

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 Thursday, 31 January 2019
9 (The hearing starts in open session at 9.28 a.m.)
10 THE COURT USHER: [9:28:46] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:29:09] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:29:14] Good morning, Mr President, your Honours.
16 Situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
17 Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we're in open session.
19 PRESIDING JUDGE SCHMITT: [9:29:28] Thank you.
20 Could the parties and participants please state their presence for the record.
21 Mr Gumpert for the Prosecution first.
22 MR GUMPERT: [9:29:36] May it please your Honours, my name is Ben Gumpert.
23 With me today, Beti Hohler, Julian Elderfield, Adesola Adeboyejo, Yulia Nuzban,
24 Pubudu Sachithanandan, Grace Goh, Sanyu Ndagire, Hai Do Duc, Laura de Leeuw,
25 my apologies to her, and Natasha Barigye.

1 PRESIDING JUDGE SCHMITT: [9:30:03] Thank you very much.

2 And for the Legal Representatives of the victims.

3 MS SEHMI: [9:30:07] Good morning, Mr President, your Honours. On behalf of
4 the Legal Representatives for Victims my name is Anushka Sehmi and I am joined by
5 Mr James Mawira.

6 PRESIDING JUDGE SCHMITT: [9:30:16] Ms Massidda.

7 MS MASSIDDA: [9:30:17] Good morning, Mr President, your Honours. For the
8 second group of victims appearing today, Ms Caroline Walter and I am Paolina
9 Massidda.

10 PRESIDING JUDGE SCHMITT: [9:30:25] Thank you.

11 And finally for the Defence, Mr Obhof.

12 MR OBHOF: [9:30:29] Good morning, your Honour and Judges. Happy New Year
13 to all. My name is Thomas Obhof, assistant to counsel for Dominic Ongwen. With
14 us today is Mr Gordon Kifudde, assistant to counsel; co-counsel, Chief Charles
15 Achaleke Taku; co-counsel, Beth Lyons; case manager, Roy Titus Ayena; and our new
16 intern, Hagop Mouradian.

17 PRESIDING JUDGE SCHMITT: [9:30:51] And your client.

18 MR OBHOF: [9:30:54] Oh, yes. I'm sorry, Dominic. And our client, Dominic
19 Ongwen.

20 PRESIDING JUDGE SCHMITT: [9:30:57] I see your client too. Good morning,
21 Mr Ongwen.

22 We go shortly to private session.

23 (Private session at 9.31 a.m.)

24 THE COURT OFFICER: [9:31:11] We're in private session, Mr President.

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20 (Open session at 9.35 a.m.)

21 THE COURT OFFICER: [9:35:54] We are back in open session, Mr President.

22 PRESIDING JUDGE SCHMITT: [9:35:56] Thank you.

23 We can now bring in the next witness, please.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE SCHMITT: [9:37:04] Good morning, Mr Witness. You are

1 going to testify before the International Criminal Court. On behalf of the Chamber,
2 I would like to welcome you in the courtroom.

3 Mr Witness, there should be a card in front of you with a solemn undertaking to tell
4 the truth. Could you please make this undertaking by reading the card out aloud.

5 WITNESS: UGA-D26-P-0130

6 (The witness speaks Acholi)

7 THE WITNESS: [9:37:38] (Interpretation) Thank you. I solemnly swear that I will
8 speak the truth, the whole truth and nothing but the truth.

9 PRESIDING JUDGE SCHMITT: [9:37:47] Thank you very much. You are now
10 sworn in.

11 Next I will explain to you some measures that we have put in place for your
12 testimony to protect you. We have put face distortion in place, which means that no
13 one outside the courtroom can see your face during your testimony. We will also
14 use what we call a pseudonym. In accordance with that, we will refer to you all, like
15 I do at the moment, only as "Mr Witness" to not reveal your identity.

16 When you answer questions that will not give away your identity, we do this in open
17 session. Open session, like in the moment, means that the outside world, that the
18 public can hear what is being said.

19 On the other side, when you are being asked to describe anything that might reveal
20 your identity, we do this in private session and in private session nobody can, outside
21 of this courtroom, can hear what you say.

22 Before we start with your testimony, I would like to explain some practical matters.

23 In this courtroom here everything is written down and interpreted and because -- and
24 to allow for the interpretation, it is important to speak clearly and at a slow pace.

25 If you have any questions yourself, please raise your hand, then we realise that you

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- 1 want to address the Court or the Chamber and we will give you the floor.
- 2 For an additional thing, we would go shortly to private session, shortly.
- 3 (Private session at 9.39 a.m.)
- 4 THE COURT OFFICER: [9:39:37] We're in private session, Mr President.
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- 15 (Open session at 9.40 a.m.)
- 16 THE COURT OFFICER: [9:40:35] We're back in open session, Mr President.
- 17 PRESIDING JUDGE SCHMITT: [9:40:41] Thank you.
- 18 We can then start with your testimony, and I give the Defence the floor. I assume
- 19 Mr Obhof will be the one who is questioning you.
- 20 Mr Obhof, please.
- 21 MR OBHOF: [9:41:03] Thank you, your Honour.
- 22 QUESTIONED BY MR OBHOF:
- 23 Q. [9:41:06] Good morning, Mr Witness.
- 24 A. [9:41:09] Good morning.
- 25 MR OBHOF: [9:41:12] Your Honour, we're going to be doing some background

1 material for the witness at first and so would request a private session, maybe about
2 10 minutes, 15 at the most.

3 PRESIDING JUDGE SCHMITT: [9:41:26] Yes. For the public that's not satisfying,
4 but we can't help it. We have to protect the identity of this witness. And I can
5 assure everyone that especially Mr Obhof is known to the Chamber to really group
6 his questions in a manner that we have as much as possible in open session, of course.
7 So when he says we have to go to private session, then we have to.

8 Private session.

9 (Private session at 9.41 a.m.)

10 THE COURT OFFICER: [9:42:04] We're in private session, Mr President.

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8 (Open session at 9.53 a.m.)

9 THE COURT OFFICER: [9:53:08] We're back in open session, Mr President.

10 MR OBHOF: [9:53:16]

11 Q. [9:53:17] Now, again, Mr Witness, without saying any names, we discussed very

12 briefly where you lived before you returned to Uganda. What was life like there?

13 How was your life before you were brought to Uganda?

14 A. [9:53:38] Before I was brought to Uganda, life was absolutely brilliant. Most of

15 the people there loved me, especially my father. I used to spend the nights in the

16 same house with him. Some of the other children did not actually sleep in the same

17 house with him, but I spent time in his house. I used to eat with him. I used to

18 play with my sisters. I did not play with other children, but most times I played

19 with my father's children and I also played with the children of some of the army

20 commanders. Those are the ones that I played with. Once in a while I would go

21 and play with my uncle because my uncle also absolutely loved me. I loved my

22 mother.

23 Well, let me put it this way, life was a breeze, life was absolutely brilliant.

24 Q. [9:54:41] And just so you know too, we take pauses in between speaking

25 because of the interpretation, so if I'm silent for about five seconds, please know that's

1 the reason.

2 And when you lived with your father, did some of the children go to school?

3 A. [9:55:06] When I was with my father, my older brothers did go to the school.

4 But not me, I was not yet of school age. But my older brothers would go to school.

5 They would go to school with the Arabs.

6 Q. [9:55:28] Do you know where they went to school? Maybe not the name of the
7 school, but at least the town or city?

8 A. [9:55:42] They went to school in a town called Juba.

9 Q. [9:55:57] Now, this education, did children, did all children receive this when
10 they reached school-going age?

11 A. [9:56:15] Based on my observation, I saw my older brothers going to school.

12 Because when we were in the bush we did not associate with the children of the other
13 commanders, but I saw my father's children, two of them, (Redacted), those are the
14 ones who I saw going to school. But me and my sisters stayed at home.

15 MR TAKU: He just mentioned the names.

16 PRESIDING JUDGE SCHMITT: [9:56:47] It's okay. I think we recognise that, it's
17 not a problem.

18 MR OBHOF: [9:56:53]

19 Q. [9:57:02] Now, this place where you lived before, before being brought back to
20 Uganda, now why did you leave this place?

21 A. [9:57:25] Based on my understanding, I believe it was because of a war. The
22 gunships came and attacked people.

23 Q. [9:57:42] Now, when the gunships came, who was flying the gunships, which
24 institution?

25 A. [9:58:00] It was the Ugandan army. They are the ones who attacked us from

1 our bases. And that's when people scattered, people started running.

2 Q. [9:58:16] Now, to use your language, these bases, what type of people lived
3 there?

4 A. [9:58:31] Could you please repeat your question?

5 PRESIDING JUDGE SCHMITT: [9:58:34] It was a little bit too generic now, I think,
6 what types of people.

7 Did there live whole families? You know, did there live men, women, children,
8 elders?

9 I think you mean that, Mr Obhof.

10 THE WITNESS: [9:58:59] (Interpretation) Where we were based was like a
11 homestead, it was a proper big homestead. And people used to stay there, families
12 used to stay there. Life was easy. There was farming. There were children, there
13 were adults. It was a whole homestead. It was like a place where a whole clan
14 would live. They started shooting the area and people scattered. They shot all the
15 houses. That's what happened.

16 MR OBHOF: [9:59:34]

17 Q. [9:59:36] Now, when these gunships arrive, how did you feel? What were your
18 feelings at that point when they started firing at the base?

19 A. [9:59:52] Personally I had never heard such kind of gunfire before. It was the
20 first time. Yes, I did live there, but I had never heard such gunfire before.

21 On that day I knew that there was war. It was extremely intense. I ran and wanted
22 to go to my father, but my father told me that he was -- I should run to my mother
23 and not in his direction, because all the army would run there.

24 When I ran to my mother, my mother told me to run with my younger brothers.

25 When I ran to my younger brothers, the fighting was already intense, very intense.

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1 And me, as a young child, I also found that the war was extremely intense.
2 There were three of us. I was running with my brother and other people, so there
3 were three of us. We went and we hid in a particular place. When the gunships
4 were firing, it was very intense.
5 Luckily or unluckily, we saw somebody, somebody who used to protect my father.
6 And we asked this person, we were kind of confused, we asked this person, "Are you
7 still our father's soldier?" and he said "Yes, I am." He told us that he was our father's
8 soldier. He knew me very well, because I was in the bush, and most of the people
9 who were (Redacted) while I was in the bush knew me.
10 He did not tell me that he was part of the Ugandan army or whether he was part of
11 my (Redacted), but he told me that he still worked for my father. And then later
12 on he told us that he was taking us to the Ugandan soldiers.

13 PRESIDING JUDGE SCHMITT: [10:01:44] I think this was a lot of what you perhaps
14 would have asked later on. So you can move forward, I would say. It was
15 anticipated by Mr Witness.

16 MR OBHOF: [10:01:57] Well, it's actually four of my next five questions have been
17 answered.

18 Q. [10:02:02] Now, when the government came and attacked, when they were
19 firing from the gunships, in your opinion, were they differentiating between fighter,
20 woman, child or were --

21 A. [10:02:25] No. That gunfire did not -- it was not discriminating between the
22 old, the young. It was there to kill.

23 Q. [10:02:47] Now, you talked about how you were found. What happened to you?
24 Where did this person take you that found you hiding with your siblings?

25 A. [10:03:08] Based on my recollection, he picked me up, carried me, he held my

1 brothers', two brothers' hands. He took us where people had been collected or
2 people had been gathered, and he took us and he left us there. That's where people
3 had been captured.

4 Q. [10:03:34] Do you remember how long you stayed at this location before being
5 brought back to Uganda?

6 A. [10:03:54] I do recall that when we were taken, first of all, when we were being
7 attacked, they took us, they picked us up from the place where we were and took us
8 to this other location, and then they took us back to the homesteads later.
9 So we left from that place, the place where my father's homestead was. They took us
10 from there and then they took us to Juba. I believe I was there for about a year, if
11 I can recall. I'm not very sure, but I think maybe a year.

12 Q. [10:04:35] And after this year in Juba, do you remember specifically where the
13 government brought you back to in Uganda?

14 A. [10:04:44] I do recall that when we left Juba, I was taken to a centre known as
15 GUSCO and I stayed at GUSCO for a year.

16 Q. [10:05:10] Now, remember, without saying any names, which one of your
17 brothers or sisters or siblings came with you to GUSCO?

18 A. [10:05:29] My brothers, the ones we went with were boys, there were two boys
19 and myself. There were three of us.

20 Q. [10:05:46] So the two other boys, they came with you to GUSCO?

21 A. [10:05:56] You know, it's extremely confusing, because when I went to GUSCO,
22 when I was taken to GUSCO, I realised that I was on my own. But I recall that I was
23 with one of my stepmothers and she was taking care of me. But when she left, I was
24 on my own. I do not know the exact location where my brothers were taken.

25 MR OBHOF: [10:06:29] Your Honour, I will need about three minutes, two to three

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- 1 minutes for a private session here, please.
- 2 PRESIDING JUDGE SCHMITT: [10:06:38] Private session.
- 3 (Private session at 10.06 a.m.)
- 4 THE COURT OFFICER: [10:06:48] We're in private session, Mr President.
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- 23 (Open session at 10.09 a.m.)
- 24 THE COURT OFFICER: [10:09:15] We're back in open session, Mr President.
- 25 MR OBHOF: [10:09:24]

1 Q. [10:09:25] Mr Witness, do you remember about how long you stayed at
2 GUSCO?

3 A. [10:09:35] To my recollection, perhaps a year. But I was probably one of the
4 last people there.

5 Q. [10:09:54] Now, without saying any names, who eventually picked you from
6 GUSCO?

7 A. [10:10:13] My mother's brother, he came and picked me up from GUSCO. I call
8 him my uncle.

9 Q. [10:10:31] Now, again, without saying the name of the location, where did your
10 uncle take you?

11 A. [10:10:44] My uncle took me to his home. That's where he took me.

12 Q. [10:10:54] And how long did you live at the home with your uncle?

13 A. [10:11:03] I was there till my mother came home, came back from the bush.
14 Perhaps a year. Yeah, perhaps a year.

15 Q. [10:11:17] Again, without saying any names or any names of locations, your
16 uncle's home, was it in a normal Acholi style homestead or where was it located?

17 A. [10:11:43] It was in, it was in a camp. That's where the home is located.

18 Q. [10:11:52] Now, while you were in this camp for about a year, what type of
19 education did you receive?

20 A. [10:12:09] While I was in the camp, I did not receive any kind of education.

21 When they collected me from GUSCO, I did not go to school. I just, well, I just spent
22 time in the bush.

23 Q. [10:12:28] Now, because "bush" in this Court tends to have a specific meaning,
24 what do you mean right now by saying that when you were at the camp you would
25 spend time in the bush?

1 A. [10:12:44] Well, that means during the day, for example, when people wake up
2 in the morning and other children are going to school, I would go hunting for birds,
3 shooting for birds and I would go eating mangos, looking for mangos. In the
4 evening I would come back home and sleep.

5 Q. [10:13:06] Now, why wouldn't you play with the -- with your age mates, with
6 the other children at the camp who were around your age?

7 A. [10:13:27] You know, when my uncle picked me up and took me to his home,
8 most of the people knew who my father was and they did not play with me. I did
9 not have any friend. The only friend I had was my uncle's son. When we are
10 together, that's usually on Saturdays when we go hunting for birds, shooting birds in
11 the bushes. When he goes to school during the week, I am on my own. But other
12 than that, I did not have any other friends.

13 Q. [10:14:07] Now, you mentioned that the people -- some people knew who your
14 father is. What would these people say about, first about your father?

15 A. [10:14:24] All right. They would insult me. They would tell me "you are
16 so-and-so's father" and they would call my father's name. So when they started
17 speaking to me in such derogatory matters, I would leave, I would go and stay by
18 myself because I was also afraid for my own life. But they used to refer to me using
19 derogatory terms referring to my father.

20 Q. [10:15:00] Now, do you know if the adults gave any instructions to their
21 children about you?

22 A. [10:15:30] I suppose so because children are innocent. I believe the adults in
23 the lives of these children were instructing the children not to play with me. When I
24 just arrived a ritual was performed, a traditional ritual was performed. I suppose
25 that people asked why this ritual was performed.

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1 Q. [10:16:00] Now, you mentioned that your uncle lived there and you had -- your
2 uncle had a son that you would play with on Saturdays. Did you have any other
3 relatives at the camp before your mother returned to Uganda?

4 A. [10:16:24] As far as I know, my mother's relations were many, but not all of
5 them liked me. It was only my uncle who sacrificed and collected me and decided to
6 stay with me. No one reached to see me other than my uncle.

7 Q. [10:16:56] Now, while you were at the IDP camp, could you describe the type of
8 education you received?

9 A. [10:17:12] While at the IDP camp there was no formal education that I
10 underwent except going to hunt for birds. I actually did not go to any formal school
11 when I was living with my uncle. That is all that I went through.

12 PRESIDING JUDGE SCHMITT: [10:17:39] And, Mr Witness, when did you finally
13 start your education?

14 THE WITNESS: [10:17:50] (Interpretation) I enrolled for formal education when
15 my mother returned from the bush. That same year when she returned, she found
16 me home, not going to school. Actually, on the day she returned I was in the, in the
17 thicket hunting for birds. She took me to Gulu town and some reverend sister
18 started to pay for my education in a nursery school.

19 PRESIDING JUDGE SCHMITT: [10:18:26] I think we can imagine the situation. Do
20 you recall how old you were at the time?

21 THE WITNESS: [10:18:32] (Interpretation) When I had just returned from the bush
22 I was 4 years old. But when I started school I must have been 7 years old. That is
23 as far as I can remember.

24 PRESIDING JUDGE SCHMITT: [10:18:46] Thank you.

25 Mr Obhof, I think so we have -- we can move forward now in time, I would say.

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- 1 MR OBHOF: [10:19:11] Could we go to private session briefly, please.
- 2 PRESIDING JUDGE SCHMITT: [10:19:20] Yes, private session.
- 3 (Private session at 10.19 a.m.)
- 4 THE COURT OFFICER: [10:19:29] We're in private session, Mr President.
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3 (Open session at 10.21 a.m.)

4 THE COURT OFFICER: [10:21:17] We're back in open session, Mr President.

5 PRESIDING JUDGE SCHMITT: [10:21:19] Thank you.

6 And I have to announce that we have a break until 11 o'clock and then resume at that
7 time.

8 THE COURT USHER: [10:21:24] All rise.

9 (Recess taken at 10.21 a.m.)

10 (Upon resuming in open session at 11.03 a.m.)

11 THE COURT USHER: [11:03:51] All rise.

12 PRESIDING JUDGE SCHMITT: [11:04:15] Mr Obhof, you still have the floor.

13 MR OBHOF: [11:04:20] Thank you, your Honour.

14 And for the record, we have our other intern, Mr Scott Davidson, in with us today.

15 PRESIDING JUDGE SCHMITT: [11:04:30] Morning.

16 MR OBHOF: [11:04:35]

17 Q. [11:04:35] Still good morning, Mr Witness, I hope you had a good break.

18 Now, right before we took our break, you talked about beginning school.

19 When you began school, were you the average age of the students in your class?

20 A. [11:05:08] When I started school, I was not of the same age as the other students
21 because I had stayed home for longer. I was looking bigger than the rest of the
22 pupils.

23 Q. [11:05:37] Now, without going into a lot of detail, because we will go into the
24 detail in a few minutes, when you started school, did you go to school, kindergarten,
25 P1, P2, P3, P4, did you go uninterrupted? Did you go to school every year in a new

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1 grade?

2 A. [11:06:05] When I started kindergarten, I was supposed to have studied for three
3 years, but the teacher said I was a bit sharp and bright; so I studied for only one year
4 at kindergarten and then I went straight to my primary education. I, from primary, I
5 went through the steps systematically, though I skipped P2 and I went from P1 to P3.
6 That was what happened, but after that I followed the grades systematically.

7 MR OBHOF: [11:06:44] Now, unfortunately, your Honour, to everyone watching the
8 next two questions based upon school and following that, it will be about 15 minutes
9 inside of a private session.

10 PRESIDING JUDGE SCHMITT: [11:06:55] That can happen.

11 Private session.

12 (Private session at 11.07 a.m.)

13 THE COURT OFFICER: [11:07:06] We're in private session, Mr President.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Open session at 11.26 a.m.)

3 THE COURT OFFICER: [11:26:51] We are back in open session, Mr President.

4 MR OBHOF: [11:27:08]

5 Q. [11:27:08] Mr Witness, I know you can possibly never know, but how many
6 children would you estimate that your father has?

7 A. [11:27:24] Well, my father could start his own clan. He could be having over
8 a hundred children. I would say we are so many that I cannot tell you the number.
9 I don't know the number. But I also know he is still fathering more children.

10 Q. [11:27:47] Now, without saying the names, without saying any of their names,
11 do you have any type of relationship with any of these, any of these siblings?

12 A. [11:28:05] I know just a handful of my siblings. I think there should be about
13 seven who are living within the town. Some of them, they would show to me that
14 that's your brother, this is your sister, but I don't know some of them. I only know
15 the few who are living within the town. I don't know the rest of them.

16 Q. [11:28:41] Now thinking about this, would you ever date an Acholi girl?

17 A. [11:28:55] I cannot even think about it because I fear -- you know, what I know
18 was that my father had so many wives and I think he has, he has children with so
19 many women. My fear is if I begin dating an Acholi girl I would risk dating my own
20 sister. So I wouldn't do that.

21 Q. [11:29:22] Now if we could, we could turn to tab 2, it's UGA-OTP-0150-0059.

22 Mr Witness, there should be a Manila covered envelope on your desk, or a Manila
23 covered folder, and you should see a document with a little tab number on it with the
24 number 2.

25 And this is not for the public.

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1 Now, Mr Witness, do you remember me showing you this document in early

2 December 2018?

3 A. [11:30:28] Yes, these are the names of my sisters and my brothers. Well, I think

4 I know all of them.

5 MR OBHOF: [11:30:46] Your Honour, I am just going to point a few, just for him to

6 verify if he knows them. It will be very quick.

7 PRESIDING JUDGE SCHMITT: [11:30:52] I think we would really need only a few

8 because he has already said he has given this to you or you have discussed it at least

9 and he knows who is on the list.

10 But please continue.

11 MR OBHOF: [11:31:04]

12 Q. [11:31:04] Now, Mr Witness, do you -- without saying the name, do you

13 recognise number 15?

14 A. [11:31:23] This is the one I am very close with. We study at the same level, the

15 same class.

16 Q. [11:31:33] And is that you down there towards the bottom of the page at

17 number 23?

18 A. [11:31:43] According to my father my name is (Redacted)

19 Q. [11:31:56] If you turn to the very --

20 PRESIDING JUDGE SCHMITT: [11:31:58] I think one more name --

21 MR OBHOF: One more name. It's the last one.

22 PRESIDING JUDGE SCHMITT: -- will suffice and then it's okay.

23 MR OBHOF: [11:32:03] Yes.

24 Q. [11:32:03] And if you turn to the next page, 0060, there should be one more

25 page there. And if you look down, again, without saying the name, do you

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1 recognise number 48?

2 A. [11:32:23] No, I don't. I don't know this one.

3 MR OBHOF: [11:32:31] That's all for that document.

4 PRESIDING JUDGE SCHMITT: [11:32:33] Thank you.

5 MR OBHOF: [11:32:49]

6 Q. [11:32:49] Mr Witness, you have talked a little bit about, a little bit about your
7 father today. If given a chance to meet him, what would you tell him?

8 A. [11:33:05] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) him.

17 MR OBHOF: [11:34:04] And that is it, your Honour.

18 PRESIDING JUDGE SCHMITT: [11:34:06] Okay. Thank you very much. That's
19 for the Defence.

20 For the Prosecution, any questions, Mr Gumpert?

21 MR GUMPERT: [11:34:12] Just a few, your Honour.

22 PRESIDING JUDGE SCHMITT: [11:34:15] Yes. Please proceed.

23 QUESTIONED BY MR GUMPERT:

24 Q. [11:34:22] Mr Witness, your mother came back to Uganda after you did, didn't
25 she?

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- 1 A. [11:34:34] Yes, she came back after I returned. I was the first person to return
2 from my mother's household.
- 3 Q. [11:34:41] And she came back in 2005; that's right, isn't it?
- 4 A. [11:34:51] Just like I said, I returned when I was still young and I don't know
5 which year exactly I returned. What I know was how old I was. I think I was about
6 four years. But possibly it was in 2005. I cannot confirm that.
- 7 Q. [11:35:08] There is a misunderstanding, Mr Witness. I'm suggesting that the
8 year your mother came back was 2005.
- 9 A. [11:35:25] Truthfully, I don't know which year exactly she returned.
- 10 Q. [11:35:30] If we just work back from that year, whatever it was, before that you
11 had been for about a year with your uncle in the camp. Yes?
- 12 A. [11:35:50] Yes, I stayed with my uncle for a year.
- 13 Q. [11:35:55] And before that you had been in GUSCO for about a year?
- 14 A. [11:36:08] I stayed in GUSCO for about a year, yes, one year.
- 15 Q. [11:36:17] And before that in Juba for about a year?
- 16 A. [11:36:27] Well, for Juba, I am not very clear whether it was for a year or not,
17 because we were captured from a place I don't recall the name very well. But where
18 my father was stationed, we were captured from there and taken to Juba. From Juba,
19 we stayed for some period, possibly close to a year, but I cannot clearly confirm how
20 long it was. What I can confirm was I stayed in GUSCO for a year. I stayed with
21 my uncle for a year. These are the periods I can clearly recall.
- 22 Q. [11:37:02] And before Juba, that's when you were captured, and that was at the
23 time of Operation Iron Fist.
- 24 A. [11:37:21] Yes, I was captured from there and I was taken to Juba.
- 25 Q. [11:37:27] You have told us that you were born on (Redacted). So if

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1 Operation Fist was in the year 2002, you left the bush when you were about three
2 years old?

3 A. [11:37:56] Just I have mentioned -- just like I have mentioned, my mother told
4 me that she gave birth to me on (Redacted). That was what she told me. And
5 then when I returned to GUSCO, I was told that I was four years old. My mother
6 came and confirmed that to me that I was four years of age.

7 Q. [11:38:25] So the recollections you have told the judges about, for example,
8 whether the UPDF gunships were discriminating in their machine-gun fire, these are
9 the recollections of a child no more than three years old; that's right, isn't it?

10 A. [11:38:56] I saw these things with my two eyes, I was physically present, and
11 they were firing at us.

12 MR GUMPERT: [11:39:02] Thank you. No further questions.

13 PRESIDING JUDGE SCHMITT: [11:39:03] Thank you very much.

14 From the representatives of the victims, any questions?

15 MS SEHMI: [11:39:10] We have no questions, your Honour.

16 PRESIDING JUDGE SCHMITT: [11:39:12] Ms Massidda.

17 MS MASSIDDA: [11:39:14] We have no question, your Honour. Thank you very
18 much.

19 PRESIDING JUDGE SCHMITT: [11:39:18] Thank you very much.

20 This concludes your examination, Mr Witness.

21 On behalf of the Chamber I would like to thank you that you came to this Court, that
22 you left your country and helped us to establish the truth.

23 The next scheduled hearing will be on 18 February, 9.30, as scheduled, I underline
24 that, it is simply like that. And we continue with I think Defence Witness 32.

25 Actually I think I'm right. So till then.

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- 1 THE COURT USHER: [11:39:53] All rise.
- 2 (The hearing ends in open session at 11.39 a.m.)