

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 Pangalangan
7 Trial Hearing - Courtroom 3
8 Monday, 27 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: [9:30:42] Good morning, everyone. Good
13 morning, Mr Witness.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:30:48] Good morning, your Honours.
16 The situation in the Republic of Uganda, in the case of The Prosecutor versus Dominic
17 Ongwen, case reference ICC-02/04-01/15.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:31:01] Thank you.
20 I call for the appearances of the parties.
21 We start with the Prosecution.
22 MR SACHITHANANDAN: [9:31:06] Good morning, your Honour. I appear with
23 Shkelzen Zeneli, Colin Black, Kamran Choudhry, Yulia Nuzban, Julian Elderfield,
24 Mari Pilvio and Ramu Fatima Bittaye.
25 PRESIDING JUDGE SCHMITT: [9:31:20] Thank you.

1 And the Legal Representative of Victims.

2 MR COX: [9:31:24] Good morning, your Honour. Francisco Cox and

3 Mr James Mawira.

4 MS MASSIDDA: [9:31:29] Good morning, Mr President, your Honours.

5 Paolina Massidda with Orchlon Narantsetseg and Jacqueline Atim.

6 PRESIDING JUDGE SCHMITT: [9:31:40] And now, not finally, lastly, but of course

7 very important the Defence team.

8 MR AYENA ODONGO: [9:31:45] Good morning, Mr President and your Honours.

9 Krispus Ayena Odongo, assisted by Chief Achaleke Taku, Thomas Obhof and

10 Roy Titus Ayena. Our client Mr Dominic Ongwen is in court. Thank you.

11 PRESIDING JUDGE SCHMITT: [9:32:04] Thank you.

12 And Mrs Kerwegi.

13 MS KERWEGI: [9:32:07] Good morning, your Honours. I'm Sarah Kerwegi.

14 PRESIDING JUDGE SCHMITT: [9:32:12] Thank you very much. We are

15 still -- still the Defence has the possibility to question the witness, so I give you the

16 floor, Mr Ayena.

17 *WITNESS: UGA-OTP-P-0379 (On former oath)

18 (The witness speaks Acholi)

19 QUESTIONED BY MR AYENA ODONGO: (Continuing)

20 Q. [9:32:30] Good morning, Mr Witness. I hope you had a wonderful weekend

21 since the African weather is here.

22 Mr Witness, today I want us to start from a very logical point. I'm sure you will agree

23 with me that it is not fair for Court and the listening world to keep on hearing you talk

24 about your former boss without knowing his character as you've perceived him to be

25 when you were with him in the bush. So I'll begin by asking you a few questions

1 about him so that Court knows what kind of person is in court.

2 Now, Mr Witness, in summary as a person the way you saw him and from what other

3 LRA soldiers and maybe others said about him, what kind of person was

4 Dominic Ongwen?

5 A. [9:34:16] In my opinion, Dominic Ongwen was somebody who committed

6 atrocities, he ruined civilians' properties. He also used civilians, he used civilians in a

7 very bad manner. And that's my opinion of Dominic.

8 Q. [9:34:48] Mr Witness, I want to refer you to your statement, tab 9,

9 UGA-OTP-0260-0039. I want you to go particularly to paragraphs 57 and 59, at pages
10 49 and 50. It is paragraph 57.

11 Are you at tab 9, Mr Witness?

12 MR SACHITHANANDAN: [9:36:41] Your Honours, perhaps the court officer can
13 assist.

14 MR AYENA ODONGO: [9:36:59] But maybe I can just paraphrase it, your Honour.

15 PRESIDING JUDGE SCHMITT: [9:37:02] I would suggest that you -- since we are
16 talking about a former statement of the witness, you can read it out, the portion that
17 you -- if it is not too long, you can read it out what you want to refer to.

18 MR AYENA ODONGO: It is not very long.

19 PRESIDING JUDGE SCHMITT: [9:37:25] That might be the best to read it out
20 simply.

21 MR AYENA ODONGO: [9:37:38] At the point, especially 59, your Honours, 59.

22 PRESIDING JUDGE SCHMITT: [9:37:48] Looking at 57 I also wondered a little bit
23 what you wanted to read out, but let's look at 59 then. And please read it out.

24 MR AYENA ODONGO: [9:37:58] "During our movement at this time I was talking
25 with Okot Patrick about why Ocaya had been abducted. We were overheard talking

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 by Odokonyero who asked me why we were talking and what did we say. I told
2 Odokonyero that I knew Ocaya and I stated I knew Ocaya from Ogago but would also
3 work in Pajule trading centre repairing bicycles. Odokonyero then reported my
4 conversation back to Ot Ngec who then requested to see me. Ot Ngec asked me if I
5 knew Ocaya and if I knew his name which I told Ot Ngec. I also told Ot Ngec how I
6 knew Ocaya and that as of just prior to my abduction, Ocaya was repairing bicycles
7 from Pajule ... Ot Ngec then took this information to Ongwen and Ocaya was ...
8 released."

9 Q. [9:39:13] Now, Mr Witness, is that your statement?

10 A. [9:39:30] I would prefer to discuss this matter in private session because I might
11 disclose some information that pertains to my identity.

12 PRESIDING JUDGE SCHMITT: [9:39:38] Yeah, then we go into private session.

13 MR AYENA ODONGO: [9:39:42] All right. Thank you.

14 (Private session at 9.39 a.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Open session at 9.45 a.m.)

12 THE COURT OFFICER: [9:45:40] We are in open session, Mr President.

13 PRESIDING JUDGE SCHMITT: [9:45:42] Perhaps I interrupted you. You can
14 shortly repeat the question so that everybody --

15 MR AYENA ODONGO: [9:45:49] Yes.

16 PRESIDING JUDGE SCHMITT: [9:45:50] -- really knows what we were talking
17 about.

18 MR AYENA ODONGO: [9:45:53]

19 Q. [9:45:53] Now, Mr Witness, we were talking about Ongwen's character. And
20 you stayed in the bush, you must have interacted with so many commanders. You
21 met people like Tabuley, you met Abudema, you met, you know, Okot Odhiambo and
22 so many others and you heard about them, people discussing about the character of
23 the different commanders in the -- in the bush. I want you to compare
24 Dominic Ongwen's character as perceived -- I mean, as discussed -- I mean, as first of
25 all, as seen by you, perceived by you and then as discussed by other colleagues you

1 were with in the bush.

2 A. [9:47:02] You know, when I was in the bush, when I was still in the bush going
3 through all these problems you have to understand that personally there's nothing
4 that I saw that was good in the bush, nothing was good in the bush, nothing, not even
5 one thing.

6 Well, the way people talk about things going on in other groups, they might say we
7 heard, we heard that in Tabuley's group he did such and such a thing. If you hear
8 people talking about what's happened in other groups, irrespective of whether you
9 agree with it or you disagree with it, there's nothing bad, there's nothing that you can
10 compare to -- you cannot make a comparison between what the other commanders are
11 doing and what your commander is doing. You cannot tell anybody that, "Yeah, my
12 commander is a bad person, he's a harsh person" because that will put you into
13 trouble. Because when you hear people talking sometimes they're trying to gauge
14 your thoughts, they're trying to find out what you're saying, they want to see whether
15 you're going to respond badly, and that will put you -- will create problems for you.
16 They will say, "Well, this person is talking in such a manner because he does not want
17 to stay in the bush" and this will create problems for you.

18 So when you're in the bush you have to always be careful, you have to always be
19 aware of what you say. You should not say anything that is going to put you into
20 trouble.

21 Among some of the things that -- the things that I saw in the bush, there's nothing that,
22 you know, that helped me, there was nothing that I benefitted from. You're talking
23 about biscuits. Are you serious? You think giving somebody biscuits and asking
24 them to dance is something of great value? Well, if you ask me about what happened
25 in the bush, there's nothing absolutely that I would say benefitted me. Anything. In

1 my group or from any other group. Sometimes people are pressured into doing
2 certain things. That's nothing good because you're being pressured to do that.
3 You're living under pressure. There's nothing to benefit you in the future. And
4 that's my response to your question.

5 Q. [9:49:59] Mr Witness, I can see that you are very angered by your staying in the
6 bush, which was the concern of everybody, of course, but my simple question is:
7 Was Ongwen as a person, was he kind?

8 A. [9:50:36] In my opinion, I cannot say, I cannot say, I did not see any kindness, I
9 cannot say that he was kind. If I look back at the things that happened, I cannot say
10 that there was any kindness in that.

11 Q. [9:51:02] Now, Mr Witness, what impression did he leave in your mind when
12 especially he released Ocaya 2I when in most cases abductees would have been killed,
13 and this is somebody you knew?

14 A. [9:51:39] If we are going to continue with -- in this sense, then you've
15 mentioned a certain name that might be close to me, but I'll respond it -- I'll respond in
16 this way: At the time, I had somebody with me. If I did not have anybody with me
17 in that position, somebody that I knew, somebody who I used to converse with, then
18 that person would not have been released. If I was on my own and I did not talk to
19 anybody, if I just kept quiet, if I did not talk to anybody, then I know that he would
20 have been killed. But because I was talking to him they perceived that perhaps there
21 was some -- that we knew each other and it was on that basis that the person was
22 released. But we cannot say that that was a good thing. First of all, if you had seen
23 how he was apprehended, how he was tied, how he was mistreated, how he was
24 stomped on, then the person would have been killed. So I cannot say that is a good
25 thing. If -- if I hadn't spoken up or if I hadn't told somebody, if I hadn't spoken to

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 somebody I knew that person would have been killed.

2 Q. [9:53:06] So, Mr Witness, when you came to testify your single mind was to
3 come and inform Court about only bad things about Ongwen; is that correct?

4 A. [9:53:39] My reason for coming to this Court was to testify and let the Court
5 know about my experiences, what I saw, to tell the truth and not to tell the Court any
6 lies. And that is what I'm -- that's why I'm here and that's what I'm saying.

7 Q. [9:54:09] I put it to you, Mr Witness, that you are carrying forward your
8 bitterness in the bush. As a matter of fact, witnesses who were closer to
9 Dominic Ongwen have testified before this Court that he was a kind man, was fair
10 minded and, you know, helped people, even at the time they were about to be killed.
11 So what you are telling Court is your own feeling and maybe informed by instructions
12 from whoever, we don't know. What do you say about that?

13 MR SACHITHANANDAN: [9:54:53] Your Honour, I don't know how the witness
14 can answer that question, that's an essay put into a question.

15 MR TAKU: [9:55:01] Your Honour, it is a proper question. He can ask him to
16 reformulate, but to say he doesn't know how he can answer, it's a proposition, he's
17 putting it to him and it's entirely inappropriate to put that proposition to him and hear
18 what he says.

19 PRESIDING JUDGE SCHMITT: [9:55:12] You can put a proposition, but there were
20 some, let me put it this way, some summaries in it of other evidence which is always a
21 problem. You would -- if you put a proposition you would have to really quote
22 exactly which, what are you referring to and then you can put it to the witness. But
23 to put it as a -- let me put it now to you as your own evidence assessment, so to speak,
24 would mean a little bit to discuss with the witness what you think the evidence has
25 already produced. So perhaps you reformulate it a little bit and just extract out of it

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 what you want -- you can say we had witnesses that have given another picture in
2 general to a little bit expedite the whole thing and what do you say about that,
3 something like that.

4 MR AYENA ODONGO: [9:56:05] I don't know whether I will have to repeat that to
5 him, he could answer from there.

6 Q. [9:56:11] Mr Witness, other witnesses have painted a completely different
7 picture of Mr Ongwen and, according to them, he was a kind man. What do you
8 say?

9 A. [9:56:38] I believe that everybody has their own assessment, depending on the
10 life experiences. Perhaps something good happened to them. Perhaps Ongwen did
11 something good to that person. So that person perceives -- and that's why the person
12 said he was a nice person. Personally, I'm speaking from my own experiences and
13 that's my response.

14 Q. [9:57:09] Thank you very much, Mr Witness. Can we move to another area.
15 Now, Mr Witness, let us make a brief wrap-up of your abduction and your
16 experiences, very brief indeed. You told Court that on the night of 6 August 2002,
17 when you were abducted in total you were about 150 people and that out of that
18 number 100 were children; is that correct?

19 A. [9:57:48] Yes, it is.

20 Q. [9:57:58] Mr Witness, how were you able to estimate the number of people
21 abducted, the number that were children, at night and when you were still in a state of
22 shock?

23 A. [9:58:29] Well, you heard my explanation. I told you that we -- after we'd
24 been abducted we went and sat down in a certain location, but even though it's dark,
25 maybe I haven't -- I did not see everybody that was abducted but once we went to

1 the -- once we went to this location they collected us all together. We were in one
2 large compound, there was a large number of people and the number that I gave was
3 an estimation. I told -- I said that there were approximately about 150 people and
4 perhaps more than a hundred children. So if people are collected together in one
5 large compound together, then I saw the people that were gathered and that was how
6 I made my estimation.

7 Q. [9:59:23] Was there moonlight on that night?

8 A. [9:59:36] In the morning at -- well, maybe at night there was no moon, but in
9 the morning it was clear, I didn't need the moon.

10 Q. [9:59:47] Now, Mr Witness, during examination-in-chief when the Prosecution
11 asked you about the ages of the children who were either killed or participated in the
12 attack, you'd give him the estimate of their ages relative to your size and, in a few
13 cases, according to both their sizes and how their faces looked like to you; is that
14 correct?

15 A. [10:00:26] Yes, it is.

16 Q. [10:00:31] In your opinion, Mr Witness, is that an accurate way of estimating
17 ages?

18 MR SACHITHANANDAN: [10:00:39] Objection, your Honour.

19 PRESIDING JUDGE SCHMITT: [10:00:41] Yeah, this is sustained. I think this is
20 the statement of the witness and to have an opinion on this is something that you can
21 have, the Prosecution can have, legal representatives and in the end we will have to
22 have it, an opinion on it. So please another question.

23 MR AYENA ODONGO: [10:01:00] I'm much obliged, your Honour.

24 Q. [10:01:03] Now, Mr Witness, have you ever studied or did you ever study
25 something to do with human population, including their size, growth, or undertaken

1 the study of human development?

2 MR SACHITHANANDAN: [10:01:17] Objection, again, your Honour, the witness
3 is not appearing as an expert.

4 PRESIDING JUDGE SCHMITT: [10:01:23] I think he can answer it. The answer is
5 obvious, so and then we move on.

6 MR AYENA ODONGO: [10:01:35] Your Honours, I think -- I want to let the
7 Prosecution know that this is somebody who has put himself in the position of an
8 expert in matters of estimating ages, so I want to assess where he got this knowledge
9 from.

10 PRESIDING JUDGE SCHMITT: [10:02:01] No, the -- he has -- let me put it this way:
11 First of all, it is of course relevant and important to be able to question these estimates
12 that the witness has been given because we know they are material for some of the
13 charges. Secondly, he has not put himself in the position of being an expert, he was
14 simply being asked as a witness about what he has perceived at the time and what he
15 can tell us about it. Thirdly, as I said, you can question this and you can ask him if he
16 has any education that goes beyond the one that you would have as a normal person
17 when you are asked, to be asked about the age of a person. We all have an estimate
18 when we see people in the courtroom how old they might be. You might be wrong,
19 you might be right.

20 So you can continue with that, but he is not being called as an expert and, what is also
21 important, he has not put himself into that position, he has just answered as a witness
22 with his possibilities and not possibilities that he has.

23 So please continue.

24 MR AYENA ODONGO: [10:03:18] Much obliged, your Honour.

25 Q. [10:03:21] Now, Mr Witness, you have been very consistent about giving

1 answers to questions about ages relative to your size. I want to help you -- I mean, I
2 want you, to ask you to help Court to assess whether what you said might be correct.
3 You've been, for instance, looking at the Prosecutor who was interviewing you for a
4 better part of two weeks now. How old would you say he is?

5 PRESIDING JUDGE SCHMITT: [10:04:08] I think -- excuse me that I intervene
6 again. We are not talking about the probable age of adults. This might be -- we are
7 talking about the age of, let me put it generally, young persons who might be on the
8 verge of being adults or who might still be children. So the age of the Prosecutor
9 is -- or your age or mine is not really relevant in that respect. So I would suggest that
10 you word this differently or follow another path.

11 And we know also I think, the older we ourselves grow the more difficult for us it is to
12 estimate the ages of people that are younger. But this is of -- does not really -- it's not
13 really relevant here in that respect. This was just to fill the gap.

14 MR AYENA ODONGO: [10:05:13] You've filled the gap well, your Honour.

15 Q. [10:05:23] And in that case, Mr Witness, did you ever see anybody who was
16 smaller and perhaps with even a baby face, but older than you?

17 A. [10:06:03] I -- well, I have not seen anybody from among us, the people who I
18 saw who were young. According to my estimate, there was none older than me.
19 There was those I estimated to have been the same age as myself, and that was my
20 own estimation. And out of these things, the questions you are asking, I know that
21 out of the people whose ages I estimated to be 11 or 12, that was based on my own size
22 and how I was able to estimate their ages because there were others who -- who were
23 not even able to carry their guns. Sometimes when they are carrying their guns they
24 would be dragging the guns and they wouldn't even be able to move with the guns for
25 some good distance.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 So sometimes I am estimating these years and you might think they are small, but
2 what if I had estimated a much younger age? I don't know what you would have
3 said because I don't really benefit from telling lies because I am also aware that in my
4 country, yes, I could have also been one of the criminals and I'm also aware that I have
5 been pardoned. Don't think that when I'm talking like this I'm trying to put
6 somebody in a very precarious situation, whereas I am in a better placed position.
7 But I'm only talking about what I know very well. And I mentioned these years
8 basing on my estimations at that time. That is my response. And I think I should
9 also inform you about this.

10 Q. [10:08:36] Well, I put it to you, Mr Witness, that in common life depending on
11 the origin of a person, the genes of a person, somebody could be smaller but much
12 older than a much bigger person. What do you say?

13 A. [10:09:09] You can always know when somebody is big or not because if you
14 are young your capacity to carry out some tasks can always be assessed because if
15 you're young, sometimes you fail to carry out some tasks. You don't really have to
16 look at somebody's size to decipher their age. You will see the capability of the
17 person in carrying out tasks to know whether they're big or young. That is how I
18 could assess.

19 Q. [10:09:45] Can we agree for the argument sake, therefore, Mr Witness, that that
20 was mere assessment, could be right, you could have been right, you could have been
21 wrong; is that right?

22 A. [10:10:06] Well, that was an estimation because if they were in there there was
23 nothing these people showed me to know their ages. That was purely estimation. I
24 did not have any documents to prove these ages. And if you look at my statement I
25 mentioned that that was my estimation because I didn't have any other means of

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 verifying how old they were. That was purely my estimation.

2 Q. [10:10:38] Thank you. Thank you very much, Mr Witness. And one last
3 question about this: When you said, and this was very consistent in your statement,
4 when you said they were 14 to 15 - 14 to 15 - which of the two was more likely, was it
5 the 14 or the 15?

6 A. [10:11:13] Well, that ranged between 14, 15, 13 or 12. All these were ages. I
7 cannot really segregate which one was nearer. But there were so many people within
8 that age range. There were those who were 16 or 17. And there was actually so
9 many people. I really couldn't clearly know which category was more, but there
10 were so many people.

11 Q. [10:11:43] Mr Witness, this may appear very obvious to you and it could sound
12 like we are bothering you, but you know the question of age is very important to
13 Court, so I hope you understand that I've been asking you in absolutely good faith.
14 But in any case, let's move to another area.

15 Now, Mr Witness, when you arrived at Kompetene, and after you had assessed the
16 total number of LRA soldiers who were there, can you give Court an estimate of their
17 number?

18 A. [10:12:27] The number of, if I could ask?

19 Q. [10:12:35] The number of LRA soldiers you found assembled there.

20 A. [10:12:43] Well, I cannot estimate. There were so many people. And it
21 may -- it's difficult for me to estimate that because there were so -- I mentioned and the
22 estimation of the number of abductees who were gathered together at that -- at one
23 point, but the number of LRA soldiers was really great and it was very difficult for me
24 to estimate. They were very many.

25 Q. [10:13:15] Now, can you assist Court to assess at least the number of soldiers in

1 Oka battalion after you finally separated?

2 A. [10:13:33] There were so many people. The number was enormous. I cannot
3 estimate the exact number, but what I can say is there were so many people. There
4 could be more than a hundred, there could be more than 150. There were actually so
5 many people at that time.

6 Q. [10:13:59] You know, Mr Witness, I don't expect you to know the exact number
7 because you are not keeping records, but just like you estimated the number of people
8 who were abducted, I thought when you were now reduced to a smaller number
9 within Oka battalion you could also make, you know, an intelligent estimate, like
10 you've been doing very consistently. Was the number of soldiers, LRA soldiers in
11 Oka battalion more than the number that was abducted that night?

12 A. [10:14:57] The number of soldiers or you also want me to include the -- to
13 include people who did not have guns but were also part of the unit, or you only want
14 to know the number of people who had guns?

15 Q. [10:15:15] Mr Witness, I think it is common knowledge that LRA were
16 composed of people with guns and those who did not have guns, so I'm talking about
17 everybody you found in the bush.

18 A. [10:15:41] Well, after the other group had split, there were still very many
19 people. I could estimate over 150, there could have been 150 or more. There are
20 actually so many people if you are to include those who didn't have guns.

21 Q. [10:16:03] How many people had guns according to your estimate?

22 A. [10:16:12] Yeah, for that, remember how I responded to that, I said they could
23 range between 100 and 150, around there. I said there were about that number that
24 had guns. My first response was based on the number of people who had guns, but
25 my second response was to get clarification on whether you need those with guns only

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 or including those without.

2 Q. [10:16:44] So do I understand that those with guns alone were in the region
3 of 150 or more?

4 A. [10:16:59] That is what I am stating.

5 Q. [10:17:11] Now, Mr Witness, let us turn to attack on Akilok and
6 Dominic Ongwen's injury. Mr Witness, can you give a fair estimate of the date of the
7 Akilok attack where Dominic was injured?

8 A. [10:17:43] That I don't know. That is something I cannot gauge now because
9 sometimes it is also difficult for me to know the actual date I was abducted, so so
10 many things happened in the bush and that is not something I can clearly gauge.

11 Q. [10:18:10] But you've been talking about weeks and month in your statement
12 and also in your testimony. Can you just give a rough estimate about how long it
13 was after your abduction?

14 A. [10:18:45] Well, what I can remember is I had already stayed for a while, but I
15 cannot really put the -- the exact period. So many things really occurred and it's
16 difficult for me to place it.

17 Q. [10:19:03] Mr Witness, can you turn to tab 9, tab 9, the document that you
18 looked at before, and you go to paragraph -- I mean page 58, paragraph 101 -- 106,
19 sorry.

20 MR AYENA ODONGO: Your Honours, can we go to private session for a short
21 time?

22 PRESIDING JUDGE SCHMITT: [10:20:08] Yes, if you request so, we go to private
23 session.

24 (Private session at 10.20 a.m.)

25 (Redacted)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Open session at 10.32 a.m.)

19 THE COURT OFFICER: [10:32:13] We are back in open session, Mr President.

20 PRESIDING JUDGE SCHMITT: [10:32:24] I think you recall that the information
21 that has been given in the last question by Mr Ayena about the distance between Abim
22 and Akilok and what would you say about that?

23 THE WITNESS: [10:32:48] (Interpretation) Well, it could be -- that could be the
24 distance, but the way we moved it was very difficult for me to estimate that this is the
25 distance that we have walked. When you're walking in the bush when there is a

1 standby, you walk and sometimes you get to the point where you feel that it's time to
2 rest. Or if something is going to happen then it should happen, because if there's no
3 plan you just walk, you keep on walking. I found the distances were quite far. I
4 might agree to what he said that that was the distance, but for -- it's difficult for me to
5 determine the exact distance.

6 MR AYENA ODONGO: [10:33:44]

7 Q. [10:33:44] Mr Witness, I want to politely put it to you either because of your
8 age at that time of your stay with the LRA, or because of some other personal reasons,
9 you have a very poor recollection of dates and places, when and where events took
10 place; what do you say about that?

11 PRESIDING JUDGE SCHMITT: [10:34:09] That is -- I think that is too general also.
12 You know, you would have to really refer to -- you have now addressed justifiably
13 Abim and Akilok and this one and the witness has said where his recollection comes
14 from and what recollection he has and I think we have to take it as it is. You know,
15 you -- this is of course always the difficulty when you put propositions to a witness,
16 the line between putting a proposition and arguing with the witness is always very
17 thin, so sometimes we have to interrupt here. So I would say this question was too
18 general. You said -- you gave information and this was to -- your recollection in
19 general regarding to certain issues is not very clear. The witness cannot sensibly and
20 reasonably answer to that, I would say, so you would have to be more specific.

21 MR AYENA ODONGO: [10:35:13] But, your Honours, you remember that we
22 talked about dates before and he could not remember and he admitted that he could
23 not remember some of them. We are now talking about places and events and as you
24 can -- could hear he was not very specific. So I was --

25 PRESIDING JUDGE SCHMITT: [10:35:33] That is exactly what you said lastly, is

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 exactly the point.

2 MR AYENA ODONGO: [10:35:39] Yes.

3 PRESIDING JUDGE SCHMITT: [10:35:40] As you could hear.

4 MR AYENA ODONGO: [10:35:41] Yes.

5 PRESIDING JUDGE SCHMITT: [10:35:41] So we note everything what's going on
6 in the courtroom and we hear everything.

7 MR AYENA ODONGO: [10:35:47] Yes.

8 PRESIDING JUDGE SCHMITT: [10:35:47] And everything is written down, so if
9 there are, if there were contradictions, if there were something in the end which had to
10 be assessed in a certain way, we have the information on the table. This is exactly the
11 main point that I want to make.

12 MR AYENA ODONGO: [10:36:02] I am much obliged. I thought it would be
13 important to underpin --

14 PRESIDING JUDGE SCHMITT: [10:36:08] No, whatever comes out of it in the end.
15 But there might be reasons for everything that might be looking at -- as a contradiction
16 or as something what is not really certain. But, you see, it's always like that, the
17 evidence is produced in the courtroom and is noted and we -- and fortunately we have
18 the transcripts and can read later on what has been said and put it into perspective --

19 MR AYENA ODONGO: [10:36:35] Yes.

20 PRESIDING JUDGE SCHMITT: [10:36:36] -- all the other evidence that we will hear
21 and that we have heard already.

22 MR AYENA ODONGO: [10:36:41] Much obliged, your Honour.

23 Q. [10:36:43] Mr Witness, you told the Prosecution that there was a very large RV
24 with Otti Vincent, Raska Lukwiya, Buk Abudema present and so many others.

25 Mr Witness, you may want to help Court to know who these are. Who was Otti

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 Vincent and what was his rank and role?

2 A. [10:37:28] To my understanding, Otti Vincent was a high-ranking officer. It
3 wasn't the first time that I'd met. We'd met on other occasions. He was a
4 high-ranking officer and he was the deputy to Kony. And that's my understanding
5 of Otti's role and rank.

6 Q. [10:38:00] Who was Raska Lukwiya and what was his rank and his role?

7 A. [10:38:20] Raska Lukwiya was in charge of a brigade, but I do not recall
8 which particular brigade. Abudema was in charge of Sinia brigade, to my
9 recollection.

10 Q. [10:38:41] And who was Commander Lagogo?

11 A. [10:38:54] To -- if I recall, Lagogo was in charge of Trinkle brigade.

12 Q. [10:39:05] And Tabuley?

13 A. [10:39:15] At the time, if I recall, Tabuley was in charge of Stockree.

14 Q. [10:39:22] That was also brigade?

15 A. [10:39:25] Yes, Stockree is a brigade.

16 Q. [10:39:28] So, Mr Witness, apart from Vincent Otti, who was the deputy to
17 Kony, all the rest were brigade commanders; is that correct?

18 A. [10:39:48] Other than Otti -- no, not all of them were brigade commanders,
19 some of them were battalion commanders. Not all high-ranking officials were
20 brigade commanders, some of them were battalion commanders. But the people that
21 I listed were brigade commanders and Otti was -- Otti was superior to all those
22 commanders.

23 Q. [10:40:22] Yes, Mr Witness, we are just talking about the people you have
24 mentioned, the people you have listed, they were all brigade commanders. We're not
25 yet talking about others. I'm talking about Raska Lukwiya, Buk Abudema, Lagogo --

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

- 1 A. [10:40:46] Yes, yes.
- 2 Q. [10:40:49] What rank was Dominic Ongwen at that time?
- 3 A. [10:41:06] At the time he was in charge of a battalion. He was commanding
4 Oka battalion. He was a major at the time.
- 5 Q. [10:41:26] So am I right to say that he was lower in rank and position to all the
6 others you have mentioned?
- 7 A. [10:41:43] Yes, that's the truth.
- 8 Q. [10:41:46] And, Mr Witness, you further told the Prosecution that you later
9 heard that Otti had selected Dominic Ongwen to lead the attack on Akilok; is that
10 correct?
- 11 A. [10:42:08] Yes, it is.
- 12 Q. [10:42:09] Where did you hear this from, Mr Witness?
- 13 A. [10:42:23] There were some people who were among those in the standby, the
14 same people that we went with, they're the ones who said that this -- the commander
15 selected Lapwony Odomi to command the battle. Even if I did not hear it from these
16 people I was aware that he was also a subordinate to somebody. I knew that there
17 were other higher-ranking officers than him, so at the time he himself could not
18 actually choose himself to go and lead that battle. So even if I haven't heard anything
19 I knew that that was the norm.
- 20 Q. [10:43:15] And according to you Otti was the one who selected the standby?
- 21 A. [10:43:28] To my understanding, the person who selected the standby was Otti.
- 22 Q. [10:43:41] And, Mr Witness, the standby that was -- is selected by Mr Otti also
23 included the children you mentioned who were later killed in the ambush; is that
24 correct?
- 25 A. [10:44:02] Yes, yes, the children that I listed were among the dead people.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 Q. [10:44:13] Now, Mr Witness, you talked about Mr Ongwen communicating
2 with Otti Vincent on walkie-talkie. Did you get to know what they were talking
3 about?

4 A. [10:44:37] You mean from that location?

5 Q. [10:44:38] Wherever. Wherever. There was talk -- maybe I refer you to tab 9,
6 tab 9 at page 59.

7 A. [10:44:59] Okay.

8 MR AYENA ODONGO: Your Honours, I want to read it for the benefit of -- for the
9 benefit of the witness.

10 PRESIDING JUDGE SCHMITT: [10:45:15] Yeah, please do that.

11 MR AYENA ODONGO: Paragraph 111:

12 "I was moving in the standby with Ongwen" -- oh, can we go to private session?

13 PRESIDING JUDGE SCHMITT: [10:45:32] Yeah, private session.

14 (Private session at 10.45 a.m.)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Open session at 10.47 a.m.)

7 THE COURT OFFICER: [10:47:06] We are back in open session, Mr President.

8 MR AYENA ODONGO: [10:47:09]

9 Q. [10:47:09] Mr Witness, in that case, would I be correct to assume that
10 Mr Ongwen was receiving instructions from Otti on how to go about the expedition,
11 the attack?

12 A. [10:47:40] I believe I had responded to that question earlier. I explained that it
13 was somebody higher than Ongwen who organised that standby and he was -- the
14 person who organised the standby delegated to Ongwen the role that he was
15 supposed to do, so whatever was supposed to happen or whatever took place
16 depended on those instructions. So I had already responded to that question if I
17 recall correctly.

18 PRESIDING JUDGE SCHMITT: [10:48:18] That is correct, but it was now even
19 more clear, so --

20 MR AYENA ODONGO: [10:48:22] Yes.

21 PRESIDING JUDGE SCHMITT: [10:48:23] -- please you can continue, Mr Ayena. I
22 think you --

23 MR AYENA ODONGO: [10:48:26] Yeah, I've elicited the (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [10:48:29] Yes, exactly.

25 MR AYENA ODONGO: But I want to encourage him.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 Q. [10:48:31] Mr Witness, the way we do things here, as you have experienced
2 even with the lawyer, the Prosecution lawyer that was interviewing you, sometimes
3 we appear to be very repetitive, but the reasons are different. So you will excuse us,
4 don't get irritated by what appears to be repetitive; is that all right?

5 A. [10:48:57] Yes.

6 Q. [10:49:06] Now was it possible, according to your experience in the bush, for
7 Dominic Ongwen to refuse the order of Vincent Otti to lead that attack?

8 A. [10:49:43] Perhaps if somebody had a problem and, based on that problem, you
9 can refuse to follow those instructions. But if you do not have any problems then you
10 have no alternative than to follow those instructions.

11 Q. [10:50:06] Mr Witness, are you suggesting to Court that in the bush it was
12 possible to refuse to obey a superior command, especially from Kony or Otti?

13 A. [10:50:39] Well, I do not know, I cannot give an explanation for everything
14 because some -- the things that I spoke about are things that I saw or witnessed and
15 that's why I responded the way that I did. But there are certain things that I saw and
16 I actually recognise that they issued an order for such-and-such a thing to be done
17 because, for example, when people were in the bay we did not even have a radio, so if,
18 for example, there is no radio and he hasn't received any orders from anyone, if any
19 attack takes place then he is the one who has issued instructions for that attack to take
20 place because he has not received orders from anybody. But I said if you see that
21 there are certain orders, for example, the example I gave earlier about Otti, then I
22 know that he's carrying out those instructions pursuant to an order, but I know that on
23 occasions he also issued instructions himself as a commander. I cannot tell you at
24 this particular time that every attack that took place or anything that he did he did
25 pursuant to instructions from above, some he did on his own initiative.

1 Q. [10:52:16] Mr Witness, I did not want to canvass that any further, but now that
2 you have triggered it I'll ask you a few questions, although maybe later on I will still
3 put it to you. Mr Witness, were you aware of what you would call standing orders,
4 orders which are there and you know you don't have to, I mean, receive any further
5 order in order for you to implement them?

6 A. [10:53:08] I did not understand your question. Could you break it up into
7 shorter questions so that I can understand it better.

8 PRESIDING JUDGE SCHMITT: [10:53:15] I think perhaps, Mr Witness, I think
9 counsel wants to know if there were orders that could be seen as general rules that
10 were always there that did not relate to a specific incident.

11 THE WITNESS: [10:53:49] (Interpretation) Well, I do not know anything about
12 any standing orders, but I know about orders that you -- or, instructions that you
13 received based on your position or your location. If you're told do something this
14 way and that's how we'd do it, or do something the other way and that's how we'd do
15 it, so those are the orders that I'm aware of.

16 MR AYENA ODONGO: [10:54:20]

17 Q. [10:54:20] Mr Witness, you remember that we talked about some of these
18 earlier, for instance, about punishment for escape, about punishment about
19 sexual -- what you would call sexual immorality. Did a commander have to receive
20 orders from above to implement those?

21 A. [10:55:03] No, I do not know whether those -- somebody had to receive orders
22 from above, but -- but I and other people did whatever we were told to do depending
23 on the instructions we received. I do not know if those orders came from somebody
24 higher above.

25 Q. [10:55:35] Now, Mr Witness, you told Court that when he was at the sickbay

1 Dominic Ongwen was visited by many high-ranking officers, including his own
2 brigade commander and also Vincent Otti. Could it have been that there was
3 instruction to him to make sure that food was made available to the soldiers under
4 him?

5 A. [10:56:29] No, I do not know. I know that when you're talking about food,
6 Otti does not tell anybody to look for food, because if there's no food he himself sleeps
7 hungry. If we are talking about foodstuff, it all depended on one's survival mode, so
8 whoever is in charge is responsible for ensuring that we survived well, we -- so
9 nobody had to tell that commander how we should live because if there is no food that
10 commander would also starve, so nobody would actually tell him how to plan for
11 food.

12 PRESIDING JUDGE SCHMITT: [10:57:26] I would suggest if you -- or do you want
13 to dwell on this point further?

14 MR AYENA ODONGO: [10:57:33] One, one, one.

15 Q. [10:57:38] Does that, therefore, suggest that there was no central stall from
16 where food was distributed and, therefore, it was, so to speak, each one for himself,
17 survival for the fittest, each one for himself and let the devil take the hindmost?

18 A. [10:58:14] This is how I can respond to this question: If you are not familiar
19 with it, let me explain something. You, personally, you should know that there are a
20 number of centres, numerous centres that were attacked and pillaged. We attacked
21 roads, ambushes, we attacked barracks. Not all orders were issued by Otti. Not all
22 those orders were issued by Buk. You should also know that sometimes Otti is under
23 gunfire from gunships. Sometimes we stay for a week together before we separate.
24 Sometimes when we're under heavy fire, we would stay for even one week without
25 eating food. So should Otti actually tell you how to take care of yourself, the

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 commander who is in charge of his troops is the one who has to plan and send people
2 out for food. If he does not send people out for food, then there is nothing. If there
3 is a standby, they will send the standby to go and get food. Otti is not going to be the
4 one issuing orders for that standby to go and look for food.

5 Think about it.

6 Q. [10:59:55] I don't have to think about it, you have answered very well,

7 Mr Witness, sir.

8 At this point I think we can break for --

9 PRESIDING JUDGE SCHMITT: [11:00:03] Yes, I think we have exactly on the spot,
10 on the second, 11 o'clock.

11 Yeah, coffee break until 11.30.

12 THE COURT USHER: [11:00:13] All rise.

13 (Recess taken at 11.00 a.m.)

14 (Upon resuming in open session at 11.31 a.m.)

15 THE COURT USHER: [11:31:51] All rise.

16 PRESIDING JUDGE SCHMITT: [11:32:11] Mr Ayena, please continue.

17 MR AYENA ODONGO: [11:32:20]

18 Q. [11:32:22] Mr Witness, we shall now talk about Opit. Did you participate in
19 the attack on Opit?

20 A. [11:32:48] I would require that we go to private session.

21 PRESIDING JUDGE SCHMITT: [11:32:54] Then we go to private session.

22 (Private session at 11.33 a.m.)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 11.35 a.m.)

22 THE COURT OFFICER: [11:35:42] We are back in open session, Mr President.

23 MR AYENA ODONGO: [11:35:51]

24 Q. [11:35:51] So, Mr Witness, we were seeking your opinion on an estimated time

25 of attack on Opit. When was it? The year and possibly the month.

1 A. [11:36:09] That was in 2003. At that time we were around Gulu, at the bay.
2 Sometimes we would move and then settle at points where soldiers wouldn't disturb
3 us, we would stay for one or two days before moving to the next location. At that
4 time I remember it was dry season and expect, I guess it was between January to
5 March because it was dry season at that time.

6 Q. [11:37:22] Mr Witness, I'm going to show to you some records which are
7 available to Court from the OTP and I want you to tell Court whether you remember
8 you were in company. Records, Mr Witness, show that on 14 September 2002 there
9 was an attack on Opit which was commanded by Odhiambo. Were you there,
10 Mr Witness?

11 A. [11:38:21] Any attack commanded by Odhiambo that I was in, there was no
12 such attack. I know you -- you are talking about something I don't know. I am not
13 aware if Odhiambo attacked that location. I am actually completely unaware.

14 Q. [11:38:45] Then again, Mr Witness, on 27 September 2002 there was an attack
15 and the commander is not known. Do you remember participating in an attack on
16 that date somewhere in -- at the end of September 2002?

17 A. [11:39:11] If possible, because I think you're asking me something I really don't
18 clearly understand, but if you could admit, let me tell you the details of the Opit attack.
19 I talked about it earlier on and please allow me to give you details because you're
20 asking me about things I do not clearly understand.

21 Q. [11:39:44] Mr Witness, can we agree that I'm in charge of asking questions and
22 that you should answer questions I put to you and I choose them?

23 PRESIDING JUDGE SCHMITT: [11:39:54] I would like to tell you, Mr Witness, that
24 this is correct what Mr Ayena is saying. He is putting the questions to you and you
25 are answering questions. You are not as a witness in the position to ask questions

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 yourself and if Mr Ayena wants to entertain more specifically Opit, he's doing. If not,
2 he's not doing it. And he has now asked you if you have any knowledge about an
3 attack by the end, I think it was 27 September, if I'm correct, 2002. And you can
4 answer that. If you have, you say what you know. If you don't have any
5 recollection, you say you don't have any recollection.

6 THE WITNESS: [11:40:41] (Interpretation) Well, I don't know about that.

7 MR AYENA ODONGO: [11:40:48]

8 Q. [11:40:49] Thank you. And Mr Witness, on 3 May 2003 there was again an
9 attack which was reported as having been led by Ocan Bunia. Did you attend that
10 attack?

11 A. [11:41:09] No, I was not part of it.

12 Q. [11:41:14] And the other known attack was on 25 May 2003 when Dominic
13 Ongwen is alleged to have attacked Opit mission and looted a lot of drugs and other
14 items from the mission. And do you remember this date? That attack?

15 A. [11:41:46] No, this date I am not aware of.

16 Q. [11:41:54] I did not expect you to know, because if it is true that you escaped on
17 12 May 2003 you would have left some 13 days earlier.

18 And the other reported attack, Mr Witness, was on 4 June 2004. And another one
19 was on 24 March 2004. There appears to be no any other record of any other attack
20 on Opit. Can you tell Court which attack you attended which escaped the attention
21 of the UPDF?

22 A. [11:43:05] When I'm talking about Opit, we went there and the items that were
23 looted included beans, goats, flour, maize. There was no engagement with the
24 military or the soldiers. There was no such engagement with the soldiers that could
25 thwart the looting. The items were just looted from the centre.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 Sometimes maybe that may not have been considered an attack because there was no
2 attack on the barracks, there was no such.

3 Q. [11:44:02] Now, Mr Witness, you said this was about March 2003; is that
4 correct?

5 A. [11:44:14] Yes.

6 Q. [11:44:16] Was it later or earlier in the month?

7 A. [11:44:23] You heard I said that happened during dry season and I guess it was
8 between January and March, that is my estimation.

9 Q. [11:44:41] Do you remember when Dominic was arrested by -- or I mean, to
10 begin with, did you ever get to know that Dominic was arrested by Vincent Otti?

11 A. [11:45:04] No, I don't know.

12 Q. [11:45:06] And you said all the time you were in the bush you were with Sinia
13 brigade?

14 A. [11:45:17] Yes.

15 Q. [11:45:21] I put it to you, Mr Witness, that there are so many things you have
16 no recollection of and that there was no attack on Opit which was conducted by
17 Dominic Ongwen. What do you say about that?

18 A. [11:46:07] What I have said is what I know and how it happened. Even if you
19 say so, what I know will hold, will stay that way because what you have said or the
20 attacks you talked about, well, I am not aware of. But what I have told you, this is
21 what actually happened and, whatever you will say, I know this is what really
22 happened.

23 Q. [11:46:37] And, Mr Witness, you said that (Redacted) to conduct an
24 ambush on UPDF on patrol on Lalogi road during which four UPDF were shot and
25 their AK-47 taken; is that correct?

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 PRESIDING JUDGE SCHMITT: [11:47:01] I think this would be
2 something or -- I would suggest to go into private session.

3 (Private session at 11.47 a.m.)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Open session at 11.48 a.m.)

15 THE COURT OFFICER: [11:48:17] We are back in open session, Mr President.

16 MR AYENA ODONGO: [11:48:20]

17 Q. [11:48:21] Mr Witness, was this attack before or after the attack on Opit?

18 Which one occurred earlier than the other?

19 A. [11:48:41] You know, this period -- well, I cannot clearly recollect which one
20 happened before the other, but it was within the same season, that was still within the
21 same dry season, that was ranging between February, March and April, but I cannot
22 clearly recollect which one happened before the other.

23 Q. [11:49:28] And Mr Witness, Mr Witness, did Ongwen personally participate in
24 this attack?

25 A. [11:49:42] Well, like I said, Dominic himself did not participate, but the people

1 who went for the attack, the people he sent were Kidega -- were led by Kidega. He
2 did not participate himself. He was not there in person.

3 Q. [11:50:17] And you remember around this time he had been injured. Can you
4 tell Court whether he had already healed?

5 A. [11:50:32] At that time he had not yet fully recovered, but he was now able to
6 walk, though still limping. He wasn't yet walking all too well, but he could still walk.
7 Sometimes he would walk for about one or two hours and then he would stop and rest.
8 Sometimes when you move for a whole day and when they were sure that soldiers
9 were not pursuing them, they would rest. But every time they would station they
10 would set up a standby to go and look for food items. That was it.

11 Q. [11:51:17] So is it your statement, Mr Witness, that by this time he had not yet
12 healed?

13 A. [11:51:25] He wasn't yet doing very well.

14 Q. [11:51:31] Mr Witness, I want to refer you to tab 10 at page 60, it's
15 paragraph 82.

16 MR AYENA ODONGO: [11:52:02] Your Honours, I want to read it, it is a short one.
17 You said:

18 "On one occasion when we were in sickbay Ongwen (Redacted) to conduct an ambush
19 on soldiers patrolling on the Lalogi road."

20 MS KERWEGI: [11:52:22] Your Honour, closed session please for the reading of this
21 paragraph.

22 PRESIDING JUDGE SCHMITT: [11:52:30] I think so. It would be consistent,
23 thank you Mrs Kerwegi, it would be consistent with the last decision to go to private
24 session. Private session.

25 (Private session at 11.52 a.m.)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 11.55 a.m.)

5 THE COURT OFFICER: [11:55:34] We're back in open session, Mr President.

6 MR AYENA ODONGO: [11:55:43]

7 Q. [11:55:45] Mr Witness, I want to put it to you that at this time Mr Ongwen was
8 still very sick, he was not capable of moving at all and you knew this and you must be
9 giving this evidence for your own purpose. It's not true that he could move; what do
10 you say?

11 A. [11:56:32] I am not very sure about which interest -- personal interest I want to
12 pursue, but on the standby I talked about I said Ongwen selected the standby. The
13 person who was leading the standby was Lapwony Kidega. He did not go himself.
14 Though, I don't know if this that I have said what particular self interest would I want
15 to achieve by saying this?

16 Q. [11:57:07] Mr Witness, if you want me to suggest your interest, your interest
17 has been well articulated, you are bitter about you being in the bush, you are annoyed
18 about everybody who was in the bush, and Dominic Ongwen, having been a senior
19 member of LRA, you want to definitely find a way of exacting your revenge on him.
20 What do you say?

21 A. [11:57:48] Well, what I can say is that that is what you think, but I am narrating
22 what I know happened when I was there. This was one of the attacks I was asked to
23 comment on. And this is something that happened, it's not something that came up
24 like I was possessed. But I only talked about what really happened. I really do not
25 have any intention of revenge against anyone.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 Q. [11:58:35] Thank you, sir. Can we go to attack on Awere.

2 Mr Witness, you told Court that the second attack on Awere was personally
3 commanded by Ongwen and this was very fierce, it was fierce confrontation between
4 the LRA and the UPDF; is that correct?

5 A. [11:59:08] Yes.

6 Q. [11:59:11] As a matter of fact, Mr Witness, you said that you were repulsed and
7 you retreated; is that also correct?

8 A. [11:59:24] Yes.

9 Q. [11:59:30] Mr Witness, you remember that in one of the Pajule attacks there was
10 a soldier who was found in one of the houses and he ran away and left his gun
11 hanging on the wall; is that correct?

12 A. [12:00:04] Let me try to correct there. You didn't finish it all. I said we are
13 talking -- we are mentioning names of soldiers, I don't know whether we are in private
14 session or not?

15 PRESIDING JUDGE SCHMITT: [12:00:20] We are still in open session. So if you --

16 MR AYENA ODONGO: [12:00:23]

17 Q. [12:00:25] I don't want you to mention names.

18 A. [12:00:27] But you have already mentioned soldiers.

19 PRESIDING JUDGE SCHMITT: [12:00:34] But not -- but not in this question,
20 Mr Witness. And I think you can answer without mentioning a name. Do
21 you -- and I recall that we discussed such an episode during the questioning of the
22 Prosecution already.

23 MR AYENA ODONGO: That one.

24 THE WITNESS: [12:00:57] (Interpretation) Yes, I said a soldier ran and he was
25 shot. There were two soldiers in that house. One stayed behind. The one had his

1 gun on the wall, he was held at gunpoint and was unable to retrieve his gun. The
2 one who tried to flee was shot and his gun was taken. The one who had his gun on
3 the wall was taken at gunpoint and his gun was taken. He did not leave his gun on
4 the wall and then run. There were two different people.

5 MR AYENA ODONGO: [12:01:37]

6 Q. [12:01:40] Mr Witness, would that suggest that there were soldiers who were
7 living within the residence of civilians, mixed up with civilians?

8 A. [12:01:59] I do not know why those soldiers were there. Perhaps those
9 soldiers guessed that something was going to happen and that's why they came and
10 spent the night there. Maybe they spent the night there because they were waiting
11 for something. That I do not know. I do not know the reason why those soldiers
12 spent the night there. I do not know, but I doubt that that was their home.

13 Q. [12:02:37] So, Mr Witness, would I be correct to assume that whether it was
14 their home or their refuge there were times when soldiers would go and live together
15 with the civilians?

16 A. [12:03:05] No, I do not know. I do not know. I cannot give an explanation as
17 to how those soldiers came there.

18 Q. [12:03:21] Mr Witness, I want you not to read anything in my line of
19 questioning. All I want is for you to help Court understand the operations of the
20 barracks vis-à-vis the IDP camps, and you have already told Court that you once lived
21 in the IDP camp. What I want you to tell Court is, in your experience, were there
22 soldiers who were sometimes actually living among the civilians?

23 A. [12:04:14] It's difficult to guess. But, you know, there are sometimes, for
24 example, to my recollection, when they attacked Pajule on the tenth, there are
25 some -- there was a soldier that was killed in a civilian home. I do not know what

1 brought that soldier there. Perhaps he just went into the house. It's difficult to
2 explain. It's difficult to explain the reason why that person came there, why was this
3 person spending the night there, why was the person there at that time of that day. I
4 do not know. I do not know. I can't explain it.

5 Q. [12:05:14] Mr Witness, may I politely suggest to you that where there were
6 camps and a barrack was juxtaposed to the camps, it was usual for soldiers to get
7 mixed up in the community, either looking for concubines or actually having houses
8 in the community, and particularly where there were LDUs who were members of the
9 community, they lived within the community; does that make sense to you?

10 A. [12:06:05] From my understanding, the way Pajule barracks was positioned
11 and the way that soldiers were brought, government soldiers came, for example, the
12 patrols and soldiers who were brought as security for the camp, if something happens,
13 well, among some of the things that you've -- you've stated, perhaps maybe one of the
14 soldiers was involved with somebody. Maybe there was a female LDU who was
15 involved with somebody who was living there or maybe there was a male LDU who
16 was involved with a woman there. If something happens in a particular place and
17 that thing finds you in that location, then things like -- battles should not find you
18 there.

19 Q. [12:07:49] Well, Mr Witness, I want to retreat a bit and ask you a question that I
20 should have put to you earlier. Who had ordered the attack on Awere; do you
21 remember?

22 A. [12:08:19] I recall -- well, I kept quiet because I was, yeah, I was going --
23 MR AYENA ODONGO: -- to private. Okay.

24 PRESIDING JUDGE SCHMITT: [12:08:45] We go to private session.

25 (Private session at 12.08 p.m.)

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Open session at 12.15 p.m.)

9 THE COURT OFFICER: [12:15:14] We are back in open session, Mr President.

10 PRESIDING JUDGE SCHMITT: [12:15:18] Thank you. Just the second part
11 of -- the second part of your question, that you ask it again, wouldn't it also be logical
12 that he must have ordered --

13 MR AYENA ODONGO: [12:15:33] Yes. Yes.

14 Q. [12:15:34] Mr Witness, you got my question, but I will repeat it for the sake of
15 quick memory. Here is a situation where Kony ordered a retaliatory attack on Awere,
16 wouldn't it be logical that because -- and you said this could have been because
17 Ongwen could have reported to him.

18 Now my question is: If Ongwen reported to Kony, wouldn't it make sense that he
19 reported to Kony because he had been ordered by Kony to attack Awere?

20 A. [12:16:38] It could be. Yeah, it could be that the orders -- he's the one who
21 issued the orders.

22 PRESIDING JUDGE SCHMITT: [12:16:45] I think more you can't get from the
23 witness, I would say, because it's -- calls a little bit for speculation, but he did entertain
24 your question.

25 MR AYENA ODONGO: [12:16:55] Yes.

1 Q. [12:16:56] Mr Witness, you said during the Awere attack some eight to 12
2 people, civilians, according to you they were civilians, were captured from the
3 centre --

4 MS KERWEGI: [12:17:15] your Honour, for this particular line of questioning I
5 request we go to closed session.

6 PRESIDING JUDGE SCHMITT: [12:17:22] Yeah, although it's really a little bit of
7 back and forth, it's true what you're saying, we go back to private session. But this
8 happens when we want to have our evidence as much produced and heard by the
9 public, so we have to go back and forth from time to time.

10 (Private session at 12.17 p.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Open session at 12.36 p.m.)

6 THE COURT OFFICER: [12:36:28] We are back in open session, Mr President.

7 MR AYENA ODONGO: [12:36:33]

8 Q. [12:36:34] And Mr Witness, I want to inform you again that the UPDF also says
9 that there was another attack on Awere on April 10, 2004. If that were true,

10 Mr Witness, would you agree with me that since your recorded date of escape was
11 what we have already talked about, you could not have been involved in that attack?

12 The attack of 10 April 2004.

13 A. [12:37:24] Well, that particular attack I am not aware of. The one I have talked
14 about is the one I participated in. The other one you're talking about, well, I'm not
15 aware of. If that happened in 2004, yes, I was no longer there.

16 Q. [12:37:44] And, Mr Witness, when you were in the bush did you get to know
17 about the promotion of Dominic Ongwen?

18 A. [12:38:14] Well, I am not aware whether he was promoted or not. I didn't
19 come to know of that.

20 Q. [12:38:26] By the time you left, what position was Dominic Ongwen occupying?
21 Was he still the battalion commander of Oka?

22 A. [12:38:49] At the time of my escape, according to what I know, he was still in
23 charge of Oka.

24 Q. [12:39:03] Mr Witness, I want to inform you that by the time you left Ongwen
25 was under arrest with Vincent Otti -- I mean by Vincent Otti. What do you say about

1 that?

2 A. [12:39:49] I am not aware of that.

3 Q. [12:39:53] Mr Witness, I put it to you that according to the way you have
4 answered questions about Awere you did not participate in any attack on Awere, you
5 could have gone somewhere else on the misdirection perhaps of those who were told
6 to guide you, because the attacks on Awere were on different dates and none of them
7 occurred about the time you have suggested to Court. What do you say about that?

8 A. [12:40:46] For me, what I have already stated is entirely what I know about.
9 The rest of the things that are being talked about I am not aware. I have said only
10 what I know.

11 Q. [12:41:08] Mr Witness, let's talk about Lanyatido attack and the thereafter.
12 You stated that after you -- oh, can we go to private?

13 PRESIDING JUDGE SCHMITT: [12:41:30] I think, I also think this would lead us to
14 issues that would have to be discussed in private session.

15 MR AYENA ODONGO: [12:41:37] Yes.

16 PRESIDING JUDGE SCHMITT: [12:41:38] Private session.

17 (Private session at 12.41 p.m.)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 12.54 p.m.)

22 THE COURT OFFICER: [12:54:00] We are back in open session, Mr President.

23 MR AYENA ODONGO: [12:54:10]

24 Q. [12:54:11] Mr Witness, although you've told Court that, you know, you did not

25 only go to Bardege but you also went elsewhere. Can you tell Court why on this

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 particular occasion Ongwen would (Redacted) which
2 are common in northern Uganda and you could get them from nearby distances?
3 A. [12:54:50] Well, I said the area where we were stationed there were no people
4 nearby, people had fled, so the places where (Redacted)
5 were areas where people had just left their homes and going to the camps. You'd be
6 able to find food in the -- crops in the gardens and you would be able to harvest, but
7 later on it came to a point where you couldn't find all these food items in the gardens
8 and you would have to move some distance.

9 Now, if you move like two or three kilometres away from the camp, you would be
10 able to find some crops still in the gardens. But the location where we were was a
11 point where there was nothing in the gardens. (Redacted)
12 (Redacted) in gardens nearby and moving far off to Bardege, but
13 there was actually nothing nearby.

14 Q. [12:55:58] Now, when you reached Bardege, did you find people there? Did
15 you meet some civilians on the way?

16 A. [12:56:10] There were no civilians, but you would find their homesteads, but
17 without people in them.

18 Q. [12:56:20] Cassava and potatoes are very bulky things. Why didn't you make
19 an attempt (Redacted)

20 A. [12:56:43] (Redacted)

21 (Redacted)

22 (Redacted), that meant that even

23 civilians did not have to know which direction these people who carried out the
24 looting went.

25 Q. [12:57:14] And, Mr Witness, if you were three to four weeks after abduction

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 and you were three to four days at Koyo Lalogi, wouldn't that mean that you were at
2 Koyo Lalogi about 20 August 2002?

3 A. [12:58:00] The issue of dates I am not very clear about. I cannot really recollect
4 the actual dates of these occurrences. And there were so many things that happened.
5 And I cannot really recollect all the dates. I know the actual things that happened but
6 not the respective dates.

7 Q. [12:58:21] I thought so. But that is the calculation.

8 MR AYENA ODONGO: [12:58:29] Your Honours, I think this is a logical time for
9 us to go for lunch.

10 PRESIDING JUDGE SCHMITT: [12:58:33] I pick this up and I would like to remind
11 you that on last Tuesday we, sort of, agreed upon to aspire to finish this witness today.

12 MR AYENA ODONGO: [12:58:44] That aspiration shall be achieved, your
13 Honours.

14 PRESIDING JUDGE SCHMITT: [12:58:48] Thank you very much. Then we have
15 the lunch break until 2.30.

16 MR AYENA ODONGO: Yes.

17 THE COURT USHER: [12:58:56] All rise.

18 (Recess taken at 12.59 p.m.)

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

20 THE COURT USHER: [14:30:53] All rise.

21 PRESIDING JUDGE SCHMITT: [14:31:10] Mr Ayena, please.

22 MR AYENA ODONGO: [14:31:20] Yes, good afternoon, Mr President, your Honours.

23 Q. Good afternoon, Mr Witness. I hope you had a good lunch. Now, Mr Witness,
24 let's talk about Ongwen's injury, his recovery and sickbay. As you will notice, I have
25 already canvassed some of these things earlier, but don't get irritated when I ask you

1 questions which to you appear repetitive. I will be asking them under different
2 contexts.

3 Now, Mr Witness, did you ever hear about or participate in any standby to attack
4 Abim which is in Karamoja?

5 A. [14:32:33] No, I did not participate in any standby to attack Abim.

6 Q. [14:32:48] Now, Mr Witness, what would you say if I told you that other
7 witnesses have testified that Mr Ongwen was shot in Ngora on the way from Abim
8 when the intended attack on Abim aborted?

9 A. [14:33:25] Well, the way I have narrated the story, that standby, the one where
10 Ongwen got injured, to my understanding, was a standby to go to Akilok. That was
11 my understanding. But we had not -- before we arrived there the soldiers attacked us
12 and Ongwen was shot. Perhaps the person who also spoke to Abim -- spoke of Abim,
13 maybe they had not yet arrived to the location, the exact location of the mission. He
14 probably spoke to people at that time before the events. And perhaps that's how the
15 person -- that's why the person narrated their events in that manner. Maybe there is
16 a difference between my narration and the other person's narration, because the other
17 person misunderstood the exact location of the attack.

18 Q. [14:34:57] Mr Witness, the evidence about how that attack happened and that it
19 was after the foiled attack in Abim was given not by one person, but by --

20 MR SACHITHANANDAN: [14:35:18] Objection, your Honour. We cannot
21 characterise the weight and nature of the evidence provided by other witnesses when
22 examining one witness. I believe that is unfair to this witness.

23 PRESIDING JUDGE SCHMITT: [14:35:30] Yes, I think we have discussed this also
24 last week. The witness has given his answer to that so that there indeed might be
25 differences and like always, whatever we would, as a Chamber, have to make out of it.

1 MR AYENA ODONGO: [14:35:50] I am much obliged. It's my duty to make sure
2 that I rub it in so that in case you did not capture it, your Honour.

3 PRESIDING JUDGE SCHMITT: Be more optimistic, Mr Ayena.

4 MR AYENA ODONGO: [14:36:02] I can assure you about that, your Honours, from
5 now on.

6 Q. [14:36:13] And, Mr Witness, and what would you say if I told you that other
7 witnesses have also stated that they were the ones who carried Mr Ongwen after the
8 injury and that you were not mentioned or seen anywhere in the scene?

9 A. [14:36:44] I believe those people did not tell the truth or the exact details of the
10 events because I was present.

11 Q. [14:37:02] And, Mr Witness, you told the Prosecution that Mr Ongwen remained
12 in the Oka battalion sickbay and never moved anywhere else; is that correct?

13 A. [14:37:19] Yes.

14 Q. [14:37:23] Did Mr Ongwen at any one time join the Trinkle or Gilva sickbay?

15 A. [14:37:42] We met with the other sickbays, but I do not know to whom that
16 sickbay belonged. I remember that we did meet a sickbay with -- there were some
17 people belonging to Kulio's (phon) group, there were some people belonging to
18 Muyenga (phon). But I did not know which sickbay was which. But the sickbay,
19 the Oka sickbay also had a mixture of people. It wasn't only the people who were in
20 Oka. There were some people that I had not seen before and I saw them in that
21 sickbay, in the Oka sickbay. For example, Obol, Obol was not in our group, but he
22 was in that sickbay. And there were other people as well.

23 Q. [14:38:45] Mr Witness, I'm not talking about casual meeting, I am talking about
24 joining, joining meaning you shift from this sickbay and you go and stay in another
25 sickbay. Did that ever happen? Dominic leaving the Oka sickbay and going to stay

1 in one of the sickbays of either Gilva or Stockree; did it ever happen?

2 A. [14:39:30] No, I do not know of any time that he moved and went to stay in
3 another sickbay.

4 Q. [14:39:41] Mr Witness, can you tell this honourable Court, according to your
5 estimation, for how long did Dominic Ongwen remain in the sickbay?

6 A. [14:40:06] Dominic Ongwen was in the sickbay for a while. It -- he was in the
7 sickbay from the moment he sustained his injuries to the moment he began his
8 recovery. And he was able to move or to limp around. That was all while he was in
9 the sickbay. So it was -- he was in there for a while, but I cannot guess or estimate the
10 exact period. But if I hazard a guess, perhaps five months or six months.

11 Q. [14:40:48] And, Mr Witness, can you help Court with an estimate of which
12 month Odong -- I don't know whether we should go into private session.

13 PRESIDING JUDGE SCHMITT: [14:41:05] I am not sure at the moment, frankly
14 speaking.

15 MR AYENA ODONGO: [14:41:10] Okay, this has been canvassed before.

16 PRESIDING JUDGE SCHMITT: [14:41:13] Okay, then we go to private session, if you
17 think so, yes.

18 (Private session at 2.41 p.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 2.42 p.m.)

8 THE COURT OFFICER: [14:42:49] We are back in open session, Mr President.

9 MR AYENA ODONGO: [14:43:18]

10 Q. [14:43:18] Do you remember, Mr Witness, this episode about an attempt at peace
11 talks where Dominic Ongwen had gone to talk to government about peace talks?

12 A. [14:43:47] There are some things that I -- I do recall. I recall that during the
13 peace talks, when people went on mission with Odong Cow, when the group came
14 back, they found that when -- they found that the location where they had left the
15 group when people went on mission had been attacked and people had left. So they
16 brought other people to that location to wait for the people who had gone on mission
17 to come back.

18 So when the people on mission came back and went to join the rest of the group, while
19 people were assembled in the position, the group that went found out that Ongwen
20 had gone to Tabuley during the peace talks and the peace talks were taking place at
21 Lalogi.

22 Shortly afterwards, there was a helicopter that came and circled the area. The people
23 who were in the position left the position. Shortly there afterwards they sent,
24 Ongwen sent somebody to instruct the people to leave that area. When they came to
25 inform people that people were supposed to leave the area, that's when we were

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 informed that Odong Cow had escaped. I believe that at the time Ongwen had
2 already realised that Odong Cow had escaped. When people left that position, we
3 heard soon there afterwards that the peace talks had seized and nobody -- people were
4 instructed not to attend the peace talks because it was -- they were alleging or
5 implying that it was -- that was -- the government intended to fight against the rebels
6 or intended to use that as a ploy against the rebels. So there were a number of
7 rumours about cars and people with guns and armoured cars. I understand that they
8 had also prepared some foodstuffs, for example, flour, which had been laced with
9 poison, so the -- they thought that if the rebels went and took the -- the food, if they
10 were not able, if the government was not able to kill them using guns, then the
11 poisoned food, the food laced with poison, would be able to kill them.

12 All these things, all these things happened when people were still having those -- the
13 problems. That wasn't the only thing. And when I came back home I had a -- I
14 heard of a similar report, that during -- the government soldiers intended to attack the
15 LRA during these peace talks. That's what I know about those peace talks.

16 Q. [14:48:00] Mr Witness, are you suggesting to Court that there was also biological
17 warfare involved in the LRA government of Uganda conflict?

18 A. [14:48:31] Are we in open session or private session? There are certain things
19 that I have a bit of difficulty explaining in open session.

20 PRESIDING JUDGE SCHMITT: [14:48:42] We are in -- in open session. But
21 difficulties alone, it depends on if issues are going to be addressed that should be
22 discussed in private session, so this -- I don't -- I fail to see at the moment why we
23 should go into private session.

24 MR AYENA ODONGO: [14:49:01] Your Honour, if -- if the witness feels free to talk
25 in private session he must be having a reason. So I would indulge --

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

- 1 PRESIDING JUDGE SCHMITT: [14:49:13] Okay, then since it is coming now from
2 the Defence counsel --
- 3 MR AYENA ODONGO: Yes.
- 4 PRESIDING JUDGE SCHMITT: -- I pick it up. And we go into private session.
- 5 MR AYENA ODONGO: [14:49:20] I am much obliged.
- 6 PRESIDING JUDGE SCHMITT: [14:49:22] But we are vigilant if this -- when we can
7 go back into --
- 8 MR AYENA ODONGO: [14:49:27] Yes.
- 9 PRESIDING JUDGE SCHMITT: [14:49:27] -- open session.
- 10 (Private session at 2.49 p.m.)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 (Redacted)

2 (Open session at 2.55 p.m.)

3 THE COURT OFFICER: [14:55:08] We are back in open session, Mr President.

4 MR AYENA ODONGO: [14:55:27]

5 Q. [14:55:27] Mr Witness, when you talked about General Salim Saleh, is this the
6 same General Salim Saleh who is often referred by many people in Uganda as very
7 pro-people?

8 A. [14:56:03] The Salim Saleh that I'm talking about is a soldier. He is
9 a government soldier. I do not know whether he is a relative or not, but that is the
10 Salim Saleh I am talking about.

11 Q. [14:56:20] You mean the brother of President Museveni, or you are not aware?

12 A. [14:56:29] Yes, that one.

13 Q. [14:56:36] Mr Witness, did you also hear that around this time, or slightly earlier,
14 or maybe slightly later, this same General Salim Saleh was trying to persuade
15 Dominic Ongwen to leave the bush and that, as a matter of fact, he had given him
16 a mobile telephone? Did you get to know about that?

17 A. [14:57:22] No. But I -- I do recall -- I do recall that someone received a telephone,
18 a mobile phone and gave it to Odomi but I do not know whether it was Salim Saleh
19 who gave him that phone or not. But the person who brought him that phone was
20 Kidega. I do not know where he got the phone from, I do not know who gave him
21 that phone. So I do know, I do recall and I did see a mobile phone that was brought
22 and given to Ongwen. And I mentioned this person's name but I do not know
23 whether that is the very mobile phone that you are talking about.

24 Q. [14:58:14] Well, Mr Witness, I know of only one. I don't know of the others.

25 Perhaps it is about the same. But, in any event, Mr Witness, did you also get to know

1 that around the same time Dominic Ongwen was given 10 million shillings by sources
2 within the government?

3 A. [14:58:46] No, no, I do not know.

4 Q. [14:58:54] Could it have been because you were, at that time, the -- I mean, escort
5 to one of the subsidiary commanders to Dominic Ongwen and, therefore, you did not
6 have direct contact with Dominic Ongwen and, therefore, you may not have known
7 many things that happened to him?

8 A. [14:59:33] I do not know anything about any money that the government gave.
9 I do not know whether they gave him some money to try and persuade Ongwen. But
10 I do recall that at some point while I was with Kidega there was a bag that contained
11 money and I was carrying that bag. I do recall that on one day Ongwen asked
12 Kidega, that "Kidega, is that the bag? Is that my money?" I do not know whether
13 that was the money he was referring to or whether that was different, something else.
14 But I do recall that when I was with Kidega, at some point, I was carrying a bag
15 containing money. At the time, Cow had already escaped. And that was the
16 time -- that was the same time that I'm talking about in relation to the telephone.
17 But I don't know, maybe they found the money from somewhere else. I do not know
18 where that money came from, but I do recall that there was some cash that was
19 carrying around in a bag.

20 Q. [15:00:56] According to your estimate, was it a lot of money?

21 A. [15:01:09] Well, according to my estimate that was a lot of money because it was
22 in a bag and that bag didn't contain only money, it also had -- it also had his uniform.
23 And the bag was rather heavy. And I remember that was a very important bag
24 because based on the question that he had asked earlier, and also at some point
25 whenever I move away from Kidega, when I am going for patrol, I would leave that

1 bag with Kidega himself and not anyone else. I would carry that bag when I am near
2 him. When I am moving anywhere a little far I would leave the bag with him. For
3 that reason, I knew the bag was very important and that money was a huge amount of
4 money and was very important. But how the money got there I am not aware of.

5 Q. [15:02:10] Thank you very much, sir.

6 Now I want to ask you about one other person we have not talked about. Especially
7 around this time, did you hear the name Ocan Labongo?

8 A. [15:02:38] Well, the name Labongo, yes, I heard, but the name Ocan Labongo
9 I am not very sure about. I don't know whether the Labongo I heard of is different
10 from that called Ocan. Otherwise I heard the name Labongo, but not Ocan Labongo.

11 Q. [15:03:00] How about George, George Labongo?

12 A. [15:03:07] No, I don't know that.

13 Q. [15:03:09] Mr Witness, can you tell Court a little more about what you heard
14 about this Labongo, especially around this time?

15 A. [15:03:33] If it's the Labongo that I used to know, then -- well, there was nothing
16 peculiar I heard about him. There was really nothing much, he was just like anyone
17 else. And if he is different from the one I know, then, well, I don't know anything
18 else then.

19 Q. [15:04:06] What was his rank, if you got to know, his rank and position in the
20 LRA?

21 A. [15:04:21] The Labongo I am talking about was in Obol's household. And if he
22 is the one I am talking about, then he was not above the rank of a sergeant because,
23 well, the other ranks that were clearly conspicuous was those who were having stars,
24 lieutenants or second lieutenants, but I didn't see any other rank that he had. If it is
25 the Labongo I am talking about, then that is the rank. If it is a different one, then,

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 well, I don't know.

2 Q. [15:05:16] What happened to the telephone that was given to Dominic and the
3 money, at least before you left?

4 A. [15:05:37] Well, these -- I am not very much knowledgeable about what could
5 have happened to these items. I really don't know about these items anymore. But,
6 until the time I was already home, I heard -- well, I didn't witness this but I just
7 heard -- I would request that we go to private session.

8 PRESIDING JUDGE SCHMITT: [15:06:16] Okay, then we go to private session.

9 MR AYENA ODONGO: [15:06:18] Yes.

10 (Private session at 3.06 p.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Open session at 3.09 p.m.)

13 THE COURT OFFICER: [15:09:08] We are back in open session, Mr President.

14 MR AYENA ODONGO: [15:09:15]

15 Q. [15:09:16] Mr Witness, you have described in very good details the attempt at

16 peace talks, how sometimes they were frustrated and that kind of thing. Now, it

17 would also be of great interest to Court to know whether there were, other than the

18 lower ranks like Odong Cow who escaped, whether people of a higher rank, including

19 Dominic Ongwen, ever thought of escaping and it got to be known within the LRA?

20 PRESIDING JUDGE SCHMITT: [15:10:23] Have you understood the question,

21 Mr Witness?

22 MR AYENA ODONGO:

23 Q. I was saying --

24 THE WITNESS: [15:10:34] (Interpretation) I did not understand.

25 MR AYENA ODONGO: [15:10:35]

1 Q. My question was -- of course I started with a preamble about how the peace talks
2 had failed, about how people had started running away, including Odong Cow who
3 was very close to Ongwen ran away. My question was: Did big people, people who
4 were bigger than Odong Cow, including Dominic Ongwen, also attempt to escape?
5 Did you hear that they were also planning to escape?

6 A. [15:11:23] Well, I was not aware of this, honestly.

7 Q. [15:11:41] And you said you did not know -- you had not answered that, I think I
8 jumped the gun again a bit before you could answer. I was asking you about
9 whether you got to know what happened to the telephone, mobile telephone that
10 Ongwen had received from government sources?

11 A. [15:12:04] I have not understood.

12 PRESIDING JUDGE SCHMITT: [15:12:10] Hasn't he answered that question already?
13 No? On the telephone, okay.

14 The question was, Mr Witness, if you know what happened to this telephone, to this
15 mobile phone that had been given obviously to Mr Ongwen. If you know the fate of
16 this mobile phone, so to speak.

17 THE WITNESS: [15:12:34] (Interpretation) Well, I, I don't recall whatever could have
18 happened to that telephone.

19 MR AYENA ODONGO: [15:12:48]

20 Q. Now, did you get to know that at one point Joseph Kony ordered Otti to arrest
21 Dominic Ongwen, to put him under arrest?

22 A. [15:13:07] No, I did not know of that.

23 Q. [15:13:12] Mr Witness, you told the Prosecution that two to three months before
24 your escape Mr Ongwen was attending with the -- with the standby forces and you
25 gave an example of Lalogi; is that correct?

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 A. [15:13:51] Yes.

2 Q. [15:13:53] And you also told the Prosecution that Ongwen did not go with you to
3 Lalogi; is that correct?

4 A. [15:14:05] Correct.

5 Q. [15:14:07] And you also said that Ongwen was, in your opinion, able to deploy
6 for standby about five months after his injury; is that correct?

7 A. [15:14:31] Yes.

8 Q. [15:14:34] Now, Mr Witness, you got involved with Ongwen's injury from the
9 time you carried him to the sickbay and you stayed with him in the sickbay. Can you
10 describe to Court that injury that you saw?

11 A. [15:15:07] The injury that I saw was on the thigh, on the left thigh. He was shot
12 there. And at the time he was at the bay they were nursing the wound on the thigh
13 and eventually he recovered. They continued nursing him from the bay and the
14 injury was only on the bay -- no, on the thigh, not anywhere else.

15 Q. [15:15:56] And, Mr Witness, you earlier on told the Court that that thigh was
16 broken; is that correct?

17 MR SACHITHANANDAN: [15:16:05] The citation, please.

18 THE WITNESS: [15:16:07] (Interpretation) Yes.

19 MR AYENA ODONGO: [15:16:08] He has already answered. Do you want a
20 citation still?

21 MR SACHITHANANDAN: [15:16:13] I would appreciate for case relevant points
22 like this that in the future we have citations.

23 PRESIDING JUDGE SCHMITT: [15:16:19] Yeah, but I think he has answered it now.
24 We can move on --

25 MR AYENA ODONGO: [15:16:22] But for citation you could go to paragraph 122 of

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 his statement.

2 Q. [15:16:41] So, Mr Witness, in that context, in your opinion Ongwen was hurt very
3 badly.

4 A. [15:16:57] Yes.

5 Q. [15:16:59] From what you saw on that particular thigh did you establish whether
6 or not he had been -- he had sustained some injuries on the same thigh before?

7 A. [15:17:30] No, I don't know. I didn't establish whether he had earlier got
8 an -- injured on the same thigh.

9 Q. [15:17:47] So it is your evidence that you did not notice any other injury on that
10 thigh?

11 A. [15:17:59] What I said was that he was shot on the left thigh and the bones were
12 broken and we -- there were some sticks that were of the size of my fingers, they were
13 put together and bound and tied on the thigh to support. There was nothing else that
14 I saw other than that injury.

15 Q. [15:18:36] (Microphone not activated) Sorry. And it was on the left thigh?

16 A. [15:18:51] Yes.

17 Q. [15:18:52] Do you remember the kind of treatment he received when he was in
18 the sickbay, especially of course first aid, you know, putting those sticks, I imagine
19 they were first aid. But did you -- did they or did you people apply a POP, plaster of
20 Paris? You know this thing that is tied and then they cement to keep the broken
21 bones in place, did you use that?

22 A. [15:19:37] Well, whatever was put there I don't know. Well, could have been
23 the POP, but there were some sticks that were woven with some threads and were
24 very flexible, you could open or roll up and these sticks were of this size and they
25 were put to support his, his thigh. I am not sure whether that was the POP, but what

1 I know is POP is normally done from health units, but out there in the bush you
2 couldn't be able to access some of these services.

3 Q. [15:20:21] You're right. You're right, Mr Witness. So you were just using
4 rudimentary methods.

5 A. Mm-hmm.

6 Q. And, Mr Witness, do you remember whether you administered some antibiotics
7 to fight infections?

8 A. [15:20:53] What I remember was that at some point when we were somewhere in
9 Gulu we walked about four times and we were coming towards the direction of Pader.
10 We came and met some lady. We had come for a different mission. We had come
11 to get some bombs. And we went -- we went -- we went to the lady to get some
12 traditional medicine and the woman gave us the traditional medicine. The medicine
13 would be -- was in liquid form and you just drink it. Nothing else was given to him.
14 He was -- the wounds were being cleaned and nursed and then the only medicine he
15 got was that we got from the other woman. And we got that medicine after a while.
16 Before that there was no other drugs that were given to him. We did not have any
17 tablets, maybe painkillers and all that to give to him.

18 Q. [15:22:16] And by the way, Mr Witness, this lady who gave you some traditional
19 herbal medicine, was that one of your collaborators?

20 A. [15:22:33] Well, that woman, I would say yes was one of the collaborates because
21 we also -- we went and requested for that. I am very sure that lady was collaborating
22 with the LRA.

23 Q. [15:22:51] Thank you very much. Now, Mr Witness, you said in your statement,
24 that is at tab 10, UGA-OTP-266-0050 at page 60 paragraph 86, you said, and I quote:
25 "After Ongwen's condition improved he walked with a limp occasionally using a stick

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 to support himself. At this point we attacked Awere after Kony gave us the order."

2 Is that your statement?

3 A. [15:23:46] Yes.

4 Q. [15:23:58] Now we are coming to the end of our session anyway, so don't mind
5 me repeating certain things that I feel, maybe, we need more information on.

6 Now, can you tell Court after how long, according to your estimation, Ongwen's
7 condition improved enough for him to limp and take orders from Kony or any other
8 person, to take -- to attack places like Awere?

9 A. [15:24:45] Like I narrated, he was able to walk, though he was not able to walk
10 well, and then, like I mentioned earlier, I said in my first -- I guess was that the first
11 time we went to Awere we thought it was just any other operation, but possibly
12 because of the occurrences, I realised that when the people were sent back for the
13 second time, because of what the civilians could have done, and when he sent back the
14 fighters, I feel that may not have been an instruction from him but he could have
15 received an order from above to redeploy the people back there.

16 But around that time, when he was now able to walk here and there, it was not that he
17 could now walk very well without a limp, but he could still move for a standby, do
18 a few things here and there, would identify people to go for operations, but when they
19 were supposed to move for a real convoy movement, where you'd start walking, like,
20 from around five in the evening, he wouldn't be able to make that because if he ever
21 did that at that time the next day automatically he would not be able to move and they
22 would have to station there for a while.

23 Q. [15:26:42] Now, Mr Witness, at the sickbay there was a commander there.

24 A. [15:26:50] Yes.

25 Q. [15:26:52] What was the duty of that commander?

1 A. [15:27:05] The commander who is at the sickbay would be in charge of -- for
2 instance, if somebody is in an operation room, the role would be to ensure that the
3 group had foodstuff. If there is no food in the group, he should be able to establish
4 from his superior what needs to be done. They would come down to identify the
5 standby, establish the standby to go and loot some foodstuff.

6 And whenever they are going to get foodstuff they would issue instructions, because if
7 you squander the items that are got, you'd have to stay hungry. They would only go
8 for the next operation after food is completely depleted from the stock, from the
9 household of the -- Dominic Ongwen.

10 If you finish your items two days to the completion from the other leader, you would
11 have to stay for the two days until the stock is depleted from the home or the
12 household of the commander, then you would go for the next operation.

13 Q. [15:28:29] Now, Mr Witness, at one point is -- we have information that Dominic
14 was so badly off that he would hardly talk, was in so much pain. At that time who
15 was giving orders for food looting?

16 A. [15:29:03] If he was really in such a critical condition that he couldn't talk, well, I
17 think that could have happened from a different bay other than the one I was in. Or
18 maybe he got injured again after I left. But when I was there, there was no situation
19 where Dominic Ongwen was at the sickbay, but in such a critical condition that he
20 could not be able to talk. I never learnt of that. If it ever happened, well, I don't
21 know.

22 Q. [15:29:43] And, Mr Witness, you want Court to believe that even within one
23 week of grimacing pain Ongwen would rise from his bed to give orders to his
24 commanders?

25 A. [15:30:10] Well, there was -- he had his deputy. The deputy would go to him,

1 but not him going to his deputy. The deputy would go to him and get the instruction
2 which would then be relayed to the rest of the people.

3 Q. [15:30:29] (Microphone not activated) And, Mr Witness, the little question I
4 should have asked you is: When you arrived at that -- I mean, at the sickbay, who
5 was the leader of that sickbay?

6 A. [15:30:47] Odong Cow was the leader of that sickbay.

7 Q. [15:30:58] Now, Mr Witness, in view of the gravity of the injury and the lack of
8 medication and proper management, is it still your statement that after only five
9 months, after his injury, Ongwen was able to walk and deploy?

10 A. [15:31:26] How I stated this -- well, that is, that is how it was. I said at that time
11 he was now able to limp, and these were the things he was able to do, but during the
12 time when he was not yet able to move, there was another person who was called Cow,
13 Cow would go to him and get instructions, then come back to the rest of the post,
14 select the standby to go and carry out operations. These are the things that I can
15 confirm.

16 Q. [15:31:52] Mr Witness, a man with broken bone of the thigh, broken bone of the
17 thigh, to heal sufficiently, to be able to limp on that leg after five months, and you
18 want Court to believe this?

19 MR SACHITHANANDAN: [15:32:16] The question has been answered,
20 your Honour.

21 PRESIDING JUDGE SCHMITT: [15:32:17] Yes, I agree. I agree, Mr Ayena, he has
22 answered the question. Again, whatever this means and how it has to be discussed.
23 Asked and answered.

24 MR AYENA ODONGO: [15:32:31] Much obliged, your Honour.

25 Q. [15:32:32] Now, Mr Witness, some records available to us seems to suggest that

1 Ongwen was in the sickbay for between six to 11 months, six to 11 months when he
2 was still in the sickbay. What do you say about that?

3 A. [15:33:17] My -- this is my response: At the time that he was in sickbay when he
4 was unable to do anything, there were -- he had other commanders who he could
5 instruct to do certain things.

6 When he was in sickbay and he was able to issue instructions, when we talk about the
7 sickbay, let's say, for example, the -- on occasions when Tabuley's group would come,
8 would come and we would move with Tabuley's group for one week and we would
9 split up, but all that time he was still in sickbay. They did not give him back all the
10 battalions that were in convoy. He was still in sickbay.

11 Sometimes Otti's group would come to him, move with Dominic for one or two weeks
12 and then split up with him. He could not walk the long distances in the convoy that
13 other people would walk. If, for example, they say, okay, move from Gulu to
14 Adilang, if you were given one or two days, it's extremely far and he was unable to
15 move those distances. But as I explained -- it's possible that he was better within
16 11 months, but the things that I said he did are as I stated. Perhaps he also got orders
17 from somebody or perhaps he also sent -- issued orders that people should go and
18 carry out certain things. And that's what I -- that's what I explained.

19 Q. [15:35:15] Mr Witness, did you ever get to know that Dominic Ongwen was
20 attached to Control Altar at one stage?

21 A. [15:35:34] Not to my knowledge.

22 Q. [15:35:40] Now, let's talk about one very common theme in this proceeding, this
23 thing about shea butter. You said it was administered on you; is that correct? To
24 initiate you into LRA; is that correct?

25 A. [15:36:07] Yes, it is.

1 Q. [15:36:12] What effect did it have on your mind?

2 A. [15:36:26] The shea butter smearing ritual, well, when you are being -- during
3 this ritual you are informed that the signs that are being put on your body, the -- they
4 have prayed, the oil has been blessed, the shea butter has been blessed by the Holy
5 Spirit, so if you decide to escape you are going to be blinded, you are going to walk
6 around in circles and come back to the same position and you will be killed.

7 If there are bullets, if you run away, run away from the direction of the bullets, then
8 you will be shot.

9 You are also told that if you escape on -- if you do manage to escape on some occasion,
10 whether or not you have been smeared with shea butter, you will be killed because
11 you have ultimately refused the LRA.

12 At the time I knew or I believed that that was something that happened, I believed
13 that the shea butter and the other things that they talked about relating to the Holy
14 Spirit, if I misbehaved then I would die.

15 Well, afterwards I saw people escaping. Nobody would walk -- would be blinded
16 and walk around in circles and come back, nobody would be killed. If you are lucky,
17 if you are lucky, you manage to escape you will get away. If you are unlucky, then
18 you get apprehended, you are brought back and you are killed or punished.

19 After a while, I thought about this and I thought, mmm, I don't think this is the truth,
20 I don't think they are telling us the absolute truth about all these rituals. And I -- I
21 thought, okay, they look at us and they look at the children and decide that if we
22 brainwash children of this age then they will believe it. So it got to one point and I
23 decided okay, I really don't care what's going to happen, if it's death, then it's death,
24 but it's one of the things that at the beginning made me extremely afraid.

25 Q. [15:39:09] So, Mr Witness, you feared the holy spirit that they talked about?

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

1 A. [15:39:18] I was afraid of the oil because I was told that if I did anything wrong
2 then I would get into trouble. And that was one of the things that I was extremely
3 afraid of.

4 Q. [15:39:37] Mr Witness, just a few minutes ago you talked about the holy spirit, so
5 you were aware of the existence of the holy spirit. At least people talked about it.

6 A. [15:39:50] That's what we are told. We are told, we are told about these things.
7 But later on I, I became wiser and I decided that the use of things like the holy spirit is
8 done to brainwash the younger children so that they do not escape. But at the time
9 when it happened to me I believed it and I thought I had to comply and obey. But
10 then when I realised that there were some people who were able to escape and not be
11 apprehended, then I started doubting it because I knew that, that the holy spirit that
12 they were talking about wasn't actually effective.

13 Q. [15:40:36] And that was because at least by the time you were abducted you were
14 about 14 years old; is that correct?

15 A. [15:40:53] Yes, it is.

16 Q. [15:40:54] And you had lived in the bush for only eight months, about eight
17 months; is that correct?

18 A. [15:41:05] Yes.

19 Q. [15:41:07] How about children who were abducted at about the age of 10 and 9,
20 did they have the temerity and the courage to also give a shot at it like you did?

21 A. [15:41:33] There are several people who tried to escape. There are some people
22 who escape and are not apprehended. There are some people who try and they are
23 apprehended. Yeah, it happened regularly. There are certain conditions that if
24 someone goes through and certain things that happen to your life that make you
25 decide to try and escape regardless of the consequences.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Private Session)

ICC-02/04-01/15

1 Q. [15:42:13] Now, Mr Witness, let's conclude this proceedings, I think. You told

2 Court that you stayed close to where a certain -- oh, can we go to private session?

3 Sorry.

4 PRESIDING JUDGE SCHMITT: [15:42:31] For how long?

5 MR AYENA ODONGO: [15:42:33] For a very short time, about five minutes, five

6 minutes.

7 PRESIDING JUDGE SCHMITT: [15:42:36] Okay. Then we go back to private

8 session.

9 (Private session at 3.42 p.m.)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session.

Trial Hearing
WITNESS: UGA-OTP-P-0379

(Open Session)

ICC-02/04-01/15

- 1 (Redacted)
- 2 (Redacted)
- 3 (Open session at 3.47 p.m.)
- 4 THE COURT OFFICER: [15:47:20] We are back in open session, Mr President.
- 5 PRESIDING JUDGE SCHMITT: [15:47:33] (Microphone not activated) Mr Witness,
- 6 this concludes your testimony. We thank you very much for your assistance and we
- 7 wish you a good trip back.
- 8 THE WITNESS: [15:47:49] (Interpretation) Thank you.
- 9 (The witness is excused)
- 10 PRESIDING JUDGE SCHMITT: [15:47:50] This also concludes the hearing for today.
- 11 We continue tomorrow at 9.30 with Prosecution witness number 309, I think.
- 12 THE COURT USHER: [15:47:59] All rise.
- 13 (The hearing ends in open session at 3.48 p.m.)