

Trial Hearing
WITNESS: UGA-OTP-P-0097

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 19 September 2017
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:45] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:33:01] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:33:11] Good morning, Mr President, your Honours.
15 Situation in the Republic of Uganda in the case of the Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:33:25] Thank you.
19 I ask for the appearances of the parties.
20 Mrs Hohler.
21 MS HOHLER: [9:33:29] Good morning, your Honours. The Prosecution today is
22 represented by Ben Gumpert, Pubudu Sachithanandan, Paul Bradfield, Hai Do Duc,
23 Colin Black, Adesola Adeboyejo, Ramu Fatima Bittaye and myself, Beti Hohler.
24 PRESIDING JUDGE SCHMITT: [9:33:48] Thank you, Mrs Hohler.
25 Mr Narantsetseg for the Legal Representatives of Victims.

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1 MR NARANTSETSEG: [9:33:50] Good morning, Mr President, your Honours.

2 Appearing for the Common Legal Representative, my colleague, Ms Carolyn Walter,
3 and myself, Orchlon Narantsetseg. Thank you.

4 PRESIDING JUDGE SCHMITT: [9:33:59] So you have changed the lines where you
5 are sitting. Mrs Hirst is in the back.

6 MS HIRST: Good morning, your Honours. I'm Megan Hirst. With me, James
7 Mawira.

8 PRESIDING JUDGE SCHMITT: Thank you.

9 And for the Defence, Mrs Bridgman.

10 MS BRIDGMAN: [9:34:12] Good morning, Mr Presidents, your Honours. I'm
11 Abigail Bridgman, together with lead counsel, Krispus Ayena Odongo; co-counsel,
12 Chief Charles Achaleke Taku; Eniko Sandor and Salma Khamala. And our client, Mr
13 Ongwen, is in court.

14 PRESIDING JUDGE SCHMITT: [9:34:26] Thank you, Mrs Bridgman.

15 The Prosecution is now calling P-0097 as its next witness. Before we commence with
16 the testimony of this witness, the Chamber notes briefly that protective measures are
17 granted to this witness by virtue of decision 974. These include face distortion and
18 the use of a pseudonym.

19 I will soon explain to you, Mr Witness, what this means.

20 The Chamber notes that the use of closed and/or private session where needed and
21 redaction of any identifying information from the Court's records before
22 dissemination to the public necessarily follow from the protective measures already
23 granted. That's like always.

24 As counsel have already been informed, and noting paragraphs 48 to 55 of decision
25 612 of the Chamber, the VWU has also determined that certain special measures are

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1 necessary to assist the witness in his testimony.

2 Mr Witness, may I address you personally. First of all, good morning. You are
3 going to testify before the International Criminal Court. And on behalf of the
4 Chamber, I would like to welcome you in the courtroom.

5 There should be a card in front of you, Mr Witness, with a solemn undertaking to tell
6 the truth.

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8 (The witness speaks Lango)

9 THE WITNESS: (Interpretation) It's there.

10 PRESIDING JUDGE SCHMITT: [9:35:51] Could you please be so kind to read out
11 loud this card, that you take it and read it out loud, please.

12 THE WITNESS: [9:36:03] (Interpretation) I solemnly declare, I solemnly declare
13 that I will speak the truth, the whole truth, and nothing but the truth.

14 PRESIDING JUDGE SCHMITT: [9:36:26] Thank you, Mr Witness. You have now
15 been sworn in. I explain to you now the protective measures that the Chamber has
16 put in place for your testimony. These are the following. First of all, we have face
17 distortion. That means that nobody outside this courtroom can see your face during
18 your testimony.

19 We also use what we call a pseudonym. That means that we do not call you with
20 your real name, but we call you simply "Mr Witness" as I'm doing at the moment.
21 This is to make sure that the public does not know your name.

22 When you are asked anything that relates specifically to you that could reveal your
23 identity, we will do this in what we call private session. Private session means that
24 there is no broadcast, and no one outside the courtroom can hear you. And if ever
25 anything gets said in open session which should have been said in private session, we

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1 can do the best to protect this information.

2 Your testimony will be broadcast on a delay. And in this time, in this delayed time,
3 we can remove any such remarks from the broadcast and we can also remove it from
4 the transcript.

5 This is all to protect your identity and to make you feel safe.

6 There are also a couple of practical matters that you please have in mind when giving
7 your testimony. As you know, everything we say here in the courtroom is written
8 down and interpreted. And it's therefore important to speak clearly and at a slow
9 pace. Everybody in this courtroom, even the most experienced, every once in a
10 while speak too quick or to speak overlapping with other speakers. Please try to
11 avoid that. Simply speak in the microphone and speak clearly. And please only
12 speak when the person who has asked you a question has finished.

13 Have you understood all this, Mr Witness?

14 THE WITNESS: [9:38:32] (Interpretation) Yes, I have.

15 PRESIDING JUDGE SCHMITT: [9:38:35] Thank you very much. It's always a very
16 long speech that I have to give, but there are a lot of things to observe. But here are
17 many people in the courtroom who are vigilant in these various aspects, are very
18 experienced, and they all have a look into these matters.

19 We can now start with your testimony.

20 I give Mrs Hohler the floor.

21 MS HOHLER: [9:38:55] Thank you, your Honour.

22 QUESTIONED BY MS HOHLER:

23 Q. [9:38:58] Good morning, Mr Witness. My name is Beti Hohler, as you know.

24 A. [9:39:02] Good morning.

25 Q. [9:39:04] We've met, and I will be asked you questions on behalf of the

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1 Prosecution this morning.

2 Before we start, Mr Witness, I want to say that if at any point you don't understand
3 my question, don't hesitate to say so and I will do my best to rephrase it and make it
4 more understandable; is that okay?

5 Your Honour, a private session, please, to start with some identifying information for
6 not more than 10 minutes.

7 PRESIDING JUDGE SCHMITT: [9:39:33] Yes, private session.

8 (Private session at 9.39 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Open session at 9.43 a.m.)

21 THE COURT OFFICER: [9:43:23] We are back in open session, Mr President.

22 MS HOHLER: [9:43:29]

23 Q. [9:43:30] You told us you were abducted, Mr Witness. Who abducted you?

24 A. [9:43:35] Kony's rebels were the ones who abducted me.

25 Q. [9:43:48] Do you remember what year you were abducted?

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- 1 A. [9:43:54] Yes, I do remember.
- 2 Q. [9:43:57] Please tell us.
- 3 A. [9:44:02] I was abducted in 2005.
- 4 Q. [9:44:06] Can you remember the month?
- 5 A. [9:44:11] February.
- 6 Q. [9:44:16] What were you doing when you were abducted?
- 7 A. [9:44:22] When I as abducted during (Redacted).
- 8 Q. [9:44:35] Please explain to us what happened when you were abducted. How
- 9 you were abducted?
- 10 A. [9:44:48] They abducted me at a time when people were gathered in our
- 11 compound. My uncle called (Redacted).got up and started shouting that "rebels,
- 12 rebels, rebels." When people heard, people started dispersing and running away. I
- 13 also took off. I ran until I reached a sorghum garden. I hid there. I spent -- I
- 14 stayed there for about four or five minutes. From there I left again. I moved under
- 15 a tree. I lied -- I was lying under the tree. Then I heard people walking towards
- 16 me.
- 17 I didn't know, but the people who were advancing towards me were the rebels who
- 18 had come to our home. They came and found me. One of them bypassed me
- 19 without seeing me. The second person and the rest of the people who were
- 20 following saw me, and they asked the other person who had bypassed me why he
- 21 passed without seeing me.
- 22 They instructed me to get up. I did that. When I got up, they took me to a
- 23 roadside.
- 24 Q. [9:46:39] Let's stop there, Mr Witness. I will ask you a few more questions
- 25 about this, what you just told us. (Redacted)

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1 (Redacted)

2 A. [9:46:58] They came and started firing. And the wire that was used to connect
3 and light up the place, they removed everything, and they set all the houses on fire.

4 Q. [9:47:23] Was this during the day or in the evening?

5 A. [9:47:29] It happened in the evening.

6 Q. [9:47:34] The place where you were hiding, where you ran away and you hid,
7 were you alone hiding?

8 A. [9:47:43] I was hiding alone.

9 Q. [9:47:57] Let me now ask you about those rebels that passed by. Do you
10 remember how many they were?

11 A. [9:48:10] If I can remember, they were about four or five.

12 Q. [9:48:17] Were they male or female?

13 A. [9:48:26] All were male.

14 Q. [9:48:27] How were they dressed?

15 A. [9:48:30] They were dressed in camouflage military uniforms.

16 Q. [9:48:45] Were they armed?

17 A. [9:48:50] All of them were armed.

18 Q. [9:48:52] What were they armed with?

19 A. [9:48:56] They were armed with AK-47 guns.

20 Q. [9:49:11] And how did you know they were AK-47 guns?

21 A. [9:49:22] I came to know the name is AK-47 because before I was abducted, I
22 used to hear the people say that gun was called AK-47.

23 Q. [9:49:36] When the rebels found you and told you to get up, did you resist,
24 Mr Witness?

25 A. [9:49:47] I did not resist, I got up.

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1 Q. [9:49:54] Why didn't you resist? What would happen if you resisted?

2 A. [9:49:58] The reason I did not resist is because I thought that if I had resisted,
3 they would kill me.

4 Q. [9:50:14] Why did you think that?

5 A. [9:50:19] I thought so because before I was abducted, I used to hear some of the
6 poor who were abducted would tell us that whenever they tell you to do that and do
7 something and you reject, they would kill you.

8 Q. [9:50:42] When these rebels abducted you and took you with them, what was
9 the first time, what was the first place where you stopped with them?

10 A. [9:50:58] We moved until we reached a point called Ogaro, where we rested.

11 Q. [9:51:14] Was anyone else abducted that night that you saw?

12 A. [9:51:24] I remember of a boy who was also abducted.

13 Q. [9:51:30] Just one boy or were there other abductees that you saw?

14 A. [9:51:36] Other people were also present.

15 Q. [9:51:49] Just to make sure I understand, Mr Witness, when you say "other
16 people were also present," is that new abductees or some people who were already
17 with the rebels before?

18 A. [9:52:03] Freshly abducted people.

19 Q. [9:52:14] Were you tied, Mr Witness, you and these fresh -- these other freshly
20 abducted people?

21 A. [9:52:27] They did not tie me. They did not tie anyone. I did not see anybody
22 was bound.

23 Q. [9:52:36] Were your hands free?

24 A. [9:52:42] Yes, I was free. I was free to move freely.

25 Q. [9:52:50] Did you and the other abductees carry anything?

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- 1 A. [9:52:58] Yes. They gave us things to carry.
- 2 Q. [9:53:04] Who gave you things to carry?
- 3 A. [9:53:10] I remember there was a person who was called Ogwal who gave us the
- 4 things.
- 5 Q. [9:53:24] Was Ogwal one of the rebels?
- 6 A. [9:53:30] Yes.
- 7 Q. [9:53:31] What were the things that you carried?
- 8 A. [9:53:41] I carried simsim.
- 9 Q. [9:53:47] What did the other abductees carry?
- 10 A. [9:53:53] The others carried beans. Some were also carrying simsim.
- 11 Q. [9:54:07] How did Ogwal get these things that he gave you to carry?
- 12 A. [9:54:18] He picked them from our home where they abducted us from.
- 13 Q. [9:54:28] The other new abductees that you mentioned, Mr Witness, were they
- 14 boys or girls?
- 15 A. [9:54:37] It was a mix of boys and girls.
- 16 Q. [9:54:50] Can you estimate their ages? Were they bigger or smaller than you or
- 17 the same size? Let's take the girls, for example, first. Were the girls bigger or
- 18 smaller than you?
- 19 A. [9:55:07] I think they were smaller because, well, none of them had developed
- 20 breasts. I was taller than all of them.
- 21 Q. [9:55:23] And the boys, were they bigger or smaller than you or were some
- 22 bigger, some smaller, if you can help us understand how old they might have been?
- 23 A. [9:55:36] For the boys, one of them was roughly my size. We were of the same
- 24 size with him. And for the others, one of them was taller than me.
- 25 Q. [9:55:58] And you told us, Mr Witness, you reached a place called Ogaro.

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1 What happened there?

2 A. [9:56:09] When we arrived at Ogaro, one of the people who was bigger escaped.
3 When he escaped, the rest of us who remained were given back our things and told to
4 take off and begin walking.

5 We started walking until we crossed a river called Dam Aleka. We then continued
6 walking until we reached a place where they wanted us to go to.

7 Q. [9:57:06] To make sure I understand, Mr Witness, you were still with the rebels
8 at this point when you were walking to a place that they wanted you to reach?

9 A. [9:57:19] I was still with the rebels.

10 Q. [9:57:28] Besides the boy that ran away, was anyone released on the way?

11 A. [9:57:46] They said that they were going to release one of the girls who was
12 walking with us, but they did not release her. She continued walking until we
13 reached a place where we rested. I don't remember the name of the place. The girl
14 was exhausted.

15 When she was exhausted, the rest of us were instructed to continue walking. I am
16 not sure whether the girl was released to go back or she got exhausted and eventually
17 died along the way.

18 Q. [9:58:29] When you reached this place that the rebels wanted you to reach, as
19 you said, Mr Witness, what was that place called? Did it have a name?

20 A. [9:58:47] I do not recall the name.

21 Q. [9:58:57] How did the rebels call the place, if you remember? Was there a term
22 that they used?

23 A. [9:59:07] Yes. They were using the term "position."

24 Q. [9:59:23] And what did "position" mean for Kony rebels? What is the
25 "position"?

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1 A. [9:59:35] They are referring to a place where people who've been sent to go and
2 loot items would have to return and find those who sent them, where they come back
3 to converge with the rest of the people who had sent them.

4 Q. [10:00:07] When you arrived at this position, what did you see there?

5 A. [10:00:13] When we arrived at this position there were people sitting under a big
6 tree. Different people were sitting under different big trees, and they were in
7 groups.

8 Q. [10:00:36] Who were these people? Were they rebels or abductees or mixed?

9 A. [10:00:47] They were the rebels who had remained behind in the position.

10 Q. [10:00:55] So I understand correctly, there were rebels at this position that you
11 saw, or am I misunderstanding?

12 A. [10:01:16] Yes.

13 Q. [10:01:20] Were there also abductees at position?

14 A. [10:01:27] I did not see.

15 Q. [10:01:37] The rebels that you saw at the position, Mr Witness, were they male or
16 female?

17 A. [10:01:48] Both male and female.

18 Q. [10:01:55] And were they adults or children or both?

19 A. [10:02:01] It was a mixture of adults and children as well.

20 Q. [10:02:15] How old approximately was the youngest you saw at this position?

21 A. [10:02:27] I can estimate that the youngest person at position could have been 12
22 or 13.

23 Q. [10:02:40] What makes you say they were 12 or 13?

24 A. [10:02:46] I thought they were 12 or 13 because of the body size. You find that
25 they are smaller and shorter, and when they're told to carry certain things, they're not

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1 able to lift a certain load. That is why I thought they were 12 or 13. I was even
2 taller than them.

3 Q. [10:03:19] What were the rebels doing at this position?

4 A. [10:03:26] When we arrived, they were just seated there. Others were cooking.

5 Q. [10:03:40] What happened with you and the new abductees you arrived with at
6 this position? Where did they take you?

7 A. [10:03:53] When we arrived at the position, they told us, they told them to
8 welcome us. When they say they should welcome us, we thought they were going
9 to greet us. Later on we realised that we were supposed to be whipped, and we
10 were indeed whipped. That was our welcome.

11 Q. [10:04:22] What part of your body were you whipped on?

12 A. [10:04:32] I was whipped in my buttocks and my back.

13 Q. [10:04:39] Can you remember how many blows you received?

14 A. [10:04:46] I recall that I was whipped 50 strokes of a cane.

15 Q. [10:04:59] And was everybody beat 50 strokes of a cane?

16 A. [10:05:03] Yes.

17 Q. [10:05:07] What did the rebels use to whip you? What did they whip you with?

18 A. [10:05:16] They used canes which had been freshly cut.

19 Q. [10:05:23] When they were beating you, did they say anything?

20 A. [10:05:31] They told us that is how they welcome people so that you do not have
21 any thoughts of escaping.

22 Q. [10:05:46] Do you know who was the rebel in charge at this position?

23 A. [10:05:58] When I reached there, I heard they were calling him Kalalang at that
24 time.

25 Q. [10:06:13] And why do you say this person Kalalang was in charge?

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1 A. [10:06:22] I thought so because Ogwal and Obol who were among those who
2 abducted us were calling him Kalalang.

3 Q. [10:06:38] How long did you stay at this position?

4 A. [10:06:51] We did not take long at position. We spent the night, we spent one
5 night there. And the next day there was an attack from the soldiers and we were
6 dispersed. We left the position.

7 Q. [10:07:16] You say there was an attack from soldiers. What soldiers were
8 these?

9 A. [10:07:26] I think it should be that the government soldiers for the government
10 of Uganda.

11 Q. [10:07:40] When the government soldiers attacked, what did the rebels do?

12 A. [10:07:50] The rebels started fleeing. They did not; exchange fire with the
13 soldiers. They all fled.

14 Q. [10:08:06] And what did you do?

15 A. [10:08:10] I also fled with them.

16 Q. [10:08:14] After escaping the government soldiers, where did you end up?

17 A. [10:08:25] We moved to another position in another location. When we
18 reached there, we found someone who was by then being addressed as Odomi.

19 Q. [10:08:49] Does Odomi have other names?

20 A. [10:08:57] We would only hear they would call him Lapwony Odomi. I did not
21 hear any other name.

22 Q. [10:09:08] And what was Lapwony Odomi's role at this position?

23 A. [10:09:16] Lapwony Odomi I believe was a senior commander who was more
24 senior than Kalalang. This is because even Kalalang who was respected as the senior
25 person was respecting what -- the person who was referred to as Lapwony Odomi.

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1 Q. [10:09:52] Besides Lapwony Odomi, were there any other people at this second
2 position?

3 A. [10:09:57] Yes, there were people.

4 Q. [10:10:06] Were they rebels or abductees? Can you describe who was it that
5 you saw at this second position besides Odomi?

6 A. [10:10:16] Apart from Odomi, there were other people who were also rebels, and
7 other people who I think were also newly abducted because they were young.
8 Others were my exact size. Others were way younger than me.

9 Q. [10:10:45] And what were these people doing at the position, if you can describe
10 the scene that you saw for us when you arrived there?

11 A. [10:11:01] At that time others were fetching water. Others were cooking and
12 others were just seated.

13 Q. [10:11:27] Where were you taken when you arrived there?

14 A. [10:11:34] I was taken to someone who was being called Lapwony Odomi.

15 Q. [10:11:46] What about the other new abductees that you mentioned that were
16 abducted with you, where were they taken?

17 A. [10:11:57] I do not know where they were taken. I don't know whether they
18 were taken to other groups, but I recall that among those with whom I was abducted,
19 only two of us were given to Odomi, me and someone called (Redacted). I did not
20 know where the others were taken.

21 Q. [10:12:34] Who decided you should be given to Lapwony Odomi?

22 A. [10:12:45] The person who decided was among those who abducted us
23 including Obol and Ogwal.

24 Q. [10:13:01] What was Lapwony Odomi's reaction when you were taken to him,
25 when you were given to him?

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1 A. [10:13:17] There was no -- he did not react in any peculiar way. I did not see
2 any way he reacted.

3 Q. [10:13:41] After you joined Lapwony Odomi at this second position, did you
4 stay with him from here onward or did you join any other group while you were in
5 the bush?

6 A. [10:13:58] I stayed with him for all the time that I was in the bush.

7 Q. [10:14:11] Do you know what his group was called?

8 A. [10:14:22] I do not know the name of his group.

9 Q. [10:14:33] Can you remember how many people were in his group?

10 A. [10:14:39] The people I saw could be between 25 and 30.

11 Q. [10:14:53] Where was Kalalang when you came to this position? Did he stay
12 there or did he move away?

13 A. [10:15:08] I did not see Kalalang in that position.

14 Q. [10:15:20] The second position where you were handed over to Lapwony Odomi,
15 do you know what location this was at?

16 A. [10:15:28] I think this position was in a place called Acet, which is in Gulu
17 district.

18 Q. [10:15:52] You mentioned, Mr Witness, two names up until now. I haven't
19 asked you who they were yet. One is Obol and one is Ogwal. So I want to ask you
20 a little bit about these two, these two persons. Who was Obol?

21 A. [10:16:12] Obol was a soldier in the rebel group. He seems to have stayed for
22 long there. He was among those who were sent to go and collect things, food from
23 the civilians to take to the soldiers in the bush to eat.

24 Q. [10:16:38] How old was he? Was he bigger or smaller than you?

25 A. [10:16:46] He was bigger.

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1 Q. [10:16:53] Who was his commander?

2 A. [10:16:58] He was under Odomi.

3 Q. [10:17:05] And Ogwal, who was Ogwal?

4 A. [10:17:10] Ogwal was also already big. And I also think he is one of those who
5 were sent to go together with Obol to go and collect food from the civilians so that
6 those who remain behind can use it for feeding and to take to their senior commander
7 like Odomi.

8 Q. [10:17:46] So who was Ogwal's commander?

9 A. [10:17:49] Ogwal was also under Odomi.

10 Q. [10:17:58] How long did you stay at this second position?

11 A. [10:18:08] In the second position I think we could have stayed for about one
12 week, between one or two weeks.

13 Q. [10:18:26] And where did your group go after leaving this position?

14 A. [10:18:36] When we left this position, we moved towards Pader.

15 Q. [10:18:50] Do you remember any specific locations you stayed at in Pader while
16 you were in the bush?

17 A. [10:18:59] I recall one place which was called Pot Ogali.

18 Q. [10:19:17] Can you remember any other places or is Pot Ogali the only one?

19 A. [10:19:29] There could be other place, but I do not recall the names apart from
20 Pot Ogali.

21 Q. [10:19:45] Mr Witness, have you heard of a place called Te-Gwana?

22 A. [10:19:53] Yes, I heard.

23 Q. [10:19:54] Did you ever stay at that location while you were in the bush?

24 A. [10:20:07] Yes, I recall that we stayed there.

25 Q. [10:20:12] Have you heard of a place called Lira-Palwo?

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- 1 A. [10:20:18] Yes, I recall that one also.
- 2 Q. [10:20:23] Did you stay at this location while you were in the bush?
- 3 A. [10:20:30] Yes, I recall that we stayed there.
- 4 Q. [10:20:35] How long would your group usually stay at one position, at one
5 location?
- 6 A. [10:20:48] In one location, group can stay between four days and one week.
7 Sometimes also more than one week.
- 8 Q. [10:21:11] What makes the group change positions? Why does a group change
9 positions?
- 10 A. [10:21:20] What makes me think the group keeps changing position is they are
11 probably scared that the government soldiers are already aware of their location and
12 they have to change their position to another place.
- 13 Q. [10:21:42] When your group moved positions between different locations, who
14 decided the group should move?
- 15 A. [10:21:55] The person who would be leading the group, like Odomi would be
16 the one to say we should move.
- 17 Q. [10:22:10] Did you hear him say this?
- 18 A. [10:22:15] I didn't hear personally.
- 19 Q. [10:22:24] So how would you know it was Odomi that decided?
- 20 A. [10:22:32] I came to know because people who were close to him, like Ogwal
21 and Obol, every time they hear about the next move, they would come and let us
22 know. They would let us, the younger one, the younger ones know that Lapwony
23 Odomi has asked us to move to another position.
- 24 Q. [10:23:00] While you were in the bush, Mr Witness, did you ever leave Uganda?
- 25 A. [10:23:07] No, we did not leave Uganda.

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1 Q. [10:23:13] I will now ask you, Mr Witness, questions about different aspects of
2 the life in the bush and about Odomi. You already mentioned a little bit. How did
3 the LRA or Kony's rebels, how did Kony's rebels get food? Or let me rephrase. I'm
4 sorry, Mr Witness. How did your group get food? That's the better question.

5 A. [10:23:47] The group where I was, every time people wanted food, the
6 commander, that is Lapwony Odomi, would send some of his soldiers, like Ogwal
7 and Obol, together with other newly abducted people who do not have guns so that
8 they can go and collect food from the civilians. Sometimes they would go besides
9 swampy areas and collect cassava and some vegetables so that they can cook.

10 Q. [10:24:32] The cassava and the vegetables that they would collect, where would
11 they find them? Was it gardens, was it villages, was it some other places?

12 A. [10:25:03] They would get from the civilians' farms.

13 Q. [10:25:13] You said new abductees, newly abducted, would also go on these
14 collection missions. Did you yourself ever go to collect food?

15 A. [10:25:39] I recall that I went; I went twice.

16 Q. [10:25:49] The other newly abducted who went to collect food, how old were
17 they? Were they younger or older than you or the same age?

18 A. [10:26:08] Others were older than me, others my exact age and others were
19 younger than me.

20 Q. [10:26:25] What makes you say some were older or some were younger than you?
21 What do you base that estimate on?

22 A. [10:26:36] What makes me say so is some people whom I thought were younger
23 than me will not be able to carry their loads which I have been given to carry, while
24 others who were older than me were taller than me and they looked bigger than me at
25 the time.

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1 Q. [10:27:10] You said they would get cassava and vegetables from civilian farms.

2 Were civilians living in these farms?

3 A. [10:27:25] No. The civilians would not live in the farms. They were in the
4 camp at that time.

5 Q. [10:27:42] Did Odomi go when food was collected; did he go to collect food as
6 well?

7 A. [10:27:54] No. He would only send people.

8 Q. [10:28:06] Were people sent also outside the Acholi region?

9 A. [10:28:13] I recall they would also send people.

10 Q. [10:28:24] First of all, who is "they"? You say, "They would send people."
11 Who is "they"? Who would send them?

12 A. [10:28:36] I'm talking about the rebels of Odomi.

13 Q. [10:28:43] And where were they sent?

14 A. [10:28:51] I recall one where Odomi sent people to a place called Obalanga in
15 Teso.

16 Q. [10:29:09] How many people did he send to Teso?

17 A. [10:29:16] The people whom I saw were about 15.

18 Q. [10:29:27] Were they armed or unarmed?

19 A. [10:29:38] Yes, they were armed.

20 Q. [10:29:44] Do you know why Odomi sent these armed men to Teso?

21 A. [10:29:54] I think the reason why he sent them, sent those who were armed to
22 Teso, was so that if they met government soldiers, if they're able to defeat the
23 government soldiers, they should fight and defeat them so that they also collect
24 whatever they want.

25 Q. [10:30:29] Can you recall what location you were at when Odomi sent these

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1 people to Teso?

2 A. [10:30:39] I have forgotten the location.

3 Q. [10:30:50] Did you see the armed men leave for Teso?

4 A. [10:30:56] I saw with my eyes.

5 Q. [10:31:05] Did you also see them come back?

6 A. [10:31:10] When -- while they were returning, well, I did not see them return.

7 Q. [10:31:23] I now want to ask you, Mr Witness, some more questions about the
8 people you encountered in Odomi's group. You already mentioned Ogwal and Obol.

9 Do you remember any other names of people in Odomi's group when you were
10 there?

11 A. [10:31:53] I recall of Ojera as well.

12 Q. [10:32:03] Who was Ojera?

13 A. [10:32:10] Ojera was one of the people who was working directly under Odomi.
14 He had a gun, and whenever Odomi was sending people to go and get food items, he
15 would be going with that team.

16 Q. [10:32:30] Was he bigger or smaller than you?

17 A. [10:32:38] He was big.

18 Q. [10:32:48] Do you remember names of any other people in Odomi's group?

19 A. [10:32:56] Right now I cannot recall the other people, but they were there.

20 Q. [10:33:09] Have you heard of the name Ayela Morris?

21 A. [10:33:19] Yes, I can recall him.

22 Q. [10:33:24] Who was he?

23 A. [10:33:25] He was one of the people in Odomi's group and Odomi was his
24 superior. Odomi would always send him like he would send the rest of the people,
25 Obol and Ojera. He would also be sent to collect food items.

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1 Q. [10:33:52] What about someone called Cak Dyel?

2 A. [10:34:06] I recall him as well.

3 Q. [10:34:12] What was his role?

4 A. [10:34:18] Cak Dyel was going to collect firewood, fetch water and doing other
5 small domestic calls at the position. He would not be going to collect food like the
6 others.

7 Q. [10:34:46] How old was he approximately? Was he bigger or smaller or the
8 same size as you?

9 A. [10:34:54] I think he was almost my size. We were of the same size.

10 Q. [10:35:11] Did you find him in the bush or did he arrive when you were there
11 already?

12 A. [10:35:20] I found him in the bush.

13 Q. [10:35:28] We've already spoke, Mr Witness, about children or the ages of the
14 newly abducted. I want us now to focus -- I want you now to focus on Odomi's
15 group that you were with.

16 How old was the youngest person that you saw in this group approximately?

17 A. [10:36:02] There were, I saw, the youngest person would be about 12, because
18 the person was very short. I was much taller than that person.

19 Q. [10:36:29] How many persons of about 12, 13 were in the group? Can you
20 estimate?

21 A. [10:36:45] I would say those who were within that range could be between five
22 and ten in number.

23 Q. [10:37:08] Were they boys or girls or both?

24 A. [10:37:14] A mix of both boys and girls.

25 Q. [10:37:26] Can you remember any of the names of these children?

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1 A. [10:37:37] I do not recall that right now.

2 Q. [10:37:49] Have you heard of a name Kule?

3 A. [10:37:56] Yes, I do recall that.

4 Q. [10:38:03] Who was Kule?

5 A. [10:38:07] Kule was somebody I went and found in the bush, but he was the
6 smallest person, because he could not carry any luggage. He was very small and
7 very short. I was taller than him.

8 Q. [10:38:34] And just so we're clear, who was his commander?

9 A. [10:38:41] I went and found him in Odomi's group.

10 Q. [10:38:51] What were the tasks of these 12, 13-year-old children?

11 A. [10:39:00] They would be tasked with going to fetch water, going to collect
12 firewood, and constructing sleeping tents for the superiors.

13 Q. [10:39:27] Who tasked them with these things?

14 A. [10:39:38] Well, I'm not exactly sure who tasked them. But I only witnessed
15 them doing that. I would see them going to look for water. They would go fetch
16 him firewood. But I could not establish who exactly was giving them the tasks.

17 Q. [10:40:06] When they went to get water and firewood, did they go on their own
18 or were they escorted?

19 A. [10:40:14] Many times they would go on their own.

20 Q. [10:40:30] When the group would be attacked by the government soldiers, what
21 would these children do?

22 A. [10:40:47] If people are fleeing, they would also flee together with the rest of the
23 people.

24 Q. [10:41:02] And when the group moved positions, moved locations, what was
25 their tasks? Did they have to carry anything?

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1 A. [10:41:13] Like I said, most of them would not be able to carry luggage.

2 Whenever there was a change of position, they would just walk together with the rest
3 of the boys to the new position.

4 Q. [10:41:38] I want to now focus, Mr Witness, on the girls that were there. What
5 were the tasks of the young girls? Were they the same as those you've already
6 mentioned or were they different?

7 A. [10:41:56] Most times they would be within the kitchen trying to prepare meals.

8 Q. [10:42:13] Who did they stay with?

9 A. [10:42:19] They normally stay with the wives of the commanders, for instance,
10 the wives of Odomi and the wives of the other commanders. They would provide
11 support or help to these women.

12 Q. [10:42:48] You mentioned wives of commanders. Who had a wife in Odomi's
13 group?

14 A. [10:43:04] Odomi himself had a wife. Obol also had a wife. Those were the
15 people I knew had women.

16 Q. [10:43:30] Who assigned wives to rebels in Odomi's group?

17 MR TAKU: [10:43:43] May it please your Honours.

18 PRESIDING JUDGE SCHMITT: [10:43:46] Yes, Mr Taku.

19 MR TAKU: [10:43:49] Your Honour, I will respectfully call on my colleague to
20 rephrase the question and lay a proper foundation: Did you know the people had
21 wives; yes, I knew; who? He mentioned two people.

22 So how did my colleague comes about saying who assigned wives? How did she
23 jump to that?

24 PRESIDING JUDGE SCHMITT: [10:44:10] Yes. It's not that we hear of these
25 matters the first time, but it's, of course, strictly speaking, Mr Taku is correct. So you

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1 would first have to establish how these wives became wives in the first place, and
2 then you can go on further from that point.

3 MS HOHLER: [10:44:25] I'm guided, your Honour.

4 Q. [10:44:28] Mr Witness, how did the rebel soldiers get wives?

5 A. [10:44:38] The rebels in the bush would get wives, well, for instance, if they're
6 sent to go and collect food items and if they abducted some girls and returned with,
7 the girls would be taken to Lapwony Odomi. Lapwony Odomi would then
8 distribute the girls to the people he felt should receive them.

9 Q. [10:45:17] Did the girls have a choice in the matter?

10 A. [10:45:24] I think they didn't have any choice because they knew if they had
11 rejected, they would be killed.

12 MR TAKU: [10:45:40] May it please your Honours.

13 PRESIDING JUDGE SCHMITT: [10:45:41] Yes.

14 MR TAKU: [10:45:42] Again, I do not know where my colleague is leading evidence
15 to. She asked a very wise question: How did they get wives. He said the rebels in
16 the bush would do this.

17 This witness has testified about a very restricted number of girls he saw at different
18 positions - he called them positions - and a very restricted number of people he saw in
19 Odomi's group.

20 I thought my colleague should be in the position first to lead the witness to say
21 exactly if he recognised a number of girls. Although he said he met them there, and
22 there are others he saw when he was there. One, he must have identified them, then
23 my colleague cannot ask the question: When you saw this particular girl, what
24 happened to her? Then the witness can validly say this.

25 We have a witness here, your Honours, whom you yourself would have seen were

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1 very alert to the media, even before he was abducted, even about how the rebels
2 would behave with regard to the AK-47, which he said he heard about, all this and
3 before.

4 So my colleague should lead the witness to what he saw, what happened to him, and
5 how, if he was there, when this distribution was done.

6 I think we're here to discover the truth, but not to ask general questions. The witness
7 gives a general answer. At the end of the day we do not know exactly to what it
8 relates or what evidence, what episode, at what time in respect of which girl or
9 woman this happened.

10 PRESIDING JUDGE SCHMITT: [10:47:17] Mrs Hohler, I think we can decide this
11 quickly.

12 Mr Taku, there is merit in what you are saying, but I would say even it is in the
13 interests of Mrs Hohler not to get some general information which the probative
14 value in the end would be perhaps very low, but to more specify where the witness
15 derives his knowledge from.

16 So it would be indeed I think serve everybody's purpose more if you would be more
17 specific in your questions in that respect.

18 MS HOHLER: [10:47:48] Thank you, your Honour.

19 Q. [10:47:49] Mr Witness, you said, and I quote from the transcript on page 29, the
20 penultimate and the ultimate line, "Lapwony Odomi would then distribute the girls
21 to the people he felt should receive them."

22 Did you see this happen?

23 A. [10:48:12] I did not witness that myself.

24 Q. [10:48:22] So what makes you say that it was Odomi that distributed the girls to
25 the people?

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1 A. [10:48:35] The reason I thought he was the one distributing the girls to the
2 people was that, giving the example of Ogwal, when they gave him a girl to stay with,
3 he came and told us that Lapwony Odomi has given me this girl to be my wife.

4 Q. [10:49:03] What were the tasks of Ogwal's wife that you just mentioned and of
5 other wives in Odomi's group?

6 A. [10:49:22] The wives would be doing laundry. They would be cooking food.
7 Those were the two tasks that I knew very well.

8 Q. [10:49:41] Where did the wives sleep at night?

9 A. [10:49:46] In the night when people were going to sleep, the tents are normally
10 constructed and these tents were meant for Ogwal and the other commanders.
11 These women would sleep in the same tents where the Ogwals would sleep, she
12 would also sleep in the same tent.

13 Q. [10:50:21] You also mentioned Odomi had wives. How many wives of Odomi
14 did you see?

15 A. [10:50:33] I remember two of them.

16 Q. [10:50:41] Can you please describe each of them for us?

17 A. [10:50:48] I remember one was light skinned. She had a child. The other one
18 was not light skinned, but she did not have a child.

19 Q. [10:51:15] Can you estimate how old approximately were these wives?

20 A. [10:51:23] I guess these ladies were ranging from 17, 17 years and above.

21 Q. [10:51:48] And you say one of the wives had a child. Do you know who was
22 the father of the child?

23 A. [10:51:57] I think the father of the child must have been Lapwony Odomi
24 because the woman was his wife.

25 Q. [10:52:12] Was any of the wives pregnant while you were there?

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1 A. [10:52:20] I remember one of them was pregnant at the time I was there.

2 Q. [10:52:33] Did she give birth while you were there?

3 A. [10:52:39] I do not clearly recall that.

4 Q. [10:52:49] Besides wives, were there any young girls helping these wives of
5 Odomi?

6 A. [10:53:02] There were young girls who were acting as house helps for Odomi's
7 women.

8 Q. [10:53:19] Can you estimate how old were these girls? Were they bigger or
9 smaller than you or the same size?

10 A. [10:53:28] If I can remember, one of them was my size.

11 Q. [10:53:47] Do you know the name of the one you remembered?

12 A. [10:53:57] I do not recall.

13 Q. [10:54:08] Mr Witness, while you were with Odomi's group, were new people
14 brought into the group?

15 A. [10:54:23] Yes, I think I remember I did see that.

16 Q. [10:54:44] Can you recall where they were brought from?

17 A. [10:54:49] I cannot recall where they were brought from, but sometimes when
18 they're sent, they would move about and come back with the freshly abducted people.
19 But I would not be able to know where they got the people from.

20 Q. [10:55:12] And you saw this with your own eyes?

21 A. [10:55:19] I saw them with my own eyes.

22 Q. [10:55:23] When you say "they would move about and come back with the
23 freshly abducted people", who is "they"?

24 A. [10:55:35] I am referring to a situation where Lapwony Odomi has sent his
25 people to go and collect food items. The people he will have sent are the ones I'm

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1 referring to.

2 Q. [10:55:52] And just to make sure I understand correctly, they would come back
3 also with abductees?

4 A. [10:56:00] Yes. They would come back with the people they have abducted.

5 Q. [10:56:10] How old was the youngest abductee you saw brought into the group?

6 A. [10:56:18] The youngest I think should be -- would be about 15 years of age.

7 Well, between 14 and 15 years of age.

8 Q. [10:56:42] And what makes you say that they were about 14 or 15?

9 A. [10:56:48] The reason I say that is because sometimes you might find when I am
10 bigger than them and when you look at them, they're physically younger and smaller
11 than my own size.

12 Q. [10:57:21] What happened with these new abductees? Did they stay with your
13 group or did they go elsewhere?

14 A. [10:57:29] Sometimes the freshly abducted people are taken to other groups.
15 They're not brought to our group.

16 Q. [10:57:48] Who decides that they be taken to other groups?

17 A. [10:57:56] The person who decides that, well, I don't know, but whenever they
18 are brought, sometimes you only see them once and the rest of the days you do not
19 see them.

20 Q. [10:58:18] Mr Witness, while you were in the bush, did you come to learn why
21 the rebels abducted civilians?

22 A. [10:58:30] I did not come to learn that.

23 Q. [10:58:46] Did you ever hear rebel soldiers in your group discuss why they were
24 abducting civilians?

25 A. [10:58:57] Sometimes they would be saying that they were abducting civilians so

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1 that they can be able to increase the number of their fighters to help them fight against
2 the government.

3 Q. [10:59:27] Did you ever hear Odomi saying this?

4 A. [10:59:36] No, I did not.

5 MS HOHLER: [10:59:42] Your Honour, there is a clarification I would like to put to
6 the witness from --

7 PRESIDING JUDGE SCHMITT: [10:59:49] Yes, please.

8 MS HOHLER: [10:59:50] -- his second statement which was taken in 2016, the ERN
9 is 0258-0429 at page 0498, paragraph 47.

10 MR TAKU: [11:00:06] Your Honour, for what purpose? Is it to cite the
11 contradiction? If that's the case, in order to fit within the exception --

12 PRESIDING JUDGE SCHMITT: [11:00:16] Indeed at the moment I also do not see it
13 at first glance. And since we have 11 o'clock, we defer this to 11.30.

14 And by the way, do you have an estimate how long it will take? I have a feeling,
15 Mrs Hohler, that you won't need more than one session.

16 MS HOHLER: [11:00:32] Your feeling is correct, your Honour. I think I will be
17 done in the second session this morning.

18 PRESIDING JUDGE SCHMITT: [11:00:37] Thank you.

19 Break until 11.30.

20 THE COURT USHER: [11:00:40] All rise.

21 (Recess taken at 11.00 a.m.)

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

23 THE COURT USHER: [11:30:44] All rise.

24 PRESIDING JUDGE SCHMITT: [11:30:50] We have still this matter to solve. Please
25 tell me again where we are and then I tell you if we -- this is you said the second

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1 statement or something like that?

2 MS HOHLER: [11:30:59] Yes, correct. It's tab 2, your Honour, the second statement
3 at paragraph at 47.

4 PRESIDING JUDGE SCHMITT: [11:31:04] 47.

5 MS HOHLER: [11:31:04] And the sentence that I would like to put to the witness is
6 about at the middle of the paragraph starting with the name of the accused.

7 PRESIDING JUDGE SCHMITT: [11:31:15] Yes, yes, okay.

8 MS HOHLER: [11:31:17] And if I can take you to --

9 PRESIDING JUDGE SCHMITT: [11:31:19] No, no, I believe we can make it short. I
10 saw it already. There is indeed a sort of contradiction to what the witness said here
11 in the courtroom, and this is one of the instances where you can put it to the witness.
12 So please continue.

13 MS HOHLER: [11:31:37]

14 Q. [11:31:37] Mr Witness, I want to put to you a sentence from the statement that
15 you gave to the investigators in 2016, and I will read out a sentence of that statement.
16 Here is what it says:

17 "Odomi said they have to abduct civilians so that they can be soldiers and be given
18 arms to fight the government soldiers."

19 Earlier today you told us you did not hear Odomi speaking of why the LRA were
20 abducting civilians. Can you help us understand this?

21 A. [11:32:20] I request that you repeat that again.

22 Q. [11:32:31] Yes, Mr Witness. Earlier you told us you did not hear Odomi speak
23 about why the LRA were abducting civilians. And I now want to read you a
24 sentence from the statement you gave to the ICC investigators last year. And here is
25 what you said:

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1 "Odomi said they have to abduct civilians so that they can be soldiers and be given
2 arms to fight the government soldiers."

3 So this is a little bit different than what you told us earlier. Can you help us
4 understand which one is correct?

5 A. [11:33:15] I think what I said in the past is the correct one, because I had just
6 returned and I had all the recollections. Today I think I'd forgotten a few things.

7 MS HOHLER: [11:33:47] Your Honours, I would request a brief private session now
8 for about five minutes I think.

9 PRESIDING JUDGE SCHMITT: [11:33:56] Yes. Private session.

10 (Private session at 11.34 a.m.) *(Reclassified partially in public)

11 THE COURT OFFICER: [11:34:02] We are in private session, Mr President.

12 PRESIDING JUDGE SCHMITT: [11:34:05] Please continue.

13 MS HOHLER: [11:34:06] Thank you.

14 Q. [11:34:08] Mr Witness, were you ever injured when you were in the bush?

15 A. [11:34:15] Yes, I got injured.

16 (Redacted)

17 (Redacted)

18 Q. [11:34:35] Can you remember what location you were at when you were
19 injured?

20 A. [11:34:42] I do not recall where we were, but I remember that Odomi had sent us
21 to go and collect food.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 MS HOHLER: [11:38:45] Your Honour, here is again a slight contradiction in what
24 the evidence of the witness is today to the statement. It is again the statement at tab
25 2, 0258-0489, at page 0495, paragraph 30.

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1 MR TAKU: [11:39:10] Your Honour, just to indicate this statement and the date it
2 was taken, so the witness will be able to know exactly whether -- there are a series of
3 statements, there are about three of them here.

4 PRESIDING JUDGE SCHMITT: [11:39:23] I think that would be no problem to put it
5 to him.

6 MS HOHLER: [11:39:26] Yes.

7 PRESIDING JUDGE SCHMITT: [11:39:27] And indeed, that is different here. There
8 is a discrepancy. And yes, you can put it to the witness. But I think that was very
9 neutrally done the last time. You can do it in the same way. Can you explain to us,
10 and which one is correct and so on.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Did you see Odomi at all when you were, while your wound was healing?

21 A. [11:40:55] Yes, I saw.

22 Q. [11:41:00] And how was your wound treated?

23 A. [11:41:09] There was no treatment using medicine, using modern medicine.

24 They only put their honey and used warm water to clean it. There was no modern
25 medicine.

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1 MS HOHLER: [11:41:29] We can go back into open session, your Honour.

2 PRESIDING JUDGE SCHMITT: [11:41:31] Yes, I would have suggested that too.

3 Open session.

4 (Open session at 11.41 a.m.)

5 THE COURT OFFICER: [11:41:42] We are back in open session, Mr President.

6 MS HOHLER: [11:41:50]

7 Q. [11:41:50] And just one last question about your injury, Mr Witness. Did your
8 injury heal finally?

9 A. [11:42:04] Yes, I got healed.

10 Q. [11:42:09] Now, Mr Witness, I want to ask you a few questions about what were
11 the reasons for LRA fighting the government soldiers. When you were in the bush,
12 did you come to learn why the rebels were fighting the government soldiers?

13 A. [11:42:34] No, I did not get to understand why the rebels were fighting with
14 government soldiers.

15 Q. [11:42:51] Did you ever hear the rebels discussing what was their goal in
16 fighting the soldiers, the government soldiers?

17 A. [11:43:06] I recall I heard when at one time when they were talking, saying that
18 they want to overthrow the government so that they can become the rulers of the
19 country.

20 Q. [11:43:26] Can you recall who was saying this?

21 A. [11:43:31] I remember that it was Ogwal, Obol; Ogwal and Obol who were
22 talking about this.

23 Q. [11:43:53] Did you ever hear Odomi talking about over throwing the
24 government?

25 A. [11:44:03] I remember I heard when it was said on radio that he had died, he just

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1 laughed and said, let them waste their time. They will fight to overthrow the
2 government.

3 Q. [11:44:25] Mr Witness, when you were in the bush, have you come to learn why
4 the rebels attacked civilians?

5 A. [11:44:40] While I was at the bush, I learned that they attacked civilians so that
6 they can increase the number of people who can help them with the war.

7 PRESIDING JUDGE SCHMITT: [11:45:05] Mr Witness, just a short question by the
8 Presiding Judge. You said, "I learned that they attacked civilians."

9 From whom did you learn that?

10 THE WITNESS: [11:45:23] (Interpretation) I heard this while we were at the bush.
11 Maybe you can repeat the question so that I can understand it.

12 PRESIDING JUDGE SCHMITT: [11:45:33] Yes, of course. I was not really clear
13 with my question. I'll be more specific. Who told you that? Which person spoke
14 about that, that you recall?

15 THE WITNESS: [11:45:48] (Interpretation) I recall that Lapwony Odomi himself
16 said that. He said that when they announced on radio that he had been shot, then he
17 said that he's going to continue fighting until he overthrows the government.

18 PRESIDING JUDGE SCHMITT: [11:46:10] Were you near when this was said on the
19 radio and afterwards Odomi commented on that?

20 THE WITNESS: [11:46:22] (Interpretation) Yes, I was close by.

21 PRESIDING JUDGE SCHMITT: [11:46:25] Mrs Hohler.

22 MS HOHLER: [11:46:27] Thank you, your Honour.

23 Q. [11:46:28] If I can follow up on Mr President's question, Mr Witness, you said
24 that you heard Odomi say he's going to continue fighting until he overthrows the
25 government. Did he say anything specific about civilians?

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1 A. [11:46:49] I did not hear anything said about civilians. But he only talked about
2 overthrowing the government.

3 Q. [11:47:04] You told us earlier, Mr Witness, that the civilians at this time were in
4 the camps. Have you come to learn what the rebels thought of the civilians living in
5 the camps? What did they think of them?

6 A. [11:47:25] About those who were living in the camp, the rebels do not think well
7 of them, because if they go to collect food, they would go; and when they find
8 civilians, they would kill the civilians from the camp.

9 Q. [11:48:03] And how do you know this would happen?

10 A. [11:48:09] I know this because I would hear on radio.

11 Q. [11:48:24] What radio would that be?

12 A. [11:48:29] Many times it would be Radio Wa.

13 Q. [11:48:39] Did you ever hear Odomi speaking about civilians living in the
14 camps?

15 A. [11:48:52] No, I did not hear myself.

16 Q. [11:49:02] Did you ever hear Odomi say what should happen to the civilians in
17 the camps?

18 MR TAKU: [11:49:17] Your Honours, this is grossly unfair. It's very unfair and
19 unacceptable question: Did you hear him saying anything about the civilians in the
20 camp? He said no.

21 Then how do you go around to say what will happen to them when he didn't hear
22 anything, anything. That was his answer.

23 PRESIDING JUDGE SCHMITT: [11:49:36] No. Sustained. That's correct, yes.

24 MS HOHLER: [11:49:54] If you give me a second, your Honour.

25 (Counsel confer)

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1 MS HOHLER: [11:50:24] Your Honour, after a brief consultation, I would like to
2 apply for refreshing the witness's memory in the sense of clarifying a slight
3 contradiction again, again from paragraph 47, and this would be --

4 PRESIDING JUDGE SCHMITT: [11:50:41] Of course this deserves suggesting, if you
5 look at this paragraph, but please handle it again in a manner like you did it before.
6 And we have seen that the outcome was different in what -- one refreshing or
7 contradiction clarifying process turned out to clarify and the other not, so to speak.
8 Mr Taku.

9 MR TAKU: [11:51:08] Your Honours, I do not rise in a way to disagree with
10 whatever decision you take. I've always accepted the rulings of the Court as long as
11 I place on record, your Honours, because it is not counsel that will determine exactly
12 what you allow in these proceedings or not. If we are not satisfied, it might be at
13 some other venue we can try to move ahead with.

14 But I rise essentially, your Honours, because this witness has not testified about any
15 attack on civilians in the camps as such. He has testified about completely different
16 issues in the charges.

17 Unfortunately, unlike the ad hocs where the parties, especially the Prosecution, must
18 communicate the areas in the charges in which the evidence will be led in order to
19 help the Judges know exactly how to police or how to direct the proceedings, they are
20 given a free hand here to lead any evidence and those are the rules and everyone has
21 to respect.

22 Here, your Honours, it's a witness who has not in any way led any evidence about
23 either participating or seeing or taking part in the attack on the civilians in the camps
24 as the case may be.

25 My colleague said or recited his opinion or what he heard other people said or what

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1 may have been maybe something that some people said within contextualising it with
2 actual attacks that may have occurred.

3 Therefore, your Honours, we say that it is extremely wide. Nevertheless,
4 nevertheless, as I say, you have the latitude, you have the discretion in order to allow
5 and to know how far you can let them go in this, in this inquiry.

6 PRESIDING JUDGE SCHMITT: [11:52:53] Thank you, Mr Taku.

7 I don't understand it in a way that Mrs Hohler wants to lead evidence concerning the
8 four attacks that we have. We have of course more charges than the attacks and the
9 time scope extends all in all, so to speak, until the end of 2005, as I understand it.

10 And we said it before that of course evidence can also be led concerning -- that go
11 beyond the facts and circumstances in the charged periods if they may have an effect
12 on the facts and circumstances in the charged period.

13 And by the way, this can go either way. This can also be evidence that leads to
14 exculpating circumstances that -- so when I say the attack, criminal conduct that
15 might not directly relate to, for example, one of the attacks, then it might also turn out
16 that it might be good for the Defence. It might go either way.

17 So it's clear that Mrs Hohler does not want to elicit evidence concerning a specific
18 attack that has been confirmed in the charges. It's about what might have been said
19 or not have been said by the accused.

20 But with this witness, so to speak, it must be very, very clear where the evidence
21 comes from so that we are able really to assess it, the probative value in the end. So
22 we have seen this I think in the courtroom. I don't want to specify too much here
23 because the witness is here. That's also not a reproach, but it's perfectly clear that we
24 have to establish if we are talking about hearsay and what kind of hearsay or if we are
25 talking about things that the witness has absolutely seen with his own eyes. I think

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1 this was one of his wordings that he himself took or has heard with his own ears, so
2 to speak. And he differentiates when he is not asked in a suggestive manner, I have
3 the impression.

4 MS HOHLER: [11:55:14] Do I understand your Honour correctly that I have
5 permission to refresh on that third sentence?

6 PRESIDING JUDGE SCHMITT: [11:55:19] Yes, yes.

7 MS HOHLER: [11:55:20]

8 Q. [11:55:21] Mr Witness, you told us a moment ago that you did not hear Dominic
9 Ongwen discussing attacks on civilians. In your statement that you gave to the ICC
10 investigators last year in 2016, you said this:

11 "Some other time Odomi said that the rebels had to attack the government soldiers
12 and also the people in the camps because the government was not supporting their
13 leader Kony."

14 Can you help us understand which is correct, did you hear Odomi saying this or did
15 you not?

16 A. [11:56:08] I did not hear him saying, but the person who said that was Obol,
17 who was working with him. I didn't hear myself.

18 PRESIDING JUDGE SCHMITT: [11:56:31] Just a comment. This really shows how
19 important it is to be careful when we put former statements to the witness, what I'm
20 always saying, because it's of course a difference. If you hear it from somebody or if
21 you say "I am a direct witness", to put it this way, immediate witness, and in the
22 statement it's not reflected, frankly speaking. In the statement you get the
23 impression that the witness himself heard it from the accused.

24 Whatever this means in the end, we are not discussing and assessing that at the
25 moment, but that really shows also that it is -- that the process as such has been

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1 conducted by Mrs Hohler in a way that the witness does not feel obliged to simply
2 confirm.

3 MS HOHLER: [11:57:30]

4 Q. [11:57:31] Mr Witness, I will now ask you a few questions about Odomi
5 specifically. How did Odomi's subordinates address him?

6 A. [11:57:46] They would address him as Lapwony Odomi.

7 Q. [11:57:55] And how would they behave towards him?

8 A. [11:58:04] When Odomi is moving, people should leave way for him. That
9 means they gave him all the respect and they always gave him way to pass.

10 Q. [11:58:25] Who would be moving right next to Odomi?

11 A. [11:58:32] Those who would be close to him were Obol and Ogwal.

12 Q. [11:58:46] What did Odomi wear, Mr Witness?

13 A. [11:58:55] Odomi would wear a camouflage uniform.

14 Q. [11:59:09] How did Odomi walk?

15 A. [11:59:15] Odomi would walk with a limp. He did not walk straight. There
16 was a limp.

17 Q. [11:59:34] And what kind of commander was Odomi?

18 A. [11:59:40] He was a kind of commander who wanted that his orders are
19 executed. Whenever he tells people to go and do something, they have to go and do
20 it.

21 Q. [12:00:07] What if his orders weren't executed properly, what would happen or
22 what happened?

23 A. [12:00:19] When the orders are not strictly adhered to, most times he would
24 make people beat you.

25 Q. [12:00:36] How do you know this? Did you see this happen with your own

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1 eyes?

2 A. [12:00:43] I would request that you repeat the question.

3 Q. [12:00:59] You said, Mr Witness, that when the orders are not strictly adhered to,
4 most times Odomi would make people beat you. How do you know that, that that's
5 what happened? Did you see it happen?

6 A. [12:01:19] Yes, I did, because one of the persons he had instructed to prepare
7 meals did not cook well. He made that person be beaten.

8 Q. [12:01:46] Who did he make beat this boy or this person -- that person? I
9 apologise.

10 A. [12:01:59] He instructed Ogwal to beat that boy.

11 Q. [12:02:06] How old was this boy? Was he bigger or smaller than you or the
12 same size?

13 A. [12:02:17] I think we were at the same age. We were at the same level.

14 Q. [12:02:28] And did Ogwal beat that boy?

15 A. [12:02:33] Yes, he did.

16 Q. [12:02:39] My next set of questions is about the communications in the group
17 you were in, Mr Witness. If Dominic -- if Odomi wanted to communicate with
18 people that were far away, how did he do that?

19 A. [12:02:59] If he wants to communicate with people who were afar, he would
20 connect the solar wire and then he would talk using the radio with the other people.

21 Q. [12:03:20] How often did he use the radio?

22 A. [12:03:35] I would hear him talk on radio at about 7 -- about 1 p.m.

23 Q. [12:03:55] Was it just him or did someone help him?

24 A. [12:04:01] I remember there was one person who used to help him, but I cannot
25 recall the name.

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1 Q. [12:04:13] And what did that person do to help him? What would be his task?

2 A. [12:04:21] His task would be to carry the solar and also charging the battery,
3 connecting the system whenever Odomi wanted to communicate.

4 Q. [12:04:42] Who did Odomi speak to on the radio?

5 A. [12:04:48] The person he has been talking to on radio, well, I am not very clear of
6 because they would not want people to stay near them when they are
7 communicating.

8 Q. [12:05:11] Did the rebel group you were in also have an FM radio?

9 A. [12:05:23] Yes, they also had them.

10 Q. [12:05:29] Who had an FM radio?

11 A. [12:05:34] Lapwony Odomi himself had the radio.

12 Q. [12:05:42] Did he listen to this radio?

13 A. [12:05:51] Yes, he would listen to the radio.

14 Q. [12:05:53] What radio stations did he listen to, if you know?

15 A. [12:05:59] He would listen to, generally, Radio Mega and Radio WA.

16 Q. [12:06:13] What kind of programmes on those two radio stations did he listen
17 to?

18 A. [12:06:18] On Radio WA there was a programme whereby returnees or people
19 who have gone back home from the bush would go for a talk show on. Sometimes
20 he would also listen to some music programmes on the radio.

21 Q. [12:06:54] Did you see Odomi listening to these radio shows?

22 A. [12:07:02] I remember -- I would request that you repeat the question.

23 Q. [12:07:25] You said Odomi listened to these radio stations and these radio
24 programmes. So I just want to understand how do you know that. Did you see
25 him listen to the programmes?

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1 A. [12:07:38] Yes, I witnessed that, though many times he would be listening to
2 music, not necessarily radio talk shows.

3 Q. [12:07:56] Where were you when Odomi listened to the radios?

4 A. [12:08:06] I would not be staying so far from him, though I would also not be
5 next to him. I would be about two or three metres away.

6 Q. [12:08:24] And you said, Mr Witness, that there was a talk show with returnees
7 or people who have gone back home from the bush. Did you hear Odomi listen to
8 this show?

9 A. [12:08:46] Many times he would listen to music programmes. He would not
10 listen to such radio talk show programmes.

11 Q. [12:09:06] Do I understand correctly, Mr Witness, that you never heard him
12 listen to such radio talk show programme, or did you?

13 A. [12:09:21] No, I did not.

14 MS HOHLER: [12:09:40] Your Honour, we're once again at that point where I would
15 like to ask to refresh the witness's memory, as there is a contradiction, in the same
16 manner that we have done before.

17 PRESIDING JUDGE SCHMITT: [12:09:49] About which paragraph in the statement
18 are you talking?

19 MS HOHLER: [12:09:52] It is the same statement.

20 PRESIDING JUDGE SCHMITT: [12:09:54] Yes.

21 MS HOHLER: [12:09:55] At paragraph 50.

22 PRESIDING JUDGE SCHMITT: [12:10:05] Yes, it's a clear contradiction, last
23 sentence?

24 MS HOHLER: [12:10:10] I propose, your Honour, for the context, perhaps the first
25 sentence and the last sentence so it's clearer for the witness.

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1 PRESIDING JUDGE SCHMITT: [12:10:16] It's okay.

2 MS HOHLER: [12:10:18]

3 Q. [12:10:19] Mr Witness, you told us just now that you never heard Odomi listen
4 to the radio talk show programmes with the returnees. In the statement that you
5 gave to the ICC investigators in 2016, this is what you said:

6 "On some occasions I heard on the radio the people who had returned home earlier
7 appealing to those still in the bush. Odomi also listened to these appeals to return
8 home."

9 Can you help us understand which one is correct?

10 A. [12:10:59] The correct one that I can recall, I think should be what you have said
11 because sometimes when he switches on his radio and he listens to a programme
12 where they are appealing to the people in the bushes to come back home, he would
13 listen to that programme, but for a very short time; or listen to that for quite a short
14 time before he switches to the next station, because he would not enjoy listening to
15 that.

16 PRESIDING JUDGE SCHMITT: [12:11:56] So that again is quite a difference, but
17 that's okay.

18 MS HOHLER: [12:12:01] Yes.

19 PRESIDING JUDGE SCHMITT: [12:12:01] That's exactly what happens when you --

20 MS HOHLER: [12:12:03] The point is to clarify.

21 PRESIDING JUDGE SCHMITT: [12:12:05] Yes, yes, exactly.

22 MS HOHLER: [12:12:08]

23 Q. Just one more question on that, Mr Witness. When he listened to these
24 programmes for a very short time, as you indicated, what was Odomi's reaction, if
25 you saw any?

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1 A. [12:12:22] What I could see was that he was not interested in returning home
2 because if he really wanted to return home, he would take an interest in listening to
3 the entire programme. So I think he never had interest in going back home. That's
4 why he would listen to such a programme for a short time before he goes to another
5 station that is probably playing music.

6 MR TAKU: [12:13:03] Your Honour, clearly opinion evidence here.

7 PRESIDING JUDGE SCHMITT: [12:13:08] Mr Taku, yes, I hesitated to make this
8 remark myself, but it's like always: The evidence given in the courtroom has to be
9 assessed in the end by the Bench here, by the Judges, and of course this was a
10 conclusion and not a clear answer to the question put to the witness. But we have
11 this often times, and I think we simply continue and we will put it into perspective
12 later on.

13 MS HOHLER: [12:13:38]

14 Q. [12:13:41] I think I remember correctly, Mr Witness, that you said earlier there
15 was a time that on the radio there was an announcement about Odomi being shot; is
16 that right?

17 A. [12:13:56] Yes, I mentioned that.

18 Q. [12:14:01] Tell us about that announcement. What was it about, if you
19 remember, as much as you can?

20 A. [12:14:09] In the announcement they said on radio that Lapwony Odomi was
21 shot in Teso. And while they were saying that, Lapwony Odomi himself was
22 listening to the radio. I was also nearby and I would listen to what the radio -- what
23 was being said on radio.
24 He said, "Let them waste their time."

25 Q. [12:14:45] Mr Witness, while you were in the bush, did you hear any attacks,

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1 that the rebels had gone to, discussed?

2 A. [12:15:06] Well, I didn't hear of any particular place where they went and
3 attacked. But I heard when Odomi himself said that he organised his soldiers to go
4 and attack a big camp, he did not mention the name of the camp, so I could not
5 establish which camp exactly it was.

6 MS HOHLER: [12:15:42] Just a second, your Honour.

7 (OTP counsel confer)

8 MS HOHLER: [12:15:57]

9 Q. [12:15:58] Mr Witness, while you were in the bush, did you ever hear the name
10 of a location Abok mentioned?

11 A. [12:16:11] No, I did not.

12 MS HOHLER: [12:16:26] Your Honour, again I would like to put the contradiction to
13 the witness, if I may.

14 PRESIDING JUDGE SCHMITT: [12:16:32] But yeah, of course, if it is a contradiction,
15 yes. But at some point in time I think we should perhaps simply accept that perhaps
16 the witness does not produce exactly what has been said in the past. And it seems to
17 be that the statement that has been taken at the time, that was obviously not with a
18 bad intention, but did not really reflect what was the own knowledge of the witness
19 and what was simply what he heard sometimes and what he put together. So yes, I
20 think I would want to suggest is not to go now to every possible contradiction that we
21 have. So we do this one and but at some point in time simply I think we should
22 move on or finish.

23 MR TAKU: [12:17:26] I really, I'm pleased that the Court has made this ruling now,
24 because at some point it would be lying when the accumulation of contradictions
25 amounts to impeaching their own witnesses, then they should go ahead and impeach

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1 the witness, and make application to impeach the witness, because progressively after
2 5, 10, 20 seconds you do that. You've allowed that for a limited purpose.
3 But the witness has given a categorical answer. The witness is not bound to repeat
4 or just the script that was written in the course of the investigation. He has taken the
5 oath here to say: Let me tell what I now know. So he can change the position and
6 tell the Court what he's taken an oath to tell the Court, not necessarily that he must
7 confirm what was in the written statement.

8 PRESIDING JUDGE SCHMITT: [12:18:17] And I think we have all heard in the
9 courtroom that the witness does this and he follows exactly what he today recalls and
10 what is today his knowledge and answers in that respect. And I think we're not
11 talking about impeaching. We are talking about clarifying. And I have the
12 impression, at least if I look at the statements and what is unfolding this morning in
13 the courtroom, that simply at the time it could have been elaborated a little bit better,
14 not by the witness, but by those who conducted the statement, the testimony at the
15 time.

16 So where are we, Mrs Hohler? Help me.

17 MS HOHLER: [12:19:01] I'm afraid I will insist, your Honour, on paragraph 34, on
18 the Abok issue. And if I have your permission, I would like to read the first half of
19 the first sentence to give context to the witness and then the sentence starting with
20 "he" and ending at the mention of Abok.

21 PRESIDING JUDGE SCHMITT: [12:19:23] Yes, you may do that. But it's clear from
22 short overflying, so to speak, the passage that it's again hearsay, but please continue.

23 MS HOHLER: [12:19:34] That is what I would like to clarify with the witness, your
24 Honour.

25 Q. [12:19:38] Mr Witness, you told us you have not heard anyone discussing Abok,

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1 the place called Abok, while you were in the bush. In the statement that you gave to
2 the ICC investigators in 2016, you said this:

3 "Sometimes in the evenings we would be sitting together and Odomi would be
4 talking. He would also talk about the attack at Abok."

5 Can you help us understand, Mr Witness, which one is correct? Have you heard of
6 Abok while you were in the bush or no?

7 A. [12:20:14] I have heard.

8 Q. [12:20:31] Who did you hear it from?

9 A. [12:20:36] I heard that at a time when Lapwony Odomi -- well, whenever he's
10 talking about having organised his soldiers to go and attack a camp, he would
11 mention the names of the camps, but he would not want people to hear clearly,
12 though I was able to hear that. I heard him saying, if it were possible, he needed to
13 organise his soldiers to go and attack a big camp. He did not mention the name of
14 the camp. But later on he mentioned Abok.

15 I could not establish whether he wanted his soldiers to go and attack Abok or any
16 other camp.

17 PRESIDING JUDGE SCHMITT: [12:21:44] Ms Hohler, please move on. I think
18 really this does not lead to too much, so to speak.

19 MS HOHLER: [12:21:52] Thank you, your Honour.

20 Q. [12:21:54] Mr Witness, I now want to ask you about the rules in the LRA. Were
21 there many rules there in the bush?

22 A. [12:22:10] Yes, there were many rules in the bush.

23 Q. [12:22:15] Tell us what were the most important rules in the bush.

24 A. [12:22:23] The major ones included, for instance, if you are instructed to do
25 something, you must adhere to the instruction.

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1 Q. [12:22:38] What happened if you did not adhere to the instruction?

2 A. [12:22:45] If you do not follow the instruction, sometimes -- or, rather, if you
3 didn't do what you were required to do, they would punish you. If they don't beat
4 you, they could as well kill you.

5 Q. [12:23:07] Who ordered punishing, the punishment; who ordered the
6 punishment?

7 A. [12:23:17] Most times it's Odomi himself.

8 Q. [12:23:20] Did you see this happen your own eyes?

9 A. [12:23:27] Yes, I did see that happening with my eyes.

10 Q. [12:23:34] Can you remember any specific example?

11 A. [12:23:40] I remember it happened to me when they gave items -- when they
12 gave me some items to carry. I remember we were crossing a water point and I
13 almost drowned when I was carrying some saucepans. The saucepans fell off.
14 When one of them managed to rescue me, pulled me out of the water, and took me
15 where Odomi was. I told him that the saucepans went with the flowing water.
16 Odomi himself gave an instruction that I should be beaten 25 strokes because I let go
17 the saucepans.

18 Q. [12:24:44] And were you beaten?

19 A. [12:24:50] Yes, they beat me.

20 Q. [12:24:52] Who beat you?

21 A. [12:24:57] I do not recall the name of the person who beat me.

22 Q. [12:25:07] Were other people also punished if they lost a saucepan?

23 A. [12:25:15] Yes, other people would also be beaten.

24 Q. [12:25:28] What was the rule about escaping, Mr Witness, while you were in the
25 bush?

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1 A. [12:25:34] The rule against escape from the bush was that whenever you try and
2 escape and you are apprehended, you'll have to be killed.

3 Q. [12:25:59] How do you know this was the rule? Did you see this happen?

4 A. [12:26:04] I know of this because it happened to one of the boys, a boy was
5 called Atim. He tried to escape and Odomi sent his soldiers to pursue the boy.

6 They were able to catch up with him. They caught him and brought him back to

7 Lapwony Odomi. Lapwony Odomi asked him why he wanted to escape. The boy
8 could not answer.

9 Then he said the boy should -- the boy who was called Atim should be killed.

10 Q. [12:27:07] And was he killed, if you know?

11 A. [12:27:09] They killed him.

12 Q. [12:27:19] How did they kill him?

13 A. [12:27:23] They beat him on the back of the head with clubs.

14 Q. [12:27:32] Did you see this happen with your own eyes?

15 A. [12:27:39] Yes, I saw that with my own eyes because I was instructed to go and
16 witness that, because if I tried to escape as well, that would be the same punishment,
17 so I saw it myself.

18 Q. [12:27:53] Who instructed you to go and witness this beating, killing?

19 A. [12:27:56] Lapwony Odomi himself gave me that instruction that I should go
20 and see because if I try to escape, that is what will happen to me.

21 Q. [12:28:18] Do you remember any other person who tried to escape and was
22 caught?

23 A. [12:28:27] That is the only person I can recall of.

24 Q. [12:28:41] When you were in the bush, Mr Witness, did you think about
25 escaping?

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1 A. [12:28:51] When I was in the bush I had intentions of escaping, but I could not
2 tell anyone. I just kept that within myself.

3 Q. [12:29:13] Did anyone ever ask you if you wanted to return to your family while
4 you were in the bush?

5 A. [12:29:22] If I can recall, nobody asked me that because -- I think, no, nobody
6 asked me that.

7 Q. [12:29:48] How did you come to leave the rebels, Mr Witness? Did you escape
8 finally?

9 A. [12:29:56] I escaped at a time when Lapwony Odomi sent us to go and collect
10 food items.

11 Q. [12:30:14] Do you remember when that was? What year was it?

12 A. [12:30:21] I remember that was in 2006.

13 Q. [12:30:34] Do you remember the month, Mr Witness?

14 A. [12:30:40] If I can recall, it was towards the end of November going to the
15 beginning of December.

16 PRESIDING JUDGE SCHMITT: [12:30:57] Mr Hohler, the Witness said 2006.

17 MS HOHLER: [12:31:02] Yes, I am aware, and this is a point I think needs
18 clarification in order to establish.

19 PRESIDING JUDGE SCHMITT: [12:31:06] Absolutely, this is a clear case, yes.

20 MS HOHLER: [12:31:12] Your Honours, this is at tab 2. His statement, ERN
21 0258-0489 at page 502, paragraph 66.

22 Q. [12:31:33] Mr Witness, you said just now you escaped in November December
23 2006. But in the statement that you gave to the investigators, you said, "I escaped in
24 November 2005".

25 Can you help us understand, was it 2005 or 2006?

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1 A. [12:32:00] I recall that it was 2006. Why I said 2005 when I was being asked, I
2 had just returned and I did not remember a lot of things.

3 MS HOHLER: [12:32:25] Your Honour, I will go to the first statement now, if I may.

4 PRESIDING JUDGE SCHMITT: [12:32:29] Yes.

5 MS HOHLER: [12:32:29]

6 Q. [12:32:30] In the first statement, Mr Witness, which you gave in -- sorry?

7 PRESIDING JUDGE SCHMITT: [12:32:34] Perhaps you can -- it is only an attempt.

8 Perhaps you can try it without referring to statements.

9 Mr Witness, I think you said you were at some point in time in February 2005 you
10 were abducted. Do I have that correctly in my mind?

11 THE WITNESS: [12:32:51] (Interpretation) Yes, that is correct.

12 PRESIDING JUDGE SCHMITT: [12:32:57] And do you recall how long you have
13 been in the bush? You see the time period, was it five months, six months, or a year,
14 two years, three years?

15 THE WITNESS: [12:33:12] (Interpretation) I recall that I stayed for one year. This
16 is because I was abducted in 2005 February, when I came back, in November 2006.
17 Why I say it was one year, those people told me that I stayed for one year. That is
18 the reason why I think I stayed there for a year, because the people who I stayed with
19 told me that it was about one year.

20 PRESIDING JUDGE SCHMITT: [12:34:12] Okay. So this does not help so much.

21 But of course, February 2005 until November 2006 would nearly be two years. But
22 you can give it a last try with the first statement.

23 MS HOHLER: [12:34:27] With the first statement.

24 PRESIDING JUDGE SCHMITT: [12:34:29] Yes.

25 MS HOHLER: [12:34:30]

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1 Q. [12:34:30] Mr Witness, you'll remember when you gave your first statement to
2 ICC investigators, when they first came to see you, do you remember that, not last
3 year, but before that. Do you remember if that was soon after you returned from the
4 bush?

5 A. [12:34:56] I had just returned. I'd not stayed for long.

6 Q. [12:35:03] Now, Mr Witness, this statement was taken in December 2005. And
7 I'm referring for the record to UGA-OTP-0165-0035. So this statement was taken in
8 December 2005. Is it then possible that you returned in November 2005?

9 A. [12:35:37] Can you repeat the question.

10 Q. [12:35:41] Yes, Mr Witness. You said you met with the investigators soon after
11 you had returned from the bush; is that correct?

12 Now, we know that that meeting was in December 2005. Is it then possible that you
13 returned from the bush in November or December 2005 instead of 2006?

14 A. [12:36:23] I can now recall that I returned in November of 2005, because when
15 they were talking to me I'd stayed for about one year -- I mean one month in the
16 centre where I was.

17 PRESIDING JUDGE SCHMITT: [12:36:47] I think this has clarified it.

18 MS HOHLER: [12:36:50]

19 Q. Thank you, Mr Witness. Let us go back now to how you escaped. Please
20 describe to us in detail how you escaped.

21 A. [12:37:02] I escaped when Lapwony Odomi said we should go and collect food.
22 I do not recall the place where I escaped from, but I remember it is in Pader. When
23 we were close by a water body which was deep, up to my -- up to the throat, we
24 crossed that water body where we would go and find something to eat.

25 When we were approaching sweet potatoes, others were uprooting vegetables,

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1 another group which was on the side -- was on the side while others were close to me.
2 While others were continuing to harvest sweet potatoes and vegetables, I decided to
3 squat down. When I squatted down, the other people forgot and thought there was
4 no one, no one else there because there were other people on another side, so they
5 thought probably I was on the other side.
6 I squatted down and then the rest of the group continued to harvest the potatoes and
7 they started moving back and they forgot about me.
8 When I noticed that they had forgotten about me, there was a road which was close
9 by, which was close to a sorghum plantation. I moved and I crawled and then
10 reached that road -- that small path, and then I followed that path and branched off
11 into the plantation of sorghum and laid down there.
12 I laid down there until morning. And when I woke up in the morning I heard the
13 cock crow. An area, I asked myself where I was. I later on realised that I had
14 managed to escape and then I moved and sat on top of an anthill and basked in the
15 sun. One person then came and then he came and saw me but first ran away.
16 I was scared myself and went back to the sorghum plantation and stayed there for
17 about a minute. Then I came back to that same point where I was basking in the sun.
18 Another person came again and asked me to go, told me, "Young boy, come here."
19 Then I went to that person. And when I was with that person already, the person
20 took me to soldiers.
21 When I reached there, the soldiers -- when I reached the soldiers, they took my
22 statement and they asked me which group I was in, how many guns were in that
23 group, and I told them, I gave them that information.
24 I was taken to another barracks. I do not know the name of that barracks. When I
25 was taken there, I stayed there and later on I was brought back again where I first

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1 reported. Then I was told that the place was called Lira-Palwo. When they brought
2 me back to Lira-Palwo, I was taken from there and I was taken to the centre where I
3 went and stayed.

4 That is about my escape.

5 PRESIDING JUDGE SCHMITT: [12:41:40] That was I think an exhaustive
6 description, Mrs Hohler, yes.

7 MS HOHLER: [12:41:45]

8 Q. [12:41:46] I would just like to know, Mr Witness, what was the centre that you
9 stayed at called?

10 A. [12:41:53] I request that I do not mention the name of that centre.

11 PRESIDING JUDGE SCHMITT: [12:42:17] I think it's really not necessary. And if,
12 for example, the Defence wants to question it and he still feels uncomfortable, we
13 could think about doing that in private session.

14 MS HOHLER: [12:42:30] I think that's fine, your Honour.

15 Q. [12:42:32] Mr Witness, please remind us how long you stayed at the centre?

16 A. [12:42:36] At that centre, I could have stayed about two to three months.

17 MS HOHLER: [12:42:56] Your Honour, I will now ask for your indulgence with one
18 last point of memory refreshing or contradiction and clarification. And I will explain
19 why.

20 PRESIDING JUDGE SCHMITT: [12:43:06] About the stay at the centre?

21 MS HOHLER: [12:43:08] No. It's about a matter, a question that I asked, if I can
22 bring your Honours to page 61, line 24. It was about whether the witness has -- of
23 the transcript, sorry, today's transcript. I apologise. I apologise. Today's
24 transcript, page 61, line 24. I asked the witness whether he discussed with anyone
25 about returning home to the family. I would now like to bring you to the witness's

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1 statement, this is the second statement at tab 2 at paragraph 38. This, I would submit,
2 is a potentially relevant matter. And we have seen today from the witness's answers
3 that when put evidence from his statement to him, he is able to clearly differentiate
4 and either adopt the proposition or not. And this we say is a potentially relevant
5 matter which I would like to clarify whether this is something that happened or that
6 the witness does not recall.

7 PRESIDING JUDGE SCHMITT: [12:44:27] Mr Taku.

8 MR TAKU: [12:44:28] May it please, your Honours. I think that we should
9 consider the possibility of finality when a witness says no or yes. When a witness
10 equivocates or says "I do not remember", the witness could be reminded.
11 It's not a question of relevance here now. No, no. That's immaterial to the exercise
12 that my colleague intends to bring to your attention. That's not the issue. The issue
13 is whether the answer the question -- the answer the witness gave came from any
14 doubt that might be clarified.

15 But if she clearly wants to establish a contradiction that the witness has said
16 something at some other time and place and has come before the Court to say
17 something different, well, that's generally a duty that is that of the Defence and
18 perhaps that of the Court if the Court wants to know, because the Court has no limit
19 to the power of inquiry in this issue.

20 But for her to say that it's a matter of relevance at this particular point, your Honour, I
21 think it's a mistake. It's introducing a completely new factor into the decision that
22 you made about the circumstances under which she may be asked to put it
23 before the --

24 PRESIDING JUDGE SCHMITT: [12:45:41] In that respect, I think we should not
25 handle it too formally.

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1 I understand that you want to put to the witness the first two sentences.

2 MS HOHLER: [12:45:53] Yes, your Honour.

3 PRESIDING JUDGE SCHMITT: [12:45:54] I frankly see this as a new issue, simply.

4 You could also qualify it. It's not a clear, it's not a clear contradiction in my opinion
5 to what the witness has said. You can simply try to, for example, ask the witness if
6 he had any conversations with the accused about certain matters.

7 I really don't -- I think this would be too formal to handle it this way. It is simply
8 you could have perhaps asked it at another point in time, but you are still, you are
9 still questioning so you are absolutely entitled to pick up something that you find is
10 important for your examination.

11 MS HOHLER: [12:46:34] I will do so, your Honour.

12 Q. [12:46:35] Mr Witness, remember we were discussing a little while ago about
13 you discussing with anyone whether you wanted to return home or not. I want to
14 ask you, did you ever discuss with Odomi that you wanted to return home to your
15 family, or if you were ever asked by Odomi if you wanted to return home to your
16 family?

17 A. [12:47:07] I did not discuss with Odomi that I wanted to come back home, but at
18 some point you would ask -- would ask you whether you want to go back home. I
19 remember that he asked me whether I wanted to go back home, and I said I did not
20 want to go back home, because when you respond that you want to go back home,
21 you would be killed.

22 Q. [12:47:46] Thank you, Mr Witness.

23 One final matter from my side, Mr Witness, is now some documents that I would like
24 to show you.

25 PRESIDING JUDGE SCHMITT: [12:48:03] When I -- perhaps just a further

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1 explanation. When you referred to the statement today, you referred to, "I asked the
2 witness whether he discussed with anyone about returning home to the family." So
3 he might really not have understood that -- what you were up to, so to speak. So
4 this was -- I really would say that I was correct that this was not a clear case of a
5 contradiction. You wanted to inquire on a new topic, at least partly new topic.
6 Please continue.

7 MS HOHLER: [12:48:43]

8 Q. [12:48:44] Mr Witness, you have a binder next to you. And there will be
9 some -- there will also be some images shown to you on the screen in front of you.

10 MS HOHLER: All these exhibits for the court officers are confidential and are not to
11 be displayed to the public. I think we can stay in public session, because my
12 questions will be fairly general. If the need arises, I will ask for a private session at
13 that point.

14 PRESIDING JUDGE SCHMITT: [12:49:12] Yes, please.

15 MS HOHLER: [12:49:14] The first document I would like to show to the witness is at
16 tab 4. The ERN is UGA-OTP-0165-0050.

17 PRESIDING JUDGE SCHMITT: [12:49:49] I think you have it on the screen now,
18 Mr Witness, a photograph.

19 THE WITNESS: [12:49:56] Yes, I have it.

20 MS HOHLER: [12:49:59]

21 Q. [12:50:00] Do you recognise the person in that photograph, Mr Witness?

22 A. [12:50:07] Yes, I recognise the person. That is me.

23 Q. [12:50:14] Thank you, Mr Witness.

24 We move to the next document. It is tab 5, UGA-OTP-0528-0509. Do you see the
25 document on your screen, Mr Witness?

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1 A. [12:50:49] Yes, I have seen.

2 Q. [12:50:52] What is this document?

3 A. [12:50:56] This is my baptism document.

4 MS HOHLER: [12:51:04] Your Honour, I would request a private session for one
5 question at this point.

6 PRESIDING JUDGE SCHMITT: [12:51:12] Yes, private session.

7 (Private session at 12.51 p.m.) *(Reclassified partially in public)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) Can you help us understand why this

16 document has a different date of birth?

17 A. [12:52:13] The reason there is a difference in the date of birth is because when
18 you're in school, sometimes you do not say your exact date of birth while in school.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Open session at 12.53 p.m.)

25 THE COURT OFFICER: [12:53:14] We are back in open session, Mr President.

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- 1 MS HOHLER: [12:53:29] I would ask the court officers to show the witness the
2 document at tab 6, UGA-OTP-0269-0737, again, confidentially.
- 3 Q. [12:54:03] Do you see this document, Mr Witness?
- 4 A. [12:54:08] Yes, I am seeing it.
- 5 Q. [12:54:10] What is it?
- 6 A. [12:54:13] It is an immunisation document.
- 7 MS HOHLER: [12:54:21] If I could ask the court officer to scroll down a little bit.
- 8 Q. [12:54:29] Whose immunisation document is this? We will now look at the
9 second page, Mr Witness. Whose immunisation card is this?
- 10 A. [12:54:53] It is my document.
- 11 Q. [12:55:00] Now tab 9, please. There are two starting ERNs for this one,
12 UGA-OTP-0263-2469, that will be the first page. And I would like us to go, in fact, to
13 the second page of that document, which is an ERN in its own, is
14 UGA-OTP-0263-2470.
- 15 Your Honours, while we wait, I see we are approaching 1 o'clock. I think I may go
16 about five minutes over 1, if that's okay and that will conclude my questioning.
- 17 PRESIDING JUDGE SCHMITT: [12:55:53] Yes, yes. We continue of course.
- 18 MS HOHLER: [12:56:01]
- 19 Q. [12:56:01] Do you see the document, Mr Witness?
- 20 A. [12:56:06] Yes, I have seen.
- 21 Q. [12:56:08] What is this document?
- 22 A. [12:56:13] It is the school ID.
- 23 Q. [12:56:18] Who is that on the picture?
- 24 A. [12:56:23] That is my photograph.
- 25 Q. [12:56:28] Tab 10, UGA-OTP-0269-0739?

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1 PRESIDING JUDGE SCHMITT: [12:56:40] Since we have all eyes to see, we see, for
2 example, that it was issued in 2015 and it says age 20. And the former one, the
3 immunisation card, I think, at least the measles vaccine was done in 2003. And the
4 age is mentioned with 12 years. So I just predict a little bit, Defence, we see that.
5 Yes, we have seen that.

6 Please, Mrs Hohler. Everything in the vain of concentrating the proceedings a little
7 bit.

8 MR TAKU: [12:57:29] Thank you, your Honours. It focuses the proceedings. So I
9 will not waste precious time on issues that are clear.

10 PRESIDING JUDGE SCHMITT: [12:57:37] You know that the Bench is in favour of
11 this approach.

12 Yes, please, Ms Hohler.

13 MS HOHLER: [12:57:43]

14 Q. [12:57:43] Mr Witness, what is this document that is displayed on your screen
15 now? Do you recognise it?

16 A. [12:57:50] That was my report card.

17 Q. [12:57:59] Tab 11, please, UGA-OTP-0269-0470. That's an incorrect ERN, I
18 apologise. The correct ERN is 0269-0740. If we could move to the second page; if
19 we could scroll down a little bit.

20 What is this document, Mr Witness? And please don't mention the name of -- yes,
21 just what it is, first.

22 A. [12:59:06] This is a school identification card.

23 Q. [12:59:11] Who is that on the picture?

24 PRESIDING JUDGE SCHMITT: [12:59:14] Microphone, please.

25 MS HOHLER: [12:59:16]

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1 Q. [12:59:17] Who is on the photograph that we see?

2 A. [12:59:21] That is me.

3 PRESIDING JUDGE SCHMITT: [12:59:24] And again we see the date of issue and
4 we see the age that is mentioned there.

5 MS HOHLER: [12:59:33] Tab 12, please, UGA-OTP-0269-0733.

6 Q. [13:00:01] This is the first page of that document, Mr Witness. And if I can ask
7 the court officers to scroll down to the second page so the witness can see both.
8 What are these, Mr Witness?

9 A. [13:00:18] That is a school slip, results slip.

10 Q. [13:00:33] Just two more documents.

11 PRESIDING JUDGE SCHMITT: [13:00:35] And if we look at the second page, it's of
12 no relevance, I would say, but just to remark, you see how many different areas of
13 knowledge are covered here. That's quite a lot if you compare it perhaps with the
14 practice in other countries. Please continue, Mrs Hohler.

15 MR TAKU: [13:00:54] And the age, which is 19 there.

16 PRESIDING JUDGE SCHMITT: [13:00:59] Of course, of course also.

17 MS HOHLER: [13:01:01] Tab 8, please, UGA-OTP-0272-0939. If we could zoom in a
18 little bit. Thank you.

19 Q. [13:01:34] Mr Witness, what is this document?

20 A. [13:01:38] That is a birth certificate.

21 Q. [13:01:45] Whose birth certificate is it?

22 A. [13:01:52] It is my birth certificate.

23 Q. [13:01:55] And finally --

24 PRESIDING JUDGE SCHMITT: [13:01:57] Shortly, because we did it the last time
25 too, and I see here as date of birth 6 November, I would read it, 1993.

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1 MR TAKU: [13:02:07] It was obtained in 2016.

2 PRESIDING JUDGE SCHMITT: [13:02:10] And was obtained in 2016. So I only
3 want to foreshadow a little bit that we see and we read of course the documents and
4 we grasp what they entail and what they do not entail and what could be made out of
5 it and what could not be made out of it.

6 MS HOHLER: [13:02:28] Absolutely, your Honour.

7 Q. [13:02:29] The final document is at tab 7, UGA-OTP-0269-0735. What is this
8 document, Mr Witness?

9 A. [13:03:12] This is my national ID.

10 Q. [13:03:17] Who is that on the picture?

11 A. [13:03:22] It's my photo.

12 Q. [13:03:26] Thank you, Mr Witness.

13 That concludes my questioning for this morning for this witness.

14 PRESIDING JUDGE SCHMITT: [13:03:31] Thank you, Mrs Hohler. And we have
15 also seen here the date of birth that is covered hereby.

16 Do the legal representatives of the victims want to question the witness?

17 MR NARANTSETSEG: [13:03:41] Mr President, yes.

18 PRESIDING JUDGE SCHMITT: [13:03:46] I assume that it would not be too long,
19 because then I would suggest that we simply continue and finish and have an
20 afternoon or half an afternoon free, so to speak. How long would you envision your
21 questioning, Mr Narantsetseg?

22 MR NARANTSETSEG: [13:04:04] My questioning will require in my opinion around
23 30 to 40 minutes, your Honour.

24 PRESIDING JUDGE SCHMITT: [13:04:11] That's quite a lot. So then we, I think,
25 we make the break. We have the break until 2.30.

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1 And, Mrs Hirst, by the way?

2 MS HIRST: [13:04:23] I'm grateful, Mr President. We intend in the case of this
3 witness to give the lead to our friends from the office of public counsel for victims
4 considering that he is their client. So I don't anticipate that we would have very
5 many questions, if any, after Mr Narantsetseg is done.

6 (Trial Chamber confers)

7 PRESIDING JUDGE SCHMITT: [13:04:43] So the Bench is fine with 30 minutes of
8 questioning and we continue simply. And we trust in Mr Narantsetseg that he is
9 focused as ever and that we finish with him. Okay, please start.

10 MR NARANTSETSEG: [13:05:12] Your Honour, thank you for the opportunity.
11 But I'm afraid, your Honour, as I have been observing my client since morning, he
12 might be a bit exhausted. If you maybe just ask him first --

13 PRESIDING JUDGE SCHMITT: Yes, okay.

14 MR NARANTSETSEG: -- if he can proceed.

15 PRESIDING JUDGE SCHMITT: [13:05:26] Good. That is a fair point. Thank you,
16 Mr Narantsetseg.

17 Mr Witness, do you feel like a break would be good for you to recover a little bit?
18 We know that it is a very difficult thing to sit here in the courtroom for three years,
19 three months -- excuse me, for three hours and answer questions. What do you
20 think? Do you feel like having a break?

21 THE WITNESS: [13:05:56] (Interpretation) I think we can have it for the next 15
22 minutes.

23 PRESIDING JUDGE SCHMITT: [13:06:08] No. Then I think it's better really to have
24 the break now and we resume at 2.30.

25 MR NARANTSETSEG: [13:06:14] Thank you very much.

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1 THE COURT USHER: [13:06:16] All rise.

2 (Recess taken at 1.06 p.m.)

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

4 THE COURT USHER: [14:30:49] All rise.

5 PRESIDING JUDGE SCHMITT: [14:31:13] Since it was absolutely clear before the
6 break that nobody perhaps except of me and the Bench was enthusiastic about
7 finishing before the break, I give now Mr Narantsetseg the floor for his 30 to 40
8 minutes, as you said.

9 MR NARANTSETSEG: [14:31:36] Yes, your Honour.

10 PRESIDING JUDGE SCHMITT: [14:31:37] So we are as ambitious as to hope for
11 30 minutes. So please, Mr Narantsetseg.

12 MR NARANTSETSEG: [14:31:46] I'll do my best, your Honour.

13 QUESTIONED BY MR NARANTSETSEG:

14 Q. [14:31:55] Hello, Mr Witness.

15 A. [14:31:56] Thank you.

16 Q. [14:31:58] How are you today?

17 A. [14:32:00] I am okay.

18 Q. [14:32:01] Fine. With Chamber's leave, I am going to ask some questions,
19 Mr Witness.

20 We have met before, as you are one of about 1,500 victims that there we represent in
21 this case, so before I begin I would like to thank you for coming and testifying in this
22 case and also I would like to apologise for asking some of the questions which may
23 seem too obvious to you. Also I will ask some questions that might be very difficult
24 for you to answer emotionally. I am cautious of that fact, but please know that I am
25 doing this only to assist our honourable Chamber to establish the truth and also to

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1 help the Judges to appreciate the suffering you have gone through. Are you with
2 me?

3 A. [14:33:05] Yes, I'm listening.

4 Q. [14:33:07] Right. Let me begin.

5 Mr Witness, before we go into the matters that I'm interested, could you please
6 describe us your life before abduction. In other words, how was your childhood?

7 A. [14:33:35] My life before I was abducted was very simple and very nice. I was
8 studying. I was able to do everything I was required to do. My life was good.

9 Generally I had a very easy life and life was so good.

10 Q. [14:34:04] Thank you very much.

11 Mr Witness, when you were abducted could you please describe us that -- the
12 moment that you were abducted, were you terrified?

13 A. [14:34:27] At the time I was abducted there was a lot of gunfire. I was very
14 scared then.

15 Q. [14:34:40] Mr Witness, as I understand from your testimony this morning, at the
16 moment that you were abducted you were separated from your parents and family; is
17 that right?

18 A. [14:35:05] Yes, my parents were not abducted, but I was abducted. That meant
19 that I was separated from my parents.

20 Q. [14:35:12] At that moment did you know what had happened to your parents?

21 A. [14:35:22] I never got to know whether something happened to them or not.

22 Q. [14:35:28] Were you fearful about the fate of your parents in the hands of the
23 LRA?

24 A. [14:35:42] Yes, I was very fearful because I thought possibly they were
25 eventually killed by the LRA.

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1 Q. [14:35:51] Right. Mr Witness, did the rebels do anything to your family home
2 or family properties?

3 A. [14:36:11] Yes, they did. They burned the houses and my father was shot. He
4 got an injury and a couple of other things that happened that I cannot recall now.

5 Q. [14:36:32] How and where was your father shot?

6 A. [14:36:44] My father was shot in the arm, on the left arm, around the shoulder,
7 similar to the kind of injury I sustained when I was in the bush.

8 Q. [14:37:00] Subsequently did he receive any medical attention?

9 A. [14:37:14] He told me that he was given medical attention and eventually got
10 cured from a hospital he went to.

11 Q. [14:37:22] Right. Mr Witness, you also testified this morning that once you
12 were abducted you were given some items to carry. Was it heavy? And
13 subsequently was it difficult to carry?

14 A. [14:37:44] Yes, it was heavy and it was fairly difficult to carry.

15 Q. [14:37:51] Right. Also were you also forced to carry, you know, such heavy
16 items on other occasions when you were still in the bush?

17 A. [14:38:13] They made me carry many other items that were as well heavy.

18 Q. [14:38:20] At those times were you tired, could you ask for a rest?

19 A. [14:38:35] I could not get time to ask for a rest because I was very scared. I felt
20 if I had requested for a rest they would probably have killed me, so I could not ask
21 them to allow me rest.

22 Q. [14:38:50] Right. Were you asked to walk long distances while carrying those
23 heavy items?

24 A. [14:39:04] We would walk for quite some good distance. Sometimes we would
25 even start walking at 7 a.m., we would walk until 3 p.m. constantly.

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1 Q. [14:39:19] So how were you able to handle such difficult task physically?

2 A. [14:39:40] I had to do everything they wanted me to do, because whenever I
3 would either reject to do something they wanted me to do -- or, rather, I was just
4 scared that if I had rejected doing something they wanted me to do, then they would
5 kill me. For that reason I made sure I would do everything they wanted me to.

6 Q. [14:40:12] Right. Thank you, Mr Witness.

7 A slightly different matter: You said that you were beaten immediately following
8 your abduction, you termed it as welcome beatings. Were you injured during those
9 beatings?

10 A. [14:40:35] I sustained injuries on my buttocks and on my back.

11 Q. [14:40:43] Were you also beaten -- were you also beaten on other occasions?

12 A. [14:40:58] Yes, there was another occasion where I was beaten.

13 Q. [14:41:02] Mr Witness, could you tell us, according to the LRA rebels, what were
14 the reasons that you deserved such beating?

15 A. [14:41:23] Could you please repeat your question.

16 PRESIDING JUDGE SCHMITT: [14:41:26] Mr Narantsetseg, I think we
17 have -- Mrs Hohler has explored several instances and the witness has already
18 answered that. So I would ask you to move to the next point.

19 MR NARANTSETSEG: [14:41:37] I am guided, your Honour.

20 Q. [14:41:40] Mr Witness, did you, did you receive any medical treatment after you
21 were injured following those beatings?

22 A. [14:41:59] I did not get any proper medical treatment.

23 Q. [14:42:04] Do you still feel pain today because of those beatings and because you
24 were forced to carry such heavy items at long distances?

25 A. [14:42:22] Yes, I do, because sometimes I would experience back pain, chest pain,

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1 and the worst part is the -- my shoulder where I sustained an injury earlier. I cannot
2 do heavy -- I cannot do heavy tasks. I have to only do light, light duties.

3 Q. [14:42:49] I'm sorry to hear that. Mr Witness, one more question in this section:
4 You testified this morning that immediately following your abduction while you
5 stayed at a place called the position, you came under an attack by the UPDF soldiers;
6 is that right?

7 A. [14:43:11] That's correct.

8 Q. [14:43:13] How did you survive that attack? Were you fearful for your life?

9 A. [14:43:23] I also fled. I ran in the same direction where everyone else was
10 running, because they would tell you that if you stopped they would be shot. For
11 that reason you had to run and follow the direction where they are going. And
12 during that I never sustained any injury, I survived all the bullets.

13 Q. [14:43:52] Right. Mr Witness, now I'm going to another area where my
14 questions will relate to your life in the LRA.

15 So, Mr Witness, could you please describe how were the living conditions of
16 abductees like you in the bush?

17 A. [14:44:22] The life of the abducted, the life of the people who were in the bush
18 like myself was not easy, it was not simple, because it was very difficult because you
19 will be forced to do everything. They would tell you if you do not do something
20 you are instructed to do, you will be killed. For that reason life was very hard
21 because you do everything under duress.

22 Q. [14:44:50] Mr Witness, were you properly fed? Did you go hungry and thirsty?

23 A. [14:45:03] There is inadequate feeding. For instance, if you got some, some
24 cassava, you will eat the raw cassava and then drink some water. That will be what
25 you will have for the day.

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1 Q. [14:45:19] How were you clothed? Did you have anything warm at night to
2 keep yourself warm?

3 A. [14:45:40] I, I was given a pair of trousers, it was an ordinary pair of trousers,
4 not a military uniform. I also had a shirt. I, I had a bed sheet. For instance, if
5 people come back from an operation and they come with some pieces of clothe that
6 can be used to cover yourself, that's what you'd have.

7 Q. [14:46:18] Mr Witness, how would you describe maybe in a few words the living
8 conditions in the bush? Would you say it was extremely hard?

9 A. [14:46:39] It was extremely hard, because every single thing you would be doing
10 under duress. You would not do anything at your own volition, so life was
11 extremely hard.

12 Q. [14:46:54] Mr Witness, were you able to form friendships with other abductees
13 or were you alone all the time?

14 A. [14:47:06] Most times I was staying alone because if you are seen to be staying
15 very closely with someone, they would take it that you are planning to escape. For
16 that reason, you just have to stay aloof, you have to stay on your own, because people
17 would want -- think that you want to escape and for that reason you can be beaten.
18 Therefore I had to stay alone.

19 Q. [14:47:35] Thank you. Mr Witness, were you provided with any form of
20 education in the bush?

21 A. [14:47:48] In the bush there was no school, there was no form of education.
22 What was happening there was purely walking about.

23 Q. [14:48:00] What were your roles exactly in the bush? What were you asked to
24 do specifically?

25 A. [14:48:16] My task was to carry the saucepans. Most times I was carrying just

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1 the saucepans and some other small items like the jerrycan and the likes.

2 Q. [14:48:31] Mr Witness, you told us that you were sent to search food. When
3 you were looking for food, did you have anything to protect yourself? Was it risky
4 to go on such mission?

5 A. [14:48:57] Personally I did not have anything to protect myself, save for the
6 other people Odomi would have sent to move with us. Those are the people who
7 would be armed with their guns. Personally I did not have anything to protect
8 myself.

9 Q. [14:49:14] Those people who were sent with you, why were they sent to
10 accompany you?

11 A. [14:49:26] I think they would send them to move with us so that they can be able
12 to escort us such that in case we found some food items, we would be able to carry
13 the heavy loads. For them, they would carry the small, small things, but they would
14 provide an escort for us and also to ensure that we do not escape.

15 Q. [14:49:55] Right. Mr Witness, you told us that you were shot when you were
16 searching for food by government soldiers. And how serious was the injury and
17 how long did that injury take to heal completely?

18 A. [14:50:21] The injury I sustained was grave. I personally never thought I could
19 get healed. But God helped me and I eventually got healed.

20 Q. [14:50:35] Mr Witness, after receiving that injury, were you sent again to look for
21 food?

22 A. [14:50:51] They sent me, and the last time they sent me, the next time they sent
23 me was that very time I took advantage to escape.

24 Q. [14:51:04] In that time were you still suffering from your injury?

25 A. [14:51:16] I -- at that time I had already healed.

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1 Q. [14:51:25] Right. Mr Witness, I am going to move on to another area. While
2 you were staying in the bush, did you see other children like you being killed and
3 injured?

4 MR TAKU: [14:51:45] Your Honours, we dealt with this issue before. There are
5 specific charges in this case about the killing, four charged counts. The role of
6 counsel is not for them to recite evidence about criminal acts or that go to the acts or
7 conduct of an accused. You have ruled, you gave a comprehensive ruling about this.
8 And learned counsel did, an experienced prosecutor, asked particular questions in
9 order to prove the charges that have been laid out. And the role of my learned
10 colleague is not to elicit evidence about alleged or purported crimes in this particular
11 case, your Honours.

12 PRESIDING JUDGE SCHMITT: [14:52:28] Two things. First of all, in principle,
13 Mr Taku is correct, and we have ruled upon that. And, secondly, but what is more
14 important, again Mrs Hohler has explored these issues, I think, very broadly this
15 morning. So I would ask you to move to the next point.

16 MR NARANTSETSEG: [14:52:47] Okay. I am guided, your Honour.

17 Q. [14:52:52] Mr Witness, I have one more question in this section, then I will move
18 on to another area. In the bush while you were staying with the group that you said,
19 did you witness any sexual violence?

20 MR TAKU: [14:53:15] Again, your Honours, his questions should relate to
21 a particular victim who filed a particular victim application and made a statement
22 about that. He is not here, your Honours, to represent all the victims that might
23 have been victims in the war in northern Uganda or to ask, "Did you see victims of
24 sexual violence?"

25 I mean, the question of sexual violence, your Honour, is a very, very wide area

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1 relating to the law and many other issues. So in this particular case there is
2 a particular victim. We have his victim application in the file. He gave us notice in
3 that about the issues he would identify. He ticked the different boxes about the
4 issues that he said applied to him. Why would he come here and start asking
5 questions about sexual violence? Is that an area that the Prosecutor pursue?
6 The Prosecutor explored the area about the gender-based crimes, as the case might be.
7 But to talk about, to talk about, open the chapter on sexual violence here,
8 your Honour, is grossly unfair. You made a ruling about this. Let us keep to the
9 rules, keep to the jurisprudence and the instructions you gave, and this proceeding
10 will move very smoothly, your Honours.

11 MR NARANTSETSEG: [14:54:30] Your Honour, I can explain.

12 PRESIDING JUDGE SCHMITT: [14:54:32] Yes, please, Mr Narantsetseg.

13 MR NARANTSETSEG: [14:54:34] In general, your Honour, while I respect my
14 learned colleague's views, the fact that this witness witnessed sexual violence, in our
15 respectful submission, forms a specific type of emotional harm that he endured whilst
16 staying in the bush, your Honour. By asking this question, I am not going to lead
17 the witness towards any allegation against Mr Ongwen, but only to delimit his
18 experience living in a climate of fear and violence.

19 PRESIDING JUDGE SCHMITT: [14:55:07] So if you restrict yourself exactly to that,
20 asking the witness if he witnessed such acts, and especially then what impact this
21 might have had upon him, I allow it, but not to explore, for example, what the
22 accused might have to do with that.

23 MR NARANTSETSEG: [14:55:28] Exactly, your Honour. That was my next
24 question.

25 PRESIDING JUDGE SCHMITT: [14:55:31] That was the thing. So if he witnessed it

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1 and what impact this might have had upon him personally as the witness that you
2 represent here, and the harm he might have suffered.

3 MR NARANTSETSEG: [14:55:45]

4 Q. [14:55:46] Mr Witness, I wonder if you remember, I asked you last: Did you
5 witness any sexual violence and, if you did, how did that impact you? How did that
6 make you feel?

7 A. [14:56:13] I witnessed that and the negative impact that that brought to me was
8 that I started feeling that if, for instance, I am forced to receive a wife, if I'm given
9 a wife at a time when I feel I am not ready, that would really be bad for me.

10 MR NARANTSETSEG: [14:56:47] Just one follow-up question, your Honour.

11 Q. You witnessed exactly what? Could you elaborate that a little bit more?
12 What's the instance that you are referring to?

13 A. [14:57:15] I remember an instance when Lapwony Odomi gave a woman to
14 Ogwal. And then the woman was given to Ogwal did not want to be Ogwal's wife.
15 I used to sleep next to them and I would always hear her crying, that Ogwal should
16 not -- should leave her alone.

17 MR TAKU: [14:58:06] Your Honour, I move that this evidence should be expunged
18 or completely excluded, and in any case you should not consider it in making
19 a determination about the case that has been laid out against the client.

20 The witness explained about Ogwal and even said that he saw him with a wife, but he
21 didn't know. He told him he had been given a wife, but he didn't know that or there
22 was no evidence. He didn't see the accused given a wife, but he saw him with a wife.
23 That was the evidence we have.

24 Besides, your Honours, there is a new element here about the woman crying. He
25 was sleeping near the wife. This is all a new issue that the Prosecution never led

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1 evidence as to where he was sleeping, whether he was sleeping by the wife, what
2 happened to the wife, your Honours.

3 If we allow victim witnesses to come and they come under the prosecutor in the case,
4 to lead incriminating evidence, your Honours, not only would this procedure be
5 grossly unfair, but they will make a mockery of justice in this case. It's grossly unfair.

6 The prejudicial effect overweighs the probative value of this evidence, for his
7 participation in the case is described, you have given a comprehensive ruling about
8 this, your Honours. And if they want to re-open the issue, the cross-examination
9 will go on and on and on forever. But we've said that this should be a clear

10 understanding of the intention is that this evidence would not be considered for the
11 purposes of making findings about the guilt or innocence of the accused in this case.

12 First, it is coming from a source which is not -- who has a defined role which is
13 supposed to display -- in Lubanga it was said that the Victims' counsel must be fairly
14 independent. He must not behave as if he is a participant in the case. But if he feels
15 that his role in the case, he should lead evidence, incriminating evidence, and this is
16 what he seems to have done with this particular evidence, which was never led by
17 the Prosecutor, your Honours.

18 (Trial Chamber confers)

19 PRESIDING JUDGE SCHMITT: [15:00:43] This was an instance where the Chamber
20 had to confer a little bit, and we will not expunge this from the record. We have
21 never done this. We always consider any evidence at the end of the case when we
22 are in the deliberation room. But as I already said, and we have already decided, we
23 will consider it with a specific consideration on the impact this had on this witness, on
24 the harm that this witness suffered from that.

25 So please continue and I would ask you to move to another point now.

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1 MR NARANTSETSEG: [15:01:20] Yes, your Honour.

2 PRESIDING JUDGE SCHMITT: [15:01:22] Yes.

3 MR NARANTSETSEG: [15:01:23] I am moving to the last section of our questioning,
4 your Honour.

5 Q. [15:01:28] Mr Witness, could you please describe us your life after you escaped,
6 briefly?

7 A. [15:01:39] When I escaped from the bush, life was not easy for me, especially
8 when I had just returned. But as time went on, I went back home and I got used, I
9 started living normally. But there was a lot of stigmatisation. People would say
10 that this so-and-so was abducted, he was a rebel, he killed, killed people, and that
11 made my life a bit difficult. It didn't continue much, but then I continued living my
12 life. I currently -- I have no problem. The only challenge is that I do not engage in
13 physical work and yet as a human being you must get involved in physical work
14 because of the weakness I feel. I have pain in my chest. But right now there is no
15 big challenge.

16 Q. [15:03:12] Thank you. Mr Witness, you have witnessed killings and
17 other -- many other forms of violence, so how did this experience affect you
18 emotionally and mentally? For example, do you have nightmares?

19 A. [15:03:37] In the past I used to have nightmares. I would have terrible dreams.
20 Sometimes when I'm seated I get lost in thoughts and makes me fear that maybe I
21 could still be abducted. That gave me difficult times. Later on I got used and the
22 nightmares disappeared slowly. Right now I don't have any nightmares.

23 Q. [15:04:14] Today are you still receiving any medical treatment for the injuries
24 you have sustained and also for the troubles that you have just described?

25 A. [15:04:32] No, I am not getting any assistance for medication. I am not taking

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1 any medicine right now.

2 Q. [15:04:40] Why is that?

3 A. [15:04:47] I am not getting it because I have no means to getting medication.

4 Sometimes you need money to go and access medical services to buy drugs, to do
5 tests. All these require money. I am not able to afford these services.

6 Q. [15:05:13] I understand, Mr Witness.

7 Let's move to a slightly different area. Once you returned to civilian life, were you
8 able to continue your education?

9 A. [15:05:28] Yes. I, I continued with my education up to secondary school level 4.
10 I was supposed to go to -- I went to senior 5 and when I was supposed to go to senior
11 6 my parents could not afford to pay my school fees. I dropped out and up to now I
12 did not go back to school. I am at home.

13 Q. [15:06:01] Right. So in total how many years of education did you lose because
14 of your abduction?

15 A. [15:06:14] When I was abducted I lost between one or two years of education.

16 Q. [15:06:26] Mr Witness, connected to your last answer, what were your ambitions
17 and dreams before you were abducted and are you able to fulfil them now?

18 A. [15:06:46] When I was abducted -- before I was abducted I wanted to be a police
19 officer. Right now I still feel I want to be a police officer and I think I still have the
20 opportunity.

21 Q. [15:07:12] Right. Mr Witness, how are your parents doing today?

22 A. [15:07:20] My parents are fine, except for my father, he too cannot do physical
23 work of the bullet injury which he got.

24 Q. [15:07:35] So is he able to work? Is he able to gainfully -- is he able to be
25 gainfully employed today?

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1 A. [15:07:48] Currently he is not employed. He is just at home involved in
2 farming, in -- for peasantry farming.

3 Q. [15:08:05] Right. Mr Witness, I'm almost coming to the end of my questioning.
4 So how did these events, including your abduction and your stay in the bush, how
5 these events affect -- how did these events affect you and your whole family?

6 A. [15:08:31] All these events had effects on me. Like right now I'm not able to
7 physically do things the way I used to do when I had not yet been shot. Even my
8 parents are not able to do all that they were able to do before my father was shot.
9 My father is not able to do physical work. For that reason they, they are not
10 progressing in life the way they were progressing. Because on the day that I was
11 abducted, or at the time I was abducted we had a shop where we would sell a few
12 merchandise, but currently we do not have that business running. We only do
13 peasantry farming. For me, also there is nothing I am doing gainfully apart from
14 peasantry farming.

15 Q. [15:09:42] Thank you very much. Mr Witness, my last two question, if you will:
16 What are your wishes for the future? In particular, what do you expect from this
17 Court in terms of justice?

18 MR TAKU: [15:09:56] Your Honour, we will object to this question. It is for
19 the Court to decide --

20 PRESIDING JUDGE SCHMITT: [15:10:01] That's correct. I would really ask you to
21 rephrase that.

22 MR NARANTSETSEG: [15:10:07] Your Honour, let me abandon that question and
23 move on to the last one.

24 Q. [15:10:12] Mr Witness, what do you expect from this Court in terms of
25 reparation?

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1 A. [15:10:26] I hope that if the Court ends, my parents, together with myself should
2 be helped as well.

3 Q. [15:10:46] Mr Witness, thank you for answering my question.

4 MR NARANTSETSEG: Your Honour, this concludes my questioning. Thank you
5 very much.

6 PRESIDING JUDGE SCHMITT: [15:10:52] Thank you, Mr Narantsetseg.

7 Mrs Hirst, do you have further questions for the other team of the Legal
8 Representatives of the Victims?

9 MS HIRST: [15:10:58] I have no questions to add, Mr President.

10 PRESIDING JUDGE SCHMITT: [15:11:01] Thank you very much. This concludes
11 the hearing for today.

12 Yes, Mr Taku, you are really -- you are really active, I see, but --

13 MR TAKU: [15:11:08] (Microphone not activated)

14 PRESIDING JUDGE SCHMITT: [15:11:10] But I -- no, no, but I think we indicated
15 that already before the break that we will stop for now and we will start with the
16 questioning by the Defence tomorrow morning at 9.30.

17 And we assume, Mr Taku, that you will be finished after the second session.

18 MR TAKU: [15:11:27] We will try to do our best, because during the Prosecution's
19 case we got that the Court has clearly, as -- as you are entitled to, defined the areas,
20 the issues that we should clearly address, and we do not intend to -- we've taken
21 notes of particular evidence, for the purposes of the proceedings for the Court, to take
22 note of the evidence that the Court thinks will help the Court in determining the case
23 and we are aware of that and we will try to do our best to finish tomorrow.

24 PRESIDING JUDGE SCHMITT: [15:12:02] And of course you are aware that before
25 the break, for example, the Court already indicated a couple of, let me say, special

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1 things in documents so that we have already recognised that have not perhaps to be
2 elaborated in detail tomorrow then.

3 MR TAKU: [15:12:21] Yes, your Honours.

4 PRESIDING JUDGE SCHMITT: [15:12:22] So I would say. So this would mean we
5 can prepare for the next witness for tomorrow afternoon, for the Registry and for
6 everybody else.

7 So this concludes the hearing for today.

8 Thank you, Mr Witness, for today. We will see each other tomorrow morning at
9 9.30.

10 THE COURT USHER: [15:12:40] All rise.

11 (The hearing ends in open session at 3.12 p.m.)

12 RECLASSIFICATION REPORT

13 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
14 2016, the public reclassified and lesser redacted version of this transcript is filed in the
15 case.