

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Wednesday, 31 January 2018
9 (The hearing starts in open session at 9.29 a.m.)
10 THE COURT USHER: [9:29:38] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:30:04] Good morning, everyone.
13 Good morning, Mr Witness. Do you hear me?
14 WITNESS: UGA-OTP-P-0410
15 (The witness speaks Lango)
16 THE WITNESS: [9:30:22] (Interpretation) Yes, I can hear you.
17 PRESIDING JUDGE SCHMITT: [9:30:28] Could the court officer please call the case.
18 THE COURT OFFICER: [9:30:30] Thank you, Mr President.
19 Situation in Uganda, case The Prosecutor versus Dominic Ongwen, case reference
20 ICC-02/04-01/15.
21 And we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:30:42] I ask for the appearances of the parties.
23 Mrs Gilg.
24 MS GILG: [9:30:46] Good morning, your Honours. Colleen Gilg for the
25 Prosecution, here with Yulia Nuzban, Benjamin Gumpert, Julian Elderfield,

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1 Beti Hohler, Pubudu Sachithanandan Paul Bradfield, Hai Do Duc and Ramu Fatima

2 Bittaye.

3 PRESIDING JUDGE SCHMITT: [9:30:59] Thank you.

4 And for the Legal Representatives of the Victims.

5 MR NARANTSETSEG: [9:31:02] Good morning, Mr President, your Honours. For

6 the Common Legal Representative, Ms Caroline Walter and myself, Orchlon

7 Narantsetseg. Thank you.

8 PRESIDING JUDGE SCHMITT: [9:31:11] Thank you.

9 And the second team.

10 MS SEHMI: [9:31:13] Good morning, your Honour. On behalf of the Legal

11 Representative for Victims, Anushka Sehmi and Mr James Mawira.

12 PRESIDING JUDGE SCHMITT: [9:31:23] Thank you very much.

13 And for the Defence, Mr Obhof, please.

14 MR OBHOF: [9:31:25] Good morning, your Honour. On behalf of Dominic

15 Ongwen today we have counsel Krispus Ayena Odongo; our co-counsel,

16 Chief Charles Achaleke Taku; one of our case managers, Mr Tibor Bajnovic; or

17 assistant counsel, Ms Abigail Bridgman; and our client, of course, Dominic Ongwen,

18 is in here today; and myself, Thomas Obhof.

19 PRESIDING JUDGE SCHMITT: [9:31:43] Thank you, Mr Obhof. The Prosecution is

20 now calling P-410 as its next witness.

21 Before we commence, the Chamber notes briefly that protective measures are granted

22 to this witness by virtue of decision 621 and that the VWU recommends no further

23 protective measures.

24 As counsels have already been informed, the VWU has also determined that certain

25 special measures are necessary to assist the witness in his testimony.

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1 Mr Witness, you are going to testify before the International Criminal Court. On
2 behalf of the Chamber I would like to welcome you in the courtroom.

3 THE WITNESS: [9:32:27] (Interpretation) Thank you.

4 PRESIDING JUDGE SCHMITT: [9:32:31] Mr Witness, there should be a card in front
5 of you with the solemn undertaking to tell the truth. Could you please make this
6 undertaking by reading the card aloud.

7 THE WITNESS: [9:32:42] (Interpretation) Yes, I can.

8 PRESIDING JUDGE SCHMITT: [9:32:45] Please proceed.

9 THE WITNESS: [9:32:49] (Interpretation) I solemnly swear to tell the truth, the
10 whole truth and nothing but the truth.

11 PRESIDING JUDGE SCHMITT: [9:33:00] Thank you, Mr Witness. You are now
12 sworn in.

13 I will next explain to you the protective measures that have put in place for your
14 testimony. First of all, we have face distortion. Face distortion means that no one
15 outside the courtroom can see your face during your testimony. Secondly, we will
16 use a pseudonym. In accordance with that, we refer to you not with your real name
17 but as "Mr Witness", as I am doing since we have started this session. This is to
18 make sure that the public does not know your name.

19 And when you answer questions that do not reveal your identity, your name, then we
20 do this in open session and people in the outside world can hear what you are saying.

21 When, on the other hand, things are discussed and questions are asked that might
22 reveal your identity, we go to what we call private session. Private session means
23 there is no broadcast and no one outside the courtroom can hear your answer.

24 Have you understood that, Mr Witness?

25 THE WITNESS: [9:34:11] (Interpretation) Yes, I have understood.

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1 PRESIDING JUDGE SCHMITT: [9:34:14] Before we start, finally start I would even
2 say, a few practical matters. Everything we say here in the courtroom is written
3 down and interpreted. And to allow for the interpreters to follow we have to speak
4 at a relatively slow pace and only start speaking when the person that has asked, for
5 example, a question has finished. Finally, if you have any questions yourself, please
6 raise your hand so we know and notice that you want to speak to us and then we will
7 give you the floor. This applies also if you do not feel well and you think you need
8 a break.

9 Have you understood this too?

10 THE WITNESS: [9:34:58] (Interpretation) Yes, I have understood.

11 PRESIDING JUDGE SCHMITT: [9:35:01] Thank you very much. We then
12 commence with the questioning by the Prosecution.

13 Ms Gilg, please.

14 QUESTIONED BY MS GILG:

15 Q. [9:35:09] Mr Witness, good morning. My name is Colleen Gilg. We've met
16 before. I'll be asking you questions today on behalf of the Prosecution.

17 MS GILG: Your Honour, can we go into private session.

18 PRESIDING JUDGE SCHMITT: [9:35:22] Of course. Like always. Shortly.

19 (Private session at 9.35 a.m.)

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 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Open session at 9.38 a.m.)

25 THE COURT OFFICER: [9:38:29] We are in open session, Mr President.

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1 MS GILG: [9:38:37]

2 Q. [9:38:37] Mr Witness, you told us in private session that you were born on
3 a particular date in 1989. This might sound like a strange question, but how do you
4 know when you were born?

5 A. [9:39:01] I was told by my mother and then I went and picked my birth
6 certificate from the sub-county.

7 Q. [9:39:09] What language or languages do you speak?

8 A. [9:39:20] I speak Lango and some English, and Acholi. I also speak a bit of
9 Kiswahili.

10 Q. [9:39:31] What is your ethnicity?

11 A. [9:39:39] I am Lango.

12 Q. [9:39:42] Mr Witness, you told us before that you attended school in your home
13 area. What was the last year of school you attended?

14 A. [9:40:09] I remember it was in the year 2002.

15 Q. [9:40:18] Do you remember what level or grade of school you were in at the
16 time?

17 A. [9:40:31] At that time I was in primary 7.

18 Q. [9:40:33] Did you complete primary 7?

19 A. [9:40:45] No, I did not.

20 Q. [9:40:46] Why not?

21 A. [9:40:55] In the second term of the year I was abducted by LRA rebels while
22 returning from school. I was in the bush and that is why I was not able to finish.

23 Q. [9:41:08] You said you were abducted in the second year, or the second term of
24 school. Can you estimate what month or around what months that was?

25 A. [9:41:32] That should be about June and July, as far as I can recall.

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1 Q. [9:41:37] Mr Witness, can you now please describe the day that you were
2 abducted by the LRA rebels?

3 A. [9:42:01] On the day of my abduction I was returning from school. It was
4 about 4 or 5 o'clock in the evening. We had heard rumours that there was a bit of
5 insecurity while at school. For that reason, the head teacher said that we should stay
6 longer in school and only send the children back home if the parents confirm. We
7 stayed up to evening and then we were discharged from school. Not -- we were not
8 aware that people had fled from home.

9 So when we came back, we found the rebels were already in the village and 10 of us
10 who were returning from school were abducted that evening. We were added on to
11 another group that -- who were abducted, the civilians who were earlier abducted.
12 We were taken to the home of someone called (Redacted) and we were made to
13 collect some sorghum.

14 Then we walked through the night towards Lalogi road. We crossed the road.
15 Then we went and stayed in a place called Acut near Lalogi road. Then we cooked
16 from there, up to evening.

17 Later, we crossed the road and went to the other side of Lalogi. We went up to
18 a place called Loyo Ajonga. From there, we were given some luggage. I was given
19 beans. I have a sack of beans, yellow beans, which I have carried and was moving
20 with it.

21 After Loyo Ajonga, some of the people who were elderly were released, because the
22 LRA said they wanted people who were younger to go with them. We were
23 whipped before those ones who were released, and they were told to go and report
24 home that that was recruitment in the army.

25 We were then taken to where the LRA was based at the time. It was close to Aswa

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1 River. From there, some of the people with whom we were abducted were
2 (Redacted). When we reached the riverbank, our feet were swollen.
3 The weight of the luggage was too much for us.
4 When we reached there, some people started to escape. (Redacted) was the first who
5 attempted -- who started to escape. They were sent to harvest cassava and then
6 some people, whose names I can't recall, also escaped.
7 So when these people escaped, we were all brought together. We were collected and
8 brought together, and there is someone there who does not speak much, he just uses
9 sign, sign language. He will determine whether you will stay in the bush or not. If
10 he says you will not stay, they would take you and go and kill you.
11 But, for us, me and -- for me, the escape of (Redacted) was the one that was going to
12 finish us in the bush. The day that (Redacted) escaped, we were all sentenced to
13 death. The person who never spoke, whom I said never spoke much, came and said
14 (Redacted) had some medicine with him and he would not be able to stay in the bush.
15 For that reason, (Redacted) would be killed so that those who remain would -- should
16 learn a lesson from that. (Redacted) was tied up and when he was tied up, he either
17 escaped at night. When he escaped, all of us who remained were collected together.
18 About 2 o'clock in the morning, we were put -- we were huddled together. They
19 would go, take you from wherever you are sleeping and bring you together. The
20 rest of the soldiers would remain in their different locations. For us, we knew we
21 were going to be killed because they told us (Redacted) had escaped. They took us
22 and they whipped us badly. I could not even count the number of strokes of the cane.
23 In the morning we left and crossed Aswa River and went to Pader on the other side.
24 We went straight to Soroti because they said that if we had to continue staying there,
25 we would escape. Instead of killing us, they decided that for us we can work as

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1 soldiers; we had no problem and we could stay. We were taken to Soroti and we
2 went and stayed there.
3 When we stayed in Soroti, life was not easy because there were, there were battles all
4 the time. There were foot soldiers pursuing us and helicopter gunships. We didn't
5 even have time to cook. That is the time that Tabuley was also killed.
6 Later on a report came from Sudan. (Redacted)
7 (Redacted)
8 (Redacted) Three of us who were
9 living in his household were taken and herded us on to the others who were going,
10 while the rest remained in Uganda.
11 We left Soroti and came through Soroti and walked for about two weeks, two weeks
12 and some days. When we reached Sudan, we came through Katire hills. It's the
13 upper side of Sudan. Life was not easy there. There was a scarcity of food. We
14 tried to get food from the Dinka people but it was not possible. I was one of those
15 who were taken there.
16 You cannot get food from the fields and you cannot get it in the house. We were
17 warned that the Dinka were soldiers and they had guns. And you were always
18 warned that whenever you go there, know that you are going to fight for the food and
19 you may return or you may die. If you do not defeat them, it means you would all
20 be dead. But if you fought hard, you would be able to get food so that life can
21 continue.
22 We went and attacked the Dinka. So many people lost their lives in that attack.
23 Others got serious injuries, but were not able to carry them. But I was among those
24 who survived and came back with some sorghum. That is what we came and used
25 to consume as food.

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1 We left there and started moving southwards of Sudan. We were with all the
2 commanders who were in Uganda at the time. There was no one who had remained,
3 because it is the commanders that were wanted in Sudan, so that they can go and get
4 a message from Kony to come and continue with the operations in Uganda.
5 When we left and started moving southwards, it took us about one or two weeks to
6 reach. It was not a close distance. From there, we joined a group where Kony was
7 living. Kony addressed us and welcomed us there. He told us what he planned,
8 what he wanted and what took him to the bush. I cannot recall everything that he
9 said at this moment, but what he said was there was no one who voluntarily went to
10 the bush. For that matter, if someone tries to escape, there is no way the person can
11 survive. And if someone had the intentions of escaping, the person would be killed
12 so that others can learn a lesson that if you tried to escape, you would be killed.
13 That is what he told us while we were there. He also encouraged us and told us that
14 now that we were coming back to Uganda, when we were now coming back, he said
15 that there would be fierce battles and many people would die, but the survivors,
16 those who survive and work hard will overthrow the government.
17 From there, we left and went to collect food and other cattle. We got it from the tribe
18 of Morolei. We got so many herds of cattle, I didn't even know the number up to the
19 time I returned, but those senior commanders knew the number.
20 From there, the battle that was -- that involved the collection of the herds of cattle was
21 almost a full day's battle. The soldiers who had been newly recruited from Uganda
22 were the ones who fought that battle, because they were all given new weapons.
23 Those who went to Uganda without arms came back with the arms and those guns
24 were used to fight the Morolei and the Dinka. Because there were weapons which
25 had been hidden and we dug it out. Otti took us and we dug it out from where it

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1 had been hidden and we were given while we were going to Sudan. There was also
2 heavy weaponry which was given to us. That was the food which we used to eat
3 while we were returning back.

4 Before returning to Uganda, we were initiated as new -- as new soldiers. We were
5 taken to a water body called Kit Valley. It was close to Juba town. When we were
6 being initiated, we were told to hold our guns, our weapons upwards, and then we
7 moved straight and entered the water body and came out from the other side of the
8 river. There is something resembling a snake which you should step on to pass, and
9 then you go and find another animal. On the road, you step on the animal with both
10 feet and you proceed.

11 We were initiated --

12 PRESIDING JUDGE SCHMITT: [9:54:19] May I shortly, if you allow me, please, to
13 interrupt you, because this was a lot of information now and I think there are some
14 questions by the Prosecution. But we let the witness talk, but now I think there
15 is -- if I have understood, you are now going back to Uganda and perhaps that would
16 be a good time of the questioning where we can simply stop and ask the questions
17 now. And from then on, later on you continue with that, but that was a lot of
18 information and there are some details, I think, needed. So please allow
19 the Prosecution to ask some questions in that respect.

20 Mrs Gilg.

21 MS GILG: [9:55:02]

22 Q. [9:55:02] Thank you very much for sharing all that, Mr Witness. I am going to
23 ask you some follow-up questions now about what you have told us.

24 I want to ask you not to mention any names while you are answering my questions.

25 If the name is important, I will ask to go into private session. Do you understand?

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1 A. [9:55:31] Yes, it is understood.

2 PRESIDING JUDGE SCHMITT: [9:55:32] There might, of course, also be some
3 names that can be mentioned.

4 MS GILG: [9:55:38]

5 Q. [9:55:39] Mr Witness, focusing your mind back on the moment when you were
6 abducted, you mentioned that around 10 other children were abducted with you.

7 What was the age of the youngest child who was abducted with you?

8 A. [9:56:12] The youngest was about 12, as far as I remember.

9 MS GILG: [9:56:20] Your Honours, I would like to ask certain names here and I
10 think private session would be appropriate.

11 PRESIDING JUDGE SCHMITT: [9:56:26] Then we go into private session.

12 (Private session at 9.56 a.m.)

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 (Open session at 9.58 a.m.)

6 THE COURT OFFICER: [9:58:32] We are back to open session, Mr President.

7 MS GILG: [9:58:41]

8 Q. [9:58:42] Mr Witness, when you were abducted, what were you wearing?

9 A. [9:58:56] I was wearing a school uniform, a yellow shirt and a blue pair of shorts.

10 I also had a school bag.

11 PRESIDING JUDGE SCHMITT: [9:59:06] What was in the school bag, Mr Witness?

12 THE WITNESS: [9:59:18] (Interpretation) I had books and pens for writing.

13 PRESIDING JUDGE SCHMITT: [9:59:24] And what happened to the school bag and
14 the pens and the books?

15 THE WITNESS: [9:59:32] (Interpretation) Those who abducted us got the school bag
16 and threw it away. And we were tied, we were bound together at the waist and we
17 started moving.

18 PRESIDING JUDGE SCHMITT: [9:59:44] Mrs Gilg.

19 MS GILG: [9:59:46]

20 Q. [9:59:46] I want to ask you now about the people, the LRA rebels who abducted
21 you that day. Did you come to learn any of their names?

22 A. [10:00:12] I learnt later when we had moved further and we were around Loyo
23 Ajonga, on the other side of Loyo Ajonga. I found out that the person who abducted
24 us was called Ocen, and I understood later also that one of the persons who abducted
25 us was called Okello Komakech. I do not recall the names of the rest.

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1 Q. [10:00:48] I want to ask you about the ages of the two people you just mentioned.

2 Let's take them one by one. Ocen, how old was Ocen at the time?

3 A. [10:01:06] Ocen, if I guess, perhaps 13 -- 30.

4 Q. [10:01:15] And when you say you guess, what are you using? How are you
5 guessing?

6 A. [10:01:32] It was based on his structure, because there was nothing else that I
7 could use to determine his age but his characteristic, his physical characteristics to
8 determine that he was 30.

9 Q. [10:01:51] You mentioned Okello Komakech. How old was he at the time,
10 according to your estimate?

11 A. [10:02:09] Okello Komakech was approximately 14 or 15 years old.

12 PRESIDING JUDGE SCHMITT: [10:02:15] May I shortly, Mrs Gilg.

13 Mr Witness, when you estimated the age of Ocen, did you compare him with you
14 and your age at the time?

15 THE WITNESS: [10:02:35] (Interpretation) No, I did not make a comparison between
16 him and myself. But I made a comparison between him and my older brothers at
17 home, the brothers that I had left at home. Because based on the similarities, my
18 older brother who was 30 was similar to Ochieng, and that's why I determined that he
19 was 30.

20 PRESIDING JUDGE SCHMITT: [10:03:02] Thirty or 13? I have a little bit -- perhaps
21 I'm simply misled at the moment by the interpretation. Thirteen years old or
22 30 years old? It was simply some misunderstanding, probably?

23 THE WITNESS: [10:03:22] (Interpretation) Thirty.

24 PRESIDING JUDGE SCHMITT: [10:03:23] So then my question would have been, of
25 course, you would not have a -- made a comparison.

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1 Mr Obhof.

2 MR OBHOF: [10:03:31] Yes. It's not an objection or anything. It is just a wonder
3 of interpretation. He's also -- when I was listening to it, it sounds like he was saying
4 "Ochieng" and not "Ocen", which they're saying -- Ochieng as in O-C-H-I-E-N-G,
5 instead of in the transcripts, where they have Ocen, O-C-E-N.

6 PRESIDING JUDGE SCHMITT: [10:03:50] I would really advise now to start the
7 process of this question again and ask him which person abducted him, if he knows
8 the name, and then the age of this person. So there is a -- because 13 and 30 is so far
9 apart from each other, I think we would have to clarify that. My question, of course,
10 only made sense because I understood firstly 13, otherwise the whole questioning
11 does not make sense.

12 Please continue, Mrs Gilg, or start sort of again.

13 MS GILG: [10:04:23]

14 Q. [10:04:23] Mr Witness, apart from Okello Komakech, can you tell us again the
15 name of the other person who you recall abducted you?

16 A. [10:04:44] The other person was known as Okumu.

17 Q. [10:04:49] You mentioned before another name. Do you remember the other
18 name that you mentioned?

19 A. [10:05:12] I recall Okello Komakech, Okello Latiri, and Okumu and Ochieng.
20 Those are the ones I know.

21 PRESIDING JUDGE SCHMITT: [10:05:31] Exactly, Mr Witness. In your
22 statement - and I think I don't make a reference because everybody knows it - you
23 mentioned several times Ochieng, and we are asking ourselves if this person really
24 was one of those persons who abducted you, and if this was so, if you could estimate
25 his age. That would be interesting for us.

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1 A. [10:06:10] Ochieng, to my estimation, was approximately 30 years, as I stated
2 earlier.

3 PRESIDING JUDGE SCHMITT: [10:06:19] Thank you very much. So it was simply
4 that we did not really follow you exactly. That was our fault, so to speak.
5 Please continue, Mrs Gilg.

6 MS GILG: [10:06:27]

7 Q. [10:06:28] Mr Witness, you mentioned a new name, I believe, Okumu. How
8 old was Okumu?

9 A. [10:06:45] They were all -- based on my, on my assumption, observation, they
10 were all older than 15. Because --

11 THE INTERPRETER: [10:06:58] Interpreter corrects: Because at that time that they
12 were abducted, they were more or less the same size as I was.

13 MS GILG:

14 Q. [10:07:09] So just to be clear, they were all about the same size, the same age as
15 you, roughly?

16 A. [10:07:21] Yes, more or less the same. Latiri was the one who was older.

17 Q. [10:07:28] Thank you. Let's move on.

18 You said after you were abducted near your school you went to a woman's house
19 where you met with other abductees. Can you estimate, just estimate how many
20 abductees you saw?

21 A. [10:08:01] There were many, there were many abductees. There were 10 of us,
22 in addition to 20 plus who had already been abducted, which included my mother.

23 Q. [10:08:18] And while you were at this place, did any of the rebels speak to you?

24 A. [10:08:35] No, they did not speak to me.

25 Q. [10:08:39] And when you left that place, what happened to your mother? Was

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1 she moving with you or did she stay behind?

2 A. [10:09:00] My mother stayed hide because she had a child. She was carrying
3 our last born. They left her around (Redacted)

4 Q. [10:09:16] And were other abductees staying behind or was she the only one?

5 A. [10:09:39] Most of the people went with them. As long as there was people
6 who were capable of carrying luggage, they gave them luggage to carry. So they
7 went with most of the people. They left a few behind.

8 Q. [10:09:52] What type of people stayed behind?

9 A. [10:10:04] The older, the more mature people.

10 Q. [10:10:08] You mentioned that you were given luggage, the abductees were
11 given luggage. What did they give the abductees to carry?

12 A. [10:10:23] People were carrying different things, some people were carry
13 sorghum, some people were carrying beans, some people were carrying maize.

14 Q. [10:10:33] You mentioned that you at one point were carrying beans. Did that
15 happen when you left here or did that happen sometime later?

16 A. [10:10:57] I was given the bag to carry when we were at (Redacted) That's
17 when they gave me the sack to carry, the beans to carry.

18 Q. [10:11:08] How heavy was that sack of beans?

19 A. [10:11:20] I do not know or I cannot estimate the number of kilograms, but it
20 was heavy. It was heavy that at some point I fell in the river, because it was
21 extremely heavy and difficult to walk with it.

22 Q. [10:11:39] How did the LRA rebels react when you fell in the river with the
23 beans?

24 A. [10:11:56] I was beaten, I was beaten and told that I had thrown the beans in the
25 water. The water was extremely slippery, and it was chest level. It was not

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1 difficult to wade through that water.

2 Q. [10:12:18] What did they use to beat you?

3 A. [10:12:26] They used sticks, sticks that they broke off trees. They would, at
4 times they would hit the back with the butt of a gun.

5 Q. [10:12:41] Did you suffer any injuries from this beating?

6 A. [10:12:55] Afterwards. I do have scars on my back.

7 Q. [10:13:03] You mention you went to a place called Lalogi on your way and then
8 afterwards a place called Loo-Ajonga. Who was the most senior LRA rebel at
9 Loo-Ajonga?

10 A. [10:13:30] It was Ochieng.

11 Q. [10:13:30] And who was Ochieng? What was his role with the LRA?

12 A. [10:13:49] I do not know Ochieng's rank, but he was one of the commanders of
13 the soldiers and he sent people on operations. He was also disabled.

14 Q. [10:14:09] When you say he was disabled, what do you mean?

15 A. [10:14:21] He, he was lame. One leg was short. One leg was longer than the
16 other.

17 Q. [10:14:31] And thinking back to the group of LRA who abducted you, who was
18 their leader?

19 A. [10:14:57] Ochieng was their leader, because I came to know him along the road
20 when we came to Loo-Ajonga. When he told people, he told people who were being
21 released that they should go back and report. He spoke as the commander, and he is
22 the one who led us to that place.

23 Q. [10:15:19] Do you know if Ochieng belonged to a particular group in the LRA?

24 A. [10:15:49] It's very difficult for me to confirm what group he was in, because
25 when people were sent to collect food they would pick people from different groups.

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1 So when, when -- at some point we were separated from Ochieng, and I did not see
2 him again. We joined the bigger group and we continued to Soroti. So I do not
3 know which group he was in.

4 Q. [10:16:23] I believe you said before that you were whipped while you were at
5 Loo-Ajonga; is that correct?

6 A. [10:16:39] Yes, we were whipped there.

7 Q. [10:16:44] And who was whipping you?

8 A. [10:16:56] I do not know their names, but they were some of the younger
9 soldiers.

10 Q. [10:17:05] And when you say "younger soldiers", do you mean around your age,
11 a bit older, a bit younger?

12 A. [10:17:26] Their ranks.

13 Q. [10:17:29] I am asking about their age, whether they were younger or older than
14 you or about the same age.

15 A. [10:17:51] It was a mix, a mix of people. But usually they picked the older
16 people, the stronger ones.

17 Q. [10:18:02] Do you know who ordered you to be beaten?

18 A. [10:18:16] It was Ochieng who issued the order and saying that they need to
19 recruit us into the army.

20 Q. [10:18:28] Did you hear this with your own ears?

21 A. [10:18:39] Yes, I did, because he was talking to the people who had been
22 released, the more mature people who had been released, telling them that they need
23 to go and report, report back. The people, the children who were being left behind
24 were being whipped, and he told them that they should report that the children were
25 now being recruited into the army, and they should go back and report that the

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1 people who were being kept behind were now part of the LRA.

2 PRESIDING JUDGE SCHMITT: [10:19:10] How did these older people react when
3 they saw that the younger ones like you were beaten?

4 THE WITNESS: [10:19:32] (Interpretation) There was nothing that they could do
5 other than cry, but they were told that they should leave.

6 PRESIDING JUDGE SCHMITT: [10:19:42] Did they cry?

7 THE WITNESS: [10:19:45] (Interpretation) Yes, they cried.

8 PRESIDING JUDGE SCHMITT: [10:19:55] Mrs Gilg, please continue.

9 MS GILG: [10:19:57]

10 Q. [10:19:57] Can you tell us a little bit, describe briefly this beating, how long it
11 lasted, what they used to beat you?

12 A. [10:20:23] They -- it's very difficult to estimate the number of canes that we were
13 whipped. But they took a number of sticks, they would break so many sticks, throw
14 them on the ground, use all those sticks to beat us. Once all those sticks are all
15 shattered, they would get some more.

16 And if anyone got tired, that person would rest. They would get somebody else to
17 continue beating.

18 We were also instructed that we should not cry. And they had guns pointing at our
19 heads. So they would get sticks and continue beating us in that manner.

20 Q. [10:21:01] And did you suffer injuries from that beating, Mr Witness?

21 A. [10:21:19] I did not sustain any injuries there. But the places where I was
22 beaten were all swollen. I was swollen all over my body, and it healed at some
23 point.

24 Q. [10:21:34] Do you have any scars from that beating?

25 A. [10:21:46] Yes, I have scars on my back.

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1 Q. [10:21:50] I want to ask you now about the older people that were released.

2 Who gave the order to release them?

3 A. [10:22:08] Ochieng is the one who issued those orders.

4 Q. [10:22:11] What happened to the luggage the older people had been carrying?

5 A. [10:22:32] They divided the luggage and gave it to other people. I wasn't given
6 any additional luggage to carry, because mine was already heavy. It was very heavy.

7 So they split it out among other people. And the older people left.

8 Q. [10:22:54] I want to ask you about a different topic now, Mr Witness. You

9 mentioned that you were with a person named Komakech. Did Komakech have any

10 other names that you know?

11 A. [10:23:21] I know Komakech and Geoffrey, Komakech Geoffrey.

12 Q. [10:23:28] How long after you were abducted did you start reporting to

13 Komakech?

14 A. [10:23:49] We were taken towards the Aswa river, and when we got to the Aswa

15 river, I was distributed to Komakech, because the people that were abducted were

16 distributed to commanders.

17 Q. [10:24:08] Please describe what Komakech looked like physically.

18 A. [10:24:29] Komakech was, he was stout, short, and he had grey hair on his head.

19 He was of a lighter complexion.

20 Q. [10:25:00] What was Komakech's role in the LRA?

21 A. [10:25:15] He was in charge of training and finance.

22 Q. [10:25:22] What was the name of the group in the LRA that Komakech belonged

23 to?

24 A. [10:25:50] He told me at some point that he belonged to Sinia group.

25 Q. [10:25:55] Did you report to Komakech during your whole time in the bush or

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1 were you assigned to someone else at any point?

2 A. [10:26:19] I would inform him of everything that I did. He was in charge of me
3 in that brigade.

4 Q. [10:26:27] How many people (Redacted) were under Komakech's command?

5 A. [10:26:47] (Redacted) there was Okello Komakech, Okumu, Latiri, Olwego,
6 Awelo and his wife and his child.

7 MS GILG: [10:27:14] Your Honour, may we move into a brief private session?

8 PRESIDING JUDGE SCHMITT: [10:27:19] Okay, private session.

9 (Private session at 10.27 a.m.)

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 (Open session at 10.31 a.m.)

3 THE COURT OFFICER: [10:31:05] We are in open session, Mr President.

4 MS GILG: [10:31:08]

5 Q. [10:31:09] Mr Witness, you just mentioned there were two people. Besides you,
6 what was the name of the other person?

7 A. [10:31:25] The other person was called Okello Komakech.

8 Q. [10:31:29] What kind of gun did your commander have?

9 A. [10:31:39] He had an AK-47.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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1 (Redacted)

2 Q. [10:34:01] Mr Witness, you mentioned a person, Okello Komakech that was in
3 your group. Is that the same person who abducted you?

4 A. [10:34:12] Yes, he is the one who abducted me.

5 Q. [10:34:16] And Latiri, is that the same person who was in the group that
6 abducted you?

7 A. [10:34:28] Yes.

8 Q. [10:34:30] You have told us that you were in Komakech's group and that the
9 name of his group was Sinia. Do you know who Komakech's commander was, who
10 he reported to?

11 A. [10:35:13] He would report during an RV, because he would say that people
12 would meet, that they would meet Odomi's group.

13 Q. [10:35:28] And when you would meet Odomi's group, would Komakech report
14 to Odomi?

15 A. [10:35:41] Yes, he would report to him.

16 Q. [10:35:44] Mr Witness, I want to move to a different topic now. You said your
17 commander was in charge of training. While you were in the bush, did you receive
18 any type of training?

19 A. [10:36:06] Yes, I got some training.

20 Q. [10:36:10] Please describe the sort of things you learned about in the training.

21 A. [10:36:33] First they started training us in parade and then how to dismantle
22 a gun and assembling it back and then also how to operate it. We were taught on
23 how to set up an ambush, how to go for an attack. We were taught how to evade
24 helicopter gunship in case you are cornered in a place which is bare. We were also
25 taught different war tactics on how to avoid an attack, and many other things.

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1 Q. [10:37:26] How long did the training last?

2 A. [10:37:38] The training did not take long. It took about two to three weeks, as
3 far as I recall. It was in the wilderness. We were also being pursued by the foot
4 soldiers of the enemy fighters, and it was not a very formal training.

5 PRESIDING JUDGE SCHMITT: [10:37:59] Can you estimate, Mr Witness, how long
6 after you had been abducted this training took place? You might not have counted
7 the days, of course, but can you give an estimation how long after?

8 THE WITNESS: [10:38:23] (Interpretation) I do not recall well, but it didn't take long.
9 We were taken to the riverbanks of Aswa. There was constant pursuit by the
10 soldiers, and there were also helicopter gunships that were pursuing us. We were
11 being equipped with some knowledge so that in case of a helicopter gunship attack
12 we were aware of how to evade and how to avoid being spotted, even if you do not
13 have a weapon yet.

14 MS GILG: [10:39:07]

15 Q. [10:39:07] Who gave you the training?

16 A. [10:39:16] It was Komakech.

17 Q. [10:39:21] How many people being trained at the -- how many people were
18 being trained along with you?

19 A. [10:39:39] We were about 20, 20 plus. That is as far as I can remember.

20 Q. [10:39:49] And were these 20 people old or young or mixed?

21 A. [10:40:04] It was mixed, but the majority were children.

22 Q. [10:40:10] And when you say "children", can you tell us what age range you
23 mean?

24 A. [10:40:24] It ranges from 12, 13, 14, and others were 16. There were also a few
25 who were 17.

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1 Q. [10:40:36] And just to be clear, how old was the youngest person there, to your
2 estimate?

3 A. [10:40:54] During our training the youngest person could have been 12. But,
4 generally, people who were children who were aged 10 below were many, but they
5 were not in the training. Some of them were born in captivity. They were not
6 among those who were abducted with us. I have no idea whether they had already
7 been trained before we were trained.

8 Q. [10:41:22] And just focusing your mind now on the people there who were your
9 age or younger, do you remember any of those people's names?

10 A. [10:41:44] I recall a few of them.

11 Q. [10:41:48] Can you tell us the names you remember?

12 A. [10:42:03] I remember Oyuru. There was also Omara. And also Okello
13 Komakech and Okumu.

14 Q. [10:42:21] Thank you. I want to now talk about Soroti. You mentioned that
15 you went to Soroti and you know that Tabuley was killed there. Where were you
16 when Tabuley was killed?

17 A. [10:42:50] We had just arrived in Soroti.

18 Q. [10:42:53] And did you stay in Soroti after Tabuley was killed?

19 A. [10:43:05] We stayed briefly in Soroti and then we were summoned back to
20 Sudan. I do not know if it was because of the death of Tabuley or there was already
21 a planned recall, a planned move to go back to Sudan.

22 Q. [10:43:24] And when you were moving from Soroti back to Sudan, what type of
23 tasks did you have? What were you doing?

24 A. [10:43:52] We went and collected food from Katakwi to help us move back, and
25 then I continued working as (Redacted).

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1 Q. [10:44:04] Mr Witness, you told us before about your time in Sudan and that you
2 were at one point told by Kony that the group would return to Uganda. I don't want
3 you to tell the details about what happened when you returned to Uganda at this
4 moment. But can you tell us the names of some of the places where you went after
5 Sudan?

6 PRESIDING JUDGE SCHMITT: [10:44:37] Perhaps we, we can, before we do that, go
7 back a little bit in time and stay a little bit in Sudan, if you allow.

8 Mr Witness, you said when you have been in Sudan that Kony spoke. Do you recall
9 what he told you, and did he speak to everybody? Do you recall what he said?

10 THE WITNESS: [10:45:05] (Interpretation) I recall, because I was there personally. I
11 saw him and we would pray every day in the morning.

12 PRESIDING JUDGE SCHMITT: [10:45:18] Could you please tell us what he told you
13 and all the others?

14 THE WITNESS: [10:45:25] (Interpretation) When we were about to come back to
15 Uganda he told us that there would be a lot of deaths and so many people will also
16 escape. He said that there were also signs that the government was about to be
17 overthrown. He also said that the Lakwena, or the Holy Spirit, had already given
18 permission for operations. People should come back to Uganda knowing that we
19 were coming for work.

20 He said that the first place that should be attacked and used as an example, so that the
21 people of Uganda can be aware that they have started working, was attacking Odek.
22 He said Odek was their home and for that reason it should be used as an example,
23 because they did not like the rebels.

24 He gave the commanders an order to start operation. Then we came back to Uganda.
25 That was when we went and attacked Odek as the first place, as soon as we returned

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1 to Uganda.

2 PRESIDING JUDGE SCHMITT: [10:47:04] Mr Witness, just perhaps one more thing
3 that I would be interested so that we can picture, the Judges and also everybody else
4 in the courtroom, in our head what has happened. Was this like an assembly where
5 everybody gathered and Kony was in the middle and addressed everybody? Could
6 you describe this so we have a picture in our mind for ourselves.

7 THE WITNESS: [10:47:37] (Interpretation) Everyone was gathered together on top of
8 a hill. There is a hill, a small rock like the size of this table where you would stand
9 on top of it, and then the other commanders would be -- would surround him while
10 the rest of us would be on the side listening to what he was saying. Everyone was
11 there and listening to him.

12 PRESIDING JUDGE SCHMITT: [10:48:11] Thank you, Mr Witness.

13 Please continue, Mrs Gilg.

14 MS GILG: [10:48:16]

15 Q. [10:48:16] Just one follow-up. You said that Kony told you that Odek should
16 be attacked and that Odek was their home. When you said "their home" what did
17 you mean by that?

18 A. [10:48:45] That is the birthplace of Kony.

19 Q. [10:48:47] Thank you. You said that Kony wanted the LRA to attack Odek.
20 During your time in the bush were you ever at or near Odek when anything
21 significant happened?

22 A. [10:49:16] I was one of those who went for the attack on Odek.

23 PRESIDING JUDGE SCHMITT: [10:49:33] This might last a little bit longer, I would
24 say. So and perhaps witness can then, after a break, simply narrate what he recalls,
25 and then afterwards we put questions. That might be the quickest way to do, also

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1 with perhaps other attacks that you might want to address.

2 So I suggest that we have now a coffee break. We would have some time left, but, as

3 I said, to start now with a relatively big, complex, so to speak, and then finish in the

4 middle or after a third or after a fifth or whatsoever would not be advisable.

5 So break until 11.30.

6 THE COURT USHER: [10:50:15] All rise.

7 (Recess taken at 10.50 a.m.)

8 (Upon resuming in open session at 11.31 a.m.)

9 THE COURT USHER: [11:31:01] All rise.

10 PRESIDING JUDGE SCHMITT: [11:31:33] Mr Witness, before the break you said

11 that you were one of those who went for the attack on Odek.

12 Please could you tell us what you recall today here in this courtroom what happened

13 at the time. And later on, when you have finished your narration, we will have

14 questions for you.

15 So please start how you recall what happened at Odek.

16 THE WITNESS: [11:32:03] (Interpretation) To my recollection we went to Odek

17 when we came back from Sudan. We met on the banks of the Aswa River. They

18 convened an RV. There was a very big assembly. And they told us that we were

19 going on an operation.

20 Most groups were called to that place. So all the groups from different places met,

21 convened in that position.

22 The commanders told us what we were supposed to do. We went to Odek. Most

23 of the people, the new people who came from Sudan were the ones who went to

24 Odek. We attacked the barracks. They, they told us that when we hear gunfire,

25 that will give us strength. It will embolden us.

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1 We went to Odek and got there at around 3 in the afternoon.

2 We went, we stopped at a place close to the camp but in the bushes. We waited until

3 the children left school and the camp was visible.

4 There were civilians from the camp who were on their way to their gardens. I recall

5 that two of those civilians were abducted and the two civilians that were abducted

6 were asked the number of soldiers who were in the barracks. They told us, but they

7 were not sure about the exact number of soldiers in the barracks.

8 They waited for the children to leave school at around 5 p.m. The children were

9 leaving school, they went back home to the camps, then the rebels went and attacked

10 the camp and the barracks at the same time.

11 We went and formed a formation in the middle of the road. One formation went to

12 the camp, one went to the barracks. But I went to the barracks. I had just come

13 back from Sudan and I had a new gun. I was put in charge of the 12, a heavy

14 weapon known as the 12. This was one of the weapons that they came back, that

15 they brought back from the Sudan, and it was one of the weapons they used in Odek.

16 They told us that if you see anything, exterminate anything that you see. If anything

17 alive, it should be exterminated. And that was what we were told at the time that

18 we were being instructed.

19 We went for that mission as we were instructed. But it was very difficult; it was

20 a difficult mission, because the soldiers that had initially been seen at Odek were

21 different from the soldiers that we actually found there. Initially we assumed that

22 the numbers were less, but when we went for the attack the numbers were actually

23 higher, higher than the ones that we assumed were there. So it was a very different

24 mission, especially the attack on barracks.

25 We -- it took us a long time before we actually overcame the soldiers, because some of

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1 the people who were in the camp were brought to help the people in the camp. So
2 there was a heavy fight with the soldiers in the camp.
3 Once the soldiers were overrun, we took the things from the barracks and we went to
4 the camp. Because we had defeated the soldiers, we took the soldiers' things, guns,
5 ammunitions, uniforms, shoes and anything that was available that was being used
6 by the soldiers.
7 We then went to the camp. Then civilians were abducted and things were taken,
8 foodstuff was taken. And that was at approximately 6 p.m.
9 We left because we thought maybe there would be reinforcement of government
10 soldiers, so we left. We thought that they would bring soldiers from Acet or they
11 would bring soldiers from Opit. We started leaving.
12 The soldiers followed us with their gunships in the morning. That night the soldiers
13 followed us on foot. But in the morning the gunships followed us till around about
14 midday or 1. We kept walking, we did not have time to stop and rest. Most of the
15 civilians that were abducted at the time were taken back by the soldiers, were rescued
16 by the soldiers. Some of them died during the fight, some were killed by the
17 gunships, some were killed by the rebels.
18 We went back to the place in different groups. The gunships shot at people and split
19 up people into several different groups. And then afterwards people met, we
20 convened again together afterwards.
21 But the attack on Odek was not an easy mission. But we went, we did what we were
22 supposed to do and we went back. Nothing happened to us. But there were a lot
23 of people who lost their lives in the camp and in the barracks, people who were taken
24 to fight in the barracks lost their lives, both government casualties and rebel
25 casualties.

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1 I do not know the number of people who died. I do not know the number of rebels
2 that died, because sometimes when somebody dies, you carry the person and run
3 with the person. You do not stand there and start counting. And that's what
4 happened in Odek to my recollection.

5 PRESIDING JUDGE SCHMITT: [11:39:51] Thank you, Mr Witness. And I assume
6 that Mrs Gilg will have further questions and perhaps also from the Bench here.
7 Please, Mrs Gilg, start.

8 MS GILG: [11:40:05] Thank you.

9 Q. [11:40:07] Mr Witness, I am going to ask you some follow-up questions about
10 what you just told us in a moment, but first, just so we are clear, I want to see if you
11 can help us understand the timing of this attack.

12 What year did the attack on Odek take place?

13 A. [11:40:36] Odek was attacked in 2004.

14 Q. [11:40:47] Now, you mentioned that before the attack you met on the banks of
15 the Aswa River, and there was a big assembly, and also that commanders told you
16 what to do. Which commanders were telling you what to do?

17 A. [11:41:19] All the commanders, all the senior commanders in the bush were
18 present. Otti Vincent was present. Buk was present. Dominic was also present.
19 Okwee was present. Komakech was also present.

20 Q. [11:41:40] You mentioned --

21 A. [11:41:42] I cannot remember all the names.

22 Q. [11:41:50] Thank you. You mentioned Dominic. Who do you mean when you
23 say "Dominic"? Did he have other names?

24 A. [11:42:06] When we were in the bush, we used to refer to him as Odomi. But I
25 later learnt while we were at the RV when we're all convened together that he was

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1 Dominic Ongwen. But I previously knew him as Odomi. Usually when people talk
2 about him or talk about the group, they refer to his group or to him as Odomi's group,
3 Odomi's group.

4 Q. [11:42:31] And when you saw him at the assembly, how did you know it was
5 Dominic?

6 A. [11:42:55] When we were at the assembly they introduced themselves. I knew
7 Otti, I knew him from Sudan. I knew Dominic from Uganda when people were
8 going to attack Odek.

9 Q. [11:43:08] And to your knowledge, what group of the LRA was Dominic in?
10 What was the name?

11 A. [11:43:28] It was Sinia brigade.

12 Q. [11:43:33] Thinking about the words that Dominic used at the RV, what did you
13 hear him say?

14 A. [11:44:02] I heard him say, and the other commanders also spoke about it, is the
15 attack on Odek. He said that Lakwena has now made it possible for people to go on
16 operation. The first operation would be Odek. The mission on Odek should be
17 with the intention to exterminate everything, everything in Odek. And all the other
18 commanders also spoke. They said nothing should be left alive. Everything should
19 be exterminated, even ants, even flies. Anything alive, anything you see in front of
20 you that is alive should be shot and killed, and that's what we were told. That's
21 what they all spoke about.

22 Q. [11:45:00] And you said that Dominic spoke about Lakwena. Can you tell us
23 what you understood by Lakwena?

24 A. [11:45:22] I do not actually understand the whole concept of Lakwena, but they
25 refer to Lakwena when we are in the bush. They say there will come a time when

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1 Lakwena will make it possible or open the way for people to go and fight. And if
2 you go on mission, if you go to fight, Lakwena will protect you, and nothing will
3 happen to you. You will be able to capture soldiers and nothing would happen to
4 you.

5 So I do not really know the whole meaning of the Lakwena, but that's what the
6 commanders used to talk about, we were told about Lakwena.

7 Q. [11:45:59] And apart from telling you that everything should be exterminated at
8 Odek, what -- do you recall anything else that Ongwen, that Dominic said?

9 A. [11:46:28] He also said and other commanders also stated this to the same effect,
10 that if you go for battle, once you start fighting, there is no returning back. You are
11 not supposed to turn. You have to keep on going forward, because if you come, if
12 you turn back or if you attempt to come back, to run away, then you will be shot.
13 People were smeared, there was the ritual, and that's what I recall.

14 Q. [11:47:05] And just thinking about instructions about what should happen at the
15 attack, do you recall anything else that you were told to do?

16 A. [11:47:48] Not, not at this moment. But what I have told you is what I recall.

17 MS GILG: [11:47:55] Your Honour, can I refresh on this discrete point? I'm
18 referring to paragraph 93.

19 PRESIDING JUDGE SCHMITT: [11:48:06] Yes.

20 MS GILG: [11:48:06]

21 Q. [11:48:07] Mr Witness, I'm going to read you a couple of sentences from your
22 statement that you gave to the Prosecution in 2016. You said this:

23 "Ongwen explained where people were going to go in the attack and how the attack
24 was going to be done. He also ordered us to bring food from the camp. He said we
25 should not go back empty-handed ..."

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1 Does this refresh your memory about what else was said by Dominic at the assembly?

2 MR OBHOF: [11:48:44] Your Honour, I just ask that Mrs Gilg finish the sentence
3 instead of leaving it hanging.

4 PRESIDING JUDGE SCHMITT: [11:48:50] Indeed, yes, I agree.

5 MS GILG: [11:48:55]

6 Q. [11:48:55] And then, sorry, I am going to read you now the last part of the
7 sentence, the full sentence:

8 "He said we should not go back empty-handed, because LRA did not have gardens to
9 grow food."

10 Does this refresh your memory about what Dominic said at the assembly?

11 A. [11:49:20] Yes, it does.

12 PRESIDING JUDGE SCHMITT: [11:49:22] Perhaps for the record, I am not sure if we
13 have the statement already on the record, so I put it on the record, it is
14 UGA-OTP-0267-0207 at page 0218, perhaps 93.

15 MS GILG: [11:49:38] Thank you very much, your Honour.

16 Q. [11:49:41] Mr Witness, is that the truth, what I just read you from your
17 statement?

18 A. [11:49:51] Yes, it is.

19 Q. [11:49:57] And after the assembly was finished, what is the first thing you did
20 that same day?

21 A. [11:50:20] After the RV, people went back to their respective groups. And
22 the -- your commander or each individual commander selected soldiers to go for the
23 attack.

24 From my group, I was -- Komakech took me. The commander who was under
25 picked me to go to the barracks. He was also going to the barracks. There were

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1 other people that were selected who went to the camp.
2 After that each and every commander selected soldiers. People were all brought in
3 one group. All the soldiers who were going to the barracks were smeared. Women
4 were not smeared, but the men were smeared.
5 They put us all together and said: If you are a man with a gun and you are going to
6 the barracks, you should open -- take off your shirt and remain bare-chested. Put
7 your -- point your gun upwards and stand all together in a round circle.
8 And they started praying. The prayer was a mixture of Protestant prayers and
9 Catholic prayers. The person walked around smearing people on the forehead with
10 the oil, your arms, your shoulders, your chest, as well as your thighs, because they
11 assume that if you are in battle those are the places that you are most likely to be shot.
12 They also put a banana bracelet on our wrists and told that -- on the other hand, we
13 had palm leaves. Palm leaves that had also been braided into a bracelet. On your
14 waist, there was a small stone that was tied to your waist or it was tucked in your
15 pants, in your clothes. On your neck they smeared oil, a mixture of oil and water in
16 a small bottle, was tied to your neck.
17 And we prepared and went for the attack.

18 Q. [11:53:08] Thank you, Mr Witness. I want to ask you now about other people
19 that were present at the smearing. Who was the most senior person present there?

20 A. [11:53:32] Ongwen was there and all of them. They were all there. They were
21 encouraging people. They were telling us that we should all be bold; we should go
22 on the mission; nobody would be injured; if you follow all the instructions that you
23 have been given, nothing will happen to you.

24 PRESIDING JUDGE SCHMITT: [11:53:57] May I, shortly.

25 Mr Witness, if you try to put yourself back in time, did you believe it at the time?

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1 After the smearing, for example, and all these rituals were performed, did you believe
2 that you were invulnerable?

3 THE WITNESS: [11:54:17] (Interpretation) Yes, I believed, because they told us that
4 it would protect us. It would protect us and stop bullets from penetrating your
5 body.

6 PRESIDING JUDGE SCHMITT: [11:54:50] Please continue.

7 MS GILG: [11:54:50]

8 Q. [11:54:51] And still thinking about the smearing, you mentioned that Dominic
9 was there. What did you hear him say or what did you see him do?

10 A. [11:55:15] He prepared us for the attack.

11 PRESIDING JUDGE SCHMITT: [11:55:30] What does prepare for the attack mean?
12 Could you describe it a little bit more in detail, if you can.

13 THE WITNESS: [11:55:46] (Interpretation) He gave us instructions, told us what to
14 do, as I stated at the beginning of my narration. He told us that all the things, all the,
15 the bracelets and everything that had been placed on your body should stay on your
16 body. Once you get to the battlefield you should not backtrack; you should not go
17 back; wait until you are given instructions before firing your gun. If you are not
18 given instructions to fire your gun, just run to the soldiers. And that is why it was
19 very difficult. The attack on Odek was difficult because we just ran to the soldiers,
20 and when we got there we found so many soldiers it was not easy. And at the time
21 that they ordered us to start shooting, the government soldiers had already been
22 firing at us. And that's one of the things that made it very difficult because -- and
23 those are some of the orders he gave. He told us that we should be merciless; we
24 should exterminate everything; we should follow orders; we should come back with
25 the things that they'd instructed us to come back with, the foodstuffs.

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1 I did not hear anything about civilians, but when -- about the abduction of civilians,
2 but when we were coming back, people had abducted civilians, and I also ended up
3 abducting two people.

4 PRESIDING JUDGE SCHMITT: [11:57:16] Mrs Gilg.

5 MS GILG: [11:57:18]

6 Q. [11:57:18] Thank you. I am going to ask you questions about the abductions
7 later, but still thinking about the smearing, you mentioned before that some people
8 who went to the attack were not smeared. What types of people were not smeared?

9 A. [11:57:46] I did not see them smearing the women.

10 Q. [11:57:48] And to your understanding, why were women not being smeared?

11 A. [11:58:00] Women were not smeared because, to my understanding, women do
12 not go to the battlefield. Women would not go to the barracks. Women would just
13 wait at the sidelines and once the soldiers have been attacked and chased away from
14 the barracks, then the women would go and carry the food.

15 Q. [11:58:24] Now, you said before that new people went to Odek, new people
16 were selected to go to Odek. What did you mean by new people?

17 A. [11:58:42] The new people that I was referring to were the new -- the new lot
18 that had just been abducted, who had been trained, who had gone to Sudan and come
19 back to Uganda armed. Those are the people who came back, and all those people
20 were selected and sent to the barracks.

21 Q. [11:59:09] And focusing on the youngest person who went to Odek, was that
22 person older or younger than you, or about the same age?

23 A. [11:59:42] There was a mixture of people who went to Odek. There were much
24 older people, there were younger people, people in the middle range. So it was all
25 a mixture of people. They would, they would put an adult and a small, a smaller

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1 person, so people were just mixed. But people of my size were quite a number.

2 There were quite a number of people my size because those are the people we came
3 back with from Sudan. They put us among the veterans because the gun that we
4 were following was a heavy weapon. And we were instructed to guard that gun so
5 that it would not be seized by the soldiers, and that's what we did.

6 Q. [12:00:36] And I know this isn't so easy, but can you give an estimate of the age
7 of the youngest person you saw?

8 A. [12:00:51] I recall it. The youngest person was about 13, going upwards.

9 Q. [12:01:07] I want to move, Mr Witness, now to when you reached the area, the
10 wilderness around Odek. You said that the LRA waited until the children came back
11 from school to start the attack. Did you have an idea why the LRA waited until the
12 children came back?

13 A. [12:01:46] No, I have no idea.

14 Q. [12:01:50] Now, you said you arrived at this area around 3 p.m. And then later
15 you said you were in the camp around 6 p.m. Can you estimate around what time
16 the attack on the barracks started?

17 A. [12:02:23] It could have been about 5 o'clock.

18 Q. [12:02:27] And how are you estimating that it was around 5 o'clock?
19 Something you saw or just an idea?

20 A. [12:02:44] I estimate it based on the time that the children were leaving school.
21 Back home, the children leave school between about 4, 4 and 5 o'clock.

22 Q. [12:02:59] How did the attack start? Was there any signal?

23 A. [12:03:13] Yes. Something was done.

24 Q. [12:03:19] What happened?

25 A. [12:03:27] Many times when the rebels are starting an attack they would start by

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1 blowing whistles or whistling, and then this would be relayed to the rest of the group.

2 Q. [12:03:46] Now, you said many times the LRA would start attacks with a whistle.

3 Did that happen at Odek?

4 A. [12:04:10] Yes, I recall it did happen, as far as I can recall.

5 Q. [12:04:18] Thinking now about the time at the barracks, which LRA

6 commanders did you see there?

7 A. [12:04:48] There were many people, but what I saw was that the top

8 commanders were all there. I saw Okwee and Buk behind me. The line was long

9 and the whole place had been surrounded. It was not easy to see which commander

10 was where, but I know that all of them were there. You could not just see all of them.

11 You could only see the person closest to you.

12 Q. [12:05:25] I want to ask you now about the two people you just mentioned.

13 What was Okwee doing at the barracks when you saw him?

14 A. [12:05:38] He was trying to push people who were left behind.

15 Q. [12:05:45] And when you say "push" what do you mean?

16 A. [12:05:54] To ensure that no one escapes and no one moves back, remains

17 behind.

18 MS GILG: [12:06:02] Your Honours, in relation to the topic of Buk, there is an

19 inconsistency between what has been said today, and I would like to show the

20 statement.

21 PRESIDING JUDGE SCHMITT: [12:06:12] Yes, which paragraph?

22 MS GILG: [12:06:14] It is paragraph 110.

23 PRESIDING JUDGE SCHMITT: [12:06:17] Yes, indeed, there is an inconsistency.

24 Yeah.

25 MS GILG: [12:06:22]

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1 Q. [12:06:22] Mr Witness, I am going to read you a sentence from your statement
2 and then I want to ask you what you say today about --

3 PRESIDING JUDGE SCHMITT: [12:06:32] Perhaps you read the last three sentences,
4 starting from Okwee, so he might perhaps easier remember, if he has a little bit of
5 context, at least.

6 MS GILG: [12:06:45] I am guided, your Honour.

7 Q. [12:06:48] Mr Witness, in your statement you said: "Okwee also went to the
8 barracks. I saw him. I did not see Buk during the attack."

9 Does this -- can you help us understand whether you saw Buk at the attack?

10 A. [12:07:14] I saw Buk. I think I had forgotten when I was saying that earlier.
11 They all went.

12 PRESIDING JUDGE SCHMITT: [12:07:25] This was at page 0220. We had this
13 already before, so it is enough to mention the last four digits.

14 MS GILG: [12:07:36]

15 Q. [12:07:37] To your knowledge, who was the overall commander of your group
16 when you attacked Odek?

17 A. [12:07:56] The commanders who were senior, who had authority then and who
18 were fierce, included Buk, Otti and Dominic Ongwen. Those three people were
19 feared by the junior soldiers and all of them were there. I believe that all of them
20 were there because all the commanders went there.

21 Q. [12:08:38] Mr Witness, I want to ask you about the role of the people around age
22 12 at the barracks. What were those people doing?

23 A. [12:09:05]

24 MR OBHOF: [12:09:06] Your Honour, I am just trying to find in the transcript where
25 he talked about people of the age of 12. He talks about the 12, which is a weapon.

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1 PRESIDING JUDGE SCHMITT: [12:09:13] He talks about young people, and I think
2 he said the youngest was 13, something like that. The -- perhaps we -- I'll rephrase it,
3 if you, I think you would allow me, Mr Obhof.

4 MR OBHOF: [12:09:27] (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [12:09:27] Yes, you don't intervene.

6 Mr Witness, you spoke earlier about younger people participating in the attack, and I
7 have it in my mind, I might be incorrect, that you said some were 13 and above. You
8 said something like that. These young people, what was their role? This was the
9 question by Mrs Gilg. Just to put it in a more general way.

10 THE WITNESS: [12:09:53] (Interpretation) Those people were not armed. They
11 would go to boost the morale; they would be beating the jerrycans and making alarms,
12 making some kind of noise to instill fear on the soldiers and the civilians. Also, the
13 women would be doing a similar role.

14 PRESIDING JUDGE SCHMITT: [12:10:18] Did you have a gun at the time in the
15 attack?

16 THE WITNESS: [12:10:27] (Interpretation) I had a gun. I came back from Sudan
17 with a gun.

18 PRESIDING JUDGE SCHMITT: [12:10:33] Mrs Gilg.

19 MS GILG: [12:10:35]

20 Q. [12:10:35] What type of gun did you have?

21 A. [12:10:42] It was an AK-47.

22 Q. [12:10:45] And thinking about weapons that were used, you mentioned before
23 a weapon called the 12. How was the 12 used at the Odek attack?

24 A. [12:11:04] When we reached, the gun had -- would stand on three legs. The
25 three legs would be spread and it would stand on its own. One person would sit on

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1 top of it and rotate it round. The weapon is a big one. If you are defeated,
2 you cannot easily carry it to run away. It is a kind of gun which, when being used, it
3 can facilitate an easy win for the war.

4 PRESIDING JUDGE SCHMITT: [12:11:47] Shortly, just to mention it for the record,
5 the reference was real-time transcript page 48, lines 23, 24, where the witness
6 mentioned the age range of the young people.

7 MS GILG: [12:12:04]

8 Q. [12:12:04] Mr Witness, apart from the AK-47 that you carried and the 12, were
9 there any other weapons used at the attack? Any other type of weapons?

10 A. [12:12:27] The other weapon I remember was a B-10, which was, which was
11 used to ambush the Mamba gunship which was approaching.

12 PRESIDING JUDGE SCHMITT: [12:12:46] Mr Witness, we are not experts in military
13 matters. Could you explain to us a little bit what a B-10 is, if you feel able to do that.

14 THE WITNESS: [12:13:04] (Interpretation) The B-10 gun is used for hitting heavy
15 gunships like a -- it's like a pipe. It's shaped like a pipe, about my height. It is as
16 long as my height and it's hollow inside. The ammunition is also held by someone
17 else. The weapon is, has ammunitions that is as long as --

18 THE INTERPRETER: Indicated by the witness.

19 THE WITNESS: The person who is carrying the ammunition would be carrying the
20 ammunition, and the weapon is also put on the shoulder so that they can throw
21 a -- insert the ammunition inside before it is triggered to hit the vehicle.

22 PRESIDING JUDGE SCHMITT: [12:13:57] That was very detailed. Thank you very
23 much. And we can really picture it for ourselves.

24 Mrs Gilg.

25 MS GILG: [12:14:04]

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1 Q. [12:14:04] Mr Witness, you mentioned before, there were wounded LRA at the
2 barracks. Did you see any wounded LRA with your own eyes?

3 A. [12:14:25] I saw someone who was shot and died there and then, from my side.
4 I knew that person. We were standing together during the battle.

5 Q. [12:14:41] And which group or unit of the LRA was that person in?

6 A. [12:14:52] I have no idea. Because whenever we were going for an attack they
7 would bring people from different groups in the bush and join as a single force and
8 you wouldn't know which group the person was coming from.

9 Q. [12:15:14] And apart from this person that you saw being killed, did you see
10 people that were injured but not killed? I want you to focus on LRA people.

11 A. [12:15:35] There were injured people. I saw some of them were being carried,
12 and they moved with them while we were going.

13 Q. [12:15:45] Who was carrying the injured LRA?

14 A. [12:15:59] Sometimes the LRA themselves would carry and sometimes the
15 civilians who had been abducted would be used to carry.

16 Q. [12:16:11] And just to give us an idea, how many people would carry one person?
17 How many abductees or LRA would be used to carry the person?

18 A. [12:16:28] Many times they use four people. Two people would be -- they
19 would use -- they would make a stretcher with sticks. Then they would tie a piece of
20 cloth in the middle and this would be carried by four people, two in front and two
21 behind.

22 Q. [12:16:55] Thank you. I just have one more question about the barracks. You
23 told us about the type of things that the group was doing. And you said "we". Can
24 you tell us briefly what sort of things you were doing at the barracks.

25 A. [12:17:30] What I was -- what I did was, I removed a pair of gumboots. I took

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1 army uniforms. I also took a magazine of ammunitions. Then I went and carried
2 food from the camp. I also abducted two civilians to help me carry these items.

3 Q. [12:18:07] Please describe how you abducted the civilians.

4 A. [12:18:22] As far as I recall, I opened a house. When I entered the house -- I
5 cocked my gun while at the door, then I entered. I found the people were inside and
6 I put them at a gunpoint, so I brought them outside. That was in the camp. It is as
7 far as I can remember now.

8 Q. [12:19:02] And I don't recall if you said: How many civilians did you abduct?

9 PRESIDING JUDGE SCHMITT: [12:19:08] Two. Were two.

10 Do you recall what kind of people were they? Were they male or female? Were
11 they young? Were they old?

12 THE WITNESS: [12:19:27] (Interpretation) One was already an adult. And also the
13 other one was a child.

14 MS GILG: [12:19:37]

15 Q. [12:19:38] Apart from abductions, how were civilians being treated by the LRA
16 at the camp?

17 A. [12:20:15] What I observed from the camp was that the civilian property was
18 looted from the camp and some of them, some of the civilians, were shot. That is
19 what I saw.

20 Q. [12:20:43] And focusing your mind on the civilians that were shot, can you think
21 of one example of this and tell us what you saw.

22 A. [12:21:18] The things that I saw were children who were removed from their
23 mothers, and these children were killed while they were crying.

24 PRESIDING JUDGE SCHMITT: [12:21:45] Mr Witness, how were they killed?

25 THE WITNESS: [12:22:05] (Interpretation) They hit them on a tree. Some were hit

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1 on a tree, while others were killed mercilessly, others were pierced with the knives.

2 MS GILG: [12:22:30]

3 Q. [12:22:30] And still thinking about the camp, apart from babies, how were adults
4 treated?

5 A. [12:23:00] As far as I remember, the adults were first bound together and they
6 were made to carry food. That is when we were leaving the camp. The people
7 who -- the adults and the children who were abducted were taken. The ones who
8 died in the camp who were shot to death were -- they were shot dead. And the rest,
9 you would find they were already dead and you wouldn't know how they were
10 killed.

11 Q. [12:23:43] And thinking now about the child that you abducted, you said he was
12 a child. Can you estimate how old he was? Maybe you can just tell us if he was --

13 PRESIDING JUDGE SCHMITT: [12:24:05] No, perhaps -- just let me.

14 Mr Witness, as I told you before we started, if you feel like you need a break and like
15 you would collect your thoughts and try to relax a little bit, we will give you a break.
16 If you feel you can continue, perhaps, for a couple of minutes, that is also fine. But
17 simply indicate how you feel at the moment and then we will do what is best for you
18 at the moment.

19 THE WITNESS: [12:24:42] (Interpretation) I think we can stop here.

20 PRESIDING JUDGE SCHMITT: [12:24:45] Okay. Then we have a -- I think we
21 simply have a longer -- the longer break until 2 o'clock and then look, and then we
22 continue.

23 And, Mr Witness, we hope very much that you can really calm down a little bit.

24 And it's -- it would be not correct to say that we can really feel what you went

25 through, but we have a lot of experience here in the courtroom and we have enough

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1 empathy to at least try to understand what's going on inside of you.

2 So try to calm down, try to have a break, try to relax a little bit and then we can
3 continue at 2 o'clock.

4 THE COURT USHER: [12:25:32] All rise.

5 (Recess taken at 12.25 p.m.)

6 (Upon resuming in open session at 2.02 p.m.)

7 THE COURT USHER: [14:02:49] All rise.

8 PRESIDING JUDGE SCHMITT: [14:03:13] Good afternoon, everyone.

9 Good afternoon, Mr Witness. Do you feel better?

10 THE WITNESS: [14:03:22] (Interpretation) Yes, I do.

11 PRESIDING JUDGE SCHMITT: [14:03:24] So then we continue. I give Mrs Gilg the
12 floor.

13 MS GILG: [14:03:30]

14 Q. [14:03:31] Mr Witness, I need to ask you a few more questions about what
15 happened at Odek. I understand that this is very difficult to speak about, but it's
16 important for the Judges to understand what happened and what you know about
17 that time.

18 Please let us know if it gets too difficult for you, but let's try. And for my part, I
19 promise to move through this topic as quickly as possible.

20 Now, you mentioned before that the LRA shot people at the camp. Did you see this
21 happen with your own eyes?

22 A. [14:04:24] Yes, I did.

23 Q. [14:04:31] You also mentioned that the LRA removed crying babies from their
24 mothers and killed them. This might sound obvious to you, but just so we
25 understand, why were the crying babies being killed?

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1 A. [14:04:54] To my knowledge, the crying babies were killed because they said
2 that they would show the government soldiers where the LRA are. Because when
3 the babies are crying and we are being pursued by soldiers, it would tell -- it would
4 show our whereabouts. And sometimes we were walking; perhaps there were other
5 soldiers who were in front of us who would find us, who would find our location.
6 So that was the reason why, because they said the children would show our
7 whereabouts.

8 Q. [14:05:48] You said today that after the Odek attack, you walked back to the
9 place. I don't want to talk yet about what happened there, I just want to ask you
10 now which place did you walk back to?

11 A. [14:06:16] We went back to the riverbanks of the Aswa River.

12 Q. [14:06:26] You mentioned before that people were abducted at Odek and made
13 to carry food. Can you tell us about what types of people were abducted? Adults
14 or children, or mixed, male or female?

15 A. [14:06:54] It was mixed.

16 Q. [14:07:02] Can you estimate how old was the youngest abductee?

17 A. [14:07:11] It's very difficult to determine how old they were, because there were
18 many people, and different people abducted people. You would only escort the
19 people who you abducted. There were people behind. There were people in the
20 middle. There were people in front of us. So it was very difficult to say whether
21 there were some people who had abducted very young children or to determine their
22 ages. But some of them were school children aged 15, 14, 16, around about that age
23 group; children who could be recruited into the army.

24 Q. [14:08:11] Mr Witness, my next question might be very difficult for you to
25 answer, so I apologise in advance. But as I said before, it's important that we know

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1 your story. Thinking about your walk back to the Aswa River, how did the LRA
2 treat the Odek abductees?

3 A. [14:08:41] Based on my -- what I observed, they killed a lot of children. They
4 also killed people who were unable to carry luggage; they were killed along the road.

5 THE INTERPRETER: [14:09:17] The interpreter asks that the witness please speak
6 up a little bit.

7 PRESIDING JUDGE SCHMITT: [14:09:23] Mr Witness, I get a message from the
8 interpreters if you could please speak a little bit up so that they can follow. Thank
9 you very much.

10 MS GILG: [14:09:37]

11 Q. [14:09:39] Mr Witness, did you see these killings happen?

12 A. [14:09:43] Yes, I did.

13 Q. [14:09:51] Can you think of one example and just tell us a little bit about it?

14 A. [14:10:04] This is what I saw. When we were on our way back, I was forced
15 into killing one person, a young boy.

16 PRESIDING JUDGE SCHMITT: [14:11:38] I think we have a short break.

17 Mr Witness, we perfectly understand that this is extremely difficult for you. I can
18 assure you, we give you all the time you need and we are here to listen to you. We
19 will have a short break.

20 THE COURT USHER: [14:11:58] All rise.

21 (Recess taken at 2.12 p.m.)

22 (Upon resuming in open session at 2.40 p.m.)

23 THE COURT USHER: [14:40:04] All rise.

24 PRESIDING JUDGE SCHMITT: [14:40:22] So we can continue, Mrs Gilg, and I think
25 there is one big area to cover, and perhaps we should make it -- we should relatively

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1 quickly go to that area. I think you know what I mean, but I don't want to impede
2 a question that you want to put to the witness, but we have to keep in mind also the
3 wellbeing of the witness.
4 But nevertheless, Mr Witness, let me just say something. You have been coming to
5 this Court that is so far away from your home country and from where you live, and I
6 can imagine that this is very difficult logistically to leave your home. I assume you
7 have never been in the Netherlands, never been in The Hague, probably never been in
8 a courtroom, and you have taken this upon you because you want to tell a story, you
9 want to tell us what happened, and you want to help us to establish the truth, and we
10 appreciate that. And perhaps you keep that in mind.

11 And we really try to accommodate. When you do not feel well, we will give you
12 a break. This has been done in the past, and we will do this also in the continuing of
13 your testimony. So please keep that in mind, and we all understand your feelings;
14 we all understand your situation.

15 Mrs Gilg, please continue.

16 MS GILG: [14:41:57]

17 Q. [14:41:58] Mr Witness, I hope you are feeling a bit better now. I'm not going to
18 ask you any more questions about what you did or were forced to do at Odek. I just
19 want to ask you, you said before that you saw Dominic at the smearing before the
20 attack, when was the next time you saw Dominic?

21 A. [14:42:31] The next time I saw Dominic was when we went back.

22 Q. [14:42:46] What was Dominic doing when you saw him?

23 A. [14:42:51] I do not recall exactly what he was doing, but when we -- when we
24 went back I saw him, and they sent a message that people had come back and they
25 made an arrangement for people to go to Lukodi, Lukome.

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1 Q. [14:43:30] I'm going to ask you questions about that attack, but I think for the
2 moment perhaps we can move first to a topic that is a little easier to discuss, and then
3 we can come back to the attack on Lukodi.

4 I want to show you some documents now. And I want to ask -- perhaps the VWU
5 representative could help turn to the correct tabs.

6 Court officers, please note that all of these documents are confidential, should not be
7 shown to the public.

8 I want to turn now to tab 2 of the binder, the ERN UGA-OTP-2067-0234-R01.

9 Mr Witness, do you see a document in front of you?

10 A. [14:44:44] Yes, I am.

11 Q. [14:44:45] Do you see a photograph on this document?

12 A. [14:44:50] Yes.

13 Q. [14:44:54] Who do you see there?

14 A. [14:44:57] That's my photograph.

15 Q. [14:45:02] Do you recognise this document?

16 A. [14:45:07] That was my school identity card.

17 Q. [14:45:16] Can we please now turn to tab 3 of the binder. For the record the
18 ERN: UGA-OTP-0267-0235.

19 Do you have that document before you?

20 A. [14:45:36] Yes, I do.

21 Q. [14:45:40] Do you recognise this document?

22 A. [14:45:44] These are my secondary 4 results.

23 Q. [14:45:57] Let's turn now to tab 4. The ERN is UGA-OTP-0267-0237.

24 Mr Witness, do you recognise this document?

25 A. [14:46:20] Yes, I do recognise it. This is my advance certificate for secondary 6.

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1 Q. [14:46:33] Thank you. Can we please now turn to tab 5. The ERN is
2 UGA-OTP-0267-0239.

3 Mr Witness, what is this document?

4 A. [14:46:57] That's my national identity card.

5 Q. [14:47:02] Now, let's go to tab 6. The ERN is UGA-OTP-0272-0931.

6 Do you recognise this document, Mr Witness?

7 A. [14:47:22] Yes, I do. That's my birth certificate.

8 Q. [14:47:29] Thank you. We are done with the documents now. I want to ask
9 you now about a different topic, about women. You mentioned there were women
10 and girls in the LRA. I'm going to first ask you some general questions about how
11 things worked, just a few, and after that, I'm going to ask if you can give us some
12 specific examples that you know about from your time in the bush.

13 You have mentioned that girls and women were abducted during attacks. Generally
14 speaking, when women and girls first arrived to the LRA, what would happen to
15 them?

16 A. [14:48:26] Based on my knowledge, when women and girls are abducted, they
17 are distributed to the commanders, and each commander will decide to whom he
18 gives a girl.

19 Q. [14:49:06] Once the girls were given to commanders, what would happen to
20 them?

21 A. [14:49:16] Once the girls were given to the commanders, they were responsible
22 for cooking and preparing food and collecting food as well as making beds.

23 Q. [14:49:41] And was the role of women that were given to commanders the same
24 as the role of girls or was there any difference? How did this work?

25 A. [14:49:56] On most -- most times, there were some girls who were responsible

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1 for cooking, some were responsible for taking care of children.

2 Q. [14:50:21] And, Mr Witness, was there marriage in the LRA?

3 A. [14:50:26] No, I did not see any marriage.

4 Q. [14:50:36] I'm not asking you about a ceremony, but the concept of somebody
5 being a husband or being a wife. Did you ever see someone being given this role
6 when they arrived at the LRA?

7 A. [14:50:59] I did not see any marriage ceremonies but when the girls are taken
8 there, they are distributed to the commanders. All the commanders receive girls,
9 and some of the boys who have also been in the bush for a long time, the boys who
10 have come of age, are also given girls.

11 PRESIDING JUDGE SCHMITT: [14:51:41] Mr Witness, when you say they are given
12 girls because they have been longer in the bush, what would be the role of the girls,
13 except cooking and making the bed and so on? Or why not put it directly, would
14 they also sleep with the commanders they were given to?

15 THE WITNESS: [14:52:14] (Interpretation) Yes, that would take place because there
16 were some of them who -- there are no other women in the bush except the girls, so
17 these girls are given to the commanders as their wives.

18 PRESIDING JUDGE SCHMITT: [14:52:32] Could these girls that are given to
19 commanders refuse to be given to a certain commander?

20 THE WITNESS: [14:52:43] (Interpretation) No, you could not refuse, because you'd
21 been abducted. If you refuse, that means you do not want to stay in the bush or you
22 do not want to live anymore. Then you are killed. So you just accept. You accept
23 quietly. You do not say anything. You just follow the person you have been given
24 to. You cannot refuse.

25 PRESIDING JUDGE SCHMITT: [14:53:19] And when you speak about girls, can you

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1 estimate or can you tell us an age range that we are speaking about?

2 THE WITNESS: [14:53:35] (Interpretation) Most of the girls who were abducted
3 were school girls, age 15, 16. Some were 17 as well.

4 PRESIDING JUDGE SCHMITT: [14:53:50] Mrs Gilg.

5 MS GILG: [14:53:52]

6 Q. [14:53:53] I want you to focus now on girls who were given to commanders in
7 your group. Can you think of an example of a girl that was distributed or given to
8 someone in your group and tell us about it?

9 A. [14:54:14] The commander who was my commander was given -- gave a girl
10 known as Awelo, was given a girl known as Awelo. Okwee also had a wife. Obol
11 was also given a wife.

12 Q. [14:54:45] And the girl who was given to your commander, where did she come
13 from?

14 A. [14:55:00] I do not recall where she came from, but she was a Lango girl.

15 Q. [14:55:11] And was she given while you were in the bush or before you entered
16 the bush?

17 A. [14:55:20] I was already in the bush.

18 Q. [14:55:28] And do you recall if it was before or after the attack on Odek?

19 A. [14:55:37] No, it was before the attack on Odek.

20 Q. [14:55:50] You mentioned that a girl was given to a person called Obol. Do you
21 recall the girl's name?

22 A. [14:56:07] I'm trying to think of the name, but I -- it might be Lakot.

23 Q. [14:56:15] Thank you, Mr Witness. Thinking of Obol now, do you know who
24 his commander was, who he reported to?

25 A. [14:56:29] No, I do not know Obol's commander.

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1 Q. [14:56:43] Now, you mentioned the commander Okwee. What can you tell us
2 about Okwee and distribution of girls?

3 A. [14:57:17] Most times when girls are taken, Okwee was responsible for
4 distributing the girls, based on my observation, and he would bring the girls to the
5 commanders. There was some kind of a dispute that when girls are sent, they do
6 not -- the girls are not divided out equally. They allege that Okwee would first take
7 his pick, select the ones he wanted, and then distribute the rest, and he would
8 distribute the girls that were not beautiful or the girls that were weak.

9 Q. [14:58:06] Mr Witness, I'm going to ask you now about certain commanders and
10 whether they had women or girls that had been assigned to them. The first
11 commander I want to ask about is Komakech. You mentioned before that Komakech
12 had a wife and that a girl had been distributed at some point during your bush to
13 Komakech. Were there any other women or girls in his household?

14 A. [14:58:41] There was one lady. She was from Kitgum and she had a baby.
15 There was a girl. I recall that I found the girl was there, but the wife that he received
16 while I was there was known as Awelo.

17 Q. [14:59:17] And just to be clear, the wife -- the baby that you mentioned, was that
18 Awelo's baby or was that another baby?

19 A. [14:59:32] It was the wife of the -- it was the child of the other woman, the one
20 who was there before. But Awelo was there, but I do not know whether Awelo was
21 his wife, because when we went to Sudan, Awelo stayed behind, and when we came
22 back to Uganda, I never saw her thereafter.

23 Q. [15:00:06] And Awelo, were you present when she was given as a wife to
24 Komakech?

25 A. [15:00:18] Yes, I was.

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1 Q. [15:00:21] Do you know who decided that she should go with Komakech?

2 A. [15:00:30] I recall it was Okwee who gave the directive.

3 Q. [15:00:42] I want to ask you about Dominic's household. Did Dominic have
4 women in his household while you were in the bush?

5 A. [15:00:58] Yes, they were there.

6 Q. [15:01:06] How do you know?

7 A. [15:01:09] I saw his wives when they were being introduced together with Otti's
8 wives.

9 Q. [15:01:23] And this time when you saw his wives being introduced and Otti's
10 wives being introduced, can you tell us a bit more about what was happening, just so
11 we can have a picture in our mind of what was happening on that occasion?

12 A. [15:01:51] It was at an RV and people are gathered together and the soldiers
13 were being addressed. There were commanders there, all the commanders and the
14 wives were together. So whenever there was movement, they would move together
15 and when they had come together, they would introduce that this is so-and-so's wife.
16 They would also introduce their children.

17 Q. [15:02:29] And did they introduce any children of Dominic at that assembly?

18 A. [15:02:38] I remember only seeing children -- babies that were carried and then
19 the children who were a little older. Then there were commanders' wives also who
20 had babies and children. I saw mainly their wives.

21 Q. [15:03:03] How many wives of Dominic were introduced at the RV?

22 A. [15:03:13] I do not remember, but there were many.

23 Q. [15:03:25] The last commander I want to ask you about is Okwee. Did Okwee
24 have wives?

25 A. [15:03:40] Yes, Okwee had wives.

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1 Q. [15:03:43] How many?

2 A. [15:03:46] There were many people living in his household. There were others
3 who were his wives, while the rest were for -- wives for other soldiers who were
4 living in his household. He also gave them wives. I do not recall the number of
5 women and girls who were in his household, but there were also many boys in his
6 household.

7 Q. [15:04:19] Do you recall the names of any of the wives of Okwee?

8 A. [15:04:27] I have forgotten them.

9 Q. [15:04:41] That's fine, Mr Witness.

10 I want to go back now and ask you about the attack on Lukodi that you mentioned
11 before.

12 PRESIDING JUDGE SCHMITT: [15:04:55] And I suggest that we do it like we
13 exercised it the last time, that we simply give an initiative question and then let him
14 talk. Perhaps I can give it a try.

15 Mr Witness, like we did it with Odek, the same with Lukodi. Sitting here today in
16 the courtroom, what do you remember? Please tell us. And then afterwards, when
17 you have finished, we will perhaps have further questions. But, please, just start to
18 tell the story, how you have it today in your mind.

19 THE WITNESS: [15:05:32] (Interpretation) In regard to Lukodi, we went there after
20 Odek. When we returned from Odek, another RV was called. We had just left the
21 riverbanks of Aswa, because most of the time we were in Gulu, since we were doing
22 attacks in these two locations.

23 An RV was established and all these commanders came and addressed people, the
24 way they did earlier. They encouraged us and criticised the attack on Odek and
25 hoped that the attack which was coming was going to be better than the one of Odek.

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1 They told us the place which would be attacked. After the RV, my immediate
2 supervisor, the commander I report to, told me that people were going to Lukodi and
3 told me that I was also selected to go and participate in the attack.
4 I did not object. First he thanked me for what I did in Odek and told me to go and
5 do the same in Lukodi. That had not taken long. We left that place and went to
6 Lukodi. When we were on the move, we crossed the road to Awach and, when we
7 crossed the Awach road, the soldiers were aware of our presence. We started
8 dodging the soldiers who were pursuing us. We tried to dodge them within the
9 bush there up to late. When we managed to evade them we started moving,
10 following a big road which had been covered up by grass. But you would be able to
11 see the road and move in-between. That was the road going to Awach.
12 We went up to Lukodi. When we reached Lukodi it was about 5 o'clock, going to 6
13 o'clock. We found the soldiers and the civilians were playing football near the camp.
14 They had placed their guns against trees and others were against houses, others were
15 on the ground. Their shoes and their uniforms were also there lying on the ground.
16 They didn't realise we were the ones when we arrived. So when we reached we
17 started firing at the soldiers who were playing football together with the civilians.
18 We entered from the other side of the barracks while others entered from the side of
19 the camp.
20 We shot at the soldiers. And the attack on Lukodi did not take long because the
21 soldiers were not alert, they were not aware of our coming. Secondly, the soldiers
22 were few. They tried to resist the attack, but it was easy to overrun the barracks.
23 When the soldiers had been overrun and they ran away, the civilians had been
24 surrounded, they didn't run.
25 The group that went to the barracks were fast about it and others went to the camp

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1 and started burning the camp and started doing many other things. We were told
2 that the attack on Lukodi should be better than the attack on Odek. We were told
3 that whatever you find walking or alive within the camp and within the barracks
4 should be killed.

5 For that matter, the deaths that took place in Lukodi is higher than the ones that took
6 place in Odek, if I can compare. They started by burning the houses and then
7 shooting civilians and the soldiers. And then later, some people were abducted.
8 They looted food and looted a few items from the barracks and then preparations
9 started to -- to leave when it was becoming dark. A helicopter gunship came from
10 Gulu barracks and started hovering above us. But it was dark. They could not do
11 anything. They did not shoot at us or drop bombs on us. People started leaving
12 when it was already dark. It could have been about 7 o'clock in the evening. We
13 had moved for a short distance and then we entered an ambush.

14 The soldiers who had come from Awach had laid an ambush on a small stream. It
15 was a large stream, they shot at us, and whatever we had looted remained there, and
16 many people also remained. Those who survived fled in disarray, and some
17 people met after a week, when they reconvened in the place where we were supposed
18 to convene. Some commanders also remained there. Others fled on their own and
19 they met the larger group later. The civilians who had been abducted remained there.
20 Some of the few things that we managed to take while we were fleeing, it was again
21 removed by the soldiers who were pursuing us with the helicopter gunship. When
22 it was daylight we basically went without any loot. We only went back with our
23 guns. That is what happened briefly in Lukodi.

24 PRESIDING JUDGE SCHMITT: [15:12:58] Mrs Gilg.

25 MS GILG: [15:13:00]

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1 Q. [15:13:00] Thank you, Mr Witness. Like before, I'm going to ask you some
2 follow-up questions about what happened before, then during, and then after the
3 attack. You mentioned that this attack on Lukodi took place after the attack on Odek.
4 I know it can be difficult to estimate time in the bush, but can you give us an idea of
5 how long, how much time between those attacks, was it a few days, a few weeks,
6 a few months, just an idea?

7 A. [15:13:51] I remember it took about a month.

8 Q. [15:14:02] You mentioned an RV that took place before the attack and that
9 commanders addressed the people. Who spoke? Who addressed the people at the
10 RV?

11 A. [15:14:18] Most of the commanders who were in Odek were also present there.
12 Those of Dominic were all there. There was Buk. There was Okwee also who was
13 present. All the top commanders were there. Whenever there's an RV announcing
14 an attack, all the commanders would come together and they contribute their soldiers
15 from their units, then the group that has been selected would go.

16 Q. [15:15:01] Did Dominic say anything at the RV?

17 A. [15:15:14] I recall what he said. I just repeated the same thing that we were
18 going to do as the thing that was done in Odek. For him, he was among those who
19 would speak last, and whatever they said it would just be followed to the dot. What
20 they said was that we should go and work and do not leave anything alive. That is
21 how Lakwena had told them to work. You shouldn't leave anything alive in Lukodi.
22 And they said that the Lukodi attack should be worse than that of Odek. They said
23 that whoever was going should come back with bloodstains on his clothes to show
24 that you have worked well.

25 Q. [15:16:21] After the RV and after you were selected by your commander to go to

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1 the attack, what is the last thing you remember happening before you left for the
2 attack?

3 A. [15:16:40] What I recall is that people who went to check ahead in time, known
4 as recces, they went and investigated what was there, to spy on what is there, and
5 brought back a report so that we could prepare accordingly. They went to check on
6 a number of the soldiers, how big the camp and the barracks were. Then we were
7 smeared with oil, then we left and went.

8 Q. [15:17:28] When you were being smeared, where was Dominic?

9 A. [15:17:33] I recall the, all the commanders were with us together. There is no
10 other place that they -- they could stay. They would stay close to those who were
11 going for the battle, for the attack, because they want to encourage you so that you
12 don't development cold feet. And if you want to escape they would beat you. They
13 will want you to discourage the rest of the soldiers. People would fear them
14 whenever they see them around, and you would be strong and courageous to go and
15 participate, knowing that they would kill you any time.

16 Q. [15:18:28] Just to make sure I understand you correctly, you said all the
17 commanders were there when the smearing happened. Was Dominic there as well?
18 Was he one of those commanders?

19 PRESIDING JUDGE SCHMITT: [15:18:45] I think this, we have an answer on that.
20 Please continue.

21 MS GILG:

22 Q. [15:18:50] Thinking about the people that were being smeared, what was the age
23 of the youngest person?

24 A. [15:19:00] The young people were about my age, about 14.

25 Q. [15:19:20] How long did it take you to travel from the RV place to Lukodi?

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1 A. [15:19:31] I do not recall now. It could have been about two days. That is
2 according to my recollection.

3 Q. [15:19:58] I want to ask you now about the attack itself: Which commanders
4 went to the attack?

5 A. [15:20:12] Most of the commanders, I was not able to see them because, where I
6 was located there were no commanders near, we were ahead. For that reason I did
7 not see the commanders who could have gone. But I remember Okwee
8 and -- Okwee and him, my immediate commander, also went. I'm trying to
9 remember. Most of the commanders who went were not close to me, they were not
10 near me.

11 Q. [15:21:14] And just thinking of Okwee, how do you know that he was at the
12 attack? What makes you think he was at the attack?

13 A. [15:21:25] What made me think he went is they were the ones who were
14 preparing from the start to the end. When we left, we definitely knew they were all
15 there. And the reason why I did not see the rest of the -- the commanders, the attack
16 on the barracks was easy. If it was fierce they would be there to encourage us, but it
17 was an easy attack and we overran the barracks easily. That's why I did not see the
18 rest of the commanders. During a battle you cannot start looking out for which
19 commander is where, you just concentrate on the role -- I mean, the task that is ahead
20 of you. Because at that time you have to choose between life and death. You
21 cannot concentrate on looking at who is here, and who is not here.

22 Q. [15:22:34] Thank you, Mr Witness.

23 You have told us about the young people at the smearing, and you said they were
24 about 14. I want to ask you now about the age of the youngest person at the attack
25 itself. Can you tell us that?

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1 A. [15:22:59] I cannot recall now. But I remember that those who went had many
2 others who were 14. The younger people are brave and they fought without fear.
3 The elderly people went to the camp mainly. They didn't go to the barracks. That
4 is what I can remember.

5 Q. [15:23:39] What did the people of 14 do at the attack?

6 A. [15:23:46] First we went to the barracks to attack the soldiers.

7 Q. [15:23:58] And were the people of this age armed?

8 A. [15:24:02] Before sending off to the barracks, they ensure that you are armed,
9 because most of us who were armed were the ones who came back from Sudan, and
10 we had our weapons. But those who remained in Uganda did not have weapons.

11 When you stay for long without a gun, you cannot get a gun until you go to Sudan
12 and you come back with a gun. All those who went to the barracks had weapons.

13 Q. [15:24:38] What sort of weapons were used during the Lukodi attack?

14 A. [15:24:45] The weapons that were used included AK-47. We also went
15 with -- we did not go with a B-10. We went with 82 and 81 millimetre bombs that
16 were brought from Sudan. We also had other weapons like RPG, G2. We also went
17 with a 12 weapon, which we had used in Odek and other weapons that we had.

18 Q. [15:25:37] And just to be clear, were you carrying a weapon during the attack?

19 A. [15:25:43] Yes, I had a gun.

20 Q. [15:25:48] I want to ask you now about what you saw at the camp. You said
21 you saw LRA shooting at people. Can you think of an example that you saw and tell
22 us about that?

23 A. [15:26:13] I saw soldiers being shot. I saw soldiers who were already dead. I
24 saw civilians who were already dead. And then I saw others that were being shot.
25 I saw others that were burning inside the hut.

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1 Q. [15:26:47] And the civilians who were already dead, could you tell how they had
2 been killed?

3 A. [15:26:59] They shot them with a gun, and those who did not flee were burnt in
4 the house.

5 PRESIDING JUDGE SCHMITT: [15:27:21] Mrs Gilg, please give it a try, otherwise I
6 would step in.

7 MS GILG: [15:27:26] Okay.

8 Q [15:27:29] I just want to say I'm not going to ask you very many more questions
9 in this topic.

10 PRESIDING JUDGE SCHMITT: [15:27:32] But I would have a question about that as
11 well. You said that people were burning inside the huts. How did they get on fire?
12 I mean the huts.

13 THE WITNESS: [15:27:47](Interpretation) The fire was -- the source of the fire was
14 the ones which were being used for cooking, the rebels would use the fire which was
15 being used for cooking, and they use it to torch the huts that were burning.

16 PRESIDING JUDGE SCHMITT: [15:28:06] Thank you.

17 MS GILG: [15:28:07]

18 Q. [15:28:09] You said before that "they" were shooting civilians. Who did you
19 mean when you said "they"?

20 A. [15:28:22] The LRA soldiers.

21 PRESIDING JUDGE SCHMITT: [15:28:28] And when you say, Mr Witness, that the
22 people burnt inside the huts that were torched, why did the people not get out of the
23 huts? Or what would happen if they got out of huts?

24 THE WITNESS: [15:28:45] (Interpretation) You know, there was fear, and then
25 others who had really seen their colleagues had been shot dead, and they rather stay

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1 inside the huts, hoping that the government soldiers would defeat the rebels and
2 rescue them. But since the rebels overran the barracks and defeated the soldiers, it
3 was not possible.

4 PRESIDING JUDGE SCHMITT: [15:29:25] Ms Gilg.

5 MS GILG: [15:29:26]

6 Q. [15:29:27] You told us about burning of huts, killing, abductions, and looting in
7 the camp. Can you tell us briefly what you had to do in the camp?

8 A. [15:29:45] Many things that I saw in the camp were the things that happened,
9 but I did not do them, I did not commit any of them.

10 One of the houses that I opened, I found many civilians crowded there, there were
11 many. I felt pity for them. I closed the door. I locked it as if there was no one
12 inside. But the person who came after me opened the same house, opened the door,
13 and when he opened the door, he found people were inside there. He bolted and
14 locked it with a padlock. And when he had locked it with a padlock, he set the
15 house on fire. He stood there and waited until the people had burnt down and then
16 he left.

17 And then later he asked me, he said, "Did you enter that house"?

18 I told him, "No, I did not enter there".

19 He said, "But I saw you coming out of that house".

20 I told him, "No, I only stopped at the door. I did not see inside".

21 He went and reported me to the commanders who had gone there, and I was going to
22 be killed for sparing the lives of those who were in Lukodi. It was a big issue. And
23 I was supposed to be killed when I was reported. But I was able to survive.

24 But I know those people all burnt to death. That is what I saw. This is what I saw
25 myself. It happened in Lukodi, so many people were burnt to death. And that was

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1 the last operation that -- that was the last thing I did, closing those people inside and
2 leaving them there. And that is perhaps the reason why I survived the ambush,
3 because so many people died in the ambush. That is what I saw. I only carried
4 food, and that food was also looted by the soldiers when we were moving.

5 Q. [15:33:24] Thank, Mr Witness.

6 You mentioned abductions. Can you give us an idea how many people were
7 abducted at Lukodi?

8 A. [15:33:35] No, I cannot tell you the exact numbers of people that were abducted.
9 But we were told that if you find any person there, kill that person.

10 But I still saw people being abducted, but I personally did not abduct anybody.

11 People were abducted, but I do not recall the exact number. But some of those
12 people were rescued by government soldiers, others died in the ambushade, but there
13 were many. Sometimes when you are walking along the road, you jump over
14 people's corpses and you keep on moving. You find another corpse, you jump over
15 it and keep on moving. People died from bullet shots, people died from bombs.

16 Q. [15:34:33] What type of people were abducted, male or female or both, young or
17 old or mixed?

18 A. [15:34:44] They were children. There were men and women. And as we were
19 walking, they were all carrying loads on their heads. I believe that the older people
20 were abducted to carry the food.

21 Q. [15:35:16] And you mentioned children were abducted. When you say
22 "children", do you mean older or younger than you or about the same age?

23 A. [15:35:29] Some of them were of the same age as me, others were older than me.
24 Some of them, some of those children were in primary 5 or primary 6.

25 Q. [15:35:53] You mentioned people were carrying loads on their heads. What

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1 type of items were they carrying?

2 A. [15:36:07] People were carrying beans, flour. It was mostly foodstuff, chicken.

3 There were clothes as well that were pillaged and other small items that were taken
4 from the camp, like saucepans and other small things.

5 Q. [15:36:42] What happened if someone could not walk or carry their load?

6 A. [15:36:50] Whoever was unable to walk, based on what I saw, they were beaten.
7 They were beaten at the back of their heads, clubbed to death.

8 Q. [15:37:17] Just to be clear, the items that were being taken and carried away,
9 who did those items belong to originally?

10 A. [15:37:33] It was civilians. The items belonged to the civilians. They were
11 from the camp and some of them were from the barracks.

12 Q. [15:37:47] Mr Witness, you said before that after the Lukodi attack, you returned
13 to a place that had been agreed upon beforehand. How long did it take to return to
14 the planning place? Sorry, excuse me. How long did it take to return to the place
15 that had been agreed upon?

16 A. [15:38:17] The groups were separated. There were about over ten of us in that
17 group, walking together. It took us a number of days before we got to that location
18 because on the morning afterwards we were being pursued, hotly pursued, by
19 soldiers, morning till night. We did not have rest, so we were constantly pursuing
20 them. And that's why it took us a while to get there. It took some people up to
21 a week before they got there, but I do not recall the exact date, but it did not take us
22 one day; it took us more than one day.

23 Q. [15:39:12] After the smearing when you saw Dominic, when was the next time
24 you saw him?

25 A. [15:39:26] I saw him when we came back, after we had split up and we were

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1 being pursued by soldiers and we ran until we got to that place, but I do not recall
2 how long it took us.

3 Q. [15:40:03] What was Dominic doing when you saw him at that place?

4 A. [15:40:10] I did not see them doing anything particularly important other than
5 receive the people who were coming back. That's based on my recollection of our
6 own arrival.

7 Q. [15:40:39] Do you know what happened to the Lukodi abductees after you
8 returned to this place?

9 A. [15:40:48] I'm trying to recall. I do not recall very well, but most of the people
10 that were abducted were rescued by the soldiers.

11 Q. [15:41:19] I want to go back for two questions to the beginning of the attack.
12 You said the attack started around 5 or 6 pm. How are you estimating the time?

13 A. [15:41:37] It was based on the -- on the sun, the way the sun was setting, because
14 as we were walking it was dusk, and then by the time we were getting to the camp it
15 was dark. When the helicopters were circling, people were still burning the camps.

16 Q. [15:42:18] Was there any signal to start the attack?

17 PRESIDING JUDGE SCHMITT: [15:42:58] Mrs Gilg, you have your microphone on,
18 but it did not come through, really. Perhaps you could repeat it.

19 MS GILG: Let me try again.

20 Q Was there any signal --

21 MS GILG: No?

22 PRESIDING JUDGE SCHMITT: I think you will have to fix that, then it will not be a
23 big problem, I would assume.

24 MR GUMPERT: Is it a common problem?

25 PRESIDING JUDGE SCHMITT: Mr Gumpert has obviously the same problem.

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- 1 MR OBHOF: Must be -- mine is working.
- 2 PRESIDING JUDGE SCHMITT: It seems to be a Prosecution issue.
- 3 MS GILG: [15:43:08] Is it working now?
- 4 PRESIDING JUDGE SCHMITT: [15:43:10] Yes, it is working. Please continue.
- 5 MS GILG: [15:43:13] Can I try this one? No.
- 6 PRESIDING JUDGE SCHMITT: [15:43:15] It is working now, or has it now spread to
- 7 the Bench?
- 8 MS GILG: [15:43:20] It's a contagion.
- 9 Q. [15:43:25] Mr Witness, was there a signal -- any signal to start the attack at
- 10 Lukodi?
- 11 A. [15:43:42] I recall that there was a signal.
- 12 Q. [15:43:50] What was the signal?
- 13 A. [15:43:58] I recall that they whistled. They whistled and then they blew
- 14 a whistle. They blew the whistle for the people who went to the camp. But when
- 15 we were going to start the fight, somebody -- somebody whistled and then later on
- 16 they used a whistle; they blew a whistle.
- 17 Q. [15:44:23] The place that you returned to, where was this place?
- 18 A. [15:44:31] It was still in the Acwa area.
- 19 Q. [15:44:49] Mr Witness, I want to ask you about a different topic now. I want to
- 20 ask you about a place called Abok.
- 21 PRESIDING JUDGE SCHMITT: [15:45:01] I would not want to stop you, but when it
- 22 comes to other attacks and where we look at the written statements, it appears that
- 23 the witness does not have first-hand knowledge of the whole thing. So if you want
- 24 to put questions, really short, please. And of course we have read -- or at least some
- 25 of us here in the courtroom have read the former statement, and it does not look very

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1 promising, so to speak.

2 MS GILG: [15:45:41] Your Honour, can I go into private session for just a few
3 questions.

4 PRESIDING JUDGE SCHMITT: [15:45:46] Yes.

5 (Private session at 3.45 p.m.) *(Reclassified partially in public)

6 THE COURT OFFICER: [15:45:57] We are in private session, Mr President.

7 MS GILG: [15:46:03] Sorry, my first question didn't need to be in private, but I think
8 I will just ask now and go on.

9 Q During your time in the bush, was there any fighting at Abok?

10 A. [15:46:16] Yes, Abok was attacked.

11 Q. [15:46:25] Do you know the name of anyone who was killed during that attack?

12 A. [15:46:32] No, I do not know, because when Abok was attacked I was not there.
13 I was in Atiak. We had already left the Aswa banks and we were in Atiak, in
14 Adjumani, and we heard it. We heard when it was being reported.

15 PRESIDING JUDGE SCHMITT: [15:47:00] Mrs Gilg, I think you simply mix it with
16 Pajule, because following -- if we take the written statement, in Pajule might have
17 died somebody whom the witness has known.

18 MS GILG: [15:47:15] I'm asking about a different person, actually.

19 Q. [15:47:19] Mr Witness, did you come at any point to learn the name of someone
20 who was killed at Abok?

21 PRESIDING JUDGE SCHMITT: [15:47:37] I know whom you mean.

22 MS GILG: [15:47:41]

23 Q. [15:47:42] Again, I know this is very difficult to talk about, so we won't stay here
24 long.

25 PRESIDING JUDGE SCHMITT: [15:47:54] But nevertheless, he has said he has only

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1 heard on radio, if I recall it correctly, this one.

2 MS GILG: [15:48:02] I think he said at the time. He was referring to at the time.

3 PRESIDING JUDGE SCHMITT: [15:48:07] Yes.

4 THE WITNESS: [15:48:14] (Interpretation) No, I do not know.

5 MS GILG: [15:48:16] Your Honours, can I refresh his memory on this point?

6 PRESIDING JUDGE SCHMITT: [15:48:26] Yes, of course, 182.

7 MS GILG: [15:48:28]

8 Q. [15:48:29] So the reference is paragraph 182 at ERN ending in 0228.

9 Mr Witness, in your statement you said, "I lost one brother in the Abok camp. He
10 was two years younger than me. He was called (Redacted). I learnt that he was
11 killed during the attack when I went back home."

12 Does this refresh your memory about a person who was killed during that attack?

13 A. [15:49:02] Yes, it does because --

14 PRESIDING JUDGE SCHMITT: [15:49:10] It is enough of an answer, "Yes, it does."
15 Continue, please.

16 MS GILG: [15:49:15]

17 Q. [15:49:15] Who told you about this person, being your brother, being killed at
18 the attack?

19 A. [15:49:24] My mother told me because they were at the camp as well. They
20 barely escaped.

21 MS GILG: [15:49:38] Your Honours, we can go back into open session.

22 (Redacted)

23 (Open session at 3.49 p.m.)

24 THE COURT OFFICER: [15:49:51] We are back to open session, Mr President.

25 MS GILG: [15:49:55]

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1 Q. [15:49:57] Mr Witness, the person we were just talking about, was he a soldier or
2 a civilian at the time, if you know?

3 A. [15:50:09] You're asking about my brother that was killed?

4 Q. [15:50:23] Yes, I am.

5 A. [15:50:28] No, he was not a soldier. He was a civilian. He was younger than
6 me.

7 Q. [15:50:38] And, Mr Witness, to your knowledge, what year did this attack in
8 Abok take place?

9 MR TAKU: Your Honour, I rise to object.

10 PRESIDING JUDGE SCHMITT: [15:50:49] Please, we would like to hear you.

11 MR TAKU: [15:50:53] What is the purpose of this evidence, to lead evidence that
12 somebody was killed in Abok? He cannot be the one to lead this evidence because
13 he said he heard it after, when he came back. And there is no need now to bother
14 him about the details, about the years and things like that.

15 PRESIDING JUDGE SCHMITT: [15:51:09] First of all, it is, of course, clear that the
16 questions can be put to the witness. There is nothing to object against it. It refers to
17 one of the charge attacks, so there is no problem insofar. When you say leading the
18 evidence, of course, you cannot -- it is hearsay that a certain person was killed at
19 a certain attack, but nevertheless it is some sort of evidence.

20 But I would also say, Mrs Gilg, that we can relatively quickly move to another point.
21 And insofar, Mr Taku is right, and I already indicated that the other attacks that
22 might have -- that are part of the confirmed charges, he, at least on paper, does not
23 have immediate knowledge of it.

24 MS GILG: [15:51:59] Thank you, your Honour.

25 Q. [15:52:02] Mr Witness, moving to a different topic now. You mentioned ranks

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1 before, did you have a rank while you were in the LRA?

2 A. [15:52:10] No, I did not have a rank.

3 Q. [15:52:21] Why would a person get a rank? How was it decided?

4 A. [15:52:27] Most times people were promoted and the promotions came from the
5 senior commanders. In order to be promoted or to be given a rank, based on my
6 observation, you must be somebody who has been in the bush for a very long time,
7 somebody who has not attempted to escape from the bush. Secondly, when you go
8 on mission and come back with a -- good reports, you show success, you went and
9 pillaged stuff, you killed civilians, you went on attacks or you set an ambush on
10 the road, you shot government soldiers who were on patrol, you came back with
11 a gun. And those are the kind of things that would lead to a promotion or to
12 someone being given a rank. But I do not know any other way that people would
13 get ranks.

14 Q. [15:53:45] Thank you.

15 MS GILG: Your Honours, just for planning purposes I have about 10 more minutes,
16 if that's --

17 PRESIDING JUDGE SCHMITT: [15:53:51] I think we would, we would try to finish
18 that.

19 Then also for planning purposes my question to Mr Narantsetseg, do you plan to
20 question the witness?

21 MR NARANTSETSEG: [15:54:01] Your Honour, thank you for the opportunity. As
22 of now, we are quite satisfied with the evidence my learned colleague from the
23 Prosecution has elicited, so we don't intend to question the witness. Thank you.

24 PRESIDING JUDGE SCHMITT: [15:54:15] And the other team of Legal
25 Representatives?

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1 MS SEHMI: [15:54:21] Mr. President, we did intend to ask a few questions, but I
2 don't think they would take more than ten minutes or so.

3 PRESIDING JUDGE SCHMITT: [15:54:32] Yes. Really, I do not expect that you
4 have an exact estimation, Mr Obhof. It's just a try by me. So I know it is especially
5 difficult for you, but if you have, if you can say something, perhaps tell us. As you
6 see, it's for management and planning purposes.

7 MR OBHOF: [15:54:46] Originally I thought it was only going to be about two
8 sessions, but right now it appears maybe two and a half to three sessions for
9 tomorrow. So we'd probably finish off the rest of the day, maybe even run
10 a few minutes long. But, as you said, it's an estimate.

11 PRESIDING JUDGE SCHMITT: [15:55:02] Okay. Thank you very much.
12 So we simply continue with your questioning and then I'm -- yes, I decide on the spot
13 if we finish with the LRVs today or start tomorrow. Please, Mrs Gilg, please finish.

14 MS GILG: [15:55:23]

15 Q. [15:55:23] Mr Witness, I want to ask you now about your escape from the LRA.
16 Before you tell us about your escape, can you first tell us what year you managed to
17 escape?

18 A. [15:55:44] I escaped in 2004.

19 Q. [15:55:49] Please tell the Court briefly how you managed to escape?

20 A. [15:56:02] This is how I escaped from the LRA: When Lukodi was attacked, we
21 went back to the Aswa, the banks of the Aswa River. We left that place and went to
22 Atiak. When we got to Atiak, we heard reports that Abok had been attacked, Ngai
23 had been attacked. We stayed there, but we did not stay in Atiak for a long time.
24 We were in -- operating in the Madi regions, taking food from the Madi people. And
25 then we left that place and we came back to our old encampment place.

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1 We all left at once, the group that was in Atiak, all the people that were left on the
2 Aswa banks and everybody else in the surrounding areas. We crossed the river.
3 We -- we left at around 4 a.m. We crossed the river Aswa. A rope was thrown
4 across the road, three ropes were thrown across the river and people were using those
5 ropes to cross the river.
6 There were so many people because trying to -- because they were many people
7 trying to cross at the same time. Nobody wanted soldiers to find us on the
8 riverbanks. We were being pursued by helicopters as well.
9 The water was fastest flowing, the river was fast flowing. Some people would walk
10 and they were unable to go. They would get stuck on the ropes, but there are other
11 people behind, other people in front. And if somebody was scared and was unable
12 to move, they would just release your fingers and let you go so you would float away.
13 And people kept on cross the river. Luckily I was able to cross and cross over on the
14 other side.
15 When everybody had crossed over, the people who had been let go in the river were
16 taken away by the water. When we crossed on the other side of the river, we stayed
17 on the other side for a short while and we rested there. Then we got up and started
18 walking. We walked as if we were heading in the direction of Pader, going towards
19 Kitgum side.
20 It was at that time that I decided, I thought to myself, I'm not going back to Sudan.
21 I'm not going back to Sudan for the second time. I suffered a lot in Sudan. I'm not
22 going back to Sudan. And I know that if I go to Sudan, I'm not going back to
23 Uganda. Because I saw people heading in the direction of Sudan, so what I decided
24 to do, was stay back. I let people pass, I let people pass. There were so many
25 people in the convoy, there were so many people, I do not know where people were

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1 going, but I assumed they were heading back towards Sudan.
2 So I kept on walking slowly, staying behind, staying behind. People kept on passing
3 me, people passed me, people passed me. And I was already thinking people were
4 not actually paying any attention to me because I had already been in the bush for
5 a long time, I had a gun, so they assumed that I was not going to escape. People
6 kept on passing me, people passed, the commanders also passed. And I was the last
7 person left behind. I was actually -- I kept on following them, but every time that I
8 followed them, I kept on walking slower, slower, slower, while the other group kept
9 on going ahead. I kept on looking back to ensure -- to make sure -- I kept on looking
10 forward to make sure that they are not looking back at me.
11 When I saw that people had -- ahead of me had already walked and gone around
12 a corner and they had lost sight of me, I decided that the guards who had left -- who
13 had been left behind to ensure that nobody else was -- stayed behind, the guards who
14 were supposed to kill people who had stayed behind, so what I decided to do was
15 enter into the bushes with the chair, gun, the pots and pans, and the bags that I had.
16 I went into the bush.
17 All these things belonged to the commander that -- to my commander. There was
18 also a small bag, a small bag that contained money. It was full of money. I went
19 with all these things in the bush. I took everything off and I left them on the -- in the
20 bushes. I cocked my gun and I decided, no, I'm not going back to Sudan. If
21 anything happens, I'm going to die in Uganda. I'm not going back to Sudan.
22 I made a decision that if the guards that were left behind saw me, I would shoot them
23 first. They came, they were walking, they would stop, they would survey. They
24 would walk, they would stop and survey. The plan was that the guard would
25 always stay a little bit further from the whole convoy. So when these people got to

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1 my location, I do not know whether it was my luck, they -- or my bad luck, they
2 stopped at the exact position where I was hiding. I was scared and I thought they
3 had actually found out where I was, but luckily, they had not recognised that I was
4 there. I thought, should I shoot them? But I decided not to shot them.
5 They stopped there for a little while and then they continued walking. When they
6 passed and they kept on walking, when I could not see them anymore, I crossed the
7 road where we had been walking. I left everything that I was carrying behind. I
8 only carried the gun and the magazine. I crossed the road and kept on walking. I
9 left the road that -- the footpath that we had followed from the river and I started
10 walking on another footpath. I kept on walking, I walked, I walked.
11 At sunset, by sunset I had reached the Aswa riverbanks. I went back to our old
12 location and I spent the night there. I would -- I pulled up some grass, used it to
13 cover myself because I thought if the soldiers came back, if the rebels came back and
14 they were looking out -- they were looking for me, I would be hidden under the grass.
15 I stayed there till morning. And I was thinking about how I was going to cross the
16 river. I started wondering, why did I escape? Because when we were crossing the
17 river, we used ropes. Now I have to cross the river on foot. So I started worrying
18 about how I was going back. But I made a decision that if I decide to follow that
19 group, they are going to kill me.
20 I found a stick, a long stick, that was being used by the rebels. They had used that
21 stick to throw the rope across the river for people -- by people who knew how to
22 swim. So in that morning I used that stick to cross the river. I would place the stick
23 and walk on stones. If I found a stone, I felt a stone with my foot, then I would step
24 on that stone, and keep on crossing. If I found somewhere that was deep, I would
25 leave that place and look for somewhere that was shallow.

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1 I did not look left or right because if I looked left or right, I would be completely
2 scared and I would have been swept away by the river. But I kept on thinking, well,
3 if I'm going to die, then at least I'm going to die in Uganda. Then I kept on walking.
4 Dark would fall, I would sleep. I would look for something to eat, I would find
5 something to eat, eat. At sunset I would spend another night, get up in the morning
6 and keep on walking until I got to a place where I found people's footsteps. I stayed
7 in that location because I knew that this was near maybe civilian habitation. I stayed
8 in the bush, I hid in the bushes. I got up again, I started moving. I walked slowly,
9 slowly, slowly.

10 I heard civilians talking in the garden, in an area around Cwero. I thought, should I
11 go and get -- abduct those people who are -- who are in the gardens? But I was
12 scared. What I did was hide my gun. I hid my gun not very far from where they
13 were digging. I hid the gun, hid the gun with a magazine as well. Then I went to
14 some person, he had a bicycle. I went to this person and he ran off.

15 But I found somebody, I spoke to the person, I told the person, I introduced myself,
16 and he accepted to take me. He told me that he was going to take me to the barrack.

17 I said, "No, you are not taking me to the barracks." Then said, "Okay, I will take you
18 to the LC." I told him I would rather go to the LC but not to the soldiers. He said,
19 "Well, you know, when people come back and go to the barracks, nothing happens to
20 them." So he took me to the barracks in Cwero.

21 When I got to Cwero, they started asking me, they asked me, "Did you have a gun?"
22 I told them, no, I did not have a gun. And they said, "Well, you looked like
23 somebody who had a gun. We are able to determine when people -- whether people
24 have guns or not." I refused, I refused. I did not want them to be examined.

25 I stayed with them, they talked with me. They talked with me for a long time.

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1 They told me, "We have received so many rebels that have come back. We are still
2 receiving other people. If it were -- if it were possible, we would actually want
3 everybody to come back."

4 And they asked me, "Do you have a gun?"

5 Then I said, "Yes".

6 So we decided to -- they took somebody, and I took them to the location where I had
7 hidden the gun. I spent the night in Cwero. In the morning, they took me to the
8 division in Gulu. My gun was left in the division in Gulu.

9 After that, they took me to World Vision in Gulu. After World Vision, I stayed there
10 for a little while, and then they took me to Lira to Rachele Rehabilitation Centre, and
11 it was from the Rachele Rehabilitation Centre that I was then taken home.

12 Q. [16:07:39] Thank you, Mr Witness.

13 I want to ask you about the impact of your experience in the bush. I might ask you
14 more specific questions in a moment, but can you give us a sense of how your
15 experience in the bush has impacted your life?

16 A. [16:08:09] First of all, I'm not happy that it affected my studies. I could not
17 continue with my studies. The colleagues with whom I was going to school together
18 proceeded with their studies.

19 Life is not easy for me in the community where I live. And I am not as sharp as I
20 used to be. I'm not as intelligent as I used to be.

21 Sometimes I have nightmares. And when I -- when I'm asleep or lying down, I got
22 nightmares of an ambush of helicopter gunships. Sometimes I'm disturbed
23 psychologically up till now. I also have chest pains all the time because of carrying
24 heavy luggage. It reminds me of what I went through.

25 I also have scars when I was shot by a helicopter gunship. A splinter -- bomb

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1 splinters hit me when I had come from Sudan and we had joined the Nile. This
2 disrupted my life. I'm not like my colleagues with whom I was together in school.

3 Q. [16:09:47] Thank you for sharing.

4 Just one or two more questions: You mentioned life is not easy for you in your
5 community. Can you say a bit more what you mean by that?

6 A. [16:10:15] People still look at us as rebels up till now. When you want to say
7 something or contribute towards a discussion, they will say, "This is a returnee.
8 Sometimes he's still mentally disturbed" or they will say this or that about us.

9 Q. [16:10:37] My last question, Mr Witness. How was your relationship with your
10 family when you returned from the bush?

11 A. [16:10:45] There was no problem with my relationship with my family. They
12 were in pain and wondered whether I was still alive. But when I came back, they
13 were happy. They are the ones who took me back to school. I also thank Rachele
14 so much, they let me study up to senior 6, and currently I am studying to become
15 a teacher.

16 Q. [16:11:27] Mr Witness, I'm finished with my questions today. Thank you very
17 much.

18 Your Honours, no more questions.

19 PRESIDING JUDGE SCHMITT: [16:11:35] Yes, thank you very much, Mrs Gilg.

20 And I think your last questions would have covered a lot, if not all, of what perhaps
21 legal representatives would have wanted to ask.

22 This concludes the hearing for today. We continue tomorrow at 9.30.

23 THE COURT USHER: [16:11:53] All rise.

24 (The hearing ends in open session at 4.12 p.m.)

25 RECLASSIFICATION REPORT

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- 1 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 2 2016, the public reclassified and redacted version of this transcript is filed in the case.