

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0018

1 International Criminal Court

2 Trial Chamber IX

3 Situation: Republic of Uganda

4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15

5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan

6 Trial Hearing - Courtroom 3

7 Wednesday, 3 May 2017

8 (The hearing starts in open session at 9.35 a.m.)

9 THE COURT USHER: [9:35:01] All rise.

10 The International Criminal Court is now in session.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [9:35:21] Good morning, everyone.

13 Could the court officer please call the case.

14 THE COURT OFFICER: [9:35:29] Yes, Mr President.

15 This is the situation in the Republic of Uganda, in the case of The Prosecutor versus

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

17 And we are in open session.

18 PRESIDING JUDGE SCHMITT: [9:35:45] (Microphone not activated) excuse me, I

19 ask for the appearance of the parties.

20 MR GUMPERT: [9:35:51] My name is Ben Gumpert. With me today, Beti Hohler,

21 Yulia Nuzban, Colin Black, Pubudu Sachithanandan, Adesola Adeboyejo,

22 Ramu Fatima Bittaye, Shahriar Yeasin Khan, Paul Bradfield and Yya Aragon.

23 PRESIDING JUDGE SCHMITT: [9:36:16] Now for the Legal Representatives of the

24 Victims.

25 MR MANOBA: [9:36:19] Good morning, Mr President, your Honours.

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1 Joseph Manoba and Mr James Mawira.

2 MR NARANTSETSEG: [9:36:26] Orchlon Narantsetseg. Thank you very much.

3 PRESIDING JUDGE SCHMITT: [9:36:29] Thank you.

4 And for the Defence, please. Mr Ayena.

5 MR AYENA ODONGO: [9:36:33] Good morning, Mr President and your Honours.

6 Today with me is Chief Achaleke Taku, co-counsel; Mr Michael Rowse, assistant to

7 counsel; Ms Abigail Bridgman. And our client, Dominic Ongwen, is in court.

8 Thank you.

9 PRESIDING JUDGE SCHMITT: [9:36:50] Thank you very much.

10 And we also welcome Madam Witness again in the courtroom. And we continue

11 with the examination by the Prosecution.

12 Mr Gumpert has the floor.

13 WITNESS: UGA-OTP-P-0018 (On former oath)

14 (The witness speaks Acholi)

15 QUESTIONED BY MR GUMPERT: (Continuing)

16 Q. [9:37:15] Madam Witness, I want to ask you just one matter arising from what

17 you said yesterday before I go on to new material. You told us that Odomi was with

18 the Sinia group. I want to ask you now about Tulu. Which group was Tulu with?

19 A. [9:37:46] Tulu was in the sickbay group.

20 Q. [9:37:57] Was the sickbay a smaller part of any other group?

21 A. [9:38:13] The sickbay group was not a very small group but it was a group that

22 was holding nursing mothers and injured persons.

23 Q. [9:38:26] May I refer your Honours to the second sentence of paragraph 23.

24 That contains the information I'm seeking to elicit.

25 PRESIDING JUDGE SCHMITT: [9:38:35] Yes, you can try it.

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1 MR GUMPERT: [9:38:41]

2 Q. [9:38:42] Madam Witness, I want to remind you of part of the statement you
3 made which we looked at yesterday. Back in 2005 you said this: "The sickbay was
4 part of what we called the Gilva group."

5 Does that remind you of what the sickbay was part of?

6 A. [9:39:15] The sickbay was a different group. It was different from that of
7 Tulu. Tulu's group was different and the sickbay was different.

8 MR GUMPERT: [09:39:30] I'm going to move on, your Honour.

9 PRESIDING JUDGE SCHMITT: [9:39:32] Yes.

10 MR GUMPERT: [9:39:33]

11 Q. [9:39:34] When we finished yesterday evening, you described to us what was
12 happen -- what had happened and who had spoken at an RV, a meeting. Do you
13 remember that?

14 A. [9:40:01] The meeting at the RV, it was -- Odomi was part of that group and he
15 spoke in that meeting.

16 Q. [9:40:12] Yes. Now I want to ask you some questions about what you did
17 immediately after the meeting. Where did you go and who did you go with?

18 A. [9:40:34] After the meeting we started moving to the point where we were
19 required to go and work. We were in a group of many people.

20 Q. [9:40:47] Can you remember the names of any places on the route that you
21 took?

22 A. [9:41:14] I can remember we passed via the foot of Atoo hills, then we crossed
23 the road to Paicho and we slept around there. Then in the morning around 4 a.m.
24 we crossed the road to Awach on our way to the place where we were supposed to
25 work.

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1 Q. [9:41:43] Were you all together on this journey or had the group split up into
2 different parts?

3 A. [9:41:56] We split into two groups, but we went and all converged at the point
4 which was agreed for us to meet.

5 Q. [9:42:08] Who was leading the group that you were part of?

6 A. [9:42:23] I cannot recall the person who was leading my group.

7 Q. [9:42:31] Can you recall the name of the person who was leading the other
8 group?

9 A. [9:42:43] I cannot recall now.

10 MR GUMPERT: [9:42:51] Your Honour, I'm going to put a name which is
11 contained in the first sentence of paragraph 47.

12 PRESIDING JUDGE SCHMITT: [9:42:57] Yes.

13 MR GUMPERT: [9:42:59]

14 Q. [9:42:59] Does the name Ocaka trigger your memory?

15 A. [9:43:09] Yes, it does.

16 Q. [9:43:13] Can you now remember who was leading the other group, not your
17 group, but the other group?

18 A. [9:43:27] I cannot remember now about the other group because there were
19 very many people. I don't know where the other group went.

20 Q. [9:43:38] Okay. Tell us what you can about Ocaka.

21 A. [9:43:52] What I can say about Ocaka is that he is Kony's fighter who was
22 selected to come and work in the camp.

23 Q. [9:44:09] I think the word you used just now was "a Kony's fighter". Did I
24 hear correctly?

25 THE INTERPRETER: Your Honour, could witness be asked to repeat the answer.

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1 PRESIDING JUDGE SCHMITT: [9:44:32] Madam Witness, the interpreter has not
2 got your answer correctly, so would you please be so kind to repeat it. Not your
3 fault, there was a mistake, a problem with the transmission of your answer. Please
4 repeat it.

5 THE WITNESS: [9:44:55] (Interpretation) Ocaka was Kony, Joseph Kony's fighter
6 who is selected to go to -- and carry food from the camps.

7 MR GUMPERT: [9:45:11]

8 Q. [9:45:12] Who selected Ocaka to go to this camp?

9 A. [9:45:27] That would be his overall boss to go and -- who would select him to
10 lead the group that were going to collect food from the camp.

11 Q. [9:45:40] And can you tell us the name of his boss?

12 A. [9:45:50] His boss could be Tulu, could be Odomi, could also be Raska.

13 Q. [9:46:01] Let's just try and narrow that down. Had Ocaka come with you
14 from Tulu's group?

15 A. [9:46:17] Ocaka came to us and told us that we should go to collect food
16 because Tulu's group lacked food because there were many nursing mothers and
17 children who were lacking food.

18 Q. [9:46:38] So in relation to this work that you're telling the Court about, where
19 did you first see Ocaka?

20 A. [9:46:54] I first saw Ocaka when we were in the same group with Tulu.

21 MR GUMPERT: [9:47:06] Your Honours, I want to refresh the witness's memory
22 from the first two sentences of paragraph 41. I've fallen into a bad habit. The ERN
23 is UGA-OTP-0159-0010.

24 PRESIDING JUDGE SCHMITT: [9:47:27] Yes.

25 MR GUMPERT: [9:47:31]

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1 Q. [9:47:33] Madam Witness, again I'm going to remind you of something which
2 you said in your statement to the Prosecution. You said this back in 2005:

3 "I do not remember Ocaka's first name. He was in Odomi's group, but he was sent
4 to lead the group which was going to work in Lukodi."

5 Does that remind you whose group Ocaka was in?

6 A. [9:48:19] What can remind me is the name of the group from where he came,
7 that he was sent to come and lead the group to go to Lukodi. It was the group
8 from -- in Odomi's group.

9 Q. [9:48:36] That was the group that he was sent from; do I understand you?

10 A. [9:48:44] Yes.

11 THE INTERPRETER: [9:48:46] Your Honour, could witness speak up a bit.

12 PRESIDING JUDGE SCHMITT: [9:48:51] Madam Witness, I'm reminded by the
13 interpreters what we discussed yesterday already, that you speak a little bit up so that
14 interpreters can understand you better. Thank you very much.

15 MR GUMPERT: [9:49:05]

16 Q. [9:49:06] Now, you told us that after the meeting the group split into two and
17 then it rejoined again. And I'm asking you now whether you can tell the Court the
18 name of the place where that rejoinder took place.

19 A. [9:49:32] We -- the place where we met, I cannot now recall the name, but I
20 remember we met together and then we moved to the place where we were going to
21 work.

22 Q. [9:49:48] Before we come to you moving on, I want to ask you about what was
23 said at that place where you all met up. Can you remember now who spoke and
24 what they said?

25 A. [9:50:13] What was said at the place we met was that we were told that if you

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1 are fearful then you should go back to your mother's home.

2 Q. [9:50:30] What about the place where you were going to have to go and work,
3 was anything said about that?

4 A. [9:50:44] There was nothing that was communicated about the place we were
5 going to talk about, apart from the fact that we should go and collect food. That was
6 the only thing that I could hear -- or I heard.

7 Q. [9:51:04] Was anything said about the number of soldiers, government soldiers
8 during this meeting?

9 A. [9:51:26] About the government soldiers I did not understand anything that
10 was said about it. I couldn't remember because we were all set to go.

11 MR GUMPERT: [9:51:41] Well, your Honours, I'm going to seek leave to refresh
12 the witness's memory from the last two sentences in paragraph 47.

13 PRESIDING JUDGE SCHMITT: [9:51:50] Perhaps may I have --

14 MR GUMPERT: [9:51:53] Please do. Yes.

15 PRESIDING JUDGE SCHMITT: [9:51:54] -- a short try.

16 Madam Witness, I'm not sure if I remember what you said yesterday but I have in
17 mind, correct me if it's not correct what I am saying, that you were told to go to a
18 place called Gwendia. Is that correct, my recollection, that you said that yesterday?

19 THE WITNESS: [9:52:17] (Interpretation) Gwendia was a barracks and there was a
20 school there. The interest was to go to Gwendia but the camp was in Awach.

21 PRESIDING JUDGE SCHMITT: [9:52:34] So where did you go finally? To which
22 place did you go then?

23 THE WITNESS: [9:52:45] (Interpretation) We went to Lukodi.

24 PRESIDING JUDGE SCHMITT: [9:52:50] And how did it come that you finally
25 went to Lukodi?

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1 THE WITNESS: [9:53:00] (Interpretation) Because there was no any other place
2 elsewhere we could go. We had to go to Lukodi.

3 MR GUMPERT: [9:53:10]

4 Q. [9:53:12] And following on from what the learned Judge has said, when that
5 decision was made to change from Gwendia to Lukodi, who made that decision?

6 A. [9:53:32] That decision was made by those who were leading us that we
7 should go to Lukodi because we could not go back without food.

8 MR GUMPERT: I want to get the name, your Honour.

9 PRESIDING JUDGE SCHMITT: [9:53:47] Yes. You can, you can give it a try, 47
10 I think.

11 MR GUMPERT: [9:53:51] Yes.

12 Q. [9:53:54] Madam Witness, I'm going to remind you of something in your
13 statement. Talking about that meeting you said:

14 "Ocaka then told us there were more soldiers in Gwendia. He told us that we were
15 to attack Lukome instead as there were fewer soldiers in that camp. This was the
16 first time I heard about Lukome, which is the same place as Lukodi."

17 Do you remember now Ocaka speaking those words?

18 A. [9:54:41] I remember.

19 Q. [9:54:42] Thank you. Now you moved on from that meeting place where you
20 reunited. Where did you go next?

21 A. [9:55:06] After our meeting we went straight to Lukodi.

22 Q. [9:55:15] Were you given any instructions about how you should carry out the
23 work which you were going to do?

24 A. [9:55:30] The instructions given to us was that we should carry food and that
25 we should abduct civilians to carry the items that were taken from the camps.

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1 Afterwards I -- when I came out I came and found what was -- what happened, there
2 were many people who were killed and some who were burnt inside the houses.

3 Q. [9:55:58] Who was it who was giving the instructions about how you should
4 carry out the work?

5 A. [9:56:14] That was the leader of the group that was leading us to Lukodi.

6 Q. [9:56:18] And just remind us now again of the name of that person.

7 A. [9:56:29] Because when we reached, we were in two groups. Those who went
8 to the barracks were different and those who came -- entered the camp to carry the
9 foods were also different, so now I can't remember the names.

10 Q. [9:56:54] How did you approach the camp at Lukodi?

11 A. [9:57:04] We entered at about 6 and those who had guns were in front and
12 those of us who didn't have guns, we remained behind.

13 Q. [9:57:19] Just to be clear, that's 6 in the evening, yes?

14 A. [9:57:26] Yes.

15 Q. [9:57:30] Was there any kind of signal for the start of the attack?

16 A. [9:57:50] What we heard, a whistle was blown. I cannot now tell whether it
17 was a government -- it was from the government or from the rebels and then
18 immediately I heard gunshots and firing in the barracks.

19 Q. [9:58:10] You have said that during the attack there were two groups, one
20 going to the barracks, the other to the camp. Which group were you in, barracks or
21 camp?

22 A. [9:58:29] That one, those who did not have weapons were the ones that were
23 selected to go. We first went together, then those who had guns went ahead of us,
24 then those of us who didn't have guns remained behind and we were supposed to go
25 and collect food because we didn't have guns.

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1 Q. [9:58:53] You talked a moment ago about hearing shooting, firing. Did you
2 actually see any government soldiers on that day?

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 MR GUMPERT: [9:59:31] Your Honours, that is the one passage which I sought to
7 have in private session.

8 PRESIDING JUDGE SCHMITT: [9:59:37] I understand. Then we go shortly into
9 private session.

10 MR GUMPERT: [9:59:41] Thank you. And may we also have a redaction of that
11 last answer from the public record?

12 PRESIDING JUDGE SCHMITT: [9:59:47] Yes, yes, of course.

13 MR GUMPERT: [9:59:49] Thank you.

14 (Private session at 9.59 a.m.) * (Reclassified partially in public)

15 (Redacted)

16 MR GUMPERT: [10:00:15]

17 Q. [10:00:16] Can you make clear for the Judges, on the day of the attack itself you
18 heard shooting, but did you actually see any government soldiers on that day?

19 A. [10:00:38] I did not see government soldiers on that day.

20 Q. [10:00:44] Did you see any government soldiers the next day?

21 A. [10:00:56] Yes, I saw government soldiers the next day when I went to the
22 barracks.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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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 (Redacted)

18 (Open session at 10.03 a.m.)

19 THE COURT OFFICER: [10:03:05] Mr President, we are now in open session.

20 PRESIDING JUDGE SCHMITT: [10:03:07] Thank you very much.

21 So Madam Witness, you can now give your answer. You can now tell us what you

22 have -- what you still remember, what you have in mind now.

23 THE WITNESS: [10:03:19] (Interpretation) When I went to the camp I went to

24 people's houses, empty houses, took food. After the operation I took a 10-litre

25 jerrycan and I left with that.

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1 MR GUMPERT: [10:03:42]

2 Q. [10:03:44] What happened to the houses in the camp during the attack?

3 A. [10:03:55] The next day they were burning houses, they would put
4 people -- send people into their houses, lock the doors and set the houses on fire with
5 the people inside the houses.

6 Q. [10:04:12] Did you see who it was who was doing the burning?

7 A. [10:04:24] It was the boys who were in the group, the boys that we went with.
8 Women did not do that, did not partake in that.

9 PRESIDING JUDGE SCHMITT: [10:04:42] Mr Gumpert, if you allow just one
10 question would perhaps be appropriate at that point in time.

11 Madam Witness, do you recall how the houses were set on fire? Do you have any
12 recollection in that respect?

13 THE WITNESS: [10:05:03] (Interpretation) Yes, I do. I can recall.

14 PRESIDING JUDGE SCHMITT: [10:05:06] Could you please tell the Court what
15 you recall.

16 THE WITNESS: [10:05:14] (Interpretation) To my recollection, after we had taken
17 food out of the houses, they would light a match, set the house ablaze. In some
18 houses they would take fire from the cooker and take people in their houses, tell
19 people and children to go in the houses, lock the doors, and then set the houses
20 ablaze.

21 PRESIDING JUDGE SCHMITT: [10:05:38] Mr Gumpert.

22 MR GUMPERT: [10:05:42]

23 Q. [10:05:42] I want you to tell the Judges the approximate age of these boys who
24 were doing what you've just described.

25 A. [10:06:01] Probably between 15 and 20. Those were the ones that were setting

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1 the houses on fire.

2 MR GUMPERT: [10:06:12] Your Honours, can I invite you to look at the last two
3 sentences of paragraph 53, you may be there already. That's UGA-OTP-0159-0012.

4 PRESIDING JUDGE SCHMITT: [10:06:28] You can give it a try, but -- yeah, it -- or,
5 let me try it. Let me try.

6 Madam Witness, in your statement a long time ago you talk about a boy who was
7 around 15 years old who spoke to you, and later on you say another age, to put it this
8 way, not to put exactly an age to you. So what would you say, if you try to picture
9 yourself at the time, try to really put yourself back to the time when this happened,
10 how old were the boys, like how you worded them, that took part in the attack and
11 that set the houses ablaze, as you said?

12 THE WITNESS: [10:07:28]) (Interpretation) As I stated earlier, some were 15. (Redacted)
13 (Redacted) He was 15. There were some, some of the
14 others were older than (Redacted) who was 15.

15 PRESIDING JUDGE SCHMITT: [10:07:45] You can give it a try, Mr Gumpert.
16 Because it's a contradiction to what she formerly said. But only a short one and we
17 have to put this into perspective then because she was quite clear today about the age.
18 I don't object to putting it to her, but as I said we have to assess it in the end, what
19 comes out of it.

20 MR GUMPERT: [10:08:09] I absolutely accept that.

21 Q. [10:08:11] Now, Madam Witness, I want to remind you of something you said
22 shortly after this event in your statement. You said: "I saw most of the boys
23 burning the houses. Girls were not burning houses. The boys were 10 years and
24 older."

25 Does that remind you about the age of some of the boys who were doing the burning?

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1 A. [10:08:49] Yes, it does.

2 Q. [10:08:50] Is what you said then correct?

3 MR TAKU: [10:08:55] Your Honours, we now object --

4 THE WITNESS: [10:08:59] (Interpretation) It's correct.

5 MR TAKU: [10:09:01] -- for him to read the statement and immediately ask

6 whether it's correct. That's the statement they made. He recited several ages, you

7 gave him a very, very limited authorisation or permission to ask the question he

8 asked, and he went on "Is it correct?"

9 How do we say statements made to investigators are correct? They will just have to

10 tender the statement through to Rule 68, as he did.

11 PRESIDING JUDGE SCHMITT: [10:09:25] Yes. But the problem here was that of

12 course the purpose of such an exercise is to try to solve a contradiction, so to speak,

13 between what is said in the courtroom today and what has been said probably

14 12 years ago. And the answer was not one hundred per cent clear how to

15 understand the answer. And because of that I overruled the objection, although

16 I would have another question to the witness myself, in addition, to test this a

17 little bit.

18 Madam Witness, you say now what you said at the time is correct, 10 years and older.

19 But before here in the courtroom with your recollection that you had before it was

20 refreshed, you said twice you think they were 15 years and older. If I tell you that,

21 are you sure that today that what you said at the time was correct?

22 THE WITNESS: [10:10:34] (Interpretation) Yes, my former statement is correct.

23 PRESIDING JUDGE SCHMITT: [10:10:43] Please continue.

24 MR GUMPERT: [10:10:46]

25 Q. [10:10:46] I want to go back to the one boy you singled out, the boy of about

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1 15 years. Did you have a conversation with that boy?

2 A. [10:11:03] I do recall him asking me why I did not want to burn houses and
3 carry food. I kept quiet. I did not respond to his question.

4 Q. [10:11:17] So he challenged you about not wanting to burn houses. What did
5 he say might happen to you because of that?

6 A. [10:11:36] He told me that if I did not burn houses then he would shoot me.
7 That's what I recall.

8 MR GUMPERT: [10:11:49] Would your Honour just give me a moment?

9 PRESIDING JUDGE SCHMITT: [10:11:53] Of course.

10 (Counsel confer)

11 MR GUMPERT: [10:12:25]

12 Q. [10:12:29] One more question about Tulu. It's my last question about Tulu.
13 Was he there at this time at Lukodi?

14 A. [10:12:45] No. We left Tulu behind. He wasn't at Lukodi.

15 Q. [10:12:56] Now you've told us the attack started at about 6 p.m. What time
16 did you leave the camp, roughly speaking?

17 A. [10:13:14] Maybe one or two hours after that.

18 Q. [10:13:24] Were there any government soldiers around at this time, one or two
19 hours later, when you were leaving?

20 A. [10:13:40] I did not see any government soldiers.

21 Q. [10:13:44] Could you see anything up in the air?

22 A. [10:13:53] I saw a government helicopter that was approaching the camp. We
23 were told to break leaves, put the leaves on the luggage and squat down. And I
24 squatted and stayed where I was.

25 Q. [10:14:15] Who gave the instructions to hide the luggage and squat down?

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1 A. [10:14:26] I heard the -- somebody gave instructions from the front and the
2 instructions came to the back telling us to break leaves, put the leaves over the
3 luggage and stay low.

4 Q. [10:14:42] Now, apart from people like you who were carrying luggage, could
5 you see any people from the camp at this time when the helicopter is there?

6 A. [10:15:06] I saw people that had been abducted. Mothers were told to untie
7 their children from their backs because children would cry and government soldiers
8 would find us. There was somebody who had been stabbed in the chest with a
9 bayonet.

10 Q. [10:15:29] What was it that this person had done which caused him to be
11 stabbed in the chest with a bayonet?

12 A. [10:15:38] He did not want to walk, he did not want to carry luggage.

13 Q. [10:15:47] And the abducted people, were they mostly one sex or the other or a
14 mixture?

15 A. [10:16:03] It was mostly women. There were a few men.

16 Q. [10:16:13] Were there any children?

17 A. [10:16:20] Some of the women had -- were carrying children on their backs, but
18 they were told to leave the children behind because the children would cry and
19 inform the government soldiers where the -- where they were heading.

20 Q. [10:16:39] Did this happen? Did you see mothers separated from their
21 children in accordance with that instruction?

22 A. [10:16:50] Yes, I did.

23 PRESIDING JUDGE SCHMITT: [10:16:58] Madam Witness, do you also recall
24 what happened to these children afterwards?

25 THE WITNESS: [10:17:07]) (Interpretation) I recall the children crying, they cried

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1 till dawn. There were -- there were other kids, that I carried some kids, went with
2 them to the camp. And there was another lady that was with me and she took some
3 of the other kids to the camp as well.

4 PRESIDING JUDGE SCHMITT: [10:17:27] So do I understand you correctly that
5 these children in the end were rescued, so to speak?

6 THE WITNESS: [10:17:41] (Interpretation) They were taken back to the camp in
7 the morning.

8 PRESIDING JUDGE SCHMITT: [10:17:45] Thank you.

9 Mr Gumpert.

10 MR GUMPERT: [10:17:48] Your Honours, I think I've finished with the attack now,
11 save for one point of clarification. I'm addressing the Court really now rather than
12 the witness. If you look at page 14 of today's transcript, line 10, you can see the
13 words "the next day" and what is thereafter described I want to clarify.

14 PRESIDING JUDGE SCHMITT: [10:18:18] I'll have an idea, but you can ask.

15 MR GUMPERT: [10:18:23] I'm grateful. Sorry.

16 PRESIDING JUDGE SCHMITT: [10:18:25] Now, I also stumbled over it, but I
17 thought it might be explainable. But it's better to clarify it, indeed.

18 MR GUMPERT: [10:18:35]

19 Q. [10:18:35] Madam Witness, just a moment ago you began a sentence with the
20 words "the next day". I want to ask you to be really clear. You've told us what you
21 saw about houses being burnt by boys. Did this happen on the day of the attack
22 whilst you were in the camp on that day?

23 A. [10:19:05] It happened on the day that the camp was attacked.

24 Q. [10:19:09] Thank you. So we pick up the story, you've been ordered to leave
25 the camp, the helicopter has arrived and instructions have been passed down the line

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1 to squat down and hide the luggage. What did you do after those instructions had
2 been given?

3 A. [10:19:41] After those instructions, the food that I had carried and the
4 baby sol (phon) and jerrycan were next to me. I squatted next to the other lady and
5 did not get up.

6 Q. [10:20:07] I'm sorry, there was a word there, "baby sol" which I didn't
7 understand. Perhaps I just -- I'm ignorant on the subject of baby sols. Can you
8 explain what a "baby sol" is?

9 A. [10:20:20] Baby shawl is a cloth used to carry babies.

10 Q. [10:20:27] Thank you. That explains it.

11 So you're with another lady, you've told us. Where did this lady come from?

12 A. [10:20:47] This was one of the girls who was in our group.

13 Q. [10:20:53] So you and she squat down and stay there. How long do you stay
14 with this other lady?

15 A. [10:21:06] We stayed there till morning and then in the morning we came out
16 in the open.

17 Q. [10:21:21] Let me ask you to think very hard again about where this other lady
18 you've spent the night with had come from.

19 A. [10:21:39] She was abducted from the camp.

20 Q. [10:21:41] Thank you. So you stayed the night with her until morning. Did
21 you know where the other people, the other attackers had gone to during this time?

22 A. [10:22:02] The -- I do not recall where the attackers had gone.

23 Q. [10:22:11] Could you see or hear them by morning time any more?

24 A. [10:22:22] No, I could not see them because they left in the night.

25 Q. [10:22:29] So when morning came, what did you decide to do?

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1 A. [10:22:38] When morning came, we came out in the open and went to the
2 camp.

3 Q. [10:22:53] And what did you find when you got to the camp?

4 A. [10:23:02] When we got to the camp, we found a number of people who had
5 been burnt in their houses.

6 Q. [10:23:15] What did the lady you were with find in the camp?

7 A. [10:23:22] The lady found, found her child had also been burnt in the house.

8 MR GUMPERT: [10:23:37] Your Honours, that very nearly concludes my
9 questioning. There's a document that I'd like to put. I think your Honours know
10 what it is. It's in the folder.

11 Could the witness be shown on the screen the document with the ERN number
12 UGA-OTP-0231-0145. This is a confidential document so it should not appear on the
13 public screen.

14 PRESIDING JUDGE SCHMITT: [10:24:28] On which channel it might appear?

15 MR GUMPERT: [10:24:40] You're putting the pressure on. If it's difficult, I can do
16 it another way. I've got a copy which can simply be shown to the witness on paper.
17 These Stone Age methods sometimes work.

18 PRESIDING JUDGE SCHMITT: [10:25:16] You know I -- several times, I think, I
19 mentioned that I'm also more from the analog age. So we can perhaps just wait a
20 couple of seconds and if it does not appear, we -- no, we have it, I think. We have it
21 now on the screen. Perhaps we can -- yes, exactly. Thank you very much.

22 MR GUMPERT: [10:25:32] Evidence 1, for anybody who needs to press a button,
23 like me.

24 PRESIDING JUDGE SCHMITT: [10:25:39] Yes.

25 MR GUMPERT: [10:25:39] Can we manage to make it so that the whole document

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1 appears rather than just a portion? Worse rather than better. Very good. Thank

2 you.

3 Q. [10:26:20] Madam Witness, whose photograph is that?

4 A. [10:26:28] It's my photo.

5 Q. [10:26:30] Please don't say what your name is, but can you read the letters of
6 your name? Is that something you can do?

7 A. [10:26:55] It's probably going to be difficult.

8 Q. [10:26:59] I won't press you. Is this your amnesty certificate?

9 A. [10:27:10] Yes, that's the letter I was given.

10 Q. [10:27:14] And we can see that it's issued on 1 July 2004. Is that the date or
11 thereabouts that you remember?

12 A. [10:27:28] Yes.

13 Q. [10:27:32] Thank you very much. That concludes my questioning.

14 PRESIDING JUDGE SCHMITT: [10:27:40] Thank you very much, Mr Gumpert.

15 And we turn now to the examination by the Legal Representatives of the victims. I

16 see sort of action on the side of Mr Manoba, then I give you the floor.

17 MR MANOBA: [10:27:53] Thank you, Mr President.

18 QUESTIONED BY MR MANOBA:

19 Q. [10:28:00] Madam Witness, I represent victims in this case. I would like to
20 put a few questions to you that you may feel free to respond to as you best can.

21 Did you personally suffer any injury to your body during your days in the bush?

22 A. [10:28:26] Yes, I sustained an injury during gunfire. There was a bullet that
23 came. It scraped through my body, but it didn't go right in.

24 Q. [10:28:44] Does this injury affect your way of life?

25 A. [10:28:56] Yes. I felt pain. I felt pain and occasionally I do feel pain, but it's

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1 not that bad.

2 Q. [10:29:09] Thank you. Is it easy for you to carry loads by reason of this
3 suffering that you sustained, a heavy load?

4 A. [10:29:29] No, it's not easy.

5 Q. [10:29:34] With the exception of the lady that you returned to the camp with,
6 did you see any other civilians forced to carry loads from the camp?

7 A. [10:29:56] Yes, I saw civilians who were forced to carry luggage.

8 Q. [10:30:04] Was it always easy for the civilians who had been abducted to carry
9 the loads?

10 A. [10:30:21] No, it wasn't.

11 Q. [10:30:24] Can you explain that to the Court, please.

12 A. [10:30:36] The civilians that had carried -- told to carry loads, forced abducted
13 and forced to do that, if you refused to carry that, then you're either killed or they
14 harm you. So in the end, you're forced to carry the loads.

15 Q. [10:30:57] Thank you.

16 PRESIDING JUDGE SCHMITT: [10:30:58] May I ask a question, Mr Manoba, in
17 that respect?

18 It might be difficult for you to exactly say that, but how heavy were these loads and
19 what kind of loads were these? So that we can picture it, the Court, for ourselves a
20 little bit.

21 THE WITNESS: [10:31:22] (Interpretation) The luggage was 25 kilos and up, beans,
22 maize, some of the food that was supplied by the UN to people in the camp, and
23 those were the things that they would take.

24 PRESIDING JUDGE SCHMITT: [10:31:41] Thank you, Madam Witness.

25 Please, Mr Manoba.

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1 MR MANOBA: [10:31:45]

2 Q. [10:31:47] Madam Witness, you have told the Court that you witnessed
3 someone being stabbed and others being killed. Did these civilians who experienced
4 the stabbing who died beg for mercy, for pardon from the people who were attacking
5 them?

6 A. [10:32:16] Yes, the -- they were begging for mercy, but they could not listen to
7 any of their pleas until they were killed.

8 MR TAKU: [10:32:28] Your Honours, one of the cardinal principles of a fair
9 hearing is specificity so that the accused will know exactly the evidence defending
10 and know his accuser. This is too general. The witness has testified from the
11 cross-examination of the learned Prosecutor to specific areas where she participated.
12 But to put a general question about civilians and what will happen to civilians about
13 the question of abductions. Other witnesses were in similar areas who will testify or
14 have testified about this, but they put the question in the general form.
15 So I would invite my colleague and I will ask the Court, your Honours as a whole, to
16 be very specific so that we will have appropriate notice. One of the problem we
17 have about this case is lack of specificity. We do not want to intervene each time, but
18 the questions should be asked specific, put the witness in the position -- sorry, in the
19 position in which this happened so the witness can be able to explain, explain to the
20 Court what she saw or what she recently heard reasonably from people who can be
21 identified in order to help you make an informed decision.

22 That is all. I'm not saying that the line of questioning should be stopped, but that
23 there should be some specificity so we know exactly to which area these relate.

24 PRESIDING JUDGE SCHMITT: [10:34:00] Of course the Chamber is very well
25 aware of the necessity to be specific, but the question and the answer of the witness

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1 are positioned in a certain point of time and in a certain area. So we are not talking
2 about -- generally about burnt houses and people in houses. So we have to put this
3 together with what has been questioned by the Prosecution and answered before by
4 the witness.

5 So you may continue in that way, and the answer has been given already. So we are
6 not talking about generally any place, any time. We are talking really specifically, to
7 use your word, Mr Taku, specifically about a certain place and a certain time where
8 this might have happened or not have happened. So this gives it the specificity in
9 light of what has been said before.

10 Mr Manoba, please continue.

11 MR MANOBA: [10:34:57] Thank you, Mr President.

12 Q. [10:34:59] Madam Witness, shortly after the -- after leaving the Lukodi camp,
13 do you recall seeing any member of the fighters that you came with to the camp
14 perhaps being apprehended for stabbing a civilian in the Lukodi camp or killing a
15 member of the Lukodi camp?

16 A. [10:35:34] I did not see.

17 Q. [10:35:43] Madam Witness, you participated in carrying foods from people's
18 houses. Would you mind to tell the Court when you did this if you spared or left
19 some food for the owners of the houses where you took the food from?

20 A. [10:36:13] I was entering in houses where other colleagues had already entered
21 and carried food, so by the time I went into those houses there was nothing else in
22 those houses. There were no foods that were left.

23 Q. [10:36:37] Thank you. Would you mind also to tell the Court what was the
24 motivation in taking the food from the houses of the civilians in the Lukodi camp?

25 A. [10:36:58] Because there were no food in the bush so we came to pick food of

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1 the civilians who were in the camp.

2 Q. [10:37:08] Thank you. My last question to you is: When you were in the
3 bush after being abducted were you dressed in a way that you were -- you should be
4 able to deal with the challenges of the bush? Were you dressed in a particular way
5 or were you left as you were abducted?

6 A. [10:37:52] Well, our dressing, if you had torn clothes and there was nothing
7 else, then you were given another clothe.

8 Q. [10:38:04] And for your feet?

9 A. [10:38:09] Well, I had swellings in my foot because there were no gumboots.

10 Q. [10:38:28] Thank you.

11 MR MANOBA: [10:38:28] That concludes my questioning.

12 PRESIDING JUDGE SCHMITT: [10:38:32] Thank you, Mr Manoba.

13 Mr Narantsetseg.

14 MR NARANTSETSEG: [10:38:34] Mr President, your Honours, thank you for the
15 opportunity, but we have no further questions. Thank you.

16 PRESIDING JUDGE SCHMITT: [10:38:40] Thank you very much.

17 I would assume, Mr Taku or Mr Ayena, that perhaps it would be a good idea to start
18 after the coffee break, which could be a quarter past 11, or do you have any objections
19 to that, Mr Taku?

20 MR TAKU: [10:38:54] (Microphone not activated)

21 PRESIDING JUDGE SCHMITT: [10:38:56] Okay. Then we have a coffee break
22 until a quarter past 11.

23 THE COURT USHER: [10:39:03] All rise.

24 (Recess taken at 10.39 a.m.)

25 (Upon resuming in open session at 11.16 a.m.)

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1 THE COURT USHER: [11:16:34] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [11:16:50] I give now Mr Taku the floor for the

4 Defence.

5 MR TAKU: [11:16:55] Thank you, your Honour.

6 QUESTIONED BY MR TAKU:

7 Q. [11:17:03] Good morning, Witness.

8 A. [11:17:12] Good morning.

9 Q. [11:17:16] I am one of the lawyers for Mr Dominic Ongwen and my lead
10 counsel is a well-known personality in Uganda, who is a lawyer, Honourable Ayena,
11 who is present here with me. And I will be putting some questions to you just to
12 clarify a number of issues which you've spoken about. I will do the best I can to ask
13 you questions only about people you've spoken about and about events you've
14 spoken about, and from time to time I may refer to your statements.

15 But first, Witness, when you fled from the LRA you made a series of statements and
16 my specific focus would be about one. Did you make a statement to an investigative
17 organ of the Ugandan security called the CID in the presidential lodge in Gulu,
18 northern Uganda and that was in May 2004, shortly after you fled. Did you make
19 that statement?

20 A. [11:19:15] Yes, I recall that I did.

21 Q. [11:19:27] And you did your best, to the best of your recollection, to provide as
22 much information what you lived through, what you saw and what you knew to
23 those CID, the detectives of the CID, did you?

24 A. [11:20:01] Yes, I recall.

25 Q. [11:20:02] Now, Witness, we will come back to that statement later on in the

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1 course of this cross-examination.

2 Witness, when -- can you tell the Chamber when precisely you said you were

3 abducted, the date, if you can remember.

4 A. [11:20:48] I do not recall the date that I was abducted.

5 Q. [11:20:58] Well, that's not a major problem. We all forget, so it happens to

6 everyone. Could it be, does 6 July 2003 ring a bell?

7 A. [11:21:18] Yes, it does.

8 Q. [11:21:27] Tell the Court what you know about that date.

9 A. [11:21:37] I recall, I can recall how I was abducted on that day.

10 Q. [11:21:52] Now, do you recall saying that, stating that you were abducted on

11 14 June 2003 in your statement to the detectives of the CID, Ugandan police? Your

12 Honour, it's Defence tab 1, UGA-OTP-0023-0183. You also find that in Defence tab 3,

13 UGA-OTP-0097-0193, and also, your Honours, in Defence tab 6, UGA-OTP-0256-0031,

14 page 0035, line 67.

15 That date, 14 June, can you remember whether that was the exact date or 6 July 2003?

16 Within these two dates, which is the exact date that you were abducted?

17 A. [11:23:48] I do not recall between the two dates on which date I was abducted.

18 Q. [11:23:55] Well, let's move on, Witness. Now --

19 PRESIDING JUDGE SCHMITT: [11:24:05] But, Mr Taku, what is important, and

20 that was the purpose, we have now on record that there have been mentioned other

21 dates.

22 MR TAKU: [11:24:12] Yes, your Honour.

23 PRESIDING JUDGE SCHMITT: [11:24:13] This is -- I understand. No, it's okay.

24 MR TAKU: [11:24:17] I understand the nature of the witness I have before me and

25 I'm very, very sensitive to that, and I don't intend to press her on this, but maybe on

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1 other issues, substantive issues. But for now I'll move on, your Honour.

2 PRESIDING JUDGE SCHMITT: [11:24:34] What I wanted to say, this has been
3 noted, so to speak.

4 MR TAKU: [11:24:37] Yes.

5 Q. [11:24:38] Witness, Defence tab 4, paragraph 8 you stated that you were
6 abducted by six LRA soldiers commanded by Bukelo. Does that ring a bell? Do
7 you remember saying that?

8 A. [11:24:59] Yes, I did.

9 Q. [11:25:03] Indeed in your statement, Defence tab 4, paragraph 11 you said that
10 he was a second lieutenant. And would I be correct to say that Bukelo was a
11 member of the Gilva brigade and working directly under Tulu? Would I be correct
12 to say that?

13 A. [11:25:34] Yes, that's correct.

14 Q. [11:25:40] In your statement, Defence tab 4, and if I follow the guidance of the
15 Court, just to have to say it was tab 4, also just point to the page.

16 PRESIDING JUDGE SCHMITT: [11:26:02] Yes, I think this makes things easier for
17 everybody in the courtroom, and shorter.

18 MR TAKU: [11:26:09] Thank you so much, your Honour.

19 Q. [11:26:12] Page 005, paragraph 12, you stated that:

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

21 This is still in Gulu district. He was tall and small bodied. He may have been

22 around 40 years old. He had short hair. He wore military uniforms. He asked,

23 'Why don't you release these girls, so that they go back?'"

24 And later in paragraph 12 you went ahead to say that Joseph Kony had given

25 instructions that there should be no more abductions. For me my concern, "let them

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1 go home, let them to go," but Bukelo disobeyed this order, he ignored this and kept

2 you and took you along nevertheless. Is that what happened, Witness?

3 A. [11:27:30] Yes, that's what happened.

4 Q. [11:27:35] Now, apart from the description of -- well, there should be no

5 objective for these further questions because Odomi -- the President said this.

6 Now, when Bukelo took you along, he crossed the river, Witness, did he take you to a

7 man called Tulu?

8 A. [11:28:12] He took us to the commander.

9 Q. [11:28:14] Who was that commander?

10 A. [11:28:20] I do not recall his name.

11 Q. [11:28:25] Now, when they took you to that location, Witness, did Bukelo send

12 his soldiers who were under him to go and buy cooking oil? Is that what happened?

13 A. [11:29:02] That's what happened.

14 Q. [11:29:06] And when those soldiers went, they also saw someone, one whom

15 you later on knew was Onen Kamdulu. He was busy abducting civilians also, and

16 they came and reported to Bukelo, and he said nothing. Is that correct, Witness?

17 A. [11:29:45] That's correct.

18 Q. [11:29:46] Now, let me stop here and ask you a question about Onen Kamdulu.

19 Did you see, have to see Onen Kamdulu at that point in time?

20 A. [11:30:04] I did not see Onen Kamdulu.

21 Q. [11:30:08] But you heard about him?

22 A. [11:30:12] I heard the people who went to buy cooking oil talking about him.

23 Q. [11:30:19] Did they also tell you that Onen Kamdulu was one of the original

24 members of the LRA, one of the members of the higher command, one of the highest

25 officers in the LRA, indeed one among the group, this original LRA that abducted

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1 Odomi and an number of others, did they tell you that he was such a high
2 commander, a member of the higher command of the LRA when they talked about
3 Onen Kamdulu? Did they tell you this?

4 A. [11:30:59] No, they didn't tell us. We were newly abducted and newly
5 abductees are not privy to such information.

6 Q. [11:31:14] But from your testimony, what you say now, this Onen Kamdulu
7 was operating in the vicinity of the area where you found yourselves, because the
8 soldiers who went to buy cooking oil found him and his other soldiers abducting
9 civilians. He was in the same -- around the proximity, or proximity to where you
10 were with Bukelo; is that correct, Witness?

11 A. [11:31:56] That's correct. We were on one side and there was -- they were on
12 the other side. There was a distance between us.

13 Q. [11:32:10] And Onen Kamdulu was abducting civilians just like Bukelo, a
14 conduct which Odomi had clearly condemned, had clearly said Kony had said they
15 should no longer abduct civilians and order he should be released. He was busy
16 abducting. He was a member of the high command, Witness.

17 Well, I do not know how you will respond and I do not know whether I should
18 pursue that, from the Judges, but I think you'll answer the question and
19 maybe -- I don't know what you will say about that.

20 PRESIDING JUDGE SCHMITT: [11:32:52] No, I think -- I think she has answered.

21 MR TAKU: [11:32:54] Thank you, your Honours.

22 PRESIDING JUDGE SCHMITT: [11:32:55] She has answered these questions and I
23 think -- of course, it's your examination and there is nothing to object to the
24 examination. But you put it a little bit on the table, but I think you have entertained
25 that and she has answered the questions put to her and we can put it together.

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1 MR TAKU: [11:33:19]

2 Q. [11:33:20] Now that we are here about individuals, and I will come back to this
3 individual. Let me deal with this. This man you said Ocaka, do you remember you
4 talk about Ocaka this morning?

5 A. [11:33:42] Yes, I did. I spoke about him.

6 Q. [11:33:46] Did you know, Witness, or did you know that Ocaka was a member
7 of the support command in Command Altar to Otti Vincent, he and one Okwer?

8 These are the two individuals I suggest that came to see Tulu about selecting forces.

9 Did you know?

10 A. [11:34:20] No, I do not -- I do not understand.

11 Q. [11:34:28] Are you saying you didn't know that he came from the support
12 command under Otti, he and Okwer? Are you saying you didn't know or you did
13 not understand?

14 A. [11:34:45] I did not know whether they came from Otti's group.

15 Q. [11:34:50] Well, we will come to that quickly.

16 In paragraph 12 of your statement -- not paragraph 12 --

17 PRESIDING JUDGE SCHMITT: [11:35:15] I think we had paragraph 12 already --

18 MR TAKU: [11:35:19] Yes, your Honour.

19 PRESIDING JUDGE SCHMITT: [11:35:20] And we have gone through this.

20 MR TAKU: [11:35:23] Yeah. Your Honours --

21 PRESIDING JUDGE SCHMITT: [11:35:26] She has confirmed what is written there.

22 MR TAKU: [11:35:28] I'm sorry.

23 PRESIDING JUDGE SCHMITT: [11:35:30] No, no, it's no problem. It's no
24 problem.

25 MR TAKU: [11:35:32] I come back to that one, I'm sorry. Paragraph 28, your

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1 Honours, sorry.

2 Q. [11:35:44] You said that -- and Ocan Bunia, you remember that name?

3 A. [11:36:05] Yes, I do.

4 Q. [11:36:07] Who was Ocan Bunia?

5 A. [11:36:13] Ocan Bunia was also a commander.

6 Q. [11:36:20] May I suggest he was the brigade commander of Gilva brigade?

7 A. [11:36:29] Well, that might be correct.

8 Q. [11:36:38] You also said that Tulu was in charge of the sickbay, the Gilva
9 sickbay where wounded soldiers were brought, but this morning you also said that he
10 had a big unit. When you say he had a big unit, were you by that suggesting,
11 Witness, that he had a number of soldiers under his command?

12 A. [11:37:16] Yes, there were a number of people under his command.

13 Q. [11:37:27] May I also suggest to you, Witness, that Tulu indeed was a brigade
14 commander, was number two brigade commander for Gilva brigade, in addition to
15 his functions. What would you say to that, Witness? Did you know this, or didn't?

16 A. [11:37:51] I cannot add anything or respond to that.

17 PRESIDING JUDGE SCHMITT: [11:37:56] Mr Taku, just a remark, which the -- this
18 witness, like the last one, might not know exactly military structures, lines of
19 command and so on. But of course she can provide information where you could
20 conclude from this information to other things, but -- so when she says this person X,
21 Tulu, had a lot of people under command, this is information. So but she might not
22 know exactly, for example, the rank or exactly. You see what I mean?

23 MR TAKU: [11:38:34] I agree, your Honours.

24 PRESIDING JUDGE SCHMITT: [11:38:35] But in the end of course that does not
25 mean that she cannot provide information which via conclusion leads to what one of

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1 the parties wants to elicit.

2 MR TAKU: [11:38:55]

3 Q. [11:38:57] Witness, but other than Ocan Bunia, was there any person higher or
4 bigger than Tulu in Gilva brigade?

5 A. [11:39:11] There was no other person other than Tulu in Gilva, but I do not
6 know the other commanders.

7 Q. [11:39:24] Well, let me go to paragraph 28 and try to look at functions --

8 PRESIDING JUDGE SCHMITT: [11:39:29] This is exactly, this is exactly what I
9 alluded a little bit to.

10 MR TAKU: [11:39:34] Thank you, your Honours. Yes.

11 Q. [11:39:36] Maybe when you look at the assignments and the functions you can
12 make. Now, in paragraph 28, in paragraph 28, Witness, paragraph 28 you said that
13 Bunia.

14 And I will read the relevant, your Honour, but if your Honours -- if I read the whole
15 paragraph or I read just?

16 PRESIDING JUDGE SCHMITT: [11:40:06] I leave it to you. It's not too long, but if
17 what you find most important perhaps you can read out.

18 MR TAKU: [11:40:13] Now let me just read it, your Honours, so that --

19 PRESIDING JUDGE SCHMITT: [11:40:17] Please go on, yes.

20 MR TAKU: [11:40:19]

21 Q. [11:40:20] "The first time I saw him," that is Ocan Bunia, "he came to talk to
22 Tulu. The second time, he came with injured people and instructed that they should
23 stay in the sickbay with mothers. Bunia had come from Teso to Okwang both times.
24 The second meeting was about two weeks after the first. He also instructed Tulu to
25 get weapons hidden in Sudan and asked us to leave Okwang for Gulu. I knew it

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1 was Ocan Bunia because we had already been told that we were meeting with him.

2 His rank in the LRA is higher than Tulu's."

3 Now, my immediate interest about the orders to go to Sudan, to leave for Sudan and

4 collect weapons, if I heard you properly, Witness, these orders were to Ocan -- Ocan

5 Bunia to Tulu. But if I heard your evidence you said Tulu left for that mission with

6 Odomi, you saw Odomi. Did you hear any extra order given to Odomi to go to

7 Sudan with Tulu to collect weapons? Or you heard orders given only to Tulu as you

8 said in paragraph 28?

9 A. [11:42:03] I heard the instructions being given to Tulu and then Tulu met with

10 his -- met with my commander and they went to collect the weapons.

11 THE INTERPRETER: Interpreter corrects: Tulu met with his commander.

12 PRESIDING JUDGE SCHMITT: [11:42:29] Thank you for this correction, because

13 this has of course a different meaning then.

14 MR TAKU: [11:42:36]

15 Q. [11:42:36] So Tulu met -- who was Tulu's commander?

16 A. [11:42:47] I do not recall the name of Tulu's commander.

17 Q. [11:43:04] Now, in paragraph 29 you said when Tulu left to go to Sudan and

18 you saw Odomi with him, but Ocan Bunia was not with them, and on the way to

19 Sudan at river Achwa, Achwa, you were attacked by government soldiers so the

20 mission failed. Is that what happened?

21 A. [11:43:48] Yes, it is.

22 Q. [11:43:52] My goodness, the story of the arms did not end. Paragraph 30 you

23 stated that, nevertheless Otti Vincent collected the weapons from a place called Ngom

24 in Sudan. And you know about this because Otti handed over the weapons to Tulu

25 at an RV at the roadside in Cwero? Cwero?

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1 THE INTERPRETER: "Cwero."

2 MR TAKU: [11:44:37] Okay, thank you.

3 Q. [11:44:40] So, Witness, is that your evidence? You said that Otti handed over
4 at the RV to Tulu. Was Odomi present when Otti handed over the weapons to Tulu?

5 A. [11:45:12] I do not recall whether Odomi was present at the time that the
6 weapons were being handed over to Tulu.

7 Q. [11:45:20] Well, Witness, are you aware or not that Otti contacted Tulu and
8 instructed him to meet him at the RV, Cwero, at this location? And you went with
9 Tulu to that location? Contacted him directly and asked him to come. Was
10 Ocan Bunia present at the RV?

11 A. [11:46:10] I do not recall whether he was there because there were a number of
12 people and I cannot remember everybody that was there.

13 Q. [11:46:21] What you know is that Otti summoned Tulu and handed over the
14 weapons to him, correct?

15 A. [11:46:33] Correct.

16 Q. [11:46:37] You also said you do not know what the weapons were to be used
17 for. That's what you told the investigators, correct?

18 A. [11:46:53] Correct.

19 Q. [11:46:54] You also did not know what Otti told Tulu because the junior
20 soldiers stayed at a distance from the senior soldiers, so you did not know if Otti gave
21 him any instructions of an operational nature or told him what to do with the
22 weapons. You would not know because you weren't there, you stayed a distance
23 from the seniors and couldn't hear their conversation, correct?

24 A. [11:47:27] Correct.

25 Q. [11:47:28] Now, during this RV how many days were you at this RV at Cwero?

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1 A. [11:47:47] We did not take a lot of time there.

2 Q. [11:47:49] But you stayed long enough to meet, to know and meet the wives of
3 Vincent Otti who told you that Vincent Otti was a deputy of Mr Kony, correct?

4 A. [11:48:16] Could you say the question again?

5 Q. [11:48:19] Well, let me just read your statement so for you to say whether you
6 could remember or not:

7 "Otti is higher in rank than Ocan Bunia or Tulu. He is second in command to Kony.
8 His wives, with whom I stayed during the RV, told me so."

9 So did the wives of Mr Otti tell you that Mr Otti was second in command to
10 Mr Kony?

11 A. [11:49:05] That's what they said.

12 Q. [11:49:09] And of course maybe -- now, how did you feel when you saw
13 Mr Tulu having this meeting with the second in command to Kony and handing over
14 arms recovered from Sudan directly to Mr Tulu in a particular location? Did it occur
15 to you Mr Tulu must have been a very important person in the LRA for that meeting
16 and handing over weapons to occur?

17 A. [11:49:55] It didn't occur to me, but at least I thought that it was given to him
18 so that he could be able to use it to protect his group.

19 Q. [11:50:06] Protect his group against whom?

20 A. [11:50:17] To protect the injured, the nursing mothers and those people who
21 were with him.

22 Q. [11:50:26] Did you or did not see Mr Tulu handing over some of those
23 weapons to Odomi? They had previously gone to collect the weapons together.
24 When he had come back did you see him handing over the weapons to Odomi or he
25 kept the weapons in his location?

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1 A. [11:50:54] I cannot remember that now.

2 Q. [11:50:59] Now, those patients, those wounded soldiers that Ocan Bunia
3 brought to the bay or a sickbay, to the sickbay where Mr Tulu was, who were they?
4 Who were these wounded people that he brought there?

5 A. [11:51:59] The injured were those who were shot at the battlefield, it could be
6 women or it could also be men.

7 Q. [11:52:07] And they were shot by whom?

8 A. [11:52:14] There I can't understand. Maybe it could be government soldiers,
9 because they were fighting with government soldiers, no one else.

10 Q. [11:52:31] Now, about these individuals who were in the sickbay, who were
11 the persons taking care of them, these wounded individuals?

12 A. [11:52:52] The injured were under Tulu's group.

13 Q. [11:52:57] Yes, you've said that, but who was giving them patient care?

14 A. [11:53:18] The medicines could be with Tulu. But most of those who were
15 injured I did not see them getting medicine, but they were only being nursed with hot
16 water and that's what they were used -- that's what they used for curing because there
17 was no medicine.

18 Q. [11:53:37] Now, to be very clear, my question was who administered, who was
19 the one who used the water, hot water or water in order to administer the therapy to
20 help these --

21 A. [11:53:57] In each of the commanders' households the people who were in that
22 household are the ones that would give the help of nursing that injured person.

23 Q. [11:54:10] Now let's talk about household now that you volunteered this.
24 When you talk about each commander's household, can you explain to the Court
25 what it means, who were these commanders that you are referring to, each

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1 commander's household?

2 A. [11:54:35] Those -- that could be the commanders with whom people have
3 been sent to stay with. I do not know all the commanders by their names.

4 Q. [11:54:50] Now let's talk about the commanders under Tulu, so were there
5 commanders under Tulu that persons were sent to stay with?

6 A. [11:55:08] When people are brought to Tulu, Tulu could now assign that
7 person to a particular place where that person should be kept.

8 Q. [11:55:24] Well, I can understand apart from the patients Tulu got involved in
9 operations, and one of them was the fact that you were abducted by people under
10 Tulu. So you also talk about Bukelo, but did you -- can you give the name of at least
11 one or two other commanders who had a household to whom people were assigned?

12 A. [11:55:58] I cannot give a name because it was not allowed to us to be able to
13 know other names of other commanders, you only know the person with whom or
14 that you are directly under.

15 Q. [11:56:17] Well, it will be enough for our purpose, forget about the name, for
16 our purpose to know that there were other commanders under Tulu to whom people
17 were assigned. They had households, different households under Tulu.

18 Now let me move quickly to -- if it will not reveal your identity, please, if I ask a
19 question that might reveal your identity you let me know, okay? Any question that
20 you answer will reveal your identity, you can put up your hand, you can say let us go
21 to closed session, you understand?

22 A. [11:57:08] Yes, I understand.

23 Q. [11:57:12] When you were brought to Tulu did Bukelo or Tulu, any person,
24 explain to you certain rules that operated in the unit under Tulu, certain rules in the
25 LRA that had to be, rituals, for example, that had to be respected? If you know

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1 about any, please tell us. If you don't know, tell us.

2 A. [11:58:05] I know one of the instructions which was given, that if somebody
3 tries to escape and is rearrested will be killed. That is what I know.

4 Q. [11:58:19] Now, who told you about this rule?

5 A. [11:58:49] That rule came from the group, the leader of that group.

6 Q. [11:58:55] But the leader of that group, are you talking about Joseph Kony or
7 about Tulu?

8 A. [11:59:06] I'm talking about Tulu.

9 Q. [11:59:11] While you were with Tulu --no, did you know of any ritual that was
10 performed or did you undergo any ritual when you were newly abducted and
11 brought to Tulu?

12 A. [11:59:54] I didn't know of any ritual.

13 Q. [12:00:06] Shea butter, does shea butter ring a bell?

14 The sprinkling of something, of shea butter?

15 A. [12:00:22] Yes, it does remind me.

16 Q. [12:00:27] Tell the Court.

17 A. [12:00:37] That shea butter oil, when you are abducted, so you are smeared
18 with it in the sign of the cross as a sign that you are now going to stay in the LRA.
19 So when that is done, performed upon you, then you cross and move to the other
20 side.

21 Q. [12:00:56] Now, did you get to know, Witness, whether these rituals were
22 confined to your unit, that's Tulu, or were -- these rituals were performed in other
23 units of the LRA, if you know, were you told? You knew it happened in your unit,
24 but did you come to know whether the rituals were performed in other units of the
25 LRA?

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1 A. [12:01:33] I do not understand.

2 Q. [12:01:37] When you say you don't understand, are you saying that you knew
3 only what happened in your unit, you don't know what happened elsewhere, is that
4 what you are saying? Could I understand you to mean that?

5 A. [12:01:51] If I say I did not understand, that means I know what happens in
6 my group, but in other groups I don't know.

7 Q. [12:02:01] Fair answer. Did you have the opportunity to see -- to meet
8 Mr Kony?

9 A. [12:02:21] I did not have that opportunity.

10 Q. [12:02:25] Did you have the opportunity to see Mr Kony?

11 A. [12:02:39] No, I did not.

12 Q. [12:02:44] Prior to your abduction had you heard about -- did you hear about
13 Mr Kony prior to being abducted?

14 A. [12:02:57] Before I was captured, yes, I was hearing information about him,
15 how they would abduct people, I was hearing about that.

16 Q. [12:03:09] Did you also have the opportunity to hear that Mr Kony was
17 opposed to the government putting people into camps, relocating them, relocating
18 them from their homes and putting them in camps? Did you also hear that?

19 A. [12:03:38] There I did not understand.

20 Q. [12:03:46] Did you ever hear Mr Kony address the people over the FM radio in
21 Gulu or northern Uganda? Did you ever hear his voice?

22 A. [12:04:05] I did not hear.

23 Q. [12:04:11] Did you ever hear, either when you were with Tulu or somewhere
24 else, that Mr Kony was a most feared leader, military commander and leader? Did
25 you hear that?

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1 A. [12:04:35] I did not hear.

2 Q. [12:04:39] Now let me ask you a question about somebody. The name -- let
3 me put it in the way -- when Ocan Bunia came to see your commander, did he come
4 alone or he came with a signaller? By signaller, I mean somebody who will carry his
5 radio, communication set.

6 A. [12:05:19] Yes, he would move with that person who would carry the
7 equipment.

8 Q. [12:05:34] Witness, does the name Opoka ring a bell to you?

9 A. [12:05:42] If I'm reminded, it can -- yes, it can remind me.

10 Q. [12:05:53] Well, if you don't know, there's no problem. But did you know
11 whom that signaller of Mr Ocan Bunia was?

12 A. [12:06:17] I do not know.

13 Q. [12:06:19] I see the Prosecutor look at me. I will go no further.

14 PRESIDING JUDGE SCHMITT: [12:06:24] But of course if the Prosecutor is
15 looking at you --

16 MR TAKU: [12:06:30] It's alleged. It's so alleged.

17 PRESIDING JUDGE SCHMITT: [12:06:32] -- this must not be decisive for your
18 questioning.

19 MR TAKU: [12:06:36] It's so alleged. Surely he will not let me to continue to ask
20 further questions with regard to this area.

21 Q. [12:06:43] But, Witness, you also said that Tulu had a radio communication set,
22 correct?

23 A. [12:06:57] Correct.

24 Q. [12:06:58] And he also had a signaller, correct?

25 A. [12:07:10] Yes.

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1 Q. [12:07:11] Do you know the name of his signaller?

2 A. [12:07:13] I do not know.

3 Q. [12:07:15] And of course you usually saw Tulu communicating, either him or
4 the signaller communicating on that radio set, correct?

5 A. [12:07:31] Yes, I would see him communicate using that set.

6 Q. [12:07:39] Did you have the opportunity to know to whom he was
7 communicating with?

8 A. [12:07:48] I did not have the opportunity.

9 Q. [12:08:01] In Defence tab 6 at page 63, lines 1034 to 1048,
10 UGA-OTP-0256-00 -- no, 0031, Witness, you said that Odomi did not have a handheld
11 phone, rather he had a wire phone. You also said that Kony and Otti had handheld
12 phone. Can you tell the Honourable Court how you knew this? You never met
13 Kony, but you met Vincent Otti. How did you know?

14 A. [12:09:14] I only get to know when the commanders are talking about it.

15 Q. [12:09:24] Now, please can you help us what the commanders were talking
16 about when you heard about this information. Which commander in the first place
17 and when he's talking about it?

18 A. [12:09:55] What they are talking about on that radio, for us, the lower people,
19 we could not know what they are talking about, but we would see when they are
20 communicating.

21 Q. [12:10:13] I agree you already said that. I'm talking about Odomi not having
22 a handheld phone, rather a wire phone, but that Kony and Otti had handheld phone.
23 Is that what you said you knew about, you came to know about this from
24 commanders?

25 A. [12:10:35] I heard from the commanders who were talking about it, who were

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1 communicating on radio.

2 Q. [12:10:49] Which commander did you hear talking about it? Or, anyway, let
3 me put it differently. So these commanders were talking to Otti and Kony and you
4 knew that they were -- that's how you came to know about this information?

5 A. [12:11:08] No.

6 Q. [12:11:13] How then did you know that Kony, whom you never met, had a
7 handheld phone? Of course, Otti, whom you met, had one, but that Odomi did not
8 have? How did you know? And if I go by the answer, you said commanders were
9 talking about it. So to cut the story short, which commander talked about it that you
10 heard?

11 A. [12:11:52] These commanders could be -- when they have gathered together
12 and when they are gathered together, they could be using radio call to talk.

13 Q. [12:12:07] Specifically, when you talk about commanders, should I -- may I say
14 that could it be that you are referring to Tulu, who was your commander?

15 A. [12:12:27] I'm talking about Tulu and some of the people that he would meet
16 with and they would use that communication gadget.

17 Q. [12:12:40] Now, Witness, you said you went to a place called Lango, Lango.
18 Tab 4, paragraphs 26, 29, 31 and 32, you said you went to a place called Lango.
19 When you were in Lango with Tulu, were you there with Odomi? Was Odomi
20 present?

21 A. [12:13:21] I was with Tulu.

22 Q. [12:13:26] And while you were with Tulu in Lango, it was insecure to move
23 from one location to another because you came under persistent pressure, attacks
24 from UPDF, correct?

25 A. [12:13:53] Correct.

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1 MR TAKU: [12:14:00] Your Honour, I'm trying to go as fast as possible. That's
2 why.

3 PRESIDING JUDGE SCHMITT: [12:14:25] That's appreciated, yes. Thank you.

4 MR TAKU: [12:14:38]

5 Q. [12:14:39] Now, when you were in the sickbay, to which household were you
6 assigned?

7 A. [12:14:51] From the sickbay I stayed at (Redacted) household.

8 Q. [12:14:59] Who was (Redacted) ?

9 A. [12:15:06] (Redacted) was one of the lower ranking officers.

10 Q. [12:15:14] Did you come to know a person called Amako (phon)?

11 A. [12:15:44] No, I didn't.

12 Q. [12:15:54] But Tulu, was Mr Tulu married?

13 A. [12:16:15] Yes, Tulu had a wife.

14 Q. [12:16:21] If you know, please can you tell the Court how many children?

15 A. [12:16:29] I do not -- I do not recall the number of children that he had.

16 Q. [12:16:38] Do you remember who was the babysitter to the children of
17 Mr Tulu?

18 A. [12:16:55] I remember one girl who was acting as a babysitter.

19 Q. [12:17:00] What was her name?

20 A. [12:17:06] I do not recall her name.

21 Q. [12:17:15] Now, with this answer now about the babysitting, do you
22 now -- and the name Amako, does that ring a bell? Could that be the babysitter
23 whose name you've forgotten?

24 A. [12:17:46] I can recall, but that name sounds a little bit different.

25 Q. [12:17:53] When you were in Tulu's sickbay, did Odomi -- did you see Odomi

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1 in that sickbay? Did he visit that sickbay during the time you were there?

2 A. [12:18:16] Perhaps he did -- they did meet, but I did not see them and perhaps
3 he didn't come.

4 Q. [12:18:25] Were you also told, received information of any source, that Odomi
5 was wounded and was in another sickbay, Sinia sickbay, fatally wounded, and was
6 there and recovering from injuries? Did you get, did you ever hear this information?

7 A. [12:18:48] No, I did not hear it.

8 Q. [12:18:52] Now, let's take your mind back to Ocan Bunia. Paragraph 27, your
9 Honour.

10 You say when you met him, he was wearing a light brown uniform, like the type
11 worn by the LDUs. Question, Witness: Can you tell us what or who are the LDUs?

12 A. [12:19:55] My understanding of the LDU, the LDU, if I make a comparison
13 between the government soldiers and the LDU, the LDU were like a homeguard to
14 the government soldiers.

15 Q. [12:20:14] Well, thank you for the answer.

16 Now let's talk about the selection of some soldiers. You said there were about 30, 30
17 from your group that went to meet at the RV where you found Odomi and others
18 made speeches. If I understood, Witness, if I'm not correct, please correct me, that
19 Tulu, when they selected this group of soldiers, you said there were many children,
20 there were children and wounded in the sickbay and there was no food and Tulu said
21 they were going to look for food. Is that correct?

22 A. [12:21:58] That's correct.

23 Q. [12:22:01] And in the transcript 2 May, T-68, page 53, line 6, you said: "We
24 were all brought together under one group and ... I don't recall the name of the leader
25 of that group, but so many groups had converged together."

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1 Do you remember saying that yesterday?

2 A. [12:22:37] Yes, I do.

3 Q. [12:22:56] Now, when you ultimately met, Tulu had talked about going to look
4 for food. You said Odomi made a speech of a political nature about Acholi people
5 being stubborn, about UPDF using helicopter gunboats to attack and kill LRA, their
6 children, and that you should move to Gwendia and, according to you, that every
7 person found there should be killed. Is that what you said, Witness? Those are
8 instructions. Although you said the speech, you said --

9 PRESIDING JUDGE SCHMITT: [12:23:59] Like we had with other witnesses,
10 Mr Taku, we have been in the courtroom yesterday, we have in the transcript, and
11 what is in the transcript is what the witness has said. You don't have to confirm
12 again with the witness if she has said that or if that is her statement. You can just
13 take this as the anchor, so to speak, to actually start with your further questioning.

14 MR TAKU: [12:24:26] Thank you, your Honour. And of course small gesture, the
15 Court -- or the Prosecutor read paragraph -- paragraph 42 and 47.

16 MR GUMPERT: [12:24:34] Just before we go any further, if we do, with the
17 transcript, grateful for your Honours' guidance, I can't find the passage which
18 Mr Taku is quoting at the reference he's given. These things were said, but it's not at
19 page 56, line 6.

20 PRESIDING JUDGE SCHMITT: [12:24:54] But since I just declared, so to speak,
21 that we do not have to repeat this exercise or to exercise this exercise, I think simply
22 would suggest that Mr Taku continues and puts a new question that uses as the initial
23 point what the witness has said yesterday.

24 MR TAKU: [12:25:21] Your Honour, okay, your Honour, let me --

25 Q. [12:25:24] Witness, this Gwendia you said before, shortly before you got there,

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1 Ocaka?

2 THE INTERPRETER: Ocaka.

3 MR TAKU: [12:25:40] Thank you, so much.

4 Q. [12:25:42] Ocaka abducted one civilian and the civilian said there was a big
5 military presence there, military camp in that location and that, to paraphrase, it was
6 decided to attack that place. Now, Witness, did -- was there a civilian camp in
7 Gwendia also?

8 A. [12:26:17] No, there was no civilian camp in Gwendia. Gwendia had a school
9 and a barracks.

10 Q. [12:26:27] Now, while I've been guided by the Court not to repeat what
11 happened, but we already have that it was the first time you heard the word Lukodi,
12 Lukome or Lukodi, when they changed the order of the mission. Now, I want to
13 move quickly to Lukodi. At -- let me say Gwendia, did you see Odomi as Gwendia?
14 Was he present in Gwendia?

15 A. [12:27:14] I do not recall whether he was there or whether he wasn't there
16 because there was a big crowd.

17 MR TAKU: [12:27:30] One minute, your Honours, with your permission.

18 PRESIDING JUDGE SCHMITT: [12:27:34] Yes.

19 (Counsel confer)

20 MR TAKU: [12:27:46] I'm sorry, your Honour. I was receiving instructions from
21 lead counsel.

22 PRESIDING JUDGE SCHMITT: [12:27:52] That's the reason why not only one
23 person is sitting and working for the parties, that we have a team.

24 MR TAKU: [12:28:01] Yes, your Honour, he is primarily responsible so we receive
25 instructions from him and from Mr Ongwen.

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1 Q. [12:28:14] Now, apart from -- let's see, what's his name again?

2 (Counsel confer)

3 MR TAKU: [12:28:57]

4 Q. [12:28:58] Witness, who is Abonga Won Dano?

5 A. [12:29:19] Abonga Won Dano was an LRA fighter.

6 Q. [12:29:25] How do you know that?

7 A. [12:29:31] I saw him with a gun.

8 PRESIDING JUDGE SCHMITT: [12:29:38] Well that's an argument, no? That's an

9 argument. I saw him with a gun.

10 MR TAKU: [12:29:44]

11 Q. [12:29:45] When you were with Tulu, did you see him? When you were in

12 your location with Tulu, did you see or know him?

13 A. [12:29:58] We met together when we were taken to Tulu, when Bukelo took us

14 to Tulu.

15 Q. [12:30:14] Now, Witness, you were asked today whether Tulu was present in

16 Lukome, otherwise called Lukodi, you said he remained. Now, Witness, in your

17 statement to the CID, and this is a statement you made shortly after you were -- you

18 fled. That's tab 2, your Honours. Tab 1?

19 PRESIDING JUDGE SCHMITT: [12:31:31] No. Tab 2.

20 MR TAKU: [12:31:34] Tab 2, your Honours.

21 MR GUMPERT: [12:31:53] It's Defence tab 1. The ERN will clear this up.

22 PRESIDING JUDGE SCHMITT: [12:32:00] I was -- I have not only the tab in front

23 of me but also the right page, but I was wrong with the tab. So it is indeed tab 1.

24 Thank you very much, Mr Gumpert.

25 MR TAKU: [12:32:13] Thank you very much. Thank you. That is

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1 UGA-OTP-0023-0183, Uganda police case file number 23. And the date it was
2 recorded is 24 May 2004, place Gulu presidential lodge.

3 Q. [12:32:59] First, Witness, in that statement, you agreed to make a statement,
4 this is what you said.

5 And with the permission of the Court I will read that out?

6 PRESIDING JUDGE SCHMITT: [12:33:10] Yes.

7 MR TAKU: [12:33:11]

8 Q. [12:33:14] That's at page 185. This is what you said: "On the attack of
9 Lukodi I saw one of the LRA soldiers shot and injured by the UPDF and he was
10 carried away by his friends. The UPDF soldiers managed to kill four LRA rebel
11 soldiers. When the plane came, from Gulu, we were ordered by Tulu to hide the
12 luggage and avoid to be detected by the plane. That was the time I put down the
13 sack of posho and went ahead in the nearby grass and I hid myself completely until
14 morning when I came out and reported to Lukodi detach."

15 PRESIDING JUDGE SCHMITT: [12:34:35] I think that's enough.

16 MR TAKU: [12:34:37]

17 Q. [12:34:37] Witness, do you remember making this statement to the CID in
18 Gulu shortly after you fled?

19 A. [12:34:48] Yes, I do. I do recall making the statement, but I did not mention
20 the name of Tulu.

21 PRESIDING JUDGE SCHMITT: [12:35:05] She said she recalls that she made the
22 statement but that --

23 MR TAKU: [12:35:11] I couldn't hear.

24 PRESIDING JUDGE SCHMITT: [12:35:14] -- but that she did not tell the
25 interrogators the name of Tulu.

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1 MR TAKU: [12:35:24]

2 Q. [12:35:25] So, Witness, did you know how the name Tulu got into this

3 statement? These detectives were not in Lukome or Lukodi during the attack.

4 How did the name get -- do you have any reason, if you know of, to suggest that the

5 detectives will put the name of Tulu in the statement and so proximate to you to the

6 actions you took, how you were saved?

7 A. [12:36:12] The police officers that came to take my statement from Gulu, some

8 of them did not speak Acholi. I said Tulu stayed behind with the injured. Tulu

9 wasn't among the group that came with us. If they put Tulu's name among the

10 people who attacked Lukodi, then I'm not sure why they did that.

11 Q. [12:36:39] Did you mention Tulu's name to these officers at all in that occasion?

12 A. [12:36:49] I did mention Tulu's name.

13 Q. [12:36:55] May I put it to you, Witness, that in respect of the attack on Lukodi.

14 A. [12:37:23] Yes, that was in respect of the attack in Lukodi.

15 Q. [12:37:29] May I suggest, Witness, and make this proposition, that you might

16 have mistaken because you met the investigators in April 2004 and made a statement

17 about Tulu. Last time you said Tulu remained behind, but on -- in May you made

18 the statement and said Tulu was not only on the spot, but he is the one who told you,

19 that individual who told you how to secure yourself.

20 Now, let me ask this question: Nevertheless, in the context of how you survive,

21 some commander told you to drop the luggage and to hide. What is the name of

22 that commander, if it is not Tulu?

23 A. [12:38:42] There were several commanders that came with us on that mission.

24 One of them said, "Drop your luggage and hide". Tulu stayed behind with the

25 people in the bay.

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1 Q. [12:38:56] Yes, but I'm saying: Who is that commander that came with you?

2 You were in the same location with them, that came with you. Who is that
3 commander who told you to drop the luggage?

4 A. [12:39:17] If I said it's a commander, that means somebody who was at the
5 front. I do not recall the person. Someone from the front shouted, "Drop your
6 luggage", but I do not know the name of the person.

7 Q. [12:39:42] May I suggest to you, Witness, that we have on record some other
8 evidence, evidence from the UPDF --

9 MR GUMPERT: [12:40:02] Objection for precisely the reasons we've enunciated
10 before.

11 PRESIDING JUDGE SCHMITT: [12:40:08] Mr Taku, simply put the proposition.
12 That's sustained, so to speak.

13 MR TAKU: [12:40:13]

14 Q. [12:40:13] May I suggest to you, Witness, that Tulu indeed was present, Tulu
15 led the attack, and that Tulu was an indigene of here, he came from Lukodi, and that
16 Tulu led the attack and was present in Lukodi. What do you say about that?

17 A. [12:40:41] What I can say is that the standby that went with us, Tulu wasn't
18 among that standby. Maybe the people who wrote the statement did not get the
19 correct information, because Tulu stayed behind with the injured.

20 Q. [12:41:04] May I also put it to you, Witness, that you were in a specific location
21 under pressure and therefore you were not in the position to know which commander
22 went to the military camp and which commander went or was present. You're
23 unable to give the names of the other commanders and who went to other locations.
24 What do you say to that?

25 A. [12:41:38] I do not know what to say to that, but if Tulu was at Lukodi, I would

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1 have clearly pointed out and said, "That is Tulu". But he was not there. He was not
2 in the group that went to Lukodi. Tulu stayed behind to take care of the injured and
3 the mothers.

4 Q. [12:41:56] Yes, but I asked you, Witness, that if it was not Tulu, who was this
5 person whose name you mentioned, this combatant or this commander who was
6 leading your group and who --

7 A. [12:42:18] Ocaka was the one who commanded the group.

8 Q. [12:42:22] And who again commanded the group?

9 PRESIDING JUDGE SCHMITT: [12:42:29] Ocaka.

10 MR TAKU: [12:42:31]

11 Q. [12:42:31] Now, apart from Ocaka, about the commander who went to the
12 military camp, to attack the military camp, do you know the name of the commander
13 who led the attack on the military camp?

14 A. [12:42:48] I do not know the commander that went to the military barracks,
15 but the advance group went to the barracks. The rear group went to the camp to
16 collect food.

17 Q. [12:43:05] Witness, does the name Oyenga ring a bell?

18 A. [12:43:18] Perhaps. Perhaps that name might remind me of something, but I
19 do not know whether it's been written down correctly.

20 Q. [12:43:28] But did you see Oyenga in Lukodi or among the group that went to
21 the military camp?

22 THE INTERPRETER: The witness did not respond to the question.

23 MR TAKU: [12:44:24]

24 Q. [12:44:24] You talk about Ocaka. Apart from Ocaka, did you know or not
25 whether someone by the name of Oyenga led the attack on the military camp?

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1 A. [12:44:44] If -- I do not recall that name, Oyenga, because if you mention
2 Oyenga, I do not know who you are talking about. I do not believe that name has
3 been written down correctly.

4 Q. [12:44:58] I didn't say the name was written down, I'm just asking about these
5 attacks, whether someone of that nature.

6 Now, you talk about the military, the helicopters that came, and when this helicopter
7 came, did they -- were they bombarding the LRA units that were in Lukodi?

8 A. [12:45:41] No, the helicopters did not bombard us. They had helicopters
9 coming and somebody shouted, "Mambas are coming", and people started to leave.
10 But there were helicopters that were circling above and we were told to drop the
11 luggage.

12 Q. [12:46:04] Do you know, Witness, or do you not know whether the helicopters
13 eventually threw bombs and killed a number of combatants?

14 A. [12:46:20] No, I do not know.

15 Q. [12:46:25] In your statement to CID, you said you saw one LRA shot and you
16 also say four were killed. Do you know how these LRA soldiers were killed?

17 A. [12:46:47] They were shot by soldiers, but not by the helicopter.

18 Q. [12:46:55] Can you -- can you tell the Court if you were -- how -- where, in
19 which location that they were shot by soldiers?

20 A. [12:47:19] The soldiers were going to the barracks. The government soldiers
21 set up an ambush and while the soldiers were advancing into the barracks, then they
22 were shot.

23 Q. [12:47:34] Were you told or you were present and saw this?

24 A. [12:47:43] I saw this.

25 Q. [12:47:47] So in effect you were in the group that was going to the barracks

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1 and not in the group that was going to the camp; is that what you want to say now?

2 A. [12:48:04] I was in the group that was going to the camp, but the people that
3 were shot were -- I saw those people when they were being carried out, being carried
4 and taken out of the camp, out of the barracks. I went to the camp.

5 Q. [12:48:27] Okay. You went -- is it the military barracks, you went to the
6 military barracks or you went to the camp?

7 A. [12:48:38] I went to the camp. There is -- the distance between the barracks
8 and the camp, and the camps are not very far in between. Some people went to the
9 barracks, some people went to the camp, but the distance between the two locations is
10 not far.

11 Q. [12:48:56] Oh, thank you for this information. When you say it's not far, at
12 least from -- in a football field, can you try to estimate how close they were?

13 A. [12:49:15] I -- I can guess that the camp was 2 miles from the barracks because
14 the barracks surrounded the camp to protect the people who were in the camp.

15 Q. [12:49:35] The barracks surrounded the camp to protect the people who were
16 in the camp, is that your evidence?

17 A. [12:49:49] The barracks surrounded the camp but it did not completely
18 surround it in a circle. It was like a semicircle surrounding the camp.

19 PRESIDING JUDGE SCHMITT: [12:50:07] But, Madam Witness, 2 miles seems to
20 me quite a lot, frankly speaking, 2 miles apart from each other.

21 MR TAKU: [12:50:21] Two yards. Perhaps I should say 2 yards.

22 PRESIDING JUDGE SCHMITT: [12:50:28] Because of that, I ask -- I'm not sure if
23 we -- if the witness wanted to say that. I want to inquire that a little bit, because
24 2 miles is -- how much -- how many kilometres, Mr Gumpert, as an expert, please?

25 MR GUMPERT: [12:50:41] (Microphone not activated)

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1 PRESIDING JUDGE SCHMITT: [12:50:45] So we have this on the record then.

2 Thank you very much.

3 MR GUMPERT: [12:50:48] Sorry, it wasn't on the record because I didn't activate
4 my mic. 3.2 kilometres to the nearest 100 metres.

5 PRESIDING JUDGE SCHMITT: [12:50:54] So we have it now on the record. So in
6 kilometres, do you really want to say 2 miles apart from each other, the camp and the
7 barracks, or were they closer to each other?

8 THE WITNESS: [12:51:10] (Interpretation) That's just a guess. Because we went
9 to the camp, I saw other people going to the barracks, but the distance between the
10 camp and the barracks are not very far in between.

11 PRESIDING JUDGE SCHMITT: [12:51:29] Thank you very much.

12 Mr Taku.

13 MR TAKU: [12:51:32]

14 Q. [12:51:35] Now, did you see Odomi in Lukome or otherwise called Lukodi?

15 A. [12:51:47] I do not recall that.

16 MR TAKU: [12:52:15] Your Honours, we have one line of questioning left, maybe
17 with some other clarifications.

18 PRESIDING JUDGE SCHMITT: [12:52:23] Do you have an estimate how long this
19 will take? I'm only asking if it makes sense perhaps to conclude your questioning
20 and then have the break or if we have a break earlier on and then start again in the
21 afternoon.

22 MR TAKU: [12:52:40] Your Honour, obviously I have to talk to Honourable Ayena,
23 also talk to Mr Ongwen. Let me just consult Mr Ongwen first.

24 PRESIDING JUDGE SCHMITT: [12:52:56] Yes, please do that. Thank you very
25 much.

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1 (Counsel confer)

2 MR TAKU: [12:53:54] Your Honour, actually I have a communication problem
3 with the witness so that maybe if we go on break, I will be done very quickly. I'm
4 sorry that I have to bring the Court back, but for me to get proper interpretation of
5 the -- on the two issues that he wants me to address.

6 PRESIDING JUDGE SCHMITT: [12:54:16] Then I think it's the best that we simply
7 have now the break until 2.30.

8 MR TAKU: [12:54:22] Yes, your Honour.

9 PRESIDING JUDGE SCHMITT: [12:54:23] And then we resume at 2.30.

10 MR TAKU: [12:54:27] Yes, your Honour. Thank you so much. Thank you.

11 THE COURT USHER: [12:54:31] All rise.

12 (Recess taken at 12.54 p.m.)

13 (Upon resuming in open session at 2.32 p.m.)

14 THE COURT USHER: [14:32:11] All rise.

15 Please be seated.

16 THE COURT OFFICER: [14:32:28] For the record, we are in open session.

17 PRESIDING JUDGE SCHMITT: [14:32:33] Thank you.

18 Mr Taku, you have the floor.

19 You have the floor, Mr Taku.

20 MR TAKU: Thank you --

21 PRESIDING JUDGE SCHMITT: Of course.

22 MR TAKU: [14:32:55] -- so much, your Honour.

23 Q. [14:33:00] Witness, good afternoon.

24 A. [14:33:02] Thank you.

25 Q. [14:33:02] Have you heard the name of someone, someone we call Toolbox,

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1 a commander called Toolbox, you heard that name before?

2 A. [14:33:19] I could have heard, but now I can't remember.

3 Q. [14:33:25] More specifically, did you know, Witness, or you did not, that Tulu
4 was also called "Toolbox"?

5 A. [14:33:38] I did not understand it.

6 Q. [14:33:42] You didn't know or you didn't understand that? I wanted to know if
7 you knew that Tulu was also called "Toolbox". And in many instances when people
8 talk about "Toolbox" they were -- they referred -- when they didn't use the name Tulu,
9 they would also use the name Toolbox.

10 A. [14:34:16] When you tell me Toolbox, then I, I take it as the box which is used for
11 keeping tools and other things.

12 PRESIDING JUDGE SCHMITT: [14:34:28] Mr Taku, we can, we can take this as an
13 answer, I would say.

14 MR TAKU: [14:34:35] Yes.

15 Q. The reason I ask the question, Witness, is because sometimes in the LRA some
16 commanders were not called by their real names. For many tactical and strategic
17 reasons they call them by some other names. You, you said Odomi, maybe Odomi
18 might have had another name. But in this case we are asking about whether you
19 knew that whether apart from Tulu, Tulu had another name by which he was known
20 within the LRA.

21 A. [14:35:29] I know only one name by which he is known, which is Tulu. The
22 others I don't know.

23 Q. [14:35:36] Thank you. Now, when you got to Lukodi, let me use the more
24 popular name that we know here, Lukodi, in paragraph 52 of your statement -- that
25 I think is Defence number 4 at page 011, and the last sentence you said: "When I

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1 reached others" -- no, no, sorry, 52. "Nobody gave me instructions; everybody went
2 into the houses looking for food." When you got there "nobody gave me instructions;
3 everybody went into houses looking for food."

4 Do you remember making that statement to the investigators?

5 A. [14:36:56] Yes, I can remember.

6 PRESIDING JUDGE SCHMITT: [14:37:05] Has the witness given an answer?

7 MR TAKU: [14:37:08] Yes, your Honours. She says she can remember.

8 PRESIDING JUDGE SCHMITT: [14:37:11] But I did not hear interpretation, that is
9 the problem that I have at the moment.

10 THE INTERPRETER: [14:37:19] Yes, the witness said, "Yes, I can remember."

11 PRESIDING JUDGE SCHMITT: [14:37:24] I obviously have a problem here. So
12 when I say I didn't hear it, I didn't hear it. So it's -- please give it one more try.

13 Perhaps we have ...

14 THE INTERPRETER: [14:37:41] The witness said, "Yes, I can remember."

15 PRESIDING JUDGE SCHMITT: [14:37:50] I have to -- yes, it's constantly switching
16 the loudness of my -- we have to -- no, continue, we fix this after the session. I
17 assume it will not last too long. Please continue, Mr Taku.

18 MR TAKU: [14:38:05] In paragraph 55.

19 Q. Witness, do not call the name of the individual, but I will read just one sentence,
20 the first: "No government soldier was killed, only one soldier was injured."

21 Do you remember telling, saying this to the investigators of the Office of the
22 Prosecutor?

23 A. [14:38:37] That, I can remember. I saw with my own eyes.

24 Q. [14:38:53] Now, to the investigators again you said: "One LRA soldier was
25 killed and two sustained injuries."

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1 But in the statement I read this morning that you made to the detectives of the

2 Ugandan CID you said four rebels were killed. Witness, do you remember that?

3 A. [14:39:25] I remember. Just that maybe the recording was not correctly done

4 because what I saw is what I said.

5 Q. [14:39:39] So how many rebels were killed? One or four?

6 A. [14:39:48] I will go with what I said previously, earlier on.

7 Q. [14:39:54] So what did you say earlier on?

8 A. [14:40:02] The number of people that were killed as was counted is what I

9 confirm that I saw.

10 Q. [14:40:09] Four? You saw four?

11 A. [14:40:17] I saw one person who got injured.

12 Q. [14:40:27] How many people -- how many rebels were killed?

13 A. [14:40:56] Excuse me, that question now I cannot respond to it because I was

14 asked earlier on and now I cannot again respond to it again. Excuse me.

15 PRESIDING JUDGE SCHMITT: [14:41:10] Let me give it a try, Mr Taku, perhaps.

16 MR GUMPERT: [14:41:14] Your Honour, I'm sorry for butting in, but it may be that

17 some precision is called for here. Does your Honour have the page of the CID

18 statement to which my learned friend is referring?

19 PRESIDING JUDGE SCHMITT: [14:41:30] Yes.

20 MR GUMPERT: [14:41:31] It doesn't have line numbers or paragraphs,

21 unfortunately, but can your Honours find the sentence about a third of the way down

22 which begins "On the attack"? Can I draw to my learned friend's attention that that

23 word contains the word or the words "I saw" whereas the next sentence does not

24 contain those words.

25 PRESIDING JUDGE SCHMITT: [14:41:54] So let me give it a try so to shorten

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1 this one.

2 Madam Witness, in this statement which counsel is now referring to, and also

3 Prosecutor has now referred to, you said, "On the attack of Lukodi I saw one of the

4 LRA soldier shot and injured by the UPDF and he was carried away." That was your

5 statement at the time.

6 And then it continues, "The UPDF soldiers managed to kill four LRA rebel soldiers."

7 "Managed to kill" that is the next sentence.

8 And you said in your statement to the Prosecutor, that's paragraph 58, "I only saw

9 one person being killed." That is the same like you said to the Ugandan police. But

10 here in this second statement to the Prosecution there is lack of information that

11 possibly or probably four others were killed.

12 So just because this is -- it's no reproach to you, just a question would be: When you

13 hear all that, these different statements that you made, and you are now in the

14 position to be here in the courtroom, what do you say today? Not more, not less.

15 THE WITNESS: [14:43:22] (Interpretation) What I can tell the Court is that I saw

16 people who were killed.

17 PRESIDING JUDGE SCHMITT: [14:43:28] And can you still recall now, now that

18 you have heard what you have said 12 years ago, how many people from the LRA

19 were killed? Do you have still an idea about that today here?

20 THE WITNESS: [14:43:45] (Interpretation) Now I cannot now recall. Because it has

21 taken a long period of time. It is now 12 years since that happened, so I cannot now

22 recall or can say something which may not now correctly describe what happened.

23 PRESIDING JUDGE SCHMITT: [14:44:04] That is absolutely correct. When you

24 don't know, and this does not trigger your memory, like we worded many times here

25 in the courtroom, absolutely okay, say it like that.

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1 Mr Taku, I think we should just move.

2 MR TAKU: [14:44:19] (Microphone not activated) ... you said that:

3 "The injured were also left on the way when the soldiers coming from

4 Awach" - Awach, thank you - "started shooting at us."

5 Now, did you make that statement?

6 A. [14:44:50] When I escaped from Lukodi, I did not reach Awach. But people

7 who escaped from Awach are the ones who narrated the story when they found me at

8 GUSCO.

9 Q. [14:45:05] So the soldiers from Awach, let me stop there. So indeed there were

10 soldiers at Awach. Were there military commanders at Awach?

11 A. [14:45:18] Yes, there is a big barracks in Awach.

12 Q. [14:45:27] Now, at paragraph 57, you said, "At that time I did not see bodies of

13 dead civilians". It is the next morning that you saw dead bodies. On that day of the

14 attack, you did not see the dead bodies of dead civilians. Is that what you told the

15 investigators?

16 A. [14:45:54] What I told the investigators was that one person who was stabbed

17 with a bayonet at that time, but it was now the next day, that's when I saw dead

18 bodies, and dead bodies of persons who were burnt in the camps.

19 Q. [14:46:16] Now, from where you hid and when you got up after the attack, tell

20 the Chamber where did you go to first. Did you report to the military barracks, the

21 military detachment barracks that was there in Lukodi, or you went first to the camp?

22 A. [14:46:48] In the morning we left together with the lady with whom we were.

23 We first entered the camp, then after the camp I went to the barracks.

24 Q. [14:47:06] Now, in paragraph 57 with regard to these -- with regard to these

25 children that you say were burnt in houses, you said - your Honours, with your

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1 leave - "Some of the burned houses I saw had children in them, because, when the
2 children became scared, they went back to the houses and the houses were later burnt,
3 and in other burned houses it was only the property that got burned."

4 Do you remember giving that statement to investigators?

5 A. [14:47:42] I remember.

6 Q. [14:47:57] And of course you said in paragraph 59:

7 "I did not see ... injured children. From the injured, I saw some people with gunshot
8 wounds and some with cut wounds."

9 Do you remember saying that?

10 A. [14:48:22] Is it along the way or from Lukodi? Can you make that clear?

11 Q. [14:48:31] Among the victims, the injured you saw the next morning in Lukodi,
12 when you came back to the camp.

13 A. [14:48:47] I did not see any injured child apart from those who were burnt inside
14 the house that I saw.

15 Q. [14:48:55] But among the people you saw, you saw some of them with gunshot
16 wounds and some with cut wounds, correct?

17 A. [14:49:09] At that time I couldn't see because I was also scared. I was trying to
18 look for a way to take care of myself, so I did not see.

19 PRESIDING JUDGE SCHMITT: [14:49:19] I think there is misunderstanding here.

20 Madam Witness, counsel is now referring to the next day and not to the day of the
21 attack that you described. So the next day, did you see people with gunshot wounds
22 and/or some with cut wounds?

23 THE WITNESS: [14:49:43] (Interpretation) I did not see. I only saw people who
24 were burnt inside the house.

25 MR TAKU: [14:49:52]

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1 Q. [14:49:53] Now, Witness, at paragraph 60, Ocaka?

2 THE INTERPRETER: [14:49:58] Ocaka.

3 MR TAKU: [14:50:00] Ocaka, thank you.

4 PRESIDING JUDGE SCHMITT: [14:50:02] I think we can fairly assume that our
5 interpreters have enough fantasy, may I say that, enough fantasy, linguistic fantasy,
6 to really pronounce correctly the names that you intend to --

7 MR TAKU: Yes, your Honour.

8 PRESIDING JUDGE SCHMITT: -- ask or put to the witness.

9 MR TAKU: [14:50:21] Yeah. I really struggle because sometimes the witnesses will
10 say they don't -- just don't know, if there's a slight --

11 PRESIDING JUDGE SCHMITT: But let me assure you, Mr Taku, I think after we
12 have gone through all these proceedings, we will all be experts in that respect, or sort
13 of experts at least.

14 MR TAKU: [14:50:40] Thank you, your Honours. Thank you.

15 PRESIDING JUDGE SCHMITT: [14:50:42] Ocaka now.

16 MR TAKU: [14:50:50]

17 Q. [14:50:50] Witness, Ocaka, okay, paragraph 60, you said that:

18 "Ocaka went to the barracks with the soldiers. I did not see him in the barracks, he
19 was the one who was leading the group and he was the first person to start shooting.
20 He told us: 'Run and carry the food and we are going to shoot the soldiers.' Then
21 he started shooting."

22 Do you remember telling this to the investigators?

23 A. [14:51:23] Yes, I remember.

24 Q. [14:51:27] And what was Abonga Won Dano, what did he -- what was he doing,
25 Abonga Won Dano?

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1 A. [14:51:49] Abonga Won Dano, at that time I couldn't know what was happening
2 because people were scattered. Everyone was running to his or her own location.

3 Q. [14:52:03] Now, when Ocaka said this and starting shooting, you said before
4 they could start shooting, they ran into ambush laid by the UPDF. That is what you
5 said this morning, Witness, can you remember that?

6 A. [14:52:28] I remember because as we entered -- when we entered the camp, the
7 first gunshot came from the government soldiers. Then afterwards now the rebels
8 started also firing and then they started running towards the barracks.

9 Q. [14:52:45] Can you tell us about the intensity of this firing? Were there
10 gunshots everywhere and people running for cover?

11 A. [14:52:59] From the government side, they had -- they fired one shot, which was
12 like a bomb. Like from our side, the rebel groups, we also started firing intensively
13 and started running towards the barracks.

14 Q. [14:53:14] And was there some form of commotion, people, civilians, soldiers
15 running in all directions, including those who were the rebels? Well, I'm sorry, let
16 me -- I'm sorry, please, those combatants. Let me not say rebels. I'm sorry, yeah.
17 Or soldiers, LRA soldiers? With this intensive firing, was there people running in all
18 directions, some taking cover and in a panic, the population?

19 A. [14:53:56] I cannot -- I could not understand from the side of the civilian
20 whether there was panic or commotion, but from our side, we were running into
21 civilian houses, carrying food. Maybe the civilians had run and taken cover
22 somewhere.

23 Q. [14:54:16] And you said that in paragraph 60 you did not see Ocaka, Ocaka after
24 you entered the camp, correct?

25 A. [14:54:29] Yes, I said that.

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1 Q. [14:54:31] Now, let's talk about this group of soldiers, the one you say you saw
2 them torching the houses.

3 Witness, paragraph 51, where you talked about -- you said, "By boys I mean the boys
4 we were living together with at the bay".

5 Were those boys, boys recognised as boys with whom you were living at the bay, and
6 let me say sickbay, Tulu's sickbay? Were they the ones?

7 A. [14:55:31] These were -- this was the group that came to attack the camp.

8 These -- the people from in -- from this group were the ones that were burning the,
9 the houses.

10 Q. [14:55:51] Now, tell the Court how long did the attack, this intensive gunfire,
11 how long did it take?

12 A. [14:56:08] I cannot now know how long it took, but only know that people left
13 the camp because we were told that a mamba was coming, so I cannot say what
14 I don't know.

15 Q. [14:56:28] Tell us how you were able to estimate the ages of the boys. Did you
16 ask them what their ages were or you merely estimated their ages?

17 A. [14:56:55] I estimated. I just estimated, but some of them were my, my
18 age-mate or were my size, but others were a little bigger than me.

19 Q. [14:57:10] Now one last question perhaps. Witness, how is it that you are able
20 to know the names of different weapons? Because you were not trained as a soldier,
21 you did not carry a weapon, you were there for a fairly limited -- not very long period
22 you were there with them. How did you?

23 A. [14:57:43] When you are among soldiers, by all means you will know the names
24 of the weapons.

25 Q. [14:57:50] Now, these weapons that Otti handed over to Tulu at that RV, did

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1 you see the weapons? If you saw, can you tell the Court the type of weapons that
2 Otti handed over to Tulu. And probably a consignment, was it big, or just a few?

3 A. [14:58:40] We do not stay close to the place where the items are handed from.
4 But we move together with the commander who tells us that we are going to meet.
5 But to see that these were the items and the quantity, I did not see.

6 Q. [14:59:03] Madam Witness, this comes to the end of my cross-examination.

7 Thank you very much for your cooperation.

8 Thank you, your Honour.

9 MR AYENA ODONGO: [14:59:18] Your Honours, just a parting shot.

10 QUESTIONED BY MR AYENA ODONGO:

11 Q. Good afternoon, Madam Witness.

12 A. [14:59:30] Good afternoon.

13 Q. [14:59:31] (Overlapping speakers) introduced. I am Krispus Ayena Odongo. I
14 just wanted to put a few questions to you and I want particularly to clear the air about
15 this man called Tulu. I want you to help Court to appreciate the -- or, rather, to help
16 Court to reconcile the differences made out from certain statements that you made.
17 And I start with the statement you made to the CID. That is sheet number 3 on
18 page -- Defence, I think it is Defence, tab 1, page UGA-0023-0185. There is that part
19 where you said:

20 "When the plane came, from Gulu, we were ordered by Tulu to hide the luggage and
21 avoid to be detected by the plane."

22 Of course I know that you have already told Court that this, there could have been
23 a problem in recording. But when I read this statement it would appear you were
24 clear that somebody at least, somebody at least told you to hide. So it could
25 be -- could have been a difference in the naming of that person. I want you to tell

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1 Court whether it is possible that indeed it was not Tulu but somebody else. Could it
2 have been somebody else?

3 A. [15:02:10] It was somebody else who gave that order. Because I earlier on
4 stated that Tulu wasn't present when we went to the attack. Tulu stayed behind
5 with the injured and the children and the mothers. But I do not know the name of
6 the person who gave the order. Somebody did give an order but I do not know the
7 name of that person.

8 MR AYENA ODONGO: [15:02:37] With your permission, Mr President and your
9 Honours, I want to refer the witness to her statement in paragraph 64.

10 PRESIDING JUDGE SCHMITT: [15:02:50] Of course, yes, do that.

11 MR AYENA ODONGO: [15:02:52]

12 Q. [15:02:53] In that paragraph I read some excerpts from there:

13 "When the helicopter arrived, there was a person who said that we should put the
14 luggage down and hide. This person was one of the leaders whom we went to the
15 camp with. His name is Abonga Won Dano."

16 Could this person have been Abonga Won Dano, the person who told you to put
17 down the luggage and hide?

18 A. [15:03:42] Yes, if you had told me that earlier I would have responded to the
19 question in the positive way. But earlier on you were saying it's Tulu and that's why
20 I could not actually say that it was Tulu.

21 THE INTERPRETER: [15:03:55] Could counsel please wait for interpretation to
22 finish before continuing with his question.

23 PRESIDING JUDGE SCHMITT: [15:03:59] Mr Ayena, it's -- there is a large overlap
24 now. We have -- from time to time we have a little bit of overlap, but this was an
25 extensive overlap, so to speak, and I have to explain it to the interpreters then.

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1 So please, please try only to speak when the witness has finished and especially when
2 the interpretation has finished. Thank you. But you have, you have, you have your
3 information that you wanted to get.

4 MR AYENA ODONGO: [15:04:33] No, your Honour, I am still on.

5 PRESIDING JUDGE SCHMITT: [15:04:36] Then you have part of it.

6 MR AYENA ODONGO: [15:04:40] I have part of it.

7 PRESIDING JUDGE SCHMITT: [15:04:42] Yes, please continue.

8 MR AYENA ODONGO: [15:04:43] Thank you. My lord, I really want the witness
9 to help Court to reconcile the possibility that Tulu was actually at the site of the
10 offence.

11 PRESIDING JUDGE SCHMITT: [15:04:59] Please continue, of course.

12 MR AYENA ODONGO: [15:05:00]

13 Q. [15:05:01] Madam Witness, I want to read further from paragraph 64. In that
14 paragraph you said Abonga Won Dano worked together with Ocaka. The
15 pronunciation is Ocaka, you don't emphasise the K, Ocaka.

16 "Already before Tulu came -- Tulu came, when we were still with Onek Dinka,
17 Abonga had been there."

18 Madam Witness, can you tell Court how Tulu featured at this point in time when
19 Abonga had just told you to put down the luggage and hide and then, you know,
20 there was Ocaka and then Tulu came. Where was this where Tulu came?

21 A. [15:06:21] My -- to enable people to understand, Tulu was not present. There
22 must be some sort of problem with the way the -- my statement was taken. Tulu
23 was not present. Tulu was not at Lukodi. We left Tulu behind.

24 MR AYENA ODONGO: [15:06:51] My lords, I want to go back to paragraphs 11, 12
25 and a bit of 13.

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1 In the third last paragraph of -- I mean third last sentence of paragraph 11, which
2 starts with "when Bukelo":

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

5 Later on she said:

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

7 This is still in Gulu district. He was tall and small bodied. He may have been
8 around 40 years old. He had short hair. He wore ..." and so on and so forth.

9 When did you -- if you were to see Dominic today would you recognise him,

10 Madam Witness?

11 A. [15:08:25] No, I would not recognise him.

12 Q. [15:08:27] And is it your statement that the person that you met that day was tall
13 and small bodied?

14 A. [15:08:52] That's correct.

15 Q. [15:08:53] And Madam -- have I fallen back to the same trap of overlapping
16 again?

17 PRESIDING JUDGE SCHMITT: [15:09:00] No, we are in the green zone at the
18 moment.

19 MR AYENA ODONGO: [15:09:04] I am now being rather sensitive.

20 Q. [15:09:08] Now, Madam, is it still your statement that the man you actually met
21 on that day was tall and small bodied?

22 A. [15:09:17] That was what, what I saw.

23 Q. [15:09:23] (Overlapping speakers) in 2003; is that correct?

24 A. [15:09:34] Yes, the way the statement has been recorded, that's correct.

25 Q. [15:09:46] And, Madam Witness, according to the statement you gave you could

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1 have been abducted in March 2003. June, June 2003; is that correct?

2 A. [15:10:10] That's correct.

3 Q. [15:10:13] And, Madam Witness, is it your statement that when you first met
4 this gentleman you were made to understand that he was the leader of the Sinia
5 group; is that correct?

6 A. [15:10:42] If you do not mention the name of the leader then I do not know who
7 you are speaking about.

8 Q. [15:10:52] What I'm asking is: When you met this man called Odomi you knew
9 that he was the leader of the Sinia group, according to your statement; is that correct?

10 A. [15:11:12] That's correct.

11 Q. [15:11:19] Now, Madam Witness, you talked about Gilva. Was it
12 a brigade -- oh, well, you said you don't know the structures. But I just want to
13 remind you that we have information that Dominic Ongwen only became the leader
14 of --

15 PRESIDING JUDGE SCHMITT: [15:11:55] You know, we have information, we have
16 talked about.

17 MR AYENA ODONGO: [15:12:00] We have already talked about that.

18 PRESIDING JUDGE SCHMITT: [15:12:02] We have already talked about that. And
19 I think you can tell her, you can tell her, you can put to her that your client was not, at
20 the time was not commander of the Sinia brigade, what would she say about that, but
21 not refer to some -- it is not meant negatively obscure information, if you know what I
22 mean, not laid out openly information.

23 MR AYENA ODONGO: [15:12:27] I am indebted to you, my lord.

24 Q. [15:12:29] Madam Witness, I want to put it to you that by June 2003 my client,
25 that is Dominic Ongwen, was not leader of the Sinia group. As a matter of fact,

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1 about that time he was at the Control Altar as a lieutenant colonel. What do you say
2 about that?

3 A. [15:13:04] I do not -- I do not know. I do not know that he was a -- I did not
4 know who was at the Control Altar, but I do know the people that were in Gilva.

5 Q. [15:13:20] Madam, I want you to go back well assured that nobody is blaming
6 you about what went on in the LRA. You were just a little girl that was abducted.
7 There are quite a number of things you may not have actually understood and I can
8 tell you that we are impressed by your line of answering questions, and the purpose
9 of my questions to you is just to make sure that both of us are reading from the same
10 page and also to clear the air around certain areas for the benefit of Court.

11 A. [15:14:10] I understand.

12 Q. [15:14:16] One last question which could be of great curiosity: That night when
13 you found yourself hiding with this lady who unfortunately on the day or the
14 morning following the attack came back to find her child had been burned, what was
15 your relationship, first of all with this lady, (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [15:15:08] Could the answer identify the witness?

19 I am asking myself.

20 MR AYENA ODONGO: Pardon?

21 PRESIDING JUDGE SCHMITT: [15:15:14] Could the answer identify the witness? I
22 ask myself. So I would not even say for abundance of precaution, I would say we go
23 to -- for the answer of this question we go to private session so that the witness can
24 answer openly.

25 MR AYENA ODONGO: Much obliged.

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- 1 PRESIDING JUDGE SCHMITT: Openly in private session.
- 2 MR AYENA ODONGO: [15:15:30] Yes, please. Private session.
- 3 (Private session at 3.15 p.m.)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
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- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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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 (Open session at 3.19 p.m.)

16 THE COURT OFFICER: [15:19:09] Mr President, we are now in public session.

17 PRESIDING JUDGE SCHMITT: [15:19:11] Thank you.

18 I understand that you have a final question.

19 MR AYENA ODONGO: [15:19:14] Yes.

20 Q. [15:19:16] Madam Witness, can you tell Court your experience with the LRA as
21 a child soldier and how it impacted on your mind and your outlook, general outlook
22 to life, and in particular I want you to tell Court why you took the length of time until
23 the Lukodi episode before you had an opportunity to escape?

24 A. [15:20:07] Could you please do me a favour. You have asked so many
25 questions in one go. If you could please break up the questions into smaller

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1 questions, then I will be in a position to answer the question much better.

2 PRESIDING JUDGE SCHMITT: [15:20:24] Let me say it like that, Madam Witness,
3 that is an absolutely reasonable request to counsel.

4 So please split it up. I think it were three questions or even more, but three I would
5 say. Just one after the other, okay, please.

6 MR AYENA ODONGO: [15:20:41] Yes.

7 Q. [15:20:42] Can you tell Court, Madam Witness, your experience in the bush as
8 a child soldier, what they told you, how they handled you and so on and so forth.

9 A. [15:21:05] In the bush we were told that if anybody tries to escape, the person
10 would be killed. We were also told that we should stay in the bush because the
11 government was going to be overthrown. Once the government is overthrown, we
12 would all get out of the bush and have a better life. That's what we were told.

13 Q. [15:21:28] As a child, Madam Witness, did you believe this?

14 A. [15:21:43] Personally I was afraid that if I tried to escape I would be killed. But
15 in my view I knew that there was no way that they were going to overthrow the
16 government. That was just the way of brainwashing us.

17 Q. [15:21:56] The third leg of the question, I don't know whether it is the leg or the
18 arm, but one of them: How did it impact on your general outlook to life, seeing the
19 people who were killed, seeing dead bodies, the atrocities that you witnessed?

20 A. [15:22:35] I was in a bad place. My life wasn't safe. I was abducting people.
21 I was in a place that I did not want to be. I was forcing people to join the fight. My
22 life was extremely difficult.

23 Q. [15:22:55] You told Court, Madam Witness, that Dominic Ongwen's order was
24 to attack the barracks at Gwendia; is that correct?

25 A. [15:23:21] I did not talk about Dominic, I said Odomi. So I do not know if

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1 Odomi and Dominic Ongwen are one and the same person.

2 Q. [15:23:33] Odomi.

3 A. [15:23:40] Initially they thought that there was a camp at Gwendia and it
4 was -- it subsequently turned out that there was no camp at Gwendia, there was
5 a school and a barracks. But there was a camp at Awach.

6 Q. [15:23:55] When you were in the bush did you experience any situation when
7 Dominic Ongwen -- I mean Odomi, this same Odomi, could have ordered any other
8 attack?

9 A. When I was in the bush I was in a different group from Odomi's group. I
10 cannot say that this is what Odomi did because I was not in his group. I was in
11 Tulu's group. Odomi was in a separate group.

12 Q. [15:24:38] Madam Witness, we thank you very much for your assistance.

13 MR AYENA ODONGO: Your Honours, this is the end of our cross-examination.

14 PRESIDING JUDGE SCHMITT: [15:24:47] Thank you very much, Mr Ayena.

15 This concludes your testimony, Madam Witness. Thank you very much for having
16 made yourself available as a witness for this Court and thank you very much for
17 assisting the Court in finding the truth. We wish you a safe trip back.

18 THE WITNESS: [15:25:11] (Interpretation) Thank you.

19 (The witness is excused)

20 PRESIDING JUDGE SCHMITT: [15:25:12] This concludes also the hearing for today.

21 We resume tomorrow at 9.30 with P-142, new witness. We stop at 11 until 2 o'clock,
22 that's for reasons that we have to be nice to our colleagues, our fellow judges from
23 another Chamber, and then we have from 2 to 4 o'clock, a two-hour session. So this
24 is exceptionally, of course, but we also have to accommodate also the needs and the
25 wishes of other Chambers. Thank you for today.

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- 1 THE COURT USHER: [15:25:51] All rise.
- 2 (The hearing ends in open session at 3.26 p.m.)
- 3 RECLASSIFICATION REPORT
- 4 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 5 2016, the public reclassified and lesser redacted version of this transcript is filed in the
- 6 case.