

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

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 Judge Raul Pangalangan

6 Trial Hearing - Courtroom 3

7 Wednesday, 15 March 2017

8 (The hearing starts in open session at 9.32 a.m.)

9 THE COURT USHER: [9:32:53] All rise.

10 The International Criminal Court is now in session.

11 PRESIDING JUDGE SCHMITT: [9:33:14] Court officer, please call the case.

12 THE COURT OFFICER: [9:33:17] Good morning, Mr President.

13 The situation in the Republic of Uganda, in the case of The Prosecutor versus

14 Dominic Ongwen, case reference ICC-02/04-01/15.

15 And for the record, we're in open session.

16 PRESIDING JUDGE SCHMITT: [9:33:31] Thank you very much.

17 I ask for the appearances of the parties.

18 Ms Hohler.

19 MS HOHLER: [9:33:36] Your Honours, for the Prosecution today Ben Gumpert,

20 Pubudu Sachithanandan, Colleen Gilg, Yulia Nuzban, Ramu Bittaye, Xinwei Liu,

21 Mari Pilvio, and my name is Beti Hohler. Thank you.

22 PRESIDING JUDGE SCHMITT: [9:33:52] Thank you.

23 Mrs Massidda.

24 MS MASSIDDA: [9:33:55] Good morning, your Honour, a shorter list for the

25 victims represented by the Common Legal Representative, myself Paolina Massidda,

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 with Jane Adong, Orchlon Narantsetseg and Jacqueline Atim.

2 PRESIDING JUDGE SCHMITT: [9:34:06] Thank you.

3 Mr Cox.

4 MR COX: [9:34:08] Good morning, your Honour. For the Legal Representatives,
5 Francisco Cox and Mr James Mawira.

6 PRESIDING JUDGE SCHMITT: [9:34:14] Thank you.

7 And the Defence, please, Mr Ayena.

8 MR AYENA ODONGO: [9:34:19] Good morning, Mr President and your Honours.

9 I'm assisted by Chief Charles Taku Achaleke, Madam Abigail Bridgman,

10 Mr Thomas Obhof, assistant counsel. And Mr Dominic Ongwen, our client, is in
11 station. I'm Krispus Ayena Odongo.

12 PRESIDING JUDGE SCHMITT: [9:34:41] Thank you very much.

13 Good morning, Mr Witness also again.

14 And you have still the floor, Mr Ayena.

15 Perhaps a short matter for planning that I can tell you, for reasons that have to do

16 with other judicial obligations we have to skip the last session on Friday. That

17 means we have on Friday only the two morning sessions, just as an information for

18 everybody in the room here.

19 And I give you the floor again, Mr Ayena.

20 WITNESS: UGA-OTP-P-0330 (On former oath)

21 (The witness speaks Acholi)

22 QUESTIONED BY MR ODONGO: (Continuing)

23 Q. [9:35:23] Good morning, Mr Witness.

24 A. [9:35:24] Good morning.

25 Q. [9:35:26] Mr Witness, when we left yesterday I was putting some questions to

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 you about your interactions with the Office of the Prosecutor and the Office of
2 Victims Representative and I wanted to know whether when they talked to you and
3 you gave your statement to them there were some areas they asked you to emphasise
4 while before this Court.

5 A. [9:36:24] I told them what happened to me and I told them about my
6 experiences, the problems that I went through. But they did not tell me that if I'm in
7 Court I should discuss particular matters, but I'm just telling the Court what
8 happened to me.

9 Q. [9:36:50] Mr Witness, were you told what to expect from this Court depending
10 on how you testify before this Court?

11 A. [9:37:21] No, they did not tell me any such thing. They did not tell me that if
12 I speak before the Court I will be awarded anything. I was informed that if I'm
13 called to testify before the Court would I be willing to come, and I said yes, I would.

14 Q. [9:37:46] In particular, Mr Witness, you have a dual capacity before this Court;
15 are you aware?

16 A. [9:37:59] I did not understand that question.

17 PRESIDING JUDGE SCHMITT: [9:38:03] Perhaps you explain to him what that
18 means and then ask him if he knows that.

19 MR AYENA ODONGO: [9:38:08] Yes.

20 Q. [9:38:09] You are here as a witness before this Court and at the same time you
21 are a victim, that is why there are two sides of lawyers representing you. Do you
22 understand that, Mr Witness?

23 A. [9:38:37] Well, I'm not familiar with issues relating to lawyers because this is
24 the first time, my first time in court. My purpose here to inform the Court of the
25 truth.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 PRESIDING JUDGE SCHMITT: [9:38:50] And perhaps a short clarification, there is

2 of course only one counsel in the room representing, strictly speaking, the witness.

3 The OTP is the institution, so to speak, or the part of the Court who has named this

4 witness as a witness for the Prosecution, but they are not representing the witness.

5 MR AYENA ODONGO: [9:39:28] Mr President, and your Honours, I think we

6 shall go into private session.

7 PRESIDING JUDGE SCHMITT: [9:39:32] Do you have an estimate how long?

8 MR AYENA ODONGO: [9:39:34] I think this will take about maybe 15 to

9 20 minutes.

10 PRESIDING JUDGE SCHMITT: [9:39:39] Okay. Then we go to private session.

11 (Private session at 9.39 a.m.)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

- 1
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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Open Session)

ICC-02/04-01/15

- 1
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Page redacted- Private session

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

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Page redacted- Private session

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Open Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 10.00 a.m.)

5 THE COURT OFFICER: [10:00:24] We are back in open session, Mr President.

6 PRESIDING JUDGE SCHMITT: [10:00:26] Perhaps you would have to phrase the

7 question one after the other. I think he did not understand when, the before and

8 after. This was problematic for him. So try to -- although it might be difficult to

9 elaborate on that, but perhaps give it a try.

10 MR AYENA ODONGO: [10:00:49]

11 Q. [10:00:49] You have told Court that the people who abducted you beat some

12 civilian and took some money from him. Can you tell Court when they beat the

13 civilian?

14 A. [10:01:21] I don't recall the date, because when they abducted me that was

15 when I started witnessing such things.

16 PRESIDING JUDGE SCHMITT: [10:01:31] That would be the answer to your

17 question, to your initial question.

18 MR AYENA ODONGO: [10:01:37] Not quite, your Honour.

19 Q. [10:01:42] On the day, Mr Witness -- I mean, can I put the question again.

20 Did you see them beat this civilian on the very day you were abducted?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) the morning we started moving again and we met another civilian.

25 They asked that civilian for money and the woman said there was no money. They

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 started beating her again. Then the woman said there was money in the granary.

2 Q. [10:02:54] Now, Mr Witness, this is the first time you're saying that they stayed
3 in your home and cooked at home. For how long did they stay in your home after
4 abducting you?

5 A. [10:03:21] It's not that that happened after abducting me. They gathered so
6 many people they had abducted and then put them together under a mango tree at
7 my uncle's place. They caught chicken from within the homestead and started
8 cooking. They told me to climb on top of the mango tree which was in the
9 compound. I climbed up there. They told me to try and look around while he was
10 walking around as well. Then he came back and asked me "Did you see the civilian
11 who ran away?" I told him "No, I didn't." Then he told me to climb down.
12 Then he said something, that I am as stupid as a bastard. Why is it that I don't
13 understand these things. Then he got another of my uncle's children who was a little
14 older than me, he told the boy to climb up the tree and then he told me "You go there
15 and sit down." They took me to the point where they were cooking. I went and sat
16 there.
17 When they finished cooking, they invited me to go and eat, but I rejected. Then they
18 asked me "Have you seen this?" They were showing me a gun. Then I immediately
19 went and started eating. Then he told me that "You've eaten the food of a soldier
20 and from today on you are now a soldier." When they finished cooking, they said all
21 the civilians should now go back to their respective homes and we started moving
22 together with them. They told my mother and my uncle that "This child is going to
23 show us the way, then he will come back."

24 That was how I was taken.

25 Q. [10:05:43] Mr Witness, are you still talking about the two people? I want you

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 to go systematically. We have not yet even arrived at the granary.

2 PRESIDING JUDGE SCHMITT: [10:05:58] But, Mr Ayena, I think it would be too
3 much to demand from the witness to go systematically when he is in a flow of talking,
4 and obviously you have triggered that. I think we should let him talk and then you
5 can step in, or when he has finished you just pick up what you want and just go your
6 way, but systematically is a little bit difficult to demand from him. You see what I
7 mean? It depends always on a personality of witnesses we have in front of us.

8 Please continue.

9 MR AYENA ODONGO: [10:06:32] Much obliged.

10 Q. [10:06:35] So, Mr Witness, can you tell Court or can you -- yeah, can you tell
11 Court how you ended up at the granary?

12 A. [10:07:00] We walked going towards the west and we reached some
13 homestead that had bananas around and we found some civilians there, there was a
14 man and a woman. They began asking the women, they were asking her that "We
15 were told that you've married off your daughter. We need some money." The
16 woman said there was no money. They ask her "Are you sure there is no money?"
17 Then they started beating her up. The woman said there was money and they asked
18 her where the money was. She said it was in the granary, the money was in a pot, a
19 small pot in the granary.
20 That granary was full of sorghum and the woman said I should climb and go into the
21 granary to pick the money. She told me that when I go in there I should search in
22 there, I will find the pot and then find money inside. Then I went in, but before I
23 could retrieve the money I heard some footsteps and then I --

24 Q. [10:08:33] (Overlapping speakers) Mr Witness, you know, when you talk about
25 granary, apart from you and a few of us who are here, many of these people may not

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 understand exactly what a granary is. Can you describe to Court what a granary is,
2 where it is built and how it is opened?

3 A. [10:09:05] A granary is used -- is made using some kind of reeds and when
4 you want to open it you will need a stick to raise the roof.

5 Q. [10:09:30] Thank you, Mr Witness. When you are inside, do you close or you
6 keep it open until you have done with the task? Then you climb out and close it?

7 A. [10:09:59] A granary you open and then you climb and get inside. When you
8 finish your activity, you now come out and then release by removing the stick and the
9 roof will fit back.

10 Q. [10:10:23] Now, Mr Witness, in this case who used the stick to open the
11 granary? Was it you or the old woman or one of the two gentlemen who abducted
12 you, the soldiers? Well, somebody is suggesting that they are not gentlemen.

13 A. [10:11:09] I don't remember the person who opened the granary, but I was
14 only instructed to climb in there and remove money.

15 Q. [10:11:22] Did you remove the money?

16 A. [10:11:33] Before I could retrieve the money I heard footsteps of some people
17 who were running about. I tried to peep and then I saw, I saw some -- I saw (Redacted)
18 (Redacted) running away. Then I also saw other soldiers who came from the banana
19 plantation and I got scared. Then I released the stick and then the roof of the
20 granary fitted back and was closed.

21 Q. [10:12:21] But in your statement, Mr Witness, you said, and let me refer
22 you to it.

23 Your Honours, I want to refer to the Prosecution binder, it is tab 1 and the ERN
24 number is UGA-OTP-0256-0071 at page 73, under paragraph 16.

25 You said -- Mr Witness, are you there?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 PRESIDING JUDGE SCHMITT: [10:13:36] I think you have to read it to him.

2 MR AYENA ODONGO: [10:13:41] Yes.

3 PRESIDING JUDGE SCHMITT: [10:13:42] Simply because he will not be able to
4 follow, so just read it to him and then try to elicit the information that you want to.

5 MR AYENA ODONGO: [10:13:53]

6 Q. [10:13:53] Mr Witness, I read the relevant part to you. You said: "They told
7 me to get out and they opened the granary and I came out."

8 Do you remember making this statement, Mr Witness?

9 A. [10:14:20] I didn't hear that clearly. Could you please repeat it?

10 Q. [10:14:24] In your statement, Mr Witness, you said:

11 "They told me to get out and they opened the granary and I came out." "They
12 opened the granary and I came out."

13 Is that clear now?

14 A. [10:14:55] When they told me to open the granary I had already closed it and
15 then these -- Odomi's people were the ones who were telling me, because the woman
16 had said "There is one who is still stuck in the granary". They started cocking their
17 guns and then they opened the granary and instructed me to get out.

18 Q. [10:15:28] Mr Witness, would that suggest that therefore the granary was
19 closed with you inside?

20 A. [10:15:42] I was the one who closed the granary when I was inside. When I
21 saw (Redacted) running away, I was wondering why they were running away. I
22 thought government soldiers were coming, so I closed the granary and I hid in there.
23 These people came and asked the woman "Which are these people who are running
24 away?" The woman said, "Well, I don't even know these people that, there were
25 two." Then they continued to say "There is one who is still in the granary." Then

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 they opened the granary. They instructed me to get out and then they took me to the
2 convoy.

3 Q. [10:16:39] Mr Witness, if you thought these were government soldiers and you
4 were aware that you were in the hands of a wrong group, why did you hide -- why
5 did you want to hide away from them?

6 A. [10:17:08] Well, I was scared. I thought maybe they would kill me. That's
7 why I decided to hide inside the granary.

8 Q. [10:17:23] Now, Mr Witness, we are not yet very sure about where they got
9 you from. In your testimony of Friday 10th, transcript 51, page 49, line 3 you said
10 that you were captured from the west. Do you remember that?

11 A. [10:18:08] Yes.

12 Q. [10:18:10] You were captured from the west of what?

13 MS HOHLER: [10:18:19] Your Honours, perhaps for this answer we should go into
14 private session if the witness will name the location from where he was abducted.

15 PRESIDING JUDGE SCHMITT: [10:18:30] That is correct, Ms Hohler. Thank you
16 very much. We go into private session.

17 (Private session at 10.18 a.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

- 1
- 2
- 3
- 4
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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

- 1
- 2
- 3
- 4
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- 24
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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

- 1
- 2
- 3
- 4
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- 22
- 23
- 24
- 25

Page redacted- Private session

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

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15 (Redacted)

16 (Open session at 10.32 a.m.)

17 MR AYENA ODONGO: [10:32:08]

18 Q. [10:32:11] So at this time --

19 THE COURT OFFICER: [10:32:14] Sorry, one moment.

20 We are back in open session, Mr President.

21 PRESIDING JUDGE SCHMITT: [10:32:18] Thank you very much.

22 Please, Mr Ayena.

23 MR AYENA ODONGO: [10:32:21]

24 Q. [10:32:21] Now, at this time when you were abducted were you staying with

25 your mother?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 A. [10:32:37] I was staying with my uncle and grandmother.

2 Q. [10:32:44] And how about your mother? Where was she staying?

3 A. [10:32:55] My mother wasn't there.

4 Q. [10:33:07] But you told this Court the other day that she was living alone in the
5 centre. Do you remember the part I earlier on quoted to you from lines 19 to 21,
6 page 49 of the transcript?

7 A. [10:33:45] That was after she came back home, after she was discharged
8 because she was unwell. She had TB, so she was sent back home. But at the time
9 that I was abducted she wasn't there. When I talked about the centre, that was after
10 I had actually come back from the bush.

11 Q. [10:34:21] And you said, Mr Witness, that you could not tell how old you were
12 when you were captured by that group which I shall not now refer to by name
13 because it will identify you because we are in open session. Is that correct?

14 A. [10:34:54] I did not understand your question.

15 Q. [10:34:58] You told Court that you could not tell how old you were when you
16 were captured by this group. You remember the group that sent you to the granary?

17 PRESIDING JUDGE SCHMITT: [10:35:20] And please don't mention the group.

18 MR AYENA ODONGO: [10:35:22]

19 Q. [10:35:23] No, don't mention the group, please.

20 A. [10:35:33] (No interpretation)

21 Q. [10:35:36] Yeah, you remember? Okay. Now, Mr Witness, according to the
22 OTP investigator's notes, your mother said that you were captured by that group
23 in 1998.

24 And, your Honours, this is found in the Defence binder tab 5, UGA-OTP-269-806 at
25 page 807.

1 Mr Witness, would you agree with what your mother said about this?

2 A. [10:36:48] I do not -- I do not know because at the time I was still young.

3 PRESIDING JUDGE SCHMITT: [10:36:57] Perhaps put it -- put it specifically to

4 him what is said here: Your mother has said that at the time when you were

5 abducted (Redacted). For example. Maybe we would have

6 perhaps to go to private session for that, for the answer.

7 MR AYENA ODONGO: [10:37:22] Short time in private session.

8 PRESIDING JUDGE SCHMITT: [10:37:25] Yes. Private session.

9 (Private session at 10.37 a.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

- 1
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- 24
- 25

Page redacted- Private session

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

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- 24
- 25

Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

- 1
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- 24
- 25

Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

- 1
- 2
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- 25

Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

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22 PRESIDING JUDGE SCHMITT: [10:53:35] We have to accept that now, I think.
23 We cannot insist continuously on that.
24 May I before the -- before the break ask a question. My colleague has reminded me
25 of that. I think this -- are we in private session? Yeah. This would have to be.

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 I refer everybody to today's transcript page 11, line 19.

2 And I read to you, Mr Witness, what you have said earlier this morning: "If they call
3 (Redacted), you should respond Lapwony." I need help.

4 THE INTERPRETER: Lapwony.

5 PRESIDING JUDGE SCHMITT: [10:54:36] Lapwony. And the question would be,
6 we have now heard (Redacted), but what does Lapwony mean? Can you tell us?

7 THE WITNESS: [10:54:54] (Interpretation) Lapwony is a soldier, a veteran soldier.

8 But that is -- those are the people you refer to as Lapwony. If you're a soldier, a
9 junior soldier without a gun, when you see a soldier with a gun, you refer to that
10 soldier as Lapwony. Those are the rules.

11 PRESIDING JUDGE SCHMITT: Thank you.

12 THE WITNESS: (Interpretation) To call somebody Lapwony.

13 THE INTERPRETER: Your Honour, Lapwony means teacher in Acholi.

14 PRESIDING JUDGE SCHMITT: [10:55:34] Thank you very much for this
15 information, also to this witness, because this Lapwony appeared several times in this
16 courtroom and my colleague correctly reminded me that we have to enlighten us a
17 little bit about that matter.

18 I would suggest that we have now -- we go in open session and have now the coffee
19 break.

20 MR AYENA ODONGO: [10:55:57] But maybe I can add to what my sister, the
21 interpreter said.

22 PRESIDING JUDGE SCHMITT: [10:56:04] Yes.

23 MR AYENA ODONGO: [10:56:06] Teacher, it means teacher or in other words
24 rabbi, rabbi, you know, the biblical rabbi.

25 PRESIDING JUDGE SCHMITT: [10:56:23] (Microphone not activated)

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 MR AYENA ODONGO: Yeah.

2 (Open session at 10.56 a.m.)

3 THE COURT OFFICER: [10:56:26] We are back in open session, Mr President.

4 PRESIDING JUDGE SCHMITT: [10:56:29] Back in open session and I think we can
5 have now our coffee break I would this is --

6 MR AYENA ODONGO: [10:56:36] That would be logical, your Honours.

7 PRESIDING JUDGE SCHMITT: [10:56:42] Very logical. It is then a little bit more
8 than half an hour, which gives us more time to relax a little bit.

9 We resume at 11.30.

10 THE COURT USHER: [10:56:56] All rise.

11 (Recess taken at 10.57 a.m.)

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

13 THE COURT USHER: [11:30:32] All rise.

14 PRESIDING JUDGE SCHMITT: [11:30:57] Mr Ayena.

15 MR AYENA ODONGO: [11:31:08] Your Honours, I welcome you back from your
16 coffee break.

17 Your Honours, when we made reference to the -- when we talked about the
18 application for victims participation, I didn't -- I did not make clear the ERN number.
19 It is -- for purposes of Court's record, it is UGA -- it is Defence binder, tab 4, the ERN
20 is UGA-026-01 -- I mean D26-01012-0102.

21 And, your Honours, I want Court to understand the concept of this rabbi teacher even
22 better. As you rightly pointed out, it is consistently referred to in this case. It
23 would appear teacher was ascribed to anybody in a command position, you are
24 a teacher if you are in a command position. And then when they said lapwony
25 ma dit, that is now big teacher, that referred to the commander-in-chief. I thought it

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Open Session)

ICC-02/04-01/15

1 might be useful to know.

2 PRESIDING JUDGE SCHMITT: [11:33:21] Since this occurred every once in a while
3 or even quite often --

4 MR AYENA ODONGO: Yes.

5 PRESIDING JUDGE SCHMITT: -- it's important for us to understand it, so that we,
6 you know, that we do not think these are certain persons, individuals. It's more, as I
7 understand it, it's more an expression for a function, also of a respect person, so to
8 speak.

9 MR AYENA ODONGO: [11:33:41] It's a title.

10 PRESIDING JUDGE SCHMITT: A title.

11 MR AYENA ODONGO: Like professor.

12 PRESIDING JUDGE SCHMITT: [11:33:43] That's much better, title. Yes.

13 MR AYENA ODONGO: [11:33:58] Yes.

14 Q. [11:33:58] So, Mr Witness, we were talking about your age and we are talking
15 about when -- in what class you were at the time you were abducted and perhaps the
16 year when you were abducted. Now, Mr Witness, you said on Friday in line 12 at
17 page 52 of the transcript in answer to the Prosecution question that you were in P2
18 when Odomi's group took you from another group. Do you remember that,
19 Mr Witness?

20 A. [11:35:04] Yes, I do.

21 Q. [11:35:12] To help Court assess the truthfulness of what your mother said and
22 what you said, I am going to put a few questions to you. Number one, Mr Witness:
23 When you joined P1, were you the oldest in that class? Were there some other
24 children who were younger than you in the class, younger or older -- younger?

25 A. [11:35:55] In our classroom we were actually very many. I couldn't establish

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 who was younger or older than me or who my age mates were, but I was young.

2 Q. [11:36:17] So would you confirm to this Court that you were not the oldest in
3 that class at least?

4 A. [11:36:38] Well, I don't understand that, because I was abducted when I was still
5 very young.

6 Q. [11:36:52] You know, Mr Witness, you have told Court that there were many
7 people in that class; is that correct?

8 A. [11:37:05] Yes, there were so many pupils in the class.

9 Q. [11:37:13] And sometimes you would be lined up for parade in school.

10 PRESIDING JUDGE SCHMITT: [11:37:37] Is that correct, would you line up in
11 school?

12 THE WITNESS: [11:37:50] (Interpretation) Yes, we would line up as we are entering
13 the classroom.

14 PRESIDING JUDGE SCHMITT: [11:37:56] When you try to picture that, when you
15 lined up, could you tell us then if you were the oldest of these boys and girls?

16 THE WITNESS: [11:38:19] (Interpretation) We were all mixed. There were young
17 people, there were older people, people who were bigger than me or older than me
18 were also there.

19 PRESIDING JUDGE SCHMITT: [11:38:31] Please, Mr Ayena.

20 MR AYENA ODONGO: [11:38:35]

21 Q. [11:38:37] (Overlapping speakers) Mr Witness. Mr Witness, what is the
22 average, according to your experience, I mean you have been in Uganda, and at what
23 age do people go to P1, normally?

24 A. [11:39:03] I don't know.

25 Q. [11:39:09] So in that case, Mr Witness, may I remind you that the average age for

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Open Session)

ICC-02/04-01/15

1 entry into P1, not only in Uganda, but in most countries, is about six or seven. But in
2 any event not later than eight or nine.

3 PRESIDING JUDGE SCHMITT: [11:39:38] Since the witness does not know, it is just
4 a statement. So yes, so please continue with the question.

5 MR AYENA ODONGO: [11:39:46]

6 Q. [11:39:47] Now that I have reminded you and you have been -- seen children go
7 to school, would that make sense to you?

8 A. [11:40:06] I have not understood your question, please.

9 Q. [11:40:15] Then let me approach it from a different perspective. Mr Witness,
10 how old are your children? (Microphone not activated)

11 PRESIDING JUDGE SCHMITT: [11:40:31] Do we need to go to private session for
12 the answer?

13 MS HOHLER: [11:40:36] Your Honours, as long as the witness does not mention
14 names of his children then I think we can stay in public, but if he can be reminded of
15 that. However, if he mentions names, then a private session would be required.

16 PRESIDING JUDGE SCHMITT: [11:40:49] Okay. Mr Witness, you have heard what
17 Madam Prosecutor has said. When you answer now about the ages, don't mention
18 names, please. So how old are they?

19 MR AYENA ODONGO: [11:41:20]

20 Q. Beginning from your children.

21 A. [11:41:31] One is seven years old, another one is four years old, and the other
22 one is one year old. That one is still young.

23 Q. [11:41:52] Any of them going to school?

24 A. [11:42:05] None of them is going to school because I do not have money to pay
25 for their education.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 Q. [11:42:15] If you had money, and this is important, if you had money, would
2 any one of them have gone to school?

3 A. [11:42:37] I would have taken two of them.

4 Q. [11:42:47] To which classes?

5 A. [11:42:58] I would take them to start at nursery level.

6 Q. [11:43:13] Are you suggesting that you would take the four-year-old, the four
7 years old to nursery? (Microphone not activated) as the seven years old?

8 A. [11:43:35] For a child to grow up well, they should start their basic education
9 from a minimum level. They should move consistently, whether it being a child
10 who is a little old, because you can always go to school at any age, you have to start
11 from the basic level so that you can move consistently.

12 Q. [11:44:10] So that means if you had money, from the year four you would have
13 taken each of them to school, at least nursery?

14 A. [11:44:31] Yes, I would have taken them to nursery.

15 Q. [11:44:40] If you had taken the seven-year-old to nursery at the age of four, in
16 what class would he be now?

17 A. [11:45:07] Well, that I -- I have not understood that.

18 Q. [11:45:15] Let me put it another way then. For how many years do children
19 remain in nursery school?

20 A. [11:45:35] I don't know that because I never went to school.

21 PRESIDING JUDGE SCHMITT: [11:45:37] Mr Ayena, we -- I think we soon, really
22 soon want to see where you are heading at. I can -- I have perhaps an idea, but we
23 really have to near ourselves. It's about P1, P2, P3 and the average age people in
24 Uganda are, have when they are at school. But the witness has said that he doesn't
25 know exactly. So there might be some inconsistencies, yes, whatever to make out of

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 it. This would, I think this is really hard to -- to say that this might lead to something
2 to ask the witness now the four-year-old nursery and then the seven-year-old, he
3 simply doesn't know, I would say. He simply can't tell you. And us, of course.

4 MR AYENA ODONGO: [11:46:40] (Overlapping speakers) your Honour, but I
5 thought because if the four-year-old, the four years old can go to nursery, if the
6 seven-year-old had gone to nursery, by now three years down the road he should -- I
7 wanted to propose to him that in Uganda it takes three years in nursery, so after three
8 years you go to P1 and, therefore, at seven somebody would be in P1. So that is
9 actually the age.

10 PRESIDING JUDGE SCHMITT: [11:47:16] That's okay, then put this exactly as you
11 have worded it to the witness, if he has knowledge about it. That's okay.

12 MR AYENA ODONGO: [11:47:23]

13 Q. [11:47:24] Mr Witness, I was trying to explain to Court that in Uganda when
14 children go to primary -- I mean, to nursery school at the age of four they spend three
15 years at nursery, and after the three years they go to P1 and, therefore, by the seventh
16 year at least they are in P1; does that make sense to you?

17 A. [11:48:01] I do not understand that.

18 PRESIDING JUDGE SCHMITT: [11:48:09] You know, but we have now the
19 information. And I think this might be something of common knowledge if you
20 were from Uganda. So we -- it's -- there is obviously some disagreement, but be it as
21 it be, you have put it to the witness, he says he doesn't know, I would really ask you
22 to move to another point.

23 MR AYENA ODONGO: [11:48:38]

24 Q. [11:48:38] Mr Witness, I have put a proposition to you about what, in my view,
25 is a common practice in Uganda. I would move to the next.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 Given the above proposition about your likely age suggesting that you are, according
2 to the information got from your mother and your own information given to the -- in
3 the application for victim, I now want to say it we take it that supposing it is true you
4 were born in 1998 --

5 PRESIDING JUDGE SCHMITT: [11:49:36] '89 we have understood it 1989.

6 MR AYENA ODONGO: [11:49:40] Sorry, 1989.

7 Q. [11:49:45] -- that would put definitely your age at 14.

8 PRESIDING JUDGE SCHMITT: [11:49:52] When? When?

9 MR AYENA ODONGO: [11:49:57] 2003.

10 PRESIDING JUDGE SCHMITT: [11:49:58] In 2003, that is indeed --

11 MR AYENA ODONGO: [11:50:02] Yeah, in 2003.

12 Q. [11:50:13] What do you say about that?

13 A. [11:50:33] That would be my age then. But what I have recorded down as my
14 age is what is there. Because I was still very young and I wasn't able to know
15 everything.

16 Q. [11:50:54] And therefore, Mr Witness, since you yourself said, told Court that
17 you were in P3, and that seems to be the same statement given by your mother, that
18 would mean you were actually in P3 in 2003?

19 PRESIDING JUDGE SCHMITT: [11:51:26] I'm not sure if we can put this to the
20 witness because -- I understood it at least, but perhaps I get some help from other
21 parties and participants here in the courtroom also. I understood it that this P3
22 statement, so to speak, of the witness referred to when he was abducted. When we
23 go back to the tab, for example --

24 MR AYENA ODONGO: [11:51:58] Your Honour.

25 PRESIDING JUDGE SCHMITT: [11:51:59] -- tab 3 --

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 MR AYENA ODONGO: [11:52:00] Yes.

2 PRESIDING JUDGE SCHMITT: [11:52:01] -- we had already, so you can read it as
3 you want, but there is first former school and then class. So I, I -- at least I have
4 understood it this way. So maybe I'm wrong.

5 MR AYENA ODONGO: [11:52:17] But in his statement, your Honour, the witness
6 emphatically says he was abducted in 2003. Yes. The witness --

7 PRESIDING JUDGE SCHMITT: [11:52:28] This is -- this is noted.

8 MR AYENA ODONGO: [11:52:43]

9 Q. [11:52:43] So, Mr Witness, if it is true that you were abducted in -- in 1998 and
10 you were abducted by -- are we in private session? Okay. You were abducted by
11 the other group, I am not mentioning the name because we are in open session, you
12 were abducted by the other group in 2003, would it not mean that that was five years
13 after you were abducted by that group?

14 A. [11:53:42] I have not understood your question.

15 PRESIDING JUDGE SCHMITT: [11:53:47] The one before we put it again to the
16 witness. If we again look at tab 3 and I think -- this is the UGA number which ends
17 with 358, at least for me date of abduction looks not like 2003, it looks -- it might not
18 make a big difference, but it looks more like 2002. I am not a graphologist but the
19 two at the front and the two at the back look similar, in my opinion, so just for the
20 record so that we have this.

21 MR AYENA ODONGO: [11:54:26] Your Honours --

22 PRESIDING JUDGE SCHMITT: [11:54:27] It might not make a big difference if 2002
23 or 2003, but just for the record that we are -- have this also.

24 MR AYENA ODONGO: [11:54:37] (Microphone not activated) but may I
25 respectfully remind Court that when we talk about record we are not only talking

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 about this.

2 PRESIDING JUDGE SCHMITT: [11:54:48] Absolutely.

3 MR AYENA ODONGO: Yes.

4 PRESIDING JUDGE SCHMITT: Also what he has stated.

5 MR AYENA ODONGO: [11:54:50] He has stated.

6 PRESIDING JUDGE SCHMITT: [11:54:51] Yeah, yeah, yeah.

7 MR AYENA ODONGO: Yes.

8 PRESIDING JUDGE SCHMITT: These are the different pieces of evidence that fit

9 together or not, which, as I said, which has to be assessed by the Judges later on.

10 You can be sure that nothing is forgotten.

11 MR AYENA ODONGO: [11:55:11] Yes.

12 Q. [11:55:14] So, Mr Witness, I was just saying that if it is true that you were
13 abducted by the other group in 1998 and you were captured by LRA in 2002 or 2003,
14 whichever shall be established as the date, wouldn't that mean you were with that
15 group that abducted you in 1998 for much longer than four years? Actually five
16 years?

17 A. [11:56:14] When they abducted me I only stayed there overnight. And the next
18 day Odomi's group captured me. I didn't stay there for years.

19 Q. [11:56:38] Mr Witness, if indeed you spent one night with that group, when I
20 talk about "that group" you understand, Mr Witness, because we don't want to
21 mention that name because it will give you away. You understand the group I am
22 talking about which abducted you and took you to the granary? Why did you tell
23 the victims' representative, and I quote -- and, your Honours, I am quoting from
24 the Defence binder, tab 4, UGA-D26-0012-0102, page 1, paragraph 1 where the
25 witness stated: "I was abducted from my village" and I don't want to mention the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 name of the village "in Pajule in September 1998. I was much younger and was just
2 in primary one ... On my way I was abducted by a group of armed rebels ... they kept
3 me for one week and we were deployed to go and loot foodstuffs and other things
4 from the villages."

5 Is that your statement, Witness? Is that what you said?

6 PRESIDING JUDGE SCHMITT: [11:58:59] I think we don't have to repeat that. You
7 have established --

8 MR AYENA ODONGO: [11:59:03] Yes.

9 PRESIDING JUDGE SCHMITT: [11:59:04] -- that he -- that this is based on what he
10 has said at the time. We don't have to --

11 MR AYENA ODONGO: [11:59:13] Labour, belabour.

12 PRESIDING JUDGE SCHMITT: [11:59:16] -- to repeat that.

13 MR AYENA ODONGO: [11:59:18] Yes.

14 Q. [11:59:20] Mr Witness, can you tell Court about exactly when, for how long you
15 were with this group?

16 A. [11:59:41] Which group are you talking about?

17 Q. [11:59:44] The first group that abducted you, who sent you to the granary.

18 A. [11:59:57] I stayed for just one day, overnight.

19 Q. [12:00:05] Did you hear the statement I read just a few minutes ago, which you
20 gave to the victims' section? Why did you tell them that you were there for one
21 week, you were with them for one week?

22 A. [12:00:25] I didn't say I stayed for one week. They could have gotten it wrong
23 and wrote it wrongly.

24 Q. Okay.

25 PRESIDING JUDGE SCHMITT: [12:00:51] And also, Mr Witness, perhaps you heard

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 what counsel read to you as what appears to be what you have said to the -- when
2 you applied for victims participation, there it reads you were abducted in 1998 and
3 then you were, when you came back from the bush in this rehabilitation centre and
4 there we read to you that we have the information, date of abduction somewhere in
5 2002 or 2003. Do you see a difference between that?

6 THE WITNESS: [12:01:49] (Interpretation) Your Honour, that is something that was
7 completed a long time ago, I cannot recall everything on it.

8 PRESIDING JUDGE SCHMITT: [12:01:57] So it is noted now and I think you can
9 move on.

10 MR AYENA ODONGO: [12:02:04]

11 Q. Now, Mr Witness, you remember telling Court that this group, and I'm sure you
12 now know the group I am talking about, the group that sent you to the granary, you
13 told Court that they were only interested in money and nothing else. And now in
14 this statement which I have just read to you you were telling the victim section that
15 they kept you for one week and you were deployed to go and loot foodstuffs and
16 other things from the villages. Does that therefore mean, Mr Witness, that the whole
17 victim unit statement was wrong?

18 A. [12:03:18] It's correct, because looting food they, they took chickens, they looted
19 food.

20 PRESIDING JUDGE SCHMITT: [12:03:36] I think the witness said they were robbers
21 or something like that, so please spare me now to quote it exact, but I am quite sure.
22 And, frankly speaking, also from a judicial interpretive viewpoint you could say
23 looting falls under this expression and does not only extend to money, I would say, so
24 there is -- here I would not see a big contradiction.

25 Mrs Massidda, shortly.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 MS MASSIDDA: [12:04:14] Sorry, your Honour. Thank you. Can maybe have an
2 explanation or an understanding from the interpretation booth, because we heard
3 ourself since yesterday with Ms Adong that the way in which victims section and
4 victims representative has been translated to the witness may not have the witness
5 really understand to whom we are referring to. It seems that it has been both times
6 translated as "when you gave a statement when you wanted to participate amongst
7 the people that had problems." So this is what has been heard from Ms Adong.
8 So if we can maybe have a clarification from the booth because it could also be that
9 the way in which the question is translated to the witness could have an impact on
10 the way in which the witness is actually answering the questions.

11 Thank you, your Honour.

12 PRESIDING JUDGE SCHMITT: [12:05:32] If there is something to clarify from the
13 booth, please do that.

14 THE INTERPRETER: [12:05:37] Your Honour, in Acholi we do not have a specific
15 word for "victim", one word for victim. So when we are talking about a victim,
16 we talk about somebody who has been wronged. So we, in Acholi we say
17 dano ma kitimo bal i kume. So that's the -- that's how we interpret "victim".

18 So if the witness -- so there a difference between "victim" and "witness". A witness is
19 lacaden, victim is somebody who has been wronged and that's the question that the
20 witness has been asked. If he is asked, "Are you here as somebody who has been
21 wronged?" then it's somebody -- and to participate, "Have you applied as somebody
22 who has been wronged to participate in the proceedings?" So he would say "Yes."
23 And that's the way we have to deal with it.

24 PRESIDING JUDGE SCHMITT: [12:06:26] So I don't see any problem there.

25 So -- but thank you very much for the clarification. But perhaps an additional

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 question to you: You said a person who has been harmed, have I understood you
2 correctly? What would it be if you would translate it word by word into English?

3 THE INTERPRETER: [12:06:42] Somebody who -- it's very difficult to translate
4 directly into English, but it's basically somebody who has been harmed or somebody
5 who has suffered. Because we don't -- we've got limited vocabulary in Acholi, so it's
6 either somebody who has been harmed or somebody who has suffered some kind of
7 harm or some kind of wrongdoing.

8 PRESIDING JUDGE SCHMITT: [12:07:11] Thank you very much. I would not say,
9 I dare say it is limited because it is sort -- it might be seen as a sort of definition too,
10 but this is only a remark by me and nothing more.

11 Please, Mr Ayena.

12 MR AYENA ODONGO: [12:07:31] For maybe I will make an attempt to clarify.
13 Your Honours, I will appreciate that we are here talking about the LRA alleged crimes,
14 the crimes which are charged before this court. So the people we are referring to as
15 wronged, or who suffered, are those who are alleged to have suffered or who
16 were -- who are alleged to have been wronged under the alleged crimes, yes, before
17 this Court. Yes.

18 Thank you very much.

19 PRESIDING JUDGE SCHMITT: [12:08:18] Of course in the -- the concept of victim is
20 correctly explained when you say a person who has suffered. Actually, I like it.
21 Has been wronged also, I like the definition. But in a courtroom it is of course
22 important to establish who was responsible for the suffering. This is the point that
23 you are making.

24 Please continue.

25 MR AYENA ODONGO: [12:08:42] So thank you very much, the language section.

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

1 You were really spot on.

2 THE INTERPRETER: [12:08:48] You are welcome.

3 MR AYENA ODONGO: [12:08:56] Now this -- I don't know whether we can go to
4 private session for a little while.

5 PRESIDING JUDGE SCHMITT: [12:09:00] Yes, we go to private session.

6 MR AYENA ODONGO: [12:09:04] (Microphone not activated) About five minutes.

7 (Private session at 12.09 p.m.)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

- 1
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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

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Page redacted- Private session

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

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11 (Open session at 12.27 p.m.)

12 THE COURT OFFICER: [12:27:50] We are back in open session, Mr President.

13 MR AYENA ODONGO: [12:27:57] Thank you, Mr President, and the court officer.

14 Q. [12:28:00] Now, you said one of them was older but he was epileptic, was he
15 under attack at that time?

16 A. [12:28:20] They are the ones who were told to climb up the mango tree. And
17 I was told to come down and sit where they were seated, where they were cooking.

18 Q. [12:28:36] So, Mr Witness, is it your statement, therefore, that as a matter of fact
19 you were abducted with others but the others were released for the reasons you have
20 given, either of age or because of the epileptic condition of your elder cousin?

21 A. [12:29:07] I do not know the reason why they abducted me. They told me that I
22 would show them the way and then I would come back.

23 Q. [12:29:19] But, Mr Witness, you were on your way, you were on the road to
24 collect food. How did you get back again, I mean, back home to climb the mango
25 tree?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 A. [12:29:49] I think you do not understand what I have been trying to explain.

2 The food that we went with to the centre was finished. We went back to collect food
3 with my uncle -- my uncle's children so that we would go back to the centre, back to
4 school to the centre.

5 Q. [12:30:18] You know, Mr Witness, you are here to make me understand, and
6 hopefully make the Court understand, so you are right, I -- I was not understanding,
7 that's why I was -- I wanted to clarify. Because there are three positions, like I told
8 you.

9 PRESIDING JUDGE SCHMITT: [12:30:42] And these positions are noted, we have
10 them on the record and he tells us now how he recollects it today, the courtroom.
11 I think we can continue.

12 MR AYENA ODONGO: [12:31:03]

13 Q. [12:31:04] Can you tell Court briefly your experience with this group that
14 abducted you for this one night you said you were with them. Don't mention their
15 name, please.

16 A. [12:31:33] The guys were looking for money. They were also taking people's
17 chickens. The, the chickens are caught, killed, cooked and eaten.

18 Q. [12:32:01] So that was the main activity of the night?

19 A. [12:32:15] That's what I saw. That's what I saw them doing. That's what they
20 were actually doing.

21 Q. [12:32:29] Now, you said they were, people were cooking at home, who was
22 cooking at home?

23 A. [12:32:44] I didn't say people were cooking. I was talking about the soldiers.
24 They were the ones who were cooking. The people were instead gathered together
25 and none of them was required to get up, everybody was supposed to stay and not

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 move anywhere.

2 Q. [12:33:08] How many people were on the compound?

3 A. [12:33:23] All the people who were in the homestead of my uncle.

4 Q. [12:33:30] Can you estimate the number, please.

5 A. [12:33:41] I cannot estimate that.

6 Q. [12:33:46] Could they be five, 10, 20 or more?

7 A. [12:33:56] I said I cannot estimate.

8 Q. [12:34:03] But, Mr Witness, you said this was your uncle's home. I'm sure you
9 would have a rough estimate of the number of people in that homestead.

10 A. [12:34:20] I was still young and I can't estimate the number. It wasn't only the
11 people from my uncle's household, there were also other people who were gathered
12 from the nearby households.

13 Q. [12:34:41] So could they therefore have been more than 10, because I mean the
14 average household usually is about, say, six people? Now if there were other people
15 gathered, would I be right to say that they were over 10?

16 A. [12:35:08] Well, that I cannot really estimate.

17 Q. [12:35:17] And the soldiers you said were cooking, were these the two soldiers
18 who abducted you?

19 A. [12:35:31] Exactly.

20 Q. [12:35:35] And only one of them had a gun?

21 A. [12:35:46] Exactly.

22 Q. [12:35:53] They were cooking, and at the same time they held that number of
23 people at ransom for a whole night?

24 A. [12:36:14] I didn't say they were held for an entire night. They were held
25 during day. Because they arrived at around 11 a.m. and then started cooking,

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 finished cooking at around 2 p.m. and then set off.

2 Q. [12:36:44] But just a few minutes ago we talked about the activity of the night
3 and you said it was about, you know, picking chicken, slaughtering them, cooking
4 them. Has it now changed to cooking during the day?

5 PRESIDING JUDGE SCHMITT: [12:37:04] I'm not sure if I have -- if we have
6 understood it correctly. The witness at the time might well have referred to later
7 events when he was talking about the night. I'm not -- I'm not really sure if we
8 are -- I have understood that the witness referred when he was asked about the night
9 about a period of time when he was already abducted. I understood it like that, but
10 we would have to clarify that.

11 MR AYENA ODONGO: [12:37:39] Your Honour, that is the period in issue, that one
12 night. There was no other period.

13 Q. And the critical question is these were two soldiers, only one of whom had
14 a gun and what -- let's grant it that it was any other time, but they had capacity to
15 hold them at ransom for -- even as they cooked.

16 Mr Witness, we want you to say something about it.

17 A. [12:39:05] Could you please repeat the question, I didn't understand it.

18 Q. [12:39:12] First of all, I gave a narrative, or a reminder of what you said.
19 Number one, there were two soldiers with one gun. Number two, these two soldiers
20 were cooking. Number three, there were people who included some from your
21 uncle's households -- household and people who had been gathered from the
22 neighbourhood. Number four, these people were kept around for the whole period
23 as the two people with one gun cooked; is that correct?

24 A. [12:40:10] Correct.

25 Q. [12:40:15] Now, Mr Witness, did you ever hear of any other attacks, I mean in

1 your daily interactions within the neighbourhood where you lived? Even as a child,
2 did you hear about any other attack by this group?

3 A. [12:40:49] No, I didn't hear of that.

4 Q. [12:41:04] Mr Witness, I want to remind you that it is on record that these people
5 were marauding within Acholi generally, but in particular in areas of Awach, in areas
6 of Atiak and many other places. How is it that you did not get to know about this?

7 A. [12:42:20] I am not understanding what you are asking for.

8 PRESIDING JUDGE SCHMITT: [12:42:23] You know, he has said he did not hear it.
9 And no matter exactly what his age was he was quite young, so we have to take it as
10 we has said it.

11 Please continue, Mr Ayena.

12 MR AYENA ODONGO: [12:42:40]

13 Q. [12:42:40] Now, at the granary you said that there was this old lady standing
14 outside who told them that you were inside; is that correct?

15 A. [12:43:08] It was that lady who said there was money in the granary. She was
16 the one who told (Redacted).

17 Q. [12:43:20] My question was: Did you find her standing on the compound?

18 A. [12:43:35] She, she was there. She was seated in the compound. Because the
19 compound is covered with banana plantation and some mango trees.

20 Q. [12:43:58] And, Mr Witness, the two people were armed, at least with one gun.
21 When the LRA came, why -- was there some resistance? Did they try to resist before
22 they took off?

23 A. [12:44:29] I said I was sent to go and pick money from the granary. They were
24 standing out, outside. I only heard when they were running. I looked out and saw
25 some soldiers who came from the direction of the banana plantation. They were

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 running towards us.

2 Q. [12:45:02] Mr Witness, according to what we have heard or what we have
3 discovered from records, it is possible that you were abducted by that first group in
4 1998. So by 2003, or 2002, for that matter, it was four to five years down the road.
5 Can you tell Court where you were between 1998 and 2002 or 2003?

6 A. [12:46:15] I don't understand the concept of years.

7 PRESIDING JUDGE SCHMITT: [12:46:22] And he, he has answered already, I think
8 twice, the question how long he stayed with the other group and all the information,
9 possibly contradictory, that we have about years is on the record. And he now says
10 he has no concept of years. So we would, I think, simply have to, again I repeat
11 myself, take it as he says it for the moment.

12 MR AYENA ODONGO: [12:47:02] I am much obliged, your Honour. But I thought
13 it would be in my place to put it on Court record that by 1998 the witness was,
14 according to records available, about nine years old. And at nine years old, I leave it
15 to Court to make their own judgment that somebody knows.

16 PRESIDING JUDGE SCHMITT: [12:47:32] You know, we have heard today the
17 information what mother has told, we have seen the forms that have been filled out,
18 we have seen the statements that have been made and we have heard what the
19 witness said today and the other days. So I think all the information, whatever it
20 means in the end, is on the table, like I like to word it. Because I'm -- as I told you
21 before, I'm an analogue person so I refer to, not on the record in the abstract way, it's
22 something that is substantially on a table.

23 MR AYENA ODONGO: [12:48:12] I appreciate that, your Honour. But you see,
24 your Honour, it might be of interest to this Court for the witness to account for the
25 time between 1998 and 2003, because he said in 1998 he was in P3. So between P3

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 and 2003 where was he? (Microphone not activated)

2 PRESIDING JUDGE SCHMITT: [12:49:03] But he has answered that he cannot tell.

3 That he has no concept of years. I have understood it.

4 MR AYENA ODONGO: [12:49:13]

5 Q. [12:49:17] Mr Witness, I put it to you, with greatest respect, that it is possible

6 that you were part of the lawless youth who were terrorising the locals, stealing and

7 looting property, and you were looking for ways to join the LRA by the time you said

8 you were abducted by the LRA.

9 And that you were, Mr Witness, as a matter of fact, you were not abducted but you

10 were captured from the first group and happily joined the LRA. What do you say

11 about that?

12 A. [12:50:37] If you are saying that I willingly joined the LRA you are actually

13 *making me sad.

14 Q. [12:50:54] I appreciate that, Mr Witness. But by the same token, would you

15 agree with me that you would also annoy me and Court if there were fault lines in

16 your testimony which would suggest that you are not telling the truth to this Court?

17 PRESIDING JUDGE SCHMITT: [12:51:18] Mr Ayena, this is really, I would not

18 allow to put this to the witness. The witness has answered your question. What I

19 would allow is if you, because you put several questions in your one question and

20 I think it would be a good idea of examining the witness to first ask him if he was part

21 of this other group. And perhaps we could -- we can go to private session and we

22 can speak it out so that it is clear what it is about. And then we are going to, to the

23 phase where he was however integrated, so to speak --

24 No, I am speaking.

25 MS MASSIDDA: [12:52:01] No.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 PRESIDING JUDGE SCHMITT: [12:52:01] -- into the LRA. Yes.

2 MS MASSIDDA: [12:52:03] Sorry, your Honour, I really don't mean to interrupt you,

3 but the witness is actually crying in this point in time. So I'm very sorry, I don't

4 mean to interrupt you of course, but I wanted just to alert the Chamber of this fact.

5 So if we could maybe resume. Thank you. Sorry. I'm very sorry.

6 PRESIDING JUDGE SCHMITT: [12:52:24] No, I think -- thank you very much for

7 alerting me. I did not see that.

8 So what we are doing now, Mr Witness, we give you time now to get calmer. We

9 hope that you, that you can recover and feel better after, after the break that we are

10 going to have now.

11 And then we resume at 2.30 and you, you think about how you phrase your next

12 questions.

13 Mr Taku, shortly, please.

14 MR TAKU: [12:52:59] Yes, your Honours. I think there can be nobody who is

15 a defender of both the right of accused and, and victims, like me. And the question

16 of crying, your Honours, should not be a factor to be taken into consideration if the

17 question is fair and a question has been asked which the witness could say "yes" or

18 "no". For that, we are seeing this and we will see this over and over again, I think the

19 question that was asked, the problem is that your Honours clearly said it was

20 complex, there were so many questions put in one. But to say that because he cries

21 is to be taken as a factor, your Honours, is completely unacceptable.

22 PRESIDING JUDGE SCHMITT: [12:53:42] Mr Taku, I think we can short this, I can

23 answer this. I did not understand it this way, it was just that Mrs Massidda wanted

24 to alert the Chamber that the witness does not feel well at the moment. And

25 the Chamber has the duty, the obligation to protect the well-being of the witness,

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 nothing more, nothing less. This gives no explanation on the propriety of questions
2 or not and is of course clear, it is clear that Defence can put certain allegations to
3 witnesses. If this does not amount to intimidation or harassment and if this is
4 worded in a neutral, sober way, this must be a thing that is allowed to the Defence
5 and it was not reprimanded, so to speak, by the Presiding Judge.

6 We are now until 2.30 the lunch break.

7 THE COURT USHER: [12:54:46] All rise.

8 (Recess taken at 12.54 p.m.)

9 (Upon resuming in open session at 2.30 p.m.)

10 THE COURT USHER: [14:30:43] All rise.

11 PRESIDING JUDGE SCHMITT: [14:31:05] Mr Witness, I heard that you want to
12 say something to the Chamber; is this correct?

13 THE WITNESS: [14:31:15] (Interpretation) Yes, it is.

14 PRESIDING JUDGE SCHMITT: [14:31:17] I think we go to private session for that.
15 Please, private session.

16 (Private session at 2.31 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Thank you.

6 (Redacted)

7 (Redacted)

8 (Open session at 2.33 p.m.)

9 THE COURT OFFICER: [14:33:25] We are back in open session, Mr President.

10 PRESIDING JUDGE SCHMITT: [14:33:37] Mr Witness, I want -- also want to
11 shortly address you and try to explain something to you.

12 It will be not easy, I can imagine that, and we understand your situation and we
13 understand that you are annoyed, but the person, Defence counsel, who puts such
14 questions to you has a certain role in the proceedings. We are here in a courtroom
15 where every person sitting here represents certain interests.

16 The Prosecution has brought forward charges and wants to prove them. Legal
17 Representative of Victims, Ms Massidda, is here also to represent you. And Defence
18 counsel has a completely different role; Defence counsel has to defend the accused.
19 And to do that they try to establish facts that disprove the charges.

20 So this is not something what is -- when such questions are put to you, this is not
21 done by Defence to harass you, this is done in the interests of their client. I know this
22 is or might be very difficult for you to understand, but this is the way how things in a
23 courtroom go. And I really want to really protect you and the Chamber wants to
24 protect you, but the Chamber also wants to protect role of Defence in these
25 proceedings.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 So I think the best would be if we go through this process, meaning finish your
2 examination as quickly and smoothly, so to speak, as possible, and just think about
3 that they have a different attitude towards things that the Prosecution has. And
4 answer truthfully to the questions if you are annoyed or not, just answer what you
5 say is the truth.

6 Mr Ayena, I think you can continue. Although it's clear, it's never easy, but I really
7 try to put this into perspective although it might not be easy.

8 MR AYENA ODONGO: [14:36:28] Thank you very much, Mr President and
9 your Honours. The role on my shoulders are gigantic because I know exactly where
10 the witness is coming from. I wish I was not in this most unenviable role. But, you
11 see, I'm glad that you've, so to speak, actually without expressly saying it, reiterated
12 the principle, the edict that says that a normally takes his character into the witness
13 box. But when I'm also not -- it is not lost on me that I'm dealing with a very
14 special -- like I said in the beginning, but that should not obfuscate my role to get out
15 the best that I can from him. So I want to encourage him to -- I will put the questions
16 in as friendly manner as possible.

17 Q. I don't mean to harass you, Mr Witness, but I want to encourage you to tell, you
18 know, to answer questions honestly and up to the point. I'm not encouraging you to
19 tell lies to Court or to feel constrained to answer according to the way I want, but I
20 want you to, you know, be more forthcoming.

21 I thank you, your Honours.

22 PRESIDING JUDGE SCHMITT: [14:38:13] What you said, perhaps one addendum,
23 so to speak. It is clear that a witness takes his character with him in the witness
24 stand, his personality, also his history, of course, and we know that.

25 And, Mr Witness, I'm sure, although I have not asked him, but I'm sure that for

1 Defence counsel it is also a difficult situation. And he does not put lightly questions
2 to you.

3 So I think we can continue now and I hope this will go smooth until the end of this
4 session.

5 Please, Mr Ayena, you have the floor, of course.

6 MR AYENA ODONGO: [14:38:58] Thank you.

7 Q. [14:39:05] Mr Witness, before we broke for the lunch break, I put some
8 questions in a rather convoluted manner, in a twisted manner that was perhaps
9 difficult to comprehend and I was cautioned by the Judge to make them short, in
10 music they would say catatonic, and easier to follow, and that is exactly what I want
11 now to do to get this kind of information I want to get.

12 Mr Witness, if it is true that you were abducted in 1998, by my calculation, by 2003 it
13 would be five years when you were abducted by that group; is that correct?

14 A. [14:40:32] I do not know when it comes to years. I do not -- I'm not very clear
15 on it.

16 Q. [14:40:45] Mr Witness, I am now going to lend you my personal knowledge to
17 say that by arithmetic that would work out to five years. And I want you to help
18 Court, when from the time you were in P3, as you said, can you narrate to Court how
19 you lived for the next so many years before you were abducted?

20 A. [14:41:34] I do not understand that question.

21 Q. [14:41:42] You told Court, Mr Witness -- I mean, in your statement which we
22 quoted to you, to the victim section -- I don't know whether I'm putting it right,
23 Mrs Massidda may, may -- but it was the victim participation application that you
24 were in P3 in 1998, so when you were abducted that year, from that time, let's fix our
25 mind to the way you put it to the victims application, can you tell Court the events in

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 your life after that period until you were abducted?

2 A. [14:42:58] I do not recall what happened during that period.

3 Q. [14:43:11] But would you agree with me, Mr Witness, that the period between
4 1998 and 2003 is a long time?

5 A. [14:43:40] I do not know the years that you are talking about because I was still
6 young. When you're talking about years, I'm not very conversant with that.

7 PRESIDING JUDGE SCHMITT: [14:43:51] I think, Mr Ayena, the problem is that
8 the witness cannot tell us exactly when he was abducted. And as I said before the
9 break, we have noted that we have on record different information about that. And I
10 think we do not get more information out of the witness here in the courtroom. He
11 has said several times that he has problems, I recall a formulation, with years that he
12 does not recall exactly. But we have noted that in this application form we read 2002,
13 I read it like that. We have noted that the mother has said 1998, that is absolutely
14 clear, yes. So, and as I said, these things are not forgotten by the Chamber, meaning
15 that we have to consider them all.

16 MR AYENA ODONGO: [14:44:59]

17 Q. [14:44:59] Now, Mr Witness, when the people who abducted you realised that
18 the LRA was coming, they ran away; is that correct?

19 A. [14:45:27] That's correct.

20 Q. [14:45:34] Mr Witness, are you -- or, were you aware at that time that there
21 were some rogue UPDF soldiers who would be on a frolic of their own, pretending to
22 be rebels?

23 A. [14:46:10] I did not understand that question.

24 Q. [14:46:13] From your experience, Mr Witness, as somebody who lived in the
25 affected area by rebel activities, an area which was traversed by both rebels and the

1 UPDF, could it have come to your knowledge that some UPDF soldiers were also
2 acting like robbers?

3 A. [14:47:08] Well, government soldiers do not act as robbers.

4 Q. [14:47:17] How did you confirm that?

5 A. [14:47:40] I -- I always heard them talking that rebel soldiers are the thieves,
6 that when they go to civilian homes they steal chickens, they steal goats, but not, not
7 Museveni's soldiers.

8 Q. [14:48:03] Now, Mr Witness, one of the things you said very clearly was that
9 you were aware that that other group, and I don't want to mention for the reasons,
10 but I -- the group that took you to the granary did not cooperate with UPDF and they
11 were not LRA, they were not also friendly to LRA; is that correct?

12 A. [14:48:44] That's correct.

13 Q. [14:48:49] Mr Witness, how did you come to that conclusion?

14 A. [14:49:04] I was told after we had been abducted and we had been convened
15 together, when I was abducted by Odomi's group, they gathered the civilians together
16 and then they informed the civilians of this matter. And that's how I came to find
17 out about this group. They were told that these groups were thieves. They told us
18 that these groups give a bad reputation to rebels, they do not like government
19 soldiers, neither do they like rebels. That's what they told the civilians. Civilians
20 were told that these -- that the civilians should be prepared with bows and arrows
21 and fight against these people because these people only have one gun.

22 MR AYENA ODONGO: [14:50:06] Your Honours, there is a particular portion of
23 his statement that I would wish to refer to, but I don't think I can lay my hands on it
24 immediately. Maybe when I get it I'll come back to it later.

25 PRESIDING JUDGE SCHMITT: [14:50:19] Yes, you can come back to that. But

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 this was of course an answer to your question --

2 MR AYENA ODONGO: [14:50:25] Yes.

3 PRESIDING JUDGE SCHMITT: [14:50:26] -- at least.

4 MR AYENA ODONGO: [14:50:28] Yes.

5 Q. [14:50:28] Now, Mr Witness, apart from the group that you said abducted you,
6 the group that took you to the granary, did you come to know about the existence of
7 other rebel groups in northern Uganda, particularly Gulu, at that time?

8 A. [14:51:06] I did not understand that question. Could you please repeat the
9 question?

10 Q. [14:51:13] According to what is on Court record now there seemed to have
11 been two rebel groups, the LRA and the other group which we don't want to mention
12 in open session; is that correct?

13 A. [14:51:42] That's correct.

14 Q. [14:51:43] Now, apart from those two rebel groups, did you hear about the
15 existence of some other rebel groups or groups opposed to government?

16 A. [14:52:17] I still do not understand your question.

17 PRESIDING JUDGE SCHMITT: [14:52:21] May I try?

18 MR AYENA ODONGO: [14:52:23] Yes.

19 PRESIDING JUDGE SCHMITT: [14:52:24] Give it a try.

20 You have said, Mr Witness, and confirmed that there were at least two rebel groups,
21 the LRA and the other group, as we word it. Were there others? Were there more
22 than these two groups?

23 THE WITNESS: [14:52:52] (Interpretation) It's a -- I'm only familiar with those
24 two, with those groups. The group that came and -- the thieving group and the
25 group that abducted me from that group.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 They, the second group, told the civilians that they were the real rebels and that the
2 other two individuals were thieves.

3 And after I had spent some time within Odomi's group, we met with other groups
4 while we were walking about in the bush.

5 MR AYENA ODONGO: [14:53:47] (Microphone not activated)

6 Q. [14:53:48] Who were these groups?

7 A. [14:53:53] And I do not know the names of this group. I would -- when we
8 met these -- when we met with these groups we would greet each -- the groups would
9 greet each other, but I do not have knowledge about these groups.

10 Q. [14:54:16] And these were also rebel groups?

11 A. [14:54:26] Yes, they were rebel groups because I saw kadoges among that
12 group. I also saw abducted children, children who had not yet been armed.

13 Q. [14:54:51] And, Mr Witness, did it come to your knowledge that there were
14 people who took advantage of the fluid situation and behaved very much like rebels
15 for purpose of stealing civilians -- from civilians?

16 A. [14:55:24] I didn't -- I didn't have any knowledge about that. The two
17 individuals that abducted me perhaps separated from other groups.

18 Q. [14:55:44] Now I'm about to finish with this, your relationship with this group,
19 but may I ask you, Mr Witness, you said that this group was cooking on the
20 compound of your uncle; is that correct?

21 A. [14:56:16] That's correct.

22 Q. [14:56:23] Was your uncle's home near the home of the woman -- the old lady
23 from whom you were asked to go and steal?

24 A. [14:56:52] I told you that it was a distance. We crossed -- we had to cross Lira
25 road to get to that place.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 Q. [14:57:08] Let's go slowly, Mr Witness. You've now crossed the Lira road,
2 you are now at the place of the granary, and then there was this cooking, and you
3 said the cooking was not at night, but during the day. Where was your uncle's place
4 where the cooking took place?

5 A. [14:57:50] My uncle's home was on the other side of the road. To get to the
6 road from my uncle's house, my uncle's home is also a bit of a distance. We crossed
7 the road, we bypassed a number of homesteads and then we reached that home
8 that -- the woman's home.

9 Q. [14:58:16] Mr Witness, can you tell Court why you passed several homes but
10 you ended up -- the rebels ended up cooking from your uncle's home?

11 A. [14:58:40] I believe you do not understand what I'm trying to explain. I told
12 you that after these people had cooked, these people came from the north, north
13 direction, came to our home, they cooked at our home. After cooking at our home,
14 they told us, and they told me that I have to take them, I have to show them the
15 direction. We started walking, we crossed Lira road, we went to the other side, we
16 crossed on the other side of the road, we spent the night there. The next day we got
17 up, we started walking, and then we went to the lady's house, the woman that had
18 money. Then they asked the woman to give them the money.

19 PRESIDING JUDGE SCHMITT: [14:59:32] I think this has been asked and
20 answered now, I would say. If you convince us to have a new line of questioning
21 then perhaps.

22 MR AYENA ODONGO: [14:59:45] Yes.

23 PRESIDING JUDGE SCHMITT: [14:59:45] But now the witness has several times
24 explained events now, and has put it now which was not completely clear in a time
25 perspective, in a timeline, so to speak.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 MR AYENA ODONGO: Your Honours, the problem is the human mind, where my
2 mind is directed. Sometimes it is at a tangent with your -- you know, what I want to
3 establish, your Honour, is why the cooking was at his uncle's place and not any other
4 place. And for that reason, my theory is that there is a --

5 PRESIDING JUDGE SCHMITT: [15:00:26] Why not go more directly to this
6 proposition, to the proposition that you have in mind. I think this would really
7 spare some time --

8 MR AYENA ODONGO: [15:00:39] Yes.

9 PRESIDING JUDGE SCHMITT: [15:00:40] -- if we could do that, no. I can of
10 course imagine what you have in mind, but you know mind reading is very difficult.

11 MR AYENA ODONGO: [15:00:49] Yes.

12 PRESIDING JUDGE SCHMITT: [15:00:50] But I would suggest that you just try to
13 reach that point.

14 MR AYENA ODONGO: [15:00:53] Quicker.

15 PRESIDING JUDGE SCHMITT: [15:00:55] Quicker, yes.

16 MR AYENA ODONGO: [15:00:57] Now that you have assisted me, your Honour, I
17 shall move and put a proposition.

18 Q. [15:01:02] Mr Witness, may I suggest to you that the fact that these people
19 were hosted at your home before they moved on their mission is consistent with the
20 possibility that you were part of this group and therefore you came to host them at
21 home. What do you say about that?

22 A. [15:01:53] I do not know these people's plans. I did not know their plans.
23 They made their plans, they made that decision. How am I supposed to welcome
24 soldiers? I was young at the time. Why should I welcome soldiers? I do not even
25 know these people.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 Q. [15:02:16] Then there is this one last thing, your Honours.

2 Mr Witness, when you arrived at the granary place and the LRA arrived, the elderly
3 lady was quick to say (Redacted) -- oh, sorry, pardon me, pardon. She was
4 quick to mention the name of that group, and then they said one of them is in the
5 granary, is still inside the granary. Wouldn't, Mr Witness, that suggest that the old
6 lady knew you as part of that group?

7 A. [15:03:20] The old woman didn't say that. These two gentlemen, after seeing
8 the rebels start -- they started running. When the rebels saw these two guys running
9 they also came running towards the home. They asked the woman "Which soldiers
10 were those ones running?" The woman said, "These were some soldiers, two
11 of -- two of them, but one is still inside the granary."

12 Q. [15:03:56] (Microphone not activated) I thought this is -- that is what I said.

13 PRESIDING JUDGE SCHMITT: [15:04:07] Perhaps I may.

14 Mr Witness, did the old lady think that you belonged to the two soldiers?

15 THE WITNESS: [15:04:31] (Interpretation) That's what she thought, because she
16 saw we arrived together, she saw me, I was carrying a bag. And when they
17 instructed me to go to the granary to pick some money I removed the bag and gave it
18 to one of them. And then when I entered the granary, the woman said the money
19 was in a small pot in the granary. When the other soldiers came, they came and
20 asked this woman "Which soldiers are those ones running?" Then the woman said,
21 "I really don't know these kind of soldiers but one of them is in the granary." Then the
22 rebels started cocking and told -- instructed me to come out, and then they took me
23 and moved with me toward the convoy.

24 PRESIDING JUDGE SCHMITT: [15:05:33] I think you can move on now, yes.

25 MR AYENA ODONGO: [15:05:36] Yes, I think maybe in case there are certain lines

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 I have not covered that is done for that group.

2 Q. [15:05:52] Mr Witness, did you ever visit any IDP camp, internally displaced
3 persons camp?

4 A. [15:06:26] When I was at home, at that time there were no issues of IDP camps,
5 nobody had even thought of going to the camps. But for us as children we would
6 have -- we were scared because they would say the rebels would abduct us, and we
7 were also studying at the centre.

8 Q. [15:07:01] So since they kept on telling you that you might be abducted by the
9 rebels, what did you do?

10 A. [15:07:19] That is why I said we would go back to the village to collect
11 foodstuff whenever we ran out of foodstuff because we were actually living at the
12 centre where government soldiers were stationed.

13 Q. [15:07:41] Were there many people living in the centre?

14 A. [15:07:53] Yes, there were some children, some relatively young people who
15 were scared of being abducted. All their parents, okay, they were all taken to
16 study -- to stay at the centre and also study from around there. They would only
17 move back to the villages when they ran out of foodstuff.

18 Q. [15:08:27] Where were they living in the centre?

19 A. [15:08:50] That depended on where the guardians or parents of that individual
20 rented their accommodation.

21 Q. [15:09:11] Mr Witness, did you know whether government appointed some
22 individuals within the trading centres as informers about collaborators with the
23 rebels?

24 A. [15:09:43] Well, I am not aware of that.

25 Q. [15:09:54] Mr Witness, there was a group which was widely known in

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 northern Uganda in the IDP camps organised by government to help infiltrate the
2 population and inform government about collaborators. The name was Kaladuska
3 Action Group. Did you hear this name, especially in Pabbo?

4 A. [15:10:54] No, I don't know of such a group and I'm not aware of a group with
5 such a name, because I would only concentrate on what had taken me there, which
6 was education. And the issue of camps -- well, I had still -- I had left everyone back
7 home in the villages, they were not in the camps. But when I escaped, I came back
8 and found people were already in camps. I don't know how they got themselves in
9 the camps.

10 Q. [15:11:42] And, Mr Witness, do you confirm that by 2002/2003 there were no
11 IDP camps in northern Uganda?

12 A. [15:12:04] Well, I'm not aware of that.

13 Q. [15:12:12] I want to -- because this is also a process for learning for you, I want
14 to remind you, Mr Witness, or to inform you that records available to us seem to
15 suggest that the IDP camps were first established way back in 1996 and that,
16 Mr Witness, maybe this is a subject you can go and study later. There was a group --
17 PRESIDING JUDGE SCHMITT: [15:12:48] Mr Ayena, the witness is not here to
18 learn, he is here to give information, as good as it is possible for him with regard to
19 his recollection, and we are not here to educate the witness. I know we have got
20 your point.

21 MR AYENA ODONGO: [15:13:07] Okay. I'm much obliged, your Honour.

22 Q. [15:13:10] Let's now turn to your abduction, the subject of your abduction by, I
23 would want to call it capture, but by whatever name, how you came to be with the
24 LRA.

25 Mr Witness, can you now confirm to Court when, which year you were abducted by

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 the LRA?

2 PRESIDING JUDGE SCHMITT: [15:13:48] Mrs Hohler first, please.

3 MS HOHLER: [15:13:51] Your Honours, the witness has said on my count at least
4 five times that he does not remember the year that he has been abducted, so I feel like
5 we're going in circles with this.

6 PRESIDING JUDGE SCHMITT: [15:14:01] I also say, Mr Ayena, this was asked
7 and answered.

8 MR AYENA ODONGO: [15:14:12] Thank you for your assistance, Counsel.

9 Q. [15:14:19] Mr Witness, in your statement, that is tab 1, we have already made
10 reference to this, tab 1, paragraph 13, you said you were abducted by a man called
11 Odomi. Was this the one who was standing outside the granary?

12 A. [15:14:58] I said Odomi's group, I didn't say Odomi himself.

13 Q. [15:15:20] Mr Witness, I want to refer you back to your statement reflected in
14 tab 1, paragraph 3.

15 And I beg to Court --

16 PRESIDING JUDGE SCHMITT: [15:15:35] Yes, do that. It's paragraph 13 it would
17 assume --

18 MR AYENA ODONGO: [15:15:39] Yes, paragraph 13.

19 PRESIDING JUDGE SCHMITT: [15:15:40] -- that you want to quote.

20 MR AYENA ODONGO: [15:15:44] Yes. "I was abducted in the year 2003 by the
21 group called Holy, by a man called Odomi, who I later learned is Dominic Ongwen."

22 Q. [15:16:00] Is that your statement, Mr Witness?

23 A. [15:16:15] Correct.

24 Q. [15:16:15] Am I right, therefore, to say that you were specific about the person,
25 although you also mentioned the group?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 A. [15:16:41] Could you please repeat that question?

2 Q. [15:16:45] What I'm saying, after reading to you that passage, am I right to say
3 that you were clear about the person who abducted you, although you also
4 mentioned the group in which he came and also the year?

5 A. [15:17:29] I don't know the year I was abducted.

6 Q. [15:17:35] Mr Witness, you have said that umpteen and I'm not going to bother
7 you about whether you knew the year or not, but I'm now saying is this your
8 statement that you were abducted by, by a man called Odomi who you later learned
9 is Dominic Ongwen?

10 A. [15:18:10] That was the leader, but I was abducted by his group.

11 PRESIDING JUDGE SCHMITT: [15:18:14] I think out of fairness also to the witness,
12 we would also have to look at paragraph 17, which is of the same statement, which is
13 page 0074, which would be consistent with what the witness says today. I think
14 it's -- he said today this was not the accused in person, he said today. And in 17, I
15 think we don't have to read it out, but he says, "I was taken directly to the person I
16 thought was the leader" and then comes the name. So this is -- so for completeness
17 of the picture, I think this is of a certain relevance.

18 MR AYENA ODONGO: [15:19:10] I was coming to that eventually, your Honour,
19 but it would appear that does not amount to consistency, that could amount to
20 contradiction in the --

21 PRESIDING JUDGE SCHMITT: [15:19:21] Then please prove your point.

22 MR AYENA ODONGO: [15:19:25] Yes.

23 Q. [15:19:25] So do we agree that you made that statement? And we move on.

24 A. [15:19:42] Which statement exactly? I have not understood.

25 Q. [15:19:45] The statement that you were abducted by a man called Odomi who

1 you later learnt is Dominic Ongwen?

2 A. [15:20:07] I was abducted by his group. Odomi had moved together with
3 other members of the group in the convoy. They had converged somewhere else
4 together with the civilians, but when they heard a whistle from the group, they now
5 stopped to wait for the person who was whistling and then we arrived to them.

6 Q. [15:20:40] So who blew the whistle?

7 A. [15:20:52] The person who whistled was one of the soldiers who abducted me.

8 Q. [15:21:08] And according to your opinion, what was he trying to signal?

9 A. [15:21:32] Who's that? I have not understood.

10 PRESIDING JUDGE SCHMITT: [15:21:37] At the time, Mr Witness, when you
11 heard the whistle, what do you think, what did it mean? Do you have an idea?
12 Did you have an idea at the time what it meant, whistling?

13 THE WITNESS: [15:21:52] (Interpretation) Well, I didn't understand the meaning
14 of the whistling, but while we were running it was the convoy, we went and found
15 the people had stopped moving. They were in a line. Then the person who
16 captured me was jostling and telling them to give him way and people gave him way,
17 and I was taken to the leader.

18 MR AYENA ODONGO: [15:22:31]

19 Q. [15:22:32] Mr Witness, can you describe to Court how the man was standing
20 outside looked like at the time of your abduction?

21 A. [15:22:54] Which person is that? I have not understood.

22 Q. [15:23:02] You said, Mr Witness, that there was a man who was standing
23 outside with a gun on his shoulder. And this is the man who ordered the other two
24 to chase the group that had brought you. Now, the question is: Do you remember
25 how this man looked like?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 A. [15:23:47] I don't remember how he looks like.

2 Q. [15:23:57] But did you see him?

3 A. [15:24:06] You're talking about which man exactly? I have not understood
4 that again.

5 MR AYENA ODONGO: [15:24:12] Your Honours, I think I want to take him to
6 paragraph 15.

7 PRESIDING JUDGE SCHMITT: [15:24:15] Yes. Please do that.

8 MR AYENA ODONGO: [15:24:22] "The granary that they took me to" -- well.

9 PRESIDING JUDGE SCHMITT: [15:24:29] I think you can start a little bit later,
10 perhaps, on paragraph 15, so we need not mention the group.

11 MR AYENA ODONGO: [15:24:35] "I peeked through cracks in the granary wall
12 and I saw a soldier with a PK hung around his shoulders standing outside."

13 Q. [15:24:57] You remember that statement, Mr Witness?

14 A. [15:25:01] Yes, I do.

15 Q. [15:25:04] That is the man I'm asking you to describe.

16 A. [15:25:19] That man was having a gun, he was putting on a gumboot, a
17 military gumboot and he had dreadlocks. He had very long dreadlocks that were
18 covering his face.

19 Q. [15:25:50] Was he short or tall?

20 A. [15:26:03] Well, at that time I was very scared because he was the one who
21 captured me, I couldn't note that.

22 Q. [15:26:19] Is this the man who led you to the main group under the mango
23 tree?

24 A. [15:26:37] He's the one who ran to the place where the convoy was because he
25 ran and then crossed the road where the convoy was moving, he ran with me to the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 rest of the people in the convoy.

2 Q. [15:27:03] You remember, Mr Witness, that you said you were taken together
3 with the civilians who were found on the compound. And that would suggest that
4 you were not alone any more, any longer with this man, but with so many other
5 people; is that correct?

6 A. [15:27:25] Not that I was taken together with the civilians. The civilians were
7 gathered eventually when these people had already taken position. That was the
8 place where we met the leader and the people took up their positions, the civilians
9 were all gathered together and brought there. Nothing was done on any of the
10 civilians. They set up a bonfire and the civilians slept by the fire.

11 Q. [15:28:01] Mr Witness -- your Honours, maybe I refresh his memory again. If
12 we go back to paragraph 15, and I read:

13 "By then there were" -- no.

14 PRESIDING JUDGE SCHMITT: [15:28:19] I think this is not 15.

15 MR AYENA ODONGO: [15:28:22] Not 15 maybe. Yes, 15.

16 PRESIDING JUDGE SCHMITT: [15:28:54] I do not see paragraph 15 treating or
17 talking about civilians.

18 MR AYENA ODONGO: [15:29:05] No, it is 16, the last word.

19 PRESIDING JUDGE SCHMITT: [15:29:09] Yes.

20 MR AYENA ODONGO: [15:29:11] "I left with the man, who had stayed behind, as
21 well as the elderly woman and many other civilians from that place, and we"
22 went -- "and we met with a big group of soldiers."

23 Q. [15:29:32] Does that now trigger your memory about what happened,
24 Mr Witness?

25 A. [15:29:43] The civilians were abducted and then brought together when this

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 gentleman had already taken me, the soldier had already taken me.

2 Q. [15:30:04] Then, Mr Witness, why did you write in your statement that the
3 man who had stayed behind took you along with an elderly woman and those many
4 civilians?

5 A. [15:30:25] There were two people, one of them was moving with the civilians,
6 he was actually abducting civilians from the various homesteads, then he came back
7 with them.

8 Q. [15:30:44] But you did not tell the Prosecution in your statement, Mr Witness.
9 Anyhow --

10 PRESIDING JUDGE SCHMITT: [15:30:57] And just a remark also for all future
11 witnesses, if we would only always confirm one-on-one what is already in written
12 statements, we could confine ourself to written procedure. This is the meaning of
13 having public hearings and having an immediate impression of witnesses, that things
14 might turn out a little bit different for whatever reason and however this would have
15 to be assessed in the end. But just a general remark that came to my mind.

16 MR AYENA ODONGO: [15:31:31] Much obliged, your Honour.

17 PRESIDING JUDGE SCHMITT: [15:31:35] From a viewpoint, now that I'm starting
18 to talk again, from a viewpoint of forensic psychology, if everything would always be
19 repeated 100 percent one-on-one, this could also be suspicious, so to speak.

20 MR AYENA ODONGO: [15:32:01] I'm much obliged, your Honour.

21 Q. [15:32:21] Mr Witness, were you still peeking out of the cracks of the granary
22 when you heard the guns cocking and then you started screaming, "Don't kill me my
23 brothers, I was just abducted"?

24 A. [15:32:42] That's correct.

25 Q. [15:32:48] (Microphone not activated) and I quote, that is tab 1, paragraph 16:

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 "One of the men sent the other three (Redacted) -- I mean, after the group. "I
2 was left with the man who had stayed behind as well as the elderly woman and many
3 other civilians from that place" with whom - according to you - with whom you were
4 taken and met a big group of soldiers.

5 So what do you make of this?

6 A. [15:33:46] I do not know.

7 Q. [15:33:47] Now, Mr Witness, can you estimate the number of civilians who
8 gathered on the compound? Can you estimate?

9 A. [15:34:06] No, I cannot estimate because there were many civilians.

10 Q. [15:34:13] Did they fill the compound?

11 A. [15:34:26] No, it's not that they filled the compound, but there were many
12 civilians. The only thing is I cannot estimate exactly how many there were.

13 Q. [15:34:39] You may assist Court to make a rough estimate if you could tell
14 generally about how much of the space on the compound they occupied. Was it like
15 this area in front of you?

16 A. [15:35:10] No, I cannot estimate the number of civilians. This thing happened
17 a while ago when I was still young. And the way I was also abducted, I could not
18 count the number of civilians, but there were people, people were there.

19 Q. [15:35:29] Okay. If you cannot estimate the number of civilians, can you at
20 least tell Court the types of people who are in that group? Were they children, were
21 they men, were they women, old and the composition? Were there more children
22 than elderly people, or were there more elderly people?

23 A. [15:36:09] It was youth, boys, and older soldiers, and there were children as
24 well. There were also some kadoges among them. There were also girls among
25 them.

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Open Session)

ICC-02/04-01/15

1 Q. [15:36:46] Mr Witness, when you finally landed into -- in their hands, did they
2 beat you?

3 A. [15:37:06] When I -- initially, I wasn't beaten, but they asked me, the
4 commander asked me and I was taken to the dog adaki.

5 Q. [15:37:26] Did they, the group that abducted you, did they make you carry
6 anything when you were going to the main group, and what things were they, if any?

7 A. [15:37:46] I do not recall because it happened a long time ago.

8 Q. [15:38:07] Mr Witness, did you take any other thing from the granary where
9 they found you?

10 A. [15:38:25] No, I did not take anything else from the granary.

11 Q. [15:38:34] How about the LRA, did they take anything? (Microphone not
12 activated)

13 A. [15:39:11] I did not see them taking anything from that place because that was
14 the place where they put people in different positions at the homestead where people
15 were gathered, but where they abducted me from, I did not see them take anything.

16 Q. [15:39:43] Now, Mr Witness, you remember that I was insisting on the other
17 paragraph where you said the Holy came and Dominic Ongwen abducted you. My
18 follow-up question would be: When you finally told the Prosecution investigators
19 that you were directly taken to the person who was, according to you,
20 Dominic Ongwen, how come you said Dominic Ongwen was the one who abducted
21 you and then in paragraph 17 you changed the story and said you were actually taken
22 to Dominic Ongwen?

23 A. [15:40:42] I do not know how the statement was written because Dominic's
24 soldiers are the ones who abducted me and then they took me to where Dominic was.
25 I found other commanders seated in a row. Because commanders always move

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 around with their chairs. They have escorts to carry these chairs. I found them
2 seated.

3 Q. [15:41:15] So approximately how many commanders were there, those you
4 would call commanders?

5 A. [15:41:32] There were -- there were a number of commanders, but I cannot
6 estimate the exact number, but there were more than six people, six or seven, the
7 people that were seated on chairs.

8 Q. [15:41:55] (Microphone not activated) Mr Witness, that at least now you can
9 make an estimate of numbers.

10 Now, the gentleman that you said -- the gentleman that you said you discovered was
11 Dominic Ongwen, can you describe how he looked at that time. What did he look
12 like? Was he tall? Was he short? Was he brown? Was he dark? Can you
13 describe him.

14 A. [15:42:57] He was tall, but not that tall. He was stocky. He was
15 light-skinned.

16 Q. [15:43:19] Now, Mr Witness, have you seen that person on your screen in this
17 Court?

18 PRESIDING JUDGE SCHMITT: [15:43:33] I think he cannot, or -- I think
19 he -- this -- he cannot have seen him, so it's impossible, so he cannot -- the only one
20 who -- he can be seen out of reasons we have discussed before we started the
21 witness's testimony, but he himself does not see the accused, so.

22 MR AYENA ODONGO: [15:43:54] (Microphone not activated) of him between
23 him and --

24 PRESIDING JUDGE SCHMITT: [15:43:58] No, no, I don't think so.

25 MR AYENA ODONGO: [15:44:00] Okay. Then I apologise. I confess my

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 ignorance about technology. Now, analogue, did we say that, your Honour?

2 PRESIDING JUDGE SCHMITT: [15:44:13] I have to admit I said that, so this might

3 not show that I'm fully up to date, perhaps, but, yeah, sometimes it is like it is.

4 MR AYENA ODONGO: [15:44:24] Much obliged, your Honour.

5 Q. [15:44:37] And when you went there did they tell you what kind of group this
6 one was?

7 A. [15:44:55] No, they did not tell me which group it was, because when you're
8 initially abducted you're unaware of anything, you're just present. They hold you,
9 you're being held captive.

10 Q. [15:45:23] But eventually you got to know this group?

11 A. [15:45:35] Yes, I did.

12 Q. [15:45:37] Which group was this?

13 A. [15:45:49] I was told on one occasion that I should kneel down, I was told to
14 take off my shirt and I took off my shirt, and I was told that I was going to be initiated
15 into the army. I was told to kneel down and touch -- to bend over and touch my
16 nails. I bent over and touched by nails. I was beaten on my back with a wire lock.
17 You're beaten, it's a crisscross, the sign of a cross on your back. You are told that
18 there is no soap and this is called lusinia deg ciglo, and I was told that this is the Sinia
19 group.

20 Q. [15:46:47] That is the group I'm looking for. So you came to know that this
21 was Sinia group, a Sinia group?

22 A. [15:47:03] Yes, I did.

23 Q. [15:47:08] And you stayed with this group until you escaped?

24 A. [15:47:24] Yes. Yes, I did. I stayed with a group and Odomi was the
25 commander of that group.

1 Q. [15:47:34] Was Dominic Ongwen the overall commander of that group?

2 A. [15:47:50] Exactly. He's the one who walked with us and went with us to
3 Sudan.

4 Q. [15:48:05] When you were with this group, Mr Witness, did you hear the name
5 Abudema, Buk Abudema?

6 A. [15:48:32] Could you please repeat your question.

7 Q. [15:48:36] When you were with the Sinia group did you ever see or hear about
8 somebody called Buk, Buk Abudema?

9 A. [15:49:00] No, I do not know this person.

10 Q. [15:49:15] Yesterday you told Court that the person you finally discovered was
11 Dominic Ongwen had two stars on his shoulders; is that correct?

12 A. [15:49:45] That's correct.

13 Q. [15:49:45] And when you see a person with two stars on his shoulders,
14 according to your experience in the LRA, what rank was that? Did they tell you
15 what rank that would mean?

16 A. [15:50:18] I'm not well versed with ranks. He had two stars on both
17 shoulders.

18 Q. [15:50:31] I suggest, Mr Witness, or I should let you know, I should inform you
19 that ordinarily people with two stars are lieutenants in the army. In any event,
20 Mr Witness, yesterday you stated that (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [15:51:54] I do not know. I do not know army ranks.

Trial Hearing
WITNESS: UGA-OTP-P-0330

(Private Session)

ICC-02/04-01/15

1 Q. [15:52:00] Mr Witness, we are not talking about army ranks, (Redacted)

2 (Redacted)

3 (Redacted)

4 MR GUMPERT: [15:52:25] We're in open session here.

5 PRESIDING JUDGE SCHMITT: [15:52:27] Then we go to private session, I suggest
6 that.

7 (Private session at 3.52 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 (Redacted)

23 (Redacted)

24 (Open session at 3.54 p.m.)

25 THE COURT OFFICER: [15:54:20] We are back in open session, Mr President.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 MR AYENA ODONGO: [15:54:28]

2 Q. [15:54:28] Mr Witness, did the leader address the whole group of abductees
3 and introduce himself to you that day?

4 A. [15:54:50] I do not understand your question properly.

5 Q. [15:54:57] Okay, Mr Witness, did -- when you arrived, did this leader address
6 you, did he address the group?

7 A. [15:55:23] No, he did not talk to the group, he spoke to the civilians, he
8 addressed the civilians.

9 Q. [15:55:35] Mr Witness, that is the group I'm talking about. So you stated that
10 you slept in the centre of the soldiers separate from the other abductees. Did they
11 give you any reason why you were separated from the rest?

12 A. [15:56:14] No, they did not give me a reason why.

13 Q. [15:56:33] Now, you said you were tied when you were sent to sleep near
14 where the leader slept; is that correct?

15 A. [15:56:54] That's correct.

16 Q. [15:56:56] Were the other abductees also tied, wherever they slept?

17 A. [15:57:19] No other civilians were tied.

18 Q. [15:57:26] And you have told Court that you did not know, or at least you
19 were not told any reason why you were tied up and separated from the rest; is that
20 correct?

21 A. [15:57:53] I did not understand your question.

22 Q. [15:57:56] You have said you did not know and you were not told why you
23 were tied up and separated from the rest of the group; is that correct? Is that your
24 statement?

25 A. [15:58:21] That's correct.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 Q. [15:58:28] Now, Mr Witness, with the deepest respect, may I suggest that if it is
2 true that you were separated from the rest, it is because you were known to be trained
3 and had the propensity to escape if you were let loose. What do you say to that?

4 A. [15:59:06] I do not know the reason why I was tied up.

5 MR AYENA ODONGO: [15:59:11] I think it is about time.

6 PRESIDING JUDGE SCHMITT: [15:59:13] Yes, it is, indeed.

7 MR AYENA ODONGO: [15:59:17] For that matter, I'm constrained on a happy
8 note to say that we go and rest until tomorrow.

9 PRESIDING JUDGE SCHMITT: [15:59:24] I have, of course, the question now:
10 Have you an estimate how long your examination will last? And I'd like to remind
11 that we said that both parties have the same amount of time at their disposal, so to
12 speak, and I am informed that the Prosecution used 7 hours 30 for the witness. This
13 would be reached tomorrow at some point in time, so can you tell us what your
14 estimate would be?

15 MR AYENA ODONGO: [15:59:59] It will take the whole day, and I wish this
16 honourable Court may also take into account the fact of disparity in the question of
17 equality of arms. You can look, I mean, I wish the man-hour is --

18 PRESIDING JUDGE SCHMITT: [16:00:25] What we take into account is that the
19 examination did not run very smoothly and -- but we expect, so let me put it this way,
20 we expect that Defence finishes tomorrow with the witness. We do it this way, yes.

21 MR AYENA ODONGO: [16:00:46] We shall try our best, your Honour.

22 PRESIDING JUDGE SCHMITT: [16:00:47] No, no. Tomorrow it has to be finished.
23 It would be far beyond, it would be quite a lot more than the Prosecution had. So
24 this is really quite indulgent by the Judges to say that. So the 7, 30 would be reached
25 after the first session tomorrow, but I understand the problems that you had, so we

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0330

1 say the witness -- we finish the examination of the witness tomorrow.

2 MR AYENA ODONGO: [16:01:13] I'm much obliged, your Honour.

3 PRESIDING JUDGE SCHMITT: [16:01:15] Then this concludes the hearing for

4 today. Tomorrow 9.30.

5 THE COURT USHER: [16:01:20] All rise.

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

7 RECLASSIFICATION REPORT

8 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July

9 2016, the public reclassified and redacted version of this transcript is filed in the case.