

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 16 January 2018
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:55] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:35:21] I think the good morning was not heard by
13 everyone. But now I -- good morning everyone, and a special good morning to
14 Mr Witness. As I see in the morning, it's for you obviously very cold, but you get
15 accustomed to it. We have seen this yesterday. I think you will warm up from the
16 inside, I would assume.
17 Could the court officer please call the case.
18 THE COURT OFFICER: [9:35:51] Good morning, Mr President, your Honours.
19 The situation in the Republic of Uganda, in the case of The Prosecutor versus
20 Dominic Ongwen, case reference ICC-02/04-01/15.
21 And for the record, we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:36:03] Thank you very much.
23 For the appearances, Mr Sachithanandan for the Prosecution.
24 MR SACHITHANANDAN: [9:36:10] Good morning, your Honour. Today I appear
25 with Beti Hohler, Ben Gumpert, Hai Do Duc, Shkelzen Zeneli, Julian Elderfield,

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 Jasmina Suljanovic, Agnese Valenti, Ramu Fatima Bittaye and Adesola Adeboyejo.

2 PRESIDING JUDGE SCHMITT: [9:36:25] Thank you.

3 And for the Legal Representatives, Mr Narantsetseg first.

4 MR NARANTSETSEG: [9:36:30] Good morning, Mr President, your Honours. With
5 me, Ms Caroline Walter, and my name is Orchlon Narantsetseg. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:36:36] And Mr Manoba.

7 MR MANOBA: [9:36:37] Good morning, Mr President, your Honours.

8 James Mawira and myself, Joseph Manoba.

9 PRESIDING JUDGE SCHMITT: [9:36:43] Thank you.

10 And for the Defence, Mr Obhof.

11 MR OBHOF: [9:36:46] Good morning, your Honour. Today we have Chief Charles
12 Achaleke Taku; Ms Abigail Bridgman; our new intern from the University of Oregon,
13 Ms Morganne Ashley; and of course our client, Mr Dominic Ongwen. And I am
14 Thomas Obhof.

15 PRESIDING JUDGE SCHMITT: [9:37:02] I think you can remain standing, so to
16 speak, because it is your turn, and I give you the floor.

17 WITNESS: UGA-OTP-P-0250 (On former oath)

18 (The witness speaks Acholi)

19 QUESTIONED BY MR OBHOF:

20 Q. [9:37:32] Good morning, Mr Witness. Mr Witness, is it correct to say that you
21 spent about one year in the bush during your second abduction?

22 A. [9:37:43] Yes, that is correct.

23 Q. [9:37:45] Now, if we can go to tab 20, that is UGA-OTP-0282-0219. I'm waiting
24 for it to come on the screen, so that's the reason for the large pause. And this is not to
25 be shown to the public.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [9:38:20] And it is on the screen now so we
2 can continue.

3 MR OBHOF: [9:38:25] Yes.

4 Q. [9:38:27] Mr Witness, while looking at your computer screen, could you tell me if
5 you furnished this document, if you gave this document to the Office of
6 the Prosecutor?

7 A. [9:38:43] Yes, I did.

8 Q. [9:38:48] And you received this document from the Social Services and
9 Development organisation, which is up on the top left, correct?

10 A. [9:39:07] Yes.

11 Q. [9:39:09] And do you see about one-third to half of the way down where it states
12 that you were abducted in 2003 and returned in 2004?

13 PRESIDING JUDGE SCHMITT: [9:39:28] Have in mind, if we come to contents of
14 documents, that you perhaps read it out to the witness.

15 MR OBHOF: [9:39:36] Just a question: Would the Prosecution prefer me to read the
16 exact dates in private or in public session?

17 MR SACHITHANANDAN: [9:39:45] I think it is fine.

18 PRESIDING JUDGE SCHMITT: [9:39:47] Yes, I also think it is fine. We don't need
19 to go into private session for that one.

20 MR OBHOF: [9:39:52] Where it states that he was abducted by the LRA rebels on
21 24 February 2003 until 5 March 2004.

22 Q. [9:40:06] Do you see that in the middle there, Mr Witness?

23 A. [9:40:14] Yes, I can see it.

24 Q. [9:40:24] Now, if we could bring tab 18, which is UGA-OTP-0263-2316. While it
25 is being pulled up, Mr Witness, I will explain a little bit. This is a copy of your

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 amnesty card, which you discussed briefly with the Prosecution yesterday. Again,
2 while it's being pulled up, perfect.

3 PRESIDING JUDGE SCHMITT: [9:41:02] I think you don't have to confirm with the
4 witness the existence of the document because we have done this yesterday.

5 MR OBHOF: [9:41:09] Yes.

6 PRESIDING JUDGE SCHMITT: [9:41:10] I think you can steer, so to speak, relatively
7 directly to where you want to go to.

8 MR OBHOF: [9:41:17]

9 Q. [9:41:17] Mr Witness, this document also stated that you received amnesty in
10 March 2004. Yesterday you discussed a lot about 2002, specifically when you were
11 discussing the issue of Pajule, the Pajule attack. You said it was in October 2002.
12 Would it be correct that you are merely mistaken about the years in which you spent
13 in the LRA, that instead of being '02 and '03, you spent 2003 to the beginning of 2004
14 in the LRA?

15 A. [9:42:03] Can you repeat your question?

16 Q. [9:42:08] Now, Mr Witness, is it possible that you spent -- that your time in the
17 LRA was from 24 February 2003 until 5 March 2004?

18 A. [9:42:39] That is not correct.

19 Q. [9:42:42] Mr Witness, to your memory, when did you escape from the LRA?

20 A. [9:43:00] At the time that I was asked, it was written down in a piece of paper.
21 It's been long and I cannot recall everything now.

22 Q. [9:43:11] Mr Witness, yesterday you told the Court that you were abducted in
23 February 2002. Does that help you remember when you came back?

24 A. [9:43:41] It's been long since I escaped, but it is true that is the year that
25 I was abducted.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 Q. [9:43:48] And as you just stated a minute ago, you knew the date was written
2 down. And the document from the Social Services and Development organisation
3 that you furnished, that you gave to the Prosecution, it stated that you were abducted
4 in February of '03, not February of '02. And then it is stated that you returned in
5 March of '04, not March of '03.

6 Now, as you stated, this is -- it is written down there. So would this written
7 document at tab 20 be correct?

8 A. [9:44:41] Kindly repeat your question. I have not understood it.

9 PRESIDING JUDGE SCHMITT: [9:44:46] Mr Obhof, may I shortly perhaps, if you
10 allow me, please.

11 Mr Witness, we are talking about the exact time when you have been in the bush. It
12 is not a reproach to you. It is simply to verify at what time you have been there and
13 the events that you might have witnessed. And there is a little bit of an
14 inconsistency, 2002 or 2003 to 2004.

15 When Mr Obhof asks you, it is not to try to make you insecure or feel you
16 uncomfortable. It is simply to establish here together with everybody in the
17 courtroom what really happened. And you yourself, I think yesterday, said that in
18 the bush time is something different than it is when you are in a normal environment,
19 at home, for example.

20 So what I wanted to ask you is: You have seen this from Caritas and you have been
21 there and there is the information, February 2003 until March 2004. Did you talk to
22 these people from Caritas? Did they ask you when you were in the bush? Do you
23 recall that?

24 THE WITNESS: [9:46:16] (Interpretation) In regard to the date of abduction, I was
25 abducted on 1 February 2002. And when I came to Caritas, it's been long and when

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 I was asked, I explained to them that -- the date I was abducted.

2 PRESIDING JUDGE SCHMITT: [9:46:34] So is it fair to say that the information that
3 is in this document which has been issued by Caritas, that this relies on information
4 that you gave them?

5 THE WITNESS: [9:46:50] (Interpretation) Yes.

6 PRESIDING JUDGE SCHMITT: [9:46:56] I think much more would not be possible,
7 Mr Obhof. I would --

8 MR OBHOF: [9:47:02] I would agree with you.

9 PRESIDING JUDGE SCHMITT: [9:47:04] -- ask you to continue. Thank you.

10 MR OBHOF: [9:47:06] Could the court usher please pull up tab 26, which is
11 UGA-D26-0021-0334.

12 Q. [9:47:35] Mr Witness, a photograph will appear on your computer screen in
13 a few seconds and when it does, I was just wondering if you could identify the
14 people, any of the people that you know in this photograph?

15 PRESIDING JUDGE SCHMITT: [9:47:53] Perhaps you can enlarge it a little bit,
16 would be nice. Thank you.

17 THE WITNESS: [9:48:40] (Interpretation) The one on this side is Tabuley. And then
18 on the other side is Ongwen. And the one in the middle is Otti. Those who are
19 standing upright are not visible. Well, I cannot recognise them.

20 PRESIDING JUDGE SCHMITT: [9:49:11] Mr Obhof, may I ask you something. Do
21 we know when this picture was, when this photograph was taken?

22 MR OBHOF: [9:49:20] It would have had to have been taken before October 30 2003,
23 but the photograph, to our best guess, would have been taken in the summer, the late
24 summer or fall of 2002.

25 PRESIDING JUDGE SCHMITT: [9:49:32] So it's merely a guess, we don't

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 know exactly?

2 MR OBHOF: [9:49:37] Yes.

3 PRESIDING JUDGE SCHMITT: [9:49:40] Thank you.

4 MR OBHOF: [9:49:41] But if you believe the witness has supplied it, it would have
5 been December 2004.

6 Q. [9:49:48] So you are saying the person on the far left is Tabuley and the person
7 on the far right is Mr Ongwen; is that correct, Mr Witness?

8 A. [9:50:12] Yes. On the left -- on my left-hand side is Tabuley and on my
9 right-hand side is Ongwen. The one in the middle is Otti.

10 Q. [9:50:28] Now, Mr Witness, about Mr Ongwen in this photograph, does he
11 appear to be a fat man in this picture?

12 A. [9:50:48] He is moderate. He is not very fat.

13 Q. [9:50:57] Mr Witness, when you spoke with the Prosecution you identified
14 Mr Ongwen during the summer of 2015 no fewer than eight times as being a fat man.
15 Could you explain why in 2015 you called Mr Ongwen, during the time which you
16 allegedly knew him while you were in the bush, why did you call him a fat man?

17 A. [9:51:42] The reason why I said that, because at the time of abduction I saw him
18 as a new person, you wouldn't know people well and that's what made me say he
19 was huge and fat. But when I stayed for long, I know that someone who is fat is
20 really huge and fat, but when I saw him at the time this is how he appeared. But
21 from the bush he was fat.

22 Q. [9:52:25] Let's go one page back at tab 25. It's UGA-D26-0021-0333.

23 Again, this is the same time frame, Mr Witness, taken in the summer or fall of 2002.
24 Does Mr Ongwen look fat there, Mr Witness?

25 A. [9:53:14] I can see Oywak here. The way I see him, he was an average person,

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 like I mentioned earlier.

2 Q. [9:53:35] Then again, Mr Witness, considering again that your interview with
3 the Prosecution was in 2015, not 2002 or 2003 or 2004, but in 2015 after you had
4 allegedly spent almost a year in the bush with Mr Ongwen, why in 2015 did you still
5 call him fat?

6 A. [9:54:18] I explained that earlier, that that is the person I was talking about. He
7 was well built. When you see him, he's not a small man compared to the way we say
8 it in Acholi. Someone in his size is an average build person. That's what we say
9 in Acholi.

10 Q. [9:54:48] Isn't it true, Mr Witness, that until yesterday you had never actually
11 seen Mr Ongwen, never actually been in the same room or in the same place as
12 Mr Ongwen, and it's only from seeing video footage and photographs of Dominic
13 after he surrendered in which you created your opinion of Mr Ongwen being
14 a fat man?

15 A. [9:55:28] I have known Ongwen for a long time. I did not only see him in video
16 clips. I stayed with him together. Like I said yesterday, I explained everything
17 yesterday and also explained to those who were taking my statement in Uganda.
18 The way I explained is the same thing that I still repeat, that that is Ongwen. It was
19 not my first time to see him in video clips. I knew him much earlier. Even from
20 home, people just detest seeing the video clips because people don't go there to see.
21 They remember what happened in the past and when they see the video clip again
22 you are reminded of the bad experience you went through.

23 Q. [9:56:32] Just like yesterday, let's go on to the death of Charles Tabuley. Now,
24 Mr Witness, what brigade were you in while you were in the LRA?

25 A. [9:56:59] I was under Tabuley's leadership.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 Q. [9:57:10] Mr Witness, if I said the name Stockree brigade, does that sound
2 familiar to you?

3 A. [9:57:24] Can you first list all of them? I request that you list all the brigades
4 because it's been long. I can't remember everything.

5 PRESIDING JUDGE SCHMITT: [9:57:32] No, I don't think that Mr Obhof would
6 have to do that. It would be enough that you simply say if Stockree rings a bell
7 or not.

8 THE WITNESS: [9:57:51] (Interpretation) Yes, I recall it well.

9 PRESIDING JUDGE SCHMITT: [9:57:56] And when you say you recall it, in what
10 sense do you recall it? Have you heard about it? Was it the brigade where you
11 were in? Was it a brigade that you knew of?

12 THE WITNESS: [9:58:17] (Interpretation) I was in this brigade.

13 MR OBHOF: [9:58:24]

14 Q. [9:58:24] Thank you, Mr Witness. You talked a lot about your commander
15 named Okema. Do you remember Okema's other names, Mr Witness?

16 A. [9:58:45] I do not know any other names of Okema, because he was only referred
17 to as Lapwony Okema?

18 Q. [9:58:58] Now this Lapwony Okema, he answered or he got directions directly
19 from Tabuley; is that correct?

20 A. [9:59:12] Yes.

21 Q. [9:59:14] Mr Witness, have you ever heard the name or the designation of
22 a brigade major?

23 A. [9:59:35] Is it within the LRA?

24 Q. [9:59:40] Yes, Mr Witness.

25 A. [9:59:47] In the LRA there were majors.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 Q. [10:00:00] Now, Mr Witness, did you ever hear the term in the LRA called Jogo
2 division?

3 A. [10:00:23] I request that you repeat. How do you call it?

4 Q. [10:00:27] That is perfectly fine, Mr Witness. Jogo division, spelled J-O-G-O,
5 Jogo division.

6 A. [10:00:41] No, I didn't hear.

7 Q. [10:00:47] Have you ever heard of the designation BM in the LRA as a rank or
8 a position? A BM?

9 A. [10:01:07] BM? BM? No, I didn't hear.

10 Q. [10:01:19] Mr Witness, right after the death of Tabuley, you said somebody took
11 over for him, correct?

12 A. [10:01:37] Correct.

13 MR OBHOF: [10:01:42] And, your Honours, I'm referring to tab 29. That's
14 UGA-OTP-0197-1190 -- or, sorry, 1078, page 1190. The Prosecution has asked that
15 this not be shown to the witness and we don't have any objection.

16 Q. [10:02:08] Mr Witness, would you -- what would you say to the proposition that
17 the very day after Charles Tabuley died, Joseph Kony ordered Colonel Buk Abudema
18 to take over Stockree brigade, the brigade in which you were in and the brigade
19 which Tabuley was still working with?

20 A. [10:02:49] If you say so. Could you please repeat your question?

21 PRESIDING JUDGE SCHMITT: [10:02:57] Mr Witness, when the Defence counsel
22 makes a proposition to you, you have different possibilities to answer. You can say,
23 "yes", like you did, "if you say so", "I think you are right", or "you are right". You can
24 say, "I don't know anything about it", or you can say, "No, that's not correct, I know
25 better; I know something different." So these are the three possibilities. Don't feel

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 obliged to say "yes" if the Defence counsel puts a proposition to you. That's what I
2 wanted to clarify.

3 Perhaps you repeat the proposition, so to speak, and Mr Witness is perhaps now
4 better prepared to answer it.

5 MR OBHOF: [10:03:42]

6 Q. [10:03:42] Mr Witness, if I said that it was Buk Abudema and not
7 Dominic Ongwen that took over as -- that replaced Charles Tabuley immediately after
8 his death, what would you say to that, Mr Witness?

9 A. [10:04:08] I will not say that's correct.

10 Q. [10:04:22] What would you say, Mr Witness, if I said that Joseph Kony himself
11 ordered that Buk Abudema take over Stockree the day after Charles Tabuley's death?

12 A. [10:04:42] Well, like I said yesterday, I am not aware of that.

13 PRESIDING JUDGE SCHMITT: [10:04:51] Mr Obhof.

14 Mr Witness, do you know Mr Buk Abudema?

15 THE WITNESS: [10:05:00] (Interpretation) I don't know Buk Abudema.

16 PRESIDING JUDGE SCHMITT: [10:05:03] So does this mean that you have never
17 seen him? And, of course, that is during the time that you were in the bush.

18 THE WITNESS: [10:05:17] (Interpretation) Yes, like I mentioned yesterday, at that
19 time during that battle, it didn't take more than four days, if I can estimate. I cannot
20 clearly recall, but we were taken away from there, and we went to Lacekocot. The
21 person I first saw and I heard of was Dominic Ongwen. If there was any other
22 person who came to replace, then I think the order could have come from somewhere
23 else, and at that time I was no longer there.

24 PRESIDING JUDGE SCHMITT: [10:05:54] Mr Obhof.

25 MR OBHOF: [10:06:04] Thank you, your Honour. And I forgot to mention the

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 tab earlier: The same one, tab 29, pages 1094 through 1096, when I was referring to
2 the positions.

3 Q. [10:06:25] Mr Witness, if at any time right now in these next few questions you
4 feel like you need a break, please let the Judge know. We are going to be asking a
5 few questions about something that is very sensitive.

6 Now, Mr Witness, your father, right before you were abducted, had serious problems
7 with his stomach, did he not?

8 A. [10:06:58] Correct.

9 Q. [10:07:05] Now, Mr Witness, after your father passed away, did you ever receive
10 a death certificate?

11 A. [10:07:21] Well, that question is right. At that time the letter that was got for
12 hire of space in the cemetery, I collected that letter. At that time we didn't have any
13 capacity to carry -- to take the body of my father to the hospitals or for a postmortem.
14 So what happened was that it was confirmed that on 9 October, my father was in the
15 house; he was abducted; he was brought out of the house, beaten severely because he
16 didn't want to release his daughter, (Redacted). When they brought my father out,
17 they beat him severely, and because of the beating, added onto his medical condition,
18 eventually he passed away.

19 But there was no death certificate that was issued.

20 Q. [10:08:44] Now, Mr Witness, why did you neglect to tell the Prosecution about
21 the beatings when they interviewed you in 2015?

22 A. [10:09:06] I mentioned that. Maybe if they just didn't record or they forgot to
23 record that. But, you know, in Acholi when you are just translating or interpreting
24 something, sometimes you might miss out a few things, and it is possible that they
25 missed out on that, but I mentioned that to them.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 Q. [10:09:30] Thank you, Mr Witness. And the Prosecution actually records actual,
2 the voice, so they have exactly everything which is said. So I am going to read from
3 tab 2. It is UGA-OTP-0273-0844 at page 0864, starting at line 668.

4 And I am going to hold up, because there is a lot of numbers, let the booth catch up.
5 So in 2015 when you are meeting with the Prosecution, you told them, and I quote:
6 "... when I came back from the bush, I found the disease had already killed my father
7 because there was no one who was taking care of him." End quote.

8 Mr Witness, you didn't mention the severe beatings, about the attack on Pajule. You
9 mentioned that the disease, which you were caring for your father, he finally
10 succumbed to. Can you explain why there is a such a stark difference in the death of
11 your father from 2015 to now?

12 A. [10:11:01] As I mentioned earlier, as I was narrating the story, there was so many
13 things that I talked about. Either the people who were taking the records forgot to
14 record that or the person who was doing the interpretation left that out. Because
15 I was speaking in Acholi, and it is possible that the person who was interpreting left
16 out that element of it. Because there was another person who was trying to interpret
17 to the people who were carrying out the interview. So I suspect there must have
18 been a problem with the interpretation.

19 PRESIDING JUDGE SCHMITT: [10:11:44] I think, Mr Obhof, you can move to
20 another point.

21 MR OBHOF: [10:11:48] I would just like to put on the record that lines 666 and 667
22 directly before that are his actual words, not the interpreter's.

23 PRESIDING JUDGE SCHMITT: [10:11:59] Yes.

24 MR OBHOF: [10:12:01]

25 Q. [10:12:01] Mr Witness, before your abduction, when you moved back to your

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 father's home, you said that people were being asked to move to the trading centre.

2 Who were these people that were asking civilians to move to the trading centre?

3 A. [10:12:27] Those were government soldiers. I should say there was an
4 instruction by the government that they were going to be shelling the LRA rebels
5 several times or frequently because the rebels were so many, and for those who were
6 staying or those who were stuck in the villages, if they become victims of such
7 bombshells, the government would not be held accountable.

8 Q. [10:13:06] Do you know when this camp in Pajule first opened?

9 A. [10:13:34] Well, it's quite a while ago, but I think Pajule camp must have been
10 established in the year 2000, if I can remember. I didn't expect such questions to be
11 coming, so I never kept it clear in my mind. It is quite a while ago.

12 PRESIDING JUDGE SCHMITT: [10:14:01] Mr Witness, you can only tell us what you
13 recall at the moment, and it is absolutely correct when you say you don't know
14 exact dates.

15 Mr Obhof, please continue.

16 MR OBHOF: [10:14:20]

17 Q. [10:14:20] Now, Mr Witness, how exactly did you help support your father
18 before you were abducted whilst he had this grave stomach illness?

19 A. [10:14:44] Well, thank you for the question. The ways I was supporting my
20 father was by giving him a lift from Pajule, taking him to Kitgum mission hospital,
21 because there was no major health unit in Pajule. I would give him a lift on a bicycle,
22 take him to Kitgum mission hospital, and then bring him back to Pajule.

23 Q. [10:15:11] During this time while you were taking your father to the Kitgum
24 mission hospital, were you supporting him any other way? Say, were you
25 supporting him financially?

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 A. [10:15:32] Well, yes, I -- like I mentioned yesterday, my mother had already been
2 deceased some time back. I was the only person who was providing him with meals.
3 I would go and cultivate and then have something to eat. I would also help to do
4 laundry for him. And also take him for medical attention.

5 Q. [10:16:06] So is it fair to say, Mr Witness, that for the two to three years which
6 you were at your father's home before you were abducted you were taking care of
7 him and not attending school?

8 A. [10:16:27] Well, thank you for that question. At that time it was not that he was
9 so frail. He was still able to do some little work here and there. I was going to
10 school at that time. Sometimes when his condition deteriorates I would leave school
11 at 1 or 2 o'clock so he would send me to Kitgum to go and buy drugs. I would go,
12 buy the drugs, then I come back. Sometimes when he would get some money he
13 would go on his own to the hospital while I continue with my studies.

14 Q. [10:17:13] Now, Mr Witness, from your father's home how long or how far is it
15 by bike from your father's home to Kitgum Mission Hospital?

16 A. [10:17:36] From Piaula to Kitgum should be about 30 kilometres.

17 Q. [10:17:46] And how long would that take you to peddle there and back on
18 a bicycle?

19 A. [10:17:59] Well, that is rather far. If I leave early in the morning I could be able
20 to ride to-and-fro. But if I left at about two or about midday I would spend the night
21 at the hospital reception and then return the next day.

22 Your Honour, can I remove this headset?

23 PRESIDING JUDGE SCHMITT: [10:18:36] Of course you can. Take your time.

24 And I assume that it's now getting a little bit warmer and I think, I dare say I have
25 predicted it. So we can continue now.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 MR OBHOF: [10:18:51] I mean, if you would like to take off your jacket too,

2 Mr Witness, we can wait a minute or two as well.

3 PRESIDING JUDGE SCHMITT: [10:18:59] No problem. Just do as you feel

4 comfortable, Mr Witness. You don't have to hurry. Take your time. Okay?

5 THE WITNESS: [10:19:32] (Interpretation) Yes.

6 PRESIDING JUDGE SCHMITT: [10:19:34] Mr Obhof, please.

7 MR OBHOF: [10:19:35] I can understand your feelings, Mr Witness. I'm from the

8 north and I'm still sweating a lot right now. It's very hot.

9 PRESIDING JUDGE SCHMITT: [10:19:45] But you are accustomed to the

10 cold weather.

11 MR OBHOF: [10:19:50] I love the outside cold weather, yes.

12 PRESIDING JUDGE SCHMITT: [10:19:57] Okay. Don't tell me that.

13 MR OBHOF: [10:20:04] Just not when it rains, like today.

14 Q. [10:20:04] Now, Mr Witness, during this time before your second abduction you

15 had a wife, as you had put it before, correct?

16 A. [10:20:20] Yes, that's correct.

17 Q. [10:20:31] And she was expecting a child with you?

18 A. [10:20:45] Yes.

19 Q. [10:20:50] Now, Mr Witness, when you were abducted did you see Mr Ongwen

20 with the group that abducted you?

21 A. [10:21:09] At the time, the exact time I was abducted he was not there.

22 Q. [10:21:17] Did you end up -- did you ever end up meeting Mr Ongwen within

23 the first week or two after your abduction?

24 A. [10:21:39] As I said yesterday, in the first week, in the second week and in the

25 third week, I would even say within a month or two, I didn't see him.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 Q. [10:22:04] About how tall is Mr Ongwen, Mr Witness, if you can remember?

2 A. [10:22:17] It's -- to assume his height at that time when I first saw him I would
3 say is the same size he is right now, he's not grown any taller, not even any shorter.

4 Q. [10:22:39] How was his hair when you first met him, Mr Witness?

5 A. [10:22:51] He had dreadlocks.

6 Q. [10:22:55] Did he ever join in on dancing competitions?

7 A. [10:23:16] At that time when we were in the bush?

8 Q. [10:23:22] Yes, Mr Witness, whilst you were in the bush.

9 A. [10:23:28] No, I didn't witness that. Maybe if that happened when I was not
10 there or on that day I wasn't there in person. I didn't see it.

11 Q. [10:23:42] Was Mr Ongwen a fast runner?

12 A. [10:23:55] He was invincible.

13 Q. [10:24:02] Did he always walk about a lot of pride with his head held up?

14 A. [10:24:13] Well, that's correct.

15 Q. [10:24:18] Did you ever visit him in sickbay while you were in the LRA?

16 A. [10:24:30] I didn't see him at the sickbay. He did not come.

17 Q. [10:24:39] Did Mr Ongwen walk with a limp?

18 A. [10:24:50] At the time I left him he was not walking with a limp.

19 Q. [10:24:58] So you would disagree with me when I would say that Mr Ongwen
20 has walked with a limp since he was shot in Acet in 1996, Mr Witness?

21 A. [10:25:18] Well, like I said yesterday, if you are in the bush, first of all, you are
22 not allowed to move near the commanders, the senior commanders. You would only
23 receive orders. And for us as rank and file soldiers, our work was purely to engage
24 in battle. If he was shot on the leg, it's possible that he was shot then, but at that time
25 when I was in the bush I did not keenly see that. I didn't also see where exactly he

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 was shot in and the place where he was shot from.

2 Q. [10:26:03] Thank you, Mr Witness.

3 Now, Mr Witness, what would happen to somebody if they tried to escape from
4 the LRA?

5 A. [10:26:18] Well, if somebody tried to escape, like I mentioned yesterday, first of
6 all, you would be beaten severely. Secondly, you can even be killed. Those are the
7 two things that could happen to you.

8 Q. [10:26:38] Mr Witness, were you ever told what would happen if you escaped
9 the LRA with a gun?

10 A. [10:26:54] Well, like as you said, if you escaped with a gun, I was not just told.
11 I actually witnessed how it even happened, or possibly I also did it myself.

12 Q. [10:27:23] Mr Witness, when you were abducted were there any rituals
13 performed upon you?

14 A. [10:27:33] Well, there are so many rituals.

15 Q. [10:27:41] Could you explain them, Mr Witness, the rituals that were performed
16 specifically upon you?

17 A. [10:27:55] All right. The first one is they will get a small bottle of shea butter
18 and if you have stayed for three days or a week, they will get the shea butter and then
19 smear your forehead, your palm, the back of your hands and then on your legs with
20 the sign of the cross. Secondly, there is a kind of stone, they call it calabash. They
21 will get that stone and get a piece of cloth and then sew the stone in that piece of cloth
22 and then they will tie it on your wrist. You will move with that stone tied around
23 your wrist.

24 Q. [10:28:54] Did anyone ever tell you why you would move with the stone tied
25 upon your wrist, what was the significance, Mr Witness?

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 A. [10:29:08] Yes, they mentioned that.

2 Q. [10:29:13] Could you please tell Court what the significance was?

3 A. [10:29:26] First they will get shea butter and that shea butter is meant to make
4 you not escape from the Holy to go back home. That is the use of the shea butter.
5 The stone is used because they say first of all it will help you to continue staying in
6 the bush so you don't think about going home. Secondly, they said if there is an
7 aeroplane up there, they will not be able to see you when you are down. And
8 thirdly, even if you were surrounded by government soldiers, you will be bulletproof,
9 you will not be shot by them. That was what I was told.

10 Q. [10:30:13] From what you saw and from what people told you while you were in
11 the bush, did people believe that there were -- did some people believe that they were
12 bulletproof when this ritual was performed?

13 A. [10:30:43] Yes, that used to happen. Like the shea butter, when it is smeared on
14 you, you are not able to leave the Holy and go back home. The stone which is tied
15 on your wrist, even if you disappear from the Holy, and when you -- when you
16 disappear and meet the Holy, they will not shoot you. But if you don't have the
17 wrist -- the stones tied on your wrist, you would be shot. Even if you meet
18 government troops and you have the stone on your wrist, you wouldn't be shot.

19 Q. [10:31:29] When you were in the LRA, Mr Witness, did your group pray a lot?

20 A. [10:31:43] That's a good question. In our group where I belonged, prayers was
21 conducted once in a while. Like I mentioned, there was an old man called Papa.
22 When he announces that there was an RV in a particular location, they would go and
23 pray there. That old man would be the one to lead prayers.

24 Q. [10:32:13] Besides at the RVs with the old man named Papa, were there any
25 other times when you would just stop and pray?

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 A. [10:32:34] About stopping on the way and praying, no, it never happened. The
2 prayers were only conducted -- probably the prayers are conducted in other
3 battalions, because there are many battalions and it never took place in the battalion
4 where I was in.

5 Q. [10:33:03] Now, Mr Witness, during your interview with the Prosecution, you
6 mentioned something called a "walking talk". What is a walking talk?

7 A. [10:33:22] Yesterday I mentioned about a walking talk. A walking talk is
8 like -- some of them are like walkings talk and others are called a radio call.
9 That radio call, usually they would use it around 10 a.m. and 2 p.m. They would
10 connect the wires up on a tree and at that particular time they will use it for
11 communicating. If they wanted to pass a message or to communicate, they will use
12 it. You will just hear "roger", and I wouldn't understand the language they use.
13 I never understood the language they were using there.
14 If you stay there long, like 10 years and over, or if you are a commander, you would
15 be close to the radio call. But for us, we were new recruits, we would not go close.
16 Whenever they were communicating, everybody would sit down and no interruption
17 was allowed. After the communication is done, they would start moving again.

18 Q. [10:34:45] Thank you, Mr Witness. I'm sorry, I'm going to move, take a step
19 back for a second. During your time in the LRA, did you ever meet Joseph Kony?

20 A. [10:35:02] Honestly, I never met him personally.

21 Q. [10:35:09] Did you ever hear anyone referring to him as the high priest or the
22 spiritual leader?

23 A. [10:35:25] I heard about it. When I was abducted, they told me about that.
24 And also when they were communicating, they would mention that he had spirits.
25 But I never saw personally.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 Q. [10:35:54] From what others told you, from what you heard from others while in
2 the LRA, did people believe that he could speak with spirits?

3 A. [10:36:10] As people used to say, I would also agree to that, because I was in the
4 bush and I would say that he would speak to the spirits.

5 Q. [10:36:31] Thank you, Mr Witness.

6 Mr Witness, about how far away is Lira Palwo from Pajule?

7 A. [10:36:50] The distance between Lira Palwo and Pajule could be about
8 20-something miles. That is according to my estimation. I did not -- I did not
9 measure it so I can't, I can't say it exactly. It could be more.

10 Q. [10:37:16] Does 38 kilometres sound about right, Mr Witness?

11 A. [10:37:26] Well, that's -- that could be correct. Since you already know the
12 kilometres, it is possible. Because from Pajule, it is on the other side. It's a little far.

13 Q. [10:37:51] Now, you mention that you were in Lira Palwo when the Pajule attack
14 started, right, Mr Witness?

15 A. [10:38:02] That is correct.

16 Q. [10:38:05] To your memory, when did the Pajule attack start?

17 A. [10:38:15] Yes, I recall Pajule.

18 Q. [10:38:28] Sorry, I didn't -- might not have phrased it properly. When did the
19 attack on Pajule start?

20 A. [10:38:44] Like I mentioned yesterday, the plan to attack Pajule was in place, was
21 already planned perhaps a month before the date of the attack. Like I said yesterday.

22 Q. [10:39:10] What time was it when you received the radio call to come to Pajule?

23 A. [10:39:22] I do not know the time exactly, but I remember that we got the
24 communication about -- we must have got the report earlier, but around 4 o'clock,
25 when we were cooking, the leader of the coy, Okema, told us that a report came

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 earlier, about a month earlier, that a few soldiers should be selected to go and work
2 in Pajule.

3 Q. [10:40:00] When was your group, the group that was in Lira Palwo, when were
4 they called to come to Pajule as reinforcements, Mr Witness?

5 A. [10:40:19] Like I said, the plan to attack Pajule was already there and the date, it
6 was already fixed. But when I was there, it was not easy to follow time and dates, so
7 I do not know the time. When we went there, we were already preparing on the 8th.
8 We were ready to carry out the attack. And on the night of the 8th, we were already
9 starting to move towards Pajule.

10 Q. [10:41:01] Mr Witness, so now you are saying that you were there for the initial
11 attack on Pajule and that you were not called in as reinforcements from Lira Palwo to
12 go to Pajule. I mean, help me out, you -- so you were in Lira Palwo when the Pajule
13 attack started?

14 A. [10:41:40] It is true. Like I said yesterday, the -- when the attack started, I was
15 not present. But when the day came, we were on the way coming. They already
16 started the attack when we were moving towards Pajule. When we were about to
17 arrive, about 2 to 3 o'clock, we were close to Pader Kilak, near the centre. When we
18 drew closer -- because we were walking very fast, you walk for a short distance to
19 cover a mile, for a short time to cover a mile, and when the attack intensified, we were
20 already present.

21 Q. [10:42:59] Did Okema go to Pajule with you?

22 A. [10:43:06] No, Okema was not there.

23 Q. [10:43:09] Do you know where Okema was?

24 A. [10:43:18] When we left there, Okema remained in Omot. Omot is within
25 Lira Palwo. Omot is further than Lira Palwo and we were on this side of the centre.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 We passed via Gere Gere and we moved towards the border of Pader. Okema
2 remained in Omot. We were led by Ojok.

3 Q. [10:43:53] As long as my memory is correct, and please correct me if I am wrong,
4 Omot is approximately 10 kilometres east, 10 to 12 kilometres east of Lira Palwo; is
5 that correct, Mr Witness, sound about right?

6 A. [10:44:13] Yes. Like you said, Okema remained there.

7 Q. [10:44:16] And when did you leave Okema there, on which date, Mr Witness?

8 A. [10:44:29] We left Okema -- I can't recall the exact date, but we left him. As far
9 as I remember, around the 7th is when we left him there in Omot.

10 Q. [10:44:47] To make it easier so we don't have to use dates, was it one day, two
11 days or three days before the attack on Pajule in which you left Okema at Omot?

12 A. [10:45:11] We left Okema and then on the third day we went to Pajule, we were
13 in Pajule. So we left him three days before the attack on Pajule.

14 Q. [10:45:29] Okay. The day before the Pajule attack, where were you,
15 Mr Witness?

16 A. [10:45:48] That should be on the 8th. Like I said, I was between Pader and
17 Lira Palwo, more on the Lira Palwo side on that day. And then on that same night,
18 that is the night of the attack, I estimate that in the evening of that day is when we
19 started moving towards Pajule.

20 MR OBHOF: [10:46:25] Your Honour, right now would be a good time to take
21 a break. I have about 45 minutes to an hour left for this witness at the moment.

22 PRESIDING JUDGE SCHMITT: [10:46:33] Why not? If you think so, and you have
23 your idea how you will continue your questioning, then we have perhaps a little bit
24 more extended coffee break until 11.30.

25 THE COURT USHER: [10:46:45] All rise.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 MR GUMPERT: [10:46:47] Apologies.

2 PRESIDING JUDGE SCHMITT: [10:46:49] Not everybody is rising, but Mr Gumpert
3 is rising. Not yet, not yet.

4 MR GUMPERT: [10:46:53] Just trying to -- the next witness, if we do finish indeed
5 this morning, will your Honours intend tomorrow or this afternoon --

6 PRESIDING JUDGE SCHMITT: [10:47:00] Tomorrow. Not this afternoon,
7 no, tomorrow.

8 MR GUMPERT: [10:47:03] Very good.

9 PRESIDING JUDGE SCHMITT: [10:47:04] Because everybody needs a little bit
10 of preparation.

11 MR GUMPERT: [10:47:06] Yes, it wasn't intended in any sense of criticism. Just to
12 be absolutely clear.

13 PRESIDING JUDGE SCHMITT: [10:47:11] Thank you very much. So then 11.30.

14 THE COURT USHER: [10:47:15] All rise.

15 (Recess taken at 10.47 a.m.)

16 (Upon resuming in open session at 11.34 a.m.)

17 THE COURT USHER: [11:34:57] All rise.

18 PRESIDING JUDGE SCHMITT: [11:35:16] Mr Obhof, you still have the floor.

19 MR OBHOF: [11:35:26] Thank you very much, your Honour.

20 Q. [11:35:28] Now, Mr Witness, I am going to read from tab 2, that's

21 UGA-OTP-0273-0844, and it's going to be from page 0873.

22 Starting at the very bottom, going on to the next page, in line 1021 you told
23 the Prosecution during your interview in 2015:

24 "That time, when I got better, we returned back to Pajule and when we returned back
25 to Pajule, Pajule was attacked, on the 9th but on that particular day, on the 9th, when

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 Pajule was attacked, for us, again, we were in a place called Lira Palwo. Lira Palwo
2 is L-I-R-A P-A-L-W-O."

3 And again at tab 12, a couple of days later, at lines - tab 12 is 0273-1053 - at lines 103
4 to 104 you repeat again to the Prosecution:

5 "And that is why then on the 10th when this fighting at Pajule took place we were in
6 Lira Palwo."

7 Mr Witness, when the attack happened, when the attack started at Pajule, where
8 were you?

9 A. [11:37:31] I remember earlier I mentioned that when Pajule was being attacked,
10 I mentioned clearly that at the onset of the attack, we were on our way to Pajule.

11 I was not in Pajule. But at about 4, coming to 5, that was the time we arrived there.

12 Q. [11:37:59] So it's fair to say that the Pajule attack started several hours before you
13 arrived? Would that be correct, Mr Witness?

14 A. [11:38:22] Yes, it started way before we arrived in Pajule.

15 Q. [11:38:30] Now, Mr Witness, yesterday you told this Court that you saw
16 Mr Ongwen after leaving Pajule, but you told the Prosecution back in 2015 that you
17 did not see Mr Ongwen at any time that day. And the reference is 0273-0877, which
18 is tab 3, and it runs from page 0889 through 0891 and starting at line 399.

19 Mr Witness, can you explain why you told the Prosecution before that you did not see
20 Mr Ongwen at all but only heard about him from your big commanders, but then
21 yesterday you say that you saw Mr Ongwen some time between leaving Pajule and
22 reaching Wangduku?

23 A. [11:39:49] As I mentioned earlier, there could have been a problem with the
24 interpretation. But what I mentioned yesterday is the correct thing. You know, it is
25 a bit difficult interpreting our language, so there must have been that problem.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 Q. [11:40:16] If we're very specific at tab 3, it's page 0890, lines 460 and 461, and
2 then again on the very next page at line 475. I will read line -- I will read to you what
3 you said:

4 "I did not see Ongwen myself but the soldier who was in charge of us, commanding
5 our unit, told us that there are two Commanders. There is Otti and Ongwen there."
6 And right above that, Mr Witness, there is the verbatim words of what you told
7 the Prosecution.

8 A. [11:41:11] Could you please repeat the question? I didn't get it well.

9 Q. [11:41:15] I was just reading into the record --

10 PRESIDING JUDGE SCHMITT: [11:41:17] That was -- yes, and of course we have
11 taken note of it, you can be assured.

12 MR OBHOF: [11:41:41]

13 Q. [11:41:41] Mr Witness, who was your commander, the commander of your unit
14 whilst you were in Pajule? The commander that was physically with you?

15 A. [11:42:09] As I mentioned, the person who commanded us there was called Ojok.

16 Q. [11:42:18] Do you remember any of his other names, Mr Witness?

17 A. [11:42:34] Well, I might be able to recall that, but with time.

18 Q. [11:42:43] Mr Witness, do you remember in which group was Acel Calo Apar?
19 And if you know the brigade, brigade; if you know the battalion, battalion, please.

20 A. [11:43:04] Acel Calo Apar, as I mentioned yesterday, the commander who gave
21 the order that there should be selections done from the coy, he mentioned that
22 Acel Calo Apar should be selected. And it is difficult for me to know the brigade
23 Acel Calo Apar was belonging to, because from Stockree, under Tabuley,
24 Acel Calo Apar was not there. I didn't see him in that brigade. Unless maybe he
25 was brought on the day of the attack, then maybe that. Otherwise I don't know

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 his brigade.

2 Q. [11:44:16] Now, after you left Pajule did you go back to Omot, Mr Witness?

3 A. [11:44:27] Yes, we went back to Omot.

4 Q. [11:44:34] I'm very sorry, I am going to backtrack one. You said you saw

5 Rwot Oywak at -- as one of the many abductees. What did his physical appearance
6 look like when you saw him?

7 A. [11:45:00] Oywak is tall, he is fairly average, not very lean. That is about
8 Oywak.

9 Q. [11:45:20] When you saw him with Otti, what was he wearing?

10 A. [11:45:33] At the time people were abducted, as I saw, he was putting on civilian
11 clothes.

12 PRESIDING JUDGE SCHMITT: [11:45:43] May I shortly, Mr Obhof, just one
13 additional question.

14 Mr Witness, was there a difference between Rwot Oywak and the other abductees
15 when it comes to clothes?

16 THE WITNESS: [11:46:03] (Interpretation) Yes, there was a difference.

17 PRESIDING JUDGE SCHMITT: [11:46:08] Could you explain?

18 THE WITNESS: [11:46:18] (Interpretation) The difference with Oywak was that he
19 was tall, averagely built, and he used to be referred to as "Rwot" because he was
20 a rwot. That was how I identified him.

21 PRESIDING JUDGE SCHMITT: [11:46:42] That was my mistake. I was not clear
22 enough. I wanted to ask you if there was a difference in the clothing that you recall
23 between the abductees and what Oywak -- at the time that Oywak spoke with Otti?

24 THE WITNESS: [11:47:08] (Interpretation) At the time I saw him, unless I saw him
25 hurriedly, but I think he was putting on a white cloth.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [11:47:25] And was this different when you compare
2 it with the other abductees?

3 THE WITNESS: [11:47:35] (Interpretation) The way I saw, because there were so
4 many abductees, I didn't pay heed on the kind of dressings of the other abductees, but
5 all the abductees were dressed. There were so many people you would not
6 concentrate on looking at Oywak, looking at Lokila and any other abductees.

7 PRESIDING JUDGE SCHMITT: [11:48:04] I understand.

8 Please continue, Mr Obhof.

9 MR OBHOF: [11:48:07]

10 Q. [11:48:07] Now, we are going to move on to tab 21, UGA-OTP-0278-0468.

11 Mr Witness, you discussed a little bit about this with the Prosecution yesterday, about
12 your ICC victims' application.

13 Mr Witness, you told us yesterday that you received a phone call and you were asked
14 to sign this document, that they are pulling up quite shortly. I will hold off.

15 I am just going to ask a few basic questions. Did you fill this document in?

16 A. [11:49:21] Yesterday, I responded to this question very clearly.

17 PRESIDING JUDGE SCHMITT: [11:49:30] So I think we can -- we have heard it
18 yesterday, and what would be of interest, Mr Witness, what is standing, did you talk
19 to somebody who took notes and put this down?

20 THE WITNESS: [11:49:58] (Interpretation) I am not the one who wrote that down.

21 PRESIDING JUDGE SCHMITT: [11:50:03] Yes, we have understood that, and this
22 was the background of the question of Mr Obhof. But we have, I think, we have
23 heard this already yesterday. But my question would be, given that you have not
24 written it down yourself, we would be interested if what is standing there relies on
25 your information that you have given to a person, to a person who has written

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 this down.

2 THE WITNESS: [11:50:45] (Interpretation) Well, they didn't ask me anything about
3 that, but I think I need to explain something a little more on that.

4 PRESIDING JUDGE SCHMITT: [11:50:57] Please do that.

5 THE WITNESS: [11:51:00] (Interpretation) In reference to this, at the time when the
6 report came to me, I was in Pajule centre in a UA centre. If you look at the back of it,
7 they identified a woman who was the LC-1 chairperson, and they asked her whether
8 she knew about myself and other people. She kept on saying, "I know this and that."
9 I think she is the one who wrote all this down, and she didn't even inform me about
10 this. I am just looking at this today. I first saw it yesterday, and again today I am
11 looking at it.

12 PRESIDING JUDGE SCHMITT: [11:51:55] So does this mean that everything that is
13 written down there has nothing to do with what you said to somebody? So this -- do
14 you want to tell us that the person who has taken this down, has written this down,
15 has invented the whole story?

16 THE WITNESS: [11:52:15] (Interpretation) Exactly.

17 PRESIDING JUDGE SCHMITT: [11:52:20] I think we have already also -- I address
18 this also to the Prosecution. This was a large part of one of your examinations
19 during the investigation phase, and there it reads a little bit different. And we have
20 this I think on the record, and we know this and we have taken note of this and we
21 will assess this.

22 MR OBHOF: [11:52:43] Your Honour, I would like to read the UGAs of those three,
23 just to put them on the record so we can submit them.

24 PRESIDING JUDGE SCHMITT: [11:52:51] I fully understand, yes, in your role that
25 you want to do that, and you are allowed to do that. And perhaps you can also, so it

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 is easier for us to follow later on, you can also tell us exactly the page numbers.

2 I have it in front of me now, but you never know.

3 MR OBHOF: [11:53:06] That is the problem: I have a different booklet, so I am not
4 sure of the page numbers. But of the three interviews that the Prosecution
5 held -- they are UGA-OTP, of course -- it is 0278-0376, which is tab 14; tab 15 is
6 0278-0385, and tab 16 is 0278-0427.

7 PRESIDING JUDGE SCHMITT: [11:53:40] Especially 435, following pages.

8 MR OBHOF: [11:53:46] If memory serves me, that was the third set of transcripts.

9 PRESIDING JUDGE SCHMITT: [11:53:50] Trust me, Mr Obhof.

10 MR OBHOF: [11:53:52] And so I won't delve into that too much more, except for
11 a few.

12 PRESIDING JUDGE SCHMITT: [11:54:03] It's correct, but what I only wanted to say
13 is that we are prepared and that we know what is exactly now on the record, and we
14 would consider everything.

15 MR OBHOF: [11:54:16]

16 Q. [11:54:16] Mr Witness, did the LC-1 come to you and bring the application or
17 was it somebody different who brought this document to you to sign?

18 A. [11:54:35] The way this form was brought to me, first of all, there were so many
19 different forms, and they said whoever identified their names are needed to sign.
20 And, you know, for myself, I am not very conversant with English. I cannot very
21 clearly read and write, so I just saw my name and then signed.

22 Q. [11:55:04] And only because we are at court, and I am sorry for asking you this,
23 because we have to be specific, did anyone translate or interpret this document for
24 you before you signed it?

25 A. [11:55:27] No.

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Private Session)

ICC-02/04-01/15

1 Q. [11:55:36] Now, Mr Witness -- actually, your Honour, could we go into a private
2 session for maybe one minute?

3 PRESIDING JUDGE SCHMITT: [11:55:46] Private session.

4 (Private session at 11.55 a.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Open session at 11.56 a.m.)

16 THE COURT OFFICER: [11:56:51] We are back in open session, Mr President.

17 MR OBHOF: [11:57:03] And these next very few brief questions will be referring to
18 UGA-OTP-0278-0289, which are not to be shown to the witness. And that is tab 24.

19 Q. [11:57:32] Mr Witness, to the best of your knowledge, did your former wife, did
20 she fill out a victim application?

21 A. [11:57:54] Yes, she did.

22 Q. [11:58:00] Did she talk to you about it, Mr Witness?

23 A. [11:58:12] No, she didn't. She didn't tell me anything about the form.

24 Q. [11:58:24] Do you know or did she tell you if her form was filled out in the same
25 manner in which your form was filled out?

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Open Session)

ICC-02/04-01/15

1 A. [11:58:45] I didn't see the form with my own eyes, so it's difficult for me to admit
2 to what I didn't see. I would only admit to what I saw.

3 Q. [11:59:11] Just a few more questions, Mr Witness. We won't take much more of
4 your time.

5 Now, Mr Witness, during your time in the LRA, I put it to you that Mr Ongwen was
6 never with Stockree. Would you agree with that or disagree with that?

7 A. [11:59:42] I don't agree.

8 Q. [11:59:47] Mr Witness, would you agree also that Acel Calo Apar -- would you
9 agree or disagree that Acel Calo Apar did not serve with Charles Tabuley during the
10 time in which you were in the LRA?

11 A. [12:00:08] Well, for that I will admit that. Like I mentioned earlier,
12 Acel Calo Apar, I saw him during the time of my injury. I was not clear about which
13 brigade he belonged to, whether he was in Tabuley or not. I only saw him at the
14 time when he was injured. He had a broken leg.

15 Q. [12:00:33] So it would appear, even though you are not sure, that Acel Calo Apar
16 was in a different brigade than you and Charles Tabuley?

17 A. [12:00:51] I think it could be like that, honestly.

18 MR OBHOF: [12:01:07] No further questions, your Honour.

19 PRESIDING JUDGE SCHMITT: [12:01:10] Thank you very much.

20 That concludes the testimony of Mr Witness.

21 We thank you very much that you have come to this Court and helped us to establish
22 the truth and we wish you a safe trip back. We also thank madam at your right side
23 to assist you during your testimony. Thank you.

24 I understand, Mr Obhof, that you want to make a submission. So perhaps first we
25 wait until the witness has gotten out of the courtroom and then we continue

Trial Hearing
WITNESS: UGA-OTP-P-0250

(Private Session)

ICC-02/04-01/15

1 with that.

2 But we are not in a hurry. Take your time, Mr Witness. Thank you again
3 very much.

4 (The witness is excused)

5 PRESIDING JUDGE SCHMITT: [12:02:29] And I understand that you want to
6 discuss this in private session.

7 MR OBHOF: [12:02:34] That is correct, your Honour.

8 PRESIDING JUDGE SCHMITT: [12:02:39] Then we go into private session.

9 (Private session at 12.02 p.m.) * (Reclassified partially in public)

10 THE COURT OFFICER: [12:02:44] We are in private session, Mr President.

11 MR OBHOF: [12:02:57] Yes, your Honour, the Defence is requesting that the
12 psychosocial reports created by both the VWU and possibly, if the Prosecution did

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 documents.

19 PRESIDING JUDGE SCHMITT: [12:03:40] Thank you. Any comment by
20 the Prosecution?

21 MR GUMPERT: [12:03:48] Yes. Two, in essence.

22 Firstly, I state candidly we do have such an evaluation. We have reviewed it for
23 disclosure. We have done so, as I hope we can say in every case, carefully, trying to
24 take into account all of the possible reasons why the document might be material to
25 the preparation of the Defence. If the Defence say that there are new matters or

1 particular matters which we need to pay attention to when we revisit the issue of
2 disclosure, then they need to be much more specific, I respectfully suggest, than my
3 learned friend has just been.

4 PRESIDING JUDGE SCHMITT: [12:04:42] I think we would have to deliberate this,
5 because there is a different angle on that. We will have to deliberate on that shortly.
6 You can stay here in the courtroom.

7 But just before we do that, a short remark by me: The addressee of all such requests
8 and the ones who will decide in the end are we and it's important what the Judges
9 think is important for their decision. But we will take our time, not too long. Yeah,
10 I give you the floor shortly. We will perhaps need 10 minutes, not more.

11 Mr Obhof.

12 MR OBHOF: [12:05:18] The only reason I say is (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [12:05:21] There is a second point of Mr Gumpert.

14 MR OBHOF: [12:05:23] Oh, yeah, yeah. Sorry.

15 PRESIDING JUDGE SCHMITT: [12:05:24] Of course. Excuse me.

16 MR GUMPERT: [12:05:25] The second point is that unless the Chamber orders to the
17 contrary, if there is further material responsive to some issue which the Defence raise
18 now, and from which we decide requires further disclosure, we will follow our
19 consistent practice thus far, we would not disclose the document itself, the assessment
20 itself. We would extract the relevant material, the relevant proposition from it and
21 disclose that. Of course all of that is subject, as your Honour has just said, to the
22 rulings of the Court. We will do whatever the Court orders us to do.

23 PRESIDING JUDGE SCHMITT: [12:06:11] Mr Obhof, shortly please.

24 MR OBHOF: [12:06:13] Yes. The one thing, I'm now replying to Mr Gumpert's
25 second point, we would ask that any such document would have proposed redactions

1 to the Chamber, if they are ordered disclosed, and have the Chamber look over it and
2 decide what is factual -- what is right and what is wrong. That does not need to
3 be disclosed.

4 Also for the specific areas there are things that we could not have known by reading a

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 things which we could not read from transcripts. And Mr Gumpert is correct, they
11 do look through these things and try to, but this is something that we as attorneys
12 could not notice until physically meeting the witness.

13 PRESIDING JUDGE SCHMITT: [12:07:07] But also just a remark by me: But these
14 are all things we have, we have - let me carefully word it - witnessed so to speak as
15 participants and parties and Judges here in the courtroom and this is the reason why
16 we are in the courtroom, to get an immediate impression by a witness. And this of
17 course can be -- this will not be forgotten. Otherwise you could not rely on the
18 transcript, also for purposes of appeals, but only on our, on our YouTube, so to speak.
19 So it's for a purpose we have witnesses in the courtroom, to get an immediate
20 impression. We have on the record all sorts of materials where we can cross-check
21 facts and so on. I just wanted to mention that also in a more general manner.

22 So please don't go too far away from here, 10 minutes.

23 MR NARANTSETSEG: [12:08:05] Your Honour, if you permit me.

24 PRESIDING JUDGE SCHMITT: [12:08:07] Mr Narantsetseg, please.

25 MR NARANTSETSEG: [12:08:08] Your Honours, thank you for the opportunity.

1 I would advise that your Honours first also seek the consent of this individual. Since

2 (Redacted)

3 issue, I would suggest that such a precautionary measure in form of consent should

4 be required, your Honour. Thank you.

5 PRESIDING JUDGE SCHMITT: [12:08:33] We have not ordered anything yet.

6 So please stay here.

7 THE COURT USHER: [12:08:40] All rise.

8 (Recess taken at 12.08 p.m.)

9 (Upon resuming in private session at 12.20 p.m.)

10 THE COURT USHER: [12:20:46] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [12:21:09] So we are still in private session and

13 the Chamber gives the following ruling: It is noted that the VWU psychologist

14 provided a vulnerability assessment of P-250 to the Chamber on 12 January 2018.

15 Although the parties do not have access to the particulars of this assessment, and

16 the Chamber therefore will not use it in its judgment, the Chamber considers that

17 there is also nothing in this document suggesting that giving the parties access to it

18 would be meaningful. This part of the request is rejected.

19 As regards the OTP assessment, it is clear from the discussion just now that there has

20 been no inter partes discussion of the disclosability of this document. The parties are

21 to try and resolve this issue themselves before seeking a ruling from the Chamber.

22 This concludes the Chamber's order.

23 And I think what I would like to add, I can say in open session. Back to open session

24 (Open session at 12.22 p.m.)

25 THE COURT OFFICER: [12:22:33] We are back in open session, Mr President.

1 PRESIDING JUDGE SCHMITT: [12:22:38] I just wanted to add to what I have said
2 on behalf of the Chamber in the ruling, that the purpose of witnesses appearing
3 before judges in court is to allow for an immediate impression of the witness.
4 I already addressed it before we went into the short break. The Chamber considers
5 that it has gotten a sufficient impression of P-250 during his testimony and that we do
6 not need supplemental information, and we also have additional material on the
7 record to assess the witness's testimony. I think this should make the approach of
8 the Chamber clear enough, which is consistent with what we many times have said
9 and what I repeat today.

10 This concludes today's hearing. The next witness, 145, I am informed. We start
11 with this witness tomorrow at 9.30.

12 THE COURT USHER: [12:23:33] All rise.

13 (The hearing ends in open session at 12.23 p.m.)

14 RECLASSIFICATION REPORT

15 Pursuant to the Trial Chamber VI's Order, ICC-01/04-02/06-1887, dated 4 May 2017,
16 the public reclassified and lesser redacted version of this transcript is filed in the case.