

Trial Hearing  
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Trial Chamber IX  
3 Situation: Republic of Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
6 Judge Raul Pangalangan  
7 Trial Hearing - Courtroom 3  
8 Tuesday, 21 March 2017  
9 (The hearing starts in open session at 9.31 a.m.)  
10 THE COURT USHER: [9:31:11] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:31:33] Good morning, everyone. Good morning,  
13 Mr Witness.  
14 Could the court officer please call the case.  
15 THE COURT OFFICER: [9:31:41] Thank you, Mr President.  
16 This is the situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen,  
17 case reference ICC-02/04-01/15.  
18 We are in open session.  
19 PRESIDING JUDGE SCHMITT: [9:31:55] I ask for the appearances of the party. In  
20 the meantime, a full Prosecution team.  
21 MR SACHITHANANDAN: [9:32:02] Indeed, your Honour, today we appear to  
22 have better attendance. We have Mr Shkelzen Zeneli, Mr Ben Gumpert,  
23 Yulia Nuzban, Beti Hohler, Mari Pilvio and Ramu Fatima Bittaye.  
24 PRESIDING JUDGE SCHMITT: [9:32:18] Thank you.  
25 And for the Legal Representatives of the Victims.

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1 MS ADONG: [9:32:22] Good morning, your Honours. Appearing with me,  
2 Ms Paolina Massidda, Mr Orchlón Narantsetseg, Ms Jacqueline Atim, and I'm  
3 Jane Adong. Thank you, your Honours.

4 PRESIDING JUDGE SCHMITT: [9:32:36] Thank you.

5 Mr Cox.

6 MR COX: [9:32:38] Good morning, your Honours. Appearing Francisco Cox and  
7 James Mawira.

8 PRESIDING JUDGE SCHMITT: [9:32:44] Thank you.

9 And for the Defence team, please.

10 MR AYENA ODONGO: [9:32:48] Your Honours, I'm appearing with  
11 Chief Achaleke Taku, Ms Bridgman, Abigail, Mr Thomas Obhof, and our client  
12 Mr Dominic Ongwen is in court.

13 PRESIDING JUDGE SCHMITT: [9:33:05] Thank you.

14 And Mrs Kerwegi, finally.

15 MS KERWEGI: [9:33:08] Good morning, your Honours, Sarah Kerwegi.

16 PRESIDING JUDGE SCHMITT: [9:33:13] Now we turn to the Legal Representatives  
17 of the Victims, and I see in front of you, Mrs Adong, signs that you are the one who  
18 wants to have the floor.

19 MS ADONG: [9:33:26] That is correct, your Honour. Thank you, your Honour.

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

21 (The witness speaks Acholi)

22 QUESTIONED BY MS ADONG:

23 Q. [9:33:40] Mr Witness, my name is Mego Jane Adong and I will be asking you  
24 questions about your life before abduction, during abduction and after abduction.

25 Mr Witness, you have told the Court the name of your school. What class were you

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1 in when you were abducted?

2 A. [9:34:08] I was in primary 7.

3 Q. [9:34:12] Mr Witness, am I correct in saying that in the Ugandan education  
4 system, one moves from nursery to primary 1 up to primary 7; is that correct?

5 A. [9:34:36] Yes, indeed.

6 Q. [9:34:38] Mr Witness, am I also correct in saying that primary education marks  
7 the end of junior school in Uganda and then one attends senior school; is that correct?

8 A. [9:34:55] Yes, that is true.

9 Q. [9:34:57] And, Mr Witness, would I also be correct in saying that senior 1 up to  
10 senior 6, after that you then join the university; would I be correct in that?

11 A. [9:35:18] Yes.

12 Q. [9:35:19] Mr Witness, before your abduction what was your ambition in life?

13 A. [9:35:34] Before I was abducted I dreamt of studying, and after school I wanted  
14 to join the teacher training college so that I can become a teacher, so that I could  
15 become a teacher of secondary school.

16 Q. [9:36:07] Thank you, Witness. And do you think you will still be able to attain  
17 your ambition?

18 A. [9:36:24] It's not likely now.

19 Q. [9:36:30] You talk about training during your time in captivity. Is there  
20 anything you learnt that could promote your ambition?

21 A. [9:36:47] No, there is nothing.

22 Q. [9:36:52] Mr Witness, what are you doing for a living now?

23 A. [9:37:08] Currently I am doing farming and I also buy and sell produce from the  
24 community. I buy and sell foodstuff from the community. That's what I do.

25 Q. [9:37:32] Now this is far from the ambition you wanted to attain at the

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1 beginning. Do you think you can still strive to fulfil your ambition?

2 A. [9:37:53] The way it is now, it's not possible. Because a lot has happened and  
3 I am overwhelmed. I have children, I have my siblings, and if I -- if I'm not there to  
4 help them, they will not be able to go to school. Because every effort that I put  
5 enables me to take them to school. So if I leave, it means their future will be at stake.  
6 For that matter, I'm struggling to ensure that they have a good future since I failed.

7 Q. [9:38:46] Mr Witness, is this a result of the time you spent in captivity?

8 A. [9:38:56] Yes.

9 Q. [9:39:00] Mr Witness, what do you think might be able to assist you in order to  
10 enable you mitigate your loss?

11 A. [9:39:24] The way things are now, to go back and start studies afresh, is very  
12 unlikely for me. There are many reasons for that I have already mentioned. It is  
13 possible to go back to school however old you are, but for me that is not possible  
14 because right now I live with my mother, I lost my father. I am the breadwinner of  
15 the family. The children I am talking about depend so much on me. On my part  
16 now, there is nothing that I can do to fulfil the dream I had in the past. Where I  
17 stand now, it's not possible to go back to school.

18 Q. [9:40:48] Mr Witness, before your abduction had you killed a person?

19 A. [9:40:57] No, I never killed anyone.

20 Q. [9:41:01] Had you touched a dead body?

21 A. [9:41:07] No, I had not.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted).

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [9:41:29] Yes, we would have to go into private  
3 session. Thank you for reminding us.

4 (Private session at 9.41 a.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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1 (Redacted)

2 (Open session at 9.43 a.m.)

3 THE COURT OFFICER: [9:43:35] We are in open session, Mr President.

4 PRESIDING JUDGE SCHMITT: [9:43:37] Thank you.

5 MS ADONG: [9:43:41]

6 Q. [9:43:42] Mr Witness, I was asking what you experienced during your time in  
7 captivity, does it have any impact on your sleep or your thoughts or whatever else  
8 you are doing now?

9 A. [9:44:08] In the past it used to happen very frequently. But now I still have  
10 some dreams, maybe in two months, every two month I can have dreams. It's not  
11 very regularly, it's not very frequent now. I have dreams once in a while but when  
12 I'd just returned, it was very frequent, sometimes I would start shouting, sometimes I  
13 would feel as if someone was strangling me. It is not very common now.

14 Q. [9:44:48] Have you sought medical treatment for your problems?

15 A. [9:45:07] Why I believe it is not very frequent, like it used to be and it doesn't  
16 make me shout at night, is because I left it in God's hands. There was nothing I  
17 could do about it. It has already happened and I just pray so that I can be strong.

18 Q. [9:45:34] Mr Witness, I would now like to ask you something different from  
19 what we have been talking about. I would like to find out about the girls. Could  
20 a ting ting be assigned to the homestead of a bachelor commander?

21 A. [9:45:55] Those girls are taken.

22 Q. [9:46:07] You mean at that age they could still be given to a bachelor commander  
23 to take care of?

24 A. [9:46:22] Yes, they do.

25 Q. [9:46:27] Mr Witness, I wish you the best.

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1 Your Honour, that concludes my question to this witness.

2 PRESIDING JUDGE SCHMITT: [9:46:33] Thank you very much, Ms Adong.

3 Mr Cox, you have the floor.

4 QUESTIONED BY MR COX:

5 Q. [9:46:53] Good morning, Mr Witness, my name is Francisco Cox. I represent  
6 the victims to this case and I will be asking you some questions.

7 Mr Witness, could you tell Court in Acholi custom what rituals must be performed  
8 when a person dies?

9 A. [9:47:33] In Acholi these days, what I see when -- when someone dies, for  
10 example, from the hospital, after a short illness, sometimes they, the bereaved, have  
11 little resources, the neighbours, relatives and friends who are close by, they come  
12 together, because the person could have died from hospital, they come together,  
13 collect some money and hire a vehicle to transport the dead body home. They  
14 collect money to buy a coffin. A few people are selected to dig the grave. A tent is  
15 built to shelter those who are coming for the -- to mourn the dead. If, for example,  
16 that person is a Catholic, a catechist is brought, or if the deceased is a protestant,  
17 a catechist is also called. There will be a funeral service before the funeral as they  
18 are -- during the ceremony, offer trees are given to help the bereaved family. That is  
19 what happens now in Acholi.

20 Q. [9:49:28] (Microphone not activated)

21 PRESIDING JUDGE SCHMITT: [9:49:32] You would have to turn on the  
22 microphone please, Mr Cox. Please repeat the question completely.

23 MR COX: [9:49:39] Yes. Yes.

24 Q. [9:49:39] What do you believe happens to a dead body if those rituals are not  
25 performed?

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1 A. [9:49:58] On my part, I don't know what happens, but I know that there is  
2 a reason why this is performed. The bereaved would be so overwhelmed so the  
3 support that is given to them helps to support them and to ensure that they remain  
4 strong. I don't know what would happen if such ceremonies are not performed.

5 Q. [9:50:35] While your time in the bush did you see any of those rituals performed  
6 with the dead bodies?

7 A. [9:50:54] No.

8 Q. [9:50:59] Other than in Acholi culture, any consequences for disrespecting or  
9 desecrating a dead body?

10 A. [9:51:20] That I am not sure.

11 Q. [9:51:26] Mr Witness, are you familiar with the concept or the cultural belief  
12 about cen?

13 A. [9:51:40] Yes, I hear about cen.

14 Q. [9:51:47] Mr Witness, could you tell the Court what you have heard about cen  
15 and what is your understanding of it?

16 A. [9:52:11] The way I heard or the way I found out some time ago, when  
17 you are -- you are asleep, you feel as if there is someone just like you strangling you  
18 and while strangling you -- you feel helpless, you cannot even -- you cannot call for  
19 help, you cannot shout for help. If you -- you feel as if you are shouting, that's when  
20 you wake up and you feel strong again, but at the time that you are being strangled  
21 you feel helpless.

22 Q. [9:53:24] Mr Witness, I would like now to take you to the conditions in the bush.  
23 While in the bush did everyone have a tent to stay in?

24 A. [9:53:48] Not everyone had tents. Others did not have while others have tents  
25 where they sleep.

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1 Q. [9:54:04] Could you explain us, Mr Witness, who had tents and who didn't have  
2 tents?

3 A. [9:54:26] The senior officers or commanders had tents. And some foot  
4 soldiers -- some foot soldiers had tents, but others did not have. But many times  
5 those who had just been abducted, who were still considered recruits, and also other  
6 foot soldiers, did not have tents. When it's time for bed, they lie in the open; for  
7 example, when it is raining it rains on them.

8 Q. [9:55:20] Mr Witness, did everybody have beds in the bush?

9 A. [9:55:35] No, not everyone had beds. In many cases the commanders had beds,  
10 portable beds, for example small mattresses like one, one inch. That could be easily  
11 folded and carried away. We did not have big mattresses in the bush. And the  
12 ordinary soldiers or the foot soldiers, together with newly abducted people, did not  
13 have beds. Some foot soldiers had polythene bags that they can use for sleeping as  
14 a bed, but when someone is newly recruited he has no bed.

15 Q. [9:56:32] Mr Witness, how many times a day did you eat?

16 A. [9:56:48] In regards to meals, in the morning when -- at around midday or 1 p.m.  
17 we come together and cook. And in the evening, if, for example, food is cooked at  
18 1 p.m., and you are given very little time to cook, if you don't hurry you will not be  
19 able to eat. Also in the evening before bedtime we are put in positions and food is  
20 cooked. If you eat twice in a day it means you are not being pursued or you are not  
21 being followed by helicopter gunships and it also means that there is enough food.  
22 But during a pursuit or when there are helicopter gunships hovering above, you  
23 could take the whole day without eating and then you probably eat once before bed.

24 Q. [9:58:18] Mr Witness, did everybody eat the same meals, the same kind of food?

25 A. [9:58:34] The food that is eaten in the bush, if there is enough food which has

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1 been looted from the civilians, then you can eat things like beans, you can find  
2 chicken or goat meat. But if the food is not enough, items like chicken or beans are  
3 given to the commanders. If you come across maize grains and then you boil the  
4 maize grains -- and other people will eat while the commanders eat their chicken.  
5 Sometimes things are really hard and you -- there is nothing. You look for your own  
6 means of eating and look for whatever is edible from -- from the bush. Sometimes  
7 you come across sorghum which is still fresh in the fields, and that is the one that we  
8 boil and eat and drink water because there is nothing else.

9 Q. [10:00:06] If you looted animals such as goats or chicken, were you allowed to  
10 eat them by yourself?

11 A. [10:00:23] Well, if these items are in plenty, yes, some would be given to the  
12 others to also eat. But if it's inadequate, no, they won't do that.

13 Q. [10:00:40] Thank you, Mr Witness.

14 Could we go one step back. Did you personally experience something like cen, the  
15 one that you described?

16 A. [10:00:58] Well, that happened to me personally.

17 Q. [10:01:07] Thank you, Mr Witness.

18 I would like now to take you to when after you escaped. You told the Court that you  
19 had participated in a programme with World Vision. Could you explain to the  
20 Court what you did there?

21 A. [10:01:37] At the World Vision we were most times doing -- for instance, in the  
22 morning at around 8 they'd ring a bell, we'd go for prayers. After that, we would go  
23 back to have breakfast, which would compose of either tea or porridge. And then  
24 sometimes fresh people are coming to the centre and people -- or, the other people  
25 who are there would be informed and they would gather together to go and welcome

1 the -- the new people. They would also pray and then afterwards they would wait  
2 for lunch hour.

3 Most of the activities at World Vision would include prayers. In the evening we  
4 would stay until about 7 and we would have dinner between 7 and 9. Those were  
5 the kind of activities.

6 Q. [10:02:56] Thank you, Mr Witness.

7 Did it help you, what you did in World Vision, to cope with what you experienced in  
8 the bush?

9 A. [10:03:15] Yes, it did because at the time when I was at World Vision, where  
10 most times we would engage in prayers, I did not have much problems. It also  
11 helped me because some of the things that I experienced in the bush, instead of  
12 having to think about them, I would be engaged in prayers and I would forget about  
13 the nasty experiences in the bush.

14 But after I left World Vision, when I was now resettled, I found it a bit difficult from  
15 home because the situation at home was different. In World Vision I was safer and,  
16 well, I didn't have a choice. From home I couldn't pray every now and then. And  
17 for that reason I started experiencing attacks from cen, and I had to tell my mother,  
18 and she instructed me that that is happening because I had stopped praying, but  
19 when I resumed prayers I was relieved from the attacks from cen. So I know and I  
20 really believe that what World Vision did to me was really good.

21 Q. [10:04:52] Thank you, Mr Witness.

22 How were you received by, not your direct family, but the community once you  
23 returned from the bush?

24 A. [10:05:15] When I went back home I was jovially received. So many people  
25 came at our home to receive me. Some of them were asking about their -- other

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1 people who were still in the bush, whether I had seen them and what I know about  
2 their fate. I was actually received very well at home.

3 Q. [10:05:45] Thank you, Mr Witness.

4 You mentioned yesterday, and I am quoting from real-time transcript 57 at page 27,  
5 lines 20 to 21, that an LRA soldier Okello Tango recognised you. After that were you  
6 concerned that the LRA might come back and abduct you again?

7 A. [10:06:28] Well, at that time and also on that very day when there were lots of  
8 gunshots, even before the other LRA had identified me, I was already broken. What  
9 I had -- I had made up my mind that I would not accept to be abducted and taken to  
10 the bush. Afterwards, I would be killed from the -- I would instead have to be killed  
11 from the centre because I was very sure that if I was re-abducted they would  
12 eventually kill me. So when I saw that LRA soldier Okello Tango was dragging  
13 a girl, at that time -- well, I was torn between two things, but the -- the major one was  
14 I knew I was just going to die. Even if he had come very near me I was still going to  
15 try to run. I would rather he shot me than, you know, having to abduct me because I  
16 knew eventually they would have to kill me. So that day I knew I was not going to  
17 survive, but I think it wasn't in God's plan that I should die. That was how I  
18 survived.

19 Q. [10:08:00] Thank you, Mr Witness.

20 You spoke about living close to your uncle and aunt. Could you tell the Court how  
21 is family structured in Acholi communities and what roles do uncles and aunts play  
22 in it.

23 A. [10:08:32] In Acholi traditional setup, what I know is -- is that your uncle would  
24 be either your mother's brother or your -- or the -- the child of your -- your uncle.  
25 And that would be somebody who loves you so much. And each time you go to

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1 visit your uncle that uncle would have to give you a gift, for instance, he would give  
2 you chicken, and sometimes if you have any problems the uncle would be able to  
3 help you, to advise you here and there. That is the role of an uncle. For an auntie,  
4 an aunt is your father's sister. She is somebody who is very close to you and  
5 somebody who really loves you as much as your uncle does. That is what I know  
6 according to Acholi tradition.

7 Q. [10:10:04] How did it affect you to see your aunt and uncle's house burnt in the  
8 Pajule attack after you had escaped?

9 A. [10:10:26] It was -- I felt so sad because at that time nobody had time to go and  
10 cultivate. Food was just being distributed in the camps. And sometimes if -- for  
11 instance, for March -- they have distributed food for March, they will give you food  
12 items depending on the number of people in the household. And if there is an  
13 increase in the number, you won't have a choice because whoever will have come on  
14 board will not have to stay without food. And maybe the next month there won't be  
15 food distribution and you will just have to look for a way of survival. It was so sad.  
16 If you have your house that was put in place but it was burnt, it was a very difficult  
17 situation because you didn't have a way of moving out of the centre to go and look for  
18 poles to come and do construction. You could not move for more than a kilometre  
19 outside the camp because sometimes the soldiers would now look at you as a rebel  
20 because you could also be a rebel collaborator, that's why you are moving out of the  
21 camp in that manner. The soldiers would -- whenever caught would beat you badly.  
22 Sometimes they could even shoot you in the process. Because at that time when  
23 you are shot by soldiers, they would say they thought you were a rebel and that  
24 would be it.

25 The situation was really precarious. And it made it very difficult at my aunt's

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1 household because the food items that were being distributed were the only things  
2 we had for survival. Whenever the ration got finished, we'd have to look around to  
3 see what we have to do to ensure that we continue surviving. And she also had  
4 other people to take care of. And all that provided more problems to the aunt. I  
5 really felt very sad, but that has already happened and there was nothing we could do  
6 about it.

7 Q. [10:13:14] Could you tell Court how were the living conditions in the camp once  
8 you returned.

9 That will be my final question, Mr President.

10 A. [10:13:35] Life in the camp was very difficult. It is actually immeasurable  
11 because people were gathered together, and you know when people are all put  
12 together in a very small place, there are incidences of various diseases coming. You  
13 know when people are very many in a place, there are problems of hygiene and  
14 sanitation.

15 On top of that, there are issues of food items because the food items that were being  
16 distributed were insufficient to maintain the people. People would have to look for  
17 other ways of having to move outside the camps to go and carry out some cultivation  
18 to support whatever is being issued by the humanitarian organisations, but most  
19 times when they go, and in case they meet with the rebels, they are either abducted or  
20 even killed. When they meet government soldiers, it would still be the same fate,  
21 yeah.

22 When we were in the camp at the centre, I started looking for a way of going back to  
23 school because what was being given out as food items was not -- insufficient, and my  
24 father looked for a way of cultivation so that he could raise a little money to support  
25 our education. One day when he went to the garden, to the garden in the morning,

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1 he went, and, as I speak right now, even the dead body was not recovered. We are  
2 not sure whether he was killed by government soldiers or by the rebels. We all don't  
3 know. Life in the camps was really very, very difficult. I cannot tell it all.

4 Q. [10:15:50] Thank you, Mr Witness. And I wish you a good return home.

5 PRESIDING JUDGE SCHMITT: [10:15:54] Thank you, Mr Cox.

6 Well, we will now have to discuss how we continue. We know it's the turn of the  
7 Defence. Would you start immediately, like to start immediately, or would you  
8 prefer, for example, to have now a coffee break and then we continue? Or further  
9 considerations?

10 MR AYENA ODONGO: [10:16:26] It sounds sagacious to have the coffee break and  
11 we come back.

12 PRESIDING JUDGE SCHMITT: [10:16:32] Do you have an -- of course it's very  
13 difficult before you start, do you have an estimate how long it will last? I would not  
14 assume that you finish today.

15 MR AYENA ODONGO: [10:16:41] No. It looks like we shall take about -- I don't  
16 know, about nine hours.

17 PRESIDING JUDGE SCHMITT: [10:16:51] Okay, let's see. So you know that we,  
18 from tomorrow on, Wednesday, Thursday, Friday, for judicial reasons - Mr Taku  
19 knows, for example - we have not hearings in this case.

20 MR AYENA ODONGO: [10:17:07] Yes.

21 PRESIDING JUDGE SCHMITT: [10:17:08] So we will then, would then resume on  
22 Monday. So I would say we -- we come back at 11, so we have a more substantive,  
23 and then we look perhaps one and a half hour, and then we have a little bit of an  
24 earlier lunch break and finish earlier because there are other judicial things today that  
25 have nothing to do with this Trial Chamber.

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1 Okay, then we have a break until 11 o'clock.

2 THE COURT USHER: [10:17:32] All rise.

3 (Recess taken at 10.17 a.m.)

4 (Upon resuming in open session at 11.00 a.m.)

5 THE COURT USHER: [11:00:38] All rise.

6 PRESIDING JUDGE SCHMITT: [11:00:52] So the Defence, and Mr Ayena has the  
7 floor.

8 MR AYENA ODONGO: [11:01:03] Thank you very much, Mr President and your  
9 Honours.

10 QUESTIONED BY MR AYENA ODONGO:

11 Q. [11:01:17] Mr Witness, good afternoon. Mr Witness, you are welcome once  
12 again. I am Krispus Ayena Odongo. I am going to lead you through some  
13 questions, particularly based on your statement, based on some documents that are  
14 associated with you and also based on what you have told Court. And I want to put  
15 the record straight that we are here to help Court in different capacities. I am part of  
16 Court because I'm an officer of this Court and you are supposed to help Court by  
17 giving truthful information.

18 So I now begin with your -- some introductory statements, questions. I want you to  
19 confirm again, Mr Witness, when you were abducted by the LRA. When were you  
20 abducted?

21 A. [11:02:56] The LRA abducted me in the year 2002, around August.

22 Q. [11:03:10] I want you to look at tab 1, Prosecution document, Prosecution binder  
23 tab 1. It is UGA-OTP-0127-1564. That is the child description section.

24 PRESIDING JUDGE SCHMITT: [11:03:51] I think you -- do you have it already on  
25 the monitor, Mr Witness?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 THE WITNESS: [11:04:00] (Interpretation) Yes, I am seeing it.

2 MR AYENA ODONGO: [11:04:04]

3 Q. [11:04:05] Mr Witness, I want you to look at that document very closely. When  
4 was it -- was this document signed? Can you determine when this document was  
5 signed?

6 A. [11:04:25] This document --

7 Q. [11:04:33] Can you tell Court when it was signed? When was it signed? Can  
8 you look at the right-hand corner down?

9 A. [11:04:51] In the year 2003.

10 Q. [11:04:56] Can you tell the date?

11 A. [11:05:02] On 3 June.

12 Q. [11:05:09] Okay, Mr Witness, I want you to come down to where is written -- I  
13 mean, you go up and you look at where is written "Present School" and below it you  
14 come to "Class". Have you seen that?

15 A. [11:05:43] Yes.

16 Q. [11:05:45] In that line is written "P7". You were in P7 and it was "from 2004"; is  
17 that correct? Am I reading it right? I want you just to confirm what is written  
18 there.

19 A. [11:06:27] What's written here "Pajule (Pader District)", dated 6 September 2002.

20 PRESIDING JUDGE SCHMITT: [11:06:43] Mr Witness, you don't have to read it all  
21 out loud. Mr Ayena only referred to the last of these lines, where there is "Class",  
22 and I think we can simply assume, we all read, there is "P7" and "(from 2004)".

23 And you can -- from there on, you can build your questions, I think.

24 MR AYENA ODONGO: [11:07:08]

25 Q. Yes.

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(Open Session)

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WITNESS: UGA-OTP-P-0379

1 A. [11:07:10] We can see "Former School: Pajule Lacani P7 School; Class: P7".

2 And then there is another writing at the end, "Class: P7 (from 2004)".

3 Q. [11:07:27] Excuse me, Mr Witness. Can we go systematically, just answer my  
4 question. And so far --

5 A. [11:07:33] Yes.

6 Q. [11:07:34] -- I just wanted us to confirm that that line is indicating that it was  
7 from 2004, and then you wait for the next question.

8 Mr Witness, what do you see on that document as your date of birth?

9 A. [11:08:13] Date of birth?

10 Q. [11:08:14] Date of birth.

11 A. [11:08:18] (Speaks English) Date of birth. (Interpretation) On 10 June 1988.

12 This is --

13 Q. [11:08:39] Mr Witness, yesterday you were told -- when you were told -- you  
14 told Court when you were asked by the Prosecutor that you don't remember the  
15 photograph. Is that correct?

16 A. [11:09:06] This is true, because this photo, I was still young. And I don't  
17 remember having taken any photo when I was this age, and I wasn't remembering  
18 well. That's why I could not remember. But later on, when I studied it well, I  
19 remembered.

20 Q. [11:09:27] (Microphone not activated) photograph is it?

21 A. [11:09:33] This is my photograph.

22 Q. [11:09:38] And you say that you recognise the signature at the left-hand corner  
23 as yours. Is it yours?

24 A. [11:09:54] Yes, it is my signature.

25 MR AYENA ODONGO: [11:09:59] Your Honours, we'll have to crave your

Trial Hearing

(Open Session)

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WITNESS: UGA-OTP-P-0379

1 indulgence. Could the court officer be allowed to give a piece of paper to the  
2 witness to sign his signature so that it is compared with the one on that document and  
3 other documents?

4 PRESIDING JUDGE SCHMITT: [11:10:18] Yes, why not.

5 MR AYENA ODONGO: [11:10:27] (Microphone not activated) signed three times.

6 PRESIDING JUDGE SCHMITT: [11:11:13] I had of course the question: How do  
7 we get to see it? And I'm informed on evidence 2 then. Obviously, we have of  
8 course to see what has happened. I am told that it will be displayed on evidence 2.

9 MR AYENA ODONGO: [11:11:27] Displayed. Yes.

10 (Trial Chamber confers)

11 MR GUMPERT: [11:12:02] We've missed the opportunity to use the electronic pen.

12 PRESIDING JUDGE SCHMITT: [11:12:11] Okay, but, no -- it doesn't function  
13 obviously.

14 This has to be given a number, like always, and then it has to be scanned and then it  
15 can be displayed, I would say. And I think we all know that signatures might vary  
16 a little bit during a lifetime. I think it would make sense to show it to all the parties  
17 first so that we, that you can also continue with your examination, I would suggest.

18 MR AYENA ODONGO: [11:13:24] Right.

19 PRESIDING JUDGE SCHMITT: [11:14:27] So, Mr Ayena, please continue.

20 MR AYENA ODONGO: [11:14:30]

21 Q. [11:14:30] Now, Mr Witness, I want you to compare the signatures you have just  
22 put on paper with those on tabs 2, 3, 4, 5, tab --

23 PRESIDING JUDGE SCHMITT: [11:15:13] We would have to go one after the other  
24 because the witness can --

25 MR AYENA ODONGO: Yes.

Trial Hearing

(Open Session)

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WITNESS: UGA-OTP-P-0379

1 PRESIDING JUDGE SCHMITT: And it is, of course, also difficult to tell -- to ask the  
2 witness to compare this. He has already confirmed that with all the other tabs it was  
3 his signature, and he has also said this was his signature and now we have a piece of  
4 paper here.

5 MR AYENA ODONGO: [11:15:32] Yes.

6 PRESIDING JUDGE SCHMITT: [11:15:37] Let's give it a try. Let's display tab 3 and  
7 then ask the witness. But, as I said, there are probably 13 years between -- or, 12,  
8 13 years between the different signatures.

9 MR AYENA ODONGO: [11:15:58] Exactly, your Honours, that's why I'm referring  
10 to those that he signed about the same time.

11 Q. [11:16:17] Mr Witness, is that the same signature compared to the ones you put  
12 in tabs -- in tab number 2, for instance? Look at tab number 2.

13 A. [11:16:53] I'm not seeing. It's not seen here.

14 Q. [11:17:01] I don't see it either.

15 Is it evidence 1? Somebody will have to help him.

16 PRESIDING JUDGE SCHMITT: [11:17:10] Perhaps somebody just -- for this  
17 procedure we would have to help the witness.

18 MR AYENA ODONGO:

19 Q. [11:17:21] (Microphone not activated)

20 A. [11:17:25] I am not seeing anything here.

21 Q. [11:17:28] (Microphone not activated)

22 A. [11:17:52] Yes, I am seeing it.

23 Q. [11:17:54] Can you see the one on tab 3?

24 PRESIDING JUDGE SCHMITT: [11:18:03] That will be the next that is going to be  
25 displayed. It's because you don't have -- he doesn't have the tabs obviously. So

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WITNESS: UGA-OTP-P-0379

1 this -- don't be confused by that, it is one after the other.

2 THE WITNESS: [11:18:26] (Interpretation) Yes, I have seen.

3 MR AYENA ODONGO: [11:18:33]

4 Q. [11:18:33] Can you see the one you put on tab 4?

5 A. [11:18:48] Yes, I have seen.

6 Q. [11:18:53] Can you see the one on tab 5?

7 A. [11:19:06] Yes, I am seeing.

8 Q. [11:19:09] And then the one on tab 7?

9 A. [11:19:28] Yes, I have seen.

10 Q. [11:19:31] All these were signed by you, Mr Witness?

11 A. [11:19:37] Yes, that is true.

12 Q. [11:19:40] Now if you look at your signatures on those tabs and the one -- and  
13 the ones you've just signed now, are they not more or less the same?

14 A. [11:20:01] The ones that we've seen and the one I have just signed are similar.

15 Q. [11:20:11] And, Mr Witness, do you notice that they are drastically different  
16 from the one on the document we have just looked at in tab 1?

17 A. [11:20:29] Yes, I see a difference.

18 Q. [11:20:32] Thank you. And since you told Court that you do not recognise the  
19 photograph, and in view of that complication about you being in P7 in 2004 but the  
20 document was written in 2003 and the difference in your signature, will you still want  
21 to confirm to this Court that this is your document?

22 A. [11:21:24] Yes, this is my document.

23 PRESIDING JUDGE SCHMITT: [11:21:36] Perhaps I may ask: Do you have an  
24 explanation why the class P7 appears two times on that application form? First of all,  
25 when it refers to the date of abduction, as -- so I -- we could understand it; and

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(Open Session)

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WITNESS: UGA-OTP-P-0379

1 secondly, when it comes to the present school, which has been later? Do you have  
2 an explanation for that?

3 THE WITNESS: [11:22:09] (Interpretation) I am not understanding the one written  
4 later because when we were in World Vision we filled forms to get a scholarship, to  
5 get sponsors to go to school. In 2004 I went back to resit for my examination in the  
6 school from where I was abducted. I do not know why they wrote the year 2004 in it.  
7 Sometimes they ask so many questions, like the distance from your school to the  
8 roadside, or the distance from your home to school. They ask so many questions.  
9 And I don't know why they wrote it, but what I am saying is that it's the truth, I am  
10 not guessing. I am not here to guess anything.

11 PRESIDING JUDGE SCHMITT: [11:23:27] That's not. Did you attend school after  
12 you came back from the bush?

13 THE WITNESS: [11:23:40] (Interpretation) When I returned from the bush I went  
14 and repeated P7 in 2002. I sat for my examination and then I went to further my  
15 studies in Pajule Technical Institute. I did my training up to level 3 and I stopped  
16 there, I could not proceed.

17 PRESIDING JUDGE SCHMITT: [11:24:05] Please excuse me. Mr Ayena, please  
18 proceed.

19 MR AYENA ODONGO: [11:24:18]

20 Q. [11:24:18] Now, Mr Witness, after looking at the sponsorship application I want  
21 you to look at the OTP screening note which is at tab 11, UGA-OTP-0260-0034, at  
22 page 36.

23 That was the edition that the Defence gave.

24 PRESIDING JUDGE SCHMITT: [11:24:58] At least here on the Bench it stops with 10,  
25 so we don't have 11 here.

1 MR AYENA ODONGO: [11:25:14] Sorry, in the Defence (Microphone not activated)

2 one.

3 PRESIDING JUDGE SCHMITT: [11:25:24] This one? (Microphone not activated).

4 MR AYENA ODONGO: [11:25:28] Yes. Yes.

5 PRESIDING JUDGE SCHMITT: [11:25:29] (Microphone not activated) we have  
6 to -- no, we have to apologise, but we have a little bit of an excuse because it's loose  
7 papers that have -- nobody's fault.

8 MR AYENA ODONGO: [11:25:47] Okay.

9 Q. [11:25:47] In this document, Mr Witness, we have another report which indicates  
10 that you were actually abducted in October 2002. Now, Mr Witness, which of the  
11 dates is the correct date when you were abducted? Because it is going to be relevant  
12 in what we are going to discuss in this Court?

13 PRESIDING JUDGE SCHMITT: [11:26:18] Could you please help the Bench.

14 Where you have the "October", where the "October" in this document appears so that  
15 we -- yes, I have it here on page 3.

16 MR AYENA ODONGO: [11:26:28] On page 3, yes.

17 PRESIDING JUDGE SCHMITT: [11:26:29] Page 3, UPDF interview. Okay, yes,  
18 now I see it.

19 Yes, and we have a different information, yeah, on page 2, there is "September", but  
20 okay.

21 MR AYENA ODONGO: [11:26:52] Yes.

22 Q. [11:26:57] So, Mr Witness, for the sake of proper record in this Court, can you  
23 confirm to Court when you were actually abducted?

24 A. [11:27:17] I was abducted around August. I do not recall the exact date. That  
25 is what I can say.

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 Q. [11:27:33] Then, Mr Witness, can you tell Court where these other institutions,  
2 including the UPDF, got information about the dates in September and October?

3 Was it from you or it was their own imagination?

4 A. [11:28:09] I don't understand it myself. What you should know is that I cannot  
5 confirm that October is correctly written. Maybe when I was, I was speaking at the  
6 time he wrote what he heard, but what I am saying is that is the truth, is the correct  
7 thing.

8 Q. [11:28:40] Okay. Now, Mr Witness, we move to the actual abduction. After  
9 your abduction at 9 p.m., you said you were abducted at 9 p.m.; is that correct?

10 A. [11:29:00] Yes.

11 Q. [11:29:02] So you moved to the homes of Abwola, Kombon, is this Kombone or  
12 Kombon?

13 A. [11:29:20] When I was talking about this -- I feel this should not be in open, I am  
14 not free to speak about this.

15 PRESIDING JUDGE SCHMITT: [11:29:37] We go to private session.

16 MR AYENA ODONGO: [11:29:39] Private session.

17 PRESIDING JUDGE SCHMITT: [11:29:40] Thank you for reminding us, Mr Witness.

18 MR AYENA ODONGO: Thank you.

19 (Private session at 11.29 a.m.)

20 THE COURT OFFICER: [11:29:50] We are in private session, Mr President.

21 PRESIDING JUDGE SCHMITT: [11:29:53] Please continue.

22 MR AYENA ODONGO: [11:29:54]

23 Q. [11:29:54] So, Mr Witness, after your abduction at 9 p.m. you moved to the  
24 homes of Abwola and then there is a name Kombon and then Samuele. First of all,  
25 which is that Kombon, is it Kombone or Kombon?

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0379

1 A. [11:30:21] The names I know is Kombon. I do not know if he writes it as  
2 Kombone, but what I am telling you is Kombon.

3 Q. [11:30:39] So as you moved that night did you see or hear or were you finally  
4 able to identify the person who was issuing the final order on movement from house  
5 to house until you headed for the bush?

6 A. [11:31:10] That night it was very dark. When you hear someone give orders  
7 "go this way", I just followed the rules because I not even known this person and I  
8 follow the rest of the people. I wouldn't know the person who was giving the  
9 directive.

10 Q. [11:31:35] And you also are in a state of shock at that time, Mr Witness,  
11 immediately after abduction; is that correct?

12 A. [11:31:59] Yes.

13 Q. [11:32:03] But, Mr Witness, in your statement, which is found at  
14 UGA-OTP-0260-0034, at paragraph 30.

15 PRESIDING JUDGE SCHMITT: [11:32:24] Tab 9?

16 MR AYENA ODONGO: [11:32:25] Tab -- yes.

17 The statement tab 9, yeah.

18 Q. You said that, and I quote:

19 "Prior to arriving at Kompetene where there was a larger LRA group, I believe the  
20 most senior person that attacked Pajule ... and in charge of our group was Ojok  
21 Ot Ngec. I say this because soon after I would become" -- "soon after I would  
22 become Ot Ngec's escort. I also believe this because when we returned to a larger  
23 group at Kompetene, Ot Ngec reported to commanders I would know as Ongwen in  
24 Lapaicho."

25 Now, the question is: Were you able to identify Ojok Ot Ngec that night?

Trial Hearing

(Private Session)

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WITNESS: UGA-OTP-P-0379

1 A. [11:33:45] At that time of the night I could only hear the name he was being  
2 referred to as Lapwony Ot Ngec and then Ariang was also referred to at that time in  
3 the night, but being able to identify him was only -- only came when we reached  
4 Kompetene the next day in the morning when I saw him moving about and talking to  
5 people and then he would also move about and then in the morning I was now able  
6 to know who Ot Ngec was, Ariang was, and then the other people.

7 PRESIDING JUDGE SCHMITT: [11:34:29] I think we can go back to open session.  
8 It's always not easy to be vigilant in that respect, but I think this has been elicited in  
9 open session so it can also be discussed on cross-examination in open session.

10 (Open session at 11.34 a.m.)

11 THE COURT OFFICER: [11:34:52] We are in open session, Mr President.

12 MR AYENA ODONGO: [11:34:57]

13 Q. [11:34:57] When you came to Kompetene you finally found a man called Otto  
14 Sunday. The other name my tongue cannot easily pronounce it, is very terrible in  
15 Luo. Is that correct, you met Otto Sunday?

16 A. [11:35:28] Yes.

17 Q. [11:35:28] What rank was Otto Sunday?

18 A. [11:35:46] I didn't see him having any, any ranks or pips. I don't know his rank  
19 actually.

20 Q. [11:36:01] But, Mr Witness, from the way you described his conduct of affairs on  
21 the day following the night of your abduction would you place him below or above  
22 Ojok Ot Ngec in rank?

23 A. [11:36:33] In my own understanding I, I guess I would put Ariang instead,  
24 because I came to know Otto well after we reached the position and after witnessing  
25 the kind of things he was doing when we arrived at Kompetene. But prior to that

Trial Hearing

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WITNESS: UGA-OTP-P-0379

1 the people whose names I mentioned were the ones whose names I was able to hear.

2 Therefore I cannot place Otto at that position.

3 Q. [11:37:17] Mr Witness, I want you to assist Court. I am saying when you

4 arrived at Kompetene you saw the way Otto Sunday took charge of the situation, the

5 kind of things he was doing when everybody else was there, Ariang was there, Ojok

6 Ot Ngec was there and of course the bosses were there. Here was Otto doing certain

7 things. From the way he was behaving I want you to tell Court -- of course you

8 didn't see any pips on him to determine his rank, but before -- I mean the way he was

9 behaving, the way he was conducting affairs, as between him and Ojok Ot Ngec who

10 do you think was higher in rank?

11 A. [11:38:32] I would -- I would place Ot Ngec at a higher rank.

12 Q. [11:38:52] Why?

13 A. [11:39:03] Because Ot Ngec at the time when we were there, when the abductees

14 were gathered together, the distribution of the people to the various positions was

15 done at a time when Ot Ngec was there, he was actually the one who instructed Otto

16 to gather some of the people and take them on one side. For that reason, I felt maybe

17 Ot Ngec was high in rank than Otto.

18 The other thing was that maybe the nature of Otto was like that, because even prior to

19 the -- gathering the people together he would also come and the other people in

20 higher positions who could have -- the people who were older who were sitting down,

21 he would come to them, kick some of them and beat some of them here and there and

22 I don't know why he was doing that. Even at the time when they had already

23 released some people, Ot Ngec told him to go with the other people. That's why I

24 think Ot Ngec was higher in rank than Otto.

25 But the rest of the things that he was doing like beating the people, I could not really

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WITNESS: UGA-OTP-P-0379

1 establish why he was carrying out all that.

2 Q. [11:40:35] Mr Witness, you say that the next morning after you met

3 Dominic Ongwen in Lapaicho, the abductees were addressed by Otto Sunday; is that

4 correct?

5 A. [11:40:57] Those who were -- Otto Sunday addressed the people who were

6 eventually released. But there were those who were retained. The older ones were

7 released. That is correct, Otto Sunday addressed them.

8 Q. [11:41:15] Mr Witness, maybe I will refer you to your own statement at

9 UGA-OTP-0260-0037 at page 35. I mean paragraph 35.

10 I think that is tab 9, your Honours.

11 In paragraph 34, 34: "The next morning" -- and I am reading, Mr Witness:

12 "The next morning the abductees were addressed by Otto. Otto was called Otto" so

13 and so "because Otto would often say" those words which meaning is put there.

14 "Otto would say that he was not related to any of us." So is it still your statement

15 that Otto only addressed those who were going to be released? Or he actually

16 addressed all the abductees?

17 A. [11:43:10] The people Otto addressed, he was actually addressing them at a time

18 when people were lined up, the people who were identified to be older and could be

19 released. He first moved around them and then he talked to them, but the rest of us

20 who were younger and were not on the line were seated just nearby. There were

21 those who were also identified because it was felt that they could be fit to stay. Otto

22 continued talking to these people from that point, but later on he moved them to

23 another location and then addressed them again. But while he was talking to them

24 we were seated nearby. The older ones were lined up and he was beating some of

25 them; he was stabbing some of them with the spear on the foot. And some people

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WITNESS: UGA-OTP-P-0379

1 from our group were picked and put back to the other lot of people who were  
2 supposed to be released. He moved with them to the next compound and then he  
3 addressed them from there.

4 Q. [11:44:32] So the statement you gave was not accurate?

5 PRESIDING JUDGE SCHMITT: [11:44:38] I would not -- if you look at it

6 (Overlapping speakers).

7 THE WITNESS: [11:44:42] (Interpretation) It's correct.

8 PRESIDING JUDGE SCHMITT: [11:44:44] One moment, Mr Witness. When we  
9 look at 34 and also 36, to say it was inaccurate, I think he has clarified it now. There  
10 might be a little bit of a difference, but, no. Thirty-six, for example, Otto was  
11 addressing the Pajule abductees, so this could be everybody whoever, so I think it's  
12 not -- we should not reproach the witness to say he was inaccurate.

13 MR AYENA ODONGO: [11:45:12]

14 Q. [11:45:13] Now, Mr Witness, I want to put it to you that the established rank of  
15 Otto from other records is that he was a captain. What do you say about that?

16 A. [11:45:36] Well, I am not aware of that. Could be so. I am not sure.

17 Q. [11:45:42] So if he was a captain, would he be higher or at the same rank or  
18 lower in rank than Ojok Ot Ngec?

19 A. [11:46:03] Well, it could also be that they were at the same level.

20 Q. [11:46:07] Thank you. And, Mr Witness, after Otto tormented the abductees,  
21 was he the one who released them after the beating? These people who were the  
22 elderly ones. The elderly ones, you said they were finally released. Was he the one  
23 who released them?

24 A. [11:46:44] Well, after addressing those people when they were moved to the  
25 next homestead, I am not sure from there whether it was Otto who released them, but

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WITNESS: UGA-OTP-P-0379

1 they were taken to the next homestead and beaten from there. I am not sure whether  
2 it was Otto who released them from the other compound.

3 Q. [11:47:10] Thank you. Mr Witness, was Otto around when Ot Ngec divided the  
4 abductees between the two battalions?

5 A. [11:47:29] At the time when Ot Ngec was dividing the abductees Otto was not  
6 there. Because I saw Ot Ngec would call a soldier and say pick this one and go with  
7 to your position. At that time Otto wasn't there.

8 Q. [11:47:46] And, Mr Witness, did you -- you said when you met at Kompetene  
9 you discovered two commanders, Dominic Ongwen and Lapaicho. Were they of the  
10 same battalion or they were of different battalions?

11 A. [11:48:22] In my own understanding I -- I came to discover -- after I discovered  
12 that they were in different battalions, well, that came when we were now breaking off.  
13 I discovered that Lapaicho was in another battalion and Ongwen was in another.

14 Q. [11:48:45] Can you tell the Court which battalions these were?

15 A. [11:48:59] I discovered that when we were separating Ongwen was leading Oka,  
16 and for Lapaicho, I discovered on that day that he was heading another group, but  
17 I didn't know that it was Terwanga that he was leading. I discovered that later on.

18 Q. [11:49:37] Mr Witness, you testified that -- Mr Witness, you testified about your  
19 abduction and how you finally met Mr Ongwen and Lapaicho at Kompetene, and this  
20 is clearly stated in your -- in the draft transcript 56, pages 19 to 20. And it was also in  
21 your statement which is found in the other tab 9, and your testimony that both Oka  
22 and Terwanga battalions were together at Kompetene. And you later realised that  
23 Dominic Ongwen was a major and commander of Oka while Lapaicho was  
24 commander of Terwanga; is that correct?

25 A. [11:50:50] Yes.

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WITNESS: UGA-OTP-P-0379

1 Q. [11:51:03] Mr Witness, you went at great length to narrate in the same statement  
2 and in your testimony before this Court last Friday how the same Otto was  
3 tormenting the other civilians, piercing their feet with his spear. Do you remember,  
4 Mr Witness?

5 THE INTERPRETER: [11:51:43] The interpreter would request the witness to talk.

6 PRESIDING JUDGE SCHMITT: [11:51:48] Mr Witness, what is your answer to that  
7 question?

8 THE WITNESS: [11:51:51] (Interpretation) I said yes, that I do remember.

9 MR AYENA ODONGO: [11:51:58]

10 Q. Mr Witness, when you do this, I understand you have said yes, but they will not  
11 have heard. So you say -- or if you do this I know you have said no, but they will  
12 not put it on record. So you answer, okay.

13 Did you hear whether --

14 A. [11:52:17] Fine, I have understood.

15 Q. [11:52:21] Mr Witness, did you hear whether Otto was given the order and, if so,  
16 who gave the order for Otto to torment the older civilians before they were released?

17 A. [11:52:40] I didn't hear anybody giving the order to Otto to torment the civilians.  
18 I didn't hear of that. If you could have heard in my answer, I said even before the  
19 people were distributed, Otto was already tormenting some people. I don't know  
20 how he got the instruction to do that. Or maybe that was already his nature.  
21 Otherwise, I didn't hear of an instruction to him to do such a thing.

22 Q. [11:53:20] But, Mr Witness, where did you discover Otto belonged? Was he of  
23 the Terwanga group or of the Oka Battalion?

24 A. [11:53:38] Otto was not in Oka, because when we walked further and then  
25 separated from, Otto was not a part of us. That was how I discovered that he was

1 part of Terwanga and not Oka.

2 Q. [11:53:56] Now, Mr Witness, from the way you have described what Otto was  
3 able to do, it would appear this is a man who had a free hand to do whatever he  
4 wanted; is that correct?

5 A. [11:54:18] Well, I am not sure, because that is exactly what he was doing.  
6 Maybe that could be the case, because there is nothing else I can say about that.

7 Q. [11:54:34] And, Mr Witness, from the conduct of affairs and in particular the  
8 conduct of Otto, which of the two battalions appeared to be more in charge of the  
9 situation than the other?

10 A. [11:55:05] Well, on that I don't know. I am not sure whether it was Lapaicho  
11 who was the overall commander or it was Ongwen who was the overall commander  
12 at that time. I am not aware of that position.

13 Q. [11:55:30] And who is Lapaicho? And is this the same person you said you  
14 heard had earlier been ordered by Kony to attack Acuru in Omot when somebody  
15 escaped with their gun? And maybe to refresh your memory I will take you to your  
16 statement.

17 In the same binder, your Honours, binder 9 -- tab 9, rather, paragraph 35.

18 Did you discover this was the same Lapaicho?

19 A. [11:56:31] Is that Otto? Yes.

20 PRESIDING JUDGE SCHMITT: [11:56:35] Perhaps you read out the two or three  
21 sentences from paragraph 35 that you are interested in --

22 MR AYENA ODONGO: [11:56:39] Yes.

23 PRESIDING JUDGE SCHMITT: [11:56:40] -- and where Lapaicho is mentioned  
24 would be an idea, perhaps.

25 MR AYENA ODONGO: [11:56:45]

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WITNESS: UGA-OTP-P-0379

1 Q. [11:56:45] Mr Witness, let me read it to you so that -- and I quote 35. You go to  
2 paragraph 35:

3 "I heard within the LRA that an escort of Otto had escaped with a gun and fired back  
4 at the LRA when escaping. This escort I believe was from Acuru" -- Acuru, "(Also  
5 spelt 'Aculu') in Omot but this occurred before my abduction. I was also told that  
6 Kony issued an order" -- "Kony issued an order to Lapaicho to attend this village  
7 where the escort came from and to kill everyone in that village. I heard that the LRA  
8 attended and the escort's house was searched but his family had ran away. I heard  
9 that Otto then got the neighbours of this escort, and directed other civilians to cook  
10 the neighbours and to eat them. I was told that the UPDF arrived after the civilians  
11 had been killed and cut up and were being cooked, but prior to any other civilians  
12 being made to eat them. I also heard that Kony had order that whoever directed this  
13 cooking of civilians should be killed. This obviously never happened but I heard  
14 this is why Otto could no longer carry a weapon. And that is all I heard about this  
15 incident."

16 You remember now what you said about the Acuru attack and Lapaicho and Otto?

17 A. [11:59:07] Well, I can remember kind of, but there is, there is -- I should correct  
18 some of the -- the things, because I heard that it was said that I heard that before I was  
19 abducted.

20 I heard that when I was already in the bush, I was already abducted. That is the area  
21 I would like to correct.

22 Q. [11:59:45] So before -- you're changing and telling Court that the statement is  
23 inaccurate. As a matter of fact, you only got to hear about this Aculu attack when  
24 you were in the bush?

25 A. [12:00:04] The rest of the things are correct. The only point that is not correct

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1 and I would like to correct is I heard that it was mentioned that at the time when the  
2 Aculu incident occurred I was not yet abducted. It was mentioned that I heard of  
3 that when I was still at home. But I heard of that when I was already in the bush  
4 only that it didn't happen from our battalion, but in another battalion and that of  
5 Lapaicho. That is what is not correct.

6 Q. [12:00:48] You come from Pajule; is that correct?

7 A. [12:00:53] Yes, that is correct.

8 Q. [12:00:55] How far away is Omot from Pajule?

9 A. [12:01:01] It's far. I, I cannot estimate, but it is far. I -- it is not in Pajule  
10 sub-county.

11 Q. [12:01:12] If you were to walk, how long would it take you to walk from Pajule  
12 to Omot?

13 A. [12:01:30] If walking as a rebel you can walk and reach there in one day but it's  
14 not going to be easy. If you leave around 5 a.m. in the morning you could reach  
15 there about 4 p.m. Omot is very far from Pajule. And with the current division of  
16 district it's no longer in Pader, it's in Agago district.

17 Q. [12:01:59] So the question I had put to you was is this the same Lapaicho,  
18 according to the information you got, is this the Lapaicho who had been ordered by  
19 Kony to attack Aculu?

20 A. [12:02:23] Yes.

21 Q. [12:02:34] Can you narrate to Court again what you heard about that incident,  
22 Mr Witness.

23 A. [12:02:56] What I heard is there was a time when Lapaicho's group where Otto  
24 belonged, from their position they were heard. It is said that the escort of Otto who  
25 had a gun ran away with a gun. At a time that he was escaping a soldier tried to

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1 pursue him and shot at him and they exchanged fire, but he was able to escape and,  
2 and leave the bush.

3 What I heard is that Lapaicho reported back to Kony and Kony gave orders that that  
4 area should be attacked and civilians be attacked in that area. There should be no  
5 mercy during the attack.

6 So it seems Lapaicho chose Otto and other people to go there and Otto went and  
7 implemented orders which were contrary to what Kony wanted. And what I heard  
8 was that he cut people to pieces and put them in cooking pots. What I heard was  
9 that he wanted other civilians to eat up the dead bodies of those who had been  
10 cooked in a pot, but government troops came and they were not able to make  
11 civilians eat.

12 So what I heard again is that when Otto did that, Kony said it was against their policy  
13 and the Bible does not say a soldier should cook other human beings, so Otto was  
14 arrested but he was not killed. Then Lapaicho asked whether Otto should be killed.  
15 He was wondering why they were not killing him and he said if they are not killing  
16 him he should be disarmed and he should be made to find his own gun, even if he is  
17 sent to guard he should go without a gun so that when soldiers come, he should find  
18 a way of getting a new gun from the soldiers. That is what I heard.

19 Q. [12:05:51] Now, now, Mr Witness, you had heard such horrendous stories about  
20 Lapaicho and Otto Sunday and here you were face to face with them, Otto addressing  
21 you. How did you feel?

22 A. [12:06:20] I have not understood the question.

23 Q. [12:06:22] I started with a statement that, you know, according to your narration  
24 of the situation it was horrendous, terrible, beyond human comprehension and this  
25 was an operation conducted by Lapaicho and Sunday Otto. This morning you come

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1 face to face with these two people, Otto and Lapaicho, and here is this same Otto who  
2 had cooked people in a cooking pot addressing you. My question is: How did you  
3 feel about it?

4 A. [12:07:28] You know when you are in the bush whatever you think about is that  
5 you may be killed any time. You are not sure how you will survive in the bush, even  
6 if you are told that you should be strong, nothing would happen to you, you still  
7 doubt considering whatever happens to other people you doubt whether you will live.  
8 You just live day by day and wait for whatever happens to you.

9 Q. [12:08:06] Now according to you, you realised that Otto who addressed you was  
10 in Terwanga, Terwanga battalion, which was under Sinia brigade. Now, there were  
11 two battalions, but Otto had taken centre stage that morning. Did you -- did it make  
12 you think about which of the two battalions under Sinia brigade, Oka or Terwanga,  
13 could have led the expedition that abducted you?

14 A. [12:09:07] Yes. I have -- I understood that later.

15 Q. [12:09:17] What did you understand, Mr Witness?

16 A. [12:09:27] Later on I, I got to know when we were being split into a different  
17 group that there were two groups there. But when -- but before that I did not know  
18 what was going on. I didn't know whether there were two groups that were  
19 conducting the operation, but when we were being split into different groups, I later  
20 on learnt that there were two groups there, Terwanga and Oka battalions, that's what  
21 I got to know later.

22 Q. [12:10:17] Thank you, Mr Witness. You know, your impression at that time  
23 will be very useful to Court. Two battalions, Terwanga and Oka, in Terwanga there  
24 is this man Otto Sunday who had been in Pajule -- I mean who had been in the areas  
25 of Omot and had done such -- that kind of thing, and here is Otto who was very

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1 active taking charge of the situation around addressing you, going and using his  
2 spear to, you know, you know, pierce people's feet and so on and so forth. Now, if  
3 you were asked between the two battalions who was more in charge of the situation  
4 than the other, what would you say?

5 A. [12:11:30] I wouldn't say and I wouldn't know, because between the -- among  
6 those who were leading us at the time, even the commander with whom I stayed later,  
7 I hardly heard from him. I only heard him speak when he was saying that his  
8 people should be brought for parade. Again, I heard him speak when we went to  
9 dance and they gave us biscuits. But to know that this is Lapaicho or this is so and  
10 so who is leading is us, I, I wouldn't know, there is nothing that would make me  
11 know who was commanding us at the time.

12 Q. [12:12:39] Mr Witness, can you tell Court who was generally, which battalion  
13 was generally in charge of the area where you went? Was it Terwanga -- because  
14 finally you separated and you went separate ways. Can you tell Court in your  
15 understanding which battalion was operating generally around that area of  
16 Kompetene?

17 A. [12:13:21] I do not know, honestly. Because I cannot say what I cannot defend.  
18 I don't know.

19 Q. [12:13:34] Can I put it another way: Which was the area where you were  
20 operating Oka battalion?

21 A. [12:13:55] The area which Oka battalion was operating in were many. We  
22 operated in most of Pajule. Not only Pajule, we also went to other areas. And as  
23 we were moving we do not operate under Oka battalion only, sometimes Lapaicho's  
24 group also joins us and we move. We were crisscrossing a lot and it is not easy to  
25 say that whatever happens in this area was being done by this group was not easy.

1 Q. [12:14:54] Now, Mr Witness, you talked about Ojok Ot Ngec distributing the  
2 abductees between the Oka and Terwanga battalions and further within the coys.

3 Can you estimate how many people were in each battalion and in each coy?

4 A. [12:15:30] It's not easy to estimate. For instance, Ot Ngec's battalion took two  
5 people. Other, other people could take one person. Other groups would take two  
6 people, so it's difficult to know the exact number, the way the abductees were being  
7 distributed to the different coys. There was no formula for distributing them. For  
8 example, if they chose two they wouldn't maintain choosing the two and for that  
9 matter I cannot say.

10 Q. [12:16:21] Mr Witness, I want to refer you to the draft transcript, page 22.

11 (Microphone not activated) Transcript 56. I am advised that what I have is wrong,  
12 so with assistance.

13 PRESIDING JUDGE SCHMITT: [12:16:59] So the date of the transcript?

14 MR AYENA ODONGO: [12:17:03] The date of the transcript, 17 March, your  
15 Honours.

16 The page number is 22 still, your Honours, and the lines, paragraph 39.

17 (Microphone not activated) Yes.

18 PRESIDING JUDGE SCHMITT: [12:17:56] And you can perhaps quote exactly what  
19 has been said.

20 MR AYENA ODONGO: [12:18:07]

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) There are some people that -- they did not

25 distribute everybody. Some people stayed with -- remained with Ot Ngec and he

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1 was, he was given to people who were taking care of his home."

2 That is the part I wanted to remind him about.

3 PRESIDING JUDGE SCHMITT: [12:19:11] And the question is?

4 MR AYENA ODONGO: [12:19:16]

5 Q. [12:19:19] The question is: By that could you estimate the number of people in  
6 the battalion? And yesterday you said Ojok Ot Ngec was in charge of a coy and  
7 since you were with Ojok Ot Ngec can you estimate to this Court how many you were  
8 in that coy?

9 A. [12:20:12] You know, I can estimate but I am not comfortable answering it. I  
10 wish it could be in private session because I, I feel I am being exposed. I don't have  
11 personal security where I live. I therefore fear for my own security. Some of these  
12 things, when I, I speak about in open session it can bring me problems in the future.  
13 For that matter I do not --

14 MR AYENA ODONGO: [12:20:56] Your Honours, we go to private.

15 PRESIDING JUDGE SCHMITT: [12:20:59] But let me, let me try.

16 You know, the question is -- there have been abductees, and the question by  
17 Mr Ayena is: How have these abductees who remained with the LRA been  
18 distributed between Terwanga and Oka battalion? I think it is correct how I say it.  
19 And of course you would not have counted them at the time but the question is  
20 simple and you -- I think we are not asking you for a moment of names. The  
21 question is simple: Do you have an estimate? For example, was it distributed  
22 similarly, the same number of people to one or the other battalions? Things like that.  
23 I think that can be answered in open session.

24 When it comes to names that you want to say that could reveal your identity, of  
25 course we would go to private session.

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1 THE WITNESS: [12:22:07] (Interpretation) Well, I am -- there is no problem, because

2 I had heard certain names and that had made me afraid. I think we can proceed.

3 MR AYENA ODONGO: [12:22:22] (Microphone not activated)

4 PRESIDING JUDGE SCHMITT: [12:22:25] So can you give such an estimate then,  
5 without naming anybody at the moment.

6 MR AYENA ODONGO: [12:22:31] (Microphone not activated)

7 THE WITNESS: [12:22:35] (Interpretation) The number of people, are you asking  
8 about the name, the number of people Ot Ngec took to his group or the ones that  
9 needed to be distributed?

10 MR AYENA ODONGO: [12:22:46]

11 Q. [12:22:47] I am talking about the number Ot Ngec took to his group first.

12 A. [12:23:00] In his group Ot Ngec took two people.

13 Q. [12:23:07] Now, yesterday you were asked to define what is meant by coy,  
14 battalion and so on and so forth. I want to put it in another way. You stayed  
15 within Oka for a while. Can you tell Court the estimate of the total number of  
16 people who were in that coy under Ojok Ot Ngec?

17 A. [12:23:45] With Ot Ngec the people he had in his home, like I said before, are  
18 many. There are many, I cannot estimate. In his position he has his wives, two  
19 wives, and his escort. And then when there are new abductees, plus other foot  
20 soldiers, that group is also part of his unit. There are also other people. Sometimes  
21 there are about 10 people, sometimes there are seven, sometimes there are 15. That  
22 is how the number varies in his home.

23 Q. [12:25:02] Mr Witness, I am not talking about those who were in his -- at his  
24 home, I am talking about those who were under his command. If that is difficult to  
25 achieve I will ask you another question which is related that may lead us there.

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1 Were you divided into platoons?

2 A. [12:25:32] Yes.

3 Q. [12:25:37] And how many people -- how many platoons were there under Ojok  
4 Ot Ngec?

5 A. [12:25:56] At the home of Ot Ngec there is just that, the people who he is in  
6 charge of, that is how it is.

7 Q. [12:26:16] So that one whole which was under the command of Ot Ngec was not  
8 divided into sections?

9 A. [12:26:37] The way you are asking I wish you could allow me explain the way I  
10 want to say. Sometimes it can make us understand better. In a coy, let's say  
11 the -- in an operation room, an operation room can be referred to as a coy.  
12 Because Ot Ngec is in charge of people who are in his home. Maybe he has also  
13 appointed someone within his household to be in charge of the welfare, for example,  
14 he appoints someone to be in charge of operations. If you go to Agweng's home  
15 there is someone who is also in charge of operation. If we go to Cow's home there is  
16 also a coy there. It's, it's similar to what is in other people's homes. The operation  
17 room in Ot Ngec's place is in charge of giving reports to the other groups. He was  
18 the one who was in charge of distributing newly abducted people, ensuring that  
19 so-and-so goes to Agweng's place, another one goes to Cow's place. Sometimes he  
20 calls other soldiers and assigns new recruits to them in positions. And that is how it  
21 is and that is how Ot Ngec is. I don't know if the way I have explained makes it  
22 easier to understand.

23 Q. [12:28:34] Well, in that case it sounds like what you would call a coy is  
24 just -- was just a household. Was just a household; Ot Ngec with his household  
25 performing certain functions, Agweng in his household performing certain functions,

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1 Odong Cow in his household performing certain functions. Is that what we  
2 understand?

3 A. [12:29:11] Yes, the way I explained. That is how I explained because Ot Ngec  
4 should ensure that the security of his household is not at stake. Everyone is in  
5 charge of his household. Now Ot Ngec, if I explain further, if there are other  
6 programmes he is the one who gives out reports, he is the one who asks for different  
7 households to give a certain number of people to be assigned elsewhere. That is  
8 how it is.

9 MR AYENA ODONGO: [12:30:03] (Microphone not activated) stopping at 12.30 or  
10 1?

11 PRESIDING JUDGE SCHMITT: [12:30:06] I think we would stop at 12.30, because  
12 we have one and a half hour now and perhaps it makes sense now to have the break  
13 until 2.30. It is a little bit longer than normally for different reasons that have -- we  
14 don't have to explain further I think.

15 Lunch break 2.30.

16 THE COURT USHER: [12:30:28] All rise.

17 (Recess taken at 12.30 p.m.)

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

19 THE COURT USHER: [14:30:20] All rise.

20 PRESIDING JUDGE SCHMITT: [14:30:37] Mr Ayena has still the floor and is still  
21 standing.

22 MR AYENA ODONGO: [14:30:42] I stood just in anticipation that I might be called  
23 to proceed.

24 PRESIDING JUDGE SCHMITT: [14:30:48] This anticipation was absolutely correct.

25 MR AYENA ODONGO: [14:30:51] Much obliged, your Honour. Your Honours,

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1 good afternoon again.

2 Q. [14:30:56] Mr Witness, good afternoon. I hope you had a good lunch.

3 A. [14:31:04] Yes.

4 Q. [14:31:09] Yeah, Mr Witness, we shall continue from where we left, trying to  
5 assist Court, of course.

6 Mr Witness, when you found out you were brought to where Dominic Ongwen and  
7 Lapaicho were together, did it ever occur to you that soldiers from both battalions,  
8 they had participated in the attack in which you were abducted?

9 A. [14:31:50] I have not understood which two soldiers are you talking about.

10 Q. [14:31:54] I'm talking about the two battalions, the two -- I mean, soldiers from  
11 the two battalions, Terwanga and Oka.

12 A. [14:32:18] What I know is, out of those who went for the standby, they're not  
13 from only one battalion. I guess they should have been drawn from both battalions.

14 Q. [14:32:42] Thank you very much.

15 And, Mr Witness, since you stayed with Oka battalion, which was under Sinia  
16 brigade, for about eight months, did you get to know who had the authority to deploy  
17 soldiers from different battalions under Sinia brigade to undertake an attack, so to  
18 speak, to form a standby from, you know, both battalions?

19 A. [14:33:26] If it includes the entire brigade, well, then I don't know. Often I'm  
20 talking about the unit I was in. I'm not sure whether my commander could have  
21 also been given an order from above. I am not aware of that.

22 Q. [14:34:07] Because I want us to think together. Oka battalion is on that desk,  
23 Terwanga battalion is on this desk, but they've got to go and attack a position there.  
24 So we must draw some people from Terwanga battalion and then we must draw  
25 some people from Oka to form the standby. Was it for one of the battalion

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1 commanders or maybe -- wasn't it more logical that somebody who would be in  
2 charge of both of them would give that order?

3 A. [14:35:13] For that, what you're asking me about, honestly I don't have  
4 information on. Because what I can respond to is limited to areas where certain  
5 things happened in my presence. I will only mention things depending on what  
6 happened in my presence, but what you are talking about, honestly I am not  
7 informed about.

8 Q. [14:35:50] Now, Mr Witness, let's talk about operational rules and regulations.  
9 Did you get to know that LRA had certain rules and regulations that must be  
10 followed?

11 A. [14:36:17] Yes, I'm aware.

12 Q. [14:36:19] And where -- or who was responsible ultimately for the laying  
13 down of those rules and regulations?

14 A. [14:36:45] According to what I got to know, there were some other people we  
15 were with who would issue instructions on what is acceptable and what is not  
16 acceptable. In that case, I would be obliged to follow the instruction. I would not  
17 have the -- the courage to question who the instructions were coming from.

18 Whatever instructions I was given, I would have to just follow like a rule put in place.  
19 I wouldn't question who the source of that instruction was.

20 Q. [14:37:51] Mr Witness, did you get to know about the ten commandments of  
21 the LRA, I mean the ten commandments which were followed by LRA?

22 A. [14:38:23] No, I'm not aware of the ten commandments.

23 Q. [14:38:29] But, Mr Witness, did you get to know that the LRA was run  
24 according to the ten commandments?

25 A. [14:38:51] No, I'm not aware.

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1 Q. [14:38:57] Did you know about the spirits that used to rule in the LRA?

2 A. [14:39:15] No, I really don't know that. The things I'm aware of are the things  
3 that I talked about. If this is what was happening, I was not really informed about.

4 Q. [14:39:32] Mr Witness, did you hear about Kony, Joseph Kony?

5 A. [14:39:42] Yes, I did.

6 Q. [14:39:46] Who was he?

7 A. [14:39:57] What I know is that it is actually what he is right now, he is the  
8 leader of the -- the overall leader of the LRA rebels.

9 Q. [14:40:19] Did you learn anything more about him, both before you were  
10 abducted and during your time in the bush?

11 A. [14:40:42] I really don't know anything else. I don't remember anything else  
12 about him.

13 Q. [14:40:59] Is it your testimony before this Court that you are perhaps the only  
14 person in northern Uganda who did not know about the spiritual attributes of  
15 Joseph Kony?

16 A. [14:41:29] What I know is what I have told you. The rest of the things I don't  
17 have very clear information on.

18 Q. [14:41:44] Mr Witness, did you come to know that being the overall  
19 commander of the LRA, Kony was the person that would give orders to attack, to kill  
20 and to lay ambush, and also maybe to punish upon instruction from the spirits?

21 A. [14:42:41] Before I was abducted, I -- I would hear even on radio that Kony  
22 was the LRA leader. And also while I was in the bush, I also heard that, for instance,  
23 during a period when the other LRA tried to run away with a gun belonging to Otto,  
24 I heard that he gave the instructions of what was carried out. The rest of the things, I  
25 really don't know. Even if these were things that happened according to his orders

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1 or instructions, well, maybe I don't know. I cannot really say these were things,  
2 these were instructions that came from him, when I actually -- I don't know whether  
3 they were coming from him or not. So I cannot really commit myself to saying that.

4 Q. [14:43:52] Mr Witness, I want to encourage you that you are here to tell the  
5 truth and that you do not have to tell Court only what you believe. Sometimes when  
6 I pose certain questions to you, I want to find out whether you just heard, you may  
7 not have believed. I mean, it is not as if everything that you hear you must believe.  
8 Am I clear?

9 A. [14:44:43] Yes.

10 Q. [14:44:44] That is why, Mr Witness, I am saying, I am asking you: Did you  
11 ever hear about this spiritual attributes about Kony both before you were abducted  
12 and during the time you spent in the bush? Because everybody else seemed to have  
13 testified that they had.

14 A. [14:45:29] Before I was abducted, I heard about the LRA and I -- I also inquired  
15 about them, but I would be told that LRA means Lord's Resistance Army. I don't  
16 have any other information about them. I actually don't know anything else about  
17 them. This is what I heard of after inquiring about who the LRA rebels were.

18 Q. [14:46:09] Now, Mr Witness, this morning you talked about cen. Did you  
19 ever hear that Kony was possessed by certain spirits, cen, so to speak?

20 A. [14:46:41] Well, on that, I'm not aware. Even during the time -- during that  
21 time nobody really bothered to tell me about that.

22 PRESIDING JUDGE SCHMITT: [14:46:59] May I just for a second.

23 Mr Witness, when you were in the bush, did people talk about Kony?

24 THE WITNESS: [14:47:16] (Interpretation) Well, when I was in the bush, nobody  
25 really talked about that. I heard about Lord's Resistance Army when I was still at

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1 home as a civilian, because I could also hear on that -- on radio that Joseph Kony was  
2 the leader of the LRA. Those were things that we talked about, but nobody in the  
3 bush really told me about Joseph Kony being possessed, this or that. No, while I was  
4 in the bush I was never told such a thing. That's why if you hear my response on  
5 this it's actually showing you that I really don't know a lot about him.

6 PRESIDING JUDGE SCHMITT: [14:48:15] Okay. Mr Ayena, I think you would  
7 have to move to another point, this is ...

8 MR AYENA ODONGO: [14:48:23]

9 Q. But before I take leave of that, did you get to know that Kony within the LRA  
10 was such a powerful person?

11 A. [14:48:38] Yes.

12 Q. [14:48:38] And that is why he had ordered Lapaicho to wreak havoc on the  
13 people of Omot?

14 A. [14:49:03] Yes.

15 Q. [14:49:14] Did you also come to learn that the power to order attacks, killing,  
16 punishment, abduction also, ultimately, lay with Joseph Kony?

17 A. [14:49:39] Well, for that I am not aware. What I know is what I have  
18 heard -- what I have said is what I have heard. If that was his responsibility or his  
19 authority I am not aware.

20 Q. [14:50:04] Mr Witness, from your testimony, it would appear that you at least  
21 understood that LRA was Kony's army; am I right?

22 A. [14:50:18] Yes.

23 Q. [14:50:22] So, Mr Witness, when you were abducted -- a short private session.

24 PRESIDING JUDGE SCHMITT: [14:50:31] Yeah, we go to private session.

25 (Private session at 2.50 p.m.)

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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 2.52 p.m.)

18 MR AYENA ODONGO: [14:52:37] (Microphone not activated)

19 THE COURT OFFICER: [14:52:42] We are in open session.

20 MR AYENA ODONGO: [14:52:46] (Microphone not activated)

21 Beti has come to haunt me again.

22 Q. [14:52:59] Mr Witness, having said what you -- made those observations,

23 which are very brilliant, of course, and I'm glad that you're confining yourself to what

24 you know, that's all that Court wants. Just say all and everything you know, don't

25 withhold any.

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1 Did you know that there were certain orders which, so to speak, were actually  
2 standing orders, that is orders which are already there and, as such, a commander in  
3 charge of any unit from which an escape, for instance, or an act of indiscipline,  
4 attempt to escape occurred did not have to wait to be given any further order on that?  
5 Did you know that those orders were there to implement where it was -- for -- against  
6 those who escaped or tried to escape in particular?

7 A. [14:54:38] Yes, I'm aware of that because that was part of the instruction given  
8 that if you try to escape and you are caught, you will have to be killed. I'm aware  
9 that that order was there. And there was another instruction regarding having  
10 sexual intercourse with the girls and, yes, if you broke the rule you'd have to  
11 definitely be killed. I'm aware those orders were there.

12 Q. [14:55:27] So, Mr Witness, if a unit commander found that you had sexual  
13 intercourse, unauthorised sexual intercourse with a girl that you attempted, or -- yeah,  
14 you attempted to escape, he would just kill you without making any reference to  
15 anybody; is that correct?

16 A. [14:56:04] Well, anybody who tried to escape -- I never saw anybody or heard  
17 anybody getting orders again after somebody trying to escape. And then at some  
18 point, well, it didn't happen from the battalion where I was, but I heard that there was  
19 a boy called Obalim who had sexual intercourse with one of the wives of the  
20 commanders. He slept with the wife of Buk. I was told that he was killed. I am  
21 not aware whether his killing came as a result of an instruction from above, but what  
22 I know is that was a standing order that such a person would have to be killed.  
23 Concerning escape, like I said earlier that if you are lucky, then sometimes if because  
24 of the commander's goodwill you are not killed, and I'm aware that that commander  
25 will have really, really been so good, in that situation we would be punished other

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1 than being killed, but I didn't hear of any other situation where somebody tried to  
2 escape and then they waited for an order from somewhere else before such a person  
3 was killed.

4 But the order was that if somebody tried to escape you didn't have to ask, you can just  
5 go ahead and kill. That could have already been an order that was issued earlier by  
6 Kony and anybody who came in the LRA came to know of that because, yes, that is  
7 how I would respond to it.

8 Q. [14:58:09] Thank you very much, Mr Witness.

9 As a rider to that question, if somebody who had clear standing order defied that  
10 order and refused to kill somebody who tried -- who blatantly tried to escape, what  
11 would be the natural consequence? Forget about sometimes being given, I mean  
12 clemency and that kind of thing. What was the natural consequence of that  
13 defiance?

14 A. [14:59:09] What I used to hear, especially I heard that -- the first thing I heard  
15 was not about escape but the issue of having sexual intercourse with a woman. They  
16 would say even if you've not divulged that there was a belief that you would  
17 eventually be shot during battle. And for that reason, everyone was scared that even  
18 if you don't report you'd be a victim of -- of gunshots. So for me I had to follow that  
19 strictly.

20 Q. [14:59:59] Mr Witness, you narrated to Court how one Opok, a man from your  
21 area, was killed after being recaptured from an earlier escape. You remember that,  
22 Opok? Do you remember that, Mr Witness?

23 A. [15:00:27] That should be in a private session.

24 MR AYENA ODONGO: [15:00:31] Yeah.

25 PRESIDING JUDGE SCHMITT: [15:00:31] Then we go to private session.

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1 (Private session at 3.00 p.m.)

2 THE COURT OFFICER: [15:00:38] We are in private session, Mr President.

3 MR AYENA ODONGO:

4 Q. [15:00:47] Mr Witness, I'm so indebted to you, you saw that, that's very good.

5 Because you know sometimes I get carried and I don't realise that I'm doing

6 something that affects you. That helps Court and everybody. Thank you very

7 much. Keep alert.

8 Now, I was asking you about --

9 A. [15:01:13] Okay.

10 Q. [15:01:14] -- Opok who you said was coming from the same area with you and

11 you said that he had been recaptured after he had earlier on escaped; is that correct?

12 A. [15:01:36] Yes.

13 Q. [15:01:36] And the other day when there was an attack on Pajule and you

14 found yourself in pretty much the same situation as Opok you were very scared,

15 weren't you?

16 A. [15:02:00] Yes.

17 Q. [15:02:00] Because you knew, and you're right, you know, you knew that if

18 you were recaptured, just like Opok was recaptured, and the ultimate punishment

19 was death, you were definitely going to be killed; is that correct?

20 A. [15:02:21] Yes.

21 PRESIDING JUDGE SCHMITT: [15:02:22] Back to open session?

22 MR AYENA ODONGO: [15:02:24] Just one minute.

23 Q. [15:02:26] Did the killing of Opok instill fear in you and inhibit your ability to

24 escape from the LRA any earlier than you finally did?

25 A. [15:02:47] Yes, it did.

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1 MR AYENA ODONGO: [15:02:51] Can we go back to open session?

2 PRESIDING JUDGE SCHMITT: [15:02:53] Back to open session.

3 (Open session at 3.02 p.m.)

4 THE COURT OFFICER: [15:02:59] We are back to open session.

5 PRESIDING JUDGE SCHMITT: [15:03:10] You have not started yet, so everything  
6 is (Overlapping speakers)

7 MR AYENA ODONGO: [15:03:16] Your Honour, they were scaring me. They were  
8 scaring me and I was about to believe that I was again breaching the rules.

9 Q. [15:03:27] Mr Witness, do you remember who ordered the killing of Opok?

10 MR AYENA ODONGO: [15:03:31] Your Honours, I think we go back briefly again.

11 PRESIDING JUDGE SCHMITT: [15:03:41] So this can happen, so we go back to  
12 private session, but for one question as I understand it. Yeah, for one question.

13 (Private session at 3.03 p.m.)

14 THE COURT OFFICER: We are in private session

15 PRESIDING JUDGE SCHMITT: [15:03:57] So now you can start again.

16 MR AYENA ODONGO: [15:04:00] Just clearing my ...

17 Q. [15:04:03] Mr Witness, can you tell Court or do you remember or did you get  
18 to know who ordered the killing of Opok?

19 A. [15:04:17] Yes, I remember.

20 Q. [15:04:19] (Microphone not activated) the killing of Opok?

21 A. [15:04:24] The person who gave the orders for the killing of Opok is Ot Ngec.

22 Q. [15:04:31] It was Ot Ngec?

23 A. [15:04:33] Yes.

24 Q. [15:04:36] Did you hear Dominic Ongwen, Abudema or Kony giving the  
25 order?

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1 A. [15:04:51] No, I did not.

2 MR AYENA ODONGO: [15:05:06] We can now go back to open session.

3 PRESIDING JUDGE SCHMITT: [15:05:10] Back to open session.

4 (Open session at 3.05 p.m.)

5 THE COURT OFFICER: [15:05:15] We are in open session.

6 MR AYENA ODONGO: [15:05:20]

7 Q. [15:05:21] So, Mr Witness, from your statement, at the longest you could have  
8 stayed with the LRA for about eight months; is that correct?

9 A. [15:05:52] Yes.

10 Q. [15:06:01] And all this time, Mr Witness, you were with the Oka battalion; is  
11 that correct?

12 A. [15:06:13] Yes.

13 Q. [15:06:15] I want you, Mr Witness, although I know you've talked about it, I  
14 want you to -- there's a few grey areas that, depending on how you understand my  
15 question, you may help Court to understand the establishment of the Oka battalion.

16 So I am going to turn to Oka battalion. Can you tell us how many people were at the  
17 headquarters -- headquarters with Dominic Ongwen?

18 A. [15:07:10] It's not easy to know the real number, the exact number. I can only  
19 give an estimate, but the exact number is difficult to say.

20 Q. [15:07:25] Mr Witness, you know, you are not bound to be very exact. We are  
21 not here about rocket science. You can, you know ...

22 PRESIDING JUDGE SCHMITT: [15:07:40] You can give an estimate.

23 MR AYENA ODONGO: [15:07:42] Just an estimate.

24 PRESIDING JUDGE SCHMITT: [15:07:44] Yeah.

25 THE WITNESS: [15:07:52] (Interpretation) In that case, the number of people

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1 who were in the headquarters could be between 15 to 17.

2 MR AYENA ODONGO: [15:08:21]

3 Q. [15:08:21] And, Mr Witness, how did the different coys, in particular the  
4 intelligence office and the signallers who, according to what you told Court, formed  
5 coys unto themselves, how did they relate with the operations room and the battalion  
6 headquarters?

7 A. [15:09:06] I mean, what -- according to what I saw, the operation room -- the  
8 commander who is in charge of the operation room would be the one to pick someone  
9 from among the soldiers. If need be he can get someone from another coy, or if he  
10 wants to choose another soldier from another coy he would send someone to say, for  
11 instance, Agweng's home and bring two soldiers. That's how he would coordinate.  
12 So the person who has been sent would take the report, and whoever has been given  
13 the report would come to the operation room where he has been summoned.

14 Q. [15:10:21] Very well. Now, you talked about these different coys and  
15 repeatedly you've in particular talked about Agweng, who was the intelligence officer.  
16 Can you tell Court the estimated distance between the different coys where they were  
17 stationed and the headquarters, the operations room and, ultimately, the brigade  
18 headquarter -- I mean, the battalion headquarters.

19 A. [15:11:22] Let us assume that this is the headquarter where we are sitting now.  
20 If this is the headquarter, let us assume that the household of Ot Ngec, which is like a  
21 coy, could send his people about a hundred metres backward. On this side there  
22 could be Ariang's household and they could send his household about a hundred  
23 metres. And next to the operation room, on this side of the operation room, let's say  
24 Agweng could have sent people from headquarters about a hundred metres, but in  
25 the same line. So everybody sends their people from headquarters a hundred metres

1 away. So the deployment will be around the headquarters. If there are many  
2 people the distance may not be so long, but if there are few people the gap between  
3 the people can be big. That is how it is.

4 Q. [15:13:06] Now, can you tell Court whether -- sorry. Mr Witness, can you tell  
5 Court whether it was possible for somebody to hear a conversation taking place  
6 between one coy and another?

7 A. [15:13:42] What is happening in this coy, on the other hand, if it's not  
8 physically reported here will not be known to this group. If certain information is  
9 needed in this group, say if someone perhaps moves to that location, he would be  
10 able to -- to bring information, but before sending someone to come they would  
11 request for a certain number of people and they would go where they are wanted.

12 Q. [15:14:31] Mr Witness, did you have the great pleasure of performing the  
13 function of moving between the different households, which were otherwise called  
14 coys, or you just stayed within your own?

15 A. [15:14:58] Movement between the different households, yes, I would do when  
16 I stayed -- when I had stayed for long, but when I had just been abducted I would be  
17 escorted to any location I'm going to, or I would be moving with a commander. On  
18 my own I wouldn't do that, but when I stayed long I would do it.

19 Q. [15:15:31] Now, Mr Witness, you were in Ojok Ngec's coy and  
20 Dominic Ongwen was having his own coy. Was it possible for you to listen to what  
21 was taking place in Ongwen's coy?

22 A. [15:16:03] Like I said -- it seems I'm repeating what I said earlier. I said that if  
23 you have no reason to be in another location, even if I had stayed there for long, if  
24 something happens there when I'm not there I wouldn't know.

25 Q. [15:16:41] So it was not always that you heard what was going on in Ongwen's

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1 coy?

2 PRESIDING JUDGE SCHMITT: [15:16:49] The witness has answered that.

3 MR AYENA ODONGO: Yes.

4 PRESIDING JUDGE SCHMITT: [15:16:52] No, he did not know, always know, of  
5 course, so you can move on.

6 MR AYENA ODONGO: [15:16:58] Okay.

7 Q. [15:17:14] Mr Witness, did you say when -- first of all, let me begin with this:

8 You were sent to the operations room with Ot Ngec. What was the function of the  
9 operations room?

10 A. [15:17:55] The functions of the operations room, among others, include, first of  
11 all, to coordinate programmes from the commander. And if by the time movement  
12 is scheduled, the operations room will have known and then either will follow, other  
13 people will follow as has been instructed. If there is any movement that is supposed  
14 to take place, the operations room would go ahead. Other people wouldn't know  
15 the exact destination or the direction of the movement, but the operations room  
16 would know. Then you would just realise that they're distributing -- that this  
17 household should go to this location, this one goes to another location. The  
18 operations room coordinates the programme.

19 Q. [15:19:05] (Microphone not activated) of the intelligence office led by Agweng?

20 PRESIDING JUDGE SCHMITT: [15:19:10] You would have to repeat the question.  
21 The microphone was not activated.

22 MR AYENA ODONGO: [15:19:14] Okay.

23 Q. [15:19:16] Mr Witness, what was the function of the intelligence office led by  
24 Agweng?

25 A. [15:19:33] The intelligence officer had roles, such as overseeing the welfare of

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1 the people in the group, like Odello Owor (phon). If they're there at that time, he  
2 would appoint people on a duty roster; for instance, two people to work at night.  
3 It -- he also ensures that the patrol group moves around so that they bring a report on  
4 what they find during their movement. That is the work of intelligence.

5 Q. [15:20:31] Did the intelligence office also conduct operations within the LRA?

6 A. [15:20:43] I beg your pardon?

7 Q. [15:20:44] Did they also conduct operations? Were they involved in  
8 operations?

9 A. [15:21:01] The intelligence office also performs the duties that any other person  
10 performs. There's no difference. But the commander should ensure that these  
11 things are done. Sometimes even those who were not in the household, the  
12 intelligence officer is taken to participate in a different role and vice versa.  
13 Operation is the same, but the intelligence officer as a person should ensure the  
14 welfare of the people, people should be informed of the environment, they should  
15 first ask the intelligence officer how this happened.

16 Q. [15:21:54] Now, apart from reporting to Ongwen, did you get to know  
17 whether especially Agweng also reported to some other officers higher than Ongwen?

18 A. [15:22:17] As I mentioned earlier, the intelligence officer was very close to the  
19 operations room. The way I see, they coordinate a lot and, for instance, if they have  
20 to take people for patrol, Ot Ngec would be the one to see who should go for patrol.  
21 Like, some people could have already been -- could have already participated in  
22 operation, they would take a different lot of people. So they would say, "Go to so  
23 and so's home so that you can take them for patrol", and they would be told to go to a  
24 certain distance before coming back. But like Agweng, he would have reported to a  
25 person like Ot Ngec and then Ot Ngec would now send people to call those who were

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1 supposed to participate.

2 Q. [15:23:18] Mr Witness, when I said "to some other person other than  
3 Dominic Ongwen", I meant to say maybe reporting to the brigade or maybe to  
4 Joseph Kony himself about what was happening in -- within the battalion.

5 A. [15:23:48] Yes, I am hearing you.

6 Q. [15:23:49] Was Agweng also reporting either to Abudema or to Kony about  
7 what was happening within the battalion, or you did not get to know this?

8 A. [15:24:11] I did not get to know, but what I know is he doesn't report. Like in  
9 the military rank, he cannot report directly, but go through his commander, such as  
10 Ongwen, and then go through Abudema. Unless those people are not there or  
11 unless there is something that prevents him from giving his reports to those people,  
12 then he would give it elsewhere because those were his commanders.

13 Q. [15:25:19] Mr Witness, you told Court about the training you received while  
14 you were at Bagoma. Am I right to say that the training with the guns was only for  
15 those between 15 to 17 years?

16 A. [15:25:53] It's -- you said the truth but some facts are remaining.

17 Q. [15:25:58] Can you remind me about the facts which are remaining, which  
18 ones are true and which ones are remaining?

19 A. From the age of those abducted, the youngest is usually 10 or 11, up to the age  
20 that he -- the abductee is supposed to be trained. It's not just from 15.

21 MR AYENA ODONGO: [15:26:47] (Microphone not activated) refer him to -- sorry,  
22 I want to refer him to draft transcript 56.

23 PRESIDING JUDGE SCHMITT: [15:26:56] Please give the ERN number and so ...

24 MR AYENA ODONGO: [15:27:01] The draft --

25 PRESIDING JUDGE SCHMITT: [15:27:02] The transcript, okay.

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1 MR AYENA ODONGO: [15:27:03] The transcript, yes.

2 PRESIDING JUDGE SCHMITT: [15:27:04] Yes.

3 MR AYENA ODONGO: [15:27:08] Yes. Page --

4 PRESIDING JUDGE SCHMITT: [15:27:08] Which day -- which day, of course, and  
5 then ...

6 MR AYENA ODONGO: [15:27:13] The 17th, your Honour. And also tab 9,  
7 maybe we start with tab 9, OTP-0260-0039, at 48. I mean, and paragraph 53, and I  
8 read:

9 "Some people within our group went to fetch water and others made fire and we  
10 started cooking. After eating, our marching training continued, and this was the  
11 same group learning to march as before. Later on two fighters from within the  
12 Operations Room, called Odokonyero and Ocitti gathered us and we surrounded  
13 them. They were holding guns. They started teaching us about different parts of  
14 the gun. They shouted out the names of the parts of the gun and we were made to  
15 repeat these gun parts after them. We were also shown how to dismantle the gun.  
16 This group was different to the group that we had been taught how to march because  
17 the marching was being taught as a Battalion, and this training was being taught as a  
18 group of the Operations Room and was much smaller. The age range during this  
19 training was between 15 to 17 years of age. I did not see any of the younger people  
20 in our group because they were attached to other groups, not the Operations Room."

21 Q. Mr Witness, do you remember making that statement?

22 A. [15:29:49] If you read further, you'll find names of some people. You -- you  
23 stopped before the names. Please read and proceed to the names.

24 Q. [15:30:16] Well, you see, can we go one at a time, Mr Witness?

25 A. [15:30:22] Okay. Yes, that I said, but I did not list all the names, but as I

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1 mentioned, they were also part of it.

2 Q. [15:30:39] And if I were to continue, Mr Witness, we are now going to a group  
3 that was made to dance, Olet for instance, and Wokorach, who danced on your behalf  
4 because you were such a bad dancer; do you remember that? That dancing occasion  
5 when you were selected to dance and because you were not quite a good dancer,  
6 somebody had to volunteer to dance on your behalf? I don't see anything about  
7 training.

8 A. [15:31:31] Yes, I do remember.

9 Q. [15:31:33] So do you confirm that training in the use of guns was confined to  
10 boys between 15 and 17?

11 MR SACHITHANANDAN: [15:31:46] Your Honour, just a correction. Of course  
12 the reference made by learned counsel is to a particular incident, but now the  
13 proposition being put is -- is a general proposition about the age of training with  
14 weapons. So I would appreciate it if counsel limits himself to the example in  
15 paragraphs 52, 53 and 54.

16 PRESIDING JUDGE SCHMITT: [15:32:13] No, I think the witness has already said  
17 that this was his statement, former statement, and we can put it into perspective  
18 because the Chamber can also read and listen and we see what it relates to. And  
19 now the question is generally put and the witness can answer it and can differentiate  
20 if he wants to, and if he does not want to, he says it was exactly like it is written down  
21 here.

22 So, Mr Ayena, please repeat your question, the general question, and then the witness  
23 can answer again because it might not be clear now what the question was.

24 MR AYENA ODONGO: [15:32:53] I'm much obliged, your Honour.

25 Q. [15:32:55] Mr Witness, is that your statement that, at least within your unit that

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1 is what was happening, training was for boys between 15 and 17?

2 PRESIDING JUDGE SCHMITT: [15:33:10] Military training was for boys between  
3 15 and 17, generally; that is the question.

4 MR AYENA ODONGO: [15:33:17] Yes.

5 THE WITNESS: [15:33:30] (Interpretation) Well, you know, one thing that is very  
6 important is that we have to tell the truth and then if at times I'm required to say  
7 things that are not in my interest or things that I really don't know becomes very  
8 difficult for me, but what I know I have said is that if I should read out -- I don't know  
9 whether we are in private session or not?

10 PRESIDING JUDGE SCHMITT: We are in open session at the moment.

11 THE WITNESS: (Interpretation) Then I cannot say much if it's -- if we are in open  
12 session because sometimes I'll have to read out names and if these names are not --

13 PRESIDING JUDGE SCHMITT: [15:34:19] Then we go, Mr Witness, for the  
14 response to this question to private session.

15 (Private session at 3.34 p.m.)

16 THE COURT OFFICER: [15:34:29] We are in private session, Mr President.

17 PRESIDING JUDGE SCHMITT: [15:34:39] Then please answer, Mr Witness.

18 THE WITNESS: [15:34:48] (Interpretation) While we were parading at Bagoma,  
19 our position was in the sorghum garden. The parade was not including the entire  
20 group, but we were only boys at the position in Ot Ngec's household. The boys  
21 whose ages I mentioned that ranged between 13, boys like Wokorach, Olet I said was  
22 14, Kilama Cio was also there and other boys like Okot Oyot, Okello Bokak (phon)  
23 and others whose names I cannot recall right now. We were all marching or  
24 parading together and learning how to dismantle and reassemble a gun, not that they  
25 there were only people ranging -- boys ranging between 15 and 17. There were also

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1 some who were above 17 who were also trained how to operate a gun; therefore, I  
2 would request that -- well, I know this is a court, but some of the questions come in  
3 such a manner that makes me think that I am just looking for the information I have  
4 to give out.

5 PRESIDING JUDGE SCHMITT: [15:36:17] No, you only have -- Mr Witness, it's  
6 perfectly easy for you. You only have to say to us the truth and if a proposition, for  
7 example, is put to you and the truth is that you from your perspective do not want to  
8 agree to it say, "It wasn't like that." And if you want to agree to it you say, "yes, I  
9 agree" or "correct", or whatsoever. And when there is a need for private session,  
10 then we go to private session. But I think now we can continue in open session, I  
11 would say.

12 (Open session at 3.36 p.m.)

13 MR AYENA ODONGO: [15:36:56] (Microphone not activated)

14 THE COURT OFFICER: [15:37:03] We are in open session.

15 MR AYENA ODONGO: [15:37:08]

16 Q. [15:37:08] Mr Witness, still on that issue, without divulging any names, I want  
17 to ask you whether the statement you made only related to that particular incident?  
18 Do you want Court to believe that you meant the training for that particular day  
19 only?

20 A. [15:37:50] I have not understood the question.

21 Q. [15:37:53] Mr Witness, I read to you paragraph 54 -- 55 -- I mean, 53 where you  
22 said only boys between 15 to 17 were trained in the use of guns. Did you see that  
23 part, Mr Witness, the last -- the third last -- from the third --

24 A. [15:38:22] Yes.

25 Q. [15:38:22] -- (Overlapping speakers) line where you said "The age range

1 during this training was between 15 to 17 years of age. I did not see any of the  
2 younger people in our group because they were attached to some other groups, not  
3 the Operations Room."

4 A. [15:38:59] For this, if -- if it should be like that, well, that is -- it -- but  
5 sometimes -- well, during the time when we were there, for instance, you can ask me  
6 right now and I won't be able to give you the full information because some of the  
7 names may -- might have skipped my mind or their ages as well, but that was what  
8 came out at that time when I was asked, but that doesn't necessarily mean that that  
9 was the only age group that was present during the training.

10 PRESIDING JUDGE SCHMITT: [15:39:43] In fairness I think to the witness, would  
11 have to say that this paragraph relates to a certain incident or a certain -- yeah, a  
12 certain incident in time, so it's not meant to be as a general remark, I would say.  
13 So -- and he has confirmed that he said that in this paragraph and that is also his  
14 testimony today, but it -- the subtitle so to speak is moving to Bagoma here, so it is  
15 situated, yeah, in space and time, so to speak.

16 MR AYENA ODONGO: [15:40:27] Much obliged, your Honour. And since it  
17 seems to be stressing him maybe we shall move on.

18 PRESIDING JUDGE SCHMITT: [15:40:33] I would also suggest to move on.

19 MR AYENA ODONGO: [15:40:36] Yeah.

20 PRESIDING JUDGE SCHMITT: [15:40:37] Thank you.

21 MR AYENA ODONGO: [15:40:43]

22 Q. [15:40:43] Now, Mr Witness do you remember how long you remained in the  
23 bush before you obtained a gun?

24 A. [15:41:09] Well, I stayed for -- if I can remember, about a month or so without a  
25 gun, but I cannot estimate the actual period right now.

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1 Q. [15:41:31] Was it before or after the death of Ojok Ot Ngec?

2 A. [15:41:47] By the time Ot Ngec was killed I didn't yet have a gun, but I  
3 acquired it after his death.

4 Q. [15:42:00] And Mr Witness, can you tell this honourable Court how one  
5 acquired a gun there?

6 A. [15:42:24] How guns were acquired was such that if, for instance, there is an  
7 operation and some guns were recovered, the guns would be given out to those who  
8 do not have. That was how guns were acquired. But also if you were possibly  
9 lucky and during the operation you were able to recover a gun, yes, that would be  
10 one way of getting a gun. In another instance, if another person in the group got  
11 injured his gun would be given to you, but that's only if you are within the same  
12 position as that person. But also whenever there's an operation, in case you don't  
13 have a gun, you can be given out one from what -- a member of your position so that  
14 you can go for an operation, and then when you return you give it back to them.  
15 That was how guns were acquired.

16 Q. [15:43:53] Now, Mr Witness, in your statement you gave names of the various  
17 commanders within the Oka battalion.

18 I mean in particular, your Honours, referring to tab 9, at page 52, paragraph 71 to 76.

19 Mr Witness, in particular you talked about Ongwen as Oka battalion commander,  
20 Ot Ngec who was replaced by Odong Cow, and then there was Kidega -- I don't  
21 know whether this requires -- this has already been conversed in --

22 PRESIDING JUDGE SCHMITT: [15:44:45] I don't think this requires private  
23 session. I have at least an agreement by Mr Gumpert, yeah? So I would --

24 MR GUMPERT: [15:44:57] Yes, that's right, your Honour.

25 PRESIDING JUDGE SCHMITT: [15:44:59] Okay. Thank you very much.

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1 Although it was not outspoken, it was simply by mimic.

2 Stay in open session for the moment.

3 MR AYENA ODONGO: [15:45:10] He nods very rarely and when he nods he's  
4 agreeing.

5 Q. [15:45:17] You mentioned Cowboy, Kidega, Gereng, Agweng IO, Ariang,  
6 Van Dam and Nyerere. Can you tell us the role of each one of these commanders  
7 starting with, for instance -- well, we have talked at length about Ot Ngec and  
8 Odong Cow. How about Kidega, what were his functions?

9 A. [15:46:06] Whenever Cow was not there, Kidega would take up the  
10 responsibility of Cow.

11 Q. [15:46:14] Okay. So he was, so to speak, third in command, Cow being  
12 second in command, Ojok Ot Ngec being the first, of course?

13 A. [15:46:43] Well, for that I am not very knowledgeable about whether Cow or  
14 Ot Ngec or who was in which position, but I was talking about the commanders with  
15 whom I stayed. I was at the operation room at the time when I said Ot Ngec was not  
16 there and Cow took -- took charge of the operation room. When Cow escaped,  
17 Kidega took up that position. I don't know whether that was the arrangement, but  
18 that was how the positions were and the responsibilities were handled.

19 Q. [15:47:26] Can I suggest to you, Mr Witness, that you are making it more  
20 complicated than what it is because the effect of what you are saying is exactly my  
21 position: Ot Ngec was killed, Odong Cow took over, Odong Cow escaped, Kidega  
22 took post. What would be the effect of that?

23 A. [15:47:56] The reason I responded in a different way was that at the time when  
24 Cow escaped we were at the bay, and when we were at the bay we were not  
25 with -- with the entire Oka battalion. Some people were already at the convoy.

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1 So to say that those were the people who -- who were aligned in that manner was not  
2 correct, that's why I was responding differently.

3 Q. [15:48:25] That's a very, a very intelligent way of explaining. Thank you very  
4 much.

5 Now, Mr Witness, you remember the other day the Prosecution -- the Prosecutor  
6 asked you about somebody called Bookec; you remember?

7 A. [15:49:04] Yes.

8 MR AYENA ODONGO: [15:49:13] Can we go to private session for a short time?

9 PRESIDING JUDGE SCHMITT: [15:49:16] Yes, we go to private session.

10 (Private session at 3.49 p.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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17 (Open session at 3.59 p.m.)

18 THE COURT OFFICER: [15:59:09] We are in open session, Mr President.

19 PRESIDING JUDGE SCHMITT: [15:59:13] Thank you very much.

20 So I think this concludes today's hearing. The next hearing will be on Monday, 9.30.

21 And since we should set ourself goals, I would say we aspire to finish the

22 examination of the witness on Monday, aspire to do that.

23 THE COURT USHER: [15:59:39] All rise.

24 (The hearing ends in open session at 4.00 p.m.)

25 RECLASSIFICATION REPORT

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