

Trial Hearing
WITNESS: UGA-OTP-P-0340

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 12 September 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:40] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:08] Good morning, everyone.
13 Good morning, Mr Witness.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:31:21] Good morning, Mr President, Your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
17 Ongwen, case reference ICC-02/04-01/15.
18 And for the record we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:31:36] I call for the appearances of the parties, we
20 start with the Prosecution.
21 MR BRADFIELD: [9:31:40] Good morning, Mr President, your Honours.
22 Appearing today are Sanyu Ndagire, Benjamin Gumpert, Adesola Adeboyejo,
23 Colleen Glig, Pubudu Sachithanandan, Ramu Fatima Bittaye, Shahriar Yeasin Khan,
24 and myself Paul Bradfield.
25 PRESIDING JUDGE SCHMITT: [9:31:59] Since your composition every day changes

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1 it really makes sense to ask you, so.

2 And Mrs Hirst, please.

3 MS HIRST: [9:32:06] Good morning, Mr President, your Honours, I am Megan Hirst,
4 with me is James Mawira.

5 PRESIDING JUDGE SCHMITT: [9:32:11] Narantsetseg.

6 MR NARANTSETSEG: [9:32:14] Good morning, Mr President, your Honours. My
7 name is Orchlon Narantsetseg, with me Ms Caroline Walter and Ms Hyuree Kim.
8 Thank you.

9 PRESIDING JUDGE SCHMITT: [9:32:18] Thank you.

10 And for the Defence, please, Mr Ayena.

11 MR AYENA ODONGO: [9:32:22] My lords, today I am assisted by Abigail
12 Bridgman, Tibor Bajnovic, Roy Ayena. And our client Dominic Ongwen is in court.

13 PRESIDING JUDGE SCHMITT: [9:32:40] Thank you very much.

14 And we also welcome Mrs Poku again in the courtroom.

15 MS POKU: [9:32:44] Good morning, Mr President and your Honours. Again, I
16 represent the witness's interest as duty counsel.

17 PRESIDING JUDGE SCHMITT: [9:32:50] Yes. Thank you. Thank you very
18 much. And we continue with the examination by the Defence and Mr Ayena has the
19 floor.

20 MR AYENA ODONGO: [9:32:56] My lords, I want to begin with a correction of
21 a name for the Court record. My lords, there is a name erroneously written as
22 (Redacted) it is (Redacted). For the record, it is (Redacted)
23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [9:33:27] Do we have exactly at what part of the
25 hearing yesterday this was?

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1 MR AYENA ODONGO: [9:33:34] At page 11, line 20, real-time transcript of
2 yesterday.

3 PRESIDING JUDGE SCHMITT: [9:33:43] Thank you very much for this correction.

4 MR AYENA ODONGO: [9:33:47] Yes.

5 MR BRADFIELD: [9:33:49] Your Honour.

6 PRESIDING JUDGE SCHMITT: [09:33:50] Yes.

7 MR BRADFIELD: [09:33:50] Just to note that section of the transcript is not yet
8 public.

9 PRESIDING JUDGE SCHMITT: [9:33:56] Yes. Yeah, and we know what we have to
10 do now, okay. Thank you, Mr Bradfield. We do not dwell further into the matter.
11 Mr Ayena, then you can continue with the examination.

12 MR AYENA ODONGO: [9:34:10] Yes.

13 WITNESS: UGA-OTP-P-0340 (On former oath)
14 (The witness speaks Acholi)

15 QUESTIONED BY MR AYENA ODONGO: (Continuing)

16 Q. [9:34:22] Good morning, Mr Witness.

17 A. [9:34:26] Good morning, your Honours.

18 Q. [9:34:28] Mr Witness, yesterday you told this Court that by the time you were
19 abducted you were already aware that one week before LRA had been lurking
20 around; is that correct? Specifically in a place called (Redacted), which was not far
21 away from your home; is that correct?

22 A. [9:35:15] Like I said yesterday, you repeated the same thing. I said that we
23 heard that the LRA who had attacked (Redacted) it -- a few days passed before we
24 heard that the LRA were around (Redacted). (Redacted) is the place which is close
25 by, but it was not so close to our place. You see, when the LRA start moving there is

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1 always a distance, it is a bit far. They left there and then they came and abducted us
2 at night. But we had heard. We did not know who the Holy were, we didn't even
3 know whether they were human beings.

4 Q. [9:36:00] And, Mr Witness, you said that they abducted you on a Sunday.

5 A. [9:36:11] I said we were abducted on a Sunday, on the 7th. The battle that took
6 place was on Monday, the 1st.

7 Q. [9:36:21] That was after you had been playing football.

8 A. [9:36:34] We played football on Sunday in the evening, then we went to bed.

9 At night the Holy came and abducted us. That is what happened, sir.

10 MR AYENA ODONGO: [9:36:46] Mr President and your Honours, I want to refer
11 the witness to tab 3, what he said at tab 3, ERN UGA-OTP-0270-0317 at page 319, lines
12 38 to 51. And the important thing I want him to note there is that he said that he
13 was -- they were abducted on Monday, 7th, but particularly that children were going
14 to school that day.

15 Q. [09:37:40] Do you remember saying that, that you were abducted on a Monday
16 and on that day children were going to school?

17 A. [9:37:55] I did not say that. What I said is that on Monday children are going to
18 school. The children who were going to secondary school came back and said that
19 the Holy had attacked Patongo on Monday. And then we stayed a bit and then we
20 heard that the LRA, the Holy were near our place. On Sunday we went to play
21 football. When we came back from playing football we went to bed on 7th, Sunday.
22 That is when we were abducted. There is nothing more I said.

23 Q. [9:38:30] Maybe -- sorry. Mr Witness, maybe I will assist you to recollect
24 exactly what you say during your interview with the OTP investigators, starting from
25 line 38, when you said -- the interpreter said -- I mean you said: "I was abducted in

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1 2002."

2 And then line 41 you say: "It was on 7 July."

3 Line 44 you said: "It was a Monday."

4 Line 51 you said: "That very night they came and abducted us." Do you remember
5 that?

6 A. [9:39:47] I do recall, sir, but I think it was not recorded well, the date, the date
7 and the day were not recorded well. But it was like that. It is not the same night
8 that the children who went to -- the same day that the children went to school that
9 I was abducted, but it was on the 7th that I was abducted, the night of 7th.

10 Q. [09:40:10] (Overlapping speakers) not on a Monday?

11 A. [09:40:12] Monday the 1st is when the children were going to school.

12 PRESIDING JUDGE SCHMITT: [9:40:18] So I think enquiries here on the Bench, by
13 one member of the Bench, have resulted in establishing that obviously 7 July was
14 a Sunday. So I think, Mr Ayena, we can go to another point. It does not seem to be
15 such an important issue.

16 MR AYENA ODONGO: [9:40:43] No.

17 The next few questions I think should be in private, your Honours.

18 PRESIDING JUDGE SCHMITT: [9:40:55] Go to private session.

19 (Private session at 9.40 a.m.)* Reclassified in public

20 THE COURT OFFICER: [9:40:58] We're in private session, Mr President.

21 MR AYENA ODONGO: [9:41:17]

22 Q. [9:41:17] Mr Witness, can you describe to Court the circumstances under which
23 you were abducted. Were you abducted alone or were you abducted with others?

24 A. [9:41:40] I mentioned earlier that I was abducted with others. In the same
25 house where we were sleeping, three of us were abducted. My elder brother and

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1 one, my cousin who was about my age. He's my uncle's son so I call him my brother.

2 My elder brother's wife was also present but she was not abducted. The three of us
3 were abducted from the same house at that time.

4 Q. [9:42:20] Thank you.

5 Just for clarity, your lordship, in Africa we don't have cousins, we have brothers. In
6 fact, when I talk about cousins I'm talking about, you know, people from the mother's
7 side. But otherwise my paternal uncle's children are sisters and brothers.

8 PRESIDING JUDGE SCHMITT: [9:42:43] I suspected that yesterday because when
9 we, when I heard the first testimony of Mr Witness he spoke of brothers, and I had
10 read a little bit about it before and there was the more European concept of cousins.
11 But I thought there must be something behind it and that somebody else perhaps
12 would pick it up and clarify. And you have done it now. Thank you.

13 MR AYENA ODONGO: [9:43:07] Much obliged, your Honour.

14 Q. [9:43:18] Mr Witness, you remember that when you made a statement in Rachele
15 Rehabilitation Centre you said that you were abducted alone.

16 Your Honours, I shall refer him to --

17 PRESIDING JUDGE SCHMITT: [9:43:32] Reference, please, yes.

18 MR AYENA ODONGO: [9:43:35] -- tab 14, ERN UGA-OTP-0124-0347 at page 348,
19 fourth row.

20 Q. [9:44:25] You can look at the fourth row where you were asked "was he
21 abducted with brothers", and then you are asked to indicate number of brothers.
22 You emphatically said "alone". In the fourth row you said -- you ticked the box "no"
23 when you were asked were you abducted with brothers and sisters? Can you help
24 Court to understand why in such a situation you told people that you were abducted
25 alone?

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1 A. [9:45:19] At that point there is a difference which needs to be clarified. First,
2 when you are asked whether you are abducted together with your brother or sister, it
3 means you are from the same mother or same father. For example, if the president
4 judge is my father, if the next person sitting close to you is also your son, that means
5 we are brothers. But when they asked me whether I was abducted with the other
6 people with whom we were born together, I said I was only alone from my father.
7 But from the same household we were abducted with the children of my father's
8 brothers. My father's brothers are not my exact brothers.

9 Q. [9:46:15] Mr Witness, that's a very intelligent explanation. But would you want
10 to explain to Court why in an African setup where people would more easily
11 understand the concept of cousins and brothers you, rather, say your cousins were
12 your -- you would not say that your cousins were your brothers, but in a Court
13 presided by white men you say they were your brothers?

14 A. [9:47:01] Your Honour, I, I seek to be pardoned. I would like to say something.
15 At some points you are asked too many questions. But when some questions are
16 not -- you are not able to answer them, you take it back the way it is. That means
17 you are not supposed to answer all the questions. In that regard I cannot answer
18 that question now. It requires elderly people to answer it. I don't know anything
19 about it. I know that a brother is someone with whom we fed on the same breasts.
20 But a brother from the household is someone who is from within the same household.
21 So when I say that I was abducted together with my brothers, it means that we are
22 from the same household.

23 PRESIDING JUDGE SCHMITT: [9:48:00] Mr Witness, shortly to explain something
24 to you. The questioning by Defence is not to embarrass you, it's simply that Defence
25 has another role that Prosecution has and that the Legal Representatives of Victims

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1 have. And they ask the questions also to clarify. They have their own strategy, so
2 to speak, also. And for a witness it is simply to answer these questions to the best of
3 your knowledge. And so there is no problem in that. And the more you are able,
4 so to speak, to accept that, that you have to answer these questions as good and as to
5 your knowledge as before you have done with the Prosecution and all the other
6 questions, I think the best it is and the quicker you finish this process.

7 The question was simple, you said yesterday brothers were abducted with you, and
8 there -- in this Rachele Rehabilitation Centre when you were asked, it seems that you
9 have said there were no brothers and sisters. It's simply like that and it's absolutely
10 understandable that Defence picks that up. But there is nothing behind it that
11 somebody wants to reproach you. It's simply to understand what might be the
12 reason for that and not more, not less. So there is nothing to embarrass you.

13 I would really ask you to simply not go into a, so to speak, defence attitude. It's not
14 necessary. Just continue like you have done these two days before.

15 Continue, Mr Ayena.

16 MR AYENA ODONGO: [9:49:51]

17 Q. [9:49:52] You know, Mr Witness, I want to confirm to you that we know you are
18 a young man and there -- and we want you to be nice to Court and tell the Court the
19 truth. So don't feel like there is a wish to embarrass you or to reproach you. Just
20 relax. When we ask questions don't read anything other than what the question is
21 about. Answer them just fairly. If you can't, just say "I cannot". Is that okay,
22 Mr Witness?

23 A. [9:50:42] That's no problem.

24 MR AYENA ODONGO: [9:50:46] Now, we can now I think go to open session.

25 PRESIDING JUDGE SCHMITT: [9:50:49] Perhaps shortly.

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1 I just want to indicate that the question that you addressed, Mr Ayena, is also
2 addressed on another part of this document, and this is the -- you cannot see the
3 page here, it's on the third page and there is -- it's the third from the bottom, "If
4 brothers and sisters were abducted, indicate what happened to them". And then it is
5 written here "he was". This shows that it is not a direct answer given by the witness
6 but that it relays something that a person has been told, "He was abducted alone from
7 their family." So there might be simply a different understanding at that point in
8 time what the inner circle of family means or not. So perhaps you can continue then
9 and go first to open session.

10 MR AYENA ODONGO: [9:51:46] You know --

11 PRESIDING JUDGE SCHMITT: [9:51:48] Then stop for one moment. Yes.

12 MR AYENA ODONGO: [9:51:51] Yes, my lords, sometimes I also get intimidated by
13 them. When they -- when they jump on my neck I tend to also refrain from the line.
14 I had seen that. But since he had become aggressive I thought asking further might
15 embarrass him. That's why I left it. But you can note that, you know, he was
16 consistent.

17 PRESIDING JUDGE SCHMITT: [9:52:15] Yes. I understand it.

18 So I think it's good that it has been mentioned, not by you, but somebody else in the
19 courtroom. And the witness is not aggressive. It's simply what -- how, I think how
20 I have worded it, which is clear when you -- when you -- but this is sometimes
21 the -- really the problem that also Judges can appreciate of Defence counsel
22 questioning, sometimes. So we really understand that and I think you see that we
23 understand that.

24 So we go to open session.

25 (Open session at 9.52 a.m.)

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1 THE COURT OFFICER: [9:52:52] We are back in open session, Mr President.

2 MR AYENA ODONGO: [9:53:12]

3 Q. [9:53:13] Mr Witness, yesterday you told Court that you were abducted by
4 the Holy and that seems to be a very consistent thread in your testimony. Now,
5 Mr Witness, had you heard about the Holy before your abduction?

6 A. [9:53:46] Your Honour, since yesterday I have been mentioning consistently that
7 we heard about the Holy and that they had attacked Patongo. That means if we had
8 heard that the Holy had attacked Patongo, it means we had heard about it. I confirm
9 right now also that we had heard that the Holy had attacked Patongo.

10 Q. [9:54:17] Mr Witness, I am not talking about the incidence of your abduction
11 alone. I am now talking to you as a young man from Acholi, a young man from, is it
12 Pader? I mean from that area of Acholi. Had you known before that this group
13 called Holy was operating within the area? Or, rather, put differently, had you
14 known that there is a group called Holy in the area?

15 A. [9:55:10] About the presence of Holy, I did not see physically, but I, I heard that
16 Holy was already present. We would hear about Holy from the elderly people. But
17 for us, the young people, we had, we did not know anything about Holy. But we
18 would hear about Holy, we had not however seen. We did not see them committing
19 anything at the time that I was young, apart from the time that they attacked in 2002
20 and abducted us. That is when I knew more about Holy because I was a victim now.

21 Q. [9:56:03] Mr Witness, had you heard from your elders or from anybody what
22 type of people the Holy were, what they do, their character, and whether they were
23 harmful people?

24 A. [9:56:27] We did not ask, sir. We did not ask anybody to talk about the Holy,
25 because there was no interest at the time.

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1 Q. [9:56:48] When you were finally abducted did you know that you had been
2 abducted by the Holy?

3 A. [9:57:07] From our place there are also the Karamojong who would attack, but
4 the Karamojong would speak a different language. The people who abducted us
5 spoke Acholi. And also, when they abducted us our elder brother told us that these
6 must be Holy. That is when I knew that we were in Holy because they moved with
7 us to the bush. At that time they were also called Olum-Olum. We did not ask to
8 find out what they did or how they operated, but we knew when they moved with us
9 to the bush.

10 Q. [9:58:02] In that context therefore, Mr Witness, it would appear you were aware
11 that the Holy were Olum-Olum, at least, by the time you were abducted?

12 A. [9:58:17] Yes. Before I was abducted I wouldn't know what Holy was. What I
13 said was that we would hear the elderly people talk about it. I did not know as if I
14 had experienced it. I had not yet experienced anything.

15 Q. [9:58:48] Mr Witness, how did you know that this group was from Sinia
16 brigade?

17 A. [9:59:01] I learnt about us when we were already -- when the people who
18 abducted us took us to the main group. When we were in the main group those who
19 were moving with us, like Mukwaya, told us that our main group is called Sinia.

20 Q. [9:59:25] Let's talk about this man called Mukwaya. Is there -- was he called by
21 any other name?

22 A. [9:59:38] I do not know any other name. He is also called lapwony. As long
23 as he is a commander you first call him lapwony and at that time we would call him
24 Lapwony Mukwaya. There was not any other name that I was aware of, that is the
25 only name that I knew. I did not ask which other name he used. It is difficult.

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1 There was fear all the time.

2 Q. [10:00:11] Thank you. Now, Mr Witness, can you tell Court whether this name
3 Mukwaya is an Acholi name?

4 A. [10:00:23] Sir, that's difficult, because it was Mukwaya himself who told us his
5 name, that he is called Mukwaya. So to understand or to know whether he was an
6 Acholi or a Lugwara, I do not know. But since I am (Redacted) yes, that's my name,
7 because I am called (Redacted) Maybe his parents are the ones that started or gave
8 him the name, so they would be better able to know which tribe he belongs to. I
9 wouldn't know.

10 Q. [10:01:01] You know, Mr Witness, you and I know the names that are given to
11 the Langi and the Acholi. My simple question is: Is Mukwaya an Acholi name
12 ordinarily?

13 A. [10:01:21] I do not know, I do not know how names are given according to
14 wherever the person comes from. I need to tell the truth that I do not know.
15 Even if he told us a lie, I wouldn't say, because that was the only name he gave us at
16 that time.

17 Q. [10:01:52] Anyway, when you finally came to the grips of Mukwaya and his
18 friends, did he ever speak?

19 A. [10:02:14] Are you talking about Mukwaya? At the time when we met him,
20 how? Your question is not clear.

21 Q. [10:02:26] My question is did Mukwaya ever speak to you?

22 A. [10:02:36] Well, if -- when we stationed, maybe cooking, at that time, maybe
23 when we are going to collect food. There is nothing that is done quietly or silently.
24 At least he will speak, he will talk, in the meals of everything. So even when he says
25 "Bring me water", or if he sends me to collect water, that's already communication, he

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1 has already spoken to me. So that means he has been speaking to me all the time
2 until the time he died, because he doesn't just point at things as if he is a deaf person.
3 PRESIDING JUDGE SCHMITT: [10:03:15] I think you can go directly to what you
4 wanted to ask initially. It is perhaps in which language he spoke to him, might be of
5 interest or whatever.

6 MR AYENA ODONGO: [10:03:27] Yes.

7 Q. [10:03:28] Sir, in which language did he speak to you?

8 A. [10:03:34] In Holy there is only Acholi language spoken. I did not find any
9 other language which I heard which is different from Acholi. He was speaking to
10 me in Acholi.

11 Q. [10:03:54] Now, Mr Witness, when you were abducted did you see
12 Dominic Ongwen in the group? Was he present?

13 A. [10:04:13] I mentioned that the group that abducted us he was not present.
14 Throughout that night of course, during the night you wouldn't see and understand
15 somebody clearly. It was until after about a week while I was in the bush, because
16 while in the bush most of the things you only try to -- you only try to guess. So
17 when we met deep in the bush, that's when one person told me that "You see that
18 person walking, he is the one that is heading the whole group" which has combined
19 together. So because there were very many people and then that's when the
20 introduction took place. I saw him that day at that time when all the groups were
21 together. But he was not the one who came and abducted us, but another group,
22 and then they went and joined us to the other groups as well.

23 MR AYENA ODONGO: [10:05:22] Mr President and your Honours, can we go to
24 a short private session.

25 PRESIDING JUDGE SCHMITT: [10:05:28] Private session.

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1 (Private session at 10.05 a.m.) *Reclassified partially in public

2 THE COURT OFFICER: [10:05:36] We're in private session, Mr President.

3 MR AYENA ODONGO: [10:05:47]

4 Q. [10:05:47] Now, Mr Witness, yesterday morning you said that after your
5 abduction you were taken to (Redacted) trading centre. Did this happen the same
6 night, or maybe in the morning, or later?

7 A. [10:06:19] Sir, I am repeatedly saying that at the time when we were abducted
8 during the night, we walked that same night, the group walked that same night, went
9 to Lira Kato centre, looted goods, and that same night went back and returned in the
10 villages, as we were walking back in the villages. So it therefore means it was that
11 same night that the group went.

12 Maybe, about the time, it was difficult to know the time, because I had just entered
13 into it so it was difficult to confirm the time. It was that same night, not in the
14 morning, but it was the same night.

15 When day broke it was already when we were moving out of the centre, we had left
16 the centre. We were quite a distance away now.

17 Q. [10:07:26] Now, you talk about being a distance away from Lira Kato by
18 morning. Did you recognise where you were taken?

19 A. [10:07:42] We moved eastwards from Lira Kato. But I wouldn't know the exact
20 place, but that's where we went.

21 Q. [10:08:00] Thank you, Mr Witness.

22 Can we go back to open session.

23 PRESIDING JUDGE SCHMITT: [10:08:06] Open session.

24 (Open session at 10.08 a.m.)

25 THE COURT OFFICER: [10:08:07] We are back in open session, Mr President.

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1 MR AYENA ODONGO: [10:08:23]

2 Q. [10:08:24] Now, Mr Witness, you told Court that you got to know that the larger
3 group to which you were taken was the Sinia group and therefore you realised that
4 you were abducted by Sinia group; is that correct?

5 A. [10:08:50] The group that went and joined the main group, we understood that
6 comes from the main group. It therefore means that it is the same group but they
7 would split into different groups. So once the whole group, all groups came
8 together, that's when we knew that there is one main group. But we don't know
9 whether it was him who sent or distributed the smaller groups or the groups went on
10 their own, but I don't know.

11 Sir, it's difficult to understand what happens in the bush. Once you are inside you
12 do not know and you don't understand anything else that's going on. Sometimes
13 you wouldn't know what's happening unless otherwise.

14 So to confirm that that main group was the one than went I cannot -- but also to -- but
15 I can also confirm that it was this group that went and joined with the main group.

16 Q. [10:09:57] Thank you. Thank you, Mr Witness.

17 Now, you talk about this main group splitting into different groups. Did you in the
18 course of your stay in the bush under this big group, did you come to understand the
19 different groups into which the main group would separate or split?

20 A. [10:10:37] Well, it was not very clear, but all I did was to stay in the group where
21 I was. Because once you're there in the bush, you don't have the time to move
22 around to understand which group is where, because they will ask you what are you
23 looking for.

24 In addition, those of us who were new were not allowed to move around because
25 they will think you want to escape. So we would stay in our group and when we see

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1 there are many people, then that's when we confirm that the groups have combined
2 together. It wasn't important to really go around to see which group is -- belongs to
3 who, but the one that I was in is the one that I came to know.

4 Q. [10:11:33] Mr Witness, I want to believe that from the time you were abducted
5 up to the time you escaped there was a time when you were no longer new in the
6 group. Would I be correct to think so?

7 A. [10:11:58] Well, if in the same group that I move with, yes, I am not very new.
8 But to know of all the other groups, all the other groups and the main group takes
9 a while for you to understand, because I wouldn't have a voice to ask what's going on,
10 because for Holy to tell you their secrets I don't know how long you must have spent
11 there. So if there is any meeting, because if there is any meeting or they want to
12 communicate anything, the top commanders go and sit by themselves and then they
13 only send us the instructions and many times you don't have the voice to ask. But
14 the ones that I move with at least I would know something because every day we are
15 together. But also, sometimes things might escape your understanding and you may
16 not be able to really grasp everything and understand everything. So you have to
17 excuse me if I am not being able to tell you everything.

18 Q. [10:13:19] Well, you see I appreciate that there are certain things you may not
19 have been on top of, but you have at least talked about top commanders. Did you
20 see or can you mention the names of some of the top commanders that you may have
21 met in the bush?

22 A. [10:13:51] Well, the senior commanders that I met, the ones that I know their
23 names, at least I don't have one. But apart from the ones that, of the group that I
24 would move in, and then they would mention the name Lapwony Odomi, that's the
25 only one that I know. But the others, no.

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1 Q. [10:14:19] Now, when you were in the bush, how often did you see

2 Lapwony Odomi?

3 A. [10:14:37] Sir, it was not very clear to understand the way these people stay,
4 because you might see him once a week, then you will like spend another two or
5 three weeks without, you know, knowing where he is or even without seeing him.

6 So it's difficult to understand how they were actually, you know, operating. I would
7 only come to understand or to know when a group comes together then I would see,
8 okay, today there is a bigger number of people, that means the groups have come
9 together. Maybe that's how they have -- maybe that's how they had agreed to do the
10 things, that we would meet and then we would split. But I don't know how
11 everything was going on.

12 Q. [10:15:27] Now, yesterday -- sorry. Mr Witness, yesterday you talked about
13 a battalion and you said particularly that Mukwaya and Kidega -- sorry, I don't know
14 whether we should go into private.

15 PRESIDING JUDGE SCHMITT: [10:15:44] It depends a little bit. I think we have
16 not entertained these questions in private session, have we? No, we haven't, so
17 please continue. And as always we are vigilant. And I would assume when
18 you are in the flow of your talking it would come immediately to your mind if you
19 were to reach a critical point.

20 MR AYENA ODONGO: [10:16:07] Much obliged.

21 Q. [10:16:10] Now, you stated that Mukwaya and Kidega were members of the Siba
22 battalion, and according to you Kidega was superior to Mukwaya. When you were
23 in the bush did you get to know whether there were other battalions under Sinia
24 brigade?

25 A. [10:16:43] Sir, I don't want to tell a lie. Yesterday I mentioned that the only

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1 name that I know was Siba. But to know that Siba was a battalion or a coy, now that
2 has escaped my mind. I said I know the name Siba, but to know that it's a battalion
3 or a coy, that's what I can't recall. But the people with whom, who were moving
4 with us in the group were Mukwaya and Kidega. These are the names that I do
5 recall, because I was in that group.

6 Q. [10:17:32] (Microphone not activated)

7 PRESIDING JUDGE SCHMITT: [10:17:35] Microphone please.

8 MR AYENA ODONGO: [10:17:37] Sorry.

9 Q. [10:17:38] In that case I think you are right, you did not mention specifically the
10 name battalion, but you talked about group, Siba group. My question now is:
11 Apart from the Siba group did you get to know about any other group that was under
12 Sinia brigade?

13 A. [10:18:09] I understood, but I do not recall the names of all the groups under
14 Sinia, because most times when the groups meet I would stay in my group. But I
15 would know that the different groups are also in close proximity, because one group
16 would be this side, the other group is the other side and our group is this side, and
17 the middle here is what they called headquarter. So the other groups would be
18 stationed in different positions. So that means those groups also have their names,
19 but I only know the name of my group, which was Siba.

20 Q. [10:18:57] And you want to confirm to this Court, Mr Witness, that for two years
21 you did not learn the name of any other group that was part of the brigade, Sinia
22 brigade?

23 A. [10:19:17] Sir, I don't know. I don't know the names of the other groups, but I
24 would see when the groups are there, because they would -- you would see them
25 stationed at their position. It is now the commanders that move in-between the

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1 groups. So I have to tell the truth, I did not know.

2 PRESIDING JUDGE SCHMITT: [10:19:40] I think we have to take this as it is. It is
3 indeed, like you pointed out, a thing that would have to be considered, but we have
4 to take the answers as they are.

5 MR AYENA ODONGO: [10:19:48] I am obliged.

6 Q. [10:19:54] Do you recall somebody named Abola?

7 A. [10:20:08] Yes, Abola was in the same group I was in in Siba.

8 Q. [10:20:15] Compared to Kidega and Mukwaya, who was higher in rank?

9 A. [10:20:30] Sir, ranks within the Holy, to see that with my own eyes that this
10 person is putting on this rank and this one is higher in rank than the other, no, I did
11 not understand. But all I know was that in terms of positioning, one group would be
12 in the inner circles, then the other group will be in the outer circle. So we would see
13 Kidega was in the inner circle and Mukwaya is on the other circle. But then I would
14 also know that maybe Kidega was higher because he would sit in the inner circle and
15 he would be surrounded and then Mukwaya is seated on the other side. And also
16 when instructions are given to go and do something, most times he is the one that
17 communicates, so that is what makes me believe that he is higher in rank.

18 Q. [10:21:38] Mr Witness, did you hear such name like Oka and Terwanga?
19 Terwanga?

20 PRESIDING JUDGE SCHMITT: [10:21:47] Terwanga.

21 MR AYENA ODONGO: [10:21:49]

22 Q. [10:21:51] Did you ever hear these names, Oka and Terwanga?

23 A. [10:22:02] I did not hear the name Oka. But the one of Terwanga, yes, I have
24 a weak recall about it, but I do not want to actually guess.

25 Q. [10:22:18] Mr Witness, in relation to what did you hear the name Terwanga?

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1 A. [10:22:34] I heard that it's a group, but to know which group it is I do not know,
2 because I did not ask. If I knew about it, I would have mentioned it earlier, because I
3 have to talk about what I know. It will make -- it will make my, you know,
4 you believe in what I say.

5 PRESIDING JUDGE SCHMITT: [10:22:59] I think with issues like structures and
6 battalions, groups and so on, we won't get any further. So I think really we would
7 simply -- whatever you make out of it, but we simply would move on, I think, in my
8 opinion.

9 MR AYENA ODONGO: [10:23:17] Yes. But he is amazing though, but maybe I will
10 make a proposition.

11 Q. [10:23:29] Mr Witness, what would you say if I were to emphatically tell you
12 that Abola, Kidega, Mukwaya were all in Terwanga and (Microphone not activated)

13 PRESIDING JUDGE SCHMITT: [10:23:57] Please, please, microphone. The second
14 part would have to be repeated.

15 MR AYENA ODONGO:

16 Q. [10:24:03] And they were intelligence officers in Terwanga at this time. What
17 would you say about that?

18 A. [10:24:20] Sir, the issue of intelligence, I have no idea about it. All I know is the
19 name Siba, which I got, and that was a group I was in. So if you are talking about
20 Kidega, maybe there was another Kidega who was in that Terwanga group, but the
21 Kidega that I'm talking about was in Siba; because there are many names which could
22 be the same. There cannot be only one Kidega in the whole of Holy, so the one I
23 know is the one that I have spoken about. I cannot refute. Maybe there was
24 another Kidega who was also there in that group.

25 Q. [10:25:03] How about Mukwaya? Were there many Mukwayas, you think?

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1 A. [10:25:13] Mukwaya was moving with Kidega that I am talking about. If there
2 is another one I don't know. The issue of names has become difficult. Even you, it
3 is difficult to confirm all the names because I cannot move in the whole of Holy to
4 confirm whose name belongs to who.

5 Q. [10:25:37] May I propose to you, Mr Witness, that the name Mukwaya is a Bantu
6 name and is not an Acholi name and that, therefore, if there was a person called
7 Mukwaya it was very unlikely that there would be another Mukwaya in the LRA.
8 Would you agree with me, that Mukwaya is a Bantu name and is not a Luo name?

9 A. [10:26:19] Well, if you have more information about it, because you are also
10 older than me and you have read widely more than me, yes, you may be able to know.
11 But I don't know. I have to tell the truth. And also to confirm that there is only one
12 Mukwaya, it's also difficult for me.

13 PRESIDING JUDGE SCHMITT: [10:26:41] That is of course true, he cannot say how
14 many Mukwayas might have been, if at all, in the LRA. And also the issue of where
15 such a name might derive from or from which ethnicity I think we have also
16 entertained now.

17 MR AYENA ODONGO: [10:27:05]

18 Q. [10:27:06] Mr Witness, when you were abducted and you continued staying in
19 Siba, did you get to hear the name Pokot Okello?

20 A. [10:27:27] If it was much earlier than, at much earlier or after me, when I left
21 then it's possible. But while I was still there I did not hear these names. I do not
22 recall. Maybe if you remind me later or tomorrow, then I could be able to say that,
23 or I could be able to say that, yes, this was there. But the ones that I can confirm are
24 the ones that I have mentioned and are the ones that I will stand by that I will know
25 those names.

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1 Q. [10:28:05] In that case, therefore, since you have requested me so to do, I wish to,
2 by way of reminder, put it to you that at the time you were abducted actually the CO,
3 or the commanding officer of Siba battalion was Pokot Okello.

4 A. [10:28:37] I do not know about that, because at that time to ask who the CO was,
5 it was not possible. Actually, it was not possible to ask about any commanding
6 officer while you are in the Holy. Even in the group that I was, to understand or to
7 ask who the CO was I did not. Because imagine you are abducted now and then you
8 go to start asking who is the CO, who is the intelligence person, it wasn't difficult -- it
9 be wasn't easy. So I wasn't aware. So if you are aware maybe somebody told you
10 and that person probably is more aware or much more informed than I am.

11 Q. [10:29:25] Mr Witness, you may be reminded that you have already told Court
12 that you were aware that Dominic Ongwen was in charge of Sinia brigade, which was
13 a much bigger group than a battalion; is that correct?

14 A. [10:29:52] Sir, I did not mention the name battalion. I still repeat, I did not say
15 that I am aware of a battalion or a coy. I said I only got two names, the name that
16 I was told, that was the Sinia brigade, and then that's what I know. But to know
17 whether brigade or a coy, I do not know. But I know that I was in Siba.
18 So I know brigade is big and that is how we became to know that, because brigade is
19 big and that is Sinia. So whether coy is bigger or a battalion is bigger, excuse me, I
20 do not know. I still repeat that I am not very well informed of the two, the difference
21 between the two. But I only got the names.

22 Q. [10:30:53] Mr Witness, how did you get to know that it was Dominic who was in
23 charge of Sinia brigade?

24 A. [10:31:07] I said earlier that the group had been combined at the place at the foot
25 of a hill and when we had combined it was pointed out that this is the commander

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1 who is in charge of the Sinia group. He is the one and he is the one called
2 Lapwony Odomi. So in many times when the groups are combined, that is when
3 they say that is a brigade. Especially since Lapwony Odomi is in the, in the group,
4 that is the big group which is Sinia.

5 Q. [10:32:00] Mr Witness, what would you say if I were to tell you that at the time
6 when you were abducted -- first of all, let me start by putting this question to you:

7 Did you ever hear or meet -- hear the name or meet a person called Buk Abudema?

8 A. [10:32:34] No, I did not meet. I did not even hear about that name.

9 Q. [10:32:40] Did you hear or meet a person called Okot Odhiambo.

10 A. [10:32:54] I heard about Odhiambo, but I did not meet him. I did not see him
11 personally. I was never in his presence. I only heard that there was a commander
12 called Odhiambo.

13 Q. [10:33:12] Did you hear about or meet somebody called Ocan Bunia?

14 A. [10:33:24] No, I did not hear.

15 Q. [10:33:31] Did you hear about or meet somebody called Raska Lukwiya?

16 A. [10:33:39] I heard about the name, but I did not know personally meet him at
17 close range. I just heard that there was a commander by that name. I never met his
18 group or I never met him.

19 Q. [10:34:02] May I suggest to you, Mr Witness, that at the time you were abducted
20 Dominic Ongwen was actually not the brigade commander of Sinia, he was battalion
21 commander of Oka. He was Oka battalion commander and the commander of the
22 brigade was Buk Abudema. What do you say about that?

23 A. [10:34:43] I said earlier that what I know is that between Siba and Sinia, is that
24 Sinia is bigger than Siba. I do not know if Siba was a coy or a battalion. If you
25 know how to differentiate between a battalion and a brigade, that means you know.

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1 But for me and the way I was told, it was said that Sinia was a bigger brigade which
2 was headed by Odomi, Lapwony Odomi. If you know any other commander, that is
3 to your knowledge, me, I have no knowledge of that. At the time that I was there, I
4 did not know anything else other than what I have said here. If it was after I had left,
5 or maybe it was a different group, then maybe that is it.

6 Q. [10:35:48] And I put it to you, Mr Witness, that because Dominic Ongwen was
7 actually the commanding officer of Oka battalion, you could not have been under him
8 since you very consistently said you were all the time under Siba battalion where he
9 was not.

10 A. [10:36:29] For me I said I do not know the difference between a battalion and
11 a coy. If Siba is a battalion, then that is the group that I moved with. That Siba was
12 under Sinia, that's what I was made to understand.

13 Q. [10:36:47] Well, I don't think we can press you any further than that. Let's
14 move to the next topic, your going to Sudan, your move to Sudan.
15 Of course, Mr Witness, in your interview with the Prosecution investigators you say
16 that the first time you met Dominic Ongwen was at the foot of Kitgum hills; is that
17 correct?

18 A. [10:37:34] It was my estimation that was around Kitgum, because it was really in
19 the bush, and while there we were still young, we wouldn't even know direction, the
20 place was bushy, there were rocks and hills, there were trees and you are in the
21 middle of the bush. It was not easy to know direction and locations. But I just
22 estimated it could have been around Kitgum.

23 Q. [10:38:04] It may serve good purpose to remind you what you told the
24 investigators.

25 And, your Honours, it is tab 8, ERN UGA-OTP-0270 -- I mean the same -- lines 350 to

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1 361.

2 Line 350 you said: "You've said after two weeks you met Dominic."

3 And line 354 you said: "Yes, I said it after our abduction."

4 And then line 361: "These hills are in Kitgum. I can't remember."

5 So, in other words, you were confirming to the investigators that you met

6 Dominic Ongwen after two weeks, two weeks after your abduction. Do you want to
7 confirm that to Court today, Mr Witness?

8 A. [10:40:02] That I met him after two weeks?

9 Q. [10:40:05] That is what you said?

10 A. [10:40:13] Yes, we moved. It was more than 10 days. At that time we would
11 estimate that any, if there are more than 10 days, that's about two weeks. Because
12 you cannot know how many weeks you have been in the bush. It is difficult. You
13 just estimate that if we all stayed for about this number of days then it could be about
14 these weeks, and we found ourselves under the foot of the hill. It is not easy to
15 know the days of the week and it is not easy to know the number, the day you met
16 the commander itself. There you stay and wait for the days to end.

17 Q. [10:41:16] Now, how long did it take you before you crossed the border to
18 Sudan, Mr Witness, if you remember?

19 A. [10:41:37] Sir, it is difficult to say, because the way the Holy move, they don't
20 move in a single line. I didn't even know what a border was at that time. We also
21 moved at night and we found ourselves that we were there. Then we were told that
22 we were already past the border. It was mainly -- the movements were mainly at
23 night and when we met we just continued moving.

24 It could be up to about three weeks at that time. Everything is -- I just estimate it. I
25 do not want to tell lies, because if you ask me how many days had passed, I would

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1 just estimate and say maybe three weeks. You cannot record things and, it is in the
2 bush, you can't write anything down.

3 Q. [10:42:37] That's very true, Mr Witness. I mean, in the circumstances I am sure
4 you can only make a good guess, an estimate.

5 Now, can you tell Court, or describe the group that you moved with, was it your
6 small group that you moved with or it was the entire group, the bigger group that
7 you moved with to Sudan?

8 A. [10:43:24] Your Honour, the group that moved with us or the one I moved with
9 to Sudan was not a small group. It was not Mukwaya's group only. It was
10 combined and there were many people. There was -- it was not only one group.
11 Only one group wouldn't be that big. It means that it was a very large group or it
12 was not just one group. There were many groups that had combined together.

13 Q. [10:44:00] Were you all the time with Dominic Ongwen?

14 A. [10:44:13] When we were moving to Sudan, that is when we moved together.
15 But during the movements within, I would be in Siba. We would be in our group,
16 but he would be in a different group. But while we were moving to Sudan we
17 moved together. We would see that he is there moving together with other people.
18 He moved and went to Sudan. Maybe I was just mistaken, but he moved and went.
19 And since there were many people I do not know if he was now the overall
20 commander or there was another bigger commander. There I cannot say anything,
21 your Honour.

22 Q. [10:45:05] And you said, Mr Witness, that the group was big and you'd only see
23 him at a distance. Can you estimate the distance between you and Dominic Ongwen?
24 At least the closest you ever came to him. Can you estimate the distance?

25 A. [10:45:37] The Holy moves in zigzag, it doesn't mean that if he was moving in

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1 that position he would be in that same position forever. Sometimes you realise he is
2 far ahead or far behind. There was no exact position where he should be. Take for
3 example you are moving or cycling together in a convoy, there are others who would
4 cycle further or run further, others would remain behind. So it doesn't mean that
5 that person would have a particular position where he will stay in. Sometimes he
6 would even step aside and leave the group. Sometimes you spend a whole day
7 without seeing the person because the group was big. It is therefore difficult to
8 estimate and say that this is the furthest or the nearest I was close to.

9 Q. [10:46:35] Mr Witness, my question was simple, you said you saw
10 Dominic Ongwen, and I am sure that -- I mean you have confirmed that sometimes he
11 would be so far away, sometimes he would be near enough for you to know that he is
12 this near.

13 And I was saying, within the three weeks of your journey to Sudan, can you
14 remember one incident when he was so near you, and if you can remember how near
15 was he?

16 A. [10:47:27] It was, it was far. I cannot recall the exact distance. But I saw. It is
17 not easy to estimate how close or far I was, but I saw that we were moving.

18 PRESIDING JUDGE SCHMITT: [10:47:45] May I shortly, perhaps. Mr Witness,
19 when we take now as a reference perhaps for you to help you, and us of course then.
20 This room here, this courtroom, so the closest you have been to Mr Ongwen and have
21 seen him, would it be as close if we are starting with very close as the person aside
22 you. Would it be as close or far away as your counsel or the bench? Do you see
23 what I mean? Would that help you perhaps to -- and we know that you can only
24 talk about estimates, like you already told us with time and distances. That's
25 perfectly clear. But nothing, nothing more is asked. If you have an idea that you

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1 can convey to us.

2 THE WITNESS: [10:48:40] (Interpretation) Your Honour, while we were moving it
3 was on the road. Therefore this room is small. We would not move in a single line.
4 This room is still small. It would be further than this room.

5 PRESIDING JUDGE SCHMITT: [10:49:02] Okay, thank you very much. So now we
6 have really an idea and I think perhaps this helps everybody in the room here to
7 understand a little bit better.

8 Mr Ayena, please continue.

9 MR AYENA ODONGO: [10:49:19]

10 Q. [10:49:19] So in that frame of things, Mr Witness, would it be easy for you to
11 know that so-and-so was Dominic Ongwen, or were you just told that he was also in
12 the group?

13 A. [10:49:41] When I was already shown once I already knew him. I
14 would -- whenever I saw him I would know he was the one.

15 Q. [10:49:53] Just to take you back a little bit.

16 Mr Witness, when you first saw Dominic Ongwen can you describe how he looked
17 like?

18 A. [10:50:17] When I was shown, he was on the move. You would see him as
19 a human being, as like any other human being. He had a -- he would walk with
20 a limp, and I am not sure which side was the limping one.

21 Q. [10:50:44] Mr Witness, this was in July of 2002?

22 A. [10:51:00] I said earlier that when we were abducted we first stayed around.
23 I am not sure if the month had ended. We had no count of time while in the bush.

24 Q. [10:51:16] But you remember, Mr Witness, that I asked you to describe
25 Dominic Ongwen when you first saw him. That was about two weeks after your

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1 abduction. And according to what you have told Court you were abducted on the
2 10th -- on 7 July 2002.

3 PRESIDING JUDGE SCHMITT: [10:51:46] I think it's not so important if it was the
4 end of July or whatsoever. But simply I think it would be interesting if the witness
5 could describe the person and --

6 MR AYENA ODONGO: [10:51:58] (Microphone not activated)

7 PRESIDING JUDGE SCHMITT: [10:52:00] Then please continue. But I think it's not
8 so -- if we start from the 7th and go on for 10 days or 14 days we might still be in July,
9 but I think the witness has several times underscored that, when it comes to days and
10 weeks, the concept of time in the bush is obviously something completely different
11 than we would have it here in our environment.

12 MR AYENA ODONGO: [10:52:31] My lord, the reason why I am asking about the
13 timeline is the fact that there was a time when Dominic was limping and there was
14 a time when he was not limping.

15 PRESIDING JUDGE SCHMITT: [10:52:42] Of course. But I think we are now really
16 talking about a week or something like that. If it was still within, still within July, or
17 you see what I mean? We are not talking about month now, I think we are really in
18 a relatively close range, so to speak. This is the only thing that I wanted to mention,
19 so that we do not perhaps need to dwell into that too deep and spend too much time
20 on that.

21 MR AYENA ODONGO: [10:53:13] I surrender, your Honour.

22 Q. [10:53:16] So when you first met Dominic Ongwen, the time, like the learned
23 Judge said, does not really matter within that period. Can you describe the type of
24 person you saw and was introduced to you as Dominic Ongwen. Was he tall? Was
25 he fat? And his mobility. I mean, can you describe to Court, please.

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1 A. [10:53:58] At that time, your Honour, knowing everything was not easy, because
2 you would just still look at him. He was short, he was not very tall. He was an
3 average height and he was not very dark.

4 Q. [10:54:31] But you said you could discern that he was limping, was he limping?

5 A. [10:54:44] Whenever he walked he walked with a limp. I do not know when he
6 started limping, but I saw him limping.

7 Q. [10:54:58] That was the first time you saw him, you saw him limping?

8 A. [10:55:09] All the time that I was there, every time I found Lapwony Odomi he
9 was limping. I do not know if he stopped limping when I left. I do not know when
10 he started limping.

11 Q. [10:55:27] I will tell you now. Mr Witness, records available show that
12 Dominic Ongwen was shot in the leg and started limping in November 2002. So
13 would it surprise you that you may have been mistaken that he was limping by the
14 time you first saw him in July?

15 A. [10:56:12] I do not know. We should ask him. Maybe he had a small injury in
16 the leg. But what I know is that I saw him limping. I do not know whether he was
17 shot or he had another injury.

18 Q. [10:56:32] I put it to you, Mr Witness, that consistent with what we had asked
19 you yesterday about your engagement with the Prosecution, you did not see
20 Dominic Ongwen, you did not recognise him, but you were told to come and testify
21 against him. What do you say about that?

22 A. [10:57:07] I did not understand your question. You just mentioned what
23 transpired yesterday. But I did not hear the question.

24 Q. [10:57:19] Well, Mr Witness --

25 PRESIDING JUDGE SCHMITT: [10:57:21] Perhaps just leave the preliminary part of

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1 your question and perhaps repeat just the second part.

2 MR AYENA ODONGO: [10:57:31]

3 Q. [10:57:31] I just put it to you, Mr Witness, that you actually do not know

4 Dominic Ongwen, you did not see him when you were abducted, you did not walk
5 with him to Sudan. What do you say?

6 A. [10:58:00] Your Honour, I know that I walked myself to go there. For me, I say
7 what I went through, what I saw. If at that time there was a camera, I would
8 have -- he would have seen the images and would have clarified everything. For me
9 who says I walked with and you who just thinks I did not walk with, for me I would
10 insist that I walked with him. For me, I moved together with him up to there and
11 also we came back. I went up to Sudan. I cannot say lies here. But for you,
12 you are just reporting hearsay, what someone told you. I beg to be pardoned there.

13 Q. [10:58:51] Now, for how long did you stay in Sudan?

14 A. [10:59:00] I said earlier that while in the bush you lose count of time and days.
15 I said this several times already. You, you just wait for days to end and you do not
16 know what time it is. But I can confirm that we stayed in Sudan and we came back
17 from Sudan in 2003. I think this can be calculated now. From around August when
18 we went to Sudan or maybe after the three weeks that I was abducted it can be
19 calculated to the time that I came back. Because I do not remember now.

20 PRESIDING JUDGE SCHMITT: [10:59:59] Mr Ayena, we have reached now a time
21 where we normally would have our coffee break.

22 And do you know how long your further questioning will last? Do you have
23 already an idea?

24 MR AYENA ODONGO: [11:00:14] We should be able to finish in the next session.

25 PRESIDING JUDGE SCHMITT: [11:00:21] We said that already, so we -- I think we

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1 take this as, so to speak, as a promise that will be kept then.

2 Okay, then we have now the break until 11.30.

3 MR AYENA ODONGO: [11:00:36] In case we don't, maybe within 30 minutes in the
4 afternoon.

5 PRESIDING JUDGE SCHMITT: [11:00:40] It's a little -- I think we --

6 MR AYENA ODONGO: [11:00:43] We should finish.

7 PRESIDING JUDGE SCHMITT: [11:00:45] We should finish, yes, because we have
8 already made preparations for the next witness and I think -- and also, you know, you
9 get -- when you are very -- quite often in the Courtroom, have been quite often in
10 the Court, you get a feeling what might come up again, and I think you can finish in
11 the next session.

12 So break until 11.30.

13 THE COURT USHER: [11:01:05] All rise.

14 (Recess taken at 11.01 a.m.)

15 (Upon resuming in open session at 11.30 a.m.)

16 THE COURT USHER: [11:30:35] All rise.

17 PRESIDING JUDGE SCHMITT: [11:30:55] Mr Ayena, you still have the floor.

18 MR AYENA ODONGO: [11:31:00]

19 Q. [11:31:00] Mr Witness, I hope you had a great break and a fulfilling coffee.

20 Now, we were talking about your move to Sudan. When you went to Sudan, who
21 do you remember meeting in Sudan?

22 A. [11:31:28] The person that I met in the Holy or what?

23 Q. [11:31:35] (Overlapping speakers) important people in LRA, can you tell Court
24 who of them you met?

25 PRESIDING JUDGE SCHMITT: [11:31:47] No overlap when we speak.

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1 THE WITNESS: [11:31:59] Yes, you can say it now, the question again.

2 MR AYENA ODONGO: [11:32:04]

3 Q. [11:32:05] When you went, when you arrived in Sudan, or at least the place you
4 now noticed was Sudan, can you tell Court the type of -- whether you met some
5 commanders there, LRA commanders?

6 A. [11:32:28] I did not know who was who and who was the commander, because
7 when you are just abducted you don't go and immediately start to understand your
8 surrounding. But I said when we went to Sudan we reached a certain mountain and
9 that's where we were introduced to somebody called Lapwony Madit, who is
10 Joseph Kony, and that is what I meant. So I don't know whether he was a senior
11 commander or what, as you say, who was the most senior. I do not know who was
12 the most senior.

13 Q. [11:33:14] So you met Joseph Kony?

14 A. [11:33:23] I recall that we got him -- we met him.

15 Q. [11:33:25] According to what you were told, what role did he have in the LRA?

16 A. [11:33:38] I did not ask to know his roles. To go and ask Kony was not possible
17 to me. To ask that what does he do. It was not possible. Even you, you can
18 imagine that it wouldn't be possible.

19 Q. [11:34:00] Can you tell Court whether you know what role Kony was playing in
20 the LRA, at least as of now?

21 A. [11:34:16] There is nothing particular that I knew from him, only that there are
22 some times when we had the camp, he would gather people for prayers, because
23 sometimes when we are there people are gathered for prayers and after people have
24 cooked and eaten food, people would be gathered and are told that Lapwony Madit
25 would like to talk to people. But apart from that, I do not know what other roles or

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1 what other things that he did.

2 Q. [11:35:02] (Microphone not activated) Sudan did you receive some training?

3 A. [11:35:13] Yesterday I mentioned before the Court that we were trained how to
4 march and how to dismantle guns. Yes, I take that as training. Let me put it that
5 these were like trainings.

6 Q. [11:35:34] By the way, when you went to that -- under that hill, what were you
7 told the place was called? Did you come to learn the name of the place where you
8 were taken?

9 A. [11:35:53] Some of the people that we moved with, the ones that were older and
10 those that had stayed there for some time told me that that mountain, that that
11 mountain was called Agoro, Agoro mountain. Unless they told me a different name,
12 but that is what I was told. If I knew, I would openly mention that this is the name,
13 but that is just hearsay. What I was told, that is what I am actually talking about.

14 Q. [11:36:28] Did you stay -- sorry. Did you stay under Agoro hill, by whatever
15 name it was called, did you stay there for the rest of the time you were in Sudan? Or
16 you went other places too?

17 A. [11:36:53] Well, this hill, when you are up on top there it's an expanded place.
18 It's like a vast expanse of land. It was not that we stayed at the foothill. We
19 climbed up on top and people actually were staying up there. We did not stay in the
20 same place for a long time. Sometimes we climbed down this hill. We would just
21 move back and forth, up and down. So we were just moving around and about
22 there. But we were not -- the Holy does not stay fixed at one place.

23 Q. [11:37:44] Mr Witness, from information available to us it would appear Agoro
24 hills is actually, is in Kitgum, Uganda and not in Sudan. What do you say about
25 that?

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1 A. [11:38:11] I said that at that time I did not know. Maybe the people who
2 mentioned, who told me probably gave me an incorrect information. Most of the
3 time I had not been able to travel that long distance before I was abducted. But I
4 communicated what I was told. Maybe the mistake came from the people who told
5 me because I had never been that side before.

6 Q. [11:38:42] So if that was a mistake, would I be correct to say that you actually
7 never went to Sudan?

8 A. [11:38:59] Well, if the Sudan that you are talking about, including the one on top
9 and the one that is down, then it means there are two Sudans, because the Holy, the
10 Holy that were there told me that even these are, guinea pea are the ones, they are the
11 ones who planted. Even the potato track that we found they were the ones that
12 planted. And so it therefore makes me think maybe you are saying that there are
13 two Holies, but that's what they were telling us.

14 Q. [11:39:49] Did you learn when you were trained some names of your trainers?
15 Did you get to know the names of some of your trainers?

16 A. [11:40:05] Well, each group would stay within their own area. So in our group,
17 the senior commanders like Mukwaya in our group are the ones that do the training.
18 We were not gathered in one large group for me to be able to start mastering the
19 names of everyone. That training was not actually a long training, because we
20 would sit in a place for a short time and move on. So most times we were just
21 moving, would go and then would actually return. So there was no permanent
22 barracks which was used as a training ground, otherwise I would have known.

23 Q. [11:40:58] Mr Witness, did I understand you correctly that you said you
24 interfaced with Arabs during your training?

25 A. [11:41:10] I did not say it was during the time I was getting training. Maybe

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1 the recording was done incorrectly.

2 Q. [11:41:31] (Microphone not activated) you did not actually train with the Arabs,
3 or they did not train you?

4 A. [11:41:45] Arabs never gave us any training.

5 PRESIDING JUDGE SCHMITT: [11:41:51] But of course we recall that the witness
6 mentioned Arab people. I think it was also a distributing of food when I recall it
7 correctly, for example. If this is correct.

8 MR AYENA ODONGO: [11:42:05] Yes.

9 PRESIDING JUDGE SCHMITT: [11:42:06] And Mr Witness is nodding, have
10 I -- recall it correctly, what you said?

11 But also to my recollection he did -- of course we can make an enquiry into that, but
12 to my recollection he did not relate the Arab people to the training directly.

13 MR AYENA ODONGO: [11:42:30] Okay. Well let me -- much obliged,
14 your Honour.

15 Maybe I rephrase my, my question.

16 Q. [11:42:41] When you were in Sudan did you interface with Arabs?

17 A. [11:42:55] Meeting with the Arabs face to face like this, people like us, no, we
18 did not. But of course they would bring foodstuff, sometimes they would send us to
19 go to the bush to collect firewood, to collect water, and the foods would be delivered.
20 So when we tried to ask about what about this food, then some of the senior people in
21 the group would tell us that it was -- it were delivered by the Arabs. And of course
22 we would also see that these were different from the usual foods that we usually
23 have.

24 MR AYENA ODONGO: [11:43:43] Your Honours, I want to refer the witness to
25 page 27, lines 20 to 25 of the real-time transcript. And this is what you said: "... as I

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1 stated earlier, there are some people who had been there longer, some of the veterans,
2 who would tell us that these people would also supply them with weapons."

3 And of course this starts from 20, line 20:

4 "... apart from giving food, do you remember if the Arabs gave anything else to the
5 Holy?"

6 To that question you said: "But as I stated earlier, there are some people who had
7 been there longer, some of the veterans, who would tell us that these people would
8 also supply them with weapons."

9 PRESIDING JUDGE SCHMITT: [11:45:22] There is no contradiction, it simply has
10 been said like that.

11 MR AYENA ODONGO: [11:45:26] Yes.

12 PRESIDING JUDGE SCHMITT: [11:45:26] And this also refreshes my memory that
13 he related it, but not as an immediate experience that the witness himself made but
14 something that was talked about --

15 MR AYENA ODONGO: [11:45:36] Yes.

16 PRESIDING JUDGE SCHMITT: [11:45:37] -- by veterans to him.

17 MR AYENA ODONGO: [11:45:38] Okay.

18 PRESIDING JUDGE SCHMITT: [11:45:39] I think we can simply take it like that and
19 you can follow up on that, if you want.

20 MR AYENA ODONGO: [11:45:46] Well.

21 Q. [11:45:49] So, Mr Witness, you were told -- of course you said that there were
22 some types of foods which were -- food items which were different from the usual
23 food items known in Acholi. And therefore when you asked you were told that they
24 were supplied by Arabs. And you also said you were told the Arabs also supplied
25 weapons; is that correct?

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1 A. [11:46:28] Yes, that is exactly what I said and that is what I was told. If that is
2 what I was not told, then I wouldn't actually mention as it has been indicated down
3 there in writing.

4 Q. [11:46:43] Now, Mr Witness, did you during your training get to know about
5 somebody called Ofoke (phon), Lapwony Ofoke?

6 A. [11:47:10] I do not recall that name, sir.

7 Q. [11:47:22] Can you tell Court who was in charge of your training?

8 A. [11:47:30] Sir, I said that in our group the training is conducted by Mukwaya
9 and Abola, but any other training or trainer that I know of, no.

10 MR AYENA ODONGO: [11:48:07] Your Honours, I want to refer the witness to tab 7,
11 lines 400 and -- I mean page 356, page 356, lines 486 to 494.

12 Q. [11:48:53] To the question: "And who were you hearing this" -- I mean from
13 479: "And who were you hearing this from? Were you hearing this from the
14 people of your age or were you hearing this from others?"

15 And you said: "It's the soldiers who were guarding us, those who had gone and
16 fought and who had come back."

17 And to the question: "Did you see these Arabs?"

18 And you said: "The Arabs, I saw them with my eyes, seeing them driving the
19 vehicles and coming."

20 And the question put to you again: "What were they dressed in?" And you said:
21 "They would wear a uniform."

22 And at 493: "By the type of uniform you could see that they were soldiers. Do you
23 remember the uniform?"

24 And then you said: "I don't remember the colour because we would be at a distance
25 and then they would say, 'Look at those people. They are there'."

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1 Do you remember that, making that statement, Mr Witness?

2 A. [11:50:23] Yes. You know that question, sir, it's very similar to the one that
3 you are telling me about the difference between the distance where Dominic was and
4 also where I was.

5 So also what I am saying is that I saw them from a distance but I did not come close to
6 them. That means I saw them, but I did not go to them very closely, to the point that
7 I can even speak to them. When food is delivered, yes, we go and pick them. Just
8 like you said when you asked me what was the distance between me and Dominic,
9 that is asking the same thing, which is similar to what I am explaining now. I saw
10 them from a distance.

11 PRESIDING JUDGE SCHMITT: [11:51:03] May I shortly, Mr Ayena?

12 MR AYENA ODONGO: [11:51:05] Yes, please.

13 PRESIDING JUDGE SCHMITT: [11:51:06] Do you recall how they carried the food?
14 How they brought the food to the place where you stayed? Or did they come in
15 personally with, carrying them, the food themselves? Or do you recall how they
16 brought it to you?

17 THE WITNESS: [11:51:29] (Interpretation) Your Honour, this food, when the truck
18 arrives, the truck parks somewhere inside. For us, we would stand from a distance.
19 So some of our soldiers would go and pick the food. I am not sure whether our
20 soldiers are the ones that go and offload the items or it is the soldiers that brought the
21 items are the ones that load. I don't know. But we are only instructed now to go
22 and collect this food and bring to the group.

23 PRESIDING JUDGE SCHMITT: [11:52:08] My question was not clear enough, so I
24 apologise. But you have already mentioned what I wanted to know, that you said it
25 was brought by trucks. Do you recall what kind of trucks these were? Meaning

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1 were they, just to put an alternative to you, were they normal civil trucks where you
2 would bring all sorts of things, food, whatsoever, or were they different?

3 THE WITNESS: [11:52:39] (Interpretation) Well, when I look at this truck from
4 a distance, yes, they are like military trucks. But also you know when you are under
5 tension you may not be able to see clearly. I could have just had a glimpse, but they
6 are actually trucks which are like military.

7 PRESIDING JUDGE SCHMITT: [11:53:02] Thank you. Thank you very much for
8 this information.

9 Mr Ayena, please continue.

10 MR AYENA ODONGO: [11:53:06]

11 Q. [11:53:12] Let's move a bit back to where you were. When you were in Sudan,
12 did you hear about a place called Lubanga Tek?

13 A. [11:53:33] They told us that we were at some point stationed at Lubanga Tek.
14 So while we were still in Sudan there was a point where we were, and that's when
15 they told us that this place we are in, we are at now is called Lubanga Tek.

16 Q. [11:53:54] Is that where you saw the traces of guinea peas, the trucks of potatoes
17 that you talked about earlier?

18 A. [11:54:16] When I correctly recall, yes, that is where I saw the guinea peas, the
19 trucks of potatoes and millet, which they told us they were the ones that planted and
20 left.

21 But, you know, even while in Sudan the Holy do not stay fixed at one place. But I do
22 not know, of course, I do not recall maybe if there are other places that we moved to.
23 Because if we had stayed at one place for all this while, yes, I would confirm that this
24 was the only place we stayed in. But because you only stay in a place for a short
25 while like a week or two and you move to the next place, so I wasn't able to know the

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1 names of all these places.

2 Q. [11:55:13] And, Mr Witness, before I come back to this area of questioning, can I
3 ask you whether you knew somebody called -- or heard of or knew an LRA
4 commander called Tabuley?

5 A. [11:55:41] I heard of his name. But his group was different from our group that
6 we move in. I heard of his name. Even when I returned home I heard on radio that
7 he was killed. But even when I was still in the bush I heard about the name Tabuley.

8 Q. [11:56:11] Mr Witness, did you during the course of your stay in the bush ever
9 go to Soroti?

10 A. [11:56:28] Sir, the areas in Lango I really do not know. I know that, yes, they
11 were in the directions of Lango, but I do not know whether they moved there or what,
12 but I do not know. All I recall is what I have tried to explain. But there are many
13 things that could have happened, but you cannot recollect. However much you are
14 very intelligent you cannot, you know, master everything.

15 Q. [11:57:03] Incidentally, is Soroti in Lango?

16 A. [11:57:13] I said I do not have any knowledge of the geography between Lango
17 and Soroti. But they moved that direction. I can still repeat that my last journey
18 when I was still at home, my longest distance before I was abducted was between
19 home and school. So to know anything of a distance beyond that was difficult.
20 Most times you are just told that this is where you are, and because it is in the bush I
21 do not know the directions.

22 Q. [11:57:55] Now, Mr Witness, if you ever moved in the direction of Lango and
23 possibly the direction of Soroti, was it before or after you had come from Sudan?

24 A. [11:58:15] In my return, when we went towards the direction of Lango, yes, we
25 had already returned from Sudan. I -- if I were abducted, I think, and we moved to

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1 Sudan after three weeks, then, well, maybe I probably guessed that we had already
2 returned from Sudan. That is when the name, the area of Lango was mentioned to
3 me. We had already returned from Sudan.

4 Q. [11:58:49] And, Mr Witness, I suppose you still confirm that from your
5 abduction until your escape, you were most, if not all, of the time with
6 Dominic Ongwen or in Dominic Ongwen's group; is that correct?

7 A. [11:59:17] If the Siba group is under his group, yes, then it means that most
8 times we were with him. So if it is clear that the group that Siba belongs to, it was
9 headed by Dominic, yes, then that is the group that we were in it. Because I never
10 left Siba to go anywhere, maybe only that we move in different groups or directions,
11 because most times the Holy do not move in one large group. When we returned to
12 Uganda, people were not moving in large groups because the helicopter gunship
13 would be following the movement. So people have to move in small groups so that
14 they are not followed.

15 Q. [12:00:11] But all the time you would every so often see Dominic Ongwen?

16 A. [12:00:23] In Uganda I was not seeing him regularly. I was -- I would not see
17 him all the time. But sometimes we would meet him during movements.

18 Q. [12:00:39] Can you tell Court how often you saw him when you were in
19 Uganda?

20 A. [12:00:52] Your Honour, it is difficult to say that. Those are the things I was
21 talking about earlier, that if I thought these would be used in the future, I would have
22 counted the number of times I met him. It is difficult to estimate how you meet
23 someone along the way.

24 Q. [12:01:16] Mr Witness, did you come to know about sickbay in the LRA?

25 A. [12:01:36] If I knew about it, I would have mentioned it.

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1 Q. [12:01:45] Did you, Mr Witness, get to know about Dominic Ongwen's injury at
2 any time when you were in the bush with him?

3 A. [12:01:58] I never heard about his injury because I already saw him limping. I
4 do not know what caused this injury and I do not know when he got injured.

5 Q. [12:02:17] Mr Witness, I wish to politely but very sternly put it to you that, as a
6 matter of fact, you did not go to Sudan. If you ever went to Sudan, you could have
7 gone in another group, because Dominic Ongwen was injured, seriously, in
8 November 2002 and stayed in the sickbay well into 2003. What do you say about
9 that?

10 A. [12:03:09] Sir, that is what you say. For me, I saw. I moved with him. If he
11 got injured several times, then maybe he got injured three or four times. But when I
12 saw him, he was already limping. I moved with him until he came back. Maybe he
13 got injured when I had already returned. But the way you say it, that is the way you
14 have prepared to say.

15 Q. [12:03:37] I also wish to put it to you, Mr Witness, that the last time LRA was at
16 Lubanga Tek was in 2000 during the so-called Iron Fist operation and they never went
17 back there again. What do you say about that?

18 A. [12:04:07] Sir, I do not know about the first attack. I do not know who went for
19 the attack. But when we were taken back there, they said that is the food they left.
20 They had grown that food, we should go and harvest the pigeon peas and the millet
21 and the potatoes. I didn't even know a place called Lubanga Tek was in Sudan.
22 The people whom we went with knew the place. Me, I was just told and they said
23 that here it is called Lubanga Tek.

24 Q. [12:04:56] I also further put it to you, Mr Witness, that after the Iron Fist -- in fact,
25 as a matter of fact, the Iron Fist was made possible because the government of

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1 Uganda had already made an agreement with the government of Sudan, and agreed
2 to work together to flush out the LRA, and therefore after the 2000 attack, the Arabs
3 were never together with the LRA, they could not have supplied the LRA with
4 uniforms and food. What do you say about that?

5 PRESIDING JUDGE SCHMITT: [12:05:58] The witness, of course, can only say what
6 he recollects and what he today says he has seen and has experienced himself.
7 About any political agreements, of course, the witness cannot say anything. So we
8 should perhaps make it clear that it's a -- I think you made it clear, but I sense a little
9 bit that the witness might not understand it fully what a proposition is. So the
10 political part, so to speak, of your question was the explanation for the proposition,
11 why you put it to him.

12 So, Mr Witness, it is simply about that there might be information that is, so to speak,
13 the basis for this question to you. At that time the Defence puts to you there has
14 been no contact with the Arabs and the LRA. Is this correctly put by me? Yes. So
15 this would be the proposition. What do you say to that?

16 MR AYENA ODONGO: [12:07:02] Yes.

17 THE WITNESS: [12:07:09] (Interpretation) I do not know about any agreements or
18 any disagreements. I have no knowledge of those things. I say and repeat that
19 those who stayed there, those who were there in the past, told us that this food was
20 brought by the Arabs and they said that this place called Lubanga Tek, we had grown
21 food here and left. We -- I had no authority to ask or find out whether the Arabs had
22 disagreed with the LRA. I do not know anything about it. I do not know why they
23 disagreed or why they agreed on whatever they agreed on. Whatever I was told was
24 that Lubanga Tek was the place where we grew food. I didn't even ask why they left
25 the food there.

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1 MR AYENA ODONGO: [12:08:02]

2 Q. [12:08:03] May I suggest to you, Mr Witness, that because of what we have
3 heard from you, it would appear what you are telling Court is from your recollections
4 of what you were told, either at Rachele Rehabilitation Centre or what you were told
5 during your interview with the investigators of the OTP.

6 A. [12:08:45] I do not understand the question. You just mentioned something.

7 Q. [12:08:51] Mr Witness, I did not ask you, I just put some proposition to you, that
8 your story is collected from stories that you heard during your time in Rachele from
9 other abductees, and that all your recollections in the bush where you place
10 Dominic Ongwen is from the fear that you felt before the interview, you felt before
11 the interviewers, that -- with the Prosecution, that you had a duty to say something
12 about Dominic Ongwen.

13 A. [12:09:45] For me, I was asked and -- to explain what I saw. I didn't even know
14 they were talking about Dominic. I was asked what I saw when I was abducted,
15 after a time I came back, just like I have been explaining since yesterday. If it is
16 about what I was told, I would also say this is what I heard. If it is what I saw, I
17 would mention this is what I saw. If it happened when I was present, I would say it
18 happened when I was present.

19 Q. [12:10:20] Mr Witness, may I put the proposition to you that as a matter of fact,
20 between 2000 and 2004, most LRA actually stayed in Uganda, except Joseph Kony
21 and a few people who were around him. From records available, Joseph -- I mean
22 most of the LRA, including Dominic Ongwen, were actually in Uganda. They never
23 went to Sudan.

24 A. [12:11:17] That depends on your record. Probably that is what you have.
25 What I know is that the Holy were not few, there were very many Holy people.

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1 Others would be in Uganda, others would be in Sudan. If others had remained here,
2 those who saw had so -- had seen. But for me, I moved to Sudan.

3 Maybe there are also many Lapwony Odomis, I don't know. But the
4 Lapwony Odomi who I saw, who I moved with, who was limping, is the one that I
5 saw.

6 It was not my intention to go to Sudan. You probably think that I am claiming that I
7 just went to Sudan, but it was not my wish to go to Sudan. I went under duress and
8 I was forced to go there. When I say I went to Sudan, it was not because we had
9 gone for tourism, it was not something easy.

10 Q. [12:12:30] And in regard to the death of Tabuley, you said you only heard about
11 his death when you returned home, is that correct, in 2004?

12 A. [12:12:51] We heard about the death of Tabuley. I was already at home.

13 Q. [12:12:58] And when you were in the bush, you did not hear about his death?

14 A. [12:13:05] Tabuley cannot die twice. The first time I heard about his death was
15 when I was at home. If I had heard that he had died from the bush, I wouldn't say I
16 heard that he had died from home. That means he would have died twice.

17 Q. [12:13:20] Well, I know, Mr Witness, that he died once, but when did you hear
18 he died? Was it in 2004 or earlier?

19 PRESIDING JUDGE SCHMITT: [12:13:32] I think, yes, the witness has answered it.

20 MR AYENA ODONGO: [12:13:35] No.

21 PRESIDING JUDGE SCHMITT: [12:13:36] Yes, when he was back home.

22 MR AYENA ODONGO: [12:13:39] So -- okay.

23 PRESIDING JUDGE SCHMITT: [12:13:39] I have understood the witness has
24 answered he has only heard it when he was back home. And of course you can then
25 again ask when was that, when have you been back home. But I think we had

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1 information the past two days that we can relate this information to a certain point in
2 time.

3 MR AYENA ODONGO: [12:13:57] Much obliged, your Honour.

4 Q. [12:13:59] So you -- let us just confirm this, Mr Witness. You heard about the
5 death of Tabuley when you were back at home in 2004; is that correct?

6 A. [12:14:13] I had already returned home and I heard. That is when I heard.

7 What I can say is -- what I can say is I was home, whether 2004, 2005. I don't even
8 know the number of -- I mean the months and the years. But I heard when I
9 returned home. Whether it is 2005 or 2004, I don't know. But what I can say is that
10 I heard when I had already returned home.

11 Q. [12:14:44] You have done well. I think we got your story right now,
12 Mr Witness.

13 Now, Mr Witness, I think we can now move on to attack on Odek.

14 Mr Witness, before the attack on Odek, had you been to Odek before?

15 A. [12:15:43] No, I had not been to Odek before.

16 Q. [12:15:49] Do you remember how long after you returned from Sudan the attack
17 on Odek occurred? Was it two months, three months? Give an estimate.

18 A. [12:16:12] It is difficult to say and estimate. But what I know, when I returned
19 from Sudan, the first time I participated in an attack was Odek. That is why it is so
20 clear to me. I do not know whether we had stayed for a month or for some weeks.
21 You know, first moving from where we came from, we kept meandering and walking
22 in circles. I beg to be excused on issues of time, dates, weeks. We just find that we
23 are already participating in something.

24 Q. [12:16:51] Now, when you attacked, were you involved in the attack and was
25 Dominic also involved in the attack, Mr Witness? Did you see him there?

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1 A. [12:17:11] We moved together.

2 Q. [12:17:13] Can you briefly describe to Court the kind of weather and the terrain
3 in Odek? Did you see any river there? Did you see any stream of water? Can you
4 tell Court? And what was the weather like? Was it raining? Was it shining? Or
5 what was it like?

6 A. [12:17:57] Sir, about Odek, since you are asking me to explain everything,
7 you are -- it is as if I have taken photos and other recordings. I had never been to
8 Odek before I went to participate in an attack. I could not go to check whether there
9 was a river or a stream there. I went to fight. At that time, you see, you are Holy
10 between life and death.
11 But what happened, we crossed the road. We went to a slope and then there is
12 a -- a higher piece of land that side. There could be water in the middle. We moved
13 and then we entered the barracks and the camp. We first crossed the road. I don't
14 even know where that road leads to. We came from the bush and crossed the road.
15 If there was a camera at that time, I would have taken photos and I would know there
16 was a river here. At this point we were in a rush and we could not capture
17 everything. It was difficult.

18 PRESIDING JUDGE SCHMITT: [12:19:10] And, Mr Witness, it is perfectly clear that
19 you are not here to describe in detail or might recollect in detail at all how the place
20 looked like, but, for example, was there something concerning the weather
21 remarkable in your recollection? You see, something that you -- and if not, simply
22 say, no, there was nothing, it was -- there was normal weather, nothing like that. So
23 only, of course, if something really is still in your mind, you still recollect.

24 THE WITNESS: [12:19:54] (Interpretation) Sir, in regards to the weather, there was
25 no rain that day. It was towards sunset. There was no watch to know the time

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1 exactly. It could have been about 5 p.m. and 6 p.m. That is the time that the sun
2 sets from there. At that time it was tending towards sunset. There was no sign of
3 rain at the time. There was no rain that I saw from that place that day.

4 PRESIDING JUDGE SCHMITT: [12:20:41] Thank you.

5 MR AYENA ODONGO: [12:20:43] (Microphone not activated)

6 PRESIDING JUDGE SCHMITT: [12:20:45] Microphone, please.

7 MR AYENA ODONGO: [12:20:47]

8 Q. [12:20:48] Mr Witness, in your earlier statement you said you had gone to collect
9 food. You did not say you had gone to fight; is that right? What had you gone to
10 do in Odek, to fight or to collect food?

11 A. [12:21:07] I said that those who moved with us told us there was a standby.
12 They don't tell you there is going to be a fight. But when you ask, they will tell you
13 we are going to collect food. Now, going to collect food, you do not know if you will
14 go and they will just give you or you go line up in a queue and you collect the food.
15 When you go there, you have to fight, you have to shoot at them, and they shoot at
16 you because they are the people who protect that food.
17 So when we reached there, other people went to the barracks and other people went
18 to the camp. That is what collecting food means. First we thought it was just going
19 to collect food, where you go line up and you are given.

20 Q. [12:21:57] And, Mr Witness, you have just stated that some people went to the
21 barracks, some people went to the camp. Where did you go?

22 A. [12:22:10] I said in my statement, and I still repeat, we were told that when they
23 start shooting in the barracks, we should run to the camp to collect food.

24 Q. [12:22:23] But, Mr Witness, when the two -- when the group split into two
25 originally, were you with Dominic or Dominic was in the other group?

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1 A. [12:22:42] The group that went to collect food, I did not see him there. The
2 group that went to the camp, he wasn't there. At that time also when we started
3 running, you cannot concentrate on seeing who is where. What you are told is what
4 you act on. That is what happened. For us who went to the camp, I did not see him
5 there.

6 Q. [12:23:18] But you said you had gone to the Odek attack together with Dominic.
7 That's what you earlier said.

8 A. [12:23:32] What I said is that we moved to go there. If he split and went to the
9 barracks, I do not know. But we went -- we ran and went to the camp as we were
10 ordered to do so.

11 Q. [12:23:59] Mr Witness, did you see any civilian -- when you went there, were
12 there civilian casualties?

13 A. [12:24:20] I said that I did not see any civilian casualty at that time. Because at
14 that time, sir, you -- it is not easy because I was starting, I was new in the field. I was
15 also fearing. It is by God's grace that I am alive. All you hope for is to get the food
16 that you have been told to get. When people were now -- when there was chaos, we
17 were just running. The distance between the barracks and the camp is not very far.
18 People were running and we were all mixed up. There was chaos. I actually ended
19 up near the barracks. I found a soldier who had been undressed, put in a small
20 trench, a trench near the barracks. I don't know what that trench was for.
21 But the -- for the civilian case, we removed things very fast and you, you hurry and
22 leave the place. When the gunshots are going on, you cannot see or hear a lot of
23 things.

24 I did not see any civilian. You asked about civilian. I did not see any civilian who
25 was injured at that time.

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1 Q. [12:25:40] Mr Witness, I want to -- I want you to be reminded that by the time of
2 the attack on Odek, it was 2004, I think, and you had been in the rebel ranks for two
3 years. So you cannot say, perhaps you would not say that you were still new. But
4 that is not important. You talked about the houses burning. Is that correct? Did
5 you see any house burning?

6 A. [12:26:21] About houses, yes, they got burnt. Of course I have no photograph
7 to prove it, but I saw houses burning.

8 Q. [12:26:37] Did you see the persons who torched the houses?

9 A. [12:26:45] When Holy goes to fight, people are normally mixed up and
10 you cannot confirm or identify who is torching the houses. But I know civilians
11 cannot torch their own houses and government soldiers cannot torch their own
12 houses or civilian houses because they live together.

13 Q. [12:27:14] But when you attacked the barracks, did you have any crossfires? I
14 mean, did the government soldiers shoot back? Did they fire back?

15 A. [12:27:39] That is obvious. When they say fighting, that means the government
16 soldiers shot back. They are the ones who are being attacked and they should be the
17 ones to defend. There was a battle. When they say it was a battle, it means
18 everybody shot. I don't know when they say fighting, you know how fighting is.
19 When you are a Ugandan, you must know what happened.

20 Q. [12:28:10] Not all Ugandans experienced it though. But I want to suggest,
21 Mr Witness, that you are confirming --

22 A. [12:28:20] I mean about northern Uganda.

23 Q. [12:28:22] Okay. Let's agree --

24 PRESIDING JUDGE SCHMITT: [12:28:24] But we are not --

25 MR AYENA ODONGO: [12:28:25] No.

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1 PRESIDING JUDGE SCHMITT: [12:28:26] Okay, but we are not going into
2 a discussion now and simply moving on.

3 MR AYENA ODONGO: [12:28:31]

4 Q. [12:28:31] Mr Witness, if there was crossfire, would you agree with me that there
5 are certain types of guns that can ignite fire?

6 A. [12:28:52] From -- is it from the Holy?

7 Q. [12:28:58] Did they have guns that could ignite fire?

8 A. [12:29:08] I am not -- I don't know anything about it. The guns I talked about
9 are the ones that I saw, one, two or three types. If there were other guns that the
10 commanders hid and they would use it for torching houses, that's probably what they
11 used.

12 Q. [12:29:36] If you were told, Mr Witness, that there are some guns that can ignite
13 fire and you were not aware that the Holy had that type of gun, would you agree
14 with me that it was possible that the guns that were fired by the government soldiers
15 could have ignited fire and burnt -- and caused the burning, accidentally or
16 otherwise?

17 A. [12:30:15] I do not know anything about guns, sir. I beg to be pardoned there.
18 I am not knowledgeable in weapons and guns. I cannot accept what I have not seen.
19 I do not know if there is a gun that can ignite fire, not even with the LRA. I don't
20 know if it was with the government soldiers.

21 PRESIDING JUDGE SCHMITT: [12:30:38] Mr Witness, shortly, did you see at all
22 how the houses had been torched?

23 THE WITNESS: [12:30:50] (Interpretation) Yes, when the battle was taking place and
24 they were already blowing whistles, others were going to the camp to get sodas, that
25 is when I saw fire. There was fire already in the middle there. For us, we, we ran

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1 and we were on the other side of the road. We would see from behind now fire
2 everywhere.

3 PRESIDING JUDGE SCHMITT: [12:31:20] Again, my question was not clear enough.
4 So you pointed it out. You saw the result, so to speak, you saw houses on fire. My
5 question was: Did you see how they had been set on fire? Be it by persons or be it
6 by crossfire or whatsoever? Did you see that? How the -- it came to the moment
7 when these huts caught fire?

8 THE WITNESS: [12:31:58] (Interpretation) Well, if there was exchange of fire, then at
9 that time when the exchange was still taking on, that's when the housings would be
10 burning. But the -- but the fire, the houses began to be burnt after the fighting, the
11 exchange had taken place.

12 PRESIDING JUDGE SCHMITT: [12:32:23] Thank you very much, Mr Witness.

13 I think, Mr Ayena, it is quite clear now that -- I understood it the way that, so to speak,
14 the moment when the huts caught fire was not on the monitor of the witness, so to
15 speak. I understood it at least this way.

16 MR AYENA ODONGO: [12:32:41] Yes.

17 Q. [12:32:42] Now, Mr Witness, about this attack on Odek. Did you get to know
18 who gave the order to attack Odek?

19 A. [12:33:01] Those of us, the junior officers, you only hear that there is a standby.
20 No one tells you that so-and-so gave instructions to go and attack Odek. But what
21 happens, they first go and meet and they give instructions. But to know who gave
22 instructions to go and do this and that and that, for us we don't know. But if
23 meetings are done before we go, then you would know that in this meeting it was
24 so-and-so who gave instructions.

25 Q. [12:33:43] (Microphone not activated)

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1 PRESIDING JUDGE SCHMITT: [12:33:45] Microphone.

2 MR AYENA ODONGO: [12:33:47]

3 Q. [12:33:50] Mr Witness, can you tell Court whether during this attack it was only
4 that group under Dominic Ongwen who went for the attack, or during the standby
5 the group of Dominic Ongwen was joined by some other group?

6 A. [12:34:14] Sir, I mentioned earlier that I am not able to talk about all the groups
7 under Ongwen, but the ones that I was in, Siba, is the one that I can talk about. So I
8 do not know whether there were other groups that came and joined. But I
9 know -- only know is that when we went, there were many people. So I do not
10 know whether he brought other groups or it was only his groups that went for the
11 attack. I do not know all the groups. I only know the group in which I was.

12 Q. [12:34:56] Maybe last but not least, Mr Witness, can you tell Court whether you
13 got to know about or met somebody called Ocan Labongo?

14 A. [12:35:17] Sir, I am not knowledgeable of Ocan Labongo.

15 Q. [12:35:24] Mr Witness, I think let's move to Abok.

16 PRESIDING JUDGE SCHMITT: [12:35:48] Just shortly. Mr Witness, do you -- it
17 seems to me that you at the moment have -- do not feel really comfortable. I assume,
18 and we have said, that the questioning will relatively soon finish by the Defence.
19 But of course, if you think you really need a break, we would do that, of course. So
20 please tell us.

21 But, on the other hand, I can tell you that we will be --

22 MR AYENA ODONGO: [12:36:19] Fifteen minutes.

23 PRESIDING JUDGE SCHMITT: [12:36:21] -- about 15 minutes until the end of the
24 examination. But I just wanted to give you the opportunity to tell the Court if you
25 have health problems or feel like really needing a break.

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1 THE WITNESS: [12:36:40] (Interpretation) Well, yes, I am feeling discomfort because
2 when I sit for long, my back pains. But since we have a few minutes left, then we
3 can complete all together.

4 PRESIDING JUDGE SCHMITT: [12:36:51] Thank you very much.
5 Please continue, Mr Ayena.

6 MR AYENA ODONGO: [12:36:54]

7 Q. [12:36:55] Now, Mr Witness, I am sure you know directions, south, north, west,
8 east. Where was Abok -- where was the direction of Abok from where you had your
9 standby to attack Abok?

10 A. [12:37:35] Well, your Honour, the issue of Abok is the point at which you really
11 have to excuse me the most, because even when you see in my statement, I mentioned
12 them with a lot of plea to be excused because I did not have adequate knowledge
13 about Abok, because we moved during the night, it was dark.

14 Even up to now, when I am taken to Abok and I am told that this is Abok, I will not
15 know, because I have never been there. I do not know the direction to Abok. We
16 only -- I only found that we were suddenly within the compounds and only realised
17 when the gunshots began. And I explained clearly that the attack in Abok happened
18 when it was dark, unless there was another attack that happened when there was
19 daylight.

20 Q. [12:38:46] Mr Witness, was Dominic Ongwen in that attack?

21 A. [12:38:59] No. I did not see him.

22 Q. [12:39:05] Can you tell Court from the time you left, at the place of your
23 rendezvous, standby, whether you left with him?

24 A. We were only told that there was a standby. Whether it was an addition to
25 another standby, I do not know. I did not see him even at the time when we were

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1 leaving. So I don't know if there was a second attack in Abok, but the one I am
2 talking about took place when it was dark and it was basically looting of food. I do
3 not know whether people went to the barracks and even at that time I didn't know the
4 directions in which the barrack was. I only mention what I know.

5 Q. [12:40:03] When you were closing in on Abok, did you notice some kind of
6 thicket that may have been some form of forest before you reached Abok?

7 A. [12:40:26] Sir, I went to Abok without any knowledge. If I had an idea about
8 Abok, I would even write down and clearly mention that the way we went to Odek,
9 we crossed the road and then we went. But this was different for the case of Abok.
10 I would even have mentioned to you that these are the number of forests or thickets
11 that we went through, but I cannot confirm because I did not know.

12 Q. [12:41:02] Just before you reached the barracks and the camps do you remember
13 crossing any stream or water body?

14 A. [12:41:24] Sir, I am not very knowledgeable about the issue of Abok. You
15 saw -- I explained to you that for Odek, there was a valley on the other side. But this
16 one of Abok was during the night. I beg that you take what I have said because if I
17 knew, I would have ably explained to you.

18 Q. [12:41:52] Were any people killed in Abok?

19 A. [12:42:01] At that night I did not see any dead body.

20 Q. [12:42:07] Was there any torching in Abok?

21 A. [12:42:14] Well, for burning houses, yes, I saw houses burning. But because it
22 was night, I wouldn't know who burnt the houses. For us, we just went and picked,
23 collected food. By the time we were moving and we were leaving the camp, we
24 would see behind burning houses, because we did not take a long time there. That
25 attack was a very short time, took a very short time.

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1 Q. [12:43:26] Mr Witness, I am nearly done. But I want you to help Court to
2 understand something about Mukwaya's death. Yesterday you mentioned that at
3 some point Mukwaya died in an ambush with UPDF between Awere and Odek.
4 Now, Mr Witness, during your time in LRA, did anybody tell you anything about the
5 Awere rock?

6 A. [12:44:21] While in that bush if something is of less importance, you wouldn't
7 ask about it. For example, in Awere, if I start asking any question, somebody might
8 think I want to escape. So you wouldn't ask. So while you are in the bush, you
9 don't ask a lot of questions.

10 MS POKU: [12:44:43] Mr President, can I flag up an issue at this stage?

11 PRESIDING JUDGE SCHMITT: [12:44:46] Yes.

12 MS POKU: [12:44:46] The stage where there is the ambush, where Mukwaya is said
13 to have died, according to the transcripts, is a grey area where there is no date as to
14 whether or not the witness may have been 18 or over, because it is shortly after that
15 that he returns home. And so I simply flag that up, that if -- any activities that he,
16 the witness, was involved in, care should be taken so that we may have to move into
17 private session.

18 PRESIDING JUDGE SCHMITT: [12:45:15] Thank you very much for that reminder.
19 But I do not assume that Mr Ayena wants to entertain in that respect. But of course
20 we have -- you have flagged it now and we have it in mind.

21 MS POKU: [12:45:26] Thank you.

22 PRESIDING JUDGE SCHMITT: [12:45:28] Thank you very much.
23 Please, Mr Ayena.

24 And, Mrs Poku, you have to ... so it's the opposite problem that Mr Ayena sometimes
25 has.

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1 MR AYENA ODONGO: [12:45:45] All the time --

2 PRESIDING JUDGE SCHMITT: [12:45:47] And the -- but I have it quite often. I
3 quite often have my microphone on.

4 MR AYENA ODONGO: [12:45:52] Yes, your Honour. Well, I don't know, that
5 concern may be answered. It could have been answered by the fact that this
6 was 2004 and the witness says he was abducted when he was 16. So two years down
7 the road, he would have been 18 anyway. But it is neither here nor there.

8 Q. [12:46:15] Did you know that Odek was the birthplace of Joseph Kony?

9 A. [12:46:27] I do not have any information about that. And also we wouldn't ask.
10 How would you go and ask something about Kony while in the bush there? Even,
11 even Mukwaya, with whom I would always move, I never ask where he comes from,
12 up to the time even when we separated.

13 Q. [12:46:56] Was Mukwaya's death before or after the Odek attack?

14 A. [12:47:12] It was after the attack in Odek.

15 Q. [12:47:16] Was it before or after the Abok attack?

16 A. [12:47:29] After the attack in Abok.

17 Q. [12:47:34] How soon after the Abok attack?

18 A. [12:47:41] It took some time, because they had moved with us for quite some
19 time and it took some time. It is difficult now to estimate. But it happened after the
20 two attacks that I mentioned.

21 Q. [12:48:18] Was it -- do you remember where Mukwaya was killed,
22 approximately?

23 A. [12:48:25] Well, in that bush it's difficult to estimate, but it's said that it's in the
24 area of Awere, between Awere and Odek, just in the bush, just somewhere in the
25 bush. I do not know the exact location.

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1 Q. [12:49:17] Mr Witness, I put it to you on account of your narrative to Court that
2 you actually did not participate in Abok and the Odek attack. What do you say to
3 that?

4 A. [12:49:43] I said I went to Odek during the day. I also said I went to Abok at
5 night. So if there were several other attacks, well, maybe I was not in those other
6 ones. But the ones that I have mentioned, I was present.

7 Q. [12:50:02] You well put it that it may well be that there were other attacks, but
8 for -- this particular attack you are talking about is not the attack that -- could it
9 be -- could I be right to say that the attack which has been charged, you were not
10 present?

11 PRESIDING JUDGE SCHMITT: [12:50:20] No, I think he has answered the question.

12 MR AYENA ODONGO: [12:50:23] Okay.

13 PRESIDING JUDGE SCHMITT: [12:50:24] Because I am not sure if he exactly knows
14 which attack is charged. You see what I mean? So he has said -- and I think that is
15 not -- you cannot require more from a witness as to say, "What I have said is true and
16 I have participated in these attacks. If there have been other attacks, be it so."

17 MR AYENA ODONGO: [12:50:47] It couldn't have been put any better,
18 your Honour. I'm indebted to you.

19 Q. [12:51:00] And, Mr Witness, I want to bring to your attention the fact that there
20 is, according to government intelligence report, the said Mukwaya, Kidega and Abola
21 that you said you were under were -- were as a matter of fact not in Siba and not in
22 Sinia brigade, but they were in Gilva brigade. What do you say about that?
23 And, your Honours, I am referring to tab 20, ERN -- this document is not to be shown
24 to the witness. At page 56. The ERN number is UGA-OTP-0061-0002 at page 56.
25 In particular in the bottom, on the right side of the document, you can see that the

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1 government intelligence intercept report lists names, among others Mukwaya, Kidega
2 and Abola, under one of Gilva brigades, battalions, and not the Sinia brigade.

3 PRESIDING JUDGE SCHMITT: [12:53:19] So again this is the basis for the
4 proposition?

5 MR AYENA ODONGO: [12:53:22] Yes.

6 PRESIDING JUDGE SCHMITT: [12:53:23] And, Mr Witness, so the question would
7 be, or the proposition by the Defence would be, that these people that have been
8 mentioned by the Defence, Kidega, Mukwaya, have not been in Siba but in another
9 brigade in Gilva brigade -- not in Siba battalion but in Gilva brigade and not in Sinia
10 brigade. What do you say to that?

11 THE WITNESS: [12:53:50] (Interpretation) Your Honour, you know -- well, how an
12 individual investigates, conducts their investigation is different. So if somebody told
13 him that way, that information, then that is how he obtained his information. But
14 what I said is that I was in Siba with these people.

15 MR AYENA ODONGO: [12:54:24]

16 Q. [12:54:25] And last, do you know, Mr Witness, where Lukodi is?

17 A. [12:54:43] Anything to do with Lukodi, I do not know. I do not know about
18 Lukodi. What happened there, I do not know.

19 Q. [12:54:55] Mr Witness, do you know Lukome?

20 A. [12:55:04] I heard about Lukome, but I did not go there personally.

21 MR AYENA ODONGO: [12:55:17] Your Lordships, I think that's the end of our
22 cross-examination. Thank you very much, Mr Witness.

23 PRESIDING JUDGE SCHMITT: [12:55:24] Thank you.

24 Thank you very much, Mr Witness. This concludes your testimony.

25 On behalf of the Chamber, I would like to thank you, that you made yourself

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1 available as a witness in these proceedings and that you have assisted the Court in
2 establishing the truth. We wish you a safe trip back.

3 (The witness is excused)

4 PRESIDING JUDGE SCHMITT: [12:55:42] And we have now our lunch break. We
5 continue at 2.30 with Witness 45, I think.

6 And also thank you very much, Mrs Poku. Have a nice day.

7 THE COURT USHER: [12:56:00] All rise.

8 (Recess taken at 12.56 p.m.)

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

10 THE COURT USHER: [14:32:29] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [14:32:49] Good afternoon, everyone. I thought we
13 had started -- I think Rule 74 counsel can sit down on the left side here. It's normally
14 the usual -- the usual seat for Rule 74 counsel, I would say.

15 I thought we had started prematurely because what we want to discuss soon is
16 Rule 74 issues, but I think I have to wait on counsel until we hear something.

17 Good afternoon, everyone. I just said, Mr Wagemakers, that I thought we had
18 started prematurely because we have to discuss matters that concern you, and we
19 would not start without you, of course.

20 MR WAGEMAKERS: [14:34:05] Much appreciated, thank you.

21 PRESIDING JUDGE SCHMITT: [14:34:07] And since we have obviously the
22 composition of at least -- a lot of people have changed since the morning session, so I
23 think we simply introduce the parties again, please.

24 MR CHOUDHRY: [14:34:22] Thank you, your Honour.

25 It is Kamran Choudhry for the Prosecution, here with Mr Ben Gumpert,

26 Mr Shkelzen Zeneli, Mr Pubudu Sachithanandan, Mr Colin Black, Mr Hai Do Duc,

1 Ms Sanyu Ndagire, Ms Ramu Fatima Bittaye, Ms Yya Aragon and Mr Yeasin Khan.

2 Thank you.

3 PRESIDING JUDGE SCHMITT: [14:34:43] Thank you very much.

4 I think Legal Representatives have not changed, as I see it.

5 Defence has lost at least one person, but I think we should not -- we don't have to say
6 it again for the record.

7 But of course we welcome in the courtroom very much Rule 74 counsel. Could you
8 please introduce yourself for the record.

9 MR WAGEMAKERS: [14:35:01] Good afternoon, your Honours, dear colleagues.

10 My name is Marcus Wagemakers. I am a member of the Supreme Court Bar of the
11 Netherlands and today I am here to assist Witness 45. Thank you.

12 PRESIDING JUDGE SCHMITT: [14:35:16] Thank you very much.

13 You mentioned it already, the next witness that the Prosecution is going to call is
14 Witness P-45, and before commencing, we have to discuss several matters.

15 First of all, the Chamber notes that in request 975, Rule 74 counsel requested
16 protective measures for this witness. The Defence opposed this request in filing 979.
17 Further matter is that although Rule 74 counsel did not explicitly ask for Rule 74
18 assurances in this request, the witness is labelled as a Rule 74 witness on
19 the Prosecution's latest witness list, Mr Gumpert. And we have, of course, a Rule 74
20 counsel sitting here for a reason.

21 In view of P-45's anticipated testimony, the Chamber will seek the parties' views on
22 such Rule 74 assurances and, like always, we would like to discuss this in private
23 session.

24 (Private session at 2.36 p.m.)

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20 (Open session at 2.37 p.m.)
21 THE COURT OFFICER: [14:37:44] We are back in open session, Mr President.
22 PRESIDING JUDGE SCHMITT: [14:37:47] Thank you very much. As I have
23 already indicated, the Chamber will now render its decision on the requested
24 assurances.
25 Mindful of the factors specified in Rule 74(5) of the Rules, the Chamber has decided to

1 provide assurances pursuant to Rule 74 of the Rules in order to enable the witness to
2 testify without fear of the consequence of self-incrimination.

3 In order to give effect to these assurances, Rule 74(7)(b) of the Rules provides that
4 the Chamber shall, and I quote:

5 "Order that the identity of the witness and the content of the evidence given shall not
6 be disclosed, in any manner, and provide that the breach of any such order will be
7 subject to sanction under article 71." Quote end.

8 The Chamber considers this provision requires, at minimum, that Rule 74 witnesses
9 be given face distortion and private session to discuss matters which risk revealing
10 identifying or incriminating information. These minimum measures also include
11 implementing any necessary remedial steps to prevent disclosure of such information
12 to the public.

13 The Chamber considers that these minimum measures are sufficient for the current
14 witness, noting in this regard that voice distortion was not among the protective
15 measures recommended by the VWU in its assessment email of 11 September 2017.

16 Save for voice distortion, Rule 74 counsel's relief sought in request 975 is granted, and
17 this concludes the ruling of the Chamber.

18 The court officer can now bring the witness in and, of course, the necessary
19 arrangements have to be made for the face distortion. Just a short explanation -- yes,
20 you can bring in the witness.

21 MR CHOUDHRY: [14:39:43] Your Honour, perhaps in terms of assisting the Court,
22 what I have done is prepared a summary which is -- with highlighted portions which
23 the court officer can distribute, and it highlights the private sessions or line of private
24 session questions.

25 PRESIDING JUDGE SCHMITT: [14:40:00] Much appreciated. Much appreciated.

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1 MR WAGEMAKERS: [14:40:03] Your Honours, I assume that this will be explained
2 to the witness, because I had a discussion with her at length about this issue so that
3 she knows what is going on.

4 PRESIDING JUDGE SCHMITT: [14:40:13] Yes, you can be sure that this will be
5 explained. Yes.

6 (The witness enters the courtroom)

7 PRESIDING JUDGE SCHMITT: [14:40:38] I think we would need the headphones.
8 I think we would need the headphones for the witness.

9 Thank you very much, Mr Wagemakers.

10 Madam Witness, do you hear me?

11 WITNESS: UGA-OTP-P-0045

12 (The witness speaks Acholi)

13 THE WITNESS: [14:41:12] (Interpretation) Yes, I am hearing you.

14 PRESIDING JUDGE SCHMITT: [14:41:14] Madam Witness, good afternoon. On
15 behalf of the Chamber, I would like to welcome you in this courtroom. You are here
16 to testify before the International Criminal Court and, first of all, I will now read the
17 oath to tell the truth to you that every witness who testifies before this Court must
18 agree to. So please listen to what I am saying now.

19 I solemnly declare that I will speak the truth, the whole truth and nothing but the
20 truth.

21 Madam Witness, do you understand and agree to what I have read to you?

22 THE WITNESS: [14:42:06] (Interpretation) Yes, I have understood it.

23 PRESIDING JUDGE SCHMITT: [14:42:09] Thank you. Madam Witness, let me
24 now explain to you certain measures that the Chamber has put in place for your
25 testimony, protective measures. And I understand that you have discussed these

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1 matters already with your counsel, but I explain now what we have done to protect
2 you.

3 Face distortion has been put in place. This means that no one outside the courtroom
4 can see your face or hear your real voice during the testimony. There will also be the
5 use of a -- so it is just the face distortion, to make it clear for the record.

6 There will also be the use of a pseudonym. In accordance with that, we will all refer
7 to you only as "Madam Witness", to make sure that the public does not know your
8 name. This is why I address you not with your real name but with talking to you as
9 "Madam Witness".

10 When you answer questions that will not give away who you are, we will do so in
11 open session, which means that the public can hear what is being said in the
12 courtroom. When you are asked to describe anything that relates specifically to you,
13 or you are asked to mention facts that might reveal your identity, we will do so in
14 private session.

15 What does private session mean? It means there is no broadcast and no one outside
16 the courtroom can hear your answer. And if ever anything gets said during open
17 session which should have been said in private session, we can do a lot to protect this
18 information. Your testimony will be broadcast on a delay and we can remove such
19 remarks from the broadcast which will be heard by the public and we can remove it
20 from the public transcript of the proceedings.

21 There is a long speech by me, as you can hear, Madam Witness. The next portion
22 relates to your counsel. The Chamber has also decided to grant you assurances
23 protecting you against any possible self-incrimination issues which may arise during
24 your testimony.

25 The Chamber gives you the assurance that your testimony will not be used either

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1 directly or indirectly against you in any subsequent proceedings by this Court. This
2 is, of course, with the exception under offences against the Court, if you would not
3 say the truth, but you have already taken -- given the undertaking to tell us the truth
4 and the whole truth and nothing but the truth.

5 If any question is asked that could lead to your self-incrimination, we will hear your
6 answer in private session and keep this answer confidential. And we have a lot of
7 counsel here in the courtroom and a bench of judges who is vigilant in that respect.
8 Madam Witness, do you understand this?

9 THE WITNESS: [14:45:18] (Interpretation) Yes, I have understood.

10 PRESIDING JUDGE SCHMITT: [14:45:21] Still not the finish of my preliminary
11 remarks. Some practical matters that you please have in mind when giving your
12 testimony.

13 As you know, everything we say here in the courtroom is written down and, what is
14 even more important, it is interpreted so that the people that do not understand the
15 Acholi language, for example, can understand what you said. It is therefore
16 important to speak clearly and at a slow pace, and we would ask you to do that, to
17 speak clearly and at a slow pace and to speak into the microphone and only start
18 speaking when the person that has asked you a question has finished.

19 And if you have any questions yourself, please raise your hand so that we know that
20 you want to say something.

21 Have you understood these practical matters too, Madam Witness?

22 THE WITNESS: [14:46:16] (Interpretation) I have understood.

23 PRESIDING JUDGE SCHMITT: [14:46:18] So finally now my preliminary speech has
24 finished and I give the Prosecution the floor.

25 MR CHOUDHRY: [14:46:26] Thank you, your Honour.

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1 QUESTIONED BY MR CHOUDHRY:

2 Q. [14:46:30] Hello, Madam Witness. Madam Witness, we have met, and when
3 we met I explained that I would be asking you some questions. I will go through
4 some of those questions and some of them may involve sensitive subjects. If at any
5 time you need some time because they are sensitive for you, just put your hand up
6 and I'm sure that the judges will allow you some time. Okay?

7 Your Honour, can we perhaps go into private session, please.

8 PRESIDING JUDGE SCHMITT: [14:47:07] Yes. Can you already say how long we
9 will be in private session, because we have audience here, that they have an idea?

10 Of course, you know it is only an idea what you have.

11 MR CHOUDHRY: [14:47:19] Your Honours, I suspect the first few questions would
12 take me three minutes.

13 PRESIDING JUDGE SCHMITT: [14:47:23] Okay, good.

14 MR CHOUDHRY: [14:47:24] And then there will be a portion of approximately
15 10 minutes at length. This isn't a particularly long examination, your Honour.

16 PRESIDING JUDGE SCHMITT: [14:47:33] So we are not talking about an hour or
17 something like that?

18 MR CHOUDHRY: [14:47:36] No.

19 PRESIDING JUDGE SCHMITT: [14:47:37] Then we go into private session.

20 (Private session at 2.47 p.m.)* Reclassified partially in public

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8 Q. [14:49:10] When you say "they couldn't find" you, who were you hoping
9 wouldn't be able to find you?

10 A. [14:49:23] The group of Kony.

11 Q. [14:49:29] Does the group of Kony have a name?

12 A. [14:49:37] I beg your pardon?

13 Q. [14:49:39] What is the group of Kony called?

14 A. [14:49:48] It is the Control Altar.

15 Q. [14:49:54] What is your ethnicity, Madam Witness?

16 A. [14:50:02] I am Acholi of Gulu.

17 Q. [14:50:07] What languages do you speak?

18 A. [14:50:12] I speak Acholi.

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2 (Open session at 2.50 p.m.)

3 THE COURT OFFICER: [14:50:57] We are back in open session, Mr President.

4 MR CHOUDHRY: [14:51:03]

5 Q. [14:51:06] Madam Witness, have you ever been a member of the LRA?

6 A. [14:51:23] Is it from the bush?

7 THE INTERPRETER: [14:51:25] Your Honour, could the witness speak a little

8 louder?

9 PRESIDING JUDGE SCHMITT: [14:51:28] Just a short moment.

10 Madam Witness, the interpreters tell me that they would appreciate it if you speak
11 a little bit louder that they can follow better. So perhaps just speak a little bit more
12 into the microphone so they understand you better and the whole process goes
13 quicker.

14 Please continue, Mr Choudhry.

15 MR CHOUDHRY: [14:51:53]

16 Q. [14:51:54] Madam Witness, have you ever been a member of the
17 Lord's Resistance Army in the bush?

18 A. [14:52:07] Yes, I stayed there for long.

19 Q. [14:52:12] Can you please tell the judges of this Court how you came to become
20 a member of the Lord's Resistance Army in the bush?

21 A. [14:52:31] Yes, I can explain how I was abducted.

22 Q. [14:52:36] You say you were abducted. Can you please explain the story of
23 how you were abducted?

24 A. [14:52:49] Yes, sure.

25 Q. [14:52:54] What happened when you were abducted?

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1 A. [14:53:04] I was abducted from Paicho in Tegot-Atto and we walked for long
2 and reached a place that I did not recognise.

3 Q. [14:53:17] Who were you abducted by?

4 A. [14:53:28] Those who abducted me are no longer there.

5 Q. [14:53:31] Do you remember the names of any people that abducted you?

6 A. [14:53:44] You mean their names right now? There was Ojok Achuja (phon),
7 who is no longer alive.

8 Q. [14:53:55] Was anyone else abducted with you?

9 A. [14:54:05] We were many who were abducted. But another boy from the same
10 household where I came from was killed.

11 Q. [14:54:20] What was your relationship with this boy of the same household?

12 A. [14:54:33] He was my cousin, the child of my uncle.

13 MR CHOUDHRY: [14:54:53] Your Honour, with that, I would seek the Court's
14 permission to refresh the witness's memory just on a point of clarification.

15 PRESIDING JUDGE SCHMITT: [14:55:00] Yes, you can do that, Mr Choudhry.

16 MR CHOUDHRY: [14:55:05] The portion that I seek to refresh the witness's memory,
17 your Honours, is in tab 1. That is statement 1, UGA-OTP-0218-0113. The relevant
18 page would be page 8 of that statement. The ERN of that is UGA-OTP-0218-0121,
19 and it would be lines 276 -- 271 to 276.

20 Q. [14:55:39] Madam Witness, I would like to read something to you that you told
21 our investigators. Okay?

22 A. [14:55:51] Yes, go ahead.

23 Q. [14:55:52] You told our investigators, "I was abducted at the same time with my
24 brother."

25 A. [14:56:05] Yes.

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1 Q. [14:56:06] Today you have mentioned cousin. Can you please assist the Court?

2 A. [14:56:17] He is my brother. He is the child of my father's brother. That one, I
3 call him my brother, much as is my cousin. Don't you call that one your brother?

4 PRESIDING JUDGE SCHMITT: [14:56:32] We had -- Madam Witness, that was not
5 a reproach by the Prosecutor. It was simply that there might be different
6 understandings in different cultures what the term means. And we had this issue
7 this morning with another witness, exactly the same issue. So we appreciate very
8 much that this point has been clarified.

9 So please continue, Mr Choudhry.

10 MR CHOUDHRY: [14:56:56]

11 Q. [14:56:56] Approximately how old were you, do you think, when you were
12 abducted?

13 A. [14:57:07] I do not recall how old I was when I was abducted, because there
14 were -- I was not going to school at that time.

15 Q. [14:57:18] What about your brother? How old was he?

16 A. [14:57:25] My brother was older than me.

17 Q. [14:57:36] Can you remember if your brother was at school at the time that he
18 was abducted?

19 A. [14:57:48] Yes, he was in school.

20 Q. [14:57:53] Can you remember the level of class that he was in at the time he was
21 abducted?

22 A. [14:58:03] He was in class 3.

23 Q. [14:58:10] And can you remember the year that you were abducted in, please?

24 A. [14:58:21] It must be the year 1990.

25 Q. [14:58:34] Now, Madam Witness, you mentioned that after your abduction

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1 somebody from your household was killed. Can you please tell the Court what
2 happened?

3 A. [14:58:59] That boy was escaping to go back home.

4 Q. [14:59:05] When you say "that boy", is that boy the same person that you call
5 your brother?

6 A. [14:59:16] Yes, he is the one.

7 Q. [14:59:25] Why was he killed?

8 A. [14:59:30] He was escaping to go back home. He did not want to stay in the
9 bush. So he was killed. That made us to stay and persevere in the bush because we,
10 we saw him being killed and it was used as an example.

11 Q. [14:59:53] Who was he killed by?

12 A. [14:59:54] The late Lagira. He is also dead now.

13 Q. [15:00:00] And was the late Lagira a member of the Lord's Resistance Army?

14 A. [15:00:11] Yes.

15 Q. [15:00:15] Now, Madam Witness, you said that that made you persevere. What
16 did you mean by that?

17 A. [15:00:32] I had to stay with them until when I returned in 2004, after hearing --

18 THE INTERPRETER: [15:00:49] Your Honour, could the witness complete the last
19 statement?

20 PRESIDING JUDGE SCHMITT: [15:00:56] I think if the witness has not said more, it
21 is simply this was simply the answer, I would say. Or do you think she has said
22 more and you have not understood it?

23 THE INTERPRETER: [15:01:07] Yes, the last statement that she made was not clear.
24 It didn't come out clearly.

25 PRESIDING JUDGE SCHMITT: [15:01:13] Okay. In that event, I

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1 would -- Madam Witness, could you perhaps try to repeat -- to repeat the last answer
2 again? And if necessary perhaps we put the question again to the witness.

3 THE WITNESS: [15:01:31] (Interpretation) Could you say the question again?
4 Maybe I did not get the question clearly.

5 PRESIDING JUDGE SCHMITT: [15:01:38] That's correct. Please, Mr Choudhry.

6 MR CHOUDHRY: [15:01:39] Your Honour, I will rephrase.

7 Q. [15:01:43] After you saw this boy be killed, did you try to escape?

8 A. [15:01:53] I did not try to escape.

9 Q. [15:01:58] Why not?

10 A. [15:02:04] I feared that if I escape, I would be killed.

11 Q. [15:02:11] Who did you fear would kill you?

12 A. [15:02:18] The LRA would kill people, just like they killed that boy.

13 Q. [15:02:31] Now, after you were abducted, where did the LRA take you?

14 A. [15:02:45] We were just moving in the bush. Then afterwards we went to
15 Sudan.

16 MR CHOUDHRY: [15:02:59] Your Honour, I would seek now approximately
17 10 minutes in private session.

18 PRESIDING JUDGE SCHMITT: [15:03:03] Private session.

19 (Private session at 3.03 p.m.)* Reclassified partially in public

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18 MR CHOUDHRY: [15:07:48]

19 Q. [15:07:49] Madam Witness, are you comfortable to give those answers about
20 how you came to be -- have a husband in public?

21 A. [15:08:06] Yes, I can respond to it. Because I was taken from where I was
22 staying before and I was taken to him and I was told to become his wife.

23 MR CHOUDHRY: [15:08:26] Your Honour, perhaps we can go into public session.

24 PRESIDING JUDGE SCHMITT: [15:08:31] Public session then, yes.

25 (Open session at 3.08 p.m.)

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1 THE COURT OFFICER: [15:08:36] We are back in open session, Mr President.

2 MR CHOUDHRY: [15:08:50]

3 Q. [15:08:50] Madam Witness, did you want to become this person's wife?

4 A. [15:09:02] From the bush it is not in the interest of anyone. But once you are
5 given to him, you have to stay with him. If you refuse, then you will have to be
6 killed.

7 Q. [15:09:28] What made you believe that if you refused, you would be killed?

8 A. [15:09:42] You would see when your colleagues also stay and you would not
9 refuse, because you are also in a far off place in the bush. I didn't know where we
10 were.

11 Q. [15:10:00] Were other women in the LRA also told to go and become wives of
12 people, like you?

13 A. [15:10:20] Most of the people in the bush, especially the girls, at least will
14 become someone's wife. That person will not stay alone forever. They will be
15 given to the men who have been prepared for them and they will still -- and they will
16 stay together.

17 Q. [15:10:48] And did this practice of women being given to men happen right up
18 until the time you left the bush?

19 A. [15:11:11] At the time when I left the bush, the abduction of girls was still
20 happening and they would be taken to the commanders and they would be
21 distributed out. But when you are still young, they will also still know that this
22 person is young and you would stay.

23 Q. [15:11:36] What do you mean by a young person? What characteristics did
24 they have?

25 A. [15:11:51] When that person is young, the person has not yet been given a wife

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1 to live with. And when they get you in a relationship or where they get you
2 courting a girl before you have been given officially, then you might be killed.

3 Q. [15:12:22] After you became a wife to this person, what tasks did you have?

4 A. [15:12:35] In addition to being a wife, I was a fighter, and that person was also
5 a fighter. And I would move anywhere.

6 Q. [15:12:47] I would just like to focus on your role as a wife. When you were
7 a wife, what role did you have to play?

8 PRESIDING JUDGE SCHMITT: [15:13:05] Wait a moment.

9 THE WITNESS: [15:13:05] (Interpretation) As a wife --

10 PRESIDING JUDGE SCHMITT: [15:13:07] Before you answer, Madam Witness,
11 Mr Wagemakers, please.

12 MR WAGEMAKERS: [15:13:14] If we are going into her role as a wife and her place
13 in the hierarchy, I suggest we go into private session, because there were not so many
14 of them and she could be identified.

15 PRESIDING JUDGE SCHMITT: [15:13:22] Mr Choudhry, what do you think about
16 that?

17 MR CHOUDHRY: [15:13:27] Your Honour, I am merely seeking to limit the tasks or
18 the role of (Overlapping speakers).

19 PRESIDING JUDGE SCHMITT: [15:13:33] So I think it was perhaps a little bit
20 premature, Mr Wagemakers, but we simply trust for the moment the line of
21 questioning that Mr Choudhry has in his mind, but we immediately step in when we
22 reach exactly the area that you have addressed. I think we handle it this way. We
23 just continue for the moment, but also, you know, when it comes to issues that could
24 identify the witness, especially hierarchy issues, so to speak, then we go back to
25 private session. But I would not think that for the moment it would be necessary.

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1 Perhaps later on, but not at the moment.

2 MR CHOUDHRY: [15:14:15]

3 Q. [15:14:17] Madam Witness, what tasks does a wife have to perform?

4 A. [15:14:30] Once you have reached a position, you have to begin preparing food,
5 you have to prepare water for bathing and take him water so that he would bathe,
6 just as people live normally in a home.

7 Q. [15:14:44] Did you have to sleep with your husband?

8 A. [15:14:56] You sleep with the husband when night comes.

9 Q. [15:15:02] Could you refuse to sleep with your husband?

10 A. [15:15:12] You cannot refuse. If you refuse, that person can even beat you and,
11 you know, it's painful.

12 Q. [15:15:27] And after you had been given to this person as a wife, were you free
13 to go and be with any other person, any other man?

14 A. [15:15:47] You have to live with that person. There is not any other person.
15 Even when you are interested in another person, you have to stay with that person
16 that you were given to. If you stay with another person still, you will be killed, both
17 of you will be killed.

18 Q. [15:16:06] And did you know of anybody who was killed for doing that?

19 A. [15:16:20] They killed Anna and Ongwee.

20 MR CHOUDHRY: [15:16:35] Your Honour, perhaps I could ask for a private session
21 for a few questions.

22 PRESIDING JUDGE SCHMITT: [15:16:39] Private session.

23 (Private session at 3.16 p.m.) *Reclassified partially in public

24 THE COURT OFFICER: [15:16:49] We're in private session, Mr President.

25 MR CHOUDHRY: [15:16:58]

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1 Q. [15:16:58] Madam Witness, how long were you with this person as a wife?

2 A. [15:17:19] I lived with that person, but then he died. Then later on I started
3 living with another person with whom I went into a relationship.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Open session at 3.18 p.m.)

10 THE COURT OFFICER: [15:18:08] We are back in open session, Mr President.

11 MR CHOUDHRY: [15:18:30]

12 Q. [15:18:32] Madam Witness, when you were in Sudan, did you receive any
13 training?

14 A. [15:18:44] What kind of training?

15 Q. [15:18:49] Did you receive any military training?

16 A. [15:18:58] People were given military training, how to dismantle guns, and also
17 other ways of handling guns so that you know how to defend yourself against your
18 enemies.

19 Q. [15:19:16] And were you yourself given training on guns?

20 A. [15:19:25] Yes, I trained.

21 Q. [15:19:32] What guns were you trained to use?

22 A. [15:19:43] Well, people were trained using Logos, mines, SPG-9, B-10, all the
23 other types of guns you are trained to use so that -- so that -- or whenever you may be
24 under fire or under attack, you know how to take care of yourself.

25 Q. [15:20:14] And did you ever use those guns?

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1 A. [15:20:27] I used some.

2 Q. [15:20:28] Who did you use those guns against?

3 A. [15:20:44] I used it against soldiers that we would come along when we were
4 moving, or even when we get them in the barracks.

5 Q. [15:20:54] You say soldiers, who did the soldiers you used your guns against
6 belong to?

7 A. [15:21:09] These were Museveni's soldiers.

8 MR CHOUDHRY: [15:21:14] Your Honour, perhaps again in private session for two
9 questions.

10 PRESIDING JUDGE SCHMITT: [15:21:17] Absolutely. Private session, yes.

11 (Private session at 3.21 p.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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5 (Redacted)

6 (Open session at 3.23 p.m.)

7 THE COURT OFFICER: [15:23:35] We are back in open session, Mr President.

8 MR CHOUDHRY: [15:23:41]

9 Q. [15:23:41] Madam Witness, how long did you stay in Sudan?

10 A. [15:23:50] Well, we took a long time. I went -- we went in 1993.

11 Q. [15:24:09] What country did you go to after Sudan?

12 A. [15:24:18] I did not go to any other place apart from Sudan.

13 MR CHOUDHRY: [15:24:28] Your Honour, with that perhaps I can refresh the
14 witness's memory. The portion that I would seek to refresh, it's from tab 1. The
15 ERN is UGA-OTP-0218-0126, and it is lines 443 that I would seek to refresh from.

16 PRESIDING JUDGE SCHMITT: [15:24:55] Yes.

17 MR CHOUDHRY: [15:24:59]

18 Q. [15:24:59] Madam Witness, you told investigators this: "I only came into Uganda
19 with the Operation Iron Fist."

20 Does that refresh your memory?

21 A. [15:25:24] Yes, that now I can remember.

22 PRESIDING JUDGE SCHMITT: [15:25:28] By the way, Mr Gumpert, I see now the
23 difference of these old transcripts of statements. It's -- this is really a -- this is really
24 a tough reading. The other one is -- once you get accustomed to it, you understand
25 that there is all these "uh" is coming and you read it as being consecutively. But this

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1 one is really difficult, with the interpretation in between. So now I understand
2 better.

3 Please continue, Mr Choudhry.

4 MR CHOUDHRY: [15:25:59]

5 Q. [15:26:00] Madam Witness, after you returned to Uganda, did you ever fight
6 with the LRA?

7 A. [15:26:15] Yes, we fought.

8 Q. [15:26:19] What are the names of locations that you can remember?

9 MR WAGEMAKERS: [15:26:34] Wait a minute.

10 PRESIDING JUDGE SCHMITT: [15:26:36] Yes.

11 MR WAGEMAKERS: [15:26:37] Your Honours, if we are going to talk about location,
12 I would prefer that we go into private session, because if she reveals her own, that
13 is --

14 PRESIDING JUDGE SCHMITT: [15:26:44] I think I agree, Mr Choudhry. Because
15 what was okay -- a couple of minutes ago was when we discussed it in the abstract
16 and counsel did not step in in that respect and I also did see no reason. But I think
17 when we now talk about locations and role exactly -- and I think you would
18 immediately continue with the role, or wouldn't you? What would be your --

19 MR CHOUDHRY: [15:27:08] Well, I'm going into that whole section, that whole
20 incident now, your Honour. So it's --

21 PRESIDING JUDGE SCHMITT: [15:27:13] I think it would make sense to go to
22 private session then, I would say.

23 MR CHOUDHRY: [15:27:19] I'm totally in your Honour's hands in relation to that.

24 PRESIDING JUDGE SCHMITT: [15:27:24] You know, to give effect to the Rule 74
25 assurance - and we have done it before - as long as we are not talking about the

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1 specific role, we do it in open session, otherwise we would have also -- as an
2 explanation for counsel. But if you can separate it a little bit, then we can continue as
3 long as you can separate it. And then when we entertain the specific role, as we
4 have put it, of the witness, I think we would have to simply discuss it in private
5 session.

6 MR WAGEMAKERS: [15:27:58] Your Honours, I can explain my request, but then
7 the witness, I think, has to leave the courtroom.

8 PRESIDING JUDGE SCHMITT: [15:28:04] Perhaps that's not necessary at the
9 moment.

10 MR CHOUDHRY: [15:28:07] Your Honour, then I would ask for private session.

11 PRESIDING JUDGE SCHMITT: [15:28:09] Then we go to private session.

12 (Private session at 3.28 p.m.) *Reclassified partially in public

13 THE COURT OFFICER: [15:28:22] We're in private session, Mr President.

14 PRESIDING JUDGE SCHMITT: [15:28:25] I know this is -- it's really difficult, but we
15 have also to -- if we look back to other witnesses, we have done it several times. But,
16 yes, I think we always decide these things on a case-by-case basis and not every
17 witness is the same and not every line of questioning and not every instance is the
18 same.

19 So continue and -- so you are also more free, I think, in your questioning and you
20 don't have to be -- you can concentrate more on the matters that perhaps interest you
21 more than the question if we are in private or open session.

22 MR CHOUDHRY: [15:29:04] Thank you, your Honour.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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5 PRESIDING JUDGE SCHMITT: [16:01:02] We have now reached the 4 o'clock
6 threshold. I could also assume that you want to finish perhaps this section. But if it
7 takes relatively long, I think we would have to interrupt simply and --

8 MR CHOUDHRY: [16:01:20] Your Honour, I think we can come back tomorrow.

9 PRESIDING JUDGE SCHMITT: [16:01:22] Okay. Then we go back to open session.

10 (Open session at 4.01 p.m.)

11 THE COURT OFFICER: [16:01:38] We are back in open session, Mr President.

12 PRESIDING JUDGE SCHMITT: [16:01:42] So we abate the proceedings for today
13 and continue tomorrow at 9.30.

14 THE COURT USHER: [16:01:51] All rise.

15 (The hearing ends in open session at 4.01 p.m.)

16 RECLASSIFICATION REPORT

17 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
18 2016, the public reclassified and lesser redacted version of this transcript is filed in the
19 case.