

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 Thursday, 4 April 2019
9 (The hearing starts in open session at 9.37 a.m.)
10 THE COURT USHER: [9:37:11] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:37:31] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:37:39] Good morning, Mr President, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus
17 Dominic Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in public session.
19 PRESIDING JUDGE SCHMITT: [9:37:52] Thank you.
20 I call for the appearances of the parties, Ms Ndagire for the Prosecution please.
21 MS NDAGIRE: [9:37:58] Good morning, Mr President, your Honours. For the
22 Prosecution this morning are Benjamin Gumpert, Beti Hohler, Adesola Adeboyejo --
23 PRESIDING JUDGE SCHMITT: [9:38:10] Not yet.
24 MS NDAGIRE: [9:38:11] -- who will be joining shortly. Jasmina Suljanovic,
25 Pubudu Sachithanandan, Grace Goh, Laura de Leeuw, and myself Sanyu Ndagire.

1 PRESIDING JUDGE SCHMITT: [9:38:21] Thank you.

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

3 MR NARANTSETSEG: [9:38:24] Good morning, Mr President, your Honours. For
4 the Common Legal Representative, myself Orchlón Narantsetseg, with me
5 Ms Caroline Walter and Mr Pablo Allendes. First time in the courtroom, our visiting
6 professionals: From Georgia, Ms Natia Katsitadze, and Ms Daniela Popovova from
7 Czech Republic. Thank you.

8 PRESIDING JUDGE SCHMITT: [9:38:50] Thank you very much.

9 And Ms Sehmi.

10 MS SEHMI: [9:38:51] Good morning, Mr President, your Honours. For the victims,
11 Anushka Sehmi and James Mawira.

12 PRESIDING JUDGE SCHMITT: Thank you.

13 And for the Defence, Mr Ayena or Mr Kifudde? I don't -- ah, Mr Ayena.

14 MR AYENA ODONGO: [9:39:02] Mercifully it is me.

15 Mr President and your Honours, today I am assisted by assistant to counsel,
16 Mr Thomas Obhof; and the other assistant to counsel Gordon Kifudde;
17 Chief Achaleke Taku, co-counsel is in court assisting; Roy Titus Ayena, the case
18 manager; and our client, Dominic Ongwen, is in Court.

19 PRESIDING JUDGE SCHMITT: [9:39:31] Thank you very much.

20 And before we start the Chamber issues an oral decision.

21 We go to private session, indeed. Thank you very much for the information.

22 (Private session at 9.39 a.m.)

23 THE COURT OFFICER: [9:39:52] We are in private session, Mr President.

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Trial Hearing
WITNESS: UGA-D26-P-0121

(Private Session)

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- 11 (Open session at 9.43 a.m.)
- 12 THE COURT OFFICER: [9:43:30] We are back in open session, Mr President.
- 13 PRESIDING JUDGE SCHMITT: [9:43:32] And the witness can now be brought into
- 14 the video-link location.
- 15 (The witness enters the video-link room)
- 16 PRESIDING JUDGE SCHMITT: [9:44:01] Good morning, Mr Ojede. Do you hear
- 17 me?
- 18 WITNESS: UGA-D26-P-0121
- 19 (The witness speaks Acholi)
- 20 (The witness gives evidence via video link)
- 21 THE WITNESS: [9:44:07] (Interpretation) Yes, I can hear you, Mr President.
- 22 PRESIDING JUDGE SCHMITT: [9:44:09] Do I pronounce your name correctly when
- 23 I say "Mr Ojede"?
- 24 THE WITNESS: [9:44:18] (Interpretation) Yes, that is correct.
- 25 PRESIDING JUDGE SCHMITT: [9:44:20] Thank you.

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1 On behalf of the Chamber I would like to thank you that you have been coming to the
2 video-link location and that you are prepared to give testimony in this case, and we
3 welcome you in this extended courtroom.

4 There should be a card in front of you, Mr Ojede, with a solemn undertaking.

5 Would you please be so kind to read it out loud.

6 THE WITNESS: [9:44:54] (Interpretation) I do solemnly declare that I will speak the
7 truth, the whole truth and nothing but the truth.

8 PRESIDING JUDGE SCHMITT: [9:45:08] Thank you. Do you agree with this
9 solemn undertaking, Mr Ojede?

10 THE WITNESS: [9:45:17] (Interpretation) Yes, I agree.

11 PRESIDING JUDGE SCHMITT: [9:45:19] Thank you. You have now been
12 sworn in.

13 Before we start, I explain to you a few practical matters. First of all, everything we
14 say here is written down and interpreted, and to allow for the interpretation we have
15 to speak at a relatively slow pace. And this applies, of course, for everyone here and
16 of course also to you.

17 If you have any questions yourself, please raise your hand and I will address -- you
18 can address then the Chamber and especially the Presiding Judge.

19 I think this is it for the practical matters and I think I gave now Mr Ayena the floor.

20 MR AYENA ODONGO: [9:46:02] Thank you very much, Mr President and
21 your Honours.

22 QUESTIONED BY MR AYENA ODONGO:

23 Q. [9:46:11] Good morning, Mr Witness.

24 A. [9:46:15] Good morning to you.

25 MR AYENA ODONGO: [9:46:18] I will ask for a short private session at the

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1 beginning.

2 PRESIDING JUDGE SCHMITT: [9:46:25] With regard to? The personal

3 information.

4 MR AYENA ODONGO: [9:46:31] Yes, personal information. Yes.

5 PRESIDING JUDGE SCHMITT: [9:46:34] Why not? We go to private session, but

6 shortly, please.

7 (Private session at 9.46 a.m.)

8 THE COURT OFFICER: [9:46:49] We are in private session, Mr President.

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20 (Open session at 9.52 a.m.)

21 THE COURT OFFICER: [9:52:47] We are back in open session, Mr President.

22 MR AYENA ODONGO: [9:52:52]

23 Q. [9:52:54] Mr Witness, when you were at Kyambogo for your diploma, did you
24 complete it without any interruption?

25 A. [9:53:09] There was interruption. When I was admitted to study my diploma

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1 in Kyambogo, I had just started the programme, the LRA abducted me. And I did
2 not start together with my colleagues with whom we were admitted.

3 Q. [9:53:36] Now that you talk about abduction, Mr Witness, let's address the issue
4 of your abduction and what happened thereafter. Were you ever -- I mean, where
5 were you abducted from?

6 A. [9:54:00] I was abducted in a place called Bar-Jubi in Okwang sub-county,
7 currently located in Otuke district.

8 Q. [9:54:18] Who was the overall commander of the group which abducted you, if
9 you remember?

10 A. [9:54:25] At the time of my abduction the person who was leading the abduction
11 was being referred to as Lapwony. I did not know his name. Later on I realised the
12 group was called Convoy.

13 PRESIDING JUDGE SCHMITT: [9:54:52] When did that happen, Mr Witness, do
14 you recall that?

15 THE WITNESS: [9:55:04] (Interpretation) I was abducted on 20, on
16 20 December 2001.

17 PRESIDING JUDGE SCHMITT: [9:55:19] Thank you.

18 MR AYENA ODONGO: [9:55:20] Yes. Sorry, Mr President, I skipped that
19 important question.

20 PRESIDING JUDGE SCHMITT: [9:55:25] It's simply that we can orientate ourselves
21 in time, which is always important in this case, of course.

22 MR AYENA ODONGO: [9:55:32] Yes.

23 Q. [9:55:33] Now, you said the overall commander was referred to as Lapwony.
24 Did you finally get to know who this Lapwony was?

25 A. [9:55:58] I was afraid. I did not ask for his name because if I get to know his

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1 name, something would happen to me. What I know is that the person who was
2 leading the group was -- I have forgotten the name, the name escaped a bit.

3 PRESIDING JUDGE SCHMITT: [9:56:27] Did you stay in that group that abducted
4 you?

5 THE WITNESS: [9:56:36] (Interpretation) I stayed in that group only.

6 PRESIDING JUDGE SCHMITT: [9:56:41] Please proceed, Mr Ayena. And Mr -- yes,
7 exactly the microphone.

8 MR AYENA ODONGO: [9:56:47] Yes, okay.

9 Q. [9:56:48] Mr Witness, I want to refer you to your paragraph -- did you make a
10 statement, to begin with? Did you -- do you remember making a statement
11 which -- being interviewed by the Prosecution -- I mean by the Defence team?

12 A. [9:57:10] Yes, I was interviewed by the Defence team and I made a statement.

13 Q. [9:57:23] I want to refer to --

14 PRESIDING JUDGE SCHMITT: [9:57:45] I'm sure you want to refer to paragraph 6.

15 MR AYENA ODONGO: [9:57:49]

16 Q. [9:57:50] Yes, paragraph 6 of your interview. Paragraph 6 of your interview
17 and, with permission of Court, I'll read it out: "... that I walked with" -- the
18 commander "that I walked with was" -- "the group that I walked with was
19 commanded by a man called Okot Odhiambo."

20 Does that trigger your memory about the person?

21 A. [9:58:24] Yes, the person who was leading the group whose name I had escaped
22 is called Okot Odhiambo. Their home is in Kitgum because when we were abducted,
23 he went with us to his home area in a place called Obyen in a big -- near a big
24 sub-county. We stayed in his home area for two weeks.

25 Q. [9:58:54] Did you learn the name of the group which abducted you?

1 A. [9:59:05] I learnt the name of the group that abducted me.

2 Q. [9:59:12] What was it called? Apart from what you have already told Court
3 that it was Convoy, was there any other name you literally came to know this group
4 was particularly known by?

5 A. [9:59:36] They used to talk about Convoy battalion. I don't know what a
6 battalion is and I do not know the meaning. I did not ask. When you are with them
7 and you start asking questions, something bad will happen to you and I kept quiet
8 most of the time.

9 Q. [9:59:55] Now, did you learn why this particular group came to Lango
10 subregion, and particularly why they came to Bar-Jubi where you were abducted
11 from?

12 A. [10:00:22] I did not ask why they were roaming around the area. But when we
13 had settled, they were telling us that they want to fight and overthrow the
14 government. Lango and Acholi should be secure and peace should return; that is
15 what they used to tell people. The reason why they were not settled in one place
16 was to go to every location so that they can rally people.

17 Q. [10:00:52] As they told you that, did they -- did you experience any moment
18 where they targeted the civilian population in a massive way?

19 A. [10:01:21] I only stayed there for about three months. I was abducted in
20 December and after three months, I left. I escaped. But when we were roaming
21 around, soldiers were shooting us. There were ambushes and we were being
22 attacked by UPDF soldiers, LRA were being attacked. Sometimes they would have
23 crossfire, they would fight. The LRA would defeat the UPDF and sometimes the
24 UPDF would defeat the LRA. But on one occasion when the LRA went to Madipeo,
25 we went to collect food from civilians, and that is one incident that I witnessed.

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1 PRESIDING JUDGE SCHMITT: [10:02:11] Mr Witness, may I refer to your statement
2 that you gave to the Defence, and when we do that, like the last time, it's simply to try
3 to refresh the memory because everyone, every man, every woman forgets, with time.
4 So I read out to you a portion of your statement that you gave to the Defence, and you
5 perhaps try to figure out what -- if it was correct at the time or what you said today.
6 It's paragraph 4 on page 5. I don't have a UGA number here, so I quote it directly:
7 "In" --like you said, "[on] 20 December 2001, I was captured by the LRA." You said
8 that today to.

9 And then, please listen:

10 "I stayed for one year with them in the bush. I escaped, returned home in
11 November 2002 and continued with school."

12 When you hear that, because I think I heard that today you said you were three
13 months in the bush. So is it possible for you to clarify it, if I have read to you this
14 former portion?

15 THE WITNESS: [10:03:35] (Interpretation) What I said is the truth. I was abducted
16 in December, I came back in March. I escaped from a place known as Aromo. They
17 wanted to go and attack a place known as Agweng. I was not there for a whole year.

18 PRESIDING JUDGE SCHMITT: [10:03:51] Thank you very much for the
19 clarification.

20 Please, Mr Ayena.

21 MS NDAGIRE: [10:03:53] Your Honours, just to help, I wanted give the ERN of
22 the -- it was tab 2 of the Defence binder -- tab 1, rather, UGA-D26-0025-0058 at
23 page 0062, paragraph 4.

24 PRESIDING JUDGE SCHMITT: [10:04:14] Much appreciated. The version that I
25 have does not have the ERN number, so thank you very much for that.

1 Please, Mr Ayena.

2 MR AYENA ODONGO: [10:04:27]

3 Q. [10:04:28] Mr Witness, when you were abducted, were you abducted with other
4 people on the day, on that day?

5 A. [10:04:40] On the day that I was abducted I was abducted alone. But there
6 were other people who were abducted, but I do not know them. I was abducted
7 from my mother-in-law's place, and I had taken them something to celebrate
8 Christmas because Christmas was approaching. So that wasn't actually my home
9 area. I had gone to have a bath at the riverside when I was abducted, so I do not
10 know other people who were abducted from that area because I'm not exactly from
11 that area. I was only visiting.

12 Q. [10:05:16] Now, when they abducted you, were they carrying any stuff with
13 them? What were the items, if you remember?

14 A. [10:05:29] Yes, this did have some luggage. I was given beans to carry. I was
15 told to carry that on my head, but -- and I carried that on my head as well. But it
16 was a big, it was a big bag, it was heavy. It was heavier than what I was able to
17 carry. So what I did was that I pierced a hole in the bag so the beans would start
18 spilling out and make it lighter for me. When they noticed that I had done that,
19 I was hit on behind, on the neck, and I still have the scars today. But there were
20 other people who were also abducted and they were also carrying things.

21 Q. [10:06:29] When you escaped, were you received by a reception centre like
22 Rachele?

23 A. [10:06:45] When I escaped I was taken to Agweng barracks, two soldiers.
24 There is some LDU known as Amot who collected me. When he picked me up, they
25 asked me if I wanted to work in the army, and I told them, no, I do not want to work

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1 in the army. I wasn't in the bush for a very long time, so I just wanted to go home,
2 and I told them that I want to go home. So they put me in car and I was sent back
3 home. When I went back home I had the intention of going to school, so I decided to
4 go back to school.

5 Q. [10:07:27] Can you tell Court, Mr Witness, whether during your time in the bush
6 you ever met Dominic Ongwen or heard about him being within the Lango
7 subregion?

8 A. [10:07:56] When we were in the bush I heard, I heard Dominic Ongwen's name,
9 but I never saw him. The reports that I got from Lapwony, the commander who was
10 in charge of the smaller groups that I was in, told us things. He told us that
11 sometime in February, he told us when we were close to a place close to Madipeo.
12 There's some hills around that area and he told us that -- we were already in Acholi at
13 the time, close to Madipeo area. There is one road that goes towards Sudan and he
14 told us that he met Dominic Ongwen and Dominic Ongwen told him that
15 civilians -- that all soldiers should not kill civilians and they should not attack any
16 civilians. If there is no food, then they should go and collect food. They should not
17 use their firearms, they should not kill people, but they should just go and collect
18 food.

19 I did not meet Dominic Ongwen personally, but I did hear his name and I did hear
20 the orders that he gave that people should not be killed, civilians should not be killed,
21 we should only collect food. But I did not meet him in person.

22 Q. [10:09:24] Thank you, Mr Witness.

23 Now, can you tell Court whether the LDU that you became part of was the
24 only -- first of all --

25 PRESIDING JUDGE SCHMITT: [10:09:37] We have not yet heard that he was an

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1 LDU. You know, I'm always in --
2 MR AYENA ODONGO: You're ahead.
3 PRESIDING JUDGE SCHMITT: -- expeditiousness. No, no.
4 MR AYENA ODONGO: Yes.
5 PRESIDING JUDGE SCHMITT: No, no, you were ahead now, so. But I think we
6 should first establish if he became part of any unit --
7 MR AYENA ODONGO: [10:09:57] Yes, yes.
8 PRESIDING JUDGE SCHMITT: [10:09:58] -- in a more general generic matter.
9 MR AYENA ODONGO: Okay.
10 PRESIDING JUDGE SCHMITT: That, yes, that fought against anyone.
11 MR AYENA ODONGO: [10:10:06] I'm much obliged, Mr President, and I'm well
12 guided.
13 Q. [10:10:14] I think I'll retrace my steps and begin from the beginning. Have you
14 ever heard the name Amuka?
15 A. [10:10:36] Yes, I have heard of the group known as the Amuka. When I came
16 back, I found that a number of people had been recruited. The person who recruited
17 people was known as Felix Okot Ogong. He was the state minister of children
18 affairs at the time, but now he's the MP of Dokolo. He was the one who was
19 mobilising people and asking people to go and join the group of Amukas in Lango.
20 They registered people at a place known as Aler Farm, which is close to the Gulu-Lira
21 road.
22 When I heard that people were being divided, I had come back from the bush at the
23 time. I stayed home. I was at home and people would come and visit me, and
24 asked me. Four soldiers came to visit me. When they came to visit me they also
25 told me that I should go to the camp, to the soldiers, and tell them what kind of skills

1 the LRA have and why they defeat them.

2 And they told me that I should go and help them, tell them the skills so that they can
3 also use the same skills to defeat the LRA.

4 And when they were talking to me, on one occasion I went with my brother and I said
5 okay, well, since school is not yet started, I might as well join the Amuka. I was
6 going to school part-time, I wasn't going to school full-time, so I joined the Amuka.

7 I was given a uniform. I was not even trained. I was trained with using the gun in
8 the bush, so I did have the knowledge, I did have the skills. So I joined the Amuka.

9 I was given a plain uniform, and on the uniform they had written on it "Amuka".

10 THE INTERPRETER: [10:12:27] Your Honour, could the witness please slow down a
11 little bit.

12 PRESIDING JUDGE SCHMITT: [10:12:31] Mr Witness, I think you might have heard
13 it. The interpreters tell me that I should ask you to speak a little more slowly so that
14 they can follow. So you had had really a very detailed narrative, and we could
15 follow it very well, but for the interpreters it's always a little bit more difficult. And,
16 of course, the English language is shorter, I think, than Acholi, so, but I think you
17 understand. But it's everything okay with it. I think you -- until now the
18 interpreters could follow, although with some difficulties.

19 Mr Ayena, I think you could step in here and ask further questions. But it was quite
20 a narrative now that foreshadowed a lot of questions, I think, or answered already a
21 lot of questions that you wanted to ask him.

22 MR AYENA ODONGO: [10:13:19] Yes.

23 Q. [10:13:20] Let's retrace a bit. You talked about the location of Aler Farm. You
24 said it is situated on the Lira-Gulu road. Is that correct?

25 A. [10:13:42] Yes, that's correct. It's on the road from Kitgum to Gulu.

1 Not -- from Kitgum to Lira, not Lira to Gulu.

2 Q. [10:13:56] Thank you very much. That's the clarification I wanted you to make.

3 Can you tell Court what this organisation called Amuka was all about, why was it
4 established and what was the purpose.

5 A. [10:14:27] When I joined the Amuka, I heard from the barracks, the barracks
6 where I was located. And things that I heard over the radio, they were saying that
7 the LRA had defeated the UPDF, the UPDF were not able to manage them, so the
8 Lango, the Acholi and the Teso should mobilise and recruit people so that they can
9 protect themselves. And that is why people mobilised and started recruiting into the
10 LDU. You had the Amuka in Lango, and in Teso you had the Arrow Boys. The
11 Acholi also had their own local defence forces, but I am not very sure about it. But I
12 do know about the Langi and the Ateso local defence units, because they said that the
13 UPDF were unable to control the war and that all the tribes should mobilise and come
14 and protect themselves, because we had to do that. If we did not do that, then they
15 would come and kill everybody in our homes.

16 Q. [10:15:46] Thank you very much.

17 Now can you tell Court who was behind the training of the Amuka boys, who trained
18 them?

19 A. [10:16:11] I was not trained. But based on information, the person who was
20 mobilising people was Felix Okot Ogong. He mobilised people and he had the
21 authority over the Amuka in Lango, he was overall in charge of them. But there
22 were other people who were training the Amuka. I know the name of one person
23 who was training them known as Odoch, and he is from Iceme. He was one of the
24 training commanders. But the overall commander was Felix Okot Odongo, because
25 he referred to the Amukas as his own army.

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1 PRESIDING JUDGE SCHMITT: [10:16:58] Mr Witness, what age range did the
2 people have that joined the Amuka?

3 THE WITNESS: [10:17:17] (Interpretation) Based on my information, they did not
4 accept very young children, they were accepting older children. And when I was in
5 Lira there were civil servants, government soldiers -- sorry, government workers who
6 were also recruited into the LDU. He also came, he joined the LDU and he would
7 also go to the office with the uniform. There were a number of civil servants who
8 had their uniforms and they would go to their uniforms in the offices, so they
9 recruited who were older. Anybody who was capable was able to do that. If you
10 wanted to join the Amuka, if you wanted a gun to defend yourself, you were allowed
11 to join and you were given a gun to defend your people.

12 PRESIDING JUDGE SCHMITT: [10:18:07] When you say "older children", what do
13 you mean by that? What does "older" in your understanding mean?

14 THE WITNESS: [10:18:20] (Interpretation) I saw people from the ages of 16
15 upwards.

16 PRESIDING JUDGE SCHMITT: [10:18:26] Thank you.
17 Mr Ayena.

18 MR AYENA ODONGO: [10:18:32]

19 Q. [10:18:34] Did Amuka boys become an auxiliary force to the UPDF?

20 A. [10:18:57] Yes, they used to work together with the UPDF soldiers.

21 Q. [10:19:03] Now, talking about Odoch who was the training officer of the Amuka
22 boys, recruits, from which institution was he? Was he from UPDF or was he from
23 some other armed organisation?

24 A. [10:19:26] The Odoch that I'm referring to was a soldier. I knew that he was
25 from Iceme, close to our homestead, but I knew that he was an older -- a former army

1 soldier and he was taken to train the Amuka. After that, he was trained to become a
2 police officer. At the moment he puts on -- he had a dark uniform. But,
3 unfortunately, last month he was ill and he passed away. I do know where Odoch
4 comes from because he was my friend. We were extremely close and he lived close
5 to my place as well.

6 Q. [10:20:14] Since you worked with the UPDF, did you share the same type of
7 uniforms with them, the same type of guns? If not, can you tell Court what type of
8 uniforms you were using and the type of guns that were given to the Amuka boys.

9 A. [10:20:52] The Amuka boys had plain military uniform and it was written on the
10 uniform that, the "Amukas". They had light weapons. They did not have heavy
11 artillery. If there is an Amuka, there is a UPDF soldier who is commanding them.
12 But the UPDF soldiers had camouflage, they had camouflage uniform, and they had
13 the heavy artillery. The Amukas only had light weapons. The UPDF are the ones
14 who had the heavy artillery, and that's based on my observation. But we worked
15 together.

16 Q. [10:21:39] After training at Aler Farm, were you deployed in different places?
17 If so, where were you deployed?

18 A. [10:22:05] I was not trained at Aler. When I was abducted, and came back, they
19 were talking to me, they were asking me, they were convincing me to go to the camp
20 and go and inform them of the knowledge that I had acquired while I was in the bush.
21 So I did go and I did talk to them. I was not trained at Aler. I joined them at Abok
22 camp and I stayed with the UPDF at Abok camp with a number of soldiers, but I did
23 not train as an Amuka. I was given a uniform and I was given arms and I went to
24 work as an Amuka, but I was not trained as part of the Amuka group.

25 PRESIDING JUDGE SCHMITT: [10:22:49] And I think the witness has already stated

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1 that it was not necessary for him to receive training.

2 MR AYENA ODONGO: [10:22:58] Your Honour, my question was a generic
3 question about the recruits in general, not him.

4 PRESIDING JUDGE SCHMITT: [10:23:05] But it was -- but, from the wording,
5 I think it was not, was not clear. So you can repeat the question, but you would then
6 have to focus on the recruits and not on the witness because the witness has, I think,
7 clearly stated that he did not receive training.

8 MR AYENA ODONGO: [10:23:20] I'm guided.

9 Q. [10:23:22] Mr Witness, were the recruits, those who were trained in, to your
10 knowledge, were those who were trained at Aler Farm ultimately deployed to
11 different places?

12 A. [10:23:41] Yeah, based on what I heard, I heard that people were sent to different
13 places, some people were sent to Choga, some people were sent to Dokolo. They
14 were sent to different places in the Lango region with the UPDF, because there were
15 many people. People who came from Lango were all trained in the same place at
16 Aler, and people were deployed to several different places. They did not keep them
17 all in one place.

18 Q. [10:24:18] To your knowledge, Mr Witness, after the cessation of hostilities
19 between the government forces and the LRA, was Amuka boys formally disbanded?

20 A. [10:25:00] What I heard was that they collected the weapons from the Amuka
21 and they were sent back home. People were given a package, some money, and they
22 went back home. But I understand that there are some of them who still have their
23 uniforms. I personally know some people who have their uniforms. They are now
24 civilians but they still retained their uniforms.

25 Q. [10:25:25] Thank you very much, Mr Witness.

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1 We now go to Abok IDP camp. Do you remember the month in which you were
2 sent to Abok IDP camp?

3 A. [10:25:52] Yes, I do recall.

4 Q. [10:25:56] Can you tell Court, please.

5 A. [10:26:04] I went to Abok camp and joined the UPDF Amuka in April 2004.
6 And I stayed at Abok with the rest of the soldiers.

7 Q. [10:26:29] And if you remember, Mr Witness, by the time you went to Abok
8 camp, how recent had it been formed? How recently had it been established? Did
9 you come to learn about it?

10 A. [10:26:55] When I went there, I found that the camp had already been
11 established for a while. I do not know exactly when it was established, but I know
12 that by the time I got there, it had already been established. There were many
13 people, people had already constructed their houses, people had already settled there,
14 so the camp had already existed for a while, and the soldiers had also been there for a
15 while. But I do not know when the soldiers arrived there.

16 Q. [10:27:27] Now, as a resident, you say you come from Bar-Rio, and I know that
17 for a fact, which is just about 4 kilometres away from Abok. Are you in a position to
18 tell Court the circumstances that led to the establishment of the camps in Abok and
19 Bar-Rio? Was it a voluntary and spontaneous --

20 PRESIDING JUDGE SCHMITT: [10:27:57] Let him -- don't give him alternatives.
21 Let him simply tell us if he knows why they were established, and then you can
22 continue from that, of course.

23 MR AYENA ODONGO: [10:28:07] Okay.

24 THE WITNESS: [10:28:13] (Interpretation) Based on my knowledge, the reasons why
25 the camps were established was because soldiers were telling people that if anybody

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1 refuses to go to the camp and stays back home, then they will assume that that person
2 is a rebel and kill that person. So they asked people to go to the camps and stay
3 together. They said, if we find anybody in their homesteads, we find anybody
4 farming, then we'll assume that that person is a rebel and we will kill that person. So
5 people were frightened and people left their homes and went to the camp.

6 MR AYENA ODONGO: [10:29:01] That seems to foreshadow my earlier question.

7 PRESIDING JUDGE SCHMITT: [10:29:11] So you see, you don't have to give the
8 alternatives.

9 MR AYENA ODONGO: [10:29:17] It would appear.

10 PRESIDING JUDGE SCHMITT: [10:29:19] Yes. Perhaps one question, if I may
11 step in.

12 MR AYENA ODONGO: [10:29:22] Yes.

13 PRESIDING JUDGE SCHMITT: [10:29:23] Mr Witness, what were your tasks in the
14 Amuka group?

15 THE WITNESS: [10:29:41] (Interpretation) When I was in the Amuka, I wasn't sent
16 to long distances, I was mostly around the camp with the civilians. And as a teacher,
17 everybody knew that I was a teacher, everybody liked me, so I was there counselling
18 people, talking to people. I was mostly in the camp. And whenever there was a
19 deployment, I was deployed to the camp. I was not sent out to set up any ambushes
20 or anything while I was in Amuka. I was mostly in the camp.

21 PRESIDING JUDGE SCHMITT: [10:30:10] Thank you.

22 Mr Ayena.

23 MR AYENA ODONGO: [10:30:18] Can the court officer please pull up tab 1,
24 UGA-D26-0025-0058 at page 68. (Microphone not activated) page.

25 PRESIDING JUDGE SCHMITT: [10:30:45] You mean the drawing?

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1 MR AYENA ODONGO: [10:30:47] The drawing, the sketch drawing.

2 PRESIDING JUDGE SCHMITT: [10:31:11] Perhaps we can enlarge it a little on the
3 screen. Thank you very much.

4 I think it's now visible also for the witness, I would assume, so you can continue.

5 MR AYENA ODONGO: [10:31:28]

6 Q. [10:31:28] Is that clear to you, Mr Witness? Can you clearly --

7 A. [10:31:33] Yes, it's clear.

8 Q. [10:31:35] Do you remember drawing this sketch?

9 A. [10:31:44] Yes, I drew this sketch.

10 Q. [10:31:47] Can you tell Court what the sketch is meant to illustrate?

11 A. [10:32:04] The sketch illustrates the centre of Abok where the barracks was
12 located, where the camp was located and how the soldiers were deployed to guard
13 against the LRA on the day that they heard that the LRA was about to attack Abok.
14 Since I was there, I had knowledge of the deployment. That is why I drew the sketch,
15 so that people can know what took place on that day.

16 Q. [10:32:49] Can you tell Court the physical -- the relief features of that area,
17 whether there are swamps, there are forests, there are -- I mean, rivers and valleys
18 and --

19 PRESIDING JUDGE SCHMITT: [10:33:08] I think we can ask the witness simply
20 perhaps to a little bit describe to us what he meant by this drawing. I think he can.
21 He is intelligent, a very intelligent person. I think he will be able simply to walk us a
22 little bit through his own drawing because when you ask swamps, at least I see from
23 the handwriting that -- at least there is written down "swamps".

24 But perhaps, Mr Witness, you can explain a little bit to us what -- you mentioned
25 already deployment of UPDF and Amuka. And this, for example, for me is not at

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1 first sight visible where you thought or where you wanted to show that this
2 deployment was.

3 Perhaps we let him narrate a little bit and I think he will not become too talkative
4 here.

5 Please, Mr Witness.

6 MR AYENA ODONGO: [10:34:06]

7 Q. [10:34:07] Mr Witness, can you -- yes, okay.

8 PRESIDING JUDGE SCHMITT: [10:34:13] So when you said the deployment of
9 UPDF and Amuka, where do we find it here on your drawing?

10 THE WITNESS: [10:34:30] (Interpretation) In regards to this sketch, Abok has four
11 routes. The first route goes to Bar-Rio. The other one goes to Lalogi, which has an
12 arrow. Another one comes from Bar-Rio goes to Ngai. The one that comes from
13 Lalogi goes to Ariba. On one side of the road there is a barracks and on the other,
14 opposite the barracks there was a big camp there and everybody was settled in that
15 camp.

16 On the day that the LRA came to Abok, the deployment was in two locations. On
17 the road going to Lalogi and another deployment was near the swamp on the road
18 going to Ngai. The reason why it was done like that is because they heard the report
19 that the LRA was going to pass from those two locations. That is why they put the
20 ambush in those locations; that is what I know.

21 PRESIDING JUDGE SCHMITT: [10:35:59] Thank you very much. And in the
22 barracks, who was deployed there, or was there no one at the time?

23 THE WITNESS: [10:36:17] (Interpretation) On the day that we heard about the
24 coming of the rebels, we had about 300 soldiers. They took 30 of us and we were
25 taken to the camp. Actually, before they took us, we were summoned for a parade

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1 and we were together. The 30 of us were taken to protect the camp as we always, to
2 protect the camp. I do not know how many of the remaining soldiers were taken to
3 the ambush, but what I know is that many of the soldiers were taken to ambush the
4 LRA.

5 PRESIDING JUDGE SCHMITT: [10:36:54] I think from the ambush you would want
6 to follow up, I would assume.

7 MR AYENA ODONGO: [10:37:00] Yes.

8 Q. [10:37:01] Now, Mr Witness, you are talking about ambush. Did this ambush,
9 according to you, did they intercept the LRA?

10 A. [10:37:22] We heard that the report that the LRA came around 7.30 p.m. in the
11 night. They used another route and avoided the ambush of the soldiers. They
12 passed through another route. They came close to the ambush, then they diverted
13 and went to another place. They went straight as if they were going to Ariba. They
14 then came back from the southern part of the barracks on the road going to Ariba.
15 That is how they came. As you can see, the arrow which shows how the LRA
16 attacked the barracks.

17 PRESIDING JUDGE SCHMITT: [10:38:11] So perhaps may I follow up on the
18 ambush.

19 Perhaps you recall it or you have had the information at the time, was there
20 information that the LRA would approach from a certain direction and that was the
21 reason why the ambush was laid at this certain place?

22 Do you have any information about that? Why the ambush was at the place you
23 describe here?

24 THE WITNESS: [10:38:49] (Interpretation) Yes, there was information. The place
25 where the ambush was laid had a big thicket. The civilians who had come from the

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1 thicket to look for firewood and others were farming said that the LRA were in those
2 thickets. It was close to the place where the soldiers laid an ambush. So it was
3 suspected that since they had -- they were in that thicket, they would pass from there.
4 That's why the ambush was laid on Lalogi road and Ngai road because the soldiers
5 were sure they would pass from those locations because they were camped around
6 that area.

7 PRESIDING JUDGE SCHMITT: [10:39:31] And do you recall how far away from the
8 camp this ambush was? Can you say something about that?

9 THE WITNESS: [10:39:49] (Interpretation) It could have been half a kilometre. It
10 was not -- it could not reach a kilometre. It was not far, about half a kilometre.

11 PRESIDING JUDGE SCHMITT: [10:40:06] Thank you.

12 Mr Ayena, please.

13 MR AYENA ODONGO: [10:40:09]

14 Q. [10:40:10] Mr Witness, I will make a few follow-up questions to what the
15 Presiding Judge has asked you. When we are talking about the ambushes, we are
16 talking about the two places, the one you said was on Lalogi road and -- the road to
17 Lalogi, and the one on the road to Ngai and there was this thicket. Can you tell
18 Court what this thicket -- does it have a name?

19 A. [10:40:46] The thicket is in the border between Lango and Acholi. It was called
20 Akelo Alyek covering Oyam and Lalogi, but most of it was in Acholi area. It was
21 called Akelo Alyek thicket.

22 Q. [10:41:12] And can you estimate the distance of the ambush on the Ngai road,
23 the road to Ngai?

24 A. [10:41:26] According to my estimate, it was not -- you couldn't reach a kilometre
25 from the centre of Abok.

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1 Q. [10:41:44] And did you say the rebels came from the direction of Lalogi?

2 A. [10:42:01] The rebels, according to what I learnt, crossed the Ngai road and then
3 moved as if they were go to Ariba. They crossed the road coming from Abok to
4 Ariba, then came behind the camp and attacked from the -- from behind of the camp.

5 Q. [10:42:27] Can you tell Court whether there is any school on the Abok-Ngai
6 road?

7 A. [10:42:47] From Abok to Ngai, there is a school which is a bit far. The school
8 which is closer to that place is Ariba, Ariba is nearer there. Abok P7 school is also
9 near Abok. The closest is Abok primary school. From the centre to that school is
10 about a kilometre.

11 Q. [10:43:15] Did the rebels cross from behind the school or from the middle, from
12 between the Abok trading centre and the school?

13 A. [10:43:41] They, they passed between the centre and Abok P7 school. They did
14 not reach the school.

15 Q. [10:43:53] Now, Mr Witness, the soldiers you said there was -- you were from
16 Amuka. When you were deployed to the camp, was there a name by which the
17 group that you were part of called or you maintained the name Amuka?

18 A. [10:44:49] For us, the auxiliary forces, there was a difference. We had a
19 uniform labelled "Amuka", but everybody referred to us as UPDF soldiers, but we
20 were under Foxford battalion. All us were under Foxford battalion. The person
21 who commanded the battalion was in charge of all the soldiers who were there.

22 Q. [10:45:29] For the record, I want to know whether it was Foxford or Foxtrot?
23 Was it Foxford or Foxtrot?

24 A. [10:45:49] It was called Foxford, Foxford battalion.

25 Q. [10:45:58] When you arrived at Abok camp, did you know or did you come to

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1 learn whether there were other barracks or military units within 5 to 10 kilometres
2 radius of Abok?

3 A. [10:46:40] There were some soldiers, also Amuka whose homes were nearby
4 there. Some of them came from Abok, originally come from Abok and others were
5 from nearby villages. At some point people would go to their homes and then come
6 back to the barracks. But the soldiers whose homes were far off did not go to the
7 camp. They would stay in the barracks. All soldiers would stay in the barracks.

8 PRESIDING JUDGE SCHMITT: [10:47:13] But I think the question was if you have
9 knowledge, if in the surrounding area, in the surrounding villages there were other
10 deployments of UPDF or Amuka, if you have knowledge about that.

11 THE WITNESS: [10:47:37] (Interpretation) Yes, there were other soldiers. Out of
12 the 300 soldiers who were brought to Abok, 30 were taken to Ariba which had the
13 health centre. We remained in the camp, 270 us remained in the camp.
14 Another group of soldiers, which was also large, had a large number of soldiers, was
15 in a place called Acokara. It was called Echo battalion. Echo battalion was also big,
16 they were in Acokara. Another deployment was in Lalogi. There was another
17 small barracks also located in Ngai with a few soldiers. At that time the -- he was
18 the LC5 chairperson of Oyam called Engola, Charles Engola. He had a mobile force
19 also. When he hears about the LRA he would go and attack those soldiers, those
20 LRA soldiers. For us we would also go and find he has already attacked them.
21 Colonel Okello Engola also had a mobile force.

22 PRESIDING JUDGE SCHMITT: [10:49:00] And these deployments were relatively
23 close by to Abok? Were they reachable in one or two or three hours or whatsoever?

24 THE WITNESS: [10:49:26] (Interpretation) It was far, but within an hour they would
25 have had communication amongst themselves. It was easy to communicate with

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1 them because it was not very far.

2 PRESIDING JUDGE SCHMITT: [10:49:36] Please, Mr Ayena.

3 MR AYENA ODONGO: [10:49:38]

4 Q. [10:49:38] Mr Witness, to put the Judge's question in perspective, can you
5 tell -- first of all, was there a barracks at Ariba -- at Bar-Rio?

6 A. [10:49:59] Yes, there was a barracks in Bar-Rio.

7 Q. [10:50:02] To put the Judge's question in perspective, can you tell the distance
8 between Abok and Ariba -- and Bar-Rio?

9 A. [10:50:18] From Bar-Rio to Abok could be about 5 miles, between 5 and 6. It
10 cannot be more than 6 miles.

11 Q. [10:50:32] And from Abok to Acokara can you tell the distance?

12 A. [10:50:44] The distance between Abok and Acokara could be about 8 miles.
13 Acokara is nearer to Bar-Rio.

14 PRESIDING JUDGE SCHMITT: [10:51:00] Thank you. That indeed puts it more
15 into perspective.

16 MR AYENA ODONGO: [10:51:04]

17 Q. [10:51:05] Now, when you were at Abok who was the overall commander there?

18 A. [10:51:23] When I was in Abok, the person I found as overall commander was
19 called Mugabe. I do not know his other name, but we used to refer to him as Afande
20 Mugabe. He was a lieutenant at the time so he was referred to as Lieutenant
21 Mugabe.

22 Q. [10:51:52] Thank you.

23 PRESIDING JUDGE SCHMITT: [10:51:52] Is there anything about --

24 MR AYENA ODONGO: [10:51:55] I'm coming there.

25 PRESIDING JUDGE SCHMITT: [10:51:57] Yes, okay.

1 MR AYENA ODONGO: [10:52:03]

2 Q. [10:52:03] Can you describe to Court the distance between the barracks and the
3 camp, the civilian camps?

4 A. [10:52:18] The distance between the barracks and the camp was very close. It
5 could not be more than a quarter of a kilometre. It is very close by. When you
6 leave the camp, you will reach the trading centre and then you cross the road and on
7 the other side of the road is the barracks. So it was very close by. But you cannot
8 see what is happening in the barracks although it was close.

9 Q. [10:53:06] Were soldiers, both UPDF and LDU, allowed to keep livestock such as
10 goats, pigs, chicken in the barracks?

11 A. [10:53:28] Yes, some soldiers had chicken. But cattle and other livestock was
12 only reared by soldiers who originally comes from that place. Even the civilian
13 livestock was taken away from the villages and kept in the camp. So soldiers who
14 were born in Abok, who were borns of Abok had their livestock in the camp.

15 Q. [10:54:07] Thank you. Did Lieutenant Mugabe keep any chickens with him?

16 A. [10:54:17] No, he did not rear any chicken. I knew his home. But what
17 I would see, he had a small gun which he would -- a pistol actually, which he had.
18 There was a chicken that he would always hold. Everywhere that he was he would
19 hold a white chicken. Every time from morning till evening he would be moving
20 with that chicken. We do not know why he would be holding that chicken all the
21 time. We did not ask. Even if he is with other people, he would hold that chicken.
22 Even when he is commanding, fighting he would be holding that chicken. It's a
23 white chicken.

24 PRESIDING JUDGE SCHMITT: [10:55:04] You have said that this white chicken was
25 a rooster, I'm referring to paragraph 17, and since I am not a native speaker, is a

1 chicken a rooster or in a more abstract way or is it -- is a rooster not a male -- yes.

2 Simply for my understanding, so what he was carrying around -- because we have
3 not encountered, so to speak, in this courtroom this chicken or rooster for the first
4 time.

5 MR AYENA ODONGO: [10:55:40] One guy said it. But a rooster, did you want
6 him to --

7 PRESIDING JUDGE SCHMITT: [10:55:45] No. I think, Mr Witness, yes, you said
8 that it was a rooster so --

9 MR AYENA ODONGO: [10:55:52]

10 Q. [10:55:53] Was it a female or a male chicken?

11 A. [10:56:07] I cannot tell whether it was male or female, but it was a white chicken.
12 You don't see the chicken feeding also. Every time he would be holding the chicken.
13 So I don't know whether it was a real chicken because if it was a chicken it would be
14 eating. But you see it live with feathers and it is alive, but you don't see it feeding.
15 I don't know what kind of chicken he had. I fail to understand.

16 PRESIDING JUDGE SCHMITT: [10:56:38] I think we should not dwell further into
17 that, but I simply stumbled upon that and indeed we had it several times, this chicken
18 has been mentioned by witnesses.

19 MR AYENA ODONGO: [10:56:47] Looking at the clock, your Honour, I think we
20 can break.

21 PRESIDING JUDGE SCHMITT: [10:56:52] Indeed, Mr Ayena, I pick up this
22 suggestion. We have the coffee back until 11.30.

23 THE COURT USHER: [10:57:02] All rise.

24 (Recess taken at 10.57 a.m.)

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

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1 THE COURT USHER: [11:30:15] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [11:30:38] Mr Ayena, you still have the floor.

4 MR AYENA ODONGO: [11:30:41] Thank you, Mr President and your Honours.

5 Q. [11:30:53] Sam, I hope you had a refreshing break, coffee break. By the way --

6 A. [11:31:04] Yes, I did.

7 Q. [11:31:06] -- I should apologise to you for your failure to come here. You
8 should be right in the courtroom, but it was because of some mishap about your visa,
9 which I am sure you are aware of by now.

10 MR AYENA ODONGO: Mr President, I want us to go to private session, because
11 we are talking about something very sensitive.

12 PRESIDING JUDGE SCHMITT: [11:31:36] Let's see. So I trust you for the moment.
13 We go to private session and then we see what's coming.

14 MR AYENA ODONGO: [11:31:44] Yes.

15 (Private session at 11.31 a.m.)

16 THE COURT OFFICER: [11:31:50] We are in private session, Mr President.

17 (Redacted)

18 (Redacted)

19 (Redacted)

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21 (Open session at 11.43 a.m.)

22 THE COURT OFFICER: [11:43:01] We are back in open session, Mr President.

23 PRESIDING JUDGE SCHMITT: [11:43:12] Thank you. And before we continue, in
24 open session I want to say that -- a remark on the notion of Prosecution witnesses,
25 Defence witnesses. I know that in a party system it is seen like that. But witnesses

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1 in this courtroom are witnesses of the Court. They are witnesses that are brought
2 forward by one party, perhaps, but whatever happens they are not in a camp
3 from -- that is not the -- that is not the opinion of this Court and of this Chamber.
4 They are always -- and every witness that appears in this courtroom is a witness of
5 this Court.

6 Please.

7 MR AYENA ODONGO: [11:43:59]

8 Q. [11:43:59] Mr Witness, did Colonel Okello Engola intervene in the Abok attack?

9 A. [11:44:17] When Abok was attacked, on 5 -- on the 6th, in the night,
10 Colonel Okello Engola came on the 7th. He arrived to Abok, he came to Abok
11 on the 7th.

12 Q. [11:44:42] Did he come alone or did he come with some forces? And, if so,
13 what kind of weapons did he come with?

14 A. [11:45:02] In the morning, at approximately 9 or 10 a.m., we heard gunshots in
15 the -- in the forest. When we heard heavy gunfire, there was also heavy artillery,
16 both heavy artillery and light weapons. At approximately 11, we saw Colonel
17 Okello Engola's soldiers coming, coming back with civilians. Some of the civilians
18 had been injured. There were also children and they were brought to Abok camp
19 and he said that these people had been rescued from the LRA rebels.

20 I believe that these people went to the forest and they stayed. They spent the night
21 there, and in the morning he went and fought against them and he brought back these
22 people.

23 The guns that I saw, I saw a PK, it's a chain -- it's got a -- it's got a long chain with
24 bullets, some people refer to as an LMG. I also saw a mortar, I saw an RPG.

25 Colonel Okello Engola had the mortar. There was RPG. There was a -- there were

1 AK-47s as well and there were several other weapons that I saw. There was also
2 a gun; it's a short black gun. I saw this. There was one army officer who was
3 holding this gun. These are the weapons that I saw.

4 PRESIDING JUDGE SCHMITT: [11:46:51] But it's, of course, for those here in the
5 courtroom it's clear, but we are now in the time frame after the attack already. I
6 think you will come back to the attack.

7 MR AYENA ODONGO: [11:47:06] (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [11:47:06] That's clear.

9 MR AYENA ODONGO: [11:47:06] Yes.

10 PRESIDING JUDGE SCHMITT: [11:47:07] But we are now talking about events that
11 happened after the attack. Just to make it clear to everyone.

12 MR AYENA ODONGO: [11:47:17]

13 Q. [11:47:18] Mr Witness, as you may have discerned from what the
14 Presiding Judge has said, we have not yet talked about the attack on the IDP camp,
15 per se. And I want us now to talk about it. Can you describe to Court how the
16 attack happened and who were involved? Who fired the gun first and whether there
17 was any response from the other side.

18 A. [11:48:08] At around 7.30 p.m., I was in the barracks. I was in the camp. I had
19 been deployed to the camp. We heard gunfire in the centre. There was one shot
20 that was fired. Then, when we heard that shot being fired in the centre, we heard
21 people shouting. When people began making alarms, we took cover. When we
22 took cover, we heard some people running. People were really running fast behind
23 the camp and we knew that those were rebels, because we had previously been
24 informed of rebels in the area. We fired shots in the air. We thought that the
25 gunfire that had been fired at the centre was an alert to us to let us know that the

1 rebels had arrived. When we fired our gunshots in the air, the LRA also fired their
2 gun -- their guns, so we exchanged fire.
3 The LRA soldiers retreated and went back. They were afraid, I believe, at that time.
4 So when they were afraid, we started running towards them. They were running
5 towards Abok. When they ran, going towards Abok, we ran after them, we chased
6 them. We were firing, we were exchanging gunfire. We were fighting. There
7 were 30 of us.
8 Before we arrived at Ariba -- when we arrived at Ariba, we were walking slowly,
9 slowly, following them slowly, chasing them. But in the meantime, there was
10 gunfire in the centre where we had left. We heard heavy gunfire, there were heavy
11 artillery as well, and we asked ourselves, "Who has the heavy weapons?" We heard
12 the artillery, we heard the RPG, we heard mortars and we were asking ourselves,
13 "Whose guns are those?"
14 So we stopped there. At around 9, for about three hours, we thought, "Okay, if we
15 go back, we are going to enter into those people's ambush." After that, we crossed
16 the road going to Ngai, the road from Abok to Ngai. We started firing our guns.
17 We were also firing guns that had light to show communication, so that our
18 commanders would know where we were. We heard gunfire. We kept coming
19 back. We came back. When we came back we gave them the report that, "This is us,
20 we have come back."
21 When we arrived at the centre, we found that the camp had been burned. So, while
22 we were chasing the rebels, the camp was burnt, and they ran back, but when we
23 came back, we came back and found that the camp had burned. A lot of people had
24 died. So we knew that the gunfire that we heard, the heavy artillery that we heard,
25 the soldiers who were coming from the ambush came after that. They are the ones

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1 who came for reinforcements and they are the ones who were firing those guns with
2 the belief that the rebels were still in the camp.
3 And the next morning, people starting telling us that, "Yeah, we were shooting at the
4 camps, we thought the rebels were still in the camps." And that's what we know and
5 that's the truth. It did come out that eventually people who had set up the ambush
6 were the ones who came and shot at the camp. And that's how people got burned
7 and that's how people died. People were afraid. People started running. There
8 were some people who fled from there because they were afraid that they had killed
9 people who were in the camp. So people were afraid.

10 You know, you see that your relative has died but you know that you are also part of
11 the group that attacked them.

12 There was one person from Ariba, he's from Ariba, he was also part of the group.

13 He was also part of the ambush. He said he was also participating in the firing of the
14 camp.

15 He is -- (Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [11:52:28] Thank you very much for the moment.

17 And thank you very much to the interpreter. And I think this was a very, very dense
18 narrative again and relatively quickly, but you followed really very good. And I
19 think the French interpretation, the microphone should be put on.

20 Please, Mr Ayena.

21 MR AYENA ODONGO: [11:52:53]

22 Q. [11:52:54] Mr Witness, I want you to clarify one thing. Did you chase them
23 towards Abok or towards Ariba?

24 A. [11:53:17] We chased the rebels towards Ariba.

25 Q. [11:53:25] And you said there was a gun exchange between you and the rebels.

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1 How long did this take?

2 A. [11:53:42] There was an exchange of fire with the rebels for a few, for a few
3 minutes. Not even an hour before the rebels started retreating and then we started
4 following them.

5 Q. [11:53:58] For the sake of clarification, can you tell Court whether, by the time
6 the LRAs starting fleeing, there was already fire burning in the camp.

7 A. [11:54:19] No, there was no fire in the camps yet.

8 PRESIDING JUDGE SCHMITT: [11:54:38] Do you have an estimate how many LRA
9 fighters participated in the attack?

10 THE WITNESS: [11:55:01](Interpretation) It was nighttime, so I did not see the
11 number of soldiers. But based on the sounds, on the noises that we heard, I would
12 assume that they were many. I would estimate that perhaps a hundred. But most
13 of -- most times, soldiers were far less in-between, but they had more civilians among
14 them.

15 MR AYENA ODONGO: [11:55:29]

16 Q. [11:55:29] Now, when -- I mean, after the attack and the departure, when things
17 had settled down, did you ever have a review meeting to find out exactly what
18 happened?

19 A. [11:56:10] No, there was no meeting. But there was a discussion among the
20 soldiers that the army made a mistake, and we were told that we should not discuss
21 this. And most of the people who were in Abok were also aware of it, but they were
22 afraid. But we were told, well, soldiers made a mistake, there was an error, so -- but
23 do not discuss it.

24 Q. [11:56:43] Can you tell Court what error or mistake this was they are talking
25 about?

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1 A. [11:57:02] The soldiers were supposed to attack the LRA. But the soldiers who
2 came from the ambush shot at the civilians instead, they burned civilian houses, they
3 killed civilians. And that is what they meant.

4 Q. [11:57:21] And in your discussions among yourselves, did you get to know who
5 came as the commander of the rebels that attacked the Abok IDP camp?

6 A. [11:57:54] Based on what we heard, when Colonel Okello Engola fought with
7 the rebels in the morning, the LRA soldiers that were captured and brought back to us,
8 to us the soldiers, they said that the commander was known as Kalalang, their leader
9 or their commanding officer was Kalalang, and that Kalalang was killed and he was
10 buried. That is based on the information that the soldiers that Colonel Okello Engola
11 captured and brought to us, they told us that the person who was in charge or their
12 commanding court officer was Kalalang, and that this person had been shot by
13 Colonel Okello Engola. This information came from the people who were captured,
14 LRA soldiers who were captured.

15 Q. [11:58:55] Did you, by any chance, hear anybody mention the name of
16 Dominic Ongwen, who you can see in court here, as having participated in that
17 attack?

18 A. [11:59:22] No, I did not hear Dominic Ongwen's name at the battle in Abok.

19 MR AYENA ODONGO: [11:59:36] Mr President and your Honours, I think this is
20 the end of my examination.

21 PRESIDING JUDGE SCHMITT: [11:59:40] Thank you very much.

22 It's now turn of the Prosecution, and I give, I assume, Ms Ndagire the floor.

23 MR GUMPERT: [12:00:06] Your Honours, this is not intended as a criticism of
24 anyone. There is a significant amount of information, evidence which has been
25 received today, which is new material.

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- 1 PRESIDING JUDGE SCHMITT: [12:00:20] Which is?
- 2 MR GUMPERT: [12:00:23] For instance, your Honour, details of the attack, what
3 the witness says he knows about it, and from whom, and regarding meetings after the
4 event.
- 5 PRESIDING JUDGE SCHMITT: [12:00:42] That, indeed, yes. Yes, that was new.
6 But the other information was, squarely, at least, in the statement we have already
7 from the Defence, I would say. And it's of course clear that you have to put
8 questions to the witness, so I assume you want to suggest -- please, please proceed,
9 simply.
- 10 MR GUMPERT: [12:01:01] Your Honour --
- 11 PRESIDING JUDGE SCHMITT: [12:01:02] I don't have to assume anything if you
12 can tell me immediately. Yes.
- 13 MR GUMPERT: [12:01:05] You assumed correctly. What I said was a preface to
14 saying that it would help to conduct a more efficient examination, and indeed
15 Ms Ndagire will do so, if she had a little time to reorganise her material in the light of
16 what has been said this morning.
- 17 PRESIDING JUDGE SCHMITT: [12:01:22] I think we don't have a problem with that
18 if we have now the lunch break, do you mean it? I think that that we can do. What
19 about 2 o'clock then?
- 20 MR GUMPERT: [12:01:35] Yes.
- 21 PRESIDING JUDGE SCHMITT: [12:01:36] Lunch break until 2 o'clock.
- 22 THE COURT USHER: [12:01:38] All rise.
- 23 (Recess taken at 12.01 p.m.)
- 24 (Upon resuming in open session at 1.59 p.m.)
- 25 THE COURT USHER: [13:59:59] All rise.

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1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [14:00:14] Good afternoon, everyone.

3 Good afternoon, Mr Witness.

4 It's now the turn of the Prosecution and I give Ms Ndagire the floor.

5 QUESTIONED BY MS NDAGIRE:

6 Q. [14:00:32] Good afternoon, Mr Witness. We met a few days ago during the
7 video link courtesy meeting and you may recall that I interviewed you with my
8 colleagues from the Prosecution in December of last year. I will be asking you a few
9 questions on behalf of the Prosecution. I will also use the statement that you gave
10 the Defence in 2017 when you met them and I will use the transcript of the audio
11 interview that the Prosecution took of you when we met you last year in December.
12 You remember this happening, correct?

13 A. [14:01:22] Yes, I do recall.

14 Q. [14:01:27] You told us this morning that the attack that you remember happened
15 on the 6th, correct?

16 A. [14:01:43] Yes, that is correct.

17 Q. [14:01:48] And it was 6 August you say, don't you?

18 A. [14:01:56] That is correct.

19 Q. [14:02:02] You told us that during this attack, many people who died were killed
20 by mistake by the UPDF soldiers and that Afande Mugabe was court-martialed,
21 wasn't he?

22 A. [14:02:26] In regards to Afande Mugabe being in the court martial, no, I did not
23 say it. I have no knowledge of that.

24 Q. [14:02:44] I want to ask you about the other UPDF commander, Okello Engola.
25 You told us at page 44 of the transcript, and I will quote, line 16 through to 23, that at

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1 approximately 11 you saw him and his soldiers:

2 " ... coming, coming back with civilians. Some of the civilians had been injured.

3 There were also children and they were brought back to Abok camp and he said that
4 these people had been rescued from the LRA rebels."

5 You continued to say: "I believe that these people went to the forest and they stayed.

6 They spent the night there, and in the morning he", meaning Okello Engola, "went

7 and fought against them and he brought back these people." The people you are

8 referring to here were civilians who had been abducted from Abok camp, weren't

9 they?

10 A. [14:03:55] The civilians were not abducted from Abok. They were abducted

11 from some -- from a different location, and they were rescued from the rebels. They

12 were not from Abok. On the day that the attack took place in Abok, no one was

13 abducted.

14 MS NDAGIRE: [14:04:23] Your Honours, I'm now going to make reference to the

15 material tabs 5, 6 and 7 from the Prosecution binder. I won't be showing it to the

16 witness, but I will give the document IDs, tab 5 of the Prosecution binder is the

17 transcript number 52, confidential English version, edited, page 35, lines 1 to 16; tab 6

18 is transcript 83, confidential English edited version, page 53, lines 15 to 21; tab 7 is

19 transcript 131, confidential English edited version, page 33, lines 6 to 18.

20 PRESIDING JUDGE SCHMITT: [14:05:16] And we are speaking here about what?

21 It's clear for me, it's clear for me, but for the record these are transcripts from the

22 recent past, so to speak.

23 MS NDAGIRE: [14:05:31] Yes.

24 PRESIDING JUDGE SCHMITT: [14:05:32] Yes, okay.

25 MS NDAGIRE: [14:05:33]

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1 Q. [14:05:34] Mr Witness, even if the rebels you had pursued all the way to Ariba
2 didn't make it into the camp as you say, some of the LRA would have made it into the
3 camp and abducted these people that we spoke of previously; isn't that right?

4 A. [14:06:03] I said that they came at night and we pursued them. There was no
5 LRA soldier that -- who came later in Abok camp. No one was abducted in Abok.
6 The people who were abducted from Abok were abducted on a different day, not on
7 the day that the attack took place. On the day that the attack took place in Abok, no
8 one was abducted from the camp.

9 Q. [14:06:38] In fact, this attack that you later heard about, that you and your
10 colleagues spoke about and were told to be quiet, it couldn't have involved young
11 civilians being abducted or abducted civilians being forced to carry cooking oil or
12 sacks of beans or merchandise that was looted from the shops at the trading centre;
13 am I right?

14 A. [14:07:11] Nothing was looted from Abok centre. They came and we chased
15 them away, we dispelled them before they looted anything. They came with the
16 intention of looting, but they were not able to loot. The things that they looted and
17 were carrying before they came to Abok remained in the bush. The reason why we
18 say it remained in the bush is because when Engola brought some people, they said
19 some things have been kept in the bush. They had come to Abok to add more stock
20 to their loot before they could leave.

21 Q. [14:08:02] So you told us this morning that you chased the LRA south towards
22 Ariba, isn't it?

23 A. [14:08:15] Yes, that is correct.

24 Q. [14:08:21] And I would like you -- and if the court officer at the video link could
25 show the witness tab 2 of the Defence binder, the ERN is UGA-OTP-0286- -- I beg

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1 your pardon, it's tab 1.

2 PRESIDING JUDGE SCHMITT: [14:08:52] Tab 1 is the statement to the Defence.

3 Tab 2 seems to be a statement to the Prosecutor.

4 MS NDAGIRE: [14:08:59] Yes. Tab 1 it is. The last page that has the sketch.

5 THE COURT OFFICER: [14:09:12] (Via video link) Mr President, your Honours, the
6 witness has the sketch in front of him.

7 MS NDAGIRE: [14:09:18]

8 Q. [14:09:20] Mr Witness, if you would like at the bottom of that page, you wrote
9 down Ariba, didn't you?

10 A. [14:09:30] Yes, that is correct.

11 Q. [14:09:40] Ariba is about 4 kilometres away from Abok camp, correct?

12 A. [14:09:48] From the camp to Ariba is about four.

13 Q. [14:10:01] And it was nighttime when you were chasing the rebels there, wasn't
14 it?

15 A. [14:10:11] Yes, we pursued the rebels at night.

16 Q. [14:10:18] And it took you a total of three hours to go from the camp at Abok to
17 Ariba, which is 4 kilometres away as you have told us, and get back to the camp, isn't
18 it? It took you three hours?

19 A. [14:10:40] It took three hours, because while we were going we would fire
20 bullets and we would take cover for about 10 minutes. And that is why it took a bit
21 of time, took a longer time.

22 Q. [14:11:02] And while you were 4 kilometres away at night from Abok, you
23 heard heavy gunfire from the camp. This is what you told us this morning, correct?

24 A. [14:11:15] That was correct. When we pursued them, we did not reach Ariba
25 because there were other -- we did not reach Ariba where there were other soldiers.

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1 When they were heading towards Ariba, they turned and went towards Ngai. When
2 we were pursuing we heard gunshots, like I said earlier. Gunshots were
3 from -- coming from a distance, that is true.

4 Q. [14:11:51] And at that time that you heard the heavy gunfire or gunshots, as you
5 have said just now, you were not sure who was shooting in the camp, isn't it?

6 A. [14:12:04] No, we did not know who was shooting the guns.

7 Q. [14:12:14] And so you waited for the heavy gunfire or the gunshots to stop
8 before you went back to the camp, isn't it?

9 A. [14:12:26] We moved slowly. We reached the road going to Ngai when it was
10 already -- when it was silent, it was quiet, there were no more gunshots. Our
11 soldiers were trying to check, and when we reached it was quiet, nothing was going
12 on. There were no gunshots.

13 Q. [14:12:51] So for those three hours that you were away from the camp, you did
14 not see with your own eyes what was happening in the camp, correct?

15 A. [14:13:02] I did not see personally, but our colleagues who remained confirmed
16 what happened.

17 MS NDAGIRE: [14:13:18] Your Honour, I request that we go into private session for
18 about five minutes. I will ask the witness about certain individuals whose identities
19 would otherwise be revealed (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [14:13:32] Yes, of course. Then we go to private
21 session.

22 And for the gallery, for five minutes, so you can stay in the gallery and wait till we go
23 back to open session again.

24 (Private session at 2.13 p.m.)

25 THE COURT OFFICER: [14:13:47] We are in private session, Mr President.

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4 (Open session at 2.24 p.m.)

5 THE COURT OFFICER: [14:24:15] We are back in open session, Mr President.

6 MS NDAGIRE: [14:24:29]

7 Q. [14:24:32] Mr Witness, when you were interviewed by the Defence in 2017 and
8 they took your statement, you told them the truth to the best of your knowledge and
9 recollection, isn't it?

10 A. [14:24:53] Yes, that's correct.

11 Q. [14:25:06] And in December 2018, when my colleagues and I interviewed you
12 from the Prosecution, you also told us the truth to the best of your knowledge and
13 recollection, isn't it?

14 A. [14:25:23] Yes, that's correct.

15 Q. [14:25:32] During the interview that we had with you in December last year, this
16 is the Prosecution, you told us you were abducted by the LRA on 20 December 2003
17 and you were with the LRA for three months.

18 That is at tab 2 of the Defence binder, UGA-OTP-0286-0593 at page 0597, lines 144
19 to 146.

20 Do you recall having told us this information, Mr Witness?

21 A. [14:26:20] Yes, that's correct, but the dates are incorrect.

22 PRESIDING JUDGE SCHMITT: [14:26:35] Then please tell us the exact dates.

23 THE WITNESS: [14:26:42](Interpretation) The correct date is 20 December 2001,
24 not 2003.

25 MS NDAGIRE: [14:26:58]

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1 Q. [14:27:00] Then why, Mr Witness, at the portions that I just read out, did you tell
2 us you were abducted in 2003?

3 A. [14:27:12] That could be a typing error, because it was not 2003, it was 2001.
4 The day and the month are correct, but the year is incorrect.

5 Q. [14:27:36] Mr Witness, I'm going to play out a track that I want you to listen to.
6 It is the audio recording of the interview we had with you in December. You
7 remember there was a recording device and all of us were able to talk and we
8 informed you that transcripts of those recordings were going to be produced, and
9 those transcripts were given to you to read by the Defence during your familiarisation
10 process?

11 MR OBHOF: [14:28:18] The transcripts weren't given to us. They were given to the
12 VWU.

13 PRESIDING JUDGE SCHMITT: [14:28:22] But I think we will now listen to this
14 audio recording and I think it will entail the short portion where the witness speaks
15 about the date of his abduction. This would be a relatively short exercise, I assume,
16 or not?

17 MS NDAGIRE: [14:28:38] Yes, your Honour, it will be very short.

18 PRESIDING JUDGE SCHMITT: [14:28:49] Okay. We go -- to listen to this one, for
19 certain reasons, we go to private session and we can discuss it in open session. But
20 this is really relatively short. We go to private session for one or two minutes and
21 then back to open session.

22 Mr Obhof, any objection?

23 MR OBHOF: [14:29:14] We wait till the --

24 PRESIDING JUDGE SCHMITT: Yes.

25 (Private session at 2.29 p.m.)

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- 1 THE COURT OFFICER: [14:29:20] We are in private session, Mr President.
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- 19 (Redacted)
- 20 (Open session at 2.30 p.m.)
- 21 THE COURT OFFICER: [14:30:48] We are back in open session, Mr President.
- 22 MS NDAGIRE: [14:30:59] And for the case record, your Honours, the ERN of the
- 23 track that was just played is UGA-OTP-0285-0364, track 2, and the minutes are
- 24 00.11.30 to 00.11.55.
- 25 Q. [14:31:31] Mr Witness, does that remind you what you told the Prosecution

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1 last year?

2 A. [14:31:37] Yes, it does, that was my voice.

3 PRESIDING JUDGE SCHMITT: [14:31:53] But it sounded at least as if you had then
4 mentioned another date. Do you have an explanation for that?

5 THE WITNESS: [14:32:03](Interpretation) Yes, that is correct, the day is the same,
6 the month is the same, but the year is incorrect. But I believe that I pointed that out
7 at some time, that the year is incorrect, and I believe I was informed that that would
8 be corrected at a later stage.

9 PRESIDING JUDGE SCHMITT: [14:32:32] I think we leave it at that, and you move
10 to another point, Mr Ndagire.

11 MS NDAGIRE: [14:32:37]

12 Q. [14:32:42] During the Defence interview in 2017 - this is tab 1 of the Defence
13 binder, UGA-D26-0025-0058, at page 0062, paragraph 4 - you told the Defence you
14 were abducted on 20 December 2001 and you were with the LRA for one year.
15 This morning you told us at page 14 of the transcript that you were abducted on
16 20 December 2001 for a period of three months.

17 PRESIDING JUDGE SCHMITT: [14:33:32] But this has been already addressed I
18 think in the morning by the Presiding Judge. I think this has been answered. He
19 simply now says, and he has repeated it again, that the date of his abduction was
20 20 December 2001 and that he stayed for three months in the bush with the LRA.
21 And everything else we have on record, so to speak, and whatever we make with
22 these different dates, out of these different dates.

23 MS NDAGIRE: [14:34:00] I'm much obliged, your Honour.

24 Q. [14:34:06] Mr Witness, let's talk about your escape. When the Defence
25 interviewed you in 2017 - this is again tab 1 of the Defence binder at page 0063,

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1 paragraph 8 - you told them that you took the opportunity to escape in
2 November 2001. But last year when the Prosecution interviewed you - at tab 2 of the
3 Defence binder, page 0601, lines 275 to 285 - you told us you came out in March 2004.
4 Now today you described your escape as having been about 2002. So my question is,
5 can you tell us with certainty the date when you escaped?

6 A. [14:35:18] Well, truthfully if I was abducted in December and I stayed there for
7 three months, that means I escaped in March, towards the end of March, coming into
8 April. I do not recall the exact date. I do not want to lie about this, but I was there
9 for three months. I was abducted in December, and during the dry season, just as
10 the rainy seasons were about to begin, that is when I escaped. I escaped from a place
11 known as Aromo sub-county.

12 Q. [14:36:13] So, Mr Witness, can you tell us why you told the Prosecution you
13 came out in March 2004?

14 MR OBHOF: [14:36:22] Objection, your Honour. The Prosecution could look at line
15 257 to 276 of the transcript. She cites the Prosecution told the witness he came out in
16 2004, by interview -- interviewee 3, they are the ones that put the suggestive thought
17 into his head about 2004.

18 PRESIDING JUDGE SCHMITT: [14:36:44] But he did not contradict it, he sort of
19 confirmed it between the lines. Perhaps we could near ourselves, the whole
20 procedure is -- Mr Witness, do you recall when you joined the Amuka, the LDU? Do
21 you recall that? Perhaps going backwards from the time you came to Abok.

22 THE WITNESS: [14:37:06](Interpretation) When I escaped in 2002, in around about
23 March, I went home. I was home for quite a while and I went back to study, I started
24 my education and I had a day programme that I was attending. When I was
25 approached and I joined the Amuka, that was in April, April of 2004, that is when I

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1 joined the Amuka.

2 PRESIDING JUDGE SCHMITT: [14:37:43] So can I infer from your answer that
3 between your coming out of the bush and joining the Amuka there were a substantive
4 portion of time?

5 THE WITNESS: [14:37:59](Interpretation) Yes, that is correct.

6 PRESIDING JUDGE SCHMITT: [14:38:06] Please, Ms Ndagire, continue.

7 MS NDAGIRE: [14:38:08]

8 Q. [14:38:11] Mr Witness, at page, at page 13 of this morning's transcript, you said
9 the following that I will quote, at line 2, "I don't know what a battalion is and I do not
10 know the meaning." That's wrong, isn't it, Mr Witness?

11 A. [14:38:38] Yes, that's correct. A battalion is a big group of soldiers, I believe
12 containing about 300 soldiers based on my knowledge and based on my stay with the
13 LRA for about three months. It's a group which has a big number of soldiers. But
14 there are also smaller groups.

15 Q. [14:39:12] And indeed you were in Foxford battalion when you were posted at
16 Abok, correct?

17 A. [14:39:23] Yes, the battalion that was at Abok was known as Foxford.

18 Q. [14:39:32] And Mugabe was the commanding officer of Foxford, wasn't he?

19 A. [14:39:42] Yes, Mugabe was the overall commander of Foxford in Abok. But
20 the overall commander was based in a base in Gulu.

21 Q. [14:40:07] So then you know your colleagues, Opusi Robert, Odeke Charles, and
22 Jimmy Olukutum, correct?

23 A. [14:40:20] The persons that you have listed I do not know. It's the first time that I
24 have heard those names. I have never heard those names before.

25 Q. [14:40:34] All these people were in Foxford at the same time that you were when

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1 you were posted at Abok. You saw Mugabe before the attack on Abok, didn't you?

2 A. [14:40:52] Yes, I did see Mugabe. I saw him at the centre.

3 Q. [14:41:02] And you also saw him on the day after the attack on that camp, isn't it?

4 You told us earlier that that date was the 7th.

5 A. [14:41:15] Yes, I did see Mugabe.

6 MS NDAGIRE: [14:41:25] Your Honours, I will be making reference to tab 1 of the
7 Prosecution binder. The ERN is UGA-OTP-0267-0091. It will not be shown to the
8 witness.

9 Q. [14:41:53] Mr Witness, although you said you were not aware that Mugabe was
10 tried before the Gulu court martial, he was in relation to the Abok attack. And his
11 trial at the Gulu court martial took place after the attack on Abok. His trial started
12 on 2 August 2004 and it went on until 9 August 2004. So you would agree with me
13 that if the trial was on those dates, the 2nd to 9th of August 2004, then this attack that
14 you have told us about today, the attack on Abok, could not have happened on
15 6 August 2004, isn't it, Mr Witness?

16 A. [14:42:58] Yeah, that's, that's correct. The -- if based on the information that
17 you have provided, that means that the court martial against Mugabe would have
18 been -- would have preceded the attack at Abok.

19 PRESIDING JUDGE SCHMITT: [14:43:24] Could you have gotten the date of the
20 attack wrong, Mr Witness?

21 THE WITNESS: [14:43:31](Interpretation) The dates that I recall are 6 August. If
22 Mugabe was sent to court martial, then that should have been done after. But Abok
23 was attacked in August.

24 PRESIDING JUDGE SCHMITT: [14:43:58] Please proceed.

25 MS NDAGIRE: [14:43:59]

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1 Q. [14:44:02] What would you say, Mr Witness, if I told you that Robert, Charles
2 and Jimmy, your colleagues from Foxford who I mentioned earlier, they testified in
3 Mugabe's court martial trial? What would you say to that, Mr Witness?

4 MR OBHOF: [14:44:30] Your Honour, I'm just going to raise a relevance issue. The
5 witness has already stated he does not know the trial and does not know the persons,
6 so the question becomes irrelevant.

7 PRESIDING JUDGE SCHMITT: [14:44:39] Yes, I think he -- since we have here
8 a witness who clearly does not succumb, so to speak, to suggestive questioning, like it
9 is usual on cross-examination, I think we can let him simply answer the question.
10 But of course you are, to a certain extent, it's correct what you are saying.

11 Mr Witness, you can answer. What would you say to that, if you heard that these
12 three people that you I think stated you don't know, have participated in that court
13 martial trial against Mugabe?

14 THE WITNESS: [14:45:19](Interpretation) Well, I would, I would reiterate that yes,
15 they did, it's -- it's possible that there was a court martial against him because he was
16 the commanding officer and he did something that he was not supposed to do.
17 Secondly, if he had not infringed the rules, then nothing would have happened. For
18 example, if he had infringed the rules and people had not been attacked, then nothing
19 would have happened to him. Which means he did infringe the rules and hence the
20 court martial.

21 PRESIDING JUDGE SCHMITT: [14:46:00] I think that's sufficient as an answer.

22 MS NDAGIRE: [14:46:05]

23 Q. [14:46:05] Mr Witness, Robert, Charles and Jimmy testified during that court
24 martial trial that on the night when the LRA attacked, which they refer to as "the
25 enemy" in the trial transcript, the battle went on four hours, and that the enemy

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1 overpowered the soldiers and burned the camp.

2 PRESIDING JUDGE SCHMITT: [14:46:29] Could the Judges please also follow what
3 you are citing here specifically?

4 MS NDAGIRE: [14:46:34] I am citing from tab 1 of the Prosecution binder.

5 PRESIDING JUDGE SCHMITT: [14:46:37] Of course, but the specific page, please.

6 MS NDAGIRE: [14:46:40] At pages 0093, 0096 to 0099, and page 0102. Those pages
7 capture the testimonies of these individuals.

8 Q. [14:47:03] And Robert, Charles and Jimmy, at those same pages, also testified
9 that this attack happened on 8 June 2004. What would you say to that, Mr Witness?

10 A. [14:47:20] The attack happened in 2004, that's for real. But the LRA did not
11 overpower the soldiers. And perhaps they are saying that they were overpowered,
12 that the LRA overpowered the UPDF to cover their backs, to try and make it out as if
13 they did not do anything wrong.

14 PRESIDING JUDGE SCHMITT: [14:48:03] I think it's okay that you ask him, and it's
15 obvious, about the correct date. But I'm not sure where, for example, on page 0096 I
16 find that the witness there, called PW2, has stated that the fight went on four hours.
17 You know, I see it for the first time, I have to read very, very quickly, I have to go
18 through it. But I don't -- I can't infer it from that.

19 But it's okay, the witness has not answered to that, so, but I simply would, in such an
20 incident, that we would want to know what you are directly referring to. Clear is, of
21 course, is different if we have 6 August or 8 June. That is absolutely clear that we
22 have to deal with that.

23 MS NDAGIRE: [14:48:55] I'm happy to provide the Chamber the specific reference
24 to what you just requested (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [14:49:00] Please tell me now, especially 0096,

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1 because it was the first I was going through.

2 MR OBHOF: [14:49:20] Your Honour, maybe I can help. It says after 30 minutes
3 with the exchange of fire they were repulsed.

4 PRESIDING JUDGE SCHMITT: [14:49:27] Thirty minutes. But with any -- you
5 know, as a jurist you can interpret a lot of things, but 30 minutes are not hours.

6 MR OBHOF: [14:49:37] But I was helping you find at least the location, we found
7 about the time frame.

8 PRESIDING JUDGE SCHMITT: [14:49:43] Yes, of course that I have found, of course.
9 Yes. But now, I think we can, we can leave that now because it is not here a matter
10 that we have specifically now addressed with the Witness and the witness has not
11 answered to that. But perhaps you continue with the date of the attack, if you want.

12 MS NDAGIRE: [14:49:59]

13 Q. [14:50:01] Mr Witness, you have told us that after the attack there was a meeting
14 at which you were told to be quiet about the attack. You said this in the morning.
15 Do you recall saying that?

16 A. [14:50:20] I do recall that we were told not to speak about it, not to discuss it.
17 But we did not have a meeting. What they did do was to inform our commanders to
18 come and inform us. So we were informed but we did not have a meeting.

19 PRESIDING JUDGE SCHMITT: [14:50:47] And since I have now the time
20 in-between to go quickly through it, PW3 mentions indeed four hours, but not PW2.
21 And PW4 mentions "a long time". So that we have it completely.

22 Yes, please proceed.

23 MS NDAGIRE: [14:51:05]

24 Q. [14:51:07] Mr Witness, what you are telling us that the commanders informed
25 you after the attack, this is something that you didn't tell the Defence in 2017, and

1 neither did you say it to the Prosecution in 2018 when we interviewed you.

2 A. [14:51:36] No, I did not mention it, because nobody asked me that question. If
3 that question had been put to me, I would have answered it. Today that question
4 was asked and I answered it.

5 Q. [14:51:56] And even though your commanders told you to keep quiet, people
6 didn't keep quiet, did they?

7 A. [14:52:11] Yes, that's correct.

8 Q. [14:52:14] Because as we've heard, there was a public trial, the Gulu court
9 martial, where people, soldiers from the Foxford battalion testified about what
10 happened. And Mugabe himself testified in that same court martial trial, and he was
11 acquitted of any wrongdoing on his part.

12 But you knew the truth, Mr Witness, didn't you? You knew that Mugabe had been
13 ordered -- or, rather, ordered soldiers to open fire during the attack, which resulted in
14 all these people dying, these people that we have talked about today.

15 And you were willing to allow this miscarriage of justice to take place, when you
16 could have put it right back in 2004, isn't it?

17 A. [14:53:25] I was not called at the time. I had already gone back to continue
18 with my studies. If I had been summoned among the other witnesses, or if I had
19 been called, yes, I would have told them what was asked, I would have told them that
20 they went and fired those shots. If they had called me, don't you think I would have
21 been able to go to Gulu to attend the court martial? I could not go without being
22 called.

23 Q. [14:54:09] Earlier this morning you told us that while you were in the bush
24 a commander told you that Dominic Ongwen gave orders that no civilians should be
25 killed. You talked about Dominic Ongwen with the Defence when they interviewed

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1 you in 2017, correct?

2 A. [14:54:40] Yes, we had discussions about Dominic Ongwen.

3 Q. [14:54:53] How come this issue never came up in 2017 when you were
4 interviewed by them?

5 A. [14:55:00] I did not mention this because I cannot just give any answers without
6 being asked questions. You have to ask me a question and then I -- if they ask me
7 a question, I respond accordingly. If they ask me a question, I respond accordingly.

8 Q. [14:55:38] And yet at paragraph 9 of your statement, the Defence statement, you
9 said the following: "I never saw Dominic Ongwen while I was in the LRA. I might
10 have heard of him but I never saw him." So were you concealing certain information
11 from the Defence?

12 MR OBHOF: [14:56:01] Objection, your Honour. This is not inconsistent with what
13 the witness just said. It depends upon your inflection. "I might have heard of him,
14 but I didn't -- I never saw him."

15 PRESIDING JUDGE SCHMITT: [14:56:11] But yes, yes, yes, this is in part correct,
16 but of course this shows at least, or seems to show at least between the lines that
17 Dominic Ongwen was an issue, which is not, not very difficult to imagine if the
18 Defence interviews a witness.

19 So in that way you could perhaps continue Ms Ndagire. So this clearly shows that it
20 has been addressed and when he answers then "I might have heard of him", it's not so
21 specific than it has been today, perhaps. Let me give it a try.

22 Mr Witness, when you told the Defence, this is this paragraph 9, "I might have heard
23 of him but I never saw him", this -- since you are, as I have already mentioned, you
24 are a very educated person, do you understand that people could read this as if this
25 has been an issue that you have been asked about it?

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- 1 THE WITNESS: [14:57:15](Interpretation) Yes, that's correct.
- 2 PRESIDING JUDGE SCHMITT: [14:57:19] And when you then say "I might have
3 heard of him", that is less specific, let me put it this way, than what you said this
4 morning. Would you agree with me?
- 5 THE WITNESS: [14:57:34](Interpretation) That's correct, because I said I did not
6 personally see Dominic Ongwen. What I heard is the information that was sent to us,
7 but I did not see -- I did not see this chap, I did not know him. I've only seen photos
8 of him, but I do not know him.
- 9 PRESIDING JUDGE SCHMITT: [14:58:08] I think, Ms Ndagire, we can leave it at
10 that at this point.
- 11 MS NDAGIRE: [14:58:12] And indeed I have no more questions for the witness.
12 Thank you, Mr Witness.
- 13 PRESIDING JUDGE SCHMITT: [14:58:15] Thank you very much.
14 I would be surprised if the Legal Representatives of the victims had questions? This
15 was a suggestive question, Mr Narantsetseg.
- 16 MR NARANTSETSEG: [14:58:24] No questions, your Honour. Thank you.
- 17 PRESIDING JUDGE SCHMITT: [14:58:26] Ms Sehmi.
- 18 MS SEHMI: [14:58:28] No questions from me, your Honour.
- 19 PRESIDING JUDGE SCHMITT: [14:58:30] And I think Defence also has no
20 follow-ups?
- 21 MR AYENA ODONGO: [14:58:33] One or two questions.
- 22 PRESIDING JUDGE SCHMITT: [14:58:34] Okay, then since also in this courtroom
23 the Defence has the last word, which of course you are pleased to hear, then you have
24 the opportunity to ask further questions.
- 25 MR AYENA ODONGO: [14:58:46] I can't contradict you, Mr President.

1 QUESTIONED BY MR AYENA ODONGO:

2 Q. [14:58:50] Mr Witness, this morning you told Court that the total number of
3 soldiers in Abok barracks was in the region of 300; is that correct?

4 A. [14:59:09] I said that there were 300 soldiers. The 30 had been sent to protect
5 Ariba where the hospital was, because there was a small camp there, but the soldiers
6 who remained behind in Abok were 270, that's correct.

7 Q. [14:59:31] Now whether there were 270 or 300, did you know every -- and given
8 that you were -- I want to remind you that you told Court also that you were at Abok
9 camp for only three -- was it three or four months, did you get to know people by
10 names, everybody in that barracks by name?

11 A. [15:00:08] No, that's not -- that's not correct because if, for example, I had trained
12 at Aler with the other Amukas, it's possible that I would have known the names of
13 other people, but since I did not train them and I came afterwards, I did not know
14 them. The person that I knew very well was the camp leader, because he was the
15 one who was in charge of the camp and all the time, whenever the camp residents
16 talked to the camp leader, he would send this information to the soldiers. But
17 otherwise, no, there were so many people, I could not know every single individual.

18 Q. [15:00:57] In respect to Dominic Ongwen (microphone not activated) --

19 PRESIDING JUDGE SCHMITT: [15:01:17] Microphone, please.

20 MR OBHOF: [15:01:27] Realtime transcript, page 16, lines 14 to 16.

21 MR AYENA ODONGO:

22 Q. [15:01:33] The question was, can you tell Court, Mr Witness, whether during
23 your time in the bush you ever met Dominic Ongwen or heard about him being
24 within the Lango subregion. And in the course of your answer, you --

25 A. [15:02:05] When I was in the bush, the three months that I was in the bush, the

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1 group that I was in did not meet Dominic Ongwen's group. But what I heard was
2 that Ongwen was a high-ranking commander and that if he sends any information or
3 if he issues any orders, then people follow it. And that's why I said earlier that
4 reports came that he had issued instructions, that Ongwen had issued instructions
5 that if you meet civilians, do not kill civilians, but take the food. That's why when
6 we were roaming around, when we met civilians, we did not kill them, but we took
7 their food. But I do not know whether or not he was within the Lango region.

8 The person I knew that was within the Lango region a lot was some chap known as
9 Tabuley. I heard about him, I heard about his name, with some other person who is
10 from Acokara known as Okulu. Okulu is was from Acokara. Okulu from Acokara
11 and Tabuley were the people who were mostly within the Lango region, and that's
12 what I heard from the commander of the group that I was in. Those two individuals
13 were the ones who were constantly -- who were in charge of Lango region.

14 Q. [15:03:37] Mr Witness, I'm more concerned about why, when you met the
15 Defence team that interviewed you, you did not give these details about the character,
16 what you heard people say about Ongwen, but today, when you were asked, you
17 went an extra mile and gave this detail. Could there have been --

18 PRESIDING JUDGE SCHMITT: [15:04:04] No, no, not "could". No, no. Let him
19 simply answer the question.

20 MR AYENA ODONGO: Yes.

21 PRESIDING JUDGE SCHMITT: [15:04:08] Do not give him the alternatives, please.

22 THE WITNESS: [15:04:19](Interpretation) The reason why I did not discuss anything
23 about Ongwen, as I stated earlier, I was not asked about him. If I had been asked
24 questions about Ongwen, I would have discussed Ongwen. But now I did discuss
25 Ongwen because I was asked questions pertaining to Ongwen.

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1 PRESIDING JUDGE SCHMITT: [15:04:38] I think we have had this now three times
2 and that's enough. Yes.

3 Do have you further questions, Mr Ayena?

4 MR AYENA ODONGO: [15:04:46]

5 Q. [15:04:56] Mr Witness, as you may have discerned from the questions by my
6 learned colleagues opposite and from the Judge, there is a grey area about what you
7 state about the date of attack on Abok. Two significant figure -- I mean, figures,
8 there is figure 6 and figure 8. And given the description of dates when --

9 PRESIDING JUDGE SCHMITT: [15:05:38] We should not talk the witness now in
10 something. I think he has answered it already. I think he has been asked if it could
11 also have been 8 June instead of 6 August. And if not, we can ask him now, but this
12 is the last question in that regard, I think.

13 MR AYENA ODONGO: [15:06:05] Yes, I want it to be the last question,
14 your Honour.

15 PRESIDING JUDGE SCHMITT: [15:06:09] Yes.

16 MR AYENA ODONGO: [15:06:09]

17 Q. [15:06:10] Mr Witness, given the contradiction that appears to be hovering
18 around these dates, could it be that you may have --

19 PRESIDING JUDGE SCHMITT: [15:06:26] Not like that. Are you -- I think we
20 should ask him, "Are you sure of the date 6 August 2004?" I think. Otherwise it is
21 really too suggestive here.

22 MR AYENA ODONGO: [15:06:41] Yes, okay.

23 THE WITNESS: [15:06:48](Interpretation) I believe with respect to these dates, these
24 events happened a long time ago and people do forget. If I give another date, then I
25 may contradict myself further and tell lies, so I really do not want to do that at this

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1 point. And since I did not write down the exact dates of when these events
2 happened, when they were happening, I did not master them. But I do know that
3 this thing happened at Abok.

4 PRESIDING JUDGE SCHMITT: [15:07:22] That's --

5 THE WITNESS: [15:07:24] I know that it happened in 2004.

6 PRESIDING JUDGE SCHMITT: [15:07:26] Yes, that's the last question by the
7 Defence.

8 MR AYENA ODONGO: [15:07:30] Yes.

9 PRESIDING JUDGE SCHMITT: [15:07:32] This concludes the examination of
10 Mr Witness, and on behalf of the Chamber, I would like to thank you that you have
11 made yourself available as a witness in these proceedings and that you have come to
12 this, as we always say, extended courtroom at the video-link location. Thank you
13 very much and have a safe trip back.

14 THE WITNESS: [15:07:56](Interpretation) Thank you.

15 PRESIDING JUDGE SCHMITT: [15:07:59] This also concludes the hearing for today,
16 and furthermore it concludes this evidence block, as we label it, and the next evidence
17 block will only start after the Easter recess on 30 April with Defence Witness 66.

18 THE INTERPRETER: [15:08:13] Your Honour, the witness is raising his hand.

19 PRESIDING JUDGE SCHMITT: [15:08:17] Yes. Please, you want to address us?
20 Please. You have the floor.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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8 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (The witness is excused)

21 PRESIDING JUDGE SCHMITT: [15:10:09] This concludes, as I said, the hearing for

22 today.

23 THE COURT USHER: [15:10:24] All rise.

24 (The hearing ends in open session at 3.10 p.m.)