

Trial Hearing
WITNESS: UGA-OTP-P-0205

(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 Peter Kovacs and
6 Judge Raul C. Pangalangan
7 Trial Hearing - Courtroom 3
8 Friday, 10 March 2017
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:20] All rise.
11 The International Criminal Court is now in session.
12 PRESIDING JUDGE SCHMITT: [9:30:38] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:30:44] Good morning, Mr President.
15 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
16 Ongwen, case reference ICC-02/04-01/15.
17 And for the record, we're in open session.
18 PRESIDING JUDGE SCHMITT: [9:31:01] Thank you very much.
19 I ask for the appearances of the parties like every day.
20 MR SACHITHANANDAN: [9:31:06] Your Honour, I appear today with Beti Hohler,
21 Ben Gumpert, Julian Elderfield, Yulia Nuzban, Hai Do Duc, Kamran Choudhry, Mari
22 Pilvio and Ramu Fatima Bittaye.
23 PRESIDING JUDGE SCHMITT: [9:31:22] Thank you very much.
24 And the Legal Representative of the Victims.
25 MS MASSIDDA: [9:31:27] Good morning, your Honour. Paolina Massidda,

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- 1 appearing today with Jane Adong, Orchlon Narantsetseg and Jacqueline Atim.
- 2 PRESIDING JUDGE SCHMITT: [9:31:36] And Mr Cox.
- 3 MR COX: [9:31:37] Good morning, your Honours.
- 4 Fransisco Cox appearing with Mr James Mawira.
- 5 PRESIDING JUDGE SCHMITT: [9:31:42] Thank you.
- 6 MR COX: [9:31:43] Thank you.
- 7 PRESIDING JUDGE SCHMITT: [9:31:44] And for the Defence, Mr Obhof, please.
- 8 MR OBHOF: [9:31:47] Thank you, your Honour. Today we have Counsel
- 9 Krispus Ayena Odongo; assistant to counsel, Ms Abigail Bridgman; our associate counsel,
- 10 Chief Charles Achaleke Taku; and our client today Mr Dominic Ongwen; and myself,
- 11 Thomas Obhof.
- 12 PRESIDING JUDGE SCHMITT: [9:31:59] Thank you very much.
- 13 And the legal representative -- legal counsel for the witness, please.
- 14 MS KERWEGI: [9:32:04] Good morning, your Honours, I'm Sarah Kerwegi.
- 15 PRESIDING JUDGE SCHMITT: [9:32:10] Thank you very much.
- 16 And we welcome Mr Witness again in the courtroom.
- 17 And Mr Obhof, you still have the floor.
- 18 MR OBHOF: [9:32:19] Thank you, your Honour.
- 19 WITNESS: UGA-OTP-P-0205 (On former oath)
- 20 (The witness speaks Acholi)
- 21 QUESTIONED BY MR OBHOF: (Continuing)
- 22 Q. [9:32:22] Good morning, Mr Witness.
- 23 Mr Witness, on Monday and Tuesday you mentioned a person by a name of
- 24 Kidega Ochudi. Do you remember that person?
- 25 A. [9:32:50] Yes, I do remember Kidega Ochudi.

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1 Q. [9:32:58] Was his job carrying the chair for Mr Ongwen?

2 A. [9:33:13] That's what I saw him doing.

3 Q. [9:33:22] Do you remember who was assigned to carry the chair for Mr Ongwen
4 after Kidega Ochudi?

5 A. [9:33:41] It was, it was Joe, and he went with Joe to the Congo.

6 Q. [9:33:50] So please let me know if I'm correct. So after Kidega Ochudi it was Joe
7 and Joe followed and carried the chair for Mr Ongwen all the way through to the Congo?

8 A. [9:34:09] Yes.

9 Q. [9:34:12] If you know, Mr Witness, does Joe have any other names or any other
10 nicknames?

11 A. [9:34:27] No, I only knew him by the name Joe.

12 Q. [9:34:38] Now, Mr Witness, on Monday you stated that the Opit attack was around
13 February 2003; is that correct?

14 A. [9:34:56] Yes, that's correct.

15 MR OBHOF: [9:35:04] Could the witness please look at the person list that the
16 Prosecution provided and Prosecution -- in the Prosecution binder 1, the list of four
17 people, which should have an orange top.

18 Q. [9:35:27] Mr Witness, do you recognise the names of person 3 and person 4?

19 A. [9:35:39] Yes, I do.

20 Q. [9:35:43] And without saying any names or positions, on Tuesday, in T-48, when
21 the Prosecution asked you about person 3 you stated that, when they questioned him, the
22 questioned at page 41, line 13 was:

23 "At the time he was -- at the time he became part of the LRA, how old was this person in
24 number 3?"

25 And you stated "13 years old."

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1 And the question was: "Which year did he become part of the LRA?"

2 And you answered: "He joined the LRA in 2002."

3 Now, Mr Witness, in your statement to the Prosecution, in your transcripts, that's at
4 tab 39, confidential by the way, UGA-OTP-0243-0520, at page 0541.

5 And for the Court I will replace the names inside of the transcript with person 3 and
6 person 4. At line 685.

7 The question by the Prosecution interviewer:

8 "What was the age of person 3 and person 4 during the Opit attack?"

9 Answer: "Person 3 was 15."

10 Second answer: "Person 4 was also 15."

11 Now, Mr Witness, that's --

12 PRESIDING JUDGE SCHMITT: [9:37:46] I would perhaps go a little further.

13 MR OBHOF: [9:37:48] Okay. That's okay.

14 Interviewer: "Had they ever participated in attacks when they were younger than this
15 age or not?"

16 Answer: "It was during this year that they were abducted."

17 And by that year I would assume that it meant the year of the Opit attack.

18 Question: "Where were they abducted from?"

19 Answer: "Person 3 was abducted from Pajule road. Person 4 was abducted from near
20 Lira Palwo."

21 Question: "Lira Palwo?"

22 Answer: "Yes."

23 And the question was: "Who ordered their abduction?"

24 Answer: "At the time these people were being abducted, Tabuley was still alive."

25 PRESIDING JUDGE SCHMITT: [9:38:41] I think that would be enough, so that he does

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1 not hear too much of it.

2 MR OBHOF: [9:38:52]

3 Q. [9:38:52] Now, Mr Witness, can you please explain the difference in the ages of
4 these persons where you now state person 3 and person 4, at the least in February of 2003,
5 were 15, but now you're stating they are much, much younger?

6 A. [9:39:28] With regard to their ages, if I have -- if I'm having problems with their
7 ages, then that's correct, it's possible, but I did not know their ages, but I guessed that they
8 were that age. When they were being born I wasn't present. When they were abducted
9 I asked them and they told me, perhaps they told me out of fear, perhaps they told me the
10 truth, but that's what they said.

11 On Tuesday, I did not actually remember to -- to go forward and give more information.
12 I did not want to give them a higher age or a lower age and that's why I guessed 13.

13 Q. [9:40:27] And I forgot to say this for the court record, when he said that person 4
14 was 13 was at T-48, and this was said in open session, T-48, page 42, lines -- at line 12
15 when he states that person 4 was 13 years old after Ngora. Your Honours, we will have
16 to go into private session, please.

17 PRESIDING JUDGE SCHMITT: [9:41:18] Private session then, please.

18 (Private session at 9.41 a.m.)

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16 (Open session at 10.31 a.m.)

17 THE COURT OFFICER: [10:31:59] We're in open session, Mr President.

18 MR OBHOF: [10:32:06]

19 Q. [10:32:06] Mr Witness, did the LRA have collaborators amongst the population of
20 northern Uganda?

21 A. [10:32:45] Well, my response to that question, yes, they do have collaborators.

22 Q. [10:32:57] Now I'm not asking for any names right now, but do you know the
23 names of some of these collaborators? And if you would feel more comfortable,
24 Mr Witness, going back into private session we would understand that.

25 PRESIDING JUDGE SCHMITT: [10:33:27] Then we go to private session to answer

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1 this question.

2 (Private session at 10.33 a.m.)

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- 13 (Open session at 11.12 a.m.)
- 14 THE COURT OFFICER: [11:12:20] We're back in open session, Mr President.
- 15 PRESIDING JUDGE SCHMITT: [11:12:29] Thank you very much.
- 16 Mr Witness, this concludes your testimony. We thank you for your assistance and wish
- 17 you a safe trip back to Uganda.
- 18 (The witness is excused)
- 19 PRESIDING JUDGE SCHMITT: We have now a break. I would say since we start with
- 20 a new witness I would suggest to start at noon so that we have enough time to relax a
- 21 little bit, to calm down, to also have an extensive coffee break, so to speak. So we meet
- 22 again with a new witness at noon.
- 23 THE COURT USHER: [11:13:02] All rise.
- 24 (Recess taken at 11.13 a.m.)
- 25 (Upon resuming in open session at 12.02 p.m.)

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1 THE COURT USHER: [12:02:24] All rise.

2 PRESIDING JUDGE SCHMITT: [12:02:47] The Prosecution is now calling P-330 as its
3 next witness. And the Chamber turns to his testimony.

4 As a preliminary point about protective measures, the Chamber notes that the VWU has
5 indicated by way of a 6 March 2017 email that voice distortion should be granted above
6 and beyond the measures already granted in decision 612. The Chamber does consider
7 that new information has been provided which warrants reconsideration of its previous
8 protective measure assessment and grants voice distortion for this witness.

9 The Chamber also notes that support measures have been put in place to assist the
10 witness in his testimony today also according to the recommendations by the VWU, and
11 we see this in place and we have been -- it looked a little bit confusing at the first moment,
12 however, we have been told that that would be like that when he enter the courtroom.

13 The Chamber will now discuss the matter of assurances for the witness pursuant to Rule
14 74 of the Rules of Procedure and Evidence.

15 Mrs Massidda has submitted filing 740 requesting Rule 74 assurances for her client, and
16 for the discussion of this matter we go to private session.

17 (Private session at 12.04 p.m.)

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- 13 (Redacted)
- 14 (Open session at 12.09 p.m.)
- 15 THE COURT OFFICER: [12:09:59] We are back in open session, Mr President.
- 16 PRESIDING JUDGE SCHMITT: [12:10:00] Thank you very much.
- 17 The Chamber will now render its decision on the requested assurances first.
- 18 Mindful of the factors specified in Rule 74(5) of the Rules the Chamber has decided to
- 19 provide assurances pursuant to Rule 74 of the Rules in order to enable the witness to
- 20 testify without fear of the consequence of self-incrimination.
- 21 This concludes the ruling of the Chamber.
- 22 We go back to private session.
- 23 (Private session at 12.10 p.m.)
- 24 (Redacted)
- 25 (Redacted)

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10 (Open session at 12.21 p.m.)

11 THE COURT OFFICER: [12:21:13] We are back in open session, Mr President.

12 PRESIDING JUDGE SCHMITT: [12:21:15] Thank you.

13 When we read all now the recommendations by VWS we all can imagine with a little bit

14 of empathy what you ever would say with the prospect into the future that it will be not

15 an easy exercise for everybody who is here and who is then in charge of examination.

16 (The witness enters the courtroom)

17 MR AYENA ODONGO: [12:22:30] Your Honours, may I ask a simple question: Who

18 of the two is the witness?

19 PRESIDING JUDGE SCHMITT: [12:22:40] (Microphone not activated) address the

20 witness now and who is answering might be the witness. I can do it for you. I ask. I

21 ask.

22 Good morning, Mr Witness. Or good afternoon I have to say. We are beyond noon.

23 Good afternoon, Mr Witness.

24 WITNESS: UGA-OTP-P-0330

25 (The witness speaks Acholi)

Trial Hearing
*WITNESS: UGA-OTP-P-0330

(Open Session)

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1 THE WITNESS: [12:23:02] (Interpretation) Good afternoon.

2 PRESIDING JUDGE SCHMITT: [12:23:04] So since you have answered, Mr Witness,
3 you are the witness.

4 THE WITNESS: [12:23:13] (Interpretation) Yes.

5 PRESIDING JUDGE SCHMITT: [12:23:17] Mr Witness, you have going to testify before
6 the International Criminal Court. I would like to welcome you to the courtroom.
7 I hope --

8 THE WITNESS: [12:23:31] (Interpretation) Thank you.

9 PRESIDING JUDGE SCHMITT: [12:23:33] I hope you are feeling well.

10 THE WITNESS: [12:23:38] (Interpretation) Yes.

11 PRESIDING JUDGE SCHMITT: [12:23:41] I will now read the oath to tell the truth to
12 you. Every witness who testifies before this Court must agree to this oath. Please listen
13 carefully, then answer to my questions.

14 So I speak now the oath: "I solemnly declare that I will speak the truth, the whole truth
15 and nothing but the truth."

16 Now my questions: Mr Witness, do you understand what I have read to you?

17 THE WITNESS: [12:24:25] (Interpretation) Yes, I have understood.

18 PRESIDING JUDGE SCHMITT: [12:24:28] Do you agree?

19 THE WITNESS: [12:24:34] (Interpretation) I do.

20 PRESIDING JUDGE SCHMITT: [12:24:37] Good. Then we will continue.

21 Mr Witness, the Chamber has put protective and support measures in place for your
22 testimony. I explain to you what this means.

23 First, face distortion: Face distortion means that no one outside the courtroom can see
24 your face during the testimony on the screen.

25 Second, voice distortion: This means that nobody outside the courtroom hears your

1 voice properly.

2 Third, we will not call you by your real name. We will all call you "Mr Witness" as I am
3 doing since a couple of minutes. We make sure that the public does not know your
4 name.

5 When you answer questions that will not give away who you are, we do this in open
6 session. Open session means that the public can hear what is being said in the
7 courtroom.

8 Fourth, you see that there is a partition here so that you cannot see the accused.

9 Fifth, there is a person next to you, this person is also able to assist you if you need
10 assistance during your testimony.

11 Sometimes we go into private session. I explain to you what that means and when this
12 will take place. When do we go to private session? When you are asked to describe
13 anything that relates specifically to you, when you are asked to mention facts that might
14 reveal your identity, then we go to private session. And that means, private session
15 means there is no video or audio broadcast, then no one outside the courtroom can hear
16 your answer. Your testimony will be broadcast on a delay. Because of that, we can
17 remove any remarks that might have been made in open session from the broadcast, from
18 the broadcast which will be heard by the public and from the public transcript of the
19 proceedings.

20 Mr Witness, I think you have already recognized that this is a very long speech by the
21 Presiding Judge, but there are a lot of things that we have to discuss and to mention
22 before we can start with your testimony.

23 Mr Witness, you have a lawyer to provide you with legal advice about possible
24 self-incrimination. This is Mrs Massidda. She's here today. She will be able to advise
25 you and to raise any concerns with the Chamber.

1 The Chamber gives you an assurance your testimony will not be used either directly or
2 indirectly against you in any subsequent proceedings by this Court. This is except if you
3 don't say the truth, of course, which is an offence against the Court, but you have already
4 told us that you will tell us the truth.

5 If any question is asked that could lead to your self-incrimination, we will hear your
6 answer in private session, I have already explained what this means, and we will keep
7 such an answer confidential.

8 The questioning party is responsible for requesting private session. So when the
9 Prosecution is questioning you, then Prosecution is responsible. When Legal
10 Representatives of Victims is questioning, Legal Representatives of Victims. And later
11 on when Defence is questioning, Defence is responsible. But also the Chamber is vigilant
12 in that respect.

13 Mr Witness, do you understand what I have said?

14 THE WITNESS: [12:29:18] (Interpretation) Yes, I do.

15 PRESIDING JUDGE SCHMITT: [12:29:20] Thank you, Mr Witness.

16 I have still not finished with my preliminary remarks. I have a couple of practical
17 matters now that you should have in mind when you give your testimony.

18 Everything we say here in the courtroom is written down and interpreted so that
19 everybody understands what is being said and what happens and everybody can follow
20 later on what has been said.

21 It is important to speak clearly and at a slow pace. Also please speak into the
22 microphone. And please only start speaking when the person asking you the question
23 has finished.

24 If you have any questions yourself, raise your hand. Then we know that you wish to say
25 something.

1 Have you understood all that, Mr Witness?

2 THE WITNESS: [12:30:21] (Interpretation) Yes, I have.

3 PRESIDING JUDGE SCHMITT: [12:30:24] That was a lot of information, but now that
4 was the end of what I have to say. We will then start your testimony.

5 And I have a short remark for the person who is questioning the witness.

6 You are of course aware of the recommendations by VWU now about to adapt the
7 questioning, to adapt the questioning to the needs of this witness. I don't have to I think
8 to elaborate on that.

9 And that of course applies to everybody.

10 We start then with the Prosecution and you have the floor.

11 MS HOHLER: [12:31:01] Thank you, your Honour.

12 QUESTIONED BY MS HOHLER: [12:31:05]

13 Q. [12:31:07] Good afternoon, Mr Witness.

14 A. [12:31:10] I'm okay.

15 Q. [12:31:12] You know me, we have met and I will be asking you questions today on
16 behalf of the Prosecution.

17 I will try to make my questions short and clear, but if at any point you do not understand
18 the question, please just say so and I will put it in a different way. Do you understand,
19 Mr Witness?

20 A. [12:31:37] Yes, I do.

21 Q. [12:31:39] Also, Mr Witness, if you feel tired, also do not hesitate to tell us and the
22 Judges and we will ask for a break.

23 MS HOHLER: [12:31:53] Your Honours, I would now request a private session for
24 about 15 minutes, I would think.

25 PRESIDING JUDGE SCHMITT: [12:31:59] Then we go to private session.

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(Private Session)

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- 1 (Private session at 12.32 p.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
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Trial Hearing
*WITNESS: UGA-OTP-P-0330

(Private Session)

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(Private Session)

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*WITNESS: UGA-OTP-P-0330

(Private Session)

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Trial Hearing
*WITNESS: UGA-OTP-P-0330

(Open Session)

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1 (Open session at 12.43 p.m.)

2 MS HOHLER: [12:43:07]

3 Q. Mr Witness, I will --

4 PRESIDING JUDGE SCHMITT: [12:43:11] You are too quick a little bit.

5 MS HOHLER: [12:43:13] I am too quick. I will learn.

6 THE COURT OFFICER: [12:43:15] We are back in open session, Mr President.

7 MS HOHLER: [12:43:17] Thank you. I apologise.

8 Q. [12:43:20] Mr Witness, I will now ask you a few more questions about your
9 abduction, about when you were taken by Odomi's group from the group that you
10 mentioned. We'll try not to mention that name now that we are in public session.
11 When that happened, do you remember what class at school you were in?

12 A. [12:43:51] I was in second year.

13 Q. [12:43:57] Do you remember what year it was that you were abducted?

14 A. [12:44:07] Well, I cannot recall. I was abducted when I was still very young.

15 Q. [12:44:18] Can you tell us, Mr Witness, about that abduction, about that time when
16 Odomi's group took you from the other group, from the thugs, can you describe that to us
17 in a bit of detail what happened?

18 A. [12:44:40] I was abducted and I was assembled together with other people. We
19 were being addressed as civilians. After the address we started moving. We crossed
20 Lira road going northwards.

21 Q. [12:45:19] I want to ask you about those people that took you. Can you describe
22 them to me? How did they look?

23 A. [12:45:36] These people looked like rebels because there shall very many children,
24 there were also many young girls, and during that time they were not yet killing civilians,
25 they had just come around.

1 Q. [12:46:02] What were they wearing, Mr Witness?

2 A. [12:46:13] They had combats, army fatigue, Sudanese uniforms. Some of the
3 recruits, the newly -- the new abductees were in civilian clothing. Some of them had
4 tattered clothes.

5 Q. [12:46:35] Did they carry anything, the men who took you?

6 A. [12:46:46] They had luggage, they had a goat, they were pulling a goat, they had
7 chickens. And they also had weapons, there were big weapons as well and smaller
8 weapons among the soldiers. And it was on that basis that I confirmed that they were
9 soldiers.

10 Q. [12:47:24] And how many were they? How many of these soldiers?

11 A. [12:47:36] There were many. There were many soldiers. There were also new
12 abductees, recruits.

13 Q. [12:47:49] How many of these new abductees, recruits as you call them?

14 A. [12:48:06] There were probably 10 or more newly abducted recruits.

15 Q. [12:48:15] How old do you think they were?

16 A. [12:48:24] They were young children. Some were 15, 16, 17, 18.

17 Q. [12:48:37] And where did the soldiers take you and the other abductees?

18 A. [12:48:50] They walked with us, they walked with us in Uganda for about three,
19 three or four months. And then we started going towards Sudan, they took us to Sudan.

20 Q. [12:49:11] Do you know who was the leader of this group of soldiers?

21 A. [12:49:25] At the time I did not know, but I saw the commander addressing
22 civilians and I formed the opinion that he was the overall commander.

23 Q. [12:49:47] And who was this commander?

24 A. [12:49:57] It was Dominic Ongwen, the commander was Dominic Ongwen.

25 Q. [12:50:04] And what made you think that this was the commander? You

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(Private Session)

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1 say -- you told us you formed the opinion this was the commander. Can you explain to
2 us why?

3 A. [12:50:19] Well, I formed that opinion because I -- when they brought a small kid,
4 the kid was carrying the chair, and all the soldiers stood to attention, they placed the chair
5 down, he sat down and then started addressing the civilians.

6 Q. [12:50:45] When was the first time that you saw Dominic Ongwen? How soon
7 after you were taken by the soldiers?

8 A. [12:51:07] The first time I was abducted that's when I saw him, that's when they
9 assembled the civilians, and I was also -- I was brought to them. And when I actually
10 came to realise that he was the commander, that was when we went to Sudan.

11 Q. [12:51:31] You told us, Mr Witness, that Dominic Ongwen addressed the civilians.
12 What did he say?

13 A. [12:51:48] He was telling us about the soldiers. He told us that those soldiers
14 started their own group and he does not actually like or want to affiliate with those
15 soldiers, because those soldiers, those soldiers do not have weapons, they only have one
16 gun and they should be using bows and arrows.

17 MS HOHLER: [12:52:18] Your Honours, private session for one question in light of this
18 answer. I apologise.

19 PRESIDING JUDGE SCHMITT: [12:52:25] Private session.

20 (Private session at 12.52 p.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
*WITNESS: UGA-OTP-P-0330

(Private Session)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

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5 (Open session at 12.53 p.m.)

6 MS HOHLER: [12:53:25]

7 Q. Mr Witness, were you able --

8 THE COURT OFFICER: [12:53:31] One moment, please.

9 We are back in open session, Mr President.

10 MS HOHLER: [12:53:33] I'm a slow learner. I apologise, your Honours.

11 PRESIDING JUDGE SCHMITT: [12:53:36] In the end, in the process it will function.

12 But, you know, I'm also being admonished constantly by, mainly by interpreters from
13 time to time. So you don't have to worry. Please continue.

14 MS HOHLER: [12:53:47] Thank you, your Honour.

15 Q. [12:53:51] Mr Witness, were you able to run away from the group of soldiers in
16 those -- in those first days or weeks?

17 A. [12:54:09] Escape?

18 Q. [12:54:11] Yes, Mr Witness.

19 A. [12:54:21] When we went to Teso, when Kony spoke, communicated over radio call,
20 he told Odomi to take people back to Sudan and that was when I was -- when I escaped.
21 That was the time that they shot Tabuley and that was the time that I escaped. Well, this
22 is how I escaped: We were selected for a standby --

23 Q. [12:54:55] I apologise, I apologise, Mr Witness. I want to stop you there. I will
24 ask you about how you escaped a little bit later on. My question was unclear, I apologise.
25 I wanted to -- what I want to know is in those first days and weeks with the group, could

1 you have escaped? Was it possible for you to run away or not?

2 A. [12:55:24] No. I hadn't stayed in the -- I hadn't stayed with them for a long time,
3 so it was not possible. I hadn't been there for a long time.

4 Q. [12:55:38] The group of soldiers that took you, Mr Witness, and of whom you say
5 Dominic Ongwen was the commander, do you know what was the name of this group?

6 A. [12:55:56] The group was known as Sinia group.

7 Q. [12:56:05] And did you stay with Sinia group your entire time in the bush or were
8 you in any other groups?

9 A. [12:56:22] I stayed in -- I was with Sinia group. And Odomi was in charge of two
10 groups, one group was known as Terwanga, so if there is no battle, the groups would join
11 up and would move together.

12 Q. [12:56:45] How many soldiers were there in Odomi's group?

13 A. [12:57:00] There were many soldiers. I do not recall the actual number because he
14 had two groups. He was commanding -- he was commanding two groups. So for
15 example, if the groups split up, then one -- I stay in one group, Terwanga goes off in
16 another direction. But if the two groups are both combined together, then there are so
17 many people.

18 Q. [12:57:29] You've mentioned Sinia and Terwanga. Can you remember names of
19 any other groups in the bush?

20 A. [12:57:48] There is -- the other groups that I know are Control Altar, I know Gilva
21 and Otti Vincent's group and Raska Lukwiya's group. But I do not know the
22 groups -- the groups were not named, but they were referred to by the names of the
23 commanders. The groups were not called by specific names, but they were called by the
24 names of the commanders. But I know Gilva because they were called as Gilva and
25 Control Altar.

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1 Q. [12:58:38] I would like, Mr Witness, for us to focus on the first couple of weeks
2 with the group. So before you went to Sudan, as you mentioned earlier.

3 Can you describe to us how you were treated in this group, in your words?

4 A. [12:59:15] The group that abducted me took me because I was -- I was not yet in
5 Odomi's household, I was still in the hands of the person who abducted me, a soldier
6 belonging to Okello, who was under Odomi. They took me to a trench, took off my shirt
7 and I was told that they had to recruit me into the army. I was told that I had to be
8 recruited into the army. I was told to kneel down and touch my nails and I was beaten
9 with a wire lock. And that was the initiation, the recruitment into the army.

10 Q. [13:00:04] You mentioned an Okello who you stayed with. Does Okello have
11 another name?

12 A. [13:00:20] There are two Okello's. There is Okello who was a Lango and then
13 there is Okello Kalalang. They were both commanders. The Okello that I'm talking
14 about is a soldier, his soldier who abducted me. He's known as Mujahideen. He was a
15 child soldier, Okello.

16 Q. [13:00:48] And who was his commander?

17 A. [13:00:52] Are you talking about Mujahideen?

18 Q. [13:01:04] The Okello that you stayed with.

19 A. [13:01:08] It was Odomi, it was Commander Odomi.

20 PRESIDING JUDGE SCHMITT: [13:01:22] Mrs Hohler, it would be time now if you
21 think we can go now into the lunch break. I think we should do that.

22 MS HOHLER: [13:01:29] Yes, it's a perfect time.

23 PRESIDING JUDGE SCHMITT: [13:01:31] Yes, I thought so. Until 2.30. And the last
24 session for today has to really finish functionally at 4 o'clock ideally.

25 Thank you very much for the moment, 2.30.

1 THE COURT USHER: [13:01:47] All rise.

2 (Recess taken at 1.01 p.m.)

3 (Upon resuming in open session at 2.31 p.m.)

4 THE COURT USHER: [14:31:25] All rise.

5 PRESIDING JUDGE SCHMITT: [14:31:43] Ms Hohler, you still have the floor.

6 MS HOHLER: [14:31:47] Thank you, your Honour.

7 Q. [14:31:51] Mr Witness, I want to go back briefly to one thing we discussed earlier.

8 Do you remember when I asked you earlier about Dominic Ongwen addressing the
9 civilians that you told us about? And you mentioned that he was telling you about
10 Bookec and how he does not want to be affiliated with them. Did he say anything about
11 the civilians on that occasion?

12 Just a second, Mr Witness, if you can stop, your -- your microphone I believe is not on. If
13 you could start your answer from the beginning, please.

14 A. [14:32:59] He told civilians that those guys give the rebels a reputation -- a bad
15 reputation. Those guys do not want, do not like government soldiers, neither do they
16 like rebels, they are merely robbers. They only have one gun. Civilians should prepare
17 with bows and arrows to shoot them because those guys are giving rebels a bad
18 reputation.

19 Q. [14:33:36] And what happened with those civilians that he was addressing, did they
20 stay with the group, with the Holy or were they released?

21 A. [14:33:53] Well, I -- I stayed with them. I spent the night with them. I was
22 abducted in the evening and I spent the night with them. All civilians spent the night
23 with them. Civilians were released after being warned. At the time, they hadn't yet
24 started disturbing civilians and no killing civilians.

25 Q. [14:34:16] And who decided that the civilians should be released?

1 A. [14:34:31] Odomi himself. In the bush we refer to him as "lapwony", which is
2 teacher, we refer to him as Lapwony Odomi.

3 Q. [14:34:44] And just one more question on that, Mr Witness. You told us you spent
4 the night, can you tell us how you spent the night?

5 A. [14:35:01] I was tied, my feet were bound together. The, the ropes came through
6 my thighs, to my hands. They assumed or they stated that I might try and escape in the
7 night.

8 Q. [14:35:22] Thank you, Mr Witness.

9 I now want to ask you how you went to Sudan. You told us earlier that after about three
10 or four months you went to Sudan; is that right?

11 A. [14:35:41] Yes, it is.

12 Q. [14:35:43] How did you go to Sudan? How did you travel?

13 A. [14:35:55] We walked. We first went to Ogira (phon) hill and they started
14 abducting more -- more children to boost the army ranks, the LRA ranks. After the
15 abductions, we started working towards Gulu, we crossed Aswa river. They sent
16 a standby. Because when you are going to Sudan you cannot go without food, so they
17 split up a standby and instructed it to go and collect some food. We continued walking.
18 The standby came, followed us and they came with food, food that they had collected
19 beans, maize and other things. We started walking. We did not know that we were
20 going to Sudan. I noticed when everybody had been bound together with a rope and I
21 knew that we were walking, going towards Sudan.

22 Q. [14:36:51] Where was Odomi when you were walking to Sudan?

23 A. [14:37:01] He was with us, he was among us.

24 Q. [14:37:05] What happened, Mr Witness, if someone could not walk?

25 A. [14:37:20] When we were going to Sudan, it took us two days and we walked

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1 without sleeping, we walked the whole night till dawn, we kept on walking continuously.
2 My feet were swollen. He came, the commander came and found me among the people,
3 next to a guard. The guard was about to kill me. He told the guard, "Do not kill this
4 boy, this is the boy who grew up and boost our army ranks." And they carried me. But
5 the older, older people with swollen feet would be killed, they will hit you at the back of
6 your head.

7 Q. [14:38:17] The commander you mention that said you should be carried, who was
8 that commander?

9 A. [14:38:24] It was Dominic, Odomi himself.

10 Q. [14:38:31] And the older people who were killed because their feet got swollen, how
11 many people were killed this way on the way to Sudan?

12 A. [14:38:50] There were other people that were killed because of thirst, not because
13 of -- because their feet were swollen. There are some people who had to urinate in the
14 mouths of other people. A lot of people were dying. There were also some older
15 people who were extremely dehydrated, they would -- and if they fell down they would
16 hit him at the back of their heads. There were a number of people but I cannot recall the
17 exact number.

18 Q. [14:39:20] That's no problem, Mr Witness. What happened when you reached the
19 border with Sudan?

20 A. [14:39:34] When we reached the border, the soldiers created a fence, government
21 soldiers. They started shooting at us. They had already selected a standby who had
22 gone ahead of us. There was crossfire between the UPDF soldiers and the LRA. We
23 managed to break through and pass through. There are a number of soldiers who also
24 lost their lives, LRA soldiers who lost their lives, one, two or three soldiers who were shot
25 and killed.

1 Q. [14:40:14] When you passed through, as you say, where did you go in Sudan?

2 A. [14:40:28] We went to Atebe (phon) and we crossed Atebe on the other side of the
3 river. We were selected positions where they put us in different positions. There's
4 some people with swollen legs, if they ask you "Do you want to rest?", if you tell them,
5 "Yes, I want to rest" that means that you are supposed to be killed on the spot. They
6 should hit you at the back of the head so that you can rest forever. The other people that
7 we crossed the river with, they told us that people should rest and we were also -- we
8 stayed there to find out exactly where Kony was, they communicated via radio call.

9 Q. [14:41:19] Who is Kony, Mr Witness?

10 A. [14:41:32] Kony, Kony is a person, but he is the overall leader of the rebel group.

11 Q. [14:41:42] And just remind us, what's the name of that rebel group?

12 A. [14:41:54] I did not understand the question, can you please repeat the question?

13 Q. [14:41:59] The rebel group that Kony is in command of, what's it called?

14 A. [14:42:09] I know some names but I do not know others. You have Sinia, that was
15 my group. There is Trinkle and there are several other groups that I do not -- I do not
16 recall the names. I used to know the names, but I no longer recall the names.

17 Q. [14:42:32] That's fine, Mr Witness. Did you -- you said we stayed there to find
18 exactly where Kony was. Were you able to find out where he was?

19 A. [14:42:51] After cooking, people rested, people started walking. We went and
20 found him at his -- the location where he was. I -- at his previous position -- he was no
21 longer at his previous position, but he'd left people there. He left two patrols to wait for
22 people at that location and then they took us to his new location.

23 Q. [14:43:32] And who else besides Kony did you find at that new location, who was
24 there?

25 A. [14:43:47] No, there was no other person other than the commander who left his

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1 security -- his security at the old position to wait for people because he had moved to
2 a new location.

3 Q. [14:44:00] I'm trying to understand, Mr Witness. Did you eventually come to meet
4 up with -- with Kony, or not?

5 A. [14:44:17] Yes. I did not see him. I personally did not see him, but we found his
6 soldiers. On that day, I did not see him, but he was there. But I do not know exactly
7 where he was, but he was around. But we found his soldiers, we found his household
8 with everybody in the household.

9 Q. [14:44:42] And I now want to focus on your time in Sudan, when you came to this
10 place where Kony and his soldiers were staying. What happened, what was the first
11 thing that happened when you arrived there, if you can remember?

12 A. [14:45:06] When we arrived we stayed for about three days to rest our feet, to rest
13 the feet of the recruits who had swollen feet. Then they started training us. We were
14 selected. The new recruits who had just gone to Sudan for the first time were trained.
15 They were -- we were given guns.

16 Q. [14:45:43] Let's focus on that training and the group that you trained with. Can you
17 tell us a little bit more about what this training included? What was it that you learned
18 in the training?

19 A. [14:46:05] We were given -- we were given guns with a bayonet and a wooden
20 bottom. That's what we were using, a wooden butt. We were loading stones. The
21 training included loading stones. We were given uniforms, combat uniforms,
22 Sudanese-type uniforms. We were also given a pack in which to put stones, to load
23 stones, we would put stones in that pack and run with the stones on our back. We
24 would run, we would run to a certain position, to a new position and then come back to
25 the old position. So we would run back and forth from the old position to the new

1 position and then we were marching as well.

2 Q. [14:46:56] How far would you be running between the two positions?

3 A. [14:47:12] It's far. It is not -- it is not near, it's far. The distance is far. But I was
4 young at the time so I cannot actually give you the exact distance.

5 Q. [14:47:27] And you told us you used guns. Did you learn how to use those guns,
6 can you describe that a little bit to us in more detail?

7 A. [14:47:45] You would get up and walk, move one step, pick up your gun, the gun
8 would be in the ground with the bayonet in the ground, you'd take out the magazine,
9 cock it three times and cock it and fire, cock it and fire. Then you'd move the spring,
10 you'd take off the cover and take out the cocking -- cocking handle and then clean it. So
11 we were taught how to dismantle the gun, clean the gun and put it back together.
12 Once you have cleaned the inside of the gun, you put the magazine, cock it, lock it and
13 stick it back in the ground. You move three steps and then move back and sit down,
14 somebody else does, repeats the same procedure.

15 Q. [14:48:52] Did you learn anything about how to behave in an ambush?

16 A. [14:49:04] Yes, we were told how to take, to protect yourselves when you get into an
17 ambush. They told us as soon as you get into an ambush, if you get into an army
18 ambush, they showed us how we were to fall, how we are to roll, how we are to fire our
19 guns and how to change your positions when you are in battle.

20 Q. [14:49:40] The group of new recruits that you trained with, how many were you in
21 this group?

22 A. [14:49:55] Well, the group -- the groups that we trained with there was one section,
23 the new recruits were one section.

24 Q. [14:50:07] Are you able to estimate how many of you were there, 10, 20, 50, more?

25 A. [14:50:19] Approximately 40 people, because those of us who were being trained

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1 we're told that we could actually now actively participate in combat because we were
2 fully trained.

3 Q. [14:50:41] And how old were these new recruits that you were trained together
4 with?

5 A. [14:50:55] Well, from 12, 12 to 18 years old. We were mostly young people.

6 Q. [14:51:10] What groups of the Holy were you -- were you from? The new recruits
7 that you trained with, were you all from Odomi's group, or you were from different
8 groups?

9 A. [14:51:32] No, we were not from different groups, we are all in Odomi's group
10 because, when we were going to Sudan, Odomi had merged both groups, he had merged
11 Sinia and Terwanga. Terwanga is part of his group. If, for example, there is a gunship
12 or if the -- we are being pursued by the army, then they split the two groups so that the
13 groups are smaller and are able to flee and escape.

14 Q. [14:52:11] Who was the person that trained you, Mr Witness?

15 A. [14:52:24] Our trainer -- well, I cannot recall his name at the moment, but there
16 was -- he was a commander and he was -- I believe he was a deputy to Odomi.

17 Q. [14:52:54] Your Honours, I would apply to refresh the witness' memory on the name
18 of this person that trained them?

19 PRESIDING JUDGE SCHMITT: [14:53:01] Yes, you can do that.

20 MS HOHLER: [14:53:03] This is in the witness' statement, which is at tab 1 of your
21 binders. The ERN is 0256-0071 at page 0076, it is at paragraph 30. It's the first sentence,
22 your Honours.

23 Q. [14:53:35] Mr Witness, I will read to you a line from a statement that you gave to the
24 ICC investigators. The statement says, after discussing a bit of training in Sudan, the line
25 says:

1 "Then Okello trained us to be soldiers."

2 Is this what you said, Mr Witness?

3 A. [14:54:03] Yes, it is, it was Okello.

4 Q. [14:54:07] Thank you, Mr Witness. How long did the training last in Sudan?

5 A. [14:54:26] It took approximately three to four months. Because after the training,
6 after the parade, and all the other training, we were all gathered together, he spoke to us.

7 Q. [14:54:57] Who do you mean by "he", Mr Witness?

8 A. [14:55:07] Kony, Mr Kony.

9 Q. [14:55:10] And what did Kony say?

10 A. [14:55:18] Once we were all gathered after the training, after we'd been given our
11 weapons, we were put in different groups. Odomi's group was different, Trinkle's group
12 was different, Gilva, Raska's group was different, we were all lined up, Kony sat -- sat on
13 a hill and started addressing us. He told us that when he was fighting -- or, that he, the
14 fight that he's fighting is for the Acholi people. He is not fighting for anything else and
15 that our salary would be the meat that we get.

16 Q. [14:56:17] And you mentioned, Mr Witness, that you had been given your weapons.
17 I just want to clarify what those weapons were that you were given.

18 A. [14:56:35] I had a gun. I was given a gun with a bayonet attached to it. I was also
19 given a magazine, six magazines, the seventh was in the gun, I was also given two hand
20 grenades. And that's how they gave us the weapons.

21 Q. [14:57:13] Do you know how long you stayed in Sudan after that address by Kony?

22 A. [14:57:27] No, we did not stay there for that long. After his address, he told us that
23 we should be on standby.

24 Q. [14:57:43] You have mentioned a couple of times now, Mr Witness, the standby.
25 What is a standby?

1 A. [14:57:55] A standby, well, if you are told to be on standby, that means you
2 should -- you should always be ready with your -- with your backpack on your back, your
3 gumboots on your feet ready for combat. This is different from the standby that is sent
4 to collect food.

5 Q. [14:58:19] Thank you, Mr Witness. We'll talk about the standby who was sent to
6 collect food a bit later. What happened that made you leave Sudan?

7 A. [14:58:39] We left Sudan because of an operation. Gunships -- Museveni's gunships,
8 two gunships, the third was a small plane and soldiers. The soldiers came and attacked
9 us there. After Kony's address telling us that people should be on standby, three days
10 after that address this incident took place. We started fleeing. I do -- I actually did not
11 see which, in which direction his group went to, but I realise that people were being
12 divided into their own groups, Odomi's group was sent to one direction and everybody
13 else was put in their groups, sent to their -- in different directions and told to head
14 towards Uganda.

15 Q. [14:59:37] And did you go back to Uganda?

16 A. [14:59:44] Yes, we walked and went back to Uganda.

17 Q. [14:59:49] Where was Odomi when you went back to Uganda?

18 A. [14:59:59] When we went back to Uganda, Odomi -- Odomi was, was sent back to
19 the location of his home around Gulu. And that is the area in which we were working.

20 Q. [15:00:19] I want to ask you now, Mr Witness, a few questions about your tasks and
21 your role in Sinia.

22 Before you completed your training, what were the tasks that you were given?

23 A. [15:00:56] Could you please ask the question again, I didn't understand it?

24 Q. [15:01:00] Yes. Before you were trained in Sudan, what was your work in Odomi's
25 group? What did you have to do?

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1 A. [15:01:16] Before I was trained I was just an ordinary soldier at dog adaki.

2 Q. [15:01:32] What is a dog adaki?

3 A. [15:01:44] Dog adaki is where the ordinary soldiers -- for instance, if our people are
4 placed in their positions the superiors would be at the centre. The other soldiers are
5 supposed to -- are supposed to stay far away from the -- the boss so that you provide
6 security to the boss.

7 Q. [15:02:13] Besides providing security, do dog adaki do anything else?

8 A. [15:02:27] Those who stationed at the dog adaki would include one soldier, mature
9 soldier would be in charge of the dog adaki and if anything happens that person would be
10 in charge of providing a report to the superior who would be somewhere in front. I was
11 at the dog adaki with Odoki, Odoki was the one in charge of providing a report to Okello
12 who was Odomi's deputy.

13 MS HOHLER: [15:03:10] Your Honours, I would apply to refresh the witness' memory
14 on his tasks as a new abductee. This is in his statement, the parent ERN I've already
15 cited, it is at page 0256-007 -- oh, I apologise.

16 MR TAKU: [15:03:29] Your Honours, the purpose of wanting to refresh the memory is if
17 the witness says "I cannot remember." That is not what he said. So what was the
18 purpose of saying I will refresh his memory when the witness has not demonstrated that
19 he cannot remember? It is not just an opportunity to read and get the witness to confirm
20 what is on record. The witness must have demonstrated to the Court that he could
21 answer the question. But he could not remember, then you can say that you will refresh
22 his memory. But that is not the case here.

23 PRESIDING JUDGE SCHMITT: [15:04:05] So perhaps there is something I would agree
24 to. Perhaps you can ask the witness if there were any other tasks, and if he says "No",
25 then it is done, and if he says "I can't remember", then you can refresh his memory.

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1 MS HOHLER: [15:04:23] I'm well guided, your Honour.

2 Q. [15:04:25] Mr Witness, besides being in the dog adaki before you were trained, do
3 you remember doing any other tasks?

4 A. [15:04:41] The other task other than being at the dog adaki, well, when -- when we
5 went to Gulu and went west wards towards Koch Goma, I was given the role of an escort.

6 Q. [15:05:07] The role of an escort, Mr Witness, who were you an escort for?

7 A. [15:05:18] I was the escort of the boss, Odomi.

8 Q. [15:05:28] And how did you become Odomi's escort?

9 A. [15:05:37] As we were moving in the bushes of Koch, we were in a group and that
10 place was very bushy. The person who was Odomi's escort then was called Wokarach.
11 Then Wokarach was moving in front of Odomi and Odomi's child, called Back, was
12 walking in front of the escort, then the escort was walking and then the safe, kind of,
13 opened and then a, kind of, a stick triggered the gun and shot Back on the back and Back
14 died.

15 Q. [15:06:37] And what happened after that, Mr Witness?

16 A. [15:06:48] Thereafter, the gentleman who shot the boss' child was arrested and
17 imprisoned. They identified a signaller, who was in charge of -- moving with the radio
18 call, it was somebody who was carrying the -- the PK. And they also shot that
19 gentleman.

20 I also became the escort at that time. I started carrying the chairs -- the chair and then the
21 magazine of Odomi, together with his gun and my gun as well.

22 Q. [15:07:43] Who decided that you should be Odomi's escort?

23 A. [15:07:56] Nobody decided that. But at that time that guy was tied I was nearby.
24 They told me to remove the chair from him. I removed the chair on the porch. And
25 that gentleman was tied there. Odomi didn't stay there. He started walking ahead and

1 then I followed him. The signaller remained behind with the PK. When only heard
2 gunshots behind us.

3 Q. [15:08:34] Besides carrying things for Odomi, did you have any other tasks as an
4 escort? What would be your other tasks?

5 A. [15:08:52] Could you please ask the question again?

6 Q. [15:08:56] Besides carrying Odomi's things, his chair, his magazines, did you have
7 any other tasks as Odomi's escort?

8 A. [15:09:14] My work was to guard him, guarding the women and then the girls he
9 would move with. And unless and maybe sometimes I could have forgotten any other
10 roles, but that was basically.

11 Q. [15:09:35] And when you were Odomi's escort, how much time did you spend with
12 him?

13 A. [15:09:50] I was supposed to move next to him. Whenever he is in front I would be
14 directly behind him. All his wives and the girls in his household would be moving
15 behind me. Behind would be the other soldiers carrying the radio call and the solar
16 and -- and the support would also be moving behind. They would be moving behind the
17 women. But for me I would have to walk immediately behind him because whenever he
18 says he wants to sit down, I'll have to put the chair for him to sit down. When he stands
19 up, I would also have to stand up. When he goes out, when he moves in the bush to ease
20 himself, I need to move near him.

21 Q. [15:10:46] And who would set up Odomi's tent at night?

22 A. [15:11:02] Could you please ask that question again?

23 Q. [15:11:04] Who would prepare the place where Ongwen slept at night?

24 A. [15:11:15] I am the one. I would be the one to make the place and sometimes I
25 would ask one of the girls to go and get some grass so that I, I could use to make his bed.

1 I would set the net. I could also call one girl to come and help me because there were
2 many girls in his household.

3 Q. [15:11:46] Did Odomi have other escorts besides you?

4 A. [15:11:57] Yes, there was no other escort other than myself. There were only
5 signallers. But they were not escorts. They were only nearby because whenever Odomi
6 wanted to talk on radio they would be available. That's why they would move near
7 Odomi. But I would also be behind Odomi because the signallers were more of his
8 household because Odomi was the one who would talk on radio.

9 Q. [15:12:29] Did Odomi have other guards who moved close with him?

10 A. [15:12:40] The guard was the support. The support team would take care -- would
11 provide security for the radio and they would have a PK, together with other soldiers.
12 The radio was very important.

13 Q. [15:13:02] What is a PK, Mr Witness? Can you describe that for us?

14 A. [15:13:12] A PK is a, a gun, a support gun that has a chain and it has a stand as well.

15 Q. [15:13:30] Thank you, Mr Witness. You mentioned earlier a standby. If my
16 recollection is correct, you mentioned two standbys. With regard to one you mentioned
17 it's a standby that goes to collect food. I want to talk about that, actions of standbys that
18 do that. Such a standby, where would it get food from?

19 A. [15:14:05] When the standby is set up, standby means, whenever a standby is set up
20 it might be set up either to go and attack the soldiers or go and attack a camp or to go and
21 loot food items.

22 Q. [15:14:34] Were you ever part of a standby that went on -- that went on to attack
23 a camp?

24 A. [15:14:47] Yes.

25 Q. [15:14:51] Do you remember any locations that you went to as part of such a standby?

1 What camps would those be?

2 A. [15:15:09] I remember we went and attacked Opit camp.

3 Q. [15:15:19] Do you remember any other, Mr Witness?

4 A. [15:15:27] We also went and attacked Abok, we also attacked Pajule.

5 Q. [15:15:41] I'm sorry to repeat my question again. Besides those three, do you
6 remember any other?

7 A. [15:16:00] Well, I cannot recall the others, unless it's read out to me to refresh my
8 memory.

9 PRESIDING JUDGE SCHMITT: [15:16:12] So this is a classical one, so to speak.

10 MS HOHLER: [15:16:16] Yes.

11 PRESIDING JUDGE SCHMITT: [15:16:18] But perhaps I can say something in general
12 because there is always a little bit uncertainty when we would allow refreshing the
13 memory of, better to say confronting with former statements. There are two different
14 possibilities, I would say.

15 The first one is the classical, the refresh memory that is if the witness does not recall
16 a certain fact that he or she has stated beforehand. So an example would be witness said
17 in the former statement A and B and now only recalls A and it is established that there
18 might be a gap that he cannot fill at the moment.

19 The second one would be to clarify contradictions. That is what Defence Counsel Obhof
20 did this morning. Meaning that the witness said at the time A and B and now in
21 courtroom says A and instead of B says C, so to speak.

22 So these are the two possibilities when we would allow that, as a little bit of a general
23 guidance. And we know of course that we are here not talking about mathematics, this
24 is to be decided on a case-by-case basis. So but now we are refreshing the memory
25 because it is established here. So please tell us where we are going to.

1 MR GUMPERT: [15:17:40] Your Honours, may I seek to persuade you of one other
2 possibility.

3 PRESIDING JUDGE SCHMITT: [15:17:44] Yes.

4 MR GUMPERT: [15:17:45] In my respectful submission it can't be right that memory
5 refreshing should depend, as it seemed your Honour might be suggesting a moment ago,
6 upon the witness actually uttering the words "I cannot remember." One of the
7 characteristics of forgetfulness is that one does not recall that one has forgotten something,
8 and so I would respectfully submit that there may be occasions when although the
9 witness doesn't say "I can't remember" or "I have forgotten" it is permissible to refresh
10 their memory.

11 PRESIDING JUDGE SCHMITT: [15:18:21] I agree that we would not need the words
12 "I don't recall any more." But this is what I said, we are not talking about mathematics,
13 there are accreditations. What counsel last time objected to was that without evening
14 having tried, if there would be more perhaps in the memory of a witness putting a certain
15 statement to him. So this, I agree with you that we do not need the exact words "I do not
16 recall any more," but at least it should be tried to ask, for example, "Was there more, do
17 you remember more? Did you have other tasks?" like you did it and then there came the
18 answer. You know, Ms Hohler. It was exactly like that. So let's say two-thirds you are
19 right.

20 Please, Ms Hohler.

21 MS HOHLER: [15:19:15] Thank you, your Honour.

22 Q. [15:19:17] Mr Witness, you mentioned you went to Pajule, Abok, Opit as part of
23 a standby. What about Odek camp, did you ever go as part of standby to Odek camp?

24 A. [15:19:37] Yes, we went to Odek.

25 Q. [15:19:42] And what about a camp in Bar-Rio? I hope my pronunciation is

1 approximately correct?

2 A. [15:19:58] Yes, we also went and unleashed havoc in Bar-Rio camp.

3 Q. [15:20:07] Thank you, Mr Witness. I will ask you a bit more detailed questions
4 about those five locations.

5 The first one I want to talk about, Mr Witness, is the Pajule camp that you mentioned.

6 Do you remember what day the Pajule attack took place?

7 A. [15:20:58] We went to Pajule on the 10th.

8 Q. [15:21:04] Can you remember the month or the year? I don't want you to guess, but
9 only if you can remember.

10 A. [15:21:20] I know that it was on the 10th, but I don't know the actual day because
11 that happened when I was still very young. I couldn't clearly recall.

12 Q. [15:21:38] That's perfectly understandable, Mr Witness.

13 Is there anything particular that makes you remember that day?

14 A. [15:21:55] I have not understood your question.

15 Q. [15:21:57] It was a poor question, I apologise, Mr Witness. How come you
16 remember that attack or that day, the 10th, so well?

17 A. [15:22:17] It's because when we, (Redacted)

18 (Redacted). When I came back I didn't know that we had attacked Pajule. I only

19 heard when people were saying the rebels came and attacked here on the 10th. Some
20 people came here, others passed through the market and I now realise that when we came
21 to attack we were in two different groups. One group went towards the police barracks
22 and the other one went towards the market. I then realised that it was us who attacked
23 Pajule.

24 Q. [15:23:14] We'll come to talk about the details of the attack in a little while,

25 Mr Witness. I want to focus your mind just before the attack, on the time before the

1 attack. Who were the people that ordered the attack on Pajule?

2 A. [15:23:40] There was a standby between the leaders because we met. There were
3 two groups, there was Otti Vincent's group and that of Odomi. They met and they had
4 a peace talk. When there is a peace talk, that means only the commanders meet and the
5 escorts would be -- would be far off. We wouldn't know what they are discussing.
6 They -- then they said a standby should be established and the -- and the standby was set
7 for the two groups because there were two groups at that time.

8 Q. [15:24:36] These talks, Mr Witness, you say the escorts were away and could not
9 hear them, were you able to see the leaders talking?

10 A. [15:24:51] Yes, you could see the bosses. The -- the escorts would be on the sides.
11 Each of the commander would have their escorts at the sides. So we were just seated not
12 a very far-off distance from them.

13 Q. [15:25:14] Can you give the Court a bit of an estimate how far away from them you
14 were seated? Were you as close as I am to you or as close as the Judges are to you?
15 Further? Closer?

16 A. [15:25:35] That is a bit too near.

17 Q. [15:25:44] Mr Witness, so just to understand you correctly, you were further from
18 them than the Judges are at the moment; am I understanding you correctly?

19 A. [15:25:59] Well, the instruction didn't allow the escorts to stay near or the distance of
20 here and where the Judges are. You wouldn't stay this near. You'd have to stay much
21 farther than this distance because if we were seated like this you would have to move very
22 far and stay next to the dog adaki. You stay in between the dog adaki and the bosses.

23 Q. [15:26:37] But you were still able to see them, Mr Witness; am I right in that?

24 A. [15:26:46] Yes, you could be able to see them.

25 Q. [15:26:48] And who were the leaders in these talks, who was there?

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1 A. [15:27:01] There was Odomi, Okello Kalalang and then Lapwony Okello. From the
2 other side, there was Otti Vincent and there was a guy -- well, the other people I could not
3 clearly recognise. I didn't know the other leaders in the other group of control.

4 Q. [15:27:43] How long were they talking?

5 A. [15:27:57] They talked for -- for a day. The second day they selected the standby
6 because when -- when they met we met during the day and they moved into positions.
7 Then they started talking. The next day the standby was identified.

8 Q. [15:28:22] I want to take this one step at a time, Mr Witness. So these leaders are
9 talking and you saw them. When they stopped talking, let's take each person in turn
10 what they did after they stopped talking, what did Odomi do after they stopped talking?

11 A. [15:28:56] When they had finished they selected a standby to see who was Odomi's
12 deputy selected on the standby. On the other side, the 2C also identified the standby, he
13 was Otti Vincent's deputy.

14 Q. [15:29:16] Who was Odomi's deputy? Remind us of his name?

15 A. [15:29:28] He was called Lapwony Okello.

16 Q. [15:29:36] How many soldiers did they select into the standby?

17 A. [15:29:50] They selected quite a number of soldiers, but I cannot recall the number
18 because we don't actually go to count the number of the standby, we could only just see
19 that the standby is there. And if you are also selected as one of them you just move with
20 them, you wouldn't count, but the leaders would know the number.

21 Q. [15:30:20] Do you remember the names of any of those soldiers that were selected?

22 A. [15:30:39] If I can remember there was Odoki and Bomek. The other soldiers
23 I cannot recall. I cannot recall. Because I was still young.

24 MS HOHLER: [15:31:06] Your Honours, may I apply to refresh the witness' memory on
25 the names of some other soldiers that --

1 PRESIDING JUDGE SCHMITT: Yes.

2 MS HOHLER: -- the witness had mentioned?

3 PRESIDING JUDGE SCHMITT: [15:31:16] Yes, you may.

4 MS HOHLER: [15:31:17] This is at page 0256-0086, in paragraph 80.

5 Q. [15:31:38] Mr Witness, again I will read you a line from the statement that you gave
6 to the ICC investigators. This is what it says:

7 "I do not remember all the people who were selected for the standby, but I know there
8 was Odoki, Oyo and another soldier called Oyet."

9 Is this what you said, Mr Witness?

10 A. [15:32:09] Yes, it is.

11 Q. [15:32:11] Would you say the same today; is this correct?

12 A. [15:32:21] Yes, it is, it's correct.

13 Q. [15:32:24] These soldiers that you named, what group were they from?

14 A. [15:32:37] They were from Sinia group.

15 Q. [15:32:39] And you mentioned another soldier called Bomek. Does Bomek have
16 another name?

17 A. [15:32:52] Pardon? I did not understand.

18 Q. [15:32:54] Do you know any other names for Bomek?

19 A. [15:33:05] No. I heard them -- he was always being referred to as Lapwony Bomek,
20 so I do not know his other name. He -- he already had a wife. He was a commander,
21 but I do not know his specific role. He was always in Sinia support.

22 Q. [15:33:31] What is Sinia support, Mr Witness?

23 A. [15:33:45] Support is a gun, it's a big gun. That's the -- it's a big gun. It's a heavy
24 artillery with the four barrels. And that's what's referred to as support.

25 Q. [15:34:05] Do I understand correctly that Bomek was then in charge of such a gun?

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- 1 A. [15:34:18] Bomek had two supports, a RPG and M2N.
- 2 Q. [15:34:37] Can you explain for us what those two are? What is an RPG?
- 3 A. [15:34:47] RPG is a heavy artillery gun with the -- the ammunition coming out from
- 4 the front.
- 5 Q. [15:35:07] And an M2N?
- 6 A. [15:35:14] Pardon? I didn't understand.
- 7 Q. [15:35:17] My transcript says that Bomek had two supports, one is an RPG and the
- 8 second one is M2N.
- 9 A. [15:35:45] No, it wasn't pronounced properly. Repeat it, please.
- 10 Q. [15:35:51] Bomek had two supports, so one is RPG, how is the other called?
- 11 A. [15:36:06] Twelve.
- 12 Q. [15:36:08] Can you describe the 12 for us?
- 13 A. [15:36:22] A 12 has four barrels, it's a hand-held weapon. It's held on both sides.
- 14 If you are firing the gun, bullets come from both sides.
- 15 Q. [15:36:45] Did Bomek take these weapons to Pajule?
- 16 A. [15:36:54] Yes, he did. Yes, they also took other supports like recoiler.
- 17 Q. [15:37:07] And what is a recoiler, Mr Witness?
- 18 A. [15:37:18] A recoiler is a B -- it's a B-10, it's a heavy ammunition. The -- the
- 19 ammunition comes out of a very big barrel. It -- it is able to shoot a mamba and
- 20 other -- it's called a B-10. Those of us in the rebel group refer to it as recoiler. But if I
- 21 call it, if -- the real name is a B-10, if I refer to it as a B-10, then government soldiers even
- 22 understand what I am talking about.
- 23 Q. [15:38:06] Just one more question I forgot to ask earlier, Mr Witness: When the
- 24 leaders were having the talks as you described, were they sitting or were they standing?
- 25 A. [15:38:29] I did not understand the question.

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1 Q. [15:38:33] When Odomi and Okello Kalalang and Lapwony Okello and Vincent Otti
2 were talking before the Pajule attack, and you said you saw them but did not hear them,
3 were they sitting or were they standing, if you can remember?

4 A. [15:39:06] They were seated.

5 Q. [15:39:08] And who prepared the chair for Odomi then?

6 A. [15:39:19] I did.

7 Q. [15:39:24] Mr Witness, after the standby was selected, what happened?

8 A. [15:39:36] My -- my commander said that -- said he wanted a gun -- sorry, a goat,
9 that I should bring him a goat or a chicken, so if we get a chicken, we should also bring it
10 to him, we should not leave it behind.

11 Q. [15:39:59] When you say "my commander" who is that, who do you mean?

12 A. [15:40:11] I am talking about the commander whose escort I was and that was
13 Odomi.

14 Q. [15:40:22] Did the standby that you were part of receive any other instructions about
15 what to do in Pajule?

16 A. [15:40:44] The standby were instructed that as soon as you get to civilian homes do
17 not eat their food. When you get to civilian homes, do not drink -- do not drink their
18 water unless you put in shea -- you put shea butter in that water.

19 Q. [15:41:12] For this particular attack and this particular standby for Pajule, were you
20 given any instructions what to do, for example, if you encounter soldiers or if you
21 encounter civilians?

22 A. [15:41:39] We were instructed or ordered that if you, if you -- if the different groups
23 meet up, then you would not actually be able to identify that that's another group or that
24 is a government -- that group belongs to the government soldier. So what -- we were
25 told that if, if two groups, for example, if the rebel groups were in Pajule, if you meet up

1 you should ask "Are you Holy?" and then respond, "One Lakwena." And that was one of
2 the instructions we were given in order to prevent us from shooting another Holy.

3 Q. [15:42:32] So what would happen if or what happened if you shouted out "Lakwena"
4 and the answer didn't come, what would happen to that person? Let me rephrase that.
5 It was a poorly phrased question.

6 When you say "Are you Holy?" and then respond "One Lakwena" if that other person did
7 not respond "Lakwena" what would a Holy soldier do?

8 A. [15:43:10] Well that -- that's an indication that that's a government soldier, so the
9 person has to be shot. You shoot the person or they shoot you. But if you ask "one" and
10 then the person says "Lakwena" that means that you are both in the same group.

11 Q. [15:43:30] So that was about the soldiers. Were you given any instructions what to
12 do if you encounter civilians?

13 A. [15:43:54] If we came across civilians, civilians should be abducted and used to
14 carry luggage. (Redacted) .

15 MS HOHLER: [15:44:07] Your Honours, I think we will have to go into private session
16 now for the next line of questioning, considering the last answer.

17 PRESIDING JUDGE SCHMITT: [15:44:15] We go to private session then.

18 MS HOHLER: [15:44:18] I think for the end of session as well, if I may indicate.

19 PRESIDING JUDGE SCHMITT: [15:44:28] Okay, yes.

20 (Private session at 3.44 p.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (The hearing ends in private session at 3.53 p.m.)