.

20 PRESIDING JUDGE SCHMITT: [15:23:19] Good.

21 MR AYENA ODONGO: [15:23:20] This is the testimony.

22 PRESIDING JUDGE SCHMITT: [15:23:21] Yes, that's good. So it is on record, the
23 testimony. That's absolutely okay.

24 MR AYENA ODONGO: [15:23:27] Yes.

25 PRESIDING JUDGE SCHMITT: [15:23:28] And I would also not have a problem like

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1 you are doing it in the moment. So we have it also in the transcript for this witness
2 and it is easier to follow then for everybody. That's okay.

3 MR AYENA ODONGO: [15:23:46]

4 Q. [15:23:52] And, Mr Witness, did you say the attack was at 6 a.m.? Was it in the
5 morning or in the evening?

6 A. [15:24:08] I said it has now taken long and I do not remember time. There are
7 so many things which happened and you cannot remember every detail and it has
8 now taken very long.

9 Q. [15:24:23] But, Mr Witness, do you remember making -- in your statement to
10 the Prosecution, you said it was 6 a.m. in the morning. Could it have been in the
11 morning or in the evening?

12 MR BLACK: [15:24:47] Your Honour, again, I don't think it is fair to the witness to
13 put one time he is asked about this, when later at pages 0968 to 69 he makes clear that
14 he is only estimating the time. He can only say it happened during the day. To put
15 a time to him and then not tell him what he said on the very same subject later in the
16 interview, I think is an unfair approach with the witness.

17 PRESIDING JUDGE SCHMITT: [15:25:14] We simply ask the witness again if he can,
18 now that we are having him here in the courtroom - and this is the reason why we
19 have a witness actually in a courtroom - simply what he recalls, if at all, at what point
20 in time this happened.

21 So this would be my question, Mr Witness: Now that you are sitting here and trying
22 to remember, could you say when it happened or could you near yourself the time
23 when it happened or would you simply say, "This is too difficult now. I can't say
24 any more"?

25 THE WITNESS: [15:25:54] (Interpretation) It may not be as difficult. The reason is,

1 I cannot estimate time because, like I said, so many things has happened in-between.
2 The attacks, some of the attacks happened not in the camp, others along the road,
3 others in a school, and I cannot remember the time.

4 PRESIDING JUDGE SCHMITT: [15:26:19] (Microphone not activated)

5 MR AYENA ODONGO: [15:26:22] That helps a lot, your Honour, because it would
6 not be right for me to have a position on it and my learned friend a different position.
7 You have helped to reconcile.

8 PRESIDING JUDGE SCHMITT: [15:26:35] And this is -- of course, this is the task
9 that we have to undertake later on, and this is also sometimes the difficulty of
10 assessing evidence, because different things might have been said. Sometimes they
11 are to be reconciled. Sometimes it's easy, sometimes it's not so easy, sometimes it's
12 not possible.

13 So please continue, Mr Ayena.

14 MR AYENA ODONGO: [15:27:02]

15 Q. [15:27:03] Now, was it raining, this attack -- during this attack? Was it raining?
16 What was the weather like?

17 A. [15:27:15] I said I do not know now. There was no rain.

18 Q. [15:27:27] Now, apart from Oyenga as a commander, do you remember seeing
19 any other senior person?

20 A. [15:27:40] There could have been others, but I don't remember their names now.
21 When you are at least aware, you cannot know all their names. You know the name
22 of the commander only.

23 Q. [15:27:58] You can't be faulted for that. But this morning -- earlier today we
24 discussed Ocan. Did you also see Ocan, any Ocan, during this Odek operation?

25 A. [15:28:19] There were many people named Ocan. But I do not know if the

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1 Ocan you are talking about I saw. But there were Ocans.

2 Q. [15:28:34] Can you tell Court which Ocan you saw during the operation who
3 was a commander?

4 A. [15:28:54] That Ocan, I cannot know his rank, but he had a rank all the same.
5 I cannot say exactly what his rank was, but he was there. It is not easy to know the
6 rank of the older and more senior soldiers.

7 Q. [15:29:18] Mr Witness, would it surprise you if you were told that there is an
8 intelligence report fixing somebody called Ocan Labongo to this attack rather than
9 Dominic Ongwen?

10 A. [15:29:35] I have no knowledge of that.

11 Q. [15:29:42] Now, Mr Witness, yesterday when the Prosecution asked you
12 whether Odong Cowboy was present during the Odek attack, you stated:
13 "Yes, I recall, because you know, there are certain things that happened in those days
14 and it's difficult for me to remember now."

15 Did you see Odong Kau in the Odek attack?

16 A. [15:30:14] Odong Kau was there. Unless he too was a different Odong you are
17 meaning, but I know Odong Kau.

18 Q. [15:30:33] Mr Witness, we have evidence --

19 PRESIDING JUDGE SCHMITT: [15:30:38] Specific, which evidence? Do you mean
20 tab 14?

21 MR AYENA ODONGO: [15:30:42] Yes, yes.

22 PRESIDING JUDGE SCHMITT: [15:30:43] And tab 14 is what exactly?

23 MR AYENA ODONGO: [15:30:52] Witness, we have evidence, tab 14 of the Defence
24 binder, UGA-OTP-0249-1816, at 1823, fifth row from the top.

25 And with your permission, I shall read it to the witness for his benefit.

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1 PRESIDING JUDGE SCHMITT: [15:31:17] Granted. Mr Black, because -- no, we
2 simply, we have it on the record. And I don't have any problem if you read it out.
3 But if I am not misled and I do understand it correctly, this is a statement by this
4 certain person.

5 MR AYENA ODONGO: [15:31:37] Yes.

6 PRESIDING JUDGE SCHMITT: [15:31:38] Yes. So if you say "evidence", the person
7 might say something. Please read it into the record and then I think this is good
8 enough.

9 MR AYENA ODONGO: [15:31:47] Yes.

10 Q. [15:31:49] Mr Witness, this is what Odong Kau said, and it is recorded and it is
11 on Court record:

12 "On 7 March 2003 while at Omel Kuru" Kuru --

13 PRESIDING JUDGE SCHMITT: [15:32:14] "I defected from the LRA."

14 MR AYENA ODONGO: [15:32:17] Yes.

15 "I defected from the LRA with 30 LRA combatants and reported to the UPDF at Abole
16 then transferred to the 4th Division Headquarters of the UPDF in Gulu."

17 PRESIDING JUDGE SCHMITT: [15:32:31] So this would mean, Mr Witness, that the
18 person that you know as Odong Kau has stated later on that he already defected from
19 the LRA on 7 March 2003.

20 MR BLACK: [15:32:47] Your Honour, (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [15:33:01] Yes.

24 (Private session at 3.33 p.m.)

25 (Redacted)

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17 (Open session at 3.36 p.m.)

18 MR AYENA ODONGO: [15:36:26] Mr Witness, let's --

19 THE COURT OFFICER: [15:36:27] We are in open session.

20 MR AYENA ODONGO: [15:36:36]

21 Q. [15:36:37] Let's look at the issue of child soldiers. You are a child -- from

22 evidence on record you are a child when you are abducted. Mr Witness, when

23 yesterday you testified about the abduction of children during the time when you

24 were with Sinia, you stated that it is difficult to know the individual age, but some of

25 them were in the age group of 18, 19, 20.

1 This is to be found in real-time transcript page 47, lines 14 to 17.

2 A. [15:37:27] Should I respond to that question? Yes. There were children in the
3 LRA. And I do not know why children were abducted to join the army and how old
4 the children were. But there were children from the ages of 12 upwards to 19.
5 That's what I know.

6 Q. [15:37:56] And I know for a fact, Mr Witness, that you also said later on that
7 there were also children ranging from 12, 14 and 15, but you say that it was difficult
8 to estimate. Is that still your statement?

9 A. [15:38:28] It's very difficult to estimate the ages of the children. But based on
10 my observation, there are certain kids who look more mature than what they actually
11 are, so you constantly have to guess that maybe this child is older or younger. But
12 it's very difficult to assess the ages because people do not grow at the same rate and
13 that is why I estimated that perhaps from 15 years onwards.

14 Q. [15:39:01] And with your permission, your Honours, I shall read to the witness
15 his statement which is found on tab 6, UGA-OTP-0277 to -- I mean, 0277-0991 at 0999,
16 lines 250 to 272, where he said:

17 "Mostly it was 30 and below. Three zero. And also it depends on how you look
18 physically. But mostly they like to abduct people who were young. People who
19 were about 20. People who are of the age of 6, those who were very young and left
20 out. Mostly it was 20 and above."

21 Then later on, said: "I mean 18 and below were not many. They were just -- they
22 were about, not more than 10 that was under Dominic Ongwen."

23 Is that still your statement, Mr Witness?

24 A. [15:40:30] That is correct.

25 Q. [15:41:01] Now let's look at your escape.

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1 We are about to end.

2 You -- according to you, you escaped during the peace talks; is that correct?

3 A. [15:41:20] That's correct.

4 Q. [15:41:24] Why did you have to escape during the peace talks? Is there any
5 particular reason why you had to wait until this time?

6 A. [15:41:45] The reason why I escaped during the peace talks was because I was,
7 I was afraid. We were constantly being told, our commanders were being told, that
8 if you go back home government soldiers would kill you. As a young child you
9 believe what they are saying, and I did not actually know the area that I was. I did
10 not know where I was at the time.

11 Q. [15:42:15] And this time your commander called Owiny sent you to Pajule with
12 another person.

13 Now, Mr Witness, you also stated that your group split and that initially you were 17
14 and then the army attacked you and killed five of your group members and you
15 remained only 12.

16 Now can you tell Court why at this point in time Owiny decided to send you to
17 Pajule?

18 A. [15:43:04] Owiny decided to send the two of us to Pajule to find out about the
19 peace talks, to ask from Pajule to talk to civilians whether the peace talks are ongoing.

20 Q. [15:43:27] Now, can you tell Court from which group at this point in time did
21 you split. Were you with Vincent Otti's group or with Dominic Ongwen's group?

22 A. [15:43:43] At -- when we split up, when the two of us, (Redacted) and myself, split
23 because the two of us were both under Otti's group, but we were split by the
24 gunships. So I went back to Otti, and that was after we had followed some footpath.
25 When we got to Otti -- you know, we were constantly being pursued by, by gunships

1 and people.

2 They decided to split people in small groups. So they sent us to Owiny's group.

3 And usually the groups contained about 10 to 12 people or more to make life easier so
4 that we would not be constantly followed. They split the groups up into smaller
5 groups.

6 Q. [15:44:36] And there is this gentleman, the (Redacted) when you
7 reported to him, did he tell you that he was aware of the ongoing of the peace talks?

8 A. [15:44:57] He told us that the peace talks are ongoing. There were about four
9 or five people. There was an army commander from Pajule who was also present.
10 They came, they advised us, they told us that the peace talks are ongoing. They
11 asked us, "How many are you?" And I responded, "There is about 12 to -- 10 to 12 of
12 us. Some of us are in the bush." And they said, "Okay, can you go and call them."
13 We said, "Yeah, yeah, we can go and call them." So they sent us and we went and
14 we called them. The commanders sat, had their discussions among themselves.
15 We went back to the sidelines with, with the other children.

16 And the people that we talked to, this person was from the area of our home. The
17 person asked, "Where is this child from, our home?" I could not say, because that was,
18 that was the place that I was from. I said this is -- "I'm here". I asked the person, "Is
19 my mother there?" And he responded, "Yes." And I asked, "Is my father there?"
20 And the person responded, "Yes." And I said, "Okay, no problem." And he said,
21 "Okay, tomorrow I am going to try by all means to bring your mother and father so
22 that they can see you." I told him, I said, "Okay, no problem; you bring them."

23 When they, they took us, they took us to some school the next day at around 9 a.m. in
24 the morning. And that's when I saw them coming with my parents. When they
25 came with my parents they saw me and they immediately recognised me, but I did

1 not recognise them immediately.

2 After that, I started talking to my parents who were talking in a -- in a manner that
3 only we understood. And that's the knowledge that I have.

4 Q. [15:47:08] And you talked about a commander called Okuti. Is this the same
5 Okuti we were talking about earlier?

6 A. [15:47:23] Yes, that is the same commander, because we, we wanted to find out
7 whether it was being broadcast over radio FM, whether the peace talks were being
8 discussed. And Okuti came and we went and we joined him so that they could send
9 us to Okuti. The next morning Okuti went to Dure.

10 Q. [15:47:51] Now, before you were handed over back to the LRA -- I mean, to the
11 government, did the government officials, including the (Redacted), discuss with Okuti the
12 issue of keeping you away from LRA?

13 A. [15:48:21] No, I have no knowledge of that, because when Okuti went to Dure
14 some of the other groups were coming from Pajule, but I do not know what they
15 discussed. But after that they took us and they sent us to the barracks. They sent
16 my mother, my father and myself to Pajule barracks. And I do not know what
17 discussions were held while we were there. There was one army commander known
18 as Kanyakanya who came, he came, he -- and -- well, the (Redacted) came and told
19 us, "Okay, get into the car, let's go". We got into the car with my mum and my father
20 and we went to Pader. When we got to Pader they sent us to the barracks. My
21 mother and father were then taken back home.

22 Q. [15:49:21] So it is true, Mr Witness, that the government officials, including the
23 (Redacted), did not report the matter of taking you to the barracks and finally out of the
24 LRA with the senior-most LRA commander Okuti?

25 A. [15:49:56] I have no knowledge. I have no knowledge of that because the

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1 commander known as Owiny said all people should get into the car, and the (Redacted)
2 said, "No, no, no, no, no. Come, there is another car that is going to take you. You
3 get into that vehicle". The (Redacted) started the car and we left. But I do not know what
4 discussions were held.

5 MR AYENA ODONGO: [15:50:24] I think that's all, your Honours.

6 PRESIDING JUDGE SCHMITT: [15:50:27] Thank you, Mr Ayena.

7 And thank you, Mr Witness, for answering all these questions for two days and also
8 thank you on behalf of the Chamber for coming to this far-away country, into this
9 courtroom to help us to establish the truth. Mr Witness, we wish you a safe trip back
10 home.

11 (The witness is excused)

12 PRESIDING JUDGE SCHMITT: And this concludes the hearing for today and for
13 this week. We continue on Monday morning with P-374 at 9.30.

14 THE COURT USHER: [15:51:02] All rise.

15 (The hearing ends in open session at 3.51 p.m.)