

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

- 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 Monday, 20 March 2017
- 8 (The hearing starts in open session at 9.30 a.m.)
- 9 THE COURT USHER: [9:30:53] All rise.
- 10 The International Criminal Court is now in session.
- 11 Please be seated.
- 12 PRESIDING JUDGE SCHMITT: [9:31:16] Good morning, everyone.
- 13 Good morning, Mr Witness.
- 14 Could the court officer please call the case.
- 15 THE COURT OFFICER: [9:31:28] Thank you, Mr President.
- 16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
- 17 Dominic Ongwen, case reference ICC-02/04-01/15.
- 18 We are in open session.
- 19 PRESIDING JUDGE SCHMITT: [9:31:37] Thank you. I ask for the appearances of
- 20 the parties.
- 21 MR SACHITHANANDAN: [9:31:43] Good morning, your Honour.
- 22 I'm appearing today with Mr Shkelzen Zeneli, Ben Gumpert, Beti Hohler,
- 23 Adesola Adeboyejo, Yulia Nuzban, Ramu Fatima Bittaye, Xinwei Liu and Mari Pilvio.
- 24 PRESIDING JUDGE SCHMITT: [9:32:00] Thank you.
- 25 Mrs Massidda. Or --

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 MS ADONG: [9:32:02] Good morning, your Honours. I'm appearing today with
2 Ms Paolina Massidda, Mr Orchlón Narantsetseg and Ms Jacqueline Atim. I'm
3 Jane Adong. Thank you, your Honour.

4 PRESIDING JUDGE SCHMITT: [9:32:20] So for the second team I'm not so specific.
5 Ah, Mr Cox. So I can be more specific.

6 MR COX: [9:32:24] Good morning, your Honour. Appearing with Mr James
7 Mawira, myself.

8 PRESIDING JUDGE SCHMITT: [9:32:29] Thank you.
9 And for the Defence, please.

10 MR AYENA ODONGO: [9:32:34] Good morning, Mr President and your Honours.
11 I am Krispus Ayena Odongo, being assisted by Chief Achaleke Taku, Ms Abigail
12 Bridgman, Mr Thomas Obhof, Mr Roy Ayena. And our client Ongwen is in Court.

13 PRESIDING JUDGE SCHMITT: [9:33:06] And Mrs Kerwegi.

14 MS KERWEGI: [9:33:10] Good morning, your Honours. Sarah Kerwegi.

15 PRESIDING JUDGE SCHMITT: [9:33:14] Thank you.

16 Then Mr Sachithanandan still has the floor.

17 MR SACHITHANANDAN: [9:33:16] Thank you, your Honour.

18 WITNESS: UGA-OTP-P-0379 (On former oath)

19 (The witness speaks Acholi)

20 QUESTIONED BY MR SACHITHANANDAN: (Continuing)

21 Q. [9:33:22] Good morning, Mr Witness.

22 Mr Witness, yesterday we discussed the injury suffered by Mr Ongwen and you
23 mentioned that it was in relation to a location called Akilok. Could you please tell us
24 which road or on which road did this injury occur?

25 A. [9:34:21] (Speaks English) And this is not translated in -- it is still in English.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 MR SACHITHANANDAN: Testing.

2 PRESIDING JUDGE SCHMITT: [9:34:41] Perhaps you repeat the question and this
3 might be the test then.

4 MR SACHITHANANDAN: [9:34:45]

5 Q. [9:34:45] Mr Witness, we were discussing the injury suffered by Mr Ongwen
6 on Friday. Could you please tell us which road was the location where this injury
7 took place. Can you hear me now?

8 A. [9:35:15] Yes, I can hear you clearly now.

9 Q. [9:35:18] Right. Sorry about the technical hitch. Can you tell us on which
10 road Mr Ongwen was injured?

11 A. [9:35:31] The road leading to Patongo.

12 Q. [9:35:39] You described some combat that occurred before -- shortly before the
13 injury and I think I stopped you from giving details on Friday. Could you please tell
14 us during this combat whether anyone between the ages of 10 and 14 were injured or
15 killed.

16 A. [9:36:12] I know that there was somebody who died during this attack and his
17 name was Jacob. He was around 15 years old. And there's also another person
18 called Moro Ole. He's approximately 15 to 16 years old. But there was nobody in
19 the age bracket 14 that I saw who died. There was none such person.

20 Q. [9:36:57] Could you please tell us how Jacob died?

21 A. [9:37:11] Jacob was shot at the time when people were leaving, we were
22 leaving to come and meet Otti's group. As we were crossing the road, that was the
23 time he was shot.

24 Q. [9:37:29] Please tell us how Moro Ole died.

25 A. [9:37:44] Moro Ole was shot during the fighting, when the fighting was still

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 going on.

2 Q. [9:37:54] During the fighting at Akilok or before Akilok, where was

3 Kilama Cio?

4 A. [9:38:12] Kilama Cio was present among the group.

5 Q. [9:38:21] What was his function during this fighting?

6 A. [9:38:32] His major role was -- he was present but he didn't have a gun, so it
7 means that at the time of the charging, that's when he can be able to take something
8 from the dead person, either his gun or who could remove his gumboot. So that is
9 what he was supposed to do. At the time -- but before the fighting begins, his main
10 work will just be to shout, make noise, and that's basically what he was supposed to
11 do.

12 Q. [9:39:12] Do you remember whether he obtained a gun or gumboots during
13 this fighting?

14 A. [9:39:26] No, he did not get.

15 Q. [9:39:29] What about Adiri or Aditi, where was he during the fighting at
16 Akilok?

17 A. [9:39:41] He was also there at that time.

18 Q. [9:39:43] And what was his role?

19 A. [9:39:48] He had a gun, so he was actually a fighter.

20 Q. [9:39:54] Mr Witness, let's jump forward a little. You described yesterday the
21 injury suffered by Mr Ongwen and the fact that he was picked up by a number of
22 fighters. Please take it from there. What happened after Mr Ongwen was rescued?

23 A. [9:40:31] After that we moved and crossed the road from Pajule, heading
24 towards Koyo Lalogi, we crossed the road at night. After we separated from Otti's
25 group we came towards Koyo Lalogi and we met with Buk at that place. When we

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 met Buk we were all gathered in one group, then me, together with some people were
2 separated and we went to the bay and for him he went with another group.

3 Q. [9:41:14] Who is Buk and what is his full name?

4 A. [9:41:26] I know him with another name called Abudema. He was the
5 brigade commander of Sinia.

6 Q. [9:41:37] When you moved to the bay, where was Odong Cowboy?

7 A. [9:41:52] We went together with Odong Cow to the bay.

8 Q. [9:42:02] Did any LRA commanders visit Mr Ongwen at the bay?

9 A. [9:42:21] At the time we were at the bay there were many people who came.
10 There were people like Tabuley, even Buk, Lagoga was also there. Odhiambo also
11 came and so many other people came and met him. There are some people I would
12 see them but I didn't know their names.

13 Q. [9:42:57] How many times did Buk visit him?

14 A. [9:43:09] Buk came once.

15 Q. [9:43:10] How many times did Tabuley visit him?

16 A. [9:43:15] Tabuley came several times. Sometimes I would even move with
17 him. We would even like stay together for like a week and then separate. Tabuley,
18 we stayed with him for at least some -- a longer period of time.

19 Q. [9:43:33] Was the sickbay that -- well, let me rephrase. The sickbay where
20 Mr Ongwen was located, was it stationary, in one place, or did it move from place to
21 place?

22 A. [9:43:56] The sickbay was not only in one place. The first place we went to
23 we stayed a little longer at a place called Wipolo. Then after that we moved to
24 another place call Lapak and we left that place and we would go to other places and
25 stay like for a week, or sometimes four days and then we move. Because we also

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 study the situation depend on how the army is following us, so if we know that
2 they're following us, we don't stay long in a certain place. There were other bays
3 and you would hear that some group were attacked near which is close to you so you
4 would have to leave for another place.

5 Q. [9:44:52] Was it only men in the bay or was there also women?

6 A. [9:45:03] There were even women in the bay?

7 Q. [9:45:10] Do you remember the names of any of the women?

8 A. [9:45:22] The women whose names I can remember were Aryemo Akello Stella,
9 Aber, Abwot and Sunday. Then there was also Lakica. There were a number
10 of -- there were a number of women. Now I can't remember all their names.

11 Q. [9:46:08] And what about people between the ages of 10 and 14, were there
12 any of those people in the bay?

13 A. [9:46:21] There were -- the people that were there was -- who were aged
14 approximately 14 were Akello Stella and Lakica. And Aber was a very young girl, I
15 think was probably 11 or 12 years old, she was a little girl. And Abwot I estimate to
16 be around 14 years. These were the young people who were there that I remember.

17 Q. [9:47:11] Now, the people you listed were all women or girls. Were there any
18 male people between -- of the same -- between 10 and 14?

19 A. [9:47:29] For the males there was, there was Olet, Okot Dego, Kilama Cio was
20 also there. Then there was also Adiri, Aditi.

21 Q. [9:48:03] What were your duties while in the bay?

22 A. [9:48:12] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) what

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 I would do if I am not on duty as an escort, I would go as OP, I would sleep there.

2 Or sometimes, sometimes when I am on duty as an escort, when Kidega still didn't

3 have a wife I had to ensure that his clothes are clean, I washed them, I washed the

4 gumboots and also take for him water for bathing.

5 These were the things I was doing.

6 Q. [9:49:19] You mentioned the presence of Olet, Okot Deگو, Kilama Cio and

7 Adiri. Did they ever go on standby or did they not?

8 A. [9:49:36] Yeah they all went, they all went for standby.

9 Q. [9:49:41] Could you give us an example of a standby that they went on?

10 A. [9:49:57] There was a time that we went to collect cassava and potatoes at a

11 place call Bardege. When we were at Wipolo we went with them to collect cassava

12 and potatoes. That was one of the standby that I can give as an example.

13 Q. [9:50:24] Do you recall any operation that took place in Lalogi?

14 A. [9:50:35] Yes, I remember.

15 Q. [9:50:39] Please tell us, without describing your own role, please tell us about

16 this operation.

17 A. [9:50:55] In that fighting we went and put an ambush along the road. We

18 were waiting for the government soldiers who were coming for patrol. So as they

19 were reaching the ambush all of them had already entered and reached the position

20 where they were supposed to be stationed. So those who entered the ambush, we

21 shot them and we managed to get four guns from them.

22 Q. [9:51:30] Who was the commander of this operation?

23 A. [9:51:39] The person who was leading us was Lapwony Kidega.

24 Q. [9:51:46] Did Kidega report to anyone after the operation?

25 A. [9:51:53] As we were going for that standby, Dominic Ongwen was the one

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 who appointed Kidega to take lead, and all the reports on the guns that were taken
2 and the items that were taken, the reports were given to him.

3 Q. [9:52:21] Do you recall Mr Ongwen himself deploying for any operation?

4 A. [9:52:40] Could you say the question again?

5 Q. [9:52:44] Now, the operation you just described was led by Kidega. Do you
6 recall any other operation that was physically led on the ground by Mr Ongwen?

7 A. [9:53:10] The attack that I remember where he was the commander was the
8 one at Lanyatido which I already explained. Then Pajule and the one at Akilok
9 which I also explained earlier.

10 Q. [9:53:32] Sorry, I should have been clearer. I mean after you moved to the
11 sickbay do you remember any operations led on the ground by Mr Ongwen?

12 A. [9:53:55] I don't -- one of the attacks that I remember which he led was at the
13 first place when we went to Awere. That one, he was not the one who led, but then
14 there was the second time when we went with himself and he was the one that led
15 that group.

16 Then in Opit, when we went to look for food in the camps, I remember he was the one
17 who led the attack.

18 Then -- yeah, those were the ones that I can remember.

19 Q. [9:54:40] Let's take those one by one. You said that there were two attacks on
20 Awere, if I understand. Please describe the first attack on Awere.

21 A. [9:55:03] Do I start with the one of Awere?

22 Q. [9:55:07] Yes, please.

23 A. [9:55:15] The first time we went to Awere, we had gone to look for food.

24 After we had completed our mission and were returning, one of the civilian made an
25 alarm and the government soldiers shot us and we were all scattered and most of the

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 items we had collected, we threw them away. Then we came back and reported to
2 him and he said, "Fine. People should not worry." He will know what to do.
3 Then later on he called us that there's going to be a standby. Then when he now
4 disbursed people to go to their different positions, in the evening he called people
5 again and said that we are going to work on the civilians of Awere so that they know
6 that even us, we have guns that can shoot. The instruction was "When you reach
7 there, do not leave anything. Anything that is living, don't leave alive because the
8 people there do not want us. They want us to die here in the bush."
9 So we left to go there --

10 MR SACHITHANANDAN: [9:56:46] Your Honour, perhaps we should move into
11 private session.

12 PRESIDING JUDGE SCHMITT: [9:56:51] If you suggest so, then we go to private
13 session.

14 (Private session at 9.56 a.m.)

15 (Redacted)

16 (Redacted)

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-0379

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25 MR TAKU: [10:01:35] May it please your Honours, I rise again to place on record

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 our standing objections with elaborate evidence being led with regard to this crime
2 base. It would appear they are establishing another crime base. With regard to the
3 widespread nature, as you have ruled, that evidence can be led. With regard to
4 other crimes, can be led. But with the core crimes where you've ruled that there are
5 four crime base, leading elaborate evidence about what happened in an attack in
6 another crime base which is not confirmed, your Honours, we object.

7 PRESIDING JUDGE SCHMITT: [10:02:14] Mr Sachithanandan.

8 MR SACHITHANANDAN: [10:02:15] This objection has been made twice already,
9 your Honour, and I believe rejected twice. And I'd like to point out that the use of
10 child soldiers is a charge in this case.

11 PRESIDING JUDGE SCHMITT: [10:02:25] That is true. So but I understand it,
12 Mr Taku, that you simply want to put it on record.

13 MR TAKU: [10:02:31] Yes, your Honours. The evidence of abduction of child
14 soldiers is something you ruled about, there's absolutely no doubt about that, right
15 from day one during the status conference, and I think your ruling was very
16 comprehensive, your Honours, but in order to use that to extend -- attempt to extend
17 to other -- to crime bases about attacks, did you see people killed, were people killed,
18 how -- you will recall, your Honours, this extending -- you said you knew there were
19 four crime bases that were retained, but with child soldiers and other crimes, your
20 Honours, it even can be led. This question has been asked and the answer's given.
21 And they elaborate this. The replies that are given, your Honours, are not in respect
22 of those other crimes that is said evidence can be led. And every time it's led, we
23 will have to make a standing objection, your Honours.

24 PRESIDING JUDGE SCHMITT: [10:03:31] I understand. Mr Sachithanandan.

25 MR SACHITHANANDAN: [10:03:34] I -- may I proceed, your Honour, or would

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 you --

2 PRESIDING JUDGE SCHMITT: [10:03:39] You may proceed. I think it's the same
3 objection that has been made twice and there are different issues that could be in the
4 mindset of the Prosecution of interest in that respect, we have talked about that. We
5 have, as you point out, Mr Sachithanandan, we have also the confirmed charges of
6 child soldiers, I think from 2002 on, as I understand it correctly. We would have
7 elements of the charged crimes relating to widespread attacks, systematic attacks. It
8 might be for modes of liability, but we have also pointed out that of course the
9 charged attacks are the four, not more. That is also clear. But that, I think, is clear
10 to everybody in the courtroom and also clear to the Prosecution. So please proceed.

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 (Redacted)

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 (Redacted)

2 (Redacted)

3 (Open session at 10.06 a.m.)

4 THE COURT OFFICER: [10:06:27] We are in open session, Mr President.

5 MR SACHITHANANDAN: [10:06:34]

6 Q. [10:06:36] Mr Witness, you mentioned the operation in Opit. Without
7 describing anything you did in Opit, could you please tell us about this operation.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:07:49] Who was the most senior person who went to Opit?

15 A. [10:07:57] We went together with Ongwen. He himself was present.

16 Q. [10:08:06] Were there any other people between the ages of 10 and 14 who
17 went for this operation?

18 A. [10:08:22] The -- the one person that I recall is Adiri, but Olet and Cio did
19 not -- Cio did not come. They stayed behind.

20 Q. [10:08:38] Sorry, what was the name of the last person you mentioned?
21 Slowly.

22 A. [10:08:48] Adiri.

23 Q. [10:08:51] But you said Olet and someone else did not come. It's mentioned
24 in the transcript as --

25 A. [10:08:58] Kilama Cio.

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 Q. [10:09:06] Was anyone abducted during this operation?

2 A. [10:09:15] No. No one was abducted from there.

3 Q. [10:09:19] During Awere and Opit, was Mr Ongwen able to walk or was he
4 not?

5 A. [10:09:31] Yes, he was able to walk at the time.

6 Q. [10:09:36] You mentioned two girls, Sunday and Lakica. How did they come
7 to be in the sickbay? Where did they come from?

8 A. [10:10:14] When we were going to Lacekocot Centre, we went in during the
9 day.

10 MR SACHITHANANDAN: [10:10:25] Sorry, your Honour, briefly in private
11 session.

12 PRESIDING JUDGE SCHMITT: [10:10:29] Yeah, private session.

13 (Private session at 10.10 a.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Open session at 10.23 a.m.)

11 THE COURT OFFICER: [10:23:08] We are in open session, Mr President.

12 MR SACHITHANANDAN: [10:23:16]

13 Q. [10:23:19] Mr Witness, when you got -- when you got to the barracks, was any
14 information about you taken down by the soldiers who met you?

15 A. [10:23:35] When I got to the barracks, they did take a lot of information from
16 me. When they took me to the office, I was questioned for a long time. They asked
17 me which group I had belonged to. They also asked me if I had escaped with a gun
18 and where I had left the gun. And if I had a gun, I should give it to them.

19 I told them no, I did not have a gun because I did not want the soldiers to take me
20 back to the bush. So they asked me a number of questions.

21 Q. [10:24:13] When you got to World Vision, did they take any information down
22 from you?

23 A. [10:24:28] When I got to the World Vision, where returnees are kept, you know
24 there are some people who come to World Vision that I do not understand where they
25 are from because there are some people who come looking for sponsorships, there are

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 people who look for different things. I do recall I filled out a form while I was at the
2 World Vision which was an amnesty form for forgiveness and that's one of the things
3 I recall having done.

4 Q. [10:25:08] Now, Mr Witness, we're going to talk about sometime after you
5 returned from the bush, and during this period please don't mention the names of
6 any family members. You can say "my uncle, my aunt, my cousin," anything like
7 that, but just don't mention names. Is that clear?

8 A. [10:25:33] Yes, it is.

9 Q. [10:25:33] After World Vision, where did you go?

10 A. [10:25:45] When I left World Vision we were taken to -- before they took us
11 back home, we were taken to Lira, we spent two nights in Lira. We were waiting for
12 transportation, for army transportation or the RDC's car. We waited but the cars did
13 not come. We were then taken to Pader, to a place where they keep new returnees
14 from the bush.

15 We were then -- we stayed there for a while hoping that an escort would come and
16 distribute people. We had been given some money from World Vision to help us
17 feeding and doing other things. When I went to Pader centre I found somebody that
18 I knew in the centre. I asked the person and the person told me that everybody was
19 in the centre. I went back, collected my things, then we left with other people.

20 We got on to -- got into a car and went to Pajule centre. And I met other people, I
21 found other people there. Then I continued staying at the centre.

22 Q. [10:27:20] Without mentioning names, could you please tell us who you were
23 staying with at Pajule centre?

24 A. [10:27:35] When I came back from the bush we had our home, our home was
25 already in Pajule centre. People had left their homes, were in the camp, and my

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 parents -- my family were also in the camps.

2 Q. [10:28:05] After returning and living in Pajule centre, did you ever encounter
3 the LRA again?

4 A. [10:28:32] When I came back and I was at Pajule centre, other than on the day
5 that Pajule was attacked, I saw one LRA, someone who wanted to capture me and I
6 escaped.

7 Q. [10:28:57] Right. So let's come to that then. You said "on the day that Pajule
8 was attacked". Do you remember when that was?

9 A. [10:29:10] Yes, I do recall.

10 Q. [10:29:17] How much time elapsed after your return from the bush until the
11 attack on Pajule?

12 A. [10:29:32] When I left World Vision and got home that was around August.
13 Then on 10 October, that was when Pajule was attacked. On the 9th was
14 Independence Day, so in the morning on 10th at dawn at around 5 a.m., that's when
15 Pajule centre was attacked.

16 I had been home perhaps about two to one and a half months.

17 Q. [10:30:17] Please describe to us in detail the attack on Pajule.

18 A. [10:30:33] The attack on Pajule occurred on 10 October 2003. The day before
19 was Independence Day and it was at dawn of the day after of independence, that's
20 when the attack happened. So I was sleeping in the house with my uncle, who was
21 at one point also abducted, together with one of the son of my aunty, so we were
22 sleeping, all of us were sleeping in one house. So at around 5 a.m. we started
23 hearing gunshots. I wanted to open the door and run away because I knew by all
24 means this was an attack.

25 So my uncle refused that I should run away. So he collected some sacks that were

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 there in the house to block the door. Then at some point when the gunfire was too
2 much he realised that it was not going to be easy, so he decided to remove these sacks
3 from the door. Then because he was civilian previously and later on he had also at
4 some point joined the army, but he decided to come back, so at least he had some
5 military skill. So at that point of the attack he realised that it was not going to be
6 easy for him to run away. He tried to go to the toilet, but it was not possible.
7 So he decided to come back to the house. The gunfire continued and around 5 a.m.
8 I -- 30 minutes past 5 a.m. I also got out of the house, started running. But also as
9 I was running I would see that people were running from that direction towards me
10 so I thought that at this point the whole camp was under siege. So I returned back to
11 the compound where we had slept and I was completely lost of words and what to do.
12 I didn't know what to do.
13 Then my aunty started shouting at me that why do I sit in the compound, suppose I
14 get hit by the bullets. So I did not run inside. Instead I squat in front of the door,
15 then at that point I saw some soldiers, two of them. They passed right in front of our
16 house, but they didn't come to us. And they went. Then immediately after those
17 two people, those two soldiers, another soldier came. That was a rebel soldier. We
18 had actually stayed with him in the bush. So when he saw me he actually
19 recognized me. He was pulling a girl by her hand.

20 Q. [10:34:24] Do you remember the name of this soldier?

21 A. [10:34:35] The one that was holding this girl?

22 Q. [10:34:38] Yes.

23 A. [10:34:40] Yes, I remember. His name is called Okello Tango, Okello Tango.

24 Q. [10:34:51] Which unit did he belong to, Okello Tango?

25 A. [10:35:02] Okello Tango was in Oka. And at the time we were at the bay he

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 was also there at the bay with us.

2 Q. [10:35:12] In whose household did Okello Tango serve?

3 A. [10:35:26] Okello Tango was staying at Nyeko's place. He was an officer.

4 Q. [10:35:37] What was Nyeko's role in the sickbay?

5 A. [10:35:51] I was close with him in the operation room. So if there is any

6 security person who was taken from operation room, then they would not pick from

7 his group. So they would be taken from another position, not from his group. So if

8 the head of the operation room was not there, then he would be the one to replace

9 Kidega when he -- Kidega was absent. So that is what he was doing.

10 Q. [10:36:25] When Okello Tango was in the sickbay, what was his function?

11 A. [10:36:39] His main role is also to go for security, as patrol. He would also go

12 to standby to look for food. And if there is any ambush planned or attacks planned,

13 that is also what he would participate in.

14 Q. [10:37:03] Do you remember when you first met Okello Tango?

15 A. [10:37:20] When we were in convoy I was with him. But at the time that

16 people were divided to go to bay, he was not there. But as we were at the bay there

17 were some other people who were also brought. That was now the second time

18 when Nyeko also came and he also came and found us in the bay.

19 Q. [10:37:49] When you first encountered Okello Tango in the convoy, how old

20 was he?

21 A. [10:38:03] Okello Tango is still a young person. He is probably around 15.

22 We almost same age with him.

23 Q. [10:38:16] When was the last time you saw Okello Tango?

24 A. [10:38:28] The last time I saw him, on the day of the attack on Pajule, that's

25 when I saw -- I said he was coming towards me.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 Q. [10:38:41] Sorry, I should have been clearer. Before leaving the bush, when
2 was the last time you saw Okello Tango?

3 A. [10:38:54] Before I left the bush Okello Tango was there. I last saw him on the
4 day when we were selected for standby. Then I did not return. So that was the last
5 time I actually saw him. Because in the standby I went for, he did not go.

6 Q. [10:39:16] And on the day that you last saw him, which unit was he serving in?

7 A. [10:39:26] He was in Oka.

8 Q. [10:39:31] Thank you, Mr Witness. We can now -- that was a digression. We
9 can come back to your description of the Pajule attack. I think you stopped where
10 you just saw Okello Tango.

11 A. [10:39:47] So at that time he came when I was pulling that girl, when he saw
12 me he recognised me, I also recognised him. Then he aimed at me with his gun and
13 said, "If you run, I'm going to shoot you."

14 Then I -- I also stayed, I just stayed calm. Good enough, this girl wanted to run away
15 because she was trying to disengage herself from him.

16 So as he tried to come towards me, the girl tried to pull away, so I -- his intention was
17 to try and see this girl, so what I did was to try and jump towards him, but I ran
18 behind the house and went behind the toilet, then I ran away.

19 So when I reached the centre at Ela's (phon) place, I found there were several soldiers
20 there. They also aimed at me and, like, wanted to shoot me. But when they saw I
21 didn't have anything in my hand they did not shoot. I just ran past them, past the
22 army. And there was -- I ran towards the bush where I found some grass which was
23 cut and I, kind of, hid there for some time.

24 The gunfire continued at that time. Then the helicopter gunship came. That was
25 already coming close to 8 a.m. in the morning. So when the helicopter gunship came,

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 I could hear the rebels shouting and saying that all the houses should be burnt so that
2 the smoke could re -- shield them from the gunship so that they cannot be seen.

3 So as I was squatting there in that bush, it happened that the -- that bush was actually
4 right in front of my aunty's house. I was a bit scared at that time because I feared
5 that the bush could be actually burnt also, so I still all the same, stayed there. The
6 gunship came, started firing and bombing the area. At that time I could hear again
7 gunshot from another direction. It appears there were government soldiers that
8 were coming from the direction of Lanyatido. So it was that group that came and
9 managed to repulse the rebels from the camp.

10 I remained in the bush and then after a while when the gunfire subsided, then I came
11 out of the bush.

12 Q. [10:43:10] Please describe to us in detail what you saw after you came out of
13 the place that you were hiding.

14 A. [10:43:31] What I saw was that day was the day that was so strange, you
15 would hear people crying in every corner. Some people were abducted, most of
16 those people were killed, shot and killed. And very close to our home there was a
17 girl called Aciro Agnes who I estimate to be about 14 years old was shot at that -- just
18 near the home in a -- a sorghum garden. And there were other people who were
19 captured.

20 Myself, my brother was also captured, and my uncle's daughter was also captured
21 and several other people were taken.

22 Q. [10:44:40] Thank you, Mr Witness. We'll deal with that separately.

23 You mentioned that people were crying and you mentioned one person who had
24 been shot. Did you see anyone else who had been shot?

25 A. [10:45:03] I said there were two people, this girl, the one I mentioned, and then

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 there was another woman, I don't remember her name now, because, you know, in
2 the camp people are mixed up. You may know some -- you may not know
3 everybody. But it was the girl that I knew before. And that woman I also knew her,
4 her home was close to our place. Those were the people I saw were shot dead.
5 Then after when I left and went towards my aunty's place and crossed the road going
6 to Laloyo's place, I found a young boy who was actually a rebel, a very young boy
7 who was shot dead and it appeared he had a bubble gum in his hand but it fell just
8 next to him.

9 Then we moved towards the barracks because we were told that the rebels were at the
10 Kraal. There was a Kraal nearby. And there were several rebels that were said to
11 have been killed around that place. So people were going to see the dead bodies, but
12 I did not go there because the army was preventing people from going there. And I
13 could also see the helicopter gunship going towards that side. I don't know whether
14 it was going to pick the injured soldiers. So I didn't go there.

15 So I went back towards the market, I found that the gate of the -- going to the market
16 was actually broken and several other shops I could see were actually broken into.

17 Q. [10:46:55] You mentioned that you saw Aciro who had been shot. Please
18 describe to us the nature of her injury.

19 A. [10:47:12] Aciro was shot around the waist. And the bullet came through
20 close to the groin area. That's the kind of injury that I saw she had.

21 Q. [10:47:28] And how is it that you know where the bullet entered and where the
22 bullet came out?

23 A. [10:47:44] I -- I have seen several wounds due to gunshots, so usually you
24 would see where the bullet entered from. Usually it's a very tiny point. You might
25 even not see a lot of blood from that point where the bullet entered from, but where

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 it -- the point that it comes out from usually is the one that, you know, leaves a lot
2 of -- a big wound. And that is what actually would -- actually happen most times.

3 Q. [10:48:19] You mentioned that you saw a rebel who was a very young boy.
4 How young do you think he was?

5 A. [10:48:38] He was -- he was a very young boy. If he is old, then he is not
6 more than 13 years old. He's really -- I think that would be his -- 13 would be the
7 oldest age that I can -- I would have actually estimated.

8 Q. [10:48:55] Please describe the body of this boy and what you saw?

9 A. [10:49:14] He was -- he was putting on a jacket, it was a civilian jacket, but that
10 jacket was taken away by the soldiers when after he was shot. Then he was putting
11 on a civilian trouser and I think he also had a gumboot, but from what I saw I could
12 see the gumboot marks. And then he was shot around the shoulders and then also
13 the head. I could see a, like, a shot about three bullets and he fell lying on his back.

14 Q. [10:49:58] You mentioned that he had something in his hand. What did he
15 have in his hand?

16 A. [10:50:07] He had a bubble gum, bubble gum which he was probably holding
17 in his hand, but then when he was shot it fell just next to him, it was still in its
18 container, it sealed, which had not yet been opened.

19 Q. [10:50:23] Thank you, Mr Witness. I want to show you an image. And for
20 everyone else in the courtroom it is tab 7 of the witness' binder. ERN is 0266-0071,
21 confidential.

22 Mr Witness, please take a look at your computer screen. Can you see an image on
23 your computer? Who drew this image?

24 A. [10:51:31] I drew this image.

25 Q. [10:51:39] There is a signature on the bottom left. Whose signature is that?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 A. [10:51:46] That's my signature.

2 Q. [10:51:50] On the top left-hand corner there is a triangle -- sorry, actually
3 before that, what does this picture depict?

4 A. [10:52:04] This is showing Pajule centre, the map of Pajule centre. As you can
5 see the road going to Lira. And then coming down is going towards the mission
6 where there was the old barracks. As you can see, there is also barracks which is
7 where there is the new barracks. You can also see I have written down there.

8 Q. [10:52:38] Top left-hand corner there is a triangle it says "house I am sleet at".
9 What is that triangle?

10 A. [10:52:56] Yeah, that triangle is the house where I slept. It was -- it's a
11 displaced person's house that was in the camp and that was the house where I was
12 sleeping in.

13 Q. [10:53:19] Immediately below that there's a series of very small triangles and it
14 says "Grass I ran to". What is that?

15 A. [10:53:36] You know, our place there, most of the houses are grass-thatched, so
16 these were the -- these were the grass that was -- that was cut that were meant for
17 roofing the house and they had been heaped there. So that is the grass that I said I
18 went and hid under.

19 Q. [10:54:03] Just below the grass and slightly to the left there is a triangle called
20 "aunty house burned." What is that?

21 A. [10:54:20] That is my aunty's house which I said was close -- close to the grass
22 where I hid. So that was -- if you remember, I said that was the grass that I said the
23 rebels were saying should be burnt so that the smoke could shield them from the
24 gunship. So that is my aunty's house that I talk about.

25 Q. [10:54:57] Now, in the middle of your drawing at the top there is a triangle

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 and it's described as "LRA shoot at bullet." What is that?

2 A. [10:55:16] That is the place where I mentioned that there was a boy who was
3 shot and was lying there with a tin of bubble gum or chewing gum for that matter.
4 That is where the boy was shot at.

5 Q. [10:55:45] Along the road Kitgum to Lira on the far right you have written
6 "UPDF mobile". What is that?

7 A. [10:56:03] Yeah, that is the UPDF mobile that I talked about. They came from
8 the direction of Lanyatido and came towards the camp and repulsed the rebels. So
9 the UPDF soldiers came from that direction.

10 Q. [10:56:23] You mentioned the dead bodies of Aciro and another lady whose
11 name you couldn't remember. Where in this map would that be or would that be
12 outside this map?

13 A. [10:56:44] From this map it's not shown because I'm -- here in this map I only
14 presented what is in the camp, within the camp and at the centre of Pajule. So that
15 sorghum garden is not seen here because it was outside of the camp so it's not
16 indicated here in the map.

17 Q. [10:57:10] Thank you, Mr Witness. That is all for this map.

18 PRESIDING JUDGE SCHMITT: [10:57:14] Do you think perhaps we can have a
19 break now or -- because, as I understand it, the questioning which is related to this
20 drawing has finished now.

21 MR SACHITHANANDAN: [10:57:26] Yes, your Honour. We can pick up after
22 this, after the break.

23 PRESIDING JUDGE SCHMITT: [10:57:30] Yeah. And I have a question for you,
24 the question is of course that we have an estimate of your remaining examination
25 time for this witness.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 MR SACHITHANANDAN: [10:57:41] I can aim to finish at the end of the next
2 session, your Honour, but of course this is a tentative estimate.

3 PRESIDING JUDGE SCHMITT: [10:57:55] Thank you very much.

4 So we have the break until 11.30.

5 THE COURT USHER: [10:58:01] All rise.

6 (Recess taken at 10.58 a.m.)

7 (Upon resuming in open session at 11.31 a.m.)

8 THE COURT USHER: [11:31:35] All rise.

9 PRESIDING JUDGE SCHMITT: [11:31:55] And, Mr Sachithanandan, please continue.

10 You have --

11 MR SACHITHANANDAN: [11:32:02] I'm afraid my --

12 PRESIDING JUDGE SCHMITT: [11:32:04] I only -- I only recognised that there were
13 some losses in the meantime, so to speak, but please continue.

14 MR SACHITHANANDAN: [11:32:11] I believe my team has lost confidence in my
15 questioning, your Honour.

16 PRESIDING JUDGE SCHMITT: [11:32:14] Mr Gumpert, I already recognised that
17 there were some losses during the break time for the Prosecution.

18 MR GUMPERT: [11:32:22] Speaking only for myself, no important losses. I
19 sincerely apologise. I waylaid some members of my team with a point which I
20 thought was of interest, but I wasn't looking at the clock. I sincerely apologise.

21 PRESIDING JUDGE SCHMITT: [11:32:34] No problem with that.

22 Mr Sachithanandan, please continue.

23 MR SACHITHANANDAN: [11:32:42]

24 Q. [11:32:43] Mr Witness, we were talking about the attack on Pajule that happened
25 on 10 October.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

- 1 Actually, your Honour, could we go into private for about five or 10 minutes?
- 2 PRESIDING JUDGE SCHMITT: [11:33:03] Yeah, then we go to private session for
- 3 between five and 10 minutes. But we will see how long it will take.
- 4 (Private session at 11.33 a.m.)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 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 (Redacted)
- 25 (Redacted)

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 MR TAKU: [11:36:38] Yes, your Honours. We recognise that hearsay may be
7 considered under specific circumstances in the international court and tribunals, but
8 to come here, your Honours, to lead hearsay evidence of someone who may be
9 available and compellable to appear here and state his experience, your Honours, is
10 grossly unfair. It goes to nowhere to say that he told me that, he said his
11 circumstance is this. He cannot answer questions with that individual answer about
12 the specific type of evidence that he is giving. So although hearsay may be
13 admissible under specific circumstances, but clearly this is not one of them.

14 PRESIDING JUDGE SCHMITT: [11:37:23] Mr Sachithanandan.

15 MR SACHITHANANDAN: [11:37:25] Your Honour, there is no rule barring the
16 admissibility of hearsay evidence. Of course the weight given to such evidence can
17 be assessed in any way, your Honours wish, but currently I do not believe I am
18 barred from eliciting this evidence from this witness.

19 PRESIDING JUDGE SCHMITT: [11:37:42] The objection is overruled. It is correct
20 that hearsay is not excluded as evidence. It is also of course clear that hearsay
21 evidence has to be assessed very cautiously. And it, of course, has a lower
22 evidentiary weight than evidence by a witness who has him or herself experienced
23 something, but it is not barred from the outset. And of course, like always,
24 the Chamber will put this into perspective.

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1

2

3

4

5

6

7

8

9

10

11

12

13

14 Page redacted – Private session.

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 (Redacted)

2 (Redacted)

3 (Open session at 11.45 a.m.)

4 THE COURT OFFICER: [11:45:00] Back in open session, Mr President.

5 PRESIDING JUDGE SCHMITT: [11:45:08] Thank you.

6 MR SACHITHANANDAN: [11:45:17]

7 Q. Mr Witness, we are going to move to a different area now.

8 On Friday, and I will quote from the transcript of Friday, that is, I believe,

9 transcript 56, at page 55, line 14 onwards, you mention that, and I quote:

10 "... it was automatic that an operation, that whoever was fit to be in the bush, there
11 was no reservation about abducting such a person ..."

12 So I want to discuss that a little. Did anyone -- how did you know that this was
13 automatic?

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [11:46:56] Please continue, we have recognised it.

19 THE WITNESS: [11:47:05] (Interpretation) You do not ask somebody, that "If I ask
20 you to come with us and help us do and work for us, would you say yes?" Nobody
21 would say yes. So you have to abduct the person and go with them and that's how
22 they joined the group. If they find that the person is too old or the person cannot
23 stay in the group, then the person may be released. If they decide that the person
24 can stay in the group, then a decision is made to keep them. Nobody willingly joins
25 the LRA or willingly goes to the bush. I have not met anybody who has gone

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 willingly to the bush. All the time that I was in the bush did I not meet anybody
2 who went there willingly.

3 Q. [11:47:59] Right, Mr Witness. And let's not focus on you, as such. Generally
4 people in Oka battalion when people were going on operations, how did they know
5 that people were to be abducted?

6 A. [11:48:27] If you are sent on mission, abductions are a part of the missions,
7 because what you are doing by abduct -- by abducting is boosting your numbers.
8 Looting or pillaging is part of the mission because the food that you loot will be used
9 to sustain you. If you shoot a soldier, then that is also part of the mission, because
10 you have decreased the number of soldiers who are going to pursue you and fight
11 against you, so these are all part of the tasks that you are supposed to perform at
12 a mission.

13 Q. [11:49:16] How did you learn that abductions are part of (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [11:50:05] You have mentioned or described how a number of women were
19 brought to Oka battalion. Was there any particular procedure to be followed when
20 a woman was first abducted? Perhaps you can describe to us any procedure that
21 was followed.

22 A. [11:50:34] If any girl is abducted, if you abduct a girl when you go on mission,
23 all the girls are handed over to the overall commander, the commander in charge of
24 the group. This commander is the one who has authority over the young girls or
25 even myself. So anybody who is abducted should be handed over to the overall

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 commander. You cannot hold the person back. It is then that commander who
2 takes the person and distributes them to another commander. If the -- if he wants
3 that person to take care of that young girl until the person eventually becomes his
4 wife, then that's fine. This authority comes from that overall commander. If you
5 are found having sexual intercourse with any girl, a girl who has not been officially
6 given to you as your wife, if you are lucky you would be beaten, but if you are
7 unlucky, the rules are that you should be killed.

8 Q. [11:52:00] What is the name of the overall commander you speak of?

9 A. [11:52:11] The overall commander I am talking about is Dominic Ongwen.

10 There is no other commander.

11 Q. [11:52:26] When you were in Oka battalion, approximately how many men were
12 in Oka battalion?

13 A. [11:52:39] Men?

14 Q. [11:52:39] Yes.

15 A. [11:52:43] There were many men.

16 Q. [11:52:48] Could you say less than a hundred, more than a hundred, just an
17 approximate number.

18 A. [11:53:01] Hmm, there were many people, and at the time when we were, for
19 example, when we were in convoy, perhaps more than 150.

20 Q. [11:53:16] How many of these men had wives, if any?

21 A. [11:53:27] The men, those who had wives, the men with wives were the
22 commanders like Dominic Ongwen, Ot Ngec, Odong Cowboy and there were also
23 had other -- there were also other people who had girls in their households, girls they
24 were taking care of. But I do not know if these were their wives or not because I saw
25 Van Dam and Gereng also had girls in their household. There were also other

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 people.

2 When we all -- when we went to the bay, the other person who was given a wife,
3 when I was in the bay, because at the time we went he did not have a wife, but he was
4 subsequently given a wife was Lapwony Kidega.

5 Q. [11:54:34] Was there a particular age or level of maturity you had to attain
6 before one could have a wife?

7 A. [11:54:52] Well, I'm not very sure about that, but I mostly saw the officers and
8 the older people who had wives. I did not see any young people with wives. It's
9 mostly the older ones.

10 Q. [11:55:12] These older ones did they only have one wife or did anyone have
11 more than one wife?

12 A. [11:55:24] Some had several wives. Some had one wife. Some had more than
13 one. There was no specific number of wives one could have.

14 Q. [11:55:43] The, the women who became wives, what were their specific tasks?

15 A. [11:56:02] Well, what I saw these women doing was carrying the commander's
16 clothes, doing his laundry, cooking food, taking him water to bathe. I did not see
17 anything particularly different from those tasks.

18 Q. [11:56:33] The women who were wives, where would they sleep at night?

19 A. [11:56:48] The wives would sleep with their husbands.

20 Q. [11:56:56] Could you tell us, if you know, when a woman is assigned to
21 someone as a wife, can the woman refuse to be that person's wife?

22 A. [11:57:15] No. I haven't seen anybody, I did not see anybody who refused.
23 You know, if you are abducted, if you are somebody who has been abducted, you are
24 also scared because if you decide to refuse to stay with that person or to become that
25 person's wife you could be killed. That person does not have any right. That

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 person is not somebody who you courted. That is somebody who has been given to
2 you. So you do not have any right to say "yes" or "no".

3 Q. [11:57:49] The girls who were not yet wives, what were their tasks?

4 A. [11:58:01] The girls who were not wives, mostly, for example, if you are staying
5 in a particular commander's household, if somebody has a wife, then the young girls
6 help the wife cooking, they also have to make their own food. But other than that,
7 other than doing household chores, well there was nothing else that they did. They
8 were also responsible for carrying the food that they were supposed to cook. So
9 that's what the girls did.

10 Q. [11:58:46] And could they refuse to do those tasks?

11 A. [11:58:53] No, they did not have any right. Nobody had a right. How, how
12 can you refuse that?

13 Q. What would happen if they did refuse that?

14 A. [11:59:13] You know, when you are in a -- within the army, if you are told -- if
15 you are issued instructions and you refuse to follow those instructions, you do not
16 have any right. First of all, you are afraid. Instead of being beaten, because you
17 know that you are going to be beaten, so instead of being beaten you make the
18 decision to follow instructions. If on one occasion you refuse, for example, the first
19 time you refuse, the next time you are issued instructions to do something you will
20 know not to refuse because you are going to be beaten.

21 Q. [11:59:51] Have you ever seen that happen with your own eyes?

22 A. [12:00:07] The -- I haven't seen anybody who has been given a husband or who
23 has been given to someone as a wife and the person refuses. There are some times
24 when the young girls or the girls are abducted, when they are abducted they are
25 brought. Sometimes the escorts are told -- the escorts say "Pick a man from among

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 these soldiers," the girl would say no and they would threaten her. And once they
2 threaten her she decides to pick the girl. But that's -- that's probably when they are
3 joking, but that's what I saw them -- that's what I saw happening. But I have not
4 seen any girl being given to a man and outright refusing.

5 Q. [12:01:08] Have you ever seen a woman or a girl being punished for any reason?

6 A. [12:01:22] Yes, I have. At the time when we were at the bay, I have -- there was
7 water that had been dug, a spring that had been dug for water and Abwot went and
8 she pooped in the water, so Odomi instructed that Abwot should be beaten really
9 badly. Abwot was beaten so badly and she was taken ill for a while because she
10 went and pooped close to the water. Also, Eva, Lapwony Ot Ngec's wife, attempted
11 to escape on one occasion and she was punished severally. Those, those are the ones
12 that I saw.

13 Q. [12:02:20] Let's take them one by one. In whose household did Abwot live?

14 A. [12:02:31] Abwot was living at Dominic Ongwen's household.

15 Q. [12:02:36] Was she married or was she unmarried?

16 A. [12:02:47] At that time she was being protected. She was amongst the girls that
17 Dominic Ongwen was taking care of. In the bush there is nothing like marriage.
18 Once you have been given a husband, that is the person you will stay with. So if
19 there is marriage, then that will happen when you have escaped and you have come
20 back home and then your husband can plan to take dowry to your home and then
21 you can be married.

22 Q. [12:03:25] Right. Thank you for that clarification. But when Abwot was living
23 at Dominic Ongwen's household, did she have a husband?

24 A. [12:03:39] At that time she was not yet assigned a husband. She was just
25 among the girls that Dominic was taking care of at his home.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [12:04:35] The others are -- includes Kidega, Korea, Adiri, Opio Akula, Otema.

6 There were many people. I don't remember some of them now.

7 Q. [12:04:58] Sorry, I just want to clarify, were these the people who carried out the
8 beating of Abwot?

9 A. [12:05:10] These ones I am mentioning the names of the escorts. Some of them
10 did not participate in the beating. But then there were others who beat her but I
11 have not mentioned their names there.

12 Q. [12:05:24] Without any reference to yourself in any context, who were the
13 escorts who beat Abwot?

14 A. [12:05:46] There were others like Olet, that was from our position. Then there
15 were others who were not part of the escort, like Okumu. And the others who were
16 escorts were those who come from Ongwen's how many, like Otema, Otto Korea,
17 Adiri, Kidega, Opio Akula, Pari.

18 Q. [12:06:37] Did you say Pari? What was the last name, slowly?

19 A. [12:06:48] Pari.

20 Q. [12:06:49] How old was Pari?

21 A. [12:06:57] Pari, Pari was young. He was about 14, 14 years old. Not above
22 that.

23 Q. [12:07:09] Let's come now to the beating of Eva.

24 PRESIDING JUDGE SCHMITT: [12:07:12] May I ask a question, please.

25 Mr Witness, how was she beaten?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 THE WITNESS: [12:07:24] (Interpretation) After Abwot was accused of pooing in
2 the water she was told to lie down, the instruction was not to beat her head but any
3 part of the body from the neck downwards while she was lying facing down. So one
4 person would cane her like 10 strokes and then he would shift to another person. So
5 that was how the beating was. At some point you would, you would cane like 10
6 canes and that is how it was conducted.

7 PRESIDING JUDGE SCHMITT: [12:08:07] And what kind of tools were used for the
8 caning?

9 THE WITNESS: [12:08:14] (Interpretation) We used sticks, which was cut, the size of
10 my arm. It was basically taken from tree branches, so that's what we were using for
11 caning her.

12 PRESIDING JUDGE SCHMITT: [12:08:30] Continue.

13 MR SACHITHANANDAN: [12:08:32]

14 Q. [12:08:34] Who ordered, if anyone, the beating of Eva?

15 A. [12:08:53] The beating of Eva was ordered by Odong Cow, because that was the
16 time that Ot Ngec had already died so she was staying at Cow's home, so she tried to
17 escape from Cow and you know when you are in the bush and the issue of escaping
18 was not allowed so when you tried to escape you have to be killed. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [12:10:01] Yes, there was another person. Mostly the people who were in our
24 position participated in beating her; for example, Wokorach, Ongwech, Kel (phon),
25 Onen, Ociri (phon), Odokonyero, Kilama Cio were some of the people who were

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 present.

2 Q. [12:10:39] You mentioned Ongwech. How old was Ongwech?

3 A. [12:10:48] Ongwech was about 15 years old.

4 Q. [12:10:58] What were the implements used for the beating of (Redacted)

5 (Redacted)

6 (Redacted) say it should be, should be like two heaps of

7 sticks, yes, then that's what we would use until all were used up.

8 Q. [12:11:33] During the time that Odong Cow ordered the beating of Eva. Who

9 was the supervisor of Odong Cow?

10 A. [12:11:59] Odong Cow's supervisor was Dominic Ongwen, but whenever he was

11 beaten he was not around at that time. He had gone to Tabuley. So whenever

12 was -- tried to escape he was not available, but it was Dominic Ongwen who was his

13 superior.

14 Q. [12:12:23] Was this when you were on convoy or was this when you were in the

15 bay?

16 A. [12:12:35] At that time we were not yet at the bay, we were in the convoy. It

17 happened at a place around Goma.

18 Q. [12:12:55] At the time of the beating of Abwot, where was Dominic Ongwen?

19 A. [12:13:06] That was at the bay, we were all with them at the bay.

20 Q. [12:13:16] Does that -- I guess what I am trying to ask is: How far away was

21 Dominic Ongwen from Abwot at the time that Abwot was beaten?

22 A. [12:13:31] He was not far away, he was -- he was not far away because he was

23 the one who ordered for the beating, so he was close by.

24 PRESIDING JUDGE SCHMITT: [12:13:46] Perhaps a question in the meantime.

25 Mr Witness, after the beating, what happened with the girls? What happened to the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 girls?

2 THE WITNESS: [12:14:06] (Interpretation) After beating Abwot she went back
3 among the girls that she was staying with at Dominic's place. She continued to stay
4 there, she recovered, she got healed and continued staying with the rest of the people.

5 PRESIDING JUDGE SCHMITT: [12:14:26] What were the injuries that the girls
6 endured, so to speak?

7 THE WITNESS: [12:14:42] (Interpretation) The injuries resulting from the beating
8 were, for instance, the wounds that they would get, sometimes they have swellings
9 and then their colleagues would be the ones that help in nursing hem.

10 MR SACHITHANANDAN: [12:15:08]

11 Q. [12:15:08] Mr Witness, you mentioned that the commanders in Oka had wives.
12 Do you remember the names of the -- of the wives of Odong Cow?

13 A. [12:15:28] Odong Cow had wives. When we were at the bay he had two wives.
14 And some of the wives, some of Ot Ngec wives that he was taking care of were Eva
15 and Aryemo, but I don't now recall the names of his two wives.

16 Q. Have you ever heard of someone called Janet Lanyero?

17 A. [12:16:17] I don't recall now.

18 Q. [12:16:21] That's fine. If you don't remember, you just say you don't remember,
19 all right?

20 Have you heard of anyone called Abwot Betty?

21 A. [12:16:39] The one I am talking about that was beaten is Abwot.

22 Q. [12:16:56] You mentioned a commander called Gereng. Did he have wives and,
23 if so, what were their names?

24 A. [12:17:11] At the time we were in convoy, Gereng, I would see some girls at his
25 place, but I didn't know whether those were his wives.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 Q. [12:17:31] You mentioned a commander called Agweng. Did he have wives
2 and, if so, what were their names?

3 A. [12:17:46] Agweng didn't have a wife. I didn't see any woman at his place
4 because we were with him in the convoy, unless maybe she was in a bay somewhere,
5 I don't know.

6 Q. You mentioned a girl called Aciro who was abducted from Pajule. In whose
7 house did she stay?

8 A. [12:18:18] Aciro was at Agweng's place. And the way I know, I think maybe
9 she was not yet his wife because she had not yet taken long. She had probably spent
10 like a week. After a week, she escaped. But, yes, she was given and she was
11 staying at his place.

12 Q. [12:18:43] You mentioned a commander called Ariang. Did he have any wives
13 and, if so, what were their names?

14 A. [12:18:56] Ariang had some girls at his homestead. But I don't know whether
15 his wives were amongst them.

16 Q. [12:19:06] Is there a term in the LRA for girls who are not yet wives?

17 A. [12:19:22] The girls who were -- the young ones who were being kept were
18 normally referred to as ting ting.

19 Q. [12:19:34] You mentioned that Dominic Ongwen had wives. Could you please
20 list for us the names of his wives.

21 A. [12:19:50] I know his wife, the one that I know is referred to by the name of the
22 child called Min Ayari. Then I also know Min Back. But the others now I don't
23 know.

24 Q. [12:20:18] Have you heard of someone called Aber?

25 A. [12:20:25] Yes, I heard about Aber, and, yes, I know her. At the time when

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 I was still in the bush, she was among the girls who was being taken care of by
2 Dominic at his home. But I didn't know whether she was his wife because at the
3 time I left, she was amongst those girls, those young girls that he was taking care of.
4 So as I know, she was not his wife at that time.

5 Q. [12:20:59] Did you ever hear anything more about her after your escape?

6 A. [12:21:09] The time -- at the time I escaped, that is when Ayela, who used to stay
7 at Dominic's place, was amongst those who were abducted from our area. He's the
8 one who told me that Aber was now the wife to Lapwony Ongwen. But by the time
9 I left, she was not yet. But Ayela told me that information, that at the time he
10 escaped, that Aber was his wife, Dominic's wife.

11 Q. [12:21:44] How old was Ayela?

12 A. [12:21:49] Ayela was already an adult, was about -- he was probably nearing 24,
13 25, he was already somebody old enough.

14 Q. [12:22:04] Have you heard of someone called Fatuma?

15 A. [12:22:15] Yes, I heard about Fatuma. I also know her. She was also amongst
16 the girls that was at Dominic's place.

17 Q. [12:22:26] Was she not his wife or was she his wife?

18 A. [12:22:37] Fatuma, at the time I was still there, was not Dominic's wife, and
19 nobody told me even afterwards that she had become his wife. Maybe it was after I
20 left. But while I was still there, she was not his wife, she was just amongst the
21 ting ting. It was Fatuma, Aber. Abwot was also there and some other girls, I now
22 can't recall their names, were the girls that she was -- were at his place, that he was
23 taking care of them.

24 Q. [12:23:14] Where did Fatuma sleep at night?

25 A. [12:23:26] When I was still in the bush, together with the escort, sometimes we

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 would go and get a hoe which we would use. So Dominic's sleeping place is usually
2 set aside and usually there is a tent which is set for the girls and some mothers.

3 Because in one day Dominic would not sleep with all his wives, so these other ones
4 would sleep in that one big tent. And Fatuma was also together with those other
5 mothers and the other girls who would sleep in that one big tent.

6 MR SACHITHANANDAN: [12:24:25] Your Honour, may I seek to refresh the
7 witness's memory using tab 10, paragraph 38.

8 THE COURT OFFICER: [12:24:59] Could you please specify the ERN number, thank
9 you.

10 MR SACHITHANANDAN: [12:25:03] ERN 0266-0050 at page 0054, paragraph 38.
11 I would like to read out the second and third sentences.

12 Q. [12:25:38] Mr Witness, I am going to read from your statement a brief line, and I
13 quote:

14 "I remember there was a Fatuma who was Ongwen's wife. I saw her leaving
15 Ongwen's tent in the morning so I knew she was sharing his bed."

16 Does that refresh your memory, Mr Witness?

17 A. [12:26:13] Well, I'm seeing it, but I, I don't quite remember because, frankly
18 speaking, I don't remember Fatuma sleeping at Ongwen's tent. But she was amongst
19 the girls that I said Ongwen was taking care of. But to sleep with him in -- that I saw,
20 I don't remember.

21 PRESIDING JUDGE SCHMITT: [12:26:43] We have to take it as it is now. Please
22 continue.

23 MR SACHITHANANDAN: [12:26:52]

24 Q. [12:26:56] Mr Witness, you mentioned a few minutes ago that in one day
25 Dominic would not sleep with all his wives so these other ones would sleep in that

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 one big tent.

2 Whose job was it, if any, to fetch his wives to him?

3 A. [12:27:28] I, I have not seen somebody picking a wife and taking to Dominic, but
4 it is upon him to probably feel and decide that he would want to sleep with the wife
5 or somebody today, then he would probably make a choice. But to see that
6 somebody has picked a girl and taken to his tent, I have not seen that.

7 Q. [12:28:02] You mentioned a woman called Min Ayari. When was the first time
8 you saw Min Ayari?

9 A. [12:28:17] It is -- especially Min Ayari and Min Back, I knew them when we were
10 at the bay, when they were already with us, because at the time we were in the
11 convoy, there were no mothers, the mothers were all in the bay. So when we went to
12 the bay, that's when the mothers now started coming.

13 Q. [12:28:53] Do you remember the names of any other mothers?

14 A. [12:29:04] I can't recall now the names.

15 Q. [12:29:12] We are going to another area, Mr Witness. And this focuses again on
16 people between the ages of 10 and 14 in Oka battalion. Without describing your role
17 in any particular operation, could you tell us whether there was any particular
18 procedure for dealing with someone who is abducted at the ages between 10 and 14?

19 A. [12:30:00] When someone is captured, what is usually done is that when
20 you are -- when you arrive and you're amongst people who are going to be in the
21 rebel group, you're actually officially recruited into the army. So the rebel says for
22 them they don't have a pen, so they use a stick and you are beaten, and the smallest
23 number of cane you are given is 50.

24 Then after that, before you begin eating together with the rest of the people that you
25 found there, you are anointed with the shea oil which is usually in a bottle. So you

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 actually take off and you're asked, "Are you ready to serve as a soldier?" Then you
2 say, "Yes", and they ask you, "Do you accept and -- that you're not going to escape?"
3 and then you say, "Yes". And they ask you, "What about if you escape?" Then
4 you'll say, "Then you should kill me". So that is what they instruct you to respond,
5 that you kill me.

6 And after that you are anointed using that shea oil, using the cross, the sign of the
7 cross on your forehead, and also on -- at the back of your palm. So that is what
8 happened. So from that age, from that age group up, upwards to even the older age
9 group. So that is the first step to becoming a soldier in the rebel group. Then after
10 that you are assigned task to do, because any military role is the same for everybody,
11 so you have to learn all those roles.

12 And you are also told that if you don't have any clothings and you get any civilian
13 clothings then you have to take it. You either have to grab it by force, the shoes that
14 you find you have to take them and put on. Then food, there is no granary in the, in
15 the rebel group so you must know that wherever you are moving and you find
16 something to eat, because sometimes people are reminded that there is nothing to eat,
17 so you therefore must be able to know that you have to get some of those food items
18 like flour, or goats, or chicken. So those are the things that you would be doing as
19 part of your role.

20 Then there are other things like is required of you at the position. You have to
21 ensure that when you have not been assigned a particular task then you have to
22 combine and organise or prepare your bed, together with another person.

23 Then also in case the government soldiers attacks the position, you must make sure
24 that you don't leave behind anything, so if you forget and leave any item behind, then
25 you are punished. Then also doing other military roles like going to, for the OP, or

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 going to look for food, going for patrol. And then going for a standby, if you are
2 required to go you have to go. So it is, these are roles that is given to everybody,
3 irrespective of your age, once you are in the LRA group or in the rebel group you will
4 be required to perform those duties.

5 Q. [12:34:29] You mentioned "irrespective of your age," Mr Witness, so does that
6 mean that all these things you described also applied to people between the ages of 10
7 and 14?

8 A. [12:34:51] There was no difference. Once you're initiated or sent on mission
9 you have to perform the exact same tasks as everybody else.

10 Q. [12:35:03] You made reference to being punished. Do you remember any
11 examples of people between the ages of 10 and 14 being punished?

12 A. [12:35:25] Yes, I do recall. I recall on one particular day when we were at the
13 bay Olet, Olet, when soldiers attacked people Olet forgot his gun. There was
14 a young boy who was carrying his gun. The child is the child of Odong Cow's wife,
15 but I do not recall the name, and he was the one carrying the gun. When he went to
16 carry the child he forgot to pick up his gun and combined with the bullets, with the
17 gunfire, he ran and he forgot his gun. He was beaten, he was beaten severely. But
18 luckily he thought about the child and that's why he wasn't killed. But the person
19 who punished him more severely was known as Olwiko (phon), Olwiko scraped his
20 back with a bayonet and Lapwony Kidega was annoyed. He asked that "Why did
21 you do that? If that happens to you, what are you going to do?" But nothing
22 happened to Olwiko but that was the punishment that was given to Olet.

23 Q. [12:36:58] Who, if anyone, ordered this beating?

24 A. [12:37:12] It happened in our position. To my understanding the person who
25 issued the orders for Olet to be beaten because he forgot his gun was

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 Lapwony Kidega. But afterwards when we went on standby, we found that Olet
2 had been punished and Olwiko had also crossed Olet's back with a bayonet and
3 Kidega was annoyed about that.

4 Q. [12:37:51] At the time of this punishment who was Kidega's supervisor?

5 A. [12:38:04] Kidega's supervisor was Dominic Ongwen.

6 Q. [12:38:15] Other than the person who used the bayonet, who else participated in
7 carrying out the beating?

8 A. [12:38:33] You know, when you are in the army, if you, if you breach any rules,
9 if somebody is supposed (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [12:39:20] Mr Witness, I am going to ask you about the escorts of a number of
15 commanders.

16 Did Ot Ngec have any escorts between the ages of 10 and 14?

17 A. [12:39:48] Yes, Ot Ngec had his escorts. Olet, at the time, was under Ot Ngec's
18 household and he was Ot Ngec's escort. Wokorach as well. There was also
19 Ociri (phon), as well as Odokonyero. And there is a young boy who escaped, he was
20 called Komakech, there was another boy called Ayoli. Those were the people who
21 were within that age range. Well, there are some people that I do not recall but those
22 are the people who were Ot Ngec's escorts.

23 Q. [12:40:36] You have mentioned earlier a person called Wokorach. In whose
24 house did Wokorach search?

25 A. [12:40:47] Wokorach was in Ot Ngec's household.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 Q. [12:40:55] Have you heard of someone called Okot Patrick?

2 A. [12:41:00] Yes, I have. Okot Patrick was also among the escorts in Ot Ngec's
3 household.

4 Q. [12:41:15] When you first met Okot Patrick, how old was he?

5 A. [12:41:28] Okot Patrick wasn't very old, a very old person. Well, to my -- the
6 maximum age or the maximum estimation is about 15 and that is the age I guess he
7 was.

8 Q. [12:41:48] Did Odong Cowboy have any escorts between the age of 10 and 14?

9 A. [12:42:02] Odong Cowboy had escorts who were approximately, in my opinion,
10 approximately 14. He was a young boy and he was called Onen. Onen was from
11 Kitgum.

12 Q. [12:42:28] You mentioned earlier a person called Okumu. In whose house did
13 Okumu serve?

14 A. [12:42:38] Okumu was also in Cowboy's household. He was, he was also one
15 of his escorts.

16 Q. [12:42:50] How old was Okumu the first time that you met him?

17 A. [12:43:01] Well, I would guess that he is about 15, 15 going on 16, because he
18 was older than Onen.

19 Q. [12:43:23] Do you recall whether Agweng had any escorts between the ages of
20 10 and 14?

21 A. [12:43:36] I remember -- I do recall Agweng's escorts. The oldest was a boy
22 from Acholi Bur known as Oyet Agaci, perhaps 14 or 15 years old.

23 Q. [12:44:13] Now I asked you this on Friday, at least I believe the Presiding Judge
24 asked you this, but I will ask you again today: For the ages you have mentioned
25 today, how are you making these assessments of age?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 A. [12:44:36] My assessment is based on the person's, the visual size of the person.
2 If, for example, I look at somebody and they appear smaller or I am bigger than them,
3 then I would estimate that they are younger. If on occasion I look at somebody and
4 he is bigger than me, then the estimation is that he is older than me. If the person is
5 the same size with me, then I would estimate that they are the same age with me and
6 that's my assessment of the ages.

7 Q. [12:45:19] Was it only size you look at or is there any other factor that you
8 would consider?

9 A. [12:45:35] I would look at the size. I would look at their mannerisms or their
10 characteristics because some people appeared younger and weaker. There are some
11 people who were very small and had difficulty walking, so those are some of the
12 assessments I would use as well.

13 Q. [12:46:08] Mr Witness, you mentioned someone called Okot Dego. Without
14 mentioning your role in any operation could you please tell us how Okot Dego
15 became part of the LRA?

16 A. [12:46:33] Okot Dego was abducted. He was abducted close to an area next to
17 Pader town. There was one day when we passed through that area, a bomb was
18 thrown into the town. We walked through an area known as Oluo and that's where
19 Okot Dego was abducted. To my estimation, Okot Dego was approximately 12 or 13.
20 The maximum age I would give him is 13. And that's how he became a soldier
21 within the LRA.

22 Q. [12:47:23] Who was the commander on the ground at the time of Okot Dego's
23 abduction?

24 A. [12:47:35] When Okot Dego was abducted Dominic Ongwen was the overall
25 commander.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 Q. [12:47:49] Was this when you were in convoy or was this when you were at the
2 bay?

3 A. [12:47:58] No, we were in the convoy.

4 Q. [12:48:00] What were the tasks of Okot Dego?

5 A. [12:48:12] Okot Dego was responsible for the same tasks as everybody else was
6 performing. He was an escort. When we were at Lapwony Kidega's he was among
7 Kidega's escorts. He also, he performed the same duties, going on patrol, going to
8 the outpost, to the OP. Going to pillage foodstuff. And going on attacks, if it's
9 necessary. So he performed the same duties everybody else did.

10 Q. [12:49:08] Can you tell us an attack that Okot Dego went on, if you remember.

11 A. [12:49:19] Okot Dego went to the attack at the time we were going to Awere, he
12 was among us. He also went to missions, looting foodstuff. When we went to
13 Lacekocot he was also part of the group, he also was involved in a number of other
14 activities.

15 Q. [12:49:49] At Awere what were the functions or role of Okot Dego?

16 A. [12:50:02] At Awere he was among the people who went to the centre. At the
17 centre he was part of the group that went to loot and also to perform other activities.

18 Q. [12:50:23] Have you heard of someone called Apenyo?

19 A. [12:50:30] Yes, I have.

20 Q. [12:50:33] When you first met him how old was Apenyo?

21 A. [12:50:42] Apenyo was approximately 15.

22 Q. [12:50:50] Is he alive now or has he passed away?

23 A. [12:50:57] Apenyo is deceased.

24 Q. [12:51:01] Please tell us how he died?

25 A. [12:51:10] When we went to -- at the time we were in an area known as Koome.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 There is a river somewhere in Gulu, the river is called Koome. When we got to
2 Koome the positions had been divided. We were waiting for a group that had gone
3 to Paicho. When the -- the group came back because they had been attacked and
4 they did not come back with anything substantial. At the time I was on the outpost
5 it was still daylight. You would go and spend the night there.
6 In the morning, at approximately 8 or 9 a.m. they sent somebody to come and relieve
7 me from the outpost. The person came and replaced me and I went back to the
8 position. When I went back to the position I heard somebody being beaten at
9 Dominic Ongwen's household. We asked who is being beaten or why are those
10 people being beaten. The position informed us that we were also going to be taken,
11 so the people who went on standby came back with a jacket and gumboots. They
12 were told that all the jackets should be sent because those were, those jackets
13 belonged to the movement. So the guys, the people that were being beaten had
14 taken the jackets that belonged to the movements and they had not been officially
15 given those jackets. I did not have any gumboots. I went back to the OP, to the boy
16 who had relieved me, and I stayed there.
17 Some, another boy came to bring us water and some groundnuts. He brought it to
18 the boy who had relieved me. He placed the things down and he went to ease
19 himself. When he was about to squat down to ease himself he met, he came across
20 soldiers. The soldiers came from Lapwony Odomi's household. The boy saw the
21 soldiers and they were already close to where we were. The boy started running
22 and he ran back towards the position. He ran, he met us. I asked him "Why are
23 you running?" He did not respond. I asked again "Why are you running?" He
24 did not respond. He kept on running silently.
25 I stayed there. Then the boy who had come to relieve me, Apang (phon), he was

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 a little boy, he grabbed his gun and started running. I, I stayed, I stood my ground,
2 because sometimes if you run without actually seeing the soldiers then you may be
3 running for nothing because you may be running away from your fellow rebels.
4 When I saw the soldiers coming, there were about five soldiers, they were running.
5 And I also started running. I started running behind trees, I hid behind trees.
6 When I hid behind the trees I went to my position, I put on my gumboots, I took
7 my -- and I picked up my gun.

8 Q. [12:55:01] Sorry to stop you, Mr Witness, this is very useful. But could you
9 move in a few sentences to the moment where Apenyo passes away.

10 A. [12:55:23] When the soldier started attacking us, Lapwony Kidega, myself,
11 Otema, Korea and some of the other boys and people from Lapwony Odomi's
12 household, when the soldiers started attacking people we stayed behind, we stayed to
13 guard people. We started running, we met Apenyo. Apenyo had been shot. He
14 had been shot in both thighs and both thighs had been broken. We attempted to pull
15 him, to drag him, but we could not take him because we were under hot pursuit.
16 We left him and we ran. When we came back later, when the patrol came we found
17 that the patrol reported that Apenyo had been killed.

18 Q. [12:56:27] During your time in the LRA have you ever heard the word "kadogo"
19 or "kadoge"?

20 A. [12:56:40] Yes, I have.

21 Q. [12:56:41] Please tell us the meaning of that term.

22 A. [12:56:52] When they talk about a kadogo, they are talking about small boys,
23 those are the ones who are referred to as kadogo. If they refer to them as kadoge,
24 that's in plural.

25 Q. [12:57:11] When you say "small boys" what is the age range you are talking

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 about?

2 A. [12:57:20] Well, they are small boys, perhaps 10, or perhaps 11 -- sorry, perhaps
3 15 downward. So 15, 16 and under, those are the ones who are referred to as
4 kadogo.

5 Q. [12:57:43] Have you ever heard the term "okurut"?

6 A. [12:57:49] Yes, I have.

7 Q. [12:57:52] Please tell us what that means.

8 A. [12:58:06] An okurut is somebody who has been newly abducted and the person
9 is still being trained, is still being trained to be part of the army. And it's part of the
10 training and also sometimes it also, until he -- while working as well, those are the
11 people who are referred to as recruits.

12 Q. [12:58:38] Is there a particular age range that applies to the concept of okurut?

13 A. [12:58:49] No. No, there is no age defining a recruit. Because if you are still
14 being trained, then regardless of the age that you were abducted, if you are abducted
15 at the age of 30, 35 and they decide to keep you in the bush, somebody who is 13,
16 somebody who is 12, 10, 11, once the decision has been made to keep that person the
17 person would be called a recruit, so there is no difference.

18 MR SACHITHANANDAN: [12:59:27] Your Honour, I'm afraid I have not managed
19 to finish. Perhaps 45 minutes.

20 PRESIDING JUDGE SCHMITT: [12:59:35] You have not promised it definitely. So
21 how much longer would you need?

22 MR SACHITHANANDAN: [12:59:41] I think 45 minutes to an hour maximum.

23 PRESIDING JUDGE SCHMITT: [12:59:45] Then we have now the lunch break until
24 2.30.

25 THE COURT USHER: [12:59:50] All rise.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 (Recess taken at 12.59 p.m.)

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

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

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [14:30:59] Mr Sachithanandan, you have the floor.

6 MR SACHITHANANDAN: [14:31:02] Thank you, your Honour.

7 Q. [14:31:11] Mr Witness, we've discussed extensively the idea of abductions,

8 both of women and of men. Do you recall ever hearing of a time where abductions

9 were forbidden in the LRA?

10 A. [14:31:45] Yes, I do recall.

11 Q. [14:31:50] Please tell us in detail what you know about that.

12 A. [14:32:03] There was a time when I heard that women -- when I say "women",

13 I'm also referring to the young girls who were now -- who were not to be abducted.

14 That was the time when this instruction of not abduction -- not doing abduction was

15 given.

16 Q. [14:32:37] Around when in your time in the LRA did you hear this?

17 A. [14:32:53] We were still in the convoy. That is when I heard that we should

18 not abduct young girls. That was when I heard. We were still in the convoy.

19 Q. [14:33:14] And from who did you hear this?

20 A. [14:33:25] I heard this information from some soldiers, some soldiers that we

21 were with together. We were in the same group.

22 Q. [14:33:43] Do you remember their names?

23 A. [14:33:52] I heard from Odokonyero and Ocitti, and then I would also hear

24 from some people along the way as we were to be moving.

25 Q. [14:34:09] During this time where abductions were forbidden, did you ever see

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 abductions take place or was that not the case?

2 A. [14:34:30] At that time, I did not see any girl who was abducted, but in the
3 event that the girl were -- was abducted, then she would be released.

4 Q. [14:34:57] You mentioned the abduction of Sunday and Lakica. Was this
5 during the forbidden period or outside the forbidden period?

6 A. [14:35:19] Sunday and Lakica were abducted -- were abducted when we were
7 in the bay, but I did not hear at that time of any stopping of abduction.

8 MR SACHITHANANDAN: [14:35:42] Your Honour, may I refresh the witness's
9 memory?

10 PRESIDING JUDGE SCHMITT: [14:35:47] Yes.

11 MR SACHITHANANDAN: [14:35:48] This is tab 9. That is, 0260-0039, at
12 page 0064, paragraph 141.

13 Q. [14:36:04] Mr Witness, I'm going to read out a little excerpt from your
14 statement. I quote now:

15 "I recall that we were told that it was a time when no abduction of girls was to be
16 taking place in the LRA, and this is what I was hearing from the LRA fighters. But I
17 saw girls being abducted during this period within Oka Battalion. These girls would
18 have to be taken to Ongwen's home."

19 Does that refresh your memory, Mr Witness?

20 A. [14:36:53] Yes, this reminds me. This happened at the time when people
21 were in the bay. And, you know, when you're in the bay, not many people are
22 required to be at the bay. So when there are some young people who -- who are
23 trusted that they cannot escape and would bring soldiers to the position where people
24 are, then at this time the issue of abduction was stopped. So for the young girls who
25 are -- believe that they cannot escape, then they're the ones who are left to stay, but

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 the old ones are the ones that are captured and would be released after carrying items.

2 And also this has reminded me, yes, it was happening at that time.

3 Q. [14:38:12] Sorry, just so that I understand. When you say, "Yes, it was
4 happening at that time," what time are you talking about?

5 A. [14:38:28] At the time when Dominic Ongwen was injured and he was at the
6 bay.

7 Q. [14:38:38] Right. And were abductions officially forbidden at this time or
8 were they not?

9 A. [14:38:55] At this time, it was not that only girls were not to be abducted, but
10 also other elderly or older people who -- who would be captured and are kept among
11 the convoy and they would continue with the group. And sometimes if these people
12 were required, they would be included as LRA fighters, but at this time they were
13 also not supposed to be abducted. But when we see that there are those who would
14 not be able to escape, then those ones would be kept. But there was no express
15 orders that were given that there should be no abduction. So the peoples that I've
16 named, like Lakica and Sunday, apart from these two, there was not any other person
17 who was abducted and released.

18 Q. [14:39:58] Do you know who forbade or forbad the abduction of women at this
19 time?

20 A. [14:40:23] At that time in that group, I believe the orders could have come
21 from the person who was in charge of that group which in this case was
22 Dominic Ongwen.

23 Q. [14:40:41] I think I haven't fully understood. So during the time of the
24 abduction of Lakica and Sunday, was it authorised in the LRA to abduct people, or
25 was it not?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 A. [14:41:01] From our group, when we were at the bay, just as I've said,
2 abduction was not required, especially when you abduct somebody who is going to
3 escape and then would again report our position and the army would follow us. But
4 also when we are also in the convoy, I would not know exactly what was happening,
5 but at least I know that when we were at the bay that is what happened.

6 Q. [14:41:53] Did you ever come to know of any abductions that took place at a
7 school?

8 A. [14:42:16] I -- I don't remember now at this point in time.

9 Q. [14:42:26] Have you ever heard of abductions that took place in Kitgum
10 Matidi?

11 A. [14:42:41] I have not got that question clearly.

12 Q. [14:42:47] Have you ever heard of abductions that took place in a location
13 named Kitgum Matidi?

14 A. [14:43:09] I have not heard of any abduction in Kitgum Matidi, but what I
15 heard about was an attack in Kitgum Matidi which was done by another group which
16 did -- which conducted the attack, but I didn't hear anything about any abduction in
17 Kitgum Matidi.

18 Q. [14:43:37] Mr Witness, we discussed earlier a person called Abwot. How
19 many people did you know in Oka battalion with the name Abwot?

20 A. [14:44:01] I know of one person. If I can remember her full names,
21 Concy Abwot, but the other one now I can't remember.

22 Q. [14:44:16] And this person, whose household did she live in?

23 A. [14:44:25] The one I am talking about was staying at Ongwen's place, the one
24 who was beaten.

25 Q. [14:44:36] You mentioned at some point becoming the escort of Kidega. Why

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 did you become Kidega's escort?

2 A. [14:45:02] Well, I -- I don't know when he decided to pick me to be his escort.

3 I don't know what came in his mind for picking me as his escort.

4 Q. [14:45:16] Whose escort were you before being Kidega's escort?

5 A. [14:45:29] I was Odong Cow's escort.

6 Q. [14:45:36] Why did you stop being Odong Cow's escort?

7 A. [14:45:46] Odong Cow had already escaped, so at the time when Odong Cow
8 was still in the bush I was his escort and so there is that he would go for an operation
9 and Kidega would remain behind, then Kidega would request him that I should
10 remain to help him do some other assignments, like carrying his gun, washing his
11 clothes and other things. So when Odong Cow escaped I remained and continued
12 working as Kidega's escort.

13 So while I was still Odong Cow's escort we would do, work in turns with Ongwech,
14 Olet, and Onen and some other people. We would work in turns as Cow's escort.

15 Q. [14:47:02] Could you please describe to us the escape of Odong Cow?

16 A. [14:47:23] At the time when we were selected to go for an operation we moved
17 together with him, so when we reached that place we split, he went in another group
18 and myself and Kidega went with another group. So from there he, he went and
19 never returned. But for us we went and returned back to the base. When we
20 returned we found that the place where we were supposed to meet the main group
21 had been attacked by the government soldiers, so we then went and met the other big
22 group, that is when we learnt that Odong Cow and some other people had escaped.

23 Q. [14:48:22] Who were the people who escaped with Odong Cow?

24 A. [14:48:35] The people who escaped together with Odong Cow were -- included
25 Ongwech, Otto Nyinye, there was also Kiza, then there was also Ngec, some other

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 people I can't recall their names now.

2 Q. [14:49:16] You mentioned Otto escaped, was Otto part of your unit at this time
3 or was he part of some other unit?

4 A. [14:49:33] Otto, when we were in the bay, he would also come there in our
5 unit.

6 Q. [14:49:42] You mentioned Kiza. How old was Kiza the first time you met
7 him?

8 A. [14:49:56] Kiza was about 13, 14 years old.

9 Q. [14:50:05] In whose household did Kiza serve?

10 A. [14:50:14] Kiza was Otto's escort.

11 Q. [14:50:21] You mentioned earlier a person called Onen. Where was Onen at
12 the time of Odong Cow's escape?

13 A. [14:50:38] Onen, when Odong Cow escaped, he actually went together with
14 Onen because he was actually his escort. I was working with him in the bay.

15 Q. [14:50:53] Did Odong Cow escape during convoy or during the bay?

16 A. [14:51:04] When Odong Cow escaped we were all at the bay.

17 Q. [14:51:13] Mr Witness, we're going to switch to another area, and this is the
18 area of radio calls or radios.

19 During the time you were in convoy did Mr Ongwen have a radio?

20 A. [14:51:49] There was a radio call.

21 Q. [14:51:50] Please describe to us how the radio call was used within the
22 Oka battalion?

23 A. [14:52:09] Radio call was left to radio signallers who would carry them, so
24 from about 10 a.m. that's when I would see they put up the antennas, and then
25 sometime -- and then Ongwen would come and communicate. But, of course, the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 communication usually is not plain, so even when somebody is speaking close to me I
2 wouldn't understand what they were saying.

3 Q. [14:52:48] What was the name of the signaller in Oka battalion?

4 A. [14:52:59] There was not only one person, but the person that I knew who was
5 very close to him was called Alex.

6 Q. [14:53:11] Please describe to us the functions carried out by Alex?

7 A. [14:53:25] His roles, I would see many times him carrying the radio call
8 equipment, then some of the people who are also with him would carry the solar
9 batteries and the panels, and then at the time when now there is need for
10 communication, then they would put up the antenna. So these were the things I
11 would see them do in relation to the radio call equipments.

12 Q. [14:53:57] Usually, how many times a day would Mr Ongwen speak on the
13 radio?

14 A. [14:54:16] Sometimes when they communicate it could be around 10 a.m., if
15 there was no major event. Then around midday I see another antenna put up.
16 Then late in the evening, around four, 4 p.m. to 6 p.m. then they also communicate.
17 But at least three times a day, sometimes it may not even be three times.

18 Q. [14:54:55] You said "if there was no major event". What kind of major event
19 would be discussed on the radio?

20 A. [14:55:19] The kind of things that are communicated on radio sometimes
21 are -- the language they use, it's a bit difficult, so I may not know what exactly they
22 are talking about. But when -- when I say that if there are no major event, especially
23 in relation to movement to a certain place or going to an RV, or maybe there are
24 no -- there is no follow up by the government soldiers, then, yes, they can
25 communicate several times during the day.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 Q. [14:56:03] You said the language they use is a bit difficult. Could you please
2 explain?

3 A. [14:56:23] Why I say the language is a bit difficult, if I give as an example, if I
4 want to tell you that Okello, then I can start by saying -- by using a mix of words so
5 that that A would be the last letter of the word Okello and yet should have ended
6 with an O. So I can say pick from the last word and put it as the first. So in that
7 way it will bring for you a clear sentence, then you can know that this is the name that
8 I am referring to. So when you have mixed up words like this, you may not be able
9 to understand what exactly is being communicated. So it requires -- it requires that
10 it -- it requires deeper analysis that sometimes you may not even know what is being
11 said and yet they could maybe be talking about you and yet you cannot even
12 understand what they're saying. So that's just an example I can give.

13 Q. [14:57:45] How -- how do you know this? Did you see this with your eyes or
14 hear it with your ears?

15 A. [14:58:02] I -- there are some boys that I would stay with, they are the ones that
16 would tell me as we were talking. Because sometimes they even say that they
17 themselves don't understand what is being said; for example, if they say we're going to
18 cut gomci, that means we should know that they are crossing the road. So this is,
19 usually we get this information from those who have already stayed longer in the
20 bush. So that is how I got that information.

21 Q. [14:58:42] These boys from whom you got this information, in whose house
22 did they serve?

23 A. [14:58:58] These boys are usually -- for example, in our group we would have
24 people like Okumu, Odokonyero, and, you know, for example, in the military work
25 you sometimes have people from other places like from Ongwen's place or in other

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 positions so you can all be at the same place, then you can share amongst yourself.

2 Q. [14:59:34] Have you ever heard of someone called Opoka Signaller?

3 A. [14:59:47] Yes, I heard about Opoka Signaller.

4 Q. [14:59:52] Who is he?

5 A. [15:00:00] I heard the name Opoka Signaller and my understanding of Opoka

6 Signaller was at the time that we were in the bay Odokonyero, who was at the time

7 Ot Ngec's escort and he was with Cow at the time. Opoka came to the bay and said

8 that he wanted to take Odokonyero. I believe at some point in time Odokonyero

9 stayed with him. He said he wanted to take Odokonyero. Odokonyero refused.

10 He said that when he had -- when he was in problem, when he had trouble, the guy

11 did not want him so why does he want him now. So he said Odokonyero was

12 insubordinate so he beat Odokonyero and they made a decision that Odokonyero

13 should stay wherever he wanted. And it was Odokonyero who informed me that

14 that is Opoka Signaller and that is the Opoka that he had previously stayed with.

15 Q. [15:01:16] Did you see Opoka Signaller with your eyes or is this something you

16 just heard?

17 A. [15:01:22] No, I did not just hear it, I actually did Opoka Signaller when he

18 came to the bay. At the time we were in the bay I did not hear anybody say that. I

19 actually saw him personally. But to understand about Opoka Signaller's character,

20 that was from Odokonyero, but I did actually personally see him. It was

21 Odokonyero who told me at some point when he was injured Opoka Signaller left

22 him, so now he's come back and he wants him back and he does not want to go back

23 to him.

24 Q. [15:02:05] Why was Opoka Signaller called "Signaller"?

25 A. [15:02:19] My understanding of this is that because he was a radio operator

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 and that's why I -- I earlier, I told you earlier that I knew some other person who was
2 called Alex Signaller.

3 Q. [15:02:44] Mr Witness, we're going to move on to another area now and that is
4 the issue of discipline. We have talked a little bit about this already.

5 You mentioned that there are rules regarding sexual relations and about escaping.

6 Were there any other rules within Oka battalion that you know of?

7 A. [15:03:33] I knew about the rules prohibiting escapes. I also knew about the
8 rule regarding sexual relations and sexual intercourse. Well, I cannot remember any
9 other at the moment.

10 Q. [15:03:56] Now, for example, if you were given an order when you were in
11 Oka battalion was it open for you to refuse to comply with that order?

12 A. [15:04:27] If you refuse to follow any instructions or if you decide to escape
13 knowing full well that you've been instructed not to escape, if you escape and you're
14 lucky and you're not caught, then that's your good luck. But if you're unlucky and
15 they get you, they apprehend you, if a commander is lenient, then the commander
16 will punish you. But when we talk about escapes the severest punishment for
17 escapes were death. If you try to escape, it's death. There was nothing other than
18 death.

19 The other thing, if they find out that you've had sexual intercourse with a girl, then
20 the only punishment for that is death. If you're lucky, which happens very rarely,
21 then you're punished. But the rules are very severe in this regard.

22 Q. [15:05:39] Within a coy or a dog adaki, in Oka battalion, who is the person
23 responsible for maintaining discipline?

24 A. [15:06:06] The person in -- responsible for discipline -- well, the soldiers or the
25 group that you're with, if you're a newly abducted they inform you, the veterans

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 would instruct you of the procedures, or the commander in whose command you
2 were would also inform you. If that commander decides that every morning you
3 should go and greet him, ask him how he spent the night, then that is -- those are
4 some of the things that you're being instructed and that's the kind of discipline or
5 respect that we were taught.

6 Q. [15:07:05] Right. Now this is within a coy. But now let's think beyond the
7 structure of a coy, let's say there is a dispute between two coy commanders, then who
8 is in charge of settling or ruling on that dispute?

9 A. [15:07:36] There is no other person other than the overall commander. If the
10 person is in a battalion, then it is the battalion commander who has to ensure
11 that -- who has to settle the matter. Nobody other than that commander.

12 MR TAKU: [15:07:59] Your Honours, just for the record, we would like my
13 colleague if he's talking about a company just say company for the record, because
14 these jargons, coy and others, may be known to the witness, but for the purpose of the,
15 of the transcripts and the proceedings also know what is coy, also say company if it is
16 company. If dog adaki is company he should clearly make that very clear for the
17 record.

18 PRESIDING JUDGE SCHMITT: [15:08:25] Yes, why not ask the witness what he
19 understands by coy, and afterwards what he understands by dog adaki.

20 MR SACHITHANANDAN: [15:08:33] Of course, your Honour.

21 Q. [15:08:35] Mr Witness, what do you understand by a coy? Is there another
22 name for a coy?

23 A. [15:08:52] This is what a coy resembles, a coy could be part of a battalion. Let
24 me explain something. If for example, for example, let's take Oka battalion, the coy
25 would be in the headquarters. You start from the headquarters, you go to the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 operation room, you go to the B coy, you go to the A coy, and then the intelligence
2 officers. And that is what a coy is.

3 But dog adaki is different. Within each coy there are a number of positions and
4 the -- for example, the, the soldiers at the dog adaki and the commanders are
5 within -- inside. If, for example, I have just been newly abducted, if I'm in a
6 particular coy, then I'm at a dog adaki. There are soldiers who instruct you or who
7 train you and the coy commander can decide that when you wake up in the morning
8 you go and greet him, then that coy commander is different from the battalion
9 commander because the battalion commander may also issue his own instructions.

10 MR SACHITHANANDAN: [15:10:25] Your Honour, and hence I will use the
11 language of the witness because I cannot give evidence in Court.

12 PRESIDING JUDGE SCHMITT: [15:10:33] That is absolutely true. But what
13 would be interesting is how many people would constitute a coy and how many
14 people would constitute a dog adaki.

15 MR AYENA ODONGO: Your Honour.

16 PRESIDING JUDGE SCHMITT: [15:10:49] Can you give evidence, Mr Ayena.

17 MR AYENA ODONGO: No, I can't give evidence, but maybe I can give useful, you
18 know.

19 PRESIDING JUDGE SCHMITT: [15:10:57] Yes.

20 MR AYENA ODONGO: [15:10:59] Your Honour, we are talking about battalion,
21 we are talking about a coy, we are talking about dog adaki. Now, I thought it would
22 be useful for him because it seems these are breakdowns in the structure. It would
23 be useful if the witness was asked to tell Court, for instance, in one battalion how
24 many coys would be there, and then dog adaki. There seems to be two words there,
25 well, I know there are two words, I am not giving evidence. What is dog and then

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 what is adaki. It would be very useful if they went that way.

2 PRESIDING JUDGE SCHMITT: [15:11:47] One comment by me: That sounds

3 very reasonable, and from the last answer of the witness I would not conclude that it

4 was absolutely clear. So we really perhaps would have to try to break it down a

5 little bit in its parts and pieces. So please try to do that, Mr Sachithanandan.

6 MR SACHITHANANDAN: [15:12:07] Absolutely, your Honour. Could we go to

7 annex 6 -- or, rather, tab 6 of the binder. The ERN is 0266-0070. And this can

8 actually be public because I don't see a signature.

9 PRESIDING JUDGE SCHMITT: [15:12:32] That's correct.

10 MR SACHITHANANDAN: [15:12:41]

11 Q. [15:12:42] Mr Witness, do you see the image on your screen?

12 A. [15:12:51] There's nothing on my screen. Yes, I do now.

13 Q. [15:12:55] Mr Witness, who drew this image?

14 A. [15:13:05] I did.

15 Q. [15:13:06] Could you please explain to the Court what this image is?

16 A. [15:13:28] The circles, the circles -- when I -- when I was speaking earlier on

17 about having a headquarters in a battalion, having a headquarters -- then there's a coy,

18 and that is, the circles show the coys, represent the coys. So if the various positions

19 on this diagram -- for example, you see the circles. The circles representing the coys

20 are also encircled on the outside and that represents the dog adaki. I believe on

21 Friday I tried to explain it a little bit. And that's what represents -- the circles, the big

22 circles represent the coy and the smaller circles represent the dog adaki. If, for

23 example, if Dominic Ongwen's coy is -- household is a coy, then he's not at his

24 household on his own. I don't know if that makes it any clearer.

25 Q. [15:14:35] Let me break it down one by one. Now, who are the coy

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 commanders in this image?

2 A. [15:14:59] The coy commanders is -- let's start from the top.

3 Dominic Ongwen was one of them. We also have other coy commanders, like

4 Ot Ngec. We have Odong Cow. There is also Ariang. There was also Van Dam.

5 Gereng. All these were coy commanders. There was also Agweng. And that's

6 how it -- that's how they're set out.

7 Q. [15:15:38] How many people are there approximately in one coy?

8 A. [15:15:54] In each coy you do not find an exact number of people. For

9 example, if we are talking about the headquarters which is Dominic's home,

10 Dominic Ongwen's home, you have more people. There are soldiers, you have the

11 newly abductees, those who are being trained; you also have girls, the girls who are

12 being taken care of in his home. So if you go to Ot Ngec's home, the number of

13 people is less than the number of people in Odong Cow's home. He has

14 people -- boys who are at the dog adaki. He also has his wives and women in his

15 household. If -- there are a number of people, but each home, each home had a

16 different number of people.

17 Q. [15:16:47] Now, when you were in Ot Ngec's home, how many people

18 approximately were in Ot Ngec's home?

19 A. [15:17:00] Ot Ngec, if you compare it to the headquarters, the headquarters

20 that I have circled, you have Eva; there was Aryemo. If you -- there are a number of

21 escorts, for example, the escorts on duty like Odokonyero. Perhaps Olet would also

22 be in his coy and Wokorach as well. And that is just in the headquarters.

23 But within the dog adaki, myself, Ociri would also be there. Okello Pokot would

24 also be there. And also a number of other people, Okoroyot (phon), Okot Ayoli.

25 There are also many people, a lot of people on the dog adaki, and that's how it's set

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 up.

2 Q. [15:18:00] So am I correct in understanding that dog adaki is a part of a coy or
3 a part of a household; is that correct?

4 A. [15:18:17] Yes, that might -- yeah, that's correct because that -- from the coy,
5 the dog adaki are put there to represent the security.

6 MR AYENA ODONGO: Your Honour.

7 PRESIDING JUDGE SCHMITT: [15:18:33] Mr Ayena, please, perhaps you can
8 further assist us, so to speak.

9 MR AYENA ODONGO: Yes. Adaki means andaki (phon). Andaki is a trench.
10 So when they say dog adaki, it means defensive position. And thereby coy, I want to
11 believe that it is a company under the structure of a battalion. In one battalion there
12 would be so many companies: Battalion commander, company commanders, unit
13 commanders, and so on and so forth. Well, I'm not giving evidence, but I thought
14 since we are -- we seem to be going in circles and we want to go faster, in case it helps,
15 it doesn't have to be bound by it, but I thought it would help Court.

16 PRESIDING JUDGE SCHMITT: [15:19:35] Thank you very much for that. I think
17 we should move on now. Of course, the differentiation of battalion and company
18 and so forth is also known to the Bench, so if it is like that, yeah, it is easier to
19 understand, so to speak.

20 Please continue, Mr Sachithanandan.

21 MR SACHITHANANDAN: [15:19:55] Thank you, your Honour.

22 Q. [15:20:09] Mr Witness, since we're looking at this image, you can see here
23 looking from the top in this hierarchy, the number 3 here is Intelligence Officer
24 Agweng. What were the functions of Intelligence Officer Agweng?

25 A. [15:20:37] Agweng's functions, the first -- the first one, if for example the

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 soldier that was captured, he was interrogating the captured soldier. I also know
2 that he was responsible for -- for sending people on -- to survey or sending people on
3 surveys.

4 Q. [15:21:15] Could you explain that? What do you mean by sending people on
5 surveys?

6 A. [15:21:28] My understanding of this is to ensure that wherever people are,
7 there's harmony; for example, taking patrols on -- distant patrols. And at night there
8 were also people who he had selected, people who were on duty. And when you
9 finish your duty, people who'd been taken to their LPs or the OPs are not sleeping
10 without being on guard.

11 Q. [15:22:26] You mentioned the phrase "operations room". Could you please
12 tell us what the operations room is?

13 A. [15:22:43] An operation room -- if, for example, there is a convoy, a convoy
14 that is going somewhere on operation, the person who works in the operation room
15 and the battalion commander are the only people who know where these people are
16 going. They're the only people who are privy to the plan. It's the operation room
17 which communicates with the battalion commander and it's the battalion commander
18 who gives the operation room the authority to select people. And that is what the
19 operation room does.

20 Q. [15:23:42] So looking at this image, who of these persons were in the
21 operations room?

22 A. [15:23:56] Ot Ngec was in the operation room.

23 Q. [15:24:04] During the time that Ot Ngec was alive, who was second in
24 command to Dominic Ongwen?

25 A. [15:24:17] It was Ot Ngec. Ot Ngec who was in the operation room, he was

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 deputy to Dominic Ongwen.

2 Q. [15:24:23] After Ot Ngec passed away, who was second in command to
3 Dominic Ongwen?

4 A. [15:24:34] After Ot Ngec's death, it was Odong Cow.

5 Q. [15:24:40] What is the role and function of the second in command in
6 Oka Battalion?

7 A. [15:24:59] The second in command in Oka Battalion works together with the
8 battalion commander. His tasks are to understand what has to be done and then he
9 comes and instructs everybody else and informs the other members of the group
10 what needs to be done.

11 Q. [15:25:34] Mr Witness, we're going to discuss something else now.

12 Your Honour, could we go into private for about 5 to 10 minutes?

13 PRESIDING JUDGE SCHMITT: [15:25:46] Private session.

14 (Private session at 3.25 p.m.)

15 THE COURT OFFICER: [15:25:50] We are in private session, Mr President.

16 MR SACHITHANANDAN: [15:26:07]

17 Q. [15:26:08] Mr Witness, have you heard the phrase "to prepare a place"?

18 A. [15:26:27] Pardon?

19 Q. [15:26:28] Have you heard in LRA anyone use the phrase "to prepare a place"
20 or "to make a place for someone"?

21 A. [15:26:43] Yes, I have.

22 Q. [15:26:44] Please explain what that means.

23 A. [15:26:56] The phrase to prepare a place, to my understanding if, for example,
24 we arrive at a certain position, if I'm an escort of that commander and that
25 commander -- once the position has been set and the commander asks -- instructs me

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 and says, "Okay, this is where I want to stay, prepare my place." Then I would get a
2 hoe, clear up the place and get everything ready so that the commander can rest there.
3 Well, that's my understanding of it. If I did not answer the question properly, then
4 put it to me in another way.

5 Q. [15:27:56] Was there any particular phrase used in the LRA when orders were
6 given to kill someone?

7 A. [15:28:24] If they do not want to say it directly that the person should be killed,
8 they would say let that person rest, let the person rest in peace.

9 (Redacted)

10 (Redacted)

11 A. [15:29:10] Yes.

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 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – Private session.

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Open session at 3.41 p.m.)

18 THE COURT OFFICER: [15:41:40] We are back in open session, Mr President.

19 MR SACHITHANANDAN: [15:41:59] Mr Witness, you mentioned knowing
20 someone called Oyenga. When was the first time you saw Oyenga?

21 A. [15:42:10] I knew Oyenga from the bay.

22 Q. [15:42:19] What was his role and function?

23 A. [15:42:33] Oyenga was in another bay, that bay was separate from ours, but
24 sometimes our group when they go for operations we would pass via Oyenga's group
25 and sometimes we pick people from Oyenga's group and we go with them for an

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 operation. So -- but I would hear the -- they would refer to that bay as Oyenga's bay,
2 so I, therefore, knew that he was the one in charge of the group in that bay. Apart
3 from that I don't have much information.

4 Q. [15:43:22] Do you know who Odoki is?

5 A. [15:43:33] No, I don't know.

6 Q. [15:43:39] Do you know who Okello Wod Lango is?

7 A. [15:43:54] I don't know.

8 MR SACHITHANANDAN: [15:43:55] Can we please look at tab number 2, this is
9 confidential, 0127-1564. Could the court officer please zoom into the photograph on
10 the top right.

11 Q. Mr Witness, do you see a document on your screen?

12 THE INTERPRETER: [15:44:56] Sorry, could the witness, could the witness say the
13 response again, your Honour.

14 PRESIDING JUDGE SCHMITT: [15:45:04] Could you please repeat your response.
15 Perhaps you ask the question again and then he might answer again.

16 MR SACHITHANANDAN: [15:45:28]

17 Q. [15:45:28] Mr Witness, do you see this photograph in the form in your
18 computer?

19 A. [15:45:38] Yes, I can see.

20 Q. [15:45:40] Do you recognise this photograph?

21 A. [15:45:53] I don't remember now.

22 MR SACHITHANANDAN: [15:45:59] Your Honour, I'll have to ask a clarifying
23 question, but I think it will have to be done in private.

24 PRESIDING JUDGE SCHMITT: [15:46:05] Private session.

25 (Private session at 3.46 p.m.)

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

- 1 MR SACHITHANANDAN: [15:46:12] Could the court officer please zoom out.
- 2 THE COURT OFFICER: [15:46:16] We are now in private session.
- 3 MR SACHITHANANDAN: [15:46:22] Sorry.
- 4 PRESIDING JUDGE SCHMITT: [15:46:30] I think this could really be shortened
- 5 because we have a signature here and this does not look so much different to
- 6 signatures we have already seen, so we do not have to go portion by portion, I think,
- 7 with this application form.
- 8 MR SACHITHANANDAN: [15:46:43] Would your Honour be happy with me just
- 9 reading out the name or how -- would that be --
- 10 PRESIDING JUDGE SCHMITT: [15:46:50] You could ask him, for example, if this
- 11 is his signature on the left side, bottom.
- 12 MR SACHITHANANDAN: [15:46:59] Yes.
- 13 Q. You see a signature here, Mr Witness. Do you recognise that signature on the
- 14 bottom left?
- 15 A. [15:47:10] Yes, I have understood clearly now.
- 16 Q. [15:47:15] Whose signature is that?
- 17 A. [15:47:20] It's my signature.
- 18 PRESIDING JUDGE SCHMITT: [15:47:21] Then you can go on with your
- 19 questioning whatever you wanted to know from him.
- 20 MR SACHITHANANDAN: [15:47:26] None, your Honour. I just wanted to
- 21 authenticate the document.
- 22 PRESIDING JUDGE SCHMITT: [15:47:30] Okay, thank you.
- 23 Perhaps, Mr Witness, I have an additional question: When you now see the whole
- 24 document and then look again at the picture, does this refresh your memory?
- 25 THE WITNESS: [15:47:57] Yes, it does.

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 PRESIDING JUDGE SCHMITT: [15:47:59] And what do you say? What do you
2 recall?

3 THE WITNESS: [15:48:09] (Interpretation) It reminds me of the time when I had
4 just returned from the bush and I was in World Vision.

5 PRESIDING JUDGE SCHMITT: [15:48:26] Mr Sachithanandan.

6 MR SACHITHANANDAN: [15:48:27] Your Honour, that is the end of my
7 questioning.

8 PRESIDING JUDGE SCHMITT: [15:48:30] Thank you very much.

9 Mrs Massidda, Mr Cox, how long would it take you? I'm not inclined to start with
10 the questioning of the LRVs now. If you say you have one question, then of course I
11 would decide differently.

12 MS ADONG: [15:48:51] Your Honour, I would take about 10 minutes and in open
13 session.

14 PRESIDING JUDGE SCHMITT: [15:48:58] Mr Cox?

15 MR COX: [15:49:00] I estimate like the same time last time, like 25 minutes I think
16 it was.

17 PRESIDING JUDGE SCHMITT: [15:49:04] Then we do both tomorrow morning.

18 Open session, please.

19 (Open session at 3.49 p.m.)

20 THE COURT OFFICER: [15:49:13] We are in open session, Mr President.

21 PRESIDING JUDGE SCHMITT: [15:49:24] Thank you very much.

22 This concludes today's hearing and we continue tomorrow morning at 9.30 with the
23 questions by the Legal Representatives of Victims.

24 THE COURT USHER: [15:49:35] All rise.

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

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 RECLASSIFICATION REPORT

- 2 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 3 2016, the public reclassified and redacted version of this transcript is filed in the case.