

Trial Hearing  
WITNESS: UGA-D26-P-0072

(Open Session)

ICC-02/04-01/15

1 International Criminal Court  
2 Trial Chamber IX  
3 Situation: Republic of Uganda  
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15  
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
6 Judge Raul Cano Pangalangan  
7 Trial Hearing - Courtroom 3  
8 Tuesday, 2 April 2019  
9 (The hearing starts in open session at 9.33 a.m.)  
10 THE COURT USHER: [9:33:28] All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE SCHMITT: [9:33:43] Good morning, everyone. Could the  
14 court officer please call the case.  
15 THE COURT OFFICER: [9:33:53] Good morning, Mr President, your Honours.  
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic  
17 Ongwen, case reference ICC-02/04-01/15.  
18 And for the record, we are in public session.  
19 PRESIDING JUDGE SCHMITT: [9:34:07] Thank you.  
20 For the appearances of the party, first the Prosecution, Ms Nuzban.  
21 MS NUZBAN: [9:34:13] Good morning, your Honours, good morning, everybody.  
22 Yulia Nuzban for the Prosecution, together with Benjamin Gumpert, Kamran  
23 Choudhry, Pubudu Sachithanandan, Beti Hohler, Adesola Adeboyejo, Grace Goh,  
24 Jasmina Suljanovic, Laura de Leeuw, Yang Suhong, Natasha Barigye and  
25 Sanyu Ndagire. Thank you.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 PRESIDING JUDGE SCHMITT: [9:34:33] Thank you.

2 And Ms Massidda for the Legal Representatives of the Victims.

3 MS MASSIDDA: [9:34:38] Good morning, Mr President, your Honours. For the

4 common legal representative team appearing today in courtroom,

5 Mr Orchlón Narantsetseg, Ms Caroline Walter, and I am Paolina Massidda.

6 PRESIDING JUDGE SCHMITT: [9:34:50] Thank you.

7 And the second team.

8 MS SEHMI: [9:34:52] Good morning, Mr President, your Honours. For the Legal

9 Representative of Victims, Anushka Sehmi and James Mawira.

10 PRESIDING JUDGE SCHMITT: [9:34:59] Thank you.

11 And not finally, but nearly finally, Mr Obhof for the Defence.

12 MR OBHOF: [9:35:05] Good morning, your Honours.

13 Today we have Counsel Krispus Ayena Odongo; our assistant to counsel,

14 Mr Gordon Kifudde; our case manager, Roy Titus Ayena; our client Mr Ongwen is in

15 Court; and myself, my name is Thomas Obhof.

16 PRESIDING JUDGE SCHMITT: [9:35:18] I have a question: You said "Mr Kifudde".

17 How are you pronounced correctly, if I may ask you?

18 MR KIFUDDE: [9:35:27] Mr Kifudde.

19 PRESIDING JUDGE SCHMITT: [9:35:31] Kifudde. So I -- because from the writing

20 it is not completely clear, but for in the future "Mr Kifudde". Okay.

21 And we have at the video-link location Mr Tookwaro. And on behalf of the

22 Chamber I would like to welcome you in this, let me word it this way, extended

23 courtroom at the video-link location. Good morning, Mr Tookwaro.

24 WITNESS: UGA-D26-P-0072

25 (The witness speaks Acholi)

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 (The witness gives evidence via video link)

2 THE WITNESS: [9:35:58](Interpretation) Thank you. Good morning.

3 PRESIDING JUDGE SCHMITT: [9:36:00] There should be a card in front of you with  
4 a solemn undertaking. Would you please, please be so kind to read out this  
5 undertaking.

6 THE WITNESS: [9:36:11](Interpretation) Yes, I can read.

7 PRESIDING JUDGE SCHMITT: [9:36:30] You can read it out aloud, please.

8 THE WITNESS: [9:36:36](Interpretation) It goes like this:

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

10 PRESIDING JUDGE SCHMITT: [9:36:54] Do you agree with that, Mr Tookwaro?

11 THE WITNESS: [9:36:58](Interpretation) I agree, because I have to tell what I have  
12 seen.

13 PRESIDING JUDGE SCHMITT: [9:37:07] Thank you very much. Then you are  
14 sworn in.

15 And before we finally start with the questioning, a few practical matters. Most  
16 important is that everything is written down and interpreted, what is being said at the  
17 video-link location and here in the courtroom, and to allow for the interpretation we  
18 have to speak at a relatively slow pace.

19 And the second one is, if you want to address the Chamber you can raise your hand,  
20 then I will ask you what you want to tell us.

21 We now begin with the Defence and Mr Obhof has the floor.

22 MR OBHOF: [9:37:50] Thank you, your Honour. Sorry about that.

23 QUESTIONED BY MR OBHOF:

24 Q. [09:38:03] Good morning, Mr Tookwaro.

25 A. [9:38:08] Good morning.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 Q. [9:38:12] Now can you please state all of your names to the Court.

2 A. [9:38:19] Yes, I can.

3 Q. [9:38:29] Please tell the Court all of your names.

4 A. [9:38:35] My name is Okello Michael Tookwaro.

5 Q. [9:38:48] Have you ever been called by any other name or nickname?

6 A. [9:38:56] Yes.

7 Q. [9:39:03] Could you tell Court what that name was.

8 A. [9:39:11] Yes, I can tell.

9 Q. [9:39:21] Please tell the Court what that name is.

10 A. [9:39:29] The other name is Kal Okwera.

11 PRESIDING JUDGE SCHMITT: [9:39:42] Mr Obhof, I think you see you can ask very  
12 directly the witness. I think this would make sense.

13 MR OBHOF: [9:39:49]

14 Q. [9:39:52] Now Kal Okwera, could you tell the Court what that means, please?

15 A. [9:40:05] Yes, I can.

16 Q. [9:40:13] And please tell Court what that means.

17 A. [9:40:19] Kal Okwera is the clan where my father comes from. Sometimes back  
18 there were issues in the home, so he said his clan does not like him. And that clan he  
19 comes from is called Kal, so because of the issues his father had with the clan  
20 members who were rejecting him, that is why he was given that name.

21 MR OBHOF: [9:41:05] Now, your Honour, if we could go into private session for  
22 about two to three minutes just to ask some very -- questions of a personal nature.

23 PRESIDING JUDGE SCHMITT: [9:41:14] Then we back -- no, we go to private  
24 session first.

25 (Private session at 9.41 a.m.) \* (Reclassified partially in public)

Trial Hearing

(Private Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 THE COURT OFFICER: [9:41:19] We are in private session, Mr President.

2 MR OBHOF: [9:41:29]

3 Q. [9:41:32] Mr Witness, please tell the Court when and where you were born.

4 A. [9:41:40] I was born in (Redacted).

5 Q. [9:42:03] Please tell Court where you currently live.

6 A. [9:42:09] Currently I live in Gulu district in (Redacted)

7 (Redacted)

8 (Redacted)

9 MR OBHOF: [9:42:50] We can go back into open session.

10 PRESIDING JUDGE SCHMITT: [9:42:52] Back to open session.

11 (Open session at 9.42 a.m.)

12 THE COURT OFFICER: [9:42:57] We are back in open session, Mr President.

13 MR OBHOF: [9:43:10]

14 Q. [9:43:13] Could you please tell the Court your highest level of education.

15 A. [9:43:33] My highest level of education is primary 5.

16 Q. [9:43:40] Can you tell the Court why you stopped attending school.

17 A. [9:43:49] Yes, I can tell the Court why I stopped going to school.

18 PRESIDING JUDGE SCHMITT: [9:44:02] Please tell us.

19 THE WITNESS: [9:44:08](Interpretation) In 1986, when there was conflict, I was in

20 primary 5 at the time when the government was overthrown. So because of that

21 conflict, education was disrupted in most of the areas and I also didn't go back to

22 school after that.

23 MR OBHOF: [9:44:43]

24 Q. [9:44:44] Over the next few years, please tell the Court what you did for

25 remuneration or with your spare time, since you were so young.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 A. [9:45:04] Yes, I can explain.

2 Q. [9:45:17] Please explain.

3 A. [9:45:20] When I stopped going to school, my friends went back. What I did, I  
4 went into farming, I would plant sugar cane, cassava; so I would sell this food crop  
5 and raise money. So this is what I was doing majorly to raise money. I had also  
6 lost my father.

7 Q. [9:45:57] Now as you got older, did you move into any other job?

8 A. [9:46:05] Yes, when I got older, yeah, there was some job which I was doing.

9 PRESIDING JUDGE SCHMITT: [9:46:25] I think Mr Gumpert would not complain if  
10 you would be leading a little bit at least, this witness; I think there would be no  
11 objections.

12 MR OBHOF: [9:46:36]

13 Q. [9:46:36] Mr Witness, did you eventually join the local defence units and forces  
14 otherwise called the home guard?

15 A. [9:46:48] Yes, I did join.

16 Q. [9:46:54] Can you please tell Court when you joined the LDUs?

17 A. [9:47:08] Yes, I can tell.

18 Q. [9:47:14] So please tell the Court.

19 A. [9:47:20] I joined the LDU in 2000, the year 2000.

20 MR OBHOF: [9:47:39] Your Honour, if I may read from paragraph 1 of tab 1?

21 PRESIDING JUDGE SCHMITT: [9:47:43] Of course, this suggests itself.

22 MR OBHOF: UGA-D26-0021-0336, page 0340.

23 Q. [9:48:06] Now Mr Witness, do you remember meeting the Defence and signing  
24 the witness statement?

25 A. [9:48:12] Yes, I do recall.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 Q. [9:48:16] I'm going to read you a short sentence from paragraph 1 on page 0340.

2 On the first page it says: "I joined the LDU at the age of 15 in 1991."

3 Now Mr Witness, is that correct or is that the wrong date and age?

4 A. [9:48:42] You know, it was a back and forth. When I first joined, I came out  
5 again and then went back, because, you know, even the salary wasn't there; it was not  
6 a full military. So you would go in and opt out and then you can decide to go back  
7 again.

8 Q. [9:49:10] When you first went in, in which year was that?

9 A. [9:49:18] It was 1992 because I first joined and came back home and it was  
10 difficult; it was not easy to stay at home.

11 PRESIDING JUDGE SCHMITT: [9:49:40] I think you can move forward simply.

12 MR OBHOF: [9:49:42] Yes.

13 Q. [9:49:43] Now could you please tell the Court why you originally joined the  
14 LDU?

15 A. [9:49:50] Yes, I can tell.

16 PRESIDING JUDGE SCHMITT: [9:50:04] Simply, these "could" questions, I think  
17 simply ask him why, why and what happened then and so on and so forth. I think  
18 this would a little bit streamline the whole thing.

19 MR OBHOF: [9:50:21]

20 Q. [9:50:22] Why did you join the LDU?

21 A. [9:50:34] It was very hard to stay home. The situation was bad, the security  
22 was good, so it was not easy to stay home.

23 Q. [9:50:42] Who recruited you?

24 A. [9:50:52] A call was sent out and the call was for local militia to be recruited so I  
25 also responded to that call.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 Q. [9:51:16] For how long did you train to become an LDU?

2 A. [9:51:23] I trained for nine months.

3 Q. [9:51:29] Where did you conduct your training to be an LDU?

4 A. [9:51:42] The training was in Bar-Dege area in Gulu.

5 Q. [9:52:01] Which government entity trained you?

6 A. [9:52:08] During that time, the entity that trained was called the NRA. It had  
7 not yet changed to UPDF.

8 Q. [9:52:29] How many persons were trained at Bar-Dege with you?

9 A. [9:52:42] We were very many people. Some people escaped, but some of us  
10 remained until the end of the training.

11 Q. [9:52:56] By "very many", do you mean 50, maybe 100 or even more than 100?

12 A. [9:53:08] At that training wing, the number was more than 100 people.

13 Q. [9:53:22] If you know, what was the approximate age of the persons training  
14 with you at Bar-Dege?

15 A. [9:53:43] Well, it -- it's difficult to guess the ages of the different person who  
16 were there because you can't know their birth dates.

17 Q. [9:54:04] Did it appear that there were people who were younger than you  
18 there?

19 A. [9:54:19] There were people of different sizes. There were those who were  
20 older than me, they were also there.

21 Q. [9:54:30] What type of weapons were you trained on by the NRA at Bar-Dege?

22 A. [9:54:41] We were trained how to march. Then the guns that we were trained  
23 on included pistols, SMG, LMG. For LMG, we were trained how to dismantle; we  
24 didn't get training on support weapons.

25 Q. [9:55:16] So when you say you were not trained on support weapons, does that



Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 mean you were not trained on weapons like PKMs and PKs?

2 A. [9:55:31] We did not get training on that because we were told that those who  
3 had a higher level of education would be retained and they would go for further  
4 trainings.

5 Q. [9:55:55] Other than learning how to parade, what other type of tactical training  
6 did you receive at Bar-Dege?

7 A. [9:56:15] We were also trained on the rules of war, that when you go to any  
8 battle you should respect the civilians, you should not pull a gun or civilians, you  
9 should not even loot their property. Your role is to protect the civilians.

10 Q. [9:56:45] Did everyone at the Bar-Dege training facility receive the same  
11 training?

12 A. [9:56:57] Everyone who went to that training wing participated in because you  
13 would all be collected together so you were part of the people who were there in the  
14 training. So the different trainers would train you on the areas that you are  
15 knowledgeable in. So if you are in the section for firing or arms, you will also be  
16 trained on those.

17 Q. [9:57:36] When you finished your training, did you feel confident that you  
18 received enough training to help protect the local population?

19 A. [9:57:46] Yes, I had belief in the training because some of those things I didn't  
20 know. I didn't know how to dismantle a gun, but when I went there, I was able to  
21 learn. And I also followed the rules that I acquired from there.

22 Q. [9:58:20] Now were you deployed immediately after you finished your training  
23 at Bar-Dege?

24 A. [9:58:31] After the training, people were deployed to different locations to  
25 provide security services and I went to my area.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 PRESIDING JUDGE SCHMITT: [9:58:51] I think, Mr Obhof, you can directly steer at  
2 Lukodi, so to speak, because the different locations where he was detached are not so  
3 important in my opinion.

4 MR OBHOF: [9:59:03] Well, I'm not going really through that.

5 PRESIDING JUDGE SCHMITT: Okay, good.

6 MR OBHOF: [9:59:05] I just want to get a part of a step in order to explain what he  
7 had said earlier about -- it will take a few minutes and it's to help ease the witness.

8 PRESIDING JUDGE SCHMITT: [9:59:16] Yes, but you know, it's -- we know what it  
9 is, in effect, what we are talking about here. But I would really ask you to be very  
10 concise in that respect.

11 MR OBHOF: [9:59:25] Yes.

12 Q. [9:59:28] Now moving forward, do you remember where you were deployed to  
13 in the summer around July of 2003?

14 A. [9:59:50] Yes, I remember.

15 Q. [9:59:55] Where were you deployed?

16 A. [10:00:01] And at that time I worked in Lugore, I worked in Cet Kana, and then  
17 afterwards I went to Lukodi.

18 PRESIDING JUDGE SCHMITT: [10:00:26] For how long did you stay in Lukodi?

19 THE WITNESS: [10:00:32](Interpretation) I did not take long in Lukodi.

20 PRESIDING JUDGE SCHMITT: [10:00:39] Do you remember it more exactly when  
21 you say you didn't take long? You said you arrived there sometime in summer 2003,  
22 and for how did you stay there?

23 THE WITNESS: [10:00:54](Interpretation) You know, sometimes I would go and  
24 stay there and then move and stay in another place, but I stayed there and I know the  
25 kind of situation that was there at that time.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 PRESIDING JUDGE SCHMITT: [10:01:11] So perhaps I give it another try.

2 When you said you arrived in summer 2003, did you stay there only for a couple of  
3 weeks, for a couple of months, half a year, a year or even more? Of course you  
4 might not remember exactly the days, but you might remember at least the time in  
5 general.

6 THE WITNESS: [10:01:38](Interpretation) When I was taken to Lukodi, I stayed in  
7 July, and when there was an attack on Lukodi I was there.

8 PRESIDING JUDGE SCHMITT: [10:02:01] In your recollection, how much time after  
9 you arrived at Lukodi this attack took place?

10 THE WITNESS: [10:02:13](Interpretation) What happened in Lukodi happened  
11 when I was there and that happened in the year 2004. I arrived there in 2003, July,  
12 and I was there for all that time. And I know how everything happened there.

13 PRESIDING JUDGE SCHMITT: [10:02:42] Thank you.

14 I think we will come to that, Mr Obhof.

15 MR OBHOF: [10:02:46]

16 Q. [10:02:48] Now, during the time between your LDU training and arriving at  
17 Lukodi, did you have any refresher courses with the NRA or the UPDF?

18 A. [10:03:12] No, I did not get any further training.

19 Q. [10:03:22] When you were sent to a detach, did the LDUs lead the detach?

20 A. [10:03:45] Where we were taken, you know, during that time the LDUs did not  
21 have any ranks, so they would select somebody from the NRA or UPDF to be the one  
22 in charge.

23 Q. [10:04:14] Now, during the course of your work, how did the LDU, the normal  
24 LDU coordinate with the NRA or the UPDF?

25 A. [10:04:28] Most times they would move together because there was no radio,

1 unless you get a commander from the NRA who would be having a walkie-talkie,  
2 then you would have a radio. But otherwise you will be moving without anyone  
3 having a radio.

4 Q. [10:05:06] When you arrived at Lukodi, how recent had Lukodi IDP camp been  
5 formed?

6 A. [10:05:18] I came and found the camp was already established, but I don't know  
7 when exactly it was established.

8 Q. [10:05:39] Can the court officer please pull up tab 2, that's UGA-D26-0021-0226.  
9 And as I forgot to make a redacted version of this, it cannot be shown to the public  
10 during this session.

11 Mr Witness, do you see a drawing on your screen?

12 A. [10:06:28] Yes, I do.

13 Q. [10:06:36] Do you remember drawing this when you were interviewed by the  
14 Defence?

15 A. [10:06:45] Yes, I do.

16 Q. [10:06:53] Now what is this a drawing of, Mr Witness?

17 A. [10:06:59] That was the arrangement of the camp, how the camp was established  
18 and how we were positioned around the camp, the roads that were crossing by, the  
19 school, and then the hills.

20 Q. [10:07:23] Now could you please -- can you tell the Court, or please tell the  
21 Court where the LDU barracks was located on this map.

22 A. [10:07:42] The barracks was surrounding the camp, the camp was inside and the  
23 barracks was out. The houses were inside the camp and then the barracks was  
24 encompassing the camp.

25 Q. [10:08:13] Could you please tell us on this map where the UPDF barracks was

Trial Hearing  
WITNESS: UGA-D26-P-0072

(Open Session)

ICC-02/04-01/15

1 located.

2 A. [10:08:23] The UPDF barracks was on top of the hill. They had a 14 gun. And  
3 where they were, it was on the eastern side. When you are using -- the road going to  
4 Palaro would be behind you. If you are standing on the hill, you will be seeing the  
5 road going to Palaro on the west.

6 MR OBHOF: [10:09:03] Now if the court officer could please give me control of  
7 evidence 2. This is going to be tab 4, UGA-D26-0027-0014.

8 THE COURT OFFICER: [10:09:46] The evidence will be shown on channel 2.

9 MR OBHOF: [10:09:51]

10 Q. [10:09:54] Mr Witness, can you look at your computer screen again on channel 2.  
11 Could someone confirm that we are on that -- it is on channel 2, please.

12 PRESIDING JUDGE SCHMITT: [10:10:26] I think it should be. At least for the  
13 Chamber it is visible.

14 So at the video-link location, Mr Tookwaro, do you see it on the screen? This is an  
15 aerial view of the scenery?

16 THE WITNESS: [10:10:49](Interpretation) I have seen somewhere there is some  
17 white spot somewhere. I am seeing somewhere in the picture, I think the camera  
18 was pointing somewhere that has some light.

19 PRESIDING JUDGE SCHMITT: [10:11:08] No, I'm -- the question was if you see on  
20 the screen this aerial picture of the region. And then I think if you confirm,  
21 Mr Obhof will have a question with regard to this photograph.

22 THE WITNESS: [10:11:28](Interpretation) Yes, I have seen it.

23 PRESIDING JUDGE SCHMITT: [10:11:33] Please, Mr Obhof.

24 MR OBHOF: [10:11:34]

25 Q. [10:11:37] Now, Mr Witness, the UPDF barracks you talk about on Lukodi hill, is

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 this the barracks which you were discussing?

2 A. [10:12:02] The white one? Yes, it is.

3 MS NUZBAN: [10:12:08] Your Honour.

4 PRESIDING JUDGE SCHMITT: [10:12:10] Ms Nuzban.

5 MS NUZBAN: [10:12:10] May we kindly request the counsel on the other side to not  
6 lead on these matters and ask open questions.

7 PRESIDING JUDGE SCHMITT: [10:12:19] Yes. But, but -- yes, in principle, yes, but  
8 I think with the witness here at the video-link location, I would not, I would not really  
9 have a problem with that. Yes, we let it pass as it was, I would say.

10 Please continue, Mr Obhof.

11 MR OBHOF: [10:12:40]

12 Q. [10:12:41] Now, Mr Witness --

13 PRESIDING JUDGE SCHMITT: [10:12:41] When you want to locate further things --

14 MR OBHOF: Yes.

15 PRESIDING JUDGE SCHMITT: -- we should try to really involve the witness more.

16 This is what Ms Nuzban means and is, of course, in principle, correct.

17 But I think why I say, Ms Nuzban, it's not a problem, we have the statement of the  
18 witness and he speaks of a hill, and I think we also have -- we have been there last  
19 year and we have seen the location ourselves; so there is some background to it.

20 Mr Obhof.

21 MR OBHOF: [10:13:12]

22 Q. [10:13:14] When you arrived at Lukodi, did this barracks already exist?

23 A. [10:13:29] Yes. There was a big gun called 14 on top of that hill; that was where  
24 the NRA were stationed, and they were stationed there with the big gun.

25 Q. [10:13:54] How far were the civilian homes from the LDU barracks?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 A. [10:14:21] Well, the homes were a bit scattered. But from the western side, they  
2 were on the other side of the road, especially on the road that was going to Patiko.  
3 But on the eastern side, in between the road to Awach, the houses, the settlements  
4 were all established near the school and all mixed up around there.

5 Q. [10:14:57] How far were the civilian homes from the LDU barracks?

6 A. [10:15:11] When we arrived there, people were already placed in the camp.  
7 LDUs started making their buildings next to the civilian houses. We came and  
8 found when they had already dug trenches around the houses of the civilians.

9 Q. [10:15:38] If I may read from paragraph 6, adjusting the distance, please, and at  
10 page 0340 in tab 1.

11 Mr Witness, you previously told the Defence that the LDU barracks was close to the  
12 IDP camp, maybe 10 metres east of the camp. Is that correct? Does that refresh  
13 your memory, Mr Witness?

14 A. [10:16:06] Yes, that refreshes my memory, but that barracks was established and  
15 then it was demolished. We arrived when they were demolishing that and we came  
16 and found from our commander that we should live within the camp, but we -- when  
17 we arrived there, the barracks was there, about 10 metres away from the camp, but it  
18 was being dismantled.

19 Q. [10:16:42] When you arrived at Lukodi IDP camp, how many LDUs were there?

20 A. [10:16:50] When we arrived there, we found there was a good number of the  
21 LDUs, but later on, because of lack of remuneration, people started abandoning the  
22 forces. Sometimes we would stay for three or four months without money and  
23 eventually most of the people ran away. We were left with only about 29 people.

24 Q. [10:17:24] And when you first arrived at Lukodi IDP camp, around how many  
25 UPDF soldiers were there?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 A. [10:17:39] The way I saw, that would be about a platoon, which would  
2 constitute about 30 or so people.

3 PRESIDING JUDGE SCHMITT: [10:17:56] Did these 30 people stay at Lukodi for all  
4 the time you were there?

5 THE WITNESS: [10:18:04](Interpretation) There was one time they just left in the  
6 night and they never told us why they were leaving. We just realised later that they  
7 had left. We never got to know where they were going and we were wondering  
8 why did they have to leave?

9 PRESIDING JUDGE SCHMITT: [10:18:28] Do you recall when this happened?

10 THE WITNESS: [10:18:32](Interpretation) I don't clearly recall that. It's quite  
11 a while ago. I cannot recall when exactly.

12 PRESIDING JUDGE SCHMITT: [10:18:43] Did this happen before the attack on  
13 Lukodi you mentioned already?

14 THE WITNESS: [10:18:50](Interpretation) That was before the attack.

15 PRESIDING JUDGE SCHMITT: [10:18:57] Does that mean that on the day of the  
16 attack at Lukodi there were no UPDF soldiers in the camp?

17 THE WITNESS: [10:19:07](Interpretation) The UPDF soldiers were on top of the hill  
18 where the other big gun was, but the LDUs were the ones who were in the camp.

19 PRESIDING JUDGE SCHMITT: [10:19:21] I think you will come to that later on,  
20 Mr Obhof, but I wanted to a little bit foreshadow it and perhaps accelerate it even a  
21 little bit.

22 MR OBHOF: [10:19:32] We will clarify that a little bit later, yes.

23 MR OBHOF: [10:19:35]

24 Q. [10:19:35] Mr Witness, what type of police presence was at Lukodi when you  
25 arrived?



1 A. [10:19:47] There was no police presence in Lukodi.

2 Q. [10:19:58] How were internal problems at Lukodi IDP camp governed without  
3 police?

4 A. [10:20:12] The governance was in such a manner that, you know, there  
5 was -- some people were elected and then they picked one person to be the camp  
6 commandant and they were the people who were selected to govern the camp. They  
7 were selected from the youth. And whenever there was a problem, they would try  
8 to solve it within there, but in some cases they would invite the police from the town  
9 to come and handle the issues.

10 Q. [10:21:02] Can you estimate the number of people at Lukodi when you arrived?

11 A. [10:21:20] It was a fairly big camp, but because the -- the houses were  
12 haphazardly arranged and it was difficult to estimate the number of people, but there  
13 were very many.

14 Q. [10:21:48] Were there curfews at the camp?

15 A. [10:21:58] Yes.

16 Q. [10:22:11] At what times did the curfew begin and end?

17 A. [10:22:18] In the night nobody -- the time when nobody is allowed to move  
18 anywhere from the camp would be at 3 p.m. -- sorry, 9 p.m., and at that time, you  
19 were supposed to turn off all the lights and you should go to bed.

20 Q. [10:22:51] At what time did the curfew end in the morning?

21 A. [10:23:01] In the morning, they would first send out intelligence officers to move  
22 out when the soldiers are -- for a fall-in. They will send some soldiers for a patrol,  
23 and if they move to survey the roads, the different roads and then returned, that's the  
24 time when people would be allowed to move out and that should be -- that would  
25 start about 8 to 8.30, after they have returned with the reports.

1 Q. [10:23:51] We're going to talk a little bit about food, Mr Witness. Who gave  
2 food to the IDPs?

3 A. [10:24:06] Food was given by the UN.

4 Q. [10:24:19] On which day of the month was the food received by the camp  
5 residents?

6 A. [10:24:38] There was no clear date, but most times they would bring towards the  
7 end of the month, but sometimes they would bring it even later.

8 Q. [10:25:02] Who would receive the food shipments from the UN? Or better put,  
9 who would help unload the shipments from the UN?

10 A. [10:25:22] The UN workers would be the ones to offload the food items. They  
11 are helped by those people who will have been selected from the group and they're  
12 the ones who oversee the distribution.

13 Q. [10:25:46] Were the LDUs and UPDF allowed to unload the food from the UN?

14 A. [10:26:00] It was not acceptable, they were not allowed to go even near or enter  
15 that vehicle. They would not even carry the food items.

16 Q. [10:26:16] You mentioned that the food would then be distributed. How was  
17 the food distributed amongst the camp residents?

18 A. [10:26:35] It depends on the number of people you've registered in your  
19 household. They would ration basing on that number. They would get the number  
20 of people in the household and then apportion accordingly. Everyone was  
21 registered with the number of children in their households.

22 Q. [10:27:02] Now you talked about the camp commandant; how was he paid or  
23 she? How was the camp commandant paid?

24 A. [10:27:30] There was no payment for the camp commandant, only that he would  
25 receive the food items because -- because he was a leader not being remunerated; so

1 he would be given more than anyone else.

2 Q. [10:27:59] From where did the LDUs and UPDF receive their food?

3 A. [10:28:07] The food was brought from the main barracks, fourth division  
4 barracks from Gulu, and they would be brought and then distributed using cups.

5 Q. [10:28:33] Did the LDU and UPDF attempt to keep these government shipments  
6 of food secret?

7 A. [10:28:53] The military vehicle that is carrying food items would be seen and  
8 identified by the people, but whatever they would bring would only be enough to be  
9 distributed to the people. They would not be stored anywhere. Most times they  
10 know that if they distribute these, the food items would be able to last for a week, and  
11 then the next week they would bring some more.

12 Q. [10:29:31] How long before the attack on Lukodi did the government send  
13 a food shipment to the LDUs and UPDF?

14 A. [10:29:45] It had taken a bit of a while because sometimes it would happen that  
15 food items from the stores were depleted and they would have to look around for  
16 where to get food from. So sometimes there was a shortage of food.

17 Q. [10:30:22] Had the IDP camp received its monthly shipment of food from the  
18 UN at the time of the Lukodi attack?

19 A. [10:30:38] At the time of the attack, there was no food distribution yet.

20 Q. [10:30:50] Now when the food was given to the LDUs, do you remember how  
21 much food you received? You mentioned a cup, but how much food of what?

22 A. [10:31:20] I would receive beans and posho and also I would get salt.

23 MR OBHOF: [10:31:39] Now if I could get evidence 2 back up again, please, I'm  
24 going to show tab 4 once more.

25 PRESIDING JUDGE SCHMITT: [10:31:49] And now a little bit less leading, to pick

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 up what Ms Nuzban complained about with some justification, so to speak.

2 MR OBHOF: [10:32:14]

3 Q. [10:32:15] Now while we wait for the control to be given over, was the food  
4 which the government gave to the LDUs and UPDF, was it enough?

5 THE COURT OFFICER: [10:32:36] Counsel, you have the floor.

6 THE WITNESS: [10:32:39](Interpretation) Sometimes it would come and it would be  
7 very inadequate; sometimes it would be enough, but it was really varying. At  
8 a point in time it would come, adequate food, but sometimes it would be inadequate.

9 MR OBHOF: [10:33:02]

10 Q. [10:33:04] Now, Mr Witness, can you see that same map we looked at earlier,  
11 can you see the satellite photo again on your computer screen?

12 A. [10:33:15] Yes, I can see it.

13 Q. [10:33:23] Now you can see my hand right here, the hand moving around?

14 A. [10:33:34] Yes.

15 Q. [10:33:36] Could you please tell me where to move this hand to show the Judges  
16 where the granaries were which the IDPs stored their grain when you were an LDU at  
17 Lukodi?

18 A. [10:33:57] There was no store in Lukodi, but maybe you try to locate and then I  
19 can follow.

20 Q. [10:34:20] I think the witness -- you answered my question, Mr Witness. Yes.

21 And for the record, co-counsel Chief Charles Achaleke Taku has arrived in court.

22 PRESIDING JUDGE SCHMITT: [10:34:45] Indeed.

23 MR TAKU: [10:34:49] I'm sorry to come late, your Honours. We were trying to  
24 deal with something in the office with my colleagues.

25 PRESIDING JUDGE SCHMITT: [10:34:56] No, thank you very much.

1 MR OBHOF: [10:34:58]

2 Q. [10:35:06] Mr Witness, you said sometimes that the shipments of food from the  
3 government was not enough. How would you supplement your food if it was one  
4 of those weeks where you did not have enough food?

5 A. [10:35:36] Well, there's nothing else to do, but sometimes when we go for patrol,  
6 we would also get cassava that we would find in the fields along the way; so we  
7 would uproot those cassava and come back and prepare that for our meals.

8 Q. [10:36:12] Whose cassava was that that you sometimes uproot?

9 A. [10:36:21] Some of these cassava were abandoned by the owners who had fled.  
10 Sometimes we also find the owners in the garden and they would tell us to uproot  
11 and take to eat. So we would also request, sometimes we also request them to give  
12 us something, so they would give us because also they understood the situation in  
13 which we were operating, because we sometimes don't have enough, so they would  
14 actually allow and give us some food from their gardens.

15 Q. [10:37:01] Now did the LDUs and UPDF regularly interact with the civilians in  
16 the IDP camp?

17 A. [10:37:49] Well, the rule also did not allow someone with a gun to go and freely  
18 interact with the civilians, you have to stay away. But if you are going to buy  
19 something in the centre, just go and buy and then return to your base.

20 Q. [10:38:22] And by "centre", I assume you mean trading centre; is that correct?

21 A. [10:38:29] Yes, there was a trading centre nearby.

22 Q. [10:38:41] Now once you went to the trading centre, would you still wear your  
23 uniforms?

24 A. [10:38:52] At that time, because there is nowhere you can leave your uniform or  
25 leave your gun, you go quickly and buy your item and return. But if you delay,

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 there is a group of military who were selected called the RP, they would quickly  
2 move to collect you if you delay.

3 Q. [10:39:30] When you were at Lukodi, did the LDUs or UPDF ever sleep  
4 withinside of the camp?

5 A. [10:39:52] No, no one was sleeping inside the camp except we would exchange  
6 with the patrol, because for us we didn't have the big guns so when we were going  
7 out for patrol and we meet them, we also -- we also receive the support weapons from  
8 them and we would go for our patrols.

9 Q. [10:40:34] This trading centre, where was the trading centre located in relation to  
10 the Gulu-Patiko road?

11 A. [10:40:45] The trading centre is located on the western side of the road going to  
12 Patiko. So even up to now, that's where the centre is, it's growing only on one side  
13 where it was before, because the other side of the road there is a school.

14 MR OBHOF: [10:41:28] If the Court could please pull up tab 2 again, it's  
15 D26-0021-0226.

16 Q. [10:42:08] Mr Witness, can you see this, your handmade drawing again?

17 A. [10:42:17] Yes, I can see.

18 Q. [10:42:21] Now here on the top left you have labelled Patiko and Gulu. Is that  
19 the Gulu-Patiko Road that you just mentioned?

20 A. [10:42:45] Yes, that's the road I'm talking about, the one that is going to Patiko  
21 and then, as you see the arrow pointing upward is the one that's going to Patiko, you  
22 move slightly ahead of that where there are mango trees, that's when you find the  
23 centre.

24 Q. [10:43:13] Now you also see this word in the middle of page towards the top,  
25 which says "Awach." Can you explain what that is?

1 A. [10:43:25] That is a road that separated the school and it leads you to Awach.

2 Now as you take that route going to Awach, the hill is on to the right. So if you are  
3 on that junction of Patiko-Gulu, the road to Awach, you face eastwards, so that's the  
4 direction.

5 PRESIDING JUDGE SCHMITT: [10:44:12] That is quite clear, Mr Obhof, I think, also  
6 to compare it with the aerial view.

7 MR OBHOF: [10:44:18]

8 Q. [10:44:19] One final question about this. When you are going to Awach along  
9 the Awach road, do you cross any streams or rivers?

10 A. [10:44:36] If you're following that road, yes, you will walk for some good  
11 distance and then you will cross river Unyama, but it's quite a distance from that  
12 junction.

13 Q. [10:45:01] Now when you came to Lukodi, was there a bridge built across the  
14 Unyama river on the Awach road?

15 A. [10:45:20] Yes, there was a bridge. Even up to now there is a bridge. It had  
16 collapsed at some point in time, but it was rehabilitated so now it's still there.

17 Q. [10:45:50] Now Mr Witness, you mentioned that the -- when you arrived the  
18 barracks was being destroyed. Where did the LDUs live when they weren't on  
19 patrol?

20 A. [10:46:14] When I arrived, we found that we were not allowed any more to dig  
21 trenches from within the camp. We were only told to dig trenches from the external  
22 perimeter of the camps. So that's what we do; just erect some shelters where you  
23 could keep your items that you use for cooking.

24 Q. [10:47:03] So these shelters along the external perimeter of the camp, what did  
25 they look like?

1 A. [10:47:16] Well, those were shelters that you construct from poles that you cut  
2 from the bush and then you just cover with grass and you used that. So all the rest  
3 of the other UPDF also and the LDUs used the same structure.

4 Q. [10:48:03] How did it look with respect to the homes being built by the IDPs?

5 A. [10:48:13] Well, the difference is very little from the ones that are in the camp  
6 because usually it's just a temporary shelter to rescue people, to provide shelter to the  
7 population. But then later on, when people continued staying in the camp, the camp  
8 residents started constructing their house using mud and wattle and sometimes they  
9 also lay blocks, which they use for their construction. But at beginning it was a very  
10 simple temporary structure that were erected.

11 Q. [10:49:10] Did the structures which the LDUs had to make, did those structures  
12 look like civilian structures?

13 MR GUMPERT: [10:49:26] I object to that suggestion.

14 MR OBHOF: [10:49:31] It's not a suggestion, your Honour, it's a direct question, it's  
15 not a leading question. And the witness already explained it pretty much as it is.

16 PRESIDING JUDGE SCHMITT: [10:49:39] Yes, I think we please continue.

17 How did these huts or whatsoever, these buildings, I would word them, how did they  
18 look like compared with the buildings of the civilians?

19 THE WITNESS: [10:49:55](Interpretation) The LDU huts were taken out from the  
20 camps for at least five metres from the one of the civilians. And in front of their huts,  
21 there is a trench which they have dug; so they're actually a little further away from  
22 the civilian houses, at least by about five metres.

23 PRESIDING JUDGE SCHMITT: [10:50:36] And the huts as such, did they look like  
24 the huts of the civilians?

25 THE WITNESS: [10:50:43](Interpretation) Yes, all these -- all these huts up -- except



Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 the one for the *adakis*, even the civilian also had a very similar structure like ours.

2 Only that in the camp they don't dig trenches and they are not -- and they are not in

3 a linear form; they are just scattered. But they would also leave some space

4 in-between their huts so that they can be able to move in-between; so that's how they

5 created the space.

6 PRESIDING JUDGE SCHMITT: [10:51:22] I think you can move on, Mr Obhof.

7 MR OBHOF: [10:51:26]

8 Q. [10:51:29] Taking a few steps back to civilian interactions, would the UPDF or

9 LDUs, would they go to local drinking spots and drink with civilians when they were

10 off duty?

11 MS NUZBAN: [10:51:56] Your Honour, I understand we objected a few times, but

12 I'm afraid this is a suggestive question. Can it be rephrased in a more open manner.

13 MR OBHOF: [10:52:06] Your Honour, there is no suggestions asking --

14 PRESIDING JUDGE SCHMITT: [10:52:08] No (Overlapping speakers).

15 MR OBHOF: [10:52:08] -- whether they went drinking.

16 PRESIDING JUDGE SCHMITT: [10:52:08] No, I also think so. No, no, I think

17 there is no problem with this question. I think -- but this is the only one in this

18 direction that we should really ask furthermore because he has already answered

19 something in that respect.

20 So you can answer the question, Mr Witness: Did the LDUs when they were not on

21 duty sometimes go into the village and have a drink with civilians, for example?

22 THE WITNESS: [10:52:38](Interpretation) It was not allowed for them to go and mix

23 with the civilians, but usually what happens is that if you are not working, if you are

24 not deployed, you are only allowed to go and buy and then return and take it from

25 your -- your detachment.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 So the rule didn't allow -- it didn't allow even the UPDF or the LDU to go and mix  
2 and drink with them, but if you're not on deployment, you can go and buy and return  
3 and take it from your detachment.

4 PRESIDING JUDGE SCHMITT: [10:53:26] But we all know that rules are not always  
5 obeyed. So did this happen that this rule not to stay in the village and not to drink,  
6 for example, with civilians, did -- had this been obeyed always by everyone of the  
7 LDU and UPDF, to your knowledge?

8 THE WITNESS: [10:53:54](Interpretation) Well, you know, where people are  
9 gathered, many people there have different characters. Some of the people that were  
10 there would even violate some of these rules. Some of the things happened, some  
11 would just go and mix with the civilian and when they return, they're punished. So  
12 the characters were quite different.

13 PRESIDING JUDGE SCHMITT: [10:54:22] I think we all understand. Please move  
14 on, Mr Obhof. It could also have a --

15 MR OBHOF: [10:54:28] And I'm merely noting tabs 5 and 6 --

16 PRESIDING JUDGE SCHMITT: [10:54:29] Yes, yes, okay.

17 MR OBHOF: [10:54:30] -- discussion, which is the reason for the final follow-up  
18 question, which is UGA-OTP-0191-0083 and UGA-OTP-0191-0107.

19 Your Honours, I'm noticing the time and I'm going to be moving on to a different  
20 section. I think I might be able to finish next session, but I definitely will finish  
21 within 30 minutes after the lunch break today.

22 PRESIDING JUDGE SCHMITT: [10:55:10] We have a -- it is not a problem, but I  
23 think we should have, for certain reasons, an earlier lunch break at 12.30. So you  
24 would finish then in the afternoon session.

25 MR OBHOF: [10:55:21] That's perfectly fine, yes, like even if we took (overlapping

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 speakers)

2 PRESIDING JUDGE SCHMITT: [10:55:23] This should not encourage you to prolong,  
3 of course, but just to announce it now.

4 We have now the coffee break until 11.30, but for very important reasons we have to  
5 shorten the next session a little bit and have all the time after 2 o'clock for the  
6 afternoon. Yes?

7 THE COURT USHER: [10:55:45] All rise.

8 (Recess taken at 10.55 p.m.)

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

10 THE COURT USHER: [11:30:30] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [11:30:49] Mr Obhof, you still have the floor.

13 MR OBHOF: [11:30:55] I don't know, but I think there is somebody new on  
14 the Prosecution side.

15 PRESIDING JUDGE SCHMITT: [11:30:59] Then we should --

16 MR OBHOF: [11:31:02] Maybe I'm wrong, I might not have seen Sanyu earlier.

17 PRESIDING JUDGE SCHMITT: [11:31:06] But I think the person, at least the person  
18 who is supposed to be new should know. And since we have no arm-raising or  
19 anything, then I think everything is okay. So please proceed, Mr Obhof.

20 MR OBHOF: [11:31:18] I stand corrected and feel like an idiot.

21 Q. [11:31:26] Good afternoon, Mr Witness.

22 A. [11:31:30] Good afternoon.

23 Q. [11:31:31] I'm going to ask a few follow-up questions about where you lived at  
24 Lukodi.

25 Now, these huts that you described that were about 5 metres from the perimeter, who

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 stayed in these huts?

2 A. [11:32:05] These huts were for the civilians. They had established them earlier  
3 before the camp was established there. Most of them were on the eastern side of the  
4 camp.

5 Q. [11:32:25] I definitely did not explain well enough. The huts you described that  
6 had the, the trenches around them, who stayed in those huts?

7 A. [11:32:50] Those huts were for the LDUs, because the civilians were inside the  
8 camp and, for us, we had established our base outside the camp.

9 Q. [11:33:16] Now you had mentioned earlier in the day that you had been at a few  
10 other places as an LDU. How did the LDUs stay or sleep there?

11 PRESIDING JUDGE SCHMITT: [11:33:30] That's too complicated because he has  
12 stayed in so many places.

13 MR OBHOF: Okay.

14 PRESIDING JUDGE SCHMITT: [11:33:35] I think you can, can ask more directly,  
15 and without the Prosecution objecting, for example, in that you simply ask him if this  
16 was the normal arrangement from his experience of LDU detachments.

17 MR OBHOF: [11:33:52] Thank you, your Honour.

18 Q. [11:33:55] So, Mr Tookwaro, the arrangement in which you stayed at in Lukodi,  
19 was that a normal arrangement in other camps in which you protected?

20 A. [11:34:16] In the other places we were not necessarily beside the camp, because  
21 the barracks was the a bit far away. For instance, in Lugore, the barracks was  
22 completely detached from the camp. Even in Cet Kana, we were not in the camp.  
23 At Coo Pe, I was on the western side of the camp. That arrangement was only in  
24 Lukole -- Lukodi, rather. When I went to Lukodi, I found that the people were -- the  
25 LDUs were surrounding the camp. And the space in between our huts and the huts

Trial Hearing  
WITNESS: UGA-D26-P-0072

(Open Session)

ICC-02/04-01/15

1 of the camp residents was about 5 metres.

2 Q. [11:35:22] Did you ever come to learn why the LDUs stayed in huts at Lukodi  
3 like this?

4 A. [11:35:42] Well, it was difficult for me to get to understand that, because where  
5 I was living it was not the same arrangement.

6 Q. [11:35:59] Other than the trench, how could someone not from Lukodi  
7 distinguish between these huts and the civilian huts?

8 A. [11:36:30] Whoever was not living there, if they had not come nearby, they  
9 would not really be able to distinguish. They would only be able to segregate  
10 between the two if they saw the trenches because ours had the trenches and then the  
11 ones of the civilians did not have.

12 Q. [11:36:55] Other than the detach on Lukodi hill, what was the closest UPDF  
13 detach to Lukodi?

14 A. [11:37:19] There was no other detachment nearby. The only detach that was  
15 there was the one on top of the hill, because they had a big gun up there and they  
16 were guarding that gun. They were supposed to station up on the hill and then the  
17 other people would stay down with the civilians.

18 Q. [11:37:46] Now I'm going to ask you a few names of locations and could you  
19 please tell Court if you remember if there was a military detachment in these towns or  
20 villages.

21 Awach, was there a military detach in Awach?

22 A. [11:38:09] Yes, there were soldiers there.

23 Q. [11:38:15] About how far is Awach from Lukodi?

24 A. [11:38:30] Awach is far.

25 Q. [11:38:43] Coo Pe, was there a detach in Coo Pe?

Trial Hearing  
WITNESS: UGA-D26-P-0072

(Open Session)

ICC-02/04-01/15

1 A. [11:38:51] Yes.

2 Q. [11:38:57] About how far is Coo Pe from Lukodi?

3 A. [11:39:08] That would be between 3 and 4 miles.

4 Q. [11:39:19] It's about 4.8 to 6.4 kilometres.

5 And finally Gwengdiya, was there a military detach in Gwengdiya?

6 A. [11:39:36] Yes, it was there in Gwengdiya.

7 Q. [11:39:42] And finally, about how far from Lukodi is Gwengdiya?

8 A. [11:40:00] Well, that is even further than Lukodi and Coo Pe, because it is in  
9 between Awach and Lukodi. Awach is nearer to Gwengdiya than Lukodi.

10 Q. [11:40:27] Now, thinking of the IDP camp, how were persons -- how or why did  
11 persons go to the IDP camp?

12 A. [11:40:47] It was an order from the government, they said everyone should go to  
13 the camp and nobody should move beyond 10 p.m.

14 Q. [11:41:09] From what you observed, did the government help these people move  
15 to the camp?

16 A. [11:41:36] The government decided that people should move to the camps so  
17 that it will make it simpler for the soldiers to fight the rebels. But I also know that  
18 even when people were taken to the camps, the lives in the camps were really very  
19 difficult for the people.

20 Q. [11:42:02] When new persons arrived at Lukodi, were they given supplies from  
21 the government to help build their new homes?

22 A. [11:42:23] Well, I am not very sure, but I think when the people were coming,  
23 they would come and then go to the camp leaders and they would -- the camp leaders  
24 would be the ones to help them to settle there. I didn't see anybody receiving any  
25 help from the government, except when they were going to the camp leaders and

1 then asking to be allowed to go and cut trees and get poles for their buildings.

2 Q. [11:42:58] Now we are going to discuss a little bit about the LDU and the UPDF.

3 To whom did you report when you were stationed at Lukodi?

4 A. [11:43:23] As LDU we had a commander who was coming from the UPDF, but

5 each time would send us for patrol, we would return and report back to him. Then

6 he would forward our report. Because he is one person who was deployed to us,

7 then he would pick the reports from us and then forward it to the people who

8 deployed him.

9 Q. [11:43:53] When you were an LDU did you ever learn the chain of command of

10 the UPDF?

11 A. [11:44:17] According to what I saw, and based on what the instructor who was

12 training us, said they had ranks like corporal, sergeant, and I didn't see any second

13 lieutenant. There was only one person who was in charge of a platoon, but I didn't

14 see any other ranks. For us, the LDUs, we were also without any ranks.

15 Q. [11:44:56] What type of uniforms did the UPDF wear?

16 A. [11:45:10] They were putting on camouflage, with many colours, green, black

17 and the likes.

18 Q. [11:45:30] What types of uniforms did the LDUs wear?

19 A. [11:45:44] We were putting on plain army-green uniforms.

20 Q. [11:45:58] Whilst stationed at Lukodi, what type of weapons did the LDUs

21 carry?

22 A. [11:46:14] We had SMGs. We also had some LMGs. But PKs, mortars, 60

23 millimetres and the other kind of guns were not with us, they were with the UPDF.

24 MR OBHOF: [11:46:40] Your Honour, I will ask him about the a specific weapon, if

25 they carried it.

Trial Hearing  
WITNESS: UGA-D26-P-0072

(Open Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [11:46:45] Yes.

2 MR OBHOF: [11:46:46]

3 Q. [11:46:46] Did the LDUs have an RPG?

4 A. [11:46:59] There was an RPG and the person who, who was carrying it was  
5 somebody who was already seasoned and he knew how to operate it.

6 Q. [11:47:18] And for clarity, when you mentioned this heavy weaponry, you  
7 talked about the PKs, the mortars, the 60 millimetres. Where were those located?

8 A. [11:47:42] These guns that were with the UPDF were on top of that hill, which  
9 was on the eastern side. They had the 14 millimetre and other guns.

10 Q. [11:48:14] And, Mr Witness, you mentioned patrols earlier today. Now, when  
11 you first arrived at Lukodi, how often did these patrols which left the camp take  
12 place?

13 A. [11:48:47] The patrols coming from the camp would happen in the morning  
14 when they send the intelligence officers to go out and surveil. They will return and  
15 then now after their report, they would now send the patrol team to go. Sometimes  
16 they would follow the Awach road and then return using another one. Another time  
17 they would pick Patiko road and then they will walk in the bushes to go and check  
18 how the places are and then return later in the evening.

19 Q. [11:49:32] In terms of UPDF and LDU, who would go on these patrols?

20 A. [11:49:54] Sometimes they would use any category. Because we had only small  
21 guns, so they would pick two of us and then they get another UPDF and then would  
22 be a mix of both of us. They would get some from the UPDF and then other people  
23 would be coming from the LDUs.

24 Q. [11:50:27] Did these patrols persist the entire time you were at Lukodi?

25 A. [11:50:43] Yes, while I was in Lukodi that was happening. I also went for the



Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 same.

2 Q. [11:50:56] During these patrols did the government soldiers encounter any rebel  
3 activity?

4 A. [11:51:20] Yes, that happened.

5 PRESIDING JUDGE SCHMITT: [11:51:25] I think we are -- we have to make clear  
6 now that we are in 2004, I think. And in -- also in May, I think it is.

7 MR OBHOF: [11:51:35] Well, now I am asking generally during his tenure there.

8 PRESIDING JUDGE SCHMITT: [11:51:40] Yes, but --

9 MR OBHOF: [11:51:41] I will focus it back down.

10 PRESIDING JUDGE SCHMITT: [11:51:43] Yes. But soon, please.

11 MR OBHOF: [11:51:46] Yes.

12 Q. [11:51:48] Can you tell us how long you had been at Lukodi when you first  
13 encountered this rebel activity on patrol?

14 A. [11:52:09] I had already taken quite some time, but I don't recall how long  
15 exactly. But I had already stayed there for some time. You know, even if you have  
16 just arrived in a place, you will not be very careful about certain things. I don't recall  
17 how long exactly.

18 Q. [11:52:29] Now as we get closer to the attack on Lukodi, were you still  
19 encountering these rebels on patrol?

20 A. [11:52:50] Prior to the attack on Lukodi, we didn't hear about any rebel groups  
21 coming nearby. Even our commander didn't hear about the rebels coming. Even  
22 the UPDF soldiers who were on top of the hill did not hear anything. The UPDF on  
23 the hill had walkie-talkies, so if they had heard of anything they would have  
24 connected with us so we could all have known.

25 Q. [11:53:29] And when you went on these patrols and you encountered these

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 rebels, did you ever come to find out which brigade or battalion these persons were  
2 from?

3 A. [11:53:51] Yes. One time there was an encounter and we exchanged fire. But  
4 we heard that it was Gilva, I think. I don't know whether it was part of their mobile  
5 team, but that was the name we heard. And that was the only -- we didn't hear  
6 anything else about them. But that's what I heard.

7 Q. [11:54:28] Did the LDUs and UPDF patrol anywhere else?

8 A. [11:54:42] We could even follow Awach road. The road going to Patiko was  
9 the road we majorly followed. But the other road going to Coo Pe, we would not  
10 follow there because there were other group of soldiers would be taking the route  
11 going towards the west of the camp.

12 Q. [11:55:12] Who protected the perimeter of Lukodi camp?

13 A. [11:55:22] At that time shortly prior to the attack we were the ones, the LDUs  
14 were the ones protecting.

15 Q. [11:55:35] How would persons be selected to protect the perimeter of Lukodi  
16 camp?

17 A. [11:55:49] You know, people would all be outside and you will just take your  
18 position. They will say you take your position here and there, and those who were  
19 going for the patrol would be sent for the patrol. And people were not so many.  
20 We would position ourselves like in distances of about 10 metres in-between us  
21 because some of the people will have gone for patrol or to lay ambushes.

22 Q. [11:56:20] Were the patrols around the perimeter of the camp conducted on  
23 a 24-hour basis?

24 A. [11:56:34] During the day, mostly they would send the patrols along the roads.  
25 But when the civilians want to go out, they would first send a team to go and carry

1 out reconnaissance and then come back before the civilians are released. And this  
2 reconnaissance is done by the intelligence team. They would go, go and recce and  
3 then come back to tell the people what is happening. But during the day the soldiers  
4 would be sent to go on patrol, and then in the night they would surround the camp.

5 Q. [11:57:18] How long would a normal patrol of the perimeter take?

6 A. [11:57:31] During the day the patrol would take the whole day, but in the  
7 morning they will send the team to go on patrol and then the team would return in  
8 the evening before another team is set out to protect the camp.

9 Q. [11:57:58] Now, at night, did the LDUs and UPDF conduct any other patrols  
10 away from the perimeter of the camp?

11 A. [11:58:15] In the night, at the time when the UPDF soldiers were still there  
12 before they left, we would lay ambush, ambushes together. We would look at which  
13 roads we expected the rebels to approach from and then we go and lay ambushes  
14 there,  
15 And during day we would also move together. But at the time when the soldiers left,  
16 we became fewer and sometimes we would not even go for the ambushes in the night,  
17 would just have to stay at the perimeter of the camp.

18 Q. [11:59:08] Who selected the roads in which the ambushes were set?

19 A. [11:59:27] From our side, our overall commander knew very well what, what to  
20 do and, for instance, if you say -- you are told to take care of the eastern side, today  
21 you would station soldiers on the Awach road, and then the next day you possibly  
22 use another road. So you never know which, which road they are going to use  
23 exactly. But the decision is made by the commander who is in charge of the group.

24 Q. [12:00:09] How would the patrol be able to distinguish between an LRA person  
25 or a civilian who is coming back late at night?

1 A. [12:00:29] There was time that was already made clear to the people. If that  
2 time gets you outside the camp, you have to remain where you are. So if they get  
3 you outside their located area and if you are shot, it's, it's your own problem.  
4 Because at night you cannot distinguish between a rebel and a civilian; it's very  
5 difficult to know.

6 Q. [12:01:16] Mr Witness, you already mentioned about how some of the UPDF  
7 detach left in the middle of the night. In relation to the attack on Lukodi camp, how  
8 much earlier was their departure from the attack?

9 A. [12:01:56] When the camp was attacked, they took some time around, because  
10 after when the camp was attacked they moved a little while before the -- the UPDF  
11 moved in. But it's difficult to estimate. But they left in the night.

12 Q. [12:02:29] If I may read from paragraph 32 on page 0345.

13 Mr Witness, I am just going to read you a small sentence from your statement, and  
14 hopefully it might refresh your memory:

15 "Similarly, about a week before the attack, almost the entire UPDF detachment left  
16 Lukodi during the middle of the night. Neither I nor any other LDU that I asked  
17 knew that most of the UPDF were leaving that night."

18 Mr Witness, does that refresh your memory about how much earlier before the attack  
19 the UPDF detachment almost completely vacated?

20 A. [12:03:41] Yes, that reminds me. But you also know when something has taken  
21 place in the distant past, it's possible that you can forget.

22 Q. [12:04:10] And you also mention about how by the time Lukodi was attacked  
23 there was about 29 LDU left. Why did so many LDU leave in that time period?

24 A. [12:04:48] It was mostly because of the poor pay. Sometimes it takes up to  
25 three months, up to four, when people have not been paid. So some people just

1 decide to go back home to try and find other means of raising money. So some of  
2 them would actually even escape and leaving their guns behind.

3 Q. [12:05:35] Now these few, these handful of UPDF soldiers who remained, what  
4 was their job at Lukodi?

5 A. [12:05:52] The few people who remained, their major role was basically  
6 guarding their gun that was up on the hill.

7 Q. [12:06:27] Mr Witness, we are going to go to the actual day of the attack. Do  
8 you remember around what time the attack on Lukodi happened?

9 A. [12:06:57] To my recollection it was about 7.30 p.m.

10 Q. [12:07:06] And at this time how well could you see individuals?

11 A. [12:07:26] At that time it was already dark, so it was not very visible for anyone  
12 to identify someone, because it was already dark.

13 Q. [12:07:47] Now, on the day of the attack, about how large was the IDP camp, in  
14 terms of metres, not in people?

15 A. [12:08:15] That camp was quite big and large, because, as I said, the road to  
16 a camp -- the road to Awach had also separated, had cut across the camp. So it was  
17 quite a large camp, almost close to the size of the one that was at Coo Pe.

18 Q. [12:08:40] About how far past -- about how much south of Awach road did the  
19 camp extend?

20 A. [12:09:10] As you go towards Awach, and close in to the hill, you would see the  
21 camp right ahead of you. And that's where it ended. Probably I can estimate up to  
22 about 50 metres. But it's quite difficult for me to give the exact estimate.

23 PRESIDING JUDGE SCHMITT: [12:09:33] I think you have to move on. We don't  
24 get it more concrete from this witness.

25 MR OBHOF: [12:09:44]

1 Q. [12:09:44] Now, are you able to estimate how many persons lived there around  
2 the time of the attack?

3 A. [12:10:02] It's difficult for me to estimate the number.

4 Q. [12:10:10] Before this day had there been other attacks on Lukodi IDP camp  
5 when you were an LDU?

6 A. [12:10:35] I never heard of any.

7 Q. [12:10:44] On the night of the attack, from where did the LRA come?

8 A. [12:10:57] They came from the side behind the school.

9 PRESIDING JUDGE SCHMITT: [12:11:06] I think perhaps we can try to induce  
10 a narrative from the witness. That would also ease your task a little bit.

11 So, Mr Witness, tell us what happened, what you recall from this attack.

12 THE WITNESS: [12:11:40](Interpretation) This attack happened at about 7.30. It  
13 was a very sudden attack. People didn't expect that this attack would come. The  
14 first gun that was fired from the side of the school, which is to the eastern side, the  
15 gun was fired from that area. So we also, on our own tried to estimate that maybe it  
16 was one of our soldiers who just went to the camp and probably fired. Then the gun  
17 was shot up in the air and then afterwards we would now hear that the guns were  
18 being fired at the level of humans. That's when we realised that looks like  
19 something else is going on. So we hadn't even taken off at that time.  
20 So with the people also still around their compounds, we also left.

21 PRESIDING JUDGE SCHMITT: [12:12:59] What do you mean by you also left?

22 Could you describe a little bit more in detail.

23 THE WITNESS: [12:13:13](Interpretation) You know, when I say we left, at the heat  
24 of the exchange of the fire, of the exchange with the rebels, we had to take off because  
25 our numbers were very few. We were fighting, they were also firing at us. The

1 huts were also burning and our strength had gone down. So we decided to retreat.  
2 Our commander tried to reorganise us to go back, but we realised that it was not  
3 possible for us so we had to call for reinforcement and reinforcement came. But we  
4 had already retreated because at that time it was at the height of the attack.  
5 So we retreated and tried to come back, but it was not possible, until when we had to  
6 call for reinforcement. Then Mamba came and supported us, but they also came and  
7 stood from a distance. Quite a lot of thing was going on at -- during that time of the  
8 attack. For instance, they even fired the stretcher light and the whole sky was very  
9 lit clear. But you couldn't know exactly who was who, what was happening because  
10 you could not even know whether it was the UPDF who was firing or it was the LRA,  
11 because even the Mamba was even firing in that area. So the exchange was quite  
12 mixed up.

13 The attack actually took quite a long time, almost up to six hours. It went on up to  
14 like midnight, but it was not easy for us to contain the situation at that time. That is  
15 why I said we left. We just actually fled because it was very intensive.

16 PRESIDING JUDGE SCHMITT: [12:15:04] Where did you retreat to when you fled?

17 THE WITNESS: [12:15:16](Interpretation) We fled, wanted to take the route coming  
18 to Gulu town when we followed that route, but we also diverted, thinking that maybe  
19 we would fall into an ambush, so we also diverted and left the main road.

20 When we now heard the Mamba was coming, that's when we also tried to come back.  
21 But when the Mamba came they also did not reach up to the Lukodi trading centre  
22 itself. They were firing from a distance because with the gun that they had mounted  
23 on the Mamba they could fire from a distance.

24 PRESIDING JUDGE SCHMITT: [12:15:49] From your point of retreatment, could  
25 you observe what happened in the camp?

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 THE WITNESS: [12:15:57](Interpretation) It was burning, the camp was burning, but  
2 I couldn't know whether it was the bombs that were being fired that was causing the  
3 fire. It was difficult for me to know. So -- or whether it was someone torching the  
4 huts, it was difficult. I didn't see with myself, because the whole place was really in  
5 disarray.

6 PRESIDING JUDGE SCHMITT: [12:16:29] Thank you very much.

7 Mr Obhof, I think that covers a lot of information that we could also draw out of the  
8 statement already and which you, you would have otherwise, so to speak, have tried  
9 to pull out of the witness with many questions.

10 MR OBHOF: [12:16:48] And it does, it gives -- great to have a few follow-up,  
11 clarifying questions.

12 PRESIDING JUDGE SCHMITT: [12:16:54] That's clear, of course.

13 MR OBHOF: [12:17:01]

14 Q. [12:17:01] When the initial gunfire started, to where did the civilians go?

15 A. [12:17:15] When the gunfire started people just started running up and down,  
16 but most of them were running, crossing the road going to Patiko, heading  
17 westwards.

18 Q. [12:17:38] How long did it take the LDUs to return fire?

19 A. [12:17:57] When the first shot came, we stayed for a little while, maybe for about  
20 a minute, then we also started exchanging fire because we now realised that it was  
21 different from someone who had maybe escaped from us and was probably  
22 misbehaving. So at that time the bullets were now also coming towards our  
23 direction. So we also started exchanging and firing back.

24 Q. [12:18:30] Did anyone fire at the civilians crossing the Gulu-Patiko road?

25 A. [12:18:52] Well, at that time and of the hour and being dark, it was difficult to



1 see. It was difficult to see, yes, because civilians were just running and for you, you  
2 were also concentrating on how to repulse the attackers. But it came to a point of  
3 time we didn't have the bombs and so we, we became -- we were a bit weak, so we  
4 had to take off.

5 Q. [12:19:26] What use, if any, did the support weapons controlled by the UPDF on  
6 Lukodi hill, what use did they get?

7 A. [12:19:49] The support came much later. We had already fled. Because the  
8 people who were in the barracks in Coo Pe should have been the one to come and  
9 rescue us, but they didn't come immediately. But it was the support that came from  
10 town that, that came and rescued us. They were firing the machine guns from the  
11 Mamba and also they were also firing the, the battle light so that they could, the place  
12 could be lit and so that we can identify. But from what I see it didn't help us,  
13 because if they had come much earlier, it would have probably been helpful.

14 Q. [12:20:34] You mentioned earlier the stretcher light and we just heard the phrase  
15 battle light. Are these the same things?

16 A. [12:20:56] A stretcher is a kind of a bullet that comes out with, with the light on  
17 it. But if hits you, it causes your skin to decay. But the other one is, is that one that  
18 can light up the sky and you can be able to, the place can be lit.

19 Q. [12:21:29] Which groups in this fight were using stretcher bullets?

20 A. [12:21:48] Mostly I saw it was the rebels who are firing the stretcher. We also  
21 had a stretcher, but mostly the stretchers was coming from the rebels.

22 Q. [12:22:02] You mentioned this Mamba coming in for reinforcements. What  
23 type of weapon was mounted on the Mamba?

24 A. [12:22:22] The Mamba had machine guns and the, and the other armoured car  
25 had another gun which was called 12. So that armoured car which is called Buffalo

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 was moving together with the Mamba and they had those guns. The machine gun  
2 was mounted on it, so they would fire as they are moving forward. But they also  
3 came late, we had already fled.

4 Q. [12:22:58] From what you witnessed during the fight, what types of weapons  
5 were the LRA using?

6 A. [12:23:17] Well, most of the guns, from the way I would hear and at the time  
7 when we would engage them in mobile, I see -- I would see they would be carrying  
8 a gun which was called recoilless, and 82. But from, from the sound that I would  
9 hear coming from the LRA side, they had recoilless. We didn't have any bomb with  
10 us, because the first bomb that was fired came from them, from their side. And then  
11 later on when the Buffalo and the Mamba came, that's when they also started firing  
12 the bomb. But because of the first time that they started firing and they were using  
13 the bombs and for us we didn't have the bombs, so we also had to flee.

14 Q. [12:24:16] Maybe I can ask this one question a little more directly: From what  
15 you heard or witnessed was the LRA -- were the LRA soldiers using AK-47?

16 A. [12:24:32] Yes, there were also 47. They were not only using the big guns.  
17 The first gun, the first shot that was made was from an MG -- SMG gun.

18 Q. [12:25:02] Mr Witness, after the attack was done, the next day is coming along,  
19 it's 20 May, did anyone come and collect your weapon?

20 A. [12:25:29] The weapons that were collected from us, I don't recall if there was  
21 any weapon collected from us.

22 Q. [12:25:48] Do you know if there were any weapons collected from the  
23 reinforcements which came from Coo Pe?

24 A. [12:26:06] No, I do not.

25 PRESIDING JUDGE SCHMITT: [12:26:13] Yes, I think it's a good, a good time to

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 have the little bit earlier lunch break than we normally would have. And we resume  
2 at 2 o'clock.

3 THE COURT USHER: [12:26:24] All rise.

4 (Recess taken at 12.26 p.m.)

5 (Upon resuming in open session at 2.00 p.m.)

6 THE COURT USHER: [14:00:15] All rise.

7 Please be seated.

8 PRESIDING JUDGE SCHMITT: [14:00:36] Good afternoon.

9 Mr Obhof assumes correctly that he still has the floor.

10 MR OBHOF: [14:00:44] Just for a question or two.

11 Q. [14:00:46] Mr Witness, good afternoon. I hope you had a good lunch.

12 Now just before our break I asked you about the support weapons used during the  
13 battle, but specifically did the UPDF detach on Lukodi hill? Did those soldiers use  
14 their support weapons during the fight at Lukodi?

15 A. [14:01:24] At the time when the support weapons were being used I think some  
16 of them were coming from the LRA. Well, it was a bit difficult to establish the  
17 source of the weapons because it was a whole mix-up and we were at the edge of the  
18 camp. It was difficult for us to know whether it was coming from the hilltop or it  
19 was coming from the LRA.

20 MR OBHOF: [14:02:00] Your Honour, I believe our counsel has a few follow-up  
21 questions.

22 PRESIDING JUDGE SCHMITT: [14:02:05] Of course. So you are finished for  
23 yourself.

24 Then Mr Ayena, I give you the floor.

25 MR AYENA ODONGO: [14:02:12] Thank you, your Honours.

Trial Hearing  
WITNESS: UGA-D26-P-0072

(Open Session)

ICC-02/04-01/15

1 QUESTIONED BY MR AYENA ODONGO:

2 Q. [14:02:21] Good afternoon, Mr Witness.

3 Has he picked me?

4 A. [14:02:35] Yes --

5 Q. [14:02:35] Okay.

6 A. [14:02:36] -- I'm picking you.

7 Q. [14:02:39] Yes. Mr Witness, you've talked about weapons and you said LRA  
8 had bombs. Can you describe the type of guns they were using?

9 A. [14:03:05] According to what I heard, some of the guns I had seen earlier with  
10 the UPDF during their mobile patrol, there was recoilless, there was 82 and then  
11 60 millimetre guns. From the sounds of the guns, I think the LRA rebels were also  
12 carrying such weapons because they were mobile weapons.

13 Q. [14:03:35] And when you used those weapons, do you have to mount them in a  
14 particular way or they are mobile in the sense that you can hold them in your hand  
15 easily?

16 A. [14:04:01] These guns had stands where you can put them and when you're  
17 operating them, you have to station somewhere. And those who were having  
18 smaller weapons, would have to retreat and stay a little back because you have to  
19 align yourself in such a manner that such a big gun would be in front, and then the  
20 ones with the smaller guns would be a little behind you.

21 Q. [14:04:32] And you said there was exchange of fire between the UPDF,  
22 LDUs -- or, rather, the government forces and the LRA; am I right?

23 A. [14:04:54] That's correct. There was exchange of fire because for us, the LDUs,  
24 we also fired back at them. And then later on the Buffalo armoured vehicle and then  
25 the Mambas also came. We were overpowered and then we took off. But yes, there

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 was exchange.

2 Q. [14:05:18] When you were overpowered, did you regroup and follow them?

3 MR GUMPERT: [14:05:30] I'm sorry, that's a highly suggestive statement. Doesn't  
4 arise out of anything the witness has said.

5 PRESIDING JUDGE SCHMITT: [14:05:40] Try to formulate it in a more generic  
6 manner so to speak. What did you do after regrouping, for example.

7 Mr Witness, what did you do after regrouping?

8 THE WITNESS: [14:06:03] (Interpretation) After we fled and we, we were small in  
9 number, good enough our commander had a walkie-talkie and then he sent a  
10 message and there was reinforcement that came from Coe Pe. And I think there was  
11 also a big radio call at Coe Pe base and they connected to the big barracks in Gulu and  
12 we regrouped, but we could not do much. We could not go back. We stayed  
13 around until the next day in the morning. Then some people came  
14 from -- reinforcement came from Coe Pe, but the Mamba and then the Buffalo  
15 armoured vehicle all came and then supported.

16 PRESIDING JUDGE SCHMITT: [14:06:49] Thank you.

17 Mr Gumpert, I have to admit that regroup, to mention regrouping in my question is  
18 also of course --

19 MR GUMPERT: [14:06:58] No, it was --

20 PRESIDING JUDGE SCHMITT: [14:06:58] -- suggest --

21 MR GUMPERT: [14:06:59] -- it was the following I was concerned about.

22 PRESIDING JUDGE SCHMITT: [14:06:59] Yes. Yes. Yes, I --

23 MR GUMPERT: [14:06:59] The regrouping was fair enough.

24 PRESIDING JUDGE SCHMITT: [14:07:01] I know. And the witness has resisted  
25 any temptation, so to speak, and I think it was consistent with what he said before.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 I think we can move on without further discussions.

2 MR AYENA ODONGO: [14:07:14] Yeah, I left that between you and Mr Gumpert  
3 because I --

4 PRESIDING JUDGE SCHMITT: [14:07:16] Rightfully so.

5 MR AYENA ODONGO: [14:07:19] I resisted -- assiduously resisting his objection.  
6 But you are on top of the situation, your Honour.

7 PRESIDING JUDGE SCHMITT: [14:07:27] Please continue.

8 MR AYENA ODONGO: [14:07:31]

9 Q. [14:07:31] Mr Witness, the proximity between the barracks and the camp was so  
10 close; am I right?

11 A. [14:08:01] Yes, it was so close.

12 Q. [14:08:03] So do you want to tell Court from what you experienced where the  
13 focus of attack, the target of the LRA was when they came. Was it at the barracks or  
14 at the camp?

15 A. [14:08:33] Well, even the way, the manner with which they came was a bit  
16 unclear to us. The first gunshot came from the edge of -- was a bit far from, and then  
17 later on they started firing towards the west, which was in the direction of the camp.  
18 But there were other soldiers who were having artilleries on top of the hill and it was  
19 difficult for me to establish what they had come for exactly, whether they had come to  
20 attack the civilians or they had come to attack the soldiers.

21 Q. [14:09:09] Now, Mr Witness, can you tell Court ultimately what, from their  
22 conduct, what did they pick when they came? Did they just shoot and go away or  
23 they seemed to -- I mean, can you tell Court, please.

24 PRESIDING JUDGE SCHMITT: [14:09:35] Yes. Exactly. Simply ask him what --

25 MR AYENA ODONGO: [14:09:39] (Overlapping speakers) in the trap again.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 PRESIDING JUDGE SCHMITT: [14:09:41] Exactly. Exactly.

2 What did you see? What did they do in the camp, if you can tell, if you could see it  
3 from your observation point?

4 THE WITNESS: [14:09:58] When they started firing at us, we exchanged fire. It was  
5 a fierce battle and it was difficult for us to station somewhere to observe what they  
6 were doing. We fled and we ran very far away. We could not establish where  
7 exactly they were picking. We saw huts burning, but we are not sure whether they  
8 are the ones who were torching these huts or the fire was a result of bombs or  
9 something like that. We didn't go back to check.

10 PRESIDING JUDGE SCHMITT: [14:10:28] Thank you.

11 MR AYENA ODONGO: [14:10:28] Yes.

12 PRESIDING JUDGE SCHMITT: [14:10:29] I think that's --

13 MR AYENA ODONGO: [14:10:32] You did so well. You did so well, your Honour.  
14 And I thank you.

15 PRESIDING JUDGE SCHMITT: [14:10:37] Thank you very much.

16 MR AYENA ODONGO: [14:10:39]

17 Q. [14:10:39] Mr Witness, after the battle, after the exchanges and the establishment  
18 of lull again, did you talk to the civilians about whether they lost some things?

19 A. [14:11:02] I never returned there. That part was supposed to have been done  
20 by the intelligence officers and other people were sent from the division headquarters.  
21 Some of us who were part of the fighting did not go back there, but yeah, there were  
22 other people who went back there to try and establish what exactly happened. I was  
23 not one of them.

24 Q. [14:11:24] So you fled and forever took your leave?

25 A. [14:11:36] I didn't return there, even the next morning. They got other soldiers

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

1 who were taken there to go and establish what happened. Some of us who were a  
2 part of the battle did not go back there.

3 MR AYENA ODONGO: [14:11:54] That's all, Mr President.

4 And I want to thank you very much, Kal Okwera.

5 PRESIDING JUDGE SCHMITT: [14:12:04] Thank you very much, Mr Ayena.

6 And then it would be now the turn of the Prosecution, Ms Nuzban.

7 MS NUZBAN: [14:12:11] Thank you, your Honours. In light of the testimony given  
8 by the witness today, we have taken the decision not to cross-examine the witness.

9 PRESIDING JUDGE SCHMITT: [14:12:16] Thank you very much.

10 I would be surprised if the Legal Representatives --

11 MS MASSIDDA: [14:12:22] Mr President --

12 PRESIDING JUDGE SCHMITT: [14:12:24] -- of the Victims would have questions,  
13 but you never know. Ms Massidda?

14 MS MASSIDDA: [14:12:27] Thank you, Mr President. Just for the record, we don't  
15 have any question for this witness. Thank you.

16 MS SEHMI: [14:12:36] No questions from us, your Honour.

17 PRESIDING JUDGE SCHMITT: [14:12:39] Thank you very much to everyone.

18 And a special thank you to Mr Tookwaro. This concludes your testimony. On  
19 behalf of the Chamber I would like to thank you that you have made yourself  
20 available as a witness in these proceedings, have been coming to the video-link  
21 location and answering the questions of the parties, participants and the Judges. We  
22 wish you a safe trip back home.

23 THE WITNESS: [14:13:01] (Interpretation) Thank you.

24 (The witness is excused)

25 PRESIDING JUDGE SCHMITT: [14:13:02] This concludes also the hearing for today.



Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-D26-P-0072

- 1 We resume on Thursday, 9.30, with Witness D-121. Thank you.
- 2 THE COURT USHER: [14:13:12] All rise.
- 3 (The hearing ends in open session at 2.13 p.m.)
- 4 RECLASSIFICATION REPORT
- 5 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 6 2016, the public reclassified and lesser redacted version of this transcript is filed in the
- 7 case.