

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(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, 30 May 2017  
9 (The hearing starts in open session at 9.29 a.m.)  
10 THE COURT USHER: [9:29:51] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:30:11] Good morning, everyone.  
13 Could the court officer please call the case.  
14 THE COURT OFFICER: [9:30:17] Good morning, your Honours.  
15 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen.  
16 And for the record we are in open session.  
17 PRESIDING JUDGE SCHMITT: [9:30:29] Thank you very much.  
18 I ask for the appearances of the parties. We start with Madam and Mrs Adeboyejo.  
19 MS ADEBOYEJO: [9:30:36] Good morning, your Honour. Benjamin Gumpert,  
20 Beti Hohler, Pubudu Sachithanandan, Yulia Nuzban, Paul Bradfield, Yya Aragon,  
21 Shahriar Yeasin Khan and Ramu Fatima Bittaye.  
22 PRESIDING JUDGE SCHMITT: [9:30:53] Thank you very much.  
23 And for the Legal Representatives of the Victims, Mrs Massidda first.  
24 MS MASSIDDA: [9:30:59] Good morning, Mr President, your Honours.  
25 Paolina Massidda with Orchlón Narantsetseg and Caroline Walter.

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [9:31:07] And Mrs Hirst.
- 2 MS HIRST: [9:31:09] Good morning, your Honours. Megan Hirst, with me James  
3 Mawira.
- 4 PRESIDING JUDGE SCHMITT: [9:31:13] Thank you.  
5 And for the defence, Mr Obhof.
- 6 MR OBHOF: [9:31:16] Good morning, your Honour. Today we have Chief Charles  
7 Achaleke Taku, Michael Rowse, Abigail Bridgman, our client, Mr Ongwen and myself,  
8 Thomas Obhof.
- 9 PRESIDING JUDGE SCHMITT: [9:31:27] Thank you very much.  
10 And we also welcome Mr Witness again in the courtroom and we give Madam  
11 Adeboyejo the floor again.
- 12 MS ADEBOYEJO: [9:31:36] Thank you, your Honour.
- 13 WITNESS: UGA-OTP-P-0314 (On former oath)  
14 (The witness speaks Acholi)
- 15 QUESTIONED BY MS ADEBOYEJO: (Continuing)
- 16 Q. [9:31:38] Good morning, Mr Witness.
- 17 A. [9:31:42] Good morning.
- 18 Q. [9:31:46] Yesterday we started discussing some of the places where you had  
19 indicated to us that you yourself had been present when certain incidents had taken  
20 place and you spoke to us about Odek. So this morning I want to ask you about  
21 Odek. Do you recall the year that you went to Odek?
- 22 A. [9:32:20] Well, I don't recall the exact year, but I think it was around, towards  
23 the end of 2003 or the beginning of 2004.
- 24 Q. [9:32:39] And can you tell us who had instructed you to go to Odek?
- 25 A. [9:32:52] We were sent by Dominic.

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 Q. [9:33:00] And how was this -- what was to happen in Odek, how was it  
2 planned?

3 A. [9:33:12] We were gathered together, we were identified and we were --

4 THE INTERPRETER: [9:33:21] The interpreter requests the witness to repeat that.

5 PRESIDING JUDGE SCHMITT: [9:33:26] Mr Witness, the interpreter did not get  
6 your last response. So I would have to ask you to repeat your last answer.

7 THE WITNESS: [9:33:44] (Interpretation) I said we were identified and from there  
8 we were not told where we were going to do the operation. We were just told that  
9 we were going to collect food items, but we were not told where exactly we were  
10 going.

11 MS ADEBOYEJO: [9:34:02]

12 Q. [9:34:02] When you say you were identified, who identified you and how were  
13 you identified, or selected?

14 A. [9:34:20] They selected people from each of the households. Some came from  
15 Otto's home, others came from his own household and some people came from  
16 Kalalang's household. That was how we were selected.

17 Q. [9:34:36] And when you say "his household", whose household are you referring  
18 to?

19 A. [9:34:44] I was referring to Otto commander having his own household. Other  
20 commanders also had their own households.

21 Q. [9:34:55] Now, how many of you were selected from each household?

22 A. [9:35:08] From our household they selected about six of us from Otto's  
23 household. But from the other households I don't know the number of people who  
24 were selected.

25 Q. [9:35:25] Now, you have just mentioned that there was also from -- persons

1 selected from Kalalang's household, and this Kalalang was who you had described  
2 yesterday as being the 2IC to Ongwen. Once the order was given for you to carry  
3 out this operation in Odek, who would instruct the soldiers on what exactly their  
4 roles would be, what their roles would be, who would provide instructions?

5 A. [9:36:14] After the selection, the selected people would be moved aside and then  
6 a commander like Ongwen would now come and address them before they set off.

7 Q. [9:36:28] And what would the nature of Ongwen's address be? What would he  
8 address you about?

9 A. [9:36:42] He would tell us to go and abduct some children, we should also bring  
10 food items, because there would -- we would not be having food, so he would tell us  
11 go and get food because it was necessary to get food and any other items that we  
12 could bring.

13 Q. [9:37:08] At the time that this selection was done, about how many of you were  
14 in the, the entire camp, I would say, the camp that was under Ongwen as the  
15 commander? About how many people were in it?

16 A. [9:37:31] There were so many people. And well, I didn't count the number. I  
17 have also forgotten about some of the commanders, but what I know is there was so  
18 many people.

19 Q. [9:37:47] If I put a figure of 300, 400?

20 A. [9:37:57] Well, the total number of people would come up to about 400. That  
21 would be including every single person in the group.

22 Q. [9:38:07] And when you say "every single person", who are the other persons  
23 you are referring to?

24 A. [9:38:18] I am talking about the people I -- I saw within the camp and I'm just  
25 estimating the total number of people to be about 400.

1 Q. [9:38:30] So how many soldiers in all would you say were selected to go for this  
2 operation in Odek?

3 A. [9:38:42] They were about between 60 and 80.

4 Q. [9:38:51] And in order to carry out this operation what were the soldiers armed  
5 with?

6 A. [9:39:09] They carried guns like B-10 and another type of gun whose  
7 names -- whose name I don't know, but it had very big bullet sizes and the bullets are  
8 in a chain. And there were also AK-47 guns and there was also a PK.

9 Q. [9:39:42] And among the -- thank you, Witness. Among the group of 60 you  
10 have just told us who went for this operation, what would be the age of the youngest  
11 soldier?

12 A. [9:40:04] The youngest person would be around my age and that would be  
13 between 13 and 14, around there, because they only selected people who already had  
14 guns.

15 Q. [9:40:34] You told us yesterday that you had a gun, didn't you, Witness?

16 A. [9:40:41] Yes, I was given a gun.

17 Q. [9:40:50] How were the attackers dressed in order to go for this operation?

18 A. [9:41:05] Some of them were putting on military uniforms -- well, they were  
19 putting on the, the normal clothes they used to put on daily, but colours that could  
20 help to camouflage within the bush. But others were putting on military uniforms.

21 Q. [9:41:28] And you yourself, what were you wearing?

22 A. [9:41:34] I was putting on a gumboot and a military pair of trousers. I got -- I  
23 tied my waist with my shirt which was green in colour.

24 PRESIDING JUDGE SCHMITT: [9:41:56] Mr Witness, why did you do that, to tie  
25 that, can you explain that to the Court?

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 THE WITNESS: [9:42:08] (Interpretation) The shirt was big in size so I had to tie it  
2 around my waist.

3 PRESIDING JUDGE SCHMITT: [9:42:18] Thank you.

4 MS ADEBOYEJO: [9:42:20]

5 Q. [9:42:23] Now, Mr Witness, before you all left for -- the group of 60 left for the  
6 operation in Odek, who addressed your group?

7 A. [9:42:41] When we left Dominic we went and Abongomek was the one who  
8 addressed us when we were now approaching the barracks. He divided the people  
9 into groups, one going to attack the camp and the other going to attack the barracks.

10 Q. [9:43:07] So my understanding, Mr Witness, is that you had instructions first  
11 from Ongwen before then Abongomek told you (Overlapping speakers)

12 MR TAKU: Your Honours --

13 PRESIDING JUDGE SCHMITT: [9:43:18] Wait a moment, please.

14 MR TAKU: [9:43:20] -- I object to the Prosecutor giving evidence. The witness has  
15 said is that it -- that they didn't know they were going to Odek at all. Ongwen said  
16 they were going to look for food and, according to him, also said they were going to  
17 abduct civilians, that is on record. And then they move, when they are going to  
18 Odek, it was when somebody else said "You are going to attack the camp." So how  
19 could the Prosecutor immediately say that Dominic was at least saying let's go to  
20 Odek, when the evidence by the witness is that they did not disclose where they were  
21 going to, it was when they went closer to Odek that someone, another commander,  
22 gave instructions and said "We are going to attack Odek, the camp," and he  
23 apportioned. So the, the introduction to the question that you were instructed by  
24 Ongwen, and thereafter some other person, is wrong.

25 PRESIDING JUDGE SCHMITT: [9:44:11] We can show that -- it's correct what

1 you are saying, but I have also always to keep in mind that the judges recognise what  
2 has been said, that the judges read the transcripts afterwards and put everything into  
3 perspective. So you can be sure of that.

4 Please continue, Ms Adeboyejo.

5 MS ADEBOYEJO: [9:44:35] I am much obliged, your Honour.

6 PRESIDING JUDGE SCHMITT: [9:44:36] So we are now talking about a speech or an  
7 address immediately before the attack started, or shortly before the attack started.

8 MS ADEBOYEJO: [9:44:45] Indeed.

9 PRESIDING JUDGE SCHMITT: [9:44:45] This is what we are now talking about.

10 MS ADEBOYEJO: [9:44:50] Indeed, your Honour, that's where we were are.

11 Q. [9:44:55] Now, with regards to the orders that you said that were given, do you  
12 recall when this order was given, what time of the day had -- because there was a first  
13 address you have told us about by Ongwen and there was a second address by  
14 Abongomek. Let's talk about the first address by Ongwen, about what time of the  
15 day was that address given?

16 A. [9:45:28] He addressed us in the morning and thereafter we left. It was a long  
17 journey and we went and stopped and rested somewhere at around, at 3 p.m. And  
18 after that, after resting at around 3 p.m. we set off again and we were then told that  
19 we were going to Odek and we were told that because we were already near Odek.  
20 We were then told that we were going to Odek and we were going to loot food items  
21 and while other -- another group would go to attack the barracks.

22 Q. [9:46:16] And when -- I'm still focusing on the first address from Ongwen, how  
23 close were you when he gave -- he addressed the group of soldiers?

24 A. [9:46:32] First of all, as commanders they would first talk amongst themselves,  
25 after that then would come and talk to the people who have been selected to go for

1 the operation, because the people would be addressing now would include junior  
2 soldiers, would tell them that you are going for a mission but they would not mention  
3 the place where you are going to carry out the operation and would say "What I  
4 would want you to go and do is go and abduct people and also bring food." That  
5 was the first thing that was said in the first address, but when you have already left  
6 that place you now move and, as you are approaching the exact location of the  
7 mission, they would now divide the people into groups with various tasks for each  
8 group.

9 Q. [9:47:35] Thank you, Mr Witness, for that explanation. I now want you to focus  
10 on how close were when you heard Ongwen giving this address? As close as  
11 you are to me now or further apart? How close were you?

12 A. [9:47:58] Well, the distance was similar to the one we have right now.

13 Q. [9:48:04] Now, let me ask you, you said when you had walked for a distance, for  
14 quite a long distance, then you had the second set of instructions from Abongomek.  
15 Which group -- and you said you were divided -- which group were you divided into,  
16 to do what particular task?

17 A. [9:48:36] While we were there we first rested a bit, we had to prepare a meal.  
18 In our group Okello was the overall commander because as part of the people from  
19 Otto's household Okello was our leader. Okello would stay with the Ottos, but after  
20 finishing the meal he came back to us and told us now we are on standby because we  
21 are setting off. But as we go, personally, I was selected to move with him, to move  
22 with Okello. The rest of the people would be moving with Opio and that was how  
23 we were divided, we were actually divided from that point and those who were  
24 selected to go with Opio were supposed to go to the camp to get food items. My  
25 team going with Okello was supposed to go and attack the barracks.



1 Q. [9:49:43] And while you were -- you had gone near Odek to attack a barracks  
2 and to go to the camp, where was Ongwen?

3 A. [9:49:58] We had left him behind.

4 Q. [9:50:01] Where did you leave him?

5 A. [9:50:07] We left him at the place where we set off from. You know, out there  
6 in the bush you couldn't know where exactly you were so I cannot mention any  
7 particular location because I don't know.

8 Q. [9:50:24] About how many of you set off to go to the barracks?

9 A. [9:50:35] We were approximately 30, but that is just my estimation. We were  
10 about 30 selected for that.

11 Q. [9:50:48] And what was your task, those of you going to the barracks, what was  
12 your task supposed to be?

13 A. [9:51:05] Barracks, we were supposed to go and get some uniforms, go and  
14 attack the barracks, overrun it, recover some ammunition.

15 Q. [9:51:20] How did you know where the barracks was located?

16 A. [9:51:31] There was a boy call Owiny, he had been identified earlier to go and  
17 carry out investigation, then he came back and he was the person who led the people  
18 going to the barracks, the other person with whom he had gone out there earlier led  
19 the other group going to the camp.

20 Q. [9:51:57] And how old was this person you have described as Owiny?

21 A. [9:52:07] Owiny was between 18 and 19 years.

22 Q. [9:52:17] So apart from this person that you have described as Okello, who else  
23 was the commander in your group that was supposed to attack the barracks?

24 A. [9:52:31] There was --

25 THE INTERPRETER: [9:52:33] The interpreter would request the witness to repeat

1 that.

2 PRESIDING JUDGE SCHMITT: [9:52:39] Mr Witness, could you please again repeat  
3 the response, the interpreter had problems to follow. We apologise for that.

4 THE WITNESS: [9:52:55] (Interpretation) I said we had Otim, Lumumba, we had  
5 Abongomek, and there was also Okello and many others whose names I cannot recall  
6 now.

7 MS ADEBOYEJO:

8 Q. [9:53:13] Now you said there were approximately 30 people who were in your  
9 group that went to attack the barracks. How many of those were adults and how  
10 many were children?

11 A. [9:53:39] The adults were more than the children, but I -- well, there could be  
12 about 25. Children were much fewer. There were about 25 adults.

13 Q. [9:54:00] And about how old would you say these children were?

14 A. [9:54:13] Around 14 years old.

15 Q. [9:54:18] Now I want to ask you: Were there any females among your group  
16 that went to the barracks?

17 A. [9:54:33] Well, I cannot clearly recollect that, because we actually didn't line up,  
18 but what I know is there was no female next to me. The -- well, there were some  
19 females but some of them -- most of them I think went to the camp to carry out -- to  
20 carry food.

21 Q. [9:54:57] When did you get to Odek?

22 A. [9:55:05] That was around, around 5.30-6 p.m., because it was getting dark.

23 Q. [9:55:26] And how did you know when to start attacking? How did you know  
24 this was the time now to start the attack?

25 A. [9:55:36] When we approached the location we were lined up and some people

1 on the left and the others on the right. We were moving. Sometimes we would be  
2 crawling and when we reached very near a whistle was blown and then we started  
3 shooting.

4 Q. [9:56:05] Now when you were describing you gestured with your hands, does  
5 that mean that you formed a straight line going towards the barracks? Was that  
6 what your hand gesture was trying to show?

7 A. [9:56:24] Yes.

8 Q. [9:56:27] Now you said that as the whistle was blown you started firing, what  
9 was the reaction of the soldiers in the barracks?

10 A. [9:56:43] Well, we caught them off guard and they started by running. We  
11 were surging, surging forward to them and they kind of retreated. We entered into  
12 the barracks, we overran it.

13 Q. [9:57:02] And what happened to the LRA soldiers as you ran into the barracks?

14 A. [9:57:16] The person who was leading us who was called Owiny was shot, was  
15 shot in the neck. He fell down and I continued because there was a commander  
16 behind who was telling us to advance. And we left the person who was shot.  
17 I don't know that he was carried and taken away or not, but we continued moving  
18 towards the barracks. And after entering the barracks I went and carried a pouch  
19 full of magazines and the soldiers came back and they were now many. They came  
20 and fought and chased us away. We ran back to the bush.

21 Q. [9:58:11] How did you get the pouch full of magazines?

22 A. [9:58:22] Well, when the soldiers retreated I ran and entered one of the, the  
23 houses. I had found the pouch on the floor, I carried it and put it on my back and  
24 immediately received instruction that we should retreat. Then we took off, running  
25 back.

1 Q. [9:58:46] So tell us about the group that went to the camp. What happened to  
2 them?

3 A. [9:58:56] Those who went to the camp, well, they went. On reaching the camp  
4 they found there were many soldiers there. I learnt of that when we came back and  
5 they found there were many soldiers there so they didn't loot a lot of food. They  
6 also had to withdraw.

7 Q. [9:59:24] How long did the exchange of gunfire between yourselves and the  
8 UPDF soldiers, how long did this last?

9 A. [9:59:38] It took about five, between five to 10 minutes.

10 Q. [9:59:44] And what happened to the civilians at the camp?

11 A. [9:59:53] Well, I don't know because I didn't go with the people who went to the  
12 camp. I went to the barracks so I don't know what happened in the camp.

13 Q. [10:00:04] When you were returning after your engagement at the barracks, who  
14 did you see with the LRA soldiers?

15 A. [10:00:24] I saw people who had been abducted and food that had been looted.

16 Q. [10:00:34] The people that you saw that were abducted, how many of them were  
17 male and how many were female?

18 A. [10:00:46] I did not count the number, because those abducted were gathered  
19 together and you cannot count to know how many men or how many women were  
20 there.

21 Q. [10:01:00] How many would you estimate there were in total that were  
22 abducted?

23 A. [10:01:13] They could be between 20 and 30, that's my estimation. It could be  
24 more.

25 Q. [10:01:20] And amongst these abductees were there male and female?

1 A. [10:01:29] Yes, there were girls, there were women too.

2 Q. [10:01:34] How old would the youngest girl be?

3 A. [10:01:48] When we returned from Odek it was dark already and where we  
4 stopped to rest some people had been left behind, they had been released. When we  
5 left in the morning we were already being pursued by a helicopter gunship and we  
6 were on the run. So I could not, I could not see things clearly. I could not know  
7 who is where, so it's difficult to estimate.

8 Q. [10:02:26] Now you said that they had looted some food items. Could you tell  
9 us what were the food items. I will come back to the abductees. What were the  
10 food items?

11 A. [10:02:42] There was salt, beans, flour and cooking oil, those are the items, and  
12 among others like soap.

13 Q. [10:02:56] Now your group from the barracks and the group from the camp, did  
14 you meet up after the attack, after the operation?

15 A. [10:03:11] Yes, we met up with those who were from the camp and thereafter we  
16 moved together to go and meet the larger group which was being commanded by  
17 Dominic Ongwen.

18 Q. [10:03:26] Where did the two groups meet?

19 A. [10:03:34] We met near a stream, it must have been Omer (phon) stream,  
20 that's -- we met around there.

21 Q. [10:03:46] And how would you have known where to meet?

22 A. [10:03:57] The commanders like Labongo already knew that area, they are the  
23 ones who would determine where we would meet. They would say that in case of  
24 any attack everybody should run and everybody should run to different directions,  
25 but there is always a meeting point that the commanders knew, for as we would run

1 and follow them and realise that we have actually met them. We would come  
2 together with those ones with whom we had split from.

3 Q. [10:04:40] And the person you said had given this instruction, is it Abongomek  
4 or Labongo, I wasn't sure?

5 A. [10:04:58] It's Abongomek, he is also called Labongo, he is one and the other.

6 Q. [10:05:04] So what -- about what time did you get to this location?

7 A. [10:05:14] We got to the location that evening about, about 10 or 11 p.m. We  
8 moved throughout the night and then we continued moving. When it was already  
9 daylight we were already being pursued by a helicopter gunship trying to locate,  
10 locate us. We kept hiding until we vanished from the direction.

11 Q. [10:05:53] And you said earlier that those who were behind, some of those  
12 abductees who were behind, they were released. How were they released?

13 A. [10:06:09] That's what we heard from our, our colleagues and they told us that  
14 so-and-so had been released and had gone back. We have no idea how they were  
15 released. We don't know whether they were let go home or something else had  
16 happened to them.

17 PRESIDING JUDGE SCHMITT: [10:06:28] What could that have been when you said  
18 "something else could have happened"?

19 THE WITNESS: [10:06:39] (Interpretation) Sometimes they could have been killed.  
20 That's what I mean.

21 PRESIDING JUDGE SCHMITT: [10:06:46] Did you see a release or a killing? Did  
22 you see that with your own eyes?

23 THE WITNESS: [10:07:01] (Interpretation) Like I said, we were just told that some  
24 people had been released. Those who had remained behind were the ones who told  
25 us that they had been released. I did not find out how they were released.

1 MS ADEBOYEJO: [10:07:23] Your Honour, I would like to refresh the memory of the  
2 witness on this particular point.

3 PRESIDING JUDGE SCHMITT: [10:07:28] Yes, this is clear. You mean 74?

4 MS ADEBOYEJO: [10:07:34] Yes, indeed.

5 PRESIDING JUDGE SCHMITT: [10:07:35] Okay. Please do that.

6 MS ADEBOYEJO: [10:07:41] I would read a particular portion.

7 Q. [10:07:48] "The LRA troops were killing some of the abductees along the way  
8 especially the children who were tired. They were the ones who killed the children  
9 who were resting. I know this because when I remained behind and they say let this  
10 person rest they mean kill them so that they could rest forever. I saw this on other  
11 occasions but I did not see it happen after the Odek attack ..."

12 Mr Witness --

13 MR TAKU: [10:08:30] Your Honours, again I object. Your question related to Odek  
14 and he now says that in respect of Odek he wasn't there, they were pursued, he was  
15 told that the people were just released. If they want to read this it can't be  
16 a contradiction, it can't even be refreshing the memory because it does not refer -- it  
17 doesn't refer to the specific event and to the question you asked and which my  
18 colleague asked. In fact it does not relate to Odek and the witness is very clear.  
19 Certainly on other occasions, but not in regard to Odek.

20 PRESIDING JUDGE SCHMITT: [10:09:02] But I don't see a problem. Why not put it  
21 to him because he did not say something different here in the courtroom? So why  
22 not just listen to the answer?

23 MS ADEBOYEJO: [10:09:10] Yes.

24 PRESIDING JUDGE SCHMITT: [10:09:10] And I don't want to foreshadow it, but I  
25 think the -- I don't have any problems with putting this paragraph to the witness. It

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 is a sort of refreshing and it is also sort of a little bit of a contradiction, you could say.

2 It's a mixture and they are both issues it would satisfy to put it to him.

3 So, Mr Witness, just we have heard -- you have heard that now, what do you say

4 when you hear that?

5 THE WITNESS: [10:09:39] (Interpretation) What I can say is that at Odek I did not

6 see whether -- how the person was released or where the person was killed. I just

7 heard that these people were left behind.

8 PRESIDING JUDGE SCHMITT: [10:10:01] I think we leave it at that. This is -- he

9 also said that before, so -- but we have put it to him and I think that is sufficient now.

10 You can move on to another point.

11 MS ADEBOYEJO: [10:10:14]

12 Q. [10:10:15] Mr Witness, whilst you were returning from the attack in Odek was

13 there any communication going on?

14 A. [10:10:37] I did not hear any communication going on because we were running,

15 we were being pursued by the helicopter gunship. Abongomek could be

16 communicated on radio with Ongwen. For us, we do not know what they are

17 talking about. For us, we just follow wherever they are going.

18 Q. [10:11:07] And when did you, about what time of day did you eventually get to

19 Ongwen?

20 A. [10:11:25] I do not recall the exact time that we reached. We did not have

21 watches or clocks while in the bush and it's difficult to tell the exact time.

22 Q. [10:11:43] Mr Witness, you mentioned a name, Abongomek, whilst we've been

23 having this discussion. Have you ever heard of the name Labongo? I hope I am

24 pronouncing it properly, Labongo?

25 A. [10:12:06] Labongo is the same -- the same person known as Abongomek, if you



1 call in full, but you can call in short as Labongo.

2 Q. [10:12:26] Now let's talk about when the troops then arrived where Ongwen was  
3 situated. What happened when you all arrived?

4 A. [10:12:42] I was glad that we -- I beg your pardon, he was glad that we returned  
5 because we brought food. He saw what his junior commanders had done and he  
6 was happy.

7 Q. [10:12:57] And what did he say when you all arrived?

8 A. [10:13:06] He thanked us for what we did.

9 Q. [10:13:10] What did the junior commander say to him?

10 A. [10:13:28] When the person who commanded us was briefing him we were not  
11 there anymore because we, we do not attend their meetings. We were already with  
12 Kalalang, they selected those who commanded the attack to loot food to go and  
13 address him and brief him.

14 Q. [10:13:53] And was it -- I'm sorry if I asked you this before and you said you  
15 didn't have the time, but I want to know what, what period of the day was it, was it in  
16 the night, was it during the day that you returned and all of those briefings took  
17 place?

18 A. [10:14:17] It was at daytime.

19 Q. [10:14:19] And by the time you all reported back to Ongwen, how many  
20 abductees had then returned with you?

21 A. [10:14:37] I do not know the exact number of abductees.

22 Q. [10:14:46] Let's talk about what happened to the food items that came back with  
23 the group that had gone to the camp, with your group, what happened to the food  
24 items?

25 A. [10:15:04] The food items which were brought back were divided. Others were

1 hidden. When we reached food was divided amongst us and the 2IC of Ongwen  
2 was the one who divided the food, started saying that this portion should be taken to  
3 Otto's home, this portion should go to the commander's home.

4 Q. [10:15:43] And what happened to the abductees?

5 A. [10:15:49] Those who were abducted were also divided. They would say  
6 so-and-so go and stay at this commander, so-and-so stay in the other commander's  
7 home. That's how it was also done.

8 Q. [10:16:07] And who is this 2IC that you have referred to who was doing this?

9 A. [10:16:17] It was Kalalang.

10 Q. [10:16:21] Now let's talk about the abductees. After they were distributed to  
11 the commanders' homes, what happened to them?

12 A. [10:16:36] Others are caned as an initiation to be recruited into the army so that  
13 they are initiated and they start behaving like soldiers, that is what happens.

14 Q. [10:16:55] And these ones that were caned were, were they male or female?

15 A. [10:17:05] Some girls are also caned. But the male -- the male are all caned.  
16 But the girls who are young are not caned. Girls who are about 15/16 are also caned.

17 Q. [10:17:23] The ones who are younger, what happens to them, than 15/16?

18 A. [10:17:36] They are made to carry like saucepans, bags of the commanders'  
19 wives, so, because the young ones are given to the commanders' wives to take care of  
20 them to teach them on how to do things while there.

21 Q. [10:17:59] And what are these young girls that help the commanders' wives,  
22 what are they called, if you know, Mr Witness?

23 A. [10:18:07] They are called ting ting.

24 Q. [10:18:12] Now, Mr Witness, I want to ask you, have you ever heard of a place  
25 called Pajule?

1 A. [10:18:23] Yes, I heard about Pajule.

2 Q. [10:18:28] One more question on Odek before I move to Pajule. Yesterday you  
3 mentioned the name Onen Kamdule, was he part of -- and he said he was an escort,  
4 was he part of those that went to Odek with you?

5 A. [10:18:55] I cannot recall whether he went or he remained behind, because we  
6 were many.

7 Q. [10:19:07] Now what do you recall about Pajule? You said you heard about it.  
8 What happened in Pajule?

9 A. [10:19:23] I heard about Pajule when Okot, who was a signaller, told me. He  
10 told us what happened, what took place in Pajule.

11 Q. [10:19:39] What did he tell you took place in Pajule?

12 A. [10:19:48] He told us how they looted the place, they came back with many  
13 things. They even came with soda. I saw soda in his bag. There was sugar. And  
14 they also had bathing soap. They told us that they looted shops there and they  
15 abducted many people.

16 Q. [10:20:16] Did he tell you who was the commander when they had gone to  
17 Pajule?

18 A. [10:20:32] No, they did not tell us who the commander was. First, we were all  
19 hearing when he was telling us how things went there. Okot was, was senior to us,  
20 he was a sergeant. For us, being junior soldiers, we could not ask him.

21 PRESIDING JUDGE SCHMITT: [10:20:56] Mrs Adeboyejo, when we come to other  
22 incidents, of course we all know that at this Court hearsay is not excluded, but I think  
23 we should really keep it short then, and of course as always to foreshadow any  
24 objections the Chamber can -- is able to assess the validity of such evidence.

25 MS ADEBOYEJO: [10:21:18] I am much --

1 PRESIDING JUDGE SCHMITT: [10:21:19] Especially compared to evidence by  
2 eyewitnesses and earwitnesses.

3 MS ADEBOYEJO: [10:21:27] I am much obliged to your Honour.

4 Q. [10:21:35] Now, Mr Witness, have you heard of a place called Lira-Palwo?

5 A. [10:21:42] Yes, I heard about Lira-Palwo.

6 PRESIDING JUDGE SCHMITT: [10:21:53] What did he hear, you can --

7 MS ADEBOYEJO: [10:21:55] Yes.

8 Q. [10:21:58] What did you hear about Lira-Palwo?

9 A. [10:22:04] I heard that in Lira-Palwo they cooked people there. And that's what  
10 I heard there.

11 Q. [10:22:12] And who was responsible for this cooking of people?

12 A. [10:22:33] What I heard, according to what I heard it was Otto  
13 Nywinya Aye Wata who was leading the people who were going there.

14 Q. [10:22:45] And how did you know that it was Otto who was responsible, how  
15 did you know?

16 A. [10:22:56] I heard from those who went for that operation. And when they  
17 were also talking about it on the radio that people had been cooked in Lira-Palwo,  
18 they were asking who had done -- who had cooked the people, that's what I heard  
19 from.

20 Q. [10:23:21] Okay. Let's start with who was talking about it. Who were the  
21 persons who were talking about it?

22 A. [10:23:34] I heard from the FM radios, because we had some FM radios  
23 to -- when they were reading news it came on as one of the news items. We would  
24 hear from the commanders such as -- because they had radios. So when they -- the  
25 issue came up, when they were talking on radio call I heard them asking who had

1 done that. I did not know who was talking on radio call at the time. And they  
2 were -- and it was told that Otto Nywinya Aye Wata who did that. That's what I  
3 heard from radio call when they were reporting.

4 Q. [10:24:41] So who did you hear being spoken to on the radio call?

5 A. [10:24:53] It was Kony himself.

6 Q. [10:24:58] And who was he speaking to or asking about what happened?

7 A. [10:25:12] He was asking Lapaicho, it must have been Lapaicho, what had  
8 happened.

9 Q. [10:25:25] And what was the response?

10 A. [10:25:38] They talk in -- while talking on radio they, they speak in code. When  
11 they finish speaking and they have completed the communication, like when I was  
12 there I was close and the person who -- and they would report that whoever we were  
13 talking to was the commander, was the big commander. They wanted to know who  
14 had conducted the attack in Lira-Palwo and then they told him that it was Otto who  
15 conducted the attack, that's how I knew about it. I would just hear about it when  
16 they are talking about it, but when they were talking on radio I won't know exactly  
17 what they are talking about. But when they had finished the communication and we  
18 had moved some distance, then some people with whom we work in -- as signallers,  
19 they would report what they were talking about.

20 Q. [10:26:51] Last question on this: And who was the big commander  
21 who -- under whom Otto Nywinya Aye Wata worked?

22 A. [10:27:10] It must have been Lapaicho.

23 PRESIDING JUDGE SCHMITT: [10:27:16] Madam Adeboyejo, I think this is an  
24 instance where we perhaps should read part at least of paragraph 86 to the witness,  
25 because he was there more clear about the, the accused. And I think out of fairness

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 to the accused this should be also put to him.

2 MR TAKU: [10:27:35] And to be fair to him he made another statement correcting  
3 that article alone and the Prosecutor sent the Prosecutor's notes, which he was very,  
4 very clear and he and said that indeed in this particular he cleared, he corrected that  
5 paragraph that your Honour just referred to in the investigators' notes.

6 MS ADEBOYEJO: [10:27:56] But it's important that I put this to him because this was  
7 also in his statement.

8 PRESIDING JUDGE SCHMITT: [10:28:02] Yes, I think so, and we should listen to  
9 what the witness has to say today to this.

10 MS ADEBOYEJO: [10:28:07]

11 Q. [10:28:08] So, Witness, I would read to you what was in your statement:

12 "Some of the LRA commanders had radios which they listened to FM radio. They  
13 heard about the people who were cooked and they asked who sent those troops who  
14 did this. Ongwen said it was him who sent those troops. The person who asked  
15 was Kony over the radio. Ongwen answered over the radio that he sent the people  
16 but he said that if they did that then he did not order them to do that. At this time  
17 my job was to carry the solar and I was there when Ongwen was speaking."

18 Mr Witness, what do you say to this?

19 A. [10:29:23] I just heard that on radio so I -- I couldn't remember everything. I  
20 couldn't store everything in my brain.

21 PRESIDING JUDGE SCHMITT: [10:29:35] But may I just, Mrs Adeboyejo: But you  
22 confirm that Mr Ongwen said that he did not order this?

23 THE WITNESS: [10:29:46] (Interpretation) Yes, I remember when they were talking  
24 on radio call.

25 PRESIDING JUDGE SCHMITT: [10:29:54] When just Mrs Adeboyejo has read out to

1 you, and I quote again: "I was there when Ongwen was speaking." Do we  
2 understand this correctly that you were present together with Mr Ongwen or simply  
3 that you listened to it on the radio when he was speaking from a faraway place?

4 This is a little bit misunderstanding, the wording here.

5 THE WITNESS: [10:30:22] (Interpretation) We heard from radio. Because for us  
6 when we also connect the radio, connect the solar, they don't let us stay close when  
7 they are communicating. You have to move a distance apart. That is how I was,  
8 I was a distance apart. When they finished the communication then I come and I  
9 disconnect.

10 PRESIDING JUDGE SCHMITT: [10:31:09] Thank you very much.

11 Please continue.

12 MS ADEBOYEJO: [10:31:12]

13 Q. [10:31:13] Mr Witness, when you were talking to us about the Odek attack you  
14 told us that Abongomek was in that attack. Do you recall what he did during the  
15 attack, just coming back to Odek, I apologise.

16 A. [10:31:37] Abongomek was there even, because his work was to, to use the other  
17 big gun I talked about that had chains. So he went.

18 Q. [10:31:50] And what did he do with it?

19 A. [10:31:58] He fired some bullets, two or three bullets, but the gun failed later on.

20 Q. [10:32:09] Witness, I want to put a name. Just a moment. Odong Cowboy, is  
21 this a name you are familiar with?

22 A. [10:32:49] Yes, I, I heard the name Odong.

23 Q. [10:32:55] And who was this person that was called Odong?

24 A. [10:33:09] Odong used to live in Kalalang's household.

25 Q. [10:33:15] And what work did he do in Kalalang's household?

1 A. [10:33:24] He was part of the reconnaissance team. After carrying out  
2 reconnaissance he would come back and provide information about the number of  
3 troops that they have found out and all that.

4 Q. [10:33:44] Did you know what his rank was?

5 A. [10:33:51] Odong was either a sergeant or a second lieutenant.

6 Q. [10:33:58] I want to put the name Bookec to you. Is this a name you are  
7 familiar with?

8 A. [10:34:11] Bookec was -- well, I can recall that name. We actually lived with  
9 him in Buk's group.

10 Q. [10:34:30] And did you know how old he was?

11 A. [10:34:39] Well, I don't know how hold he was, but I went and found he was  
12 already in the bush.

13 Q. [10:34:46] And how long had he been in the bush by the time you got there?

14 A. [10:34:58] He had -- well, I didn't ask how long he had already stayed in the  
15 bush, but he looked like somebody who had already stayed for a while because by  
16 then he already had a gun.

17 Q. [10:35:12] And did he use this gun, to your knowledge?

18 A. [10:35:27] Well, he didn't use the big gun, but was using the small ones instead.

19 Q. [10:35:35] And where did he -- where did he use the small gun? What  
20 operations?

21 A. [10:35:51] Well, I cannot recall in which operations he went. But I found when  
22 he had already stayed for quite a while in the bush, so I don't know which operations  
23 he went for, which places he went to loot items. No, I don't know.

24 PRESIDING JUDGE SCHMITT: [10:36:16] But what you recall is that he was in  
25 Buk's household? Is this correct? Have I understood this correctly?



1 THE WITNESS: [10:36:28] (No interpretation)

2 PRESIDING JUDGE SCHMITT: [10:36:31] And how do you come to know that, that  
3 he stayed in Buk's household? Did you observe this with your own eyes or did you  
4 recognise this by yourself or have you been told that?

5 THE WITNESS: [10:36:45] (Interpretation) I saw Bookec. I used to see the people  
6 with whom he would stay because sometimes they would bring him to come and  
7 provide protection to the commanders' wives, sometimes would also carry the chair  
8 of the overall commander. That's how I got to know that he was living with the  
9 commander.

10 MS ADEBOYEJO: [10:37:15]

11 Q. [10:37:16] And who is this overall commander you are referring to?

12 A. [10:37:22] That was Buk.

13 MS ADEBOYEJO: [10:37:27] Your Honours, may I have your permission to refresh  
14 the memory of the witness?

15 MR TAKU: [10:37:32] I'm sorry, your Honours, I think you read out -- it is not about  
16 refreshing, maybe if she feels there is a contradiction she can say that. But when the  
17 witness has given a categoric answer the Court took over and tried to pin him down  
18 on whether he saw or he didn't, and he just gave instances. If there is a contradiction  
19 she would bring it up again so that she wants to recite a contradiction. But it cannot  
20 be about refreshing the memory in this particular context.

21 PRESIDING JUDGE SCHMITT: [10:38:02] It's relatively easy, you tell me what you  
22 want to put to the witness, I have a short look at it and then I tell you if you are  
23 allowed to do it.

24 MS ADEBOYEJO: Indeed, your Honour, I am grateful. It's in paragraph 149 and  
25 it's UGA-OTP-0258-0864 and it's the second line that says --

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [10:38:24] Yes, I see that this is of course  
2 a contradiction, and you can put it to him, but, but, he has already answered twice in  
3 a certain direction so we would have to assess this in the end. So please do that.

4 MS ADEBOYEJO: [10:38:41]

5 Q. [10:38:41] Now in paragraph 149 it says:

6 "I have been asked if I know someone called Bookec. He was still a young boy in the  
7 LRA. He was in Ongwen's group ..." What do you say (Overlapping speakers)

8 MR TAKU: [10:38:57] No, your Honours, read the full sentence not  
9 just -- (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [10:39:02] Let this -- yeah.

11 MR TAKU: -- he has been there around three or four years.

12 PRESIDING JUDGE SCHMITT: No excitement anywhere. It's correct what  
13 Mr Taku is saying, we are reading, we are reading the whole paragraph, please.

14 MS ADEBOYEJO: [10:39:09] I will read the whole paragraph indeed. Thank you,  
15 your Honour:

16 "... he had been in the LRA for around three to four years. I think he used to stay in  
17 Ongwen's home. I think he was the same age as me. Bookec went for many attacks  
18 but I cannot remember which ones. He had a gun."

19 What do you say to this, Mr Witness?

20 A. [10:39:42] What I can say is that what I recorded in my statement is correct,  
21 because the commanders I lived with were many, and they kept on moving me from  
22 one to the other. I lived with Oyat Lapaicho, I stayed with Buk, I stayed with  
23 Dominic Ongwen and I got to know Bookec from there, because he was a young boy,  
24 yes, and he was tasked with carry the commander's chair.

25 PRESIDING JUDGE SCHMITT: [10:40:26] I think we leave it at that. And we have

1 also on the record that he was around there in the LRA three or four years.

2 MS ADEBOYEJO: [10:40:34] Yes, indeed, your Honour.

3 Q. [10:40:37] Mr Witness, the name Opoka, do you recognise this name?

4 A. [10:40:51] There were many people with the name Opoka because, first, there  
5 was Opoka who was in charge of signal, there was also another Opoka who  
6 was -- well, he was with Buk, and there was another one who was also a signaller but  
7 of a lower rank, so I don't know which one particularly you are referring to, there  
8 were many.

9 Q. [10:41:22] The one that you have described as a signaller, who was he a signaller  
10 for?

11 A. [10:41:38] Opoka, the one I found was the head of signallers in the Sinia brigade,  
12 but later on he was transferred to -- well, when Buk was transferred and Ongwen was  
13 promoted he moved with Buk and Otto replaced Opoka as the head of signallers  
14 under Sinia brigade.

15 Q. [10:42:12] Now, the name Ojok, or Ot Ngec?

16 A. [10:42:24] Yes, I know the name.

17 Q. [10:42:26] Who was this person?

18 A. [10:42:32] Ot Ngec was one of the boys living in Kalalang's household.

19 Q. [10:42:41] Is there a problem, Mr Witness? What's the problem?

20 PRESIDING JUDGE SCHMITT: [10:42:54] Mr Witness, you want to speak so please  
21 speak.

22 MS ADEBOYEJO: Yes, go ahead.

23 THE WITNESS: [10:42:57] (Interpretation) I would like to talk. I feel the  
24 microphone is itching my ears, if you could give me some time to rest a bit.

25 PRESIDING JUDGE SCHMITT: [10:43:08] Then we make the following. We have

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 now then a coffee break, and we can extend it a little bit, we are not in a hurry.

2 I would assume, Mrs Adeboyejo, that you have been quicker than envisioned, is this  
3 true?

4 MS ADEBOYEJO: [10:43:24] Indeed, your Honour.

5 PRESIDING JUDGE SCHMITT: [10:43:26] Because you can sort of guess what is on  
6 your table. So we have now a break until 11.30 and, Mr Witness, I hope and  
7 the Chamber hopes that this gives you enough time to have a little bit of a rest and  
8 that you are then refreshed, so to speak.

9 THE COURT USHER: [10:43:43] All rise.

10 (Recess taken at 10.43 a.m.)

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

12 THE COURT USHER: [11:30:51] All rise.

13 Please be seated.

14 PRESIDING JUDGE SCHMITT: [11:31:18] Mr Witness, I hope you are feeling better  
15 and I think your earphones have been changed. So I hope we can continue with  
16 your examination, your testimony. Do you feel better, Mr Witness?

17 THE WITNESS: [11:31:38] (Interpretation) Yes, I do feel better.

18 PRESIDING JUDGE SCHMITT: [11:31:43] That's good. Thank you very much.

19 I would like to announce two scheduling matters for the next two days. The hearing  
20 scheduled for tomorrow will be from 9.30 to 1 o'clock, normal one and a half. The  
21 afternoon session will be cancelled. And on Thursday we start at 10 o'clock, not 9.30,  
22 but with normal hours until 4 o'clock afterwards. So just to have this not only on the  
23 record, because there it is not very important, but in your mind.

24 Please, Ms Adeboyejo, please continue.

25 MS ADEBOYEJO: [11:32:18] Thank you, your Honour.

- 1 Q. [11:32:24] Mr Witness, I want to ask you also about a name Agweng.
- 2 A. [11:32:37] I do know Agweng.
- 3 Q. [11:32:41] And who is he, or who was he?
- 4 A. [11:32:45] Agweng used to live together with Kalalang.
- 5 Q. [11:32:51] What was his rank?
- 6 A. [11:32:56] He was either a lieutenant or a second lieutenant.
- 7 Q. [11:33:04] Did he have any escorts?
- 8 A. [11:33:06] Yes, he had.
- 9 Q. [11:33:10] And you have been talking about a certain person called Abongomek.
- 10 What was his rank?
- 11 A. [11:33:22] He was either a sergeant or a second lieutenant.
- 12 Q. [11:33:32] Do you know who was his superior?
- 13 A. [11:33:42] His superior was together with Otim Ngurbar.
- 14 Q. [11:33:50] And this Otim Ngurbar, would this be the person that you told us
- 15 earlier had been shot?
- 16 A. [11:34:02] No. The person who was shot was Owiny.
- 17 Q. [11:34:09] Now this Otim Ngurbar, did he come back with you from Odek?
- 18 A. [11:34:24] I did not see him.
- 19 Q. [11:34:28] Did he give a report to Ongwen?
- 20 A. [11:34:37] I do not know if he gave a report to Ongwen because I did not see.
- 21 Q. [11:34:44] And the name Opio Ogeri?
- 22 A. [11:34:53] I know him.
- 23 Q. [11:34:55] Who was this person?
- 24 A. [11:35:02] The -- he was also staying together with second in command of
- 25 Ongwen, Kalalang.

- 1 Q. [11:35:13] And what was his task?
- 2 A. [11:35:19] His task, he was among the -- the spies who would go reccing around.
- 3 Q. [11:35:35] The name Opio Awere?
- 4 A. [11:35:50] I know there was someone called Okot Awere, not Opio.
- 5 Q. [11:35:56] Okay. And what was the rank of this person?
- 6 A. [11:36:06] Awere was a lieutenant or a second lieutenant there.
- 7 Q. [11:36:14] What was his role or his duties?
- 8 A. [11:36:18] He was also among the recces and they would spy ahead when
- 9 people are going for an attack?
- 10 Q. [11:36:34] The name Ocaya, who was he?
- 11 A. [11:36:51] I do not recall who Ocaya was at the moment.
- 12 Q. [11:36:57] And Peleng?
- 13 A. [11:37:12] Is it Aleng or Peleng?
- 14 Q. [11:37:15] I think it's my pronunciation, I beg your pardon, it's P-E-L-E-N-G,
- 15 Peleng.
- 16 A. [11:37:27] He was a young boy, he was also in the bush.
- 17 Q. [11:37:31] What was his role?
- 18 A. [11:37:38] He was an escort to Ongwen.
- 19 Q. [11:37:42] And Aliga?
- 20 A. [11:37:48] Even Aliga, he was staying at Ongwen's household.
- 21 Q. [11:37:53] What was his role?
- 22 A. [11:38:00] He was in charge of looking after the women and people who live in
- 23 Ongwen's household.
- 24 Q. [11:38:10] Aryang?
- 25 A. [11:38:19] There is a boy called Aryang who -- with whom we used to live with

- 1 in Palabek. When I was abducted he had -- he had already returned home. That is  
2 the only Aryang that I know. I don't know any other Aryang.
- 3 Q. [11:38:47] Thank you, Witness. And the name Olara?
- 4 A. [11:39:01] The name Olara, I remember was, was an escort to Ongwen.
- 5 Q. [11:39:13] And the name Lutugu?
- 6 A. [11:39:22] Lutugu was also among those who would go ahead before an attack.
- 7 Q. [11:39:28] What was his rank?
- 8 A. [11:39:34] He was second lieutenant.
- 9 Q. [11:39:42] And Pai Pai?
- 10 A. [11:39:50] Pai Pai also used to live in Ongwen's household.
- 11 Q. [11:39:59] Cukere?
- 12 A. [11:40:05] He was also living in Ongwen's household.
- 13 Q. [11:40:09] What was his task?
- 14 A. [11:40:15] He was an escort.
- 15 Q. [11:40:21] About how old was he?
- 16 A. [11:40:30] I estimate that he was about 16 -- 14 to 16.
- 17 Q. [11:40:38] And Yaa Per? The name Yaa Per.
- 18 A. [11:40:49] He was also living in Ongwen's household.
- 19 Q. [11:40:54] What was his role?
- 20 A. [11:40:58] He was also an escort.
- 21 Q. [11:41:04] About how old would you say he was?
- 22 A. [11:41:09] He could have been about 14, 15.
- 23 Q. [11:41:18] And Lacim?
- 24 A. [11:41:26] Lacim was a boy who was a signaller, he was called Okello Lacim.
- 25 Q. [11:41:41] Under whose group was he?

- 1 A. [11:41:44] Lacim was a signaller.
- 2 Q. [11:41:47] Now the other name I want to ask you is Yaa Per Apang.
- 3 A. [11:42:02] I remember a young boy who was -- a young child who was called  
4 Apang. He was with Otto Signaller.
- 5 Q. [11:42:15] When you say he was a young child, about how old would you say he  
6 was?
- 7 A. [11:42:31] He could have been 12 or 13.
- 8 Q. [11:42:43] Mr Witness, do you recall when you left the bush?
- 9 A. [11:42:58] I recall it was in the year 2004.
- 10 Q. [11:43:08] Would you like to tell the Court how did you leave the bush?
- 11 A. [11:43:19] The way I left the bush we were selected to go and, and loot food.  
12 We were in the Gulu area. We moved towards Lira and when we reached  
13 there -- we actually moved for two days before we reached. The civilians knew that  
14 we were in Lira. We kept moving so that we can lose our track. The community  
15 was already aware of our presence. We did not get -- we got little food.  
16 On our way back, when we were returning from Lira to Gulu, that is when about 6  
17 a.m. in the morning, when we were returning, at a place called Opit, and we were  
18 moving towards the barracks. As it was already morning we realised that we were  
19 going in the wrong direction and decided to change direction. A branch hit my, my  
20 eyes when I was moving and I, I became disorientated, and the civilians saw us and  
21 they ran. They started making an alarm and the soldiers came because we were  
22 close to the barracks and the government soldiers started shooting at us.  
23 For me, since my eyes were already hurt, I was crying and I was shedding tears. The  
24 group I was with went another direction and me I continued straight. I came  
25 across -- I came across women who were collecting water and were running. And



1 with the bullets I hid at a banana plantation and I found a whole which was in the  
2 banana plantation because I thought they were shooting at me. I stayed there until  
3 3 p.m. I felt hungry because we had moved for a long time and I was weak. I felt  
4 hungry and I did not know what to do. I could not follow my colleagues because  
5 they had long gone.

6 The women who had also ran to that plantation came and I -- they came back to the,  
7 to the homestead where I hid. I would hear them talking, they were cooking. I was  
8 fearing and I couldn't hear what they were saying. I heard they were speaking. I  
9 told myself that if I hear them speaking Lango I wouldn't go because I had heard that  
10 the Langi were killing those who had escaped, especially if you were Acholi. But  
11 when I heard that they were speaking Acholi, they were telling a young child to go  
12 and ease himself in the banana plantation, I decided to get away from my hiding, I  
13 left my gun in the banana plantation and went to the women.

14 Q. [11:47:07] Now, thank you, Mr Witness. You started by saying that you were  
15 selected to go for a particular operation, which was what started this off. Who had  
16 selected you to go for the operation?

17 A. [11:47:31] I was selected by Okello from the group where I was. He told me  
18 that me and four, five of us were supposed to go and bring food. We joined the rest  
19 of the people who had been selected and then we continued moving.

20 Q. [11:47:57] So after these -- you were in this banana plantation and you heard  
21 these women speaking, what did you then do?

22 A. [11:48:13] I left the banana plantation and went to them. I was still wet because  
23 it was moisturous under the banana plantation. When I came they asked me, "Were  
24 you part of -- did you run away from the group that was being pursued?" I told  
25 them "Yes". And they told -- they told me, "Well, you have arrived at the right

1 place." They told us that they should give us food. I refused to eat because they  
2 had said that when you -- a civilian gives you food they can poison you.  
3 Then they told me that if I don't want food, they can make for me porridge. I was  
4 hungry so I accepted. They made porridge and I took porridge. They told me that  
5 it was good I had already -- it was good I had already reached home. She told me  
6 that her son was a soldier in the -- among the government troops and was among  
7 those who were present in the community. They called him -- they told me that they  
8 would call him and they hand me to him. It didn't take long and he came and  
9 carried me on a bicycle and took me to the barracks in Opit barracks.

10 Q. [11:49:44] And how long were you at Opit barracks?

11 A. [11:49:54] I stayed for about three days.

12 Q. [11:50:02] And after you stayed for three days, where did you go?

13 A. [11:50:14] I was taken from Opit and we were actually waiting for a vehicle to  
14 come from the fourth division in Gulu to come and collect us. Fortunately, a vehicle  
15 came. It took food to soldiers who were in the mobile forces in the bush. On their  
16 way back the rebels shot the vehicle and some soldiers also died during the shootout.  
17 Those who had died, the dead bodies were put in the same house where I was  
18 sleeping. They brought the dead bodies around 8 p.m. from where they had been  
19 shot from. When they came back from there they put the dead bodies in the same  
20 house where I was sleeping.

21 It was then about midnight that we left to come to Gulu together with the dead bodies  
22 and those who had been wounded because they were being taken for treatment.

23 When I reached Gulu barracks I was taken, given to a -- taken to another room to stay.

24 I found another boy who was there and we slept together. In the morning, they

25 recorded our statements, but from Opit they had also recorded my statement. From

1 the fourth division barracks my statement was taken also and about midday I was  
2 taken to CPA in Gulu. At about 6 p.m. my statement was taken again and I was  
3 taken to World Vision, that's where I stayed.

4 Q. [11:52:19] And how long did you stay at World Vision?

5 A. [11:52:26] I stayed in World Vision for about three or four months.

6 Q. [11:52:32] And where did you go from there?

7 A. [11:52:39] After I left World Vision we were now being repatriated back home.  
8 Those who had now stayed for long and could be reunited with their communities  
9 were being taken back. For us who we were going to Kitgum, we were taken with  
10 the Eagle Air, we boarded the Eagle Air plane and we were left at Kiswa and we  
11 stayed there for two days. We were given one bag of maize, beans, cooking oil and  
12 transport to go back to our communities.

13 Q. [11:53:29] And did you go back to your community, Mr Witness?

14 A. [11:53:36] Yes, I went back.

15 Q. [11:53:39] Mr Witness, I want you to look at a document. It's --

16 PRESIDING JUDGE SCHMITT: [11:53:50] Can it be displayed?

17 MS ADEBOYEJO: [11:53:58] No, I am not -- it cannot be displayed, your Honour.

18 PRESIDING JUDGE SCHMITT: [11:54:05] Tab 13, I would assume.

19 MS ADEBOYEJO: [11:54:11] Yes, your Honour. It can't be, it can't be displayed.

20 PRESIDING JUDGE SCHMITT: [11:54:15] Of course not. Of course not then.

21 MS ADEBOYEJO: [11:54:18] So it is confidential. It's UGA-OTP-0258-0869, tab 13,  
22 tab 13.

23 PRESIDING JUDGE SCHMITT: [11:55:05] Do you have it in front of you,  
24 Mr Witness?

25 MS ADEBOYEJO: [11:55:11] Yes.

- 1 Q. Do you need assistance to see it?
- 2 A. [11:55:16] I need to be helped. Yes, I have got it.
- 3 Q. [11:55:26] Tab 13. The document. So, Mr Witness, you have seen this
- 4 document?
- 5 A. [11:55:53] Yes, I have seen.
- 6 Q. [11:55:55] Without saying the name in the document what document is it?
- 7 A. [11:56:07] It's my national ID.
- 8 Q. [11:56:12] And what is the date of birth on that national ID?
- 9 A. [11:56:24] 11 July 1988.
- 10 Q. [11:56:45] Mr Witness, I also want you to look at another document. It's in tab
- 11 7. Go to tab 7.
- 12 Your Honours, it's UGA-OTP-0269-0703.
- 13 Are you there, Mr Witness?
- 14 A. [11:57:30] Yes, I am here.
- 15 Q. [11:57:32] Again without saying the name, what document is this?
- 16 A. [11:57:43] It is my driving permit.
- 17 Q. [11:57:48] What is the date of birth on this driving permit, Mr Witness?
- 18 A. [11:57:58] 11 July 1988.
- 19 Q. [11:58:06] Mr Witness, when you were in the bush did you know your date of
- 20 birth?
- 21 A. [11:58:16] No, I did not know.
- 22 Q. [11:58:20] When you were in the bush were you asked for your age?
- 23 A. [11:58:27] Yes, I was asked for my age.
- 24 Q. [11:58:30] Who asked you for your age?
- 25 A. [11:58:40] Olanya asked me for my age.

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 Q. [11:58:48] What was the age that you gave to him?

2 A. [11:58:54] I estimated and I told him that -- because I didn't know the -- my date  
3 of birth and I had not yet asked from my mother and my mother had not told me yet,  
4 so I estimated that I could have been born in 1990.

5 Q. [11:59:21] So when did your mother tell you your date of birth?

6 A. [11:59:31] She told me when I was already filling the form to sit for my primary  
7 leaving examination. I asked her what my date of birth was and she told me.

8 Q. [11:59:57] And when you told Olanya that you were born in 1990, what age was  
9 that that you told him?

10 A. [12:00:15] I told him that I was 12.

11 Q. [12:00:23] What did he do when you told him your age?

12 A. [12:00:32] He didn't do anything, because he just wanted to know.

13 PRESIDING JUDGE SCHMITT: [12:00:52] Mr Witness, did I understand you  
14 correctly that you asked your mother about your date of birth when you had returned  
15 from the bush?

16 THE WITNESS: [12:01:04] (No interpretation)

17 PRESIDING JUDGE SCHMITT: [12:01:10] How long after?

18 THE WITNESS: [12:01:14] (Interpretation) I came back home in 2004 and I asked  
19 that in 2006 when I was already in primary 7 when I had gone back to school.

20 PRESIDING JUDGE SCHMITT: [12:01:30] Thank you.

21 Please continue.

22 MS ADEBOYEJO: [12:01:33]

23 Q. [12:01:33] Mr Witness, I would like you to now turn to tab 9. Your Honours, it  
24 is UGA-OTP-0269-0705.

25 Witness, do you recognise this document?

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 A. [12:02:04] Yes, I have seen it.

2 Q. [12:02:06] And what does this document represent, what is it about?

3 A. [12:02:19] This is the name of my --

4 Q. Without naming any names.

5 A. -- uncle, who is in the village. The first person is my uncle, my paternal uncle.

6 He is the one who is taking care of us. The second person is his wife. The third

7 person is his child. The fourth person is also his daughter. But the third person is

8 his stepchild. She came -- his wife came with that child to him. The fourth person

9 is his first direct child. The fifth person --

10 PRESIDING JUDGE SCHMITT: [12:03:21] I think we don't have to go through all of

11 the names. It's about the principle, I think. Yes, so please limit that, please.

12 MS ADEBOYEJO: [12:03:26] Yes.

13 Q. [12:03:27] Mr Witness, the seventh on that list, without naming the name, who is

14 that and what is the date indicated there?

15 A. [12:03:51] Well, the person who wrote my first name did not write it well, but

16 the name, that is my name.

17 Q. [12:03:59] And what is the date of birth indicated there?

18 A. [12:04:04] 11 July 1988.

19 PRESIDING JUDGE SCHMITT: [12:04:11] And do you know, Mr Witness, who has

20 produced this document?

21 THE WITNESS: [12:04:18] (Interpretation) I can decipher from the handwriting -- I --

22 PRESIDING JUDGE SCHMITT: [12:04:31] Don't mention names, but I was just

23 interested if you knew who has produced it.

24 Because it's obviously not a document that the witness himself has produced.

25 MS ADEBOYEJO: [12:04:42] Indeed, your Honour. I am grateful.

1 Q. [12:04:46] Finally, Witness, can you turn to tab 6.

2 Your Honours, it's been pointed to me that we don't seem to have the translation of  
3 the answer of the witness to your question, the question that you had posed to the  
4 witness.

5 PRESIDING JUDGE SCHMITT: [12:05:25] Then perhaps we can do that now. Is  
6 this possible?

7 MS ADEBOYEJO: [12:05:32] I can put the question again to the witness.

8 PRESIDING JUDGE SCHMITT: [12:05:34] Perhaps this is the easiest way.

9 MS ADEBOYEJO: [12:05:38] This is easiest, yes.

10 PRESIDING JUDGE SCHMITT: [12:05:41] Indeed, indeed. Thank you.

11 Q. [12:05:42] I apologise, Mr Witness. If you could just go back to tab 9. Can you  
12 tell the Court who wrote this document?

13 A. [12:06:02] This -- should I mention the name of the person?

14 Q. [12:06:08] No, just -- no, just the relationship of the person to you.

15 A. [12:06:17] This is the handwriting of my sister.

16 MS ADEBOYEJO: [12:06:27] Your Honours, can I go into private session for just  
17 a second.

18 PRESIDING JUDGE SCHMITT: [12:06:32] Of course, of course, for just one question,  
19 yes.

20 (Private session at 12.06 p.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 12.07 p.m.)

8 THE COURT OFFICER: [12:07:58] We are back in open session, Mr President.

9 MS ADEBOYEJO: [12:08:03]

10 Q. [12:08:03] Mr Witness, I want you to now turn to tab 6. Are you there?

11 A. [12:08:15] Yes.

12 Q. [12:08:15] Whose photograph is on that document?

13 A. [12:08:22] That is the photograph -- that is my photograph when I had just come  
14 back from the bush.

15 MS ADEBOYEJO: [12:08:31] Your Honours, that's the last question I have for this  
16 witness.

17 PRESIDING JUDGE SCHMITT: [12:08:36] Thank you very much --

18 MS ADEBOYEJO: [12:08:37] Thank you.

19 PRESIDING JUDGE SCHMITT: [12:08:39] -- Ms Adeboyejo.

20 MS ADEBOYEJO: [12:08:40] Thank you, Mr Witness.

21 PRESIDING JUDGE SCHMITT: [12:08:41] And we now turn to the questioning by  
22 the Legal Representatives of the Victims. I see activity on the -- at the table of  
23 Mrs Massidda, so you have the floor, Mrs Massidda.

24 MS MASSIDDA: [12:08:51] Thank you very much, your Honour. I just need one  
25 minute to organise my papers.



- 1 PRESIDING JUDGE SCHMITT: [12:08:57] Please organise your papers, of course.
- 2 In the meantime I can say that we all like it when people are organised so you get the
- 3 time to do that.
- 4 MS MASSIDDA: [12:09:21] Thank you very much, your Honour, for your
- 5 indulgence. I will start with one question in private session, your Honour, only one.
- 6 PRESIDING JUDGE SCHMITT: [12:09:29] Then one question in private session.
- 7 (Private session at 12.09 p.m.)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Open session at 12.10 p.m.)
- 23 THE COURT OFFICER: [12:10:59] We are back in open session, Mr President.
- 24 MS MASSIDDA: [12:11:09]
- 25 Q. [12:11:10] Mr Witness, how you describe your life before your abduction?

1 What was look like your life before you went to the bush?

2 A. [12:11:28] Before I was abducted I had a very peaceful life. The age I was I was  
3 really -- I was studying at an early age.

4 Q. [12:11:44] You will describe then your life as a happy life as a child at that time?

5 A. [12:12:02] Yes.

6 Q. [12:12:07] The day you were abducted, immediately after your abduction can  
7 you please explain to the Court how did you feel.

8 A. [12:12:18] Well, after I was abducted --

9 Q. [12:12:30] Take your time, Mr Witness. If you need a break just let us know.  
10 You have some water also if you want to take a glass of water, maybe.

11 A. [12:12:46] When I was abducted, well, my life was completely shattered.  
12 Everything was done on order. You do not do anything at your own volition. I  
13 remember when I was just abducted, they removed our shirts, we were bound  
14 together. And I had never gone through such an experience. Thereafter when we  
15 walked for about three days, after meeting the larger group, I had forgotten, I thought  
16 I was still at home. I tried -- I started whistling and they started beating me why  
17 I was whistling, but I didn't know I was not supposed to do that.

18 Q. [12:13:47] Mr Witness, are you okay if we continue with my questioning?

19 A. [12:13:55] Proceed.

20 Q. [12:13:59] Thank you, Mr Witness. Could you please describe for us, Witness,  
21 if you can, one of your normal, usual day as a child soldier.

22 A. [12:14:35] Well, in the first place the clothings that I was putting on when I was  
23 abducted, I was instructed to remove them and throw away. I was given a military  
24 uniform to put on, something I had never put on before. I was given baggage to  
25 carry and yet back from home I was not carrying heavy loads.

1 Q. [12:15:05] Okay. My question was a little bit more in general. What your day  
2 look like in the bush? You wake up in the morning and then what you had to do?

3 A. [12:15:26] In the morning, that would depend on the plans in place. On an  
4 ordinary day we are not moving, in the morning you would wait for the instructions  
5 that would be coming from the commanders. They can either tell you that right now  
6 go and fetch firewood, and we would do exactly that. They would instruct you to  
7 begin preparing meals, and you will do that. Or they will tell you to go and fetch  
8 water, that is what you would do. All the things were coming as instructions.

9 Q. [12:16:14] You mentioned yesterday, Mr Witness, that at a certain point you  
10 forgot you -- you were taking some salt and you forgot the salt on the ground and  
11 then because you forgot the salt you were given 60 strokes.

12 And the reference for the record, your Honour, is the edited version of the transcript  
13 of yesterday, page 32, lines 23-24.

14 Was this the only time in which you were punished, Mr Witness?

15 A. [12:17:01] Well, it was that, but the other one was, like I said earlier, in the night  
16 when I was guarding food some other people would couple and steal and eat the food  
17 away. I would be beaten for that. I was beaten several times.

18 Q. [12:17:25] Would you be able to give an estimation of the times you were beaten?  
19 It was frequent, rarely, from time to time?

20 A. [12:17:49] Well, I was a little young and therefore I was not beaten severely. I  
21 would only be beaten on occasions where I made mistakes or when I have forgotten  
22 with something.

23 Q. [12:18:11] You also mentioned to us yesterday that a certain point after your  
24 training you were given a gun.

25 Reference for the record again is the transcript of yesterday, edited version, page 20,

1 lines 21 until 25.

2 And you also mention, and I quote:

3 "We were given the guns and we were told that this was our mother, our father, our  
4 life is dependent on the gun ... so if we lose it, then that is also the end of us." End of  
5 quote.

6 How did you feel when they told this to you?

7 A. [12:19:07] Well, that was a threat and wherever I would go and whatever I  
8 would be doing I would not have to leave my gun behind.

9 Q. [12:19:28] During your stay with the LRA did you suffer any injury,  
10 Mr Witness?

11 A. [12:19:36] Yes, I did.

12 Q. [12:19:40] Could you please tell us when it happened and what happened to  
13 you?

14 A. [12:19:51] I got an injury at the time when we had just -- we had returned from  
15 Sudan. We were in Okot Pokot's group. We were preparing -- we had already  
16 prepared a meal and finished having the meal, awaiting for the time for departure.

17 The government soldiers came and attacked us as we were still stationed at our  
18 position. They started shooting at us. I got up, picked my gun, got my bag and  
19 Otto's chair, which I was carrying, I folded it and carried it.

20 There was a bomb explosion in front and the splinters hit my leg. I fell down, got up,  
21 collected my things, because I had not realised that I had got injured. Then I, I  
22 started feeling something cold in my gumboot, I removed the gumboot and saw  
23 blood. I poured the blood down and my colleagues saw when I was pouring the  
24 blood and they decided to carry away my bag and my gun and they also removed the  
25 chair that I was carrying. Then I started walking without any luggage.

1 Q. [12:21:25] How were you treated for your injury?

2 A. [12:21:36] We stationed somewhere to rest in the evening. In the evening they  
3 would boil water and clean the wounds, they would get shea butter and smear on it.  
4 Again in the morning they would do the same, wash, clean the wound and then put  
5 shea butter on it like that until I got cured.

6 Q. [12:22:03] Do you have any idea of how much time did it take to recover from  
7 your injury, in terms of time? It was one week, one month? If you know.

8 A. [12:22:23] It took about two months. Then I recovered.

9 Q. [12:22:30] And during this period, Mr Witness, were you able to rest in order for  
10 your injury to recover?

11 A. [12:22:45] No, I did not get time to rest because we continued walking. I could  
12 walk with my injury. We would only have rest when we are spending a night at  
13 some point, but on days when we would walk and stop we wouldn't have any time to  
14 rest.

15 Q. [12:23:08] Did you ever receive any medical treatment for your injury after, even  
16 after you left the bush?

17 A. [12:23:23] No, I did not receive any other treatment.

18 Q. [12:23:27] And which are the consequences, if any, of this injury on your life  
19 today?

20 A. [12:23:41] Well, if I look at the scars it reminds me of my dark past and  
21 sometimes the side of the leg gets numb, at other points it begins aching, especially  
22 when it gets cold, but that happens rarely, not quite often.

23 Q. [12:24:08] You just mentioned that in looking at your injury this reminds you of  
24 your dark past, I think was the words that you used. Do you also have other  
25 consequences of your stay in the bush? Do you have nightmares or flashbacks?

1 A. [12:24:40] No. I don't go through nightmares.

2 Q. [12:24:47] Before being abducted how did you imagine your future? What  
3 would you like to become?

4 A. [12:25:03] Well, I, I wanted to become a lawyer.

5 Q. [12:25:14] You told us that you were -- studied when you were abducted. After  
6 your abduction, when you came back from the bush, did you manage to go back to  
7 school?

8 A. [12:25:30] Yes, I went back to school.

9 Q. [12:25:36] And which school and which diploma or degree did you get?

10 A. [12:25:47] I went back to primary school. I finished that. Then I joined  
11 in secondary school. I finished ordinary level. That was where I stopped.

12 Q. [12:26:11] Which is your occupation today?

13 A. [12:26:19] I was working initially as a loader, but before I started working as  
14 a loader I worked as an askari or a security guard for a (Redacted), but  
15 when the --

16 Q. [12:26:45] (Overlapping speakers) not to give too much details. Sorry to  
17 interrupt you. I just want to remind you that we are in public session, so don't  
18 provide further details, just in general tell us which is your profession.

19 A. [12:27:09] I worked as an askari, I worked as a loader, but shortly before I came  
20 here I was working as a pool attendant.

21 Q. [12:27:19] Now you told us that you would like to become a lawyer. Do you  
22 think that you could still manage to meet this expectation today after your stay in the  
23 bush?

24 A. [12:27:42] If I am given the opportunity, if I am given the time when all the  
25 resources are available, if there is somebody who can take care of that, why not, I

1 would go back to school.

2 Q. [12:27:57] Mr Witness, if you had to say what affected you most during your  
3 time in the bush, what would you say?

4 A. [12:28:18] What affected me most was torture and cruel treatment, which was  
5 very rampant, and then being forced to do things that you wouldn't want to do.

6 Q. [12:28:39] Earlier this morning, and it's the transcript on the realtime of today at  
7 page 43, lines 23-24, you mentioned that when you escape you went to World Vision  
8 and you stayed there for three, four months. Which kind of support was provided to  
9 you at the time you stayed at World Vision?

10 A. [12:29:17] The support included rehabilitation or counselling to try to make us  
11 try and forget what happened in the bush and then also taught on how to reintegrate  
12 when we go back home.

13 Q. [12:29:36] And, Mr Witness, actually you were integrated. At the question  
14 from the Office of the Prosecutor you indicated this morning that you are reunited  
15 with your community. I understand that you were also reunited with your family; is  
16 this correct?

17 A. [12:30:03] Well, I went back and stayed with my family, but you know, I am also  
18 growing and I have to look for a source of livelihood. That is why I had to travel to  
19 Kampala to begin taking up some employment opportunities. I thought I would get  
20 the job of a driver, but I failed to, and that is it.

21 Q. [12:30:34] I want you a little bit to concentrate for a few minutes on the time in  
22 which you were reunited with your family. And I understand, correct me if I am  
23 wrong, that you were also reunited with your mother after your escape; is this  
24 correct?

25 A. [12:31:02] Yes, that is correct, I went back to her.

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 Q. [12:31:06] And could you explain to us, if you can, how did you feel when you  
2 saw your mother again?

3 A. [12:31:22] When I went back home I was very happy to see her, because I had  
4 stayed for so long without seeing her. I found she was weak, she was sickly already.

5 MS MASSIDDA: [12:31:42] Can we -- I have three more questions, maybe we can  
6 ask the witness if he can --

7 PRESIDING JUDGE SCHMITT: [12:31:49] I think --

8 MS MASSIDDA: [12:31:50] Thank you, your Honour.

9 PRESIDING JUDGE SCHMITT: [12:31:52] Mr Witness, if you want to have a short  
10 break, we can do that, of course, but we can also continue, I think, with your  
11 questioning and try to finish this. Yeah?

12 MS MASSIDDA: [12:32:05]

13 Q. [12:32:06] Mr Witness, I will leave it for -- this question about your mother.  
14 I will proceed with another, with another question, your Honour?

15 PRESIDING JUDGE SCHMITT: [12:32:15] I think so, yes.

16 MS MASSIDDA: [12:32:19]

17 Q. [12:32:21] Tell me when I can, Mr Witness.

18 MR TAKU: [12:32:25] Your Honours, my lord, I just want to say that the competent  
19 services of the Court did not certify him as a vulnerable witness, and therefore  
20 (Microphone not activated) answer questions for the past -- yesterday and today, he  
21 has given evidence confidently I think, in some cases, and answered to the best of  
22 ability. I think he can cooperate with the Court and give the answers instead of this  
23 display of emotion. That will help him, it will help us, it will help everyone.

24 MS MASSIDDA: [12:32:58] Your Honour, it's okay. I had the answer to my  
25 question. There is no need to continue on this topic.



1 PRESIDING JUDGE SCHMITT: [12:33:04] I think so too. And it is perfectly clear  
2 that the witness is at the moment testifying about deeply emotional issues that have  
3 deeply affected him and everybody understands that these emotions are also present  
4 in this courtroom. And I understand also, Mrs Massidda, that you are shortly before  
5 the end of your questioning and therefore I would suggest, if Mr Witness has  
6 stabilised a little bit, and I think so if I look at him, that we finish this, Mrs Massidda.

7 MS MASSIDDA: [12:33:43] Thank you very much, your Honour. I am guided.

8 Q. [12:33:53] Mr Witness, when you were back from the bush, how did your  
9 community welcome you back?

10 A. [12:34:11] I was welcomed well by the people. They were telling me that this  
11 was not what I chose in life, I was abducted forcefully, and for that reason I found  
12 that people accepted me and they did not look at me as a bad person. I started  
13 staying, living with them, but I find that my life was disrupted a lot because if I was  
14 not abducted, I will go back to start afresh like I did.

15 Q. [12:34:54] Do you feel accepted by your community today?

16 A. [12:35:07] Yes, my community loves me.

17 Q. [12:35:12] And my last question, Mr Witness: If you had to tell us what would  
18 help you most now in your life, what would you say?

19 A. [12:35:37] For me to live a good life I need to be doing something that can earn  
20 me some money so that I do not become a destitute and beg from people or start  
21 looking for daily chores from people. That I find very difficult.

22 Q. [12:36:10] Thank you, Mr Witness. I would like really to thank you very much.  
23 I know it was not very easy to answer my question. Thank you very much.

24 MS MASSIDDA: This concludes my questioning, your Honour. Thank you.

25 PRESIDING JUDGE SCHMITT: [12:36:21] Thank you, Mrs Massidda.

1 Are there also questions by Mrs Hirst?

2 MS HIRST: [12:36:28] Yes, your Honour. With your leave I have a few questions.

3 PRESIDING JUDGE SCHMITT: [12:36:33] Yes, please continue.

4 QUESTIONED BY MS HIRST:

5 Q. [12:36:42] Mr Witness, just like Ms Massidda is your lawyer I represent other  
6 victims who are also participating in this case just like you, and on behalf of those  
7 victims I just have a few questions for you. They are questions which are intended  
8 to give the Judges a sense of what you experienced in the LRA. I know that some of  
9 the questions from Ms Massidda have been difficult and I will try not to touch on  
10 anything that's too sensitive for you, but if you do feel like you need a break at any  
11 time, you can always say so.

12 Mr Witness, you spoke yesterday about your abduction and having walked some  
13 distance. At that time were you wearing any shoes?

14 A. [12:37:35] There was no shoes when I was abducted.

15 Q. [12:37:44] Were you eventually given shoes by the LRA?

16 A. [12:37:52] I was given shoes later.

17 Q. [12:37:59] Can you recall how long after your abduction you were given shoes?

18 A. [12:38:12] When I was abducted I was wearing sandals. I would knock myself  
19 and after three days I knocked myself, I still have the scar on my, on my toe to date.  
20 That's when I was wearing sandals. When my toe healed there are some shoes  
21 which are abandoned in the homestead, was taken by the LRA and was given to me  
22 to wear.

23 Q. [12:38:59] Thank you. Now some questions about your everyday life in the  
24 LRA, and you've already addressed a few of these. You spoke yesterday about  
25 sleeping arrangements and the fact that lieutenants and those persons with wives had

1 a tent to sleep in and the newer recruits slept outside. Can you tell us for yourself,  
2 during your time in the LRA, where did you sleep? Did you have a tent?

3 A. [12:39:33] When we were just abducted there was no tent. Even at the time that  
4 I was escaping I didn't have a tent of my own. We would, we would sleep in the  
5 open if there was no rain. But during the rainy season they would tie a tent and  
6 eight of us would sleep in the same tent. The same place where they will use for  
7 cooking would be the same place where I would sleep.

8 Q. [12:40:09] How many hours a night was it usual that you were able to sleep?

9 A. [12:40:20] It depends on the movement. There are times when you move  
10 throughout the night without lying down and there are times when you, you rest and  
11 lie down. You walk from 6 a.m. in the morning, up to evening, and you sleep  
12 around 9 p.m. But there was a lot of movement, because we were constantly being  
13 pursued and there was no time for sleeping.

14 Q. [12:40:57] And what about food and meals, Mr Witness, you had mentioned  
15 yesterday that in some areas it was necessary to loot food because there was none  
16 available. Were there regular meals for the new recruits and the lower ranking  
17 soldiers?

18 A. [12:41:21] There are times there is no food completely and we would go and  
19 uproot certain things from the bush. There is something which we hid from there  
20 called ladidi. I didn't know about it in the -- before I was abducted, but I got to  
21 know about it in the bush. I also learnt about some vegetables and leaves that we  
22 were eating from the bush.

23 Q. [12:41:57] When you were in this situation and you had to scavenge food, were  
24 you able to eat it yourself or did you have to provide it to your superiors to  
25 distribute?

1 A. [12:42:14] They would cook. After looting food they would distribute and  
2 allocate for the commander. For us, the recruits, we would be in dog adaki. They  
3 would cook food and they would bring for us to eat together. Even those who were  
4 newly abducted would be brought to eat amongst us.

5 Q. [12:42:46] So in general did you feel as though you had enough food to meet  
6 your needs?

7 A. [12:42:58] No, there was not enough food.

8 Q. [12:43:05] Turning to another topic, Mr Witness: While you were in the bush  
9 was it possible for you to form friendships with the other recruits?

10 A. [12:43:20] No, it was not allowed.

11 Q. [12:43:25] Can you elaborate a little on why it wasn't allowed? What would  
12 happen if you were to form a friendship?

13 A. [12:43:37] When someone is newly abducted he -- when we reach a particular  
14 home of a civilian and someone is abducted, you are not allowed to ask what is this  
15 place called because they would think if you know the place you would escape. So  
16 for that reason they wouldn't accept us to form friendship.

17 Q. [12:44:10] You have spoken a few times now about your gun, Mr Witness, and  
18 the process by which you were provided with a gun. You said yesterday that  
19 usually recruits were given a gun after around six months of being in the LRA.  
20 Your Honour, the realtime transcript from yesterday for that is page 25, line 20. I  
21 apologise for not having the edited transcript reference.

22 Mr Witness, do you remember for yourself how many months you had been in the  
23 LRA when you were given your gun?

24 A. [12:45:00] I stayed for about six, six months to one year before I was given a gun.

25 Q. [12:45:13] During that six months to one year what did you do to protect

1 yourself if you were attacked by the UPDF?

2 A. [12:45:32] When an attack takes place the, the second in command of -- to  
3 Ongwen would probably say stand this -- so many people should stand this way and  
4 others should run. So the ones who would stand there and engage the soldiers who  
5 were shooting would protect those who are fleeing and then you would, later on, find  
6 your way and meet up with those who had been allowed to flee.

7 Q. [12:46:22] Once you were given your gun what was the arrangement with  
8 ammunition? How many bullets were you given?

9 A. [12:46:34] I remember I was given -- I was given about 10 bullets the first time  
10 I was given a gun, there were 10.

11 Q. [12:46:54] Do you remember, for example, during the attack on Odek which you  
12 have described how many bullets you would have had when you went in to engage  
13 in that attack?

14 A. [12:47:10] I had eight bullets.

15 Q. [12:47:16] Is there a reason why you had so few bullets? How was ammunition  
16 distributed among the soldiers?

17 A. [12:47:33] I had eight, but I remember when we were crossing the road and there  
18 were soldiers who had ambushed us by the road. I tried to shoot. I had not  
19 cleaned my, my gun. I tried to shoot, the first time it didn't shoot, it had not been  
20 cleaned. Then later on I stopped, I did not fire my gun. So when we were chosen  
21 to go and participate, to go and participate in an attack in Odek, that is when I  
22 cleaned my gun properly and I was able to fire properly.

23 Q. [12:48:30] You have spoken about how you were trained in cleaning and  
24 maintaining a gun. Were you given any training on target practice, on how to hit  
25 a particular target that you were aiming for with your gun?

1 A. [12:48:48] No, we were not trained on target shooting, because we were in the  
2 bush, you could not shoot your gun. Sometimes the soldiers are also pursuing you  
3 and if you shoot your gun, they would know your location. So I did not participate  
4 in that.

5 Q. [12:49:10] So can I ask you in general, when you were attacked by the UPDF or  
6 when you were sent into an attack like Odek, did you feel well-prepared to defend  
7 yourself?

8 A. [12:49:36] I was not ready to protect myself because I had never fired a gun, I  
9 had never shot at someone. I would carry it around, but I had not used it before.

10 Q. [12:49:54] Thank you, Mr Witness.

11 A few very last questions for you. You were asked at length yesterday about  
12 circumstances in which abductees were killed, people who were too slow or people  
13 who were being punished. Did you ever observe what happened to the bodies of  
14 those persons who were killed?

15 A. [12:50:26] I don't know what happens to the dead bodies because when they are  
16 killed we continue moving and leave the dead body there. We don't know what  
17 happens to dead bodies.

18 Q. [12:50:39] So to be clear, did you ever see any efforts made to bury or to cover  
19 a dead body in circumstances like those?

20 A. [12:50:58] I remember it was on a day when three of us were taken to go and,  
21 and follow those who had split from our group so that we can meet up in another  
22 group in another place. That day we moved those who had been put to guard those  
23 who were behind shot at us and shot one of our colleagues. The person who was  
24 leading us told us that I should remain and I go and catch up with those people so  
25 that I can stop them. He went and I remained with the person who was shot. He,

1 he went and stopped them that we are one and the other. When they came back this  
2 person was already dead. They just pushed him aside and they broke leaves, fresh  
3 leaves and covered with him and we continued moving. That is what I witnessed.

4 Q. [12:52:12] Thank you. Would you describe that as an unusual incident? Is  
5 that the only time you can recall where a body was covered?

6 A. [12:52:27] That is what happened, which I saw. I don't know if it happened  
7 with other people wherever they go, but that is what I saw.

8 Q. [12:52:42] Mr Witness, thank you very much for your answers.

9 Your Honour, that's all the questions that I have.

10 PRESIDING JUDGE SCHMITT: [12:52:46] Thank you very much, Mrs Hirst.

11 We have now a break until 2.30.

12 THE COURT USHER: [12:52:53] All rise.

13 (Recess taken at 12.52 p.m.)

14 (Upon resuming in open session at 2.33 p.m.)

15 THE COURT USHER: [14:33:17] All rise.

16 PRESIDING JUDGE SCHMITT: [14:33:36] You know, Mr Taku, we had to inquire  
17 who is the questioning counsel, so, and once this has been established of course we  
18 wait or we don't wait, simply speaking.

19 MR TAKU: [14:33:50] (Microphone not activated)

20 PRESIDING JUDGE SCHMITT: [14:33:54] But now who is questioning the  
21 witness?

22 MR TAKU: [14:33:58] (Microphone not activated)

23 PRESIDING JUDGE SCHMITT: [14:34:00] Mr Taku has the floor.

24 QUESTIONED BY MR TAKU:

25 Q. [14:34:17] Good afternoon, Witness.

1 A. [14:34:20] Good afternoon.

2 Q. [14:34:23] Witness, I will put some general questions to you, and thereafter I  
3 will be more specific; I will put very specific questions to you. But the first question,  
4 Witness, if I understood you well when you answered Prosecution questions and  
5 from the victims counsel, throughout the period you were in LRA you were under  
6 constant pressure, came under persistent attacks by the UPDF; you were on the move  
7 for your own safety. Is that correct?

8 A. [14:35:22] Yes, it's correct.

9 Q. [14:35:26] In other words, Witness, the LRA, while you were there in the LRA,  
10 the LRA did not capture a whole territory. You were in the bushes, on the move for  
11 your own survival, because either by helicopter gunships from the air or soldiers in  
12 specific districts or locations were after you; is that correct?

13 A. [14:36:14] (No interpretation)

14 PRESIDING JUDGE SCHMITT: [14:36:18] I think there was no interpretation, but  
15 the word "kakare" I think we understand up to this moment.

16 THE INTERPRETER: The witness said "correct".

17 PRESIDING JUDGE SCHMITT: [14:36:29] Exactly.

18 MR TAKU: [14:36:32]

19 Q. [14:36:33] Within the time you were in the LRA, did you ever meet Joseph  
20 Kony?

21 A. [14:36:43] Yes, I did meet him.

22 Q. [14:36:54] Now, when you say you did meet him, are you saying you saw him  
23 or you met him face to face?

24 A. [14:37:12] I saw him when we were -- when we went to Sudan.

25 Q. [14:37:25] Indeed, in that specific occasion when you went to Sudan,



Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 Witness -- your Honours, paragraph 39 -- you said, "I did not meet with Kony myself;  
2 I just saw him from a distance." That's the statement you gave to the investigators.  
3 Is this -- is it your evidence today that you did not meet him yourself, you just saw  
4 him from a distance?

5 A. [14:38:01] Correct.

6 Q. [14:38:05] And in that occasion you went to Sudan, Witness, you went there  
7 and got ammunition and brought the ammunition back to Uganda, correct?

8 A. [14:38:36] Yes.

9 Q. [14:38:38] Now, when you went to Sudan, did you, Witness, take -- did you  
10 take food looted from Lango, Lango, Teso, Acholi? Did you take that food to Joseph  
11 Kony in Sudan, or you did not?

12 A. [14:39:17] Well, we took some food items.

13 Q. [14:39:28] Now, you took the food items. Were the food items -- did you give  
14 the food items to Kony or you took the food items for yourselves?

15 A. [14:39:49] The food items we took, some were reserved for ourselves while  
16 some goods were given out, were picked from us and taken to main group. When  
17 the food items were picked from our group, I'm not sure where exactly they were  
18 taken, but they were taken away from our group.

19 Q. [14:40:18] But, Witness, did you take any food items from Lango, Teso and  
20 Acholi to General Joseph Kony at his base in Sudan, did you?

21 THE INTERPRETER: The interpreter did not get the response of the witness.

22 THE WITNESS: [14:40:55] (Interpretation) Could the question be repeated?

23 MR TAKU: [14:41:00]

24 Q. [14:41:00] Did you, you, in the occasion when you went to Sudan, did you take  
25 looted foodstuff from Lango, Teso and Acholi to General Joseph Kony at his base in

1 Sudan?

2 A. [14:41:30] Yes, some food items were taken.

3 Q. [14:41:36] And was it given to Joseph Kony in his base in Sudan?

4 A. [14:41:52] Well, this was handled by the commanders. I never met him.

5 I don't know whether the items were given directly to him because I didn't stay near  
6 him.

7 Q. [14:42:08] So, so, Witness, it would be incorrect to say that while in the LRA  
8 you were deployed in several operations of the LRA, looting of foodstuffs from Lango,  
9 Teso, Acholi and taking it to General Joseph Kony at his base in Sudan, that would  
10 not be a statement of truth, correct?

11 A. [14:42:48] Food items were looted and they were carried to Sudan. That was  
12 actually true.

13 Q. [14:43:01] Did you -- were you deployed to loot foodstuff from Lango and  
14 carry to Sudan, to Joseph Kony's base in Sudan?

15 A. [14:43:32] The food items that were looted were the items -- that were looted in  
16 our operations, were not all taken to Sudan. Some of the items were being used  
17 while we were on the go. It's not true that every time we looted items we were  
18 taking them all to Sudan. We were using some for our daily survival.

19 Q. [14:44:02] Well, Witness, we will examine each of these locations later on in  
20 this cross-examination, and I ask this question specifically because in tab 5,  
21 UGA-D26-0012-0126 at 127 you stated that, "I was deployed in several operations of  
22 the LRA, looting of foodstuff from Lango, Teso, Acholi and taking it to General  
23 Joseph Kony at his base in Sudan."

24 Indeed, you went to Sudan only once; is that correct?

25 MS ADEBOYEJO: [14:44:52] I'm sorry to interrupt. We are not sure where my

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 learned friend is reading from.

2 PRESIDING JUDGE SCHMITT: [14:44:59] No, I don't doubt that you quote  
3 correctly, but I'm also not really at the line where you are citing from. Perhaps you  
4 could mention it specifically.

5 MR TAKU: [14:45:14] In the Defence folder, your Honours. It's  
6 UGA-D26-0012-0127, your Honours, the last -- 125-127, the last but one paragraph  
7 where he says, "I was deployed in several operations of the LRA in Acholi region" --

8 PRESIDING JUDGE SCHMITT: [14:45:53] No, it's correctly quoted. I see it here.  
9 And perhaps we should, for the witness as an information, that perhaps you can do  
10 that where you have it from, what we are talking about, what kind of document we  
11 are talking about, and that this has allegedly been produced by him.

12 MR TAKU: [14:46:15]

13 Q. [14:46:16] Witness, this is your application for individual victims participation,  
14 dated 2 September 2016: "I was deployed in several operations at the LRA in Acholi  
15 region in area of Opit military barracks, attacks Odek IDP camp and other smaller  
16 locations, looting of foodstuff from Lango, Teso, Acholi and taken it to General Joseph  
17 Kony at his base in Sudan."

18 I note that you testify about this locations and what happened in each location. We  
19 will come to that in detail.

20 PRESIDING JUDGE SCHMITT: [14:47:13] I think what Mr Taku is referring to is  
21 that this sentence sounds a little bit as if the purpose of this looting of this stuff had  
22 been to go several times to Kony in Sudan and to provide him with this stuff. And  
23 the question would be, if you hear that now and try to recall what happened, what do  
24 you say to that?

25 THE WITNESS: [14:47:54] (Interpretation) The lootings that we carried out before

1 we went to Sudan was not done only in Lira for a day. The lootings took place  
2 several days over, over time and it was not carried out just one day and then the items  
3 were taken. That's all I can say.

4 PRESIDING JUDGE SCHMITT: [14:48:17] I think we can move to another point.  
5 We have this, it's here, and we have what he said today.

6 MR TAKU: [14:48:23] Yes, your Honour.

7 Q. [14:48:30] Now, Witness, let's move to your abduction. We will come to each  
8 of the specific locations you mentioned in your victim application later on, we will  
9 spread them one by one, but let's come to abduction.

10 On Monday, realtime transcript 74, page 9, lines 14 to 17, Witness, you said, and I  
11 quote:

12 "So one evening my grandmother advised us not to stay -- not to spend the night at  
13 home because rebels might come at any time and abduct us. So they told us -- they  
14 advised us to go and sleep in the bush."

15 Do you remember that testimony, Witness?

16 A. [14:49:47] Yes, I do.

17 Q. [14:49:51] Do you know why your grandmother came to that conclusion?

18 A. [14:50:02] Well, I know because during that time the rebels would come  
19 around, attack the camp, burn houses. And I remember some, some days before,  
20 before we were abducted they had attacked the camp, burned down houses and my  
21 grandmother's kitchen was also burned, even the house where we were sleeping was  
22 also set on fire, and my cousin who fetched water from the pot and then put out the  
23 fire, but that happened in the night. So my grandmother was scared that because  
24 information had come earlier that the rebels were around, so she thought it would be  
25 better for us to go and take refuge somewhere else other than being in the camp

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Private Session)

ICC-02/04-01/15

1 because they were frequently attacking the camp.

2 Q. [14:51:16] Can you provide the name of that camp to the Court? That is, the  
3 rebels had a few days prior to that attacked the camp and burnt houses.

4 A. [14:51:36] Yes, I can do that.

5 Q. [14:51:38] Yes, please. What is the name of that camp?

6 A. [14:51:44] Well, that would now identify the name of my home.

7 PRESIDING JUDGE SCHMITT: [14:51:49] Then we go, for the answer of this  
8 question, we go shortly to private session.

9 (Private session at 2.51 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Open session at 2.52 p.m.)

20 THE COURT OFFICER: [14:52:58] We are back in open session, Mr President.

21 MR TAKU: [14:53:07]

22 Q. [14:53:09] Witness, you testified about your abduction and you provided the  
23 name of one individual whose name, nickname was Nywinya Aye Wata, paragraph  
24 31 of your witness statement to the investigators. Although you said in your  
25 statement "I do not remember an Otto Sunday" now you say today, after having

1 reflected on this -- could this Otto Nywinya Aye Wata, could he be the person also  
2 known as Otto Sunday?

3 A. [14:54:15] What the name that I, I know and that that he told me, was that he  
4 was called Otto Nywinya Aye Wata. I don't know whether he was also called  
5 Sunday. He never told me that.

6 Q. [14:54:32] But just to be clear, Dominic Ongwen did not abduct you; is that  
7 correct?

8 A. [14:54:43] He was not the one.

9 Q. [14:54:51] And, Witness, you stated that Nywinya Aye Wata was from a group  
10 called Terwanga headed by Oyat Lapaicho, that's paragraph 21 of the statement; is  
11 that correct?

12 A. [14:55:09] Correct.

13 Q. [14:55:11] Was Dominic Ongwen, at that point in time, was he in that group  
14 called Terwanga?

15 A. [14:55:32] I don't recall that because I said -- I only mentioned the names of  
16 those who were present.

17 Q. [14:55:41] Nevertheless, Witness, in your victims application that I just drew  
18 your attention to, tab 5, UGA-D26-0012-0125 at 126, you stated that Oyat Lapaicho  
19 was a junior commander under Dominic Ongwen, Witness. Why did you say that?

20 A. [14:56:33] Could you please repeat that question.

21 PRESIDING JUDGE SCHMITT: [14:56:36] I suggest, Mr Taku, that you read the  
22 complete sentence. This is -- seems to be the third paragraph at 126. So that the  
23 witness really knows what you want to know from him. From "I walked".

24 MR TAKU: [14:56:59]

25 Q. [14:57:01] "I walked -- I walked with them in fear from that moment until

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 about 4 p.m. of the next day where we were joined with a larger group of LRA  
2 fighters under Sinia brigade being led by Oyat Lapaicho, then junior commander  
3 under Dominic Ongwen."

4 PRESIDING JUDGE SCHMITT: [14:57:24] And this is in your victims application,  
5 Mr Witness, and counsel wants to know from you if this is correct or not.

6 THE WITNESS: [14:57:43] (Interpretation) I said when I was just abducted  
7 Ongwen was not yet the leader of Sinia. Is it not in that way? And Oyat Lapaicho  
8 was in charge of Terwanga, but I had not even yet met Ongwen.

9 MR TAKU: [14:58:16]

10 Q. [14:58:17] So indeed at this point in time the leader of Sinia was Buk Abudema,  
11 correct?

12 A. [14:58:30] Correct.

13 Q. [14:58:34] Can you please describe this Otto Sunday a bit for the Court. What  
14 was he like?

15 PRESIDING JUDGE SCHMITT: [14:59:00] The witness said he doesn't know a  
16 person under Otto Sunday. So you would have to take the other Otto and ask the  
17 witness what you want to ask him.

18 MR TAKU: [14:59:12] Yeah. Thank you, your Honour.

19 Q. [14:59:15] Nywinya Aye Wata, Otto Nywinya Aye Wata, can you describe him  
20 a bit for the Court? What was he like? And if this name, what was the meaning of  
21 this name, if you know?

22 A. [14:59:46] The way he introduced himself to us, he said he did not have any  
23 relative apart from his anus, and that's how he introduced him to us. He looked a  
24 very brutal person.

25 PRESIDING JUDGE SCHMITT: [15:00:10] Mr Taku, just let me think aloud, we

1 heard that before so I think we can really put this into perspective with other evidence.

2 So I think you could move on to another point.

3 MR TAKU: [15:00:24] Yes, your Honour.

4 Q. [15:00:28] Witness, let me bring forth one particular question before I proceed,  
5 if that way make us move very fast. If I understood you well, was it your evidence  
6 that Buk Abudema got injured and was in the sickbay and that's when Ongwen  
7 replaced him as the commander of Sinia?

8 A. [15:01:15] Yes, that's true.

9 Q. [15:01:19] Because I will be asking you questions for you to inform the Court  
10 whether the event occurred before Ongwen had injury and was limping, or after, so  
11 just put that in mind since you are having problems with dates.

12 Were you aware, Witness, that at the time of your abduction, were you aware that  
13 Ongwen indeed was injured and was in the sickbay at the time of your abduction in  
14 September 2002, were you aware?

15 A. [15:02:19] I did not know.

16 Q. [15:02:39] Yes, just after your abduction, that is November 2002, so you didn't  
17 know that Ongwen was injured in November 2002 and was in the sickbay, you were  
18 not aware of that?

19 A. [15:03:03] I had no knowledge of that. I got to know about this when we  
20 were shot at at the incident where I said Obama died in. That's when we were told  
21 that he was, he was inside, he got injuries from there and he was taken to the sickbay.

22 Q. [15:03:41] Were you aware, Witness, that Mr Ongwen was arrested from the  
23 sickbay for being in possession with a mobile phone, was arrested by Otti Vincent  
24 and was taken and jailed at the Command Altar? Were you aware of this?

25 A. [15:04:26] We were not informed of that incident when we were there.



1 Q. [15:04:37] And to put it in perspective, Witness, this was in April 2003?

2 PRESIDING JUDGE SCHMITT: [15:04:44] No, but the witness is, he is trying and  
3 when he does not have any knowledge, he tells us and if he has, he tells us. And if  
4 he says "I was not aware of, I didn't have knowledge", we have to take it as it is.

5 MR TAKU: [15:05:00]

6 Q. [15:05:07] Were you aware, Witness, that the Teso campaign started in  
7 June 2003?

8 A. [15:05:31] I do not know the time it started, but for us we went there and we  
9 were told that we were the third group to go there.

10 Q. [15:05:48] Were you aware that Oyat Lapaicho was promoted to the division  
11 sometime in March or April 2003? Were you aware of that fact?

12 A. [15:06:15] Promotions and such things we are not aware, they do not tell us  
13 that so and so has been promoted and, for that matter, I do not know anything about  
14 that.

15 Q. [15:06:37] But, Witness, surely you knew that your CO, commanding officer  
16 Lapaicho, left Terwanga and transferred to another position, at least you are aware of  
17 this?

18 A. [15:07:21] When he was transferred, probably I was not around, so I do not  
19 know.

20 Q. [15:07:39] Now, Witness, did you know or did you not know that Abudema,  
21 contrary to the evidence that he was wounded, he was injured and was in sickbay,  
22 that he was promoted as a division commander in the LRA and that Ongwen was  
23 appointed commander of Sinia in March 2004 to replace him? Were you aware of  
24 this?

25 A. [15:08:28] Yes, I knew about that.

1 MR GUMPERT: [15:08:44] Your Honours, may I respectfully highlight a difficulty  
2 with this mode of questioning? It may already have occurred to your Honours.  
3 The question was: Did you know or did you not know that Abudema was injured,  
4 proposition one, was in sickbay, proposition 2, was promoted as division commander  
5 in the LRA, proposition 3, and that Ongwen was appointed commander of Sinia in  
6 March 2004, propositions 4 and 5. Answer: Yes. What is the Court to conclude?

7 PRESIDING JUDGE SCHMITT: [15:09:23] So you suggest that the questions  
8 should be broken down to putting one proposition at a time to the witness, that is  
9 what you are proposing?

10 MR GUMPERT: [15:09:33] I suggest it might be helpful and that that question was  
11 an illustration of just why.

12 PRESIDING JUDGE SCHMITT: [15:09:40] That is of course correct. So perhaps,  
13 Mr Taku, we would have to exercise this a little bit more, as we said now, breaking it  
14 down to one point after the other. For example, you had already asked about  
15 Abudema and the sickbay, you have now I think new in this question, in this multiple  
16 question, so to speak, was that Abudema was instead promoted and because of that  
17 third proposition, or fourth, or fifth, Ongwen was promoted. Frankly speaking, I  
18 have understood it, may I say, perhaps I'm wrong, that the witness was aware of the  
19 fact that Ongwen was promoted. But we can -- perhaps it's better to be sure and to  
20 be certain to just break it down again.

21 MR TAKU: [15:10:33]

22 Q. May I suggest to you, Witness, that at no time -- or may I suggest that within the  
23 context of your abduction and your meeting coming to meet Mr Ongwen, may I  
24 suggest that Abudema was never injured and indeed could not or did not spend time  
25 in the sickbay, but, rather, he was promoted as a division commander by Joseph Kony?

1 What do you say to that?

2 A. [15:11:25] The promotion of and transfer of the commanders is something  
3 which is discussed and understood by the commanders. For us, the foot soldiers, we  
4 only realised that we have another commander who is leaving us. For example,  
5 when Opoka was a signaller, when Opoka was removed, he went with Abudema and  
6 thereafter Otto, who was his deputy, replaced him. I have no idea why it was done  
7 like that. I don't know whether he was promoted or he was transferred. The only  
8 thing I know is that we were removed from Abudema and taken to Ongwen.

9 Q. [15:12:21] But just to -- let's be clear, you did not -- you were not present when  
10 Abudema was allegedly injured? Were you present when he was allegedly injured?  
11 Or you were told by someone?

12 A. [15:12:45] I was told by someone.

13 Q. [15:12:50] Can you tell, if you can remember, if you can remember, can you tell  
14 the Court who told you?

15 A. [15:13:04] When we were in the bush, when they went to collect him from the  
16 sickbay, we were told that this used to be Sinia's commander, he was injured and we  
17 have come to collect him. From now on this person will become the commander of  
18 Sinia. That's how I got to know.

19 Q. [15:13:27] Witness, before I proceed, in paragraph 32, that's tab 1, that's tab 1 of  
20 the Defence --

21 PRESIDING JUDGE SCHMITT: [15:14:19] Perhaps the ERN number.

22 MR TAKU: [15:14:21] Yes, your Honours.

23 PRESIDING JUDGE SCHMITT: [15:14:23] We had it already because it's also in the  
24 Prosecution binder, but nevertheless, now for the first time, and if you try to refer to  
25 this many times, it would be enough then simply to cite the page again.

- 1 MR TAKU: [15:14:47] Your Honours, 0258-0841.
- 2 PRESIDING JUDGE SCHMITT: [15:15:00] You are at 846 now.
- 3 MR TAKU: [15:15:04] Yeah. Then we are at 0846.
- 4 Q. [15:15:12] Let me read this, Witness, this is what you told the investigators:
- 5 "At this time I was still under a smaller group led by Otto Signaller. I first met
- 6 Ongwen somewhere in Gulu district after I had been in bush for around three months.
- 7 This was when we were transferred over to him. We were moving and we met a
- 8 new group that we did not know. At this time I did not know Ongwen. All of us
- 9 from Otto Signaller's home were just told to go to Ongwen's group and a new
- 10 signaller was given to Lapaicho."
- 11 So three months after you were in the bush, September, October and November, so
- 12 let's say, let's just say December, are you suggesting that in December 2002 you met
- 13 Ongwen, that's when you met Ongwen or at some other time thereafter?
- 14 A. [15:16:40] First of all, while in the bush, for us who were the foot soldiers do
- 15 not even know when the day is, which months it is, which week it is. I estimated in
- 16 regards to how long I had stayed in the bush already. In the bush you don't even
- 17 know if you have entered the New Year or you are -- or which day it is. You can't
- 18 even think of it. If there is a difference in the days or months that I was estimating, it
- 19 shows that I was using an estimation based on how long I had stayed, because what
- 20 happened three months ago, especially if you do not know the exact day, I don't even
- 21 remember the exact day that I was abducted. So if we take say from today to two
- 22 months ahead, I will not remember today's date.
- 23 Q. [15:18:02] Was -- was it in the dry season or in the rainy season?
- 24 A. [15:18:12] I don't remember.
- 25 Q. [15:18:16] And, Witness, was Ongwen already injured; in other words was he

1 moving with a limp or he was not yet injured?

2 A. [15:18:44] Well, they should ask him when he was limping or when he was not  
3 limping, what had happened to him, so they can answer him.

4 PRESIDING JUDGE SCHMITT: [15:18:58] No, Mr Witness, the question was when  
5 you saw him the first time, could you also recognise him moving, and if so, was he  
6 limping or not?

7 THE WITNESS: [15:19:13] (Interpretation) He was not limping.

8 MR TAKU:

9 Q. [15:19:22] Of course in paragraph 32 -- paragraph 34, Witness, you said:  
10 "Ongwen did not tell me to do anything --" I mean, "did not tell me what to do. It  
11 was the younger LRA soldier who would show me what to do."

12 So when you first met -- when you met him in that instance, you said he didn't tell  
13 you what to do. It was the younger officers who would tell you what to do, correct?

14 A. [15:19:59] In the bush, orders come from above. No one among the recruits  
15 would give an order. It is a commander who would say, "Go make a bed" or "go do  
16 this." If somebody has already stayed for longer in the bush, he would tell another  
17 person to go and do something, but the orders come from above.

18 Q. [15:20:24] Yes, but in this particular case, in paragraph 34 you specifically told  
19 the investigators that Ongwen did not tell you to do anything, it was the younger  
20 commanders who told you what to do. Is that what happened? Or is that still your  
21 evidence today?

22 A. [15:20:50] Yes, that is what happened.

23 Q. [15:21:00] Now, let's stay on when you met Ongwen for the first time. You  
24 said that you move until you came into this group that you did not expect, you just  
25 came into the group and said this man was Ongwen, whom you did not know at this

1 point in time. Did that occur to you often during your abduction that you just  
2 moved and meet a group unexpectedly?

3 A. [15:21:45] We were not told what would happen ahead or in the near future.  
4 We just realised that we had met a new group, and then another group split from us.  
5 That's what happens in the bush.

6 Q. [15:22:02] And in regard to that, if I may, let me clear this, it was the same with  
7 attacks or missions to look for food, they didn't tell you where you were going to,  
8 they just mobilise you, say, "Go and look for food, go on this mission." It is when  
9 you came closer that the commander who is moving with you, that's in the field  
10 commander, tells you the location and the assignment; is that correct?

11 A. [15:22:46] The commanders will have sat down together and discussed the  
12 mission. For us, we leave together with those who are leading us and they would be  
13 under instruction to tell us what would happen when we reach a certain location.

14 Q. [15:23:09] Witness, I ask you questions about when Ongwen -- I appreciate the  
15 fact that you don't know the time lines, you don't know the dates, but in paragraph 36,  
16 Witness, you discuss the injury of Ongwen.

17 And your Honours, with permission, let me try to --

18 PRESIDING JUDGE SCHMITT: [15:23:45] Yes, I have no problem with it, but  
19 perhaps for the record, it's 0847, page.

20 MR TAKU: [15:23:51] Yes, your Honour. Thank you, your Honour.

21 PRESIDING JUDGE SCHMITT: [15:23:53] Yes.

22 MR TAKU: [15:23:56]

23 Q. [15:23:57] "On one occasion Ongwen got injured when we were with him but he  
24 did not even stay the night. He was transferred to where the sick people stayed. I  
25 did not see Ongwen get injured but when he left we asked where our commander

1 was and the soldiers in the group were whispering that he had been injured.  
2 Ongwen was injured when he was crossing the road between Okinga and Lacekocot.  
3 We were ambushed by government soldiers. We ran across the road, a group of  
4 fifteen soldiers were organised to take the injured away. I heard from Sergeant Opio  
5 about this group of soldiers taking Ongwen to the sickbay."

6 Again, Witness, did you know at what time, after reading this to you, can you  
7 remember at what time Ongwen was injured?

8 A. [15:25:15] I do not recall the time. Like I said, the two years that I was in the  
9 bush, it was like 50 years to me. You do not know the date. There is no one with a  
10 watch to tell the time and there was no need to know, there was no need to know the  
11 day as well. You just wait. If it's morning and you are still alive, you will be  
12 grateful and continue to live. So I can't know any dates.

13 PRESIDING JUDGE SCHMITT: [15:26:01] May I shortly, because something is  
14 now not clear to me, Mr Witness, perhaps you can clarify that. What Mr Taku has  
15 just been read out to you, the second part is "we were ambushed by government  
16 soldiers and then we ran across the road"; this "we" would incorporate you as a  
17 person. Sounds a little bit as if you had been present when this happened, but the  
18 first part it seems to me that you were not present, that you had been told. So what  
19 is it?

20 THE WITNESS: [15:26:43] (Interpretation) I was there when we were crossing the  
21 road. It was in the evening. The date and time and the year is what I do not know.

22 PRESIDING JUDGE SCHMITT: [15:26:58] And were you one of those -- I think  
23 you said 15 people who were told to take him away, were you part of those 15  
24 people?

25 THE WITNESS: [15:27:13] (Interpretation) No, I was not part of the people who

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 took him. We didn't even see his injury. His senior commander, they wouldn't  
2 show his injuries around, that our commander was injured, because it would  
3 discourage the foot soldiers. They would say, "If a commander can also get  
4 wounded, what about me?" So it was very secretive and we realised he was not  
5 there.

6 PRESIDING JUDGE SCHMITT: [15:27:41] Mr Taku, please.

7 MR TAKU: [15:27:42]

8 Q. [15:27:43] Now, if I understood now, the reasons you give on record, you say  
9 he was senior commander at that point in time when he was injured; is that your  
10 evidence now, sir?

11 A. [15:28:00] At the time that he got injured, when we were taken to pick him, he  
12 was already a senior commander. Later on we were left with -- I'm still trying to  
13 recollect. If I remember the name, I will tell you.

14 Q. [15:28:51] Yes, we will wait if you can get the name of that individual. Just  
15 think hard so that you can provide it to the Court. But, Witness, you said the injury  
16 occurred at Okinga and the route between Okinga and Lacekocot?

17 PRESIDING JUDGE SCHMITT: [15:29:20] How is it pronounced?

18 THE WITNESS: [15:29:25] (Interpretation) It is pronounced Lacekocot, yes.

19 MR TAKU: [15:29:31] Thank you so much.

20 Q. [15:29:34] Witness, had you heard about a location called -- did you ever hear  
21 a road -- hear about the road between Kalongo and Patongo? Did you ever hear that  
22 Ongwen was injured at a location called between -- I mean, the road between Kalongo  
23 and Patongo, did you hear that?

24 A. [15:30:16] No, I did not hear.

25 Q. [15:30:17] I therefore put it to you, Witness, that Ongwen was never injured at



1 the location you said at Okinga and Lacekocot but at the location between Kalongo  
2 and Patongo, that is about 80 kilometres further from the location Okinga and  
3 Lacekocot. What would you say to that?

4 A. [15:31:08] Well, there were very many roads there. It's not that I'm trying to  
5 guess, but even on the day when I was recording my statement, I mentioned that if I  
6 could recall well, the road that we were crossing or the actual road that we were  
7 crossing and where he got injured, I couldn't clearly recollect the road, but I was there  
8 when he got injured. And I couldn't clearly know which road exactly that he was  
9 shot from because you would not be told which road you are crossing. So that is the  
10 situation.

11 PRESIDING JUDGE SCHMITT: [15:31:50] So I think we can presume that there is  
12 uncertainty in that respect in the testimony of the witness.

13 MR TAKU: [15:32:01]

14 Q. [15:32:01] So indeed, Witness, if I understand now, it's a long time, you have  
15 difficulties in respect of giving evidence -- giving precision about locations, time lines,  
16 and perhaps the identity of specific commanders and others. Do you have  
17 difficulties, is that -- would I be right in saying you have difficulties in this because  
18 you cannot recollect?

19 A. [15:32:39] Well, that's not correct because what happened when I was present,  
20 for instance, in Odek, I cannot forget about anything from there, but something that  
21 could have happened at a place which I was not clearly told where it was -- where it  
22 happened from. You would only hear that such-and-such a person got injured, but  
23 you would not be told where they were injured or what kind of injury. You would  
24 only ask where your leader is. They would not tell you because they would not  
25 want everyone to know. If you could have heard from someone, well and good, if

1 not, that would be up to you.

2 Q. [15:33:27] Very clearly also the dates, you're having difficulties with dates and  
3 locations.

4 PRESIDING JUDGE SCHMITT: [15:33:33] Mr Taku, we had --

5 MR TAKU: [15:33:36] Okay.

6 PRESIDING JUDGE SCHMITT: [15:33:37] You know, it's -- what do you expect  
7 from the witness, to say I have general difficulties with that. When this occurs and  
8 the witness has talked about the problems of time in the bush, he has now talked  
9 about the problem in this concrete -- related to this concrete incident of the injury of  
10 Mr Ongwen. So I think every once in a while when you get to a certain incident, a  
11 specific incident, then we can address this if there is an uncertainty in the witness  
12 testimony or not.

13 MR TAKU: [15:34:13] We will, your Honours. Thank you so much.

14 Q. [15:34:18] Nevertheless, after the injury to the commander you were told that  
15 the commander had been injured, Mr Ongwen had been injured. Did you know  
16 where -- on this morning or yesterday, you said he was taken to the sickbay. Did  
17 you know where the sickbay was situated?

18 A. [15:34:48] The sickbay was somewhere in the bush. I didn't know where  
19 exactly it was.

20 Q. [15:35:00] Now, just one precision: This ambush that you say  
21 Mr Ongwen -- you were present -- the ambush where you say Mr Ongwen was  
22 injured, was at what time of the day?

23 A. [15:35:28] That was sometime in the evening. It was something like 6 or  
24 7 p.m. Well, I think it was around 4 p.m., but it was in the evening.

25 Q. [15:35:47] May I suggest to you, Witness, I put it to you that Mr Ongwen was

1 injured at Kalongo, between Kalongo and Patongo at 9 a.m. in the morning. Does  
2 that jog your memory? Do you revise your answer on hearing this suggestion?

3 PRESIDING JUDGE SCHMITT: [15:36:21] Mr Witness, you want to say something  
4 apart from answering the question. I understand your raising of the hand. Please  
5 do that.

6 THE WITNESS: [15:36:28]) (Interpretation) Well, one thing I would like to inform  
7 the speaker is that I -- when I was there, I was not abducted to take records of what  
8 was happening and the time these things happened. Whatever I am saying is what  
9 happened basing on -- nothing was actually written down.

10 PRESIDING JUDGE SCHMITT: [15:36:55] Mr Witness, let me explain to you  
11 something. The questioning of the Defence is something different than the  
12 questioning of the Prosecution and the legal representatives of the victims. So  
13 Defence has a different role. Defence's role is inter alia to try to establish alternatives  
14 to what has been said already. So it's simply how the questioning of a witness in a  
15 courtroom unfolds. It's -- try to see it as a, so to speak, technical matter, how things  
16 are done in the courtroom. And this is not that Mr Taku wants to upset you.  
17 I think I can speak for him. He doesn't want to upset you. He simply tries to put,  
18 like we say, propositions to you and you are absolutely free to say, "I don't recall that;  
19 that's correct what you're saying," or "that's not correct what you're saying."  
20 Simply see it like that. I think you have understood it. You give a very intelligent  
21 impression to the Court. I think you understand what I have said, and I would now  
22 ask Mr Taku to continue.

23 MR TAKU: [15:38:14]

24 Q. [15:38:14] Yes, Witness, I ask these questions about the injury of Mr Ongwen  
25 and the injury of Buk Abudema because in your evidence you put them as

1 commanders. And it is since you said that you forgotten the dates, you were not  
2 keeping dates, my intention is use these key events, key issues, significant issues,  
3 events that occurred to the commanders, those commanders that you are testifying  
4 about, in order to establish when certain events occurred, whether they occurred or  
5 not, and I just want to use them in your mind so that you fix your mind on that and  
6 you are able to tell us whether this event occurred after the injury or before the injury  
7 and to establish exactly. That is the reason. If you were able to know, to confirm  
8 these timelines, there will be no reason for me to say this. But since you say you  
9 were present and saw this, and there were significant events that occurred in your  
10 presence, I thought that if you cannot provide the answers, say so. You are here to  
11 help the Court. You can't do the impossible; you know, you don't know.

12 PRESIDING JUDGE SCHMITT: [15:39:47] I think the witness, I'm perfectly  
13 convinced that the witness has understood that, and of course we also understand,  
14 everybody in the courtroom, that not everything is written down and recorded like in  
15 a transcript like we do here. Everybody understands that. Try to answer to the  
16 best of your knowledge, and if you don't know dates, you say you don't know.  
17 Simply like that. And if you don't know timelines, you say I don't know.  
18 So, Mr Taku, I think we should now really continue with the questioning in the  
19 substance.

20 MR TAKU: [15:40:21] Thank you, your Honour.

21 Q. [15:40:25] Now, in still in tab 1, Witness, you said that you were transferred.  
22 That's statement -- paragraph 37 at page --

23 PRESIDING JUDGE SCHMITT: [15:40:46] 847.

24 MR TAKU: [15:40:47]

25 Q. [15:40:48] 847. You stated, Witness, that you were transfer under the control

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 of Okot Pokot. Is that correct?

2 A. [15:41:01] Correct.

3 Q. [15:41:04] Now, we will come back to this, Witness. Would I be correct,  
4 Witness, if I say, if I suggest to you, that at the time that Lapaicho was commander of  
5 Terwanga battalion, Mr Ongwen was commander of Oka battalion? You heard the  
6 name of Oka battalion before?

7 A. [15:41:35] Yes, I have.

8 Q. [15:41:39] And do you know or did not know whether Mr Ongwen was  
9 commander of Oka battalion, and therefore Lapaicho could not be a subordinate  
10 under him. He was a battalion commander under Lapaicho, battalion commander of  
11 Terwanga, battalion when Buk Abudema was the Sinia commander. What do you  
12 say to this?

13 A. [15:42:20] They were at the same rank. Sinia was -- there was Oka and  
14 Terwanga all under Sinia. That means that the commander of Sinia, they could not  
15 pick on somebody from Oka or Terwanga to lead a big group like Sinia, because Sinia  
16 was the bigger than Oka, Terwanga and another group whose name I cannot recall,  
17 but there were three groups under Sinia.

18 Q. [15:42:57] But did you know or you did not know that Buk Abudema was the  
19 commander of Sinia, did you know who was the commander of Oka battalion?

20 A. [15:43:20] I knew the person who was the commander of Oka.

21 PRESIDING JUDGE SCHMITT: [15:43:31] And who was it?

22 THE WITNESS: [15:43:36] (Interpretation) At that time it was Ongwen.

23 MR TAKU: [15:43:42]

24 Q. [15:43:52] Now, let's talk about Okot Pokot. This name, Okot Pokot, Witness,  
25 could this -- could the real name of Okot Pokot be Okello Pokot and not Okot Pokot?

1 A. [15:44:29] Well, the name that I knew very well was Okot. But we could also  
2 hear him being called Okot Pokot. I don't know where the Okello is coming from.  
3 It's possible that he could also have also been referred to as Okello, but what I used to  
4 know is that he was called Okot Pokot.

5 Q. [15:44:53] But did you hear about an Okello Pokot when you were in LRA?

6 A. [15:45:10] No, I didn't hear of that. I only heard of Okot Pokot.

7 Q. [15:45:24] And when, Witness, you said you travelled to Sudan, you travelled  
8 to Sudan under the command of Okot Pokot, correct?

9 A. [15:45:39] Yeah, that's correct.

10 Q. [15:45:43] And when you were travelling to Sudan, where was Dominic?  
11 Was Dominic with you?

12 A. [15:46:19] No, at that time he was not there.

13 Q. [15:46:25] Now, in paragraph 38, your Honours, Witness, let me read that out.

14 PRESIDING JUDGE SCHMITT: [15:47:04] You don't have to read everything  
15 because he has already confirmed the first part, so it would be enough just to -- I don't  
16 know if you want to refer to the people he met there and the commanders and what  
17 he knew about that. You could cite that but not the whole paragraph. It's not  
18 necessary.

19 MR TAKU: [15:47:22] I will come back to that, your Honours.

20 Q. [15:47:26] Now, but, Witness, paragraph 55 in tab 1, page --

21 PRESIDING JUDGE SCHMITT: [15:47:43] 850.

22 MR TAKU: [15:47:44] Yes, your Honours.

23 Q. [15:47:49] Now, you mentioned an incident that happened when you were  
24 travelling to Sudan, I mean, according to you in paragraph 55 you said "before  
25 Ongwen got injured" and before you were transferred under Pokot, that one

1 statement, 55, that is the killing of someone, someone was ordering that someone be  
2 killed, "This happened when we were travelling to Sudan before Ongwen got injured  
3 and before we were transferred under Pokot."

4 I put it to you, Witness, that Ongwen did not travel with you to Sudan and therefore  
5 on your way to Sudan Ongwen would not have ordered you to kill anyone because  
6 he wasn't present. What do you say to that, Witness?

7 A. [15:49:10] If I say "on the way", that does not mean the very day we were  
8 travelling. For instance, we started walking from afar, we started moving together  
9 with him before he got injured and when he got injured, he was taken away, we  
10 continued moving up to Sudan.

11 Q. [15:49:43] But, Witness, you were travelling to Sudan before Ongwen got  
12 injured?

13 A. [15:50:04] That's correct. Along the way he got injured and he was taken to a  
14 secret place. The journey did not start from -- if I say the journey to Sudan, that  
15 doesn't mean we leave here and then we move direct to Sudan. How we started  
16 moving was that we could have started the journey from some distance before and if  
17 you -- he got injured somewhere after we had already set off, that means we were  
18 already on our way to Sudan and then he got injured.

19 Q. [15:50:45] Witness, may I suggest to you, Witness, that Dominic was moving  
20 southeast from Abim to Patongo when he was injured, not towards the direction of  
21 Sudan, so he would not have been moving to Sudan with you when he was rather  
22 moving southeast -- southwest, when he was rather moving southwest from Abim to  
23 Patongo, what do you say to this?

24 A. [15:51:38] These people do not have clear directions. It's not like they take  
25 this direction and they follow the same. They will move following this direction, the

1 next minute they are changing to another direction. That is what I can say about  
2 that.

3 Q. [15:51:59] Now, Witness, while in Sudan, did you see Dominic in Sudan?

4 A. [15:52:12] I said along the way as we were moving to Sudan he got injured and  
5 remained behind. That means that we moved with Okot Pokot to Sudan. He had  
6 remained behind because he got injured along the way.

7 Q. [15:52:31] Your Honours, paragraph 38, your Honours, at page 0847. "When  
8 we were in Sudan the commanders met with Kony. The commanders who met with  
9 Kony were Otti Vincent, Tabuley from Palabek who later died, Ocan Bunia and  
10 Ongwen. I do not know the place where the meeting took place because it was my  
11 first time in Sudan."

12 Why then -- you say he was injured, he was taken to the sickbay on the way to Sudan.  
13 Why then did you say that he was one of the commanders who met Kony in Sudan  
14 along with Otti Vincent, Tabuley, Ocan Bunia? Why then did you tell -- say this to  
15 the investigators?

16 A. [15:53:35] The reason I said that was possibly because you know when you're  
17 narrating a story about something that happened sometime back, you wouldn't relay  
18 it the same way you would relay a story that happened the day before. What  
19 happened happened a long while ago, so his name could have appeared there, but it  
20 shouldn't have appeared in the first place.

21 Q. [15:54:21] Now, Witness, in the victims application --

22 PRESIDING JUDGE SCHMITT: [15:54:59] Tab 5 again.

23 MR TAKU: [15:55:17] Tab 5, your Honours, thank you so much. just one minute,  
24 your Honours. 0125.

25 Q. [15:56:16] Witness, you testified here yesterday that you were deployed, you



1 were abducted and brought under Lapaicho and Buk Abudema. Now, was Buk  
2 Abudema at any moment a subordinate to Dominic Ongwen, subordinate  
3 commander to Dominic Ongwen?

4 A. [15:56:56] No, never.

5 Q. [15:57:03] So, Witness, would you say today as you sit here that Lapaicho and  
6 Buk Abudema were also responsible for your abduction and for some of the -- the  
7 problems you suffered within the LRA, were they responsible? Do you hold them  
8 responsible, Buk Abudema and Lapaicho? Of course Otto, Otto, Otto --

9 PRESIDING JUDGE SCHMITT: [15:57:42] We mean responsible, of course, not in a  
10 legal --

11 MR TAKU: [15:57:47] Not legal.

12 PRESIDING JUDGE SCHMITT: [15:57:49] -- sense.

13 MR TAKU: Yes.

14 PRESIDING JUDGE SCHMITT: We mean it in a -- perhaps in a sense that the  
15 witness can really answer what he thinks for himself.

16 MR TAKU: Yes, yes.

17 PRESIDING JUDGE SCHMITT: Or perhaps another wording would be who,  
18 Mr Witness, would you specifically, if you do it at all, blame for your abduction?  
19 Only the abduction I think --

20 MR TAKU: [15:58:10] Yes, yes.

21 PRESIDING JUDGE SCHMITT: [15:58:11] -- that I was referring to.

22 MR TAKU: [15:58:14] Yes.

23 THE WITNESS: [15:58:16] (Interpretation) Well, I would -- I would blame Otto.

24 MR TAKU: [15:58:26]

25 Q. [15:58:27] Would you blame Joseph Kony? Since you say before your

Trial Hearing  
WITNESS: UGA-OTP-P-0314

(Open Session)

ICC-02/04-01/15

1 abduction the LRA had attacked the camp where you were and your grandmother  
2 took these measures, would you blame Joseph Kony?

3 A. [15:58:58] Yes, I would.

4 PRESIDING JUDGE SCHMITT: [15:59:11] Mr Taku, if you want to go to another  
5 point, I think we have 4 o'clock.

6 MR TAKU: Yeah.

7 PRESIDING JUDGE SCHMITT: Then perhaps it would be -- I would advise to wait  
8 until tomorrow morning when we continue.

9 MR TAKU: [15:59:23] Yes, your Honours. Thank you so much.

10 PRESIDING JUDGE SCHMITT: [15:59:26] And I would also ask you, of course I  
11 know that -- I don't want to put you under time pressure, but we can always set  
12 ourselves goals, also short-term goals, so if it would be possible to finish the  
13 examination of this witness by tomorrow would be very good, would be appreciated,  
14 but I know we have only two sessions tomorrow. So this is -- we are perfectly aware  
15 of that fact. So don't feel yourself under pressure, it's just something that I want to  
16 give you with you when you leave this courtroom to reflect upon, so to speak.

17 MR TAKU: [16:00:08] Yes, your Honour. Of course I received instructions from  
18 Mr Ongwen and I should find out, as he's following closely and --

19 PRESIDING JUDGE SCHMITT: [16:00:17] No restrictions, no restrictions at all. It  
20 was just a remark that I made. And as I said, as I said, we have only two sessions  
21 and that is up to the Court that we only have these two sessions tomorrow.

22 MR TAKU: [16:00:28] Yes, your Honour.

23 PRESIDING JUDGE SCHMITT: [16:00:29] If we need, if we need Thursday, it's no  
24 problem at all.

25 MR TAKU: [16:00:32] We always take the advice of the Court, the wisdom of the

1 Court. The Court does not make these observations lightly, I understand, so we will  
2 see how far we can go, your Honours.

3 PRESIDING JUDGE SCHMITT: [16:00:45] But as I said, don't feel yourself forced  
4 or put under pressure or something like that.

5 So we finish today, Mr Witness, everybody of the parties and participants here in the  
6 courtroom, and continue tomorrow at 9.30.

7 THE COURT USHER: [16:01:00] All rise.

8 (The hearing ends in open session at 4.01 p.m.)