

Trial Hearing
WITNESS: UGA-OTP-P-0009

(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 Pangalangan
7 Trial Hearing - Courtroom 3
8 Friday, 9 June 2017
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:46] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:05] Good morning, everyone.
14 Good morning, Mr Witness.
15 WITNESS: UGA-OTP-P-0009 (On former oath)
16 (The witness speaks Acholi)
17 THE WITNESS: [9:32:12] (Interpretation) Good morning.
18 PRESIDING JUDGE SCHMITT: [9:32:13] Could the court officer please call the
19 case.
20 THE COURT OFFICER: [9:32:15] Good morning, Mr President, your Honours.
21 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
22 reference ICC-02/04-01/15.
23 And for the record, we're in open session.
24 PRESIDING JUDGE SCHMITT: [9:32:27] Thank you very much. I ask for the
25 appearance of the parties.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 MR GUMPERT: [09:32:31] Good morning, your Honours. Ben Gumpert. With
2 me today, Kamran Choudhry, Yya Aragon, Yulia Nuzban, Beti Hohler,
3 Pubudu Sachithanandan, Ramu Fatima Bittaye, Hai Do Duc, Shkelzen Zeneli,
4 Paul Bradfield, Shahriar Yeasin Khan and Sanyu Ndagire.

5 PRESIDING JUDGE SCHMITT: [9:32:54] Thank you very much.
6 And for the Legal Representatives of the Victims.

7 MR COX: [9:32:59] Thank you, your Honour. Francisco Cox and
8 Mr James Mawira.

9 PRESIDING JUDGE SCHMITT: [9:33:03] So we have now the sequence reversed a
10 little bit. Mr Narantsetseg.

11 MR NARANTSETSEG: [9:33:09] Good morning, Mr President, your Honours.
12 Orchlon Narantsetseg for the common Legal Representative. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:33:16] Thank you.
14 And for the Defence, please, Mr Ayena.

15 MR AYENA ODONGO: [9:33:18] Good morning, Mr President and your Honours.
16 Today I'm assisted by Madam Abigail Bridgman, Chief Achaleke Taku, and
17 Dominic Ongwen, our client, is in Court. I'm Krispus Ayena.

18 PRESIDING JUDGE SCHMITT: [9:33:36] Thank you.

19 Before we continue with the examination, I want to address shortly a point and
20 address especially Mr Witness.

21 We note that you have requested yesterday to have access to a lawyer. The Chamber
22 tells you the following to that: The Chamber sees no reason after your testimony
23 yesterday to appoint a Rule 74 lawyer for you. The Prosecution also, or not, the
24 VWU, have ever requested such a measure. And also in light of the fact that we are
25 going to finish your testimony in -- after this session, the Chamber sees at this point in

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 time no need for such a measure.

2 So we continue now with the examination by Mr Ayena, please.

3 THE WITNESS: [9:34:28] (Interpretation) Thank you.

4 QUESTIONED BY MR AYENA ODONGO: (Continuing)

5 Q. [9:34:39] Good morning, Mr Witness, Rwot Oywak.

6 A. [9:34:43] Good morning.

7 Q. [9:34:46] Rwot Oywak, I want to reassure you that the questions that we're
8 putting to you only because of your special status and, you know, so that the Judges,
9 the Court may assess properly what people at home think about you, know about you,
10 say about you, and it would be up to them to assess your own integrity as a chief and
11 witness in this Court.

12 Rwot Oywak, we were talking about how you met Dominic Ongwen and that is where
13 we are going to begin. Can you tell Court how many times you had met
14 Dominic Ongwen before this time in Pajule?

15 A. [9:36:09] I met Dominic Ongwen once.

16 MR AYENA ODONGO: [9:36:22] Your Honours, I want to refer to tab -- tab 1, ERN
17 number UGA-0151-0157 -- 0167. I'm sorry, my glasses are not very effective
18 now. 0167 at page 0171. Can the court officer assist him? I think he wants to open
19 the page.

20 Q. [9:37:28] You got it or it is --

21 A. [9:37:32] It's on the screen.

22 Q. [9:37:33] It is on the screen?

23 PRESIDING JUDGE SCHMITT: [9:37:34] Yes, but nevertheless we can continue and
24 you read out the --

25 MR AYENA ODONGO: [9:37:37] Yes.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [9:37:38] And I would assume that you are
2 referring to one of these, 18, 19, 20, whatsoever, but you have the choice, so to speak,
3 what you want to put to him.

4 MR AYENA ODONGO: [9:37:47] Yes.

5 Q. [9:38:15] If you're there, I'm referring to paragraph 16, which is on page 5 of the
6 statement, and the second sentence, and I read:

7 "We went four times over 2002 and 2003."

8 And, your Honours, I will refer again to paragraph 18, starting with the first sentence:

9 "During those occasions" -- and I skip the next one, two, three, four, five letters, and I
10 come to:

11 "During those occasions ... we met Brigadier Yardin" among
12 others" ... Dominic Ongwen."

13 That was between -- those are the four times between 2002 and 2003.

14 Then again, your Honours, paragraph 19, the witness in his statement says:

15 "The fifth time we met the rebels in the bush was in 2004."

16 And then paragraph 20:

17 "When we saw Dominic Ongwen at this meeting in Palabek", it was "during the
18 ceasefire in 2004 ..."

19 So I want to put it -- I want you to tell Court, Rwot Oywak, please pull out your best
20 recollections, it is very important.

21 A. [9:40:17] Thank you. He asked me a question that -- before the attack on
22 Pajule. The times that we met, had Pajule already been attacked?

23 PRESIDING JUDGE SCHMITT: [9:40:34] Mr Witness, I think the best thing would
24 be that we simply use as a reference point the Pajule attack so to get clarity.

25 MR AYENA ODONGO: [9:40:45] Yes.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [9:40:45] So please tell the Court how many times
2 before Pajule you met Dominic Ongwen and how many times after, if you have a
3 recollection insofar.

4 THE WITNESS: [9:41:05] (Interpretation) Prior to the attack on Pajule, I met
5 Dominic Ongwen once. After the attack on Pajule, I met Dominic Ongwen during
6 the fighting in Pajule. I met Dominic Ongwen at Palabek after the attack on Pajule.
7 I met Dominic Ongwen again in Garamba. When we followed them there, we found
8 him in Garamba.

9 PRESIDING JUDGE SCHMITT: [9:41:46] Thank you very much. I think it's now
10 clearer. So there was a little bit of a misunderstanding on the timely -- on the
11 timetable and the time reference obviously.

12 MR AYENA ODONGO: [9:42:01] I wonder whether it was a misunderstanding or
13 it was a lie, because he clearly says, your Honours, and I want this to be noted, that he
14 said he met him twice -- four times between 2002 and 2003. And I wanted him to tell
15 Court, these four times, can he tell Court the timeline? Was it -- especially in 2003,
16 was it at the beginning of the year 2003 or later than October 2003?

17 MR GUMPERT: [9:42:39] Your Honours, I object. That's a misstatement of the
18 position. When my learned friend says that in the statement the witness has asserted
19 that he met him four times, that's page 6, line 1, that is not what the statement says.

20 PRESIDING JUDGE SCHMITT: [9:42:57] We are not, of course, here in the
21 courtroom assessing the evidence, what we are -- at the moment are doing. So I
22 would simply state the witness has several times talked about meetings and
23 encounters with Dominic Ongwen that he recalls, so I would say these questions are
24 asked and answered. And we have the statements of the witness also in front of us.
25 They have been on record, so to speak, they are on evidence, and this means that

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

- 1 simply you can continue to the next point, Mr Ayena.
- 2 MR AYENA ODONGO: [9:43:34] Much obliged.
- 3 Your Honours, I'll refer -- and you said -- well, let me refer you to tab 2.
- 4 PRESIDING JUDGE SCHMITT: [9:44:02] This is the witness's statement from 2015,
- 5 I think.
- 6 MR AYENA ODONGO: [9:44:05] Yes.
- 7 PRESIDING JUDGE SCHMITT: [9:44:05] Tab 2.
- 8 MR AYENA ODONGO: [9:44:07] Yes, tab 2, 2015. And can we go to -- the ERN
- 9 number is 0241 -- UGA-OTP-0241-0546 at page 0555 -- no, I think 0550, sorry, 0550.
- 10 PRESIDING JUDGE SCHMITT: [9:44:53] Which tab do you want to put to the
- 11 witness?
- 12 MR AYENA ODONGO: [9:44:57] I want to -- the tab, tab 2.
- 13 PRESIDING JUDGE SCHMITT: [9:45:01] Excuse me, which paragraph was my --
- 14 MR AYENA ODONGO: [9:45:05] Paragraph 22. Paragraph 22, the last sentence.
- 15 Q. [09:45:12] Mr Witness, Rwot Oywak, you said:
- 16 "Previously, I had heard the name Ongwen but I had never met him, unlike other
- 17 commanders I had met in" the "talks."
- 18 Was this your statement?
- 19 A. [9:45:46] Could you please refer me to the number?
- 20 Q. [9:45:50] Twenty-two.
- 21 PRESIDING JUDGE SCHMITT: [9:45:53] It's a little bit unusual that we can allow
- 22 him to read that, but I think under the circumstances, and also in light of the request of
- 23 the witness, we can make an exception here.
- 24 Mr Witness, it's a little bit difficult perhaps for you -- or do we have it displayed now
- 25 on the screen? That would be the best option, I think.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 THE WITNESS: [9:46:19] (Interpretation) Please go ahead with your question.

2 MR AYENA ODONGO: [9:46:22]

3 Q. [9:46:22] And here in 2005, you're telling Court after your abduction that this
4 was:

5 "Previously, I had heard the name Ongwen but I had never met him,
6 unlike ... commanders I had met in" the "talks."

7 Is that your statement?

8 A. [9:46:57] I stated that because he had never abducted me before that occasion.

9 Before that, he had never abducted me, but he abducted me during the attack at
10 Pajule.

11 Q. [9:47:12] And then, Rwot Oywak, I want you to go to the second last sentence
12 of -- I read the second last sentence of paragraph 23:

13 "I later got to know Ongwen when -- as I met him in an official capacity during peace
14 talks."

15 Meaning that the only other occasion was when you met him during the peace talks.

16 Then again, your Honours, paragraph 24:

17 "The man I met that day was Dominic Ongwen, this was our first time of meeting and
18 it is one meeting that I will never forget, because of the circumstances that we met."

19 I invite Court particularly to note the emphasis underpinning the fact of that meeting:

20 "And it is one meeting that I will never forget, because of the circumstances that we
21 met."

22 PRESIDING JUDGE SCHMITT: [9:48:35] And I think we would now have to ask
23 the witness what he says to that.

24 MR AYENA ODONGO: [9:48:40] Yes.

25 Q. [9:48:42] What do you say to that, Rwot Oywak?

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 A. [9:48:51] The meeting was different, because that is a meeting that I will never
2 forget. It was -- he was aggressive, he was more aggressive than the other occasions
3 that we met before. He was extremely hostile, and that's why I said I will never
4 forget that meeting.

5 Q. [9:49:18] Was it because it was the first time or because he was very fierce?

6 A. [9:49:33] That was the first time he had showed his hostility, that was when we
7 were talking, during discussions.

8 Q. [9:50:14] I am being informed that before Tabuley and Vincent Otti went to
9 attack -- led the attack -- or ordered the attack in Pajule, you had been detailed to buy
10 a lot of stuff for the LRA. What do you say about that?

11 A. [9:50:36] That's the first time I'm hearing this information from you.

12 Q. [9:50:48] And, Rwot Oywak, there is also information to the effect that
13 whenever the LRA were around Pajule, you'd be seen sitting with the commanders
14 and eating with them, which was not the practice for any other civilian. Is that
15 correct, and what do you say about that?

16 A. [9:51:16] When we went for meetings, for discussions, for consultations, the
17 government provides us with these supplies and we take these supplies to them as an
18 indicator that we are working together. I stated that they did buy food and I did take
19 the food to the LRA.

20 Q. [9:51:46] Rwot Oywak, did you have some financial dealings with some of the
21 commanders of LRA?

22 A. [9:52:00] No, I do not have any knowledge of that and I do not have any LRA
23 money as we speak.

24 Q. [9:52:11] Rwot Oywak, do you remember an occasion when Dominic Ongwen
25 gave you 10 million shillings to go and buy provisions for his units and you never

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 bought the provisions?

2 A. [9:52:38] I've never seen 10,000 shillings. Vincent did not give me any money.

3 Q. [9:52:49] Rwot Oywak, I'm talking about 10 million shillings, not given by
4 Vincent Otti, but by Dominic Ongwen?

5 A. [9:53:02] I've never seen any money, I did not receive any money from
6 Dominic Ongwen. I do not know where he gave me or handed me that money from.

7 Q. [9:53:21] Rwot Oywak, in your opinion, do you think Dominic Ongwen has
8 anything against you as a person?

9 A. [9:53:37] As you have stated now, as you are alleging now, then I do believe
10 that perhaps there is some sort of contention between the two of us, because he is
11 alleging to have given us -- to have given me something which he didn't give me. So
12 I -- you know, I assume there's some animosity between us. He's saying that he gave
13 me stuff in front of the Court and it's not true. I did not receive anything from him.

14 Q. [9:54:24] Rwot Oywak, when you were still in Pajule before you left for the RV,
15 did you see Raska Lukwiya?

16 A. [9:54:44] I recall that I stated the day before yesterday that I did meet
17 Raska Lukwiya. I do not just recall it, but I actually did it. It was my job. It was
18 part of my job to meet with them, part of my job as the peace process to meet with the
19 LRA and enter into dialogue. So I did not go there personally with my own intention.
20 I went as part of a team, as part of a delegation that was selected from among the
21 Acholi people to go and enter into dialogue with the LRA.

22 Q. [9:55:23] Rwot Oywak, I'm not talking about those occasions when you went
23 on peace missions. I'm now talking about this unfortunate day when there was an
24 attack and when you were now being paraded to the RV where you met Vincent Otti.
25 Can you tell Court whether before you left the camp you saw Raska Lukwiya?

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 A. [9:56:08] Yesterday you told me that I stated that Raska Lukwiya was busy
2 firing his gun. I did see him firing his gun. When I met him, he was firing his gun,
3 he was fighting against the people in Pajule. I stated that and it is in my statement.

4 PRESIDING JUDGE SCHMITT: [9:56:27] Yes, that is correct. We had this issue
5 discussed yesterday but I -- perhaps you have something that goes beyond that.

6 MR AYENA ODONGO: [9:56:35] Yes.

7 PRESIDING JUDGE SCHMITT: [9:56:35] But we would not repeat this one
8 especially.

9 MR AYENA ODONGO: [9:56:39] Yes.

10 Q. [9:56:39] Now, when you met Dominic Ongwen under the mvule tree, did you
11 see Lukwiya there?

12 A. [9:56:57] You're repeating the same question. When I was -- we were under
13 the mvule tree, I saw him firing his gun. Ongwen was ordering us to lie down. I'm
14 repeating the same thing.

15 Q. [9:57:15] I want to remind you that when I ask a question, it could be geared
16 towards something different. So you will bear with me, Rwot Oywak.

17 In this case, I want to refer you to paragraph 25, 25, which is on tab 2, at page 0550
18 still. Paragraph 25, where you said:

19 "Ongwen was"-- this is now where -- the location under the tree where you met
20 Ongwen:

21 "Ongwen was surrounded by many soldiers; I also saw Raska Lukwiya and other
22 commanders. I do not recall the ... "soldiers; I ... saw Raska Lukwiya" -- sorry:

23 "They were present with Ongwen in the Pajule trading centre."

24 I now -- forget about when he was firing the gun. Where you met Dominic Ongwen
25 and you found him surrounded by so many soldiers, did you see Raska Lukwiya

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 there?

2 A. [9:58:38] Raska Lukwiya was fighting. They were together, they were
3 together in that attack. When people are fighting, you do not sit and enter into
4 dialogue. We were all told to lie down. They continued with whatever it is that
5 they were doing and they continued beating us.

6 You're repeating the same thing. You're repeating the exact same thing that I've
7 already answered.

8 Q. [9:59:08] Now, Rwot Oywak, I want to go through the photographs. First of
9 all, before I go through the photographs, around this time in 2003, had you heard from
10 or met from or about or met somebody called Salim Saleh, this celebrated brother of
11 President Yoweri Museveni?

12 A. [10:00:05] He was part of the peace team. He came to Pajule, he came to my
13 house. We took a photo together with him. He was there to support me. He was
14 there to -- he was also there. We had a meeting to enable him to meet the people who
15 were in the bush as well. The people in the bush stated that if he, Salim Saleh,
16 wanted to meet with them, then he should go without soldiers, and that was not
17 possible. And due to the fact that we delayed to get to the location, by the time we
18 got there, the LRA had already left. They came to me to Pajule, that I do agree.

19 Q. [10:00:53] Rwot Oywak, did you ever hear about Salim Saleh giving some
20 money and telephone to Dominic Ongwen?

21 A. [10:01:13] I didn't hear about that.

22 Q. [10:01:35] Rwot Oywak, can you tell this Court clearly when you were shot and
23 when and why you were detained by the government?

24 A. [10:01:59] First of all, I will begin by saying I was not detained by the
25 government. I was invited for -- to be questioned about the fighters, the kind of

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 weapons they were having.

2 Secondly, you asked me about how I got shot. I mentioned it clearly that we were
3 invited to go and meet the LRA. We had a meeting in Pajule together with the LC-5
4 and other district leaders and they asked us to go and meet the LRA. When we met
5 the LRA, the mobile forces of the UPDF had not known that we were meeting the LRA
6 because their battery was down. They attacked us. So we asked them why they
7 attacked us and they explained in that same manner.

8 Q. [10:02:52] Rwot Oywak, did you say that some of the goods that you had in
9 your house were charged by the soldiers who came to abduct you?

10 A. [10:03:16] The items were destroyed instead. If they broke the door, they
11 wouldn't have left the things -- well, they ransacked the things. The things -- the item
12 I carried was not looted from my home, but my things were destroyed instead.

13 Q. [10:03:39] Rwot Oywak, do you remember reporting this to Vincent Otti?

14 A. [10:03:53] I did not give any report to Vincent. When did I give that report?
15 The report I would give to Vincent Otti would be a report at their invitation to deliver
16 a letter. That was the kind of report I would be giving him.

17 Q. [10:04:21] Now, about your household, Rwot Oywak. Was there any other
18 person in your household who was abducted on 10 October?

19 A. [10:04:46] My neighbour was abducted.

20 Q. [10:04:51] I'm talking about your household, your children and your wife
21 possibly, but particularly your children.

22 A. [10:05:02] The day before yesterday I mentioned here that my wife was not
23 abducted, my children -- the children of my brother were abducted. I stated this very
24 clearly.

25 Q. [10:05:20] Do you have a son called Opoka?

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 A. [10:05:27] Yes, I do have a son called Opoka.

2 Q. [10:05:34] Was he abducted on that day?

3 A. [10:05:37] Opoka was not abducted, unless it was recorded wrongly, and that
4 could be the case, but Opoka was not abducted.

5 MR AYENA ODONGO: [10:05:52] Your Honours, I want to refer to tab 27. And
6 can the court officers put on the screen the national ID, which is on ERN number
7 UGA-D26-0012, at page 162.

8 PRESIDING JUDGE SCHMITT: [10:07:05] I think you can continue now. I think it
9 is displayed.

10 MR AYENA ODONGO: [10:07:08] Yes.

11 Q. [10:07:09] Do you see that picture, Rwot Oywak?

12 A. [10:07:14] (No interpretation)

13 Q. [10:07:17] Who is that?

14 A. [10:07:19] That is my child. I don't know who brought this picture here.

15 MR AYENA ODONGO: [10:07:24] Can you take him to the previous page,
16 page 160.

17 PRESIDING JUDGE SCHMITT: [10:07:35] That is the first page of this.

18 MR AYENA ODONGO: [10:07:37] Yes.

19 PRESIDING JUDGE SCHMITT: [10:08:00] I think it would be advisable if you read
20 out --

21 MR AYENA ODONGO: [10:08:05] Yes.

22 PRESIDING JUDGE SCHMITT: [10:08:06] -- to him.

23 MR AYENA ODONGO: [10:08:07] Yes. I am being advised, your Honours, that
24 the proper ERN number reference is UGA-D26-12-160, yeah.

25 Q. [10:08:28] Rwot Oywak, there is an application for individual victims

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 participation where it is written by your son, the person you say is your son, the
2 person you have just identified:

3 "In Lapul IDP camp on 10/10/2003, people were abducted by LRA rebels. This was at
4 around 2:00 a.m. to 3:00 a.m. in the morning. By this time I was in the house with my
5 father Rwot Oywak Joseph. I saw rebels enter our house and later ordered us out. I
6 was given a bag of maize flour to carry then later ordered to move to their destination.
7 On reaching their destination, some of the people who were ordered to carry luggage
8 were asked to go back and that is how I returned home after two days. While in
9 captivity, I realised that my father was also among the people abducted. But he
10 returned after four to five days."

11 And further:

12 "I feel so bad for the abduction of my father since he was the rwot (chief) of Koyo
13 people. I felt so hurt that my father was humiliated before his own people."

14 This was a statement written in the victim application by the person you recognised as
15 your son. What do you say about that, Rwot Oywak?

16 A. [10:10:58] Court, you have seen this very well. The person is called Opoka
17 Boniface, he is a head of household, he has five children. I'm actually surprised to see
18 his application here. I cannot respond to this. I can -- I saw his
19 identity -- identification card. He mentioned things that happened to him. I cannot
20 talk about what could have happened to him.

21 PRESIDING JUDGE SCHMITT: [10:11:25] You have to move to the next point.

22 MR AYENA ODONGO: [10:11:27] Yes, but perhaps I can just ask whether he
23 recognises that the boy says he was in the same house with him on that day, on that
24 faithful day.

25 Q. [10:11:49] Do you recognise that he says he was with you in the same house?

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 A. [10:12:03] I have responded to that here that this person is already an adult, he
2 has his own household. I don't know why he applied for this. If you listen to what
3 he said, his date of return was different from the day I returned. I cannot respond to
4 that in the Court.

5 PRESIDING JUDGE SCHMITT: [10:12:25] I think this at least answers it.

6 MR AYENA ODONGO: [10:12:29] Yes.

7 Q. Before I take leave of your -- I mean, the -- your experiences with the IDP camp, I
8 want to refer you to -- first of all, can you tell Court the behaviour of the UPDF
9 soldiers in the camp, were they kind to the population, were they treating people's
10 daughters with dignity, and the people in the camp generally? As the chief, can you
11 tell Court this?

12 A. [10:13:18] I recorded it somewhere. I mentioned that life in the camp was not
13 easy; a lot of time crimes were committed, people were beaten whenever they
14 contravened some of the laws, the soldiers would at times abduct the girls, the LRA
15 would also abduct the girls. Even the camp residents sometimes would also commit
16 crimes, especially when they are drunk. For that reason, the life in the camp was
17 very difficult, it was full of criminal activities.

18 Q. [10:14:16] So is it your statement that --sorry -- is it your statement that the
19 UPDF and the militias in the camp raped girls and women in the camp?

20 A. [10:14:48] I indicated very clearly that these crimes happened in the camps and
21 they could also happen wherever there were soldiers. These complaints were always
22 brought to the people.

23 Q. [10:15:13] Now, Rwot Oywak, let's go to Palabek. You said Dominic Ongwen
24 was very furious, he was very bitter, and one of the comments he made was that his
25 education had been ruined. To who did he attribute the ruinage of his education?

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 Who was he bitter with, was it with the chiefs, or was he bitter with somebody else?

2 A. [10:16:08] He was bitter with everyone who went to them. He didn't
3 segregate who exactly he was bitter with, but he was speaking with bitterness to
4 everyone who was there. He indicated that he was not happy that we had gone to
5 meet them there, but he did not identify who exactly he was bitter with.

6 Q. [10:16:38] Rwot Oywak, didn't Dominic Ongwen indicate to you people that he
7 was bitter because some of you who were pretending to be fronting for peace were, in
8 fact, encouraging the war to continue and, therefore, you were wholly to blame for the
9 war which ruined his education?

10 A. [10:17:19] How would he attribute the problems to us when we are not the
11 ones who abducted him? We went to save them so they could come back home. If
12 they were -- if they were wise they should have used that opportunity to come back
13 home.

14 Sam Kolo seized that opportunity and he came back home. Why didn't he get back
15 home?

16 Q. [10:17:44] Rwot Oywak, I think you didn't get me right. What I was saying is
17 didn't he indicate to you people that he was bitter because some of you, so to speak,
18 were gold diggers in this confusion, you are the ones who were encouraging the war
19 to continue and you are pretending to be in charge of asking government to stop the
20 war. You may not have abducted him, but he was saying you -- at least some of you
21 were responsible for the continuation of that war?

22 A. [10:18:48] Well, I think I had already responded to that. I said he showed his
23 bitterness to everyone who went there. We couldn't have known what exactly he
24 wanted because he indicated that his education had been ruined. If you go to your
25 child and your child speaks like that, wouldn't he be showing his bitterness to you, if

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 you go to your child and your child says "Daddy, this and that has already happened
2 to me." He indicated to us that his education had already been ruined.

3 PRESIDING JUDGE SCHMITT: [10:19:28] I think he has answered that again,
4 whatsoever, and the Chamber in the end would have to make out of it.

5 MR AYENA ODONGO: [10:19:38] Yes. One more line, your Honours.

6 Q. [10:19:42] In the alternative, Rwot Oywak, couldn't he have been bitter against
7 the institution of LRA itself, he was venting his chagrin about how the LRA war, the
8 institution of LRA had made it impossible for him to continue with his education?

9 A. [10:20:24] I responded to that. I said he indicated his bitterness to the fact that
10 his abduction had ruined his education. He was informing us that his education had
11 already been ruined. He was venting his anger that he had not gone to school. He
12 was saying "I did not get educated." And if such a person is complaining you should
13 really understand that the person is complaining about something that they were
14 denied.

15 Q. [10:20:56] Thank you, Rwot Oywak.

16 Rwot Oywak, I want us to go through some of the photographs that you provided.

17 PRESIDING JUDGE SCHMITT: [10:21:06] And perhaps a short preliminary remark:
18 Of course we have no problem with that, but since you already said that Rwot Oywak
19 provided us with the photos, there is no problem with authentication so you don't
20 have to ask him for each photo "Do you recognise this photo? Did you give it to the
21 Prosecution?"

22 MR AYENA ODONGO: [10:21:27] No.

23 PRESIDING JUDGE SCHMITT: [10:21:27] Or to whomever. We take this as a
24 given. And of course photographs we have already looked at should not be
25 included.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [10:21:36] No. I'm just asking him questions about it,
2 cross-examining him.

3 Q. [10:21:52] Rwot Oywak, there is this photograph which is Annex A, the
4 photograph which is Annex A, and this was Owino Daniel. Was that the first time
5 you were meeting with Owino Daniel?

6 A. [10:22:26] Show us the picture so I can see it. I don't have it here.

7 PRESIDING JUDGE SCHMITT: [10:22:31] That's correct. That's correct,
8 Mr Witness.

9 We have to first show it to the witness.

10 It may take a minute. A little bit of patience for everybody.

11 THE WITNESS: [10:23:01] (Interpretation) I think I can even respond to that even
12 if the picture is not shown.

13 PRESIDING JUDGE SCHMITT: [10:23:05] Now, Mr Witness, we have initiated the
14 process, so we wait until it is shown and we don't interrupt this. So just have a little
15 bit of patience and wait a second.

16 And all these pictures I assume again can be displayed publicly.

17 MR AYENA ODONGO: [10:23:37] Annex B, was that of Okot Galdino.

18 PRESIDING JUDGE SCHMITT: [10:23:42] We have not answered the last question I
19 would assume.

20 MR AYENA ODONGO: [10:23:46] Yes, okay. Sorry, sorry.

21 PRESIDING JUDGE SCHMITT: [10:23:48] So perhaps we should go one after the
22 other.

23 THE COURT OFFICER: [10:23:57] May we kindly request the Defence to provide
24 us with the ERNs. Thank you.

25 MR AYENA ODONGO: [10:24:04] The ERN is UGA-OTP-0245-0037. Actually, it

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 is annexed -- it's annexed to his statement of 30th, his statement of 30 September.

2 PRESIDING JUDGE SCHMITT: [10:25:16] I think we only get along with the
3 number and I think we will soon have it displayed and I think here it is now on
4 evidence 1 channel. We can make it a little bit bigger.

5 So, Mr Witness, you can answer now the question.

6 THE WITNESS: [10:25:38] (Interpretation) You asked me was that my first time to
7 meet that person. I will not respond in that way. We met at a time when he sent
8 information that they want to come out from their place in Puranga, that was the time
9 when Santa Okot, the Member of Parliament, together with other people, we went and
10 met him in Puranga because he had indicated that he wanted to surrender. He did
11 not surrender on that day but he surrendered a little later. We went with very many
12 people, with all the leaders of Puranga. We stationed at Puranga mission.

13 Q. [10:26:35] Rwot Oywak, can you tell this Court that -- whether that is that
14 Puranga mission and the area where this gentleman was operating was exclusively
15 within your jurisdiction of chiefdom?

16 A. [10:27:02] He sent information because he comes from Puranga, he was already
17 near his home place, and as elders we had to go and sit and have a meeting before we
18 could move to the meeting point where he had indicated we should meet him. We
19 sat and then eventually moved and met him there. The reason he came back home
20 was the fact that the member of parliament called Santa advised him to come back
21 home. This was because there were so many people who were involved in the peace
22 process; there were members of parliament, LC-5 chairpersons, LC-3s, LC-1, chiefs,
23 religious leaders and the soldiers. They were looking for ways of peaceably solving
24 this problem, that is why we witnessed all this.

25 Q. [10:28:03] Thank you, Rwot Oywak.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 Can we move to the next one, which is annexure B?

2 PRESIDING JUDGE SCHMITT: [10:28:23] Just to mention the number because this
3 is easier then for the court officer and usher.

4 MR AYENA ODONGO: [10:28:32] This is ERN number -- same ERN number but at
5 page 38.

6 Q. [10:29:27] You see this gentleman, do you -- I mean, Rwot Oywak, do you
7 know which unit he was coming from within the LRA?

8 A. [10:29:51] I received the person simply because he wanted to come back home
9 and he had actually come back home. It was not my responsibility to try and find out.
10 I mentioned that earlier. I would ask very few and simple questions because our
11 intention was that the moment they arrive they are already part of us, they're our
12 people.

13 Q. [10:30:27] As the chief was it not in your interest to know exactly how he was
14 living in the bush, who was his boss and that kind of thing, did it not interest you?

15 A. [10:30:48] It's the army that is responsible for that, they're the ones who ask the
16 person where he was, which group he belonged to, what he came back with. My
17 responsibility was to receive them, to welcome them, bring them back. If we ask
18 them anything then our inquiries are limited.

19 Q. [10:31:15] If you were told that this gentleman was from the Stockree brigade
20 would you agree with me?

21 A. [10:31:30] I suppose he came from there because if you're asking me in that
22 manner then, yes, he came from there or if I asked him in that way then perhaps he
23 came from there.

24 PRESIDING JUDGE SCHMITT: [10:31:40] But --

25 MR AYENA ODONGO: [10:31:41] Thank you.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [10:31:42] -- we don't call for speculation of course.

2 He has said he doesn't know and this is the essence of the testimony.

3 MR AYENA ODONGO: [10:31:54]

4 Q. [10:31:55] Did he tell you his name? When you see him do you remember his
5 name?

6 A. [10:32:08] I told you the day before yesterday, didn't I say that that was
7 Odongo? There is Odongo and there is Odong. The names are similar. I ask the
8 Court, haven't we already discussed this photo?

9 PRESIDING JUDGE SCHMITT: [10:32:38] That is correct, Mr Witness, but
10 Mr Ayena has said he has some other questions and there were other questions, but I
11 think they have been answered now. So I would assume if there is not a completely
12 new line of questioning related to this picture that we would have to move to the next
13 one.

14 MR AYENA ODONGO: [10:32:58] Just for his relief we are moving to the next one.
15 The next one is on page 40.

16 PRESIDING JUDGE SCHMITT: [10:33:44] Mr Witness, we have also looked at this
17 picture but Mr Ayena has said that he has another line of questioning.

18 MR AYENA ODONGO: [10:33:55]

19 Q. [10:33:56] Rwot Oywak, could some of these children have been children who
20 were born in the bush?

21 A. [10:34:06] We asked all the kids, the children and they told us that they were all
22 abducted.

23 MR AYENA ODONGO: [10:34:17] Thank you. Can we move to E?

24 PRESIDING JUDGE SCHMITT: [10:34:22] The number please.

25 MR AYENA ODONGO: [10:34:23] The number is 41. I'm sorry.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [10:34:26] But because court usher and --
- 2 MR AYENA ODONGO: [10:34:30] Yes.
- 3 PRESIDING JUDGE SCHMITT: [10:34:30] -- officer have to look at the --
- 4 MR AYENA ODONGO: [10:34:32] Yes.
- 5 PRESIDING JUDGE SCHMITT: [10:34:33] -- correct number and only then they can
- 6 display it.
- 7 MR AYENA ODONGO: [10:35:01]
- 8 Q. [10:35:01] Now, Rwot Oywak, Rwot Oywak, that is -- you identified the
- 9 gentleman there as the late Vincent Otti, but do you recognise that little boy?
- 10 A. [10:35:29] I do not know that small child, but the outfit, the clothes are of Pajule
- 11 primary school, it's the uniform of Pajule primary school, the shorts in particular.
- 12 The shirt is not part of the uniform.
- 13 Q. [10:36:01] That is a blue uniform, isn't it?
- 14 A. [10:36:05] Yes, it is blue.
- 15 Q. [10:36:16] In your routine, in the areas of Acholi and Lango is the blue short
- 16 only worn by children of Pajule primary school?
- 17 A. [10:36:34] The photos were brought to Pajule, this means that the person is
- 18 from Pajule, not from Lango, so this means that the incident could have happened
- 19 around the Pajule area, that's why I thought that the child must be from Pajule
- 20 primary.
- 21 Q. [10:36:51] So you do not know with certainty who this child is?
- 22 A. [10:37:05] No, my -- my view was not who the child was. I wasn't interested
- 23 in who the child was. My interest was that in the child -- where is this child from, so
- 24 I assumed the child is from Pajule because of the uniform.
- 25 Q. [10:37:25] Rwot Oywak, if you are told this child actually is Dominic Ongwen's

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 son, who unfortunately passed on, called Back to God, would you agree?

2 A. [10:37:49] Well, I cannot refuse or accept it because the child is with Ongwen.

3 If Ongwen abducted the child, then it is his child. If Ongwen -- if that is Ongwen's
4 biological child, then that's his child. Either way, I do not know whether the either
5 was abducted, but it's his child either way.

6 PRESIDING JUDGE SCHMITT: [10:38:11] I think that's clear.

7 MR AYENA ODONGO: [10:38:13] Yeah.

8 Q. [10:38:14] And before I forget, Rwot Oywak, there was an incident that
9 happened in Omot that shocked the conscience of the world where people were
10 cooked in a pot. As the rwot of that area, did you see -- did you go to witness this
11 incident?

12 A. [10:38:53] I stated the day before yesterday that if something happens in a
13 particular area, then the chief of that area goes to that area. Anything that happened
14 in Adilang, Patongo, Lira Pa Lwo, Kalongo, the chief of that area goes to that place.
15 Those -- that particular incident happened in Agago. I'm in Pader district.

16 Q. [10:39:23] But, Rwot Oywak, that incident was known worldwide. Did you
17 get to know about it?

18 A. [10:39:35] I heard about it. I saw the photos in Rupiny, New Vision, and
19 several newspapers in Uganda.

20 Q. [10:39:49] Did you get to know who was responsible for that?

21 A. [10:39:55] According to the newspapers, they stated that it was the LRA that
22 had done this.

23 Q. [10:40:04] Can you tell Court whether you got to know about the individuals
24 who were behind the command of that attack?

25 A. [10:40:21] No, I cannot tell the Court anything that I'm not -- that I do not

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 know.

2 Q. [10:40:32] Did you ever hear that the person who commanded that attack was
3 somebody called Lapaico?

4 A. [10:40:44] Nobody told me that. Well, I'm grateful because you've now given
5 me that information, you've informed me that the person who committed this was
6 Lapaico.

7 Q. [10:41:02] Rwot Oywak, and you want this Court to believe you?

8 PRESIDING JUDGE SCHMITT: [10:41:07] Please, a concrete question.

9 MR AYENA ODONGO: [10:41:10] Yeah.

10 PRESIDING JUDGE SCHMITT: [10:41:10] And not --

11 MR AYENA ODONGO: [10:41:11] Okay.

12 PRESIDING JUDGE SCHMITT: [10:41:12] -- an assessment, a general assessment
13 from your mindset of what the witness has said.

14 MR AYENA ODONGO: [10:41:23]

15 Q. [10:41:24] Rwot Oywak, do you have another daughter older than Aciro and
16 Angee?

17 A. [10:41:39] Yes, I have an older daughter.

18 Q. [10:41:42] Can you tell Court the name of that daughter?

19 A. [10:41:51] My oldest daughter is Josephine Auma Ywakamoi.

20 Q. [10:42:00] Is she married?

21 A. [10:42:07] No, she's not.

22 Q. [10:42:14] Do you know somebody called Ngunya Aye Wata?

23 A. [10:42:23] I know Otto.

24 Q. [10:42:29] How did you or how do you know him?

25 A. [10:42:34] I know Otto because he returned home, we welcomed him, he

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 stepped on an egg. We welcomed him. He went to the place where he committed
2 crimes. He compensated them. We welcomed them and he has my -- he's married
3 to my brother's son, known as Ayaa (phon). They're in Gulu at the moment and they
4 have three children.

5 Q. [10:43:05] Where did Otto commit the crime where he was taken?

6 A. [10:43:18] In Lamogi. We went with the -- the NUTI organisation to the
7 Lamogi people. He went. He showed the sites where he killed people and the
8 locations. They made sacrifices, they killed some sheep, they cleansed the area.
9 And all this is on record.

10 Q. [10:43:48] Did he also take you to Omot?

11 A. [10:43:56] No, he did not take me personally to Omot, but other chiefs did go to
12 that place. He told us where he had committed the crimes, we listened to him and
13 we took him to that place to try and reconcile to -- for a reconciliation.

14 Q. [10:44:20] Did you get to know that the person whose name you've just
15 mentioned was directly responsible for the atrocities in Omot?

16 A. [10:44:35] No, I was not aware of it. You initially said it was Lapaico but now
17 you're saying somebody else.

18 Q. [10:44:49] Lapaico I said was the overall commander, does not mean that he
19 was the only commander there.

20 Anyway, can we go to another set of photographs, some of them have already been
21 shown, but I think just for comfort.

22 ERN number UGA-OTP-0241-0558. Your Honours, these are under tab 28, tab 28.

23 PRESIDING JUDGE SCHMITT: [10:45:47] Don't we have a better one now
24 on 7 -- 714 there, or am I wrong?

25 MR AYENA ODONGO: [10:45:53] Yes.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [10:45:54] This seems to be, at least in my
2 opinion, the same picture.
- 3 MR AYENA ODONGO: [10:45:57] It is.
- 4 PRESIDING JUDGE SCHMITT: [10:45:58] But people are much better visible.
5 Much better quality, I would say.
- 6 MR AYENA ODONGO: [10:46:03] That was my hard work, your Honour.
- 7 PRESIDING JUDGE SCHMITT: [10:46:06] Yes, exactly.
- 8 MR AYENA ODONGO: [10:46:07] I produced this better one.
- 9 PRESIDING JUDGE SCHMITT: [10:46:08] Now this is much better, so we should
10 display this one.
- 11 MR AYENA ODONGO: [10:46:12] Yes.
- 12 PRESIDING JUDGE SCHMITT: [10:46:33] Okay.
- 13 MR AYENA ODONGO: [10:46:34]
- 14 Q. [10:46:34] Rwot Oywak, you see that photograph?
- 15 A. [10:46:37] Yes, I do.
- 16 Q. [10:46:39] I don't want to ask you to identify the people, but the most
17 significant people there, which you have already confirmed, is Dominic Ongwen
18 being, I think, the third from the right, but I want you to look at the mood, what
19 would you say was the mood in that photograph? Was it tense or it was jovial?
- 20 A. [10:47:15] If you ask me about the photo, look at how Kony is happy and then
21 look at how Dominic Ongwen is happy, look at Rwot Lamogi, he's also happy, Rwot
22 Kitgum Labongo is also happy. Look at Rwot Adjumani as well.
- 23 Q. [10:47:39] (Overlapping speakers)
- 24 A. [10:47:40] Vincent Otti is at the back, he is behind me. You cannot see him
25 because I'm in front of him, my portrait is blocking him.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [10:47:48] I think that is an answer.

2 MR AYENA ODONGO: [10:47:51] Yes.

3 Q. [10:47:52] Just to remind you, the Rwot of Adjumani, could he have been this
4 gentleman who was called Iya, Ronald Iya?

5 A. [10:48:05] Yes, Ronald Iya, you have reminded me. His name is Ronald.

6 Q. [10:48:10] Rwot Oywak, do you see how Joseph Kony was greeting you with
7 both hands?

8 A. [10:48:17] Yes, I do.

9 Q. [10:48:18] Can you tell Court in the context of the African culture when
10 somebody greets you with both hands what does it indicate, especially since you are a
11 rwot?

12 A. [10:48:38] It's a sign of respect, total respect. He's showing his adoration, his
13 respect, he greets you with two hands, smiling, happy. He's trusting you.

14 PRESIDING JUDGE SCHMITT: [10:48:55] Frankly speaking, I do not see the
15 second hand, but I would not want to insist on the picture. But the witness obviously
16 recalls an incident at least where there were both hands.

17 MR AYENA ODONGO: [10:49:09] Yes.

18 PRESIDING JUDGE SCHMITT: [10:49:10] Where his hand was shaken with both
19 hands by Joseph Kony, so we don't need an expert on photograph identification.

20 MR AYENA ODONGO: [10:49:19] Yes, My Lord.

21 Annexure F, 560.

22 Q. [10:49:56] Rwot Oywak, I want you again to look at that photograph, and you
23 already identified that you are shaking hands with, who was that? You remember?

24 A. [10:50:17] I know the person physically, I know where the person is from, he's
25 from Pajule, but right this moment I do not recall his name. In the bush he was

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 referred to as Lawange Acel, he does have a name but I do not recall his name this
2 instant.

3 Q. [10:50:36] And of course you see Dominic Ongwen, then you see the Rwot of
4 Lamogi and then Ocan Bunia. I want you to concentrate on the mood in that picture.
5 Can you tell Court what you describe as the mood in that picture?

6 A. [10:51:04] Everybody was seated so that they were clearly visible, because if
7 you come out and want your photo taken you want to be visible, you want everybody
8 to see you and identify you. If you ask me what they look like or the appearance,
9 they look jovial. If you look at Ocan Bunia, you look at Ongwen, you look at Rwot,
10 there does not appear to be any animosity or resentment in the group, which means
11 everybody is happy. If there was resentment we wouldn't be -- that photo would not
12 come across that way.

13 Q. [10:51:43] Thank you.

14 Can we move to the next, which is 559.

15 Rwot Oywak, you were distinctly seen in that photograph. This photograph seems to
16 be meant particularly for three of you only, rwot of Kitgum and you. And the
17 gentleman in the background, did you say you can or you cannot recognise him?

18 A. [10:52:45] I know the person, I know him personally. It might be Odhiambo.
19 There were two of them. There was one who had problems with his fingers. So it's
20 either Odhiambo or somebody else. I do know the person personally but at this
21 instant, right this instant I cannot remember the name.

22 Q. [10:53:09] I can remind you that that is Odhiambo, I can confirm.

23 Now I want you to tell Court in that photograph what is the mood like, was it a
24 friendly and fraternal mood, or it was a mood of tension, especially between you and
25 the other people.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 A. [10:53:36] If you look at the photo the three of us are happy. The rest, the other
2 ones are behind but you cannot see them, they're not clearly visible. But perhaps if
3 you bring them closer, then you'll notice that it was the same mood, it was a jovial
4 mood.

5 Q. [10:53:56] With all those photographs, Rwot Oywak, can I ask you to tell Court
6 whether you still confirm that this was the same Dominic Ongwen who in the same
7 frame of things turned around and said they should sing a war song and kill all of you.
8 I mean a funeral song, rather.

9 A. [10:54:38] On the day that he said they should sing funeral songs was on
10 another occasion. The day that he said that they should sing funeral songs and kill us
11 all with an RPG was a different occasion. It was not on this particular occasion that
12 we took the photo, it was during another meeting. And it was that meeting that Kony
13 left for good and he left as well, until today that I see him in court.

14 Q. [10:55:09] As the rwot traditional and cultural chief, can you tell Court under
15 what circumstances funeral songs are sung?

16 A. [10:55:32] Funeral songs are sung when somebody is thinking about somebody
17 who has passed away. He said they should sing that song while he's thinking about
18 Otti and in the meantime we would all be killed by one RPG.

19 Q. [10:55:54] Can you also tell Court, Rwot Oywak, whether in the Acholi
20 tradition there are such things like war songs?

21 A. [10:56:18] There are songs and the songs depend on the context. Funeral
22 songs are sung during funerals. Dance songs are sung when people go dancing.
23 When soldiers are training, they sing training songs. Each particular event has its
24 song. So in Acholi each event has its own particular song depending on what is
25 taking place and depending on the context.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [10:56:52] Mr Ayena, may I kindly remind you of
2 the time.

3 MR AYENA ODONGO: [10:56:56] Yes, I'm about to end.

4 PRESIDING JUDGE SCHMITT: [10:56:57] Good.

5 MR AYENA ODONGO: [10:56:58] We have got four minutes, within four minutes I
6 shall be done.

7 PRESIDING JUDGE SCHMITT: [10:57:03] But you have, of course, recognised the
8 word kindly, so please continue.

9 MR AYENA ODONGO: [10:57:10] Yes, your Honour.

10 Q. [10:57:14] You know, Rwot Oywak, I'm asking you this so that the white
11 Judges may appreciate, you know, some of these things.

12 When he was asking that you should be killed, was that a call to war or lamentation
13 for a dead one? And incidentally, can you tell Court whether at this time Otti was
14 already dead?

15 A. [10:57:53] Yes, Otti was already dead. Not in the photos, but on the day that
16 he said we should all be killed Otti was already deceased. He said they should sing
17 songs, they should sing funeral songs with Otti's name so that we are all finished with
18 one RPG. Otti was already deceased, he was not among them. We met them on the
19 last -- that was the last occasion that we met them.

20 Q. [10:58:24] Who was responsible for the death of Otti, according to you?

21 A. [10:58:32] Ask him, he's behind you. I heard about Otti's death. You were
22 also in Juba. If you'd already left and gone to Nairobi I do not know, but we heard
23 about -- we learnt about Otti's death when we were in Juba.

24 Q. [10:58:49] But can you tell Court in the circumstances of those days who would
25 order the killing of Otti?

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 A. [10:58:59] I can -- I'll give you a brief response, it was the LRA that killed Otti,
2 there was no other rebel group within that place. If you ask me who ordered the
3 killing of Otti, then I would perhaps say that it's Kony, and that is a guess. We as the
4 team, we were not present when that was happening.

5 Q. [10:59:22] And Kony having ordered the death of Otti would, in your view,
6 would Dominic Ongwen have the effrontery of telling him to sing a song of
7 lamentation for Otti in those circumstances?

8 A. [10:59:47] That is why Kony stopped Ongwen, saying "I do not want to hear
9 whatever it is you're talking about." Remember, I stated that the day before
10 yesterday during my testimony.

11 Q. [10:59:59] Thank you.

12 MR AYENA ODONGO: [11:00:01] Your Honours, I just want us to just look
13 through some of these photographs.

14 PRESIDING JUDGE SCHMITT: [11:00:05] Absolutely. I do not want -- as I said, I
15 do not want to rush you.

16 MR AYENA ODONGO: [11:00:09] Yeah.

17 PRESIDING JUDGE SCHMITT: [11:00:09] If it takes another five or 10 minutes it's
18 no problem.

19 MR AYENA ODONGO: [11:00:14] Okay.

20 Q. [11:00:15] I want you to look at these photographs, a photograph of -- in
21 particular, I want you to look at the photograph where -- where you were carrying a
22 baby.

23 PRESIDING JUDGE SCHMITT: [11:00:35] May I suggest 0609.

24 MR AYENA ODONGO: [11:00:39] Yes, please, 0609.

25 PRESIDING JUDGE SCHMITT: [11:00:44] It was a guess.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 MR AYENA ODONGO: [11:00:47] Oh, your guess is so exact one would wonder
2 whether there is such a thing as a guess in your case, you seem to be on top of the
3 situation. Thank you very much, your Honour.

4 Q. [11:01:09] Rwot Oywak, who was that kid?

5 A. [11:01:17] That is Vincent Otti's child. He came with the child to show us that
6 he does have -- he trusts in the peace talks, he brought the child and he introduced the
7 child to us. That's Vincent Otti's child. He brought the child. He told us that the
8 child was born in the bush. He did not show us the mother. And you see the way
9 I'm holding the child, as a chief, it's an indication that as a chief I do not hate people.

10 Q. [11:01:55] Rwot Oywak, can you confirm to this Court that Otti ever had a
11 biological child? Is it within your knowledge that Otti ever had a biological child?

12 A. [11:02:14] I do not know. He brought the child and introduced the child as his
13 child. I did not see and I do not know and I cannot confirm where the child was born.
14 I held the child because he brought the child to the location where we were, so I do not
15 know whether he had a child in his life or whether he did not have a child.

16 Q. [11:02:37] And the other photographs, can you show them one by one, just in
17 passing, it's not a big, you know -- from 607 onwards. Do you see that mood? Can
18 you identify the people you were with there?

19 A. [11:03:20] If you look at this photo, the way the two commanders are sitting
20 they're thinking about something. I do not know what they're thinking about
21 because they are sombre but they are quiet. I suppose when somebody is quiet and
22 they're not talking, they're probably thinking about something. If they did not just
23 come there to take photos, then they're thinking about something, because sometimes
24 when you come to take a photo you do not say anything, you can just pause and have
25 the photo taken.

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [11:03:58] Just shortly.

2 Mr Witness, you already said yesterday that the man on the left side is Vincent Otti,
3 but on another picture you could not identify the person in the middle. But this
4 seems to be a rather good picture, the man in the -- with the watch and in the grey suit
5 in the middle, do you now remember who this is or this was?

6 THE WITNESS: (Interpretation) That's Odhiambo. If I -- I believe, I believe it's
7 Odhiambo, if I'm not wrong.

8 PRESIDING JUDGE SCHMITT: [11:04:31] Thank you, Mr Witness.

9 MR AYENA ODONGO: [11:04:34] Can we go to 618.

10 Q. [11:04:57] Can you see that photograph and the mood in that photograph?
11 Were you happy?

12 A. [11:05:06] We were happy. The children came and asked their photos to be
13 taken so that the pictures could be sent home to show their parents that they are alive.
14 Those are the kids who were guarding the place where we were sitting. One of the
15 kids is from Pajule. They do look happy.

16 Q. [11:05:25] Can we go to 740.

17 Rwot Oywak, can you see how relaxed you were in the company of that gentleman?
18 And who was he, by the way?

19 A. [11:05:56] I do not recall his name. I know him personally but I do not recall
20 the name.

21 Q. [11:06:06] And the next one is 745.

22 Could that have been Ocaka? Ocaka's name has surfaced in this Court many times.
23 Could that have been Ocaka?

24 A. [11:06:29] Perhaps it is. There were many people.

25 Sir, if you do not know all the people, you do not start -- you do not know who they

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 are, you do not think about them.

2 PRESIDING JUDGE SCHMITT: [11:06:45] Mr Witness, that was not an
3 admonishment.

4 MR AYENA ODONGO: [11:06:48] No.

5 PRESIDING JUDGE SCHMITT: [11:06:49] That was simply asking if you know.

6 And if you don't know the person answer like you have done at the moment, say
7 simply "I don't know the person." It's no problem. No problem.

8 THE WITNESS: [11:07:00] (Interpretation) No, I do not know the person. I know
9 the faces but not their names.

10 MR AYENA ODONGO: [11:07:05]

11 Q. [11:07:05] Yeah, you can't be blamed for that. You know, there are so many of
12 them, Rwot Oywak. The only thing that we want to inform you that his name has
13 surfaced here and in particular in respect to areas to do with Lalogi and those areas.

14 PRESIDING JUDGE SCHMITT: [11:07:27] I think the next one is already displayed
15 as I see.

16 MR AYENA ODONGO: [11:07:33] Yes. Can we go to 750.

17 Q. [11:07:52] What was happening in that photograph, Rwot Oywak?

18 A. [11:08:01] It was day break, we were having breakfast. We were holding
19 discussions. We were consulting among ourselves.

20 Q. [11:08:15] Thank you.

21 Can we go to - time is not our best ally - 758.

22 Can you recognise some people there, Rwot Oywak? The first one, who is he on your
23 left?

24 A. [11:08:54] I know them personally but not their names. The only person I do
25 recognise or know by name is Ongwen. I know the people, but I do not know their

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 names.

2 Q. [11:09:06] Could the first one be Opuk, Opuk Oryang?

3 A. [11:09:18] It's next to the person wearing the Muslim hat, yes, that's -- Muslim
4 cap, yes, that's right.

5 Q. [11:09:26] (Overlapping speakers) Muslim cap man, is that Buk Abudema?
6 Let's move to the next --

7 A. [11:09:35] Perhaps I'm hearing that. Thanks for introducing him to me.

8 Q. [11:09:40] 764.

9 Can you recognise the three people in the picture?

10 A. [11:09:58] Yes, I do. There's Vincent Otti, there's Joseph Kony, and there's a
11 paramount chief Rwot Acana. He has a satellite phone in his pocket and those are
12 the satellite phones that we were given to enable us to communicate with them.

13 Those are the satellite phones that were under discussion the day before yesterday.

14 Q. [11:10:20] Can you -- can you take note how Kony is greeting him with both
15 hands?

16 A. [11:10:28] It's a sign of respect, he's showing his trust that the mission to
17 Garamba should end smoothly. He's showing his trust, in my opinion.

18 Q. [11:10:44] And then the next one is 768. Can you see --

19 A. [11:11:04] Yes, I see the photo.

20 Q. [11:11:06] -- the style of greeting being offered to that chief?

21 A. [11:11:13] Yes, he's greeting this chief because he does not trust this chief. He
22 has never met the chief before. He asked me who is this person and I was the one
23 who was introducing the person. This is Rwot Arop Poppy of Kitgum and he was
24 introducing -- I was introducing the person. He was not very trustful of the person
25 that he was greeting and that's why he did not greet him with both hands. That's my

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 understanding.

2 Q. [11:11:43] And the last one, 769.

3 A. [11:12:02] Yes, I see that. Kony is greeting Rwot Lamogi, he's greeting him
4 with one hand because he's never met him before. That is our prime minister, the
5 one behind him is Rwot -- Ronald Adjumani, he's already greeted that person. That
6 was -- he was -- he was greeting us because we were about to leave. You'll see him
7 greeting me as well.

8 Q. [11:12:39] Rwot Oywak, would you agree with me that of all the chiefs who
9 went to the bush you are the most relaxed especially when you are near Vincent Otti
10 and with the other soldiers, you seem to know them more than any other chief you
11 had travelled with; would you agree with me?

12 A. [11:13:14] I know them, they know me, because they were introduced to me, I
13 was introduced to them as well. When you introduce yourself to somebody, that
14 means the person knows you and you know them as well.

15 Q. [11:13:29] I put it to you, Rwot Oywak, that you were very close to the LRA, as
16 a matter of fact you were a collaborator and, therefore, you had very close rapport
17 with them, a special relationship with them. Thank you.

18 PRESIDING JUDGE SCHMITT: [11:13:55] That was a statement, but the witness
19 must have the opportunity --

20 MR AYENA ODONGO: [11:14:00] To answer.

21 PRESIDING JUDGE SCHMITT: [11:14:00] -- To respond to that, please.

22 MR AYENA ODONGO: [11:14:05] Yeah.

23 THE WITNESS: [11:14:06] (Interpretation) I think that whoever connects a couple
24 of -- whoever connects different groups is known as a collaborator. I made
25 connections between the government and the LRA, I made connections between the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0009

1 government and people. What is a collaborator? Can you please explain to me

2 what he means when he says a collaborator. Could the interpreters please explain

3 what the word "collaborator" means.

4 PRESIDING JUDGE SCHMITT: [11:14:36] No, we are not explaining anything now.

5 I think your answers all clear.

6 MR AYENA ODONGO: [11:14:42] Yeah.

7 PRESIDING JUDGE SCHMITT: [11:14:42] And I assume that this concludes your

8 questioning, Mr Ayena, because you said thank you already.

9 MR AYENA ODONGO: [11:14:52] My Lords, I just want to put on record the ERN

10 number of the video.

11 PRESIDING JUDGE SCHMITT: [11:15:02] That we saw yesterday?

12 MR AYENA ODONGO: [11:15:03] Yes.

13 PRESIDING JUDGE SCHMITT: [11:15:04] Yeah, please, you can do that.

14 MR AYENA ODONGO: [11:15:06] It is UGA-D26-0018-0428.

15 That concludes my questioning.

16 PRESIDING JUDGE SCHMITT: [11:15:21] Thank you, Mr Ayena.

17 You have heard, Mr Witness, that this concludes the questioning by the Defence.

18 This also means that it concludes your testimony before this Court. We thank you for

19 helping the Court and assisting the Court in establishing the truth and we wish you a

20 safe trip back home.

21 THE WITNESS: [11:15:44] (Interpretation) Thank you. Thank you to the Court.

22 (The witness is excused)

23 PRESIDING JUDGE SCHMITT: [11:15:49] A special thank you today also to court

24 officer and court usher. It's not easy to display so many pictures in a certain

25 sequence. Thank you very much.

1 The next witness will need a little bit of preparation and I suggest that we resume at
2 noon, at 12 o'clock for a one-hour session and then the normal session in the afternoon
3 from 2.30 until 4 o'clock.

4 THE COURT USHER: [11:16:17] All rise.

5 (Recess taken at 11.16 a.m.)

6 (Upon resuming in open session at 12.01 p.m.)

7 THE COURT USHER: [12:01:11] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [12:01:33] The Prosecution is now calling P-280 as
10 its next witness. And the Chamber would firstly like to address the matter of
11 assurances for the witness pursuant to Rule 74 of the Rules of Procedure and
12 Evidence.

13 Mr Cox, who is the Legal Representative of the Victims sent the Chamber a courtesy
14 copy of a filing requesting such assurances against self-incrimination for the witness
15 under Rule 74.

16 And to discuss these matters, like always, we would have to go to private session.

17 (Private session at 12.02 p.m.) *(Reclassified entirely in public)

18 THE COURT OFFICER: [12:02:19] We are in private session, Mr President.

19 PRESIDING JUDGE SCHMITT: [12:02:20] Thank you very much.

20 And as always I would ask the Prosecution to provide their views on an inter partes
21 basis. What is your position on this request?

22 MS NDAGIRE: Good afternoon, your Honours, Sanyu Ndagire for the Prosecution.
23 And this is to confirm that we do not have any objections to the request.

24 PRESIDING JUDGE SCHMITT: [12:02:45] Two thank yous, first of all, that we
25 indeed have afternoon now. And the second one that you provide us with the name I

1 should have asked for the additional name regarding the appearances of the

2 Prosecution. Thank you very much.

3 I assume the Defence does not have any comments on that.

4 MR AYENA ODONGO: [12:03:09] We have no comments, but we have a new
5 person.

6 PRESIDING JUDGE SCHMITT: [12:03:15] Indeed.

7 MR AYENA ODONGO: [12:03:17] Michael Rowse is with us this afternoon.

8 PRESIDING JUDGE SCHMITT: [12:03:21] So equality of arms on all sides.

9 MR AYENA ODONGO: [12:03:25] Yes.

10 PRESIDING JUDGE SCHMITT: [12:03:25] If we mention a person by the
11 Prosecution, then we have to do that of course also for the Defence. Thank you.

12 MR AYENA ODONGO: [12:03:31] Just in case they are going to attack so we are
13 equally in arms.

14 PRESIDING JUDGE SCHMITT: [12:03:37] Yeah, I won't comment on that, of
15 course.

16 Then we can go -- then we can go back to open session to provide the parties and
17 participants with our ruling.

18 (Open session at 12.03 p.m.)

19 THE COURT OFFICER: [12:03:56] We are back in open session, Mr President.

20 PRESIDING JUDGE SCHMITT: [12:04:05] Thank you very much.

21 The Chamber will now render its decision on the requested assurances. Mindful of
22 the factors specified in Rule 74(5) of the Rules, the Chamber has decided to provide
23 assurances pursuant to Rule 74 of the Rules in order to enable the witness to testify
24 without fear of the consequence of self-incrimination.

25 And this concludes the ruling of the Chamber.

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 And we can now please bring in the witness.

2 (The witness enters the courtroom)

3 PRESIDING JUDGE SCHMITT: [12:06:03] Mr Witness, do you hear me?

4 WITNESS: UGA-OTP-P-0280

5 (The witness speaks Acholi)

6 THE WITNESS: [12:06:07] (Interpretation) Yes, I do.

7 PRESIDING JUDGE SCHMITT: [12:06:08] First of all, good morning, and I would
8 like to welcome you on behalf of the Chamber into the courtroom.

9 THE WITNESS: [12:06:16] (Interpretation) Good morning.

10 PRESIDING JUDGE SCHMITT: [12:06:17] You are going to testify before the
11 International Criminal Court, and if you have a look in front of you there should be a
12 card with a solemn undertaking. Could you please take this card and read out loud
13 the undertaking that is written on this card.

14 THE WITNESS: [12:06:49] (Interpretation) I solemnly declare to speak the truth,
15 the whole truth and nothing but the truth.

16 PRESIDING JUDGE SCHMITT: [12:06:58] Thank you, Mr Witness.

17 I explain now to you protective measures that the Chamber has put in place for you
18 testimony. We have put the following measures in place for you:

19 First of all, face distortion. That means that nobody outside the courtroom can see
20 your face during your testimony.

21 Secondly, we will use a pseudonym. In accordance with that we will refer to you
22 only as "Mr Witness" as I am doing at the moment. This is to make sure that the
23 public does not know your name.

24 When you answer questions that don't give away who you are, we do that in open
25 session. Open session means, that is the case at the moment, that the public can hear

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 what is being said in the courtroom.

2 When you describe anything that relates specifically to you, that could identify you, so
3 to speak, and you're asked to mention facts that might reveal your identity, we do this
4 in private session to protect you and private session means there is no broadcast and
5 no one outside the courtroom can hear you.

6 Now, Mr Witness, you have been assigned a lawyer to provide you with legal advice
7 about possible self-incrimination. Your legal representative, Mr Cox, is present with
8 you, and if any concerns arise during the course of your testimony he will be able to
9 advise you and to raise those concerns with the Chamber. He is vigilant in that
10 respect.

11 The Chamber gives you the assurance pursuant to Rule 74(3) of the Rules. That is a
12 technical matter, but it means that your testimony will not be used either directly or
13 indirectly against you in any subsequent proceedings by this Court. There's one
14 exception what we call Article 70 and 71 of the Rome Statute, that means only if you
15 would not tell us that the truth, that would be an offence and that of course could be
16 prosecuted.

17 If any question is asked that could lead to self-incrimination of yourself, we will hear
18 such an answer in private session and keep this answer confidential. The questioning
19 party, the Prosecution first, is responsible for requesting private session prior to asking
20 the questions when these questions may lead to the witness to incriminate himself and
21 of course, as I have already said, Mr Cox is alert about such matters.

22 Mr Witness, do you understand this, what I have told you?

23 THE WITNESS: [12:09:48] (Interpretation) Yes, I have.

24 PRESIDING JUDGE SCHMITT: [12:09:49] Thank you, Mr Witness.

25 I have now before we can start with your testimony a few practical matters that you

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 should please have in mind when you give your testimony. It is important to speak
2 clearly and at a slow pace. This is because everything here in the courtroom is
3 interpreted and the interpreter have to follow what you say. Also speak please into
4 the microphone and only start speaking when the person that has asked you a
5 question has finished that. That is all to facilitate our understanding in the
6 courtroom.

7 If you have any questions yourself, you may raise your hand so we know that you
8 want to say something.

9 Again, have you understood all this too?

10 THE WITNESS: [12:10:41] (Interpretation) Yes, I have.

11 PRESIDING JUDGE SCHMITT: [12:10:43] Thank you. We will now start your
12 testimony.

13 And I try the name, I give Mrs Ndagire -- can you help me please for the next time.

14 MS NDAGIRE: [12:10:56] It's pronounced as Ndagire.

15 PRESIDING JUDGE SCHMITT: Ndagire.

16 QUESTIONED BY MS NDAGIRE:

17 Q. [12:11:07] Good afternoon, Mr Witness.

18 A. [12:11:09] Good afternoon.

19 Q. [12:11:10] My name is Sanyu Ndagire and we have met before. I will be
20 asking you questions this afternoon on behalf of the Office of the Prosecutor.

21 MS NDAGIRE: Your Honour, I request that we start in private session for about two
22 minutes to address the witness's identifying information.

23 PRESIDING JUDGE SCHMITT: [12:11:35] Of course. We go to private session.

24 (Private session at 12.11 p.m.)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Private Session)

ICC-02/04-01/15

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Page Redacted – Private session

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Private Session)

ICC-02/04-01/15

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24 (Open session at 12.18 p.m.)

25 THE COURT OFFICER: [12:18:25] We are back in open session, Mr President.

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 MS NDAGIRE: [12:18:35]

2 Q. [12:18:35] Mr Witness, where were you living at the beginning of June 2004?

3 A. [12:18:52] At the beginning of June 2004 I was in Abok, Abok camp.

4 Q. [12:19:03] And with whom were you living in Abok camp?

5 A. [12:19:17] In Abok camp because there was conflict and a lot of insecurity at the
6 time, there was so many people who were living in the camp so as to try and get some
7 protection. I cannot mention the names of all the individuals who were there, but I
8 know some of the villages from where they came. And then some of the people I
9 knew very well. People I lived with included person number 1.

10 Q. [12:20:07] Thank you for that. You said in Abok camp, people were living in
11 Abok camp because there was conflict. Could you explain to us what conflict that
12 was?

13 A. [12:20:34] It was on 8 June 2004 when the LRA armies came from the direction
14 of Ngai. They came very close to the camp. They came very near Abok school and
15 then they branched off. If you're coming from Ngai, you'd branch and that's what
16 they did, they branched towards the school. After branching towards the school, I
17 think people were wondering whether they would come back to attack the camp or
18 not, but other people thought they would -- they were on the go and they wouldn't
19 come back.

20 We stayed until around 8 p.m. when we had already gone to bed together with all my
21 family members. Then we heard gunshots from around 8 p.m. Whenever there
22 were gunshots, government soldiers would tell people to stay indoors, they should not
23 get out. People were all in their houses.

24 The gunfire raged on until at some point we saw flames. When -- whenever you get
25 out, you would be able to see fire, and when we saw the whole place was in flames,

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 we had to take off, to run away from the burning fire.

2 But at that time there was a lot of exchange within the camp. The fighters did not
3 care whether there were civilians there or not, and we did not also know how to
4 segregate. We had to flee, and at some point I was in my house together with my
5 brother. We came out and when we got out we found -- we found that we could not
6 really run together and we separated ways, we ran in different directions.

7 Q. [12:23:20] Sorry, I'll stop you there just for one moment. You've given us
8 quite -- quite a lot of useful information but I'd like you just to build up on some of the
9 things you've told us.

10 You mentioned on page 54 of the transcript that there were many people who were
11 living in the camp and that you know some of the villages from where they came.
12 Why were these people living in the camp?

13 A. [12:24:05] They were living in the camp because they could no longer stay in
14 their respective villages. There was a lot of fighting around and people could not
15 stay in their villages.

16 Q. [12:24:17] And so who provided security at the camp?

17 A. [12:24:32] The camp was guarded by government soldiers who were called
18 Amuka. In the evening when people have all gone to their houses, they would ring
19 around the camp, but that would only happen when they are -- they have a large
20 number. But in instances where they are few, they would just station in strategic
21 locations.

22 Q. [12:25:02] Other than the Amuka, were any other people providing protection
23 at the camp?

24 A. [12:25:17] Those were the soldiers who were there. Some of them would stay
25 in the barracks. I only knew them as Amuka, but I don't know whether in the

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Private Session)

ICC-02/04-01/15

1 barracks there were also other kind of soldiers, and whenever people -- the other time
2 when the rebels came, they were the ones who were trying to give protection.

3 Q. [12:25:43] And where were these barracks located?

4 A. [12:26:00] The barracks require -- well, I need closed session because that is
5 going to identify who I am.

6 PRESIDING JUDGE SCHMITT: [12:26:07] That's okay, we go to closed
7 session -- private session.

8 (Private session at 12.26 p.m.) *(Reclassified partially in public)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [12:27:42] And while we're still on that topic, when your statement was taken
21 by the staff of the Prosecution, did you give them any documents concerning the
22 barracks or the camp?

23 A. [12:28:06] Yes, I gave them. I drew, I indicated in the picture where the camp
24 was, at the junction, the intersection between the roads coming from Iceme to Lalogi,
25 and Ngai to Otwal. I also indicated other points; for instance, on the road that comes

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Private Session)

ICC-02/04-01/15

1 from Ngai there was a camp. The barracks was also there. Then you'll move -- as
2 you're going towards Otwal, you find Bar-Rio.

3 PRESIDING JUDGE SCHMITT: [12:28:49] Please, I apologise that I interrupt you,
4 but I think we have this drawing, and I assume you would want to put it to him.

5 MS NDAGIRE: [12:28:54] Yes.

6 PRESIDING JUDGE SCHMITT: [12:28:57] Mr Witness, then we can have your
7 drawing, have a look at it, and so we understand much better what you're telling us,
8 and since this drawing will not be --

9 MS NDAGIRE: [12:29:07] It won't be (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [12:29:09] --displayed publicly, we can discuss it in
11 open session, I would assume.

12 MS NDAGIRE: [12:29:13] Yes. Yes, we can.

13 PRESIDING JUDGE SCHMITT: [12:29:14] Yes. We go to open session. And then
14 I think this will be displayed and we can have a look at it and understand it much
15 better, Mr Witness.

16 (Open session at 12.29 p.m.)

17 THE COURT OFFICER: [12:29:27] We're in open session, Mr President.

18 MS NDAGIRE: [12:29:32]

19 Q. [12:29:32] Mr Witness, I will now show you a document, and your Honours
20 will find this, and the parties and participants, at tab 3 of the binders provided to you.
21 Its ERN is UGA-OTP-0247-1265, and the document is confidential and therefore
22 shouldn't be shown to the gallery.

23 PRESIDING JUDGE SCHMITT: [12:30:01] And I think you should very soon -- or
24 you should already have it on your screen, Mr Witness. Not yet.

25 Yes, I think now, Mr Witness, do you see it?

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 THE WITNESS: [12:30:30] (Interpretation) Yes, I do.

2 PRESIDING JUDGE SCHMITT: [12:30:31] Please continue.

3 MS NDAGIRE: [12:30:38]

4 Q. [12:30:38] Mr Witness, what is this document?

5 A. [12:30:47] This is a map that I drew. It shows where Abok camp was located
6 and it shows what Abok camp looked like. In the middle there's Abok camp, as
7 indicated on the diagram. You see Abok camp or centre. There is the road from
8 Iceme to the south, goes to the intersection, and at the intersection between the four
9 roads, if you go northwards, you find Abok barracks in that location, and I've
10 indicated it as "barracks".

11 If you travel from the direction of Ngai, there's Ngai camp. There's another road that
12 goes towards Bobi sub-county, and around the road to Ngai corner, you go through
13 Oyam Town. If you go upwards, there's Lalogi sub-county, and Lalogi sub-county
14 also had a camp and that is in Gulu district.

15 There is a road from Lalogi to Pader district. Before getting to Lalogi, you cross a
16 railway line. One of the railway lines one side goes to Lira, the other side goes to
17 Pakwach. If you leave Lalogi -- if you leave Lalogi, going towards the west, you see
18 Opit camp. There's also a big barracks at Opit camp.

19 Eastwards, the location of the camp, there's Bar-Rio and there's a market at Bar-Rio.
20 There's also a camp at Bar-Rio and that direction goes towards Otwal.

21 Q. [12:33:01] Mr Witness, I would like you to focus your mind on the barracks that
22 you just told us about on the map. What was the distance between the Abok camp
23 centre and the barracks themselves, how many minutes would it take to walk there?

24 A. [12:33:26] It wasn't more than a kilometre. If you're running, for example, it
25 could take you two minutes, approximately two minutes to get there. Two or one

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 minutes because it was very close.

2 Q. [12:33:52] Thank you for that. We're now done with this document.

3 Mr Witness, earlier on you were telling us about the 8 June 2004 attack on Abok and
4 you had mentioned that you were at home in the evening, what happened to you that
5 evening?

6 A. [12:34:33] That evening when the fighting began, when they started attacking
7 Abok at around 8 p.m., the soldiers, the LRA soldiers defeated the Amuka militia.
8 We went -- they entered into the camp. We started running, we hid in a hall. There
9 were about six of us hiding in that ditch. My neighbour and people from my
10 household. While we were in that ditch we were quiet because there were gunshots
11 and the people who were firing the gunshots had surrounded us. One girl, wife to
12 one of the rebels, slipped. She slipped and she was about to fall into the ditch.
13 When she slipped she shone her torch into the ditch. When she shone her torch into
14 the ditch she saw us and she shouted "The enemy is here. There's a soldier here."
15 When she shouted that "There's a soldier here" there's a number of people, about 30
16 rebels who were -- bore arms, they came and they surrounded the ditch. When they
17 surrounded the ditch they said, "Is there a soldier amongst you?" My father
18 responded and said, "No, it's only civilians. There is no soldier." The rebel
19 responded "If you're all civilians come out of the ditch." I was the first one to come
20 out of the ditch. They took me out first. I was pushed out of the ditch. They told
21 me to lie down on my stomach. When I lay down they took me and sent me to
22 another direction where there were other people. When they sent me to the other
23 people --

24 Q. [12:36:35] Mr Witness, thank you.

25 PRESIDING JUDGE SCHMITT: [12:36:37] I think why not let him narrate his story,

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 at least till we come to a point where we could say there is a sort of -- part of the story
2 comes to a finish, and then you can put your questions. Because he's just talking and
3 he wants to tell his story obviously. I think we should let him continue.

4 MS NDAGIRE: [12:37:02] Much obliged, your Honour.

5 Q. [12:37:05] Please continue, Mr Witness.

6 A. [12:37:08] When I came out they sent me to another group of people. The
7 neighbour and the people I listed earlier were all taken out. The neighbour was
8 killed instantly. My brother was also killed. Immediately thereafter I got up, I left.
9 I left Abok as well. When I left Abok I was still very young. They had a sack of
10 beans, approximately four basins full. They told me to carry that on my head and
11 move with it, but I was very young and I did not have the strength to carry that. I
12 did try, but they took it, they carried that and put it on my head and told me to start
13 moving. We started walking towards the barracks. It wasn't -- the barracks is not
14 far, about approximately 1 kilometre. When we got to that place I heard person
15 number one speaking. Person number one said "Go and capture the barracks."
16 After that they went towards the barracks. There was gunfire coming from the
17 barracks. They ran backwards, they retreated. When they retreated they left. And
18 that was the time that we left as well. We left Abok camp. I, together with other
19 people.

20 PRESIDING JUDGE SCHMITT: [12:38:48] Thank you very much, Mr Witness.

21 This is something where we could say this, you left Abok, so there is something where
22 we perhaps can make a short stop and Ms Ndagire can continue with the examination
23 because this just fits a little bit I think.

24 MS NDAGIRE: [12:39:11]

25 Q. [12:39:11] Mr Witness, I just want to take you back to the girl, the -- who

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 slipped by the ditch and found you in the hole. How old was this girl?

2 A. [12:39:30] Pardon? Are you asking about the girl's age?

3 Q. [12:39:36] Yes, Mr Witness, that's correct. How old was she?

4 A. [12:39:44] It was dark. I did not see the girl. I could not determine her age.

5 Because she -- I saw her foot and then she immediately withdrew her foot, and then

6 she shouted and the ditch was surrounded. To determine who that person is while I

7 was in the ditch was difficult. The only thing I heard was her voice.

8 Q. [12:40:26] And what about the rebels who came to that hole, were they men,

9 women or children?

10 A. [12:40:40] It was the men that came and surrounded us. There were men with

11 guns. Perhaps there were women among them, but I did not look around to

12 determine them. But there were a number of people. We came out and they

13 surrounded the area. There were young people, there were -- there were older

14 people as well who were in front. Some of the rest were taking care of the civilians

15 that had been abducted and they took us and placed us among the group of abductees.

16 Q. [12:41:20] And these young people that you saw, were they younger or older

17 than you at the time?

18 A. [12:41:39] There were some who were younger and there were some who I was

19 older than.

20 Q. [12:41:54] How could you tell that some were younger than you and others

21 were older than you?

22 A. [12:42:09] Well, I looked at them and determined that based on the height. I

23 was taller than some of them, and there are some who were shorter than -- there were

24 some who were taller than me and I based my determination on their size.

25 Q. [12:42:30] And immediately after these rebels took you from the hole and gave

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 you the sack of beans, were you able to move freely?

2 A. [12:42:50] No, we were all under duress. The luggage that had been put on
3 my head was extremely heavy. I was told that if you throw this load you're going to
4 be killed, so you have to bear the load regardless of how heavy it is and walk with it.

5 Q. [12:43:11] And while you were carrying this load were the rebels carrying
6 anything?

7 A. [12:43:22] They were carrying some things. They had guns. There were
8 some people who were still fighting. Some of them had bags. And they also had
9 small things that they were holding in their hands. They had little -- small things in
10 their hands, they had bags. I do not know what was in those bags.

11 Q. [12:43:46] What type of guns were the rebels carrying?

12 A. [12:44:00] The guns that I saw, they were rifles. I suppose the AK-- they refer
13 to as AK47s. They had LMGs, they had J2s, they had PKs. Those are the ones that I
14 saw.

15 Q. [12:44:29] And you mentioned that there were other abductees amongst you.
16 What were these people doing at that time?

17 A. [12:44:43] At the time, the abductees, the civilian abductees, I was one of them,
18 they would give them stuff to carry. For example, person number one was carrying
19 cooking oil. Other people, for example myself, I had a sack of beans on my head,
20 approximately four basins. There were other people who had other things, perhaps
21 things that were taken from shops.

22 Q. [12:45:17] And could these abductees move freely?

23 A. [12:45:28] At the time we were all under duress because you are not willing,
24 you're not going with them willingly, but as you have been abducted there is gunfire,
25 you're being told that if you refuse to go they are going to leave you behind, they're

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 going to kill you, so you're under duress.

2 PRESIDING JUDGE SCHMITT: [12:45:51] May I ask a question shortly.

3 Mr Witness, you mentioned earlier that you saw when you came out of the ditch
4 shortly afterwards that your brother was shot and your neighbour was shot. Did you
5 see other people being shot at that point of time?

6 THE WITNESS: [12:46:15] (Interpretation) At that particular time I saw my
7 brother, my neighbour and my father.

8 PRESIDING JUDGE SCHMITT: [12:46:20] Thank you.

9 MS NDAGIRE: [12:46:30]

10 Q. [12:46:31] And just to build up on the question that the Presiding Judge asked,
11 could you tell us, Mr Witness, how your father was shot?

12 A. [12:46:48] They shot my father when he'd come out of the ditch. My
13 neighbour came out, my father came out, and that's when they were shot. The
14 person who was standing with the neighbour was shot as soon as they came out of the
15 ditch. The person who was with my -- the person who was standing with my father
16 shot him immediately. He noticed that the neighbour had been shot. My other
17 brother was taken. They walked with him for a short distance. Not very far from
18 that ditch they told him to lie down and they shot him. When I left with them, I
19 knew that the -- those people had already lost their lives.

20 Q. [12:47:44] So just to go back to the moment when you left the hole with the
21 rebels and abductees, did you go through the camp?

22 A. [12:48:01] From the direction where we were abducted, the camp was on the
23 road going towards Iceme, and that's the road I showed on the map, it was towards
24 Iceme. On the other side there's Lalogi and we were on Lalogi side. They took us
25 from -- they tried to attack the barracks, it was impossible to attack the barracks and

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 then we walked going towards Lalogi. We did not go to the camp at that time.

2 Q. [12:48:36] And as you made your way to the barracks, what could you see or
3 what did you observe?

4 A. [12:48:53] Towards the barracks it was bushy, there was a lot of shrubbery, but
5 at that time it was dark. You could see light towards the camp, but the direction that
6 we were going in was dark. Because there was no light, so we could not see clearly.

7 Q. [12:49:26] I'd like you to take us back to -- or, take us forward to when you got
8 to the barracks. What was happening at the barracks at that time?

9 A. [12:49:44] When we got to the barracks it was quiet as if nobody was present in
10 the barracks. But person number 1 told me that he was also abducted, they thought
11 he knew what was -- they wanted to know what was in the barracks. When he
12 shouted, that's when they started firing. There were gunshots coming from the
13 barracks, heavy gunshots coming from the barracks. The rebels began fighting with
14 the soldiers in the barracks, but they found that those people were retreating. I was
15 among the people that was also running away. There were -- the people who were in
16 front also came. They followed us and the barracks was left.

17 Q. [12:50:37] And just so we understand, when you say that when the rebels
18 began fighting with the soldiers in the barracks they found people were retreating,
19 who were the people that were retreating, Mr Witness?

20 A. [12:51:00] The rebels. The rebels that were attacking the barracks they started
21 retreating. They did not go forwards towards the barracks because there was heavy
22 gunfire coming from the barracks. And I also personally thought that I could be in
23 trouble but, from my understanding, I saw them retreating based on -- because there
24 was a heavy gunfire coming from the barracks and then we left.

25 PRESIDING JUDGE SCHMITT: [12:51:29] May I shortly? A follow-up question to

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 that or two or three follow-up questions.

2 Mr Witness, I understand -- do we understand you correctly that the soldiers had
3 stayed in the barracks?

4 THE WITNESS: [12:51:46] (Interpretation) Yes.

5 PRESIDING JUDGE SCHMITT: [12:51:48] If I recall it correctly, you said that on the
6 same day at 6 o'clock in the afternoon or in the evening, rebels had been seen close to
7 the camp or in the camp, is that correct, have I understood this correctly?

8 THE WITNESS: [12:52:05] (Interpretation) Yes.

9 PRESIDING JUDGE SCHMITT: [12:52:06] And two hours later the attack started; is
10 that correct?

11 THE WITNESS: [12:52:12] (Interpretation) Yes.

12 PRESIDING JUDGE SCHMITT: [12:52:15] And did in the meantime when the
13 rebels had been seen, anybody tell the soldiers that rebels had been seen in the camp
14 or close to the camp? Did anybody alert them, so to speak?

15 THE WITNESS: [12:52:35] (Interpretation) They were -- they were on a hill and
16 there was a valley, so the people who were on one side of the hills could see what was
17 happening. The people who were on the -- people who were in the camp could see
18 what was going on around Abok area. That's how they came.

19 PRESIDING JUDGE SCHMITT: [12:52:57] I understand, but do you know of, if
20 anybody of -- the residents of the camp went to the barracks, to the soldiers and told
21 them what they saw?

22 THE WITNESS: [12:53:14] (Interpretation) I did not see anybody going to inform
23 the soldiers in the barracks, but there were rumours and people were wondering
24 whether they would come back or they wouldn't come back. Perhaps somebody
25 went and informed the soldiers but I did not see anybody going.

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [12:53:31] So can you say something if there was in
2 the meantime, between this 6 o'clock and 8 o'clock, any reaction by the soldiers that
3 they, for example, came out of the barracks or to protect the camp, or is there anything
4 that you know of?

5 THE WITNESS: [12:53:53] (Interpretation) They did do something; at that time
6 they came out and they tried to stop people from coming out of the camps. We were
7 told to -- not to talk loudly so that they do not know what is in the camps, what's
8 going on in the camps. So there was a curfew. They told us to keep quiet to enable
9 them to find out if there's going to be a problem. And that's what they did.

10 PRESIDING JUDGE SCHMITT: [12:54:23] Thank you, Mr Witness.
11 Please continue.

12 MS NDAGIRE: [12:54:37]

13 Q. [12:54:38] Mr Witness, as the rebels retreated from the barracks, what were the
14 soldiers doing, the soldiers who were in the barracks?

15 A. [12:54:56] There were gunshots, there was heavy gunshots coming from the
16 barracks to the rebels. The rebels were being shot at and that's why they retreated.

17 Q. [12:55:12] And remind us again, where did the rebels retreat to, where did they
18 go to after they left the barracks?

19 A. [12:55:23] The -- the rebels went towards Lalogi road, and that's in Gulu
20 district.

21 Q. [12:55:45] And what were you doing at that time when the rebels were
22 retreating towards Lalogi road?

23 A. [12:55:55] I was -- I had a sack on my head and I was walking with them.

24 Q. [12:56:04] And how long did you carry this sack on your head?

25 A. [12:56:16] It wasn't very far. The distance wasn't far, because if you -- based

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 on the diagram, if you see where the railway crossing is, once we crossed that railway
2 line they took the beans off my head. There was somebody who was shot. They
3 gave us that person, the person was injured, so they gave us that person to carry. So
4 the person number 1 and myself carried the injured rebel, they told us that if you drop
5 him that's the end of your lives. So we carried that injured rebel until we got to the
6 place, to the encampment place.

7 Q. [12:57:08] And what was this encampment place?

8 A. [12:57:19] Once we crossed Lalogi, Lalogi road, we entered the bushes. That's
9 in Acholiland and I do not know that place. I do not know the name of the place.
10 There's some people who were there, and the people told us, I heard them saying, I do
11 not know whether they were speaking the truth or not, but they were telling us that
12 we're in a place called Loyo-Ajonga, but that's what I heard, but I don't know whether
13 that place is called Loyo-Ajonga or not because I'm not from that area.

14 Q. [12:58:12] Did anything happen while you were at Loyo-Ajonga?

15 A. [12:58:21] When we got to Loyo-Ajonga there was nothing there. Before we
16 got to Loyo-Ajonga, when we crossed Lalogi, there's one commander who was in that
17 area, he was a government soldier, Okello Engola, he sent his soldiers to try and attack
18 us or attack the rebels, but there's some civilians that were -- they managed to save
19 some of the civilians from that place, but because I was in the group that was in front
20 they took me with them until we got to Loyo-Ajonga.

21 MS NDAGIRE: [12:59:15] Perhaps your Honour this would be a good time to take
22 the break.

23 PRESIDING JUDGE SCHMITT: [12:59:18] I pick this suggestion up and we have
24 the break until 2.30. Thank you.

25 THE COURT USHER: [12:59:22] All rise.

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 (Recess taken at 12.59 p.m.)

2 (Upon resuming in open session at 2.30 p.m.)

3 THE COURT USHER: [14:30:44] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [14:31:09] Ms Ndagire, you still have the floor.

6 Please continue.

7 MS NDAGIRE: [14:31:15] Thank you, your Honour.

8 Q. [14:31:22] Mr Witness, I have a follow-up question regarding something that you
9 told us before we broke for lunch. At page 62 of the transcript, lines 1 to 3, you spoke
10 of person one. Could you tell us how you know person one.

11 A. [14:31:57] Person one, we walked together when we were abducted. Later on
12 we were separated along the way when we were going to Loyo-Ajonga and I never
13 saw him again.

14 Q. [14:32:23] Yes, but where do you know person one from?

15 A. [14:32:33] He is one person, we were leaving together. He was a resident of
16 Abok.

17 Q. [14:32:45] And at page, page 62 of today's transcript, lines 1 to 3, and I am going
18 to read out what you said: "When we got to that place I heard person one speaking."
19 And by "that place" you were referring to the barracks at Abok. "Person one said, 'Go
20 and capture the barracks.'" Can you explain what you meant here.

21 A. [14:33:26] The person number one, after there was an instruction that you go and
22 just abduct, just capture. That meant that he was supposed to be the first person to
23 establish whether there were soldiers there or not. So that they would know whether
24 there were soldiers in the barracks or not.

25 Q. [14:33:59] Thank you for that clarification. And before we broke for lunch you

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

- 1 also told us at pages 70 and 71 -- and I am quoting from lines -- line 25 of page 70
- 2 onwards. You told us about some civilians who were saved by a soldier called
- 3 Okello Engola. What happened to the rest of the civilians, those that weren't saved?
- 4 A. [14:34:37] Those who were not saved continued moving. They carried the
- 5 luggage they were assigned to carry.
- 6 Q. [14:34:51] And where did they go to next?
- 7 A. [14:34:59] As I said earlier, there were -- some of the places there were not clear
- 8 to me. I didn't know their names. But we walked and went up to a place that was
- 9 called Teegot Atoo.
- 10 Q. [14:35:22] Do you recall how much time had passed when you got to Teegot
- 11 Atoo? How many days or hours did it take you to get there?
- 12 A. [14:35:45] I would say it took us about five days, if I can recall. But, you know,
- 13 I was still young during -- at that time.
- 14 Q. [14:35:58] And when you got to Teegot Atoo, what did you observe the moment
- 15 you arrived?
- 16 A. [14:36:18] When we arrived there I saw people who were of my age. There
- 17 were also other children who were between 12 and 14. There were people of 18 to 20
- 18 and many other older persons. Most of the abductees were supposed to take care of
- 19 the luggage that had been carried.
- 20 Q. [14:37:01] Just to focus your mind on the people, the ages that you have told us
- 21 about, the people who were 12 and 14, who were these?
- 22 A. [14:37:22] These were children who were abducted when they were still young.
- 23 Most of them were abducted to be conscripted as soldiers because they knew these
- 24 children didn't have the capacity to escape. That was what they wanted from these
- 25 children. Because for the older persons, they would be able to know the places

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 around and it would be easy for them to escape.

2 Q. [14:38:05] And these 12 and 14-year-old children, where had they been abducted
3 from?

4 A. [14:38:17] I couldn't have known where they were abducted from because I went
5 and found them there, so I don't know where they were abducted from.

6 Q. [14:38:30] Who had abducted them?

7 A. [14:38:39] From the bush. I would say the same rebels who abducted me were
8 also the people who could have abducted them. They were all LRA members.
9 Because we went and found other groups also stationed there.

10 Q. [14:39:03] And just to clarify, you said, "We went and found other groups also
11 stationed there". What groups were these?

12 A. [14:39:22] Well, I may not necessarily know how -- what name to give to these
13 groups, but what I remember I heard people mentioning was something like
14 "signaller", and I think according to Ugandan government military, I think that meant
15 "battalion". I heard them mention "signaller", and I was part of that group.

16 Q. [14:40:07] And to take you back to the 18 to 20-year-old people, who were these
17 people that you mentioned? Were they also abductees?

18 A. [14:40:34] Well, some of them were already working there. They were putting
19 on uniforms. These people were already part of them. Even the children of about
20 14 years, well, some of them were so young that even when they were carrying the
21 gun, they would just be dragging. I would even be a little bigger than some of them,
22 but they would be moving together with older persons as they carry along their guns.
23 And even if you are bigger than the children, you wouldn't be able to do anything to
24 them.

25 PRESIDING JUDGE SCHMITT: [14:41:20] May I shortly, please?

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 MS NDAGIRE: [14:41:22] Yes, your Honour.

2 PRESIDING JUDGE SCHMITT: [14:41:23] How old were these boys that you are
3 speaking of who carried a gun? Can you estimate that?

4 THE WITNESS: [14:41:41] (Interpretation) I, I estimate they were about -- some of
5 them were about 14 and already having guns. They already knew how to use the
6 gun and they would be dressed in military fatigue. But those ones of between 18
7 and 20 who also had guns and -- they were already seasoned soldiers. There were
8 also female members who were between 18, from 18 and above, and they were also
9 wielding guns. They were already soldiers and no longer abductees.

10 But there were also those who were just abducted and were still civilians, but those
11 ones would only be carrying luggage. And if you are just freshly abducted, because
12 you don't know how to work, you would still be carrying luggage only.

13 PRESIDING JUDGE SCHMITT: [14:42:44] Thank you.

14 MS NDAGIRE: [14:42:46] And just to follow up on the Judge's question.

15 Q. [14:42:53] Were there any, any boys who were younger than 14 that you saw?

16 A. [14:43:09] Pardon?

17 Q. [14:43:11] Did you see any boys younger than 14 years of age at Atoo?

18 A. [14:43:23] That's why I started gauging their ages from 12 to 14. There were
19 also people of that age and there were also those who were 20 plus and some of them
20 kept on growing in the bush.

21 Q. [14:43:53] And just to cast your mind back to the boys, the rebels that you saw at
22 Abok when you were taken, some of whom you said were taking care of the civilians
23 that had been abducted - and I'm quoting from page 63 of the transcript, lines 8
24 to 10 - were these boys amongst the young rebels? I beg your pardon, were there
25 boys amongst the young rebels?

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 A. [14:44:33] Yes, there were young boys. Like I mentioned, there were those of
2 between 12 and 14 who were wielding guns and there were -- those between 18 and 20
3 would be moving in front and then the younger ones would remain behind with the
4 abductees. Because they had guns, the abductees would not be able to escape from
5 them.

6 Q. [14:45:16] Other than the 12 to 14-year-old abductees and 18 to 20-year-old
7 abductees that you saw at Atoo when you got there, were there any other people?

8 A. [14:45:42] There were older persons as well because there are those who had
9 been abducted when they were already adults but they would only be abducted for
10 purposes of carrying luggage.

11 PRESIDING JUDGE SCHMITT: [14:45:55] I think the question was a little bit too
12 general and unspecific. You can, I think, ask more specifically about if there were
13 girls, for example, also. I think this is permissible here.

14 MS NDAGIRE: [14:46:07] Much obliged, your Honour.

15 Q. [14:46:08] Mr Witness, did you see any girls at Atoo?

16 A. [14:46:21] There were girls as well.

17 Q. [14:46:23] How old were the girls that you saw?

18 A. [14:46:32] The ages of the girls, well, I would say they were ranging within -- the
19 LRA were, were interested in girls within some age category, and there were children
20 who could have just learned how to walk, but there were those who were about
21 18 years, there were others of 20, there were girls who had already delivered and I
22 would suspect they would be between 18 and 20.

23 Q. [14:47:14] How old was the youngest girl that you saw?

24 A. [14:47:28] That would be about 14 years of age.

25 Q. [14:47:34] And how could you tell she was 14 years of age?

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 A. [14:47:46] Because during those days I was about 15 or 16. I -- I would look at
2 them and establish that we were within the same age bracket and whereas -- girls
3 grow a little faster, but I would estimate that we were close in terms of ages.

4 Q. [14:48:19] Mr Witness, at page 77 of the transcript, you said that the LRA were
5 interested in girls within the same (sic) age category. When you say they were -- the
6 LRA were interested in these girls, what do you mean?

7 A. [14:48:46] That meant that the age bracket would be specific and they would
8 know the bracket that they needed because those were the people who were agile and
9 fast. They could be able to run, they could be able to do everything they needed to
10 do fast enough.

11 Q. [14:49:08] And other than running, what other role or work did the girls do?

12 A. [14:49:24] A trained one would be wielding a gun and that one would be part of
13 the people who would move out for operation. And, for instance, those who came to
14 attack Abok.

15 Q. [14:49:45] Mr Witness, do you know whether rebels at Atoo had wives?

16 A. [14:50:04] I can confirm so because I, I saw one who had a child. And I did not
17 expect that she could have delivered -- got the child from home, but she got that child
18 when she was in the bush.

19 Q. [14:50:23] How old was this wife that you saw with the child? Was she younger
20 than you or older than you at the time?

21 A. [14:50:39] She was older than me. That's why I said it would be ranging
22 between 18 and 20 and I was much younger than that.

23 (Counsel confers)

24 MS NDAGIRE: [14:51:14] Your Honour, in light of the answer given by the witness I
25 would like to refresh his memory with a portion of his statement. And I am making

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 reference to the document at tab 1, paragraph 41. And the ERN is

2 UGA-OTP-0247-12 -- the specific page is 1260.

3 PRESIDING JUDGE SCHMITT: [14:51:48] Yes.

4 MS NDAGIRE: [14:51:56]

5 Q. [14:51:56] Mr Witness, I am going to read a portion of your statement and ask

6 you to confirm whether this is true. At paragraph 41 you said, "I saw several girls

7 who were referred to as wives to different Lapwonys. These were girls who were

8 already in the bush. Some of the girls were about 12 to 14 because their breasts were

9 just starting to show and others were older, probably from 18 to 20."

10 Can you confirm whether this is the truth?

11 A. [14:52:49] What I can confirm is that they were between 18 and 20 because

12 from 12 to 14 I was referring to girls who were there, but those who had children were

13 ranging between 18 and 20 because there was one that I saw who had a baby. But the

14 other ones over 12 to 14 were there as children who were abducted and they were,

15 they were being used to do domestic things because they were fast and they could do

16 things very fast. That's what I thought.

17 PRESIDING JUDGE SCHMITT: [14:53:39] I think you can move on to another point,

18 I would say.

19 MS NDAGIRE: [14:53:50]

20 Q. [14:53:50] Mr Witness, you have now told us that there were children and rebels

21 at Atoo. Can you tell us who the overall leader of the rebels at Atoo was?

22 A. [14:54:17] It would be difficult for me because for the period I was there, for the

23 five months I was there I could not have known all their individual names. But while

24 I was there, each time they would call a commander lapwony and it would be kind of

25 difficult to establish who these lapwonys are, because lapwony would just be a name

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 that is being used generally. So an abductee would not really know the actual name
2 of the person. For that reason it's difficult for me to mention the real name of the
3 person who was commanding the group.

4 Q. [14:55:07] And just so everyone can understand, what does the term "lapwony"
5 mean?

6 A. [14:55:21] Lapwony, to them, meant a commander. That was a position that
7 meant that the person was -- overall was taking charge of the rest of the group and the
8 people under such a person would not be able to leave the group without the mandate
9 of the lapwony.

10 PRESIDING JUDGE SCHMITT: [14:55:55] And did you come to know who led the
11 group in Abok?

12 THE WITNESS: [14:56:13] (Interpretation) Well, when I returned home the people
13 were saying that the group that went to Abok was led by Dominic Ongwen. But
14 when I was in the bush I didn't hear of that because they were only using the title
15 lapwony, but I didn't know, I only learnt of that when I came back home.

16 PRESIDING JUDGE SCHMITT: [14:56:46] But you don't have any observations by
17 yourself that you can tell who was the person who led the group in Abok or who was
18 the overall leader?

19 THE WITNESS: [14:57:15] (Interpretation) Well, while I was there in the bush and his
20 colleagues would be mentioning the name Dominic Ongwen because the -- I was not
21 shown who Dominic Ongwen was because they would only refer to him as "lapwony"
22 and the overall commander at that time I got to learn was called Dominic Ongwen and
23 I learnt that from the seasoned soldiers who had already been there for a while, but
24 they didn't show me who exactly Dominic Ongwen was. They would only refer to
25 him as lapwony. They never indicated to me who Dominic Ongwen was.

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [14:58:10] I think you can continue, but this shows
2 that he has no -- that it is hearsay what he speaks about.

3 MS NDAGIRE: [14:58:22]

4 Q. [14:58:22] Mr Witness, have you heard of the name Kalalang?

5 A. [14:58:30] Yes. I heard the name Kalalang. They say that he was the one who
6 led the group, but later on when we were already in the bush we were told that
7 Kalalang was under Dominic.

8 Q. [14:59:01] While you were at Atoo, Mr Witness, what was your role or what
9 work were you doing?

10 A. [14:59:16] From Teegot Atoo there were certain luggage that we were carrying.
11 There are times when they would give you ammunition to carry, but whenever there
12 were attacks they would come and get the ammunition and go and use. But as
13 a person I would only be carrying the ammunition while moving.

14 Q. [14:59:48] Did you receive training on how to use ammunition?

15 A. [14:59:58] I did not get any training on how to carry ammunition?

16 Q. [15:00:05] Sorry, I'll rephrase my question. I asked whether you received
17 training on how to use ammunition?

18 A. [15:00:18] No, I do not know how to use it because I was not trained on how to
19 use it.

20 Q. [15:00:47] You mentioned that there were groups of rebels at Atoo. Were you
21 ever placed in a group?

22 A. [15:01:11] What I heard the group in which we belonged was called Signaller. I
23 do not know whether there were people amongst those people. Whom I was hearing
24 there was Kalalang was under Dominic. I don't know whether there is -- the level
25 went up, I don't know whether those who were keeping us were of lower ranks or of

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 higher ranks. For me, what I would see, they would tell so-and-so to keep some
2 people. But they are together in a group.

3 Q. [15:01:57] But were you placed in a group when you got to Atoo?

4 A. [15:02:12] That is what I am saying, that the people who were there were divided
5 into smaller, smaller groups. But I did not know which group was which -- where.
6 I only heard the word "signaller". But I knew that the whole group was under one
7 big group. When a movement starts, they would probably send some people to say
8 a certain group to go to another direction and they would leave with the whole group.

9 PRESIDING JUDGE SCHMITT: [15:02:53] I think this is a witness who is perhaps not
10 the best prepared to tell us about structures or names and so on. I think he can
11 provide us with information what has happened to him or what he has done, perhaps,
12 and that is I think at the core of what we can expect from Mr Witness.

13 MS NDAGIRE: [15:03:18] I am guided, your Honour.

14 Q. [15:03:23] Now, Mr Witness, you have told us about the groups that were at
15 Atoo and the various rebels and abductees who were there. How big would you say
16 Atoo was in terms of the numbers of people?

17 A. [15:03:52] There were so many people in that place. When you see people
18 above 70, it means the people are many. Like, for me at that time, I spent only five
19 months in the bush. I did not have the time to count the number of people because
20 I was afraid. When you are looking at somebody in the face, they would question
21 your motive and I was afraid of trying to find out the number, whether they were
22 more than a hundred, but what I can say is that there were many people.
23 There was a lot of intimidation and threats which made me to fear. I could not
24 observe with my eyes to see if the number of people was a certain -- at a certain
25 number or something like that.

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 Q. [15:05:03] Where did the rebels stay while they were at Atoo?

2 A. [15:05:17] The exact place where they converged so that they can split and go to
3 a group, I -- I would hear the name they -- they were in Sudan, but most of them were
4 in Sudan, and that's a place that they would -- they had a bigger base, Teegot Atoo
5 was like a resting place. I did not go to the bigger base which is called Sudan and the
6 other locations because I stayed there for a short period and I cannot mention the
7 names of the places.

8 PRESIDING JUDGE SCHMITT: [15:06:03] Ms Ndagire, you said you are guided but
9 you are not really following the guidance, I would say.

10 You know, as I said, the witness does obviously not exactly know where he was
11 located. He himself said he was only for a short time, relatively short time abducted.
12 So perhaps it would make the most sense to concentrate on what he himself did, what
13 he himself -- what happened to him. That would be perhaps, apart from what we
14 have already heard, the most interesting part of his testimony.

15 MS NDAGIRE: [15:07:02]

16 Q. [15:07:02] During the five months that you were in the bush, Mr Witness, did
17 you go to any places with the rebels?

18 A. [15:07:17] The five months that I spent in the bush, we left Teegot Atoo and went
19 to a place called Tee Tugu. It was a camp which was heading towards Lango.

20 Q. [15:07:36] And what happened while you were at Tee Tugu?

21 A. [15:07:44] We passed there, and knowing that that place had civilians, there was
22 difficulty in getting food because there were government soldiers in that area. We
23 just passed the place and we proceeded to various locations, because being in Acholi
24 I cannot remember the names, but there was a place called Odek. That is the place
25 where I escaped from at a battle which took place at that place during an attack.

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 Q. [15:08:38] And when did you escape, Mr Witness?

2 A. [15:08:43] I do not recall the exact date. But it was in May. No, it was in

3 August, it was around August, because I -- it was around October, because I finished

4 five months in the bush. But I do not recall the exact date.

5 Q. [15:09:24] And could you tell us how you escaped?

6 A. [15:09:32] We entered an ambush of the army. There were bullets everywhere

7 and people went, scattered in disarray. I went in the opposite direction. I never

8 went back to where they were gathered. When I went the opposite direction, I found

9 the government soldiers and I told them that for me I was an army civilian, I was

10 abducted. They told me that if I am a civilian who was abducted, come and

11 surrender. I went and surrendered to them and they took me with them.

12 Q. [15:10:14] Where did the soldiers take you?

13 A. [15:10:22] When they took me, when they took me from there, I was taken to

14 a place called Opit, which was a bigger barracks at the time. There was also a camp

15 in that place.

16 Q. [15:10:38] And while you were at Opit, what happened there?

17 A. [15:10:47] I was asked how I moved and what I was hold -- what was on me. I

18 told them there was caning, and they were asking the number of those people, the

19 strength of those people, and I tried to tell them.

20 Q. [15:11:10] Who was asking you these things?

21 A. [15:11:16] It was the soldiers who were in the barracks. I do not know their

22 identity or their names because they were all soldiers and they were wearing similar

23 uniforms. I couldn't tell who was who in the barracks there. But from there, there

24 was a, a senior person who used to go to that location. That person is called

25 Okello Engola and sometimes he would be seen among the soldiers in the barracks.

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 Q. [15:11:53] Is this the same Okello Engola you told us came and saved the
2 civilians who were abducted from Abok?

3 A. [15:12:05] Yes, he was the one who, when we left Abok and we went towards
4 Lalogi and entered Gulu district, he sent some soldiers to pursue us and they were
5 able to rescue some civilians, who went back home.

6 Q. [15:12:31] Just for you to explain to us the process of -- or the process that took
7 place while you were at Opit barracks and being asked questions by the soldiers?

8 A. [15:12:47] There was nothing. My statement wasn't taken formally. I was just
9 asked a few questions and then I was asked whether I wanted to go back home.
10 Then they took me home, they put me in a vehicle and they took me up to Abok,
11 where my village is.

12 Q. [15:13:12] And when did you arrive at Abok?

13 A. [15:13:23] I do not recall the exact date because I was young at the time. But it is
14 about October. I stayed in Opit barracks for only three days and on the fourth day
15 we -- I was taken home. That is in October when I came back home.

16 Q. [15:13:48] And when you returned to Abok where did you stay?

17 A. [15:13:56] In Abok I stayed for one week and after one week some NGOs came
18 and took me in a place called Tee Boke, which was a rehabilitation centre. I stayed
19 there for about one month.

20 Q. [15:14:22] Before you got to Tee Boke, who were you staying with at Abok when
21 you returned?

22 A. [15:14:31] When I was taken back home, I found my mother was there. The
23 camp was still there and most of the people were in the camp. We stayed together
24 with them in the camp there, together with other children, some orphaned children
25 who were remaining in the camp, we stayed together with them.

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 Q. [15:14:57] And other than your mother, did any other relative survive the Abok
2 attack of June?

3 A. [15:15:11] Yes, the relatives in the clan were there. My cousins, my uncles who
4 were distant relatives. The distant relatives within the clan were there with whom
5 we lived together. Those are my relatives who were there.

6 Q. [15:15:39] Did your family lose any property during the attack on Abok in June?

7 A. [15:15:53] Yes, that indeed happened. During the attack at Abok, we lost some
8 things like goats, about six, and then about three cows, five bicycles I -- that I used to
9 see as a child. But the other things that probably the older people knew where they
10 were, I do not know. I can't tell the -- what they lost, but that's what I was able to see.

11 Q. [15:16:32] And so after the one week that you were at Abok, you said some
12 NGOs came and took you to a place called Tee Boke, and I am quoting from page 87 of
13 the transcript. What was the name of the NGO or the people from the NGO that took
14 you?

15 A. [15:17:02] I cannot recall the name of the NGO, because at that time I was really
16 young. I was -- I did not know a lot of things and at that time when you have just
17 returned home, you are traumatised and do not know a lot of things. But all I know
18 is that an NGO came and took me to that place.

19 Q. [15:17:27] And while you were at Tee Boke, what happened there?

20 A. [15:17:41] There are some things which are -- take place there. I cannot talk
21 about it in a public session.

22 MS NDAGIRE: [15:17:59] Your Honours, would it be acceptable to move to private
23 session?

24 PRESIDING JUDGE SCHMITT: [15:18:04] Yes. But is it very relevant, so to speak,
25 what you want to elicit? It might be quicker we go to private session, but then

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Private Session)

ICC-02/04-01/15

1 quickly ask that and go to another point.

2 Private session, please.

3 (Private session at 3.18 p.m.)

4 (Redacted)

5 (Redacted)

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11 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P-0280

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0280

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0280

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0280

(Private Session)

ICC-02/04-01/15

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Trial Hearing
WITNESS: UGA-OTP-P-0280

(Private Session)

ICC-02/04-01/15

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19 (Open session at 3.37 p.m.)

20 THE COURT OFFICER: [15:37:17] We are back in open session, Mr President.

21 PRESIDING JUDGE SCHMITT: [15:37:29] Perhaps, if I may, I have another question
22 to the witness and I think this can be asked and answered in open session, if you have
23 of another view you would simply tell me.

24 Mr Witness, you have been asked earlier which members of your family survived the
25 attack. I have another question: Apart from your uncle, your brother and your

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 father you mentioned before who died, did you come to know of any other relative
2 who died during the attack? Later on did you come to know that? Have you been
3 told that by anybody?

4 THE WITNESS: [15:38:19] (Interpretation) When I returned I discovered that there
5 were other people who were also killed. There was a person who was called (Redacted)
6 and I found out that he had been killed. I saw the grave. There was also another
7 person, a three-year-old kid who was also killed. And there were other people who
8 were missing and I really don't know their names and the villages from where they
9 were coming. But the people I was living with told me that there were about 28 lives
10 that were lost. I heard of that when I came back.

11 PRESIDING JUDGE SCHMITT: [15:39:09] Do you recall who the three-year-old kid
12 was?

13 THE WITNESS: [15:39:25] (Interpretation) I cannot recall the name because the child
14 was still young. But I would call him my cousin.

15 PRESIDING JUDGE SCHMITT: [15:39:37] What does that mean when you say you
16 called him or her "my cousin", does this mean that she really was related to you or
17 does this have another sense?

18 THE WITNESS: [15:39:54] (Interpretation) That means they were related to me
19 because I would say I have the (Redacted), also have my brothers, and that was the
20 child of my paternal uncle. That was the relationship.

21 PRESIDING JUDGE SCHMITT: [15:40:25] Thank you, Mr Witness.
22 Please continue.

23 MS NDAGIRE: [15:40:28] Your Honour, you actually anticipated my last question.

24 PRESIDING JUDGE SCHMITT: [15:40:31] Excuse me, I apologise, really.

25 MS NDAGIRE: [15:40:36] That's okay.

Trial Hearing
WITNESS: UGA-OTP-P-0280

(Open Session)

ICC-02/04-01/15

1 Q. [15:40:38] Mr Witness, that brings me to the end of my examination. And I
2 want to thank you for answering my questions.

3 A. [15:40:47] Thank you.

4 PRESIDING JUDGE SCHMITT: [15:40:50] Thank you. I assume that Mr Cox wants
5 to put questions to the witness. Do you have an estimate how long it will take?

6 MR COX: [15:40:59] Your Honour, I think it will be like 30 minutes or even a little bit
7 more, but I don't know if you want me to go straight ahead or on Monday.

8 PRESIDING JUDGE SCHMITT: [15:41:09] Wait a second.

9 And the other team of the legal representatives, Mr Narantsetseg.

10 MR NARANTSETSEG: [15:41:17] Mr President, thank you for the opportunity, the
11 common legal representative doesn't wish to question this witness. Thank you.

12 PRESIDING JUDGE SCHMITT: [15:41:23] Okay. Then does the Defence already
13 foreshadow or have an idea how long they will question the witness? Because I have,
14 at least in my mind at the moment, that we could finish the examination of this
15 witness by Monday, I think, even if we would start perhaps half an hour with Mr Cox,
16 I would assume. Yep, I see nodding so I think it is the best to say now we -- yes,
17 please Mrs Bridgman.

18 MS BRIDGMAN: [15:41:50] Yes, your Honour, I believe Monday would be good for
19 us.

20 PRESIDING JUDGE SCHMITT: [15:41:53] Okay. So then we do not question the
21 witness today further by the legal representatives, we postpone that, so to speak, until
22 Monday.

23 This concludes it for today, Mr Witness. We thank you for the moment, we wish you
24 a good weekend.

25 And this concludes the hearing for today. We resume on Monday at 9.30.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0280

- 1 THE COURT USHER: [15:42:19] All rise.
- 2 (The hearing ends in open session at 3.42 p.m.)
- 3 RECLASSIFICATION REPORT
- 4 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 5 2016, the public reclassified and lesser redacted version of this transcript is filed in the
- 6 case.