

Trial Hearing
WITNESS: UGA-D26-P-0076

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 4 June 2019
9 (The hearing starts in open session at 9.29 a.m.)
10 THE COURT USHER: [9:29:22] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:29:44] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:29:50] Good morning, Mr President, your Honours.
16 The situation in Uganda, case The Prosecutor versus Dominic Ongwen, case reference
17 ICC-02/04-01/15.
18 And we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:30:01] I ask for the appearances of the parties.
20 The Prosecution first, please.
21 MR CHOUDHRY: [9:30:05] Good morning, your Honours. Kamran Choudhry.
22 Here with me today is Mr Ben Gumpert, Mr Colin Black, Pubudu Sachithanandan,
23 Beti Hohler, Yulia Nuzban, Sanyu Ndagire, Hai Do Duc and Ms Grace Goh.
24 PRESIDING JUDGE SCHMITT: [9:30:19] Thank you.
25 And for the LRVs, Mr Narantsetseg first.

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- 1 MR NARANTSETSEG: [9:30:24] Good morning, Mr President, your Honours.
2 My name is Orchlon Narantsetseg and I am joined by Ms Caroline Walter.
3 Thank you.
- 4 PRESIDING JUDGE SCHMITT: [9:30:29] And for the second team, Mr Cox.
- 5 MR COX: [9:30:31] Good morning, your Honours. With me, Mr James Mawira;
6 and myself, Francisco Cox.
- 7 PRESIDING JUDGE SCHMITT: [9:30:38] Thank you.
8 And for the Defence, Mr Obhof, please.
- 9 MR OBHOF: [9:30:41] Good morning, your Honours. Thank you. Today with us
10 we have our assistant to counsel, Gordon Kifudde; our co-counsel, Chief Charles
11 Achaleke Taku; our professor doctor intern, Dr Laura Graham. Our client
12 Dominic Ongwen is in today. And my name is Thomas Obhof.
- 13 PRESIDING JUDGE SCHMITT: [9:30:58] If I recall it correctly, it was professor last
14 time.
- 15 MR OBHOF: [9:31:02] Well, we forgot before because she's actually both a professor
16 and a PhD.
- 17 PRESIDING JUDGE SCHMITT: [9:31:09] So then we leave it at that.
18 A very special welcome: Good morning, Mr Richard Otim, who is at the video-link
19 location and which is, for the students or whoever is sitting upstairs, an extended
20 courtroom, so to speak.
- 21 Good morning, Mr Otim. On behalf of the Chamber I would like to welcome you.
- 22 WITNESS: UGA-D26-P-0076
23 (The witness speaks Acholi)
24 (The witness gives evidence via video link)
- 25 THE WITNESS: [9:31:33] (Interpretation) Good morning.

1 PRESIDING JUDGE SCHMITT: [9:31:36] There should be a card in front of you,
2 Mr Witness, that shows you the solemn undertaking that every witness appearing
3 before this Court has to take. I would ask you to please kindly read out this
4 undertaking.

5 THE WITNESS: [9:31:55] (Interpretation) It's been written on the paper, the title is
6 "Acholi solemn undertaking".

7 I solemnly swear that I will speak the truth, the whole truth and nothing but the truth.

8 PRESIDING JUDGE SCHMITT: [9:32:14] Thank you very much, Mr Otim.

9 Do you understand this undertaking?

10 THE WITNESS: [9:32:22] (Interpretation) Yes, I do.

11 PRESIDING JUDGE SCHMITT: [9:32:24] And do you agree with it?

12 THE WITNESS: [9:32:29] (Interpretation) Yes, I do.

13 PRESIDING JUDGE SCHMITT: [9:32:31] Thank you, Mr Otim.

14 This means that you have now been sworn in.

15 And additionally, for the protocol, we welcome chief counsel Mr Ayena Odongo in
16 the courtroom.

17 Mr Otim, before we start with your testimony, there is a small practical matter.

18 Everything we say here in the courtroom is written down and interpreted, and to
19 allow for the interpretation we will have to speak at a relatively slow pace so that the
20 interpreters can follow us.

21 If you want to address the Chamber, for example, if you think you need a break,
22 please raise your hand, then I will give you the word and you can address us.

23 I give now the floor to the Defence, and I assume that Mr Obhof will conduct the
24 examination by the Defence.

25 MR OBHOF: [9:33:22] Thank you, your Honour.

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1 QUESTIONED BY MR OBHOF:

2 Q. [9:33:28] Good morning, Mr Otim.

3 A. [9:33:33] Good morning to you, too.

4 MR OBHOF: [9:33:36] Now, your Honour, just part of the -- maybe a two-minute
5 private session just to go through his, the private matters, his particulars --

6 PRESIDING JUDGE SCHMITT: [09:33:47] Yes.

7 MR OBHOF: [09:33:47] (Overlapping speakers) it is completely personal in nature.

8 PRESIDING JUDGE SCHMITT: [9:33:49] So, and also for the audience upstairs, this
9 will be a short interruption in a private session and we will relatively, in a relatively
10 short time go back to open session again.

11 So to private session, please.

12 (Private session at 9.34 a.m.)

13 THE COURT OFFICER: [9:34:20] We are in private session, your Honour.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Open session at 9.36 a.m.)

3 THE COURT OFFICER: [9:36:25] We are in open session, Mr President.

4 MR OBHOF: [9:36:37]

5 Q. [9:36:38] Mr Otim, what is the highest level of education you received?

6 A. [9:36:52] I stopped my education in primary 6.

7 Q. [9:37:05] And why did you stop attending school after primary 6?

8 A. [9:37:16] I stopped my education in 1990. Apologies, I -- in 1986, when the
9 government was overthrown. People were fleeing. And for those reasons, I
10 stopped education because the Tito government was overthrown, and that was the
11 time when I stopped my education because of the change of government.

12 Q. [9:37:52] And what do you do for a living today?

13 A. [9:38:03] Right now, I am a farmer.

14 Q. [9:38:16] Mr Otim, can you please tell Court whereabouts you were living
15 around April 2002?

16 A. [9:38:38] In 2002 we left the village, Paiula village, and went to Pajule camp.
17 We started living in Pajule camp because of the war, the war between the government
18 and the LRA rebels.

19 Q. [9:39:09] Now, why specifically did you move to Pajule camp?

20 A. [9:39:23] Instructions were issued by the government asking everybody to leave
21 the villages and move to the camps, because if people continued staying in the
22 villages, then it would become difficult for them to end the war with Kony. So if you
23 stayed behind in the villages, that meant the rebels could still gain courage or would
24 remain stronger and it would be difficult to end the war. So if you stayed in the
25 village then they would assume that you are a rebel supporter, and that's why we left

1 the villages and went to the camp.

2 Q. [9:40:20] What type of assistance did the government give to you and your
3 family to help you move your family to Pajule camp?

4 A. [9:40:44] The government did not provide us with any assistance, it was each
5 man to himself. Each person had to find their means to leave their home and move
6 to the camp.

7 Q. [9:41:03] What happened to -- what happened to your food and supplies which
8 were left at your home when you moved to Pajule camp?

9 A. [9:41:25] We were able to take some of the food along with us. Whatever it is
10 that we could carry we took with us to the camp. But whatever we could not carry
11 with us, we left behind in the villages.

12 Q. [9:41:45] When you arrived at Pajule camp, what type of assistance did the
13 government give you to help build your home within the camp?

14 A. [9:42:12] With respect to finding somewhere to stay, each person was
15 responsible for finding somewhere where they could construct their little house and
16 move into the house.

17 Q. [9:42:38] How close together were the houses at Pajule camp?

18 A. [9:42:55] Perhaps 5, 5 to 10 metres between the houses.

19 Q. [9:43:11] Can you briefly describe the entire Pajule camp for the Judges.

20 A. [9:43:34] Pajule camp was along the road, the road from Kitgum to Lira. It was
21 on the north side. And that is where the Pajule camp was.

22 Q. [9:44:00] Were there any other camps close to the Pajule camp?

23 A. [9:44:12] Yes, there was Lapul camp. It was close to Lapul sub-county, along
24 the road going from Lira to Gulu on the western side.

25 PRESIDING JUDGE SCHMITT: [9:44:40] Mr Otim, were these two camps only

1 separated by the road, or was there some distance between them?

2 THE WITNESS: [9:45:02](Interpretation) It was the Lira-Kitgum road that divided
3 the camps.

4 PRESIDING JUDGE SCHMITT: [9:45:07] Thank you.

5 Mr Obhof.

6 MR OBHOF: [9:45:09] You actually read my mind, because he mentioned Gulu
7 earlier and I wanted to make sure if it was -- if it was Lira or Gulu inside the road.

8 Q. [9:45:20] Was there a military barracks anywhere near the camp?

9 A. [9:45:40] When we had just moved into the camp in 2002 there was a barracks,
10 but it was on the northern side, it was towards Pajule side. But after Pajule was
11 attacked by the rebels in 2003, there was a barracks close to Lapul camp close to
12 Pajule mission.

13 Q. [9:46:16] About how far from the Lira-Kitgum road was this barracks on the
14 Lapul side next to the mission?

15 A. [9:46:47] It was approximately 1 kilometre, based on my observation.

16 Q. [9:46:55] And if you remember, about how far was the barracks from the edge of
17 the Lapul camp?

18 A. [9:47:20] Based on my observation it was very close, the distance from the camp
19 to the barracks was, approximately, perhaps 100 metres only.

20 Q. [9:47:46] When you lived in the camp, was there a curfew for its residents?

21 A. [9:48:11] Yes, there was a barrier. Because when they send soldiers on patrol,
22 they would send the soldiers on all the patrol at around 8, and then after that civilians
23 would be allowed to get out. Then the curfew would end and civilians would be
24 able to go out and look for food and look for firewood. But soldiers would go on
25 patrol first.

1 Q. [9:48:43] What time in the evening would you be required to be in the camp?

2 A. [9:49:01] At around 5 p.m. By 5 p.m. everybody should be back in the camp.

3 Everybody should be back after collecting firewood and food.

4 Q. [9:49:21] What would happen to the camp residents if they violated this curfew?

5 A. [9:49:42] If somebody violated the curfew, then that would create problems,

6 because the soldiers that would be sent to sleep around the camp, if the soldiers find

7 you outside of the camp, they find that you have not yet returned to the camp, then

8 they would assume you're a bad person. They will start questioning you. They

9 will become suspicious, asking you why you're still outside of the camp. Then you

10 would look like a suspicion person.

11 Q. [9:50:15] Did you ever see or hear about this happening?

12 A. [9:50:32] Yes, I did hear about it.

13 Q. [9:50:43] Did the Pajule camp, or at least the part of the camp in which you lived,

14 have a camp leader?

15 A. [9:51:04] Yes, it did have a camp leader, he was known as Okeny Brown. He

16 was the camp commandant, the camp leader.

17 Q. [9:51:22] Mr Okeny Brown, was he a civilian or was he in the military?

18 A. [9:51:38] Okeny Brown was a civilian.

19 Q. [9:51:51] What were his main duties, this Mr Okeny Brown?

20 A. [9:52:06] Okeny Brown, whenever they brought food for distribution to people

21 residing in the camp, he would oversee and make sure that the food was enough for

22 every single household that was in Pajule camp and that there was no house that did

23 not get any food. If the food was not enough for every single household in the camp,

24 he had to report it and let the authorities know that there was not enough food.

25 Secondly, if there was anything that was problematic to a person in the camp, for

1 example, lack of food or medical problems, then they would take the messages to him
2 and he would try and resolve the issues.

3 Q. [9:53:01] And you mentioned authorities, which authorities would he report to if
4 there was not enough food?

5 A. [9:53:28] The, the people who brought the food were known as the World Food
6 Programme.

7 Q. [9:53:49] What type of police force did Pajule camp have?

8 A. [9:54:10] The -- there was the SPC police forces, they are known as the SPC and
9 they are the ones who are based in Pajule.

10 Q. [9:54:35] What type of sanitation did the Pajule camp have? Or sanitation
11 system?

12 A. [9:54:54] World Food set up some toilets in the camp. Because the camp that was
13 under the leadership of Okeny Brown had different blocks, so every block had toilets
14 based on the number of households in that particular block. So each block had
15 toilets based on the number of households and those were the toilets that were being
16 used to take care of the sanitation of the people living in the camp.

17 Q. [9:55:45] We move a slightly different direction now.
18 You mentioned before about soldiers guarding the camps. Who were these soldiers
19 that were at the barracks and that were doing the patrols?

20 A. [9:56:14] There were two groups of soldiers. There was one, the local militia
21 known as the LDU, and then the UPDF. The two would converge and then go on
22 patrol to -- and patrol the roads that people use, that the cars use, and they would also
23 control the perimeters of the camp.

24 Q. [9:56:55] How would you know if somebody was UPDF or an LDU?

25 A. [9:57:17] The LDU had a different set of uniforms, and the UPDF also had

1 a different set of uniforms.

2 Q. [9:57:45] How did the UPDF soldiers and the LDUs interact with the camp
3 residents?

4 A. [9:58:08] Based on my observation, most times the soldiers who were alcoholics
5 or who drank, whenever they were sent on patrol they would leave their roles, come
6 back to the camp. Some of them had their wives or their spouses living within the
7 camps, or maybe girlfriends also living within the camps, so they would leave and
8 come to the camps. Especially the ones who were drinkers, those are the ones who
9 would leave their posts and come to the camp.

10 Q. [9:58:52] From your observations, generally speaking, how long would some of
11 these soldiers remain in the camp either to drink or to visit girlfriends or wives or
12 families?

13 A. [9:59:23] Most times they would come in the evening when people are going to
14 bed, at around 9 or 10 p.m., and when people are asleep late at night, that's when they
15 leave. They leave when most of the people are sleeping.

16 Q. [10:00:10] Mr Witness, you mentioned an attack on Pajule earlier. Do you
17 remember the dates for any of the attacks on Pajule camp?

18 A. [10:00:31] Yes, I do remember. The attack occurred on 10 October 2003.

19 Q. [10:00:54] And how do you remember this date so vividly?

20 A. [10:01:07] I was one of the persons who were abducted on that day, and that is
21 why I can vividly recall that date.

22 PRESIDING JUDGE SCHMITT: [10:01:20] I think, Mr Obhof, you can induce
23 a narrative in the witness, so I think this would expedite things.

24 MR OBHOF: [10:01:32] I was going to do that in about two questions.

25 PRESIDING JUDGE SCHMITT: [10:01:35] Okay, but please don't forget.

1 MR OBHOF: [10:01:39] Yes, it will be, yes.

2 Q. [10:01:41] How was the mood of Pajule camp the previous, the previous night?

3 A. [10:02:05] That night was Independence Day of Uganda. People were

4 celebrating from the 9th, through to the 10th. On that night, people were in

5 a celebratory mood, people were drunk, and so a number of them were caught

6 unaware by the attack.

7 During the night, when I was asleep, towards the dawn of that night, that's when I

8 heard gunshots on the road from Pajule centre towards Lacani at a stream called

9 Awalmon. There was a lot of noise and shouting and immediately I remembered, I

10 realised that this could be the LRA soldiers attacking.

11 So I woke up, ran out of -- with the intention of running out of my house, but my wife

12 held me back, that I shouldn't go out because I would be hit by the bullets. I told her,

13 no, let me run, because if I stay in this house the rebels will come and they would

14 abduct me. My wife did not let me go, she held me tightly, fearing that if I ran out I

15 would be hit by the bullets.

16 Shortly, in that instance, I hear -- I heard when the -- our door was opened, I was

17 captured and brought out and I was tied in the waist with a rope, and we started

18 moving, going forward.

19 Right from that time, at that instance, there was gunshots going on and exchange of

20 fire between the soldiers protecting the camp and the rebels.

21 We moved and stood somewhere amongst the houses that were in the camp. The

22 gunshots was intense, the exchange of fire was fierce between the government

23 soldiers and the LRA soldiers.

24 As we moved -- as we would move they would exchange fire. And then at some

25 point when the gunshots ceased, they would tell us to continue. But if they want to

1 exchange fire, they would tell people to stop and then they would exchange fire and
2 then continue moving. Some people were made to carry luggage.

3 And then, as we left the camp, the government soldiers started following us and we
4 continued our movement and went to a place called Lila. That was now the place
5 where government soldiers from Achol-Pii barracks came and joined with soldiers
6 from Lanyatido and came as a reinforcement from the government side, using
7 gunship from Achol-Pii, and with that reinforcement they started firing and shooting
8 at our location.

9 It was from that point where some people managed to escape, but those of us who
10 were tied in the waist, we couldn't run, because people would be tied together along
11 one rope and you would move in a line with your waist bound.

12 When we left Lila, we went to a place called Lacektar. Once we reached Lacektar,
13 we were now told to move in haste. The helicopter gunship was still hovering over
14 the area, and that was already about 8 a.m. in the morning. We continued with our
15 movement until we reached a placed called Laodi (phon), which is in Ogom
16 sub-county in Pader district.

17 Once we reached that place we stationed for a while. People were gathered and
18 addressed. The person who addressed the gathering introduced himself to the
19 people as Otti Vincent. While they were addressing the people at that point, there
20 was one of the elders, the chief in Acholi called Rwot Oywak who was also amongst
21 the people. So while Otti was addressing the people, he told Rwot Oywak that the
22 elderly and the weak and very young children, he would like Rwot Oywak to take
23 them back home.

24 Then, from that time, they started sorting out the people. They will look at your age,
25 if you're very old and unable to walk, and if you are a disabled person or if the person,

1 a child was very young, would be selected and put aside. And those were the
2 people who were handed over to Rwot Oywak and Rwot Oywak went back with this
3 group of people. I was amongst the people who were selected to continue moving
4 forward as people who should go and join the LRA.
5 Once the selection was completed, Rwot Oywak, together with the people who were
6 supposed to come back home, were allowed to leave and go back home. For us, we
7 continued moving and we went and crossed the road from Pader town to Latanya.
8 As we moved forward, we again went and crossed another road from Patongo to
9 Kalango. And our movement continued, crossed another road from Patongo to
10 Adilang.
11 While we were on the move there were some people amidst us who were injured
12 among the LRA soldiers, and we were made to carry them on stretchers. So we
13 carried the injured using the stretchers and we would carry the stretcher on our
14 shoulders.
15 So as we were moving we would carry such people, but if in the time when you are
16 moving they see that you are not moving fast enough, you will be told to hurry up,
17 because the government soldiers would be following people.
18 So we were moving until such a point where my feet and my shoulders became
19 injured, and by the time we were crossing the road from Patongo to Adilang I had a
20 wound in my feet and on my shoulders. And when we moved and reached the
21 shore of Agago River, people were told to first take a rest and find somewhere to
22 sleep, so people stationed. And at that time, when I found that I was so much in
23 pain in my feet and on my shoulders, I just thought to myself that since now I cannot
24 move any longer, my shoulders is now weak and cannot continue carrying, I think I
25 should escape.

1 Then from that moment, I waited up to around 1 a.m. in the night then I untied
2 myself from the rope. Because there was one person who was at the extreme end
3 who was like slightly ahead of me, so when I untied the rope from my waist, I started
4 crawling away from the team.

5 But, as we were going to sleep, people were instructed that, should you feel like you
6 want to go and pee or you want to go and poo, you have to wait until when it is clear
7 in the morning and then you will be escorted. Because many people who would
8 want to go for a short call or a poo in the night would escape, so that is why we were
9 not allowed to try to go out for such calls during the night.

10 So when I tried to crawl away from the point where I was, for about 5 metres, I tried
11 to listen back. I couldn't hear any question or anyone talking, so I got up and started
12 walking, as I would limp. I walked, continued dropping my ears back to hear if
13 there is anyone following me. I couldn't hear anyone. So I continued moving,
14 slowly, until when I reached a very large forest.

15 That night, the moon was so bright, it had even rained, and I entered in that forest. I
16 walked through that forest. When I was about to go through to the end of the forest,
17 that's when I would hear some voices behind me. That voice was actually the voice
18 of people, soldiers who were selected to follow me, because they realised that I had
19 already escaped. So that night I think there were about seven, six or seven soldiers
20 who were selected to come and follow me up so that I would be captured and taken
21 back.

22 Luckily enough, in that forest, when I walked through I did not leave any trail. My
23 trail was erased somehow and so they couldn't trace me. I continued moving. As I
24 left that forest I found a foot trail that was previously used by the LRA, so I followed
25 that trail as I continued. I would run, I would walk along the way.

1 When I neared a certain road I would hear a vehicle, which was I think coming from
2 Patongo going to Adilang. Then it occurred to me that, oh, maybe that is a road
3 which is nearby, so I need to hurry up so that I can be able to reach that road and
4 I can go and report to any UPDF barracks.

5 I continued with my movement. By the time it clocked 8 in the morning I had
6 crossed that road from Adilang going to Patongo. I was lucky, I came across
7 a bicycle rider who - popularly known as a *boda boda* - is a bicycle courier, someone
8 who rides on a bicycle, and he was going towards the centre. So I ask him to carry
9 me because I was feeling a lot of pain in my feet, on my shoulders, so I request you to
10 carry me and take me to Patongo barracks. The bicycle man accepted. He carried
11 me and he took me to the UPDF barracks in Patongo.

12 Once I was in the barracks I was taken to the intelligence office. I was questioned. I
13 explained exactly what happened. And once I was done with the questioning I was
14 taken to get medication for the injuries that I sustained. I was injected, my wounds
15 were dressed, and I was taken to where I was supposed to be.

16 I spent about 14 days in Patongo barracks, and after that 14 days I was -- I started
17 feeling well and my wound started healing. From there, I was taken to the 5th
18 division at Achol-Pii. While I was at Achol-Pii I continued with my treatment and
19 also I was given -- I was put on feeding therapy to enable me gain some strength.

20 PRESIDING JUDGE SCHMITT: [10:17:00] Thank you, Mr Witness, for the moment.

21 This was -- but this was exactly what we wanted as a starting point for the further
22 questions by you, Mr Obhof. So please step in now.

23 MR OBHOF: [10:17:11] I think he actually answered about half the questions on my
24 last four pages, which is good.

25 PRESIDING JUDGE SCHMITT: [10:17:15] That's clear.

1 MR OBHOF:

2 Q. [10:17:19] I thank you very much for telling your story, Otim. Now I am going
3 to ask a few follow-up questions:

4 Do you remember around time the attack at Pajule camp started?

5 A. [10:17:51] From what I could tell from the time I woke up from my sleep, it was I
6 think from around 2 or 3 in the night to towards dawn.

7 Q. [10:18:14] After you were pulled outside of your house by the rebels, from what
8 you saw, what were the rebels doing with the civilians?

9 A. [10:18:40] Could you say the question again?

10 Q. [10:18:42] I will make it easier. What was the main purpose -- or, what were
11 the civilians doing after being abducted?

12 A. [10:18:58] The civilians were carrying looted food items. This included flour,
13 beans and some items that were looted from the shop by the rebels. So these were
14 the items that the civilians were carrying.

15 PRESIDING JUDGE SCHMITT: [10:19:16] Mr Witness, whilst you were still in the
16 camp, did you see that people have been killed there?

17 THE WITNESS: [10:19:39](Interpretation) Yes. On the day of the attack I saw two
18 people. At the time when I was already bound with the rope, I saw two dead
19 bodies.

20 PRESIDING JUDGE SCHMITT: [10:19:48] Did you see how they were killed?

21 THE WITNESS: [10:19:59](Interpretation) From my observation, they were killed by
22 gunshots.

23 PRESIDING JUDGE SCHMITT: [10:20:08] Could you tell who killed them?

24 THE WITNESS: [10:20:24](Interpretation) You know, at the time when the
25 government soldiers were exchanging fire with the rebels, it wouldn't be easy for me

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1 to know who exactly killed these people. Whether it was gunshot by the rebels or by
2 the government soldiers, it was difficult for me to tell.

3 PRESIDING JUDGE SCHMITT: [10:20:49] Absolutely okay.

4 Please, Mr Obhof, continue.

5 MR OBHOF: [10:21:01]

6 Q. [10:21:01] Do you know if the rebels ever attacked the barracks?

7 A. [10:21:18] Yes, the rebels went and attacked the barracks.

8 Q. [10:21:32] Now, what finally forced the rebels to leave Pajule camp?

9 A. [10:21:51] From my observation, I think it was because of the reinforcement that
10 came from Achol-Pii and Lanyatido which made them to hasten and leave.

11 PRESIDING JUDGE SCHMITT: [10:22:08] How far is Achol-Pii away from Pajule
12 or Lapul?

13 THE WITNESS: [10:22:30](Interpretation) The distance from Achol-Pii to Pajule
14 could be approximately 10 miles. But, but from Lanyatido is approximately 3 miles.
15 It's much closer to Pajule.

16 PRESIDING JUDGE SCHMITT: [10:22:47] And do you still recall at what time,
17 around about, you left the camp?

18 THE WITNESS: [10:23:04](Interpretation) We left at about between 7 to 9 a.m. in the
19 morning.

20 PRESIDING JUDGE SCHMITT: [10:23:13] Thank you. That would make it three or
21 four hours.

22 Please, Mr Obhof.

23 MR OBHOF: [10:23:20] Thank you.

24 Q. [10:23:23] Now, We have discussed about these reinforcements from Achol-Pii
25 and Lanyatido. From whom did you hear they were from Achol-Pii and Lanyatido?

1 A. [10:23:54] When we were already bound together, the LRA soldiers were talking
2 to us that we should hurry up, we should continue, move quickly, because
3 reinforcement was brought from Lanyatido to come and attack us. So they were
4 telling us to hurry up, hurry up and run. So that is what the LRA soldiers were
5 telling us.

6 Q. [10:24:38] You mentioned a helicopter, did the helicopter have any weapons on
7 it?

8 A. [10:24:50] Yes, the helicopter had weapons and was firing the guns from up.
9 Although they were not firing directly into the people, they just trying -- they were
10 firing from the sides. So they were hovering above the people so that -- and as they
11 were firing, I think their intention was to give opportunity to those who can be able to
12 escape so that they could escape. But they were not shooting directly at the people.

13 Q. [10:25:31] You mentioned stopping at Lacektar, for how long did you stop at
14 Lacektar?

15 A. [10:25:53] We didn't spend more than an hour at Lacektar. By the time we
16 were probably approaching one hour we were already moving towards Ogom.

17 Q. [10:26:11] Why did your group stop at Lacektar?

18 A. [10:26:26] You know, the LRA groups were many, so some people had still
19 remained behind. So the groups that were ahead were waiting for the groups that
20 were behind, so that they would come and then join so that people can move
21 together.

22 Q. [10:26:54] Now, you discussed about Otti addressing the crowd and that him
23 asking Rwot Oywak to take back the old and the sick and the very young. Could
24 you explain to the Court, please, the overall demeanour of Rwot Oywak during this
25 address by Otti Vincent.

1 A. [10:27:37] In my observation, I would see Rwot Oywak very relaxed, because
2 most times when we were in the camp we would even hear that when the LRA calls
3 him any time any day that they would want to meet him, he would move and go to
4 meet the LRA, the LRA would go and talk with him and he would return. So I
5 didn't see him as having any fear of anything or he was under threat. From my
6 observation, I didn't see anything of that.

7 Q. [10:28:23] While you were in Ogom did any other person address the group,
8 besides Otti Vincent?

9 A. [10:28:45] I only saw Vincent clearly as he was addressing the people.

10 Q. [10:29:00] You discussed about how your shoulders were sore and that people
11 were carrying some of the injured LRA. Did you have to carry an injured LRA?

12 A. [10:29:25] Yes, I did carry.

13 Q. [10:29:33] Do you remember the name or names of any persons whom you
14 carried?

15 A. [10:29:55] The commander that I carried, I -- some of the commanders that I
16 carried, one of them was called Acel Calo Apar, but I also heard another person,
17 Raska Lukwiya. But specifically the person that I carried, I now could not recall his
18 name properly. But the other two are the names that I also heard.

19 MR OBHOF: [10:30:23] Your Honour, if I may refer to paragraph 26, briefly?

20 PRESIDING JUDGE SCHMITT: [10:30:29] Of course.

21 MR OBHOF: [10:30:30] Yes. And this is UGA-D26-0022-0350 at page 0356. I want
22 to -- with the name Lukwiya.

23 In your statement here on paragraph 26 you stated that:

24 "I carried several different rebels during my time in the bush, Charles Lukwiya and
25 Acel Calo Apar being two of them."

1 Mr Witness, was it Raska Lukwiya or Charles Lukwiya you heard was injured and
2 that you helped carry?

3 A. [10:31:10] It was Charles Lukwiya.

4 PRESIDING JUDGE SCHMITT: [10:31:18] Do you know, Mr Witness, what
5 happened to those two people, Charles Lukwiya and Acel Calo Apar, afterwards?

6 THE WITNESS: [10:31:38](Interpretation) I had already left and gone back home, so
7 I do not know what happened after I left.

8 PRESIDING JUDGE SCHMITT: [10:31:46] At the time when you left, did they still
9 live?

10 THE WITNESS: [10:32:02](Interpretation) Yes, when I left they were still alive.

11 PRESIDING JUDGE SCHMITT: [10:32:05] Mr Obhof.

12 MR OBHOF: [10:32:18]

13 Q. [10:32:18] After Otti Vincent addressed the group and your group began
14 moving, did anyone in the LRA discuss with you the rules of the LRA?

15 A. [10:32:42] Yes, someone did talk to me about it, and it was Guli. Guli told me
16 that if anybody attempts to escape and the person is apprehended, the person will be
17 dealt with and be killed. The people who had been selected to go in front,
18 everybody should be strong and brave and go and carry out whatever missions
19 they've been asked to do. And those were instructions that came from Guli.

20 PRESIDING JUDGE SCHMITT: [10:33:21] I think that's enough on that matter. We
21 have such an abundance of evidence on these rules, I think that we can move on.

22 MR OBHOF: [10:33:30]

23 Q. [10:33:30] Now, during your short time while you were held captive by the LRA,
24 what was the name of the group in which you stayed?

25 A. [10:33:51] I was with the group known as Control Altar.

1 Q. [10:34:02] And from when you were abducted to when you arrived at -- or,
2 when you escaped, about how long was that?

3 A. [10:34:28] It could be four, four to five days. Perhaps a week. And that was
4 the time that I escaped.

5 Q. [10:34:46] Now, during those two weeks -- or, sorry, during that week or so, did
6 you ever hear the name Dominic Ongwen?

7 A. [10:35:10] No, I did not hear that name then. But when I went back home,
8 that's when I started hearing that name. I heard it from Rwot Oywak. We were at
9 a social gathering in some bar close to Rwot Oywak's home and Rwot Oywak was
10 saying that the group that attacked Pajule camp, Ongwen Dominic and Otti Vincent
11 were part of that group and they were talking about going to Teso to follow Tabuley
12 who had gone to Teso. Rwot Oywak was talking about this when I had come back
13 home. I heard him talking about him. But when I was still in the bush, I did not
14 hear that name. It's only when I came home and we were having a social gathering
15 that I heard Rwot Oywak talking about that name and mention that name.

16 MR OBHOF: [10:36:18] Your Honour, our senior counsel, he has a few questions.

17 PRESIDING JUDGE SCHMITT: [10:36:22] I have, I have an additional question in
18 that regard, specifically.

19 Mr Witness, you gave a statement, that has already been mentioned, to the Defence.
20 That's UGA-D26-0022-0350. And you have -- there is a phrase in it and it's, for the
21 participants, paragraph 40. I would like to -- you to explain for us a little bit. As I
22 said, paragraph 40, that is on page 0358. You said there, with regard to the meeting
23 with Rwot Oywak, he "did not seem annoyed or mad when he told the story."
24 And then what, I would like you to explain a bit what you mean by that, "It was just
25 another story." How do you mean that, "It was just another story"?

1 THE WITNESS: [10:37:23](Interpretation) I said that at that time Oywak was talking
2 freely, he did not, he did not seem sad or he did not seem annoyed, he was just
3 talking freely. He did not seem sad, based on my observation. He did not seem
4 mad or he did not hold any grudges.

5 PRESIDING JUDGE SCHMITT: [10:37:47] When you say "just another story", did he
6 tell a lot of stories?

7 THE WITNESS: [10:38:09](Interpretation) He was -- he was talking about the attack
8 on Pajule. He said -- he mentioned some of the people that he knew were there and
9 those are the commanders that I met -- the commanders that mention, that's what he
10 was talking about.

11 PRESIDING JUDGE SCHMITT: [10:38:31] And I have two further questions and
12 then, then I am done. You said earlier that if you -- if anyone could not walk
13 anymore, the rebels would have beat them.

14 What would have happened if they still could not walk? If you have observed
15 something in that regard.

16 THE WITNESS: [10:38:56](Interpretation) The LRA soldiers, when someone is
17 unable to walk and they cannot continue with the journey, they kill you, because they
18 assume that if they leave you behind, if they leave you alive, if the UPDF who are
19 pursuing them come and find you there, then you are going to report them or you are
20 going to tell the UPDF what you know.

21 So if you are unable to walk, then they kill you this way. If the UPDF find you, they
22 find a dead body and they're unable to -- you're unable to tell them where they are.

23 That's why when I was in pain, when my feet were hurting, I thought if I stayed
24 behind and I cannot walk they are going to kill me. And that's why I made the
25 decision to decide and escape, because if I had stayed behind and I was unable to

1 walk I would be killed.

2 PRESIDING JUDGE SCHMITT: [10:39:56] Mr Ayena, please.

3 QUESTIONED BY MR AYENA ODONGO:

4 Q. [10:40:02] Good morning, Mr Otim.

5 A. [10:40:04] Good morning.

6 Q. [10:40:08] I will ask you a few follow-up questions on what you have already
7 said:

8 Number one, you said the distance between one house and another was about
9 a hundred metres -- about 10 metres. Considering the size of the huts, was it
10 possible to put another house between those -- between two houses, the space left
11 between two houses?

12 A. [10:40:54] No, they would leave space between the houses as a footpath, because
13 if there is no footpath or if people are unable to manoeuvre their way around, then it
14 won't be safe. So they would leave spaces 5 to 10 metres to enable people to move,
15 otherwise it would be hazardous. That's why they would leave space, so that people
16 are able to move through the houses.

17 PRESIDING JUDGE SCHMITT: [10:41:20] And I think I recall that the witness at the
18 beginning of his statement said it was between 5 and 10 metres. So we can fairly
19 assume 5 metres, you would not be able to build or construct another, even a small
20 hut.

21 MR AYENA ODONGO: [10:41:40] Much obliged.

22 Q. [10:41:41] And, Mr Witness, I want you to clarify on the distance between the
23 barracks and the edge of the camp. You said it was a hundred metres. Can you tell
24 Court, in your estimation, whether it was the full length of a football field?

25 A. [10:42:17] Lapul camp, the distance between Lapul camp to the barracks is

1 approximately the length of the Pajule primary football field, which is between the
2 camp and the barracks. Because if you leave the camp, you walk through the field of
3 Pajule school and then you go to the barracks.

4 PRESIDING JUDGE SCHMITT: [10:42:47] And of course lengths of a football field is
5 something that at least some of us in this courtroom can assess very well.

6 Please, Mr Ayena.

7 MR AYENA ODONGO: [10:42:58]

8 Q. [10:43:04] And, Mr Otim, you talked about the SPC police. What was their role
9 and how did they relate with the military men in the barracks?

10 A. [10:43:26] The SPC, most times they would deal with the issues that were
11 happening within the camp, for example, things that the camp leader was unable to
12 resolve. If there are problems within the camp, then they would come, remove the
13 person who is causing the problems, take them away from the camp and keep them
14 aside for a while. So if there is anything that the camp leader cannot resolve, then
15 the police, the SPC police come and resolve. But their interactions with the soldiers,
16 I did not see anything different. They interacted well.

17 Q. [10:44:12] And the attack happened on the day next to the independence
18 celebration. As an adult at that time, did you finally get to know why the rebels
19 attacked the camp? What was their target?

20 A. [10:44:46] Based on my observation, and based on whatever it is that what I
21 heard them discuss, one, they wanted food. And secondly, they also wanted people,
22 able-bodied people who could join them. But they came and they abducted many
23 people. They abducted the elderly, they abducted the disabled and the young to
24 help them carry the things that they had taken, the food that they had taken. But
25 their main intention was to come and abduct people who were able-bodied who were

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1 capable to go and join them.

2 Q. [10:45:26] Thank you. Now, did you observe the rebels randomly and
3 deliberately shoot at and kill any civilian?

4 A. [10:45:48] No. I did not see -- I did not see them shooting civilians. But
5 during crossfire, I saw the two civilians that were caught in that crossfire.

6 Q. [10:46:02] Thank you very much, Mr Otim.

7 Mr President, this is the end of my ...

8 PRESIDING JUDGE SCHMITT: [10:46:08] Thank you, Mr Ayena.

9 For the Prosecution, Mr Choudhry. Any questions?

10 MR CHOUDHRY: [10:46:13] Your Honour, I do.

11 I can significantly shorten them. What I would ask is for the break to be taken now
12 and then we come back earlier. And then I shouldn't be more than 30 minutes, and
13 that's really conservative.

14 PRESIDING JUDGE SCHMITT: [10:46:25] That's fine.

15 Let's have the break now. I think then we have the break until 11.30, so have a little
16 bit more time than normally.

17 THE COURT USHER: [10:46:36] All rise.

18 (Recess taken at 10.46 a.m.)

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

20 THE COURT USHER: [11:31:02] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [11:31:18] It's now the turn of the Prosecution.

23 Mr Choudhry has the floor.

24 MR CHOUDHRY: [11:31:26] Thank you, your Honour.

25 QUESTIONED BY MR CHOUDHRY:

1 Q. [11:31:28] Hello, Mr Otim. Can you hear me clearly?

2 A. [11:31:40] Yes, I can hear you.

3 Q. [11:31:42] Thank you.

4 Mr Otim, I'm going to be asking you to help this Court with four areas today, and I
5 will tell you what those areas are:

6 The first, I'd like to focus on what happened during the attack itself. The second area,
7 you talked about some murders, I have got a few questions about that. The third
8 area is what happened after the attack and your movements after you left Pajule.

9 And finally, the fourth area is how you came to learn about the name
10 Dominic Ongwen. Okay?

11 So I'll start --

12 A. [11:32:30] That's clear. That's clear.

13 Q. [11:32:32] So I'll start about what happened during the attack itself. I'm right in
14 understanding that when the attack first happened, you were in your own home,
15 weren't you?

16 A. [11:32:49] That's correct.

17 Q. [11:32:58] And it was LRA rebels that came and, first of all, knocked on the door
18 of your house, didn't they?

19 A. [11:33:10] Yes, that is true, it was the LRA rebels who knocked at the door.

20 Q. [11:33:21] And they didn't just knock, but they in fact used force to push open
21 the door; is that right?

22 A. [11:33:32] That is correct.

23 Q. [11:33:43] And after they managed to get access to your house, they then used
24 physical force against you, yes?

25 A. [11:33:55] Yes, they captured me, brought me out and then tied me in the waist

1 with a rope, and we started moving.

2 Q. [11:34:15] Now when they grabbed you, this was in the early hours of the
3 morning, yes?

4 A. [11:34:23] Yes, around 4 a.m. Around 4 a.m. in the morning.

5 Q. [11:34:32] And you had just been sleeping before that, weren't you?

6 A. [11:34:38] Yes, I was asleep.

7 Q. [11:34:44] So what were you wearing when they grabbed you and took you
8 outside?

9 A. [11:34:55] I was wearing a short pant.

10 Q. [11:35:06] Were you fully clothed or only partly clothed?

11 A. [11:35:13] I only had shorts. I didn't have a shirt.

12 Q. [11:35:24] What about shoes, were you wearing shoes or not?

13 A. [11:35:31] I had no shoes.

14 Q. [11:35:40] So they then took you out and tied you by your waist, yes?

15 A. [11:35:50] Yes.

16 Q. [11:35:56] Why didn't you untie yourself and run away?

17 A. [11:36:07] You know, to untie yourself and run away in that moment when there
18 was exchange of fire was difficult, because if you just run anyhow, you would be
19 caught in the middle of the exchange, so I feared.

20 Q. [11:36:35] How many LRA rebels did you see after you left your house?

21 A. [11:36:42] The LRA rebels were very many, uncountable the number. But
22 when I now returned, that is when I heard people saying that the rebels were
23 numbering approximately 300.

24 Q. [11:37:18] And these LRA rebels had weapons, as you've described, yes?

25 A. [11:37:27] Yes, they had weapons.

1 Q. [11:37:36] They had guns, yes?

2 A. [11:37:42] They had guns.

3 Q. [11:37:47] And some of them had machetes, yes?

4 A. [11:37:52] I mostly saw them with guns.

5 Q. [11:38:08] Now I'd like to take you to something you said in your statement.

6 And, your Honours, that's paragraph 16, that's UGA-D26-0022-0350 at 0355.

7 Mr Otim, in your statement you said this, and I will read it to you:

8 "What I saw was abduction and forcing them to carry food ..." Now I would like to

9 focus on the word force. How did the LRA force the abducted civilians to carry

10 food?

11 A. [11:38:57] The LRA forced people because, during the time when they were in

12 the bush, people were not in the villages, so with the attack and the food that they

13 looted, they thought that it would be okay for them to abduct people so that they can

14 help them to carry these food items until the location where they are going, because

15 they needed these items to help them with food.

16 Q. [11:39:38] Mr Witness, I would like you to just take your mind back to the scene

17 when you were standing outside of your house with your waist tied with a rope.

18 What did the LRA do or say to force civilians at that moment to carry looted items?

19 A. [11:40:05] They said, "Carry this luggage and we go. These items will help us

20 with food. Carry these items, carry these items and we go. This is to help us with

21 food items as we continue with our movement." So if you refuse, you know, it's not

22 easy to deal with a soldier, so all the civilians who were abducted accepted to carry

23 the items because it was an instruction coming from the soldiers, so everyone obliged

24 and they carried the items and started moving as instructed.

25 Q. [11:41:01] Did the LRA ever say anything about what would happen if you did

1 refuse to carry the looted items?

2 A. [11:41:13] At that time the only thing they were saying was, "Carry these items
3 and we go." Because indeed, in that instance, if you refuse, they would beat you,
4 they would harass you so that you can carry the items. But if you, if you oblige to
5 what they are saying, you will continue moving.

6 Q. [11:41:54] Now, you weren't the only person or civilian that was abducted from
7 Pajule, there were others, weren't there?

8 A. [11:42:06] Quite many.

9 Q. [11:42:10] When you say "quite many," can you tell this Court approximately
10 how many. And even if you estimate, that's, that's fine.

11 A. [11:42:24] The civilians who were abducted could approximately reach about
12 700 people.

13 Q. [11:42:40] And you've told us how you were dressed at that time. Can you
14 remember how some of the other civilians that you saw were dressed?

15 A. [11:42:51] Yes, some people were fully dressed with both the shirt and the
16 trousers, or the dress, whatever. But it all depended at the time when they came
17 across you. If you were half dressed, you would remain like that and you would
18 move on like that.

19 Q. [11:43:29] So do I understand that you saw some of the civilians as being half
20 dressed?

21 A. [11:43:48] Correct.

22 Q. [11:43:52] Thank you, Mr Otim.

23 I'd now like to move to the second area of my questioning, and that's in relation to
24 civilians that you saw were killed. You mentioned earlier today that you saw the
25 dead bodies of two civilians at Pajule, yes?

1 A. [11:44:15] Correct.

2 Q. [11:44:19] Did you know any of them?

3 A. [11:44:23] One of the dead person was a male who was my neighbour, but I do
4 not recall his name. But one of the other person, was a shop attendant in one of the
5 shops in the centre, he comes from the other side of Pajule.

6 Q. [11:45:04] Now I'd like to read something to you that you also said in your
7 statement.

8 And, your Honours, that's at paragraph 42, and the reference is UGA-D-26-0022-0350
9 at 0358.

10 Mr Witness, in your statement you stated that after you return from the bush you saw,
11 and I quote -- sorry, you were told, and I quote, "13 people died during the attack."
12 Can you tell us about that, please.

13 A. [11:45:44] The truth is, when I was just abducted I saw only two people, but
14 when I returned after my abduction, that the number of people who were killed
15 during that attack were 13 people.

16 Q. [11:46:13] Did you ever learn how any of the 13 people were killed?

17 A. [11:46:21] No, it was difficult to know whether they were clubbed or they were
18 shot during the attack, because the only people that I saw with my own eyes were the
19 only two people. But the others, I do not know how they were killed.

20 Q. [11:46:55] Did you ever learn the names of any of the 13 that you were told
21 about after you returned? Did you ever know or learn their names?

22 A. [11:47:08] One of them was an auntie to my wife, she was called Ayaa Sabina
23 (phon). She is -- she was the real aunt to my wife.

24 Q. [11:47:28] Mr Otim, I'm going to say some names and ask whether you learned
25 anything about these people. The first name is Kinyera Lachom (phon)?

1 A. [11:47:45] Kinyera Lachom, I do not recognise that name.

2 Q. [11:47:55] How about Pangarazio Onek (phon)?

3 A. [11:48:04] Yes, that is the shop attendant that I was -- that I referred to earlier.

4 Q. [11:48:14] So the shop attendant that you referred to was the one that you saw; is
5 that correct?

6 A. [11:48:22] Yes, he is the one, Onek Pangarazio, comes from a place called Otwil
7 (phon).

8 Q. [11:48:36] And how about a female called Achiro? Did you ever hear about
9 a female called Achiro that was killed during the attack?

10 A. [11:48:56] No, that one I do not recognise.

11 Q. [11:49:05] Now, Mr Witness, I'd like to move on to killings after you had been
12 abducted and left Pajule. Okay?

13 Today, in your testimony -- and, your Honours, that's at real-time transcript page 27,
14 line 21, to page 28 to line 2 -- you said this, Mr Otim, and I'll read it to you:

15 "The LRA soldiers, when someone is unable to walk and they cannot continue with
16 the journey, they kill you, because they assume that if they leave you behind, if they
17 leave you alive, if the UPDF who were pursuing them come and find you there, then
18 you are going to report them or you are going to tell the UPDF what you know. So if
19 you are unable to walk, then they kill you this way."

20 My question, did you see anybody that was killed that way?

21 A. [11:50:13] During the time when I was moving with them, until the time I
22 escaped, I did not see anyone who was killed because he had failed to walk. But
23 after I left, the next day, I'm told such a thing started happening as they were going
24 towards Teso, that's when they started killing people who would fail to walk. So the
25 people who returned after me were the ones who were talking about this, that some

1 of the people who failed to walk as they were going towards Teso were killed.

2 Q. [11:51:01] Thank you, Mr Otim. I'd now like to move to my third area of
3 questioning, and this involves the period after you were abducted and as you were
4 moving away from Pajule. Okay? You mentioned that the first place you went to
5 was called Lila, yes?

6 A. [11:51:26] Yes, Lila.

7 Q. [11:51:32] You then walked to a place called Lacektar, which is Lacektar West
8 Village in Palenga parish, yes?

9 A. [11:51:48] Correct.

10 Q. [11:51:52] How far away, approximately, is Lacektar West Village from Pajule
11 IDP camp?

12 A. [11:52:03] It's about approximately 3 kilometres. If in terms of miles could be 2
13 and a half miles.

14 Q. [11:52:27] And what time of day, if you can remember, did you arrive at
15 Lacektar West Village?

16 A. [11:52:37] It was coming to 8 a.m. in the morning.

17 Q. [11:52:52] You then told us today that you went to another place called Lodi
18 (phon). Is that correct? Do I understand that name as being accurate?

19 A. [11:53:07] Laodi (phon). The place is called Laodi.

20 Q. [11:53:20] And the place that's called Laodi, that's before you cross the Latanya
21 and Pader road, yes?

22 A. [11:53:32] Yes, before we crossed Pader-Latanya road.

23 Q. [11:53:41] So I'm right in understanding that that place Laodi is not far from
24 another place called Wanduku, yes?

25 A. [11:53:55] Yes, Wanduku is also in Palenga parish, but Laodi is in Ogom

1 sub-county in Palenga parish.

2 Q. [11:54:16] Can I ask, how far apart is Wanduku from Laodi?

3 A. [11:54:27] It's far, approximately 10 miles apart.

4 Q. [11:54:46] And the place where you saw Vincent Otti address civilians, was that
5 at Laodi?

6 A. [11:54:59] Yes, that was at Laodi, which is in Ogom sub-county.

7 Q. [11:55:12] Now, when Vincent Otti addressed civilians, that happened on the
8 same day that you were abducted; is that correct?

9 A. [11:55:21] That's correct, it happened on that same day where also the elderly
10 and the very young children were also released. That was the same day.

11 Q. [11:55:42] Approximately how many hours after the attack at Pajule did Vincent
12 Otti address the abducted civilians?

13 A. [11:55:53] That time, approximately, was between 10 a.m. to 12 noon.

14 Q. [11:56:18] Now, Mr Witness, I'd like to ask you something you also said in your
15 statement, and that's at paragraph 22.

16 And, your Honours, that's UGA-D26-0022-0350 at 0355.

17 Mr Otim, in your statement you say this:

18 "Those released consisted of women, the old, the sick, the lame and young children,
19 and it appeared that the LRA commanders made these choices themselves."

20 Now I'd like to focus on the last few words, where you say "that the LRA
21 commanders made these choices themselves." Do I understand you correctly that
22 there were other LRA commanders that you saw release some of the abducted
23 civilians?

24 A. [11:57:29] I saw Guli and Otti Vincent, who were present at that moment.

25 Q. [11:57:57] And you have told us that not all of the civilians were released, yes?

1 A. [11:58:05] Correct.

2 Q. [11:58:09] They kept the strong?

3 A. [11:58:15] Correct.

4 Q. [11:58:19] And this included men, women, and children?

5 A. [11:58:29] Yes.

6 Q. [11:58:34] How old was the youngest civilian that you saw that was kept by the
7 LRA?

8 A. [11:58:51] The ones that were taken and they moved along with them, I see
9 ranged between from 12, 13, once they see that you are strong enough. So, mostly,
10 the ones that were returned together with the elder, the elderly people, were those 11
11 downwards.

12 Q. [11:59:30] Now, after you were kept, you ended up travelling with Control Altar
13 and Vincent Otti; am I right?

14 A. [11:59:41] That's correct.

15 Q. [11:59:47] But other civilians travelled with other LRA commanders; is that
16 correct?

17 A. [11:59:56] Based on my observation, there were three lines. There were three
18 formations, three big formations, three different formations. But the one that I was
19 in was the one that Otti Vincent and Guli were also in.

20 Q. [12:00:19] When you say "formations", do you mean groups?

21 A. [12:00:27] Based on my observation, yes, there were three different groups in
22 three different lines; three different groups with three different lines with three
23 different leaders.

24 Q. [12:00:50] Mr Otim, I'm now like to move to the final area of questioning I have
25 for you, and that's how you came to learn the name Dominic Ongwen. It's right that

1 before the attack at Pajule that you had never met Dominic Ongwen?

2 A. [12:01:14] No, I had never met him.

3 Q. [12:01:20] So even if Dominic Ongwen had been at Pajule during the attack, you
4 would have had no way of recognising him, yes?

5 A. [12:01:34] No, there would have been no way for me to recognise him. Even
6 Otti Vincent, if Otti Vincent himself had not introduced himself to the people, I would
7 not have known that he was Otti Vincent. The only reason I came to know that he
8 was Otti Vincent was because he introduced himself to the people. But the other
9 commanders who did not introduce themselves, I do not know who they were. The
10 only person I knew was Otti Vincent, because he introduced himself to the people.

11 Q. [12:02:17] And you told us today that the first time you heard the name
12 Dominic Ongwen was after you returned home from the bush. My question: how
13 soon after your return did you hear the name Dominic Ongwen?

14 A. [12:02:34] Approximately two weeks after that.

15 Q. [12:02:53] Now, both today and in your statement you told us that you heard
16 that name from Rwot Oywak. I would just like to read something that you said in
17 your statement.

18 And, your Honours, that's at paragraph 40 and that's UGA-D26-0022-0350 at 0358.

19 In your statement, Mr Otim, you suggest that Rwot Oywak told you a story where he
20 said both, and I quote, "Otti Vincent and Dominic Ongwen led the attack on Pajule."

21 Now I'd like you to do the same exercise of taking yourself back to the very first time
22 Rwot Oywak told you this story. Can you please tell us, exactly as you remember it,
23 the story that Rwot Oywak told you when he told you that Otti Vincent and
24 Dominic Ongwen led the attack on Pajule?

25 A. [12:04:03] Yes. You know, Rwot Oywak has his home in Pajule camp. He also

1 has a bar where they sell alcohol. After I had returned home, after a while, I went to
2 the bar to socialise and people were telling stories. You know when you're at such
3 social places people talk, people tell stories, and they were talking about the attack.
4 Rwot Oywak was also present and Rwot Oywak said, "You know, the attack that took
5 place the other time was led by Otti Vincent and those of Ongwen, Dominic Ongwen,
6 and Raska Lukwiya."

7 He called a number of names, he mentioned a number of names, of commanders'
8 names, because he knew them, he had met them on a number of occasions. And that
9 is when I heard that name, the time we were -- I was having a drink at the bar.

10 So that's when I came to realise that, oh, these commanders that have been mentioned
11 by Rwot Oywak were the commanders that were present at the attack on Pajule, and
12 that was the first time I heard the names of those commanders.

13 Q. [12:05:28] Mr Otim, thank you very much. Those are all the questions from me.
14 I now hand you back to the Judges. Your Honours, thank you.

15 PRESIDING JUDGE SCHMITT: [12:05:38] Thank you very much, Mr Choudhry.
16 And I ask the LRVs if they have any questions.

17 Mr Narantsetseg?

18 MR NARANTSETSEG: [12:05:44] No questions, your Honour. Thank you.

19 PRESIDING JUDGE SCHMITT: [12:05:47] Mr Cox?

20 MR COX: [12:05:49] Thank you, your Honour, but we have no witnesses -- no clients
21 in Pajule, so thank you.

22 PRESIDING JUDGE SCHMITT: [12:05:53] Thank you very much.

23 And, like always, the last word would have the Defence, but I don't assume that there
24 are any further questions.

25 Oh, there are. Okay. Please, Mr Ayena.

1 MR AYENA ODONGO: [12:06:02] For once the assumption was wrong.

2 PRESIDING JUDGE SCHMITT: [12:06:07] You know this, this might happen. If
3 you try to figure out what people are going to do, you might sometimes be wrong
4 also.

5 MR AYENA ODONGO: [12:06:23] Thank you, Mr President. I have just two or
6 three follow-up questions.

7 QUESTIONED BY MR AYENA ODONGO:

8 Q. [12:06:30] Mr Otim, I am going to probe you some more on the question of use
9 of physical force. Can you describe to Court how the LRA made you get out of your
10 house.

11 A. [12:07:00] Yes. As I stated earlier, these people came, they knocked on the door.
12 I did not open the door, and he opened the door himself. He came, he apprehended
13 me. He held me by the arm, pulled me up and took me outside. When he took me
14 outside, he had a gun. He took a rope, tied it around my waist and told me, "Let's
15 go."

16 At that time, there were gunshots all around, I was frightened. I was frightened and I
17 kept on thinking, "Mm, am I going to be able to move without being shot?" I kept on
18 walking with the rope around my waist. Other people were also taken. They
19 would tie the rope around their waist. And we kept walking like that.

20 Q. [12:07:59] When they entered your house, did they beat you? Or did they
21 harass any of your family members?

22 A. [12:08:11] No, I was not beaten. The only thing they did say was, "Come out."
23 I came out. They tied me and told us, "Let's go." They did not beat me. My wife
24 was left in the house. They closed the door and left her with the children. They
25 only took me. There were two children in the house aged five and younger.

1 Q. [12:08:47] Now, Mr Otim, you told Court that if you refused to carry luggage or
2 the items that the rebels gave you to carry, you would be beaten. Did you see
3 anybody being beaten upon refusing to carry items?

4 A. [12:09:16] When they were handing out luggage to people, they would
5 immediately tell you that. They will tell you, "Carry this luggage. If you refuse,
6 you're going to see."

7 But for me, to personally see somebody being beaten at that time, no, I did not. But
8 they would tell you as soon as they hand you something, they tell you, "If you refuse
9 to carry this, you're going to be beaten." So irrespective of how heavy the load was,
10 you have to carry it. But I did not see anybody being beaten because all the people
11 that were given things to carry accepted them, carried them, and we went ahead.

12 Q. [12:10:04] Now, Mr Otim, from your description of what happened during the
13 attack, it would appear the attack was massive. As an adult at that time did you get
14 to know the names, or learn the names of some of the commanders who were
15 physically there, other than what Rwot Oywak told you?

16 A. [12:10:42] As I stated earlier, Otti Vincent introduced himself when he was
17 addressing people and that's how I came to know that he was Otti Vincent. With
18 respect to the other commanders, there were so many soldiers around and they did
19 not introduce themselves. But the people who introduced themselves that I came to
20 know about were Otti Vincent and Guli.

21 Q. [12:11:18] Mr Witness, I'm more concerned about the situation at the camp, in
22 the camp. The commanders who came and raided the camp, did you come to learn
23 some of their names, either as they raided the camp and took you along to the last
24 point where you escaped from? Or, other than learning from Rwot Oywak, did
25 people talk about the commanders who may have attacked the camp?

1 A. [12:12:02] When I -- when I came back, that's when I learned about the names.
2 That's when Rwot Oywak was mentioning the names. That's when I actually found
3 about the commanders who came and attacked Pajule.

4 Q. [12:12:36] And Rwot Oywak was one of the persons who were allegedly
5 abducted. Did you see him as you went? Was he tied like you were tied?

6 A. [12:12:52] No, Rwot Oywak was not tied. He was walking freely and, if my
7 memory does not fail me, I believe at the time he was wearing a white robe, a long
8 white robe, if I recall correctly. But he was wearing a white robe known as a *kanzu*.

9 Q. [12:13:24] So he was putting on a *kanzu*?

10 A. [12:13:36] Yes.

11 PRESIDING JUDGE SCHMITT: [12:13:37] Does this have any specific meaning or is
12 this used for any specific purposes? You know, we are not from your region, of
13 course, and we would not know if it were so. So could you please tell us if this is
14 something special, such a robe.

15 THE WITNESS: [12:14:09](Interpretation) Well, it's difficult for me to explain it, but I
16 suppose because he is a chief and, as a chief, maybe that's why he dons a *kanzu*, based
17 on my observation.

18 PRESIDING JUDGE SCHMITT: [12:14:25] No, I think, I think we have understood
19 that. Yes.

20 MR AYENA ODONGO: [12:14:28]

21 Q. [12:14:28] Among the elderly strong people like you, was -- would you say Rwot
22 Oywak was a strong person, able-bodied?

23 A. [12:14:45] Yes, Rwot Oywak is strong, he's able-bodied.

24 Q. [12:14:59] Now, when you were moving, did any person who was strong miss
25 being given luggage to carry?

1 A. [12:15:24] Most of the people who were strong and able-bodied had luggage to
2 carry, other than Rwot Oywak. He is the one who did not carry anything.

3 PRESIDING JUDGE SCHMITT: [12:15:40] I think the witness has made this quite
4 clear now, I would say.

5 MR AYENA ODONGO: [12:15:44] Yes. Thank you.

6 PRESIDING JUDGE SCHMITT: [12:15:44] And also we -- I think we also entertained,
7 so to speak, on the examination of Mr Obhof, this issue. And this also reverts to 23
8 and 24 of his former statement, of his written statement.

9 MR AYENA ODONGO: [12:16:04] Yes. I am guided, Mr President.

10 Q. [12:16:09] Let's move on to the scene where Vincent Otti addressed you.
11 Was -- did you see Rwot Oywak being beaten?

12 A. [12:16:27] No. Till I went back home, I did not see Rwot Oywak being beaten.
13 Perhaps when I had left, when we had left and gone ahead and they had stayed
14 behind, but at that moment when I was there, I did not see him being beaten.

15 MR AYENA ODONGO: [12:16:53] Mr President, that's all I have for this witness.

16 PRESIDING JUDGE SCHMITT: [12:16:58] Thank you very much, Mr Ayena.

17 Mr Otim, this concludes your testimony. On behalf of the Chamber I would like to
18 thank you that you came to the video-link location and to help the Chamber and the
19 Court to establish the truth. We wish you a safe trip back home.

20 THE WITNESS: [12:17:22](Interpretation) Thank you.

21 (The witness is excused)

22 PRESIDING JUDGE SCHMITT: [12:17:23] This concludes also the hearing for today.
23 The next witness will appear on Thursday at 9.30, and it will be D-81. Until then.

24 THE COURT USHER: [12:17:35] All rise.

25 (The hearing ends in open session at 12.17 p.m.)