

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 Pangalangan
7 Trial Hearing - Courtroom 3
8 Thursday, 16 March 2017
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:27] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:31:50] Court officer, please call the case.
13 THE COURT OFFICER: [9:31:55] Good morning, Mr President.
14 This is the situation in the Republic of Uganda, in the case of The Prosecutor versus
15 Dominic Ongwen, case reference ICC-02/04-01/15.
16 And for the record, we are in open session.
17 PRESIDING JUDGE SCHMITT: [9:32:12] Thank you.
18 The appearances of the parties. We start with the Prosecution.
19 MS HOHLER: [9:32:16] Your Honours, for the Prosecution today Ben Gumpert,
20 Pubudu Sachithanandan, Adesola Adeboyejo, Yulia Nuzban, Julian Elderfield,
21 Ramu Bittaye, Mari Pilvio, Kamran Choudhry and my name is Beti Hohler.
22 PRESIDING JUDGE SCHMITT: [9:32:35] Thank you.
23 Ms Massidda.
24 MS MASSIDDA: Good morning, Mr President, your Honours. For the victims
25 represented by the Common Legal Representative, Jane Adong, Orchlón Narantsetseg,

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- 1 Jacqueline Atim and myself, Paolina Massidda.
- 2 PRESIDING JUDGE SCHMITT: [9:32:47] And Mr Cox.
- 3 MR COX: [9:32:49] Good morning, your Honour. For the Legal Representative of
4 Victims, Francisco Cox and James Mawira. Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:32:55] Thank you.
6 And Mr Ayena for the Defence.
- 7 MR AYENA ODONGO: [9:32:59] Good morning, your Honours. Charles Taku,
8 Abigail Bridgman, Thomas Obhof. We have our client, Mr Dominic Ongwen, in
9 court and I'm Krispus Ayena.
- 10 PRESIDING JUDGE SCHMITT: [9:33:19] Yes. Thank you very much.
11 Also, good morning, Mr Witness. And now we continue with the examination by
12 Mr Ayena.
13 You have the floor.
- 14 WITNESS: UGA-OTP-P-0330 (On former oath)
15 (The witness speaks Acholi)
- 16 QUESTIONED BY MR AYENA ODONGO: (Continuing)
- 17 Q. [9:33:33] Good morning, Mr Witness. Mr Witness, who was your
18 leader -- who was the leader of the Sinia group when you left Sudan? Was Ongwen
19 always the leader of that group?
- 20 A. [9:34:01] Yes, he was the one leading the group.
- 21 Q. [9:34:05] Mr Witness, can you tell the Court the set-up of Sinia group, how was
22 it set up?
- 23 A. [9:34:28] He was the overall commander.
- 24 Q. [9:34:37] Were there some people under him?
- 25 A. [9:34:51] Yes, there were people under him.

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- 1 Q. [9:34:53] Can you name them, those who were immediately under him?
- 2 A. [9:35:10] One of them was Okello Kalalang, was the immediate person that
3 follows him and then there are others whose names now I don't know.
- 4 Q. [9:35:24] Mr Witness, did these commanders have radios?
- 5 A. [9:35:38] They had radios, the one that Odomi used to call.
- 6 Q. [9:35:49] How about the others, Kalalang?
- 7 A. [9:36:09] Those people do not communicate using the radio, apart from
8 Dominic himself.
- 9 Q. [9:36:20] Mr Witness, apart from you, did Dominic have other escorts?
- 10 A. [9:36:40] There is usually one escort that carries his chair and his gun, plus his
11 pouch. The others that are there are signallers.
- 12 Q. [9:36:53] Can you name them?
- 13 A. [9:37:03] I have not understood what you want me to name.
- 14 Q. [9:37:07] You said there were other escorts who were otherwise signallers.
15 Can you name them, the signallers?
- 16 A. [9:37:23] I don't know the name of that signaller, but I was the -- I was his
17 escort.
- 18 Q. [9:37:35] Now, Mr Witness, under paragraph 40 of your statement you said
19 that -- it is in Defence binder number 1, Defence binder 1, it is already on record, it is
20 UGA-OTP-256-0071, at page 77. You said:
21 "When I was in dog adaki, if they selected me two of us would have to go and stay on
22 guard for about two days -- about two days, about one mile away."
23 Now, Mr Witness, on that occasion and on the many occasions when you went out on
24 standby, who would be doing escort work for Dominic?
- 25 A. [9:39:11] At the time I was at the dog adaki I was not yet the escort.

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1 Q. [9:39:22] Okay, but how about the times when you were sent, when you were
2 selected on the standby and you went on attack?

3 A. [9:39:42] I have not understood your question well.

4 MR AYENA ODONGO: [9:39:47] Your Honours, I want not to be taken that this
5 kind of back and forth wastes time, a lot of time. This is why --

6 PRESIDING JUDGE SCHMITT: [9:39:56] But it's clear that you can refer now to
7 later instances where -- which the witness described --

8 MR AYENA ODONGO: [9:40:06] Yeah.

9 PRESIDING JUDGE SCHMITT: [9:40:06] -- he has participated in certain incidents
10 and, of course, that might arise the question who was escort at that time then for your
11 client. So you can --

12 MR AYENA ODONGO: [9:40:18]

13 Q. [9:40:18] When you --

14 PRESIDING JUDGE SCHMITT: [9:40:19] -- try to as easy as possible.

15 MR AYENA ODONGO: [9:40:21]

16 Q. [9:40:22] Mr Witness, when you went on the Opit attack who remained
17 carrying chairs for your boss?

18 A. [9:40:42] When I went to Opit he would tell me to go and collect what he
19 wanted, so we would leave him at the position, at the position where the RV is
20 supposed to be. So we would leave them there and when we return we would find
21 people at the RV.

22 Q. [9:41:12] Supposing there was an attack on the RV and he had to move away,
23 who would help him, who would be his escort? There was no alternate person?

24 A. [9:41:33] I said there are signallers who carry his radio, because they also stay
25 close to him. So if he is seated on the other side, the signallers also sit close by

1 because any time he would want to communicate on the radio, so they would set up
2 the antenna and he would communicate.

3 Q. [9:42:04] Now, you said you were very close, you always remained close to
4 your -- to your boss. Can you tell Court the names of his wives and his children?

5 A. [9:42:33] I don't remember the names of his wives.

6 Q. [9:42:37] And these are people who used to prepare food sometimes for you?

7 A. [9:42:51] At times they cook and I eat. They also bring my plate, but of course
8 my ration is usually little. And for me, I also had my own saucepan and I would
9 cook on my own. It was allowed for me to cook my own food.

10 MR AYENA ODONGO: [9:43:20] A short private session.

11 PRESIDING JUDGE SCHMITT: [9:43:21] Private session.

12 (Private session at 9.43 a.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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1 (Redacted)

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4 (Open session at 9.57 a.m.)

5 THE COURT OFFICER: [9:57:14] We are back in open session, Mr President.

6 MR AYENA ODONGO: [9:57:26]

7 Q. [9:57:27] Mr Witness, do you remember any of Ongwen's signallers?

8 A. [9:57:43] No, I don't remember all. I don't know their names.

9 Q. [9:57:51] And, Mr Witness, when you returned from the bush, when you
10 escaped from the LRA you were debriefed by UPDF; correct?

11 A. [9:58:16] I have not understood your question clearly. Could you repeat?

12 Q. [9:58:20] When you returned or when you escaped from the LRA, you
13 remember that time when you (Redacted) and the UPDF got you, did

14 they ask you certain questions and you answered and they told you about UPDF?

15 A. [9:58:57] When I escaped I was putting on a civilian clothe and wearing a white
16 gumboot, and I also had a jacket. So when I escaped I first slept in the bush and then
17 came home in the morning. So when I reached at (Redacted) there is a main road
18 from the centre that goes deep into the village.

19 Q. [9:59:36] I think that's not what I -- I am not yet there, because it is going to take
20 a lot of time, but from there I just want you to help Court because some of my stuff
21 would not come from our place, we're a bit confused (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [9:59:59] Mrs Massidda?

24 MS MASSIDDA: [10:00:03] Sorry, your Honour, if he keep mentioning the place we
25 will need to go into private session, your Honour.

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1 PRESIDING JUDGE SCHMITT: [10:00:11] But at the moment I fail to see the
2 problem, but if you --

3 MS MASSIDDA: [10:00:17] I can explain it if we go in private session.

4 PRESIDING JUDGE SCHMITT: [10:00:21] If you explain it in private session,
5 perhaps, then we go into private session, it shortens the procedure probably.

6 (Private session at 10.00 a.m.)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Open session at 10.02 a.m.)

3 THE COURT OFFICER: [10:02:31] We are back in open session, Mr President.

4 MR AYENA ODONGO: [10:02:46]

5 Q. [10:02:46] Did they ask you to join the UPDF and help them fight and defeat
6 LRA?

7 A. [10:03:05] No, they didn't ask me that.

8 Q. [10:03:07] Did they ever ask you to identify any of the LRA commanders?

9 A. [10:03:28] No, they didn't ask me that question.

10 Q. [10:03:36] Did they ask you to identify any collaborators, LRA, within the
11 community?

12 A. [10:03:49] No, I'm not aware of that.

13 Q. [10:04:04] Then what -- but they talked to you, Mr Witness? Did they talk to
14 you?

15 A. [10:04:21] That is something of the past. They talked with me, but I have
16 forgotten.

17 Q. [10:04:26] So you don't remember the subject of your discussion with them
18 when they met you?

19 A. [10:04:45] I don't remember because I was placed in the barracks and then a
20 military vehicle came and took me to Pader.

21 Q. [10:05:01] Were you so affected, you are young and you were so affected that
22 maybe you couldn't remember what happened?

23 A. [10:05:25] I cannot recall anything.

24 Q. [10:05:27] Now, Mr Witness, do you remember a person called Ocan Labongo
25 (Microphone not activated) LRA in Sinia brigade?

- 1 A. [10:05:50] What did you say? I didn't get it well.
- 2 Q. [10:05:54] Did you hear -- or, did you hear the name Ocan Labongo in Sinia?
- 3 A. [10:06:20] It could be that I know the person, but I may not know the name.
- 4 Q. [10:06:24] You didn't hear that name? You don't remember hearing that
5 name?
- 6 A. [10:06:40] That name is not familiar to me.
- 7 Q. [10:06:56] Now, did they ever ask you to listen to intercepted radio
8 communication to see if you could identify Ongwen's voice?
- 9 A. [10:07:23] I haven't understood your question.
- 10 Q. [10:07:27] Did they ever give you a radio of voices, containing voices of LRA
11 commanders, did they give you to listen to any radio equipment?
- 12 A. [10:07:55] Sir, I don't really understand.
- 13 Q. [10:08:01] Now, you told Court that Odomi would sometimes talk on radio.
14 You remember those things which were used by signallers? That is what I mean.
15 Did the UP --
- 16 A. [10:08:26] I no longer -- I no longer recall.
- 17 Q. [10:08:33] Now, since you left the bush have you been listening to the FM radio
18 about various attacks?
- 19 A. [10:08:55] I don't listen to the radio.
- 20 Q. [10:08:57] Have you since met some people who were with you in the bush?
- 21 A. [10:09:25] I don't understand your question.
- 22 Q. [10:09:26] Have you met some people you were with in the bush?
23 (Microphone not activated) those you were -- who were also abducted who were
24 soldiers in the LRA, have you met any of them since you left the bush?
- 25 A. [10:10:05] Yes, I did.

- 1 Q. [10:10:07] Can you cite a few?
- 2 A. [10:10:21] I have forgotten their names, but I know them.
- 3 Q. [10:10:24] Are you still with -- in touch with them?
- 4 A. [10:10:37] What do you mean "in touch with them"? Because there are some
5 people with whom I stayed with in Rachele centre, and people come from different
6 paths, from different places, so if we have been in contact, that doesn't mean that we
7 communicate with them.
- 8 Q. [10:11:09] Mr Witness, I don't want you to understand it in a negative way. I
9 mean, if we have lived under one roof for some time and then, of course, we shall have
10 come from different places, when we go -- for instance, you have come to Holland,
11 there are people you are going to meet here, maybe 10 years or maybe three years, one
12 year down the road you meet in Gulu and then you get in contact, that is what I mean,
13 once in a while?
- 14 A. [10:12:03] I don't understand that.
- 15 Q. [10:12:15] When you were at Rachele did you discuss what happened in the
16 bush with those friends of yours?
- 17 A. [10:12:47] Yeah, we used to chat because in -- at the Rachele centre we sleep in
18 different places, in different rooms, but we used to chat, but not necessarily talking
19 about bush issues or LRA issues because at the Rachele centre we are told not to think
20 about what happened in the bush. There are a lot of activities that you do so that you
21 don't think about what happened in the bush. So we were taken to the Rachele
22 centre not to talk about issues or things which happened in the bush.
- 23 Q. [10:13:46] Do you recall when -- do you recall the year when you became
24 Dominic -- I mean especially the month, the year and month when you became
25 Dominic Ongwen's escort?

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1 A. [10:14:06] No, I don't remember that.

2 Q. [10:14:09] And of course you've already told me that you remained his escort
3 until you escaped.

4 But during your testimony, you say that you were personally afraid of Oyo, why did
5 you label this particular man, Oyo, a murderer and a very bad person of all persons
6 you spent time with in the bush?

7 And this can be found in his statement tab 1, paragraph 23, paragraph 23, 55, 70, 87,
8 93, 102.

9 THE COURT OFFICER: [10:15:12] I'm sorry, may we have the ERN, please.

10 MR AYENA ODONGO: [10:15:15] The ERN is the other one, 0256-0071. And also
11 he made the same statement, I mean, in his testimony, in the transcript, unfortunately
12 it is the draft transcript that I captured it from, draft transcript 52, page 40, lines 2 to 4.

13 PRESIDING JUDGE SCHMITT: [10:16:23] (Microphone not activated)

14 MR AYENA ODONGO: [10:16:25]

15 Q. Can you tell --

16 PRESIDING JUDGE SCHMITT: [10:16:27] (Microphone not activated)

17 MR AYENA ODONGO: [10:16:30]

18 Q. [10:16:30] Why did you label him a murderer and a very bad person of all the
19 persons you spent time with in the bush?

20 A. [10:16:54] That person was really bad-hearted, a very bad person, and his
21 activities were quite different compared to other people's activities. If he led a group,
22 we would most likely find a civilian killed. And also, a bad person, you will always
23 know that this person is a bad person. He doesn't laugh, he doesn't smile.

24 Q. [10:17:33] So whenever you participated in an attack with him you are
25 always -- you were always under constant fear of him as well; is that correct?

1 A. [10:17:54] Yes, I used to fear him because when I was abducted and when I
2 was -- he's the one who beat me with the wire lock when I was being registered in the
3 LRA army.

4 Q. [10:18:15] So would I be right to say that it is this recollection that, to some
5 extent, made you to avoid attempting to escape?

6 A. [10:18:41] I didn't understand the question.

7 Q. [10:18:41] I'm saying because you feared him so much because of what you
8 knew he was capable of doing, therefore you did not want to risk to escape?

9 A. [10:19:14] Yes, I feared to escape because I feared for my life and also I
10 remember the things which were done on me, like smearing our bodies with shea
11 butter and water.

12 Q. [10:19:34] Now, you mentioned several times about the atrocities that your
13 group committed, (Redacted)
14 (Redacted)

15 MS MASSIDDA: [10:19:48] Sorry, your Honour, we need to go in private session
16 for this kind of question.

17 PRESIDING JUDGE SCHMITT: [10:19:52] I think so too, yes.

18 Private session.

19 (Private session at 10.19 a.m.)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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6 (Redacted)

7 (Redacted)

8 (Open session at 10.21 a.m.)

9 THE COURT OFFICER: [10:21:35] We are back in open session, Mr President.

10 PRESIDING JUDGE SCHMITT: [10:21:49] Thank you.

11 MR AYENA ODONGO: [10:22:05]

12 Q. [10:22:05] Since you were in the LRA for a long time and you talked about strict
13 following of orders, did you know whether the commanders also strictly followed
14 orders given to them by their bosses?

15 A. [10:22:37] I haven't understood your question.

16 Q. [10:22:41] You said in the LRA orders were supposed to be followed, at least
17 you followed orders which were given by your superiors. Was this the same case
18 with your superiors, did they also follow orders once they were given?

19 A. [10:23:16] An order depends on the commander, to whom the order has been
20 given.

21 Q. [10:23:26] (Microphone not activated)

22 THE INTERPRETER: [10:23:40] Your Honour, could the counsel repeat the
23 question. The microphone is sometimes on and off, so it is difficult for the booth to
24 get everything he says.

25 PRESIDING JUDGE SCHMITT: [10:23:48] Please repeat the question.

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1 MR AYENA ODONGO: [10:23:50]

2 Q. [10:23:51] The question is: Would the orders given to your bosses be followed
3 by your bosses also?

4 A. [10:24:11] If you talk about bosses, then I don't know to which particular boss
5 you're referring to because I knew that the overall commander of the group was
6 Odomi.

7 Q. [10:24:41] So that Odomi -- did you know whether Odomi also followed orders
8 from his bosses?

9 A. [10:25:03] I have no idea about that.

10 Q. [10:25:09] Now, you told the Prosecutor, and this is found in your statement,
11 the ERN is 0256-0071, at 82 -- I mean, paragraph 82, rather, paragraph 82.

12 You told the Prosecutor that before the attack on Pajule, you met at (Redacted)

13 PRESIDING JUDGE SCHMITT: [10:25:59] Are we in private session at the moment?

14 No. I think we would have to go to private session.

15 MR AYENA ODONGO: [10:26:06] Okay.

16 PRESIDING JUDGE SCHMITT: [10:26:07] When I skip through 82, I sense that it
17 might be better to go to private session.

18 MR AYENA ODONGO: Yes, let's go to a private session.

19 PRESIDING JUDGE SCHMITT: [10:26:16] Yes.

20 (Private session at 10.26 a.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Open session at 10.28 a.m.)
- 14 MR AYENA ODONGO: [10:28:54] I'm just preparing my voice.
- 15 THE COURT OFFICER: [10:29:00] We are back in open session, Mr President.
- 16 MR AYENA ODONGO: [10:29:05]
- 17 Q. [10:29:05] Mr Witness, by the time of the Pajule attack, were you already
- 18 Dominic Ongwen's escort?
- 19 A. [10:29:22] I didn't understand well your question.
- 20 Q. [10:29:24] There was an attack in Pajule. Are you aware?
- 21 A. [10:29:36] Yes, that is correct.
- 22 Q. [10:29:38] Were you already escort to Dominic Ongwen?
- 23 A. [10:29:53] No.
- 24 Q. [10:30:11] Were you at that time in Sinia group?
- 25 A. [10:30:20] Yes, exactly.

1 Q. [10:30:31] At that time, did Ongwen still have the two stars that you saw at the
2 time of your abduction?

3 A. [10:30:57] The -- he's not -- he doesn't like putting on these stars.

4 Q. [10:31:19] Now, can you tell Court where the Sinia group -- are we in open
5 session? Yeah.

6 Can you tell Court where the Sinia group was based just before the attack on Pajule?

7 A. [10:31:52] I don't know that area very well.

8 Q. [10:32:06] But when you are in Pajule, can you tell the direction of your home?

9 PRESIDING JUDGE SCHMITT: [10:32:27] I think we answer this in private session.

10 THE WITNESS: [10:32:29] (Interpretation) I could show it.

11 PRESIDING JUDGE SCHMITT: [10:32:31] And if he wants to show, especially then.

12 (Private session at 10.32 a.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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6 (Open session at 10.34 a.m.)

7 MR AYENA ODONGO: [10:34:21]

8 Q. But you said you were --

9 THE COURT OFFICER: [10:34:23] We are back in open session, Mr President.

10 PRESIDING JUDGE SCHMITT: [10:34:26] So, Mr Witness, you don't have to

11 answer the last question. There is a new question now by Mr Ayena.

12 Please, Mr Ayena.

13 MR AYENA ODONGO: [10:34:35]

14 Q. [10:34:35] Mr Witness, you said that you were present at the RV where Otti and

15 Ongwen planned the Pajule attack, and you also said that you were there to set up

16 Ongwen's chair and fold it; is that correct? Well, that's a fact, it is on -- it can be

17 found in the tab 1, paragraph 76.

18 And in the same paragraph you say that you were his escort, although you've just a

19 few minutes ago said that you were not his escort.

20 Is it your testimony today, Mr Witness, that the ordinary soldiers did not listen even

21 when their commanders were planning attacks, because you said you did not hear?

22 A. [10:36:02] You ask me this question, then that question and that confuses me.

23 PRESIDING JUDGE SCHMITT: [10:36:10] Perhaps you quote first from 76.

24 MR AYENA ODONGO: [10:36:14] From 76 --

25 PRESIDING JUDGE SCHMITT: [10:36:16] This is page -- we have had this often

1 times, 0256-0085 specifically. And there's also a statement to the fact if he was escort
2 or not at the time.

3 MR AYENA ODONGO: [10:36:34] Yeah.

4 Q. [10:36:38] Earlier on, Mr Witness, we had asked you whether you were a
5 witness to Dominic at this time and -- I mean, a - I don't know what is happening - you
6 were an escort to Dominic at this time and you said you were not, but at this -- in this
7 paragraph 76, in your statement, you said you were there, his escort where they sat
8 with Otti and you thought they were planning the attack on Pajule. What do you say
9 about that?

10 A. [10:37:31] That is how you have -- it is as you have said, but you are asking me
11 so many questions, that's why I forget some of them.

12 PRESIDING JUDGE SCHMITT: [10:37:39] Mr Witness, this is -- what we are talking
13 about is something that you have said before to the Prosecutor in your statement.

14 And I read to you one or two lines, one line after the other, and we ask you if this
15 triggers a memory or what do you say to that. First line is:

16 "This attack was ordered by Otti Vincent and Odomi. They came up with a plan
17 together along with other commanders."

18 Do you recall that?

19 THE WITNESS: [10:38:18] (Interpretation) Yes, I do remember that.

20 PRESIDING JUDGE SCHMITT: [10:38:21] And now a little bit later for the parties
21 and participants:

22 "They sat together at an RV in a place in Pader district, somewhere called
23 Tegot Atanya."

24 And now listen:

25 "Because I was Odomi's escort I had to unfold his chair for him and take the chair after

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1 he was finished."

2 What do you say to that?

3 THE WITNESS: [10:38:58] (Interpretation) Well, that is correct.

4 PRESIDING JUDGE SCHMITT: [10:39:02] Mr Ayena.

5 MR AYENA ODONGO: [10:39:08]

6 Q. [10:39:08] Did you hear what they were discussing, how they planned the
7 attack? Did you hear?

8 A. [10:39:22] No, I didn't hear, but after having selected the standby, then we
9 started moving.

10 Q. [10:39:34] You didn't hear because you sat far away from where they were
11 talking; is that correct?

12 A. [10:39:45] I wasn't sitting far. There's some distance, not so near but there's
13 some distance, and also I didn't understand the plan which was being made by the
14 commanders, but what I heard was that they said a standby should be selected and
15 then they started selecting a standby.

16 And also if there are two groups like in this case, you cannot get close to the
17 commanders.

18 Q. [10:40:29] Do you remember how many commanders were there?

19 A. [10:40:42] I don't know and I don't remember.

20 Q. [10:40:55] You said in your statement at tab 1, paragraph -- that same
21 paragraph that was read to you, somewhere that Dominic picked about 15 people for
22 the Pajule attack. Now, some witnesses say more than 30; what do you say?

23 A. [10:41:29] I haven't yet understood your question.

24 Q. [10:41:35] (Overlapping speakers) statement you said he picked 15, but there
25 are statements on record where some people said there were not actually 15, there

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1 were 30. Do you have any idea why the difference?

2 A. [10:42:11] You are saying that the 15 groups -- or, the 15 persons are selected
3 from the same group? Because there were two groups.

4 Q. [10:42:29] From one group?

5 A. [10:42:45] This is how it is, because there were two groups, they took 15 people
6 from one group and 15 people from the other group.

7 Q. [10:42:59] And, Mr Witness, you told the Prosecution that you did not see
8 Ongwen go to Pajule, that your overall commander was a certain Otto, who was that
9 Otto?

10 A. [10:43:27] I know Otto, but I don't know his rank or his position.

11 Q. [10:43:43] And you stated that Otto informed you that Otti's 2IC had informed
12 him on the radio to turn back. Did you personally hear this?

13 A. [10:44:05] I haven't yet understood your question.

14 Q. [10:44:10] You told Court at paragraph -- I mean, in your statement,
15 paragraph 82, you said this Otto, after you had spent some time in the field
16 at -- during the attack at Pajule, called on radio and said, "Please, turn back." Did you
17 hear this personally?

18 MS HOHLER: [10:44:40] Your Honours, if I may. Perhaps the counsel could just
19 read the relevant part of the statement exactly to the witness.

20 PRESIDING JUDGE SCHMITT: [10:44:46] Yes.

21 MS HOHLER: I think that may be helpful.

22 PRESIDING JUDGE SCHMITT: The advantage is I think the witness understands
23 direct speech, which is put to him as what he personally has stated earlier on, easier
24 than the indirect speech. So I think I would agree. And we are on
25 paragraph 82, 0086.

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1 MR AYENA ODONGO: [10:45:22] The fourth last line:

2 "Then Otto said that Otti's 2IC had called him on the radio and told us we should turn
3 back. So we turned back and went to the centre ..."

4 You remember that?

5 A. [10:45:56] Correct.

6 Q. [10:45:56] Did Otto tell you this directly or he told your commanders?

7 A. [10:46:08] He told the group.

8 Q. [10:46:16] Since Otti ordered that you turn back and you went back, would I be
9 right to say that this attack was actually on the orders of Otti?

10 A. [10:46:45] As a junior soldier I wouldn't understand that.

11 MR AYENA ODONGO: [10:46:56] Private session.

12 PRESIDING JUDGE SCHMITT: [10:46:58] We go to private session.

13 (Private session at 10.47 a.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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17 (Open session at 10.54 a.m.)

18 THE COURT OFFICER: [10:54:58] We are back in open session, Mr President.

19 MR AYENA ODONGO: [10:55:22]

20 Q. [10:55:22] Mr Witness, I want to put it to you that Sinia did not participate in

21 the Pajule attack and it was only Control Altar and Trinkle. I also want to put it to

22 you as a matter of fact -- I mean, what do you say about that?

23 PRESIDING JUDGE SCHMITT: [10:55:54] Exactly.

24 THE WITNESS: [10:56:00] (Interpretation) That's according to your knowledge,

25 but according to me it is different from what you have said.

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1 MR AYENA ODONGO: [10:56:16]

2 Q. [10:56:16] And, Mr Witness, I want to put it to you that my knowledge is
3 informed by what you have stated on the record, which I have already referred to.
4 What do you say?

5 PRESIDING JUDGE SCHMITT: [10:56:41] No, the witness cannot make an
6 assessment --

7 MR AYENA ODONGO: [10:56:45] Yeah.

8 PRESIDING JUDGE SCHMITT: [10:56:45] -- of the evidence on record. He has
9 given the answer, and we have also noted what is on record. We have already seen
10 what he said in 82 that might be interpreted in one or the other way, so but it is, I think,
11 not up to the witness to do that.

12 MR AYENA ODONGO: [10:57:04]

13 Q. [10:57:04] And I want to put to you, Mr Witness, that as a matter of fact at the
14 time of the attack on Odek -- I mean, Pajule, Dominic Ongwen was under arrest and
15 he was only with Vincent Otti because he was under arrest in the Control Altar as a
16 prisoner. What do you say about that?

17 A. [10:57:49] What you are saying I don't know.

18 Q. [10:57:59] And I want to suggest to you, Mr Witness, that if you indeed
19 participated in any attack in Pajule it was with another group, under different
20 commander, and you're just replacing your entire experiences in the LRA within the
21 context of this case against Dominic Ongwen. What do you say about that?

22 A. [10:58:45] Could you please repeat your question.

23 Q. [10:58:52] I was making a proposition and then I ended with a question about
24 your opinion about what I have said. And what I will want to repeat to you is that,
25 as far as records show, or as far as I can make out from the evidence that you have

1 given and what others have given before Court, I mean, in court, if indeed you
2 participated in an attack in Pajule, which is in doubt, it was with another group. You
3 did not go with Sinia brigade -- with Sinia group and you were under a different
4 commander. What do you say about that?

5 A. [10:59:59] I don't know what you have just said.

6 PRESIDING JUDGE SCHMITT: [11:00:02] Now, the question, Mr Witness, is if you
7 have understood the question. When the -- then the question comes, what do you
8 say to that, is this correct what Counsel is saying, or is it not correct? That would
9 be -- and you, I think, you would know if it is correct or not.

10 THE WITNESS: (Interpretation) That is not correct, your Honour, because when
11 we were going to Pajule a standby was put in place and I was part of the standby.
12 And we met at the RV, at the foothill of Latanya, that's where the standby was put in
13 place and then we started moving towards Pajule.

14 PRESIDING JUDGE SCHMITT: [11:01:03] I think we have now the break since --

15 MR AYENA ODONGO: [11:01:10] (Microphone not activated) and then we go for
16 break.

17 PRESIDING JUDGE SCHMITT: [11:01:12] We do the last bit of it and perhaps we
18 prolong a little bit the break, so that it is meaningful.

19 MR AYENA ODONGO: [11:01:17] I just say one minute.

20 PRESIDING JUDGE SCHMITT: [11:01:19] Yeah, yeah, yeah, it's okay. Please ask.

21 MR AYENA ODONGO: [11:01:21]

22 Q. [11:01:21] And, Mr Witness, it is also my suggestion that you seem to be
23 working around the clock to replace your experiences in the LRA within the context of
24 this case against Dominic Ongwen, to place it on him. What do you say to that?

25 A. [11:02:03] I didn't understand your question well.

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1 Q. [11:02:06] I am saying from what I have said before, it is now clear that you are
2 attempting to blame Dominic Ongwen for the activities of some other people in the
3 LRA, Dominic Ongwen was not there, but because now he's in court you want to
4 blame -- I mean, place all these things on his head.

5 A. [11:02:49] Do you want to say that I don't know my commander?

6 Q. [11:02:57] Can you answer the question, please? You don't have to ask me.

7 A. [11:03:10] What I'm saying is the truth, but what you are saying I don't
8 understand.

9 MR AYENA ODONGO: [11:03:20] Yeah.

10 PRESIDING JUDGE SCHMITT: [11:03:22] I think we have a break and let's enjoy
11 five minutes longer. But it's complicated, but I think we can manage to keep this in
12 mind: 25 to 12.

13 THE COURT USHER: [11:03:37] All rise.

14 (Recess taken at 11.03 a.m.)

15 (Upon resuming in open session at 11.36 a.m.)

16 THE COURT USHER: [11:36:39] All rise.

17 PRESIDING JUDGE SCHMITT: [11:36:59] So, Mr Ayena has still the floor, is not
18 completely vested, so to speak.

19 MR AYENA ODONGO: [11:37:16] (Microphone not activated)

20 PRESIDING JUDGE SCHMITT: [11:37:16] That's no problem.

21 MR AYENA ODONGO: [11:37:24] (Microphone not activated) I will try, as fast as
22 possible, your Honours, to rampage through the questions. If it becomes very
23 difficult, maybe at the end we shall try to persuade you if at the end the mistake falls
24 at the door other than mine to see whether, since after all we have a window
25 tomorrow, we go into tomorrow a little bit. But let's cross the bridge when we reach

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- 1 it.
- 2 PRESIDING JUDGE SCHMITT: [11:37:58] You have in mind of course what I said
- 3 yesterday.
- 4 MR AYENA ODONGO: [11:38:00] Oh, yes (Overlapping speakers)
- 5 PRESIDING JUDGE SCHMITT: [11:38:03] I said we try everything to finish it today.
- 6 MR AYENA ODONGO: [11:38:07] Yes.
- 7 PRESIDING JUDGE SCHMITT: [11:38:08] So please continue.
- 8 MR AYENA ODONGO: [11:38:09] I ask this after warning myself of the dangers of
- 9 your refusing it, but ...
- 10 Q. [11:38:23] Mr Witness, let us go to Abok.
- 11 Mr Witness, where were you based before this attack? Where was Sinia based?
- 12 A. [11:38:59] They were next to Aswa river.
- 13 Q. [11:39:13] Were you near Abok when you took off to go for the attack?
- 14 A. [11:39:27] I have not understood the question. Could you please repeat it?
- 15 Q. [11:39:30] Where did you come from when you attacked Abok?
- 16 A. [11:39:48] We were near Aswa river, so we left from our position near Aswa
- 17 river.
- 18 Q. [11:39:59] Can you help Court to understand the road that you followed to reach
- 19 Abok?
- 20 A. [11:40:20] Well, personally I don't know the routing, but the soldiers with whom
- 21 we moved knew the location.
- 22 Q. [11:40:37] What time was the attack?
- 23 A. [11:40:49] We entered Abok around dusk.
- 24 Q. [11:40:58] So therefore, before you reached Abok you could identify the relief
- 25 features and vegetation around?

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1 A. [11:41:31] Well, we normally don't look at such features. We move with one
2 intention and all our direction is where we are going.

3 Q. [11:41:47] Did you see any palm trees, for instance, (Microphone not activated)
4 palm trees?

5 A. [11:42:10] Well, I did not bother to look around for any palm trees, because as
6 a soldier you move, you just concentrate on the programme you have, not looking
7 around at the kind of trees that are surrounding you.

8 Q. [11:42:34] Did you see any stream around Abok?

9 A. [11:42:59] Yes, there were -- there were some streams.

10 Q. [11:43:02] What significant features were there in the stream?

11 A. [11:43:23] I said we don't look at those things. We keep on following just the
12 route and the programme that we have, the programme that is given to us by our
13 commander. We don't look around at what is where. We don't concentrate on that.

14 Q. [11:43:44] I put it to you, Mr Witness, that you are not telling the truth because
15 one of the things that a good soldier should do is to, you know, beware of the
16 hallmarks so that in case he's lost he knows the features that can guide him back to
17 where he has been; is that correct?

18 THE INTERPRETER: [11:44:21] The interpreter requests the speaker to repeat the
19 answer. It was not clear.

20 PRESIDING JUDGE SCHMITT: [11:44:29] Mr Witness, could you please repeat your
21 answer. The interpreter has not really heard it correctly.

22 THE WITNESS: [11:44:48] (Interpretation) I said what you said is not true.

23 MR AYENA ODONGO: [11:44:53]

24 Q. [11:44:54] If you got lost, how would you trace your way back?

25 A. [11:45:04] What would have happened to let you get lost?

1 Q. [11:45:13] When you were coming to Abok did you pass through short grass, tall
2 grass, short shrubs or did you pass through a forest?

3 A. [11:45:36] We were following a path and we came and crossed Opit road, the
4 road that goes towards Gulu town. We crossed it. And then we entered into
5 government soldiers ambush. We fought and broke our way through. And then at
6 the point where we crossed the road, on the other side of the road was a bare land. It
7 was very clear. The soldiers could see us very clearly, they could see the way we
8 were moving because we were on the other side of the road and that place was fairly
9 bare. They started shooting at us. We had to flee because the sun was almost
10 setting.

11 Q. [11:46:43] Mr Witness, may I suggest to you that according to a statement that
12 we -- Court has received here, there is a forest where the ambush was laid and the
13 most significant relief feature in Abok is that stream with a lot of papyrus trees, I mine
14 papyrus shrubs which nobody can miss to see; is that correct?

15 A. [11:47:27] There were no papyrus reeds from the place or the point where we
16 crossed. There was some shrubs, yes, but well, I can't even tell whether it
17 was -- there was a river or a stream. And then it's not really part of our business to
18 try and see the streams around. We don't concentrate on that. We follow our
19 movements very clearly.

20 Q. [11:48:01] If somebody was to tell you that, as a matter of fact, the attackers of
21 Abok circumvented the ambush that was laid and followed the papyrus stream and
22 attacked Abok without being detected by the soldiers, the UPDF soldiers who
23 were -- who had laid ambush, would that surprise you?

24 A. [11:48:54] Could you please repeat your question?

25 Q. [11:48:59] If somebody who was also in the LRA and participated in that attack

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1 were to say that, as a matter of fact you did not confront the UPDF, you are aware of
2 the UPDF ambush, so you dodged it and went to the extreme side and followed the
3 papyrus stream up to Abok without being detected by the UPDF ambush, would you
4 be surprised?

5 A. [11:49:50] Well, that depends on how you know it. But what I know is that
6 when we were moving to Abok we reached the road, as we were crossing the road the
7 government soldiers had laid an ambush there and they started shooting at us, we
8 fought back and pushed them to the other side of the road, because as we were going
9 there are some eucalyptus trees on the other side of the road where we were and the
10 soldiers were camped there.

11 Q. [11:50:27] May I suggest to you, Mr Witness, that what you put in your statement
12 to the Prosecution and what you told Court are a mere figment of your imagination.
13 You never went and you have never been to Abok. What do you say?

14 A. [11:50:58] Could you please repeat the question.

15 Q. [11:51:03] I'm saying that what you have told Court both in your statement and
16 what you have said before Court during examination-in-chief are a mere figment of
17 your imagination, you actually did not go to Abok?

18 A. [11:51:30] I went to Abok, but what you are saying is only well known to you.
19 Because I was the -- I was the one who suffered and not you. Well, whatever you are
20 saying could have been that you were in a different group that I was in. But the
21 group that I was in, that was how we moved to go to Abok.

22 Q. [11:52:09] Now, Mr Witness, between Pajule, Abok, Opit and Bar-Rio, which one
23 did you attack first?

24 A. [11:52:34] Well that I cannot recollect. I have forgotten that.

25 Q. [11:52:41] Now, Mr Witness, did Ongwen personally go for the Abok attack?

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- 1 A. [11:52:55] No, he did not go.
- 2 Q. [11:53:03] When you went for the Abok attack for how long did you stay away
3 from your boss?
- 4 A. [11:53:20] I have not understood your question.
- 5 Q. [11:53:25] Between the time you left your boss, you went and attacked Abok,
6 how long did you -- it take you to go back to your boss?
- 7 A. [11:53:48] We went and attacked in the night. Then we went back to the convoy
8 the next day in the morning.
- 9 Q. [11:54:01] Who was in charge of that group?
- 10 A. [11:54:17] Which group? I have not understood that.
- 11 Q. [11:54:21] The group that attacked Abok. Who was in charge, who was overall
12 commander?
- 13 A. [11:54:38] Bomek was the commander.
- 14 Q. [11:54:39] And how many of you attacked Abok?
- 15 A. [11:54:50] I have forgotten that.
- 16 Q. [11:54:55] Can you hazard some estimate?
- 17 A. [11:55:01] No, I cannot estimate.
- 18 Q. [11:55:08] Now, Mr Witness, can you explain to Court when you say that fighting
19 was so confused that you could not tell if the people next to you were LRA or
20 government troops? And this can be found in your statement, tab 1, paragraph 99.
- 21 A. [11:55:41] What did I say in that? Could you please repeat your question.
- 22 PRESIDING JUDGE SCHMITT: [11:55:47] As I said, I think it might be the best thing
23 to read out exactly the lines and also tell always witness this was your statement
24 before the Prosecution, then he understands, I think, much better.
- 25 And I personally think that you want to refer to paragraph 100, I would suggest.

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1 MR AYENA ODONGO: [11:56:22] Your Honour, you are really in charge.

2 Q. [11:56:30] And paragraph 100 and I quote, I read directly:

3 "The fighting was so confused that I could not tell if the people next to me were Holy
4 or Government troops."

5 Is that your statement?

6 A. [11:56:56] Precisely.

7 Q. [11:57:01] Can you explain to Court that statement, what exactly happened?

8 A. [11:57:19] I have not yet understood your question.

9 Q. [11:57:25] Okay, let me put it another way: Because the fighting was so
10 confused, did you at any one stage shoot a fellow LRA soldier? Or did somebody
11 from your group shoot a colleague?

12 MS MASSIDDA: [11:57:45] Sorry, your Honour.

13 PRESIDING JUDGE SCHMITT: [11:57:47] Yes.

14 MS MASSIDDA: [11:57:48] If we are asking the witness to testify about -- thank you.

15 PRESIDING JUDGE SCHMITT: [11:57:52] It's okay, yeah, we go to private session.

16 And we just wait a second when we are and then witness can answer.

17 (Private session at 11.58 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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25 (Redacted)

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17 (Redacted)

18 (Open session at 12.00 p.m.)

19 THE COURT OFFICER: [12:00:37] We are back in open session, Mr President.

20 MR AYENA ODONGO: [12:00:45]

21 Q. [12:00:46] In the draft transcript, page -- transcript 52, pages 47 and 48, you
22 testified that after Abok you heard a report being given about the attack; is that
23 correct?

24 A. [12:01:09] I have not understood that part, could you please repeat the question.

25 Q. [12:01:15] Did you hear a report being given about the attack after the Abok

1 attack?

2 A. [12:01:35] Well, the report you are talking about, I -- I don't exactly understand it.

3 Q. [12:01:52] Did the leader of that attack report back to the person who sent him or
4 who sent you?

5 A. [12:02:17] Well, sir, I cannot remember that.

6 Q. [12:02:53] Now, Mr Witness, let's go to Odek. Did Ongwen personally lead the
7 attack on Odek?

8 A. [12:03:19] No, the boss did not go.

9 Q. [12:03:23] Who were the leaders, who was the overall commander of the Odek
10 attack?

11 A. [12:03:36] I don't remember the -- the leader of that attack.

12 Q. [12:03:40] How many people were chosen for the standby?

13 A. [12:03:58] That too I do not remember.

14 Q. [12:04:01] Where was your base when you were sent on this attack?

15 A. [12:04:18] We were in Gulu, but I don't know which particular bush or location.

16 Q. [12:04:26] Did you hear Ongwen ordering the attack?

17 A. [12:04:50] I have not understood your question.

18 Q. [12:04:52] Who ordered the attack?

19 A. [12:05:05] Where the orders come from, orders from the leader. And then he
20 would now identify the commander who would lead the soldiers for the attack.

21 Q. [12:05:18] Can we agree, for the purpose of this proceedings, that there were so
22 many leaders in the LRA, so which leader are you talking about?

23 A. [12:05:35] I am talking about the leader of the group, a leader like Odomi. He is
24 the one who issues the orders to the commanders, and the commanders would then
25 identify members of the standby.

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- 1 Q. [12:05:58] Do you remember the time when you launched the attack?
- 2 A. [12:06:12] Right now I do not recall.
- 3 Q. [12:06:23] What was the weather like? Was it raining? Was it coming to rain?
- 4 Did it rain before or after?
- 5 A. [12:06:40] Well, on that I do not remember. I actually don't know.
- 6 Q. [12:06:52] Did UPDF reinforcement come to Odek, and if so, what time did they
- 7 come?
- 8 A. [12:07:20] Did I say they came? I didn't say the UPDF came. Did I say that?
- 9 Q. [12:07:27] You just answer the questions as put to you. If you -- if they did not
- 10 come, they did not come. So may I suggest to you, Mr Witness, that you were not in
- 11 Odek because there is evidence before the Court to suggest that the attack did
- 12 not -- first of all, tell me, tell Court, how long did the attack take?
- 13 A. [12:08:09] Unfortunately, when we are going for an attack we do not put on
- 14 watches. I did not carry a watch so I cannot estimate how long they took.
- 15 Q. [12:08:23] (Microphone not activated) answer but, you see, when we are talking
- 16 about timing, we are not -- we do not expect exactitude, we expect some estimate.
- 17 For instance, if it took a better part of the night, a better part of the day, or something
- 18 like that. You don't have to say, "Yes, we went for such-and-such number of minutes
- 19 or hours." Was it some minutes or hours?
- 20 A. [12:09:00] I have told you that I do not know that because I was still young when
- 21 I was with them.
- 22 Q. [12:09:12] But did it take a long time, because you were there? Or it just took
- 23 a very short time?
- 24 A. [12:09:33] It took a while, because (Redacted), we pushed the
- 25 government soldiers to the foot of the hill.

1 Q. [12:09:49] Mr Witness, that is exactly what I wanted you to say, so that I put it to
2 you that you were actually in -- not in Odek because there is evidence before Court to
3 suggest that the attack did not last longer than 30 minutes. What do you say to that?

4 A. [12:10:18] Could you please repeat your question.

5 Q. [12:10:23] I'm saying that --

6 PRESIDING JUDGE SCHMITT: [12:10:24] Perhaps simply without the, that there is
7 evidence before the Court, so because this is a little bit of a composition of the question,
8 that might be difficult to understand for this witness.

9 MR AYENA ODONGO: [12:10:35]

10 Q. I'm saying that the attack did not take more than 30 minutes and therefore the
11 way you are answering this question would suggest that you're not in Odek at all, you
12 did not participate in the attack. What do you say?

13 A. [12:11:02] I was personally there.

14 Q. [12:11:09] If you were personally there, Mr Witness, I suggest to you that you
15 were so confused that you do not remember anything about that attack. What do
16 you say?

17 A. [12:11:30] That is what you know, but what I know is what I am actually saying.

18 Q. [12:11:40] Now, Mr Witness, did you ever meet anyone who was abducted from
19 Odek?

20 A. [12:12:01] Yes, children who were ripe for joining the army were abducted from
21 there.

22 Q. [12:12:15] And, Mr Witness, you testify that you saw dead bodies at Odek and in
23 particular some people who were burnt in their huts, clubbed on their heads, and (Redacted)
24 (Redacted) is, your Honours, it's in --

25 MS MASSIDDA: [12:12:37] Private session, your Honour, maybe.

- 1 PRESIDING JUDGE SCHMITT: [12:12:39] That is a classical case for a private session,
2 I would say.
- 3 MR AYENA ODONGO: [12:12:42] Private session, okay.
4 (Private session at 12.12 p.m.)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
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9 (Open session at 12.19 p.m.)

10 THE COURT OFFICER: [12:19:42] We are back in open session, Mr President.

11 MR AYENA ODONGO: [12:19:54]

12 Q. [12:19:55] I was asking you, Mr Witness, did you ever hear Ongwen announcing
13 the attack to anyone on the LRA radio since you were always close to him?

14 A. [12:20:23] I didn't hear of that, but for that I'm very sure that is -- the other
15 soldiers, there is no order that any commander would use other than the order coming
16 from the leader, who was Dominic Ongwen.

17 Q. [12:20:55] Mr Witness, there is somebody who was heard on the radio called
18 Ocan Labongo announcing that he was actually the one who attacked Odek. What
19 do you say about that?

20 A. [12:21:23] Well, I am not sure of that, but what I know is we went with Bomek.

21 Q. [12:21:43] Mr Witness, let's now talk to the -- turn to the injury of
22 Dominic Ongwen. You knew that Dominic Ongwen was shot. Do you recall what
23 year this was? Was it before or after the attack on Pajule?

24 A. [12:22:18] I cannot recall that.

25 Q. [12:22:24] Was it before or after the attack on Opit?

1 A. [12:22:41] The injury to the leader, well this occurred some time back.

2 Q. [12:22:50] So that was before the Opit attack?

3 A. [12:23:03] Exactly.

4 Q. [12:23:07] And it was also before the Bar-Rio attack?

5 A. [12:23:25] I said they injured him some time back, a while ago.

6 Q. [12:23:31] You would help us so much if you would answer these questions in
7 a short way. You already told us that he was injured long time ago. Yes, I do know.
8 That's why I am now saying was it before Opit attack therefore?

9 A. [12:24:03] When they attacked Opit the leader was already injured.

10 Q. [12:24:09] How about when they attacked Bar-Rio?

11 A. [12:24:21] All these attacks happened when the leader was already healed and he
12 was already part of the convoy, and he was already away from -- out of the bay where
13 the injured persons are kept.

14 Q. [12:24:40] Mr Witness, do you remember which area your boss got injured?
15 You know the place, the general area?

16 A. [12:25:01] I do not remember that. Because I was still very young.

17 Q. [12:25:18] Mr Witness, I want to remind you that this reference to your age when
18 you say you are very young, you should remember that by this time you were at
19 least 13. So when you are saying "I was very young" you should know that Court is
20 aware that you were at least 13 but could be more. I just wanted to remind you about
21 that, so that in case you want to hide behind your age you should be aware.

22 Can you relate the details of that attack to Court, Mr Witness?

23 PRESIDING JUDGE SCHMITT: [12:26:09] You have mentioned two I think in the
24 past minute, so which one?

25 MR AYENA ODONGO: [12:26:14] We are talking about the attack in which his boss

1 was injured.

2 PRESIDING JUDGE SCHMITT: [12:26:19] Okay, good, that's another one indeed.

3 MR AYENA ODONGO: [12:26:24] That's another one.

4 A. [12:26:33] That was not an attack. That what I remember was that
5 when -- while we were crossing, crossing the road we entered into an ambush of -- the
6 ambush was set by a mamba and a buffalo, they shot at us and we all scattered and
7 fled. We crossed the road but the leader was injured at that time.

8 Q. [12:27:03] Who carried and hid Dominic Ongwen?

9 A. [12:27:12] We were two soldiers. I had a colleague. Because the other
10 colleague was, had stayed longer in the bush than I had.

11 Q. [12:27:23] Do you remember his name? Do you remember his name,
12 Mr Witness?

13 A. [12:27:39] I don't remember the name of that person.

14 Q. [12:27:49] But, Mr Witness, you seem to consistently be telling Court you don't
15 remember anybody except the Okellos, and this is a soldier you performed a very
16 important task with. Since you do not remember anybody apart from your boss and
17 the Okellos, do you want to believe, Court to believe that of the people you lived with
18 in the LRA you do not remember at least 10? Anyway --

19 A. [12:28:31] I don't remember, because while in the bush most of -- we refer to
20 most of the soldiers as "lapwony".

21 Q. [12:29:09] During this -- when he got injured were you coming back from any
22 particular place? Where were you crossing over from, on which trip was this?

23 A. [12:29:34] I said I was young and I, I wasn't conversant with the places around.
24 I could not identify which places we were moving from or to. And while I was in the
25 bush all this time I spent in Odomi's group, there is no place I very clearly marked as

1 this or that.

2 Q. [12:30:06] Mr Witness, did you ever go for an operation in Abim in Karamoja?

3 A. [12:30:24] I have not understood your question.

4 Q. [12:30:29] Did you ever go for an operation in Abim, which is found in
5 Karamoja?

6 A. [12:30:49] I am hearing of such a place from you.

7 Q. [12:30:58] But, Mr Witness, a certain person who was a captain under Sinia told
8 this Court that he is the one who carried Dominic when he got injured. What do you
9 say about that?

10 A. [12:31:26] That is what you know. But what I know is quite different. Maybe
11 that is a different Dominic, but the Dominic in whose group I was in is the one we
12 actually carried away.

13 PRESIDING JUDGE SCHMITT: [12:31:43] I think he has misunderstood it. The
14 question was that we had a witness here in the courtroom who said that he carried
15 Odomi away. What are you saying to that? I have understood it like that.

16 THE WITNESS: [12:32:11] (Interpretation) I know the Odomi we carried
17 was -- Odomi was the leader, was our leader. We carried him and hid him
18 somewhere. But the one they are talking about, well, I don't know.

19 MR AYENA ODONGO: [12:32:35]

20 Q. [12:32:35] Can you describe to Court the injury that Odomi sustained. Which
21 part of his body?

22 A. [12:32:53] He was shot in the leg.

23 Q. [12:32:57] Which part of the leg?

24 A. [12:33:04] Well, I cannot establish that now.

25 Q. [12:33:15] So after he was rescued from where you had hidden him, where was

- 1 he taken for treatment?
- 2 A. [12:33:33] They made a stretcher and then they used it for carrying him away.
- 3 Q. [12:33:38] Where did they take him?
- 4 A. [12:33:45] At first he -- they moved with him in the group, then later on he was
5 taken to the bay.
- 6 Q. [12:34:00] Who was in charge of that bay?
- 7 A. [12:34:10] I don't remember the name of the leader.
- 8 Q. [12:34:16] Who else was with Dominic in the sickbay?
- 9 A. [12:34:35] I was there. And his wife Min Bak and other soldiers. They
10 identified the soldiers who were -- the signallers. They identified the signallers and
11 brought them there.
- 12 Q. [12:35:01] Apart from Min Bak was there any other wife of Dominic in the
13 sickbay?
- 14 A. [12:35:19] No, because there was a woman we found there. I don't remember
15 the name. She was the one who was helping Min Bak to treat Odomi. They would
16 clean the wound and then put shea butter on the wound until he got healed.
- 17 Q. [12:35:47] But that was not his wife?
- 18 A. [12:35:55] No, she was not his wife.
- 19 Q. [12:35:59] When he was at the sickbay did Dominic receive some visitors?
- 20 A. [12:36:14] I did not see any visitors.
- 21 Q. [12:36:29] But in paragraph 116 of your statement, which is tab 1, and I want to
22 go there, you say:
23 "They took us to a place where they keep the sick, called the bay. That bay was not
24 ours, it was for Trinkle. Okello was in charge now, since Odomi was wounded."
25 What do you say about that?

1 A. [12:37:33] I said Okello remained to lead the main group, the Sinia group. But I
2 did not say he was leading the Trinkle group or the Gilva group. That's what I said.

3 Q. [12:38:09] Well, Mr Witness, you have told us the name of the sickbay and I think
4 you have done well. But in the draft transcript 52, page 87, line 7, you testified that
5 the sickbay you joined was Gilva. Can you explain to Court why you made those
6 two different indications of where you took him?

7 A. [12:39:05] The person who heard that missed -- did not hear correctly. But if it
8 is written "Gilva" then it might have been some error in hearing.

9 Q. [12:39:25] So which bay was he in?

10 A. [12:39:35] I said he was in the Trinkle bay.

11 Q. [12:39:52] What do you say about some of the statements about this Court that,
12 to the effect that he remained within Sinia and the Gilva -- and the Gilva brigade
13 sickbay was only nearby, but they never went there?

14 A. [12:40:22] I have not understood your question clearly.

15 PRESIDING JUDGE SCHMITT: [12:40:26] I think put a proposition to him, I would
16 suggest.

17 MR AYENA ODONGO: [12:40:31]

18 Q. I am putting a proposition to you. I put it to you, Mr Witness, that as a matter
19 of fact Gilva sickbay was only near Sinia brigade, but Dominic Ongwen remained in
20 Sinia brigade and never moved to any other brigade. Silva -- Gilva or Trinkle sickbay.
21 He remained in Sinia sickbay.

22 A. [12:41:24] Sir, I think that's probably what you know. But what I know is what I
23 have said.

24 Q. [12:41:33] Okay. Now, for how long did you stay with your boss in the
25 sickbay?

1 A. [12:41:53] It was about three months.

2 Q. [12:41:58] I put it to you, Mr Witness, that other witnesses have testified before
3 this Court that Mr Ongwen was in the sickbay for about six to 11 months. What do
4 you say about that?

5 A. [12:42:25] Well, that, that depends on what information that witness has. And
6 that's according to him. But for me I am saying the truth in line with what I
7 experienced and what I went through.

8 Q. [12:42:46] While at the sickbay did Dominic Ongwen have a radio?

9 A. [12:43:04] What kind of radio?

10 Q. [12:43:08] The kind of radio that used to be hoisted by the signallers? Radio call,
11 yes -- (Overlapping speakers)

12 A. [12:43:22] Radio call. There was no radio call, because all those equipments,
13 plus the solar, because you cannot use the radio without the solar system, so all those
14 equipments had, had remained behind with the main group.

15 Q. [12:43:57] Now, Mr Witness, there is a very popular general in the UPDF who is
16 also a darling of the population, called Salim Saleh, who is also the brother to
17 President Museveni. Did you ever hear about him?

18 A. [12:44:31] I have never heard that kind of name in my life.

19 Q. [12:44:43] When you were with Dominic did Dominic Ongwen receive any
20 telephone, mobile telephone from anybody from the government?

21 A. [12:45:10] I said I was a young person. I would not be in position to know
22 about such information, whether he received or he did not receive.

23 Q. [12:45:24] When you were with Dominic Ongwen was he ever under arrest?

24 A. [12:45:47] What kind of arrest? I have not understood.

25 Q. [12:45:56] Was Dominic ever put in prison?

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1 A. [12:46:01] I am not aware, I am not aware about that. I never came to know
2 about it.

3 Q. [12:46:11] Was he ever confined to the Control Altar, especially under Vincent
4 Otti, where he could not move freely?

5 A. [12:46:34] That, I did not know about it and I never saw it.

6 Q. [12:46:41] I put it to you, Mr Witness, that you are not telling this Court the truth
7 because we have just heard testimony from other witnesses that, as a matter of fact,
8 another person and not you was with Ongwen, with Mr Ongwen when he got injured?
9 What do you say to that?

10 A. [12:47:12] I have not understood your question. Could you say it again.

11 Q. [12:47:17] What I have said is that you are probably lying to this Court because
12 another witness has told this Court that some other people, not you, were with
13 Dominic Ongwen in the sickbay. What do you say?

14 A. [12:47:41] What I am saying is what I have gone through. And I know that my
15 boss was Dominic Ongwen.

16 Q. [12:47:59] But he says he does not recognise you. What does -- what do you
17 say?

18 A. [12:48:15] Could you repeat the question again.

19 Q. [12:48:20] Dominic says he does not recognise you at all and he has --

20 MR GUMPERT: [12:48:26] Your Honour, if that be the case, what on earth can the
21 witness possibly say by way of response, no more than if I or you or anybody else
22 recognises the witness?

23 PRESIDING JUDGE SCHMITT: [12:48:36] I think it is indeed advisable if you have
24 further propositions. And this is -- may I say, today is much more streamlined, so to
25 speak. If you have propositions to put him, do it. And you did already, in my

1 opinion, which would encompass what you want to put to him.

2 MR AYENA ODONGO: [12:49:05] Yes.

3 Q. I put it to you, Mr Witness, that you have never been with Dominic Ongwen
4 because he does not even recognise you. Do you have anything to say about that?

5 A. [12:49:28] I know -- I know him and I know that I suffered under his group and I
6 escaped death, by now I would not be here. So if he says he does not recognise me,
7 would I just smell that his child was shot? There were many things that I did with
8 him. We went up to Teso together with him.

9 Q. (Overlapping speakers) to that later.

10 A. So if he says he doesn't know me --

11 Q. We shall -- we shall come to that. It's just about whether a proposition --

12 PRESIDING JUDGE SCHMITT: No, no, please let him complete the sentence at least.

13 Mr Witness, your last sentence, please. And then the next question.

14 THE WITNESS: [12:50:35] (Interpretation) So if Dominic is saying he does not
15 recognise me, we went up to Teso. At the time Tabuley was killed we were on the
16 other side of the river and Tabuley was on the other side.

17 PRESIDING JUDGE SCHMITT: [12:50:55] Please, Mr Ayena.

18 MR AYENA ODONGO: [12:50:58]

19 Q. [12:50:59] Now that you talk about Tabuley, which group was Tabuley leading?

20 A. [12:51:16] I don't know the name of the group. Because there are only a few
21 rebel groups whose names I can recall. But there are some that I don't know.

22 Q. [12:51:36] Was Tabuley also in the LRA?

23 A. [12:51:56] Tabuley was in the LRA. He had his group that he was leading.

24 Q. [12:52:06] When did he die?

25 A. [12:52:13] Tabuley was shot from Teso.

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1 Q. [12:52:18] Was it before or after the attacks that we have been talking about?

2 A. [12:52:40] Tabuley has just been recently shot after, after the LRA had gone back
3 to Sudan and we were told that they went to Congo. That was also the time that I
4 escaped.

5 Q. [12:53:03] So he was shot and killed after all these attacks had already taken
6 place?

7 A. [12:53:21] I am not getting your question clearly.

8 PRESIDING JUDGE SCHMITT: [12:53:25] May I?

9 MR AYENA ODONGO: [12:53:27]

10 Q. [12:53:27] There were attacks in Pajule, there were attacks in Opit, there were
11 attacks in Odek, attacks Bar-Rio and all these other places. I want you to tell Court
12 whether by the time Tabuley was killed these attacks had already taken place or these
13 attacks took place after his death?

14 MR GUMPERT: [12:54:00] Your Honour, can I invite my learned friend to take each
15 attack one by one, that way we are likely to get a speedier and more coherent answer.

16 PRESIDING JUDGE SCHMITT: [12:54:11] We wait now, perhaps the witness has
17 understood that we are talking about the attacks and a death. And if not, we do it
18 one after the other.

19 Mr Witness, have you understood the question?

20 THE WITNESS: [12:54:25] (Interpretation) Let him say the question again.

21 PRESIDING JUDGE SCHMITT: [12:54:27] Then perhaps start with one and --

22 MR AYENA ODONGO: [12:54:30] No, let me try again.

23 PRESIDING JUDGE SCHMITT: [12:54:31] Or perhaps may I?

24 MR AYENA ODONGO: [12:54:34] Yes.

25 PRESIDING JUDGE SCHMITT: [12:54:35] Mr Witness, you have talked about attacks

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1 of the LRA in the past days. What was first, these attacks or the death of Tabuley?

2 THE WITNESS: [12:55:03] (Interpretation) The attacks on the camps happened before
3 Tabuley's death. When we had moved to Teso, that's when now Tabuley was shot.
4 We had already completed the operations in the camps. Tabuley has only recently
5 been shot at the time that people were returning to Sudan, and that's when I also
6 escaped.

7 MR AYENA ODONGO: [12:55:38]

8 Q. [12:55:39] Mr Witness, let's go to Opit. We don't have a lot of time now. You
9 participated in the Opit attack.

10 Oh, private session, private session.

11 PRESIDING JUDGE SCHMITT: [12:56:00] Yes, private session.

12 MR AYENA ODONGO: [12:56:03] It is difficult to manage.

13 PRESIDING JUDGE SCHMITT: [12:56:05] No, it is absolutely clear, it is not easy for
14 anybody here in the courtroom.

15 (Private session at 12.56 p.m.)

16 (Redacted)

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6 (Open session at 1.04 p.m.)

7 THE COURT OFFICER: [13:04:20] We are back in open session, Mr President.

8 MR AYENA ODONGO: [13:04:24] Your Honours, I want to fall on the side of those
9 who wish to go for lunch and --

10 PRESIDING JUDGE SCHMITT: [13:04:32] I like that wording very much, Mr Ayena.
11 So 2.30 we meet again.

12 THE COURT USHER: [13:04:39] All rise.

13 (Recess taken at 1.04 p.m.)

14 (Upon resuming in open session at 2.29 p.m.)

15 THE COURT USHER: [14:29:37] All rise.

16 PRESIDING JUDGE SCHMITT: [14:29:57] You know that the Judges come from a
17 deliberation room which is quite sunny today, and so we recognised immediately that
18 in the courtroom it was too dark, so to speak. So it was opened.

19 Mr Ayena, you still have the floor. You know it's the last session for this witness.

20 MR AYENA ODONGO: [14:30:24] Thank you very much, your Honours,
21 Mr President.

22 Q. [14:30:31] Good afternoon, Mr Witness.

23 A. [14:30:35] Good afternoon.

24 Q. [14:30:37] I want us to go to attack on Bar-Rio. You testified that you heard
25 the instructions for the attack because you were an escort close by. You heard it from

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1 Dominic; is that correct?

2 A. [14:31:02] That's correct.

3 Q. [14:31:05] If you were -- if it was possible for you to hear the instructions on the
4 attack for Bar-Rio, why was it that you could not hear instructions regarding the
5 Pajule attack or other attacks because Odomi would tell the commanders like his 2IC
6 Okello only?

7 A. [14:31:39] I did not say that he said we should go and attack Bar-Rio, but he
8 said we should just go and cause havoc. But he did not mention a specific name, like
9 Bar-Rio.

10 Q. [14:32:03] The important thing I want you to answer is whether you heard the
11 instruction, and you said in your testimony in respect to Bar-Rio that yes, you heard it,
12 but in respect to Pajule you said you did not hear it.

13 A. [14:32:30] I have told you that we were called on standby when
14 everything -- the rest of the information and discussion is already finalised with the
15 commanders.

16 Q. [14:32:53] In the case of Bar-Rio you said the civilians were killed and the
17 reason was because it was feared that if they went back they would give away the
18 position of LRA; is that correct?

19 A. [14:33:29] Yes, that's correct.

20 Q. [14:33:33] Was this decision taken, discussed and taken in your presence?
21 (Microphone not activated) you were too young to know, particularly for the reasons
22 that was given for killing the civilians?

23 A. [14:34:14] Civilians were killed because they feared that -- it was feared that
24 they would report to the government soldiers and they would follow us up.

25 PRESIDING JUDGE SCHMITT: [14:34:32] How did you know, Mr Witness, that

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1 this was the reason?

2 THE WITNESS: [14:34:38] (Interpretation) Because instructions were given that
3 no civilian should be taken to where the main group is stationed.

4 MR AYENA ODONGO: [14:34:59]

5 Q. [14:35:00] But in quite a number of instances you said that the civilians were
6 released anyway. Why was it in those instances not feared that they would release
7 information about your position?

8 A. [14:35:21] I don't know how the orders, the plans according to the orders, I also
9 wait what has been instructed, because those of us who were there were abducted and
10 we are under the control of the rebel group that I found.

11 Q. [14:35:50] Mr Witness, may I suggest to you that the Bar-Rio operation had no
12 civilian deaths, and as a matter of fact, Mr Ongwen had just been injured and was in
13 the sickbay and therefore there was no way he could have been involved in either
14 giving instructions about it or participating in it. What do you say?

15 A. [14:36:26] I talk about what I know and I talk about the experiences that I went
16 through. That's what I actually am saying, and so I cannot tell lies.

17 Q. [14:36:48] And lest I forget, Mr Witness, may I remind you that by the time of
18 the Opit attack Okello Wod Lango was already dead and therefore, unless maybe his
19 ghost participated, he was not there. What do you say to that?

20 A. [14:37:22] I know Okello who was the 2IC to Odomi, but the one that you are
21 talking about I am not aware of, but I know that Okello was there and at the time I
22 escaped he was still in the bush.

23 MR AYENA ODONGO: [14:37:50] Short private session.

24 PRESIDING JUDGE SCHMITT: [14:37:52] Private session.

25 MR AYENA ODONGO: [14:37:55]

- 1 Q. [14:37:56] Mr Witness, may I --
- 2 (Private session at 2.38 p.m.)
- 3 (Redacted)
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15 (Open session at 2.41 p.m.)

16 THE COURT OFFICER: [14:41:53] We are back in open session, Mr President.

17 PRESIDING JUDGE SCHMITT: [14:42:00] Thank you.

18 MR AYENA ODONGO: [14:42:03]

19 Q. [14:42:04] Mr Witness, I put it to you that some of the people you state to have
20 led the attacks on Odek and Abok had already been killed in the Teso campaign and
21 there is no way you could have operated under them. What do you say about that,
22 Mr Witness?

23 A. [14:42:34] I know that it was Tabuley who was killed in Teso and when he was
24 shot we were on the other side of the river. But it's different from Odomi's group
25 because I was in Odomi's group.

1 Q. [14:42:56] Mr Witness, let's move to Omot. And I want to remind you about
2 what you told the Prosecution about the events that you saw at Chulu's house. Do
3 you remember who Odhiambo was and his rank and position in the LRA at that time?

4 A. [14:43:52] At that time I was young and was not able to clearly understand the
5 various ranks of the rebels.

6 Q. [14:44:07] Mr Witness, can you tell this Court whether he was a big man in the
7 LRA?

8 A. [14:44:24] When we met we were told that that is Odhiambo's group, but I
9 didn't know what his rank was because I was -- I was just an ordinary soldier, so I
10 didn't know his ranks. It probably required the senior soldiers or the senior
11 commanders would be able to know the ranks of the other LRA commanders.

12 Q. [14:44:57] Mr Witness, did he come face to face with Dominic Ongwen?

13 A. [14:45:08] Could you say the question again?

14 Q. [14:45:12] Did Dominic Ongwen ever meet Odhiambo face to face in your
15 presence, of course (Microphone not activated)?

16 A. [14:45:32] They met once at that Chulu's place. I also heard from the other
17 soldiers that these were Odhiambo's group, so that's when I actually came to know
18 that there was an LRA commander who was called Odhiambo. That's how I knew.

19 Q. [14:45:56] Did one of them salute the other?

20 A. [14:46:07] I did not pay attention to that detail.

21 Q. [14:46:20] Mr Witness, is there anyone who was present at the time of the
22 meeting in Chulu's house who disagreed with Odhiambo about the orders he gave
23 about cutting up the people, cooking them or burning them in the huts?

24 A. [14:47:01] I did not know about that because I did not have to go and ask what
25 happened, but I only could see what was happening, that's all.

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1 MR AYENA ODONGO: [14:47:13] I want to refer to tab 1, paragraphs 111 to 112.

2 PRESIDING JUDGE SCHMITT: [14:47:26] 0091 is the page.

3 MR AYENA ODONGO: [14:47:39] His statement, that is his statement, can you put
4 it to him please. Or he has it?

5 PRESIDING JUDGE SCHMITT: Yeah.

6 MR AYENA ODONGO:

7 Q. [14:47:49] And I read:

8 "Odhiambo told all the other civilians to lie down. He said that if any one of the
9 civilians ran they should be shot. There was a man from Odhiambo's group called
10 Ikwang Iremuni, which means 'you swim in' -- Ikwang Iremuni, which means 'you
11 swim in your blood', who had a long machete, and he started chopping people. The
12 people were alive when he was chopping them. Two of the civilians tried to run and
13 they shot them. Then the Holy soldiers went into the home of one of the civilians and
14 brought a huge pot that already had water in it. They prepared hearth stones and
15 they threw the pieces they had cut off the people into the pot. Odhiambo gave the
16 order for the people to be cooked and then called the remaining civilians who were
17 gathered there to bring their plates. I heard Odhiambo say the ones that are ready,
18 they should come and serve themselves to eat. There were less than 10 people who
19 were chopped and many people were still left alive there. Just then a government
20 tank and mamba arrived and started firing."

21 Did you make that statement, Mr Witness?

22 A. [14:49:52] Correct.

23 Q. [14:49:53] So the question I had put to you was, is there anyone who was
24 present at the time who could have disagreed with Odhiambo about that -- those
25 orders?

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- 1 A. [14:50:19] Amongst the civilian or among the Holy that we moved with?
- 2 Q. [14:50:25] Among the Holy.
- 3 A. [14:50:31] Among the Holy, there was no one that rejected Odhiambo's idea,
4 but there was one soldier who had escaped with a gun. So what they did was to
5 teach civilians a lesson.
- 6 Q. [14:50:53] I'm just asking about whether because Mr Witness, let me ask you
7 this: Wasn't this one of the most horrendous orders you ever witnessed in the LRA?
- 8 A. [14:51:12] Yes, that was one of the worst things that I saw, cooking people and
9 then people who were still alive asked to come and eat.
- 10 Q. [14:51:34] So my question is, even for such horrendous orders, was it possible
11 for anybody in the Holy, as you call them, to refuse to obey that order? Or to tell
12 Odhiambo not to issue such an order?
- 13 A. [14:52:08] I have not understood your question. Could you say it again?
- 14 Q. [14:52:14] Did you hear anybody stop Odhiambo from making such an order?
- 15 A. [14:52:40] There was nobody that stopped him because when a commander like
16 that gives such orders, you don't know why he has given such an order. But what we
17 heard was there was this person that escaped with a gun, and then it was this Chulu
18 who had carried this child and took him to the government soldiers in Patongo.
- 19 Q. [14:53:10] Mr Witness, I'm not there yet. I'm talking about these orders.
20 What would have happened if somebody tried to stop Odhiambo?
- 21 A. [14:53:33] I don't know the army's plan and especially the commanders of what
22 was going to happen, so I didn't have any idea about it because I was just an ordinary
23 soldier.
- 24 Q. [14:53:44] Was Odomi there?
- 25 A. [14:53:52] Yes, he was there because we met there.

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1 Q. [14:53:57] So when they were together, it was this time Odhiambo issuing the
2 orders?

3 A. [14:54:11] They were together. They were together because positions were
4 separated, and you know when positions have been drawn separately, the soldiers
5 would sit a distance from where the commanders are.

6 Q. [14:54:37] So in this case -- anyway, I think I abandon that.

7 Let's go to your escape, Mr Witness.

8 And this is going to be in open session.

9 PRESIDING JUDGE SCHMITT: [14:54:54] We go --

10 MR AYENA ODONGO: [14:54:57] We are already there.

11 PRESIDING JUDGE SCHMITT: [14:54:58] (Microphone not activated).

12 MR AYENA ODONGO: [14:55:01] Just in case your Honour.

13 PRESIDING JUDGE SCHMITT: [14:55:04] We cannot careful enough or cautious
14 enough.

15 MR AYENA ODONGO: Absolutely.

16 PRESIDING JUDGE SCHMITT: No, no, that's absolutely true, because we have the
17 possibility to reclassify --

18 MR AYENA ODONGO: Yeah.

19 PRESIDING JUDGE SCHMITT: -- in the end, so to lift redactions that's not a
20 problem.

21 MR AYENA ODONGO: [14:55:14] Yes.

22 Q. [14:55:15] Mr Witness, where you escaped from, around the Pajule area; is that
23 correct?

24 A. [14:55:34] Yes, that's correct.

25 Q. [14:55:37] And according to your testimony, this was after Tabuley's death in

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1 Teso?

2 A. [14:55:46] Correct.

3 Q. [14:55:49] And Mr Witness, can you tell this Court whether you operated in
4 Teso with Mr Ongwen when Tabuley died?

5 A. [14:56:07] I have not understood your question.

6 Q. [14:56:11] At the time of the death of Tabuley, did you operate with Ongwen in
7 Teso?

8 A. [14:56:28] Correct.

9 Q. [14:56:29] And you have just testified in court that you were on one side of a
10 river and Tabuley was on the other side of the river. Did you come to know the
11 name of the river?

12 A. [14:56:50] No, I don't have knowledge of the name of that river because that
13 was in Teso and so I wouldn't know which river is this or which is the other one.

14 Q. [14:57:06] And you had two guns at the time of your escape, having got one
15 from your colleague Okello; is that correct?

16 A. [14:57:28] Correct.

17 MR AYENA ODONGO: [14:57:33] (Microphone not activated) short private
18 session.

19 PRESIDING JUDGE SCHMITT: [14:57:37] Private session.

20 (Private session at 2.57 p.m.)

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7 (Open session at 3.02 p.m.)

8 MR AYENA ODONGO: [15:02:19] (Microphone not activated)

9 Q. [15:02:23] Mr Witness, do you want to confirm to this Court that you were --

10 MS MASSIDDA: [15:02:27] Sorry, your Honour, we have in open session I think. I

11 don't see on my screen the word "private".

12 PRESIDING JUDGE SCHMITT: [15:02:38] Wilfred, I think we are now in closed

13 session -- in private session? No, it's okay.

14 To private please. It can happen. I was too quick.

15 MR AYENA ODONGO: [15:02:58]

16 Q. [15:02:59] Mr Witness, were you --

17 PRESIDING JUDGE SCHMITT: [15:03:00] We are not back yet.

18 (Private session at 3.03 p.m.)

19 (Redacted)

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18 (Open session at 3.05 p.m.)

19 MR AYENA ODONGO: [15:05:35]

20 Q. [15:05:36] You know, you told Court, Mr Witness --

21 THE COURT OFFICER: [15:05:40] We are now in open session, Mr President.

22 PRESIDING JUDGE SCHMITT: [15:05:43] I would say you have beaten now

23 Ms Hohler in the meantime, I would say. It's just to make a relieving remark, so to
24 speak.

25 MR AYENA ODONGO: [15:05:54] Your Honour, if I carry this habit back to

1 Uganda it will all be Madam Hohler's mistake.

2 PRESIDING JUDGE SCHMITT: [15:06:04] That was a good one.

3 Please continue.

4 Q. [15:06:09] Mr Witness, you told Court that when you escaped you had joined
5 the UPDF army before your mother pulled you out of training; is that correct?

6 A. [15:06:31] Please say the question again.

7 Q. [15:06:34] Did you join the UPDF after you escaped?

8 A. [15:06:47] After I escaped I went to the government army, then I was taken to
9 the barracks, then from the barracks I was taken to the main barracks in Pader. Then
10 from Pader I was taken to the army barracks in Lira. Then from Lira I was taken to
11 Rachele. From Rachele I returned home after three months that I had spent at
12 Rachele. So when I returned home with the kind of dreams and nightmares that
13 I -- was disturbing me, I had -- I felt that I should go back to the army. I even went to
14 enrol. Then one of my brothers came and told my mom. Then my mother went and
15 got a letter from the DSO and then he went with it and said -- she went with it and
16 said she does not want this child now again to be in the army because he has just
17 returned and I want him to be home. So my mother picked me.

18 Q. [15:08:20] Now, Mr Witness, around the time when you were abducted, every
19 homestead -- I mean the Holy -- or Kony was bad talk, people were talking about
20 Kony. Did you, did you ever hear your parents and elders talk about Kony, the LRA
21 and Lakwena before you were abducted?

22 A. [15:09:03] No, I did not hear about that.

23 Q. [15:09:11] But you remember, Witness, that you told Court that just before you
24 were abducted you were already told to stay in the centre, you were living in the
25 trading centre because there was general fear that LRA would abduct children?

1 A. [15:09:39] We were taken for -- we were taken to a school because there was a
2 school in that village, but later the school was transferred to the centre.

3 Q. [15:09:54] And you told Court that the reason you shifted from the village was
4 because there was a general fear that children might be abducted by the Holy?

5 A. [15:10:16] Yes, at that time there was already rumours that these people were
6 now capturing people, but whether they will capture adults or children or young
7 people I didn't know, but we were told to go to the school at the centre. But also we
8 would come to collect food, for example, on days that we were not going to school, on
9 weekends.

10 Q. [15:10:44] When you were with the LRA did you hear people -- your colleagues
11 talk about the spirit of Joseph Kony in the bush?

12 A. [15:11:03] I didn't understand your question clearly.

13 Q. [15:11:06] When you were in the bush did you hear people talk about Kony
14 being possessed by some spirits.

15 A. [15:11:26] Yes, I heard that Kony had spirits, but what kind of spirit it was I
16 didn't know, because I would see when you have just been abducted they
17 would -- they would smear you with the oil, they would put it on your forehead, so I
18 don't know why they were doing that.

19 Q. [15:11:54] Were you told or did you believe that Kony's spirit also would know
20 if and when someone had plans to escape?

21 A. [15:12:18] I have not understood your question. Could you say it again?

22 Q. [15:12:23] (Microphone not activated) 1, paragraph 34. And I read:

23 "As well as the rule not to escape, we were told other rules, like: when you abduct any
24 girl you should not sleep with her, you should bring her to the commander; no
25 smoking cigarettes; no drinking any bitter alcohol, only soda; if you found civilians

1 with cooked food or meat, you were not supposed to eat it; if you attack a camp and
2 you break into a shop and find money, you should carry it all and bring it to the
3 commander, if you kept the money, because of the power from Kony's spirit, wherever
4 the money is that's where the bullet would hit; lastly, if you find water from civilians
5 you should pour the water in a cup, and we had small bottles with shea oil in it that
6 Kony had mixed with this water, you would drop this into your cup, shake it and
7 drink. These rules were told to us after we had spent about three weeks in Sudan.
8 We were told these rules by Lapwony Odoki, the sergeant in charge of the dog adaki."
9 You remember that statement, Mr Witness?

10 A. [15:14:25] Yes, I remember.

11 Q. [15:14:28] (Microphone not activated) that these spirits were true and they had
12 effect on people?

13 A. [15:14:47] Could you say the question again?

14 PRESIDING JUDGE SCHMITT: [15:14:52] Perhaps it's easier to ask. Mr Witness,
15 you have heard what your statement was. When you hear it today again do you say
16 today "Yes, that's okay, that's correct, that's true"?

17 THE WITNESS: [15:15:12] (Interpretation) Your Honour, that's correct.

18 MR AYENA ODONGO: [15:15:20]

19 Q. [15:15:22] And did you believe that Kony was fighting for the Acholi people?

20 A. [15:15:41] I didn't have the belief, but what he was saying to the soldiers,
21 because I was not alone, that is actually what I heard and that is what he would say.
22 But I didn't know that he was fighting for the Acholi or what was -- or whatever he
23 was fighting for.

24 Q. [15:16:04] Overall in your experience did the fear of spirits affect some of your
25 colleagues? Did they believe it?

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1 A. [15:16:32] I've not understood your question. Could you say it again?

2 Q. [15:16:38] (Microphone not activated) talked about spirits and you have said
3 some things about it in your statement. But now I want you to tell Court whether
4 you discussed the question of these spirits with your friends in the bush. Did you
5 discuss?

6 A. [15:17:01] The issue of spirits, yes, was being mentioned and it was said that
7 once you have been anointed with the shea oil in that water, if you try to escape, you
8 will escape but you will walk and turn back to where people are. So, yes, I was
9 observing while I was still with them that there are some people that would escape
10 and they had been anointed and they would -- but they would go forever and they
11 would not come back, but the others, they would move around and would come back
12 to the position.

13 Q. [15:17:59] Mr Witness, is it true that all these were meant to make you, all
14 the -- you know, talk about the spirits, what Kony could do, and so on and so forth,
15 was meant to make you part of the LRA and also to ensure that you resisted the
16 temptation to escape?

17 A. [15:19:13] Well, I don't understand that instruction, but that is what was being
18 said. So I don't know whether it worked or not. Yeah, because there were some
19 people who would escape and they would never return. They escape and go, but
20 there were others who would escape but I would see that they returned back to the
21 position at night. So I don't know whether they were lost or maybe it was that water
22 that returned them. So but it was said that -- it was said that that water, it is used
23 when you have also put it in a bottle and tied the bottle around your neck and that's
24 when it would be effective.

25 Q. [15:20:20] Mr Witness, you told Court that Mr Ongwen was sending you to call

1 some of the girls who were in his household and the purpose was for them to go and
2 rest with him as he pleased. Did -- what -- can you tell Court exactly what you meant?
3 (Microphone not activated).

4 A. [15:21:32] Your Honour, could the counsel say the question again?

5 Q. [15:21:38] When Ongwen asked you to go and invite from time to time girls
6 from his household to follow him where he was resting, can you tell Court the
7 purpose for which he wanted those girls?

8 A. [15:22:08] Well, how would I know when he has already picked, when he tells
9 me to go and call a girl to come to him, how would I know what they were doing
10 inside there? Because that was his tent that I will have set up. So I wouldn't know
11 what they are doing inside there.

12 Q. [15:22:36] So you cannot confirm whether he slept with them or not?

13 A. [15:22:58] So if this girl goes there, he does not return, she sleeps there.
14 Doesn't she sleep there? He would tell me to go and call this girl, she would go there
15 and she does not return, she sleeps there with him.

16 Q. [15:23:20] Was it one girl or many of those girls?

17 A. [15:23:32] There were many girls who were at his home.

18 Q. [15:23:38] And you call many of them and they slept in his tent?

19 A. [15:23:50] He doesn't call all of them at once. I said he calls them one by one;
20 for example, if he calls one today it might take another three days, then he would call
21 another one, or sometimes they would even stay for a while, then he would say, "Go
22 and call so and so."

23 Q. [15:24:16] Were his wives aware of these invitations?

24 A. [15:24:29] His wives sleep in a different place, a different place from where the
25 girls' tents are, and also he sleeps separately.

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1 Q. [15:24:46] Did any of the girls get pregnant?

2 A. [15:24:58] When I left they were not yet pregnant.

3 Q. [15:25:09] Mr Witness, I put it to you that there's evidence on court record that
4 there was a strict regime about sexual relations in the LRA which forbade anybody
5 sleeping with a woman or a girl that he had not been authorised to sleep with,
6 therefore, your testimony would only go counter to this; what do you say about that?

7 A. [15:26:02] The soldiers who have not yet got wives are the ones who are -- who
8 are controlled by these instructions, that when you get a girl, you don't have to sleep
9 with her but bring to the commander. But for him, he had the authority because he
10 was even the one who would anoint these girls with water and then he would give out
11 to one of the seasoned or senior soldiers.

12 Q. [15:26:43] Mr Witness, you mentioned Otti Lagony in your statement to the
13 Prosecution, do you remember? If you don't, I want to refer you to tab 1,
14 paragraph 30.

15 PRESIDING JUDGE SCHMITT: [15:27:13] Page 0076.

16 MR AYENA ODONGO: [15:27:28]

17 Q. [15:27:29] In that statement you said:

18 "Then Okello trained us to be soldiers. He trained us to march in parade because you
19 march with guns. The guns were brought by a man who was second to Kony and
20 given to Odomi. I do not remember his name, but the name of the one who was after
21 him was called Otti Lagony. Otti Lagony and the other man went and dug up guns
22 with bayonets for us to march with."

23 Is that your statement, Mr Witness?

24 A. [15:28:16] Yes, that's my statement.

25 Q. [15:28:20] (Overlapping speakers) Otti Lagony?

1 A. [15:28:25] Was one of the commanders. That incident happened from the
2 Sudan, while we were still for the training in Sudan. So there were new guns that
3 were just brought, but I don't know where those guns were brought from because
4 I was still new.

5 Q. [15:28:57] Did you ever see this man in person or you just heard about him?

6 A. [15:29:09] Which man? I have not got you.

7 Q. [15:29:15] Lagony. The person you called Otti Lagony, did you see him in
8 person or you were just told about him?

9 A. [15:29:29] I heard but also saw him from the Sudan that he is the one that was
10 called Otti Lagony. The guns that were being distributed were given to different
11 groups. The new recruits that had just been abducted were many, so the
12 groups -- the guns were being given to each group.

13 Q. [15:29:58] Do you know whether -- do you know what happened to him?

14 A. [15:30:08] Now, I am not aware about that.

15 Q. [15:30:12] Mr Witness, I put it to you that you could not have seen Otti Lagony
16 because we have information, cogent information, that Otti Lagony was killed in 1999
17 and therefore by the time you were abducted you could not have seen him; what do
18 you say about that?

19 A. [15:30:52] I did see him because most of the commanders had all gone back to
20 Sudan and also the new recruits who had been abducted from Uganda was -- were
21 there. There were recruits. And also the way positions were distributed, they were
22 saying the group of Raska Lukwiya go to this site, group of Dominic go to this place,
23 group of Otti Lagony go in that direction, this group go to the other direction. There
24 were many groups.

25 Q. [15:31:42] Now, Mr Witness, when you finally came to Uganda, when -- after

1 the Iron Fist, did you -- did this Otti Lagony also come to Uganda?

2 A. [15:31:56] As I said, there in Sudan people were separated because there were
3 operations there, there were two planes in the air, one of them was a small one, and
4 the planes were shooting different positions. And also there were government troops
5 who were there doing operations against the LRA and I myself didn't even see where
6 Kony and his group went. And we were told that Odomi's group should go that side,
7 so we began moving.

8 Q. [15:32:44] Mr Witness, my question is simple: Did he come back to Uganda
9 after the Iron Fist? Was he one of the commanders who came to Uganda?

10 A. [15:32:57] We didn't meet. Each person went with his or her group. That's
11 why I was not able to understand if he came back or not.

12 Q. [15:33:08] Now, you said in your testimony that you were in Sudan, you did
13 training in Sudan for three to four months; is that correct?

14 A. [15:33:26] Yes, that is correct.

15 Q. [15:33:30] And that you had -- before you went and started that training you
16 had been moving inside Uganda for about three to four months?

17 A. [15:33:55] I didn't understand your question well.

18 Q. [15:33:59] Immediately after you were abducted you were kept inside Uganda
19 for three to four months; is that correct?

20 A. [15:34:14] Was I taken back to the Sudan?

21 Q. [15:34:17] Before you were taken to Sudan.

22 A. [15:34:20] Before we went to Sudan, the LRA was abducting people in the
23 communities. Any child of age would be abducted, any person who was able to
24 work would be abducted. After abducting enough people, that's when we began
25 moving towards Sudan because there were enough recruits to be trained and after

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1 being trained this will form another unit.

2 Q. [15:35:03] (Overlapping speakers) I am saying, when you were abducted how
3 long did it take before you left for Sudan?

4 A. [15:35:17] We delayed for a long time in Uganda because we were abducting
5 people. We went northwards towards a place called Godogide (phon) according to
6 the civilians.

7 Q. [15:35:39] Mr Witness, that is the centre of my question. Can you -- because
8 you have already told to Court, can you repeat to Court how long this took? Was it
9 three months, four months, five months, six months, or how long was it?

10 A. [15:36:01] I've forgotten that.

11 Q. [15:36:09] I want to remind you, Mr Witness, that you told Court that it was
12 three to four months?

13 PRESIDING JUDGE SCHMITT: [15:36:15] Then be it like that. So we have this on
14 record and now he does not recall. I think you can move on.

15 MR AYENA ODONGO: [15:36:28]

16 Q. [15:36:29] Mr Witness, can you remind us about where you were trained in
17 Sudan?

18 A. [15:36:52] Ours was a new position and I have no idea about that position.

19 Q. [15:37:26] Mr Witness, listening to your testimony it is obvious that throughout
20 the period you allege you were in the LRA you knew very well -- I mean you knew
21 very few persons, especially the three Okellos, Oyo and Bomek, and it so happened
22 that it was often these same persons who you allegedly told Court led the attacks in
23 which you participated and those -- and also ordered you to commit the crimes you
24 witness.

25 In that frame of things, I want to propose and put to you, Mr Witness, that what you

1 told Court does not place you anywhere in the know of Dominic Ongwen, his
2 operations, and in particular that you were his escort. What do you say about?

3 A. [15:39:00] I know this commander and I spent many years working with him.
4 I was abducted when I was a young child and I grew up within the LRA while
5 working with this commander and I was his escort. Because I suffered a lot in his
6 hands. I survived narrowly death, but God helped me and I was able to come back
7 home.

8 Q. [15:39:49] And, Mr Witness, I also put it to you that you are completely
9 mistaken or have misrepresented your experiences in the LRA, perhaps because -- I
10 mean since -- because you have been unable to identify any of the close escorts of
11 Mr Ongwen or the top commanders that he was with during the period you allege to
12 have been his escort. What do you say about this?

13 A. [15:40:34] I know very well that I was Mr Ongwen's escort. And also I know all
14 other commanders who worked with him and I have mentioned their names. The
15 problem is that in the bush you cannot allow -- you cannot call someone with his real
16 names, but we would use the word "lapwony", the title "lapwony" to refer to these
17 commanders. Because all the people we found already there working with Ongwen
18 we used to call them "lapwony" and we had to respect them.

19 Q. [15:41:26] Related to what I have proposed to you, Mr Witness -- related to my
20 proposition to you, Mr Witness, I wish to refer you to paragraph 127 of your statement,
21 that is tab 1, page 93. Where you said:

22 "I was asked if I knew certain people:

23 Okello Kalalang." And you said: "I know him. He is a rebel in Odomi's group.

24 These are people I had forgotten but when you mention the name I remember. He is
25 the one who used to lead the way. Most of the time he was the one who would

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1 whistle during attacks. When he whistled, immediately it meant it is time to move.
2 He would then move to part the way."
3 And then you said:
4 "Holy used to call him SM. 2C Okello was of a higher rank than Okello Kalalang.
5 B. Ocen Charles: I do not know him. C. Ocen Garang: I do not know him.
6 D. Oryem Abongomek: This is the Bomek that I have spoken to you about."
7 PRESIDING JUDGE SCHMITT: [15:43:26] I think Mrs Hohler went through this.
8 MR AYENA ODONGO: [15:43:29] Yes.
9 PRESIDING JUDGE SCHMITT: [15:43:30] And especially let me put it this way,
10 you asked for those where he said he knew. So if you want to you can perhaps, to
11 shorten this, if you want, put those names to him where he says "I don't know." That
12 would be, perhaps make sense. Everything else I think we have on record already as
13 an answer.
14 MR AYENA ODONGO: [15:43:52] Much obliged (Microphone not activated)
15 Q. [15:44:00] Labecca Philip you said you don't know:
16 "Okeny Geoffrey: I do not know him. Ocaka Alex: I do not know him. Onen Bunga
17 aka Onen Michael: I do not know him. Harold Obura: I do not know him. Joseph
18 Opiyo: I do not know him. Charles Arap: I do not know him. Ocaya Ladiro: I do
19 not know him. Odong Cowboy: I do not know him. Vincent/David Oyenga: I do
20 not know him. Okwee: I do not know him.
21 Mr Witness, (Redacted) and
22 said he was in Sinia.
23 And above all, Mr Witness, from your testimony nowhere did you mention that Sinia
24 was a brigade, nowhere did you identify the battalions under the brigade, nowhere
25 did you mention the names of the battalion commanders, and above all you've totally

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1 failed to identify that indeed Dominic Ongwen at the time when you were abducted
2 was actually battalion commander of Oka.

3 PRESIDING JUDGE SCHMITT: [15:46:26] Mr Ayena, this is more a, even a closing
4 statement I would say. If you have further questions, but otherwise I remind you of
5 the time.

6 MR AYENA ODONGO: [15:46:39] (Microphone not activated)

7 PRESIDING JUDGE SCHMITT: [15:46:41] Okay. But as I said, I think this was
8 more a statement, you just focussed on the certain aspects of what you wanted to elicit
9 from the witness, but you would have to put questions to him.

10 MR AYENA ODONGO: [15:47:00]

11 Q. [15:47:01] Mr Witness, in view of some of these discrepancies, very serious
12 discrepancies, I put it to you that you did not actually work with Dominic Ongwen.
13 You could have worked in LRA, yes, I do appreciate that you may have been abducted
14 or worked in LRA, but you were never under Dominic Ongwen. What do you say
15 about that?

16 A. [15:47:39] I know Dominic Ongwen. I cannot say something I don't know. I
17 only say what I know and only the problems I have gone through. And also I do
18 know that he is our leader and he himself introduced himself as Dominic Ongwen as
19 the leader of Sinia. He said that when we were in Sudan.

20 MR AYENA ODONGO: [15:48:07] Your Honours, I want to surprise you with a
21 present of 15 minutes before time. I end my questioning here.

22 PRESIDING JUDGE SCHMITT: [15:48:16] Thank you very much, Mr Ayena.
23 Thank you very much, Mr Witness. It is perfectly clear that so many days in the
24 courtroom are fatiguing, are very stressful for you. We appreciate your assistance
25 and wish you a safe trip back. That was not a question. That was a remark. This

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1 concludes your testimony. So you are released, so to speak, from this courtroom.

2 (The witness is excused)

3 PRESIDING JUDGE SCHMITT: We interrupt the proceedings until tomorrow 9.30.

4 If I recall it correctly P-379? Yes, okay. Until then.

5 THE COURT USHER: [15:49:05] All rise.

6 (The hearing ends in open session at 3.49 p.m.)