

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, 12 September 2019
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:46] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:34:10] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:34:14] 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 For the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:34:29] Thank you.
20 For the Prosecution, the presence, Mr Gumpert, please.
21 MR GUMPERT: [9:34:34] Good morning, your Honours. Ben Gumpert for the
22 Prosecution. With me today, Yulia Nuzban, Hai Do Duc, Pubudu Sachithanandan
23 and Jasmina Suljanovic.
24 PRESIDING JUDGE SCHMITT: [9:34:44] Thank you.
25 And for the representatives of the victims, Ms Sehmi first.

1 MS SEHMI: [9:34:49] Good morning, Mr President, your Honours. On behalf of
2 the Legal Representatives of Victims, Anushka Sehmi and James Mawira.

3 PRESIDING JUDGE SCHMITT: [9:34:55] Thank you.

4 And Mr Narantsetseg.

5 MR NARANTSETSEG: [9:34:56] Good morning, Mr President, your Honours.

6 Orchlon Narantsetseg with Ms Caroline Walter. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:35:01] Thank you.

8 Mr Obhof or Mr Kifudde? Mr Kifudde.

9 MR KIFUDDE: [9:35:05] Good morning, Mr President, your Honours. For the
10 Defence today we have myself Gordon Kifudde, we have Thomas Obhof, we have

11 our two co-counsel, Beth Lyons, Chief Charles Achaleke Taku, we have our intern

12 Veronica Stachurski, and our client Dominic Ongwen.

13 Apologies once again from Counsel Ayena, who is unable to be with us today. He's
14 still in Uganda recuperating.

15 PRESIDING JUDGE SCHMITT: [9:35:32] Thank you very much.

16 The Chamber would like before we start, to express its concern with the current pace
17 of the proceedings.

18 Last week court sessions were scheduled for Thursday and Friday. We lost them.

19 That means we lost nine hours of Court time. Although the Chamber acknowledges
20 that last week's adjournment appears to be beyond anyone's control, certainly of the
21 Chamber, backup witnesses should be on standby in order to avoid any further
22 delays.

23 In this regard, and perhaps because at this advanced stage of the proceedings, initial
24 directions may need to be recalled.

25 I would like to point out paragraph 15 of these initial directions on the conduct of

Trial Hearing
WITNESS: UGA-D26-P-0123

(Open Session)

ICC-02/04-01/15

1 proceedings.

2 I quote: "The participants must always be prepared to continue with the case, even if
3 less time than estimated is required for a particular witness. If the examination of a
4 witness has been concluded, the Chamber expects to immediately commence with the
5 next witness unless otherwise indicated." Quote end.

6 The Defence is hereby instructed to prepare its case so that the trial proceedings can
7 continue without further disruptions. This week we are scheduled to sit two days in
8 which the Chamber would like to conclude the testimony of three witnesses. A
9 longer hearing schedule may be ordered so that these three testimonies conclude
10 indeed this week.

11 In the weeks to follow, the Chamber may sit also extended hours in order to make up
12 for lost time.

13 Having said that, the Chamber appreciates the efforts made by the Defence to ensure
14 that the Chamber in fact can hear three witnesses today and tomorrow. We don't
15 have to discuss this further. This is simply that the Chamber wanted to express its
16 concern and would like to encourage to expedite the proceedings, also from the side
17 of the participants of course at the moment, especially the Defence.

18 Now we are turning to our next witness, this is Mr Mawa.

19 Mr Mawa, I would like to welcome you in the courtroom. Good morning.

20 WITNESS: UGA-D26-P-0123

21 (The witness speaks Ateso)

22 THE WITNESS: [9:38:46] (Interpretation) Good morning.

23 PRESIDING JUDGE SCHMITT: [9:38:48] There should be a card in front of you,

24 Mr Mawa, with a solemn undertaking. Could you please be so kind to read it out
25 loud.

1 THE WITNESS: [9:39:07] (Interpretation) I agree that I will speak the truth, the truth,
2 only the truth without any lies, but the truth.

3 PRESIDING JUDGE SCHMITT: [9:39:24] Thank you very much.

4 And since the witness has already said he agrees, we can continue immediately.

5 Thank you, Mr Witness. You have now been sworn in.

6 Before we start, Mr Mawa, I would like to explain some practical matters.

7 Everything we say here in the courtroom is written down and interpreted. It is
8 therefore important to speak clearly and at a slow pace. This is especially the case
9 today.

10 THE INTERPRETER: [9:40:01] I'm sorry, your Honour, I have to cut in because we
11 have to break, we have to break it up. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:40:08] Yes, but it's good that you interrupt me so
13 that I'm the first to be admonished because -- exactly that, I wanted to say I'm the first
14 who breaches this.

15 So the interpreters first have to hear your answers before they can start interpreting
16 into English. And then French.

17 It is therefore the best, if you, when you are asked and in your answer, leave a short
18 break after every one or two sentences. This is a little bit unusual. So simply say in
19 your answer one or two phrases and then stop, and then you see upstairs that the
20 light is on and they will interpret and then you can also see when it goes out that you
21 can continue.

22 Thank you. I think we have understood it and it will have to work out in the
23 process.

24 The Defence has now the floor. Mr Kifudde. And given the expected testimony
25 reflected in the witness summary, the Chamber expects a focused and, allow me to

- 1 say, short examination.
- 2 Please, Mr Kifudde.
- 3 MR KIFUDDE: [9:41:36] Much obliged, Mr President.
- 4 QUESTIONED BY MR KIFUDDE:
- 5 Q. [9:41:41] Good morning, John.
- 6 A. [9:41:47] Good morning.
- 7 Q. [9:41:47] I believe we've met before but for purposes of emphasis, I will be
- 8 questioning on behalf of the Defence team of Dominic Ongwen.
- 9 Mr Witness, can you please tell Court your full names?
- 10 A. [9:42:18] Okello John Mawa.
- 11 Q. [9:42:24] And have you been -- have you ever been known by any other names?
- 12 A. [9:42:35] Those are my only names.
- 13 Q. [9:42:42] When and where were you born?
- 14 A. [9:42:57] I was born in January 1957.
- 15 Q. [9:43:09] And where were you born?
- 16 A. [9:43:16] Anyara.
- 17 Q. [9:43:22] Can you please tell Court your nationality, ethnic origin and place of
- 18 residence.
- 19 A. [9:43:40] I am Itesot and I come from Teso in a place called Anyara in Uganda.
- 20 Q. [9:44:00] What do you do for a living?
- 21 A. [9:44:10] I'm a farmer.
- 22 Q. [9:44:15] And what is your level of education?
- 23 A. [9:44:21] Primary 7.
- 24 Q. [9:44:27] Having stopped in primary 7, what then did you do for a living?
- 25 A. [9:44:41] I became a businessman.

1 PRESIDING JUDGE SCHMITT: [9:44:48] I think that that's enough about his former
2 work and what he's -- we know what he's now doing. I think you can move on now.

3 MR KIFUDDE: [9:44:57] Yes, Mr President.

4 Q. [9:44:59] And briefly, what was the security situation like in Teso in the late
5 1980s and early 1990s when the NRA captured power?

6 A. [9:45:27] There was civil war, especially in Teso.

7 Q. [9:45:35] And by civil, what do you mean? Was there a particular rebel group
8 which rose up against the government?

9 A. [9:45:57] There were indeed those who were fighting against government, and
10 then also the LRA were there.

11 Q. [9:46:17] Did you ever hear about a rebel group called UPA, Uganda People's
12 Army?

13 A. [9:46:29] Yes, I heard of them.

14 Q. [9:46:32] Do you know some of the reasons why they rose up against the NRA
15 government?

16 A. [9:46:45] I do not know, because I wasn't one of them.

17 Q. [9:46:55] Fair enough.

18 PRESIDING JUDGE SCHMITT: [9:46:55] I think you can -- you can move on to the
19 period 2003, paragraph 2 of the summary, and follow up from there.

20 MR KIFUDDE: [9:47:07]

21 Q. [9:47:08] You talked about LRA, so I want to focus more about LRA. Do you
22 remember what happened when the LRA invaded Teso in 2003?

23 A. [9:47:28] Yes, I remember.

24 Q. [9:47:33] And in a monologue can you please tell Court what you remember.
25 What happened to you, in particular?

1 A. [9:47:51] On the 28th, in June, midnight, LRA entered my courtyard and came
2 for me at night. When I saw the light coming through the window I opened the door,
3 because I had earlier on known they had come. So I opened the door, I welcomed in.
4 They came in. I was ordered to sit down. They entered in the bedrooms. They
5 got my money, 1.5 million. They picked my two radios and one camera, two
6 Kaunda suits, and my net, mosquito net, one.

7 PRESIDING JUDGE SCHMITT: [9:49:01] Thank you, Mr Witness.

8 And perhaps when you could, as I said initially, stop after one or two sentences,
9 shortly, that they can follow. I think they managed at the moment, but it is quite
10 difficult because we have this double interpretation, so to speak. But you did very
11 well until now, but please keep this in mind. Thank you.

12 Mr Kifudde.

13 MR KIFUDDE: [9:49:29]

14 Q. [9:49:29] Now, after they grabbed those items you've enumerated, what
15 happened next?

16 A. [9:49:45] I was taken with my two sons. I was tied with one child. The other
17 one was left free. We were tied in groups of five. So we went with them, we went
18 for many miles. I took about three days with them. On the fourth day, at night, we
19 arrived at a swamp. There was a log, there was a child who was given a jerrycan of
20 20 litres, so they left behind to help the child. Ahead them I went with my children.
21 So we arrived at a T-junction, so I went to the other direction. After a long walk I
22 found a hole, so I hid in it with the children. And then we untied ourselves and they
23 knew we had escaped, so we crossed the swamp. So since I knew the map of the
24 area, so I told the children we are going this side to our home. So even when we
25 were still with them, I was taken to Tabuley and Opio, Lukwiya. Those are the ones

1 I identified. But I had not seen Ongwen, at the time wasn't there.

2 PRESIDING JUDGE SCHMITT: [9:52:26] I think this covers already a lot,

3 Mr Kifudde. But why not? There is nobody written in the book that a witness

4 would have to testify two days or so in international courts.

5 I have some, if I may, I have some additional questions, Mr Witness.

6 What happened to the son who was abducted with you?

7 THE WITNESS: [9:53:00] (Interpretation) There is one who came back with me.

8 The second one has never returned to date.

9 PRESIDING JUDGE SCHMITT: [9:53:10] Do you have any notice of the second one?

10 Do you know, happen to know where he is?

11 THE WITNESS: [9:53:25] (Interpretation) No.

12 PRESIDING JUDGE SCHMITT: [9:53:30] The children that you escaped with, how

13 old were they?

14 THE WITNESS: [9:53:43] (Interpretation) One was 15, one was 13. The one of 15 is

15 with me. Then the 13-year-old is the one who is not around.

16 PRESIDING JUDGE SCHMITT: [9:53:58] You told us in the beginning that you are

17 now a farmer. When you had been abducted in 2003 you were a businessman.

18 Why did you give up business? Did this have something to do with the abduction

19 or with the situation?

20 THE WITNESS: [9:54:37] (Interpretation) All my property that I used to use for

21 business was taken away, including the cows.

22 PRESIDING JUDGE SCHMITT: [9:54:52] I think we understand that. Thank you.

23 Mr Kifudde, please proceed. And I think the main information -- but you may

24 proceed, please.

25 MR KIFUDDE: [9:55:02] Just a few follow-up questions.

Trial Hearing
WITNESS: UGA-D26-P-0123

(Open Session)

ICC-02/04-01/15

1 Q. [9:55:07] Mr Witness, how big was the group that abducted you?

2 A. [9:55:19] They should be around 30, at least those that entered my courtyard.

3 Q. [9:55:29] And before being taken to Tabuley and commander Opio, do you
4 remember the commander who abducted you?

5 A. [9:55:48] I saw him, but I was never told his name.

6 Q. [9:55:58] Now, this story concerning your escape, I know you've, you know,
7 talked about it briefly, but can you explain to Court how you were able to escape the
8 LRA and your other son wasn't able to escape?

9 A. [9:56:29] The one I went with was tied with me and we were five. The one who
10 has not come back was not tied, he was free.

11 PRESIDING JUDGE SCHMITT: [9:56:45] I think you can proceed, Mr Kifudde.

12 MR KIFUDDE: [9:56:48]

13 Q. [9:56:52] Having escaped from the LRA, where did you go?

14 A. [9:57:06] I went and reported to the soldiers in the barracks.

15 Q. [9:57:17] And by soldiers, do you mean the UPDF?

16 A. [9:57:24] Yes, UPDF.

17 Q. [9:57:27] And what happened to you immediately upon reporting to the UPDF?

18 A. [9:57:37] Nothing happened.

19 Q. [9:57:42] Now, did your abduction take place before people moved to the camps
20 or not?

21 A. [9:58:00] That was before -- that was before people were in the camps, but the
22 others were just coming in.

23 Q. [9:58:12] And do you remember when people moved into the camps, most
24 of -- the majority of the people moved into the camps?

25 A. [9:58:25] They were taken around November, December in 2003.

- 1 PRESIDING JUDGE SCHMITT: [9:58:40] Mr Kifudde, shortly.
- 2 Mr Mawa, what was the reason why the people went to the camps?
- 3 THE WITNESS: [9:58:55] (Interpretation) The LRA became too dangerous, so it was
- 4 not safe for anybody to stay at their homes, since they had spread all over the place.
- 5 PRESIDING JUDGE SCHMITT: [9:59:11] Mr Kifudde.
- 6 MR KIFUDDE: [9:59:13]
- 7 Q. [9:59:14] How were living conditions in these IDP camps?
- 8 A. [9:59:23] It was very difficult. There was no food, nowhere to sleep, no health
- 9 facilities. It wasn't good at all.
- 10 Q. [9:59:42] Now, when people moved into the camps, who was guarding these
- 11 IDP camps?
- 12 A. [9:59:59] The government got other youthful people who were later nicknamed
- 13 Arrow Boys. They were the ones providing security.
- 14 Q. [10:00:17] Now, when you say the government got, you know, Arrow Boys, how
- 15 was the recruitment done for these Arrow Boys?
- 16 A. [10:00:38] Government sent soldiers to come and train the young people.
- 17 Q. [10:00:53] Were these Arrow Boys given numbers like the way soldiers are?
- 18 A. [10:01:13] They were dressed like soldiers in the military fatigue.
- 19 Q. [10:01:29] And were the Arrow Boys also given guns?
- 20 A. [10:01:37] Yes, they were given guns.
- 21 Q. [10:01:44] Who commanded these Arrow Boys?
- 22 A. [10:01:57] Each of them had a commander.
- 23 Q. [10:02:06] Were some of the commanders members of UPDF?
- 24 A. [10:02:17] Yes.
- 25 Q. [10:02:22] Where did these Arrow Boys live? Did they stay in the camps

1 together with the civilians?

2 A. [10:02:43] They had places in the barracks.

3 Q. [10:02:52] And by barracks, do you mean the UPDF barracks?

4 A. [10:03:10] They also had their own barracks and they surrounded the people,
5 they surrounded those in the camps.

6 Q. [10:03:22] And would the Arrow Boys mix freely with the civilian population in
7 the IDP camps?

8 A. [10:03:38] Yeah, they would mix with the local people in the camps.

9 Q. [10:03:47] Were there scenarios where Arrow Boys had women who were
10 staying in the IDP camps?

11 A. [10:04:00] Yes, they had their wives in the camps.

12 Q. [10:04:13] You also talked about commanders, LRA commanders who were in
13 Teso. Do you know of any LRA commanders who were killed from Teso?

14 A. [10:04:30] Yes, I know. It was Tabuley, Opio. There is also another and I've
15 forgotten. But a number of them died there.

16 Q. [10:04:51] And do you remember the year when the LRA left Teso?

17 A. [10:05:10] I think they left Teso around 2005.

18 Q. [10:05:24] You talked about these two commanders Tabuley and Opio being
19 killed in Teso. Do you know how they met their death?

20 A. [10:05:48] They met the Arrow Boys and so it's the Arrow Boys that killed them.

21 Q. [10:06:00] Now, in the process of battle, in battle, did the Arrow Boys fight
22 independently or they fought alongside the UPDF, if you know?

23 A. [10:06:19] Sometimes they fought alone and when they would get overwhelmed,
24 then the UPDF would come and assist them.

25 Q. [10:06:35] After the LRA left Teso, do you know what happened to the

Trial Hearing
WITNESS: UGA-D26-P-0123

(Open Session)

ICC-02/04-01/15

1 Arrow Boys?

2 A. [10:06:50] They were also released to go back home.

3 MR KIFUDDE: [10:07:09] Mr President and your Honours, that ends our direct
4 examination.

5 PRESIDING JUDGE SCHMITT: [10:07:12] Thank you. And I really appreciate, and
6 I can say on behalf of the Chamber, this was indeed a very focused examination.

7 Thank you very much. Mr Gumpert.

8 MR GUMPERT: [10:07:22] No questions, your Honour.

9 PRESIDING JUDGE SCHMITT: [10:07:24] Ms Sehmi.

10 MS SEHMI: [10:07:25] No questions from us, your Honour.

11 PRESIDING JUDGE SCHMITT: [10:07:28] Mr Narantsetseg.

12 MR NARANTSETSEG: [10:07:29] None either, sir.

13 PRESIDING JUDGE SCHMITT: [10:07:31] Thank you very much.

14 And I also have to praise the witness, Mr Mawa, because he was, I have to admit that,
15 better than I was. You made your pauses, your breaks so that the interpreters could
16 follow. Thank you very much.

17 On behalf of the Chamber - I am again too quick - on behalf of the Chamber I would
18 like to thank you that you came to this courtroom and help us establish the truth.
19 We wish you a safe trip back home.

20 (The witness is excused)

21 PRESIDING JUDGE SCHMITT: [10:08:10] This concludes the testimony of this
22 witness. We continue at 12 o'clock with D-124, and I think it might be possible to
23 finish until the lunch break with this witness. Until then.

24 THE COURT USHER: [10:08:32] All rise.

25 (Recess taken at 10.08 a.m.)

Trial Hearing
WITNESS: UGA-D26-P-0124

(Open Session)

ICC-02/04-01/15

1 (Upon resuming in open session at 12.02 p.m.)

2 THE COURT USHER: [12:02:16] All rise.

3 Please be seated.

4 PRESIDING JUDGE SCHMITT: [12:02:40] I think it's correct to say good afternoon
5 now, because -- and the presence seems to be the same. I see on the side of the
6 Defence, I see additional personnel. Please, Mr Kifudde.

7 MR KIFUDDE: [12:02:55] Mr President, we are joined by our legal consultant
8 Eniko Sandor.

9 PRESIDING JUDGE SCHMITT: [12:03:03] I think elsewhere we can simply then
10 start without further presence because it remains largely unchanged.
11 We have now the next witness, this is Mr Okwir.

12 Good afternoon, Mr Okwir. On behalf of the Chamber I would like to welcome you
13 to the courtroom.

14 WITNESS: UGA-D26-P-0124

15 (The witness speaks Ateso)

16 THE WITNESS: [12:03:26](Interpretation) Good afternoon.

17 PRESIDING JUDGE SCHMITT: [12:03:27] Mr Okwir, there should be a card in front
18 of you with a solemn undertaking. Please be so kind and read it out loud.

19 THE WITNESS: [12:03:44](Interpretation) I already read it.

20 I agree that I will speak the truth, all the truth and nothing less. Me, Michael Okwir.

21 PRESIDING JUDGE SCHMITT: [12:04:03] Thank you very much. You are now
22 sworn in.

23 Everything we say here, Mr Okwir, is written down and interpreted. And to allow
24 for the interpretation we have to speak at a relatively slow pace, like I am doing at the
25 moment. I am trying at least.

Trial Hearing
WITNESS: UGA-D26-P-0124

(Open Session)

ICC-02/04-01/15

1 Since the interpreters first have to hear your answers before they can translate into
2 English and then French, it would be nice if you could stop after every second
3 sentence, so to speak, to allow them to follow you. This is not so easy, but I think
4 you will adapt to it and I help you in that respect.

5 I will give now the Defence the floor and it is again Mr Kifudde.

6 THE WITNESS: [12:05:12](Interpretation) I have accepted to come and testify on the
7 case that is on the floor.

8 PRESIDING JUDGE SCHMITT: [12:05:20] Thank you, Mr Witness.

9 Now, Mr Kifudde, we start with the examination by the Defence.

10 QUESTIONED BY MR KIFUDDE:

11 Q. [12:05:29] Good morning, Michael.

12 A. [12:05:32] Good afternoon.

13 Q. [12:05:35] Sorry. I will be asking you on behalf of the Defence team of
14 Dominic Ongwen.

15 Once again, can you please state to Court your full names.

16 A. [12:06:03] My full names are Michael Okwir.

17 Q. [12:06:09] And have you ever been known by any other names apart from
18 Michael Okwir?

19 A. [12:06:23] No.

20 Q. [12:06:26] When and where were you born?

21 A. [12:06:41] I was born on 1 March 1959. I was born in Lwala hospital. I come
22 from the village called Choloye (phon) in the parish of Alebtong. That's where I was
23 born.

24 PRESIDING JUDGE SCHMITT: [12:07:15] Thank you. That already foreshadowed
25 other questions by Mr Kifudde. So you can go into *medias res* like they would say.

Trial Hearing
WITNESS: UGA-D26-P-0124

(Open Session)

ICC-02/04-01/15

1 MR KIFUDDE: [12:07:26] Just one more.

2 Q. [12:07:29] What is your ethnic origin?

3 A. [12:07:32] I was Itesot.

4 Q. [12:07:34] And what do you do for a living?

5 A. [12:07:50] I am a farmer and a church leader.

6 Q. [12:07:56] What is your level of education?

7 A. [12:08:07] I went up to senior 2 and then I didn't have any fees, so I stayed home.

8 Q. [12:08:17] Having stopped in senior 2, what then was your first employment?

9 A. [12:08:37] The only thing I did was to go into farmer and then I got a revelation,
10 then I went to church. There is no other job that I ever did.

11 PRESIDING JUDGE SCHMITT: [12:08:49] Which church, Mr Witness?

12 THE WITNESS: [12:08:57](Interpretation) The protestant church.

13 MR KIFUDDE: [12:09:06]

14 Q. [12:09:08] And what was your role in the church?

15 A. [12:09:13] I was the parish leader.

16 Q. [12:09:21] Mr Okwir, what was the security situation like in Teso in the late
17 1980s and early 1990s when the NRA captured power?

18 A. [12:09:56] I have not understood that question.

19 Q. [12:10:01] Let me break it down for you. Was there any rebel uprising in Teso
20 when the NRA captured power?

21 A. [12:10:23] Yes. Yes, it was there. The first civil war, it was conducted by UPA
22 who were fighting against the government. The second one, that was the one of
23 Kony, the one that really brought suffering. That is why I'm here to testify, to give
24 this Court the truth what happened.

25 PRESIDING JUDGE SCHMITT: [12:11:12] I think you can now proceed,

1 Mr Kifudde.

2 MR KIFUDDE: [12:11:17] Mr President, just for purposes of the record, my question
3 was: How was the security situation when the NRA captured power, not the LRA,
4 because it appears the transcript is reading --

5 PRESIDING JUDGE SCHMITT: [12:11:31] That was then wrong. I understood
6 immediately that you meant NRA and the witness has answered to the right question,
7 so to speak. But since the answer encompassed what you perhaps intended to
8 elaborate from him, you can proceed now to the year 2003, perhaps.

9 MR KIFUDDE: [12:11:51] Thank you.

10 Q. [12:11:53] Mr Witness, you talked of a revelation. What revelation did you
11 mean? By revelation, what did you mean?

12 A. [12:12:19] Revelation I got was because when LRA was in Teso, made us suffer,
13 where people are killed and they cannot be counted. When people are killed, they
14 are not counted. That is the revelation I got, that as a leader of my people, my
15 people are going to die, but I am going to give you how to stop the killings. That's
16 what, the revelation that I got.

17 Q. [12:13:07] Mr Witness, did you ever join the Ugandan army or any paramilitary
18 outfit?

19 A. [12:13:17] No, I have never joined.

20 Q. [12:13:22] Let me maybe break it up -- break it down for you. Did you ever join
21 the Arrow Boys group when the LRA invaded Teso?

22 A. [12:13:41] When LRA came to Teso, that suffering, that suffering was for
23 everyone, and that is when I got the vision to go and help the people. And yet,
24 people wanted to be -- the people wanted to be taken off that pain.

25 Q. [12:14:18] For clarity purposes, Mr Witness, were you an Arrow Boy in helping

Trial Hearing
WITNESS: UGA-D26-P-0124

(Open Session)

ICC-02/04-01/15

1 the people?

2 A. [12:14:34] I was not an Arrow Boy, but the camp of the LRA was at my home
3 and there was no one who could take them there but me.

4 PRESIDING JUDGE SCHMITT: [12:14:53] So may I, Mr Kifudde?

5 Mr Witness, so, is it correct to say that you helped the Arrow Boys?

6 THE WITNESS: [12:15:10](Interpretation) The only help I gave them was to show
7 them where the LRA were, because everybody feared, so I did that.

8 PRESIDING JUDGE SCHMITT: [12:15:28] I think we can put that into perspective
9 and you can proceed from there. You, of course, you gave this a label, so to speak, in
10 the witness summary, but it's, in the substance at least, it comes close to that. I'm
11 referring to paragraph 4 of the witness summary.

12 MR KIFUDDE: [12:15:54]

13 Q. [12:15:54] Now, in helping the Arrow Boys, what was your role? Were you at
14 one time an intelligence officer in the Arrow Boys group?

15 A. [12:16:10] I was a leader of the camp, so when I went to see my home, I was able
16 to see where they were. So I was able to bring news to the Arrow Boys so that the
17 Arrow Boys would go and attack them and end the war at that time.

18 PRESIDING JUDGE SCHMITT: [12:16:36] I think we won't get more information in
19 that regard. So we have to put this then, if need be, into a label, so to speak. So
20 please proceed to another point.

21 MR KIFUDDE: [12:16:55]

22 Q. [12:16:55] Now, in helping the Arrow Boys, were you ever trained before?

23 A. [12:17:04] No.

24 Q. [12:17:10] How about these Arrow Boys, were they trained?

25 A. [12:17:21] Arrow Boys is the name, but these were not youth. These were

1 former soldiers who came back home when LRA attacked Teso, so that's the group
2 that came together to remove these people from our land.

3 Q. [12:17:57] Did these Arrow Boys wear a uniform?

4 A. [12:18:06] Yes, they were given army fatigue.

5 Q. [12:18:13] And if you remember the colour, what was the colour of their
6 uniform?

7 A. [12:18:33] The outfits they were given, grass green. Later on, they brought
8 them the army clothes.

9 Q. [12:18:54] And did these Arrow Boys have numbers just like the way soldiers
10 have?

11 A. [12:19:07] Yes, they also had their numbers.

12 Q. [12:19:23] And who were the commanders of these Arrow Boys?

13 A. [12:19:32] In the beginning, it was the former soldiers themselves who grouped
14 themselves. Later on, the soldiers -- the government soldiers came to help them, and
15 they were the commanders.

16 Q. [12:20:01] So would I be right to say the Arrow Boys fought alongside the
17 UPDF?

18 A. [12:20:27] Yes, if it is -- if you mean Arrow Boys fighting alongside the soldiers,
19 that is true.

20 Q. [12:20:47] Now on the issue of Arrow Boys wearing uniform, did they always
21 wear full uniform or mixed between civilians and military attire?

22 A. [12:21:18] The army uniforms were not enough, so some of them would wear
23 the shirts, others would wear the trousers. But later on they were all given full
24 uniforms.

25 Q. [12:21:39] And if you know, what was the command structure of the

1 Arrow Boys? Did the Arrow Boys have like different brigades and battalions?

2 A. [12:22:05] They also had battalions.

3 Q. [12:22:11] Now, where did the Arrow Boys live? Did they also live in camps,
4 IDP camps, or they lived in the barracks?

5 A. [12:22:32] As they are the ones who are helping to keep security, they had their
6 own camp and then the people were also in the camp but they were keeping, they
7 were taking care of the security.

8 Q. [12:22:50] So would I be right to say that the Arrow Boys freely mixed up with
9 the civilians in the IDP camps?

10 A. [12:23:06] Yes, because those were their people anyway.

11 Q. [12:23:16] So were there times when the Arrow Boys would drink freely with the
12 civilians?

13 A. [12:23:30] Yes, that is how they would always get to know what is happening,
14 especially with the movement of the LRA.

15 Q. [12:23:46] And were their scenarios where some Arrow Boys had women who
16 were staying in the IDP camps?

17 A. [12:23:56] Yes, they were there.

18 Q. [12:24:05] Mr Witness, do you know of any LRA commanders who wreaked
19 havoc in Teso?

20 A. [12:24:23] Yes, I know. In the news it was announced that their, their leader
21 was Kony. Then, it was then announced Otti Vincent, then Tabuley, then
22 Okot Odhiambo, then there was Raska Lukwiya. Later on, Dominic Ongwen was
23 also announced as a commander.

24 Those are the people that I got to know and heard, but in the news, the things that I
25 saw, I saw Kony in writing, in TVs. Vincent Otti also I saw in the news, in the

1 papers and the TVs. I also saw Raska Lukwiya in the news and on TV. Even
2 Okot Odhiambo I saw in the news and Charles Tabuley he is in, even during that war.
3 That is why he was killed and that was the end of that civil war.

4 Q. [12:25:54] Mr Witness, the Court has heard you loud and clear about the LRA
5 commanders, but my question is: Did you hear of any LRA commanders who came
6 to Teso?

7 PRESIDING JUDGE SCHMITT: [12:26:10] I think the witness has answered the
8 question. What you perhaps could ask, or perhaps I do it:
9 Did you have, apart from these media reports, Mr Witness, that you said, newspapers,
10 television, did you have own knowledge about the commanders of the LRA that came
11 to Teso?

12 THE WITNESS: [12:27:03](Interpretation) The ones I know in Teso were those who
13 were killed, but then I had never seen them. But the one who reached me at my
14 home was Tabuley.

15 PRESIDING JUDGE SCHMITT: [12:27:23] Mr Witness, has your family been
16 affected by this civil war?

17 THE WITNESS: [12:27:50](Interpretation) Yes. My brother was killed and he left
18 eight children. After the death of my brother, and left eight children. All the dead
19 people who were, who were identified, and there were so many. And because of the
20 many numbers, my young brother got a shock and died, left two children. Even as I
21 speak, I have 10 orphans whom I am looking after with a lot of pain because of LRA.
22 That is why I am praying. I have suffered a lot. So since this Court has called me, I
23 want to tell the Court that this man I have heard to testify against, this man was also
24 just -- yes, this man was just taken.

25 Forgive me, your Honour, I am now crying.

Trial Hearing
WITNESS: UGA-D26-P-0124

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [12:29:17] Mr Witness, we fully, we fully
2 understand. Although it is difficult, as a person, as a human being, have not been in
3 the situation to really follow what has happened to all these victims, but we fully
4 understand if you need a break, we would make a break. But I think you can
5 continue. And we have asked you about these events and you have been coming to
6 the court to tell us and that is very important for everyone here in the courtroom to
7 hear this.

8 Yes, please, please.

9 THE WITNESS: [12:30:01](Interpretation) Your Honour, please allow me just two
10 minutes to settle down.

11 PRESIDING JUDGE SCHMITT: [12:30:07] A short break. I would say a couple of
12 minutes, and perhaps the Chamber can be informed and we can continue. That
13 would be nice. Thank you.

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

15 (Recess taken at 12.30 p.m.)

16 (Upon resuming in open session at 12.46 p.m.)

17 THE COURT USHER: [12:46:12] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [12:46:46] Mr Okwir, I hope you are fine to
20 continue.

21 THE WITNESS: [12:46:57](Interpretation) Yes.

22 PRESIDING JUDGE SCHMITT: [12:46:59] Thank you.

23 Mr Kifudde, perhaps you would want to enquire especially if there is knowledge
24 about your client, I think that was not completely clear. We understood something,
25 but that could be perhaps, developed, enquired a little bit further.

1 MR KIFUDDE: [12:47:21] Most obliged.

2 Q. [12:47:22] Mr Witness, you mentioned that the Arrow Boys would mix with
3 civilians to get information about the LRA? How often would this happen, or it was
4 a standard practice?

5 A. [12:47:53] The Arrow Boys were really children from home, so they would mix
6 up with them and there was no problem. Sometimes some of them would go back
7 looking for food and the Arrow Boys would assist with the security.

8 Q. [12:48:20] Mr Witness, how were living conditions in the camps?

9 A. [12:48:32] It was very, very difficult.

10 Q. [12:48:53] Mr Witness, you mentioned that Tabuley came to your area. Did
11 you ever hear Mr Ongwen coming to your area?

12 A. [12:49:01] After Tabuley came to our place, and after he was killed, people who
13 were rescued were the ones who were saying it was difficult to fight. So now
14 Ongwen was being told to take them back, but Ongwen did not come to our place.
15 He did not come to fight. And especially Anyara, he was not there, he did not come
16 there.

17 Q. [12:49:44] Mr Witness, after the LRA were flushed out of Teso, what happened
18 to the Arrow Boys?

19 A. [12:50:05] After the Arrow Boys chased the LRA from Teso, the Arrow Boys
20 were lied to, just like a girlfriend who someone brings and after that abandons. And
21 after that they were even abandoned.

22 Q. [12:50:33] Were they given a token of appreciation by the government?

23 A. [12:50:49] While they were still working they were given some little money.
24 But when, but when the peace came, up to today, nothing was given to them. And if
25 there was a way, they could at least give them some money, because they worked

Trial Hearing
WITNESS: UGA-D26-P-0124

(Open Session)

ICC-02/04-01/15

1 hard.

2 Q. [12:51:20] Mr Witness, when was the LRA completely rooted out of Teso?

3 A. [12:51:39] LRA left Teso in 2004. And by the end of 2004 they were not there.

4 So a few who could not go were all caught.

5 Q. [12:52:00] Mr Witness, I would like to take this opportunity to thank you for
6 allowing to come and help Court to arrive at a just decision.

7 MR KIFUDDE: Mr President and your Honours, that ends our direct examination.

8 PRESIDING JUDGE SCHMITT: [12:52:13] Thank you, Mr Kifudde.

9 Mr Gumpert.

10 QUESTIONED BY MR GUMPERT:

11 Q. [12:52:23] Mr Witness, the information which you had from people who were
12 rescued, do we understand correctly you mean people who escaped from the LRA?

13 A. [12:52:43] Yes.

14 Q. [12:52:48] And these people told you that Dominic Ongwen had been sent to
15 Teso, yes?

16 A. [12:53:13] They were the ones telling us that now the people, the people left
17 behind, Dominic was told to take back, but they know better where they were
18 supposed to meet.

19 MR GUMPERT: [12:53:35] Forgive me for sitting down, you Honour. I couldn't
20 quite understand the English, I was looking at the transcript.

21 PRESIDING JUDGE SCHMITT: [12:53:43] No problem. I also had to look at it.
22 Please, you can proceed now.

23 MR GUMPERT: [12:53:59]

24 Q. [12:54:00] And they were saying that Dominic Ongwen was being told by
25 Joseph Kony, by the leader of the LRA to do this thing; is that correct?

Trial Hearing
WITNESS: UGA-D26-P-0124

(Open Session)

ICC-02/04-01/15

1 A. [12:54:34] That is what they said when they came back, so I also don't know
2 whether it was Kony who told them or not, but that is what they said when they came
3 back.

4 Q. [12:54:51] You have heard of Omid primary school?

5 A. [12:55:04] Yes, I know that school, it's just near my home.

6 Q. [12:55:10] Do I understand correctly that you were there when Tabuley was
7 killed?

8 A. [12:55:25] Yes, I was there. But when, of course, the war became too much, I
9 also ran away.

10 Q. [12:55:44] This event, that killing at which you were present, that was in
11 October 2003, wasn't it?

12 A. [12:56:03] Yes, that is true.

13 Q. [12:56:04] And it was after that, so you understood it, that Ongwen had been
14 ordered to come to collect the LRA forces, yes?

15 A. [12:56:28] Yes, that's true, because one of them was actually captured, so it was
16 him who said they took Tabuley up to Kony, then it was also -- they were allowed to
17 take him to bury and that's how he escaped. So when the war became too much he
18 also escaped and came and joined the Arrow Boys. So it is him who gave us the
19 secret.

20 MR GUMPERT: [12:57:00] Thank you. Those are my questions.

21 PRESIDING JUDGE SCHMITT: [12:57:02] Thank you, Mr Gumpert.

22 Ms Sehmi.

23 MS SEHMI: [12:57:06] No questions, your Honour.

24 PRESIDING JUDGE SCHMITT: Mr Narantsetseg.

25 MR NARANTSETSEG: [12:57:09] No questions.

Trial Hearing
WITNESS: UGA-D26-P-0124

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [12:57:10] Thank you.

2 Mr Okwir, that concludes your testimony. On behalf of the Chamber we would like
3 to thank you that you came to this Court.

4 Let us wait a second. Is there further questions for the Defence?

5 MR TAKU: [12:57:26] Yes, your Honours, just one clarification.

6 PRESIDING JUDGE SCHMITT: [12:57:29] I was too quick, Mr Witness.

7 QUESTIONED BY MR TAKU:

8 Q. [12:57:35] Witness, you said the people were rescued. Rescued by whom, do
9 you know, when you say the people were rescued? And who are the people who
10 were rescued and who rescued them?

11 A. [12:58:00] When they were rescued they were given to government, so it is the
12 government that received them and took them to health. So some children were
13 taken to Lira.

14 Q. [12:58:23] My question is that who did they rescue? Who rescued these people
15 that were taken to the government?

16 A. [12:58:41] I also don't know how they did it because I was also not part of
17 government.

18 Q. [12:58:50] Now, just to find out, were these people who you said were rescued,
19 were they LRA forces or they were the people of Teso who were rescued?

20 A. [12:59:18] Those were people who had been taken, abducted from Teso who
21 could run. But then the LRA people were good at running so the ones who were
22 caught were the ones who were killed.

23 MR TAKU: [12:59:34] Yes, that's all, your Honour.

24 PRESIDING JUDGE SCHMITT: [12:59:36] Thank you, Mr Taku.

25 Again, Mr Okwir, this concludes your testimony. On behalf of the Chamber I would

Trial Hearing
WITNESS: UGA-D26-P-0124

(Open Session)

ICC-02/04-01/15

- 1 like to thank you that you came to this courtroom and helped us establish the truth.
- 2 I would like --
- 3 THE WITNESS: [12:59:56](Interpretation) Thank you, your Honour.
- 4 PRESIDING JUDGE SCHMITT: [12:59:58] I would like to add that, which this has
- 5 nothing to do immediately with your testimony, but the taking care of these 10
- 6 orphans is an absolutely important and indispensable work that you do for your
- 7 people and your community. We wish you a safe trip back home.
- 8 THE WITNESS: [13:00:24](Interpretation) Thank you so much, your Honour.
- 9 (The witness is excused)
- 10 PRESIDING JUDGE SCHMITT: [13:00:31] This concludes the hearing for today.
- 11 Tomorrow we start again at 9.30 with D-85.
- 12 THE COURT USHER: [13:00:39] All rise.
- 13 (The hearing ends in open session at 1.00 p.m.)