

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
6 Judge Raul Cano Pangalangan
7 Trial Hearing - Courtroom 3
8 Tuesday, 30 April 2019
9 (The hearing starts in open session at 11.04 a.m.)
10 THE COURT USHER: [11:04:02] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [11:04:27] Good morning, everyone.
13 The video link finally seems to have been established permanently, so we hope this
14 will stay like that so that we can now smoothly continue with the proceedings.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [11:04:43] Good morning, Mr President, your Honours.
17 The situation in the Republic of Uganda, in the case of The Prosecutor versus
18 Dominic Ongwen, case reference ICC-02/04-01/15.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [11:04:56] Yes, thank you.
21 I ask for the appearances of the parties.
22 Ms Adeboyejo, please, for the Prosecution, first.
23 MS ADEBOYEJO: [11:05:06] Good morning, Mr President, your Honours.
24 Adesola Adeboyejo for the Office of the Prosecutor, with Ben Gumpert, Yulia Nuzban,
25 Pubudu Sachithanandan, Beti Hohler, Sanyu Ndagire, and Jasmina Suljanovic.

1 PRESIDING JUDGE SCHMITT: [11:05:24] Thank you.

2 And for the Legal Representatives of the Victims, Mr Narantsetseg.

3 MR NARANTSETSEG: [11:05:29] Good morning, Mr President, your Honours. My
4 name is Orchlón Narantsetseg appearing for the Common Legal Representative,
5 thank you.

6 PRESIDING JUDGE SCHMITT: [11:05:34] And for the second team, so to speak.

7 MS SEHMI: [11:05:37] Good morning, Mr President, your Honours. On behalf of
8 the Legal Representative of Victims, my name is Anushka Sehmi and I am joined by
9 Mr James Mawira and Maria Radziejowska.

10 PRESIDING JUDGE SCHMITT: [11:05:48] Radziejowska, yes. Thank you.

11 And now for the Defence, Mr Obhof.

12 MR OBHOF: [11:05:53] Good morning, your Honours. My name is Thomas Obhof.
13 With us today is Ms Beth Lyons, Ms Eniko Sandor, Mr Tibor Bajnovic. And our
14 client, Mr Dominic Ongwen, is in court.

15 PRESIDING JUDGE SCHMITT: [11:06:02] Thank you very much.

16 And of course very importantly, at the video-link location, Mr Julius Nyeko. On
17 behalf of the Chamber I would like to welcome you to this extended courtroom, so to
18 speak.

19 Mr Witness, I will now read the oath to you to which every person who testifies
20 before this Court has to take. Please listen carefully.

21 I solemnly declare that I will speak the truth, the whole truth, and nothing but the
22 truth.

23 Mr Nyeko, do you understand the undertaking?

24 THE INTERPRETER: [11:06:51] The voice is not coming through.

25 PRESIDING JUDGE SCHMITT: [11:06:53] The voice is not coming through, so still

1 we have a problem here. And also he answered when I welcomed him and I did not
2 get a translation.

3 So shall I?

4 Mr Witness, do you hear me now?

5 WITNESS: UGA-D26-P-0066

6 (The witness speaks Acholi)

7 (The witness gives evidence via video link)

8 THE WITNESS: [11:07:08](Interpretation) Yes, I can hear you.

9 PRESIDING JUDGE SCHMITT: [11:07:09] Yes. So could you please repeat your
10 last answer. I asked you if you understood the undertaking.

11 THE WITNESS: [11:07:18](Interpretation) Yes, I have understood it well.

12 PRESIDING JUDGE SCHMITT: [11:07:21] Thank you very much. Do you agree
13 with it?

14 THE WITNESS: [11:07:28](Interpretation) Yes, I do.

15 PRESIDING JUDGE SCHMITT: [11:07:32] You know, Mr Witness, this sometimes
16 happens that when we have this distance for over 8,000 kilometres that the connection
17 is not permanently established, and I am always surprised that it so often functions
18 very well. So today we have a day where it -- where there are some problems, but
19 that can happen.

20 Mr Witness, you have now been sworn in, and before we start with your testimony I
21 explain to you a few practical matters. Everything we say here in the courtroom is
22 written down and interpreted. And to allow for the interpretation we have to speak
23 at a relatively slow pace so that the interpreters can follow and everybody
24 understands what you, for example, are saying.

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

1 want to speak to us and I will give you the floor.

2 We can now start with your testimony and I am quite sure that Mr Obhof is having
3 the floor now. There is every indication that it will be so.

4 MR OBHOF: [11:08:36] Thank you, your Honour.

5 QUESTIONED BY MR OBHOF:

6 Q. [11:08:41] Good morning, Mr Witness.

7 A. [11:08:52] Good morning.

8 Q. [11:08:54] Could you please state your name for the Court.

9 A. [11:09:03] I am called Nyeko Julius.

10 Q. [11:09:09] When and where were you born?

11 A. [11:09:19] I was born in Odek, in Odek sub-county, Omoro district. I was born
12 in 1966.

13 Q. [11:09:39] Where did you grow up?

14 A. [11:09:49] I grew up in Odek sub-county in Omoro district. In Odek centre,
15 there is a village.

16 Q. [11:10:06] What was your highest level of education?

17 A. [11:10:19] I stopped in P7, I didn't finish a term in P7.

18 Q. [11:10:29] And why did you stop your schooling?

19 A. [11:10:41] First, there was a problem at home. And that concerned issues of
20 school fees, because there was a person at home who was sick and the money that
21 should have been used for paying my school fees was diverted for medical care.

22 That was the first reason why I stopped going to school.

23 Secondly, the security situation was not good and when I was supposed to return to
24 school, the situation deteriorated and I had to stop.

25 Q. [11:11:34] Immediately after stopping school, what did you do with your day?

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1 A. [11:11:47] After that, I went back home and then got married. I started farming
2 and eventually got a wife.

3 Q. [11:12:10] For how long did you stay at home farming?

4 A. [11:12:28] After leaving school, in 1993 I already had a wife, and I left school in
5 the year 1978. And in 1993 I already had a wife and I had started farming.

6 PRESIDING JUDGE SCHMITT: [11:13:09] I think you can steer now, directly, so to
7 speak, to this force that he might have joined.

8 MR OBHOF: [11:13:19]

9 Q. [11:13:19] Now you brought up the year 1993. Is there anything significant that
10 happened in your life in 1993?

11 A. [11:13:33] Yes.

12 Q. [11:13:36] Could you please tell the Court what happened in 1993, sir.

13 A. [11:13:48] In 1993, there was a group of soldiers who were called the LDU, they
14 came and abducted me from home and took me amidst them. They said I should
15 join them for work and I joined them and worked with them from up to the year 2002.
16 I was still with them in the year 2004. In May that year my work with them came to
17 an end.

18 Q. [11:15:09] Thank you. Now, I believe you used the word "captured" -- or
19 "abducted", sorry. Do you know who was leading this group which abducted you
20 into the LDUs?

21 A. [11:15:33] The reason I said I was abducted was because I was not interested in it.
22 And the overall leader of the group that came and abducted me was called Labeja
23 Anthony. He was the leader of that group that was in Acet. But they came and
24 picked me up forcefully, that I should go and join them for work.
25 That's why I said I was abducted.

1 PRESIDING JUDGE SCHMITT: [11:16:09] Mr Nyeko, what would have happened if
2 you had refused or if you had left after they had captured you?

3 THE WITNESS: [11:16:28](Interpretation) If I had escaped, well, you know,
4 previously I was not conversant with guns and what I knew was if somebody came to
5 you with a gun, that person should be having bad intention. So I had to follow what
6 they wanted and I accepted to go with them. But when I arrived at their base, they
7 just immediately told me I am already part of them and they started teaching me and
8 training me on what to do. So I didn't escape. I could not escape.

9 And then, during that time, there was already insecurity in the place. There was
10 a lot of abductions taking place. The rebels were also there who were abducting
11 people. They were also recruiting the LDUs. But that -- for the LDUs, it depended
12 on what your intentions or interests were. But personally, I didn't escape because I
13 was captured several times and I didn't want to leave them. I decided to stay with
14 them because I felt it was a bit better to stay with them. I did not want to be
15 abducted by the rebels. So I had to stay with the LDUs.

16 PRESIDING JUDGE SCHMITT: [11:17:52] Thank you.
17 Mr Obhof, please proceed.

18 MR OBHOF: [11:17:57]

19 Q. [11:17:59] You briefly mentioned about being trained. Who gave you this
20 training?

21 A. [11:18:11] The leaders of the forces where I was were the ones who were training
22 us, they were many.

23 Q. [11:18:28] Now when you say "leaders", are you referring to people in LDU, in
24 the NRA, in a different government institution? Who do you mean by "leaders"?

25 A. [11:18:46] I am referring to the government. That was where I was.

1 Q. [11:19:01] What type of training did you receive?

2 A. [11:19:14] We were trained on how to parade, disassembling guns, and also how
3 to behave during a combat.

4 Q. [11:19:44] For how long did you train to become an LDU?

5 A. [11:19:58] The training lasted for three months.

6 Q. [11:20:16] When you finished your training, how did you feel about your ability
7 to defend villages against rebel attacks?

8 A. [11:20:43] Well, I was convinced that I had the capacity to provide that.

9 Q. [11:20:55] What type of training or instructions during these three months did
10 you receive about your interactions with civilians?

11 A. [11:21:21] First, we were trained on how to be respectful and to interact well
12 with the civilians so that the civilians would not fear you. If you wanted to enquire
13 about something from the civilians, first of all, they should be aware of how you are
14 going to approach them so that they can be able to give you all the information you
15 want without any fear.

16 So one of the things we were trained on was how to relate well with the civilians and
17 we found that was really good.

18 Secondly, the civilians were not supposed to fear us, because in our task to provide
19 protection to them we needed to be sharing information with them. And each time
20 we had approached them they were supposed to come and provide information to us.
21 Sometimes we don't even need to approach them, they can just come to us and
22 provide more information to us. And for that matter, we were working with the
23 civilians very well.

24 Q. [11:22:50] Mr Witness, after finishing your three months, do you remember
25 where you were deployed to as an LDU?

1 A. [11:23:09] Yes, we worked in Acet because -- and the rebels used to come to Acet
2 several times. There was a big camp in Acet. There was a big camp in Acet that
3 would come under attack several times, so we started working from there.

4 Q. [11:23:43] Now, over the next 10 or so years, do you know about how many
5 camps you worked at as an LDU?

6 A. [11:24:04] I stayed in Acet for quite a while. I was in Acet camp. I also
7 worked in Odek. I was deployed in Odek on two different occasions. I also
8 worked in Omel Kuru, which is in Paicho. And I was also deployed in Lakwatomer,
9 Lakwatomer is now in Omoro district, and when we were taken and combined with
10 other groups, we started working as part of the mobile forces. We would walk and
11 go to different places, towards Sudan border to Palaro, and other places. We also
12 worked in Awere. I went to all the places that I was deployed at.

13 PRESIDING JUDGE SCHMITT: [11:25:21] Mr Obhof, I think you will now go
14 directly to a place that is part of the confirmed charges, so to speak.

15 MR OBHOF: [11:25:31] Almost. I have about five minutes of a few more
16 background. It's not much, your Honour.

17 PRESIDING JUDGE SCHMITT: [11:25:37] Yes, but I think we don't really have to go
18 into all the different deployments.

19 MR OBHOF: [11:25:42] Oh, no, no, no, we're not going --

20 PRESIDING JUDGE SCHMITT: [11:25:43] Okay, we are not going to do that. Okay,
21 then, please proceed.

22 MR OBHOF: [11:25:49]

23 Q. [11:25:49] Now, Mr Witness, who paid your salary?

24 A. [11:26:10] Well, for our salaries, we had an admin who was called
25 Odongkara P Ojan. He was the one who was in charge of our salaries. We would

1 just wait for what they bring.

2 MR OBHOF: [11:26:42] If I may ask a leading question, your Honour, in order to
3 speed this process up. If the --

4 PRESIDING JUDGE SCHMITT: [11:26:48] I have to hear it, but you know that I am
5 not very difficult when it comes to such requests.

6 MR OBHOF: [11:26:59]

7 Q. [11:26:59] Mr Witness, were you paid by the government of Uganda?

8 A. [11:27:06] Yes, we were paid by the government of Uganda.

9 Q. [11:27:11] And one more on a similar line.

10 PRESIDING JUDGE SCHMITT: [11:27:15] Absolutely. Now that I have heard it,
11 I can only encourage you to continue like that.

12 MR OBHOF: [11:27:20]

13 Q. [11:27:20] And did you receive your food from the government of Uganda?

14 A. [11:27:30] That's correct. We would get our food from the government of
15 Uganda.

16 Q. [11:27:39] Now during this time when you were in the LDU, what type of
17 refresher courses did you have with the government of Ugandan after your
18 three-month training?

19 A. [11:28:06] We had a cadre training that took place in Acet, at the school.

20 Q. [11:28:24] When you were stationed at all the different places you mentioned,
21 what were your living arrangements like?

22 A. [11:28:40] Well, it was not easy because the LRA rebels, each day, like from,
23 from early morning until about -- up to about 8 a.m., you will have heard that the
24 rebels passed nearby the civilian establishments.

25 Therefore, it was not easy for us because, in that situation, you needed to pursue them

1 or you go and lay an ambush in case they choose to return to the camp and that
2 meant that we were ever on the go. We didn't have time to rest.

3 Q. [11:29:36] When you did get to rest, when you were guarding these different
4 places, where would you sleep?

5 A. [11:30:03] We used to live in detaches. That's the place where we would be
6 sleeping. Sometimes you will find when we've dug trenches around our homes and
7 we would leave our cooking utensils in our homes in the, in the trenches, you would
8 be sleeping in those trenches in the night with your gun beside you.

9 Q. [11:30:40] Did the LDUs share these detaches with any other government
10 institution or government body?

11 A. [11:30:57] Yes. You know, the LDU were few in number and, on occasion, they
12 would bring other people, more higher ranking people who were part of the
13 government soldiers. They would come and be in charge of the LDU. They would
14 come and they would stay there for a while. They would come as the commanding
15 officers and they would come and lead and command the LDU in the area.

16 Q. [11:31:38] As a final area of this background, your uniforms, were you issued
17 uniforms from the government of Uganda?

18 A. [11:32:00] Yes. They did provide us with uniforms, but they were not enough.
19 So if you are given one pair of each uniform, and that's what you would always use.
20 If you're working on site, you would use that uniform. If you're sent to, as a mobile
21 force, you would also use that uniform. If the uniform is torn, then there's nothing
22 else for you to do other than continue wearing your torn uniform unless they bring
23 replacement uniforms.

24 Sometimes they would come and give us uniforms. We would always plead. We
25 would always beg the UPDF to give us uniforms. If your trousers are torn, then you

1 would only have your shirt and that means that you would have to put on the shirt
2 with the civilian trousers. The shirt would be a uniform, the trousers will be civilian
3 trousers. Sometimes the shirt is torn, but then the trousers are okay. That means
4 that you have to wear a civilian shirt and army trousers and that was one of the main
5 problems that we had. It was not easy.

6 That was one of the difficult problems that we faced.

7 Q. [11:33:23] Can you explain your uniforms vis-à-vis the UPDF uniforms?

8 A. [11:33:43] The difference between our uniforms and the UPDF uniforms were
9 the colours. There was a difference between the colours. Sometimes if we are
10 provided with uniforms, they would give us a distinctive colour and that colour was
11 different. That colour would clearly show that these people are part of the LDU.
12 The UPDF had camouflage uniforms, but ours would be plain. And that would be
13 one of the distinctive features between our uniforms. And that is something that I
14 noticed between the uniforms.

15 The guns as well. The guns were kind of similar, but the outfits were different.
16 Because they would give us all guns.

17 Q. [11:34:57] You spoke about the issues of tearing uniforms. What would
18 happen if an LDU had both his shirt and his trousers torn?

19 MR OBHOF: [11:35:24] I am wondering if he heard me.

20 THE WITNESS: [11:35:30] (Interpretation) Are you talking about something that
21 they just found? It's very difficult to respond to that question.

22 PRESIDING JUDGE SCHMITT: [11:35:39] I think then skip it, please. It's a --

23 Mr Witness, hypothetically, it's simply in case, indeed, all the uniforms was in rags, so
24 to speak. What would have happened then? Would anybody have been able to
25 distinguish the LDU forces from civilians, for example?

1 THE WITNESS: [11:36:29](Interpretation) If there is a civilian who has a torn
2 uniform, well, it would be difficult to distinguish between them. Because the LDU
3 also possessed torn uniforms. So if, for example, a civilian finds a torn army
4 uniform and uses it, if somebody sees that person, the -- in that tattered uniform, they
5 might actually assume that that person is part of the LDU.

6 PRESIDING JUDGE SCHMITT: [11:37:03] I think that was not completely
7 understood. But I think you move on, I would suggest.

8 MR OBHOF: [11:37:07] I think I have a more direct way of asking --

9 PRESIDING JUDGE SCHMITT: [11:37:11] If you want. But it is not of such
10 significance, the whole matter.

11 MR OBHOF: [11:37:15]

12 Q. [11:37:16] Did you ever know of anybody, Mr Witness, who had both his
13 trousers and his LDU shirt completely torn?

14 A. [11:37:42] Yes, there were several LDUs who had torn trousers and shirts.
15 I cannot pinpoint one particular one because most uniform, most LDU
16 uniform -- most LDU soldiers did wear tattered uniforms.

17 Q. [11:38:05] And when their uniforms were tattered, would they still go on
18 patrols?

19 A. [11:38:19] You go on patrol, because you do have a gun. You have a gun as
20 part of your duties. Yes, you go with that uniform.

21 Q. [11:38:32] You mentioned earlier that you were sent to Odek twice. Do you
22 remember in which years you were sent to Odek?

23 A. [11:38:55] Yes, I do recall. When I initially left Acet, I was sent to Odek. And
24 that was in 1997.

25 Q. [11:39:26] And do you remember the year in which you went to Odek the

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1 second time?

2 A. [11:39:42] The second deployment, yes, I do recall that as well.

3 Q. [11:39:50] In which year did you have your second deployment in Odek?

4 A. [11:40:02] That was in 2004.

5 Q. [11:40:13] Do you remember in which month you were sent to Odek in 2004?

6 A. [11:40:29] In 2004 I was sent in April.

7 Q. [11:40:46] When you arrived at Odek camp, how many LDUs were stationed
8 there?

9 A. [11:41:06] When I arrived at Odek camp, there were 30 LDUs at Odek.

10 MR OBHOF: [11:41:27] Just to clarify this, your Honour, I would like to refer to his
11 statement.

12 PRESIDING JUDGE SCHMITT: [11:41:32] Yes, absolutely. There seems to be
13 a small, a small contradiction, yes.

14 MR OBHOF: [11:41:39]

15 Q. [11:41:39] Mr Witness, I am going to refer to your statement. Now this is at
16 UGA-D26-0021-0244, and this is going to be at page 0248, paragraph 9. And it said:
17 "In 2004, we were 38 LDU in Odek in total. Then LRA attacked and killed 2 people
18 and we remained 36."

19 Mr Witness, do you remember if it was 30 or 38 people or LDUs when you first
20 arrived at Odek in 2004?

21 A. [11:42:39] That's correct.

22 Q. [11:42:45] Is it correct that it's 38 --

23 A. [11:42:49] Yeah, I did, I did forget. I did forget the few that you added on.
24 Because some of them are now deceased. And there were -- two of them died and
25 there were 36 left.

1 Yes, I slightly forgot about the extra.

2 Q. [11:43:23] Now, who was the OC at the Odek detach?

3 A. [11:43:36] The OC, well, I do not know what tribe he is from, but he was known
4 as Odyek. He was the first one at that detach. And then after that there was
5 Goba Rac who came and replaced him. But Odyek was the one who was at the
6 detach.

7 Q. [11:44:15] Do you remember who the overall commander was?

8 A. [11:44:29] The overall commander, the OC of the detach, was Odyek.

9 Q. [11:45:01] What type of oversight did the UPDF have over the LDUs at Odek
10 military detach?

11 A. [11:45:32] The UPDF, if they send one of their commanders to come and
12 command over the UPDF, he is sent there as a commanding officer and all the LDUs
13 have to follow his instructions because, as the UPDF, he would have hierarchy. If
14 they bring them among us, then they have the hierarchy.

15 Q. [11:46:11] In April of 2004 had the UPDF sent a commanding officer to oversee
16 the LDUs in Odek?

17 A. [11:46:36] In -- it was Odyek who was the UPDF, he was the UPDF officer and
18 he was the one who was the overall officer that was brought to Odek.

19 Q. [11:47:05] When you arrived at Odek, how many UPDF stayed in the barracks
20 on a regular basis?

21 A. [11:47:31] The UPDF that were sent to Odek, I do not know the exact numbers
22 that were sent, but they stayed and then the LDU came and replaced them. But I do
23 not know the exact numbers of the UPDF that were there. But when the LDU came
24 and replaced them, the UPDF left. The LDU were brought from Acet and Odyek
25 was brought in as their commander.

1 Q. [11:48:18] Once the LDU came, were there any instances in which the UPDF
2 would stay at the LDU barracks?

3 A. [11:48:40] They only usually come when they are sent, for example, as mobile
4 forces, then they go to the various different detach centres where you have the LDU.
5 They usually come there just for a rest. Sometimes they spend the night, and then in
6 the morning they wake up and continue with their, with their foot patrol. That's
7 what they used to do and that's how they used to move about.
8 Sometimes, if there is no food, they would come to the detach where the LDU are
9 based, they would send a message, and then a vehicle would bring food, give it to
10 them, and then, once they have received their food they would go about their
11 business as mobile forces. And that's how we, we would interact.

12 Q. [11:49:40] When you arrived at Odek in 2004, how far was the barracks from the
13 sub-county offices?

14 A. [11:50:02] It wasn't very far. Perhaps 200 metres.

15 Q. [11:50:16] How far was the barracks from the IDP camp?

16 A. [11:50:35] It's more or less the same distance. It's the same. Because the camp
17 was attached to the sub-county, then you have the hospital, and the distance between
18 them was, was not significant.

19 Q. [11:51:09] Now, when you were in Odek in April '04, did the LDUs receive their
20 food still from the government of Uganda?

21 A. [11:51:32] Yes, we would get food, but the food was very little. Sometimes they
22 would give us maize flour, for example, 10 cups of maize flour, five cups of beans.
23 And that's not enough. And that would be food for one month, so that wasn't
24 enough.

25 And sometimes, when the World Food Programme brought food to the people who

1 were in the camp, that's what we also used to survive on, because the wives would
2 also go and register and they would be given the food that was brought in. And
3 those people would add that food on to whatever it is that the government had given
4 them. And that would at least sustain them for about a month or so.

5 Q. [11:52:31] Now, what about the soldiers who didn't have a wife? How would
6 a single soldier, or a single LDU, how would he supplement his food?

7 A. [11:52:57] Single soldiers, well, they had to find means, because, you know, in
8 the -- within the army you have people who coordinate between civilians and the
9 soldiers. So sometimes these people would go -- that person would go and talk to
10 the person, to the camp leader and then voice the concerns of the soldiers and that
11 way the soldiers would also be able to get supplementary food.

12 MR OBHOF: [11:53:43] If I may just read a short part of a paragraph.

13 PRESIDING JUDGE SCHMITT: [11:53:47] Yes, of course.

14 MR OBHOF: [11:53:48] It's paragraph 11 on Defence tab 1, page 0248.

15 Q. [11:53:55] You stated before, Mr Witness, that "we would beg them for the food",
16 of course, "or if you have money, you could buy the food from them. We were not
17 allowed to steal food from civilians, it was a crime."

18 Would some soldiers, Mr Witness, purchase food from civilians?

19 A. [11:54:36] If it's a single soldier, then if he has money, then he would go and
20 purchase the food. He would buy different kinds of food. He would buy food that
21 would help him.

22 Q. [11:55:06] Mr Witness, what type of, if any, curfew, did Odek camp have?

23 A. [11:55:24] Could you please repeat the question, because if you refer to it as
24 a curfew, then it doesn't make sense to me.

25 Q. [11:55:35] Were there times each day when the civilians were allowed to leave

1 the camp and then had to be back at the camp before another certain time?

2 A. [11:56:09] Well, that question is not very clear, because when you ask me about
3 going outside, it's not very clear. When you are talking about leaving the camp and
4 going outside, do you mean going to their farms or going to their gardens? That's
5 one of the areas that is not very clear.

6 PRESIDING JUDGE SCHMITT: [11:56:32] Mr Witness, could, could the civilians
7 stay outside the camp when it, when it became dark? Could they stay outside the
8 camp during the night, for example? Or did they have to come back at one point in
9 time, back from the fields to the camp?

10 THE WITNESS: [11:57:09](Interpretation) Well, that question is more clear. Now I
11 have understood it really well.

12 Yes, they were allowed to go to their gardens in the morning, at some point in the
13 morning. They would go, farm, and sometimes there would also be soldiers who
14 would be protecting them. They are not allowed to go far. They are only allowed
15 to go to certain restricted areas and then there are also soldiers on patrol. And then,
16 at some point, they have to go back. Because -- and soldiers are also given warning
17 that the civilians are now coming back.

18 But at night, the civilians are not allowed to exit the camp and go anywhere else.

19 And, yes, that's something that, yeah, that is to my knowledge.

20 MR OBHOF: [11:58:04] Thank you, your Honour.

21 Q. [11:58:05] And what would happen to persons who didn't make it back to the
22 camp at night?

23 A. [11:58:39] If the -- there was actually nothing that would happen to them, except
24 that these instructions were issued and if they find you outside the camp and
25 something bad happens to you while you are outside the camp, then it's attributable

1 to you, it's your fault.

2 So that is why they gave these instructions, they said if you go to your garden, you
3 have to come back within a certain time. If you actually leave the camp without
4 informing anybody, for example, if I, Julius, get up and go somewhere without
5 informing anybody, then I am going to look for trouble. If anything happens to me,
6 then that is my own fault. And that's how the rules were applied.

7 Q. [11:59:39] Now we are going to talk a little bit about your daily activities while
8 in Odek.

9 Could you explain to Court what would be the general daily activities during the
10 daytime for an LDU?

11 A. [12:00:16] For the LDUs, in the morning, very early in the morning, they would
12 wake us up, they would check to ensure that we were all present. After the roll-call,
13 they would ask us -- or they would find out how the night went. They would pick
14 up a group and send them out to patrol, talk to civilians, find out how they spent the
15 night. And when that group comes back, then they divide and start sending soldiers
16 to go and protect the areas, and the soldiers walk around, they patrol because people
17 were attacked.

18 So they would put us in groups and send us along the way. Some people would
19 stay in the camp to welcome people who are coming to the detach or to the barracks,
20 such as the quarter guard. Those people who are left behind in the camp would
21 continue doing their tasks. The others would keep on patrolling different areas that
22 they were sent to patrol.

23 And those are some of the different tasks that the LDU were assigned and some of the
24 tasks that we had to go. There were some people who would stay behind. Those
25 people were referred to as the "standby". They would stay behind to make sure that

1 if anything arises that requires the use of soldiers or that requires the army to react,
2 then there is actually a standby present, and those people would be left behind in the
3 camp. The people who are sent on foot patrol would be conducting their tasks and
4 the people who are left behind in the camp would be there to ensure the security of
5 the camp and to ensure that if anything arises they are ready to act. And that is what
6 they used to do.

7 Q. [12:02:35] How about at night? What are the normal -- when you were in Odek
8 in 2004, what were the normal duties for the LDUs who were on -- who were working
9 at night?

10 A. [12:03:04] In the night, the soldiers are divided into several places. They would
11 put some in the barracks, or detach. Others would go to the quarter guard. They
12 will also send -- they would also put some about 100 metres away so that they can be
13 monitoring from behind the detachment.

14 And there are also other soldiers who would be sent to go and guard the camp.
15 Those are the things that were done. The places surrounding important places like
16 the health centre, and other places, we make sure that soldiers are put nearby to
17 provide protection to the places.

18 Q. [12:04:17] At what time would this transition from daytime duties to nighttime
19 duties take place?

20 A. [12:04:44] This is how it used to happen: If I am deployed at the quarter guard,
21 if you are taken there in the morning, that means that you will be replaced the next
22 morning. But, if you are sent, for instance, in the night, then they would make sure
23 that you will only work in the night and then the next morning another person will be
24 placed there.

25 But for the quarter guard, you will work, if you are taken in the morning, you will be

1 there from that time throughout the night until the next morning, when you will be
2 replaced. That was it.

3 Q. [12:05:53] At what time would the people who were working at night, at what
4 time would they usually start working?

5 A. [12:06:11] They require you to go at 7.30. And if you are going to a particular
6 place, they don't want anybody to get to know how you are going to deploy. That's
7 why you have to go when it's a bit dark.

8 PRESIDING JUDGE SCHMITT: [12:07:10] I think we could at some point in time
9 reach, perhaps, 29 April 2004.

10 MR OBHOF: [12:07:18] You actually have perfect timing once again.

11 PRESIDING JUDGE SCHMITT: [12:07:23] Yes, okay, good, good. Otherwise I
12 would have suggested to simply ask him if he recalls the day and then let him simply
13 talk, a narrative, and from there on, as we know from experience, this might also
14 alleviate and ease your job when you are asking questions later on.

15 MR OBHOF: [12:07:43] If you would like to start his narrative, your Honour --

16 PRESIDING JUDGE SCHMITT: [12:07:47] Then why not.

17 Mr Nyeko, do you recall 29 April 2004?

18 THE WITNESS: [12:08:01](Interpretation) Yes.

19 PRESIDING JUDGE SCHMITT: [12:08:01] What happened on that day? Please tell
20 us what you still recall at the moment. And if we have further questions, we put
21 them afterwards.

22 THE WITNESS: [12:08:20](Interpretation) In April, on the 29th at around 5, the LRA
23 came and attacked Odek.

24 That attack was a serious one. The mobile forces had come, just like I mentioned
25 earlier, they came and spent the night there. They came during the day, and in the

1 evening, they crossed Odek and went towards the east where the school was. And
2 people in Odek camp had a meeting, a camp meeting. In that meeting, the OC was
3 there. He was there together with his intelligence officer, who was called
4 Too Tye Kamaleng. That was the name of his intelligence officer. They were
5 together in the meeting, together with the members of the camp, and they were
6 meeting about how to manage the camp. The mobile forces came and passed Odek
7 at about 2. Thereafter, the soldiers who had gone for the patrol had not yet returned
8 by 5, because they were supposed to first return before the soldiers in the camp
9 would be deployed.

10 So out of the mobile forces, one of the soldiers was identified and he went with the
11 mobile forces. And the very direction where they went was the same place where
12 the rebels approached the camp from.

13 What I heard from one of the old women, whose home was somewhere there, she
14 said the rebels came and then they first stationed somewhere to divide themselves.
15 And that woman had also not followed the curfew in place, she just had left the camp
16 without informing anyone. She went to her previous home. She was fetching
17 firewood. She saw the rebels and she thought they were ordinary soldiers. They
18 did not disturb her. She finished collecting firewood and returned to the barracks.
19 After the woman left, the rebels divided themselves into three different groups.

20 There was one that was moving from the edge of Odek where the soldiers, the mobile
21 forces passed from towards the school, was the first lot. The second lot came from
22 the middle. And then the third lot walked from the western side and that was the
23 group that went through and went to the barracks. And that -- they followed the
24 road that was going towards the sub-county. That's how they came and deployed
25 and attacked Odek.

1 Then, what happened next was that when that meeting was dissolved and people
2 started walking back to their respective homes, then the attack started. The people
3 who had -- who were attending the meeting had not returned home to prepare
4 anything for themselves to eat for dinner, and then the attack began.
5 Honestly, it was fierce. When they arrived at -- inside the camp, because food
6 distribution had recently taken place and I think they were also aware that food was
7 being distributed monthly, and they also wanted to come and collect these food items
8 from the civilians. So that's what they did.
9 They came. They injured so many people; they attacked the barracks. The soldiers
10 fled. Because the soldiers were few, there were very few soldiers in the barracks,
11 they could not sustain. And one of the soldiers tried to fight back because he had
12 a child in the barracks, and the rebels came and eventually killed him together with
13 his child.
14 There was also another soldier who was running from the centre, he had his uniform
15 on, but he didn't have his gun, he had left his gun in the barracks. He started
16 walking towards the barracks and he walked and as he was approaching the barracks,
17 then he was shot. He also died.
18 So there were two soldiers who died on the spot in the barracks, together with the
19 other child who was not a soldier. The child also died. But when you come to the
20 camp, so many people died from the camp.
21 When the gun battle was raging on, actually, when they started shooting, personally I
22 was going to buy cigarettes from a shop that was on the opposite side of the road
23 from the direction where the rebels came. The other commanders of the mobile
24 forces were having a rest under a tree that was in front of that shop. I came and
25 found them there, sitting and conversing. Their escorts were in the shop buying

1 some drinks and shortly after, the gunshots started. That's how it all started.
2 By -- as they jumped up to respond, they noticed they didn't have their guns, but they
3 retrieved the guns from their escorts and they started also firing at them.
4 I also retreated to the camp and I took cover using the, the buildings in the camp.
5 I was eventually able to flee and then I crossed the river going towards Lango
6 direction. That is how I survived the attack. Those other people who were not able
7 to escape, some of them were killed.
8 The fight raged on until about 7, and was getting dark. The mobile forces who were
9 on the other side of the river started -- were hearing gunshots and then started firing
10 back towards the camp, but the rebels stayed and operated only in the camp.
11 The mobile forces who were returning to the camp to come and save the camp were
12 firing towards the camp as well. And in the event, very many people got injured
13 and others were killed.
14 Because at that time it was getting dark already and then eventually started raining,
15 because the rebels attacked the camp and the barracks and even burned the barracks.
16 Some of the people were captured and then put in one of the shops and when they
17 finished the operations, they moved away with the people they had put in the, in
18 the shop.
19 The rebels left and then the mobile forces were firing after them.
20 On the next morning, we started now looking for who was killed, who was abducted
21 and what happened to who. We did that together with the camp leaders. So many
22 people were abducted. There were some people who were also injured in the camp
23 and one of their commanders I think was injured, because some of the people who
24 were abducted were used to carry the loots and also to carry the injured commander.
25 We came to hear of that because some of them were able to escape and come back.

1 Nine men were picked from the camp to go and carry the injured commander.

2 These nine people were eventually all killed. We were told that by the people who
3 were later on released.

4 And, personally, my brother was amongst them and the nine people were all killed.

5 Those who returned were mothers who were the ones who were released to come
6 back.

7 That is what happened in Odek on 29 April 2004. That is what I know happened on
8 that day.

9 PRESIDING JUDGE SCHMITT: [12:19:25] Thank you, Mr Witness. This was
10 a vivid narrative, I would say.

11 Your hiding point, how far away was it from Odek centre?

12 THE WITNESS: [12:19:44](Interpretation) It was a bit far, because I went a little far.

13 If I could estimate, that should have been about half a mile. Because I kept on
14 running because I didn't want to be caught by any of the bullets. I ran a bit far. We
15 were actually two, we ran together with some other person and we ran and spent the
16 night at the riverbank.

17 PRESIDING JUDGE SCHMITT: [12:20:20] Could you see from this hiding point
18 what happened in the centre?

19 THE WITNESS: [12:20:35](Interpretation) No, I could not see; it was not visible.

20 PRESIDING JUDGE SCHMITT: [12:20:37] You told us that after the attack you saw
21 dead bodies. Could you tell how they died?

22 THE WITNESS: [12:20:56](Interpretation) Well, I mentioned that in the morning we
23 returned and came and found so many dead bodies and then some injured people.

24 Well, you know, some people never fled, they closed themselves -- locked themselves
25 in their houses. They -- the rebels would come, open the door, and if you do not do

1 anything that would anger them, they would not do anything on you. But if you
2 didn't do what they wanted you to do, then they would harm you. If they wanted to
3 carry -- you to carry the food items, yes, you would have to do that and they wouldn't
4 do much to you. But I think also, if they see you're trying to flee, they would shoot
5 at you, and then many people were killed in the -- in the process.

6 Some of them, you just find them dead and you wouldn't know why they were killed.
7 Some of them were killed in their houses and you just find them, the dead bodies in
8 there. It would be difficult to know how -- why they were killed.

9 PRESIDING JUDGE SCHMITT: [12:22:09] I have to apologise, my question was not
10 completely clear.

11 Could you tell if, for example, the dead bodies, the dead corpses, they were killed
12 because they were shot, because they were stabbed, because they were, you know
13 what I mean? They were burned, whatsoever. Could you see that, could you
14 identify the reason, the cause of the death, so to speak?

15 THE WITNESS: [12:22:38](Interpretation) Most of the bullets, most of the deaths
16 were a result of gun wounds. There were no instances of people being hacked to
17 death or being clubbed to death. Most of them were shot and killed. But there was
18 one person -- there was one home where they were beating somebody and then
19 somebody saw, somebody was seeing them. They were asking that person, "Who
20 was killed?" They said the person was abducted from the house. They were
21 together and the person was together with their child. They were moving together.
22 They had instructed the person to carry items with them. Then she started carrying
23 the items, but eventually put it down and then ran back and they were asking her,
24 "Why are you running back?" She said, "I was -- I'm running back to pick my child
25 who was crying and running after me."

1 So they said the woman was stubborn. They told her -- they took her to a house and
2 told her, "You go and carry that item." And it was a bag of maize. She came out
3 and then somehow some maize fell down, dropped down, started pouring down.
4 And then they instructed her to collect the maize from the ground and then as she
5 was bending to do that, they shot her on the head.

6 The child was not killed. The woman was killed. And the child sat next to the
7 mother the whole night until the next day when people came and picked the child
8 away. That is the story that came from people who saw her.

9 But the rest of the people were -- all the -- all the rest of the people died from gunshots
10 and it was difficult for us to know where exactly the bullets were coming from. The
11 soldiers who were in the school were also firing at the barracks. The rebels were also
12 here in the -- in the camp and also were firing in, in the barracks and then inside the
13 camp.

14 But some people were killed -- were, were shot from the other side of Odek, very far
15 away. And I think that was because of the, the firing that was coming from the
16 mobile forces who were at the school and they were firing towards the camp and then
17 the trading centre. That's what I watched.

18 PRESIDING JUDGE SCHMITT: [12:25:35] Thank you.

19 I think, Mr Obhof, this has covered a lot of what we have as the witness statement
20 also. And I think it might have also, a little bit, shortened the whole procedure, I
21 would say.

22 MR OBHOF: [12:25:51] Again, you're right. I actually maybe have maybe
23 10 minutes of follow-up.

24 PRESIDING JUDGE SCHMITT: [12:25:55] I understand. And you know, I think
25 the advantage to let, if we have a witness who clearly has to say something, to let him

1 talk is simply that we also get an immediate impression of the person we have here in
2 front of us.

3 Please continue.

4 MR OBHOF: [12:26:13]

5 Q. [12:26:13] Mr Witness, you mentioned about a child being in the barracks earlier.
6 Did family members and other civilians live in the barracks --

7 A. [12:26:29] (Overlapping speakers)

8 Q. [12:26:29] -- with their husbands?

9 A. [12:26:30] In the barracks? Well, just like I mentioned earlier, for instance, if I
10 am a soldier, then my wife would come to visit me and she could have come to visit
11 me, but the attack started before she could leave the barracks. That that is such an
12 instance where you'd find, you know, such people in the barracks.

13 But that -- for that child, the child didn't -- the mother was not there and the father
14 knew there was no one else to take care of his child. So the child was living with the
15 father. I think the father also didn't want the child to go anywhere else and he
16 possibly felt that since he had a call to duty, if it meant dying he would die together
17 with his child. People were not allowed to go inside the barracks, but only their
18 spouses, the spouses of the soldiers were allowed to pay visit to their husbands in the
19 barracks.

20 Sometimes they would come from a distance away and when they arrive, it's not
21 possible for them to return to where they're coming from, so they will spend the night
22 in the barracks. And in that case, that child was in the barracks because that
23 gentleman didn't have his wife with him. That's why the child was living with him
24 in the barracks.

25 Q. [12:28:17] Now you mentioned a time when the LRA started to leave. I believe

1 you said 1900 hours. At what time did the mobile forces, the UPDF mobile forces
2 arrive and start firing towards the camp and the barracks?

3 A. [12:28:46] At the time when the LRA fighters were still there, the mobile forces
4 already started firing towards the camp. They knew the rebels were still there and
5 the barracks was already set on fire. And even where I was hiding from I could see
6 fire everywhere in the barracks. And from my distance I knew they were burning
7 the barracks and not the camp. At that time the mobile forces were also firing at the
8 camp. By the time it was getting dark, they were continuing to fire. And we also
9 had to run much further because we were scared that we could be shot by the mobile
10 forces, because, possibly, they were shooting at everyone. We never wanted to bring
11 ourselves near so that they could shoot us as well. They kept on shooting at anyone
12 they were seeing because they possibly thought that everyone, or anybody they were
13 seeing were parts of the rebels. Many people were saying a lot of people were shot
14 from the shots that were coming from the school.

15 Some of the soldiers as well came and talked about that, they said they were firing at
16 the camp because they thought the whole camp was full of the rebels. But all these
17 things were talked about, and the next day, in the morning, because they were also
18 able to leave and go back to their barracks the next day in the morning.

19 Q. [12:30:28] Can you estimate for how long the mobile unit fired from their
20 position across the Odek river?

21 A. [12:30:51] Well, it's a bit difficult for me. Yeah, it's difficult for me to do that.

22 PRESIDING JUDGE SCHMITT: [12:31:00] I think we can accept that.

23 THE WITNESS: [12:31:03](Interpretation) I do not recall, because I really do not
24 recall.

25 MR OBHOF: [12:31:12] Your Honour, if I may, I would like to -- paragraph 21.

- 1 PRESIDING JUDGE SCHMITT: [12:31:24] Let me have a look.
- 2 MR OBHOF: [12:31:26] Page 0250.
- 3 PRESIDING JUDGE SCHMITT: [12:31:27] Yes, yes, at 21, I also was looking at 21,
4 but I don't see a time estimate here.
- 5 MR OBHOF: [12:31:38] You're correct, but the second or third full sentence.
- 6 PRESIDING JUDGE SCHMITT: [12:31:42] But this is another question of course.
- 7 MR OBHOF: Yes.
- 8 PRESIDING JUDGE SCHMITT: You would have to phrase it a little bit different.
9 It's not about any time aspect here.
- 10 MR OBHOF: [12:31:53] Okay.
- 11 Q. [12:31:53] Did any other soldiers arrive? Not just the mobile unit, but did any
12 other soldiers arrive later on?
- 13 A. [12:32:09] After the battle, no other soldiers came.
- 14 PRESIDING JUDGE SCHMITT: [12:32:19] Perhaps let me give it a try.
15 Mr Nyeko, was there also firing, firing into the camp after the LRA had left?
- 16 THE WITNESS: [12:32:46](Interpretation) When the LRA left, the other people
17 continued firing, because they did not know that the LRA had already left. And that
18 was the mobile forces who continued firing.
19 After that, the, you know, the people who had stayed behind knew, for example, they
20 would tell the soldiers, "Those of you who are left behind should leave." I do not
21 know what kind of communication they had between them, but when they left, there
22 were still gunshots. But at some point there was no longer gunfire, so I do not know
23 how they communicated to know that, okay, now stop. They collected themselves
24 and the food, the people they had abducted, and they left. The people who they had
25 abducted were carrying the food and they left.

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1 The other people came back in the morning. They came back in the morning, same
2 as we did. We came back in the morning.

3 PRESIDING JUDGE SCHMITT: [12:33:53] I think that largely covers it, I would say,
4 Mr Obhof.

5 MR OBHOF: [12:34:09] Because he had a long narrative, if you wouldn't mind,
6 your Honour, give me 30 seconds just to read through the rest of the --

7 PRESIDING JUDGE SCHMITT: [12:34:11] Of course, of course.

8 MR OBHOF: [12:34:13] As he was talking I was trying to --

9 PRESIDING JUDGE SCHMITT: [12:34:15] Yes, yes. No, no, then that's fine.
10 Perhaps in the meantime I can simply continue a little bit, while you are searching for
11 some gaps, perhaps.

12 Mr Nyeko, you told us that you saw the barracks burning. Have I understood this
13 correctly?

14 THE WITNESS: [12:34:58](Interpretation) Yes.

15 PRESIDING JUDGE SCHMITT: [12:34:59] Did also civilian huts burn after the
16 attack?

17 THE WITNESS: [12:35:13](Interpretation) No, the camp was not burnt.

18 PRESIDING JUDGE SCHMITT: [12:35:17] Okay. Please continue, Mr Obhof.

19 MR OBHOF: [12:35:21] Thank you, your Honour.

20 Q. [12:35:22] Mr Nyeko, in which direction did the leave Odek?

21 A. [12:35:36] Well, they, they left and went towards the Achwa river. They went
22 northwards.

23 Q. [12:36:10] Around the time of the attack, the day or maybe a few days after, did
24 you know who led this attack on Odek?

25 A. [12:36:52] Well, that's a very good question. You know, sometimes when

1 things happen you have to, you have to think about it. In Acholi, for example, when
2 there is a death, we sit about, we sit down and discuss what brought about the death.
3 Well, two or three days after the event we were getting information. The
4 overall -- Kony's name was also mentioned in these conversations. Odhiambo's
5 name also came up in these conversations. I heard that, I heard Odhiambo's name.
6 There are some who said, well, if they attacked Odek, then perhaps, perhaps Kony
7 was also present. It was assumed that Odhiambo and Kony were present in the area
8 and that is why there was such a massive attack on Odek. And those are the two
9 people that I heard, I heard those two names consistently. There were other people
10 who were saying it was only Odhiambo and Kony was not present. So it is really
11 difficult to know who was present and who was not.

12 After a while -- for example, now that Ongwen's trial is going ahead, I started hearing
13 Ongwen's name later on, because you know these things did not happen only in
14 Odek, they happened at Abok, they happened at Lukodi, and that is when I started
15 hearing those -- I heard Ongwen's names after they started mentioning all these
16 places, all the different places. That's when I started hearing Ongwen's name. But
17 Joseph Kony and Okot Odhiambo's name were not there. But previously,
18 immediately after the event, those were the two names that I kept hearing. But after
19 that I kept on hearing Ongwen's name, and his name was also associated with the
20 other attacks in different places. And today I also hear Ongwen's name.

21 PRESIDING JUDGE SCHMITT: [12:39:06] I think we all agree here in the courtroom
22 that the witness does not have own knowledge about anything in that regard and I
23 think we can move on here.

24 MR OBHOF: [12:39:16] Well, the one area I wanted to ask him, he said he heard the
25 names.

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1 PRESIDING JUDGE SCHMITT: [12:39:21] You know, people hear many names, but

2 I don't want to prevent you from asking, but simply, yes, give it a try, but --

3 MR OBHOF: [12:39:29] I will be done in about 180 seconds.

4 PRESIDING JUDGE SCHMITT: [12:39:33] Okay, then I appreciate this.

5 MR OBHOF: [12:39:36]

6 Q. [12:39:36] You started mentioning a bunch of other areas, Mr Witness, you
7 mentioned Abok and Lukodi. So when Mr Ongwen's name started being discussed,
8 can you give us a better time frame?

9 A. [12:40:11] That was, that was during the time when I was already going home.
10 When they had actually discharged us, they were telling us that "those of you who
11 live close by can now go home". And that was the time when I started hearing this
12 information. That was the time that some people had already been discharged and
13 people were leaving.

14 Q. [12:40:41] So what you are saying is you heard about Abok in 2004?

15 A. [12:40:56] There wasn't that much of a time difference between the Odek and
16 Abok attack, but I do not know the exact date that Abok was attacked. I know the
17 date Odek was attacked because I was in Odek. But what I'm talking about was that
18 this information, or whatever it is that I heard, I did not only hear it from one place, I
19 heard it from different places, because I heard people saying that whatever happened
20 at Odek also happened at Pajule, also happened at Lukodi, also happened at Abok.
21 And that was the kind of information that kept coming in, and people were saying
22 people also died in these other locations.

23 PRESIDING JUDGE SCHMITT: [12:41:46] But he has clearly stated that he has only
24 been in Odek on 29 April 2004 and was not present during the other presumed
25 attacks.

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- 1 MR OBHOF: [12:42:03] Your Honour, I think this will end the Defence's questioning.
- 2 PRESIDING JUDGE SCHMITT: [12:42:09] Thank you very much.
- 3 We would then come to the Prosecution.
- 4 Do you have already an estimate, Ms Adeboyejo, for your questioning?
- 5 MS ADEBOYEJO: [12:42:20] Your Honours, we just wanted to discuss very briefly
- 6 and then -- perhaps for about 10 minutes and then we could give an indication. We
- 7 had wanted --
- 8 PRESIDING JUDGE SCHMITT: [12:42:33] You want to discuss for 10 minutes?
- 9 MS ADEBOYEJO: [12:42:35] Yes, your Honour. And then --
- 10 PRESIDING JUDGE SCHMITT: [12:42:36] Then it would perhaps make sense to
- 11 have now a lunch break.
- 12 Mr Gumpert, perhaps you have a better idea.
- 13 MR GUMPERT: [12:42:45] There's been, in as much as it is possible while evidence is
- 14 still going on, some discussion. I think if your Honours could retire temporarily for
- 15 perhaps five minutes, it is possible we may be finished either with few or conceivably
- 16 even no questions before lunch.
- 17 PRESIDING JUDGE SCHMITT: [12:43:05] That is of course -- I don't assume that the
- 18 victims will have so many questions.
- 19 Mr Narantsetseg?
- 20 MR NARANTSETSEG: [12:43:10] Your Honour, I don't intend to put any questions.
- 21 Thank you.
- 22 PRESIDING JUDGE SCHMITT: [12:43:15] Ms Sehmi?
- 23 MS SEHMI: [12:43:16] Your Honour, I have no questions for this witness.
- 24 PRESIDING JUDGE SCHMITT: [12:43:18] No questions.
- 25 So then, of course, this, what you say, your proposal makes sense. So we retire for

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1 perhaps five -- or let us simply know when you are ready and then we come back and
2 then we see how we continue.

3 THE COURT USHER: [12:43:35] All rise.

4 (Recess taken at 12.43 p.m.)

5 (Upon resuming in open session at 12.53 p.m.)

6 THE COURT USHER: [12:53:54] All rise.

7 PRESIDING JUDGE SCHMITT: [12:54:12] Ms Adeboyejo.

8 MS ADEBOYEJO: [12:54:14] Thank you for the indulgence, Mr President,
9 your Honours. The Prosecution has taken the decision that we are asking no
10 questions from this witness.

11 PRESIDING JUDGE SCHMITT: [12:54:23] Thank you very much.

12 And we have already heard that also the Legal Representatives of the Victims don't
13 have any questions, or do they?

14 MS SEHMI: [12:54:30] I'm sorry, Mr President, on further reconsideration, we
15 decided we had one question if that's okay.

16 PRESIDING JUDGE SCHMITT: [12:54:38] Yes, of course, of course. Then please
17 put your question to the witness.

18 MS SEHMI: Thank you.

19 QUESTIONED BY MS SEHMI:

20 Q. [12:54:42] Good afternoon, Mr Witness. I am asking you one question on
21 behalf of the Legal Representative for Victims in this case.

22 Mr Witness, you stated in your testimony today that your brother was abducted and
23 killed during the attack on Odek IDP camp. My question to you is what, could you
24 tell the Court what impact this had on you personally?

25 A. [12:55:24] It was extremely painful, because this is somebody that was always in

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1 my life, somebody I saw every day, somebody I knew very well, somebody who I
2 knew right from child birth. If the person leaves, if the person leaves you, it's
3 painful, because they always leave a gap, they leave a gap where you always saw the
4 person, the person is no longer there. Perhaps there were things, assistance or
5 anything that the person could give, but that's not possible any more. And also
6 seeing the person, just having the person present in your life. You know, God
7 creates us to have people in our lives, to be close to people, and if that is taken away,
8 that is extremely painful.

9 MS SEHMI: [12:56:29] Thank you for sharing that with us, Mr Witness.

10 Your Honour, I have no further questions.

11 PRESIDING JUDGE SCHMITT: [12:56:34] And I thank you, Ms Sehmi, for the
12 question.

13 I don't assume that the Defence has further questions.

14 MR OBHOF: [12:56:40] For the record, no, your Honour.

15 PRESIDING JUDGE SCHMITT: [12:56:41] No.

16 Then, Mr Nyeko, this concludes your testimony. On behalf of the Chamber I would
17 like to thank you that you came to the video-link location and helped us establish the
18 truth. Also on behalf of the Chamber and the Court we wish you a safe trip back
19 home.

20 THE WITNESS: [12:57:04](Interpretation) Thank you.

21 (The witness is excused)

22 PRESIDING JUDGE SCHMITT: [12:57:06] This concludes also the hearing for today.
23 We continue on Thursday, 9.30 with D-83, I think.

24 (The hearing ends in open session at 12.57 p.m.)