

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0249

1 International Criminal Court  
2 Trial Chamber IX  
3 Situation: Republic of Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
6 Judge Raul Cano Pangalangan  
7 Trial Hearing - Courtroom 3  
8 Monday, 5 June 2017  
9 (The hearing starts in open session at 9.31 a.m.)  
10 THE COURT USHER: [9:31:52] All rise.  
11 The International Criminal Court is now in session.  
12 PRESIDING JUDGE SCHMITT: [9:32:18] Good morning, everyone.  
13 Could the court officer please call the case.  
14 THE COURT OFFICER: [9:32:22] Good morning, your Honours.  
15 The situation in Uganda in the case of The Prosecutor versus Dominic Ongwen, case  
16 reference ICC-02/04-01/15.  
17 And for the record, we are in open session.  
18 PRESIDING JUDGE SCHMITT: [9:32:37] Thank you.  
19 The appearances of the parties, Mrs Adeboyejo.  
20 MS ADEBOYEJO: [9:32:43] Good morning, your Honours. Adesola Adeboyejo for  
21 the Office of the Prosecutor, Mr Benjamin Gumpert, Kamran Choudhry,  
22 Paul Bradfield, Yulia Nuzban, Pubudu Sachithanandan, Ramu Fatima Bittaye and  
23 Shahriar Yeasin Khan.  
24 PRESIDING JUDGE SCHMITT: [9:33:01] Thank you.  
25 And for the Legal Representatives of the Victims, Ms Massidda first.

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1 MS MASSIDDA: Good morning, your Honour. Common Legal Representative  
2 team, Paolina Massidda and Orchlón Narantsetseg.

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

4 And Mrs Hirst.

5 MS HIRST: [9:33:17] Good morning, your Honours. I am Megan Hirst, with me,  
6 James Mawira.

7 PRESIDING JUDGE SCHMITT: [9:33:23] Thank you.

8 And for the Defence, Mr Ayena or Mr Obhof, whoever wants.

9 MR OBHOF: [9:33:27] Good morning, your Honour. Today with us today is  
10 Ms Abigail Bridgman; Counsel Ayena Odongo; Chief Charles Achaleke Taku; Roy  
11 Titus Ayena; our client, Mr Ongwen; and myself, Thomas Obhof.

12 PRESIDING JUDGE SCHMITT: [9:33:41] Thank you, Mr Obhof.

13 The Prosecution is now calling P-249 as its next witness. Before commencing,  
14 the Chamber notes briefly that the VWU does not recommend any protective  
15 measures beyond those granted in decision 612. As counsel have already been  
16 informed and noting paragraphs 48 till 55 of decision 612, the VWU has also  
17 determined that certain special measures are necessary to assist the witness in his  
18 testimony.

19 We will now begin with Witness P-249's testimony.

20 And, first of all, Mr Witness, good morning.

21 WITNESS: UGA-OTP-P-0249

22 (The witness speaks Acholi)

23 THE WITNESS: [9:34:24] (Interpretation) Good morning.

24 PRESIDING JUDGE SCHMITT: [9:34:28] You know you are going to testify before  
25 the International Criminal Court. And on behalf of the Chamber, of my two

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1 colleagues and me, I would like to welcome you in this courtroom.

2 Mr Witness, I will now read the oath to tell the truth to you that every witness who  
3 testifies before this court must agree to, so please listen.

4 I solemnly declare that I will speak the truth, the whole truth and nothing but the  
5 truth.

6 Mr Witness, do you understand what I have read to you?

7 THE WITNESS: [9:35:12] (Interpretation) Could you please read it out again?

8 PRESIDING JUDGE SCHMITT: [9:35:14] Of course, that's no problem. I solemnly  
9 declare that I will speak the truth, the whole truth and nothing but the truth.

10 Have you understood that, Mr Witness?

11 THE WITNESS: [9:35:26] (Interpretation) I have understood.

12 PRESIDING JUDGE SCHMITT: Do you agree?

13 THE WITNESS: (Interpretation) Yes, I do.

14 PRESIDING JUDGE SCHMITT: [9:35:34] Thank you. We will continue then.

15 We have put protective measures in place for you, and I will explain to you what we  
16 have done to protect your identity and to ensure your well-being.

17 First of all, face distortion has been put in place. Face distortion means that no one  
18 outside the courtroom can see your face during the testimony on the screen.

19 We will also use what we call a pseudonym. In accordance with that we will all  
20 refer to you only as "Mr Witness." You have heard that I did not mention your name,  
21 but only address you as "Mr Witness," and everybody in this courtroom will do so to  
22 protect your identity.

23 When you answer questions that do not reveal your identity, then we will do that in  
24 open session. Open session means that the public can hear what is being said in the  
25 courtroom, what we are saying here.

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1 When we ask you, either me or my colleagues or prosecution, defence, legal  
2 representatives, when we ask you things that relate specifically to you or that could  
3 reveal your identity, who you are, we will do this in private session. Private session  
4 means that there is no broadcast, and no one outside the courtroom can hear your  
5 answer.

6 If it happens that something is said in open session that should be said, have been  
7 said in private session, we will do everything to protect this information. We can  
8 remove such information from the public record and from the broadcast.

9 We have now also to address some practical matters with you that you should have in  
10 mind when you give your testimony. Everything we say here in this courtroom is  
11 written down and interpreted. It is therefore important to speak clearly and at  
12 a slow pace. Everybody, even the professionals here, very often especially the  
13 professionals here sometimes speak too fast, do not obey to this rule. This also  
14 happens to the Presiding Judge. But keep in mind, try to speak clearly, speak into  
15 the microphone and don't speak too fast so that interpreters can follow you.

16 If you have any questions yourself, raise your hand so we know that you wish to say  
17 something. And lastly, Mr Witness, if you need a break or think you cannot  
18 concentrate anymore, let us also know. Have you understood all that, Mr Witness?

19 THE WITNESS: [9:38:32] (Interpretation) Yes, I have.

20 PRESIDING JUDGE SCHMITT: [9:38:34] Thank you very much. And now we can  
21 start with your testimony and I give Mrs Adeboyejo the word.

22 MS ADEBOYEJO: [9:38:45] Thank you, your Honour. In order to commence with  
23 the examination-in-chief of the witness, your Honour, may I request that we go into  
24 private session.

25 PRESIDING JUDGE SCHMITT: [9:38:54] I assumed that already, so we go to private

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1 session shortly.

2 MS ADEBOYEJO: [9:38:59] Thank you, your Honour.

3 (Private session at 9.39 a.m.)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

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11 (Redacted)

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9 (Open session at 9.50 a.m.)

10 THE COURT OFFICER: [9:50:10] We are back in open session, Mr President.

11 MS ADEBOYEJO: [9:50:14]

12 Q. [9:50:14] Now, Mr Witness, you spoke earlier about being abducted. Do you  
13 know what day this event took place?

14 A. [9:50:33] Yes, I do.

15 Q. [9:50:34] What date did it happen?

16 A. [9:50:41] I was abducted on 10 October from Pajule at around between 5 and  
17 6 a.m.

18 Q. [9:50:56] Can you tell the Court what had happened the day before, that's on  
19 9 October, what date is that for Uganda?

20 A. [9:51:14] People were commemorating an important day, people were enjoying,  
21 people were drinking. I was personally drinking and enjoying myself because I was  
22 part of the celebration.

23 Q. [9:51:32] And what date exactly was it? Why the celebration?

24 A. [9:51:41] That was Uhuru Day. I don't know how it's called in English.

25 MS ADEBOYEJO: [9:51:51] I believe Uhuru is Swahili for independence or freedom.

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1 I'm not -- my Swahili is not very good.

2 PRESIDING JUDGE SCHMITT: [9:52:00] When the Defence does not contradict that  
3 and contest that, I think we can take it that it is Independence Day.

4 MR OBHOF: [9:52:02] After personally working for Uhuru Kenyatta, I can say that  
5 our learned colleague is correct.

6 PRESIDING JUDGE SCHMITT: [9:52:12] Okay, so please continue.

7 MS ADEBOYEJO: [9:52:13]

8 Q. [9:52:14] Mr Witness, what year were you abducted?

9 A. [9:52:22] 2003, on the 10th at 5, between 5 and 6 a.m.

10 Q. [9:52:31] So tell the Court how were you abducted, where were you when the  
11 attack started?

12 A. [9:52:43] I was sleeping in my house, together with my wife at that time. Then  
13 I heard gunshots and people were making noise and alarming. And I told my wife  
14 that "Could this be government soldiers firing?" But I think these were not  
15 government soldiers because the alarm didn't sound like that of the government  
16 soldiers. The gunshots are -- carried on until eventually they were at our doorstep.  
17 And they came and kicked the door. I told my wife not to open the door because  
18 these are people who are aggressive. They kicked the door until they had to  
19 eventually fire a bullet into the house. Then I told my wife to open the door because  
20 I knew it was now risky, we didn't have any way out. She opened the door, we  
21 came out, and we were told to sit down. We were then bound around the waist  
22 using ropes which are normally used for tying cattle.

23 Q. [9:54:01] (Overlapping speakers) Let me stop you there, Mr Witness. You told  
24 us that they starting firing into the house. What did you think would happen when  
25 they started firing at the house?

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1 A. [9:54:18] Well, what I thought was that something wrong, something bad was  
2 going to happen because they already even fired inside my house. And, you know,  
3 that is already something bad. So I decided that we should open the door. If they  
4 wanted to do anything, yes, why not. So what they started by doing was to bind us  
5 together and then we started walking to go and continue with the operation  
6 somewhere else.

7 Q. [9:54:44] How many of those -- how many of those rebels did you see when you  
8 went outside your home?

9 A. [9:55:01] You couldn't be able to count the soldiers, but they were many. On  
10 top of that, as an abductee, you didn't have the right or privilege to count or even  
11 monitor, but they were very many.

12 Q. [9:55:17] What were they wearing, Mr Witness?

13 A. [9:55:21] These were soldiers dressed in army uniforms. And they were armed.

14 Q. [9:55:29] When you say "they were armed", what were they armed with,  
15 Mr Witness?

16 A. [9:55:44] As a civilian I wouldn't know the type of guns, but all of them had  
17 guns, but I couldn't differentiate which type they were but all of them were having  
18 guns. We were civilians and didn't have any military training to be able to know the  
19 different kinds of guns.

20 Q. [9:56:04] Now, after they had tied yourself and your wife, what did these rebels  
21 do?

22 A. [9:56:14] They told us to get up and move.

23 Q. [9:56:19] How old were these rebels that you saw that had tied you?

24 A. [9:56:33] These rebels were composed of both young and older people. Most of  
25 them were young.

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1 Q. [9:56:42] And when you say "young," Mr Witness, how old would you estimate  
2 they were?

3 A. [9:56:56] If I say they were young I meant they included people who were  
4 between 12, 13, 14, 15, up to about 18. Those were the young ones.

5 Q. [9:57:10] Now, Mr Witness, you said they were between the ages of 12 up to  
6 about 15, what makes you think that they were in that age range?

7 A. [9:57:28] The reason I thought they were around that age was that I saw them, I  
8 saw their sizes, some were big, others were looking young. You can be able to know  
9 that such a person is young, you can also know that another one is big. I didn't have  
10 any other way of determining how old they were, but they were looking -- others  
11 were old, others were looking young and that is how I could estimate.

12 Q. [9:57:55] Whose group did these rebels belong to, Mr Witness?

13 A. [9:58:04] These rebels came from Dominic Ongwen's group.

14 Q. [9:58:09] And apart from yourself, who else was abducted, apart from yourself  
15 and your wife?

16 A. [9:58:21] The rebels abducted so many people from Pajule other than myself and  
17 my wife. An uncountable number of people were abducted.

18 Q. [9:58:36] If I try to give a figure of 200, 300, 400, Mr Witness, what would be the  
19 range that you can think of?

20 A. [9:58:57] Well, you know, you can mention the number, but for me I would say  
21 they were many. People were abducted and they were just moving in large number.  
22 I cannot estimate. There were so many people, almost everyone in Pajule was  
23 abducted. We can say there were -- very many people were abducted, but we don't  
24 know the number because we could not count the number of abductees.

25 Q. [9:59:22] And what happened to those who tried to escape, Mr Witness?

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1 A. [9:59:36] This thing with the LRA was that if you tried to escape you should be  
2 killed. That means if you ever tried to escape you'd have to be killed. That was  
3 a law.

4 Q. [9:59:48] And did you see anyone who tried to escape at that moment just  
5 around the time that you were abducted?

6 A. [10:00:04] Well, when we were leaving my homestead, as we were moving  
7 towards the market, there was a boy I think who had tried to run, we were passing  
8 and found he had been shot in the stomach and the intestine were all out. We  
9 passed by his body.

10 Q. [10:00:27] Now you told us that you had been tied, your wife was tied. The  
11 other abductees, were they tied as well, Mr Witness?

12 A. [10:00:42] Once you are abducted by the rebels you are tied up because they  
13 assume that you might run away so they tie you so that you do not escape. So all the  
14 people were tied up.

15 Q. [10:00:57] Now, let's talk about when you were taken out and you started  
16 walking. How would you describe what happened to you, what began to happen to  
17 you?

18 A. [10:01:19] When I was abducted, when we started walking we walked towards  
19 the market. From the market we came, we walked towards the main road, the road  
20 going towards Lira. I saw Mr Ongwen with a number of soldiers in that place. We  
21 walked together and went towards the main road.

22 Q. [10:01:45] Let me stop you there, Mr Witness. I want you to tell the Court how  
23 were the soldiers treating you as you started walking with a group of other abductees.

24 A. [10:02:09] We were being manhandled, we were being kicked and beaten. We  
25 were being beaten and kicked. Everybody, everybody was being beaten and kicked,

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1 I wasn't the only one.

2 Q. [10:02:26] Now, you were trying to describe to us where you were being taken  
3 and you said that they were -- you were walking towards the main road, the road  
4 going towards Lira, and that was when you saw Mr Ongwen.

5 A. [10:02:46] Yes. We walked via the market, I saw Mr Ongwen in the -- standing  
6 in the road with soldiers. Then we walked together and we went to the Lira  
7 highway. And while we were there they started looting. There were government  
8 soldiers along the Lira road as well and they -- there was an exchange of fire. Some  
9 of them ran back to the barracks to get reinforcements to help people who were in the  
10 barracks. Other people were looting. The shops were being looted.

11 Q. [10:03:24] Thank you very much, Mr Witness. And just so that we can  
12 understand, because we were not there, you were and in order for it to be clear I  
13 would ask you to the questions systematically.

14 First of all, how did you know that this person that you have said was Mr Ongwen,  
15 how did you know it was Mr Ongwen?

16 A. [10:03:54] I knew Dominic Ongwen because he is the one who abducted me and  
17 he is the one who took me. And that's why I knew that the person who was giving  
18 orders was Mr Ongwen.

19 Q. [10:04:11] Did you know at the day that you were abducted that that was  
20 Ongwen?

21 A. [10:04:21] I knew on that day because on that day we went -- there was  
22 a meeting and during the meeting he addressed us, him and Otti addressed us, they  
23 told us about the rules in the LRA and told us if anybody tried to escape, the person  
24 would be killed.

25 Q. [10:04:41] And how did you know that those rebels were Ongwen's soldiers?

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1 A. [10:04:55] I knew that they were under Ongwen's command because he is the  
2 one who came with those rebels to the centre, he is the one who came -- his rebels  
3 abducted us and then we went with them. He was in command of those rebels.

4 Q. [10:05:11] Now, Mr Witness, can you describe to us what did Ongwen look like  
5 the day that you were abducted? What was he wearing on his head? What was he  
6 carrying? Describe him for us.

7 A. [10:05:36] Ongwen was a soldier. He had army fatigues. He had on army  
8 uniform.

9 Q. [10:05:49] What did he have in his hand? What did he have on his head?

10 A. [10:06:01] He held a stick in his hand. He had a cap on his head.

11 Q. [10:06:12] Apart from the stick, what else did you see him holding, Mr Witness?

12 A. [10:06:24] He also had some hand-held gadgets, some sort of communication  
13 gadget, some sort of radio.

14 Q. [10:06:38] Now, what was he using the stick to do that you saw him, when you  
15 saw him?

16 A. [10:06:46] He was holding the stick using the stick to point around and to  
17 indicate. He wasn't using it for any particular purpose.

18 Q. [10:06:57] When you say he was using it to indicate, what was he using it to  
19 indicate, Mr Witness?

20 A. [10:07:09] If he tells -- if he issues instructions to a soldier saying do this or go  
21 and do something in that particular place, he would use a stick to indicate where the  
22 soldier should go or what the soldier should do.

23 Q. [10:07:26] Thank you, Mr --

24 A. [10:07:26] If, for example, he tells the soldiers go and loot that shop, then he  
25 would use the stick to point to that shop and use it to issue his instructions.

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1 PRESIDING JUDGE SCHMITT: [10:07:40] Mr Witness, could you describe the stick,  
2 the size of it, length, how thick it was? Do you recall?

3 THE WITNESS: [10:07:57] (Interpretation) It was a -- it was a normal stick. It  
4 wasn't a very long stick. It's a normal stick, not very long -- not very long, not very  
5 short. Just a normal stick. I do not -- I cannot give an estimation in metres because  
6 it was a normal -- it was a normal stick.

7 THE INTERPRETER: The size indicated by the witness.

8 PRESIDING JUDGE SCHMITT: [10:08:20] You indicated it already. If you look at,  
9 for example, your arm, could you then perhaps tell us half, half the size of your arm,  
10 the full arm? If you recall it. If not, then you don't have to tell us.

11 THE WITNESS: [10:08:43] (Interpretation) It's as long as my arm.

12 THE INTERPRETER: [10:08:46] The way the witness is indicating.

13 PRESIDING JUDGE SCHMITT: [10:08:48] Thank you.

14 MS ADEBOYEJO: [10:08:49]

15 Q. What you have indicated, from your shoulder to the tip of your arm?

16 A. [10:08:53] That was my estimation, but you cannot -- when you are looking at  
17 soldiers' things, you do not look at them for a long time because you are afraid, you're  
18 scared at the time.

19 PRESIDING JUDGE SCHMITT: [10:09:05] We fully understand that, Mr Witness.

20 It was just an attempt that we have an idea how this stick looked like, how big it was.  
21 I think we have now an idea a little bit at least.

22 Please continue.

23 MS ADEBOYEJO: [10:09:20] Your Honours, I just want to put on the record that the  
24 witness in gesticulating had actually used the length, not from the shoulder but across  
25 the breadth of his chest to the tip of his arm.



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1 PRESIDING JUDGE SCHMITT: [10:09:34] I think we would have to -- I had also the  
2 impression, but since the -- it was interpreted a little bit different, perhaps you just try  
3 to verify it with the witness so that we really have it on the record, if he really meant  
4 that perhaps.

5 MS ADEBOYEJO: [10:09:50] Yes.

6 Q. [10:09:51] Mr Witness, just so we are clear, the length of the stick, would you say  
7 it is from this to the tip or from the way you gesticulated from this across to the end?

8 A. [10:10:10] I said it's army things, you do not take time to look at them because  
9 you are afraid, you have just been abducted, these are aggressive people. It's  
10 possibly from the length of my shoulder to my arm. That's my estimation. I'm  
11 guessing.

12 PRESIDING JUDGE SCHMITT: [10:10:30] That's understood, Mr Witness, that  
13 you are only guessing and nothing more we want to know from you, absolutely clear  
14 that you did not have a metre with you and this is absolutely understood.

15 Please continue.

16 MS ADEBOYEJO: [10:10:45] Thank you, your Honour.

17 Q. [10:10:48] Now, Mr Witness, just to go back, I apologise, my colleague pointed  
18 this out to me. Just to go back on the point about the boy that you said you saw who  
19 was shot. Did you see the boy with his intestines out yourself?

20 A. [10:11:11] He was on the wayside, we passed by him and he was laying along  
21 the roadside.

22 Q. [10:11:19] Now, Mr Witness, let's come back to your first sight of Ongwen. You  
23 said he was pointing with his stick and he was pointing in the direction what he  
24 wanted the soldiers to do and you spoke about him ordering them to go and loot.

25 Do you recall where did he say they should go and loot?

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1 A. [10:11:50] When he -- we were in Pajule at the time that he was issuing  
2 instructions, at the main trading centre. The whole place, there were shops all along  
3 the -- all around him, so he indicated and issued instructions for things to be taken  
4 quickly so that we could leave.

5 Q. [10:12:11] And how did you hear this, Mr Witness?

6 A. [10:12:21] I was there. I was next to him. I was on the road with him when he  
7 was issuing these instructions, he was telling people "Hurry up, go and take the  
8 things quickly, hurry up."

9 Q. [10:12:36] And how did the soldiers know what they had to loot?

10 A. [10:12:54] The LRA were taking salt, sugar, maize, beans, soap and anything that  
11 might be useful to them in the bush. Those are the kind of things that they were  
12 taking. They were also taking clothes, clothes that were in the shop. Anything that  
13 could be of use to them. They even took saucepans from people's houses. So they  
14 took a number of things, things that I personally saw them taking. Nobody told me  
15 about it.

16 Q. [10:13:33] And these houses that you saw them going into, how many of such  
17 houses were there?

18 A. [10:13:50] The trading centre in Pajule, there are two places. On the main street  
19 towards Lira-Kitgum, at the intersection between Lira-Kitgum and the main market.  
20 Those are the two places, the trading places. So they abducted both places. I was  
21 on the main road, on the main street with them. The people who were abducting -- I  
22 did not see the people who were abducting in the market because I was not with them,  
23 but they did abduct the market area as well. For us we are in the main road.

24 Q. [10:14:28] And when Ongwen was ordering the soldiers to go and loot and  
25 pointing with the stick that you -- as you have told us, what did the soldiers do in

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1 response to his orders?

2 A. [10:14:46] They took a lot of things, and the things were given to people to carry.

3 That's what they did.

4 Q. [10:14:55] This food that you said that they looted from the shops, how had

5 those foodstuff come to the shops, how were the -- how had the food come to the

6 shops?

7 A. [10:15:12] The things that were taken from shops were things that people were

8 selling, merchandise. But things that were taken from the houses were different.

9 Merchandise was taken from the shop, personal things were taken from people's

10 houses, that's the difference.

11 Q. [10:15:32] And whose houses were these?

12 A. [10:15:43] At the time people were living in the camps, a lot of people were

13 living in the camps. Food was distributed to the camp inhabitants, so I do not know

14 what was in each individual household. But they took a number of things. They

15 took maize, they took beans which people carried. I think at the time they had just,

16 World Food had just distributed food to the camp inhabitants.

17 Q. [10:16:14] Did these soldiers have a list with which to determine which items to

18 take?

19 A. [10:16:28] No, I did not see any list. But they are told go and take things, things

20 that are clearly visible.

21 Q. [10:16:36] And what happened to your shop, Mr Witness?

22 A. [10:16:46] My shop, as I stated, when my shop was being looted, I was on the

23 main road. So the people who were looting the market are the people who looted

24 my shop which was in the market. They did not just loot my own market, my own

25 shop, but they looted a number of shops. I personally witnessed them looting the

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1 shops along the highway, not the shops in the market. But the shops in the market  
2 were also looted.

3 Q. [10:17:18] And where were the shop owners when the shops were being looted?

4 A. [10:17:29] The lucky people were able to flee. The unlucky people like myself  
5 were abducted. So it depends, if you were lucky on that day, if you had luck, if God  
6 helped you, you were able to flee; but if you were unlucky like me, and they found  
7 you in the house, then you would be abducted. And during the same situation,  
8 some people fled, some people were abducted.

9 Q. [10:17:52] Now, Witness, you talked about the fact that they went into homes  
10 also to loot items. Who had given the order for the soldiers to go into the homes?

11 A. [10:18:12] There was no other person other than Ongwen. He is the one who  
12 came with the soldiers and he was the one who was issuing instructions and giving  
13 orders to soldiers to go and take things and to take the food that was needed.

14 Q. [10:18:30] You have told us that you were on the other side, yes, you saw them  
15 looting the shops along the highway, not the shops in the market. How did you  
16 know that your shop was looted?

17 A. [10:19:01] My shop was looted because it was left empty. The other shops were  
18 emptied as well. I know -- I knew that my shop was looted when I went to Achol-Pii  
19 barracks, my wife came, had been -- the soldiers had got me from Adilang and  
20 brought me back. My wife came and told me that my shop had been looted, it had  
21 been completely emptied. And I told her, I said: Well, if I knew that my shop had  
22 been looted with the problems that I encountered, I wouldn't have bothered to come  
23 back.

24 But then I told her, well, that's not a problem.

25 Q. [10:19:45] Mr Witness, how were these goods, items that were looted, how were

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1 they transported?

2 A. [10:19:59] It was the abductees, abductees like me who were used to transport  
3 the looted items. Everybody had something on their head. It was only  
4 Rwot Oywak who did not have any luggage on his head.

5 Q. [10:20:15] Now, at about what time -- are you okay with the headphones,  
6 Mr Witness?

7 A. [10:20:26] Yes, it's okay.

8 Q. [10:20:29] At what time did they make you carry this item, at about what time of  
9 the day was this?

10 A. [10:20:43] It was approximately, approximately 8, 8 a.m. I can guess this, the  
11 time, because the sun had risen. The sun was slightly up in the sky. Or maybe it  
12 was even after 8. It's difficult to estimate time when you're in, when you are in hot  
13 water because you are concerned, you do not have any, any authority at the time.

14 Q. [10:21:18] I understand, Mr Witness.

15 Now, you told us about Rwot Oywak and you said that he was not carrying any  
16 luggage. Do you know why he wasn't carrying any luggage, Mr Witness?

17 A. [10:21:46] Rwot Oywak, he was abducted. After I had been abducted, he was  
18 abducted by a kadogo, they had taken the shirt off his, off his back. They brought  
19 him while we were branching off to go into the bushes from the camp, to branch off  
20 into the bushes. There was a soldier asked, "Do you know this, do you know this  
21 man?" And the person said no. So they told him, "Give him back his shirt. Do not  
22 touch him. Do not beat him. Do not give him any luggage to carry."

23 We walked with him, but he was the only person, he was the only one among us who  
24 did not carry anything. The rest of us had heavy loads on our heads. We had  
25 beans, we had soldiers. He was the only one who did not have any load. And he

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1 appeared to be free while, while he was there and that's what I saw.

2 Q. [10:22:38] And who is this person that you have described as Rwot Oywak?

3 A. [10:22:56] Rwot Oywak is the chief of Koyo Lalogi, he lives in Pajule trading  
4 centre. But he is originally from Koyo, Koyo Lalogi.

5 Q. [10:23:12] Now, you gave a name while you were giving your evidence now,  
6 Mr Witness. You talked about kadogos. Who are these people you referred to as  
7 kadogos?

8 A. [10:23:26] It was, it was a soldier, a child soldier who came with him. He came  
9 with Mr Oywak. I believe he found Mr Oywak in his house and he brought him to,  
10 he brought Mr Oywak to the commander.

11 I do not know who that commander was, because I had just been abducted and I did  
12 not know anybody there. The kadogo was instructed to give Rwot Oywak back his  
13 shirt and told he should not be beaten and he should not be given any load to carry.  
14 When they were issuing the instructions, they were next to me, I was given beans to  
15 carry.

16 Q. [10:24:08] Let's talk about the beans. How many kilos would you estimate the  
17 beans was?

18 A. [10:24:17] To my estimation it was two, two or more basins. There were no  
19 basins there, but I am just using a visual estimation. Perhaps two, three basins, I am  
20 guessing. It was, it was in a sack close to the -- from the floor close to the edge of the  
21 table.

22 Q. [10:24:41] How many kilos would you say that those two basins would be,  
23 estimate?

24 A. [10:24:58] It's very difficult to estimate the exact number of kilos. If you do not  
25 measure anything, it's difficult. I am guessing it might have been two basins or

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1 more. They just poured it in the sack and put it on my head and we started moving.

2 It wasn't measured. I do not know how heavy it was.

3 Q. [10:25:20] Now let's talk about the kadogo that came with the Rwot. About

4 how old would you say he was? You said he was a young child?

5 A. [10:25:35] The -- it's very difficult to estimate age. But in my estimation he

6 looked like a young boy, maybe approximately 13 or 14. It's very difficult to

7 determine people's ages. Sometimes somebody looks older than they are, sometimes

8 they look younger than they are. But I believe around 13. But he was already

9 a soldier and he bore arms, he had a gun.

10 Q. [10:26:07] And how well did you know this Rwot Oywak, Mr Witness?

11 A. [10:26:18] We all lived in Pajule. He also lives, he lives in Pajule. I also lived

12 in Pajule. He is from Koyo, I am from Pajaa. Pajule centre is the place where we all

13 live. I know his house.

14 Q. [10:26:40] Now let's talk about, Mr Witness, how you moved after you were

15 abducted.

16 Your Honours, can I go into private session for just about five minutes for the next

17 question.

18 PRESIDING JUDGE SCHMITT: [10:26:58] Yes, we go to private session.

19 (Private session at 10.27 a.m.) \* (Reclassified partially in public)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [10:28:11] May I perhaps just ask a question.

7 Mr Witness, again shortly to this person Rwot Oywak, was he a known figure in

8 Pajule? Was he something special, so to speak?

9 THE WITNESS: [10:28:25] (Interpretation) If somebody is referred to as Rwot, then it  
10 is somebody that is well known. He is well known. He is a chief. Rwot is an  
11 important person. Everybody respects him.

12 PRESIDING JUDGE SCHMITT: [10:28:49] Thank you for that clarification.

13 Please, Mrs Adeboyejo.

14 MS ADEBOYEJO: [10:28:56] Your Honours, I request that we go back into public  
15 session.

16 PRESIDING JUDGE SCHMITT: [10:28:59] Public session then.

17 (Open session at 10.29 a.m.)

18 THE COURT OFFICER: [10:29:08] We are back in open session, Mr President.

19 MS ADEBOYEJO: [10:29:10]

20 Q. [10:29:11] Mr Witness, now we are back in open session, I want to ask you, just  
21 fix your mind now on when you started the movement. You have told us about  
22 what happened in the immediate aftermath of your abduction, the looting of the  
23 shops. Now I want to talk about your movement, how you moved and then some  
24 aspects of what happened immediately after.

25 When you moved from Lira road, where did you proceed to?



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1 A. [10:29:45] When we left Lira road, we walked along Lira road, we got to  
2 a roundabout, there was an intersection of one road going towards the barracks,  
3 along Laloyo road, Laloyo road, because Laloyo is also a chief, it was next to the  
4 police barracks. They were shooting at us. The road is along a corner. So we had  
5 to stand and wait for a bit. There were a number of people that were gathered in  
6 that location. And afterwards Ongwen issued instructions for the soldiers to be shot  
7 at and then we started crossing the road to enter into the bushes.

8 Q. [10:30:36] Let's talk about that one after the other. What did you hear Ongwen  
9 say to the soldiers?

10 A. [10:30:51] He said, he asked five soldiers to go and shoot at those people so that  
11 the rest of us could cross the road quickly.

12 Q. [10:31:02] Who are those people that you are referring to?

13 A. [10:31:07] Government soldiers who had barricaded the road.

14 Q. [10:31:13] Which road had the government soldiers barricaded?

15 A. [10:31:21] That was -- the road was called Laloyo road. Laloyo road, you  
16 normally cross it when we were going towards Kitgum. Laloyo road is towards the  
17 police barracks. So they were firing their guns towards us across the road and we  
18 had to move to the other side.

19 Q. [10:31:50] Now, apart from the police barracks, was there any other barracks in  
20 that vicinity, Mr Witness?

21 A. [10:32:02] The military barracks for the UPDF was also there in Pajule, it was  
22 next to the mission.

23 Q. [10:32:09] And what was happening at the military barracks?

24 A. [10:32:13] There was also intense fighting there, but I was not there. I was  
25 along the road. But there was intense fighting there as well.

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1 Q. [10:32:23] Now, you had told us earlier that Ongwen was carrying

2 a walkie-talkie. What did you see him do with the walkie-talkie?

3 A. [10:32:42] That gadget was meant for communication. He would only talk

4 about what he had in mind, but I wouldn't understand it because he would speak

5 using their military jargon, and civilians would not be able to decipher.

6 Q. [10:33:01] But did you see him speaking into that walkie-talkie?

7 A. [10:33:06] Yes, I saw him talking, but I could not be able to understand what he

8 is talking because he would use the military jargon and I would not make sense of it.

9 Q. [10:33:19] Now talking about the five soldiers that he deployed, what did those

10 soldiers do when he ordered them to be deployed towards Laloyo road?

11 A. [10:33:40] The soldiers jumped on the road and fired at that point where the

12 people were -- the soldiers, the other soldiers were firing on us. Then they instructed

13 the rest of us to carry our luggage and walk slowly. Nobody needed to run. That is

14 what I witnessed.

15 Q. [10:33:59] Where was Ongwen when this firing was going on along Laloyo

16 road?

17 A. [10:34:10] Ongwen was along Kitgum road, along the main street. That was

18 the point where he was giving instruction to go and attack. That was where I gave

19 the instruction for the five soldiers to go and attack the government soldiers who had

20 barricaded the road for us.

21 Q. [10:34:33] Now, how close were you to Ongwen when you heard them give the

22 instruction for the five soldiers to go and fire at the government soldiers?

23 A. [10:34:48] All along the main road together with him, you know, they are the

24 length of the -- the width of the road, we were all along the main road together with

25 him. We were together along the road.

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1 PRESIDING JUDGE SCHMITT: [10:35:03] May I shortly?

2 When you say "together," nevertheless you said there were many, many people

3 abducted. So in my head at least there is a picture of a row of many, many people

4 along a certain distance. So if you can, if you recall, can you be a little bit more

5 specific when you say "together" how far away was he? Do you know what I mean

6 by that?

7 THE WITNESS: [10:35:37] (Interpretation) Well, when he was talking, the distance

8 was like I was here and he was where the Court officers are seated. We were just

9 near each other. As an abductee you would not stay far because you were now an

10 abductee, you didn't have to stay far. That means that the distance between

11 you -- well, the distance would not be very clear to me, but we were just next to each

12 other.

13 PRESIDING JUDGE SCHMITT: [10:36:08] Thank you. Mr Witness, again, we are

14 not -- we are only talking about estimates and assessing something. It is perfectly

15 clear that you cannot give us exact figures.

16 Mrs Adeboyejo, please continue.

17 MS ADEBOYEJO: [10:36:25] Thank you, your Honour.

18 Q. [10:36:26] Now, you said they asked you to start walking slowly after the five

19 soldiers had engaged the government soldiers. Why did they ask you to start

20 walking slowly?

21 A. [10:36:49] The rebels would say you walked slowly, because when you are

22 moving fast, they would think you either want to run away or escape. But you

23 would have to walk slowly, unless they instruct you to walk fast. So you had to do it

24 the way they instruct.

25 Q. [10:37:11] Now, apart from the firing from the guns, what else, I mean the firing

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1 by the government soldiers, what else was the UPDF using to fight the LRA?

2 A. [10:37:33] One other way of fighting to try and salvage the situation or to try

3 and rescue some of the abductees was the use of a military helicopter that came from

4 Achol-Pii barracks. We had already gone into the bushes, and they started firing,

5 but firing afar because they could not fire directly at the civilians.

6 There were so many civilians who were carrying bags of maize and they could be

7 clearly identified. They could not camouflage. But the helicopter was only firing to

8 try and scare so that some abductees could escape. That is what I witnessed the

9 government soldiers tried to do, but that didn't help either.

10 Q. [10:38:20] Why couldn't the civilian abductees escape?

11 A. [10:38:30] Well, the abductees could not escape because they were being highly

12 protected, so they could not escape.

13 Q. [10:38:40] When you say they were highly protected, who have they been

14 protected from?

15 A. [10:38:55] If you were abducted, that means you didn't have the freedom to

16 move anywhere. You were like a prisoner, and every now and then you will be

17 guarded.

18 Q. [10:39:08] Now, when you were forced to walk and carry these goods that you

19 said were looted, Mr Witness, what did you see the soldiers doing to the women?

20 A. [10:39:30] What I saw that -- other than the beating that were given to people,

21 the kickings, the torture that was -- everyone else was subjected to was all I

22 witnessed.

23 Q. [10:39:49] Now, Mr Witness, I would ask you to look at a particular document,

24 it's tab 1. I think perhaps the witness might need assistance. Do you have a bundle

25 in front of you, Mr Witness, a bundle of documents like this?

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1 A. [10:40:19] No.

2 PRESIDING JUDGE SCHMITT: [10:40:40] Thank you very much. The Court usher  
3 brings you now this bundle and helps you and shows you where to look at,  
4 Mr Witness.

5 This can be displayed, Mrs Adeboyejo?

6 MS ADEBOYEJO: [10:41:07] Just a second, your Honour.

7 PRESIDING JUDGE SCHMITT: [10:41:09] It looks like it.

8 MS ADEBOYEJO: [10:41:11] Yes, indeed it can be displayed.

9 PRESIDING JUDGE SCHMITT: [10:41:13] It looks like it. So it can be displayed to  
10 the public, yes.

11 MS ADEBOYEJO: [10:41:15] Yes.

12 PRESIDING JUDGE SCHMITT: [10:41:19] Yes, I wonder, of course I cannot require  
13 court usher to stay standing, but this might occur every once in a while, so perhaps --

14 MS ADEBOYEJO: [10:41:29] I appreciate your, yes --

15 PRESIDING JUDGE SCHMITT: [10:41:33] But then Madam should have a seat there  
16 and not be standing constantly. I think we should not require it from her, I would  
17 say.

18 Yes, please, Mrs Massidda or Mr Narantsetseg, could you perhaps help the court  
19 usher, just on short notice, yes. As a gentleman you can give her this. Thank you  
20 very much.

21 This might be more comfortable for you.

22 REGISTRY REPRESENTATIVE: Thank you.

23 PRESIDING JUDGE SCHMITT: It is a little bit awkward when you are standing, for  
24 you especially.

25 I have been told it is a confidential document, but I see redactions here, so I am not

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1 sure. You just said it can be displayed. I also don't see why not, but frankly

2 speaking --

3 MS ADEBOYEJO: [10:42:25] Yes, your Honour, yes.

4 PRESIDING JUDGE SCHMITT: [10:42:26] -- we can display it.

5 MS ADEBOYEJO: That's right.

6 PRESIDING JUDGE SCHMITT: Then please continue.

7 MS ADEBOYEJO: [10:42:29] Yes, it is going to be very short actually.

8 Q. [10:42:32] Mr Witness, do you recognise this document?

9 A. [10:42:40] Yes, I do.

10 Q. [10:42:41] And what, what is it, Mr Witness?

11 A. [10:42:50] This is the picture that I drew of the map of how we moved -- rather,  
12 how I was abducted.

13 Q. [10:43:01] But who wrote the words on the document?

14 A. [10:43:15] The writings were not done by myself, but it was done by workers  
15 from your, from your workplace about the places that I mentioned.

16 Q. [10:43:28] Very good, Mr Witness. That will be all for the witness.

17 PRESIDING JUDGE SCHMITT: [10:43:37] And of course we, I am just thinking

18 aloud, we have a support person there. I ask myself if we could use Madam to help  
19 in the process so that the court usher would not constantly have to either sit there or  
20 constantly leave her working place.

21 But I have of course to ask you, Madam, if you, when the next time this problem, so to  
22 speak, arises, if you could help witness to find the correct page in the binder.

23 REGISTRY REPRESENTATIVE: Okay.

24 PRESIDING JUDGE SCHMITT: I think you can -- and there will no -- this will not  
25 be a contentious issue I assume, so I think we can do it the next time this way.

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1 And to the court usher, thank you very much. You don't have to remove that. We  
2 can do that during the break. Thank you.

3 MS ADEBOYEJO: [10:44:52] Thank you, your Honour.

4 PRESIDING JUDGE SCHMITT: [10:44:53] And thank you very much to the support  
5 person.

6 MS ADEBOYEJO:

7 Q. [10:44:59] Now, Mr Witness, thank you. I will now move to these soldiers who  
8 you said were guarding you as you were walking into the bush. Where were these  
9 rebel soldiers?

10 A. [10:45:23] They were guarding us from our way -- on our way from Pajule to the  
11 bush.

12 MS ADEBOYEJO: [10:45:30] Your Honours, just to put on the record, the ERN for  
13 tab 1 that I showed was 0238-0795.

14 Q. [10:45:44] Now, what was the formation that you used to go into the bush; were  
15 you walking in groups, were you walking two-by-two, were you walking -- how were  
16 you walking to get into the bush?

17 A. [10:46:03] We walked in a group, and they tied me, they tied my waist together  
18 with another person. The other people were bound differently. But we moved as  
19 a group. And as we were moving you could clearly see the footpaths that was  
20 created by our movement. Because we were not following paths or roads, but after  
21 us you could really see that people have been moving around here because we were  
22 moving in a huge group in one long line until when we arrived at Got Lela Mu. We  
23 were moving in one line.

24 Q. [10:46:46] And at this time that you were walking in a line as a group, where  
25 was Ongwen? Did you see him?

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1 A. [10:47:00] Ongwen had his group. He would move and walk anywhere within  
2 the group. He would move, go in front, move backwards. He would just move the  
3 way he wanted, whether he wanted to remain behind, he would do that. If he  
4 wanted to go in front, he would do that, according to his wishes, he was just  
5 oscillating between those two points.

6 Q. [10:47:30] And you told us previously that the rebels that you had seen they  
7 were of a particular age. I want to ask you specifically, how did you know that these  
8 rebels were of a particular age range?

9 A. [10:47:54] Well, when I said the -- some of the rebels were young, I mean that,  
10 yes, some of the rebels were young because, personally, at the point where they beat  
11 me and abandoned me with my wounds festered, one of the boys who had escaped,  
12 he was a soldier, two boys had escaped and, look, one of the boys was able to carry  
13 me but the other one was too young and could not carry me. Look at my size, I am  
14 small, but if a boy cannot carry me that boy is small. That boy was coming from  
15 Gulu, he was really young. And I came and also found him in Achol-Pii later on but  
16 he was taken back home. That meant that there were very many young soldiers, he  
17 wasn't the only young one but there were many young soldiers. One of them we  
18 moved together with he had also escaped, but he was too young to be able to carry  
19 me when my wounds had festered and I couldn't walk.

20 Q. [10:48:55] Now these young soldiers that you have described, did you know  
21 what rank they had?

22 A. [10:49:05] No, I don't know the ranks. Other than those in the unit with whom  
23 I had stayed I would not know because people were distributed in various units and  
24 every time we were positioning you would have to stay in your unit. I don't know  
25 whether they were calling them units or sections but people were divided into



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1 various units. But whenever we are moving we'd all move together. Therefore,  
2 I didn't know the ranks of the other people with whom I didn't live.

3 Q. [10:49:40] And these soldiers, still talking about the soldiers, what languages  
4 were they using to speak to you?

5 A. [10:49:53] The soldiers, well, the -- the rebels had a mix of the Lango, the Teso  
6 and the Acholi. That means that all those three languages were being used.

7 Q. [10:50:12] Did any of the soldiers speak to you in English?

8 A. [10:50:23] Well, when we left Pajule and entered the bush, the boys from -- the  
9 children from Teso were beating the people seriously and they would be speaking in  
10 English. If they spoke to you in English and because you weren't understanding  
11 they would beat you thinking you are just stubborn. They were beating people  
12 badly.

13 I remember personally I was given a bar of soap, one of them removed it and then I  
14 told the person who had given me the soap that the soap has been taken. The boy  
15 came and hit me with the butt of a gun and he was complaining why I reported about  
16 that. He was asking me whether I had a gun and I was able to get another soap from  
17 the centre. That soap was belonging to one of his fellow soldiers, and he would later  
18 on kill me if he had discovered that I had lost it. That was one of the Teso boys who  
19 didn't know Acholi, but only knew English.

20 Q. [10:51:24] When you said -- when you referred to these Teso boys or children,  
21 how old would the youngest one be?

22 A. [10:51:38] Well, the Teso children were also young. They had abducted young  
23 people. They were mixed with the people, there would be people of 10 and above  
24 years. None of them was big.

25 Q. [10:51:57] Then you have been talking over and over about the beatings. What

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1 were the soldiers using to beat you? Of course you've just told us specifically that  
2 this Teso soldier beat you with the butt of his gun but, previously, when you were  
3 talking about the beatings by the soldiers, what were they using to beat you?

4 A. [10:52:26] These soldiers would beat you with anything they felt like using,  
5 whatever they had in their hands, whether they had a stick or a gun, whatever they  
6 had, that means they were using anything they had in their hands the moment they  
7 wanted to beat you. Sometimes they would kick you if they wanted. They were  
8 using everything, sticks, the butt and then kicking. All those things were being used.

9 Q. [10:52:57] And how long would the beating last?

10 A. [10:53:07] They would beat people every time, every single time we were  
11 moving they would keep beating people. Sometimes they would beat you because  
12 they say you are not walking fast, at another moment why you let part of your  
13 luggage fall down. For flimsy reasons they would still beat you up. Sometimes  
14 when the commanders were passing, and the escorts were also moving them, as they  
15 are passing by they would kick you. You wouldn't even know they are passing by  
16 because you'd be burdened by your load. But these people would really do  
17 anything on you.

18 Q. [10:53:47] And how long throughout your stay in the bush did this beating and  
19 kicking, how long did it continue?

20 A. [10:54:05] The rebels would only stop beating you when you've left or  
21 abandoned them, when you are no longer with them and you are now on your own.  
22 But if you are still with them they will beat you every single time and they would  
23 torture you every now and then, until when you've left them. If, for instance, you've  
24 been lucky and you've escaped, that's when you can now be a little free.

25 Q. [10:54:30] You refer to the fact that they would torture you, how do you mean

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1 that they would torture you, Mr Witness?

2 A. [10:54:43] If I said there are different kinds of torture, I meant beating you with  
3 the gun, and then caning you, and, on top of that, you wouldn't have adequate food,  
4 they wouldn't allow you to have adequate food because you are a civilian. Even  
5 water. In a day you would have to just take less than half a litre of water. Even if  
6 you are passing by a water point, you wouldn't be allowed to drink water. That is  
7 part of the torture. As a human being, wouldn't you have to take water? Food, as  
8 a human being, you should be able to eat to be healthy, but you wouldn't be allowed  
9 to do that.

10 Q. [10:55:23] And where would Ongwen be when all this beating and torture was  
11 going on?

12 A. [10:55:34] Ongwen is together with his people. He doesn't live separately. He  
13 moved together with his people until the end, until the point when I escaped. There  
14 was not a single time when Ongwen had left the group and another person took  
15 command. He was moving with his group the entire period.

16 Q. [10:55:55] And what would happen if you refused to carry the goods that you  
17 were given?

18 A. [10:56:03] If you refused to carry the goods or if you through it down, you  
19 would have to be killed.

20 Q. [10:56:12] Did you see anybody killed because of this, Mr Witness?

21 A. [10:56:21] Well, they had already given the instruction to the people, they had  
22 informed them that if anybody threw down their luggage they would be killed. So  
23 in the group nobody threw their luggage. There was only one person who had  
24 refused to carry baggage from the centre as we were leaving and he was killed. I  
25 only came to learn of that when I came back home. He was called Apang. He was

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1 killed. Nobody had refused to carry the baggage except him. You had to do that so  
2 as to save your life.

3 Q. [10:56:59] And who told you about Apang's death?

4 A. [10:57:04] I learnt of Apang's death when I came to Achol-Pii barracks from my  
5 wife. Later on, when I came back home, his wife also told me, so many other people  
6 told me because Apang was also a colleague, yeah, he was also a business person and  
7 he was somebody I knew closely. We were selling within the same marketplace.

8 Q. [10:57:31] Did they tell you who had killed Apang or who was responsible for  
9 his death?

10 A. [10:57:41] The LRA soldiers who attacked Pajule on the 10th were the ones who  
11 shot him. There was no one else.

12 Q. [10:57:50] And where was he killed?

13 A. [10:57:54] He was killed in an area called Wang Kweyo. As you go down the  
14 slope to the area where we moved, as we were going to the bush, he was shot from  
15 there. Like, as I was told, for him, he was drunk at that time and he became kind of  
16 aggressive. And for the rebels, when you become aggressive, they wouldn't have  
17 a choice other than having to kill you. He had refused to carry luggage. I had told  
18 you that people were -- had celebrated Independence Day and he was still drunk.  
19 I was personally drunk, but the gunshots made me become sober again, so I had to do  
20 everything they wanted me to do.

21 Q. [10:58:40] And who was in charge of these LRA rebels that you said had shot  
22 Apang?

23 A. [10:58:48] There was no other group of soldiers other than that of Ongwen that  
24 came to Pajule on that day. There was only that one group. So all the crimes that  
25 could have been committed in Pajule on that day was done or carried out by

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1 Ongwen's soldiers. Whatever was done, there was no other LRA group that came in  
2 there.

3 MS ADEBOYEJO: [10:59:21] Your Honour, I see it's almost 11 and it's --

4 PRESIDING JUDGE SCHMITT: [10:59:24] Yeah, you see absolutely correctly. And  
5 we have a break until 11.30.

6 THE COURT USHER: [10:59:28] All rise.

7 (Recess taken at 10.59 a.m.)

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

9 THE COURT USHER: [11:31:59] All rise.

10 Please be seated.

11 PRESIDING JUDGE SCHMITT: [11:32:23] Mrs Adeboyejo, you still have the floor.

12 MS ADEBOYEJO: [11:32:26] Thank you, your Honour.

13 Q. [11:32:30] Mr Witness, before we took the break we were talking about the  
14 beatings that you had endured on your way to bush after you were abducted. Did  
15 Ongwen personally beat anyone? Did you see Ongwen personally beat anyone?

16 A. [11:33:03] I did not see Ongwen beating anybody, but his soldiers did. I do  
17 not know whether he is the one who instructed them to beat people, but no, he did  
18 not beat people, he instructed people to beat us.

19 Q. [11:33:19] Now, you told -- you spoke earlier about a place called Got Lela Mu.  
20 Do you recall that?

21 A. [11:33:33] Yes, I do recall.

22 Q. [11:33:40] And where was this place? This Got Lela Mu, where was it, what  
23 was it?

24 A. [11:33:47] From Pajule it's towards the east.

25 Q. [11:33:53] Now, what happened or what occurred when you went to Got Lela

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1 Mu?

2 A. [11:34:05] When we got to Got Lela Mu we found a number of people there,  
3 there were a number of soldiers there, several soldiers. We stayed there for a bit, we  
4 encamped there for a bit, they addressed us. Otti Vincent was also present. I also  
5 saw Raska Lukwiya. They addressed us, they gave us some rules to follow.  
6 Ongwen was also present. They told us that you should not drop the loads that you  
7 are given to carry, you should not escape because if you attempt to escape you will be  
8 killed. Everybody was instructed to listen and to obey. You were also supposed to  
9 follow instructions and walk quickly. That's what I saw.

10 Q. [11:34:57] And amongst these commanders you mentioned Otti Vincent and  
11 Raska Lukwiya. Who addressed you first?

12 A. [11:35:15] The -- Otti addressed us first.

13 Q. [11:35:19] Now, what were you supposed to do, as part of the rules what were  
14 you supposed to do if you heard helicopter gunships firing at you, for example,  
15 Mr Witness?

16 A. [11:35:37] You're not supposed to run and you're not supposed to carry the  
17 food that you're carrying or anything that you have in your hands.

18 Q. [11:35:47] Could you explain that again, Mr Witness. I'm not sure that we got  
19 it on the translation. What were you supposed to do if a gunship was firing at you?  
20 What was the rule that was given to you?

21 A. [11:36:04] We were told not to run and you're not supposed to carry the loads  
22 you are carrying in your hands or on your ahead. That's what we were told.

23 Q. [11:36:17] Where then are you supposed to carry the load?

24 A. [11:36:27] Whatever you are carrying on your ahead should stay on your head,  
25 if you had something on shoulder you should leave the stuff on your shoulder. So

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1 we had, the two of us had thing on our shoulders, we were not supposed to drop it.

2 If you had anything in your hands you are not supposed to drop it either.

3 Q. [11:36:48] And when you were addressed, what was the -- what did the  
4 commanders tell you concerning the rights of the civilians?

5 A. [11:37:16] The civilian abductees, we are told we did not have any rights. We  
6 had to follow the instructions, we did not have any rights or authority because we  
7 were prisoners.

8 Q. [11:37:29] Now, these persons you have --

9 PRESIDING JUDGE SCHMITT: [11:37:32] Who specifically said that, if you recall  
10 it?

11 THE WITNESS: [11:37:42] (Interpretation) When we were being addressed at Got  
12 Lela Mu the commander that I listed, Ongwen, Otti, Lukwiya, addressed us until we  
13 separated when we started walking.

14 MS ADEBOYEJO: [11:38:05]

15 Q. [11:38:06] Now, how did you know that it was Otti and how did you know it  
16 was Lukwiya?

17 A. [11:38:14] When we got to the place where we were encamped, there were  
18 some soldiers there. But he personally told us, he introduced himself as Otti and he  
19 told us that "I'm instructing -- I'm instructing you all, nobody should try to escape"  
20 other than the soldiers that were sitting next to us who were referring to him as  
21 Lapwony Otti. When you are in the bush the commanders are referred to as  
22 "lapwony" because they teach people.

23 Q. [11:38:53] Now, you told us that Ongwen also addressed you, what did  
24 Ongwen say?

25 A. [11:39:01] Ongwen said if anybody tries to escape, the person will be killed.

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1 If you drop any of the looted items, the looted items that are meant to help people,  
2 you will be killed. If you do not follow any of the regulations or any of their rules  
3 you will be -- you will be killed.

4 Q. [11:39:25] Now, did he address the abductees on what would be the next steps  
5 if they do not escape, what would they become?

6 A. [11:39:53] The abductees would be trained to become soldiers.

7 Q. [11:40:02] And how did you feel as you listened to these words?

8 A. [11:40:16] As a prisoner with no right there was nothing that I could do.  
9 Whether I felt bad about it, there was nothing I could do because I was -- I was  
10 abducted. So whatever it is that I was told to do, I would just follow instructions if  
11 they told me to do it.

12 Q. [11:40:37] What happened to these people then who were abducted? Did  
13 they become soldiers as you were told?

14 A. [11:40:50] Most of the people became soldiers, the ones that did not escape.  
15 Those who fled, there are some who fled who had already been -- who were also  
16 members of the LRA, for example, (Redacted)  
17 (Redacted) They abducted us on the same day. There are  
18 others who have not come back up to today.

19 Q. [11:41:19] And do you know how these persons, for example, you've  
20 mentioned (Redacted) do you know how they were selected to become soldiers?

21 A. [11:41:40] The LRA does not select people. When you are abducted, when  
22 you are in captivity, whether you are a young person or an older person you will be  
23 trained. They do not make any selections.

24 Q. [11:41:55] And how is the training carried out?

25 A. [11:42:09] They train people, the army training is trained at any time wherever



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1 people go, wherever people encamp, at any time. Any time that we are encamped  
2 people will train us. They do not stay in one position for a long time so people are  
3 always trained on the go. If, for example, the people who went to Sudan would  
4 probably be trained properly, but otherwise you are trained on the go.

5 Q. [11:42:40] And did you see these -- did you see persons being trained on the go,  
6 on the move as, as when you were in the bush, Mr Witness?

7 A. [11:43:02] Within the group there were people what were being trained, when  
8 we were in camp people were being trained and I personally saw this. They trained  
9 people every day. When we are walking people are being trained. They do not  
10 have time to waste. They do not have -- they will not let you stay as a civilian  
11 forever without any training.

12 Q. [11:43:24] Now let's come back to when the commanders addressed you.  
13 What happened to the group after these addresses by Otti, Ongwen and Lukwiya?

14 A. [11:43:44] They told us that we have to go, that we have to leave. Orders  
15 were issued for us to leave and go wherever it is that they wanted us to go and we  
16 started moving.

17 Q. [11:43:58] How did you start moving?

18 A. [11:44:09] We moved under Ongwen's do. The people who came, people  
19 who were in Ongwen's group we moved together. There were some people that we  
20 found there that stayed there. That's how we moved.

21 Q. [11:44:28] What happened Otti and Lukwiya, what happened to them?

22 A. [11:44:38] They separated and we moved in the group that we came with, Otti  
23 and Lukwiya left in separate directions. They left in separate directions.

24 Q. [11:44:51] So how many groups then left from that assembly point?

25 A. [11:45:06] When people left, we all left at the same time. There were three,

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1 three separate lines, so there were six lines, six lines that people were following and  
2 that's how we separated. Each group went its own way.

3 Q. [11:45:28] When we started, Mr Witness, I had asked you a question about  
4 how you knew that the person who was leading the group of rebels who abducted  
5 you was Ongwen, and you had responded that it was at the assembly point that you  
6 knew. Can you tell the Court how did Ongwen introduce himself to you, the  
7 abductees?

8 A. [11:46:10] Ongwen told us that nobody should drop their luggage, if you drop  
9 your luggage, it's the same instructions that he was giving us while we were at the  
10 centre and it was the same instructions or orders that he maintained. That's all he  
11 kept telling us. He kept on telling us do not drop your loads because it's difficult to  
12 come by these things. If you drop them, then you are in trouble.

13 Q. [11:46:42] So, Mr Witness, if I understand your testimony, Ongwen had  
14 spoken to you first at the centre in Pajule?

15 A. [11:46:56] Yes, while we were at the centre, Pajule centre he told us nobody  
16 should drop their luggage. That was the time that he was issuing instructions for the  
17 other soldiers, the five soldiers to attack. He said nobody should drop anything,  
18 nobody should run, just walk.

19 Q. [11:47:15] And what did the -- how did the soldiers at the Pajule centre, how  
20 did they address him? What did they call in him?

21 A. [11:47:30] They referred to him as Lapwony Odomi.

22 Q. [11:47:40] Now, coming back to when the groups, you said they left in six -- in  
23 different directions. Where were these six groups, where were they going?

24 A. [11:48:07] From the place where we encamped shortly, to my understanding  
25 we were told that the -- everybody was going towards Soroti. That was my

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1 understanding.

2 Q. [11:48:25] And how long did you stay in Got Lela Mu before you all started to  
3 leave to go towards Soroti?

4 A. [11:48:42] We stayed at Got Lela Mu for a very short time, perhaps one or two  
5 hours before we left. We did not stay there. We did not -- we were not stationed  
6 there. The helicopter gunships were still circling the skies because the place where  
7 we were is not far from Pajule centre, perhaps four miles from Pajule centre, so it  
8 wasn't very far. So we were only there for a very short time.

9 Q. [11:49:17] And you told us that the rebels who were under the command of  
10 Ongwen, you said they refer to him at Lapwony Odomi, how did you know that  
11 Odomi was also Ongwen?

12 A. [11:49:35] Odomi is Dominic Ongwen. That's -- they nicknamed him Odomi.  
13 But his full name is Dominic Ongwen and he's the same person as Odomi.

14 Q. [11:49:58] When did you know that Odomi was Dominic Ongwen?

15 A. [11:50:12] I knew him during the movement. That's when I learned most of  
16 the things I got to know. That was as we were moving, that's when I learnt  
17 everything.

18 Q. [11:50:28] And as you were moving, whose group were you in, Mr Witness?

19 A. [11:50:45] I was under Dominic's leadership. There was a group, I don't  
20 know they referred to it as a section, it was under (Redacted) Komakech. It was a  
21 small group. The groups had been separated into smaller groups. As a civilian I  
22 did not know what that group was known as.

23 Q. [11:51:13] How many of you were in this Ongwen's group heading towards  
24 Soroti?

25 A. [11:51:29] I could not count the numbers. There were also many civilians and

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1 I could not count the numbers. There were many people. It was very difficult to  
2 estimate. It was a whole group. I don't know whether it was -- whether it's  
3 referred to as a battalion. As I civilian I had no knowledge of that. But there were  
4 many people.

5 Q. [11:51:53] Where were the people abducted from Pajule, where were they?

6 A. [11:52:04] They were with Ongwen together with -- I was also in the same  
7 group.

8 Q. [11:52:10] And why were the Pajule abductees in Ongwen's group?

9 A. [11:52:25] I do not know why they were with Ongwen. I do not know  
10 whether it was because he went and abducted them. I do not know what the army  
11 rules were, but we all stayed with Ongwen because he's the one who abducted us. I  
12 suppose he had control over us. I do not know how the army works. I do not  
13 know how they apply their rules, but we were in his hands.

14 Q. [11:52:49] Thank you, Mr Witness. I quite understand. Now, you had  
15 mentioned earlier someone you referred to as Rwot Oywak. Whose group was Rwot  
16 in?

17 A. [11:53:09] We were abducted on the same day with Rwot Oywak from Pajule.  
18 It was Ongwen's group that abducted us. We left together, we stayed under the  
19 same group until he was released. We all stayed under the leadership of Ongwen.

20 Q. [11:53:27] Now, you told us Rwot was released. Why was he released?

21 A. [11:53:43] I do not know. I do not know the reasons why Rwot Oywak was  
22 released. I do not know the secrets behind his release, but it's the LRA who know  
23 him. He was their chief. He was everybody's chief. He was even the chief of  
24 people who were in the bush, so I assume to them they could not take their chief to  
25 the bush and mistreat him. They could not take a whole chief to the bush and

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1 mistreat him. I suppose that's why they released him.

2 Q. [11:54:17] Was he released alone, Mr Witness?

3 A. [11:54:27] Rwot Oywak was released with other people. There were some  
4 elderly women and men. They released them together. They were elderly, so they  
5 came back home with Rwot Oywak.

6 Q. [11:54:41] What about the younger people, the younger people, the children,  
7 were they released with Rwot?

8 A. [11:54:57] No, nobody, no child was released with Rwot Oywak. Some of the  
9 children tried to run after the people that were being released, but they brought them  
10 back. But none of the children, no child was released. Rwot Oywak went home  
11 with the elderly men and women. That's what I saw.

12 Q. [11:55:20] Let's talk about that for a while. How many people would you  
13 estimate were released with Rwot?

14 A. [11:55:36] I do not know how many, but there were a number of people, a  
15 number of elderly women and men that were released. They -- I suppose they  
16 thought they had already done their job carrying the luggage, they were released and  
17 sent home with Rwot Oywak. I did not count how many there were, but there were  
18 a number of elderly women and men. That's what I saw. But I do not know exactly  
19 how many there were. I did not count them.

20 Q. [11:56:09] Thank you, Witness. You said that there were children who were  
21 brought back, who had tried to join the group but they were brought back. Do you  
22 know who brought them back, Mr Witness?

23 A. [11:56:28] Soldiers. It's the soldiers were the ones who were releasing people.  
24 It was -- and it was the same soldiers that were running after the kids who were  
25 trying to run away and brought them back. It was soldiers. It was young soldiers.

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1 Q. [11:56:44] You said that these were children. How old would you say these  
2 children were who were brought back?

3 A. [11:57:01] The ages that I gave earlier, the ages that were written down earlier,  
4 those were the ages that are from 12, 13. Those were the kids, the kids that were  
5 brought back. We went with them.

6 Q. [11:57:18] And the ages of the young soldiers, would that be the same age that  
7 you had given us earlier?

8 A. [11:57:38] Yeah, it was -- it was the same. There was a mixture. The group  
9 was eclectic; you had young people, you had old people, older people. Yes, it was  
10 all mixed. The people that were abducted from Pajule were also included in that  
11 group. Even some of the soldiers, the young soldiers, had guns but the guns were  
12 dragging on the ground. That means that that person is small, is very young.

13 Q. [11:58:08] Now, Mr Witness, who made the decision to release these  
14 abductees?

15 A. [11:58:27] Ongwen was the one who instructed people to bring the abductees.  
16 I suppose they wanted to release Rwot without anybody having knowledge of that  
17 and perhaps Rwot refused, saying "If you send me back home without people then  
18 the government will disturb me." So I suppose they made a decision on that basis.  
19 They called people, we all gathered together and they made a selection, they picked  
20 out the elderly men and women.

21 Q. [11:59:03] Now let's talk about when you started to move after the selection  
22 had been done and Rwot had left. What were the orders that you were given?

23 A. [11:59:27] There was no other order other than the order to keep marching. I  
24 had luggage on my head, everybody had to keep on moving with whatever they had.  
25 We crossed the road from Pader going to Latanya and that's where we had spent the

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1 night.

2 MS ADEBOYEJO: [11:59:48] Your Honours, I would ask for one minute, just to  
3 confer with my friend.

4 (Counsel confers)

5 MS ADEBOYEJO: [12:00:32]

6 Q. [12:00:35] So, Mr Witness, I want to talk to you about where you had your rest.

7 Do you recall the description of the place where this rest was? After Rwot had left,  
8 your group under Ongwen, where -- do you remember the physical description of  
9 where you had your rest?

10 A. [12:01:12] Well, that was not a homestead, or there were some remains of  
11 houses that had already gotten burned, and that was in October and we slept in the  
12 bush. There was no homestead nearby. We only slept next to the road from Pader  
13 to Latanya.

14 Q. [12:01:36] Mr Witness, before we get to Latanya, do you recall that you were at  
15 a white mountain near Got Lela Mu? Do you recall a white -- a big white mountain  
16 near Got Lela Mu?

17 A. [12:01:59] Well, I talked about Lela Mu because I said I know the place. We  
18 actually stayed there.

19 Q. [12:02:08] Now, let's talk about how you then moved from there. What was  
20 the assignment you were given after you were moving from Got Lela Mu?

21 A. [12:02:36] Personally, as we were leaving in the centre, I was carrying food  
22 items to Got Lela Mu. From Got Lela Mu I was carrying an injured person. The  
23 person was shot on the leg. I don't know where he sustained the injury from but he  
24 was now recovering. We were given a stretcher to carry the person. We were  
25 carrying him on our neck. That is what I was doing from there. And the scars are

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1 still on my shoulder. I carried that person at that time.

2 Q. [12:03:17] Now, before we get to your transporting this injured person, when  
3 you were walking as a group, do you recall Ongwen walking past your group? And  
4 if you do, who were the people with him when he walked past your group?

5 A. [12:03:48] Ongwen would not walk past our group, he would be moving in his  
6 group. He would just -- he would pass by with his escorts but his escorts were very  
7 harsh, they would keep beating people. Sometimes he would move and would be in  
8 front, other moments would be behind, that was how he was moving, he would be  
9 moving his escorts.

10 Q. [12:04:17] And how many were these escorts, Mr Witness, if you know?

11 A. [12:04:22] Well, we could not count the number of the escorts. I didn't count  
12 and I cannot estimate the number.

13 Q. [12:04:31] How old would be the youngest among these escorts, Mr Witness?

14 A. [12:04:41] From 12, 13 upwards. All these categories of people were there,  
15 there were others who were older who would take -- who was commanding them.

16 Q. [12:04:53] Thank you, Mr Witness. Now, you described -- you just told us  
17 about the assignment you were given to bear somebody on -- an injured soldier on a  
18 stretcher and you were asked to carry him on your shoulder. How big would you  
19 say this person was? How heavy? Just so the Judges can understand the kind of  
20 weight you were carrying.

21 A. [12:05:37] The person we carried was a big man. We were two who carried  
22 him and the person who was moving in front had two sticks and then the person who  
23 was behind was also having two sticks carrying around the shoulders. The person  
24 was really big. I cannot estimate the weight but I can say he was a very big person.  
25 I cannot estimate his weight, but he was a very big person. He was not a young



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1 person. He was already a soldier at that time. I don't know where he sustained the  
2 injury from and he was actually recovering, we found, when he was already being  
3 transported in that manner.

4 Q. [12:06:29] And did you know who the other person was who joined you in  
5 carrying this person with the stretcher?

6 A. [12:06:41] The person with whom we carried that soldier, well, I don't know  
7 him. Because the person we were carrying was -- in that group I was not the only  
8 one carrying him. Whenever we would get tired they would get two other people to  
9 go and carry that person. So I don't know the names of the people with whom we  
10 were carrying the injured soldier.

11 Q. [12:07:14] While you were carrying this soldier, was it possible for you to stop  
12 to take a rest?

13 A. [12:07:32] To be able to rest that would only happen when we are preparing  
14 meals, but you could not stop without any other reason. On your own you wouldn't  
15 stop.

16 Q. [12:07:43] Why not?

17 A. [12:07:49] What authority do you have to make a stop and who will have  
18 requested for the permission to do that from? Because the rest of the people are  
19 walking and, for you, you are taking -- making a stop. What are your intentions?  
20 You don't have any rights.

21 Q. [12:08:08] What if you were tired, Mr Witness, what would happen?

22 A. [12:08:13] If you are tired I said we were -- we were carrying in turns. If you  
23 are tired you would allow other people to come and take over in that manner. There  
24 was nowhere you could sit down to rest. You would only rest as you continue  
25 walking. If you hand over the task to another person, you also carry the luggage

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1 that the other person who replaced you was carrying and that was how it was done.

2 Q. [12:08:48] You told us that you stopped at a particular place to take a rest.

3 What was the feeding arrangements when you stopped, Mr Witness?

4 A. [12:09:13] Well, we didn't just stop. You would only eat at the point where  
5 you have made a stop and you've prepared the meals. You wouldn't just stand, you  
6 would be sitting and then eating. It they decide that we are going to cook from here  
7 we would all sit, cook, eat, then you takeoff.

8 Q. [12:09:35] When would the abductees be fed?

9 A. [12:09:46] The soldiers would be the first persons to eat, thereafter the other  
10 people would now receive small rations to partake of.

11 Q. [12:09:59] Mr Witness, what were the sleeping arrangements also? What kind  
12 of shelter were you given?

13 A. [12:10:13] In the bush there are no houses. You would have to stamp the long  
14 grasses and then make them in form of a bed. You would lie on the grasses. In  
15 instances where you have some tarpaulins in your unit, yeah, that's what you can use,  
16 or if there are some bedsheets, yes, you could use, but if they are not there, that  
17 wouldn't be a problem. That was how we would sleep. You would all sleep  
18 together as abductees. And the soldiers would be ringed around the group, you  
19 would be in the middle.

20 Q. [12:11:01] And how would you sleep, Mr Witness? Would you be free to  
21 move?

22 A. [12:11:15] You do not have any rights to relocate or to move anywhere else. If  
23 you are already in the middle, you don't have any rights to move anywhere. Unless  
24 you want to request to go to ease yourself, that is what -- you would even be escorted  
25 to go. If you want to go to urinate, or something like that, you would be escorted by

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1 a soldier to go out and then you would be brought back to the rest of the people.

2 Q. [12:11:45] Thank you, Mr Witness. I will now ask you if you have heard of a  
3 place called Atut?

4 A. [12:12:01] We stayed in Atut.

5 Q. [12:12:04] How long did you stay in Atut?

6 A. [12:12:09] We stayed in Atut for two days.

7 Q. [12:12:14] How did you know that this place was called Atut?

8 A. [12:12:27] The soldiers with whom we were living would also tell us stories,  
9 they would also tell us the places where we were. So they were able to tell us that  
10 we were in Atut. That's how we came to know. Because the water we were  
11 drinking was from a water body called Atut. We would draw water from there to  
12 use for cooking and for drinking.

13 Q. [12:12:50] And where was Ongwen when you were in Atut?

14 A. [12:12:58] Ongwen was also in Atut with his group.

15 Q. [12:13:04] When you say he was with his group, how do you mean? Were  
16 you separated from him, Mr Witness?

17 A. [12:13:15] Ongwen had his group, which group I was also in. We were in  
18 Atut.

19 Q. [12:13:23] Now let's talk about what you were doing. What was the group  
20 doing while you were in Atut?

21 A. [12:13:38] When we were in Atut, for us, the abductees, we weren't doing  
22 anything. We stayed near to the injured soldiers because they said any time if there  
23 comes an attack we would be ready to take, to carry him and takeoff, so we were  
24 staying next to the injured soldier.

25 Q. [12:14:02] What were the soldiers doing?

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1 A. [12:14:05] The rest of the soldiers, well, they were selecting some soldiers to go  
2 for operations in other centres, but I don't know which centres. But they would be  
3 sent to some centres to go and loot food items. Some of the food items came up  
4 to -- were brought up to our group and we also had to pick. People were identified  
5 from all the groups to go for these operations. Some of the soldiers would remain  
6 together with the rest of us.

7 Q. [12:14:40] Do you know who selected these soldiers to go for these operations?

8 A. [12:14:55] The mandate to select the soldiers in the group we were in was with  
9 Ongwen. All the orders came from Ongwen. He was the one in charge and he was  
10 the one who drew the programmes and plans for all the operations.

11 Q. [12:15:12] Did you see these soldiers go for these operations, Mr Witness?

12 A. [12:15:22] Some of them were selected from the group that I was in. They  
13 went and even came back.

14 Q. [12:15:32] While you were in Atut, I still -- I want to come back to that point,  
15 were you at any time tied, Mr Witness? You had told us that when you were  
16 abducted you were tied with ropes like that they used for cattle. Were you at any  
17 time tied in Atut?

18 A. [12:15:56] When I was initially abducted I was bound. When we were  
19 leaving Pajule I was bound and we were dragging. But when we reached some hilly  
20 place I was released because I had luggage to carry. But in Atut in the night we were  
21 bound with our hands behind our backs in the night. And it was not easy. We  
22 spent the night in that way. And the rest of the soldiers were telling us that if we  
23 were complaining they would remove the ropes from our hands and then they will tie  
24 around our testicles, so we had to keep quiet until the next morning when the ropes  
25 were removed. What was what happened in Atut.

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1 Q. [12:16:47] And why did you then -- why did you leave from Atut, Mr Witness?

2 Your group, why did they leave from Atut?

3 A. [12:17:01] The government soldiers were pursuing us, therefore they started

4 bombing our place and we had to immediately abandon Atut, all of us had to leave.

5 The government soldiers had attacked us.

6 Q. [12:17:23] And when you left, where did you head off to, Mr Witness?

7 A. [12:17:38] We were heading eastwards. Like I said earlier, they said we were

8 going towards Soroti so we were heading towards Soroti. We went, and I think that

9 was at around 3 and we went and slept in a bush. We crossed a Swampy area and

10 then we went and slept in a swamp. We slept at around 8 or 9 in the evening.

11 Q. [12:18:14] Now, Mr Witness, let me focus on the injuries you sustained while

12 you were in the bush. I just want you to tell me which parts of your body. You

13 referred to earlier the fact that on your shoulders you still bore the scars. Tell us

14 which parts of your body did you sustain injuries.

15 A. [12:18:45] My first injury was on my shoulders, these were marks of the

16 stretcher. These -- we were using very rough sticks to carry the person and every

17 time you are removing the stretcher it would cause bruises at that point. The second

18 injury was on my sole. I was carrying somebody and I couldn't see where I was

19 walking. I stepped on a stump and it hurt me badly. That stump remained in my

20 foot until when I came back home. The next, I was -- the next kind of injury was

21 when I had already failed to walk, I could no longer walk and I was beaten on the

22 chest, on the leg and everywhere else and there are so many scars. Even up to now I

23 have the marks on my legs, on both legs. Even on my toes, I hit my toes and

24 removed the nails. I wasn't able to see where I was walking, I was carrying a very

25 heavy person, so in the process I hit my toe. I think these are the kind of injuries that

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1 I sustained.

2 Q. [12:20:08] And when you sustained the injury on your foot, Mr Witness, were  
3 you still carrying the injured soldier?

4 A. [12:20:25] When I stepped on a stump I was carrying that soldier. Even the  
5 injuries on my shoulders, yes, I was carrying that person.

6 But for the beatings, that was later on when I had already failed to walk, I could no  
7 longer walk and I was just beaten with the intention to be killed. That was the last  
8 injury I sustained.

9 Q. [12:20:51] Why could you not stop walking even though you were injured?

10 A. Could you please repeat that question.

11 Q. [12:21:06] I said why could you not stop walking even though you were  
12 injured on your foot?

13 A. [12:21:15] I did not have the authority to stop walking on my own. I could  
14 not have even thought of doing that on my own.

15 Q. [12:21:26] How well were you able to walk after you sustained the injury on  
16 your foot?

17 A. [12:21:38] I would walk with a limp, and the sole of my foot could not step on  
18 the ground. I could try to tell them, but they would disregard what I was telling  
19 them. I could no longer walk well. I was walking with a limp. But they would  
20 say I was just stubborn and I should be killed.

21 Q. [12:22:09] So as a result of you not walking well, what did the soldiers do to  
22 you?

23 A. [12:22:24] When I failed to continue walking, I told them I could no longer  
24 continue with you because I don't have the capacity to walk. If you want to do  
25 anything, please do it from here.

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1 They were thinking that they should take me across the river and kill me from there,  
2 but I told them it doesn't matter where I die from, even if I die from here, it's still the  
3 same. I cannot continue walking from here. You can just finish me off from here.

4 And they started doing what they wanted to do.

5 One of the commanders started beating me, but then later on said I should be dragged  
6 next to a -- under a tree and I should be killed from there. That was exactly what  
7 they did. They took me there and beat me. That was when I sustained the last kind  
8 of injuries. I was left there without energy.

9 Q. [12:23:23] Now, Mr Witness, you said that they started to beat you because  
10 you said you could not continue anymore. Do you know who had ordered that you  
11 be beaten?

12 A. [12:23:45] The instruction for me to be beaten, because I had already failed to  
13 walk, was given by the person who was heading our unit was called Komakech. He  
14 said I should be killed because I'm wasting their time. The government soldiers  
15 were pursuing them, so they shouldn't waste time. "Take him and go and hurriedly  
16 kill him. Then you come back and carry the luggage he was carrying." That was all  
17 he instructed.

18 Q. [12:24:10] At the time that you were not walking well, you were limping, how  
19 well were you feeling, Mr Witness?

20 A. [12:24:27] You cannot eat well in the bush, you have very little to eat, and you  
21 wouldn't eat healthy food. That wouldn't really give you the health and energy to  
22 stay in the bush.

23 Q. [12:24:45] Mr Witness, I --

24 Your Honours, I would like to refresh the memory of the witness on a particular  
25 point.

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1 PRESIDING JUDGE SCHMITT: [12:25:01] Please do that.

2 MS ADEBOYEJO: [12:25:03] It's paragraph 67, your Honour. And the ERN is  
3 0238-0782.

4 PRESIDING JUDGE SCHMITT: [12:25:16] Tab 8.

5 MS ADEBOYEJO: [12:25:18] Yes. UGA-OTP-0238-0771 is the starting ERN. But  
6 in particular I'm at paragraph 67, 0782. That's the ERN number. I will read the  
7 particular portion, your Honour. May I proceed?

8 PRESIDING JUDGE SCHMITT: [12:25:48] Yes. And when it comes to a name,  
9 perhaps before this one you stop and ask him: Now that I have read this, does again  
10 a name come to your mind? And if not you can, if he says he does not remember,  
11 you can read the name then. You see, try first without reading out the name,  
12 I would just suggest that.

13 MS ADEBOYEJO: [12:26:10] I would read the entire paragraph, your Honour, or  
14 just the portion?

15 PRESIDING JUDGE SCHMITT: [12:26:14] Yes. That is my suggestion, you would  
16 stop after quickly.

17 MS ADEBOYEJO: [12:26:18] Yes, exactly.

18 PRESIDING JUDGE SCHMITT: [12:26:20] And then -- yes, exactly.

19 MS ADEBOYEJO: [12:26:21] Yes.

20 Q. [12:26:22] So I will read a portion from your witness statement, Mr Witness.  
21 "From that day when I injured my foot I was in pain every day, I was beaten and  
22 flogged as punishment, because they said I was not fulfilling my duties. My duties  
23 were to carry the heavy load and walk quickly."

24 Now, Mr Witness, do you recall that you had said this?

25 A. [12:27:13] Yes, I do remember I said that.



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1 Q. [12:27:19] Now, my question to you is who had then ordered that you be  
2 beaten because you were not fulfilling your duties?

3 A. [12:27:37] For instructions in the military, it comes from above and trickles  
4 down to the lowest level. The soldiers would operate in that manner. The orders  
5 would come from above, and that means the first instruction originates from Ongwen  
6 and then trickles down to the lower ranking commanders.

7 Q. [12:27:57] Now, did you hear Ongwen give the order that abductees be beaten  
8 if they are not carrying out their duties properly?

9 A. [12:28:14] Well, the statements he would make would be things like if anybody  
10 threw away their luggage or did this or that, the person would either be killed or  
11 would be beaten. He said this several times openly. So each of the soldiers were  
12 supposed to carry out that.

13 Q. [12:28:36] Now, Mr Witness, you told us in your instance that you were beaten,  
14 you were flogged. Do you know what was used to flog you?

15 A. [12:28:57] I was hit using a gun butt. I was also flogged using sticks. Those  
16 were the two items that were used.

17 Q. [12:29:07] And who were the people carrying out these orders to beat and flog  
18 you?

19 A. [12:29:15] Ongwen's soldiers were the ones with whom I stayed. All these  
20 things were done by them on me.

21 Q. [12:29:28] Now, Mr Witness, do you recall meeting with the investigators of  
22 the ICC and them taking photographs of parts of your body?

23 A. [12:29:52] Yes, I do recall. I do recall that very clearly. All the points of  
24 injury were photographed, but I think I tried to see the video, and some of the marks  
25 were not very clear, like the one on my foot, so it was not very clear. Some of the

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1 marks were not very clear.

2 Q. [12:30:20] All right. We'll give it a try, Mr Witness, and see if you recognize  
3 these photographs.

4 A. [12:30:30] No problem.

5 MS ADEBOYEJO: [12:30:32] Your Honours, I would request that the witness be  
6 shown tab 5.

7 PRESIDING JUDGE SCHMITT: [12:30:40] And the madam beside you helps you  
8 with this one. We're first looking now at tab 5, not to be displayed, of course, not to  
9 be displayed.

10 MS ADEBOYEJO: [12:30:54] Yes, indeed. I'm grateful to your Honour.

11 PRESIDING JUDGE SCHMITT: [12:31:02] Perhaps, Mr Witness, just have a look at  
12 it to the lady to the right or perhaps it's also on the screen that is as good.

13 MS ADEBOYEJO: [12:31:12] Yes, can you show it to him. Come closer to him,  
14 madam.

15 Your Honour, the ERN is 0238-0806.

16 Q. [12:31:32] Mr Witness, can you recognize this photograph?

17 A. [12:31:38] That's the scar that the tree stump injured my foot. I stepped on a  
18 tree stump, it injured my foot and it healed while I was in Kitgum hospital. When I  
19 came back, some pieces of the tree trunk that were left in came out after I had been  
20 discharged from the hospital, from the government hospital.

21 MS ADEBOYEJO: [12:32:07] Can the witness also be shown tab 7 -- sorry, tab 6 and  
22 then tab 7. The ERN for tab 6 is 0238-0814.

23 Q. [12:32:42] Mr Witness, can you see this photograph?

24 A. [12:32:47] Yes, I can.

25 Q. [12:32:48] What does it depict?

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1 A. [12:32:55] It's an injury. It's an injury I sustained on my shin. That's when I  
2 stopped walking. The one in the -- on the soles of my feet are from a tree stump.  
3 This is a beating that I sustained on my shin.

4 MS ADEBOYEJO: [12:33:17] Can the witness be shown tab 7, your Honour.  
5 UGA-OTP-0238-0817.

6 THE WITNESS: [12:33:41] (Interpretation) Yes, I was beaten as well. That's  
7 scarring from a beating.

8 MS ADEBOYEJO: [12:33:47]

9 Q. [12:33:47] And who were the persons who beat you that caused this scarrings  
10 that you sustained, Mr Witness?

11 A. [12:33:58] It was the soldiers under Ongwen's leadership. They are the ones  
12 who beat me.

13 MS ADEBOYEJO: [12:34:08] Can the witness also be shown tab 3, 0238-0804.

14 Q. [12:34:35] Mr Witness, do you recognize this photograph?

15 A. [12:34:42] Yes, I do.

16 Q. [12:34:45] And what is it a photo of?

17 A. [12:34:53] It's a photo of my shoulder, and it's from, the scars from carrying the  
18 stretchers on my shoulder. I can see one, but not the other. There are two on both,  
19 both shoulders have scarrings. But the screen only shows one.

20 Q. [12:35:16] Indeed, Mr Witness, you are correct.

21 Can the witness be shown 0238-0805, and that will be tab 4. 0238-0805, tab 4.

22 Now, what is that, Mr Witness? Is that what you are referring to?

23 A. [12:35:45] Yes, that's the other side that I was talking about because I was -- I  
24 have scars on both shoulders.

25 MS ADEBOYEJO: [12:35:56] Mr President, I thought you wanted to ask a question,

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1 your Honour.

2 PRESIDING JUDGE SCHMITT: [12:36:00] Yes. Perhaps you would have asked it  
3 anyway, but since you asked me so nicely.

4 Mr Witness, do you recall when these photographs -- roughly when these  
5 photographs were taken?

6 THE WITNESS: [12:36:18]) (Interpretation) I do not recall the exact date. They  
7 did not leave me with any records pertaining to this investigation, so I do not have  
8 any record of that. They came with all -- they left with all the records, so I do not  
9 know the date. But it is people from this organisation that went and conducted the  
10 investigations and took my statement. They did not leave any copies to remind me  
11 of the dates.

12 PRESIDING JUDGE SCHMITT: [12:36:49] Was it at the same time when you gave  
13 your statement to the investigators?

14 THE WITNESS: [12:37:02]) (Interpretation) Yes, it was on the same date that I gave  
15 my statement. They did not take my statement on only one occasion, it was done on  
16 a number of occasions, but this was done on the same day. But there were other  
17 things, other statements and they -- other questions that they asked.

18 PRESIDING JUDGE SCHMITT: [12:37:24] Mrs Adeboyejo.

19 MS ADEBOYEJO: [12:37:26] Thank you, your Honour, I'm grateful.

20 Q. [12:37:29] Now, Mr Witness, you told us earlier that there was an order for you  
21 to be killed because you had slowed down because of your -- the lack of food, you  
22 were tired, the injury on your foot. Can you tell this Court when that order was  
23 given, how did they try to execute the order?

24 A. [12:37:59] The orders were given while we were in the bush. I do not recall  
25 when. You're on the move, you do not know what the date is, you do not know

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1 what date is when you are in the bush, you just keep on walking. Night-time you  
2 sleep, in the morning you wake up and keep on going. So we did not recall dates or  
3 times, but I was told that I would be killed because I was disturbing people, I wasn't  
4 walking fast enough.

5 Q. [12:38:39] And who tried to carry out this order for you to be killed?

6 A. [12:38:53] As I stated earlier, I -- the orders come from above and they trickle  
7 down. The soldiers, the ones that I was with, the foot soldiers were the one who said  
8 I was a nuisance and I wasn't walking fast enough so I will be killed at any time. So  
9 the orders come from above and then the junior soldiers implement it. That's how it  
10 happens.

11 Q. [12:39:23] And who was the junior soldier, what was his name that tried to  
12 implement this?

13 A. [12:39:40] The boy who said that I'm going to be killed, the one who was  
14 persistently saying, that was called (Redacted) While we were at Pajule he had also  
15 been -- he had sustained an injury on his arm.

16 Q. [12:39:58] Now, you mentioned another name, Komakech. Who was he?

17 A. [12:40:10] Komakech was also a soldier in the same group but he was older  
18 than (Redacted).

19 Q. [12:40:18] And in this group, this subgroup or unit of Komakech, about how  
20 many people were under him?

21 A. [12:40:38] The -- it -- well, in a unit, perhaps 11 people, but there were also  
22 abductees, abductees like myself. There were also other people.

23 Q. [12:40:51] Now, let's talk about how (Redacted) tried to carry out this order.  
24 What did he do?

25 A. [12:41:08] (Redacted) went and broke some sticks, gave me some sticks to hold in

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1 my hand for the whole day, so it wasn't easy. I was beaten for the -- for one whole  
2 day to be killed. I was beaten, he tried to kill me, he threw me on the ground, I wet  
3 myself and they stopped him. And he let me get up. The luggage that I was  
4 carrying -- and I was given maize to carry because I did not have any strength left.

5 Q. [12:41:55] So just for the Court to understand, Mr Witness, you said that  
6 (Redacted) had beaten you so severely that you had -- you had wet yourself and then  
7 you had to throw the luggage down; is that correct, Mr Witness?

8 A. [12:42:23] When I wasn't walking properly, he took me out of the -- the line, he  
9 started beating me. As he was beating me one of the commanders said, "Take him  
10 out, give him something else to carry. Don't let him carry the person anymore  
11 because he does not have any strength left." The commander was very stern. He  
12 stopped him -- he was very stern. If he hadn't done that then I would have been  
13 killed. At that time I was given maize to carry instead of carrying the stretcher.

14 Q. [12:43:03] How big was the stick that he was using -- (Redacted) was using on  
15 you?

16 A. [12:43:10] It was a big stick. It's as big as my arm. I also held the stick, I  
17 carried it the whole day. He told me that at any point he would take it out of my  
18 hand and use it to kill me.

19 Q. [12:43:32] And who was this commander that you said was very stern that  
20 stopped him from killing you?

21 A. [12:43:42] I -- I suppose it was Komakech. I was beaten, I had wet myself,  
22 my -- they had hit me at the back of my head. I did not have clear visibility. I did  
23 not have any strength, I had already wet myself. I lost awareness. I wasn't  
24 conscious anymore. I did not know what was going on. I wasn't aware of what  
25 was going on.

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WITNESS: UGA-OTP-P-0249

1 Q. [12:44:20] I'm sorry if this account is difficult for you, Mr Witness. We will  
2 soon be over with this. After this incident when you now started carrying the maize,  
3 where did you move to as a group, Mr Witness?

4 A. [12:44:53] We -- we -- we were going to cross the road. We were going to  
5 cross the road from Kalongo to Adilang. We were heading towards Lango  
6 subregion.

7 Q. [12:45:16] Have you heard of a place, Mr Witness, called Omot?

8 A. [12:45:25] Once you -- Omot is in that direction. Once you cross the road you  
9 head towards Omot. I'm the one who mentioned Omot, so I know about that place.

10 Q. [12:45:40] Mr Witness, do you want to take some water? Are you all right?

11 A. [12:45:50] Let's continue. Let's continue until we get to some point where we  
12 can have a break. Let's continue.

13 Q. [12:45:59] Thank you.

14 Now, how long were you in Omot, Mr Witness?

15 A. [12:46:12] We were in Omot for two days, if I can recall.

16 Q. [12:46:19] What was your group doing when you were in Omot?

17 A. [12:46:33] The abductees were together with the soldiers. There were some  
18 soldiers who were being sent on mission while others stayed behind with the  
19 abductees. They were sent to look for food. So they would be given tasks to  
20 perform. The rest of us stayed behind.

21 Q. [12:46:54] Who gave these soldiers the missions to go and carry out?

22 A. [12:47:11] The overall commander was the one who would issue these  
23 instructions. Nobody else would issue these instructions.

24 Q. [12:47:21] Did you hear Ongwen give these instructions?

25 A. [12:47:34] I know that the person who issued instructions from our group was

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WITNESS: UGA-OTP-P-0249

1 Ongwen. There were some people who would be picked up from that group. For  
2 example, when Lapwony Komakech went for meetings, he would come back to the  
3 group and pick people from the group. So the person who issued the orders was the  
4 superior commander. In the army there is nobody else who issues orders other than  
5 the superior commander.

6 Q. [12:48:07] And, Mr Witness, do you know where they went to conduct these  
7 missions?

8 A. [12:48:20] They went to the centre, close to where we were. They went to  
9 Patongo, they went to Adilang and they went to Kalongo, because we were within  
10 that area, we had already crossed the road, we were on the other side, but it was still  
11 possible to go to these locations.

12 Q. [12:48:41] And what was the outcome of these missions that they -- that they  
13 went to carry out?

14 A. [12:48:54] They brought -- they brought things, for example, food that would  
15 help sustain people. Some of those things were distributed and came to us. I was  
16 also given some things, for example, anchovies. I had never eaten anchovies from  
17 home but I was given anchovies on that occasion and I had to eat them because I was  
18 extremely hungry.

19 Q. [12:49:21] And who was in charge of distributing the food items?

20 A. [12:49:33] When we gathered together, those of us who have no ranks do not  
21 know who does that because they would just bring the food and present it to us.  
22 That is something that they organise. We do not know how they do it.

23 Q. [12:49:54] When you say "they organise," who are the "they" you are referring  
24 to there, Mr Witness?

25 A. [12:50:02] I said the way that they organise the distribution of things and



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1 where they distribute the things is not done in our presence. They bring the things  
2 after they have distributed them and when the people who were within our group  
3 who had also gone on the mission come back. That's what I saw.

4 Q. [12:50:24] Now, apart from going for these missions, these raids, Mr Witness,  
5 what else was the group required -- what else were they doing whilst they were in  
6 Omot?

7 A. [12:50:47] When they came back from their missions, after two days we  
8 continued walking. There was nothing else other than continue with the movement.

9 MS ADEBOYEJO: [12:50:59] Your Honour, I would seek to refresh the witness's  
10 memory on this point.

11 The ERN number, your Honour, is UGA-OTP-0238-0771, and in particular I'm  
12 looking at 0238-0784. I will be reading from paragraph 84, 84.

13 "While we were in Omot we were waiting for another group that had been sent to  
14 conduct ambushes on Pader road leading to Pajule. They were Ongwen's group and  
15 were sent to prevent government army reinforcements coming from Pader town."

16 Q. [12:52:07] What do you say to this, Mr Witness?

17 A. [12:52:14] There were some soldiers who were left behind. They are the ones  
18 who ambushed along Pader road to stop people from come -- soldiers, reinforcements  
19 from coming to Pajule. The soldiers did not actually come to that place. On the day  
20 that I kept on walking with those people, that was when the soldiers came, because  
21 we hid at the roadside, and that was the day that the soldiers went. But on that  
22 particular day they did not come.

23 Q. [12:52:50] How did you get to learn about this ambushment?

24 A. [12:53:02] I said, I stated earlier that sometimes we find out about these things  
25 when we are encamped, because people talk, people don't just keep quiet. When

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1 you see -- you see them selecting soldiers, but sometimes we learn about whatever  
2 happened from where we are.

3 Q. [12:53:23] And what exactly were they trying to ambush? Do you know what  
4 it was?

5 A. [12:53:39] We do not know why they set up the ambush, but I suppose it's  
6 to stop soldiers from coming to where we are.

7 PRESIDING JUDGE SCHMITT: [12:53:51] Mr Witness, but to make it clear, you  
8 have not seen it with your own eyes this ambush?

9 THE WITNESS: [12:54:03] (Interpretation) No, I did not see the ambush  
10 personally. I was not an eyewitness to that, but I heard about it from where we were.

11 I also heard about it when I got back home, when we were told that there was an  
12 ambush on Pader road. So I learnt about it, one, while I was in the bush during a  
13 conversation and then when we went back home. That's what I can tell the Court.

14 PRESIDING JUDGE SCHMITT: [12:54:32] I think, Ms Adeboyejo, that would be  
15 enough for this point.

16 MS ADEBOYEJO: [12:54:35] Indeed, your Honour. I'm grateful.

17 Q. [12:54:42] Mr Witness, after you left Omot, where did you -- where did your  
18 group proceed to?

19 A. [12:54:56] After we left Omot, we crossed -- we headed towards Agago, Agago  
20 river. We crossed Agago river into Lango region. That's what we did after we left  
21 Omot.

22 Q. [12:55:20] And why did your group have to cross the Agago river to go  
23 towards Lango?

24 A. [12:55:34] That depends on their programme, it's depends the direction that  
25 they are going. If they want to cross a river, then, yeah, we cross the river. If they

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1 have to cross the river, we cross it. They don't bypass it. So that was their  
2 programme at the time.

3 Q. [12:55:54] Did you --

4 A. [12:55:55] I said the intention was to go all the way to Teso. So the plan was  
5 to cross into Lango region and then head towards Teso.

6 Q. [12:56:08] Did you cross with the group, Mr Witness?

7 A. [12:56:17] I refused, I refused to cross the river. My legs were painful. They  
8 already had plans to kill me, so -- and I could not -- my legs could not carry me  
9 anymore. So I decided that whatever happens would happen, so I refused to cross  
10 the river. I separated from the group on this side of the river before they crossed.

11 Q. [12:56:44] And we didn't get the translation of the last bit.

12 A. [12:56:49] It was I crossed over. I left the group.

13 Q. [12:56:52] Now, what was the reaction when you refused to cross with the  
14 group?

15 A. [12:57:06] The -- when I refused to cross, that's when they beat me, and those  
16 are the scars that I showed you earlier on my shin, because when they -- I refused to  
17 cross, they wanted to kill me because I could no longer move. They kill people on  
18 grounds that the person -- they kill people if somebody is left behind, if somebody is  
19 unable to move on grounds that if the soldiers find that person, government soldiers  
20 find that person, the person would tell -- would inform on them, so the plan was to  
21 kill me. They took me and they intended to kill me. They took me where they  
22 wanted to kill me and they hit me. They hit me till I was unconscious. But by  
23 God's grace, my life was saved.

24 Q. [12:57:56] Mr Witness, where was Ongwen when this beating was going on?

25 A. [12:58:09] Ongwen had already crossed river. He was on the other side.

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1 I was unable to walk. My legs could no longer carry me. I was left behind. Most  
2 of the people had crossed over on the other side of the river.

3 MS ADEBOYEJO: [12:58:29] Your Honours, I would seek permission to refresh the  
4 witness on just this point and then we would close for lunch, I guess.

5 PRESIDING JUDGE SCHMITT: [12:58:38] Yes, okay.

6 MS ADEBOYEJO: [12:58:39] It's just one point. And again, your Honour, it's the  
7 ERN is UGA-OTP-0238-0771, and I'm reading in particular from 0238-0786, I'm  
8 reading from paragraph 98.

9 Q. [12:59:03] "So they abandoned me there and they continued walking so they  
10 could follow the other group that had crossed the river. This was the last time I saw  
11 Ongwen, he came over to say we should start walking whilst I was being beaten. All  
12 of this happened over the course of two weeks from when I was abducted. I'm not  
13 sure it is definitely two weeks, it was just my rough guess. When you are over there,  
14 it is difficult to count things like that."

15 Mr Witness, so my question to you was where was Ongwen when you were being  
16 beaten?

17 A. [12:59:54] I said Ongwen had crossed the river, because people had already  
18 been told to cross the river because we were being pursued by soldiers. I was no  
19 longer walking. I had stopped walking. People were walking past me. But he  
20 had already crossed river with some people.

21 I was waiting for my death because I could no longer walk and they had already  
22 started the process of killing me. I do not know what happened across the river,  
23 because I was not, I was not among that group.

24 PRESIDING JUDGE SCHMITT: [13:00:25] I think we have to take it, this answer as  
25 it is. This is the reason why we entertain these procedures of refreshment.

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1 MS ADEBOYEJO: [13:00:35] Indeed, your Honour.

2 PRESIDING JUDGE SCHMITT: Yes.

3 MS ADEBOYEJO: And I think this is good place to stop.

4 PRESIDING JUDGE SCHMITT: [13:00:38] Yes. And I would also assume from  
5 how your questioning unfolded that you will relatively soon finish, I would just  
6 assume; is this correct?

7 MS ADEBOYEJO: [13:00:47] That is correct, your Honour.

8 PRESIDING JUDGE SCHMITT: [13:00:50] And, Mrs Massidda, do you have an  
9 estimate how long you will want to question the witness?

10 MS MASSIDDA: [13:00:55] Your Honour, Ms Adeboyejo has already covered  
11 some of my questions, so I would really be 15, 20 minutes outside, 20 minutes  
12 maximum I think.

13 PRESIDING JUDGE SCHMITT: [13:01:06] And Mrs Hirst or Mr Manoba.

14 MS HIRST: [13:01:09] We may have a few questions, your Honour, but I expect  
15 that much of the ground we would want to cover may be covered already by  
16 Ms Massidda. So it would be very brief in any event, 5 or 10 minutes.

17 PRESIDING JUDGE SCHMITT: [13:01:22] Okay. So we will definitely finish both  
18 questioning of Prosecution and questioning of Legal Representatives of Victims today.  
19 I would then suggest, just foreshadow that we start with Defence tomorrow morning,  
20 so we would not give you an order for half an hour to question, I assume Mr Obhof.  
21 But then also I would foreshadow, since the other Prosecution would not have used  
22 much more than 3 hours, we finish the witness by tomorrow, I would say.

23 MR OBHOF: [13:01:50] Yes, your Honour. We maybe have two and a half  
24 sessions worth of time for the witness.

25 PRESIDING JUDGE SCHMITT: [13:01:55] I assumed that.

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1 Thank you very much for the moment. We have now then the lunch break until

2 2.30.

3 THE COURT USHER: [13:02:03] All rise.

4 (Recess taken at 1.02 p.m.)

5 (Upon resuming in open session at 2.31 p.m.)

6 THE COURT USHER: [14:31:34] All rise.

7 Please be seated.

8 PRESIDING JUDGE SCHMITT: [14:31:51] Mrs Adeboyejo, please continue.

9 MS ADEBOYEJO: [14:31:54] Thank you, your Honour.

10 Q. [14:31:59] Good afternoon, Mr Witness.

11 A. [14:32:03] Good afternoon.

12 Q. [14:32:06] Now, before the break you were telling us about the injuries that  
13 you had sustained whilst you were in the bush. Did you eventually get treatment  
14 for your injuries, Mr Witness?

15 A. [14:32:28] Well, I got treatment from the government hospital in Kitgum  
16 district, at the government hospital, where the soldiers referred us. When we were  
17 taken from Achol-Pii we were taken to the government hospital and we got treatment  
18 from there together with other people. I wasn't alone.

19 Q. [14:32:54] Who were the soldiers who had taken you there?

20 A. [14:33:00] The government soldiers when we reported to Adilang and we were  
21 transferred from Adilang to a main barracks at Achol-Pii, and given the nature of our  
22 injury, we were taken from Achol-Pii to Kitgum district government hospital. We  
23 were taken by soldiers because then the security situation was volatile and we  
24 couldn't move alone.

25 Q. [14:33:28] And who were the other people you were taken with? Did you

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1 know where they were from?

2 A. [14:33:38] The ones with whom we were taken to the hospital?

3 Q. [14:33:42] Yes, Mr Witness.

4 A. [14:33:46] I know them. One of the boys was called (Redacted). He had an

5 injury on the thigh. I was taken to the hospital together with him. The other

6 gentleman, well, I don't recall his name. We were three in number. The other

7 people were taken to Lira. The other people who did not sustain very serious

8 injuries were taken to Lira.

9 Q. [14:34:11] Mr Witness, you will be happy to know that that's my last question

10 for you. Thank you very much for answering my questions.

11 PRESIDING JUDGE SCHMITT: [14:34:18] Have we already addressed the point

12 how he returned home, Mrs Adeboyejo?

13 MS ADEBOYEJO: [14:34:26] Well, your Honours, we can go over that very briefly.

14 PRESIDING JUDGE SCHMITT: [14:34:32] I just -- I think it would be advisable if

15 you would perhaps have to go into private session --

16 MS ADEBOYEJO: [14:34:39] Closed session, yes.

17 PRESIDING JUDGE SCHMITT: [14:34:40] -- for a short while, for two or three

18 minutes, so that he can tell his story I think.

19 MS ADEBOYEJO: [14:34:45] I'm much obliged, your Honour.

20 MR GUMPERT: [14:34:48] Your Honour, I should take responsibility. It is a

21 matter I discussed. I came to the conclusion that in the end it wouldn't be very

22 helpful for the Court. But plainly in the light of what your Honour says, and it

23 should be undone. I simply don't want my colleague to bear responsibility for a

24 decision that I took.

25 PRESIDING JUDGE SCHMITT: [14:35:05] That is, Mr Gumpert, we are not -- these

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1 are things again where you don't have fixed rules and you cannot say right or wrong.

2 I was simply asking, and no admonition, no reproach at all about that obviously.

3 So if you want to elicit it in the end, then we go to private session shortly.

4 Before we do that, by the way, we have a new face on the Defence bench, so to speak.

5 It would be nice to also introduce the lady aside you.

6 MR OBHOF: [14:35:33] Thank you, your Honour. Sorry.

7 Ms Abigail Bridgman left us this afternoon, and right now sitting beside me we have

8 Ms Eniko Sandor.

9 PRESIDING JUDGE SCHMITT: [14:35:44] Thank you very much, Mr Obhof.

10 We go to private session and then Mrs Adeboyejo continues.

11 MS ADEBOYEJO: [14:35:51] Thank you, your Honour.

12 (Private session at 2.35 p.m.)\* (Reclassified partially in public)

13 THE COURT OFFICER: [14:35:57] We are in private session, Mr President.

14 MS ADEBOYEJO: [14:36:02]

15 Q. [14:36:02] Mr Witness, can you tell the Court how you were able to escape

16 from the bush?

17 A. [14:36:16] I did not escape from the bush; rather, the injury that I had

18 sustained made me unable to continue walking. When I fail to walk, I told them I

19 couldn't continue walking with them. I am going to stay here. Whatever can

20 happen to me, please do it from here.

21 So the fact is I did not escape, or instead I could no longer walk. My -- my feet were

22 all festered with wounds, so I didn't escape.

23 Q. [14:36:51] Now, when you were -- when you stayed at that location, you had

24 told us earlier that Ongwen and the other soldiers had crossed to the other side.

25 Was there any other soldier that was left with you?



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1 A. [14:37:14] Well, there were still some people who had remained behind and  
2 they were continuing to move. There was also another person with whom was left.  
3 There was a boy who was called (Redacted) who remained with me. He was actually  
4 the person who was with the group.  
5 There was also Komakech who was there and was asking us: What are you people  
6 doing here when we've already crossing the river?  
7 He asked me whether I don't want to continue walking, but I told him it's not that I  
8 don't want to walk, only that I don't have the energy to proceed. So you can do  
9 anything you want. So he started beating me with the stick that he had in his hands  
10 and later on he told (Redacted) to take me away and kill me. He told (Redacted) "You  
11 remove his luggage and take him and then finish him off." That is all he said.

12 Q. [14:38:10] What did (Redacted) then do to you, Mr Witness?

13 A. [14:38:17] He dragged me using my hand, he picked me away from the road  
14 and took me to the place where he was supposed to have killed me, started beating  
15 me with the butt of the gun and the injuries that I had on my legs were sustained at  
16 that time. He kept on jumping on me with his shoes until at some point he started  
17 saying, "Well, let's go. The soldiers are pursuing me -- us, rather, and this gentleman  
18 is going to die." So I stayed at that very point up to around three or four. I could  
19 not move anymore. I had to stay there. And they left me.

20 Q. [14:39:00] Now, what did you do after you had stayed there till three or four,  
21 4 p.m., Mr Witness?

22 A. [14:39:15] There was nothing I could do. I was helpless. As a human being,  
23 I heaved and moved a bit from the place where I was left. I did that later in the  
24 evening and I tried to retreat back to the place from where we had stationed the night  
25 before. It was -- we had not moved very far from that place. So I -- I crawled back

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1 to that point so that I could spend the night there. I was very thirsty, I had not taken  
2 water since morning. I felt like I needed to urinate and I got a leaf, I urinated in the  
3 leaf and then drank that. And then I continued up to the place where we had  
4 stationed and spent the night at. I looked for some potato leaves around so I could  
5 eat and then sustain myself until the next day.

6 Q. [14:40:24] And how long did you stay in this condition, Mr Witness?

7 A. [14:40:34] That was from the day I was beaten up to the next day, in the  
8 morning. Then the next day in the morning I now started planning to get a way of  
9 moving back home, but I couldn't walk, I just had to keep crawling with my hands  
10 because my legs were -- had given way. As a human being, I felt I couldn't just die  
11 from that very point. I kept on crawling slowly, following the route that we had  
12 used. (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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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted). They abandoned

8 me. I remained under a tree and I kept on crying. And eventually I thought that,

9 "Well, I think this is God's plan, so I will die here. Let me just move back to the

10 riverbank and then drink some water and die there." So I crawled back to the water

11 bank and then --

12 PRESIDING JUDGE SCHMITT: [14:43:38] May I shortly interrupt you? I think

13 we could really have this in open session. Unfortunately, the idea came a little bit

14 late to me, but perhaps we can look at it when we redact it later on.

15 MS ADEBOYEJO: [14:43:51] Yes.

16 PRESIDING JUDGE SCHMITT: [14:43:51] We go to open session I would say.

17 MS ADEBOYEJO: [14:43:53] Yes, your Honour.

18 PRESIDING JUDGE SCHMITT: [14:43:54] Mr Witness, the reason behind this, I

19 think your story can be heard by the public too. There is nothing that would identify

20 you, it's just your personal story and the background, that is why I am saying that.

21 We go to open session.

22 (Open session at 2.44 p.m.)

23 THE COURT OFFICER: [14:44:11] We are back in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [14:44:24] I apologise, Mr Witness, that I

25 interrupted you but, as I explained, it would be good for everybody to hear what

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1 happened to you. And I think you, the last what you spoke about was about God's  
2 plan when I recall it correctly. If you may you can continue at that point.

3 MS ADEBOYEJO: [14:44:48]

4 Q. [14:44:48] Yes, indeed, Mr Witness, you were telling us that it seemed that the  
5 boys had abandoned you and then you decided that you would go to the riverbank  
6 because you thought this was God's plan. Can you then continue, what did you  
7 then do?

8 A. [14:45:10] I moved back to the riverbank and stayed there. I kept on crying.  
9 And I spent the night at the riverbank. And the next day in the morning, I don't  
10 know what really happened, I woke up in the morning only to find there was no  
11 water anymore. I tried to scratch around to get some water but I could not. I tried  
12 to crawl along the rivers where I could get some water somewhere, but I could not.  
13 But I got some energy and said I cannot die from here, let me look for some water.  
14 So I decided to go back to the road and try to get a way back home. As I was  
15 moving I was trying to -- I was getting dew and licking the dew so that I could get  
16 some little water to quench my thirst. I carried on following the rail as I was trying  
17 to go back home.

18 Whenever I would get tired I would lie by the rail leaving my -- my legs on the road  
19 and with my head in the grass. If somebody could find me, well and good, if not, I  
20 didn't have any problem.

21 I carried on like that for quite a while, moving with just crawling about. And it was  
22 not easy.

23 If there are other questions I could take them, if not, if you want me to continue I can  
24 still continue with it.

25 PRESIDING JUDGE SCHMITT: [14:47:00] I think we have a lot of information

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1 here.

2 MS ADEBOYEJO: [14:47:02] Yes, indeed.

3 Q. [14:47:05] How then did you finally get help, Mr Witness?

4 A. [14:47:19] The support to get back home?

5 Q. [14:47:22] Yes, indeed, Mr Witness.

6 A. [14:47:30] When -- well, I think I -- I had struggled like that for about nine days.

7 I arrived at a cassava plantation. We had earlier passed by there and uprooted some

8 cassava tubas. The cassava plantation was belonging to people from Adilang. I

9 uprooted some, ate, and I continued to the next garden, a simsim garden. Luckily,

10 on that very day the -- the owner of the garden was nearby. He came and found I

11 had uprooted his cassava and then tracked me down up to the simsim garden. I -- I

12 was lying there helpless with my wounds all festered and he tried to call me, telling

13 me that, "Boy, please get up." I told him -- well, I did not escape because I thought

14 he was an LRA member, so I told him I did not just escape, I -- I was released. I told

15 him that because I feared that if I had told him that I had just escaped they would

16 now say just to finish off this one.

17 So they told me that "We are not LRA members, we only want to help you. Please

18 get up." But I told them, "You look at me, I don't have capacity to even raise up."

19 He called his wife and told her that, "Let's help this gentleman and take him away

20 because the LRA normally pass from here." They came -- carried me across the

21 simsim garden and then took me nearby. They went and got a bicycle that they said

22 was given to them by Red Cross to help people who were helpless to be taken for

23 support. They took me to Adilang barracks and from there that was when I was

24 saved.

25 PRESIDING JUDGE SCHMITT: [14:49:53] I think, Ms Adeboyejo, that will do it

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1 and perhaps further questions might be asked by Mrs Massidda, if she's interested.

2 MS ADEBOYEJO: [14:50:03] I'm grateful to your Honour for your direction. That,  
3 indeed, will be the end of my questioning.

4 PRESIDING JUDGE SCHMITT: [14:50:09] Thank you very much, Mrs Adeboyejo.  
5 So, Mr Witness, this concludes the examination by the Prosecution and now I give the  
6 floor to Mrs Massidda, your legal representative.

7 MS MASSIDDA: [14:50:23] Thank you, Mr President.

8 QUESTIONED BY MS MASSIDDA:

9 Q. [14:50:27] Good afternoon, Mr Witness, I will have a few questions for you.

10 You have already described to us, Mr Witness, your injuries, different injuries that  
11 you had during your stay in the LRA. Now, I have few follow-up questions  
12 following the questioning by the Office of the Prosecutor.

13 You told us that you injured your foot and at a certain point it was painful, and you  
14 also told us that you could not rest even if you had this foot injured.

15 This is the transcript for the record of this morning -- it's okay? Thank you,  
16 your Honour, much obliged.

17 When still in the LRA and, therefore, before you arrived to the governmental hospital,  
18 was your injury to your feet treated in any way?

19 A. [14:51:51] There was no treatment that I got. I told you I was in the bush.

20 Where else, where could I have got treatment? I told you that my wounds were all  
21 festered and the wounds had maggots. I was only saved when I -- I was taken to  
22 Adilang barracks. They took me to a health centre and they started cleaning my  
23 wounds. That was the first time I got help. In the bush I was actually rotting.

24 Q. [14:52:27] And when at the hospital in Kitgum, how much time did you spend  
25 there?

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1 A. [14:52:44] I spent over a month in the hospital. I was -- I was hospitalised for  
2 all that time in the main hospital.

3 Q. [14:52:52] After this treatment at the hospital in Kitgum, did you ever have  
4 any other treatment for all your injuries?

5 A. [14:53:17] The internal injuries like the injury I got on the chest which I'm still  
6 suffering from up to now, I am struggling with it, I am buying drugs till now. Your  
7 organisation also supported me when I was in Gulu. They tried to provide for me  
8 treatment from Gulu. But the rest of the injuries got covered from the hospital. I  
9 only had one in the leg that was very painful, but I think it's now okay. The one in  
10 my chest is still disturbing me, even this morning I had chest pain. That is all I can  
11 say.

12 Q. [14:54:06] And, Mr Witness, what do you mean when you say that "your  
13 organisation is trying to help me"? I'm trying to read the transcript so that it's clear.  
14 "Your organisation also supported me when I was in Gulu," what does it mean?

15 A. [14:54:32] When I was making my statement, they asked me where I was  
16 feeling pain. I told them I had chest pain and they called me one time, I went to  
17 Gulu, I was taken to the hospital. They carried out examination and they bought for  
18 me drugs. That is the support I got from the ICC. It was they bought for me some  
19 drugs which I was using. It kind of helped me, but right now the pain has  
20 resurfaced. That is the support I talked about.

21 Q. [14:55:07] Thank you.

22 Now, what have been the consequences of all your injuries on your daily life today?

23 A. [14:55:38] I -- my life was completely ruined. I must say that was a turning  
24 point in my life. Before I sustained these injuries I had a very good and peaceful life,  
25 but now with these injuries I am not free.

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1 Q. [14:55:56] And what does it mean that you are not free? Do you have any  
2 physical or mental problems still? What does it mean that you are not free? Free of  
3 doing what?

4 A. [14:56:19] I said even if I said I have recovered from the injuries, I mentioned  
5 that there is one that is still disturbing me up to now. I told you this morning I still  
6 had chest pain. That means that I am not free, I am still engulfed in this pain and that  
7 makes me not free.

8 Q. [14:56:42] Can you walk properly, Mr Witness?

9 A. [14:56:52] Yes, I can walk, but not very well.

10 Q. [14:56:56] Are you able to carry heavy loads anymore, Mr Witness?

11 A. [14:57:07] I cannot carry heavy loads, I cannot work hard. If I do anything  
12 hard, I will begin experiencing pain.

13 Q. [14:57:20] Now, this morning, Mr Witness, you also mentioned that before  
14 being abducted you had a shop. Don't mention where, so that we can stay in open  
15 session. Can you tell us which kind of shop?

16 A. [14:57:52] Even up to now I am still engaged in the sale of the kind of  
17 merchandise I used to before. I sell soap, sugar, salt, paraffin, small, small  
18 merchandise. These are the things that I am selling even up to now. I am carrying  
19 on with that business with my wife with whom I was abducted. Right now she has  
20 remained behind doing the same.

21 Q. [14:58:21] And before your abduction, your business could give you enough  
22 resources to maintain your family?

23 A. [14:58:38] I didn't have much problems. The income I was raising was  
24 sufficient for my livelihoods. But when my items were looted, my life changed. I  
25 had remained with very little money that I -- I later on used again to start up. I had



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1 saved the money in the bank. When I came back I withdrew and then started again.

2 If I had not saved some money in the bank, right now I wouldn't be having anything.

3 Q. [14:59:13] And today, Mr Witness, with your business, are you able to sustain  
4 your family?

5 A. [14:59:28] The level of support or level of sustainability of my family is really  
6 low. My business has also calmed down and it's just at a minimum level. That  
7 means that it's not providing adequate support for my family.

8 Q. [14:59:48] How many dependents do you have, Mr Witness?

9 A. [15:00:01] I have two wives. But at the time I was abducted I had a wife.  
10 The second wife has just come around. I have been with her for about four or five  
11 years now.

12 In my family I have five children. And I have my cousin with whom -- who is living  
13 in my household. That means that we are eight in my household. I have five  
14 children with the first wife. With the second wife, I have two biological children.  
15 The second wife was also a former abductee who produced while in the bush. She  
16 came back home with the child she produced in the bush. The child that was  
17 produced in the bush is actually a bastard and I'm taking care of that child as well. I  
18 am also paying that child at school, a young girl who was delivered from Sudan.  
19 They were brought back when they reported in Juba and were airlifted from Juba to  
20 Entebbe and now they are back at home. So with the second woman there are four  
21 children, and if you add myself and her, that gives the number six.

22 Q. [15:01:29] And, Mr Witness, I understand from your answer that some of your  
23 children are in the age for going to school. Are you able to send all your children to  
24 school?

25 A. [15:01:53] I'm struggling to send my children to school, but it's not easy. It's a

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1 real struggle. They're in school, but it's not easy.

2 Q. [15:02:06] And my last question, Mr Witness. If you had to say to the Court,  
3 what would help you most in your daily life?

4 A. [15:02:36] Well, the things that I'm doing at the moment, the trade, the  
5 businesses that I'm doing, that's what sustains us. When sometimes my wife is in  
6 the shop, I go and farm, irrespective of whether or not I'm feeling unwell. So I  
7 struggle to make ends meet. When I was called to come to testify, I was in the  
8 garden, I left and that's when I came here.

9 Q. [15:03:11] Do you think there is anything which could repair what happened  
10 to you to some extent?

11 A. [15:03:33] Personally there's nothing that I can -- I can do. But it's up to the  
12 Court to decide what measures it can take to help the people that went through these  
13 problems. But personally I cannot think of anything.

14 Q. [15:03:52] Thank you very much, Mr Witness.

15 This concludes my questioning, your Honour. Thank you.

16 PRESIDING JUDGE SCHMITT: [15:03:57] Thank you, Mrs Massidda.

17 Are there any further questions by Mrs Hirst and Mr Manoba?

18 MS HIRST: [15:04:04] In light of the material covered already, your Honour, I don't  
19 have any questions for this witness.

20 PRESIDING JUDGE SCHMITT: [15:04:09] Thank you very much. So this  
21 concludes the questioning only for today. We have already agreed upon that we  
22 start tomorrow then at 9.30 with the examination by the Defence. So we conclude  
23 the hearing for today.

24 THE COURT USHER: [15:04:26] All rise.

25 (The hearing ends in open session at 3.04 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
- 3 2016, the public reclassified and redacted version of this transcript is filed in the case.