

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 1
8 Thursday, 15 August 2019
9 (The hearing starts in open session at 10.00 a.m.)
10 THE COURT USHER: [10:00:25] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [10:00:51] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [10:01:06] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
17 Dominic Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [10:01:20] Thank you very much.
20 I call for the appearance of the parties. There is someone back in the courtroom.
21 MR GUMPERT: [10:01:25] Yes, good morning, your Honour. I missed Tuesday's
22 hearing and I apologise for that.
23 Ben Gumpert. With me today, Yulia Nuzban, Pubudu Sachithanandan,
24 Jasmina Suljanovic and Grace Goh.
25 PRESIDING JUDGE SCHMITT: [10:01:41] Thank you.

1 And for the representatives of the victims, Mr Manoba first.

2 MR MANOBA: [10:01:42] Good morning, Mr President, your Honours.

3 Joseph Manoba and Mr James Mawira.

4 PRESIDING JUDGE SCHMITT: [10:01:47] Mr Narantsetseg.

5 MR NARANTSETSEG: [10:01:49] Good morning, Mr President. I'm appearing
6 with Ms Caroline Walter. My name is Orchlon Narantsetseg. Thank you.

7 PRESIDING JUDGE SCHMITT: [10:01:56] And we have also Mr Ayena in the
8 courtroom.

9 Mr Ayena, please.

10 MR AYENA ODONGO: [10:02:03] Morning, Mr President and your Honours.

11 Today I am assisted by Madam Beth Lyons; Bajnovic Tibor; Mr -- rather,
12 Chief Achaleke Taku Charles; Mr Obhof Thomas; Roy Titus Ayena. And our client
13 is in court, Mr Dominic Ongwen.

14 PRESIDING JUDGE SCHMITT: [10:02:34] Thank you.

15 And Mr Taku was hidden, also back like Mr Gumpert, a very warm welcome.

16 We have started a little bit late, as you know, Mr Ayena, which was not - we don't
17 have to discuss this further - it was not the fault of the Chamber. What, where the
18 time perspective is concerned, can we finish the questioning of the Defence by the
19 midday break, so to speak? What do you envision?

20 MR AYENA ODONGO: [10:03:07] Mr President and your Honours, I think I
21 envision taking the whole day.

22 PRESIDING JUDGE SCHMITT: [10:03:14] Then we would have to, I think, since we
23 started later and we have the next witness scheduled for tomorrow, then we would
24 have to have a longer day today, then we would have to extend the hearing today, as
25 it is necessary.

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1 Thank you for the information. We will see how it turns out, because sometimes it's
2 different than we envision it, but nevertheless we would want to finish with the
3 witness today.

4 And now I turn to the witness. This is D-84 and this is Mr Obote. A very warm
5 welcome in the courtroom. Good morning.

6 WITNESS: UGA-D26-P-0084

7 (The witness speaks Lango)

8 THE WITNESS: [10:03:57] (Interpretation) Good morning.

9 PRESIDING JUDGE SCHMITT: [10:03:58] On behalf of the Chamber I would like to
10 welcome you in the courtroom.

11 And there should be a card in front of you, Mr Obote, with a solemn undertaking that
12 every witness has to take who testifies before this Court. I would kindly ask you to
13 read this undertaking out aloud, please.

14 Take your time. We are not in a hurry with you.

15 THE WITNESS: [10:04:39] (Interpretation) I solemnly declare that I will speak the
16 truth, the whole truth and nothing but the truth.

17 PRESIDING JUDGE SCHMITT: [10:04:51] Thank you, Mr Obote. Do you
18 understand the undertaking?

19 THE WITNESS: [10:04:58] (Interpretation) Yes, I do.

20 PRESIDING JUDGE SCHMITT: [10:05:00] Do you agree with it?

21 THE WITNESS: [10:05:04] (Interpretation) Yes, I do.

22 PRESIDING JUDGE SCHMITT: [10:05:06] Thank you very much.

23 You have now been sworn in.

24 Two short practical matters before we start with the questioning:

25 Everything we say here in the courtroom is written down and interpreted, and to

1 allow for the interpretation we have to speak at a relatively slow pace so that the
2 interpreters can follow what is being said in the courtroom.

3 Secondly, if you want to address the Chamber, please raise your hand and I will give
4 you then the floor.

5 Mr Ayena, you have the floor then.

6 MR AYENA ODONGO: [10:05:44] Mr President and your Honours, I wish to start
7 with a very fervent apology for the shortcoming in delaying Court process. As you
8 may have known, I'm rather under the weather and, you know, I took some drugs
9 which kept me asleep for a longer time than I thought. I earnestly apologise.

10 PRESIDING JUDGE SCHMITT: [10:06:11] Thank you very much. It's
11 immediately -- it's accepted of course, the apology, and we assume that you are in
12 your full powers to conduct the questioning now efficiently and in a concentrated
13 manner.

14 MR AYENA ODONGO: [10:06:25] I can guarantee to you, Mr President and your
15 Honours, that even at half power I could still deliver.

16 PRESIDING JUDGE SCHMITT: [10:06:33] Thank you very much. So please
17 proceed.

18 QUESTIONED BY MR AYENA ODONGO:

19 Q. [10:06:44] Good morning, Mr Witness.

20 A. [10:06:47] Good morning.

21 Q. [10:06:47] I want to welcome you, Mr Witness, for this important function to
22 help Court to arrive at a just decision in this process.

23 As you very well know, your duty is to tell nothing but the truth, as you have already
24 said, but I want to indulge you to have complete composure and exhibit leadership in
25 the way you answer your questions, and the Court is all ears to hear from you.

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1 Mr Witness, can you please tell Court the names by which you are called.

2 A. [10:07:50] I am called Obote Tommy. My nickname back at home is called
3 Obote Movement.

4 Q. [10:08:05] Can you tell Court the background to that nickname. Why were you
5 nicknamed Movement?

6 A. [10:08:18] Well, that nickname came when I became a leader at the sub-county.
7 I used to work hard for the Movement Party and I was then referred to as
8 Obote Movement. Wherever I go in the whole Lango subregion I'm referred to as
9 Obote Movement.

10 PRESIDING JUDGE SCHMITT: [10:08:47] Could you explain what this Movement
11 stands for or stood for. It would be interesting because, you know, because the
12 judges sitting here are not in-depth informed about the politics in Uganda. So could
13 you please a little bit, not very broadly, but in a few sentences tell us what it's about?
14 THE WITNESS: [10:09:14] (Interpretation) Briefly, Movement is a party in Uganda
15 and I was a local leader of the party at the sub-county level. And when I was elected
16 in 1997 as a leader, I was working very hard for the party and, therefore, they started
17 referring to me as Obote Movement.

18 MR AYENA ODONGO: [10:09:41]

19 Q. [10:09:42] Further to that, Mr Obote, would you like to tell the Court whether
20 that party is the party in government at the moment?

21 A. [10:09:58] Yes, that's the current ruling party. It's the Movement Party that is
22 ruling the country and that's the party I was leading at the sub-county level.

23 PRESIDING JUDGE SCHMITT: [10:10:14] That was of course what I was heading at.
24 Thank you for the additional question. Please continue.

25 MR AYENA ODONGO: [10:10:21]

1 Q. [10:10:22] Can you now tell Court where and when you were born.

2 A. [10:10:35] I was born in Ngai sub-county in 1965, on 3 May.

3 Q. [10:10:56] And what is your nationality?

4 A. [10:11:04] I am a Ugandan and a Lango by tribe.

5 Q. [10:11:13] Can you tell Court what you now do for a living?

6 A. [10:11:28] Currently I am a farmer. I left leadership role in the year 2017.

7 Q. [10:11:43] Can you tell Court whether -- of course you've already told Court that
8 you held a political office in the form of being chairman of the ruling party and also
9 chairman of Ngai local government; is that correct?

10 A. [10:12:19] Well, that's correct. I was a leader of that party, NRM party from the
11 year 1997. I worked for three terms and I eventually left it to my vice because I
12 found it prudent for me to leave it to another person to carry on from there.

13 Q. [10:12:48] Mr Witness, did you ever get involved in anti-insurgency operations
14 against the LRA in your area?

15 A. [10:13:06] Yes, I did get involved. I worked with the army.

16 Q. [10:13:13] Can you, Mr Witness, kindly -- sorry, can you kindly describe to
17 Court the role you played in the operations?

18 A. [10:13:30] Firstly, I was involved in Ngai sub-county when the soldiers joined or
19 came to Ngai, but now Ngai has been divided into two sub-counties. Previously,
20 I was in charge of the big Ngai area. The soldiers came and approached me as the
21 leader of the party, I welcomed them in the sub-county and I worked with them to
22 establish small detachments in the area to ensure peace in the place.

23 PRESIDING JUDGE SCHMITT: [10:14:15] Mr Witness, could you elaborate a little
24 bit on that: What was your role? How looked your work like, so to speak, your
25 collaboration with the military? You spoke of small detachments. Could you explain

1 this a little bit more.

2 THE WITNESS: [10:14:38] (Interpretation) Well, then I used to be very close with
3 them, I would give them directives to come directly to me as the chairperson of the
4 sub-county. I was doing a couple of -- a lot of work in terms of ensuring the location
5 of the barracks, or the detach. I would tell them, you can locate the detach in this
6 place because this is the appropriate place that will locate a barracks to provide
7 security to the people. I located five different areas within the sub-county that I was
8 in charge of. That was the kind of work I was doing with them.

9 The other thing was that I would mobilise people, or, if they want to go to a particular
10 place, I would help to direct them and give them directions to the place.

11 PRESIDING JUDGE SCHMITT: [10:15:34] Thank you, Mr Witness.

12 Mr Ayena.

13 MR AYENA ODONGO: [10:15:38]

14 Q. [10:15:40] Can you tell Court exactly with whom you were working at your -- I
15 mean, within your area and also from the army?

16 A. [10:15:59] The people with whom I was working with was one of the leaders
17 who approached me, who came to me where I was in the sub-county, was Major
18 Okello Engola. I was working closely with him. I was very close with him. If he
19 needed to know anything he would ask me or he would seek for guidance from me
20 and would discuss on how to move forward. He was the commander of the soldiers
21 who were in the sub-county where I was.

22 Q. [10:16:40] Now, can you tell Court which unit of the UPDF you were operating
23 under?

24 PRESIDING JUDGE SCHMITT: [10:16:52] I don't think that the witness has said that
25 he operated under a unit. It was, I understood it at least, more then a sort of

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1 collaboration. Perhaps "worked with" would be perhaps an appropriate question.

2 MR AYENA ODONGO: [10:17:07] You know, I had already been coached by him
3 that I should have used the word (Microphone not activated)

4 PRESIDING JUDGE SCHMITT: [10:17:15] I think you have heard it, Mr Witness.
5 With which unit did you work together, so to speak?

6 THE WITNESS: [10:17:24] (Interpretation) The commander with whom I was
7 working was working with the 4th division, which was based in Gulu.

8 MR AYENA ODONGO: [10:17:38]

9 Q. [10:17:38] And will you please help Court to understand the arrangement under
10 which the army commander that you worked under was working. Was he
11 working -- I mean, working -- I mean, somebody still in employment or was he
12 especially deployed for this purpose?

13 A. [10:18:20] According to what I know, he was working then. He was in service
14 at that time when he came to me. He came to me as a military person who was in
15 service.

16 PRESIDING JUDGE SCHMITT: [10:18:41] And I think the concrete collaboration or
17 encounter with this person that was already mentioned will play a role later on when
18 we reach Abok, I would say, so we can go into that in more depth when it comes to
19 Abok.

20 MR AYENA ODONGO: [10:19:01] Much obliged.

21 Q. [10:19:03] Mr Witness, can you tell Court the limits of your -- of the areas -- of
22 the area of your operation?

23 A. [10:19:25] The area where I operated together with the soldiers, was to ensure
24 that peace prevailed to the people under my leadership. Could you please repeat
25 the question.

1 Q. [10:19:48] The question is: Can you describe to Court the limits of the area
2 within which you operated?

3 A. [10:20:09] The sub-county where I was working was in Ngai generally. From
4 the sub-county to other places like Abok, that was in Ngai, Akuca Witim in Ngai,
5 before Abok was carved off as another sub-county. I also worked in Bar-Rio, the
6 border of Otwal. Those were the areas that I was in charge of. It was a huge
7 expanse of land.

8 Q. [10:20:52] Now, Mr Witness, according to your experience, during the
9 performance of your role did government soldiers take pre-emptive actions to avert
10 LRA attacks, or they only reacted after an attack?

11 A. [10:21:27] What was happening was that, during my tenure of leadership during
12 the insurgency, most of the times -- let me give an example: If this was a camp,
13 where we are was a camp, if the rebels came and attacked here, they would then come
14 and respond after the attack. Sometimes when the rebels attack the soldiers would
15 flee. Sometimes I would try to encourage some to stay and face-off with the rebels,
16 but they would even become aggressive on me.

17 Q. [10:22:12] Did your unit always have serious intelligence arrangement,
18 especially at the borders where LRA usually came from?

19 A. [10:22:36] Well, there was intelligence service, but sometimes the soldiers would
20 cowardice. There was a time they asked me as a chairperson to provide them with
21 some boys, who were reliable boys with clean records, who could be used as their
22 agents. I helped them. I identified four people. Unfortunately, two are deceased,
23 and two are still alive. The other two who died, died recently, but the other two are
24 still alive and are still working together with them. One of them was in their payroll.

25 Q. [10:23:22] Now, can you explain to Court whether your unit shared

1 intelligence -- I mean, intelligence information with your neighbours over the
2 borders?

3 A. [10:23:52] Yes, we would share intelligence information. For instance, the
4 civilians who were recruited to help as their agents, sometimes during good days
5 would send them on bicycles to ride to other sub-counties like Lalogi, and to other
6 places, to come and -- to go and get information. We would send them there to get
7 information for sharing.

8 Q. [10:24:26] Mr Witness, a forest called Akello Alyek has been persistently
9 mentioned in this Court. Did your operations cover that forest as well?

10 A. [10:24:52] Akello Alyek was a big forest that was at the boundary between
11 Lango and Acholi. Most of the operations took place there.

12 Q. [10:25:07] Now, apart from responding and hunting down the LRA insurgence,
13 did you get involved, did you or your commanders get involved in harvesting the
14 forest?

15 A. [10:25:39] Well, that was a big forest with very huge trees, and what I know was
16 that one day one of the military commanders who was there at the time, the
17 commander whose name I mentioned before, one day he came to me and told me that
18 some of the commanders who were under his leadership told him that there were
19 many big trees that were ready for harvesting, so we should go and see. We went
20 together and I saw and he started cutting the trees. He said those are the trees that
21 were providing cover for the rebels so they should be cut down.

22 Q. [10:26:26] In your view, did this help in the course of hunting down the rebels?

23 A. [10:26:41] Well, I think it didn't provide any help in that sense, because even
24 after cutting down the trees the rebels would still come. And even the attack on
25 Abok took place after the cutting of the trees.

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1 Q. [10:27:00] Now, Mr Witness, can you tell Court how the government soldiers
2 treated those they suspected or perceived to be either former LRA or LRA
3 collaborators, especially in the '90s?

4 A. [10:27:29] One thing I got to know before I was a leader, because I became a
5 leader in the year 1997, but in around 19 -- between 1992 and 1994, around that time
6 one of the things that happened was that everyone within the village was -- the
7 villages were gathered together at the sub-county. And when they were all gathered
8 there, then I was still a youth, I was still very active and agile, they would bring you
9 forward, remove your shirts, and sometimes they would even remove your pair of
10 trousers, sometimes they would even undress you completely. They would check
11 your legs for marks. If you had marks of gumboots on your legs they would
12 consider you a rebel. Those were the things that were happening in the '90s,
13 between 1992, 1993, or 1994, or even 1995. Those were the things that were
14 happening in the early '90s.

15 PRESIDING JUDGE SCHMITT: [10:28:48] Mr Witness, did that continue once you
16 were in office?

17 THE WITNESS: [10:28:56] (Interpretation) When I became a leader, yes those things
18 were happening in some of the sub-counties, but in my sub-county that stopped.
19 I was a bit -- I was a bit hard on the soldiers. I would not allow them to do that for
20 my people.

21 But a few other things also happened, and if it's required I can mention them. This
22 included abductions or arrests of some people. If somebody was believed to be a
23 rebel or a kind of collaborator, they would come and pick you up. But we tried to
24 save some of them.

25 PRESIDING JUDGE SCHMITT: [10:29:34] Thank you. I think you will perhaps go

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1 more into detail there if you want.

2 MR AYENA ODONGO: [10:29:41] Yes. Maybe not so much.

3 PRESIDING JUDGE SCHMITT: [10:29:44] But he has already provided an answer.

4 I think it was important that we are as close as possible to the time that we are most
5 interested in.

6 MR AYENA ODONGO: [10:30:04]

7 Q. [10:30:05] Now, Mr Witness, as the leader in Ngai did you take part in the
8 establishment of the IDP camps in the five places you mentioned earlier?

9 A. [10:30:34] I can respond to that very well. At that time I was already the
10 sub-county leader of Ngai sub-county. There was only one sub-county, it had not
11 been split into two yet. When the situation became worse than it was, I was among
12 the leaders who organised how people should be put together in a camp.

13 PRESIDING JUDGE SCHMITT: [10:31:02] Mr Witness, when you say the situation
14 became worse, could you perhaps describe what you mean by that?

15 THE WITNESS: [10:31:12] (Interpretation) I meant that when people had to go to the
16 camp, I was there to help in seeing that. Since the insecurity was worsening, people
17 needed to come together in the camp and I was among those leaders in the
18 sub-county who were there to establish the camp. We worked together with the
19 district councillors and other officials who came from the district.

20 MR AYENA ODONGO: [10:31:56]

21 Q. [10:31:56] Of course, Mr Witness, we shall come -- we shall canvass more details
22 about that later. But for the time being, you said you established five camps. Can
23 you help Court to understand the positioning of these camps, the distances, so that
24 we understand exactly what we are talking about.

25 A. [10:32:33] The camps were far apart from each other. For example, from Ngai

1 camp to Abok camp was about 5 to 7 miles. That is between Ngai and Abok camps.
2 From Abok camp to Bar-Rio camp was about 4 miles, between 3 and 4. And then if
3 you come back to Itubara, Itubara to Ngai was about 4 to 5 miles. And then the
4 furthest camp was Abok, Ngai, they were further apart from each other. Itubara was
5 also far from another camp.

6 There was another camp I am trying to think about. There was Onekgwok camp.

7 Q. [10:33:48] Was there one -- can you repeat that for me?

8 PRESIDING JUDGE SCHMITT: [10:33:54] I think he has simply reverted to the
9 distance between Abok and Ngai. So you can continue with your next question.

10 MR AYENA ODONGO: [10:34:05]

11 Q. [10:34:05] Did you say there was a camp also at Onekgwok?

12 A. [10:34:17] The Onekgwok camp was established much later as a satellite camp
13 so that people go nearer to where they can get food.

14 Q. [10:34:32] Do you remember a camp in Totong?

15 A. [10:34:49] Those are the smaller camps that were established so that people
16 move nearer to their farmlands. It came out of the five bigger camps. Later,
17 smaller camps were established so that people go near their food stores.

18 Q. [10:35:11] Now, Mr Witness, can you tell Court exactly the year, and perhaps
19 month, the government formally decided to organise camps throughout Ngai?

20 A. [10:35:46] Ngai camps started in the year 2002. That was the start of the camps.
21 It was in the month of May. It was rainy season. If you put up a house, by evening
22 it will have been thrown down by the rain. Even if you put another one in the
23 evening, by morning it will be down because of the rain. It took time to establish a
24 camp. That was in May 2002.

25 Q. [10:36:21] Now, according to your experience as a leader at that time, were these

1 camps set up as a matter of necessity on the demand of the population?

2 A. [10:36:48] People were not willing to stay in the camp. As leaders, some men
3 and women told us that they see no need to go to a camp. They said that life in their
4 original villages was much better, because they were now squeezed together like a
5 herd of cattle. There was no food to eat and people were like a herd of cattle really.
6 My home was like a marketplace. People were looking for ways of help, seeking
7 help from me as a leader to talk to the government. But indeed it was -- it had
8 surpassed my leadership ability and indeed people did not want to go to the camp.

9 PRESIDING JUDGE SCHMITT: [10:37:42] Mr Witness, what happened if people
10 simply refused to go to the camp?

11 THE WITNESS: [10:37:56] (Interpretation) People would have stayed. If you see at
12 the time, from the 1990s when insecurity started, there was nothing wrong that
13 happened to the people. It was only after about 2000 -- 2003, 2004, that is when bad
14 things started happening. When people were at home nothing bad was happening.
15 People would go to their gardens and come back.

16 Once in a while some things would happen, but as a leader I would see that
17 government would come and attack us. For me, myself, government came and
18 removed the grass thatch from my hut and they would use it for cooking. You go to
19 the garden and come and find they have used the grass from you house for cooking.
20 They would pull out the grass, they would pull out the poles. But you cannot say
21 anything, you have to keep quiet.

22 And people were preferring to stay in the villages, instead of bringing them to the
23 camp, because there was no food. For instance, the camp where I was leading
24 people there was no food hand out. It was only one time, after people had already
25 stayed for three to four years, when they took maize flour.

1 MR AYENA ODONGO: [10:39:27]

2 Q. [10:39:28] A short intervention: Tommy, you are making very important
3 statements, so like the Judge told you at the beginning, here they record, they
4 interpret, so you talk at a pace, slow pace to assist the interpreters to interpret, and
5 also for those who are recording to record, because everything you say is very
6 important.

7 But I still want to re-emphasise the question that the Judge put to you. What the
8 Judge - I hope I'm right - meant was, for those who defied the order to move to the
9 camps, how did the government operatives implement the order to move?

10 A. [10:40:27] What happened, people were forced. Other people were beaten to
11 go to the camp. They force you. Other people's households were dismantled so
12 that you don't go back to the same house, you would have nowhere to sleep.

13 Q. [10:41:01] Mr Witness, from what you have stated and considering that you are
14 a person in authority, would you say then that it was government policy to move
15 everybody to the camps?

16 A. [10:41:32] They are the ones who ordered, so it was their policy. They ordered
17 that people should move to the camp.

18 PRESIDING JUDGE SCHMITT: [10:41:42] And, Mr Witness, according to your
19 experience, what were the reasons for this policy of the government?

20 THE WITNESS: [10:42:03] (Interpretation) According to what I understood, people
21 were told to move to the camp because there was no peace among the communities.
22 They thought there was no peace in the community.

23 MR AYENA ODONGO: [10:42:24]

24 Q. [10:42:26] According to your answer, that was the thinking of government. But
25 according to your observation, as a mature person and a leader in that community,

1 could that have been a justified reason or could there have been other hidden agenda
2 behind this?

3 MR GUMPERT: [10:42:53] Your Honours, I have a partial objection. Justified, that's
4 for you to decide.

5 PRESIDING JUDGE SCHMITT: [10:42:59] Yes. Yes, indeed. But it's not very
6 grave here, but it's sustained. You can word your question in a more neutral manner,
7 so to speak. And we have a very smart witness here and he understands this and he
8 knows what he has in his mind and what he experienced, and he will answer
9 accordingly.

10 MR AYENA ODONGO: [10:43:24] Yes --

11 PRESIDING JUDGE SCHMITT: [10:43:26] So let me, perhaps, rephrase it.

12 MR AYENA ODONGO: [10:43:28] Yes.

13 PRESIDING JUDGE SCHMITT: [10:43:30] Mr Witness, you said that this was your
14 understanding of the policy of the government, that there was no peace. In your
15 experience at the time as a leader, was this assumption correct?

16 THE WITNESS: [10:44:02] (Interpretation) As a leader at the time I thought it was
17 not correct because, for us, we believed there was peace in the communities. If there
18 was something wrong, it was probably on their side, but for us as leaders and the
19 members of the villages we saw no problem in staying in our villages of origin.

20 MR AYENA ODONGO: [10:44:29]

21 Q. [10:44:30] Now, Mr Witness, as chairman of Ngai local government, also
22 doubling as chairman of the NRM ruling party, did you ever consider the alternative
23 of strengthening the military presence in the area, particularly in the various positions
24 of the camps, to protect the civilians from their homes instead of cramming them in
25 the camps?

1 A. [10:45:10] Could you repeat the question.

2 MR GUMPERT: [10:45:12] Your Honour, I'm sorry, I have another objection. I
3 understand what my learned friend is trying to do, and we're interested in the
4 witness's answer, but he shouldn't be telling the witness did you consider X, Y, Z, A,
5 B and C? He should be saying: What did you think would have been a good idea?
6 Something like that.

7 PRESIDING JUDGE SCHMITT: [10:45:33] So why not pick this up and simply ask?

8 Mr Witness, did you at the time have in your mind a different policy that would have,
9 in your opinion, been possible to implement?

10 THE WITNESS: [10:46:05] (Interpretation) Before I became a leader I observed that,
11 the way people lived in their villages, they had earlier recruited some form of a
12 paramilitary group that was responsible for the welfare of the people in the villages.
13 That, to me, was the right thing to do instead of taking people to the camp.

14 PRESIDING JUDGE SCHMITT: [10:46:34] Why were these paramilitary groups in
15 the villages recruited and established?

16 THE WITNESS: [10:46:57] (Interpretation) They were recruited when the security
17 situation got out of hand, but because they were not paid, they refused to continue
18 working. They left the work. The group was called Amuka. In Lango they were
19 called Amuka. They left the job, they abandoned the job because they were not paid.

20 PRESIDING JUDGE SCHMITT: [10:47:24] We have heard a lot about these Amuka
21 and perhaps you will ask further in that respect, but one further question by me at
22 this point: You say that the security situation got out of hand. Could you explain a
23 little bit more what you mean by that?

24 THE WITNESS: [10:47:58] (Interpretation) Could you repeat the question. I have
25 not understood well.

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1 PRESIDING JUDGE SCHMITT: [10:48:02] I apologise if my question was not clear
2 enough. You said a minute or two ago that the security situation got out of hand.
3 And my question would be: Could you elaborate a little bit further, could you
4 explain to us what you mean that the security situation got out of hand? What were
5 the reasons for that? Who was destabilising, for example, the security?

6 THE WITNESS: [10:48:45] (Interpretation) It was not that it was too bad that people
7 could not stay. What I was saying was that people did not want to go to the camp.
8 Because government thought there was no peace, people were forced to go to the
9 camp.

10 PRESIDING JUDGE SCHMITT: [10:49:03] I think I would not insist further, but this
11 did not seem to me a clear answer to what I have asked.
12 But continue, Mr Ayena.

13 MR AYENA ODONGO: [10:49:19]

14 Q. [10:49:20] Tommy, the Judge, or the Court for that matter, wants to know the
15 development of incursions or attacks in the village, the intensification from time to
16 time. And his question was when you say the situation had gone out of control, can
17 you describe exactly how the situation was at the time immediately before forcing
18 people into the camp?

19 PRESIDING JUDGE SCHMITT: [10:49:59] That was indeed clearer.

20 THE WITNESS: [10:50:04] (Interpretation) When the situation was not very bad,
21 people were staying in the villages. Once in a while there would be rumours of rebel
22 attack and people would go to the centres where they think that if you go there you
23 would be more secure and nothing would happen there.

24 A few of the things that happened that caused fear and government decided that
25 people should go to the camp, they were things such as killings, some of which I saw

1 myself, soldiers already established in other parts of the sub-county. There were
2 killings that took place. It was actually soldiers who killed them. And people
3 decided that maybe it would not be so easy to stay in the villages. You were not sure
4 who did the atrocity, so it caused fear.

5 PRESIDING JUDGE SCHMITT: [10:51:30] So if the soldiers were the ones who killed
6 the people, would this then mean that this paramilitary group, this Amuka, were
7 established to fight the soldiers, or do I understand something wrong here?

8 THE WITNESS: [10:52:01] (Interpretation) The Amuka group was established to
9 repel the rebels.

10 PRESIDING JUDGE SCHMITT: [10:52:10] Mr Ayena, please continue.

11 MR AYENA ODONGO: [10:52:12]

12 Q. [10:52:14] Tommy, there is still a grey area which I want you to help Court to
13 understand. It's very important. First of all, you said there were - I don't know
14 whether I would be allowed to paraphrase - there were skirmishes, once in a while
15 there would be rumours about impending rebel attacks. Did I get you right?

16 A. [10:53:05] No, you did not understand well.

17 Q. [10:53:08] So at that time can you then -- and then you talked about, you know,
18 cases of, you know, sporadic instances of death. Can you tell Court whether it was
19 the people only or even the government functionaries, for instance, the army that was
20 supposed to protect the people who got confused as to who could have been
21 responsible for these deaths?

22 A. [10:53:55] What caused the confusion, let me say something which happened
23 while I was a leader already. In a place called Akuca Witim, in Akuca Witim I saw
24 something which happened personally. Someone who was escaped from rebel
25 captivity was brought to a small barrack which was in Akuca. They brought the

1 person before me as a leader and I was told that this person was captured during a
2 battle. I was told to see if the person was a rebel or not.

3 When I saw the person, you know, you can tell someone who is a farmer or who is a
4 rebel. Someone who doesn't farm, you would see that their hands are not course,
5 but if someone who normally farms, you can see course hands. So I told them that
6 this is a farmer. And the person actually said that he had been abducted about a
7 week ago while he was in the farm.

8 But the person was pulled. And I saw it myself. They were beating him. They
9 took him the side near a bush and was crying that I should help him. I was helpless.
10 They went and removed the eyes and they shot him dead near that bush. Up to now
11 as I speak I am sure his remains are still in that place.

12 I did not understand why it was done, because someone who should protect you is
13 the one who is killing you, kills you. It is difficult to understand. I spoke out
14 because I was a leader, I was a man, I saw what happened. It was difficult to
15 understand.

16 PRESIDING JUDGE SCHMITT: [10:56:17] I think this is perhaps a time to have a
17 break after this story.

18 What I would suggest is the following: We continue for the moment as normal,
19 meaning from 11.30 until 1 o'clock and then shorten the lunch break until 2 o'clock
20 and hope that having the afternoon session until 4 o'clock will suffice. And I think
21 this will be possible. I think you are already quite advanced, looking at the witness
22 summary.

23 But now the first short break until 11.30, then a shortened lunch break and then
24 potentially until 4 o'clock.

25 MR AYENA ODONGO: [10:57:08] Much obliged.

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1 THE COURT USHER: [10:57:10] All rise.

2 (Recess taken at 10.57 a.m.)

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

4 THE COURT USHER: [11:30:54] All rise.

5 Please be seated.

6 PRESIDING JUDGE SCHMITT: [11:31:25] Mr Ayena, you still have the floor.

7 MR AYENA ODONGO: [11:31:28]

8 Q. [11:31:41] Good morning, again, Mr Witness. I hope you had a refreshing
9 break.

10 A. [11:31:47] Good morning. Yes, I did.

11 Q. [11:31:56] Mr Witness, I noticed at the end of the last session that you are feeling
12 really touched by the narrative you were giving, but I want you to take heart and
13 recompose yourself and answer a few follow-up questions to what you said.
14 After the unfortunate episode of the death of that young man, was there any
15 disciplinary action taken against the perpetrators?

16 A. [11:32:45] When that incident occurred, after a week or so, I saw a leader, a
17 military commander came. I was at the sub-county and I was moving back home to
18 my home which was in the trading centre. I saw a military commander. He waved
19 at me to signal that I should stop. I did stop. When I stopped I met him, he said,
20 "They were my visitor." I told him "No problem." They asked me to take them to
21 Itubara. They asked me to board the vehicle. I did, as a leader, and I moved with
22 them up to the point where they wanted me to go. They said they wanted to
23 establish something. And we branched at the barracks before we went to Itubara.
24 Then they questioned the soldiers who were there to tell them what exactly happened
25 there. Then they told me that I should take them to the person who was killed,

1 whose eyes were gorged out. I took the soldier there. I think it was the division IO
2 at that time. I took him to the dead body. They -- they were able to arrive at the
3 grave. They just used their legs to remove the soil and they were able to see the
4 body.

5 They saw the dead body and afterwards we left there and went Itubara barracks.
6 From there they talked to the soldiers there and then returned. Then they told me
7 that there was an accusation on some soldiers about the dead body that they saw and
8 they needed the leaders of the sub-county of Ngai and the leaders of the next
9 sub-county where the deceased was coming from. The report had already reached
10 the district councillor and then had moved forward to division.

11 We went and met with the leaders Acholi and Langi, and they said the accusation
12 was that the killing was ordered by Okello Engola. And we heard the case, but the
13 case just died there, nothing more was done after that. The only thing that happened
14 was when we went there and there was a mention of the case, and the case was before
15 a commander called Nathan Mugisha who was the division commander then. That
16 is what I know. That is what happened at that time.

17 Q. [11:35:41] I think that is enough for that.

18 Now, Mr Witness, can you give Court an approximate number of LRA attackers
19 during each of the attacks that took place in your area during this period? In other
20 words, whenever they came to attack, what was the estimated number?

21 A. [11:36:18] Well, that is difficult for me to establish.

22 PRESIDING JUDGE SCHMITT: [11:36:20] I think we can accept that, that this is
23 difficult because there might have been not -- more than one attack and the witness
24 might not have first-hand knowledge how many people would have been involved,
25 so we don't want to ask him to guess.

1 MR AYENA ODONGO: [11:36:39]

2 Q. [11:36:42] And Mr Witness, if it came to your knowledge and you still remember,
3 can you tell Court the strength of the UPDF and their allied forces at the time of the
4 establishment of the barracks? In particular -- I mean, generally.

5 A. [11:37:14] What I know about the group of soldiers who were working in my
6 area as the chairperson of the sub-county was that they came and stayed in my area, I
7 was very close with them. The UPDF, for instance, in the barracks of Itubara, there
8 was only one member of the UPDF force. The rest were the LDUs. In the Abok
9 barracks it was a similar situation, one UPDF soldier was called Mugabe at that time.
10 In Akuca Witim there was also one UPDF soldier, so each of the barracks had one
11 UPDF soldier with one star and the rest of the people who were LDUs would be at
12 the rank of a sergeant or a corporal. Those were the category of forces in the five
13 different places within my sub-county.

14 PRESIDING JUDGE SCHMITT: [11:38:31] Mr Obote, if you have a recollection or an
15 estimate in Abok at the time of the attack -- I think we will come to that later on
16 Mr Ayena --

17 MR AYENA ODONGO: Yes.

18 PRESIDING JUDGE SCHMITT: [11:38:40] -- How many -- additionally to this
19 Mr Mugabe from the regular forces that you mentioned, how many additional LDUs
20 had been deployed there?

21 THE WITNESS: [11:38:54](Interpretation) In my estimation they could not reach 100.
22 They would range between 60 to 90. You would never find at one particular time
23 the number of soldiers there amounting to 100. There would be not more -- they
24 would not reach 100. At the highest, there would be about 90, but they would range
25 between 60 to 90.

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1 PRESIDING JUDGE SCHMITT: [11:39:28] But I understand that you do not know
2 how many it were at the time?

3 THE WITNESS: [11:39:37](Interpretation) No, I do not know because the only
4 person who would know the number would be the overall commander. Their own
5 overall commander was just helping them here and there, but I would not know
6 exactly how many they were. I did not have that record. But in my estimation they
7 would not reach 100.

8 PRESIDING JUDGE SCHMITT: [11:39:58] Thank you.
9 Mr Ayena.

10 MR AYENA ODONGO: [11:39:59]

11 Q. [11:40:01] Now, Tommy, by this time, according to your own recollection, was
12 LRA such a big threat in Ngai and Lango as a whole at the time of the establishment
13 of the IDP camp?

14 A. [11:40:28] Well, the LRA members were not necessarily there. They would
15 only cross around there, you would find foot marks of two or three people, or they
16 would find that they are stationed somewhere for a short time, but you would not
17 find any situation or any place where the LRA had -- had their base in Ngai or in
18 Lango.

19 Q. [11:41:00] And how frequent were the LRA occurrences in the areas?

20 A. [11:41:22] At the time when people were already in the camp you would find
21 that maybe in a month they would cross by in a month once, or sometimes they
22 would not even. There are times when you would hear that they have been passing
23 along the border in the other forest we mentioned earlier, Alyek. I remember earlier
24 I mentioned that the soldiers requested us to identify some boys who could be there
25 agents and these were the boys who would give us reports. If they bring the reports

1 to me, I would then relay to the soldiers. But the LRA fighters were not crossing
2 every now and then or they didn't have any base there.

3 Q. [11:42:09] Now to underpin your clear knowledge and recollection of those who
4 were recruited, can you mention the names of the two you said are still living?

5 A. [11:42:35] Well, these were people who were under my leadership, I have their
6 names. The overall leader amongst the people we identified out of the four, their
7 leader is still alive, he is called Geoffrey and Angulu Michael is still alive as well.
8 Poa (phon) Geoffrey I think is still on the payroll of the UPDF currently.

9 Q. [11:43:12] And according to your recollection, were there any unusually serious
10 LRA attacks in Ngai that prompted the immediate establishment of the five camps?

11 A. [11:43:34] At the onset of the establishment of the camp, there were no serious
12 attacks. There was just some scare from the -- there was fear in Acholi subregion,
13 especially. One of the reasons that led to the establishment of the camp was one
14 instance when the LRA came and pillaged the Ngai trading centre, one of the shops
15 there, and they abducted some people who never returned even up to now. That
16 was the first incident that led to the establishment, but there was no serious attacks or
17 any killings that took place.

18 Q. [11:44:29] Now when you talk about the establishment of the camps, who
19 owned the land on which government established the camps?

20 A. [11:44:39] Well, people just came and occupied a land of owners who were
21 within the trading centre. We established all these camps within trading centres.
22 Ngai camp is in Ngai trading centre. In Abok it is also in that other trading centre,
23 even Bar-Rio. All of them were established within trading centres. The landowners
24 right now are still asking us about whether the government is going to compensate
25 them for the land that was being used as -- for the establishment of the trading

1 centres.

2 I remember before I left the leadership they asked us to record the name landowners
3 where the camps were established. We did that, forwarded it, but there was no
4 feedback after that.

5 Q. [11:45:48] Now let us get now to the Abok IDP camp. Although you have
6 talked about it, can you again repeat for purposes of clarity when and how Abok IDP
7 camp was established?

8 A. [11:46:09] All these camps were established in the year 2002, all of them were
9 established within the same period because the government gave an instruction that
10 everyone should go and converge in camps, nobody should stay back in their villages.
11 We were summoned as leaders to go and identify places where people could be
12 placed. We told them the only places that people can be stationed would be in the
13 trading centres, these are the places where people can be able to get shops and buy
14 things, because the major problem then was food. Abok camp was established in the
15 year 2002.

16 Q. [11:46:56] Now before the establishment of the camp, was there any deliberate
17 planning and designing of the camp? How the huts were to be built, sanitary
18 arrangements, water, and all those things and facilities that sustain life, were they put
19 in place?

20 A. [11:47:27] All these facilities were not there. There was no sanitary facilities
21 there. These places, these huts were established in the centre anywhere, you just go
22 and get somewhere and put your hut. Some people would just come and then take
23 refuge in other people's huts before they could establish their own. There was
24 nothing concerning sanitary facilities, there were no schools, there was no food, there
25 was nothing.

1 Q. [11:48:18] Now can you tell Court the position of the barrack vis-à-vis the
2 position of the IDP camp?

3 A. [11:48:39] In Abok, I think that is the example I can give very well. Let me talk
4 about Abok. The site of the barracks in Abok, just like I mentioned before the Court,
5 that I was working together with the soldiers, as a leader, I was helping to ensure that
6 the soldiers were stationed somewhere to provide security to the people.
7 The first barracks was established on the northern side of Abok camp. But when
8 they felt the position was not adequate, they relocated it and put it on another side
9 towards the new sub-county headquarters. That was where they established the
10 barracks. They established the barracks there because of a complaint from the locals
11 that they had young girls, they had wives and each time they go to fetch drinking
12 water, they should not be interfacing with the soldiers, they should not be meeting
13 with the soldiers because there were complaints that the soldiers were having
14 relationships with their wives and girls. That's why they had to relocate the barracks
15 to the western side of the camp.

16 Q. [11:50:12] And can you give an estimate of the distance between the barracks
17 and the camp?

18 A. [11:50:31] Could be between 500 to 800 metres, between 500 to 800 metres,
19 because they did not want them to be very near the people. Because if you are
20 providing security to people, you have to be some good distance away and you put
21 them forward so you can look at them well. So the distance was between 500 to
22 800 metres.

23 Q. [11:51:04] And earlier on you said that in every barrack at the IDP camp there
24 was always only one soldier, UPDF soldier. Was he the commander -- was he the
25 overall commander of the barracks, the OC so to speak?

1 A. [11:51:43] In Abok the OC was Mugabe.

2 Q. [11:51:53] And were there any serious patrols around the camp by the LDUs?

3 A. [11:52:13] Well, it was their work to traverse the camp and then move around
4 the camp as well. You know, sometimes -- well, you know the soldiers, sometimes
5 they would also go inside the barracks or they go inside the camp because there are
6 girls they were having relationships with and they would sneak into the camps. As
7 leaders we had problems with them. Sometimes we would have to reprimand them.

8 Q. [11:52:49] And for those who persistently committed these infractions, were
9 there serious disciplinary actions taken against them apart from reprimanding them?

10 A. [11:53:07] As leaders, what we are doing, because we kept on giving -- we kept
11 on giving reports to their leadership, would tell them that such-and-such a person is
12 doing this. Sometimes some were caught in the act with other people's wives and
13 the people would beat them up before they are taken. Sometimes when they are
14 caught they are brought and beaten before the people. There was one LDU fighter
15 who was brought and punished before me. He had stolen something from a camp
16 dweller and, yeah, he was pushed before me, was caned.
17 They also had problems. They didn't have foodstuff, so they would engage in such.
18 Sometimes they were supported by the camp dwellers by providing them food like
19 cassava and other things.

20 Q. [11:54:02] Were these LDUs properly uniformed?

21 A. [11:54:20] Well, they didn't have adequate uniforms. You'd find some of
22 them -- well, I don't know whether -- some of them, you would even wonder whether
23 they got proper training. You would find them putting on the uniform on top, and
24 then the pair of trousers is civilian clothes. We kept on complaining that if you are
25 dressed up like this, how which we be able to differentiate between you and the

1 rebels. So we didn't know exactly why some of them were dressing up like that.

2 Q. [11:54:57] Now let's talk about the attack on the IDP camp. How did you get
3 information about the IDP camp? How did you come to know about it?

4 A. [11:55:24] Well, it was sometime in the night, I cannot recall what time exactly.

5 I was already in bed at my home. One of the leaders I used to be very close with, he
6 was called Major Okello Engola, right now he's a colonel, he called me in the night
7 and asked me that, "Chairman, are you hearing what is happening in Abok?" I told
8 him, "Well, yes, I am hearing some gunshots in the direction of Abok." Then he told
9 me that he got a report that Abok was attacked by the rebels. I told them that, "Well,
10 if that is the case, let me try to get some information from there." But because of the
11 situation right now, I have some brothers who live there and I tried to get in touch
12 with them, but I could not reach out to them because the situation was really tense
13 there. I got back to him and told him I didn't get a report from there.

14 Then he told me Abok was under attack. Then he told me I should be ready, he's
15 coming to my place at 6 in the morning so we could go to Abok and then we go and
16 see what is there.

17 As a leader I could not sleep. I waited for him and at about 6 in the morning I
18 moved nearby the main road and I waited for him. He arrived in a vehicle, he came
19 in a double cabin pickup, a military vehicle. I joined him and we moved to Abok.
20 When we arrived at Abok, we found there was a big problem there. Huts were
21 burnt, there were dead bodies, and as leaders we were now facing all that. We
22 found about 20 people had been killed, those are the people I personally saw with my
23 eyes, and he asked me, "What do we do?" I told him what we have to do is we need
24 to try and establish where they went.

25 As a soldier, he started connecting with the other soldiers who were in other places.

1 But when we arrived there what we found out there was that the commander who
2 was leading the people there was not there. Mugabe was not there. The people
3 who were there told me that when the attack began, when people were fleeing they
4 fled together with Mugabe. When people were fleeing, Mugabe also ran away like
5 an ordinary civilian.
6 People didn't understand why that happened. And what Okello Engola did at that
7 time was that he said he was going to Opit barracks to connect with other soldiers so
8 he could get some reinforcement to come and help. That is what I know that
9 happened about Abok.

10 PRESIDING JUDGE SCHMITT: [11:58:21] Mr Witness, may I ask you a couple of
11 questions. First of all, when Major Engola called you during the night, where was he
12 stationed at the time?

13 THE WITNESS: [11:58:37](Interpretation) He was at his home.

14 PRESIDING JUDGE SCHMITT: [11:58:40] Was this the same camp or place where
15 you lived in general?

16 THE WITNESS: [11:58:48](Interpretation) I was living in a different camp. My
17 camp was called Ngai, which was the headquarters. The camp that came under
18 attack was called Abok but was still within my area of leadership.

19 PRESIDING JUDGE SCHMITT: [11:59:07] And where lived Major Engola?

20 THE WITNESS: [11:59:16](Interpretation) He was living in another sub-county that
21 was called Awio (phon) which was in -- a place called Awio which was in Iceme
22 sub-county. His home was there. That was not a barracks but his residence. He
23 called me when he was in his residence.

24 PRESIDING JUDGE SCHMITT: [11:59:35] Was he in command of soldiers at the
25 time where he was stationed?

1 THE WITNESS: [11:59:42](Interpretation) Well, at his home there were no soldiers.

2 If there were some, then those were only his escorts. But the bulk of the soldiers
3 were not there, there was no barracks at his place. I said that was his residence,
4 where he stays, that was a place where he would retire when he's not working.

5 PRESIDING JUDGE SCHMITT: [12:00:08] I simply wanted to understand if there
6 was -- he was, so to speak, together with other forces that could perhaps have been
7 sent somewhere. Please continue, Mr Ayena.

8 MR AYENA ODONGO: [12:00:23]

9 Q. [12:00:23] Now, Mr Witness, did the commander, together with you, of course,
10 you were there, did you get any briefing from the camp leaders immediately you
11 arrived at the scene and before you took any next action? Were you briefed about
12 what had happened the previous night?

13 A. [12:00:47] They told us that the evening of that night, they saw a group of people
14 who were moving the periphery of the camp about -- I cannot say it in metres, but it
15 was not far from the camp. It was close to the camp. They saw a group of people
16 looking like soldiers who were moving there and it was suspected that they could be
17 rebels, no one knew exactly. The soldiers who were in the barracks also saw those
18 people move, but -- they saw that some people were moving. That is what they told
19 us when we arrived there.

20 Now at night, after they saw these people, there was an attack in the camp. When
21 we arrived with that commander, that is what we were told.

22 Q. [12:01:55] Now, how many guard soldiers were you told were present in the
23 barracks when the LRA attack?

24 A. [12:02:08] They did not tell us the number of guard soldiers who there were, but
25 like I always know already, the soldiers did not number more than 100. They were

1 there about 60 to 90, like I said earlier. Unless maybe others had gone for patrols, I
2 do not know the number of people who were present at the time. Usually in
3 a detach the soldiers do not number more than a hundred, it's usually between 60 and
4 90.

5 Q. [12:02:54] Now, did you get any information as to whether, after the sighting of
6 the moving rebels, there was an arrangement for setting up some ambush by the
7 UPDF and LDUs?

8 A. [12:03:29] According to what the villagers told us, there was no ambush. Like I
9 said now, I want to speak as a leader then and I want to speak the truth, there was no
10 ambush.

11 Even the commander with whom we went was not happy. He could not even ask
12 the commander who was there at the time because Mugabe had fled. The junior
13 soldiers also fled, the others who were there could not explain anything. The
14 villagers were not happy because there was no ambush which had been put there.

15 Q. [12:04:08] Now, was there any fire exchange between the government soldiers
16 and the LRA?

17 A. [12:04:29] I was also enquiring whether there was a fire exchange when I arrived
18 there. One of the boys who were there told me that it was difficult to explain but
19 they understood that, when the commander fled, the foot soldiers were shooting
20 indiscriminately in the camp and that is what caused a lot of injuries in the camp.
21 That is what I was told, because they really had no leadership, the foot soldiers were
22 shooting anyhowly.

23 Q. [12:05:14] Thank you very much. Now according to what you heard, how long
24 did the LRA engage in Abok camp?

25 A. [12:05:36] According to what I heard, it did not last more than 30 minutes,

1 whatever happened there did not last more than 30 minutes. I was hearing what
2 was happening from a distance. When Major Okello Engola called me I was outdoor,
3 I did not go back to bed. I heard how the gunshots were being fired, I heard until it
4 ended. At that time, leadership was not easy. But because you really sacrifice to
5 lead your people, you had to take the risk. That is why they gave me that nickname,
6 because I was doing more than I was supposed to do, I was still a young man but I
7 was doing a lot.

8 Q. [12:06:33] I'm sure you listened to the leaders and the local population when
9 you engaged them. From what you heard, what do you understand to be -- or,
10 rather, what did you understand to be the main interest of the LRA in attacking Abok
11 camp?

12 A. [12:07:03] When Major Okello Engola left me, he went with his vehicle to Opit.
13 And for me, I moved with other soldiers to follow the rebels. I found a civilian who
14 was returning. If I was not leading, they would have killed him also. I was the one
15 leading the patrol and I told them that is a civilian who is coming, let him come. At
16 least if you see someone coming without a weapon, you shouldn't shoot at him.
17 I asked him whether he was among those abducted. He told me, "Yes, I was
18 abducted." I asked him what happened. He told me that they were taken to carry
19 food. They carry -- they carried luggage, the luggage included food that was looted
20 from the camp. He told me that "They left me because of my advanced age." He
21 could have been about 50-something at the time, 40-something to 50-something.
22 That is what I got from a civilian.

23 Q. [12:08:29] Now, Mr Witness, during the 30 minutes or so engagement by the
24 LRA, did you get any information as to whether they went directly to attack and
25 shoot at civilians?

1 A. [12:08:50] According to what I found out, the person whom we found returning
2 said that these people came for food because if you saw where they came from, they
3 just looted food. Indeed they only came for food. I do not know if they had come
4 to attack the barracks. If they came to the barracks, they would have gone straight to
5 the barracks. They had gone to get food.

6 Q. [12:09:28] Thank you very much. Now did anybody in the camp manage to
7 identify those who were commanding the attack?

8 A. [12:10:00] That was the first thing I asked the person whom we got returning
9 from captivity. The people we found in the camp, you couldn't ask them whether
10 they knew the person who did what was done. The person who was found
11 returning was the best person to ask. I asked him, "Did you see any person you can
12 recognise? Because people thought if you go, you would find Kony himself." He
13 told me that he did not recognise anyone. He did not know who had abducted him.
14 I asked what kind of dresses were they wearing. He told me that they are well
15 dressed, they looked smart, they did not know. And that is the only thing he told
16 me. He told me that the only thing that they did was to carry luggage, but they were
17 unable to know which commander or which army group attacked the camp. We
18 actually moved back with him until we returned because we couldn't leave him to
19 move alone. He was also feeling scared at the time.

20 Q. [12:11:29] Now in the course of your further investigation as a leader, and
21 people talk afterwards, especially those who may have come back much later than the
22 day -- or I mean, than the day subsequent to the day of attack, did anybody bring to
23 your attention any name of somebody who could have led the attack as a commander
24 of the LRA?

25 A. [12:12:13] Until I left leadership, no one came to me to say that it was this or that

1 commander who did what happened here. Up to now I never heard anything of
2 that nature.

3 Q. [12:12:49] Could you have heard --

4 PRESIDING JUDGE SCHMITT: [12:12:57] The start of this question is suspicious a
5 little bit, "Could you have heard". I see -- I don't know if this is the right English, I
6 see Mr Gumpert on the jump already.

7 MR AYENA ODONGO: [12:13:10] He was looking at me rather -- I withdraw.

8 Q. [12:13:23] Did you ever hear Dominic Ongwen's name associated with this
9 attack?

10 A. [12:13:31] I started hearing Dominic Ongwen's name when the case was in court
11 here. It was Major Okello Engola who used to mention Ongwen's name. Whenever
12 we were with him, we would talk about Ongwen.

13 MR AYENA ODONGO: [12:14:03] I think that is about it, Mr President and your
14 Honours.

15 PRESIDING JUDGE SCHMITT: [12:14:06] Of course I would never have never
16 stepped in, but I also thought so. Let me word it this way.

17 MR AYENA ODONGO: [12:14:10] Yes.

18 PRESIDING JUDGE SCHMITT: [12:14:11] Thank you, Mr Ayena.

19 It is now the turn of the Prosecution, Mr Gumpert, please.

20 MR GUMPERT: [12:14:21] Thank you, your Honour.

21 QUESTIONED BY MR GUMPERT:

22 Q. [12:14:23] Mr Witness, just one area about which I want to ask you questions.

23 As I understand it, although you were not present during the attack, you personally
24 with your own eyes saw some of the victims, the dead bodies, people killed during
25 the attack; is that correct?

1 A. [12:14:54] Yes, I did see.

2 Q. [12:14:59] Could you help us by describing the manner in which these people
3 appeared to have met their deaths. What was it, as it seemed to you, an eyewitness,
4 that had caused these people to die?

5 A. [12:15:24] From my observation, as soon as I reached Abok camp, and like I said
6 earlier, when they attacked Abok camp, the barracks was -- when you come from
7 Ngai sub-county side, the barracks was on your left side behind the road. The
8 deaths, the people who were killed were on the side of the barracks. The rebels
9 came from the southern side and went towards the barracks, but people died at the
10 side of the barracks, on the side of the road near the barracks. One of the people
11 who died was my campaign manager who died closer to the barracks.

12 Q. [12:16:37] I may have asked an rather imprecise question. Let's take that
13 unfortunate person, the manager, you saw his dead body, did you?

14 A. [12:16:48] Yes, I did.

15 Q. [12:16:51] Were you able to see what it was that had caused his death?

16 A. [12:16:58] He was shot. That led to his death.

17 Q. [12:17:16] And I think you said there were about 20 bodies, did I recall correctly,
18 that you saw?

19 A. [12:17:27] Yes, that is correct.

20 Q. [12:17:30] Apart from gunshot injuries, did you see any other injuries which had
21 caused these -- or which seemed to you to have caused these people's deaths?

22 A. [12:17:51] The bodies that I saw personally were all having gunshots. I did not
23 see any other person with a -- any other injury other than a gunshot. Those who
24 were burnt by fire did not die immediately. A relative of mine also got burnt
25 there. I personally picked money to send him -- to send the person to Atapara

1 hospital. But those who died immediately were having gunshot injuries. It is
2 unclear why those who died died at the side of the barracks, on the side of the road
3 closer to the barracks. If you go to Abok you will actually confirm that what I'm
4 telling you is the truth as a leader. I cannot come here to tell lies.

5 Q. [12:18:59] You speak of people having been burnt, can you tell us about physical
6 destruction by fire? So I'm not talking about injuries now, I'm talking about damage
7 to property. What can you tell us about damage to property by fire at Abok, again,
8 from your own observation?

9 A. [12:19:27] We were unable to -- to see or say something about property that was
10 damaged. As a leader, we saw dead bodies and we were interested more in
11 ensuring that those who were abducted returned and trying to pursue those who
12 caused the atrocity. We followed with the soldiers and we were not able to trace
13 where the people went. Even the major who was commanding the whole group did
14 not trace where the people went. Even if you ask him now, I'm sure he will not be
15 able to tell where the people who caused the atrocity went.

16 Q. [12:20:22] So do I understand correctly your focus, what you were interested in
17 was not physical damage to buildings or property, it was the people who had been
18 killed and injured; is that right?

19 A. [12:20:37] It was the government responsibility to talk about or ensure that
20 things that were destroyed should be fixed. Not me as a community leader, it was
21 not my duty.

22 Q. [12:21:03] Okay. One last area. You spoke about your identification of
23 a person who had been abducted. I think you feel that you probably saved his life
24 because you were able to say that is a civilian; is that right?

25 A. [12:21:27] That is simple. There are people you can see and know that he is

1 a civilian. I am a farmer now. When you see a farmer, you see the palm, you'll see
2 signs of holding

3 a hoe, the hand, it scars a bit. That is how you can know that someone is a farmer.

4 You cannot pretend about that. The constant holding of the hand hoe will leave
5 a mark and you are able to identify that this is a farmer or this is a rebel.

6 Q. [12:22:23] Can you help us with this as a community leader: Approximately how
7 many people were abducted from Abok during the course of that attack?

8 A. [12:22:36] I later learnt that the person whom we met was the person that can
9 surely say he was abducted. The rest of the people it's uncertain, because the record
10 of those abducted was with the army authorities since it was their duty to let the
11 bigger headquarters of the army know that in this place so many people were
12 abducted. For me, I am responsible for someone who comes back and returns alive.
13 That is what I know.

14 Q. [12:23:34] Mr Witness, I'm - if the Judges will permit it - I'm going to press you
15 a bit. I understand that this was not your responsibility and that you didn't keep the
16 records of exact numbers. But it may be of assistance to the Court, to the Judges, if
17 you are able to give some kind of approximate estimate of how many of the people
18 from that location were abducted. Can you do that?

19 A. [12:24:07] I do not want to tell lies to the Court to estimate something which I do
20 not know.

21 MR GUMPERT: [12:24:58] Thank you. I've got no further questions.

22 PRESIDING JUDGE SCHMITT: [12:25:02] Thank you very much.

23 I ask Mr Manoba, Mr Narantsetseg if they have any further questions?

24 MR MANOBA: [12:25:07] No questions, your Honour.

25 MR NARANTSETSEG: [12:25:10] No further questions, your Honour. Thank you.

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1 PRESIDING JUDGE SCHMITT: [12:25:16] Mr Ayena, I don't think you have further
2 questions?

3 MR AYENA ODONGO: (Microphone not activated)

4 PRESIDING JUDGE SCHMITT: [12:25:19] You do? Okay. Please then.

5 MR AYENA ODONGO: [12:25:22] But just a few. One or two.

6 QUESTIONED BY MR AYENA ODONGO:

7 Q. [12:25:28] Mr Witness, I want to canvass more information about death by fire.
8 First of all, before we go to death caused by fire, can you tell Court, according to your
9 assessment, how the fire was caused. Who was responsible for setting up the huts
10 on fire?

11 A. [12:26:06] No one knows that. I asked, but I could not establish who lit the fire.

12 Q. [12:26:28] And the second one, the number of people who were abducted: Did
13 you find out the amount of, approximate amount of foodstuff that was looted by the
14 LRA?

15 I'm asking you this because it might be a guide to approximately how many people
16 could have been able to carry the foodstuff.

17 A. [12:27:18] I don't want to guess things. The camp did not really have food
18 those days because the food that people should have been given should have come
19 from aid organisations. There was really nothing given. It was difficult to know
20 how much each person had in their houses.

21 Q. [12:28:08] So apart from the number of people who you saw with your eyes as
22 having died, did you again receive any report from the camp leaders about the
23 number of people who were abducted?

24 PRESIDING JUDGE SCHMITT: [12:28:36] I think he has answered that. This,
25 Mr Gumpert did not only try it, he even pressured a little bit on this, and the witness

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1 consistently with his attitude during the whole day said he will not want -- does not
2 want to guess. I think he has answered that question.

3 MR AYENA ODONGO: [12:28:54] With that, I come to the end of my questions.

4 PRESIDING JUDGE SCHMITT: [12:28:59] Thank you very much, Mr Ayena.

5 This concludes your testimony, Mr Obote.

6 On behalf of the Chamber I would like to thank you that you came to this courtroom
7 to help the Court establish the truth.

8 On behalf of the Chamber we wish you a safe trip back home.

9 Yes, Mr Obote, you have the floor.

10 THE WITNESS: [12:29:29](Interpretation) I thank the Court very much. Although I
11 have a weakness, as a leader it was not difficult to -- it was not easy to execute my
12 duties. I gave my evidence as a leader, as somebody who saw things personally as
13 an eyewitness. I would like to ask Court - you know, it's not easy back in our
14 country - my security, how can it be guaranteed after giving my evidence?

15 PRESIDING JUDGE SCHMITT: [12:30:14] Mr Obote, we have VWU here, a part of
16 this Court who is responsible for that, who will be made available this information
17 that you gave, and they will do the best that they can.

18 (The witness is excused)

19 PRESIDING JUDGE SCHMITT: [12:30:31] This concludes the testimony not only,
20 but also the hearing for today.

21 We continue tomorrow with the next witness at 9.30, and I think this is D-118? D-19?

22 Okay. But whatever, have a good day.

23 THE COURT USHER: [12:30:49] All rise.

24 (The hearing ends in open session at 12.30 p.m.)