

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0142

- 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 Friday, 5 May 2017  
8 (The hearing starts in open session at 9.30 a.m.)  
9 THE COURT OFFICER: [9:30:46] All rise.  
10 The International Criminal Court is now in session.  
11 PRESIDING JUDGE SCHMITT: [9:31:02] Good morning, everyone.  
12 Especially good morning to Mr Witness.  
13 WITNESS: UGA-OTP-P-0142 (On former oath)  
14 (The witness speaks Acholi)  
15 THE WITNESS: [9:31:17] (Interpretation) Thank you very much.  
16 PRESIDING JUDGE SCHMITT: [9:31:18] Could the court officer please call the case.  
17 THE COURT OFFICER: [9:31:21] Thank you, Mr President.  
18 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case  
19 reference ICC-02/04-01/15.  
20 For the record, we are in open session.  
21 PRESIDING JUDGE SCHMITT: [9:31:34] I then ask for the appearances of the parties.  
22 First Madam Adeboyejo, I think is the name.  
23 MS ADEBOYEJO: [9:31:44] Close enough, your Honour.  
24 PRESIDING JUDGE SCHMITT: [9:31:47] So close enough obviously means that it was not  
25 correct. Perhaps you can help me a little bit with that.

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- 1 MS ADEBOYEJO: [9:31:55] Adesola Adeboyejo for the Prosecution, Adeboyejo.
- 2 PRESIDING JUDGE SCHMITT: [9:32:01] Adeboyejo?
- 3 MS ADEBOYEJO: [09:32:01] Yes.
- 4 PRESIDING JUDGE SCHMITT: [09:32:01] Madam Adeboyejo, please the appearances.
- 5 MS ADEBOYEJO: [9:32:05] Thank you, your Honour. Ben Gumpert, Pubudu
- 6 Sachithanandan, Paul Bradfield, Yulia Nuzban, Hai Do Duc, Ramu Fatima Bittaye, Yeasin
- 7 Khan and Mr Colin Black appearing for the Prosecution.
- 8 PRESIDING JUDGE SCHMITT: [9:32:18] Thank you very much.
- 9 And now for the Legal Representatives of the Victims. Mr Manoba, please.
- 10 MR MANOBA: [9:32:23] Good morning, Mr President, your Honours. Joseph Manoba,
- 11 James Mawira, and Megan Hirst today joins us.
- 12 MR NARANTSETSEG: [9:32:33] Good morning, your Honours. Orchlon Narantsetseg
- 13 for the common Legal Representative. Thank you.
- 14 PRESIDING JUDGE SCHMITT: [9:32:38] Thank you.
- 15 And for the Defence, please, Mr Obhof.
- 16 MR OBHOF: [9:32:42] Good morning, your Honour. Good morning, Mr Witness. For
- 17 the Defence today, we have counsel Ayena Odongo, Ms Abigail Bridgman, Chief Charles
- 18 Achaleke Taku, Roy Titus Ayena, our client, Mr Dominic Ongwen, and myself,
- 19 Thomas Obhof.
- 20 PRESIDING JUDGE SCHMITT: [9:32:57] Thank you, Mr Obhof.
- 21 And legal counsel for the witness.
- 22 MR VON BÓNÉ: [9:33:02] Good morning, your Honour, members of the Chamber. My
- 23 name is Julius Von Bóné. I'm the Rule 74 lawyer for the witness.
- 24 PRESIDING JUDGE SCHMITT: [9:33:10] Thank you very much.
- 25 And we continue now with the examination by the Prosecution.

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1 Madam Adeboyejo has the floor.

2 MS ADEBOYEJO: [9:33:19] Thank you, your Honour.

3 QUESTIONED BY MS ADEBOYEJO: (Continuing)

4 Q. [9:33:23] Good morning, Mr Witness. I hope you had a good night's rest.

5 A. [9:33:25] Good morning. I had a good night, yes.

6 Q. [9:33:34] I have a few clarifying questions for you from our discussions yesterday, and  
7 forgive me, some of it might just be for me to understand better, for the Court to understand  
8 better some of what we had discussed.

9 Yesterday we talked about the battalion commander of Sinia brigade. Do you recall?

10 A. [9:34:12] Yes, I do recall.

11 Q. [9:34:13] And I will be referring to page 21, line 2 of the realtime transcript yesterday.

12 I want to ask you: What was Ocan Nono's position in 2003, Mr Witness?

13 A. [9:34:40] Ocan Nono was the CO. At that time he was the CO in charge of the  
14 battalion.

15 Q. [9:34:48] And which battalion would that be, Mr Witness?

16 A. [9:35:00] At that time he was in Siba.

17 Q. [9:35:04] Thank you, Mr Witness.

18 We also spoke to a large extent about the Odek incident, the Odek attack, and you had told  
19 the Court that Ongwen was the one who had given the orders for Odek. I'm referring to  
20 page 42, line 23 of the realtime transcript. What was his position in Sinia brigade during this  
21 Odek attack?

22 A. [9:35:54] Dominic was the brigade commander of Sinia. He was the overall  
23 commander of the soldiers in the Sinia brigade.

24 Q. [9:36:02] And how long before this attack in Odek had he been Sinia brigade  
25 commander?

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1 A. [9:36:19] He had not taken long because he took over from Buk, so he hadn't taken a  
2 long time at that position.

3 Q. [9:36:31] Now, still talking about Odek that we spoke about yesterday, you had said  
4 (Redacted). Do you recall when he told you this?  
5 Relative to the briefing you told us about, when did he tell you this?

6 A. [9:37:02] I do not recall that now.

7 Q. [9:37:04] Okay. I'm referring to -- I'm making reference to page 33, lines 7 and 8.  
8 But I will refresh your memory about it, Mr Witness.

9 You said, and I recall, you said, (Redacted)

10 PRESIDING JUDGE SCHMITT: [9:38:02] But I think the witness does not put into doubt  
11 what he has said already. The problem, so to speak, was that he does not recall when he was  
12 told that, if I have understood the witness correctly.

13 THE WITNESS: [9:38:22] (Interpretation) Yes, that is exactly what was said, because when  
14 he called me, he told me, "There is work, but you are not going. We are going to send  
15 Loryada to that operation."

16 MS ADEBOYEJO: [9:38:38] I'm grateful to your Honour for the clarification.

17 Q. [9:38:42] What else did he tell you when he had this conversation with you?

18 A. [9:38:54] I do not recall.

19 Q. [9:38:58] I can refresh your memory on this, Mr Witness.

20 Your Honours, I would --

21 PRESIDING JUDGE SCHMITT: [9:39:04] Yes, but refreshing does not mean that we go to  
22 the -- what -- back to the transcript or the --

23 MS ADEBOYEJO: [9:39:11] No, no.

24 PRESIDING JUDGE SCHMITT: [9:39:13] Okay. So we understand each other.

25 MS ADEBOYEJO: [9:39:40]

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1 Q. [9:39:40] Mr Witness, I would read this portion to you.

2 Your Honours, it's at tab 18, tab 18. It's UGA-OTP-0244-0693 at 0698, 0698. And I'm

3 looking in particular at lines 154 and 155.

4 It reads:

5 "What Okwer reported was that we were supposed to go and attack Odek and Kony had

6 issued an order that Odek should be attacked within two days."

7 Do you recall this, Mr Witness?

8 A. [9:40:41] Yes, I do recall correctly now. I now recall very well.

9 Q. [9:40:48] So it would in fact be correct to say, Mr Witness, that Okwer gave you this

10 information because he had the information before you heard the general briefing?

11 A. [9:41:14] Yes, it's exactly like that.

12 Q. [9:41:19] Mr Witness, I now want to ask you concerning the food that you said was

13 looted after the Odek attack yesterday. You said that when you got the report from those

14 who went for the attack, you said they went and they looted food. I'm referring to page 39,

15 line 12 of the realtime transcript yesterday. Page 39, line 12.

16 Do you know what looted food items they brought back? What were the looted food items

17 they brought back?

18 A. [9:42:13] These foods item include ground nuts or peanuts, biscuits, beans. These

19 were majorly the items that I remember were collected from there.

20 Q. [9:42:32] Did you see these items, Mr Witness?

21 A. [9:42:37] Some of the children who went there and came back with those items, I saw

22 them with my own eyes.

23 Q. [9:42:48] And -- thank you, Mr Witness. Yesterday also we started talking about the

24 attack in Lukodi and a portion of what we discussed was with regards to the clothing that the

25 fighters were putting on. I wanted to find out from you what were you yourself putting on.

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1 I'm making reference to page 69, lines 4 to 8 of the realtime transcript yesterday.

2 I want you to confine yourself to just what you were wearing. That's what I want to -- I  
3 want you to recall.

4 A. [9:43:44] I do not recall. I can't recall now what clothes I was wearing, but I am  
5 confident that I was wearing civilian clothes.

6 Q. [9:43:56] Thank you, Mr Witness. Still on the issue of Lukodi, you told us that there  
7 was a group of fighters that had gone for the attack, but that there was behind the first group  
8 of fighters who were in the front line, so to speak, you said behind them there was an  
9 unarmed group. I want you to focus on that unarmed group, Mr Witness, and tell the Court  
10 were there any children among that unarmed group?

11 A. [9:44:40] There were very many people, but now I cannot recall whether there were  
12 very young children, but yes, there were those children in the age category 14 who were  
13 there.

14 Q. [9:45:09] And when you talk about the age category, what would be the age range of  
15 the youngest set of children who were in that group?

16 A. [9:45:28] Well, I cannot estimate, but from what I see, it is from like 11 years old  
17 upwards to 20 years old.

18 Q. [9:45:44] Thank you, Mr Witness. Among the fighters now, let's focus on the fighters,  
19 what would you say the age range of those fighters were?

20 A. [9:46:06] The fighters, as I said, their age ranged from 11 years old to approximately 30  
21 to 35 years old. There were older fighters as well.

22 Q. [9:46:29] Thank you, Mr Witness. Now, these ones that you said were between the  
23 ages of 11 to 14, what was the role of these children in that particular attack?

24 A. [9:46:52] There were others who were already soldiers, but then there were also those  
25 who were not yet initiated into the soldier ranks. Then there were those who were supposed

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1 to majorly carry food items, and those who are already assigned as fighters also had guns and  
2 they were also able to fight when there is any engagement.

3 Q. [9:47:23] Thank you, Mr Witness. I would now take us to a particular document, and  
4 because this document is confidential, I would be requesting that we go into private session  
5 to discuss this particular document.

6 PRESIDING JUDGE SCHMITT: [9:47:47] Yes, private session, please.

7 (Private session at 9.47 a.m.) \* (Reclassified in public)

8 THE COURT OFFICER: [9:47:55] We are in private session, Mr President.

9 MS ADEBOYEJO: [9:48:16] I will be taking your Honours to tab 5. I don't know if this  
10 document is now before the witness.

11 THE COURT OFFICER: [9:48:50] Could we please have an ERN number.

12 MS ADEBOYEJO: [9:48:53] It's --indeed. UGA-OTP-0251-0642.

13 PRESIDING JUDGE SCHMITT: [9:49:01] So we are not talking about tab 5.

14 MS ADEBOYEJO: [9:49:06] Sorry, I apologise. Tab 3. I apologise, your Honour. Tab 3.

15 PRESIDING JUDGE SCHMITT: [9:49:14] And may I just ask you, it's -- I know the answer,  
16 but it's just for everybody, why it is confidential.

17 MS ADEBOYEJO: [9:49:22] Because there is a -- the signature of the witness appears on it.  
18 I know that we have started developing a practice of having a redacted version (Overlapping  
19 speakers)

20 PRESIDING JUDGE SCHMITT: [9:49:31] I wanted to -- exactly, I was referring to this one,  
21 okay. But it's okay for now.

22 MS ADEBOYEJO: [9:49:51]

23 Q. [9:49:52] Is this document before you, Mr Witness?

24 A. [9:49:56] Yes, I have it now.

25 Q. [9:49:59] Do you recognise the document, Mr Witness?

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1 A. [9:50:06] Yes, I do understand the document.

2 Q. [9:50:09] Can you look at the lower right-hand corner of the document. Whose  
3 signature is that?

4 A. [9:50:22] That's my signature.

5 Q. [9:50:25] And what date is on the signature on the document?

6 A. [9:50:30] It's 3 December 2015.

7 Q. [9:50:39] What does that date represent?

8 PRESIDING JUDGE SCHMITT: [9:50:40] May I just, again, excuse me please, shortly  
9 interrupt. Wouldn't it be enough not to display the document to the public? Do we have  
10 to -- of course you know better what you want to examine, but I'm not sure if we could not  
11 discuss the matters in open session but not display the document.

12 MS ADEBOYEJO: [9:51:05] Your Honour, I would be much obliged for your direction in  
13 this regard and I can accept that we can discuss it in open session. I would just give a  
14 caution to the witness that of course his role in it should not really be something he would  
15 discuss.

16 PRESIDING JUDGE SCHMITT: [9:51:25] Okay. Under this condition, so to speak, and  
17 I think, Mr Witness, you have understood that. It's not about what you did and your role,  
18 and also, Mr Von Bóné, you are sitting beside him and you would intervene, then we would  
19 have to go back to private session.

20 MS ADEBOYEJO: [09:51:46] Private session.

21 PRESIDING JUDGE SCHMITT: [09:51:46] But we go to open session now.

22 MS ADEBOYEJO: [9:51:49] Open session. Thank you, your Honour.

23 Now, Mr Witness, can you describe --

24 PRESIDING JUDGE SCHMITT: [9:51:56] We have to wait a little bit, Ms Adeboyejo.

25 MS ADEBOYEJO: [10:03:00] I'm sorry.



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1 (Open session at 9.52 a.m.)

2 THE COURT OFFICER: [9:52:02] We are in open session, Mr President.

3 MS ADEBOYEJO: [9:52:07]

4 Q. [9:52:07] Mr Witness, can you describe the document you have in front of you.

5 A. [9:52:16] This is the map indicating our movement as we were heading to Lukodi  
6 where we went for attack. Can I continue?

7 Q. [9:52:31] Yes, indeed.

8 A. [9:52:34] So we came from Awach. If you are in Lukodi, then the direction is that we  
9 are from the east, heading westward. Then we came straight and crossed a certain road,  
10 which is named Ocora road, which comes from Gulu going towards Ajulu.

11 We moved for a few distance, for a short distance, and crossed -- but before we crossed

12 Unyama stream, but I have not indicated here, but the stream or the river is Unyama. This  
13 was the point where we also talked with the civilian. Then we crossed that Unyama river,  
14 through the bridge, and we moved slightly ahead and then we turned to the left.

15 So we started our deployment right from that road towards, towards the left where the school  
16 is located and that is also where the barracks is located.

17 Q. [9:54:07] I would stop you there, Mr Witness. I apologise for interrupting you. I  
18 wanted to ask you a specific question on that point that you arrived at. What was the  
19 distance between the school and the barracks?

20 A. [9:54:26] The school and the barracks, the soldiers are in the school exactly. That is  
21 where the location was. They were exactly at the school.

22 Q. [9:54:35] So if I understand you correctly, and if the Court can understand you, the  
23 soldiers had converted the school to a barracks; is that what you want the Court to  
24 understand?

25 A. [9:54:46] Yes, yes, the soldiers were exactly in the barracks -- in the school, and they

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1 had turned the school into a barracks, yes.

2 Q. [9:54:56] Now, you said that you approached from Awach and then you crossed Ocora  
3 road and then you started proceeding. If we are looking at the map, therefore we are  
4 looking from the bottom up, are we not?

5 A. [9:55:15] Yes.

6 Q. [9:55:16] Now, the sign that you have put in here that is just after where you marked  
7 "Ajulu" upwards, it starts with an M, M-E. What does that signify?

8 A. [9:55:38] Well, I cannot clearly read this, but it appears this is where we first stopped  
9 briefly. It's like a meeting point, but I cannot clearly read it, but I think this is like a meeting  
10 point where we stopped briefly.

11 Q. [9:55:59] And then ahead of that you have a place where you have written the word  
12 "river". What river are you referring to in that point? Not the first river, but the second  
13 river. You are going upwards in the document.

14 A. [9:56:21] Which one are you talking about? I am not seeing where I wrote "stream",  
15 but from the river, which is different from the river. Yeah, so if it is a river, then I am talking  
16 about Unyama river. If you can see from that drawing, there is a bridge, a sign of the bridge,  
17 and that I'm referring to Unyama river.

18 Q. [9:56:54] That indeed is correct, Mr Witness. That's what we are referring. So the  
19 two marks that you have put on either side represent the bridge, isn't it, over the river, and  
20 the river you are referring to there is the Unyama river.

21 A. [9:57:10] Yes, yes, that's exactly -- that is the bridge of river Unyama.

22 Q. [9:57:14] Now, to the right of that, Mr Witness, there is a mark that you have also put,  
23 like an arrow. What does that represent? So if you go a little upwards, after where it's  
24 marked "river", there's an arrow that is marked to the right of the document.

25 A. [9:57:47] Yeah, I am seeing that, but I cannot now remember very well, but I can see

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1 written "gun". That means that was a position of a certain gun which was probably placed  
2 there. It was a position of a gun, but now I cannot recall very well.

3 Q. [9:58:04] And where you have the marking that looks like a semicircle, what does that  
4 represent, Mr Witness?

5 A. [9:58:21] That represents the commanders, the commanders who were leading that  
6 group of soldiers. It could also stand for, I think, civilian houses that were near the barracks.

7 Q. [9:58:39] Let's move upwards where you have two circles at the top of the document.  
8 Two document -- two circles and then you have the mark "IDP" beside it. What does that  
9 represent, Mr Witness?

10 A. [9:58:59] This one, I was trying to illustrate the set-up of the camp. There's a road  
11 that goes through which separates -- which divides the camp into two parts. So I was trying  
12 to illustrate the set-up of the camp. That's why I've written there "IDP". That is where the  
13 civilians were resident.

14 Q. [9:59:27] Now, Mr Witness, with regards to this sketch you have in front of you, what  
15 was the direction with which the fighters left after the attack had taken place?

16 A. [9:59:50] Our fighters or the government fighters?

17 Q. [9:59:55] The LRA fighters, indeed.

18 A. [9:59:57] Yeah, we came back from the same route that we used for going into the  
19 camp. We came back on the same route.

20 Q. [10:00:07] And yesterday you told us, you said that when there was the engagement  
21 with the soldiers, you said the UPDF soldiers fled from the barracks. What direction did  
22 they flee to?

23 A. [10:00:28] They ran straight upwards and went into the camps where the civilians are.  
24 Most of them went and entered into the camp.

25 Q. [10:00:38] All right. You can put this document away, Mr Witness.

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1 Now, Mr Witness, I'm now focusing on the return, when you were coming back. Apart from  
2 the food items that you indicated yesterday were being carried by the unarmed group, what  
3 other items did they have with them? You gave us a very good list yesterday of food items,  
4 but what other non-food items did they have with them?

5 A. [10:01:47] I do not recall the other items they had.

6 Q. [10:01:56] Now, when you crossed -- you said that you used the same route to go back.

7 When you crossed the Unyama river, were you alone in returning? Were you alone?

8 A. [10:02:20] We were all together. The whole group was walking together. We were  
9 in a single file because it was dark at the time.

10 Q. [10:02:29] How many of you were in the group at this time? I know it will be an  
11 approximation.

12 A. [10:02:41] I do not believe any of us was missing because if -- to my recollection,  
13 nobody died, so I believe the whole group was going back together.

14 Q. [10:02:53] And yesterday you told us that there were some civilians who were with the  
15 group. How many were these civilians?

16 A. [10:03:10] There were civilians, but most of the civilians were women. There were  
17 not that many men, but I do not recall the exact number of civilians, but I believe that there  
18 were less than four men.

19 Q. [10:03:29] And these civilians, who had taken these civilians?

20 A. [10:03:43] I do not recall who abducted the civilians, but it's the people who went to  
21 the camp to collect food that brought the civilians to help them carry the load.

22 Q. [10:03:56] And who was responsible for these civilians? Before you answer that  
23 question, Mr Witness, may I request that we go into private session?

24 PRESIDING JUDGE SCHMITT: [10:04:09] Yes, I think this would be exactly an issue that  
25 would have to be discussed in private session. Private session.

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1 MS ADEBOYEJO: [10:04:17] I'm requesting that we go into private session.

2 (Private session at 10.04 a.m.)

3 (Redacted)

4 (Redacted)

5 (Redacted)

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10 (Redacted)

11 (Redacted)

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16 (Redacted)

17 (Open session at 10.11 a.m.)

18 THE COURT OFFICER: [10:11:53] We are back in open session, Mr President.

19 PRESIDING JUDGE SCHMITT: [10:11:55] Thank you.

20 MS ADEBOYEJO: [10:12:03]

21 Q. [10:12:07] Mr Witness, you said that there were about four persons who were male,

22 men. Were there any male children among those that you saw, the civilian abductees?

23 A. [10:12:32] I do not recall.

24 Q. [10:12:44] (Microphone not activated)

25 PRESIDING JUDGE SCHMITT: [10:12:50] Microphone, please.

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1 MS ADEBOYEJO: [10:12:53]

2 Q. [10:12:54] Mr Witness -- your Honours, may I have, crave your indulgence to refresh  
3 the witness's memory on this discrete issue?

4 PRESIDING JUDGE SCHMITT: [10:13:04] Yes.

5 MS ADEBOYEJO: [10:13:05]

6 Q. [10:13:06] Mr Witness, I would read a portion of your statement to you very quickly.

7 (Microphone not activated)

8 PRESIDING JUDGE SCHMITT: [10:13:58] Microphone, please.

9 MS ADEBOYEJO: [10:14:00] UGA-OTP-0273-0385, and I'm referring specifically to 0394,  
10 lines 296 -- 293 and 296:

11 "OK, were there any children? Young boys were about two. The ones who were over ten."

12 Q. [10:15:06] Mr Witness, do you recall saying this in your statement?

13 A. [10:15:09] Yes, I do. Yes, I recall that.

14 Q. [10:15:14] Do you recall -- do you know what happened to these young boys?

15 A. [10:15:24] Nothing happened to those young boys. They were not recruited as  
16 soldiers.

17 THE INTERPRETER: [10:15:31] The interpreter corrects: I know that they were recruited  
18 as soldiers.

19 MS ADEBOYEJO: [10:15:50] Could the interpreter just tell the Court so that we are sure  
20 what, what was the real interpretation of that, the answer of the witness?

21 THE INTERPRETER: Could the witness please repeat, because the last part of the sentence  
22 was not very clear, so I had to ask a colleague.

23 PRESIDING JUDGE SCHMITT: [10:16:12] Mr Witness, there was a problem with the  
24 interpretation that was not anything that has something to do with you. The interpreters  
25 request that you perhaps repeat your last answer so that they can start again interpreting it.



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WITNESS: UGA-OTP-P-0142

1 THE WITNESS: [10:16:32] (Interpretation) Nothing bad happened to the boys, but I do  
2 know that the children were recruited as soldiers. The boys were taken, they were recruited  
3 as soldiers.

4 MS ADEBOYEJO: [10:16:53]

5 Q. [10:16:53] Thank you for clarifying that, Mr Witness.

6 Now, we are talking about the meeting point where you met with Dominic. I want to focus  
7 your mind on that. Did the civilians go to this meeting point?

8 A. [10:17:29] No, the civilians did not go to this meeting point, other than the two boys.  
9 Civilians did not go to this point.

10 Q. [10:17:42] And when Dominic saw these civilians, what was his reaction when he saw  
11 these two boys?

12 A. [10:18:04] I do not recall what he told them. I did not see him meeting them face to  
13 face, but I do not recall what Dominic said about it.

14 MS ADEBOYEJO: [10:18:15] Your Honours, I would like to refresh the witness's memory  
15 on this point.

16 PRESIDING JUDGE SCHMITT: [10:18:20] Only on the point when he said I do not recall.

17 MS ADEBOYEJO: [10:18:24] Yes.

18 PRESIDING JUDGE SCHMITT: [10:18:25] But not on the point when he said "I did not  
19 see".

20 MS ADEBOYEJO: [10:18:29] Yes, on the point that he didn't recall.

21 PRESIDING JUDGE SCHMITT: [10:18:35] Okay, that's okay.

22 MS ADEBOYEJO: [10:18:46] Your Honours, it's tab 9 UGA-OTP-0228-4542 at 4569.

23 PRESIDING JUDGE SCHMITT: [10:19:02] Perhaps in the meantime allow me a question.

24 MS ADEBOYEJO: [10:19:05] Yes, your Honour.

25 PRESIDING JUDGE SCHMITT: [10:19:06] A clarification.

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WITNESS: UGA-OTP-P-0142

1 Mr Witness, when you talked about two boys, over 10 I think I have in my mind, could you  
2 be more specific about the age? Only if you recall it and only if you really had an idea about  
3 the age at the time.

4 THE WITNESS: [10:19:31] (Interpretation) Are you talking about the two boys that we  
5 went with or the civilians that were among us?

6 PRESIDING JUDGE SCHMITT: [10:19:38] I'm talking about the two boys where you said  
7 nothing bad happened to them, but they have been recruited afterwards.

8 THE WITNESS: [10:19:49] (Interpretation) I do not -- I cannot guess their ages, but nothing  
9 bad happened to them.

10 PRESIDING JUDGE SCHMITT: [10:19:57] When you say you can't guess, any estimate?  
11 Were they -- because you said over 10 at some point in time, so that was not -- so, you know,  
12 we don't, we don't have a really -- we don't have an idea what that could possibly mean.

13 THE WITNESS: [10:20:16] (Interpretation) Possibly 16, 17 or 18 upwards, in my opinion.  
14 The way the -- his appearance, his size and his features.

15 PRESIDING JUDGE SCHMITT: [10:20:32] Thank you, Mr Witness.

16 Please continue.

17 MS ADEBOYEJO: [10:20:39] I'm reading from 0228-4569:

18 "Then he asked us" -- line 899 "why didn't you kill people there?" 901: "So we actually told  
19 them that there was nobody there." 903: "Then he was not happy." 908, in response to the  
20 question who was not happy "Odomi."

21 A. [10:21:38] Yeah, that's exactly what I said. That's exactly as it is in my statement.

22 PRESIDING JUDGE SCHMITT: [10:21:46] But important, Mr Witness, is not, if it is in your  
23 former statement, important is now that it has been read to you and your statement was far  
24 along back in time. What do you -- do you recall it like that it was in your statement or what  
25 do you say today? This is important. What is your recollection today when you are

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WITNESS: UGA-OTP-P-0142

1 refreshed (Overlapping speakers)

2 THE WITNESS: [10:22:15] (Interpretation) There is no difference between my statement  
3 today and my previous statement. I'm trying to help the Court to get the truth.

4 PRESIDING JUDGE SCHMITT: [10:22:27] This was not an admonishment at all, it was  
5 only that it was not clear. And it depends always a little bit on how the question is put then  
6 afterwards. If you have refreshed the mind, then you can say "Do you recall now", for  
7 example --

8 MS ADEBOYEJO: [10:22:45] Yes, indeed.

9 PRESIDING JUDGE SCHMITT: [10:22:47] -- you can ask. That would be, that would be  
10 easier. That would be helpful for the witness, I think.

11 MS ADEBOYEJO: [10:22:54] I'm grateful to your Honour for the direction.

12 PRESIDING JUDGE SCHMITT: [10:23:00] Yeah, thank you. Please continue.

13 MS ADEBOYEJO: [10:23:01]

14 Q. [10:23:02] Mr Witness, is this an accurate reflection of what happened, what I have  
15 read to you, of Odomi's reaction when he saw the civilians?

16 A. [10:23:17] That was his reaction. That's what happened.

17 PRESIDING JUDGE SCHMITT: [10:23:28] There's also a second possibility, like you did it  
18 now, that you simply, or any party or participant who is putting questions like that in the  
19 refreshing mode, that you simply ask the same question again then now. You ask a question,  
20 witness says, "I do not recall at the moment." And you read something to it, and then you  
21 ask the question again, or like you did it now.

22 MS ADEBOYEJO: [10:23:55] I'm grateful to your Honour.

23 PRESIDING JUDGE SCHMITT: [10:23:57] Thank you.

24 MS ADEBOYEJO: [10:24:03]

25 Q. [10:24:03] Mr Witness, what was your response to Odomi's reaction?

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WITNESS: UGA-OTP-P-0142

1 A. [10:24:15] I was not happy. I wasn't happy hearing talking the way he was because  
2 we are talking about my people. I wasn't happy about his comments.

3 Q. [10:24:34] Now, apart from this discussion about the civilians, what was the report  
4 that was given concerning what had happened in Lukodi?

5 A. [10:24:59] The report that we heard over the radio was a report stating that people  
6 killed -- people were killed in Lukodi. They stated that soldiers went to the barracks and  
7 killed people and also went to the camp and killed people. That's what I heard over the  
8 radio.

9 Q. [10:25:18] Thank you, Mr Witness. I want to focus your mind on the meeting at the  
10 RV. Because you told the Court earlier that everyone returned to the RV to meet with  
11 Dominic. And you recall you also told the Court that when you come back there is a verbal  
12 report that is given. I want you to tell the Court what was the report then that was given  
13 upon the return from this -- from Lukodi?

14 A. [10:25:57] Everybody has their office, their office as an intelligence officer. I went and  
15 informed my commanding officer that we went to the barracks, we chased away the barracks  
16 and I did not see anybody killed, nobody died. The only thing that we found were old pairs  
17 of old gumboots. I do not recall everything that I said, but that's what I told my BIO, my  
18 commanding officer.

19 But with respect to Ocaka I do not know what he went and reported, but I do know that he  
20 went and reported what he did and the items that he came back with.

21 Q. [10:26:44] Did you see Ocaka when he was giving this report to Dominic?

22 A. [10:26:55] I saw him. I saw them when they were seated together and discussing the  
23 events, the outcome of the events.

24 Q. [10:27:14] And as part of the reporting on what had transpired in Lukodi, did any  
25 further reports emanate concerning Lukodi?

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WITNESS: UGA-OTP-P-0142

- 1 A. [10:27:32] I do not recall.
- 2 Q. [10:27:36] What other reports were produced concerning Lukodi?
- 3 A. [10:27:47] I do not recall any other report that came out with respect to Lukodi.
- 4 Q. [10:27:56] What would be the role of the brigade intelligence officer regarding the  
5 attack in Lukodi?
- 6 A. [10:28:08] With respect to the IO in the brigade, when something like that happens,  
7 they record everything in a book and when they meet with the director of intelligence, he  
8 relays this report informing them of what the brigade did, and that's what I know the BIO of  
9 the brigade does.
- 10 Q. [10:28:43] In this particular instance, did the BIO forward this report?
- 11 A. [10:29:04] I cannot recall when the BIO sent the report, but I do know that if he met  
12 with his superiors, then he would have relayed this report to his superiors.
- 13 Q. [10:29:21] And who would his superiors be?
- 14 A. [10:29:34] There were several intelligence officers, but at the time we had people like  
15 Otti Vincent who were also available, so he would send the report to people like Otti and  
16 Akoja.
- 17 Q. [10:29:52] And where was Akoja based at this time?
- 18 A. [10:30:04] I do not recall at the time where Akoja was, but I believe that they were all  
19 in Control Altar.
- 20 Q. [10:30:22] Now, Mr Witness, I want to focus your mind on what you have told this  
21 Court yesterday when we were discussing Lukodi. You had mentioned a particular name,  
22 Tulu. Do you recall that name?
- 23 A. [10:30:53] Yes, I do very well.
- 24 Q. [10:30:54] And was this Tulu?
- 25 A. [10:30:58] Tulu was a high-ranking commander of Gilva. At the time he was in

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WITNESS: UGA-OTP-P-0142

1 sickbay. He was a commander of sickbay. Gilva's sickbay.

2 Q. [10:31:15] And when you are talking about the sickbay, what are you referring to  
3 exactly?

4 A. [10:31:29] A sickbay, in my understanding and from the LRA, is where the sick, the  
5 elder -- the weak soldiers, the injured soldiers, the nursing mothers, this is where these people  
6 are kept. They stay separately, or on their own, not together with the other people who were  
7 healthy.

8 Q. [10:31:54] And how many of such sickbays were you aware of, Mr Witness?

9 A. [10:32:06] I do not recall the number of sickbays, but there are different, several other  
10 sickbays for Sinia, Gilva, and also they are usually in different locations within the small  
11 groups. Within the small groups there are, there are sickbays, but for the ones in Tulu's  
12 group, I do not have any idea.

13 Q. [10:32:34] Would the sickbays be attached to brigades or to battalions, Mr Witness?

14 A. [10:32:46] Yeah, the Sinia and Gilva could have the same sickbay or it could also be  
15 only for Sinia. It depends on the location where injuries occurred. So they look at the  
16 nearest sickbay and then they send the injured there. So people are actually mixed up.

17 Q. [10:33:08] Did the sickbay depend on the location? In other words, were they fixed at  
18 particular locations or they were mobile?

19 A. [10:33:23] Sickbay is not fixed at a particular place. They move. They change  
20 position, depending on the location where they find it's convenient and it's safe from attacks  
21 from government soldiers. Sometimes they could stay at a position for like three months or  
22 six months if there are no fears of attacks from government soldiers.

23 Q. [10:33:50] Did you know any commanders who were taken to sickbay, Mr Witness?

24 A. [10:34:03] Commanders who were sent to sickbays are very many. They were very  
25 many. I may not, I may not narrate all of them, but even Dominic Ongwen, I know at some

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WITNESS: UGA-OTP-P-0142

1 point he was injured and he was at sickbay. Myself, I was also at sickbay. Many  
2 commanders, like Otti Lagony, had injuries. I also believe they were in the sickbay. There  
3 are many. There are quite many and I cannot narrate all of them.

4 Q. [10:34:40] Thank you, Mr Witness, I quite understand. Where a commander is  
5 injured and in the sickbay, how is he able to communicate with his subordinates?

6 A. [10:34:58] When a commander is injured, there is usually somebody who takes over  
7 from him. Sometimes he has a radio call or sometimes he does not have, but if there is a  
8 fixed date or appointment which has been made, then they know that if there is supposed to  
9 be a meeting, then they know a particular place which has been agreed upon. So he could  
10 have a radio call where they can communicate or he could not -- he could even stay without a  
11 radio call, but he would go to that location which has been agreed for the meeting.

12 MS ADEBOYEJO: [10:35:40] Your Honours, can I have one second to confer?

13 PRESIDING JUDGE SCHMITT: [10:35:44] Of course.

14 (Counsel confers)

15 MS ADEBOYEJO: [10:36:13] I'm grateful to your Honour.

16 Q. [10:36:16] Now, Mr Witness, you mentioned the fact that even Dominic was at one  
17 point injured and was at the sickbay.

18 A. [10:36:30] Yes.

19 Q. [10:36:33] What was the nature of the injury?

20 A. [10:36:44] I think I may not go into details because I did not put it in my statement, but  
21 there were many things. He had injuries on his leg. So if I start to talk about it, that means  
22 it will be a long process, and of course it was not part of the statement I made, but he had  
23 injuries, he had injuries on his leg.

24 Q. [10:37:08] You have to understand, I can put questions to you, even the Judges can put  
25 questions to you, that's why you're here. I want to explore that discrete issue with you.

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WITNESS: UGA-OTP-P-0142

1 When did this injury on his leg, when did it occur?

2 A. [10:37:29] I do not recall. I cannot even recall the year, but he had injuries. And if it  
3 was even possible to even to check, then you'll, yes, find that he got injured in the leg. And  
4 he will confirm that I'm actually telling the truth.

5 Q. [10:37:53] Thank you, Mr Witness.

6 PRESIDING JUDGE SCHMITT: [10:37:55] But how did you come to know of the injury of  
7 Mr Ongwen?

8 THE WITNESS: [10:38:10] (Interpretation) At that time we were together. I stayed for a  
9 long time with my brother, but to say in the military term, my commander, we were for a  
10 long time together.

11 PRESIDING JUDGE SCHMITT: [10:38:20] Thank you.

12 MS ADEBOYEJO: [10:38:21]

13 Q. [10:38:21] Now, Mr Witness, I'm going to move on to discuss with you on discipline  
14 within the LRA. And I will ask you earlier on when you had discussed about the brigade  
15 intelligence officer writing about issues in his book, where he talks about issues that have  
16 happened in the brigade. Did you ever recall any incidences where issues of discipline were  
17 also discussed and written down?

18 A. [10:39:09] Well, issues relating to discipline that I can recall are quite many. For  
19 instance, respect for orders given to you that you have to go and perform, you have to  
20 perform it. If a commander, if a commander comes or calls you, you have to go and salute  
21 and greet the commander. These are some of the respects that I have been able to document  
22 during my time.

23 Q. [10:39:49] Now, what would happen where there is a breach of these disciplinary  
24 issues; in other words, where offences occur that would need discipline?

25 A. [10:40:07] Well, if you commit -- if you, for instance, disobey orders or you fail to do



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1 certain things, if it warrants death, you will be killed. If it warrants a beating, you will be  
2 beaten several strokes that are uncountable, or you are punished to carry -- by carrying, by  
3 carrying heavy loads such as heavy bombs. These are the things that I saw were happening.

4 Q. [10:40:41] And, Mr Witness, how would a determination be made to know what  
5 appropriate punishment to give to a soldier who needs to be disciplined?

6 A. [10:41:01] That instruction, when I went to the bush, I found was already standing.  
7 So I do not know how it was put in place, but I believe it came from Kony and everyone  
8 follows that. It is not that it is made from the brigade or battalion, but I found that it was  
9 already existing, and if you fail to follow instructions, that is what is supposed to be done.

10 Q. [10:41:34] Now, you just told us about some of the -- what would be the disciplinary  
11 measures that could be given. You said it could be -- somebody could be killed and all that.  
12 What kind of offences would a person commit that would warrant this punishment you've  
13 described?

14 A. [10:42:10] Well, there are several offences. What I saw with my own eyes, maybe I  
15 did not write in my statement, when we were at Aruu, there was one person who slept with  
16 his colleague's wife, and he was killed in a firing squad. This is one of the, you know,  
17 violations of the set instructions that you meet very harsh punishments.

18 Q. [10:42:49] Would shooting a civilian or shooting a civilian during the course of an  
19 attack constitute such an offence?

20 A. [10:43:06] Well, there, nobody would see it as a crime if a civilian is injured or if a  
21 civilian is shot at. Nobody would even say anything about it.

22 Q. [10:43:21] Now, I want to move to the point you had made earlier, Mr Witness, about  
23 the abduction, and you had said that there had been abduction of certain women. Apart  
24 from the abduction of these women, what other category of persons were abducted that  
25 you're aware of?

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WITNESS: UGA-OTP-P-0142

1 A. [10:44:26] Abductions are done in several ways. For instance, it would be  
2 requirement to abduct young children from 10, 11 or 12 years old, or others could be girls  
3 abducted or could be adults or older people who are abducted to help in carrying luggages.

4 So there's several ways of abductions.

5 Q. [10:44:55] Let's focus on the abduction of girls. How regularly were girls abducted?

6 A. [10:45:10] Well, girls were abducted from different locations. Any battalion,  
7 wherever they would move, if it's at a time that orders are given for abductions whereby you  
8 would not do any abductions on your own, then they would -- following instructions given,  
9 any type of person would be abducted, young girls who were yet below 18 or sometimes  
10 even beyond 18. So these are the type of girls who were abducted when instructions are  
11 given.

12 Q. [10:45:57] And when these girls are abducted, what are the instructions concerning  
13 how they can be handled?

14 A. [10:46:14] All these people when they have been abducted, no ordinary officer or  
15 person is allowed to stay with these people. There are places where they are kept, usually  
16 with the senior commanders or at the operation room. For instance, at the brigade, it will be  
17 with the BIO together with the brigade commanders. Or sometimes some COs, but most  
18 times it were not with COs but mostly with brigade commanders and operation rooms.  
19 So these people are not just distributed. For example, if it is with Kony, then they stay with  
20 Kony and they are the ones who would know what to do with such people who are abducted.  
21 And there is no set rule that you should stay with such people on your own accord. That  
22 one was not allowed.

23 Q. [10:47:15] Why was it not allowed for anyone to just stay with the girls?

24 A. [10:47:29] Well, I do not now recall why it was not allowed, but usually the overall  
25 commander like Kony would be the ones to know why such people should not stay with the

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WITNESS: UGA-OTP-P-0142

1 girls. But it was the rule that when such people are brought, should not stay with the other  
2 ordinary people.

3 Q. [10:47:51] Now, just so that the Court can understand what you mean, when you say  
4 that they cannot just stay with ordinary people, what exactly does that mean?

5 A. [10:48:10] Well, such ordinary people are like other officers, some are officers like us  
6 who are not allowed, by rule, but the ones who were allowed are the brigade commanders or  
7 the BIOs. So the other general people, the ordinary ones are these -- the ordinary officers,  
8 those of us who were below in the lower ranks compared to those who are in the higher  
9 ranks.

10 Q. [10:48:45] So how would you then be allowed to stay with these girls?

11 A. [10:48:56] Well, to stay with those girls is different. It's -- it varies. You could give  
12 your report, or your superior could give a report to Kony that I have my commanders or I  
13 have my fighters who are now old enough to stay with wives. So when that happens, and  
14 has been identified, then the girls are identified and then is given to you so that you  
15 now -- that person becomes your wife. And that is now also the time that you also can start  
16 staying with a wife.

17 Q. [10:49:42] So who would do the distributing of these girls?

18 A. [10:49:54] All these things, the reports come from Kony and goes to brigade  
19 commander who has his soldiers. So the brigade commander, together with his BIO are the  
20 ones now that identifies who should be given a wife. So that's what they would do, identify  
21 and then they would give. So at the battalion Dominic and his BIO are the ones who  
22 handles, but the authority would come from Kony to do that, looking at the number of the  
23 people who needs and also the number of girls available.

24 Q. [10:50:37] You said, Witness, did you say at the battalion level or at the brigade level?

25 A. [10:50:50] At the brigade level.

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WITNESS: UGA-OTP-P-0142

1 Q. [10:50:53] Now, where a soldier or an officer decides to go and stay with a girl without  
2 the permission or distribution from the brigade commander, and in this case we are talking of  
3 Dominic, what would happen?

4 A. [10:51:22] Apart from serious beating to near death, there's nothing. Or sometimes  
5 you are even killed if you are not lucky. So you are beaten seriously.

6 Q. [10:51:36] Who will do the beating?

7 A. [10:51:40] The order will have come from Kony that the person who committed that  
8 offence should be beaten, and then you are beaten.

9 Q. [10:51:51] Would all such offences, all such offences be relayed to Kony?

10 A. [10:52:06] Yes. If the offence was committed from the brigade, or even at the  
11 battalion, all the information is sent to Kony before the brigade commander or the battalion  
12 commander takes action. So once the information reaches Kony, then appropriate actions  
13 are taken.

14 Q. [10:52:28] Who decides on the specific punishment or appropriate punishment?

15 A. [10:52:45] All these decisions come from Kony. To give punishments to that person,  
16 whether that person should be killed or not, all that comes from Kony as the overall person.

17 Q. [10:53:07] Where there is a decision that has been made with regards to the beatings,  
18 for example, who determines what the proportion would be?

19 A. [10:53:32] Now, that depends on the operation room and the brigade commander who  
20 has the report. They are the ones now who decides on the number of strokes you should  
21 receive. That is what I know. It comes from Joseph Kony, then it comes to brigade, then  
22 brigade, together with other commanders, sit down to now decide that we now have this  
23 instruction, so what do we do? Now they are the ones who make decision on that level.

24 Q. [10:54:11] Now, have you heard yourself where orders were given to abduct these  
25 girls that we've been talking about?

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1 A. [10:54:37] Well, these things happen frequently. When we were in the Sudan, I do  
2 not recall the year and month, when we are praying Kony himself would come and tell us  
3 that "Go and abduct girls." That is what I heard by my own ears. I was not told, but I  
4 heard.

5 Q. [10:55:03] And how many wives would a commander have, Mr Witness?

6 MR OBHOF: [10:55:13] Objection. Your Honour, we're objecting to that, because it's too  
7 general, it's a generalised question. It calls for speculation when you are saying  
8 "commanders". There are, if you believe what the Prosecution states, dozens and dozens of  
9 commanders.

10 PRESIDING JUDGE SCHMITT: [10:55:24] I think that's correct. It's not a classical  
11 objection, I would say, but it does not lead to -- too much now to ask the witness  
12 unspecifically. I really would just pick out some commanders you are interested in, to put it  
13 this way.

14 MS ADEBOYEJO: [10:55:48]

15 Q. [10:55:50] Mr Witness, I think you're still listening to the translation?

16 A. [10:55:53] Oh, I thought I was still going to be given another question.

17 Q. [10:55:58] I am going to give you question. I thought you were still listening to the  
18 translation. My question to you then, following from the direction of the Presiding Judges,  
19 how many wives did Ongwen have that you were aware of?

20 A. [10:56:22] My, my boss had wives. At the time when I was still close to him there  
21 were four to five wives that he had.

22 Q. [10:56:36] Did you know how these women came to be his wives?

23 A. [10:56:45] Well, I -- I am not aware about others, but I would see that he already has  
24 them. Some he could have been given from Control, from the Control Altar, but I know that  
25 all the orders come from Kony to be given such wives.

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WITNESS: UGA-OTP-P-0142

1 Q. [10:57:11] What are the names of the wives that you knew?

2 A. [10:57:22] I can recall a few. I can recall there was one called Double Deck Jennifer.

3 Santa, there was another one called Santa. And then there is one who is from our home area,

4 she's called Abwot. She was shot. She had injuries in the mouth which was from a gunshot

5 shot. Then others I now cannot recall. But those are the few that I can remember amongst

6 his wives.

7 MS ADEBOYEJO: [10:58:05] Your Honour, I'm going to go into an area then that would

8 need for me to go into --

9 PRESIDING JUDGE SCHMITT: [10:58:09] You first have to activate the microphone.

10 MS ADEBOYEJO: [10:58:15] It's on actually. I think I was too far from it.

11 PRESIDING JUDGE SCHMITT: [11:03:00] That's it.

12 MS ADEBOYEJO: [10:58:18] Your Honours, I'm now going to go into an area in my

13 examination-in-chief that would require me to go into private session. I was going to

14 propose that I have a break here and then I could resume that.

15 PRESIDING JUDGE SCHMITT: [10:58:29] Yes, exactly, we take this proposal and we have

16 now the coffee break until 11.30.

17 THE COURT OFFICER: [10:58:37] All rise.

18 (Recess taken at 10.58 a.m.)

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

20 THE COURT OFFICER: [11:30:04] All rise.

21 PRESIDING JUDGE SCHMITT: [11:30:23] You have still the floor. Please continue.

22 MS ADEBOYEJO: [11:30:28] Thank you, your Honour.

23 Q. [11:30:32] Mr Witness, before the break we were talking about wives, and in particular

24 we were talking about the wives that you said you knew who were the wives of Dominic

25 Ongwen. I want to ask you, Mr Witness, did you see Dominic Ongwen punish anybody

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1 regarding the attacks that took place in Odek and Lukodi?

2 A. [11:31:33] No, I did not.

3 Q. [11:31:37] Now, with regards to the abduction of children which you had also

4 discussed earlier in your testimony today, would there be any punishment for the abduction

5 of children?

6 A. [11:32:13] No, none.

7 Q. [11:32:17] Now I asked you earlier, Mr Witness, about the distribution of girls. Who

8 would make the decision for distributing girls brought back to the Sinia brigade?

9 A. [11:33:02] It was the superior officers like Dominic. If girls were brought to the

10 brigade, if they received instructions that the girls should be distributed, then they would

11 distribute them to the other commanders like the BIODs and COs in his brigade.

12 MS ADEBOYEJO: [11:33:34] Your Honours, I would now request to go into private session

13 so that I can --

14 PRESIDING JUDGE SCHMITT: [11:33:41] Yeah.

15 MS ADEBOYEJO: [11:33:42] -- put to the witness.

16 PRESIDING JUDGE SCHMITT: [11:33:43] Yes, we go to private session then.

17 (Private session at 11.33 a.m.) \*(Reclassified partially in public)

18 THE COURT OFFICER: [11:33:54] We're in private session, Mr President.

19 PRESIDING JUDGE SCHMITT: [11:33:56] Thank you.

20 MS ADEBOYEJO: [11:33:59]

21 Q. [11:34:00] Mr Witness, did you yourself have these wives?

22 A. [11:34:10] Yes, I had a wife.

23 Q. [11:34:15] How many wives did you have?

24 A. [11:34:22] I had quite a number of women. Initially I had one wife.

25 Q. [11:34:36] Subsequently, after the first wife, how many others did you have?

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1 A. [11:34:49] I had other girls, about three girls, older girls, and two younger girls.

2 Q. [11:35:02] Now, Mr Witness, we are going to talk about these wives. What was the  
3 name of your first wife?

4 A. [11:35:12] I do not recall her name because there is one that I stayed with for a short  
5 time, but I do not recall her name. I have forgotten her name. But if I could recall at some  
6 point, then I will inform you. That was the first woman I was with when I was (Redacted).

7 Q. [11:35:48] How did she come to be your wife, Mr Witness?

8 A. [11:35:54] I was given this wife, I was told -- I was presented -- she was presented to  
9 me and said "Take this lady as your wife."

10 Q. [11:36:10] Who presented her to you?

11 A. [11:36:16] (Redacted) was the one who gave me the first wife. (Redacted)  
12 (Redacted).

13 Q. [11:36:29] And what year would this be, Mr Witness?

14 A. [11:36:32] I do not recall the year.

15 Q. [11:36:38] Now, the other wives that you then had, what were their names?

16 (Redacted)

17 (Redacted)

18 (Redacted)

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). How did (Redacted) become your wife?

6 A. [11:38:58] She was given to me when -- at the time I did not have a wife. She was  
7 given to me and told "Here, take this lady and take her so that she can help you."

8 Q. [11:39:13] Mr Witness, who gave her to you?

9 (Redacted)

10 Q. [11:39:26] When she was given to you, could she have refused to come to you?

11 A. [11:39:40] When you are in the bush as a new person, as a recruit, you are powerless to  
12 refuse anything.

13 Q. [11:39:52] And who would you be referring to as the recruits, Mr Witness?

14 A. [11:40:00] I'm talking about new, newly abductees, people who have just been brought  
15 into the LRA.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. [11:41:39] (Redacted) was also sent to me. Was also given to me and said "Take her  
3 and live with her as your wife." And that's how she became my wife.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [11:42:48] Do you recall when she first -- when she was given to you, was she also a  
10 newly recruit -- a new recruit, like you said earlier, Mr Witness?

11 A. [11:43:06] Yes, she was in -- (Redacted)

12 (Redacted) she had been abducted, but she hadn't been

13 abducted for a long time.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [11:44:03] Now, Mr Witness, you've just made mention of a word "ting ting". What  
20 does that word mean?

21 A. [11:44:20] Ting ting means a young person. That's a young person. A prepubescent  
22 girl who is not ready to be given to a man or to be married off, approximately 16 and under.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [11:46:06] Now, Mr Witness, you mentioned a third name, (Redacted)

7 (Redacted)

8 A. [11:46:43] I do not recall when (Redacted) was sent to me, but she was a young person.

9 Q. [11:47:01] Did (Redacted) remain a ting ting or did she become your wife?

10 A. [11:47:14] (Redacted) was in my household as a ting ting, not as a wife.

11 PRESIDING JUDGE SCHMITT: [11:47:28] And when you say she was young, do you have  
12 an estimate about her age?

13 THE WITNESS: [11:47:37] (Interpretation) She was approximately 15; 14, 15 or 16.

14 Around, around that age limit.

15 MS ADEBOYEJO: [11:47:50]

16 Q. [11:47:55] Now, Mr Witness, did you have -- did you have any wife from

17 (Redacted)

18 A. [11:48:16] Yes, but it wasn't a wife. It was a young girl. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [11:48:52] So your evidence therefore before the Court, Mr Witness, is that (Redacted)

24 (Redacted) were ting tings in your home?

25 A. [11:49:07] Yes, (Redacted) were ting tings in my home.

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(Private Session)

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1 Q. [11:49:11] And as ting tings in your home, Mr Witness, what were their tasks? What  
2 were they required to do?

3 A. [11:49:23] Ting tings performed a number of tasks. They cooked, they took care of  
4 children, they acted as babysitters and they also helped my wives with the taking care  
5 of -- with doing the laundry. They were basically maids.

6 PRESIDING JUDGE SCHMITT: [11:49:47] We are still in private session, just --

7 MS ADEBOYEJO: [11:49:49] Oh, yes. I'm still --

8 PRESIDING JUDGE SCHMITT: [11:49:51] Because you are still --

9 MS ADEBOYEJO: [11:49:52] -- exploring.

10 PRESIDING JUDGE SCHMITT: [11:49:52] -- exploring the wives.

11 MS ADEBOYEJO: [11:49:54] That's right.

12 PRESIDING JUDGE SCHMITT: [11:49:57] I understand.

13 MS ADEBOYEJO: [11:49:58] I'm grateful to your Honour.

14 Q. [11:50:02] Now, Mr Witness, did you have a wife from (Redacted)

15 A. [11:50:13] Yes. You've refreshed my memory. All these things took a while ago and  
16 I'm really trying to remember and help out the Court, but, yes, I did have a woman from -- a  
17 wife from (Redacted).

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [11:51:01] And how did she come to be your wife? Who gave her to you?

23 A. [11:51:13] I do not recall the person who gave me (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

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1 (Redacted)

2 MS ADEBOYEJO: [11:51:46] Your Honours, I would like to refresh the memory of

3 the witness --

4 PRESIDING JUDGE SCHMITT: [11:51:49] Yeah.

5 MS ADEBOYEJO: [11:51:50] -- on this point.

6 Q. [11:51:52] Mr Witness, I would refresh your memory by -- we will look at -- your

7 Honours, it's tab 21, and the ERN reference is UGA-OTP-0244-0755. And I would read from

8 0762 and 0763. The line I would read from at 0762 is from line 201, and then the line I will

9 read from in 0763 is from line 238:

10 "She was with (Redacted) at first. Then she came to me and she was given to me as a

11 wife ... She said she was abducted by someone; (Redacted)

12 (Redacted)

13 (Redacted)

14 Mr Witness, what is your reaction to this?

15 A. [11:54:11] Yes, you've refreshed my memory. As I stated earlier, all these events took

16 place a long time ago and it's extremely difficult to memorise every single detail. And that's

17 true, because I did mention that there was (Redacted), but I did not recall the person -- the

18 name of the person who gave her to me.

19 Q. [11:54:37] So to come back to that particular point, who gave her to you?

20 A. [11:54:45] It was (Redacted).

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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(Private Session)

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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 Q. [11:56:44] Thank you, Mr Witness. I have one last question on this point. During  
14 the period that you were in the bush with these women, could they have refused to continue  
15 to stay with you?

16 A. [11:57:17] No. They did not have any -- they were powerless to refuse to stay with  
17 me.

18 Q. [11:57:27] Why were they powerless, Mr Witness?

19 A. [11:57:36] As abducted people, people who were abducted as myself, there is fear.  
20 We are soldiers. So they cannot refuse anything that they are told to do.

21 MS ADEBOYEJO: [11:58:01] Your Honours, I believe we are still in private session.

22 PRESIDING JUDGE SCHMITT: [11:58:04] Indeed.

23 MS ADEBOYEJO: [11:58:06] I would therefore want to go back to open session.

24 PRESIDING JUDGE SCHMITT: [11:58:09] Yes, open session.

25 MS ADEBOYEJO: [11:58:12] Yes.

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(Open Session)

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1 (Open session at 11.58 a.m.)

2 THE COURT OFFICER: [11:58:21] We are back in open session, Mr President.

3 MS ADEBOYEJO: [11:58:28]

4 Q. [11:58:30] Now, Mr Witness, in the Sinia brigade in 2003-2004, how many wives would  
5 you say approximately were in the brigade?

6 A. [11:58:52] I cannot guess the number of women that were in Sinia during this period,  
7 but there were quite a number of women. There are several women.

8 Q. [11:59:05] If I give you a figure of 250 to 300 men, how many women would you  
9 estimate would be there?

10 MR OBHOF: [11:59:23] Objection, your Honour. This is just -- the question has no  
11 relevance. I mean, they're asking it based upon the number of men when the question is  
12 directly related to how many wives were in there, not women or children.

13 PRESIDING JUDGE SCHMITT: [11:59:37] Yes, we know of course where the figure comes  
14 from, so, Witness --

15 MS ADEBOYEJO: [11:59:43] I would -- I would rephrase the question.

16 PRESIDING JUDGE SCHMITT: [11:59:45] Yes, please rephrase the question. And by the  
17 way, there might be -- you asked first about wives and now are asking about women. So  
18 this -- there might be -- there might be groups that are separate from women and groups  
19 separate from wives. So I think you would have to differentiate a little bit.

20 MS ADEBOYEJO: [12:00:06] I'm grateful to your Honour.

21 Q. [12:00:12] Mr Witness, let me take you one question backwards, so to speak, and ask  
22 you: In 2003-2004 about how many men would you say were in the Sinia brigade? How  
23 many men strong was it?

24 A. [12:00:38] I cannot estimate the number, but Sinia brigade was a very big brigade.  
25 I would estimate that there were probably 250 and more. There were probably 300, but

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(Open Session)

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1 there were really -- it was a big group. I cannot estimate the exact number, but it was a big  
2 group.

3 Q. [12:00:59] And in that big group, we talked earlier on about commanders having  
4 wives. How many wives would you then say were in Sinia brigade at approximately  
5 2003-2004?

6 A. [12:01:21] Any officer who was in the Sinia at higher rank, you'd find that one would  
7 be having -- one officer would be having one or two or three wives, but there were many.  
8 There were many wives from -- upwards from 100. And then there were also girls, young  
9 girls who were not yet ready to marry, ranging from 30 upwards to 50 or 70. But I did not  
10 record the exact numbers, but I estimate around that figure.

11 Q. [12:02:03] Thank you, Mr Witness. And with regards to --

12 PRESIDING JUDGE SCHMITT: [12:02:11] You could, for example, Mr Witness, perhaps if  
13 you can say that, when you yourself say 250, probably was your wording, 300 men, were  
14 there less or more women? Now, women in general, including girls, ting tings, wives,  
15 everything.

16 THE WITNESS: [12:02:38] (Interpretation) Well, women, women were very many.  
17 Women were more than ting tings, but again men were more than women.

18 PRESIDING JUDGE SCHMITT: [12:02:49] Thank you.

19 MS ADEBOYEJO: [12:02:54] Now, Mr Witness, what would be the age range of these  
20 wives that you mentioned? That were in the Sinia brigade?

21 A. [12:03:11] Well, from my observation, the women were ranging from 18 years old, 20,  
22 25. Others were around 35 years of age. Then the young girls would range from 14, 13, 15.  
23 Yeah, it was just mixed up.

24 Q. [12:03:45] Now, these wives that you've mentioned, how many of them were  
25 abductees?



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(Private Session)

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1 A. [12:04:05] There is no single woman who voluntarily joined. All were abducted.

2 Some of them, I found them, were already in the bush.

3 MS ADEBOYEJO: [12:04:29] Your Honours, I would like to apply to go into private

4 session.

5 PRESIDING JUDGE SCHMITT: [12:04:33] What are you going to explore now?

6 MS ADEBOYEJO: [12:04:36] There is a portion with regards to -- that may have Rule 74

7 implications.

8 PRESIDING JUDGE SCHMITT: [12:04:41] Okay. Then private session.

9 (Private session at 12.04 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Open session at 12.06 p.m.)

21 THE COURT OFFICER: [12:06:06] We are back in open session, Mr President.

22 MS ADEBOYEJO: [12:06:13]

23 Q. [12:06:16] Mr Witness, you spoke to us earlier about the Lukodi attack.

24 I apologise, your Honour, I prefer to explore this in private session. I cannot conceive that

25 the witness would respond to my next set of questions without.

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1 PRESIDING JUDGE SCHMITT: [12:06:49] I understand. That can happen. Not a  
2 problem. We go back to private session.

3 MS ADEBOYEJO: [12:06:57] Yes, sir. I'm grateful to your Honour.

4 (Private session at 12.07 p.m.) \*(Reclassified partially in public)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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WITNESS: UGA-OTP-P-0142

(Private Session)

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1 (Redacted)

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8 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:14:16] Now, Mr Witness, when you met with the Office of the Prosecutor, were  
16 you ever played an audio recording?

17 A. [12:14:31] Yes, it was played and I listened to it.

18 Q. [12:14:36] Now, you recall -- I want you to recall or tell the Court, describe how that  
19 audio recording was played to you.

20 PRESIDING JUDGE SCHMITT: [12:14:46] Again me question would be has this  
21 necessarily to be discussed in private session? Audio. We had a lot of audio recordings we  
22 have listened to I think in open session, when I recall it correctly.

23 (Counsel confer)

24 MS ADEBOYEJO: [12:15:08] Your Honours, the difference with this particular audio  
25 recording is that it has to do specifically with this witness and his --

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(Private Session)

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1 PRESIDING JUDGE SCHMITT: [12:15:18] That is an argument. Then please continue.

2 MS ADEBOYEJO: [12:15:21] Yes. I'm much obliged, your Honour.

3 MR OBHOF: [12:15:25] Your Honour, while we're on this topic before we actually play  
4 this audio, the Defence does object to this audio being played for the witness.

5 This audio was played -- the audio played was allegedly recorded on (Redacted), which  
6 would be one week after this person returns. Said he -- stated that he returned from the  
7 bush, which means he would have no knowledge of the audio except for the fact that the  
8 Prosecution played it for him.

9 Also, the only reason to play this audio to the witness today is to appear to inflame and  
10 embolden the witness because of what is said on the audio --

11 THE INTERPRETER: Your Honour, could counsel slow down.

12 PRESIDING JUDGE SCHMITT: [12:16:01] Please slow down a little.

13 MR OBHOF: [12:16:03] Sorry about that, guys.

14 The only reason to play it is to embolden and inflame the witness in what is being said and  
15 what the Prosecution alleges is a conversation between our client and Buk Abudema and  
16 Joseph Kony about (Redacted).

17 PRESIDING JUDGE SCHMITT: [12:16:23] What do you say to that?

18 MS ADEBOYEJO: [12:16:25] Your Honours, the audio tape is part of the statement of this  
19 witness, it was played to him by the Office of the Prosecutor as part of its investigative  
20 activities. It's part of what we have explored because it specifically speaks to the witness  
21 and his activities concerning Lukodi, and so it was well within our rights. If there is a  
22 difference in terms of when it was played, I think that the Defence will be well within their  
23 rights to explore the dates with regards to the audio regarding. But we must keep in mind  
24 the fact that the witness has said he heard on the radio afterwards, he heard it on the radio  
25 when the deaths of the civilians occurred.

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1 So that's what we're seeking to explore and I think that if there is any objections that the  
2 Defence have with regards to the content of the radio, they can explore it in the  
3 cross-examination.

4 PRESIDING JUDGE SCHMITT: [12:17:21] Mr Obhof.

5 MR OBHOF: [12:17:22] Your Honour, this isn't from Mega FM or any FM radio, this is  
6 from military grade communications, this isn't something that he would have regularly heard  
7 through there.

8 Also, I cannot remember the filing number, and I do apologise, but this was in one of our  
9 filings on the techniques in which, when the Prosecution argued about what can and cannot  
10 be played, and in the manner in which this was played through the transcripts, it appears that  
11 this was done to embolden and to try to get the witness to say negative things about  
12 Mr Ongwen. At least that's the interpretation in which, when we read through it, it could  
13 have been done back in 2006.

14 MS ADEBOYEJO: [12:18:01] Your Honours --

15 PRESIDING JUDGE SCHMITT: [12:18:02] Yes?

16 MS ADEBOYEJO: [12:18:04] Your Honour --

17 PRESIDING JUDGE SCHMITT: [12:18:04] -- but the last try now.

18 MS ADEBOYEJO: [12:18:05] Yes. Your Honours, in our view those are arguments that,  
19 that cannot be made at this stage. It's specific, it's case relevant. It was put to the witness as  
20 part of our investigative process and we are well within our rights to explore it with this  
21 witness.

22 PRESIDING JUDGE SCHMITT: [12:18:26] Now we have finished the discussion now. So  
23 the objection is overruled. You can play it to the witness, and of course it's a matter of the  
24 assessment of the Chamber, for example when there are -- when there are discrepancies or  
25 when there are interesting issues concerning the date when this was recorded.

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1 But I understand correctly, the witness is referred to in this --

2 MS ADEBOYEJO: [12:18:49] (Microphone not activated) indeed, your Honour, by name.

3 PRESIDING JUDGE SCHMITT: [12:18:52] Yes. So you can play it to him, but we are

4 aware of the fact that he was not -- that he was not part of the conversation, as I understand it.

5 Okay. So then play it to him.

6 And we do not know yet, Mr Obhof, if the witness is a witness who can be -- easily be

7 emboldened against somebody. We will see or not see.

8 MS ADEBOYEJO: [12:19:25] Your Honours, your Honours, while this is playing, we have

9 also provided a transcript of it, but it will not be shown to the witness, as is the process

10 that -- the procedure we've developed in this Chamber.

11 PRESIDING JUDGE SCHMITT: [12:19:43] I understand. How long is it?

12 MS ADEBOYEJO: [12:19:47] It's -- the entire is three, three minutes.

13 THE COURT OFFICER: [12:19:53] The witness won't be able to see the video?

14 MS ADEBOYEJO: [12:19:56] Yes, indeed. I have (Overlapping speakers).

15 THE COURT OFFICER: [12:19:59] Or the other parties and participants in the courtroom?

16 MS ADEBOYEJO: [12:20:00] But the other parties and participants will have --

17 THE COURT OFFICER: [12:20:03] It will be displayed on the evidence 2 channel.

18 MS ADEBOYEJO: [12:20:07] Thank you, court officer.

19 Q. [12:20:10] So I would ask that the entirety of the three minutes of the audio recording

20 be played to the witness, that the witness will listen to it carefully, and then would speak to

21 what he has heard, and then I would put specific questions to the witness with regards to

22 portions of that recording.

23 PRESIDING JUDGE SCHMITT: [12:20:31] Yes, and then let's see what really is audible.

24 We will -- no, not let's see, of course. That is, of course, the wrong metaphor. Let's listen

25 and hear what is really audible and what the witness is able to hear.

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1 MR VON BÓNÉ: [12:20:46] Your Honour, can we replay if necessary?

2 PRESIDING JUDGE SCHMITT: [12:20:51] Certain portions can be replayed, but we are not  
3 now conducting an extensive exercise here. That's not directed to you, but that's directed to  
4 the Prosecution.

5 MS ADEBOYEJO: [12:21:03]

6 Q. [12:21:03] So, Mr Witness, I just want you to listen to the audio recording which you  
7 said you had heard then, listen to it very carefully, and then afterwards I would ask you  
8 specific questions about it.

9 (Playing of the audio excerpt)

10 PRESIDING JUDGE SCHMITT: [12:24:50] Just a remark, it was -- in my opinion, the  
11 quality was exceptionally good compared with others we had.

12 MS ADEBOYEJO: [12:25:00] I'm grateful to your Honour.

13 PRESIDING JUDGE SCHMITT: [12:25:02] Just a remark that I make, yes.

14 MS ADEBOYEJO: [12:25:04]

15 Q. [12:25:05] Now, Mr Witness, with regards to what concerns you on this audio  
16 recording, can you summarise what was being -- oh, I'm so sorry.

17 THE COURT OFFICER: [12:25:16] I'm very sorry to interrupt, but we will need an ERN  
18 number for the record, please.

19 PRESIDING JUDGE SCHMITT: [12:25:19] Thank you that you did not forget it.

20 MS ADEBOYEJO: [12:25:23] I'm well chastised, your Honour. UGA-OTP-0053-0062.  
21 Thank you.

22 Q. [12:25:42] Mr Witness, now with regards to the part that concerns you in this audio  
23 recording, can you tell the Court who was speaking and what were they talking about?

24 A. [12:26:09] Thank you very much. The people who were speaking were my brigade  
25 commander, Dominic. He was speaking to Buk Abudema and Kony. They were



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1 discussing information relating to people who escaped, that when they escape and they go  
2 back to the government, then they're also put in their respective groups like Gilva, and then  
3 they are brought to radio and they are recorded and taken to radio to let people believe that  
4 they are still alive.

5 Secondly, Buk was saying that those people who escaped are the ones who commit serious  
6 atrocities, like throwing children in fire and burning houses, and now they're saying we are  
7 the ones who are bad. So government should arrest those people and take them under and  
8 face -- so that they face the law. So Kony was saying that those people will actually face  
9 serious consequences. So that is what these people were talking about after I had left.

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10 MS ADEBOYEJO: [12:30:08]

11 Q. [12:30:09] Mr Witness, I will now play you specific portions and then you can tell the

12 Court what that portion -- those specific portions, what they refer to.

13 MS ADEBOYEJO: [12:30:21] Your Honour, I would like to refer you to tab 5, which is a

14 transcription of this audio recording. Tab 5.

15 PRESIDING JUDGE SCHMITT: [12:30:40] But we need not go to the whole audio.

16 MS ADEBOYEJO: [12:30:44] No, no, no. Just specific portions. Your Honours, it's just

17 three short portions.

18 PRESIDING JUDGE SCHMITT: [12:31:03] Okay.

19 MR OBHOF: [12:31:08] Your Honour, the Defence only requests that since this is not on

20 the Prosecution's list of evidence, the witness not be allowed to see it. Also from the email

21 dated, I believe, May 2 2017, the witness might not even be able to read the transcript.

22 PRESIDING JUDGE SCHMITT: [12:31:25] That is indeed true.

23 MS ADEBOYEJO: [12:31:30] Your Honours, what we plan to do is to read specific portions

24 and then to have the -- because the witness will be hearing it.

25 PRESIDING JUDGE SCHMITT: [12:31:40] So we would have to do it really one phrase

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1 after the other, so to speak, otherwise we would indeed, like Mr Obhof indicates, we would  
2 overwhelm the witness. We should not do that.

3 MS ADEBOYEJO: [12:31:54] We have only three discrete portions --

4 PRESIDING JUDGE SCHMITT: [12:31:56] Okay, good.

5 MS ADEBOYEJO: [12:31:56] -- that we're going to refer to, and then the witness would  
6 speak to it.

7 PRESIDING JUDGE SCHMITT: [12:31:58] Yes, please continue.

8 MR OBHOF: [12:31:59] Just to be clear, your Honour, I'm sorry. You will be playing the  
9 audio for the witness, correct?

10 MS ADEBOYEJO: [12:32:04] The audio for the witness. The transcript was to allow the  
11 Court to follow.

12 MR OBHOF: [12:32:10] Yes, and I just want -- I wanted to make sure it's the same  
13 procedure as we had just used a few minutes ago. Thank you.

14 THE COURT OFFICER: [12:32:18] Could we please have an ERN number of the transcript  
15 of the audio so that we will publish them on the evidence 1 channel for the benefit of the  
16 interpreters.

17 MS ADEBOYEJO: [12:32:29] Thank you.

18 PRESIDING JUDGE SCHMITT: [12:32:31] And for the benefit of the Bench, but we have it  
19 already.

20 MS ADEBOYEJO: [12:32:38] The ERN number for the transcription is UGA-OTP-0274-6941  
21 and it's tab 5.

22 PRESIDING JUDGE SCHMITT: [12:32:54] Perhaps a recommendation for, because we will  
23 have this very often with these ERN numbers, I suggest you can say, perhaps you have  
24 counterarguments, I suggest that we need not say always "UGA-OTP", because I assume this  
25 will -- these first six letters will not change in the next -- yes, in the near future.

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1 MR OBHOF: [12:33:19] Actually, your Honour, especially with this witness, we have a  
2 bunch of UGA-D26s, not OTPs.

3 PRESIDING JUDGE SCHMITT: [12:33:27] So you have refuted me on the spot.

4 MR OBHOF: [12:33:31] I'm very sorry about that.

5 PRESIDING JUDGE SCHMITT: [12:33:34] Okay. So then -- okay, then please continue.

6 MS ADEBOYEJO: [12:33:34] But if the Prosecution is the one that's on their feet, then I  
7 guess we don't need to say "UGA-OTP".

8 PRESIDING JUDGE SCHMITT: [12:33:40] Exactly, exactly.

9 MS ADEBOYEJO: [12:33:42] Then when it switches (Overlapping speakers).

10 PRESIDING JUDGE SCHMITT: [12:33:43] Because this complicates unnecessarily. I think  
11 we can do it this way. And when we come to the D, you can of course -- and from there on,  
12 we don't have to repeat this anymore constantly.

13 MR OBHOF: [12:33:54] Excellent, your Honour.

14 MS ADEBOYEJO: [12:33:59]

15 Q. [12:33:59] Now, Witness, you will be played portions of this tape, and I want you to  
16 tell -- I would ask you the question and you would tell us what that portion is talking about,  
17 all right, specific portion?

18 12.47 to 12.51.

19 (Playing of the audio excerpt)

20 MS ADEBOYEJO: [12:34:29]

21 Q. [12:34:30] Mr Witness, who are those speaking?

22 A. [12:34:35] That one is Dominic and Buk Abudema.

23 Q. [12:34:39] And what were they saying?

24 A. [12:34:44] They were still greeting each other.

25 Q. [12:34:52] 13.49 to 14.20. Mr Witness, just before you listen to the audio, how did you

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1 know that it was Dominic Ongwen? What was he referred to in that audio tape?

2 A. [12:35:41] I did not get his call sign, but I listened from his voice, how I can  
3 differentiate his voice from that of Buk. But I did not get the call sign.

4 Q. [12:35:56] Did you know his call sign?

5 A. [12:35:59] I do not know his call sign. But if I was near at the time when they were  
6 communicating, then I would be able to know, but I don't know the call sign.

7 (Redacted)

8 (Redacted)

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22 PRESIDING JUDGE SCHMITT: [12:43:11] Then I would like to put one or two questions to  
23 the witness.

24 MS ADEBOYEJO: [12:43:15] Very well, your Honour.

25 PRESIDING JUDGE SCHMITT: [12:43:17] Yes.

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1 Mr Witness, you have told us that what Buk said were lies. Do you have an explanation for  
2 yourself? You have made up your mind, if you have, why he said these lies on the radio?

3 THE WITNESS: [12:43:39] (Interpretation) Most times when people defect from the LRA,  
4 they find any kind of excuse so that the government hears that somebody did something and  
5 so the government can apprehend or kill that person before that person is able to disclose  
6 anything about the LRA, the numbers within the LRA, how the LRA lived.

7 That is just propaganda, the propaganda they use when somebody has defected. They did  
8 not use it against me only, but they used it against other people who escaped as well. They  
9 do that so that the government kills you, and that is a tactic or a way to stop other people  
10 from escaping and leaving the LRA.

11 So that is, that is the ploy. That's why they do that. That's why they speak in that manner.  
12 They are not speaking the truth. All they're saying -- and the reason why they're saying that  
13 is that so that the government -- there can be repercussions on the person who has escaped  
14 from the government.

15 PRESIDING JUDGE SCHMITT: [12:44:51] So you can continue now with the last portion.

16 MR TAKU: [12:44:55] Your Honours, I didn't really intend to rise now, but I want just to  
17 know the type of radio they were talking on. Is it FM or was it internal LRA communication  
18 among these commanders? Just to be very clear about that.

19 PRESIDING JUDGE SCHMITT: [12:45:10] Perhaps you can clarify that.

20 MS ADEBOYEJO: [12:45:12]

21 Q. [12:45:13] Mr Witness, this excerpt that we've been playing to you, is it radio  
22 communication between the commanders? Or was it from the radio as in FM radio, outside  
23 radio?

24 A. [12:45:37] This wasn't communication on radio FM. This is the radio call  
25 communication between the commanders. Sometimes when these radios are set, there is an



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- 1 overlap or there's a cross-over between -- with government soldiers, so the government  
2 soldiers are also able to pick up this information, and that's the kind of radio that they used.  
3 (Redacted)  
4 (Redacted)  
5 (Redacted)  
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7 (Redacted)  
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17 (Redacted)  
18 (Open session at 12.47 p.m.)  
19 THE COURT OFFICER: [12:47:50] We're in open session.  
20 MS ADEBOYEJO: [12:47:54]  
21 Q. [12:47:55] Mr Witness, we had spoken earlier today about distribution, distribution of  
22 young girls. I want to ask you now with regards to children, who distributed and tasked  
23 children within the context of the Sinia brigade?  
24 A. [12:48:27] Within the Sinia brigade, if they bring young girls, then it's Dominic and his  
25 operation room who distribute the girls to the different battalions, if that is in Sinia. But if

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1 it's in the LRA as an overall group, then it's Kony and his commanders who make that  
2 decision. But that is different. Within Sinia or within a particular brigade like Sinia, then  
3 it's Dominic and the operation room that do the distribution.

4 Q. [12:49:04] Thank you, Mr Witness. Where the young children are boys, who does the  
5 distribution and tasking in Sinia brigade?

6 A. [12:49:21] There is no difference between the distribution of girls or boys, newly  
7 abducted people. No, there is no difference between the distribution. It's the operation  
8 room that does that. Once the operation room has made a decision, then they distribute the  
9 people.

10 Q. [12:49:44] Mr Witness, you will be happy to know that that's the last question I have  
11 for you.

12 MS ADEBOYEJO: [12:49:52] Thank you, your Honour.

13 PRESIDING JUDGE SCHMITT: [12:49:53] Thank you very much. I would like to inquire  
14 with the Legal Representatives, Mr Manoba perhaps first, how long your examination would  
15 last.

16 MR MANOBA: [12:50:03] Mr President, perhaps about 20 minutes.

17 PRESIDING JUDGE SCHMITT: [12:50:12] And Mr Narantsetseg?

18 MR NARANTSETSEG: [12:50:14] Thank you, Mr President, for the opportunity. I have  
19 an instruction to inform you that the common Legal Representative doesn't have any  
20 question.

21 Thank you.

22 PRESIDING JUDGE SCHMITT: [12:50:24] Then I suggest that Mr Manoba starts with the  
23 examination and finishes it before the lunch break, and then we discuss how we continue,  
24 I would say.

25 But we have obviously not finished with the Prosecution.

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1 MS ADEBOYEJO: [12:50:39] I actually thought you were directing a remark to me, your  
2 Honour, and that I was (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [12:50:44] No, no, I was not directing. I was directing a  
4 remark to Mr Manoba, who has now the floor and may conduct his examination.

5 MR MANOBA: [12:50:56] Thank you, Mr President.

6 QUESTIONED BY MR MANOBA:

7 Q. [12:51:00] Mr Witness, I represent victims in this case. I will be putting to questions  
8 to you for the purpose of raising the interests or concerns of the victims before the honourable  
9 Judges.

10 Mr Witness, you told this Court that there was an attack on Odek IDP camp. My question to  
11 you is: During this attack do you know whether there were specific individuals that were  
12 being looked for in the Odek IDP camp?

13 A. [12:51:55] No.

14 Q. [12:52:07] And you also told this Court that you participated in the attack on Lukodi.  
15 At the time of your abduction was the Lukodi IDP camp in place?

16 A. [12:52:33] When I was abducted Lukodi camp had not yet been set up. It was just a  
17 trade -- it was just a centre.

18 Q. [12:52:43] Now, as an IO, did you come to know the people that lived in the Lukodi  
19 IDP camp and which villages they came from.

20 A. [12:53:15] When I left home, I did not know which villages were in that area. But  
21 Lukodi comprised a number of villages, people from Nanatyena (phon), and also people from  
22 around Lukodi and Pageya. Those are the people that were in Lukodi camp, people who  
23 were able to move from the camp and go back to their homes and come back to the camps.

24 Q. [12:53:48] Do you know how large the Lukodi IDP camp was as an IO within the LRA  
25 ranks?

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1 A. [12:54:02] No, I do not have any knowledge about the size of the -- of Lukodi camp  
2 because at the time I was not at home, so I do not know how big that camp was.

3 Q. [12:54:17] Are you in a position to approximate the size of the population, the number  
4 of people that could have been in this camp nonetheless?

5 MR OBHOF: [12:54:29] Objection, your Honour, asked and answered. He already asked  
6 if he knew about anything with IDP Lukodi camp. Sorry for talking fast.

7 PRESIDING JUDGE SCHMITT: [12:54:40] I'm not sure if it was asked and answered. But  
8 why not give him another try because, you know, it takes more time to rule over the objection.  
9 I'm not sure if it has been already asked and answered. Please answer it again if it was, as if  
10 it's for the second time.

11 THE WITNESS: [12:54:59] (Interpretation) I was waiting for further questions. Should I  
12 go ahead and answer that question?

13 PRESIDING JUDGE SCHMITT: [12:55:05] Please go ahead and answer that question,  
14 Mr Witness.

15 THE WITNESS: [12:55:10] (Interpretation) I cannot estimate the exact number of people  
16 that were in Lukodi, but when we went, when we attacked Lukodi, in my estimation relating  
17 to the size of the camp, it wasn't a very big camp. If I'm to hazard an estimation about the  
18 number of people then I would guess that perhaps 800 or 900 people, depending on the setup  
19 of the houses and the number of houses that were in the camp.

20 MR MANOBA: [12:55:46]

21 Q. [12:55:48] Thank you. You have talked about the setup of the camp. Can you  
22 describe to the Court how was the setup of the camp like?

23 A. [12:56:06] When we went to attack Lukodi, the camps were surrounded, there  
24 were -- houses were dispersed, there are some houses that were a collection of houses  
25 together, there were some houses that were far in between, there were some houses that were

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1 separated by a road. But they were all scattered around. So it wasn't all in -- lumped,  
2 everything wasn't lumped in one place, but houses were scattered around the area. But it  
3 wasn't far from the barracks.

4 Q. [12:56:44] And how close were the houses from each other?

5 A. [12:56:51] In my view, I did not actually go to the middle of the camp, but I believe the  
6 houses were extremely close to each other. If you actually look at it from a distance, the  
7 houses were very close in between. It wasn't even a hundred metres apart. They were  
8 extremely close together.

9 Q. [12:57:17] Thank you very much. Can you also describe the houses, how were these  
10 houses -- how would you describe the houses in simple terms?

11 A. [12:57:38] They were thatched houses, thatched houses with a grass, grass thatched  
12 roof and the houses are round. Little circular houses with a grass thatched roof.

13 Q. [12:57:57] And you also spoke about torching the houses. Am I correct?

14 A. [12:58:07] Yes. We burned houses in the barracks.

15 Q. [12:58:15] Since these houses were grass thatched, in your estimation, how large of the  
16 camp was torched or burnt down?

17 A. [12:58:47] I cannot state which part of the camp was burnt down because I did not  
18 actually go into the camp to determine which part of the camp was burnt down.

19 Q. [12:59:00] Was it possible for you to, from your location, to view the camp and see  
20 what was being -- what was burning at the time it was burning?

21 A. [12:59:21] Well, from where I was -- from where I was I could actually see if the houses  
22 were burning because I was in the barracks, but if from the barracks if the houses were  
23 burning then, yes, I would have a view of the burning houses.

24 Q. [12:59:43] As an IO, again, are you in a position to tell the Court what the sources of  
25 food for the civilians was when they were in the camp?

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1 A. [13:00:09] To my knowledge and on the occasions that we met civilians, civilians  
2 would farm, but on occasions the UN would also provide civilians with food. I also ate  
3 some of this food when I was still at home. So civilians would obtain food by farming and  
4 food that was given to them by the government, food that was taken to the camps.

5 MR MANOBA: [13:00:43] Mr President, shall I continue or is this an appropriate time?

6 PRESIDING JUDGE SCHMITT: [13:00:49] Since, no, no, you told us you will need  
7 20 minutes.

8 MR MANOBA: [13:00:53] Yes.

9 PRESIDING JUDGE SCHMITT: [13:00:54] And you started at 10 before 1, so I think it  
10 would make sense. Perhaps we can discuss how we proceed further.

11 First of all, Mr Obhof, do you have an estimation?

12 MR OBHOF: [13:01:06] Your Honour, regardless of whether the Defence starts this  
13 afternoon or starts on Monday we will be done by Tuesday but we will need to use the  
14 Tuesday session.

15 PRESIDING JUDGE SCHMITT: [13:01:16] So then I would simply suggest that really  
16 finish with the Legal Representative now before, and we do not have a break, a classical break,  
17 but we finish for today so you have also more time if you want to prepare. But we are sure  
18 that we finish with the examination of this witness to Tuesday.

19 MR OBHOF: [13:01:38] Yes, your Honour.

20 PRESIDING JUDGE SCHMITT: [13:01:39] Yes. We start on Monday and we are sure we  
21 finish on Tuesday?

22 MR OBHOF: [13:01:42] Yes.

23 PRESIDING JUDGE SCHMITT: [13:01:43] Okay, then we do it this way. Please continue,  
24 Mr Manoba.

25 MR MANOBA: [13:01:49] Thank you, Mr President.

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1 Q. [13:01:53] Mr Witness, was it a custom in the LRA to initiate young abductees into  
2 fighters?

3 A. [13:02:08] What kind of initiations are you talking about?

4 Q. [13:02:15] I mean to say being forced, for example, to kill.

5 A. [13:02:27] Those things happened. They did happen. People were forced to do  
6 certain things. It's the same as sending somebody, for example, when they sent us to Lukodi,  
7 we were forced to go to Lukodi. We did not want to go to Lukodi. It wasn't our intention,  
8 but yeah, we were forced. Yeah, the LRA forced people to do things.

9 Q. [13:02:56] Now, in the attack on Odek IDP camp, do you know that any of the  
10 abductees once they were brought back to the LRA location, any of them was forced to kill as  
11 an initiation process to become a fighter within the LRA ranks?

12 A. [13:03:30] I do not recall.

13 Q. [13:03:37] Mr Witness, you told the Court again that the school at Lukodi was  
14 converted into a barracks. As an IO do you know what kind of school this was?

15 A. [13:04:01] Yeah. That was a primary school. (Redacted)

16 (Redacted)

17 Q. [13:04:11] Do you know whether the pupils of the primary school were  
18 simultaneously using the school with the soldiers?

19 A. [13:04:27] No. At the time there was no education in that school.

20 Q. [13:04:34] Why do you think there was no education again in the school?

21 A. [13:04:41] Because when we went, we found that the government soldiers had set up  
22 their barracks in the school and there was absolutely no sign to indicate that anybody attends  
23 that school. I did not see any child attending that school either.

24 Q. [13:05:04] Now, you also spoke about Ocaka relaying a report after the attack on  
25 Lukodi. My question to you is that while Ocaka was relaying his report on the civilians

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1 abducted, who did he salute before relaying his report?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 MR MANOBA: [13:06:03]

9 Q. [13:06:04] Mr Witness, you spoke about abductees being forced to carry loads or  
10 luggage which was again looted from the camp. If an abductee was unable to carry the load  
11 because it was heavy, what would be done to this person?

12 A. [13:06:37] If the luggage is heavy, if they assess that something is heavy, they cannot  
13 force people to carry something that they cannot carry because they want people to -- they  
14 actually want to take that luggage along with them. Yeah, they do threaten people, but they  
15 do not actually give anybody something that is extremely heavy that would prevent the  
16 person from running in case of an emergency. Sometimes people are tired, but they -- so  
17 they wouldn't give people any loads that was beyond their capability.

18 Q. [13:07:16] Would they be allowed to rest at a time when they felt like the load was  
19 heavy for them to continue to carry?

20 A. [13:07:31] If you've been assigned luggage, unless everybody is going to rest, then you  
21 rest with the group. You cannot make a decision on your own that I do want to rest. But  
22 when everybody gets to a particular point and we are told rest, then we rest. People  
23 continue walking so you cannot make a decision to stop, stay behind and rest. You have to  
24 go with the group.

25 Q. [13:08:01] And just so I am clear, if an individual was tired, but the rest of the group



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1 was carrying on, and wanted to rest, what would happen? Who would be done to this  
2 person who needed to rest?

3 MR OBHOF: [13:08:20] Again, your Honour, same objection. If he wants to talk about  
4 this it must be in relation of one of the alleged attacks, one of the accounts on which he --

5 PRESIDING JUDGE SCHMITT: [13:08:30] This is overruled. He can ask that. This is a  
6 general question and I allow the question.

7 MR MANOBA: [13:08:37] Thank you.

8 PRESIDING JUDGE SCHMITT: [13:08:38] And of course to let the witness answer this  
9 question.

10 MR MANOBA: [13:08:43] Thank you, Mr President.

11 THE WITNESS: [13:08:46] (Interpretation) If somebody is tired they wouldn't do any other  
12 thing other than think that the person is tired. Sometimes you want that person to help you,  
13 as a soldier you want that person to help you, so you help them lighten the load. If there are  
14 no soldiers behind, then if there are no soldiers chasing us they can actually take down the  
15 luggage and throw it away so that the person can move and the person can stay within the  
16 group. That's what I saw happening.

17 MR MANOBA: [13:09:29]

18 Q. [13:09:29] Mr Witness, you said you were disciplined by being caned; is that correct?

19 A. [13:09:44] Well, there is no time for -- every time is caning time. If you've done  
20 something, they cane you. If you're not walking quickly, they cane you. So it depends.  
21 Sometimes they don't beat you. Sometimes you are free. You stay freely without any  
22 problems, you chat with your friends.

23 Q. [13:10:11] (Microphone not activated)

24 PRESIDING JUDGE SCHMITT: [13:10:15] Microphone, please, Mr Manoba.

25 MR MANOBA: [13:10:18] Thank you, Mr President.

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1 Q. [13:10:20] I am asking whether you were affected by this continuous caning of your  
2 person, for one reason or the other?

3 A. [13:10:33] When I was abducted, when I was immediately abducted they thought  
4 I was going to escape and I was slapped, I was kicked because they thought I was going to  
5 escape. I was given a heavy load to carry. When I threw down the load, I was stung by  
6 bees, I was stung very badly that I thought I was going to die. They asked me why did you  
7 throw down the load, the cassava that I was carrying. Then I was beaten again. They told  
8 me that if, if you're being pursued by soldiers and you throw down your load you will be  
9 beaten, because they will tell you that it's extremely difficult to source these kind of items,  
10 why are you throwing it down? Then they would beat you.

11 Q. [13:11:27] And approximately how heavy was this load, if you are to assign weight to  
12 it?

13 A. [13:11:37] You know, each person has his or her own strength, so at the time when  
14 I was abducted I was still very little. At the time it was like 50, 60 kilogrammes and I wasn't  
15 able to carry that. I was extremely young at the time. So if you're given something 50 kilos  
16 to carry, then you cannot walk long distances. When I'm talking about heavy stuff, I'm  
17 talking about -- when I'm talking about stuff I'm talking about 40 kilos, 60 kilos and down,  
18 downwards.

19 Q. [13:12:16] And my final question to you, Mr Witness, is do you know if the attack, if  
20 the residents or the civilians in the Lukodi camp suffered as a result of the attack?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 MR MANOBA: [13:13:01] (Microphone not activated)

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1 PRESIDING JUDGE SCHMITT: [13:13:03] Okay. But I have one. You will continue  
2 with the question?

3 MR MANOBA: [13:13:07] Just one.

4 PRESIDING JUDGE SCHMITT: [13:13:09] Just one, yeah.

5 MR MANOBA: [13:13:13]

6 Q. [13:13:14] Mr Witness, the attack on the camp left people dead. Do you think this  
7 affected the residents of this camp?

8 MR OBHOF: [13:13:34] Your Honour, I'm going to stand up and object because it's  
9 essentially the same question as before. It calls for too much speculation.

10 PRESIDING JUDGE SCHMITT: [13:13:43] Yeah. Of course we have also a little bit of  
11 imagination. I think we stop it here.

12 MR MANOBA: [13:13:49] (Microphone not activated)

13 PRESIDING JUDGE SCHMITT: [13:13:51] But let me put one or two questions to the  
14 witness.

15 Mr Witness, they relate a little bit more personally to you and your situation. You told us  
16 that you have been abducted, I think it was 1994, and then stayed roughly 10 years with the  
17 LRA. When you came back, were you able to reintegrate in your community?

18 THE WITNESS: [13:14:28] (Interpretation) There is no problem that I have had. I integrated  
19 smoothly. (Redacted) I go. I stay with people. I talk to people.  
20 I live freely.

21 PRESIDING JUDGE SCHMITT: [13:14:44] This is the last question for me also and this is  
22 also the last question for today but not in general. We conclude the testimony for today and  
23 the hearing for today and resume on Monday, 9.30, with the questioning by the Defence.

24 THE COURT OFFICER: [13:15:03] All rise.

25 (The hearing ends in open session at 1.15 p.m.)

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1 RECLASSIFICATION REPORT

2 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July 2016, the

3 public reclassified and redacted version of this transcript is filed in the case.