

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 Thursday, 17 August 2017
9 (The hearing starts in open session at 11.33 a.m.)
10 THE COURT USHER: [11:33:07] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [11:33:32] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [11:33:39] Thank you, Mr President.
15 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen,
16 case reference ICC-02/04-01/15.
17 For the record, we're in open session.
18 PRESIDING JUDGE SCHMITT: [11:33:53] Thank you. And like always, I ask for
19 the appearances of the parties.
20 Mr Sachithanandan.
21 MR SACHITHANANDAN: [11:34:00] Good morning, your Honour. I'm
22 appearing today with Beti Hohler, Ben Gumpert, Paul Bradfield, Yulia Nuzban,
23 Hai Do Duc, Shahriar Yeasin Khan, Milena Bruns, Ramu Fatima Bittaye, Colin Black
24 and Yya Aragon.
25 PRESIDING JUDGE SCHMITT: [11:34:23] Thank you.

1 And Mr Cox for the first team of Legal Representatives of Victims.

2 MR COX: [11:34:26] Good morning, your Honour. With Mr James Mawira and
3 myself, Francisco Cox.

4 PRESIDING JUDGE SCHMITT: [11:34:34] And to Mrs Massidda.

5 MS MASSIDDA: [11:34:36] Good morning, Mr President, your Honours.

6 Paulina Massidda, Orchlon Narantsetseg and Kim Hyuree.

7 PRESIDING JUDGE SCHMITT: [11:34:40] Thank you.

8 And for the Defence, Mr Obhof.

9 MR OBHOF: [11:34:43] Good morning, your Honours. Today with me, my name
10 is Thomas Obhof, we also have Chief Charles Achaleke Taku, Ms Abigail Bridgman
11 and our client, Mr Dominic Ongwen.

12 PRESIDING JUDGE SCHMITT: [11:34:53] Thank you.

13 And at the video link location there should be Rule 74 counsel for the witness, but we
14 don't have it. We can welcome Mrs Kerwegi later on when we have established the
15 video link.

16 The Prosecution is now calling P-245 as its next witness. And as you are aware of,
17 we will have first to discuss Rule 74 matters, the assurances according this provision,
18 and to discuss this we would have to move shortly to private session.

19 (Private session at 11.35 a.m.)

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9 (Open session at 11.36 a.m.)

10 THE COURT OFFICER: [11:36:36] We are back in open session, Mr President.

11 PRESIDING JUDGE SCHMITT: [11:36:46] Thank you.

12 The Chamber now renders its decisions on the requested assurances.

13 Mindful of the factors specified in Rule 74(5) of the Rules, the Chamber has decided to

14 provide assurances pursuant to Rule 74 of the Rules in order to enable the witness to

15 testify without fear of the consequence of self-incrimination.

16 And this concludes the ruling of the Chamber, and we can now bring the witness into

17 the video location, please.

18 (The witness enters the video-link room)

19 PRESIDING JUDGE SCHMITT: [11:38:20] I see the video connection is working

20 well. Good day, Mr Witness. Do you hear and see me?

21 WITNESS: UGA-OTP-P-0245

22 (The witness speaks Acholi)

23 (The witness gives evidence via video link)

24 THE WITNESS: [11:38:36]) (Interpretation) Yes, I do.

25 PRESIDING JUDGE SCHMITT: [11:38:38] Mr Witness, I'm the Presiding Judge of

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1 this Chamber. I'm in charge of the proceedings. And you are going to testify
2 before the International Criminal Court. On behalf of the Chamber I would like to
3 welcome you to the courtroom.

4 I will now --

5 THE WITNESS: [11:38:57]) (Interpretation) Thank you.

6 PRESIDING JUDGE SCHMITT: [11:38:59] I will now read to you, Mr Witness, the
7 oath to tell the truth that every witness who testifies before this Court must agree to.

8 So please listen carefully to me:

9 I solemnly declare that I will speak the truth, the whole truth and nothing but the
10 truth.

11 Mr Witness, do you understand what I have read to you?

12 THE WITNESS: [11:39:29]) (Interpretation) Yes, I have understood.

13 PRESIDING JUDGE SCHMITT: [11:39:32] Do you agree?

14 THE WITNESS: [11:39:35]) (Interpretation) Yes, I do.

15 PRESIDING JUDGE SCHMITT: [11:39:37] Then we will continue.

16 Mr Witness, I have been informed that you have some security concerns. This is the
17 first what we are going to address, the Chamber is mindful of that, and the first we
18 are going to address with you are the protective measures that have been put in place
19 for your testimony.

20 First of all, we have put in place face distortion. Face distortion means that no one
21 outside the courtroom can see your face during the testimony on the screen.

22 I think I hear translation also in my earphones. This makes it a little bit difficult for
23 the speaker to concentrate, frankly speaking. Perhaps we can solve this small
24 technical problem first before we continue.

25 So it should work now, or I have to be more mild, so to speak. It already worked.

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1 And as I always say, I'm as a person of a certain age always surprised how good these
2 video links function.

3 So, Mr Witness, I repeat shortly the first protective measure, this was the face
4 distortion, so that nobody when you testify can see your face.

5 The second protective measure is the use of a pseudonym. This is the reason,

6 Mr Witness, why I do not call you by your name but call you "Mr Witness" and so the
7 public does not come to know your name. And we are discussing issues here in the
8 courtroom and you are asked questions where the answer does not give away your
9 identity, we do this in open session.

10 On the other hand, when questions are asked where the answer could perhaps reveal
11 your identity, we do this in private session. And private session means that there is
12 no broadcast and no one outside the courtroom can hear you. And if ever anything
13 is said during an open session which could reveal your identity, then we will make
14 sure to protect this information. The testimony of yours will be broadcast on a delay,
15 and so we can remove any such remarks from the broadcast and also from the
16 transcript.

17 We have a further, yes, we can also call it a protective measure for you. We have a
18 lawyer for you to provide legal advice for you about possible self-incrimination.

19 Your legal adviser in that respect, Mrs Kerwegi, should be present.

20 Perhaps Mrs Kerwegi can show the Court if she is in the room.

21 Of course you may sit down, Mrs Kerwegi.

22 MS KERWEGI: [11:43:24] Good morning, your Honour.

23 PRESIDING JUDGE SCHMITT: [11:43:26] Good morning, Mrs Kerwegi. We know
24 each other already, and I only wanted to make sure that you are present and that
25 really our measure has been put in place. Thank you very much for the moment.

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1 And if need be, you will give advice to the witness.

2 Thank you for the moment.

3 MS KERWEGI: [11:43:45] Thank you, your Honour.

4 PRESIDING JUDGE SCHMITT: [11:43:47] Mr Witness, the Chamber gives you

5 assurances pursuant to Rule 74(3). This provision means simply that your testimony

6 will not be used either directly or indirectly against you in subsequent proceedings by

7 this Court, except if you would not tell us the truth, if you would lie to this Court.

8 But you have already given the solemn undertaking that you are going to tell us the

9 truth, the whole truth and nothing but the truth.

10 Mr Witness, this was a long speech, but it was to make sure that you understand the

11 protective measures. Have you understood all this?

12 THE WITNESS: [11:44:31]) (Interpretation) I have understood.

13 PRESIDING JUDGE SCHMITT: [11:44:34] Before we start with your testimony, a

14 few practical matters you should have in mind. All you say is written down and

15 interpreted, and because of that it is important to speak clearly and at a slow pace.

16 And please only start with your answer when the person who has questioned you has

17 finished so that the interpreters have enough time to follow what you are going to

18 say.

19 If you have any questions yourself, please raise your hand so we know that you wish

20 to say something.

21 We can then start with your testimony, but in the past 20 or 30 seconds the same small

22 technical matter has again occurred. Perhaps we can first try to solve this, because

23 really for the person questioning, which would be Mr Sachithanandan, that would be

24 a burden to hear the original, so to speak, and then the interpretation.

25 I see some thumbs up in the first line, so it should be okay. So then I give

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1 Mr Sachithanandan the floor.

2 MR SACHITHANANDAN: [11:45:55] Thank you, your Honour. Your Honour,
3 could we go into private for about 15, 20 minutes.

4 PRESIDING JUDGE SCHMITT: [11:46:02] Yes, of course.

5 (Private session at 11.46 a.m.) *(Reclassified partially in public)

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14 Q. [11:50:08] Did you complete your education or was it interrupted for any
15 reason?

16 A. [11:50:13] I was abducted and I could not continue with my studies. I was
17 abducted when I was in primary 7.

18 Q. [11:50:22] How old were you at the time?

19 A. [11:50:30] I was between 15 and 16 years old. (Redacted)

20 (Redacted)

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- 10 Q. [11:59:43] To whom -- sorry, from whom would you receive these orders?
- 11 A. [11:59:52] From my commanding officer who was Dominic Ongwen.
- 12 (Redacted)
- 13 (Redacted)
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8 (Open session at 12.02 p.m.)

9 THE COURT OFFICER: [12:02:42] We are back in open session, Mr President.

10 MR SACHITHANANDAN: [12:03:00]

11 Q. [12:03:02] Mr Witness, you heard that we are now in public session so please
12 don't say anything that would identify you. Do you understand?

13 A. [12:03:14] Yes, I have understood.

14 Q. [12:03:19] We've been talking about Oka battalion in the Sinia brigade and you
15 mentioned something called a coy. What are coys?

16 A. [12:03:34] A coy is a smaller group, part of the battalion but they are smaller
17 units.

18 Q. [12:03:42] How many coys were there in Oka battalion?

19 A. [12:03:50] There were three.

20 Q. [12:03:56] You mentioned --

21 PRESIDING JUDGE SCHMITT: [12:04:01] Perhaps shortly I may address it. Of
22 course we can endure it, but in the long run it's really a little bit difficult. There is, it
23 seems to be a shuffling of paper, and it's not the witness I would assume. So
24 perhaps we can make sure at the video location that we try at least to reduce other
25 noises as far as possible.

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1 Please continue.

2 MR SACHITHANANDAN: [12:04:28]

3 Q. [12:04:29] Mr Witness, you mentioned an intelligence officer or IO, can you tell
4 us what the role and function of that position was?

5 A. [12:04:49] The intelligence officer was tasked with, when the rebels are moving
6 in a convoy, in a line, he would take the lead to abduct civilians and find out where
7 government troops were located. He was also tasked on -- with the task of seeing
8 that people do not enter ambush without prior knowledge.

9 Q. [12:05:21] Have you heard of something called an operations room?

10 A. [12:05:34] I know what an operation room is because that was where the
11 intelligence officers and the battalion second in command would sit in the operation
12 room.

13 Q. [12:05:51] What is the function of the operations room?

14 A. [12:06:02] The operation room is the one that controls the soldiers. Whenever
15 the soldiers camp, they would ensure that there is security. Secondly, they are
16 tasked with planning, together with the commanding officer, to get orders from the
17 radio call and the CO would inform them on what they should do. They would
18 execute the directives from the CO. If a directive comes that they should go and lay
19 an ambush, the IO would, the IO together with the operation room commander
20 would select soldiers as directed by the commanding officer. And after selecting the
21 soldiers, they would appoint an overall commander of the group and they would
22 send the people for the operation. That is their role.

23 Q. [12:07:12] Describe how orders flowed from the battalion CO to the operations
24 room and then further down to the junior soldiers. Could you describe to us how
25 reporting would flow back from the junior soldiers.

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1 A. [12:07:42] The CO would summon the officer in charge. He would inform the
2 officer in charge on what needs to be done. When the officer in charge gets the
3 information, he would take the information to the second in command of the coy and
4 then he would go to the operation room and get the number of people who should be
5 selected to go for the operation. That is how the order comes from top to bottom.
6 The IO would sit together with the CO and they would plan together, and the
7 operation commander would execute, ensure that they select the soldiers to execute
8 the plan.

9 Q. [12:08:34] Right. And after the operation is complete, who would report back
10 and in what manner?

11 A. [12:08:49] When they are reporting upwards, the second in command of the
12 coy would go to the operation commander. The IS in the coy would go to the
13 battalion headquarter and would report to the IO, and then the IO would send a
14 report to the OC. Then the OC would go to the battalion CO and explain and give a
15 full report on what happened.

16 Q. [12:09:26] You mentioned IS. What is IS?

17 A. [12:09:35] That is an intelligence staff who works together with the IO. Those
18 are the staff members of the IO who are sent ahead to find out what is ahead, that is if
19 he doesn't go himself.

20 Q. [12:09:59] Was anyone in charge of heavy weaponry in the Oka battalion?

21 A. [12:10:10] Yes. He was called Nyero. He was an OC, a support commander.

22 Q. [12:10:21] Was anyone in charge of administrative functions within the
23 Oka battalion?

24 A. [12:10:35] Yes. He was called an adjutant. I do not recall his name at this
25 time.

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1 Q. [12:10:48] Thank you, Mr Witness.

2 I'm going to stop with these structural questions now and ask about a number of
3 events. And please help me by answering with what you know about each of these
4 particular events that I'm going to ask you.

5 Have you heard of a place called Lacani?

6 A. [12:11:22] Yes, I have heard about Lacani. I actually passed through the area.

7 Q. [12:11:27] Did anything of significance happen at Lacani?

8 A. [12:11:36] Yes. What I know that happened in Lacani is when we were about
9 to cross the road coming to Lacani, there were two girls, Fatuma and Ayari. And at
10 that time there was no abduction taking place. A commander, my commander, who
11 was Dominic Ongwen, saw these girls and took them and put them in his household
12 as his ting ting. That is what I remember about what happened in Lacani.

13 Q. [12:12:28] Thank you. Could you describe to us in detail how these
14 abductions took place?

15 A. [12:12:44] Could you repeat the question.

16 Q. [12:12:48] Sorry, I know there is some noise. Can you tell us in detail how
17 this abduction took place?

18 A. [12:13:08] This is what happened: We were on the move, and then we came
19 across those two girls. They were at home among civilians. At that time people
20 were still at home. They were not in the camps. As far as I remember, it was
21 around the time of Iron Fist. We had just come from Sudan, and we were not taken
22 long in Uganda. That's the time when we passed through the area of Lacani.
23 When we reached Lacani, we got these girls. He took the girls and put in his
24 household. He said that these girls are too beautiful to be left behind. We actually
25 cooked in that homestead where the girls were. So when it was time to move, he

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1 took the girls and put them in the convoy and we moved with them. That is how the
2 abduction took place in Lacani. We took two girls.

3 Q. [12:14:16] Who do you refer to as "he"?

4 A. [12:14:24] I am talking about the battalion commander, Dominic Ongwen.

5 Q. [12:14:30] What was the unit that carried out this abduction?

6 A. [12:14:41] It was Oka battalion.

7 Q. [12:14:57] You told us about two girls, and one of them was Fatuma. Where
8 was Fatuma when she was encountered?

9 A. [12:15:11] She was a civilian in the area of Lacani.

10 Q. [12:15:19] And were Fatuma and Ayari together or were they separate?

11 A. [12:15:31] They were not living in the same homestead. Where we camped,
12 where the rebels camped to cook, we always collect all the civilians together so that
13 the civilians do not go and report to the government. When we finish cooking and
14 we will finish eating, we would leave and continue our movement. That's when we
15 release the civilians.

16 Now, in the process of bringing the civilians together, that is when Ayari was picked
17 from one side and Fatuma was picked from another homestead. Then they were all
18 brought together among the civilians. The whole village of Lacani had all the
19 civilians come together where we had come to cook.

20 Q. [12:16:25] How old were Fatuma and Ayari?

21 A. [12:16:30] I cannot be certain of the exact age, but my estimate, my estimation
22 puts their age at about 10 or 12. Fatuma could have been 12 or 13. It's my
23 estimation because I did not know their exact ages.

24 Q. [12:16:50] Right. And this is a bit of an odd question, but how did you make
25 that estimation? What observations did you make to support this estimation?

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1 A. [12:17:05] I know that someone who is 15 or 16 is already having a full breasts,
2 but these girls had no breasts on their chest. That's why I say that they were still
3 young.

4 Q. [12:17:28] When they were abducted and brought, what was their behaviour
5 or demeanour?

6 A. [12:17:49] According to me, they were young because they had not started
7 developing breasts yet, that is why I say they were still young.

8 The reason why I -- the reason why he, Dominic, decided to take these girls so that
9 they can grow from his household is because at that time we used to move together
10 with our wives, so that these girls can help to take care of the young children and to
11 carry the luggage of the commanders like his, Dominic Ongwen's luggage, that is the
12 reason which I think he decided to abduct them.

13 Q. [12:18:37] Right. And one thing I wanted to know was what was their
14 behaviour? What were they behaving like, Ayari and Fatuma, when they were
15 abducted and brought to the battalion?

16 A. [12:19:01] Any civilian who is abducted and brought where there are guns will
17 not be free and will not be happy. At least the civilian gets used when they stay for
18 long and they realise that there is no killing then would stay free.

19 Q. [12:19:20] Right. Now, that's a general description. And what about Fatuma
20 and Ayari. I'm sorry to be repetitive, but were they happy? Were they unhappy?
21 Could you tell us?

22 A. [12:19:39] When we were leaving our base where we had cooked from, they
23 were taken away from their parents and they were crying. They were crying
24 because they were leaving home. That is what I saw. She was told that if you cry
25 they would whip you, and then she became afraid and stopped crying.

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1 Q. [12:20:14] Who told -- who said that?

2 A. [12:20:21] It was Dominic Ongwen who told them as an overall commander.

3 He told Opio Korea that if Ayari wants to cry, you whip her. But he did not.

4 Together with Fatuma also.

5 Q. [12:20:41] You mentioned that these girls were abducted -- one of the reasons

6 for this abduction was the -- so that they could assist the wives who were travelling

7 with you. Was there any particular name for girls would assist like that?

8 A. [12:21:08] They were called ting ting.

9 Q. [12:21:18] What were ting tings supposed to do? What was their job?

10 A. [12:21:28] Ting tings were tasked with carrying luggage, carrying bags,

11 babysitting, carrying food and other household chores.

12 Q. [12:21:49] You mentioned that there were no abductions happening at this

13 point and yet there was this abduction that did happen. Could you explain that to

14 us? Why did this abduction happen during a time when no abductions were

15 supposed to be happening?

16 A. [12:22:20] What I saw was that for me, I had no authority, I could not stop him,

17 I could not stop Dominic Ongwen from abducting these girls, because he said that

18 these girls are good, when they grow up, they will grow into beautiful girls who can

19 become his wives in the future. He then took them and went with them.

20 Q. [12:22:49] Right. And, of course, I'm not actually asking about whether you

21 could stop it or not. But more generally, if abductions were not allowed at this time,

22 do you know why that practice was breached here? Do you have an explanation

23 for it?

24 A. [12:23:19] I cannot say anything about that because that was Dominic's interest.

25 He wanted to move with these girls. That's why I said there was no abduction at

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1 that time, they had banned abduction of girls in the LRA. It was an order from Kony.

2 But now if a commander wants something, you cannot stop him.

3 Q. [12:23:51] At the time that Fatuma and Ayari were abducted at that particular
4 moment, was Kony aware that they had been abducted?

5 A. [12:24:09] Dominic did not send a radio communication to anyone, so no one
6 knew about it.

7 Q. [12:24:17] Using your experience as someone who has been in the LRA, could
8 you tell us what would have happened if Kony did know at that time?

9 A. [12:24:37] He would instruct him to release the girls. Secondly, would
10 actually put Dominic Ongwen into a prison and punish him.

11 Q. [12:24:55] I want to try and assess the date of this event. You mentioned
12 earlier that Ongwen was injured at some point. Were the abductions of Fatuma and
13 Ayari before this injury or after this injury?

14 A. [12:25:22] It was before. He had not yet been injured.

15 Q. [12:25:29] Were they before Iron Fist or after Iron Fist?

16 A. [12:25:40] It happened at the time that Iron Fist had already taken place.
17 People had already left Sudan and people were already mobile in Uganda.

18 Q. [12:25:57] Have you heard of any event that happened at Achol-Pii IDP camp?

19 A. [12:26:09] Yes, I heard.

20 Q. [12:26:12] What happened there?

21 A. [12:26:16] What happened in Achol-Pii, what I heard is that we met Dominic
22 Ongwen and Tabuley in Sudan. We met at Imatong hills. When we met after
23 Agoro, that is, they are the ones who brought for us uniforms, which they recovered
24 from Achol-Pii during an attack on Achol-Pii barracks. That is what I heard, that
25 they attacked the barracks and overran it.

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1 Q. [12:27:05] Now, were the abductions at Lacani before Achol-Pii or after

2 Achol-Pii?

3 A. [12:27:20] It was after Achol-Pii.

4 MR SACHITHANANDAN: [12:27:34] Your Honour, I'd like to show an exhibit.

5 It is tab 16 of binder 3. I'm afraid we have a number of binders. There are redacted

6 versions provided to the court officer which can be displayed to the public, but of

7 course the witness can be shown the original.

8 THE COURT OFFICER: [12:28:04] Could we please have an ERN number.

9 MR SACHITHANANDAN: [12:28:16] My apologies. ERN, UGA-OTP-0251-0658.

10 PRESIDING JUDGE SCHMITT: [12:28:25] I think perhaps I can also at least try it

11 again, during the lunch break we really try to perhaps reduce the side noises as much

12 as possible for the future. We would not entertain this now because it costs too

13 much time, and as I said, we will survive I think until 1 o'clock. But really it would

14 help everybody to concentrate if we would not hear the -- there must be a technical

15 reason for that. All different sorts of noises, paper shuffling sometimes hammering,

16 we can't really identify what kind of noises these are, but they should be reduced.

17 Please continue, Mr Sachithanandan.

18 MR SACHITHANANDAN: [12:29:11] So just to reiterate, the redacted version

19 available to the public and unredacted for the witness.

20 Q. [12:29:20] Mr Witness, do you have in front of you a sketch?

21 A. [12:29:32] Yes, I do have.

22 Q. [12:29:37] Do you recognize it?

23 A. [12:29:44] Yes, I do recognize it and I remember it.

24 Q. [12:29:49] Could you please tell us what it is?

25 A. [12:29:57] This is a map which I sketched for them, the way we moved.

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1 Q. [12:30:11] Sketched for whom, please?

2 A. [12:30:18] I gave this to Pubudu.

3 Q. [12:30:27] Thank you for that clarity.

4 And what event is depicted in this picture?

5 A. [12:30:39] The way I sketched it, we came from the upward side and came
6 downwards. When we moved, we camped at the place where I circled. That is
7 where he camped and cooked from and then we were cooking from there.

8 That homestead was where we were deployed, where I wrote 00 and then put if it's a

9 Q, that was like the headquarters of the LRA. The escorts of Dominic Ongwen were
10 there. In there there are OC coys. In this area we put the support around the HQ.
11 The headquarters is here, which I have drawn. That is what I sketched.

12 Where the women are sitting is here. When we left this place, we abducted Fatuma
13 from this place, we crossed a small stream. Then we gathered in this location.

14 When we finished cooking we crossed the Lira road, the road that goes to Kitgum.

15 That main, that straight line is the Lira-Gulu road.

16 Q. [12:32:12] You've marked a circle and it says "Fatuma." Can you explain
17 what happened there?

18 A. [12:32:29] Here where I have circled, I circled up here where I wrote "Fatuma,"
19 this is a civilian homestead where Fatuma was abducted. We moved with her and
20 came to this position, this large circle here.

21 Q. [12:32:54] Now, I want you to focus on the large circle. On perhaps the bottom
22 left of the large circle you have written "DO" or D-O. What is that?

23 A. [12:33:14] Where I wrote "DO" was where Dominic Ongwen was stationed.
24 The deployment of his escorts were behind him.

25 Q. [12:33:29] And when Fatuma and Ayari were brought, where were they placed

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1 in relation to this circle that you have drawn?

2 A. [12:33:44] When they arrived initially, they stayed in the civilian houses, but
3 later on they were brought to stay with Dominic's wives. If you saw in the map
4 where I put "D," that was where he was. He was there under a mango tree. I wrote
5 there "1 mangos".

6 Q. [12:34:18] Thank you, Mr Witness. We can leave this sketch now. So you
7 can close your binder and put it aside for now.

8 You mentioned that, you mentioned that Fatuma and Ayari were initially ting tings.
9 During their stay in the LRA, were they always ting tings or did their status change in
10 any way?

11 A. [12:34:55] When I left the LRA, they were still the ting tings. I left when they
12 were being referred to as ting tings.

13 MR SACHITHANANDAN: [12:35:17] Your Honour, may we go into private for
14 about two or three questions?

15 PRESIDING JUDGE SCHMITT: [12:35:24] Yes, please.

16 (Private session at 12.35 p.m.)

17 (Redacted)

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19 (Redacted)

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1 (Open session at 12.39 p.m.)

2 THE COURT OFFICER: [12:39:24] We are back in open session, Mr President.

3 PRESIDING JUDGE SCHMITT: [12:39:35] Ask the question again, I would
4 suggest.

5 MR SACHITHANANDAN: [12:39:39]

6 Q. [12:39:39] Mr Witness, because we went back into open session, I'm just going
7 to ask you the question again. Can you explain to us what the meaning of the term
8 "kavera" is?

9 A. [12:39:57] The term "kavera" means, this is a young girl who has never known
10 a man. You are the first man to sleep with her. You are the one breaking her
11 virginity. That's what it means.

12 Q. [12:40:20] And how do you know that? Have you ever encountered that term
13 in conversation?

14 A. [12:40:37] This statement is not -- wasn't only mentioned by Dominic Ongwen.
15 Most of the commanders would say similar statements.

16 Q. [12:40:48] I understand. Just so that we have it on the record -- sorry, I'm just
17 going to look at the transcript again. Is it correct then that it was mentioned by
18 Dominic Ongwen or have I misunderstood?

19 A. [12:41:21] He mentioned that himself.

20 Q. [12:41:33] When and in what context did he mention that?

21 A. [12:41:49] Well, we were, we were eating, because these girls sometimes would
22 help to bring food for us to eat, so he said, "I think this one is really growing very well,
23 and I think very soon I'm going to tear the kavera on her." But he was still limping,
24 he was still sick, and he couldn't do that.

25 Q. [12:42:20] You said he was limping. Why was he limping?

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1 A. [12:42:38] He was shot by government soldiers on the leg.

2 Q. [12:42:51] Right. And just for me to understand, is this the injury that
3 resulted him being in a sickbay or is this some other injury that we're talking about?

4 A. [12:43:06] That was the injury that made him stay at the sickbay.

5 Q. [12:43:14] You mentioned that Fatuma and Ayari were to help Dominic
6 Ongwen's wives. During the time that you were in the Oka battalion, can you tell us
7 which wives Dominic had?

8 A. [12:43:40] If I can remember, he had Abwot. Abwot was yet a ting ting at that
9 time. He came with her from Sudan. There was Min Ayari. That was his senior
10 wife. But there are others whose names I cannot recall now. He also had one called
11 Aber.

12 Q. [12:44:27] Did Min Ayari have any other names?

13 A. [12:44:36] Yes, she had another name, that we constantly referred to her using
14 her child's name, that Min Ayari.

15 Q. [12:44:49] How many wives approximately did Dominic Ongwen have when
16 the commander of Oka battalion?

17 A. [12:45:08] He had, he had two women who had children, those were the ones I
18 knew. And Aber at that time had not yet -- didn't have a child yet. Abwot was a
19 ting ting at that time. That means he had four, inclusive of the two ting tings.
20 There was one given to him by Tabuley. He went with her to Sudan, but I have
21 forgotten her name. He had five in number.

22 Q. [12:45:47] So I'm trying to list the ting tings in my head. So there is Fatuma,
23 there's Ayari, and then at that moment there is Abwot. Were they the only ting tings
24 or were there other ting tings?

25 A. [12:46:13] I said there was one ting ting he came with from Sudan during the

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1 Iron Fist operation, he came with her to Uganda. Then he added, he added Ayari
2 and Fatuma to make three in number.

3 Q. [12:46:31] Right. And I think I understand that Abwot was the ting ting who
4 came from Sudan. Am I understanding that correctly?

5 A. [12:46:45] Correct.

6 Q. [12:46:46] And did Abwot remain a ting ting or did her status change at any
7 point?

8 A. [12:46:58] She later on became his wife.

9 MR SACHITHANANDAN: [12:47:07] Your Honour, we'll have to go into private
10 again for about 10 minutes.

11 PRESIDING JUDGE SCHMITT: [12:47:13] So roughly until the break, I would say.

12 MR SACHITHANANDAN: [12:47:16] Actually, in which case perhaps it's better if
13 we take the break now and start 10 minutes early.

14 PRESIDING JUDGE SCHMITT: [12:47:24] I think that is a good proposal. So
15 we'll have now the lunch break until 2.15.

16 THE COURT USHER: [12:47:34] All rise.

17 (Recess taken at 12.47 p.m.)

18 (Upon resuming in open session at 2.17 p.m.)

19 THE COURT USHER: [14:17:41] All rise.

20 PRESIDING JUDGE SCHMITT: [14:18:00] Mr Sachithanandan.

21 MR SACHITHANANDAN: [14:18:04] Your Honour, I would like to do make -- or
22 seek one clarification from the interpreters and then maybe go into private session for
23 about 10 minutes after that.

24 PRESIDING JUDGE SCHMITT: [14:18:13] Yes, please do that.

25 MR SACHITHANANDAN: [14:18:14] Yes. So for the interpretation booth,

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1 previously there was a word used which was the word "kavera". Is there a literal
2 meaning to that word in Acholi?

3 THE INTERPRETER: [14:18:35] Kavera, kavera in Acholi remains kavera. It's
4 a kind of a polythene bag.

5 PRESIDING JUDGE SCHMITT: [14:18:47] Okay. Thank you very much.

6 So we go on that in private session, as I have understood it, for around about
7 10 minutes, as you said. Okay.

8 (Private session at 2.18 p.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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16 (Redacted)

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9 (Open session at 2.32 p.m.)

10 THE COURT OFFICER: [14:32:09] We are in open session, Mr President.

11 MR SACHITHANANDAN: [14:32:30]

12 Q. [14:32:32] Mr Witness, without mentioning your identity or any -- or the identity
13 of anyone else, can you tell us what the duties or role is of a coordinator or
14 a collaborator?

15 A. [14:32:55] A collaborator was supposed to help us buy drugs, inform us about
16 the position and number of the government troops and how the security generally of
17 the government is. He also helps us to buy things like shoes, gumboots. Those are
18 the duties of a collaborator.

19 Q. [14:33:49] Mr Witness, you mentioned, and we have discussed briefly an attack
20 on Achol-Pii. Who were the units involved in the attack on Achol-Pii?

21 A. [14:34:09] It was Sinia, together with the Stockree brigade. Sinia at that time
22 was combined with -- was -- there were two brigade commanders, Tabuley and Buk.
23 At that time Buk was not there, so it was Tabuley alone who was commanding the
24 two brigades. Part of Sinia was brigade headquarter and battalion Oka which was
25 there. Stockree had a battalion called * Mendu which was led by Okuri and

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1 another person who was there. They combined their units together and went and
2 attacked Achol-Pii.

3 Q. [14:35:07] You mentioned that Oka was there. Who was the commander of
4 Oka at the time of Achol-Pii?

5 A. [14:35:20] It was still Dominic Ongwen.

6 Q. [14:35:41] We have discussed briefly boys of the age of 12, 13, 14. At the time
7 of Achol-Pii, do you know whether boys of that age participated in Achol-Pii or
8 whether they did not?

9 A. [14:36:13] As far as I can recall, I said that I was in Sudan at that time. I met
10 those of Dominic who were from Uganda and they met us in Sudan at the hills.
11 Since I was at the hills I could not know whether a 14-year-old went for the attack or
12 not. But according to their narration, according to the boy who is in the photo, he
13 told me that the uniform he was wearing was recovered during that battle. That is
14 how I understood. In the LRA, if you -- as long as you are armed when there is
15 a battle, you go for it.

16 Q. [14:37:08] Have you heard of anyone called Okema?

17 A. [14:37:20] Yes, I know.

18 Q. [14:37:23] At the time of Achol-Pii where was Okema?

19 A. [14:37:34] Okema Vincent was in Sinia. That's as far as I can recall.

20 Q. [14:38:01] Mr Witness, have you ever seen any videos during your time in the
21 LRA?

22 A. [14:38:26] Yes, I saw.

23 Q. [14:38:29] What sort of videos did you see?

24 A. [14:38:38] I saw some videos which were captured during -- which was recorded
25 during the war. It was Otti Vincent who had started recording it. Whenever he

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1 goes to battle, he would record how people fight. And when he goes back to Sudan,
2 they would put it in a DVD and then we would watch it, how the battle was, how the
3 LRA was able to defeat the enemy.

4 Q. [14:39:13] We discussed the battle of Achol-Pii. Have you ever seen a video of
5 the battle of Achol-Pii?

6 A. [14:39:28] I did not see any video from Achol-Pii because it was with Tabuley.
7 It was recorded. I only heard the audio, how the attack took place. It was played.
8 The audio was played and I could hear how the bullets powered at that time.

9 Q. [14:39:51] I am going to move on to a different event. Have you ever heard of
10 anything, any event of significance, that happened in Pajule?

11 A. [14:40:17] Yes, I heard about Pajule.

12 Q. [14:40:23] Please tell us.

13 A. [14:40:31] What I heard about Pajule was that Raska Lukwiya together with
14 Tolbert Yadin and their groups went and attacked Pajule. But --

15 THE COURT OFFICER: (Via video link) [14:40:58] Your Honour, the witness has
16 requested a private session for this next section.

17 PRESIDING JUDGE SCHMITT: [14:41:03] I think I would not deny it, if there would
18 not be an objection by anybody. I don't see it here. So, Mr Obhof, I think you don't.

19 MR OBHOF: [14:41:14] No objection right now. And if it is something that can be
20 unredacted later, we can do that as needed. So for safety's sake, private session.

21 PRESIDING JUDGE SCHMITT: [14:41:23] Indeed, Mr Obhof. Thank you very
22 much. Private session.

23 (Private session at 2.41 p.m.) *(Reclassified entirely in public)

24 THE COURT OFFICER: [14:41:43] We are in private session.

25 MR SACHITHANANDAN: [14:41:52]

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1 Q. [14:41:52] Please carry on, Mr Witness.

2 A. [14:41:55] This is what I was saying. What I know about Pajule is that in 2002,
3 it's about the year 2002, around the month of August. I am not sure, I am not sure
4 about the month, but it was rainy season. I was with Dominic Ongwen together.
5 Dominic Ongwen said that we should go to -- we should send people to Pajule. We
6 were having a meal. They said that our soda is -- we have run short of sodas and
7 other foodstuff so we should send people to go to Pajule and bring food. So we sent
8 people to go and bring food from the centre. We sent Ojok Ot Ngec, who at the time
9 was still alive and was Dominic Ongwen's second in command. He was chosen as
10 the overall commander for the operation. They went and looted things there. That
11 is what I know about Pajule.

12 Other than that, I heard about an attack, that people were -- the barracks was attacked
13 and people were attacked also, and that the group that attacked the places, the group
14 of Raska Lukwiya and Tolbert Yadin. After that, Yadin went and died.

15 Q. [14:43:26] Thank you, Mr Witness. What I want to discuss is this August 2002
16 attack that you just mentioned. If we don't mention your participation, are you
17 happy to discuss this in open session?

18 A. [14:43:52] Can you repeat the question?

19 PRESIDING JUDGE SCHMITT: [14:43:54] Please let me, Mr Sachithanandan.

20 Mr Witness, there would not be a need for private session if you would not discuss
21 and not mention your own role in such an attack. This has been said. So if we refer
22 to that, or if we stick to that, then we can go back to open session, what we are doing
23 now. And Mr Sachithanandan and also everybody else, and Ms Kerwegi, who is in
24 the room with you, are vigilant of that aspect. Public session.

25 MR TAKU: [14:44:27] Your Honours, just to say that pursuant to your ruling, it

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1 would appear this attack, 2002, is not one of the charged attacks.

2 PRESIDING JUDGE SCHMITT: [14:44:37] Yes.

3 MR TAKU: [14:44:38] So the evidence can be led within the confines of the ruling
4 you gave.

5 PRESIDING JUDGE SCHMITT: [14:44:44] It is good that you mention it. I would
6 also, at least as a remark, but of course Prosecution is aware of that, that we are not
7 talking about the charged attack here, and that applies everything we have discussed
8 several times in the courtroom here before. Thank you for reminding me.

9 Public session.

10 And, Mr Sachithanandan, we can -- perhaps first open session, yes.

11 (Open session at 2.45 p.m.)

12 THE COURT OFFICER: [14:45:20] We are back in open session.

13 PRESIDING JUDGE SCHMITT: [14:45:23] Yes, back in open session.

14 We can handle perhaps further attacks in a similar manner. When it comes to any
15 possible alleged or whatsoever participation of the witness, we would have to revert
16 to private session, otherwise we can stay in open session.

17 MR SACHITHANANDAN: [14:45:40] Indeed, your Honour.

18 PRESIDING JUDGE SCHMITT: [14:45:41] Please continue.

19 MR SACHITHANANDAN: [14:45:45]

20 Q. [14:45:46] Regarding this attack in approximately August 2002, and by -- which
21 involved Ot Ngec, who was the commander of Oka battalion at this time?

22 A. [14:46:04] Dominic Ongwen was the commander of Oka battalion.

23 Q. [14:46:14] Who is the person who decided to carry out this operation in Pajule?

24 A. [14:46:27] The CO was Dominic Ongwen was the one who decided that.

25 Q. [14:46:34] Other than Ot Ngec, who else deployed for this operation?

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1 A. [14:46:48] There was Otto Sunday. Kidega Pakpala was also there. There was
2 also Sergeant Richard, who was Dominic's escort. There was Otema. He was also
3 Ongwen's escort. And then Kidega was the OC at that time. There was
4 Okot Van Dam, the signaller, who was Dominic's signaller. He also participated.
5 Those are the people I can -- whose names I can recall now.

6 Q. [14:47:37] We discussed already the presence of children or persons of the ages
7 of 11, 12, 13, 14 in the Oka battalion. Did any children of that age participate in the
8 operation in Pajule?

9 A. [14:48:13] People like Opio Korea were some of the boys who were still young.
10 Most of the soldiers who were there in that group, starting from the rank of sergeant,
11 would range between 16, 17 and above.

12 Q. [14:48:45] You mentioned that -- you mentioned Opio Korea going there with
13 young soldiers. What was the approximate age of the youngest soldiers who
14 deployed for this operation?

15 A. [14:49:05] Well, estimating is a bit difficult. I don't have to lie you here. It's
16 difficult for me to say, "In this group, the youngest person was of this age." We
17 weren't identifying people basing on their ages. We were looking at the capacity of
18 the person, the strength of the person to work and also carry out the operation.

19 Q. [14:49:34] We discussed a boy from Kitgum Matidi who, if I remember correctly,
20 was 12, 13, 14 years old. Where was he at the time of the Pajule operation?

21 A. [14:49:57] He was already together with the rest of the people. He was already
22 in Oka.

23 Q. [14:50:04] Right. What I'm trying to establish is: Was he remaining in the
24 Oka -- or remaining where you were having your meal or did he go to the Pajule
25 operation?

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1 A. [14:50:28] He moved together with the people who went to work.

2 Q. [14:50:44] Do you know what his function was during the operation?

3 A. [14:50:58] Children of that kind would be carrying bags, but for those who
4 already have guns, would be providing security in the area where they went to to loot.
5 They would be providing security. The older persons would be in charge of
6 breaking into houses and carrying items. And then later on, when retreating or
7 coming back, they will take care or provide security for the civilians who are carrying
8 the looted items.

9 Q. [14:51:30] The Onencan from Kitgum Matidi who went for this operation, did
10 he -- or was he unarmed or was he armed at this time?

11 A. [14:51:47] He had not yet stayed for long in the bush, but at that time he had
12 already got a gun that was recovered from the UPDF. He had just been given a gun.

13 Q. [14:52:07] So these soldiers of the age, say, 12, 13, 14, how do they -- how do they
14 get guns? Do they have to obtain them or are they given guns?

15 A. [14:52:28] From when people were still in Sudan, they were receiving supplies
16 from the government of Sudan. At that time, when you arrive in Sudan, you'd be
17 given a gun. But when we came back to Uganda after Operation Iron Fist dislodged
18 us, each and every one who was abducted would move following their commanders.
19 If we are attacked by the government soldiers, they would be moving and following
20 us. Sometimes we move together with them at the front line, and whenever we
21 killed a UPDF soldier, we would remove his uniform and then also take away the gun,
22 and that person would already be recruited, that was how they would get guns.
23 These are guns that would have been recovered from the government soldiers. They
24 would be given them.

25 Q. [14:53:24] And in Oka battalion, who decided that a boy of 12, 13, 14, who

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1 decided that they would be given a gun or a uniform?

2 A. [14:53:47] That was given by the CO, it would be the commanding officer of Oka
3 battalion, who was Dominic Ongwen. No one else would do that.

4 Q. [14:53:58] Now let's come back to what you were narrating about this operation
5 in Pajule in August 2002. When the force, the attacking force that went out, when
6 they came back, did they come on their own or did they come back with other
7 people?

8 A. [14:54:28] They abducted civilians and came back with. Some of the civilians
9 were, who were old enough, were released to go back home. But those who were
10 within the range that was meant to stay in the bush were kept.

11 Q. [14:54:52] Right. And then could you tell us please which people, the people of
12 what age were released? Sorry, let me say that again. The people who were
13 released, who age range did they have?

14 A. [14:55:17] These were old people, from 20 and above.

15 Q. [14:55:26] Now, the people who were kept, what was the age of the youngest
16 people who were kept?

17 A. [14:55:47] According to what I can figure out, I estimate around 14, because
18 I cannot have a very clear estimation of somebody who has just arrived, I have not
19 lived with, I have not stayed close to, I cannot really come out with a very clear
20 estimation.

21 Q. [14:56:18] When you assess somebody's age, just so we understand, how do you
22 make an assessment about somebody's age? When you said this boy is 14, how do
23 you make that assessment?

24 A. [14:56:47] The things that I would consider would include how the person looks,
25 and you also try to assess the strength of such a person.

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1 Q. [14:57:14] These abductees who were brought back, did you see them with your
2 own eyes?

3 A. [14:57:27] Yes, I did see them. They were released at about 10 o'clock in the
4 morning.

5 Q. [14:57:37] Now, am I understanding it correctly that some people were released
6 and some people were kept; is that correct, my understanding?

7 A. [14:57:53] That's correct.

8 Q. [14:57:56] So let's focus on the people who were kept. What happened to
9 them?

10 A. [14:58:10] Nothing bad happened to them. They were only distributed. Some
11 of them were given to Ot Ngec, others were given to Ojok IO, and some of them
12 stayed with Kidega Pakpala, while others went to Dominic Ongwen's household.

13 Q. [14:58:38] Who did the distribution?

14 A. [14:58:52] Dominic instructed that they should be distributed, but it was
15 Ot Ngec who carried out the actual distribution.

16 Q. [14:59:05] Were the abductees male, female, or mixed?

17 A. [14:59:17] It was a mix of both.

18 Q. [14:59:34] So the females who were part of the abductees who remained, what
19 were -- in what capacity were they distributed? What were their jobs?

20 A. [14:59:56] They were charged with helping to prepare meals, carry food items,
21 carry bags for the commanders to whom they were given.

22 Q. [15:00:18] You mentioned that the youngest of the abductees you saw were
23 about 14 years old?

24 MR TAKU: [15:00:32] Your Honours, I hesitate to stand many times. If you look at
25 the transcript, and I encourage the Court, I urge the Court to look at the transcripts,

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1 when we started this line of questioning about 14, 15, 16, this witness equivocated
2 many times and said that I am not able to do that.

3 The line of questioning has now pinned it on the witness that he said 14, 16. And he
4 said this group of people, he said 14, 12, 13, 14, 16. And if that's evidence, and I say
5 so under the control of the Court, that the Court will look at that very critically in this
6 particular case.

7 Now, this witness with regard to age attribution has answered the question several
8 times, and he has said that "I cannot, nevertheless, maybe it could be this."

9 Of course, you've heard the evidence about that. But to make it equivocal clearly
10 that he said that, this witness was the youngest, was this, your Honours. I think my
11 colleagues should look at the transcripts and look at the answers. It is not it. The
12 witness equivocated. He has not unequivocally said that they were this age range.

13 PRESIDING JUDGE SCHMITT: [15:01:45] You know, Mr Taku, that in the end it is
14 always up to the Judges to assess that.

15 But nevertheless I think in that instance I would ask you, Mr Sachithanandan, simply
16 to rephrase the question. I think it is correct, what Mr Taku is saying, that he was
17 not so unequivocal that we are then -- it is suggested in your wording.

18 MR SACHITHANANDAN: [15:02:06] I can just read out from the transcript,
19 your Honour, maybe that's the safest thing to do.

20 PRESIDING JUDGE SCHMITT: [15:02:12] Then read out from the transcript. You
21 know, I have it also in my head that he answered differently in that respect. And we
22 have, of course, also heard that how he assesses it and that he does not have a clear
23 idea. So in the end we have to put this together like everything else.

24 But if you want to quote, or perhaps even without quoting, you can ask your question,
25 like you wish.

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1 MR SACHITHANANDAN: [15:02:43]

2 Q. [15:02:43] Mr Witness, I am asking you about the people, and I quote you, that
3 you -- where you said, "I estimate around 14, because I cannot have a very clear
4 estimation of somebody who has just arrived."

5 Now, these people that you thought were around 14, what were their tasks, the male
6 ones?

7 A. [15:03:16] Fighting would be the first task, secondly, providing security for the
8 commanders. All the people in the bush were there to fight, to overthrow the
9 government. So anybody who was recruited, young or old, was meant for fighting.

10 Q. [15:03:43] Thank you, Mr Witness. We will move on to a different event now.
11 Have you heard of anything happening in a place called Lanyatido?

12 A. [15:04:04] Yes, I have.

13 Q. [15:04:08] Please tell us what happened at Lanyatido.

14 A. [15:04:19] We went together with Dominic Ongwen to Lanyatido, to Lanyatido
15 barracks. It was a barracks and not a camp. At that time everyone was still back in
16 their villages. (Redacted)

17 (Redacted), together with the boy whose picture you saw, the young boy, he
18 was also present. That was what happened there that I can recall.

19 Q. [15:04:54] Now, without further mentioning your role in this particular attack,
20 can you tell us who initiated this attack?

21 A. [15:05:16] Dominic Ongwen ordered that we should go and attack that barracks.
22 He is the one who came out with the order that we go and attack the barracks, and we
23 did exactly that.

24 Q. [15:05:30] You mentioned that the boy in the photograph, Onencan, went for
25 this attack. Were there any people of his age or younger who participated in this

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1 attack?

2 A. [15:05:57] Yes, they were there.

3 Q. [15:06:07] What was their role in the attack?

4 A. [15:06:18] All of them were already armed and they went to carry out the attack.

5 Q. [15:06:27] Yes. I just would like a little more detail. Now, people of
6 Onencan's age or younger, what particular activities did they have at Lanyatido, if
7 you can give us some detail?

8 A. [15:06:57] They could not have been left behind, because there was nowhere
9 they could be hidden. They didn't go to do anything particularly on their own. But
10 they went together with the rest of the people who were under instruction to go and
11 attack that place.

12 Q. [15:07:16] Were they unarmed, armed, or was it a mixture of the two?

13 A. [15:07:31] Some of them were armed, others did not have guns. Those who did
14 not have guns were moving from behind. The armed ones took the lead.

15 Q. [15:07:46] Now, just to get an idea of when this attack happened, was Ot Ngec
16 alive or dead at this time?

17 A. [15:08:03] During the Lanyatido attack Ot Ngec was still alive.

18 Q. [15:08:08] Had Achol-Pii happened or had Achol-Pii not yet happened?

19 A. [15:08:17] That was after the Achol-Pii occurrence.

20 Q. [15:08:28] After the Lanyatido attack when people came back, did they come
21 back alone or did they come back with other people?

22 A. [15:08:44] They attacked and then crossed over the barracks and crossed the
23 road and continued ahead. They did not retreat or they didn't move back.

24 Q. [15:09:00] Right. And after the attack when they left Lanyatido, did they leave
25 alone or did they leave with anyone else?

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1 A. [15:09:13] They moved as an entire convoy, the entire Oka battalion convoy,
2 because the CO, Dominic Ongwen himself, moved with the team.

3 Q. [15:09:30] Right. So it was only them, there were no civilians with them after
4 Lanyatido?

5 A. [15:09:45] I have answered that those who were unarmed were moving behind.
6 Those who were armed were in front. After -- during the exchange of fires those
7 who did not have guns were mixed together with those who were having guns but
8 had stayed behind. But after the exchange they would now move together and pass
9 through the barracks during the time when they were doing the search of the
10 barracks.

11 Q. [15:10:20] I want to move to another event now. Have you ever heard of
12 anything of significance that happened in Atanga?

13 A. [15:10:38] I heard about Atanga.

14 Q. [15:10:42] Please tell us.

15 A. [15:10:51] What I heard about Atanga was that there was an abduction that was
16 carried out by a Gilva unit, the abduction took place at Atanga Kals (phon). It was
17 led by Opio Makasi (phon), together with -- well, I don't recall the rest of the persons.
18 They went there, abducted schoolgirls. What I also remember was that
19 Dominic Ongwen was there. He had gone with the intention to abduct schoolgirls
20 and also attack and overrun the barracks, but that never came to pass. The
21 government soldiers with their support weapons thwarted the plan. They were not
22 able to reach the barracks. So the attack on the barracks didn't take place.

23 Q. [15:12:02] Now leaving that event aside, leaving that abduction operation aside,
24 is there any other event at Atanga that you recall that occurred during the time you
25 were in Oka battalion?

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1 A. [15:12:33] That's what I'm talking about. I said they went for the attack, but
2 they didn't succeed. They were instead attacked and some people were injured.
3 Three or four people were injured. There was Alora. There was Abongomek.
4 One was shot in the neck. Another one was shot in the arm. And then there was
5 a boy who was also shot in the leg.

6 Q. [15:13:17] All right. This attack that features Abongomek and Alora and the
7 boy who was shot in the leg, who initiated this attack?

8 A. [15:13:34] The CO of Oka battalion who was Dominic Ongwen.

9 Q. [15:13:40] Who deployed for the attack, who was the leader who actually went
10 on the ground?

11 A. [15:13:58] He was there himself. He went himself together with Kidega
12 Pakpala, Aryang and others.

13 Q. [15:14:14] Now I am going to ask a similar question to what I asked earlier.
14 The people of the age of the Onencan in the picture, or younger, did they participate
15 in this attack or did they not?

16 A. [15:14:43] People like Onencan was there because he was already part of the, the
17 soldiers. In the LRA the soldiers are not changed like in the -- with the government
18 soldiers where one group goes and works here and then another group is brought
19 later on. In the LRA whenever you are part of them you keep on working just like
20 that. The children also went and participated. Children of that age also
21 participated in the attack.

22 Q. [15:15:16] Do you know the full name of Abongomek?

23 A. [15:15:29] I do not know his full names. The name Abongomek was, was
24 started from the bush. There was a soldier called Ocaya Abongomek and that's how
25 he was also referred to. He was the escort of Abongomek and that Abongomek died

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1 and then they also started culling him Abongomek.

2 Q. [15:15:52] The Abongomek who deployed to Atanga, what was his function and
3 role within Oka battalion?

4 A. [15:16:08] He was among the support unit.

5 Q. [15:16:18] This operation in Atanga was it before Achol-Pii or after Achol-Pii?

6 A. [15:16:32] Achol-Pii, this was the first, that one happened later.

7 Q. [15:16:38] Was it before Dominic went to the sickbay or after?

8 A. [15:16:45] It was before.

9 Q. [15:16:49] Moving on to another event.

10 MR SACHITHANANDAN: Sorry, your Honour, can we ask one question in
11 private.

12 PRESIDING JUDGE SCHMITT: [15:17:11] Then we go shortly to private session.

13 (Private session at 3.17 p.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 3.18 p.m.)

24 THE COURT OFFICER: [15:18:12] We are back in open session.

25 MR SACHITHANANDAN: [15:18:22]

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1 Q. [15:18:23] Mr Witness, have you heard of any event that occurred in Kalongo?

2 A. [15:18:35] Yes, I heard.

3 Q. [15:18:39] Please tell us what happened.

4 A. [15:18:48] I heard that Dominic sent his soldiers to abduct people from Kalongo.

5 I was not part of the team that went there. I didn't see it. I just heard about it since

6 I was not there.

7 Q. [15:19:12] Who were the people who went to Kalongo?

8 A. [15:19:19] I heard there was Oling Nakupa and his group.

9 Q. [15:19:30] Have you heard of anyone called Oyenga?

10 A. [15:19:35] Yes, I heard about him. I actually know him also. He was among

11 those who went.

12 Q. [15:19:47] At the time that Oyenga went to Kalongo, what was his -- what unit

13 was Oyenga in?

14 A. [15:19:57] Oyenga was in Siba and had come to Oka, he was part of Oka already.

15 Q. [15:20:11] What was Dominic Ongwen's role and position at this time?

16 A. [15:20:24] At this time he had already been promoted to lieutenant colonel and

17 was still a CO. He was not yet a brigade commander of Sinia.

18 Q. [15:20:48] I'm sorry, give me one minute, I will just check the transcript.

19 You said that people had been sent to abduct. Was that intention fulfilled, were

20 people abducted or were they not?

21 MR TAKU: [15:21:10] Your Honours, again I hesitate to stand. He wasn't there, he

22 wouldn't have heard, so the question should be premised on what he heard and not

23 for him to provide evidence about what he was never even aware of, wasn't there.

24 He's supposed to ask what did you hear? He could ask, if you permit, that he could

25 go that far. But for him to say were people, or did this happen and didn't happen for

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1 an attack he did not participate and what he only heard about, he has not even said
2 from whom he heard, to lay the basis for hearsay here, he has not even gone as far as
3 that. So to say were people abducted or not, was the intention fulfilled or not, your
4 Honours, is grossly unfair.

5 PRESIDING JUDGE SCHMITT: [15:21:47] I would not take such strong wording,
6 grossly unfair, because as always the Chamber is able to distinguish between hearsay,
7 of course, and if a witness has an immediate impression or has immediately seen and
8 participated in attacks.

9 And I think you will work it out and perhaps it's advisable if we have a string of
10 attacks, so to speak, to focus on those where the witness would have more than
11 hearsay knowledge, so to speak. Yes?

12 MR SACHITHANANDAN: [15:22:24] I'm guided, your Honour. I'll move quite
13 quickly, I think.

14 Q. [15:22:33] Mr Witness, did you ever encounter anyone who was abducted at
15 Kalongo or did you not?

16 A. [15:22:43] No, I did not encounter anyone abducted from Kalongo.

17 PRESIDING JUDGE SCHMITT: [15:22:53] And perhaps a short addendum, so to
18 speak, to what Mr Taku has of course said. It's of course clear that the value of
19 hearsay in these matters is not high, to put it this way. Yes.

20 MR SACHITHANANDAN: [15:23:13]

21 Q. [15:23:14] Mr Witness, you mentioned earlier a boy called Aditi or Adire, I
22 apologise for my pronunciation, and you mentioned that he was injured at some
23 point. Could you tell us when he was injured and how?

24 A. [15:23:35] Adire was wounded at a battle in Kitgum Matidi while we were
25 crossing the road. That is where he was wounded from. We had just left Tim

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1 Palokok and we had just entered Uganda. Adire was an escort to Dominic Ongwen.
2 If you compare him with the person in the photograph, the person in the photograph
3 is a little taller than Adire.

4 Q. [15:24:25] Approximately, sorry, how old was Adire at the time that he was
5 injured in Kitgum Matidi?

6 A. [15:24:38] Adire was about 14 years old, according to my estimation. He was
7 not any older than the boy who was in the photo. They are about the same age and
8 size.

9 Q. [15:24:58] And how do you know that this event happened?

10 A. [15:25:08] There was an attack, and whenever people are wounded we are, we,
11 the senior commanders, are the ones who should see how to handle the wounded
12 person. Can we hide the person or should we just carry the person and move along
13 until he heals?

14 Q. [15:25:28] Right. So is this an event that you saw with your own eyes or is this
15 something you heard of?

16 A. [15:25:38] I saw with my own eyes.

17 PRESIDING JUDGE SCHMITT: [15:25:46] And perhaps also only, I don't want to
18 lecture, but of course the expression of hearsay evidence encompasses a wide
19 thinkable possible range of evidence that from simple hearsay, after long afterwards
20 you are told something which would have perhaps very, very low probative value
21 until perhaps on the other side of the scale that somebody immediately comes back
22 for an operation and under the impression tells you that that could have, might be of
23 more value.

24 So when we speak of hearsay, and that is the reason why this encompasses such
25 a wide range, why it is not excluded from the outset, that is the reason.

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1 MR SACHITHANANDAN: [15:26:28] Indeed, your Honour. And as we proceed, I
2 will always ask point of view and vantage point.

3 Q. [15:26:42] Was Adire the only person who was injured there or was there
4 anyone else of his age or younger who was injured in the same event?

5 A. [15:27:02] Only one person was injured on that day. It was only Adire who
6 was wounded in that convoy. He was not badly injured. He did not have any
7 broken bone.

8 Q. [15:27:22] Was he unarmed or armed at this time?

9 A. [15:27:30] He had a weapon with him, even had ammunition. We entered into
10 an ambush led by government troops. We could not run back.

11 Q. [15:27:45] The name Adire, why did he have that name, if you know?

12 A. [15:27:57] He was given that name because of his size, that he was as small as
13 Adire. His real name is Onen. He was still very young.

14 Q. [15:28:12] And what does that mean? I'm sorry, my Acholi is not very good.
15 What does "as small as Adire" mean?

16 A. [15:28:25] There is a bird called Adire, it's a small bird. If you are an Acholi,
17 you would know a bird called Adire. That is how he was compared to that small
18 bird. That bird is, the Adire bird is not big, it's a very small bird.

19 Q. [15:28:49] You mentioned that Adire was in Dominic Ongwen's household.
20 Was he the only person of that age there or were there any other people of his age or
21 younger in Dominic Ongwen's household?

22 A. [15:29:11] There were many people in Dominic's household. Others were older
23 than Adire. There were others who were the exact same size and age as Adire.

24 Q. [15:29:27] Can you estimate for us, please, how many there were of the same age
25 and size as Adire?

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1 A. [15:29:44] There could be about eight, the people who were with the same size
2 with Adire and the person whose photo you saw, they were in Dominic's household.
3 And then there are others who are about 15, 16, the group of those of Opio Korea,
4 they were also different. And then there was another group, 17 to 18, the group of
5 those of Otema were also there. If you look at the -- he had many, if you look at his
6 escorts, they were many, he had about 30 escorts.

7 Q. [15:30:32] All right. Now, that's actually very helpful that you divided these
8 people into groups so that we can discuss them separately.

9 I want to discuss the people of Adire's age and size, the approximately eight people
10 you mentioned. On a day-to-day basis in the Oka battalion, what were their tasks?

11 A. [15:31:05] With the commander, it is the chief escort of the commander who
12 would say, "Today you will hold a gun. Today you will hold a chair." The person
13 who is assigned to hold a gun is different from the person assigned to hold
14 the beddings, who would carry the mattress of the -- of the commander. Another
15 person would be assigned to say that if you will reach this location, you'd be in
16 charge of clearing the place where the commander will stay. Others who would
17 carry food are also there. And then those who will not be on duty would be
18 deployed to ensure security.

19 Q. [15:31:45] Right. Now, leaving day-to-day tasks aside, during an operation like
20 the operations we discussed already, what would be the tasks of the people, these
21 approximately eight people of the age and size of Adire?

22 A. [15:32:20] If he is selected among those who should go for operation, he would
23 go. No child can say no. If you are selected to be among the standby to attack
24 a centre or to attack a place, you cannot say no, you have to go, because you are
25 already a soldier and you are already armed with a weapon and you have to follow

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1 what the commander says.

2 Q. [15:32:50] When a boy of the age of Adire or younger, if and when they become
3 part of Oka battalion, could you describe to us in a step-by-step way how they are
4 integrated into Oka battalion?

5 A. [15:33:20] When they join Oka battalion, when you are abducted as a civilian,
6 that is already part of the recruitment in the army. Whichever unit abducts you,
7 whether Oka or Gilva, you become part of that unit. There is no special recruitment
8 which is done to make you a soldier. Now, to initiate you into the life of a soldier,
9 they will, they will give you a gun if you stay for about six months or more, when
10 they are sure that you are no longer planning to escape and go back home. You
11 would be given a weapon after they have already trusted you. They now teach you
12 how to operate a gun, how to assemble, how to disassemble and use it. When
13 you are abducted, they start teaching you immediately. That is how I know you are
14 recruited into the forces.

15 Q. [15:34:36] And just so we're clear is this something you saw with your own eyes
16 and heard about with your -- yes, that you perceived with your own eyes?

17 A. [15:34:48] Yes, I saw.

18 Q. [15:34:51] And is this something you saw in Oka battalion during your time
19 there?

20 A. [15:35:00] Yes, I saw.

21 Q. [15:35:07] You said that -- again in answer to my question about people of
22 Adire's age and size, that they would receive training. Who would decide whether
23 or not they would receive training?

24 A. [15:35:32] The person who decides whether someone gets a training is the CO.
25 He gives instructions that people should be trained. Those who are in the household

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1 of Dominic Ongwen would be -- Dominic would give instructions to a chief escort
2 that he should be trained on how to use a gun.

3 Q. [15:35:57] And who was Dominic's chief escort at the time?

4 A. [15:36:07] He was Otema.

5 Q. [15:36:13] You mentioned Ojok Ot Ngec. In Ot Ngec's household, did you ever
6 see people of Adire's age and size or younger?

7 A. [15:36:33] Yes, there was.

8 Q. [15:36:37] You mentioned Kidega Pakpala. In his household did you see
9 people of Adire's age or younger?

10 A. [15:36:53] Yes, I also saw.

11 Q. [15:36:58] You mentioned Van Dam Signaller, I think, in his household did you
12 see people of Adire's age and size or younger.

13 A. [15:37:16] Yes, it was there, but there were others who were a little older than
14 Adire.

15 Q. [15:37:23] You mentioned someone called Nyero, in his household did you see
16 anyone of Adire's age or younger.

17 A. [15:37:40] Yes, it was there. Because from there the people, the group that can,
18 can be abducted to stay in the bush, well, are those in the size of Adire. Maximum
19 age 20, that is what happens there.

20 Q. [15:38:02] All right. Could you explain that to us? What is the advantage of
21 having people the age of Adire?

22 A. [15:38:18] Such children are kept there because they follow instructions easily.
23 It's also easy to dissuade them from escaping. When they become soldiers and they
24 already have weapons, they do not think of escaping anymore. But someone who is
25 older cannot stay for long. It is difficult to take care, to keep him there, he would

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1 escape and leave. That is the reason why they would abduct young people and then
2 they are -- they grow and become soldiers from there.

3 Q. [15:39:10] Now, we have discussed in detail children of Adire's age, and I want
4 to move on to a different topic and that is girls and women. You already described
5 in detail the abduction of Fatuma and Ayari. During your time in Oka battalion,
6 approximately how many girls and women were in Oka battalion?

7 A. [15:39:47] I do not recall the number of women. But they were there. They
8 were quite many.

9 Q. [15:39:59] I should have asked you a question before that. How many people
10 overall were in Oka battalion?

11 A. [15:40:15] According to my estimation, it could be well over 500. It could be
12 between 500 and above.

13 Q. [15:40:29] Right. And am I correct in thinking that you include there both men
14 and women; is that correct?

15 A. [15:40:39] Yes. It's all inclusive, from Dominic downwards.

16 Q. [15:40:48] All right. So now using the same sort of approximate figures, could
17 you tell us approximately how many women were in Oka battalion out of that 500?

18 A. [15:41:06] I do not recall at this moment because there were many commanders
19 in the battalion. The A coy had a commander. The B coy had a commander and
20 wives and ting tings. Even C coy -- even support commander had the same, women
21 and ting tings. The operation room also had wives and ting tings. Therefore
22 I cannot say that signaller has this number of girls, they also support a system of girls,
23 and B coy or C coy has a number of girls and women. It's difficult to estimate the
24 exact number now.

25 Q. [15:41:53] Right. Now, you remember how we discussed the process by which

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1 a boy of Adire's age is integrated into Oka battalion. Could you please similarly
2 describe for us how a girl is integrated into Oka battalion when they are abducted,
3 from day one onwards?

4 A. [15:42:28] When someone is abducted and brought to Oka, the ones that are in
5 Dominic's home, the wives of Dominic would be in charge of training her to stay in
6 the bush. If the girl is with the signaller, the wives of the signaller would be in
7 charge of training, and they would start by carrying saucepans, washing saucepans
8 and doing small chores in the home.

9 Q. [15:43:01] We have now discussed the presence of ting tings in Oka battalion
10 and also wives in Oka battalion, and we have discussed one or two examples of how
11 a ting ting became a wife. Could you explain to us, how is it decided that a ting ting
12 is now appropriate to be a wife?

13 A. [15:43:32] This is how it is decided: When a young girl -- Kony would say that
14 as long as she is not yet experiencing her menstrual period, she will not be subjected
15 to sex. But when she starts experiencing sexual -- menstrual cycles, that is when she
16 can be made a wife. Also when you are -- when you are experiencing your periods,
17 you do not cook. That means if someone refuses to cook, it means she is already in
18 her periods and that means she's ready to become a wife.

19 Q. [15:44:20] Now, when a ting ting has her period and is considered appropriate
20 or is -- to be a wife, who decides in Oka battalion to whom this person becomes
21 a wife?

22 A. [15:44:45] Most times, when a ting ting has been given to you, they do not
23 remove the ting ting from you. The ting tings who are in Dominic's home remain in
24 Dominic's home. When the ting ting starts experiencing her periods, Dominic starts
25 using her as a wife because Dominic looks at her as his wife since he is the one who

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1 took care of her. Unless maybe Kony wants the girl himself, then he can take the girl
2 because he has more powers than anybody else.

3 Q. [15:45:27] And what about households other than Dominic's household? Who
4 decides whether the person in that household gets a wife or not?

5 A. [15:45:44] I think I gave a long answer, but I had said that, for instance, if the
6 person is given to me, and the idea was if that person grows up, she can become my
7 wife. When she begins seeing her period, she would automatically become my wife.
8 That was my very clear answer. No one else would issue another instruction
9 different from how it is done.

10 Q. [15:46:24] Thank you, that's helpful. So let's take one step back. The ting tings,
11 who distributes the ting tings or who used to distribute the ting tings within Oka
12 battalion during your time there?

13 A. [15:46:46] Whenever there are abductions, everyone is brought before
14 Dominic Ongwen. They are brought to the operation room and handed over to
15 Dominic Ongwen. From there, he would now identify which one goes to his
16 household and the other ones would go to the respective households.

17 Q. [15:47:12] Have you ever heard of anyone being released, any woman or girl
18 being released from Oka battalion?

19 A. [15:47:29] What I know of was the release of mothers from Oka. And there was
20 a girl, there was a person who was a bit old now who was also released.

21 Q. [15:47:46] And who in Oka battalion would decide on whether or not a mother
22 can be released?

23 A. [15:47:58] The mothers who were released from Oka were released because of an
24 instruction that came from above, from Kony. The instruction was that -- the
25 information was distributed to all the units, including Oka, where Dominic was, and

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1 Dominic had to release them.

2 MR SACHITHANANDAN: [15:48:39] Your Honour, can we go into private session
3 for one question?

4 PRESIDING JUDGE SCHMITT: [15:48:41] Yes, private session.

5 (Private session at 3.48 p.m.) *(Reclassified partially in public)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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20 (Redacted)

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24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [15:52:00] Thank you, Mr Witness.

11 MR SACHITHANANDAN: [15:52:03] Your Honour, we are at a logical end here, so
12 it may be good to just wrap up today and start tomorrow.

13 PRESIDING JUDGE SCHMITT: [15:52:10] I think we should go back to open session
14 first and discuss this then. Open session.

15 (Open session at 3.52 p.m.)

16 THE COURT OFFICER: [15:52:23] We are back in open session.

17 PRESIDING JUDGE SCHMITT: [15:52:27] Yes. When I say "discuss", I wanted to
18 enquire if you can already say how long your examination will last. Given the fact,
19 may I add, that we have the Monday and Tuesday and we have the Defence, of
20 course, and Legal Representatives want to question. So it would be appreciated if
21 you could finish tomorrow.

22 MR SACHITHANANDAN: [15:53:02] I think I can, your Honour. Again,
23 obviously a tentative point, but I think that if we continue at this pace, we will finish
24 tomorrow by the close of business, with perhaps the minor possibility that there is
25 half an hour on Monday, something like that.

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- 1 PRESIDING JUDGE SCHMITT: [15:53:17] Of course. As I said, we would
- 2 appreciate it if we could finish the examination by the Prosecution by tomorrow.
- 3 I don't know how many questions the Legal Representatives will have, if you can
- 4 already say that, but normally you wait until the Prosecution has finished. So I don't
- 5 want to press you.
- 6 But nevertheless we are all aware of the fact that we -- on Tuesday we have to finish
- 7 this block, and also we would have to finish, simply speaking, the testimony of this
- 8 witness, if need be with extended hours, but we want to avoid that, if this is possible.
- 9 So for today then, the hearing adjourned. We reconvene tomorrow at 9.30.
- 10 THE COURT USHER: [15:53:58] All rise.
- 11 (The hearing ends in open session at 3.53 p.m.)
- 12 RECLASSIFICATION REPORT
- 13 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 14 2016, the public reclassified and lesser redacted version of this transcript is filed in the
- 15 case.