

Trial Hearing
WITNESS: UGA-OTP-P0372

(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 Thursday, 25 January 2018
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: [9:35:19] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:35:43] Good morning, everyone.
13 Good morning, Mr Witness.
14 WITNESS: UGA-OTP-P-0372
15 (The witness speaks Acholi)
16 THE WITNESS: [9:35:51] (Interpretation) Good morning.
17 PRESIDING JUDGE SCHMITT: [9:35:53] Could the court officer please call the case.
18 THE COURT OFFICER: [9:35:54] Thank you, Mr President.
19 The situation in the Republic of Uganda, in the case of The Prosecutor versus
20 Dominic Ongwen, ICC-02/04-01/15.
21 And we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:36:04] Thank you very much.
23 For the appearances of the parties, Mr Bradfield.
24 MR BLACK: [9:36:09] Good morning, your Honour. Mr Black for the Prosecution.
25 PRESIDING JUDGE SCHMITT: [9:36:14] No, this is unforgivable, but I think, if I ask

1 you nicely for forgiveness, you will reward me that. Mr Black, of course.

2 MR BLACK: [9:36:24] I am just sorry I didn't have a witty retort like I did the last
3 time.

4 Colin Black on behalf of the Prosecution, together with Paul Bradfield,
5 Benjamin Gumpert, Julian Elderfield, Beti Hohler, Pubudu Sachithanandan,
6 Jasmina Suljanovic and Ramu Fatima Bittaye.

7 PRESIDING JUDGE SCHMITT: [9:36:40] The only thing that I can say is I was
8 relatively close.

9 Mr Narantsetseg, please.

10 MR NARANTSETSEG: [9:36:47] Good morning, Mr President, your Honours. For
11 the Common Legal Representative, Ms Caroline Walter, and my name is
12 Orchlon Narantsetseg. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:36:56] Mr Manoba.

14 MR MANOBA: [9:36:57] Good morning, your Honours. Joseph Manoba and
15 James Mawira. Thank you.

16 PRESIDING JUDGE SCHMITT: [9:37:01] Thank you.

17 And for the Defence, Mr Ayena, please.

18 MR AYENA ODONGO: [9:37:05] Good morning, Mr President and your Honours.
19 Today I am accompanied by Chief Taku Charles, Mr Tibor, and I am
20 Krispus Ayena Odongo. Our client Mr Dominic Ongwen is in Court.

21 PRESIDING JUDGE SCHMITT: [9:37:21] Thank you.

22 I would try that Mr Tibor is called Bajnovic. Is this correct at least?

23 MR AYENA ODONGO: [9:37:30] Bajnovic. The other one --

24 PRESIDING JUDGE SCHMITT: [9:37:31] No, I just wanted to test myself --

25 MR AYENA ODONGO: (Overlapping speakers)

1 PRESIDING JUDGE SCHMITT: -- allow me to test myself a little bit. Yes, we can
2 continue in good faith here.

3 The Prosecution is now calling P-372 as its next witness. And before commencing,
4 the Chamber notes briefly that protective measures are granted to this witness by
5 virtue of decision 612 and that the VWU recommends no further protective or special
6 measures for the witness.

7 Further, by way of an email decision sent yesterday to the participants and Registry, it
8 has been determined that Rule 74 assurances are not necessary for this witness.

9 Mr Witness, you are going to testify before the International Criminal Court. And
10 on behalf of the Chamber, I would like to welcome you to the courtroom.

11 THE WITNESS: [9:38:22] (Interpretation) Thank you very much.

12 PRESIDING JUDGE SCHMITT: [9:38:23] Mr Witness, all witnesses here that come to
13 this Court have to make a solemn undertaking, and I am reading out aloud this
14 solemn undertaking, that this is equivalent to an oath and I would like you to listen
15 carefully and then I ask you afterwards if you agree:

16 I solemnly declare that I will speak the truth, the whole truth and nothing but the
17 truth.

18 Do you agree, Mr Witness?

19 THE WITNESS: [9:39:01] (Interpretation) Yes, I do.

20 PRESIDING JUDGE SCHMITT: [9:39:02] Thank you very much. So you are sworn
21 in now.

22 I explain next to you the protective measures that the Chamber has put in place for
23 your testimony. First of all, face distortion. That means that nobody outside the
24 courtroom can see your face during your testimony. Secondly, we are using what
25 we call a pseudonym. In accordance with that, we will refer to you only as

1 "Mr Witness", as I am doing at the moment, not with your real name. That is to
2 make sure that the public does not come to know your name.
3 When you answer questions that do not give away your identity, we do this in open
4 session. Open session means that people outside can hear you. When you are
5 asked specifically things that could reveal your identity, we go to private session.
6 Private session means that there is no broadcast and no one outside the courtroom
7 can hear you.
8 Before we start with your testimony, Mr Witness, I have a few practical matters. The
9 most important is that everything here in the courtroom is written down and
10 interpreted. We all here have to speak therefore at a relatively slow pace and speak
11 clearly so that the interpreters can follow.
12 Secondly, if you have any questions yourself, please raise your hand. Then we know
13 that you want to say something and I would give you the word. I think that's
14 enough for the preliminaries.
15 Please, Mr Black.
16 MR BLACK: [9:40:29] Thank you, your Honour. And perhaps can we start with
17 about five minutes of private session.
18 PRESIDING JUDGE SCHMITT: [9:40:37] Private session.
19 MR AYENA ODONGO: [9:40:38] Mr President.
20 PRESIDING JUDGE SCHMITT: [9:40:39] Mr Ayena.
21 MR AYENA ODONGO: [9:40:41] Before they commence, we have -- I have
22 a preliminary objection to make, a point of law.
23 Mr President and your Honours, in as much as we are aware of your rulings about
24 the question of jurisdiction, it remains a weighty burden on us to keep on repeating
25 our standing objection in respect to temporal jurisdiction.

1 Your Honours will appreciate that the witness coming next was only abducted
2 in 1995. He spent most of his time in the Sudan and only came back in 2003. He
3 talks about having been abducted together with his sister, who was then 12 years old.
4 He talks about his age as, you know, a child at that time. And it is our objection,
5 your Honour, that this should be taken into account.

6 PRESIDING JUDGE SCHMITT: [9:41:52] Yes. Mr Black.

7 MR BLACK: [9:41:56] I apologise, your Honour. If there were more details, I
8 thought it might be necessary to go to private session, but maybe we can
9 (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [9:42:03] I don't think so. I see this as the so-called
11 standing objection, and when you said you take it into account, I think it's not
12 necessary that we make a specific ruling about that.

13 It's -- we have ruled that we can also go beyond the confirmed charges and the facts
14 and circumstances described in the charges for contextual elements, for modes of
15 liability and, for example, conscription and use of child soldiers. And with all
16 evidence that we receive in this courtroom and in this case, the Chamber will consider
17 the appropriate use when it comes to the deliberation of its judgment and this also, of
18 course, applies to the upcoming testimony of this witness. So I have repeated it
19 again.

20 But there is some addition to make by Mr Gumpert. Plus -- let me finish it,
21 Mr Gumpert -- plus, of course, as I understand it, the Prosecution intends to prove
22 with the testimony of this witness at least two of the attack charges and also
23 contextual elements and further elements of the confirmed charges, if I understand it
24 correctly.

25 Mr Gumpert.

1 MR GUMPERT: [9:43:23] Your Honour, I want to propose a way forward.
2 The Defence appear to be under the apprehension that if they don't make their
3 objection every time a witness comes to whom this objection, they argue, applies, they
4 may be at a disadvantage at some later stage. Either that they won't be able to argue
5 to you, or possibly even on appeal, that this was unfair, because they didn't raise it.
6 I wonder if I can put that to bed. I solemnly undertake that the Prosecution will not
7 seek to argue that the Defence is foreclosed from making any such argument at the
8 conclusion of this case when we make our legal submissions to you.
9 We will argue vigorously the merits of the case, as we have done, but we won't try
10 and make some cute argument about the Defence not having raised it at the time.
11 They have raised it aplenty and the proceedings aren't being helped by them feeling
12 that they have to do it with every single witness.

13 PRESIDING JUDGE SCHMITT: [9:44:35] Thank you, Mr Gumpert.
14 And, I think -- Mr Taku, I think it is not necessary to make further submissions.
15 I also would have in mind, I would assume that this might -- the underlying idea and
16 the underlying fears, even, and apprehension by the Defence, I understand it
17 therefore and I think we could -- I will not say lay it to rest, so to speak, with this
18 declaration by the Prosecution.
19 But please shortly, Mr Taku, I think everything is said now and we have ruled upon it
20 several times.

21 MR TAKU: [9:45:09] Yes, your Honour.
22 I appreciate the undertaking by my colleague. We know ourselves for a very long
23 time at the ICTR, and he himself knows why every time that the evidence is to be led,
24 we will raise this. But I appreciate the comment being made by him on this issue.
25 It is just that some of the objections sometimes go to -- in the case where we have

1 multiplicity of charges and modes of liability relying on the same evidence, issues are
2 bound to arise from time to time that may warrant specific objection. But this
3 undertaking, we take it in good faith and I appreciate the comment being made by my
4 learned colleague.

5 PRESIDING JUDGE SCHMITT: [9:45:55] Thank you very much. And the last word
6 by me is that Mr Gumpert has, I think, simply what we really appreciate, tried to put
7 himself into the position of a Defence counsel, and we understand it all like that here
8 in the courtroom.

9 So, please, Mr Black. Private session, I think.

10 MR BLACK: [9:46:12] Yes, please, your Honour.

11 (Private session at 9.46 a.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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- 14 (Open session at 9.51 a.m.)
- 15 THE COURT OFFICER: [9:51:27] We are back in open session, Mr President.
- 16 MR BLACK: [9:51:37] Thank you.
- 17 Q. [9:51:38] Sir, you have explained now that you were abducted in 1995. Where
- 18 did you go after your abduction by the LRA?
- 19 A. [9:51:53] When we were abducted we kept moving around Uganda and
- 20 eventually moved towards Sudan.
- 21 Q. [9:52:05] What happened after you arrived in Sudan, or what did you do there?
- 22 A. [9:52:10] What was happening there was that the recruits, we trained from there.
- 23 Q. [9:52:19] What kind of training did you receive in Sudan?
- 24 A. [9:52:27] The kind of training included marching, singing, and then how to
- 25 operate a gun.

1 Q. [9:52:38] When you were trained to operate a gun, what specifically do you
2 remember being taught?

3 A. [9:52:51] Well, there was nothing else that was, we were trained in other than
4 that.

5 MR BLACK: [9:53:04] Your Honour, I think the easiest, I just have one fact that I
6 would like to get out and I think the easiest way would be to ask him something from
7 his statement which might remind him of that. Is that okay?

8 PRESIDING JUDGE SCHMITT: [9:53:16] Yes, we give it a try and I think there
9 might not be an objection. And if so, we decide on it.

10 MR BLACK: Okay. Thank you, your Honour.

11 PRESIDING JUDGE SCHMITT: Please give it a try.

12 MR BLACK: [9:53:25] I am referring to, let's see what tab it is, looks like it would be
13 tab 5 of the Prosecution binder, that's UGA-OTP-0277-0960, and the particular page is
14 0975.

15 Q. [9:53:44] Mr Witness, do you remember being interviewed by some
16 investigators from the ICC?

17 A. [9:53:52] Yes.

18 Q. [9:53:52] I'm just -- I'm going to mention to you something from the transcript of
19 that interview.

20 A. [9:53:58] Yes, I do recall.

21 Q. [9:54:04] In that interview you said that you were taught to pull the trigger, how
22 to fire it, a gun, and as a young person you have to stand alone. Do you remember
23 being taught that you needed to stand alone when you fired a gun?

24 A. [9:54:23] Yes. All that was given to us in the training.

25 Q. [9:54:29] And why did you need to stand by yourself to fire a gun at that time?

1 A. [9:54:39] The reason they would say you have to stand alone, because, for
2 instance, if you are standing with someone else, there could be an accident and you
3 shoot someone you are standing with. That's why they would make sure that you
4 stand afar.

5 Q. [9:54:53] How old were you when you were taught these things?

6 A. [9:55:02] I was nine years old.

7 Q. [9:55:10] I am going now to ask you questions about a later time when you came
8 back to Uganda. First of all, how long did you remain in Sudan, how many years?

9 A. [9:55:30] We stayed in Sudan from that time until the year 2003. I do not
10 clearly recall how long we spent there, the exact number of years.

11 Q. [9:55:41] That's fine, that's plenty of information. Thank you. I realise that's
12 a long time and a lot must have happened to you during those seven or eight years,
13 but this case is about things that happened in Uganda between 2002 and 2005 and so
14 most of my questions today will focus on that time and that place. Do you
15 understand that?

16 A. [9:56:12] Yes, I do.

17 Q. [9:56:13] Thank you. First of all, why did you and others in the LRA return
18 from Sudan to Uganda?

19 A. [9:56:31] The reason why we returned from Sudan was because we had
20 a problem, government soldiers from Uganda went and flushed us out.

21 Q. [9:56:43] And when the government soldiers flushed you out, where did you go
22 at first?

23 A. [9:56:54] When we were flushed out we went to a place on the top of a hill and
24 when you slope down that hill you come do an area called Katira.

25 Q. [9:57:13] In your prior interview there was also mention of a place named

1 Lubanga Tek, were you ever at Lubanga Tek around the same time?

2 A. [9:57:30] Yes, we also stayed in Lubanga Tek, that was the place where the
3 soldiers, the government soldiers flushed us from.

4 Q. [9:57:40] And at this time when you talked about going to Katira, who else from
5 the LRA was there?

6 A. [9:57:50] Most of the LRA soldiers went there.

7 Q. [9:58:00] And how long did you stay there, approximately?

8 A. [9:58:09] We kept on moving between the hills and we may not have spent
9 a whole month.

10 Q. [9:58:16] Where did you go after that month?

11 A. [9:58:27] From there when we left Katira area we moved towards Sudan, but
12 eventually came into Uganda for a short while.

13 Q. [9:58:38] Which group were you with, which part of the LRA were you with this
14 time when you left Katira and went briefly to Uganda?

15 A. [9:58:51] We were in Otti's group.

16 Q. [9:58:56] Do you remember the name of Otti's group?

17 A. [9:59:03] Control Altar.

18 Q. [9:59:07] Did you have a rank in the LRA at that time?

19 A. [9:59:17] No, I did not have it.

20 Q. [9:59:20] Did you ever have a rank in the LRA?

21 A. [9:59:25] No, not even now. I never had any rank.

22 Q. [9:59:35] You said you came into Uganda for a short while, what happened after
23 that?

24 A. [9:59:49] When we entered Uganda, some of the people returned to Sudan.

25 I was part of the team that went to Sudan. It was in the year 2000 we came to

1 Uganda but went back to Sudan.

2 Q. [10:00:05] The translation I heard was that you said "it was in the year 2000 that
3 we came to Uganda"; is that right, the year, 2000?

4 A. [10:00:17] In the year 2000 we came into Uganda, but part of the group,
5 including myself, went back to Sudan.

6 Q. [10:00:43] Okay. And then when was -- when did you next come back to
7 Uganda after that?

8 A. [10:00:47] That was in 2003.

9 Q. [10:00:50] And which group were you in that time when you came to Uganda in
10 2003?

11 A. [10:01:03] I was in Raska's group for a short time, then later on we were
12 transferred to Otti's group.

13 Q. [10:01:11] Where did you go when you came back to Uganda in 2003?

14 A. [10:01:19] When we came back in 2003 we went to a place called Teso.

15 Q. [10:01:35] How many times did you go to Teso during 2003? Was it just once
16 or was it more than once?

17 A. [10:01:47] We went to Teso twice.

18 Q. [10:01:51] Okay. Well, let's focus then on the first time, as you started to tell,
19 that you went to Teso. What happened that first time that you went to Teso?

20 A. [10:02:07] The first time we went to Teso we -- when we reached there we
21 abducted people. The people -- the residents in that place did not know that these
22 were rebels, so some of them would flee, some would not, some would just enter into
23 their houses and were abducting them from there.

24 Q. [10:02:33] Which group were you with at this time when you went to Teso?

25 A. [10:02:41] I was in Otti's group.

1 Q. [10:02:51] And what were your duties at that time in the group?

2 A. [10:03:01] There was -- there was no particular thing I was doing, but of course if
3 there were foodstuff which were received, I would carry.

4 Q. [10:03:17] You have mentioned that people were abducted, did you see this
5 yourself?

6 A. [10:03:28] I saw, myself, when people were being abducted.

7 Q. [10:03:36] In addition to your group, Otti's group, were there any other LRA
8 groups in Teso during this first time that you went?

9 A. [10:03:48] Yes, there were other groups.

10 Q. [10:03:53] Which groups were there?

11 A. [10:03:59] The other groups were Tabuley's group, Raska's group, Otti's group,
12 and the others, I did not know their names.

13 Q. [10:04:12] Where was Dominic Ongwen at that time, do you know?

14 A. [10:04:21] I knew him physically but I did not see him go during the first trip to
15 Teso.

16 Q. [10:04:31] Do you know if he went, or you just don't know?

17 A. [10:04:38] In the first trip I do not know if he went.

18 Q. [10:04:44] You mentioned that you knew him physically. At that time how did
19 you know Dominic Ongwen?

20 A. [10:04:54] The reason why I knew him, because I started living with him right
21 from Sudan.

22 Q. [10:05:09] This first visit to Teso, trip to Teso, how long did you stay there in
23 Teso?

24 A. [10:05:19] We spent some time, but it did not take a month, and we returned to
25 Acholi area to come and meet Joseph Kony at a place called Tim Pa Lukok.

1 Q. [10:05:39] Do you know why you went to meet Kony at Tim Pa Lukok?

2 A. [10:05:50] I do not know. I think that was their plan as the commanders.

3 Q. [10:05:59] Which commanders went to meet Kony in Tim Pa Lukok?

4 A. [10:06:12] These were Otti Vincent and Raska Lukwiya.

5 Q. [10:06:24] Besides these commanders and besides the LRA members, did anyone
6 else go along on this trip to Tim Pa Lukok?

7 A. [10:06:40] If there were others, then I would not recall.

8 MR BLACK: [10:06:52] Your Honour, could I try to refresh his memory on a very
9 small point, but I think it is worth making.

10 PRESIDING JUDGE SCHMITT: [10:06:58] Yes.

11 MR BLACK: [10:06:59] Thank you, your Honour.

12 It is tab 2 of the Prosecution binder, UGA-OTP-0277-0866. The page is 0882. And it
13 is lines 533 to 534.

14 Q. [10:07:21] Mr Witness, when you were interviewed before, in talking about this
15 time you said that you had started abducting civilians, and after abducting people
16 from there, from Teso, they began taking them to meet at Tim Pa Lukok, and Kony
17 came and met people over there. Do you remember whether any abductees were
18 taken when your group went to meet Kony in Tim Pa Lukok?

19 A. [10:07:58] I, I think I had forgotten, but yes, some people were given to Kony
20 and he went with them.

21 Q. [10:08:11] Do you remember anything about those people who were given to
22 Kony?

23 A. [10:08:21] I do not recall that now.

24 Q. [10:08:27] How long did you spend in Tim Pa Lukok on this occasion?

25 A. [10:08:39] We spent about two days only.

1 Q. [10:08:45] Where did you go after that?

2 A. [10:08:52] After that, after separation with Kony, we started our journey back
3 towards the south. After some time, then we came and met the person, commander
4 called Dominic.

5 Q. [10:09:14] And when you moved back south which group were you with?

6 A. [10:09:22] I was in Otti's group.

7 Q. [10:09:27] And you mentioned meeting up with a commander named Dominic.
8 Do you know any other names for that person, Dominic?

9 A. [10:09:41] I do not know his other name, but we commonly referred to him as
10 "Odomi".

11 Q. [10:09:54] Did you meet up with any other groups around the same time?

12 A. [10:10:01] We did not meet any other group except that of Dominic.

13 Q. [10:10:09] Where were you when you met with Dominic's group?

14 A. [10:10:19] We were in some area within Pader.

15 Q. [10:10:27] And what happened after you met up with his group?

16 A. [10:10:34] When we met with this group, some of us as the foot soldiers, we did
17 not know that such kind of thing would happen. We met -- we realised later in the
18 evening when we were seated, then some of the foot soldiers were selected to go and
19 attack Pajule.

20 Q. [10:11:10] When the soldiers were selected to attack Pajule, which LRA
21 commanders were present at that time?

22 A. [10:11:27] The commander -- commanders who were present were Dominic, Otti
23 and Raska.

24 Q. [10:11:35] Did any of those commanders speak to the soldiers?

25 A. [10:11:45] There was no any major speech. The only address which was given

1 was when people were selected to go and loot Pajule.

2 Q. [10:12:03] And when people were selected to go to Pajule, who spoke? Who
3 informed them of that?

4 A. [10:12:18] When people were selected and put in a group to start the move,
5 Dominic gave information that now we are going to Pajule with his group.

6 Q. [10:12:39] Did he -- did Dominic say anything about where in Pajule anyone in
7 particular would go?

8 A. [10:12:54] There is a place, there is a place that we called Lela Bul, that's where
9 we usually get our water, or drinking water, from.

10 PRESIDING JUDGE SCHMITT: [10:13:10] And, Mr Witness, do you recall when this
11 was, when this happened?

12 THE WITNESS: [10:13:22] (Interpretation) Could you say the question again.

13 PRESIDING JUDGE SCHMITT: [10:13:24] Do you recall at what time this happened,
14 was this in 2002, 2001, 2003? Any date that you perhaps have in mind?

15 THE WITNESS: [10:13:46] (Interpretation) Some of the dates I can't remember.

16 PRESIDING JUDGE SCHMITT: [10:13:51] Perhaps you try a little bit more, but we
17 have heard about several attacks on Pajule. So it is not absolutely clear.

18 MR BLACK: [10:14:01] Thank you, your Honour. I will try. I think maybe some
19 of the circumstances that he'll describe --

20 PRESIDING JUDGE SCHMITT: [10:14:06] This is of course possible, yeah.

21 MR BLACK: [10:14:10]

22 Q. [10:14:10] Mr Witness, just thinking about --

23 A. [10:14:13] Yeah.

24 Q. [10:14:14] -- his Honour's question, do you remember if there were any
25 holidays around the time of this attack on Pajule?

1 A. [10:14:29] That happened around the time towards Uhuru Day, because some of
2 us, as children, we could not exactly remember that this was the day, but it was close
3 to Uhuru Day.

4 Q. [10:14:50] Thank you. And just before you were describing that soldiers had
5 been selected and Dominic said you are going to Pajule. Did everyone go to the
6 same place in Pajule or were there different groups or different locations planned?

7 A. [10:15:17] People were divided in two groups, some people went to the camp
8 and others went to the barracks.

9 Q. [10:15:31] How many LRA fighters were selected to go to Pajule?

10 A. [10:15:41] Many people were selected. Let me say, in each group there were 40,
11 at least 40 people under each group who were selected to go to Pajule.

12 Q. [10:16:00] Were any LRA officers selected to go to Pajule?

13 A. [10:16:13] There were some commanders; senior officers were also there. I
14 think of the senior commanders that were there were -- included Dominic Ongwen.

15 Q. [10:16:29] Who is the most senior commander that actually went to the attack, as
16 far as you know?

17 A. [10:16:41] The most senior person in charge of that attack was Dominic.

18 Q. [10:16:52] And what was his role supposed to be in the attack; do you know
19 what he was supposed to do?

20 A. [10:17:08] I knew that because he was the one who led the soldiers to go to
21 Pajule. So when we reached at some point he was the one that distributed the group
22 and said, "This group should wait. When he starts the firing on the barracks, then
23 this second group should now go to the camp to take items."

24 PRESIDING JUDGE SCHMITT: [10:17:34] May I, shortly, Mr Black.

25 Mr Witness, you said Dominic Ongwen was there in Pajule. Was Raska Lukwiya

1 there?

2 THE WITNESS: [10:17:47] (Interpretation) I did not see Raska Lukwiya.

3 PRESIDING JUDGE SCHMITT: [10:17:52] Does that mean that you don't know if he
4 was there or are you sure that he was not there?

5 THE WITNESS: [10:18:04] (Interpretation) I do not know exactly because people
6 were many and besides that people went at night and so you wouldn't know
7 everyone.

8 PRESIDING JUDGE SCHMITT: [10:18:14] Mr Black.

9 MR BLACK: [10:18:16] Thank you, your Honour.

10 Q. [10:18:18] Yes, Mr Witness, you mentioned Vincent Otti and Raska Lukwiya
11 being there when the soldiers were selected. Did you see them at all after that
12 during the Pajule attack? During the attack, I should say.

13 A. [10:18:41] I did not see them there until when we left, came back from Pajule
14 and met them again at the place where we had left them.

15 Q. [10:18:57] Okay, thank you. Before we get to that, you mentioned that people
16 went at night. Describe what happened after the soldiers were selected. Where did
17 you go and what did you do?

18 A. [10:19:19] When the soldiers were selected, we left at around 3 -- I mean 9 p.m.
19 in the night. It was also raining. So we moved to Pajule. When we reach, those of
20 us who were supposed to go to collect food, we remained behind. Dominic picked
21 another group and went towards the barracks. It was until around 3 a.m., that's
22 when people, the move towards Pajule centre and the barracks started. We were
23 only waiting for time at dawn so that the attack would begin.

24 Q. [10:20:15] Okay. Thank you. Now you have mentioned a couple of different
25 groups. Which group were you in for the attack?

1 A. [10:20:29] I was still in Otti's group.

2 Q. [10:20:56] Before you described, this is at page 23 of the realtime, a group going
3 to the barracks and a second group going to the camp to take items. Were you part
4 of those two groups?

5 A. [10:21:15] Yes, I was in one of those group, the group that was going to the
6 camp.

7 Q. [10:21:25] Who was in charge of that, that small group that was going to the
8 camp to take items?

9 A. [10:21:37] There were other people whose ranks I would not know. There was
10 someone called Opio who was present. There was another person called Lojo (phon),
11 Odong, and then there was also Loum.

12 Q. [10:22:02] Do you know what LRA unit Opio was in?

13 A. [10:22:16] Opio, I think Opio was in Sinia.

14 Q. [10:22:26] Okay. So your group which was sent to collect items, were any items
15 in fact collected at Pajule?

16 A. [10:22:37] Yes, items were collected.

17 Q. [10:22:41] What kind of items?

18 A. [10:22:47] The items were mostly foodstuff and also abducting some people who
19 were there.

20 Q. [10:22:58] And did you personally see people taking food?

21 A. [10:23:10] Yes, I saw with my own eyes.

22 Q. [10:23:12] I will ask you about the abducted people in a minute. But first, what
23 about the other group, the group that went to the barracks, what happened to that
24 group during the attack, as far as you know?

25 A. [10:23:31] What I know that happened in the barracks, according to information

1 from those who went to the barracks, they were saying the fighting in the barracks
2 was very fierce and even one of the bomb, B-10, remained there, and one person
3 called Oringa who was in charge of carrying that bomb was also killed there. He is
4 a person who comes from Pajule.

5 Q. [10:24:08] Who led the group that went to attack the barracks?

6 A. [10:24:16] It was Dominic.

7 Q. [10:24:22] And what did that group do after the fierce fighting in the barracks?
8 Did they go somewhere else other than the barracks?

9 A. [10:24:40] The people who went to collect food did not now go to join those in
10 the barracks, but it was the ones that -- the team that went to the barracks are the ones
11 again who came back and joined the ones who were in the camp who were taking
12 foodstuff.

13 Q. [10:25:03] Did you see Dominic Ongwen in Pajule during the attack?

14 A. [10:25:12] I saw him as he was going to the barracks.

15 Q. [10:25:20] What about after the fighting at the barracks when that group joined
16 those in the centre, did you see him at any time then?

17 A. [10:25:34] At the time when people met at the centre I did not now see him.

18 Q. [10:25:47] When you did see Dominic Ongwen, how was he walking?

19 A. [10:25:56] At the time we were moving with him to go to Pajule, we passed via
20 Lacani. Lacani, as you are going towards Pajule, Lacani would be on the right and
21 Pajule would be on the left, because you cross the road and then you go to the
22 barracks.

23 Q. [10:26:21] Okay. Thank you. My question wasn't very clear. It was actually,
24 was Dominic Ongwen able to walk by himself? Did he walk normally? Can you
25 describe how he walked?

1 A. [10:26:41] He would not move alone, he would move together with the convoy,
2 with so many people in the convoy.

3 Q. [10:26:52] Do you know if he was injured at the time?

4 A. [10:26:59] I do not know if he had injuries, but I would see him walk with a limp
5 as if he was shot in the leg.

6 Q. [10:27:12] But did he need anyone - thank you - did he need anyone's assistance
7 actually to walk or was he able to walk under his own power, so to speak?

8 A. [10:27:32] His, his disability was not very serious, he would walk by himself.

9 Q. [10:27:50] Earlier you mentioned the names of some LRA commanders who
10 went to Pajule and I forgot to ask you about one name. Do you know a person
11 named Bosco Bogi?

12 A. [10:28:07] I do not recall that name, but I know Bogi.

13 Q. [10:28:14] Okay. And the Bogi that you know, who is that?

14 A. [10:28:28] I just know his name as Bogi, but to know his rank or what level he
15 was in, I do not know.

16 Q. [10:28:36] Was that person Bogi present at the Pajule attack?

17 A. [10:28:49] I do not know.

18 Q. [10:28:51] You mentioned that people were abducted during the Pajule attack.
19 Did you see that with your own eyes?

20 A. [10:29:06] I saw people with my -- myself, people who were captured. The
21 reason why I say people were abducted, because at the time we were now leaving I
22 saw very many people who were abducted.

23 Q. [10:29:21] Can you estimate how many people were abducted from Pajule?

24 A. [10:29:27] There were very many people, from 300 upwards.

25 Q. [10:29:36] Were they men or women or both?

1 A. [10:29:50] People abducted were of different -- they were mixed, children, men,
2 women.

3 Q. [10:29:57] Where were these abducted people taken after the attack?

4 A. [10:30:09] After the abduction we -- people came and met with Otti at position.
5 But before we met with the group, helicopter gunship came. When the helicopter
6 gunship came, it did not shoot at the people, because I think they were fearing that
7 they would probably also kill civilians.

8 Q. [10:30:36] You said "people came and met with Otti at position". Was this the
9 same position as you described meeting before the attack where people were selected,
10 or was it somewhere different?

11 A. [10:30:53] The same position.

12 Q. [10:30:58] And what happened to the abductees at that position?

13 A. [10:31:07] Well, nothing much happened to them. They identified the mature
14 ones who were eventually returned, but the younger ones were retained.

15 Q. [10:31:24] Which LRA commanders were present at the position when the
16 abductees were there and some eventually released?

17 A. [10:31:40] The commanders who were there were the three people, Raska, Otti
18 and Ongwen.

19 Q. [10:31:51] Do you know what they were doing at the position?

20 A. [10:31:58] At that position, well, they, they sat there, they stayed there waiting
21 for the people.

22 Q. [10:32:10] The abducted people that were taken from Pajule to this position, can
23 you describe how they went there? Now necessarily the route that they took, but
24 how did they look as they went to this position after the attack?

25 A. [10:32:39] Could you please repeat your question?

1 Q. [10:32:42] I'll ask a different question that may make more sense. The
2 abductees from Pajule, when they were walked to the position, were they free to go or
3 were they forced to go? Were they free to leave, I should say, or were they forced to
4 go to the position?

5 A. [10:33:11] You know very well that when you are under the leadership of
6 somebody, you don't have the choice to move or not; you will be forced to move.

7 Q. [10:33:22] I'm sorry. That was kind of a silly question on my part. Were those
8 people restrained in any way, physically restrained, like their hands tied or anything
9 like that?

10 A. [10:33:40] Some of them were bound on their waists while others were walking
11 a little free but being guarded and directed to move to that position.

12 Q. [10:33:59] Were any of the abductees carrying things?

13 A. [10:34:01] Yes. Some of them were abducted and given loots to carry.

14 Q. [10:34:12] Do you know if any civilians were killed or injured during the attack
15 on Pajule?

16 A. [10:34:25] Only person that I am aware of, a person who was called Oringa, he
17 was one of the LRA soldiers. That's the one I am aware of. I did not see any
18 civilian being injured.

19 Q. [10:34:45] Thank you for all that information. I am going to move away from
20 the Pajule attack now to another topic.

21 Where did you go next, after the attack on Pajule and meeting up again at the
22 position?

23 A. [10:35:07] After the attack on Pajule, later on we went to Teso area.

24 Q. [10:35:19] Okay. Is this the second trip to Teso? You mentioned before you
25 went twice; is that right?

1 A. [10:35:30] Yes, we went twice.

2 Q. [10:35:33] And in whose group were you with on this second trip to Teso?

3 A. [10:35:43] We were still in the same group under Otti, and while we were going
4 to Pajule we went as one convoy, but eventually Dominic separated from the group
5 and went his way.

6 Q. [10:35:58] So what happened on the second trip to Teso? What happened
7 while you were there?

8 A. [10:36:12] What was happening there was that when we arrived there we
9 found -- when the civilians who were there were not living -- initially, they were not
10 living in camps, but at that time, they were now in the camps, and it was very
11 difficult to find them to abduct them. And then the rebels who were there were
12 under constant attacks by government helicopters.

13 Q. [10:36:40] Which other LRA groups were there besides your own, in Teso?

14 A. [10:36:50] The other rebel groups included that of Tabuley.

15 Q. [10:36:59] And what happened to Tabuley while you were in Teso on this
16 second occasion?

17 A. [10:37:08] While we were in Teso and we had moved very far, we had crossed
18 a big river, and we found a group of rebels belonging to Tabuley's group. They were
19 the ones who told us that Tabuley was shot and killed. They came to join forces with
20 our group.

21 Q. [10:37:36] And was it your understanding that Tabuley was very -- was recently
22 shot and killed or was it something that had happened some time before?

23 A. [10:37:49] Well, I got to know on that day. That was the day when they came
24 and met with our group, and that was the day I think Tabuley was shot and killed.

25 Q. [10:38:07] Thank you. You have mentioned how Ongwen's group had split.

1 When was the next time that you saw Odomi, Dominic Ongwen?

2 A. [10:38:26] It didn't take a while. Eventually we met again with him and
3 Otti Vincent.

4 Q. [10:38:41] At some point did you leave Otti Vincent's group for another group?

5 A. [10:38:51] Yes. When we met, we split because we were taken to, to the guard,
6 two of us, and our group split and followed Dominic.

7 Q. [10:39:10] Could you explain a little bit more how that happened that you were
8 with Otti's group and then you ended up with Dominic's. I think you started to
9 explain, but could you give us a bit more detail?

10 A. [10:39:28] What happened was that we met and we were taken to be behind at
11 the rear to provide protection and it reached a point where the two groups needed to
12 split. Otti went one way and the other group went another direction. For us, we
13 were behind. We took one of the rails and, incidentally, we didn't know which rail
14 we were taking and we ended up following Dominic instead of Otti.

15 Q. [10:40:01] So you say you took one of the rails. Do I understand right that two
16 paths kind of diverged and you chose one which happened to be Dominic's instead of
17 Otti; is that right?

18 A. [10:40:18] Yes.

19 Q. [10:40:19] What did Dominic say when, when you reached his group?

20 A. [10:40:30] Well, he didn't say anything much. We told him we took one of the
21 rails and he told us there is no problem, just continue staying.

22 Q. [10:40:42] Were you placed under any particular officer or commander?

23 A. [10:40:52] Yes, I was under --

24 THE INTERPRETER: [10:40:57] Your Honour, could the witness be requested to
25 repeat the name.

1 PRESIDING JUDGE SCHMITT: [10:41:00] Mr Witness, the interpreters did not get
2 the name. Would you please be so kind to repeat the name.

3 THE WITNESS: [10:41:11] (Interpretation) The person I was under was called
4 Oyenga.

5 MR BLACK: [10:41:19]

6 Q. [10:41:19] Do you know what his rank or position was within Dominic's group?

7 A. [10:41:29] Oyenga I think was either a captain or something like that.

8 Q. [10:41:40] Now do you remember when this happened that you joined
9 Dominic's group? What time of the year?

10 A. [10:41:54] Well, I guess it should have been during the dry season, because I
11 could not very clearly demarcate months.

12 Q. [10:42:09] That's sufficient. Thank you. Where were you at the time? What
13 area of Uganda, if you can remember?

14 A. [10:42:26] We were mainly around the Kitgum and Pader areas.

15 Q. [10:42:36] And just so that it's clear, was this before or after you learned of
16 Tabuley's death that you joined Ongwen's group -- Dominic's group, excuse me.

17 A. [10:42:53] I had already heard of that.

18 Q. [10:43:03] I am going to ask you more questions about the details, but about how
19 long did you stay with Dominic's group? Was it a matter of weeks or months? Can
20 you help us understand?

21 A. [10:43:20] We stayed for between four and five months.

22 Q. [10:43:31] What were your duties while you were with Dominic's group?

23 A. [10:43:44] There was nothing much other than as rank and file soldiers. We
24 would be sometimes given items to carry, food items to carry.

25 Q. [10:44:11] Do you know what size -- sorry, I have lost my place a bit. What was

1 the name of Dominic's group?

2 A. [10:44:28] It was called Sinia.

3 Q. [10:44:32] What was the size of Sinia? Was it a brigade or a battalion or
4 a company, do you know?

5 A. [10:44:44] Sinia was a brigade.

6 Q. [10:44:49] How many people were in Sinia at that time?

7 A. [10:44:56] Well, it is difficult to estimate, but there were so many people.

8 Q. [10:45:07] Can you give any more estimate? Was it tens of people, hundreds of
9 people?

10 A. [10:45:22] There were so many people; there were more than a hundred. There
11 were quite a number.

12 PRESIDING JUDGE SCHMITT: [10:45:28] Perhaps, Mr Black, we can try, give it
13 a try.

14 When you compare it, you said you joined this group with your group you stayed in
15 before. When you compare it with the size of your group, does this help you
16 perhaps to assess it a little bit? Approximately only.

17 THE WITNESS: [10:45:53] (Interpretation) It's difficult to estimate the number,
18 because the number was big. The group I was in had a number of people. The
19 group Ongwen had also had so many people. So it was very difficult for me to
20 estimate the figure.

21 PRESIDING JUDGE SCHMITT: [10:46:11] Please continue.

22 MR BLACK: [10:46:13] Thank you, your Honour.

23 Q. [10:46:15] That's understandable, Witness. There's no problem. Just one thing,
24 to make sure that it is clear, when you joined Dominic's group how many other
25 people from Otti's group joined with you?

1 A. [10:46:37] Well, we were only two.

2 Q. [10:46:42] Okay. Thank you. I wasn't sure if that was clear for the record.

3 Okay, so we talked about Sinia. Were there smaller units within Sinia brigade?

4 A. [10:46:57] Yes.

5 Q. [10:47:00] Do you remember the names of those smaller units?

6 A. [10:47:07] I can recall some but not all. Because some of the names have
7 skipped my mind. There was Oka, there was Terwanga, but the rest I cannot recall.
8 The rest of the battalions I cannot recall.

9 Q. [10:47:25] Do you remember the names of any of the commanders in charge of
10 those battalions, or other small groups?

11 A. [10:47:38] Well, there were some people who were leading those battalions.
12 There was Kalalang, and then there was -- well, I think I have forgotten the other
13 name. But there was also a person called Ben.

14 Q. [10:48:00] Do you remember any other names for Ben?

15 A. [10:48:05] I, I don't know that name. They used to refer to him as "Ben".

16 Q. [10:48:11] That's okay, thank you.

17 Your Honours, if I could refer to tab 3 of the Prosecution binder, UGA-OTP-0277-0899.
18 The specific page is 0907.

19 Mr Witness, when you were interviewed you mentioned a couple of other names. I
20 will just put them to you and see if that refreshes your recollection. You mentioned
21 a person named Acaye, or Acaye, I may be pronouncing that poorly. Do you
22 remember a commander with that name?

23 A. [10:48:55] Yes. There was a person called Acaye, and I think I also mentioned
24 that name at some point. I think I had just forgotten to mention it again.

25 Q. [10:49:06] That's quite all right. Another name that you mentioned was Pokot.

1 Does that refresh your memory in this context?

2 A. [10:49:15] Yes, Pokot was there.

3 Q. [10:49:19] And on the next page, your Honours, 0908.

4 Two other names you mentioned were Opio and Yoweri. Do those names ring a bell
5 as someone -- as commanders in Ongwen's group?

6 A. [10:49:39] Yes. Those people were there. There was one person who was
7 called Opio, but there was also another one who was called Yoweri, but he is now
8 deceased.

9 Q. [10:49:50] And do you remember what their positions or their roles were in the
10 group in Sinia?

11 A. [10:50:06] Knowing the ranks of some of these people was a bit difficult. You
12 know, for example, a person who was called Opio or Oyenga, Oyenga was, I think,
13 a captain. Opio, I cannot remember his rank at this point.

14 Q. [10:50:30] I hope this isn't an obvious question but what was Dominic's position
15 within Sinia?

16 A. [10:50:47] He was the overall commander of Sinia. He was in charge of all the
17 other commanders who were within the Sinia brigade.

18 Q. [10:50:58] So was there anyone in Sinia who was more senior than Dominic?

19 A. [10:51:08] No.

20 Q. [10:51:13] What about in the LRA more broadly? Who was senior to Dominic
21 that you know of?

22 A. [10:51:25] There were other people who were higher than Dominic in rank.
23 There was Otti Vincent. There was Raska Lukwiya, and then Joseph Kony.

24 Q. [10:51:43] Given Dominic's position, did he have people protecting him in Sinia
25 or otherwise assisting him?

1 A. [10:51:56] Yes, they were there.

2 Q. [10:52:01] Do you remember the names of any of those people?

3 A. [10:52:06] Yes, I can recall.

4 Q. [10:52:10] Please go ahead and tell us the names.

5 A. [10:52:15] When I was with him there was a boy who was called Kadogo.

6 There was another boy call Ogwal. There was also one called Opio Cong Dyel. He
7 had so many escorts and he would keep rotating them.

8 MR BLACK: [10:52:37] Your Honours, again, there is one more name at tab 3, again
9 at page 0909.

10 PRESIDING JUDGE SCHMITT: [10:52:42] Simply put the name, if it rings a bell, so
11 we don't need to refer to the former statement.

12 MR BLACK: [10:52:48] Thank you, your Honour.

13 Q. [10:52:48] Mr Witness, one other name that you mentioned there in your
14 interview, Akena. Do you remember a person named Akena?

15 A. [10:53:00] Well, I had just forgotten that, but Akena was also part of them.

16 Q. [10:53:09] Do you know how old these four boys were?

17 A. [10:53:19] Well, it's difficult to know how old each one of them was. They were
18 older than me in terms of age.

19 Q. [10:53:31] That's fine. We are getting close to the morning break, but I just have
20 one more question before we break. What was Dominic's attitude towards battle
21 and fighting with the enemy?

22 A. [10:53:58] Whenever he set his mind on something, he would just set off to go
23 and carry out the activity as planned to do. Then he would just get up, organise his
24 people and they would go for it.

25 Q. [10:54:16] Did you have a sense of whether he was afraid of battle or whether he

1 enjoyed battle or anything like that?

2 A. [10:54:26] Well, he didn't fear battle. He really loved it.

3 Q. [10:54:35] And while you were with him, did Ongwen just send soldiers to
4 battle or did he go himself to participate?

5 A. [10:54:47] Most of the times he would go with them.

6 Q. [10:54:54] Thank you.

7 Now we usually take a break around this time and, your Honour, I am about to go
8 into another subject.

9 PRESIDING JUDGE SCHMITT: [10:55:00] I won't contradict you in that respect.
10 We reconvene at 11.30.

11 THE COURT USHER: [10:55:09] All rise.

12 (Recess taken at 10.55 a.m.)

13 (Upon resuming in open session at 11.32 a.m.)

14 THE COURT USHER: [11:32:08] All rise.

15 PRESIDING JUDGE SCHMITT: [11:32:31] Mr Black, please continue.

16 MR BLACK: [11:32:34] Thank you, your Honour. I would just note, your Honour,
17 that Colleen Gilg has joined the Prosecution for this session.

18 PRESIDING JUDGE SCHMITT: [11:32:42] Yes. Thank you. And if we mention
19 Ms Colleen Gilg, we should also mention Mrs Bridgman, yes, I would say, also for the
20 record, part of the Defence.

21 MR AYENA ODONGO: [11:32:57] We have since been joined by Mrs Bridgman,
22 Abigail.

23 PRESIDING JUDGE SCHMITT: [11:33:00] Yes, so we have her now twice --

24 MR AYENA ODONGO: [11:33:03] Yes.

25 PRESIDING JUDGE SCHMITT: [11:33:03] -- on the record, but that is surely not

1 a bad thing.

2 Please, Mr Black, continue.

3 MR BLACK: [11:33:14] Thank you, your Honour.

4 Q. [11:33:18] Mr Witness, sir, now I am going to ask you questions about attacks.

5 Other than the attack on Pajule, which you described earlier, did you participate in
6 any other attacks with Dominic Ongwen?

7 A. [11:33:40] Yes, I did.

8 Q. [11:33:45] Where did those attacks occur?

9 A. [11:33:55] We attacked a place called Odek.

10 Q. [11:34:01] And was there any other place besides Odek that was attacked while
11 you were with Ongwen's group?

12 A. [11:34:14] Yes, there were other places that were attacked.

13 Q. [11:34:19] Are you familiar with a place called Labwor Omor?

14 A. [11:34:28] I know Labwor Omor.

15 Q. [11:34:36] Did anything happen at Labwor Omor while you were with
16 Ongwen's group?

17 A. [11:34:46] I know what happened there. There was an attack in that place.

18 Q. [11:34:52] Okay, I am going to ask you questions for a few minutes about that
19 attack. First of all, where is Labwor Omor located?

20 A. [11:35:06] That place is in Gulu.

21 Q. [11:35:11] Is it close to any river?

22 A. [11:35:17] It's close to Achwa river.

23 Q. [11:35:24] About how far away from Achwa river, would you say?

24 A. [11:35:35] I cannot estimate the miles, but it could be close to 10 miles, but it is
25 not very far away.

1 MR BLACK: [11:35:55] Your Honour, to try to be accurate on this, could I refer him
2 to a page in his interview, please. It's tab 8, UGA-OTP-0277-1041, and the page is
3 1045, I think.

4 No, actually, your Honour, I can't --

5 PRESIDING JUDGE SCHMITT: [11:36:40] Correct. I am a relatively quick reader
6 and going through it, I don't find anything that has to do with a river.

7 MR BLACK: [11:36:47] Yes, I have made a mistake in my notes, so I don't think it is
8 that important, we can skip to --

9 PRESIDING JUDGE SCHMITT: [11:36:52] I also think so. A river is where a river is,
10 I would say, geographically located. And the witness can only estimate and he
11 might have estimated another distance at another time, but you know these are things,
12 in the end, of common knowledge, where things are located --

13 MR BLACK: [11:37:10] Thank you.

14 PRESIDING JUDGE SCHMITT: [11:37:11] -- and regions and locations are. Please
15 continue.

16 MR BLACK: [11:37:14] Thank you, your Honour.

17 Q. I guess one last question about the location: Do you know what sub-county
18 Labwor Omor is located in, sir?

19 A. [11:37:31] The names of the place close to that area, I know there is a barracks
20 called Lugore, and there is also the road going to Ajulu and another road heading
21 towards Okidi.

22 Q. [11:37:49] Do you know a place nearby there called Palaro?

23 A. [11:38:00] I do not know the name of that place.

24 Q. [11:38:06] Okay. Thank you, sir. Tell us now what happened during -- at
25 Labwor Omor on the day of the attack.

1 A. [11:38:21] What happened, as people were going to Labwor Omor, we crossed
2 the river from the other side and spent the night on this side of the river. We left at
3 about 12, going to 2 p.m. to go to Labwor Omor. As we were going for the attack,
4 some of the soldiers were made to wear civilian clothings to go to the -- for the attack
5 in Labwor Omor, so it -- we reached at around 2 to 3 p.m. at that place.

6 Q. [11:39:08] You mentioned some soldiers were wearing civilian clothing. How
7 were the rest of the soldiers dressed, the LRA soldiers?

8 A. [11:39:22] They were wearing army uniforms, but some of those who did not
9 have army uniforms remained behind as they were heading towards the barracks.

10 Q. [11:39:41] In your previous statement, this is in tab 8 at page 1044, you
11 mentioned that some of the civilians thought the LRA fighters were government
12 soldiers. Does that ring a bell?

13 A. [11:40:04] Yes, that I recall. I was trying -- I was forgetting about that particular
14 point. That happened when the government soldiers were actually thinking that the
15 soldiers that were entering amongst them were also part of them, but they realised
16 later on that this was different when they started shooting at them.

17 Q. [11:40:32] And do you know why the government soldiers thought that it was
18 other government soldiers instead of LRA?

19 A. [11:40:47] I think what made the government soldiers not to realise immediately
20 was because they had seen the uniform that the LRA rebels were wearing. It made
21 them believe that they were their colleagues.

22 Q. [11:41:07] Okay. Thank you. Which LRA groups participated in this attack at
23 Labwor Omor?

24 A. [11:41:20] The group that went there were Dominic's group. They are the ones
25 who went to Labwor Omor.

1 Q. [11:41:31] Which LRA commanders were present for the attack?

2 A. [11:41:42] There were other people. I think I remember one person called
3 Loum, but the others I do not recall their names.

4 Q. [11:41:57] Do you know a person who was called Odong Cowboy or
5 Odong Kau?

6 A. [11:42:06] I know Odong Cowboy.

7 Q. [11:42:10] Who was Odong Cowboy?

8 A. [11:42:16] Odong Kau had a rank, but I do not know what rank it was.

9 Q. [11:42:24] Which unit of the LRA was he in as far as you know?

10 A. [11:42:32] Odong Kau was in Sinia.

11 Q. [11:42:37] Do you recall whether he was present for the attack on Labwor Omor?

12 A. [11:42:48] That, it was difficult to know because, you know, when people are
13 many, you will not be able to know each one of them by name.

14 Q. [11:43:02] Who commanded the attack at Labwor Omor?

15 A. [11:43:11] Dominic was the one that led the group.

16 Q. [11:43:21] Tell us what happened when the attackers reached Labwor Omor.

17 A. [11:43:34] What happened when the attackers reached Labwor Omor, some of
18 the civilians did not know that these were rebels. When they started realising
19 exactly -- they realised when there was now gunfire and there was exchange between
20 the government soldiers and the rebels. So it did not -- that exchange, when the
21 government soldiers starting firing, did not give opportunity for the rebels to go
22 inside, deep into the centre.

23 Q. [11:44:11] And so were the LRA attackers repulsed by the government forces,
24 pushed back?

25 A. [11:44:24] At that point the -- there was separation, the group, the group split

1 into different parts. Some of the Holy group, the Holy soldiers also flee. And also
2 the government soldiers, on their part some of them also fled and so it was a bit
3 difficult on our part to now know.

4 Q. [11:44:51] What happened to the residents of Labwor Omor during the attack?

5 A. [11:45:06] What I saw, there was one boy called Okello Moses was shot in his
6 thigh. He was carried amidst the exchange of gunfire.

7 Q. [11:45:23] Was Okello Moses a resident of Labwor Omor or was he an LRA
8 fighter?

9 A. [11:45:35] He was an LRA fighter who -- that Okello Moses comes from Pader.

10 Q. [11:45:46] What about the civilians, the people who lived in Labwor Omor?
11 What happened to them?

12 A. [11:45:58] Nothing bad happened, apart from that fighting which was taking
13 place.

14 Q. [11:46:10] Was anything taken by the LRA from Labwor Omor?

15 A. [11:46:17] Yes, items were taken and also some people were abducted.

16 Q. [11:46:25] What kind of items were taken?

17 A. [11:46:31] The items included foodstuff, then also breaking into shops and
18 picking some of the items from those shops.

19 Q. [11:46:46] You said some people were abducted. Approximately how many
20 people were abducted from Labwor Omor?

21 A. [11:46:58] I estimate from 80 upwards as the number of people who were
22 abducted.

23 Q. [11:47:11] Were they men or women or a mix?

24 A. [11:47:20] They were mixed.

25 Q. [11:47:23] What about the ages of the abductees, were they young or old or

1 a mix?

2 A. [11:47:33] They were mixed, young, old, *as long as they were people, whoever
3 they got was taken.

4 Q. [11:47:43] What happened to these abductees after the attack?

5 A. [11:47:53] Nothing bad happened. They, they were -- they were moved along
6 with, after a short while, and they were released. The older ones were released but
7 the young ones remained.

8 Q. [11:48:15] How many young ones remained with the LRA?

9 A. [11:48:25] The young ones I estimate to be about 40 who remained.

10 Q. [11:48:38] And how old were those younger ones that remained?

11 A. [11:48:49] To know the individual ages is difficult. But because some of them
12 were in the age group 18, 19, 20, but what happened was at least the ones that were
13 seen to be a little stronger and energetic were the ones that remained.

14 Q. [11:49:13] Of course, it would be just be an estimate. We don't expect you to
15 know for certain the ages of any of these people, but how old would you say the
16 youngest person abducted from Labwor Omor was?

17 A. [11:49:32] The youngest I estimate to be in the age from 12 to 14, 15.

18 Q. [11:49:49] You said that the older ones were released and the younger ones
19 remained. Who decided who would stay and who would be released?

20 A. [11:50:10] That now depends on the decision of the commanders who were
21 present, for example, could be the senior commander who was there, like Ongwen,
22 would decide that the older ones who are probably weak would be released.

23 Q. [11:50:30] And do you remember whether that happened on this occasion after
24 Labwor Omor?

25 A. [11:50:42] Could you say the question again.

1 Q. [11:50:45] Sure. In your answer, at least the way it was interpreted to me, is
2 that it could be the senior commander like Ongwen who would decide who would be
3 released. But do you remember specifically at this attack whether Ongwen or
4 someone else made that decision of who would be released and who would be -- who
5 would remain?

6 A. [11:51:17] I do not recall, because it is him who as the overall boss there would
7 be the one to decide who should be released.

8 Q. [11:51:36] Do you remember any orders, hearing or learning about any orders
9 by Dominic Ongwen about the release or about the attack in general?

10 A. [11:51:51] I did not hear of any orders from Dominic of such orders. But there
11 is -- at point that he would release the adults and the young ones would remain.

12 Q. [11:52:13] And, I guess, thinking back even before or during the attack, you say
13 these people were abducted. Why were they abducted?

14 A. [11:52:28] I do not know why they are abducted, but maybe I know that they
15 should come to join the LRA so that they are soldiers.

16 Q. [11:52:47] And who decided that people should be abducted in this attack?

17 A. [11:53:01] No, no one else makes that decision apart from the overall
18 commander who is there, who will have decided that such-and-such an operation or
19 abduction should take place. It would all come from the overall boss there.

20 Q. [11:53:23] And just so we're clear, who was the overall boss at this time?

21 A. [11:53:32] Dominic.

22 Q. [11:53:35] In your interview you mentioned in this context also a commander
23 named Loum. Does that refresh your memory about what any role that Loum may
24 have had in the attack or in the dealing with abducted persons?

25 A. [11:54:03] I do not recall the level at which Loum was actually working.

1 Q. [11:54:11] Do you remember if he was present for this attack?

2 A. [11:54:20] Yes, I recall he was present.

3 Q. [11:54:47] Where did you go after the attack at Labwor Omor?

4 A. [11:54:56] After the attack on Labwor Omor we crossed the, the river and we
5 continued moving around the areas in Kitgum until when we went to a place called,
6 to a place called Wi-Alim. Then, when we left Wi-Alim we went to Odek.

7 Q. [11:55:29] How much time would you estimate passed between leaving
8 Labwor Omor and when you eventually went to Odek?

9 A. [11:55:43] I do not recall exactly the date, but I think we spent about four to six
10 months, but I did not get the exact dates.

11 Q. [11:56:06] How did you first learn that there would be an attack on Odek?

12 A. [11:56:20] I knew that in, I think, April 2004. That's when I came to know about
13 it.

14 Q. [11:56:33] And how did you come to know about it?

15 A. [11:56:37] I knew because it was their idea, as the commanders. They decide
16 that we should -- we are going to do things like this, like this.

17 Q. [11:56:59] And so when you were in the Odek area, what was it that gave you
18 your first indication that there would be an attack? What did you see or hear that
19 made you realise there was going to be an attack?

20 A. [11:57:24] You know, most times information are brought to the foot soldiers
21 and that's where you, you will be able to know.

22 Q. [11:57:40] Do you remember who brought you this information about Odek?

23 A. [11:57:53] I do not recall that now. I do not recall the name of that person.

24 MR BLACK: [11:58:00] Your Honour, could I refer him to a passage at tab 3 of
25 the Prosecution binder, which is UGA-OTP-0277-0899, at page 0920.

1 PRESIDING JUDGE SCHMITT: [11:58:20] And which part?

2 MR BLACK: [11:58:22] 0920, lines 682, basically down to 705, but I won't read them
3 all out. I will summarise.

4 PRESIDING JUDGE SCHMITT: [11:58:37] Please proceed.

5 MR BLACK: [11:58:38] Thank you, your Honour.

6 Q. [11:58:39] Mr Witness, this is again a portion of your interview. When you
7 were asked about this attack on Odek, you were asked who would tell you when you
8 were going to move to do something. You said that was Dominic himself. And
9 then you were asked, "So, he would talk about what will happen with Odek. What
10 did he tell you to do?"

11 PRESIDING JUDGE SCHMITT: [11:59:03] And here we stop and ask him, what did
12 he tell you to do, the witness, today in the courtroom.

13 MR BLACK: [11:59:10] Yes.

14 Q. [11:59:11] So, so, do you recall, first of all, I guess, do you recall
15 Dominic Ongwen speaking to you before the Odek attack?

16 A. [11:59:28] Yeah.

17 Q. [11:59:30] What did he say to you?

18 A. [11:59:37] When he gathered his soldiers he said he is going to loot Odek.

19 Q. [11:59:58] What was Dominic's position at that time?

20 A. [12:00:04] He was still in his rank; he was the one in charge of that group.

21 Q. [12:00:17] And you said he gathered his soldiers. Which group was that?
22 Which soldiers did he speak to?

23 A. [12:00:28] The soldiers that he would address are just like a group or a troop that
24 has been put together, and once they are ready he would give them the information
25 that we are going to do such-and-such a thing. So that would be the selected group.

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1 PRESIDING JUDGE SCHMITT: [12:00:48] And do you -- Mr Witness, do you recall,
2 perhaps in more detail, what he told you before the attack?

3 THE WITNESS: [12:01:01] (Interpretation) Yes, I do recall.

4 PRESIDING JUDGE SCHMITT: [12:01:03] Could you please tell us.

5 THE WITNESS: [12:01:08] (Interpretation) The reason I recall that was because he
6 said he was going to attack Odek. That was what he told his soldiers.

7 PRESIDING JUDGE SCHMITT: [12:01:21] Did he tell his soldiers also how the work,
8 so to speak, would be distributed between the different units?

9 THE WITNESS: [12:01:34] (Interpretation) Yes, he talked about that as well. People
10 were distributed in different groups. One group was to go to the camp, another to
11 the barracks.

12 PRESIDING JUDGE SCHMITT: [12:01:42] Please continue, Mr Black.

13 MR BLACK: [12:01:45] Thank you very much, your Honour.

14 Q. [12:01:48] Mr Witness, sir, how many LRA members were selected then to go to
15 Odek?

16 A. [12:02:02] Well, I cannot clearly recall the number, but there was a big number of
17 people who went to Odek.

18 Q. [12:02:17] Was it all of Sinia or was it some subgroup of Sinia, if you know?

19 A. [12:02:28] Part of Sinia.

20 Q. [12:02:33] And in response to the Presiding Judge's questions you mentioned
21 a couple of groups. Which group were you in of those going to Odek?

22 A. [12:02:50] We were part of the people who were going to collect food items.

23 Q. [12:02:59] Please describe what you saw and heard when you arrived with that
24 group at Odek.

25 A. [12:03:12] What I saw was when we arrived there and the attack started, some

1 people went inside the camp to begin looting food items. I saw after the attack
2 houses were being burned and other people were running towards the barracks.
3 They were also abducting people.

4 PRESIDING JUDGE SCHMITT: [12:03:34] Who, who burned the houses,
5 Mr Witness?

6 THE WITNESS: [12:03:41] (Interpretation) The people who were burning the houses
7 were Dominic's group. Those are the people with whom he went to the barracks,
8 they were the ones who set them on fire.

9 PRESIDING JUDGE SCHMITT: [12:03:52] Do you know why they burned the
10 houses?

11 THE WITNESS: [12:03:58] (Interpretation) It's difficult for me to know. I was still
12 young, and for us we would not know why.

13 PRESIDING JUDGE SCHMITT: [12:04:05] Mr Black.

14 MR BLACK: [12:04:07] Thank you, your Honour.

15 Q. [12:04:11] You mentioned people were abducted. About how many people
16 were abducted from Odek?

17 A. [12:04:24] It's difficult to estimate. They normally abduct people in random
18 and it's difficult to estimate the number.

19 Q. [12:04:39] And was it men or women or a mix of both?

20 A. [12:04:47] A mix of both. There were children, there were mature, there were
21 women as well.

22 Q. [12:05:00] What happened to those people who were abducted?

23 A. [12:05:09] Nothing bad happened to the abductees. The children who had
24 some energy were retained, but the mature ones were, the mature people were
25 released.

1 PRESIDING JUDGE SCHMITT: [12:05:23] Perhaps just for a matter of clarity,
2 Mr Witness, the houses that were looted and the houses that were torched, were these
3 military barracks or were these civilian houses?

4 THE WITNESS: [12:05:44] (Interpretation) Some of the houses I saw that were
5 torched were in the barracks.

6 PRESIDING JUDGE SCHMITT: [12:05:51] And others?

7 THE WITNESS: [12:05:55] (Interpretation) Some of them were at the edge of the
8 barracks as you move towards the camp side, there there were also houses that were
9 torched.

10 PRESIDING JUDGE SCHMITT: [12:06:09] Mr Black.

11 MR BLACK: [12:06:10] Thank you, your Honour.

12 Q. [12:06:13] And I guess also I believe you said some items were taken. Where
13 were those items taken from in Odek?

14 A. [12:06:29] The items that were taken were got from the camp. These were food
15 items that were looted. The rest of the items were taken from the barracks, but I
16 couldn't have known the details.

17 Q. [12:06:44] Thank you. Going back for a second to the people who were
18 abducted, you said that some were released and the younger ones were kept. Who
19 decided who should be released or kept?

20 A. [12:07:08] That is the senior person, who was Dominic, and he was the overall
21 person.

22 Q. [12:07:19] Other than Dominic do you remember the names of any other LRA
23 commanders who participated in the Odek attack?

24 A. [12:07:39] Well, there were other people, but I cannot recall their names. You
25 know, when you are new in a group, it's difficult for you to know the names of all the

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1 commanders within. One person that I knew was only Oyenga with whom I was
2 staying. The rest of them, I never got to know their name at that time.

3 MR BLACK: [12:08:03] Perhaps I'll just put a couple of names to him, your Honour.
4 Is that --

5 PRESIDING JUDGE SCHMITT: [12:08:07] Yes.

6 MR BLACK: [12:08:08]

7 Q. [12:08:08] What about a person named Onen? Do you remember a person
8 named Onen?

9 A. [12:08:16] I know Onen Kamdulu.

10 Q. [12:08:22] Okay. Was Onen Kamdulu present at the Odek attack?

11 A. [12:08:31] I did not see him there, but his name was mentioned here and was
12 called Onen Kamdulu. It's difficult for me to know whether he was there or not
13 because there were several people.

14 Q. [12:08:45] What about someone named Onen Michael, did you know an Onen
15 Michael?

16 A. [12:08:56] Yes, there is a person by the name Onen Michael who I knew.

17 Q. [12:09:06] Was he present at the Odek attack, do you know?

18 A. [12:09:10] I know Onen Michael well and he was there.

19 Q. [12:09:24] What about Kalalang, was he there?

20 A. [12:09:26] Kalalang was there.

21 Q. [12:09:30] Odong Cowboy, was he there?

22 A. [12:09:37] I am not sure whether Odong Cowboy was there or not. People
23 were many and it was difficult for me.

24 PRESIDING JUDGE SCHMITT: [12:09:49] Perhaps shortly, Mr Black.

25 Were people killed at Odek, to your knowledge?

1 THE WITNESS: [12:09:58] (Interpretation) Yes, people were killed. Soldiers were
2 killed in the barracks.

3 PRESIDING JUDGE SCHMITT: [12:10:05] Were only soldiers killed? Were also
4 LRA fighters killed? Were also civilians killed?

5 THE WITNESS: [12:10:18] (Interpretation) There was a boy who was called Odoch,
6 he was shot, and he tried to run but eventually died along the way.

7 PRESIDING JUDGE SCHMITT: [12:10:32] Is this person an LRA fighter or is it
8 a civilian?

9 THE WITNESS: [12:10:38] (Interpretation) He was an LRA fighter. There were
10 some civilians who also got caught in the crossfire.

11 PRESIDING JUDGE SCHMITT: [12:10:50] What do you mean by "caught in the
12 crossfire"?

13 THE WITNESS: [12:11:02] (Interpretation) They were injured. They had gunshots.
14 Some of them were abducted, others were injured and remained behind.

15 PRESIDING JUDGE SCHMITT: [12:11:12] Mr Black.

16 MR BLACK: [12:11:15] Thank you, your Honour.

17 Q. [12:11:16] Mr Witness, following on from that question, about those who were
18 injured among the civilian population, did you see them shot or did you just see their
19 injuries or how do you know about these gunshot injuries?

20 A. [12:11:43] There were others you could see injuries on the leg, maybe the legs
21 had broken, and you could be able to see that they suffered from a gunshot.

22 Q. [12:11:54] And when you say they were caught in the crossfire, do you mean
23 that that they were shot by accident or just that they were shot during the gun-fight?

24 A. [12:12:13] That must have -- that was by accident, they were not targeted. You
25 know, when there is exchange of gunfire and you are trying to flee, you can be

1 a victim of such a stray.

2 MR BLACK: [12:12:36] Your Honour, could I go back to the one of the names I asked
3 him about and try to refresh his memory?

4 PRESIDING JUDGE SCHMITT: [12:12:42] Simply put the name to him.

5 MR BLACK: [12:12:43] I did, your Honour, and he didn't remember, but it may be
6 (Overlapping speakers).

7 PRESIDING JUDGE SCHMITT: [12:12:47] Do you want to put it into context?

8 MR BLACK: [12:12:50] I do.

9 PRESIDING JUDGE SCHMITT: [12:12:50] And from where?

10 MR BLACK: [12:12:52] It's from tab 10, your Honour, which I think I have already
11 read out the ERN, and it's page 1095, starting from line 112.

12 PRESIDING JUDGE SCHMITT: [12:13:07] Yes, please go -- please proceed.

13 MR BLACK: [12:13:11] Thank you, your Honour.

14 Q. [12:13:12] Mr Witness, sir, again with reference to the interview that you gave,
15 you were asked about Odong Cowboy, and you said "I know him."

16 You were asked: "Did you see him at Odek?"

17 And you said: "I saw him. He was a soldier but his rank was higher than us."

18 Now, having heard that, but as you sit here today, do you remember whether
19 Odong Cowboy was present at the Odek attack?

20 A. [12:13:47] Yes, I recall, because you know, there are certain things that happened
21 in those days and it's difficult for me to remember now.

22 PRESIDING JUDGE SCHMITT: [12:13:59] Mr Witness, that is perfectly normal.
23 Nobody will remember all the details and because of that we are sitting here and
24 trying to refresh your memory if that might deem us necessary.

25 Please, Mr Bradfield -- Mr Black. Again, I did it again.

1 MR BLACK: Thank you, your Honour.

2 PRESIDING JUDGE SCHMITT: I think really Mr Gumpert you have to give the next
3 witness to Mr Bradfield, I think, absolutely, he has to be the one to question then.

4 MR BLACK: [12:14:41]

5 Q. [12:14:41] Mr Witness, just a couple more questions about this Odek attack.

6 You mentioned an LRA fighter named Odoch who was injured in the attack. Do you
7 know how he was carried away from the battlefield?

8 A. [12:15:05] No, I do not know, because at the time he was shot he tried to break
9 off from the group as he was trying to flee and that was the end of, of it all.

10 Q. [12:15:19] And do you remember whether he died from his injuries eventually?

11 A. [12:15:27] Yes, he died.

12 Q. [12:15:32] Now the food items that you described being taken from Odek, who
13 carried those away?

14 A. [12:15:45] It's difficult to know the names of the people individually, but they
15 were carried away by the civilians.

16 Q. [12:15:56] And like I asked you before, were those civilians restrained in any
17 way, were they tied up or anything like that?

18 A. [12:16:12] In every attack the abductees, some of them are tied together, others
19 are not, but they are tied to make sure that they are kept well.

20 PRESIDING JUDGE SCHMITT: [12:16:34] Mr Witness, when you left Odek, was
21 there still exchange of gunfire, for example, or was there still fighting going on, for
22 example, at the barracks?

23 THE WITNESS: [12:16:50] (Interpretation) There was no more exchange of fire
24 because the people left just in one big number.

25 MR BLACK: [12:17:01] Thank you, your Honour.

1 Q. [12:17:08] Then, Mr Witness, after the Odek attack was done, where did you go
2 after that?

3 A. [12:17:19] When we left there we moved around to someplace and then there
4 was a helicopter gunship that came and started attacking us. Those of us who were
5 with Dominic, we all got split into different groups. I moved together with some
6 person and we kept on running until we came to a place where we found the trail of
7 Otti and we joined with Otti's group.

8 Q. [12:18:01] After you had rejoined Otti's group, did you ever hear about an LRA
9 operation in a place called Lukodi?

10 A. [12:18:16] Yes, we heard about that when they would talk on radio call, and the
11 other younger soldiers were the ones who would talk about Dominic having attacked
12 Lukodi.

13 Q. [12:18:31] But did you personally have any participation in the Lukodi attack?

14 A. [12:18:40] No, I was not there because I was already in Otti's group. I was no
15 longer with Dominic.

16 Q. [12:18:54] Thank you, sir. We have covered a lot of topics. I am going to
17 change topics --

18 PRESIDING JUDGE SCHMITT: [12:19:02] And you seem to be quite quicker,
19 Mr Black, than was envisioned, so to speak.

20 MR BLACK: [12:19:12] Yes, we were discussing earlier that I seem to be the worst on
21 the team at estimating how long my questions --

22 PRESIDING JUDGE SCHMITT: [12:19:17] I think this happened already, yeah, I
23 would also say. But that doesn't matter. We always appreciate it, of course. And
24 Mr Ayena can already think about what he is -- when he wants to start with his
25 examination, I think. What I want to say about that, I could assume that you finish

1 before the end of this session.

2 MR BLACK: [12:19:37] I think about there, your Honour, at the end of this session or
3 just barely into the next one, I should say.

4 PRESIDING JUDGE SCHMITT: [12:19:44] I think we can be optimistic. Please
5 continue.

6 Without any rush, Mr Ayena, so it is perfectly clear. So we won't rush you into
7 starting today if you think you want to prepare yourself more diligently.

8 Please continue.

9 MR BLACK: [12:20:09] Thank you, your Honour.

10 Q. [12:20:11] Mr Witness, during the time that you were with Dominic's group -- so
11 for the moment not while you were with Otti, but only while you were with
12 Dominic -- do you recall whether he ever issued any orders that had to do with
13 abduction of civilians?

14 A. [12:20:34] I do not recall that. I only remember of a place, just one place, when
15 he ordered for the abduction of people and his people went and abducted civilians
16 from a place around Patongo.

17 Q. [12:20:50] And when was that? Was that during this four to six months that
18 you have described being with his group?

19 A. [12:21:00] Yes. It was within that time.

20 Q. [12:21:05] I am going to put a couple of other names of places to you to see if
21 that refreshes your memory at all. What about Aboke? Do you recall any --

22 A. [12:21:19] For Aboke, I heard that he sent people to go and abduct people in
23 Aboke.

24 Q. [12:21:28] Was that during the time that you were with him or was that before or
25 after that?

1 A. [12:21:39] I am not very sure about that.

2 Q. [12:21:58] A couple of times you have talked about older abducted persons
3 being released and the younger ones being kept. Why did the LRA prefer to keep
4 the younger people?

5 A. [12:22:19] The reason they would keep the younger ones, was because these
6 young ones could get confused and indoctrinated and would not think about
7 returning home. It was very easy to change their mindsets so that they could be part
8 of the soldiers. Children could also easily forget.

9 Q. [12:22:46] And you talked about both boys and girls, I think, being abducted.
10 But first let me ask you about boys or young men. When boys were abducted by the
11 LRA what kinds of tasks would they be given at first?

12 A. [12:23:08] What they would do when they abduct boys and girls, most times
13 they would train them. Some of them would be given items to carry. The training
14 would be done very briefly.

15 Q. [12:23:31] And as time passed, and a boy had been in the LRA for more time,
16 how would his duties change?

17 A. [12:23:45] If a boy has taken some time in the LRA, he would now become part
18 of the soldiers and he would eventually be given a gun.

19 Q. [12:23:58] How old, or how long in the LRA did a boy need to be to receive
20 a gun? During the time now that you were in Uganda. Not while you were in
21 Sudan, but in Uganda.

22 A. [12:24:17] It depended on the, the particular person. Sometimes it would take
23 between two, three or even five years.

24 Q. [12:24:30] And at what age might a boy be given a gun?

25 A. [12:24:42] The gun -- they give a gun to a boy of an age I cannot clearly establish,

1 but depending on how long such a person has stayed in the bush.

2 Q. [12:24:58] And you yourself talked about receiving a -- being taught to use a gun
3 at least when you were eight or nine. Of course, that was in Sudan, before. While
4 you were in Uganda would children that young, eight or nine or 10, be trained with
5 a gun?

6 A. [12:25:22] Yes. They would also be trained.

7 Q. [12:25:30] And what about specifically while you were with Dominic's group?
8 Were there any young boys of that age who were being trained with a gun or who
9 already had a gun?

10 A. [12:25:46] Yes, there were children who had guns.

11 Q. [12:25:56] Did such children participate in attacks?

12 A. [12:26:02] Yes, they would all be going together with the other people for such
13 operations.

14 Q. [12:26:11] And you have talked in detail about three attacks today. Did young
15 people, as you have described, participate in the Pajule attack?

16 A. [12:26:29] There were very many young people.

17 Q. [12:26:36] What about the attack at Labwor Omor? Were there young people at
18 that attack also?

19 A. [12:26:43] Yes, they were there.

20 Q. [12:26:48] And at Odek?

21 A. [12:26:52] They were in Odek as well.

22 Q. [12:26:58] What did those young people do during those attacks?

23 A. [12:27:07] Most of the children who would go for attacks go basically to carry
24 food items. Whenever they cannot pick the items from the houses, the older people
25 would do that, and then give them to carry.

1 Q. [12:27:35] During the time that you were with Dominic's group, how old was
2 the youngest boy there in the group?

3 A. [12:27:50] At the time when I was there they were ranging from 12 to about 14
4 and 15. Children of those ages were there.

5 Q. [12:28:08] Can you give us any idea of how many children of 12 and 14 and 15
6 that were there?

7 A. [12:28:20] I have kind of forgotten the number, but -- and it is difficult for me to
8 estimate that, but children of that age was there.

9 Q. [12:28:38] Early -- just a moment ago you talked about, you know, how a -- how
10 the duties of a boy changed during his time in the LRA. What were the boys called
11 during their early years in the LRA?

12 A. [12:29:05] When you are just freshly abducted you would be referred to as
13 "recruit". They will call you "recruit".

14 Q. [12:29:20] And eventually did you change from a recruit to something else?

15 A. [12:29:29] Yes, the name would change from a recruit to a soldier.

16 Q. [12:29:39] Who made the -- well, how did, how did someone change from
17 a recruit to a soldier? Was a decision made or did people just kind of eventually
18 over time change how they thought of them?

19 A. [12:29:58] That depended on how long somebody stayed in the bush. The
20 number of years would define, and such a person would have a superior who would
21 eventually decide for that person to become a soldier.

22 Q. [12:30:18] So in Ongwen's group which superior or superiors would decide that
23 a person was ready to be a soldier?

24 A. [12:30:33] There is no one else who would make the decision apart from the
25 commander who is in charge of that group.

1 Q. [12:30:46] Again, you talked about three different attacks, and I just want to ask
2 a specific question about each of them. You said that boys were abducted from
3 Pajule. What happened to those boys from Pajule? Where did they go, if you can
4 remember?

5 A. [12:31:14] The boys who were abducted were taken, they moved along with
6 them, but then they released the older ones, but the young ones remained.

7 Q. [12:31:28] Do you know which group or which unit those Pajule boys stayed
8 with?

9 A. [12:31:41] I, I do not know that unit, because what happens is that when the
10 younger children were abducted they are distributed under each group.

11 Q. [12:31:55] And what about the boys who were abducted at Labwor Omor and
12 Odek, do you recall which groups they were distributed to?

13 A. [12:32:11] It is the same group which I talked about which -- so when these
14 children are brought, they would be distributed under each of those, that -- within the
15 groups under that main group.

16 Q. [12:32:26] And did they stay in Sinia or did they go to other brigades?

17 A. [12:32:38] From Pajule some people went to other brigades.

18 Q. [12:32:44] And what about Labwor Omor and Odek?

19 A. [12:32:54] All were Sinia.

20 Q. [12:33:01] I think that's all my questions about boys. Let me ask you a few
21 questions about girls in the LRA.

22 And first, what happened to girls after they were abducted by the LRA?

23 A. [12:33:19] What happens to girls are the commanders would distribute the girls
24 amongst themselves to become their wives.

25 Q. [12:33:34] Did you ever see girls distributed this way to become commanders'

1 wives?

2 A. [12:33:45] To see, to see with my own eyes, I did not see, but I would realise that
3 a person like this or such-and-such a person has been given to a person like this and
4 this like this. But I know that the person who is overall in charge of the convoy is the
5 one who has the authority to give those girls.

6 Q. [12:34:09] So in Sinia brigade who had the authority to distribute girls as wives?

7 A. [12:34:19] That is Dominic.

8 Q. [12:34:25] During the time that you were with Dominic's group did he have any
9 women living in his household? Did he have any wives, I guess I should say?

10 A. [12:34:37] Yes, they were there.

11 Q. [12:34:42] How many wives did Dominic have while you were with him?

12 A. [12:34:51] He had about five wives. Some would be -- they would be replaced.
13 Some would escape.

14 Q. [12:35:05] Do you recall the names of any of Dominic's wives?

15 A. [12:35:14] The ones I know, there were some two girls whose names I knew
16 well.

17 Q. [12:35:22] What were those names?

18 A. [12:35:28] One of them was called Lalam and then another one was called Acen.

19 Q. [12:35:40] Is there anything else you can remember about Ongwen's wives?

20 A. [12:35:55] There are others whose name I can recall because I know there are
21 some who have also become soldiers.

22 Q. [12:36:06] Among Ongwen's wives some became soldiers, is that what you said?

23 A. [12:36:16] Yeah.

24 Q. [12:36:18] Which, which ones can you remember that became soldiers?

25 A. [12:36:28] There is one called Alice who had the rank I think of second

1 lieutenant. And then there was another one called Aling.

2 Q. [12:36:44] Did Ongwen have any children while you were with his group?

3 A. [12:36:53] That I would not know. I, I have forgotten that.

4 MR BLACK: [12:37:11] Your Honour, I would like to try to refresh his memory from
5 tab 6, UGA-OTP-0277-0991, and the specific page, if my notes are correct, is 1013 to
6 1015. Yes, actually, 1014 at line 761.

7 PRESIDING JUDGE SCHMITT: [12:37:47] Please proceed.

8 MR BLACK: [12:37:49] Thank you.

9 Q. [12:37:49] Mr Witness, during your interview you were asked about Ongwen's
10 wives. And you mentioned one, you said that she had a baby with him. "Her name
11 is hard but she was from the Madi area" and she was released in 2004. Does that
12 refresh your memory about whether Ongwen had children in the bush?

13 A. [12:38:22] Yes, that I can recall.

14 PRESIDING JUDGE SCHMITT: [12:38:25] Mr Witness, do you also recall why she
15 was released?

16 THE WITNESS: [12:38:35] (Interpretation) I -- the reason why I think she is -- she
17 would be released is because, you know, when you have given birth and you have
18 a child and you are not able to move, maybe sometimes when there is fighting and
19 you are not able to move along with the group, sometimes because you are the
20 mother of the child you will be released because of your -- the need to take care of the
21 baby.

22 PRESIDING JUDGE SCHMITT: [12:39:08] Mr Black.

23 MR BLACK: [12:39:14]

24 Q. [12:39:15] Do you know who decided that this wife of Ongwen would be
25 released?

1 A. [12:39:22] I do not know if anyone else made such a decision, apart from him,
2 who would make a decision that such a person should be released.

3 Q. [12:39:35] And you said "apart from him", who did you mean by "him"?

4 A. [12:39:47] Yeah.

5 Q. [12:39:49] Sorry, it just wasn't entirely clear. You said, "I don't know if anyone
6 else made such a decision, apart from him" and I was just wondering the name of that
7 person, the "him" you referred.

8 A. [12:40:14] That is Ongwen.

9 Q. [12:40:16] Thank you. I think that was pretty clear, but sometimes for the
10 purposes of writing everything down we have to ask that extra question.

11 Sir, you testified about girls being abducted from Pajule, Labwor Omor and Odek and
12 I'm going to ask you now some questions about that.

13 Thinking about the girls from Pajule, do you remember what happened to any of
14 those girls?

15 A. [12:40:50] I do not recall if something bad happened to the girls, apart from the
16 fact that when the girls are abducted they are distributed to become wives.

17 Q. [12:41:02] Do you know if any of those girls remained in Sinia brigade after the
18 attack?

19 A. [12:41:18] I would not know because there were many girls who were abducted
20 who remained in that group. So I would not really know.

21 Q. [12:41:32] What about girls abducted from Labwor Omor, did they stay with
22 Sinia or did they go to another group?

23 A. [12:41:43] They remained in Sinia.

24 Q. [12:41:47] And what happened to them in Sinia?

25 A. [12:41:56] Those were also distributed.

1 Q. [12:42:01] Do you remember which commanders received girls from

2 Labwor Omor?

3 A. [12:42:14] I recall.

4 Q. [12:42:18] Say the names, if you remember.

5 A. [12:42:24] The commanders who were distributed the girls to, I -- some of them I
6 do recall their names, but others now I cannot recall.

7 Q. [12:42:40] Go ahead and say the ones you do remember.

8 A. [12:42:49] They are people like Labongo. Some of them now I do not recall
9 their names.

10 Q. [12:43:02] Do you remember any other names for Labongo?

11 A. [12:43:11] I do not recall any other name.

12 Q. [12:43:16] Do you remember his rank or his position in Sinia?

13 A. [12:43:24] I think he was either a lieutenant or a captain.

14 Q. [12:43:34] And was he under the command of Dominic?

15 A. [12:43:43] Yes.

16 Q. [12:43:48] What happened to the girls taken from Odek?

17 A. [12:43:55] The same thing happened just like in the other group, because when
18 these girls are abducted they are distributed to the other -- to the groups.

19 Q. [12:44:09] Do you recall which commanders received girls from Odek?

20 A. [12:44:20] I do not recall their names, but when the girls are distributed I, I
21 would just see that there are -- they are living with such-and-such a person, but now I
22 do not recall their names.

23 Q. [12:44:40] Do you remember if any of them joined Ongwen's household?

24 A. [12:44:46] Yes, some of them were there.

25 Q. [12:44:54] Sir, I'm coming close to the end of my questions. I just have one

1 more topic for you.

2 What year did you leave the LRA?

3 A. [12:45:14] I left in 2006 at the time of the peace talks.

4 MR BLACK: [12:45:18] And, your Honour, could we go into private session to
5 discuss the details.

6 PRESIDING JUDGE SCHMITT: [12:45:22] I understand, yes.

7 Private session.

8 (Private session at 12.45 p.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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16 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P0372

(Private Session)

ICC-02/04-01/15

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Trial Hearing
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(Private Session)

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- 10 (Redacted)
- 11 (Open session at 12.51 p.m.)
- 12 THE COURT OFFICER: [12:51:40] We are back in open session, Mr President.
- 13 MR BLACK: [12:51:58] Thank you.
- 14 Q. [12:51:59] Mr Witness, thank you for answering my questions.
- 15 No further questions, your Honour.
- 16 PRESIDING JUDGE SCHMITT: [12:52:04] Thank you, Mr Black.
- 17 Any questions by the Legal Representatives of the Victims?
- 18 MR NARANTSETSEG: [12:52:08] Your Honour, actually, we have some questions to
- 19 ask.
- 20 PRESIDING JUDGE SCHMITT: [12:52:13] Can you estimate how long this will last?
- 21 MR NARANTSETSEG: [12:52:16] I should say maximum 15 minutes.
- 22 PRESIDING JUDGE SCHMITT: [12:52:19] I think then I would suggest to proceed,
- 23 and I would assume that Mr Manoba would not have any questions.
- 24 MR NARANTSETSEG: [12:52:32] Your Honour, with your permission my colleague
- 25 Ms Caroline Walter will question the witness. Thank you very much.

1 PRESIDING JUDGE SCHMITT: [12:52:38] But the other team. I am asking for the
2 other team.

3 MR MANOBA: [12:52:41] Thank you, Mr President. Depending on how they cover
4 the areas, then.

5 PRESIDING JUDGE SCHMITT: [12:52:46] Okay.

6 Then, Mr Ayena, for you I would assume perhaps that you question the witness,
7 because you are sitting in the front line. There are two options. We start with
8 the Defence questioning this afternoon or we start tomorrow only. We would only
9 start tomorrow, yeah, let me put it this way, under the condition that we finish
10 tomorrow with Defence questioning. So you have sort of two options, depending on
11 what you plan. Perhaps you can tell us shortly what you see at the moment, the
12 time that you need for your questioning.

13 MR AYENA ODONGO: [12:53:23] Mr President, thank you very much. I would
14 prefer the latter option.

15 PRESIDING JUDGE SCHMITT: [12:53:29] To start tomorrow morning.

16 MR AYENA ODONGO: [12:53:31] To start tomorrow morning.

17 PRESIDING JUDGE SCHMITT: And finish tomorrow morning.

18 MR AYENA ODONGO: And we finish tomorrow morning.

19 PRESIDING JUDGE SCHMITT: [12:53:34] Good. Then now, Mr Narantsetseg,
20 please, first for the legal representatives and then we look if we have further
21 questions by Mr Manoba. I know that your colleague is questioning, but I addressed
22 you because you always questioned until now.

23 MR NARANTSETSEG: [12:53:52] Thank you, sir.

24 MS WALTER: Thank you, your Honour. I am just attempting to move a bit
25 forward to the middle to (Overlapping speakers)

1 PRESIDING JUDGE SCHMITT: [12:54:02] Take your time, no problem.

2 MS WALTER: Thank you.

3 QUESTIONED BY MS WALTER:

4 Q. [12:54:09] Good morning, Mr Witness.

5 A. [12:54:11] Thank you.

6 Q. [12:54:12] You may remember that we were introduced to each other last week
7 during the courtesy meeting?

8 A. [12:54:22] Yes, I do recall.

9 Q. [12:54:25] Thank you. As we explained to you, our questions aim to help you
10 convey to the Judges the impact of -- the impact on your life of what you went
11 through in the bush.

12 PRESIDING JUDGE SCHMITT: [12:54:44] Simply start and continue. Simply put
13 your questions to the witness. I think he will be aware from the content even of your
14 questions what the purpose might be.

15 MS WALTER: I believe so. Thank you, Mr President.

16 Q. [12:54:56] I will start by asking you a few questions about your abduction and
17 events immediately before your abduction. So my first question for you is,
18 Mr Witness, could you please describe to us a little bit your life before your
19 abduction?

20 A. [12:55:20] My life before abduction was good. I was also going to school. I
21 studied up to primary 3. Before the rebels abducted me there were things that had
22 happened in our area. So these are things that started happening while I was still at
23 home.

24 Q. [12:55:41] Thank you, Mr Witness. Yes, you started explaining that this
25 morning too.

1 Do you remember how you felt at the moment of your abduction?

2 A. [12:55:57] At the time of my abduction I was moving, going to the gardens. My
3 mother and my father were -- and my sister were already in the garden. I was only
4 following them. So I was abducted; I met them along the way. I did not know -- I
5 did not know whether they were rebels or not. But then I saw they also had
6 captured my sister. My mother ran away. The three of them should have been
7 abducted, but the -- my mother and my father were -- managed to run away. So
8 when they caught us they started moving along with us, and there were other things
9 that that group was doing as we were moving with them.

10 Q. [12:56:52] Were you scared at the time, Mr Witness?

11 A. [12:57:00] When I was abducted, you know, you cannot divorce fear from
12 people. There are some times you have to gain courage. Sometimes you may not
13 have that courage because they are moving with you in places that you don't know.
14 Yes, you move but also you feel scared because even when you try to escape
15 you cannot escape; they are protecting you. You even have ropes tied around your
16 waist. Sometimes you also see as you are moving people who are trying to escape;
17 they have been killed. And sometimes also as we were moving you would see some
18 of them being beaten to death using clubs because they tried to escape.
19 So because of that, there were also times before I was abducted, around 1990, about 25
20 people were abducted. That was at a time when I was still at home. But of all the
21 25 people, they were all locked, put inside the house. They were locked inside and
22 then the house was burnt. But only one managed to escape. But even then that one
23 person who managed to escape was shot and killed. So it was just luck that that one
24 person who managed to escape, although he was shot, he managed to survive.
25 So these were people actually who were in our area and these people were killed.

1 There is a memorial service for them, that would be on 24 January. I think it
2 happened yesterday. Every year there is a memorial service for these people. This
3 is what happened in our area.
4 Then there was one person who was abducted while I was still at home. He used to
5 play football. He was also abducted and he was killed. Another person was also
6 abducted. He went to the bush. He never returned.
7 And myself, who was also abducted and taken in the bush, I got injury. I was shot
8 in the leg and also my chest was affected because I was beaten. So these were some
9 of the things that I went through.

10 Q. [12:59:38] Thank you, Mr Witness.

11 PRESIDING JUDGE SCHMITT: [12:59:39] This might also have answered some of
12 the questions that you planned to put to the witness.

13 But it is always important that we listen to the people that come to this courtroom,
14 especially when it comes to what they went through. Please.

15 MS WALTER: It has, Mr President. Thank you.

16 Q. [12:59:54] I'm sorry you had to go through so many things, Mr Witness.

17 To come back to the injuries you just mentioned, could you please tell us if you are
18 still suffering from these injuries nowadays.

19 A. [13:00:14] Well, for the injuries, yes. For instance, the pain on my chest, you
20 know, as an Acholi we do a lot of manual work, having to cultivate, but if I don't
21 work hard, then I don't feel the pain. If I go to do heavy duty, then I will feel the
22 pain. The injury on -- in my eyes is also still a little there. But the gunshot injury is
23 not so bad. There was a group that -- an organisation that supported me to provide
24 medical care and I got healed, kind of.

25 Q. [13:00:54] I am glad to hear that, Mr Witness. While you were in the bush

1 could you also benefit from some treatments?

2 A. [13:01:06] There, they don't have medicine; they don't have drugs. You just get
3 cure like that. Apart from dressing your wounds, there is nothing else that you
4 receive.

5 Q. [13:01:19] I understand. More generally, could you please describe your living
6 conditions in the bush?

7 A. [13:01:31] Yes, I can do that. The way we were living out there in the bush, it
8 was a very difficult experience because you do everything under duress. You only
9 have to follow what you are told to do. As a recruit you have kind of initiations that
10 are very harsh. For instance, you can be given so many strokes of cane as you are
11 initiated to join them.

12 These are some of the things that we went through as we were in the bush.

13 Sometimes out there when it is coming to rain, as a recruit, you will be required to sit,
14 to stay in the rain while the other soldiers are covered using a tarpaulin.

15 And also in terms of food, sometimes you eat things that you do not know. You do
16 not eat things that you understand, things you have never eaten before because they
17 didn't have adequate food. These are some of the things that we went through when
18 we were out there in the bush.

19 Q. [13:02:52] Thank you, Mr Witness. This was very detailed. I think I can come
20 to the last part of my question which was, rather, what happened to you once you
21 returned home. Once you were back home, could you reunite with your family, as
22 you started to describe a bit earlier?

23 A. [13:03:17] Yes, I met with my family because initially I didn't know that my
24 family members were still there. But when I met with them I became very
25 impressed and I felt I couldn't proceed. I just needed to go home. I was a bit scared

1 because, you know, when you are abducted when you are still young there are so
2 many places that you don't know. You would only hear of names of places. For
3 instance, very many people around our home that I got -- I failed to recognise later on
4 when I returned. I was only being reintroduced to them. And at the time when
5 I was abducted I was still very young, it was very difficult for me to cross water
6 bodies that were deep. For me, it was difficult for me to cross deep water bodies, but
7 sometimes I would be carried across.

8 Q. [13:04:14] Thank you, Mr Witness. You just mentioned that you were
9 introduced to people and that some of them you couldn't recognise them anymore.
10 Did what you experience in the bush make it more difficult to reconnect with your
11 family and the people you knew back home?

12 A. [13:04:40] Not really. When I returned I felt at home. My life back home was
13 much easier compared to what I was going through in the bush. I was living very
14 well at home. And, you know, sometimes some of the things that kept reappearing
15 in my mind, I would keep praying so that I keep on forgetting about the experiences,
16 the bad things that I went through in the bush.

17 People were not stigmatising me as such and I kept on praying so that I stay at peace.

18 Q. [13:05:22] You mention a group that provided you some treatments earlier.
19 Did that group also help you to, let's say, face the memories you had and to
20 reintegrate in your community? Were they, for instance, the one advising you to
21 pray?

22 A. [13:05:55] There was an organisation that kept on moving around villages and
23 they were carrying out health services. I told them I have this kind of problem and if
24 you have some drugs that can help me, please do. This is just one group that was
25 there in the villages, the members kept on moving around the villages. They were

1 not really providing so -- they were not providing counselling services. When I was
2 abducted I had just recently been baptised; therefore, I had a connection with my
3 creator. That's why when I came back I resorted to praying.

4 Q. [13:06:43] Does it help you now to deal with eventually nightmares or
5 flashbacks that you would still have from your time in captivity?

6 A. [13:07:01] No, I do not have any nightmares. I don't have, I don't experience
7 nightmares.

8 Q. [13:07:10] I am glad to hear that, Mr Witness.

9 You mentioned this morning that you had to stop school at primary 3. Were you
10 able to go back to school once you were home, after your time in the bush?

11 A. [13:07:33] No, I didn't have the time to go back to school because it was very
12 difficult for me to reorganise myself to get back to school. I lost touch with
13 intelligence and I could not go back to school to start again.

14 Q. [13:07:51] Do you have dependents now, Mr Witness, people you have to
15 support?

16 A. [13:08:00] Yes, I have children.

17 Q. [13:08:03] How many children do you have, without mentioning their name,
18 please?

19 A. [13:08:10] I have three children, my biological children that I have with my wife.
20 I also have a bigger family.

21 Q. [13:08:25] And do you have a job that helps you to take care of them, to support
22 them?

23 A. [13:08:34] Other than going to carry out agricultural activities, there is nothing
24 else I do. That is all that is keeping me going.

25 Q. [13:08:48] And is this enough to support your family, Mr Witness?

1 A. [13:09:00] Well, we do these activities just for subsistence, not to raise money,
2 but for subsistence so that you can be able to have food to eat. We don't engage in
3 agriculture for commercial purposes.

4 MS WALTER: [13:09:19] I am looking at the watch, Mr President. I have only two
5 more questions, with your leave.

6 PRESIDING JUDGE SCHMITT: [13:09:23] Please continue.

7 MS WALTER: [13:09:24] Thank you very much.

8 PRESIDING JUDGE SCHMITT: I would have stopped you if we were of the opinion
9 that we should at all costs, so to speak, would have to have a break. Please finish
10 your questioning.

11 MS WALTER: [13:09:36] Thank you.

12 Q. [13:09:38] Mr Witness, do you remember what you wanted to become before
13 starting being in the bush, before your abduction?

14 A. [13:09:53] Before I was abducted I was going to school. I just wanted to
15 concentrate on my studies. But I saw my other colleagues, when I returned I found
16 when they were already working.

17 Q. [13:10:14] What are your wishes now, Mr Witness, for the future?

18 A. [13:10:22] My -- I just want to continue living. I want to preserve myself and
19 my family.

20 Q. [13:10:33] Thank you, Mr Witness. I indeed wish you the best.

21 MS WALTER: That ends our questioning, Mr President.

22 PRESIDING JUDGE SCHMITT: [13:10:38] Thank you very much.

23 Mr Manoba, do you have further questions?

24 MR MANOBA: [13:10:42] Mr President, thank you very much. We don't have
25 more questions to put.

Trial Hearing
WITNESS: UGA-OTP-P0372

(Open Session)

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- 1 PRESIDING JUDGE SCHMITT: [13:10:46] Thank you very much. This concludes
- 2 the hearing for today.
- 3 We resume tomorrow at 9.30.
- 4 THE COURT USHER: [13:10:54] All rise.
- 5 (The hearing ends in open session at 1.10 p.m.)