

Trial Hearing

(Open Session)

ICC-02/04-01/15

1 International Criminal Court

2 Trial Chamber IX

3 Situation: Republic of Uganda

4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15

5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan

6 Trial Hearing - Courtroom 3

7 Monday, 29 May 2017

8 (The hearing starts in open session at 11.30 a.m.)

9 THE COURT USHER: [11:30:40] All rise.

10 The International Criminal Court is now in session.

11 PRESIDING JUDGE SCHMITT: [11:31:00] Still good morning, everyone, I would

12 say. And could the court officer please call the case.

13 THE COURT OFFICER: [11:31:09] Good morning, your Honours.

14 The situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen.

15 And for the record we are in open session.

16 PRESIDING JUDGE SCHMITT: [11:31:19] Thank you very much.

17 I call for the appearances of the parties. First, Ms Adeboyejo.

18 MS ADEBOYEJO: [11:31:25] Thank you, your Honour. Very good. Benjamin

19 Gumpert, Beti Hohler, Pubudu Sachithanandan, Yulia Nuzban, Sanyu Ndagire,

20 Jasmina Suljanovic, Yya Aragon, Ramu Bittaye and Shahriar Yeasin Khan for the

21 Prosecution.

22 PRESIDING JUDGE SCHMITT: [11:31:45] And then for the Legal Representatives

23 of the victims.

24 MS MASSIDDA: [11:31:49] Good morning, Mr President, your Honours, for the

25 Common Legal Representative team myself, Paolina Massidda, Ms Caroline Walter

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1 and Mr Orchlon Narantsetseg.

2 PRESIDING JUDGE SCHMITT: [11:32:02] Thank you very much.

3 MS HIRST: [11:32:04] Good morning, your Honours, for the external victims team

4 Megan Hirst and with me James Mawira.

5 PRESIDING JUDGE SCHMITT: [11:32:10] Thank you very much.

6 And now for the Defence, please. Whoever wants.

7 MR OBHOF: [11:32:16] Good morning, your Honour, sorry about that. With us

8 today for the Defence is our co-counsel Chief Charles Achaleke Taku. We also have

9 Mr Michael Rowse, our case manager -- Rowse, sorry. Ms Abigail Bridgman,

10 assistant counsel. Dominic Ongwen, the client, and myself Thomas Obhof.

11 PRESIDING JUDGE SCHMITT: [11:32:34] Thank you very much Mr Obhof. The

12 Prosecution is now calling P-314 as its next witness. As a preliminary ruling the

13 Chamber notes an OPCV email from last Friday confirming its prior request for Rule

14 74 assurances for P-314 to be moot in view of a recent assurance made by the

15 government of Uganda.

16 The prior request which concerns 10 dual status witnesses and many who have not

17 yet testified, is filing 740 in the case record.

18 THE INTERPRETER: [11:33:11] Could your Honour please slow down.

19 PRESIDING JUDGE SCHMITT: [11:33:14] I slow down a little bit.

20 Uganda's assurance can be found in the annex to filing 804. The Chamber considers

21 all the remaining relief sought in filing 740 to be equally moot because of this

22 assurance.

23 Accordingly, the Chamber formally dismisses this entire request. And this

24 concludes the Chamber's ruling.

25 Also, before commencing, the Chamber notes briefly that VWU does not recommend

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1 any protective measures beyond those granted in decision 612.

2 As counsel have already been informed and noting paragraphs 48 to 55 of decision
3 612, the VWU has also determined that certain special measures are necessary to
4 assist the witness in his testimony.

5 The Chamber will now turn to P-314's testimony and I would ask to bring the witness
6 into the courtroom, please.

7 (The witness enters the courtroom)

8 PRESIDING JUDGE SCHMITT: [11:35:41] Good morning, Mr Witness. Do you
9 hear me?

10 WITNESS: UGA-OTP-P-0314

11 (The witness speaks Acholi)

12 THE WITNESS: [11:35:47]) (Interpretation) Yes, I do. Good morning to you too.

13 PRESIDING JUDGE SCHMITT: [11:35:51] Thank you very much. You are going
14 to testify before the International Criminal Court. On behalf of the Chamber I would
15 like to welcome you to the courtroom.

16 THE WITNESS: [11:36:06]) (Interpretation) Thank you.

17 PRESIDING JUDGE SCHMITT: [11:36:07] Mr Witness, there should be a card in
18 front of you with a solemn undertaking to tell the truth. Do you see this card?

19 THE WITNESS: [11:36:20]) (Interpretation) Yes, I do.

20 PRESIDING JUDGE SCHMITT: [11:36:21] Could you please read this card aloud?

21 THE WITNESS: [11:36:29]) (Interpretation) I solemnly swear to tell the truth, the
22 whole truth and nothing but the truth.

23 PRESIDING JUDGE SCHMITT: [11:36:42] Thank you.

24 Mr Witness, let me now explain to you the protective measures that the Chamber has
25 put in place for your testimony.

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1 We have put the following measures to protect you: Face distortion has been put in
2 place, face distortion means that no one outside the courtroom can see your face
3 during the testimony on the screen. There will also be the use of a pseudonym. In
4 accordance with that, we will all refer to you only as "Mr Witness" as I am doing so at
5 the moment. This is to make sure that the public does not know your name.
6 When you answer questions that will not give away who you are, we will do so in
7 open session. Open session means that the public can hear what is being said in the
8 courtroom.
9 When you are asked to describe anything specifically related to you or you are asked
10 to mention facts that might reveal your identity, we will do so in private session. In
11 private session there is no broadcast and no one outside the courtroom can hear your
12 answer.
13 If ever anything gets said during open session which should have been said in private
14 session we will do our best to protect this information.
15 Your testimony will be broadcast on a delay and we can and will remove any such
16 remarks from the broadcast which will be heard by the public and we will remove it
17 from the public transcript of the proceedings.
18 You recognise that there are a lot of preliminary matters and I'm not yet finished. I
19 give you a couple of practical matters that you should please have in mind when you
20 give your testimony.
21 Everything we say here in the courtroom is written down and interpreted. It is
22 therefore important to speak clearly and at a slow pace. I know this is not easy from
23 my own experience; I was already admonished today for having been too quickly in
24 speaking.
25 Please speak into the microphone and only start speaking when the person asking

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1 you the question has finished. If you have any questions yourself, raise your hand
2 so we know that you wish to say something.

3 This was a lot of information. Have you understood all of this?

4 THE WITNESS: [11:39:55] (Interpretation) Yes, I have.

5 PRESIDING JUDGE SCHMITT: [11:39:56] Thank you. We will then start your
6 testimony and I give Ms Adeboyejo the floor.

7 MS ADEBOYEJO: [11:40:02] Thank you, your Honour.

8 Your Honour, before I start, I understand that we forgot to give the witness a binder,
9 so I will just ask --

10 PRESIDING JUDGE SCHMITT: [11:40:15] Yes.

11 MS ADEBOYEJO: [11:40:17] -- court usher to assist me.

12 PRESIDING JUDGE SCHMITT: [11:40:20] I think that should not be a big problem.

13 MS ADEBOYEJO: [11:40:23] Thank you, your Honour.

14 QUESTIONED BY MS ADEBOYEJO:

15 Q. [11:40:27] Good morning, Mr Witness.

16 A. [11:40:29] Good morning.

17 Q. [11:40:31] I'm going to put a few questions to you, and the ones I will start
18 with I will be asking for private session because it may reveal your identity.

19 PRESIDING JUDGE SCHMITT: [11:40:42] Then we go into private session.

20 MS ADEBOYEJO: [11:40:44] Yes, your Honour.

21 (Private session at 11.40 a.m.)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Open session at 11.49 a.m.)

3 THE COURT OFFICER: [11:50:01] We are back in open session, Mr President.

4 MS ADEBOYEJO: [11:50:04]

5 Q. [11:50:05] Now, Mr Witness, you were telling us about how the LRA took you
6 from this home. You said they came into the room and they shone torches in your
7 faces. How many were these LRA that came into the room?

8 A. [11:50:27] There were two, two of them came into the house. The others were
9 outside, but I do not know how many there were.

10 Q. [11:50:35] And about how many were there when you went outside?

11 A. [11:50:46] I could not count them that night, but to my estimation maybe 20 or
12 30.

13 Q. [11:50:54] The ones that came into your room, how old would you say they
14 were?

15 A. [11:51:07] One of them was about 16. The other one was much older.
16 I cannot guess how old he was.

17 Q. [11:51:13] And when they came into the room, did they speak? Did they say
18 anything to you?

19 A. [11:51:21] They told us to get up. They told us to get up and get out. They
20 had guns. At the time we were extremely frightened and, whatever they told us to
21 do, we followed the instructions. They also (Redacted) who was still asleep.

22 Q. [11:51:47] What language were they using to ask you to get up and get out?

23 A. [11:51:52] They were speaking in Acholi.

24 Q. [11:51:55] Now, when they took you outside, what did they do to you?

25 A. [11:52:04] They distributed luggage that they had taken from the homes.

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1 I was given chickens that had been taken. Other people also were given other things.

2 Some had maize, some had beans, some had flour, so they distributed a number of
3 things to other people to carry.

4 Q. [11:52:30] Now, you said that they had taken these things. Do you know how
5 they had taken the things that they distributed?

6 A. [11:52:40] Some of the things were taken from the house that we were sleeping
7 in. For example, my mom -- my grandmother's gomci, she had told us to go and
8 hide with it. So we went, we took it with us because she was afraid that it would be
9 burnt in the camp. So that was taken, but there are other things that were taken
10 from outside that I do not know.

11 Q. [11:53:13] And when you talk about gomci, what is that?

12 A. [11:53:21] It's a traditional outfit that women wear. It's mostly worn by older
13 women.

14 Q. [11:53:32] Thank you for that clarification, Mr Witness.

15 So in terms of the persons who had come that you said you saw outside, can you tell
16 us what were they wearing? What were they putting on?

17 A. [11:53:57] Some of them had uniforms, others had a mixture of clothes, maybe
18 armed trousers, but civilian shirts, some of them had green outfits but army outfits
19 without camouflage, plain green.

20 Q. [11:54:23] Now, do you know who was leading this group of LRA who had
21 come to abduct you?

22 A. [11:54:34] No. At the time I did not know. But much later, after I had spent
23 some time there, I learnt that the person was called Otto. Otto was the one who
24 came and abducted us. His other name is Nywinya Aye Wata.

25 Q. [11:55:02] And what was his rank when he came to abduct you?

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1 A. [11:55:12] I later learnt, after spending some time in the bush, that he was a
2 second lieutenant.

3 Q. [11:55:21] And do you know which group he belonged to?

4 A. [11:55:27] He was in Oyat Lapaico's group and they are the ones who came
5 and abducted me. But that was -- I learnt about this after spending some time in the
6 group.

7 Q. [11:55:48] But do you know the particular name of that unit? What was it
8 called?

9 A. [11:55:56] It was Terwanga. I believe they refer to themselves as Terwanga.

10 Q. [11:56:04] This person you have called Oyat Lapaico, did you know what his
11 rank was at that time?

12 A. [11:56:14] No. But he was -- he was senior, he was superior to the whole of
13 the group that we were walking with.

14 Q. [11:56:26] After you were abducted by this group led by Otto, where did you
15 go?

16 A. [11:56:38] After Otto's group abducted us we walked, but I do not know
17 exactly where we were because I did not know my bearings. At around 6 we arrived
18 and settled at a certain place and then they distributed us, they told us "You go to this
19 person with your luggage." We stayed there for approximately 30 minutes and then
20 we continued walking to meet with the group that Oyat Lapaico was with.

21 Q. [11:57:17] When you got to Oyat Lapaico's group, about how many of you
22 were there?

23 A. [11:57:33] Are you talking about the people that we were abducted with? Oh
24 well, the people who we were abducted with and the rebels, I do not know the
25 number, the whole number.

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1 Q. [11:57:49] (Overlapping speakers) apologise for my lack of clarity, Mr Witness.

2 You have just told the Court that there were a group of you that were abducted and
3 that after a while the group of your abductees were then taken to join Oyat Lapaico's
4 group.

5 A. [11:58:06] Yes.

6 Q. [11:58:07] When you joined Oyat Lapaico's group, how many were you? You
7 said you got there at about 6 a.m. About how many were you?

8 A. [11:58:21] Those of us that were abducted in the, in the house, there were
9 about eight people, but there were other people who were abducted from other
10 homesteads as well.

11 Q. [11:58:33] Could you give the Court an estimate of the number of all of you as
12 a group of abductees?

13 A. [11:58:44] I believe perhaps 50 or 60, all the abductees totalled 50 to 60. Some
14 of them were left behind. You realise that the person is no longer in the group, this
15 person was walking next to me and now I do not see him.

16 Q. [11:59:08] Now, when this group of about 50 or 60 --

17 PRESIDING JUDGE SCHMITT: [11:59:13] May I just ask a question in between.
18 When you say, Mr Witness, these people were left behind, do you know what
19 happened to them?

20 THE WITNESS: [11:59:25] (Interpretation) No, I do not know.

21 PRESIDING JUDGE SCHMITT: [11:59:28] Please continue.

22 MS ADEBOYEJO: [11:59:30] Thank you, your Honour.

23 Q. [11:59:32] So this group of 50 or 60 of you, when did you join Lapaico's group,
24 about what time?

25 A. [11:59:47] We joined Lapaico's group at around midday or maybe 3 p.m. I

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1 did not have a watch so I'm just guessing, I'm guessing the time, so I did not know

2 what the exact time was. I'm just guessing. Maybe 2 or 9 -- 2 or 3 p.m.

3 Q. [12:00:15] Now, by the time you went and joined the group of Lapaico, it was

4 clear it was daytime, about how many of them were in Lapaico's group?

5 A. [12:00:32] There were many people. I do not know how many, but there were

6 quite a number of people.

7 Q. [12:00:39] And can you tell the Court how many of them were soldiers and

8 how many were civilians, in Lapaico's group?

9 A. [12:00:56] The group, there were very many people.

10 It was not easy to count because a group would be seated in a corner, then another

11 group in another corner, so it was difficult to count, but they were quite many, there

12 were quite many soldiers.

13 Q. [12:01:14] What was the composition is what I want to know? Were they all

14 soldiers or were there civilians amongst them in Lapaico's group?

15 A. [12:01:27] It was mixed. The civilians and soldiers were mixed up.

16 Q. [12:01:35] So among the civilians could you tell us who you observed were

17 there?

18 A. [12:01:46] (Redacted)

19 (Redacted) These are the two people that I met that I knew. For them, they had gone

20 for holidays (Redacted)

21 (Redacted)

22 Q. [12:02:20] Now, Mr Witness, did you continue to move with Lapaico's group.

23 You said your group of abductees were taken to join Lapaico's group. Where did

24 you then go from there?

25 A. [12:02:41] When we were taken there, we, we moved together with them, then

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1 one time in the morning we were walking just in the bush, a place where I didn't even
2 know. I was just following them because I didn't know the area.

3 Q. [12:03:06] Did you at any time stop whilst you were following this group?

4 A. [12:03:19] Yes, we stopped to rest. One time it was about -- it was in the
5 morning when we were resting, then the soldiers, government soldiers came and
6 started shooting at us. So when they began shooting at us, we, we -- it was a
7 surprise to us. We were actually -- we didn't know what to do so (Redacted)
8 (Redacted), for him, he just got up and started running away. I did not see exactly
9 which direction he took. Myself, I first hid in the bush and waited. When the
10 gunshots subsided, then I saw the direction that the main group was taking. Then I
11 also started running after them.

12 Q. [12:04:27] Thank you, Mr Witness. Let me put a name to you. Obuk
13 Abudema. Is this a name that you are familiar with?

14 A. [12:04:41] Yes, I know.

15 Q. [12:04:45] During this period whilst you were moving with Lapaico's group,
16 was there any contact with this person that you said you know called Obuk
17 Abudema?

18 A. [12:05:03] That happened after we had left. When we had just left the
19 Lapaico's group we went and we were divided into two groups. The other group
20 branched off. I do not know where they went. They carried some foodstuff and
21 went with them. Then myself, together with some of the new abductees, we
22 continued moving in the same group. We moved at a certain -- up to a certain time.
23 We were again divided. We were told that the new recruits, the new abductees
24 should now return home. So when we were returning home, when we started
25 moving to return home, one of the soldiers ran after us and picked me and told me to

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1 come back with him, he told me that I am not going home. So we walked with him
2 and went back to the main group. That is how I remained in the bush. My sisters
3 and the other people continued and went back home.

4 And the group that separated, their footmarks were also cleared, were kind of
5 destroyed so that it could not be seen. So it was us in our group that continued
6 ahead, but the other group that went with the foodstuff, their footmarks were cleared
7 off so that they could not be traced.

8 Q. [12:06:54] But did you have any idea where that other group went with the
9 foodstuffs that they had?

10 A. [12:07:05] I learnt later on when -- after I had spent some time, we were told
11 that these people took food to the injured group where they were being kept. We
12 were told that they were kept somewhere and that food was taken to them.

13 Q. [12:07:26] And where were they being kept, the injured soldiers?

14 A. [12:07:35] They refer to that place as sickbay. I didn't know exactly where it
15 was located.

16 Q. [12:07:44] One last question on this point, Mr Witness: This foodstuff you're
17 referring to, is this the foodstuff that was obtained when you were all abducted?

18 A. [12:07:58] Yes.

19 Q. [12:08:02] Now, from this, your group then that left, where, where were you
20 taken to with this subgroup that you said now left with you? You said you were
21 brought back, you weren't taken home, and then your group started walking in a
22 particular direction. Where did you go?

23 A. [12:08:29] We moved towards -- up to a certain stream, towards a certain
24 stream, that was the point at which we were shot at by the government soldiers.

25 Then we met that group that were there, they -- the people that brought (Redacted), and

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1 that was the point when also after my sisters and the other people were

2 already -- were already released and had gone back home.

3 Q. [12:09:06] Now I want you to focus your mind on where you then -- where you

4 then went after the others had returned home with your group. Where did you then

5 go and who did you meet with?

6 A. [12:09:25] The group that we met, we actually met at -- we met another group,

7 I think that was the -- Buk's group. So when we were -- that was -- when we were

8 shot at at that time he got injured and was taken to sickbay, and for us we continued

9 with our movement.

10 Q. [12:10:04] Now, Mr Witness, I now want to also put a name to you, a person

11 by the name Otto Signaller. Is that name familiar with you, Mr Witness?

12 A. [12:10:23] Yes, it is.

13 Q. [12:10:25] When you were moving with his group, did you at any time meet

14 with this person called Otto Signaller?

15 A. [12:10:37] I met Otto Signaller at the time when I was abducted. When we

16 were abducted and after I was taken back to the main group, that is when I was told

17 to be in Otto Signaller's group and I did exactly that.

18 Q. [12:11:04] And how long were you with Otto Signaller's group?

19 A. [12:11:14] I was in this group up to the time when I escaped.

20 Q. [12:11:21] Now, this person you have referred to as Otto Signaller, what was

21 his rank?

22 A. [12:11:30] Otto Signaller was -- he was a second lieutenant -- or a lieutenant,

23 because they used not to wear their ranks, but I would see from the respect accorded

24 to them, and of course he was also heading the whole signallers' group.

25 Q. [12:11:54] And what were their tasks as signallers?

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1 A. [12:12:00] His main work was to communicate on the radio. He would
2 do -- communicate on radio, put up the antenna and connect the radio and then once
3 they have connected, then they communicate. They would also carry the solar
4 panels and the battery for communication.

5 Q. [12:12:28] (Overlapping speakers) see him -- did you ever see him
6 communicating, Mr Witness?

7 A. [12:12:38] I saw. I saw several times.

8 Q. [12:12:42] Do you know how they carried out the communication?

9 A. [12:12:49] Well, it's difficult to understand the way of communication because
10 they speak in terms that you cannot understand. It is only understood to
11 themselves.

12 Q. [12:13:02] But did you recognise any of those terms that they used?

13 A. [12:13:11] I remember sometimes they say "Roger", "Over". Yeah, that's what
14 I would hear. The others, I do not understand them. Then when they are going to
15 cross a road, then they say you should go and cut tol gomesi. So that means they are
16 going to cross the road, when they say to cut tol gomesi means they are going to cross
17 the road.

18 Q. [12:13:45] And did you see these signallers, did you see them carry anything
19 apart from the solar panels, the batteries that you have referred to? What else would
20 they have with them as a means of communicating?

21 A. [12:14:06] They have books, the books they use for writing what is
22 communicated. So when they receive a message, they actually read from the book
23 and then they transfer or pass on this message to the commander with whom the
24 communication is being made. For instance, if they say "In the first home pick
25 number 2" or something like that, but to us, the ordinary people, it was difficult. But

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1 for them, they would just pick from the book and communicate and pass it on to the
2 commander and say this is what is being communicated.

3 Q. [12:14:52] Thank you, Mr Witness. Now, you said they would pass on the
4 information to the commander. Who was Otto Signaller passing his communication
5 to as his commander?

6 A. [12:15:08] Otto Signaller's was -- at the time I was abducted it was with
7 Lapaico. He was being transferred frequently until when he went to Ongwen.

8 Q. [12:15:27] Now I want to focus your mind, Mr Witness, on after you were
9 abducted, your training. Can you tell the Court how long after you were abducted
10 did you begin to get military training?

11 A. [12:15:51] After one month, a month or two, that's when they started training
12 us on how to march, how to dismantle a gun and cleaning it and also how to
13 reassemble the guns. So that is how -- what we started with the training.

14 Q. [12:16:09] So if I understand you correctly, Mr Witness, since you said you
15 were abducted in September 2002, that would mean about November 2002 that you
16 started your training, that would be about a month or two, October, November,
17 would that be correct?

18 A. [12:16:31] Yes.

19 Q. [12:16:32] And what were you trained to do? What kind of training.

20 A. [12:16:42] We were trained how to march, how to show respect, and when
21 they call you or when somebody calls you, you don't just respond by shouting around.
22 For instance, if you are -- I'm here referred to as a witness, so if you call me witness,
23 and I say "yes" just like that then you're going to be caned. So when you are called,
24 you have to say "Yes, Lapwony", that is the best -- that is the word which is used for
25 showing respect. Then we are also trained on how to dismantle a gun and later on

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1 also how to shoot the gun. But we did not -- I did not shoot because when you shoot,
2 then the government soldiers will hear and then they will follow you. I remember at
3 one point I was actually given practical methods on how to handle the guns; that they
4 showed me this is the trigger, and this is when you pull the trigger then it will fire.
5 So these are some of the things that I learned.

6 Then at some point when we were doing that exercise the government soldiers were
7 following us and they started shooting at us, then I also fired because I had the gun
8 with me.

9 Q. [12:18:17] Let's, let's go through this now step by step. Who were you trained
10 with? Were you trained alone?

11 A. [12:18:32] I was not trained alone. There were other people, other people
12 called -- there was one person called (Redacted). My, myself and (Redacted)
13 were of the same age, but the other boys now I do not recall their names.

14 Q. [12:18:53] And about how old would you say (Redacted) and (Redacted) were?

15 A. [12:19:04] (Redacted) were about 14, 15 years.

16 Q. [12:19:13] Who would you say was your trainer?

17 A. [12:19:18] The person who was training us was called Olanya Lagile.

18 PRESIDING JUDGE SCHMITT: [12:19:28] May I just ask a question in between
19 again.

20 MS ADEBOYEJO: [11:16:00] Yes, your Honour.

21 PRESIDING JUDGE SCHMITT: [12:19:31] Mr Witness, you said these two people
22 that you mentioned were about 14, 15 years old. How do you come to this
23 assessment? What makes you think of them as 14 or 15 years old?

24 THE WITNESS: [12:19:51] (Interpretation) I, I knew that, I estimated because
25 I would see that their, their growth, their body, their shape, they were like same size

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1 with me and I estimated that they could be of my age, because I was also around that
2 age at that time and so I could actually by inference see that this person was at my age.
3 I could, I could be able to see and tell.

4 PRESIDING JUDGE SCHMITT: [12:20:23] Thank you, Mr Witness.

5 Please continue.

6 MS ADEBOYEJO: [12:20:26] Thank you, your Honour.

7 Q. [12:20:27] Now you just told us that your trainer was Olanya Lagile. Could
8 you tell us, who was this person?

9 A. [12:20:38] When I had just been abducted Olanya Lagile, we found him at that
10 time, he was the one carrying Otto's chair, he would be the one to carry Otto
11 Signaller's chair. So when we rejoined the group, we now took over, we took over
12 from him. So for him now his main role was to carry Otto's bag and gun but now
13 the chair was given to us to carry.

14 Q. [12:21:18] You, in describing earlier during your training you referred -- you
15 used the word "recruits." Who were these persons who were referred to as recruits?

16 A. [12:21:32] Recruits, these are newly abducted, the new abductees who were
17 still being trained. They don't know anything regarding rebel activities.

18 Q. [12:21:47] Now, what kind of weapon, you said that you were given a gun,
19 what kind of gun was it?

20 A. [12:21:56] This was -- this gun was actually AK-47.

21 Q. [12:22:07] Were you given any instructions concerning this gun, what it meant
22 to you?

23 A. [12:22:17] We were given the guns and we were told that this was our mother,
24 our father, our life is dependent on the gun and so if we lose it, then that is also the
25 end of us.

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1 Q. [12:22:37] How many of you received these guns?

2 A. [12:22:46] The guns were distributed to those who were abducted and had
3 spent about six months in the bush, at least from six months upwards were the ones
4 who were given guns. Then in my group it was myself and another person called
5 (Redacted) because I was abducted first and then (Redacted) came after, after me so
6 we were together.

7 Q. [12:23:16] And how old would you say (Redacted) was?

8 A. [12:23:30] I estimate to be 14, 15 years old.

9 Q. [12:23:34] Now, you told us that you were with Otto Signaller's group and you
10 said that Signaller was the signaller for, eventually for Ongwen. Did you yourself
11 meet Ongwen at any time, Mr Witness?

12 A. [12:23:59] Yes, I was also in the group -- in his group.

13 Q. [12:24:06] How long after you were abducted did you meet Ongwen?

14 A. [12:24:13] It was approximately, I think, about six to seven months after I went
15 to the bush, that's when I started seeing him.

16 Q. [12:24:34] And what happened when your group met with Ongwen?

17 A. [12:24:54] When we -- when we reached -- we had already spent some time
18 there, we just continued working as his signaller. We continued working as his
19 signaller, carrying solar panels and carrying the batteries for running the system.
20 That was actually our main tasks.

21 MS ADEBOYEJO: [12:25:40] Your Honours, I would request for just five minutes,
22 there are some questions I want to ask the witness that may reveal his identity.

23 PRESIDING JUDGE SCHMITT: [12:25:52] Then we go to private session.

24 MS ADEBOYEJO: [12:25:54] Very short.

25 (Private session at 12.25 p.m.)

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12 (Open session at 12.29 p.m.)

13 THE COURT OFFICER: [12:29:10] We are back in open session, Mr President.

14 MS ADEBOYEJO: [12:29:14]

15 Q. [12:29:15] Now, Mr Witness, what was Ongwen's unit called at this time that
16 you had -- you were under his group, what was it called?

17 A. [12:29:39] At that time there was a name, it wasn't Sinia, but afterwards it was
18 put to head Sinia. But the other group, now I've forgotten the name because it has
19 taken some time.

20 Q. [12:29:56] Do you recall the names of the other battalions that were under Sinia?
21 You mentioned a name earlier, Terwanga. Do you recall the names of the other
22 battalions?

23 A. [12:30:16] I think the other one there's Trinkle, I would hear that name, but I
24 don't quite know -- understand.

25 MS ADEBOYEJO: [12:30:29] Your Honours, may I refresh the memory of the

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1 witness on this point?

2 PRESIDING JUDGE SCHMITT: [12:30:34] Yes.

3 MS ADEBOYEJO: [12:30:51] Your Honours, I will be referring to paragraph 161

4 and that's UGA-OTP-0265 -- 0258-0866. I'll read the precise point.

5 "I was asked if I have heard of Oka or Siba battalion. I have heard of them. They

6 were under Sinia."

7 Q. [12:31:29] Mr Witness, does this refresh your memory?

8 A. [12:31:38] Yes, it does.

9 Q. [12:31:41] So I want to put the question to you: What were the names of the

10 battalions under Sinia brigade?

11 A. [12:31:57] There was Oka, I do not recall very well because it's been quite a

12 while, but I do recall I believe it was known as Oka.

13 PRESIDING JUDGE SCHMITT: [12:32:08] I think you can move on with that point.

14 MS ADEBOYEJO: [12:32:11] Yes.

15 Q. [12:32:16] Now, this first time, Mr Witness, that you met with Ongwen, can

16 you tell us physically how -- how was he?

17 A. [12:32:34] The first that I met him he had dreadlocks and at the time he had not

18 yet been injured, so he did not walk with a limp.

19 Q. [12:32:52] And when you were first with this group that you've told us, you

20 said you were under Ongwen's group, what were your tasks in particular? What

21 were you required to do?

22 A. [12:33:13] I was a signaller. I did not do anything other than signaller. That

23 was all I did.

24 Q. [12:33:28] And in your capacity as signaller, what exactly did you do in terms

25 of work?

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1 A. [12:33:45] If we get to a place and we encamp there, my -- one of my
2 responsibilities was to charge the battery. If they are going to communicate between
3 the commanders, then they would set up an antenna and then connect the radio.
4 After connecting the radio, the antenna was thrown onto a tree and then it was
5 connected onto the radio and after it's been connected onto the radio Otto would
6 come, tune it and then the communication would begin. After the communication,
7 Otto would bring the wire down, roll it up and then put the gadget into his bag.

8 Q. [12:34:35] Who gave you the orders on what to do, Mr Witness?

9 A. [12:34:44] It was Otto.

10 Q. [12:34:50] Now at the time that you had -- you told us earlier that you were
11 attacked by government soldiers. What were your tasks then? Just after you
12 received your training and you said you were attacked by government soldiers, what
13 were your tasks at that time?

14 A. [12:35:15] At the time I had a gun, I had already been issued with a gun.
15 I was also responsible for carrying the solar panels. (Redacted) There are
16 times when I would be responsible for carrying Otto's chair as well as his gun and my
17 gun. So those were my responsibilities.

18 Q. [12:35:42] Now, you told us that Otto was the one who gave the orders, but
19 who showed you in practical terms how to carry out those tasks? Who showed you
20 what to do?

21 A. [12:36:05] The -- when we were abducted, when we got to Ongwen, we were
22 issued with guns, we were told the guns were our lives, we were told if we lost the
23 guns then it's the same as losing our lives. So we were given the guns when we
24 were -- when we got to Dominic.

25 Q. [12:36:36] Now, you told us -- you told you earlier that at the time you met

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1 Ongwen he was not walking with a limp. Can you tell the Court how did he sustain
2 the injury that made him walk with a limp?

3 A. [12:37:02] I do not -- I do not recall how he sustained the injury, but I do recall
4 that at some point he was no longer with us, he had been transferred to another place.
5 At the time -- at the time I was staying with somebody, but I do not recall the name of
6 the person. We had already been transferred to somebody else and that person was
7 his subordinate and he was in charge at the time because he was -- Ongwen was not
8 there. But, you know, people ask questions. So we asked, we said, "Where is our
9 commanding officer?" And they said, "Oh, he sustained injury". And I recall at
10 some point he came back and when he came back he was walking with a limp.

11 Q. [12:38:11] When you were told that he sustained injuries, were you told how
12 he sustained the injuries?

13 A. [12:38:21] No. They did not tell us how he sustained the injuries. I didn't -- I
14 was powerless to ask how he sustained the injuries. If you ask questions, such
15 questions, they would ask you, "Why do you want to know that kind of questions?
16 That's none of your business." So as a lower ranking soldier, you did not have
17 authority or you did not have the power to ask where so and so is, what happened to
18 so and so. So if you do not see the person, you do not ask questions. And that's
19 how life was.

20 Q. [12:39:03] Do you know how soon he came back after his injury? In other
21 words, how soon were you transferred back under his leadership after his injury?

22 A. [12:39:25] Approximately two to three months before he came back.

23 Q. [12:39:32] Mr Witness, if I put the name Okot Pokot to you, does that name
24 ring a bell?

25 A. [12:39:50] Yes, it does. That was the name that had -- that I had forgotten.

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1 Because when he was injured, it was Okot Okot (phon) who was acting.

2 Q. [12:40:05] Now, Mr Witness, do you recall where you then met, rejoined with
3 Ongwen after he recovered from his injuries? Where did you meet with him?

4 A. [12:40:29] We went to the sickbay or the place where they kept injured people.
5 They do not tell you that you are going to the place where they keep injured people,
6 but we found ourselves there. We found him there. It took us approximately four
7 days. We were there for about four days and then we left with him and we went
8 back together.

9 Q. [12:41:01] When you went away with him, do you recall, Mr Witness, where
10 did you go?

11 A. [12:41:21] We mostly went -- moved in Gulu area. Sometimes we would
12 send -- we were sent to pillage food in Lira, we would come back to Gulu. So we
13 were mostly within that region, we were within Gulu region.

14 Q. [12:41:48] When you were sent to pillage food, about how many times -- let me
15 rephrase that question. How many times were you sent in this period to pillage for
16 food?

17 A. [12:42:12] Personally the first time, the first time that I was sent to pillage was
18 in Odek, to pillage food was in Odek. The second time we were sent to -- sent
19 somewhere in Lira. I do not recall the name of the place, but it was on that occasion
20 that I fled. The second time when I was sent they sent us with Otto, Otto who was
21 the commanding officer for the signallers, and there was also somebody else, another
22 commander, but I do not recall his name. But Otto was present. At the time they
23 had abducted Otto's brother, and Otto's brother was with us in the bush. So they
24 were going to release Otto's brother and he went to buy some gumboots for -- and it
25 was when we were going to buy the gumboots that Otto was shot in Koyo and we

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1 returned, backtracked and went back and that was the second time. The third time
2 is when I escaped.

3 Q. [12:43:30] Thank you, Mr Witness. Now, you've given us the account briefly
4 of when you were personally sent to pillage for food. I want you now to focus your
5 mind on when others were sent to pillage for food. Do you recall those occasions?

6 A. [12:43:58] There were many occasions. I do not recall all of them.

7 Q. [12:44:02] Now, what would be the outcome of others being sent to pillage for
8 these food items?

9 A. [12:44:15] You would see new people who have been newly abducted people
10 and they would also bring food.

11 Q. [12:44:25] Now, let's talk about these abducted people. What do they do with
12 these abducted persons when they come?

13 A. [12:44:42] The abducted people, the younger ones would be beaten, initiated
14 into the army when you are newly abducted. That would be as a way of
15 brainwashing you, brainwashing you and taking the civilian aspect of your life from
16 you. And the people would no longer be released because they would go and report,
17 they would tell them that, okay, these people are numbered, these people are very
18 few. So some of them would be killed.

19 Q. [12:45:20] When you say "they would go and report", report to who?

20 A. [12:45:29] To government soldiers so that the government soldiers would
21 follow us.

22 Q. [12:45:39] And these abductees, do you know what was the purpose of them
23 being abducted? Why were they being abducted?

24 A. [12:45:54] Most of them were abducted to carry food. The younger ones
25 would be recruited into the army into the LRA ranks. The girls would become wives.

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1 And that's -- that was the purpose.

2 Q. [12:46:21] Okay. Now, Mr Witness, let me ask you what would be the age
3 range of these abductees?

4 A. [12:46:34] The -- some of them -- I'm guessing, I'm guessing. You do not go
5 and ask somebody "How old are you?" But I'm just guessing. And the way to my
6 estimation, they were 15 -- 14, 15, 16. There are some of them who already had
7 beards, so they were referred to as mzee, which is old man. And there were some
8 who used to carry -- only used to carry luggage.

9 Q. [12:47:14] And those older people that were used to carry luggage, what
10 happens to them after they have carried the luggage?

11 A. [12:47:33] Because most of the people were older, so some of them would try
12 to escape. If they try to escape, they would be re-apprehended and killed. But on
13 other occasions we would just notice that the person is -- or the people are no longer
14 there, so you do not know whether the person has been released or the person has
15 been killed. But for -- most of the older people would try to escape, and if they are
16 re-apprehended, they would be brought back and killed. But some of them would
17 successfully escape.

18 Q. [12:48:06] Now, when it comes to the killing of these abductees, do you know
19 who carried out the function?

20 A. [12:48:19] They would select the newly abducted people. The older people
21 would stand around watching and they would instruct these people to kill that
22 person. This was a way of showing the person that if you also escape, then your
23 friends will kill you. So that was a way to instill fear into the younger people, the
24 people who had been newly abducted. The older people, if, for example, someone is
25 extremely tired and -- because sometimes people would walk for long distances

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1 carrying heavy luggage, if your feet are swollen, if you are tired, yeah, the people
2 would disappear. But if somebody disappears, you don't know whether the person
3 has been released and sent back home or killed.

4 Q. [12:49:26] And what will be -- how old would be the youngest among these
5 new recruits, new abductees who would carry out this killing?

6 A. [12:49:45] Most of them were probably 16, 15, 14, 13, around that age range.

7 Q. [12:49:59] Who would give the order for these abductees to be killed?

8 A. [12:50:14] The orders would come from the superior, the superior officer,
9 because there is nobody else who can issue orders. No junior officer can issue an
10 order saying "kill this person". It's always from the most superior officers. So, for
11 example, if I stay behind and they come and get me, they would come, bring me back,
12 beat me severely. And sometimes the commanding officer or the superior officer
13 would say, "Okay, you've beaten him enough, let him go" or he would decide that
14 "Kill him". So the orders came from superior officers. In our case our superior
15 officer was Ongwen.

16 Q. [12:51:02] Mr Witness, still talking about these beatings and these killings, did
17 you yourself experience where an order was given by Ongwen to beat somebody or
18 to kill somebody?

19 A. [12:51:22] Yes, I did.

20 Q. [12:51:23] Can you tell us this example, Mr Witness?

21 A. [12:51:35] There was on one occasion when we were walking, there was a
22 young girl, the girl was told to kneel down, they said they wanted to pray for her.
23 And when she knelt down, they hit her behind her head. When they asked why did
24 they kill that girl, they said she was a witch. That was one of the deaths or the
25 killings that I personally saw. They told the person, they told her, "Kneel down.

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1 They are going to pray for you." When she knelt down, then they clubbed her at the
2 back of her head.

3 Q. [12:52:22] Mr Witness, I asked you specifically when Ongwen gave orders.

4 Did Ongwen give the order for this girl to be killed?

5 A. [12:52:40] Yes, he's the one who issued those orders.

6 Q. [12:52:43] Now, Mr Witness, does the name Lacim mean anything to you?

7 A. [12:53:00] I remember, I recall one boy who was in our group, he was known
8 as Okello Lacim.

9 Q. [12:53:13] Do you recall any orders that were given concerning Okello Lacim?

10 A. [12:53:23] On -- when Okello Lacim lost his gun, they issued instructions for
11 him to be beaten. He was beaten and later on he had to carry luggage like newly
12 abductees because he had lost his gun.

13 Q. [12:53:49] Do you know --

14 MS ADEBOYEJO: I'm sorry, your Honour.

15 PRESIDING JUDGE SCHMITT: [12:53:51] Mr Witness, when you say that he was
16 beaten, what does that mean, beaten? Was he beaten with the hands, with a stick?
17 Could you describe to us what this means practically?

18 THE WITNESS: [12:54:08] (Interpretation) He was beaten with a stick.

19 PRESIDING JUDGE SCHMITT: [12:54:12] And could you describe the stick? Was
20 it big? Was it small? Was it thick? Was it thin?

21 THE WITNESS: [12:54:32] (Interpretation) They were small sticks, the type of
22 sticks that they used to, used to beat people, to discipline people. There is nothing in
23 this room that I can use as a comparison, but they were well sized, good sized sticks.

24 PRESIDING JUDGE SCHMITT: [12:54:53] And how many strokes did they apply,
25 for example, in this example or in other occasions?

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1 THE WITNESS: [12:55:06] (Interpretation) There was no, no number. They
2 would just decide. Sometimes they would say beat the person 60 or cane the person
3 a number of times. Sometimes they would go cut 40 sticks and they would issue
4 instructions and say "beat the person until all the 40 sticks are completely finished".

5 PRESIDING JUDGE SCHMITT: [12:55:33] Thank you very much.

6 MS ADEBOYEJO: [12:55:35]

7 Q. [12:55:35] Just to follow up on that, what do you mean by the sticks are
8 finished? Does this mean that the sticks are destroyed in the process of beating the
9 person? What do you mean exactly?

10 A. [12:55:50] Yes, until all the sticks are scattered.

11 Q. [12:55:54] Now, Mr Witness, still talking about punishments, beatings, what
12 other kind of reason could there be for an LRA soldier to be beaten or punished?

13 A. [12:56:19] If you forget something. For example, I recall a day that I
14 forgot -- I was carrying -- I was carrying salt, but on that day they were talking -- they
15 were communicating radio call. When they finish the communication, I got up and I
16 forgot the salt, but I remembered that I had forgotten the salt after we had gone
17 to -- we had arrived at -- we had travelled for some distance. When they wanted to
18 cook, they asked where the salt was and I told them that I had forgotten the salt, so
19 they brought some sticks and I was beaten. If you let prisoners or abductees escape,
20 you are beaten.

21 Q. [12:57:08] And in the example you've just given for yourself, Mr Witness, how
22 many strokes were you beaten?

23 A. [12:57:17] 60, I was given 60 strokes.

24 Q. [12:57:21] And who ordered that you be beaten 60 strokes?

25 A. [12:57:28] It was Otto Signaller who issued the instructions.

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1 Q. [12:57:33] Now, you told us earlier, just to take you back a bit, about the girl
2 who was killed because she was alleged to be a witch. Do you recall how old she
3 was, about how old she was?

4 A. [12:57:51] No. She didn't tell me how old she was, but I guess. You do not
5 ask anybody, when you are there, you don't ask people. For example, in this
6 courtroom I do not know her name, the person sitting next to me, I do not know your
7 name, but I look at you and I will guess how old you are.

8 Q. [12:58:13] I guess I deserved that. All right.

9 Okay, Mr Witness, thank you very much for that answer. I want to put a name --

10 PRESIDING JUDGE SCHMITT: [12:58:24] But why not ask him because he has
11 done this before.

12 You have also explained on a question by me how you come to guess the age. And if
13 you would have to guess the age of this person allegedly having been a witch, what
14 would you guess?

15 THE WITNESS: [12:58:47]) (Interpretation) She was a small, young girl. I guess
16 perhaps 13 or 14 years old. She was -- she looked really young.

17 MS ADEBOYEJO: [12:59:00] I'm grateful to your Honour.

18 Q. [12:59:02] Now, Mr Witness, I want to ask you further on this with regard
19 to -- and I want to suggest a name of a person called Opoka. Do you recall this name,
20 Mr Witness?

21 A. [12:59:24] Opoka was the commanding officer in charge of signallers in Sinia
22 brigade. He was transferred and then Otto took over the position.

23 Q. [12:59:40] I'm putting this question to you specifically, Mr Witness, with
24 regards to --

25 MS ADEBOYEJO: Oh, your Honours, I see that we are --

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1 PRESIDING JUDGE SCHMITT: [12:59:50] Is depends a little bit. If you think that
2 the questions you are now -- or the question you are now going to put to the witness
3 should be asked in connection with what he has said in the past minutes, I would say
4 you continue. Otherwise we would have the lunch break.

5 MS ADEBOYEJO: [13:00:07] Yes, I will just follow up on this so that I finish --

6 PRESIDING JUDGE SCHMITT: Yeah.

7 MS ADEBOYEJO: -- on this specific point of --

8 PRESIDING JUDGE SCHMITT: [13:00:12] Exactly. Please continue then.

9 MS ADEBOYEJO: [13:00:14] I'm grateful to your Honour.

10 Q. [13:00:18] I'm asking you about this Opoka with respect to the issue of
11 punishment and beatings. So I want you to avert your mind to the Opoka who was
12 punished and I'm asking you a specific question about him. Do you recall a certain
13 Opoka that was punished? If not, I can refresh your memory about it.

14 A. [13:00:49] Yes, I do recall because at the time he had escaped and then he was
15 re-apprehended.

16 Q. [13:00:56] Okay. Can you tell the Court the circumstances in which he
17 escaped?

18 A. [13:01:04] I do not know why he escaped, but when they brought him back
19 they told us how he escaped and how they brought him back. But I do not know
20 why he had escaped.

21 Q. [13:01:29] Did he escape alone?

22 A. [13:01:33] No. He escaped with the girls in -- he escaped with some girls,
23 some young girls who belonged to the commander.

24 Q. [13:01:48] And which commander was this, did you know? If you can't recall,
25 Mr Witness, that's fine. Perhaps as we go along, if you recall, then you can bring my

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1 attention to it.

2 Now, tell the Court what then happened to Opoka and these girls.

3 A. [13:02:29] The girls and Opoka were all beaten. I recall that Opoka was killed,
4 but the girls were just beaten because there was somebody else who was trying to
5 escape with them.

6 Q. [13:02:46] Can you tell us which unit was Opoka from?

7 A. [13:02:56] Opoka was staying at the superior commander's household and he
8 was the one who was taking care of the girls there.

9 Q. [13:03:07] And when you say superior commander, who are you referring to?

10 A. [13:03:14] At the time I do recall Opoka, sorry, but there was Buk, Oywak and
11 Dominic, but at this particular time I do not recall under which -- in which
12 commander's household he lived, but I do recall that he was beaten.

13 MS ADEBOYEJO: [13:03:47] Your Honours, if I -- if I have permission -- if I ask for
14 permission to refresh his memory, that would probably take us a bit of time, so I
15 wonder if this would be a good time to ask for a break. I can come back to --

16 PRESIDING JUDGE SCHMITT: [13:04:01] I think -- I think we can do this exercise
17 after the break.

18 MS ADEBOYEJO: [13:04:04] That's right, your Honour.

19 PRESIDING JUDGE SCHMITT: [13:04:06] Then break until 2.30.

20 THE COURT USHER: [13:04:15] All rise.

21 (Recess taken at 1.04 p.m.)

22 (Upon resuming in open session at 2.30 p.m.)

23 THE COURT USHER: [14:30:39] All rise.

24 Please be seated.

25 PRESIDING JUDGE SCHMITT: [14:31:00] Mrs Adeboyejo, you still have the floor.

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1 MS ADEBOYEJO: [14:31:04] Thank you, your Honour.

2 Q. [14:31:07] Good afternoon, Mr Witness.

3 A. [14:31:15] Good afternoon.

4 Q. [14:31:17] We are going to continue from where we stopped before the lunch
5 break and we were still talking about the issue of punishment and beatings. In
6 particular we were talking about a certain Opoka who you had said was killed and
7 we were trying to determine under whose command Opoka was. You recall all this,
8 Mr Witness?

9 A. [14:31:58] If I can recall very well, he was under Buk's command.

10 Q. [14:32:08] Mr Witness --

11 MS ADEBOYEJO: Your Honours, I would seek to refresh the witness's --

12 PRESIDING JUDGE SCHMITT: Yes.

13 MS ADEBOYEJO: -- memory.

14 PRESIDING JUDGE SCHMITT: [14:32:14] Please do that.

15 MS ADEBOYEJO: [14:32:17] It's from paragraph 99, page 16 of his statement,
16 UGA-OTP-0258-0856, paragraph 99.

17 Q. [14:32:43] "I think the soldier's name was Opoka but I cannot remember the
18 name of the girl. He was one of the soldiers who stayed with Ongwen."

19 Mr Witness, you recall you told us earlier that this person looked after the girls. I
20 put this question to you: Where was the girl living, under whose command -- under
21 which commander's house was she living?

22 A. [14:33:32] This thing happened a long time ago so I, I could not recall very well.
23 I am not sure if that is exactly what I had written. So maybe what I had written
24 before is the correct one.

25 Q. [14:33:55] Now, you told us that this person you called Opoka was killed. Do

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1 you recall how he was killed?

2 A. [14:34:12] I recall. He was beaten with some big sticks and also he was stoned.

3 Q. [14:34:29] Now let's talk about the big sticks. How big would you say those
4 sticks were? Were they as long as my arm outstretched?

5 A. [14:34:45] Yeah, the -- they were that size. If I can compare, yes, this size.

6 Q. [14:34:53] (Overlapping speakers) Can you raise up your hand so that the
7 Judges can see? Can you give an estimate?

8 A. [14:34:59] The sticks were of this size which were used for hitting him at the
9 back of his head.

10 MS ADEBOYEJO: [14:35:07] Your Honours, I would want to estimate the -- I would
11 say the diameter of the logs.

12 PRESIDING JUDGE SCHMITT: [14:35:14] No, he, I think this was what the witness
13 wanted to express with his --

14 MS ADEBOYEJO: [14:35:20] Hand.

15 PRESIDING JUDGE SCHMITT: [14:35:22] -- last answer. Of course this is
16 relatively difficult to convey in a transcript. But we are here in the courtroom, we
17 have seen what he has shown us and I think that should be sufficient.

18 MS ADEBOYEJO: [14:35:35] If your Honours are satisfied, it is -- in terms of the
19 diameter, I --

20 PRESIDING JUDGE SCHMITT: [14:35:43] Perhaps I, I try.

21 Mr Witness, when you had last showed something with your hands, did you by that
22 mean to express the diameter of these sticks or did you refer to length, or whatever
23 did you refer to?

24 THE WITNESS: [14:35:59] (Interpretation) Yes, the diameter of the stick.

25 PRESIDING JUDGE SCHMITT: [14:36:03] Thank you. I think that should be

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1 sufficient.

2 MS ADEBOYEJO: [14:36:05] Just for the purposes of this transcript, because you
3 probably would review it years after, I wanted to give an estimate of the size of that
4 diameter.

5 PRESIDING JUDGE SCHMITT: [14:36:17] Since you are insisting, then give it a try,
6 however you want to, yeah, put this into a, into a, into a figure, whatever.

7 MS ADEBOYEJO: [14:36:27] Your Honours, we would look at about the size of
8 perhaps the -- the diameter would be the size of the -- the machine that we use
9 for -- for our microphone.

10 PRESIDING JUDGE SCHMITT: [14:36:43] As I said --

11 MS ADEBOYEJO: [14:36:45] I am looking at about a foot?

12 PRESIDING JUDGE SCHMITT: [14:36:49] Oh, you know, with these measure -- I
13 would have even more problems than, you know, foot and all these -- inches and all
14 these things I would have much more difficulties and I could never follow it years on.

15 MS ADEBOYEJO: [14:37:06] Thank you, your Honour. I will be guided by
16 your Honour.

17 MR GUMPert: A foot is 30 centimetres or thereabouts.

18 PRESIDING JUDGE SCHMITT: [14:37:17] 30 centimetres. So perhaps we can
19 show -- we can show -- why not now. I think we should come to an end with that.
20 Why not show to the witness what would be about 20, 30 centimetre and ask him if
21 this is what he wanted to express and then we can go to another point.

22 Mr Gumpert, I won't forget that.

23 MS ADEBOYEJO: [14:37:45]

24 Q. [14:37:45] So just to be clear, Mr Witness, would you say that the diameter
25 would be as long as the long side of this document or about half of it?

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1 A. [14:37:59] Yes, could be, could be half of the -- half of that.

2 MS ADEBOYEJO: [14:38:03] Your Honours, this could be (Overlapping speakers) --

3 PRESIDING JUDGE SCHMITT: [14:38:05] Yeah, I have --

4 MS ADEBOYEJO: -- a good measure.

5 PRESIDING JUDGE SCHMITT: Yeah, thank you very much. And this seems to be

6 in accordance a little bit with what he has shown before --

7 MS ADEBOYEJO: That's right.

8 PRESIDING JUDGE SCHMITT: -- half of it.

9 MS ADEBOYEJO: [14:38:14] So that's a half of the long side of an A4 paper, your

10 Honours.

11 Q. [14:38:22] Now, Mr Witness, you said they were beaten with the short logs and

12 they were also stoned. Who were the persons who were responsible for the beatings

13 and stoning?

14 A. [14:38:43] The, the new -- the newly abducted were the ones that were selected.

15 This included some of the children that were at his home and some were actually

16 picked from other households are the ones that were -- went and killed him.

17 Q. [14:39:09] Now let's talk about the children. About how old were they? You

18 have been using an estimate since we started. About how old would you estimate

19 those children were?

20 A. [14:39:30] These were some of the children that we found them, they were

21 already in the bush, the likes of Olanya, they were in the age range of 16, 17 years.

22 Q. [14:39:44] And the other children that were picked from the other households?

23 A. [14:39:59] Well, that one, those ones were about 14, 15, 16. Those were some of

24 the children that were picked from the other households.

25 Q. [14:40:08] Now you said it's the new recruits who were responsible for the

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1 beating. Where were the older LRA rebels?

2 A. [14:40:24] The seasoned, the seasoned ones were there, they would stand nearby
3 to see and ensure that yes, the children are actually doing the right thing. And
4 according to how they want, to show that the person was not fearful because if they
5 see that you are fearing to beat the person, then you would -- they would turn on you
6 and they would also beat you. So they were actually standing nearby, they were not
7 far away.

8 Q. [14:40:55] And about how many were these children who took part in the
9 beating?

10 A. [14:41:06] They were about, about 10, about 10 of them.

11 Q. [14:41:17] Now you told us earlier that Ongwen had given orders for the killing
12 of somebody who has tried to escape. When he gives the order, what does he
13 normally do?

14 A. [14:41:40] He would give orders and the -- his escorts are the ones that now pass
15 on the message that go and kill so and so. But if you are seated like this, the person
16 would not be killed in your presence here. The person would be transferred a little
17 distance away. For example, about a kilometre away from where people are seated
18 so that -- that is done to prevent people, you know, the smell, maybe the smell when
19 the person starts rotting, to prevent the smell from disturbing people who are seated
20 in this location.

21 MS ADEBOYEJO: [14:42:32] Your Honours, I now want to ask a series of questions
22 from the witness. I would request to go into private session. It should take
23 approximately 10 to 15 minutes.

24 PRESIDING JUDGE SCHMITT: [14:42:43] Then private session.

25 (Private session at 2.42 p.m.) *(Reclassified partially in public)

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13 Page redacted – Private session.

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24 MR TAKU: [14:45:40] Your Honours, I just rise again to say that punishments are
25 not part of the charges in this case. The Prosecution is leading this evidence, they

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1 will review the charges that were confirmed, and punishments are not. Again, this is
2 one more attempt to expand the charges in this case. And I remember that during
3 the Status Conference before we started your Honours clearly defined the scope of the
4 case that we were going to meet. There is lack of specificity in this, we don't have
5 any notice about this, that we are making at this point in time, your Honours. So we
6 want to put that on record.

7 PRESIDING JUDGE SCHMITT: [14:46:24] Mrs Adeboyejo, do you want to respond
8 to that?

9 MS ADEBOYEJO: [14:46:27] Your Honours, I'm eliciting evidence with regard to
10 what the witness has himself indicated. (Redacted)
11 (Redacted). It's
12 part of the charges that we have already brought and we seek to elicit this evidence in
13 view of the fact that we have Article 50 -- 25(3)(a) charges with regards to the accused,
14 25(3)(a), 25(3)(b), and the only way we are able to do that is to elicit evidence to
15 support that.

16 MR TAKU: [14:46:58] Your Honours, our objections get to the charges and we know,
17 your Honours, that one of the fundamentals of fair trial is to put the accused on notice
18 in order to meet his accuser. And the charge is murder, the Court at the beginning of
19 the trial told the parties in the Status Conference clearly the areas which the Court
20 thought the evidence should be led. Punishment is not one. And therefore, your
21 Honours, reciting this evidence over and over again is an attempt to expand the scope
22 of these cases.

23 It doesn't mean that we cannot challenge this witness in a very vigorous
24 cross-examination, there is no doubt about that, we have enough material here, but
25 then as far as notice is concerned, as far as specificity is concerned, as far as the fair

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1 trial right of Mr Ongwen to be put on notice with the particulars, enough that that
2 will reveal the nature of the case he has to meet, your Honours. And also in order
3 not to waste the Court's time, leading evidence about everything that happened in the
4 LRA as if Mr Ongwen was just is -- I mean, we have to personalise criminal
5 responsibility at all cost, not to give the impression Mr Ongwen is being charged here
6 by association or some other form of criminal liability that does not even exist under
7 the Statute. But for this particular case, punishment, your Honours, is not one of
8 those laid against Mr Ongwen.

9 PRESIDING JUDGE SCHMITT: [14:48:33] Ms Adeboyejo, under which charges does
10 this fall?

11 MR GUMPERT: [14:48:39] Your Honour, I'm sorry, may I take this point?

12 PRESIDING JUDGE SCHMITT: [11:16:00] Yes, please, please.

13 MR GUMPERT: None of the evidence or almost none of it given by this witness thus
14 far relates to any of the events which took place at the four attack sites. I don't know
15 how many times my learned friend has made essentially the same objection, but our
16 answer to it remains exactly the same.

17 Firstly, we have to prove in order to establish that crimes against humanity have been
18 committed that the particular charged events were committed in the context of
19 a widespread and systematic attack and therefore it is not just the charged events but
20 the broader context which the Court must hear about in order to establish that those
21 charges, those charged events are made out.

22 Furthermore, as your Honour well knows and indeed as I believe Mr Taku well
23 knows, we charge Mr Ongwen on the basis that he occupied a position of authority
24 and responsibility, that is how we say that he bears responsibility for actions which he
25 did not himself carry out.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MR TAKU: [14:50:29] Your Honours, we (Microphone not activated)

6 PRESIDING JUDGE SCHMITT: [14:50:32] But please the last intervention now.

7 MR TAKU: [14:50:36] With all due respect, your Honours, my colleague has just

8 tacitly considered that this is not a charged crime. About the widespread and

9 systematic nature, attacks are attacks. This cannot be considered as an attack as such.

10 There is a wide range of jurisprudence out there about attacks as the case may be, and

11 this does not fall. This is some isolated event involving a particular witness. When

12 they led evidence about attacks, we allowed it when they said they attack a military

13 camp or there was some attacks involving some civilian counts, as the case may be.

14 But these specific cases, location of punishment, a specific location of punishment.

15 Now with regard to ordering, your Honours, the ordering must relate to a charged

16 crime. It doesn't just mean that every despicable act that occurred in the LRA

17 Mr Ongwen will bear responsibility for that. And if your Honour -- your Honour

18 remembers that when you gave Mr Ongwen the possibility of talking during

19 the -- when he took the plea, he protested, he himself put that objection that "I think

20 I am being tried here for all the crimes that were committed by LRA."

21 In this particular case maybe there were cases of punishment, maybe evidence had

22 been led relating about certain rules that were in the LRA, but those -- if it's about the

23 rules, it's different than to specifically say Mr Ongwen order specific identifiable

24 crimes for which he has no notice by way of the charges that have been confirmed.

25 PRESIDING JUDGE SCHMITT: [14:52:13] I have another question. The, the ones

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1 that might have or not participated in the alleged event, are we also talking about

2 participants who are under the age of 15?

3 MR GUMPERT: [14:52:34] We haven't heard specific evidence --

4 PRESIDING JUDGE SCHMITT: Do you --

5 MR GUMPERT: -- because Mrs Adeboyejo hasn't yet had a chance to lead it.

6 PRESIDING JUDGE SCHMITT: [14:52:43] But I mean potentially.

7 MR GUMPERT: It seems very likely from what the witness has already said that

8 potentially there are such persons involved. He himself appears to have been of that

9 age.

10 (Trial Chamber confers)

11 PRESIDING JUDGE SCHMITT: [14:53:01] So the objection is overruled. We allow

12 the questioning in that respect, but with regard to the contextual elements, with

13 regard to confirmed charges that are not directly and specifically entailed in the

14 attacks but that does not mean that we have new charges here, that is perfectly clear.

15 And it is of course also clear that we are not talking about punishment in general but

16 insofar as punishments might give evidence to the factors that I have mentioned,

17 widespread systematic, contextual elements, positions of the accused and of also the

18 question if children under the age of 15 participated.

19 But as I said, this does not mean, and we have said that before, the Chamber, that we

20 expand the confirmed charges by that. You can be assured by that.

21 Please continue.

22 MS ADEBOYEJO: [14:54:11] Thank you, your Honours.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [14:55:09] I am not going to ask that you look at a document, Mr Witness. Do
5 you recall meeting --

6 MS ADEBOYEJO: Oh, your Honours, I would request for us to come out of private
7 session.

8 PRESIDING JUDGE SCHMITT: [14:55:28] Yes, we are still in private session, so if
9 you think we can go to open session --

10 MS ADEBOYEJO: [14:55:33] We can go to open session.

11 PRESIDING JUDGE SCHMITT: [14:55:34] -- then we go back to open.

12 We go to open session.

13 (Open session at 2.55 p.m.)

14 THE COURT OFFICER: [14:55:45] We are back in open session, Mr President.

15 MS ADEBOYEJO: [14:56:00]

16 Q. [14:56:00] Mr Witness, there is a binder in front of you. I would like
17 a document to be put in front of you and you can tell the Court whether you
18 recognise this document.

19 Your Honours, there is a confidential version of the document, it's in tab 12 of the
20 binders. But we have created a version -- according to your Honour's direction, we
21 have created a version that is public which can be made available to the public to see.
22 So it's redacted for that purpose.

23 PRESIDING JUDGE SCHMITT: [14:56:49] So what is displayed is tab 12.

24 MS ADEBOYEJO: [14:56:53] Yes, indeed, your Honour. It's tab 12. And the ERN,
25 your Honours, it's UGA-OTP-0258-0868.

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1 Q. [14:57:29] Mr Witness, have you seen this document?

2 A. [14:57:36] Yes, I've seen.

3 Q. [14:57:38] Do you recognise this document?

4 A. [14:57:42] Yes, I do.

5 Q. [14:57:45] And what does this document represent?

6 A. [14:57:57] This shows our position. When we have reached a point where we
7 are supposed to station, this is exactly how we put or set up our positioning at that
8 point.

9 Q. [14:58:14] And who has prepared this document?

10 A. [14:58:19] I drew it myself.

11 Q. [14:58:22] And who has written those words on the document?

12 A. [14:58:30] I wrote it myself.

13 Q. [14:58:34] Now, Mr Witness, can you take us through what you have indicated
14 on this document. Let's start from the left where you have marked "gurds", what
15 does that represent?

16 A. [14:59:01] Yeah, this shows the, the route that we followed. We leave about
17 four or five people at that point to provide security behind us so that in case the
18 government soldiers are coming they would alert the rest of the team, and by the time
19 the soldiers would come the, the other group will have run away from that location.

20 Q. [14:59:32] So those persons who act as guards are in that -- those three, four dots
21 that you have marked "gurds", is it?

22 A. [14:59:44] Yes.

23 Q. [14:59:45] Now let's look at where you have marked "Ongwen". What does
24 that represent?

25 A. [14:59:57] That is where Ongwen himself stays. That is where he stays. There

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1 is a small hut which is prepared for him there.

2 Q. [15:00:12] Who prepares the hut for him?

3 A. [15:00:18] His escorts do.

4 Q. [15:00:22] We will come back to discussing about the escorts later, Witness.

5 The next marking you have is what you have referred to as "dog adaki". Can you
6 see that, Mr Witness?

7 A. [15:00:41] Yes, I have found it.

8 Q. [15:00:44] Now can you explain to the Court what do you mean by dog adaki?

9 A. [15:00:52] Dog adaki is where they keep newly abducted people and there are
10 also some seasoned fighters who stay in that position.

11 Q. [15:01:09] And is this like a hut? Is it a -- what exactly is the structure?

12 A. [15:01:22] During the day people sit under trees. At night when people are
13 going to sleep they set up tents.

14 Q. [15:01:36] Now, next to that you have what you have marked as "commanders"
15 and "their women/children under Ongwen". Can you explain that to us,
16 Mr Witness?

17 A. [15:01:54] That, these are the, the people who -- the people who stay at the
18 dog adaki, second lieutenants, but then the lieutenants onwards stay along that line.

19 Q. [15:02:14] What would be the difference in the sleeping arrangements between
20 the lieutenants and those who are newly abducted, for example?

21 A. [15:02:36] The newly abducted people stay on the outside. The, the veterans or
22 people who already have wives stay on the inside.

23 Q. [15:03:00] Now next to that you describe Okello's -- you have marked "Okello's
24 rank". What do you mean by that, Mr Witness?

25 A. [15:03:11] Okello's -- Okello's rank is a -- before the children you have Okello's

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1 rank, those are the sergeants. They stay along that line, and then the dog adaki, you
2 also have the commanders and then you also have the women.

3 Q. [15:03:34] Okay. So just to be clear, in Okello's rank what rank of persons
4 would stay in that position?

5 A. [15:03:44] Sergeants.

6 Q. [15:03:55] Could you name some of the sergeants that were staying there at
7 Okello's rank?

8 A. [15:04:08] There was Okello, Opio. I do not remember all their names.

9 Q. [15:04:20] That's fine, Mr Witness. Now, after Okello's rank, we can see that
10 there is a marking you have made that looks like it's behind where you marked for
11 Ongwen and you have indicated "Women/girls/children for Ongwen". Can you tell
12 the Court what do you mean by this?

13 A. [15:04:48] As I stated there, those are people with the ranks from second
14 lieutenant onwards, they are the ones who stay on that line. Those are people who
15 have their own children and they stay on the inside.

16 Q. [15:05:08] What is the last mark on the document? What does it represent,
17 Mr Witness?

18 A. [15:05:19] The last one is in the centre, that's where Ongwen's -- Ongwen stays.

19 Q. [15:05:27] Now, above, on top, on the right, what have you marked there?

20 A. [15:05:39] Those are the lookouts. They stay on trees and they surveyal to
21 make sure that there are no soldiers coming or there are no intruders coming. There
22 are two people. One person is up on the tree and another person is under the tree.

23 Q. [15:06:07] Thank you, Mr Witness. Now, Mr Witness, you mentioned earlier
24 while you were describing this document that there were persons you referred to as
25 escorts. Can you tell the Court what would be the responsibility of an escort?

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1 A. [15:06:45] Escorts had varying duties. They would carry the weapon, their
2 commanders' weapons. They would carry his seat or his chair. They would make
3 his bed. They would carry his bag, the bag containing the commander's clothes.
4 They would also make his bed.

5 Q. [15:07:18] Can you name any commander that you know who had escorts?

6 A. [15:07:36] There was Ongwen. There was Otto. There are other people, but I
7 do not recall their names.

8 Q. [15:07:50] Let's focus on Ongwen as the commander. How many escorts did he
9 have?

10 A. [15:08:02] He had a number of escorts, he had several, and he would constantly
11 change or alternate between them.

12 Q. [15:08:17] And were their tasks any different from what you have just told us
13 were the tasks of escorts?

14 A. [15:08:30] Some of them would take care of his women and wives and some of
15 them would take care of his home.

16 Q. [15:08:48] How old were these escorts?

17 A. [15:08:51] He had -- he had some older escorts who were aged 20 and above.
18 He also had -- the older escorts were responsible for taking care of the women at his
19 household and the girls, and the younger escorts were responsible for carrying his
20 seat, for washing his clothes and doing the other chores.

21 Q. [15:09:22] And how young were these young escorts, Mr Witness?

22 A. [15:09:31] I think the youngest, the younger ones were approximately 12 or 13,
23 the ones who were in his household.

24 MS ADEBOYEJO: [15:09:45] Your Honours, one question in private session and I
25 will be back. I apologise.

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(Private Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0314

1 PRESIDING JUDGE SCHMITT: [15:09:52] You don't have to apologise. That can
2 happen.

3 Private session for this one question.

4 (Private session at 3.09 p.m.) *(Reclassified partially in public)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [15:10:27] How did you come to know these other escorts for Ongwen?

11 A. [15:10:35] I knew them because if, for example, they are, they are seated when
12 they are having their meals and when they have their guns, we also have to stay next
13 to them. We stay, if the -- Ongwen's escorts are there, so we also stay together with
14 Ongwen's escorts.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 3.11 p.m.)

22 THE COURT OFFICER: [15:11:29] We are back in open session, Mr President.

23 MS ADEBOYEJO: [15:11:41]

24 Q. [15:11:41] Now, Mr Witness, we were talking about Ongwen's escorts. What
25 were the names of these escorts, the ones that you knew?

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(Open Session)

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WITNESS: UGA-OTP-P-0314

1 A. [15:12:00] There were many. I have forgotten their names. It's

2 been -- it's -- well, it's been a long time so I have forgotten their names.

3 Q. [15:12:11] It's quite understandable, Mr Witness. Perhaps I'll put a name to you.

4 Maybe that would refresh your memory. Does the name Onen Kamdule, would that

5 be a name you recognise, Mr Witness?

6 A. [15:12:28] Yes, it's one of the boys who was Ongwen's escorts.

7 Q. [15:12:36] And about how old would you say Onen was?

8 A. [15:12:44] He was approximately 14 or 15 years old.

9 Q. [15:12:51] Now you have told us that the older escorts would protect the women.

10 I want to know what would be the role of the younger escorts?

11 A. [15:13:08] The younger escorts had a number of duties and they would pick

12 a particular escort. For example, they would assign that escort a duty on that day,

13 telling him "You are going to be carrying the commander's gun. You are going to be

14 carrying his seat. When we get to a certain location you have to wash his -- to clean

15 his gumboots. And wherever he goes you have to follow him."

16 Q. [15:13:41] And where would Ongwen's escorts be during a battle or an attack?

17 A. [15:13:57] Some of them would be protecting the women and the girls, the older

18 escorts. If he is going to the battlefield, for example, and he is going to use different

19 guns, then the others would also go with him, stay there to help him swap guns.

20 Otherwise they were always with him.

21 Q. [15:14:25] Right. One last question I want to put to you, Mr Witness.

22 I'm sorry I have to take you back. When we were talking about the (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [15:14:36] And we are in open session.

25 MS ADEBOYEJO: [15:14:38] Oh, I apologise, your Honour.

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(Private Session)

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- 1 PRESIDING JUDGE SCHMITT: [15:14:41] I think we go to private session for --
- 2 MS ADEBOYEJO: Yes, indeed.
- 3 PRESIDING JUDGE SCHMITT: -- to answer this.
- 4 MS ADEBOYEJO: [15:14:47] Yes, indeed. I apologise.
- 5 PRESIDING JUDGE SCHMITT: [15:14:49] Private session, shortly.
- 6 (Private session at 3.14 p.m.)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
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(Private Session)

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- 1 (Redacted)
- 2 (Redacted)
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- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)

17 (Open session at 3.18 p.m.)

18 THE COURT OFFICER: [15:18:16] We are back in open session, Mr President.

19 MS ADEBOYEJO: [15:18:21] Yes.

20 Q. [15:18:22] Mr Witness, you have been -- whilst giving your evidence you've
21 talked about women and girls who were in Ongwen's household. I am now going to
22 ask questions in this regard. How many of these women and girls lived in Ongwen's
23 household?

24 A. [15:18:56] I do not recall the number, there were many. And we do not know
25 what happens at night because we stay a little distance away from them.

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WITNESS: UGA-OTP-P-0314

1 Q. [15:19:11] Let's talk about the roles. What was the role of the women in the
2 household?

3 A. [15:19:27] They were there to cook, to do the laundry, and he also had -- some of
4 them were his wives and they had children, they were mothers.

5 Q. [15:19:49] Now, you refer to the fact that some were girls. How old would you
6 say these girls were?

7 A. [15:20:03] The younger ones were probably 12 or 13. Yeah, 12 or 13.

8 Q. [15:20:18] Mr Witness, can you tell us the names of the wives of Ongwen that
9 you knew?

10 A. [15:20:35] There was -- there was one who was known as Salim's mother, and
11 there were others who were staying with him who were known as ting ting. I do not
12 know what that means.

13 Q. [15:20:54] Mr Witness, if I put the name Acan Ayari to you, is that a name that
14 you recall?

15 A. [15:21:08] Yes, it does refresh my memory because I heard somebody being
16 called Ayari, but we did not stay that close to them.

17 Q. [15:21:21] And when you say somebody is a -- what would you characterise
18 Acan Ayari as, was she a wife or a ting ting?

19 A. [15:21:41] She was a wife.

20 Q. [15:21:45] How about the name Fatuma, is this a name you are familiar with?

21 A. [15:21:51] Yes, I recall now. She was a wife, his wife.

22 Q. [15:21:57] What about the name Min Bak?

23 A. [15:22:08] Yes, Min Bak was also his wife.

24 Q. [15:22:10] And who was Bak?

25 A. [15:22:17] Bak was his son.

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1 Q. [15:22:21] What about the name Santa Adong?

2 A. [15:22:30] Santa Adong was also his wife.

3 Q. [15:22:34] Now you have talked about the fact that Bak was his son and Salim.

4 Did you know any other children of Ongwen, Mr Witness?

5 A. [15:22:55] Most times you do not move with the children. The children are
6 always kept with the injured people so it's difficult to know all the children and their
7 names.

8 Q. [15:23:10] And where would these injured people be, what's it called?

9 A. [15:23:19] It was called the sickbay.

10 Q. [15:23:23] Did you speak with any of the wives, Mr Witness, of Ongwen?

11 A. [15:23:31] No. I did not talk to any of them.

12 Q. [15:23:34] Why not?

13 A. [15:23:40] You respect commanders' wives.

14 Q. [15:23:46] How do you mean, Mr Witness?

15 A. [15:23:52] If you are seen speaking or talking to a commander's wife, they will
16 assume that you are making plans and you would want to escape with that person
17 because she is a commander's wife.

18 Q. [15:24:06] And what will happen if you are trying to escape with a commander's
19 wife?

20 A. [15:24:18] You would be killed.

21 Q. [15:24:20] Apart from Ongwen, that you have just described his wives, did you
22 know any other commander who had a wife whilst you were there?

23 A. [15:24:37] My superior officer Otto also had a wife and a child known as Odong.
24 And Acamo Nyong.

25 THE INTERPRETER: [15:24:56] Interpreter corrects: The wife was Odong and the

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1 child is Acamo Nyong.

2 MS ADEBOYEJO: [15:25:07]

3 Q. [15:25:08] How many wives on average would a commander have, Mr Witness?

4 MR TAKU: [15:25:14] Your Honours, I object to this question. It is really

5 speculative, I mean extremely wide: How many wives would a commander have?

6 PRESIDING JUDGE SCHMITT: [15:25:24] That is correct, it is sustained. Of course

7 we can simply solve this that you are more specific and asking, but commander, there

8 have been many commanders in different positions, different ranks, so indeed this is

9 a little bit too unspecific, yes.

10 MS ADEBOYEJO: [15:25:42] Thank you, your Honour, I would rephrase the

11 question.

12 Q. [15:25:46] Mr Witness, you have told the Court already about the commanders

13 that you were aware of. Did commanders other than the two you have named have

14 wives?

15 A. [15:26:04] Yes.

16 Q. [15:26:08] Apart from the two commanders we have been discussing, which

17 other commanders did you know had wives?

18 A. [15:26:27] Within, within our ranks or within our group, Okello had a wife, Okot

19 had a wife, and there were also wives in other households.

20 Q. [15:26:46] Now, Mr Witness, you have used the plural "wives" and the question

21 I want to ask you is: How many wives on average would a commander have?

22 A. [15:27:04] Otto had one wife. Ongwen is the one who had several wives. If

23 a girl is abducted they bring the girls, hand them over to him and after he has taken

24 some of the girls, the girls would then be given to any other boy. For example, if

25 there is a boy who has come of age, they would give the boy the girl and say, "This is

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1 your wife". Or sometimes the girls would be sent to a household and then later on
2 they would tell the girl, "Okay, this is now your husband".

3 Q. [15:27:51] When these girls are handed over to these other soldiers, did the girls
4 have a choice to refuse?

5 A. [15:28:05] No, they did not have a choice to refuse.

6 Q. [15:28:11] And who would hand over these girls to the soldiers?

7 A. [15:28:28] Most times the commanders would discuss the issue among
8 themselves without our knowledge. After their discussion then we would realise
9 that the girls are being distributed to the boys, but we have no idea how -- what
10 discussions they had and what conclusion they came to. All we do is realise that the
11 girls are being distributed to boys.

12 Q. [15:29:10] And at the time, at the time you were with the group, how many such
13 girls did you observe or see being distributed?

14 A. [15:29:34] In the household where I was, for example, four boys were given
15 wives.

16 Q. [15:29:52] Now, you spoke earlier about the time that in times of battle the
17 women were protected by older soldiers, older fighters. What would be the role of
18 the women during those times of battle?

19 A. [15:30:12] Women did not participate in the battle, they did not fight. When
20 there is a war, they would collect luggage, they would collect the crockery they used
21 for cooking and run with it.

22 Q. [15:30:31] You mentioned the fact that when the girls are going to be distributed,
23 that there was a discussion among the commanders. When you talk about
24 commanders, especially with regards to your group, who were the commanders
25 you are referring to?

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1 A. [15:30:54] If -- where the commanders are gathered, for example -- for example,
2 Otto was a superior of our group. If Otto goes to Ongwen, they have these
3 discussions at Ongwen's household, then he comes back to his household and then
4 you see him distributing the girls.

5 Q. [15:31:21] Now, Mr Witness, you have also described to us several locations
6 where you said persons were abducted. I want to focus your attention on those
7 abductions. How old would be the youngest person that you yourself observed was
8 abducted?

9 A. [15:31:58] From let's say 12 onwards, 12 upwards.

10 Q. [15:32:09] And you described earlier to us that Ongwen would order for people
11 to pillage for food. Can you tell the Court why were those orders given for the
12 pillaging of food, food items?

13 A. [15:32:33] The pillaging of food is, is done because in that particular area where
14 the group is, there could be no food. So people are selected to go and collect the
15 food and the food is brought and that is what the people would eat.

16 Q. [15:32:53] And where would they collect the food from?

17 A. [15:33:02] Sometimes we go and attack the camp. We could go and lay ambush
18 along the way and we -- we shoot vehicles and we collect food from those vehicles.

19 Q. [15:33:23] And when this food has been collected, who is it taken to?

20 A. [15:33:34] The food is brought to the person who is his 2IC, and the 2IC is the
21 one now who distributes and he would say, "Take this to Otto's family" or "Take this
22 to Ongwen" and this would remain at his household. So they basically distributed to
23 various commanders. And once they are in those households, for example at Otto's
24 household, he would give to, for example, Okello, and Okello again would distribute
25 that accordingly. Because if Otto's wife cooks, that food is taken and they go and eat

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1 together with Dominic. Then the boys who were at the dog adakis also have their
2 food served separately. That is how food is distributed.

3 Q. [15:34:47] Now, Mr Witness, how is this food transported to come to the
4 commanders?

5 A. [15:35:02] The food, the way it is transported from that place where it is pillaged,
6 people were abducted and the people who were abducted are the ones who were
7 used to carry this food.

8 Q. [15:35:19] (Microphone not activated) I apologise. What happens where an
9 abductee refuses to carry the food?

10 A. [15:35:35] If -- when somebody is seen to be tired and is constantly falling down
11 because of the heavy weight, the person is beaten. If not, then they will say, "Let this
12 person rest", meaning the person should be killed, and the person would be killed
13 and left behind. Then they will select another person, maybe one of the soldiers, to
14 carry that item and they will carry along. Or sometimes they distribute the food
15 items to -- amongst the others who were still strong enough.

16 PRESIDING JUDGE SCHMITT: [15:36:12] Mr Taku.

17 MR TAKU: [15:36:13] Your Honours, I think we are entitled to some form of
18 specificity. This general nature of the evidence, what happens if somebody refuses
19 to carry? What happens is this. We are doing the case in a particular context, your
20 Honours, the Defence is entitled to some form of specificity, if the witness
21 participated or saw what happened. They should lead evidence in that regard, to
22 give evidence in the widest scope whatsoever, without specificity, to enable us, your
23 Honours -- let them pin it to the time and to a particular location and to -- that
24 specificity is necessary, your Honours, in the interests of justice.

25 PRESIDING JUDGE SCHMITT: [15:36:52] Ms Adeboyejo, I think you will ask the

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1 witness perhaps, and I think you are asking him what he himself observed and you
2 will put it into context so that we have the specificity that Mr Taku at the moment still
3 misses.

4 MS ADEBOYEJO: [15:37:13] Thank you, your Honour.

5 Q. [15:37:15] Now, Mr Witness, with regards to what we have been discussing,
6 would these attacks have occurred, to your knowledge, that you saw yourself?

7 A. [15:37:35] The one that happened, that I know of, occurred at Odek camp.

8 Q. [15:37:50] Now, I would come into the details of Odek camp. You described
9 earlier that it's the 2IC who was in charge of distributing the food. Who is this
10 person you are referring to as the 2IC?

11 A. [15:38:10] I have forgotten his name. But I can -- I have his picture, I can -- I
12 have his picture with me.

13 Q. [15:38:23] When you say you have his picture, are you referring to a physical
14 picture with you, Mr Witness?

15 A. [15:38:33] I can visualise, I can visualise him clearly.

16 Q. [15:38:40] Okay. Mr Witness, if I put a name to you, Kalalang, would that be
17 a name that you are familiar with?

18 A. [15:38:51] Yes, I know.

19 Q. [15:38:53] And who is this person, Kalalang?

20 A. [15:38:58] He was the one, Ongwen's 2IC.

21 MS ADEBOYEJO: [15:39:15] Your Honours, I will ask for just a minute to consult.

22 (Counsel confers)

23 MS ADEBOYEJO: [15:40:01] I am grateful to your Honour.

24 Q. [15:40:07] Mr Witness, we are still talking about the abductions. Once these
25 abductees are brought, where are they taken, the new abductees?

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1 A. [15:40:28] All the new abductees are first taken to Kalalang's home, then from
2 there he distributes them to different groups. He, for example, could give them to
3 Otto and to other commanders.

4 Q. [15:40:50] Do you recall any specific instances where he did this, that you
5 (Microphone not activated)

6 THE INTERPRETER: [15:41:17] Sorry, your Honour, could the witness be asked to
7 say his response again.

8 PRESIDING JUDGE SCHMITT: [15:41:23] Mr Witness, the interpreter did not get
9 your response clearly. I apologise for that. Could you please repeat your answer.

10 THE WITNESS: [15:41:38] (Interpretation) Yes. I heard and I also saw in that -- in
11 those incidences.

12 MS ADEBOYEJO: [15:41:47]

13 Q. [15:41:47] Can you tell us the ones that you saw and tell us the ones that you
14 heard?

15 A. [15:42:00] The one that I saw happen at one time when there was an attack in
16 Odek, and the people who were abducted from there and all the items that were
17 collected from there were all taken to Kalalang's home. Then from there the items
18 were distributed to the different commanders.

19 Q. [15:42:29] Now, Mr Witness, let's talk about these abductees when they have just
20 arrived. You told the Court earlier that they are beaten to remove the civilians from
21 them. Do you recall what happens when an abductee tries to escape?

22 A. [15:43:03] When you try to escape and then you are, you are re-apprehended,
23 the person would be killed. Or if he is very lucky, he will be seriously beaten and
24 then will be left to stay.

25 Q. [15:43:17] Mr Witness, did you hear what was told to these abductees, how they

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1 were addressed when they were newly abducted with regards to escaping?

2 A. [15:43:43] In the first instance when you are abducted, you are told that if you
3 escape, the government soldiers will kill you because they know that you are their
4 enemy, you are their number one enemy. So that is what the new recruits are told.

5 Q. [15:44:04] And who would address the new recruits?

6 A. [15:44:15] The new recruits are all first sent to Kalalang's home and after he has
7 addressed them, then Ongwen would come and give the final words. And then after
8 that the people would be distributed. But he himself would also say that whoever
9 tries to escape will be killed and that you should know that you are now an enemy to
10 the government soldiers, so if you escape, they will get you and they will kill you.

11 Q. [15:45:00] When you say "he himself", who are you referring to?

12 A. [15:45:05] Ongwen.

13 Q. [15:45:12] Now, what would happen to the new recruit once they are sure -- or
14 the new abductee once they are certain the abductee is not going to escape?

15 A. [15:45:35] When they are now sure that you cannot escape is when now you can
16 go and collect firewood and you can -- and they know that you cannot escape, then
17 now they start training you on how to shoot a gun, and when the time for distribution
18 of gun comes, then you are also given a gun.

19 MS ADEBOYEJO: [15:46:04] Your Honours, I would request to go into private
20 session for about ten minutes to ask the next question.

21 PRESIDING JUDGE SCHMITT: [15:46:12] Private session.

22 (Private session at 3.46 p.m.) *(Reclassified entirely in public)

23 THE COURT OFFICER: [15:46:14] We are in private session, Mr President.

24 MS ADEBOYEJO: [15:46:27]

25 Q. [15:46:27] Mr Witness, I want to put the name of a person to you. Do you recall

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1 the name of a boy called Okori?

2 A. [15:46:41] Yes, I do recall.

3 Q. [15:46:44] And who was he?

4 A. [15:46:48] Okori was an Iteso. He was abducted from Teso. He was a young
5 boy. I, I would actually even see him as much younger than me at that time.

6 Q. [15:47:06] And so how old would you put his age about? About how old
7 would you put his age, Mr Witness?

8 A. [15:47:16] Okori is about 12, about 12 years old.

9 Q. [15:47:25] Was he abducted alone?

10 A. [15:47:31] He was abducted together with another boy called Oula (phon).

11 Q. [15:47:42] And who was this Oula?

12 A. [15:47:49] Oula was abducted together with Okori. He's a much older -- is
13 a little older than Okori.

14 Q. [15:47:59] What happened to this person you have described as Oula?

15 A. [15:48:12] Oula tried to escape and he was killed.

16 MR OBHOF: [15:48:22] Your Honour, we're not making an objection to the line
17 questioning, we're just wondering, considering the government of Uganda's
18 assurances to this witness why this part is being conducted in a private session.

19 PRESIDING JUDGE SCHMITT: [15:48:31] I think there could be some merit in what
20 Mr Obhof is saying.

21 MS ADEBOYEJO: [15:48:39] (Microphone not activated)

22 PRESIDING JUDGE SCHMITT: [15:48:40] Since also Mr Gumpert seems to be
23 nodding. But I assume, Mr Gumpert, not nodding in disagreement.

24 MR GUMPERT: (Overlapping speakers) to express so transparently, it seems to me
25 as well that there is indeed some merit in what Mr Obhof is saying in the light of the

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1 assurances given by the Ugandan government. I mean one understands there may
2 be a chilling effect upon the witness irrespective of such assurances, but in real terms
3 it would seem that no harm can come to him if those assurances are abided by.

4 PRESIDING JUDGE SCHMITT: [15:49:18] So we strike out some and leave only
5 merits and go to open session.

6 MS ADEBOYEJO: [15:49:22] Thank you, your Honour.

7 MR OBHOF: [15:49:23] Thank you, your Honour.

8 MS ADEBOYEJO: [15:49:27] I will just ask one last question.

9 (Open session at 3.49 p.m.)

10 THE COURT OFFICER: [15:49:42] We are back in open session, Mr President.

11 PRESIDING JUDGE SCHMITT: [15:49:45] Thank you.

12 MS ADEBOYEJO: [15:49:48]

13 Q. [15:49:50] Now, Mr Witness, you have said that Oula was killed. What
14 happened to Okori?

15 A. [15:50:05] At the time of my escape Okori was still in the bush.

16 Q. [15:50:12] And what was he in the bush, Mr Witness?

17 A. [15:50:21] His -- majorly his main work was carrying his commander's chair and
18 basically doing those related work.

19 Q. [15:50:35] And how would you describe a person who does such work? You
20 have said that to this court earlier. Would I be correct to describe him as an escort
21 then?

22 A. [15:50:50] Correct.

23 Q. [15:50:52] Approximately how old was Okori when he was abducted,
24 Mr Witness?

25 Mr Witness, I withdraw that question. I apologise to you.

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1 PRESIDING JUDGE SCHMITT: [15:51:11] Didn't we --

2 MS ADEBOYEJO: We have that, yes.

3 PRESIDING JUDGE SCHMITT: -- have this question already?

4 MS ADEBOYEJO: [15:51:14] It's my mistake.

5 PRESIDING JUDGE SCHMITT: [15:51:15] And of course question would not be the
6 important thing. We have the answer especially which --

7 MS ADEBOYEJO: Indeed --

8 PRESIDING JUDGE SCHMITT: -- is more important.

9 MS ADEBOYEJO: [15:51:21] -- Mr President.

10 Q. [15:51:37] I think the better question, Mr Witness, is who was Okori an escort
11 for?

12 A. [15:51:40] Okori was Otto's escort.

13 Q. [15:51:44] And what group was Okori in?

14 A. [15:51:50] He was also a signaller.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) And since it was

19 a holiday time he was abducted from Pajimo, so at the time we were attacked he was
20 killed in that attack.

21 Q. [15:52:57] Thank you, Witness.

22 MS ADEBOYEJO: Mr President, your Honours, I am going to start an entirely
23 new topic.

24 PRESIDING JUDGE SCHMITT: [15:53:06] I can imagine what it will be, so you want
25 to ask if it makes sense to start for five minutes with this completely new issue.

Trial Hearing

(Open Session)

ICC-02/04-01/15

WITNESS: UGA-OTP-P-0314

- 1 MS ADEBOYEJO: [15:53:14] Absolutely.
- 2 PRESIDING JUDGE SCHMITT: [15:53:14] And I would say perhaps that we should
- 3 not interrupt it --
- 4 MS ADEBOYEJO: [11:16:00] Yes.
- 5 PRESIDING JUDGE SCHMITT: [15:53:18] -- not in the middle, in the beginning, so
- 6 to speak --
- 7 MS ADEBOYEJO: [11:16:00] Yes, your Honour.
- 8 PRESIDING JUDGE SCHMITT: -- [15:53:21] and suggest that you continue with this
- 9 new topic tomorrow.
- 10 MS ADEBOYEJO: [15:53:24] Yes, your Honour. I am much obliged.
- 11 PRESIDING JUDGE SCHMITT: [15:53:26] Okay. Then we finish for today and we
- 12 resume tomorrow at 9.30.
- 13 THE COURT USHER: [15:53:35] All rise.
- 14 (The hearing ends in open session at 3.53 p.m.)
- 15 RECLASSIFICATION REPORT
- 16 Pursuant to the Trial Chamber' IX's instructions, ICC-02/04-01/15-497, dated 13 July
- 17 2016, the public reclassified and redacted version of this transcript is filed in the case.