

Trial Hearing
WITNESS: UGA-OTP-P-0352

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 2 May 2017
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:35] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:33:58] Could the court officer please call the case.
14 THE COURT OFFICER: [9:34:11] Good morning. Yes, Mr President.
15 The case is the following: The situation in the Republic of Uganda, in the case
16 of the Prosecutor versus Dominic Ongwen, case reference ICC-02/04-01/15.
17 And for the record we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:34:34] Thank you very much.
19 I ask for the appearances of the parties.
20 MR ZENELI: [9:34:39] Thank you, Mr President. For the Prosecution today,
21 Ben Gumpert, Ramu Fatima Bittaye, Paul Benjamin Bradfield, Beti Hohler,
22 Shahriar Yeasin Khan, Yulia Nuzban, Pubudu Sachithanandan and myself,
23 Shkelzen Zeneli.
24 PRESIDING JUDGE SCHMITT: Thank you very much.
25 And for the Legal Representatives of the Victims.

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1 MR MANOBA: [9:35:07] Good morning, Mr President, your Honours.

2 Joseph Manoba appearing with Mr James Mawira.

3 MR NARANTSETSEG: [9:35:14] Good morning, Mr President, your Honours. For
4 the Common Legal Representative, Orchlón Narantsetseg, and Ms Jane Adong at the
5 video link location. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:35:24] Thank you.

7 And for the Defence, please.

8 MR OBHOF: [9:35:28] Good morning, your Honours. Good morning,
9 Madam Witness. Today for the Defence we have Chief Charles Achaleke Taku, our
10 associate counsel; Ms Abigail Bridgman, our assistant counsel; Mr Roy Titus Ayena,
11 our case manager; our client, Dominic Ongwen; and myself, Thomas Obhof.

12 PRESIDING JUDGE SCHMITT: [9:35:46] Thank you very much. And we also
13 welcome Madam Witness again in the courtroom, which means at the video location.
14 Good morning.

15 WITNESS: UGA-OTP-P-0352 (On former oath)

16 (The witness speaks Acholi)

17 (The witness gives evidence via video link)

18 PRESIDING JUDGE SCHMITT: [9:35:56] And we give Mr Taku the floor.

19 QUESTIONED BY MR TAKU: (Continuing)

20 MR TAKU: [9:36:13] (Microphone not activated)

21 PRESIDING JUDGE SCHMITT: [9:36:14] You would have to start completely anew.

22 MR TAKU: [9:36:17] Good morning, your Honours.

23 Q. [9:36:19] Good morning, Madam Witness.

24 Your Honours, we are struggling to move as fast as possible, and in order not to
25 waste judicial time, we will try to see if we can finish in this first session. We cannot

1 make that comment conclusively, but we are trying to do our best, your Honour.

2 Madam Witness, can you hear me?

3 A. [9:36:50] Yes, I can.

4 Q. [9:36:57] You were asked by the investigators -- and your Honours, this pertains
5 to paragraph 125 of tab 1 -- if you knew someone by name Ben Acellam. And you
6 said you presume that he was a commander as number 1, but you did not know the
7 group to which he was in. Do you remember that?

8 A. [9:37:44] I don't know.

9 Q. [9:37:45] Well, let me move on.

10 PRESIDING JUDGE SCHMITT: [9:37:49] I think, Mr Taku, when she says, "I don't
11 know", in relation to that you said -- what you put to her, I think this is an answer that
12 answers your question. And I would interpret it a little bit like we have -- we can
13 read it here in 125. So you can move on, in my opinion.

14 MR TAKU: [9:38:10]

15 Q. [9:38:11] But you knew, nevertheless, you didn't know Ben, the name Ben,
16 Mr Acellam, did you know him?

17 A. [9:38:25] I heard of him.

18 Q. [9:38:27] Can you tell the Court in what circumstances you heard of him?

19 A. [9:38:48] I heard about him from the other children with whom we were living.

20 Q. [9:38:51] What did they say about him?

21 A. [9:39:04] They didn't say anything.

22 Q. [9:39:16] But you said you heard about him from the other children in your
23 household, if I am correct. What did they say about him that you heard?

24 A. [9:39:41] I cannot recall.

25 Q. [9:39:44] Good. Did you also hear or did you know someone called

1 Ocan Labongo?

2 A. [9:40:05] No, I didn't.

3 Q. [9:40:06] Well, I do not intend to ask you several names. I think I will not be
4 permitted to ask so many names. But obviously did you hear about Oyenga?

5 A. [9:40:20] I only heard about him but I didn't get to know him.

6 Q. [9:40:26] What did you hear about him?

7 A. [9:40:35] I don't remember.

8 Q. [9:40:38] Now, Witness, let's talk about the radio. You said that you knew that
9 Odomi had a radio by which he communicated with the Holy. That's paragraph 96,
10 your Honours. Now, by the Holy that you said Odomi communicated, were you
11 there referring to Mr Joseph Kony?

12 A. [9:41:23] I didn't mention Kony's name.

13 Q. [9:41:26] Now, when you said Odomi had a radio with which he communicated
14 with the Holy, whom did you mean by the Holy that he communicated with?

15 A. [9:41:49] His fellow soldiers.

16 Q. [9:41:54] The next question pertains to paragraph 33, your Honour.

17 Madam Witness, you told investigators that you believe number 1 must have led
18 attacks and you mentioned that sometimes he would go for several days and you did
19 not know where he was.

20 Do you remember saying that?

21 A. [9:42:37] Yes, I do.

22 Q. [9:42:40] Is it then fair, Madam Witness, to say that you were unable to testify
23 with certainty, with specific details, about Sinia operations and who led them?

24 A. [9:43:14] Well, I don't understand, because I didn't have the capacity to get to
25 understand all those things at the time.

1 Q. [9:43:24] Okay, let me move on.

2 PRESIDING JUDGE SCHMITT: [9:43:25] That's exactly an answer, Mr Taku.

3 MR TAKU: [9:43:29] Yes, your Honour.

4 Q. [9:43:32] You stated that, on this paragraph 133, your Honours, you stated that
5 Odomi moved with you and other soldiers to Sudan to see the leader and that is
6 when you arrive in Sudan that you saw the leader for the first time. Now, my
7 question is: By "leader", what do you mean? Could that be Joseph Kony?

8 A. [9:44:05] Yes.

9 Q. [9:44:08] Can you very briefly, very briefly tell the Chamber how you felt -- your
10 first impression when you set eyes on Joseph Kony?

11 A. [9:44:34] Well, when we walked to go and see Kony, before we arrived there, we
12 were told we were going to meet the leader, people should carry enough food items.
13 So we moved and reached there. We found the leader. And I asked one of the girls
14 with whom we were living that who is actually the leader, then she pointed at the
15 leader. For me, I thought the leader was somebody who was very big.

16 Q. [9:45:10] Okay. But -- I can understand. Very often when I see his picture or
17 videos, before I saw, I thought the same. But when you were physically in front of
18 him, of this man, what was your very first impression about him? What did you see
19 remarkable about him?

20 A. [9:45:48] Well, I didn't have any impression about him exactly because I didn't
21 go very near him.

22 Q. [9:46:01] Were there many soldiers surrounding him, around him?

23 A. [9:46:06] Yes, there were several soldiers.

24 Q. [9:46:09] Were they armed?

25 A. [9:46:14] All, all of them.

1 Q. [9:46:24] Did he address you, that is to say, those of you who came from Uganda,
2 who had travelled with Odomi? Did he say anything that you heard of? Did he
3 make an address or speak to those who came? If yes, what did he say, that you can
4 remember?

5 A. [9:46:55] Well, I did not understand what he was talking about. He wasn't
6 actually addressing everyone else. He was only addressing his soldiers.

7 Q. [9:47:07] Can you remember the names of some of the soldiers you moved with
8 to Sudan?

9 A. [9:47:25] I can recall of Opige, Otto Olebe. Those are the two I can clearly
10 recollect.

11 Q. [9:47:39] You said that he was not addressing everyone, he was only talking to
12 his soldiers. Did you consider yourself one of his soldiers at that point in time?

13 A. [9:48:01] I was not armed. He was only addressing himself to people who were
14 armed.

15 Q. [9:48:20] The next question pertains to paragraph 131, your Honours. You told
16 the investigators that you moved to Sudan soon after the attack on Odek. Now, can
17 you tell the Chamber how soon after the attack on Odek did you undertake that
18 journey to Sudan?

19 A. [9:48:50] I cannot recall the period. That it was in 2004 but I don't recall the
20 exact period.

21 Q. [9:49:03] Yes. That refers to a period. But how soon? Was it immediately
22 after the attack, was it a week after the attack? If you can estimate, please do so.

23 A. [9:49:31] It was not just a week, but it could have taken some few months,
24 though I cannot recall how many months exactly.

25 Q. [9:49:42] Now, the journey to Sudan, how long did it take for you to leave the

1 location in Uganda and arrive Sudan where you saw the leader?

2 A. [9:50:07] Well, I think we travelled for not more than a week. We were actually
3 on constant move. We would only stop and rest for a few hours and then proceed.

4 Q. [9:50:26] And on your journey to Sudan were you under constant pressure or
5 attacks from the UPDF?

6 A. [9:50:45] The journey to Sudan was not -- the reason for which we had to travel
7 to Sudan was not clear to me.

8 Q. [9:50:56] Well, let me move on. Would I be correct, Witness, to say that from
9 the time a commander 1 -- sorry, commander 1, his house would join Odomi's group?
10 Until you returned from Sudan and had a split, you were always with Odomi's
11 group?

12 A. [9:51:52] I don't recall that.

13 Q. [9:51:57] Now, let's assume, let's assume, Witness, that the attack of Odek
14 occurred in April and you arrive in Sudan in May. That would mean that you
15 returned to Uganda sometime in July?

16 PRESIDING JUDGE SCHMITT: [9:52:32] Yes.

17 MR ZENELI: [9:52:34] Your Honour, on that last question, none of the information
18 provided by the witness actually has references to those months. The witness has
19 answered to the question by the counsel and she has clearly said, "I do not remember
20 the time". She was put another question, which in my opinion was unfair, "Could it
21 have been a week?" And she says to that question, "A few months, but I still do not
22 recall".

23 Now we have a further question on the same subject referring to specific months.

24 I think that has the potential to confuse the witness. It should not be allowed, your
25 Honours.

1 PRESIDING JUDGE SCHMITT: [9:53:12] Circumscribe it with the month because
2 she really does not recall exactly the dates. But you can of course make references in
3 general to time spans, so to speak.

4 MR TAKU: [9:53:25]

5 Q. [9:53:27] Now, Witness, when you were in Sudan were you always
6 with Mr Ongwen? Let me -- Odomi, that's his name, you know, Odomi.

7 A. [9:53:56] Could you please repeat that question? I have not understood it.

8 Q. [9:54:01] When you were in Sudan did you see Odomi often when you were in
9 Sudan?

10 A. [9:54:11] When we went to Sudan all of us were moving together, together with
11 Kony as well. We were all staying together.

12 Q. [9:54:30] Were you told or did you know about any specific instructions that
13 Kony gave to Odomi or any other commander who was there?

14 A. [9:54:50] Well, I couldn't have known that because I didn't have the capacity to
15 get to know that.

16 Q. [9:55:09] Now, let's move again, and if this question will reveal your identity,
17 please let me know or let the Honourable Court know so that we can take some
18 measures to protect your identity.

19 What did you think were the specific duties -- position, I mean, the specific position of
20 Mr -- of number 1 in Odomi's group? We know that he was -- you said you thought
21 he was number 2 to Buk. But when he was with Odomi, what did you think was his
22 specific position in that group?

23 A. [9:56:12] I didn't know what exactly he was doing. I was only looking at him
24 as any other soldier. I didn't know what exactly he was doing or his roles.

25 Q. [9:56:32] Did you imagine that -- let me rephrase the question.

1 Now, your Honours, paragraph 55. Now, you told the investigators, isn't it, Witness,
2 that you thought that number 1 might have been the second in command to Odomi.

3 A. [9:57:17] I said that because I would witness every time something happened,
4 they would go to him. They would call him first to attend to such.

5 Q. [9:57:34] Now, yesterday, the draft transcript, 67, page 20, page 20 and page 29,
6 you were asked if you knew the people in the -- Odomi's household. You mentioned
7 only two that you knew, Michael and Fatuma. Do you remember that?

8 A. [9:58:07] Yes.

9 Q. [9:58:14] How proximate were you to these two individuals? Were you close to
10 them? In other words, did you have an opportunity to talk to them regularly?
11 Were you so close to the extent -- the relation was such that you could discuss with
12 them, you considered them your friends?

13 A. [9:58:40] It was prohibited for anyone to go to the leader's place for storytelling.
14 But people with whom you are living in the same location, you would be able to hear
15 them being called and you would know their names just by that.

16 Q. [9:59:11] Now, Witness, apart from these two names, you didn't hear any other
17 names that you can remember of members of Odomi's household?

18 A. [9:59:32] From the bush they don't like referring to people by their names.
19 They would call them lapwony. That's why it would be difficult to know most of the
20 names.

21 Q. [9:59:45] Well, my question relates to the household, the people who were in the
22 house who were living with -- who were in -- I should put it and to use the
23 language -- Odomi's household. It's not about the commanders.

24 A. [10:00:10] I didn't hear any other name except the two that I can clearly recall.
25 I don't have any other.

1 Q. [10:00:23] May I suggest to you, Madam Witness, that number 1 was a brigade
2 intelligence officer in Sinia brigade under Buk, under Buk, and did not work under
3 Odomi within the period you are testifying about. What do you say to that?

4 A. [10:01:02] I did not understand that well.

5 Q. [10:01:10] I suggest to you again that number 1 was a brigade intelligence officer
6 under Buk and did not work under Odomi or was subordinate to Odomi within the
7 period you've testified about. What do you say to that?

8 A. [10:01:55] It's not true, because I stayed with him.

9 Q. [10:02:04] Madam Witness, you testified -- you stated that you participated in
10 the attack on Odek -- your Honours, paragraph 108 -- and that the attack took place in
11 the year you escaped and was during the month around the beginning of the first
12 planting season, which starts in April and ends in June. Do you remember that?

13 A. [10:02:52] Yes, I do remember, it was a rainy season.

14 Q. [10:03:06] You also stated that before the attack you were living in an isolated
15 area in Gulu, which you cannot recall. Can you at least describe the vegetation of
16 that isolated area to the Chamber?

17 A. [10:03:40] The grass was still growing. It was reaching the knee level. I do not
18 understand the different types of trees that were there, because there were many
19 trees.

20 Q. [10:03:57] In your location did you have rivers? Or a river?

21 A. [10:04:07] Yes, there were streams. We would collect water from some swamps
22 and streams. So there were some water bodies.

23 Q. [10:04:20] Was there a major river, a major tributary of the Nile in your location?

24 A. [10:04:34] I do not recall that now.

25 Q. [10:04:45] How far was the location in which you were, how far was it from

1 Odek? In other words, how many days did it take for you to travel from that
2 location to Odek?

3 A. [10:05:03] We left before sunset and we continued walking and stayed the night
4 and then we reached the next day in the evening. I don't know if they moved
5 around or they went straight, because I wasn't leading.

6 Q. [10:05:34] The next question relates to paragraph 109, your Honours. You
7 stated that prior to going to attack Odek, you saw soldiers gathered at Odomi and
8 returned to their trenches. Do you remember that?

9 A. [10:05:57] People were gathered at Odomi's home but it was not in dog adaki.
10 Dog adaki is usually at the edge, at the end.

11 Q. [10:06:12] Did they return to the trenches?

12 A. [10:06:23] They went back to collect people.

13 Q. [10:06:33] The next question, 109. You heard the soldiers, you heard whistling,
14 and it was number 1 and not Odomi who told you to leave the things you were
15 carrying and that you were going on a trip; is that correct?

16 A. [10:07:05] Yes, it happened. Because when such things happen, each person
17 comes to collect us to go and -- from his household to carry food. So the first person,
18 person number 1, came to ask me to carry things and I realised we were already
19 moving.

20 Q. [10:07:29] Paragraph 110, your Honours, tab 1. You also, Witness, if you can
21 remember, you stated that you did not remember whether Odomi went to Odek,
22 went on the attack. Indeed, you did not see Odomi at Odek during the attack. Do
23 you remember saying that?

24 A. [10:07:56] I said I don't remember. There were really many people. I can't
25 recall now.

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- 1 Q. [10:08:04] But you also did not see him during the attack?
- 2 A. [10:08:16] The soldiers were ahead. I could not see soldiers who were leading
3 the way.
- 4 Q. [10:09:04] Witness, were you present at the headquarters when the alleged
5 attack on Odek was planned or ordered? Were you present?
- 6 A. [10:09:31] I was collected and told to move. I was not at the headquarters.
7 There were soldiers who were at the headquarters.
- 8 Q. Your Honours, paragraph 111. Witness, you also said that you did not know
9 who the overall commander of the Odek attack was. Do you remember saying that?
- 10 A. [10:10:24] Can you repeat the question? I do not understand the question.
- 11 Q. [10:10:27] At paragraph 111, you said --
- 12 PRESIDING JUDGE SCHMITT: [10:10:30] 12, but it is not so important. 112.
- 13 MR TAKU: [10:10:35] 112, your Honours, yes, sorry. 112.
- 14 Q. [10:10:37] You said that you did not know who the overall commander of the
15 attack, the Odek attack was. Do you remember saying that?
- 16 A. [10:10:53] Yes, I did.
- 17 Q. [10:11:01] But you stated, Witness, that Opige led the group that left your
18 settlement and that you knew that because every time you stopped, he was the one
19 who whistled for you to proceed. Do you remember saying that?
- 20 A. [10:11:30] Yes, I did.
- 21 Q. [10:11:38] Now, Witness, when you came close to Odek, you got to a nearby hill,
22 someone pointed to you the homestead of Joseph Kony, indicating therefore that
23 Kony came from Odek.
- 24 Paragraph 114, your Honour.
- 25 Did that happen?

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1 A. [10:12:10] Yes, it happened.

2 Q. [10:12:22] And of course you did not know why people would attack Kony's
3 birthplace, seeing he was the leader, the supreme leader. You didn't know why,
4 why that would happen, did you?

5 A. [10:12:54] I did not know why they attacked.

6 Q. [10:13:00] Now, after the attack did you get to know whether Joseph Kony
7 punished anyone for attacking his birthplace, Odek?

8 A. [10:13:19] I do not know. I didn't even hear.

9 Q. [10:13:34] Now, paragraph 115, your Honours. You also stated that while on
10 that hill you were divided into two groups and although you did not know who
11 divided you, you have seen that person before in Odomi's group. Did you say that?

12 PRESIDING JUDGE SCHMITT: [10:14:06] Mr Taku, we can -- I just repeat what I
13 said yesterday. Since we have this statement via the procedural provision of
14 Rule 68(3) on the table of all the other evidence, so to speak, you can shorten that.
15 You just can take it as a given that the witness has said that and from then start on
16 what you want to contest or what you want to find out.

17 MR TAKU: [10:14:38]

18 Q. [10:14:42] So, Witness, certainly, certainly -- of course, permit me to suggest that
19 certainly since you did not know the person who divided into two groups, certainly
20 you wouldn't know, it is logical to conclude you wouldn't know whether it was
21 Ocan Labongo or Acellam, since you only heard about them, you didn't know them,
22 would it be fair for me to make that presumption?

23 A. [10:15:25] I didn't know them. I can't say it's true or it's not true, because
24 I didn't know them.

25 PRESIDING JUDGE SCHMITT: [10:15:32] Again, Mr Taku, when we now have as

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1 a basis, so to speak, paragraph -- inter alia 115, she said "I do not know the person
2 who divided us. I do not know." So this is what the -- what she has said so you
3 can -- I think you can move to another point.

4 MR TAKU: [10:15:51] Thank you, your Honour.

5 Q. [10:15:53] Now, Witness, you also said that Odoki was in charge of the second
6 group that was to go to the camp and loot while the first group was to attack the
7 barracks. That's the first group, Opige, was to attack the barracks and Odoki was to
8 go to the camp and loot. Do you remember that?

9 A. [10:16:20] Yes, I said it.

10 Q. [10:16:29] Of course. Now, Witness, you said that after Odek you came back
11 and you were told to go to your household, quote: "I did not know where Odomi
12 was then and I cannot remember when I saw him -- when I next saw him."

13 Is that correct?

14 A. [10:17:18] When we came back people were already seated and we, we went
15 back to our location. He was definitely in his home, and for us we had gone back to
16 our base.

17 Q. [10:17:41] Now based on the, the evidence you have given that this attack took
18 place at the beginning of the planting season, it was the rainy season, did rain, heavy
19 rain fall on that day in Odek during this attack?

20 A. [10:18:09] It rained when we had already returned, but during the attack there
21 was no rain, it had not rained.

22 Q. [10:18:23] Now paragraph 197, your Honours.

23 Witness, although I had protested against this evidence and got a ruling which is on
24 record, but let me ask you a series of questions, paragraph 190 -- it is paragraph 94,
25 your Honours. You stated that in Lango, Lango -- I say it "Lango" but I hear the

1 interpreter and others say "Lango", so let me call it correctly, attempt to imitate them.
2 In Lango you stated, and I quote: "The Holy" -- you stated that food was looted from
3 the homes of individual civilians, but you provided as a reason for the alleged killing
4 that, and I quote:
5 "The Holy also thought that Lango people wanted to kill them because Lango people
6 had guns, that is why they killed so many people."

7 Did you, Witness, know about the Arrow Boys militia, the Amukas? The resistance,
8 armed militias called Arrow Boys, Amukas, and other civil defence forces operating?

9 A. [10:19:58] I do not understand the way you are pronouncing it, but I know it is
10 Amuka. I am not sure what you are pronouncing.

11 Q. [10:20:08] Amuka. Okay. Can you tell who are Amuka, Amuka?

12 PRESIDING JUDGE SCHMITT: [10:20:19] I think we can try, with the help of the
13 interpreters we can try to solve this small linguistic issue and then perhaps
14 Madam Witness can answer the question.

15 THE INTERPRETER: [10:20:56] Well, Amuka is the same as what, what counsel is
16 pronouncing, it is the same group that counsel is referring to that probably she is
17 talking about.

18 PRESIDING JUDGE SCHMITT: [10:21:07] So, Madam Witness, you have heard now
19 what interpreter has said and you have heard the question. It was about
20 Arrow Boys. And I am not trying as Presiding Judge to pronounce the Acholi word
21 obviously myself. So you have heard it. You can answer the question.

22 MR TAKU: [10:21:34]

23 Q. [10:21:34] So the question is did you know, you just called the name, did you
24 know them?

25 A. [10:21:44] I did not see them physically. But the LRA soldiers used to say that

1 there are civilians who had guns at home and they are referred to as Amuka. I did
2 not see them personally.

3 Q. [10:22:11] Well, Witness, I know you have problems with dates, but if you can
4 remember, if you can't please let us know, when did you arrive Lango, Lango?

5 A. [10:22:34] I do not recall. Not even the month.

6 Q. [10:22:43] Paragraph 99 you stated that from Lango you went to Soroti. How
7 many times did you go to Soroti?

8 A. [10:23:01] We went to Soroti and never returned there.

9 Q. [10:23:06] While in Soroti did you see Otti Vincent, Odhiambo, Buk and Raska
10 Lukwiya, did you see them there?

11 A. [10:23:26] Yes, I saw.

12 Q. [10:23:30] Where in Soroti did you see them?

13 A. [10:23:35] I do not recall because I did not even know the geography of Soroti.
14 I would only hear by the languages spoke when they abducted new people.

15 Q. [10:23:48] What were they doing when you saw them?

16 A. [10:24:00] I would say they would take bins, they were harvesting bins, I
17 wouldn't know the period that it was -- they were harvesting the bins.

18 Q. [10:24:16] Did they have a meeting, did you see them?

19 PRESIDING JUDGE SCHMITT: [10:24:19] I think witness has answered to the
20 people there. Perhaps you would have to remind her of the persons from the Holy,
21 you asked what they did. Because at least I have understood it in a way that witness
22 has answered to people that were allegedly being abducted.

23 MR TAKU: [10:24:41]

24 Q. [10:24:41] Yes, Witness, my question relates to Vincent Otti, Odhiambo, Buk and
25 Raska Lukwiya. Now let me break down the question. Yesterday you provided

1 information about Vincent Otti, now you say you also saw Odhiambo. Who was
2 Odhiambo?

3 A. [10:25:15] I cannot answer that question because they are the Sinia members of
4 the soldiers. I wouldn't know who is who in that group.

5 Q. [10:25:31] What about Raska Lukwiya, who was he?

6 A. [10:25:37] They were all together. I wouldn't know who is who.

7 Q. [10:25:41] But you say you also saw Buk in that group in Soroti, correct?

8 A. [10:25:54] Yes, that's correct.

9 Q. [10:25:57] And that time Buk was a brigade commander of Sinia, correct?

10 A. [10:26:03] Yes.

11 Q. [10:26:08] Did any major attack take place in Soroti while -- when you saw these
12 individuals?

13 A. [10:26:24] I do not know where it happened. If I did not go for it I wouldn't
14 know if there was an attack. They wouldn't even tell you because you are not in
15 a position to know what's going on at the time.

16 Q. [10:26:41] Now at paragraph 100, your Honours, you stated (Redacted)

17 (Redacted) I do not

18 want to make the link in order not to -- out of prudence, but paragraph 100. That

19 (Redacted)

20 (Redacted) Do you remember?

21 A. [10:27:23] Yes, I do remember.

22 MR ZENELI: [10:27:30] Your Honour, out of the abundance of caution perhaps best
23 to move into private session for this line of questioning.

24 MR TAKU: [10:27:37] Yes, I'm sorry. Yes.

25 PRESIDING JUDGE SCHMITT: [10:27:38] I have not intervened because you could

1 have really thought about it, but I think we did it when, when the examination of
2 the Prosecution took place, so I agree with you. We go to private session when he
3 continue.

4 MR TAKU: [10:27:53] Thank you. Thank you, your Honour.

5 (Private session at 10.28 a.m.)

6 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P-0352

(Private Session)

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- 25 (Open session at 10.39 a.m.)

Trial Hearing
WITNESS: UGA-OTP-P-0352

(Open Session)

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1 THE COURT OFFICER: [10:39:16] Mr President, we are now back in public session.

2 PRESIDING JUDGE SCHMITT: [10:39:22] Thank you very much.

3 MR TAKU: [10:39:38]

4 Q. [10:39:39] Madam Witness, we are now in open session once more, and again if I
5 ask any question that reveals your identity, let us know. I will try -- being someone
6 who traditionally might function and rooted in culture, I will try as much as possible
7 not to violate our cultural sensitivities when I ask these questions, because for me as
8 a person it has consequences which are different from others. So I will try as much
9 as possible, and you be my judge and let me not venture into -- to do something
10 which, God forbid, I shouldn't.

11 Now, I do not -- how soon after your split from Odomi's group did you escape?

12 A. [10:40:55] I escaped when I was in Odomi's group. We had left Sudan. We
13 crossed the border, coming to Uganda, and I escaped. We were attacked and three
14 of us broke off from the main group.

15 MR TAKU: [10:41:16] Your Honours, that's paragraph 136.

16 Q. [10:41:33] Paragraph 107, Witness, you told the investigator that at some point
17 in time you briefly separated from your group for a day and a night. Can you tell
18 the Court why, having separated in these circumstances, you came back, you arrived
19 back to the LRA, you didn't take the opportunity to escape?

20 A. [10:42:12] I was not very clear about the geography of the place. It was a very
21 bushy place. I thought -- I walked -- I thought I was following government soldiers
22 and yet in actual sense I was moving back towards the LRA. I could not -- I didn't
23 know the directions.

24 Q. [10:42:36] Now, Witness, I began this cross-examination by asking you a number
25 of questions on your affidavit, which is at tab 6. And I promise to come back to it at

1 some point in time. I perfectly understand, let me put on record, that you provided
2 answers and somebody ticked; they read out to you what the questions were, you
3 gave the answer and somebody ticked.

4 And so the ticking was not done by you yourself. You were provided the questions,
5 somebody write. And I asked you at the beginning if you gave -- the information
6 you gave to the board was accurate to the best of your knowledge. You said yes.

7 Witness, at page UGA-OTP-0270-0171 there's a penalty clause that, that if you
8 provided false information the application would be disqualified. Indeed, Witness,
9 at the end of the exercise, based on this information you gave, you prevailed, you
10 were granted amnesty, correct?

11 A. [10:44:26] I was granted amnesty. But I did not understand the document itself,
12 the amnesty certificate, because I am an illiterate.

13 Q. [10:44:38] Yes, I saw that you used your fingerprint. But there is information
14 here about your life in the bush, about your age, about certain details. I presume,
15 Witness, when I ask the question, the members of amnesty commission did not
16 fabricate the information, the information was provided by you. And the question
17 were asked, you provided and answer, and they said -- you thumb printed, absolutely
18 no doubt about that, and I perfectly respect your opinion, Witness.

19 PRESIDING JUDGE SCHMITT: [10:45:22] What are you referring to now
20 specifically?

21 MR TAKU: [10:45:24] I am coming back to paragraph 20 because the question wasn't
22 answered. And if you permit me to come back to the issue, your Honours. If you
23 permit me. But if the Court doesn't --

24 PRESIDING JUDGE SCHMITT: [10:46:00] Of course. I think we have now in front
25 of us it is not 171, it is 169, and it is paragraph 20 and this could give rise to questions,

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(Open Session)

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1 of course. So please ask them.

2 MR TAKU: [10:46:16] Thank you, your Honour.

3 Q. [10:46:17] The question, Witness, was "Did you use a condom the last time you
4 had sex?" And you tick C, "Never had sex. Never had sex." Witness --

5 MR ZENELI: [10:46:42] Your Honour, I hesitate to rise. But just to make it clear,
6 she did not tick the box. You simply ask the question "the box ticked is this one" and
7 then allow the witness to answer. This would be my recommendation for this line of
8 questions.

9 PRESIDING JUDGE SCHMITT: [10:46:57] That is correct. But please reformulate
10 or rephrase. Otherwise I would give it a try perhaps. But perhaps try it, Mr Taku,
11 first.

12 MR TAKU: [10:47:08] Yes.

13 Q. [10:47:11] "Did you use a condom the last time you had sex?" The first answer
14 is "Yes." You didn't -- that was not ticked. "No", it was not ticked. C, "Never had
15 sex" was ticked. Witness, you had these three options, "Never had sex", that is
16 what -- the application, Witness. And I ask the question, the very first question,
17 whether you provided the information on this, you say yes; whether it was, to the
18 best of your recollection accurate, you said yes. And I now ask whether you
19 obtained your amnesty on the basis of this application and you say yes. And I also
20 draw your attention to the penalty clause, Witness.

21 Now, on the basis of this, Witness, may I suggest to you that you remain a ting ting in
22 the household of Mr -- Number 1, and that is not accurate that you were ever his wife.
23 You remain a ting ting until you fled from the LRA. What do you say to that?

24 A. [10:48:44] That's not true.

25 MR TAKU: [10:48:46] Your Honours.

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1 PRESIDING JUDGE SCHMITT: [10:48:48] May I ask a question?

2 MR TAKU: [10:48:50] Yes, yes.

3 PRESIDING JUDGE SCHMITT: [10:48:51] Madam Witness, perhaps you have heard,
4 it has been read to you, the question at the time was in 20 "Did you use a condom the
5 last time you had sex?" And there were these three possibilities. Do you have an
6 explanation or an idea why the possibility "Never had sex" was ticked?

7 THE WITNESS: [10:49:27] (Via video link) (Interpretation) Are you asking me? I
8 have not understood it.

9 PRESIDING JUDGE SCHMITT: [10:49:32] Yes, I am asking you do you have a -- do
10 you know why from the three possibilities: Yes; no; and C, never had sex, the last
11 one, C, was ticked. Do you know why that came about or do you have an
12 explanation for that?

13 THE WITNESS: [10:50:01] (Via video link)(Interpretation) Well, I don't know.
14 Because when they were recording that I had just returned from the bush. If they
15 looked at my age or size at that time and they decided to tick that, well then that was
16 them. I don't know why they did that.

17 MR TAKU: [10:50:16] With that, your Honours, that concludes our
18 cross-examination.

19 Thank you, Madam Witness, for answering the questions I put to you.
20 And, thank you, your Honour.

21 PRESIDING JUDGE SCHMITT: [10:50:31] Thank you very much, Mr Taku.

22 And this concludes your testimony, Madam Witness. Thank you very much for
23 making yourself available as a witness and for assisting the Court.

24 A special thank you today also to the court officer at the video location, everything
25 ran smoothly and with nearly no technical problems. And I personally am always

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1 pleasantly surprised when these technical matters over such a large distance function
2 so good.

3 We have now to discuss how to continue. Mr Gumpert is rising, so you
4 have -- when I say this concludes the testimony of the witness, the witness is released.
5 We can perhaps for all future witnesses I don't want to say this formally.

6 (The witness is excused)

7 PRESIDING JUDGE SCHMITT: [10:51:29] Mr Gumpert.

8 MR GUMPERT: [10:51:31] Yes, I rose not only because I have institutional
9 responsibility for the presentation of the evidence, but also because P-18 is my
10 witness. I met her yesterday in the course of the VWU familiarisation and was
11 present at the, the courtroom familiarisation.

12 In the light of what Mr Taku had said yesterday I told her that I believed she would
13 be starting at lunchtime. I don't know whether she is now in the building and ready,
14 doubtless VWU will know the answer to that.

15 PRESIDING JUDGE SCHMITT: [10:52:07] But this fits perfectly with my idea,
16 because also (inaudible) -- I have now music in my ear obviously from the
17 disconnection of the video link. Because of that, I put the earphones down.

18 Yes, this fits perfectly what you are saying to what I would have to suggest. Also,
19 judges sometimes need a little bit of a preparation and we want to look into that.

20 And I have also heard there is another issue, a more personal issue. So I suggest we
21 start at 2 o'clock, after the lunch break, which is shortened a little bit so that we can
22 have perhaps a two-hour session.

23 MR GUMPERT: [10:52:55] Very good, your Honour.

24 THE COURT USHER: [10:53:00] All rise.

25 (Recess taken at 10.53 a.m.)

1 (Upon resuming in open session at 2.08 p.m.)

2 THE COURT USHER: [14:08:13] All rise.

3 Please be seated.

4 PRESIDING JUDGE SCHMITT: [14:08:27] Good afternoon, everyone. We have
5 new -- not new faces, but I think the teams do not remain unchanged. So we have
6 now for the Defence Mr Ayena.

7 MR AYENA ODONGO: [14:08:47] Good afternoon, your Honours. I am Krispus
8 Ayena Odongo, lead counsel, and this afternoon -- I'm sorry I couldn't attend
9 yesterday's session and today in the morning because I was a bit indisposed. But
10 I am happy to announce that I am in the correct position of mind to attend the
11 proceedings, and we are now also accompanied by Michael Rowse, who is here with
12 us as assistant counsel.

13 PRESIDING JUDGE SCHMITT: [14:09:26] Thank you very much. And since I
14 initiated that, also the appearance of the Prosecution has changed a little bit, so
15 perhaps you can tell us who is the same and who is new in the courtroom this
16 afternoon.

17 MR GUMPERT: [14:09:40] I think we have diminished rather than adding any new
18 faces.

19 PRESIDING JUDGE SCHMITT: [14:09:51] I'm not sure.

20 MR GUMPERT: [14:09:52] I apologise. You're absolutely right. Your Honour
21 knows the situation better than I do myself. And the addition is Adesola Adebeyejo.

22 PRESIDING JUDGE SCHMITT: [14:10:05] The Legal Representatives remain
23 unchanged, I would say.

24 The Prosecution is calling now P-18 as the next witness.

25 MR NARANTSETSEG: [14:10:16] I apologise, your Honour. This problem that's

1 supposed to be resolved at the moment, but as you know, our field counsel,
2 Jane Adong, is attending this trial from the remote location. But for some reason, the
3 video link is not up and she's also -- from our side, she's also the one who is going to
4 question this witness and the next one, if your Honours are minded to grant leave.

5 PRESIDING JUDGE SCHMITT: [14:10:46] But I have understood it that there
6 is -- obviously this video link is not established and you are here as Legal
7 Representatives of the Victims, and let me put it bluntly, that must be enough. You
8 are able to follow and I think that serves the purpose of having a legal representative
9 in the courtroom sufficiently.

10 So we don't change here anything and we don't wait until possibly we have the
11 transmission there, because you are, let me put it bluntly, you are enough for the
12 moment, of course, and we are happy when Mrs Adong can join us, but at the
13 moment we don't have another possibility.

14 MR NARANTSETSEG: [14:11:33] As the Court pleases. Thank you.

15 PRESIDING JUDGE SCHMITT: [14:11:35] So we now turn to P-18, as I said, to her
16 testimony. And as a preliminary point about protective measures, the Chamber
17 notes that the VWU has indicated by way of an email on 28 April 2017 that voice
18 distortion should be provided beyond the measures already granted in decision 612.

19 I would assume that the parties do not wish to make any comments on this.

20 And in light of the information provided by the VWU, the Chamber considers it
21 necessary that voice distortion will also be granted as a protective measure for this
22 witness. Accordingly, the granted protection measures for P-18 include now face
23 and voice distortion, usage of a pseudonym and limited, limited recourse of private
24 session for information identifying the witness. We have noted what you indicated
25 for us.

1 And now could the court officer please bring in the witness.

2 (The witness enters the courtroom)

3 PRESIDING JUDGE SCHMITT: [14:14:22] Thank you.

4 Good afternoon, Madam Witness. Do you hear me clearly?

5 WITNESS: UGA-OTP-P-0018

6 (The witness speaks Acholi)

7 THE WITNESS: [14:14:34] (Interpretation) Yes, thank you.

8 PRESIDING JUDGE SCHMITT: [14:14:37] I would like to welcome you in the

9 courtroom on behalf of the Chamber. You are going to testify before the

10 International Criminal Court. Madam Witness, I will now read the oath to tell the

11 truth to you that every witness who testifies before this Court must agree to. So

12 please listen.

13 I solemnly declare that I will speak the truth, the whole truth and nothing but the

14 truth. Madam Witness, do you understand what I have read to you?

15 THE WITNESS: [14:15:19] (Interpretation) Yes, I have understood.

16 PRESIDING JUDGE SCHMITT: [14:15:21] Do you agree?

17 THE WITNESS: [14:15:27] (Interpretation) Yes, I agree.

18 PRESIDING JUDGE SCHMITT: [14:15:29] Thank you. Then we will continue.

19 Madam Witness, let me now explain to you how the protective measures that the

20 Chamber has put in place for you work. The following measures are put in place to

21 protect you and make sure that you can testify.

22 Face and voice distortion has been put in place. That means that no one outside the

23 courtroom can see your face during the testimony on the screen and no one can hear

24 your real voice.

25 There will also be the use of a pseudonym. That means that in accordance we refer

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1 to you only as "Madam Witness", as I'm doing now at the moment. This is to make
2 sure that the public does not know your name.

3 When you answer questions that will not give away who you are, we will do so in
4 open session, and open session means that the public can hear what is being said in
5 this courtroom. There is counsel in this courtroom who is here to help you should
6 you need assistance.

7 When you are asked, Madam Witness, to describe anything that relates specifically to
8 you or you are asked to mention facts that might reveal your identity, who you are,
9 then we will go into what we call private session. Private session means that there is
10 no broadcast and no one outside the courtroom can hear your answer.

11 If ever anything gets said during open session which should have been said in private
12 session, we will do our best to protect this information. Your testimony will be
13 broadcast on a delay and we can remove any remarks. I mean the remarks that
14 would identify you, we can remove them from the broadcast which will be heard by
15 the public and we can remove them from the public transcript of the proceedings.

16 Before we can start with the testimony, I have a couple of practical matters that you
17 should have in mind when you give your testimony.

18 You know that everything we say here in the courtroom is written down and
19 interpreted and because it is interpreted and has to be written down, it is important to
20 speak clearly and at a slow pace. Please also speak in the microphone and only start
21 speaking when the person that asks you a question has finished. If you have -- ever
22 have any questions yourself, raise your hand so we know that you wish to say
23 something.

24 Have you understood all that, Madam Witness?

25 THE WITNESS: [14:18:56] (Interpretation) Yes, I have understood.

1 PRESIDING JUDGE SCHMITT: [14:18:58] Thank you very much. We will then
2 start your testimony and I give Mr Gumpert the floor.

3 MR GUMPERT: [14:19:02] Thank you, your Honours. So that the witness can tell
4 the Court her identity, can we go into private session for a matter of seconds,
5 I imagine.

6 PRESIDING JUDGE SCHMITT: [14:19:18] Yes, we go into private session for that.

7 (Private session at 2.19 p.m.)

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- 16 (Open session at 2.22 p.m.)
- 17 THE COURT OFFICER: [14:22:41] We are now in open session.
- 18 MR GUMPERT: [14:22:59]
- 19 Q. [14:23:00] How old were you when you last went to school, Madam Witness?
- 20 Can you remember?
- 21 A. [14:23:17] The last time I went to school, I was about 14.
- 22 Q. [14:23:23] And what happened so that you stopped going to school at the age
- 23 of 14?
- 24 A. [14:23:37] I was no longer at home. I had already been abducted.
- 25 Q. [14:23:44] Tell the Judges, please, where you were and what you were going to

- 1 do on the day you were abducted.
- 2 A. [14:24:00] I was from home, a place called Awich. I was going to collect my
3 uniform from Unyama. I was abducted while on the way.
- 4 Q. [14:24:18] Were you alone or with other people in a group when you were
5 abducted?
- 6 A. [14:24:28] We were three. One was my aunt's daughter and one was a boy.
7 The two of us were stopped, but the boy was let to go.
- 8 Q. [14:24:43] Can you remember roughly how old the other two were, the boy
9 and the girl?
- 10 A. [14:24:56] The boy was about 7 and the girl was about 10.
- 11 Q. [14:25:11] How many people were there who abducted you?
- 12 A. [14:25:28] There were six people who abducted me.
- 13 Q. [14:25:30] Did you come to know any of the names of these six people?
- 14 A. [14:25:38] Later I learned that he's called Bukelo.
- 15 Q. [14:25:55] So if I understand, one of them was called Bukelo. Did you know
16 the names of any of the others at any time?
- 17 A. [14:26:10] I never got to know their names. I only got to know of Bukelo.
- 18 Q. [14:26:17] And did you come to know what rank Bukelo had?
- 19 A. [14:26:29] Bukelo at the time was a senior leader. He was the commander of
20 the person who sent him to come for operation.
- 21 Q. [14:26:45] Can you help the Judges with the question of his rank? Do you
22 understand what I mean by "rank"? His level.
- 23 A. [14:27:11] He was like a corporal.
- 24 Q. [14:27:18] How did these people who abducted you secure you? How did
25 they prevent you from getting away?

1 A. [14:27:38] We met with one of the commanders and asked why he had
2 abducted us and ordered that we be released, because Kony did not want the people
3 to be abducted. But he told the commander that, no, let me go with them, until we
4 went with them.

5 Q. [14:28:04] For the moment, just concentrate on the minutes after you've been
6 abducted by Bukelo. What physical means did he use to prevent you and the other
7 girl from getting away?

8 A. [14:28:22] When we were abducted, we were tied using a rope and we couldn't
9 escape.

10 Q. [14:28:37] Now, you've told us that you were taken to a commander. Did you
11 come to know what that commander's name was?

12 A. [14:28:51] We were not told.

13 Q. [14:28:58] I understand that you may not have known at the time. My
14 question is: Later on at any time did you come to know the name of this person, this
15 commander?

16 A. [14:29:17] When we -- then they took us. I understood later that he was called
17 Tulu.

18 Q. [14:29:34] You told us a moment ago that this commander had said something
19 to Bukelo about what should be done with you; is that right?

20 A. [14:29:46] Yes.

21 Q. [14:29:51] Just tell us again, if you would, what was it that this commander
22 said to Bukelo?

23 A. [14:29:59] The commander told Bukelo, asked him why he abducted us
24 because Kony had prohibited abduction. Bukelo insisted and said he wanted to go
25 with us until we went with them.

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1 Q. [14:30:32] Can you remember where this meeting with the commander, the
2 one who said you should be released, where it happened? Was it near anything in
3 particular?

4 A. [14:30:54] I do not recall the exact place.

5 Q. [14:31:05] I want to ask you about rivers. What's the nearest big river to your
6 home?

7 A. [14:31:31] The biggest river nearby was Achwa river, that was the biggest
8 nearby river.

9 MR GUMPERT: [14:31:49] Your Honours, if I may, I'm going to put the name of a
10 river which is at paragraph 12 to ask whether that's something the witness is familiar
11 with. I should give the ERN number.

12 PRESIDING JUDGE SCHMITT: [14:32:05] Yes, of course.

13 MR GUMPERT: [14:32:06] It's UGA-OTP-0159-0005.

14 PRESIDING JUDGE SCHMITT: [14:32:31] Just wait a second. We have an issue
15 here.

16 (Pause in proceedings)

17 PRESIDING JUDGE SCHMITT: [14:32:49] Excuse me for the short interruption,
18 but there was an issue that had to be clarified. Thank you.

19 Mr Gumpert, please continue.

20 MR GUMPERT: [14:33:00] I was asking your Honour for leave to --

21 PRESIDING JUDGE SCHMITT: [14:33:04] Leave was granted for that.

22 MR GUMPERT: [14:33:06] I'm sorry. I'm grateful.

23 Q. [14:33:10] Do you know the, and forgive my pronunciation, the Lawiny river?

24 A. [14:33:20] Yes, I know Lawiny river.

25 Q. [14:33:26] Shortly after you were abducted do you remember meeting any

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1 person near the Lawiny river?

2 A. [14:33:42] Yes, I remember we met a group near Lawiny river.

3 Q. [14:33:55] Who was the person in charge of the group you met near the
4 Lawiny river?

5 A. [14:34:10] The leader of the group was called Tulu.

6 MR GUMPERT: [14:34:27] Your Honours, I have an application which relates to
7 paragraphs 11 and 12.

8 PRESIDING JUDGE SCHMITT: [14:34:33] Of course. This is the contradiction
9 part we talked about. Of course.

10 MR GUMPERT: [14:34:39] I'm grateful.

11 PRESIDING JUDGE SCHMITT: [14:34:43] Yes.

12 MR GUMPERT: [14:34:45]

13 Q. [14:34:47] Madam Witness, you made a statement to Prosecution investigators,
14 didn't you, a long time ago now?

15 A. [14:35:03] Yes.

16 Q. [14:35:07] I don't imagine you can remember the date, but the Judges have it in
17 front of them and the date on it when you signed it is 10 August 2005. That's to be
18 found at UGA-OTP-0159-0015.

19 A. [14:35:32] I recall.

20 Q. [14:35:34] That's very good if you recall. That's 12 years ago or so. And I
21 want to ask you about two very small parts of that statement relating to what you've
22 just told the Court. You said this.

23 And, your Honour, I'm going to read the last sentence of paragraph 11 and the --

24 PRESIDING JUDGE SCHMITT: [14:35:55] First of 12.

25 MR GUMPERT: [14:35:57]

1 Q. [14:35:59] This is what you said, Madam Witness:

2 "When Bukelo abducted us, Odomi said he should release us as Kony had said they
3 should not abduct people, but he continued anyway and went with us.

4 Shortly after I had been abducted, I met a person called Odomi near Lawiny river."

5 Now, you know what you've just said in answer to my questions and I've read to you
6 what you said nearly 12 years ago. Can you help the Court to understand the
7 difference, why it is that today you say the commander was Tulu and the person you
8 spoke to was Tulu, but then you said it was Odomi?

9 A. [14:37:07] At Lawiny river on this side of the river we met Odomi. On the
10 other side of the river we met another person.

11 Q. [14:37:27] And that person was?

12 A. [14:37:34] That was Tulu and he was staying a little far from Lawiny river.

13 Q. [14:37:44] So if you could just help the Judges to understand, now that I've
14 reminded you of what you remembered in 2005, who was the person who said to
15 Bukelo "you shouldn't have abducted them, Kony doesn't want it"?

16 A. [14:38:08] That was Odomi.

17 Q. [14:38:14] Thank you. But you've told us Bukelo didn't do what Odomi
18 instructed him to do; is that right? He didn't let you go.

19 A. [14:38:40] He didn't release us. He went ahead and went with us.

20 Q. [14:38:51] Now, I'm going to come to ask you questions about Tulu in just a
21 moment, but before I do that help us to understand this: Who was Odomi? What
22 can you tell the Judges briefly about Odomi?

23 A. [14:39:23] What I know about Odomi was that he was a commander of one of
24 the groups.

25 THE INTERPRETER: [14:39:32] The interpreters would request the witness to speak

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1 a little more loudly.

2 MR GUMPERT: [14:39:40]

3 Q. [14:39:41] Madam Witness, can we tackle this. I know this may be difficult,
4 scary, something you've not done before, but it's going to take much longer if the
5 interpreters can't hear what you're saying. Can you just pretend that you are feeling
6 strong and confident and when you give an answer look the Judge in the eye, actually
7 look at him and speak so that he can hear you nice and loud. Can you do that,
8 please.

9 A. [14:40:20] Yes, I can.

10 PRESIDING JUDGE SCHMITT: [14:40:21] That was very well audible now,
11 Madam Witness, what you said.

12 MR GUMPERT: [14:40:35]

13 Q. [14:40:36] Yes, you said Odomi was the commander of one of the groups.
14 Which one? What was its name?

15 A. [14:40:49] I do not recall the name of the group.

16 MR GUMPERT: [14:40:56] May I refresh from the very first paragraph -- sorry,
17 first sentence of paragraph 13?

18 PRESIDING JUDGE SCHMITT: [14:41:12] Of course, but we had other information
19 from other witnesses on this issue, but of course it is an issue that would allow you to
20 refresh the witness, yes.

21 MR GUMPERT:

22 Q. [14:41:27] Let me just read you a short sentence from what you said in your
23 statement. You said: "Odomi was commander of the Sinia group." Does that
24 remind you?

25 A. [14:41:44] Yes, that does remind me.

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1 Q. [14:41:49] And when you think about Bukelo, Tulu, Odomi, what organisation
2 were they part of? What was the biggest group called, the overall group?

3 A. [14:42:23] In Tulu's group there were people who had injuries. Odomi had a
4 different group. Bukelo was part of Tulu's group.

5 PRESIDING JUDGE SCHMITT: [14:42:38] I think you should not insist on this
6 point. It's not -- just continue with other matters. When I said you should not insist,
7 I meant, you know, you need, you need not to insist I wanted to say, I wanted to say.

8 MR GUMPERT: [14:43:11] I'm going to take the Court's steer.

9 Q. [14:43:17] How long were you moving with Bukelo for in terms of months,
10 roughly speaking?

11 A. [14:43:30] I was in Bukelo's group just before we had joined the main group.
12 That took between one or two weeks. We were moving about, abducting more
13 people so that they could be taken to the main group.

14 Q. [14:43:59] And when you got to the main group after a couple of weeks, who
15 was the commander there?

16 A. [14:44:14] That was Tulu.

17 Q. [14:44:20] Just so that we can get some idea of when this happened, can you
18 remember the date or the month when you were abducted?

19 A. [14:44:40] I cannot recall that. It's been a while.

20 Q. [14:44:43] I'm going to refresh your memory in your statement --

21 PRESIDING JUDGE SCHMITT: [14:44:47] That is of course information that is
22 needed.

23 MR GUMPERT: [14:44:50] Yes.

24 Q. [14:44:51] In your statement you said it was July 6 of 2003. Does that remind
25 you?

- 1 A. [14:45:02] Yes, it has reminded me.
- 2 Q. [14:45:08] So it's a couple of weeks after that when you meet Tulu. Tell the
3 Judges what you can remember about Tulu, what kind of a man was he?
- 4 A. [14:45:27] Tulu was a tall, huge man.
- 5 Q. [14:45:42] Was he senior or junior to Bukelo?
- 6 A. [14:45:53] He was of a higher rank than Bukelo.
- 7 Q. [14:46:04] Do you know what his rank was?
- 8 A. [14:46:12] No, I can't recall his actual rank.
- 9 Q. [14:46:22] Do you know the name of the group or unit that Tulu commanded?
- 10 A. [14:46:32] The group that we were in was called sick bay.
- 11 Q. [14:46:42] Just for clarity on that word, can you say it again very loud and clear
12 for the interpreters?
- 13 A. [14:47:00] The group was called sick bay, it was a group composed of the
14 injured.
- 15 Q. [14:47:11] And which unit did these injured people come from originally?
16 What was the name of that unit?
- 17 A. [14:47:26] That group composed of people coming from the various
18 commanders who had been injured, they were all brought to Tulu to take care of.
- 19 Q. [14:47:44] How many commanders did Tulu have under him?
- 20 A. [14:48:03] Tulu had Bukelo, Abonga Won Dano, and many others whose
21 names I cannot recall now.
- 22 Q. [14:48:22] Does the word escort mean anything to you?
- 23 A. [14:48:37] Escort means -- are you talking about somebody who moves with
24 Tulu?
- 25 Q. [14:48:47] Yes, did Tulu have any escorts?

- 1 A. [14:48:54] Yes, there were escorts with whom he would move about.
- 2 Q. [14:49:00] Tell us about them, how many, what age, those sorts of things.
- 3 A. [14:49:18] The ages of the escorts, well, I cannot recall, but he had escorts with
4 whom he would move about. Some of them would move ahead and others would
5 move behind, but I cannot recall how old each of them was.
- 6 Q. [14:49:35] I understand that. Can you give the Court an age range, an
7 approximate age. I mean, were these old gentlemen or what kind of people were
8 they?
- 9 A. [14:49:59] There were -- I saw these escorts were ranging between 15 and
10 20 years of age.
- 11 Q. [14:50:07] And what tasks did they do for Tulu?
- 12 A. [14:50:17] These escorts carried his gun whenever he is moving and during
13 attacks they would be providing support to Tulu.
- 14 Q. [14:50:40] Now, I want to mention another name to you, it's the name Otti.
15 Have you heard that name before?
- 16 A. [14:50:52] Yes, I heard that name before.
- 17 Q. [14:51:01] When did you first hear of or meet this person Otti?
- 18 A. [14:51:15] I heard Otti's name in the group, but I didn't meet him.
- 19 Q. [14:51:31] Was Otti senior or junior to Tulu?
- 20 A. [14:51:51] Otti was more senior than Tulu.
- 21 Q. [14:52:00] Was there anybody at all who was more senior than Otti?
- 22 A. [14:52:13] Well, I don't recall that.
- 23 Q. [14:52:19] Who was the overall commander of this organisation which had
24 abducted you?
- 25 A. [14:52:35] The overall commander of the group that abducted me was Bukelo.

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- 1 Bukelo was sent to go and abduct people and he brought us to Tulu.
- 2 MR GUMPERT: [14:52:52] I'm not going to pursue that, your Honour.
- 3 PRESIDING JUDGE SCHMITT: [14:52:55] You know, it's of course how you want
4 to direct your examination, but the witness might not be the best person to ask about
5 structures and hierarchies and so on, but it depends on you, of course.
- 6 MR GUMPERT: [14:53:19] Your Honour is plainly right that there are other more
7 tactical reasons.
- 8 PRESIDING JUDGE SCHMITT: [14:53:25] I understand, but I just wanted to
9 remark it.
- 10 MR GUMPERT: [14:53:29]
- 11 Q. [14:53:29] You've told us that you met Odomi just very shortly after you were
12 abducted. Can you remember when was the next time you had anything to do with
13 Odomi or Odomi's group?
- 14 A. [14:53:53] I can recall we met Odomi's group at a time when a standby was
15 selected from Tulu and they went to meet the standby from Odomi's group so they
16 could go for work. That's what I can recall.
- 17 Q. [14:54:13] And where was that work going to take place?
- 18 A. [14:54:25] That was going to be in Lukodi.
- 19 Q. [14:54:32] Madam Witness, I'll come back to that, but I want to ask you about
20 any dealings you had with Odomi between the first time, the time when he said to
21 Bukelo "let them go" and that time when there was work to be done at Lukodi. Can
22 you remember whether you had dealings with Odomi's group in between those two
23 times?
- 24 A. [14:55:08] Well, we didn't meet again because we had already split.
- 25 MR GUMPERT: [14:55:23] Can I take your Honours' attention to paragraph 25.

1 It's this information that I'm seeking to elicit and I propose to do so, if I may, by
2 mentioning the proper names, first of all, which are in that paragraph rather than
3 reading any part of it.

4 PRESIDING JUDGE SCHMITT: [14:55:48] Yes.

5 MR GUMPERT: [14:55:49]

6 Q. [14:55:51] Do you remember crossing over from Okwang into Gulu?

7 A. [14:56:02] Yes, I do.

8 Q. [14:56:06] And what was the mission, the task which your group had at that
9 time?

10 A. [14:56:24] We were moving because there was no food items in Gulu and they
11 had said there was food in Okwang. And secondly, the government soldiers were
12 constantly attacking us from Gulu, so we were going the other side.

13 Q. [14:56:44] Did you ever receive instructions to go to Sudan that you can
14 remember?

15 A. [14:56:58] Yes, that instruction came.

16 Q. [14:57:06] Tell us about that. Did you follow that instruction or try to follow
17 it?

18 A. [14:57:21] We tried to follow that, but we were attacked by government
19 soldiers and we retreated. We didn't go back there.

20 Q. [14:57:34] Two more questions about that. Whose group were you with
21 when you were trying to go to Sudan?

22 A. [14:57:47] We were all brought together under one group and the -- I don't
23 recall the name of the leader of that group, but so many groups had converged
24 together.

25 Q. [14:58:04] And what was the mission, what were you trying to do in Sudan?

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- 1 A. [14:58:14] We were going to collect food.
- 2 MR GUMPERT: [14:58:21] Your Honours, a similar situation arises here to the
3 earlier one and I propose to deal with by reading the second sentence of paragraph 29
4 on UGA-OTP-0159-0008.
- 5 PRESIDING JUDGE SCHMITT: [14:58:37] Yes.
- 6 MR GUMPERT: [14:58:41]
- 7 Q. [14:58:42] Madam Witness, in your statement back in 2005 this is what you
8 said, I'm going to read one sentence to you to refresh your memory: "After one
9 month in Gulu I went with Odomi's group that tried to get the weapons hidden in
10 Sudan. Tulu and Odomi were in that group."
11 Does that remind you of what happened at this time?
- 12 A. [14:59:19] Yes, it does.
- 13 Q. [14:59:23] And is that correct that those men were there?
- 14 A. [14:59:31] It's correct.
- 15 Q. [14:59:35] And can you remember who it was in the end that recovered the
16 weapons? You've told us that you couldn't manage it because of the government
17 troops. Can you remember who did get the weapons?
- 18 A. [14:59:57] I do not recall that bit.
- 19 MR GUMPERT: [15:00:05] I'm not going to pursue that.
- 20 Q. [15:00:14] Do you know a place called Lira-Palwo?
- 21 A. [15:00:22] Yes, I do know.
- 22 MR GUMPERT: [15:00:27] That's paragraph 32 now, your Honours.
- 23 Q. [15:00:33] Can you remember who you were staying with when you were in
24 Lira-Palwo?
- 25 A. [15:00:47] I do not recall, but if I'm reminded, I can remember who I was living

1 with in Lira-Palwo.

2 Q. [15:01:01] Let me just try and give you a bit more help to see if you can
3 remember for yourself. I'm asking you about a time when you were on the other
4 side of the river Latanya. Can you remember who the commander was at that time?

5 A. [15:01:23] The commander who was in Latanya, that was Tulu who was with
6 us at the time.

7 MR GUMPERT: [15:01:36] Your Honour, if I may, I'm going to remind this witness
8 of the second sentence of paragraph 32.

9 PRESIDING JUDGE SCHMITT: [15:01:42] Yes, we have a possible contradiction
10 here.

11 MR GUMPERT: [15:01:46] We do.

12 Q. [15:01:50] Madam Witness, this is no criticism, you made this statement a long
13 time ago, but the Judges need your help to understand what the truth is. So I'm
14 going to read to you a sentence which is in that statement back in 2005 and then ask if
15 you can help the Judges to understand what the truth is.

16 What you said then is this:

17 "We went back to Lira-Palwo in Pader and stayed with Odomi on the other side of the
18 river Latanya."

19 That's what you said then. Does that help you to remember now?

20 A. [15:02:41] Yes, I remember. I'm sorry about that. It's been really long, so I
21 now remember that I have been reminded.

22 PRESIDING JUDGE SCHMITT: [15:02:51] Madam Witness, you don't have to be
23 sorry about that. You yourself point out absolutely correctly that it's a long time ago,
24 and when you're asked today, you say what you know today, and when you are
25 reminded and then you put it together and say, "I remember it differently or the same

1 what I said today" or "I don't remember at all". You are absolutely free to answer in
2 that respect.

3 So it's absolutely correct to say, "I don't know today" or "I remember it differently" or
4 to say after Prosecution has read something to you, "Yes, now I recall it. It was
5 different". That's no problem at all.

6 THE WITNESS: [15:03:45] (Speaks English) Okay.

7 MR GUMPERT: [15:03:48]

8 Q. [15:03:49] Can you remember why you had to leave Lira-Palwo?

9 A. [15:03:54] I remember when we left Lira-Palwo, we were being pursued by the
10 government forces, the government soldiers were pursuing us so we had to leave
11 Lira-Palwo.

12 Q. [15:04:25] Can you remember being in a place called Tegot-Atto?

13 Para 34 and onwards.

14 A. [15:04:46] Yes, I remember.

15 Q. [15:04:51] How were you surviving? How were you eating while you were in
16 Tegot-Atto?

17 A. [15:05:06] When food runs out, we send -- they would send people to go to the
18 camps and send soldiers to go and uproot cassava, for the civilians to bring for
19 feeding.

20 Q. [15:05:24] The group of fighters who would be sent to the camps, would that
21 small group, that splinter have a particular name?

22 A. [15:05:44] I do not recall how they were called.

23 Q. [15:05:51] Can you remember the names of any of the camps which were used
24 to provide food during this time when you were at Tegot-Atto?

25 A. [15:06:09] I remember one camp, which is Lalogi. We went there to get food.

1 Q. [15:06:18] I want you to explain to the Judges in a bit more detail what you
2 mean by going to get food. Let's deal with Lalogi since that's a place you remember.
3 How many people roughly were sent to get food from there?

4 A. [15:06:53] We were many, because they send many people so that they can
5 carry enough food to last some number of weeks. I don't recall the exact number.

6 Q. [15:07:05] I can understand that, but many like the people in this room or
7 many like a hundred?

8 A. [15:07:21] About 40. Not -- about 40. Not more than 40.

9 Q. [15:07:31] And how did they actually get the food? The food is in the camp.
10 What did they do to get the food and take it away?

11 A. [15:07:47] Those who had guns would lead the way and whenever they were
12 attacked by government troops, they would fight their way through. Those who did
13 not have guns would run to the camps to carry food.

14 Q. [15:08:03] All right. So the people with guns would fight off any government
15 soldiers, but when they got to the camp, how did they actually get the food out of the
16 camp and carry it away?

17 A. [15:08:24] We would carry food from the camp, come out of the camp and
18 continue walking back to where we came from.

19 Q. [15:08:35] Okay. Can I ask you to concentrate on the people with guns.
20 When they got to the camp, what did they do?

21 A. [15:08:47] Whenever they reached the camp, they wouldn't disturb civilians
22 but they would abduct a few people to carry the loot, to carry the food, and when
23 they reach a certain distance, some would be released but others would be taken with
24 them.

25 Q. [15:09:15] Did the people in the camps leave the food out for the men with

1 guns? Or how did it come to be transferred from the people in the camps to the
2 people you were with?

3 A. [15:09:39] They just take it by force. They enter inside the houses and take the
4 food by force and go away with it.

5 Q. [15:09:50] And what would happen if the people inside the house, the people
6 whose food it was, objected, refused to hand over the food?

7 MR TAKU: [15:10:00] Your Honour, I'm sorry, I do not actually sincerely want to
8 interrupt. This is too general. We do not know -- when he said, "When you",
9 whom is he referring to? Is it a special unit, a special unit, and which camps? I just
10 want some specificity in evidence being led.

11 PRESIDING JUDGE SCHMITT: [15:10:24] I thought we were still talking about
12 Lalogi, but perhaps it would be advisable to remind the witness that we are still
13 talking about Lalogi.

14 MR GUMPERT: [15:10:38]

15 Q. [15:10:41] Madam Witness, you probably heard that. I have asked you to use
16 that time when you went to a place called Lalogi to remember that time when you
17 answer my questions.

18 So my question now is: At Lalogi, what would happen if the people in the houses
19 didn't want to hand over their food to the men with guns?

20 A. [15:11:24] They can even be shot because they would be resisting
21 for -- resisting to give the food, and when they are threatened, they can accept to
22 release the food.

23 MR TAKU: [15:11:37] Your Honour, my problem is not resolved. Who were the
24 people in Lalogi? We want to know. It's not just about the witness or some other
25 people. Who were these people who were conducting this operation in Lalogi?

1 PRESIDING JUDGE SCHMITT: [15:11:55] We don't know exactly who were these
2 people, frankly speaking. And you can elaborate on that if you want but -- or you
3 refer me to the transcript, what has been said before we started the process, and
4 otherwise we are indeed a little bit in the dark. But obviously there has been an
5 incident in Lalogi and obviously there have been people getting, I now use the term of
6 the witness, getting food from civilians. So that's it.

7 MR GUMPERT: [15:12:30]

8 Q. [15:12:33] Let's try and help the gentleman on the other side. Who was your
9 commander when you went to Lalogi?

10 A. [15:12:50] I do not recall the commander now.

11 Q. [15:12:55] Who was the commander of the group which you were part of when
12 you went to Lalogi?

13 A. [15:13:12] Some soldiers were selected and they came together and went to
14 Lalogi.

15 MR GUMPERT: [15:13:22] I am going to try again for once here.

16 Q. [15:13:26] But who was the commander of the group from which these soldiers
17 were selected? The overall commander?

18 A. [15:13:47] I do not recall. I had just been abducted and taken to Lalogi to
19 bring food, so I can't remember the name of the commander.

20 PRESIDING JUDGE SCHMITT: [15:13:56] I think we have to take it as it stands
21 now.

22 MR GUMPERT: [15:14:00] Yes, I accept that, your Honour.

23 Q. [15:14:02] And you said that Lalogi was a camp. Did you know the people
24 who were living in the camp, what kind of people had these houses from which food
25 was being taken?

- 1 A. [15:14:22] They were civilians who had run away from their homes and
2 gathered in the camp.
- 3 Q. [15:14:33] Do you know why they had run away from their homes? What
4 were they running away from?
- 5 A. [15:14:45] They were fleeing from the disturbances of -- from the rebels who
6 were abducting children and causing insecurity. That's why they fled to the camps.
- 7 Q. [15:15:00] Do you know any other names for these rebels? What did the
8 rebels call themselves?
- 9 A. [15:15:16] I don't recall the names.
- 10 Q. [15:15:22] That's fine. You told us that apart from taking food, the people
11 who attacked Lalogi also abducted people. What was the purpose of abducting
12 people?
- 13 A. [15:15:50] The abductions were, one, to carry food. If it's a big male adult
14 would help to carry the injured LRA fighters.
- 15 Q. [15:16:06] So these people carrying food or injured LRA fighters, what sort of
16 ages would they be?
- 17 A. [15:16:29] About 25 to 30 years old.
- 18 Q. [15:16:38] Were any younger people abducted?
- 19 A. [15:16:51] There were younger people who were abducted, but they don't
20 carry the injured people, they become escorts of the commanders.
- 21 Q. [15:17:05] The escorts, would they be boys or girls?
- 22 A. [15:17:15] Boys.
- 23 Q. [15:17:18] Was it only young boys who were abducted?
- 24 A. [15:17:27] They would abduct both.
- 25 Q. [15:17:32] And what would happen to the young girls?

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1 A. [15:17:41] The young girls who were abducted, they are distributed to the
2 homes of the commanders who would help to -- and they would help to carry
3 children and to cook food for the commanders and their wives.

4 Q. [15:18:00] When you say "young girls", how young roughly?

5 A. [15:18:12] The age bracket includes those age 10. Seven is the youngest.

6 Q. [15:18:23] And what about the boys, is that the same sort of age or different?

7 A. [15:18:33] The boys was different. Depends on how physical, how physical
8 fit he is. Others are made escorts. Others are made to carry the injured.

9 Q. [15:18:49] Thank you.

10 MR GUMPERT: [15:18:54] Did I understand your Honour to say that we were
11 aiming for a two-hour session?

12 PRESIDING JUDGE SCHMITT: [15:19:00] Yes, I did say that. So you have still
13 40 minutes left today.

14 MR GUMPERT: [15:19:05] I'm not going to finish today. I imagine I'll probably
15 need an hour, possibly an hour and a half tomorrow morning.

16 PRESIDING JUDGE SCHMITT: [15:19:13] Yeah, okay, that's fine.

17 MR GUMPERT: [15:19:17]

18 Q. [15:19:17] Now, you talked about a place called Lukodi. Do you remember
19 that? About 20 minutes ago.

20 A. [15:19:32] Yes, I do remember.

21 Q. [15:19:35] You said that there was going to be work done at a place called
22 Lukodi; do I recall correctly?

23 A. [15:19:53] Yes.

24 Q. [15:19:54] I'd like you to tell the Judges the whole story of that work at Lukodi.
25 As far as you were concerned, you personally, how did the story start? Where were

1 you?

2 A. [15:20:20] A standby was selected to go to Lukodi. We started moving
3 towards Lukodi and we crossed Paicho road and we slept in Latwong. From
4 Latwong we crossed the road leading to Awach and then we proceeded to go to
5 Lukodi. We met other groups and we converged together to go to Lukodi. We
6 were told that when we reached the river we should pour water on our heads. We
7 poured water on our heads and then we started running from the river to the camp.
8 We heard a whistle and gunshots were heard. Those who had guns went to the
9 barracks but those who did not have guns went to the camp to carry food. We
10 continued carrying food and we heard a helicopter gunship coming. We were told
11 that Mambas or gunships were coming. It was, it was not a Mamba but it was a
12 helicopter gunship. We were told to break leaves and put on the luggage and we
13 squat down. When we squatted down I, together with another lady, branched off to
14 the bush with a -- and then we stayed there and did not come out. We stayed till
15 morning and in the morning we went to the camp. We found houses had been
16 burned and then I, I went to -- and I alerted myself to the government soldiers.

17 MR GUMPERT: [15:22:10] Oh, well, perhaps we will finish today.

18 PRESIDING JUDGE SCHMITT: [15:22:12] You know, when there is a flow of
19 narrative with a witness, normally you would not stop it and you can take it now as it
20 has triggered questions perhaps for you or perhaps not.

21 MR GUMPERT: [15:22:25] One or two.

22 Q. [15:22:28] Can I ask you again -- I want to ask -- thank you for that, but I want
23 to ask you about it in a little bit more detail, in little chunks. The first chunk it this:
24 Where were you when you were first asked to become part -- told to become part of
25 the standby?

1 A. [15:22:58] I remember we were in a group led by Odomi.

2 Q. [15:23:09] Can you remember the physical location, the name of the place that
3 you were near when you were first chosen?

4 A. [15:23:26] I cannot recall the exact physical location.

5 Q. [15:23:30] Thank you.

6 MR GUMPERT: [15:23:31] Your Honours, once again we've got something of a
7 combination of some contradiction, together with some lack of memory.

8 PRESIDING JUDGE SCHMITT: [15:23:39] Yes, you can refer her to the former
9 statement.

10 MR GUMPERT: [15:23:43] I'm grateful. And it's paragraph 37 and the ERN is
11 UGA-OTP-0159-0009.

12 Q. [15:23:57] Madam Witness, once again it's no criticism but I'm going to remind
13 you of something which you said in your statement nearly 12 years ago. It's this:
14 "One day, Odomi sent his soldiers to our location to get people to go and collect food.
15 Abonga Won Danu and Bicingu selected 30 people from the sickbay and Tulu told us
16 to leave Tegot-Atto and go with the soldiers."

17 Does that remind you of how this story began?

18 A. [15:24:54] Yes, it does remind me.

19 Q. [15:24:58] So Tegot-Atto, is that a place which you remember?

20 A. [15:25:10] Yes.

21 Q. [15:25:12] And just before these people arrived, who was your commander at
22 Tegot-Atto, who was the most senior person in the group you were part of at
23 Tegot-Atto?

24 A. [15:25:34] While at Tegot-Atto we were under Tulu's group.

25 Q. [15:25:45] You said in your statement "Odomi sent his soldiers to our location".

- 1 How did you know the soldiers were coming from Odomi?
- 2 A. [15:26:02] They came and told our leader that Odomi had sent them to come to
3 us.
- 4 Q. [15:26:10] You mentioned two names, Abonga Won Dano and Bicingu. Were
5 these people who had come from Odomi or were they people who were there under
6 Tulu?
- 7 A. [15:26:30] Abonga was with Tulu.
- 8 Q. [15:26:40] And Bicingu?
- 9 A. [15:26:47] Even Bicingu was with Tulu because that group was big.
- 10 Q. [15:27:00] You said that these two men selected people. How did they select
11 them? What kind of people were selected?
- 12 A. [15:27:15] They selected those who were able to walk and would go to collect
13 food, but if they realise that -- if they realise you are not able to go, you don't go. If
14 you can stay, you can stay hungry for long you were selected to go, because the
15 journey was long.
- 16 Q. [15:27:42] And were you one of the people who was selected?
- 17 A. [15:27:52] Yes, I was.
- 18 Q. [15:27:55] Did anybody say what the purpose of this standby selection was?
19 What were you going to do?
- 20 A. [15:28:13] They could have said something about it, but I do not recall it.
- 21 Q. [15:28:24] So you're one of the people selected. Did the people selected have
22 guns?
- 23 A. [15:28:39] They took some people, some few people who had guns. The rest
24 of us did not have guns.
- 25 Q. [15:28:51] And from Tegot-Atto where did you and the other people who were

1 selected go to?

2 A. [15:29:05] The standby started moving to go and collect food from the camp.

3 Q. [15:29:17] Was there a rendezvous, an RV?

4 A. [15:29:29] Yes, there was.

5 Q. [15:29:37] Who did you meet there? Who was there at the rendezvous that
6 you can remember, commanders?

7 A. [15:29:51] There were many people. I cannot recall the commander who was
8 there at the time.

9 Q. [15:30:03] Can you remember the name of the place where you met, where the
10 rendezvous, the RV took place?

11 A. [15:30:18] I do not recall.

12 MR GUMPERT: [15:30:24] I'm just going to ask one more question before I rush.

13 Q. [15:30:30] Can you remember what happened at this meeting?

14 A. [15:30:41] I remember that the meeting -- yes, I remember something
15 happened at the meeting.

16 Q. [15:30:51] Tell us.

17 A. [15:31:00] The meeting, what I can recall was when I was told that we should
18 go and whoever we found on the road should be killed because the Acholi had
19 become stubborn. If the government soldiers were killing their own children, why
20 shouldn't they also kill government's children.

21 Q. [15:31:27] You say "we were told". Who was doing the telling? Who was
22 making this speech about the killing and the government?

23 A. [15:31:43] That was Odomi.

24 Q. [15:31:57] Did he name the place at that time which ought to be attacked?

25 A. [15:32:19] In their plan we were supposed to have gone to attack Awach but

1 they realized that there were many government soldiers at Awach, so later on they
2 changed the plan to go and attack Lukodi.

3 Q. [15:32:37] I'm going to ask you about the name of a place and the name is
4 Gwendia, does that refresh your memory at all?

5 A. [15:32:54] Yes, it does.

6 Q. [15:32:56] So what can you now remember about Gwendia? What was
7 important about that place?

8 A. [15:33:19] Gwendia was a school and there was a government soldiers
9 barracks there.

10 Q. [15:33:25] And can you remember now what was the name of the place that
11 Odomi was saying you should go to attack?

12 A. [15:33:39] I can recall.

13 MR GUMPERT: [15:33:46] Your Honours, if I may, I'm now going to seek to
14 refresh from paragraph 42.

15 PRESIDING JUDGE SCHMITT: [15:33:53] 42, yeah.

16 MR GUMPERT: [15:33:55] It's only four and a little bit lines, I want to read all of it,
17 if I may?

18 PRESIDING JUDGE SCHMITT: [15:34:03] You start with the first sentence there?

19 MR GUMPERT: [15:34:06] Yes, definitely.

20 PRESIDING JUDGE SCHMITT: [15:34:08] I think the first two sentences would be
21 sufficient, in light of the testimony we have already.

22 MR GUMPERT: [15:34:16] Very good.

23 Q. [15:34:18] Madam Witness, I'm back with that statement you made 12 years
24 ago. You told the investigators this:

25 "Before we left, Odomi gave a speech. He told us to attack Gwendia and to kill

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1 everyone and that no one should remain because the government sends helicopters to
2 shoot at them."

3 Does that refresh your memory of this meeting?

4 A. [15:35:02] Yes, it does.

5 Q. [15:35:05] Is that what Odomi said or did he said something different?

6 A. [15:35:13] That was what Odomi said.

7 Q. [15:35:19] You told us a little bit earlier, it's page 67, line 3 of the transcript,
8 that --

9 PRESIDING JUDGE SCHMITT: [15:35:37] I think the microphone is not activated.

10 MR GUMPERT: [15:35:41] It's because I'm leaning away.

11 PRESIDING JUDGE SCHMITT: [15:35:45] You're too far away from the
12 microphone, that's the problem.

13 MR GUMPERT: [15:35:51]

14 Q. [15:35:51] You told us that the person making the speech had said that the
15 Acholi should be killed because they were stubborn or they had become stubborn.

16 Can you explain to the Judges what you understood that to mean.

17 MR TAKU: [15:36:15] Your Honours, I think this question is unfair, what she
18 understood what to mean. What is important is what was said.

19 PRESIDING JUDGE SCHMITT: [15:36:23] No, this is overruled. I think the
20 witness can be asked what she means by stubborn or what she understood by
21 stubborn. This is overruled. I think the question can be answered.

22 MR TAKU: [15:36:39] Okay. I was saying that for the purpose of the witness, not
23 that -- not that the evidence -- not that we are shying away from that --

24 PRESIDING JUDGE SCHMITT: [15:36:45] I think -- you know, you know we are
25 talking about, or we are asking witnesses to provide facts from the outer world, so to

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1 speak, and sometimes we ask them what they think about certain facts they have
2 provided and of a certain terms they have used, and this is one of those incidents.

3 MR TAKU: [15:37:04] Okay.

4 PRESIDING JUDGE SCHMITT: [15:37:05] And I think we should allow the
5 question and we should allow the witness to answer.

6 MR TAKU: [15:37:09] We will pursue it also. I mean, we are very comfortable
7 with the evidence he is leading and we would have lead the same evidence if he
8 didn't.

9 PRESIDING JUDGE SCHMITT: [15:37:21] This is also nice to hear, so to speak, for
10 the near future, the prospect for the near future might be promising then.

11 So please, Madam Witness, answer the question. The question, Madam Witness,
12 was what did you mean, or what did you understand at the time and what did you
13 mean when you said today the Acholi people were stubborn? Or not you said it but
14 the other person said it. What did you understand what does this mean, stubborn?

15 THE WITNESS: [15:38:04] (Interpretation) I have not understood that, but that
16 was the order that he gave and I didn't understand why he said that.

17 MR GUMPERT: [15:38:24]

18 Q. [15:38:31] Did Odomi give any other instructions about who should be killed?

19 A. [15:38:46] He said whoever was found should be killed.

20 Q. [15:38:55] Can you remember any particular examples he gave of the kind of
21 people who should be killed?

22 A. [15:39:11] He said that included children and even the elderly. That's what
23 I can recall.

24 MR GUMPERT: [15:39:22] Your Honours, I'd like to refresh the witness's memory
25 on paragraph 43, just the first sentence.

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1 PRESIDING JUDGE SCHMITT: [15:39:28] Yes.

2 MR TAKU: [15:39:30] Your Honours, before he elicits evidence, we will pursue is
3 for different reasons, but we know that we want to place with regard to this location
4 our standing objections. Of course we know that it's allowed for the purpose which
5 you've ruled previously, but this is one of those locations for which we didn't have
6 any notice with regard to the four crime bases. We know your ruling about this
7 already and he can, he can pursue it, but we just wanted to indicate at the time the
8 question is being asked.

9 PRESIDING JUDGE SCHMITT: [15:40:10] We have taken note of it, but I think we
10 are here talking about one of the charged incidents. At least I understand that the
11 Prosecution wants to follow this path. Is this correct, Mr Gumpert?

12 MR GUMPERT: [15:40:26] That's absolutely right. Indeed the witness has already
13 explained how the attack on Lukodi came to happen even though a different direction
14 was originally given. So yes, this is a charged attack.

15 PRESIDING JUDGE SCHMITT: [15:40:39] Okay, so this is at least what the
16 Prosecution wants to pursue so I think the standing objection, we don't have to
17 answer this at this point in time. We have answered it several times before, but at
18 this point in time I think it's clear that we are -- at least the Prosecution wants to talk
19 about a charged incident.

20 MR TAKU: [15:40:57] Thank you, your Honour.

21 PRESIDING JUDGE SCHMITT: [15:41:00] So please continue, Mr Gumpert.

22 MR GUMPERT: [15:41:02] Thank you.

23 Q. [15:41:03] Madam Witness, in that same statement, the one you signed in 2005,
24 you said this, talking about Odomi:

25 "He also told us to go and kill everybody, even if we find a woman who is giving

1 birth, we should kill her because the government had sent helicopters to kill our
2 leaders, and even our children were killed."

3 Does that remind you of what Odomi said at this RV?

4 A. [15:41:48] Yes, that reminds me of what Odomi said during the meeting.

5 Q. [15:41:52] And just to be clear, is that what he said?

6 A. [15:42:01] Yes.

7 MR GUMPERT: [15:42:13] And, your Honour, in the light of the witness's answer
8 about the word "stubborn" I'm going to ask to refresh her memory with the remaining,
9 or the next sentence which deals with precisely that point.

10 PRESIDING JUDGE SCHMITT: [15:42:30] Yes, because she said today something
11 different, yes.

12 MR GUMPERT: [15:42:35] I'm grateful.

13 Q. [15:42:38] And you went on to say this, that Odomi said: "The Acholi people
14 do not want to go home. They wanted the Acholi people to leave the camps and go
15 back to their villages, but the Acholi people want to stay in the camps. Because the
16 Acholi are stubborn, they do not want to go home."

17 Is that what Odomi said?

18 A. [15:43:16] That was what Odomi told the people.

19 Q. [15:43:22] Now, apart from Odomi, did anyone else make a speech at this
20 meeting, this RV?

21 A. [15:43:46] Well, I don't remember any other person speaking.

22 MR GUMPERT: [15:43:55] I'd ask to remind the witness of the first sentences of 44
23 and 45 on UGA-0159-01 --sorry, 0010.

24 PRESIDING JUDGE SCHMITT: [15:44:09] I think you can just put the two names
25 to her and if this triggers something in her memory.

- 1 MR GUMPERT: [15:44:14] Very well.
- 2 Q. [15:44:16] The names I'm going to ask you about are these: Ocaka. Does
3 that trigger anything in your memory?
- 4 A. [15:44:26] Yes, it does.
- 5 Q. [15:44:29] What did Ocaka say; can you remember?
- 6 A. [15:44:40] What Ocaka said, well, I cannot recollect now.
- 7 Q. [15:44:48] And the other name, Bicingu, does that trigger your memory?
- 8 A. [15:44:55] Yes, it does.
- 9 Q. [15:44:57] Can you remember what Bicingu said?
- 10 A. [15:45:06] I also cannot recall because this has really been a while. I cannot
11 recall all those things that were said at that time.
- 12 Q. [15:45:15] I'm going to leave Ocaka, but I do ask for leave to refresh her
13 memory about what Bicingu said.
- 14 PRESIDING JUDGE SCHMITT: [15:45:23] Yes.
- 15 MR GUMPERT: [15:45:23]
- 16 Q. [15:45:25] In that same statement you said this:
17 "Bicingu also talked to us. He said we are going to work. Whoever misbehaves
18 should be shot and killed, because the person would like to cross to the government."
19 Does that remind you of what Bicingu said?
- 20 A. [15:45:53] Yes, it does.
- 21 Q. [15:45:58] And what did he mean when he said that a person who misbehaves
22 will be shot? What did you understand that warning to mean? What would you
23 do which might get you shot?
- 24 A. [15:46:16] Well, what I understood about that was that if you wanted to escape,
25 that meant you wanted to join the government troops. You needed to follow the

1 instructions that were being given so that you would not be shot.

2 Q. [15:46:42] I'm finished with the meeting now, with the RV. You've told the
3 Judges that from Tulu's group some, including you, I think you said, about 30 came to
4 the RV. Is that right?

5 A. [15:47:06] Yes.

6 Q. [15:47:07] Now, when you went off after the speeches to go and do the work,
7 how many people were walking off, were going off at that time?

8 A. [15:47:24] Well, that was about 80 people.

9 Q. [15:47:31] So where did the other 50 or so come from? Whose group were
10 they from?

11 A. [15:47:44] There were so many people, but they selected some few, they were
12 picking from different coys.

13 Q. [15:47:56] Now, a coy is a unit, isn't it, a military unit? Above a coy, what's
14 the next unit, above a coy?

15 A. [15:48:16] People who were coming from the different groups were being
16 referred to as a coy.

17 Q. [15:48:32] Thirty of you came from a group where the commander was Tulu,
18 you've told us. The other 50, who was their commander?

19 A. [15:48:45] The other 50, well, I don't recall the name of their leader.

20 MR AYENA ODONGO: [15:49:00] Your Honour, I just thought I might remind my
21 learned colleague that you've already made a ruling on this, that we do not expect
22 this witness to be very aware of the structure.

23 PRESIDING JUDGE SCHMITT: [15:49:13] This was -- this was not a ruling. This
24 was what I said at the time was a remark which --

25 MR AYENA ODONGO: [15:49:18] Yes.

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1 PRESIDING JUDGE SCHMITT: [15:49:19] -- yes, let me put it this way -- could or
2 could not guide the Prosecutor in his examination. I still would say that the witness
3 is not --

4 MR AYENA ODONGO: [15:49:36] Qualified.

5 PRESIDING JUDGE SCHMITT: [15:49:38] -- not at all qualified, but not perhaps the
6 best qualified thinkable witness for these matters. But this was not a ruling that
7 these questions are not allowed. It was just a matter of necessity or of, yes, how you
8 conduct your examination, not more, not less. It was not a ruling.

9 MR AYENA ODONGO: [15:49:59] I thought, your Honour, that I might remind
10 my colleague that he might be flogging a dead horse.

11 PRESIDING JUDGE SCHMITT: [15:50:09] That is your expression.

12 MR AYENA ODONGO: [15:50:11] Yeah.

13 MR GUMPERT: [15:50:13] No horse, no whip.

14 Q. [15:50:16] Madam Witness, we want to try and understand how the work, as
15 you've called it, happened. Thirty of the people, about 30 of the people, came with
16 you from Tulu's sickbay. Who was the most senior person when you got to the RV?
17 Who was the most senior person there?

18 A. [15:50:58] The most senior person in the group we were from was -- well,
19 I don't recall the name.

20 Q. [15:51:12] Who was it who decided who should be in the group, the people
21 who went to do the work? Who made the decision about who would be in it?

22 A. [15:51:39] The order for the establishment of the standby came out from Tulu,
23 that each of the leader should identify people who should go and collect food items
24 for their respective households.

25 MR GUMPERT: [15:51:56] Your Honours, I want to remind the witness of the last

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1 three sentences of paragraph 39 on UGA-0159-0010.

2 PRESIDING JUDGE SCHMITT: [15:52:14] Yes.

3 MR GUMPERT: [15:52:16]

4 Q. [15:52:17] When you made your statement back in 2005, this is what you told
5 the investigators.

6 MR TAKU: [15:52:25] Your Honour, we haven't interrupted at all because we want
7 things -- I mean the proceedings to move quickly. If I understood clearly, my
8 colleague has said that she is trying to recite a contradiction because a recited
9 contradiction from one's own witness has legal consequences. It is not just a matter
10 of trying to refresh memory as such. Your Honour said it could if there's a
11 contradiction. She has given a clear answer. Who was this? He said it was Tulu
12 and then went ahead to say what Tulu did.

13 So it's not -- it can't be a question of refreshing the memory when there's an answer.
14 But if he wants to elicit it for contradiction, if the Court allows, he can go ahead and
15 do that, but it has consequences when a party transform evidence-in-chief into
16 interrogation or eliciting contradictions from his own witness. It has consequences.
17 I know that you've allowed that before when they said they could not remember or
18 under certain circumstances, very limited circumstances. But when it becomes the
19 practice every time that an answer is given, "Who decided?" He says Tulu and she
20 went ahead. But if he wants -- I have -- it's entirely in your hands, your Honours.
21 This is what I wanted to say.

22 PRESIDING JUDGE SCHMITT: [15:54:03] I understood it, perhaps you can correct
23 me, in the following way: I understood the evidence that the witness has until now
24 given, that the 30 persons were coming from Tulu's group. And then we are
25 discussing about other 40, 50 people or whatsoever and where are these people

1 coming from, and I have understood it in a way that the witness said, "I do not recall
2 it. I do not remember it."

3 So my premise was, because of that I did not object myself to the question, that we are
4 talking about a possible fact that the witness here in the courtroom does not
5 remember anymore, and there we have this refreshing procedure, and perhaps,
6 Mr Gumpert, you can confirm what I said or you can contradict me now if you want.

7 MR GUMPERT: [15:54:58] I don't want, your Honour. Your Honour's absolutely
8 right. The rules which my learned friend summarises, the rather quaint old common
9 law rules, were devised for trials which might take place six or seven weeks at the
10 county assizes after a crime is alleged to have been committed. It would be
11 ludicrous to have them applying in the same rigour 12 years later.

12 PRESIDING JUDGE SCHMITT: [15:55:28] I think Mr Taku does not want that, but
13 simply it's always when you -- when you decide on these matters, first of all it's
14 important to know what the --so to speak, what the factual basis is. And I think we
15 are not talking about the 30 persons which the witness has consistently said that they
16 were coming from Tulu's group. We are now talking about other people. And we
17 can try to remind the witness of what she has said in the past and if this --

18 THE INTERPRETER: The interpreters would request your Honour to slow down.

19 PRESIDING JUDGE SCHMITT: [15:56:01] The Presiding Judge is admonished to
20 speak too fast, which is, of course, a little bit bitter considering that I at least every
21 two days tell everybody to slow down. So I'm myself now admonished. But
22 I think I can overcome that too. But important is that we are here not in a
23 contradiction process, so to speak, but in the process of refreshing memory, and this is
24 allowed, Mr Gumpert.

25 MR GUMPERT: [15:56:34]

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1 Q. [15:56:36] Madam Witness, I was reading to you a short part of that statement
2 you gave in 2005. You said this:

3 "Odomi combined soldiers from his group with soldiers from our group. Soldiers
4 are those with guns. There were only 15 people from our group with guns. There
5 were many more from Odomi's group than the people from our group."

6 Does that remind you of who the people from the other group were commanded by?

7 MR TAKU: [15:57:24] I object, your Honours. This is simply a different question.
8 This is what Odomi did. The question was about -- not about the question of
9 command. It was about Odomi, what he did. But to say Odomi commanding in
10 this particular case, I think that is not what the evidence is about, and this is not
11 obviously what the witness is saying. The witness is saying nothing about the
12 commander, who was a commander. He's saying about what Odomi did, and the
13 witness can give evidence about that.

14 But if we're talking about command, it brings us, and we will gladly do from the
15 statements that we have, to explore the question of command responsibility and who
16 was there and was not there, and about the evidence that we have at our disposal
17 which we've communicated.

18 PRESIDING JUDGE SCHMITT: [15:58:10] So we shorten this procedure. Madam
19 Witness, you have heard the three sentences that Prosecutor read to you. When you
20 hear that, do you want to add anything to what you have already said here in the
21 courtroom today?

22 THE WITNESS: [15:58:34] (Interpretation) There's nothing else I can add on to
23 that.

24 PRESIDING JUDGE SCHMITT: [15:58:38] On to that what you have said at the
25 time or what you said today in the courtroom?

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- 1 THE WITNESS: [15:58:55] (Interpretation) I don't have anything I can add now.
- 2 MR GUMPERT: [15:59:01] Your Honour, it is I who must object now. This
3 question may be an important one. I suppose there have been four or five objections
4 as we have come to this matter. The witness can reasonably be anticipated to want
5 to leave the witness box as quickly and as quietly as possible, instead of which the
6 time she is there is being extended by objections which have been consistently
7 overruled. It cannot be right that an important detail she remembered just months
8 after the events is now being prevented from being rehearsed to your Honours so that
9 you can take it into account. That cannot be justice.
- 10 PRESIDING JUDGE SCHMITT: [15:59:51] I think the problem here is -- might be
11 that the question was not put in a way to the witness that she understood what was
12 expected from her. So I give it a last try, and this is the last try, and we have now
13 4 o'clock.
- 14 Madam Witness, again these three sentences that the Prosecutor read to you, do they
15 in any way trigger your memory?
- 16 THE WITNESS: [16:00:30] (Interpretation) If he reads them, yes, it can remind me.
- 17 MR GUMPERT: [16:00:36]
- 18 Q. [16:00:38] "Odomi combined soldiers from his group with soldiers from our
19 group. Soldiers are those with guns. There were only 15 people from our group
20 with guns. There were many more from Odomi's group than the people from our
21 group."
- 22 Is that what happened?
- 23 A. [16:01:09] Yes.
- 24 MR GUMPERT: [16:01:13] I can leave it there for today, your Honours.
- 25 PRESIDING JUDGE SCHMITT: [16:01:17] Then we conclude the hearing for today

Trial Hearing
WITNESS: UGA-OTP-P-0018

(Open Session)

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- 1 at least and then we resume tomorrow at 9.30.
- 2 (The hearing ends in open session at 4.01 p.m.)