

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 Judge Raul Pangalangan
6 Trial Hearing - Courtroom 3
7 Thursday, 1 February 2018
8 (The hearing starts in open session at 9.32 a.m.)
9 THE COURT USHER: [9:32:07] All rise.
10 The International Criminal Court is now in session.
11 PRESIDING JUDGE SCHMITT: [9:32:26] Good morning, everyone.
12 Good morning, Mr Witness. I hope you feel well.
13 Mr Witness, I hope you feel well today, this morning.
14 WITNESS: UGA-OTP-P-0410 (On former oath)
15 (The witness speaks Lango)
16 THE WITNESS: [9:33:03] (Interpretation) Yes, I'm feeling well.
17 PRESIDING JUDGE SCHMITT: [9:33:06] Okay. Then could the court officer
18 please call the case.
19 THE COURT OFFICER: [9:33:09] Thank you, Mr President.
20 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen,
21 case reference ICC-02/04-01/15.
22 We are in open session.
23 PRESIDING JUDGE SCHMITT: [9:33:19] Thank you.
24 For the appearances of the parties, for the Prosecution, Mrs Gilg.
25 MS GILG: [9:33:24] Colleen Gilg for the Prosecution. Good morning,

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 your Honours. I'm here with Yulia Nuzban, Benjamin Gumpert, Paul Bradfield,
2 Pubudu Sachithanandan, Shkelzen Zeneli and Ramu Fatima Bittaye.

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

4 Mr Narantsetseg for the Legal Representatives of the Victims.

5 MR NARANTSETSEG: [9:33:40] Good morning, Mr President, your Honours.

6 Ms Caroline Walter and myself, Orchlon Narantsetseg. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:33:45] And the second team, so to speak. I will
8 call you the first team when you sit in front next time.

9 MS SEHMI: [9:33:52] Thank you, your Honour. On behalf of the Legal
10 Representatives for Victims, Anushka Sehmi and Mr James Mawira.

11 PRESIDING JUDGE SCHMITT: [9:34:00] Thank you.

12 And for the Defence, Mr Obhof.

13 MR OBHOF: [9:34:04] Good morning, your Honour. Good morning, everyone.

14 And don't forget Saturday is ice cream for breakfast day.

15 Today we have our counsel, Krispus Ayena Odongo; co-counsel, Chief Charles
16 Achaleke Taku; one of our assistants to counsel, Ms Abigail Bridgman; one of our case
17 managers, Tibor Bajnovic; our client, Mr Dominic Ongwen; and myself,
18 Thomas Obhof.

19 PRESIDING JUDGE SCHMITT: [9:34:27] I have to admit, Mr Obhof, that this
20 would have escaped my attention.

21 You are still standing, but I have to ask the Legal Representatives if they have further
22 questions. I have already indicated yesterday afternoon that Mrs Gilg asked a lot of
23 questions that would have also -- or could have also been asked by Legal
24 Representatives. So do you have further questions?

25 MS SEHMI: [9:34:52] Your Honour, I believe Ms Gilg had covered some of the

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 areas that we wanted to explore with the witness. However, we did have one
2 question that wasn't covered by the Prosecution, if that's all right.

3 PRESIDING JUDGE SCHMITT: [9:35:08] Of course that is all right. So please
4 continue.

5 QUESTIONED BY MS SEHMI:

6 Q. [9:35:19] Good morning, Mr Witness.

7 A. [9:35:20] Good morning.

8 Q. [9:35:21] My name is Anushka Sehmi, and I'm just going to ask you one
9 question on behalf of the Legal Representatives for Victims.

10 My question was: Could you please describe to us what your life was like before
11 you were abducted?

12 A. [9:36:05] Before my abduction I was going to school and I would live together
13 with my parents. They were taking care of me.

14 All the kind of things that happened to me was not there, the nightmares, the bad
15 dreams that I have now, were not there. The kind of life that I went through in the
16 bush, the kind of scars that I have, the pain that I have in my chest, were all not there.

17 Previously when I was growing up, I did not have any feeling or intention of killing
18 anybody, but when I was abducted, I was in the bush, I did things that I would not do.
19 I was not a thief, but when I was in the bush, I was made to become a thief and to loot
20 people's property by force.

21 So I think the kind of life I led while I was still home was okay.

22 In addition, I was not a person who was used to living in the bush, but when I was
23 abducted and taken to the bush, I started living the life of animals, staying hungry,
24 staying in the cold, living a guerilla life, a life which I was not used to do before.

25 I was not happy about these things because that was not the life that I used to lead

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 when I was with my parents. So this did not go well with me. I wasn't happy
2 about it.

3 So this is briefly what I can say.

4 Q. [9:38:22] Thank you for sharing that with us, Mr Witness.

5 MS SEHMI: [9:38:26] Your Honour, that concludes the questions I have.

6 Thank you.

7 PRESIDING JUDGE SCHMITT: [9:38:28] Thank you very much.

8 I give the floor now Mr Obhof for the Defence.

9 MR OBHOF: [9:38:32] Thank you, your Honour.

10 QUESTIONED BY MR OBHOF:

11 Q. [9:38:37] Good morning also, Mr Witness. I hope you slept okay last night.

12 A. [9:38:48] I did not have a good sleep.

13 Q. [9:38:55] Mr Witness, before we start everything else, I'd like to clarify
14 something from your statement and from your testimony yesterday.

15 The river Aswa that you talk about, which river Aswa is this?

16 A. [9:39:23] I am talking about the Aswa river which passes through Gulu, and
17 that is where we stayed for a long time.

18 Q. [9:39:41] It's the same one that creates the boundary between Gulu district and
19 Pader district today; is that correct?

20 A. [9:39:52] Yes, correct.

21 Q. [9:39:55] Mr Witness, how old were you when you started school?

22 A. [9:40:13] I do not recall my age. I do not recall the age at which I began going
23 to school. But by the time I was abducted I was 14 years old.

24 Q. [9:40:34] Did you ever have to repeat a year in school before you were
25 abducted?

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Private Session)

ICC-02/04-01/15

1 A. [9:40:53] To the best of my recollection I did not repeat a class.

2 Q. [9:41:09] Did you ever have to stop attending school for a little while, say for
3 six months or a year, before your abduction?

4 A. [9:41:45] I do not recall. I do not recall because that happened some time
5 back, but I was going to school until the time when I was abducted in the second
6 term.

7 MR OBHOF: [9:42:02] Your Honour, if we could, please, a private session for
8 about two minutes, maybe three.

9 PRESIDING JUDGE SCHMITT: [9:42:09] Private session.

10 (Private session at 9.42 a.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Open session at 9.43 a.m.)

20 THE COURT OFFICER: [9:43:33] We are in open session, Mr President.

21 MR OBHOF: [9:43:38]

22 Q. [9:43:40] Mr Witness, yesterday, at tab 6, you confirmed to the Prosecution that
23 this document was your birth certificate, and it has an issuance date in August of 2016.
24 Without saying any names of persons whom you talked to while getting this birth
25 certificate, how did you obtain this birth certificate, Mr Witness?

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 A. [9:44:25] The person who told me about my birth date is my mother because
2 she is the one who knows because she gave birth to me. I went to get this certificate
3 because she had told me the date. My other birth documents got burnt in the camp,
4 so she was the one who told me of my date of birth.

5 Q. [9:44:57] So, Mr Witness, with this document, is it correct to say that you went
6 to the sub-county chief and merely told him the date on which you were born, and he
7 issued this document?

8 A. [9:45:27] The sub-county chief cannot just issue a document like this. Even in
9 my academic document, if you look at it, it is consistent with what has been indicated
10 here.

11 Q. [9:45:47] Mr Witness, I only ask because on this birth certificate it is stamped
12 and signed by the sub-county chief, so can you explain to me, explain to the Court,
13 the processes in which you went through to get this birth certificate?

14 A. [9:46:16] I went in line with the information I obtained from my mother about
15 my date of birth. I asked her about my birth certificate. She told me it got burnt
16 during the time when they were still in the camp. So she told me of the date because
17 she knows the dates, the birth dates, of all the children she gave birth to.

18 So if you ask her, she will tell you each one, each and every one's birth date. So I
19 could not deviate from my mother's information because she knows of my birth. So
20 if she tells me, "I gave birth to you on this date", so I cannot refuse. That is why I
21 used such information because she is the one who is aware of it.

22 PRESIDING JUDGE SCHMITT: [9:47:09] I think we can move to another point.

23 MR OBHOF: [9:47:12] The point is that I want the witness to confirm or deny that
24 he merely went to the sub-county chief, told him, "This is the date of my mother", and
25 he issued a birth certificate to me.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Private Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [9:47:22] I think we have all the information at
2 hand now. We have the documents here, the witness has already yesterday, I think,
3 on questioning by Mrs Gilg, correctly said, and this applies to everybody in the
4 courtroom, that a person does not have own knowledge about his or her birth date,
5 and we need to rely on information of other people, and we have also seen on the
6 document that it was issued 2016.

7 MR OBHOF: [9:47:58]

8 Q. [9:47:59] You mentioned that your documents were burnt in the camp,
9 Mr Witness. When were they burnt in the camp?

10 A. [9:48:19] It got burnt at the time when I was still in the bush, when Abok camp
11 was attacked. So I wouldn't know; I was only told when I returned.

12 Q. [9:48:33] Were you baptised, Mr Witness?

13 A. [9:48:47] Yes, I was baptised.

14 MR OBHOF: [9:48:50] Your Honour, could we please go into private session for
15 the next two minutes, for about two.

16 PRESIDING JUDGE SCHMITT: [9:48:56] Private session.

17 (Private session at 9.49 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Private Session)

ICC-02/04-01/15

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 (Open session at 9.52 a.m.)

22 THE COURT OFFICER: [9:52:32] We are back to open session, Mr President.

23 MR OBHOF: [9:52:37]

24 Q. [9:52:40] Mr Witness, why did you not try to escape before you went to Sudan,

25 before you met Joseph Kony?

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 A. [9:53:07] I really wanted to escape, but at the time when Olem and other
2 people started escaping, the way I was beaten to near death -- we were almost going
3 to be killed, but one commander who had a merciful heart was very forgiving said,
4 "These people who have remained should now be allowed to continue." So I saw
5 how people were being killed, people would try to escape, are beaten, are hit with the
6 clubs and axe, some are stabbed by a bayonet, created this feeling in me not to escape.
7 But indeed I had this plan to escape. So I had to get an appropriate day and escaped
8 because I had very tight security around me.

9 Q. [9:54:25] Did Ochieng tell you anything?

10 A. [9:54:41] Yes.

11 Q. [9:54:49] How long after you were abducted did Ochieng tell you this
12 something?

13 A. [9:55:08] Ochieng told us at the point when the adults and the elder people
14 were released when we were in Loyo Ajonga. He told us that there is no one who
15 went to the bush voluntarily, so if someone tried to escape you will be killed without
16 mercy. They are suffering, so you should also suffer just like them. So if you try to
17 escape they will not leave you because who -- do you want to live in the bush alone?
18 This is what I recall Ochieng said.

19 Q. [9:56:05] In which language did he tell you this?

20 A. [9:56:16] All the communication in the bush is in Acholi and he is also an
21 Acholi, and I also do understand Acholi.

22 Q. [9:56:29] Are Acholi and Lango different languages, Mr Witness?

23 A. [9:56:51] They are different but they are intelligible. Acholi would
24 understand Lango and Lango would also understand Acholi, and they all speak and
25 understand each other.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 Q. [9:57:14] Now, Mr Witness, in the group that abducted you, was there
2 anybody from Lango in that group? Maybe specifically Min Akulu?

3 A. [9:57:30] I do not know.

4 Q. [9:57:48] Mr Witness, could you explain to the Court what an ajwaka is?

5 A. [9:58:15] I do not know much about ajwaka, or a witch doctor, because I also
6 remember that in my statement I did not mention anything of ajwaka. I also do not
7 know if there was ajwaka in the bush. But the person whom I also knew while in the
8 bush was called Labeja. He doesn't speak. He uses sign language if he wants to
9 speak. So if he says you're not going to stay in the bush, so he just uses a sign and
10 then there are interpreters, two interpreters with him who made the interpretation.
11 If he says you are not going to live in the bush then they should be -- you should be
12 killed, then they will kill you. If soldiers were coming, he would prophesise and say
13 at this point in time government soldiers will come or the government helicopter will
14 come and, indeed, at that appropriate time this happens. But I do not know whether
15 he was an ajwaka, but that is what he would do.

16 Q. [9:59:32] Thank you for that explanation, Mr Witness, and we'll get back to
17 Labeja in a few minutes.

18 Now, Mr Witness, can you tell the Court what the difference between an ajwaka and
19 an ajoka, A-J-O-K-A, what the difference between those two are, if you know?

20 PRESIDING JUDGE SCHMITT: [9:59:58] Exactly, if you know.

21 Thank you, Mr Obhof.

22 THE WITNESS: [10:00:05] (Interpretation) Ajwaka is Acholi language, ajoka is
23 Lango, but they all mean the same thing.

24 MR OBHOF: [10:00:22]

25 Q. [10:00:25] Now, Mr Witness, because you did talk -- actually, your Honour,

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Private Session)

ICC-02/04-01/15

1 can we go into private session for about 45 seconds to explain instructions to the
2 witness, please.

3 PRESIDING JUDGE SCHMITT: [10:00:44] Private session.

4 (Private session at 10.00 a.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Open session at 10.01 a.m.)

13 THE COURT OFFICER: [10:01:28] We are in open session.

14 MR OBHOF: [10:01:34]

15 Q. [10:01:37] Mr Witness, yesterday you spoke of the escape of person number 1.

16 In your statement you mentioned that person number 1 escaped because of a

17 prediction made by Labeja. Could you explain, Mr Witness, what Labeja

18 determined person number 1 to be or to have?

19 A. [10:02:10] Person number 1 was said to have been having some charms that

20 were implanted in his body. For that reason he could not stay in the bush. If he

21 accepted, they needed to remove that from his body. They checked everyone else

22 and no one else had that. But person number 1 had that on his body and, if he

23 accepted, they would remove that. But if not, he would not stay in the bush.

24 Person number 1 rejected that, he said he didn't have anything on his body, and yet

25 Labeja insisted that he had something implanted in his body and he could not stay in

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 the bush.

2 When he insisted, when Labeja insisted that that item needed to be removed, he
3 rejected. Late in the evening they gathered everyone together and they said, since
4 person number 1 denied having anything on his body, what needed to be done was
5 that the next day they needed to kill him while everyone else is witnessing. They
6 tied him in the night, they tied his hand behind him, both hands and legs were all
7 bound and soldiers were made to form a ring around him. But at around 3 or 4 a.m.
8 we only saw when they were gathering the abductees quietly without saying
9 anything. They would be moving to different groups and asking the commanders to
10 give abductees to them.

11 Later on we discovered that person number 1 had escaped in the night. That was
12 what Labeja told us. At that time they wanted to kill us and, you know, when you
13 try to escape the next thing that would happen, they would kill you. But for us what
14 happened was they put us together, they beat us severely, and later on we crossed the
15 river and moved towards Soroti. That is what I know about person 1.

16 Q. [10:05:09] Now, Mr Witness, did you ever come to learn why Labeja would
17 attempt to detect whether somebody had evil witchcraft?

18 A. [10:05:40] No, I did not.

19 Q. [10:05:45] Now, you mentioned Labeja would predict the future. Did Labeja,
20 from what you witness, ever interpret dreams for people in the LRA?

21 A. [10:06:11] I don't know whether he was interpreting dreams, but his work was
22 basically talking about what was going to happen. And then the message would be
23 relayed to us and we would take precaution. But at some point, that that aspect of
24 him eventually disappeared. He became a normal person, he was just an ordinary
25 person.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 Q. [10:06:42] Now, Mr Witness, in respect to this person number 1, did you
2 believe that person number 1 had evil witchcraft placed upon him?

3 A. [10:07:17] I did not believe because I did not see it, but the person who was
4 insisting that it was there, I don't know how he came to know that, how he saw that.
5 I can't say it was not there entirely, but I did not see it. Yet that person was insisting
6 that it was there and what he said actually happened.

7 Q. [10:07:49] One final question about Labeja. Would Labeja also attempt to
8 heal people either through spiritual means or using local herbs?

9 A. [10:08:18] Labeja was not healing people. In the bush when you sustain
10 injury, they would be dressing your wounds using warm water until you eventually
11 heal. At times you could also die, there was no one who was healing people in the
12 bush.

13 Q. [10:08:39] Now, with this person number 1, Mr Witness, now, one last
14 focussed question to what you know or to what you have heard, and please let the
15 Court know which one it is, did this person number 1, did he escape because
16 somebody assisted him or did he escape maybe because of the evil witchcraft in
17 which it is alleged that he had?

18 A. [10:09:34] I don't know how he escaped because we were all put in different
19 groups and I was at another location. The way I was protected must have been
20 different from the way he was provided protection. I don't know how he got to
21 escape. I only realised later that he had already escaped. I don't know what aided
22 his escape.

23 Q. [10:10:16] Mr Witness, you knew person number 1 before you were abducted.
24 Did he come from a family that had ajoka in their family history?

25 A. [10:10:40] I don't know.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 Q. [10:10:49] Now, you spoke yesterday about some of the rituals that were
2 performed both whilst you were in Sudan and before battles. Did anyone in the
3 LRA perform any rituals or ritual-like on you shortly after you were abducted?

4 A. [10:11:28] No.

5 Q. [10:11:32] Were you ever smeared with shea oil or shea butter, Mr Witness,
6 shortly after your abduction?

7 A. [10:11:51] It was not done.

8 Q. [10:12:00] Have you heard of something called camouflage, Mr Witness?

9 A. [10:12:13] Yes, I did.

10 Q. [10:12:17] Could you please explain to the Court what that is.

11 A. [10:12:31] Camouflage, some of the activities or things that you do to try and
12 allude. For instance, if a helicopter is coming to attack, you have to take cover.
13 Camouflage means that if a helicopter is coming, you have to dress up in a manner
14 that is similar or you have to dress up in clothes that look like your environment.
15 You have to take cover and make sure that you are not visible from the aircraft or you
16 should not be clearly visible from the enemies. Or if you are trying to cross a road
17 and if you are camouflaging, you have to get tree branches and then a stick around
18 your waist and also hold one so that your face cannot be seen, and then you stand on
19 the roadside, you look both ways to see if there are people before you can cross the
20 road.

21 In another event, if you come under attack in the bare ground, you also do the same,
22 you also get tree branches and then you cover yourself with it. You have to stand,
23 you don't have to move so that the aircraft can pass without noticing that you are a
24 human being until it goes away. That is what they meant by camouflage. You have
25 to dress up to match with your environment so that an enemy cannot detect you.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 That is what I know about camouflage.

2 PRESIDING JUDGE SCHMITT: [10:14:16] That was quite a substantial explanation,

3 I would say, Mr Obhof.

4 MR OBHOF: [10:14:21] Yes.

5 Q. [10:14:21] Mr Witness, other than the madoa madoa type of camouflage, did
6 the LRA ever perform any ritual with something that had a mixture of water, shea oil
7 and some fine sand at any time during your time in the bush?

8 A. [10:14:53] I didn't see that, but I saw shea butter being mixed with water, and
9 they would say the water was got from hills. I don't know which hill exactly. They
10 would mix the water with the oil, they would get very small bottles and put the water
11 in it and then string it around your neck.

12 They would get banana leaves and also tie around your wrist on the left-hand side.

13 They also get palm leaves and tie around your right wrist. They would also get
14 some small white stones and also string either on your wrist or around your waist. I
15 didn't see clay or something like that. Those are the things that I saw.

16 Q. [10:15:50] Now, Mr Witness, some of these rituals that you have described that
17 are done by the LRA, do they resemble a little bit to rituals you might see back at
18 home, cultural rituals or spiritual rituals?

19 A. [10:16:31] I stayed at home and I did not see these rituals at home. The first
20 time I saw was when I was in the bush.

21 Q. [10:16:41] Mr Witness, have you ever attended the ceremony of the birth of
22 twins?

23 A. [10:17:11] I have not attended that because we never had any twins at our
24 home. So I don't know that.

25 Q. [10:17:23] Mr Witness, you mentioned yesterday about Joseph Kony leading

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 prayers in Sudan. How long were you with Joseph Kony in Sudan?

2 A. [10:17:55] What I can remember, I did not take long in Sudan or the group I
3 went with to Sudan did not take long there because it wouldn't even reach a month, if
4 I can recall, because the battles in Sudan were more fierce than those in Uganda.
5 Even if the battles in Uganda were really serious, but those in Sudan were really,
6 really bad. There were more deaths in Sudan than in Uganda. The UPDF had gone
7 there. There were the Dinkas, the Morolei, Lutugu, all of them were attacking the
8 LRA. There was no time to settle. For that reason people didn't take long in Sudan.
9 They retreated back to Uganda.

10 Q. [10:18:52] Now, along with all these groups that you've just mentioned, was
11 the SPLA fighting the LRA as well?

12 A. [10:19:16] I don't know because I didn't hear the name "SPLA". The only
13 names I heard of people who were fighting the LRA included the Dinka, Lutugu,
14 Morolei, those were the ones. Those were the tribes that were in Sudan who were
15 attacking the LRA. I didn't hear about the SPLA.

16 PRESIDING JUDGE SCHMITT: [10:19:45] Perhaps you can, perhaps you can
17 circumscribe it what you mean by SPLA. Perhaps the witness might be better placed
18 to answer then.

19 MR OBHOF: [10:19:55] I think he did. I just wasn't sure if he understood. He
20 did mention the Dinkas, which sometimes -- and that's why I wanted to clarify.

21 Q. [10:20:13] Now, Mr Witness, during your time in Sudan, did you notice if
22 there were any -- if the LRA or any other group were fighting against the government
23 of Sudan, specifically the Khartoum government?

24 A. [10:20:44] I would request that you repeat the question. I did not understand
25 it.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 Q. [10:20:52] No problem.

2 PRESIDING JUDGE SCHMITT: [10:20:55] Simply to your knowledge, Mr Witness,
3 what about the government of Sudan at the time when you were in Sudan, were they
4 fighting against the LRA or were they collaborating with the LRA?

5 MR OBHOF: [10:21:09]

6 Q. [10:21:10] With the term used "the Arabs", were you fighting against the
7 Arabs?

8 A. [10:21:21] I don't know about that because I did not reach the places where the
9 Arabs were. We were in the bushes. I don't know whether there were some LRA
10 members who went to meet with the Arabs. I'm not aware of that.

11 Q. [10:21:43] Back on to the prayers, Mr Witness, did the group you were with,
12 did they pray both before and after you went to Sudan?

13 A. [10:22:17] We prayed from Uganda. I did not see people praying frequently
14 in Uganda.

15 Q. [10:22:33] Now, when you were with Joseph Kony, would you pray every
16 day?

17 A. [10:22:43] People would pray every day in the morning and in the evening.

18 Q. [10:22:58] Now, when Kony would lead these prayers, did he act like your
19 normal preacher that you would see in your Catholic church in Uganda or did he act
20 differently, Mr Witness?

21 A. [10:23:23] The prayers were led in a different way because I would see
22 people -- I would hear people singing hymns of the Catholic church. They would
23 have the rosary. Sometimes they would sing songs of the Anglican church. But the
24 preaching, I didn't hear any serious preachings. Most times people are singing
25 hymns, and then he would talk to the people about a few things. Eventually people

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 would disperse.

2 Q. [10:24:14] What would Joseph Kony wear whilst he was praying?

3 A. [10:24:35] Puts on different clothes. Sometimes he is dressed in civilian
4 clothes, other times he is in military attire because he had a number of clothes. Many
5 times when people are moving from Uganda to Sudan, they would go with a lot of
6 items. I kept on seeing him in different clothes, sometimes in civilian attire, other
7 times in military fatigue.

8 Q. [10:25:03] Did you ever see him praying or preaching in a Kanza, Mr Witness?

9 A. [10:25:22] No, I have not.

10 MR OBHOF: [10:25:25] There. I thought maybe it was the Defence's time to have
11 a microphone shut out.

12 PRESIDING JUDGE SCHMITT: [10:25:46] But I can assure you you are back,
13 Mr Obhof.

14 MR OBHOF: [10:25:52]

15 Q. [10:25:53] During your relatively short time with Joseph Kony, when he was
16 praying, did he ever act as if he was being possessed?

17 A. [10:26:19] I did not see that. He would behave like an ordinary, normal
18 human being, like anyone else. He would speak like any other person, and people
19 would also understand his messages.

20 Q. [10:26:37] Now, you gave a definition of what you understood Lakwena to be.
21 How did you arrive to the information in which you shared with the Court?

22 A. [10:27:14] Until now, I have not understood the meaning of Lakwena. It's a
23 word that is used out there because it reaches a time they would say men should not
24 eat honey, even if you harvest, you are not allowed to eat -- you are not allowed to eat
25 anything that is sour. Any wild fruit that is sour, you will not be allowed to eat that.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 If soldiers are attacking you, sometimes they say you should not fire back at them,
2 you have to just run because a Lakwena will have instructed that people should not
3 engage in battles. And we would do exactly that; we would just flee, you don't fight
4 back. If you are killed, that is after it. If you are hungry and you are not allowed to
5 eat, you just stay hungry because they would say Lakwena will not have given people
6 the freedom to eat at that time.

7 I did not understand the concept of Lakwena, but they would tell us this and that is
8 what Lakwena has said. But this Lakwena phenomenon was best understood by the
9 commanders. For us, as the other soldiers, we would just follow strictly the
10 instructions as were given.

11 Q. [10:28:42] Now, besides Lakwena, either when you were with Joseph Kony or
12 from your commanders, did they ever discuss the influences that the tipu maleng had
13 on Joseph Kony or on the LRA?

14 A. [10:29:12] I was not told that.

15 Q. [10:29:19] Mr Witness, who is -- sorry, who was Buk?

16 A. [10:29:46] What I know is that Buk was an LRA commander. I don't know
17 anything else about him.

18 Q. [10:30:00] How long after your abduction did you first meet Buk?

19 A. [10:30:31] I do not recall, but it was after some months. We had spent some
20 time and we met with them at the RV. That's when I came to know him. My being
21 an escort gave me the opportunity to know many LRA members because we would
22 stay together with them. We would stay together with their escorts, only that at
23 some times when they chat or they talk amongst themselves we do not get everything
24 that they say.

25 Q. [10:31:19] Have you ever heard of the name Sisto Oringa?

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 A. [10:31:28] I have not heard.

2 Q. [10:31:37] Do you know if Buk went by any other names?

3 A. [10:31:51] I do not know because everyone called him as Buk. Even my
4 superior Komakech called him Buk. So I do not know if he had another name.

5 Q. [10:32:11] Now, Mr Witness, do you remember in what setting you first met
6 Buk?

7 A. [10:32:48] I do not recall when I met him, but we would meet them many times
8 because the groups were scattered in the bush, so you would meet with another
9 group at a particular time. You met another group now or you -- and then another
10 group later. Sometimes the government soldiers attack you from this point, and
11 then you go and meet another group at another location. So the meetings were,
12 were just spontaneous. There is no specific time of meeting. Because of the
13 engagement with the government soldiers, you meet with the groups at any time.
14 This is what I would see.

15 MR OBHOF: [10:33:39] Your Honours, I'm going to try to refresh the witness's
16 memory by reading from tab 1, page 0212, paragraphs 37 and 40.

17 PRESIDING JUDGE SCHMITT: [10:33:52] Yes.

18 MR OBHOF: [10:33:53]

19 Q. [10:33:53] This is just to help the Court with the timeline, Mr Witness. This is
20 from the topic stating Aswa river. "We moved for about three days until we reached
21 the banks of the Aswa river in Gulu. It was still a big group, and the leader of the
22 group was Ochieng. We remained there for several weeks."

23 And then we go down a few more paragraphs to paragraph 40: "In Aswa river we
24 joined a bigger group of rebels and abductees. Amongst the abductees there were
25 both men and women. The leader of the group was Buk. At this time Buk was in

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 the bay. This was the place they kept people who were injured, disabled, and young
2 children. The bay was in Uganda most of the times. Buk was around 50 years old."

3 PRESIDING JUDGE SCHMITT: [10:35:02] I think we can stop here because
4 everything (Overlapping speakers)

5 MR OBHOF: [10:35:06] Exactly.

6 PRESIDING JUDGE SCHMITT: [10:35:07] This has been confirmed.

7 MR OBHOF: [10:35:09]

8 Q. [10:35:09] Now, Mr Witness, does that help you remember how you first met
9 Buk?

10 A. [10:35:25] Yes, that has reminded me.

11 Q. [10:35:29] And so a few weeks had passed, as you stated, from when you
12 reached the Aswa river to when you first met Buk in the bay, correct?

13 A. [10:35:53] Correct.

14 Q. [10:35:54] Now, at this time, Mr Witness, do you remember if Buk was
15 injured?

16 A. [10:36:09] I did not see Buk with injuries until up to the time when I escaped.
17 Unless it happened after I left. But he was very fit, and all the time he was arrogant,
18 and he was huge with bodily build, and even people feared him.

19 Q. [10:36:34] A very good description, Mr Witness. I'm sorry for repeating this.
20 Maybe it's a repeat, maybe it's not, but just to be sure: When your group met at the
21 bay with Buk, Buk was the overall commander of everybody in that area; is that
22 correct, Mr Witness?

23 A. [10:37:13] As I found him there, I think he was the overall commander of the
24 group at that time.

25 Q. [10:37:25] This Ochieng, the person who was the leader of the group that

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 abducted you, do you know if he reported to Buk upon the two groups meeting?

2 A. [10:37:57] There were many commanders we were taken to when we were
3 brought, but I do recall Buk was present. Other commanders were also there
4 because usually there are many commanders under a brigade, and there would be
5 other subdivisions within that. So I think Ochieng was under Buk's group because
6 he was one person who was weak, and I think he was in the bay because the bay
7 usually have people who were weak and are not able to walk for long distances. So
8 most of the time they were in Uganda, and if there was any movement, they would
9 not move for long distances. They would just move short distances. So I think
10 Ochieng was in the bay.

11 Q. [10:38:59] Now, Mr Witness, did you ever come to learn who Buk -- to whom
12 Buk reported?

13 A. [10:39:24] I did not know because Buk was someone with a high rank. There
14 were other high-ranking people, so if they were giving their reports, they usually give
15 their reports in Sudan. But people like Okwer, Komakech, I know those were the
16 lower-ranking officers who were under a brigade commander and they give their
17 operation report to their brigade commander. But in the case of Buk, he gives his
18 report direct to Sudan, together with other high-ranking commanders that I know.

19 Q. [10:40:17] Now, Mr Witness, only if you know this, and if you never came to
20 find this out, it's okay: Was Buk the commander of the brigade which abducted
21 you?

22 A. [10:40:45] I do not know because we stayed for some time and we were
23 separated. So I was not really so much under Buk's command, so it's difficult to say.
24 I do not know.

25 Q. [10:41:06] Do you remember how long you stayed at sickbay, Mr Witness?

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 A. [10:41:30] I do not recall how long we stayed, but it was not for a long time.

2 Q. [10:41:41] Now, Mr Witness, a few minutes ago you mentioned this person

3 named Komakech. Do you know what Komakech did before he was in the LRA?

4 And let me specify, sorry, the older gentleman, the one in his 60s.

5 A. [10:42:21] Before joining the LRA or coming to the LRA, I do not know what

6 Komakech was doing. I do not recall very well. But I do recall that he would tell

7 me what he was doing and who he was, but I do not recall everything now. But he

8 was one person who was really convincing me so much to stay in the bush. He told

9 me a lot of background or information in the bush. But -- and he also would tell me

10 that he was -- while he was still at home, he was somebody who was really very

11 much respected while he was still at home. But I now cannot recall exactly

12 everything.

13 Q. [10:43:36] Did you ever hear of anyone who was in the uniform services of the

14 government of Uganda and then joined the LRA?

15 A. [10:44:05] I heard. Komakech, the commander with whom I was with, tried

16 to give me an example of Mzee Banya, that is what I recall. He said he was one

17 person who was in government for a long time. He was a pilot and he was a pilot of

18 a military fighter jet, but now he is working as a rebel without any problem, so there

19 is no reason for you, therefore, to escape. The government is not useful, there is

20 nothing that the government has done for you, but the rebels have good plans for

21 everyone who will complete the war, even the people who are in government are now

22 coming to join the rebels. So that is what I do recall of someone who was in

23 government that came and joined the rebels.

24 Q. [10:45:19] Did Komakech ever mention that Otti Vincent used to be a police

25 officer?

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 A. [10:45:35] He did not tell me.

2 Q. [10:45:38] Did Komakech ever tell you that he in fact was in the NRA and was
3 in charge of training new recruits for the NRA before he defected and joined the LRA,
4 Mr Witness?

5 A. [10:46:07] That he did not tell me.

6 Q. [10:46:14] Now, Mr Witness, you mentioned Otti Vincent and we've talked a
7 little bit about him today. Could you please explain to Court: Who was
8 Otti Vincent?

9 PRESIDING JUDGE SCHMITT: [10:46:35] Perhaps let me word it this way: What
10 do you know about Otti Vincent? Because I think we have heard so many things as
11 a Court and here in the courtroom, but what is your personal knowledge of
12 Otti Vincent, Mr Witness?

13 THE WITNESS: [10:46:53] (Interpretation) There is not much that I know about
14 Otti. We went with Otti to Sudan and they are the ones who brought us back to
15 Uganda. But after the attack on Odek, I do not know now where he separated and
16 went. So I really do not know much about Otti. But at least I would meet his group
17 and we would stay with them. And also when people meet at the RV, I would see
18 him and I know him, but to know much about him exactly, I do not know because
19 I was not in his group.

20 MR OBHOF: [10:47:52]

21 Q. [10:47:54] In terms of power within the LRA, where would you place -- during
22 your time in the bush, where would you place Otti Vincent?

23 A. [10:48:09] I do not know. I did not know Otti's rank, but I know that he is one
24 of the top commanders. Because the top commanders that were there, whose names
25 you would hear, even without seeing them, you would hear when other soldiers are

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 talking about them, you would be able to know each one of them. But the ranks
2 sometimes were not worn. Physically you would not see them on the shoulders, but
3 you just hear that this one is a commander. But also you wouldn't know how the
4 ranks are given, how the promotions are given, but you only know that this is one of
5 the commanders of the LRA.

6 Q. [10:49:22] When you were in Sudan, did you ever see Otti Vincent speaking
7 with Joseph Kony? Was he near him a lot?

8 A. [10:49:46] He would be very close, very close.

9 Q. [10:49:54] Now, you also mentioned this person named Banya. When you
10 were in the LRA, do you know what Banya's position was, Mr Witness?

11 A. [10:50:21] I do not know Banya's position, but I also do recall that he was in
12 charge of a brigade and there were other commanders below him and his soldiers.
13 So he was not an ordinary soldier. He was a person of age, his age mature, and has
14 grey hair just like -- his maturity is just like that of Otti.

15 Q. [10:51:00] And during your stay in Sudan, am I correct that you did not see
16 Dominic Ongwen there?

17 A. [10:51:26] Yes, you would have stated correctly. Because I had not yet seen
18 Dominic there. I only came to know him when we returned to Uganda and there
19 was a plan to go to Odek and Lukodi. That's when I began to know. But I would
20 only hear the name Odomi, Odomi, Odomi. I didn't know him physically. It could
21 be that we moved together, but I came to know him now very, very clearly during the
22 attack.

23 Q. [10:52:05] One more question on this topic, Mr Witness: In the LRA did you
24 ever hear the term or position called a batman?

25 A. [10:52:26] I did not hear.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 MR OBHOF: [10:52:31] Your Honour, right now would be a logical break point. I
2 know we can come back earlier too.

3 PRESIDING JUDGE SCHMITT: [10:52:37] This would depend on the prospects
4 that you give us with regard to the time that you would need.

5 MR OBHOF: [10:52:46] Sorry, in the way it's going, it looks to be about two hours
6 or so that I would need to finish.

7 PRESIDING JUDGE SCHMITT: [10:52:55] Then that's okay. But since we are
8 discussing this at the moment, we can also address the next witness.

9 Tomorrow we have to finish at half past 3, but we can still have three full sessions if
10 we would, for example, reduce the lunch break half an hour. But nevertheless
11 I would have to inquire if a full day would be sufficient for the next witness.

12 MR GUMPERT: [10:53:22] It is Mrs Hohler's witness, not mine, but she's left me
13 with instructions --

14 PRESIDING JUDGE SCHMITT: [10:53:26] Very good.

15 MR GUMPERT: [10:53:28] -- which I faithfully carry out.

16 PRESIDING JUDGE SCHMITT: [10:53:31] That is good.

17 MR GUMPERT: [10:53:33] She will need about half an hour.

18 PRESIDING JUDGE SCHMITT: [10:53:37] So then I would - I don't know who
19 would be responsible from the Defence team - then I would say we can manage to
20 finish the next witness. Because it's not, you know, all -- that we then have a break, a
21 longer break, and it's of course not feasible to bring the witness back after two weeks,
22 for example.

23 Mr Ayena.

24 MR AYENA ODONGO: [10:53:58] The burden is likely to fall upon me, and from
25 the way I've been looking at the file, it's very unlikely that I would be able to finish

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 tomorrow. I think I need more than three hours with this witness -- I mean three
2 sessions. Thank you for the correction.

3 PRESIDING JUDGE SCHMITT: [10:54:18] Okay. Then perhaps, yes, let me put it
4 this way. We decide it after the next session.

5 MR AYENA ODONGO: [10:54:25] Yes.

6 PRESIDING JUDGE SCHMITT: [10:54:27] Let me put it this way.

7 So then we have a coffee break now until 11.30.

8 THE COURT USHER: [10:54:37] All rise.

9 (Recess taken at 10.54 a.m.)

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

11 THE COURT USHER: [11:30:51] All rise.

12 PRESIDING JUDGE SCHMITT: [11:31:09] So Mr Obhof, you said this session and
13 a little bit more, I understand.

14 MR OBHOF: [11:31:20] Well, maybe. It might only be this session. I'm
15 just -- yeah, it's an estimate.

16 PRESIDING JUDGE SCHMITT: [11:31:26] So but then after careful consideration
17 and after reading what the next witness might be or could testify, we will continue
18 and start this afternoon with the next witness, and we'll finish, at least I would say,
19 Prosecution and LRVs.

20 And tomorrow, Mr Ayena, you have three full sessions for the witness.

21 Mr Obhof, please continue.

22 MR OBHOF: [11:32:00] Thank you, your Honour.

23 Q. [11:32:06] Now, Mr Witness, yesterday you told us that this person by the
24 name of Okello Komakech, this person was in charge of training and finance in Sinia.

25 MS GILG: [11:32:23] Sorry. You said Okello Komakech. It's actually the elder.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 MR OBHOF: [11:32:30] Oh, Geoffrey. Sorry.

2 PRESIDING JUDGE SCHMITT: [11:32:33] I'm sure, since we have here a sharp
3 witness who distinguishes between people and between events that he remembers,
4 and he does not remember, he would have clarified it. But now, Mr Witness, he is
5 talking about --

6 MR OBHOF: [11:32:46] Geoffrey.

7 PRESIDING JUDGE SCHMITT: [11:32:48] The older one.

8 MR OBHOF: [11:32:51]

9 Q. [11:32:52] Thinking about the older one and being in charge of finance and
10 training, have you ever heard of the phrase "brigade headquarters"?

11 A. [11:33:14] No, I never heard of that. I only heard of brigade.

12 Q. [11:33:20] Just one more question to make sure I cross my T's and dot my I's,
13 have you heard of something called "HQ"?

14 A. [11:33:36] No, I never heard of that until I came back.

15 Q. [11:33:42] Now, Mr Witness, you've also mentioned somebody called Okwee
16 several times. Was Okwee in your group?

17 A. [11:34:02] When the Ociengs came and abducted me, we went and met the
18 group of Okwee and Obol. They were together and we were introduced to them.
19 We stayed with them and eventually split and went away. I do not know his group
20 very well, but I kept on seeing him frequently.

21 Q. [11:34:45] Now, Mr Witness, would it help refresh your memory if I said that
22 Okwee, that the intelligence officer, the brigade intelligence officer in Sinia, was
23 named Okwee?

24 A. [11:35:23] I didn't know who was in charge of intelligence, but I was aware
25 that Okwee was a commander in charge of a battalion. And he used to move in his

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 own group, but I was not clear about which brigade exactly he belonged to. We kept
2 on meeting. I don't know whether he was in that position. I cannot comment on
3 that.

4 Q. [11:35:56] Now, if you know, Mr Witness, could you describe what type of
5 work Okwee did?

6 A. [11:36:24] The type of work Okwee did, I was only aware he was a commander.
7 Whenever people were going for attacks, he would also go. At times when people
8 are going to loot a trading centre he would lead a group, and if there is a mission
9 somewhere, he would also go with the people. Sometimes it's Obol who would lead
10 the group; at other times they would identify any other commander. So I did not
11 know exactly his other duties, but I would see him go, lead groups to go and loot
12 trading centres. He would go for attacks. But I didn't know anything else other
13 than his role as a commander.

14 Q. [11:37:16] Mr Witness, would he sometimes lead these advanced groups that
15 would go to the area of the camps and UPDF instalments before an attack?

16 A. [11:37:47] He was not in that group because the people who would go to the
17 camp or to the barracks, they would be identified from the rank and file soldiers.
18 They would identify one or two, would go disguised as civilians. Sometimes they
19 would go and enter into the camps or even into the barracks. Sometimes they would
20 go and meet civilians who were in gardens. They would abduct some civilians and
21 go back with them to the rest of the group. These people would then avail them
22 with information about the camps and barracks. Sometimes they would also go on
23 their own and they would go to the camp because the language being used in the
24 camp would be the same as the ones they do. But this was not done by the
25 commanders. This activity is called recce. They will now come back and report.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 So the information they would come with is what they would use to prepare the
2 standby to go for an attack.

3 That was what I saw.

4 Q. [11:39:12] Now, Mr Witness, how long after Joseph Kony gave instructions to
5 attack Odek did it take you to arrive to Mr Ongwen's position?

6 A. [11:39:47] Coming from Sudan to Uganda didn't take just one day. It took us
7 some time to arrive in Uganda because the distance was quite long. You have to
8 move in the wild, you cross very huge water bodies and we, therefore, took a couple
9 of days to return. And you wouldn't move as smoothly because along the way you
10 would come under attacks. There were problems of hunger.

11 We would have to cross big rivers. Sometimes some people get drowned. We
12 came to a river called Atibe, which was near the border of Uganda and Sudan in the
13 west Nile area. The first area we came under attack from government military
14 aircraft, they attacked us. Several people died in the water, others remained in the
15 wild. Some people got amputated, their limbs were all cut, and they were not
16 carried because nobody could be able to carry them alone.

17 We arrived in west Nile, and we arrived near a barracks, and in the morning we came
18 under attack. There was also both ground and aerial attack. We fought for an
19 entire day and forced our way through. We came to Atiak, and we rested a bit in
20 Atiak. Thereafter we moved and came to Aswa river, where they arranged for a
21 meeting at an RV, and all the commanders came and that was the point where we
22 saw all the commanders. They gave us instructions and then we went to attack
23 Odek.

24 So that's the reason I cannot estimate how many -- how long we took from Sudan to
25 Uganda because several impediments were along the way. I cannot recollect how

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 long we took.

2 Q. [11:42:13] Now, when your group came back from Sudan with the orders from
3 Joseph Kony, which group were you travelling with, Mr Witness?

4 A. [11:42:25] The movement to Sudan and back from Sudan was not done in
5 groups. For me, my commander just told me "You are one of the people who will
6 have to go".

7 So everyone moved in unison with all the commanders together leading everyone to
8 Sudan and then back to Uganda. So there was no distinction amongst the groups.
9 Everyone was in the same one big group.

10 All the commanders were there. And in the same way we returned as a huge group
11 composed of various commanders and groups. So I don't know which group
12 particularly I moved in because when we're moving, we were all moving together,
13 and then even when we were returning it was in the same vein.

14 So I don't know which particular group was called to go to Sudan and which one
15 came to Uganda. Everyone went to Sudan and everyone came back together.

16 Q. [11:43:41] Now, during the trip on the way back to Uganda from Sudan, did
17 you travel -- was Otti Vincent within that group?

18 A. [11:44:06] Otti was there.

19 Q. [11:44:15] Was Buk in that group?

20 A. [11:44:25] He was there. I would say all the senior commanders were there.
21 None of them remained in Uganda because the movement to Sudan covered
22 everyone except the sick who remained behind. Most of the -- all the senior
23 commanders, including Banya all went to Sudan.

24 PRESIDING JUDGE SCHMITT: [11:44:52] I think there might be a
25 misunderstanding. You wanted to know who came back to Uganda from Sudan?

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 MR OBHOF: [11:44:58] That's correct.

2 PRESIDING JUDGE SCHMITT: [11:45:00] So perhaps you'll repeat the question
3 because we are now talking about different things.

4 MR OBHOF: [11:45:04]

5 Q. [11:45:04] As the Judge alluded, Mr Witness, we're trying to figure out, just to
6 be clear, the people who when you travelled from Sudan back into Uganda with the
7 orders from Joseph Kony, so was Buk in that group? Just to be clear, Mr Witness,
8 and sorry for repeating, was Buk with you when you came back to Uganda?

9 A. [11:45:31] I remember he was there.

10 Q. [11:45:36] Did you know somebody named Ben Acellam?

11 A. [11:45:50] I heard of Acellam, but I did not see him. I also heard of Tabuley,
12 but I also didn't see him. But I only heard of their names while I was in the bush.

13 Q. [11:46:03] Now, about the Acellam that you did hear about, was he a senior
14 commander or a mid-level commander?

15 A. [11:46:24] I don't know. I only heard of the name Ben Acellam, but I didn't
16 hear anything else about him.

17 Q. [11:46:33] How about Ocan Nono, have you heard that name, Ocan Nono?

18 A. [11:46:44] I did not hear about Ocan.

19 Q. [11:46:50] How about Ocan Labongo?

20 A. [11:47:03] I also didn't hear of Ocan Labongo. The name I heard of was
21 Kalalang.

22 Q. [11:47:12] Somebody named Ocaka?

23 A. [11:47:31] I remember I heard of Ocaka, but the name was not so common. I
24 also did not see him.

25 Q. [11:47:43] Now, Mr Witness, in relationship to the final RV point before you

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 went to Odek, do you remember where this final RV point was located?

2 A. [11:48:15] The RV point was in Gulu at Aswa. All the meetings took place
3 there.

4 Q. [11:48:33] Now, in terms of Odek itself, was it along the Aswa river east of
5 Odek, north or south of Odek, Mr Witness?

6 A. [11:48:52] It's difficult to point because at that time we were in the bush and it
7 would be very difficult to even point the direction of your home. You will keep
8 meandering while walking and you will not know which direction it was.

9 It was difficult for me to point out which direction Odek was when we were at the
10 riverbanks because the rebels do not move in a straight kind of movement. They can
11 walk for about one or two hours, and you will not know the direction of your home.
12 They don't move in a straight movement. So at that time it was difficult for me to
13 point out the direction of Odek.

14 Whenever you're moving, you keep on meandering. Sometimes you move ahead
15 and then move backwards, and all that will confuse. You will not know how you
16 have arrived in a certain place. So it's difficult for me to point out.

17 PRESIDING JUDGE SCHMITT: [11:50:24] I think that's fine. I think we can
18 follow, so please move on to another point.

19 MR OBHOF: [11:50:31]

20 Q. [11:50:33] Do you remember how long it took you to walk from the RV point
21 to Odek, Mr Witness?

22 A. [11:51:09] I am not clearly recalling how long, but I think after the RV, when
23 the standby was prepared to go to Odek, I think we moved for about four hours, if
24 I can recollect.

25 Q. [11:51:47] And just to help it out too because I know it's been a long time and

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 you might not remember perfectly, you left -- because you said you arrived in Odek
2 around 3?

3 A. [11:52:00] Yes.

4 Q. [11:52:01] So you left a little bit before midday then? You left the RV, the
5 standby left and started moving towards Odek, a little bit before midday, not
6 necessarily in the early morning, but a little while later?

7 PRESIDING JUDGE SCHMITT: [11:52:24] But only, Mr Witness, if you really recall
8 it, otherwise we would induce him to speculate, so to speak.

9 THE WITNESS: [11:52:34] (Interpretation) I cannot clearly recall that.

10 MR OBHOF: [11:52:37]

11 Q. [11:52:38] But you do remember leaving on the same day in which the attack
12 happened, right, Mr Witness?

13 A. [11:52:53] Yes. We didn't spend the night along the way, we moved directly
14 there.

15 Q. [11:53:02] Do you remember what the weather was like before the attack,
16 Mr Witness?

17 A. [11:53:15] There was no rain because we arrived at about 3 or 4 p.m. We hid
18 somewhere in the bush and the sun was clear, there was no rain. We were -- we
19 camped near the camp.

20 Q. [11:53:42] Do you remember if there was any rain at all that day, Mr Witness?

21 A. [11:53:59] I cannot recall that because when we went to attack the barracks
22 there was no rain. If it rained, then it could have rained after we left. But during
23 the attack there was no rain.

24 Q. [11:54:17] Do you personally remember yourself being rained on during that
25 day?

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 A. [11:54:35] No.

2 Q. [11:54:45] One more follow-up question on the RV point, Mr Witness. I'm
3 sorry for moving back. Was the RV located on the east bank or the west bank of the
4 Aswa river?

5 A. [11:55:28] It was on the western side because when you are there, you would
6 see the sun coming from the direction of Sudan and moving across, and if you leave
7 there to go to our home where we were abducted, you would have to follow the
8 direction from where the sun was rising. So I think when you stand and see the
9 direction of the rising sun, Aswa would be on the side of sun -- where the sun sets.
10 That is how I can figure out, but it's not very simple to bring it out.

11 Q. [11:56:18] That's no problem. To make it a little bit easier: Do you
12 remember on the day of the attack crossing the Aswa river?

13 A. [11:56:38] No, we didn't cross any river. We walked straight until we arrived
14 there. Because crossing Aswa river is not a simple task. We moved directly to
15 Odek; we didn't cross Aswa river.

16 Q. [11:57:02] Just to help out the people who have not been to the Aswa river
17 before, the Aswa river is a rather wide river. How wide would you estimate the
18 Aswa river is, especially around the area of Odek and Awere? 50 metres?
19 100 metres? 150 metres?

20 A. [11:57:44] I have not understood the question. You're asking about crossing
21 the river from one side to the other side or you are talking about the distance between
22 Odek and the river? I did not understand the question. I would request that you
23 ask it again.

24 PRESIDING JUDGE SCHMITT: [11:58:04] Please make it simpler and short.

25 MR OBHOF: [11:58:08]

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 Q. [11:58:09] Around the area of Awere and Odek, about how wide would you
2 estimate the river is from the east bank to the west bank?

3 A. [11:58:33] I did not reach Awere. Therefore, I cannot measure Awere bridge
4 compared to the part where we crossed the river from, but I think the distance or the
5 width would be, if I can estimate, it would start from that corner of the room to the
6 other corner. That is how wide it is. It's not so wide. At other points it's not as
7 wide and it's also wider at other ends. I think it's the length of this room because I
8 crossed it when I escaped and I was going back home. That was the point that I
9 crossed. But I also know that at other points the width would be different. I can
10 only estimate from the point where I crossed.

11 PRESIDING JUDGE SCHMITT: [11:59:53] I think --

12 MR OBHOF: [11:59:55] I don't think the trial manual has the distance from corners
13 to corners either.

14 PRESIDING JUDGE SCHMITT: [12:00:03] Nevertheless, it was quite -- why not
15 put it on record that the witness pointed to the left back side and then to the right,
16 crossing the courtroom to the left side where the Bench is.

17 MR OBHOF: [12:00:18] In my estimation it would be 25 or 30 metres but I'm --

18 PRESIDING JUDGE SCHMITT: [12:00:23] Of course, we all know this is really a
19 rough estimation because he would not have really measured, and it might vary
20 according to the seasons.

21 Please, Mr Obhof.

22 MR OBHOF: [12:00:37] Yes.

23 Q. [12:00:38] Now, Mr Witness, do you know which groups went to Odek?

24 A. [12:00:59] I do not know the group that went to Odek because the trip to Odek,
25 an RV for everyone was summoned. All the people that were in the different areas

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 came together and it was a very big RV. All the commanders who came from Sudan
2 were present, and they are the ones who communicated to the people what was going
3 to be done. They actually talked to everyone, including those who went to Sudan
4 and those who remained in Uganda. And then there were also the weak ones that
5 had remained. The sickly that had remained were all summoned, and each
6 commander provided -- selected their soldiers. That was the first attack that was
7 conducted when people returned from Sudan.

8 So all the weapons and ammunitions that were brought from Sudan were put
9 together from all the brigades. So the commanders who returned from Sudan were
10 the ones that gave these orders to go to -- for the attack as the first attack after the
11 return from Sudan.

12 So there was no group that went there on its own, but all the groups selected soldiers
13 that was put together.

14 Q. [12:02:35] Mr Witness, other than, as you said yesterday, Buk, did any other
15 senior commanders physically go to the attack in Odek?

16 A. [12:03:02] I think majority of them went because they were the ones who told
17 people what to be done. They were the ones that organised and prepared people
18 until people went. Even though I did not see other people, but I think all of them
19 were there, to oversee the operation and also to be able to give feedback and report
20 that the attack in Odek was successful, as you had instructed us to do.

21 Because people went there, there were very many people that went because you will
22 find that at a particular point where you are another group could be in a distance of
23 about 1 mile from you, so you wouldn't know which commander was in which
24 location because people were, were actually in groups.

25 So the only -- the few that I saw are the ones that I could remember because it was the

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 first place where an operation was supposed to be conducted upon return from
2 Sudan because they were all supposed to be there to monitor and see that the
3 operation was conducted.

4 Q. [12:04:26] Now, when you arrived at Odek, before the fight, as you said
5 yesterday, around 3 p.m., where did your group stop?

6 A. [12:04:51] We were in the bush. You would see the camp and the barracks
7 just slightly ahead. And we were even seeing how the children were being
8 dispersed from school.

9 Q. [12:05:09] Were you closer to the barracks and the camp or were you closer to
10 the school?

11 A. [12:05:28] Where people had gathered, okay, the camp and the barracks are
12 together and the school was also within the camp. So the school is within the camp
13 and the barracks is just next to the camp. So people waited first for the children to
14 disperse from school and then information was made and the attack began.

15 Q. [12:06:07] How many, if you can remember, if you can estimate, how many
16 people were with your group that stopped to wait for the children to come out of
17 school? In your immediate area.

18 A. [12:06:34] I cannot estimate the number, but the soldiers were very many
19 because they picked all the groups. LRA groups under different commanders in the
20 bush were brought together and formed one big group. And all these other
21 commanders were in charge of these other different groups. So I cannot really
22 estimate the number of people who went there. But I can say the number was big.
23 The number was big and we were able to overpower the soldiers that were there in
24 large numbers, even more than our number, because for us to be able to overrun the
25 barracks we had to again get reinforcement from the group that went to the camp,

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 and they came and joined the group that were attacking the barracks, and that is why
2 we were able to overrun the barracks because it was a very big army there.

3 Q. [12:07:32] Mr Witness, do you know how many people were sent to the camp
4 whilst the barracks was being attacked?

5 A. [12:07:59] I do not know the number because you cannot really count that this
6 is the number of people who went to the camp because at the time we were going to
7 the barracks, my commander had already told me that, "You are going to the
8 barracks." So even while I was moving, I was moving knowing that I was going to
9 the barracks. And I was told, given instruction, on what to pick once I was in the
10 barracks. And that's what I did.

11 So we went in one line, and then later on we had formation, a curved formation, and
12 we engulfed the barracks on both sides. So When you look at both sides, you
13 wouldn't see where the end of the line is and so you cannot determine how many
14 people were actually there. So I do not know how many went to the camp, how
15 many went to the barracks because the number was really big.

16 Q. [12:09:08] Did you have to cross Odek stream or Odek river during this time,
17 Mr Witness?

18 A. [12:09:34] In Gulu there are very many streams which we crossed, so I cannot
19 now tell whether -- which one was Odek stream or which one was which stream or
20 river. So I do not know exactly which one is the Odek stream because I had not been
21 there before. I had not been there before, so I would only hear about it. So I do not
22 know which particular stream we crossed, which one was Odek, but all I know was
23 that there were many streams that we crossed and there were other swamps that we
24 crossed and they all had water.

25 Q. [12:10:19] I'll help you out, Mr Witness. It's a stream which borders the town

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 of Odek, anywhere between 8 to 25 metres wide, that separates also Odek from its
2 school. So it's between the Aswa river and the town of Odek. Do you remember
3 having to cross this stream, Mr Witness?

4 A. [12:10:58] To my recollection, I did not cross any water body going to Odek.

5 Q. [12:11:11] Now, a more generalised question, Mr Witness: Whilst you were
6 in the bush, did you ever hear about the government of Uganda listening to the radio
7 communications that were going on between the commanders of the LRA?

8 A. [12:11:38] I did not hear. What I heard was about amnesty because there was
9 a radio broadcast which was running, but also it was switched off because the escorts
10 were not allowed to listen to radio. But from what -- from what I heard briefly, it
11 was that there was an invitation, people were being encouraged to go back home.

12 Q. [12:12:33] Now, Mr Witness, after the attack you met up again at an RV point.
13 Did you meet with Dominic Ongwen at the same place you left from before the attack
14 on Odek?

15 A. [12:13:10] We met there.

16 Q. [12:13:17] Now, during the time between Odek and Lukodi, did you at any
17 time travel away from the Aswa river?

18 A. [12:13:46] We do not go to Aswa. It was until after Lukodi, that's when we
19 went to Atiak. But we did not go to any other place; we only moved around within
20 the banks of the river, together with the -- as we were moving to evade the
21 government forces.

22 Q. [12:14:18] So during that time between Odek and Lukodi, did you go to
23 Te Got Atoo?

24 A. [12:14:42] I do not very well recall Te Got Atoo.

25 Q. [12:14:53] Does that mean, Mr Witness, that you do not remember going there

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 or that you do not remember?

2 A. [12:15:17] I remember we went to Te Got Atoo. We had gone to collect food.
3 The government soldiers attacked us there and we retreated back because the soldiers
4 actually stay on top of that hill.

5 Q. [12:15:42] Do you remember if that was before or after Odek, Mr Witness?

6 A. [12:16:07] I do not quite recall.

7 Q. [12:16:21] Now, Mr Witness, yesterday you named a few commanders that
8 met about two weeks before the Lukodi attack.

9 Page 75 of the realtime transcript.

10 Was -- sorry, were Otti and Banya also there?

11 A. [12:16:58] They were there because all these commanders briefed us on the
12 same issue. Just as we went to Odek, they repeated to us what people should go and
13 do in Lukodi. So they said the operation in Lukodi should be better than the one in
14 Odek. That's why they told us that everyone who goes there should come back with
15 blood dripping from their clothes because that would be a sign that it was a good
16 work done.

17 I do recall they were all there and they were the ones who gave us instructions on
18 what to do in Lukodi to ensure that the Lukodi operation is not like the Odek
19 operation. They were the ones planning for all the things that should be done.
20 Our work was only to follow the instruction. If they say you go here, go there, we
21 would follow what they tell us. But for the Odek case, I heard with my own ears
22 while we were in Sudan. But for Lukodi, I think that should have been their own
23 plan which they did after Odek and they informed us of what to do.

24 Q. [12:18:30] Mr Witness, about this meeting and RV that you just discussed, was
25 that the one that took place two weeks before Lukodi or was that the one that took

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 place two days before Lukodi?

2 A. [12:18:52] I do not remember if there was an RV in between there, but I know
3 that when there is any operation, the LRA has to call for an RV. I remember the RV
4 in which I was, was when my commander told me, "Prepare. There is a trip to
5 Lukodi and you are one of those who is going." And immediately after that, an RV
6 was summoned and they addressed us and we went. So I do not know if there was
7 another RV in between. I am not very quite certain now, but all I know was the one
8 that was called for us to go to Lukodi.

9 Q. [12:20:03] And please accept my apologies for asking this one final time,
10 Mr Witness. Just so we're absolutely clear, at this RV right before you left for Lukodi,
11 directly before you left for Lukodi, it was the one which contained people like Okwee,
12 Buk, Banya, Otti and, as you said, Mr Ongwen; is that correct?

13 A. [12:20:37] All.

14 PRESIDING JUDGE SCHMITT: [12:20:38] Mr Witness, in your statement - and this
15 is OTP-0267-0207 at page 0224, paragraph 145 - you mention all these people you
16 mention now, with one exception, with the exception of Otti. So I read it to you: "I
17 saw Banya, Komakech, Okwee, Ongwen, and Buk." And you also said: "I believe
18 most of the leaders were in the meeting."

19 So at that time, when you gave this statement in 2016, you did not mention Otti. So
20 are you -- today you are sure that Otti was also present, if I have understood you
21 correctly?

22 THE WITNESS: [12:21:34] (Interpretation) I could have forgotten, but all these
23 leaders were there. Because I was present in all the RVs that were called, because
24 most times when my commander is going for an operation, I would go with him.
25 And usually when there is an attack which is planned like that, all these other

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 commanders, senior commanders would be there. So it could be an oversight I had
2 forgotten, because sometimes you would forget some things. But that is what I
3 know.

4 PRESIDING JUDGE SCHMITT: [12:22:21] That is absolutely human that we do not
5 recollect everything, especially if we keep in mind how many details witnesses in a
6 courtroom like this one are asked. And we can observe this yesterday with your
7 testimony and also today how many details we try to elicit from you. So this is
8 absolutely clear. It's human that you cannot remember at all times everything.
9 Please, Mr Obhof.

10 MR OBHOF: [12:22:51]

11 Q. [12:22:52] Mr Witness, yesterday you mentioned crossing a road on the way to
12 Lukodi and you also mentioned it in your statement. In your statement it reads:
13 "We left the banks of river Acwa and crossed the road from Gulu to Awach. We
14 walked for two days."

15 PRESIDING JUDGE SCHMITT: [12:23:21] Mr Obhof, we would like to follow you.
16 I would not say that we don't believe you, but we simply would like to follow you.

17 MR OBHOF: [12:23:33] That is the beginning of paragraph 154 on page 0225.

18 PRESIDING JUDGE SCHMITT: [12:23:39] Yes, that's correct.

19 MR OBHOF: [12:23:43]

20 Q. [12:23:45] Now, my first question, Mr Witness, is: Where is Awach?

21 A. [12:24:11] Awach is in Gulu district.

22 Q. [12:24:13] Now, do you know if it is north, south, east or west of Gulu,
23 Mr Witness?

24 A. [12:24:33] If I try to look at the direction, if you are in Gulu, standing in Gulu,
25 you look towards the east. That's what I know.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 Q. [12:24:52] If I said maybe a little bit northeast, would that still sound correct,
2 Mr Witness?

3 A. [12:25:01] Well, I may not exactly know, because sometimes it's not very easy
4 to situate, situate yourself with directions in the bush. But all I know, as we were
5 going there we took the direction going towards Gulu town and we left Awach on the
6 other side. Gulu was towards the west. So if I gave a wrong description, then I
7 could have not understood it while I was there. But what we did, we left Awach on
8 the other side and we took the road towards the direction of Gulu town.

9 PRESIDING JUDGE SCHMITT: [12:25:53] It was not at all that you gave any
10 wrong information. It was simply a question how you remember it, and I think
11 again everybody in the courtroom can imagine how difficult it might be to orientate
12 him or herself in such an environment. I think even if you have not been there,
13 I think, as I say, if you have a little bit of empathy, you can imagine how difficult it is.
14 Mr Obhof.

15 MR OBHOF: [12:26:22]

16 Q. [12:26:22] The Judge is absolutely correct. I'm trying to figure out the path in
17 which you might have taken, or at least close to it. So as you were heading to
18 Lukodi, Gulu would have been on your left and Awach would have been on your
19 right. Did I follow that properly, Mr Witness?
20 I saw you nod your head, but the transcript can't hear head nods, Mr Witness. Is
21 what I said correct?

22 A. [12:27:16] It's hard to know, because I hadn't been in Awach. But at the time
23 we were told now we had crossed the road going to Awach because the road which
24 we crossed and left behind us, I do not know whether it goes direct to Awach or it
25 goes to another location, but we took the one that was right ahead of us. So I do not

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 know which one was right or which one was on the right or on the left. But the
2 direction we took was the road that was straight ahead of us and heading towards
3 Gulu town.

4 PRESIDING JUDGE SCHMITT: [12:27:57] I'm tempted --

5 MR OBHOF: [12:28:00] It's actually a good description.

6 PRESIDING JUDGE SCHMITT: [12:28:01] And I'm tempted to say that we move
7 on even literally, I would say, Mr Obhof.

8 MR OBHOF: [12:28:07]

9 Q. [12:28:08] In this walk to Lukodi you describe being chased by some of the
10 UPDF. Were you chased by UPDF at all on the second day in which you were
11 walking?

12 A. [12:28:26] They immediately followed us as we were moving and they kept on
13 pursuing us, and we tried to dodge them so that they wouldn't know where we were
14 going. So that made us to just move around until we spent a night after they had
15 returned, they had gone back.

16 Q. [12:29:06] Now on this walk towards Lukodi on the second day, on the day of
17 the attack, did you pass any schools within about 5 or 6 kilometres of Lukodi,
18 Mr Witness?

19 A. [12:29:33] We did not. And I did not see. We just followed the road until
20 we reached the barracks.

21 Q. [12:29:47] Now, along the road that led to the barracks at Gulu, can you
22 estimate about how long you walked along that road? Not on it, but near it. Was it
23 for a couple hours or was it for all day on the day of the attack?

24 A. [12:30:27] It's hard to recall now how long it took because it has been some
25 times now, but I recall we reached in the evening. We just moved and followed the

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 road until we reached the barracks. But I cannot recall how long it took us to, to
2 reach there.

3 Q. [12:30:59] Along this road did you happen to pass by the rather large military
4 installation in the town of Gweng-Diya? Sorry, I should say village of Gweng-Diya,
5 not town.

6 A. [12:31:27] I don't know whether we passed there because, while in the bush,
7 while we were there people had already gone to the camps and there were no houses
8 there, it was just a bush. You only find people when you go to the camp. There
9 was no indication of homesteads having been there before. People had long left
10 their homes and gone to the camps and everywhere else was just in the wilderness, so
11 I don't know whether we passed through there or not.

12 Q. [12:32:12] Furthermore, Mr Witness, on the 18th, the day in which you left for
13 the attack, what if I said that Mr Ongwen was nowhere near river Aswa and was
14 about 9 kilometres east of Gulu next to a school in Unyama? What would you say to
15 that, Mr Witness?

16 A. [12:33:04] Yes, there is nothing else I know other than what I have said.
17 Because what I know is I was there, I was there with him, and the instructions that he
18 gave me were the ones that I followed. I was there in person together with him.
19 And if he was not there I would not have mentioned his name there, and I think the
20 things that I'm talking about are the things that they did. We went and carried out
21 the tasks following the instructions that they gave us. We only did what they told us
22 to do. I cannot again say he was not there because he was the one who told me to do
23 the things that I went and did there.

24 PRESIDING JUDGE SCHMITT: [12:33:52] Just to explain to the witness.

25 The last question of counsel was a typical manner of putting questions to a witness in

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 a courtroom. This is not meant as a reproach or reproof or that you have to revoke
2 something. You have basically two options for answers to such questions and you
3 have already took one to this question. You could say now that "I'm hearing your
4 question, Mr Counsel, I have to consider and I have to add something or to change
5 something." Or you can simply say "I have told you what I know and that was the
6 truth and I have nothing to add." So these are the options.

7 What I want really to point out is, and underline is, that the questions are not a
8 reproof or reproach of anything you have said. So because I envision that there
9 might come similar questions, so because of that I step here in immediately. I think
10 you have understood that. I see you nodding.

11 So we can continue, Mr Obhof.

12 MR OBHOF: [12:34:59]

13 Q. [12:35:06] Mr Witness, could you briefly explain the terrain, the layout of
14 Lukodi, as you saw it.

15 A. [12:35:27] There were no rocks in Lukodi. The trees are a bit scanty. It's not
16 very bushy. It was one place where they had placed a camp and then a barracks. It
17 was at the roadside, the way I saw. It's not very far from the main road. That's
18 why we followed the road and arrived at the barracks and the camp as well. That is
19 what I know.

20 Q. [12:36:17] And how did you approach, Mr Witness, when the group was
21 coming towards Lukodi? How did you approach Lukodi?

22 A. [12:36:36] We approached it through the road, we were just following the road
23 and we followed one line along the road. Those who were going to the barracks
24 were positioned and then -- ahead, and then those who were to go to the camp were
25 behind them. We arrived and found the soldiers who were playing football and

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 then we started attacking them. Those who were going to the camp went from the
2 other side and then went to the camp. We started -- we attacked the soldiers who
3 were playing football and then we pushed them towards the barracks. Most of them
4 ran away from there.

5 Q. [12:37:20] As you were approaching Lukodi, Mr Witness, do you remember
6 crossing any rivers?

7 A. [12:37:37] I remember we did. It was that river that we, while we were
8 crossing we came under attack from soldiers who were coming from Awach.

9 Q. [12:37:53] About how far was the river from the camp, Mr Witness?

10 A. [12:38:11] I do not clearly recall, but what I think is the river was not very far
11 away from the camp. We had not moved very far. Then we entered into an
12 ambush and -- but I don't know how many miles exactly it was from the camp to
13 there. You know, after having come from such a scenario, you will not really be very
14 clear about some of these things. We left that attack and then went directly to attack
15 the camp. But what I know is the distance is not as much.

16 Q. [12:38:55] And when you approach the camp, which side was the camp on and
17 which side was the barracks on?

18 A. [12:39:18] The camp was nearer to the main road and then the barracks was
19 behind the camp.

20 Q. [12:39:31] No, but as you stated you were approaching on the road and people
21 went to one side and the other. Do you mean that the barracks was on one side of
22 the road and the camp on a different side, or were they both on the same side of the
23 road, Mr Witness?

24 A. [12:39:53] They were on the same side. If you follow the road, it's on your
25 right-hand side. And we started attacking the soldiers who were playing football

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 together with the civilians. They were near the road. And we went to the barracks
2 while another group went from one side and went to the camp.
3 I don't know how to clearly explain it, but we move in a kind of curve and we curved
4 both the camp and barracks, and we moved together without any fear of the presence
5 of soldiers. We were very well prepared to outmatch the soldiers.

6 Q. [12:40:39] Now, where were these UPDF, these military people playing
7 football, Mr Witness?

8 A. [12:41:00] There was a football field that was near the road. It's also near the
9 camp, but it's not inside the camp, because some of the soldiers had their guns resting
10 on the buildings, others had their guns just on the ground. Some were in uniform,
11 and others were not.

12 We started attacking by those ones, we started attacking those ones and then also
13 started getting guns from those ones because they fled, and then we moved towards
14 the barracks.

15 Q. [12:41:35] So according to your memory, there was an actual football pitch at
16 Lukodi? Am I understanding you correct, Mr Witness?

17 A. [12:41:55] It was not necessarily an actual football pitch, but it was a bare
18 ground where people would go to have leisure. Civilians and the soldiers would
19 spend their leisure there. But it was not necessarily a full or real football pitch.
20 I think that was one place, one ground where they would go and do their recreational
21 activities, but it was not a football field exactly. I passed through that ground as
22 I was going to the barracks.

23 Q. [12:42:39] So, Mr Witness, from your recollection, there were no tents which
24 were pitched on that field; am I correct then?

25 A. [12:43:01] I think I have not understood the question. Could you please

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 repeat it? What kind of tent?

2 Q. [12:43:08] It's no problem, Mr Witness. I can go further. There were no tents,
3 no -- the UPDF, did you see any military tents which were constructed on this field?

4 So a normal tent one might use if they were spending the night in the wilderness.

5 A. [12:43:34] In that field I did not see that, because that was one place where
6 people have their recreational activities. Children would also come and play there.
7 Soldiers would also come and play with the civilians in the same field. There was no
8 tent erected there.

9 Q. [12:43:57] So would it be safe to assume that this would be the school
10 playground then, Mr Witness?

11 A. [12:44:06] I cannot say that, because if you compare that with a normal football
12 field or a school playground, the size would not match, because that was just a small
13 one that was I think meant for recreational activities for children in the camp. I
14 didn't see any school there. That's why I cannot say it was a school football
15 playground. I never saw children who were going to school there. I didn't see
16 anything else other than civilians and soldiers playing football.

17 Q. [12:44:51] Just as a reference, I'm referring to transcript 78, page 24, line 24.
18 Mr Witness, again this area where they were playing football, was this on the incline
19 hill of Lukodi?

20 A. [12:45:29] I didn't see any incline hill.

21 Q. [12:45:33] Do you remember seeing any hill at all in Lukodi?

22 A. [12:45:40] I didn't pay attention to that. I -- my interest was on the soldiers
23 and the barracks. I didn't have the time to look at the physical features around there.
24 I needed to take -- to protect myself or be aware of the soldiers who were there. So if
25 it was there, maybe it was, but I didn't pay heed to that.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 Q. [12:46:12] Mr Witness, from your memory, did everyone that went to Lukodi,
2 did they either go to the camp or to the barracks, to one of those two locations?

3 A. [12:46:36] Yes, that is what I can recall because the way we moved to Odek, it
4 was not as far as the distance we covered going to Lukodi. The way we lined going
5 to Odek, we started lining from the road and then we went and attacked the camp.
6 In Lukodi it was also that way, and the attack in Odek took on the same fashion as
7 that of Lukodi.

8 Q. [12:47:10] I'm sorry for asking you further, Mr Witness. Do you remember if
9 there were granaries about 700 metres to a kilometre away from the camp? Between
10 the camp and the river.

11 A. [12:47:36] I did not see.

12 Q. [12:47:41] Now, when the attack on Lukodi happened, what did the soldiers,
13 the UPDF and the LDUs, what did they do, Mr Witness?

14 A. [12:48:04] When we attacked there, the soldiers fought back, they exchanged
15 fire with us, but we were stronger because we had also moved with heavy weaponry
16 compared to what they had.

17 The soldiers then fled, and the civilians remained in their houses. Some of them of
18 course ran away. I -- that was what I saw. We exchanged fire with the soldiers. It
19 was a fierce battle, but we defeated them and they fled. That was what I saw,
20 because I personally went to the barracks.

21 Q. [12:48:55] So from your memory you do not remember a UPDF artillery
22 attachment in Lukodi; is that correct, Mr Witness?

23 A. [12:49:17] I did not see that in Lukodi because the owners could have been
24 having them in their trenches, and when they are fleeing, they could have fled with
25 them. I didn't see anything else. I only saw the ones we moved with, and we were

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 also using them. That is what I can recall because I was able to see.

2 What the soldiers were using, well, I don't know. What I know is they were using

3 AK-47, and they had a PK as well. They were using it against us and I saw that.

4 But we also had our own that was more powerful than theirs.

5 Q. [12:50:03] Now, Mr Witness, when the LRA left Lukodi, did it go for the most
6 part back in the same direction in which it came?

7 A. [12:50:35] When people left the camp, we followed the road that we used for
8 coming, because if we had followed a different route, we would have dodged the
9 ambush that the soldiers had laid. Because we followed the same road, that was
10 why we entered into an ambush.

11 Q. [12:50:58] And from your memory the soldiers came from Awach and not
12 from Gulu that set the ambush whilst you were leaving; is that correct, Mr Witness?

13 A. [12:51:24] That's correct, because they laid the ambush along the road that we
14 used as we were going to the camp, because if it was -- if the soldiers were coming
15 from Gulu, they would have used the same road coming from the opposite direction.
16 But these ones came from behind us.

17 And the rebels also knew there was a barracks in Awach. There were also some
18 soldiers who kept on pursuing us along the way as we were coming. Most of the
19 LRA soldiers said these soldiers were saying -- were coming from Awach. I also
20 confirmed that they were coming from Awach because they attacked us on our way.

21 Q. [12:52:17] Mr Witness, when did the group release the abductees?

22 A. [12:52:39] The release of the abductees from Lukodi, well, the issue is a bit
23 tricky, because the ambush that we ran into was a huge one, and most of the
24 abductees remained there. Some of them got killed. Others who were sharp took
25 cover, fell down, and they were recaptured by the soldiers.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Private Session)

ICC-02/04-01/15

1 All the items that we had picked from there remained at that spot. So it's difficult for
2 me to know the number that we went with, because we split into various small
3 groups, and I went with a very small group. I cannot recall that.

4 Q. [12:53:39] Mr Witness, do you know if any abductees were brought back to the
5 main group?

6 A. [12:53:53] I don't clearly recall that, because I didn't see any abductee after the
7 ambush, because people scattered in various directions and people reported back in
8 various forms. Sometimes you would arrive and find when a group had already
9 arrived earlier than you, so it's difficult to know whether this person was abducted
10 from there or not. I therefore do not recall because people all ran wild.

11 Q. [12:54:42] Did you report to anyone when you arrived back with a group?

12 A. [12:54:56] Whenever I come back from an operation, I have a commander,
13 I would go to the commander and report to him. He was called Komakech. There
14 are also people he would report to and he would report about the operations of the
15 soldiers that were under him. So I had a person to whom I would report and
16 I reported.

17 MR OBHOF: [12:55:37] Your Honour, I'm going to have to go into private session
18 for the next few questions. We're moving on to something different.

19 PRESIDING JUDGE SCHMITT: [12:55:45] Private session.

20 (Private session at 12.55 p.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Open session at 12.58 p.m.)

13 THE COURT OFFICER: [12:58:11] We are in open session, Mr President.

14 PRESIDING JUDGE SCHMITT: [12:58:20] And, Mr Obhof, looking at the time,
15 how much more time would you need?

16 MR OBHOF: [12:58:26] I'd like to say about 20 or so minutes, but I would like to
17 confer with counsels for a few minutes to see if there is any follow-up, wrap-up
18 questions.

19 If we took our lunch -- I mean, I could finish him inside of 15 or 20 minutes. That's
20 not the hard part. Or if you would like to --

21 PRESIDING JUDGE SCHMITT: [12:58:41] But of course to establish the video link
22 causes some time, because of that I inquired. It would have been good to have the
23 lunch break and during that time they could have prepared the video link.

24 MR OBHOF: [12:58:56] So maybe if we took a five-minute break right now, confers
25 with counsels, and then we could finish up in about 10 minutes, 10 or 15 minutes.

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Private Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [12:59:07] Why not? Okay, we can do it this way.
- 2 THE COURT USHER: [12:59:11] All rise.
- 3 (Recess taken at 12.59 p.m.)
- 4 (Upon resuming in open session at 1.06 p.m.)
- 5 THE COURT USHER: [13:06:05] All rise.
- 6 PRESIDING JUDGE SCHMITT: [13:06:25] Mr Obhof is the newsman. What are
- 7 you going to tell us?
- 8 MR OBHOF: [13:06:31] I could also tell you this is Black History Month in the
- 9 United States and Canada. But, yes, it will be about 5 to 7 more minutes and then
- 10 we'll be done.
- 11 PRESIDING JUDGE SCHMITT: [13:06:44] Then please continue, and then
- 12 afterwards we have the lunch break and there might be enough time to establish the
- 13 video link. But please continue. Thank you.
- 14 MR OBHOF: [13:07:01] These last few questions, I think at least the beginning,
- 15 would be best in private.
- 16 PRESIDING JUDGE SCHMITT: [13:07:06] Private session.
- 17 (Private session at 1.07 p.m.) *(Reclassified entirely in public)
- 18 THE COURT OFFICER: [13:07:10] We are in private session, Mr President.
- 19 MR OBHOF: [13:07:22] Now, this will be in reference to tab 8, which is
- 20 UGA-OTP-0276-3110.
- 21 Q. [13:07:37] Now, Mr Witness, in February of 2017 you told the Prosecution that
- 22 there were rumours going around that Counsel Ayena would be planning to kidnap
- 23 people before travelling to testify in The Hague. Where did you hear these rumours,
- 24 Mr Witness, or from whom did you hear these rumours?
- 25 MR GUMPERT: [13:08:08] May I ask why we're in private session?

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Private Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [13:08:11] Indeed, why not in open session?

2 MR OBHOF: [13:08:13] This first question, if he reveals a name, might tend to -- if
3 he says, "I heard it from this person", that person might remember who it was. We
4 do intend to redact everything except for the name --

5 PRESIDING JUDGE SCHMITT: [13:08:26] Okay, yes.

6 MR OBHOF: [13:08:27] -- unredact everything.

7 PRESIDING JUDGE SCHMITT: [13:08:28] No, no, it makes sense what you're
8 saying. So we continue.

9 THE WITNESS: [13:08:41] (Interpretation) I think I do recall that I did not mention
10 that.

11 MR OBHOF: [13:08:46] We can go back into public session.

12 PRESIDING JUDGE SCHMITT: [13:08:49] Yes, okay.

13 (Open session at 1.08 p.m.)

14 THE COURT OFFICER: [13:08:58] We are back to open session, Mr President.

15 PRESIDING JUDGE SCHMITT: [13:09:02] And of course this does not stay
16 redacted.

17 MR OBHOF: [13:09:06] Everything will be unredacted.

18 PRESIDING JUDGE SCHMITT: [13:09:08] Yes. It's also a little bit strange, sorry,
19 frankly speaking, very strange. But please continue.

20 MR OBHOF: [13:09:15] Just so we can --

21 PRESIDING JUDGE SCHMITT: [13:09:17] I absolutely understand that you bring
22 it up. Absolutely understand.

23 MR OBHOF: [13:09:21]

24 Q. [13:09:22] So, Mr Witness, it is your testimony today that you did not tell

25 Prosecution investigators the story that our counsel was planning on kidnapping

Trial Hearing
WITNESS: UGA-OTP-P-0410

(Open Session)

ICC-02/04-01/15

1 people. So you did not say that to the Prosecution; is that correct, Mr Witness?

2 A. [13:09:47] I remember I did not say anything.

3 Q. [13:09:50] Were there such rumours going around your village at the
4 beginning of last year?

5 A. [13:10:06] I did not hear.

6 MR OBHOF: [13:10:11] Quicker than we thought, your Honour.

7 PRESIDING JUDGE SCHMITT: [13:10:15] Thank you very much, Mr Obhof.

8 This concludes your testimony, Mr Witness. I would like to address you on behalf of
9 the Chamber. On behalf of the Chamber I would like to thank you that you have
10 been travelling so far to come to this courtroom and help the Court to establish the
11 truth. We wish you a safe trip back home.

12 (The witness is excused)

13 PRESIDING JUDGE SCHMITT: [13:10:41] This concludes, not the hearing for
14 today, this concludes only this session. We have now the lunch break. And I think
15 2.30 I would assume the video link for the next witness, which is P-307, would be
16 established.

17 THE COURT USHER: [13:10:59] All rise.

18 (Recess taken at 1.10 p.m.)

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

20 THE COURT USHER: [14:32:05] All rise.

21 PRESIDING JUDGE SCHMITT: [14:32:21] I think for the appearances of the parties
22 we should simply introduce ourselves, because there have been some changes at least,
23 or perhaps only the changes. Is it amendments? No, I would not say. The
24 additional new people, perhaps.

25 MS HOHLER: [14:32:39] For me it would be easier to just go through the entire role,

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

- 1 your Honour.
- 2 PRESIDING JUDGE SCHMITT: Please do that, Mrs Hohler.
- 3 MS HOHLER: -- because I wasn't here in the morning.
- 4 PRESIDING JUDGE SCHMITT: [14:32:45] Yes, indeed.
- 5 MS HOHLER: [14:32:45] So I'm appearing today with Benjamin Gumpert,
- 6 Sanyu Ndagire, Pubudu Sachithanandan, Yulia Nuzban, Paul Bradfield, Ramu
- 7 Fatima Bittaye and my name is Beti Hohler.
- 8 PRESIDING JUDGE SCHMITT: [14:32:59] And I think to make it complete, we ask
- 9 all through.
- 10 The Legal Representatives of the Victims.
- 11 MS SEHMI: [14:33:02] Anushka Sehmi present and Mr James Mawira.
- 12 PRESIDING JUDGE SCHMITT: [14:33:06] Mr Narantsetseg.
- 13 MR NARANTSETSEG: Good afternoon, sirs. Orchlon Narantsetseg with Ms
- 14 Caroline Walter. Thank you.
- 15 PRESIDING JUDGE SCHMITT: [14:33:11] And they have also slightly, not changes,
- 16 I would not say, additional persons on the Defence.
- 17 MR AYENA ODONGO: [14:33:17] Yes, Mr President and your Honours, I shall
- 18 proceed by way of amendments. Madam Eniko has joined the team which was here
- 19 in the morning.
- 20 PRESIDING JUDGE SCHMITT: [14:33:30] Thank you very much, Mr Ayena.
- 21 The Prosecution is now calling P-307 as its next witness and we turn to his testimony.
- 22 Mr Witness, good day. Do you hear me?
- 23 WITNESS: UGA-OTP-P-0307
- 24 (The witness speaks Lango)
- 25 (The witness gives evidence via video link)

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 THE WITNESS: [14:33:48] (Interpretation) Yes, I can hear you.

2 PRESIDING JUDGE SCHMITT: [14:33:49] And we can hear you very well and we

3 can also see you. That means that the video link is working well.

4 Mr Witness, you are going to testify before the International Criminal Court. And

5 on behalf of the Chamber I would like to welcome you to the courtroom, we say.

6 Although it is very far away, but where you are sitting, this is part of the courtroom,

7 legally.

8 So welcome in the courtroom, Mr Witness.

9 Before commencing --

10 THE WITNESS: [14:34:19] (Interpretation) Thank you.

11 PRESIDING JUDGE SCHMITT: [14:34:20] Before commencing, the Chamber briefly

12 notes that the VWU does not recommend any protective measures beyond those

13 granted in decision 612, and as counsel have already been informed, the VWU has

14 determined that certain special measures are necessary to assist the witness in his

15 testimony.

16 Mr Witness, I will now read the oath every witness has to take when they appear

17 before the Court. So please listen carefully.

18 I solemnly declare that I will speak the truth, the whole truth and nothing but the

19 truth.

20 Mr Witness, do you understand the oath?

21 THE WITNESS: [14:35:06] (Interpretation) I have understood.

22 PRESIDING JUDGE SCHMITT: [14:35:09] Do you agree?

23 THE WITNESS: [14:35:15] (Interpretation) I agree.

24 PRESIDING JUDGE SCHMITT: [14:35:18] Thank you, Mr Witness. You have now

25 been sworn in. Next, I explain to you the protective measures that the Chamber has

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 put in place for you.

2 First of all, face distortion has been put in place. This means that no one outside the
3 courtroom can see your face during your testimony.

4 There will also be the use of a pseudonym. In accordance with that we will all refer
5 to you only as "Mr Witness", as I am doing at the moment, and not referring to you
6 with your real name. This is to make sure that the public does not know your name,
7 as long as you answer questions that do not give away your identity and your real
8 name. We will do this in open session, like in the moment, and in open session
9 everybody can hear what is said in this courtroom.

10 On the other hand, when something is said or discussed that might reveal your
11 identity, we go to private session. And private session means that no one outside
12 the courtroom can hear what is being said.

13 Before we start, two practical matters I would like to address. First of all, everything
14 we say here in the courtroom is written down and interpreted. And to allow for the
15 interpretation we need to speak at a relatively slow pace so that the interpreters can
16 follow.

17 Secondly, if you personally have any questions yourself, please raise your hand, then
18 we know you want to say something and we will give you the word.

19 We will then start your testimony, and I give Mrs Hohler the floor.

20 MS HOHLER: [14:37:02] Thank you, your Honour.

21 QUESTIONED BY MS HOHLER:

22 Q. [14:37:08] Good afternoon, Mr Witness. We have met before and, as you know,
23 I will be asking you questions on behalf of the Prosecution.

24 There is only one thing I would like to add to what the Presiding Judge has already
25 explained, and that is that if you at any point do not understand the question asked

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Private Session)

ICC-02/04-01/15

1 by myself or any of the other lawyers or the Judges, that you say so. It's important
2 that you understand the questions. So if you don't, let us know, and we will do our
3 best to rephrase it. Is that okay?

4 A. [14:37:48] Okay.

5 MS HOHLER: [14:37:50] Private session, please.

6 PRESIDING JUDGE SCHMITT: [14:37:52] Private session.

7 (Private session at 2.37 p.m.)

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 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Open session at 2.40 p.m.)

11 THE COURT OFFICER: [14:40:22] We are in open session, Mr President.

12 MS HOHLER: [14:40:29]

13 Q. [14:40:30] Mr Witness, I understand that before you coming to testify today, you
14 were able to read through, or it was read to you, the statement that you gave to the
15 ICC before; is that correct?

16 A. [14:40:49] I read.

17 Q. [14:40:54] Now I would like you to look at a document. The court officer next
18 to you should have with them a binder, and if you could turn to tab 1 of that binder.
19 It is the same binder as everyone else has in the courtroom. It is a document marked
20 UGA-OTP-0266-0425. And I think, Mr Witness, the document will also be displayed
21 on the screen before you.

22 THE COURT OFFICER: [14:41:38] (Via video link) Your Honours, the item is
23 currently shown to the witness.

24 MS HOHLER: [14:41:43] Thank you.

25 Q. [14:41:44] Mr Witness, do you see the document? It says, at the top, it says

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 "Witness Statement" and then on the left we see your name, and on the right we see
2 the names of your parents that you just told us. If you turn to page 2 of that
3 document, you see there a number of signatures, and if you focus your mind on the
4 first line, we can see your name and there is a signature next to it. Whose signature
5 is that?

6 A. [14:42:32] The first one is mine.

7 Q. [14:42:36] Now, Mr Witness, please turn to page 20 of that same document. It
8 is the page before last.

9 THE COURT OFFICER: [14:42:51] 0444 for the record.

10 MS HOHLER: [14:42:55] Thank you.

11 Q. [14:42:58] And we see there in bold a title "Witness Acknowledgment" and we
12 can see the date, 24 June 2016, and above it again a signature. Is this also your
13 signature, Mr Witness?

14 A. [14:43:19] Yes, that's my signature.

15 Q. [14:43:22] Mr Witness, is this the witness statement that you gave to the ICC
16 investigators on 24 June 2016?

17 A. [14:43:39] Yes, that is it.

18 Q. [14:43:42] When you gave your statement were you telling the truth?

19 A. [14:43:55] What I have stated is what I saw and what I know. That is why I
20 gave the statement.

21 Q. [14:44:02] So you made this statement to the best of your knowledge and
22 recollection; is that correct?

23 A. [14:44:21] Yes, in respect to the time I was in the bush.

24 Q. [14:44:23] Now, Mr Witness, the Judges can use this statement when they decide
25 on this case.

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 Do you have any objections to the Judges using the statement when they make their
2 decision?

3 A. [14:44:44] I have no objection. It can be used.

4 MS HOHLER: [14:44:49] Your Honours, I believe that satisfies the requirements
5 under Rule 68(3).

6 PRESIDING JUDGE SCHMITT: Indeed, your assessment is correct, Mrs Hohler.
7 Please proceed.

8 MS HOHLER: [14:44:59]

9 Q. [14:44:59] Mr Witness, your statement is now in evidence so I will only have
10 very few questions for you today.

11 What I will typically do is I will read or refer to a small portion of your statement and
12 then ask you a question or two about that portion. Do you understand that?

13 A. [14:45:24] I have understood.

14 Q. [14:45:28] So my first few questions will be about your role and your tasks in the
15 bush, Mr Witness.

16 In paragraph 30 of your statement you said you were an escort to an officer in
17 Dominic Ongwen's group.

18 I will not mention the name because we are in public session. But I want to ask you,
19 did the other LRA officers in your group also have escorts?

20 A. [14:46:08] Yes, they had.

21 Q. [14:46:10] How old were the youngest escorts that you saw in your group?

22 A. [14:46:25] From the age of 12 upwards.

23 Q. [14:46:29] And how did you estimate that they were of the age 12 and upwards?

24 A. [14:46:40] I said so because at that time I was 12 years old, and I would look at
25 the size just of the same size with me.

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 Q. [14:46:54] Then, Mr Witness, in paragraph 62 of your statement you described
2 your tasks as an escort. And this is what you said: "I started carrying his gun, his
3 bag, preparing his bed. I would also oil his gun, fetch water for him, wash his
4 clothes."

5 I want to ask you to think a little bit more and tell us what other tasks you had as an
6 escort. What else did you do for your commander?

7 A. [14:47:41] There are no other roles that I can add. What I used to do are the
8 things that I have mentioned down there.

9 Q. [14:47:51] Mr Witness, when your group was moving from one location to
10 another, what would you do during that time?

11 A. [14:48:09] When there is any relocation you pick your commander's bag and you
12 start following him. You will fold all the items, put it in the bag and then you follow
13 him. So what -- the signs for people to start moving, they would whistle and then
14 people would start to move.

15 Q. [14:48:43] When your commander went for an attack or a battle, where were you?
16 Did you go with him or not?

17 A. [14:49:00] If you are an escort of somebody, you do not remain anywhere. You
18 go wherever he goes.

19 Q. [14:49:14] And just so we're clear, the escorts of the other commanders that you
20 mentioned that were 12 or older, did they have the same tasks as you or did they have
21 different tasks?

22 A. [14:49:30] The tasks were the same, all the tasks were the same. They were not
23 different.

24 Q. [14:49:38] In paragraph 25 of your statement, Mr Witness, you stated this:
25 "While we were moving within Gulu, Pader and Kitgum we were ... attacked by

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 government troops and sometimes we attacked some places and looted food."

2 I want to ask you: What kind of places did you attack to loot food?

3 A. [14:50:16] The places that we would go and attack includes places in Koch.

4 That time it was in Gulu. We would also go to Alero. These were the places. And
5 Pajule.

6 Q. [14:50:39] Were these places that you attacked gardens, were they villages, were
7 they camps? I'm trying to understand not so much the location where you attacked,
8 but what kind of places, types of places you attacked to loot food.

9 A. [14:51:08] Those days people were in the camp, they were not in their
10 homesteads. So you have to go to the camps or you find them along the way.

11 Q. [14:51:23] Now, during these attacks, can you tell us a little bit about what your
12 role was, what you yourself did when the group went to attack a place to loot food?
13 What did you yourself do?

14 A. [14:51:50] What we would do, we would go to carry the food items. You -- you
15 have to see that you carry and come back with it so that you can come and use that.
16 You live on what you have collected.

17 Q. [14:52:09] Did other children of your age participate in these attacks?

18 A. [14:52:24] Not everyone would go. Some would go and some would not go.

19 Q. [14:52:33] And those that went, what did they do? Did they do the same things
20 as you, or different?

21 A. [14:52:46] All the roles were mostly one. Some people would have guns.
22 Then women and some children would go to carry food items, so that when people
23 go for an operation, you ensure that you carry these items and come back with them.
24 So the roles were sometimes separated.

25 Q. [14:53:21] Mr Witness, you also talked in your statement about an attack on

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 Pajule camp around Christmastime. So I will now ask you a few questions about
2 that part of your testimony.

3 In paragraph 37 you said this:

4 "While we were in the camp, we heard gunshots from government soldiers being
5 fired at those who had gone to the shops. So we hurriedly looted what we could and
6 ran away as we continued to fire our guns."

7 Mr Witness, does this mean that you carried a gun during this Pajule attack?

8 A. [14:54:30] Yes, that time I had a gun.

9 Q. [14:54:37] Could you explain to us in a little more detail what you yourself did
10 in this attack on Pajule around Christmastime?

11 A. [14:54:54] In that time there was no food, so people were selected to go and
12 attack Pajule so that they would get food items that would be used during the Uhuru
13 celebration. So we came. It was coming to dawn. The fighting began. People
14 ran and then the helicopter gunship came and was shooting on us. And that's what
15 happened.

16 Q. [14:55:31] If you focus your mind, Mr Witness, on what you did, could you tell
17 us what you yourself did in that attack, what you remember?

18 A. [14:55:51] I do recall that I broke into people's houses, I looted people's items.

19 Q. [14:56:04] Then at paragraph 39, Mr Witness, of your statement you talked about
20 people abducted in this Pajule attack. And you stated: "The elderly were actually
21 released at the RV; the young ones were kept."

22 I want to ask you: How old were the youngest people kept, the youngest abductees
23 that were kept?

24 A. [14:56:46] That thing happened a long time ago. I do not recall the age, but
25 their size were almost my size.

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 Q. [14:56:59] We'll move to another topic now, Mr Witness, albeit similar.

2 In paragraph 49 you stated:

3 "We went and raided a suburb of Gulu town called For God. We went there and
4 looted some food-stuff and retreated into the bush."

5 A. [14:57:32] That place was called For God. We went for the first time and looted
6 items. We didn't have food. In the second time we went back, we used the same
7 route. We fell in an ambush. That same day is when I got injured, a bullet injury.

8 Q. [14:57:54] I want to ask you the same question as before: When you went the
9 first time, before you got the injury, what did you yourself do in that raid? So we
10 can understand a little bit better.

11 A. [14:58:17] We had -- we had gone just to collect food, because there was no food.
12 We would just go in the villages and then come back.

13 Q. [14:58:30] You told us you had a gun in the Pajule attack. Did you have a gun
14 in this raid?

15 A. [14:58:44] In For God happened when it was of late, I was almost about to return.
16 Pajule was earlier than For God.

17 Q. [14:59:11] Mr Witness, in paragraph 49 you also mentioned someone called
18 Akena Richard. Was Akena Richard younger or older than you, or about the same
19 age?

20 A. [14:59:27] Akena was older than me.

21 Q. [14:59:32] Can you estimate how much older?

22 A. [14:59:48] At that time I think Akena was about 18 years old.

23 Q. [14:59:55] In paragraph 50 you mentioned someone else, someone named
24 Ojok Morris. Was Ojok Morris older or younger than you, or was he about the same
25 age?

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 A. [15:00:12] Ojok Morris was older than me. We were not of the same age.

2 Q. [15:00:21] Mr Witness, in your statement you also spoke about the radios that
3 the commanders used to talk to each other. And in addition to that, you also in
4 paragraph 79 said: "But we also had normal radio sets to listen to radio broadcasts."
5 My question is: What kind of radio broadcasts did you listen to while you were in
6 the bush on these normal radio sets?

7 A. [15:01:07] The stations that we used to listen to was Mega FM.

8 Q. [15:01:17] Can you remember what kind of shows you listened to on Mega FM,
9 what kind of radio shows?

10 A. [15:01:32] The programme we would listen to was a programme that was
11 moderated by Lacambel. It was called Bakmac, usually on Saturday. And then
12 there was another one called Dwog Cen Paco, and the people who would have
13 escaped from the bush would go on that programme and we would listen to them.

14 Q. [15:01:59] Did everybody listen to these programmes, everybody who was in the
15 group, or not?

16 A. [15:02:14] You know, there was what we call dog adaki, where you could be
17 about six or so, and if one of you has such a radio, the six of you will be the ones to
18 listen to the radio and the rest of the people will not be listening to.

19 Q. [15:02:38] In paragraph 81 you stated:

20 "While I was still in the bush I heard Okwonga Alero on the radio saying that he
21 returned home and calling on the other rebels to also return home."

22 I want to ask you: Who else was there when you listened to Okwonga Alero on the
23 normal radio this time, if you can remember?

24 A. [15:03:11] We were together with Akena Richard, I mentioned of, there was
25 Okello Ngub. There was another person called Cowboy.

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 Q. [15:03:26] Thank you, Mr Witness.

2 A. [15:03:28] You're welcome.

3 Q. [15:03:30] Now, I just want to go back to one thing that you mentioned before
4 with the reference to the Pajule attack.

5 If you give me two seconds, your Honour, let me just scroll up to the correct place so
6 I can give you a reference. It's at page 82, line 2, and I will actually start reading at
7 page 81, the entire answer.

8 Mr Witness, earlier today, a few minutes ago, when I asked you about the Pajule
9 attack, you said:

10 "In that time there was no food, so people were selected to go and attack Pajule so that
11 they would get food items that would be used during the Uhuru celebration."

12 When is the Uhuru celebration?

13 PRESIDING JUDGE SCHMITT: [15:04:35] Yes, Mr Witness. Please answer,
14 Mr Witness.

15 THE WITNESS: [15:04:43] (Interpretation) I heard you talk about Uhuru. I did not
16 mention Uhuru. I said Christmas. It was a big day, it was Christmas, and not
17 Uhuru.

18 PRESIDING JUDGE SCHMITT: [15:04:55] Thank you.

19 MS HOHLER: [15:04:55]

20 Q. Thank you. So it's very important that we clarified that. Thank you very
21 much, Mr Witness.

22 What I want to do now is just show you some documents.

23 If you could turn to tab 2 in your binder and it will be displayed on your screen.

24 And all these documents, for the court officer, are confidential. The tab 2 ERN is

25 UGA-OTP-0266-0446.

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 If you can please look at that document, Mr Witness.

2 THE COURT OFFICER: [15:05:51] (Via video link) All pages of the items are
3 currently displayed.

4 MS HOHLER: [15:06:00]

5 Q. [15:06:00] Let's focus on the first page. Do you recognise this document,
6 Mr Witness?

7 A. [15:06:04] Yes.

8 Q. [15:06:08] What is it?

9 A. [15:06:13] This is my immunisation card.

10 Q. [15:06:22] Now, Mr Witness, in the box on this document where it says "date of
11 birth" there is a date listed 20 November -- yes, 20/11, 20 November 1989. Is this
12 your date of birth?

13 A. [15:06:48] The day I saw this is, it's difficult for me because I had not seen it
14 before. I just saw that as my date of birth. But in my national ID the way my
15 mother had told me, you know, mothers sometimes forget because it was quite
16 a while, she told me something different. But this document was far away, it was
17 hidden and I couldn't trace it. I later on traced this and I think it's this.

18 PRESIDING JUDGE SCHMITT: [15:07:18] And of course this might be a document,
19 you know, that I'm careful as Presiding Judge, that has been produced at the time.
20 And we can infer something from this document. So also Defence does not need to
21 come back to that one.

22 MS HOHLER: Yes.

23 PRESIDING JUDGE SCHMITT: Simply to put it this way.

24 MS HOHLER: [15:07:36] And the witness explained the same in paragraph 13, if
25 I can refer your Honours to that paragraph.

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 Q. [15:07:42] Thank you, Mr Witness. If you turn to now the next tab, tab 3, that's

2 UGA-OTP-0266-0448. It's another document.

3 What is this document, Mr Witness?

4 A. [15:08:18] This is my national ID card.

5 Q. [15:08:23] And you -- and you've already explained the date on that ID card,

6 I think. So we'll move to the next --

7 PRESIDING JUDGE SCHMITT: [15:08:30] Exactly like that.

8 MS HOHLER: [15:08:32]

9 Q. So we'll move to the next tab and that's tab 4. There is another document.

10 And the ERN is UGA-OTP-0272-0951.

11 What is this document, Mr Witness?

12 A. [15:09:06] This is a birth certificate.

13 Q. [15:09:07] Now if you just move on to the next tab, that's tab 5. This is

14 a document with the ERN UGA-OTP-0170-0338. It's a document that at the top has

15 written "World Vision International" and then we can see your name on the left and

16 there are two identical photographs in the top right. And my question, Mr Witness,

17 is: Who is that on that photograph?

18 A. [15:09:56] That is my photograph.

19 Q. [15:10:01] Do you know when that photograph was taken?

20 A. [15:10:09] This photo was taken at a time when I had just returned from the

21 bush. I was at World Vision centre. The photograph was taken from there.

22 Q. [15:10:23] And you explained in your statement, Mr Witness, in paragraphs 52

23 to 54 that you came to World Vision immediately after you came out of the bush.

24 Now I want to ask you, did the people at World Vision ask you also when you were

25 abducted? Did they ask you about that?

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 A. [15:10:52] Yes, they did.

2 Q. [15:10:56] Now, Mr Witness, you said in paragraph 14 of your statement that
3 you think you were abducted in September 2002. This World Vision file that we
4 have in front of us says that the date of abduction was 4 September 2003. Now I
5 want to ask you, is it possible that you were indeed abducted in 2003 rather than
6 2002?

7 A. [15:11:39] I was abducted in 2002.

8 Q. [15:11:46] Thank you, Mr Witness. We'll move to the last document now.

9 And this is the document at tab 6 with the ERN UGA-OTP-0248-1035. And I would
10 like you to look at the very last page of that document.

11 Who is that on that photograph?

12 A. [15:12:37] That is my picture.

13 Q. [15:12:42] Thank you, Mr Witness.

14 MS HOHLER: Your Honour, if you just give me three seconds just to consult that
15 there are no further questions with my team.

16 PRESIDING JUDGE SCHMITT: [15:12:53] I give you even five seconds.

17 MS HOHLER: [15:12:56] Thank you, your Honours. That concludes the
18 questioning for the Prosecution.

19 PRESIDING JUDGE SCHMITT: [15:12:59] I think three would have been enough,
20 indeed.

21 So I give now the floor Mrs Sehmi.

22 QUESTIONED BY MS SEHMI:

23 Q. [15:13:12] Good afternoon, Mr Witness.

24 A. Good afternoon.

25 Q. [15:13:19] My name is Anushka Sehmi and I am going to ask you a few

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 questions on behalf of the Legal Representatives for Victims. These questions will
2 focus on the harm that you suffered as a result of your abduction.

3 My first question to you, Mr Witness, is could you please describe for me what your
4 life was like before your abduction?

5 A. [15:13:50] Before I was abducted I was growing up a very healthy boy and I
6 started going to school, I was continuing with my education very well, I was very
7 healthy and there was no problem.

8 Q. [15:14:12] And in paragraph 49 of your statement you mentioned that you were
9 shot and in paragraph 58 you mentioned that you were caned during your time in the
10 bush. Do you have any ongoing ailments or injuries as a result of the time that you
11 spent in the bush?

12 A. [15:14:33] The injuries that I sustained in the bush, because the day I got injured
13 I was -- I received two bullets, one was on the stomach and another one on my
14 shoulder. And, you know, it hit my bone. And every time here and there I
15 experience some pain on the shoulder. But the injury on the stomach got healed and
16 I have no problem with it.

17 Q. [15:15:02] Thank you, Mr Witness.

18 And I wanted to ask you a more general question now. What impact has your
19 experience of being abducted at such a young age had on your life in general?

20 A. [15:15:28] Well, my abduction at a young age and my stay in the bush
21 interrupted my life because, if I compare my life with that of my colleagues with
22 whom we were living together, I, I am behind. If I had continued studying, I would
23 have gone so far now. Even right now in terms of academic excellence I cannot excel
24 because of the things that happened to me when I was in the bush. So I am lagging
25 behind.

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 Q. [15:16:04] Thank you for that. And when you returned from the bush did you
2 face any stigma from your community or even from your family?

3 A. [15:16:25] That happens. Sometimes somebody does not talk about directly to
4 you, but they keep talking about that to other people. They would be saying this
5 person returned from the bush and stigmatisation is the order of the day.

6 Q. [15:16:39] And, Mr Witness, apart from your time at the World Vision
7 rehabilitation centre, have you received any further counselling or psychological
8 support to deal with your experiences during your time in the bush?

9 A. [15:17:08] When I returned from the bush I did not meet with anybody who was
10 trying to counsel me. I only kept on talking about my problems to my people at
11 home, the elderly people who would keep on advising me here and there. I was
12 lucky to have found my mother was still alive and she kept on talking to me. That is
13 how I had it.

14 Q. [15:17:32] Thank you for sharing that with us, Mr Witness.

15 MS SEHMI: I have no further questions, your Honour.

16 PRESIDING JUDGE SCHMITT: [15:17:39] I have one question to you, Mr Witness.
17 You have already been asked and have answered about physical problems that you
18 still have. What about psychological problems? Do you still think of what
19 happened in the bush, the beatings, the suffering, the killings? Does this still harm
20 you, hurt you in any way?

21 THE WITNESS: [15:18:09] (Interpretation) Well, there were so many things that
22 happened in the bush. A lot of grievous things. Sometimes you are seated and it
23 all comes, you begin thinking about things that were happening in the bush and it
24 comes spontaneously. It comes on and off. Sometimes you can dream that you are
25 in an attack, you are fighting with the soldiers. But these dreams don't come every

Trial Hearing
WITNESS: UGA-OTP-P-0307

(Open Session)

ICC-02/04-01/15

1 now and then, they come once in a while.

2 PRESIDING JUDGE SCHMITT: [15:18:44] Thank you very much. That concludes
3 the hearing for today.

4 We continue tomorrow with your testimony, Mr Witness.

5 And we continue with the questioning by the Defence at 9.30.

6 THE COURT USHER: [15:18:57] All rise.

7 (The hearing ends in open session at 3.19 p.m.)

8 RECLASSIFICATION REPORT

9 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
10 2016, the public reclassified and lesser redacted version of this transcript is filed in the
11 case.