

Trial Hearing
WITNESS: UGA-D26-P-0079

(Open Session)

ICC-02/04-01/15

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Cano
6 Pangalangan
7 Trial Hearing - Courtroom 3
8 Monday, 29 October 2018
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: [9:35:24] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:35:45] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:35:53] Good morning, Mr President, your Honours.
15 Situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:36:09] Thank you very much.
19 I call for the appearances of the parties. Mr Zeneli for the Prosecution, I assume.
20 MR ZENELI: [9:36:12] Yes, your Honour. Good morning. I'm Shkelzen Zeneli for
21 Prosecution this morning. With me Ben Gumpert, Adesola Adebeyejo, Julian
22 Elderfield, Beti Hohler, Grace Goh and Jasmina Suljanovic.
23 PRESIDING JUDGE SCHMITT: [9:36:27] Thank you.
24 And for the representatives of the victims, Ms Massidda first.
25 MS MASSIDDA: [9:36:32] Good morning, your Honour. For the common Legal

- 1 Representatives team Orchlón Narantsetseg, and myself Paolina Massidda.
- 2 PRESIDING JUDGE SCHMITT: [9:36:38] And Mr Manoba.
- 3 MR MANOBA: [9:36:39] Good morning, Mr President, your Honours. Joseph
- 4 Manoba, James Mawira, Anushka Sehmi and Maria Radziejowska for the LRVs.
- 5 PRESIDING JUDGE SCHMITT: [9:36:51] And then the Defence first before we come
- 6 to Rule 74 counsel. Ms Bridgman.
- 7 MS BRIDGMAN: [9:36:56] Good morning, Mr President and your Honours.
- 8 Abigail Bridgman, together with Owiso Owiso, Krispus Odongo Ayena, Chief
- 9 Charles Achaleke Taku, Beth Lyons, Thomas Obhof, Tibor Bajnovic. And our client
- 10 Mr Ongwen is in Court.
- 11 PRESIDING JUDGE SCHMITT: [9:37:11] Thank you.
- 12 And we have a further person in the courtroom, further counsel. Please, could you
- 13 introduce yourself.
- 14 MR KAARLS: [9:37:17] Good morning, your Honours. Bob Kaarls -- Robert Kaarls
- 15 from the -- yeah, duty counsel.
- 16 PRESIDING JUDGE SCHMITT: [9:37:22] Thank you very much.
- 17 The Defence is now calling D-79 as its next witness. And before commencing, the
- 18 Chamber notes that in request 1382 Mr Kaarls requested Rule 74 assurances for this
- 19 witness. And to discuss this matter we have to go shortly to private session.
- 20 (Private session at 9.37 a.m.)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: UGA-D26-P-0079

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Open session at 9.38 a.m.)

6 THE COURT OFFICER: [9:38:21] We're back in open session, Mr President.

7 PRESIDING JUDGE SCHMITT: [9:38:31] Thank you.

8 The Chamber will now render its decision on the requested assurances.

9 Mindful of the factors specified in Rule 74(5) of the Rules, the Chamber has decided to
10 provide assurances pursuant to Rule 74 of the Rules in order to enable the witness to
11 testify without fear of the consequence of self-incrimination.

12 The Chamber recalls its prior finding that Rule 74 assurances require, at minimum,
13 that witnesses be given face distortion and private session to discuss matters which
14 risk revealing, identifying or incriminating information. These minimum measures
15 also include implementing any necessary remedial steps to prevent disclosure of such
16 information to the public.

17 The Chamber considers that these minimum measures are sufficient for the current
18 witness, noting in this regard that voice distortion was not among the protective
19 measures recommend by the VWU in its assessment of 24 October 2018.

20 Rule 74 counsel's relief sought in request 1382 is granted, and this concludes the
21 ruling of the Chamber. And we can now bring the witness in. And of course it's
22 understood that we have this face distortion.

23 (The witness enters the courtroom)

24 PRESIDING JUDGE SCHMITT: [9:40:57] Good morning, Mr Witness.

25 On behalf of the Chamber I would like to welcome you in the courtroom.

1 WITNESS: UGA-D26-P-0079

2 (The witness speaks Acholi)

3 THE WITNESS: [9:41:10] (Interpretation) Good morning, and thank you for
4 welcoming me to the Court.

5 PRESIDING JUDGE SCHMITT: [9:41:14] Mr Witness, I will now read out the
6 solemn undertaking that every witness has to take when they appear before this
7 Court. Please listen.

8 I solemnly declare that I will speak the truth, the whole truth and nothing but the
9 truth.

10 Do you understand, Mr Witness?

11 THE WITNESS: [9:41:37] (Interpretation) Yes, I do.

12 PRESIDING JUDGE SCHMITT: [9:41:40] Do you agree?

13 THE WITNESS: [9:41:43] (Interpretation) Yes, I do agree.

14 PRESIDING JUDGE SCHMITT: [9:41:46] Thank you. You have now been
15 sworn in.

16 I will have to explain a couple of things to you before we start with your testimony.

17 First of all, I explain to you the protective measures that we have put in place. First
18 of all, face distortion, that means that no one outside the courtroom can see your face
19 or hear your real voice -- no, you don't have voice distortion. No. Then only face
20 distortion. Yes.

21 There will also be the use of a pseudonym. In accordance with that, we will all refer
22 to you only as "Mr Witness". We say so like I do at the moment because we have to
23 make sure that the public does not know your name.

24 When you answer questions that will not give away who you are, we will do so in
25 open session. Open session means that the public can hear what you say in the

1 courtroom. But when you are asked things that could reveal your identity, that
2 relate specifically to you, we do this in private session. And private session means
3 that there is no broadcast and no one outside the courtroom can hear you.
4 Mr Witness, the Chamber has also decided to grant you assurances protecting you
5 against any possible self-incrimination issues which may arise during your testimony.
6 The Chamber gives you the assurance that your testimony will not be used either
7 directly or indirectly against you in any subsequent proceedings by this Court, except
8 you would not tell us the truth, but you have undertaken to do that. To tell us the
9 truth.

10 If any question is asked that could lead to your self-incrimination we will hear your
11 answer in private session and keep this answer confidential.

12 I have before we finally -- and we have of course also a counsel for you, Mr Kaarls,
13 who will also be vigilant, together - obviously know each other - who will be vigilant
14 together with all the other parties and participants, and the Bench, if such issues arise.

15 I also have a - finally, before we then can start - a few practical matters. You are
16 aware that everything we say here in this courtroom is written down and interpreted,
17 and to allow for the interpretation we have to speak at a relatively slow pace, not rush
18 too much, and we should only speak when the person who has asked us something
19 has finished the question.

20 We will then start your testimony, and I give Ms Bridgman the floor.

21 MS BRIDGMAN: [9:44:49] Thank you, Mr President.

22 QUESTIONED BY MS BRIDGMAN:

23 Q. [9:44:53] Good morning, Mr Witness.

24 A. [9:44:56] Good morning.

25 MS BRIDGMAN: [9:45:03] Mr President, I request that we go into private session for

Trial Hearing
WITNESS: UGA-D26-P-0079

(Private Session)

ICC-02/04-01/15

- 1 about five minutes.
- 2 PRESIDING JUDGE SCHMITT: [9:45:09] Yes. Private session.
- 3 (Private session at 9.45 a.m.)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
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8 (Redacted)

9 (Open session at 9.49 a.m.)

10 THE COURT OFFICER: [9:49:51] We're back in open session, Mr President.

11 MS BRIDGMAN: [9:49:54]

12 Q. [9:49:56] Mr Witness, how old are you?

13 A. [9:50:08] I was born in 1986. If you calculate the date of birth to today, then
14 you'll be able to determine my date.

15 Q. [9:50:26] How do you know you were born in 1986?

16 A. [9:50:50] I found my birth certificate.

17 Q. [9:51:06] Did you go to school?

18 A. [9:51:32] Yes, I did go to school, but it's as good as not going to school because
19 my education only ended in primary 1.

20 Q. [9:51:44] Why did it end in primary 1?

21 A. [9:51:57] Because the LRA rebels abducted me.

22 Q. [9:52:06] Without telling us the name of the place, where were you abducted
23 from? Were you at home, were you at school, were you on the road? You don't
24 need to tell us the location, just where were you.

25 A. [9:52:37] Thank you for your question. I was abducted at (Redacted). At the time

1 the village had not yet been separated to (Redacted), it was still known as (Redacted).
2 I was abducted very early in the morning when I had just come out of the house.
3 Q. [9:52:59] Do you know who abducted you?
4 A. [9:53:10] It was Raska Lukwiya.
5 Q. [9:53:18] Was Raska Lukwiya personally present? Is he the one who personally
6 abducted you?
7 A. [9:53:36] He was in that brigade at the time. It was Stockree and it was his
8 brigade. It was his brigade that abducted me.
9 Q. [9:53:52] Were you abducted alone?
10 A. [9:53:59] Yes, from my home, yes. But there were other boys who were
11 abducted from the surrounding neighbourhood.
12 Q. [9:54:10] Can you briefly walk us through that morning. After you were
13 abducted, what happened to you?
14 A. [9:54:31] Thank you. When I was abducted, we walked, we went to -- we
15 reached Ogom primary school. When we got to Ogom school, we -- we encountered
16 UPDF soldiers, but at the time they were known as the home guard because they had
17 just been newly trained. They were in that area, Angagura area on patrol, they met
18 us and there was battle. When we fought, they were chased. Some of them were
19 killed. We found the LC. At the time the LC was known as the RC. These days
20 they are referred to as the LC. They were at a meeting. There were 11 people in
21 that meeting and all of them were killed. My uncle's brother, known as (Redacted)
22 (Redacted).
23 When they killed these people, they took off their uniforms, the uniforms were still
24 covered in blood. They told me to put on that uniform and I did put it on. I was
25 scared. I could not refuse. At the time for me, it was just a matter of life and death,

1 so I decided to put on that uniform and that's what happened at that time.

2 Then after that, we crossed a river known as Agu. We went across on the other side.

3 At around 2 p.m., there was a helicopter that came. The helicopter was threatening

4 us. It surrounded us, it circled, it circled the skies, came down and I thought that

5 was the end of me that day. That's what happened on that day. Thank you.

6 THE INTERPRETER: Your Honour, could the witness please be asked to speak up a

7 little bit louder than he is. Thank you.

8 PRESIDING JUDGE SCHMITT: [9:56:53] Mr Witness, I'm asked by the interpreters

9 to tell you that you speak up a little bit when you speak. But we got everything until

10 now, but it's easier for them if you speak a little bit louder. Thank you.

11 Ms Bridgman.

12 THE WITNESS: [9:57:11] (Interpretation) Thank you. I thought that if I speak up,

13 then I would be making noise in people's ears.

14 PRESIDING JUDGE SCHMITT: [9:57:18] That is not untrue, of course, but

15 nevertheless a little bit more noise seems to be better in that case.

16 Please, Ms Bridgman.

17 THE WITNESS: [9:57:30] (Interpretation) Thank you.

18 MS BRIDGMAN: [9:57:34]

19 Q. [9:57:37] I would like to ask you just a little bit more about some of the things

20 you have told us. When these people picked you up and abducted you, you said

21 that you walked up to the primary school?

22 A. [9:57:58] Yes, that's correct. The primary school is known as Ogom.

23 Q. [9:58:15] Which year were you abducted, if you remember?

24 A. [9:58:27] I was still very young, but I recall that I was abducted in 1994. That

25 was when I was abducted very early in the morning. I was still very young. I was

1 about seven years old.

2 Q. [9:58:54] When these people at the primary school were being killed, where
3 were you?

4 A. [9:59:14] I was right there. They made me watch because they told me that if I
5 made any mistake, then the same fate would become me, so that they made me stand
6 and watch what they were doing.

7 Q. [9:59:30] And you also said that they made you wear one of the uniforms.
8 How did that make you feel?

9 A. [9:59:52] There was nothing that I could do because if you are given food, for
10 example, if the food does not have enough sauce in it or if there's not enough salt in it,
11 you have to eat it because you cannot go and start preparing the food to your liking.

12 Q. [10:00:15] Did the people tell you anything else that day apart from them telling
13 you, warning you that you needed to watch the killing for your own safety?

14 A. [10:00:41] They just told me one thing. After I had already put on the uniform
15 and after witnessing the killing, I was told that I was already recruited in the army. I
16 should continue serving. If I made any mistake of trying to escape, I would die in
17 the same way those people died. I then made up my mind to follow exactly what
18 they wanted me to do.

19 Q. [10:01:08] Did they perform any rituals on you?

20 A. [10:01:18] When we left and went up to Apaa, there was a ceremony that was
21 conducted and they went and submerged us in water. They smeared the sign -- they
22 smeared us with shea butter on my forehead, on my hands and then on my feet.
23 They said they were doing that to make sure that we would forget about home and
24 our parents or if you made a mistake of trying to escape, "You will become paralysed
25 and you will sleep and you will be caught." That's what they told us.

1 Q. [10:02:03] After this ceremony, I know you have said that you had already made
2 up your mind to follow the orders, but after this ceremony, did you feel any
3 difference? For instance, did you forget about home?

4 A. [10:02:30] Well, eventually bit by bit I began forgetting about home. You know,
5 sometimes certain things happen and they would bark at you and -- but you know if
6 you were home, your parents wouldn't treat you that way. So each time at least,
7 yeah, you'll have to think about your parents, but eventually I came to forget about
8 them.

9 PRESIDING JUDGE SCHMITT: [10:02:57] I would like to ask you a question, of
10 course, it's very difficult after such a long time, but did it take a long time to forget
11 about your parents, you understand what I mean? Did it take a couple of weeks, a
12 couple of months or even longer? Do you recall that? It might be difficult after
13 such a long time, I understand.

14 THE WITNESS: [10:03:27] (Interpretation) It took me well over two years. You
15 know, it's not very simple to completely forget about your parents.

16 PRESIDING JUDGE SCHMITT: [10:03:36] I fully understand and the Chamber
17 understands.

18 Please, Ms Bridgman.

19 MS BRIDGMAN: [10:03:44]

20 Q. [10:03:44] Now, you mentioned Apaa. What happened in Apaa?

21 A. [10:03:53] At Apaa, we underwent training for six months. We were trained on
22 how to disassemble a gun, and how you could change your positions each time you're
23 firing a gun because sometimes you are using heavy weaponry like G2, LMG and
24 mortars. You have to know how to take cover so that you are not shot by the
25 enemies. You need to learn how to change your positions during a battle. That was

1 what we went through.

2 Q. [10:04:40] Now, how far is Apaa from where you were abducted from? Did
3 you walk for weeks, for days, for months? How long did it take you to get to Apaa?

4 A. [10:05:00] Well, describing the way we walked was a bit difficult. Sometimes
5 you would walk and then turn back, sometimes you walk forward, you return, you
6 were meandering about. And we took between two and three weeks to arrive
7 at Apaa.

8 Q. [10:05:21] Who conducted the training at Apaa?

9 A. [10:05:34] That training was at an RV, a big RV, and the newly recruited persons
10 were all taken there. It was not only for a brigade. There was Stockree, Sinia, Gilva,
11 together with Control Altar. But the overall commander was Otti Lagony and we
12 were undergoing the training under his command.

13 Q. [10:06:09] Do you remember approximately how many abductees went through
14 that training with you?

15 A. [10:06:26] I cannot clearly recall, but I think it was a huge number. We could
16 range between four and 600 people. But, you know, at that time I was still very
17 scared, I could not clearly study the number. But it was a huge number.

18 Q. [10:06:47] And in comparison to your own age, were people generally older than
19 you or younger than you, or about the same age as you?

20 A. [10:07:09] Well, some of the people were much older, some of them were family
21 heads. We were just a mix of very many sizes and categories of people. It's like the
22 black ants, when they are going for a hunt you will find a mix of the young and the
23 old ones moving together for the same.

24 Q. [10:07:38] After the training, what happened? Did you stay at Apaa?

25 A. [10:07:50] When the training was finished, there was an arrangement to have us

1 taken to Sudan. That was what happened afterwards. Then we also went and
2 unearth some weapons from the foot of a hill. I don't recall the name of the hill, but
3 we went there and got the guns and they were distributed to the people. But the
4 guns were not enough for everyone else -- for everyone. When we were given the
5 guns we started walking to Sudan. We walked from Apaa to Sudan day and night.
6 We kept on walking for four days. That was what happened after the training.
7 It was not an easy walk. If you were not strong enough, you would be left along the
8 way. If you were lucky, then you would be able to reach the final destination.
9 I was very lucky. God was on my side. I was able to arrive at Pajok. We found a
10 vehicle there, I boarded it, and I was taken to the general headquarters at Palutaka.
11 That is what happened.

12 Q. [10:09:22] You just said that the walk was not easy and that if you were unlucky
13 you would be left behind. What do you mean when you say you could be left
14 behind?

15 A. [10:09:38] They would kill you because your legs would be swollen and you
16 would not be able to continue walking. Who would be able to carry you? You
17 don't have a brother, you don't have a father or mother. There is no one to carry you.
18 Therefore, they will have to leave you as a dead body.

19 Q. [10:09:59] Was there an option of releasing you or telling you to just go back
20 home if you couldn't make the journey?

21 A. [10:10:15] There is no more -- there is nothing like releasing you. They will kill
22 you. They will not deceive you, they would just kill you.

23 Q. [10:10:32] Did you personally observe something like this happening on the
24 journey?

25 A. [10:10:44] That happened several times.

Trial Hearing
WITNESS: UGA-D26-P-0079

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [10:10:53] May I shortly.

2 How would those who were left behind be killed?

3 THE WITNESS: [10:11:07] (Interpretation) They can beat you with a club, they can
4 stab you with a bayonet, because there are those who were put behind the trail to try
5 and identify the people who were remaining behind. They would ask you "Are you
6 tired?" If you say yes, then they will have to make you rest, and making you rest is
7 to kill you. They would either use a club to beat you, or they can stab you with a
8 bayonet. Those were the two things they were using to kill people.

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

10 Ms Bridgman.

11 MS BRIDGMAN: [10:11:40]

12 Q. [10:11:41] Now, when you say "they", they would kill you, they would ask you
13 if you are tired, who are you referring to?

14 A. [10:11:57] There were those who we identified, the seasoned soldiers who didn't
15 fear or care about anything. They would be about 10 to 15 who would walk behind
16 the long group. They would be some distance away. And for you, you might stay
17 back, sit, thinking you're resting, they will eventually arrive and find you. They will
18 ask you, "Hey, why are you sitting? Are you tired?" If you say "Yes", and then for
19 you, you will be responding innocently, you don't know what their intentions are.
20 They ask if you are tired, you say "Yes." They said, "Fine. We can make you rest"
21 and they will kill you.

22 Q. [10:12:46] You said that you stopped and unearthed some guns and ammunition.
23 Were you given a gun at this point or not yet?

24 A. [10:13:11] I was still young, but also the guns were not enough. I was still
25 young and the gun was so heavy I could not move with it.

1 Q. [10:13:23] And just to clarify, even though you were so young, you had been
2 trained to assemble, at least, or disassemble the gun while in Apaa? Did I
3 understand you correctly?

4 A. [10:13:43] Yes, you understood me very correctly. I was trained on how to
5 assemble and disassemble a gun.

6 Q. [10:14:01] Now, regarding this concept of resting, how would you know that
7 this is not -- how would you know not to answer innocently? How would you learn
8 that if they asked you this question, it means that they were going to kill you?

9 A. [10:14:29] Some of them are merciful. They would tell you that, you know, if
10 you stayed behind they ask you -- they found you and ask you if you want to rest,
11 don't accept. When they ask you what you do, you get up and rush to go and join
12 the rest of the group. You know, some of them are merciful. In a group you don't
13 find everybody with the same character.

14 Q. [10:14:55] Now, when you arrived in Sudan, you said you went to the general
15 headquarters in Palutaka. What did you find?

16 A. [10:15:11] If you arrive at Palutaka, you will just find a very good place, the
17 place is well organised. And, yeah, it will give you a courage, you feel, well, I have
18 arrived in a good place, life might become much easier. You will see other young
19 people who are well dressed, and it gives you some courage and some comfort. You
20 feel as if, well, maybe life here is going to be different. And to me, when I arrived
21 there, I became a little more positive.

22 Q. [10:15:47] And was life indeed different and better when you were at Palutaka?

23 A. [10:16:06] At least it was fairer, because you would wake up in the morning and
24 you will just relax, you wouldn't have much to do. We found a better life there
25 because you wouldn't be required to walk everywhere every now and then.

1 Q. [10:16:24] Did you ever meet Joseph Kony? Did you ever see him?

2 A. [10:16:38] Yes, I saw him. I saw him physically. I even shook hands with him.

3 Q. [10:16:49] What did he tell you, if at all, when you shook hands with him?

4 A. [10:17:00] He only asked me where our home was. Then I told him I come
5 from -- well, those days entire place was still Kitgum. Even the sub-county was not
6 yet divided. It was still (Redacted) division. I told him I come from (Redacted) in
7 Kitgum. Then he said "Thank you very much."

8 Q. [10:17:30] While in Palutaka, did he talk to you? Not you as an individual, but
9 perhaps as a group, did Joseph Kony talk to you very often?

10 A. [10:17:57] After having rested in Palutaka for about a month, he gathered
11 everyone there and he was addressing the people. For him he wouldn't talk about
12 training, he would speak like a religious leader trying to preach about the Bible.

13 Q. [10:18:23] And what did Joseph Kony tell you about the Bible?

14 A. [10:18:31] He would encourage the people very well. Just like any other pastor
15 or religious leader in charge, he would be reciting some of the verses from the Bible.
16 He would really talk about very nice things and you would really feel he's a good
17 person. You would feel touched by his messages.

18 Q. [10:18:57] So what was your role while you were at Palutaka? What did you
19 do? Did you have any duties and responsibilities?

20 A. [10:19:30] Well, in Palutaka I didn't have any role, but I was in the support
21 department. Those were the people in charge of heavy weaponry. I was in that
22 group.

23 Q. [10:19:49] Did you ever see Joseph Kony -- did Joseph Kony, apart from him
24 being a prophet, a religious leader, I think that's the word you used, did you ever see
25 him participate in any way in the group, the support group that you were part of?

1 A. [10:20:22] Well, he would visit all the departments if he had the time, just like
2 you're the head of a household, and you have the homes of the boys scattered around
3 and you will keep visiting each and every one of them.

4 Q. [10:20:53] Did you ever see Joseph Kony angry?

5 A. [10:21:05] It's a bit difficult to understand his character. Most of all the time
6 you would find him jolly. He would be chatting and laughing with people. He
7 would be clapping his hand, pointing various directions. And, yeah, I never saw
8 him sad or angry because even during a battle you would find him laughing.
9 But for him, most times when he's happy, you would be very sure something is amiss,
10 something, either the battle is not going well on his side or something like that.

11 Q. [10:22:02] Mr Witness, I would like you to help me understand this. You said
12 even during a battle you would find him laughing. For him most times when he's
13 happy, you would be very sure something is amiss.
14 That confuses me a little bit. Can you explain to me why something would be amiss
15 and yet he would be laughing?

16 A. [10:22:39] Well, it's possible that the spirits in him are the ones making him do
17 that. For him when he's happy, it's an indication that there's a fierce battle. But
18 also it's difficult to find him in a sad mood. But most times he is happy. You can
19 also be sure that when he's happy, and you are in the standby, you can be very sure
20 that something wrong is going to happen. Have you understood?

21 PRESIDING JUDGE SCHMITT: [10:23:10] May I shortly?

22 Could it be that even when he was happy or gave the appearance to be happy, that
23 everyone around him was alert that things could change quickly, or is this a
24 misinterpretation by me?

25 THE WITNESS: [10:23:35] (Interpretation) You got it right. That is exactly how he

1 was because as a person in the high command, he would now know why the overall
2 leader is happy. So the person in charge of the high command would have to make
3 sure he prepares people for the standby because any time something is going to
4 happen. I hope you have understood it.

5 PRESIDING JUDGE SCHMITT: [10:24:09] I think so, yes.

6 Please continue.

7 MS BRIDGMAN: [10:24:13]

8 Q. [10:24:14] You mentioned something like the spirits in him. Can you explain to
9 us what you mean, what spirits were in Joseph Kony.

10 A. [10:24:34] He had a spirit called Selindi. He had Juma. There was also a spirit
11 called Oris. I think because it's a bit a while since I was last there, I have forgotten
12 the names of some of the spirits. If you found the names of the spirits I wrote in my
13 statement, yes, those are the spirits.

14 PRESIDING JUDGE SCHMITT: [10:25:06] How did you come to know the name of
15 the spirits? You understand? Did you watch, for example, Joseph Kony when he
16 was possessed by the spirits or have you been told the names of the spirits?

17 THE WITNESS: [10:25:31] (Interpretation) Well, I think even you as the Presiding
18 Judge, if there is somebody you are living with or there is something that is with you,
19 you will be telling your children so they know. So he was also telling us. I used to
20 know a number of them, but I have forgotten the names. The ones I mentioned are
21 the ones that I can recall now.

22 PRESIDING JUDGE SCHMITT: [10:25:54] Thank you. Absolutely understandable.
23 And I think we don't have to dwell into that more, because we had other witnesses
24 who knew more about the different spirits, so I think that's perfectly fine. We have
25 understood that the witness also knows that Joseph Kony had these spirits. I think

1 we can move to another point.

2 MS BRIDGMAN: [10:26:16]

3 Q. [10:26:30] Now, Mr Witness, how were the prayers conducted?

4 A. [10:26:43] Well, it's just like you leave your house, because from there we used
5 to pray every Friday, and also on days when the spirits would possess him, then all of
6 a sudden he would summon everyone to come for prayers. That's when you come
7 to realise that, yes, today we are going to have prayers.

8 But we used to pray every Friday. You get out of your house. You go in the
9 morning, and to run until about 1. Just like the Pentecostals, when they go for
10 prayers, they would pray until about 1 or 2 p.m.

11 The commanders would sit in front and the rest of the people would sit behind them.
12 Just like if you go for a meeting, you will find the LC chairperson will sit in front, and
13 then that's a protocol of how people are arranged in the meeting. I think you have
14 figured out how it is.

15 Q. [10:27:43] Yes, thank you very much. Now, how long did you stay in Sudan?

16 A. [10:27:59] Before I returned to Uganda I stayed for two years and then, because
17 of the battles that were there, I had to come to Uganda. But I stayed for two years.

18 Q. [10:28:17] Do you know if people -- do remember anybody escaping from Sudan
19 during the period that you were there?

20 A. [10:28:37] Yes, I do recall.

21 Q. [10:28:45] Can you please tell us about that.

22 A. [10:28:50] There was a person who was coming from Pabbo. He tried to escape.
23 Well, he didn't just try to escape, he actually escaped. They pursued him and they
24 rearrested him.

25 When he was captured, he was brought back. And there was a lieutenant called

1 Anywar Latic Matek. He comes from Awach. They gave him the order to take him
2 to where he was going to be killed. And then they selected the newly recruited
3 people. We had stayed for about six or so months. Then we went and killed him.
4 But they first made him dig his own grave. Then they, they beat him, we beat him,
5 and then they also wrapped his mouth with some elastic thing and then we left him
6 there. He suffered and eventually died from there.

7 I saw that was very painful. And from there I completely forgot about thinking of
8 escaping. I could not even think about home. I just got completely disoriented.

9 I was not thinking about home. I didn't even want to think about home. That was
10 one thing I witnessed and that completely took me away from thinking about my
11 parents and home and anything like that.

12 Q. [10:31:02] Thank you for sharing this.

13 Did you also hear of similar examples, other people who had witnessed something
14 like that?

15 A. [10:31:13] Yes, I did hear about similar stories.

16 Q. [10:31:40] What about people who actually managed to escape and go back
17 home, what used to happen if you successfully escaped and went home?

18 A. [10:32:04] Since the time of my abduction till right before the time they started
19 the amnesty, before the amnesty programme, if you attempted to escape or if you
20 escaped with a gun or even with a single bullet, that amounts to bringing death upon
21 your whole clan or the whole neighbourhood, your community, because they would
22 start killing people, they would start killing from the very first homestead and kill
23 people in an area up to 3 miles from that place because, according to them, you would
24 have escaped with their ammunition and you have to pay the repercussions. And
25 that's what would happen.

1 Q. [10:33:04] Now, you said after the incident of the man, you completely forgot
2 about home. Did you at any time - of course you are here now, which means you
3 finally left the LRA - but did you ever try at any point to leave the LRA when you
4 were in Uganda?

5 A. [10:33:48] Yes. That was in around 2003, and that was the time that the
6 amnesty programme was already in effect. I was in Pader in an area known as Koyo
7 Lalogi. I tried to escape from that area. When I crossed the road and went to the
8 school at Koyo Lalogi, I met with somebody known as Rwot Oywak. I believe he
9 was here on some occasion as well. And he took me and returned me back to -- he
10 returned me back. And when he took me back, I was beaten, I was severely beaten
11 and I was very unhappy about that. Instead of helping me, instead of taking me
12 back to my parents, he brought me back to these people. I was not happy. I was
13 extremely aggrieved about that because if at the time he had helped me and taken me
14 back, I would not have sustained the injuries that I did sustain on my legs. So I was
15 extremely upset with him up to today.

16 PRESIDING JUDGE SCHMITT: [10:35:26] Did you speak with Rwot Oywak about
17 this? Or did he tell you why he handed you back?

18 THE WITNESS: [10:35:44] (Interpretation) When I met him I first saw a car, it was a
19 white car. I went straight to the car because I knew that as soon as someone sees me,
20 nothing will happen to me. So I went and I found the security that he had travelled
21 with, I greeted them, they took me to him. And he started asking me, he asked me
22 "What can we do for you?" And I told him I would like to be taken back home. He
23 kept quiet and pondered for a minute or two and he said "Okay, no problem. Let's
24 first go back. And then, when we are coming back, we will bring you back." But
25 once we got there, I do not know what he told the commanders when we went back

1 there, they came, they took me, and I was taken to some secluded place.

2 When he left, that's when they brought me out in front of the commanders. There
3 was a commander known as Charles Tabuley. He is now deceased. And I was
4 beaten in front of him. I was beaten severely, 700 strokes -- 170 strokes, and it was
5 not easy. After that I had to put on a skirt for about a month, because my buttocks
6 were extremely swollen and I could not put on trousers.

7 PRESIDING JUDGE SCHMITT: [10:37:23] Please continue.

8 I just want to enquire a little bit more on some details how this unfolded. I think that
9 is quite interesting to know.

10 MS BRIDGMAN: [10:37:35]

11 Q. [10:37:37] So Mr Witness, were you alone when you approached this vehicle?

12 A. [10:37:52] Yes, I was alone. You know, when you are leaving the LRA, do you
13 go and tell somebody that I am leaving? No, you don't tell anybody.

14 PRESIDING JUDGE SCHMITT: [10:38:03] I just want a short follow-up, Mr Witness.
15 Did you think about why Rwot Oywak acted in that way? Do you have an
16 explanation for yourself?

17 THE WITNESS: [10:38:27] (Interpretation) I thought about it, I thought about it a lot.
18 Because him as a chief, a whole chief, instead of saving my life, he decides to take me
19 back to the LRA. That means that if I were to compare him with anyone, then
20 I would compare him to Joseph Kony, because he did not think about my life at all.

21 PRESIDING JUDGE SCHMITT: [10:38:58] Ms Bridgman.

22 MS BRIDGMAN: [10:39:01]

23 Q. [10:39:06] Did you have a gun when you approached Rwot Oywak's vehicle?

24 A. [10:39:17] Yes, I did. Yes, I had it.

25 Q. [10:39:24] Did you know him before or had you heard of him? Or for you, you

1 just approached the first civilian that you saw?

2 A. [10:39:43] He had come to Koyo Lalogi before and he brought us some supplies,
3 clothes, food like flour, Wellington boots. So I knew him. I knew him. I also
4 knew his car.

5 Q. [10:40:01] So when he came at Koyo Lalogi and brought you all these things,
6 how did you interpret this, that he was a friend of the LRA or he was just helping
7 the LRA?

8 A. [10:40:21] At the time there was, there was a connection with the LRA because
9 there were peace talks, and he was the one that was constantly being sent as a
10 representative. The LRA would always converge at Koyo Lalogi. So, when he
11 came to that place, he would leave his car behind and walk for about 1 kilometre to
12 get where the LRA were encamped.

13 Q. [10:41:13] And sorry if this sounds repetitive, but I just want to be clear that,
14 when you approached him trying to leave the LRA, you approached him as an elder
15 whom you trusted would help you. Is my understanding correct?

16 A. [10:41:37] Yes, that's what I thought. But he refused to help me, because if he
17 had wanted to help me he would not have taken me back. So in my opinion, he
18 refused to help me.

19 Q. [10:42:02] I asked you earlier if you were alone and you said, in the LRA, if you
20 are leaving, you wouldn't tell anybody. Why is that so?

21 A. [10:42:24] Because they would tell you -- there is a saying, saying -- a proverb
22 saying that if you disturb a bird's nest, the bird would escape. So for me to go and
23 tell people that I'm going to escape and then be killed, that's not, that's not something
24 that I'm going to do. I had been there for a while, so it was possible for me to get up
25 and take a walk and then come back. But you couldn't tell people that "I'm going to

1 escape", then people are going to start paying attention to you and to what you're
2 doing. So what I did was I just got up as normal and just walked away.

3 I hope you understood that bit.

4 Q. [10:43:20] Yes, thank you. I did. Permit me to take you back to the meetings
5 that used to happen at Koyo Lalogi. Whenever Rwot Oywak came did he talk to the
6 commanders or he talked to all LRA people?

7 A. [10:43:48] At the time he would not talk to the LRA as a whole, he would only
8 talk to the commanders. Because, you know, there are certain things that you have
9 to follow protocol. If you are a child, you cannot go to listen to what you're not
10 supposed to listen to, and that's why he went straight to the commanders. So that if
11 there are peace talks indeed, then you would see where the commanders are going
12 and then you would go. If they say, "Okay, it's time to go home," then you know
13 that the peace talks have been fruitful, everybody has been granted amnesty and we
14 are all going home.

15 Q. [10:44:45] So as I understand you, you did not know the content of what he
16 talked about with the commanders? Am I right?

17 A. [10:45:04] Yes, I did not -- I had no knowledge of that. I thought that since the
18 peace talks were ongoing he was trying to persuade the senior commanders so that
19 the senior commanders would accept the peace talks as his -- as the government has
20 suggested, or as the world has suggested, so that the LRA would go home. Because
21 at the time the peace talks were ongoing they said women should be released, the
22 disabled people should be released, so that if anybody wants to stay behind, then at
23 least the women and the disabled or the less abled would have been released and sent
24 back home.

25 Q. [10:45:55] Do you recall the names of some of these commanders that Rwot

1 Oywak used to meet with at Koyo Lalogi?

2 A. [10:46:05] Yes, I do recall the commanders he met with at Koyo Lalogi. There
3 was Vincent Otti, Okot Odhiambo, Raska Lukwiya. And there were some other
4 lower ranking commanders like Okello Okuti, Kalalang. Different brigades, because
5 the different brigades will all converge to that place. They would have been asked to
6 come to that place. But if you are not called, if you are not told to come to that place,
7 then you do not appear, you do not show up.

8 Q. [10:46:52] Do you recall if during this time, this time of the peace talks, if indeed
9 some women and children and some disabled people were released?

10 A. [10:47:37] Nobody, no disabled person was released. Because at the time we
11 had just gone back to Uganda in 2002. That's when they -- when they tried to release
12 some people, and it was Rwot Oywak who went and collected these people from a
13 school near Pajule, a school known as Barlege. It's on the other side of Pajule. Yeah,
14 it's known as Barlege. No, no, no, no, not Barlege. But I cannot recall the name of
15 the school. If I recall the name of the school later, I will let you know. And that is
16 where they released about 20 women and handed them over to him. But these were
17 mostly people who had been selected, they had been accused of being witches, or
18 being sorcerers, of killing people. They were accused of putting their poop in their
19 husband's food so that their husbands would eat it. And that's why they were
20 released. They were accused of being witches and sorcerers.

21 Q. [10:48:59] So apart from these 20 people who the LRA did not want anymore,
22 nobody else was released, as much as you remember?

23 A. [10:49:26] Perhaps they released people from other brigades, but I don't know.
24 I was not able to go to every single brigade to establish whether people had been
25 released. But perhaps when they -- when people met at RVs where you have two or

1 three brigades converging together, but I do not know whether they went to
2 individual brigades and released people from there.

3 Q. [10:49:54] So these supplies that Rwot Oywak brought, did you ever know if
4 they were given by the government? Or did he just collect them from whatever
5 source to bring to the LRA?

6 A. [10:50:29] You know, when it's persuasion, it's persuasion. Perhaps he received
7 these supplies from the government. For example, as a woman, in order to accept
8 me, for example, as a man, I would have courted you and tried to convince you in so
9 many different ways.

10 Q. [10:50:57] So you're taken back to the LRA, you're punished, you said 170
11 strokes of the cane. Who administered that punishment?

12 A. [10:51:27] I was under Charles Tabuley's command at the time. He himself did
13 not pick up the cane to beat me, but he was -- he called somebody, somebody who
14 was capable, someone who had a heavy hand, somebody who could cane me
15 properly, to cane me. This person was known as Opiyo. He was the one who was
16 called and asked to cane me. There were two people. There was somebody else
17 known as Odoki as well. So if one of them got tired, if one got tired, then the other
18 would take over.

19 Q. [10:52:17] You mentioned these people by name. Would I be correct in saying
20 that you knew them, they were your colleagues, you had been with them before
21 attempting to escape?

22 A. [10:52:38] Yes, I knew them. There is one of them who is back home as well
23 and we are still mates, we still eat together. When I go to his place, we eat together.
24 You know, he beat me not because he wanted to beat me, it's because he was ordered
25 to beat me. So as far as I'm concerned, he had no malice against me, he was told to

1 beat me, so I don't have any problem with him. And today we still eat together, we
2 share the same dish. I don't have any problem with him.

3 Q. [10:53:20] So as you understood it and as -- from what you have said, the way he
4 understood it, he had to do what he had to do because it was an order; am I correct?

5 A. [10:53:37] Yes, that's correct.

6 Q. [10:53:40] You also said that the leader of your group was Tabuley at the time.
7 Which group was this? What was the name of your group?

8 A. [10:53:58] It was a brigade known as Stockree. Because we were with him in
9 the headquarters. I had not yet been moved to the battalion. I know if there is
10 anybody who is a soldier here, then the person knows the meaning of a battalion.

11 Q. [10:54:32] And is this Stockree brigade the brigade that you remained with until
12 your escape from LRA?

13 A. [10:54:48] Yes. Most of the -- my time in the LRA was spent with Stockree.
14 Occasionally we would meet with other brigades when we had to go on mission
15 together or when we met at RVs. And that's how we would meet. But most time in
16 the LRA my growth, I grew up in Stockree as well. Since my abduction till the time I
17 escaped and went home, I was in Stockree.

18 Q. [10:55:23] You also said that if Rwot Oywak had not handed you back to the
19 LRA you would not have sustained the injuries that you did. Do you mean the
20 injuries from the beatings that made you wear a skirt, or something else?

21 A. [10:55:48] Yes, the injuries I sustained. But I was also shot in the thigh and my
22 thighbone was broken.

23 Q. [10:56:07] Was this part of the punishment or was it under different
24 circumstances?

25 A. [10:56:18] No, that was after the punishment.

Trial Hearing
WITNESS: UGA-D26-P-0079

(Open Session)

ICC-02/04-01/15

1 Q. [10:56:31] Do you recall the year when you sustained this bullet injury?

2 A. [10:56:39] Yes, I do recall.

3 Q. [10:56:47] When was it?

4 A. [10:56:52] It was in 2004. This happened at Lira-Palwo under the leadership of
5 Okuti. He led us, we went to Lira-Palwo. At the time, the commander of Stockree
6 brigade had changed. Tabuley was dead, he was deceased. And it was Okot
7 Odhiambo who had taken over, he was the commander of Stockree brigade. That's
8 what happened.

9 MS BRIDGMAN: [10:57:39] Your Honours, I see the time. I think this is a good
10 place to stop.

11 PRESIDING JUDGE SCHMITT: [10:57:43] Okay.

12 We have now the break until 11.30.

13 THE COURT USHER: [10:57:46] All rise.

14 (Recess taken at 10.57 a.m.)

15 (Upon resuming in open session at 11.38 a.m.)

16 THE COURT USHER: [11:38:49] All rise.

17 PRESIDING JUDGE SCHMITT: [11:38:59] Ms Bridgman, you still have the floor.

18 MS BRIDGMAN: [11:39:12]

19 Q. [11:39:23] Mr Witness, earlier today we talked -- you mentioned amnesty and
20 you said there was a period before amnesty programme came into place, and later on.
21 When did you start hearing about amnesty?

22 A. [11:39:42] I started hearing about it in the year 2000.

23 Q. [11:39:51] And what did you hear about the amnesty programme?

24 A. [11:39:57] I heard them calling upon us who were in the bush to come back
25 home, because nothing bad was going to happen to us.

- 1 Q. [11:40:21] How did you hear about it?
- 2 A. [11:40:34] I started hearing about it from the radio.
- 3 Q. [11:40:45] Do you mean military radio or domestic radio?
- 4 A. [11:40:54] FM radio.
- 5 Q. [11:41:03] When you heard on the radio that you could go back home and
6 nothing would happen to you, did you believe this?
- 7 A. [11:41:16] I did not have much faith in it, because I thought they were just
8 deceiving us to lure us back home so they could kill us.
- 9 Q. [11:41:38] What was the basis of this belief that you held, that they wanted to
10 lure you so they could kill you?
- 11 A. [11:41:52] Because sometimes you would ask the civilians and then they will tell
12 you, "Please don't come back home, because if you return they will kill you." We
13 therefore believed if we returned home we would be killed. Of course you would
14 hear the voices of others who escaped and went to talk on radio, but we would think
15 that these were recorded voices and yet the people were already killed. So we didn't
16 believe they were alive.
- 17 Q. [11:42:39] Did your beliefs change at one point?
- 18 A. [11:42:45] The reason I had to change my belief, that eventually led to my return,
19 there was a friend of mine who was called (Redacted) who was coming from
20 (Redacted). So one evening
21 I heard him speak on Mega FM, he mentioned my name. He called me to return
22 home. He told me I should come back home, there is no problem. Him, as Ayela,
23 he was already home. He saw his parents and all the other a people who were
24 allegedly killed, for instance, Sam Kolo, Mzee Banya. He was able to see them
25 physically, even shook hands with them. I therefore changed my belief. I made up

1 my mind to leave the bush and return home. I did exactly that.
2 I came home. I was able to meet (Redacted) himself, including the other people whose
3 names he mentioned. I also met people he didn't mention on radio on that day. I
4 found they were all back home, alive, and all was well. From that time, up to now,
5 and -- I have no other thinking other than the belief that everything is okay. From
6 there I was really scared, but now I'm no longer.

7 Q. [11:44:30] For the duration that you were in the bush did you ever have any
8 news regarding your family, if they were okay? Had you had any contact with them
9 whatsoever?

10 A. [11:44:47] From the time I was abducted I never saw my home area, I never
11 passed by there until when I returned home. That was the first time I was able to see
12 my parents. I didn't hear any message from them. I didn't get any message from
13 them, because there were no way they could communicate with -- with me. Because,
14 if you tried to do so, the government soldiers would get you and kill you because
15 they would say you are collaborating with the rebels.

16 Q. [11:45:40] You said that after hearing your friend on the radio, it is what led to
17 your return. Can you tell us briefly about your return from the bush. How did you
18 leave the bush?

19 A. [11:46:16] After sustaining injury and I had already recovered, I was able to at
20 least walk, we left a place called Wol in Pader at the foot of Ayeda (phon) hills. We
21 were split into two groups. I was given to Captain Obali, he comes from Atiak.
22 They selected about 10 or so of us who had guns. Our 2IC was called Oboya.
23 There was also a second lieutenant called Yankee. We went down towards Kilak
24 hills, they sent us to procure some items, some civilian clothes and Wellington boots,
25 and some dresses for women, and many other items. That was because they wanted

1 part of the group to return it to Sudan.

2 We went and we -- we procured the items. After that, they sent us back. Four of us

3 wielding guns, together with others who didn't have guns. They instructed us to go

4 and abduct some girls, some five girls and five boys. We were supposed to abduct

5 10 people. We went and abducted them and returned. Before we could link up

6 with the bigger group at the bank of a stream called Ayugi. We were being pursued

7 by both the government soldiers and then military vehicles. It was during dry

8 season and it was a bit clear.

9 We crossed the stream and we went towards Arebe hills. It's between Acholi and

10 Madi. We went and climbed the hills. When the government soldiers came, they

11 lost track of where we were. But they settled at the base of the hill for four days. We

12 were atop the hill for four days.

13 But there were banana plantations nearby we could sneak and harvest some bananas,

14 which we would use for our sustenance. They waited for us in vain, then they left to

15 go towards the centre. We also followed them. They were moving ahead and we

16 were following them. And it clocked about 5 p.m., it just occurred to me that today,

17 whether I like it or not, by daybreak the next day I should be in the hands of the

18 government soldiers. And I kept that thought in mind for the entire night.

19 And the next day in the morning, at about 5 a.m., I released all the students that we

20 had abducted. I told them to go and tell the government soldiers that there is

21 a commander who is coming to report. If you saw him, please don't shoot.

22 When they left, I also sent the other people I was with, I told them to all go. And we

23 talked about a place called Tebeyo, and I told them we are going to meet at Tebeyo as

24 the RV, and we are going to meet at about 11 a.m., but that should only happen after

25 we've studied the situation and know whether we are being pursued or not.

1 When I sent away the other people, I went towards the main road, and when I went I
2 found some old man who was in the garden. I greeted him, "Good morning." He
3 responded.
4 And then I told him, "I would like you to help me."
5 Then he asked me, "How do I help you?"
6 I told him, "I would like you to take me to the government soldiers. I fear going on
7 my own."
8 Then the old man actually scared me. He said, "My son, please don't go back home,
9 because they're going to kill you."
10 I pondered over the old man's message and I told him, "Well, fine. Then you
11 continue with what you are doing."
12 I had already made up my mind that I am going home. If they are going to kill me,
13 they would kill me, but I live my life in the hands of God. He is the one who took
14 me away from my parents, and I went to the bush. I know he is the one who was
15 calming me, so I made up my mind to come home."
16 I continued, I went across the road and then I met some intelligent person. I greeted
17 him, but he proceeded.
18 Another person was riding a bicycle, I stopped him and asked him to take me to
19 Atiak centre. As we were approaching the centre, the centre was already inside. I
20 told him to stop. And then when he did so, I told him that, "You, man, you know, I
21 do not have money. I am not a government soldier. I am actually a rebel."
22 Then he told me, "Well, no problem. What we do, give me your gun and I hold for
23 you."
24 I eventually changed my mind. I told him, "Well, fine. If that is the case, then leave
25 me here, continue with your journey." He proceeded.

1 I walked for a short while, then I stopped another person who was riding a motorbike.
2 He gave me a lift. And as we were approaching the centre, I told him to leave me
3 there. And then I asked him, "How much do I pay you?"
4 He told me I pay 1,000 because the distance was not far.
5 I told him, "Well, I do not have money. I am not a government soldier. I am
6 a rebel."
7 Then he asked me to give him my gun. I told him, "Fine. I cannot give you my gun.
8 Please go. But show me where the barracks is."
9 He pointed the direction of the barracks and said, "Follow, I'll go towards that tree,
10 the barracks is there."
11 I went in that direction. I found a UPDF captain. He is a Munyankole. I saw him
12 coming from the camp. I think he was coming from his home, which he could have
13 erected in the camp. I saluted him. He responded back with a salute. Then I
14 greeted him in Kiswahili and he responded. Then we walked, and then I stopped
15 him. I told him "You, man, first hold." He stopped and then I told him, "I would
16 like to tell you that right now I am your soldier and you are also my soldier. I am
17 a rebel. I am not a government soldier."
18 He understood my situation, but he was really scared. I could visibly see him
19 shaking. He had a pistol around his waist, but there was no way he could pull his
20 pistol. I held him at close range and there was no way he could do anything, I
21 would be able to shoot him before he would have his pistol with him.
22 So we walked and found the soldiers who have already fallen. They wanted to send
23 some to go for patrol while others would go on mobile operation, as others would be
24 kept to provide security along the main road. And some of them would of course
25 remain to take charge of the barracks.

Trial Hearing
WITNESS: UGA-D26-P-0079

(Open Session)

ICC-02/04-01/15

1 They brought a chair for me to sit down. I objected to it. I went and picked a brick
2 and sat on it.
3 When I told the captain, I asked him, "Who is the -- the overall commander of this
4 place is having which rank?"
5 He told me, "Well, he's a colonel, and he's an Alur."
6 I told him to go and ask him to come. He didn't object to my idea. He went and
7 called his commander. The commander came. I saluted him. He responded.
8 Then he greeted me. We hugged each other. Then he thanked me and said I am
9 a very brave man, because he never found anybody who was this brave. But I
10 should understand there is no problem, I should hand over my gun.
11 I objected to that. I said, "I'm not handing over my gun until I see Colonel Otema
12 Awanyi." At that time Otema Awanyi was still a colonel. "Before I see him, I
13 cannot release my gun. I want him to come. Until I enter his vehicle or if until I
14 arrive in Gulu barracks, the division, that's when I can hand over my gun." And
15 Otoma was in charge of the barracks in Gulu.
16 Then he eventually came, he arrived at about 11. They gave me something to eat for
17 breakfast. There was tea and everything, but I rejected. I told them, if they wanted
18 me to eat, they should bring for me a saucepan and water so I could prepare my own
19 meal. I didn't want to take any chances, because I thought they were going to poison
20 me if they gave me anything to eat. That was how I got myself back home. Thank
21 you very much.
22 PRESIDING JUDGE SCHMITT: [11:56:14] Thank you.
23 Please, Ms Bridgman.
24 MS BRIDGMAN: [11:56:18]
25 Q. [11:56:24] Thank you, Mr Witness. I did not want to interrupt you, but I am

1 now going to ask you just a few questions to clarify what you have just said.

2 A. [11:56:34] Fine.

3 Q. [11:56:36] You mentioned earlier that you were injured at Lira-Palwo and that
4 was in 2004. How soon after your injury did you escape, this story that you are
5 telling us, do you remember the year?

6 A. [11:56:56] Well, you know, sometimes you do not care so much about these
7 things, you don't think they are really important. What was important to me was to
8 arrive home. I didn't think about, well, maybe this being important at another time.
9 Have you understood?

10 Q. [11:57:22] Yes, I have.

11 Do you remember how long it took you for healing to happen, for you to be able to
12 start walking again?

13 A. [11:57:42] Well, if it's not something I have forgotten, but I also know even
14 medical doctors know that for bones to heal, it will take 24 days. The bones will be
15 able to fix themselves back naturally.

16 But as a rebel, you don't have to wait for all this time. You begin limping as you try
17 to learn how to walk, and eventually you will be able to walk again. You might have
18 to use sticks here and there to support you. You keep hopping here and there.
19 Sometimes you try and put the foot down and feel if you can still be able to walk
20 somehow, and eventually you get well.

21 Q. [11:58:24] When you finally made the move and decided you were going home,
22 you described what sounded to me like several people that you encountered. And
23 you were carrying a gun. But what uniform were you wearing, or were you wearing
24 civilian clothing?

25 A. [11:58:57] I was in a military fatigue, a new government uniform, I was the first

1 person to put it on, it was new. Even my Wellington boot was new.

2 Q. [11:59:17] You also mentioned the captain, the UPDF captain you met at the
3 detach, and you said that he was coming from the camp. Which camp are you
4 talking about?

5 A. [11:59:42] Atiak camp, that's where I eventually went, and the barracks was also
6 there.

7 Q. [11:59:54] So this was a civilian camp; is that correct?

8 A. [12:00:02] You know, in a camp, there will be the camp and then a barracks next
9 to it, so much so that in case of an attack, the civilians will not be so much exposed to
10 the exchanges. It will be just near.

11 Q. [12:00:27] When if you recall -- because you mentioned that you think perhaps
12 the soldier was coming from the camp where he had erected his house, how far was
13 the camp from the military barracks?

14 A. [12:00:48] Not even half a mile. It's difficult for me to estimate or to -- but it
15 was close. It was really close. The quarter guard and the barracks were close
16 together, they were adjacent to each other. The camp was on one side and the
17 barracks was on the other side. They were very close. Both sides of the road you
18 had camps.

19 Q. [12:01:28] So do you remember if there was a fence or anything that separated
20 the camp from the barracks?

21 A. [12:01:36] No, there was no fence. How can you put a fence? Even the
22 main barracks in Uganda do not have fences. So the barracks in Atiak is such a small
23 barracks, why would it have a fence?

24 Q. [12:02:06] You also just told me that you had a new uniform and a pair of
25 Wellington boots. Where had you gotten these?

1 A. [12:02:22] I acquired them at battle. You know, when you go for battle, you
2 always take a spare change of clothes. I believe that even you, when you travel,
3 when you're going on a trip, you have a spare set of clothes or shoes so that in case
4 the ones you have on are dirty, you have something to change into, and that's what
5 we used to do.

6 We found the bags that had been discarded and we found those things in those bags.

7 Q. [12:03:12] You also mentioned that you were offered food and you refused
8 because you wanted to cook your own food. Is this something that you had heard of
9 that people would be poisoned with food or was it just from your suspicions? What
10 was the basis of your refusal to eat?

11 A. [12:03:38] Nobody told me that, but I was suspicious, I just wanted to protect
12 my life. You have to protect your own life in order for God to help you as well.

13 Q. [12:04:04] You also mentioned that you insisted to see Otema Awanyi. Did you
14 know him before this? Why were you asking for him in particular?

15 A. [12:04:21] I heard about him, I heard about -- I'd heard of the name, so I believed
16 that since he's also an Acholi person, if he came, nothing bad would befall me because
17 I always heard the people who escaped talking about Otema Awanyi, Otema Awanyi.
18 So I thought he's the person I should go to. I should not go to any strange person or
19 foreign person. I should go to an Acholi person because if anything were to happen,
20 then he would back me up and that was my thinking.

21 Q. [12:05:06] Now, do you remember filling out an application form to participate
22 as a victim at this Court?

23 A. [12:05:39] Yes, I did complete a form.

24 MS BRIDGMAN: [12:06:01] Your Honours, this is at tab 4 UGA-D26-0025-0334.

25 Q. [12:06:16] Mr Witness, I would just like to read to you a small portion from that

1 form because I just need to -- for you to help me understand the story of your leaving
2 the LRA and you let me know if -- well, let me just read for you the portion and then I
3 will ask the question.

4 A. [12:06:44] Okay, go ahead.

5 MS BRIDGMAN: [12:07:13] Your Honours, this is at page 3402.

6 Q. [12:07:27] Mr Witness, in this you were discussing the operation at Lira-Palwo,
7 and you said, I will read for you: "While at the front line our fire power could not
8 match that of the government army. We wanted to run away and withdraw to our
9 freedom but the commanders kept on beating us and forcing us to the front line, I
10 made an effort and tried to escape when all of a sudden I found myself on the ground.
11 All my thigh bone had been shattered and I sustained grievous injuries on both legs."
12 And I'll read further down:

13 "Kamdulu took us to their hideout which they called it a sickbay at the confluence of
14 Agago river and left us there to nurse our wound. No medical support was given us
15 and we were about 14 in number. It took several weeks until one day we were
16 rescued by government soldiers who got information about us and came and took us
17 to World Vision rehabilitation centre."

18 Mr Witness, the information here seems different from what you have told us. Can
19 you clarify which one is true from what you have said?

20 A. [12:09:13] Thank you for that question. I've heard what you read. The person
21 who wrote this made an error. The person did not follow what I narrated because
22 you know sometimes it's very difficult to write Acholi. Sometimes it's easy,
23 sometimes it's hard and you might make mistakes. For the person who is writing it,
24 it might make sense, but for whoever is reading it, it might not make sense. So the
25 person did not write -- did not write down the correct information.

1 I told the person that when I sustained injuries at Lira-Palwo, we went to a riverbank
2 known as Otaka. That is at the confluence between Lira-Palwo and Omot, that
3 particular river that I'm talking about. On the day of battle those of us who had
4 sustained injuries, I believe that there were four of us, but out of the four, three are
5 now deceased, (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted).
10 So when we went and spent the night at the banks of Otaka river, in the morning they
11 told us to leave. They told us -- they told people to find some sort of way to take me
12 to a place where I could recover. I was on a stretcher, I was in pain, I was
13 disorientated. I did not know what time we left or where we were going, I just
14 realised that we got to the -- to some place because I was in extreme pain.
15 I did not know what time we crossed the road, but at around 5, we were at Agago.
16 And while we were there, arrangements were made. Onen Kamdulu was sent to
17 come and find an area that is -- is secure. He found some civilians who were our
18 coordinators and he spoke to them. The civilians would help us find secure places,
19 they would help us secure things. So he spoke to them and they found some sort of
20 forest next to a school known as Abore and I stayed there for about two weeks.
21 After that, Onen Kamdulu was sent as a commander, somebody who could stay with
22 us until I was healed. It was only two weeks after that, he was called to go on
23 mission and he was asked to go to the border near Palabek. I do not know why he
24 was called. I was in pain. I did not ask. And I was only worried, I was constantly
25 worried that in case of any battle, are they going to run and leave me or are they

1 going to carry me and take me with them? So that was constantly on my mind. I
2 was not concerned as to whether I was hungry or not. My only and main concern
3 was that if battle broke out, are they going to take me or are they going to leave me?
4 So the person who wrote this down made a mistake. The person should have
5 actually been asking me, should have made clarifications, and asked me, "Have I
6 wrote this down correctly? Have I wrote this down correctly?" But the person did
7 not ask for clarification, so that's where the mistake came about. Thank you.

8 Q. [12:13:43] Thank you for clarifying. Now at this stage, did you have a rank in
9 the LRA?

10 A. [12:14:06] At the time, yes, I had been given some kind of rank, yeah. I was
11 a lieutenant at the time.

12 Q. [12:14:22] When you finally met with Otema, briefly tell me what happened.

13 A. [12:14:39] Otema came. He welcomed me warm-heartedly, he showed me
14 affection, he was not angry with me. He did not take me as somebody who has been
15 committing a crime, and he just welcomed me as his person, as their person. When
16 we were going to the barracks in Gulu, he told me to climb at the back and I refused.
17 I told him, "No, I cannot sit at the back. I've been burnt by the sun for so many years.
18 Right now I'm going to sit at the front where you are sitting." And he did not refuse.
19 He told me, "Leave your gun behind" and I told him, I said, "Well, if it's about the gun,
20 don't mind about it." I took out the magazine, I took out the bullets that were in the
21 chamber, then I took the gun and put it on my chest and I sat with him at the front.
22 I asked him to play some music. There is a girl, a musician called Leri (phon) Grace
23 Atim. She sings a song called Omera dwog gang, meaning "my brother come home".
24 And I told him, I said that "If you have that song, please play it for me and put it on
25 repeat constantly until we get to Gulu" because this was a song that was kind of

1 educational for us, people who were in the bush. And it's one of the songs that
2 kind of encouraged us to come home. So I kept on listening to that song until we got
3 to Gulu town.

4 When we got to Gulu town, I came out of the car, we went to his office. When we
5 went to his office, I rested for a bit and I was told to go and eat. We went to a place
6 known as jiko. The army knows the meaning of jiko. I do not know what it means,
7 but it's some kind of officers' mess. So we went there, they served food, and I was
8 given. There was a Nyankole guy, he was -- he spoke Acholi, and he told me, he
9 said, "Huh, today you are eating beans and posho." And that was extremely painful
10 for me, so I was very angry. I poured away the food. Because if he had actually
11 looked at us and made a comparison, he would have noticed that he was actually
12 skinnier than me, him who eats beans and posho every day. So I really was not
13 happy. Some of the guys who heard what he said were also upset and they beat him
14 up. They tried to convince me to eat and I refused. I went back to the office. They
15 asked me, "Did you eat?" I said, "No, I didn't eat." And he asked why? I told him,
16 "Well, when I went there, when I went to eat, they started making fun about me,
17 about eating beans and posho." So he himself went and beat that guy again. He
18 beat him up so badly and they took him to some sort of pit. He was put in a pit
19 where people are put in case they commit any kind of infractions. They didn't even
20 care that he was injured. Because they said, you know, when people come out of the
21 bush you should not make fun about them for food. Which means that, for him,
22 food is more important than the lives of people. And that's what happened.

23 So Otema Awanyi made sure that I did not go hungry. He called his escorts, he gave
24 them money, and they sent me to eat. And that was the first time that I started
25 seeing some of these big hotels. I was taken to Panafric hotel. I ate. I came back, I

1 had a bath. I was given a different set of clothes, I changed, and then I gave them the
2 gun. I now felt free because I thought, "Okay, nothing is going to happen to me right
3 now." And that was the day that I presented myself to them.
4 I stayed for two days, and after two days they started asking me. They asked me
5 how I escaped. What I thought about before I escaped. Do I want to continue
6 being in the army or not. I'd actually thought about it, I thought about
7 being -- joining the army. But then I thought, "Aha, no, I'm not going to continue."
8 Because I thought, "Okay, I might continue, I might decide and join the army, but
9 then go to the battlefield and killed. Well, God has helped me come back home, so
10 no, I'm not going to go back and get killed." So I decided to continue with my
11 civilian life and I decided to become a farmer.

12 Thank you. That's what happened.

13 PRESIDING JUDGE SCHMITT: [12:19:46] Thank you very much.

14 Ms Bridgman, please continue. I think the issue of escaping is now sufficiently
15 explored, I would say, yes.

16 MS BRIDGMAN: [12:19:56] It is indeed, but ...

17 PRESIDING JUDGE SCHMITT: [12:20:01] You said it already, and I have also
18 recognised that I also did not interrupt, we want to let the witness tell their story. So
19 please continue.

20 MS BRIDGMAN: [12:20:17]

21 Q. [12:20:18] You said that when you had handed over the gun and you felt
22 comfortable they started asking you questions about your time in the bush. Was this
23 Otema who was asking you questions, or he had assistants and other people who did
24 this part?

25 A. [12:20:39] You know that there are assistants. You know, as an example, you

1 are standing here in public asking me questions. That means that there are several
2 departments. So in that case, it was the intelligence department that were asking,
3 because they wanted to find out information from me so that they can take action
4 should they -- they wanted to find out what kind of guns, want kind of arms, what
5 kind of ammunition, where these are obtained from, who gives you those kind of
6 guns, who is helping you, who is supporting you. Those are the kind of information
7 that they wanted to find out, because the LRA had some kind of weapons that the
8 government did not have. So as far as they are concerned, they also wanted to find
9 the anti of those weapons so that they could use them.

10 Q. [12:21:52] Were these people from intelligence taking notes? Did you see them
11 take notes while they were asking you these questions?

12 A. [12:22:07] Yes, they were taking notes. They took notes of every single thing
13 that was said.

14 Q. [12:22:19] Now, did you ever -- were these notes ever shown to you? Or were
15 they ever read back to you?

16 A. [12:23:03] They would ask and repeat.

17 MS BRIDGMAN: [12:23:12] Your Honours, I am coming to a place where we have
18 received a document from the Prosecution, and I made a note of it on the list of
19 materials. It is not on the list of evidence, but I would like to explore it.

20 PRESIDING JUDGE SCHMITT: [12:23:27] I think there is no objection by the
21 Prosecution.

22 MR ZENELI: [12:23:35] We will wait and see, your Honour. Right now, no
23 objections.

24 PRESIDING JUDGE SCHMITT: [12:23:39] I think, Mr Gumpert, from what I saw
25 from the signs, you did not say anything, but you looked even as if you would make

Trial Hearing
WITNESS: UGA-D26-P-0079

(Open Session)

ICC-02/04-01/15

1 no objections at all, from the outset.

2 MR GUMPERT: [12:23:51] I'm sorry, I'm embarrassed by not being immediately
3 aware of precisely what the document is.

4 PRESIDING JUDGE SCHMITT: [12:23:58] I will not push it.

5 But please proceed, Ms Bridgman. So we continue in the vein of let's wait and see.

6 MS BRIDGMAN: [12:24:08] The document number is tab 5, UGA-OTP-0285-0138.

7 Q. [12:24:30] Now, Mr Witness, this is a document that appears to be a report of
8 those notes that you say were taken during the time you were at Gulu 4th division.

9 PRESIDING JUDGE SCHMITT: [12:25:02] This also means that Mr Witness has not
10 read it. So the only thing, so to speak, what you can do is to extract portions out of it
11 and ask him if this is true or if he recalls it, or something like that, I would assume.

12 MS BRIDGMAN: [12:25:21] Thank you, your Honour. Actually, that is very
13 helpful, because since we have not discussed it with him before it is hard for me to do
14 it any other way.

15 PRESIDING JUDGE SCHMITT: [12:25:32] Yeah, I would also -- I would suggest to
16 proceed like that, and I would not see anything objectionable to such an approach.

17 Since we had this before with Prosecution witnesses, it appears at least, to word it this
18 way, that the witness was sort of involved in the production of this. At least you
19 allege that at the moment. So please proceed.

20 And Mr Witness, if something is put to you out of this document, you simply can say,
21 "I don't recall. I don't know. It's not true." Or whatsoever. Like you did with the
22 application form too, we have discussed recently. So it's not when something is read
23 to you and it is said, "This comes from you, that this might be true." It is simply that
24 we want to explore if it is true or not, or if it is correct or not.

25 So Ms Bridgman, please.

- 1 THE WITNESS: [12:26:33](Interpretation) Thank you.
- 2 MS BRIDGMAN: [12:26:42] Actually, your Honour, may we go into private session,
3 just a little bit, for this.
- 4 PRESIDING JUDGE SCHMITT: [12:26:57] I was wondering if you would ask that.
5 I have assumed it also. Private session.
- 6 (Private session at 12.27 p.m.)
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Trial Hearing
WITNESS: UGA-D26-P-0079

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: UGA-D26-P-0079

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: UGA-D26-P-0079

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: UGA-D26-P-0079

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: UGA-D26-P-0079

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: UGA-D26-P-0079

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: UGA-D26-P-0079

(Private Session)

ICC-02/04-01/15

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Page redacted – Private session

Trial Hearing
WITNESS: UGA-D26-P-0079

(Private Session)

ICC-02/04-01/15

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22 (Open session at 12.51 p.m.)

23 THE COURT OFFICER: [12:51:14] We are back in open session, Mr President.

24 MS BRIDGMAN: [12:51:33]

25 Q. [12:51:35] Two things about this same document, that at page 0140, the very last

1 bullet point it says, "In 2004, they left Soroti - Teso areas and headed to Lira in areas of
2 Okwang where Odhiambo started planning for the attack on Barlonyo." Is this
3 accurate, Mr Witness?

4 A. [12:52:22] That's correct.

5 Q. [12:52:42] You went to a rehabilitation centre after you returned from the LRA.
6 Which rehabilitation centre did you go to?

7 A. [12:52:59] I was in Gulu at the World Vision.

8 Q. [12:53:22] How did you get to World Vision?

9 A. [12:53:31] Well, with World Vision, whoever returned from the bush, they
10 would come and collect you from CPU so they can go with you and give you some
11 counselling so as to allow you recover and forget about the things that you went
12 through and also prepare you for your reintegration back into civilian life. That was
13 what they were doing. There was World Vision, there was GUSCO, those were the
14 two organisations that were taking care of returnees. Others were in Kitgum, in
15 Kitgum it was called KICWA. In Lira there is also some, I think I forget the name of
16 the organisation in Lira. And then I only remember those in Gulu. Those were the
17 three locations where returnees were temporarily kept. In Lira it was called Rachele.

18 Q. [12:54:56] Do you remember how long you had stayed at CPU before being
19 taken to World Vision?

20 A. [12:55:04] Well, I think it was about two week -- two months and two weeks,
21 something like that.

22 Q. [12:55:21] There is this document at tab 3, UGA-D26-0022-0450. It is
23 showing -- it should be showing on your screen, Mr Witness. Is this the document
24 you received from World Vision? Do you recognise it?

25 A. [12:56:06] Yes, it's there. I actually came with a copy of it.

1 Q. [12:56:19] Now in that document, it shows that - and just to be clear, it's not to
2 be shown to the public - it shows that the date of escape is 7 February 2006. Do you
3 have an explanation of why they would put this date as the date of escape?

4 A. [12:56:51] Well, even those who produced this document, when they called me
5 to hand over the document to me, they apologised and they told me the date I
6 returned was not recorded correctly, I should forgive them. I felt, well, that
7 shouldn't be a big issue and that is it.

8 PRESIDING JUDGE SCHMITT: [12:57:20] But I think we would also have to
9 mention that there is a stamp on the right side at the head of this paper, which seems
10 at least to indicate that it shows 31 March 2006.

11 MS BRIDGMAN: [12:57:45]

12 Q. [12:57:45] Mr Witness, there is also another document that you gave us, tab 2,
13 UGA-D26-0022-0448. Do you recognise that document? It should be on your
14 screen right now.

15 A. [12:58:34] Yes, I have all these documents. I came along with all of them.

16 Q. [12:58:50] And also in this document, it shows kept in captivity from 5 May 1995
17 until 7 February 2006. So it also shows February 2006 as your date of return. Did
18 they also say this was an error on their part?

19 A. [12:59:17] It all started from the previous document and even this one, I do not
20 know why they indicated that date. I don't know whether they were in a hurry or
21 because there were so many people. Well, the truth is there were so many people at
22 the centre at that time, so you know, sometimes they get overwhelmed and this is not
23 right. They told me verbally that I should forgive them for the error they recorded
24 because even the money that I should have received in support, I had to go to Kitgum
25 to receive it from there. I should have picked it from Gulu, but I had to go to Kitgum

Trial Hearing
WITNESS: UGA-D26-P-0079

(Open Session)

ICC-02/04-01/15

1 and pick it from there.

2 PRESIDING JUDGE SCHMITT: [13:00:01] And again, it should be mentioned that as
3 the date of issue here it is recorded 9 March 2006.

4 MS BRIDGMAN: [13:00:17] Your Honour, forgive me for stretching my time. I
5 think I will need a little bit of time in the afternoon, but I wanted to clean up this
6 portion.

7 PRESIDING JUDGE SCHMITT: [13:00:29] No problem. You seem to suggest that
8 we have now the lunch break.

9 MS BRIDGMAN: [13:00:33] I would like to just finish this.

10 PRESIDING JUDGE SCHMITT: [13:00:35] This portion.

11 MS BRIDGMAN: [13:00:36] Yes.

12 PRESIDING JUDGE SCHMITT: [13:00:37] Yes, of course, please continue.

13 MS BRIDGMAN: [13:00:38] Thank you.

14 Q. [13:00:38] Now, Mr Witness, these two documents that I have just shown to you,
15 did you receive them from the same office and were they handed to you at the same
16 time, if you remember?

17 A. [13:00:55] All these documents are prepared and then bundled together and
18 then handed over to you. Amnesty office would pick it from World Vision, then
19 they would take your picture and then attach it to the amnesty certificate. They will
20 gather all these documents, the RDC's letter and any other documents, all the three
21 documents are put together and handed over at once.

22 Q. [13:01:32] Thank you for that. Actually, it is helpful because I was going to ask
23 you about your amnesty certificate at tab 1, UGA-D26-0022-0445, because in that it
24 appears to have been issued on the 15th day of October 2006. So this is several
25 months after the reunion letter and the letter from the RDC. From what you have

1 said, is it my understanding that you received all these documents, let's say in
2 October when you got your amnesty certificate?

3 A. [13:02:21] Well, all these documents, because amnesty office would get the form
4 from World Vision and extract the information from the form that was produced in
5 World Vision and they would use that information. Even the RDC's letter would use
6 the same information provided from the World Vision office. It's not that you are
7 invited in to all these offices, but they instead get this document and then use it to
8 reproduce their own.

9 Q. [13:02:55] Mr Witness, from what we have discussed, especially in the private
10 session, is it possible that you spent longer than two months at CPU before you were
11 taken to World Vision for rehabilitation? Is it possible that from the time you
12 escaped to the time you were handed over to the rehabilitation centre, you spent
13 a longer time than you remember?

14 A. [13:03:31] Well, that could be right, but may also not be true. Because, you
15 know, there was a bit of confusion there. Sometimes people are telling you, "Please,
16 you join the army." Others were saying, "No, please don't. Go back to civilian life."
17 Your parents would also come and tell you, "Please come back home." And then
18 you take some time to think about this. And in the process, yes, you could have
19 taken a bit longer. Added on to that, I had to go for operation here and there and it
20 is possible that I could have spent longer than I have mentioned. Because some of
21 my colleagues would come and wouldn't take long, they would be sent away.

22 Q. [13:04:13] Thank you, Mr Witness.

23 Your Honours, we can take the lunch break now. And it won't be long for my last
24 questions.

25 PRESIDING JUDGE SCHMITT: [13:04:22] Okay. Then we continue at 2.30.

Trial Hearing
WITNESS: UGA-D26-P-0079

(Open Session)

ICC-02/04-01/15

- 1 THE COURT USHER: [13:04:26] All rise.
- 2 (Recess taken at 1.04 p.m.)
- 3 (Upon resuming in open session at 2.32 p.m.)
- 4 THE COURT USHER: [14:32:51] All rise.
- 5 PRESIDING JUDGE SCHMITT: [14:33:18] Please proceed, Ms Bridgman.
- 6 MS BRIDGMAN: [14:33:30]
- 7 Q. [14:33:32] Good afternoon, Mr Witness.
- 8 A. [14:33:36] Good afternoon.
- 9 Q. [14:33:41] Can you kindly tell us how you came to be a witness in this case?
- 10 And may I interrupt briefly, you do not have to give us names of places and names of
- 11 people.
- 12 A. [14:34:16] Okay. Thank you. Thanks to everybody in the courtroom. The
- 13 reason why I decided to come and testify is because of some of the information that I
- 14 heard being said about Dominic Ongwen. As far as I am concerned, I am not happy
- 15 about all the information that has come out because some of it is false, and that is the
- 16 reason why I decided to come and testify. Thank you.
- 17 PRESIDING JUDGE SCHMITT: [14:35:05] If you continue, Ms Bridgman, please
- 18 don't ask for opinions or something like that. Simply for facts, please, from the
- 19 witness. I'm referring to the witness summary. I think we understand each other.
- 20 I don't want to hear about feelings of the witness or about opinions or something like
- 21 that. Yes.
- 22 MS BRIDGMAN: [14:35:40]
- 23 Q. [14:35:50] What information have you heard that is false?
- 24 A. [14:36:11] It's the areas of the crimes that -- the crimes that were allegedly
- 25 committed.

1 Q. [14:36:36] Can you give me an example too?

2 A. [14:36:45] Yes, I can.

3 Q. [14:36:49] Please go ahead.

4 A. [14:36:57] The first one regards to the Pajule area, where they allege that he
5 committed crimes. And also the Lukodi area, where it's alleged he committed
6 crimes. As well as Abok, where it's alleged he committed crimes. Those are the
7 three examples that I can give.

8 MS BRIDGMAN: [14:37:33] Your Honours, may I have a moment to confer?

9 PRESIDING JUDGE SCHMITT: [14:37:40] Indeed.

10 (Counsel confer)

11 MS BRIDGMAN: [14:38:02] Thank you, Mr Witness.

12 Your Honours, these are all my questions.

13 PRESIDING JUDGE SCHMITT: [14:38:10] Thank you very much.

14 Any questions by lead counsel? No.

15 Then I give the Prosecution the floor.

16 Mr Zeneli.

17 MR ZENELI: [14:38:23] Thank you, Mr President. I just for the record say that we
18 have Hai Do Duc and my look alike, Kamran Choudhry in the courtroom this
19 afternoon.

20 PRESIDING JUDGE SCHMITT: [14:38:37] He seems to be pleased.

21 QUESTIONED BY MR ZENELI:

22 Q. [14:38:45] Good afternoon, Mr Witness. I am Shkelzen Zeneli and I will be
23 asking you some questions on behalf of the Prosecution.

24 Can I just start really briefly with what you said this morning when my colleague,

25 Bridgman, was asking you questions about the spirits and you said, "He had Juma, he

1 had Oris and I think because it's a bit -- a while since I was last there, I have forgotten
2 the names of some of the spirits." And then you said, "If you found the names of the
3 spirit I wrote in my statement, yes, those are the spirits."

4 Now, what statement were you talking about?

5 A. [14:39:46] Could you please repeat what you said. I didn't quite understand it,
6 and you were in such a hurry as well.

7 Q. [14:39:55] Very well.

8 PRESIDING JUDGE SCHMITT: [14:39:56] Perhaps I can give it a try.

9 MR ZENELI: [14:39:58] Absolutely.

10 PRESIDING JUDGE SCHMITT: [14:39:59] Mr Witness, this morning, when you
11 were talking about the spirits -- I am just -- I am wrapping it up a little bit, yes -- when
12 you were talking about the spirits, you recalled some of them and some of their
13 names, and with regard to others, you said "I don't recall it, but they are in my former
14 statement. And what is written down there is the spirits, that is correct."

15 So this is what Mr Zeneli is referring to. So his question would be: Which
16 statement you were talking about this morning?

17 THE WITNESS: [14:40:46] (Interpretation) If he had heard and he had understood,
18 then this is what I said, that if there are some that I have written somewhere, then
19 those are the names of the spirits. But if there are no spirits written down, then there
20 are no other spirits.

21 MR ZENELI: [14:41:12]

22 Q. [14:41:13] Did you write a statement?

23 A. [14:41:24] If I had not written a statement, I would have not come before
24 the Court.

25 Q. [14:41:30] Do you have a copy of that statement?

1 A. [14:41:40] No, I do not have it with me. But perhaps whoever took down the
2 statement has the copy of it. But I don't have one personally.

3 Q. [14:41:52] That's all right.

4 I'll move on, Mr President.

5 PRESIDING JUDGE SCHMITT: [14:41:55] No, but the question would be: Do you
6 recall with whom you talked and who took this statement then? Do you recall that?

7 THE WITNESS: [14:42:15] (Interpretation) That was long time ago when I was in the
8 barracks, I was still at the barracks. There were quite a number of commanders and
9 I was, at the time, I was kind of apprehensive and afraid, so I did not know all the
10 people that were writing down things.

11 PRESIDING JUDGE SCHMITT: [14:42:33] So indeed I think we can now move on.
12 So it's in the depth of history, so to speak, and we can't recover that anymore. So
13 please continue.

14 MR ZENELI: [14:42:53]

15 Q. [14:42:54] Mr Witness, you were in Teso, correct?

16 A. [14:42:56] Yes.

17 Q. [14:42:59] And that was around the death of Tabuley; am I right?

18 A. [14:43:10] Yes, that's correct.

19 Q. [14:43:11] Which was in October 2003, correct?

20 A. [14:43:21] That's correct.

21 Q. [14:43:22] And you knew Dominic Ongwen, correct?

22 A. [14:43:31] Yes, I knew him.

23 Q. [14:43:34] He was the second-in-command of the Sinia brigade, right?

24 A. [14:43:46] At the time he was acting, but he was still under the leadership of
25 Buk Abudema.

- 1 Q. [14:43:57] And --
- 2 A. [14:43:58] I hope you understood that.
- 3 Q. [14:44:00] And when Buk got sick Dominic took over from him, correct?
- 4 A. [14:44:16] When he passed away, then he was given the leadership.
- 5 Q. [14:44:33] And when you say "he was given the leadership", you mean
- 6 Dominic Ongwen; is that correct?
- 7 A. [14:44:46] That's correct. Because if somebody, for example, yourself, if your
- 8 father dies and you are the older child, if you are a responsible person, then you
- 9 would be made the responsible person.
- 10 Q. [14:45:14] Do you remember talking to the Defence, Mr Witness?
- 11 A. [14:45:33] Yes, I do recall.
- 12 Q. [14:45:39] Well, I have a document here which purports to be the summary of
- 13 a discussion that you have had with them. And in that document - your Honours,
- 14 I'm looking at paragraph 12 of the witness's summary - it is noted that when Buk's
- 15 health situation deteriorated, Dominic took over from him.
- 16 Is that correct, Mr Witness?
- 17 A. [14:46:36] Yes. I accepted earlier that that was correct.
- 18 Q. [14:46:45] Let's talk about your escape a little bit. Now, you said that -- actually,
- 19 before I get to that point, you were a child when you were abducted, correct?
- 20 A. [14:47:08] Yes. I was a small child. I stated earlier that at the time of my
- 21 abduction I was seven years old.
- 22 Q. [14:47:16] And you were made to watch 11 people being killed on the day of
- 23 that abduction, correct?
- 24 A. [14:47:31] That's correct.
- 25 Q. [14:47:34] They even gave you a bloodied uniform on that day. They made you

- 1 wear that uniform; is that correct?
- 2 A. [14:47:47] Yes, that's correct.
- 3 Q. [14:47:48] And that really traumatised you, did it not?
- 4 A. [14:47:57] That's correct.
- 5 Q. [14:47:59] Now you also believed that if you escaped you would be killed,
- 6 correct?
- 7 A. [14:48:09] That's correct.
- 8 Q. [14:48:16] In fact, you believed that if you escaped with a weapon, your entire
- 9 village would be killed?
- 10 A. [14:48:29] Yes. That used to happen. That's correct.
- 11 Q. [14:48:33] And you believed that in the bush you had no choice but to stay in the
- 12 bush so that you could save the lives of your family, your friends, the lives of all the
- 13 people in your village; is that correct?
- 14 A. [14:48:55] Yes. That used to happen, because there were times when you had
- 15 no other choice.
- 16 Q. [14:49:08] You also believed that Kony had spirits, that he was a religious leader.
- 17 You believed that Kony was a prophet, was he not?
- 18 A. [14:49:22] Yes, that's correct.
- 19 Q. [14:49:25] You believed that he would predict events and events that came to
- 20 happen, in fact. That's what you believed; is that correct?
- 21 A. [14:49:40] He did not just guess. He would actually prophesise. You know,
- 22 when you think about guessing about something, that is not correct, but he would
- 23 prophesise, he would actually see what was going to happen and it would actually
- 24 come to pass.
- 25 Q. [14:50:00] And you also believed that the government would kill you if you

1 escaped. There was a time where you believed that; is that correct?

2 A. [14:50:18] Yes, I did have such belief.

3 Q. [14:50:21] When my colleague was asking you about Stockree brigade, you said
4 you also moved to one of the battalions in that brigade; is that correct?

5 A. [14:50:40] Yes.

6 Q. [14:50:41] And you were in fact at some point an acting commander of that
7 battalion, correct?

8 A. [14:50:54] Yes, I was acting commander.

9 Q. [14:50:57] Okay. The first time that you attempted escape, you told us it was in
10 2003. Was it February 2003, do you remember?

11 A. [14:51:18] Perhaps it was around 2000. I cannot really recall the date or the
12 month exactly, but probably February or March, because at the time they were just
13 burning the grass.

14 Q. [14:51:33] I'm sorry, I just need to clarify it because I heard "2000". We're
15 talking of your first attempt to escape in 2003. So are you saying those months for
16 2003, or are you now telling us that you also attempted to escape in 2000?

17 A. [14:51:59] You asked me: When did you attempt to escape, was it in March or
18 in February? And that's why I responded as per your question.

19 PRESIDING JUDGE SCHMITT: [14:52:15] I think we can take it that we are speaking
20 of 2003.

21 MR ZENELI: [14:52:27]

22 Q. [14:52:27] You also talked about the amnesty, and you told us that you believed
23 it was a way for the government to lure out LRA rebels so that it could kill them; is
24 that correct?

25 A. [14:52:51] That's correct.

1 Q. [14:52:57] When you first attempted to escape in 2003, February/March, you
2 were not killed, you were caned for it so hard that you had to wear a skirt, you told us;
3 is that correct?

4 A. [14:53:19] Yes, I stated that earlier. And I do accept that that happened.

5 Q. [14:53:34] So the fact that you were an LRA commander, that you believed that
6 Kony was a prophet that could predict events, events that came out to be true, the fact
7 that you believed that the government would kill you, that the amnesty was not true,
8 the fact that you believed that if you escaped you would be killed, that your entire
9 village would be destroyed, your family and friends would be killed, all of this did
10 not stop you from trying to escape in February 2003?

11 A. [14:54:22] That's correct, because at the time I had actually come to realise that
12 nothing bad would happen.

13 (Counsel confer)

14 MR ZENELI: [14:55:06] Your Honour, thank you for your patience. I apologise for
15 taking a moment there with my team leader.

16 PRESIDING JUDGE SCHMITT: [14:55:15] Just generally, this is also with Defence,
17 with any participants, if this does not exceed a certain of time, this is absolutely
18 necessary every once and a while, absolutely agreed upon. Please continue.

19 MR ZENELI:

20 Q. [14:55:31] I have one small point for clarification, when we were talking about
21 Teso, Mr Witness, just to make sure that we understand your testimony. So Ongwen,
22 Dominic Ongwen was present in Teso, was he not?

23 A. [14:55:52] All LRA rebels went to Teso. Nobody stayed behind in Acholiland.
24 The people who stayed back were probably the people who did not have guns; the
25 injured, the mothers, the elderly and women. But there's no brigade that did not go

1 to Teso. All the brigades went to Teso: Sinia, Gilva, Control Altar, Stockree. They
2 all went to Teso. I believe you understand this.

3 Q. [14:56:28] And by "all" you mean Dominic Ongwen as well; is that correct?

4 A. [14:56:35] All of us. Myself included. Him as well.

5 Q. [14:56:42] And Dominic Ongwen was giving orders to Sinia brigade during Teso
6 campaign, correct?

7 A. [14:56:56] He was also receiving orders and then he was passing down the
8 orders. You know, when you teach a dog how to kick a ball or how to catch a ball, if
9 you throw a ball to the dog, the dog will also pass the ball on to whoever it is that
10 you've instructed the dog to kick the ball to. I believe you understand that.

11 MR ZENELI: [14:57:23] I have no further questions, your Honour.

12 PRESIDING JUDGE SCHMITT: [14:57:24] Thank you very much.

13 Any questions by the Legal Representatives of the Victims?

14 MS MASSIDDA: [14:57:29] No, your Honour, no question for this witness. Thank
15 you.

16 PRESIDING JUDGE SCHMITT: [14:57:33] I assume Mr Manoba neither?

17 MR MANOBA: [14:57:36] That would be correct, Mr President.

18 PRESIDING JUDGE SCHMITT: [14:57:40] Thank you very much.

19 So that concludes the testimony of this witness.

20 Shortly, the next witness is D-105 via video link, as I understand it. We would start
21 with this witness on Thursday, 9.30, given that we then assume that we finish the
22 witness on Friday. Yes? That would be possible, I think from the estimates, I
23 would assume.

24 MR OBHOF: [14:58:11] Your Honour, I am questioning Witness 105 for
25 the Pros -- for the Defence - not Prosecution - for the Defence, and I estimate only

Trial Hearing
WITNESS: UGA-D26-P-0079

(Open Session)

ICC-02/04-01/15

1 about four to four and a half hours for Witness 105.

2 PRESIDING JUDGE SCHMITT: [14:58:22] Good. So then I am correct, I would
3 assume, since I do not assume that the Prosecution intends to question.
4 Ms Hohler? No?

5 MR GUMPERT: [14:58:34] There is to be questioning; I think not extended
6 questioning of Witness 105.

7 PRESIDING JUDGE SCHMITT: [14:58:40] Exactly, but not -- because Ms Hohler was
8 really absolutely adamant in her body language, so to speak, so this was -- you
9 couldn't see it, of course, because you don't have eyes at the back of your head.
10 So okay then, that's enough information here for the Bench.

11 Mr Witness, as you heard already, your testimony is concluded, your questioning.
12 On behalf of the Chamber, I would like to thank you for coming to this Court, for
13 testifying and helping us to establish the truth. Mr Witness, we wish you a safe trip
14 back home.

15 THE WITNESS: [14:59:20] Thank you. And same to you too. I will travel well.
16 God will take care of me and may the Lord protect you too. Thank you.

17 (The witness is excused)

18 PRESIDING JUDGE SCHMITT: [14:59:33] Thank you very much.
19 This concludes also the hearing for today. As I already indicated, we continue on
20 Thursday, 9.30, with D-105 via video link.
21 Thank you very much.

22 THE COURT USHER: [14:59:53] All rise.
23 (The hearing ends in open session at 2.59 p.m.)