

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Friday, 23 March 2018
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:27] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:32:42] Good morning, everyone.
13 And good morning, Madam Witness.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:33:02] Thank you, Mr President.
16 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen,
17 case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:33:15] Thank you.
20 And for the appearances, first the Prosecution.
21 Mr Gumpert.
22 MR GUMPERT: [9:33:20] Your Honour, Ben Gumpert for the Prosecution. With
23 me today Yulia Nuzban, Shkelzen Zeneli, Paul Bradfield, Julian Elderfield, Pubudu
24 Sachithanandan, Adesola Adeboyejo, Maya Talakhadze, and Ramu Fatima Bittaye.
25 PRESIDING JUDGE SCHMITT: [9:33:38] Thank you.

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 And Mrs Hirst for the Legal Representatives of Victims.

2 MS HIRST: [9:33:45] Good morning, Mr President, your Honours. Megan Hirst and
3 James Mawira.

4 PRESIDING JUDGE SCHMITT: [9:33:47] And Mr Narantsetseg.

5 MR NARANTSETSEG: [9:33:51] Good morning, Mr President, your Honours.

6 With me Ms Caroline Walter. My name is Orchlon Narantsetseg. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:34:01] Thank you.

8 And Mr Taku or Mr Ayena for the Defence.

9 MR AYENA-ODONGO: [9:34:07] Good morning, Mr President and your Honours.

10 Today with me in court is Chief Charles Achaleke Taku, Ms Eniko, Thomas Obhof,
11 and Abigail Bridgman. Our client, Mr Dominic Ongwen, is in with us in Court.

12 PRESIDING JUDGE SCHMITT: [9:34:22] Thank you, Mr Ayena.

13 And I give Mr Taku the floor for the examination of the witness.

14 MR TAKU: [9:34:31] Good morning, Mr President, your Honours.

15 WITNESS: UGA-OTP-P-0187 (On former oath)

16 (The witness speaks Acholi)

17 QUESTIONED BY MR TAKU:

18 Q. [9:34:37] Good morning, Madam Witness.

19 A. [9:34:45] Good morning.

20 Q. [9:34:55] Madam Witness, yesterday you mentioned that you moved to Lukodi
21 in 2002. Were you told by the government that you needed to move to Lukodi, or
22 you moved on your own volition? Your Honours, realtime --

23 PRESIDING JUDGE SCHMITT: [9:35:21] No, I think we recall it and you don't need
24 to cite here the realtime transcript.

25 THE WITNESS: [9:35:34] (Interpretation) The LC-1, who's a representative of the

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 government, felt that every time people were running, people were up and down and
2 the situation was volatile, so decided that everyone should converge together and
3 station in a place where the military was nearby. It was the LC-1 who invited people
4 to come and converge within an area.

5 MR TAKU:

6 Q. [9:36:11] You also mentioned yesterday, Madam Witness, that when you moved
7 to Lukodi, it was not yet a designated camp. Can you tell the Court what you mean
8 or what you meant by that?

9 A. [9:36:29] I think I explained this very clearly, I said the LC-1 of the -- of Lukodi
10 location said that because there was a lot of insecurity, people are running up and
11 down, it was necessary that everyone come together so (Overlapping speakers)

12 MR GUMPERT: [9:36:53] Your Honour, I'm sorry to interrupt. I don't know what
13 the reason is, but the transcription is not producing any English, at least mine isn't. I
14 wonder if the interpreters are switched on to channel 1? The suggestion is there is
15 no English interpretation. In fact I can hear it, but we can't read it. The situation is
16 probably changed since I have got to my feet.

17 PRESIDING JUDGE SCHMITT: [9:37:17] Obviously it has now been solved. But
18 thank for the remark. Yes.

19 MR TAKU: [9:37:26] I thank you, Mr Gumpert, for that.

20 PRESIDING JUDGE SCHMITT: [9:37:29] Please continue, Mr Taku.

21 MR TAKU: [9:37:31]

22 Q. Madam Witness, the school in Lukodi was a military barracks; is that correct?

23 A. [9:37:41] And during that time, people were not going to school. There was no
24 school at the place. For that reason, the soldiers went and stationed in -- within the
25 facility because there was war and no more schooling was going on.

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 Q. [9:38:20] Now when the civilians moved to Lukodi, can you tell us exactly
2 where the soldiers they build their houses. Was it around the school or away from
3 that military barracks?

4 Your Honours, I'm informed there is no English interpretation on the transcript.

5 THE COURT OFFICER: [9:38:46] I have enquired with our service providers.

6 There is an English interpretation, but that interpretation is not reaching the
7 stenographer's booth. We are currently working on that issue.

8 MR TAKU: Now since --

9 PRESIDING JUDGE SCHMITT: [9:38:58] Does this, does this mean that we will still
10 have it in the end in the transcript or does this mean that it is lost for the transcript?

11 THE COURT OFFICER: [9:39:08] The answers of the witness in English will be
12 captured in the edited version of the transcript indeed.

13 PRESIDING JUDGE SCHMITT: [9:39:19] Then we continue simply, please.

14 MR TAKU: [9:39:22] Thank you, your Honour.

15 Q. [9:39:26] So considering that the barracks -- the school now was a barracks, can
16 you tell us the location where the civilian build their houses, was it around the
17 barracks or away from the barracks?

18 A. [9:39:56] You know, the school is within the community and the civilian
19 settlements were surrounding the school. The civilians who came from the nearby
20 places came and established their settlements around the school and the school was at
21 the centre. But all these establishments were next to a road.

22 Q. [9:40:24] Can you estimate for the Court the distance between your house and
23 the military barracks?

24 A. [9:40:39] Well, it's not a big distance. It's less than a mile. It's not far because
25 people were settling nearby each other.

1 Q. [9:40:59] But was it possible from your house to see what was happening in the
2 barracks?

3 A. [9:41:18] We were staying nearby each other and I will tell you that the location
4 was just somewhere in front, we were on the eastern side and you could see very
5 clearly. It was nearby. And the place was all clear. We only had settlements.

6 Q. [9:41:37] Can you also tell the distance between the trading centre and the
7 school?

8 A. [9:41:54] It was not far because the school playground extended to the edge of
9 the road. On the other side of the road were buildings, shops where the traders had
10 their merchandise. It was the trading centre.

11 Q. [9:42:15] Now, when you left, after you left the trading centre and you heard the
12 attack starting, where precisely did you run to hide?

13 A. [9:42:38] I left the market, I was moving, and as I was leaving the school a little
14 behind, you know, the road was on the right-hand side, I branched off to -- towards
15 our home and then I met with the rebels. I was not just narrating the story. I just
16 saw them, I met with them, then I fell down. There were so many. Eventually I got
17 up and ran and entered into a hut that was nearby. I had not yet reached my home.

18 Q. [9:43:22] So can you estimate, if you can, how far that house is from the
19 barracks?

20 A. [9:43:43] It was not far because, you know, there is a road that moves around the
21 school and that road is between the barracks and -- I went and I branched and went
22 right. The distance was really near. Everything was clearly visible.

23 Q. [9:44:08] Now, do you remember, Madam Witness, filling out a form to
24 participate as a victim in these proceedings?

25 A. [9:44:25] Yes, I did.

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 MR TAKU: [9:44:28] May I request for tab 5 to be placed before the witness.

2 ERN UGA-D26-0012-0394, your Honour.

3 Q. [9:45:08] Do you see your signature on that application, Madam Witness?

4 A. [9:45:17] Yes, I do.

5 Q. [9:45:26] Can you tell the Court why you stated in your victim application that
6 you were in your house when the attack took place?

7 A. [9:45:47] That's not correct, the information that I was in my hut is not right.

8 What I'm telling you now is the truth and I think that is what should help you to
9 establish the truth. The truth is that I was not in my hut, I was not in my house. I
10 ran and entered another person's hut. What was written in the form is not what I
11 said. I am not the one who filled that form.

12 PRESIDING JUDGE SCHMITT: [9:46:17] Allow me again a remark that this is not
13 the first time that there are discrepancies between the victims' application form, or the
14 content of the victims' application forms and the testimony we have here in the
15 courtroom. And I have already remarked on that before, but since we have here, the
16 Legal Representatives of Victims, I would perhaps also in future cases or I would
17 really advise that you even make perhaps a sort of training with people who take
18 these victims' applications forms so that such discrepancies are avoided as much as
19 possible, so to speak.

20 Mrs Hirst.

21 MS HIRST: [9:47:00] Your Honour, the matter is obviously of great concern to us as
22 well. The difficulty is that the forms are filled at a point in time when the legal
23 representatives are not involved and there is unfortunately no possibility at that stage
24 for a counsel to be present. But it is a matter that we will be very happy to pass back
25 to the Registry office which is responsible for that process.

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [9:47:22] You know, it was not -- of course not
2 a personal reproach and I am also aware of how it functions and that you come later
3 on into play, but of all the people here in the courtroom, you seem to be the most
4 appropriate to address it with that we have here at the moment.

5 MS HIRST: [9:47:40] We are very grateful for your Honour's attention to the matter,
6 because it is of concern to us as well. So, sorry, I hope I didn't sound defensive. We
7 would be very grateful to take the matter to the Registry.

8 PRESIDING JUDGE SCHMITT: [9:47:52] Thank you very much.
9 Mr Taku.

10 MR TAKU: [9:47:54] Your Honours, let's go to a closed session. Let me just raise
11 one or two issues about that application.

12 PRESIDING JUDGE SCHMITT: Okay.

13 MR TAKU: So she can clarify.

14 PRESIDING JUDGE SCHMITT: [9:48:02] We go shortly to private session.

15 (Private session at 9.48 a.m.)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Open session at 9.50 a.m.)
18 THE COURT OFFICER: [9:50:20] We are back in open session.
19 PRESIDING JUDGE SCHMITT: [9:50:28] And a short addition also now about what
20 we discussed in open session earlier on. Of course, no one would expect that such
21 victims' applications have -- are as detailed, have a veracity like you would have if
22 a witness comes to a courtroom and testifies under oath, you would not expect that.
23 But nevertheless, there can be taken measures that the information entailed in such
24 applications from the start on is as truthful and as complete as possible. Of course,
25 there are huge -- there will be always discrepancies, but they should not extend

1 a certain amount, so to speak.

2 Mr Taku.

3 MR TAKU: [9:51:16]

4 Q. Now, Madam Witness, did you know whether the soldiers slept in that barracks
5 or they had their own houses within the civilian settlements in the camp?

6 Your Honours, I'm pulling description from tab 6, OTP-0023-0136 at 0135.

7 A. [9:52:04] The soldiers were putting up in the barracks. I never saw them
8 mixing up with the civilians. What I know is they would be in their barracks, they
9 had their -- their structures within the barracks, they were not established within the
10 civilian population.

11 Q. [9:52:21] What about their families, the families of the soldiers, were they living
12 with the civilians?

13 A. [9:52:39] Sir, I don't know about that. I'm not sure whether the soldiers had
14 their family members within their communities. I don't know. I cannot tell you
15 something I don't know.

16 Q. [9:52:54] How were the soldiers dressed? Were they dressed in uniform? If
17 yes, can you, if you know, can you describe their uniforms.

18 A. [9:53:09] Are you talking about the soldiers who abducted me or the ones who
19 were in the barracks? If you are talking about the soldiers who abducted me, they
20 were dressed in military fatigue, some of had full uniform, with their uniform being
21 camouflage, and it would indicate clearly that these are military uniforms.

22 Q. [9:53:41] What about the soldiers, the UPDF soldiers in the camp?

23 A. [9:53:52] What we know is the military uniforms sometimes are plain army
24 green, sometimes they are patchy and camouflaged. But we all know clearly the
25 distinction between military uniforms and other clothes. You would clearly know

1 that these are not civilian attire.

2 Q. [9:54:22] Yes. Compared with the people who abducted you, the uniform they
3 wore, would you say those uniforms were the same, they wore the same uniform that
4 you used to see the UPDF wearing or they were different from those of the UPDF?

5 A. [9:54:45] You could clearly see that that is a military person because military
6 uniforms are clearly identifiable, they are grass-like in colour and then you would
7 know these are military uniforms. They were fairly similar in appearance.

8 Q. [9:55:16] Now, in that camp did you also have militias or local men, local
9 defence unit, were they present in the camp?

10 A. [9:55:32] Could you repeat the question?

11 Q. [9:55:36] LDUs.

12 A. [9:55:36] I don't know the distinction between the various units, whether these
13 are LDU members or they are different members. I could not distinguish. I was
14 really scared of them, I could not come near them at any one point. I am not
15 interested about military issues.

16 Q. [9:56:04] Now, Witness, did you see some of those armed people on the side of
17 the government, did you see some of them wearing green and others wearing
18 camouflage? Did you see them with their distinctive uniforms?

19 A. [9:56:36] On that day I never saw any government soldier. I never saw any of
20 them on that day. I didn't see anyone of them at all.

21 Q. [9:56:48] Now, before that date were you aware, or not, that local
22 people -- people -- the civilians in the camp, that some of them were trained and given
23 guns by the UPDF to support the UPDF operations in the camp? Were you aware of
24 any recruitment of that nature, some of the local youths and people who were
25 residing in the camp?

1 A. [9:57:27] I was not aware of any training. Like I said, I -- I have never picked
2 any interest in any military issues; I was not aware about any military training
3 because, you know, in Lukodi people were never settled. There was no training that
4 was carried out to provide protection to the people. So I cannot tell you what I don't
5 know.

6 PRESIDING JUDGE SCHMITT: [9:57:52] I think, Mr Taku, you would have to move
7 to another point. It's with several witnesses we had. It depends sometimes if they
8 can provide information or not, if anything was in the focus of their attention --

9 MR TAKU: [9:58:05] Yes.

10 PRESIDING JUDGE SCHMITT: [9:58:06] -- and I think we don't have it here; so I
11 would advise you to move to another point.

12 MR TAKU: [9:58:12] Okay, your Honour. Just one question on that, if -- just a final
13 issue.

14 PRESIDING JUDGE SCHMITT: [9:58:15] Give it a try, a final one.

15 MR TAKU:

16 Q. [9:58:17] Yes. Did -- among the soldiers you saw on the side of the government,
17 did you identify any of them? Was there any of them that you knew to be a native of
18 Lukodi or the sub-district -- or the district or the sub-district, or county, or the
19 sub-county in which you cited?

20 A. [9:58:47] I was not aware of any person coming from Lukodi who was amongst
21 the soldiers, but the soldiers who were there were already known to the local people.
22 We already knew the soldiers who were there because here and there, would mix and
23 meet within the centre; so we knew the soldiers who were stationed in Lukodi. But I
24 was not aware of any person coming from Lukodi who was amongst the soldiers.
25 You know, these people would be brought and they would stay for about two weeks

1 or so, and then another group would be brought. We would meet with some of
2 them when you go to the market or something like that. You would know one or
3 two of them. I have to speak the truth only and only what I know.

4 Q. [9:59:36] Okay, let's move on. Can you tell the Court whether the camp in
5 Lukodi was established before or after the attack?

6 A. [10:00:02] When people started gathering together in Lukodi after the LC-1
7 brought people together, that happened before the Lukodi attack. People stayed
8 there for over a year, they put their structures there. I would even say people had
9 already stayed there for about two years before the attack came. People had
10 established themselves, they put their structures, their kitchen structures, their living
11 structures and all that.

12 Q. [10:00:37] Now, Madam Witness, can you explain then to the Court - tab 4, your
13 Honours, at 1141 - can you then explain to the Court what you meant when you said
14 Lukodi wasn't really a camp but was established after the attack? Can you explain
15 to the Court what you meant when you said this to the investigators?

16 A. [10:01:03] Before Lukodi became a camp, before it was attacked, the LC
17 suggested that people should come together. But when Lukodi was attacked, at the
18 time it was not known as an IDP camp, we were not provided with food, but people
19 had already converged to that area. But they started providing food. When the
20 government asked people to move to the camps, people moved and went to Coo Pee;
21 that's when Lukodi became a formal established camp, but before that people just
22 moved into that area to protect themselves. I believe I made that clear yesterday.
23 MR TAKU: [10:01:48] Your Honour, it's tab 4, ERN UGA-OTP-6233-1138 at 0233.
24 Your Honour, it's 0233-1138.

25 Q. [10:02:15] Now, Witness, before the attack on 19 May 2004, were there previous

1 attacks on Lukodi?

2 A. [10:02:51] Yes, there were attacks. The attack happened during a funeral.

3 About five to six people died -- were killed at that funeral. (Redacted),

4 (Redacted). They came,

5 they attacked people at night, and people died. Some people were injured, a number

6 of people were injured as well.

7 Q. [10:03:24] What year was that?

8 A. [10:03:27] In 2002. In March of 2002.

9 Q. [10:03:36] Did you hear of a woman who was abducted a few days before the
10 attack and returned to Lukodi?

11 A. [10:03:52] Pardon? Could you please repeat that question, I didn't quite get it.

12 Q. [10:04:00] Did you hear about a woman from Lukodi who was abducted before
13 this attack but returned to Lukodi?

14 A. [10:04:17] No, I did not hear of any such woman.

15 Q. [10:04:22] Did you hear about a man who was abducted for a brief time and
16 made an alarm that attracted attention of the soldiers a few days before the attack?

17 A. [10:04:41] Yes, I heard about that incident.

18 Q. [10:04:47] What did you hear?

19 A. [10:04:51] Somebody made a -- somebody made noise at the time when people
20 were coming to attack Lukodi, someone sounded an alarm and the soldiers ran, that's
21 what I heard. But shortly after that Lukodi was attacked. They shot somebody
22 known as Okumu, Alex Okumu.

23 Q. [10:05:30] Now, Madam Witness, during this prior attack during the funeral, did
24 it force people to escape from Lukodi, or people fled to Lukodi instead?

25 A. [10:05:49] Nobody ran far away. The two attacks, nobody ran far. But it's the

1 big attack that made people leave the area, but the two smaller attacks, people did not
2 leave, people were injured. That particular boy that I mentioned had -- had
3 a business at the centre and while he was running, he was injured. And people
4 assumed that perhaps it was a robber or a burglar who had gone into that boy's shop
5 to loot the shop, because nobody else was injured. But it was when we had the
6 major attack that people decided to leave and people left the camp and went a long
7 distance away from the camp.

8 Q. [10:06:34] Can you tell the Court where this funeral that you talk about was
9 taking place? Was it in Lukodi camp or in some other location within the
10 (Overlapping speakers)

11 A. [10:06:46] The funeral was close to -- the person lived -- the person had their
12 own home. The lady had their own home about a mile away from Lukodi. And
13 during the funeral rites, she -- a lot of people came. On the Saturday, during the
14 funeral rites, while people were at her home, that's when the rebels came. The rebels
15 came from the east and started shooting bullets. Five or six people died. And (Redacted)
16 (Redacted)
17 (Redacted) because they did not know that area and
18 when they went and the attack happened, they, they were stuck near a fence. But
19 the other people who were familiar with the area who were able to bypass the fence
20 and runaway, but the two children were caught up by the fence.

21 Q. [10:07:56] Now, due to these security threats, were meetings organised within
22 the camp between the soldiers and the civilians in the camp to inform people about
23 the security of the camp? If such meetings existed, did you participate?

24 A. [10:08:23] No, I did not participate in any such meeting.

25 Q. [10:08:29] Did you take part in any women's support groups within the camp?

1 A. [10:08:40] I was present in a women's group, but I wasn't a leader, but I was part
2 of that group. Sometimes I would have problems and I would not attend the
3 meetings. There was a time when I was unwell when I -- my leg broke. I was
4 unable to attend those meetings. I was not able to leave my home and become social.
5 I had a -- my foot was bandaged and for three or four months I was unable to move.

6 Q. [10:09:24] Prior to Lukodi being gazetted by the government, did the
7 government supply food to the civilians in the camp?

8 A. [10:09:40] The government did not provide us with food, but the LC did
9 complain about it and Caritas provided us with food. But the government did not
10 provide us with any food.

11 Q. [10:10:03] Now you said that Caritas supplied food to the camp a few days
12 before the attack. Did you receive food from Caritas?

13 A. [10:10:25] Yes, I did receive food from Caritas. The food was not used, none of
14 the food was used. If the food was not taken, the food got burnt in people's houses.

15 Q. [10:10:45] You testified yesterday that when the civilians in the -- in the civilian
16 camp would come -- would go and collect food from their original homes, was it in
17 the first year when you moved to the camp? Or how many times, for example, did
18 you personally move to your original home to collect food?

19 A. [10:11:17] At the time, people would go home and collect their food because we
20 were not living very far from our homesteads. So if you left something at home, you
21 were able to go and collect it. You would go to your garden, cultivate cassava,
22 get -- plant your sweet potatoes, go and cultivate your garden. Because at the time
23 we were living closer to our homesteads so -- and we did not have problems. We
24 were still basically at home and we did not have hunger problems. We still were
25 able to receive our own food supplies. It wasn't that far.

1 Q. [10:11:58] Were you aware that the UPDF discouraged people from going,
2 leaving the camp. In fact, they restricted movement from the camp for people to go
3 back to their original homes, and on occasion destroyed the crops and gardens to
4 prevent you from going back to your homes as a measure, according to them, to avoid
5 being attacked by the LRA? Were you aware of this?

6 A. [10:12:28] At the time there was no prohibition; people were allowed to leave
7 and go to their homes. When the soldiers were present, the soldiers would just walk
8 around people. They would perform their duties. They were referred to as the
9 patrol. They would conduct their patrols while people were doing their own stuff.
10 And afterwards, after their patrol, they would come back. But at the time people
11 were not prohibited from going to their homes because we did not have any food,
12 the -- there were -- no provisions were being provided. The place had not yet been
13 gazetted as a formal camp, so people were not prohibited from going to their homes
14 to get food.

15 Q. [10:13:23] Yesterday you informed the Court that when people relocated to
16 Lukodi, the local councillors were worried about famine striking out because there
17 were many people and there was no food. Can you tell the Court how acute was the
18 food situation in the camp?

19 A. [10:13:50] Yesterday, I stated it clearly. Well, I would like to speak the truth.
20 They asked me questions, questions about what I responded to yesterday and what I
21 stated clearly. I did not tell lies. I only want to speak the truth. Ask me what I
22 said yesterday. Do not ask me what I didn't say. Yesterday I did not say there was
23 absolute famine. I said at the time people used to go to their homes to collect food,
24 but the LC decided that since people had converged to that place, perhaps it's about
25 time that somebody provided us with food and they contacted Caritas and asked

1 Caritas for assistance. But at the time, people were still able to go to their homes,
2 people were still able to go to their gardens, people were able to cultivate their crops.
3 That's what I said yesterday.

4 Q. [10:14:53] Now, can you tell the Court whether there were granaries
5 surrounding Lukodi IDP camp?

6 A. [10:15:08] What surrounding? I did not quite get that.

7 Q. [10:15:13] Granaries. Granaries.

8 A. [10:15:20] No, there were no granaries. There was no granary whatsoever.
9 There was no granary surrounding the camp. Each and every person would go to
10 their home and collect food from their homestead. There was no granary that was
11 placed in the camp with food in it. Actually, that's something that I have not seen in
12 Acholi before, where they put granaries surrounding a particular area.

13 Q. [10:15:50] Witness, do you know someone by the name Okumu S Lajabu?

14 A. [10:15:51] Yes, I do know Okumu.

15 MR TAKU: [10:15:52] Your Honours, I --

16 THE WITNESS: [10:15:53] (Interpretation) Okumu is -- was the camp leader of
17 Coo Pee. At the time that we fled, we went towards the town and then came back.
18 Lukodi had a separate camp leader. Okuma was the camp leader of the people from
19 the Coo Pee area from Layik Pabwo, those areas. The camp leader of Lukodi was
20 different, but we were all in the same camp. There were some people who were in
21 the east, some people who were on the west, but we were all mixed up. And that
22 was the time when the -- the place had been attacked, people had fled, and then
23 people came back and they established a camp at Coo Pee.

24 MR TAKU: [10:17:00] Your Honour, this relates to tab 12, UGA-OTP-0150-0191,
25 pages 0196 to 0197 paragraphs 22 to 25. The next line of questions will be there.

1 Q. So you described whom he was. Did you also know an individual named of
2 Rwot Moo. Forgive me if I -- Moo, Rwot Moo?

3 A. [10:17:43] Yes, I do know him.

4 Q. [10:17:46] Who was he?

5 A. [10:17:55] Rwot Moo died. They -- they actually died. There was one actually
6 known as Mutu. The person is deceased. Then the next one was Bonjali. That one
7 is also deceased. Three of them died. The current one -- there's Rwot Moo
8 currently in Patiko. So, yeah, those are the ones that I know.

9 Q. [10:18:26] At the time of the attack, did you know this man, Rwot Moo, was he
10 alive?

11 A. [10:18:42] During the camp when we were at the camp, when the camp was
12 attacked, he was still alive. Mutu was still alive, Mutu was still alive at the time.
13 Mutu was -- Mutu died first and then somebody replaced him. And then the person
14 who replaced him was also named Mutu. So I do not know which one you are
15 talking about because there is one Mutu who is dead, but Mutu's son, who inherited
16 his name, is also known as Mutu and he uses the name Mutu as well. That's the
17 knowledge I have. Whether he's deceased or alive, that's something that I do not
18 know.

19 PRESIDING JUDGE SCHMITT: [10:19:39] A question, please, Mr Taku, with regard
20 to Mr Mutu and ideally also about something that the witness can comment upon.

21 MR TAKU: [10:19:52] Excuse me, your Honour.

22 PRESIDING JUDGE SCHMITT: [10:19:54] Now a question -- you prepared this and
23 then perhaps the witness has some knowledge of it and if (Overlapping speakers)

24 THE WITNESS: [10:20:01](Interpretation) No, I did not know of any other person
25 because those things have their own protocol or the way in which it works, so I do not

1 know how that procedure works. So I will talk about things that I'm aware of.

2 MR TAKU: [10:20:20] Let me just put the question.

3 Q. [10:20:22] Was he a chief believed to possess spiritual powers during the time of
4 the attack?

5 A. [10:20:34] No, I do not know. I do not know anything about chiefs. I do not
6 know any -- I don't have any information about chiefs.

7 Q. [10:20:44] Okay, did you -- Witness, what -- do you know the meaning of
8 Rwodi Kweri? If you know, tell the Court. Rwodi Kweri.

9 A. [10:21:06] Yes, I do know Rwot Kweri.

10 Q. [10:21:10] So explain to us.

11 A. [10:21:14] Rwot Kweri back home is a leader, a leader who is in charge of
12 agriculture or farming. For example, how many yards would somebody cultivate, if
13 there's any issues regarding land where there's land dispute, border disputes, then
14 that person would be in charge of settling those problems.

15 Q. [10:21:46] With regard to the camp, the life in Lukodi camp, would I be correct
16 to say that the Rwodi Kweri went to each household in the camp and recorded, kept a
17 list of the names of the people in the household for the purposes of the distribution of
18 the food by Caritas that was brought to Lukodi by Caritas?

19 A. [10:22:15] I would -- I did not know, because I was always at my home.
20 Perhaps they were called to a particular meeting, I don't know. But I was called and
21 told go to the -- to the school ground. I do not know whether it was the LC who
22 registered it or somebody else who registered me because I'm a civilian, I do not
23 know what arrangements existed. I was called and I went.

24 Q. [10:22:42] But when you went, you were raised that, including members of your
25 household, they were raised that, when you were called?

1 A. [10:22:59] You know, when -- the Rwodi Kweri, when something happens
2 suddenly, they do not appear because they know each and every individual in
3 a particular homestead. So even if you are absent from your home, they would come
4 to your home and register you. At the time they did not call people to come for
5 meetings all the time. Because of the insecurities, we were not required to attend
6 meetings all the time, but the Rwot Kweri would know how many people are in
7 a particular homestead. He would know that this is so-and-so's homes, a number of
8 people live in that particular home, this is so-and-so's home, and a number of people
9 live in that particular home without somebody having to explain it to them.

10 MR TAKU: [10:23:47] Your Honours, we pulled out this question from tab 7 at 0039
11 to 0 -- no, tab 7, UGA-OTP-0069-0034 at 0039 to 0040, paragraph 39 to 40. And tab 12,
12 UGA-OTP-0150-0191, page 0196, paragraph 22 to 25. But (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [10:24:26] Yes. I have seen also the last, the last
14 ERN number that you gave us, but the witness here in the courtroom does not know
15 about the specificities --

16 MR TAKU: [10:24:36] Yes, your Honour.

17 PRESIDING JUDGE SCHMITT: [10:24:36] -- obviously, so you would have to move
18 on. But it's noted.

19 MR TAKU: [10:24:39] Yes, your Honour. Thank you, your Honour. Now,
20 your Honours, private session, I want to put specific questions that could identify.
21 We will very, very brief, so you can hold on.

22 PRESIDING JUDGE SCHMITT: [10:25:02] Yes. We go to private session but only
23 for a short while, obviously.

24 (Private session at 10.25 a.m.)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Open session at 10.26 a.m.)

12 THE COURT OFFICER: [10:26:45] We are back in open session, Mr President.

13 MR TAKU: [10:26:53]

14 Q. [10:26:53] Now, prior to moving closer to the barracks, did you live at some
15 point in time in a relative's house before moving closer to the military barracks?

16 A. [10:27:18] No, I did not actually move and live with any relative. I did ask for
17 a home and I stayed there until I built my own house, but I did not move anywhere
18 else. I was given a house and I built another house next to that one.

19 Q. [10:27:41] Now, since you lived in an area that was proximate to the military
20 barracks, did you see Mambas deployed to the military barracks?

21 A. [10:27:59] No, I did not see any. I did not go to the barracks at all. No, I don't
22 know.

23 Q. [10:28:10] Those soldiers that on occasion you saw them in the -- in the trading
24 centre, the small trading centre, or you said during patrol, did you see them armed?
25 Did you see them with guns?

1 A. [10:28:27] I do not like talking about soldiers or I do not like -- I do not like
2 anything to do with the army. I did not cross the road on several occasions so I did
3 not actually pay attention as to whether the person was holding a gun or not. I did
4 not know what they were doing.

5 Q. [10:28:51] (Microphone not activated) We are not blaming you, we just want to
6 know what you know, what you saw and what you did not, so it is not -- this
7 question is not intended to blame you, Witness, so we just want -- we are not there.
8 We just want that the Court and us also to know what you know, what you actually
9 saw yourself and did.

10 Now, you said the attack started in Lukodi. From the moment that you became
11 aware that there was an attack, how long did it last before you were let out of the
12 camp by your abductors?

13 A. [10:29:30] I saw guns, I saw the guns that they were holding. When they
14 entered the house they were extremely ferocious. Wouldn't you know that that
15 person is a soldier?

16 PRESIDING JUDGE SCHMITT: [10:29:55] I think there was a misunderstanding.
17 Perhaps you would have to repeat the question, Mr Taku.

18 MR TAKU: [10:30:00] The question is that, from the moment that she was aware of
19 the attack, how long did it take? How long did it last before she left, before she was
20 let out of the camp by the three abductors?

21 PRESIDING JUDGE SCHMITT: [10:30:19] Madam Witness, counsel puts the
22 question to you if you have an idea how long it might have taken from the beginning
23 of the attack until you were brought out of the camp. This has been a long time, plus
24 it is very difficult to assess when you are so involved in such matters, when things are
25 forced upon you; we know that. But I think counsel only expects if you have an

1 estimate how long it might have taken.

2 THE WITNESS: [10:30:55] (Interpretation) It took one and a half hours, and then it
3 started getting dark at about six. They had taken about one hour already in the
4 attack. And while we were going to the bush it was coming to about 8 o'clock at
5 that -- that was the time when the helicopter gunship arrived.

6 MR TAKU: [10:31:33]

7 Q. [10:31:34] Witness, from the answers you are giving about every question I
8 asked about the soldiers, you didn't have anything to do with them, is there any
9 reason this apprehension for soldiers, is there any reason why you maintain this
10 attitude towards the soldiers in the camp? Not wanting to go near to know what
11 was happening with the soldiers, is there any reason that you know of, please tell the
12 Court?

13 A. [10:32:07] The question I was asked, whether I saw the soldiers in Lukodi
14 having guns, was the reason I answered in that manner. They were asking me
15 whether the soldiers in Lukodi were moving with their guns or not or whether they
16 had some heavy weapons there. I said I didn't see that.
17 Secondly, I -- I was not constantly going to the centre to go and see what was
18 happening there or what. But, you know, for instance, if a soldier is going to buy
19 something, because the soldier, he can move with his gun. We were aware of that.
20 It was their role to provide protection to the civilians and somebody could move with
21 their gun, go procure something and then he goes back. But in reference to the
22 heavy weapons, I never entered the barracks and I was not aware whether they had it
23 or where they had positioned them. That was my very clear answer.

24 Q. [10:33:21] Obviously from that answer, during the attack you did not see -- you
25 were not -- the question was you did not see what was happening in the barracks.

1 Would I be correct to suggest this to you, Witness?

2 A. [10:33:44] It's not correct. I was already scared, things had gone amiss,
3 everyone was fleeing. I was hidden in the -- in the hut. But I could hear what was
4 happening out there. There was no way I could stand up and go and look to see
5 what was happening. It was not possible at that time.

6 Q. [10:34:09] Thank you, Witness. Now let's talk a bit about the helicopter
7 gunship that you say was flying so low and the rebels told you to go down. Was
8 that the first time you had seen the helicopter hovering over Lukodi or the helicopter
9 had been there previously?

10 A. [10:34:50] It was the first time during the attack that I -- I saw and heard
11 a helicopter gunship flying very low, it was my very first time.

12 Q. [10:35:10] Were you concerned or afraid that the helicopter could drop a bomb
13 and kill you and the rebels, and the three rebels? Kill you -- you, person 1 and 2 and
14 the three rebels, were you afraid, were you concerned that they were likely going to
15 throw a bomb to kill all of you in that location?

16 A. [10:35:38] Yes, I was very scared.

17 Q. [10:35:44] From that -- that location that you said you were in, you were very
18 scared, you were there, you could not even go out to see what was happening.
19 Nevertheless, from when you were in that location you had heard gunshots, correct?

20 A. [10:36:10] The helicopter came when we were already in the bush, I was no
21 longer in the hut. We were now walking in the bush. But when I was in the -- the
22 hut, I had fled from what was happening out there, I could not move back out when
23 bullets were flying everywhere. There was -- I could not go out anymore. When I
24 got -- the reason I got out was because of the three people who came -- the three
25 people, with one of them having a gun. I walked with them, we went to the bush,

1 the helicopter came, we were already away from the camp, we were already in the
2 bushes. You could see people falling in front of you and there was no way you
3 could get out. You could not get out to see what is happening when somebody has
4 just fallen right in front of you.

5 Q. [10:37:22] But you knew at that time, Witness, that this helicopter belonged to
6 the government forces, UPDF, did you know?

7 A. [10:37:37] I was not aware that that helicopter was belonging to the military. I
8 knew it was a helicopter; I didn't know whether it had come to save us or it had come
9 to kill us. At that time I didn't know what to think about.

10 Q. [10:37:53] Obviously, from the picture you have painted from when you are
11 abducted and led to the bush, from there you were not in a position to see the
12 government soldiers running away from the camp because you were captured in that
13 hut, given a load and led into the bush. So you were not in a position to see
14 government soldiers running from the camp, were you, Witness?

15 A. [10:38:24] I did not see them. I was not aware what exactly was happening out
16 there. I never saw any soldier.

17 Q. [10:38:48] Well, that takes care of a whole so many questions.

18 There's an item that the Prosecutor dealt with in the closed session, very brief, you
19 know, the -- yes, your Honours.

20 PRESIDING JUDGE SCHMITT: [10:39:05] Yes, if we refer to the video then it is, of
21 course, in line with what we did yesterday. Shortly, private session.

22 MR TAKU: [10:39:13] Yes, very briefly.

23 (Private session at 10.39 a.m.)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Open session at 10.42 a.m.)
14 THE COURT OFFICER: [10:42:25] We are in open session, Mr President.
15 PRESIDING JUDGE SCHMITT: [10:42:35] So I assume, Mr Gumpert, you are not
16 waving with any sheet of paper, but with perhaps one what could answer the
17 question that arose before we went into open session again.
18 MR GUMPERT: [10:42:47] Yes, I didn't pick it at random. Your Honour is
19 absolutely right. It is the medical records, which are disclosed. Why this witness
20 should know about them, given they are written by doctors, is perhaps another
21 matter, but my learned friend has access to them.
22 PRESIDING JUDGE SCHMITT: [10:43:04] Please continue.
23 MR TAKU: [10:43:05] My question, your Honours, did not relate to about the
24 question about the injuries for which she might have gone to the hospital, about that,
25 but relates to the explanation she tried to give about not disclosing (Redacted)

1 (Redacted), even though she came here and was saying that right now there is physical
2 evidence on her body. And the way you saw the pictures and everything would
3 mean that if this -- the diligent doctor who examined her, and from the way we see in
4 the pictures, would have been able to capture everything without necessarily the
5 patient in that near traumatic situation of being in a position to explain. That, that
6 was the reason why I asked this question.

7 PRESIDING JUDGE SCHMITT: [10:43:43] I absolutely understand the background
8 of your question. But, as I understand it, the Prosecution has provided all the
9 documents that are available, and the witness has testified here and has explained
10 what she knows, and she knows of course what has been done to her, so to speak.
11 But she might not know exactly what kind of records had been taken by doctors or
12 examiners or whomsoever. So we would simply have to take it like it is and
13 you -- and you, so to speak, and also the Chamber have to work with the material we
14 have on the table, like always.

15 MR TAKU: [10:44:17] Exactly, your Honour.

16 PRESIDING JUDGE SCHMITT: [10:44:19] Okay. Please continue.

17 MR TAKU: [10:44:23] I'm actually trying to move quicker and, of course, in one
18 answer she gives -- she reads my mind and has provided an answer to so many
19 questions.

20 PRESIDING JUDGE SCHMITT: [10:44:38] No, no, no, we have -- no, we have here,
21 we saw it -- if I may -- allow me the remark, something positive, Madam Witness.
22 We have here a witness who is -- you don't have to put a lot of questions to her; she
23 recalls a lot and she tells us a lot. So this -- but, as I always say, this might also
24 facilitate your job, so to speak.

25 MR TAKU:

1 Q. [10:45:02] Now, you said that the police also came to the hospital when you
2 were there. Did they talk to you, Madam Witness, at some point in time?

3 A. [10:45:17] They did not talk to me, but they kept on coming. You know, you
4 could easily identify that these were members of the police force because of their
5 uniform, but several other people came to visit me in the hospital. I could clearly
6 know that some of the people were coming from the police because of their uniforms.

7 Q. [10:45:42] Now, Witness, when you came out, when you returned -- you were
8 released and you returned from the bush, how long did it take before you were taken
9 to hospital? Was it the same day or a couple of days after?

10 A. [10:46:13] I did not even reach my home. They just moved with me, took me to
11 a vehicle, and I was hurried with to the hospital. I could not reach my home.
12 When I came from the bush, I came, and then he took me to a vehicle that was there.
13 Even my children did not know where I was taken. They did not know that I was in
14 the hospital, initially.

15 Q. [10:46:45] Now, you say a number of people came to the hospital, other people
16 saw you, not -- of course, not necessarily the police. Were you aware, Witness, that
17 Okumu S Lajabu, whom we talked about previously, and Rwot Moo conducted a
18 registration of victims, of the victims of the attack in Lukodi?

19 Your Honours, this, we pulled it out at tab 12, page 01 (Overlapping speakers)

20 A. [10:47:16] I don't know whether that registration was done, because sometimes
21 they would come and find me when I was not able to see things, I could not view
22 things. It's possible that he could have come to carry out the registration because at
23 that time the camp was not yet fully established and Lajabu did not know me at that
24 time; I also didn't know him. But, you know, we had come from the same
25 sub-county, so it's possible.

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [10:47:47] Perhaps -- I did not want to stop you, but
2 there was an overlap because -- perhaps you can now give the ERN number and
3 where you derived it from.

4 MR TAKU: [10:47:57] Tab 12, your Honours, page 0198, paragraph 32.

5 PRESIDING JUDGE SCHMITT: [10:48:02] Thank you.

6 MR TAKU: [10:48:05]

7 Q. [10:48:05] Since you came back to Lukodi, did you know or did not know
8 that -- whether the police brought some detectives, brought some forensics to conduct
9 a post-mortem of the victims of the attack in Lukodi? Were you aware of this?
10 Your Honours, before the answer, tab 12, your Honours, page 0200, paragraph 48 and
11 49. Were you aware that the --

12 A. [10:48:43] I was not aware of that. You know, I spent quite some time in the
13 hospital, and, you know, I cannot talk about hearsay. I was not there, I didn't did get
14 to know of that. But there was mention of a -- the exhumation of the people and
15 then carrying out the post-mortem, but I did not witness that myself. Whatever was
16 taking place there took place at a time when I was in the hospital. I didn't get full
17 details of that.

18 Q. [10:49:17] Now, when you were withdrawing, when these three rebels were
19 taking the three of you out, now, were you aware that the LRA fell into an ambush, an
20 ambush led by the UPDF in which many of the rebels, as well as the civilians, who
21 were with them died, were you aware of this?

22 A. [10:49:48] I'm not aware.

23 Q. [10:50:10] Now, yesterday in the course of your testimony you said that you did
24 not understand why the LRA came to attack the camp and that maybe -- you said that
25 maybe they came to collect food. In fact, if you want, I can read that out, your

1 statement, to be very precise. You thought it was to collect food, given that when
2 they came to the house, you were hiding, they were looking for food and they gave
3 you some to carry. Witness, at that point, did it suggest to you that the mission of
4 those people, those people who abducted you, was to look for food and to get you to
5 carry the food, transport the food for them?

6 A. [10:51:03] I don't know from them whether they had come to look for food or
7 whatever they came to look for, I was not aware of. The hut where we were hiding,
8 they didn't carry any food items from there. I talked about this clearly yesterday, I
9 said the people threw down a sack of sorghum and there was a tin behind the sack.
10 He opened it and I think he had -- there was money in it. I did not see the content of
11 the tin, but he gave me the tin to carry on my back. That was what I mentioned
12 clearly yesterday.

13 But talking about them coming to collect food, well, I was just guessing, they could
14 have heard that Caritas had distributed flour and cooking oil. And these are the
15 things I talked about yesterday. If somebody understood what I talked about
16 yesterday, that was what I said. But I didn't say that they came to collect food. I
17 don't know what they came to do, but I suspected they must have come for food.
18 But if they had come for food only, they would not have killed people, they would
19 not have torched houses. They came prepared and ready to kill. They
20 needed -- they wanted to kill people. If they only wanted food, they would have
21 collected only food.

22 Q. [10:52:26] Yes. But, Witness, this exchange of fire within one and a half
23 hours -- you heard this exchange of fires, an attack, it went on for one and a half hours
24 within the camp. Witness, could it -- did it occur to you that it was exchange of fire
25 between two opposing armies, the UPDF and the LRA, that was that exchange of fire?

1 A. [10:52:57] I never got to understand that. I could hear gunshots. I was not
2 aware where there was exchange of fire. I was just in the hut and I couldn't establish
3 whether there were exchanges or it was being fired from one side. I am not sure.

4 Q. [10:53:19] Of course if you are not sure, Witness, you also would not know
5 whether many people died in the course of those -- those gunshots. You are not in
6 a position to know sincerely --

7 PRESIDING JUDGE SCHMITT: [10:53:30] A question, please, Mr Taku, no
8 comments.

9 MR TAKU: [10:53:34] Yes. Okay, your Honours.

10 Q. [10:53:43] But you were not there, Witness, how could you now conclude that
11 the UPDF ran away within this one and a half hours? How could you say they ran
12 away? You didn't see them. You didn't even know what was going on? You
13 could not explain the extensive gunshots within one and a half hours, how then do
14 you confirm -- where do you get the information that the UPDF ran away?

15 A. [10:54:09] I don't know. I did not say they fled. I don't know whether they
16 fled or they stayed. I don't know. Me, I fled my way, I was not aware of what was
17 happening on the other side. I don't know. I have to speak about things I know
18 only. What I don't know, I will not talk about.

19 Q. [10:54:44] Now, you also said that yesterday, the LRA walked from the eastern
20 side and they seated at the other side of the camp. Do you mean that they crossed
21 into the western side of the camp?

22 A. [10:55:09] The LRA approached from the east and if the government soldiers
23 when -- ran or fled westwards, then that's where they went. What I know is the
24 gunshots started from the eastern side and that was it. I was not prepared for these
25 things so I don't know what exactly happened. If they fled, then they fled across the

1 road, and I never saw them running, so I don't know anything else.

2 Q. [10:55:55] Now on the other side, the west side, were there settlements -- civilian
3 settlements on the western side of the camp?

4 A. [10:56:06] There was a centre, it was a trading centre. The civilians were on the
5 other side of a stream. The civilian settlement was on the other side of the stream,
6 and on the opposite side of the road was a trading centre with shops.

7 Q. [10:56:34] Now did you -- you talk about the resting place that these individuals
8 led you to.

9 Your Honours, it's tab 1, page 1038 at paragraph 34.

10 PRESIDING JUDGE SCHMITT: [10:56:53] I have it in my mind.

11 MR TAKU: [10:56:56] Yes, your Honour.

12 Q. [10:56:57] Did you pass streams such as Unyama and Pamin-Nyango?

13 A. [10:57:11] Yes, we went to Unyama stream and then we went to Pamin-Nyango,
14 and then we crossed another one before we went and spent the night.

15 Q. [10:57:24] And the resting place that you say, was it at Gwendiya or Omoti?

16 Tab 1, page 10 -- (Overlapping speakers)

17 A. [10:57:37] Well, it's not very clear to me whether it was Gwendiya or Omoti. I
18 was not very clear about the boundary between the two places. But I think it was
19 midway between Gwendiya and Omoti because, you know, I had never reached there
20 previously.

21 MR TAKU: [10:57:58] Your Honour, that was tab 1, page 1038 at paragraph 34.

22 Now ...

23 PRESIDING JUDGE SCHMITT: [10:58:16] It would also be perhaps the time for a
24 break, if you --

25 MR TAKU: [10:58:17] Okay, your Honours, yes.

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: -- if you would agree?
- 2 MR TAKU: [10:58:19] Yes, yes, yes.
- 3 PRESIDING JUDGE SCHMITT: [10:58:20] Since there seems to be also a need for
4 a little discussion amongst counsel. So I suggest we have now the short break until
5 11.30.
- 6 MR TAKU: [10:58:32] Thank you, your Honour.
- 7 THE COURT USHER: [10:58:34] All rise.
- 8 (Recess taken at 10.58 a.m.)
- 9 (Upon resuming in open session at 11.49 a.m.)
- 10 THE COURT USHER: [11:49:10] All rise.
- 11 PRESIDING JUDGE SCHMITT: [11:49:25] Mr Taku, you still have the floor.
- 12 Or Mr Obhof.
- 13 MR OBHOF: [11:49:33] Sorry, your Honour, just to let you know there are a
14 few -- there's a document on your desk now. It is the medical report Mr Gumpert
15 referred to. When we did our Ringtail search on this witness we checked by all three
16 different names and related to witness, and nothing popped up because it's not in
17 Ringtail. So I had found it - in the metadata, sorry - so I found this after Mr Gumpert
18 made note of it.
- 19 PRESIDING JUDGE SCHMITT: [11:49:58] Much appreciated.
- 20 Thank you very much.
- 21 MR OBHOF: [11:50:00] Thank you.
- 22 PRESIDING JUDGE SCHMITT: [11:50:01] Mr Taku.
- 23 MR TAKU: [11:50:04] Yes, your Honour, and we will make the (Overlapping
24 speakers)
- 25 THE INTERPRETER: Could you please increase the volume of the witness's

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 microphone.

2 MR TAKU: [11:50:16] From this explanation, and given the question I asked, we'll be
3 introducing this document into these proceedings, your Honours, in the interests of
4 justice. Yes.

5 PRESIDING JUDGE SCHMITT: [11:50:31] Absolutely. It's okay, we have it now. I
6 don't know why I say always "table", but on the desk or table or whatsoever.

7 MR TAKU: [11:50:30] Yes, your Honour.

8 PRESIDING JUDGE SCHMITT: Perhaps "table" is nicer.

9 MR TAKU: [11:50:40]

10 Q. [11:50:40] Yes, Witness, I'm trying to go as quickly as possible, and since -- and I
11 ask one question, normally your explanation answered about 10 others, which makes
12 things so -- to move faster, which we appreciate in a way.

13 Let's talk about your resting place and about your small group -- the small group in
14 which you were separated, that is to say the three individuals that abducted you and
15 your two other friends, person 1, whom the Prosecutor said we shall call person 1,
16 and the other one person 2.

17 This person they call Afande, prior to -- was that the first time that individual -- you
18 saw the individual? The person you say Afande who came to address these
19 individuals who brought you, was that the very first time you were seeing him?

20 A. [11:51:47] Yes, that was the first time we -- the three of us did not know that
21 person previously.

22 Q. [11:51:56] Did you know from where he came to your location to address these
23 three rebels?

24 A. [11:52:11] He told us that Afande had sent him, that he should ask who
25 abducted people and how many people were abducted by each individual. They

1 asked this person and the person said he abducted three ladies, and the Afande said,
2 "If it's ladies, send the ladies to the other ladies and -- but if it's men, then we will go
3 with the men." That's what he said. But with respect to where he came from I don't
4 know, because he was walking between the groups, all the groups that were around
5 different bonfires.

6 Q. [11:52:58] Did you hear this Afande called by any other name apart from
7 Afande?

8 A. [11:53:06] No, I did not hear any other name. I only heard the name Afande.
9 They did not refer to him by any other name. I should speak the truth. I should
10 speak only what I know.

11 Q. [11:53:18] Did you hear anyone in that location call anyone Lapwony?

12 A. [11:53:29] No, I did not hear that.

13 Q. [11:53:33] Now, did this man also ask, do you remember, how many guns they
14 recovered?

15 A. [11:53:47] Yes, he did. This person, the person that came did ask that question.
16 And they responded that they did not take any guns, they only found items of
17 clothing; that they found ponchos. I believe these items of clothings are known as
18 ponchos. They said that they found one poncho. I don't know whether this poncho
19 is an army garment, I don't know.

20 Q. [11:54:21] And you said this Afande came three times to the persons who
21 abducted, the three persons, and asked them -- was furious the last time that they
22 must -- why did he not release you. That's your evidence. Now, when he was
23 furious, how did these three individuals behave? What did they do?

24 A. [11:54:57] They did not respond. All they did was quietly start collecting
25 things. They started collecting things and told us, "Okay, come on, come on, let's go,

1 let's go." They did not respond to what the Afande was saying. They just got up,
2 collected things, started moving, and the Afande was left behind. But they left the
3 jerrycans behind saying, "You guys should leave tomorrow. Wait for dawn. Do
4 not leave at night. Leave tomorrow."

5 MR OBHOF: [11:55:44] Your Honour, let me look for a way to deal with this issue
6 probably in open session without ...

7 I think it really is a matter for closed session, your Honours.

8 PRESIDING JUDGE SCHMITT: [11:55:57] Could you elaborate a little bit?

9 MR TAKU: [11:55:59] About what -- what she said happened to her with one of the
10 rebels.

11 PRESIDING JUDGE SCHMITT: [11:56:03] Yes, okay.

12 Private session.

13 (Private session at 11.56 a.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Open session at 12.00 p.m.)
16 THE COURT OFFICER: [12:00:47] We are back in open session.
17 MR TAKU: [12:00:49]
18 Q. [12:00:50] While -- thank you. While in that location, Witness, were you
19 smeared with shea butter or was any ritual performed on you by these rebels?
20 A. [12:01:06] No, there was no ritual. We weren't even given anything to eat.
21 But we weren't -- no ritual was performed.
22 Q. [12:01:19] Now, when you left that location where were your two friends? Did
23 you leave with them or they left separately?
24 A. [12:01:31] I stated it clearly yesterday. When these people started leaving, and
25 based on what they were saying, that we should all be killed, I started thinking. I

1 told these ladies, I said, "Ladies, I touched them, I touched one and I touched the
2 other." I told -- I said, "Look, they are going to kill us, we have to go." So these two
3 people got up and started leaving, but they left first, faster than me. But because I
4 was in pain I wasn't able to flee as fast as the other two, so I found somewhere, I
5 found a place between two logs and an anthill, and that's where I hid. I did not go
6 very far, close to the door next to the Judges. And I heard what they were saying. I
7 heard them talking and I heard them saying that "We were supposed to kill these
8 women. We should have killed these women. Now these women have run. We
9 should have killed them." And they started walking, they were walking around
10 shining their torches. But their torches at the time had become dim, they were
11 dimmer, they were not that bright. They wanted to get round the bushes, they were
12 walking round the bushes, but fortunately they did not come to where I was.
13 Then they heard someone crying from across the river and someone said, "Afande,
14 there is a child crying, but there are also people, I can hear people talking, the child
15 that was thrown. Perhaps the government soldiers are pursuing us." I heard them
16 talking. I listened. I was there, I was hidden in that place. I thought, okay, if they
17 are going to kill me, then they will kill me, because I had hunched over, hunched over
18 with my back. I said if they are going to shoot me they will shoot me in my back.
19 What else is going to kill me from here? Are the ants going to bite me to death?
20 There were so many things there that could have harmed me.

21 Q. [12:03:38] Yes, Witness. So this threat to kill you, did you consider it as being
22 related to the fact that they were afraid that maybe you escaped, you are going to tell
23 their own commanders and colleagues (Redacted)? Did you perceive it from that
24 perspective?

25 A. [12:03:57] Well, I do know what they were thinking. I do not know what was

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

1 in his mind. Because he was thinking about killing us. I had spilt his beans, I had
2 left his goat behind, I was a fat person. He should kill me. The other person should
3 go home and one person -- one of the women was supposed to go home, one of the
4 women was supposed to be taken. That's what I heard the three people talking
5 about.

6 Q. [12:04:27] Now --

7 PRESIDING JUDGE SCHMITT: [12:04:36] I think you can --

8 MR TAKU: [12:04:37] Yes, your Honour, I'm moving, I'm moving --

9 PRESIDING JUDGE SCHMITT: [12:04:37] -- you can leave this point and move to
10 another one.

11 MR TAKU: [12:04:41] Yes, your Honour.

12 Your Honour, I have one question I would have loved to ask in closed session. I'm
13 sorry. It will reveal the name of someone that's close to her.

14 PRESIDING JUDGE SCHMITT: [12:05:01] Then for one question, as I understand
15 it --

16 MR TAKU: [12:05:05] Just one question.

17 PRESIDING JUDGE SCHMITT: [12:05:07] -- to private session.

18 (Private session at 12.05 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 (Redacted)

2 (Open session at 12.08 p.m.)

3 THE COURT OFFICER: [12:08:36] We are in open session.

4 MR TAKU: [12:08:37]

5 Q. [12:08:38] Madam Witness, yesterday you said that all houses in Lukodi got
6 burnt following the attack and that people did not go back to that location.

7 That is realtime transcript T-164, page 52, lines 13 to 17.

8 Were you aware, Witness, that the house around the trading centre where you went
9 to buy vegetables were not destroyed or burnt?

10 And before you answer -- your Honours, we pulled this from tab 7, page 0042,
11 paragraph 60.

12 Were you aware of that Witness?

13 A. [12:09:25] At the centre when I went to shop at the market, no, the houses did
14 not burn because they have corrugated iron sheets. The trading centre where people
15 do their shopping did not burn, the houses there did not burn because they have
16 corrugated iron sheets.

17 The places that I talked about that were burnt, where I stated that people did not go
18 back, is because people went back to their homes. I said that when people fled there
19 was nobody there. People went to Coo Pee and then eventually, gradually people
20 started going to Lukodi. And there are certain white people that came and they
21 started staying at Lukodi, at the Lukodi school, and that actually encouraged the
22 civilians to come back to Lukodi and they started building the houses, people started
23 going back to their own land.

24 And some of us who had fled also went back to where our home was. We went back
25 to our land. I did not say that people did not go back at all, but what I said that

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 when the -- there was no longer insecurity, some people left and went back to their
2 homes, to their own land.

3 Q. [12:10:48] Yes, Witness, you are well aware that after the attack a census was
4 conducted by Rwodi Kweri on the number of households, the people resided in
5 Lukodi.

6 Your Honour, we took this from tab 12, page 0197, paragraph 24.

7 PRESIDING JUDGE SCHMITT: [12:11:14] Madam Witness, the question would be if
8 you knew about this consensus undertaken by the rwot --

9 MR TAKU: [12:11:25] Rwodi Kweri.

10 PRESIDING JUDGE SCHMITT: Rwodi Kweri.

11 THE WITNESS: [12:11:30] No, I have no knowledge of that. Perhaps they did take
12 a consensus, but I do not have any knowledge of it.

13 MR TAKU:

14 Q. [12:11:36] And before I hand over to Mr Obhof, your Honours, just for general
15 interest, please be my teacher on this, about this aspect. It is not intended to create
16 any problem, but just to learn from you.

17 When you -- you testified yesterday about wife inheritance. Is it an established
18 tradition or culture in Acholiland, northern Uganda, about wife inheritance? Let's
19 say, a brother dies and another brother inherits the wife. Is it an established cultural
20 tradition, please?

21 A. [12:12:15] Yes, it is. If your husband dies when you are still young, then your
22 brother-in-law can inherit you and take, take over the children, take care of his
23 brother's children. That takes place and it's still common practice now.

24 MR TAKU: [12:12:33] Your Honours, the tab number that -- the ERN was
25 UGA-OTP-0023-015 -- 135.

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [12:12:45] Thank you.

2 MR TAKU: [12:12:47] Mr Obhof will move over and --

3 PRESIDING JUDGE SCHMITT: [12:12:49] Yes. Thank you, Mr Taku.

4 Mr Obhof.

5 MR OBHOF: [12:13:10] Thank you, your Honour.

6 QUESTIONED BY MR OBHOF:

7 Q. [12:13:14] Good afternoon, Madam Witness.

8 A. [12:13:15] Good afternoon.

9 Q. [12:13:19] Now, Madam Witness, I'm going to ask you a -- just a few questions
10 based upon locations and distances. Would you prefer that I use feet and miles or
11 would you prefer metres and kilometres?

12 A. [12:13:41] I do not know what particular metric system you want to use
13 because -- you use what you are going to use because I do not know what you are
14 going to ask me yet.

15 Q. [12:13:54] No, what I mean, if I ask you the distance from, let's say, Lukodi to
16 Awach, would you rather me say 10 kilometres or 6 miles?

17 A. [12:14:17] You mean to go to Awach? I know that to get to Awach from Lukodi
18 is 7 miles.

19 PRESIDING JUDGE SCHMITT: [12:14:26] I think, Mr Obhof, we (Overlapping
20 speakers)

21 THE WITNESS: [12:14:29] (Interpretation) Well, I do not know anything about
22 kilometres because I'm uneducated, so I do not know distances. But when we talk
23 about miles, then I might be able to at least explain in miles because I've heard people
24 talk about mileage.

25 PRESIDING JUDGE SCHMITT: [12:14:45] Madam Witness, it has nothing to do with

1 education, or being educated or not educated. For example, the Presiding Judge has
2 been -- grown up in a culture where we have distances in kilometres and metres, and
3 doesn't know anything about miles and feet. So you simply, if you want -- and
4 obviously you are accustomed more to miles, to this system, when you answer in that
5 way.

6 Mr Obhof.

7 THE WITNESS: [12:15:13] (Interpretation) I'm not very familiar with it.

8 PRESIDING JUDGE SCHMITT: [12:15:19] So the Presiding Judge himself would
9 have to try to figure out what is meant when you say, for example, 7 miles. So there
10 are -- it's -- it's all like (Overlapping speakers)

11 THE WITNESS: [12:15:32] (Interpretation) Yeah, I myself do not know all this.

12 PRESIDING JUDGE SCHMITT: [12:15:36] So let's continue, Mr Obhof, please now,
13 and let's especially see how far we get with that.

14 MR OBHOF: [12:15:44]

15 Q. [12:15:44] That's okay, Madam Witness. I grew up with miles also so, when
16 you say 7 miles, I know that's roughly 11 and a half to 12 kilometres, so please use
17 miles if you feel more comfortable with that, as you do feel more comfortable.

18 Now, Madam Witness, do you know how far it is from Lukodi to Gwendiya?

19 A. [12:16:17] No, I do not know how far it is, I do not know the miles, but I know
20 the distance going to Awach because we go to hospital in Awach. That's why I
21 know that it's 7 miles. Because when we are going there we use the boda boda taxis
22 and when we are paying them they tell us that the distance from where I picked up to
23 this place is 7 miles, and that's why I'm saying it's 7 miles.

24 Q. [12:16:47] And Gwendiya is about halfway in between Awach and Lukodi, is
25 that about right, Madam Witness?

1 A. [12:17:00] Gwendiya might be between Awach and Lukodi, but there is also
2 another road that goes in a roundabout manner, it does not go directly through
3 Awach. It goes -- it doesn't go straight to Awach but it goes in a roundabout way.

4 Q. [12:17:24] Now, in your statement to the Prosecutor you said that you weren't
5 sure where you spent the night, that you might have spent the night in Gwendiya or
6 in a place called Omoti. Do you know how far Omoti is from Lukodi, Madam
7 Witness?

8 A. [12:17:46] No, I do not know, I do not know the distance, because Omoti is in
9 Ajulu, it's around about Ajulu. It's close to Ajulu. So I do not know the distance, I
10 do not know the miles.

11 Q. [12:18:04] But it's between Patiko and Awach, does that sound about right,
12 Madam Witness?

13 A. [12:18:16] You know, that's why I said that I'm not very familiar with it. I
14 started stating it yesterday that I did not know the distance. I have never been to
15 that place, so I do not know the distance.

16 PRESIDING JUDGE SCHMITT: [12:18:28] Mr Obhof, of course you have your line of
17 questioning, but you see that it might not get you very --

18 MR OBHOF: [12:18:38] It's okay.

19 PRESIDING JUDGE SCHMITT: [12:18:40] -- far, so to speak.

20 MR OBHOF: [12:18:42] We're pretty much finished with those ones. And going
21 then directly to Lukodi.

22 PRESIDING JUDGE SCHMITT: [12:18:46] Okay. Okay. Good. Good.

23 MR OBHOF: [12:18:47]

24 Q. [12:18:48] One last question on the area. Were you - and it's okay if you
25 weren't - but were you aware that there was a major military garrison at Gwendiya

1 during this time and two detachments in Omoti?

2 A. [12:19:06] No, I did not know. I do not know where the soldiers were
3 stationed.

4 Q. [12:19:17] Now, Madam Witness, we've had a lot to talk about the camp in
5 Lukodi over these past two days, and thank you for your help. Now, was
6 there -- were there homes in the IDP camp built on both sides of the Awach road?

7 A. [12:19:45] Awach road was constructed while people were already in the camp.
8 All -- prior to that all that was homesteads. The road was created when people were
9 in the camp, when people came to Lukodi, because before that all that, the Awach
10 road, was basically people's homesteads. When people -- by the time people moved
11 to Lukodi it was all people's homesteads.

12 Q. [12:20:20] And the construction of that road went through the IDP camp; is that
13 right?

14 A. [12:20:29] Yes. Other settlements were on one side of the road and some
15 people were on the other. The road crossed and went westwards. All these
16 homesteads were somewhere near a store used for storing cotton. And the cotton
17 barn is already demolished, but there is a monument that is put somewhere around
18 there. And right now the road has divided the people in two locations, one on the
19 side of the school and another on the other side. This is now when people have gone
20 back to their original homes. The school is on this side and the civilians are now on
21 the other side of Awach road.

22 Q. [12:21:36] Now also, Madam Witness, there is a, not a large hill, but there's a
23 small hill just east of the -- of the school in Lukodi; is there not?

24 A. [12:21:53] Yes, there is a hill and that's Lukodi hill.

25 Q. [12:22:00] Now, you mentioned that the IDP camp was disbanded after the

1 attack of May of 2004. Do you remember there ever being a few small military
2 UPDF persons who would stay on that hill?

3 A. [12:22:28] Yes, I remember. They were stationed on top of that hill, but the
4 brave ones were staying there, and other people came on trickling in slowly, but
5 surely because the soldiers were stationed on top of the hill, and I can clearly recall
6 that.

7 Q. [12:22:54] Now, you mentioned some streams in your testimony, most notably
8 the Unyama, but you also mentioned yesterday - and this is at page 20 of yesterday's
9 transcript - about a stream which the UPDF soldiers crossed when they were running
10 away. Where is this stream, Madam Witness? And if it would help, I can put a
11 map on your screen and you can draw on it. Would that help if I put an aerial view
12 of Lukodi?

13 A. [12:23:40] For the stream, you will cross Unyama and from Unyama you will go
14 to Pamin-Nyango. And after there there's one going to Ayom, and that's what I
15 know. There is a road that branches going towards Awach, yet the other goes to the
16 centre. That stream doesn't follow the road directly but branches off and goes in
17 another direction. I know the stream. And I don't know where exactly the stream
18 goes to, but it keeps on flowing towards the west.

19 PRESIDING JUDGE SCHMITT: [12:24:22] That was quite specific, I would say.

20 MR OBHOF: [12:24:25] Well, yes, but I'm still trying to figure out where the stream
21 is located.

22 Q. [12:24:32] Because yesterday, and this is from page 20, you stated:

23 "So the soldiers, the government soldiers, just came, fled, crossed the road and went
24 to the other side of the stream because the other side was on the hill, it was on the
25 higher up, so we could see them."

1 This stream right here, how far from the school is this stream?

2 A. [12:25:16] Thank you for the question. The distance from the school is that, for
3 the school, you have to cross the road and then you go downwards and, as you are
4 going down, you will find a very small stream where people normally go to do
5 laundry during wet season, like this. And on the other side of the road there are
6 settlements, but on the opposite side there are no settlements because it's the trading
7 centre. But I did not say that I saw the soldiers who went on the other side of the
8 stream. I don't know how the soldiers ran, whether they ran and crossed the stream
9 or not. The stream is not very far from the centre, but it's on the western side of the
10 trading centre.

11 Q. [12:26:07] Okay. And just so we know exactly, when you say "the road", you
12 mean the Gulu-Patiko road; right, Madam Witness?

13 A. [12:26:21] Yes, we are talking about the road heading to Gulu. Because the
14 school is on the eastern side, the road from Patiko to town crosses, and then on the
15 western side there are homesteads with -- you know Lukodi trading centre is not a
16 very big trading centre.

17 MR OBHOF: [12:26:48] And I think counsel will be closing off everything. That's
18 all for me for locations, your Honour. Thank you, Madam Witness.

19 PRESIDING JUDGE SCHMITT: [12:26:57] Thank you very much.

20 Mr Ayena.

21 MR AYENA ODONGO: [12:27:01] Thank you, Mr President and your Honours.

22 QUESTIONED BY MR AYENA ODONGO:

23 Q. [12:27:14] Madam Witness, first of all I want to thank you for availing yourself
24 to come to help Court to establish the truth about what happened back at our home.
25 I have just about two questions.

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

- 1 Number 1 -- I don't know whether we should go to private session for this?
- 2 PRESIDING JUDGE SCHMITT: [12:27:44] I don't know either, since I don't know
- 3 your question.
- 4 MR AYENA ODONGO: Yes.
- 5 PRESIDING JUDGE SCHMITT: Private session then.
- 6 MR AYENA ODONGO: [12:27:50] I think we may have to go --
- 7 PRESIDING JUDGE SCHMITT: [12:27:52] Yes, private session.
- 8 (Private session at 12.27 p.m.)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Open session at 12.30 p.m.)

3 THE COURT OFFICER: [12:30:05] We are now in open session.

4 MR AYENA ODONGO: You see.

5 PRESIDING JUDGE SCHMITT: [12:30:07] I know. I'm also a little bit culpable

6 because I always try to friendly expedite proceedings a little bit, and sometimes

7 perhaps you really follow that a little bit too much, so to speak.

8 Please your next question.

9 MR AYENA ODONGO: [12:30:25] That I always fall into this pit is a bit surprising

10 to me. I apologise.

11 Q. [12:30:31] Madam Witness -- I am reminded again, Mr President and your

12 Honours, that the next question, which has something to do with the medical issues,

13 may have to be again canvassed in private session?

14 PRESIDING JUDGE SCHMITT: [12:30:55] Okay. But we would appreciate it, of

15 course, if we really would not go back to open and then back to private. But we go

16 back to private session. So that we have, so to speak, a certain flux, certain

17 continuum in open session and/or in private session.

18 Private session.

19 (Private session at 12.31 p.m.)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Private Session)

ICC-02/04-01/15

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Open session at 12.32 p.m.)
15 THE COURT OFFICER: [12:32:59] We are back in open session.
16 PRESIDING JUDGE SCHMITT: [12:33:01] And as I said, Mr Ayena, you don't have
17 verify with the witness what she already said. She has said that she was stabbed and
18 also had this injury at her wrist.
19 MR AYENA ODONGO: Yes.
20 PRESIDING JUDGE SCHMITT: And from then on you can continue with your
21 questioning, please.
22 MR AYENA ODONGO: [12:33:15] I'm guided, your Honour.
23 Q. [12:33:17] Madam Witness, you went or you were taken to Lacor hospital and
24 when you were there do you remember whether you told them your problems when
25 you met the doctors?

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 A. [12:33:40] Yesterday I did not say that I went to Lacor hospital. I went to Gulu
2 Referral Hospital.

3 Q. Oh, sorry. Okay, you are right.

4 A. I did not talk about Lacor.

5 Q. [12:33:53] At the hospital did you tell the medical personnel your problems, the
6 kind of injuries that you had?

7 MR GUMPERT: [12:34:10] Your Honours, forgive me for interrupting.

8 THE WITNESS: [12:34:15] (Interpretation) I was stitched somewhere and if the
9 Court would allow, I can open and show the scars. I can stand up and show the
10 scars. I didn't have to tell the doctor my injuries. If the Court allows, I can stand up
11 and show.

12 PRESIDING JUDGE SCHMITT: [12:34:34] We have already, when Mr Taku, also
13 counsel, has asked you. Nobody puts into doubt your scars. So this is -- I think this
14 only prepares for other questions. Nobody doubts that you have been injured.
15 And of course you would have not only told the doctor, but if you at all meet a doctor,
16 he would have seen, he would have looked how he could help you. So I think this
17 can be taken as a given.

18 Mr Gumpert, do you want to make any further intervention in that respect?

19 MR GUMPERT: [12:35:07] Your Honour's remarks are quite sufficient. Nothing
20 further from me.

21 PRESIDING JUDGE SCHMITT: [12:35:13] Okay. Please, Mr Ayena, continue.

22 MR AYENA ODONGO: [12:35:17]

23 Q. [12:35:18] Madam Witness, I'm asking you this question because we have
24 landed on a medical report that is allegedly ascribed to you as having been a report
25 that was made arising from what you told the medical personnel. That's why I'm

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

1 asking did you tell the medical personnel your problems?

2 PRESIDING JUDGE SCHMITT: [12:35:57] Where do you have this from? I would
3 like to follow, Mr Ayena, please. Is this the --

4 MR AYENA ODONGO: [12:36:04] Mr President, this is the document that is before
5 you. It is --

6 PRESIDING JUDGE SCHMITT: [12:36:07] But it's nearly unreadable for me, frankly
7 speaking.

8 MR AYENA ODONGO: [12:36:12] It's ERN tab 14, UGA-OTP-0069-0382.

9 PRESIDING JUDGE SCHMITT: [12:36:41] For my understanding, is this the
10 document that Mr Gumpert has waved with?

11 MR GUMPERT: [12:36:48] Yes.

12 PRESIDING JUDGE SCHMITT: [12:36:49] Yes, it is. So it has now an ERN number,
13 obviously.

14 MR AYENA ODONGO: Yes.

15 PRESIDING JUDGE SCHMITT: And then please tell us, because it's really hard to
16 read for me personally, tell us, Mr Ayena, what you are referring to, please.

17 MR AYENA ODONGO: [12:37:03] If you look down in the middle, Mr President, I
18 have about the same difficulty with you, but even with that difficulty I can see that
19 there is something about rebel, there is "diagnosis rebel assault". I don't know
20 whether you look at it, Mr President and your Honours. Down "Status of Discharge",
21 yes, rebel -- and the diagnosis was "rebel assault" and --

22 PRESIDING JUDGE SCHMITT: [12:37:51] Yes, I can read that one, yes.

23 MR AYENA ODONGO: [12:37:54] Yes. And there is something about (Redacted)
24 (Redacted).

25 Q. [12:38:00] Now, Madam Witness, could it be that you did not tell them about the

1 cut that you had suffered?

2 A. [12:38:18] I talked about the cut and they are the ones who stitched me. But the
3 other disease that was also diagnosed, I was being supported by an NGO that
4 were -- kept on taking me to the hospital. It was in reference (Redacted) that I went
5 through. There was an NGO called Torture Victims and they kept on providing
6 treatment for me after healing of the wounds. They were the ones who helping
7 people who were injured. I was one of the people who was supported.

8 MR AYENA ODONGO: [12:39:01] Mr President and your Honours, I think the
9 important thing was to take note, for Court to take note of the recording.

10 PRESIDING JUDGE SCHMITT: [12:39:11] We have, absolutely we have taken note
11 of it. And of course also the wording "rebel assault with STD" does not saying
12 anything, it's not a classical medical diagnosis, of course. It's more a description of
13 where certain wounds that might lead to a certain diagnosis had come from or how
14 they came into place. So I think we have taken note of it and you could move to
15 another point.

16 MR AYENA ODONGO: [12:39:41] Your Honours, I want to turn you to page 383,
17 0383, and in the middle again there is a statement "no bruises".

18 PRESIDING JUDGE SCHMITT: [12:40:11] We take note of it, yes. Bruises of course
19 are also, it's a special word that means something in medical environments. Yes, we
20 understand.

21 MR AYENA ODONGO: [12:40:25] I think that's all.

22 PRESIDING JUDGE SCHMITT: [12:40:26] Thank you very much, Mr Ayena.
23 Madam Witness, I would like to address you personally on behalf of the Chamber.
24 This concludes your testimony, the questioning by all parties, and on behalf of the
25 Chamber I would like to thank you that you have taken it upon you to come to this

Trial Hearing
WITNESS: UGA-OTP-P-0187

(Open Session)

ICC-02/04-01/15

- 1 courtroom which is so far away from your home and that you help us to establish the
- 2 truth. And on behalf of the Chamber I would like to wish you a safe trip back home.
- 3 THE WITNESS: [12:41:04] (Interpretation) Thank you very much.
- 4 (The witness is excused)
- 5 PRESIDING JUDGE SCHMITT: [12:41:06] This concludes the hearing for today also,
- 6 not only the questioning of this witness. We resume on Monday, 9.30, with P-445, as
- 7 I understand it. Thank you.
- 8 MR GUMPERT: [12:41:19] That's right.
- 9 THE COURT USHER: [12:41:21] All rise.
- 10 (The hearing ends in open session at 12.41 p.m.)