

1 International Criminal Court
2 Trial Chamber IX
3 Situation: Republic of Uganda
4 In the case of The Prosecutor v. Dominic Ongwen - ICC-02/04-01/15
5 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Raul Pangalangan
6 Trial Hearing - Courtroom 3
7 Wednesday, 7 June 2017
8 (The hearing starts in open session at 9.32 a.m.)
9 THE COURT USHER: [9:32:12] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE SCHMITT: [9:32:35] Good morning, everyone.
13 Could the court officer please call the case.
14 THE COURT OFFICER: [9:32:43] Good morning, your Honours.
15 Situation in Uganda, in the case of The Prosecutor versus Dominic Ongwen, case
16 reference ICC-02/04-01/15.
17 And for the record, we are in open session.
18 PRESIDING JUDGE SCHMITT: [9:32:57] Thank you very much. The
19 appearances of the parties. We start as always with the Prosecution.
20 MR GUMPERT: [9:33:01] Good morning, your Honours. My name is
21 Ben Gumpert. With me today Shahriar Yeasin Khan, Kamran Choudhry,
22 Paul Bradfield, Shkelzen Zeneli, Pubudu Sachithanandan, Ramu Fatima Bittaye,
23 Julian Elderfield, Beti Hohler, Yulia Nuzban and Hai Do Duc.
24 PRESIDING JUDGE SCHMITT: [9:33:21] Thank you very much.
25 And for the Legal Representatives.

1 MS MASSIDDA: [9:33:24] Good morning, Mr President, your Honours. Paolina
2 Massidda and Orchlón Narantsetseg for the common legal representative team.

3 PRESIDING JUDGE SCHMITT: [9:33:33] And for the other team.

4 MR COX: [9:33:36] Good morning, your Honour. Francisco Cox and James
5 Mawira.

6 PRESIDING JUDGE SCHMITT: [9:33:42] Thank you very much. And for the
7 Defence, please, Mr Ayena.

8 MR AYENA ODONGO: [9:33:45] Good morning, Mr President and your Honours.
9 Today I'm assisted by Chief Achaleke Taku, Ms Abigail Bridgman, Mr Roy Titus
10 Ayena. And our client, Mr Dominic Ongwen is in Court. I am Krispus Ayena
11 Odongo.

12 PRESIDING JUDGE SCHMITT: [9:34:05] Thank you very much.

13 The Prosecution is now calling P-9 as its next witness and as preliminary matter the
14 Chamber notes the VWU assessment email recommending protective measures for
15 this witness.

16 The Chamber notes that the Prosecution never requested protective measures for this
17 witness. The Chamber further notes that the VWU's indication that P-9 does not
18 have any security concerns in his village and that his village and his clan know that
19 he is assisting the Court. Understood the circumstances, the Chamber considers that
20 no protective measures are required for this witness.

21 Now could the court officer please bring the witness into the courtroom.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE SCHMITT: [9:36:25] Mr Oywak, good morning.

24 Do you hear me?

25 WITNESS: UGA-OTP-P-0009

Trial Hearing
WITNESS: UGA-OTP-P-0009

(Open Session)

ICC-02/04-01/15

1 (The witness speaks Acholi)

2 THE WITNESS: [9:36:35] (Interpretation) Good morning.

3 PRESIDING JUDGE SCHMITT: [9:36:36] You are going to testify before the
4 International Criminal Court and on behalf of the Chamber and the Court I would
5 like to welcome you to this courtroom.

6 THE WITNESS: [9:36:49] (Interpretation) Thank you.

7 PRESIDING JUDGE SCHMITT: [9:36:50] Mr Oywak, there should be a card in
8 front of you with the solemn undertaking. Could you please give this undertaking
9 by reading the card aloud.

10 THE WITNESS: [9:37:06] (Interpretation) I can read it.

11 PRESIDING JUDGE SCHMITT: [9:37:07] Please do that. Thank you, Mr Witness.

12 THE WITNESS: [9:37:08] (Interpretation) I solemnly declare that I will speak the
13 truth, the whole truth and nothing but the truth.

14 PRESIDING JUDGE SCHMITT: [9:37:15] Thank you.

15 Before we can start with your testimony I will have to address some practical matters
16 that you should have in mind when you testify here. You know that everything we
17 say here in the courtroom is written down and interpreted. It is therefore important
18 to speak clearly and at a slow pace. Please speak into the microphone and only start
19 speaking when the person who has asked you a question has finished.

20 This is all to help the interpretation that everybody in the courtroom can follow what
21 you say.

22 If you yourself have any questions, please raise your hand so we know that you wish
23 to say something. I assume that you have understood all that?

24 THE WITNESS: [9:38:05] (Interpretation) Yes, I have.

25 PRESIDING JUDGE SCHMITT: [9:38:07] Thank you very much. We will then

1 start with your testimony. And I assume that I give Mr Gumpert the floor.

2 MR GUMPERT: [9:38:13] Your Honour's assumption is correct.

3 QUESTIONED BY MR GUMPERT:

4 Q. [9:38:23] Mr Witness, we've heard from just one other witness in open court,
5 that was a gentleman called Professor Allen, and when I addressed him, when I spoke
6 directly to him I called him "Professor Allen". How would I best address you?

7 How would people in this courtroom best address you? Would it be right to call you
8 "Rwot Oywak"?

9 A. [9:38:58] Yes, that is my title.

10 Q. [9:39:01] Then that's the title that I shall use. Perhaps the first thing I'd ask
11 you to do is to explain to the Court what a rwot, I believe the word is spelt

12 R-W-O-T -- what a rwot is and what are the functions of a rwot in Acholi society?

13 A. [9:39:29] The functions of a rwot is that he works for his people, he works with
14 his people, he listens to the problems of his people, he advises his people, and then he
15 receives issues or cases that are within the community. He also mediates between
16 warring parties. These are the roles of a chief to ensure that there is peace and
17 stability within a community.

18 Q. [9:40:06] And are we to understand therefore that a Rwot is a person who
19 might in other circumstances with referred to as a chief or a leader?

20 A. [9:40:21] That's true.

21 Q. [9:40:25] A little more background, if I may ask you: At the time of the events
22 with which this Court is concerned, that is to say the time around the years 2002
23 to 2005, the Court has heard that, to put it neutrally, there were significant violent
24 disturbances in Acholiland. How did you view your role as a Rwot in the light of
25 those disturbances?

1 A. [9:41:06] During the insurgency in our land we rose up, we came out openly to
2 the people to ensure that the conflict in Acholiland is handled through a peaceful
3 method. We came up to try and advise the two warring parties to come down on a
4 round table and agree on an amicable way of bringing an end to the conflict. We
5 came out, advised the people. We advised them to come out to ensure that they get
6 down to a round table and then resolve their conflict amicably.

7 Q. [9:41:58] When you use the word "we", how many -- I think this is the correct
8 plural form, how many rwodi were there, approximately?

9 A. [9:42:14] There, we were about seven. Most of them were working, but the
10 rest of us who were handling this issue were seven in number, we were mixed with
11 religious leaders.

12 Q. [9:42:37] Were the rwodi responsible for particular geographical areas?

13 A. [9:42:53] All the chiefs in Acholi in an event where there is a problem, they will
14 come together and then talk about it. If there is a problem within your jurisdiction,
15 you will come up and then bring it out to the rest of the people so that you can
16 address it together with the other local leaders. The rwodi do not work in isolation.

17 Q. [9:43:20] And is there a particular location of which you are the rwot?

18 A. [9:43:31] Yes, there is a particular location. There is a plan to which I am the
19 rwot. It's in the district I live in and in the sub-county I hail from.

20 Q. [9:43:49] And can you name that group of people and those locations for us?

21 A. [9:43:58] I am in Pader district, Pajule and Lapul sub-counties, Koyo parish,
22 Lagara central village.

23 Q. [9:44:21] One last question on these matters before I move to more specific
24 issues: Is there an overall rwot, a chief of chiefs, if I can put it that way?

25 A. [9:44:39] Yes, we have a paramount chief called His Highness David Onen

1 Acana II. He is the paramount chief of all the 54 chiefs in Acholiland.

2 Q. [9:45:02] Thank you. Now, there are three distinct areas which I want to ask
3 you about. The first of those is events at the Pajule IDP camp, the second is your role
4 in respect of people who returned from the bush having been with the LRA, and the
5 third is your role in the peace negotiations which you've touched on already.

6 May we start with events at Pajule. Did there come a time when you moved to live
7 in the Pajule Lapul IDP camp?

8 A. [9:46:06] I left my home and moved to Pajule trading centre. I became a
9 businessperson and my home was stationed at Pajule trading centre.

10 Q. [9:46:26] Can you tell us in what year you left your home and moved to Pajule
11 trading centre?

12 A. [9:46:41] That is in 2000. In 2000 I was already in Pajule.

13 Q. [9:46:48] Please explain to the Court the circumstances in which you came to
14 move from your home to the camp.

15 A. [9:47:09] The reason I left to go to the camp from Pajule was that there was
16 already a conflict that was emanating from the LRA struggle. I could no longer live
17 in my home. I continued doing my business until we were all put together in a camp.
18 However, even when there was a camp in Pajule I was living in my home because the
19 camp had surrounded the entire Pajule trading centre. When we were back in the
20 village life was very simple, children could go to school, there was food, there was no
21 occurrences of epidemics, but when we came to the camp, life became difficult, there
22 were a lot of problems.

23 Q. [9:48:06] Can you briefly explain what kind of problems there were for you in
24 the camp after you had moved from your home, you and your people, I mean.

25 A. [9:48:19] When we were now all put together in the camp, there were

1 problems of hunger, disease, having to move about looking for food, and we did not
2 have freedom to even move to take our children to school because people were not
3 allowed to move beyond 6 p.m. or even 5 p.m., you were not allowed to move out of
4 the camp. It was feared that if you moved out of the camp, you would be abducted.
5 There was also fear that if you move out of the camp, anything could happen to you.
6 That made our lives very difficult in the camp. It was not easy. If we had food
7 handouts, these would be given out to the people. There were people who were
8 identified and put as camp commanders to control the distribution of food.
9 The government also put in place the local council structure that was used to
10 co-ordinate all government programmes. They were the ones who were
11 co-ordinating between us and the local people. These were the problems that we
12 went through when we were living in the camps.
13 Malaria attack also heightened during the time when we were living in the camps.
14 These were the problems that we faced when we were in the camps. There was high
15 child mortality during that time.

16 Q. [9:50:14] Was the move from the village to the camp a matter of choice for
17 your people? If people had decided they didn't want to move, what would have
18 happened? What did happen?

19 A. [9:50:34] People did not go to the camps on their own volition. It was the
20 government that came up with the instruction that since the rebels were abducting
21 people from the villages, there was need to protect the people. Therefore, people
22 were supposed to leave their homes and come to a camp. People were brought to
23 the camps where they could be easily protected, the place where they would all
24 converge and the government could monitor how they live.

25 Q. [9:51:10] And who was providing the protection for the people in the camps?

1 How was that done by the government?

2 A. [9:51:20] The people were protected by the government soldiers. The soldiers
3 were the ones protecting the people in the camps, because even in instances where
4 business persons were travelling to Lira, Kitgum and Gulu, they would escort the
5 business persons on their way to the various locations.

6 So the protection was provided by the soldiers.

7 Q. [9:51:50] The Court has heard that the Ugandan army at this time, still I think,
8 was known as the UPDF. Was it only UPDF soldiers who were present in the camp
9 or were there others?

10 A. [9:52:16] They were not only the UPDF. They also had auxiliary forces called
11 the Home Guard who were identified from the villages and they lived in the barracks
12 to support the soldiers. They helped in giving direction to the soldiers to ensure
13 they worked together. There were sub-counties that the soldiers didn't know very
14 well. These were the people who were helping the UPDF in giving them directions.

15 Q. [9:52:52] And in general terms, how would you describe relations between the
16 soldiers and the civilian camp inhabitants?

17 A. [9:53:10] The relationship between the soldiers and the civilians was that most
18 of the issues in the camp were reported to the LCs. The LCs would forward the
19 problems to the PC. The PC was the connection between the two parties, and in an
20 event where a soldier was identified to have committed something wrong, this person
21 would be called together with the victim of such a problem and then on a round table
22 they would sit and address the issue.

23 Q. [9:53:58] Two matters of detail which may help there. Firstly, you used some
24 short forms. We may all know what they stand for, but I think it would be helpful
25 for someone such as you to tell us what is an RC, what is an LC, and what is a PC?

1 A. [9:54:20] LCs are leaders who were selected by government. They composed
2 of local council 1, LC-3, LC-5. The LC-5 is in charge of the district. LC-3 is
3 sub-county. And then LC-1 is in charge of the village. The PC is the spokesperson
4 of the army, is the -- he provides the link between the civilians and the army.

5 Q. [9:55:09] And the RC, if I heard you correctly?

6 A. [9:55:14] The LC could also be the RC. They are referred to as the RC locally,
7 but in actual sense they are the LC. They are councillors, council 1, council 3 and
8 council 5.

9 Q. [9:55:42] Thank you. The other point of clarification is this: You gave an
10 example of how an incident between a soldier and a civilian would be dealt with
11 essentially at a round table. But what sort of incidents were arising in the camp
12 between the military personnel and the civilians?

13 A. [9:56:11] Some of the incidences would include a situation where a civilian has
14 gone out of the camp to look for food, and yet the soldiers didn't want people to move
15 out of the camps, so the person would be arrested and taken for questioning. Then
16 the LC would come to explain that such a person has moved out to look for food. It
17 all depended on the kind of crime or mistake the person has made.

18 Q. [9:56:50] Thank you. Now, if I may, I want to use the date 10 October 2003 as
19 a reference point. And the first questions I have for you are about events before that
20 date. You've told us that you moved to the camp in the year 2000.

21 PRESIDING JUDGE SCHMITT: [9:57:19] Just a moment, because I told Mr Witness
22 if he wants to say something, he may raise his hand.

23 So you have the floor, Mr Witness. You want to say something?

24 THE WITNESS: [9:57:32] (Interpretation) My computer isn't showing anything.
25 I'm not seeing anything on the screen.

- 1 PRESIDING JUDGE SCHMITT: [9:57:52] Mr Witness, at the moment there is
2 nothing displayed. I think the only thing that you could see on the screen is what is
3 displayed to the public. That would be the only thing. But there is nothing, no
4 document or anything displayed for you. So there is no problem. There is nothing
5 unusual with it.
- 6 THE WITNESS: [9:58:15] (Interpretation) Thank you.
- 7 PRESIDING JUDGE SCHMITT: [9:58:16] That is absolutely normal, okay?
- 8 THE WITNESS: [9:58:18] (Interpretation) Let's continue.
- 9 PRESIDING JUDGE SCHMITT: [9:58:20] Please, Mr Gumpert.
- 10 MR GUMPERT: [9:58:22] Thank you.
- 11 Q. [9:58:28] Thank you, Rwot Oywak. So I'm asking you to summarise, if you
12 can, from the time you moved in up until 10 October 2003, were there disturbances,
13 were there attacks at Pajule of which you were conscious?
- 14 A. [9:58:54] There were lots of disturbances in Pajule for quite a while. There
15 were a number of attacks in various places. For instance, there were some in Kitgum
16 Matidi, there were some in Patongo, in Pajule and many other places. In Pajule there
17 were instances of ambushes on roadblocks along Kitgum-Lira road and on many of
18 the roads that were going into other villages. Pajule was one of the places with so
19 many occurrences of such attacks.
- 20 Q. [9:59:51] Would the people who were carrying out these attacks communicate
21 with the local inhabitants in any way? And if so, how would they do it?
- 22 A. [10:00:10] The LRA rebels who were responsible for the insecurity would
23 abduct people on occasion, they would beat people. Some of the people would come
24 back, some of them would not come back. The ones who would come back would
25 be informed and told to go and ask people to leave the camps. Occasionally they

1 would write letters and leave the letters on tree trunks. The letters would then be
2 given to the local populace and told to leave the camps. People were warned that if
3 you do not leave the camps, we would come to the camps and kill people. There
4 were a lot of things that they used to talk about. Sometimes they would abduct
5 people, leave the people, and send the people with instructions to warn the people.
6 They did a number of things. Sometimes they would write letters, sometimes they
7 would abduct people and send instructions through these people. Sometimes they
8 would leave letters on tree trunks. People would run away whenever they saw or
9 heard of the LRA. So these letters would be found by people along the way.

10 Q. [10:01:27] And was it clear to you why it was that the LRA wanted the people
11 to leave the camps?

12 A. [10:01:43] I do not know. I do not know why they wanted people to leave the
13 camps. Perhaps it's because they wanted people to leave so that they are -- it enables
14 them to abduct people or they -- it enables them to get food from people. Because
15 when people left the villages and went to the camp, they no longer had access to food.
16 So I do not know exactly why they wanted people to leave the camps.

17 The other thing that they would also allege is that the people who are residing in the
18 camps are supporting the government. So people should leave the camps and go
19 home. But if you leave the camp and go home, you would immediately be abducted.
20 That's why people were reluctant to go home once people were in the camps.

21 Q. [10:02:34] I'm going to ask you to concentrate now on that date which I
22 mentioned, 10 October 2003. And I'm going to ask you to give us an account of what
23 happened to you on that day. But if we may, we'll take it slowly and I'll ask you
24 questions which are designed to enable you to tell us the full story bit by bit.
25 Can you tell us at about what time you woke up on that day, 10 October?

1 A. [10:03:33] I went to bed in my house. On the dawn of tenth at approximately,
2 approximately 4 to 6 a.m. we heard gunshots, loud gunshots. People were yelling.
3 People were screaming. People were crying. Shortly thereafter I heard the door
4 being kicked, "poom poom poom", they kicked down the door. They got into the
5 house and told me to leave the door. I left my house. I asked them "I'm a chief,
6 what's the problem? What's the problem?" They started speaking to me in the
7 Lango language ordering me to leave the house. I was being kicked, I was being
8 knocked by the butt of the gun and they pushed me out. They were speaking in the
9 Lango language, "Take him there, take this person there."
10 I started walking and joined the people. I found luggage on the roadside, I found
11 houses being burnt, people were in the middle of the road. All the people had been
12 brought into the middle of the road. My neighbour had also been abducted, we
13 were all together in the middle of the road. Once we got to the main road next to
14 our home they carried rice, put it on my head. I was hit and I was told to move with
15 the people. They started putting us into groups and we started walking towards
16 Lira road or Kitgum road.
17 Once we got to the police station we got to a big mvule tree which is on your
18 right-hand side. We found a number of LRA soldiers under the leadership of
19 Ongwen. He was also firing his gun. Once we got there, I was hit, he beat me, he
20 kicked me, he did not want to talk to me. He ordered me to sit down. I sat down.
21 They brought a lot of people. Gunshots were -- we could hear gunshots, there was
22 noise, there was a lot of activity in the area. We got to that place. We realised that
23 things were extremely bad at that moment. There was nothing you could say. You
24 could only watch them mistreat you.
25 People were fighting. Those who were fighting were fighting, those who were

1 bringing things were bringing things. When it was daylight they told us to start
2 walking. We started walking. I found Dominic Ongwen. Dominic Ongwen was
3 kicking us, not only me, but there were many people. He had a stick in one hand, he
4 had his gun in the other hand and he had a number of soldiers with him.
5 After that they told us to start moving. We started moving. He held his gun and he
6 had his soldiers. He had escorts on both sides. There were so many people. They
7 did not go with a few people. They went with a lot of people. We started walking.
8 Whoever was unable to walk was left behind. We carried luggage, we were beaten,
9 if they bring new people they would add them onto the group. If they bring new
10 people they add them on to their group. There were a number of groups, different
11 groups. We started walking, "patter, patter, patter", till we got to -- we went towards
12 Latanya.
13 We got to that place. We kept on walking, "patter, patter, patter". It was an
14 extremely long distance. We could hear the gunships circling, "tuku, tuku, tuku,
15 tuku". We did not know what was going on. I don't know, the helicopters were not
16 sure whether or not to bombard us or not. The helicopters left, they came back and
17 they started bombarding us. When they stated bombarding us people started
18 scattering. People left.
19 The -- I suppose they wanted the helicopters to see that it was only civilians and stop
20 them from bombarding. So they joined group of people, the civilians. The
21 helicopter threw some -- bombarded us and then left. We started walking. We
22 kept on walking. We got to a place where we found Vincent Otti as well as Raska
23 Lukwiya.
24 I do not know how Raska Lukwiya got there, but we saw them fighting. When we
25 got to that place, the people, the group that Dominic Ongwen walked with arrived to

1 that place, to the location where Vincent was. When we got to this location we were
2 all gathered together. When they gathered us together they started giving a report.
3 He went to Otti. I do not know what was discussed between Ongwen and Otti.
4 Otti came back to the people that had been gathered. He started asking people, he
5 asked us "You, the people of Pajule, you thought that we would not come to you,
6 haven't we come? Haven't we come? We are going to kill all of you."
7 People kept quiet. Silence. All the people -- all the luggage that had been taken, all
8 the loot that had been taken was removed. It was distributed. There were a
9 number of groups so the things were distributed to several groups. And we the
10 abductees were also a large number. I think we the abductees were actually more
11 than the LRA soldiers. I can estimate a number of 400 abductees.
12 They addressed us. They told us that we support the government. The person
13 addressing us was Vincent Otti. He came, he introduced himself as Vincent Otti.
14 He asked the people of Pajule "You, the people of Pajule, you thought we would not
15 come to Pajule. We advised you, we warned you to leave but you did not leave.
16 Do you think we are unable to kill all of you now?" He asked that question.
17 He asked again, "You, this person, and to the chief," I said I'm the chief, "Okay."
18 When he said "okay" he turned, he went back and continued addressing the people.
19 He said, "We, the LRA, want to overthrow the government. We are fighting to
20 overthrow the government, but at the moment you are supporting the UPDF. We
21 understand that, or we know that there are some soldiers amongst you."
22 When he started talking, when we had asked questions, the people from Pajule they
23 found out that I was the chief. He asked me to stand up, he said "Stand up. Stand
24 up. Do you know this person? Yes, we do, he's the chief." That gave me some
25 strength. I started asking him, "Sir, why do you want to kill us? What have we

1 done? We haven't done anything wrong. We were abducted. We were in our
2 houses sleeping. We do not know what was going on. There are no soldiers in our
3 midst." He asked, "You mean there are no soldiers in your midst?" I said, "No, we
4 do not have any soldiers in our midst." He said "Take him there." When they took
5 me I sat down.

6 They sat separately from us. He had a radio. He was listening to communication,
7 he was listening to the radio. He was -- the information was on Pader radio and he
8 was listening to this on the radio.

9 At that point we sat down, he started introducing his soldiers. One to 10.
10 Acel Calo Apar. Ongwen was also there. Raska Lukwiya was also there and
11 Vincent was also there.

12 There was -- there were other commanders. All of the commanders would talk with
13 their backs turned to people. They kept on talking, they kept on arguing.

14 I stood up and I asked him, I said, "Sir, can't you do us -- can't you please forgive us
15 and leave us? Release us." He though, he kept quiet. He continued talking. I sat
16 down.

17 When I sat down I said "Sir, why don't you release us? Once people have been
18 abducted we have agreed to our wrong, we've carried your luggage, you still want to
19 kill us?"

20 He said "No, we do not kill a chief. In Acholi we did not kill a chief. Right now it's
21 daylight. We are going to release you. We are going to release you with a number
22 of people so that you can go back home. We will ask you, we will pray for you so
23 that you can go back safely."

24 I thought the whole group of abductees would be released, but most of the people
25 were left behind. And truly this is what happened, this is what I witnessed. This is

1 what I saw. The person who took us from Pajule was Dominic Ongwen. He's the
2 one who abducted us and took us to Vincent Otti. This is what happened on the
3 tenth.

4 Once we were released, when we were going back home, we cross the road from
5 Paiola --

6 PRESIDING JUDGE SCHMITT: [10:14:17] Mr Witness, may I shortly interrupt you.

7 I think we have reached now a point where we perhaps should give Mr Gumpert the
8 opportunity to ask some questions.

9 You know, Mr Gumpert, a narrative makes life of the person examining sort of easier
10 and sort of more difficult. But I'm sure you will be at the top of the situation. So
11 please, Mr Gumpert, continue.

12 MR GUMPERT: [10:14:45] I shall do my best.

13 Q. [10:14:50] Rwot Oywak, I want to ask you about some details within that
14 account which you have given us.

15 It may be the questions that I'm asking you are capable of relatively short answers
16 and I will ask you a series of them.

17 The first question is this: You told us that a number of people came into your house
18 having kicked the door down. Can you please describe those people, their age, their
19 sex, their appearance, what they had with them, details like that.

20 A. [10:15:42] The people who came into my house were male, about seven. The
21 age ranges was 15, 14 upwards. Perhaps 12. They were young but they all had on
22 army uniform. The youngest was holding a gun but the gun was actually bigger
23 than that person. Some of them were older. Fifteen, older. They spoke the Lango
24 language. Those are the seven people that came into my house and took me to the
25 road where the other abductees were. I do not know where they went after they

1 abducted me, they just brought me, took me to the road, gave me luggage and they
2 departed. I do not know where they went. It was seven male soldiers.

3 Q. [10:16:44] Next point of clarification, the luggage you were given, what was it
4 and how heavy was it?

5 A. [10:16:53] I carried rice. It was a big sack of rice. It was heavy, perhaps
6 60 kilos. It was heavy. It was thrown on my back and I walked hunched over. I
7 first fell down. They kicked me, they lifted up the sack, put it back on my shoulders.
8 They all had guns. They were pointing guns at me. When you fall down, they
9 would lift it and put it back on my shoulder. It was about 60 kilos, that sack of rice.

10 Q. [10:17:27] Thank you. Now, the other people who had been abducted, who
11 were with you as you were moving along the road, can you describe them? Again,
12 I'm interested in details like their age, their sex, their ability to move and what they
13 had with them.

14 A. [10:17:56] The abducted women, men, some of them were elderly or older
15 from 40 to 50. Let's say from 12, 12 to 50. There were various. The people, some
16 of them carried luggage. Some of them carried flour. Some of them had chickens.
17 Some of them had goats. Whatever it is that they found in any person's home, that is
18 what you are given to carry. There were a lot of elderly people among us. Some
19 people left children in their houses. Some of the women left their children behind.

20 Q. [10:18:47] Did you see anybody who refused or declined to carry a load, and if
21 you did, what happened to them?

22 A. [10:18:59] When we were on the move, we found some dead people. Some
23 people had already been -- had already bled to death because they were unable to
24 move or they were unable to continue carrying the load. You don't ask questions.
25 You wait for your own. You keep on walking.

1 We found a lot of people dead along the roadsides. People were walking in groups.
2 Yes, some people lost their lives along the way. You do not stop to investigate to try
3 to ascertain who it is, because you are also being beaten. You are prohibited from
4 asking. You do not have the authority to ask, because you do not have any strength
5 either.

6 Q. [10:19:53] A little later in your narrative you told us that you had been brought
7 to Dominic Ongwen. Was this a person that you had met before this day?

8 A. [10:20:20] Yes, I had met Ongwen previously during the -- when we were
9 having a discourse regarding the resolution of these problems, that was the first time
10 that I met him, and that's why I knew him. I first met him, the first time I met him I
11 did not know him. And then when I met him on the second occasion, I knew who
12 he was.

13 Q. [10:20:47] And so do I understand correctly that this day, 10 October 2003, was
14 that second occasion of which you've just spoken?

15 A. [10:21:01] Yes, that was the second occasion. That was in Pajule.

16 Q. [10:21:07] Now, I'd like you please to describe his appearance, how he was
17 moving, how he was dressed, what he had with him on this second occasion that you
18 met him that day in Pajule.

19 A. [10:21:32] When we were taken to him, what I saw personally was that he was
20 holding a radio, an army radio. It was, it was strapped to him. He also had a gun.
21 Whenever he wanted to communicate, he would take out the radio. He would also,
22 when he wanted to fire, he would put the radio back. He had a stick. He also had
23 guns. He had his escorts as well.
24 He would move from one place to another. He would go to one place, come back to
25 that place, go to another place, come back to where we were.

1 But from my observation he was a tall, tall person, stocky, a lot of hair. He had a
2 limp on one leg. He walked with a limp, because I saw him previously and then this
3 was -- I saw him now.

4 Q. [10:22:43] You spoke about escorts. How were the escorts addressing
5 Ongwen on this occasion?

6 A. [10:22:57] When the -- when they were fighting, they refer to him as Lapwony,
7 Lapwony, Lapwony, Lapwony Dominic. Lapwony Dominic, we've brought this
8 person. Lapwony Dominic, we've brought this person. So he was referred to a
9 Lapwony Dominic.

10 Whenever they would abduct anybody and bring the person to him, they would refer
11 to him as Lapwony Dominic. They would not call him by name. But when they
12 brought him, whenever they brought a person, they would bring the person, say
13 "Lapwony Dominic, I've brought a person," and then that person would leave and go
14 back to continue with whatever they were doing.

15 Q. [10:23:43] Thank you. How did Ongwen behave towards you personally?
16 What did he do or say?

17 A. [10:23:59] Nothing, he did not say anything. He kicked me. He beat me,
18 because when I came, I came with a load on my shoulder, I was struggling with it.
19 I was about to fall down. He did not want me to be there. I wasn't the only one
20 being kicked. There were another people. We were being beaten with the butt of
21 the gun, being stabbed with the gun as well.
22 So people had been gathered, and there was a lot of things there. The first thing that
23 they started doing was kick me and hit me with the butt of the gun. We were all
24 down we were all down with our luggage lying down. But when you want to get up
25 and start moving, they started beating us. That's what happened at that particular

1 time.

2 PRESIDING JUDGE SCHMITT: [10:24:47] May I shortly, Mr Gumpert.

3 Mr Witness, you mentioned a stick that Mr Ongwen was holding. Could you
4 describe the stick, the size, how thick it was, for example.

5 THE WITNESS: [10:25:05]) (Interpretation) It was -- it was a long stick. The sick
6 had already been used to beat a number of people. It was a long stick, but one could
7 hold it in their hand. The stick was already kind of shattered because they had been
8 using it to beat a lot of people. But I do not know what kind of stick it was. But it
9 had been used on a number of people.

10 PRESIDING JUDGE SCHMITT: [10:25:29] Thank you. And you have also
11 mentioned that at the time you already knew Mr Ongwen; is that correct?

12 THE WITNESS: [10:25:39]) (Interpretation) Yes.

13 PRESIDING JUDGE SCHMITT: [10:25:42] I would like to read out something to
14 you. It's a statement by you. Do you recall that you were interviewed several times
15 by the Prosecution?

16 THE WITNESS: [10:26:01]) (Interpretation) Yes, they asked me on a number of
17 questions, they interviewed me on a number of questions.

18 PRESIDING JUDGE SCHMITT: [10:26:09] I have here a written statement from
19 you from 2015. This is UGA-OTP-0241-0546, and I'm reading from 0550,
20 paragraph 22.

21 "It was here that I learned that the commander was Dominic Ongwen. Previously,
22 I had heard the name Ongwen, but I had never met him, unlike other commanders
23 I had met in talks."

24 So this sounds a little bit different to what you said today. Does this refresh your
25 memory or do you now recall differently or what do you say to that?

1 THE WITNESS: [10:27:05] (Interpretation) I met him. There is somewhere in my
2 statement where I stated that I met him at Koyo Lalogi.

3 PRESIDING JUDGE SCHMITT: [10:27:19] Mr Gumpert, please continue.

4 MR GUMPERT: [10:27:24] Your Honour, may I just take a moment on that point.

5 PRESIDING JUDGE SCHMITT: [10:27:28] Of course, of course, yeah. It's also
6 perhaps, if I may fill this short gap, tab 20 -- not tab -- paragraph 23, the following
7 paragraph, it's still your statement from the time, from 2015, Mr Witness, and there it
8 looks, it reads like the following: "The most distinctive feature about him was that
9 he had an injury in the leg that made him limp when he walked." You said that
10 today. "He was referred to a 'Laponey Ongwen.'" You also said that. "I later," I
11 continue, "I later got to know Ongwen as I met him in an official capacity during
12 peace talks."

13 This sounds a little bit, Mr Witness, that's only why I'm asking --

14 THE WITNESS: (Overlapping speakers) (No interpretation)

15 PRESIDING JUDGE SCHMITT: This sounds a little bit as if at the time at least, 2015,
16 you were of the opinion that you had met him for the first time on that occasion.

17 MR GUMPERT: [10:28:56]

18 Q. [10:28:56] Mr Witness, what may help is, having been reminded of the
19 previous statement, for you to tell the Court in the light of that what your recollection
20 is today and whether there's any explanation for what appears in the statement?

21 A. [10:29:29] The previous -- there is no difference between the previous
22 statement and what I'm saying now. If there is a difference in that I said I had not
23 met him before, later on in my statement I said that I met him. So that's, that's the
24 only difference in my statement.

25 PRESIDING JUDGE SCHMITT: [10:29:47] Please continue, Mr Gumpert. We

1 have to take it as it has been said today.

2 MR GUMPERT: [10:29:52] Yes.

3 Q. [10:29:54] Thank you, Mr Witness. Can you recall the kind of things that
4 Mr Ongwen was saying to the fighters he was giving directions to? What was he
5 saying to them?

6 A. [10:30:18] He was ordering them to go and abduct people, to go and take stuff,
7 to burn things and to fire guns, whatever it is that he was directing them to do as their
8 commander. And the way the army works, you know, sometimes when they're
9 using certain army jargon, you as a person, as an abductee, you're lying down there,
10 but they are talking, and you do not understand or do not know exactly what it is
11 they are talking about, and that's how they were communicating.

12 Q. [10:31:06] Did Mr Ongwen say anything about what was going to be done
13 with the people who were being abducted?

14 A. [10:31:22] He said all the people from Pajule were going to be killed because
15 they were supporting the government.

16 Q. [10:31:36] Now, as I understand it from the account you have given us, from
17 this point you moved on quite a considerable distance together with other abductees;
18 is that correct?

19 A. [10:31:53] That's correct.

20 Q. [10:31:55] And there came a place where you halted. Approximately what
21 distance would you say you and the other abductees were moved from Pajule to this
22 place where you next halted?

23 A. [10:32:15] That was between 6 to 8 miles, because it was really far. Well,
24 we're just estimating. There was no way we could have measured it, but that's what
25 I think.

1 Q. [10:32:30] And what was the name of this place where you next halted 6
2 or 8 miles away?

3 A. [10:32:41] That area was called Latanya and the place we stationed in was in
4 Latanya. The hill could be on the eastern side because Latanya is actually the hill.
5 The area was called Ogago (phon), but it was in Latanya.

6 Q. [10:33:10] I'm not asking you for a precise figure, but as best you can estimate
7 it, by the time you got to Latanya, how many people do you think had been abducted
8 together with you?

9 A. [10:33:27] I estimate the number to be between 400 and 500 or even more.

10 Q. [10:33:43] And one other point of clarification: As I understood it, you said
11 that along the way you had seen people who had bled to death?

12 A. [10:34:02] Yes, I did see them.

13 Q. [10:34:05] So I understand it that there are dead people along the side of the
14 road. Did you actually see any person being killed as opposed to seeing them after
15 they had been killed?

16 A. [10:34:23] Well, when they were beating them they would -- they would let
17 you pass by, but as you're passing by, you'd really know that the person they're
18 beating will not survive. You would really see so many people being beaten and
19 then you would sometimes even witness them dying.

20 Q. [10:34:46] Thank you. I'm sorry, there's a question out of sequence which
21 I had forgotten. So just for a moment I want to go back, back to the time when you
22 were still in the camp. Apart from Commander Dominic Ongwen, did you see any
23 other commander whose name you knew then or have come to know later?

24 A. [10:35:18] The people we met with during the peace negotiation was Tolbert
25 Nyeko Yadin and Ongwen himself. These were the people we met, the people I

1 knew. That gentleman was called Tabuley. The other one was called Nyeko Yadin,
2 and then Acel Calo Apar. These were the people I saw during the peace
3 negotiations.

4 Q. [10:35:48] I'm sorry, the fault is mine because I didn't ask this question in
5 sequence. But the question is focused very narrowly. After you have been forced
6 out of your house and before you leave the camp on this 6 to 8 mile journey, so while
7 you are still in Pajule, apart from Ongwen, did you see any other LRA commander
8 whom you can name for us at that time?

9 A. [10:36:20] Before I left my home, I had not seen any LRA, but when I was
10 already in the camp, that was when I met Tabuley, Nyeko Yadin and then
11 Acel Calo Apar, together with Dominic Ongwen.

12 Q. [10:36:45] Thank you. Now I want to ask you questions on points of detail
13 about what happened when you got to Latanya.

14 A. [10:37:08] When we arrived at Latanya, they collected all the food items. We
15 were also gathered together. We arrived and found Vincent Otti and Raska Lukwiya.
16 People were all congregated together. Otti then started addressing the people saying,
17 "You, the people of Pajule, used to say you were strong. We are going to kill all of
18 you." That was the message from Otti.

19 Q. [10:37:46] Thank you. You made mention of a remark made by Otti about the
20 people supporting the government. What did you understand it was that the people
21 of Pajule were supposed to have done so that Otti believed they were supporting the
22 government?

23 A. [10:38:17] He said they would send information that people should leave the
24 camps, but people were not leaving. That meant that the people were supporting
25 the government. That was what he thought.

1 Q. [10:38:32] Thank you. My last question on this time to clarify your earlier
2 account is this: There came a time when you and a number of other people were
3 released. As I understand it, that was the next morning. So by now it's 11 October.
4 Do I understand correctly?

5 A. [10:39:11] That's correct.

6 Q. [10:39:15] Can you tell the Court which of the commanders was present at the
7 time the order was given that you and others should be released?

8 A. [10:39:30] At the time the instruction was being given, there was Raska
9 Lukwiya, Vincent Otti himself and Dominic Ongwen, together with Acel Calo Apar.

10 Q. [10:39:48] Do you recall any discussion between Otti and Ongwen - I've
11 mispronounced that, Ongwen - while you were at Latanya? And if so, can you tell
12 the Court about it?

13 A. [10:40:14] While we were at Latanya, what Otti was discussing with Ongwen
14 was that all these people were supposed to be killed. But later on he reconsidered
15 that -- he was saying that himself. He told Ongwen. Then Ongwen, together with
16 Raska Lukwiya and Acel Calo Apar, all kept quiet. They didn't respond. That was
17 because it was Ongwen who brought us there. He did not say anything, if I could
18 remember, because a lot of things were discussed.

19 Q. [10:41:12] Perhaps I can direct you to one particular topic. Was there any
20 discussion of your status as chief between these two men?

21 A. [10:41:30] They said -- they made me stand up and they said, "We do not kill
22 chiefs because you can never be able to compensate for the life of a chief. In the bush
23 we do not kill chiefs." The rest of the people were very lucky because the chief was
24 there, otherwise all of them were supposed to have been killed.

25 Q. [10:41:58] May I focus on the word "compensate" in your last answer? Can

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1 you explain to the Court what you understood Otti to mean when he said, "We
2 couldn't compensate for the life of a chief"?

3 A. In Acholi tradition, if you kill a chief, the compensation would be high. You
4 cannot pay the compensation. He was an elderly man. He knew the Acholi
5 tradition. That's why he said that. Compensating for the life of a chief would
6 require a lot to be paid, and I think he thought it in that way, that killing the chief in
7 front of many people or killing many people in front of the chief was really not good.
8 I think that's what he thought.

9 Q. [10:42:59] Thank you. I'm done with that first topic, that is to say the events
10 at Pajule and immediately thereafter, save that I'd like you, if you would be so kind,
11 to look at two documents, and I believe, Rwot Oywak, that you will find them in the
12 black folder which is just to your right hand on the desk. If you open that
13 folder - yes, that's the one - if you open that folder, sir, and I'm going to ask you to
14 turn to tab number 3.

15 I think the witness is on top of the situation.

16 PRESIDING JUDGE SCHMITT: [10:44:09] There can never be enough assistance.

17 MR GUMPERT: [10:44:12] Your Honour is quite right.

18 PRESIDING JUDGE SCHMITT: [10:44:15] Thank you.

19 MR GUMPERT: [10:44:19]

20 Q. [10:44:25] And, Mr Witness, you should be -- sorry, Rwot Oywak, you should
21 be looking at a document which looks like this. It's got a unique number which the
22 Court uses to refer to it, which is UGA-OTP-0241-0555. Who -- who drew that
23 document, Rwot Oywak?

24 A. [10:44:58] I am the one who drew it.

25 Q. [10:45:05] We can see that the diagram is of a shape a bit like an egg, an oval,

1 and in the upper part of the egg we can see the words "Pajule sub-county" and in the
2 lower part of the egg we can see the words "Lapul sub-county." And between those
3 two portions there is what appears to be a road, with the words "Kitgum" on the
4 left-hand end of it and "Lira" on the right-hand end.

5 Just before I ask you to explain that, I'm aware the public gallery is not empty. This
6 is a document, it's true, marked confidential, but in the light of the fact the witness is
7 giving evidence in open session, it may be useful to put it on the screen.

8 PRESIDING JUDGE SCHMITT: [10:46:05] I assumed that. I think I also would
9 agree that we can display it.

10 MR GUMPERT: [10:46:09] Yes.

11 Q. [10:46:09] Just pause for a moment, if you would, Rwot Oywak, while this is
12 displayed on the screen.

13 PRESIDING JUDGE SCHMITT: [10:46:20] Outside, yes, yes.

14 MR GUMPERT: [10:46:40] That's on the screen for the public now, is it? Good.
15 Thank you.

16 Q. [10:46:47] Why have you marked the camp as being the top half Pajule and the
17 bottom half Lapul? Can you explain that to us?

18 A. [10:47:01] Yes, I can do that. On the upper side it's written Pajule because it's
19 an independent sub-county. On the lower side it's written "Lapul sub-county"
20 because that's also an independent sub-county. The road is the boundary. Some
21 time back it was only one sub-county but right now these are two different
22 sub-counties. The road that runs from Kitgum to Lira is the boundary of the two
23 sub-counties.

24 Q. [10:47:37] Thank you. That's very clear. Now, we can see the words just
25 below the road, so it's on the Lapul side, the words "Rwot home", just by a box on the

1 Lapul side of the road. Those words probably speak for themselves, but can you
2 confirm that's your home?

3 A. [10:48:00] This is my home. It's not only my home, there were several other
4 homes there. These are circles showing shops. Where it's written "Rwot home" is
5 my home.

6 Q. [10:48:16] Yes, I think we can see the little semicircles each side of the road. Is
7 that what you're referring to as the shops?

8 A. [10:48:24] Yes, these circles are shops that were on the lower side, and even on
9 the other side of Pajule there were shops along the road, on the roadside, rather.

10 Q. [10:48:39] And then you have drawn a line in red which ends in a sort of
11 scribbled circle or disc of red, above which is the word, if I read it correctly,
12 "Ongwen". What did you mean to indicate by drawing that line, that circle, and
13 putting in that name?

14 A. [10:49:09] When I was asked, I indicated here how I was dragged. You
15 remember I talked about a mvule tree and all these dots indicate the people who were
16 abducted and gathered around there.

17 The police is on the other side and the mvule is here, that is where I indicated in red.

18 Q. [10:49:34] And the name Ongwen?

19 A. [10:49:42] That is his name. He's called Dominic Ongwen. I only wrote it as
20 Ongwen.

21 Q. [10:49:51] My question is imprecise. Can you help us with the location where
22 you had the encounter with Ongwen which you have described to the Court?

23 A. [10:50:06] Is it different from the attack on the tenth? When -- where we met
24 Ongwen was in Lapul sub-county somewhere down. I was not requested the other
25 time. I would have indicated it was Koyo, a place where the government had agreed

1 that he should meet. It's a bit far from here. It's not indicated here. It's
2 somewhere in Lapul sub-county.

3 Q. [10:50:34] No, I'm sorry, I was indeed talking about the tenth. So do we
4 understand that the place where you have marked the circle, the disc, and Ongwen is
5 the place where you met him on 10 October?

6 A. [10:50:50] Correct. The point where I met him on 10 October together with
7 very many people was there. You can see I have indicated where -- my route up to
8 point where I met him. You see these dots indicate the people who were gathered.
9 Some of them were even on the other side of the road.

10 Q. [10:51:14] Thank you. Now can I ask you, please, to turn to tab -- I'm sorry,
11 I'll pause there, the Judge has a question.

12 PRESIDING JUDGE SCHMITT: [10:51:24] No, no. I have just one additional
13 question to this drawing.

14 Mr Witness, please your attention to the left side of the drawing and the upper side
15 there is a -- on the very left side above the writing "Kitgum" there is a rectangle and in
16 this rectangle there is a cross. What did you mean by that? A black cross, if I see
17 correctly.

18 THE WITNESS: [10:51:55] (Interpretation) This place, when we left the -- where we
19 were stationed before, we were now moving towards Latanya. We left and then
20 moved direct towards Latanya from there.

21 PRESIDING JUDGE SCHMITT: [10:52:13] Thank you.

22 MR GUMPERT: [10:52:16]

23 Q. [10:52:17] May I now ask you, Mr Witness, Mr Rwot Oywak, to -- well, in fact I
24 won't ask you to turn to tab 4. Instead I'm going to ask the Court staff if they would
25 very kindly put up on the screen, again for everybody to see, UGA-OTP-0241-0556.

1 It's at tab 4 if you're interested in the paper version. Has that appeared on your
2 screen, Rwot Oywak?

3 A. [10:53:35] Yes, I can see it.

4 Q. [10:53:38] Again it may be self-explanatory, but this is an aerial photograph of
5 Pajule. Have you seen it before?

6 A. [10:53:51] I had not seen it before. This is my first time to see it.

7 Q. [10:54:02] We can see the Lira-Kitgum road running almost vertically.
8 Slightly bottom right to top left. Can you see that? It's an orangey colour?

9 A. [10:54:18] Yes, I can see.

10 Q. [10:54:21] And do we understand correctly that the rectangle which you
11 indicated on your hand-drawn map is seen towards the bottom of the map as a red
12 rectangle marked "my home", is that it?

13 A. [10:54:42] That's correct.

14 Q. [10:54:43] And we can see that the route you must have taken was along that
15 road, past the Pajule main market on your right-hand side and, judging by the scale, it
16 may have been some 300 or 400 metres to the location where you met Dominic
17 Ongwen, which is also marked; is that correct?

18 A. [10:55:11] That's correct.

19 MR AYENA ODONGO: My Lords.

20 PRESIDING JUDGE SCHMITT: [10:55:15] Mr Ayena.

21 MR AYENA ODONGO: [10:55:16] Yes, that supposition is not backed by any
22 evidence that the road that he took for going to where Dominic Ongwen was via the
23 main market. Where does it draw the inference from?

24 PRESIDING JUDGE SCHMITT: [10:55:36] Mr Gumpert.

25 MR GUMPERT: [10:55:37] I believe that the word I used was past the main market,

1 rather than through the main market, and the inference I drew from the witness's own
2 plan was that he had moved along the road and thereby past the market.

3 PRESIDING JUDGE SCHMITT: [10:55:56] No matter what the wording, the exact
4 wording was, the witness has -- we have seen the drawing that he drew, we have
5 looked at that, we have seen this one, and perhaps you could ask if there was any
6 deviation in how he was brought to the other place so that we are sure that this must
7 have been the road they would have taken.

8 MR GUMPERT: [10:56:20]

9 Q. [10:56:21] Mr Witness, I suspect this will be my last question for a while. I'm
10 going to ask you a neutral question: with reference to this photograph in front of us,
11 can you tell the Judges please what route you took from your home to the place
12 where you encountered Dominic Ongwen?

13 A. [10:56:46] When I was abducted I followed the road that goes towards Kitgum
14 where it's written "Lira", because the other black circle is standing for the tree under
15 which we stationed initially. Afterwards we started moving, going eastwards as
16 indicated in the other arrow. We were not following a road, we were just moving in
17 the bush. From my home I followed a road. That tree is on the roadside. We met
18 them there. They were just on the roadside.

19 Q. [10:57:26] Thank you. That concludes my questioning about the events at
20 Pajule in October 2003.

21 Would this be an appropriate moment?

22 PRESIDING JUDGE SCHMITT: [10:57:34] It would be an appropriate moment, but
23 I have one further question to the witness. You mentioned that Mr Ongwen had a
24 stick, that he had a radio, and that he had a gun. Could you describe the gun? Do
25 you recall how it was? Was it small? Was it big? Was it a rifle? Was it a

1 machine gun, a pistol, or whatsoever?

2 THE WITNESS: [10:57:57] (Interpretation) It was a big gun for fighting, the kind of
3 gun you would hold like this.

4 PRESIDING JUDGE SCHMITT: [10:58:04] Can you show it again, please, because
5 we did not see how your gesture was.

6 THE WITNESS: [10:58:10] (Interpretation) A big gun he was holding like this with
7 the magazine bent, it had a wooden bat, it had a strap that was around his neck, the
8 radio was here, he had a stick as well.

9 PRESIDING JUDGE SCHMITT: [10:58:23] Thank you.

10 MR GUMPERT: [10:58:25] It may be worth observing, the gesture was both hands
11 on the gun.

12 PRESIDING JUDGE SCHMITT: [10:58:29] Yes. Yes. Thank you very much for
13 the moment.

14 Then we have a break until 11.30.

15 THE COURT USHER: [10:58:34] All rise.

16 (Recess taken at 10.58 a.m.)

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

18 THE COURT USHER: [11:30:51] All rise.

19 Please be seated.

20 PRESIDING JUDGE SCHMITT: [11:31:07] Mr Gumpert, please continue.

21 MR GUMPERT: [11:31:13] Thank you, your Honour.

22 Q. [11:31:17] Rwot Oywak, the next thing I want to do is to look at some
23 photographs together with you. It's a sequence of, I think, four photographs, and the
24 first in the sequence --

25 PRESIDING JUDGE SCHMITT: [11:31:35] And all can be displayed I would say, or

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1 not?

2 MR GUMPERT: [11:31:39] Yes.

3 PRESIDING JUDGE SCHMITT: [11:31:40] I think they can be displayed.

4 MR GUMPERT: [11:31:44] Yes. Just let me --

5 PRESIDING JUDGE SCHMITT: [11:31:46] Perhaps check.

6 MR GUMPERT: [11:31:48] Forgive me. There are various other persons, apart
7 from the witness, whom I propose where it is possible that we should name. None
8 of them -- yes, I'm sorry, I'm thinking aloud.

9 PRESIDING JUDGE SCHMITT: [11:32:01] No, of course, it was -- I put it on the
10 table, so to speak, spontaneously. Perhaps we can also decide it on a case-by-case
11 basis or on a photo-by-photo basis. Perhaps the team can assist you a little bit in
12 that.

13 MR GUMPERT: [11:32:18] I'm pretty confident that if I were wrong in saying yes,
14 somebody would by now, or would be about to leap up and tell me that I'm wrong.
15 So we'll proceed with the first photograph to the public and I'm confident there's no
16 harm to be done here. And it's obviously desirable that the public should be able to
17 see what it is that the witness is giving evidence about.

18 PRESIDING JUDGE SCHMITT: [11:32:40] Yes. Yes, that was the intention.

19 MR GUMPERT: [11:32:44] Did I manage to get around to giving the ERN number,
20 perhaps I --

21 PRESIDING JUDGE SCHMITT: [11:32:49] No.

22 MR GUMPERT: [11:32:50] Right. I see I didn't, sorry. 0245-0037.

23 Q. [11:32:59] Rwoth Oywak, I think the document will appear on the screen, and
24 that's probably the best quality rather than the dodgy colour printer which I ran it off.
25 Can we zoom in and then shunt it down so that we can see the faces of -- that's

1 probably a bit big now, but we certainly need to see faces rather than feet. That's
2 looking good.

3 Now if we can shift it over to the left. Very good. Thank you.

4 Can you see that, Rwot Oywak?

5 A. [11:33:51] Yes, I can.

6 Q. [11:33:53] Firstly, would you tell us, please, who is the person on the right?

7 A. [11:34:06] That is Mr Owino, somebody who came back from the bush. He
8 was sent to Pajule barracks. We were invited to welcome him. And that's his
9 photo.

10 Q. [11:34:22] Thank you. I've created uncertainty. What I actually meant was
11 as we look at the photograph who is the person on the right, the person in the
12 light-coloured shirt?

13 A. [11:34:47] That is my photo.

14 Q. [11:34:50] So it's you in the whitish shirt and Mr Owino, James Owino in the
15 army uniform?

16 A. [11:35:01] That's correct.

17 Q. [11:35:03] Now, you've already explained a little bit about your function as a
18 rwot, but perhaps you can just reconfirm or explain further, why is it that you in
19 particular were involved in the return of this LRA officer into Acholi society, what
20 was your role in that?

21 A. [11:35:36] When we sat down they selected among the chiefs myself and some
22 other religious leaders to ensure that the children, the returnees are welcomed, that
23 they're encouraged, they're supported so that they can live, come back within the
24 community. They selected me or appointed me to welcome the children when they
25 returned home in my area, in Pajule area. The other areas would have its own chief.

1 There was a chief in each particular area to welcome the returnees. The children
2 would be welcomed, the children would then be sent back home.
3 First they would go to the army barracks in their uniforms, then they would take
4 them home and perform some cultural rituals, stepping on the egg, sprinkle them
5 with water, pray for them and then return them home. They would ask the person if
6 they want to work and the person would be sent to work, but if they do not want to,
7 then the person would come back in the community, we would talk to the person,
8 counsel the person, encourage them and tell them that no matter what they went
9 through, no matter what they did, we welcome them back into the community. They
10 would go, apply for amnesty, they would give them the amnesty certificate to ensure
11 them that they would not be prosecuted. And that's why I was called to welcome
12 Mr Owino.

13 Q. [11:37:16] Thank you. One or two points of clarification from what you have
14 just said. You referred to people such as James Owino as children, children
15 returning. Can you explain why you used that word?

16 A. [11:37:45] Because some of them are children, some of them are very young.
17 You sometimes meet a very young person, a returnee as a very young person and
18 that's why I use the term "children". Somebody like Owino is an adult, he's not a
19 child anymore. Children is a cultural term used in Acholi, because for all the -- if I'm
20 older than somebody, whoever is younger than me is referred to as a child.

21 Q. [11:38:18] Thank you. And you spoke about the various steps on a person's
22 return, we probably don't need to inquire about the precise details of what you call
23 the cultural rituals, but you said "stepping on the egg". Could you briefly describe to
24 us what the significance of that is?

25 A. [11:38:46] In Acholi tradition when somebody stays out of the homestead for a

1 long time or the person was in prison, they perform a cleansing ritual, they use the
2 egg to perform the cleansing ritual, or they use a sheep, they cut a sheep. The
3 purpose of the egg is to step on the egg and pronounce that you do not have any
4 more problems, you do not have any crime, you haven't done anything wrong. Eggs
5 don't speak, so the person who steps on the egg will beg for forgiveness. Once the
6 person steps on the egg and comes into the home, we will take a sheep and cut the
7 sheep and use it as a cleansing -- to use it to cleanse as well because we use sheep in
8 Acholi to cleanse people from anything that may have happened to them so that the
9 person is rehabilitated, the person comes back into the -- into the homestead.
10 Sometimes when you're in the bush you would have killed somebody, so this is a way
11 of removing the bad spirits from that person and that's the purpose of the egg.

12 Q. [11:40:04] Thank you. And one last point: You suggested that there were
13 two alternatives, the returnee might go to work or might come back to the community.
14 What should we understand if a person chose to go to work.

15 A. [11:40:31] If someone comes home and decides that they want to enlist in the
16 army, we usually ask them that question and they say "I've been in the army for a
17 long time and I cannot continue with my civilian life". And that is usually with the
18 adult, but the smaller ones or the younger ones usually want to go back to their
19 families, so we ask them that question. The older person will then be enlisted into
20 the army and the younger ones would go home. It's a person's choice.

21 Q. [11:41:01] Thank you. Can we shift the photograph up so that we can see the
22 back side of it, which is displayed just underneath. Mr Witness, just help us, this
23 photograph has on it the date 23 May 2004. Can you see that at the top there?

24 A. [11:41:32] Yes, I can.

25 Q. [11:41:34] How did the photograph come to be taken? You're in it, so I guess

- 1 it wasn't you who took it. Do you know who did?
- 2 A. [11:41:49] When somebody -- when people come back there is a report,
3 everybody comes to the barracks. It was a Rupiny journalist known as Otim who
4 took this, who took the photo, it was Otim Patrick.
- 5 Q. [11:42:06] Rupiny, I think that's a newspaper?
- 6 A. [11:42:11] Yes, he's a journalist for Rupiny. If you look -- if you go to the
7 archives and you look at the photo you will also find it there.
- 8 Q. [11:42:26] And this writing on the back that we can read in English, who's
9 writing is that?
- 10 A. [11:42:37] It's the person who took the photo who wrote that down.
- 11 Q. [11:42:42] Thank you very much.
- 12 Now can we move on please to the photograph next in the sequence, 0245-0038.
13 Again, it will appear on your screen, Rwot Oywak.
14 Can we go the same way, zoom in on the picture itself first and then we'll shift on
15 down to look at the writing.
16 Have you seen that photograph before, Rwot Oywak?
- 17 A. [11:43:50] Yes, I have.
- 18 Q. [11:43:54] Who's the tall man in the blue shirt?
- 19 A. [11:44:03] The person on the right is me.
- 20 Q. [11:44:07] And the person in the middle?
- 21 A. [11:44:12] I found the person in the middle in the barracks. I do not know
22 where the person came from because the -- in the background you can see the
23 barracks. He was one of the people who came to welcome the returnees.
- 24 Q. [11:44:29] And then the person on the left?
- 25 A. [11:44:37] That's the person who we came to welcome. That's Captain Okot.

1 Q. [11:44:45] Do you know Captain Okot's other name?

2 A. [11:44:57] At this particular moment I cannot remember, but I know Okot,
3 yeah, Okot Galdino, Okot Galdino. I think Okot, but I'm not very sure about the
4 Galdino.

5 Q. [11:45:18] Well, your Honours, I probably don't need to apply to refresh, but
6 your Honours will no doubt have taken note of paragraph 14 of the witness's
7 statement, which is UGA-OTP-0245-0031. I can put it this way, there's no
8 contradiction there.

9 One other matter about the gentleman Captain Okot, you think Galdino, did he tell
10 you which group within the LRA he had come from?

11 A. [11:46:05] He told us that he was in Ongwen's group. There was a lot
12 of -- people were always being transferred from one place to another, but at the time
13 he had been brought to a particular battalion. I cannot recall the name of that
14 battalion but it was -- he said he was from Ongwen's group. He was from the bush,
15 he's willing to surrender and he wanted mercy. When they brought him to the
16 soldiers he'd already been debriefed and then he was brought outside and we
17 welcomed him and we were supposed to perform the rituals. We found this white
18 man. I do not know who that person is.

19 Q. [11:46:54] Can we move on down the image so that we can see the writing on
20 the back of the photograph.

21 Can you see the date there, Rwot Oywak, 13 July 2004?

22 A. [11:47:18] Yes, I can.

23 Q. [11:47:18] Is that the date on which this event occurred?

24 A. [11:47:25] Yes, that's the day they took the photo.

25 Q. [11:47:30] And should we understand that once again this is a photograph

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1 taken by a journalist and annotated by that journalist?

2 A. [11:47:44] Yes, it was Otim Patrick. He is the one who took the same photo.

3 He was a Rupiny journalist who was based in Pader. He is from Pajule centre but he

4 also lived in the camp. He was the one who -- was one of the journalists working for

5 Rupiny in Pajule.

6 Q. [11:48:09] Very good. Thank you.

7 Could we move on to the next photograph in the sequence 0245-0039, same

8 procedure, zoom in on the image, and then we'll look at the writing later.

9 THE COURT OFFICER: [11:48:34] I'm sorry to interrupt, is this for public viewing
10 as well?

11 MR GUMPERT: [11:48:40] Yes.

12 THE COURT OFFICER: [11:48:41] Thank you.

13 MR GUMPERT: [11:48:44] I'm sorry, yes.

14 PRESIDING JUDGE SCHMITT: [11:48:46] A good question, because there are
15 many people on it. Thank you, Wilfred.

16 MR GUMPERT: [11:48:53]

17 Q. [11:48:53] Can you see that, Rwot Oywak?

18 A. [11:48:56] Yes, I can.

19 Q. [11:48:58] Now, we can see you in that same blue shirt, can't we, at the back of
20 the photograph?

21 A. [11:49:12] Yes, that's me.

22 Q. [11:49:13] And who is the person, the person nearly as tall as you wearing the
23 camouflage cap and camouflage uniform?

24 A. [11:49:32] That is the captain who brought the four children, he came with the
25 four children. He returned with them together and went to the barracks, to the army

1 barracks, and I was called to welcome them.

2 Q. [11:49:48] When you say the captain you mean the same captain, the one
3 you've just referred to whose name you know is Okot and you think is Galdino?

4 A. [11:49:56] Yes, it's Captain Galdino Okot. The children, once -- once they've
5 finished debriefing them, once they've done debriefing them, the children are taken to
6 Caritas and it's Caritas which takes care of the children. Once their statements have
7 been taken, they've asked them where they are from, they stay with Caritas for a
8 while, they are taken to the Amnesty Commission. Once they have been given their
9 amnesty certificates, then Caritas takes them to their homes.

10 I do not know what Caritas does because by then I would have finished whatever it is
11 my role is. The children are taken, they're encouraged, they're introduced to their
12 families and that's what they do.

13 Q. [11:50:54] Do you remember speaking to these children or any of them?

14 A. [11:51:05] We spoke to them, but most of them are from Teso. We do not
15 speak the same language, but they told us that they came with Galdino Okot because
16 they were defeated, they'd been separated from the other group and they had the
17 chance to escape. That's what they told the community. I was at the back of them
18 to support them, to ensure that the photograph, they take a clear and nice
19 photograph.

20 PRESIDING JUDGE SCHMITT: [11:51:40] Mr Witness, you said that these children
21 do not speak the same language like you speak. What language do they speak?

22 THE WITNESS: [11:51:52] (Interpretation) Some of them were Teso, some of
23 them were Langi, some of them were Acholi. Not all of them were Acholis, there
24 were different -- from different tribes among them. I do not know their names, I do
25 not know their individual names, I only know the person who brought them that I

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1 know, Okot Galdino.

2 PRESIDING JUDGE SCHMITT: [11:52:14] Thank you. Yes.

3 MR GUMPERT: [11:52:16] If I may, just taking up a point that his Honour the
4 judge embarked on, for those who aren't Acholi, for those who aren't Acholi speakers,
5 what's the level of understandability, intelligibility, between, say, a Lango speaker
6 and an Acholi speaker like you?

7 A. [11:52:48] They do understand Acholi, but when they're in the bush we do not
8 know what language they use, because we asked them, "What language do you speak
9 when you're in the bush?" and they told us, "We only refer to the commanders as
10 Lapwony, Lapwony, Lapwony," but they told us that they call themselves Lapwony.
11 The captain was referred to as Lapwony Galdino. He was not referred to by his
12 name, but referred to as Lapwony Galdino.

13 Q. [11:53:20] I may not have made myself entirely clear. It may not be of huge
14 importance, but suppose that one of these children, say, from Lango, was to say to
15 you in Lango, "I came back from the bush yesterday," would you as an Acholi speaker
16 understand more or less what he was saying?

17 A. [11:53:49] Yes, I would. I would understand it because the Lango language
18 and the Acholi language are similar.

19 Q. [11:54:00] And does that go for Teso as well?

20 A. [11:54:06] No, I do not know the Teso language. It's difficult. It's a difficult
21 language. But they told us that they were forced to learn Acholi, you have to learn
22 Acholi, that's what they told us, that's why they -- they told us that they were from
23 Teso region. They -- we did not ask them for their homes, but when they went to
24 Caritas, that's where they asked them. From Caritas, they asked them their dates of
25 birth, where they're from, where their homes are. They processed the amnesty

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1 application, and that's what Caritas does.

2 Q. [11:54:50] Can we move down the photograph again to see the text. So you
3 can see here a date of 13 July, the same date of 2004. Was that the date on which the
4 photograph was taken?

5 A. [11:55:19] Yes, that's correct.

6 Q. [11:55:21] And once again by the journalist Otim who annotated the
7 photograph in this way?

8 A. [11:55:30] Otim Patrick, yeah, the photographer.

9 Q. [11:55:36] Thank you. And then the fourth photograph in this sequence,
10 which has the number 0254-0040 -- I'm sorry, have I got the number wrong?
11 0245-0040, I misspoke, I'm sorry.

12 THE COURT OFFICER: [11:56:26] The same question applies: To the public?

13 MR GUMPERT: [11:56:29] Yes.

14 THE COURT OFFICER: [11:56:30] Thank you.

15 MR GUMPERT: [11:56:31] Yes.

16 Q. [11:56:39] First question, do you appear in this photograph and if so where?

17 A. [11:56:48] I'm at the back sitting behind the children. The sister -- the nun
18 with whom we collected the kids is standing in the background speaking to some
19 chap.

20 Q. [11:57:01] Yes, I think we can -- I confess, I hadn't focused on her before. So
21 she's wearing a blue dress and I don't know the name of the thing on her head, and
22 you're the chap in the flowery shirt just to the right of the centre; is that right?

23 A. [11:57:21] Yes, it's patterned. I'm sitting next to the person who is in army
24 uniform.

25 Q. [11:57:31] Let's go to him next then. Who is the person who's in army

1 uniform next to you in the patterned shirt?

2 A. [11:57:46] I do not recall his name. There were many people and so many
3 names, so it was extremely difficult to memorise each and every name. But I do
4 recall that these children -- we collected the children with the nun, the nun in the
5 background. Once they had taken their reports, they brought them. They still have
6 their -- the army gear that they came back with. They're very young children.

7 MR GUMPERT: [11:58:22] Your Honour, in the light of that answer, I'm going to
8 apply to refresh the witness's memory with a name which appears in 0245-00 --

9 PRESIDING JUDGE SCHMITT: [11:58:33] Yes, please do that, yes.

10 MR GUMPERT: [11:58:34] Shall I just complete the reference for the -- 0245-0031
11 at 0034, paragraph 17.

12 Q. [11:58:44] Mr Witness, I'm going to suggest a name to you for this gentleman
13 sitting next to you. Odongo, does that refresh your memory?

14 A. [11:59:01] Odongo came with the children.

15 Q. [11:59:09] And can you remember anything more about him, his rank, his unit
16 in the LRA or not?

17 A. [11:59:29] When we asked Odongo, he told us that when it was -- during
18 heavy battle he separated with the children and then he made the decision to come
19 out. He was -- he was in somebody's group, but I do not recall the name of the
20 person in whose group he was.

21 Please, I beg your pardon, there are so many photos that it's extremely difficult to
22 memorise each and every photo, but I believe there's something written about it.

23 Q. [12:00:07] First, Mr Witness, I'm sure I speak for us all, please don't feel that
24 there is any criticism of you where you can no longer remember the events of 13 years
25 ago.

1 I can see something like nine children in a line in front of you and Odongo. Can you
2 just confirm that these are the children who had come out with Odongo and who are
3 pictured here wearing what they had been wearing and with some of the military
4 equipment that they had had with them?

5 A. [12:00:52] Yes, I confirm that these are the things that they came back with.
6 Within the luggage they had some roasted cassava, they had some shoes, they had
7 things that they used to survive with, they had containers for water. And those are
8 the things that they did -- they came back with, they hadn't handed these things over
9 yet.

10 Q. [12:01:18] Can you help the Court by telling us the ages that you estimated
11 these children to be? If you could tell us, please, what you thought the youngest age
12 might have been and the oldest for these children we can see in the photograph?

13 A. [12:01:40] The youngest, according to my estimation, would be around nine
14 years old. There is also one of 14 or 13 there. This is purely an estimation. I don't
15 have the exact age.

16 Q. [12:02:06] We understand that, Rwot Oywak, and indeed I was asking you just
17 to give us your best estimate.

18 Can we scroll down just to catch the writing on the back. We've got here a date of 16
19 July 2004; is that the relevant date for this photograph?

20 A. [12:02:28] Correct.

21 Q. [12:02:29] And the writing appears to say, "Rwot Oywak Ywakamoi
22 Joseph" - that's you - "and LRA fighter Odoga" -- does it say "Paco" or Pako (phon)?

23 A. [12:02:49] "Odogo Paco". "Odogo Paco". It's literally written as "Odogo
24 Paco".

25 Q. [12:02:59] And in any event, that's a reference to the fighter who had come out

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1 with these children?

2 A. [12:03:09] Exactly.

3 Q. [12:03:12] I see that my question doesn't appear entirely on the transcript, but I
4 think it's clear.

5 PRESIDING JUDGE SCHMITT: [12:03:17] I think it's clear. There's a reason for
6 that, a technical reason, because the microphone was not on in the beginning. But it
7 doesn't matter, we can continue.

8 MR GUMPERT: [12:03:29]

9 Q. [12:03:30] Can we move then to the last photograph, that is tab 14, 0245-0041.

10 THE COURT OFFICER: Public or private?

11 MR GUMPERT: [12:04:01] Public.

12 THE COURT OFFICER: [12:04:02] Thank you.

13 MR GUMPERT: [12:04:27] Can we just zoom in a bit more. I want to keep the
14 boy's clothes clearly in the middle of the picture. Bigger still, and then shift it down
15 a bit. Thank you.

16 Q. [12:04:50] Mr Witness, do you recognise the man in combat uniform on the
17 right-hand side as we look at the picture?

18 A. [12:05:04] Yes, I know him, he is called Vincent Otti. The child standing with
19 him, well, I don't know. I think because he's putting on the uniform for Pajule
20 primary school, I suspect he should have been a pupil studying in Pajule.

21 Q. [12:05:31] Just taking them in turn, staying with Vincent Otti, that's the same
22 man you've already referred to, the man who you had encountered, for example, at
23 Latanya when he made a speech to you and other abductees; is that right?

24 A. [12:05:53] Yes, he's the person who released us. He's also the very person
25 who quarrelled with us alleging that we were supporting the government. He was

1 fighting to overthrow the government. He's the very one.

2 Q. [12:06:11] And just to be clear, you don't know the boy, you don't know his
3 name, but you recognise the clothes that he's wearing, do I understand correctly?

4 A. [12:06:28] Well, I only suspect he should have been a child coming from Pajule,
5 but the pair of shorts he's putting on belongs to Pajule primary school. I'm just
6 guessing, I'm not very clear about that.

7 Q. [12:06:45] And can you help us again by estimating, we understand it's no
8 more than that, by estimating the age of the boy? I only ask you, we can all see it,
9 because it's sometimes easier for somebody who come from a similar culture to make
10 a more accurate estimate of age.

11 A. [12:07:14] For this child if he's really big then he should be about 10 or 11.

12 Q. [12:07:23] Thank you.

13 Can we shift on down to the writing on the back of the photograph?

14 THE COURT OFFICER: [12:07:38] I'm afraid there's no bottom part of this
15 photograph.

16 MR GUMPERT: [12:07:44] Then I've asked for the impossible.

17 PRESIDING JUDGE SCHMITT: [12:07:45] Exactly. And if there is none, there is
18 nothing to shift to.

19 MR GUMPERT: [12:07:52]

20 Q. Then I ask a general question, I hope I get this one right: These photographs
21 are now in the possession of the Office of the Prosecutor. Do you know how they
22 came to be in our possession, who gave them to us?

23 A. [12:08:15] These photographs we acquired them from Galdino on the day he
24 returned with the children who were in the photos with him. When their luggage
25 were checked, we found this photo as one of the things in. We felt it necessary that if

1 the world should know what happened, then this photo would be a very clear
2 message.

3 PRESIDING JUDGE SCHMITT: [12:08:47] If you think it necessary, you could
4 perhaps put paragraph 20 to him. It might not be a big issue, but perhaps to clarify
5 it.

6 MR GUMPERT: [12:08:58] Your Honour, yes.

7 Q. I think a moment ago when speaking of this photograph you said that you'd got
8 it from Galdino's luggage. Can I remind you of something, it was 13 years ago, of
9 something which you've told previously in a statement, and I'm going to read --

10 PRESIDING JUDGE SCHMITT: [12:09:21] The statement is quite recently, so this
11 was less than two years ago when this was said.

12 MR GUMPERT: [12:09:27] It's a fair point, your Honour. The recollection is of the
13 antiquity which I speak of.

14 Q. You said in the statement, which as his Honour has pointed out, was made in
15 September of 2015, that you had got the photograph from Odongo rather than
16 Galdino. Does that help you to recall which of these two men in fact it came from?

17 A. [12:09:57] Well, their names are similar, Odongo and Odong. The names are
18 fairly similar, but it was Odongo Galdino, I think both of them were called Odongo
19 and that is -- what confuses me a bit.

20 MR GUMPERT: [12:10:17] Your Honour, I'm going to leave that detail.

21 Q. But just one point of clarification: You had these photographs in your
22 possession and then gave them to the Prosecution; is that correct?

23 A. [12:10:35] Yes.

24 Q. [12:10:40] Thank you.

25 Mr Witness, I come now to the third and last of the matters I want to ask you about,

1 and that is the peace negotiations. You touched on these right at the very beginning
2 of your evidence. What was your involvement, if you can explain relatively briefly,
3 what was your involvement in the peace negotiations and when did they begin?

4 A. [12:11:36] In the year 2000 when the LRA started giving out leaflets to the
5 people, sometimes they are brought to the mission, others would be found along on
6 their paths, then the Acholi leaders sat down to look, to map out a way out so as to
7 get a solution to the problem.

8 The meeting was held with other senior government officials and it was agreed that
9 they should identify some people who should be able to be the focal persons to
10 handle this negotiation. I was selected amongst other people.

11 I mentioned earlier that we had a group of people from RP, which was led by Bishop
12 Odama. There was also Bishop Ochola. From our group I had other colleagues,
13 but from Pajule I was the person in charge.

14 As I mentioned earlier in my testimony, I was not the only chief who was handling
15 these. For the other areas, the other responsible chiefs would be addressing the
16 people who would come back. They would invite the RDC, the LC-5 chairperson,
17 the LC-3 chairperson, and they would sit down, agree under whatever is contained in
18 the letter that has been brought. These meetings were taking place in Pajule which
19 was near the camp and the barracks.

20 Q. [12:13:39] Did there ever come a time when you went into the bush to meet
21 people from the LRA?

22 A. [12:13:52] Yes. When a letter was received from the LRA and the letter was
23 stating that the LRA wanted to have a peace negotiation with the government, the
24 letter was delivered to the mission and we were instructed to go and pick the letter.
25 We went, got the letter and we reviewed the letter and established that it was written

1 by the LRA and it was written by Vincent Otti. Wherever the letter went, well,
2 issues concerning the military I couldn't handle. The letter was not given back to us
3 later on.

4 Q. [12:14:41] How many times in total did you go into the bush to meet with the
5 LRA?

6 Sorry, we could get rid of the photograph if it's still up on the screen. We're done
7 with that now.

8 A. [12:15:12] From Uganda I think it was about four times, or even more. From
9 the Congo and Central African Republic we stayed for quite some time. We would
10 regularly meet them. From here we received a letter that was written directly to the
11 president of the -- of Uganda, it was indicating that they want to have a peace
12 negotiation, and the president also gave a directive that if the rebels want to have
13 peace talks, he identified a location where the people should assemble. The place
14 was identified where the LRA members should assemble and all this was indicated in
15 the letter which we handed over back to the LRA.

16 Q. [12:16:21] And can you name some of the commanders of the LRA whom you
17 met on these various visits to the bush?

18 A. [12:16:39] We met people like Tabuley, Nyeko Yadin, Dominic Ongwen and
19 Livingstone Opiro. There were quite many. We would meet them at various times.
20 Most times we were meeting other people as well. He appeared only once, I saw
21 him only once, but the rest of the times I was meeting other people.

22 Q. [12:17:16] It may be clear to others, but it's not to me. Who is the "he" there,
23 the person who appears on a single occasion?

24 A. [12:17:29] Dominic Ongwen. And the time when we met them for the first
25 time at Koyo because we received these letters about four times. But the rest of the

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1 occasions when we were receiving letters he was not there now. I don't know where
2 he had gone.

3 Q. [12:17:46] And if I may, it may be difficult, I want you to tell us what the year
4 was of the earliest of these meetings in the bush with the LRA?

5 A. [12:18:06] That was around -- between 2000 and 2001 and 2004. There was
6 also in 2007 and '08 when we were in Sudan.

7 MR GUMPERT: [12:18:24] Your Honours, there may be, particularly in the light of
8 an answer given during the earlier session, some importance to the witness's earlier
9 recollection much nearer to the time, and I would seek to refresh him -- refresh his
10 memory, rather, from the earliest of his statements 0151-0167 and paragraph 16
11 thereof.

12 PRESIDING JUDGE SCHMITT: [12:18:47] I'm not surprised. So please do that,
13 yes.

14 MR GUMPERT: [12:18:53]

15 Q. Rwot Oywak, I want to remind you of something which you told the
16 Prosecution in a statement which you signed back in July of 2005, so nearly 12 years
17 ago. Can I read to you just three lines:

18 "We went about five times to the bush to meet with the rebels. We went four times
19 over 2002 and 2003: Twice to collect the letters written by Otti addressed to
20 President Museveni and twice to deliver the president's response."

21 Does that refresh your memory about the number of times that you went in these
22 years?

23 A. [12:19:57] That is very correct.

24 Q. [12:20:00] And as I understand the evidence you gave a moment ago, one of
25 these, or possibly more, but at least one of these meetings was at Koyo, in other words,

1 on your home territory?

2 A. [12:20:19] Koyo, it was not necessarily in my home, but it was within the
3 parish, not within my homestead but within Koyo as a parish. That was an area
4 within my jurisdiction and the government had demarcated that area to be the place
5 where we could meet and receive communications. And on the side of the
6 government, they said the LRA should be on the other side of Adodi, and they would
7 have to cross the road and walk back. That was the location.

8 Q. [12:21:03] I'm sorry, I spoke carelessly, I didn't mean it was in your home, your
9 house, I meant it was in your area, just to clear that up?

10 A. [12:21:14] Correct. It's fine.

11 PRESIDING JUDGE SCHMITT: [12:21:16] I have a follow-up question. You
12 answered it sort of, but I'm interested also in the other encounters in the bush. A
13 simple question: How did you in each instance know where to go? You see what I
14 mean, because it might have been of interest that nobody knew where these
15 encounters took place.

16 THE WITNESS: [12:21:48] (Interpretation) At the time that we sat for the first
17 time and agreed that the meeting point would only be in Koyo, all of us unanimously
18 agreed that we should meet in Koyo. Whenever they abducted civilians and sent
19 them with their letters, we would now know we would have to go there.

20 MR GUMPERT: [12:22:16]

21 Q. [12:22:17] And just focusing still on the meeting in Koyo, can you help us, was
22 this in 2002 or 2003?

23 A. [12:22:33] 2002, 2003 and also in 2004.

24 Q. [12:22:55] You told us a moment ago, it's page 61 of the transcript, lines 3 and 4,
25 that when -- well, this is what you said, "Dominic Ongwen. And the time ... we met

1 them for the first time at Koyo ..." That was the beginning of your answer.

2 Can you help the Judges with this, that first meeting at Koyo with Ongwen, was that
3 before or after the attack on Pajule?

4 A. [12:23:42] Pajule had not yet been attacked. That was before the Pajule attack.
5 Because after the Pajule attack I again met him in Sudan. I never met him again in
6 Uganda.

7 Q. [12:24:03] Thank you. I want to turn away from Mr Ongwen for a moment.
8 Who was the overall leader of the LRA?

9 A. [12:24:25] They would say their -- their leader was Joseph Kony, they would
10 refer to him as chairman or the big teacher Joseph Kony. He was deputised by
11 Vincent Otti. Of course there were other second in command, like Yadin. Because
12 each time somebody brings a letter back home they would indicate their position, so I
13 don't really know in terms of the military ranking who was who.

14 Q. [12:25:00] I understand the rank structure may not be something you're fully
15 aware of, but as you understand it there was nobody senior to Joseph Kony; do I have
16 it right?

17 A. [12:25:18] I have understood.

18 Q. [12:25:20] When was the first time that you spoke to Kony? I don't mean that
19 you were necessarily in his presence, but the first time you had a conversation with
20 him, can you remember that?

21 A. [12:25:42] I remember we talked from Koyo Lalogi, they had switched on their
22 radio, we went with Lugai and a priest, and they connected their military radio and
23 we talked to Kony, he was telling us that he wants to talk and he wants to talk on
24 radio Mega FM so that the people could listen to him. We talked to him on radio
25 from Koyo, their military radio.

1 Q. [12:26:16] That's the UPDF military radio, is it?

2 A. [12:26:21] No, it was for the LRA. It was a radio the LRA was moving with.
3 It was earlier on agreed that they should come and they were not attacked by the
4 government soldiers, so we went and met them and they set up their radio and that
5 was what we used.

6 Q. [12:26:40] And tell the Court briefly what was the subject of the conversation
7 between you and Kony over the radio?

8 A. [12:26:54] Kony said he invited us so that we would report back to the
9 government that he himself as the chairperson, he had already accepted to negotiate
10 with the government and the government should also accept that, such that they
11 could sit on a round table, they would agree on a ceasefire and then they would start
12 the negotiations. Something they called ceasefire, there was need for ceasefire before
13 they would start talking. That is what he was saying.

14 Q. [12:27:31] Did he mention any more personal matters?

15 A. [12:27:47] Well, I don't clearly recall anything he talked about at a personal
16 level. Well, we were many on that day and the main thing he talked about was the
17 letter he was issuing and the conditions that he wanted for the peace talk process to
18 start. He was talking as the chairperson. If there is something I could have
19 forgotten I could be refreshed.

20 Q. [12:28:17] I am not going to take the matter any further, your Honour.

21 Now I want to put a name to you and the name is Palabek. What happened at
22 Palabek and when?

23 A. [12:28:38] When they moved the point of our meeting from Koyo Lalogi, they
24 moved to Palabek. When they went to Palabek they sent information that they
25 wanted to talk, and when we received the information we left Pader and converged in

1 Gulu. From Gulu they selected a team, a team called the peace team selected by the
2 government, it was composed of many people, including members of parliament.
3 The lead person was Bigombe and another white person who was moving in a plane.
4 We travelled on road. When we travelled to Palabek, we arrived, we followed
5 Palabek road for quite a distance before we came to their roadblock. When we
6 arrived at the roadblock we found there was Sam Kolo, Dominic Ongwen and many
7 others whose names I cannot recollect now.
8 On arriving there, we started talking basing on what they had invited us to discuss,
9 but I think Ongwen had -- was mischievous, he started saying things like these chiefs
10 were being used and, if possible, we need to kill them. He was saying very many
11 bad things, he was very aggressive, he didn't look happy, but at that time Sam Kolo
12 told him "Please don't harass these leaders we've called." Afterwards we were all
13 very scared, there was nothing else we could do, and Sam Kolo took his time to give
14 his wife and his child -- he handed them over to us, we carried them, we moved with
15 them back to Gulu and we travelled to Gulu that very night and spent a night in
16 Kakanyero. Later on Sam Kolo was able to come back home. That was what
17 happened in Palabek.

18 Q. [12:30:59] You mentioned that the lead person was Bigombe. Just tell us a
19 little bit more, who was Bigombe?

20 A. [12:31:14] Bigombe was a minister of northern Uganda. She worked very
21 hard on the peace talks. She met Kony on a number of -- she contacted Kony on a
22 number of occasions to ask if the war in northern Uganda could be settled by peaceful
23 means.

24 Q. [12:31:42] And this lady's other name apart from Bigombe?

25 A. [12:31:51] Her other name was Betty, she was known as Betty Bigombe. She

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1 was a minister from northern Uganda.

2 Q. [12:32:03] And lastly about Palabek, the date. I don't mean the precise date,
3 but the year would help us and whether it was before or after the Pajule attack?

4 A. [12:32:22] Pajule had already been attacked at the time, if I recall.

5 Q. [12:32:29] And so can you help us with the year?

6 A. [12:32:46] I believe sometime in 2004. I do not recall. It's been a while now.

7 Q. [12:32:55] One more point relating to what you said about Mr Ongwen, you
8 said that he was angry and threatened that you should be killed, but did he give a
9 reason why he was issuing these death threats?

10 A. [12:33:18] He said that his education had been interrupted, there is nothing else
11 that he wants. He kept on saying that his education had been interrupted.

12 Q. [12:33:35] Thank you.

13 I'm going to ask you in a moment about event --

14 PRESIDING JUDGE SCHMITT: [12:33:48] May I shortly. Normally, but perhaps
15 with the indulgence of everybody in the courtroom, when he said that and you
16 said -- we repeated -- he repeated that, what did you make of it for yourself only, out
17 of this remark, if anything?

18 THE WITNESS: [12:34:13] (Interpretation) I told him "Do not threaten elders.
19 Why are you threatening elders? You are the ones who invited us here. Shouldn't
20 elders be respected? If you are threatening the people who you have invited, then
21 you're scaring people." That's what I said. I was not the only one who said that.
22 There were my -- the other people who were with him, with us also said the same
23 thing, they said "Why are you treating us in this manner?" That is not part of my
24 statement, but that's what people said, because everybody was scared, people were
25 trembling. But elders will not keep quiet. Even if you want to kill an elder they

1 will give your their opinion. So it was Sam Kolo who stopped him.

2 PRESIDING JUDGE SCHMITT: [12:34:57] I think I was unclear in my question. I
3 referred also to the remark that you mentioned that he said his education had been
4 interrupted. Did you have any idea about that one, did you make something out of
5 this remark, that you said he repeated it?

6 THE WITNESS: [12:35:22] (Interpretation) My understanding was that he was
7 bitter about it. If somebody says "I've wasted my time, my education has been
8 interrupted" then he was bitter about it, he was bitter about the fact that his education
9 has been interrupted and the fact that he spent so much time in the bush.

10 PRESIDING JUDGE SCHMITT: [12:35:43] Please continue, Mr Gumpert.

11 MR GUMPERT: [12:35:50]

12 Q. [12:35:50] In a moment, and really to conclude your testimony, I'm going to
13 ask you about a place called Garamba. But before we come to Garamba, can you give
14 the Court a short account of your other involvement in the peace process? Perhaps I
15 can approach it in this way: Do you have any scars or injuries resulting from your
16 involvement in the peace process?

17 A. [12:36:33] I sustained an injury in three places. First on the 10th when I
18 sustained an injury on my chest. When we went to meet them at Koyo Lalogi there
19 was perhaps some kind of misunderstanding or miscommunication between the
20 Ugandan government and the LRA. I was shot in the leg. There was somebody
21 who was shot and his leg was broken. They had invited us. The district was aware
22 of it. The leaders were aware of it. We found them and they attacked us.
23 When -- the other injury was sustained when we were -- when we were trying to
24 create a road. On the way back we were shot. Three soldiers died. My arm was
25 shot and I was sent to Lira and then to Kampala and the bullet was taken out.

1 Those are the three injuries that I sustained in the peace process in my -- in my part,
2 the part I played in the peace process. The injury sustained on my arm, I was shot
3 by the LRA. They had set up an ambush on the way when we were coming back at
4 around 6 p.m. Some soldiers lost their legs, others sustained serious injuries.
5 That's what happened.

6 Q. [12:38:21] So the injury in your arm, that was an LRA bullet. And just for
7 clarification, the injury in your leg, that was fired by whom?

8 A. [12:38:36] The injury on the leg was by the UPDF because they told us when
9 they were sending us to Pajule they were not aware of this -- of the meeting, so
10 they -- they did ask for forgiveness because they were not aware of it. The LC-5 of
11 Kitgum came to visit me and they saw the injury and they were asking themselves
12 why is it that these people were attacked when there was an agreement for them to go
13 and meet with the LRA? And they said their radio was down so they missed the
14 communication.

15 Q. [12:39:15] So how did you feel with getting shot by both sides in this conflict
16 while trying to make peace? What was your feeling about the matter?

17 A. [12:39:34] I was very frightened. When I healed, you know, the battles were
18 intense. At times they were very intense. At times there was less battle and when
19 the battle was less we continued. I could not leave the peace talks because we
20 wanted to resolve the matter. Initially I was afraid to go back and meet with them
21 because of the injuries I sustained. Even back home I was afraid. But as a leader
22 when there's something, you cannot avoid it. As a leader if you do not continue
23 with the process that you've started, then you're considered weak, so we continued
24 with the peace process. And we went to -- as the result of the meeting in Garamba
25 and Juba, there are changes in northern Uganda.

1 Q. [12:40:33] Just before I come to that, do you recall ever providing any material
2 assistance for LRA fighters in the course of the activities you've just told us about?

3 A. [12:40:55] When we went, when there was a communication between the two
4 of us, between the two sides, we bought anchovies, they told us to send them
5 anchovies because they had children. Since there was discourse between the two
6 groups, we were told to send these anchovies and we went with the anchovies. But
7 when we went there they became -- they threatened us and told us that we'd taken
8 something that was laced with poison, something that we intended to use to poison
9 them, whereas these things had only been given for us to take as a peace symbol to
10 indicate that we can now eat together.

11 Q. [12:41:45] Did the rebels accept anything from you, if not the anchovies?

12 A. [12:41:55] We gave them the things, but they -- some of the things refused.
13 But even the things that they refused they took. But at the time they told us off
14 about bringing those things, but they still went with them anyway.

15 Q. [12:42:16] Very well. And then finally I come to Garamba. What happened
16 at Garamba and when, what year?

17 A. [12:42:34] In -- when we went to Garamba the peace talks started smoothly
18 and they continued smoothly. The mediators -- not as mediators or religious leaders.
19 We were there to listen. We were there to advise them and to tell them that this
20 issue should be resolved, the government teams, the leaders, the people who had
21 been selected; for example, Chissano of Mozambique, Riek Machar were the -- were
22 chairing the meeting and advising us on how to proceed. We also assisted them so
23 that the process would move smoothly.

24 Q. [12:43:44] Can you recall how you travelled to Garamba?

25 A. [12:43:56] I do recall, because when travel arrangements are made the

1 organiser group, they hire a plane and the plane takes people to Riikwamba, we get to
2 Riikwamba, encamp there for a while and then head to Garamba. The LRA would
3 have already set up a place for us to go and meet them. The SPLA would send us
4 from one direction and the LRA would meet us from the other side. Once we got
5 there we would have our talks and then we would have to come back to Juba where
6 his delegation was waiting, because he selected his own delegation, he Joseph Kony
7 selected his delegation that was in Juba.

8 Q. [12:44:54] During the course of your visits to Garamba did you ever take any
9 photographs?

10 A. [12:45:08] When there was -- when we were already in discussion, yes, we did
11 take pictures. He agreed for photos to be taken. He agreed that food should be
12 prepared and we shared the food. He agreed for us to stay with them. And, yes,
13 we did take several photos and I do believe that you do have some of those photos.

14 Q. [12:45:33] I think it's right, isn't it, that you provided the Prosecutor with a disc,
15 a compact disc with some 240-odd photographs taken during your visit to Garamba;
16 is that correct?

17 A. [12:45:50] That's correct.

18 MR GUMPERT: [12:45:52] And, your Honour, for reference, I got the number
19 wrong, it's 242 photographs, and they are at 0241-0561 to 0241-0802. Your Honours
20 will be relieved to know that I'm not going to show all 242 to the witness.

21 PRESIDING JUDGE SCHMITT: [12:46:16] I'm relieved, but I did not assume it,
22 frankly speaking. I think you will present us a fair choice.

23 MR GUMPERT: [12:46:23] I hope to do so. I'm going to pick just four which I
24 would ask to be shown to --

25 PRESIDING JUDGE SCHMITT: [12:46:30] Mr Taku, you're not --

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1 MR TAKU: [12:46:32] We don't want to cut my colleague short, but we are at least
2 relieved because we have selected quite a number of those that we intend to use for
3 cross-examination. We didn't file them with the list of documents that we intended
4 to use because they are quite large. But with your permission and that of the -- of
5 course with the -- the Prosecutor said that he has them, and probably has submitted
6 them, we will file this afternoon all those that we've selected that we intend to use,
7 your Honours. It may be a bit late, we should have done that yesterday, but we
8 apologise to the Prosecution and the Court.

9 MR GUMPERT: [12:47:14] I think I can be more generous. I think there's no need
10 for further filings in this matter. We've got those photographs, we can look at them,
11 the Defence can use whichever ones they want.

12 PRESIDING JUDGE SCHMITT: [12:47:22] I would also agree. I don't see any
13 problem in that, Mr Taku, but I appreciate it that you indicate it. There is no
14 problem. And furthermore, since we are talking about this, I think we will -- the
15 only thing what I of course and my colleagues would like to have, if we here
16 something at least in the binders what you want to use so that we have something we
17 can refer to. But because I do not yet know if everything can be -- easily to be
18 displayed and -- you see what I mean? We want it like always in the binder, nothing
19 more, nothing less.

20 MR TAKU: [12:47:59] Yes, your Honours. That's what -- we should have done
21 that yesterday. We apologise. But we will do that as soon as we leave the court
22 today, we'll submit them.

23 PRESIDING JUDGE SCHMITT: [12:48:07] There is nothing to apologise.

24 MR TAKU: [12:48:09] Yeah.

25 PRESIDING JUDGE SCHMITT: [12:48:09] And when we are talking now I think

1 we can discuss a further matter, how we continue now. I assume you would be
2 finished until the break with the ...

3 MR GUMPERT: [12:48:21] I was hoping to finish before 1 o'clock, but I don't think
4 I will manage that. My estimate is that I will need the remaining 12 minutes and
5 about half an hour this afternoon.

6 PRESIDING JUDGE SCHMITT: [12:48:32] No problem. Then it is self-evident
7 because we will have the Legal Representatives.
8 Do you have an estimate already?

9 MS MASSIDDA: [12:48:41] Your Honour, I was cutting down following the
10 Prosecution questioning, so I would say 20 minutes, maximum 30 minutes. But I
11 think I can make it in 20 minutes.

12 PRESIDING JUDGE SCHMITT: [12:48:54] Okay.

13 And Mr Manoba.

14 MR COX: [12:49:00] Mr Cox, your Honour.

15 PRESIDING JUDGE SCHMITT: Excuse me.

16 MR COX: We guess --

17 PRESIDING JUDGE SCHMITT: [12:49:04] For the record, Mr Cox, of course.

18 MR COX: [12:49:07] Don't worry. I'm glad to be confused with my colleague and
19 friend Joseph.

20 PRESIDING JUDGE SCHMITT: [12:49:13] When he comes to learn this, he will be
21 happy too.

22 MR COX: [12:49:16] Your Honour, we would just like 30 minutes, but probably
23 we'll cut a lot of questions out of Ms Massidda's questions.

24 PRESIDING JUDGE SCHMITT: [12:49:24] So the question that I put to myself is
25 answered, so we will of course not start with the Defence examination before

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1 tomorrow.

2 So please continue, Mr Gumpert.

3 MR GUMPERT: [12:49:37] Can we put up on the screen the photograph 0241-0562.

4 THE COURT OFFICER: [12:50:26] I have a question: Is this public as well?

5 MR GUMPERT: [12:50:29] Yes.

6 THE COURT OFFICER: [12:50:30] Thank you.

7 PRESIDING JUDGE SCHMITT: [12:50:31] I think I would assume for the further
8 pictures we can -- when there is no "no" said to you, then we will have displayed
9 them publicly.

10 MR GUMPERT: [12:50:40] Yes, please.

11 Q. [12:50:51] Rwot Oywak, how did the journey to the Garamba talk begin, by
12 what means of transport?

13 A. [12:51:05] When we were going to Garamba, first of all we travelled by road
14 because at the time they had agreed that there was going -- we were going to go for
15 the peace talks and they had agreed not to ambush any cars along the road, so we
16 travelled by car to Juba. From Juba to Garamba, we used the plane.

17 Q. [12:51:34] Then perhaps I've misunderstood. The photographs of the boat
18 which you took, what were they?

19 A. [12:51:45] We were sitting along the river bank. We did not sit in that boat,
20 but we were along the river banks in Juba. We saw people travelling with this boat.
21 We took a photo just for memory, but we were not in that boat, we did not use the
22 boat, if I do recall. Yes, as I stated.

23 PRESIDING JUDGE SCHMITT: [12:52:15] I think we can move to the next picture.

24 MR GUMPERT: [12:52:18] Sorry. How embarrassing. 0241 --

25 PRESIDING JUDGE SCHMITT: [12:52:26] Not at all. No, it's really not -- this can

- 1 happen. We have so much evidence to look at, that's really no problem.
- 2 MR GUMPERT: [12:52:34] 0241-0569. I hope I'll have better luck with this one.
- 3 Q. [12:53:10] Who's that in the photograph?
- 4 A. [12:53:17] That's my photo. When we arrived at Riikwamba. There are a
5 number of people coming out of that plane.
- 6 Q. [12:53:29] And we can see it's a UN helicopter, I think, which was being used
7 for your transport to the meeting?
- 8 A. [12:53:41] Yes, it is.
- 9 Q. [12:53:44] Can we move then to 0241-0581.
10 Can you see that photograph, Rwot Oywak?
- 11 A. [12:54:36] Yes, I can.
- 12 Q. [12:54:39] It seems to me that we may have seen the blue and black shirt being
13 worn by the gentleman on the extreme right before; is that you?
- 14 A. [12:54:56] Yes, it is. It was -- we were having breakfast. We had spent the
15 night in that location with the LRA.
- 16 Q. [12:55:06] And so where was this place? What's the name of the place where
17 you can be seen having breakfast?
- 18 A. [12:55:15] That's in Riikwamba.
- 19 Q. [12:55:20] We can see quite a large number of other people seated in a circle
20 around the food. Can you name any of those people for us? And when you do so,
21 perhaps describe some characteristic feature of the clothes that they're wearing or
22 their position.
- 23 A. [12:55:50] I'll start with the left. There's Rwot Otinga Otto Otuka Yai of
24 Lamogi. Next to him there's the chief of Madi, Rwot Madi. I do not recall his name.
25 He's a chief. He's from Adjumani. The one in a red shirt is the paramount chief.

1 Next to him is Rwot Arop Poppy from Kitgum in Amida.
2 The one with the camera is our worker, he's a minister of culture. Next to him is the
3 LRA spokesperson, and then my photo, and then the LRA soldiers with whom we
4 had breakfast. One of the LRA persons that I know is known as Alit. He's the one
5 who is getting the cup of tea, hunched over to pick up a cup of tea. They made the
6 tea. They'd sent them sugar, flour, cups, and they would use this to make food for
7 their guests.

8 Q. [12:57:24] So as I understand it, that leaves just the three men with their backs
9 to the photographer in military-style clothing. Can you name any of them?

10 A. [12:57:43] The one holding tea is Alit. The one in the middle, I do not recall
11 his name. He's returned home, if I do recall, he's back home. He's from Adjumani,
12 and his chief is also among the chiefs, the one I do not recall. Alit was the -- was the
13 commanding officer of the two soldiers and they had been instructed to have
14 breakfast with us at that time.

15 Q. [12:58:21] There are two people who might be described as hunching. One is
16 hunching over a vacuum flask, standing up. The other person is hunching forward
17 but still sitting down and about to pick up a red cup. Which one is Alit?

18 A. [12:58:42] Alit is the one who has -- who is picking up the cup, the one with his
19 back towards you. That's the one known as Alit. He was the one who was
20 welcoming us and he was the one who was taking care of us.

21 Q. [12:59:01] And you described a gentleman who's sitting right next to you - he's
22 got a prominent watch - as the LRA spokesperson. Did that person have a name?

23 A. [12:59:18] I -- I do not recall his name because he was part of a delegation, part
24 of a team that we moved together with and that we spent the night with. He
25 did -- he does not live in Uganda, we found them there, that's why I do not recall his

1 name.

2 Q. [12:59:35] Thank you. The last photograph of my selection is 0241-0591.

3 Can you see the photograph on the screen, Rwot Oywak?

4 A. [13:00:34] Yes, I can.

5 Q. [13:00:39] Who is the person on the extreme left of the photograph seated in a
6 chair wearing a cream suit?

7 A. [13:00:49] That's Vincent Otti. He was addressing us, he was also reading a
8 newspaper. He was reading the newspaper and discussing the contents of that
9 newspaper.

10 Q. [13:01:07] Was it your delegation, I presume, that had brought the newspapers
11 from the outside?

12 A. [13:01:15] Yes. The helicopter came with the newspapers. What they used
13 to -- the reason why they used to do that was for the people in the bush to understand
14 what was going on. They themselves did not go to Juba, they selected a delegation
15 that they sent to Juba, so we wanted them to be informed of whatever was going on in
16 Juba.

17 Q. [13:01:42] And then moving to the right, we've got three gentlemen who are
18 perusing the sports news. Can you name any of them?

19 A. [13:02:01] I do know them personally, but I do not recall their names. He's an
20 LRA commander, but I do not recall his name right now. Those -- the two seated, I
21 do not recall their names. I know them personally, but not their names.

22 Q. [13:02:22] And still moving in a rightwards direction, we've got two gentlemen
23 who are in camouflage. Can you name either of them? Closer to the camera, I
24 mean, not the chap sitting on the tree stump, closer.

25 A. [13:02:51] I -- they're not very -- their faces are not very visible. It would help

1 if I could see their faces fully, but their faces are not very visible so it's a bit difficult.
2 The person sitting next to them is the chief of Lamogi, because the two boys are from
3 Lamogi and that's why he's seated next to them.

4 PRESIDING JUDGE SCHMITT: [13:03:12] May I suggest something? I have the
5 impression that this is an instance where the photograph is better than what is
6 displayed on the screen, so perhaps we can try to direct witness or help, with the
7 usher, with the binder and the tab.

8 MR GUMPERT: [13:03:29]

9 Q. [13:03:29] Mr Witness, you probably heard the translation of what his Honour
10 the judge said. That black folder, if you go to tab number 5, you'll see this same
11 photograph printed out.

12 PRESIDING JUDGE SCHMITT: [13:03:49] It's just differently to the other pictures
13 that you displayed that were better on the screen. This one seems to be better
14 printed.

15 MR GUMPERT: [13:03:57] I think it depends on the - I'm not a photographer - the
16 amount of light exposure. Sometimes it comes out better one way or another.

17 THE WITNESS: [13:04:21] (Interpretation) This one is Vincent Otti.

18 PRESIDING JUDGE SCHMITT: [13:04:23] Thank you very much to the usher, and
19 perhaps we give it another try, Mr Gumpert, with the persons he has not yet
20 identified.

21 MR GUMPERT: [13:04:34] I'm grateful, your Honour, yes.

22 Q. [13:04:37] I don't know if this does help you, Rwot Oywak, but I think you told
23 us the -- the gentlemen closer to Otti, you knew they were LRA but you didn't know
24 their names. But the two men next to the chief of Lamogi, I think you said they were
25 Lamogi boys, wearing camouflage. Does seeing their faces on the paper, on the page,

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1 help you with any identification of them by name? If it doesn't, just say so.

2 A. [13:05:21] I think one of them, the one -- one of them, close to Rwot Lamogi,
3 is -- must be Onen -- Ongwen, sorry. It's not very clear but perhaps if there was
4 another clearer photo, I would be able to identify the person much better.

5 Q. [13:05:41] Well, I'm not going to press you. You've probably overheard, the
6 photographs are available to Mr Ongwen's lawyers, and indeed they may be able to
7 put other photographs to you, but I'm not going to take any more time up on these
8 particular photographs.

9 PRESIDING JUDGE SCHMITT: [13:05:59] This means that we can have the break
10 now until 2.30.

11 Thank you very much for the moment.

12 THE COURT USHER: [13:06:05] All rise.

13 (Recess taken at 1.06 p.m.)

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

15 THE COURT USHER: [14:30:32] All rise.

16 Please be seated.

17 PRESIDING JUDGE SCHMITT: [14:30:52] Mr Gumpert has still the floor.

18 MR GUMPERT: [14:31:04] Thank you, your Honour.

19 Q. [14:31:18] Can you remember whether Mr Ongwen was present during this visit
20 from which we have just seen some of the photographs?

21 A. [14:31:35] I have remembered that he was there.

22 Q. [14:31:43] Can you remember how he behaved towards you, the visiting chiefs,
23 during the course of this meeting?

24 A. [14:31:57] I do remember.

25 Q. [14:32:02] Tell the Judges, please, about his behaviour.

1 A. [14:32:11] When we arrived there for the last time, when we were there at the
2 invitation of Kony, that was the last time we went there. When Kony was
3 addressing us, he was telling us that the -- there was -- there was not going to be any
4 peace agreement because he has not been previously shown the -- the document on
5 which he should sign. He had therefore called them because -- to tell them that there
6 won't be any agreement. What Ongwen was -- said that, "Our leader, why are you
7 wasting time? Why don't we just start a funeral song and I fire just one bullet of an
8 RPG and I finish all these people?"

9 I really felt very bad for him having said that he needed just one bullet and then we
10 would all be finished because there was no more peace negotiations.

11 Kony, however, said, "Please, don't talk like that. You are scaring these people."

12 This is similar to what happened previously when Sam Kolo stopped him from
13 harassing us. This is what I can recall very clearly.

14 Q. [14:33:57] Can you remember any other remarks which Mr Ongwen made in
15 more general terms?

16 A. [14:34:15] I have mentioned what I could clearly recall. I don't know if there is
17 something else that I could have forgotten to say. I could be reminded.

18 MR GUMPERT: [14:34:33] Well, your Honour, I would seek to refresh the witness's
19 memory from his previous statement.

20 PRESIDING JUDGE SCHMITT: [14:34:38] Which one?

21 MR GUMPERT: [14:34:40] 0241-0546, tab 2, and at page 0552, and at paragraph 33,
22 the last sentence.

23 PRESIDING JUDGE SCHMITT: [14:34:55] Yes.

24 MR GUMPERT: [14:34:56]

25 Q. [14:34:57] Mr Witness, let me remind you of something which you said in

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1 a statement you made to the Prosecution a little under two years ago. You said this:
2 "Ongwen was very fierce and he was very anti-government, claiming that the
3 government would use us to locate the LRA where they were."

4 Does that refresh your memory in any way?

5 A. [14:35:26] He, he said that. He said that -- he stressed that heavily on that day.
6 He was very aggressive. He would speak very aggressively. He mentioned that
7 over and over again, saying that we were being used by the government. That is
8 very correct.

9 Q. [14:35:53] And in your conversation with other leaders, do you recall any
10 remarks that they may have made about Mr Ongwen?

11 A. [14:36:08] The leaders said "It's not right for you to begin threatening the elders.
12 You invited these elders not to be threatened." That is what they told
13 Dominic Ongwen.

14 MR GUMPERT: [14:36:32] Your Honours, I have a similar application, same place,
15 same document, but the second sentence of paragraph 33.

16 PRESIDING JUDGE SCHMITT: [14:36:43] Yes, of course. The witness clearly states
17 that he does not recall.

18 MR GUMPERT: [14:36:47] Yes.

19 Q. [14:36:50] One other matter I want to remind you of, Mr Witness, from that same
20 statement, you said this: "According to these other LRA leaders, he" Ongwen "was
21 bitter and he wanted to kill people and overthrow the government, he believed the
22 talks were useless."

23 Does that refresh your memory?

24 A. [14:37:18] Yes, it does. I mentioned that and I recorded that as part of my
25 statement. It's a bit difficult to remember all these things, but it's correct.

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- 1 Q. [14:37:31] Thank you. I emphasise this is no kind of criticism, Mr Witness,
2 sorry, Rwot Oywak, of any kind at all.
3 Now, there's a last series of photographs that I would like to show you, if I may.
4 MR GUMPERT: And, your Honours, these are at tab 6 and forward.
5 PRESIDING JUDGE SCHMITT: [14:37:53] And looking at what we have in the
6 binders, I hope that the quality displayed on the screen might be a little bit better, so
7 we might hear and have a different situation than we had before.
8 MR GUMPERT: [14:38:09] I respectfully agree. And indeed my observation is it is
9 a little better on the screen.
10 PRESIDING JUDGE SCHMITT: [14:38:17] And again to foreshadow the question
11 that will be put by the court officer, can this be displayed to the public?
12 MR GUMPERT: [14:38:23] Yes.
13 PRESIDING JUDGE SCHMITT: [14:38:23] So general permission, so to speak.
14 MR GUMPERT: [14:38:25] Yes, your Honour.
15 PRESIDING JUDGE SCHMITT: Thank you.
16 MR GUMPERT: May we start then with 0241-0558, at tab 6.
17 If we could zoom in again. It strangely seemed better on my screen in my office.
18 Well let me start at the beginning.
19 Q. [14:39:20] Have you seen this photograph before, Rwot Oywak?
20 A. [14:39:25] Yes, I have.
21 Q. [14:39:28] Is this part of a series of photographs taken during the Garamba
22 meeting about which you have spoken?
23 A. [14:39:36] Yes. This is a picture that was taken from Garamba and you can
24 even see we were looking very happy because the process was moving on smoothly.
25 Q. [14:39:51] Now, there's a gentleman in a shirt I think we might have seen before,

- 1 leaning forward just to the right of the centre of the photograph. Who's that?
- 2 A. [14:40:06] The one putting on the white shirt? I can recall him. Previously I
- 3 had forgotten his name, but he is called Rwot Ronald. He is the rwot of Adjumani
- 4 whose name I had forgotten. He is the one putting on the white shirt.
- 5 Q. [14:40:31] Can you just help us is that Rwot Ronald or Cronald?
- 6 A. [14:40:35] Ronald, Ronald.
- 7 Q. [14:40:40] And immediately to his right a gentleman wearing a square-patterned
- 8 shirt, blue and black.
- 9 A. [14:40:59] The person in blue is myself, Rwot Oywak.
- 10 Q. [14:41:07] And we can see that you are shaking hands with someone, a person
- 11 wearing a camouflaged cap and camouflaged uniform. Who is that?
- 12 A. [14:41:26] That one is Joseph Kony.
- 13 Q. [14:41:32] Now can I direct your attention to the right-hand side of the
- 14 photograph.
- 15 PRESIDING JUDGE SCHMITT: [14:41:42] Mr Witness, you raise your hand, this
- 16 indicates you want to say something, you want to address us. Please do that.
- 17 THE WITNESS: [14:41:50] (Interpretation) I had not clearly understood from where
- 18 we were moving. Was it from the right going to the left or otherwise? I don't know
- 19 where we started from in terms of identification of the persons.
- 20 PRESIDING JUDGE SCHMITT: [14:42:04] I think at the moment you have
- 21 understood everything correct. This would -- I would conclude that from what you
- 22 said.
- 23 But perhaps the last part we could just repeat, Mr Gumpert.
- 24 MR GUMPERT: [14:42:16]
- 25 Q. [14:42:16] Mr Witness, you have highlighted a weakness, my questioning is not

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1 systematic and I apologise for that. Rather than asking you to identify all the people,
2 I am just picking out three. And the person I now ask you to focus your attention on
3 is also wearing camouflage uniform and he is on the extreme right-hand side of the
4 picture.

5 MR GUMPERT: My colleague to my left tells me that it is possible to adjust the
6 contrast and brightness on the screen. That's way beyond my level of technical
7 ability, but it may be that that's going to help the witness in what might otherwise be
8 a difficult operation.

9 PRESIDING JUDGE SCHMITT: [14:43:09] Okay, so we give -- we give it a try. And
10 we are not in a hurry, so I think it's important that we all see as good as possible.
11 There seems to be a unified approach ongoing, so we just all have a little bit of
12 patience and look if we can have a better picture.

13 (Pause in proceedings)

14 PRESIDING JUDGE SCHMITT: [14:45:20] So I got the information that perhaps
15 a technician could help. And since I am of the opinion that we all need the best
16 possible evidence that we can have in this courtroom, we have what very rarely
17 happens, an exceptional break until 3 o'clock.

18 THE COURT USHER: [14:45:43] All rise.

19 (Recess taken at 2.45 p.m.)

20 (Upon resuming in open session at 3.02 p.m.)

21 THE COURT USHER: [15:02:27] All rise.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [15:02:54] (Microphone not activated)

24 MR GUMPERT: [15:03:05] Can we have up again -- yes, splendid.

25 PRESIDING JUDGE SCHMITT: [15:03:20] We just enlarge it a little bit, the picture.

1 Yes. And to the bottom.

2 MR GUMPERT: [15:03:30] That's slightly --

3 PRESIDING JUDGE SCHMITT: [15:03:33] No, it's significantly better. It's of course
4 not really good, but it's significantly better. So we give it a try now again, please,
5 Mr Gumpert. So it was worth to take this time.

6 MR GUMPERT: [15:03:45] At the risk of trying to gild the lily, I wonder if we can
7 reduce the zoom just a little to see if we can get rid of the pixilation. Just a fraction
8 down. Thank you.

9 Q. [15:04:15] Rwoth Oywak, I apologise for the delay. My fault. The gentleman
10 I am asking you to look at is on the right-hand side of the picture. Now it is rather
11 clearer, we can see, working from the right-hand edge, a person wearing a white shirt
12 and white trousers whose face we can't see at all. Ignore him. Then next to his left
13 there's a person in camouflage wearing a cap. We can see most of his face, but I'm
14 asking you to ignore him as well.
15 It's the person next to the left, bare headed in camouflage, that's the person who I am
16 asking whether you can identify that person.

17 A. [15:05:14] Yes, I know the person. That's Dominic Ongwen.

18 Q. [15:05:21] Thank you. I would like to show you another photograph. It's the
19 next in that sequence, 0241-0559.

20 That's probably good, yes. Now, I think we've already heard you say the person in
21 the middle, that's you, isn't it, in the blue shirt?

22 A. [15:06:08] Yes, that's me.

23 Q. [15:06:10] Who is the person in the camouflage uniform, bare headed?

24 A. [15:06:20] Dominic Ongwen.

25 Q. [15:06:24] And do you know the name of the person with whom he is shaking

1 hands?

2 A. [15:06:36] Yes, that's Rwot Arop Poppy of Kitgum.

3 Q. [15:06:45] One more question, I am prompted. A little further back in
4 a patterned shirt, blue, some white in it, wearing flip-flops, on the left-hand side of
5 the picture, so behind Dominic Ongwen, can you see that person? Can you tell us
6 who that is?

7 A. [15:07:27] That's the one I can't recall. I do not remember his name, as I stated
8 earlier. But I do know him personally, but I cannot remember his name.

9 Q. [15:07:36] Thank you.

10 And I have one last photograph, 0241-0560. Can we just bring the zoom level down
11 a little. Good.

12 Now, we can see you again on the far right in the blue shirt. You are shaking hands
13 with a man who is wearing glasses. Do you know that man's name?

14 A. [15:08:33] They used to refer him as Lapwony Lawange Acel. I do not know
15 his real name. They called him Lapwony Lawange Acel, meaning one eye.

16 Q. [15:08:51] In the light of that appellation, it may be that when I said he is
17 wearing glasses, I am wrong about that. I had assumed the whiteness was
18 a reflection, but I should stop giving evidence and stick to the questions.

19 It may help, can you just spell out that name? I didn't quite understand how you
20 would spell it. Can you spell out the letters of it for us?

21 A. [15:09:23] I referred to him as Lawange Acel, Lawange Acel, L-A -- Lawange
22 Acel.

23 Q. [15:09:42] Thank you. Now we come to the person in the middle, camouflage
24 uniform, green Wellington boots (Microphone not activated) gumboots, I should say.

25 A. [15:09:58] That is Dominic Ongwen. Dominic Ongwen.

1 Q. [15:10:05] Next to him in a red shirt?

2 A. [15:10:14] That is Rwot Otinga of Lamogi. That's Dominic Ongwen's chief,
3 Rwot Lamogi.

4 Q. [15:10:31] I'll come back to that answer. And then lastly there's a man in
5 camouflage uniform wearing a camouflage cap, can you tell us his name?

6 A. [15:10:47] That's Ocan Bunia. That's Ocan Bunia. I believe it's Ocan Bunia.

7 Q. [15:11:02] You indicated that the Rwot of Lamogi was Ongwen's chief. Can
8 you just explain to us why that is so?

9 A. [15:11:19] When we got there the chief said "This young boy is from Lamogi,
10 he's from Lamogi area", and that's why they took the photo together because his
11 intention was to go and show it to the people back home. That's what Rwot Lamogi
12 said.

13 Q. [15:11:42] Thank you. I have very nearly finished. I have one or two -- in fact,
14 I have five questions remaining and they refer back to various things that you have
15 said in the course of your evidence.

16 The first question is this: You said that some people at Latanya, some people were
17 released together with you and other people were not released, remained in captivity.
18 Was there any age difference between the people released and the people retained
19 that you could perceive?

20 A. [15:12:40] There wasn't really much of a difference. They just made us -- they
21 separated a number of people in half. So the half that -- the group went with us, but
22 the others stayed behind. They just separated a group, I do not know how many
23 people were left behind, I don't know how many people they sent us home with, but
24 they just separated one group from another. But I believe that they kept the younger
25 boys behind because we mostly came back with the women and the older people

1 from 30, 40, 50, onwards, those are the people that came back with me.

2 Q. [15:13:26] Thank you. The second question is also about age. You told the
3 Court that when you first encountered Dominic Ongwen that day at Pajule he had
4 escorts with him. Can you help the Court by estimating, to the best of your ability,
5 the age range of those escorts, the youngest and the oldest?

6 A. [15:14:00] Dominic Ongwen's escorts were approximately 13, 14, 13 and 14.
7 The oldest was perhaps 15, 16.

8 Q. [15:14:15] Third question: When you finally got back to Pajule after being
9 released, did you, as part of your function as a chief, come to know how many people
10 or roughly how many people had lost their lives in that attack?

11 A. [15:14:41] When we came back we were informed that approximately 45 to 50
12 people died. They gave us this information during a meeting, they'd gathered us
13 together and they told us. But the thing is that they did not know the exact number
14 of people because there are some people who died along the way while we were
15 going, while they were taking us to the bush, people were collecting people, bringing
16 them back. But the numbers that we were told, we were told by our church, from 45
17 to 50, but the others that were left behind were not counted or were not accounted for
18 yet. That's what we were informed.

19 Q. [15:15:34] Fourth question: You have told us about various ways in which
20 there was communication with the LRA, you mentioned letters, you mentioned
21 communication through abductees returning, you spoke of the radio. Did you at
22 this time use a mobile telephone?

23 A. [15:16:02] We had mobile telephones, they were Motorolas. Most of the
24 communication is not through telephone communication, most of the communication
25 is through letters. The radio was used during the communication with Kony, it

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1 was -- the equipment was a large equipment that they used, setting up the antenna,
2 that's the type of radio that they used, but otherwise they used letters. We got the
3 radios during the peace talks in Juba. That's when we were given the radios.

4 Q. [15:16:49] Let me just try to achieve precision on that. So did you or did you
5 not at any time communicate with any LRA commander by means of a mobile
6 telephone?

7 A. [15:17:10] I heard -- we were given the satellite phones, satellite handsets during
8 the peace talks in Garamba. We were given three of those. There was -- I was
9 given one, the bishop was given one and Rwot Acana was also given one. It was the
10 UN OCHA, a UN organisation that bought the equipment and gave it to us.

11 Q. [15:17:44] So you had the equipment and my question now is: Did you ever
12 use it to speak to LRA commanders?

13 A. [15:17:58] We used it to communicate with Vincent Otti while we were in
14 Garamba. It was after the Pajule attack. This was during the peace talks.

15 Q. [15:18:09] Thank you. And my fifth and last question: Mr Witness, I want
16 you to think back to your state of mind back in 2005, so I'm not asking you about your
17 state of mind now, but your state of mind back in 2005 when you made your
18 statement, your first statement, in July of that year.

19 Mr Witness, at that time in July 2005, who did you believe was most responsible for
20 the activities of the LRA at that time?

21 A. [15:19:16] If I do recall, it must have been Nyeko Yadin. They -- their ranks
22 kept on switching.

23 MR GUMPERT: [15:19:35] Your Honours, the reason for asking this question is the
24 date of the time that he held this opinion. I understand that it's a question
25 your Honours will have to determine.

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1 PRESIDING JUDGE SCHMITT: [15:19:48] You know, it's -- the question is on the
2 verge of being allowed or not, you know that yourself when you say "Do you believe".
3 And perhaps again give it another try but I would not read -- I would not want to
4 have it read out to him. Because that's very suggestive now.

5 And as you correctly pointed out, it's -- the significance is not what a witness believes
6 or not believes, the significance is, in the end, how the Chamber is going to assess the
7 facts that are presented.

8 MR GUMPERT: [15:20:30] Your Honour, I'm going to leave this matter.

9 Q. Thank you very much, Mr Rwot Oywak, those are all the questions that I have
10 for you.

11 PRESIDING JUDGE SCHMITT: [15:20:41] Thank you very much, Mr Gumpert.

12 And it's now the turn of the common legal representative of the victims. And I give
13 Mrs Massidda the floor.

14 MS MASSIDDA: [15:20:50] Thank you very much, your Honour.

15 QUESTIONED BY MS MASSIDDA:

16 Q. [15:20:57] Good afternoon, Rwot Oywak.

17 A. [15:21:01] Good afternoon.

18 Q. [15:21:03] I am representing in these proceedings a group of victims who
19 participates in this trial and on their behalf I would like to ask you a few questions in
20 relation to the Pajule attack and also a few questions more related to your role as
21 chief.

22 Rwot Oywak, at the time of attack in Pajule, how many people lived in the Pajule IDP
23 camp, if you know, or if you can give us an estimation?

24 A. [15:21:50] There are two sub-counties and there was quite a large number of
25 people. It's very difficult to estimate. The camp was extremely large. I cannot

1 estimate the number of people that were in that camp because there were two whole
2 sub-counties.

3 Q. [15:22:08] And when you say that it was a large number, could you at least tell
4 us what do you mean by "large number"? It's a matter of thousand, hundreds?

5 A. [15:22:29] I believe three or 4,000, the people that were in the camp, three
6 or 4,000 people, it was a large number of people.

7 Q. [15:22:44] Now, after having been abducted, you returned to the camp. Could
8 you please describe for us what did you see, what did you find when you returned to
9 the camp? What was the situation in Pajule?

10 A. [15:23:12] People were extremely upset. People were sad. People's houses
11 had been burnt. People's children had not come back. People's things had been
12 taken. So people were extremely angry, people were not happy about the event, in
13 the way that things had happened.

14 Q. [15:23:35] And when you arrived in Pajule, how were you welcomed?

15 A. [15:23:46] When they learnt that we were on the way back, I wasn't the only one
16 coming back, there were about 40 or more people in the group that I came back with.
17 They came, they welcomed us, some people came with the boda boda bikes, some
18 people who had swollen legs were brought on bicycles, they took us all to the church.
19 When we went to the church the priest prayed for us, after the priest prayed for us
20 they started telling us that they -- the LC-3 said there were about 800 or 1,000 people
21 that had been taken. That was the report that we were given when we came back.

22 Q. [15:24:35] Rwot Oywak, you mentioned this morning that you suffered three
23 injuries and you gave some details in relation to the injury to your leg and to your
24 arm. And for the record this is page 69, lines 9 to 18 of the real time transcript of this
25 morning. But you also mention that you had an injury at the chest on the 10th. Is

- 1 this correct?
- 2 A. [15:25:15] Yes, that's correct.
- 3 Q. [15:25:17] Do you mean 10 October 2003?
- 4 A. [15:25:28] Yes, that's when it happened.
- 5 Q. [15:25:29] And how did you suffer that injury?
- 6 A. [15:25:36] They were beating me. The soldiers were beating me. Dominic was
7 also beating me. When they were walking with us, when they were taking us they
8 were beating me in addition to the luggage that I had on my neck.
- 9 Q. [15:25:54] Rwot Oywak, what has been the consequences of that injury on your
10 daily life, if any, still today?
- 11 A. [15:26:12] I have become weak. I do not have the energy to -- I do not have the
12 energy to do any hard labour because when I try to do anything or to exert any
13 energy then I feel pain in that position. And that reminds me that I was beaten or
14 kicked, that's a constant reminder.
- 15 Q. [15:26:38] Was your family also affected during the attack in Pajule?
- 16 A. [15:26:50] The attack on -- during the attack on Pajule they took me, they took
17 my neighbour, and we went with them. My children were sleeping in another house,
18 but they took me from the house where I was -- the room where I was sleeping and
19 they also took my neighbour. My house is -- the distance between my road and my
20 house is where I am sitting and where the Judges are sitting. It's not very far.
- 21 Q. [15:27:27] Was anybody else from your family, and I mean your broad family,
22 also abducted that day?
- 23 A. [15:27:40] No, because they were sleeping in the house at the back. We were
24 sleeping in the house at the front. But those people were abducted on another attack
25 on Pajule because that wasn't the only attack.

1 MS MASSIDDA: [15:27:58] Your Honour, I will ask leave to refresh the memory of
2 the witness's. Paragraph 59 of the statements. The ERN number is UGA 0151-0178,
3 paragraph 59 at the end of the paragraph, the sentence starting with "Even".

4 Q. [15:28:28] Rwot Oywak, I am reading a portion of your statement to the Office of
5 the Prosecution. I quote:

6 "Even my brother's child, who was abducted that same day has still not returned."

7 End of quote.

8 Does this refresh your memory?

9 A. [15:28:56] My brother's children, the one in my statement, we were abducted on
10 the same day, they were abducted on the same day but not from the same house that
11 I was sleeping in, it was in a different house. And up to date they have not yet
12 returned.

13 Q. [15:29:17] Thank you for the precision, Rwot Oywak.

14 And if you had to describe the consequences of the attack on your family, what would
15 you say?

16 A. [15:29:38] It was extremely traumatic. They ruined our house. I have become
17 weak. I do not have relatives. Most of the people that are living in Pajule are not
18 happy, because everybody was affected in one way or another, they lost a person or
19 they lost their belongings. So the consequences were grave on the people in Pajule
20 because the people in Pajule are my people.

21 Q. [15:30:13] Thank you, Rwot Oywak. You actually also answered my second
22 question in relation to the impact of the attack on your community.

23 Now, I would like to put you a few questions in relation to your role as a chief and
24 what you know about the Acholi culture.

25 Would it be correct to say, Rwot Oywak, that in the Acholi culture to sleep with a girl

1 in the bush is considered a taboo?

2 A. [15:30:56] That is very correct. In Acholi, that is an abomination. If you slept
3 with somebody in the bush, whether a young person or a big one, that is really
4 abominable and there are some rituals that are supposed to be performed to cleanse
5 you. If you killed someone intentionally you are supposed to compensate so that
6 you can come back into terms with the other person or the family of the person you
7 have killed.

8 Q. [15:31:33] So I am correct in saying that sleeping with a girl in the bush can be
9 comparable to an offence?

10 A. [15:31:45] That is very correct.

11 Q. [15:31:47] And is there any form of compensation payable once the offence is
12 committed?

13 A. [15:32:04] Yes, they will have to kill a goat at the place where they -- they slept.
14 They will have to kill the goat and then they get the blood from the -- from the goat
15 and sprinkle there so as to try and cleanse them from the omen that will come out of
16 their activity.

17 Q. [15:32:39] And let's suppose, just to understand a little bit better, Rwot Oywak,
18 let's suppose that an abducted young girl forced to become a wife comes back from
19 the bush in your community, what will happen then?

20 A. [15:33:00] Such a person will have to be taken through a traditional practice so
21 as to cleanse that person because the person is considered dirty. They will have to
22 kill a goat even if the husband is not there. They will also get some grasses and they
23 will get that girl, get some blood from the goat and put it on the chest of the girl and
24 some blood will be poured on the grass and the grass would be thrown away to mean
25 that all the bad things that happened to the girl should be cast away.

1 Q. [15:33:40] Do you need to pay anything to the family of the girl?

2 A. [15:33:49] If the culprit is identified you will have to be brought before people,
3 brought before the people. You are supposed to bring a goat and you are also
4 supposed to be fined. If you had slept with a relative you will be caned five -- 50
5 lashes and then you'll also pay a fine of a hundred thousand for having had incest.
6 You will have to prepare -- meet the cost of preparing a meal for all the people who
7 converged for such a ceremony. That would be the payment.

8 Q. [15:34:32] And who has to pay the fine?

9 A. [15:34:40] The boy who will have slept with the girl because it is believed that
10 the girl cannot force the boy to have sex but it is the boy instead who does that.

11 Q. [15:34:50] So it would be correct to say that since the boy slept with the girl will
12 not be in the community, nobody will pay any fine for the girl?

13 A. [15:35:09] The boy is identified. The family of the boy would automatically be
14 there. They will invite the family of the boy to come there for the meeting and they
15 will all be present. In case the culprit himself has disappeared, the relatives will take
16 responsibility for that action for making the payment.

17 Q. [15:35:37] Rwot Oywak, thank you very much. I understand what
18 you -- you are saying, but I was just wondering, if the girl comes back and she has no
19 relatives, then nobody will be able to pay for her; is this correct, yes or no?

20 A. [15:36:03] If the girl comes back home, and that is why we would take them
21 through the process of standing on the eggs, that means that such a person doesn't
22 have anyone else. The chiefs, together with the cultural leaders will come together
23 and take charge of that. This is just one way of reintegrating that person into the
24 community. That person will not be discriminated against because they have no
25 one.

1 Q. [15:36:37] Thank you. And would you say that each time that someone comes
2 back from the bush to the community, would you say that each time there is
3 a successful re-integration in the community?

4 A. [15:36:57] The person will be welcomed. The person will reintegrate smoothly
5 so as to live peacefully with the rest of the people. During that ceremony we would
6 have to talk to everyone else present not to stigmatize such a person because such
7 stigmatisation would now try to delineate that person from the rest of the people.
8 We would really talk to the people so that they welcome the person and allow them
9 to reintegrate and feel at home. After carrying out the ceremony we would address
10 the people about that. We are not the only ones who address such issues. We also
11 have radio programmes back at home where such issues are addressed, issues of
12 stigmatisation are addressed on radios as well.

13 Q. [15:37:51] (Microphone not activated)

14 PRESIDING JUDGE SCHMITT: [15:37:53] Microphone, please.

15 MS MASSIDDA: [15:37:55] Thank you, your Honour. My apologies.

16 Q. [15:38:00] Now, Rwot Oywak, let's suppose that a child born in captivity comes
17 back into the community. Now compared to the life of a child born in the
18 community, do you think that the child born in captivity and then coming back into
19 the community has the same opportunities as the one born in the community?

20 A. [15:38:33] In Acholiland we treat them the same way. For us, as the elders,
21 such a person is very important. We -- we know it's very -- it's actually incumbent
22 upon us to make sure that we keep this person so well that so also that they do not
23 remember what they went through because we know they don't know where they are
24 coming from and we want them to make sure -- we want to make sure that they
25 understand and believe that they belong to that home. You never know where the

1 father is. The father could have already been dead, but we make sure the person
2 integrates in that community without any problem.

3 Q. [15:39:17] A child born in captivity would then be part of the mother clan or of
4 the father clan in your culture?

5 A. [15:39:33] If the father is identified, then the child will belong to the father's clan.
6 But if the father is not identified, the child will have to come back to the mother's
7 home. He will -- the person -- the child will grow there and become part and parcel
8 of the mother's clan.

9 Q. [15:39:53] And is it correct to say, Rwot Oywak, that in the Acholi culture, the
10 land, the property and the heritage comes from the father's side?

11 A. [15:40:14] You have said it rightly.

12 Q. [15:40:18] So we could say that if a child born in captivity remains in the
13 mother's clan, then this person will have less chances than anyone else born in the
14 community?

15 A. [15:40:42] The person will not really be segregated against. If the clan realises
16 that you are treating such a person in that way, you will be -- you will be charged
17 with wrongdoing, because that child belongs to that home. Whether the child was
18 born in the bush, or any other bastard, the child will have to grow in that clan and the
19 clan will marry for him a wife, because he cannot again marry a girl from that clan.
20 And every other property can be handed over to them for their well-being.

21 Q. [15:41:23] Now, Rwot Oywak, this morning you explained that as a chief you
22 listen to the problems of the community, you try to advise the members of the
23 community, you intervene to mediate. For the record, it is page 5, lines 1 to 10 of this
24 morning's transcript.

25 In your role as a rwot, did you observe any change in the behaviour of your

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1 community members as a result of LRA abductions and of the ongoing war?

2 A. [15:42:09] Yes, they live in the community, they are living very well. They are
3 cultivating. Others are business persons. Some are looking after cattle. They are
4 living very well. They are not really people who are bad. They came back home
5 and they came and found when people had only one agenda to welcome them back.
6 So they have completely disintegrated from their past and instead reintegrated into
7 the families that they have come back to.

8 Q. [15:42:51] And in your view now today, as a rwot again, what do you think
9 could assist your community in an effective way to fully recover from the war?

10 A. [15:43:09] One thing that can support them is that there is need for
11 a desensitisation of the people on livelihood skills. People should be trained on how
12 to manage property, manage items like cattle, like financial resources, and even the
13 people that you produce. If people get to understand these modalities, they will
14 eventually become good people, they will become responsible people. If somebody
15 is impoverished, that person cannot work well. Such a person most times become
16 aloof and they don't really work well. They should therefore be given items that can
17 help them to sustain their livelihoods instead of waiting for handouts.

18 Q. [15:44:17] Thank you very much, Rwot Oywak.

19 MS MASSIDDA: [15:44:18] This concludes my questioning, your Honour. Thank
20 you.

21 PRESIDING JUDGE SCHMITT: [15:44:21] Thank you very much, Ms Massidda.

22 Any questions from the other team of the Legal Representatives?

23 MR COX: [15:44:28] Thank you, your Honour, a few, if I may.

24 PRESIDING JUDGE SCHMITT: [15:44:31] Please, Mr Cox.

25 QUESTIONED BY MR COX:

1 Q. [15:44:35] Good afternoon, Rwot Oywak. My name is Francisco Cox.

2 A. [15:44:39] Thank you.

3 Q. [15:44:40] I represent some victims and I would be asking some questions. I
4 will cover four areas of questioning. One will be life before moving into the camps,
5 then life during the camps, a few questions on the immediate aftermath of the attack
6 and then -- and finally, long-term consequences in the -- in your community because
7 of these attacks and the violence.

8 PRESIDING JUDGE SCHMITT: [15:45:13] I think the last part has been already
9 covered by the witness via questions of Mrs Massidda, I would say, largely at least.

10 MR COX: [15:45:23] Mm-hmm.

11 PRESIDING JUDGE SCHMITT: [15:45:25] (Microphone not activated). Please
12 continue.

13 MR COX: [15:45:27] Thank you.

14 Q. [15:45:29] Rwot Oywak, could you tell the Court, from a cultural perspective,
15 how was life in your community before you moved into the camp in terms of rituals
16 and the culture and how youngsters were incorporated into this culture?

17 PRESIDING JUDGE SCHMITT: [15:45:52] I think you should be a little bit more
18 specific. Otherwise if we are talking about the general life and general culture, it is
19 a little bit too broad, I would say.

20 MR COX: [15:46:04] Okay, that's --

21 Q. [15:46:06] Okay, Mr Rwot Oywak, what I want you to illustrate the Court is how
22 were youngsters introduced to the Acholi customisation and culture?

23 A. [15:46:25] As an Acholi, we love our tradition and we raise our children
24 according to our tradition.

25 For the male children, they were trained in the evening when people are sitting

1 around the bonfire. The father and the elder brothers are the ones who would be
2 teaching such a person on how to keep family property. They will also talk to the
3 person on discipline and the person is also taken to school.
4 For a girl, the mother will be teaching the girl. When the mother is cooking, will
5 teach the girl on how to prepare the meal, how to collect firewood, and then also on
6 the changes that take place on a girl as she grows. For instance, if you are going into
7 your menstrual cycle, you should understand that that is one of the processes in life
8 and as a girl, you should understand it, you should not fear it, you should -- they are
9 trained on how to handle the menstrual cycle. This is done by elderly mothers.

10 Q. [15:47:42] Thank you, Rwot. Before you moved into the camps, how would
11 families sustain themselves -- sorry, economically?

12 A. [15:48:07] Earlier on, much early, those days in Acholi, we would rely on
13 cultivation. You would cultivate and then sell some of the products while you
14 preserve some for your subsistence. The money you raise from selling your excess
15 products would be used either for marrying for a boy or you can use it for buying
16 animals, you can use it for paying school fees.

17 We therefore use agriculture as the only means of production. We do not have any
18 factories, we do not have anything else, we just have to work in our fields to raise
19 money.

20 If a girl grows up in a family and she got married, the dowry would be used for
21 marrying for the brother in that family. But a girl who doesn't have
22 a brother -- a boy who doesn't have a sister and does not have money, the clan can sit
23 together and raise some money to pay for the dowry for that boy to get married.
24 That was how the Acholi would come together and work communally to be able to be
25 sustainable.

1 Q. [15:49:31] Thank you. Moving into the second part of my questioning, life in
2 the camp. How did this that you just described, this system, change when you lived
3 in the camp and you moved into the camps?

4 A. [15:49:54] Things changed because people kind of became misers. People did
5 not have adequate items. The resources were very little, and there were actually
6 handouts provided by the UN. The items were given out by the camp commandants
7 and people would not share. People's attitudes had to change from being communal
8 to individualistic. Whatever you are given, you will have to preserve it for yourself
9 because you didn't have enough. That made the community become very -- highly
10 individualised, because of the impoverishments. People no longer worked
11 communally. And right now we are trying to bring the people together to start
12 living like they lived before the insurgency. We are telling them to continue with
13 agriculture so that they can become sustainable.

14 Q. [15:51:04] Thank you, Rwot. How was freedom of movement in the camps?
15 Were you free to move at any time that you wished?

16 A. [15:51:17] There was no way you could move anywhere. We did not have the
17 freedom to move. All the -- you would have to get authority from the soldiers to be
18 able to move out of the camp. If you're moving out, you had to move under
19 the -- when you're guarded by the soldiers. You'd be moving either when you're
20 going to buy merchandise from Lira or from Kitgum. And then when you arrive
21 there, you have to move -- buy, then come back together before you are escorted back.
22 We did not have the freedom of movement.

23 Q. [15:51:54] Was there a curfew enforced in the camps by UPDF?

24 A. [15:52:09] Well, at that time, from 4 to about 6 o'clock, nobody was allowed to
25 leave the camp. People were only supposed to circulate within the camp and

1 nobody should move out from that time. There was a very strict law with the LCs
2 and it was being implemented by the camp commanders. All the camps had their
3 respective camp commandants.

4 Q. [15:52:42] Rwot Oywak, regarding schooling, you mentioned that children had
5 stopped schooling, and this is in realtime page 8, lines 11 to 14. How did this lack of
6 schooling affect young boys and girls after the conflict?

7 A. [15:53:12] Their lives were ruined because they grew up during the insurgency.
8 Their parents did not have capacity to take them to good schools to get educated.
9 Now that the children have already grown up, they are now big and too old to go
10 back to school. The children would just be admiring things that belonged to other
11 people. Actually, that -- that has bred up a lot of thuggery. People are now
12 resorting to drinking and the community is highly perverted now. The children
13 grew up without proper upbringing. There was no way the children could be taught
14 like they used to be taught during bonfire and they can no longer go back to school.
15 We are now praying that the children that are being born at this time should all be
16 taken back to school, they should be taken to school. Right now we are trying to talk
17 to them because most times we only talk to them when they've already committed
18 crimes. But we keep on talking to them, we don't tire.

19 Q. [15:54:27] Dealing with the security issues during life in the camps, you spoke
20 about incidents with UPDF. This is realtime page 11, line 9 to 20.

21 Were there other kinds of incidents in which UPDF committed acts of violence against
22 members of the camps?

23 A. [15:54:59] Yes, there were incidents of violence, especially when you break the
24 law by going out of the camp at a time that was not required or if you went to a bar
25 and you are drinking and you're making noise, the soldiers would really not be

1 impressed with you and sometimes they would mete out violence. Because you are
2 supposed to stick to the allocated time, they would argue that they were protecting
3 you and it was actually true that they were protecting us.

4 MR COX: [15:55:39] I will try to stick to the 4 o'clock time, your Honour.

5 Q. Rwot Oywak, we have been introduced here in court to the concept of cen in the
6 Acholi culture. Could you illustrate to the Court what this means and how you
7 cleanse it.

8 A. [15:56:09] This is how we would cleanse: After the insurgency there were so
9 many instances where the occurrences of cen. You would see a soldier dressed in
10 uniform, you would find some places where you would hear voices of people when
11 you don't see the people. So people kept on reporting that there was a lot of cen in
12 the community.

13 There are places where so many people were killed and there was need to try and
14 cleanse such places. The Acholi traditional leaders, together with the government
15 and an international organisation called NUTI went to Acholiland and they requested
16 the traditional leaders to identify such places where people were killed and their
17 remains were still there.

18 We, as the chiefs, were the ones who moved to all the places in Acholi to collect the
19 bones and bury them. We would kill goats, we would sacrifice lambs and then
20 cleanse the place. The chiefs and other traditional leaders all sacrifice to try and
21 cleanse the entire Acholi, but we were also working together with the local people
22 who knew the places where the occurrences of cen were. We did everything we
23 could do, including cleansing children who came back from the bushes, making them
24 step on eggs and all that.

25 Q. [15:57:56] Rwot, what is the meaning of cen? I mean what is cen? If you can

1 explain to the Court.

2 A. [15:58:08] Cen is like a spirit that comes and possesses you. You cannot see.

3 You will -- you can begin talking, you can even run mad. It's actually the spirit of

4 a dead person, sometimes the spirit of your relative who comes and talks to you.

5 And if it's not worked upon, you can run mad, you can even die. Cen is the spirit of

6 a dead person, the spirit comes and possesses you. Sometimes you go to a water

7 point and the cen will talk to you saying "I am still bathing", you try to look around,

8 you don't see anybody. At that time you just know you have seen -- you have found

9 a cen. Something would need to be done so that you can be cleansed and you can

10 live normally again.

11 Q. [15:59:07] Thank you very much. Thank you very much, Rwot Oywak. Those

12 are my final questions.

13 PRESIDING JUDGE SCHMITT: [15:59:12] Thank you, Mr Cox.

14 Before we conclude the hearing for today, a short technical matter for tomorrow.

15 The Defence has foreshadowed that you will also present pictures and I have

16 understood that the Registry here, the court usher and the court officer, were able to

17 brighten them and to make a better contrast by themselves, so perhaps you could

18 align afterwards so there is no hiccup and no delay tomorrow when we present these

19 pictures and that we have immediately the best quality possible.

20 MR AYENA ODONGO: [15:59:53] My lords, may it please you. This witness is

21 a very peculiar witness. There are quite a number of questions which were not put

22 to him, but you can see that he is carrying the mantle of the whole of the African

23 traditional leaders. Some of the themes which have been presented before Court is

24 about the Acholi culture, about the spirit world and things like that which have not

25 been asked. I think it would be very important for this witness to be asked this

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1 question, which is besides the main examination-in-chief. And for that reason, my
2 Lords, I would request that I should be given more time than was afforded to
3 the Prosecution.

4 PRESIDING JUDGE SCHMITT: [16:00:54] Let me say the following to that.

5 MR AYENA ODONGO: [16:00:57] Yes.

6 PRESIDING JUDGE SCHMITT: [16:00:58] I and the Chamber, we are inclined to
7 give you that, but we decide on a case-by-case basis, but we will not restrict you from
8 the outset. We are not going to tell you you have to hurry up and you have to finish
9 tomorrow. We are not going to tell you that. Is that for the moment I think might
10 be quite relieving for you?

11 MR AYENA ODONGO: [16:01:19] That is music to my ears, my lord.

12 PRESIDING JUDGE SCHMITT: [16:01:21] I could not have worded it better. So
13 this concludes -- Mr Taku, shortly, please.

14 MR TAKU: [16:01:27] For the pictures, we will be pleased to hand over the pictures
15 to them immediately before we leave the court now. We have selected them and --

16 PRESIDING JUDGE SCHMITT: [16:01:37] I have the sense, or I sense that
17 Mrs Bridgman would be the right person to do whatever is necessary to do to
18 expedite this tomorrow as much as possible. So you are a little bit in charge of that,
19 so to speak.

20 So we conclude for today and we resume tomorrow at 9.30.

21 THE COURT USHER: [16:02:11] All rise.

22 (The hearing ends in open session at 4.02 p.m.)